OFFERYNNAU STATUDOL CYMRU

2023 Rhif 394 (Cy. 61)

AMAETHYDDIAETH, CYMRU

BWYD, CYMRU

Rheoliadau Diodydd Alcoholaidd (Diwygio) (Cymru) 2023

NODYN ESBONIADOL

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

Mae'r Rheoliadau hyn yn gwneud diwygiadau i gyfraith yr UE a ddargedwir mewn perthynas â labelu diodydd alcoholaidd a chynhyrchion gwin sy'n cael eu marchnata yng Nghymru. Mae'r Rheoliadau hyn yn diwygio'r eitemau a ganlyn o gyfraith yr UE a ddargedwir—

(a) Atodiad 12 i Reoliad (EU) Rhif 1169/2011 Senedd Ewrop a'r Cyngor ynghylch darparu gwybodaeth am fwyd i ddefnyddwyr (EUR 2011/1169) ("Rheoliad (EU) Rhif 1169/2011"), a

(b) Erthyglau 44 a 50(1) o Reoliad Dirprwyedig y Comisiwn (EU) 2019/33 sy'n ategu Rheoliad (EU) Rhif 1308/2013 Senedd Ewrop a'r Cyngor o ran ceisiadau am warchod dynodiadau tarddiad, dynodiadau daearyddol a thermau traddodiadol yn y sector gwin, y weithdrefn ar gyfer gwrthwynebu, cyfyngiadau ar ddefnydd, diwygiadau i fanylebau cynnyrch, canslo gwarchodaeth, a labelu a chyflwyniad (EUR 2019/33) ("Rheoliad (EU) 2019/33").

Mae rheoliad 2 yn diwygio Atodiad 12 i Reoliad (EU) Rhif 1169/2011 er mwyn galluogi defnyddio dangosydd gwahanol ("% alc/vol") (yn lle un o'r dangosyddion penodedig eraill) gyda ffigur yn dangos cryfder alcoholaidd gwirioneddol diod y mae'r Atodiad hwnnw yn gymwys iddi.

WELSH STATUTORY INSTRUMENTS

2023 No. 394 (W. 61)

AGRICULTURE, WALES

FOOD, WALES

The Alcoholic Beverages (Amendment) (Wales) Regulations 2023

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make amendments to retained EU law in relation to the labelling of alcoholic beverages and wine products marketed in Wales. These Regulations amend the following retained EU law—

(a) Annex 12 to Regulation (EU) No 1169/2011 of the European Parliament and of the Council on the provision of food information to consumers (EUR 2011/1169) ("Regulation (EU) No 1169/2011"), and

(b) Articles 44 and 50(1) of Commission Delegated Regulation (EU) 2019/33 supplementing Regulation (EU) No 1308/2013 of the European Parliament and of the Council as regards applications for protection of designations of origin, geographical indications and traditional terms in the wine sector, the objection procedure, restrictions of use, amendments to product specifications, cancellation of protection, and labelling and presentation (EUR 2019/33) ("Regulation (EU) 2019/33").

Regulation 2 amends Annex 12 to Regulation (EU) No 1169/2011 to enable an alternative indicator ("% alc/vol") to be used (instead of one of the other specified indicators) with a figure indicating the actual alcoholic strength of a beverage to which that Annex applies.

Mae rheoliad 3(2) yn diwygio Erthygl 44 o Reoliad (EU) 2019/33—

(a) i'w gwneud yn ofynnol dangos cryfder alcoholaidd gwirioneddol gwin a chynhyrchion penodol eraill yn y sector gwin i ffigur nad yw'n fwy nag un pwynt degol (yn lle gofyniad i'w ddangos mewn unedau canrannol neu hanner unedau);

(b) i alluogi defnyddio dangosydd gwahanol ("% alc/vol") (yn lle un o'r dangosyddion penodedig eraill) gyda ffigur yn dangos cryfder alcoholaidd gwirioneddol gwin a chynhyrchion penodol eraill yn y sector gwin y mae Erthygl 44 yn gymwys iddynt.

Mae rheoliad 3(3) yn diwygio Erthygl 50(1) o Reoliad (EU) 2019/33 er mwyn galluogi marchnata yng Nghymru win a chynhyrchion penodol eraill yn y sector gwin yr enwir dwy neu ragor o amrywogaethau grawnwin gwin (neu eu cyfystyron) ar eu labeli pan fo 95% o'r cynnyrch (wedi ei ostwng o 100%) wedi ei wneud o'r amrywogaethau hynny. Mae hyn yn amodol ar gydymffurfio â'r gofynion presennol o ran labelu sy'n ymwneud ag enwi'r amrywogaethau hynny yn Erthygl 50(1).

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 3(2) amends Article 44 of Regulation (EU) 2019/33—

(a) to require the actual alcoholic strength of wine and certain other wine sector products to be indicated to a figure of not more than one decimal point (instead of a requirement that the indication be given in percentage units or half units);

(b) to enable an alternative indicator ("% alc/vol") to be used (instead of one of the other specified indicators) with a figure indicating the actual alcoholic strength of wine and certain other wine sector products to which Article 44 applies.

