CYNULLIAD CENEDLAETHOL CYMRU

MEMORANDWM CYWIRIADAU YN UNOL Â

RHEOL SEFYDLOG 22.13

Rheoliadau Echdynion Coffi ac Echdynion Sicori (Cymru) 2001

Y Cefndir

Cafodd y Rheoliadau drafft hyn eu gosod gerbron Cynulliad Cenedlaethol Cymru ar 21 Mawrth 2001, eu hystyried gan y Pwyllgor Busnes ar 20 Mawrth 2001 a chan y Pwyllgor Deddfau ar 27 Mawrth 2001.

Nododd Cynghorwyr Cyfreithiol y Pwyllgor Deddfau fod angen newidiadau drafftio penodol cyn cyfarfod y Pwyllgor ac awgrymwyd diwygiadau yn sgil hynny.

Cyflwynwyd adroddiad am y diwygiadau a chytunwyd arnynt gan y Pwyllgor Deddfau yn ei gyfarfod ar 27 Mawrth 2001, i'r Cynulliad eu hystyried fel a ganlyn:-

Y Diwygiadau

1. Y Rheoliadau cyfan

Diwygiad 1 – Hepgorwch y fersiwn gyfan o'r Rheoliadau hyn a osodwyd gan roi'r drafft sydd wedi'i atodi i'r Memorandwm hwn yn ei lle.

Y Rheswm dros y Diwygiadau

1. Mân wall drafftio o ran methu â chyfieithu geiriau penodol i'r Gymraeg (heblaw'r termau hynny sydd wedi'u diffinio yn Saesneg mewn deddfwriaeth arall, ac na ellir eu cyfieithu) yng Ngholofn 1 o'r Atodlen Gymraeg. Mae hwn wedi'i gywiro yn y drafft sydd wedi'i atodi.

2. Gwall teipograffyddol. Mae'r fersiwn a osodwyd wedi'i llygru gyda'r canlyniad bod yr Atodlen Gymraeg wedi'i cholli o'r fersiwn hon a bod diwyg y Rheoliadau wedi'i newid yn llwyr. Mae angen disodli'r testun cyfan felly (er nad oes unrhyw newidiadau wedi'u gwneud i'r geiriad ei hun heblaw'r rhai y cytunwyd arnynt gan y Pwyllgor Deddfau).

28 Mawrth 2001

JANE HUTT

GWEINIDOG CYNULLIAD

NATIONAL ASSEMBLY FOR WALES

MEMORANDUM OF CORRECTIONS PURSUANT TO

STANDING ORDER 22.13

The Coffee Extracts and Chicory Extracts (Wales) Regulations 2001

Background

These Draft Regulations were laid before the National Assembly for Wales on 21st March 2001, considered by the Business Committee on 20th March 2001 and by the Legislation Committee on 27th March 2001.

The need for certain drafting changes was identified by the Legal Advisers to the Legislation Committee prior to the Committee's meeting and amendments suggested in consequence.

The amendments were reported and agreed by the Legislation Committee in its meeting on the 27th March 2001, for consideration by the Assembly as follows:-

Amendments

1. The whole of the Regulations

Amendment 1 - Omit the entire laid version of these Regulations and replace with the draft annexed to this Memorandum.

Reason for the Amendments

1. Minor drafting defect in failing to translate into Welsh certain words (other than those terms which are defined in English in other legislation, and cannot be translated) in Column 1 of the Welsh text Schedule. This is rectified in the attached draft.

2. Typographical error. The laid version has become corrupted with the result that the Welsh text schedule

has been lost from this version and the format of the Regulations has been completely altered. It is therefore necessary to replace the entire text (although no changes are made to the actual wording other than those agreed by the Legislation Committee).

28th March 2001

JANE HUTT

ASSEMBLY MINISTER

CYNULLIAD CENEDLAETHOL CYMRU		**NATIONAL ASSEMBLY FOR WALES**
OFFERYNNAU **STATUDOL**		**S T A T U T O R Y** **I N S T R U M E N T S**
2001 Rhif (Cy.)		**2001 No. (W.)**
BWYD, CYMRU		**FOOD, WALES**
Rheoliadau Echdynion Coffi ac Echdynion Sicori (Cymru) 2001		**The Coffee Extracts and Chicory Extracts (Wales) Regulations 2001**
NODYN ESBONIADOL *(Nid yw'r nodyn hwn yn rhan o'r Rheoliadau)*		**EXPLANATORY NOTE** *(This note does not form part of the Regulations)*

1. Mae'r Rheoliadau hyn, sy'n gymwys i Gymru, yn gweithredu Cyfarwyddeb 1999/4/EC Senedd Ewrop a'r Cyngor mewn perthynas ag echdynion coffi ac echdynion sicori (OJ Rhif L66, 13.3.1999, t.26). Maent yn diddymu Rheoliadau Coffi a Chynhyrchion Coffi 1978, fel y'u diwygiwyd, mewn perthynas â Chymru, ac yn eu disodli.		**1.** These Regulations, which apply to Wales, implement Directive 1999/4/EC of the European Parliament and the Council relating to coffee extracts and chicory extracts (OJ No. L66,13.3.1999, p.26). They revoke and replace the Coffee and Coffee Products Regulations 1978, as amended, in relation to Wales.
2. Mae'r Rheoliadau -		**2**. The Regulations -
(a) yn rhagnodi diffiniadau a disgrifiadau neilltuedig ar gyfer echdynion coffi ac echdynion sicori (*rheoliad 2 a'r Atodlen)*;		(a) prescribe definitions and reserved descriptions for coffee extracts and chicory extracts (*regulation 2 and the Schedule*);
(b) yn darparu bod y Rheoliadau yn gymwys i echdynion coffi ac echdynion sicori sy'n barod i'w danfon i'r defnyddiwr olaf neu i sefydliad arlwyo, ac eithrio'r cynnyrch a elwir *café torrefacto soluble (rheoliad 3)*;		(b) provide for the Regulations to apply to coffee extracts and chicory extracts ready for delivery to the ultimate consumer or to a catering establishment, except for the product known as *café torrefacto soluble* (*regulation 3*);
(c) yn cyfyngu ar werthu bwyd sy'n dwyn disgrifiad neilltuedig heblaw bwyd y mae'r disgrifiad yn berthnasol iddo *(rheoliad 4)*;		(c) restrict the sale of food bearing a reserved description other than food to which the description relates (*regulation 4*);

