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CYMRU

WELSH STATUTORY
INSTRUMENTS

2011 Rhif 465 (Cy.70)

2011 No. 465 (W.70)

BWYD, CYMRU

FOOD, WALES

Rheoliadau Labelu Bwyd (Datgan
Alergenau) (Cymru)
2011

The Food Labelling (Declaration of
Allergens) (Wales) Regulations
2011

NODYN ESBONIADOL

EXPLANATORY NOTE

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

(This note is not part of the Regulations)

Mae'r Rheoliadau hyn yn diwygio ymhellach Reoliadau Labelu Bwyd 1996 ("y prif Reoliadau") i'r graddau y maent yn gymwys o ran Cymru. Mae'r prif Reoliadau yn rhychwantu Prydain Fawr gyfan.

These Regulations further amend the Food Labelling Regulations 1996 ("the principal Regulations") in so far as they apply in relation to Wales. The principal Regulations extend to the whole of Great Britain.

Mae'r Rheoliadau hyn yn gweithredu yng Nghymru y diwygiad a wnaed i Gyfarwyddeb y Comisiwn 2007/68/EC (OJ Rhif L310, 28.11.2007, t.11) gan Reoliad y Comisiwn (EU) Rhif 1266/2010 (OJ Rhif L347, 31.12.2010, t.27). Mae'r Gyfarwyddeb hon ei hun yn diwygio Atodiad IIIa i Gyfarwyddeb 2000/13/EC Senedd Ewrop a'r Cyngor o ran cynhwysion bwyd penodol (OJ Rhif L109, 6.5.2000, t.29). Y cynhwysion o dan sylw yw'r rhai sy'n debyg o achosi adwaith alergaidd mewn rhai defnyddwyr.

These Regulations implement in Wales the amendment made to Commission Directive 2007/68/EC (OJ No. L310, 28.11.2007, p.11) by Commission Regulation (EU) No. 1266/2010 (OJ No. L347, 31.12.2010, p.27). This Directive itself amends Annex IIIa to Directive 2000/13/EC of the European Parliament and of the Council as regards certain food ingredients (OJ No. L109, 6.5.2000, p.29). The ingredients in question are those that are likely to cause an allergic reaction in some consumers.

Mae'r Rheoliadau hyn yn diwygio'r prif Reoliadau o ran y gofynion labelu ar gyfer bwydydd sy'n cynnwys cynhwysion alergenig, gan gynnwys esemptiadau labelu ar gyfer ffurfiau penodol ar y cynhwysion hynny, a'r rheini'n ffurfiau a broseswyd, drwy estyn o 31 Rhagfyr 2010 i 30 Mehefin 2012 y cyfnod trosiannol ar gyfer lysosym sy'n dod o wyau ac ar gyfer cynhyrchion albwm (a gynhyrchwyd o wyau) neu gynhyrchion llaeth (casein) pan ddefnyddir hwy yn asiantau diwaddodi mewn gwin, o ran gwinoedd a gafodd eu marcio, eu labelu neu eu gwerthu cyn y dyddiad hwnnw (*rheoliad 2*).

These Regulations amend the principal Regulations in respect of the labelling requirements for foods containing allergenic ingredients, including labelling exemptions for certain processed forms of those ingredients, by extending from 31 December 2010 to 30 June 2012 the transitional period for egg-derived lysozyme and for albumin (produced from egg) or milk (casein) products when used as fining agents in wine, in respect of wines that are marked, labelled or sold before that date (*regulation 2*).

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BWYD, CYMRU

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**Rheoliadau Labelu Bwyd (Datgan
Alergenau) (Cymru)
2011**

**The Food Labelling (Declaration of
Allergens) (Wales) Regulations
2011**

Gwnaed 20 Chwefror 2011
*Gosodwyd gerbron Cynulliad
Cenedlaethol Cymru* 23 Chwefror 2011
Yn dod i rym 17 Mawrth 2011

Made 20 February 2011
*Laid before the National
Assembly for Wales* 23 February 2011
Coming into force 17 March 2011

Mae Gweinidogion Cymru yn gwneud y Rheoliadau a ganlyn drwy arfer y pwerau a roddwyd gan adrannau 16(1)(e), 17(1), 26(1)(a) a 48(1) o Ddeddf Diogelwch Bwyd 1990(1), ac sydd bellach wedi'u breinio ynddynt hwy(2).

The Welsh Ministers make the following Regulations in exercise of the powers conferred by sections 16(1)(e), 17(1), 26(1)(a) and 48(1) of the Food Safety Act 1990(1), and now vested in them(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.

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

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 sefydlu Awdurdod Diogelwch Bwyd Ewrop ac yn gosod gweithdrefnau o ran materion diogelwch bwyd(3), cafwyd ymgynghoriad cyhoeddus agored a

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

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- (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 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 "the Ministers" i'r graddau yr oeddent yn arferadwy o ran Cymru, 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 Safonau Bwyd 1999, a throsglwyddwyd hwy wedi hynny i Weinidogion Cymru gan baragraff 30 o Atodlen 11 i Ddeddf Llywodraeth Cymru 2006 (p.32).
- (3) OJ Rhif L31, 1.2.2002, t.1. Diwygiwyd y Rheoliad hwnnw ddiwethaf gan Reoliad (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 mewn cysylltiad â'r weithdrefn reoleiddio ynghyd â chraffu: Addasu at y weithdrefn reoleiddio ynghyd â chraffu - Rhan Pedwar (OJ Rhif L188, 18.7.2009, t.14).

