



OFFERYNNAU STATUDOL
CYMRU

WELSH STATUTORY
INSTRUMENTS

2020 Rhif 92 (Cy. 14)

2020 No. 92 (W. 14)

BWYD, CYMRU

FOOD, WALES

DIOGELWCH BWYD

FOOD SAFETY

**Rheoliadau Bwyd ar gyfer Grwpiau
Penodol (Gofynion o ran
Gwybodaeth a Chyfansoddiad)
(Cymru) (Diwygio) 2020**

**The Food for Specific Groups
(Information and Compositional
Requirements) (Wales)
(Amendment) Regulations 2020**

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, sy'n gymwys i Gymru, yn diwygio Rheoliadau Bwyd ar gyfer Grwpiau Penodol (Gofynion o ran Gwybodaeth a Chyfansoddiad) (Cymru) 2016 (O.S. 2016/639 (Cy. 175)) ("Rheoliadau 2016") er mwyn darparu ar gyfer gorfodi mewn cyfraith ddomestig ddarpariaethau Rheoliad Dirprwyedig y Comisiwn (EU) 2016/128 dyddiedig 25 Medi 2015 sy'n ychwanegu at Reoliad (EU) Rhif 609/2013 Senedd Ewrop a'r Cyngor ynghylch y gofynion penodol o ran cyfansoddiad a gwybodaeth ar gyfer bwyd at ddibenion meddygol arbennig a ddatblygir i fodloni gofynion maethol babanod (OJ Rhif L 25, 2.2.2016, t. 30) ("y Rheoliad Dirprwyedig").

Mae'r Rheoliadau hyn yn gwneud darpariaeth at ddiben a grybwyllir yn adran 2(2) o Ddeddf y Cymunedau Ewropeaidd 1972 (p. 68) ac mae'r cyfeiriadau ynddynt at ddarpariaethau'r Rheoliad Dirprwyedig i'w dehongli fel cyfeiriadau at y darpariaethau hynny fel y'u diwygir o bryd i'w gilydd.

Mae rheoliad 4 o'r Rheoliadau hyn yn diwygio rheoliad 2 o Reoliadau 2016 fel bod y cyfeiriadau yn Rheoliadau 2016 at y Rheoliad Dirprwyedig yn gyfeiriadau at y Rheoliad Dirprwyedig fel y mae'n gymwys i fwyd at ddibenion meddygol arbennig gan gynnwys bwyd a ddatblygir i fodloni gofynion maethol babanod.

These Regulations, which apply to Wales, amend the Food for Specific Groups (Information and Compositional Requirements) (Wales) Regulations 2016 (S.I. 2016/639 (W. 175)) ("the 2016 Regulations") in order to provide for the enforcement in domestic law of the provisions of Commission Delegated Regulation (EU) 2016/128 of 25 September 2015 supplementing Regulation (EU) No 609/2013 of the European Parliament and of the Council as regards the specific compositional and information requirements for food for special medical purposes developed to satisfy the nutritional requirements of infants (OJ No. L 25, 2.2.2016, p. 30) ("the Delegated Regulation").

These Regulations make provision for a purpose mentioned in section 2(2) of the European Communities Act 1972 (c. 68) and references in them to provisions of the Delegated Regulation are to be construed as references to such provisions as they are amended from time to time.

Regulation 4 of these Regulations amends regulation 2 of the 2016 Regulations so that references in the 2016 Regulations to the Delegated Regulation are to the Delegated Regulation as it applies to food for special medical purposes including that developed to satisfy the nutritional requirements of infants.

Mae rheoliad 6 o'r Rheoliadau hyn yn rhoi rheoliad 7 newydd yn Rheoliadau 2016 yn lle'r un presennol i ddarparu trefniadau trosiannol newydd sy'n sicrhau y caniateir i stociau o fwyd at ddibenion meddygol arbennig a labelir neu a roddir ar y farchnad cyn dyddiad cymhwyso darpariaethau'r Rheoliad Dirprwyedig barhau i gael eu marchnata nes i'r stociau hynny gael eu disbyddu.

Mae rheoliad 7 o'r Rheoliadau hyn yn diwygio'r tabl yn Atodlen 1 i Reoliadau 2016 i gynnwys darpariaethau pellach yn y diffiniad o "gofyniad UE penodedig".

