

Y Pwyllgor Materion Cyfansoddiadol a Deddfwriaethol

Lleoliad:

Ystafell Bwyllgora 2 – y Senedd

Dyddiad:

Dydd Llun, 22 Medi 2014

Amser:

14.00

Cynulliad
Cenedlaethol
Cymru

National
Assembly for
Wales



I gael rhagor o wybodaeth, cysylltwch a:

Gareth Williams

Clerc y Pwyllgor

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Agenda

- 1 Cyflwyniad, ymddiheuriadau, dirprwyon a datgan buddiannau
- 2 Offerynnau nad ydynt yn cynnwys materion i gyflwyno adroddiad arnynt o dan Reol Sefydlog 21.2 na 21.3 (Tudalennau 1 – 2)
CLA(4)–22–14 – Papur 1 – Offerynnau statudol sydd ag adroddiadau clir

Offerynnau'r Weithdrefn Penderfyniad Negyddol

CLA443 – Rheoliadau'r Gwasanaeth Iechyd Gwladol (Ffisiotherapyddion–ragnodwyr, Podiatryddion–ragnodwyr neu Giropodyddion–ragnodwyr Annibynnol) (Diwygiadau Amrywiol) (Cymru) 2014

Y weithdrefn negyddol; Fe'u gwnaed ar: 27 Awst 2014; Fe'u gosodwyd ar: 29 Awst 2014; Yn dod i rym ar: 24 Medi 2014.

CLA445 – Rheoliadau Cyngor y Gweithlu Addysg (Aelodaeth a Phenodi) (Cymru) 2014
Y weithdrefn negyddol; Fe'u gwnaed ar: 3 Medi 2014; Fe'u gosodwyd ar: 5 Medi 2014; Yn dod i rym ar: 29 Medi 2014 ar wahân i'r hyn y darperir ar eu cyfer yn rheoliad 1(1).

CLA447 – Rheoliadau Cynllun Taliad Sylfaenol y Polisi Amaethyddol Cyffredin (Dosbarthiad Rhanbarthau Talu Dros Dro) (Cymru) (Diwygio) 2014
Y weithdrefn negyddol; Fe'u gwnaed ar: 5 Medi 2014; Fe'u gosodwyd ar: 5 Medi 2014; Yn dod i rym ar: 26 Medi 2014.

3 Offerynnau sy'n cynnwys materion i gyflwyno adroddiad arnynt i'r Cynulliad o dan Reol Sefydlog 21.2 neu 21.3

Offerynnau'r Weithdrefn Penderfyniad Negyddol

CLA442 – Rheoliadau Llywodraethu Ysgolion a Gynhelir (Gofynion Hyfforddi ar gyfer Llywodraethwyr) (Cymru) (Diwygio) 2014 (Tudalennau 3 – 13)
Y weithdrefn negyddol; Fe'u gwnaed ar: 20 Awst 2014; Fe'u gosodwyd ar: 22 Awst 2014; Yn dod i rym ar: 19 Medi 2014.

CLA(4)–22–14 – Papur 2 – Adroddiad

CLA(4)–22–14 – Papur 3 – Rheoliadau

CLA(4)–22–14 – Papur 4 – Memorandwm Esboniadol

CLA444 – Rheoliadau Gwybodaeth am Fwyd (Cymru) 2014 (Tudalennau 14 – 86)
Y weithdrefn negyddol; Fe'u gwnaed ar: 28 Awst 2014; Fe'u gosodwyd ar: 29 Awst 2014; Yn dod i rym yn unol â rheoliad 1(3) i (6).

CLA(4)–22–14 – Papur 5 – Adroddiad

CLA(4)–22–14 – Papur 6 – Rheoliadau

CLA(4)–22–14 – Papur 7 – Memorandwm Esboniadol

4 Papur i'w nodi

Gohebiaeth ynghylch yr adolygaid o Gomisiynydd Plant Cymru (Tudalennau 87 – 90)
CLA(4)–22–14 – Papur 5 – Llythyr

5 Tystiolaeth mewn perthynas â'r Bil Addysg a Chynhwysiant Ariannol (Cymru) (Tudalennau 91 – 109)

(Amser a ddynodwyd: 14.15)

Bethan Jenkins AC, yr Aelod sy'n gyfrifol am y Bil Addysg a Chynhwysiant Ariannol (Cymru);

CLA(4)–22–14 – Papur 9 – Llythyr gan y Gweinidog Cymunedau a Threchu Tlodi

CLA(4)–22–14 – Papur briffio gan y Gwasanaeth Ymchwil

CLA(4)–22–14 – Nodyn Cyngor Cyfreithiol

6 Cynnig o dan Reol Sefydlog 17.42 i benderfynu gwahardd y cyhoedd o'r cyfarfod ar gyfer y busnes canlynol:

(vi) lle mae'r pwyllgor yn cyd-drafod cynnwys, casgliadau neu argymhellion adroddiad y mae'n bwriadu ei gyhoeddi; neu'n ymbaratoi i gael tystiolaeth gan unrhyw berson;

Adroddiad drafft ar y Bil Addysg Uwch (Cymru) (Tudalennau 110 – 142)

CLA(4)–22–14 – Papur 10 – Adroddiad drafft

Blaenraglen waith (Tudalennau 143 – 144)

CLA(4)–22–14 – Papur 11 – Blaenraglen waith

Y Pwyllgor Materion Cyfansoddiadol a Deddfwriaethol
Offerynnau statudol gydag adroddiadau clir
22 Medi 2014

CLA443 – Rheoliadau'r Gwasanaeth Iechyd Gwladol (Ffisiotherapyddion–ragnodwyr, Podiatryddion–ragnodwyr neu Giropodyddion–ragnodwyr Annibynnol) (Diwygiadau Amrywiol) (Cymru) 2014

Gweithdrefn: Negyddol

Caniateir rhagnodi atodol ac annibynnol yn rhinwedd deddfwriaeth meddyginiaethau y DU. Mae Rheoliadau Meddyginiaethau Dynol 2012 bellach yn caniatáu i ffisiotherapydd–ragnodydd annibynnol a phodiatrydd–ragnodydd neu giropodydd–ragnodydd annibynnol roi presgripsiynau. Caiff y gweinyddiaethau datganoledig weithredu hyn yn ôl eu dymuniad.

Mae'r Rheoliadau hyn yn diwygio:-

- Rheoliadau'r Gwasanaeth Iechyd Gwladol (Gwasanaethau Fferyllol) (Cymru) 2013;
- Rheoliadau'r Gwasanaeth Iechyd Gwladol (Contractau Gwasanaethau Meddygol Cyffredinol) (Cymru) 2004; a
- Rheoliadau'r Gwasanaeth Iechyd Gwladol (Presgripsiynau am Ddim a Ffioedd am Gyffuriau a Chyfarpar) (Cymru) 2007;

drwy estyn y diffiniad o ragnodydd drwy fewnosod categorïau newydd o ragnodydd annibynnol, sef ffisiotherapydd–ragnodydd annibynnol; a phodiatrydd–ragnodydd neu giropodydd–ragnodydd annibynnol.

Mae Rheoliadau Codi Tâl am Fagiau Siopa Untro (Cymru) 2010 yn cael eu diwygio i estyn yr esemptiad i'r gofyniad i godi tâl am fagiau siopa untro, a ddefnyddir yn unig i ddal cynnyrch meddyginiaethol neu gyfarpar rhestredig a ddarperir yn unol â phresgripsiwn a ddyroddir gan ragnodwyr penodol, i'r rhai a ddyroddir gan ffisiotherapydd–ragnodydd annibynnol; a phodiatrydd–ragnodydd neu giropodydd–ragnodydd annibynnol.

CLA445 – Rheoliadau Cyngor y Gweithlu Addysg (Aelodaeth a Phenodi) (Cymru) 2014

Gweithdrefn: Negyddol

Mae adran 2 yn Rhan 2 o Ddeddf Addysg (Cymru) 2014 yn darparu bod Cyngor Addysgu Cyffredinol Cymru i barhau i fodoli ond y bydd yn newid ei enw i Gyngor y Gweithlu Addysg (“y Cyngor”). Mae Rhan 2 yn gwneud darpariaeth bellach mewn perthynas â'r Cyngor. Mae'r Rheoliadau hyn yn gwneud darpariaeth mewn perthynas ag aelodaeth y Cyngor a phenodi'r prif swyddog.

CLA447 – Rheoliadau Cynllun Taliad Sylfaenol y Polisi Amaethyddol Cyffredin (Dosbarthiad Rhanbarthau Talu Dros Dro) (Cymru) (Diwygio) 2014

Gweithdrefn: Negyddol

Mae'r rheoliadau hyn yn diwygio'r diffiniadau o ranbarthau talu 'rhostir' ac 'ardal dan anfantais difrifol' yng Nghymru. Maent hefyd yn ehangu'r criterion ar gyfer apelio yn erbyn dosbarthiad tir at ddibenion y Cynllun Taliad Sylfaenol.

Adroddiad drafft Y Pwyllgor Materion Cyfansoddiadol a Deddfwriaethol

CLA(4)-22-14

CLA442 – Rheoliadau Llywodraethu Ysgolion a Gynhelir (Gofynion Hyfforddi ar gyfer Llywodraethwyr) (Cymru) (Diwygio) 2014

Mae'r Rheoliadau hyn yn diwygio Rheoliadau Llywodraethu Ysgolion a Gynhelir (Gofynion Hyfforddi ar gyfer Llywodraethwyr) (Cymru) 2013 ("Rheoliadau 2013"), sy'n nodi'r gofynion hyfforddi ar gyfer llywodraethwyr mewn ysgolion a gynhelir yng Nghymru.

Mae rheoliad 2 yn diwygio'r cyfeiriad at y ddogfen hyfforddi "Cynnwys hyfforddiant i lywodraethwyr ysgolion yng Nghymru ar ddeall data ysgolion" yn Rheoliadau 2013. Ceir linc i'r ddogfen ddiwygiedig ar y dudalen yma –

<http://cymru.gov.uk/topics/educationandskills/schoolshome/schoolfundingandplanning/schoolgov/governors-training/?lang=cy>

Gweithdrefn: Negyddol

Materion technegol: craffu

Nodwyd y pwyntiau canlynol i gyflwyno adroddiad arnynt o dan Reol Sefydlog 21.2 mewn perthynas â'r offeryn hwn.

1. Cyfeiria rheoliad 2(2) at ddogfen a gyhoeddwyd ym mis Awst 2014 tra bod y ddogfen a gyhoeddwyd yn dangos y dyddiad cyhoeddi fel Medi 2014. Mae paragraff 4.5 o'r Memorandwm Esboniadol hefyd yn cyfeirio at ddogfen a fyddai'n cael ei chyhoeddi ym mis Medi. Ni ellir felly bod yn gwbl sicr mai dyma'r ddogfen y cyfeirir ati yn y Rheoliadau.

[Rheol Sefydlog 21.2(vi) bod angen eglurhad pellach ynglŷn ag ystyr yr offeryn.]

Rhinweddau: craffu

Nodwyd y pwyntiau canlynol i gyflwyno adroddiad arnynt o dan Reol Sefydlog 21.3 mewn perthynas â'r offeryn hwn.

2. Os yw'r dyddiad a nodir ar y ddogfen yn gywir, nid oedd y ddogfen wedi'i chyhoeddi pan wnaed y Rheoliadau. Mae adran 22(4) o Fesur Addysg (Cymru) 2011 yn caniatáu rhagnodi hyfforddiant drwy gyfeirio at ddogfen a gyhoeddir gan Weinidogion Cymru. Fodd bynnag, dylai'r ddogfen fod wedi'i chyhoeddi pan wnaed y Rheoliadau, neu dylai hynny ddigwydd o leiaf ar yr un pryd. Y rheswm dros hynny yw y gellid tanseilio'r cyfle i graffu ar reoliadau yn unol â'r Mesur drwy gyfeirio at ddogfen nad oedd wedi'i chwblhau.

Yn yr achos presennol, nid yw hynny wedi digwydd, oherwydd (yn unol â Rheol Sefydlog 21.5) na ddylid cymryd i ystyriaeth toriad yr haf fel cyfnod ar gyfer craffu gan y Pwyllgor hwn. Yn yr un modd, nid yw hynny wedi digwydd o ran y posibilrwydd o gyflwyno cynnig i ddirymu, oherwydd (yn unol â Rheol Sefydlog 27.12) na ddylid cymryd i ystyriaeth toriad yr haf fel cyfnod ar gyfer cyflwyno cynnig. Er hynny, mae'n arfer y dylid ei osgoi.

[Rheol Sefydlog 21.3 (ii) – ei fod o bwysigrwydd gwleidyddol neu gyfreithiol neu ei fod yn codi materion polisi cyhoeddus sy'n debyg o fod o ddiddordeb i'r Cynulliad;]

Cynghorwyr Cyfreithiol

Y Pwyllgor Materion Cyfansoddiadol a Deddfwriaethol

Medi 2014

Ymateb y Llywodraeth

Mae Llywodraeth Cymru yn cydnabod bod yna beth amwysedd yn y ffaith bod rheoliad 2(2) o Reoliadau Llywodraethu Ysgolion a Gynhelir (Gofynion Hyfforddi ar gyfer Llywodraethwyr) (Cymru) (Diwygio) 2014 ("Rheoliadau 2014") yn diwygio'r diffiniad o "yr hyfforddiant ar ddata

perfformiad ysgolion” yn rheoliad 2 o Reoliadau Llywodraethu Ysgolion a Gynhelir (Gofynion Hyfforddi ar gyfer Llywodraethwyr) (Cymru) 2013. Mae'r diwygiad hwnnw yn cyfeirio at ddyddiad cyhoeddi'r ddogfen hyfforddi allanol yn y rheoliad hwnnw fel “Awst”. Fodd bynnag, mae'r ddogfen hyfforddi allanol ei hun yn nodi iddi gael ei chyhoeddi ym mis “Medi”. Y dyddiad cyhoeddi cywir yw “Awst” ac felly bydd Llywodraeth Cymru yn diwygio'r dyddiad cyhoeddi yn y ddogfen hyfforddi allanol i “Awst”. Mae Llywodraeth Cymru yn disgwyl i'r newid hwnnw gael ei wneud yn y dyddiau nesaf ac yn sicr cyn i'r darpariaethau yn y Rheoliadau ddod i rym.

Medi 2014

2014 Rhif 2225 (Cy. 214)

ADDYSG, CYMRU

Rheoliadau Llywodraethu Ysgolion a Gynhelir (Gofynion Hyfforddi ar gyfer Llywodraethwyr) (Cymru) (Diwygio) 2014

NODYN ESBONIADOL

(Nid yw'r nodyn hwn yn rhan o'r Rheoliadau)

Mae'r Rheoliadau hyn yn diwygio Rheoliadau Llywodraethu Ysgolion a Gynhelir (Gofynion Hyfforddi ar gyfer Llywodraethwyr) (Cymru) 2013 ("Rheoliadau 2013"), sy'n nodi'r gofynion hyfforddi ar gyfer llywodraethwyr mewn ysgolion a gynhelir yng Nghymru.

Mae rheoliad 2 yn diwygio'r cyfeiriad at y ddogfen hyfforddi "Cynnwys hyfforddiant i lywodraethwyr ysgolion yng Nghymru ar ddeall data ysgolion" yn Rheoliadau 2013.

Mae rheoliad 2 hefyd yn diwygio rheoliad 5 o Reoliadau 2013 drwy roi paragraff (1) newydd yn lle'r un presennol, sy'n amlinellu pa ran o'r hyfforddiant ar ddata perfformiad ysgolion (naill ai Rhan 1 neu Ran 2) sy'n ofynnol gan lywodraethwyr ysgolion gan ddibynnu ar y math o ysgol.

Effaith y diwygiad hwn yw y bydd yn ofynnol i lywodraethwyr ysgolion arbennig cymunedol gwblhau hyfforddiant gwahanol i'r hyfforddiant ar gyfer llywodraethwyr ysgolion eraill a gynhelir.

Ystyriwyd Cod Ymarfer Gweinidogion Cymru ar gynnal Asesiadau Effaith Rheoleiddiol mewn perthynas â'r Rheoliadau hyn. O ganlyniad, ystyriwyd nad oedd yn angenrheidiol cynnal asesiad effaith rheoleiddiol o'r costau a'r manteision sy'n debygol o ddeillio o gydymffurfio â'r Rheoliadau hyn.

2014 Rhif 2225 (Cy. 214)

ADDYSG, CYMRU

Rheoliadau Llywodraethu Ysgolion a Gynhelir (Gofynion Hyfforddi ar gyfer Llywodraethwyr) (Cymru) (Diwygio) 2014

Gwnaed 20 Awst 2014

*Gosodwyd gerbron Cynulliad Cenedlaethol
Cymru* 22 Awst 2014

Yn dod i rym 19 Medi 2014

Mae Gweinidogion Cymru, drwy arfer y pwerau yn adrannau 19 a 210 o Ddeddf Addysg 2002(1) ac adrannau 22(3) a (4) a 32 o Fesur Addysg (Cymru) 2011(2), yn gwneud y Rheoliadau a ganlyn.

Enwi, cychwyn a chymhwyso

1.—(1) Enw'r Rheoliadau hyn yw Rheoliadau Llywodraethu Ysgolion a Gynhelir (Gofynion Hyfforddi ar gyfer Llywodraethwyr) (Cymru) (Diwygio) 2014 a deuant i rym ar 19 Medi 2014.

(2) Mae'r Rheoliadau hyn yn gymwys o ran Cymru.

(3) Yn y Rheoliadau hyn ystyr “dogfen 2013” (“*the 2013 document*”) yw'r ddogfen a gyhoeddwyd gan Weinidogion Cymru o'r enw “Cynnwys hyfforddiant i lywodraethwyr ysgolion yng Nghymru ar ddeall data ysgolion”(3).

(1) 2002 p. 32. Diwygiwyd adran 210(7) gan adran 21(1), (3)(c)(i) a (ii) o Fesur Teithio gan Ddysgwyr (Cymru) 2008 (mccc 2). Trosglwyddwyd swyddogaethau Cynulliad Cenedlaethol Cymru o dan yr adrannau hyn i Weinidogion Cymru gan baragraff 30 o Atodlen 11 i Ddeddf Llywodraeth Cymru 2006.

(2) 2011 mccc 7.

(3) Rhif ISBN: 978-0-7504-9651-3.

Diwygio Rheoliadau Llywodraethu Ysgolion a Gynhelir (Gofynion Hyfforddi ar gyfer Llywodraethwyr) (Cymru) 2013

2.—(1) Mae Rheoliadau Llywodraethu Ysgolion a Gynhelir (Gofynion Hyfforddi ar gyfer Llywodraethwyr) (Cymru) 2013(1) wedi eu diwygio fel a ganlyn.

(2) Yn rheoliad 2 yn y diffiniad o “yr hyfforddiant ar ddata perfformiad ysgolion” (“*the school performance data training*”) yn lle “mis Medi 2013 o’r enw “Cynnwys hyfforddiant i lywodraethwyr ysgolion yng Nghymru ar ddeall data ysgolion””, rhodder “mis Awst 2014 o’r enw “Hyfforddiant i lywodraethwyr ysgolion yng Nghymru ar ddeall data ysgolion(2)””.

(3) Yn rheoliad 5 yn lle paragraff (1) rhodder—

“5.—(1) Pan fo llywodraethwr wedi ei benodi neu ei ethol i gorff llywodraethu ar ôl i’r Rheoliadau hyn ddod i rym, rhaid i’r llywodraethwr hwnnw, cyn pen blwyddyn ar ôl cael ei benodi neu ei ethol (p’un bynnag yw’r diweddaraf) (“cyfnod yr hyfforddiant ar ddata perfformiad ysgolion”), gwblhau—

- (a) Rhan 1 o’r hyfforddiant ar ddata perfformiad ysgolion os yw’n llywodraethwr ysgol gymunedol, ysgol wirfoddol, ysgol sefydledig neu ysgol feithrin a gynhelir; neu
- (b) Rhan 2 o’r hyfforddiant ar ddata perfformiad ysgolion os yw’n llywodraethwr ysgol arbennig gymunedol.

(1A) Pan fo llywodraethwr ysgol gymunedol, ysgol wirfoddol, ysgol sefydledig neu ysgol feithrin a gynhelir sydd wedi cwblhau Rhan 1 o’r hyfforddiant ar ddata perfformiad ysgolion yn unol â’r Rheoliadau yn dod yn llywodraethwr ysgol arbennig gymunedol, nid yw’n ofynnol i’r llywodraethwr hwnnw gwblhau Rhan 2 o’r hyfforddiant ar ddata perfformiad ysgolion.

(1B) Pan fo llywodraethwr ysgol arbennig gymunedol sydd wedi cwblhau Rhan 2 o’r hyfforddiant ar ddata perfformiad ysgolion yn unol â’r Rheoliadau yn dod yn llywodraethwr ysgol gymunedol, ysgol wirfoddol, ysgol sefydledig neu ysgol feithrin a gynhelir, nid yw’n ofynnol i’r llywodraethwr hwnnw gwblhau Rhan 1 o’r hyfforddiant ar ddata perfformiad ysgolion.”

(1) O.S. 2013/2124 (Cy. 207).
(2) ISBN-978-1-4734-1569-0.

Darpariaeth arbed

3. Nid oes unrhyw beth yn y Rheoliadau hyn yn gymwys i lywodraethwr a gwblhaodd, cyn i'r Rheoliadau hyn ddod i rym, yr hyfforddiant ar ddata perfformiad ysgolion fel a nodir yn nogfen 2013.

Huw Lewis

Y Gweinidog Addysg a Sgiliau, un o Weinidogion

Cymru

20 Awst 2014

**Explanatory Memorandum to the Government of Maintained Schools
(Training Requirements for Governors) (Wales) (Amendment) Regulations
2014**

This Explanatory Memorandum has been prepared by the Department for Education and Skills and is laid before the National Assembly for Wales in conjunction with the above subordinate legislation and in accordance with Standing Order 27.1.

Minister's Declaration

In my view, this Explanatory Memorandum gives a fair and reasonable view of the expected impact of the above Regulations.

Huw Lewis, AM
Minister for Education and Skills
19 August 2014

1. Description

1.1 The Government of Maintained Schools (Training Requirements for Governors) (Wales) Regulations 2014 (“the 2014 Regulations”) amend the Government of Maintained Schools (Training Requirements for Governors) (Wales) Regulations 2013 (“the 2013 Regulations”) which set out the training requirements for governors of maintained schools in Wales.

2. Matters of special interest to the Constitutional and Legislative Affairs Committee

2.1 None.

3. Legislative background

3.1 The Welsh Ministers’ powers to make these Regulations is contained in section 22 of the Education (Wales) Measure 2011 (“the Measure”). This section requires local authorities in Wales to provide information and training to governors, free of charge, on a range of issues that enable them to effectively discharge their functions. It also states that the Welsh Ministers may set out the content of that training in a published document.

3.2 In addition, sections 19, 23, and 210 of the Education Act 2002 provide that the Welsh Ministers may make regulations with respect to the eligibility of governors for election and appointment.

3.3 The powers of the National Assembly for Wales in the Education Act 2002 were transferred to the Welsh Ministers under Section 162 of and paragraph 30 of Schedule 11 to the Government of Wales Act 2006.

3.4 These Regulations are subject to annulment and are being made using the negative resolution procedure.

4. Purpose & intended effect of the legislation

4.1 The purpose of these Regulations is to ensure that the mandatory data training being delivered is relevant to governors of community special schools as well as ordinary maintained schools. They achieve this by referring to a revised ‘Content of Training’ document which lists the issues and data that must be delivered as part of the data training module. The ‘Content of Training’ document referred to in the 2013 Regulations has been amended and now includes a new section specifically dedicated to the training of governors of special schools and the data relevant to them.

4.2 All newly appointed, newly elected or re-appointed, re-elected governors must attend the mandatory school performance data training within one year of

their appointment or election. Non completion of the training would result in a six month suspension, and if the training was not completed within that six month suspension period ultimately the governor would be disqualified.

4.3 Following discussions at the conference of head teachers of special schools in May 2013 there was agreement that the generic aspects of the data training would remain but the data discussion for governors of special schools would focus on:

- Development of maturity and behaviour,
- Development of important life skills,
- Development of independence,
- Literacy and numeracy,
- Attendance and
- Accredited qualifications (if appropriate)

4.4 These Regulations also make it clear that any governor who has completed the mandatory data training under the 2013 Regulations does not have to re-do the training in accordance with the 2014 Regulations. They also clarify that any governor who has completed the data training for ordinary maintained schools under the 2014 Regulations and changes governorship to become a governor of a special school, does not have to do the data training for special schools, and vice versa. This also applies to a person who is a governor of a special and ordinary school at the same time. Once they have completed one set of data training they do not have to re-do the training for the other school.

4.5 These Regulations simply refer to a new document listing the content of the mandatory data training for governors which now includes a list of the data relevant to governors of special schools and ordinary maintained schools, which will be published in September 2014.

5. Consultation

5.1 No formal consultation has been undertaken on these Regulations, however, we specifically sought the expertise and assistance of headteachers of special schools in Wales (who are also governors).

5.2 The Director of the all Wales Centre for Governors Research and Training, who was commissioned to help us deliver the specific training programme for governors of special schools, was invited to take part in a conference of headteachers of special schools, held on the 8 and 9 May 2013.

5.3 The headteachers of special schools supported the steps Welsh Government were taking to produce a data training programme that was relevant to them and their governors and the outcome of the conference was that those headteachers had a direct input and influence over the content of the data training which was subsequently approved by the Minister for Education and Skills.

6. Regulatory Impact Assessment (RIA)

6.1 The Welsh Ministers' Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to these Regulations. As a result it was not considered necessary to carry out a regulatory impact assessment as to the likely costs and benefits of complying with these Regulations. These Regulations are making a technical amendment to the Government of Maintained Schools (Training Requirements for Governors) (Wales) Regulations 2013 and simply clarify the law in respect of requirements for completion of the data training.

Eitem 3.2

Adroddiad drafft Y Pwyllgor Materion Cyfansoddiadol a Deddfwriaethol

CLA(4)-22-14

CLA444 – Rheoliadau Gwybodaeth am Fwyd (Cymru) 2014

Mae'r Rheoliadau hyn yn gwneud darpariaeth i orfodi, yng Nghymru, ddarpariaethau penodol yn Rheoliad (EU) Rhif 1169/2011 Senedd Ewrop a'r Cyngor ynghylch darparu gwybodaeth am fwyd i ddefnyddwyr, sy'n diwygio Rheoliadau (EC) Rhif 1924/2006 ac (EC) Rhif 1925/2006 Senedd Ewrop a'r Cyngor, ac yn diddymu Cyfarwyddeb y Comisiwn 87/250/EEC, Cyfarwyddeb y Cyngor 90/496/EEC, Cyfarwyddeb y Comisiwn 1999/10/EC, Cyfarwyddeb 2000/13/EC Senedd Ewrop a'r Cyngor, Cyfarwyddebau'r Comisiwn 2002/67/EC a 2008/5/EC a Rheoliad y Comisiwn (EC) Rhif 608/2004 (OJ Rhif L 304, 22.11.2011, t 18).

Maent hefyd yn gweithredu, yng Nghymru, ddarpariaethau penodol yn Erthygl 6 o Gyfarwyddeb 1999/2/EC Senedd Ewrop a'r Cyngor ynghylch cyd-ddynesiad cyfreithiau'r Aelod-wladwriaethau ar fwydydd a chynhwysion bwydydd sydd wedi eu trin ag ymbelydredd ïoneiddio (OJ Rhif L 66, 13.3.1999, t 16) ac ail baragraff is-baragraff 1 o Erthygl 3 o Gyfarwyddeb 2000/36/EC Senedd Ewrop a'r Cyngor ynghylch cynhyrchion coco a siocled a fwriedir i bobl eu bwyta (OJ Rhif L 197, 3.8.2000, t 19).

