

Y Pwyllgor Materion Cyfansoddiadol a Deddfwriaethol

Lleoliad:
Ystafell Bwyllgora 2 – y Senedd

Dyddiad:
Dydd Llun, 10 Mehefin 2013

Amser:
14:00

Cynulliad
Cenedlaethol
Cymru

National
Assembly for
Wales



I gael rhagor o wybodaeth, cysylltwch a:

Gareth Williams
Clerc y Pwyllgor
029 2089 8008/8019
PwyllgorMCD@cymru.gov.uk

Agenda

1 Cyflwyniad, ymddiheuriadau, dirprwyon a datganiadau o fuddiant

1. Offerynnau nad ydynt yn cynnwys materion i gyflwyno adroddiad arnynt o dan Reol Sefydlog 21.2 neu 21.3

2

Offerynnau'r weithdrefn penderfyniad negyddol

CLA273 – Rheoliadau Iechyd Anifeiliaid (Ffioedd Amrywiol) (Cymru) 2013

Y weithdrefn negyddol: Fe'u gwnaed ar: 29 Mai 2013; Fe'u gosodwyd ar: 31 Mai 2013; Yn dod i rym ar: 24 Mehefin 2013

3 Adroddiad monitro sybsidiaredd gwanwyn 2013 (Ionawr – Ebrill 2013) (Tudalennau 1 – 10)

CLA(4) -15-13(p1) – Adroddiad monitro sybsidiaredd gwanwyn 2013 (Ionawr – Ebrill 2013)

4 Papurau i'w nodi (Tudalennau 11 – 15)

CLA(4) -15-13(p2) – Llythyr gan y Gweinidog Iechyd a Gwasanaethau Cymdeithasol mewn cysylltiad â CLA235 – Rheoliadau Bwyd (Diwygio Amrywiol a Dirymu) (Cymru) 2013

CLA(4)-15-13(p3) – Llythyr i'r Gweinidog mewn cysylltiad â CLA235

5 Cynnig o dan Reol Sefydlog 17.42 i benderfynu gwahardd y cyhoedd o'r cyfarfod ar gyfer y 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;

Ystyried Memoranda Cydsyniad Deddfwriaethol mewn cysylltiad â'r Bil Ymddygiad Gwrthgymdeithasol, Trosedd a Phlisma (Tudalennau 16 – 20)
CLA(4)-15-13(p4) – Legislative Consent Memoranda

Trafod yr adroddiad drafft ar y Bil Gwasanaethau Cymdeithasol a Llesiant (Cymru) (Tudalennau 21 – 59)

CLA (4)-15-13(p5) – Adroddiad drafft ar y Bil Gwasanaethau Cymdeithasol a Llesiant (Cymru)

Y Diweddaraf ar Ymweliad Rapporteur â Brwsel (Tudalennau 60 – 66)

CLA(4)-15-13(p6) – Amserlen ddrafft

Blaenraglen Waith (Tudalennau 67 – 68)

CLA(4)-15-13(p7) – Blaenraglen waith

Constitutional and Legislative Affairs Committee

Spring 2013 subsidiarity monitoring report (January - April 2013)

Date of paper:

June 2013

This briefing has been produced by the Research Service for use by the Constitutional and Legislative Affairs Committee.

For further information, contact Owain Roberts in the Research Service
Telephone ext. 8584
Email: (owain.roberts@wales.gov.uk)

Research
Service



Contents

1.	Introduction.....	3
2.	The monitoring process.....	3
3.	Overview of draft EU legislative proposals received (January - April 2013).....	5
3.1.	EU legislative proposals identified as raising subsidiarity concerns	5
3.2.	EU legislative proposals that were subject to correspondence	6
3.3.	EU legislative proposals that did not raise any subsidiarity concerns.....	8

1. Introduction

Under Standing Order 21, a 'responsible committee' in the Assembly (currently the Constitutional and Legislative Affairs Committee) is empowered to consider draft EU legislation that relates to matters within the legislative competence of the Assembly or to the functions of the Welsh Ministers and of the Counsel General, to identify whether it complies with the principle of subsidiarity.