Mae'r Rheoliadau hyn hefyd yn gwneud diwygiadau i Reoliadau 2016 i gywiro gwallau drafftio ac i ddarparu eglurder pellach. Mae rheoliad 8 yn mewnosod paragraffau newydd 6A a 7A yn Rhan 3 o Atodlen 3 i Reoliadau 2016 i ddarparu eglurder ynghylch cymhwyso adran 35 o Ddeddf Diogelwch Bwyd 1990 i Reoliadau 2016 ac mae rheoliad 5 yn cywiro gwall drafftio yn rheoliad 4(5) o Reoliadau 2016.

Mae rheoliad 9 o'r Rheoliadau hyn yn cynnwys darpariaethau dirymu ac arbed. Mae rheoliad 9 o'r Rheoliadau hyn, a'r Atodlen iddynt, yn dirymu Rheoliadau Bwyd Meddygol (Cymru) 2000 (O.S. 2000/1866 (Cy. 125)) a'r darpariaethau sy'n eu diwygio. Mae Rheoliadau Bwyd Meddygol (Cymru) 2000 yn gweithredu Cyfarwyddeb y Comisiwn 1999/21/EC ar fwydydd dietegol at ddibenion meddygol arbennig a ddatblygir i fodloni gofynion maethol babanod (OJ Rhif L 91, 7.4.1999, t. 29, fel y'i cywirwyd gan gorigendwm a gyhoeddwyd ar 5 Ionawr 2000 (OJ Rhif L 2, 5.1.2000, t. 79)).

Mae rheoliad 9 o'r Rheoliadau hyn yn darparu ymhellach ar gyfer y dirymiadau sydd i'w harbed at ddibenion y darpariaethau trosiannol yn rheoliad 7 o Reoliadau 2016 fel y'u hamnewidir gan y Rheoliadau hyn, ac at ddibenion y darpariaethau trosiannol yn rheoliad 5(3) o Reoliadau Fformiwla Fabanod a Fformiwla Ddilynol (Cymru) 2020 (O.S. 2020/**** (Cy. **)).

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.

Regulation 6 of these Regulations substitutes a new regulation 7 of the 2016 Regulations to provide new transitional arrangements which ensure that stocks of food for special medical purposes which were labelled or placed on the market before the date of application of provisions of the Delegated Regulation may continue to be marketed until those stocks are exhausted.

Regulation 7 of these Regulations amends the table in Schedule 1 to the 2016 Regulations to include further provisions into the definition of "specified EU requirement".

These Regulations also make amendments to the 2016 Regulations to correct drafting errors and to provide further clarity. Regulation 8 inserts new paragraphs 6A and 7A in Part 3 of Schedule 3 to the 2016 Regulations to provide clarity regarding the application of section 35 of the Food Safety Act 1990 to the 2016 Regulations and regulation 5 corrects a drafting error in regulation 4(5) of the 2016 Regulations.

Regulation 9 of these Regulations contains revocations and savings provisions. Regulation 9 of, and the Schedule to, these Regulations revoke the Medical Food (Wales) Regulations 2000 (S.I. 2000/1866 (W. 125)) and provisions which amend them. The Medical Food (Wales) Regulations 2000 implement Commission Directive 1999/21/EC on dietary foods for special medical purposes developed to satisfy the nutritional requirements of infants (OJ No. L 91, 7.4.1999, p. 29, as corrected by a corrigendum published on 5 January 2000 (OJ No. L 2, 5.1.2000, p. 79)).

Regulation 9 of these Regulations further provides for the revocations to be saved for the purposes of the transitional provisions in regulation 7 of the 2016 Regulations as substituted by these Regulations, and for the purposes of the transitional provisions in regulation 5(3) of the Infant Formula and Follow-on Formula (Wales) Regulations 2020 (S.I. 2020/**** W. **)).

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.

2020 Rhif 92 (Cy. 14)

BWYD, CYMRU

DIOGELWCH BWYD

**Rheoliadau Bwyd ar gyfer Grwpiau
Penodol (Gofynion o ran
Gwybodaeth a Chyfansoddiad)
(Cymru) (Diwygio) 2020**

Gwnaed 30 Ionawr 2020

*Gosodwyd gerbron Cynulliad Cenedlaethol
Cymru* 31 Ionawr 2020

Yn dod i rym 22 Chwefror 2020

2020 No. 92 (W. 14)

FOOD, WALES

FOOD SAFETY

**The Food for Specific Groups
(Information and Compositional
Requirements) (Wales)
(Amendment) Regulations 2020**

Made 30 January 2020

Laid before the National Assembly for Wales
31 January 2020

Coming into force 22 February 2020

Mae Gweinidogion Cymru yn gwneud y Rheoliadau a ganlyn drwy arfer y pwerau a roddir gan adrannau 6(4), 16(1)(a) ac (e) a (2)(b), 17(1) a (2), 26(1) a (3) ac 48(1) o Ddeddf Diogelwch Bwyd 1990(1) ac a freiniwyd bellach ynddynt hwy(2) ac adran 2(2) o

