OFFERYNNAU STATUDOL CYMRU

2004 Rhif 3022 (Cy.261)

BWYD, CYMRU

Rheoliadau Labelu Bwyd (Diwygio) (Rhif 2) (Cymru) 2004

Wedi'u gwneud	- -	*16 Tachwedd 2004*
Yn dod i rym	- -	*25 Tachwedd 2004*

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

Enwi, cymhwyso a chychwyn

1. Enw'r Rheoliadau hyn yw Rheoliadau Labelu Bwyd (Diwygio) (Rhif 2) (Cymru) 2004; maent yn gymwys i Gymru yn unig a deuant i rym ar 25 Tachwedd 2004.

Diwygio Rheoliadau Labelu Bwyd 1996

2. Diwygir Rheoliadau Labelu Bwyd 1996(**4**) (i'r graddau y maent yn gymwys i Gymru) yn unol â rheoliadau 3 i 15.

3. Yn rheoliad 2(1) (dehongli) —

(a) ar ôl y diffiniad o "advertisement" mewnosoder y diffiniad a ganlyn —

> ""allergenic ingredient" means an ingredient referred to in Schedule AA1;";

(b) yn lle'r diffiniad o "Directive 2000/13" rhodder y diffiniad canlynol —

> ""Directive 2000/13" means Directive 2000/13/EC of the European Parliament and of the Council(**5**) on the approximation of the laws of the Member States

(**1**) 1990 p.16.
(**2**) Trosglwyddwyd swyddogaethau a oedd gynt yn arferadwy gan "the Secretary of State" i'r graddau yr oeddent yn arferadwy mewn perthynas â Chymru, i Gynulliad Cenedlaethol Cymru gan Orchymyn Cynulliad Cenedlaethol Cymru (Trosglwyddo Swyddogaethau) 1999 (O.S. 1999/672) fel y'i darllenir gydag adran 40(3) o Ddeddf Safonau Bwyd 1999 (1999 p.28).
(**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**) S.I. 1996/1499; yr offerynnau diwygio perthnasol yw O.S. 1998/1398, 1999/747, 1136, 1483, 2000/1925 (Cy.134), 2001/1232 (Cy.66), 2003/832 (Cy.104), 2004/249(Cy. 26), 2004/2731(Cy.238).
(**5**) OJ Rhif L109, 6.5.2000, t.29, fel y mae wedi'i gywiro gan Gorigendwm (OJ Rhif L124, 25.5.2000, t.66).

relating to the labelling, presentation and advertising of foodstuffs, as amended by —

(a) Commission Directive 2001/101/EC(**6**), which was itself amended by Commission Directive 2002/86/EC(**7**)); and

(b) the Act concerning the conditions of accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic and the adjustments to the Treaties on which the European Union is founded(**8**); and

(c) Directive 2003/89/EC of the European Parliament and of the Council(**9**)),

and as read with Commission Directive 99/10/EC(**10**) providing for derogations from the provisions of Article 7 of Directive 2000/13/EC and Commission Directive 2002/67/EC(**11**) on the labelling of foodstuffs containing quinine, and of foodstuffs containing caffeine;".

4. Yn rheoliad 3(1A) (esemptiadau) ar ôl is-baragraff (a) hepgorer y gair "or" a mewnosoder yr is-baragraff a ganlyn —

"(aA) regulation 44(1)(a) in relation to a contravention of regulation 34B concerning any prepacked food either contained in an indelibly marked glass bottle intended for re-use and having no label, ring or collar, or the largest surface of whose packaging has an area of less than ten square centimetres; or".

5. Yn rheoliad 13 (trefn rhestr gynhwysion), yn lle paragraff (5) rhodder y paragraffau a ganlyn —

"(5) Where a food consists of, or contains, mixed fruit, vegetables or mushrooms which are used in proportions that are likely to vary and no particular fruit, vegetable or mushroom predominates significantly by weight, those ingredients may be grouped together in the list of ingredients under the designation "fruit", "vegetables" or "mushrooms" followed by the phrase "in varying proportions", followed by a list of the fruit, vegetables or mushrooms present; in such a case the total weight of the fruit, vegetables or mushrooms determines the order in which this entry appears in the list of ingredients.

