OFFERYNNAU STATUDOL CYMRU

WELSH STATUTORY INSTRUMENTS

2019 Rhif 435 (Cy. 103)

2019 No. 435 (W. 103)

YMADAEL Â'R UNDEB EWROPEAIDD, CYMRU

BWYD, CYMRU

EXITING THE EUROPEAN UNION, WALES

FOOD, WALES

Rheoliadau Safonau a Labelu Bwyd (Diwygiadau Amrywiol) (Cymru) (Ymadael â'r UE) 2019

The Food Standards and Labelling (Miscellaneous Amendments) (Wales) (EU Exit) Regulations 2019

NODYN ESBONIADOL

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

Mae'r Rheoliadau hyn, ac eithrio rheoliad 6, wedi eu gwneud drwy arfer y pwerau a roddir i Weinidogion Cymru gan baragraff 1(1) o Atodlen 2 a pharagraff 21(b) 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.

Mae rheoliad 6 wedi ei wneud o dan adran 16 o Ddeddf Diogelwch Bwyd 1990 (p. 16) i ddiwygio Rheoliadau Mêl (Cymru) 2015 i osod y dull dadansoddi y mae'n rhaid i awdurdodau bwyd ei ddefnyddio i wirio cydymffurfedd â gofynion y Rheoliadau hynny.

Mae'r Rheoliadau hyn yn gwneud diwygiadau i is-ddeddfwriaeth sy'n gymwys yng Nghymru ym maes cyfansoddiad a labelu bwyd.

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.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations, other than regulation 6, are made in exercise of the powers conferred on the Welsh Ministers by paragraph 1(1) of Schedule 2 and paragraph 21(b) 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.

Regulation 6 is made under section 16 of the Food Safety Act 1990 (c. 16) to amend the Honey (Wales) Regulations 2015 to set the method of analysis that food authorities must use to verify compliance with those Regulations' requirements.

These Regulations make amendments to subordinate legislation applying in Wales in the field of food composition and labelling.

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 Safonau a Labelu Bwyd (Diwygiadau Amrywiol) (Cymru) (Ymadael â'r UE) 2019

Gofynion sifftio wedi eu bodloni 18 Chwefror 2019

Gwnaed 4 Mawrth 2019

Gosodwyd gerbron Cynulliad Cenedlaethol Cymru 5 Mawrth 2019

Yn dod i rym yn unol â rheoliad 1(3)

CYNNWYS

1. Enwi, cymhwyso a chychwyn
2. Rheoliadau Bwyd (Marcio Lotiau) 1996
3. Rheoliadau Brasterau Taenadwy (Safonau Marchnata) a Llaeth a Chynhyrchion Llaeth (Diogelu Dynodiadau) (Cymru) 2008
4. Rheoliadau Labelu Pysgod (Cymru) 2013
5. Rheoliadau Gwybodaeth am Fwyd (Cymru) 2014
6. Rheoliadau Mêl (Cymru) 2015
7. Rheoliadau Gwlad Tarddiad Cigoedd Penodol (Cymru) 2015

WELSH STATUTORY INSTRUMENTS

2019 No. 435 (W. 103)

EXITING THE EUROPEAN UNION, WALES

FOOD, WALES

The Food Standards and Labelling (Miscellaneous Amendments) (Wales) (EU Exit) Regulations 2019

Sift requirements satisfied 18 February 2019

Made 4 March 2019

Laid before the National Assembly for Wales 5 March 2019

Coming into force in accordance with regulation 1(3)

CONTENTS

1. Title, application and commencement
2. The Food (Lot Marking) Regulations 1996
3. The Spreadable Fats (Marketing Standards) and the Milk and Milk Products (Protection of Designations) (Wales) Regulations 2008
4. The Fish Labelling (Wales) Regulations 2013
5. The Food Information (Wales) Regulations 2014
6. The Honey (Wales) Regulations 2015
7. The Country of Origin of Certain Meats (Wales) Regulations 2015

Mae Gweinidogion Cymru yn gwneud y Rheoliadau hyn drwy arfer y pwerau a roddir gan baragraff 1(1) o Atodlen 2 a pharagraff 21(b) o Atodlen 7 i Ddeddf yr Undeb Ewropeaidd (Ymadael) 2018(**1**) a chan adran 16(1)(a) ac (e) o Ddeddf Diogelwch Bwyd 1990(**2**).