The Welsh Ministers make the following Regulations in exercise of the powers conferred by sections 6(4) 16(1)(a) and (e) and (2)(b), 17(1) and (2), 26(1) and (3) and 48(1) of the Food Safety Act 1990(1) and now vested in them(2) and section 2(2) of, and paragraph

(1) 1990 p. 16. Diwygiwyd adran 6(4) o Ddeddf Diogelwch Bwyd 1990 (“Deddf 1990”) gan baragraff 6 o Atodlen 9 i Ddeddf Dadreoleiddio a Chontractio Allann 1994 (p. 40), paragraff 10(1) a (3)(a) o Atodlen 5, ac Atodlen 6, i Ddeddf Safonau Bwyd 1999 (p. 28) (“Deddf 1999”) ac O.S. 2002/794. Diwygiwyd adran 16(1) o Ddeddf 1990 gan baragraffau 7 ac 8 o Atodlen 5 i Ddeddf 1999. Diwygiwyd adran 17 o Ddeddf 1990 gan baragraffau 7, 8 a 12 o Atodlen 5 i Ddeddf 1999 ac O.S. 2011/1043. Diwygiwyd adran 26(3) gan Atodlen 6 i Ddeddf 1999. Diwygiwyd adran 48(1) gan baragraffau 7 ac 8 o Atodlen 5 i Ddeddf 1999.

(2) Mae'r swyddogaethau hynny a oedd gynt yn arferadwy gan “the Ministers” (sef, o ran Cymru a Lloegr ac yn gweithredu ar y cyd, y Gweinidog Amaethyddiaeth, Pysgodfeydd a Bwyd a'r Ysgrifenyddion Gwladol a oedd yn eu trefn yn ymwneud ag iechyd yn Lloegr a bwyd ac iechyd yng Nghymru) bellach yn arferadwy o ran Lloegr gan yr Ysgrifennydd Gwladol yn unol â pharagraff 8 o Atodlen 5 i Ddeddf 1999. 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 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).

(1) 1990 c. 16. Section 6(4) of the Food Safety Act 1990 (“the 1990 Act”) was amended by paragraph 6 of Schedule 9 to the Deregulation and Contracting Out Act 1994 (c. 40), paragraph 10(1) and (3)(a) of Schedule 5, and Schedule 6 to the Food Standards Act 1999 (c. 28) (“the 1999 Act”) and S.I. 2002/794. Section 16(1) of the 1990 Act was amended by paragraphs 7 and 8 of Schedule 5 to the 1999 Act. Section 17 of the 1990 Act was amended by paragraphs 7, 8 and 12 of Schedule 5 to the 1999 Act and S.I. 2011/1043. Section 26(3) was amended by Schedule 6 to the 1999 Act. Section 48(1) was amended by paragraphs 7 and 8 of Schedule 5 to the 1999 Act.

(2) Those functions formerly exercisable by “the Ministers” (being, in relation to England and Wales and acting jointly, the Minister of Agriculture, Fisheries and Food and the Secretaries of State respectively concerned with health in England and food and health in Wales) are now exercisable in relation to England by the Secretary of State pursuant to paragraph 8 of Schedule 5 to the 1999 Act. 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 thereafter transferred to the Welsh Ministers by paragraph 30 of Schedule 11 to the Government of Wales Act 2006 (c. 32).

Ddeddf y Cymunedau Ewropeaidd 1972(1) a pharagraff 1A o Atodlen 2 iddi.

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

Mae'r Rheoliadau hyn yn gwneud darpariaeth at ddiben a grybwyllir yn adran 2(2) o Ddeddf y Cymunedau Ewropeaidd 1972, ac mae'n ymddangos i Weinidogion Cymru ei bod yn hwylus i gyfeiriadau penodol at ddarpariaethau yn Rheoliad Dirprwyedig y Comisiwn (EU) 2016/128(3), y cyfeirir atynt yn y Rheoliadau hyn, gael eu dehongli fel cyfeiriadau at y darpariaethau hynny fel y'u diwygir o bryd i'w gilydd.

Mae Gweinidogion Cymru wedi rhoi sylw i gyngor perthnasol a roddwyd gan yr Asiantaeth Safonau Bwyd yn unol ag adran 48(4A)(4) o Ddeddf Diogelwch Bwyd 1990.

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(5), wrth lunio a gwerthuso'r Rheoliadau hyn.

