OFFERYNNAU STATUDOL CYMRU

2005 Rhif 1156 (Cy.73)

BWYD, CYMRU

Rheoliadau Melysyddion mewn Bwyd (Diwygio) (Cymru) 2005

Wedi'u gwneud - -	*12 Ebrill 2005*
Yn dod i rym - -	*30 Ebrill 2005*

Mae Cynulliad Cenedlaethol Cymru, drwy arfer y pwerau a roddwyd gan adrannau 16(1)(a) ac (e), 17(1), 26(1) a (3) a 48(1) o Ddeddf Diogelwch Bwyd 1990 a pharagraff 1 o Atodlen 1 iddi(**1**) ac sydd bellach wedi'u breinio ynddo(**2**) ac wedi rhoi sylw yn unol ag adran 48(4A) o'r Ddeddf honno at 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, cychwyn a chymhwyso

1. O ran y Rheoliadau hyn —

(a) eu henw yw Rheoliadau Melysyddion mewn Bwyd (Diwygio) (Cymru) 2005;

(b) deuant i rym ar 30 Ebrill 2005; ac

(c) maent yn gymwys o ran Cymru yn unig.

Diwygio Rheoliadau Melysyddion mewn Bwyd 1995

2. Diwygir Rheoliadau Melysyddion mewn Bwyd 1995(**4**) i'r graddau y maent yn gymwys o ran Cymru yn unol â rheoliadau 3 i 7.

3.—(1) Yn rheoliad 2 (dehongli) paragraff (1) —

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

(**2**) Trosglwyddwyd swyddogaethau'r Ysgrifennydd Gwladol o dan Ddeddf Diogelwch Bwyd 1990, i'r graddau y maent 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, 1.2.2001, 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). Yn rhinwedd Rheoliad 5 o Reoliadau Deddf Diogelwch Bwyd 1990 (Diwygio) 2004 (O.S. 2004/2990) gydag effaith o 7 Rhagfyr 2004 ymlaen datgymhwysir y gofyniad i ymgynghori a geir yn adran 48(4) o Ddeddf 1990 mewn unrhyw achos lle mae ymgynghori yn ofynnol gan Erthygl 9 o Reoliad (EC) Rhif 178/2002.

(**4**) O.S. 1995/3123, fel y'i diwygiwyd gan O.S. 1996/1477, O.S. 1997/814, O.S. 1999/982, O.S. 2001/2679 (Cy.220), O.S. 2002/330 (Cy.43) ac O.S. 2003/1713 (Cy.181).

(a) yn y diffiniad o "Directive 94/35/EC" ar ôl y geiriau "Directive 96/83/EC of the European Parliament and Council" mewnosoder —

"and by Directive 2003/115/EC(**5**)

(b) yn y diffiniad o "Directive 95/31/EC", yn lle'r geiriau "Directive 2001/52/EC" mewnosoder —

"and by Directive 2004/46/EC(**6**)

(c) yn lle'r diffiniad o "permitted sweetener" rhodder y diffiniad canlynol —

""permitted sweetener" means any sweetener specified in Column 2 of Schedule 1 which satisfies the specific purity criteria for that sweetener specified in the Annex to Directive 95/31/EC;".

(2) Yn rheoliad 2 paragraff (3) —

(a) yn is-baragraff (c)(i) hepgorer y geiriau —

"and salt of aspartame-acesulfame";

a

(b) yn is-baragraff (c)(ii) ar ôl y geiriau "as the case may be" lle'r ymddengys y geiriau hynny gyntaf yn yr is-baragraff hwnnw, mewnosoder y geiriau canlynol —

"the maximum amount of free imide contained in the".

4. Yn rheoliad 3 (gwerthu a defnyddio melysyddion) —

(a) ym mharagraff (3) ychwaneger ar y diwedd y geiriau "as read with the notes to that Schedule"; a

(b) hepgorer paragraff (5).

5. Yn rheoliad 4 (gwerthu melysyddion y bwrdd bwyd) ym mharagraff (b)(iii), ar ôl y geiriau "where it contains aspartame" mewnosoder y geiriau canlynol —

"or salt of aspartame-acesulfame".