The principle of subsidiarity is enshrined in Article 5 of the Treaty on European Union:

1. The limits of Union competences are governed by the principle of conferral. The use of Union competences is governed by the principles of subsidiarity and proportionality.
2. Under the principle of conferral, the Union shall act only within the limits of the competences conferred upon it by the Member States in the Treaties to attain the objectives set out therein. Competences not conferred upon the Union in the Treaties remain with the Member States.
3. Under the principle of subsidiarity, in areas which do not fall within its exclusive competence, the Union shall act only if and in so far as the objectives of the proposed action cannot be sufficiently achieved by the Member States, either at central level or at regional and local level, but can rather, by reason of the scale or effects of the proposed action, be better achieved at Union level.

The institutions of the Union shall apply the principle of subsidiarity as laid down in the Protocol on the application of the principles of subsidiarity and proportionality. National Parliaments ensure compliance with the principle of subsidiarity in accordance with the procedure set out in that Protocol.

4. Under the principle of proportionality, the content and form of Union action shall not exceed what is necessary to achieve the objectives of the Treaties.

The institutions of the Union shall apply the principle of proportionality as laid down in the Protocol on the application of the principles of subsidiarity and proportionality.¹

In addition, the application of the principle is governed by the Protocol on the Application of the Principles of Subsidiarity and Proportionality. The relevant part in relation to the work of the Assembly is included in the first paragraph of Article 6:

Any national Parliament or any chamber of a national Parliament may, within eight weeks from the date of transmission of a draft legislative act, in the official languages of the Union, send to the Presidents of the European Parliament, the Council and the Commission a reasoned opinion stating why it considers that the draft in question does not comply with the principle of subsidiarity. **It will be for each national Parliament or each chamber of a national Parliament to consult, where appropriate, regional parliaments with legislative powers.** *[RS emphasis]*²

2. The monitoring process

¹ Official Journal of the European Union, *Consolidated version of the Treaty on European Union*, C83/204, 30 March 2010

² Official Journal of the European Union, *Protocol on the Application of the Principles of Subsidiarity and Proportionality*, C310/207, 16 December 2004

In order to ensure that the Constitutional and Legislative Affairs Committee fulfils its subsidiarity monitoring function effectively as set out in Standing Orders, Assembly officials monitor all draft EU legislative proposals that apply to Wales on a systematic basis to check whether they raise any subsidiarity concerns. The way in which Assembly officials monitor these proposals is outlined below for information:

- The Assembly in the first instance is notified of all proposals published by the European Commission for consideration through a list (known as the “batch list”) which is sent by the Foreign and Commonwealth Office on behalf of the UK Government to the Assembly’s Research Service for information.
- The relevant UK Government department will then prepare an Explanatory Memorandum (EM) based on the proposals included on the batch list usually within 4 to 6 weeks of the initial notification by the Foreign and Commonwealth Office. Each EM includes an assessment of the policy impact of the proposals (including whether the UK Government department believes the proposal raises any subsidiarity concerns). Copies of each EM are sent to the Assembly via the Research Service.
- The Research Service filters the EMs received to check whether the proposal they relate to are ‘legislative’ or ‘non-legislative’³ and whether they encompass issues which may be of interest to the Assembly (i.e. relating to devolved matters).
- Those EMs that relate to proposals that are both ‘legislative’ and deal with issues of interest to the Assembly are then checked further by officials from the Assembly’s Legal Services, Brussels Office and the Research Service to see whether they raise any potential subsidiarity concerns.
- If a proposal raises subsidiarity concerns, Assembly officials will alert the Constitutional and Legislative Affairs Committee immediately whereupon Members will be asked to consider whether the Committee should ask either or both Houses at Westminster to issue a ‘reasoned opinion’ on the proposal or not.
- Those proposals which are ‘legislative’ and relate to devolved matters but raise no subsidiarity concerns are then collated in a monitoring report produced by the Research Service which is considered as a paper to note by the Constitutional and Legislative Affairs Committee during each term in an Assembly year (Autumn [September–December], Spring [January–April] and Summer [May – August]).

This report therefore includes a general overview of those draft EU legislative proposals received by the Assembly’s Research Service between January and April 2013, and provides further information about those proposals that were identified by Assembly officials as being both ‘legislative’ in nature and relating to devolved matters.

Please note however that this report only monitors ‘legislative’ proposals, **it does not contain details of any ‘non-legislative proposals’ that may be relevant to the work of the Assembly.** These are monitored on a separate basis by the Research Service.

³ Subsidiarity concerns can only be raised in relation to draft ‘legislative’ proposals.