Regulation 3(3) amends Article 50(1) Regulation (EU) 2019/33 to enable wine and certain other wine sector products on the labels of which two or more wine grape varieties (or their synonyms) are named to be marketed in Wales where 95% of the product (reduced from 100%) has been made from those varieties. This is subject to compliance with existing labelling requirements relating to the naming of those varieties in Article 50(1).

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.

OFFERYNNAU STATUDOL CYMRU

2023 Rhif 394 (Cy. 61)

AMAETHYDDIAETH, CYMRU

BWYD, CYMRU

Rheoliadau Diodydd Alcoholaidd (Diwygio) (Cymru) 2023

Gwnaed	*30 Mawrth 2023*
Yn dod i rym	*28 Ebrill 2023*

Mae Gweinidogion Cymru yn gwneud y Rheoliadau a ganlyn drwy arfer y pwerau a roddir gan—

(a) adran 16(1)(e) (fel y'i darllenir gydag adran 16(3A)) o Ddeddf Diogelwch Bwyd 1990(**1**);

(b) adran 50(3) o Ddeddf Amaethyddiaeth 2020(**2**) a pharagraff 16(1) o Atodlen 5 iddi.

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

(**1**) 1990 p. 16. Diwygiwyd adran 16(1) gan baragraff 8 o Atodlen 5 i Ddeddf Safonau Bwyd 1999 (p. 28). Mewnosodwyd adran 16(3A) gan adran 174(1) o Ddeddf Iechyd a Gofal 2022 (p. 31). Mae swyddogaethau'r "Secretary of State" o dan Ddeddf Diogelwch Bwyd 1990 yn arferadwy gan Weinidogion Cymru (o ran Cymru), yn rhinwedd Gorchymyn Cynulliad Cenedlaethol Cymru (Trosglwyddo Swyddogaethau) 1999 (O.S. 1999/672), ac adran 162 o Ddeddf Llywodraeth Cymru 2006 (p. 32) a pharagraff 30 o Atodlen 11 iddi.

(**2**) 2020 p. 21.

(**3**) Mewnosodwyd adran 48(4A) gan baragraff 21 o Atodlen 5 i Ddeddf Safonau Bwyd 1999 (p. 28).

(**4**) EUR 2002/178, y mae diwygiadau iddo nad ydynt yn berthnasol i'r Rheoliadau hyn.

WELSH STATUTORY INSTRUMENTS

2023 No. 394 (W. 61)

AGRICULTURE, WALES

FOOD, WALES

The Alcoholic Beverages (Amendment) (Wales) Regulations 2023

Made	*30 March 2023*
Coming into force	*28 April 2023*

The Welsh Ministers make the following Regulations in exercise of the powers conferred by—

(a) section 16(1)(e) (as read with section 16(3A)) of the Food Safety Act 1990(**1**);

(b) section 50(3) and paragraph 16(1) to Schedule 5 of the Agriculture Act 2020(**2**).

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

(**1**) 1990 c. 16. Section 16(1) was amended by paragraph 8 of Schedule 5 to the Food Standards Act 1999 (c. 28). Section 16(3A) was inserted by section 174(1) of the Health and Care Act 2022 (c. 31). The functions of the "Secretary of State" under the Food Safety Act 1990 are exercisable by the Welsh Ministers (in relation to Wales), by virtue of the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672), and section 162 of, and paragraph 30 of Schedule 11 to, the Government of Wales Act 2006 (c. 32).

(**2**) 2020 c. 21.

(**3**) Section 48(4A) was inserted by paragraph 21 of Schedule 5 to the Food Standards Act 1999 (c. 28).

(**4**) EUR 2002/178, to which there are amendments not relevant to these Regulations.

Yn unol ag adran 48(3B) o Ddeddf Diogelwch Bwyd 1990 ac adran 50(6)(c) o Ddeddf Amaethyddiaeth 2020 gosodwyd drafft o'r offeryn hwn gerbron Senedd Cymru ac fe'i cymeradwywyd ganddi drwy benderfyniad.

In accordance with section 48(3B) of the Food Safety Act 1990 and section 50(6)(c) of the Agriculture Act 2020 a draft of this instrument has been laid before and approved by a resolution of Senedd Cymru.

Enwi, cychwyn, cymhwyso a rhychwant

1.—(1) Enw'r Rheoliadau hyn yw Rheoliadau Diodydd Alcoholaidd (Diwygio) (Cymru) 2023.

(2) Daw'r Rheoliadau hyn i rym ar 28 Ebrill 2023.

(3) Mae'r Rheoliadau hyn yn rhychwantu Cymru a Lloegr ac maent yn gymwys o ran Cymru.

Title, commencement, application and extent

1.—(1) The title of these Regulations is the Alcoholic Beverages (Amendment) (Wales) Regulations 2023.

