



OFFERYNNAU STATUDOL
CYMRU

WELSH STATUTORY
INSTRUMENTS

2014 Rhif 517 (Cy. 60)

2014 No. 517 (W. 60)

ANIFEILIAID, CYMRU

ANIMALS, WALES

IECHYD ANIFEILIAID

ANIMAL HEALTH

IECHYD Y CYHOEDD, CYMRU

PUBLIC HEALTH, WALES

**Rheoliadau Sgil-gynhyrchion
Anifeiliaid (Gorfodi) (Cymru) 2014**

**The Animal By-Products
(Enforcement) (Wales) Regulations
2014**

NODYN ESBONIADOL

EXPLANATORY NOTE

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

(This note is not part of the Regulations)

Mae'r Rheoliadau hyn yn dirymu, o ran Cymru, Reoliadau Sgil-gynhyrchion Anifeiliaid (Adnabod) 1995 (O.S. 1995/614) ac yn dirymu ac yn ail-wneud Rheoliadau Sgil-gynhyrchion Anifeiliaid (Gorfodi) (Cymru) (Rhif 2) 2011 (O.S. 2011/2377) (Cy. 250) sy'n ymgorffori darpariaethau ynglŷn â staeio sgil-gynhyrchion o Reoliadau Sgil-gynhyrchion Anifeiliaid (Adnabod) 1995.

These Regulations revoke, in relation to Wales, the Animal By-Products (Identification) Regulations 1995 (S.I. 1995/614) and revoke and remake the Animal By-Products (Enforcement) (Wales) (No. 2) Regulations 2011 (S.I. 2011/2377) (W. 250) incorporating provisions relating to staining by-products from the Animal By-Products (Identification) Regulations 1995.

Mae'r Rheoliadau hyn yn parhau i orfodi, yng Nghymru, Reoliad (EC) Rhif 1069/2009 Senedd Ewrop a'r Cyngor sy'n gosod rheolau iechyd ynglŷn â sgil-gynhyrchion anifeiliaid a chynhyrchion sy'n dod o anifeiliaid na fwriedir i bobl eu bwyta ac sy'n diddymu Rheoliad (EC) Rhif 1774/2002 (OJ Rhif L 300, 14.11.2009, t. 1) ("Rheoliad Rheolaeth yr UE").

These Regulations continue to enforce, in Wales, Regulation (EC) No. 1069/2009 of the European Parliament and of the Council laying down health rules as regards animal by-products and derived products not intended for human consumption and repealing Regulation (EC) No. 1774/2002 (OJ No. L 300, 14.11.2009, p. 1) ("the EU Control Regulation").

Maent hefyd yn parhau i orfodi, yng Nghymru, Reoliad y Comisiwn (EU) Rhif 142/2011 sy'n gweithredu Rheoliad (EC) Rhif 1069/2009 Senedd Ewrop a'r Cyngor sy'n gosod rheolau iechyd ynglŷn â sgil-gynhyrchion anifeiliaid a chynhyrchion sy'n dod o anifeiliaid na fwriedir i bobl eu bwyta ac sy'n gweithredu Cyfarwyddeb y Cyngor 97/78/EC o ran samplau ac eitemau penodol sy'n esempt rhag gwiriadau milfeddygol wrth y ffin o dan y Gyfarwyddeb honno (OJ Rhif L 54, 26.2.2011) ("Rheoliad Gweithredu'r UE").

They also continue to enforce, in Wales, Commission Regulation (EU) No. 142/2011 implementing Regulation (EC) No. 1069/2009 of the European Parliament and of the Council laying down health rules as regards animal by-products and derived products not intended for human consumption and implementing Council Directive 97/78/EC as regards certain samples and items exempt from veterinary checks at the border under that Directive (OJ No. L 54, 26.2.2011) ("the EU Implementing Regulation").

O dan Reoliad Rheolaeth yr UE mae rhwymedigaethau ar weithredwyr mewn perthynas â sgil-gynhyrchion anifeiliaid, gan gynnwys rhwymedigaethau o ran eu gwaredu a'u defnyddio, gwaharddiadau ar eu bwydo, a'u rhoi ar y farchnad. Yn ychwanegol, mae gofynion ar weithredwyr, safleoedd a sefydliadau i gael eu cofrestru neu eu cymeradwyo. Mae'r rhwymedigaethau'n amrywio yn unol â chategori'r deunyddiau; caiff sgil-gynnyrch anifail mewn risg uwch ei gategoreiddio yn ddeunydd Categori 1, y risg nesaf yw deunydd Categori 2 ac yna ddeunydd Categori 3. Mae Rheoliad Gweithredu'r UE yn cydategu gofynion Rheoliad Rheolaeth yr UE.

Mae'r Rheoliadau hyn yn darparu ar gyfer y canlynol.

- 1) Mae Gweinidogion Cymru wedi eu dynodi'n awdurdod cymwys o ran Cymru a gwneir darpariaeth ar gyfer amryw o faterion sy'n cydategu'r gofynion sylfaenol fel y'u nodir yng ngholofn 2 o Atodlen 1 i'r Rheoliadau hyn, gan gynnwys dynodi ardaloedd pellennig a hefyd mynediad mewn perthynas â gwaharddiadau ar fwydo yn Erthygl 11 o Reoliad Rheolaeth yr UE (Rhan 2).
- 2) Staenio sgil-gynhyrchion penodol o anifeiliaid i'w hatal rhag mynd i'r gadwyn fwyd, gan ganiatáu i ddarpariaethau tebyg yn Rheoliadau Sgil-gynhyrchion Anifeiliaid (Adnabod) 1995 gael eu dirymu (Rhan 3).
- 3) Y weithdrefn ac apelau mewn perthynas â chofrestru a chymeradwyo (Rhan 4).
- 4) Gorfodi'r gofynion drwy ddarparu ar gyfer troseddau am dorri'r gofynion fel y'u nodir yn y Tabl i Atodlen 1 (Rhan 5). Mae'r Tabl yn nodi gofynion Rheoliad Rheolaeth yr UE fel y'i cydategir gan ofynion Rheoliad Gweithredu'r UE a'r Rheoliadau hyn, pan fônt yn gymwys. Mae Rheoliad Rheolaeth yr UE a Rheoliad Gweithredu'r UE yn galluogi'r awdurdod cymwys, sef Gweinidogion Cymru, i roi awdurdodiadau mewn perthynas â'r gofynion hyn. Mae'r awdurdodiadau hyn yn galluogi'r awdurdod cymwys i ddyfarnu a yw cynnyrch yn risg i iechyd dynol neu i iechyd anifeiliaid ai peidio, er enghraifft. Trefnir y bydd rhestr lawn o bob awdurdodiad a ddarperir o dan y gofynion ar gael ar wefan Llywodraeth Cymru (www.cymru.gov.uk). Yn ychwanegol, bydd y wefan honno hefyd yn trefnu y bydd yr awdurdodiadau a arferir gan Weinidogion Cymru ar gael.
- 5) Gorfodi, drwy benodi awdurdodau gorfodi a darparu ar gyfer pwerau gorfodi (Rhan 6).

Under the EU Control Regulation there are obligations on operators in relation to animal by-products, including obligations as to disposal and use, prohibitions on feeding and placing on the market. In addition there are requirements for operators, plants and establishments to be registered or approved. The obligations vary according to the categorisation of the material; the higher risk animal by-product is categorised as Category 1 material, next in risk is Category 2 and then Category 3 material. The EU Implementing Regulation supplements the requirements of the EU Control Regulation.

These Regulations provide for the following.

- 1) The Welsh Ministers are designated as the competent authority in relation to Wales and provision is made for various matters that supplement the basic requirements as set out in column 2 of Schedule 1 to these Regulations, including designation of remote areas and also access in relation to prohibitions on feeding in Article 11 of the EU Control Regulation (Part 2).
- 2) The staining of certain animal by-products to prevent them entering the food chain, allowing for the revocation of similar provisions in the Animal By-Products (Identification) Regulations 1995 (Part 3).
- 3) Procedure and appeals in respect of registration and approval (Part 4).
- 4) Enforcement of the requirements by providing for offences for breach of the requirements as identified in the Table to Schedule 1 (Part 5). The Table sets out the requirements of the EU Control Regulation as supplemented by the requirements of the EU Implementing Regulation and these Regulations, where applicable. The EU Control Regulation and the EU Implementing Regulation enable the competent authority, the Welsh Ministers, to grant authorisations in respect of such requirements. Such authorisations enable the competent authority to determine whether or not a product is a risk to human or animal health for example. A full list of all the authorisations that are provided for under the requirements will be made available on the Welsh Government website (www.wales.gov.uk). In addition, that website will also make available the authorisations exercised by the Welsh Ministers.
- 5) Enforcement, by appointing enforcement authorities and making provision for powers of enforcement (Part 6).

6) Darpariaethau canlyniadol (Rhan 7 ac Atodlen 2).

Ystyriwyd Cod Ymarfer Gweinidogion Cymru ar gynnal Aseidiadau Effaith Rheoleiddiol o ran y Rheoliadau hyn. O ganlyniad, mae asesiad effaith rheoleiddiol wedi ei baratoi o'r costau a'r manteision sy'n debygol o ddeillio o gydymffurfio â'r Rheoliadau hyn. Gellir cael copi oddi wrth Swyddfa'r Prif Swyddog Milfeddygol, Llywodraeth Cymru, Parc Cathays, Caerdydd, CF10 3NQ.

6) Consequential provisions (Part 7 and Schedule 2).

The Welsh Ministers' Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to these Regulations. As a result, a regulatory impact assessment has been prepared as to the likely costs and benefits of complying with these Regulations. A copy can be obtained from the Office of the Chief Veterinary Officer, Welsh Government, Cathays Park, Cardiff, CF10 3NQ.

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**The Animal By-Products
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2014**

Gwnaed 5 Mawrth 2014

Made 5 March 2014

*Gosodwyd gerbron Cynulliad Cenedlaethol
Cymru* 7 Mawrth 2014

Laid before the National Assembly for Wales
7 March 2014

Yn dod i rym 28 Mawrth 2014

Coming into force 28 March 2014

CYNNWYS

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

Mae Gweinidogion Cymru wedi eu dynodi at ddibenion adran 2(2) o Ddeddf y Cymunedau Ewropeaidd 1972 o ran mesurau yn y meysydd milfeddygol a ffotoiechydol ar gyfer amddiffyn iechyd cyhoedd(2).

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'r cyfeiriad at Reoliad y Comisiwn (EU) Rhif 142/2011 (sy'n gweithredu Rheoliad (EC) Rhif 1069/2009 Senedd Ewrop a'r Cyngor sy'n gosod rheolau iechyd ynglŷn â sgil-gynhyrchion anifeiliaid a chynhyrchion sy'n dod o anifeiliaid na fwriedir i bobl eu bwyta ac sy'n gweithredu Cyfarwyddeb y Cyngor 97/78/EC ynglŷn â samplau ac eitemau penodol sy'n esempt rhag gwiriadau milfeddygol wrth y ffin o dan y Gyfarwyddeb honno (3)) gael ei ddehongli fel cyfeiriad at yr offeryn hwnnw fel y'i diwygiwyd o bryd i'w gilydd.

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SCHEDULE 1 — Animal By-Product
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The Welsh Ministers make the following Regulations in exercise of the powers conferred by section 2(2) of and paragraph 1A of Schedule 2 to, the European Communities Act 1972(1).

The Welsh Ministers are designated for the purposes of section 2(2) of the European Communities Act 1972 in relation to measures in the veterinary and phytosanitary fields for the protection of public health(2).

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 the reference to Commission Regulation (EU) No. 142/2011 (implementing Regulation (EC) No. 1069/2009 of the European Parliament and of the Council laying down health rules as regards animal by-products and derived products not intended for human consumption and implementing Council Directive 97/78/EC as regards certain samples and items exempt from veterinary checks at the border under that Directive(3)) to be construed as a reference to that instrument as amended from time to time.

(1) 1972 p. 68. Diwygiwyd adran 2(2) gan adran 27(1)(a) o Ddeddf Diwygio Deddfwriaethol a Rheoleiddiol 2006 (p. 51) a chan adran 3(3) o Ddeddf yr Undeb Ewropeaidd (Diwygio) 2008 (p. 7) a Rhan 1 o'r Atodlen iddi. Mewnosodwyd paragraff 1A o Atodlen 2 gan adran 28 o Ddeddf Diwygio Deddfwriaethol a Rheoleiddiol 2006 (p. 51).

(2) O.S. 2008/1792.

(3) OJ Rhif L 54 26.2.2011, t. 1, a ddiwygiwyd ddiwethaf gan Reoliad y Comisiwn (EU) Rhif 717/2013 (OJ Rhif L 201, 26.7.2013, t. 31).

(1) 1972 c. 68. Section 2(2) is amended by section 27(1)(a) of the Legislative and Regulatory Reform Act 2006 (c. 51) and by section 3(3) of, and Part 1 of the Schedule to, the European Union (Amendment) Act 2008 (c. 7). Paragraph 1A of Schedule 2 was inserted by section 28 of the Legislative and Regulatory Reform Act 2006 (c. 51).

(2) S.I. 2008/1792.

(3) OJ No. L 54 26.2.2011, p. 1, last amended by Commission Regulation (EU) No. 717/2013 (OJ No. L 201, 26.7.2013, p. 31).

RHAN 1

Rhagymadrodd

Enwi, cychwyn a chymhwyso

1.—(1) Enw'r Rheoliadau hyn yw Rheoliadau Sgilynhyrchion Anifeiliaid (Gorfodi) (Cymru) 2014.

(2) Yn ddarostyngedig i baragraff (3) daw'r Rheoliadau hyn i rym ar 28 Mawrth 2014.

