



OFFERYNNAU STATUDOL
CYMRU

WELSH STATUTORY
INSTRUMENTS

2022 Rhif 112 (Cy. 40)

2022 No. 112 (W. 40)

**YMADAEL Â'R UNDEB
EWROPEAIDD, CYMRU**

**EXITING THE EUROPEAN
UNION, WALES**

BWYD, CYMRU

FOOD, WALES

Rheoliadau Bwyd (Tynnu
Cydnabyddiaeth yn Ôl)
(Diwygiadau Amrywiol a
Darpariaethau Trosiannol) (Cymru)
(Ymadael â'r UE) 2022

The Food (Withdrawal of
Recognition) (Miscellaneous
Amendments and Transitional
Provisions) (Wales) (EU Exit)
Regulations 2022

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 yn diwygio nifer o offerynnau statudol mewn perthynas â chyfansoddiad bwyd. Mae'r Rheoliadau hyn yn gymwys o ran Cymru.

These Regulations amend a number of statutory instruments in relation to food composition. These Regulations apply in relation to Wales.

Mae rheoliadau 2, 4, 6 ac 8 yn dileu esemptiadau penodol ar gyfer cynhyrchion o Aelod-wladwriaethau'r UE neu wledydd yr AEE (yn ddarostyngedig i ddarpariaethau trosiannol). Nid yw'r esemptiadau'n briodol mwyach yn dilyn ymadawiad y Deyrnas Unedig â'r Undeb Ewropeaidd.

Regulations 2, 4, 6 and 8 remove certain exemptions for products from EU member States or EEA countries (subject to transitional provisions). The exemptions are no longer appropriate following the withdrawal of the United Kingdom from the European Union.

Mae rheoliad 2 hefyd yn diwygio Rheoliadau Bara a Blawd 1998 (O.S. 1998/141), o ran Cymru, i ddarparu esemptiadau newydd ar gyfer bara neu flawd sydd i'w allforio i drydydd gwledydd, neu sydd i'w ddefnyddio yn unig i gynhyrchu bwyd sydd i'w allforio i drydydd gwledydd.

Regulation 2 also amends the Bread and Flour Regulations 1998 (S.I. 1998/141), in relation to Wales, to provide new exemptions for bread or flour that is to be exported to third countries, or is to be used only for production of food that is to be exported to third countries.

Mae rheoliadau 3, 5, 7 a 9 yn cyflwyno cyfnod trosiannol, sy'n dechrau â'r diwrnod y daw'r Rheoliadau hyn i rym ac sy'n dod i ben ar ddiwedd 30 Medi 2022, pan fydd yr esemptiadau sydd wedi eu dileu yn parhau i fod yn gymwys.

Regulations 3, 5, 7 and 9 introduce a transitional period, beginning with the day these Regulations come into force and ending at the end of 30 September 2022, during which the removed exemptions continue to apply.

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 oddi wrth yr Asiantaeth Safonau Bwyd yn: Asiantaeth Safonau Bwyd Cymru, 11eg Llawr, Tŷ Southgate, Stryd Wood, Caerdydd, CF10 1EW neu oddi ar wefan yr Asiantaeth yn www.food.gov.uk/cy.

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 impact 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 or from the Agency's website at www.food.gov.uk.

2022 Rhif 112 (Cy. 40)

**YMADAEL Â'R UNDEB
EWROPEAIDD, CYMRU**

BWYD, CYMRU

Rheoliadau Bwyd (Tynnu
Cydnabyddiaeth yn Ôl)
(Diwygiadau Amrywiol a
Darpariaethau Trosiannol) (Cymru)
(Ymadael â'r UE) 2022

Gwnaed 7 Chwefror 2022

Gosodwyd gerbron *Senedd*
Cymru 9 Chwefror 2022

Yn dod i rym 3 Mawrth 2022

Mae Gweinidogion Cymru yn gwneud y Rheoliadau hyn drwy arfer y pwerau a roddir gan adrannau 16(1)(a) ac (e), 26(1) a 48(1) o Ddeddf Diogelwch Bwyd 1990(1) ac a freiniwyd bellach ynddynt hwy(2).