	(ch) yn ei gwneud yn ofynnol i ddisgrifiadau neilltuedig a datganiadau penodedig gael eu cymhwyso at gynhyrchion dynodedig, ac yn rhagnodi'r dull sydd i'w ddefnyddio i'w marcio neu i'w labelu; mae darpariaethau penodol yn Rheoliadau Labelu Bwyd 1996, sy'n llywodraethu dull labelu echdynion coffi ac echdynion sicori ac eithrio i'r graddau y ceir darpariaeth benodol ar ei gyfer yn y Rheoliadau hyn, yn cael eu cymhwyso at y gofynion penodol hyn *(rheoliadau 5 a 6)*;		(d) require reserved descriptions and specified declarations to be applied to designated products, and prescribe the manner of marking or labelling to be employed; certain provisions of the Food Labelling Regulations 1996, which govern the labelling of coffee extracts and chicory extracts except so far as specifically provided for in these Regulations, are applied to these specific requirements (*regulations 5 and 6*);
	(d) yn darparu ar gyfer cosbau a gorfodi, yn cynnwys darpariaeth drosiannol, ac amddiffyniad mewn perthynas ag allforion (yn unol ag Erthyglau 2 a 3 o Gyfarwyddeb y Cyngor 89/397/EEC (OJ Rhif L186, 30.6.89, t.23) ar reoli bwydydd yn swyddogol), yn cymhwyso darpariaethau amrywiol Deddf Diogelwch Bwyd 1990 ac yn gwneud diwygiadau a diddymiadau *(rheoliadau 7 i 11)*.		(e) provide for penalties and enforcement, include a transitional provision, and a defence in relation to exports (in accordance with Articles 2 and 3 of Council Directive 89/397/EEC (OJ No. L186, 30.6.89, p.23) on the official control of foodstuffs), apply various provisions of the Food Safety Act 1990 and make amendments and revocations (*regulations 7 to 11*).

3. Mae arfarniad rheoleiddiol ar gyfer y Rheoliadau hyn wedi'i baratoi yn unol ag adran 65 o Ddeddf Llywodraeth Cymru 1998 ac wedi'i roi yn Llyfrgell Cynulliad Cenedlaethol Cymru. Gellir cael copïau oddi wrth yr Asiantaeth Safonau Bwyd, Llawr 1, Southgate House, Caerdydd CF10 1EW.		**3.** A regulatory appraisal for these Regulations has been prepared pursuant to section 65 of the Government of Wales Act 1998 and placed in the Library of the National Assembly for Wales. Copies may be obtained from the Food Standards Agency, 1st Floor, Southgate House, Cardiff CF10 1EW.

OFFERYNNAU **STATUDOL**		**S T A T U T O R Y** **I N S T R U M E N T S**
2001 Rhif (Cy.)		**2001 No. (W.)**
BWYD, CYMRU		**FOOD, WALES**
Rheoliadau Echdynion Coffi ac Echdynion Sicori (Cymru) 2001		**The Coffee Extracts and Chicory Extracts (Wales) Regulations 2001**
Wedi'u gwneud 2001 *Yn dod i rym 2001*		*Made 2001* *Coming into force 2001*

Drwy arfer y pwerau a roddir gan adrannau 16(1)(a) ac (e), 17(1), 26(1) a (3) a 48(1) o Ddeddf Diogelwch Bwyd 1990**(a)** ac sydd wedi'u breinio bellach yng Nghynulliad Cenedlaethol Cymru**(b)** , mae Cynulliad Cenedlaethol Cymru, ar ôl rhoi sylw yn unol ag adran 48(4A) o'r Ddeddf honno i gyngor perthnasol a roddwyd gan yr Asiantaeth Safonau Bwyd ac ar ôl ymgynghori yn unol ag adran 48(4) a (4B) o'r Ddeddf honno yn gwneud y Rheoliadau canlynol: **Enwi, cychwyn a chymhwyso**		In exercise of the powers conferred by sections 16(1)(a) and (e), 17(1), 26(1) and (3) and 48(1) of the Food Safety Act 1990 **(a)** and now vested in the National Assembly for Wales **(b)**, the National Assembly for Wales, having had regard in accordance with section 48(4A) of that Act to relevant advice given by the Food Standards Agency and after consultation in accordance with section 48(4) and (4B) of that Act, makes the following Regulations: **Citation, commencement and application**
1. Enw'r Rheoliadau hyn yw Rheoliadau Echdynion Coffi ac Echdynion Sicori (Cymru) 2001, deuant i rym ar [ ] 2001 a byddant yn gymwys i Gymru.		**1.** These Regulations may be cited as the Coffee Extracts and Chicory Extracts (Wales) Regulations 2001, shall come into force on [ ] 2001 and shall apply to Wales.

