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OFFERYNNAU STATUDOL  
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WELSH STATUTORY  
INSTRUMENTS

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**2014 Rhif 2714 (Cy. 271)**

**2014 No. 2714 (W. 271)**

**AMAETHYDDIAETH, CYMRU**

**AGRICULTURE, WALES**

**BWYD, CYMRU**

**FOOD, WALES**

Rheoliadau Rheolaethau  
Swyddogol ar Fwyd Anifeiliaid a  
Bwyd (Cymru) (Diwygio) 2014

The Official Feed and Food  
Controls (Wales) (Amendment)  
Regulations 2014

**NODYN ESBONIADOL**

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

Mae'r Rheoliadau hyn yn gweithredu Rheoliad y Comisiwn (EU) Rhif 704/2014 sy'n diwygio Rheoliad y Comisiwn (EU) Rhif 211/2013 ar ofynion ardystio ar gyfer mewnfario egin a hadau i'r Undeb sydd wedi eu bwriadu ar gyfer cynhyrchu egin.

Mae rheoliad 2 yn gweithredu Rheoliad y Comisiwn (EU) Rhif 704/2014 yn gyfan drwy ddiwygio Rheoliadau Rheolaethau Swyddogol ar Fwyd Anifeiliaid a Bwyd (Cymru) 2009 (O.S. 2009/3376 (Cy. 298)).

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.

**EXPLANATORY NOTE**

*(This note is not part of the Regulations)*

These Regulations implement Commission Regulation (EU) No. 704/2014 amending Commission Regulation (EU) No. 211/2013 on certification requirements for import into the Union of sprouts and seeds intended for the production of sprouts.

Regulation 2 implements Commission Regulation (EU) No. 704/2014 in whole by amending the Official Feed and Food Control (Wales) Regulations 2009 (S.I. 2009/3376 (W. 298)).

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.

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Bwyd (Cymru) (Diwygio) 2014

The Official Feed and Food  
Controls (Wales) (Amendment)  
Regulations 2014

*Gwnaed* 8 Hydref 2014

*Made* 8 October 2014

*Gosodwyd gerbron Cynulliad Cenedlaethol  
Cymru* 10 Hydref 2014

*Laid before the National Assembly for  
Wales* 10 October 2014

*Yn dod i rym* 6 Tachwedd 2014

*Coming into force* 6 November 2014

Mae Gweinidogion Cymru yn gwneud y Rheoliadau a ganlyn drwy arfer y pwerau a roddwyd iddynt gan adran 2(2) o Ddeddf y Cymunedau Ewropeaidd 1972(1) a pharagraff 1A o Atodlen 2 iddi.

The Welsh Ministers make the following Regulations in exercise of the powers conferred on them by section 2(2) of and paragraph 1A of Schedule 2 to the European Communities Act 1972(1).

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(1) 1972 p. 68. Diwygiwyd adran 2(2) gan adran 27(1)(a) o Ddeddf Diwygio Deddfwriaethol a Rheoleiddiol 2006 (p. 51) ("Deddf 2006") a Rhan 1 o'r Atodlen i Ddeddf yr Undeb Ewropeaidd (Diwygio) 2008 (p. 7) ("Deddf 2008"). Mewnosodwyd paragraff 1A o Atodlen 2 gan adran 28 o Ddeddf 2006 ac mae wedi ei ddiwygio gan adran 3(3) o Ddeddf 2008 a'r Atodlen iddi a chan erthygl 3 o Orchymyn Deddf Llywodraeth Cymru 2006 (Addasiadau Canlyniadol a Darpariaethau Trosiannol) 2007 (O.S. 2007/1388) a pharagraff 1 o Atodlen 1 iddo.

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(1) 1972 c. 68. Section 2(2) was amended by section 27(1)(a) of the Legislative and Regulatory Reform Act 2006 (c. 51) ("the 2006 Act") and Part 1 of the Schedule to the European Union (Amendment) Act 2008 (c. 7) ("the 2008 Act"). Paragraph 1A of Schedule 2 was inserted by section 28 of the 2006 Act and has been amended by section 3(3) of and the Schedule to the 2008 Act and by article 3 of and paragraph 1 of Schedule 1 to the Government of Wales Act 2006 (Consequential Modifications and Transitional Provisions) Order 2007 (S.I. 2007/1388).