Gweithdrefn: Negyddol

Materion technegol: craffu

Nodwyd y pwyntiau canlynol i gyflwyno adroddiad arnynt o dan Reol Sefydlog 21.2 mewn perthynas â'r offeryn hwn.

Mae testun Saesneg rheoliad 1(5) yn pennu 13 Rhagfyr 2016 fel y dyddiad y bydd darpariaethau penodol yn dod i rym, tra bod y testun Cymraeg yn cyfeirio at 13 Gorffennaf y flwyddyn honno. Mae'r rhestr

'Cynnwys' a'r pennawd uwchben Rhan 3 o Atodlen 5 (y mae rheoliad 1(5) yn gymwys iddi) yn y ddwy iaith yn ei gwneud yn glir mai'r dyddiad yn nhestun Saesneg y rheoliad sy'n gywir. Bydd angen felly cywiro'r fersiwn Gymraeg cyn 13 Gorffennaf 2016.

[Rheol Sefydlog 21.2(vii) - anghysondebau rhwng testunau Cymraeg a Saesneg]

Rhinweddau: craffu

Ni nodwyd pwyntiau i gyflwyno adroddiad arnynt o dan Reol Sefydlog 21.3 mewn perthynas â'r offeryn hwn.

Cynghorwyr Cyfreithiol

Y Pwyllgor Materion Cyfansoddiadol a Deddfwriaethol

Medi 2014

2014 Rhif 2303 (Cy. 227)

BWYD, CYMRU

Rheoliadau Gwybodaeth am Fwyd (Cymru) 2014

NODYN ESBONIADOL

(Nid yw'r nodyn hwn yn rhan o'r Rheoliadau)

Mae'r Rheoliadau hyn yn gwneud darpariaeth i orfodi, yng Nghymru, ddarpariaethau penodol yn Rheoliad (EU) Rhif 1169/2011 Senedd Ewrop a'r Cyngor ynghylch darparu gwybodaeth am fwyd i ddefnyddwyr, sy'n diwygio Rheoliadau (EC) Rhif 1924/2006 ac (EC) Rhif 1925/2006 Senedd Ewrop a'r Cyngor, ac yn diddymu Cyfarwyddeb y Comisiwn 87/250/EEC, Cyfarwyddeb y Cyngor 90/496/EEC, Cyfarwyddeb y Comisiwn 1999/10/EC, Cyfarwyddeb 2000/13/EC Senedd Ewrop a'r Cyngor, Cyfarwyddebau'r Comisiwn 2002/67/EC a 2008/5/EC a Rheoliad y Comisiwn (EC) Rhif 608/2004 (OJ Rhif L 304, 22.11.2011, t 18) ("FIC").

Maent hefyd yn gweithredu, yng Nghymru, ddarpariaethau penodol yn Erthygl 6 o Gyfarwyddeb 1999/2/EC Senedd Ewrop a'r Cyngor ynghylch cyddynesiad cyfreithiau'r Aelod-wladwriaethau ar fwydydd a chynhwysion bwydydd sydd wedi eu trin ag ymbelydredd ioneiddio (OJ Rhif L 66, 13.3.1999, t 16) ac ail baragraff is-baragraff 1 o Erthygl 3 o Gyfarwyddeb 2000/36/EC Senedd Ewrop a'r Cyngor ynghylch cynhyrchion coco a siocled a fwriedir i bobl eu bwyta (OJ Rhif L 197, 3.8.2000, t 19).

Mae rheoliad 3 yn cynnwys rhanddirymiad sy'n ymwneud â llaeth neu gynhyrchion llaeth a gynigir mewn potel wydr a fwriedir i'w haildefnyddio. Mae rheoliad 4 ac Atodlen 2 yn darparu rhanddirymiad sy'n ymwneud â defnyddio dynodiad briwrig ar gyfer brwrig nad yw'n cydymffurfio â'r gofynion a nodwyd ym mhwynt 1 o Ran B o Atodiad VI i FIC.

Mae rheoliad 5 yn galluogi manylion sy'n ymwneud â sylwedd neu gynnyrch alergenaid mewn bwyd heb ei ragbecynnu i gael eu rhoi ar gael (yn ddarostyngedig i ddarpariaethau'r rheoliad) gan ddefnyddio unrhyw ddull y mae gweithredwr busnes bwyd yn ei ddewis.

Rhaid i'r manylion gofynnol gael eu rhoi ar gael o dan FIC ond gellir eu rhoi ar gael gan ddefnyddio'r dulliau y darperir ar eu cyfer yn FIC neu yn unol â darpariaethau rheoliad 5.

Mae rheoliad 6 yn ei gwneud yn ofynnol i enw'r bwyd gael ei ddarparu yn achos bwydydd penodol nad ydynt wedi eu rhagbecynnu a bwydydd penodol sydd wedi eu rhagbecynnu i'w gwerthu'n uniongyrchol. Mae rheoliad 7 yn ei gwneud yn ofynnol i ddangosiad meintiol o'r cynnwys cig gael ei roi yn achos cynhyrchion penodol. Rhaid i'r manylion hynny gael eu rhoi yn un o'r ffyrdd a bennir yn rheoliadau 6(4) (yn achos enw'r bwyd) a 7(5) (yn achos y dangosiad o'r cynnwys cig). Nid yw darpariaethau rheoliadau 6(4) a 7(5) yn gymwys i gynnig i werthu a wneir drwy gyfrwng cyfathrebu o hirbell. Mae Erthygl 14(2) o FIC (fel y'i darllenir gyda darpariaethau perthnasol eraill FIC) yn gymwys yn achos cynnig o'r fath.

Mae rheoliad 8 yn ei gwneud yn ofynnol i wybodaeth benodol gael ei darparu pan fydd cynhyrchion bwyd a arbelydrwyd neu gynhyrchion bwyd sy'n cynnwys cynhwysyn a arbelydrwyd yn cael eu gwerthu mewn swmp a phan fydd cynhwysion a arbelydrwyd yn cael eu defnyddio mewn cynhyrchion bwyd penodol sydd wedi eu rhagbecynnu.

Mae rheoliad 9 yn gosod rhwymedigaeth ar awdurdodau bwyd ac awdurdodau iechyd porthladd i orfodi'r Rheoliadau. Mae rheoliad 10 yn peri mai trosedd yw methu â chydymffurfio â darpariaethau penodedig yn FIC ac â'r gofyniad ynglŷn ag alergenau yn rheoliad 5(5). Mae rheoliad 11 yn darparu ar gyfer y gosb i'r trosedd hwnnw.

Mae rheoliad 12 ac Atodlen 4 yn cymhwyso darpariaethau penodol yn Neddff Diogelwch Bwyd 1990 (1990 p. 16), gydag addasiadau. Mae hyn yn cynnwys cymhwyso (gydag addasiadau) adran 10(1), sy'n galluogi hysbysiad gwella i gael ei gyflwyno sy'n ei gwneud yn ofynnol i rywun gydymffurfio â darpariaethau penodedig yn FIC (ac eithrio i'r graddau y mae rhai o'r darpariaethau yn gymwys i'r manylyn gorfodol sy'n ymwneud â swm net neu swm yn gyffredinol) neu â darpariaethau penodedig yn rheoliadau 5 i 8. Mae'r darpariaethau, fel y'u cymhwysir, yn peri mai trosedd yw methu â chydymffurfio â hysbysiad gwella.

Mae rheoliad 13 a chofnod 1 y tabl yn Rhan 1 o Atodlen 6 yn dirymu'r rhan fwyaf o Rheoliadau Labelu Bwyd 1996 (O.S. 1996/1499) ar 13 Rhagfyr 2014 i'r graddau y mae'r Rheoliadau hynny'n gymwys i Gymru. Mae rheoliad 13 a chofnod 1 y tabl yn Rhan 2 o Atodlen 6 yn dirymu gweddill darpariaethau Rheoliadau Labelu Bwyd 1996 (ynglŷn â thermau sy'n ymwneud ag alcohol, hufen a chaws) ar 13 Rhagfyr 2018 i'r graddau y mae'r Rheoliadau hynny'n gymwys

i Gymru. Mae rheoliad 13 ac Atodlen 6 hefyd yn dirymu offerynnau statudol perthnasol eraill.

Mae rheoliad 14 ac Atodlen 7 yn diwygio Rheoliadau Labelu Bwyd 1996, i'r graddau y mae'r Rheoliadau hynny'n gymwys i Gymru, yn ystod y cyfnod cyn i'r Rheoliadau hynny gael eu dirymu (fel y disgrifir uchod). Maent yn diwygio offerynnau statudol eraill er mwyn cymryd i ystyriaeth y ffaith bod deddfwriaeth berthnasol yr UE yn cael ei diddymu a'i disodli a bod Rheoliadau Labelu Bwyd 1996 yn cael eu dirymu.

Mae rheoliad 14 a Rhan 1 o Atodlen 7 hefyd yn diwygio Rheoliadau Bwyd (Marcio Lotiau) 1996 (O.S. 1996/1502), fel y maent yn gymwys i Gymru, er mwyn cymryd i ystyriaeth y ffaith bod Cyfarwyddeb y Cyngor 89/396/EEC (OJ Rhif L 186, 30.6.1989, t 21) yn cael ei ddiddymu a'i ddisodli gan Gyfarwyddeb 2011/91/EU Senedd Ewrop a'r Cyngor ynghylch dangosiadau neu farciau sy'n nodi i ba lot y mae deunydd bwyd yn perthyn (OJ Rhif L 334, 16.12.2011, t 1). Mae Rhan 2 o Atodlen 7 yn cynnwys y ddarpariaeth sy'n gweithredu ail baragraff is-baragraff 1 o Erthygl 3 o Gyfarwyddeb 2000/36/EC Senedd Ewrop a'r Cyngor (a grybwyllir uchod).

Ystyriwyd Cod Ymarfer Gweinidogion Cymru ar gynnal Asesiadau Effaith Rheoleiddiol mewn perthynas â'r Rheoliadau hyn. O ganlyniad, lluniwyd asesiad effaith rheoleiddiol o'r costau a'r manteision sy'n debygol o ddeillio o gydymffurfio â'r Rheoliadau hyn. Gellir cael copi oddi wrth yr Asiantaeth Safonau Bwyd yn Asiantaeth Safonau Bwyd Cymru, 11eg Llawr, Tŷ Southgate, Stryd Wood, Caerdydd, CF10 1EW neu ar wefan yr Asiantaeth yn www.food.gov.uk/wales.

2014 Rhif 2303 (Cy. 227)

BWYD, CYMRU

Rheoliadau Gwybodaeth am Fwyd (Cymru) 2014

Gwnaed 28 Awst 2014

*Gosodwyd gerbron Cynulliad Cenedlaethol
Cymru* 29 Awst 2014

Yn dod i rym yn unol â rheoliad 1(3) i (6)

CYNNWYS

1. Enwi, cymhwyso a chychwyn
2. Dehongli
3. Rhanddirymiad ynglŷn â llaeth a chynhyrchion llaeth
4. Rhanddirymiad ynglŷn â briwgig
5. Bwydydd nad ydynt wedi eu rhagbecynnu etc. sy'n cynnwys sylwedd neu gynnyrch alergenaidd etc.
6. Bwydydd nad ydynt wedi eu rhagbecynnu etc. – gofyniad cyffredinol i'w henwi
7. Bwydydd nad ydynt wedi eu rhagbecynnu etc. sy'n cynnwys cig a chynhwysion eraill
8. Bwydydd a arbelydrwyd
9. Gorfodi
10. Trosedd
11. Cosbi
12. Cymhwyso darpariaethau'r Ddeddf
13. Dirymiadau
14. Diwygiadau canlyniadol a mân ddiwygiadau eraill i offerynnau statudol

- ATODLEN 1 — Darpariaethau yn y Rheoliadau hyn sy'n cynnwys cyfeiriadau newidiadwy at FIC yn rhinwedd rheoliad 2(3)
- ATODLEN 2 — Marc cenedlaethol ar gyfer y rhanddirymiad ynglŷn â briwrig
- RHAN 1 — Y marc cenedlaethol
- RHAN 2 — Manylebau'r marc cenedlaethol
- ATODLEN 3 — Bwydydd nad yw rheoliad 7 yn gymwys iddynt
- ATODLEN 4 — Cymhwyso ac addasu darpariaethau'r Ddeddf
- RHAN 1 — Addasu adran 10(1)
- RHAN 2 — Addasu adran 32(1)
- RHAN 3 — Addasu adran 37(1) a (6)
- RHAN 4 — Addasu adran 39(1) a (3)
- RHAN 5 — Cymhwyso ac addasu darpariaethau eraill yn y Ddeddf
- ATODLEN 5 — Hysbysiadau gwella – darpariaethau penodedig yn FIC
- RHAN 1 — Y ddarpariaeth yn FIC y caniateir i hysbysiad gwella gael ei gyflwyno mewn perthynas â hi ar ac ar ôl 19 Medi 2014
- PART 2 — Y darpariaethau yn FIC y caniateir i hysbysiad gwella gael ei gyflwyno mewn perthynas â hwy ar ac ar ôl 13 Rhagfyr 2014
- RHAN 3 — Y ddarpariaeth yn FIC y caniateir i hysbysiad gwella gael ei gyflwyno mewn perthynas â hi ar ac ar ôl 13 Rhagfyr 2016
- ATODLEN 6 — Dirymdiadau

- RHAN 1 — Dirymiadau sy'n dod i rym ar 13 Rhagfyr 2014
- RHAN 2 — Dirymiadau sy'n dod i rym ar 13 Rhagfyr 2018
- ATODLEN 7 — Diwygiadau canlyniadol a mân ddiwygiadau eraill i offerynnau statudol
 - RHAN 1 — Diwygiadau canlyniadol a mân ddiwygiadau eraill sy'n dod i rym ar 19 Medi 2014
 - RHAN 2 — Diwygiadau canlyniadol a mân ddiwygiadau eraill sy'n dod i rym ar 13 Rhagfyr 2014

Mae'r Rheoliadau a ganlyn yn gwneud darpariaeth at ddiben a grybwyllir yn adran 2(2) o Ddeddf y Cymunedau Ewropeaidd 1972(1) ac mae'n ymddangos i Weinidogion Cymru ei bod yn hwylus i gyfeiriadau at Reoliad (EU) Rhif 1169/2011 Senedd Ewrop a'r Cyngor ynghylch darparu gwybodaeth am fwyd i ddefnyddwyr, sy'n diwygio Rheoliadau (EC) Rhif 1924/2006 ac (EC) Rhif 1925/2006 Senedd Ewrop a'r Cyngor, ac yn diddymu Cyfarwyddeb y Comisiwn 87/250/EEC, Cyfarwyddeb y Cyngor 90/496/EEC, Cyfarwyddeb y Comisiwn 1999/10/EC, Cyfarwyddeb 2000/13/EC Senedd Ewrop a'r Cyngor, Cyfarwyddebau'r Comisiwn 2002/67/EC a 2008/5/EC a Rheoliad y Comisiwn (EC) Rhif 608/2004(2) mewn darpariaethau penodol yn y Rheoliadau hyn gael eu dehongli fel cyfeiriadau at y Rheoliad hwnnw fel y'i diwygiwyd o bryd i'w gilydd.

Mae Gweinidogion Cymru wedi eu dynodi at ddibenion adran 2(2) o Ddeddf y Cymunedau Ewropeaidd 1972—

- (a) o ran mesurau sy'n ymwneud â bwyd (gan gynnwys diod)(3);

(1) 1972 p. 68; diwygiwyd adran 2(2) gan adran 27(1)(a) o Ddeddf Diwygio Deddfwriaethol a Rheoleiddiol 2006 (p. 51) a Rhan 1 o'r Atodlen i Ddeddf yr Undeb Ewropeaidd (Diwygio) 2008 (p. 7).

(2) OJ Rhif L 304, 22.11.2011, t 18, a ddiwygiwyd ddiwethaf gan Reoliad Dirprwyedig y Comisiwn (EU) Rhif 78/2014 (OJ Rhif L 27, 30.1.2014, t 7).

(3) O.S. 2005/1971, trosglwyddwyd swyddogaethau Cynulliad Cenedlaethol Cymru i Weinidogion Cymru gan baragraff 30 o Atodlen 11 i Ddeddf Llywodraeth Cymru 2006 (2006 p. 32).

(b) o ran y polisi amaethyddol cyffredin(1).

I'r graddau y gwneir y Rheoliadau a ganlyn drwy arfer pwerau o dan Ddeddf Diogelwch Bwyd 1990(2), mae Gweinidogion Cymru wedi rhoi sylw i gyngor perthnasol a roddwyd gan yr Asiantaeth Safonau Bwyd yn unol ag adran 48(4A)(3) o'r Ddeddf honno.

Cynhaliwyd ymgynghoriad fel sy'n ofynnol gan Erthygl 9 o Reoliad (EC) Rhif 178/2002 Senedd Ewrop a'r Cyngor sy'n gosod egwyddorion cyffredinol a gofynion cyfraith bwyd, yn sefydlu Awdurdod Diogelwch Bwyd Ewrop ac yn gosod gweithdrefnau o ran materion diogelwch bwyd(4) wrth lunio a gwerthuso'r Rheoliadau a ganlyn.

Mae Gweinidogion Cymru yn gwneud y Rheoliadau a ganlyn drwy arfer y pwerau a roddwyd gan y canlynol—

- (a) i'r graddau y mae'n ymwneud â rheoliad 2(3) ac Atodlen 1, paragraff 1A o Atodlen 2 i Ddeddf y Cymunedau Ewropeaidd 1972(5);
- (b) i'r graddau y mae'n ymwneud â rheoliadau 13 a 14 ac Atodlenni 6 a 7—
 - (i) adran 2(2) o Ddeddf y Cymunedau Ewropeaidd 1972, a pharagraff 1(A) o Atodlen 2 iddi;
 - (ii) adrannau 6(4), 16(1), 17, 18, 26, 45 a 48(1) o Ddeddf Diogelwch Bwyd 1990(6), a pharagraffau 1 a 4(b) o Atodlen 1 iddi ac sydd bellach wedi eu breinio yng Ngweinidogion Cymru(7); a

(1) O.S. 2010/2690.

(2) 1990 p. 16.

(3) Mewnosodwyd adran 48(4A) gan baragraff 21 o Atodlen 5 i Ddeddf Safonau Bwyd 1999 (p. 28).

(4) OJ Rhif L 31, 1.2.2002, t 1, a ddiwygiwyd ddiwethaf gan Reoliad y Comisiwn (EC) Rhif 596/2009 (OJ Rhif L 188, 18.7.2009, t 14).

(5) 1972 p.68 Mewnosodwyd paragraff 1A o Atodlen 2 gan adran 28 o Ddeddf Diwygio Deddfwriaethol a Rheoleiddiol 2006 a'i ddiwygio gan Ran 1 o'r Atodlen i Ddeddf yr Undeb Ewropeaidd (Diwygio) 2008 ac O.S. 2007/1388.

(6) 1990 p.16 Diwygiwyd adran 6(4) gan baragraff 6 o Atodlen 9 i Ddeddf Dadreoleiddio a Chontractio Allan 1994 (p. 40) a pharagraff 10(1) a (3) o Atodlen 5 i Ddeddf Safonau Bwyd 1999 ("Deddf 1999") a'i diddymu'n rhannol gan Atodlen 6 i Ddeddf 1999 ac O.S. 2002/794. Diwygiwyd adran 16(1) gan baragraff 8 o Atodlen 5 i Ddeddf 1999. Diwygiwyd adran 17 gan baragraffau 8 a 12 o Atodlen 5 i Ddeddf 1999 ac O.S. 2011/1043. Diwygiwyd adran 18 gan baragraffau 8 a 13 o Atodlen 5 i Ddeddf 1999. Diddymwyd adran 26 yn rhannol gan Atodlen 6 i Ddeddf 1999. Diwygiwyd adran 45 gan baragraffau 8 ac 20 o Atodlen 5 i Ddeddf 1999. Diwygiwyd adran 48(1) gan baragraff 8 o Atodlen 5 i Ddeddf 1999.

(7) Trosglwyddwyd swyddogaethau a oedd gynt yn arferadwy gan "the Ministers" i'r graddau y maent yn arferadwy o ran Cymru, i Gynulliad Cenedlaethol Cymru gan O.S. 1999/672 fel y'i darllenir gydag adran 40(3) o Ddeddf 1999, a'u trosglwyddo wedyn i Weinidogion Cymru gan baragraff 30 o Atodlen 11 i Ddeddf Llywodraeth Cymru 2006 (p. 32).

- (iii) adrannau 4(1), (2), (3), (4) ac (8) a 10 o Fesur Bwyta'n Iach mewn Ysgolion (Cymru) 2009(1); ac
- (c) i'r graddau y mae'n ymwneud â gweddill y rheoliadau a'r Atodlenni, adrannau 6(4), 16(1)(e), 17(1) a (2), 26(3) a 48(1) o Ddeddf Diogelwch Bwyd 1990 ac sydd bellach wedi eu breinio yng Ngweinidogion Cymru.

Enwi, cymhwyso a chychwyn

1.—(1) Enw'r Rheoliadau hyn yw Rheoliadau Gwybodaeth am Fwyd (Cymru) 2014.

(2) Mae'r Rheoliadau hyn yn gymwys o ran Cymru.

(3) Ac eithrio fel y darperir ym mharagraffau (4) i (6), daw'r Rheoliadau hyn i rym ar 13 Rhagfyr 2014.

(4) At ddibenion y darpariaethau a ganlyn, daw'r Rheoliadau hyn i rym ar 19 Medi 2014—

- (a) rheoliad 4;
- (b) rheoliad 12 ac Atodlen 4 i'r graddau (drwy gymhwyso, gyda rhai addasiadau, ddarpariaethau penodedig yn y Ddeddf) y maent yn galluogi hysbysiad gwella i gael ei gyflwyno i berson yn ei gwneud yn ofynnol i'r person hwnnw gydymffurfio â'r ddarpariaeth yn FIC a bennir yn Rhan 1 o Atodlen 5 ac yn galluogi apêl i gael ei gwneud yn erbyn hysbysiad o'r fath ac ymdrin â'r apêl honno, a'i gwneud yn drosedd i fethu â chydymffurfio â hysbysiad gwella o'r fath;
- (c) rheoliad 14 i'r graddau y mae'n ymwneud â Rhan 1 o Atodlen 7;
- (d) Atodlen 2;
- (e) Rhan 1 o Atodlen 5; ac
- (f) Rhan 1 o Atodlen 7.

(5) At ddibenion y darpariaethau a ganlyn, daw'r Rheoliadau hyn i rym ar 13 Gorffennaf 2016—

- (a) Rhan 3 o Atodlen 5; a
- (b) rheoliad 12 ac Atodlen 4 i'r graddau (drwy gymhwyso, gyda rhai addasiadau, ddarpariaethau penodedig yn y Ddeddf) y maent yn galluogi hysbysiad gwella i gael ei gyflwyno i berson yn ei gwneud yn ofynnol i'r person hwnnw gydymffurfio â'r ddarpariaeth yn FIC a bennir yn Rhan 3 o Atodlen 5 ac yn galluogi apêl i gael ei gwneud yn erbyn hysbysiad o'r fath ac ymdrin â'r apêl honno, a'i gwneud yn drosedd i fethu â chydymffurfio â hysbysiad gwella o'r fath.

(1) 2009 mccc 3.

(6) At ddibenion Rhan 2 o Atodlen 6, a rheoliad 13 i'r graddau y mae'n ymwneud â'r Rhan honno o Atodlen 6, daw'r Rheoliadau hyn i rym ar 13 Rhagfyr 2018.

Dehongli

2.—(1) Yn y Rheoliadau hyn—

mae i “a gynigir i’w werthu” yr un ystyr a roddir i “offered for sale” yn Erthygl 44 ac mae “cynnig gwerthu” (“*offers for sale*”) i’w ddehongli yn unol â hynny;

mae i “arlwywr mawr” yr ystyr a roddir i “mass caterer” yn Erthygl 2(2)(d) ac mae “arlwywr mawr” (“*mass caterers*”) i’w ddehongli yn unol â hynny;

ystyr “awdurdod bwyd” (“*food authority*”) yw—

(a) cyngor sir;

(b) cyngor bwrdeistref sirol;

mae i “bwyd wedi ei ragbecynnu” yr ystyr a roddir i “prepacked food” yn Erthygl 2(2)(e);

ystyr “Cyfarwyddeb 1999/2/EC” (“*Directive 1999/2/EC*”) yw Cyfarwyddeb 1999/2/EC Senedd Ewrop a’r Cyngor ynghylch cyd-ddynesiad cyfreithiau’r Aelod-wladwriaethau ar fwydydd a chynhwysion bwydydd sydd wedi eu trin ag ymbelydredd ïoneiddio⁽¹⁾;

mae i “cyfrwng cyfathrebu o hirbell” yr ystyr a roddir i “means of distance communication” yn Erthygl 2(2)(u);

mae i “defnyddiwr terfynol” yr ystyr a roddir i “final consumer” ym mhwynt 18 o Erthygl 3 o Reoliad (EC) Rhif 178/2002 Senedd Ewrop a’r Cyngor sy’n gosod egwyddorion cyffredinol a gofynion cyfraith bwyd, yn sefydlu Awdurdod Diogelwch Bwyd Ewrop ac yn gosod gweithdrefnau o ran materion diogelwch bwyd;

ystyr “y Ddeddf” (“*the Act*”) yw Deddf Diogelwch Bwyd 1990;

ystyr “FIC” (“*FIC*”) yw Rheoliad (EU) Rhif 1169/2011 Senedd Ewrop a’r Cyngor ynghylch darparu gwybodaeth am fwyd i ddefnyddwyr, sy’n diwygio Rheoliadau (EC) Rhif 1924/2006 ac (EC) Rhif 1925/2006 Senedd Ewrop a’r Cyngor, ac yn diddymu Cyfarwyddeb y Comisiwn 87/250/EEC, Cyfarwyddeb y Cyngor 90/496/EEC, Cyfarwyddeb y Comisiwn 1999/10/EC, Cyfarwyddeb 2000/13/EC Senedd Ewrop a’r Cyngor, Cyfarwyddebau’r Comisiwn 2002/67/EC

(1) OJ Rhif L 66. 13.3.1999, t 16, a ddiwygiwyd ddiwethaf gan Reoliad (EC) Rhif 1137/2008 Senedd Ewrop a’r Cyngor (OJ Rhif L 311, 21.11.2008, t 1).

a 2008/5/EC a Rheoliad y Comisiwn (EC) Rhif 608/2004;

mae i “gweithredwr busnes bwyd” yr ystyr a roddir i “food business operator” ym mhwynt 3 o Erthygl 3 o Reoliad (EC) Rhif 178/2002 Senedd Ewrop a’r Cyngor;

mae i “parod i’w fwyta” yr un ystyr a roddir i “ready for consumption” yn Erthygl 2(2)(d); ac

mae i “wedi ei ragbecynnu i’w werthu’n uniongyrchol” yr un ystyr a roddir i “prepacked for direct sale” yn Erthygl 2(2)(e).

(2) Ac eithrio fel y darperir fel arall—

(a) mae unrhyw gyfeiriad yn y Rheoliadau hyn at Erthygl yn gyfeiriad at Erthygl yn FIC, a

(b) mae unrhyw gyfeiriad yn y Rheoliadau hyn at Atodiad yn gyfeiriad at Atodiad i FIC.