Dehongli

2.-(1) Yn y Rheoliadau hyn -

ystyr "cynnyrch dynodedig" *("designated product")* yw unrhyw fwyd a bennir yng ngholofn 2 o Ran I neu II o'r Atodlen (fel y'u darllenir ynghyd ag unrhyw Nodyn yn y colofnau hynny sy'n ymwneud â'r bwyd hwnnw) ond nid yw'n cynnwys unrhyw gynnyrch sy'n cynnwys bwyd o'r fath fel cynhwysyn ac sy'n cael ei werthu, ei anfon neu ei ddanfon fel cynnyrch cyfansawdd;

Interpretation

2. -(1) In these Regulations -

"the Act" *("y Ddeddf")* means the Food Safety Act 1990;

"chicory" *("sicori")* means the roots of *Cichorium Intybus L.,* other than the roots of plants used for the production of witloof chicory, and which have been suitably cleaned, dried and roasted;

"chicory extract" *("echdynnyn sicori")* means the concentrated product obtained by extraction from roasted chicory using only water as the method of extraction (excluding any process of hydrolysis involving the addition of an acid or a base);

ystyr "disgrifiad neilltuedig" *("reserved description")*, mewn perthynas ag unrhyw gynnyrch dynodedig, yw unrhyw ddisgrifiad a bennir mewn perthynas â'r cynnyrch hwnnw yng ngholofn 1 o Ran I neu II o'r Atodlen a dehonglir y defnydd ar unrhyw ddisgrifiad o'r fath yn y Rheoliadau hyn i olygu'r cynnyrch dynodedig a bennir mewn perthynas â'r disgrifiad hwnnw yng ngholofn 2 o'r Rhan honno;

"coffee extract" *("echdynnyn coffi")* means the concentrated product obtained by extraction from roasted coffee beans using only water as the medium of extraction (excluding any process of hydrolysis involving the addition of an acid or a base) and which contains only the soluble and aromatic constituents of coffee, apart from those insoluble substances which it is impossible to remove and insoluble oils derived from coffee;

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

"designated product" *("cynnyrch dynodedig")* means any food specified in column 2 of Part I or II of the Schedule (as read with any Note in those columns relating to that food) but does not include any product which contains such a food as an ingredient and which is sold, consigned or delivered as a compound product;

ystyr "echdynnyn coffi" *("coffee extract")* yw'r cynnyrch crynodedig a geir drwy echdynnu o ffa coffi sydd wedi'u rhostio gan ddefnyddio dr yn unig fel y cyfrwng echdynnu (ac eithrio unrhyw broses hydrolysis sy'n cynnwys ychwanegu asid neu fas) ac sy'n cynnwys cyfansoddion toddadwy ac aromatig coffi yn unig, heblaw'r sylweddau annhoddadwy hynny y mae'n amhosibl eu gwaredu ac olewau annhoddadwy sy'n deillio o goffi;

"the 1996 Regulations" *("Rheoliadau 1996")* means the Food Labelling Regulations 1996 **(c)**;

ystyr "echdynnyn sicori" *("chicory extract")* yw'r cynnyrch crynodedig a geir drwy echdynnu o sicori sydd wedi'i rostio gan ddefnyddio dr yn unig fel y dull echdynnu (ac eithrio unrhyw broses hydrolysis sy'n cynnwys ychwanegu asid neu fas);

"reserved description" *("disgrifiad neilltuedig")*, as respects any designated product, means any description specified in relation to that product in column 1 of Part I or II of the Schedule and the use of any such description in these Regulations shall be construed as meaning the designated product specified in relation to that description in column 2 of that part;

mae "gwerthu" *("sell")* yn cynnwys cynnig neu ddatgelu i werthu neu feddiannu i werthu a dehonglir "gwerthu" yn unol â hynny;

"sell" *("gwerthu")* includes offer or expose for sale or have in possession for sale, and a "sale" shall be construed accordingly.

ystyr "Rheoliadau 1996" *("the 1996 Regulations")* yw Rheoliadau Labelu Bwyd 1996**(c)**;

ystyr "sicori" *("chicory")* yw gwreiddiau *Cichorium Intybus L.*, heblaw gwreiddiau planhigion sy'n cael eu defnyddio ar gyfer cynhyrchu sicori *witloof*, ac sydd wedi'u glanhau, eu sychu a'u rhostio'n briodol.

(2) Mae'r holl gyfrannau a grybwyllir yn y Rheoliadau hyn yn gyfrannau a gyfrifir yn ôl eu pwysau ac, oni bai bod y cyd-destun yn mynnu fel arall, fe'u cyfrifir yn ôl cyfanswm pwysau'r cynnyrch.

(2) All proportions mentioned in these Regulations are proportions calculated by weight and, unless the context otherwise requires, are calculated on the total weight of the product.

(3) Rhaid dehongli unrhyw gyfeiriad yn y Rheoliadau hyn at yr Atodlen fel cyfeiriad at yr Atodlen i'r Rheoliadau hyn.

(3) Any reference in these Regulations to the Schedule shall be construed as a reference to the Schedule to these Regulations.

Cwmpas y Rheoliadau

Scope of Regulations

3.-(1) Yn ddarostyngedig i baragraff (2) isod, mae'r Rheoliadau hyn yn gymwys i echdynion coffi ac echdynion sicori sy'n barod i'w danfon i'r defnyddiwr olaf neu i sefydliad arlwyo.

