

CYNULLIAD CENEDLAETHOL CYMRU		NATIONAL ASSEMBLY FOR WALES
OFFERYNNAU STATUDOL		STATUTORY INSTRUMENTS
2002 Rhif (Cy.)		2002 No. (W.)
BWYD, CYMRU		FOOD, WALES
Rheoliadau Ychwanegion Bwyd Amrywiol (Diwygio) (Cymru) 2002		The Miscellaneous Food Additives (Amendment) (Wales) Regulations 2002
NODYN ESBONIADOL <i>(Nid yw'r nodyn hwn yn rhan o'r Rheoliadau)</i>		EXPLANATORY NOTE <i>(This note does not form part of the Regulations)</i>
Mae'r Rheoliadau hyn, sy'n gymwys i Gymru yn unig, yn diwygio Rheoliadau Ychwanegion Bwyd Amrywiol 1995, fel y'u diwygiwyd eisoes ("y prif Rheoliadau") sy'n gymwys i Brydain Fawr.		These Regulations, which apply to Wales only, amend the Miscellaneous Food Additives Regulations 1995, as already amended ("the principal Regulations"), which extend to Great Britain.
Mae'r Rheoliadau yn gweithredu –		The Regulations implement –

<p>(a) Cyfarwyddeb y Comisiwn 2001/30/EC sy'n diwygio Cyfarwyddeb 96/77/EC sy'n nodi meini prawf purdeb penodol ar ychwanegion bwyd heblaw lliwiau a melysyddion (OJ Rhif L146, 31.5.2001, t.1), a</p>		<p>(a) Commission Directive 2001/30 /EC amending Directive 96/77/EC laying down specific purity criteria on food additives other than colours and sweeteners (OJ No. L146, 31.5.2001, p. 1), and</p>
<p>(b) Cyfarwyddeb 2001/5/EC y Senedd Ewropeaidd a'r Cyngor sy'n diwygio Cyfarwyddeb 95/2 ar ychwanegion bwyd heblaw lliwiau a melysyddion (OJ Rhif L55, 24.2.2001, t.59).</p>		<p>(b) Directive 2001/5/EC of the European Parliament and of the Council amending Directive 95/2 on food additives other than colours and sweeteners (OJ No. L55, 24.2.2001, p.59).</p>
<p>Yn ddarostyngedig i ddarpariaeth drosiannol, mae'r Rheoliadau'n pennu meini prawf purdeb newydd mewn perthynas â'r ychwanegion a bennir yn yr Atodiad i gyfarwyddeb y Comisiwn 2001/30/EC (rheoliadau 3(b) ac (c), 4 ac 8) ac yn gwneud diwygiadau i Reoliadau penodol o ran cyfeiriadau yn y Rheoliadau hynny at y prif Reoliadau (rheoliad 9).</p>		<p>Subject to a transitional provision, the Regulations specify new purity criteria in relation to the additives specified in the Annex to Commission Directive 2001/ 30/ EC (regulations 3 (b) and (c), 4 and 8) and make related amendments to certain Regulations as regards references in those Regulations to the principal Regulations (regulation 9).</p>
<p>Mae'r Rheoliadau hefyd –</p>		<p>The Regulations also –</p>

(a) yn ychwanegu un ychwanegyn newydd at y rhestr, yn Atodlen 1 i'r prif Reoliadau, o ychwanegion bwyd amrywiol y caniateir yn gyffredinol eu defnyddio mewn bwydydd na chyfeirir atynt yn Atodlen 6, 7 neu 8 i'r Rheoliadau hynny (rheoliad 5);

(a) add one new additive to the list, in Schedule 1 to the principal Regulations, of miscellaneous food additives generally permitted for use in foods not referred to in Schedule 6, 7 or 8 to those Regulations (regulation 5);

(b) yn addasu'r rhestr, yn Atodlen 3 i'r prif Reoliadau, o ychwanegion bwyd amrywiol a all gael eu cynnwys mewn bwydydd penodol, drwy ychwanegu pedwar ychwanegyn newydd at y rhestr honno a phennu bwydydd ychwanegol y gellir cynnwys esterau *Glycerol* o rosinau coed ynddynt (rheoliad 6); ac

