OFFERYNNAU STATUDOL CYMRU

2002 Rhif 2834 (Cy.272)

BWYD, CYMRU

Rheoliadau Deunyddiau ac Eitemau Plastig mewn Cysylltiad â Bwyd (Diwygio) (Cymru) 2002

Wedi'u gwneud - -	*7 Tachwedd 2002*
Yn dod i rym - -	*30 Tachwedd 2002*

Drwy arfer y pwerau a roddwyd gan adrannau 16(2), 17(1), 26(1)(a), 31 a 48(1) o Ddeddf Diogelwch Bwyd 1990(**1**), ac sydd bellach yn arferadwy mewn perthynas â Chymru gan Gynulliad Cenedlaethol Cymru(**2**) 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 â gofynion Erthygl 9 o Reoliad (EC) Rhif 178/2002 Senedd Ewrop a'r Cyngor sy'n pennu egwyddorion cyffredinol a gofynion cyfraith bwyd, sy'n sefydlu Awdurdod Diogelwch Bwyd Ewrop ac sy'n pennu gweithdrefnau mewn materion diogelwch bwyd(**3**) , ac ar ôl ymgynghori yn unol ag adran 48(4) a (4B) o'r Ddeddf honno, yn gwneud y Rheoliadau canlynol:

Enwi, cychwyn a chymhwyso

1.—(1) Enw'r rheoliadau hyn yw Rheoliadau Deunyddiau ac Eitemau Plastig mewn Cysylltiad â Bwyd (Diwygio) (Cymru) 2002 a daw i rym ar 30 Tachwedd 2002.

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

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**)) ("y prif Reoliadau"), i'r graddau y maent yn gymwys i Gymru, yn unol â rheoliadau 3 i 18.

3. Yn union ar ôl rheoliad 1 mewnosoder y rheoliad canlynol—

"**Scope of these Regulations**

1A. Notwithstanding the title to these Regulations—

(**1**) 1990 p.16.
(**2**) Trosglwyddwyd swyddogaethau'r "Ysgrifennydd Gwladol" i'r graddau y maent yn arferadwy mewn perthynas â Chymru i Gynulliad Cenedlaethol Cymru gan O.S. 1999/672, fel y'i diwygiwyd gan a.40(3) o Ddeddf Safonau Bwyd 1999 (1999 p.28).
(**3**) OJ Rhif L31, 1.2.2002, t.1.
(**4**) O.S. 1998/1376, a ddiwygiwyd gan O.S. 2001/1263.

(a) regulations 3 and 9 to 12 apply also in relation to adhesives and to materials or articles covered by surface coatings; and

(b) regulation 8A and regulation 8B apply only in relation to adhesives and to materials or articles covered by surface coatings.".

4. Yn rheoliad 2 (dehongli)—

(a) ym mharagraff (1)—

(i) yn union ar ôl y diffiniad o "additive" mewnosoder y diffiniadau canlynol—

""adhesive" means anything which, for the purposes of Commission Directive 2002/16, is included among the adhesives to which that Directive applies;

"BADGE" means 2,2-bis(4-hydroxyphenyl) propane bis(2,3-epoxypropyl) ether;

"BFDGE" means bis(hydroxyphenyl) methane bis(2,3-epoxypropyl) ethers;",

(ii) yn lle'r diffiniad o "capable" rhodder y diffiniad canlynol—

""capable" means capable as established—

(a) in relation to any plastic material or article, under regulation 6; and

(b) in relation to any adhesive or material or article covered by a surface coating, under regulation 8B;",

(iii) yn union ar ôl y diffiniad o"capable" mewnosoder y diffiniadau canlynol—

""Commission Directive 2001/62" means Commission Directive 2001/62/EC amending Directive 90/128/EEC relating to plastic materials and articles intended to come into contact with foodstuffs(**5**);

"Commission Directive 2002/16" means Commission Directive 2002/16/EC on the use of certain epoxy derivatives in materials and articles intended to come into contact with foodstuffs(**6**);",

(iv) yn lle'r diffiniad o "the Directive" rhodder y diffiniad canlynol - ""the Directive" means Commission Directive 2002/72/EC relating to plastic materials and articles intended to come into contact with foodstuffs(**7**));",

(v) yn union ar ôl y diffiniad o "import" mewnosoder y diffiniad canlynol—

""material or article covered by a surface coating" means anything which, for the purposes of Commission Directive 2002/16, is included among the materials and articles covered by surface coatings to which that Directive applies;",