(2) Nid yw'r Rheoliadau hyn yn gymwys i'r cynnyrch a elwir *café torrefacto soluble*.

(3) Yn y rheoliad hwn -

ystyr "defnyddiwr olaf" *("ultimate customer")* yw unrhyw berson sy'n prynu heblaw -

(a) er mwyn ailwerthu,

(b) at ddibenion sefydliad arlwyo, neu

(c) at ddibenion busnes gweithgynhyrchu;

mae "paratoi" *("preparation")* yn cynnwys gweithgynhyrchu ac unrhyw ffurf ar brosesu neu driniaeth; ac

ystyr "sefydliad arlwyo" *("catering establishment")* yw bwyty, cantîn, clwb, tafarn, ysgol, ysbyty neu sefydliad tebyg (gan gynnwys cerbyd neu stondin sefydlog neu symudol) y mae bwyd yn cael ei baratoi ynddynt, wrth gynnal busnes, i'w ddanfon i'r defnyddiwr olaf ac sy'n barod i'w fwyta heb unrhyw waith paratoi pellach.

Disgrifiadau neilltuedig

3.-(1) Subject to paragraph (2) below, these Regulations apply to coffee extracts and chicory extracts which are ready for delivery to the ultimate consumer or to a catering establishment.

(2) These Regulations do not apply to the product known as *café torrefacto soluble*.

(3) In this regulation -

"catering establishment" *("sefydliad arlwyo")* means a restaurant, canteen, club, public house, school, hospital or similar establishment (including a vehicle or a fixed or mobile stall) where, in the course of a business, food is prepared for delivery to the ultimate consumer and is ready for consumption without further preparation;

"preparation" *("paratoi")* includes manufacture and any form of processing or treatment; and

"ultimate consumer" *("defnyddiwr olaf")* means any person who buys otherwise than -

(a) for the purpose of resale,

(b) for the purposes of a catering establishment, or

(c) for the purposes of a manufacturing business.

Reserved descriptions

4. Ni chaiff neb roi label gydag unrhyw fwyd a werthir ganddo, na'i arddangos gydag unrhyw fwyd a gynigir neu a ddatgelir ganddo i'w werthu neu sydd yn ei feddiant er mwyn ei werthu, p'un a yw'r label ynghlwm wrth y papur lapio neu'r cynhwysydd neu wedi'i argraffu arnynt, sef papur lapio neu gynhwysydd sy'n dwyn neu'n cynnwys unrhyw ddisgrifiad neilltuedig neu unrhyw ddeilliad ohono neu unrhyw air neu ddisgrifiad sy'n sylweddol debyg iddo neu a ffurfir ohonynt oni bai -

(a) mai'r bwyd hwnnw yw'r cynnyrch dynodedig y mae'r disgrifiad neilltuedig yn berthnasol iddo;

(b) bod y disgrifiad, y deilliad neu'r gair hwnnw yn cael ei ddefnyddio mewn cyd-destun a fyddai'n dangos yn ddiamwys neu drwy oblygiad clir mai dim ond un o gynhwysion y bwyd hwnnw yw'r sylwedd y mae'n berthnasol iddo; neu

(c) bod y disgrifiad, y deilliad neu'r gair hwnnw yn cael ei ddefnyddio mewn cyd-destun a fyddai'n dangos yn ddiamwys neu drwy oblygiad clir nad yw'r bwyd hwnnw yn gynnyrch dynodedig nac yn cynnwys cynnyrch o'r fath.

Labelu a disgrifio cynhyrchion dynodedig

4. No person shall give with any food sold by him or her, or display with any food offered or exposed by him or her for sale or in his or her possession for the purpose of sale, a label, whether or not attached to or printed on the wrapper or container, which bears, comprises or includes any reserved description or any derivative thereof or any word or description substantially similar thereto unless -

(a) such food is the designated product to which the reserved description relates;

(b) such description, derivative or word is used in such a context as to indicate explicitly or by clear implication that the substance to which it relates is only an ingredient of that food; or

(c) such description, derivative or word is used in such a context as to indicate explicitly or by clear implication that such food is not and does not contain a designated product.

Labelling and description of designated products

5.-(1) Heb ragfarnu Rheoliadau 1996, ni chaiff neb werthu unrhyw gynnyrch dynodedig oni bai ei fod wedi'i farcio neu wedi'i labelu â'r manylion canlynol -

(a) yn ddarostyngedig i baragraff (2) isod, disgrifiad neilltuedig o'r cynnyrch, sef yr enw a ragnodir gan y gyfraith ar gyfer y cynnyrch hwnnw at ddibenion rheoliad 6(1) o Reoliadau 1996;

(b) y gair "decaffeinated" yn achos cynnyrch a bennir yng ngholofn 2 o Ran I o'r Atodlen sydd wedi bod drwy broses ddigaffeinio ac nad yw'r caffein anhydrus gweddilliol sydd ynddo yn fwy na 0.30% o'r sylwedd sych ynddo sy'n deillio o goffi;

(c) yn achos cynnyrch a bennir yn eitem 3 o golofn 2 o Ran I neu II o'r Atodlen y mae siwgr wedi'i ddefnyddio ynddo, y geiriau "with X", "preserved with X", "with added X" neu "roasted with X", fel y bo'n briodol, ac "X" yw enw'r cynnyrch siwgr a ddefnyddiwyd, a'r enw hwnnw fydd disgrifiad neilltuedig y cynnyrch hwnnw a bennir mewn perthynas ag ef yn Rheoliadau Cynhyrchion Siwgr Penodedig 1976**(ch)** neu, os nad oes gan y cynnyrch siwgr unrhyw ddisgrifiad neilltuedig o'r fath, enw'r cynnyrch a fyddai'n cael ei ddefnyddio, yn unol â Rheoliadau 1996, fel enw'r

