



OFFERYNNAU STATUDOL
CYMRU

WELSH STATUTORY
INSTRUMENTS

2017 Rhif 935 (Cy. 229)

2017 No. 935 (W. 229)

BWYD, CYMRU

FOOD, WALES

**Rheoliadau Dŵr Mwynol Naturiol,
Dŵr Ffynnon a Dŵr Yfed wedi'i
Botelu (Cymru) (Diwygio) 2017**

**The Natural Mineral Water, Spring
Water and Bottled Drinking Water
(Wales) (Amendment) Regulations
2017**

NODYN ESBONIADOL

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

Mae'r Rheoliadau hyn yn diwygio Rheoliadau Dŵr Mwynol Naturiol, Dŵr Ffynnon a Dŵr Yfed wedi'i Botelu (Cymru) 2015 (O.S. 2015/1867 (Cy. 274)) ("y prif Rheoliadau").

Mae'r diwygiadau'n—

- (a) gweithredu'r gofynion monitro diwygiedig ar gyfer dŵr ffynnon a dŵr yfed wedi'i botelu y darperir ar eu cyfer gan Gyfarwydddeb y Comisiwn (EU) 2015/1787 sy'n diwygio Atodlenni II a III i Gyfarwydddeb y Cyngor 98/83/EC ar ansawdd dŵr y bwriedir iddo gael ei yfed gan bobl (OJ Rhif L 260, 7.10.2015, t 6). Mae'r diwygiadau'n dileu'r gofyniad i awdurdodau bwyd ymgymryd â monitro ar gyfer gwirio ac archwilio dŵr ffynnon a dŵr yfed wedi'i botelu (*rheoliadau 8 a 14*);
- (b) darparu y caniateir i ddŵr mwynol naturiol a dŵr ffynnon sydd wedi cael triniaeth tynnu fflworid neu driniaeth aer a gyfoethogir ag osôn mewn gwlad nad yw'n Wladwriaeth AEE gael eu gwerthu yng Nghymru. Dim ond os yw'r triniaethau hynny wedi cael eu hawdurdodi gan yr awdurdod cyfrifol yn y wlad honno nad yw'n Wladwriaeth AEE, a bod yr Asiantaeth Safonau Bwyd neu'r awdurdod cyfrifol mewn rhan arall o'r DU neu'r AEE wedi penderfynu bod y weithdrefn ar gyfer awdurdodi'r driniaeth yn y Wladwriaeth honno yn cyfateb i'r gofynion o dan Erthyglau 1 i 3 o Reoliad (EU) 115/2010 y caniateir gwerthu'r dŵr (*rheoliadau 3, 9 a 10*);

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Natural Mineral Water, Spring Water and Bottled Drinking Water (Wales) Regulations 2015 (S.I. 2015/1867 (W. 274)) ("the principal Regulations").

The amendments—

- (a) implement the amended monitoring requirements for spring water and bottled drinking water provided for by Commission Directive (EU) 2015/1787 amending Annexes II and III to Council Directive 98/83/EC on the quality of water intended for human consumption (OJ No L 260, 7.10.2015, p 6). The amendments remove the requirement for food authorities to conduct check and audit monitoring of spring water and bottled drinking water (*regulations 8 and 14*);
- (b) provide that natural mineral water and spring water that has been subjected to fluoride removal treatment or ozone-enriched air treatment in a non-EEA State may be sold in Wales. The water may only be sold if those treatments have been authorised by the responsible authority in that non-EEA State and the Food Standards Agency or responsible authority in another part of the UK or EEA has determined that the procedure for authorising the treatment in that State is equivalent to the requirements under Articles 1 to 3 of Regulation (EU) 115/2010 (*regulations 3, 9 and 10*);

- (c) egluro na chaniateir i ddŵr mwynol naturiol na dŵr ffynnon sydd wedi eu hechdynnu y tu allan i Gymru gael eu gwerthu yng Nghymru ond os ydynt yn cydymffurfio â'r gofynion a ddisgrifir yn y prif Reoliadau mewn perthynas â datblygu (yn achos dŵr mwynol naturiol), triniaethau ac ychwanegiadau, a gofynion potelu a labelu (*rheoliadau 4 a 7*);
- (d) egluro nad yw'r rheolau ar driniaethau ac ychwanegiadau yn atal dŵr ffynnon rhag cael ei ddefnyddio wrth weithgynhyrchu diodydd ysgafn (*rheoliad 5*);
- (e) gwahardd hysbysebu dŵr ffynnon mewn ffordd a allai beri dryswch rhwng y dŵr a dŵr mwynol naturiol, a gwahardd defnyddio "mineral water", "dŵr mwynol", neu'r hyn sy'n cyfateb i hynny mewn unrhyw iaith arall, wrth hysbysebu dŵr ffynnon (*rheoliad 6*);
- (f) cywiro dau wall yn nhestun Cymraeg y prif Reoliadau (*rheoliadau 11 a 12(b)*);
- (g) cywiro amrywiol wallau eraill yn y prif Reoliadau (*rheoliadau 12(a) a 13*); a
- (h) egluro bod cyfnod yr esemptiad o'r monitro ar gyfer sylweddau ymbelydrol penodol yn para am 5 mlynedd (*rheoliad 15*).