(b) modify the list, in Schedule 3 to the principal Regulations, of miscellaneous food additives which may be included in certain foods, by adding four new additives to that list and specifying additional foods in which Glycerol esters of wood rosins may be contained (regulation 6); and

(c) yn addasu'r rhestr o garwyr a thoddyddion carwyr a ganiateir yn Atodlen 1 i'r prif Reoliadau drwy ymgorffori Rhif E ar gyfer *Propan – 1,2-diol* (*propylene glycol*) (rheoliad 7).

(c) modify the list of permitted carriers and carrier solvents in Schedule 4 to the principal Regulations by incorporating an E Number for Propan – 1,2–diol (propylene glycol) (regulation 7).

<p style="text-align: center;">OFFERYNNAU STATUDOL</p>		<p style="text-align: center;">STATUTORY INSTRUMENTS</p>
<p style="text-align: center;">2002 Rhif (Cy.)</p>		<p style="text-align: center;">2002 No. (W.)</p>
<p style="text-align: center;">BWYD, CYMRU</p>		<p style="text-align: center;">FOOD, WALES</p>
<p style="text-align: center;">Rheoliadau Ychwanegion Bwyd Amrywiol (Diwygio) (Cymru) 2002</p>		<p style="text-align: center;">The Miscellaneous Food Additives (Amendment) (Wales) Regulations 2002</p>
<p><i>Wedi'u gwneud 2002</i></p> <p><i>Yn dod i rym 1 Mawrth 2002</i></p>		<p><i>Made 2002</i></p> <p><i>Coming into force 1 March 2002</i></p>
<p>Drwy arfer y pwerau a roddir gan adrannau 16(1)(a), 17(1), 26(1) a (3) a 48(1) o Ddeddf Diogelwch Bwyd 1990(a), a pharagraff 1 o Atodlen 1 iddi, sydd bellach wedi'u breinio yng Nghynulliad Cenedlaethol Cymru (b), 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, yn gwneud y Rheoliadau canlynol:</p>		<p>In exercise of the powers conferred by sections 16(1)(a), 17(1), 26(1) and (3) and 48 (1) of, and paragraph 1 of Schedule 1 to, the Food Safety Act 1990(a), and now vested in the National Assembly for Wales(b), the National Assembly for Wales, having had regard, in accordance with section 48(4A) of that Act to relevant advice given by the Food Standards Agency and after consultation in accordance with section 48(4) and (4B) of that Act, makes the following Regulations:</p>
<p>Enwi, cychwyn a chymhwyso</p>		<p>Citation, commencement and application</p>
<p>1.-(1) Enw'r Rheoliadau hyn yw Rheoliadau Ychwanegion Bwyd Amrywiol (Diwygio) (Cymru) 2002.</p>		<p>1.-(1) These Regulations may be cited as the Miscellaneous Food Additives (Amendment) (Wales) Regulations 2002.</p>

(2) Mae'r Rheoliadau hyn yn gymwys i Gymru yn unig a deuant i rym ar 1 Mawrth 2002.

(2) These Regulations apply to Wales only and come into force on 1 March 2002.

Diwygio Rheoliadau Ychwanegion Bwyd Amrywiol 1995

Amendment of the Miscellaneous Food Additives Regulations 1995

2. Caiff Rheoliadau Ychwanegion Bwyd Amrywiol 1995 (c) eu diwygio, i'r graddau y maent yn gymwys i Gymru, yn unol â rheoliadau 3 i 8 isod.

2. The Miscellaneous Food Additives Regulations 1995(c) shall be amended, in so far as they extend to Wales, in accordance with regulations 3 to 8 below.