5.–(1) Without prejudice to the 1996 Regulations, no person shall sell any designated product unless it is marked or labelled with the following particulars -

(a) subject to paragraph (2) below, a reserved description of the product which shall be the name prescribed by law for that product for the purposes of regulation 6(1) of the 1996 Regulations;

(b) the word "decaffeinated" in the case of a product specified in column 2 of Part I of the Schedule which has been subjected to a decaffeination process and in which the residual anhydrous caffeine content does not exceed 0.30% of its coffee-based dry matter content;

(c) in the case of a product specified in item 3 of column 2 of Part I or II of the Schedule in which sugar has been used, the words "with X", "preserved with X", "with added X" or "roasted with X", as appropriate, "X" being the name of the sugar product used, which name shall be the reserved description of that product specified in relation thereto in the Specified Sugar Products Regulations 1976**(d)** or, if the sugar product has no such reserved description, the name of the product

bwyd, petai'r cynnyrch siwgr ei hun yn cael ei werthu fel bwyd;

which if the sugar product were itself being sold as a food would be used, pursuant to the 1996 Regulations, as the name of the food;

(ch) yn achos cynnyrch a bennir yn eitem 2 neu 3 o golofn 2 o Ran I o'r Atodlen, datganiad o leiafswm y sylwedd sych ynddo sy'n deillio o goffi wedi'i fynegi fel canran; a

(d) in the case of a product specified in item 2 or 3 of column 2 of Part I of the Schedule, a declaration of the minimum coffee–based dry matter content expressed as a percentage; and

(d) yn achos cynnyrch a bennir yn eitem 2 neu 3 o golofn 2 o Ran II o'r Atodlen, datganiad o leiafswm y sylwedd sych ynddo sy'n deillio o sicori wedi'i fynegi fel canran.

(e) in the case of a product specified in item 2 or 3 of column 2 of Part II of the Schedule, a declaration of the minimum chicory–based dry matter content expressed as a percentage.

(2) Yn achos cynnyrch a bennir yn eitem 3 o golofn 2 o Ran I o'r Atodlen sy'n cynnwys mwy na 25% o sylwedd sych sy'n deillio o goffi ac yn achos cynnyrch a bennir yn eitem 3 o golofn 2 o Ran II o'r Atodlen sy'n cynnwys mwy na 45% o sylwedd sych sy'n deillio o sicori, gellir ychwanegu'r gair "concentrated" at y disgrifiad neilltuedig.

(2) In the case of a product specified in item 3 of column 2 of Part I of the Schedule containing more than 25% coffee–based dry matter and of a product specified in item 3 of column 2 of Part II of the Schedule containing more than 45% chicory–based dry matter, the word "concentrated" may be added to the reserved description.

(3) Bydd yr wybodaeth sy'n ofynnol gan baragraff 1(b) ac (c) uchod yn yr un maes gweledigaeth â'r disgrifiad neilltuedig sy'n ofynnol gan baragraff (1)(a) uchod.

(3) The information required by paragraph (1) (b) and (c) above shall be in the same field of vision as the reserved description required by paragraph (1)(a) above.

Dull marcio neu labelu

Manner of marking or labelling

6. Bydd Rheoliadau 35, 36(1) a (5) a 38 o Reoliadau 1996 (sy'n ymwneud â dull marcio neu labelu bwyd) yn gymwys i'r manylion y mae'n ofynnol marcio neu labelu cynnyrch dynodedig â hwy o dan reoliad 5 o'r Rheoliadau hyn fel petaent yn fanylion y byddai'n ofynnol marcio neu labelu'r bwyd â hwy o dan Reoliadau 1996.

6. Regulations 35, 36(1) and (5) and 38 of the 1996 Regulations (which relate to the manner of marking or labelling of food) shall apply to the particulars with which a designated product is required to be marked or labelled by regulation 5 of these Regulations as if they were particulars with which food is required to be marked or labelled by the 1996 Regulations.

Cosbi a gorfodi

Penalties and enforcement

7.-(1) Os bydd unrhyw berson yn torri unrhyw un o ddarpariaethau'r Rheoliadau hyn neu'n methu â chydymffurfio â hwy, bydd y person hwnnw'n euog o dramgwydd a bydd yn agored, o'i gollfarnu'n ddiannod, i ddirwy heb fod yn fwy na lefel 5 ar y raddfa safonol.

7.–(1) If any person contravenes or fails to comply with any of the provisions of these Regulations that person shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale.

(2) Bydd pob awdurdod bwyd yn gorfodi'r darpariaethau hynny yn ei ardal ac yn eu gweithredu.

(2) Each food authority shall enforce and execute such provisions in its area.

(3) Rhaid i'r dulliau a ddefnyddir i benderfynu faint o garbohydrad rhydd a thoddadwy a gynhwysir mewn echdynion coffi gydymffurfio â pharagraffau 1 a 2 o'r Atodiad i Gyfarwyddeb y Cyngor 85/591/EEC**(d)** ynghylch cyflwyno dulliau Cymunedol o samplu a dadansoddi ar gyfer monitro bwydydd i bobl eu bwyta a rhaid iddynt gael eu dilysu neu eu safoni.

