OFFERYNNAU STATUDOL CYMRU

2013 Rhif 3007 (Cy. 298)

BWYD, CYMRU

Rheoliadau Diogelwch Bwyd, Hylendid Bwyd a Rheolaethau Swyddogol (Hadau Egino) (Cymru) 2013

NODYN ESBONIADOL

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

Mae'r Rheoliadau hyn yn diwygio Rheoliadau Bwyd Cyffredinol 2004 (O.S. 2004/3279) (*rheoliad 2*), Rheoliadau Hylendid Bwyd (Cymru) 2006 (O.S. 2006/31 (Cy.5)) (*rheoliad 3*) a Rheoliadau Rheolaethau Swyddogol ar Fwyd Anifeiliaid a Bwyd (Cymru) 2009 (O.S. 2009/3376 (Cy.298)) (*rheoliad 4*) er mwyn darparu ar gyfer gorfodi Rheoliadau canlynol yr UE—

(a) Rheoliad Gweithredu'r Comisiwn (EU) Rhif 208/2013 ar y gofynion o ran y gallu i olrhain egin a hadau sydd wedi eu bwriadu ar gyfer cynhyrchu egin (OJ Rhif L68, 12.3.2013, t.16);

(b) Rheoliad y Comisiwn (EU) Rhif 210/2013 ar gymeradwyo sefydliadau sy'n cynhyrchu egin yn unol â Rheoliad (EC) Rhif 852/2004 o Senedd Ewrop a'r Cyngor (OJ Rhif L68, 12.3.2013, t.24); ac

(c) Rheoliad y Comisiwn (EU) Rhif 211/2013 ar ofynion ardystio mewnforion egin a hadau i'r Undeb sydd wedi eu bwriadu ar gyfer cynhyrchu egin (OJ Rhif L68, 12.3.2013, t.26).

Ystyriwyd Cod Ymarfer Gweinidogion Cymru ar gynnal Asesiadau Effaith Rheoleiddiol mewn perthynas â'r Rheoliadau hyn. O ganlyniad, lluniwyd asesiad effaith rheoleiddiol o'r costau a'r manteision sy'n debygol o ddeillio o gydymffurfio â'r Rheoliadau hyn. Gellir cael copi o'r Asiantaeth Safonau Bwyd yn: Yr Asiantaeth Safonau Bwyd yng Nghymru, Llawr 11, Tŷ Southgate, Stryd Wood, Caerdydd, CF10 1EW.

WELSH STATUTORY INSTRUMENTS

2013 No. 3007 (W. 298)

FOOD, WALES

The Food Safety, Food Hygiene and Official Controls (Sprouting Seeds) (Wales) Regulations 2013

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the General Food Regulations 2004 (S.I. 2004/3279) (*regulation 2*), the Food Hygiene (Wales) Regulations 2006 (S.I. 2006/31 (W.5)) (*regulation 3*) and the Official Feed and Food Controls (Wales) Regulations 2009 (S.I. 2009/3376 (W.298)) (*regulation 4*) in order to provide for the enforcement of the following EU Regulations —

(a) Commission Implementing Regulation (EU) No 208/2013 on traceability requirements for sprouts and seeds intended for the production of sprouts (OJ No. L68, 12.3.2013, p.16);

(b) Commission Regulation (EU) No 210/2013 on the approval of establishments producing sprouts pursuant to Regulation (EC) No 852/2004 of the European Parliament and of the Council (OJ No. L68, 12.3.2013, p.24); and

(c) Commission Regulation (EU) No 211/2013 on certification requirements for imports into the Union of sprouts and seeds intended for the production of sprouts (OJ No. L68, 12.3.2013, p.26).

The Welsh Ministers' Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to these Regulations. As a result, a regulatory assessment has been prepared as to the likely costs and benefits of complying with these Regulations. A copy can be obtained from the Food Standards Agency at Food Standards Agency Wales, 11th Floor, Southgate House, Wood Street, Cardiff, CF10 1EW.

OFFERYNNAU STATUDOL CYMRU

2013 Rhif 3007 (Cy. 298)

BWYD, CYMRU

Rheoliadau Diogelwch Bwyd, Hylendid Bwyd a Rheolaethau Swyddogol (Hadau Egino) (Cymru) 2013

Gwnaed *27 Tachwedd 2013*

Gosodwyd gerbron Cynulliad Cenedlaethol Cymru *29 Tachwedd 2013*

Yn dod i rym *31 Rhagfyr 2013*

Mae Gweinidogion Cymru yn gwneud y Rheoliadau a ganlyn drwy arfer y pwerau a roddwyd iddynt gan adran 2(2) o Ddeddf y Cymunedau Ewropeaidd 1972(**1**) a pharagraff 1A o Atodlen 2 iddi.