The Welsh Ministers make these Regulations in exercise of the powers conferred by paragraph 1(1) of Schedule 2 and paragraph 21(b) of Schedule 7 to the European Union (Withdrawal) Act 2018(**1**) and by section 16(1)(a) and (e) of the Food Safety Act 1990(**2**).

Mae gofynion paragraff 4(2) o Atodlen 7 i Ddeddf yr Undeb Ewropeaidd (Ymadael) 2018 (sy'n ymwneud â gweithdrefn graffu briodol Cynulliad Cenedlaethol Cymru ar gyfer y Rheoliadau hyn) wedi eu bodloni.

The requirements of paragraph 4(2) of Schedule 7 to the European Union (Withdrawal) Act 2018 (relating to the appropriate National Assembly for Wales scrutiny procedure for these Regulations) have been satisfied.

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

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 of these Regulations.

Enwi, cymhwyso a chychwyn

1.—(1) Enw'r Rheoliadau hyn yw Rheoliadau Safonau a Labelu Bwyd (Diwygiadau Amrywiol) (Cymru) (Ymadael â'r UE) 2019.

(2) Mae'r Rheoliadau hyn yn gymwys o ran Cymru.

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

Title, application and commencement

1.—(1) The title of these Regulations is the Food Standards and Labelling (Miscellaneous Amendments) (Wales) (EU Exit) Regulations 2019.

(2) These Regulations apply in relation to Wales.

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

Rheoliadau Bwyd (Marcio Lotiau) 1996

2.—(1) Mae Rheoliadau Bwyd (Marcio Lotiau) 1996(**4**) wedi eu diwygio fel a ganlyn.

(2) Yn rheoliad 2, hepgorer y diffiniad o "first seller established within the European Union".

(3) Yn rheoliad 3(2)(a), yn lle "European Union" rhodder "United Kingdom".

The Food (Lot Marking) Regulations 1996

2.—(1) The Food (Lot Marking) Regulations 1996(**4**) are amended as follows.

(2) In regulation 2, omit the definition of "first seller established within the European Union".

(3) In regulation 3(2)(a), for "European Union" substitute "United Kingdom".

(**1**) 2018 p. 16.

(**2**) 1990 p. 16. Diwygiwyd adran 16(1) gan baragraff 8 o Atodlen 5 i Ddeddf Safonau Bwyd 1999 (p. 28) ("Deddf 1999"). Trosglwyddwyd swyddogaethau a oedd gynt yn arferadwy gan "the Ministers", i'r graddau yr oeddent yn arferadwy o ran Cymru, i Gynulliad Cenedlaethol Cymru gan O.S. 1999/672 fel y'i darllenir gydag adran 40(3) o Ddeddf 1999, a'u trosglwyddo wedi hynny i Weinidogion Cymru gan baragraff 30 o Atodlen 11 i Ddeddf Llywodraeth Cymru 2006 (p. 32).

(**3**) OJ Rhif L 31, 1.2.2002, t. 1, y mae diwygiadau iddo nad ydynt yn berthnasol i'r Rheoliadau hyn.

(**4**) O.S. 1996/1502, a ddiwygiwyd gan O.S. 2011/1043 ac O.S. 2014/2303 (Cy. 227).

(**1**) 2018 c. 16.

(**2**) 1990 c. 16. Section 16(1) was amended by paragraph 8 of Schedule 5 to the Food Standards Act 1999 (c. 28) ("the 1999 Act"). Functions formerly exercisable by "the Ministers" 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 (c. 32).

(**3**) OJ No. L 31, 1.2.2002, p. 1, to which there are amendments not relevant to these Regulations.