(3) Mae unrhyw gyfeiriad at FIC, neu ddarpariaeth yn FIC (gan gynnwys cyfeiriad at Erthygl yn FIC neu Atodiad iddo ac y mae paragraff (2) yn gymwys iddo) mewn darpariaeth yn y Rheoliadau hyn a restrir yn Atodlen 1 yn gyfeiriad at y ddarpariaeth honno fel y’i diwygiwyd o bryd i’w gilydd.

Rhanddirymiad ynglŷn â llaeth a chynhyrchion llaeth

3. Nid yw’r gofynion a nodir yn Erthyglau 9(1) a 10(1) yn gymwys i laeth na chynhyrchion llaeth a gynigir mewn potel wydr pan fwriedir i’r botel wydr gael ei hailddefnyddio.

Rhanddirymiad ynglŷn â briwgig

4.—(1) Nid yw’r gofynion a nodir ym mhwynt 1 o Ran B o Atodiad VI yn atal briwgig nad yw’n cydymffurfio â’r gofynion hyn rhag cael ei osod ar y farchnad gan ddefnyddio dynodiad briwgig os bydd y marc cenedlaethol yn Rhan 1 o Atodlen 2 yn ymddangos ar y label.

(2) Mae Rhan 2 o Atodlen 2 yn gymwys i ffurf y marc cenedlaethol.

(3) Ym mharagraff (1)—

mae i “ar y label” yr un ystyr ag sydd i “on the labelling” ym mhwynt 2 o Ran B o Atodiad VI fel y’i darllenir gyda’r diffiniad o “labelling” yn Erthygl 2(2)(j);

mae “ei osod ar y farchnad” (“*placed on the market*”) i’w ddehongli fel pe bai’n cymryd i ystyriaeth ystyr “placing on their national market” fel y’i defnyddir ym mhwynt 3 o Ran B o Atodiad VI.

Bwydydd nad ydynt wedi eu rhagbecynnu etc. sy'n cynnwys sylwedd neu gynnyrch alergenauidd etc.

5.—(1) Caniateir i weithredwr busnes bwyd sy'n cynnig gwerthu bwyd perthnasol y mae'r rheoliad hwn yn gymwys iddo roi ar gael y manylion a bennir yn Erthygl 9(1)(c) (labelu sylweddau neu gynhyrchion penodol sy'n peri alergeddau neu anoddefeddau) ynglŷn â'r bwyd hwnnw drwy unrhyw ddull y mae'r gweithredwr hwnnw'n ei ddewis, gan gynnwys ar lafar, yn ddarostyngedig i baragraff (3).

(2) Mae'r rheoliad hwn yn gymwys i fwyd perthnasol a gynigir i'w werthu i ddefnyddiwr terfynol neu i arlwywr mawr ac eithrio drwy gyfrwng cyfathrebu o hirbell ac sydd—

- (a) heb ei ragbecynnu,
- (b) wedi ei becynnu ar y fangre lle y gwerthir y bwyd ar gais y defnyddiwr, neu
- (c) wedi ei ragbecynnu i'w werthu'n uniongyrchol.

(3) Pan fo gweithredwr busnes bwyd yn bwriadu rhoi'r manylion a bennir yn Erthygl 9(1)(c) ynglŷn â bwyd perthnasol ar gael ar lafar, a bod sylwedd neu gynnyrch a restrir yn Atodiad II neu sy'n deillio o sylwedd neu gynnyrch a restrir yn Atodiad II yn cael ei ddefnyddio fel cynhwysyn neu gymorth prosesu wrth weithgynhyrchu neu baratoi'r bwyd, rhaid i'r gweithredwr ddangos bod modd sicrhau manylion y sylwedd neu'r cynnyrch hwnnw drwy ofyn i aelod o'r staff.

(4) Rhaid i'r dangosiad a grybwyllir ym mharagraff (3) gael ei roi—

- (a) ar label sydd ynghlwm wrth y bwyd, neu
- (b) ar hysbysiad, bwydlen, tocyn neu label sy'n glir i'w weld gan brynwr arfaethedig yn y man lle y mae'r prynwr arfaethedig yn dewis y bwyd hwnnw.

(5) O ran bwyd perthnasol y mae'r rheoliad hwn yn gymwys iddo, rhaid i'r manylion yn Erthygl 9(1)(c) a roddwyd ar gael gan weithredwr busnes bwyd gael eu rhoi ar gael â chyfeiriad clir at enw'r sylwedd neu'r cynnyrch a restrir yn Atodiad II—

- (a) pan fo'r cynhwysyn neu'r cymorth prosesu perthnasol yn deillio o sylwedd neu gynnyrch a restrir yn Atodiad II, a
- (b) pan fo'r manylion yn cael eu rhoi ar gael ac eithrio drwy ddull y darperir ar ei gyfer yn FIC.

(6) Yn y rheoliad hwn ystyr "bwyd perthnasol" ("*relevant food*") yw bwyd y mae cynhwysyn neu gymorth prosesu a restrir yn Atodiad II, neu sy'n deillio o sylwedd neu gynnyrch a restrir yn Atodiad II, wedi eu defnyddio wrth ei weithgynhyrchu neu ei baratoi ac yn dal yn bresennol yn y cynnyrch

gorffenedig (hyd yn oed os yw mewn ffurf a addaswyd).

Bwydydd nad ydynt wedi eu rhagbecynnu etc. – gofyniad cyffredinol i'w henwi

6.—(1) Rhaid i weithredwr busnes bwyd sy'n cynnig gwerthu bwyd y mae'r rheoliad hwn yn gymwys iddo ddarparu'r manylion sy'n ofynnol o dan Erthygl 9(1)(a) (enw'r bwyd) fel y'i darllenir gyda'r canlynol—

- (a) Erthygl 17(1) i (4), a
- (b) yn achos bwyd a gynigir i'w werthu gan ddefnyddio dynodiad briwgig yn enw—
 - (i) Erthygl 17(5) a phwynt 1 o Ran B o Atodiad VI, a
 - (ii) pwynt 3 o Ran B o Atodiad VI fel y'i darllenir gyda rheoliad 4 ac Atodlen 2.

(2) Mae'r rheoliad hwn yn gymwys i fwyd a gynigir i'w werthu i ddefnyddiwr terfynol neu arlwywyr mawr ac sydd—

- (a) heb ei ragbecynnu,
- (b) wedi ei becynnu ar y fangre lle y gwerthir y bwyd ar gais y defnyddiwr, neu
- (c) wedi ei ragbecynnu i'w werthu'n uniongyrchol.

(3) Nid yw'r rheoliad hwn yn gymwys i fwyd a baratowyd i fod yn barod i'w fwyta gan ddefnyddiwr terfynol a gynigir i'w werthu i ddefnyddiwr terfynol gan arlwywyr mawr (boed mewn sefydliad arlwyo mawr lle y gwerthir yn bersonol i ddefnyddiwr terfynol ynteu drwy gyfrwng cyfathrebu o hirbell) fel rhan o'i fusnes fel arlwywr mawr.

(4) Rhaid i'r manylion ymddangos—

- (a) ar label sydd ynghlwm wrth y bwyd, neu
- (b) ar hysbysiad, tocyn neu label sy'n glir i'w weld gan brynwr arfaethedig yn y man lle y mae'r prynwr arfaethedig yn dewis y bwyd hwnnw.

(5) Nid yw paragraff (4) yn gymwys yn achos cynnig i werthu a wneir drwy gyfrwng cyfathrebu o hirbell.

Bwydydd nad ydynt wedi eu rhagbecynnu etc. sy'n cynnwys cig a chynhwysion eraill

7.—(1) Rhaid i weithredwr busnes bwyd sy'n cynnig gwerthu bwyd y mae'r rheoliad hwn yn gymwys iddo ddarparu'r manylion sy'n ofynnol o dan Erthygl 9(1)(d) (swm cynhwysion penodol), fel y'i darllenir gydag Erthygl 22 ac Atodiad VIII, o ran y cynhwysion yn y bwyd sy'n gig.

(2) Mae'r rheoliad hwn yn gymwys i fwyd (heblaw bwyd a bennir yn Atodlen 3) a gynigir i'w werthu i ddefnyddiwr terfynol neu arlwywr mawr, sy'n cynnwys cig ac unrhyw gynhwysyn arall ac sydd—

- (a) heb ei ragbecynnu,
- (b) wedi ei becynnu ar y fangre lle y gwerthir y bwyd ar gais y defnyddiwr, neu
- (c) wedi ei ragbecynnu i'w werthu'n uniongyrchol.

(3) Nid yw'r rheoliad hwn yn gymwys i fwyd a baratowyd i fod yn barod i'w fwyta gan ddefnyddiwr terfynol a gynigir i'w werthu i ddefnyddiwr terfynol gan arlwywr mawr (boed mewn sefydliad arlwy mawr lle y gwerthir yn bersonol i ddefnyddiwr terfynol ynteu drwy gyfrwng cyfathrebu o hirbell) fel rhan o'i fusnes fel arlwywr mawr.

(4) Mae swm y cig sydd i'w bennu yn y manylion a grybwyllir ym mharagraff (1) i'w bennu drwy gymryd i ystyriaeth y darpariaethau ynghylch cyfanswm y cynnwys braster a meinwe gysylltiol ym mhwynt 17 o Ran B o Atodiad VII, gan gynnwys unrhyw addasiad tuag i lawr sy'n angenrheidiol mewn achos lle y mae cyfanswm y cynnwys braster a meinwe gysylltiol yn y bwyd yn fwy na'r gwerthoedd a ddangosir yn y tabl yn y pwynt hwnnw.

(5) Rhaid i'r manylion ymddangos—

- (a) ar label sydd ynghlwm wrth y bwyd, neu
- (b) ar hysbysiad, tocyn neu label sy'n glir i'w weld gan brynwr arfaethedig yn y man lle y mae'r prynwr arfaethedig yn dewis y bwyd hwnnw.

(6) Nid yw paragraff (5) yn gymwys yn achos cynnig i werthu a wneir drwy gyfrwng cyfathrebu o hirbell.

(7) Yn y rheoliad hwn—

ystyr “cig” (“*meat*”) yw cyhyrau ysgerbydol rhywogaethau o famaliaid ac adar y cydnabyddir eu bod yn addas i'w bwyta gan bobl gyda'r feinwe y mae'n ei chynnwys yn naturiol neu feinwe ymlynol ond nid yw'n cynnwys cig a wahanir yn fecanyddol; ac

mae i “cig a wahanir yn fecanyddol” yr ystyr a roddir i “mechanically separated meat” ym mhwynt 1.14 o Atodiad I i Reoliad (EC) Rhif 853/2004 Senedd Ewrop a'r Cyngor sy'n nodi rheolau hylendid penodol ar gyfer bwyd sy'n deillio o anifeiliaid⁽¹⁾.

(1) OJ Rhif L 139, 30.4.2004, t 55, a ddiwygiwyd ddiwethaf gan Reoliad y Comisiwn (EU) Rhif 633/2014 (OJ Rhif L 175, 16.6.2014, t 6).

Bwydydd a arbelydrwyd

8.—(1) Rhaid i unrhyw berson sy'n gosod ar y farchnad, mewn swmp, gynnyrch y mae'r paragraff hwn yn gymwys iddo, sicrhau bod y dangosiad perthnasol yn ymddangos, ynghyd ag enw'r cynnyrch, ar arddangosiad neu hysbysiad uwchben y cynhwysydd y gosodir y cynhyrchion ynddo ar y farchnad neu wrth ochr y cynhwysydd hwnnw.

(2) Mae paragraff (1) yn gymwys—

- (a) i gynnyrch a fwriedir i'r defnyddiwr terfynol neu i arlwywyr mawr sydd wedi ei drin ag ymbelydredd ìoneiddio, a
- (b) i gynnyrch a fwriedir i'r defnyddiwr terfynol neu i arlwywyr mawr sy'n cynnwys cynhwysyn sydd wedi ei drin ag ymbelydredd ìoneiddio.

(3) Rhaid i unrhyw berson sy'n gosod ar y farchnad gynnyrch y mae'r paragraff hwn yn gymwys iddo sicrhau bod y dangosiad perthnasol yn ymddangos yn rhestr cynhwysion y cynnyrch hwnnw er mwyn dangos bod y cynnyrch wedi ei arbelydru.

(4) Mae paragraff (3) yn gymwys i gynnyrch a fwriedir ar gyfer y defnyddiwr terfynol neu arlwywyr mawr—

- (a) sy'n cynnwys cynhwysyn cyfansawdd mewn achos lle y mae un o gynhwysion y cynhwysyn cyfansawdd hwnnw wedi ei drin ag ymbelydredd ìoneiddio, a
- (b) y byddai, mewn perthynas â'r cynhwysyn cyfansawdd hwnnw, ddarpariaethau pwynt 2 o Ran E o Atodiad VII (sy'n nodi achosion lle nad yw rhestr o gynhwysion ar gyfer cynhwysion cyfansawdd yn orfodol) yn gymwys, oni bai am y gofyniad ym mharagraff (3).

(5) Y dangosiad perthnasol yw'r geiriau "irradiated" neu'r geiriau "treated with ionising radiation".

(6) Nid yw'r rheoliad hwn yn gymwys i'r canlynol—

- (a) cynnyrch a fu'n agored i ymbelydredd ìoneiddio a gynhyrchwyd gan ddyfeisiau mesur neu arolygu, ar yr amod nad yw'r dogn a amsugnwyd yn fwy na 0.01 Gy yn achos dyfeisiau arolygu sy'n defnyddio niwtronau a 0.5 Gy mewn achosion eraill, ar lefel ynni ymbelydredd uchaf o 10 MeV yn achos pelydr X, 14 MeV yn achos niwtronau a 5 MeV mewn achosion eraill, neu
- (b) cynnyrch a baratoir i gleifion y mae arnynt angen deietau sterilaid o dan oruchwyliaeth feddygol.

(7) Yn y rheoliad hwn—

mae i “cynnyrch” yr un ystyr ag sydd i “product” yng Nghyfarwyddeb 1999/2/EC;

mae “gosod ar y farchnad” i’w ddehongli drwy gymryd i ystyriaeth ystyr “placed on the market” fel y’i defnyddir yn Erthygl 2 o Gyfarwyddeb 1999/2/EC;

mae i “mewn swmp” yr un ystyr ag sydd i “in bulk” yn ail is-baragraff Erthygl 6(1)(a) o Gyfarwyddeb 1999/2/EC; ac

mae i “ymbelydredd ïoneiddio” yr un ystyr ag sydd i “ionising radiation” yng Nghyfarwyddeb 1999/2/EC.

Gorfodi

9. Dyletswydd awdurdod bwyd o fewn ei ardal ac awdurdod iechyd porthladd o fewn ei ddsbarth yw gorfodi'r Rheoliadau hyn.

Trosedd

10.—(1) Mae person yn euog o drosedd os yw'n methu â chydymffurfio—

- (a) ag unrhyw rai o ddarpariaethau FIC a bennir ym mharagraff (2), fel y’i darllenir gydag Erthyglau 1(3) a 6 ac is-baragraff cyntaf Erthygl 54(1), neu
- (b) â rheoliad 5(5).

(2) Y darpariaethau yn FIC yw—

- (a) Erthygl 9(1)(c), fel y’i darllenir hefyd gydag Atodiad II;
- (b) Erthygl 21(1)(a), fel y’i darllenir hefyd gydag Erthyglau 9(1)(c) a 18(1) ac Atodiad II;
- (c) ail is-baragraff Erthygl 21(1), fel y’i darllenir hefyd gydag Erthyglau 9(1)(c) a 19(1) ac Atodiad II; a
- (d) Erthygl 44(1)(a), fel y’i darllenir hefyd gydag Erthygl 9(1)(c) a rheoliad 5.

Cosbi

11. Mae person sy'n euog o drosedd o dan reoliad 10 yn agored o'i gollfarnu'n ddiannod i ddirwy heb fod yn fwy na lefel 5 ar y raddfa safonol.

Cymhwysio darpariaethau'r Ddeddf

12.—(1) Mae is-adrannau (1) a (2) o adran 10 o'r Ddeddf (hysbysiadau gwella) yn gymwys, gyda'r addasiad (yn achos adran 10(1)) a bennir yn Rhan 1 o Atodlen 4, er mwyn—

- (a) galluogi hysbysiad gwella i gael ei gyflwyno i berson yn ei gwneud yn ofynnol i'r person

gydymffurfio ag unrhyw rai o'r darpariaethau a ganlyn—

- (i) darpariaeth yn FIC a bennir yn Atodlen 5, i'r graddau y darperir ar ei chyfer yn adran 10 fel y'i cymhwysir gan baragraff (1) a'i haddasu gan Ran 1 o Atodlen 4;
 - (ii) rheoliad 5(3), (4) neu (5);
 - (iii) rheoliad 6(1) neu (4);
 - (iv) rheoliad 7(1), (4) neu (5); neu
 - (v) rheoliad 8(1) neu (3); a
- (b) peri bod y methiant i gydymffurfio â hysbysiad y cyfeirir ato yn is-baragraff (a) yn drosedd.

(2) Mae is-adrannau (1) i (8) o adran 32(1) o'r Ddeddf (pwerau mynediad) yn gymwys, gyda'r addasiadau (yn achos adran 32(1)) a bennir yn Rhan 2 o Atodlen 4, er mwyn galluogi swyddog awdurdodedig o awdurdod bwyd neu awdurdod iechyd porthladd—

- (a) i arfer pŵer mynediad er mwyn darganfod a oes neu a oedd darpariaeth yn FIC a bennir yn Atodlen 5 wedi ei thorri, i'r graddau y darperir ar ei chyfer yn adran 32(1)(a) fel y'i cymhwysir gan y paragraff hwn a'i haddasu gan Ran 2 o Atodlen 4;
- (b) i arfer pŵer mynediad er mwyn darganfod a oes unrhyw dystiolaeth bod darpariaeth o'r fath wedi ei thorri; ac
- (c) wrth arfer pŵer mynediad o dan ddarpariaethau adran 32 fel y'i cymhwysir gan y paragraff hwn, i arfer y pwerau yn is-adrannau (5) a (6) ynglŷn â chofnodion.

(3) Mae is-adrannau (1) a (6) o adran 37 o'r Ddeddf (apelau) yn gymwys, gyda'r addasiadau a bennir yn Rhan 3 o Atodlen 4, er mwyn galluogi apêl yn erbyn penderfyniad i gyflwyno hysbysiad y cyfeirir ato ym mharagraff (1)(a).

(4) Mae adran 39 o'r Ddeddf (apelio yn erbyn hysbysiadau gwella) yn gymwys, gyda'r addasiadau (yn achos is-adrannau (1) a (3) o adran 39) a bennir yn Rhan 4 o Atodlen 4, er mwyn ymdrin ag apelau yn erbyn penderfyniad i gyflwyno hysbysiad y cyfeirir ato ym mharagraff (1)(a).

(5) Mae darpariaethau'r Ddeddf a bennir yng ngholofn 1 y tabl yn Rhan 5 o Atodlen 4 yn gymwys, gyda'r addasiadau a bennir yng ngholofn 2 o'r Rhan honno, at ddibenion y Rheoliadau hyn.

(6) Mae paragraffau (1) i (4) heb ragfarn i gymhwyso adrannau 10, 32, 37 a 39 o'r Ddeddf at y

(1) Diwygiwyd is-adrannau (5) a (6) o adran 32 gan baragraff 18 o Atodlen 2 i Ddeddf Cyfiawnder Troseddol a'r Heddlu 2001 (p. 16).

Rheoliadau hyn at ddibenion ac eithrio'r rhai a bennir yn y paragraffau hynny.

Dirymiadau

13. Mae'r Rheoliadau a restrir yn Atodlen 6 wedi eu dirymu i'r graddau a bennir.

Diwygiadau canlyniadol a mân ddiwygiadau eraill i offerynnau statudol

14. Mae Atodlen 7 yn cael effaith.

Mark Drakeford

Y Gweinidog Iechyd a Gwasanaethau Cymdeithasol,
un o Weinidogion Cymru

28 Awst 2014

ATODLEN 1 Rheoliad 2(3)

Darpariaethau y Rheoliadau hyn sy'n cynnwys cyfeiriadau newidiadwy at FIC yn rhinwedd rheoliad 2(3)

Rheoliad 2(1) ac eithrio'r diffiniad o "FIC"

Rheoliad 3

Rheoliad 4(1) a (3)

Rheoliad 5(1), (3), (5) a (6)

Rheoliad 6(1)

Rheoliad 7(1) a (4)

Rheoliad 8(4)(b)

Rheoliad 10

Paragraff 3 o Ran 2 o Atodlen 2

Atodlen 5

ATODLEN 2 Rheoliad 4

Y marc cenedlaethol ar gyfer y rhanddirymiad ynglŷn â briwggig

RHAN 1

Y marc cenedlaethol

■ For UK market only

RHAN 2

Manylebau'r marc cenedlaethol

1. Caniateir defnyddio unrhyw fath o ffont ar gyfer y marc cenedlaethol cyhyd ag y bo'n glir i'w ddarllen.
2. Caniateir defnyddio ffont o unrhyw liw ar gyfer y marc cenedlaethol cyhyd ag y bo'n hawdd i'w weld.
3. Yn achos bwyd sydd wedi ei ragbecynnu, rhaid i faint y ffont a ddefnyddir ar gyfer y marc cenedlaethol beidio â bod yn llai na'r canlynol—

- (a) yn achos pecyn neu gynhwysydd o faint y mae Erthygl 13(3) yn gymwys iddo, y maint ffont sy'n ofynnol ar gyfer manylion gorfodol o dan Erthygl 13(3), a
- (b) yn achos unrhyw becyn neu gynhwysydd arall, y maint ffont sy'n ofynnol ar gyfer manylion gorfodol o dan Erthygl 13(2).

4. Caiff y marc cenedlaethol gynnwys y testun Cymraeg "Ar gyfer marchnad y DU yn unig" yn ychwanegol at y testun Saesneg yn Rhan 1.

ATODLEN 3 Rheoliad 7

Bwydydd nad yw rheoliad 7 yn gymwys iddynt

1. Cig amrwd nad ychwanegwyd cynhwysyn ato ac eithrio ensymau proteolytig.

2. Cyw iâr wedi ei rewi ac wedi ei rewi'n gyflym y mae Erthygl 15 o Reoliad y Comisiwn (EC) Rhif 543/2008 yn nodi rheolau manwl ynglŷn â chymhwyso Rheoliad y Cyngor (EC) Rhif 1234/2007 o ran safonau marchnata cig dofednod(1) yn gymwys iddo ac nad yw ei gynhwysiad dŵr yn fwy na'r gwerthoedd sy'n dechnegol anochel a bennir yn unol â'r hyn y darperir ar ei gyfer yn yr Erthygl honno.

3. Toriadau cig dofednod ffres, wedi eu rhewi ac wedi eu rhewi'n gyflym y mae Erthygl 20 o Reoliad y Comisiwn (EC) Rhif 543/2008 yn gymwys iddynt ac nad yw eu cynhwysiad dŵr yn fwy na'r gwerthoedd sy'n dechnegol anochel a bennir yn unol â'r hyn y darperir ar ei gyfer yn yr Erthygl honno.

4. Brechdanau, rholion wedi eu llenwi a chynhyrchion wedi eu llenwi sy'n debyg o ran eu natur i frechdanau a rholion wedi eu llenwi, sy'n barod i'w bwyta heb ragor o brosesu, ac eithrio cynhyrchion sy'n cynnwys cig a werthir o dan yr enw "byrgyr", "byrgyr rhad" neu "hambyrgyr" (p'un a oleddfir hwy gan eiriau eraill neu beidio).

5. Pitsas a chynhyrchion tebyg sydd â thopin.

6. Unrhyw fwyd o'r enw "potes", "grefi" neu "cawl", p'un a oleddfir hwy gan eiriau eraill neu beidio.

7. Bwyd sy'n gydosodiad o ddau neu ragor o gynhwysion na fu'n destun unrhyw broses neu driniaeth ar ôl cael ei gydosod, ac a werthir i'r

(1) OJ Rhif L 157, 17.6.2008, t 46, a ddiwygiwyd ddiwethaf gan Reoliad (EU) Rhif 1308/2013 Senedd Ewrop a'r Cyngor (OJ Rhif L 347, 20.12.2013, t 671).

defnyddiwr terfynol ar ffurf cyfran unigol y bwriedir iddi gael ei bwyta heb ragor o drin neu brosesu.

ATODLEN 4 Rheoliad 12

Cymhwyso ac addasu darpariaethau'r Ddeddf

RHAN 1

Addasu adran 10(1)

1. Yn lle adran 10(1) (hysbysiadau gwella) rhodder—

“(1) If an authorised officer of an enforcement authority has reasonable grounds for believing that a person is failing to comply with a provision specified in subsection (1A), the authorised officer may, by a notice served on that person (in this Act referred to as an “improvement notice”)—

- (a) state the officer’s grounds for believing that the person is failing to comply with the relevant provision;
- (b) specify the matters which constitute the person’s failure so to comply;
- (c) specify the measures which, in the officer’s opinion, the person must take in order to secure compliance; and
- (d) require the person to take those measures, or measures that are at least equivalent to them, within such period as may be specified in the notice.

(1A) The provisions are—

- (a) a provision of Regulation (EU) No 1169/2011 of the European Parliament and of the Council on the provision of food information to consumers⁽¹⁾ specified in entry 1, 3, 5 to 11, 23 to 27, 29, 31 or 66 of the table in Part 2 of Schedule 5 to the Food Information (Wales) Regulations 2014 (as read with regulation 2(3) of, and Schedule 1 to, those Regulations), except to the extent that the provision applies to the mandatory particular relating to net quantity required by Article 9(1)(e) of Regulation (EU) No 1169/2011, as

(1) OJ Rhif L 304, 22.11.2011, t 18, a ddiwygiwyd ddiwethaf gan Reoliad Dirprwyedig y Comisiwn (EU) Rhif 78/2014 (OJ Rhif L 27, 30.1.2014, t 7).

read with Article 23 of, and Annex IX to, that Regulation;

- (b) a provision of Regulation (EU) No 1169/2011 of the European Parliament and of the Council specified in entry 2, 67 or 68 of the table in Part 2 of Schedule 5 to the Food Information (Wales) Regulations 2014 (as read with regulation 2(3) of, and Schedule 1 to, those Regulations), except to the extent that the provision applies to food information relating to quantity;
- (c) any other provision of Regulation (EU) No 1169/2011 of the European Parliament and of the Council specified in Schedule 5 to the Food Information (Wales) Regulations 2014 (as read with regulation 2(3) of, and Schedule 1 to, those Regulations); or
- (d) any of the following provisions of the Food Information (Wales) Regulations 2014—
 - (i) regulation 5(3), (4) or (5);
 - (ii) regulation 6(1) or (4);
 - (iii) regulation 7(1), (4) or (5); or
 - (iv) regulation 8(1) or (3).”

