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WELSH STATUTORY
INSTRUMENTS

2020 Rhif 220 (Cy. 49)

2020 No. 220 (W. 49)

BWYD, CYMRU

FOOD, WALES

**Rheoliadau Gwybodaeth am Fwyd
(Cymru) (Diwygio) 2020**

**The Food Information (Wales)
(Amendment) Regulations 2020**

NODYN ESBONIADOL

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

EXPLANATORY NOTE

(This note is not part of the Regulations)

Mae'r Rheoliadau hyn yn diwygio Rheoliadau Gwybodaeth am Fwyd (Cymru) 2014 (O.S. 2014/2303 (Cy. 227)) ("Rheoliadau 2014"). Maent yn gwneud darpariaeth i weithredu a gorfodi, yng Nghymru, Erthygl 26(3) o Reoliad (EU) Rhif 1169/2011 Senedd Ewrop a'r Cyngor ynghylch darparu gwybodaeth am fwyd i ddefnyddwyr fel y'i darllenir gyda Rheoliad Gweithredu'r Comisiwn (EU) 2018/775 sy'n gosod rheolau ar gyfer cymhwyso Erthygl 26(3) o Reoliad (EU) Rhif 1169/2011 Senedd Ewrop a'r Cyngor ynghylch darparu gwybodaeth am fwyd i ddefnyddwyr, o ran y rheolau ar gyfer dangos gwlad tarddiad neu darddle'r prif gynhwysyn mewn bwyd.

Mae Erthygl 26(3) o Reoliad (EU) Rhif 1169/2011 yn gosod gofynion i ddarparu gwybodaeth benodol o ran gwlad tarddiad neu darddle'r prif gynhwysyn mewn bwyd pan fo'n wahanol i wlad tarddiad neu darddle'r bwyd. Mae Rheoliad Gweithredu'r Comisiwn (EU) 2018/775 yn gosod rheolau ar gyfer cymhwyso Erthygl 26(3).

Mae rheoliad 2 o'r Rheoliadau hyn yn mewnosod Rhan 5 newydd yn Atodlen 5 i Reoliadau 2014. Mae hyn yn ychwanegu Erthygl 26(3) o Reoliad (EU) Rhif 1169/2011 fel y'i darllenir gyda Rheoliad Gweithredu'r Comisiwn (EU) 2018/775 at y rhestr o ddarpariaethau'r UE y mae'r darpariaethau gorfodi o dan Reoliad 12 o'r Reoliadau 2014 yn gymwys iddynt.

These Regulations amend the Food Information (Wales) Regulations 2014 (S.I. 2014/2303 (W.227)) ("the 2014 Regulations"). They make provision to implement and enforce in Wales, Article 26(3) of Regulation (EU) No 1169/2011 of the European Parliament and of the Council on the provision of food information to consumers as read with Commission Implementing Regulation (EU) 2018/775 laying down rules for the application of Article 26(3) of Regulation (EU) No 1169/2011 of the European Parliament and of the Council on the provision of food information to consumers, as regards the rules for indicating the country of origin or place of provenance of the primary ingredient of a food.

Article 26(3) of Regulation (EU) No 1169/2011 imposes requirements to provide certain information as to the country of origin or place of provenance of the primary ingredient of a food where different to that of the food. Commission Implementing Regulation 2018/775 lays down rules for the application of Article 26(3).

Regulation 2 of these Regulations inserts a new Part 5 into Schedule 5 to the 2014 Regulations. This adds Article 26(3) of Regulation (EU) No 1169/2011 as read with Commission Implementing Regulation (EU) 2018/775 to the list of EU provisions to which the enforcement provisions under Regulation 12 of the 2014 Regulations apply.

Mae'r darpariaethau hyn, fel y'u diwygiwyd, yn galluogi hysbysiad gwella i gael ei gyflwyno sy'n ei gwneud yn ofynnol cydymffurfio ag Erthygl 26(3) a darpariaethau Rheoliad 2018/775. Mae methu â chydymffurfio â'r hysbysiad gwella yn drosedd. Yn ogystal â hynny, mae gan yr awdurdodau gorfodi bwerau mynediad ac arolygu (gan gynnwys ymfael mewn cofnodion) at ddibenion gorfodi Erthygl 26(3) fel y'i darllenir gyda darpariaethau Rheoliad 2018/775.