3. Ym mharagraff (1) o reoliad 2 (dehongli) –

3. In paragraph (1) of regulation 2 (interpretation) –

(a) yn y diffiniad o "Directive 95/2/EC", yn lle'r geiriau "and European Parliament and Council Directive 98/72/EC" rhoddir y geiriau ", European Parliament and Council Directive 98/72/EC(ch) and European Parliament and Council Directive 2001/5/EC"(d)

(a) in the definition of "Directive 95/2/EC", for the words "and European Parliament and Council Directive 98/72/EC" there shall be substituted the words ", European Parliament and Council Directive 98/72/EC(d) and European Parliament and Council Directive 2001/5/EC"(e),

(b) yn y diffiniad o "Directive 96/77/EC", yn lle'r geiriau "and Commission Directive 2000/63/EC", rhoddir y geiriau ", Commission Directive 2000/63/EC (dd) and Commission Directive 2001/30 /EC"(de), ac

(b) in the definition of "Directive 96/77/EC", for the words "and Commission Directive 2000/63/EC", there shall be substituted the words ", Commission Directive 2000/63/EC(f) and Commission Directive 2001/30/EC",(g) and

<p>(c) yn y diffiniad o "purity criteria", yn lle paragraff (b), rhoddir y paragraff canlynol –</p>	<p>(c) in the definition of "purity criteria", for paragraph (b) there shall be substituted the following paragraph –</p>
<p>"(b) in the case of magnesium carbonates (E504), the purity criteria referred to in Schedule 5;"</p>	<p>"(b) in the case of magnesium carbonates (E504), the purity criteria referred to in Schedule 5;"</p>
<p>4. Yn rheoliad 11 (darpariaeth drosiannol ac esemptiadau) rhoddir y paragraff canlynol ar ôl paragraff (1C) –</p>	<p>4. In regulation 11 (transitional provision and exemptions) there shall be inserted after paragraph (1C) the following paragraph –</p>
<p>"(1D) In any proceedings for an offence under these Regulations in respect of any food additive or food, it shall be a defence to prove that –</p>	<p>"(1D) In any proceedings for an offence under these Regulations in respect of any food additive or food, it shall be a defence to prove that –</p>
<p>(a) the food additive or food concerned was put on the market or labelled before 1 March 2002; and</p>	<p>(a) the food additive or food concerned was put on the market or labelled before 1 March 2002; and</p>
<p>(b) the matter constituting the offence would not have constituted an offence under these Regulations if the amendments made by regulations 3(b) and (c) and 8 of the Miscellaneous Food Additives (Amendment) (Wales) Regulations 2002 had not been in force when that matter occurred."</p>	<p>(b) the matter constituting the offence would not have constituted an offence under these Regulations if the amendments made by regulations 3 (b) and (c) and 8 of the Miscellaneous Food Additives (Amendment) (Wales) Regulations 2002 had not been in force when that matter occurred."</p>

<p>5. Yn Atodlen 1 (ychwanegion amrywiol y caniateir yn gyffredinol eu defnyddio mewn bwydydd na chyfeirir atynt yn Atodlen 6, 7 neu 8) –</p>	<p>5. In Schedule 1 (miscellaneous additives generally permitted for use in foods not referred to in Schedule 6, 7 or 8) –</p>
<p>(a) yn nodyn (2), yn lle'r geiriau "and E 948" rhoddir y geiriau ", E 948 and E 949"; a</p>	<p>(a) in note (2), for the words "and E 948" there shall be substituted the words ",E 948 and E 949"; and</p>
<p>(b) yn y Tabl–</p> <p>(i) yn y golofn gyntaf yn union ar ôl y cyfeiriad at "E948", rhoddir cyfeiriad at "E949", a</p> <p>(ii) yn yr ail golofn, yn union ar ôl y cyfeiriad at "Oxygen", rhoddir cyfeiriad at "Hydrogen".</p>	<p>(b) in the Table –</p> <p>(i) in the first column, immediately after the reference to "E948", there shall be inserted a reference to "E949", and</p> <p>(ii) in the second column, immediately after the reference to "Oxygen", there shall be inserted a reference to "Hydrogen".</p>
<p>6. Yn y Tabl i Atodlen 3 (ychwanegion amrywiol eraill a ganiateir) –</p>	<p>6. In the Table to Schedule 3 (other permitted miscellaneous additives) –</p>
<p>(a) yn y cofnod ar gyfer esterâu <i>Glycerol</i> rosinau coed (E 445) –</p> <p>(i) yn y drydedd golofn, ar ôl y cyfeiriad at "non- alcoholic flavoured cloudy drinks", ychwanegir y cyfeiriadau canlynol –</p> <p style="padding-left: 40px;">"Cloudy spirit drinks in accordance with Council Regulation (EEC) No. 1576/89 laying</p>	<p>(a) in the entry for Glycerol esters of wood rosins (E 445) –</p> <p>(i) in the third column, after the reference to "non- alcoholic flavoured cloudy drinks", there shall be added the following references –</p> <p style="padding-left: 40px;">"Cloudy spirit drinks in accordance with Council Regulation (EEC) No. 1576/89 laying down general rules on the definition, designation and presentation of spirit drinks (h)</p> <p style="padding-left: 40px;">Cloudy spirit drinks containing less than 15% alcohol by volume";</p>