Enwi, cychwyn a chymhwysu

1.—(1) Enw'r Rheoliadau hyn yw Rheoliadau Bwyd ar gyfer Grwpiau Penodol (Gofynion o ran Gwybodaeth a Chyfansoddiad) (Cymru) (Diwygio) 2020.

1A of Schedule 2 to, the European Communities Act 1972(1).

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

These Regulations make provision for a purpose mentioned in section 2(2) of the European Communities Act 1972, and it appears to the Welsh Ministers that it is expedient for certain references to provisions of Commission Delegated Regulation (EU) 2016/128(3), referred to in these Regulations, to be construed as references to those provisions as amended from time to time.

The Welsh Ministers have had regard to relevant advice given by the Food Standards Agency in accordance with section 48(4A)(4) of the Food Safety Act 1990.

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(5), during the preparation and evaluation of these Regulations.

Title, commencement and application

1.—(1) The title of these Regulations is the Food for Specific Groups (Information and Compositional Requirements) (Wales) (Amendment) Regulations 2020.

(1) 1972 p. 68 ("Deddf 1972"). Diwygiwyd adran 2(2) o Ddeddf 1972 gan adran 27(1)(a) o Ddeddf Diwygio Deddfwriaethol a Rheoleiddiol 2006 (p. 51) a chan adran 3(3) o Ddeddf yr Undeb Ewropeaidd (Diwygio) 2008 (p. 7) a Rhan 1 o'r Atodlen iddi. Mewnosodwyd paragraff 1A o Atodlen 2 gan adran 28 o Ddeddf Diwygio Deddfwriaethol a Rheoleiddiol 2006. Fe'i diwygiwyd gan adran 3(3) o Ddeddf yr Undeb Ewropeaidd (Diwygio) 2008 a Rhan 1 o'r Atodlen iddi ac O.S. 2007/1388.

(2) O.S. 2005/1971, y mae diwygiadau iddo nad ydynt yn berthnasol i'r Rheoliadau hyn.

(3) Rheoliad Dirprwyedig y Comisiwn (EU) 2016/128 sy'n ychwanegu at Reoliad (EU) Rhif 609/2013 Senedd Ewrop a'r Cyngor ynghylch y gofynion penodol o ran cyfansoddiad a gwybodaeth ar gyfer bwyd at ddibenion meddygol arbennig (OJ Rhif L 25, 02.02.2016, t. 30).

(4) Mewnosodwyd adran 48(4A) gan adran 40(1) o Ddeddf 1999 a pharagraff 21 o Atodlen 5 iddi.

(5) OJ Rhif L 31, 1.2.2002, t. 1, a ddiwygiwyd ddiwethaf gan Reoliad (EU) Rhif 2019/1243 Senedd Ewrop a'r Cyngor (OJ Rhif L 198, 25.07.2019, t. 241).

(1) 1972 c. 68 ("the 1972 Act"). Section 2(2) of the 1972 Act was amended by section 27(1)(a) of the Legislative and Regulatory Reform Act 2006 (c. 51) and by section 3(3) of, and Part 1 of the Schedule to, the European Union (Amendment) Act 2008 (c. 7). Paragraph 1A of Schedule 2 was inserted by section 28 of the Legislative and Regulatory Reform Act 2006. It was amended by section 3(3) of, and Part 1 of the Schedule to, the European Union (Amendment) Act 2008 and S.I. 2007/1388.

(2) S.I. 2005/1971 to which there are amendments not relevant to these Regulations.

(3) Commission Delegated Regulation (EU) 2016/128 supplementing Regulation (EU) No. 609/2013 of the European Parliament and of the Council as regards the specific compositional and information requirements for food for special medical purposes (OJ No. L 25, 02.02.2016, p. 30).

(4) Section 48(4A) was inserted by section 40(1) of, and paragraph 21 of Schedule 5 to, the 1999 Act.

(5) OJ No. L 31, 1.2.2002, p. 1, last amended by Regulation (EU) No 2019/1243 of the European Parliament and of the Council (OJ No. L 198, 25.07.2019, p. 241).

(2) Daw'r Rheoliadau hyn i rym ar 22 Chwefror 2020.

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

Dehongli

2. Yn y Rheoliadau hyn, ystyr "Rheoliadau 2016" yw Rheoliadau Bwyd ar gyfer Grwpiau Penodol (Gofynion o ran Gwybodaeth a Chyfansoddiad) (Cymru) 2016(1).