Ystyriwyd Cod Ymarfer Gweinidogion Cymru ar gynnal Aseidiadau Effaith Rheoleiddiol mewn perthynas â'r Rheoliadau hyn. O ganlyniad, ystyriwyd nad oedd yn angenrheidiol cynnal aseiad effaith rheoleiddiol o'r costau a'r manteision sy'n debygol o ddeillio o gydymffurfio â'r Rheoliadau hyn.

These provisions, as amended, enable an improvement notice to be served requiring compliance with Article 26(3) and the provisions of Regulation 2018/775. Failure to comply with the improvement notice is a criminal offence. In addition the enforcement authorities have powers of entry and inspection (including seizure of records) for the purposes of enforcing Article 26(3) as read with the provisions of Regulation 2018/775.

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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FOOD, WALES

**Rheoliadau Gwybodaeth am Fwyd
(Cymru) (Diwygio) 2020**

**The Food Information (Wales)
(Amendment) Regulations 2020**

Gwnaed 4 Mawrth 2020

Made 4 March 2020

*Gosodwyd gerbron Cynulliad
Cenedlaethol Cymru* 6 Mawrth 2020

*Laid before the National Assembly for
Wales* 6 March 2020

Yn dod i rym 1 Ebrill 2020

Coming into force 1 April 2020

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

The Welsh Ministers make the following Regulations in exercise of the powers conferred by sections 16(1)(e), 17(1) and (2), 26(3) and 48(1) of the Food Safety Act 1990(1) and now vested in them(2) and by paragraph 1A of Schedule 2 to the European

(1) 1990 p. 16; diwygiwyd adran 6(4) gan baragraff 6 o Atodlen 9 i Ddeddf Dadreoleiddio a Chontractio Allan 1994 (p. 40), paragraff 10(1) a (3) o Atodlen 5 ac Atodlen 6 i Ddeddf Safonau Bwyd 1999 (p. 28) (“Deddf 1999”) ac O.S. 2002/794. Diwygiwyd adran 16(1) gan baragraff 8 o Atodlen 5 i Ddeddf 1999. Diwygiwyd adran 17(1) gan baragraffau 8 a 12(a) o Atodlen 5 i Ddeddf 1999 a chan O.S. 2011/1043. Diwygiwyd adran 17(2) gan baragraffau 8 a 12(b) o Atodlen 5 i Ddeddf 1999 a chan O.S. 2011/1043. Diddymwyd adran 26(3) yn rhannol gan Atodlen 6 i Ddeddf 1999. Diwygiwyd adran 48(1) gan baragraff 8 o Atodlen 5 i Ddeddf 1999.

(2) Mae'r swyddogaethau hynny a oedd gynt yn arferadwy gan “the Ministers” 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 Weiniogion Cymru gan baragraff 30 o Atodlen 11 i Ddeddf Llywodraeth Cymru 2006 (p. 32).

(1) 1990 c. 16; section 6(4) was amended by the Deregulation and Contracting Out Act 1994 (c. 40), Schedule 9, paragraph 6, the Food Standards Act 1999 (c.28) (“the 1999 Act”), Schedule 5, paragraph 10(1) and (3) and Schedule 6, and S.I. 2002/794. Section 16(1) was amended by the 1999 Act, Schedule 5, paragraph 8. Section 17(1) was amended by the 1999 Act, Schedule 5 paragraphs 8 and 12(a) and SI 2011/1043. Section 17(2) was amended by the 1999 Act, Schedule 5 paragraphs 8 and 12(b) and SI 2011/1043. Section 26(3) was partially repealed by the 1999 Act, Schedule 6. Section 48(1) was amended by paragraph 8 of Schedule 5 to the 1999 Act.

(2) Those functions formerly exercisable by “the Ministers” 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 further 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).

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 at Reoliad (EU) Rhif 1169/2011 Senedd Ewrop a'r Cyngor ynghylch darparu gwybodaeth am fwyd i ddefnyddwyr(2) ac at Reoliad Gweithredu'r Comisiwn (EU) 2018/775 sy'n gosod rheolau ar gyfer cymhwyso Erthygl 26(3) o Reoliad (EU) Rhif 1169/2011 Senedd Ewrop a'r Cyngor ynghylch darparu gwybodaeth am fwyd i ddefnyddwyr, o ran y rheolau ar gyfer dangos gwlad tarddiad neu darddle'r prif gynhwysyn mewn bwyd(3) a fewnosodir yn Rheoliadau Gwybodaeth am Fwyd (Cymru) 2014(4), gael eu dehongli fel cyfeiriadau at y Rheoliadau 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) o Ddeddf Diogelwch Bwyd 1990(5).