down general rules on the definition, designation and presentation of spirit drinks(f)

Cloudy spirit drinks containing less than 15% alcohol by volume";

(ii) yn y bedwaredd golofn, gyferbyn â phob un o'r cyfeiriadau a ychwanegir gan y paragraff hwn, ychwanegir cyfeiriadau at 100mg/l";

(ii) in the fourth column, opposite to each of the references added by this paragraph, there shall be added references to 100mg/l";

(b) yn union ar ôl y cofnod ar gyfer *Disodium 5'-ribonucleotides* (E 635), mewnosodir y cofnod canlynol –

(b) immediately after the entry for Disodium 5'-ribonucleotides (E 635) there shall be inserted the following entry –

"E 650

Zinc acetate

Chewing gum

1000 mg/kg";

"E 650

Zinc acetate

Chewing gum

1000 mg/kg";

(c) yn union ar ôl y cofnod ar gyfer *Carbamide* (E 927b) mewnosodir y cofnodion canlynol –

(c) immediately after the entry for Carbamide (E 927b) there shall be inserted the following entries –

"E 943a	Butane }	Vegetable oil pan spray (for professional use only)	<i>quantum satis</i> ".	"E 943a	Butane }	Vegetable oil pan spray (for professional use only)	<i>quantum satis</i> ".
E 943b	}			E 943b	}		
E 944	Iso- } butane }	Water-based emulsion spray		E 944	Iso- } butane }	Water-based emulsion spray	
	}				}		
	Propane }				Propane }		

7. Yn Atodlen 4 (carwyr a thoddyddion carwyr a ganiateir), yn y cofnod ar gyfer *Propan – 1,2-diol (propylene glycol)* mewnosodir yn y golofn cyntaf y cyfeiriad "E 1520".

7. In Schedule 4 (permitted carriers and carrier solvents), in the entry for Propan - 1,2-diol (propylene glycol) there shall be inserted in the first column the reference "E 1520".

8. Yn Atodlen 5 (meini prawf purdeb)-

8. In Schedule 5 (purity criteria)-

(a) yn lle'r testun ar y dechrau sy'n cychwyn gyda'r geiriau "Each miscellaneous additive for which specific purity criteria are specified" ac sy'n gorffen gyda'r ymadrodd "E 957 Thaumatin.", rhoddir y testun canlynol –

(a) for the text at the start commencing with the words "Each miscellaneous additive for which specific purity criteria are specified" and ending with the expression "E 957 Thaumatin.", there shall be substituted the following text –

"The miscellaneous additives for which specific purity criteria are referred to below shall not contain –

"The miscellaneous additives for which specific purity criteria are referred to below shall not contain –

(a) more than 2 milligrams per kilogram of arsenic;

(a) more than 2 milligrams per kilogram of arsenic;

