OFFERYNNAU STATUDOL CYMRU

2005 Rhif 1649 (Cy.130)

BWYD, CYMRU

Rheoliadau Deunyddiau ac Eitemau Plastig mewn Cysylltiad â Bwyd (Diwygio) (Rhif 2) (Cymru) 2005

Wedi'u gwneud - -	*21 Mehefin 2005*
Yn dod i rym - -	*24 Mehefin 2005*

Mae Cynulliad Cenedlaethol Cymru, drwy arfer y pwerau a roddwyd gan adrannau 16(2), 17(1), 26(1)(a) a (3) a 48(1) o Ddeddf Diogelwch Bwyd 1990(**1**) ac sydd bellach wedi'u breinio ynddo(**2**) ac wedi rhoi sylw yn unol ag adran 48(4A) o'r Ddeddf honno i gyngor perthnasol a roddwyd gan yr Asiantaeth Safonau Bwyd ac ar ôl ymgynghori fel sy'n ofynnol gan Erthygl 9 o Reoliad (EC) Rhif 178/2002 Senedd Ewrop a'r Cyngor, sy'n pennu egwyddorion cyffredinol a gofynion cyfraith bwyd, yn sefydlu Awdurdod Diogelwch Bwyd Ewrop ac yn pennu gweithdrefnau o ran materion diogelwch bwyd(**3**), yn gwneud y Rheoliadau a ganlyn:

Enwi, cymhwyso a chychwyn

1. Enw'r Rheoliadau hyn yw Rheoliadau Deunyddiau ac Eitemau Plastig mewn Cysylltiad â Bwyd (Diwygio) (Rhif 2) (Cymru) 2005 sy'n gymwys o ran Cymru a deuant i rym ar 24 Mehefin 2005.

Diwygiadau i Reoliadau Deunyddiau ac Eitemau Plastig mewn Cysylltiad â Bwyd 1998

2. Diwygir Rheoliadau Deunyddiau ac Eitemau Plastig mewn Cysylltiad â Bwyd 1998(**4**) i'r graddau y maent yn gymwys o ran Cymru yn unol â rheoliadau 3 i 16 o'r Rheoliadau hyn.

3. Yn rheoliad 2 (dehongli) —

(a) ym mharagraff (1)—

(**1**) 1990 p. 16.

(**2**) Trosglwyddwyd swyddogaethau'r Ysgrifennydd Gwladol o dan Ddeddf Diogelwch Bwyd 1990, i'r graddau yr oeddent yn arferadwy o ran Cymru, i Gynulliad Cenedlaethol Cymru gan Orchymyn Cynulliad Cenedlaethol Cymru (Trosglwyddo Swyddogaethau) 1999 (O.S. 1999/672).

(**3**) OJ Rhif L31, 1.2.2002, t.1. Diwygiwyd y Rheoliad hwnnw ddiwethaf gan Reoliad (EC) Rhif 1642/2003 Senedd Ewrop a'r Cyngor (OJ Rhif L245, 29.9.2003, t.4).

(**4**) O.S. 1998/1376, a ddiwygiwyd o ran Cymru gan O.S. 2001/1263 (Cy.70), O.S. 2002/2834 (Cy.272), O.S. 2003/302 (Cy.44) ac O.S. 2005/182 (Cy.15).

(i) yn lle'r diffiniad o "additive" rhodder ""additive" means a substance as defined in paragraph 1 of the general introduction to Annex III to the Directive as read with paragraph 3 of article 4 of the Directive;";

(ii) yn y diffiniad o "Council Directive 82/711", hepgorer y geiriau "as amended" hyd at y diwedd;

(iii) ar ôl y diffiniad o "Council Directive 82/711" mewnosoder y diffiniadau canlynol—

""Council Directive 88/388" means Council Directive 88/388/EEC on the approximation of the laws of the Member States relating to flavourings for use in foodstuffs and to source materials for their production(**5**);

"Council Directive 89/107" means Council Directive 89/107/EEC on the approximation of the laws of the Member States concerning food additives authorised in foodstuffs intended for human consumption(**6**);";

(iv) hepgorer y diffiniad o "EEA Agreement";

(v) yn lle'r diffiniad o "EEA State" rhodder ""EEA State" means a Member State (other than the United Kingdom), Norway, Iceland and Liechtenstein;";

(vi) ar ôl y diffiniad o "EEA State" mewnosoder y diffiniad canlynol —

""EFSA" means the European Food Safety Authority;";

(vii) ar ôl y diffiniad o "preparation" mewnosoder y diffiniad canlynol—

""the purity Directives" means Commission Directive 95/31/EC laying down specific criteria of purity concerning sweeteners for use in foodstuffs(**7**), Commission Directive 95/45/EC laying down purity criteria concerning colours for use in foodstuffs(**8**) and Commission Directive 96/77/EC laying down specific purity criteria for food additives other than colours or sweeteners(**9**);";

(b) ar ôl paragraff (5) ychwaneger—

"(6) Any reference in these Regulations to a Community instrument is to be construed as a reference to that instrument as amended at the time the Plastic Materials and Articles in Contact with Food (Amendment) (No. 2) (Wales) Regulations 2005 were made.".