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

Communities Act 1972(1).

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 references to Regulation (EU) No 1169/2011 of the European Parliament and of the Council on the provision of food information to consumers(2) and to Commission Implementing Regulation (EU) 2018/775 laying down rules for the application of Article 26(3) of Regulation (EU) No 1169/2011 of the European Parliament and of the Council on the provision of food information to consumers, as regards the rules for indicating the country of origin or place of provenance of the primary ingredient of a food(3), inserted into the Food Information (Wales) Regulations 2014(4), to be construed as references to those Regulations 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) of the Food Safety Act 1990(5).

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 principles and requirements of food law, establishing

(1) 1972 p. 68. Mae Deddf y Cymunedau Ewropeaidd 1972 ("Deddf 1972") wedi ei diddymu gan adran 1 o Ddeddf yr Undeb Ewropeaidd (Ymadael) 2018 (p. 16) ("Deddf 2018") gan gael effaith o'r diwrnod ymadael ("exit day"). Mae "exit day" wedi ei ddiffinio yn adran 20 o Ddeddf 2018 fel 31 Ionawr 2020 am 11pm. Er gwaethaf y diddymiad hwnnw mae Deddf 1972 yn parhau i gael effaith gydag addasiadau hyd ddiwrnod cwblhau'r cyfnod gweithredu ("IP completion day"), yn rhinwedd adran 1A o Ddeddf 2018. Mewnosodwyd adran 1A gan adran 1 o Ddeddf yr Undeb Ewropeaidd (Y Cytundeb Ymadael) 2020 (p. 1) ("Deddf 2020"). Mae "IP completion day" wedi ei ddiffinio yn adran 1A fel 31 Rhagfyr 2020 am 11pm (yr ystyr a roddir yn adran 39 o Ddeddf 2020). Mewnosodwyd paragraff 1A o Atodlen 2 i Ddeddf 1972 gan adran 28 o Ddeddf Diwygio Deddfwriaethol a Rheoleiddiol 2006 ac fe'i diwygiwyd gan Ran 1 o'r Atodlen i Ddeddf yr Undeb Ewropeaidd (Diwygio) 2008 ac O.S. 2007/1388.

(2) OJ Rhif L 304, 22.11.2001, t. 18, fel y'i diwygiwyd ddiwethaf gan Reoliad (EU) 2015/2283, OJ Rhif L 327, 11.12.2015, t. 1.

(3) OJ Rhif L 131, 29.05.2018, t. 8.

(4) O.S. 2014/2303 (Cy. 227) fel y'i diwygiwyd gan O.S. 2016/664 (Cy. 181). Mae wedi ei ddiwygio'n rhagolygol gan O.S. 2019/1418 (Cy. 253) o ddiwrnod cwblhau'r cyfnod gweithredu. Mae offerynnau diwygio eraill ond nid yw'r un ohonynt yn berthnasol.

(5) Mewnosodwyd adran 48(4A) gan baragraff 21 o Atodlen 5 i Ddeddf Safonau Bwyd 1999 (p. 28). Trosglwyddwyd y swyddogaethau hynny a roddwyd i'r Ysgrifennydd Gwladol, 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 trosglwyddwyd wedi hynny i Weinidogion Cymru gan baragraff 30 o Atodlen 11 i Ddeddf Llywodraeth Cymru 2006 (p. 32).

(1) 1972 c.68. The European Communities Act 1972 ("the 1972 Act") was repealed by section 1 of the European Union (Withdrawal) Act 2018 (c.16) ("the 2018 Act") with effect from exit day. "Exit day" is defined in section 20 of the 2018 Act as 31 January 2020 at 11pm. Despite that repeal the 1972 Act continues to have effect with modifications until IP completion day, by virtue of section 1A of the 2018 Act. Section 1A was inserted by section 1 of the European Union (Withdrawal Agreement) Act 2020 (c.1) ("the 2020 Act"). "IP completion day" is defined in section 1A as 31 December 2020 at 11pm (the meaning given in section 39 of the 2020 Act). Paragraph 1A of Schedule 2 to the 1972 Act was inserted by section 28 of the Legislative and Regulatory Reform Act 2006 and amended by Part 1 of the Schedule to the European Union (Amendment) Act 2008 and S.I. 2007/1388.