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.

- (c) clarify that natural mineral water and spring water extracted otherwise than in Wales may only be sold in Wales if it complies with the requirements as described in the principal Regulations in relation to exploitation (in the case of natural mineral water), treatments and additions, and bottling and labelling requirements (*regulations 4 and 7*);
- (d) clarify that the rules on treatments and additions do not prevent spring water from being used in the manufacture of soft drinks (*regulation 5*);
- (e) prohibit the advertising of spring water in a way that is liable to cause the water to be confused with a natural mineral water, and prohibiting the use of "mineral water", "dŵr mwynol", or its equivalent in any other language, in the advertising of spring water (*regulation 6*);
- (f) correct two errors in the Welsh language text of the principal Regulations (*regulations 11 and 12(b)*);
- (g) correct various other errors in the principal Regulations (*regulations 12(a) and 13*); and
- (h) clarify that the exemption period from monitoring for certain radiological substances lasts 5 years (*regulation 15*).

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.

2017 Rhif 935 (Cy. 229)

2017 No. 935 (W. 229)

BWYD, CYMRU

FOOD, WALES

**Rheoliadau Dŵr Mwynol Naturiol,
Dŵr Ffynnon a Dŵr Yfed wedi'i
Botelu (Cymru) (Diwygio) 2017**

**The Natural Mineral Water, Spring
Water and Bottled Drinking Water
(Wales) (Amendment) Regulations
2017**

Gwnaed 17 Medi 2017

Made 17 September 2017

*Gosodwyd gerbron Cynulliad Cenedlaethol
Cymru* 21 Medi 2017

Laid before the National Assembly for Wales
21 September 2017

Yn dod i rym 27 Hydref 2017

Coming into force 27 October 2017

Mae Gweinidogion Cymru yn gwneud y Rheoliadau a ganlyn drwy arfer y pwerau a roddir gan adrannau 6(4), 16(1), 17(1), 26(1) a (3), 31 a 48(1) o Ddeddf Diogelwch Bwyd 1990(1).

The Welsh Ministers make the following Regulations in exercise of the powers conferred by sections 6(4), 16(1), 17(1), 26(1) and (3), 31 and 48(1) of the Food Safety Act 1990(1).

Yn unol ag adran 48(4A)(2) o Ddeddf Diogelwch Bwyd 1990, mae Gweinidogion Cymru wedi rhoi sylw i gyngor perthnasol a roddwyd gan yr Asiantaeth Safonau Bwyd cyn gwneud y Rheoliadau hyn.

In accordance with section 48(4A)(2) of the Food Safety Act 1990, the Welsh Ministers have had regard to relevant advice given by the Food Standards Agency before making these Regulations.

Ymgynghorwyd yn agored ac yn dryloyw â'r cyhoedd wrth lunio a gwerthuso'r Rheoliadau hyn 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

There has been open and transparent public consultation during the preparation and evaluation of these Regulations as required by Article 9 of Regulation (EC) No 178/2002 of the European Parliament and of the Council laying down the general

- (1) 1990 p. 16. Diwygiwyd adran 6(4) gan adran 31 o Ddeddf Dadreoleiddio a Chontractio Allan 1994 (p. 40) a pharagraff 6 o Atodlen 9 iddi, adran 40(1) a (4) o Ddeddf Safonau Bwyd 1999 (p. 28) ("Deddf 1999") a pharagraff 10(1) a (3) o Atodlen 5 ac Atodlen 6 iddi, ac O.S. 2002/794. Diwygiwyd adran 16(1) gan adran 40(1) o Ddeddf 1999 a pharagraffau 7 ac 8 o Atodlen 5 iddi. Diwygiwyd adran 17(1) gan baragraffau 8 a 12(a) o Atodlen 5 i Ddeddf 1999 ac O.S. 2011/1043. Diwygiwyd adran 26(3) gan Atodlen 6 i Ddeddf 1999. Diwygiwyd adran 31 gan adran 40(1) o Ddeddf 1999 a pharagraff 8 o Atodlen 5 iddi. Diwygiwyd adran 48 gan adran 40(1) o Ddeddf 1999 a pharagraff 8 o Atodlen 5 iddi. 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 ynghyd ag adran 40(3) o Ddeddf 1999, ac fe'u trosglwyddwyd wedi hynny i Weinidogion Cymru gan baragraff 30 o Atodlen 11 i Ddeddf Llywodraeth Cymru 2006 (p. 32).
- (2) Mewnosodwyd adran 48(4A) gan baragraff 21 o Atodlen 5 i Ddeddf 1999.

