



OFFERYNNAU STATUDOL
CYMRU

WELSH STATUTORY
INSTRUMENTS

2013 Rhif 3049 (Cy. 308)

2013 No. 3049 (W. 308)

BWYD, CYMRU

FOOD, WALES

Rheoliadau Bwyd (Diwygiadau
Amrywiol) (Cymru) 2013

The Food (Miscellaneous Amendments)
(Wales) Regulations 2013

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 gweithredu Rheoliad y Comisiwn (EU) Rhif 1079/2013 sy'n gosod mesurau trosiannol ar gyfer cymhwyso Rheoliadau (EC) Rhif 853/2004 ac (EC) Rhif 854/2004 Senedd Ewrop a'r Cyngor ("Rheoliad y Comisiwn"). Maent hefyd yn gweithredu Rheoliad Gweithredu'r Comisiwn (EU) Rhif 702/2013 ar fesurau trosiannol ar gyfer cymhwyso Rheoliad (EC) Rhif 882/2004 Senedd Ewrop a'r Cyngor o ran achredu labordai swyddogol sy'n cynnal profion swyddogol ar gyfer *Trichinella* ("Rheoliad Gweithredu'r Comisiwn"). Yn ogystal maent yn cywiro mân wall yn Neddf Diogelwch Bwyd 1990.

These Regulations implement Commission Regulation (EU) No 1079/2013 laying down transitional measures for the application of Regulations (EC) No 853/2004 and (EC) No 854/2004 of the European Parliament and of the Council ("the Commission Regulation"). They also implement Commission Implementing Regulation (EU) No 702/2013 on transitional measures for the application of Regulation (EC) No 882/2004 of the European Parliament and of the Council as regards the accreditation of official laboratories carrying out official testing for *Trichinella* ("the Commission Implementing Regulation"). In addition they correct a minor error in the Food Safety Act 1990.

Mae'r Rheoliadau hyn yn gweithredu Rheoliad y Comisiwn drwy ddiwygio Rheoliadau Hylendid Bwyd (Cymru) 2006 i estyn mesurau trosiannol hyd 31 Rhagfyr 2016, drwy hepgor y diffiniad o Reoliad y Comisiwn (EC) Rhif 1162/2009 ("Rheoliad 1162/2009"), sy'n cael ei ddiddymu, a'r cyfeiriadau ato, a mewnosod cyfeiriadau at Reoliad y Comisiwn a Rheoliad Gweithredu'r Comisiwn (rheoliad 2).

These Regulations implement the Commission Regulation by amending the Food Hygiene (Wales) Regulations 2006 to extend transitional measures until 31 December 2016, by omitting the definition of and references to Commission Regulation (EC) No 1162/2009 ("Regulation 1162/2009"), which is being repealed, and inserting references to the Commission Regulation and the Commission Implementing Regulation (regulation 2).

Mae'r Rheoliadau yn gweithredu Rheoliad Gweithredu'r Comisiwn drwy ddiwygio Rheoliadau Rheolaethau Swyddogol ar Fwyd Anifeiliaid a Bwyd (Cymru) 2009 i estyn mesurau trosiannol hyd 31 Rhagfyr 2016, drwy hepgor y diffiniad o Reoliad 1162/2009 a'r cyfeiriadau ato, a mewnosod cyfeiriadau at Reoliad Gweithredu'r Comisiwn (rheoliad 3).

The Regulations implement the Commission Implementing Regulation by amending the Official Feed and Food Controls (Wales) Regulations 2009 to extend transitional measures until 31 December 2016, by omitting the definition of and references to Regulation 1162/2009, and inserting references to the Commission Implementing Regulation (regulation 3).

Mae'r Rheoliadau hyn yn gwneud mân ddiwygiad i Atodlen 2 i Reoliadau Diogelwch Bwyd (Samplu a Chymwysterau) (Cymru) 2013 (rheoliad 4) ac i adran 9(5)(a) o Ddeddf Diogelwch Bwyd 1990 er mwyn cywiro cyfeiriad gwallus at rif paragraff (rheoliad 5).

These Regulations make a minor amendment to Schedule 2 to the Food Safety (Sampling and Qualifications)(Wales) Regulations 2013 (regulation 4) and to section 9(5)(a) of the Food Safety Act 1990 to correct an erroneous reference to a paragraph number (regulation 5).

Ystyriwyd Cod Ymarfer Gweinidogion Cymru ar gynnal Asesiadau Effaith Rheoleiddiol mewn perthynas â'r Rheoliadau hyn. O ganlyniad, ystyriwyd nad oedd yn angenrheidiol cynnal asesiad effaith rheoleiddiol o'r costau a'r manteision sy'n debygol o ddeillio o gydymffurfio â'r Rheoliadau hyn.

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.