(3) The methods used to determine the free and soluble carbohydrate content of coffee extracts shall be in conformity with paragraphs 1 and 2 of the Annex to Council Directive 85/591/EEC**(e)** concerning the introduction of Community methods of sampling and analysis for the monitoring of foodstuffs for human consumption and shall be validated or standardised.

Darpariaeth drosiannol

8. Mewn unrhyw achos am dramgwydd o dan y Rheoliadau hyn bydd yn amddiffyniad i'r person a gyhuddir brofi -

(a) bod y bwyd o dan sylw wedi'i farcio neu wedi'i labelu cyn 13 Medi 2001, a

(b) na fyddai'r materion a oedd yn creu'r tramgwydd honedig wedi bod yn dramgwydd o dan Reoliadau Coffi a Chynhyrchion Coffi 1978**(dd)** petai'r Rheoliadau hynny wedi bod ar waith pan gafodd y bwyd ei farcio neu ei labelu.

Transitional provision

8. In any proceedings for an offence under these Regulations it shall be a defence for the person charged to prove that -

(a) the food concerned was marked or labelled before 13th September 2001, and

(b) the matters constituting the alleged offence would not have constituted an offence under the Coffee and Coffee Products Regulations 1978**(f)** if those Regulations had been in operation when the food was marked or labelled.

Amddiffyniad mewn perthynas ag allforion

9. Mewn unrhyw achos am dramgwydd o dan y Rheoliadau hyn bydd yn amddiffyniad i'r person a gyhuddir brofi y bwriadwyd i'r bwyd yr honnir bod y tramgwydd wedi'i gyflawni mewn perthynas ag ef gael ei allforio i wlad (heblaw Aelod-wladwriaeth) a chanddi ddeddfwriaeth sy'n cyfateb i'r Rheoliadau hyn a bod y bwyd yn cydymffurfio â'r ddeddfwriaeth honno.

Defence in relation to exports

9. In any proceedings for an offence under these Regulations it shall be a defence for the person charged to prove that the food in respect of which the offence is alleged to have been committed was intended for export to a country (other than a Member State) which has legislation analogous to these Regulations and that the food complies with that legislation.

Cymhwyso amryw o ddarpariaethau Deddf Diogelwch Bwyd 1990

Application of various provisions of the Food Safety Act 1990

10. Bydd darpariaethau canlynol y Ddeddf yn gymwys at ddibenion y Rheoliadau hyn ac, oni fydd y cyd-destun yn mynnu fel arall, dehonglir unrhyw gyfeiriad yn y darpariaethau hynny at y Ddeddf neu Ran ohoni at ddibenion y Rheoliadau hyn fel cyfeiriad at y Rheoliadau hyn -

(a) adran 2 (ystyr estynedig gwerthu, etc.);

(b) adran 3 (rhagdybiaethau bod bwyd wedi'i fwriadu i bobl ei fwyta);

(c) adran 20 (tramgwyddau oherwydd bai person arall);

(ch) adran 21 (amddiffyniad diwydrwydd dyladwy) fel y'i cymhwysir at ddibenion adran 8, 14 neu 15 o'r Ddeddf;

(d) adran 22 (amddiffyniad cyhoeddi wrth gynnal busnes);

(dd) adran 30(8) (sy'n ymwneud â thystiolaeth ddogfennol);

(e) adran 33 (rhwystro, etc. swyddogion);

(f) adran 35(1) i (3) (cosbi tramgwyddau) i'r graddau y mae'n ymwneud â thramgwyddau o dan adran 33 (1) a (2) fel y'i cymhwysir gan baragraff (e) uchod;

(ff) adran 36 (tramgwyddau gan gyrff corfforaethol); ac

(g) adran 44 (diogelu swyddogion sy'n gweithredu'n ddidwyll).

10. The following provisions of the Act shall apply for the purposes of these Regulations and, unless the context otherwise requires, any reference in those provisions to the Act or Part thereof shall be construed for the purposes of these regulations as a reference to these Regulations -

(a) section 2 (extended meaning of sale, etc.);

(b) section 3 (presumptions that food is intended for human consumption);

(c) section 20 (offences due to fault of another person);

(d) section 21 (defence of due diligence) as it applies for the purposes of section 8, 14 or 15 of the Act;

(e) section 22 (defence of publication in the course of business);

(f) section 30(8) (which relates to documentary evidence);

(g) section 33 (obstruction, etc. of officers);

(h) section 35(1) to (3) (punishment of offences) in so far as it relates to offences under section 33 (1) and (2) as applied by paragraph (g) above;

(i) section 36 (offences by bodies corporate); and

(j) section 44 (protection of officers acting in good faith).

Diwygio a diddymu

11.-(1) Yn Rheoliadau 1996 (i'r graddau y maent yn gymwys i Gymru) yn rheoliad 4(2) (cwmpas Rhan II) hepgorir is-baragraff (e).