Diwygio Rheoliadau 2016

3. Mae Rheoliadau 2016 wedi eu diwygio yn unol â rheoliadau 4 i 8.

4. Yn rheoliad 2 (dehongli), hepgorer paragraff (6).

5. Yn rheoliad 4 (cymhwyso darpariaethau'r Ddeddf), ym mharagraff (5), yn lle "yn gymwys i hysbysiad gwella" rhodder "yn gymwys i apel yn erbyn hysbysiad gwella".

6. Yn lle rheoliad 7 (trefniadau trosiannol) rhodder—

"7. Caniateir i fwyd at ddibenion meddygol arbennig, nad yw'n cydymffurfio ag unrhyw ddarpariaeth benodedig yn y Rheoliad Dirprwyedig a bennir yn Atodlen 1, barhau i gael ei farchnata nes i'r stociau o'r bwyd hwnnw gael eu disbyddu ar yr amod—

- (a) ei fod yn cydymffurfio â darpariaethau Rheoliad yr UE a bennir yn Atodlen 1,
- (b) iddo gael ei roi ar y farchnad neu ei labelu—
 - (i) cyn 22 Chwefror 2019, neu
 - (ii) cyn 22 Chwefror 2020 yn achos bwyd at ddibenion meddygol arbennig a ddatblygir i fodloni gofynion maethol babanod, ac
- (c) bod y gofynion a bennir yn rheoliad 3(1) a (2) o Reoliadau Bwyd Meddygol (Cymru) 2000(2) wedi eu bodloni."

7. Yn Atodlen 1(3) (gofynion UE penodedig)—

(2) These Regulations come into force on 22 February 2020.

(3) These Regulations apply in relation to Wales.

Interpretation

2. In these Regulations, "the 2016 Regulations" means the Food for Specific Groups (Information and Compositional Requirements) (Wales) Regulations 2016(1).

Amendment of the 2016 Regulations

3. The 2016 Regulations are amended in accordance with regulations 4 to 8.

4. In regulation 2 (interpretation), omit paragraph (6).

5. In regulation 4 (application of provisions of the Act), in paragraph (5) for "applies to an improvement notice" substitute "applies to an appeal against an improvement notice".

6. For regulation 7 (transitional arrangements) substitute—

"7. Food for special medical purposes that does not comply with any specified provision of the Delegated Regulation specified in Schedule 1 may continue to be marketed until stocks of such food are exhausted provided that—

- (a) it complies with the provisions of the EU Regulation specified in Schedule 1,
- (b) it was placed on the market or labelled—
 - (i) before 22 February 2019, or
 - (ii) before 22 February 2020 in the case of food for special medical purposes developed to satisfy the nutritional requirements of infants, and
- (c) the requirements specified in regulation 3(1) and (2) of the Medical Food (Wales) Regulations 2000(2) are met."

7. In Schedule 1(3) (specified EU requirements)—

(1) O.S. 2016/639 (Cy. 175), a ddiwygiwyd gan O.S. 2019/70 (Cy. 22) ac a ddiwygiwyd yn rhagolygonol gan O.S. 2019/179 (Cy. 45).
(2) O.S. 2000/1866 (Cy. 125); a ddiwygiwyd gan O.S. 2014/1102 (Cy. 110); mae offerynnau diwygio eraill ond nid yw'r un ohonynt yn berthnasol i'r Rheoliadau hyn.
(3) Amnewidiwyd y tabl yn Atodlen 1 gan O.S. 2019/70 (Cy. 22).

(1) S.I. 2016/639 (W. 175), amended by S.I. 2019/70 (W. 22) and prospectively amended by S.I. 2019/179 (W. 45).
(2) S.I. 2000/1866 (W. 125); amended by S.I. 2014/1102 (W. 110); there are other amending instruments but none are relevant to these Regulations.
(3) The table in Schedule 1 was substituted by S.I. 2019/70 (W. 22).

- (a) yn y rhan o'r tabl sy'n ymwneud â Rheoliad yr UE, yn y cofnod sy'n ymwneud ag "Erthygl 15(1) (rhestr yr Undeb)", yng ngholofn 2, yn lle "Erthyglau 1(1)(c), 4(1) a'r Atodiad i'r graddau y mae'n gymwys i fwyd at ddibenion meddygol arbennig" rhodder "Erthyglau 1(1)(a) ac (c) a 4(1) a'r Atodiad i'r graddau y mae'n gymwys i fformiwla fabanod, fformiwla ddilynol, a bwyd at ddibenion meddygol arbennig";
- (b) yn lle'r rhan o'r tabl sy'n ymwneud â'r Rheoliad Dirprwyedig rhodder—

