OFFERYNNAU STATUDOL CYMRU

2009 Rhif 2980 (Cy.259)

HADAU, CYMRU

Rheoliadau Tatws Hadyd (Cymru) (Diwygio) 2009

NODYN ESBONIADOL

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

Mae'r Rheoliadau hyn yn diwygio Rheoliadau Tatws Hadyd (Cymru) 2006 (O.S. 2006/2929 (Cy. 264)) (y Prif Reoliadau) i roi ar waith, yng Nghymru, Gyfarwyddeb y Comisiwn 2008/62/EC sy'n darparu ar gyfer rhanddirymiadau penodol er mwyn derbyn rhywogaethau ac amrywiadau tiriol amaethyddol sydd wedi'u haddasu'n naturiol i'r amodau lleol a rhanbarthol ac sydd dan fygythiad drwy erydiad genetig ac ar gyfer marchnata had a thatws hadyd perthynol i'r rhywogaethau a'r amrywiadau tiriol hynny, i'r graddau y maent yn ymwneud â chynhyrchu a marchnata hadau (OJ Rhif L 162, 21.6.08, t.13).

Mae'r Rheoliadau hyn yn mewnosod y darpariaethau canlynol yn y Prif Reoliadau: diffiniad o "tatws hadyd o amrywiaeth gadwriaethol" yn rheoliad 2; rheoliad 4A sy'n dynodi rhai gofynion penodol mewn perthynas â marchnata tatws hadyd o amrywiaeth gadwriaethol; a pharagraff 8A o Atodlen 2, sy'n darparu ar gyfer y gofynion labelu yn Erthygl 18 o Gyfarwyddeb y Comisiwn 2008/62/EC.

Mae torri unrhyw ddarpariaeth a gyflwynir yn y Rheoliadau hyn, yn dramgwydd o dan adran16(7)(b) o Ddeddf Amrywogaethau a Hadau Planhigion 1964 (p.14).

Ni luniwyd asesiad effaith rheoleiddiol ar gyfer yr offeryn hwn, gan na ragwelir y bydd yr offeryn yn effeithio o gwbl ar y sector preifat na'r sector gwirfoddol.

WELSH STATUTORY INSTRUMENTS

2009 No. 2980 (W.259)

SEEDS, WALES

The Seed Potatoes (Wales) (Amendment) Regulations 2009

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Seed Potatoes (Wales) Regulations 2006 (S.I. 2006/2929 (W. 264)) (the principal Regulations) to implement, in Wales, Commission Directive 2008/62/EC providing for certain derogations for acceptance of agricultural landraces and varieties which are naturally adapted to the local and regional conditions and threatened by genetic erosion and for marketing of seed and seed potatoes of those landraces and varieties, in so far as it relates to seed production and marketing (OJ No L 162, 21.6.08, p.13).

These Regulations insert the following provisions into the principal Regulations: a definition of "seed potatoes of a conservation variety" into regulation 2; regulation 4A specifying certain requirements in relation to the marketing of seed potatoes of a conservation variety; and paragraph 8A of Schedule 2, which makes provision for the labelling requirements in Article 18 of Commission Directive 2008/62/EC.

Contravention of any of the provisions introduced by these Regulations is an offence under section 16(7)(b) of the Plant Varieties and Seeds Act 1964 (c.14).

A regulatory impact assessment has not been produced for this instrument as no impact on the private or voluntary sectors is foreseen.

OFFERYNNAU STATUDOL CYMRU

2009 Rhif 2980 (Cy.259)

HADAU, CYMRU

Rheoliadau Tatws Hadyd (Cymru) (Diwygio) 2009

Gwnaed	*10 Tachwedd 2009*
Gosodwyd gerbron Cynulliad Cenedlaethol Cymru	*11 Tachwedd 2009*
Yn dod i rym	*15 Rhagfyr 2009*

Mae Gweinidogion Cymru, y breiniwyd ynddynt erbyn hyn(**1**) y pwerau a roddir gan adrannau 16(1), (1(A), (2), (3) a 36 o Ddeddf Amrywogaethau a Hadau Planhigion 1964(**2**), yn gwneud y Rheoliadau a ganlyn drwy arfer y pwerau hynny.

Mae Gweinidogion Cymru wedi cynnal ymgynghoriad yn unol ag adran 16(1) o'r Ddeddf honno.

