OFFERYNNAU STATUDOL CYMRU

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BWYD, CYMRU

Rheoliadau Dŵr Mwynol Naturiol, Dŵr Ffynnon a Dŵr Yfed wedi'i Botelu (Diwygio) (Cymru) 2003

Wedi'u gwneud - -	*26 Tachwedd 2003*
Yn dod i rym - -	*1 Rhagfyr 2003*

Drwy arfer y pwerau a roddir gan adrannau 16(1), 17(1), 26(1)(a) a (3), 31 a 48(1) o Ddeddf Diogelwch Bwyd 1990(**1**) ac a freiniwyd bellach yng Nghynulliad Cenedlaethol Cymru(**2**), mae Cynulliad Cenedlaethol Cymru, ar ôl 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 yn unol ag adran 48(4) a (4B) o'r Ddeddf honno, drwy hyn yn gwneud y Rheoliadau canlynol:

Enwi, cychwyn a chymhwyso

1.—(1) Enw'r Rheoliadau hyn yw Rheoliadau Dŵr Mwynol Naturiol, Dŵr Ffynnon a Dŵr Yfed wedi'i Botelu (Diwygio) (Cymru) 2003 a deuant i rym ar 1 Rhagfyr 2003.

(2) Mae'r Rheoliadau hyn yn gymwys i Gymru yn unig.

Diwygio Rheoliadau 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(**3**) mewn perthynas â Chymru yn unol â rheoliadau 3 i 21 isod.

3. Yn rheoliad 2 (dehongli) —

(a) ym mharagraff (1)—

(i) yn y diffiniad o "bottle", yn lle'r geiriau "for human consumption", yn y ddau le y maent yn ymddangos, rhoddir y geiriau "for drinking by humans";

(ii) ar ôl y diffiniad o "Directive 80/778" mewnosodir y diffiniad canlynol —

""Directive 98/83" means Council Directive 98/83/EC relating to the quality of water intended for human consumption(**4**);",

(**1**) 1990 p.16.
(**2**) Trosglwyddwyd swyddogaethau "the Ministers" o dan Ddeddf Diogelwch Bwyd 1990, i'r graddau y maent yn arferadwy mewn perthynas â Chymru, i Gynulliad Cenedlaethol Cymru drwy Orchymyn Cynulliad Cenedlaethol Cymru (Trosglwyddo Swyddogaethau) 1999 (O.S. 1999/672) fel y'i darllenir gydag adran 40(3) o Ddeddf Safonau Bwyd 1999.
(**3**) O.S. 1999/1540, a ddiwygiwyd gan O.S. 2000/656.
(**4**) Rhif OJ L330, 5.12.98, t.32.

(iii) yn lle'r diffiniad o "drinking water" rhoddir y diffiniad canlynol —

""drinking water" means water intended for sale for drinking by humans other than —

(a) natural mineral water; or

(b) water bottled in a bottle marked or labelled "spring water" in accordance with regulation 11;", a

(iv) yn y diffiniadau o "parameter" a "prescribed concentration or value" ill dau, mewnosodir ar y dechrau y geiriau "subject to paragraph (5) below,";

(b) yn lle paragraff (2) rhoddir y paragraff canlynol —

"(2) Other expressions used both in these Regulations and in Council Directive 80/777 or 80/778 have the same meanings in these Regulations as they bear in the Directive concerned."; ac

(c) ar ôl paragraff (4) ychwanegir y paragraffau canlynol —

"(5) Before 25th December 2003, the references to "Schedule 3", in the definitions of "parameter" and "prescribed concentration or value" in paragraph (1) above, shall have effect as if the amendments made to these Regulations by regulations 17 to 21 of the Natural Mineral Water, Spring Water and Bottled Drinking Water (Amendment) (Wales) Regulations 2003 had not been made.

(6) Any reference in these Regulations to the marking or labelling of a bottle relates both to the case where the marking or labelling occurs before any water is bottled and also to the case where it occurs after bottling.".

4. Ym mharagraff (c) o reoliad 3 (esemptiadau), yn lle'r geiriau "human consumption" rhoddir y geiriau "drinking by humans".