- (1) 1990 c. 16. Section 6(4) was amended by section 31 of, and paragraph 6 of Schedule 9 to, the Deregulation and Contracting Out Act 1994 (c. 40), section 40(1) and (4) of, and paragraph 10(1) and (3) 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) was amended by section 40(1) of, and paragraphs 7 and 8 of Schedule 5 to, the 1999 Act. Section 17(1) was amended by paragraphs 8 and 12(a) 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 31 was amended by section 40(1) of, and paragraph 8 of Schedule 5 to, the 1999 Act. Section 48 was amended by section 40(1) of, and paragraph 8 of Schedule 5 to, the 1999 Act. Functions formerly exercisable by the "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).
- (2) Section 48(4A) was inserted by paragraph 21 of Schedule 5 to the 1999 Act.

Awdurdod Diogelwch Bwyd Ewrop ac yn gosod gweithdrefnau o ran materion diogelwch bwyd(1).

Enwi, cymhwyso a chychwyn

1.—(1) Enw'r Rheoliadau hyn yw Rheoliadau Dŵr Mwynol Naturiol, Dŵr Ffynnon a Dŵr Yfed wedi'i Botelu (Cymru) (Diwygio) 2017.

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

(3) Daw'r Rheoliadau hyn i rym ar 27 Hydref 2017.

Diwygio Rheoliadau Dŵr Mwynol Naturiol, Dŵr Ffynnon a Dŵr Yfed wedi'i Botelu (Cymru) 2015

2. Mae Rheoliadau Dŵr Mwynol Naturiol, Dŵr Ffynnon a Dŵr Yfed wedi'i Botelu (Cymru) 2015(2) wedi eu diwygio yn unol â rheoliadau 3 i 15.

3. Yn rheoliad 2 (dehongli), ym mharagraff (1)—

(a) yn lle'r diffiniad o "triniaeth tynnu fflworid", rhodder—

"mae i "triniaeth tynnu fflworid" ("*fluoride removal treatment*") yr ystyr a roddir yn rheoliad 27A.";

(b) yn lle'r diffiniad o "triniaeth aer a gyfoethogir ag osôn", rhodder—

"mae i "triniaeth aer a gyfoethogir ag osôn" ("*ozone-enriched air treatment*") yr ystyr a roddir yn rheoliad 27B.";

4. Yn rheoliad 13 (gwerthu dŵr mwynol naturiol), yn lle is-baragraffau (a) i (d) o baragraff (2) rhodder—

"(a) wedi ei echdynnu o ffynnon—

(i) yng Nghymru, a ddatblygir yn groes i reoliad 8; neu

(ii) y tu allan i Gymru, a ddatblygwyd mewn ffordd nad oedd yn cydymffurfio â'r gofynion a ddisgrifir yn rheoliad 8(1)(a) ac (c) a rheoliad 8(2), neu os nad yw awdurdod cyfrifol yr ardal lle y datblygir y ffynnon wedi rhoi caniatâd i'r ffynnon gael ei datblygu felly;

principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety(1).

Title, application and commencement

1.—(1) The title of these Regulations is the Natural Mineral Water, Spring Water and Bottled Drinking Water (Wales) (Amendment) Regulations 2017.

(2) These Regulations apply in relation to Wales.

(3) These Regulations come into force on 27 October 2017.

Amendment of the Natural Mineral Water, Spring Water and Bottled Drinking Water (Wales) Regulations 2015

2. The Natural Mineral Water, Spring Water and Bottled Drinking Water (Wales) Regulations 2015(2) are amended in accordance with regulations 3 to 15.

3. In regulation 2 (interpretation), in paragraph (1)—

(a) for the definition of "fluoride removal treatment", substitute—

"“fluoride removal treatment” ("*triniaeth tynnu fflworid*") has the meaning given in regulation 27A.";

(b) for the definition of "ozone-enriched air treatment", substitute—

"“ozone-enriched air treatment” ("*triniaeth aer a gyfoethogir ag osôn*") has the meaning given in regulation 27B.";

4. In regulation 13 (sale of natural mineral water), for sub-paragraphs (a) to (d) of paragraph (2) substitute—

"(a) has been extracted from a spring—

(i) in Wales, which has been exploited in contravention of regulation 8; or

(ii) otherwise than in Wales, which has been exploited otherwise than in compliance with the requirements as described at regulation 8(1)(a) and (c) and regulation 8(2), or if the responsible authority of the area in which the spring is exploited has not given permission for the spring to be so exploited;

(1) OJ Rhif L 31, 1.2.2002, t 1, fel y'i diwygiwyd ddiwethaf gan Reoliad (EU) Rhif 652/2014 Senedd Ewrop a'r Cyngor (OJ Rhif L 189, 27.6.2014, t 1).