(vi) yn union ar ôl y diffiniad o "monomer" mewnosoder y diffiniad canlynol—

""NOGE" means novolac glycidyl ethers not covered by Article 1(a) or (b) of Commission Directive 2002/16;",

(vii) ar ddiwedd y diffiniad o "plastic material or article" ychwaneger y geiriau canlynol ", except that, where it is used in any provisions referred to in paragraph (5) below, to the extent that they implement or relate to the enforcement of Commission Directive 2002/16, it means any material or article made of any type of plastic"; a

(viii) ar ôl y diffiniad o "sell" ychwaneger y diffiniad canlynol—

""QMA" has the same meaning as it bears in the first sentence of the sub-paragraph relating to that term in paragraph 8 of Annex II to the Directive;";

(**5**) OJ Rhif L221, 17.8.2001, t.18.
(**6**) OJ Rhif L215, 9.8.2001, t.26.
(**7**) OJ Rhif L220, 15.8.2002, t.18.

(b) yn lle paragraff (2) rhodder y ddarpariaeth ganlynol—

"(2) For the purposes of these Regulations, the supply in the course of a business, otherwise than on sale, of any plastic material or article, adhesive or material or article covered by a surface coating, shall be deemed to be a sale of the plastic material or article, adhesive or material or article covered by a surface coating concerned."; ac

(c) yn union ar ôl paragraff (4) mewnosoder y paragraff canlynol—

"(5) The provisions referred to in the definition of "plastic material or article" in paragraph (1) of this regulation are regulations 3, 4, 4A, 5, 6, 10, 11 and 12 and Schedules 3 and 4.".

5. Yn rheoliad 3 (cyfyngu ar ddefnyddio, gwerthu neu fewnforio deunyddiau ac eitemau plastig) —

(a) yn lle'r pennawd rhodder y pennawd canlynol—

"**Restriction on the use, sale or importation of plastic materials and articles, adhesives and materials and articles covered by surface coatings";**

(b) ym mharagraffau (1) a (2), yn union ar ôl y cyfeiriadau at "plastic material or article", lle bynnag y maent yn ymddangos, mewnosoder cyfeiriadau at ", adhesive or material or article covered by a surface coating";

(c) yn is-baragraff (4)(a)(iii) dileir y gair "or";

(ch) yn lle is-baragraff (4)(a)(iv) rhodder yr is-baragraff canlynol—

"(iv) it does not comply with regulation 4(5), (5A) or (5B), 4A(4), (5) or (6), 5(4), (4A), (4B) or (4C), 7 or 7A(1) or 8A(4), (5) or (6); or"; ac

(d) yn union ar ôl is-baragraff (4)(a)(iv) ychwaneger yr is-baragraff canlynol—

"(v) it has been manufactured in contravention of a prohibition contained in regulation 4A(1), (2) or (3),".

(dd) ychwaneger y paragraff canlynol ar y diwedd—

"(5) For the purposes of this regulation, an adhesive or a material or article covered by a surface coating fails to meet the requisite standards if—

(i) it has been manufactured in contravention of a prohibition contained in regulation 8A(1), (2) or (3), or

(ii) it does not comply with regulation 8A(4), (5) or (6).".

6. Yn rheoliad 4 (cyfyngu ar weithgynhyrchu â monomerau)—

(a) yn lle'r pennawd a pharagraff (1) rhodder y darpariaethau canlynol—

"**Restriction on manufacture with monomers of plastic materials and articles**

(1) Subject to the following paragraphs of this regulation, no person shall use in the manufacture of any plastic material or article any prohibited monomer, that is to say—

(a) any monomer (not being one to which sub-paragraph (b) or (c) below relates) which is not—

(i) of good technical quality;

(ii) identified by PM/REF No. , CAS No. (if any) and name in columns 1, 2 and 3 respectively of the relevant section of Part I of Schedule 1, and

(iii) used in accordance with the restrictions and specifications (if any) for that monomer set out or referred to in the corresponding entry in column 4 of that section;

(b) BFDGE to the extent that they are used in such manufacture—

(i) on or after 1st January 2005, or

(ii) prior to that date in contravention of the restriction specified in paragraph 1 of Annex II to Commission Directive 2002/16, as read with the second sentence of paragraph 2 of that Annex; or

(c) NOGE to the extent that it is used in such manufacture—

(i) on or after 1st January 2005, or

(ii) prior to that date but on or after 1st March 2003, in contravention of the restriction specified in the first sentence of Article 4 of Commission Directive 2002/16.";

(b) ym mharagraff (2)—

(i) yn is-baragraff (b) rhodder y darpariaethau canlynol - " in the case of a plastic material or article manufactured on or after 30th November 2002 and before 1st January 2005, Section A or B", a