3. Overview of draft EU legislative proposals received (January – April 2013)

A total of **271** UK Government EMs relating to EU proposals were received by the Assembly's Research Service from the UK Government between 1 January 2013 and 30 April 2013. Of these, **17** EMs were identified by Assembly officials as being both 'legislative' in nature and of interest to the Assembly. Following further analysis by officials from the Assembly's Legal Service, Brussels Office and Research Service, these were subsequently filtered as follows:

- **1** proposal was identified as raising subsidiarity concerns and was the subject of a 'written representation' by the Constitutional and Legislative Affairs Committee to the European Scrutiny Committee in the House of Commons and the EU Select Committee in the House of Lords.
- **2** proposals were the subject of correspondence between the Constitutional and Legislative Affairs Committee and the the European Scrutiny Committee in the House of Commons and the EU Select Committee in the House of Lords, on the basis that they have a particular impact on devolved matters in Wales.
- **14** proposals did not raise any subsidiarity concerns.

Additional details about these filtered proposals are included below.

3.1. *EU legislative proposals identified as raising subsidiarity concerns*

Date EM received

Title, description and timeline

24 April 2013	<p><i>Proposal for a Regulation of the European Parliament and of the Council on measures to reduce the cost of deploying high-speed electronic communications networks (COM(2013)147).</i></p> <p>The proposed regulation contains eleven articles which are aimed at reducing the overall cost of deploying new superfast broadband infrastructure, primarily through measures intended to reduce the costs of civil engineering works during rollout. The key aims of the proposed regulation fall into four main areas: access to existing infrastructure; information provision around existing infrastructure; co-ordination of street works / permitting; and infrastructure in new buildings.</p> <p>The proposed regulations support the the Digital Agenda for Europe and the European Commission's main broadband targets of achieving 30 Mbps broadband speeds for 100% of households, and at least 50% of these households subscribing to speeds over 100 Mbps, by 2020.</p> <p>The proposal was discussed by the Committee on 13 May 2013. A <u>written representation</u> was subsequently sent from the Chair to the Lords EU Select Committee, the Commons' European Scrutiny Committee, the four Welsh MEPs and the European Commission on 15 May 2013.</p>
---------------	---

3.2. EU legislative proposals that were subject to correspondence

<u>Date EM received</u>	<u>Title, description and timeline</u>
EM not received: copy obtained from the Department of Health's website	<p><i>Proposal for a directive of the European Parliament and of the Council on the approximation of the laws, regulation and administrative provisions of the Member States concerning <u>the manufacture, presentation and the sale of tobacco and related products</u> (COM(2012)0788)</i></p> <p>The proposal revises the current legal framework relating to the manufacture, presentation and sale of tobacco products and sets out new and strengthened rules. The proposal in particular aims to extend the scope of the current Tobacco Products Directive to encompass non-tobacco nicotine-containing products ('NCP') (e.g. electronic-cigarettes) below a certain nicotine threshold.</p> <p>At present, NCP products fall outside the scope of the Tobacco Products Directive, and Member States have taken different approaches to these products, including regulating them as medicinal products, applying certain provisions that are used for tobacco products, or having no specific legislation. The proposal aims as a result to remove the current legislative divergence between Member States.</p> <p>The proposal was discussed by the Committee on 25 February 2013⁴ and a Letter was subsequently sent by the Chair of the Committee to the Chairs of the Lords EU Select Committee and the Commons' European Scrutiny Committee on <u>26 February 2013</u>.</p>
15 February 2013	<p><i>Proposal for a Directive of the European Parliament and of the Council on <u>the Deployment of Alternative Fuels Infrastructure</u> (COM(2013)18).</i></p> <p>The proposal sets out mandatory requirements for the build-up and coverage of alternative fuels infrastructure for transport, and common technical standards for their construction and interoperability. Four alternative fuels have been identified as having the potential to substantially reduce greenhouse gas emissions from transport (both road and maritime) and oil consumption, but these are currently held back by a lack of infrastructure across the EU.</p> <p>The proposal in particular would require Member States to adopt and publish national policy frameworks, which the Commission intends to review for coherence at an EU level and report its findings to the European Parliament.</p>

⁴ National Assembly for Wales, *RoP: Constitutional and Legislative Affairs Committee*, 25 February 2013



The proposal was discussed by the Committee on 18 March 2013⁵ and a letter was subsequently sent by the Chair of the Committee to the four Welsh MEPs, and the Chairs of the Lords EU Select Committee and the Commons' European Scrutiny Committee on **20 March 2013**.