(2) O.S. 2015/1867 (Cy. 274).

(1) OJ No L 31, 1.2.2002, p 1, last amended by Regulation (EU) No 652/2014 of the European Parliament and of the Council (OJ No L 189, 27.6.2014, p 1).

(2) S.I. 2015/1867 (W. 274).

(b) wedi cael—

- (i) yng Nghymru, unrhyw driniaeth neu ychwanegiad yn groes i reoliad 9; neu
- (ii) y tu allan i Gymru,—
 - (aa) triniaeth nas disgrifir yn rheoliad 9(1)(a)(i), 9(1)(a)(ii), triniaeth tynnu fflworid, neu driniaeth ocsideiddio aer a gyfoethogir ag osôn;
 - (bb) unrhyw ychwanegiad heblaw ychwanegiad a ddisgrifir yn rheoliad 9(1)(b); neu
 - (cc) unrhyw driniaeth ddiheintio, ychwanegu elfennau bacteriostatig, neu unrhyw driniaeth arall sy'n debygol o newid cyfrif cytref hyfyw y dŵr mwynol naturiol;

(c) wedi'i botelu—

- (i) yng Nghymru, yn groes i reoliad 10; neu
- (ii) y tu allan i Gymru, yn groes i'r gofynion a ddisgrifir yn rheoliad 10;

(d) wedi'i labelu—

- (i) yng Nghymru, yn groes i reoliad 11; neu
- (ii) y tu allan i Gymru, yn groes i'r gofynion a ddisgrifir yn rheoliad 11; neu”.

5.—(1) Mae rheoliad 15 (triniaethau i ddŵr y bwriedir ei labelu a'i werthu fel “spring water” neu “dŵr ffynnon” ac ychwanegiadau iddo) wedi ei ailrifo fel paragraff (1) o'r rheoliad hwnnw.

(2) Ar ôl paragraff (1) fel y'i hailrifwyd felly, mewnosoder—

“(2) Nid yw paragraff (1) yn atal y defnydd o ddŵr y bwriedir ei labelu a'i werthu fel “spring water”, “dŵr ffynnon”, neu'r hyn sy'n cyfateb i hynny mewn unrhyw iaith arall, wrth weithgynhyrchu diodydd ysgafn.”

6. Yn rheoliad 17 (hysbysebu dŵr fel “spring water” neu “dŵr ffynnon”) ar ôl paragraff (2), mewnosoder—

“(3) Ni chaiff neb hysbysebu dŵr y bwriedir ei labelu a'i werthu fel “spring water”, “dŵr ffynnon”, neu'r hyn sy'n cyfateb i hynny mewn unrhyw iaith arall o dan—

(b) has been subjected—

- (i) in Wales, to any treatment or addition in contravention of regulation 9; or
- (ii) otherwise than in Wales, to—
 - (aa) a treatment which is not described at regulation 9(1)(a)(i), 9(1)(a)(ii), a fluoride removal treatment, or an ozone-enriched air oxidation treatment;
 - (bb) any addition other than an addition described in regulation 9(1)(b); or
 - (cc) any disinfection treatment, the addition of bacteriostatic elements, or any other treatment likely to change the viable colony count of the natural mineral water;

(c) is bottled—

- (i) in Wales, in contravention of regulation 10; or
- (ii) otherwise than in Wales, in contravention of the requirements as described in regulation 10;

(d) is labelled—

- (i) in Wales, in contravention of regulation 11; or
- (ii) otherwise than in Wales, in contravention of the requirements as described in regulation 11; or”.

5.—(1) Regulation 15 (treatments and additions for water intended to be labelled and sold as “spring water” or “dŵr ffynnon”) is renumbered as paragraph (1) of that regulation.

(2) After paragraph (1) as so renumbered, insert—

“(2) Paragraph (1) does not prevent the use of water intended to be labelled and sold as “spring water”, “dŵr ffynnon”, or its equivalent in any other language in the manufacture of soft drinks.”

6. In regulation 17 (advertising of water as “spring water” or “dŵr ffynnon”), after paragraph (2), insert—

“(3) No person may advertise water intended to be labelled and sold as “spring water”, “dŵr ffynnon”, or its equivalent in any other language under—

- (a) dynodiad, enw perchnogol, marc masnachol, enw brand, llun neu arwydd arall, pa un a yw'n arwyddlun ai peidio, y gallai'r defnydd ohonynt beri dryswch rhwng y dŵr a dŵr mwynol naturiol, neu
- (b) y disgrifiad "mineral water", "dŵr mwynol", neu'r hyn sy'n cyfateb i hynny mewn unrhyw iaith arall."