(3) Daw rheoliad 27 ac Atodlen 2 i rym yn union ar ôl i'r rheoliadau eraill a'r atodlen arall ddod i rym.

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

Dehongli

2.—(1) Yn y Rheoliadau hyn—

mae i "awdurdod cymwys" ("*competent authority*") yr ystyr a roddir yn rheoliad 3;

ystyr "awdurdod gorfodi" ("*enforcement authority*") yw person sy'n arfer swyddogaethau o dan reoliad 21(1) neu (2);

ystyr "gofyniad sgilynhyrchion anifeiliaid" ("*animal by-product requirement*") yw unrhyw ofyniad yn Rhan 3 ac unrhyw ofyniad yng Ngholofn 2 o Atodlen 1 i'r Rheoliadau hyn fel y'i darllenir gyda'r darpariaethau yng Ngholofn 3 i'r Atodlen honno;

mae "llong" ("*ship*") yn cynnwys hofranlong, cwch ymsuddol neu unrhyw gwch arnofiol arall ond nid llestr—

(a) sy'n gorwedd yn barhaol ar wely'r môr neu sydd ynghlwm yn barhaol wrth wely'r môr; neu

(b) sy'n osodiad o fewn adran 16 o Ddeddf Ynni 2008(1);

mae "mangre" ("*premises*") yn cynnwys—

(a) unrhyw dir, adeilad, sied neu loc;

(b) unrhyw ddaliedydd neu gynhwysydd;

(c) unrhyw long; neu

(d) cerbyd o unrhyw ddisgrifiad;

ystyr "person awdurdodedig" ("*authorised person*") yw person a awdurdodwyd o dan reoliad 22;

ystyr "Rheoliad Gweithredu'r UE" ("*EU Implementing Regulation*") yw Rheoliad y Comisiwn (EU) Rhif 142/2011 sy'n gweithredu Rheoliad (EC) Rhif 1069/2009 Senedd Ewrop a'r Cyngor sy'n gosod rheolau iechyd ynglŷn â sgil-

(1) 2008 p. 32.

PART 1

Introduction

Title, commencement and application

1.—(1) The title of these Regulations is the Animal By-Products (Enforcement) (Wales) Regulations 2014.

(2) Subject to paragraph (3) these Regulations come into force on 28 March 2014.

(3) Regulation 27 and Schedule 2 come into force immediately after the coming into force of the other regulations and schedule.

(4) These Regulations apply in relation to Wales.

Interpretation

2.—(1) In these Regulations—

"EU Control Regulation" ("*Rheoliad Rheolaeth yr UE*") means Regulation (EC) No. 1069/2009 of the European Parliament and of the Council laying down health rules as regards animal by-products and derived products not intended for human consumption and repealing Regulation (EC) No. 1774/2002 (Animal by-products Regulation)(1);

"EU Implementing Regulation" ("*Rheoliad Gweithredu'r UE*") means Commission Regulation (EU) No. 142/2011 implementing Regulation (EC) No. 1069/2009 of the European Parliament and of the Council laying down health rules as regards animal by-products and derived products not intended for human consumption and implementing Council Directive 97/78/EC as regards certain samples and items exempt from veterinary checks at the border under that Directive as amended from time to time;

"animal by-product requirement" ("*gofyniad sgilynhyrchion anifeiliaid*") means any requirement in Part 3 and any requirement in Column 2 of Schedule 1 to these Regulations as read with the provisions in Column 3 to that Schedule;

"authorised person" ("*person awdurdodedig*") means a person authorised under regulation 22;

"competent authority" ("*awdurdod cymwys*") has the meaning given in regulation 3;

"enforcement authority" ("*awdurdod gorfodi*") means a person exercising functions under regulation 21(1) or (2);

"premises" ("*mangre*") includes—

(1) OJ No. L 300, 14.11.2009, p. 1, amended by Directive No. 2010/63/EU of the European Parliament and of the Council (OJ No. 276, 20.10.2010, p. 33).

gynhyrchion anifeiliaid a chynhyrchion sy'n dod o anifeiliaid na fwriedir i bobl eu bwyta ac sy'n gweithredu Cyfarwyddeb y Cyngor 97/78/EC ynglŷn â samplau ac eitemau penodol sy'n esempt rhag gwiriadau milfeddygol wrth y ffin o dan y Gyfarwyddeb honno fel y'i diwygir o bryd i'w gilydd;

ystyr "Rheoliad Rheolaeth yr UE" ("*EU Control Regulation*") yw Rheoliad (EC) Rhif 1069/2009 Senedd Ewrop a'r Cyngor sy'n gosod rheolau iechyd ynglŷn â sgil-gynhyrchion anifeiliaid a chynhyrchion sy'n dod o anifeiliaid na fwriedir i bobl eu bwyta ac sy'n dirymu Rheoliad (EC) Rhif 1774/2002 (Rheoliad Sgil-gynhyrchion Anifeiliaid)(1).

(2) Mae i ymadroddion a ddefnyddir yn y Rheoliadau hyn ac a ddefnyddir hefyd yn Rheoliad Rheolaeth yr UE neu yn Rheoliad Gweithredu'r UE yr un ystyr yn y Rheoliadau hyn ag a roddir i'r ymadroddion Saesneg cyfatebol yn Rheoliad Rheolaeth yr UE neu yn Rheoliad Gweithredu'r UE.

RHAN 2

Yr awdurdod cymwys a darpariaethau amrywiol

Yr awdurdod cymwys

3. Gweinidogion Cymru yw'r awdurdod cymwys at ddibenion Rheoliad Rheolaeth yr UE a Rheoliad Gweithredu'r UE.

Cyfyngiadau ar fynediad i sgil-gynhyrchion anifeiliaid

4.—(1) Rhaid peidio â mynd â sgil-gynhyrchion anifeiliaid, gan gynnwys gwastraff arlwyyo, i unrhyw fangre pe bai gan anifeiliaid a ffermir fynediad at sgil-gynhyrchion anifeiliaid o'r fath.

(2) Nid yw paragraff (1) yn gymwys i gynhyrchion sy'n dod o anifeiliaid, ac eithrio—

- (a) cynhyrchion sy'n dod o wastraff arlwyyo; neu
- (b) blawd cig ac esgyrn sy'n dod o ddeunydd Categori 2 a phroteinau anifeiliaid wedi eu prosesu y bwriedir eu defnyddio fel gwrteithiau organig a deunyddiau i wella pridd neu eu defnyddio ynddynt, nad ydynt yn cydymffurfio â gofynion Erthygl 32(1)(d) (rhoi ar y farchnad a defnyddio) o Reoliad Rheolaeth yr UE.

- (a) any land, building, shed or pen;
 - (b) any receptacle or container;
 - (c) any ship; or
 - (d) a vehicle of any description;
- "ship" ("*llong*") includes a hovercraft, submersible craft or any other floating craft but not a vessel which—
- (a) permanently rests on or is permanently attached to the seabed; or
 - (b) is an installation within section 16 of the Energy Act 2008(1).

(2) Expressions used in these Regulations that are also used in the EU Control Regulation or EU Implementing Regulation have the same meaning in these Regulations as they have in the EU Control Regulation or EU Implementing Regulation.

PART 2

The competent authority and miscellaneous provisions

The competent authority

3. The competent authority for the purposes of the EU Control Regulation and the EU Implementing Regulation is the Welsh Ministers.

Restrictions on access to animal by-products

4.—(1) Animal by-products, including catering waste, must not be brought on to any premises if farmed animals would have access to such animal by-products.

(2) Paragraph (1) does not apply to derived products, except for—

- (a) products derived from catering waste; or
- (b) meat and bone meal derived from Category 2 material and processed animal proteins intended to be used as or in organic fertilisers and soil improvers that do not comply with the requirements of Article 32(1)(d) (placing on the market and use) of the EU Control Regulation.

(1) OJ Rhif L 300, 14.11.2009, t. 1, a ddiwygiwyd gan Gyfarwyddeb Rhif 2010/63/EU Senedd Ewrop a'r Cyngor (OJ Rhif 276, 20.10.2010, t. 33).

(1) 2008 c. 32.

(3) Rhaid i gorff neu ran o gorff unrhyw anifail a ffermir na chafodd ei gigydda i'w fwyta gan bobl gael eu cadw gan weithredwr, hyd nes y'u traddodir neu y'u gwaredir, yn y fath fodd a fydd yn sicrhau na fydd unrhyw anifail neu aderyn yn gallu cael mynediad at y corff neu'r rhan o gorff.

Defnyddio gwrteithiau organig a deunyddiau i wella pridd

5.—(1) Os defnyddir gwrteithiau organig neu ddeunyddiau i wella pridd ar dir, ni chaiff neb ganiatáu i foch gael mynediad at y tir hwnnw na chael eu bwydo â phorfa wedi ei thorri oddi ar y tir hwnnw am gyfnod o 60 diwrnod sy'n dechrau ar y diwrnod y defnyddir y gwrteithiau organig neu'r deunyddiau i wella pridd.

(2) Nid yw paragraff (1) yn gymwys i'r gwrteithiau organig na'r deunyddiau i wella pridd a ganlyn—

- (a) tail;
- (b) llaeth;
- (c) cynhyrchion yn seiliedig ar laeth;
- (d) cynhyrchion sy'n dod o laeth;
- (e) llaeth tor;
- (f) cynhyrchion o laeth tor; neu
- (g) cynnwys y llwybr treulio.

Canolfannau casglu

6. Mae safle prosesu ar gyfer deunydd Categori 2 a gymeradwywyd at ddibenion bod yn ganolfan gasglu ar gyfer deunydd Categori 2 wedi ei awdurdodi'n ganolfan gasglu.

Ardaloedd pellennig

7. Mae'r ardaloedd a ganlyn yn ardaloedd pellennig at ddibenion Erthygl 19(1)(b) o Reoliad Rheolaeth yr UE (casglu, cludo a gwaredu)—

- (a) Ynys Enlli;
- (b) Ynys Byr;
- (c) Ynys Dewi; a
- (d) Ynys Echni.

Rhoi ar y farchnad

8. Mae rhoi ar y farchnad wllan sydd heb ei drin a blew sydd heb ei drin o ffermydd neu o sefydliadau neu safleoedd wedi ei awdurdodi ac eithrio pan fônt yn peri risg o unrhyw glefyd trosglwyddadwy drwy'r cynhyrchion hynny i fodau dynol neu i anifeiliaid.

(3) The body or part of a body of any farmed animal that has not been slaughtered for human consumption must be held by an operator, pending consignment or disposal, in such manner as to ensure that no animal or bird will have access to it.

Use of organic fertilisers and soil improvers

5.—(1) Where organic fertilisers or soil improvers are applied to land, no person may allow pigs to have access to that land or to be fed cut herbage from such land for a period of 60 days beginning with the day on which the organic fertiliser or soil improver is applied.

(2) Paragraph (1) does not apply to the following organic fertilisers or soil improvers—

- (a) manure;
- (b) milk;
- (c) milk-based products;
- (d) milk-derived products;
- (e) colostrum;
- (f) colostrum products; or
- (g) digestive tract content.

Collection centres

6. A processing plant for Category 2 material which is approved for the purpose of being a collection centre for Category 2 material is authorised as a collection centre.

Remote areas

7. The following areas are remote areas for the purposes of Article 19(1)(b) of the EU Control Regulation (collection, transport and disposal)—

- (a) Bardsey Island;
- (b) Caldey Island;
- (c) Ramsey Island; and
- (d) Flatholm Island.

Placing on the market

8. The placing on the market of untreated wool and untreated hair from farms or from establishments or plants is authorised except where they present a risk of any disease communicable through those products to humans or animals.

Rhoi gwybod am ganlyniadau profion

9. Rhaid i weithredwyr roi gwybod i Weinidogion Cymru am ganlyniadau unrhyw brofion a gynhelir yn unol ag unrhyw rai o'r Erthyglau a ganlyn yn Rheoliad Gweithredu'r UE sy'n methu â bodloni'r safonau y mae'r Erthyglau hynny'n gofyn amdanynt—

- (a) Erthygl 10(1) (gofynion ynglŷn â thrawsffurfio sgil-gynhyrchion anifeiliaid a chynhyrchion sy'n dod o anifeiliaid yn fionwy a chompostio);
- (b) Erthygl 21(1) (prosesu sgil-gynhyrchion anifeiliaid a chynhyrchion sy'n dod o anifeiliaid a'u rhoi ar y farchnad i'w bwydo i anifeiliaid a ffermir);
- (c) Erthygl 22(1) (rhoi gwrteithiau organig a deunyddiau i wella pridd ar y farchnad a'u defnyddio); a
- (d) Erthygl 24(3) (bwyd anifeiliaid anwes a chynhyrchion eraill sy'n dod o anifeiliaid).

RHAN 3

Staenio

Staenio

10.—(1) Mae'r rheoliad hwn yn gymwys i weithredwyr y canlynol—

- (a) lladd-dai;
- (b) safleoedd torri;
- (c) sefydliadau trin anifeiliaid hela; a
- (d) storfeydd oer.

(2) Yn y rhan hon—

- (a) mae i'r termau “lladd-dy”, “safle torri” a “sefydliad trin anifeiliaid hela” yr ystyron a roddir iddynt yn rheoliad 5(6) o Reoliadau Hylendid Bwyd (Cymru) 2006(1);

- (b) ystyr “storfa oer” yw unrhyw fangre arall a ddefnyddir i storio cig ffres y bwriedir ei werthu i bobl ei fwyta, o dan amodau lle rheolir y tymheredd.