Mae Gweinidogion Cymru wedi eu dynodi at ddibenion adran 2(2) o Ddeddf y Cymunedau Ewropeaidd 1972 mewn perthynas â mesurau sy'n ymwneud â bwyd (gan gynnwys diod) gan gynnwys cynhyrchu sylfaenol o ran bwyd a mesurau sy'n ymwneud â bwyd anifeiliaid a gynhyrchir ar gyfer anifeiliaid sy'n cynhyrchu bwyd neu a fwydir iddynt(1), polisi amaethyddol cyffredin y Gymuned Ewropeaidd(2) a mesurau yn y meysydd milfeddygol a ffytoiechydol ar gyfer amddiffyn iechyd y cyhoedd(3).

Mae'r Rheoliadau hyn yn gwneud darpariaeth at ddiben a grybwyllir yn adran 2(2) o Ddeddf y Cymunedau Ewropeaidd 1972 ac mae'n ymddangos i Weinidogion Cymru ei bod yn hwylus i unrhyw gyfeiriad at offeryn UE a ddiffinnir yn Atodlen 1 gael ei ddehongli fel cyfeiriad at yr offeryn hwnnw fel y'i diwygir o bryd i'w gilydd.

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), ymgynghorwyd yn agored ac yn dryloyw â'r cyhoedd wrth lunio a gwerthuso'r Rheoliadau a ganlyn.

## Enwi, cychwyn a chymhwysio

1. Enw'r Rheoliadau hyn yw Rheoliadau Rheolaethau Swyddogol ar Fwyd Anifeiliaid a Bwyd (Cymru) (Diwygio) 2014, deuant i rym ar 6 Tachwedd 2014 ac maent yn gymwys o ran Cymru.

The Welsh Ministers are designated for the purposes of section 2(2) of the European Communities Act 1972 in relation to measures relating to food (including drink) including the primary production of food and measures relating to feed produced for or fed to food-producing animals(1), the common agricultural policy of the European Community(2) and measures in the veterinary and phytosanitary fields for the protection of public health(3).

These Regulations make provision for a purpose mentioned in section 2(2) of the European Communities Act 1972 and it appears to the Welsh Ministers that it is expedient for any reference to an EU instrument defined in Schedule 1 to be construed as a reference to that instrument as amended from time to time.

As required by Article 9 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(4) there has been open and transparent public consultation during the preparation and evaluation of the following Regulations.

## Title, commencement and application

1. The title of these Regulations is the Official Feed and Food Controls (Wales) (Amendment) Regulations 2014, they come into force on 6 November 2014 and apply in relation to Wales.

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(1) O.S. 2005/1971. Trosglwyddwyd swyddogaethau Cynulliad Cenedlaethol Cymru o dan y dynodiad hwn i Weinidogion Cymru gan adran 162 o Ddeddf Llywodraeth Cymru 2006 (2006 p. 32) a pharagraffau 28 a 30 o Atodlen 11 iddi.

(2) O.S. 2005/2766. Trosglwyddwyd swyddogaethau Cynulliad Cenedlaethol Cymru o dan y dynodiad hwn i Weinidogion Cymru gan adran 162 o Ddeddf Llywodraeth Cymru 2006 (2006 p. 32) a pharagraffau 28 a 30 o Atodlen 11 iddi.

(3) O.S. 2008/1792.

(4) OJ Rhif L 31, 1.2.2002, t. 1, fel y'i diwygiwyd ddiwethaf gan Reoliad (EC) Rhif 596/2009 Senedd Ewrop a'r Cyngor sy'n addasu nifer o offerynnau sy'n ddarostyngedig i'r weithdrefn y cyfeirir ati yn Erthygl 251 o'r Cytuniad i Benderfyniad y Cyngor 1999/468/EC o ran y weithdrefn reoleiddiol ynghyd â chraffu: Addasiad i'r weithdrefn reoleiddiol ynghyd â chraffu – Rhan Pedwar (OJ Rhif L 188, 18.7.2009, t. 14).

