



OFFERYNNAU STATUDOL
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WELSH STATUTORY
INSTRUMENTS

2019 Rhif 1418 (Cy. 253)

2019 No. 1418 (W. 253)

**YMADAEL Â'R UNDEB
EWROPEAIDD, CYMRU**

**EXITING THE EUROPEAN
UNION, WALES**

BWYD, CYMRU

FOOD, WALES

Rheoliadau Gwybodaeth am Fwyd
(Cymru) (Diwygio) (Ymadael â'r
UE) 2019

The Food Information (Wales)
(Amendment) (EU Exit)
Regulations 2019

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 wedi eu gwneud drwy arfer y pŵer a roddir gan baragraff 1(1) o Atodlen 2 a pharagraff 21 o Atodlen 7 i Ddeddf yr Undeb Ewropeaidd (Ymadael) 2018 (p. 16), er mwyn ymdrin ag unrhyw fethiant yng nghyfraith yr UE a ddargedwir i weithredu'n effeithiol a diffygion eraill sy'n deillio o ymadawiad y Deyrnas Unedig â'r Undeb Ewropeaidd.

These Regulations are made in exercise of the power conferred by paragraph 1(1) of Schedule 2 and paragraph 21 of Schedule 7 to the European Union (Withdrawal) Act 2018 (c. 16) in order to address failures of retained EU law to operate effectively and other deficiencies arising from the withdrawal of the United Kingdom from the European Union.

Mae rheoliad 2 yn mewnosod darpariaeth drosiannol yn Rheoliadau Gwybodaeth am Fwyd (Cymru) 2014.

Regulation 2 inserts a transitional provision into the Food Information (Wales) Regulations 2014.

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.

2019 Rhif 1418 (Cy. 253)

**YMADAEL Â'R UNDEB
EWROPEAIDD, CYMRU**

BWYD, CYMRU

**Rheoliadau Gwybodaeth am Fwyd
(Cymru) (Diwygio) (Ymadael â'r
UE) 2019**

Gwnaed 28 Hydref 2019

Yn dod i rym yn unol â rheoliad 1(2)

Mae Gweinidogion Cymru, drwy arfer y pŵer a roddir gan baragraff 1(1) o Atodlen 2 a pharagraff 21 o Atodlen 7 i Ddeddf yr Undeb Ewropeaidd (Ymadael) 2018(1), yn gwneud y Rheoliadau a ganlyn.

Yn unol â pharagraff 1(9) o Atodlen 7 i'r Ddeddf honno, gosodwyd drafft o'r offeryn hwn gerbron Cynulliad Cenedlaethol Cymru ac fe'i cymeradwywyd drwy benderfyniad gan Gynulliad Cenedlaethol Cymru.

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(2), ymgynghorwyd yn agored ac yn dryloyw â'r cyhoedd wrth lunio'r Rheoliadau hyn.

2019 No. 1418 (W. 253)

**EXITING THE EUROPEAN
UNION, WALES**

FOOD, WALES

**The Food Information (Wales)
(Amendment) (EU Exit)
Regulations 2019**

Made 28 October 2019

*Coming into force in accordance with
regulation 1(2)*

The Welsh Ministers, in exercise of the power conferred by paragraph 1(1) of Schedule 2 and paragraph 21 of Schedule 7 to the European Union (Withdrawal) Act 2018(1), make the following Regulations.

In accordance with paragraph 1(9) of Schedule 7 to that Act, a draft of this instrument has been laid before the National Assembly for Wales and approved by a resolution of the National Assembly for Wales.

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(2) there has been open and transparent public consultation during the preparation of these Regulations.

(1) 2018 p. 16.
(2) OJ Rhif L 31, 1.2.2002, t. 1.

(1) 2018 c. 16.
(2) OJ No. L 31, 1.2.2002, p.1.

Enwi a chychwyn

1.—(1) Enw'r Rheoliadau hyn yw Rheoliadau Gwybodaeth am Fwyd (Cymru) (Diwygio) (Ymadael â'r UE) 2019.

(2) Daw'r Rheoliadau hyn i rym ar y diwrnod ymadael.

Rheoliadau Gwybodaeth am Fwyd (Cymru) 2014

2. Yn Rheoliadau Gwybodaeth am Fwyd (Cymru) 2014(1), ar ôl rheoliad 14 mewnosoder—

“Darpariaeth drosiannol: ymadael â'r UE

15.—(1) Ni chaiff swyddog awdurdodedig o awdurdod bwyd gyflwyno i berson hysbysiad gwella sy'n ymwneud â methiant i gydymffurfio ag Erthygl 7(1) yn unol ag Erthygl 7(4), neu Erthygl 36(2)(a) neu (b) o FIC—

- (a) pe bai'r hysbysiad gwella yn ymwneud â chynnyrch penodedig a roddwyd ar y farchnad o fewn y cyfnod cyn y diwrnod ymadael; a
- (b) pe na bai labelu'r cynnyrch penodedig wedi methu â chydymffurfio ag FIC fel yr oedd y Rheoliad hwnnw yn cael effaith yng nghyfraith yr UE yn union cyn y diwrnod ymadael.

(2) Caniateir i gynhyrchion y mae paragraff (1) yn gymwys iddynt barhau i gael eu marchnata nes i'r stociau a ddelir gan berson o fewn y cyfnod cyn y diwrnod ymadael gael eu disbyddu.