(3) Yn ddarostyngedig i baragraff (5), rhaid i weithredwyr fynd ati'n ddi-oed i staenio'r sgil-gynhyrchion anifeiliaid a ganlyn yn unol â pharagraff (4)—

- (a) sgil-gynhyrchion anifeiliaid a ddiffinnir gan unrhyw rai o'r erthyglau a ganlyn yn Rheoliad Rheolaeth yr UE—

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

Reporting of test results

9. Operators must report to the Welsh Ministers the results of any tests carried out pursuant to any of the following Articles of the EU Implementing Regulation which fail to meet the standards required by those Articles—

- (a) Article 10(1) (requirements for the transformation of animal by-products and derived products into biogas and composting);
- (b) Article 21(1) (processing and placing on the market of animal by-products and derived products for feeding to farmed animals);
- (c) Article 22(1) (placing on the market and use of organic fertilisers and soil improvers); and
- (d) Article 24(3) (pet food and other derived products).

PART 3

Staining

Staining

10.—(1) This regulation applies to the operators of—

- (a) slaughterhouses;
- (b) cutting plants;
- (c) game-handling establishments; and
- (d) cold stores.

(2) In this part—

- (a) the terms “slaughterhouse”, “cutting plant” and “game-handling establishment” have the meanings given to them in regulation 5(6) of the Food Hygiene (Wales) Regulations 2006(1);

- (b) “cold store” means any other premises used for the storage, under temperature controlled conditions, of fresh meat intended for sale for human consumption.

(3) Operators must, subject to paragraph (5), without undue delay, stain the following animal by-products in accordance with paragraph (4)—

- (a) animal by-products defined by any of the following articles of the EU Control Regulation—

(1) S.I. 2006/31 (W. 5) to which there are amendments not relevant to these Regulations.

- (i) Erthygl 8(c);
 - (ii) Erthygl 8(d);
 - (iii) Erthygl 9(c); neu
 - (iv) Erthygl 9(d);
- (b) cyrff cyfan dofednod pan fo'r anifeiliaid yn farw wrth gyrraedd y lladd-dy;
- (c) cyrff anifeiliaid neu rannau o anifeiliaid sy'n anaddas i'w bwyta gan bobl am eu bod yn dangos arwyddion clefyd a all gael ei drosglwyddo i fodau dynol neu anifeiliaid;
- (d) cyrff anifeiliaid neu rannau o anifeiliaid sy'n anaddas i'w bwyta gan bobl am nad ydynt wedi eu cyflwyno i'w harolygu naill ai ante mortem neu post mortem;
- (e) cyrff anifeiliaid neu rannau o anifeiliaid sydd wedi eu halogi ag unrhyw sylwedd a all beri bygythiad i iechyd y cyhoedd neu iechyd anifeiliaid; ac
- (f) deunydd Categori 3 sydd wedi newid drwy ddadelfennu neu drwy gael ei ddifetha nes ei fod yn peri risg annerbyniol i iechyd y cyhoedd neu iechyd anifeiliaid.
- (4) Rhaid i weithredwyr—
- (a) staenio'r deunydd a restrwyd ym mharagraff (3) ag asiant lliwio a chan defnyddio toddiant o'r cyfryw gryfder sy'n sicrhau bod y staenio'n glir i'w weld ac yn parhau'n weladwy ar ôl i'r sgil-gynnyrch anifeiliaid gael ei oeri neu ei rewi;
 - (b) gosod y staen ar arwyneb cyfan y sgil-gynnyrch, boed drwy drochi'r sgil-gynnyrch yn y staen, ei chwistrellu â'r toddiant neu osod y toddiant arno drwy unrhyw ddull sydd yr un mor effeithiol;
 - (c) yn achos sgil-gynnyrch anifeiliaid nad yw'n dod o fewn paragraff (3) ac sy'n pwyso mwy nag 20 kg, gosod y staen ar ôl i'w arwyneb gael ei agor gan doriadau niferus a dwfn; a
 - (d) yn achos sgil-gynnyrch anifeiliaid sy'n gorff cyfan dofedn, p'un a yw wedi ei ddiberfeddu neu wedi ei bluo ai peidio, gosod y staen ar ôl i arwyneb y corff gael ei agor gan doriadau niferus a dwfn.
- (5) Nid oes angen i weithredwyr staenio yn unol â pharagraff (3)—
- (a) unrhyw sgil-gynnyrch anifeiliaid a symudir, neu y bwriedir iddo gael ei symud, oddi ar unrhyw fangre gan filfeddyg neu o dan awdurdod milfeddyg i'w archwilio gan y milfeddyg neu ar ei ran;
 - (b) unrhyw sgil-gynnyrch anifeiliaid a gymysgir ag offal gwyRDD mewn cynhwysydd sy'n
- (i) Article 8(c);
 - (ii) Article 8(d);
 - (iii) Article 9(c); or
 - (iv) Article 9(d);
- (b) whole poultry bodies where the animals are dead on arrival at the slaughterhouse;
- (c) bodies or parts of animals which are unfit for human consumption because they show signs of disease communicable to humans or animals;
- (d) bodies or parts of animals which are unfit for human consumption because they have not been presented for either ante or post mortem inspection;
- (e) bodies or parts of animals which have been contaminated with any substance which may pose a threat to public or animal health; and
- (f) Category 3 material that has changed through decomposition or spoilage so as to present an unacceptable risk to public or animal health.
- (4) Operators must—
- (a) stain the material listed in paragraph (3) with a colouring agent and using a solution of such a strength that the staining is clearly visible and remains visible after the animal by-product has been chilled or frozen;
 - (b) apply the stain to the whole surface of the by-product, whether by immersing the by-product in the stain, spraying it with the solution or applying the solution to it by any other equally effective means;
 - (c) in the case of an animal by-product not falling within paragraph (3) and weighing more than 20 kg, apply the stain after its surface has been opened by multiple and deep incisions; and
 - (d) in the case of an animal by-product comprising a whole poultry body, whether or not it has been eviscerated or de feathered, apply the stain after the surface of the body has been opened by multiple and deep incisions.
- (5) Operators need not stain pursuant to paragraph (3)—
- (a) any animal by-product which is removed, or is intended to be removed, from any premises by, or under the authority of, a veterinary surgeon for examination by or on behalf of the surgeon;
 - (b) any animal by-product which is mixed with green offal in a container containing mainly

cynnwys yn bennaf offal gwyrdd i'w waredu yn unol â Rheoliad Rheolaeth yr UE;

- (c) unrhyw sgil-gynnyrch anifeiliaid y bwriedir ei ddefnyddio at ddibenion gwyddonol ac a osodir, hyd nes ei ddefnyddio neu ei symud i fangre i'w ddefnyddio felly yn unol â Rheoliad Rheolaeth yr UE, mewn ystafell ac mewn daliedydd a ddyluniwyd i ddal sgil-gynhyrchion anifeiliaid ac sydd â hysbysiad arno fod ei gynnwys wedi ei fwriadu i'w ddefnyddio at ddibenion gwyddonol;
- (d) unrhyw sgil-gynnyrch anifeiliaid a symudir ar unwaith ar ôl ei gynhyrchu i sefydliad neu safle prosesu, neu sefydliad neu safle llosgi, a gymeradwywyd o dan Reoliad Rheolaeth yr UE drwy bibell sydd wedi'i selio ac sy'n ddiogel rhag gollyngiadau; neu
- (e) corff cyfan anifail, ac eithrio corff cyfan dofedn.

(6) Ni chaiff neb allforio deunydd wedi ei staenio o'r math y cyfeirir ato ym mharagraff (3) i Aelod-wladwriaeth arall yn yr Undeb Ewropeaidd oni bai bod yr Aelod-wladwriaeth honno'n cytuno i fewnforio'r deunydd.

(7) Ym mharagraff (5)(b) o'r rheoliad hwn ystyr "offal gwyrdd" yw stumog a pherfeddion anifail a chynnwys y llwybr treulio.

green offal for disposal in accordance with the EU Control Regulation;

- (c) any animal by-product which is intended for use for scientific purposes and which, pending such use or removal to premises for such use in accordance with the EU Control Regulation, is placed in a room and in a receptacle designed for the purpose of holding animal by-products and bearing a notice that its contents are intended for use for scientific purposes;
- (d) any animal by-product which is moved immediately after generation to a processing or incineration establishment or plant approved under the EU Control Regulation via a sealed and leak-proof pipe; or
- (e) a whole animal body, except a whole poultry body.

(6) No one may export stained material of the type referred to in paragraph (3) to another member State of the European Union unless that member State agrees to import the material.

(7) In paragraph (5)(b) of this regulation "green offal" means the stomach and intestines of an animal and the contents of the digestive tract.

RHAN 4

Cofrestru a chymeradwyo

Y weithdrefn ar gyfer cofrestru safleoedd a sefydliadau

11. Rhaid i hysbysiad i'r awdurdod cymwys gael ei wneud mewn ysgrifen, pan fo'n cael ei wneud—

- (a) gyda'r bwriad o gofrestru yn unol ag Erthygl 23(1) (cofrestru gweithredwyr, sefydliadau neu safleoedd) o Reoliad Rheolaeth yr UE; neu
- (b) er mwyn hysbysu'r awdurdod am newidiadau yn unol ag Erthygl 23(2) o'r Rheoliad hwnnw.

Hysbysiadau awdurdod cymwys mewn perthynas â chofrestru

12. Rhaid i'r awdurdod cymwys roi hysbysiad ysgrifenedig i'r canlynol—

- (a) y gweithredwr sydd wedi hysbysu yn unol â rheoliad 11, am y canlynol—
 - (i) bod y gweithredwr wedi ei gofrestru; neu

PART 4

Registration and approval

Procedure for registration of plants and establishments

11. A notification must be made in writing to the competent authority where it is made—

- (a) with a view to registration in accordance with Article 23(1) (registration of operators, establishments or plants) of the EU Control Regulation; or
- (b) to inform the authority of changes in accordance with Article 23(2) of that Regulation.

Notifications of competent authority in respect of registration

12. The competent authority must give notice in writing to—

- (a) the operator who has notified in accordance with regulation 11, of—
 - (i) the registration of the operator; or

- (ii) y penderfyniad i beidio â chofrestru'r gweithredwr;
- (b) gweithredwr cofrestredig, am y canlynol—
 - (i) gwaharddiad a wnaed o dan Erthygl 46(2) (gwaharddiad ar weithrediadau) o Reoliad Rheolaeth yr UE;
 - (ii) gofyniad i gydymffurfio ag Erthygl 23(1)(b) neu (2) o Reoliad Rheolaeth yr UE (gwybodaeth am weithgareddau a'r wybodaeth ddiweddaraf); neu
 - (iii) bod y cofrestriad wedi ei ddiwygio neu wedi ei ddiweddu pan fo gweithredwr wedi hysbysu'r awdurdod cymwys bod sefydliad wedi ei gau yn unol ag Erthygl 23(2) (yr wybodaeth ddiweddaraf) o Reoliad Rheolaeth yr UE.

- (ii) the decision not to register the operator;
- (b) a registered operator, of—
 - (i) a prohibition made under Article 46(2) (prohibition on operations) of the EU Control Regulation;
 - (ii) a requirement to comply with Article 23(1)(b) or (2) of the EU Control Regulation (information on activities and up-to-date information); or
 - (iii) the amendment of the registration or the ending of the registration where an operator has notified the competent authority of the closure of an establishment in accordance with Article 23(2) (up-to-date information) of the EU Control Regulation.

Y weithdrefn ar gyfer cymeradwyo

13. Rhaid i weithredwyr y mae Erthygl 24(1) (cymeradwyo sefydliadau neu safleoedd) o Reoliad Rheolaeth yr UE yn gymwys iddynt, wneud cais ysgrifenedig i'r awdurdod cymwys i gael cymeradwyaeth, gan gynnwys cymeradwyaeth ar ôl cael cymeradwyaeth dros dro pan fo Erthygl 33 o Reoliad Gweithredu'r UE (ailgymeradwyo safleoedd a sefydliadau ar ôl rhoi cymeradwyaeth dros dro) yn gymwys.

Procedure for approval

13. Operators to whom Article 24(1) (approval of establishments or plants) of the EU Control Regulation applies, must apply in writing to the competent authority for approval, including approval after the grant of temporary approval where Article 33 of the EU Implementing Regulation (re-approval of plants and establishments after the grant of temporary approval) applies.