- (a) in the part of the table relating to the EU Regulation, in the entry relating to "Article 15(1) (Union list)", in column 2, for "Articles 1(1)(c), 4(1) and the Annex insofar as it applies to food for special medical purposes" substitute "Articles 1(1)(a) and (c) and 4(1) and the Annex insofar as it applies to infant formula, follow-on formula, and food for special medical purposes";
- (b) for the part of the table relating to the Delegated Regulation substitute—

"Darpariaeth benodedig yn y Rheoliad Dirprwyedig

Y darpariaethau sydd i gael eu darllen gyda'r ddarpariaeth benodedig yn y Rheoliad Dirprwyedig

"Specified provision of the Delegated Regulation

Provisions to be read with the specified provision of the Delegated Regulation

Erthygl 2(2) (gofyniad i fformiwleiddiad bwyd fod yn seiliedig ar egwyddorion meddygol a maethol cadarn)

Erthygl 1

Article 2(2) (requirement for the formulation of food to be based on sound medical and nutritional principles)

Article 1

Yr is-baragraff cyntaf o Erthygl 2(3) (gofyniad i fwyd at ddibenion meddygol arbennig a ddatblygir i fodloni gofynion maethol babanod gydymffurfio â'r gofynion o ran cyfansoddiad yn Rhan A o Atodiad 1)

Erthyglau 1 a 2(4) a Rhan A o Atodiad 1

The first subparagraph of Article 2(3) (requirement for food for special medical purposes developed to satisfy the nutritional requirements of infants to comply with the compositional requirements in Part A of Annex 1)

Articles 1 and 2(4) and Part A of Annex 1

Yr ail is-baragraff o Erthygl 2(3) (gofyniad i fwyd ac eithrio bwyd a ddatblygir i fodloni gofynion maethol babanod gydymffurfio â'r gofynion o ran cyfansoddiad yn Rhan B o Atodiad 1)

Erthyglau 1 a 2(4) a Rhan B o Atodiad 1

The second subparagraph of Article 2(3) (requirement for food other than that developed to satisfy the nutritional requirements of infants to comply with the compositional requirements in Part B of Annex 1)

Articles 1 and 2(4) and Part B of Annex 1

Erthygl 3(2) (gofyniad sy'n ymwneud â'r trothwy gweddillion ar gyfer sylweddau gweithredol penodol pan fo bwyd at ddibenion meddygol arbennig yn cael ei ddatblygu i fodloni gofynion maethol babanod a phlant ifanc)	Erthyglau 1 a 3(1), (3) a (5) ac Atodiad 2	Article 3(2) (requirement relating to residue threshold for certain active substances where food for special medical purposes is developed to satisfy the nutritional requirements of infants and young children)	Articles 1 and 3(1), (3) and (5) and Annex 2
Erthygl 3(3) (uchafswm lefelau gweddillion ar gyfer y sylweddau a restrir yn Atodiad 2)	Erthyglau 1 a 3(1), (2) a (5) ac Atodiad 2	Article 3(3) (maximum residue levels for substances listed in Annex 2)	Articles 1 and 3(1), (2) and (5) and Annex 2
Erthygl 3(4) (gwahardd defnyddio cynhyrchion diogelu planhigion)	Erthyglau 1 a 3(1) a (5) ac Atodiad 3	Article 3(4) (prohibition on the use of plant protection products)	Articles 1 and 3(1) and (5) and Annex 3
Erthygl 4 (enw'r bwyd)	Erthygl 1 ac Atodiad 4	Article 4 (name of the food)	Article 1 and Annex 4
Erthygl 5(1) (gofyniad i fwyd at ddibenion meddygol arbennig gydymffurfio â Rheoliad (EU) Rhif 1169/2011(1) oni phennir fel arall)	Erthyglau 1 a 5(2)	Article 5(1) (requirement for food for special medical purposes to comply with Regulation (EU) No. 1169/2011(1) unless otherwise specified)	Articles 1 and 5(2)
Erthygl 5(2) (manyion mandadol ychwanegol sy'n ymwneud â gwybodaeth am fwyd)	Erthyglau 1 a 5(1) a (3)	Article 5(2) (additional mandatory particulars relating to food information)	Articles 1 and 5(1) and (3)
Erthygl 5(3) (cymhwyso Erthyglau 13(2) a (3) o Reoliad (EU) Rhif 1169/2011 i fanylion mandadol ychwanegol)	Erthyglau 1 a 5(1) a (2)	Article 5(3) (application of Articles 13(2) and (3) of Regulation (EU) No. 1169/2011 to additional mandatory particulars)	Articles 1 and 5(1) and (2)
Erthygl 6 (gofynion penodol ynghylch y datganiad ynglŷn â maethiad)	Erthygl 1 ac Atodiad 1	Article 6 (specific requirements on the nutrition declaration)	Article 1 and Annex 1