⁵ National Assembly for Wales, *[RoP: Constitutional and Legislative Affairs Committee](#)*, 18 March 2013

3.3. EU legislative proposals that did not raise any subsidiarity concerns

<u>Date EM received</u>	<u>Title and description</u>
6 February 2013	<p><i>Proposal for a Directive of the European Parliament and of the Council on <u>the accessibility of public sector bodies' websites</u> (COM(2012)721).</i></p> <p>This proposal seeks to improve the accessibility of public sector websites in the EU and to harmonise the approaches taken across Member States by 31 December 2015. The purpose of the Directive is to help Member States achieve national commitments on website accessibility and meet their obligations under the United Nations Convention on the Rights of Persons with Disabilities regarding websites of public sector bodies.</p>
14 February 2013	<p><i>Proposal for a Regulation of the European Parliament and of the Council on <u>common rules for the normalisation of accounts of railway undertakings</u> (COM(2013)26).</i></p> <p><i>Proposal for a Regulation of the European Parliament and of the Council on the <u>European Union Agency for Railways</u> and repealing Regulation (EC) No 881/2004 (COM(2013)27).</i></p> <p><i>Proposal for a Regulation of the European Parliament and of the Council amending Regulation (EC) No 1370/2007 concerning <u>the opening of the market for domestic passenger transport services by rail</u> (COM(2013)28).</i></p> <p><i>Proposal for a Directive of the European Parliament and of the Council amending Directive 2012/34/EU establishing a single European railway area, as regards <u>the opening of the market for domestic passenger transport services by rail and the governance of the railway infrastructure</u> (COM(2013)29).</i></p> <p><i>Proposal for a Directive of the European Parliament and of the Council on the <u>interoperability of the rail system within the European Union</u> (recast) (COM(2013)30).</i></p> <p><i>Proposal for a Directive of the European Parliament and of the Council on <u>railway safety</u> (recast) (COM(2013)31).</i></p> <p>These six separate proposals form an element of the European Commission's 'Fourth Railway Package', which is an initiative intended to open the domestic rail passenger market to competition and improve the operation of the EU railway system and its institutional framework.</p>

11 March 2013	<p><i>Proposal for a Regulation of the European Parliament and of the Council on Consumer Product Safety</i> (COM(2013)75).</p> <p><i>Proposal for a Regulation of the European parliament and of the Council on market surveillance of products</i> (COM(2013)78).</p> <p>These two proposals form part of the European Commission's 'Product Safety and Market Surveillance Package' which is aimed improving the functioning of the Internal Market and ensuring safer products through effective cross-border market surveillance in the European Single Market.</p> <p>The objective of the proposal on consumer product safety is to ensure that all consumer goods are safe and it therefore has a very broad application, including provisions on food imitating products and product traceability.</p>
	<p>The proposal on the market surveillance of products aims to establish a single market surveillance framework across the Single Market. The proposal is mainly addressed to Member States and their market surveillance authorities ('MSA') and includes obligations to carry out market surveillance, how MSA should be organised and for co-ordination within member states. It also contains rules on checks/controls of products imported into the EU from third countries and provisions on the measures to be taken where products present a risk, including the ability for MSA to charge fees.</p>
26 March 2013	<p><i>Proposal for a Directive of the European Parliament and of the Council establishing a framework for maritime spatial planning and integrated coastal management</i> (COM(2013)133).</p> <p>The proposal aims to establish a framework for the implementation of maritime spatial planning ('MSP') and integrated coastal management ('ICM') across the EU, aimed at promoting sustainable growth of maritime and coastal activities and the sustainable use of coastal and marine resources.</p> <p>The key requirements of this proposal are for Member States to establish and implement maritime spatial plans in marine waters (including their offshore waters), and ICM strategies within their territorial waters, while cooperating with neighbouring Member States and third countries which share coastal and marine boundaries.</p>
9 April 2013	<p><i>Proposal for an amendment to the European Commission proposal COM(2011)607 on the European Social Fund</i> (COM(2013)145).</p> <p><i>Proposal for an amendment to a Regulation of the European Parliament</i></p>

*and of the Council laying down **common provisions on the European Regional Development Fund, The European Social Fund, the Cohesion Fund, the European Agricultural Fund for Rural Development and the European Maritime and Fisheries Fund** (COM(2013)146).*

These proposals amend the Common Provisions Regulation and the European Social Fund Regulation in order to implement the European Commission's Youth Employment Initiative – a set of measures intended to drive down youth unemployment.