Hysbysiad mewn perthynas â phenderfyniadau ar gymeradwyo

14. Rhaid i'r awdurdod cymwys roi hysbysiad ysgrifenedig i'r canlynol—

- (a) y ceisydd am gymeradwyaeth, am y canlynol—
 - (i) bod cymeradwyaeth wedi ei rhoi yn unol ag Erthyglau 24 (cymeradwyo) a 44 (y weithdrefn ar gyfer cymeradwyo) o Reoliad Rheolaeth yr UE;
 - (ii) bod cymeradwyaeth amodol wedi ei rhoi yn unol ag Erthyglau 24 a 44 o Reoliad Rheolaeth yr UE, neu fod y gymeradwyaeth honno wedi ei hestyn yn unol ag Erthygl 44; neu
 - (iii) y gwrthodwyd rhoi cymeradwyaeth mewn perthynas â chais cychwynnol neu estyniad;
- (b) gweithredwr safle neu sefydliad sydd o dan gymeradwyaeth amodol a roddwyd yn unol ag Erthyglau 24 a 44 o Reoliad Rheolaeth yr UE, am y canlynol—
 - (i) bod cymeradwyaeth lawn wedi ei rhoi;

Notification in respect of decisions on approval

14. The competent authority must give notice in writing to—

- (a) the applicant for approval, of the—
 - (i) grant of approval in accordance with Articles 24 (approval) and 44 (procedure for approval) of the EU Control Regulation;
 - (ii) grant of conditional approval in accordance with Articles 24 and 44 of the EU Control Regulation, or the extension of such approval in accordance with Article 44; or
 - (iii) refusal to grant approval in respect of an initial application or extension;
- (b) the operator of a plant or establishment subject to conditional approval granted in accordance with Articles 24 and 44 of the EU Control Regulation, of the—
 - (i) grant of full approval;

- (ii) bod cymeradwyaeth o'r fath wedi ei hestyn;
 - (iii) bod amodau wedi eu gosod yn unol ag Erthygl 46(1)(c) (ataliadau dros dro, tynnu'n ôl a gwaharddiadau ar weithrediadau) o Reoliad Rheolaeth yr UE;
 - (iv) bod cymeradwyaeth o'r fath wedi ei hatal dros dro yn unol ag Erthygl 46(1)(a) o Reoliad Rheolaeth yr UE;
 - (v) bod cymeradwyaeth o'r fath wedi ei thynnu'n ôl yn unol ag Erthygl 46(1)(b) o Reoliad Rheolaeth yr UE;
 - (vi) bod gwaharddiad wedi ei wneud yn unol ag Erthygl 46(2) o Reoliad Rheolaeth yr UE; neu
 - (vii) y gwrthodwyd estyn cymeradwyaeth lawn neu roi cymeradwyaeth lawn;
- (c) gweithredwr safle neu sefydliad a gymeradwywyd, am y canlynol—
- (i) bod amodau wedi eu gosod yn unol ag Erthygl 46(1)(c) o Reoliad Rheolaeth yr UE (atal dros dro, tynnu'n ôl);
 - (ii) bod cymeradwyaeth o'r fath wedi ei hatal dros dro yn unol ag Erthygl 46(1)(a) o Reoliad Rheolaeth yr UE;
 - (iii) bod gwaharddiad wedi ei wneud yn unol ag Erthygl 46(2) o Reoliad Rheolaeth yr UE; neu
 - (iv) bod cymeradwyaeth o'r fath wedi ei thynnu'n ôl yn unol ag Erthygl 46(1)(b) o Reoliad Rheolaeth yr UE.
- (ii) extension of such approval;
 - (iii) imposition of conditions in accordance with Article 46(1)(c) (suspensions, withdrawals and prohibitions on operations) of the EU Control Regulation;
 - (iv) suspension of such approval in accordance with Article 46(1)(a) of the EU Control Regulation;
 - (v) withdrawal of such approval in accordance with Article 46(1)(b) of the EU Control Regulation;
 - (vi) making of a prohibition in accordance with Article 46(2) of the EU Control Regulation; or
 - (vii) refusal to extend or grant full approval;
- (c) the operator of an approved plant or establishment, of the—
- (i) imposition of conditions in accordance with Article 46(1)(c) of the EU Control Regulation (suspension, withdrawal);
 - (ii) suspension of such approval in accordance with Article 46(1)(a) of the EU Control Regulation;
 - (iii) making of a prohibition in accordance with Article 46(2) of the EU Control Regulation; or
 - (iv) withdrawal of such approval in accordance with Article 46(1)(b) of the EU Control Regulation.

Y rhesymau dros benderfyniadau

15.—(1) Pan fo'r awdurdod cymwys yn gwneud penderfyniad ac yn hysbysu yn unol â rheoliad 12 neu reoliad 14, rhaid i'r awdurdod cymwys roi rhesymau ysgrifenedig dros y penderfyniad hwnnw.

(2) Nid yw paragraff (1) yn gymwys i benderfyniadau a hysbysir o dan—

- (a) rheoliad 12(a)(i);
- (b) rheoliad 14(a)(i); neu
- (c) rheoliad 14(b)(i) neu (ii).

Y weithdrefn apelio

16.—(1) Pan fo'r awdurdod cymwys wedi rhoi hysbysiad y mae rheoliad 15(1) yn gymwys iddo, caiff person apelio yn ei erbyn drwy wneud sylwadau ysgrifenedig, o fewn 21 diwrnod o ddyroddi'r hysbysiad am y penderfyniad hwnnw, i berson a benodwyd at y diben gan Weinidogion Cymru.

Reasons for decisions

15.—(1) Where a decision is made by the competent authority and notified in accordance with regulation 12 or regulation 14, the competent authority must give reasons in writing for that decision.

(2) Paragraph (1) does not apply to decisions notified under—

- (a) regulation 12(a)(i);
- (b) regulation 14(a)(i); or
- (c) regulation 14(b)(i) or (ii).

Appeals procedure

16.—(1) Where the competent authority has made a notification to which regulation 15(1) applies, a person may appeal against it by making written representations, within 21 days of the issuing of notification of that decision, to a person appointed for the purpose by the Welsh Ministers.

(2) Caiff yr awdurdod cymwys hefyd wneud sylwadau ysgrifenedig i'r person penodedig ynglŷn â'r penderfyniad.

(3) Rhaid wedyn i'r person penodedig gyflwyno adroddiad ysgrifenedig i Weinidogion Cymru.

(4) Rhaid i Weinidogion Cymru roi i'r ceisydd hysbysiad ysgrifenedig am ddyfarniad terfynol Gweinidogion Cymru a'r rhesymau drosto.

(2) The competent authority may also make written representations to the appointed person concerning the decision.

(3) The appointed person must then report in writing to the Welsh Ministers.

(4) The Welsh Ministers must give to the applicant written notification of the final determination of the Welsh Ministers and the reasons for it.

RHAN 5

Troseddau a chosbau

Cydymffurfio â gofynion sgil-gynhyrchion anifeiliaid

17. Mae person sy'n methu â chydymffurfio â gofyniad sgil-gynhyrchion anifeiliaid yn cyflawni trosedd.

Rhwystro

18. Mae'n drosedd—

- (a) rhwystro person awdurdodedig yn fwriadol;
- (b) methu â rhoi unrhyw wybodaeth neu gymorth i berson awdurdodedig neu fetu â darparu unrhyw gyfleusterau y mae'n rhesymol i berson o'r fath ofyn amdanynt, a hynny heb achos rhesymol;
- (c) rhoi gwybodaeth ffug neu gamarweiniol i berson awdurdodedig yn fwriadol neu'n ddi-hid; neu
- (d) methu â dangos cofnod neu ddogfen pan fo person awdurdodedig yn gofyn amdanynt.

Troseddau corfforaethol, troseddau partneriaeth a throseddau cymdeithas anghorfforedig

19.—(1) Pan fo—

- (a) trosedd o dan y Rheoliadau hyn wedi ei chyflawni gan gorff corfforaethol neu gan bartneriaeth neu gan bartneriaeth Albanaidd neu gan gymdeithas anghorfforedig arall; a
- (b) y profir bod y drosedd wedi ei chyflawni gyda chydysyniad neu ymoddefiad unigolyn perthnasol, neu ei bod i'w phriodoli i unrhyw esgeulustod ar ran unigolyn perthnasol (gan gynnwys unigolyn sy'n honni ei fod yn gweithredu yn swyddogaeth unigolyn perthnasol),

PART 5

Offences and penalties

Compliance with animal by-product requirements

17. A person who fails to comply with an animal by-product requirement commits an offence.

Obstruction

18. It is an offence—

- (a) intentionally to obstruct an authorised person;
- (b) without reasonable cause, to fail to give to an authorised person any information or assistance or to provide any facilities that such person may reasonably require;
- (c) knowingly or recklessly to give false or misleading information to an authorised person; or
- (d) to fail to produce a record or document when required to do so by an authorised person.

Corporate, partnership and unincorporated association offences

19.—(1) Where—

- (a) an offence under these Regulations has been committed by a body corporate or a partnership or Scottish partnership or other unincorporated association; and
- (b) it is proved that the offence was committed with the consent or connivance of, or was attributable to any neglect on the part of, a relevant individual (including an individual purporting to act in the capacity of a relevant individual),

mae'r unigolyn perthnasol yn ogystal â'r corff corfforaethol, y bartneriaeth, y bartneriaeth Albanaidd neu'r gymdeithas anghorfforedig, yn euog o'r drosedd ac mae'n agored i achos yn ei erbyn a'i gosbi yn unol â hynny.

(2) Ym mharagraff (1), ystyr "unigolyn perthnasol" yw—

- (a) o ran corff corfforaethol—
 - (i) cyfarwyddwr, rheolwr, ysgrifennydd neu swyddog tebyg arall i'r corff;
 - (ii) pan fo materion y corff yn cael eu rheoli gan ei aelodau, aelod;
- (b) o ran partneriaeth neu bartneriaeth Albanaidd, partner;
- (c) o ran cymdeithas anghorfforedig heblaw partneriaeth Albanaidd, person sy'n ymwneud â rheolaeth neu reoli'r gymdeithas.

(3) Caniateir i achos am drosedd o dan y Rheoliadau hyn yr honnir ei bod wedi ei chyflawni gan bartneriaeth neu gymdeithas anghorfforedig gael ei ddwyn yn erbyn y bartneriaeth neu'r gymdeithas yn enw'r bartneriaeth neu'r gymdeithas.

(4) At ddibenion achos yn unol â pharagraff (3) mae'r darpariaethau a ganlyn yn gymwys fel pe bai'r bartneriaeth neu'r gymdeithas anghorfforedig yn gorff corfforaethol—

- (a) rheolau'r llys ynglŷn â chyflwyno dogfennau;
- (b) adran 33 o Ddeddf Cyfiawnder Troseddol 1925(1); ac
- (c) Atodlen 3 i Ddeddf Llysoedd Ynadon 1980(2).

(5) Mae dirwy a osodir ar bartneriaeth neu ar gymdeithas anghorfforedig wedi ei chollfarnu o drosedd o dan y Rheoliadau hyn i'w thalu o gronfeydd y bartneriaeth neu'r gymdeithas.

Cosbau

20. Mae person sy'n euog o drosedd o dan y Rheoliadau hyn yn agored—

the relevant individual as well as the body corporate, partnership, Scottish partnership or unincorporated association, is guilty of the offence and is liable to be proceeded against and punished accordingly.

(2) In paragraph (1), "relevant individual" means—

- (a) in relation to a body corporate—
 - (i) a director, manager, secretary or other similar officer of the body;
 - (ii) where the affairs of the body are managed by its members, a member;
- (b) in relation to a partnership or Scottish partnership, a partner;
- (c) in relation to an unincorporated association other than a Scottish partnership, a person who is concerned in the management or control of the association.

(3) Proceedings for an offence under these Regulations alleged to have been committed by a partnership or an unincorporated association may be brought against the partnership or association in the name of the partnership or association.

(4) For the purpose of proceedings pursuant to paragraph (3) the following provisions apply as if the partnership or unincorporated association were a body corporate—

- (a) rules of court relating to the service of documents;
- (b) section 33 of the Criminal Justice Act 1925(1); and
- (c) Schedule 3 to the Magistrates' Courts Act 1980(2).

(5) A fine imposed on a partnership or unincorporated association on its conviction of an offence under these Regulations is to be paid out of the funds of the partnership or association.

Penalties

20. A person guilty of an offence under these Regulations is liable—

(1) 1925 p. 86. Diddymwyd is-adrannau (1), (2) a (5) o adran 33 gan Ddeddf Llysoedd Ynadon 1952 (p. 55) adran 132 ac Atodlen 6; diwygiwyd is-adran (3) gan Ddeddf Llysoedd 1971 (p. 23), adran 56(1) ac Atodlen 8, Rhan 2, paragraff 19; diddymwyd is-adran (4) yn rhannol gan Ddeddf Llysoedd 2003 (p. 39) adran 109(1) a (3), Atodlen 8, paragraff 71 ac Atodlen 10

(2) 1980 p. 43. Diddymwyd paragraffau 2(a) a 5 gan Ddeddf Cyfiawnder Troseddol 2003 (p. 44); dirymwyd paragraff 2(a) gan adrannau 41, 332, Atodlen 3, Rhan 2, paragraff 51(1), (13)(a) ac Atodlen 37, Rhan 4; dirymwyd paragraff 5 gan adrannau 25(2) a 101(2) ac Atodlen 13; diwygiwyd paragraff 6 o Atodlen 3 gan Ddeddf Cyfiawnder Troseddol 2003, adran 41, Atodlen 3, Rhan 2, paragraffau 51(1) a (13)(b).

(1) 1925 c. 86. Subsections (1), (2) and (5) of section 33 were repealed by the Magistrates Courts Act 1952 (c. 55) section 132 and Schedule 6; subsection (3) was amended by the Courts Act 1971 (c. 23), section 56(1) and Schedule 8, Part 2, paragraph 19; subsection (4) was partially repealed by the Courts Act 2003 (c. 39) section 109(1) and (3), Schedule 8, paragraph 71 and Schedule 10

(2) 1980 c. 43. Paragraphs 2(a) and 5 were repealed by the Criminal Justice Act 2003 (c. 44); paragraph 2(a) was repealed by sections 41, 332, Schedule 3 Part 2, paragraph 51(1), (13)(a) and Schedule 37, Part 4; paragraph 5 was repealed by, sections 25(2) and 101(2) and Schedule 13; paragraph 6 of Schedule 3 was amended by the Criminal Justice Act 2003 section 41, Schedule 3, Part 2, paragraphs 51(1) and (13)(b).

- (a) ar gollfarn ddiannod, i ddirwy nad yw'n fwy na'r uchafswm statudol neu i garchariad am gyfnod nad yw'n fwy na thri mis, neu'r ddau; neu
- (b) ar gollfarn ar ddiad, i ddirwy neu i garchariad am gyfnod nad yw'n fwy na dwy flynedd, neu'r ddau.