(2) Hepgorir y cofnodion canlynol sy'n ymwneud â Rheoliadau Coffi a Chynyrchion Coffi 1978 (i'r graddau y mae'r Rheoliadau canlynol yn gymwys i Gymru) -

(a) yn Rheoliadau Bwyd (Diwygio Cosbau) 1982**(e)**, yn Atodlen 1;

(b) yn Rheoliadau Bwyd (Diwygio Cosbau)1985**(f)**, yn Atodlen 1, Rhan I;

(c) yng Ngorchymyn Deddf Diogelwch Bwyd 1990 (Addasiadau Canlyniadol) (Cymru a Lloegr) 1990**(ff)**, yn Atodlen 1, Rhan I, Atodlen 2, Atodlen 3, Rhan I ac Atodlenni 6 a 12;

(ch) yn Rheoliadau Diogelwch Bwyd (Allforion) 1991**(g)**, yn Atodlen 1, Rhan I;

(d) yn Rheoliadau Bwyd (Esemptiadau'r Lluoedd) (Diddymiadau) 1992**(ng)**, yn Atodlen 1, Rhan I;

(dd) yn Rheoliadau Ychwanegion Bwyd Amrywiol 1995**(h)**, yn Atodlen 9;

Amendment and revocation

11.-(1) In the 1996 Regulations (in so far as they apply to Wales) in regulation 4(2) (scope of Part II) sub–paragraph (e) shall be omitted.

(2) The following entries relating to the Coffee and Coffee Products Regulations 1978 shall (in so far as the following Regulations apply to Wales), be omitted -

(a) in the Food (Revision of Penalties) Regulations 1982**(g)**, in Schedule 1;

(b) in the Food (Revision of Penalties) Regulations 1985**(h)**, in Schedule 1, Part I;

(c) in the Food Safety Act 1990 (Consequential Modifications) (England and Wales) Order 1990**(i)**, in Schedule 1, Part I, Schedule 2, Schedule 3, Part I and Schedules 6 and 12;

(d) in the Food Safety (Exports) Regulations 1991 **(j)**, in Schedule 1, Part I;

(e) in the Food (Forces Exemptions) (Revocations) Regulations 1992**(k)**, in Schedule 1, Part I;

(f) in the Miscellaneous

(e) yn Rheoliadau 1996, rheoliad 49(7).

(3) Diddymir drwy hyn Reoliadau Coffi a Chynhyrchion Coffi 1978, Rheoliadau Coffi a Chynhyrchion Coffi (Diwygio) 1982 **(i)** a Rheoliadau Coffi a Chynhyrchion Coffi (Diwygio) 1987 **(l)** i'r graddau y maent yn gymwys i Gymru.

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

[ ] 2000

Llywydd y Cynulliad Cenedlaethol

Food Additives Regulations 1995**(l)**, in Schedule 9;

(g) in the 1996 Regulations, regulation 49 (7).

(3) The Coffee and Coffee Products Regulations 1978, the Coffee and Coffee Products (Amendment) Regulations 1982 **(m)** and the Coffee and Coffee Products (Amendment) Regulations 1987 **(n)** are hereby revoked insofar as they apply to Wales.

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

[ ] 2000

The Presiding Officer

of the National Assembly

YR ATODLEN

Rheoliadau 2 a 5

RHAN I

ECHDYNION COFFI A'U DISGRIFIADAU neilltuedig

Colofn 1		Colofn 2
Disgrifiadau neilltuedig		**Cynhyrchion Echdynion Coffi**
1. "Coffee extract" neu "soluble coffee extract" neu "instant coffee" neu "soluble coffee"		Echdynnyn coffi ar ffurf powdr, gronynnau, fflawiau, ciwbiau neu ffurf solet arall, nad yw'r sylwedd sych ynddo sy'n deillio o goffi yn llai na 95%, ac nad yw'n cynnwys sylweddau heblaw'r rhai sy'n deillio o broses echdynnu coffi.
2. "Coffee extract" neu "Soluble coffee extract" neu "Instant coffee" neu "Soluble coffee"	} gyda'r gair } "paste" neu'r geiriau } "in paste form" ar eu hôl bob tro	Echdynnyn coffi ar ffurf past, nad yw'r sylwedd sych ynddo sy'n deillio o goffi yn fwy na 85% ac nad yw'n llai na 70%, nac yn cynnwys unrhyw sylweddau heblaw'r rhai sy'n deillio o broses echdynnu coffi.
3. "Coffee extract" neu "Soluble coffee extract" neu "Instant coffee" neu "Soluble coffee"	} gyda'r gair } "liquid" neu'r geiriau } "in liquid form" ar eu hôl bob tro	Echdynnyn coffi ar ffurf hylif, nad yw'r sylwedd sych ynddo sy'n deillio o goffi yn fwy na 55% ac nad yw'n llai na 15%. SYLWER: Gall y cynnyrch gynnwys cynhyrchion siwgr ychwanegol, p'un a ydynt wedi'u rhostio neu beidio, mewn cyfrannedd heb fod yn fwy na 12%

RHAN II

ECHDYNION SICORI A'U DISGRIFIADAU neilltuedig

Colofn 1		**Colofn 2**
Disgrifiadau neilltuedig		**Cynhyrchion Echdynion Sicori**
1. "Chicory extract" neu "instant chicory" neu "soluble chicory"		Echdynnyn sicori ar ffurf powdr, gronynnau, ffawiau, ciwbiau neu'r ffurf solet arall, nad yw'r sylwedd sych ynddo sy'n deillio o sicori yn llai na 95%. SYLWER: Gall y cynnyrch hwn gynnwys dim mwy nag 1% o sylweddau nad ydynt yn deillio o sicori.
2. "Chicory extract" neu "instant chicory" neu "soluble chicory"	} gyda'r gair } "paste" neu'r geiriau } "in paste form" ar eu hôl bob tro	Echdynnyn sicori ar ffurf past, nad yw'r sylwedd sych ynddo sy'n deillio o sicori yn fwy na 85% ac nad yw'n llai na 70%. SYLWER: Gall y cynnyrch hwn gynnwys dim mwy nag 1% o sylweddau nad ydynt yn deillio o sicori.
3. "Chicory extract" neu "instant chicory" neu "soluble chicory"	} gyda'r gair } "liquid" neu'r geiriau } "in liquid form" ar eu hôl bob tro	Echdynnyn sicori ar ffurf hylif, nad yw'r sylwedd sych ynddo sy'n deillio o sicori yn fwy na 55% ac nad yw'n llai na 15%. SYLWER: Gall y cynnyrch hwn gynnwys cynhyrchion siwgr ychwanegol, p'un a ydynt wedi'u rhostio neu beidio, mewn cyfrannedd heb fod yn fwy na 35%