(6) Where a food consists of, or contains, mixed spices or herbs and no particular spice or herb predominates significantly by weight, those ingredients may be listed otherwise than in descending order of weight if —

(a) in the case of a food which consists entirely of such a mixture, the heading of the list of ingredients includes or is accompanied by the words "in variable proportion" or other words indicating the nature of the order in which the ingredients are listed; and

(b) in the case of a food which contains such a mixture, that part of the list where the names of those ingredients appear is accompanied by the words "in variable proportion" or other words indicating the nature of the order in which those ingredients are listed.

(7) Ingredients constituting less than 2 per cent of the finished product may be listed in a different order after the other ingredients.

(**6**) OJ Rhif L310, 28.11.2001, t.19.
(**7**) OJ Rhif L305, 7.11.2002, t.19.
(**8**) OJ Rhif L236, 23.9.2003, t.33.
(**9**) OJ Rhif L308, 25.11.2003, t.15.
(**10**) OJ Rhif L69, 16.3.1999, t.22.
(**11**) OJ Rhif L191, 19.7.2002, t.20.

(8) In the case of ingredients which —

(a) are similar or mutually substitutable;

(b) are likely to be used in the preparation of a food without altering its nature or its perceived value;

(c) are not additives, allergenic ingredients or ingredients originating from an allergenic ingredient referred to in paragraphs 1 to 11 of Schedule AA1; and

(d) constitute less than 2 per cent of the finished product,

such ingredients may be referred to in the list of ingredients by means of the phrase "contains … and/or …", where at least one of no more than two such ingredients is present in the finished product.".

6. Yn rheoliad 14 (enwau cynhwysion) —

(a) ym mharagraffau (4) a (9) mewnosoder ar y dechrau y geiriau "Subject to regulation 34B,";

(b) ym mharagraff (5) ar ôl y geiriau "Subject to paragraph (5A) of this regulation" mewnosoder y geiriau "and regulation 34B,".

7. Yn rheoliad 15 (cynhwysion cyfansawdd) —

(a) ym mharagraffau (3) a (4) mewnosoder ar y dechrau y geiriau "Subject to regulation 34B,";

(b) ym mharagraff (4) ar ôl is-baragraff (a) hepgorer y gair "or" ac yn lle is-baragraff (b) rhodder yr is-baragraffau a ganlyn—

"(b) subject to paragraphs (5) and (6) of this regulation, the composition of the compound ingredient is defined in Community legislation and the compound ingredient constitutes less than 2 per cent of the finished product, or

(c) subject to paragraphs (5) and (6) of this regulation, the compound ingredient consists of a mixture of spices or herbs or both and constitutes less than 2 per cent of the finished product.";

(c) ar ôl paragraff 4, mewnosoder y paragraffau a ganlyn —

"(5) Subject to regulation 17, any additive which is an ingredient of such a compound ingredient as is mentioned in paragraph (4)(b) or (4)(c) of this regulation is to be named in the list of ingredients in accordance with paragraph (2) of this regulation.

(6) Where an ingredient of such a compound ingredient as is mentioned in paragraph (4)(b) or (4)(c) of this regulation has been irradiated, the name of that ingredient and the words required by paragraph 2 of Schedule 2 are to be given, except in the case of food which is prepared for patients requiring sterile diets under medical supervision.".

8. Yn rheoliad 17 (cynhwysion nad oes angen eu henwi) —

(a) mewnosoder ar y dechrau y geiriau "Subject to regulation 34B,";

(b) ar ôl paragraff (d), mewnosoder y paragraff a ganlyn —

"(e) any substance which is not an additive but which is used in the same way and for the same purpose as a processing aid.".

9. Yn rheoliad 18 (bwydydd nad oes angen rhestr o gynhwysion arnynt) —

(a) ym mharagraff (1) mewnosoder ar y dechrau y geiriau "Subject to regulation 34B";

(b) ym mharagraff (3) yn lle'r geiriau "regulations 12 to 17" rhodder y geiriau "regulations 12 to 17 and 34B".

10. Yn rheoliad 23 (bwyd nad yw wedi ei ragbecynnu a bwyd tebyg, a chynhyrchion cyffaith ffansi) ar ôl paragraff (2) mewnosoder y paragraff a ganlyn —