5. Yn rheoliad 4 (adnabod fel dŵr mwynol naturiol) —

(a) ym mharagraff (2) —

(i) yn is-baragraff (a) dilëir y gair "or",

(ii) yn is-baragraff (b) ychwanegir ar y diwedd y gair "or", a

(iii) ar ôl is-baragraff (b) mewnosodir yr is-baragraff canlynol —

"(c) that the content of the water is not in accordance with paragraph 2(c) in Part I or, as the case may be, paragraph 2(c) in Part II, of Schedule 1,";

(b) yn lle paragraff (5), rhoddir y paragraff canlynol —

"(5) Upon the grant or withdrawal pursuant to this regulation, by the relevant authority in Wales, of recognition for the purposes of Article 1, the authority concerned shall immediately inform the Agency of such grant or withdrawal."; ac

(c) ar ôl paragraff (7) rhoddir y paragraff canlynol —

"(7A) Upon receiving notification of any change to the trade description of a natural mineral water, or to the name of the spring from which a natural mineral water has been extracted, the relevant authority in Wales shall immediately inform the Agency of that change.".

6. Yn rheoliad 5 (gwahardd rhag gwerthu) ar ôl y geiriau "any water" mewnosodir y geiriau "bottled in a bottle".

7. Yn rheoliad 10 (labelu dŵr mwynol naturiol) —

(a) ym mharagraff (1), ar ôl y geiriau "cause any natural mineral water to be" mewnosodir y geiriau "bottled in a bottle";

(b) ym mharagraff (3), ar ôl y geiriau "Natural mineral water shall be" mewnosodir y geiriau "bottled in a bottle"; ac

(c) yn lle paragraff (5) rhoddir y paragraff canlynol —

"(5) No person shall sell any natural mineral water which —

(a) is bottled in a bottle marked or labelled in contravention of paragraph (1) above;

(b) has undergone any of the treatments referred to in paragraph (3)(a) above, unless the bottle in which it is bottled is marked or labelled with the appropriate indication in accordance with that paragraph;

(c) is bottled in a bottle not marked or labelled with the mandatory information referred to in paragraph (4) above; or

(d) is bottled in a bottle marked or labelled with a trade description which is different from the trade description with which any other natural mineral water originating from the same spring is marked or labelled.".

8. Yn lle rheoliad 11 (dŵr ffynnon) rhoddir y rheoliad canlynol —

"**Spring water**

11.—(1) No person shall cause any water to be bottled in a bottle marked or labelled with the description "spring water" unless —

(a) that water has been extracted from a spring;

(b) subject to paragraph (4) below, that water would, if it were a natural mineral water, meet the exploitation and bottling requirements;

(c) that water would, if it were a natural mineral water, be capable of being bottled or sold without contravening the provisions of regulation 8;

(d) subject to paragraphs (6) and (7) below, that water satisfies the requirements of Schedule 3; and

(e) the bottling occurs at source.

(2) No person shall cause any bottle to be marked or labelled with the description "spring water" unless the water contained in it —

(a) subject to paragraphs (6) and (7) below, is bottled as specified in paragraph (1) above;

(b) is (if it has not undergone any treatment) intended for consumption in its natural state; and

(c) would (where the bottle in which it is bottled is marked or labelled with any trade description) if it were a natural mineral water, comply with the requirements of Article 8.

(3) No person shall cause any water to be bottled in a bottle marked or labelled with the description "spring water" unless the bottle is also marked or labelled with —

(a) the name of the place where the spring in question is exploited; and

(b) the name of the spring.

(4) Any water bottled in a bottle marked or labelled with the description "spring water", which is transported from the spring to the bottling plant in a container which is not for distribution to the ultimate consumer, shall not, for that reason alone, be taken to have failed to meet the exploitation and bottling requirements if, on or before 23rd November 1996, the water from that spring was so transported to the bottling plant.

(5) No person shall sell any water which is —

(a) subject to paragraphs (6) and (7) below, bottled otherwise than as specified in paragraph (1) above; or

(b) subject to paragraphs (6) and (7) below, bottled in a bottle marked or labelled in contravention of paragraph (2) or (3) above.

(6) Before 25th December 2003, the references in paragraph (1)(d) above and paragraph (7) below to "Schedule 3" shall have effect as if the amendments made to these Regulations by regulations 17 to 21 of the Natural Mineral Water, Spring Water and Bottled Drinking Water (Amendment) (Wales) Regulations 2003 had not been made.

(7) For the purposes of paragraphs (2)(a) and (5) above, where the water concerned has been bottled in an EEA State other than the United Kingdom, but does not satisfy the requirements of Schedule 3, it shall be deemed to satisfy those requirements if, at the date of bottling —

(a) it satisfies the requirements prescribed in that State corresponding to those in Schedule 3; and

(b) those requirements are in accordance with —

(i) (where the bottling occurs before 25th December 2003) whichever of Directives 80/778 and 98/83 is applicable in that State, or

(ii) (where the bottling occurs on or after that date) Directive 98/83.".