RHAN 2

Addasu adran 32(1)

2. Yn lle paragraffau (a) i (c) o adran 32(1) (pwerau mynediad) rhodder—

- “(a) to enter any premises within the authority’s area for the purpose of ascertaining whether there is or has been on the premises any contravention of—
 - (i) a provision of Regulation (EU) No 1169/2011 of the European Parliament and of the Council on the provision of food information to consumers specified in entry 1, 3, 5 to 11, 23 to 27, 29, 31 or 66 of the table in Part 2 of Schedule 5 to the Food Information (Wales) Regulations 2014 (as read with regulation 2(3) of, and Schedule 1 to, those Regulations), except to the extent that the provision applies to the mandatory particular relating to net quantity required by Article 9(1)(e) of Regulation (EU) No 1169/2011, as read with

Article 23 of, and Annex IX to,
that Regulation;

- (ii) a provision of Regulation (EU) No 1169/2011 of the European Parliament and of the Council specified in entry 2, 67 or 68 of the table in Part 2 of Schedule 5 to the Food Information (Wales) Regulations 2014 (as read with regulation 2(3) of, and Schedule 1 to, those Regulations), except to the extent that the provision applies to food information relating to quantity; and
 - (iii) any other provision of Regulation (EU) No 1169/2011 of the European Parliament and of the Council specified in Schedule 5 to the Food Information (Wales) Regulations 2014 (as read with regulation 2(3) of, and Schedule 1 to, those Regulations); and
- (b) to enter any business premises, whether within or outside of the authority's area, for the purpose of ascertaining whether there is on the premises any evidence of any contravention within that area of any such provisions;”.

RHAN 3

Addasu adran 37(1) a (6)

3. Yn lle adran 37(1) (apelio) rhodder—

“(1) Any person who is aggrieved by a decision of an authorised officer of an enforcement authority to serve an improvement notice under section 10(1), as applied and modified by regulation 12(1) of, and Part 1 of Schedule 4 to, the Food Information (Wales) Regulations 2014, may appeal to the magistrates’ court.”

4. Yn adran 37(6)—

- (a) yn lle “(3) or (4)” rhodder “(1)”, a
- (b) ym mharagraff (a), hepgorer “or to the sheriff”.

RHAN 4

Addasu adran 39(1) a (3)

5. Yn lle adran 39(1) (apelio yn erbyn hysbysiadau gwella) rhodder—

“(1) On an appeal against an improvement notice served under section 10(1), as applied and modified by regulation 12(1) of, and Part 1 of Schedule 4 to, the Food Information (Wales) Regulations 2014, the court may either cancel or affirm the notice and, if it affirms it, may do so either in its original form or with such modifications as the court may in the circumstances think fit.”

6. Yn adran 39(3) hepgorer “for want of prosecution”.

RHAN 5

Cymhwyso ac addasu darpariaethau eraill yn y Ddeddf

<i>Colofn 1</i> <i>Y ddarpariaeth yn y Ddeddf</i>	<i>Colofn 2</i> <i>Yr addasiadau</i>
Adran 3 (rhagdybiaethau bod bwyd wedi ei fwriadu i'w fwyta gan bobl)	Yn is-adran (1), yn lle “this Act” rhodder “the Food Information (Wales) Regulations 2014”
Adran 20 (troseddau oherwydd bai person arall)	Yn lle “any of the preceding provisions of this Part” rhodder “section 10(2), as applied by regulation 12(1) of the Food Information (Wales) Regulations 2014, or regulation 10 of those Regulations”
Adran 21(1) (amddiffyniad diwydrwydd dyladwy)	Yn is-adran (1), yn lle “any of the preceding provisions of this Part” rhodder “section 10(2), as applied by regulation 12(1) of the Food Information (Wales) Regulations 2014, or regulation 10 of those Regulations” Yn is-adran (2), yn lle “section 14 or 15 above” rhodder “regulation 10 of the Food Information (Wales) Regulations 2014”
Adran 22 (amddiffyniad cyhoeddi yng nghwrs busnes)	Yn lle “any of the preceding provisions of this Part” rhodder “regulation 10 of the Food Information (Wales) Regulations 2014”
Adran 29 (caffael samplau)	Ym mharagraff (b)(ii), ar ôl “under section 32 below”, mewnosoder “, including under section 32 as applied and modified by regulation 12(2) of, and Part 2 of Schedule 4 to, the Food Information (Wales) Regulations 2014”
Adran 30(8) (sy'n ymwneud â thystiolaeth tystysgrifau a roddir gan ddadansoddydd neu archwilydd bwyd)	Yn lle “this Act” rhodder “the Food Information (Wales) Regulations 2014”
Adran 33 (rhwystro etc. swyddogion)	Yn is-adran (1), yn lle “this Act” (ym mhob man lle y mae'n digwydd) rhodder “the Food Information (Wales) Regulations 2014”
Adran 35(1)(2) a (2) (cosbi troseddau)	Yn is-adran (1), ar ôl “section 33(1) above”, mewnosoder “, as applied and modified by regulation 12(5) of, and Part 5 of Schedule 4 to, the Food Information (Wales) Regulations 2014,” Ar ôl is-adran (1), mewnosoder— “(1A) A person guilty of an offence under section 10(2), as

(1) Diwygiwyd adran 21(2) gan O.S. 2004/3279.

(2) Mae adran 35(1) wedi ei diwygio gan baragraff 42 o Atodlen 26 i Ddeddf Cyfiawnder Troseddol 2003 (p. 44) o ddyddiad i'w bennu.

<i>Colofn 1</i> <i>Y ddarpariaeth yn y Ddeddf</i>	<i>Colofn 2</i> <i>Yr addasiadau</i>
	applied by regulation 12(1) of the Food Information (Wales) Regulations 2014, shall be liable, on summary conviction, to a fine not exceeding level 5 on the standard scale.”
	Yn is-adran (2)—
	(a) yn lle “any other offence under this Act” rhodder “an offence under section 33(2), as applied by regulation 12(5) of, and Part 5 of Schedule 4 to, the Food Information (Wales) Regulations 2014,”; a
	(b) ym mharagraff (b), yn lle “relevant amount” rhodder “statutory maximum”
Adran 36 (troseddau corff corfforaethol)	Yn is-adran (1), yn lle “this Act” rhodder “section 10(2), as applied by regulation 12(1) of the Food Information (Wales) Regulations 2014, or regulation 10 of those Regulations,”
Adran 36A(1) (troseddau partneriaethau’r Alban)	Yn lle “this Act” rhodder “section 10(2), as applied by regulation 12(1) of the Food Information (Wales) Regulations 2014, or regulation 10 of those Regulations,”
Adran 44 (amddiffyn swyddogion sy’n gweithredu’n ddiwyll)	Yn lle “this Act” (ym mhob man lle y mae’n digwydd) rhodder “the Food Information (Wales) Regulations 2014”

ATODLEN 5

Rheoliad 12

Hysbysiadau gwella – darpariaethau FIC penodedig

RHAN 1

Y ddarpariaeth yn FIC y caniateir i hysbysiad gwella gael ei gyflwyno mewn perthynas â hi ar ac ar ôl 19 Medi 2014

<i>Y ddarpariaeth yn FIC</i>	<i>Y darpariaethau sydd i’w darllen gyda’r ddarpariaeth yn FIC</i>
Erthygl 17(5) i’r graddau y mae’n gymwys i’r gofynion yn Rhan B o Atodiad VI ynghylch y dynodiad “minced meat” (gofynion ynghylch y dynodiad “minced meat” a’r manylion y mae’n rhaid iddynt gyd-fynd ag ef)	Erthyglau 1(3) a 6 a thrydydd is-baragraff Erthygl 54(1), ail is-baragraff Erthygl 55, Rhan B o Atodiad VI, rheoliad 4 ac Atodlen 2

(1) Mewnosodwyd adran 36A gan baragraff 16 o Atodlen 5 i Ddeddf Safonau Bwyd 1999 (p. 28).

RHAN 2

Y darpariaethau yn FIC y caniateir i hysbysiad gwella gael ei gyflwyno mewn perthynas
â hwy ar ac ar ôl 13 Rhagfyr 2014

<i>Rhif</i>	<i>Y ddarpariaeth yn FIC</i>	<i>Y darpariaethau sydd i'w darllen gyda'r darpariaethau yn FIC</i>
1.	Erthygl 6 (gofyniad sylfaenol bod rhaid i wybodaeth am fwyd gyd-fynd â bwyd)	Erthyglau 1(3) a 30(2) a (3), is-baragraff cyntaf Erthygl 54(1) ac Erthyglau eraill FIC a restrir yng Ngholofn 1, fel y bo'n briodol
2.	Erthygl 7(1) (gwaharddiad ar wybodaeth gamarweiniol)	Erthyglau 1(3), 6 a 7(4) ac is-baragraff cyntaf Erthygl 54(1)
3.	Erthygl 7(2) (gofyniad ynglŷn â gwybodaeth gywir, glir a hawdd ei deall)	Erthyglau 1(3), 6 a 7(4) ac is-baragraff cyntaf Erthygl 54(1)
4.	Erthygl 7(3) (gwahardd gwybodaeth am fwyd rhag priodoli manteision iechyd i unrhyw fwyd yn ddarostyngedig i randdirymiadau penodol)	Erthyglau 1(3), 6 a 7(4) ac is-baragraff cyntaf Erthygl 54(1)
5.	Erthygl 8(2) (gofyniad bod rhaid i weithredwr busnes bwyd sicrhau bod gwybodaeth am fwyd yn bresennol ac yn gywir)	Erthyglau 1(3), 6 ac 8(1) ac is-baragraff cyntaf Erthygl 54(1)
6.	Erthygl 8(3) (gofyniad bod rhaid i weithredwr busnes bwyd beidio â chyflenwi bwyd nad yw'n cydymffurfio)	Erthyglau 1(3) a 6 ac is-baragraff cyntaf Erthygl 54(1)
7.	Erthygl 8(4) (cyfyngiadau ar addasu gwybodaeth sy'n cyd-fynd â bwyd)	Erthyglau 1(3) a 6 ac is-baragraff cyntaf Erthygl 54(1)
8.	Erthygl 8(5) (gofyniad bod rhaid sicrhau a dilysu y cydymffurfir â'r gyfraith ar wybodaeth am fwyd etc.)	Erthyglau 1(3) a 6 ac is-baragraff cyntaf Erthygl 54(1)
9.	Erthygl 8(6) (gofyniad bod rhaid trosglwyddo gwybodaeth ynglŷn â bwydydd nad ydynt wedi eu rhagbecynnu)	Erthyglau 1(3) a 6 ac is-baragraff cyntaf Erthygl 54(1)
10.	Erthygl 8(7) (gofyniad ynghylch y manylion gorfodol y gofynnir amdanynt gan Erthyglau 9 a 10)	Erthyglau 1(3) a 6 ac is-baragraff cyntaf Erthygl 54(1)
11.	Erthygl 8(8) (gofyniad bod rhaid i weithredwr busnes bwyd ddarparu digon o wybodaeth i weithredwyr busnes bwyd eraill)	Erthyglau 1(3) a 6 ac is-baragraff cyntaf Erthygl 54(1)
12.	Erthygl 9(1)(a) (dangosiad gorfodol ynglŷn ag enw'r bwyd)	Erthyglau 1(3), 6, 9(2), 16(1) a (2), 17, 22(1)(a) a 40, is-baragraff cyntaf Erthygl 54(1), Atodiad VI a rheoliad 3
13.	Erthygl 9(1)(b) (dangosiad gorfodol ynglŷn â'r rhestr cynhwysion)	Erthyglau 1(3), 6, 9(2), 11 ac 16(1) a (2), is-baragraff cyntaf Erthygl 16(4), Erthyglau 18, 19(1), 20 a 40, is-baragraff cyntaf Erthygl 54(1), Atodiadau VI a VII a rheoliad 3
14.	Erthygl 9(1)(c) (dangosiad gorfodol ynglŷn â chynhwysion a chynorthwyon prosesu sy'n peri alergeddau neu anoddefeddau)	Erthyglau 1(3), 6, 9(2), 11, 16(1) a (2), 18(1), 21(1) a 40, is-baragraff cyntaf Erthygl 54(1), Atodiad II a rheoliad 3
15.	Erthygl 9(1)(d) (dangosiad gorfodol ynglŷn â swm cynhwysion penodol neu gategoriâu penodol o gynhwysion)	Erthyglau 1(3), 6, 9(2), 11, 16(1) a (2), 22 a 40, is-baragraff cyntaf Erthygl 54(1), Atodiad VIII a rheoliad 3
16.	Erthygl 9(1)(f) (dangosiad gorfodol ynglŷn â dyddiad isafswm parhauster neu'r dyddiad "use	Erthyglau 1(3), 6, 9(2), 16(1) a (2), 24 a 40, is-baragraff cyntaf Erthygl 54(1), pwyntiau

<i>Rhif</i>	<i>Y ddarpariaeth yn FIC</i>	<i>Y darpariaethau sydd i'w darllen gyda'r darpariaethau yn FIC</i>
	by'')	1 a 2 o Atodiad X a rheoliad 3
17.	Erthygl 9(1)(g) (dangosiad gorfodol ynglŷn ag unrhyw amodau storio arbennig, amodau defnyddio, neu'r ddau)	Erthyglau 1(3), 6, 9(2), 16(1) a (2), 25 a 40, is-baragraff cyntaf Erthygl 54(1) a rheoliad 3
18.	Erthygl 9(1)(h) (dangosiad gorfodol ynglŷn ag enw neu enw busnes a chyfeiriad y gweithredwr busnes bwyd)	Erthyglau 1(3), 6, 8(1), 9(2), 16(1) a (2) a 40, is-baragraff cyntaf Erthygl 54(1) a rheoliad 3
19.	Erthygl 9(1)(i) (dangosiad gorfodol ynglŷn â'r wlad tarddiad neu'r tarddle)	Erthyglau 1(3), 6, 9(2), 16(1) a (2), 26(1) a (2) a 40, is-baragraff cyntaf Erthygl 54(1) a rheoliad 3
20.	Erthygl 9(1)(j) (dangosiad gorfodol ynglŷn â chyfarwyddiadau defnyddio)	Erthyglau 1(3), 6, 9(2), 16(1) a (2), 27 a 40, is-baragraff cyntaf Erthygl 54(1) a rheoliad 3
21.	Erthygl 9(1)(k) (dangosiad gorfodol ynglŷn â chryfder alcoholaidd gwirioneddol diodydd sy'n cynnwys mwy na 1.2% o alcohol yn ôl cyfaint)	Erthyglau 1(3), 6, 9(2), 11, 16(1) a (2) a 28, is-baragraff cyntaf Erthygl 54(1) ac Atodiad XII
22.	Erthygl 10(1) (manylion gorfodol ychwanegol ar gyfer mathau penodol o fwyd)	Erthyglau 1(3) a 6, is-baragraff cyntaf Erthygl 54(1) ac Atodiad III
23.	Erthygl 12(1) (argaeledd a lleoliad gwybodaeth orfodol am fwyd)	Erthyglau 1(3) a 6, is-baragraff cyntaf Erthygl 54(1) ac Erthygl 12(2) yn achos bwydydd wedi eu rhagbecynnu, Erthyglau 12(5) a 44 yn achos bwydydd nad ydynt wedi eu rhagbecynnu ac Erthyglau 14 a 44 ar gyfer bwydydd y cynigir eu gwerthu drwy gyfrwng cyfathrebu o hirbell
24.	Erthygl 12(2) (gofyniad cyffredinol i wybodaeth orfodol am fwyd ymddangos yn uniongyrchol ar y pecyn neu ar label sydd ynghlwm wrth fwyd wedi ei ragbecynnu)	Erthyglau 1(3) a 6, is-baragraff cyntaf Erthygl 54(1)
25.	Erthygl 13(1) (gofyniad cyffredinol ynglŷn â dangos manylion gorfodol)	Erthyglau 1(3) a 6, is-baragraff cyntaf Erthygl 54(1) ac, yn achos bwydydd nad ydynt wedi eu rhagbecynnu etc. sy'n cynnwys sylwedd neu gynnyrch alergenaidd etc., rheoliad 5
26.	Erthygl 13(2) (gofyniad ynglŷn â dangos manylion gorfodol y cyfeirir atynt yn Erthygl 9(1)(a) i (l))	Erthyglau 1(3) a 6, is-baragraff cyntaf Erthygl 54(1) ac Atodiad IV, ac, o ran Erthygl 13(2) fel y mae'n gymwys i ddangos datganiad gorfodol ynglŷn â maethiad, ail is-baragraff Erthygl 55
27.	Erthygl 13(3) (maint ffont manylion gorfodol ar becynnau llai)	Erthyglau 1(3) a 6 ac is-baragraff cyntaf Erthygl 54(1)
28.	Erthygl 13(5) (gofynion ynglŷn â maes gweledd)	Erthyglau 1(3), 6, 13(6) ac 16(1) a (2) ac is-baragraff cyntaf Erthygl 54(1)
29.	Erthygl 14(1) (gwerthu bwydydd wedi eu rhagbecynnu o hirbell)	Erthyglau 1(3), 6, 9 a 14(3) ac is-baragraff cyntaf Erthygl 54(1)
30.	Erthygl 14(2) (gwerthu bwydydd nad ydynt wedi eu rhagbecynnu o hirbell)	Erthyglau 1(3), 6, 14(1) a 42 ac is-baragraff cyntaf Erthygl 54(1)
31.	Erthygl 15(1) (gofynion ynglŷn ag iaith)	Erthyglau 1(3) a 6 ac is-baragraff cyntaf Erthygl 54(1)
32.	Erthygl 17(1) (enw'r bwyd)	Erthyglau 1(3), 6 a 9(1), is-baragraff cyntaf Erthygl 54(1), rheoliad 4 ac Atodlen 2
33.	Erthygl 17(2) (defnyddio'r enw a ddefnyddir ar gyfer bwyd yn yr Aelod-wladwriaeth sy'n ei gynhyrchu mewn Aelod-wladwriaeth arall: yr	Erthyglau 1(3), 6, 9(1) a 17(1) ac is-baragraff cyntaf Erthygl 54(1)

<i>Rhif</i>	<i>Y ddarpariaeth yn FIC</i>	<i>Y darpariaethau sydd i'w darllen gyda'r darpariaethau yn FIC</i>
	angen am wybodaeth ddisgrifiadol arall yn ychwanegol at enw'r bwyd mewn achosion penodol)	
34.	Erthygl 17(3) (gwaharddiad mewn achosion eithriadol penodol rhag defnyddio enw a ddefnyddir ar gyfer bwyd mewn Aelod-wladwriaeth sy'n ei gynhyrchu wrth farchnata'r bwyd hwnnw mewn Aelod-wladwriaeth arall)	Erthyglau 1(3), 6, 9(1) a 17(1) a (2) ac is-baragraff cyntaf Erthygl 54(1)
35.	Erthygl 17(4) (gwaharddiad rhag gosod enw arall yn lle enw bwyd)	Erthyglau 1(3) a 6 ac is-baragraff cyntaf Erthygl 54(1)
36.	Erthygl 17(5) (gofynion ynglŷn ag enw bwyd a manylion y mae'n rhaid iddynt gyd-fynd ag ef) ac eithrio i'r graddau y mae'n gymwys i'r gofynion penodol yn Rhan B o Atodiad VI ynghylch dynodiad "minced meat"	Erthyglau 1(3) a 6, is-baragraff cyntaf Erthygl 54(1) ac Atodiad VI
37.	Erthygl 18(1) (gofynion ynglŷn â'r rhestr cynhwysion)	Erthyglau 1(3), 6, 18(4), 19(1) ac 20, is-baragraff cyntaf Erthygl 54(1), Atodiad VII, rheoliad 8 ac is-baragraff cyntaf paragraff 5 o Erthygl 3 o Gyfarwyddeb y Cyngor 2001/112/EC ynglŷn â suddoedd ffrwythau a chynhyrchion tebyg penodol y bwriedir i bobl eu hyfed(1)
38.	Erthygl 18(2) (gofyniad bod rhaid dynodi cynhwysion yn ôl eu henw penodol)	Erthyglau 1(3), 6, 17, 18(4) a 19(1), is-baragraff cyntaf Erthygl 54(1) ac Atodiadau VI a VII
39.	Erthygl 18(3) (gofyniad ynglŷn â chynhwysion sy'n nanoddefnyddiau)	Erthyglau 1(3) a 6 ac is-baragraff cyntaf Erthygl 54(1)
40.	Erthygl 21(1) (gofynion ynglŷn â sylweddau neu gynhyrchion penodol sy'n peri alergedd neu anoddefedd)	Erthyglau 1(3), 6, 9(1)(c) a 18(1), is-baragraff cyntaf Erthygl 54(1), Atodiad II ac, yn achos bwydydd nad ydynt wedi eu rhagbecynnu etc. sy'n cynnwys sylwedd neu gynnyrch alergenaidd etc., rheoliad 5
41.	Erthygl 22(1) (gofyniad ynglŷn â'r angen i ddarparu dangosiad meintiol o gynhwysyn)	Erthyglau 1(3), 6 a 22(2), is-baragraff cyntaf Erthygl 54(1) ac Atodiad VIII
42.	Erthygl 22(2) (rheolau technegol ynglŷn â dangosiad meintiol o gynhwysion)	Erthyglau 1(3), 6 a 22(1), is-baragraff cyntaf Erthygl 54(1) ac Atodiad VIII
43.	Erthygl 24(1), y frawddeg gyntaf (gofyniad ynglŷn â dyddiadau "use by")	Erthyglau 1(3) a 6 ac is-baragraff cyntaf Erthygl 54(1)
44.	Erthygl 24(2) (gofyniad i fynegi dyddiad isafswm parhauster, dyddiad "use by" a dyddiad rhewi mewn modd penodol)	Erthyglau 1(3) a 6, is-baragraff cyntaf Erthygl 54(1) ac Atodiad X
45.	Erthygl 25(1) (gofyniad bod rhaid dangos amodau storio neu amodau defnyddio arbennig, neu'r ddau, ar fwyd)	Erthyglau 1(3) a 6 ac is-baragraff cyntaf Erthygl 54(1)
46.	Erthygl 25(2) (gofyniad bod rhaid dangos amodau storio priodol neu erbyn pa bryd y dylai bwyd gael ei fwyta ar ôl agor y pecyn sy'n cynnwys y bwyd neu'r ddau)	Erthyglau 1(3) a 6 ac is-baragraff cyntaf Erthygl 54(1)
47.	Erthygl 26(2)(a) (gofyniad ynglŷn â dangosiad gorfolod ynglŷn â gwlad tarddiad neu darddle)	Erthyglau 1(3) a 6, is-baragraff cyntaf Erthygl 54(1) ac Atodiad XI

(1) OJ Rhif L 10, 12.1.2002, t 58, a ddiwygiwyd ddiwethaf gan Gyfarwyddeb 2012/12/EU Senedd Ewrop a'r Cyngor (OJ Rhif L 115, 27.4.2012, t 1).

<i>Rhif</i>	<i>Y ddarpariaeth yn FIC</i>	<i>Y darpariaethau sydd i'w darllen gyda'r darpariaethau yn FIC</i>
	mewn achosion penodol)	
48.	Erthygl 27(1) (dangosiad ynglŷn â chyfarwyddiadau defnyddio)	Erthyglau 1(3) a 6 ac is-baragraff cyntaf Erthygl 54(1)
49.	Erthygl 28(2) (dangosiad o gryfder alcoholaidd yn ôl cyfaint ar gyfer diodydd sy'n cynnwys mwy nag 1.2% o alcohol yn ôl cyfaint)	Erthyglau 1(3) a 6, is-baragraff cyntaf Erthygl 54(1) ac Atodiad XII
50.	Erthygl 30(1) (cynnwys y datganiad gorfodol am faethiad)	Erthyglau 1(3), 6, 29, 31(1) (fel y'i darllenir gydag Atodiad XIV) a 31(3), is-baragraff cyntaf Erthygl 31(4), Erthyglau 32(1) (fel y'i darllenir gydag Atodiad XV), 32(2), 33(1) a 35(1) ac is-baragraff cyntaf Erthygl 54(1)
51.	Erthygl 31(1) (ffactorau trosi i'w defnyddio i gyfrifo gwerth egni)	Erthyglau 1(3) a 6, is-baragraff cyntaf Erthygl 54(1) ac Atodiad XIV
52.	Erthygl 31(3), yr is-baragraff cyntaf (gofyniad bod rhaid i'r gwerth egni a'r symiau o faetholion gyfeirio at y bwyd fel y'i gwerthir ac eithrio fel y darperir ar ei gyfer yn ail is-baragraff Erthygl 31(3))	Erthyglau 1(3), 6 a 30(1) i (5) ac is-baragraff cyntaf Erthygl 54(1)
53.	Erthygl 31(4), yr is-baragraff cyntaf (gofyniad bod rhaid i'r gwerthoedd yn y datganiad fod yn werthoedd cyfartalog wedi eu seilio ar fethodoleg a nodir yn is-baragraff cyntaf Erthygl 31(4))	Erthyglau 1(3) a 6 ac is-baragraff cyntaf Erthygl 54(1)
54.	Erthygl 32(1) (gofyniad bod rhaid defnyddio'r unedau mesur a restrir yn Atodiad XV ar gyfer gwerth egni a symiau maetholion)	Erthyglau 1(3) a 6, is-baragraff cyntaf Erthygl 54(1) ac Atodiad XV
55.	Erthygl 32(2) (gwerth egni a swm maetholion i'w mynegi fesul 100 gram neu fesul 100 mililitr)	Erthyglau 1(3), 6, 33(1), (2) a (3), is-baragraff cyntaf Erthygl 54(1) a Rhan B o Atodiad XIII
56.	Erthygl 32(3) (datganiad ynglŷn â fitaminau a mwynau hefyd i'w fynegi fel canran o'r cymeriant cyfeirio)	Erthyglau 1(3), 6 a 30(2)(f), is-baragraff cyntaf Erthygl 54(1) a Rhan A o Atodiad XIII
57.	Erthygl 32(5) (gofyniad ynglŷn â datganiad ychwanegol ynglŷn â chymeriant cyfeirio oedolyn cyfartalog)	Erthyglau 1(3), 6 a 32(4) (fel y'i darllenir gyda Rhan B o Atodiad XIII) ac is-baragraff cyntaf Erthygl 54(1)
58.	Erthygl 33(1) (gofynion mewn achosion lle gellir mynegi gwerth egni a swm maetholion fesul cyfran, fesul uned fwyta neu yfed, neu fesul cyfran a fesul uned fwyta neu yfed ill dau, yn ychwanegol at neu yn hytrach na fesul 100 gram neu fesul 100 mililitr)	Erthyglau 1(3), 6 a 32(2), (3) a (4) ac is-baragraff cyntaf Erthygl 54(1)
59.	Erthygl 33(2), yr ail is-baragraff (gofyniad bod rhaid mynegi gwerth egni fesul 100 gram neu fesul 100 mililitr a fesul cyfran neu fesul uned fwyta neu yfed pan fydd gwybodaeth am egni, braster, braster dirlawn, siwgrau a halen yn cael ei hailadrodd yn wirfoddol yn y prif faes gwelededd, a bod symiau'r maetholion wedi eu mynegi fesul cyfran neu fesul uned fwyta neu yfed yn unig)	Erthyglau 1(3), 6, 30(3)(b) a 32(2), is-baragraff cyntaf Erthygl 33(2) ac is-baragraff cyntaf Erthygl 54(1)
60.	Erthygl 33(4) (gofyniad bod rhaid i'r gyfran neu'r uned a ddefnyddir fod yn agos at y datganiad ynglŷn â maethiad)	Erthyglau 1(3), 6 a 33(1) ac is-baragraff cyntaf Erthygl 54(1)