Mae Gweinidogion Cymru wedi eu dynodi at ddibenion yr adran honno mewn perthynas â mesurau sy'n ymwneud â bwyd (gan gynnwys diod) gan gynnwys cynhyrchu sylfaenol o ran bwyd(**2**) ac mewn perthynas â'r meysydd milfeddygol a ffytoiechydol ar gyfer amddiffyn iechyd y cyhoedd(**3**).

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

(**1**) 1972 p.68. Mewnosodwyd paragraff 1A o Atodlen 2 gan adran 28 o Ddeddf Diwygio Deddfwriaethol a Rheoleiddiol 2006 (2006 p.51) ac fe'i diwygiwyd gan adran 3(3) o Ddeddf yr Undeb Ewropeaidd (Diwygio) 2008 (2008 p.7) a'r Atodlen iddi.

(**2**) O.S. 2005/1971. Trosglwyddwyd swyddogaethau a roddwyd i Gynulliad Cenedlaethol Cymru wedi hynny i Weinidogion Cymru gan baragraff 30 o Atodlen 11 i Ddeddf Llywodraeth Cymru 2006 (2006 p.32).

(**3**) O.S. 2008/1792.

(**4**) OJ Rhif L31, 1.2.2002, t.1, fel y'i diwygiwyd ddiwethaf gan Reoliad (EC) Rhif 596/2009 o 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 Rhif L188, 18.7.2009, t.14).

WELSH STATUTORY INSTRUMENTS

2013 No. 3007 (W. 298)

FOOD, WALES

The Food Safety, Food Hygiene and Official Controls (Sprouting Seeds) (Wales) Regulations 2013

Made *27 November 2013*

Laid before the National Assembly for Wales *29 November 2013*

Coming into force *31 December 2013*

The Welsh Ministers make the following Regulations in exercise of the powers conferred on them by section 2(2) of and paragraph 1A of Schedule 2 to the European Communities Act 1972(**1**).

The Welsh Ministers are designated for the purposes of that section in relation to measures relating to food (including drink) including the primary production of food(**2**) and in relation to the veterinary and phytosanitary fields for the protection of public health(**3**).

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**) there has been open and transparent public consultation during the preparation of the following Regulations.

(**1**) 1972 c.68. Paragraph 1A of Schedule 2 was inserted by section 28 of the Legislative and Regulatory Reform Act 2006 (2006 c.51) and has been amended by section 3(3) of and the Schedule to the European Union (Amendment) Act 2008 (2008 c.7).

(**2**) 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)

(**3**) S.I. 2008/1792.

(**4**) OJ No. L31, 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 No. L188, 18.7.2009, p.14).

Enwi, cymhwyso a chychwyn

1.—(1) Enw'r Rheoliadau hyn yw Rheoliadau Diogelwch Bwyd, Hylendid Bwyd a Rheolaethau Swyddogol (Hadau Egino) (Cymru) 2013.

(2) Daw'r Rheoliadau hyn i rym ar 31 Rhagfyr 2013 ac maent yn gymwys o ran Cymru.

Diwygio Rheoliadau Bwyd Cyffredinol 2004

2. Yn rheoliad 2(1) (dehongli) o Reoliadau Bwyd Cyffredinol 2004(**1**), yn lle'r diffiniad o "Regulation (EC) No 178/2002" rhodder y diffiniad a ganlyn—

""Regulation (EC) No 178/2002" means 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, as read with Commission Implementing Regulation (EU) No 931/2011 on the traceability requirements set by Regulation (EC) No 178/2002 of the European Parliament and of the Council for food of animal origin(**2**), and with Commission Implementing Regulation (EU) No 208/2013 on traceability requirements for sprouts and seeds intended for the production of sprouts (**3**).".

Diwygio Rheoliadau Hylendid Bwyd (Cymru) 2006

3. Yn Atodlen 1 (diffiniadau o ddeddfwriaeth UE) i Reoliadau Hylendid Bwyd (Cymru) 2006(**4**), ar ddiwedd y diffiniad o "Rheoliad 852/2004" ychwaneger y geiriau "a Rheoliad y Comisiwn (EU) Rhif 210/2013 ar gymeradwyo sefydliadau sy'n cynhyrchu egin yn unol â Rheoliad (EC) Rhif 852/2004 Senedd Ewrop a'r Cyngor"(**5**).

(**1**) O.S. 2004/3279, a ddiwygiwyd gan O.S. 2005/3254 (Cy.247).
(**2**) OJ Rhif L242, 20.9.2011, t.2.
(**3**) OJ Rhif L68, 12.3.2013, t.16.
(**4**) O.S. 2006/31 (Cy.5), a ddiwygiwyd gan O.S. 2006/1534 (Cy.151), 2007/373 (Cy.33), O.S. 2010/893 (Cy.92), O.S. 2012/975 (Cy.129), O.S. 2012/1765 (Cy.225) ac O.S. 2013/479 (Cy.55).
(**5**) OJ Rhif L68, 12.3.1013, t.24.

Title, application and commencement

1.—(1) The title of these Regulations is the Food Safety, Food Hygiene and Official Controls (Sprouting Seeds) (Wales) Regulations 2013.