9. Yn rheoliad 12 (dŵr yfed wedi'i botelu) —

(a) yn lle paragraff (1) rhoddir y paragraff canlynol —

"(1) Subject to paragraphs (3) and (4) below, no person shall cause any drinking water to be bottled, or sell any bottled drinking water, unless it satisfies the requirements of paragraphs (2) and (3) below and Schedule 3.";

(b) yn lle paragraff (2) rhoddir y paragraff canlynol —

"(2) No person shall cause any drinking water which does not satisfy the provisions of section 1 of Annex I to be bottled in a bottle marked or labelled with any designation, proprietary name, trade mark, brand name, illustration or other sign, whether emblematic or not, the use of which is forbidden by Article 9.1(b).";

(c) yn lle paragraff (2) ychwanegir y paragraffau canlynol —

"(3) Before 25th December 2003, the references in paragraph (1) above and paragraph (4) below to "Schedule 3" shall have effect as if the amendments made to these Regulations by regulations 17 to 21 of the Natural Mineral Water, Spring Water and Bottled Drinking Water (Amendment) (Wales) Regulations 2003 had not been made.

(4) For the purposes of paragraph (1) above, where the water concerned has been bottled in an EEA State other than the United Kingdom, but does not satisfy the requirements of Schedule 3, it shall be deemed to satisfy those requirements if, at the date of bottling —

(a) it satisfies the requirements prescribed in that State corresponding to those in Schedule 3; and

(b) those requirements are in accordance with —

(i) (where the bottling occurs before 25th December 2003) whichever of Directives 80/778 and 98/83 is applicable in that State, or

(ii) (where the bottling occurs on or after that date) Directive 98/83.".

10. Yn rheoliad 13 (gorfodi) —

(a) yn lle paragraff (1) rhoddir y paragraff canlynol —

"(1) Subject to paragraphs (2) and (3) below, each food authority shall —

(a) enforce and execute these Regulations within its area; and

(b) with effect from 25th December 2003, for the purposes of carrying out that function, take within its area, in relation to products to which these Regulations and Directive 98/83 apply, the steps required of member States and competent authorities by Article 7.1 to 7.4 and 7.6 of that Directive.";

(b) yn is-baragraff (a)(i) o baragraff (2), yn lle'r ymadrodd "4(b)" rhoddir yr ymadrodd "4(a)"; ac

(c) ym mharagraff (3), yn lle'r ymadrodd "and 11(1)(e) and (f)" rhoddir yr ymadrodd ", 11(2), (3) and (5)(b) and 12(2)".

11. Yn lle rheoliad 16 (dadansoddi) rhoddir y rheoliad canlynol —

"**16.**—(1) Subject to paragraph (2) below, methods of analysis which accord with Article 7.5 of Directive 98/83 shall be used for the purposes of determining whether or not water satisfies the provisions of Schedule 3.

(2) Before 25th December 2003, paragraph (1) above shall have effect as if the reference therein to Article 7.5 of Directive 98/83 were a reference to Article 12.5 of Directive 80/778 and the amendments made to these Regulations by regulations 17 to 21 of the Natural Mineral Water, Spring Water and Bottled Drinking Water (Amendment) (Wales) Regulations 2003 had not been made.".

12. Yn rheoliad 17 (tramgwyddau a chosbau), yn lle'r ymadrodd "10(1) or (5), 11(1) or (3), 12" rhoddir yr ymadrodd "10(1) or (5), 11(1), (2), (3) or (5), 12(1) or (2)".

13. Yn rheoliad 18 (amddiffyniadau) —

(a) yn lle is-baragraff (b) o baragraff (1), rhoddir yr is-baragraff canlynol —

"(b) if the water was intended for export to an EEA State, that —

(i) in the case of water bottled in a bottle marked or labelled with the term "spring water" —

(A) where the export was to take place before 25th December 2003, the legislation complies with the provisions of Directive 80/777 and whichever of Directives 80/778 and 98/83 is applicable in the State concerned, and

(B) where the export was to take place on or after that date, the legislation complies with the provisions of Directives 80/777 and 98/83, and

(ii) in the case of bottled drinking water —

(A) where the export was to take place before 25th December 2003, the legislation complies with the provisions of whichever of Directives 80/778 and 98/83 is applicable in the State concerned, and

(B) where the export was to take place on or after that date, the legislation complies with the provisions of Directive 98/83.";

(b) ym mharagraff (2)(a), ar ôl y gair "or" mewnosodir y geiriau "the bottle in which it was bottled was marked or"; ac