<i>Rhif</i>	<i>Y ddarpariaeth yn FIC</i>	<i>Y darpariaethau sydd i'w darllen gyda'r darpariaethau yn FIC</i>
61.	Erthygl 34(1) (dangos y datganiad gorfodol ynglŷn â maethiad ac unrhyw wybodaeth ategol a ddarperir yn unol ag Erthygl 30(2) – maes gweledd, fformat a threfn dangos)	Erthyglau 1(3), 6 a 30(1) a (2), is-baragraff cyntaf Erthygl 54(1) ac Atodiad XV
62.	Erthygl 34(2) (dangos y datganiad gorfodol ynglŷn â maethiad ac unrhyw wybodaeth ategol a ddarperir yn unol ag Erthygl 30(2) – fformat ac aliniad y rhifau)	Erthyglau 1(3), 6, a 30(1) a (2), ail is-baragraff Erthygl 34(3), Erthygl 34(4) ac is-baragraff cyntaf Erthygl 54(1)
63.	Erthygl 34(3), yr is-baragraff cyntaf (dangos gwybodaeth am faethiad mewn achos lle'r ailadroddir gwybodaeth benodol am faethiad (ar sail wirfoddol) yn unol ag Erthygl 30(3))	Erthyglau 1(3), 6 a 30(3), ail is-baragraff Erthygl 34(3) ac is-baragraff cyntaf Erthygl 54(1)
64.	Erthygl 34(5), is-baragraff cyntaf (gofyniad bod rhaid i ddangosiad o werth egni neu swm maetholion dibwys, pan ddefnyddir ef, fod yn agos at y datganiad ynglŷn â maethiad, pan geir un)	Erthyglau 1(3), 6 a 30(1) i (5) ac is-baragraff cyntaf Erthygl 54(1)
65.	Erthygl 35(1) (gofynion pan ddefnyddir mathau ychwanegol o fynegi ac o ddangos gwerth egni a swm maetholion)	Erthyglau 1(3), 6, 7, 30(1) i (5), 32(2) a (4), 33 a 34(2), is-baragraff cyntaf Erthygl 54(1) ac Atodiad VIII
66.	Erthygl 36(1) (gofynion y mae'n rhaid i wybodaeth wirfoddol gydymffurfio â hwy)	Erthyglau 1(3) a 6, adrannau 2 a 3 o Bennod IV ac is-baragraff cyntaf Erthygl 54(1)
67.	Erthygl 36(2) (gofynion ychwanegol y mae'n rhaid i wybodaeth wirfoddol gydymffurfio â hwy)	Erthyglau 1(3), 6 a 7 ac is-baragraff cyntaf Erthygl 54(1)
68.	Erthygl 37 (dangos gwybodaeth wirfoddol am fwyd – argaeledd lle)	Erthyglau 1(3) a 6 ac is-baragraff cyntaf Erthygl 54(1)
69.	Erthygl 44(1)(a) (darparu gwybodaeth am alergenau ar gyfer bwyd nad yw wedi ei ragbecynnu)	Erthyglau 1(3), 6 a 9(1)(c), is-baragraff cyntaf Erthygl 54(1) a rheoliad 5
70.	Erthygl 54(2) (gofyniad bod rhaid cydymffurfio â darpariaethau ynglŷn â chynnwys, cyfrifo, mynegi a dangos pan ddarperir gwybodaeth am faethiad ar sail wirfoddol yn ystod y cyfnod ar ac ar ôl 13 Rhagfyr 2014 hyd at a chan gynnwys 12 Rhagfyr 2016)	Erthyglau 1(3), 6 a 29 i 35

RHAN 3

Y ddarpariaeth yn FIC y caniateir i hysbysiad gwella gael ei gyflwyno mewn perthynas â hi ar ac ar ôl 13 Rhagfyr 2016

<i>Y ddarpariaeth yn FIC</i>	<i>Y darpariaethau sydd i'w darllen gyda'r ddarpariaeth yn FIC</i>
Erthygl 9(1)(l) (datganiad gorfodol ynglŷn â maethiad)	Erthyglau 1(3), 6, 9(2), 11 ac 16, adran 3 o Bennod IV, Erthygl 40, ail is-baragraff Erthygl 54(1), ail is-baragraff Erthygl 55, Atodiad V a rheoliad 3

Dirymiadau

RHAN 1

Dirymiadau sy'n dod i rym ar 13 Rhagfyr 2014

<i>Rhif</i>	<i>Yr Offerynnau Statudol a ddirymir</i>	<i>Cyfeirnodau</i>	<i>Graddfa'r dirymiad</i>
1.	Rheoliadau Labelu Bwyd 1996	O.S. 1996/1499(1) 1996/1499(1)	Y Rheoliadau cyfan ac eithrio— (a) rheoliad 43; (b) yn Atodlen 8— (i) y cofnodion yn Rhan I o Atodlen 8 ynglŷn â'r disgrifiadau “alcohol-free”, “dealcoholised”, “low alcohol” (neu unrhyw air neu ddisgrifiad arall sy'n awgrymu bod y ddiod a ddisgrifir yn isel o ran alcohol) a “non-alcoholic”; (ii) Rhan II; a (iii) Rhan III; ac (c) gweddill y Rheoliadau at ddibenion y darpariaethau a bennir yn is-baragraffau (a) a (b), gan gynnwys— (i) yn rheoliad 2(1), y diffiniadau o “the Act”, “advertisement”, “cheese”, “clotted cream”, “cream”, “ingredient”, “labelling”, “milk”, “sell”, “semi- skimmed milk”, “skimmed milk” a “wine”; (ii) rheoliad 3(1) a (3); (iii) rheoliad 42; (iv) rheoliad 44(1)(b); (v) rheoliad 45; (vi) rheoliad 48; a (vii) rheoliad 50(1).

(1) Yr offerynnau diwygio perthnasol yw O.S. 1998/141, 1398, 1999/747, 1136, 1483, 1603, 2000/1925 (Cy. 134), 2001/1232 (Cy. 66), 1440 (Cy. 102), 2003/832 (Cy. 104), 1635 (Cy. 177), 3037 (Cy. 285), 3044 (Cy. 288), 3047 (Cy. 290), 3053 (Cy. 291), 2004/249 (Cy. 26), 553 (Cy. 56), 1396 (Cy. 141), 2558 (Cy. 229), 2731 (Cy. 238), 3022 (Cy. 261), 2005/1309 (Cy. 91), 2006/31 (Cy. 5), 2007/2611 (Cy. 222), 2008/1268 (Cy. 128), 2009/2705 (Cy. 224), 3377 (Cy. 299), 2010/363 (Cy. 45), 1492 (Cy. 135), 2288 (Cy. 200), 2922 (Cy. 243), 2011/465 (Cy. 70), 1043, 2936, 2012/1809, 2705 (Cy. 291), 2013/545 (Cy. 58), 2750 (Cy. 267), 2591 (Cy. 255), 3235. Mae O.S. 1996/1499 wedi ei ddiwygio ar 19 Medi 2014 gan baragraffau 1 i 3 o Atodlen 7 i'r Rheoliadau hyn.

2.	Rheoliadau Bara a Blawd 1998	O.S. 1998/141(1)	Rheoliadau 5(3) ac 11
3.	Rheoliadau Labelu Bwyd (Diwygio) 1998	O.S. 1998/1398(2)	Y Rheoliadau cyfan ac eithrio rheoliadau 2 ac 11
4.	Rheoliadau Labelu Bwyd (Diwygio) 1999	O.S. 1999/747(3)	Y Rheoliadau cyfan ac eithrio rheoliadau 2 ac 11
5.	Rheoliadau Ychwanegion Amrywiol Bwyd (Diwygio) 1999	O.S. 1999/1136(4)	Yn rheoliad 14(1), y geiriau “the Food Labelling Regulations 1996” a’r cyfan o reoliad 14(3)
6.	Rheoliadau Labelu Bwyd (Diwygio) (Rhif 2) 1999	O.S. 1999/1483	Y Rheoliadau cyfan
7.	Rheoliadau Halogion mewn Bwyd (Diwygio) 1999	O.S. 1999/1603(5)	Y Rheoliadau cyfan
8.	Rheoliadau Darpariaethau Arbelydru Bwyd (Cymru) 2001	O.S. 2001/1232 (Cy. 66)(6)	Y Rheoliadau cyfan
9.	Rheoliadau Echdynion Coffi ac Echdynion Sicori (Cymru) 2001	O.S. 2001/1440 (Cy. 102)(7)	Rheoliadau 6 ac 11(1) a (2)(e)
10.	Rheoliadau Lliwiau mewn Bwyd (Diwygio) (Cymru) 2001	O.S. 2001/3909 (Cy. 321)	Y Rheoliadau cyfan
11.	Rheoliadau Labelu Bwyd (Diwygio) (Cymru) 2003	O.S. 2003/832 (Cy. 104)	Y Rheoliadau cyfan
12.	Rheoliadau Cynhyrchion Coco a Siocled (Cymru) 2003	O.S. 2003/3037 (Cy. 285)(8)	Rheoliadau 7(1) ac 11(1) a (2)(dd)
13.	Rheoliadau Mêl (Cymru) 2003	O.S. 2003/3044 (Cy. 288)(9)	Rheoliadau 6 a 10(2)(e) a (4)
14.	Rheoliadau Cynhyrchion Siwgr Penodedig (Cymru) 2003	O.S. 2003/3047 (Cy. 290)(10)	Rheoliadau 6 a 10(2)
15.	Rheoliadau Bwyd (Darpariaethau sy’n ymwneud â Labelu) (Cymru) 2004	O.S. 2004/249 (Cy. 26)(11)	Y Rheoliadau cyfan
16.	Rheoliadau Labelu	O.S. 2004/2558	Y Rheoliadau cyfan

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- (1) Ceir diwygiadau i O.S. 1998/141 nad ydynt yn berthnasol i’r dirymiad hwn.
(2) Ceir diwygiadau i O.S. 1998/1398 nad ydynt yn berthnasol i’r dirymiad hwn.
(3) Ceir diwygiadau i O.S. 1999/747 nad ydynt yn berthnasol i’r dirymiad hwn.
(4) Ceir diwygiadau i O.S. 1999/1136 nad ydynt yn berthnasol i’r Rheoliadau hyn.
(5) Ceir diwygiadau i O.S. 1999/1603 nad ydynt yn berthnasol i’r Rheoliadau hyn.
(6) Diwygiwyd O.S. 2001/1232 (Cy. 66) gan O.S. 2009/1795 (Cy. 162).
(7) Ceir diwygiadau i O.S. 2001/1440 (Cy. 102) nad ydynt yn berthnasol i’r dirymiad hwn.
(8) Ceir diwygiadau i O.S. 2003/3037 (Cy. 285) nad ydynt yn berthnasol i’r Rheoliadau hyn.
(9) Ceir diwygiadau i O.S. 2003/3044 (Cy. 288) nad ydynt yn berthnasol i’r Rheoliadau hyn.
(10) Ceir diwygiadau i O.S. 2003/3047 (Cy. 290) nad ydynt yn berthnasol i’r Rheoliadau hyn.
(11) Diwygiwyd O.S. 2004/249 (Cy. 26) gan O.S. 2004/3220 (Cy. 276).

	Bwyd (Diwygio) (Cymru) 2004	(Cy. 229)	
17.	Rheoliadau Labelu Bwyd (Diwygio) (Rhif 2) (Cymru) 2004	O.S. 2004/3022 (Cy. 261)(1)	Y Rheoliadau cyfan
18.	Rheoliadau Bwyd â Ffytosterolau neu Ffytostanolau Ychwanegol (Labelu) (Cymru) 2005	O.S. 2005/1224 (Cy. 82)(2)	Y Rheoliadau cyfan
19.	Rheoliadau Labelu Bwyd (Diwygio) (Cymru) 2005	O.S. 2005/1309 (Cy. 91)	Y Rheoliadau cyfan
20.	Rheoliadau Hylendid Bwyd (Cymru) 2006	O.S. 2006/31 (Cy. 5)(3)	Yn Atodlen 7, paragraffau 12 i 14.
21.	Rheoliadau Honiadau am Faethiad ac Iechyd (Cymru) 2007	O.S. 2007/2611 (Cy. 222)(4)	Rheoliad 8
22.	Rheoliadau Dŵr Mwynol Naturiol, Dŵr Ffynnon a Dŵr Yfed wedi'i Botelu (Cymru) 2007	O.S. 2007/3165 (Cy. 276)(5)	Rheoliad 22(2) a (3)
23.	Rheoliadau Labelu Bwyd (Datgan Alergenau) (Cymru) 2008	O.S. 2008/1268 (Cy. 128)(6)	Y Rheoliadau cyfan
24.	Rheoliadau Labelu Bwyd (Gwybodaeth Faethol) (Cymru) 2009	O.S. 2009/2705 (Cy. 224)(7)	Y Rheoliadau cyfan
25.	Rheoliadau Ensymau Bwyd (Cymru) 2009	O.S. 2009/3377 (Cy. 299)(8)	Rheoliad 7
26.	Rheoliadau Llaeth Yfed (Cymru) 2010	O.S. 2010/1492 (Cy. 135)(9)	Rheoliad 9
27.	Rheoliadau Cyflasynnau mewn Bwyd (Cymru) 2010	O.S. 2010/2922 (Cy. 243)(10)	Rheoliad 7
28.	Rheoliadau Labelu Bwyd (Datgan Alergenau) (Cymru) 2011	O.S. 2011/465 (Cy. 70)	Y Rheoliadau cyfan
29.	Rheoliadau Bwyd (Diwygio Amrywiol a Dirymu) (Cymru) 2013	O.S. 2013/545 (Cy. 58)	Y Rheoliadau cyfan

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- (1) Diwygiwyd O.S. 2004/3022 (Cy. 261) gan O.S. 2008/1268 (Cy. 128).
(2) Diwygiwyd O.S. 2005/1224 (Cy. 82) gan O.S. 2005/3254 (Cy. 247), 2014/440 (Cy. 49).
(3) Ceir diwygiadau i O.S. 2006/31 (Cy. 5) nad ydynt yn berthnasol i'r Rheoliadau hyn.
(4) Ceir diwygiadau i O.S. 2007/2611 (Cy. 222) nad ydynt yn berthnasol i'r dirymiad hwn.
(5) Ceir diwygiadau i O.S. 2007/3165 (Cy. 276) nad ydynt yn berthnasol i'r Rheoliadau hyn.
(6) Diwygiwyd O.S. 2008/1268 (Cy. 128) gan O.S. 2009/2880 (Cy. 253).
(7) Diwygiwyd O.S. 2009/2705 (Cy. 224) gan O.S. 2010/1069 (Cy. 100).
(8) Diwygiwyd O.S. 2009/3377 (Cy. 299) gan O.S. 2013/2591 (Cy. 255).
(9) Ceir diwygiadau i O.S. 2010/1492 (Cy. 135) nad ydynt yn berthnasol i'r Rheoliadau hyn.
(10) Ceir diwygiadau i O.S. 2010/2922 (Cy. 243) nad ydynt yn berthnasol i'r Rheoliadau hyn.

30.	Rheoliadau Ychwanegion, Cyflasynnau, Ensymau a Thoddyddion Echdynnu Bwyd (Cymru) 2013	O.S. 2013/2591 (Cy. 255)	Rheoliad 20
31.	Rheoliadau Suddoedd Ffrwythau a Neithdarau Ffrwythau (Cymru) 2013	2013/2750 (Cy. 267)	Paragraff 1 o Atodlen 15

RHAN 2

Dirymiadau sy'n dod i rym ar 13 Rhagfyr 2018

<i>Rhif</i>	<i>Yr Offerynnau Statudol a ddirymir</i>	<i>Cyfeirnodau</i>	<i>Graddfa'r dirymiad</i>
1.	Rheoliadau Labelu Bwyd 1996	O.S. 1996/1499(1) 1996/1499(1)	Y Rheoliadau cyfan
2.	Rheoliadau Labelu Bwyd (Diwygio) 1998	O.S. 1998/1398(2) 1998/1398(2)	Y Rheoliadau cyfan
3.	Rheoliadau Labelu Bwyd (Diwygio) 1999	O.S. 1999/747(3)	Y Rheoliadau cyfan

- (1) Yr offerynnau diwygio perthnasol yw O.S. 1998/141, 1398, 1999/747, 1136, 1483, 1603, 2000/1925 (Cy. 134), 2001/1232 (Cy. 66), 1440 (Cy. 102), 2003/832 (Cy. 104), 1635 (Cy. 177), 3037 (Cy. 285), 3044 (Cy. 288), 3047 (Cy. 290), 3053 (Cy. 291), 2004/249 (Cy. 26), 553 (Cy. 56), 1396 (Cy. 141), 2558 (Cy. 229), 2731 (Cy. 238), 3022 (Cy. 261), 2005/1309 (Cy. 91), 2006/31 (Cy. 5), 2007/2611 (Cy. 222), 2008/1268 (Cy. 128), 2009/2705 (Cy. 224), 3377 (Cy. 299), 2010/363 (Cy. 45), 1492 (Cy. 135), 2288 (Cy. 200), 2922 (Cy. 243), 2011/465 (Cy. 70), 1043, 2936, 2012/1809, 2705 (Cy. 291), 2013/545 (Cy. 58), 2750 (Cy. 267), 2591 (Cy. 255), 3235. Mae O.S. 1996/1499 wedi ei ddiwygio ar 19 Medi 2014 gan baragraffau 1 i 3 o Atodlen 7 i'r Rheoliadau hyn ac ar 13 Rhagfyr 2014 gan baragraffau 10 i 13 o'r Atodlen honno. Mae O.S. 1996/1499 wedi ei ddirymu ar 13 Rhagfyr 2018 gan gofnod 1 y tabl yn Rhan 2 o Atodlen 6 i'r Rheoliadau hyn i'r graddau nad yw eisoes wedi ei ddirymu ar 13 Rhagfyr 2014 gan gofnod 1 y tabl yn Rhan 1 o'r Atodlen honno.
- (2) Mae O.S. 1998/1398 wedi ei ddirymu ar 13 Rhagfyr 2018 gan gofnod 2 y tabl yn Rhan 2 o Atodlen 6 i'r Rheoliadau hyn i'r graddau nad yw eisoes wedi ei ddirymu ar 13 Rhagfyr 2014 gan gofnod 3 y tabl yn Rhan 1 o'r Atodlen honno; ceir offerynnau eraill sy'n diwygio O.S. 1998/1398 ond nid yw'r un yn berthnasol.
- (3) Mae O.S. 1999/747 wedi ei ddirymu ar 13 Rhagfyr 2018 gan gofnod 3 y tabl yn Rhan 2 o Atodlen 6 i'r Rheoliadau hyn i'r graddau nad yw eisoes wedi ei ddirymu ar 13 Rhagfyr 2014 gan gofnod 4 y tabl yn Rhan 1 o'r Atodlen honno; ceir offerynnau eraill sy'n diwygio O.S. 1999/747 ond nid yw'r un yn berthnasol.

Diwygiadau canlyniadol a mân ddiwygiadau eraill i offerynnau statudol

RHAN 1

Diwygiadau canlyniadol a mân ddiwygiadau
eraill sy'n dod i rym ar 19 Medi 2014

Rheoliadau Labelu Bwyd 1996

1. Mae Rheoliadau Labelu Bwyd 1996(1) wedi eu diwygio fel a ganlyn.

2. Yn rheoliad 4(2) (cwmpas Rhan II), ym mhob un o is-baragraffau (h), (i) a (j), yn lle “Commission Regulation (EC) No 607/2009” hyd at y diwedd rhodder “Commission Regulation (EC) No 607/2009 laying down certain detailed rules for the implementation of Council Regulation (EC) No 479/2008 as regards protected designations of origin and geographical indications, traditional terms, labelling and presentation of certain wine sector products(2);”.

3. Yn lle rheoliad 41(4) (darpariaethau atodol sy'n ymwneud â labeli maeth) rhodder—

“(4) Where nutrition labelling not being prescribed nutrition labelling is given, it must be given in the manner specified in paragraph (4A) or (4B).

(4A) The nutrition labelling must be given in all respects as if it were prescribed nutrition labelling except that in applying the requirements for prescribed nutrition labelling described in Schedule 7, Part II of that Schedule is to be read as if—

- (a) in paragraph 1, the words “or that is labelled as provided for in regulation 41(4B)” were inserted after the words “paragraph 2 below applies”,
- (b) in paragraph 1(a)(ii), the words from “provided that” to the end of that paragraph were omitted, and
- (c) paragraph 1(d) were omitted.

(1) O.S. 1996/1499, a ddiwygiwyd gan O.S. 2011/2936; ceir offerynnau diwygio eraill ond nid yw'r un yn berthnasol i'r diwygiadau a wneir gan baragraffau 1 i 3.

(2) OJ Rhif L 193, 24.7.2009, t 60, a ddiwygiwyd ddiwethaf gan Reoliad Gweithredu'r Comisiwn (EU) Rhif 753/2013 (OJ Rhif L 210, 6.8.2013, t 21).

(4B) The nutrition labelling must be given in accordance with Articles 29 to 35 of Regulation (EU) No 1169/2011 of the European Parliament and of the Council on the provision of food information to consumers, amending Regulations (EC) No 1924/2006 and (EC) No 1925/2006 of the European Parliament and of the Council, and repealing Commission Directive 87/250/EEC, Council Directive 90/496/EEC, Commission Directive 1999/10/EC, Directive 2000/13/EC of the European Parliament and of the Council, Commission Directives 2002/67/EC and 2008/5/EC and Commission Regulation (EC) No 608/2004.”

Rheoliadau Bwyd (Marcio Lotiau) 1996

4. Mae Rheoliadau Bwyd (Marcio Lotiau) 1996(1) wedi eu diwygio fel a ganlyn.

5. Yn rheoliad 2 (dehongli), yn y diffiniad o “first seller established within the European Union”, yn lle “Council Directive 89/396/EEC(2)” rhodder “Directive 2011/91/EU of the European Parliament and of the Council on indications or marks identifying the lot to which a foodstuff belongs(3)”.

Rheoliadau Ychwanegu Fitaminau, Mwynau a Sylweddau Eraill (Cymru) 2007

6. Mae Rheoliadau Ychwanegu Fitaminau, Mwynau a Sylweddau Eraill (Cymru) 2007(4) wedi eu diwygio fel a ganlyn.

7. Yn rheoliad 4(2)(d) (tramgwyddau a chosbau), ar ôl “wedi’u hychwanegu atynt”, mewnosoder “, fel y’i darllenir gydag is-baragraff cyntaf Erthygl 54(3) o Reoliad (EU) Rhif 1169/2011 Senedd Ewrop a’r Cyngor ynghylch darparu gwybodaeth am fwyd i ddefnyddwyr, sy’n diwygio Rheoliadau (EC) Rhif 1924/2006 ac (EC) Rhif 1925/2006 Senedd Ewrop a’r Cyngor, ac yn diddymu Cyfarwyddeb y Comisiwn 87/250/EEC, Cyfarwyddeb y Cyngor 90/496/EEC, Cyfarwyddeb y Comisiwn 1999/10/EC, Cyfarwyddeb 2000/13/EC Senedd Ewrop a’r Cyngor, Cyfarwyddebau’r Comisiwn 2002/67/EC a 2008/5/EC a Rheoliad y Comisiwn (EC) Rhif 608/2004(5)”.

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- (1) O.S. 1996/1502, a ddiwygiwyd gan O.S. 2011/1043.
(2) OJ Rhif L 186, 30.6.1989, t 21, a ddiddymwyd gan Gyfarwyddeb 2011/91/EU Senedd Ewrop a’r Cyngor (OJ Rhif L 334, 16.12.2011, t 1).
(3) OJ Rhif L 334, 16.12.2011, t 1.
(4) O.S. 2007/1984 (Cy. 165), y ceir diwygiadau iddo nad ydynt yn berthnasol i’r diwygiadau a wneir gan baragraffau 6 a 7.
(5) OJ Rhif L 304, 22.11.2011, t 18, a ddiwygiwyd ddiwethaf gan Reoliad Dirprwyedig y Comisiwn (EU) Rhif 78/2014 (OJ Rhif L 27, 30.1.2014, t 7).

Rheoliadau Honiadau am Faethiad ac Iechyd (Cymru) 2007

8. Mae Rheoliadau Honiadau am Faethiad ac Iechyd (Cymru) 2007(1) wedi eu diwygio fel a ganlyn.

9. Yn rheoliad 5(2)(ch) (tramgwyddau a chosbau), ar ôl “(gofynion ar gyfer gwybodaeth faethol)”, mewnosoder “, fel y’i darllenir gydag is-baragraff cyntaf Erthygl 54(3) o Reoliad (EU) Rhif 1169/2011 Senedd Ewrop a’r Cyngor ynghylch darparu gwybodaeth am fwyd i ddefnyddwyr, sy’n diwygio Rheoliadau (EC) Rhif 1924/2006 ac (EC) Rhif 1925/2006 Senedd Ewrop a’r Cyngor, ac yn diddymu Cyfarwyddeb y Comisiwn 87/250/EEC, Cyfarwyddeb y Cyngor 90/496/EEC, Cyfarwyddeb y Comisiwn 1999/10/EC, Cyfarwyddeb 2000/13/EC Senedd Ewrop a’r Cyngor, Cyfarwyddebau’r Comisiwn 2002/67/EC a 2008/5/EC a Rheoliad y Comisiwn (EC) Rhif 608/2004”.

RHAN 2

Diwygiadau canlyniadol a mân ddiwygiadau eraill sy’n dod i rym ar 13 Rhagfyr 2014

Rheoliadau Labelu Bwyd 1996

10. Mae Rheoliadau Labelu Bwyd 1996(2) wedi eu diwygio fel a ganlyn.

11. Yn rheoliad 2(1) (dehongli), yn lle’r diffiniad o “ingredient” rhodder—

““ingredient” has the meaning given in Article 2(2)(e) of Regulation (EU) No 1169/2011 of the European Parliament and of the Council on the provision of food information to consumers as amended from time to time;”.

12. Yn rheoliad 3 (esemptiadau), yn lle paragraff (1) rhodder—

“(1) This regulation does not apply to a food that is brought into Wales from another part of the United Kingdom, an EEA State (other than the United Kingdom), a member State (other than the United Kingdom) or from the Republic of Turkey in which it was lawfully produced or marketed.”

13. Yn Atodlen 8 (disgrifiadau camarweiniol), Rhan I—

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- (1) O.S. 2007/2611 (Cy. 222), y ceir diwygiadau iddo nad ydynt yn berthnasol i’r diwygiad a wneir gan baragraffau 8 a 9.
- (2) O.S. 1996/1499, yr offerynnau diwygio perthnasol yw O.S. 1998/1398, 1999/747, 2011/1043. Mae O.S. 1996/1499 wedi ei ddirymu’n rhannol ar 13 Rhagfyr 2014 gan gofnod 1 y tabl yn Rhan 1 o Atodlen 6 i’r Rheoliadau hyn.

- (a) yn ail golofn y cofnod ynglŷn â'r disgrifiad "alcohol-free", yn lle is-baragraff (b) rhodder—

“(b) the drink is marked or labelled with—

- (i) an indication of its maximum alcoholic strength in a form comprising the words “not more than” followed by a figure to not more than one decimal place indicating its maximum alcoholic strength and the symbol “% vol.” (required form 1), “alcohol % vol.” (required form 2), or “alc. % vol.” (required form 3), or
- (ii) in an appropriate case, an indication that it contains no alcohol.”;

- (b) yn ail golofn y cofnod ynglŷn â'r disgrifiad "dealcoholized", yn lle is-baragraff (b) rhodder—

“(b) the drink is marked or labelled with—

- (i) an indication of its maximum alcoholic strength in required form 1, 2 or 3, or
- (ii) in an appropriate case, an indication that it contains no alcohol.”; ac

- (c) yn ail golofn y cofnod ynglŷn â'r disgrifiad "low alcohol" (neu unrhyw air neu ddisgrifiad arall sy'n awgrymu bod y ddiod a ddisgrifir yn isel o ran alcohol), yn lle is-baragraff (b) rhodder—

“(b) an indication of its maximum alcoholic strength in required form 1, 2 or 3.”