<p>(b) more than 10 milligrams per kilogram of lead;</p>		<p>(b) more than 10 milligrams per kilogram of lead;</p>
<p>(c) more than 50 milligrams per kilogram of copper;</p> <p>(d) more than 25 milligrams per kilogram of zinc; or</p> <p>(e) more than 50 milligrams per kilogram of any combination of copper and zinc"; a</p>		<p>(c) more than 50 milligrams per kilogram of copper;</p> <p>(d) more than 25 milligrams per kilogram of zinc; or</p> <p>(e) more than 50 milligrams per kilogram of any combination of copper and zinc"; and</p>
<p>(b) hepgorir gweddill yr Atodlen ac eithrio'r darpariaethau sy'n ymwneud â <i>magnesium carbonates</i> (E 504).</p>		<p>(b) the remainder of the Schedule shall be omitted save for the provisions relating to magnesium carbonates (E 504).</p>
<p>Diwygio Rheoliadau Ychwanegion Bwyd Amrywiol (Diwygio) (Cymru) 2001</p>		<p>Amendment of the Miscellaneous Food Additives (Amendment) (Wales) Regulations 2001</p>
<p>9. Hepgorir paragraff (2) o reoliad 6 (diwygiadau canlyniadol) o Reoliadau Ychwanegion Bwyd Amrywiol (Diwygio) (Cymru) 2001(ff), ym mharagraff (2) –</p> <p>(2) Yn y Rheoliadau a restrir isod, i'r graddau y maent yn gymwys i Gymru, dehonglir cyfeiriadau at Reoliadau Ychwanegion Bwyd Amrywiol 1995 fel cyfeiriadau at y Rheoliadau hynny fel y'i diwygiwyd gan Reoliadau Ychwanegion Bwyd Amrywiol 1997(g), Reoliadau Ychwanegion Bwyd Amrywiol (Diwygio)</p>		<p>9. - (1) Paragraph (2) of regulation 6 (consequential amendments) of the Miscellaneous Food Additives (Amendment) (Wales) Regulations 2001(i) shall be omitted.</p> <p>(2) In the Regulations listed below, in so far as they extend to Wales, references to the Miscellaneous Food Additives Regulations 1995 shall be constructed as references to those Regulations as amended by the Miscellaneous Food Additives (Amendment) Regulations 1997(j) , the Miscellaneous Food Additives (Amendment) Regulations 1999(k) , the Coffee Extracts and Chicory Extracts (Wales) Regulations 2001(l) , the Miscellaneous Food Additives (Amendment) (Wales) Regulations 2001(m) and these Regulations:</p> <p>the Mineral Hydrocarbons in Food Regulations 1966(n);</p>

1999(**ng**) , Rheoliadau Echdynion Coffi ac Echdynion Sicori (Cymru) 2001(**h**) , Rheoliadau Ychwanegion Bwyd Amrywiol (Diwygio) (Cymru) 2001(**i**) a'r Rheoliadau hyn:

Rheoliadau Hydrocarbonau Mwynol mewn Bwyd 1966(**j**);

Rheoliadau Cynhyrchion Siwgr Penodedig 1976(**l**);

Rheoliadau Cynhyrchion Coco a Siocled 1976(**ll**);

Rheoliadau Suddoedd Ffrwythau a Neithdarau Ffrwythau 1977(**m**);

Rheoliadau Llaeth Tew a Llaeth Sych 1977(**n**); Rheoliadau

Jam a Chynhyrchion Tebyg 1981(**o**); Rheoliadau

Cynhyrchion Cig a Chynhyrchion Pysgod Taenadwy 1984(**p**);

Rheoliadau Labelu Ychwanegion Bwyd 1992(**ph**); Rheoliadau

Labelu Bwyd 1996(**r**).

the Specified Sugar Products Regulations 1976(**o**);

the Cocoa and Chocolate Products Regulations 1976(**p**);

the Fruit Juices and Fruit Nectars Regulations 1977(**q**);

the Condensed Milk and Dried Milk Regulations 1977(**r**);

the Jam and Similar Products Regulations 1981(**s**);

the Meat Products and Spreadable Fish Products Regulations 1984(**t**);

the Food Additives Labelling Regulations 1992(**u**);

the Food Labelling Regulations 1996(**v**).

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

Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998(**w**).