Enwi, cymhwyso a chychwyn

1.–(1) Enw'r Rheoliadau hyn yw Rheoliadau Tatws Hadyd (Cymru) (Diwygio) 2009.

(2) Mae'r Rheoliadau hyn yn gymwys o ran Cymru ac yn dod i rym ar 15 Rhagfyr 2009.

Diwygio Rheoliadau Tatws Hadyd (Cymru) 2006

2.–(1) Diwygir Rheoliadau Tatws Hadyd (Cymru 2006(**3**) fel a ganlyn.

(2) Yn rheoliad 2(1), yn y man priodol mewnosoder–

"ystyr "tatws hadyd o amrywiaeth gadwriaethol" ("*seed potatoes of a conservation variety*") yw unrhyw amrywiaeth o datws hadyd a dderbynnir

(**1**) Yn rhinwedd O.S. 1978/272, O.S. 1999/672 a Deddf Llywodraeth Cymru 2006; mae'r swyddogaethau bellach wedi'u breinio yng Ngweinidogion Cymru.

(**2**) 1964 p.14: diwygiwyd adran 16 gan adran 4(1) o Ddeddf y Cymunedau Ewropeaidd 1972 (p.68) a pharagraff 5(1), (2) a (3) o Atodlen 4 iddi, O.S. 1977/1112, ac adran 2 o Ddeddf Amaeth 1986 (p.49); *gweler* adran 38(1) am ddiffiniad o "*the Minister*".

(**3**) O.S. 2006/2929 (Cy.264) y mae diwygiad iddynt nad ydynt yn berthnasol i'r Rheoliadau hyn.

WELSH STATUTORY INSTRUMENTS

2009 No. 2980 (W.259)

SEEDS, WALES

The Seed Potatoes (Wales) (Amendment) Regulations 2009

Made	*10 November 2009*
Laid before the National Assembly for Wales	*11 November 2009*
Coming into force	*15 December 2009*

The Welsh Ministers, in whom the powers conferred by sections 16(1), (1A), (2), (3) and 36 of the Plant Varieties and Seeds Act 1964(**1**) are now vested(**2**), make the following Regulations in exercise of those powers.

The Welsh Ministers have carried out a consultation in accordance with section 16(1) of that Act.

Title, application and commencement

1.–(1) The title of these Regulations is the Seed Potatoes (Wales) (Amendment) Regulations 2009.

(2) These Regulations apply in relation to Wales and come into force on 15 December 2009.

Amendments to the Seed Potatoes (Wales) Regulations 2006

2.–(1) The Seed Potatoes (Wales) Regulations 2006(**3**) are amended as follows.

(2) In regulation 2(1), in the appropriate place insert–

""seed potatoes of a conservation variety" ("*tatws hadyd o amrywiaeth gadwriaethol*") means any

(**1**) 1964 c. 14. Section 16 has been amended by section 4(1) of, and paragraph 5(1), (2) and (3) of Schedule 4 to, the European Communities Act 1972 (c.68), S.I. 1977/1112 and section 2 of the Agriculture Act 1986 (c.49); *see* section 38(1) for the definition of "the Minister".

(**2**) By virtue of S.I. 1978/272, S.I. 1999/672 and the Government of Wales Act 2006; the functions are now vested in the Welsh Ministers.

(**3**) S.I. 2006/2929 (W.264), to which there is an amendment not relevant to these Regulations.

gan unrhyw Aelod-wladwriaeth i'w gatalog cenedlaethol o amrywogaethau yn unol ag Erthygl 3 o Gyfarwyddeb y Comisiwn 2008/62/EC sy'n darparu ar gyfer rhanddirymiadau penodol gogyfer â derbyn rhywogaethau ac amrywiadau tiriol amaethyddol sydd wedi'u haddasu'n naturiol i'r amodau lleol a rhanbarthol ac sydd dan fygythiad drwy erydiad genetig ac ar gyfer marchnata had a thatws hadyd o'r rhywogaethau ac amrywiadau tiriol hynny;".