Rheoliadau Bwyd (Marcio Lotiau) 1996

14. Mae Rheoliadau Bwyd (Marcio Lotiau) 1996(1) wedi eu diwygio fel a ganlyn.

15. Yn lle rheoliad 2 (dehongli) rhodder—

“**2.** In these Regulations—

“the Act” means the Food Safety Act 1990;

“date of minimum durability” is to be construed taking into account the definition of “date of minimum durability of food” in Article 2(2)(r) of Regulation (EU) No 1169/2011;

(1) O.S. 1996/1502 a ddiwygiwyd gan O.S. 2011/1043. Mae O.S. 1996/1502 wedi ei ddiwygio ar 19 Medi 2014 gan baragraffau 4 a 5 o Atodlen 7 i'r Rheoliadau hyn.

“first seller established within the Community” has the same meaning as in Directive 2011/91/EU of the European Parliament and of the Council on indications or marks identifying the lot to which a foodstuff belongs;

“food” means food, within the meaning of the Act, intended for sale for human consumption;

“ice cream” has the same meaning as in Directive 2011/91/EU of the European Parliament and of the Council;

“lot” means a batch of sales units of food produced, manufactured or packaged under similar conditions;

“lot marking indication” means an indication which allows identification of the lot to which a sales unit of food belongs;

“prepacked food” has the meaning given in Article 2(2)(e) of Regulation (EU) No 1169/2011;

“prepacked for immediate sale” has the same meaning as “prepacked for direct sale” in Regulation (EU) No 1169/2011;

“Regulation (EU) No 1169/2011” means Regulation (EU) No 1169/2011 of the European Parliament and of the Council on the provision of food information to consumers, amending Regulations (EC) No 1924/2006 and (EC) No 1925/2006 of the European Parliament and of the Council, and repealing Commission Directive 87/250/EEC, Council Directive 90/496/EEC, Commission Directive 1999/10/EC, Directive 2000/13/EC of the European Parliament and of the Council, Commission Directives 2002/67/EC and 2008/5/EC and Commission Regulation (EC) No 608/2004;

“sell” includes offer or expose for sale and have in possession for sale, and “sale” and “sold” are to be construed accordingly;

“ultimate consumer” has the same meaning as “final consumer” in point 18 of Article 3 of Regulation (EC) No 178/2002 of the European Parliament and of the Council laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying

down procedures in matters of food safety⁽¹⁾;

““use by” date” has the same meaning as in Regulation (EU) No 1169/2011.”

16. Yn rheoliad 4 (eithriadau ar gyfer mathau penodol o werthu ac unedau gwerthu)—

- (a) yn is-baragraff (e), yn lle “edible ice” rhodder “ice cream”; a
- (b) yn is-baragraff (g)—
 - (i) yn lle “an indication of minimum durability” rhodder “the date of minimum durability”; a
 - (ii) yn lle “the Food Labelling Regulations require” rhodder “Regulation (EU) No 1169/2011 requires”.

Rheoliadau Bwydydd y Bwriedir eu Defnyddio mewn Deietau Egni Cyfyngedig at Golli Pwysau 1997

17. Mae Rheoliadau Bwydydd y Bwriedir eu Defnyddio mewn Deietau Egni Cyfyngedig at Golli Pwysau 1997⁽²⁾ wedi eu diwygio fel a ganlyn.

18. Yn rheoliad 3(b) (gofynion labelu), yn lle “Tables A and B of Part II of Schedule 6 to the Food Labelling Regulations 1996” rhodder “point 1 of Part A of Annex XIII to Regulation (EU) No 1169/2011 of the European Parliament and of the Council on the provision of food information to consumers”.

Rheoliadau Bara a Blawd 1998

19. Mae Rheoliadau Bara a Blawd 1998⁽³⁾ wedi eu diwygio fel a ganlyn.

20. Yn rheoliad 2(1) (dehongli)—

- (a) yn y diffiniad o “ingredient”, yn lle “the Food Labelling Regulations 1996” rhodder “Article 2(2)(f) of Regulation (EU) No 1169/2011”;
- (b) yn y diffiniad o “labelling”, yn lle “the Food Labelling Regulations 1996” rhodder “Article 2(2)(j) of Regulation (EU) No 1169/2011”;
- (c) hepgorer y diffiniadau o “the labelling regulations” a “member State”; a
- (d) ar ôl y diffiniad o “labelling”, mewnosoder—

(1) OJ Rhif L 31, 1.2.2002, t 1, a ddiwygiwyd ddiwethaf gan Reoliad y Comisiwn (EC) Rhif 596/2009 (OJ Rhif L 188, 18.7.2009, t 14).

(2) O.S. 1997/2182, y ceir diwygiadau iddo nad ydynt yn berthnasol i'r Rheoliadau hyn.

(3) O.S. 1998/141, a ddiwygiwyd gan O.S. 2011/1043; ceir offerynnau diwygio eraill ond nid yw'r un yn berthnasol.

“Regulation (EU) No 1169/2011” means Regulation (EU) No 1169/2011 of the European Parliament and of the Council on the provision of food information to consumers, amending Regulations (EC) No 1924/2006 and (EC) No 1925/2006 of the European Parliament and of the Council, and repealing Commission Directive 87/250/EEC, Council Directive 90/496/EEC, Commission Directive 1999/10/EC, Directive 2000/13/EC of the European Parliament and of the Council, Commission Directives 2002/67/EC and 2008/5/EC and Commission Regulation (EC) No 608/2004;”.

Rheoliadau Echdynion Coffi ac Echdynion Sicori (Cymru) 2001

21. Mae Rheoliadau Echdynion Coffi ac Echdynion Sicori (Cymru) 2001(1) wedi eu diwygio fel a ganlyn.

22. Yn rheoliad 2(1) (dehongli)—

- (a) hepgorer y diffiniad o “Rheoliadau 1996” (“*the 1996 Regulations*”); a
- (b) ar ôl y diffiniad o “gwerthu” (“*sell*”), mewnosoder—

“ystyr “Rheoliad (EU) Rhif 1169/2011” (“*Regulation (EU) No 1169/2011*”) yw Rheoliad (EU) Rhif 1169/2011 Senedd Ewrop a’r Cyngor ynghylch darparu gwybodaeth am fwyd i ddefnyddwyr, sy’n diwygio Rheoliadau (EC) Rhif 1924/2006 ac (EC) Rhif 1925/2006 Senedd Ewrop a’r Cyngor, ac yn diddymu Cyfarwyddeb y Comisiwn 87/250/EEC, Cyfarwyddeb y Cyngor 90/496/EEC, Cyfarwyddeb y Comisiwn 1999/10/EC, Cyfarwyddeb 2000/13/EC Senedd Ewrop a’r Cyngor, Cyfarwyddebau’r Comisiwn 2002/67/EC a 2008/5/EC a Rheoliad y Comisiwn (EC) Rhif 608/2004;”.

23. Yn rheoliad 5(1) (labelu a disgrifio cynhyrchion dynodedig)—

- (a) yn y geiriau cyflwyno, yn lle “Rheoliadau 1996” rhodder “Rheoliad (EU) Rhif 1169/2011”;
- (b) yn is-baragraff (a), yn lle “rheoliad 6(1) o Reoliadau 1996” rhodder “Erthygl 17 o Reoliad (EU) Rhif 1169/2011”; ac

(1) O.S. 2001/1440 (Cy. 102), a ddiwygiwyd gan O.S. 2003/3047 (Cy. 290); ceir offerynnau diwygio eraill ond nid yw’r un yn berthnasol.

- (c) yn is-baragraff (c), yn lle “â Rheoliadau 1996” rhodder “ag Erthygl 17 o Reoliad (EU) Rhif 1169/2011”.

Rheoliadau Ychwanegion Bwyd (Cymru) 2003

24. Mae Rheoliadau Ychwanegion Bwyd (Cymru) 2003(1) wedi eu diwygio fel a ganlyn.

25. Yn rheoliad 2(1) (dehongli)—

- (a) hepgorer y diffiniad o “Cyfarwyddeb 90/496(2)” (“*Directive 90/496*”); a

- (b) ar ôl y diffiniad o “paratoi” (“*preparation*”), mewnosoder—

“ystyr “Rheoliad (EU) Rhif 1169/2011” (“*Regulation (EU) No 1169/2011*”) yw Rheoliad (EU) Rhif 1169/2011 Senedd Ewrop a’r Cyngor ynghylch darparu gwybodaeth am fwyd i ddefnyddwyr, sy’n diwygio Rheoliadau (EC) Rhif 1924/2006 ac (EC) Rhif 1925/2006 Senedd Ewrop a’r Cyngor, ac yn diddymu Cyfarwyddeb y Comisiwn 87/250/EEC, Cyfarwyddeb y Cyngor 90/496/EEC, Cyfarwyddeb y Comisiwn 1999/10/EC, Cyfarwyddeb 2000/13/EC Senedd Ewrop a’r Cyngor, Cyfarwyddebau’r Comisiwn 2002/67/EC a 2008/5/EC a Rheoliad y Comisiwn (EC) Rhif 608/2004;”.

26. Yn rheoliad 6 (cyfyngiadau ar werthu sy’n ymwneud â labelu etc. ychwanegion bwyd)—

- (a) ym mharagraff (2), yn lle “Rheoliadau Labelu Bwyd 1996” rhodder “Rheoliad (EU) Rhif 1169/2011”; a

- (b) ym mharagraff (3)(d)—

(i) yn lle “yn yr Atodiad i Gyfarwyddeb 90/496” rhodder “ym mhwynt 1 o Ran A o Atodiad XIII i Reoliad (EU) Rhif 1169/2011”; a

(ii) yn lle “lwfans dyddiol a argymhellir ac sy’n berthnasol ac a bennir yn yr Atodiad hwnnw” rhodder “gwerth cyfeirio perthnasol a bennir yn y pwynt hwnnw”.

27. Yn rheoliad 7(1) (dull marcio neu labelu), yn lle “reoliad 5(a), (c) ac (e) o Reoliadau Labelu Bwyd 1996” rhodder “bwyntiau (a), (f), (g) ac (h) o Erthygl 9(1) o Reoliad (EU) Rhif 1169/2011”.

(1) O.S. 2003/1719 (Cy. 186), a ddiwygiwyd gan O.S. 2009/3252 (Cy. 282); ceir offerynnau diwygio eraill ond nid yw’r un yn berthnasol.

(2) OJ Rhif L 276, 06.10.1990, t 40, a ddiddymwyd gan Reoliad (EU) Rhif 1169/2011 Senedd Ewrop a’r Cyngor (OJ Rhif L 304, 22.11.2011, t 18).

Rheoliadau Cynhyrchion Coco a Siocled (Cymru) 2003

28. Mae Rheoliadau Cynhyrchion Coco a Siocled (Cymru) 2003(1) wedi eu diwygio fel a ganlyn.

29. Yn rheoliad 2(1) (dehongli)—

- (a) hepgorer y diffiniad o “Rheoliadau 1996” (“*the 1996 Regulations*”); a
- (b) ar ôl y diffiniad o “paratoi” (“*preparation*”), mewnosoder—

“ystyr “Rheoliad (EU) Rhif 1169/2011” (“*Regulation (EU) No 1169/2011*”) yw Rheoliad (EU) Rhif 1169/2011 Senedd Ewrop a’r Cyngor ynghylch darparu gwybodaeth am fwyd i ddefnyddwyr, sy’n diwygio Rheoliadau (EC) Rhif 1924/2006 ac (EC) Rhif 1925/2006 Senedd Ewrop a’r Cyngor, ac yn diddymu Cyfarwyddeb y Comisiwn 87/250/EEC, Cyfarwyddeb y Cyngor 90/496/EEC, Cyfarwyddeb y Comisiwn 1999/10/EC, Cyfarwyddeb 2000/13/EC Senedd Ewrop a’r Cyngor, Cyfarwyddebau’r Comisiwn 2002/67/EC a 2008/5/EC a Rheoliad y Comisiwn (EC) Rhif 608/2004(2);”.

30. Yn rheoliad 5 (disgrifiadau neilltuedig), yn lle paragraffau (b) ac (c) rhodder—

- “(b) y disgrifiad hwnnw, neu’r peth hwnnw sy’n deillio ohono neu’r gair hwnnw’n cael eu defnyddio mewn cyd-destun sy’n dangos yn benodol neu’n awgrymu’n glir nad yw’r sylwedd y mae’n cyfeirio ato ond yn un o gynhwysion y bwyd hwnnw;
- (c) y disgrifiad hwnnw, y peth hwnnw sy’n deillio ohono neu’r gair hwnnw yn cael eu defnyddio mewn cyd-destun sy’n dangos yn benodol neu’n awgrymu’n glir nad yw’r bwyd hwnnw’n gynnrych dynodedig ac nad yw’n cynnwys cynnyrch dynodedig; neu
- (ch) bod y disgrifiad hwnnw, y peth hwnnw sy’n deillio ohono neu’r gair hwnnw yn cael eu defnyddio i ddynodi’r bwyd yn unol â’r arferion sy’n gymwys yn y Deyrnas Unedig ac na all y bwyd gael ei ddrysu â chynnyrch a restrir yng ngholofn 1 o Atodlen 1.”

(1) O.S. 2003/3037 (Cy. 285), y ceir diwygiadau iddo nad ydynt yn berthnasol i’r Rheoliadau hyn.

(2) OJ Rhif L 304, 22.11.2011, t 18, a ddiwygiwyd ddiwethaf gan Reoliad Dirprwyedig y Comisiwn (EU) Rhif 78/2014 (OJ Rhif L 27, 30.1.2014, t 7).

31. Yn rheoliad 6 (labelu a disgrifio cynhyrchion dynodedig)—

- (a) ym mharagraff (1), yn lle “Rhan II o Reoliadau 1996” rhodder “Rheoliad (EU) Rhif 1169/2011”; a
- (b) ym mharagraff (2)(b), yn lle “Reoliadau 1996” rhodder “Erthygl 9(1)(b) o Reoliad (EU) Rhif 1169/2011”.

Rheoliadau Mêl (Cymru) 2003

32. Mae Rheoliadau Mêl (Cymru) 2003(1) wedi eu diwygio fel a ganlyn.

33. Yn rheoliad 2(1) (dehongli)—

- (a) yn y diffiniad o “cynhwysyn” (“*ingredient*”), yn lle “Reoliadau 1996” rhodder “Erthygl 2(2)(f) o Reoliad (EU) Rhif 1169/2011”;
- (b) yn y diffiniad o “labelu” (“*labelling*”), yn lle “Reoliadau 1996” rhodder “Erthygl 2(2)(j) o Reoliad (EU) Rhif 1169/2011”;
- (c) hepgorer y diffiniad o “Rheoliadau 1996” (“*the 1996 Regulations*”); a
- (d) ar ôl y diffiniad o “paratoi” (“*preparation*”), mewnosoder—

“ystyr “Rheoliad (EU) Rhif 1169/2011” (“*Regulation (EU) No 1169/2011*”) yw Rheoliad (EU) Rhif 1169/2011 Senedd Ewrop a’r Cyngor ynghylch darparu gwybodaeth am fwyd i ddefnyddwyr, sy’n diwygio Rheoliadau (EC) Rhif 1924/2006 ac (EC) Rhif 1925/2006 Senedd Ewrop a’r Cyngor, ac yn diddymu Cyfarwyddeb y Comisiwn 87/250/EEC, Cyfarwyddeb y Cyngor 90/496/EEC, Cyfarwyddeb y Comisiwn 1999/10/EC, Cyfarwyddeb 2000/13/EC Senedd Ewrop a’r Cyngor, Cyfarwyddebau’r Comisiwn 2002/67/EC a 2008/5/EC a Rheoliad y Comisiwn (EC) Rhif 608/2004;”.

34. Yn rheoliad 4(1) (labelu a disgrifio cynhyrchion mêl penodol), yn lle “Rhan II o Reoliadau 1996” rhodder “Rheoliad (EU) Rhif 1169/2011”.

Rheoliadau Cynhyrchion Siwgr Penodedig (Cymru) 2003

35. Mae Rheoliadau Cynhyrchion Siwgr Penodedig (Cymru) 2003(2) wedi eu diwygio fel a ganlyn.

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- (1) O.S. 2003/3044 (Cy. 288), y ceir diwygiadau iddo nad ydynt yn berthnasol i’r Rheoliadau hyn.
 - (2) O.S. 2003/3047 (Cy. 290), y ceir diwygiadau iddo nad ydynt yn berthnasol i’r Rheoliadau hyn.

36. Yn rheoliad 2 (dehongli), hepgorer y diffiniad o “Rheoliadau 1996” (“*the 1996 Regulations*”).

37. Yn rheoliad 5 (labelu a disgrifio cynhyrchion siwgr penodedig), yn lle “Rhan II o Reoliadau 1996” rhodder “Rheoliad (EU) Rhif 1169/2011 Senedd Ewrop a’r Cyngor ynghylch darparu gwybodaeth am fwyd i ddefnyddwyr”.

Rheoliadau Bwydydd Proses sydd wedi'u Seilio ar Rawn a Bwydydd Babanod ar gyfer Babanod a Phlant Ifanc (Cymru) 2004

38. Mae Rheoliadau Bwydydd Proses sydd wedi'u Seilio ar Rawn a Bwydydd Babanod ar gyfer Babanod a Phlant Ifanc (Cymru) 2004(1) wedi eu diwygio fel a ganlyn.

39. Yn rheoliad 8(1) (labelu), yn lle “Rhan II o Reoliadau Labelu Bwyd 1996” rhodder “Rheoliad (EU) Rhif 1169/2011 Senedd Ewrop a’r Cyngor ynghylch darparu gwybodaeth am fwyd i ddefnyddwyr”.

Rheoliadau Hylendid Bwyd (Cymru) 2006

40. Mae Rheoliadau Hylendid Bwyd (Cymru) 2006(2) wedi eu diwygio fel a ganlyn.

41. Yn Atodlen 4 (gofynion rheoli tymheredd), ym mharagraff 8 (dehongli), yn lle is-baragraffau (a) a (b) yn y diffiniad o “oes silft” (“*shelf life*”) rhodder—

“(a) o ran bwyd y mae dyddiad parhauster lleiaf yn ofynnol ar ei gyfer yn unol ag Erthygl 9(1)(f) o Reoliad (EU) Rhif 1169/2011 Senedd Ewrop a’r Cyngor ynghylch darparu gwybodaeth am fwyd i ddefnyddwyr, fel y’i darllenir gydag Erthygl 24(1) a (2) o’r Rheoliad hwnnw, yw’r cyfnod hyd at a chan gynnwys y dyddiad parhauster lleiaf gofynnol;

(b) o ran bwyd y mae angen dyddiad “use by” arno yn unol ag Erthygl 9(1)(f) o Reoliad (EU) Rhif 1169/2011 Senedd Ewrop a’r Cyngor, fel y’i darllenir gydag Erthygl 24(1) a (2) o’r Rheoliad hwnnw, yw’r cyfnod hyd at a chan gynnwys y dyddiad “use by” gofynnol; ac”.

(1) O.S. 2004/314 (Cy. 32), y ceir diwygiadau iddo nad ydynt yn berthnasol i’r Rheoliadau hyn.

(2) O.S. 2006/31 (Cy. 5), y ceir diwygiadau iddo nad ydynt yn berthnasol i’r Rheoliadau hyn.

Rheoliadau Deunyddiau Bwyd sydd wedi'u Rhewi'n Gyflym (Cymru) 2007

42. Mae Rheoliadau Deunyddiau Bwyd sydd wedi'u Rhewi'n Gyflym (Cymru) 2007(1) wedi eu diwygio fel a ganlyn.

43. Yn rheoliad 2(1) (dehongli)—

- (a) hepgorer y diffiniad o “sefydliad arlwyo” (“*catering establishment*”);
- (b) yn y diffiniad o “dosbarthiad lleol” a “dosbarthu'n lleol” (“*local distribution*”), yn lle “sefydliad arlwyo” rhodder “arlwywr mawr”;
- (c) cyn y diffiniad o “awdurdod bwyd” (“*food authority*”), mewnosoder—
“mae i “arlwywr mawr” yr ystyr a roddir i “mass caterer” gan Erthygl 2(2)(d) o Reoliad (EU) Rhif 1169/2011 Senedd Ewrop a'r Cyngor ynghylch darparu gwybodaeth am fwyd i ddefnyddwyr;”;
- (d) yn y diffiniad o “rhagbecyn” (“*prepackaging*”), yn lle “Rheoliadau Labelu Bwyd 1996” rhodder “Erthygl 2(2)(e) o Reoliad (EU) Rhif 1169/2011 Senedd Ewrop a'r Cyngor ynghylch darparu gwybodaeth am fwyd i ddefnyddwyr”; ac
- (e) yn lle'r diffiniad o “defnyddiwr olaf” (“*ultimate consumer*”) rhodder—
“mae i “defnyddiwr olaf” yr un ystyr ag sydd i “final consumer” ym mhwynt 18 o Erthygl 3 o Reoliad 178/2002.”

44. Ym mharagraffau (1) a (3) o reoliad 5 (marchnata neu labelu bwydydd sydd wedi'u rhewi'n gyflym), yn lle “sefydliad arlwyo” rhodder “arlwywr mawr”.

Rheoliadau Ychwanegu Fitaminau, Mwynau a Sylweddau Eraill (Cymru) 2007

45. Mae Rheoliadau Ychwanegu Fitaminau, Mwynau a Sylweddau Eraill (Cymru) 2007(2) wedi eu diwygio fel a ganlyn.

46. Yn rheoliad 4(2) (tramgwyddau a chosbau), yn lle is-baragraff (d) rhodder—

“(d) Erthygl 7(1), (2) a (3)(3) (cyfyngiadau ac amodau sy'n gymwys i labelu,

-
- (1) O.S. 2007/389 (Cy. 40), y ceir diwygiadau iddo nad ydynt yn berthnasol i'r Rheoliadau hyn.
 - (2) Mae O.S. 2007/1984 (Cy. 165) wedi ei ddiwygio ar 19 Medi 2014 gan baragraffau 6 a 7 o Atodlen 7 i'r Rheoliadau hyn; ceir offerynnau diwygio eraill ond nid yw'r un yn berthnasol.
 - (3) Diwygiwyd Erthygl 7(3) o Reoliad (EC) Rhif 1925/2006 Senedd Ewrop a'r Cyngor (OJ Rhif L 404. 30.12.2006, t 26) gan Erthygl 50 o Reoliad (EU) Rhif 1169/2011 Senedd

cyflwyno a hysbysebu bwydydd y mae fitaminau neu fwynau wedi'u hychwanegu atynt).”

Rheoliadau Honiadau am Faethiad ac Iechyd (Cymru) 2007

47. Mae Rheoliadau Honiadau am Faethiad ac Iechyd (Cymru) 2007(1) wedi eu diwygio fel a ganlyn.

48. Yn rheoliad 5(2) (tramgwyddau a chosbau), yn lle is-baragraff (ch) rhodder—

“(ch) Erthygl 7(2) (gofynion ar gyfer gwybodaeth faethol);”.

Rheoliadau Dŵr Mwynol Naturiol, Dŵr Ffynnon a Dŵr Yfed wedi'i Botelu (Cymru) 2007

49. Mae Rheoliadau Dŵr Mwynol Naturiol, Dŵr Ffynnon a Dŵr Yfed wedi'i Botelu (Cymru) 2007(3) wedi eu diwygio fel a ganlyn.

50. Yn rheoliad 2(1) (dehongli), yn lle'r diffiniad o “hysbyseb” (“*advertisement*”) a “hysbysebu” (“*advertise*”) rhodder—

“ystyr “hysbyseb” (“*advertisement*”) yw cynrychiolaeth ar unrhyw ffurf mewn cysylltiad â masnach neu fusnes er mwyn hybu cyflenwi nwyddau ac mae “hysbysebu” (“*advertise*”) i'w ddehongli yn unol â hynny;”.

Rheoliadau Wyau a Chywion (Cymru) 2010

51. Mae Rheoliadau Wyau a Chywion (Cymru) 2010(4) wedi eu diwygio fel a ganlyn.

52. Yn rheoliad 3(1) (dehongli)—

- (a) hepgorer y diffiniad o “Cyfarwyddeb 2000/13/EC” (“*Directive 2000/13/EC*”);
- (b) yn lle'r diffiniad o “Rheoliad (EC) Rhif 2160/2003” (“*Regulation (EC) No 2160/2003*”), rhodder—

Ewrop a'r Cyngor; yn rhinwedd ail is-baragraff Erthygl 55 o Reoliad (EU) Rhif 1169/2011 mae'r diwygiad hwnnw yn gymwys o 13 Rhagfyr 2014.

- (1) Mae O.S. 2007/2611 (Cy. 222) wedi ei ddiwygio ar 19 Medi 2014 gan baragraffau 8 a 9 o Atodlen 7 i'r Rheoliadau hyn; ceir offerynnau diwygio eraill ond nid yw'r un yn berthnasol.
- (2) Diwygiwyd Erthygl 7 o Reoliad (EC) Rhif 1924/2006 Senedd Ewrop a'r Cyngor (OJ Rhif L 404, 30.12.2006, t 26) gan Erthygl 49 o Reoliad (EU) Rhif 1169/2011 Senedd Ewrop a'r Cyngor; yn rhinwedd ail is-baragraff Erthygl 55 o Reoliad (EU) Rhif 1169/2011 mae'r diwygiad hwnnw yn gymwys o 13 Rhagfyr 2014.
- (3) O.S. 2007/3165 (Cy. 276), y ceir diwygiadau iddo nad ydynt yn berthnasol i'r Rheoliadau hyn.
- (4) O.S. 2010/1671 (Cy. 158), y ceir diwygiadau iddo nad ydynt yn berthnasol i'r Rheoliadau hyn.

“ystyr “Rheoliad (EC) Rhif 2160/2003” (“*Regulation (EC) No 2160/2003*”) yw Rheoliad (EC) Rhif 2160/2003 Senedd Ewrop a’r Cyngor ynghylch rheoli salmonela a chyfryngau milheintiol penodedig eraill a gludir mewn bwyd(1);

“ystyr “Rheoliad (EU) Rhif 1169/2011” (“*Regulation (EU) No 1169/2011*”) yw Rheoliad (EU) Rhif 1169/2011 Senedd Ewrop a’r Cyngor ynghylch darparu gwybodaeth am fwyd i ddefnyddwyr, sy’n diwygio Rheoliadau (EC) Rhif 1924/2006 ac (EC) Rhif 1925/2006 Senedd Ewrop a’r Cyngor, ac yn diddymu Cyfarwyddeb y Comisiwn 87/250/EEC, Cyfarwyddeb y Cyngor 90/496/EEC, Cyfarwyddeb y Comisiwn 1999/10/EC, Cyfarwyddeb 2000/13/EC Senedd Ewrop a’r Cyngor, Cyfarwyddebau’r Comisiwn 2002/67/EC a 2008/5/EC a Rheoliad y Comisiwn (EC) Rhif 608/2004;”.

53. Yn Rhan 2 o Atodlen 2 (darpariaethau Rheoliad y Comisiwn (EC) Rhif 589/2008 sy’n gosod rheolau manwl ar gyfer gweithredu Rheoliad (EC) Rhif 1234/2007 o ran safonau marchnata ar gyfer wyau(2) ac y mae methu â chydymffurfio â hwy yn dramgwydd)—

- (a) yn ail golofn y cofnod yn y tabl ynglŷn ag Erthygl 4(2) o Reoliad y Comisiwn (EC) Rhif 589/2008, yn lle “Chyfarwyddeb 2000/13/EC” rhodder “Rheoliad (EU) Rhif 1169/2011”;
- (b) yn ail golofn y cofnod yn y tabl ynglŷn ag Erthygl 6(3) o Reoliad y Comisiwn (EC) Rhif 589/2008, yn lle “ac Erthygl 9(2) o Gyfarwyddeb 2000/13/EC” rhodder “a phwynt 1(a) o Atodiad X i Reoliad (EU) Rhif 1169/2011”; ac
- (c) yn ail golofn y cofnod yn y tabl ynglŷn ag Erthygl 13 o Reoliad y Comisiwn (EC) Rhif 589/2008, yn lle “Erthygl 3(1)(5) o Gyfarwyddeb 2000/13/EC” rhodder “Erthygl 9(1)(f) o Reoliad (EU) Rhif 1169/2011”.