(2) OJ No L304, 22.11.2001, p. 18, as last amended by Regulation (EU) 2015/2283, OJ NO L327, 11.12.2015, p. 1)

(3) OJ No L 131, 29.05.2018, p. 8.

(4) S.I. 2014/2303 (W. 227) as amended by S.I. 2016/664 (W. 181). It is prospectively amended by S.I. 2019/1418 (W. 253) from IP completion day. There are other amending instruments but none is relevant.

(5) Section 48(4A) was inserted by paragraph 21 of Schedule 5 to the Food Standards Act 1999 (c. 28). Those functions conferred on the Secretary of State, 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 further transferred to the Welsh Ministers by paragraph 30 of Schedule 11 to the Government of Wales Act 2006 (c. 32).

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

Enwi a chychwyn

1.—(1) Enw'r Rheoliadau hyn yw Rheoliadau Gwybodaeth am Fwyd (Cymru) (Diwygio) 2020.

(2) Daw'r Rheoliadau hyn i rym ar 1 Ebrill 2020.

Diwygio Rheoliadau Gwybodaeth am Fwyd (Cymru) 2014

2.—(1) Mae Rheoliadau Gwybodaeth am Fwyd (Cymru) 2014 wedi eu diwygio fel a ganlyn.

(2) Yn Atodlen 5 (hysbysiadau gwella – darpariaethau penodedig), ar ôl Rhan 4 mewnosoder—

the European Food Safety Authority and laying down procedures in matters of food safety(1).

Title and commencement

1.—(1) The title of these Regulations is the Food Information (Wales) (Amendment) Regulations 2020.

(2) These Regulations come into force on 1 April 2020.

Amendment of the Food Information (Wales) Regulations 2014

2.—(1) The Food Information (Wales) Regulations 2014 are amended as follows.

(2) In Schedule 5 (improvement notices – specified provisions), after Part 4 insert—

“RHAN 5

Y ddarpariaeth yn FIC y caniateir i hysbysiad gwella gael ei gyflwyno mewn perthynas â hi ar ac ar ôl 1 Ebrill 2020.

<i>Y ddarpariaeth yn FIC</i>	<i>Y darpariaethau sydd i'w darllen gyda'r ddarpariaeth yn FIC</i>
Erthygl 26(3) (dangosiad gorfodol o wlad tarddiad neu darddle'r prif gynhwysyn pan fo'n wahanol i wlad tarddiad neu darddle'r bwyd)	Erthyglau 1(3) a 6 o FIC, a Rheoliad Gweithredu'r Comisiwn (EU) 2018/775(2) o ran y rheolau ar gyfer dangos gwlad tarddiad neu darddle prif gynhwysyn y bwyd fel y'i diwygir o bryd i'w gilydd.”

“PART 5

FIC Provision in relation to which an Improvement Notice may be served on and from 1 April 2020.

<i>Provision of FIC</i>	<i>Provisions to be read with the provision of FIC</i>
Article 26(3) (mandatory indication of the country of origin or place of provenance of the primary ingredient where different from that of the food.	Articles 1(3) and 6 of FIC, and Commission Implementing Regulation (EU) 2018/775(2) as regards the rules for indicating the country of origin or place of provenance of the primary ingredient of the food (as amended from time to time).”

Vaughan Gething

Y Gweinidog Iechyd a Gwasanaethau Cymdeithasol, un o Weinidogion Cymru
4 Mawrth 2020

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Minister for Health and Social Services, one of the Welsh Ministers
4 March 2020

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(1) OJ Rhif L 31, 1.2.2002, t. 1, fel y'i diwygiwyd ddiwethaf gan Reoliad (EU) 2019/1243, OJ Rhif L 198, 25.07.2019, t. 241.

(2) OJ Rhif L 131, 29.05.2018, t. 8.

(1) OJ No L 31, 1.2.2002, p. 1, as last amended by Regulation (EU) 2019/1243, OJ No L 198, 25.07.2019, p. 241.

(2) OJ NO L 131, 29.05.2018, p. 8.

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