RHAN 6

Gorfodi

Awdurdod gorfodi

21.—(1) Gorfodir rheoliad 10—

- (a) o ran unrhyw ladd-dy, safle torri neu sefydliad sy'n trafod anifeiliaid hela, gan yr Asiantaeth Safonau Bwyd; a
- (b) o ran unrhyw fangre arall, gan yr Asiantaeth Safonau Bwyd neu'r awdurdod lleol y lleolir y fangre yn ei ardal.

(2) Fel arall gorfodir y Rheoliadau hyn—

- (a) gan yr awdurdod lleol perthnasol;
- (b) gan yr awdurdod iechyd porthladd o ran dosbarth iechyd porthladd a gyfansoddwyd drwy orchymyn o dan adran 2(3) o Ddeddf Iechyd y Cyhoedd (Rheoli Clefydau) 1984(1); neu
- (c) gan Weinidogion Cymru o ran sefydliad hylendid bwyd.

(3) Nid yw is-baragraffau (a) a (b) o baragraff (2) yn gymwys pan fo Gweinidogion Cymru'n cyfarwyddo bod y ddyletswydd orfodi i'w harfer mewn perthynas ag achosion o ddisgrifiad penodol neu unrhyw achos penodol gan Weinidogion Cymru.

(4) Yn y rheoliad hwn ystyr “awdurdod lleol” yw cyngor sir neu gyngor bwrdeistref sirol.

(5) Ym mharagraff (2)(c) ystyr “sefydliad hylendid bwyd” yw sefydliad y cyfeirir ato yn rheoliad 5(2) o Reoliadau Hylendid Bwyd (Cymru) 2006(2) y mae gan yr Asiantaeth Safonau Bwyd swyddogaethau gorfodi mewn perthynas ag ef o dan y Rheoliadau hynny.

Person awdurdodedig

22. Caiff awdurdod gorfodi awdurdodi'n ysgrifenedig unrhyw bersonau y mae'r awdurdod o'r farn eu bod yn briodol i weithredu er mwyn gorfodi'r Rheoliadau hyn.

- (a) on summary conviction, to a fine not exceeding the statutory maximum or to imprisonment not exceeding three months or both; or
- (b) on conviction on indictment, to a fine or to imprisonment for a term not exceeding two years, or both.

PART 6

Enforcement

Enforcement authority

21.—(1) Regulation 10 is enforced by—

- (a) in relation to any slaughterhouse, cutting plant or game-handling establishment, the Food Standards Agency; and
- (b) in relation to any other premises, the Food Standards Agency or the local authority in whose area the premises are situated.

(2) Otherwise these Regulations are enforced by—

- (a) the relevant local authority;
- (b) the port health authority in relation to a port health district constituted by order under section 2(3) of the Public Health (Control of Diseases) Act 1984(1); or
- (c) the Welsh Ministers in relation to a food hygiene establishment.

(3) Sub-paragraphs (a) and (b) of paragraph (2) do not apply where the Welsh Ministers direct that the enforcement duty is to be exercised in relation to cases of a particular description or any particular case by the Welsh Ministers.

(4) In this regulation “local authority” means county council or country borough council.

(5) In paragraph (2)(c) “food hygiene establishment” means an establishment referred to in regulation 5(2) of the Food Hygiene (Wales) Regulations 2006(2) in respect of which the Food Standards Agency has enforcement functions under those Regulations.

Authorised person

22. An enforcement authority may authorise in writing such persons as the authority considers appropriate to act for the purpose of enforcing these Regulations.

(1) 1984 p. 22.

(2) O.S. 2006/31 (Cy. 5).

(1) 1984 c. 22.

(2) S.I. 2006/31 (W. 5).

Pwerau mynediad a phwerau ychwanegol

23.—(1) Caiff person awdurdodedig, drwy ddangos awdurdod y person hwnnw os gofynnir amdano er mwyn gorfodi'r Rheoliadau hyn, Rheoliad Rheolaeth yr UE a Rheoliad Gweithredu'r UE—

- (a) mynd i mewn i fangre a'i harolygu (ac eithrio mangre a ddefnyddir yn gyfan gwbl neu'n bennaf fel tŷ annedd) ar unrhyw adeg resymol;
- (b) mynd ag unrhyw bersonau eraill ac unrhyw offer neu ddeunyddiau y mae eu hangen;
- (c) gwneud unrhyw archwiliad neu ymchwiliad y mae eu hangen;
- (d) cyfarwyddo gadael y fangre, neu ran ohoni, heb aflonyddu arni (p'un ai'n gyffredinol ynteu mewn agweddau penodol) am ba amser bynnag sy'n rhesymol angenrheidiol at ddibenion unrhyw archwiliad neu ymchwiliad o dan is-baragraff (c);
- (e) cymryd unrhyw fesurau a thynnu unrhyw ffotograffau a gwneud unrhyw gofnodion y bernir eu bod yn angenrheidiol at ddibenion unrhyw archwiliad neu ymchwiliad o dan is-baragraff (c);
- (f) yn achos unrhyw eitem neu sylwedd a ganfyddir yn y fangre neu arni—
 - (i) cymryd samplau;
 - (ii) eu profi neu eu gwneud yn destun unrhyw broses, pan fo'n ymddangos eu bod wedi peri niwed neu'n debygol o beri niwed i iechyd dynol neu i iechyd anifeiliaid neu blanhigion;
 - (iii) cymryd meddiant ohonynt a'u cadw cyhyd ag y bo'n angenrheidiol—
 - (aa) i'w harchwilio ac i arfer y pŵer ym mharagraff (ii);
 - (bb) i sicrhau nad ymyrrir â hwy cyn i'r archwiliad arnynt gael ei gwblhau; ac
 - (cc) i sicrhau eu bod ar gael i'w defnyddio fel tystiolaeth mewn unrhyw achos am drosedd o dan y Rheoliadau hyn;
- (g) ei gwneud yn ofynnol i unrhyw gofnodion y mae'n angenrheidiol eu gweld at ddibenion unrhyw archwiliad neu ymchwiliad o dan is-baragraff (c) gael eu dangos neu, pan fo'r wybodaeth wedi ei chofnodi ar ffurf gyfrifiadurol, i ddetholiad o'r cofnodion gael ei ddangos, ac arolygu a chymryd copïau o'r cofnodion hynny, neu o unrhyw gofnod ynddynt;

Powers of entry and additional powers

23.—(1) An authorised person may, on production of that person's authority if so required for the purpose of enforcing these Regulations, the EU Control Regulation and the EU Implementing Regulation—

- (a) enter and inspect premises (except premises used wholly or mainly as a dwelling-house) at any reasonable hour;
- (b) take such other persons and any equipment or materials as necessary;
- (c) make such examination or investigation as necessary;
- (d) direct that the premises, or part of them, are left undisturbed (whether generally or in particular respects) for so long as is reasonably necessary for the purpose of any examination or investigation under sub-paragraph (c);
- (e) take such measurements and photographs and make such recordings as are considered necessary for the purpose of any examination or investigation under sub-paragraph (c);
- (f) in the case of any article or substance found in or on the premises—
 - (i) take samples;
 - (ii) test or subject it to any process, where it appears that it has caused or is likely to cause harm to human health or to the health of animals or plants;
 - (iii) take possession of it and retain it for so long as is necessary—
 - (aa) to examine it and to exercise the power within paragraph (ii);
 - (bb) to ensure that it is not tampered with before examination of it is completed; and
 - (cc) to ensure that it is available for use as evidence in any proceedings for an offence under these Regulations;
- (g) require the production of, or where the information is recorded in computerised form the furnishing of extracts from, any records which it is necessary to see for the purposes of any examination or investigation under sub-paragraph (c) and to inspect and take copies of, or of any entry in, the records;

- (h) ei gwneud yn ofynnol i unrhyw berson roi unrhyw gyfleusterau a chymorth mewn perthynas ag unrhyw faterion neu bethau o dan reolaeth y person hwnnw neu y mae gan y person hwnnw gyfrifoldebau mewn perthynas â hwy ag sy'n angenrheidiol er mwyn galluogi'r person awdurdodedig i arfer unrhyw rai o'r pwerau a roddir gan y rheoliad hwn; neu
- (i) marcio unrhyw anifail neu sgil-gynnyrch anifeiliaid y mae'r person awdurdodedig o'r farn ei fod yn angenrheidiol.

(2) Rhaid i berson awdurdodedig sy'n mynd i mewn i unrhyw fangre sydd heb ei meddiannu neu y mae'r meddiannydd yn absennol ohoni dros dro ei gadael wedi ei diogelu yr un mor effeithiol rhag mynediad diawdurdod ag ydoedd cyn i'r person awdurdodedig fynd yno.

(3) Caniateir i berson awdurdodedig fynd ag unrhyw bersonau eraill y mae o'r farn eu bod yn angenrheidiol gydag ef.

(4) Pan fo person awdurdodedig yn bwriadu arfer y pŵer ym mharagraff (1)(f)(ii), rhaid i'r person awdurdodedig—

- (a) os gofynnir hynny gan berson sy'n bresennol ar y pryd ac y mae ganddo gyfrifoldebau mewn perthynas â'r fangre honno, beri bod unrhyw beth sydd i'w wneud yn rhinwedd y pŵer hwnnw yn cael ei wneud ym mhresenoldeb y person hwnnw;
- (b) ymgynghori ag unrhyw bersonau y mae'n ymddangos i'r person awdurdodedig eu bod yn briodol er mwyn canfod pa beryglon, os oes rhai, a allai ddigwydd wrth wneud unrhyw beth y bwriedir ei wneud o dan y pŵer hwnnw.

(5) Pan fo person awdurdodedig yn bwriadu arfer y pŵer ym mharagraff (1)(f)(iii), rhaid i'r person awdurdodedig, os yw'n ymarferol gwneud hynny, gymryd sampl o'r eitem neu'r sylwedd a rhoi i berson cyfrifol yn y fangre gyfran o'r sampl wedi ei marcio mewn dull sy'n ddigonol i'w hadnabod.

(6) Pan fo person awdurdodedig yn arfer y pŵer ym mharagraff (1)(f)(iii), rhaid i'r person awdurdodedig adael hysbysiad sy'n rhoi manylion am yr eitem neu'r sylwedd sy'n ddigonol i ddynodi beth ydyw ac yn datgan bod meddiant wedi ei gymryd ohoni neu ohono, naill ai—

- (a) gyda pherson cyfrifol; neu
- (b) os nad yw hynny'n ymarferol, wedi ei osod mewn lle amlwg yn y fangre honno.

(7) Nid oes dim yn y rheoliad hwn yn gorfodi unrhyw berson i ddangos dogfen y byddai hawl gan y person hwnnw i'w dal yn ôl rhag ei dangos ar sail baint broffesiynol gyfreithiol o dan orchymyn datgelu mewn achos yn yr Uchel Lys.

- (h) require any person to afford such facilities and assistance with respect to any matters or things within that person's control or in relation to which that person has responsibilities as are necessary to enable the authorised person to exercise any of the powers conferred by this regulation; or
- (i) mark any animal or animal by-product as the authorised person considers necessary.

(2) An authorised person entering any premises which are unoccupied or from which the occupier is temporarily absent must leave them as effectively secured against unauthorised entry as they were before entry.

(3) An authorised person may be accompanied by such other persons as the authorised person considers necessary.

(4) Where an authorised person proposes to exercise the power in paragraph (1)(f)(ii), the authorised person must—

- (a) if so requested by a person who at the time is present and has responsibilities in relation to those premises, cause anything which is to be done by virtue of that power to be done in that person's presence;
- (b) consult such persons as appear to the authorised person appropriate for the purpose of ascertaining what dangers, if any, there may be in doing anything which is proposed under that power.

(5) Where an authorised person proposes to exercise the power in paragraph (1)(f)(iii), the authorised person must, if it is practicable to do so, take a sample of the article or substance and give to a responsible person at the premises a portion of the sample marked in a manner sufficient to identify it.

(6) Where an authorised person exercises the power in paragraph (1)(f)(iii), the authorised person must leave a notice giving particulars of the article or substance sufficient to identify it and stating that possession has been taken, either—

- (a) with a responsible person; or
- (b) if that is impracticable, fixed in a conspicuous place at those premises.

(7) Nothing in this regulation compels the production by any person of a document which that person would be entitled to withhold production of on the grounds of legal professional privilege on an order for discovery in an action in the High Court.

Gwarant

24.—(1) Os bydd ynad heddwch, mewn perthynas â'r pŵer i fynd i mewn i fangre o dan reoliad 23, drwy wybodaeth ysgrifenedig ar lw—

- (a) wedi ei fodloni bod seiliau rhesymol dros gredu bod unrhyw wybodaeth neu ddeunydd yn berthnasol i'r archwiliad neu'r ymchwiliad o dan reoliad 23(1)(c) ar unrhyw fangre o'r fath; a
- (b) wedi ei fodloni—
 - (i) bod mynediad i'r fangre honno wedi ei wrthod, neu'n debygol o gael ei wrthod, a bod hysbysiad o'r bwriad i wneud cais am warant wedi ei roi i'r meddiannydd; neu
 - (ii) y byddai cais am fynediad, neu roi hysbysiad o'r fath, yn mynd yn groes i'r amcan o fynd i mewn, neu fod yr achos yn achos brys, neu fod y fangre honno heb ei meddiannu neu fod y meddiannydd yn absennol dros dro,

caiff yr ynad drwy warant, a fydd yn parhau mewn grym am gyfnod o fis, awdurdodi person awdurdodedig i fynd i mewn i'r fangre, drwy ddefnyddio grym os yw hynny'n angenrheidiol.