7. Yn rheoliad 18 (gwerthu dŵr fel "spring water" neu "dŵr ffynnon") yn lle is-baragraffau (a) i (c) o baragraff (1) rhodder—

“(a) wedi’i botelu—

- (i) yng Nghymru, yn groes i reoliad 14(1); neu
- (ii) y tu allan i Gymru, yn groes i'r gofynion a ddisgrifir yn rheoliad 14(1);

(b) wedi cael—

- (i) yng Nghymru, unrhyw driniaeth neu ychwanegiad yn groes i reoliad 15; neu
- (ii) y tu allan i Gymru,—
 - (aa) triniaeth nas disgrifir yn rheoliad 15(1)(a)(i), 15(1)(a)(ii), triniaeth tynnu fflworid, neu driniaeth ocsideiddio aer a gyfoethogir ag osôn;
 - (bb) unrhyw ychwanegiad heblaw ychwanegiad a ddisgrifir yn rheoliad 15(1)(b); neu
 - (cc) unrhyw driniaeth ddiheintio, ychwanegu elfennau bacteriostatig, neu unrhyw driniaeth arall sy'n debygol o newid cyfrif cytref hyfyw y dŵr mwynol naturiol;

(c) wedi’i labelu—

- (i) yng Nghymru, yn groes i reoliad 16; neu
- (ii) y tu allan i Gymru, yn groes i'r gofynion a ddisgrifir yn rheoliad 16; neu”.

8. Yn rheoliad 24 (monitro dŵr wedi’i botelu a’i labelu fel "spring water" neu "dŵr ffynnon" a dŵr yfed wedi’i botelu), hepgorer paragraff (2)(a).

9. Ar ôl rheoliad 27 (monitro triniaethau penodol) mewnosoder—

- (a) a designation, proprietary name, trade mark, brand name, illustration or other sign, whether emblematic or not, the use of which is liable to cause confusion of the water with a natural mineral water, or
- (b) the description "mineral water", "dŵr mwynol", or its equivalent in any other language."

7. In regulation 18 (sale of water as "spring water" or "dŵr ffynnon") for sub-paragraphs (a) to (c) of paragraph (1) substitute—

“(a) is bottled—

- (i) in Wales, in contravention of regulation 14(1); or
- (ii) otherwise than in Wales, in contravention of the requirements as described in regulation 14(1);

(b) has been subjected—

- (i) in Wales, to any treatment or addition in contravention of regulation 15; or
- (ii) otherwise than in Wales, to—
 - (aa) treatment which is not described at regulation 15(1)(a)(i), 15(1)(a)(ii), a fluoride removal treatment, or an ozone-enriched air oxidation treatment;
 - (bb) any addition other than an addition described in regulation 15(1)(b); or
 - (cc) any disinfection treatment, the addition of bacteriostatic elements, or any other treatment likely to change the viable colony count of the natural mineral water;

(c) is labelled—

- (i) in Wales, in contravention of regulation 16; or
- (ii) otherwise than in Wales, in contravention of the requirements as described in regulation 16; or”.

8. In regulation 24 (monitoring of water bottled and labelled as "spring water" or "dŵr ffynnon" and bottled drinking water), omit paragraph (2)(a).

9. After regulation 27 (monitoring of certain treatments) insert—

“Triniaeth tynnu fflworid

27A. At ddibenion y Rheoliadau hyn, ystyr triniaeth tynnu fflworid yw—

- (a) triniaeth, a awdurdodir yn unol â rheoliadau 9(1)(a)(iii) neu 15(a)(iii) ac Atodlen 2, i ddŵr mwynol naturiol neu ddŵr y bwriedir ei botelu a'i labelu fel “spring water”, “dŵr ffynnon”, neu'r hyn sy'n cyfateb i hynny mewn unrhyw iaith arall, ag alwmina actifedig er mwyn tynnu fflworid;
- (b) yn achos dŵr mwynol naturiol neu ddŵr y bwriedir ei botelu a'i labelu fel “spring water”, “dŵr ffynnon”, neu'r hyn sy'n cyfateb i hynny mewn unrhyw iaith arall, y deuir ag ef i Gymru o ran arall o'r Deyrnas Unedig neu o Wladwriaeth AEE arall, triniaeth a awdurdodwyd gan yr awdurdod cyfrifol yn yr ardal lle yr echdynnir y dŵr fel triniaeth sy'n cydymffurfio â gofynion Erthyglau 1 i 3 o Reoliad 115/2010 ac nad yw'n cael effaith ddiheintio; neu
- (c) yn achos dŵr mwynol naturiol neu ddŵr y bwriedir ei botelu a'i labelu fel “spring water”, “dŵr ffynnon”, neu'r hyn sy'n cyfateb i hynny mewn unrhyw iaith arall, y deuir ag ef i Gymru o wlad nad yw'n Wladwriaeth AEE arall, triniaeth a awdurdodwyd gan yr awdurdod cyfrifol yn y wlad honno yn unol â'r gweithdrefnau i awdurdodi triniaeth tynnu fflworid yn y wlad honno y penderfynwyd gan yr Asiantaeth neu awdurdod cyfrifol mewn rhan arall o'r Deyrnas Unedig neu mewn Gwladwriaeth AEE arall ei bod yn cyfateb i ofynion Erthyglau 1 i 3 o Reoliad 115/2010 ac nad yw'n cael effaith ddiheintio.”