Cynhaliwyd ymgynghoriad fel sy'n ofynnol gan Erthygl 9 o Reoliad (EC) Rhif 178/2002 Senedd Ewrop a'r Cyngor sy'n gosod egwyddorion a gofynion cyffredinol cyfraith bwyd, yn sefydlu Awdurdod

2022 No. 112 (W. 40)

**EXITING THE EUROPEAN
UNION, WALES**

FOOD, WALES

The Food (Withdrawal of
Recognition) (Miscellaneous
Amendments and Transitional
Provisions) (Wales) (EU Exit)
Regulations 2022

Made 7 February 2022

Laid before Senedd Cymru 9 February 2022

Coming into force 3 March 2022

The Welsh Ministers make these Regulations in exercise of the powers conferred by sections 16(1)(a) and (e), 26(1) and 48(1) of the Food Safety Act 1990(1) and now vested in them(2).

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

(1) 1990 p. 16; diwygiwyd adran 16(1) gan baragraff 8 o Atodlen 5 i Ddeddf Safonau Bwyd 1999 (p. 28) ("Deddf 1999"). 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) Rhoddwyd y swyddogaethau hynny a oedd gynt yn arferadwy gan "the Ministers" i'r 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. Mae'r swyddogaethau hynny bellach yn arferadwy gan Weinidogion Cymru yn rhinwedd adran 162 o Ddeddf Llywodraeth Cymru 2006 (p. 32), a pharagraff 30 o Atodlen 11 iddi.

(1) 1990 c. 16; section 16(1) was amended by paragraph 8 of Schedule 5 to the Food Standards Act 1999 (c. 28) ("the 1999 Act"). Section 26(3) was partially repealed by Schedule 6 to the 1999 Act. Section 48(1) was amended by paragraph 8 of Schedule 5 to the 1999 Act.

(2) Those functions, formerly exercisable by "the Ministers", were conferred on 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. Those functions are now exercisable by the Welsh Ministers by virtue of section 162 of, and paragraph 30 of Schedule 11 to, the Government of Wales Act 2006 (c. 32).

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

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(2).

Enwi, cychwyn, rhychwant a chymhwys

1.—(1) Enw'r Rheoliadau hyn yw Rheoliadau Bwyd (Tynnu Cydnabyddiaeth yn Ôl) (Diwygiadau Amrywiol a Darpariaethau Trosiannol) (Cymru) (Ymadael â'r UE) 2022.

(2) Daw'r Rheoliadau hyn i rym ar 3 Mawrth 2022.

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

Diwygio Rheoliadau Bara a Blawd 1998 a darpariaeth drosiannol

2.—(1) Mae Rheoliadau Bara a Blawd 1998(3) wedi eu diwygio fel a ganlyn.

(2) Yn rheoliad 2(1) (dehongli)—

(a) hepgorer y diffiniadau o "EEA Agreement" a "EEA State";

(b) ar ôl y diffiniad o "sell", mewnosoder—
"“third country” means any country, other than the United Kingdom, and includes—

(a) the Bailiwick of Guernsey;

(b) the Bailiwick of Jersey;

(c) the Isle of Man.”

(3) Yn rheoliad 3 (esemptiadau)—

(a) hepgorer paragraffau (2) a (3);

(b) yn y lle priodol, mewnosoder—

“(4) These Regulations do not apply to the following bread or flour if the nature of that bread or flour is clearly indicated on the labelling—

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

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(2).

Title, commencement, extent and application

1.—(1) The title of these Regulations is the Food (Withdrawal of Recognition) (Miscellaneous Amendments and Transitional Provisions) (Wales) (EU Exit) Regulations 2022

(2) These Regulations come into force on 3 March 2022.

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

Amendment of the Bread and Flour Regulations 1998 and transitional provision

2.—(1) The Bread and Flour Regulations 1998(3) are amended as follows.

(2) In regulation 2(1) (interpretation)—

(a) omit the definitions of "EEA Agreement" and "EEA State";

(b) after the definition of "sell", insert—
"“third country” means any country, other than the United Kingdom, and includes—

(a) the Bailiwick of Guernsey;

(b) the Bailiwick of Jersey;

(c) the Isle of Man.”

(3) In regulation 3 (exemptions)—

(a) omit paragraphs (2) and (3);

(b) in the appropriate place, insert—

“(4) These Regulations do not apply to the following bread or flour if the nature of that bread or flour is clearly indicated on the labelling—

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

(2) Mewnosodwyd adran 48(4A) gan baragraff 21 of 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. Mae'r swyddogaethau hynny bellach yn arferadwy gan Weinidogion Cymru yn rhinwedd adran 162 o Ddeddf Llywodraeth Cymru 2006 (p. 32), a pharagraff 30 o Atodlen 11 iddi.