(2) Os bydd ynad heddwch, mewn perthynas â mangre sy'n cael ei defnyddio'n gyfan gwbl neu'n bennaf fel tŷ annedd, drwy wybodaeth ysgrifenedig ar lw—

- (a) wedi ei fodloni bod seiliau rhesymol dros gredu bod gwybodaeth neu ddeunydd yn berthnasol i archwiliad neu ymchwiliad at ddibenion gorfodi Rheoliad Rheolaeth yr UE, Rheoliad Gweithredu'r UE neu'r Rheoliadau hyn mewn mangre o'r fath; a
- (b) wedi ei fodloni—
 - (i) bod mynediad i'r fangre honno wedi ei wrthod, neu'n debygol o gael ei wrthod, a bod hysbysiad o'r bwriad i wneud cais am warant wedi ei roi i'r meddiannydd; neu
 - (ii) y byddai cais am fynediad, neu roi hysbysiad o'r fath, yn mynd yn groes i'r amcan o fynd i mewn, neu fod yr achos yn achos brys, neu fod y fangre honno heb ei meddiannu neu fod y meddiannydd yn absennol dros dro,

caiff yr ynad drwy warant, a fydd yn parhau mewn grym am gyfnod o fis, awdurdodi person awdurdodedig i fynd i mewn i'r fangre honno, drwy ddefnyddio grym os yw hynny'n angenrheidiol, a'i harolygu.

Warrant

24.—(1) If, in relation to the power to enter premises under regulation 23, a justice of the peace, on written information on oath—

- (a) is satisfied that there are reasonable grounds to believe that any information or material relevant to the examination or investigation under regulation 23(1)(c) is on any such premises; and
- (b) is satisfied that—
 - (i) entry to such premises has been, or is likely to be, refused, and that notice of intention to apply for a warrant has been given to the occupier; or
 - (ii) an application for entry, or the giving of such a notice would defeat the object of the entry, or that the case is one of urgency, or that such premises are unoccupied or the occupier is temporarily absent,

the justice may by warrant, which continues in force for a period of one month, authorise an authorised person to enter the premises, if necessary by force.

(2) If, in relation to premises used wholly or mainly as a dwelling-house, a justice of the peace on written information on oath—

- (a) is satisfied that there are reasonable grounds to believe that information or material relevant to an examination or investigation for the purpose of enforcing the EU Control Regulation, the EU Implementing Regulation or these Regulations is on such premises; and
- (b) is satisfied that—
 - (i) entry to such premises has been, or is likely to be, refused, and that notice of intention to apply for a warrant has been given to the occupier; or
 - (ii) an application for entry, or the giving of such a notice would defeat the object of the entry, or that the case is one of urgency, or that such premises are unoccupied or the occupier is temporarily absent,

the justice may by warrant, which continues in force for a period of one month, authorise an authorised person to enter such premises, if necessary by force, and inspect them.

(3) Pan fo person awdurdodedig wedi ei awdurdodi o dan baragraff (2) i fynd i mewn drwy warant, bydd gan y person awdurdodedig y pwerau a roddir gan reoliad 23(1)(b) i (i).

Hysbysiadau a gyflwynir gan berson awdurdodedig

25.—(1) Caiff person awdurdodedig gyflwyno hysbysiad yn unol â pharagraff (2) pan fo'r person hwnnw—

- (a) o'r farn bod gofyniad sgil-gynhyrchion anifeiliaid wedi ei dorri, neu fod methiant i gydymffurfio â'r gofyniad hwnnw; neu
- (b) yn rhesymol yn amau, o ganlyniad i dorri'r gofyniad hwnnw neu fethu â chydymffurfio ag ef, fod mangre yn peri risg i iechyd dynol neu i iechyd anifeiliaid.

(2) Caniateir i hysbysiadau gael eu cyflwyno i feddiannydd unrhyw fangre, neu i'r person sydd â gofal neu gyfrifoldeb dros y fangre neu unrhyw sgil-gynhyrchion anifeiliaid—

- (a) yn ei gwneud yn ofynnol i'r canlynol gael eu gwaredu ac, os yw'n gymwys, eu storio cyn eu gwaredu—
 - (i) sgil-gynhyrchion anifeiliaid a chynhyrchion sy'n dod o anifeiliaid;
 - (ii) deunydd mewn mangre y mae paragraff (1)(b) yn gymwys iddi;
- (b) yn ei gwneud yn ofynnol i fangre y mae paragraff (1)(b) yn gymwys iddi gael ei glanhau a'i diheintio ac, os yw'n gymwys, yn pennu'r dull ar gyfer y glanhau a'r diheintio hwnnw;
- (c) yn gwahardd sgil-gynhyrchion anifeiliaid a chynhyrchion sy'n dod o anifeiliaid—
 - (i) rhag cael eu symud neu eu cludo i fangre;
 - (ii) rhag cael eu symud neu eu cludo i fangre oni wneir hynny yn unol ag amodau a bennir yn yr hysbysiad, gan gynnwys amod ynglŷn â chwblhau'n foddhaol y glanhau a'r diheintio yn unol â hysbysiad fel y darperir yn is-baragraff (b).

(3) Rhaid cydymffurfio â hysbysiad a gyflwynir o dan baragraff (2) a hynny ar draul y person y cyflwynir yr hysbysiad iddo, ac os na chydymffurfir ag ef, caiff person awdurdodedig drefnu y cydymffurfir ag ef ar draul y person hwnnw.

(4) Nid yw paragraff (1) yn gymwys pan fo Erthygl 46(1)(a) neu (b) (ataliadau dros dro, tynnu'n ôl a gwaharddiadau ar weithrediadau) o Reoliad Rheolaeth yr UE yn gymwys.

(3) Where an authorised person has been authorised under paragraph (2) to enter by warrant, the authorised person has the powers conferred by regulation 23(1)(b) to (i).

Notices served by an authorised person

25.—(1) An authorised person may serve a notice in accordance with paragraph (2) where that person—

- (a) considers that there is a contravention of, or failure to comply with, an animal by-product requirement; or
- (b) reasonably suspects that as a result of such contravention or failure to comply, premises constitute a risk to human or animal health.

(2) Notices may be served on the occupier of any premises, or the person in charge of or responsible for the premises or any animal by-product—

- (a) requiring the disposal and, where applicable, storage pending such disposal of—
 - (i) animal by-products and derived products;
 - (ii) material in premises to which paragraph (1)(b) applies;
- (b) requiring the cleansing and disinfection of premises to which paragraph (1)(b) applies and, where applicable, specifying the method for such cleansing and disinfection;
- (c) prohibiting animal by-products and derived products being—
 - (i) moved in or brought on to premises;
 - (ii) moved in or brought on to premises unless in accordance with conditions specified in the notice, including a condition as to the satisfactory completion of the cleansing and disinfection in accordance with a notice as provided in sub-paragraph (b).

(3) A notice served under paragraph (2) must be complied with at the expense of the person on whom the notice is served and, if it is not complied with, an authorised person may arrange for it to be complied with at the expense of that person.

(4) Paragraph (1) does not apply where Article 46(1)(a) or (b) (suspensions, withdrawals and prohibitions on operations) of the EU Control Regulation applies.

(5) Mae unrhyw berson y cyflwynir hysbysiad iddo ac sy'n fwriadol yn torri neu'n methu â chydymffurfio â darpariaethau'r hysbysiad hwnnw yn euog o drosedd.

Y pŵer i ddatgelu gwybodaeth at ddibenion gorfodi

26.—(1) Mae'r rheoliad hwn yn gymwys i wybodaeth y mae awdurdod gorfodi neu berson awdurdodedig yn ei chael wrth orfodi'r Rheoliadau hyn.

(2) Caiff y person hwnnw ddatgelu'r wybodaeth i unrhyw awdurdod gorfodi neu berson awdurdodedig cyffelyb (a benodwyd yn rhywle arall yn y Deyrnas Unedig i orfodi Rheoliad Rheolaeth yr UE a Rheoliad Gweithredu'r UE) at ddibenion eu rôl orfodi.

RHAN 7

Diwygiadau canlyniadol

Diwygiadau canlyniadol

27. Mae Atodlen 2 i'r Rheoliadau hyn yn darparu ar gyfer diwygiadau canlyniadol.

RHAN 8

Dirymiadau a darpariaeth drosiannol

Dirymiadau

28. Mae'r offerynnau a ganlyn wedi eu dirymu—

- (a) Rheoliadau Sgil-gynhyrchion Anifeiliaid (Adnabod) (Diwygio) (Cymru) 2002(1);
- (b) Rheoliadau Sgil-gynhyrchion Anifeiliaid (Adnabod) (Diwygio) (Cymru) 2003(2);
- (c) Rheoliadau Sgil-gynhyrchion Anifeiliaid (Adnabod) (Diwygio) (Cymru) (Rhif 2) 2003(3);
- (d) Rheoliadau Sgil-gynhyrchion Anifeiliaid (Gorfodi) (Rhif 2) (Cymru) 2011(4);
- (e) o ran Cymru—
 - (i) Rheoliadau Sgil-gynhyrchion Anifeiliaid (Adnabod) 1995(5);

(5) Any person on whom a notice is served who intentionally contravenes or fails to comply with the provisions of that notice is guilty of an offence.

Power to disclose information for enforcement purposes

26.—(1) This regulation applies to information received by an enforcement authority or an authorised person in the course of enforcing these Regulations.

(2) That person may disclose the information to any comparable enforcement authority or authorised person (appointed elsewhere within the United Kingdom to enforce the EU Control Regulation and the EU Implementing Regulation) for the purposes of their enforcement role.

PART 7

Consequential amendments

Consequential amendments

27. Schedule 2 to these Regulations provides for consequential amendments.

PART 8

Revocations and transitional provision

Revocations

28. The following instruments are revoked—

- (a) the Animal By-Products (Identification) (Amendment) (Wales) Regulations 2002(1);
- (b) the Animal By-Products (Identification) (Amendment) (Wales) Regulations 2003(2);
- (c) the Animal By-Products (Identification) (Amendment) (Wales) (No. 2) Regulations 2003(3);
- (d) the Animal By-Products (Enforcement) (No. 2) (Wales) Regulations 2011(4);
- (e) in relation to Wales—
 - (i) the Animal By-Products (Identification) Regulations 1995(5);

(1) O.S. 2002/1472 (Cy. 146).
(2) O.S. 2003/1849 (Cy. 199).
(3) O.S. 2003/2754 (Cy. 265).
(4) O.S. 2011/2377 (Cy. 250).
(5) O.S. 1995/614.

(1) S.I. 2002/1472 (W. 146).
(2) S.I. 2003/1849 (W. 199).
(3) S.I. 2003/2754 (W. 265).
(4) S.I. 2011/2377 (W. 250).
(5) S.I. 1995/614.

(ii) Rheoliadau Sgil-gynhyrchion Anifeiliaid (Adnabod) (Diwygio) 1997(1).

(ii) the Animal By-Products (Identification) (Amendment) Regulations 1997(1).

Darpariaeth drosiannol

29.—(1) Mae casglu, cludo a gwaredu deunydd Categori 3 yn Erthygl 10(f) o Reoliad Rheolaeth yr UE (deunydd Categori 3) wedi ei awdurdodi ar gyfer y cyfnod sy'n dod i ben ar 31 Rhagfyr 2014, pan fo gofynion paragraff (2) wedi eu bodloni.

(2) Y gofynion yw—

- (a) bod y deunydd yn bodloni Erthygl 36(3) o Reoliad Gweithredu'r UE a pharagraffau (a) i (c) o Bennod IV o Atodiad IV iddo; a
- (b) bod y dull o waredu'r deunydd hwnnw, yn ychwanegol at y dull yn Erthygl 14 o Reoliad Rheolaeth yr UE (gwaredu a defnyddio deunydd Categori 3), yn gwaredu—
 - (i) mewn safle tirlenwi awdurdodedig heb brosesu ymlaen llaw; neu
 - (ii) pan fo Erthygl 21 o Reoliad Rheolaeth yr UE wedi ei bodloni, i safle bionwy neu safle compostio ar gyfer trawsffurfio yn unol ag awdurdodiad o dan baragraff 2 o Adran 2 o Bennod III o Atodiad V i Reoliad Gweithredu'r UE.

Transitional provision

29.—(1) The collection, transport and disposal of Category 3 material in Article 10(f) of the EU Control Regulation (Category 3 material) is authorised for the period ending on 31 December 2014, where the requirements of paragraph (2) are satisfied.

(2) The requirements are—

- (a) the material satisfies Article 36(3) of, and paragraphs (a) to (c) of Chapter IV of Annex IV to, the EU Implementing Regulation; and
- (b) the means of disposal for such material, in addition to the means in Article 14 of the EU Control Regulation (disposal and use of Category 3 material), are disposal—
 - (i) in an authorised landfill without prior processing; or
 - (ii) where Article 21 of the EU Control Regulation is satisfied, to a biogas or composting plant for transformation in accordance with an authorisation under paragraph 2 of Section 2 of Chapter III of Annex V to the EU Implementing Regulation.