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(1) S.I. 2005/1971. Functions of the National Assembly for Wales under this designation were transferred to the Welsh Ministers by section 162 of and paragraphs 28 and 30 of Schedule 11 to the Government of Wales Act 2006 (2006 c. 32).

(2) S.I. 2005/2766. Functions of the National Assembly for Wales under this designation were transferred to the Welsh Ministers by section 162 of and paragraphs 28 and 30 of Schedule 11 to the Government of Wales Act 2006 (2006 c. 32).

(3) S.I. 2008/1792.

(4) OJ No. L 31, 1.2.2002, p. 1, as last amended by Regulation (EC) No. 596/2009 of the European Parliament and of the Council adapting a number of instruments subject to the procedure referred to in Article 251 of the Treaty to Council Decision 1999/468/EC with regard to the regulatory procedure with scrutiny: Adaptation to the regulatory procedure with scrutiny - Part Four (OJ No. L 188, 18.7.2009, p. 14).

## Diwygio Rheoliadau Rheolaethau Swydddogol ar Fwyd Anifeiliaid a Bwyd (Cymru) 2009

2.—(1) Mae Rheoliadau Rheolaethau Swydddogol ar Fwyd Anifeiliaid a Bwyd (Cymru) 2009(1) wedi eu diwygio yn unol â pharagraffau (2) a (3).

(2) Yn rheoliad 2(1) (dehongli)—

(a) yn lle'r diffiniad sy'n dechrau gyda'r geiriau "mae i "Cyfarwyddeb 2004/41" ("Directive 2004/41")" rhodder y diffiniad a ganlyn—

"mae i "Cyfarwyddeb 2004/41" ("Directive 2004/41"), "Rheoliad 999/2001" ("Regulation 999/2001"), "Rheoliad 178/2002" ("Regulation 178/2002"), "Rheoliad 852/2004" ("Regulation 852/2004"), "Rheoliad 853/2004" ("Regulation 853/2004"), "Rheoliad 882/2004" ("Regulation 882/2004"), "Rheoliad 1688/2005" ("Regulation 1688/2005"), "Rheoliad 2073/2005" ("Regulation 2073/2005"), "Rheoliad 2074/2005" ("Regulation 2074/2005"), "Rheoliad 1020/2008" ("Regulation 1020/2008"), "Rheoliad 669/2009" ("Regulation 669/2009"), "Rheoliad 211/2013" ("Regulation 211/2013") a "Rheoliad 702/2013" ("Regulation 702/2013") yr ystyron a roddir iddynt yn eu trefn yn Atodlen 1;"; a

(b) yn lle'r diffiniad o "y Darpariaethau Mewnforio" ("the Import Provisions")(2) rhodder—

## Amendments to the Official Feed and Food Controls (Wales) Regulations 2009

2.—(1) The Official Feed and Food Controls (Wales) Regulations 2009(1) are amended in accordance with paragraphs (2) and (3).

(2) In regulation 2(1) (interpretation)—

(a) for the definition that begins with the words "Directive 2004/41" ("Cyfarwyddeb 2004/41") substitute the following definition—

"Directive 2004/41" ("Cyfarwyddeb 2004/41"), "Regulation 999/2001" ("Rheoliad 999/2001"), "Regulation 178/2002" ("Rheoliad 178/2002"), "Regulation 852/2004" ("Rheoliad 852/2004"), "Regulation 853/2004" ("Rheoliad 853/2004"), "Regulation 882/2004" ("Rheoliad 882/2004"), "Regulation 1688/2005" ("Rheoliad 1688/2005"), "Regulation 2073/2005" ("Rheoliad 2073/2005"), "Regulation 2074/2005" ("Rheoliad 2074/2005"), "Regulation 1020/2008" ("Rheoliad 1020/2008"), "Regulation 669/2009" ("Rheoliad 669/2009"), "Regulation 211/2013" ("Rheoliad 211/2013") and "Regulation 702/2013" ("Rheoliad 702/2013") have the meanings respectively given to them in Schedule 1;"; and

(b) for the definition of "the Import Provisions" ("y Darpariaethau Mewnforio")(2) substitute—

(1) O.S. 2009/3376 (Cy. 298), a ddiwygiwyd gan O.S. 2011/626 (Cy. 90), O.S. 2013/479 (Cy. 55) ac O.S. 2013/3007 (Cy. 298).