(1) Rheoliad (EC) Rhif 1169/2011 Senedd Ewrop a'r Cyngor dyddiedig 25 Hydref 2011 ynghylch darparu gwybodaeth am fwyd i ddefnyddwyr, sy'n diwygio Rheoliadau (EC) Rhif 1924/2006 ac (EC) Rhif 1925/2006 Senedd Ewrop a'r Cyngor, ac sy'n diddymu Cyfarwydddeb y Comisiwn 87/250/EEC, Cyfarwydddeb y Cyngor 90/496/EEC, Cyfarwydddeb y Comisiwn 1999/10/EC, Cyfarwydddeb 2000/13/EC Senedd Ewrop a'r Cyngor, Cyfarwydddebau'r Comisiwn 2002/67/EC a 2008/5/EC a Rheoliad y Comisiwn (EC) Rhif 608/2004 (OJ Rhif L 304, 22.11.2011, t. 18).

(1) Regulation (EU) No. 1169/2011 of the European Parliament and of the Council of 25 October 2011 on the provision of food information to consumers, amending Regulations (EC) No. 1924/2006 and (EC) No. 1925/2006 of the European Parliament and of the Council, and repealing Commission Directive 87/250/EEC, Council Directive 90/496/EEC, Commission Directive 1999/10/EC, Directive 2000/13/EC of the European Parliament and of the Council, Commission Directives 2002/67/EC and 2008/5/EC and Commission Regulation (EC) No. 608/2004 (OJ No. L 304, 22.11.2011, p. 18).

Erthygl 7 (honiadau am faethiad ac iechyd)	Erthygl 1	Article 7 (nutrition and health claims)	Article 1
Erthygl 8(1) (gofyniad i fanylion mandadol ymddangos mewn iaith sy'n hawdd ei deall gan ddefnyddwyr)	Erthygl 1	Article 8(1) (requirement for mandatory particulars to appear in a language easily understood by consumers)	Article 1
Yr is-baragraff cyntaf o Erthygl 8(2) (gwahardd lluniau o fabanod neu luniau neu destun penodol arall)	Erthygl 1	The first sub-paragraph of Article 8(2) (prohibition of pictures of infants or certain other pictures or text)	Article 1
Erthygl 8(3) (gofynion sy'n ymwneud â labelu, cyflwyno a hysbysebu)	Erthygl 1	Article 8(3) (requirements relating to labelling, presentation and advertising)	Article 1
Yr is-baragraff cyntaf o Erthygl 8(4) (cyfyngiad ar gyhoeddi)	Erthygl 1 a'r trydydd is-baragraff o Erthygl 8(4)	The first sub-paragraph of Article 8(4) (restriction on publication)	Article 1 and the third sub-paragraph of Article 8(4)
Erthygl 8(5) (gwahardd defnyddio dyfeisiau hyrwyddo i gymell gwerthiannau)	Erthygl 1	Article 8(5) (prohibition on use of promotional devices to induce sales)	Article 1
Erthygl 8(6) (gwahardd darparu cynhyrchion, samplau neu roddion hyrwyddo eraill am ddim neu am bris isel)	Erthygl 1	Article 8(6) (prohibition on providing free or low-priced products, samples or other promotional gifts)	Article 1
Erthygl 9 (hysbysu)	Erthygl 1"	Article 9 (notification)	Article 1"

8. Yn Atodlen 2 (addasu darpariaethau'r Ddeddf), yn Rhan 3 (addasu adran 35)—

(a) o flaen paragraff 7 mewnosoder—

“6A. Yn adran 35(1), ar ôl “section 33(1) above” mewnosoder “, as applied by regulation 4(6) and (7) of the Food for Specific Groups (Information and Compositional Requirements) (Wales) Regulations 2016,”;

(b) ar ôl paragraff 7 mewnosoder—

“7A. Yn adran 35(2), ar ôl “any other offence under this Act” mewnosoder “including an offence under section 33(2), as applied by regulation 4(6) and (7) of the Food for Specific Groups (Information and Compositional Requirements) (Wales) Regulations 2016,”.