10. Ar ôl rheoliad 27A (triniaeth tynnu fflworid), mewnosoder—

“Triniaeth aer a gyfoethogir ag osôn

27B. At ddibenion y Rheoliadau hyn, ystyr triniaeth aer a gyfoethogir ag osôn yw—

- (a) triniaeth, a awdurdodir yn unol â rheoliadau 9(1)(a)(iv) neu 15(a)(iv) ac Atodlen 3, i ddŵr mwynol naturiol neu ddŵr y bwriedir ei botelu a'i labelu fel

“Fluoride removal treatment

27A. For the purposes of these Regulations, a fluoride removal treatment means—

- (a) a treatment of natural mineral water or water intended to be bottled and labelled as “spring water”, “dŵr ffynnon”, or its equivalent in any other language, with activated alumina in order to remove fluoride which is authorised in accordance with regulations 9(1)(a)(iii) or 15(a)(iii) and Schedule 2;
- (b) in the case of natural mineral water or water intended to be bottled and labelled as “spring water”, “dŵr ffynnon”, or its equivalent in any other language, brought into Wales from another part of the United Kingdom or from another EEA State, a treatment which has been authorised by the responsible authority in the area in which the water is extracted as complying with the requirements of Articles 1 to 3 of Regulation 115/2010 and which does not have a disinfectant action; or
- (c) in the case of natural mineral water or water intended to be bottled and labelled as “spring water”, “dŵr ffynnon”, or its equivalent in any other language, brought into Wales from a country other than an EEA State, a treatment that has been authorised by the responsible authority in that country in accordance with procedures for authorising fluoride removal treatment in that country which have been determined by the Agency or responsible authority in another part of the United Kingdom or in another EEA State to be equivalent to the requirements of Articles 1 to 3 of Regulation 115/2010 and which does not have a disinfectant action.”

10. After new regulation 27A (fluoride removal treatment), insert—

“Ozone-enriched air treatment

27B. For the purposes of these Regulations, an ozone-enriched air treatment means—

- (a) a treatment of natural mineral water or water intended to be bottled and labelled as “spring water”, “dŵr ffynnon”, or its equivalent in any other

“spring water”, “dŵr ffynnon”, neu’r hyn sy’n cyfateb i hynny mewn unrhyw iaith arall, ag aer a gyfoethogir ag osôn;

(b) yn achos dŵr mwynol naturiol neu ddŵr y bwriedir ei botelu a’i labelu fel “spring water”, “dŵr ffynnon”, neu’r hyn sy’n cyfateb i hynny mewn unrhyw iaith arall, y deuir ag ef i Gymru o ran arall o’r Deyrnas Unedig neu o Wladwriaeth AEE arall, triniaeth a awdurdodwyd gan yr awdurdod cyfrifol yn yr ardal lle yr echdynnir y dŵr fel triniaeth sy’n cydymffurfio ag Erthygl 5 o Gyfarwyddeb 2003/40, fel y’i darllenir ynghyd ag Erthygl 7 o’r Gyfarwyddeb honno mewn cysylltiad â’i chymhwyso i ddŵr ffynnon, fel y’i gweithredir yn y rhan honno o’r Deyrnas Unedig neu’r Wladwriaeth AEE honno, ac nad yw’n cael effaith ddiheintio; neu

(c) yn achos dŵr mwynol naturiol neu ddŵr y bwriedir ei botelu a’i labelu fel “spring water”, “dŵr ffynnon”, neu’r hyn sy’n cyfateb i hynny mewn unrhyw iaith arall, y deuir ag ef i Gymru o wlad nad yw’n Wladwriaeth AEE arall, triniaeth a awdurdodwyd gan yr awdurdod cyfrifol yn y wlad honno yn unol â’r gweithdrefnau i awdurdodi triniaeth aer a gyfoethogir ag osôn yn y wlad honno y penderfynwyd gan yr Asiantaeth neu awdurdod cyfrifol mewn rhan arall o’r Deyrnas Unedig neu mewn Gwladwriaeth AEE arall ei bod yn cyfateb i ofynion Erthygl 5 o Gyfarwyddeb 2003/40, fel y’i darllenir ynghyd ag Erthygl 7 o’r Gyfarwyddeb honno mewn cysylltiad â’i chymhwyso i ddŵr ffynnon, ac nad yw’n cael effaith ddiheintio.”