6. Yn rheoliad 11 (darpariaeth drosiannol ac esemptiad) ar ôl paragraff (1A) mewnosoder y paragraff canlynol —

"(1B) In any proceedings for an offence under these Regulations which allege a contravention of regulations 3, 4 or 5 it is a defence to prove that —

(a) the act was committed before 29th January 2006;

(b) the act was that of —

(i) selling a sweetener or food,

(ii) using a sweetener in or on food,

which in either case was placed on the market before 29th July 2005; and

(c) the matter constituting the offence would not have constituted an offence under these Regulations if the amendments made by regulations 3(1)(c) or (2), or 4 to 7 of the Sweeteners in Food (Amendment) (Wales) Regulations 2005 had not been made when the act was committed.".

7. Yn Atodlen 1 (melysyddion a ganiateir a'r bwydydd y caniateir eu defnyddio ynddynt neu arnynt) —

(**5**) OJ Rhif L24, 29.1.2004, t.65.
(**6**) OJ Rhif L114, 21.4.2004, t.15.

(a) yn y cofnodion yng Ngholofn 3 ynghylch "E951 Asbartame" ar ôl y geiriau ""snacks": certain flavours of ready to eat, prepacked, dry, savoury starch products and coated nuts" mewnosoder y cofnod canlynol —

"Essoblaten"

ac yn y lle cyfatebol yng ngholofn 4 mewnosoder y cofnod canlynol —

"1000mg/kg";

(b) yn y cofnodion yngylch "E952 Cyclamic Acid and its Na and Ca salts"—

(i) yn y cofnod o dan y pennawd "non-alcoholic drinks" ynghylch "Water-based flavoured drinks, energy-reduced or with no added sugar" yn lle'r cofnod "400 mg/l" yng Ngholofn 4 rhodder y cofnod canlynol—

"250 mg/l",

(ii) yn y cofnod o dan y pennawd ynghylch "Milk and milk-derivative based or fruit juice-based energy-reduced or with no added sugar", yn lle'r cofnod "400 mg/l" yng Ngholofn 4 rhodder y cofnod canlynol —

"250 mg/l",

(iii) hepgorer y cofnodion a restrir yng Ngholofn 3 a 4 o dan y pennawd "Confectionery" , a

(iv) hepgorer y cofnod yng Ngholofnau 3 a 4 o dan y pennawd "Miscellaneous" ynghylch "Edible ices, energy-reduced or with no added sugar";

(c) ar ôl y cofnodion ynghylch "E954 Saccharin and its Na, K and Ca salts", mewnosoder y cofnodion canlynol —

"E955	Sucralose	**Non-alcoholic drinks**	
		— Water-based flavoured drinks, energy-reduced or with no added sugar	300 mg/l
		— Milk and milk-derivative-based or fruit-juice-based drinks, energy-reduced or with no added sugar	300 mg/l
		Desserts and similar products	
		— Water-based flavoured desserts, energy-reduced or with no added sugar	400 mg/kg
		— Milk and milk-derivative-based preparations, energy-reduced	400 mg/kg

or with no added sugar	
— Fruit and vegetable-based desserts, energy-reduced or with no added sugar	400 mg/kg
— Egg-based desserts, energy-reduced or with no added sugar	400 mg/kg
— Cereal-based desserts, energy-reduced or with no added sugar	400 mg/kg
— Breakfast cereals with a fibre content of more than 15% and containing at least 20% bran, energy-reduced or with no added sugar	400 mg/kg
— Fat-based desserts, energy-reduced or with no added sugar	400 mg/kg
Confectionery	
— Confectionery with no added sugar	1000 mg/kg
— Cocoa or dried-fruit based confectionery, energy-reduced or with no added sugar	800 mg/kg
— Starch-based confectionery, energy-reduced or with no added sugar	1000 mg/kg
— Cornets and wafers, for ice cream, with no added sugar	800 mg/kg

— Breath freshening micro-sweets with no added sugar	2400 mg/kg
— Strongly flavoured freshening throat pastilles with no added sugar	1000 mg/kg
— Chewing gum with no added sugar	3000 mg/kg
— Energy-reduced tablet form confectionery	200 mg/kg
Miscellaneous	
— "Snacks": certain flavours of ready to eat, pre-packed, dry, savoury starch products and coated nuts	200 mg/kg
— Essoblaten	800 mg/kg
— Cocoa, milk, dried fruit or fat-based sandwich spreads, energy-reduced or with no added sugar	400 mg/kg
— Cider and Perry	50 mg/l
— Drinks consisting of a mixture of non-alcoholic drink and beer, cider, perry, spirits or wine	250 mg/l
— Spirit drinks containing less than 15% alcohol by volume	250 mg/l
— Alcohol-free beer or with an alcohol content not exceeding 1.2% vol	250 mg/l
— Biere de table/ Tafelbier/Table	250 mg/l