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- (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 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 of "the Ministers", 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 Food Standards Act 1999 and subsequently transferred to the Welsh Ministers by paragraph 30 of Schedule 11 to the Government of Wales Act 2006 (c.32).
- (3) OJ No. L31, 1.2.2002, p.1. That Regulation was last amended by 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 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).

thryloyw tra bu'r Rheoliadau hyn yn cael eu paratoi a'u gwerthuso.

Enwi, cymhwyso a chychwyn

1.–(1) Enw'r Rheoliadau hyn yw Rheoliadau Labelu Bwyd (Datgan Alergenau) (Cymru) 2011.

(2) Mae'r Rheoliadau hyn yn gymwys o ran Cymru ac maent yn dod i rym ar 17 Mawrth 2011.

Diwygio Rheoliadau Labelu Bwyd 1996

2.–(1) Diwygir Rheoliadau Labelu Bwyd 1996(1) (i'r graddau y maent yn gymwys o ran Cymru) yn unol â pharagraff (2).

(2) Yn rheoliad 50 (darpariaeth drosiannol), yn lle paragraff (15) rhodder y canlynol–

"(15) In any proceedings for an offence under regulation 44(1)(a) it shall be a defence to prove that–

- (a) (i) in the case of wine in which lysozyme (produced from egg) is used, or in which albumin (produced from egg) or a milk (casein) product has been used as a fining agent, the food concerned was sold before 30 June 2012 or marked or labelled before that date, or
- (ii) in the case of any other food, the food concerned was sold before 31 May 2009 or marked or labelled before that date; and
- (b) the matters constituting the alleged offence would not have constituted an offence under these Regulations if the amendments made by regulation 2 of the Food Labelling (Declaration of Allergens) (Wales) Regulations 2011 had not been in operation when the food was sold."

Dirymu

3. Mae Rheoliadau Labelu Bwyd (Datgan Alergenau) (Cymru) 2009(2) wedi eu dirymu.

transparent public consultation during the preparation and evaluation of these Regulations.

Title, application and commencement

1.–(1) The title of these Regulations is the Food Labelling (Declaration of Allergens) (Wales) Regulations 2011.

(2) These Regulations apply in relation to Wales and they come into force on 17 March 2011.

Amendment of the Food Labelling Regulations 1996

2.–(1) The Food Labelling Regulations 1996(1) are amended (in so far as they apply in relation to Wales) in accordance with paragraph (2).

(2) In regulation 50 (transitional provision), for paragraph (15) substitute the following–

"(15) In any proceedings for an offence under regulation 44(1)(a) it shall be a defence to prove that–

- (a) (i) in the case of wine in which lysozyme (produced from egg) is used, or in which albumin (produced from egg) or a milk (casein) product has been used as a fining agent, the food concerned was sold before 30 June 2012 or marked or labelled before that date, or
- (ii) in the case of any other food, the food concerned was sold before 31 May 2009 or marked or labelled before that date; and
- (b) the matters constituting the alleged offence would not have constituted an offence under these Regulations if the amendments made by regulation 2 of the Food Labelling (Declaration of Allergens) (Wales) Regulations 2011 had not been in operation when the food was sold."

Revocation

3. The Food Labelling (Declaration of Allergens) (Wales) Regulations 2009(2) are revoked.

(1) O.S. 1996/1499, fel y'i diwygiwyd ddiwethaf gan O.S. 2010/2922 (Cy.243). Mewnosodwyd rheoliadau 13(8)(c) a 34B a'r Atodlen gysylltiedig AA1 gan O.S. 2004/3022 (Cy.261). Diwygiwyd rheoliad 34B gan O.S. 2005/2835 (Cy.200); diwygiwyd Atodlen AA1 gan O.S. 2008/1268 (Cy.128). Mewnosodwyd paragraff (13) o reoliad 50 gan O.S. 2005/1309 (Cy.91), paragraff (14) o'r rheoliad hwnnw gan O.S. 2007/3379 (Cy.301) a pharagraff (15) o'r rheoliad hwnnw gan O.S. 2008/1268 (Cy.128), a diwygiwyd paragraff (15) ddiwethaf gan O.S. 2009/2880 (Cy.253).

(2) O.S. 2009/2880 (Cy.253).

(1) S.I. 1996/1499, as last amended by S.I. 2010/2922 (W.243). Regulations 13(8)(c) and 34B and the associated Schedule AA1 were inserted by S.I. 2004/3022 (W.261). Regulation 34B was amended by S.I. 2005/2835 (W.200); Schedule AA1 was amended by S.I. 2008/1268 (W.128). Paragraph (13) of regulation 50 was inserted by S.I. 2005/1309 (W.91), paragraph (14) of that regulation by S.I. 2007/3379 (W.301) and paragraph (15) of that regulation was last amended by S.I. 2009/2880 (W.253).

(2) S.I. 2009/2880 (W.253).

Gwenda Thomas

Y Dirprwy Weinidog dros Wasanaethau Cymdeithasol,
o dan awdurdod y Gweinidog dros Iechyd a
Gwasanaethau Cymdeithasol, un o Weinidogion
Cymru

The Deputy Minister for Social Services, under the
authority of the Minister for Health and Social
Services, one of the Welsh Ministers

20 Chwefror 2011

20 February 2011

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