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WELSH STATUTORY
INSTRUMENTS

2011 Rhif 1450 (Cy.172)

2011 No. 1450 (W.172)

BWYD, CYMRU

FOOD, WALES

Rheoliadau Ychwanegion Bwyd
(Cymru) (Diwygio) (Rhif 2) 2011

The Food Additives (Wales)
(Amendment) (No. 2) Regulations
2011

NODYN ESBONIADOL

EXPLANATORY NOTE

(Nid yw'r nodyn hwn yn rhan o'r Rheoliadau)

(This note is not part of the Regulations)

1. Mae'r Rheoliadau hyn yn gweithredu yng Nghymru Gyfarwyddeb y Comisiwn 2011/3/EU sy'n diwygio Cyfarwyddeb 2008/128/EC sy'n gosod meini prawf purdeb penodol ar liwiau i'w defnyddio mewn bwydydd (OJ Rhif L13, 18.1.2011, t.59) ("y Gyfarwyddeb ddiwygio").

1. These Regulations implement in Wales Commission Directive 2011/3/EU amending Directive 2008/128/EC laying down specific purity criteria on colours for use in foodstuffs (OJ No. L13, 18.1.2011, p.59) ("the amending Directive").

2. Mae'r Gyfarwyddeb ddiwygio yn adolygu'r meini prawf purdeb ar gyfer lycopen sy'n deillio o domatos coch, ac mae'n caniatáu'r defnydd o ddwy ffynhonnell newydd o lycopen yn unol â meini prawf purdeb rhagnodedig.

2. The amending Directive revises the purity criteria for lycopene derived from red tomatoes, and permits the use of two new sources of lycopene in accordance with prescribed purity criteria.

3. Mae'r Rheoliadau hyn yn gweithredu'r Gyfarwyddeb ddiwygio drwy ddiwygio rheoliad 2 o Reoliadau Ychwanegion Bwyd (Cymru) 2009 (O.S. 2009/3378 (Cy.300)) fel bod diffiniad Cyfarwyddeb 08/128 yn y rheoliad hwnnw yn cynnwys cyfeiriad at y Gyfarwyddeb ddiwygio (*rheoliad 2(2)*).

3. These Regulations implement the amending Directive by making an amendment to regulation 2 of the Food Additives (Wales) Regulations 2009 (S.I. 2009/3378 (W.300)) so that the definition of Directive 08/128 in that regulation includes reference to the amending Directive (*regulation 2(2)*).

4. Mae'r caniatâd i ddefnyddio'r ddwy ffynhonnell newydd o lycopen (lycopen synthetig a lycopen o *Blakeslea trispora*) yn cael ei ddwyn i rym yn gynt na'r adolygiad o'r meini prawf purdeb presennol ar gyfer lycopen o domatos coch (*rheoliad 3*).

4. The permission to use the two new sources of lycopene (synthetic lycopene and lycopene from *Blakeslea trispora*) is brought into force earlier than the revision of existing purity criteria for lycopene from red tomatoes (*regulation 3*).

5. Ystyriwyd Cod Ymarfer Gweinidogion Cymru ar gynnal Asesiadau Effaith Rheoleiddio mewn perthynas â'r Rheoliadau hyn. O ganlyniad, nid ystyriwyd ei bod yn angenrheidiol cynnal asesiad effaith rheoleiddiol o ran costau a buddiannau tebygol cydymffurfio â'r Rheoliadau hyn.

5. The Welsh Ministers' Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to these Regulations. As a result, it was not considered necessary to carry out a regulatory impact assessment as to the likely costs and benefits of complying with these Regulations.

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BWYD, CYMRU

**Rheoliadau Ychwanegion Bwyd
(Cymru) (Diwygio) (Rhif 2) 2011**

Gwnaed 8 Mehefin 2011

*Gosodwyd gerbron Cynulliad Cenedlaethol
Cymru* 9 Mehefin 2011

Yn dod i rym yn unol â rheoliad 3

Mae Gweinidogion Cymru yn gwneud y Rheoliadau a ganlyn drwy arfer y pwerau a roddwyd gan adrannau 16(1)(a) ac (f), 17(1) a 48(1) o Ddeddf Diogelwch Bwyd 1990(1) sydd bellach wedi eu breinio ynddynt (2).

Yn unol ag adran 48(4A) o'r Ddeddf honno, maent wedi rhoi sylw i gyngor perthnasol a roddwyd iddynt gan yr Asiantaeth Safonau Bwyd.