(3) Ar ôl rheoliad 4, mewnosoder–

"**Marchnata amrywiaethau cadwriaethol**

4A.–(1) Rhaid i berson beidio â marchnata tatws hadyd o amrywiaeth gadwriaethol oni bai–

(a) bod yr amrywiaeth wedi'i rhestru yn y Rhestr Genedlaethol o amrywiaethau o rywogaethau tatws a baratowyd ac a gyhoeddwyd yn unol â rheoliad 3 o Reoliadau Hadau (Rhestrau Cenedlaethol o Amrywiaethau) 2001; a

(b) bod y tatws hadyd hynny wedi'u cynhyrchu yn y Deyrnas Unedig.

(2) Rhaid i berson sy'n bwriadu cynhyrchu tatws hadyd o amrywiaeth gadwriaethol roi i Weinidogion Cymru, cyn gwneud hynny, ac yn y ffurf a'r modd sy'n ofynnol gan Weinidogion Cymru, fanylion ysgrifenedig o faint a lleoliad yr ardal sydd i'w defnyddio i gynhyrchu'r had hwnnw.

(3) At ddibenion erthyglau 14 a 15(2) o Gyfarwyddeb y Comisiwn 2008/62/EC caiff Gweinidogion Cymru ddynodi uchafswm y tatws hadyd o amrywiaeth gadwriaethol y gellir eu marchnata mewn unrhyw dymor cynhyrchu penodol; a gellir pennu gwahanol uchafsymiau ar gyfer gwahanol bersonau neu wahanol ddosbarthiadau o bersonau.

(4) Rhaid i swm y tatws hadyd o amrywiaeth gadwriaethol a gynhyrchir gan berson beidio â bod yn fwy nag unrhyw uchafswm a bennir ym mharagraff (3) mewn perthynas â'r person hwnnw.

(5) Rhaid i unrhyw berson sy'n marchnata tatws hadyd o amrywiaeth gadwriaethol roi i Weinidogion Cymru, os gofynnant yn ysgrifenedig am hynny, fanylion ysgrifenedig ynghylch swm ac amrywiaeth y tatws hadyd a roddwyd ar y farchnad yn ystod pob tymor cynhyrchu.".

(4) Yn Rhan 1 o Atodlen 2, ar ôl paragraff 8, mewnosoder–

"**8A**. Yn achos tatws hadyd o amrywiaeth gadwriaethol, yn ychwanegol at ofynion paragraffau 1 i 8, rhaid i label swyddogol gynnwys yr wybodaeth bellach sy'n ofynnol dan Erthygl 18 o Gyfarwyddeb y Comisiwn 2008/62/EC.".

variety of seed potatoes accepted by any member State into its national catalogue of varieties of agricultural plant species in accordance with Article 3 of Commission Directive 2008/62/EC providing for certain derogations for acceptance of agricultural landraces and varieties which are naturally adapted to the local and regional conditions and threatened by genetic erosion and for the marketing of seed and seed potatoes of those landraces and varieties;".

(3) After regulation 4, insert–

"**Marketing of conservation varieties**

4A.–(1) A person must not market seed potatoes of a conservation variety unless–

(a) the variety is listed in the National List of varieties of potato species prepared and published in accordance with regulation 3 of the Seeds (National Lists of Varieties) Regulations 2001; and

(b) those seed potatoes have been produced in the United Kingdom.

(2) A person proposing to produce seed potatoes of a conservation variety must, before doing so, supply the Welsh Ministers, in such manner and form as the Welsh Ministers require, with details in writing of the size and location of the area to be used to produce that seed.

(3) For the purposes of Articles 14 and 15(2) of Commission Directive 2008/62/EC, the Welsh Ministers may specify the maximum amount of seed potatoes of a conservation variety that may be marketed in any given production season; and different maxima for different persons or classes of persons may be specified.

(4) The amount of seed potatoes of a conservation variety marketed by a person must not exceed any maximum amount specified under paragraph (3) in relation to that person.

(5) Any person marketing seed potatoes of a conservation variety must supply the Welsh Ministers, on written demand, with details in writing of the amount and variety of the seed potatoes placed on the market during each production season.".

(4) In Part 1 of Schedule 2, after paragraph 8, insert–

"**8A**. In the case of seed potatoes of a conservation variety, in addition to the requirements of paragraphs 1 to 8, an official label must contain the further information required by Article 18 of Commission Directive 2008/62/EC.".

Elin Jones

Y Gweinidog dros Faterion Gwledig, un o Weinidogion Cymru

Minister for Rural Affairs, one of the Welsh Ministers

10 Tachwedd 2009

10 November 2009

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