Alun Davies

Y Gweinidog Adnoddau Naturiol a Bwyd, un o Weinidogion Cymru

5 Mawrth 2014

Minister for Natural Resources and Food, one of the Welsh Ministers

5 March 2014

Gofynion Sgîl-gynhyrchion Anifeiliaid

Animal By-Product Requirements

<i>Pwnc gofyniad</i>	<i>y Darpariaethau sy'n cynnwys y gofyniad sylfaenol</i>	<i>Darpariaethau i'w darllen ynghyd â'r ddarpariaeth (neu'r darpariaethau) a grybwyllir yng Ngholofn 2</i>	<i>Subject matter of requirement</i>	<i>Provisions containing the basic requirement</i>	<i>Provisions to be read with the provision(s) mentioned in Column 2</i>
1. Rhwymedigaeth gyffredinol	Erthygl 4(1) a (2) o Reoliad Rheolaeth yr UE	Erthygl 3 o Reoliad Gweithredu'r UE	1. General obligation	Article 4(1) and (2) of the EU Control Regulation	Article 3 of the EU Implementing Regulation
2. Cyfyngiadau cyffredinol ynglŷn ag iechyd anifeiliaid	Erthygl 6(1) o Reoliad Rheolaeth yr UE	Erthygl 4 o Reoliad Gweithredu'r UE	2. General animal health restrictions	Article 6(1) of the EU Control Regulation	Article 4 of the EU Implementing Regulation
3. Cyfyngiadau ar ddefnyddio at ddibenion bwydo	Erthygl 11 o Reoliad Rheolaeth yr UE	Rheoliadau 4 a 5 o'r Rheoliadau hyn ac Erthygl 5 o Reoliad Gweithredu'r UE	3. Restrictions on use for feeding purposes	Article 11 of the EU Control Regulation	Regulations 4 and 5 of these Regulations and Article 5 of the EU Implementing Regulation
4. Cyfyngiadau ar fynediad at gyrff	Erthyglau 12, 13 a 21(1) o Reoliad Rheolaeth yr UE	Rheoliad 4(3) o'r Rheoliadau hyn	4. Restrictions on access to bodies	Articles 12, 13 and 21(1) of the EU Control Regulation	Regulation 4(3) of these Regulations
5. Gwaredu a defnyddio deunydd Categori 1	Erthygl 12 o Reoliad Rheolaeth yr UE, yn ddarostyngedig i Erthygl 16(b) i (e) o'r Rheoliad hwnnw ac Erthygl 7 o Reoliad Gweithredu'r UE	Erthyglau 6(3) i (5), 8(1), 9(b) ac (c), 11(2), 12(2) a 15 o Reoliad Gweithredu'r UE	5. Disposal and use of Category 1 material	Article 12 of the EU Control Regulation, subject to Article 16(b) to (e) of that Regulation and Article 7 of the EU Implementing Regulation	Articles 6(3) to (5), 8(1), 9(b) and (c), 11(2), 12(2) and 15 of the EU Implementing Regulation

<i>Pwnc gofyniad</i>	<i>y Darpariaethau sy'n cynnwys y gofyniad sylfaenol</i>	<i>Darpariaethau i'w darllen ynghyd â'r ddarpariaeth (neu'r darpariaethau) a grybwyllir yng Ngholofn 2</i>	<i>Subject matter of requirement</i>	<i>Provisions containing the basic requirement</i>	<i>Provisions to be read with the provision(s) mentioned in Column 2</i>
6. Gwaredu a defnyddio deunydd Categori 2	Erthygl 13 o Reoliad Rheolaeth yr UE, yn ddarostyngedig i Erthyglau 15(2)(b) ac 16(b) i (f) ac (h) o'r Rheoliad hwnnw	Rheoliad 6 o'r Rheoliadau hyn ac Erthyglau 6(3) i (5), 8(1), 9(b) ac (c), 10(1), 11(2), 12(2), 13(1) a 15 o Reoliad Gweithredu'r UE	6. Disposal and use of Category 2 material	Article 13 of the EU Control Regulation, subject to Articles 15(2)(b) and 16(b) to (f) and (h) of that Regulation	Regulation 6 of these Regulations and Articles 6(3) to (5), 8(1), 9(b) and (c), 10(1), 11(2), 12(2), 13(1) and 15 of the EU Implementing Regulation
7. Gwaredu a defnyddio deunydd Categori 3	Erthygl 14 o Reoliad Rheolaeth yr UE, yn ddarostyngedig i Erthygl 16(b) i (h) o'r Rheoliad hwnnw ac Erthygl 7 o Reoliad Gweithredu'r UE	Rheoliad 29 o'r Rheoliadau hyn ac Erthyglau 6(3) i (5), 8(1), 9(b) ac (c), 10(1), 11(2), 12(2), 13(2), 15 a 36(3) o Reoliad Gweithredu'r UE	7. Disposal and use of Category 3 material	Article 14 of the EU Control Regulation, subject to Article 16(b) to (h) of that Regulation and Article 7 of the EU Implementing Regulation	Regulation 29 of these Regulations and Articles 6(3) to (5), 8(1), 9(b) and (c), 10(1), 11(2), 12(2), 13(2), 15 and 36(3) of the EU Implementing Regulation
8. Casglu ac adnabod o ran categori a chludo	Erthygl 21(1) i (4) o Reoliad Rheolaeth yr UE	Erthygl 17 o Reoliad Gweithredu'r UE	8. Collection and identification as regards category and transport	Article 21(1) to (4) of the EU Control Regulation	Article 17 of the EU Implementing Regulation
9. Gallu olrhain	Erthygl 22(1) a (2) o Reoliad Rheolaeth yr UE	Erthygl 17 o Reoliad Gweithredu'r UE	9. Traceability	Article 22(1) and (2) of the EU Control Regulation	Article 17 of the EU Implementing Regulation
10. Cofrestru gweithredwyr, sefydliadau a safleoedd	Erthyglau 23(1) a (2) a 55 o Reoliad Rheolaeth yr UE	Rheoliad 11 o'r Rheoliadau hyn ac Erthyglau 20(1) a (2) a 32(7) o Reoliad Gweithredu'r UE	10. Registration of operators, establishments and plants	Articles 23(1) and (2) and 55 of the EU Control Regulation	Regulation 11 of these Regulations and Articles 20(1) and (2) and 32(7) of the EU Implementing Regulation
11. Cymeradwyo sefydliadau a safleoedd	Erthyglau 24, 44(3) a 55 o Reoliad Rheolaeth yr UE	Rheoliad 13 o'r Rheoliadau hyn ac Erthyglau 19, 32(7) a 33 o Reoliad Gweithredu'r UE	11. Approval of establishments and plants	Articles 24, 44(3) and 55 of the EU Control Regulation	Regulation 13 of these Regulations and Articles 19, 32(7) and 33 of the EU Implementing Regulation

<i>Pwnc gofyniad</i>	<i>y Darpariaethau sy'n cynnwys y gofyniad sylfaenol</i>	<i>Darpariaethau i'w darllen ynghyd â'r ddarpariaeth (neu'r darpariaethau) a grybwyllir yng Ngholofn 2</i>	<i>Subject matter of requirement</i>	<i>Provisions containing the basic requirement</i>	<i>Provisions to be read with the provision(s) mentioned in Column 2</i>
12. Gofynion hylendid cyffredinol	Erthygl 25 o Reoliad Rheolaeth yr UE	Erthyglau 9(a), 19 ac 20 o Reoliad Gweithredu'r UE	12. General hygiene requirements	Article 25 of the EU Control Regulation	Articles 9(a), 19 and 20 of the EU Implementing Regulation
13. Trafod sgil-gynhyrchion anifeiliaid mewn busnesau bwyd	Erthygl 26 o Reoliad Rheolaeth yr UE		13. Handling of animal by-products within food businesses	Article 26 of the EU Control Regulation	
14. Eu gwiriadau eu hunain	Erthygl 28 o Reoliad Rheolaeth yr UE		14. Own checks	Article 28 of the EU Control Regulation	
15. Dadansoddi peryglon a manau rheoli allweddol	Erthygl 29(1) i (3) o Reoliad Rheolaeth yr UE		15. Hazard analysis and critical control points	Article 29(1) to (3) of the EU Control Regulation	
16. Rhoi ar y farchnad sgil-gynhyrchion anifeiliaid a chynhyrchion sy'n dod o anifeiliaid i'w bwydo i anifeiliaid a ffermir ac eithrio anifeiliaid ffwr	Erthygl 31(1) o Reoliad Rheolaeth yr UE	Erthyglau 21 a 24(2) o Reoliad Gweithredu'r UE	16. Placing on the market animal by-products and derived products for feeding to farmed animals excluding fur animals	Article 31(1) of the EU Control Regulation	Articles 21 and 24(2) of the EU Implementing Regulation
17. Rhoi ar y farchnad a defnyddio gwrteithiau organig a deunyddiau i wella pridd	Erthygl 32(1) a (2) o Reoliad Rheolaeth yr UE	Rheoliad 5 o'r Rheoliadau hyn ac Erthyglau 22(1) i (3) a 36(1) o Reoliad Gweithredu'r UE	17. Placing on the market and use of organic fertilisers and soil improvers	Article 32(1) and (2) of the EU Control Regulation	Regulation 5 of these Regulations and Articles 22(1) to (3) and 36(1) of the EU Implementing Regulation
18. Casglu a symud ar gyfer gweithgynhyrchu cynhyrchion sy'n dod o anifeiliaid	Erthygl 34 o Reoliad Rheolaeth yr UE ac eithrio i'r graddau y mae'n ymwneud â mewnforion	Erthygl 33 o Reoliad Rheolaeth yr UE ac Erthygl 23 o Reoliad Gweithredu'r UE	18. Collection and movement for manufacture of derived products	Article 34 of the EU Control Regulation except in so far as it relates to imports	Article 33 of the EU Control Regulation and Article 23 of the EU Implementing Regulation

<i>Pwnc gofyniad</i>	<i>y Darpariaethau sy'n cynnwys y gofyniad sylfaenol</i>	<i>Darpariaethau i'w darllen ynghyd â'r ddarpariaeth (neu'r darpariaethau) a grybwyllir yng Ngholofn 2</i>	<i>Subject matter of requirement</i>	<i>Provisions containing the basic requirement</i>	<i>Provisions to be read with the provision(s) mentioned in Column 2</i>
19. Gwahardd defnyddio ar gyfer gweithgynhyrchu cynhyrchion nad ydynt o fewn Erthygl 33 neu 36 o Reoliad Rheolaeth yr UE	Erthygl 24(1) o Reoliad Gweithredu'r UE	Erthyglau 33 a 36 o Reoliad Rheolaeth yr UE	19. Prohibition on use for manufacture for products not within Article 33 or 36 of the EU Control Regulation	Article 24(1) of the EU Implementing Regulation	Articles 33 and 36 of the EU Control Regulation
20. Rhoi bwyd anifeiliaid anwes ar y farchnad	Erthygl 35 o Reoliad Rheolaeth yr UE	Erthyglau 3 a 24(3) o Reoliad Gweithredu'r UE	20. Placing on the market of pet food	Article 35 of the EU Control Regulation	Articles 3 and 24(3) of the EU Implementing Regulation
21. Rhoi ar y farchnad gynhyrchion eraill sy'n dod o anifeiliaid	Erthygl 36 o Reoliad Rheolaeth yr UE	Rheoliad 8 o'r Rheoliadau hyn ac Erthyglau 3 a 24(1), (2) a (4) o Reoliad Gweithredu'r UE	21. Placing on the market of other derived products	Article 36 of the EU Control Regulation	Regulation 8 of these Regulations and Articles 3 and 24(1), (2) and (4) of the EU Implementing Regulation
22. Cyrchu diogel	Erthygl 37(2) o Reoliad Rheolaeth yr UE		22. Safe sourcing	Article 37(2) of the EU Control Regulation	
23. Allforio	Erthygl 43 o Reoliad Rheolaeth yr UE		23. Export	Article 43 of the EU Control Regulation	
24. Rheolaethau ar gyfer anfon	Erthygl 48 o Reoliad Rheolaeth yr UE	Erthyglau 11(3), 12(3) a 31 o Reoliad Gweithredu'r UE	24. Controls for dispatch	Article 48 of the EU Control Regulation	Articles 11(3), 12(3) and 31 of the EU Implementing Regulation
25. Cydymffurfio â safonau gweithredu	Erthyglau 10(1), 21(1), 22(1) a 24(3) o Reoliad Gweithredu'r UE	Rheoliad 9 o'r Rheoliadau hyn	25. Compliance with operating standards	Articles 10(1), 21(1), 22(1) and 24(3) of the EU Implementing Regulation	Regulation 9 of these Regulations

Diwygiadau Canlyniadol

Gorchymyn Clwy'r Traed a'r Genau (Cymru) 2006

1.—(1) Mae Gorchymyn Clwy'r Traed a'r Genau (Cymru) 2006(1) wedi ei ddiwygio fel a ganlyn.

(2) Yn erthygl 3(1), ar ôl y diffiniad o “public highway” mewnosoder—

““Regulation (EC) No. 1069/2009” means Regulation (EC) No. 1069/2009 of the European Parliament and of the Council laying down health rules as regards animal by-products and derived products not intended for human consumption and repealing Regulation (EC) No. 1774/2002 (Animal by-products Regulation);

“Regulation (EU) No. 142/2011” means Commission Regulation (EU) No. 142/2011 implementing Regulation (EC) No. 1069/2009 of the European Parliament and of the Council laying down health rules as regards animal by-products and derived products not intended for human consumption and implementing Council Directive 97/78/EC as regards certain samples and items exempt from veterinary checks at the border under that Directive;”.

(3) Yn erthygl 26, yn lle paragraff (2)(b) rhodder “for treatment of such material from a slaughterhouse or border inspection post in accordance with Articles 15 and 32 of Regulation (EC) No. 1069/2009 and Articles 10 and 22 of and Section 2 of Chapter I of Annex XI to Regulation (EU) No. 142/2011 and under the authority of a licence granted by the National Assembly.”

(4) Yn erthygl 27 yn lle paragraff (2)(c) rhodder “the National Assembly grants a licence authorising any such item to be removed from the premises to be treated in accordance with Regulation (EC) No. 1069/2009 following which any such item may then be removed and treated in that way and in accordance with the conditions of that licence.”

