OFFERYNNAU STATUDOL CYMRU

2004 Rhif 1509 (Cy.158)

BWYD, CYMRU

Rheoliadau Dŵr Mwynol Naturiol, Dŵr Ffynnon a Dŵr Yfed wedi'i Botelu (Diwygio) (Cymru) 2004

Wedi'u gwneud - -	*15 Mehefin 2004*
Yn dod i rym	
Ac eithrio rheoliadau 5, 8(2), 11(a) a 12(2)	*19 Mehefin 2004*
Rheoliadau 5, 8(2), 11(a) a 12(2)	*1 Gorffennaf 2004*

Mae Cynulliad Cenedlaethol Cymru, wrth arfer y pwerau a roddwyd iddo gan adrannau 16(1), 17(1), 26(1)(a) a (3), 31 a 48(1) o Ddeddf Diogelwch Bwyd 1990(**1**) a pharagraff 1 o Atodlen 1 iddi, 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 (CE) Rhif 178/2002 Senedd Ewrop a'r Cyngor sy'n gosod egwyddorion a gofynion cyffredinol cyfraith bwyd, yn sefydlu Awdurdod Diogelwch Bwyd Ewrop ac yn gosod gweithdrefnau ar faterion diogelwch bwyd(**3**) ac yn unol ag adran 48(4) a (4B) o'r Ddeddf honno, yn gwneud y Rheoliadau canlynol:

Teitl, cychwyn a chymhwyso

1.—(1) Enw'r rheoliadau hyn yw Rheoliadau Dŵr Mwynol Naturiol, Dŵr Ffynnon a Dŵr Yfed wedi'i Botelu (Diwygio) (Cymru) 2004 a byddant yn gymwys mewn perthynas â Chymru yn unig.

(2) Yn ddarostyngedig i baragraff (3) isod daw'r rheoliadau hyn i rym ar 19 Mehefin 2004.

(3) Daw Rheoliadau 5, 8(2), 11(a) a 12(2) i rym ar 1 Gorffennaf 2004.

Diwygiadau i Reoliadau Dŵr Mwynol Naturiol, Dŵr Ffynnon a Dŵr Yfed wedi'i Botelu 1999

2. Diwygir Rheoliadau Dŵr Mwynol Naturiol, Dŵr Ffynnon a Dŵr Yfed wedi'i Botelu 1999(**4**) i'r graddau y maent yn gymwys i Gymru yn unol â rheoliadau 3 i 14.

(**1**) 1990 p. 16.
(**2**) Trosglwyddwyd swyddogaethau'r Ysgrifennydd Gwladol o dan Ddeddf Diogelwch Bwyd 1990, i'r graddau y maent 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'r Ddeddf Safonau Bwyd.
(**3**) OJ Rhif L31, 1.2.2002, t.1.
(**4**) O.S. 1999/1540, fel y'i diwygiwyd gan O.S. 2000/656 ac O.S. 2003/3042 (Cy. 287).

3.—(1) Yn rheoliad 2 paragraff (1) ar ôl y diffiniad o "the Agency" rhodder y diffiniad canlynol—

""authorised ozone-enriched air oxidation technique" means —

(a) a treatment with ozone-enriched air authorised and carried out in accordance with Schedule 5; or

(b) in the case of water brought into Wales from other parts of the United Kingdom or from another EEA State a treatment which complies with Article 5 of Directive 2003/40 as implemented in that part of the United Kingdom or that EEA State.".

(2) Yn rheoliad 2 paragraff (1) ar ôl y diffiniad o "Directive 98/83" mewnosoder —

""Directive 2003/40" means Commission Directive 2003/40/EC establishing the list, concentration limits and labelling requirements for the constituents of natural mineral waters and the conditions for using ozone-enriched air for the treatment of natural mineral waters and spring waters.".

4. Yn rheoliad 7 is-adran (1) yn lle paragraff (a) rhodder —

"(a) any treatment other than —

(i) an authorised ozone-enriched air oxidation technique;

(ii) a treatment referred to in sub-paragraph (a) or (d) of Article 4.1; or".