THE SCHEDULE

Regulations 2 and 5

PART I

Coffee extractS and their reserved descriptions

Column 1		**Column 2**
Reserved descriptions		**Coffee Extract Products**
1. "Coffee extract" or "soluble coffee extract" or "instant coffee" or "soluble coffee"		Coffee extract in powder, granular, flake, cube or other solid form, of which the coffee–based dry matter content is not less than 95%, containing no substances other than those derived from the extraction of coffee.
2. "Coffee extract" or "Soluble coffee extract" or "Instant coffee" or "Soluble coffee"	} supplemented in each } case by the word } "paste" or the words } "in paste form"	Coffee extract in paste form, of which the coffee–based dry matter content is not more than 85% and not less than 70%, containing no substances other than those derived from the extraction of coffee.
3. "Coffee extract" or "Soluble coffee extract" or "Instant coffee" or "Soluble coffee"	} supplemented in each } case by the word } "liquid" or the words } "in liquid form"	Coffee extract in liquid form, of which the coffee–based dry matter content is not more than 55% and not less than 15%. NOTE: The product may contain added sugar products, whether or not roasted, in a proportion not exceeding 12%.

PART II

CHICORY extractS and their reserved descriptions

Column 1		**Column 2**
Reserved descriptions		**Chicory Extract Products**
1. "Chicory extract" or "instant chicory" or "soluble chicory"		Chicory extract in powder, granular, flake, cube or other solid form, of which the chicory–based dry matter content is not less than 95%. NOTE: This product may contain not more than 1% of substances not derived from chicory.
2. "Chicory extract" or "instant chicory" or "soluble chicory"	} supplemented in each } case by the word } "paste" or the words } "in paste form"	Chicory extract in paste form, of which the chicory–based dry matter content is not more than 85% and not less than 70%. NOTE: This product may contain not more than 1% of substances not derived from chicory.

3. "Chicory extract" or "instant chicory" or "soluble chicory"	} supplemented in each } case by the word } "liquid" or the words } "in liquid form"	Chicory extract in liquid form, of which the chicory–based dry matter content is not more than 55% and not less than 25%. NOTE: This product may contain added sugar products, whether or not roasted, in a proportion not exceeding 35%.

[ENDNOTES – WILL APPEAR IN PRINTED VERSION AS FOOTNOTES]

(a) 1990 p.16.

(b)Trosglwyddwyd swyddogaethau'r Gweinidogion ("the Ministers") o dan Ddeddf Diogelwch Bwyd 1990, i'r graddau y maent yn arferadwy mewn perthynas â Chymru, i Gynulliad Cenedlaethol Cymru gan Orchymyn Cynulliad Cenedlaethol Cymru (Trosglwyddo Swyddogaethau) 1999 (OS 1999 Rhif 672).

(c) OS 1996 Rhif 1499; OS 1998 Rhif 1398 yw'r offeryn diwygio perthnasol.

(ch) OS 1976 Rhif 509; OS 1982 Rhif 255 yw'r offeryn diwygio perthnasol.

(d) OJ Rhif L372, 31.12.1985, t.50.

(dd) OS 1978 Rhif 1420; OS 1982 Rhif 254, 1987 Rhif 1986, 1990 Rhif 2486, 1991 Rhif 1476, 1992 Rhif 2596, 1995 Rhif 3187, 1996 Rhif 1499 yw'r offerynnau diwygio perthnasol.

(e) OS 1982 No. 1727.

(f) OS 1985 No. 67.

(a) 1990 c.16.

(b) Functions of "the Ministers" under the Food Safety Act 1990, so far as exercisable in relation to Wales, were transferred to the National Assembly for Wales by the National Assembly for Wales (Transfer of Functions) Order 1999 (SI 1999 No. 672).

(c) SI 1996 No. 1499; the relevant amending instrument is SI 1998 No. 1398.

(d) SI 1976 No. 509; the relevant amending instrument is SI 1982 No. 255.

(e) OJ No. L372, 31.12.1985, p.50.

(f) SI 1978 No. 1420; relevant amending instruments are SI 1982 No. 254, 1987 No. 1986, 1990 No. 2486, 1991 No. 1476, 1992 No. 2596, 1995 No. 3187, 1996 No. 1499.

(g) SI 1982 No. 1727.

(h) SI 1985 No. 67.

(ff) OS 1990 No. 2486.

(g) OS 1991 No. 1476.

(ng) OS 1992 No. 2596.

(h) OS 1995 No. 3187.

(i) OS 1982 No. 254.

(i) SI 1990 No. 2486.

(j) SI 1991 No. 1476.

(k) SI 1992 No. 2596.

(l) SI 1995 No. 3187.

(m) SI 1982 No. 254.

(j) Os 1987 No. 1986.

(l) 1998 p.38.

(n) SI 1987 No. 1986.

(o) 1998 c.38.