OFFERYNNAU STATUDOL CYMRU

2011 Rhif 1849 (Cy.199)

BWYD, CYMRU

Rheoliadau Toddyddion Echdynnu mewn Bwyd (Diwygio) (Cymru) 2011

NODYN ESBONIADOL

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

1. Mae'r Rheoliadau hyn yn diwygio Rheoliadau Toddyddion Echdynnu mewn Bwyd 1993 (O.S. 1993/1658) er mwyn gweithredu yng Nghymru Gyfarwyddeb y Comisiwn 2010/59/EU sy'n diwygio Cyfarwyddeb 2009/32/EC Senedd Ewrop a'r Cyngor ar gyd-ddynesiad cyfreithiau'r Aelod-wladwriaethau ynglŷn â thoddyddion echdynnu a ddefnyddir wrth gynhyrchu bwydydd a chynhwysion bwyd (OJ Rhif L225, 27.8.2010, t.10).

2. Yr hyn a gynhwysir yn y diwygiadau i Reoliadau 1993 yw—

(a) yn Atodlen 2, rhestru dimethyl ether fel toddydd echdynnu y caniateir ei ddefnyddio wrth baratoi cynhyrchion protein anifeiliaid a ddiseimiwyd (*rheoliad 2(2)*); a

(b) yn Atodlen 3 (sy'n ymwneud â defnyddio toddyddion echdynnu wrth baratoi cyflasynnau naturiol), cynnwys methanol a propanol-2-ol, gan ragnodi terfynau gweddilliol cysylltiedig (*rheoliad 2(3)*).

3. Ystyriwyd Cod Ymarfer Gweinidogion Cymru ar gynnal Asesiadau Effaith Rheoleiddiol mewn perthynas â'r Rheoliadau hyn. O ganlyniad, ni thybiwyd bod angen cynnal asesiad effaith rheoleiddiol o gostau a buddion tebygol cydymffurfio â'r Rheoliadau hyn.

WELSH STATUTORY INSTRUMENTS

2011 No. 1849 (W.199)

FOOD, WALES

The Extraction Solvents in Food (Amendment) (Wales) Regulations 2011

EXPLANATORY NOTE

(This note is not part of the Regulations)

1. These Regulations amend the Extraction Solvents in Food Regulations 1993 (S.I. 1993/1658) in order to implement in Wales Commission Directive 2010/59/EU amending Directive 2009/32/EC of the European Parliament and of the Council on the approximation of the laws of the Member States on extraction solvents used in the production of foodstuffs and food ingredients (OJ No. L225, 27.8.2010, p.10).

2. The amendments to the 1993 Regulations consist of —

(a) the listing in Schedule 2 of dimethyl ether as an extraction solvent that may be used in the preparation of defatted animal protein products (*regulation 2(2)*); and

(b) the inclusion in Schedule 3 (which concerns the use of extraction solvents in the preparation of natural flavourings) of methanol and propanol-2-ol, with associated prescribed residue limits (*regulation 2(3)*).

3. 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.

2011 Rhif 1849 (Cy.199)

BWYD, CYMRU

Rheoliadau Toddyddion Echdynnu mewn Bwyd (Diwygio) (Cymru) 2011

Gwnaed	*25 Gorffennaf 2011*
Gosodwyd gerbron Cynulliad Cenedlaethol Cymru	*25 Gorffennaf 2011*
Yn dod i rym	*15 Awst 2011*

Mae Gweinidogion Cymru yn gwneud y Rheoliadau canlynol drwy arfer y pwerau a roddwyd gan adrannau 16(1)(a) ac (c), 17(1) a 48(1) o Ddeddf Diogelwch Bwyd 1990(**1**) ac a freinir bellach ynddynt hwy(**2**).

Yn unol ag adran 48(4A) o'r Ddeddf honno, rhoesant sylw i gyngor perthnasol a roddwyd 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 pennu egwyddorion cyffredinol a gofynion cyfraith bwyd, yn sefydlu Awdurdod Diogelwch Bwyd Ewrop ac yn pennu gweithdrefnau o ran materion diogelwch bwyd(**3**), ymgynghorwyd yn agored a thryloyw â'r cyhoedd yn ystod cyfnod paratoi a gwerthuso'r Rheoliadau hyn.

(**1**) 1990 p.16. Amnewidiwyd adran 1(1) a (2) (diffiniad o "food") gan O.S. 2004/2990. Diwygiwyd adrannau 16, 17 a 48 gan adran 40(1) o Deddf Safonau Bwyd 1999 (p.28) ("Deddf 1999") a paragraffau 7 ac 8 iddi. Diwygiwyd adran 17 hefyd gan baragraff 12(a) o Atodlen 5 i Ddeddf 1999. Diwygiwyd adran 48 hefyd gan baragraff 21 o Atodlen 5 i Deddf 1999 ac OS 2004/2990.

(**2**) Trosglwyddwyd y swyddogaethau hynny, i'r graddau y maent yn arferadwy o ran Cymru, i Gynulliad Cenedlaethol Cymru gan O.S. 1999/672 fel y'i darllenir ynghyd ag adran 40(3) o Ddeddf 1999 a throsglwyddwyd hwy wedyn i Weinidogion Cymru gan baragraff 30 o Atodlen 11 i Ddeddf Llywodraeth Cymru 2006 (2006 p.32).

(**3**) 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 sydd yn ddarostyngedig i'r weithdrefn y cyfeirir ati yn Erthygl 251 o'r Cytuniad i Benderfyniad y Cyngor 1999/468/EC mewn perthynas â'r weithdrefn reoleiddiol gyda chraffu: Addasu'r weithdrefn reoleiddiol gyda chraffu - Rhan Pedwar (OJ Rhif L188, 18.7.2009, t.14).