(2) These Regulations come into force on 31 December 2013 and apply in relation to Wales.

Amendment to the General Food Regulations 2004

2. In regulation 2(1) (interpretation) of the General Food Regulations 2004(**1**), for the definition of "Regulation (EC) No 178/2002" substitute the following definition—

""Regulation (EC) No 178/2002" means 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, as read with Commission Implementing Regulation (EU) No 931/2011 on the traceability requirements set by Regulation (EC) No 178/2002 of the European Parliament and of the Council for food of animal origin(**2**), and with Commission Implementing Regulation (EU) No 208/2013 on traceability requirements for sprouts and seeds intended for the production of sprouts(**3**).".

Amendment to the Food Hygiene (Wales) Regulations 2006

3. In Schedule 1 (definitions of EU legislation) to the Food Hygiene (Wales) Regulations 2006(**4**), at the end of the definition of "Regulation 852/2004" add the words "and with Commission Regulation (EU) No 210/2013 on the approval of establishments producing sprouts pursuant to Regulation (EC) No 852/2004 of the European Parliament and of the Council"(**5**).

(**1**) S.I. 2004/3279, amended by S.I. 2005/3254 (W.247).
(**2**) OJ No. L242, 20.9.2011, p.2.
(**3**) OJ No. L68, 12.3.2013, p.16.
(**4**) S.I. 2006/31 (W.5), amended by S.I. 2006/1534 (W.151), 2007/373 (W.33), S.I. 2010/893 (W.92), S.I. 2012/975 (W.129), S.I. 2012/1765 (W.225) and S.I. 2013/479 (W.55).
(**5**) OJ No. L68, 12.3.1013, p.24.

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

4.—(1) Mae Rheoliadau Rheolaethau Swyddogol ar Fwyd Anifeiliaid a Bwyd (Cymru) 2009(**1**) wedi eu diwygio yn unol â pharagraffau (2) a (3).

(2) Yn rheoliad 2 (dehongli), yn lle'r diffiniad o "y Darpariaethau Mewnforio" rhodder y diffiniad a ganlyn—

"ystyr "y Darpariaethau Mewnforio" ("*the Import Provisions*") yw Rhan 3 o'r Rheoliadau hyn, Erthyglau 15 i 24 o Reoliad 882/2004, Rheoliad 669/2009 a Rheoliad y Comisiwn (EU) Rhif 211/2013 ar ofynion ardystio mewnforion egin a hadau i'r Undeb sydd wedi eu bwriadu ar gyfer cynhyrchu egin;"(**2**).

(3) Yn rheoliad 41 (tramgwyddau a chosbau), ar ôl paragraff (1) mewnosoder y paragraff a ganlyn fel paragraff (1A)—

"(1A) Bydd unrhyw berson sy'n mewnforio i Gymru neu'n rhoi ar y farchnad unrhyw egin neu hadau sydd wedi eu bwriadu ar gyfer egino nad ydynt yn cydymffurfio â gofynion ardystio Erthygl 3 o Reoliad y Comisiwn (EU) Rhif 211/2013 ar ofynion ardystio mewnforion egin a hadau i'r Undeb sydd wedi eu bwriadu ar gyfer cynhyrchu egin yn euog o dramgwydd.".

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

4.—(1) The Official Feed and Food Controls (Wales) Regulations 2009(**1**) are amended in accordance with paragraphs (2) and (3).

(2) In regulation 2(1) (interpretation), for the definition of "the Import Provisions" substitute the following definition—

""the Import Provisions" means Part 3 of these Regulations, Articles 15 to 24 of Regulation 882/2004, Regulation 669/2009 and Commission Regulation (EU) No 211/2013 on certification requirements for imports into the Union of sprouts and seeds intended for the production of sprouts;"(**2**).

(3) In regulation 41 (offences and penalties), after paragraph (1) insert the following as paragraph (1A)—

"(1A) Any person who imports into Wales or places on the market any sprouts or seeds intended for sprouting which do not comply with the certification requirements of Article 3 of Commission Regulation (EU) No 211/2013 on certification requirements for imports into the Union of sprouts and seeds intended for the production of sprouts shall be guilty of an offence.".

Mark Drakeford

Y Gweinidog Iechyd a Gwasanaethau Cymdeithasol, un o Weinidogion Cymru

27 Tachwedd 2013

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

27 November 2013

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(**1**) O.S. 2009/3376 (Cy.298), a ddiwygiwyd gan O.S. 2011/626 (Cy.90) ac O.S. 2013/479 (Cy.55).
(**2**) O.J Rhif L68,12.3.2013, t.26.

(**1**) S.I. 2009/3376 (W.298), amended by S.I. 2011/626 (W.90) and S.I. 2013/479 (W.55).
(**2**) OJ No. L68, 12.3.2013, p.26.

ISBN 978-0-348-10836-1

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£4.00

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