8. In Schedule 2 (modification of provisions of the Act), in Part 3 (modification of section 35)—

(a) before paragraph 7 insert—

“6A. In section 35(1), after “section 33(1) above” insert “, as applied by regulation 4(6) and (7) of the Food for Specific Groups (Information and Compositional Requirements) (Wales) Regulations 2016,”;

(b) after paragraph 7 insert—

“7A. In section 35(2), after “any other offence under this Act” insert “including an offence under section 33(2), as applied by regulation 4(6) and (7) of the Food for Specific Groups (Information and Compositional Requirements) (Wales) Regulations 2016,”.

Dirymiadau ac arbedion

9.—(1) Mae'r offerynnau a bennir yng ngholofn 1 o'r tabl yn yr Atodlen wedi eu dirymu i'r graddau a bennir yng ngholofn 3 o'r tabl hwnnw, yn ddarostyngedig i baragraff (2).

(2) Mae'r offerynnau a bennir yng ngholofn 1 o'r tabl yn yr Atodlen yn parhau i gael effaith (i'r graddau y maent wedi eu dirymu fel arall i'r graddau a bennir yng ngholofn 3 o'r tabl hwnnw) at ddibenion—

- (a) rheoliad 7(c) o Reoliadau 2016 fel y'i hamnewidir gan reoliad 6 o'r Rheoliadau hyn, a
- (b) rheoliad 5(3)(b) o Reoliadau Fformiwla Fabanod a Fformiwla Ddilynol (Cymru) 2020(1).

Revocations and savings

9.—(1) The instruments specified in column 1 of the table in the Schedule are revoked to the extent specified in column 3 of that table, subject to paragraph (2).

(2) The instruments specified in column 1 of the table in the Schedule continue to have effect (so far as otherwise revoked to the extent specified in column 3 of that table) for the purposes of—

- (a) regulation 7(c) of the 2016 Regulations as substituted by regulation 6 of these Regulations, and
- (b) regulation 5(3)(b) of the Infant Formula and Follow-on Formula (Wales) Regulations 2020(1).

Vaughan Gething

Y Gweinidog Iechyd a Gwasanaethau Cymdeithasol,
un o Weinidogion Cymru
30 Ionawr 2020

Minister for Health and Social Services, one of the
Welsh Ministers
30 January 2020

YR ATODLEN Rheoliad 9
Dirymiadau

SCHEDULE Regulation 9
Revocations

Colofn 1	Colofn 2	Colofn 3	Column 1	Column 2	Column 3
<i>Offeryn</i>	<i>Cyfeirnod</i>	<i>Graddau'r dirymu</i>	<i>Instrument</i>	<i>Reference</i>	<i>Extent of revocation</i>
Rheoliadau Bwyd Meddygol (Cymru) 2000	O.S. 2000/1866 (Cy. 125)	Y Rheoliadau cyfan	Medical Food (Wales) Regulations 2000	S.I. 2000/1866 (W. 125)	The whole of the Regulations
Rheoliadau Fformiwla Fabanod a Fformiwla Ddilynol (Cymru) 2007	O.S. 2007/3573 (Cy. 316)	Rheoliad 30	Infant Formula and Follow-on Formula (Wales) Regulations 2007	S.I. 2007/3573 (W. 316)	Regulation 30
Rheoliadau Fformiwla Fabanod a Fformiwla Ddilynol (Diwygio) (Cymru) 2008	O.S. 2008/2602 (Cy. 228)	Rheoliad 3	Infant Formula and Follow-on Formula (Amendment) (Wales) Regulations 2008	S.I. 2008/2602 (W. 228)	Regulation 3
Rheoliadau Trosglwyddo Swyddogaethau (Bwyd) (Cymru) 2014	O.S. 2014/1102 (Cy. 110)	Rheoliad 2	Transfer of Functions (Food) (Wales) Regulations 2014	S.I. 2014/1102 (W. 110)	Regulation 2
Rheoliadau Bwyd ar gyfer Grwpiau Penodol (Gofynion o ran Gwybodaeth a Chyfansoddiad) (Cymru) 2016	O.S. 2016/639 (Cy. 175)	Paragraff 2 o Atodlen 3	Food for Specific Groups (Information and Compositional Requirements) (Wales) Regulations 2016	S.I. 2016/639 (W. 175)	Paragraph 2 of Schedule 3
Rheoliadau Bwyd ar gyfer Grwpiau Penodol (Gofynion o ran Gwybodaeth a Chyfansoddiad) (Diwygio) (Cymru) 2019	O.S. 2019/70 (Cy. 22)	Rheoliad 2	Food for Specific Groups (Information and Compositional Requirements) (Amendment) (Wales) Regulations 2019	S.I. 2019/70 (W. 22)	Regulation 2

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