(**4**) S.I. 1996/1502, amended by S.I. 2011/1043 and S.I. 2014/2303 (W. 227).

Rheoliadau Brasterau Taenadwy (Safonau Marchnata) a Llaeth a Chynhyrchion Llaeth (Diogelu Dynodiadau) (Cymru) 2008

3.—(1) Mae Rheoliadau Brasterau Taenadwy (Safonau Marchnata) a Llaeth a Chynhyrchion Llaeth (Diogelu Dynodiadau) (Cymru) 2008(**1**) wedi eu diwygio fel a ganlyn.

(2) Yn rheoliad 2(1)—

(a) hepgorer y diffiniad o "darpariaeth UE";

(b) yn y lle priodol, mewnosoder—

"ystyr "darpariaeth benodedig" ("*specified provision*") yw darpariaeth y cyfeirir ati yn rheoliad 6(2);".

(3) Yn rheoliad 5, yn lle "UE" rhodder "penodedig".

(4) Yn rheoliad 6—

(a) ym mharagraff (1)(b), yn lle "UE" rhodder "benodedig";

(b) ym mharagraff (2), yn y geiriau o flaen is-baragraff (a), yn lle "UE" rhodder "penodedig".

(5) Yn rheoliad 7(2), yn lle "UE" rhodder "penodedig".

Rheoliadau Labelu Pysgod (Cymru) 2013

4.—(1) Mae Rheoliadau Labelu Pysgod (Cymru) 2013(**2**) wedi eu diwygio fel a ganlyn.

(2) Yn rheoliad 2—

(a) hepgorer y diffiniad o "Rheoliadau'r UE".

(b) yn y lle priodol, mewnosoder—

"ystyr "y Rheoliadau penodedig" ("*the specified Regulations*") yw Rheoliad 1224/2009, Rheoliad 404/2011 a Rheoliad 1379/2013;".

(c) ym mharagraff (2)(a), yn lle "o Reoliadau'r UE" rhodder "o'r Rheoliadau penodedig" ac yn lle "at Reoliadau'r UE" rhodder "at y Rheoliadau penodedig" ac ym mharagraff (2)(b), yn lle "o Reoliadau'r UE" rhodder "o'r Rheoliadau penodedig" ac yn lle "yn Rheoliadau'r UE" rhodder "yn y Rheoliadau penodedig".

(**1**) O.S. 2008/1341 (Cy. 141), a ddiwygiwyd gan O.S. 2011/1043; mae offerynnau diwygio eraill ond nid yw'r un ohonynt yn berthnasol i'r Rheoliadau hyn.

(**2**) O.S. 2013/2139 (Cy. 209), a ddiwygiwyd gan O.S. 2014/3079 (Cy. 304); mae offerynnau diwygio eraill ond nid yw'r un ohonynt yn berthnasol i'r Rheoliadau hyn.

The Spreadable Fats (Marketing Standards) and the Milk and Milk Products (Protection of Designations) (Wales) Regulations 2008

3.—(1) The Spreadable Fats (Marketing Standards) and the Milk and Milk Products (Protection of Designations) (Wales) Regulations 2008(**1**) are amended as follows.

(2) In regulation 2(1)—

(a) omit the definition of "EU provision";

(b) at the appropriate place, insert—

""specified provision" ("*darpariaeth benodedig*") means a provision referred to in regulation 6(2);".

(3) In regulation 5, for "EU" substitute "specified".

(4) In regulation 6—

(a) in paragraph (1)(b), for "EU" substitute "specified";

(b) in paragraph (2), in the words before sub-paragraph (a), for "EU" substitute "specified".

(5) In regulation 7(2), for "EU" substitute "specified".

The Fish Labelling (Wales) Regulations 2013

4.—(1) The Fish Labelling (Wales) Regulations 2013(**2**) are amended as follows.

(2) In regulation 2—

(a) omit the definition of "the EU Regulations";

(b) at the appropriate place, insert—

""the specified Regulations" ("*y Rheoliadau Penodedig*") means Regulation 1224/2009, Regulation 404/2011 and Regulation 1379/2013."