Fel sy'n ofynnol gan Erthygl 9 o Reoliad (EC) Rhif 178/2002 Senedd Ewrop a'r Cyngor, sy'n gosod egwyddorion cyffredinol a gofynion cyfraith bwyd, yn

2011 No. 1450 (W.172)

FOOD, WALES

**The Food Additives (Wales)
(Amendment) (No. 2) Regulations
2011**

Made 8 June 2011

*Laid before the National
Assembly for Wales* 9 June 2011

*Coming into force in accordance with
regulation 3*

The Welsh Ministers make the following Regulations in exercise of the powers conferred by sections 16(1)(a) and (f), 17(1) and 48(1) of the Food Safety Act 1990(1) which are now vested in them(2).

In accordance with section 48(4A) of that Act, they have had regard to relevant advice given by the Food Standards Agency.

As required by Article 9 of Regulation (EC) No. 178/2002 of the European Parliament and of the Council laying down the general principles and

(1) 1990 p.16. Amnewidiwyd adran 1(1) a (2) (y diffiniad o "food") gan O.S. 2004/2990. Diwygiwyd adrannau 17 a 48 gan baragraffau 12 a 21 yn eu trefn o Atodlen 5 i Ddeddf Safonau Bwyd 1999 (1999 p.28), "Deddf 1999". Diwygiwyd adran 48 hefyd gan O.S. 2004/2990. Diwygiwyd adran 26(3) gan Atodlen 6 i Ddeddf 1999. Diwygiwyd adran 53(2) gan baragraff 19 o Atodlen 16 i Ddeddf Dadreoleiddio a Chontractio Allan 1994 (1994 p.40), Atodlen 6 i Ddeddf 1999, O.S. 2004/2990 ac O.S. 2004/3279.

(2) Trosglwyddwyd swyddogaethau oedd gynt yn arferadwy gan "the Ministers" (sef, o ran Cymru a Lloegr ac yn gweithredu ar y cyd, y Gweinidog dros Amaethyddiaeth, Pysgodfeydd a Bwyd a'r Ysgrifenyddion Gwladol a oedd yn eu trefn yn ymwneud ag iechyd yn Lloegr a bwyd ac iechyd yng Nghymru, ac, o ran yr Alban, yr Ysgrifennydd Gwladol) i'r graddau yr oeddent yn arferadwy mewn perthynas â Chymru, i Gynulliad Cenedlaethol Cymru gan Orchymyn Cynulliad Cenedlaethol Cymru (Trosglwyddo Swyddogaethau) 1999 (O.S. 1999/672) fel y'i darllenir gydag adran 40(3) o Ddeddf 1999, ac sydd bellach wedi eu breinio yng Ngweinidogion Cymru gan adran 162 o Ddeddf Llywodraeth Cymru 2006 (2006 p.32) a pharagraff 30 o Atodlen 11 iddi.

(1) 1990 c.16. Section 1(1) and (2) (definition of "food") was substituted by S.I. 2004/2990. Sections 17 and 48 were amended by paragraphs 12 and 21 respectively of Schedule 5 to the Food Standards Act 1999 (1999 c.28), "the 1999 Act". Section 48 was also amended by S.I. 2004/2990. Section 26(3) was amended by Schedule 6 to the 1999 Act. Section 53(2) was amended by paragraph 19 of Schedule 16 to the Deregulation and Contracting Out Act 1994 (1994 c.40), Schedule 6 to the 1999 Act, S.I. 2004/2990 and S.I. 2004/3279.

(2) Functions formerly exercisable by "the Ministers" (being, in relation to England and Wales and acting jointly, the Minister of Agriculture, Fisheries and Food and the Secretaries of State respectively concerned with health in England and food and health in Wales and, in relation to Scotland, the Secretary of State) so far as exercisable in relation to Wales, were transferred to the National Assembly for Wales by the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672) as read with section 40(3) of the 1999 Act and are now vested in the Welsh Ministers by virtue of section 162 of, and paragraph 30 of Schedule 11 to the Government of Wales Act 2006 (2006 c.32).

sefydlu Awdurdod Diogelwch Bwyd Ewrop ac yn gosod gweithdrefnau o ran materion diogelwch bwyd(1), cafwyd ymgynghori agored a thryloyw â'r cyhoedd yn ystod cyfnod paratoi a gwerthuso'r Rheoliadau hyn.