2013 Rhif 3049 (Cy. 308)

BWYD, CYMRU

Rheoliadau Bwyd (Diwygiadau Amrywiol) (Cymru) 2013

Gwnaed 3 Rhagfyr 2013
*Gosodwyd gerbron Cynulliad Cenedlaethol
Cymru* 5 Rhagfyr 2013
Yn dod i rym 1 Ionawr 2014

Mae Gweinidogion Cymru yn gwneud y Rheoliadau a ganlyn drwy arfer y pwerau a roddwyd gan adran 2(2) o Ddeddf y Cymunedau Ewropeaidd 1972(1) (“Deddf 1972”) ac, at y diben o wneud rheoliad 4 o’r Rheoliadau, adrannau 27(2) a (5), 30(9) a 31(1) o Ddeddf Diogelwch Bwyd 1990(2).

Mae Gweinidogion Cymru wedi eu dynodi at ddibenion adran 2(2) o Ddeddf 1972 mewn perthynas â mesurau sy’n ymwneud â bwyd (gan gynnwys diod) gan gynnwys cynhyrchu sylfaenol o ran bwyd(3).

Cynhaliwyd ymgynghoriad 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(4).

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- (1) 1972 p.68. Diwygiwyd adran 2(2) gan adran 27(1) o Deddf Diwygio Deddfwriaethol a Rheoleiddiol 2006 (p.51) a Rhan 1 o’r Atodlen i Ddeddf yr Undeb Ewropeaidd (Diwygio) 2008 (p.7).
- (2) 1990 p.16, fel y’i diwygiwyd gan O.S. 2004/3279. Trosglwyddwyd swyddogaethau o dan y Ddeddf honno i Gynulliad Cenedlaethol Cymru gan Orchymyn Cynulliad Cenedlaethol Cymru (Trosglwyddo Swyddogaethau) 1999, fel y’i darllenir gydag adran 40(3) o Ddeddf Safonau Bwyd 1999, ac wedi hynny i Weinidogion Cymru gan baragraff 30 o Atodlen 11 i Ddeddf Llywodraeth Cymru 2006.
- (3) O.S. 2005/1971. Trosglwyddwyd swyddogaethau a roddwyd i Gynulliad Cenedlaethol Cymru i Weinidogion Cymru wedi hynny gan baragraff 30 o Atodlen 11 i Ddeddf Llywodraeth Cymru 2006 (2006 p.32).
- (4) OJ L 31, 1.2.2002, t.1, fel y’i diwygiwyd 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/EC o ran y weithdrefn reoleiddiol ynghyd â chraffu: Addasiad i’r weithdrefn reoleiddiol ynghyd â chraffu – Rhan Pedwar (OJ L 188, 18.7.2009, t.14).

2013 No. 3049 (W. 308)

FOOD, WALES

The Food (Miscellaneous Amendments) (Wales) Regulations 2013

Made 3 December 2013
Laid before the National Assembly for Wales 5 December 2013
Coming into force 1 January 2014

The Welsh Ministers make the following Regulations in exercise of the powers conferred by section 2(2) of the European Communities Act 1972(1) (“the 1972 Act”) and, for the purpose of making regulation 4 of the Regulations, sections 27(2) and (5), 30(9) and 31(1) of the Food Safety Act 1990(2).

The Welsh Ministers are designated for the purposes of section 2(2) of the 1972 Act in relation to measures relating to food (including drink) including the primary production of food(3).

There has been consultation 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(4).

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- (1) 1972 c.68. Section 2(2) was amended by section 27(1) of the Legislative and Regulatory Reform Act 2006 (c.51) and Part 1 of the Schedule to the European Union (Amendment) Act 2008 (c.7).
- (2) 1990 c.16, as amended by S.I. 2004/3279. Functions under that Act were transferred to the National Assembly for Wales by the National Assembly for Wales (Transfer of Functions) Order 1999, 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.
- (3) S.I. 2005/1971. Functions conferred on the National Assembly for Wales were subsequently transferred to the Welsh Ministers by paragraph 30 of Schedule 11 to the Government of Wales Act 2006 (2006 c.32).
- (4) OJ L 31, 1.2.2002, p.1, as 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/EC with regard to the regulatory procedure with scrutiny: Adaptation to the regulatory procedure with scrutiny—Part Four (OJ L 188, 18.7.2009, p.14).

Enwi, rhychwantu a chychwyn

1.—(1) Enw'r Rheoliadau hyn yw Rheoliadau Bwyd (Diwygiadau Amrywiol) (Cymru) 2013.

(2) Mae'r Rheoliadau hyn yn gymwys o ran Cymru a deuant i rym ar 1 Ionawr 2014.

Diwygio Rheoliadau Hylendid Bwyd (Cymru) 2006

2.—(1) Mae Rheoliadau Hylendid Bwyd (Cymru) 2006(1) wedi eu diwygio fel a ganlyn.