*Proposal for a regulation of the European Parliament and of the Council concerning the notification to the Commission of **investment projects in energy infrastructure** within the European Union (COM(2013)153).*

17 April
2013

This proposal aims to replace an existing regulation (Council Regulation EC No. 617/2010) that requires Member States to provide notification to the Commission every other year of their planned new energy infrastructure investment projects or those which are soon to be decommissioned.

A new regulation is required because of a decision by the European Court of Justice in September 2012, following legal action by the European Parliament, to annul the previous regulations on grounds that it did not have the correct legal base. The substance of the new regulations therefore will not change – the only alterations to the text will be consequential ones to reflect the different legal base and legislative procedure.

*Proposal for a Regulation of the European Parliament and of the Council amending Council Regulation (EC) No 577/98 on **the organisation of the Labour Force Survey** (COM(2013)155).*

24 April
2013

This proposal amends the Labour Force Survey Regulation in line with new post-Lisbon Treaty rules relating to the delegation of powers to the European Commission. The proposal also includes a new provision to enable the Commission to make a direct financial contribution to Member States carrying out 'ad hoc modules' of the Survey, and to enable that contribution to be made in the form of a lump sum grant.

Mark Drakeford AC / AM
Y Gweinidog Iechyd a Gwasanaethau Cymdeithasol
Minister for Health and Social Services



Llywodraeth Cymru
Welsh Government

Eich cyf/Your ref: CLA235
Ein cyf/Our ref: LF/MD/0466/13
David Melding, AC
Cadeirydd, Pwyllgor Materion Cyfansoddiadol a Deddfwriaethol

29 Mai 2013

CLA235 – Rheoliadau Bwyd (Diwygio Amrywiol a Dirymu) (Cymru) 2013

Diolch am eich llythyr, dyddiedig 12 Mai 2013, yn tynnu fy sylw at bryderon y Pwyllgor Materion Cyfansoddiadol a Deddfwriaethol am Femorandwm Esboniadol y Rheoliadau uchod. Yn benodol, roedd y Pwyllgor yn teimlo nad oedd y Memorandwm Esboniadol yn egluro'n glir sut y byddai Rheoliadau Bwyd Cyffredinol 2004 yn darparu mesurau digonol i ddiogelu iechyd y cyhoedd ar ôl i Reoliadau Wyau heb eu Graddio (Hylendid) 1990, Rheoliadau Clorofform mewn Bwyd 1980 a Rheoliadau Arsenig mewn Bwyd 1959 gael eu dirymu.

Rheoliadau Bwyd Cyffredinol 2004

Mae Rheoliadau Bwyd Cyffredinol 2004 yn darparu ar gyfer gorfodi, ym Mhrydain Fawr, Cyfraith Bwyd Gyffredinol (Rheoliad (CE) Rhif 178/2002 Senedd a Chyngor Ewrop dyddiedig 28 Ionawr 2002 ("Cyfraith Bwyd Gyffredinol")).

Mae Erthygl 14 o Reoliad yr UE yn datgan (yn yr iaith wreiddiol):

1. *Food shall not be placed on the market if it is unsafe.*
2. *Food shall be deemed to be unsafe if it is considered to be:*
 - (a) *injurious to health;*
 - (b) *unfit for human consumption.*

Mae Rheoliad 10 o Reoliadau Bwyd Cyffredinol 2004 yn diwygio adran 8 o Ddeddf Diogelwch Bwyd 1990 i ddatgan yn adran 8(2) (yn yr iaith wreiddiol) –

"(2) For the purposes of this Part Food fails to comply with food safety requirements if it is unsafe within the meaning of article 14 of Regulation (EC) No 178/2002 and references to food safety requirements or to food complying with such requirements shall be construed accordingly."