4. Yn rheoliad 4 (cyfyngiad ar ddefnyddio monomerau wrth weithgynhyrchu deunyddiau ac eitemau plastig)—

(a) ym mharagraff (2) hepgorer is-baragraffau (a) a (b);

(b) ym mharagraff (5)(b)(ii) ar ôl y gair "material" ym mhob achos mewnosoder y geiriau "or article".

5. Yn rheoliad 5 (cyfyngiad ar ddefnyddio ychwanegion wrth weithgynhyrchu deunyddiau ac eitemau plastig)—

(a) ym mharagraff (1) ychwaneger ar ôl is-baragraff (d)—

(**5**) OJ Rhif L184, 15.7.88, t.61. Diwygiwyd y Gyfarwyddeb hon ddiwethaf gan Reoliad (EC) Rhif 1882/2003 Senedd Ewrop a'r Cyngor (OJ Rhif L284,31.10.2003, t.1.)
(**6**) OJ Rhif L40, 11.2.89, t.27. Diwygiwyd y Gyfarwyddeb hon ddiwethaf gan Reoliad (EC) Rhif 1882/2003.
(**7**) OJ Rhif L178, 28.7.95, t.1. Diwygiwyd y Gyfarwyddeb hon ddiwethaf gan Gyfarwyddeb y Comisiwn 2004/46 (OJ Rhif L114, 21.4.2004, t.15).
(**8**) OJ Rhif L226, 22.9.95, t.1. Diwygiwyd y Gyfarwyddeb hon ddiwethaf gan Gyfarwyddeb y Comisiwn 2004/47 (OJ Rhif L113, 20.4.2004, t.24).
(**9**) OJ Rhif L339, 30.12.96, t.1. Diwygiwyd y Gyfarwyddeb hon ddiwethaf gan Gyfarwyddeb y Comisiwn 2003/95 (OJ Rhif L283, 31.10.2003, t.71).

"(e) any food additive authorised by Council Directive 89/107 or any flavouring authorised by Council Directive 88/388 that migrates into food —

(i) in a quantity that has a technological function in the final food product, or

(ii) where the food is of a type for which the use of any such food additive or flavouring is so authorised, in quantities exceeding the limits provided for in Council Directive 89/107 or Council Directive 88/388 as appropriate, or in Schedule 2 to these Regulations, whichever is the lower.".

(b) ym mharagraff (4)(b)(ii) ar ôl y gair "material" ym mhob achos mewnosoder y geiriau "or article".

6. Ar ôl rheoliad 5A mewnosoder y rheoliad canlynol—

"**Applications for inclusion of an additive in the Community list of authorised additives**

5B.—(1) This regulation applies where a person wishes to make an application for the inclusion of an eligible additive in the Community list referred to in article 4 of the Directive.

(2) An application mentioned in paragraph (1) including supporting data must be made to EFSA before 1st January 2007.

(3) If, during examination of the data referred to in paragraph (2), EFSA calls for supplementary information, the eligible additive may, if permitted to be used under the laws of England and Wales, continue to be so used until EFSA has issued an opinion, provided such information is submitted within the time limits specified by EFSA.

(4) For the purposes of this regulation an eligible additive is one whose use is permitted in one or more Member States before 1st January 2007.".

7. Yn lle rheoliad 8 (labelu) rhodder y canlynol —

"At marketing stages other than the retail stage a person who is in possession of any plastic material or article intended to come into contact with food is to ensure that the plastic material or article is accompanied by a written declaration which —

(a) attests that it complies with the legislation applicable to it; and

(b) provides, in respect of substances that are subject to a restriction on quantities migrating into food, information obtained from experimental data or theoretical calculation concerning —

(i) the levels of migration specific to those substances;

(ii) where appropriate, purity criteria in accordance with the purity Directives.".

8. Yn rheoliad 10 (tramgwyddau) —

(a) ym mharagraff (1) yn lle'r ffigur "8(1)", rhodder y ffigur "8";

(b) ar ôl paragraff (24) ychwaneger —

"(25) In any proceedings for an offence under these Regulations it is a defence to prove that —

(a) the act constituting the offence was committed in relation to a plastic material or article which was manufactured or imported into the European Community before 1st March 2006; and

(b) the act constituting the offence would not have constituted an offence under these Regulations if the amendments made to them by the Plastic Materials

and Articles in Contact with Food (Amendment) (No. 2) (Wales) Regulations 2005 had not been in force at the time that act occurred.".

9. Yn Atodlen 1, Rhan 1—

(a) yn Adran A (monomerau a awdurdodwyd heb derfyn amser) —

(i) mewnosoder yn y drefn rifo briodol y cofnodion a nodir yn Atodlen 1 i'r Rheoliadau hyn;

(ii) yn lle eitemau 15A, 39, 70, 120B, 147, 147A, 147B a 188 rhodder y cofnodion a nodir yn Atodlen 2 i'r Rheoliadau hyn;

(iii) hepgorer eitemau 76B a 76C a'u cofnodion cyfatebol;

(b) hepgorer Adrannau B a C.