(c) in paragraph (2)(a) and (b), for "EU", in each place it occurs, substitute "specified".

(**1**) S.I. 2008/1341 (W. 141), amended by S.I. 2011/1043; there are other amending instruments but none is relevant to these Regulations.

(**2**) S.I. 2013/2139 (W. 209), amended by S.I. 2014/3079 (W. 304); there are other amending instruments but none is relevant to these Regulations.

(3) Yn rheoliad 4—

(a) ym mharagraff (3), yn lle "a (5)", yn yr ail le y mae'n digwydd, rhodder ", (5) i (7) a (9)";

(b) ym mharagraff (7), yn lle "na'r hyn sy'n cyfateb i 50 ewro y diwrnod mewn sterling" rhodder "na £45 y diwrnod".

(4) Yn rheoliad 5(3), yn y diffiniad o "operator", yn lle "EU" rhodder "specified".

Rheoliadau Gwybodaeth am Fwyd (Cymru) 2014

5. Yn Atodlen 5 i Reoliadau Gwybodaeth am Fwyd (Cymru) 2014(**1**), yn Rhan 2, hepgorer y cofnodion sy'n dwyn y rhifau 33 a 34.

Rheoliadau Mêl (Cymru) 2015

6. Yn Rheoliadau Mêl (Cymru) 2015(**2**), ar ôl rheoliad 18 mewnosoder—

"**Dulliau dadansoddi**

18A. Wrth gyflawni ei rwymedigaethau o dan reoliad 18, rhaid i awdurdod bwyd, pryd bynnag y bo'n bosibl, ddefnyddio dull dadansoddi a gymeradwyir gan y Codex Alimentarius, neu ddull dadansoddi arall sydd wedi ei ddilysu ac a gydnabyddir yn rhyngwladol, i wirio cydymffurfedd â darpariaethau'r Rheoliadau hyn."

Rheoliadau Gwlad Tarddiad Cigoedd Penodol (Cymru) 2015

7. Yn rheoliad 3(a) o Reoliadau Gwlad Tarddiad Cigoedd Penodol (Cymru) 2015(**3**), yn lle "aelod-wladwriaeth neu drydedd wlad" rhodder "wlad unigol".

(3) In regulation 4—

(a) in paragraph (3), for "and (5)", in the second place it occurs, substitute ", (5) to (7) and (9)";

(b) in paragraph (7), for "the sterling equivalent of 50 euros" substitute "£45".

(4) In regulation 5(3), in the definition of "operator", for "EU" substitute "specified".

The Food Information (Wales) Regulations 2014

5. In Schedule 5 to the Food Information (Wales) Regulations 2014(**1**), in Part 2, omit entry numbers 33 and 34.

The Honey (Wales) Regulations 2015

6. In the Honey (Wales) Regulations 2015(**2**), after regulation 18 insert—

"**Methods of analysis**

18A. In carrying out its obligations under regulation 18, a food authority must, whenever possible, use a method of analysis approved by the Codex Alimentarius, or another internationally recognised validated method of analysis, to verify compliance with the provisions of these Regulations."

The Country of Origin of Certain Meats (Wales) Regulations 2015

7. In regulation 3(a) of the Country of Origin of Certain Meats (Wales) Regulations 2015(**3**), for "member State or third" substitute "single".

Vaughan Gething

Y Gweinidog Iechyd a Gwasanaethau Cymdeithasol, un o Weinidogion Cymru
4 Mawrth 2019

Minister for Health and Social Services, one of the Welsh Ministers
4 March 2019

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(**1**) O.S. 2014/2303 (Cy. 227), y mae diwygiadau iddo nad ydynt yn berthnasol i'r Rheoliadau hyn.
(**2**) O.S. 2015/1507 (Cy. 174).
(**3**) O.S. 2015/1519 (Cy. 177).

(**1**) S.I. 2014/2303 (W. 227), to which there are amendments not relevant to these Regulations.
(**2**) S.I. 2015/1507 (W. 174).
(**3**) S.I. 2015/1519 (W. 177).

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