O'r herwydd, mae defnyddwyr yn cael eu diogelu'n helaeth gan ddarpariaethau'r Gyfraith Bwyd Gyffredinol (Rheoliad (CE) Rhif 178/2002). Fel Rheoliad y CE, mae'n uniongyrchol

Bae Caerdydd • Cardiff Bay
Caerdydd • Cardiff
CF99 1NA

Wedi'i argraffu ar bapur wedi'i ailgylchu (100%)

English Enquiry Line 0845 010 3300
Llinell Ymholiadau Cymraeg 0845 010 4400
Correspondence: Mark.Drakeford@wales.gsi.gov.uk
Printed on 100% recycled paper

berthnasol yng nghyfraith y DU, er bod gofyn diwygio deddfwriaeth y DU i ddarparu ar gyfer gorfodi'r Rheoliad.

Rheoliadau Arsenig mewn Bwyd 1959

Roedd y Rheoliadau hyn yn seiliedig ar wyddoniaeth sydd bellach wedi dyddio ac yn gosod lefel statudol ar gyfer cyfanswm arsenig. Nid oedd y lefel hon wedi cael ei diwygio i gymryd i ystyriaeth unrhyw wyddoniaeth ddiweddarach. Cyfanswm arsenig yw swm yr holl wahanol ffurfiau cemegol hynny y gall arsenig fodoli ynddynt o fewn yr amgylchedd. Mae gwenwyndra arsenig yn dibynnu ar y ffurfiau cemegol y mae'n bodoli ynddynt. Ers cyflwyno'r Rheoliadau, dangoswyd bod ffurfiau organig o arsenig yn llai niweidiol ond y gall y ffurfiau anorganig achosi cancer¹. O ganlyniad, byddai arsenig anorganig sy'n bresennol mewn bwyd ar lefel uwch na'r lefel statudol a bennwyd yn y Rheoliadau Arsenig yn cael ei ystyried i fod yn 'anniogel' o dan y Gyfraith Bwyd Gyffredinol (gweler uchod). Ar hyn o bryd, os bydd digwyddiad yn codi sy'n ymwneud ag arsenig mewn bwyd, cynhelir asesiad risg a chaiff unrhyw gamau gweithredu eu cymryd o dan y Rheoliadau Bwyd Cyffredinol. O ganlyniad, nid oes angen y Rheoliadau Arsenig i sicrhau diogelwch y cyhoedd.

Rheoliadau Clorofform mewn Bwyd 1980

Cyfyng iawn yw'r defnydd o glorofform yn y diwydiant bwyd erbyn hyn. Golyga hyn ei bod yn annhebygol iawn y bydd unrhyw achosion o halogi. Adeg creu'r Rheoliadau hyn, roedd angen gwaharddiad absoliwt ar glorofform gan nad oedd modd profi am lefelau isel iawn o glorofform fel y gellir gwneud heddiw. Nid oes angen pennu uchafswm ar y lefel datgelu bellach, gan fod y technegau dadansoddi pwerus cyfoes yn gallu dod o hyd i lefelau sydd mor isel nad oes unrhyw oblygiadau diogelwch yn perthyn iddynt.

Mae'r Asiantaeth Safonau Bwyd yn fy nghynghori bod Rheoliad Cyfraith Bwyd Cyffredinol (CE) Rhif 178/2002 a Rheoliadau Bwyd Cyffredinol 2004 yn darparu lefel gyfwerth o ddiogelwch y cyhoedd. Mae'r Rheoliadau hyn yn atal rhag gwerthu bwyd sy'n cynnwys clorofform ar lefel sy'n niweidiol i iechyd.

Rheoliadau Wyau Heb eu Graddio (Hylendid) 1990

Cafodd Rheoliadau Wyau heb eu Graddio (Hylendid) 1990 eu cyflwyno i atal cynhyrchwyr rhag gwerthu wyau wedi'u cracio ar eu ffermydd eu hunain, mewn marchnadoedd cyhoeddus lleol neu o ddrws i ddrws oherwydd y risg posibl i ddiogelwch bwyd.

Mae'r Asiantaeth Safonau Bwyd yn fy nghynghori bod y Rheoliadau Cyfraith Bwyd Cyffredinol uchod yn darparu lefel gyfwerth o ddiogelwch o ran iechyd y cyhoedd. Mae'r Rheoliadau hyn yn atal rhag gwerthu neu gyflenwi bwyd anniogel.

Cafodd y ddeddfwriaeth gyfwerth yn yr Alban ei dirymu ar 1 Ionawr 2006 gan Reoliadau Hylendid Bwyd (yr Alban) 2005 ac nid yw dirymu'r ddeddfwriaeth honno wedi cael unrhyw effaith andwyol ar ddiogelu defnyddwyr.