(1) OJ Rhif L 325, 12.12.2003, t 1, a ddiwygiwyd ddiwethaf gan Reoliad y Cyngor (EU) Rhif 517/2013 (OJ Rhif L 158, 10.06.2013, t 1).

(2) OJ Rhif L 163, 24.06.2008, t 6, a ddiwygiwyd ddiwethaf gan Reoliad y Comisiwn (EU) Rhif 519/2013 (OJ Rhif L 158, 10.06.2013, t 74).

Rheoliadau Bwyta'n Iach mewn Ysgolion (Gofynion a Safonau Maeth) (Cymru) 2013

54. Mae Rheoliadau Bwyta'n Iach mewn Ysgolion (Gofynion a Safonau Maeth) (Cymru) 2013⁽¹⁾ wedi eu diwygio fel a ganlyn.

55. Yn rheoliad 2(1) (dehongli), yn lle'r diffiniad o "cig" ("meat") rhodder—

"ystyr "cig" ("meat") yw cyhyrau ysgerbydol rhywogaethau o famaliaid ac adar y cydnabyddir eu bod yn addas i'w bwyta gan bobl gyda'r feinwe wedi ei chynnwys yn naturiol neu feinwe ymlynol ond nid yw'n cynnwys cig a wahenir yn fecanyddol (y mae iddo'r ystyr a roddir i "mechanically separated meat" ym mhwynt 1.14 o Atodiad I i Reoliad (EC) Rhif 853/2004 Senedd Ewrop a'r Cyngor sy'n nodi rheolau hylendid penodol ar gyfer bwyd sy'n deillio o anifeiliaid)⁽²⁾;"

(1) O.S. 2013/1984 (Cy. 194), y ceir diwygiadau iddo nad ydynt yn berthnasol i'r Rheoliadau hyn.

(2) OJ Rhif L 139, 30.4.2004, t 55, a ddiwygiwyd ddiwethaf gan Reoliad y Comisiwn (EU) Rhif 633/2014 (OJ Rhif L 175, 14.6.2014, t 6).

Explanatory Memorandum to the Food Information (Wales) Regulations 2014

This Explanatory Memorandum has been prepared by the Food Standards Agency (FSA) and is laid before the National Assembly for Wales in conjunction with the above subordinate legislation and in accordance with Standing Order 27.1.

Member's Declaration

In my view the Explanatory Memorandum gives a fair and reasonable view of the expected impact of the Food Information (Wales) Regulations 2014. I am satisfied that the benefits outweigh any costs.

Mark Drakeford, AM

Minister for Health and Social Services, one of the Welsh Ministers

27 August 2014

The Food Information (Wales) Regulations 2014

1. Description

The proposed Regulations provide for the domestic enforcement of Regulation (EU) No 1169/2011 of the European Parliament and of the Council on the provision of food information to consumers ("FIC")¹ to be enforced in Wales. The new Regulations also consolidate and update existing general food and nutrition labelling Regulations in Wales. In addition, the Regulations take advantage of derogations contained in FIC and carrying forward some (EU permitted) national measures.

2. Matter of Special Interest to the Constitutional and Legislative Affairs Committee

None.

3. Legislative Background

The powers enabling this instrument to be made are as follows:

- section 2(2) of and paragraph (1A) of Schedule 2 to the European Communities Act 1972;
- sections 6(4), 16(1), 17, 18, 26, 45 and 48 of, and paragraphs 1 and 4(b) of Schedule 1 to, the Food Safety Act 1990; and
- sections 4(1), (2), (3), (4) and (8) and 10 of the Healthy Eating in Schools (Wales) Measure 2009.

There are no issues of regularity or propriety for the Welsh Government arising from the making of the 2014 Regulations.

4. Purpose and Intended Effect of the Legislation

EU FIC came into force in the EU on 13 December 2011 but the majority of provisions apply from 13 December 2014 however, the minced meat provisions have applied from 1 January 2014.

The EU FIC is a large piece of EU legislation regulating general food labelling requirements in Europe. This includes important mandatory particulars on food labels such as: name of food, ingredients list, quantitative ingredients listing (QUID), allergen information, nutrition information, country of origin, date marks, storage conditions.

¹ The full title is: Regulation (EU) No 1169/2011 of the European Parliament and of the Council on the provision of food information to consumers, amending Regulations (EC) No 1924/2006 and (EC) No 1925/2006 of the European Parliament and of the Council, and repealing Commission Directive 87/250/EEC, Council Directive 90/496/EC, Commission Directive 1999/10/EC, Directive 2000/13/EC of the European Parliament and of the Council, Commission Directives 2002/67/EC and 2008/5/EC and Commission Regulation (EC) No 608/2004 (OJ No L 304, 22.11.2011, p 18).

The policy aims are:

(a) to meet the UK's legal obligations by including a proportionate, effective and risk based approach to the enforcement of the directly applicable EU FIC, and to remove any overlapping UK food labelling legislation;

(b) to allow consumers to have the information they need to make informed and healthy food choices and to ensure they are not being misled; and


(c) to protect allergic consumers by allowing them to have sufficient and clear information to make safe food choices.

The Regulations also take advantage of optional derogations and (as in the Food Labelling Regulations 1996) includes EU permitted national measures requiring the name of the food to be given in the case of non-prepacked etc. foods and a meat quantity indicator to be given for certain non-prepacked etc, e.g foods containing meat.

A change to the existing enforcement regime has also been taken forward with a move away from the across-the-board use of frontline criminal offences to a more proportionate and targeted regime using improvement notices. A backstop criminal offence will be in place where there is failure to comply with an improvement notice, with an offender being liable, on summary conviction, to a fine not exceeding level 5 (currently £5,000 but this will change when section 85 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 is commenced). Criminal offences will continue for the contravention of certain provisions, namely mislabelling of foods containing allergenic ingredients because a failure to comply with the allergen provisions may result in a risk to consumer health and safety. Businesses will have the opportunity to appeal against an improvement notice to the Magistrates Court

Some of the main aspects of interest are:

(a) Derogations

- Inclusion of a derogation of not requiring all the mandatory particulars for milk and milk products presented in glass bottles intended for re-use. This is because it avoids unnecessary additional burdens and enables an effective re-use of materials.
- Inclusion of a derogation for minced meat that does not comply with the fat and/or collagen compositional requirements of EU FIC. Such products will have to be labelled with a national mark e.g.  'For UK Market only' indicating that these products are for the UK market only.

(b) National Measures (permitted by EU FIC)

- A national provision that the 'name of food' should be provided for loose foods. This is similar to the national measure that already exists in the Food Labelling Regulations 1996.
- A national provision requiring a 'quantitative ingredient declaration' (QUID) of the meat content of loose meat products. This is similar to the national measures that already exist in the Food Labelling Regulations 1996.

- A national provision allowing information on allergens for non-prepacked to be provided in any manner, including orally. Where oral communication is used, there must be a clear indication via a label attached to the food, or on a notice/menu/ticket/label that the allergen information can be obtained from a member of staff. Unlike the national provisions relating to the name of the food and the quantity indicator for products containing meat, this national provision applies in the case of loose foods sold by mass caterers to a final consumer and provision is therefore made allowing for the necessary information to be given on a menu.

(c) Other National Measures

- National composition rules on ice cream will be revoked on 13 December 2014.
- National composition and labelling rules on cheese, cream and alcohol-related claims will be revoked on 13 December 2018. During the four years from the coming into force date of the FIC, with consumers, industry and enforcement authorities to consider what, if anything, might be appropriate in terms of the future control and protection of these products.
- All other National Measures contained within the Food Labelling Regulations will be revoked when these Regulations come into force.

(d) Other Labelling Requirements

- There is a requirement that the words “irradiated” or “treated with ionising radiation” must be provided when irradiated food products or food products containing an irradiated ingredient are sold in bulk and when irradiated ingredients are used in certain pre-packed foods. This implements certain provisions of Article 6 of Directive 1999/2/EC and replaces a similar provision in the Food Labelling Regulations 1996.

5. Regulatory Impact Assessment.

Costs and Benefits

1. The IA considers the impact of those provisions over which there is a choice available.

Baseline (Do Nothing)

2. The EU FIC will result in some costs to businesses. An estimate of these costs was included as Annex A in the consultation stage Impact Assessment (for information, given that FIC is directly applicable regulation, rather than as a part of the cost and benefit assessment)². These stem chiefly from the requirement to provide mandatory information that is currently provided voluntarily, and from the requirement in many cases to alter the way that this information is presented to the consumer. Examples of the latter include the order in which nutrients are presented, the method of highlighting allergens and the placement of ‘best before’ information.

² <http://www.food.gov.uk/news-updates/consultations/consultations-wales/2012/fir-wales-2013>

3. This 'Do nothing' option as described above is the reference option against which all other options as assessed.

Option 1A

Costs

Industry

Implementation of Member State Flexibility, FIC point 3 of Part B of Annex VI – Implementation of a national mark for minced meat

4. Under the conditions laid down in the Food information to Consumers Regulation (EU 2011/1169, Annex VI part B), designations of minced meat may only be used where the minced meat complies with certain compositional standards, checked on the basis of a daily average, as set out in the following table (point 1 of 2011/1169, Annex VI part B);

Table 1

	Fat content	Collagen/Meat protein ratio
Lean minced meat	≤7%	≤12%
Minced pure beef	≤20%	≤15%
Minced meat containing pigmeat	≤30%	≤18%
Minced meat of other species	≤25%	≤15%

5. In addition, the following expression must appear on the labelling; *'percentage of fat content under ...' and 'collagen/meat protein ratio under ...'*. (point 2 of 2011/1169, Annex VI part B).

Point 3 of Annex VI Part B states that 'The Member States may allow the placing on their market of minced meat which does not comply with the criteria laid down in point 1 of [Part B] under a national mark...'

6. The UK takes 'a national mark' to mean an indication to the potential consumer that the product does not comply with the criteria laid down in the FIC, and specifically that either fat or collagen content is higher than the upper limit allowed under the Regulations.

7. The derogation only allows minced meat outside the upper fat and collagen limits to be placed on the national market under a national mark. It does not allow in addition a change of meaning of the designation 'lean minced meat', which may only be used for meat that, on the basis of a daily average, falls within the relevant composition limits.
8. Minced beef currently on sale in UK supermarkets tends to fall into one of five broad categories:
 - Value minced beef, around 20% fat content
 - Pure/standard minced beef, somewhere between 16 and 20% fat content
 - Lean minced beef, targeted at around 12% fat content
 - Extra lean minced beef, 7% or lower fat content.
 - 'Premium' branding, for example 'steak' or 'Aberdeen Angus' can be anywhere along the range of fat levels
9. These correspond to the practical implementation of previous guidance and industry practice on labelling of minced beef.
10. There are therefore two assumed costs associated with this measure, either:
 - Relabeling costs to include the national mark on packaging
 - Reformulation costs to bring minced meat products below the required fat and collagen proportions. (N.B. This cost would not apply should affected businesses choose to take advantage of the derogation).
11. The UK has made an estimate of the costs for the minced beef industry in the following paragraphs.
12. In order to assess **re-labelling costs**, we estimate from engagement with the food industry that there are around 20 stock-keeping units (SKUs) above the 20% fat percentage and collagen/meat protein ratio for beef mince. We assume that they take advantage of the derogation in 2014-15, and re-label their products.
13. The UK estimates that there are 20 beef mince products which do not meet the requirements (out of a total number of beef mince SKUs of around 150³). Although economy mince makes up approximately only 5% (by value) of the market, we have assumed that there are disproportionately more SKUs (compared to market value) as it is a cheaper product. Assuming a labelling cost of £1,800 per product⁴, this equates to a one-off re-labelling cost of £36,000.
14. In terms of **compliance costs**, there are uncertainties about how the market might evolve in response to revised rules. There are a variety of responses which could be taken by businesses in order to meet new requirements. They may choose to rename

³ Source: Kantar Worldpanel, 2013

⁴ See Annex B on estimating costs of label changes

their product so that it is no longer 'minced beef' (or similar) and therefore falls outside of the regulations. They may choose to reformulate their products so that they meet the new requirements and are able to continue to market their product as 'minced beef' (or similar). They may choose to exit the market altogether. Any of these responses could have second-round impacts. Consumers may or may not respond to whether a product is called 'minced beef' (or similar), or some alternative name. If companies decided to exit the market, there is a question of how other firms might respond to fill the gap, and how they might do so. With reformulation, the leftover fat and collagen will either need to be disposed of, or will make it into the food chain through other products. Prices elsewhere in the market could therefore be affected (and waste potentially increased).

15. We have estimated the reformulation costs as £174k per annum in this option, where the derogation is not taken. This represents around 1% of the overall market value, so is relatively small in those terms. However, we should note that this is based upon only incurring additional costs to reduce fat. Whilst minced meat is currently manufactured and routinely analysed for fat content, data for collagen is less complete and it may be, as industry sources have contested, that meeting the collagen criteria would be significantly more costly than our estimates. A figure of £300million has been cited by industry, though it is not at all clear how this could have been estimated given that the overall market is only worth £400-500m. What is clear is that if the collagen levels are significantly in excess of 15% across a wider range of products, this may lead to significantly higher costs than estimated here.
16. Although this only assesses the beef element of the minced meat market, this represents by far the majority of the minced meat market, and is the only major concern of producers. The fat and collagen limits for minced meat of other species are well within current production levels, pigmeat in particular being lower in fat than prescribed by the FIC criteria.
17. Assuming a competitive market, and therefore that this cost is passed through, consumers will face the final burden of the increased cost. In which case, consumer demand may adjust in response to the higher prices. Consumers may substitute to other products, meat and otherwise, although there are reasons to think that demand will not be disproportionately affected by the increased cost. Demand may not be particularly elastic as the increased cost will be general to this class of mince product, rather than being product-specific. On the other hand, the increased cost of economy minced beef will be relatively significant – it is estimated to be an average increase of 24% for economy mince. Even a relatively inelastic demand, of -0.6%⁵, would lead to a nearly 15% reduction in demand for affected minced beef products. Adjusted for expected demand changes, the direct cost is therefore reduced (this adjustment is already reflected in the £174k per annum cost above, estimated at £204k per annum without the demand adjustment).

⁵ Family Food Survey 2011

Enforcement

18. Enforcement costs are derived from the EU FIC rather than the national Regulations under examination here and are non-monetised. In the longer term, it is expected that the on-going costs to enforcement are likely to be comparable with enforcement action currently taken by local authorities as part of a risk based approach to enforcement. However, in the short term there may be some additional enforcement costs from the new approach (which have not been monetised) arising from:

- Training on improvement notices and appeals for enforcers, although these may not be very significant as similar procedures are already being rolled out across food labelling and compositional regulations.
- Increased informal enforcement activity – enforcers are likely to have increased activity while businesses become familiar with the new requirements. This would be through the coaching role they play and through dealing with non-compliances under the new procedures.
- Potential for increased appeals – as this will be a new tool for enforcers and businesses. There may be increased appeals while all parties become familiar with the new requirements and processes.

Consumers

Removal of Member State flexibility, power to impose a national measure to retain requirement to provide Quantitative Ingredient Declarations (QUID) declarations on the meat content of meat products sold non-prepacked

19. The removal of this measure means the potential loss of information consumers are used to seeing on their food, although information is likely to be caught under the Unfair Commercial Practices Directive, this removed the direct requirement to provide the information.

Removal of Member State flexibility, requirement to provide name of food on products sold non-prepacked

20. The removal of this measure means the potential loss of information consumers are used to seeing on their food, although information is likely to be caught under the Unfair Commercial Practices Directive this removed the requirement to provide the information.

Familiarisation Costs

Government

21. This cost has been monetised though it is contestable that these costs derive from the EU FIC rather than from the domestic Regulations (FIR). Enforcement authorities will

need to become familiar with the updated Regulations and revised enforcement provisions. It is estimated that it would take one Trading Standards officer **1 hour** to read the guidance. Wage rates have been up-rated by 30% to account for non-wage labour costs and overheads, in accordance with the standard cost model.

22. Based on the number of enforcement authorities (22) with responsibility for food in Wales this is estimated to **cost around £415 per hour**. Following a period of familiarisation, the burden of work will remain largely as before.

Industry

23. Industry will, in general, have to familiarise themselves with the directly applicable regulation. As discussed previously, we do not assess the impacts of that in this Impact Assessment. We instead are concerned whether there are any additional familiarisation costs as a result of the national measures, primarily in relation to the minced meat derogation. We assume that this element of familiarisation takes 1 hour for relevant manufacturers, retailers and wholesalers. The total familiarisation cost for these sectors is estimated to be £53,802, occurring in the first year of revised regulations only. This is illustrated below in Table 4. The cost figure is a conservative estimate, because these cover all food and drink businesses in the relevant categories. Not all of these will need to familiarise themselves with the minced meat measure, and therefore costs could be lower.

Table 4: Industry familiarisation costs

	No. Of FBOs	Costs
Manufacturers	410	£ 10,917
Wholesale and Retailers	2,980	£ 42,885
Total cost		£ 53,802

Benefits

SI consolidation

Industry

24. Where currently there are 14 pieces of legislation to contend with, FIC and the SI consolidate these into one. There is an element of simplification in this though it should not be over-stated – the responsibilities on businesses do not reduce as a result of the number of SIs reducing. However, certainly those businesses which are inclined to get their information from primary sources in legislation rather than, and as well as, from guidance documents may derive a benefit from the provisions for their businesses being in one place.

25. Micro businesses will not tend to use legislative documents to access information on legal requirements, but will look to guidance from Government, local enforcement and trade bodies etc. Larger businesses however will, we assume, look to the legislation itself and therefore may derive simplification benefits from the consolidation of food information legislation from fourteen pieces of legislation down to one Statutory Instrument. We have not monetised this benefit, as it is not clear the extent of the benefits that business may derive.

Enforcers

26. Similarly to companies, enforcers may also benefit from SI consolidation through spending less time referring to several SI documents, which takes time. Instead, the relevant regulations will be contained within one SI, to which enforcers can refer. We have not monetised this benefit as the benefits to enforcers are also uncertain.

Enforcement

More flexible enforcement procedures for enforcement officers

27. As with enforcement costs, these benefits are derived from implementation of EU FIC and are non-monetised. There is a potential benefit to Government in terms of moving from the current criminal sanctions regime to the new civil sanctions regime. It is anticipated that the gains would originate from reduced court costs as the number of hearings will be reduced as issues will be resolved through issuing improvement notices, and the time saved to enforcement officers in resolving the issues more quickly instead of preparing for a court case. Therefore, as well as benefits for enforcers, magistrate court costs may also be reduced.

28. However, this benefit is likely to be relatively small given the number of cases associated with food labelling dealt with by enforcers is anticipated to be small and, in the case of the new approach, there will be appeals against improvement notices to deal with.

A more proportionate enforcement regime for business

29. There may be benefit to industry in terms of moving from the current criminal sanctions regime to the new regime (for most FIC contraventions) of improvement notices backed up with a criminal offence. Any savings would originate from reduced costs and time saved to businesses, as fewer contraventions would need to be escalated to a Magistrates Court. It is anticipated that the vast majority will be resolved through the issuing of improvement notices.

30. During consultation, some businesses expressed some concern that Improvement Notices represented an additional and unnecessary enforcement capability, which they feared would replace informal action in some cases. We intend to provide clear guidance in respect of this matter for enforcers and food business operators

Consumers

30. There are no significant benefits for consumers.

Option 1B (Preferred Option)

Costs

Industry

31. Costs are the same as for option 1A except those set out below:

Continuation of Member State flexibility, Article 44 (1) power to impose a national measure to retain requirement to provide Quantitative Ingredient Declarations (QUID) declarations on the meat content of meat products sold non-prepacked.

32. There are no additional costs for this measure as businesses are already required to provide this information.

Continuation of Member State flexibility, Article 44 (1) power to impose a national measure to retain the requirement to provide the name of the food on products sold non-prepacked packs.

33. There are no additional costs for this measure as businesses are already required to provide this information.

Member State flexibility, Article 44 (1) (a) allowing information on allergens for loose foods to be provided in any manner including orally. Where oral communication is used, there must be clear indication via a label attached to the food, or on a notice/menu/ticket/label that the allergen information can be obtained from a member of staff. Unlike the national provisions relating to the name of the food and the quantity indicator for products containing meat, this national provision applies in the case of loose foods sold by mass caterers to a final consumer and provision is therefore made allowing for the necessary information to be given on a menu.

34. The costs of this measure are subsumed into the familiarisation cost for businesses and compliance with the directly applicable EU Regulations. There is no additional cost for businesses.

Enforcement Costs

35. Costs are the same as option 1A

Consumers Costs

36. There are no significant costs to consumers

Familiarisation Cost

Government

37. Costs are the same as option 1A

Industry

38. Costs are the same as option 1A

Benefits

SI Consolidation

Industry

39. Costs are the same as option 1A

Enforcers

40. Costs are the same as option 1A

Enforcement

More flexible enforcement procedures for enforcement officers

41. Costs are the same as option 1A

A more proportionate enforcement regime for business

42. Costs are the same as option 1A

Consumer

43. This is a non monetised benefit. The retention of National Measures on Quid and Name of food means the continuation of valuable consumer information.

Option 2

Costs

Industry

44. Costs are the same as option 1B except those set out below:

Member State Flexibility on use of Article 44 (1) power to impose national measures requiring some or all of the mandatory particulars detailed in Articles 9(1) other than the name of the food, (separately addressed in point 2 above) e.g. list of ingredients, storage conditions and/or conditions of use, the name or business name and address of the food business operator, etc. and 10(1) to be provided in relation to non-prepacked food .

Member State Flexibility on use of Article 43 power to impose a national measure on the voluntary indication of reference intakes for specific population groups. For example, the provision of guideline daily amounts (GDAs) reference intakes for children, in addition to the current requirement to provide GDAs for an average adult. As provision of reference intakes for specific groups would remain voluntary, this national measure would not itself impose costs on business. However, there would be a cost to FBOs that chose to adopt them.

Member State Flexibility on use of Article 35(3) power to require FBOs to notify any Additional Forms of Expression (AFE's) used for front of pack nutrition labelling and to provide justification regarding fulfilment of the AFE criteria. As AFEs are voluntary, this national measure would not itself impose costs on business. However, there would be a cost to FBOs that chose to adopt them.

45. These costs are all non-monetised.

Enforcement

46. Costs are the same as option 1A & 1B

Consumers

47. There are no significant costs to consumers

Familiarisation Cost

Government

48. Costs are the same as option 1A & 1B

Industry

49. Costs are the same as option 1A & 1B

Benefits

SI Consolidation

Industry

50. Costs are the same as option 1A & 1B

Enforcers

51. Costs are the same as option 1A & 1B

Enforcement

More flexible enforcement procedures for enforcement officers

52. Costs are the same as option 1A & 1B

A more proportionate enforcement regime for business

53. Costs are the same as option 1A & 1B

Consumers

54. This is a non monetised benefit. The retention of additional three National Measures on This will increase consumer information and choice.

Approach to small businesses

55. An exemption for small businesses was not included in FIC as a significant proportion of businesses in this sector in Europe are small to medium size enterprises (SMEs). To introduce an exemption would undermine the provisions and reduce the likelihood of achieving the identified benefits. Table 5 shows the significant presence of SMEs in the food and drink sector⁶.

⁶ All figures refer to bespoke analysis from the 2012 ONS Business Demography publication. The analysis was taken from all businesses that are active within the specified year.

56. In 2012, 9,580 businesses were operating in the food and drink manufacturing, wholesaling, retailing or catering sectors in Wales, of which over 99 per cent were identified as having SME status. Only 1% of FBOs are medium and large companies.

Table 5: Food Business Operator numbers operating in Wales in 2012, by firm size

	Micro	Small	Medium	Large	Total
Manufacture	346	57	6	1	410
Retail	2,113	349	35	8	2,505
Catering	5,221	861	87	21	6,190
Wholesale	401	66	7	2	475
Total	8,081	1,333	134	32	9,580

57. A number of measures have been included in FIC to minimise burdens on SMEs where possible. Examples of these include exemptions from the mandatory nutrition declaration when manufacturers of small quantities of handcrafted food supply directly to the final consumer or to local retail establishments supplying directly to the consumer as well as minimal requirements for foods sold pre-packed for direct sale.

58. As noted, in this Impact Assessment we are assessing the impact only of the preferred national measures. For the Options considered here, only allergen information will be required for non-prepacked food, including food pre-packed for direct sale, and there is some flexibility in how this information should be given. Should FBOs choose to supply nutrition information on a voluntary basis, the Regulation sets out rules governing its content and presentation in order that consumers are not misled. FIC only applies to the activities of FBOs. The Regulation makes clear those charity events where private individuals are supplying food to, for example, a church fete, otherwise than in the course of a business would be exempt from labelling their food, although they might want to supply allergen information on a voluntary basis.

59. For the minced meat derogation, the business profile size for those organisations affected is less tilted towards the micro size band, given that caterers are not expected to be affected. However, the size profile is still overwhelmingly SME. As such, small businesses would have been affected had the derogation not been taken.

Preferred option

60. The preferred option (option 1B) is summarised below:

- Providing enforcement provisions in the form of an SI, revoking 14 existing SIs and minimising the additional burdens to business by taking advantage, where appropriate of available derogations and national measures.
- Through this option an SI will be produced putting into place offences and enforcement provisions, and setting out in Wales law those areas of Member State flexibility which are in UK businesses and consumers' best interests. EU obligations would be fully met
- Inconsistent domestic legislation – affecting the transitional arrangement under FIC will be amended. This will clear the way for industry to take advantage of the transition period relating to the format of nutrition declarations whilst complying with domestic legislation. It will give businesses sufficient time to introduce any necessary label changes and familiarisation training for workers, incorporating these into ongoing and scheduled activity.

61. The following derogation taken forward as national measures are:

- Use of Article 40 national measure for milk or milk products presented in glass bottles intended for reuse – ability to derogate from the mandatory requirements, to provide nutrition information in Article 9(1)
- Use of Article 44 (1) power to impose a national measure to retain requirements to provide QUID declarations on the meat content of meat products sold non-prepacked.
- Use of Article 44 (1) power to impose a national measure requiring the provision of the name of non-prepacked food.
- Use of Article 44 (1) (a) power to impose a national measure allowing information on allergens for loose food to be provided in any manner including orally. Where oral communication is used, there must be clear indication via a label attached to the food, or on a notice/menu/ticket/label that the allergen information can be obtained from a member of staff.

62. A derogation allowing minced meat to be marked in Wales that does not meet the requirements of Annex VI Part B will be allowed.

63. Existing national measures setting compositional standards for some ice-cream designations will be revoked. Existing national measures setting compositional standards for some chesses and creams will be revoked in 4 years.