(2) Yn rheoliad (2)(1) (dehongli)—

- (a) hepgorer ““Rheoliad 1162/2009” (“*Regulation 1162/2009*”); a
- (b) yn lle “a “Rheoliad 28/2012” (“*Regulation 28/2012*”) rhodder “, “Rheoliad 28/2012” (“*Regulation 28/2012*”), “Rheoliad 702/2013” (“*Regulation 702/2013*”) a “Rheoliad 1079/2013” (“*Regulation 1079/2013*”)”.

(3) yn Atodlen 1 (Diffiniadau o Ddeddfwriaeth UE)—

- (a) hepgorer y diffiniad o “Rheoliad 1162/2009”;
- (b) yn y diffiniad o “Rheoliad 853/2004” yn lle ““Rheoliad 1162/2009”” rhodder ““Rheoliad 1079/2013””;
- (c) yn y diffiniad o “Rheoliad 854/2004” yn lle ““Rheoliad 1162/2009”” rhodder ““Rheoliad 1079/2013””;
- (d) yn y diffiniad o “Rheoliad 882/2004” yn lle ““Rheoliad 1162/2009”” rhodder ““Rheoliad 702/2013””;

(e) ar y diwedd, mewnosoder—

“ystyr “Rheoliad 702/2013” (“*Regulation 702/2013*”) yw Rheoliad Gweithredu'r Comisiwn (EU) Rhif 702/2013 ar fesurau trosiannol ar gyfer cymhwyso Rheoliad (EC) Rhif 882/2004 Senedd Ewrop a'r Cyngor o ran achredu labordai swyddogol sy'n cynnal profion swyddogol ar gyfer *Trichinella*(2);

Citation, extent and commencement

1.—(1) The title of these Regulations is the Food (Miscellaneous Amendments) (Wales) Regulations 2013.

(2) These Regulations apply to Wales and come into force on 1st January 2014.

Amendments to the Food Hygiene (Wales) Regulations 2006

2.—(1) The Food Hygiene (Wales) Regulations 2006(1) are amended as follows.

(2) In regulation (2)(1) (interpretation)—

- (a) omit ““Regulation 1162/2009” (“*Rheoliad 1162/2009*”); and
- (b) for “and “Regulation 28/2012” (“*Rheoliad 28/2012*”)” substitute “, “Regulation 28/2012” (“*Rheoliad 28/2012*”), “Regulation 702/2013” (“*Rheoliad 702/2013*”) and “Regulation 1079/2013” (“*Rheoliad 1079/2013*”)”.

(3) in Schedule 1 (Definitions of EU legislation)—

- (a) omit the definition of “Regulation 1162/2009”;
- (b) in the definition of “Regulation 853/2004” for ““Regulation 1162/2009” (“*Rheoliad 1162/2009*”)” substitute ““Regulation 1079/2013” (“*Rheoliad 1079/2013*”)”;
- (c) in the definition of “Regulation 854/2004” for ““Regulation 1162/2009” (“*Rheoliad 1162/2009*”)” substitute ““Regulation 1079/2013” (“*Rheoliad 1079/2013*”)”;
- (d) in the definition of “Regulation 882/2004” for ““Regulation 1162/2009” (“*Rheoliad 1162/2009*”)” substitute ““Regulation 702/2013” (“*Rheoliad 702/2013*”)”;

(e) at the end, insert—

““Regulation 702/2013” (“*Rheoliad 702/2013*”) means Commission Implementing Regulation (EU) No. 702/2013 on transitional measures for the application of Regulation (EC) No. 882/2004 of the European Parliament and of the Council as regards the accreditation of official laboratories carrying out official testing for *Trichinella*(2);

(1) O.S. 2006/31 (Cy.5) fel y'i diwygiwyd gan O.S. 2012/1765. Mae offerynnau diwygio eraill ond nid oes yr un ohonynt yn berthnasol.
(2) OJ Rhif L 199, 24.7.2013, t.3.

(1) S.I 2006/31 (W.5), amended by S.I. 2012/1765. There are other amending instruments but none is relevant.
(2) OJ No. L 199, 24.7.2013, p.3.

ystyr “Rheoliad 1079/2013” (“*Regulation 1079/2013*”) yw Rheoliad y Comisiwn (EU) Rhif 1079/2013 sy’n gosod mesurau trosiannol ar gyfer cymhwyso Rheoliadau (EC) Rhif 853/2004 ac (EC) Rhif 854/2004 Senedd Ewrop a’r Cyngor⁽¹⁾.”.

“Regulation 1079/2013” (“*Rheoliad 1079/2013*”)” means Commission Regulation (EU) No 1079/2013 laying down transitional measures for the application of Regulations (EC) No. 853/2004 and (EC) No. 854/2004 of the European Parliament and of the Council⁽¹⁾.”.