Mae Lloegr, yr Alban a Gogledd Iwerddon hefyd wedi dirymu Rheoliadau Arsenig mewn Bwyd 1959, Rheoliadau Clorofform mewn Bwyd 1980 a Rheoliadau Wyau Heb eu Graddio (Hylendid) 1990 gan na ystyrir bod eu hangen bellach er mwyn diogelu defnyddwyr o

¹ Safbwynt Gwyddonol Awdurdod Diogelwch Bwyd Ewrop ar Arsenig mewn Bwyd (Cyfnodolyn EFSA 2009; 7(10):1351 doi:10.2903/j.efsa.1351) y gellir ei weld drwy: <http://www.efsa.europa.eu/en/efsajournal/pub/1351.htm>

ystyried darpariaethau eang Rheoliadau Cyfraith Bwyd Cyffredinol (Rheoliad (CE)) Rhif 178/2002 a Rheoliadau Cyfraith Bwyd Cyffredinol 2004.

Hyderaf fod yr wybodaeth hon yn tawelu pryderon y Pwyllgor.

In gywir

Mark

Mark Drakeford AC / AM

Y Gweinidog Iechyd a Gwasanaethau Cymdeithasol
Minister for Health and Social Services

Y Pwyllgor Materion Cyfansoddiadol a Deddfwriaethol Constitutional and Legislative Affairs Committee

Mark Drakeford AC
Y Gweinidog Iechyd a Gwasanaethau Cymdeithasol
Llywodraeth Cymru
Llawr 5
Tŷ Hywel
Bae Caerdydd
CF99 1NA

Cynulliad
Cenedlaethol
Cymru
National
Assembly for
Wales



13 Mai 2013

Annwyl Weinidog

CLA235 – Rheoliadau Bwyd (Diwygio Amrywiol a Dirymu) (Cymru) 2013

Ystyriodd y Pwyllgor Materion Cyfansoddiadol a Deddfwriaethol yr Offeryn Statudol uchod yn ystod ei gyfarfod ar 15 Ebrill 2013 a chytunodd y dylwn ddwyn i'ch sylw adroddiad y Pwyllgor a wnaed o dan Reol Sefydlog 21.3 ar rinweddau'r Offeryn.

Er ein bod yn fodlon yn gyffredinol â'r offeryn ac nad ydym wedi cyflwyno adroddiad yn ei gylch, roedd gennym rai pryderon am y Memorandwm Esboniadol, ac yn benodol, am y diffyg gwybodaeth a geir ynddo am sut y mae'r *Rheoliadau Bwyd Cyffredinol 2004* sy'n bod eisoes yn darparu'r un warchodaeth i'r cyhoedd â'r rheoliadau amrywiol sy'n cael eu dirymu.

Yn ein barn ni, wrth ddirymu deddfwriaeth sy'n berthnasol i ddiogelwch bwyd oherwydd dyblygu deddfwriaethol, byddai'n ddefnyddiol, ac yn darparu sicrwydd pe baem yn cael eglurhad pendant ynghylch sut y parheir i warchod diogelwch bwyd ac iechyd y cyhoedd i'r un lefel gan y ddeddfwriaeth sy'n dal mewn grym.

Byddwn yn ddiolchgar pe baech yn ystyried y pwyntiau hyn ac yn anfon eich ymateb i'r Pwyllgor maes o law.

Bae Caerdydd
Caerdydd
CF99 1NA

Cardiff Bay
Cardiff
CF99 1NA

Ffôn / Tel: 029 2089 8154
E-bost: olga.lewis@cymru.gov.uk

Yn gywir

A handwritten signature in black ink, appearing to read 'David Melding'. The signature is written in a cursive style with a long, sweeping tail that extends to the right.

David Melding AC
Cadeirydd

Eitem 5.1

Yn rhinwedd paragraff(au) vi o Reol Sefydlog 17.42

Mae cyfyngiadau ar y ddogfen hon

Yn rhinwedd paragraff(au) vi o Reol Sefydlog 17.42

Mae cyfyngiadau ar y ddogfen hon

Eitem 5.3

Yn rhinwedd paragraff(au) vi o Reol Sefydlog 17.42

Mae cyfyngiadau ar y ddogfen hon

Eitem 5.4

Yn rhinwedd paragraff(au) vi o Reol Sefydlog 17.42

Mae cyfyngiadau ar y ddogfen hon