(3) O.S. 1998/141, a ddiwygiwyd gan O.S. 2011/1043, 2012/1809, 2014/2303 (Cy. 227) a 2021/616. Mae O.S. 2021/616 yn gymwys yn Lloegr yn unig. Mae offerynnau diwygio eraill ond nid yw'r un ohonynt yn berthnasol i'r Rheoliadau hyn.

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

(2) 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. Those functions are now exercisable by the Welsh Ministers by virtue of section 162 of, and paragraph 30 of Schedule 11 to, the Government of Wales Act 2006 (c. 32).

(3) S.I. 1998/141, amended by S.I. 2011/1043, 2012/1809, 2014/2303 (W. 227) and 2021/616. S.I. 2021/616 applies in England only. There are other amending instruments but none is relevant to these Regulations.

- (a) any bread produced in Wales that is to be exported to a third country;
- (b) any flour produced in Wales that is—
 - (i) to be exported to a third country, or
 - (ii) for use in the production of food that is to be exported to a third country;
- (c) any flour imported or moved into Wales that is for use in Wales for the production of food that is to be exported to a third country.”

(4) Yn rheoliad 4 (cyfansoddiad blawd)—

- (a) ym mharagraff (4), yn lle is-baragraff (b) rhodder—

“(b) no person shall import or move into Wales any flour, or sell any flour imported or moved into Wales by them, which does not comply with this regulation.”

- (b) ym mharagraff (5), yn lle “or importation into Great Britain” rhodder “, importation or movement into Wales”.

3.—(1) Er gwaethaf y diwygiadau a wneir gan reoliad 2(3)(a) o’r Rheoliadau hyn, mae rheoliad 3(2) o Reoliadau Bara a Blawd 1998 yn parhau i gael effaith fel yr oedd yn union cyn i’r Rheoliadau hyn ddod i rym.

(2) Mae paragraff (1) yn peidio â chael effaith ar ddiwedd 30 Medi 2022.

Diwygio Rheoliadau Brasterau Taenadwy (Safonau Marchnata) a Llaeth a Chynhyrchion Llaeth (Diogelu Dynodiadau) (Cymru) 2008 a darpariaeth drosiannol

4. Yn Rheoliadau Brasterau Taenadwy (Safonau Marchnata) a Llaeth a Chynhyrchion Llaeth (Diogelu Dynodiadau) (Cymru) 2008(1), hepgorer rheoliad 3 (esemptiadau).

5.—(1) Er gwaethaf y diwygiad a wneir gan reoliad 4 o’r Rheoliadau hyn, mae rheoliad 3 o Reoliadau Brasterau Taenadwy (Safonau Marchnata) a Llaeth a Chynhyrchion Llaeth (Diogelu Dynodiadau) (Cymru) 2008 yn parhau i gael effaith fel yr oedd yn union cyn i’r Rheoliadau hyn ddod i rym.

(2) Mae paragraff (1) yn peidio â chael effaith ar ddiwedd 30 Medi 2022.

- (a) any bread produced in Wales that is to be exported to a third country;
- (b) any flour produced in Wales that is—
 - (i) to be exported to a third country, or
 - (ii) for use in the production of food that is to be exported to a third country;
- (c) any flour imported or moved into Wales that is for use in Wales for the production of food that is to be exported to a third country.”

(4) In regulation 4 (composition of flour)—

- (a) in paragraph (4), for sub-paragraph (b) substitute—

“(b) no person shall import or move into Wales any flour, or sell any flour imported or moved into Wales by them, which does not comply with this regulation.”

- (b) in paragraph (5), for “or importation into Great Britain” substitute “, importation or movement into Wales”.

3.—(1) Despite the amendments made by regulation 2(3)(a) of these Regulations, regulation 3(2) of the Bread and Flour Regulations 1998 continues to have effect as it did immediately before these Regulations came into force.

(2) Paragraph (1) ceases to have effect at the end of 30 September 2022.

Amendment of the Spreadable Fats (Marketing Standards) and the Milk and Milk Products (Protection of Designations) (Wales) Regulations 2008 and transitional provision

4. In the Spreadable Fats (Marketing Standards) and the Milk and Milk Products (Protection of Designations) (Wales) Regulations 2008(1), omit regulation 3 (exemptions).

5.—(1) Despite the amendment made by regulation 4 of these Regulations, regulation 3 of the Spreadable Fats (Marketing Standards) and the Milk and Milk Products (Protection of Designations) (Wales) Regulations 2008 continues to have effect as it did immediately before these Regulations came into force.