2011 No. 1849 (W.199)

FOOD, WALES

The Extraction Solvents in Food (Amendment) (Wales) Regulations 2011

Made	*25 July 2011*
Laid before the National Assembly for Wales	*25 July 2011*
Coming into force	*15 August 2011*

The Welsh Ministers make the following Regulations in exercise of the powers conferred by sections 16(1)(a) and (c), 17(1) and 48(1) of the Food Safety Act 1990(**1**) and 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 requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety(**3**), there has been open and transparent public consultation during the preparation and evaluation of these Regulations.

(**1**) 1990 c.16. Section 1(1) and (2) (definition of "food") was substituted by S.I. 2004/2990. Sections 16, 17 and 48 were amended by section 40(1) of, and paragraphs 7 and 8 of Schedule 5 to, the Food Standards Act 1999 (c.28) ("the 1999 Act"). Section 17 was also amended by paragraph 12(a) of Schedule 5 to the 1999 Act. Section 48 was also amended by paragraph 21 of Schedule 5 to the 1999 Act and S.I. 2004/2990.

(**2**) Those functions, so far as exercisable in relation to Wales, were transferred to the National Assembly for Wales by S.I. 1999/672 as read with section 40(3) of the 1999 Act and subsequently transferred to the Welsh Ministers by paragraph 30 of Schedule 11 to the Government of Wales Act 2006 (2006 c.32).

(**3**) 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, p14).

Enwi, cymhwyso a chychwyn

1.—(1) Enw'r Rheoliadau hyn yw Rheoliadau Toddyddion Echdynnu mewn Bwyd (Diwygio) (Cymru) 2011.

(2) Mae'r Rheoliadau hyn yn gymwys o ran Cymru ac yn dod i rym ar 15 Awst 2011.

Diwygio Rheoliadau Toddyddion Echdynnu mewn Bwyd 1993

2.—(1) Diwygir Rheoliadau Toddyddion Echdynnu mewn Bwyd 1993(**1**) yn unol â pharagraffau (2) a (3).

(2) Ar ddiwedd y tabl yn Atodlen 2 (bwydydd y ceir defnyddio ynddynt doddyddion echdynnu penodol, at ddibenion penodol yn unig), mewnosoder y cofnodion canlynol —

"Column 1	*Column 2*	*Column 3*	*Column 4*
10 Defatted protein products	Dimethyl ether	Preparation of defatted animal protein products	0.009 mg/kg in the defatted protein products"

(3) Ar ddiwedd y tabl yn Atodlen 3 (gweddillion uchaf o doddyddion echdynnu a ganiateir mewn bwydydd o ganlyniad i ddefnyddio, yn y bwydydd hynny, fwyd sy'n cynnwys cyflasynnau a baratowyd o ddeunyddiau cyflasu naturiol gan ddefnyddio'r toddyddion echdynnu hynny), mewnosoder y cofnodion canlynol—

"Column 1	*Column 2*
Methanol	1.5 mg/kg
Propan-2-ol	1 mg/kg"

Title, application and commencement

1.—(1) The title of these Regulations is the Extraction Solvents in Food (Amendment) (Wales) Regulations 2011.

(2) These Regulations apply in relation to Wales and come into force on 15 August 2011.

Amendment of the Extraction Solvents in Food Regulations 1993

2.—(1) The Extraction Solvents in Food Regulations 1993(**1**) are amended in accordance with paragraphs (2) and (3).

(2) At the end of the table in Schedule 2 (foods in which certain permitted extraction solvents may be used only for certain purposes), insert the following entries —

"Column 1	*Column 2*	*Column 3*	*Column 4*
10 Defatted protein products	Dimethyl ether	Preparation of defatted animal protein products	0.009 mg/kg in the defatted protein products"

(3) At the end of the table in Schedule 3 (maximum residues of extraction solvent permitted in foods due to the use in those foods of food consisting of flavourings prepared from natural flavouring materials by using those extraction solvents), insert the following entries—

"Column 1	*Column 2*
Methanol	1.5 mg/kg
Propan-2-ol	1 mg/kg"

Lesley Griffiths

Y Gweinidog Iechyd a Gwasanaethau Cymdeithasol, un o Weinidogion Cymru

25 Gorffennaf 2011

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

25 July 2011

(**1**) O.S. 1993/1658. Diwygiwyd y Rheoliadau hyn gan O.S. 1995/1440, O.S. 1998/2257 ac, mewn perthynas â Chymru, gan O.S. 2005/3254 (Cy. 247).

(**1**) S.I. 1993/1658. These Regulations have been amended by S.I. 1995/1440, S.I. 1998/2257, and in relation to Wales by S.I. 2005/3254 (W.247).

OFFERYNNAU STATUDOL CYMRU

WELSH STATUTORY INSTRUMENTS

2011 Rhif 1849 (Cy.199)

2011 No. 1849 (W.199)

BWYD, CYMRU

FOOD, WALES

Rheoliadau Toddyddion Echdynnu mewn Bwyd (Diwygio) (Cymru) 2011

The Extraction Solvents in Food (Amendment) (Wales) Regulations 2011

©℗ Hawlfraint y Goron 2011

Argraffwyd a chyhoeddwyd yn y Deyrnas Unedig gan The Stationery Office Limited o dan awdurdod ac arolygiaeth Carol Tullo, Rheolwr Gwasg Ei Mawrhydi ac Argraffydd Deddfau Seneddol y Frenhines.

© Crown copyright 2011

Printed and Published in the UK by the Stationery Office Limited under the authority and superintendence of Carol Tullo, Controller of Her Majesty's Stationery Office and Queen's Printer of Acts of Parliament.

£4.00

W994/08/11 ON