(ii) yn is-baragraff (c), rhodder y darpariaethau canlynol " in the case of a plastic material or article manufactured on or after 1st January 2005, Section A.";

(c) yn lle paragraff (3) rhodder y paragraff canlynol—

"(3) Paragraph (1)(a) of this regulation does not apply to the use of a monomer in the manufacture of any—

(a) surface coatings obtained from resinous or polymerised products in liquid, powder or dispersion form, including, but not limited to, varnishes, lacquers and paints;

(b) epoxy resins;

(c) adhesives and adhesion promoters; or

(d) printing inks.";

(ch) ym mharagraff (4), yn lle'r ymadrodd "Paragraph (1)" rhodder yr ymadrodd "Paragraph (1)(a)";

(d) yn union ar ôl paragraff (5) mewnosoder y paragraffau canlynol—

"(5A) No plastic material or article manufactured using BFDGE as a monomer shall be capable of transferring constituents of that monomer to food with which that plastic material or article may come into contact, in quantities exceeding the appropriate limit specified in paragraph 1 of Annex II to Commission Directive 2002/16, as read with the second sentence of paragraph 2 of that Annex.

(5B) On or after 1st March 2003, no plastic material or article manufactured using NOGE as a monomer shall fail to comply with the requirements of the first sentence of Article 4 of Commission Directive 2002/16."; and

(dd) ym mharagraff (7)—

(i) yn lle'r ymadrodd "paragraph (1)" rhodder yr ymadrodd "paragraph (1)(a)", a

(ii) ar ôl y geiriau "Part I of Schedule 1" mewnosoder y geiriau "or to which sub-paragraph (b) or (c) of that paragraph relates".

7. Yn union ar ôl rheoliad 4 (cyfyngu ar weithgynhyrchu â monomerau) mewnosoder y rheoliad canlynol—

"**Restriction on manufacture of plastic materials and articles using certain substances other than as monomers or additives**

4A.—(1) No person shall use BADGE in the manufacture of any plastic material or article, where the use is not as a monomer or an additive—

(a) on or after 1st January 2005; or

(b) prior to that date in contravention of the restriction specified in paragraph 1 of Annex 1 to Commission Directive 2002/16, as read with the second sentence of paragraph 2 of that Annex.

(2) No person shall use BFDGE in the manufacture of any plastic material or article, where the use is not as a monomer or an additive—

(a) on or after 1st January 2005; or

(b) prior to that date in contravention of the restriction specified in paragraph 1 of Annex II to Commission Directive 2002/16, as read with the second sentence of paragraph 2 of that Annex.

(3) No person shall use NOGE in the manufacture of any plastic material or article, where the use is not as a monomer or additive—

(a) on or after 1st January 2005; or

(b) prior to that date but on or after 1st March 2003, in contravention of the restriction specified in the first sentence of Article 4 of Commission Directive 2002/16.

(4) No plastic material or article manufactured using BADGE other than as a monomer or an additive shall be capable of transferring constituents of BADGE to food with which the plastic material or article may come into contact, in quantities exceeding the appropriate limit specified in paragraph 1 of Annex I to Commission Directive 2002/16, as read with the second sentence of paragraph 2 of that Annex.

(5) No plastic material or article manufactured using BFDGE other than as a monomer or an additive shall be capable of transferring constituents of BFDGE to food with which the plastic material or article may come into contact, in quantities exceeding the appropriate limit specified in paragraph 1 of Annex II to Commission Directive 2002/16, as read with the second sentence of paragraph 2 of that Annex.

(6) On and after 1st March 2003, no plastic material or article manufactured using NOGE other than as a monomer or an additive shall fail to comply with the requirements of the first sentence of Article 4 of Commission Directive 2002/16.".

8. Yn rheoliad 5 (cyfyngu ar weithgynhyrchu ag ychwanegion)—

(a) yn lle'r pennawd a pharagraff (1) rhodder y darpariaethau canlynol—

"**Restriction on manufacture of plastic materials and articles with additives**

(1) Subject to the following paragraphs of this regulation, no person shall use in the manufacture of plastic material or article any prohibited additive, that is to say—

(a) any additive identified by PM/REF No. , CAS No. (if any) and name in columns 1, 2 and 3 respectively of Part I of Schedule 2 or columns 1, 2 and 3 respectively of Part II of that Schedule, which is not—

(i) of good technical quality, and

(ii) used in accordance with the restrictions and specifications (if any) for that additive set out in the corresponding entry in column 4 of Part I or Part II, as appropriate;