11. Yn Atodlen 2 (triniaeth tynnu fflworid), yn lle’r testun Cymraeg o is-baragraff (b) o baragraff 3, rhodder “nad yw’r driniaeth yn cael effaith ddiheintio.”

12. Yn Atodlen 3 (triniaeth aer a gyfoethogir ag osôn)—

- (a) yn is-baragraff (b) o baragraff 1, yn lle “3, 4 a 5” rhodder “6, 7 ac 8”;
- (b) yn lle’r testun Cymraeg o is-baragraff (c) o baragraff 1, rhodder “nad yw’r driniaeth yn cael effaith ddiheintio.”

language, with ozone-enriched air which is authorised in accordance with regulations 9(1)(a)(iv) or 15(a)(iv) and Schedule 3;

(b) in the case of natural mineral water or water intended to be bottled and labelled as “spring water”, “dŵr ffynnon”, or its equivalent in any other language, brought into Wales from another part of the United Kingdom or from another EEA State, a treatment which has been authorised by the responsible authority in the area in which the water is extracted as complying with Article 5 of Directive 2003/40, as read with Article 7 of that Directive in respect of its application to spring water, as implemented in that part of the United Kingdom or that EEA State, and which does not have a disinfectant action; or

(c) in the case of natural mineral water or water intended to be bottled and labelled as “spring water”, “dŵr ffynnon”, or its equivalent in any other language, brought into Wales from a country other than an EEA State, a treatment that has been authorised by the responsible authority in that country in accordance with procedures for authorising ozone-enriched air treatment in that country which have been determined by the Agency or responsible authority in another part of the United Kingdom or in another EEA State to be equivalent to the requirements of Article 5 of Directive 2003/40, as read with Article 7 of that Directive in respect of its application to spring water, and which does not have a disinfectant action.”

11. In Schedule 2 (fluoride removal treatment), for the Welsh text of sub-paragraph (b) of paragraph 3, substitute “nad yw’r driniaeth yn cael effaith ddiheintio.”

12. In Schedule 3 (ozone-enriched air treatment)—

- (a) in sub-paragraph (b) of paragraph 1, for “3, 4 and 5” substitute “6, 7 and 8”;
- (b) for the Welsh text of sub-paragraph (c) of paragraph 1, substitute “nad yw’r driniaeth yn cael effaith ddiheintio.”

13. Yn Atodlen 7 (gofynion ar gyfer dŵr wedi'i botelu a'i labelu'n "spring water" neu "dŵr ffynnon" a dŵr yfed wedi'i botelu gan gynnwys crynodiadau neu werthoedd a ragnodwyd o'r paramedrau), yn Rhan 3 (gwerthoedd paramedrig ar gyfer paramedrau dangosol), yn Nhabl C (paramedrau dangosol), yn y rhes sy'n ymwneud ag—

(a) eitem 5, paramedr "Lliw"—

(i) yng ngholofn 3 (unedau mesur), yn lle "graddfa Mg/l Pt/Co" rhodder "Derbyniol i ddefnyddwyr a dim newid annormal"; a

(ii) yng ngholofn 4 (crynodiad neu werth mwyaf), hepgorer "20";

(b) eitem 10, paramedr "Arogl"—

(i) yng ngholofn 3 (unedau mesur), yn lle "Rhif gwanediad" rhodder "Derbyniol i ddefnyddwyr a dim newid annormal"; a

(ii) yng ngholofn 4 (crynodiad neu werth mwyaf), hepgorer "3 at 25°C";

(c) eitem 14, paramedr "Blas"—

(i) yng ngholofn 3 (unedau mesur), yn lle "Rhif gwanediad" rhodder "Derbyniol i ddefnyddwyr a dim newid annormal"; a

(ii) yng ngholofn 4 (crynodiad neu werth mwyaf), hepgorer "3 ar 25°C".

14. Hpgorer Atodlen 8 (monitro ar gyfer paramedrau heblaw sylweddau ymbelydrol mewn dŵr wedi'i botelu a'i labelu'n "spring water" neu "dŵr ffynnon" a dŵr yfed wedi'i botelu).