5. Ar ôl rheoliad 7 mewnosoder —

"**7A.**—(1) No person shall bottle any natural mineral water which, at the time of bottling, contains any substance listed in Schedule 6 at a level which does not comply with the limit specified in relation to that substance in that Schedule.

(2) No person shall sell any natural mineral water bottled in contravention of paragraph (1).

(3) The methods used for detection of the substances listed in Schedule 6 shall conform to the performance characteristics for analysis in Schedule 7.

(4) For the purposes of paragraphs (1) and (2) above, where —

(a) (i) the water concerned does not comply with the limits in Schedule 6,

(ii) the water concerned was bottled in another EEA State,

(iii) the EEA State concerned had not, at the time of bottling, implemented Article 2(1) of Directive 2003/40,

(iv) the water was bottled prior to 1st January 2006 and at the date of bottling otherwise complied with Directives 80/777, 98/83 and the provisions of Directive 2003/40 which were in force in that EEA State; or

(b) (i) the water concerned does not comply with the limits in Schedule 6 relating to nickel and fluoride,

(ii) the water concerned was bottled in another EEA State,

(iii) the EEA State concerned had not, at the time of bottling, implemented Article 2(1) of Directive 2003/40 insofar as it relates to limits for nickel and fluoride,

(iv) the water was bottled prior to 1st January 2008 and at the date of bottling otherwise complied with Directives 80/777, 98/83 and the provisions of Directive 2003/40 which were in force in that EEA State,

that water shall be deemed to comply with the limits in Schedule 6.".

6. Ar ôl rheoliad 9 mewnosoder —

"**9A.** No person shall bottle any natural mineral water, or sell natural mineral water which is bottled if it has been treated with ozone-enriched air unless that treatment is an authorised ozone-enriched air oxidation technique.".

7. Yn lle rheoliad 10 paragraff (3) rhodder —

"(3) Natural mineral water shall be bottled in a bottle marked or labelled with —

(a) where it has undergone the treatment of total or partial elimination of free carbon dioxide by exclusively physical methods, the indication "fully de-carbonated" or "partially de-carbonated" as appropriate;

(b) where it has undergone an authorised ozone-enriched air oxidation technique, the words "water subjected to an authorised ozone-enriched air oxidation technique", which shall appear in proximity to the analytical composition of characteristic constituents;

(c) where its fluoride concentration exceeds 1.5 mg/l —

(i) the words "contains more than 1.5 mg/l of fluoride: not suitable for regular consumption by infants and children under 7 years of age", which shall appear in immediate proximity to the trade name and in clearly visible characters,

(ii) the actual fluoride content in relation to the physio-chemical composition, which shall be included within the mandatory information referred to in paragraph (4) below; and

(d) the mandatory information referred to in paragraph (4) below.".

8.—(1) Yn rheoliad 10(5)(b), ar ôl "has undergone any of the treatments referred to in paragraph (3)(a)" rhodder y geiriau "or (b)".

(2) Yn rheoliad 10(5)(c) hepgorer y gair "or" ac ar ddiwedd is-baragraff (d) ychwaneger —

"or

(e) does not bear the labelling indication set out in sub-paragraph (c) of paragraph (3) above where required by that sub-paragraph.".

9. Yn rheoliad 11(1) ar ddiwedd is-baragraff (d) hepgorer y gair "and" ac ar ddiwedd is-baragraff (e) rhodder y canlynol —

"and

(f) where the water has undergone an authorised ozone-enriched air oxidation technique, the water is marked or labelled with the words "water subjected to an authorised ozone-enriched air oxidation technique" which shall appear in close proximity to the particulars in paragraph (3) of this regulation.".

10. Ar ôl rheoliad 11 mewnosoder —

"**11A.** No person shall bottle any water described as spring water, or sell water described as spring water which is bottled, if it has been treated with ozone-enriched air unless that treatment is an authorised ozone-enriched air oxidation technique.".

11. Yn rheoliad 17 —

(a) ar ôl rhif "7," mewnosoder "7A(1) or (2),";

(b) ar ôl rhif "9," mewnosoder "9A,";

(c) ar ôl "11(1), (2), (3) or (5)," rhodder "11A,".