(2) These Regulations come into force on 28 April 2023.

(3) These Regulations extend to England and Wales and apply in relation to Wales.

Diwygio Rheoliad (EU) Rhif 1169/2011 Senedd Ewrop a'r Cyngor

2. Yn Atodiad 12 (cryfder alcoholaidd) i Reoliad (EU) Rhif 1169/2011 Senedd Ewrop a'r Cyngor ynghylch darparu gwybodaeth am fwyd i ddefnyddwyr(**1**), ar ôl y paragraff cyntaf mewnosoder—

"In relation to a beverage marketed in Wales to which the first paragraph applies, the second sentence of that paragraph is to be read as if at the end there were inserted ', or the figure may be followed by '% alc/vol''."

Amendment of Regulation (EU) No 1169/2011 of the European Parliament and of the Council

2. In Annex 12 (alcoholic strength) to Regulation (EU) No 1169/2011 of the European Parliament and of the Council on the provision of food information to consumers(**1**), after the first paragraph insert—

"In relation to a beverage marketed in Wales to which the first paragraph applies, the second sentence of that paragraph is to be read as if at the end there were inserted ', or the figure may be followed by '% alc/vol''."

Diwygio Rheoliad Dirprwyedig y Comisiwn (EU) 2019/33

3.—(1) Mae Rheoliad Dirprwyedig y Comisiwn (EU) 2019/33 sy'n ategu Rheoliad (EU) Rhif 1308/2013 Senedd Ewrop a'r Cyngor o ran ceisiadau am warchod dynodiadau tarddiad, dynodiadau daearyddol a thermau traddodiadol yn y sector gwin, y weithdrefn ar gyfer gwrthwynebu, cyfyngiadau ar ddefnydd, diwygiadau i fanylebau cynnyrch, canslo gwarchodaeth, a labelu a chyflwyniad(**2**) wedi ei ddiwygio fel a ganlyn.

(2) Yn Erthygl 44 (cryfder alcoholaidd gwirioneddol)—

(a) ar ôl y paragraff cyntaf mewnosoder—

"In relation to a product marketed in Wales to which the first paragraph applies, that paragraph is to be read as if for 'in percentage units or half units' there were substituted 'to not more than one decimal place'.";

Amendment of Commission Delegated Regulation (EU) 2019/33

3.—(1) Commission Delegated Regulation (EU) 2019/33 supplementing Regulation (EU) No 1308/2013 of the European Parliament and of the Council as regards applications for protection of designations of origin, geographical indications and traditional terms in the wine sector, the objection procedure, restrictions of use, amendments to product specifications, cancellation of protection, and labelling and presentation(**2**) is amended as follows.

(2) In Article 44 (actual alcoholic strength)—

(a) after the first paragraph insert—

"In relation to a product marketed in Wales to which the first paragraph applies, that paragraph is to be read as if for 'in percentage units or half units' there were substituted 'to not more than one decimal place'.";

(**1**) EUR 2011/1169, y mae diwygiadau iddo nad ydynt yn berthnasol i'r Rheoliadau hyn.
(**2**) EUR 2019/33, a ddiwygiwyd gan O.S. 2020/1637; mae offerynnau diwygio eraill ond nid yw'r un ohonynt yn berthnasol.

(**1**) EUR 2011/1169, to which there are amendments not relevant to these Regulations.
(**2**) EUR 2019/33, amended by S.I. 2020/1637; there are other amending instruments but none are relevant.

(b) ar ôl y trydydd paragraff (gan ystyried y paragraff a fewnosodir gan is-baragraff (a)) mewnosoder—

"In relation to a product marketed in Wales to which the third paragraph applies, the first sentence of that paragraph is to be read as if at the end there were inserted 'or the figure may be followed by '*% alc/vol*'."

(3) Ar ôl Erthygl 50(1) (enw amrywogaeth grawnwin gwin) mewnosoder—

"1b. In relation to a grapevine product marketed in Wales to which paragraph 1(a)(ii) applies, the first subparagraph of point (ii) is to be read as if, in the words before the first indent, for '100 %' there were substituted 'at least 95%'."

(b) after the third paragraph (taking into account the paragraph inserted by sub-paragraph (a)) insert—

"In relation to a product marketed in Wales to which the third paragraph applies, the first sentence of that paragraph is to be read as if at the end there were inserted 'or the figure may be followed by '*% alc/vol*'."

(3) After Article 50(1) (name of wine grape variety) insert—

"1b. In relation to a grapevine product marketed in Wales to which paragraph 1(a)(ii) applies, the first subparagraph of point (ii) is to be read as if, in the words before the first indent, for '100 %' there were substituted 'at least 95%'."

Lesley Griffiths

Y Gweinidog Materion Gwledig a Gogledd Cymru, a'r Trefnydd, un o Weinidogion Cymru
30 Mawrth 2023

Minister for Rural Affairs and North Wales, and Trefnydd, one of the Welsh Ministers
30 March 2023

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