10. Yn Atodlen 1, Rhan II (atodol) paragraff 4—

(a) ar ddiwedd nodyn (21) yn lle "and 18670," rhodder ",18670, 54880 a 59280";

(b) ar ôl nodyn (25) ychwaneger y canlynol—

"(27) QMA(T) in this case means that the restriction is not to be exceeded by the sum of the residual quantities of the following substances having PM/REF Nos. 10599/90A, 10599/91, 10599/92A and 10599/93.

(28) SML(T) in this case means that the restriction is not to be exceeded by the sum of the migration levels of the following substances having PM/REF Nos. 13480 and 39680.

(29) SML(T) in this case means that the restriction is not to be exceeded by the sum of the migration levels of the following substances having PM/REF Nos. 22775 and 69920.

(32) Compliance testing when there is a fat contact should be performed using isoctane as substitute of simulant D (unstable).

(33) QMA(T) in this case means that the restriction is not to be exceeded by the sum of the residual quantities of the following substances having PM/REF Nos. 14800 and 45600."

11. Yn Atodlen 2, Rhan I (rhestr anghyflawn o ychwanegion a ddefnyddir wrth weithgynhyrchu deunyddiau ac eitemau plastig) —

(a) mewnosoder yn y drefn rifo briodol y cofnodion a nodir yn Atodlen 3 i'r Rheoliadau hyn;

(b) yn lle eitemau 60A a 198A rhodder y cofnodion a nodir yn Atodlen 4 i'r Rheoliadau hyn;

(c) hepgorer eitemau 112, 173A, 195C a 240 gyda'u cofnodion cyfatebol.

12. Yn Atodlen 2, Rhan II (rhestr anghyflawn o ychwanegion a ddefnyddir wrth weithgynhyrchu deunyddiau ac eitemau plastig y mae paragraff 5 o Ran III o Atodlen 2 yn gymwys iddi) —

(a) mewnosoder yn y drefn rifo briodol y cofnodion a nodir yn Atodlen 5 i'r Rheoliadau hyn;

(b) hepgorer eitemau 28, 80 a 111A gyda'u cofnodion cyfatebol.

13. Yn Atodlen 2, Rhan III (atodol) —

(a) ym mharagraff 4—

(i) yn nodyn (8), mewnosoder yn y drefn rifo briodol "38000" a "67896";

(ii) yn nodyn (10), ar ôl "levels" mewnosoder "(expressed as iodine)";

(iii) ar ddiwedd nodyn (21), yn lle "and 18670," rhodder ", 18670, 54880 a 59280";

(iv) ar ôl nodyn (24) ychwaneger y canlynol—

"(26) QMA(T) in this case means that the restriction is not to be exceeded by the sum of the residual quantities of the following substances mentioned as reference Nos. 14950, 15700, 16240, 16570, 16600, 16630, 18640, 19110, 22332, 22420, 22570, 25210, 25240 and 25270.

(27) QMA(T) in this case means that the restriction is not to be exceeded by the sum of the residual quantities of the following substances having PM/REF Nos. 10599/90A, 10599/91, 10599/92A and 10599/93.

(28) SML(T) in this case means that the restriction is not to be exceeded by the sum of the migration levels of the following substances having PM/REF Nos. 13480 and 39680.

(29) SML(T) in this case means that the restriction is not to be exceeded by the sum of the migration levels of the following substances having PM/REF Nos. 22775 and 69920.

(30) SML(T) in this case means that the restriction is not to be exceeded by the sum of the migration levels of the following substances having PM/REF Nos. 86480, 86960 and 87120.

(31) Compliance testing when there is a fat contact should be performed using saturated fatty food simulants as simulant D.

(32) Compliance testing when there is a fat contact should be performed using isoctane as substitute of stimulant D (unstable).

(33) QMA(T) in this case means that the restriction is not to be exceeded by the sum of the residual quantities of the following substances having PM/REF Nos. 14800 and 45600.

(34) SML(T) in this case means that the restriction is not to be exceeded by the sum of the migration levels of the following substances having PM/REF Nos. 55200, 55280 and 55360.";

(b) ym mharagraff 5 yn lle "1st January 2004" rhodder "1st July 2006".

14. Yn Atodlen 2A (cynhyrchion a gafwyd drwy eplesu bacterol) yn lle'r cofnod yn y golofn sy'n dwyn y pennawd "restrictions and specifications" rhodder y canlynol —

"In compliance with specifications included in Schedule 2B".

15. Yn lle Atodlen 2B (manylebau) rhodder y tabl a nodir yn Atodlen 6 i'r Rheoliadau hyn.

16. Yn lle paragraff 4(b) o Ran I (rheolau sylfaenol) o Atodlen 4 (profion ymfudo cyffredinol a phenodol gan ddefnyddio efelychwyr bwyd) rhodder —

"(b) omit the migration, the substitute or the alternative tests where —

(i) there is conclusive proof that the migration limits cannot be exceeded in any foreseeable conditions of use of the material or article, or

(ii) the conditions for non-compulsory testing set out in article 8.2 and 8.3 of the Directive are met.".