12.—(1) Yn rheoliad 18, ar ôl is-baragraff (3) ychwaneger y canlynol —

"(4) In any proceedings for an offence for contravening regulations 9A, 10(5)(b) to the extent that it relates to regualtion 10(3)(b)), 11(1)(f) or 11A it shall be a defence for the accused to prove that —

(a) the water in respect of which the offence is alleged to have been committed was bottled and marked or labelled as the case may be, before 1st July 2004; and

(b) the matters constituting the alleged offence would not have constituted an offence under these Regulations as they stood immediately before the coming into force of the Natural Mineral Water, Spring Water and Bottled Drinking Water (Amendment) (Wales) Regulations 2004.".

(2) Yn rheoliad 18, ar ôl is-baragraff (4) ychwaneger y canlynol —

"(5) In any proceedings for an offence for contravening regulations 7A or 10(5)(e) it shall be a defence for the accused to prove that —

(a) the water in respect of which the offence is alleged to have been committed was bottled and marked or labelled as the case may be, before 1st July 2004; and

(b) the matters constituting the alleged offence would not have constituted an offence under these Regulations as they stood immediately before the coming into force of the Natural Mineral Water, Spring Water and Bottled Drinking Water (Amendment) (Wales) Regulations 2004.".

13.—(1) Yn Atodlen 1 Rhan I paragraff 2, is-baragraff (c), ar ôl y geiriau "contains no substance" hepgorer gweddill yr is-baragraff hwnnw a mewnosoder y geiriau canlynol —

"listed in Schedule 6 at a level which does not comply with the limit specified in relation to that substance in that Schedule.".

(2) Yn Atodlen 1 Rhan II paragraff 2, is-baragraff (c), ar ôl y geiriau "contains no substance" hepgorer gweddill yr is-baragraff hwnnw a mewnosoder y geiriau canlynol —

"listed in Schedule 6 at a level which does not comply with the limit specified in relation to that substance in that Schedule.".

14. Ar ôl Atodlen 4 ychwaneger Atodlenni 5, 6 a 7 a gynhwysir yn yr Atodlen i'r Rheoliadau hyn.

Diwygiadau canlyniadol

15.—(1) Yn Atodlen 1 i Reoliadau Diogelwch Bwyd (Samplu a Chymwysterau) 1990(**5**) (darpariaethau nad yw'r Rheoliadau hynny yn gymwys iddynt) diwygir y cyfeiriad yn yr ail golofn, gyferbyn â'r cyfeiriad yn y golofn gyntaf at Reoliadau Dŵr Mwynol Naturiol, Dŵr Ffynnon a Dŵr Yfed wedi'i Botelu 1999, i'r graddau y mae'n gymwys i Gymru er mwyn darllen "S.I. 1999/1540 as amended by S.I. 2000/656, S.I. 2003/3042 (W.287) and S.I. 2004/ 1509 (W.158)".

(2) Yn Rheoliadau Diogelwch Bwyd (Hylendid Bwyd yn Gyffredinol 1995(**6**) ym mharagraff (1) o reoliad 2 (dehongli), yn y diffiniad o "water", ar ôl y geiriau "as amended by the Natural Mineral Water, Spring Water and Bottled Drinking Water (Amendment) (Wales) Regulations 2003" rhodder y geiriau "and the Natural Mineral Water, Spring Water and Bottled Drinking Water (Amendment) (Wales) Regulations 2004".

(**5**) O.S. 1990/2463; y mae diwygiadau iddo nad ydynt yn berthnasol i'r Rheoliadau hyn.
(**6**) O.S. 1995/1763; y mae diwygiadau iddo nad ydynt yn berthnasol i'r Rheoliadau hyn.

Llofnodwyd ar ran Cynulliad Cenedlaethol Cymru o dan adran 66(1) o Ddeddf Llywodraeth Cymru 1998(**7**).

John Marek
15 Mehefin 2004 Dirprwy Lywydd y Cynulliad Cenedlaethol

(**7**) 1998 p.38.