Annex A

Council Directive 89/396/EEC which regulated food lot marking had been substantially amended several times. Because of this it needed replacing with a codified version of the amended Directive in the interests of clarity and was replaced by Directive 2011/91/EU. There were no changes of substance. Our domestic Food (Lot Marking) Regulations 1996 include a reference to Directive 89/396/EEC (reference is in the definition of the expression 'first seller established within the European Union'). The reference to Directive 89/396/EEC in our domestic Regulations needs to be updated so that it refers to Directive 2011/91/EU instead. The consequential amendment (in paragraph 2 of Part I of Schedule 6 to the draft Regulations) effects this simple amendment.

The revocation of the Food Labelling Regulations 1996 and repeal of Directive 2000/13/EC as part of the FIC exercise will result in the need for other amendments to be made to the Food (Lot Marking) Regulations 1996 as from 13 December 2014. These amendments are contained in paragraph 1 of Part 2 of Schedule 6 to the draft UK Food Information Regulations.

The amendments that are being made, mainly to definitions, should have minimal if any impact on businesses.

Annex B – Estimating costs of label changes for FIC requirements

Label costs

Information from the 2010 Campden BRI study “Developing a framework for assessing the costs of labelling changes in the UK” looks at the total cost of all stages of the label cycle, from familiarisation of new legal requirements, re-design and auditing through to printing. The study concluded that the following costs would be incurred by businesses making minor or major label changes:

Extent of change	Average cost (£/SKU)	Trimmed Mean (£/SKU)
Minor change	£1,810	£1,800
Major change	£3,800	£3,330

Source: Developing a framework for assessing the costs of labelling changes in the UK

There are a number of variables which affect the costs of relabeling including size of firm, printing methods, type of market and type of product. In distinguishing between major and minor label changes the following descriptions are used:

Minor label change: only the text has been changed on a single face of the label and no packaging size modification was required to accommodate this.

Major label change: the text but also the layout and/or colours and/or format were changed and/or multiple faces of the package were affected. The change is also considered as major in each case when the process entailed packaging size modification.

We consider that the label changes consequent to the FIC and enabling SI are, by these descriptions, minor.

Annex C

Main changes effected by EU FIC

1. European requirements on food information and labelling have been in place since 1978 and been subject to a significant number of amendments. The rationale for Commission intervention and these Regulations was the need to update and consolidate regulation in this area, with the intention that review and simplification would be beneficial to consumers and businesses. The Regulation brings together both general and nutrition labelling provisions in a single directly applicable regulation. There is also a recognition that while a number of horizontal directives are already in place, for example foods containing quinine and caffeine, the area would benefit from review and consolidation of all such requirements into a single Regulation. A further objective was to ensure consistency of labelling requirements across Europe by replacing the current Directives with a single Regulation, ensuring a 'level playing field' and a competitive market for all businesses operating within the EU.
2. There was also a need to ensure that labelling information is in line with consumer needs and reflects changes in eating habits and consumer lifestyles. Provisions that reflect this include:-
 - Distance selling. With the increase in sales of food online it was recognised that measures were needed in order to ensure consumers were receiving similar amounts of information when purchasing using distance communication such as catalogues and the internet as they would when shopping in store
 - Mandatory nutrition labelling for most pre-packed foods
 - Easy to access voluntary nutrition information. FIC provides a common basis for easy to access voluntary front of pack labelling. This makes it easier for consumers to understand the information when provided and helps ensure that where additional forms of expression are used that it can be demonstrated that they are understood by consumers.
 - Easier to access food allergy information. Highlighting the allergens in the ingredients list in pre-packed foods will allow allergic consumers to access the information quickly so that they can make safe food choices.
 - Extension of provisions for allergen information for non-pre-packed foods, including in cafes and restaurants.
3. The FIC contributes to the healthy eating and obesity challenge through improved information for consumers on the nutrients present in their food. This is due not only to the requirement for a mandatory nutrition declaration, but also to the provision of a framework for voluntary nutrition information, ensuring that where information is provided on a voluntary basis, it does not undermine the benefits to consumers of the mandatory requirements. Through this framework, labelling schemes developed in the UK can

continue and will be used across Europe, ensuring that there is a level playing field for industry and that consumers are not confused or misled by the information they receive

4. For minced meat, the requirement that it should bear a statement of both fat percentage and collagen/meat protein ratio are important consumer benefits. These are essential indicators of the nutritional value and quality of the product and provide consumers with consistent information with which to make purchasing decisions.
5. For meat products, meat preparations and fishery products containing added proteins such as hydrolysed proteins, of a different animal origin, the name of the food shall bear an indication of the presence of those proteins and of their origin. This will benefit consumers who for cultural or religious reasons choose not to eat certain species of meat.
6. For meat and fish products and preparations which have the appearance of a cut, joint, slice, fillet or whole fish where added water makes up more than 5% of the weight of the finished product the name of the food shall include an indication of the presence of added water. .
7. Meat products, meat preparations and fishery products which may give the impression that they are made of a whole piece of meat or fish, but actually consist of different pieces combined together by other ingredients, including food additives and food enzymes or by other means, shall show 'formed meat' or 'formed fish' as appropriate.
8. The FIC also contributes to managing public health issues such as the presence of liquorice or phytosterols in food, which particular groups need to be aware of in order to ensure that products containing these ingredients are not over-consumed to avoid adverse health effects.
9. The FIC extends the mandatory requirement for allergy information to non-prepacked food but allows the FBO some flexibility in how this is provided. This has previously been a sector where the greatest proportion of severe/fatal food allergic reactions has occurred, with some 75% of reactions occurring after eating food sold non-prepacked⁷.
10. The impacts of the provisions on country of origin labelling and net quantity requirements are not included in this IA. Some country of origin requirements come into force without the need for further EU action, i.e. those in Article 26(2)(a) of FIC⁸. The nature of the

⁷ Pumphrey, RS. 2000. Lessons for the management of anaphylaxis from a study of fatal reaction. *Clinical and Experimental Allergy*. Vol 30, pages 1144-1150. Pumphrey, RS and Gowland, MH. 2007. Further fatal allergic reactions to food in the United Kingdom 1992-2006. *J Allergy and Clinical Immunology*. Vol 119, pages 1018-9.

⁸ Indication of the country of origin or place of provenance shall be mandatory [...] where failure to indicate this might mislead the consumer as to the true country of origin or place of provenance of the food, in particular if the information

information to be given when country of origin information becomes mandatory remains under discussion in the EU. [Defra has established a negotiating position on this based around principles of minimising burdens to business while providing consumers with the information they need to make safe and informed choices.] Once agreed, enforcement provisions to support these areas will be needed and the impact of these provisions will be assessed at that time.

11. The net quantity provisions are being considered as part of a separate simplification exercise on weights and measures requirements and legislation for food being undertaken by the National Measurement Office (NMO). The cost and benefits of those provisions will therefore be assessed in that exercise and are not outlined here.

12. At present the requirements for general labelling of food are set out in Directive 2000/13/EC of the European Parliament and of the Council and requirements relating to nutrition labelling are set out in Council Directive 90/496/EEC. Both are implemented in the GB (with separate regulations in Northern Ireland) by the Food Labelling Regulations 1996 (as amended) (FLR). These cover much of the same areas as the new EU FIC Regulation although as a result of the consolidation and review in Europe some of the requirements have changed or been extended. FIC repeals both 2000/13 and 90/496/EEC, as well as other EU legislation. We need to revoke the FLR as the domestic legislation implementing the requirements of 2000/13/EC and 90/496/EEC. We also need to introduce provisions to enforce the FIC in Northern Ireland due to EU legal requirements and to take advantage of derogations and any additional permitted national measures which serve Northern Ireland's interests.

13. As noted above, the Impact Assessment is concerned with those measures over which the UK has a choice, including derogations and national measures. Some national measures permitted by FIC already exist in current UK legislation. These include the following:

- mandatory requirement to provide a Quantitative Ingredient Declaration ('QUID') indication of meat content in meat products sold loose; and
- mandatory requirement to indicate the 'name of food' for foods sold loose.

14. In addition, the Regulations will;

- (a) Implement the relevant irradiated food provisions in Article 6 (1) of 1999/2/EC. No food is currently irradiated in the UK and very little, if any, irradiated food is sold in the UK, so this is simply for legal completeness. These provisions were previously implemented by the

accompanying the food or the label as a whole would otherwise imply that the food has a different country of origin or place of provenance;

Food Labelling Regulations (Northern Ireland) 1996, as amended, and no substantive changes are being introduced.

- (b) Update the Food (Lot Marking) Regulations (Northern Ireland) 1996 to take account of the recast of 89/396/EEC. Most of the amendments that are being made, mainly to definitions, should have minimal if any impact on businesses.

David Melding AM
Chair, NAFW Constitutional
Affairs Committee
National Assembly for Wales,
Cardiff Bay,
Cardiff.
CF99 1NA

Copy Gareth e arhys for advice

Our Ref:

Your Ref:

Date: 23 July 2014

Dear Mr Melding

You may be aware that the Minister for Communities and Tackling Poverty has announced that I am to lead an independent review into the role and functions of the Children's Commissioner for Wales (CCfW). I feel very privileged to be taking forward this important work.

I wanted to draw your attention to the review in your capacity as chair of the Constitutional Affairs Committee. My intention is to engage extensively with the National Assembly for Wales, particularly with the Presiding Officer, your committee and the Children, Young People and Education Committee. I also hope to be providing further opportunities for AMs to meet me individually.

The broad themes of the review are set out in the full remit letter (attached) from the Minister. Members of your committee may be particularly interested in my remit to examine the interface between the CCfW, the Welsh Government and the National Assembly for Wales.

I will want to consider if the current arrangements enable the appropriate scrutiny of the Commissioner's role and functions and, equally, the extent to which the independence of the office is appropriately and sufficiently secured.

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Another key aspect will be the examination of the CCfW's remit limitations, currently linked to the devolution settlement. I will look at how clear are the divisions of responsibilities between the CCfW and UK counterparts, and what practical issues, if any, do or could arise. I will also ask about the degree to which the current legislative framework clarifies and supports the role and the impact it might make.

If you wish to contribute to the review formally via the call for evidence (in writing) or would like me to meet the Committee (or with you as chair) informally to discuss some of the issues to which I have referred, please get in touch with my review team ([via ccfwreview@wales](mailto:via_ccfwreview@wales)).

My intention is to publish a finalised report with recommendations in December. I therefore aim to have established the emerging key themes and concluded much of my external engagement by October.

I look forward to hearing from you.

Yours sincerely



Dr Mike Shooter CBE

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Sharpe, Sarah (AM Support, David Melding)

From: Children in Wales / Plant yng Nghymru <info@childreninwales-org-uk.ccsend.com>
on behalf of Children in Wales / Plant yng Nghymru <info@childreninwales.org.uk>
Sent: 23 July 2014 15:18
To: Melding, David (AM, Deputy Presiding Officer)
Subject: Call for Evidence - Review of the role and functions of the Children's Commissioner for Wales

Call for Evidence - Review of the role and functions of the Children's Commissioner for Wales

As you may know, I have been asked by the Minister for Communities and Tackling Poverty to undertake a review to the role and functions of the Children's Commissioner for Wales. Wales was the first UK country to have such a commissioner, with the office being established in 2001; mine is the first review of the office since its establishment. The current Children's Commissioner for Wales, Keith Towler, has previously called for and has welcomed this review.

My review will focus on six key areas:

1. the role and functions of a Children's Commissioner for Wales;
2. the impact that the role has had;
3. the suitability and effectiveness of the underpinning legislation;
4. accountability and governance;
5. value for money; and
6. accessibility.

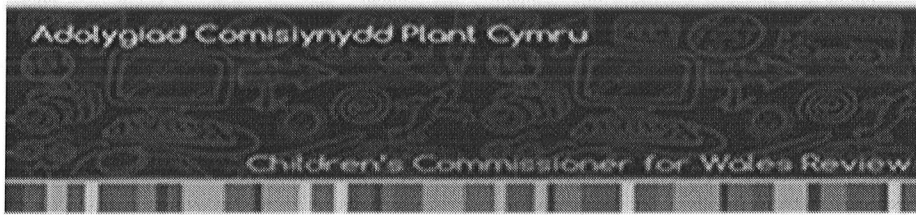
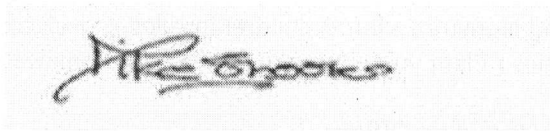
In December I will provide the Welsh Government with a report and recommendations across these six areas. To achieve this I will meet a range of people across Wales and beyond to listen to and seek to understand their views and perspectives on the Children's Commissioner. I would like to hear from as many people as possible. With this in mind, I am issuing my 'Call for Evidence'. This is intended to provide an opportunity to gather a range of in-depth information. Alongside the Call for Evidence, and as an alternative or supplementary option, we have also developed an online survey. The survey will consist mainly of yes/no questions with an option to expand on answers. Please feel free to use either - or both - engagement tools, as you see fit.

Children and young people are, of course, vital to the review. Two separate versions of the survey have also been specifically designed for different age groups (although it is of course open to children and young people to complete any of the other surveys). It would be great if you could encourage children and young people to feedback to us. If you work with children and young people you may wish to conduct your own workshop and to let us know how that goes. All documents are downloadable. I have also recently awarded a contract to deliver a large number of workshops for children and young people across Wales. Further details will appear shortly.

I would be grateful if you could circulate the Call for Evidence to your stakeholders. Please help ensure that voices are heard so I can make recommendations that build on and strengthen the role of the Children's Commissioner for Wales.

Tudalen y pecyn 89

You can complete the Call for Evidence [here](#).



Forward this email



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Lesley Griffiths AC / AM
Y Gweinidog Cymunedau a Threchu Tlodi
Minister for Communities and Tackling Poverty

Llywodraeth Cymru
Welsh Government

David Melding AM
Chair of the Constitutional and
Legislative Affairs Committee
National Assembly for Wales
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16 September 2014

Dear David

Financial Education and Inclusion (Wales) Bill

Thank you for your letter of 22 July inviting the Government to give evidence to the Constitutional and Legislative Affairs Committee on 22 September. In advance of my appearance before the Committee, I am grateful for the opportunity to provide you with my written evidence on the Bill.

I have copied this letter, and my evidence, to the Chair of the Children, Young People and Education Committee.

*Regards
Lesley*

Lesley Griffiths AC / AM
Y Gweinidog Cymunedau a Threchu Tlodi
Minister for Communities and Tackling Poverty

Constitutional and Legislative Affairs Committee: consideration of the Financial Education and Inclusion (Wales) Bill

Introduction

1. I understand the main intention of the Bill is preventative, namely to address the position where many people in Wales are falling into financial difficulty due to a lack of knowledge and skills in managing money. Whilst I fully support the aim of strengthening financial education and financial literacy, I do not consider the proposals in the Bill will result in anything additional to what is currently delivered. Indeed I am concerned the Bill may deflect from frontline delivery as it introduces new processes and, potentially, additional bureaucracy without a clear explanation of the measurable outcomes being sought.

Existing legislation

2. It is the case almost all the proposals in the Bill could be delivered using existing legislation. For example a Local Authority could use its general well-being powers in section 2(1) of the Local Government Act 2000 (“the 2000 Act”) to produce a strategy to promote financial inclusion. This provides every Local Authority in Wales with the power to do anything they consider likely to achieve the promotion or improvement of the economic, social or environmental well-being of their area. Arguably the promotion of financial inclusion would fall into promoting the economic and social well-being of their area. In addition, section 3(5) of the 2000 Act requires a Local Authority to have regard to any guidance issued by the Welsh Ministers before exercising their power. Guidance could potentially deal with the promotion of financial inclusion.
3. Local Authorities also currently have a duty under the Local Government (Wales) Measure 2009 (“the Measure”) to create a community strategy relating to long term objectives for improving the social, economic and environmental well-being of the area.
4. The Well-being of Future Generations (Wales) Bill (“the Future Generations Bill”) which has been recently introduced seeks to repeal provisions relating to community strategies and proposes to make provision in relation to new local well-being plans prepared by public service boards. Whilst the Future Generations Bill may be subject to amendment as part of the Assembly’s consideration, a number of the provisions in the Bill, as introduced, could be used by Local Authorities to promote financial inclusion.
5. The law on the curriculum in Wales is set out in Part 7 of the Education Act 2002 (“the 2002 Act”); section 101 of the 2002 Act sets out the requirements of the Basic Curriculum in Wales. That Basic Curriculum comprises of a number of different elements including the National Curriculum for Wales. The National Curriculum includes the foundation phase, the second, third and fourth key stages and the local curriculum. The specific subjects that form part of the National Curriculum for Wales are set out in sections 105 and 106 of the 2002 Act. Those subjects are called the foundation and core subjects.

6. There is a power in section 108 of the 2002 Act for the Welsh Ministers to set out by way of subordinate legislation areas of learning, desirable outcomes, educational programmes assessment arrangements for the foundation phase. That section also provides a power for the Welsh Ministers to set out in subordinate legislation programmes of learning, attainment targets and assessment arrangements for the foundation and core subjects in the key stages. In essence, this allows the Welsh Ministers to specify what must be taught and how it must be assessed. It is a means of being able to set out a complete National Curriculum for Wales. It is worth noting the power in section 108 of the 2002 Act was used to make the literacy and numeracy framework a statutory part of the National Curriculum.
7. Therefore, the Welsh Ministers already have extensive powers in existing education legislation to set out curriculum and assessment arrangements for the foundation phase and the key stages for the subjects required to be taught in those phases of education. The Welsh Ministers also have powers in existing education legislation to add new areas of learning to the foundation phase and new foundation subjects to the national curriculum for the key stages by way of subordinate legislation. Therefore, I consider sections 4 and 5 of the Bill to be an unnecessary duplication.
8. The Bill prescribes that financial inclusion strategy should include facilitating free access to online financial education and management services (whether through libraries or otherwise). However, Section 7 of the Public Libraries and Museums Act 1964 (“the 1964 Act”) imposes a duty on each library authority (which in practice is each Local Authority by virtue of section 4 of that Act) to provide a comprehensive and efficient library service; section 8 of the 1964 Act provides no charge shall be made by a library authority for library facilities made available by the authority, unless specified in regulations made by the Welsh Ministers¹ - currently the Library Charges (England and Wales) Regulations 1991 (“Library Charges Regulations”) make such provision.
9. 1964 Act and the Library Charges Regulations provide that libraries currently are able to charge for internet access. However, that position could change, given the Welsh Ministers have the executive powers to amend these Regulations which could be exercised so as to prevent libraries from charging for internet access.
10. The Fifth Framework of the Welsh Library Public Standards, issued by the Welsh Ministers, outlines the core entitlements public library services should provide. This includes “*free use of computers and the internet, including Wi-Fi.*”
11. Finally, there are existing legislative functions which have a similar effect as sections 7 and 11 of the Bill, namely provisions under the Children Act 1989 and the Children (Leaving Care) (Wales) Regulations 2001. There are also powers that will be able to be utilised under the Social Services and Well-Being (Wales) Act 2014 once that Act comes into force in respect of looked after children.

¹ Functions of the Secretary of State have been transferred to the National Assembly for Wales by the National Assembly for Wales (Transfer of Functions) Order 1999, and subsequently transferred to the Welsh Ministers by virtue of paragraph 30 of Schedule 11 to Government of Wales Act 2006

Detail of the Bill

12. Notwithstanding my position that this Bill is unnecessary, I remain to be convinced the Bill as drafted, conveys the policy intentions set out in the accompanying Explanatory Memorandum. For example, a Local Authority's financial inclusion strategy must set out how the Authority will use its powers to promote the financial inclusion of individuals who live in its area. 'Financial inclusion' is defined as meaning access to financial services and financial education at a reasonable cost. The intended relationship between commercial entities and local authorities in the exercise of this provision is not clear; who decides that a financial service is at a reasonable cost, and will this have the effect of the local authority '*promoting*' commercial products? Will an Authority come under pressure from, for example, a bank for not promoting its latest loan products which the bank considers is available at a reasonable cost?
13. Turning to section 5 of the Bill, I believe the Member in Charge considers the Welsh Ministers could make an order under section 108(3) of the Education Act 2002 setting out a programme of study, attainment targets and assessment arrangements for financial education. However, whilst section 4 of the Bill proposes financial education be made a new requirement of the Basic Curriculum (by means of adding it to section 101 of the 2002 Act), it is not made an area of learning for the foundation phase or a foundation subject for any of the key stages by the Bill. The power to set out curriculum and assessment arrangements by way of an order made under section 108(3) only applies to areas of learning and foundation subjects.
14. Further, the Bill seeks to impose a duty to consult upon financial education orders, but to do so creates some unnecessary duplication as it does not take account of section 117 of the 2002 Act. This places a duty upon the Welsh Ministers to consult such persons as they think appropriate when making an order under section 108, setting out desirable outcomes or educational programmes for the foundation phase or attainment targets or programmes of study for the key stages.
15. I am concerned some of the provisions in section 9 relating to the content of a Local Authority's financial inclusion strategy are ambiguous. For example, I am not clear as to what the 'implications and effects of street-trading and cold-calling' are, and how they relate to financial literacy (which is not defined), and it is not clear whether free access to the internet as a whole is to be facilitated, or access only to financial education and management services. Nor is it clear what financial education is to be provided on-line and by whom.
16. A further example of the Bill as introduced not necessarily meeting the policy intention can be seen in section 12 of the Bill. Under section 12(1) an Authority must signpost where to find advice about financial management, and under section 12 (2) the Local Authority may provide advice about financial management where it thinks the advice is not reasonably available otherwise. Therefore, there could be a situation where the Local Authority thinks there is not advice reasonably available in its area, but decides not to provide any such

advice itself. As drafted, the Bill does not make provision which ensures reasonable advice is provided within an authority's area.

17. Under section 13, a Local Authority must take reasonable steps to ensure universities and further education corporations in its area provide advice about financial management to students. I am concerned about this provision. Local Authorities have no direct relationship with either universities or further education corporations which would, in turn, give them authority to enforce this requirement. It is not a duty which would be within an Authority's power to discharge, nor could the duty be enforced. I am also concerned with the ambiguity of the drafting of this section: there are no definitions of the terms used; further education corporations are just one type of further education institution, and it is not clear why other ones are not included; it touches on the fundamental principle of the independence and autonomy of higher education and its position at arms length from government. The Welsh Government believes there are other, more effective ways of focussing resources on financial education, for both higher and further education. There already exists a broad range of provisions of financial education at both higher and further educational institutions in Wales, as part of pastoral and welfare services.

Powers to make subordinate legislation

18. As outlined above, financial education and inclusion can already be addressed in existing legislation. For example, there are detailed skills relating to managing money and financial education within the literacy and numeracy framework which has been in force since September 2013. These were developed in partnership with the Welsh Financial Education Unit, and through open consultation.

19. Also we have recently consulted on revisions to be made to the existing programmes of study which are given legal effect by way of subordinate legislation. In particular the mathematics programme of study, which embeds the literacy and numeracy framework into it, and again, has a detailed set of skills statements relating to financial education within the 'Manage money' element. By way of example, this element contains statements regarding using cash, comparing costs from different retailers, discounts, budgeting, planning and tracking savings accounts, profit and loss, bank accounts, bank cards, VAT, saving, borrowing, interest rates, exchange rates and insurance. This will be published in October 2014, and made statutory from September 2015.

20. In the interest of thoroughness, I would like to comment on the provisions for subordinate legislation within the Bill:

- a. *Section 6(2) and (3)*: Section 6 appears to duplicate what is effectively already provided for in legislation. Section 20 of the Education Act 2005 places a duty on Estyn to keep the Welsh Ministers informed about the quality of education provided by schools, how far the education provided meets the needs of the pupils in those schools and the educational standards achieved by those schools. In addition, Estyn has a duty to provide the Welsh Ministers with advice on such matters as they specify.

Additionally, the power in the Bill to 'direct' the Inspector to prepare the report is very limited in nature, and there is no discretion for the Welsh Ministers to specify how the Inspector should conduct the report, or what should be included.

It is also unusual to prepare a progress report by way of direction. The Welsh Ministers have several direction-making powers in education legislation but they apply where the person directed (a school governing body or Local Authority) has acted unreasonably or unlawfully. In those cases the legislation provides such direction can be enforced by way of a court order. The Bill does not do this, and therefore it is unclear how it could be legally enforced or indeed if the policy intention behind the provision is that it should be enforced by way of court order. It is also not clear whether the policy intention is that the direction-making power to be exercisable by subordinate legislation or to be exercised more in the nature of executive instruction enforceable by the courts.

Finally, the approach does not seem to take proper account of the existing statutory scheme of powers and duties of Estyn set out in the Education Act 2005.

- b. *Section 9(2) and (3)*: under these provisions the Welsh Ministers may by way of regulations, made following consultation with Local Authorities, amend the prescribed content of a financial inclusion strategy made under section 9(1) of the Bill.

Notwithstanding my view such a strategy is unnecessary, to the extent that provision is made I consider that the proposal which allows the Welsh Ministers some flexibility in deciding what should be included in the strategy is acceptable. This is because it will allow account to be taken of the changing landscape; I do however have some concerns with the way the power has been drafted, given: the power in section 9(2) is very wide. The Assembly in passing the Bill should be satisfied it can contemplate what a power is likely to be used for. I would be interested in understanding how the Member in Charge of the Bill envisages this power should be used and in what circumstances, so the Government can consider whether the way this provision is drafted is suitable for its purpose.

- c. *Section 10*: this enables the Welsh Ministers to issue guidance about financial inclusion strategies and requires a Local Authority to have regard to any guidance issued. The Welsh Ministers already have the powers to promote financial inclusion and to require a local authority to have regard to any guidance issued by the Welsh Ministers before exercising their power, and therefore the power provided for in the Bill is unnecessary.

Commencement provisions

21. I have considered carefully the commencement provision in the Bill, and make the following observations:

- a. Firstly, it is proposed a commencement order containing solely commencement and transitional, transitory or saving provisions would be subject to Assembly procedure. This is unusual. The Assembly has already approved the subject matter of the Act by passing it, such that further scrutiny would not, I believe, be appropriate. The standard approach is that commencement orders are not subject to any procedure, on the basis they are giving effect to provisions already approved by the Assembly. The same reasoning applies to, in particular, transitional, transitory or saving provisions, which are included in a commencement order to ensure the proper operation of the Act being brought into force, and ensure it is clear when the old law and new law apply. Therefore my first concern relates to the *principle* of whether a commencement order should be subject to Assembly procedure.
- b. My second concern is in relation to its practical application; it is not clear what the procedure would be if the Assembly passed a motion for annulment, by virtue of the order being subject to the negative procedure, once any commencement order had been made and had come into force. The Welsh Ministers would have to lay an order revoking the commencement order; this would not affect the validity of anything done whilst the provision was in force, and would not have the effect of 'undoing' the commencement, but would remove the effect of any transitional provisions which would leave the position of those persons affected by the law very unclear.
- c. Thirdly, section 14(3) refers to an order under section 14(2)(b), however, the power to create the order is contained in section 14(1)(a).
- d. Finally, section 14(4) of the Bill provides that provisions will come into force in January 2018 if not in force at that time. This is a restriction on the Welsh Ministers' powers to decide when the circumstances are right to commence the provisions of the Bill. I do not support this provision.

22. I do not consider this commencement provision as drafted is appropriate.

Matters of legislative competence

23. The provisions of the Bill, particularly as drafted, do need careful consideration to determine whether they might potentially fall with the following express exception in Schedule 7 to the Government of Wales Act 2006, namely "Financial services, including investment business, banking and deposit-taking, collective insurance schemes and insurance". I note simply at this point that the Explanatory Memorandum contains no such analysis.

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Eitem 6.1

Yn rhinwedd paragraff(au) vi o Reol Sefydlog 17.42

Mae cyfyngiadau ar y ddogfen hon

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