15.—(1) Yn Atodlen 9 (monitro ar gyfer sylweddau ymbelydrol mewn dŵr wedi'i botelu a'i labelu'n "spring water" neu "dŵr ffynnon" a dŵr yfed wedi'i botelu), mae paragraff 13 (esemptiad o'r monitro) wedi ei ailrifo fel is-baragraff (1) o'r paragraff hwnnw.

(2) Ar ôl is-baragraff (1) fel y'i hailrifwyd felly, mewnosoder—

"(2) yn ddarostyngedig i is-baragraff (3), mae'r esemptiad o'r monitro o dan is-baragraff (1) yn dirwyn i ben ar ôl cyfnod o 5 mlynedd, gan ddechrau ar y dyddiad y mae'r awdurdod bwyd yn hysbysu'r Asiantaeth am ei benderfyniad yn unol ag is-baragraff (1)(b).

(3) Mae'r esemptiad o'r monitro o dan is-baragraff (1) yn dirwyn i ben ar unwaith os yw lefel y radon, y tritiwm neu'r dogn dangosiadol yn uwch na'r gwerth paramedrig perthnasol a bennir yn Rhan 4 o Atodlen 7."

13. In Schedule 7 (requirements for water bottled and labelled as "spring water" or "dŵr ffynnon" and bottled drinking water including prescribed concentrations or values of parameters), in Part 3 (parametric values for indicator parameters), in Table C (indicator parameters), in the row relating to—

(a) item 5, parameter "Colour"—

(i) in column 3 (units of measurement), for "Mg/l Pt/Co scale" substitute "Acceptable to consumers and no abnormal change"; and

(ii) in column 4 (maximum concentration or value), omit "20";

(b) item 10, parameter "Odour"—

(i) in column 3 (units of measurement), for "Dilution number" substitute "Acceptable to consumers and no abnormal change"; and

(ii) in column 4 (maximum concentration or value), omit "3 at 25°C";

(c) item 14, parameter "Taste"—

(i) in column 3 (units of measurement), for "Dilution number" substitute "Acceptable to consumers and no abnormal change"; and

(ii) in column 4 (maximum concentration or value), omit "3 at 25°C".

14. Omit Schedule 8 (monitoring for parameters other than radioactive substances in water bottled and labelled as "spring water" or "dŵr ffynnon" and bottled drinking water).

15.—(1) In Schedule 9 (monitoring for radioactive substances in water bottled and labelled as "spring water" or "dŵr ffynnon" and bottled drinking water), paragraph 13 (exemption from monitoring) is renumbered as sub-paragraph (1) of that paragraph.

(2) After sub-paragraph (1) so renumbered, insert—

"(2) Subject to sub-paragraph (3), the exemption from monitoring under sub-paragraph (1) lapses after a period of 5 years, beginning on the date the food authority notifies its decision to the Agency in accordance with sub-paragraph (1)(b).

(3) The exemption from monitoring under sub-paragraph (1) lapses immediately if the level of radon, tritium or indicative dose exceeds the relevant parametric value specified in Part 4 of Schedule 7."

Gweinidog Iechyd y Cyhoedd a Gwasanaethau
Cymdeithasol o dan awdurdod Ysgrifennydd y Cabinet
dros Iechyd, Llesiant a Chwaraeon, un o Weinidogion
Cymru

17 Medi 2017

©[©] Hawlfraint y Goron 2017

Argraffwyd a chyhoeddwyd yn y Deyrnas Unedig gan The Stationery
Office Limited o dan awdurdod ac arolygiaeth Jeff James, Rheolwr
Gwasg Ei Mawrhydi ac Argraffydd Deddfau Seneddol y Frenhines.

Minister for Social Services and Public Health under
authority of the Cabinet Secretary for Health, Well-
being and Sport, one of the Welsh Ministers

17 September 2017

© Crown copyright 2017

Printed and published in the UK by The Stationery Office Limited
under the authority and superintendence of Jeff James,
Controller of Her Majesty's Stationery Office and Queen's Printer of
Acts of Parliament.

OFFERYNNAU STATUDOL
CYMRU

WELSH STATUTORY
INSTRUMENTS

2017 Rhif 935 (Cy. 229)

2017 No. 935 (W. 229)

BWYD, CYMRU

FOOD, WALES

Rheoliadau Dŵr Mwynol Naturiol,
Dŵr Ffynnon a Dŵr Yfed wedi'i
Botelu (Cymru) (Diwygio) 2017

The Natural Mineral Water, Spring
Water and Bottled Drinking Water
(Wales) (Amendment) Regulations
2017

£6.00

W201709211000 09/2017

<http://www.legislation.gov.uk/id/wsi/2017/935>

ISBN 978-0-348-20143-7



9 780348 201437