(3) Ni chaiff swyddog awdurdodedig o awdurdod bwyd gyflwyno i berson hysbysiad gwella sy'n ymwneud â methiant i gydymffurfio ag Erthygl 7(1) yn unol ag Erthygl 7(4), neu Erthygl 36(2)(a) neu (b) o FIC—

- (a) pe bai'r hysbysiad gwella yn ymwneud â chynnyrch penodedig a roddwyd ar y farchnad o fewn y cyfnod sy'n dechrau â'r diwrnod ymadael ac yn dod i ben â diwedd y cyfnod perthnasol;
- (b) os nad yw'r cynnyrch penodedig yn gynnyrch y mae paragraff (1) yn gymwys iddo; ac

(1) O.S. 2014/2303 (Cy. 227), y mae diwygiadau iddo nad ydynt yn berthnasol i'r Rheoliadau hyn.

Title and commencement

1.—(1) The title of these Regulations is the Food Information (Wales) (Amendment) (EU Exit) Regulations 2019.

(2) These Regulations come into force on exit day.

The Food Information (Wales) Regulations 2014

2. In the Food Information (Wales) Regulations 2014(1), after regulation 14 insert—

“Transitional provision: withdrawal from the EU

15.—(1) An authorised officer of a food authority must not serve on a person an improvement notice relating to a failure to comply with Article 7(1) pursuant to Article 7(4), or Article 36(2)(a) or (b) of FIC if—

- (a) the improvement notice would relate to a specified product that was placed on the market within the period before exit day; and
- (b) the labelling of the specified product would not have constituted a failure to comply with FIC as that Regulation had effect in EU law immediately before exit day.

(2) Products to which paragraph (1) applies may continue to be marketed until stocks held by a person within the period before exit day are exhausted.

(3) An authorised officer of a food authority must not serve on a person an improvement notice relating to a failure to comply with Article 7(1) pursuant to Article 7(4), or Article 36(2)(a) or (b) of FIC if—

- (a) the improvement notice would relate to a specified product placed on the market within the period beginning with exit day and ending with the end of the relevant period;
- (b) the specified product is not a product to which paragraph (1) applies; and

(1) S.I. 2014/2303 (W. 227), to which there are amendments not relevant to these Regulations.

(c) pe na bai labelu'r cynnyrch penodedig wedi methu â chydymffurfio ag FIC fel yr oedd y Rheoliad hwnnw yn cael effaith yng nghyfraith yr UE yn union cyn y diwrnod ymadael.

(4) Caniateir i gynhyrchion gwin y mae paragraff (3) yn gymwys iddynt barhau i gael eu marchnata nes i'r stociau a ddelir gan berson ar y diwrnod ymadael gael eu disbyddu.

(5) Yn y rheoliad hwn—

ystyr “cyfnod perthnasol” (“*relevant period*”) yw'r cyfnod o dair blynedd sy'n dechrau â'r diwrnod ar ôl y diwrnod y mae'r diwrnod ymadael yn digwydd;

ystyr “cynhyrchion gwin” (“*wine products*”) yw cynhyrchion y mae Rhan 2 o Atodiad 7 i Reoliad (EU) Rhif 1308/2013 Senedd Ewrop a'r Cyngor sy'n sefydlu cyd-drefniadaeth ar gyfer y marchnadoedd mewn cynhyrchion amaethyddol yn gymwys iddynt;

ystyr “cynnyrch penodedig” (“*specified product*”) yw cynnyrch y gellir ei adnabod yn unigol a roddir ar y farchnad yn gyfreithlon ac sy'n dwyn dangosiad a restrir ym mhwyntiau 5, 6 neu 7 o Atodiad 10 i Reoliad Gweithredu'r Comisiwn (EU) Rhif 668/2014 sy'n gosod rheolau ar gyfer cymhwyso Rheoliad (EU) Rhif 1151/2012 Senedd Ewrop a'r Cyngor ynghylch cynlluniau ansawdd ar gyfer cynhyrchion amaethyddol a deunydd bwyd(1), fel yr oedd y Rheoliad hwnnw yn cael effaith yng nghyfraith yr UE yn union cyn y diwrnod ymadael;

ystyr “hysbysiad gwella” (“*improvement notice*”) yw hysbysiad gwella yn unol â rheoliad 12(1).”

(c) the labelling of the specified product would not have constituted a failure to comply with FIC as that Regulation had effect in EU law immediately before exit day.

(4) Wine products to which paragraph (3) applies may continue to be marketed until stocks held by a person as at exit day are exhausted.

(5) In this regulation—

“improvement notice” (“*hysbysiad gwella*”) means an improvement notice pursuant to regulation 12(1);

“relevant period” (“*cyfnod perthnasol*”) means the period of three years beginning with the day after the day on which exit day falls;

“specified product” (“*cynnyrch penodedig*”) means an individually identifiable product lawfully placed on the market bearing an indication listed in points 5, 6 or 7 of Annex 10 of Commission Implementing Regulation (EU) No 668/2014 laying down rules for the application of Regulation (EU) No 1151/2012 of the European Parliament and of the Council on quality schemes for agricultural products and foodstuff(1), as that Regulation had effect in EU law immediately before exit day;

“wine products” (“*cynhyrchion gwin*”) means products to which Part 2 of Annex 7 to Regulation (EU) No 1308/2013 of the European Parliament and of the Council establishing a common organisation of the markets in agricultural products applies.”

Lesley Griffiths

Gweinidog yr Amgylchedd, Ynni a Materion Gwledig,
un o Weinidogion Cymru
28 Hydref 2019

Minister for Environment, Energy and Rural Affairs,
one of the Welsh Ministers
28 October 2019

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(1) OJ Rhif L 179, 19.6.2012, t. 36.

(1) OJ No. L 179, 19.6.2012, p. 36.

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