Diwygio Rheoliadau Rheolaethau Swyddogol ar Fwyd Anifeiliaid a Bwyd (Cymru) 2009

3.—(1) Mae Rheoliadau Rheolaethau Swyddogol ar Fwyd Anifeiliaid a Bwyd (Cymru) 2009⁽²⁾ wedi eu diwygio fel a ganlyn.

(2) Yn rheoliad 2(1) (dehongli) yn lle “Rheoliad 1162/2009” rhodder “Rheoliad 702/2013”.

(3) Yn Atodlen 1 (Diffiniadau o Ddeddfwriaeth yr UE)—

- (a) hepgorer y diffiniad o “Rheoliad 1162/2009”;
- (b) yn y diffiniad o “Rheoliad 853/2004” yn lle ““Rheoliad 1162/2009” rhodder ““Rheoliad 1079/2013””;
- (c) yn y diffiniad o “Rheoliad 882/2004” yn lle ““Rheoliad 1162/2009”” rhodder ““Rheoliad 702/2013” (“*Regulation 702/2013*”)”;

(d) ar y diwedd, mewnosoder—

“ystyr “Rheoliad 702/2013” (“*Regulation 702/2013*”) yw Rheoliad Gweithredu’r Comisiwn (EU) Rhif 702/2013 ar fesurau trosiannol ar gyfer cymhwyso Rheoliad (EC) Rhif 882/2004 Senedd Ewrop a’r Cyngor o ran achredu labordai swyddogol sy’n cynnal profion swyddogol ar gyfer *Trichinella*.”

Diwygio Rheoliadau Diogelwch Bwyd (Samplu a Chymwysterau) (Cymru) 2013

4.—(1) Mae Rheoliadau Diogelwch Bwyd (Samplu a Chymwysterau) (Cymru) 2013⁽³⁾ wedi eu diwygio fel a ganlyn.

(2) Yn Atodlen 2, ym mharagraff 5 hepgorer “ynghyd ag aelodaeth o’i Grŵp Proffesiynol Microbioleg Bwyd”.

Amendments to the Official Feed and Food Controls (Wales) Regulations 2009

3.—(1) The Official Feed and Food Controls (Wales) Regulations 2009⁽²⁾ are amended as follows.

(2) In regulation 2(1) (interpretation) for “Regulation 1162/2009” substitute “Regulation 702/2013”.

(3) In Schedule 1 (Definitions of EU Legislation)—

- (a) omit the definition of “Regulation 1162/2009”;
- (b) in the definition of “Regulation 853/2004” for ““Regulation 1162/2009” (“*Rheoliad 1162/2009*”)” substitute ““Regulation 1079/2013” (“*Rheoliad 1079/2013*”)”;
- (c) in the definition of “Regulation 882/2004” for ““Regulation 1162/2009” (“*Rheoliad 1162/2009*”)” substitute ““Regulation 702/2013” (“*Rheoliad 702/2013*”)”;

(d) at the end, insert—

““Regulation 702/2013” (“*Rheoliad 702/2013*”)” means Commission Implementing Regulation (EU) No 702/2013 on transitional measures for the application of Regulation (EC) No 882/2004 of the European Parliament and of the Council as regards the accreditation of official laboratories carrying out official testing for *Trichinella*.”.

Amendment to the Food Safety (Sampling and Qualifications) (Wales) Regulations 2013

4.—(1) The Food Safety (Sampling and Qualifications)(Wales) Regulations 2013⁽³⁾ are amended as follows.

(2) In Schedule 2, in paragraph 5 omit “together with membership of its Professional Food Microbiology Group”.

(1) OJ Rhif L 292, 1.11.2013, t.10.

(2) O.S. 2009/3376 (Cy.298), fel y’i diwygiwyd gan O.S. 2011/626 (Cy.90).

(3) S.I. 2013/479 (W.55).

(1) OJ No. L 292, 1.11.2013, p. 10.

(2) S.I. 2009/3376 (W.298), amended by S.I. 2011/626 (W.90).

(3) S.I. 2013/479 (W.55).

Diwygio Deddf Diogelwch Bwyd 1990

5. Yn adran 9(5)(a) o Ddeddf Diogelu Bwyd 1990 (arolygu bwyd amheus ac ymfael ynndo), yn lle “4(a)” rhodder “4(b)”.

Amendment to the Food Safety Act 1990

5. In section 9(5)(a) of the Food Safety Act 1990 (inspection and seizure of suspected food), for “4(a)” substitute “4(b)”.

Mark Drakeford

Y Gweinidog Iechyd a Gwasanaethau Cymdeithasol,
un o Weinidogion Cymru

3 Rhagfyr 2013

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

3 December 2013

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