Enw

1. Enw'r Rheoliadau hyn yw Rheoliadau Ychwanegion Bwyd (Cymru) (Diwygio) (Rhif 2) 2011.

Diwygio Rheoliadau Ychwanegion Bwyd (Cymru) 2009

2.—(1) Mae Rheoliadau Ychwanegion Bwyd (Cymru) 2009(2) wedi eu diwygio yn unol â pharagraff (2).

(2) Ym mharagraff (1) o reoliad 2 (dehongli), ar ddiwedd y diffiniad o "Cyfarwyddeb 08/128" ychwaneger y geiriau "fel y'i diwygiwyd gan Gyfarwyddeb y Comisiwn 2011/3/EU sy'n diwygio Cyfarwyddeb 2008/128/EC sy'n gosod meini prawf purdeb penodol ar liwiau i'w defnyddio mewn bwydydd;"

Cychwyn

3.—(1) Mae'r Rheoliadau hyn yn dod i rym—

- (a) o ran y cofnodion ar gyfer lycopen synthetig a lycopen o *Blakeslea trispora* yn adrannau (i) a (iii) yn eu tro o'r Atodiad i Gyfarwyddeb 2011/3/EU, ar 1 Gorffennaf 2011; a
- (b) o ran y cofnodion ar gyfer lycopen o *domatos coch* yn adran (ii) o'r Atodiad hwnnw, ar 1 Medi 2011.

(2) Yn y rheoliad hwn ystyr "Cyfarwyddeb 2011/3/EU" yw Cyfarwyddeb y Comisiwn 2011/3/EU sy'n diwygio Cyfarwyddeb 2008/128/EC sy'n gosod meini prawf purdeb penodol ar liwiau i'w defnyddio mewn bwydydd (3).

requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety(1), there has been open and transparent public consultation during the preparation and evaluation of these Regulations.

Title

1. The title of these Regulations is The Food Additives (Wales) (Amendment) (No.2) Regulations 2011.

Amendment of the Food Additives (Wales) Regulations 2009

2.—(1) The Food Additives (Wales) Regulations 2009(2) are amended in accordance with paragraph (2).

(2) In paragraph (1) of regulation 2 (interpretation), at the end of the definition of "Directive 08/128" add the words "as amended by Commission Directive 2011/3/EU amending Directive 2008/128/EC laying down specific purity criteria on colours for use in foodstuffs;"

Commencement

3.—(1) These Regulations come into force —

- (a) as regards the entries for synthetic lycopene and lycopene from *Blakeslea trispora* in sections (i) and (iii) respectively of the Annex to Directive 2011/3/EU, on 1 July 2011; and
- (b) as regards the entries for lycopene from red tomatoes in section (ii) of that Annex, on 1 September 2011.

(2) In this regulation "Directive 2011/3/EU" means Commission Directive 2011/3/EU amending Directive 2008/128/EC laying down specific purity criteria on colours for use in foodstuffs(3).

(1) OJ Rhif L31, 1.2.2002, t.1. Diwygiwyd y Rheoliad hwnnw ddiwethaf gan Reoliad y Comisiwn (EC) Rhif 596/2009 Senedd Ewrop a'r Cyngor sy'n addasu nifer o offerynnau sy'n ddarostyngedig i'r weithdrefn y cyfeirir ati yn Erthygl 251 o'r cytuniad i Benderfyniad y Cyngor 1999/468/EC mewn cysylltiad â'r weithdrefn reoleiddio ynghyd â chraffu: Addasu'r weithdrefn reoleiddio ynghyd â chraffu - rhan Pedwar (OJ Rhif L188, 18.7.2009, t.14).

(2) O.S. 2009/3378 (Cy.300). Diwygiwyd y Rheoliadau hyn gan O.S. 2011/655 (Cy.93).

(3) OJ Rhif L13, 18.1.2011, t.59.

(1) OJ No. L31, 1.2.2002, p.1. That Regulation was last amended by Commission Regulation (EC) No. 596/2009 of the European Parliament and of the Council adapting a number of instruments subject to the procedure referred to in Article 251 of the treaty to Council Decision 1999/468/EC with regard to the regulatory procedure with scrutiny: Adaptation to the regulatory procedure with scrutiny - Part Four (OJ No. L188, 18.7.2009, p.14).

(2) S.I. 2009/3378 (W.300). These Regulations were amended by S.I. 2011/655 (W.93).

(3) OJ No. L13, 18.1.2011, p.59.

Lesley Griffiths

Y Gweinidog dros Iechyd a Gwasanaethau
Cymdeithasol, un o Weinidogion Cymru

Minister for Health and Social Services, one of the
Welsh Ministers

8 Mehefin 2011

8 June 2011

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