(2) Mewnosodwyd y diffiniad o "y Darpariaethau Mewnforio" gan O.S. 2013/3007 (Cy. 298).

(1) S.I. 2009/3376 (W. 298), amended by S.I. 2011/626 (W. 90), S.I. 2013/479 (W. 55) and S.I. 2013/3007 (W. 298).

(2) The definition of "the Import Provisions" was inserted by S.I. 2013/3007 (W. 298).

“ystyr “y Darpariaethau Mewnforio” (“*the Import Provisions*”) yw Rhan 3 o'r Rheoliadau hyn, Erthygl 14 o Reoliad 882/2004 i'r graddau y mae'n gymwys i reolaethau swyddogol i wirio cydymffurfedd ag agweddau ar gyfraith bwyd anifeiliaid neu gyfraith bwyd nad ydynt wedi eu cwmpasu gan Gyfarwyddeb 97/78/EC(1), Erthyglau 15 i 24 o Reoliad 882/2004, Rheoliad 669/2009, Rheoliad y Comisiwn (EU) Rhif 211/2013(2) a Rheoliad y Comisiwn (EU) Rhif 704/2014 sy'n diwygio Rheoliad 211/2013 ar ofynion ardystio ar gyfer mewnforio egin a hadau i'r Undeb sydd wedi eu bwriadu ar gyfer cynhyrchu egin(3).”

(3) Yn Atodlen 1 (diffiniadau o ddeddfwriaeth yr UE) ar ôl y paragraff olaf, mewnosoder—

“ystyr “Rheoliad 211/2013” (“*Regulation 211/2013*”) yw Rheoliad y Comisiwn (EU) Rhif 211/2013 ar ofynion ardystio ar gyfer mewnforion egin a hadau i'r Undeb sydd wedi eu bwriadu ar gyfer cynhyrchu egin.”

““the Import Provisions” (“*y Darpariaethau Mewnforio*”) means Part 3 of these Regulations, Article 14 of Regulation 882/2004 in so far as it applies to official controls to verify compliance with aspects of feed or food law not covered by Directive 97/78/EC(1), Articles 15 to 24 of Regulation 882/2004, Regulation 669/2009, Commission Regulation (EU) No. 211/2013(2) and Commission Regulation (EU) No. 704/2014 amending Regulation 211/2013 on certification requirements for import into the Union of sprouts and seeds intended for the production of sprouts(3).”

(3) In Schedule 1 (definitions of EU legislation) after the final paragraph, insert—

““Regulation 211/2013” (“*Rheoliad 211/2013*”) means Commission Regulation (EU) No. 211/2013 on certification requirements for imports into the Union of sprouts and seeds intended for the production of sprouts.”

*Mark Drakeford*

Y Gweinidog Iechyd a Gwasanaethau Cymdeithasol,  
un o Weinidogion Cymru

8 Hydref 2014

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

8 October 2014

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(1) Cyfarwyddeb y Cyngor 97/78/EC sy'n gosod yr egwyddorion sy'n llywodraethu trefnu gwiriadau milfeddygol ar gynhyrchion sy'n dod i'r Gymuned o drydydd gwledydd (OJ L 24, 30.1.1998, t. 9).  
(2) OJ Rhif L 68, 12.3.2013, t. 26, fel y'i diwygiwyd ddiwethaf gan Reoliad (EU) Rhif 704/2014.  
(3) OJ Rhif L 186, 26.6.2014, t. 49.

(1) Council Directive 97/78/EC laying down the principles governing the organisation of veterinary checks on products entering the Community from third countries (OJ L 24, 30.1.1998, p. 9).  
(2) OJ No. L 68, 12.3.2013, p. 26, as last amended by Regulation (EU) No. 704/2014.  
(3) OJ No. L 186, 26.6.2014, p. 49.





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£4.25

W2106/10/14

ON

ISBN 978-0-348-11001-2



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