[] 2002

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[ENDNOTES – WILL APPEAR IN PRINTED VERSION AS FOOTNOTES]

(a) 1990 (p. 16).

(a) 1990 (c. 16).

(b) Cafodd swyddogaethau "the Ministers" o dan Ddeddf Diogelwch Bwyd 1990, i'r graddau y maent yn arferadwy mewn perthynas â Chymru, eu trosglwyddo i Gynulliad Cenedlaethol Cymru gan Orchymyn Cynulliad Cenedlaethol Cymru (Trosglwyddo Swyddogaethau) 1999 (O.S. 1999/672).

(b) Functions of "the Ministers" under the Food Safety Act 1990, so far as exercisable in relation to Wales, were transferred to the National Assembly for Wales by the National Assembly for Wales (Transfer of Functions) Order 1999 (SI 1999/672).

(c) O.S. 1995/3187, a ddiwygiwyd gan O. S. 1997/1413, O.S. 1999/1136 , O.S. 2001/1787 ac O.S. 2001/1440 sy'n gymwys i Gymru yn unig.

(c) S.I. 1995/3187, amended by S. I. 1997/1413, S.I. 1999/1136, S.I. 2001/1787 and S.I 2001/1440.

(ch) OJ Rhif L295, 4.11.98, t. 18.

(d) OJ No. L295, 4.11.98, p. 18. .

(d) OJ Rhif L55, 24.2.2001, 2. 59.

(e) OJ No. L55, 24.2.2001, p. 59.

(dd) OJ Rhif L277, 30.10.2000, t. 1 .

(f) OJ No. L277, 30.10.2000, p. 1.

(e) OJ Rhif L146, 31.5.2001, t.1.

(g) OJ No. L 146, 31.5.2001, p.1.

(f) OJ Rhif L160, 12.6.1989, t. 1.

(h) OJ No. L160, 12.6.1989, p. 1.

(ff) O.S. 2001/[]

(i) S.I. 2001/1787.

(g) O.S. 1997/1413

(j) S.I 1997/1413

(ng) O.S. 1999/1136

(k) S.I 1999/1136

(h) O.S. 2001/1440

(l) S.I 2001/1440

(i) O.S. 2001/1787

(m) S.I 2001/1787

(j) O.S. 1966/1073; yr Offeryn diwygio perthnasol yw O.S. 1995/3187.

(n) S.I 1966/1073; the relevant amending Instrument is S.I. 1995/3187.

(l) O.S. 1976/509; yr Offeryn diwygio perthnasol yw O.S. 1995/3187.

(o) S.I 1976/509; the relevant amending Instrument is S.I 1995/3187.

(ll) O.S. 1976/541; yr Offeryn diwygio perthnasol yw O.S. 1995/3187.

(p) S.I 1976/541; the relevant amending Instrument is S.I 1995/3187.

(m) O.S. 1977/927; yr Offeryn diwygio perthnasol yw O.S. 1995/3187.

(q) S.I 1977/927; the relevant amending Instrument is S.I 1995/3187.

(n) O.S. 1977/928; yr Offeryn diwygio perthnasol yw O.S. 1995/3187.

(r) S.I 1977/928; the relevant amending Instrument is S.I 1995/3187.

(o) O.S. 1981/1063; yr Offeryn diwygio perthnasol yw O.S. 1995/3187.

(s) S.I 1981/1063; the relevant amending Instrument is S.I 1995/3187.

(p) O.S. 1984/1566; yr Offeryn diwygio perthnasol yw O.S. 1995/3187.

(t) S.I 1984/1566; the relevant amending Instrument is S.I 1995/3187.

(ph) O.S. 1992/1978; yr Offeryn diwygio perthnasol yw O.S. 1995/3187.

(u) S.I 1992/1978; the relevant amending Instrument is S.I 1995/3187.

(r) O.S. 1996/1499; y ceir diwygiadau iddo nad ydynt yn berthnasol i'r Rheoliadau hyn.

(v) S.I 1996/1499; to which there are amendments not relevant to these Regulations.

(s) 1998 p.38

(w) 1998 c.38.