(2) Paragraph (1) ceases to have effect at the end of 30 September 2022.

(1) O.S. 2008/1341 (Cy. 141), a ddiwygiwyd gan O.S 2012/1809. Mae offerynnau diwygio eraill ond nid yw’r un ohonynt yn berthnasol i’r Rheoliadau hyn.

(1) S.I. 2008/1341 (W. 141), amended by S.I 2012/1809. There are other amending instruments but none is relevant to these Regulations.

Diwygio Rheoliadau Cynhyrchion sy'n Cynnwys Cig etc. (Cymru) 2014 a darpariaeth drosiannol

6. Yn Rheoliadau Cynhyrchion sy'n Cynnwys Cig etc. (Cymru) 2014(1), yn rheoliad 3 (cwmpas)—

- (a) ym mharagraff (1), yn lle “baragraffau (2) a (3)” rhodder “baragraff (2)”;
- (b) hepgorer paragraff (3).

7.—(1) Er gwaethaf y diwygiadau a wneir gan reoliad 6 o'r Rheoliadau hyn, mae rheoliad 3(3) o Reoliadau Cynhyrchion sy'n Cynnwys Cig etc. (Cymru) 2014 yn parhau i gael effaith fel yr oedd yn union cyn i'r Rheoliadau hyn ddod i rym.

(2) Mae paragraff (1) yn peidio â chael effaith ar ddiwedd 30 Medi 2022.

Diwygio Rheoliadau Cynhyrchion Jam a Chynhyrchion Tebyg (Cymru) 2018 a darpariaeth drosiannol

8. Yn Rheoliadau Cynhyrchion Jam a Chynhyrchion Tebyg (Cymru) 2018(2), yn rheoliad 3 (cwmpas), hepgorer paragraff (2).

9.—(1) Er gwaethaf y diwygiad a wneir gan reoliad 8 o'r Rheoliadau hyn, mae rheoliad 3(2) o Reoliadau Cynhyrchion Jam a Chynhyrchion Tebyg (Cymru) 2018 yn parhau i gael effaith fel yr oedd yn union cyn i'r Rheoliadau hyn ddod i rym.

(2) Mae paragraff (1) yn peidio â chael effaith ar ddiwedd 30 Medi 2022.

Amendment of the Products Containing Meat etc. (Wales) Regulations 2014 and transitional provision

6. In the Products Containing Meat etc. (Wales) Regulations 2014(1), in regulation 3 (scope)—

- (a) in paragraph (1), for “paragraphs (2) and (3)” substitute “paragraph (2)”;
- (b) omit paragraph (3).

7.—(1) Despite the amendments made by regulation 6 of these Regulations, regulation 3(3) of the Products Containing Meat etc. (Wales) Regulations 2014 continues to have effect as it did immediately before these Regulations came into force.

(2) Paragraph (1) ceases to have effect at the end of 30 September 2022.

Amendment of the Jam and Similar Products (Wales) Regulations 2018 and transitional provision

8. In the Jam and Similar Products (Wales) Regulations 2018(2), in regulation 3 (scope), omit paragraph (2).

9.—(1) Despite the amendment made by regulation 8 of these Regulations, regulation 3(2) of the Jam and Similar Products (Wales) Regulations 2018 continues to have effect as it did immediately before these Regulations came into force.

(2) Paragraph (1) ceases to have effect at the end of 30 September 2022.

Lynne Neagle

Y Dirprwy Weinidog Iechyd Meddwl a Llesiant o dan awdurdod y Gweinidog Iechyd a Gwasanaethau Cymdeithasol, un o Weinidogion Cymru
7 Chwefror 2022

©Hawlfraint y Goron 2022

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.

Deputy Minister for Mental Health and Wellbeing under authority of the Minister for Health and Social Services, one of the Welsh Ministers
7 February 2022

© Crown copyright 2022

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.

(1) O.S. 2014/3087 (Cy. 308), y mae diwygiadau iddo nad ydynt yn berthnasol i'r Rheoliadau hyn.
(2) O.S. 2018/274 (Cy. 50).

(1) S.I. 2014/3087 (W. 308), to which there are amendments not relevant to these Regulations.
(2) S.I. 2018/274 (W. 50).

£6.90

<http://www.legislation.gov.uk/id/wsi/2022/112>

ISBN 978-0-348-39246-3



9 780348 392463