(5) Yn Atodlen 4—

(a) yn lle paragraff 20(4), rhodder “The occupier of premises to which dung or manure is transported by authority of a licence granted under sub-paragraph (3) must ensure that it is treated in accordance with Articles 15 and 32 of Regulation (EC) No. 1069/2009 and

(1) O.S. 2006/179 (Cy. 30), y ceir diwygiadau iddo nad ydynt yn berthnasol i'r Rheoliadau hyn.

Consequential Amendments

The Foot-and-Mouth Disease (Wales) Order 2006

1.—(1) The Foot-and-Mouth Disease (Wales) Order 2006(1) is amended as follows.

(2) In article 3(1), after the definition of “public highway” insert—

““Regulation (EC) No. 1069/2009” means Regulation (EC) No. 1069/2009 of the European Parliament and of the Council laying down health rules as regards animal by-products and derived products not intended for human consumption and repealing Regulation (EC) No. 1774/2002 (Animal by-products Regulation);

“Regulation (EU) No. 142/2011” means Commission Regulation (EU) No. 142/2011 implementing Regulation (EC) No. 1069/2009 of the European Parliament and of the Council laying down health rules as regards animal by-products and derived products not intended for human consumption and implementing Council Directive 97/78/EC as regards certain samples and items exempt from veterinary checks at the border under that Directive;”.

(3) In article 26, for paragraph (2)(b) substitute “for treatment of such material from a slaughterhouse or border inspection post in accordance with Articles 15 and 32 of Regulation (EC) No. 1069/2009 and Articles 10 and 22 of and Section 2 of Chapter I of Annex XI to Regulation (EU) No. 142/2011 and under the authority of a licence granted by the National Assembly.”

(4) In article 27, for paragraph (2)(c) substitute “the National Assembly grants a licence authorising any such item to be removed from the premises to be treated in accordance with Regulation (EC) No. 1069/2009 following which any such item may then be removed and treated in that way and in accordance with the conditions of that licence.”

(5) In Schedule 4—

(a) for paragraph 20(4), substitute “The occupier of premises to which dung or manure is transported by authority of a licence granted under sub-paragraph (3) must ensure that it is treated in accordance with Articles 15 and 32 of Regulation (EC) No. 1069/2009 and

(1) S.I. 2006/179 (W. 30), to which there are amendments not relevant to these Regulations.

Articles 10 and 22 of and Section 2 of Chapter I of Annex XI to Regulation (EU) No. 142/2011.”;

- (b) yn lle paragraff 33(4), rhodder “The occupier of any premises to which dung or manure is transported by authority of a licence granted under sub-paragraph (3) must ensure that it is treated in accordance with Articles 15 and 32 of Regulation (EC) No. 1069/2009 and Articles 10 and 22 of and Section 2 of Chapter I of Annex XI to Regulation (EU) No. 142/2011.”.

(6) Yn Atodlen 5—

- (a) yn lle paragraff 2, rhodder “Hides and skins fall within this paragraph if they comply with the requirements in Article 36 of Regulation (EC) No. 1069/2009 and point 28(c) and (d) of Annex I to Regulation (EU) No. 142/2011.”;
- (b) yn lle paragraff 3, rhodder “Wool, ruminant hair and pig bristles fall within this paragraph if they comply with the requirements of Article 36 of Regulation (EC) No. 1069/2009 and Article 24(4) of Regulation (EU) No. 142/2011”;
- (c) yn lle paragraff 5, rhodder “Blood and blood products of susceptible animals fall within this paragraph if they are used for technical purposes (including pharmaceuticals, in vitro diagnostics and laboratory reagents) and have undergone any of the treatments referred to in point 2(b)(ii) of Chapter IV of Annex XIII to Regulation No. 142/2011”;
- (d) yn lle paragraff 6, rhodder “Lard and rendered fats fall within this paragraph if they have undergone the heat treatment referred to in point 3(d) of Chapter I of Annex XIV to Regulation (EU) No. 142/2011”;
- (e) yn lle paragraff 7, rhodder “Petfood and dog chews fall within this paragraph if they comply with Chapter II of Annex XIII to Regulation (EU) No. 142/2011”; ac
- (f) yn lle paragraff 8, rhodder “Game trophies of ungulates fall within this paragraph if they comply with the requirements of Chapter VI of Annex XIII to Regulation (EU) No. 142/2011”.

Articles 10 and 22 of and Section 2 of Chapter I of Annex XI to Regulation (EU) No. 142/2011.”;

- (b) for paragraph 33(4), substitute “The occupier of any premises to which dung or manure is transported by authority of a licence granted under sub-paragraph (3) must ensure that it is treated in accordance with Articles 15 and 32 of Regulation (EC) No. 1069/2009 and Articles 10 and 22 of and Section 2 of Chapter I of Annex XI to Regulation (EU) No. 142/2011.”

(6) In Schedule 5—

- (a) for paragraph 2, substitute “Hides and skins fall within this paragraph if they comply with the requirements in Article 36 of Regulation (EC) No. 1069/2009 and point 28(c) and (d) of Annex I to Regulation (EU) No. 142/2011”;
- (b) for paragraph 3, substitute “Wool, ruminant hair and pig bristles fall within this paragraph if they comply with the requirements of Article 36 of Regulation (EC) No. 1069/2009 and Article 24(4) of Regulation (EU) No. 142/2011”;
- (c) for paragraph 5, substitute “Blood and blood products of susceptible animals fall within this paragraph if they are used for technical purposes (including pharmaceuticals, in vitro diagnostics and laboratory reagents) and have undergone any of the treatments referred to in point 2(b)(ii) of Chapter IV of Annex XIII to Regulation No. 142/2011”;
- (d) for paragraph 6, substitute “Lard and rendered fats fall within this paragraph if they have undergone the heat treatment referred to in point 3(d) of Chapter I of Annex XIV to Regulation (EU) No. 142/2011”;
- (e) for paragraph 7, substitute “Petfood and dog chews fall within this paragraph if they comply with Chapter II of Annex XIII to Regulation (EU) No. 142/2011”; and
- (f) for paragraph 8, substitute “Game trophies of ungulates fall within this paragraph if they comply with the requirements of Chapter VI of Annex XIII to Regulation (EU) No. 142/2011”.

Rheoliadau Clwy'r Traed a'r Genau (Rheoli Brechu) (Cymru) 2006

2. Yn lle paragraff 18(4) o'r Atodlen i Reoliadau Clwy'r Traed a'r Genau (Rheoli Brechu) (Cymru) 2006(1) rhodder—

“(4) Rhaid i feddiannydd unrhyw fangre y cludir tail neu wrtaith iddi gan awdurdod trwydded a roddwyd o dan is-baragraff (3) sicrhau ei fod yn cael ei drin yn unol â'r canlynol—

- (a) Erthyglau 15 a 32 o Reoliad (EC) Rhif 1069/2009 Senedd Ewrop a'r Cyngor; a
- (b) Erthyglau 10 a 22 o Reoliad y Comisiwn (EU) Rhif 142/2011 ac Adran 2 o Bennod I o Atodiad XI iddo sy'n gweithredu Rheoliad (EC) Rhif 1069/2009 Senedd Ewrop a'r Cyngor.”

Gorchymyn Ffliw Adar (H5N1 mewn Dofednod) (Cymru) 2006

3.—(1) Mae Gorchymyn Ffliw Adar (H5N1 mewn Dofednod) (Cymru) 2006(2) wedi ei ddiwygio fel a ganlyn.

(2) Yn erthygl 2—

- (a) yn lle'r diffiniad o “bird by-product”, rhodder ““bird by-product” means entire bodies or parts of birds or products of avian origin, not intended for human consumption, included in Articles 8, 9 or 10 of Regulation (EC) No. 1069/2009;”
- (b) ar ôl y diffiniad o “protection zone” mewnosoder—

““Regulation (EC) No. 1069/2009” means Regulation (EC) No. 1069/2009 of the European Parliament and of the Council laying down health rules as regards animal by-products and derived products not intended for human consumption and repealing Regulation (EC) No. 1774/2002 (Animal by-products Regulation);” ac
- (c) ar ôl y diffiniad a fewnosodir gan baragraff (b) mewnosoder—

The Foot-and-Mouth Disease (Control of Vaccination) (Wales) Regulations 2006

2. For paragraph 18(4) of the Schedule to the Foot-and-Mouth Disease (Control of Vaccination) (Wales) Regulations 2006(1) substitute—

“(4) The occupier of any premises to which dung or manure is transported by authority of a licence granted under sub-paragraph (3) must ensure that it is treated in accordance with—

- (a) Articles 15 and 32 of Regulation (EC) No. 1069/2009 of the European Parliament and of the Council; and
- (b) Articles 10 and 22 of and Section 2 of Chapter I of Annex XI to Commission Regulation (EU) No. 142/2011 implementing Regulation (EC) No. 1069/2009 of the European Parliament and of the Council.”

The Avian Influenza (H5N1 in Poultry) (Wales) Order 2006

3.—(1) The Avian Influenza (H5N1 in Poultry) (Wales) Order 2006(2) is amended as follows.

(2) In article 2—

- (a) for the definition of “bird by-product”, substitute ““bird by-product” means entire bodies or parts of birds or products of avian origin, not intended for human consumption, included in Articles 8, 9 or 10 of Regulation (EC) No. 1069/2009;”
- (b) after the definition of “protection zone” insert—

““Regulation (EC) No. 1069/2009” means Regulation (EC) No. 1069/2009 of the European Parliament and of the Council laying down health rules as regards animal by-products and derived products not intended for human consumption and repealing Regulation (EC) No. 1774/2002 (Animal by-products Regulation);” and
- (c) after the definition inserted by paragraph (b) insert—

(1) O.S. 2006/180 (Cy. 31), y ceir diwygiadau iddo nad ydynt yn berthnasol i'r Rheoliadau hyn.

(2) O.S. 2006/3309 (Cy. 299), y ceir diwygiadau iddo nad ydynt yn berthnasol i'r Rheoliadau hyn.

(1) S.I. 2006/180 (W. 31), to which there are amendments not relevant to these Regulations.

(2) S.I. 2006/3309 (W. 299), to which there are amendments not relevant to these Regulations.

““Regulation (EU) No. 142/2011” means Commission Regulation (EU) No. 142/2011 implementing Regulation (EC) No. 1069/2009 of the European Parliament and of the Council laying down health rules as regards animal by-products and derived products not intended for human consumption and implementing Council Directive 97/78/EC as regards certain samples and items exempt from veterinary checks at the border under that Directive;”.

(3) Yn erthygl 3(6), yn lle is-baragraff (c) rhodder—

“(c) the following plants if approved under Article 24 of Regulation (EC) No. 1069/2009—

- (i) incineration plants;
- (ii) co-incineration plants;
- (iii) processing plants;
- (iv) biogas plants;
- (v) composting plants; and
- (vi) petfood plants.”

(4) Yn erthygl 14—

(a) yn lle paragraff (2) rhodder—

“(2) But a veterinary inspector or an inspector acting under the direction of a veterinary inspector may licence the movement of any of the following bird by-products—

- (a) processed animal protein within the meaning of paragraph 5 of Annex I to Regulation (EU) No. 142/2011 which complies with the requirements of paragraph B of Section 1 of Chapter II of Annex X to that Regulation;
- (b) blood products within the meaning of paragraph 4 of Annex I to Regulation (EU) No. 142/2011 which comply with the requirements of paragraph B of Section 2 of Chapter II of Annex X to that Regulation;
- (c) rendered fats within the meaning of paragraph 8 of Annex I to Regulation (EU) No. 142/2011 which comply with the requirements of paragraph B of Section 3 of Chapter II of Annex X to that Regulation;
- (d) gelatine within the meaning of paragraph 12 of Annex I to Regulation (EU) No. 142/2011 which complies with the requirements of paragraph B of Section 5 of Chapter II of Annex X to that Regulation;

““Regulation (EU) No. 142/2011” means Commission Regulation (EU) No. 142/2011 implementing Regulation (EC) No. 1069/2009 of the European Parliament and of the Council laying down health rules as regards animal by-products and derived products not intended for human consumption and implementing Council Directive 97/78/EC as regards certain samples and items exempt from veterinary checks at the border under that Directive;”.

(3) In article 3(6), for sub-paragraph (c) insert—

“(c) the following plants if approved under Article 24 of Regulation (EC) No. 1069/2009—

- (i) incineration plants;
- (ii) co-incineration plants;
- (iii) processing plants;
- (iv) biogas plants;
- (v) composting plants; and
- (vi) petfood plants.”

(4) In article 14—

(a) for paragraph (2) insert—

“(2) But a veterinary inspector or an inspector acting under the direction of a veterinary inspector may licence the movement of any of the following bird by-products—

- (a) processed animal protein within the meaning of paragraph 5 of Annex I to Regulation (EU) No. 142/2011 which complies with the requirements of paragraph B of Section 1 of Chapter II of Annex X to that Regulation;
- (b) blood products within the meaning of paragraph 4 of Annex I to Regulation (EU) No. 142/2011 which comply with the requirements of paragraph B of Section 2 of Chapter II of Annex X to that Regulation;
- (c) rendered fats within the meaning of paragraph 8 of Annex I to Regulation (EU) No. 142/2011 which comply with the requirements of paragraph B of Section 3 of Chapter II of Annex X to that Regulation;
- (d) gelatine within the meaning of paragraph 12 of Annex I to Regulation (EU) No. 142/2011 which complies with the requirements of paragraph B of Section 5 of Chapter II of Annex X to that Regulation;

- (e) hydrolysed protein within the meaning of paragraph 14 of Annex I to Regulation (EU) No. 142/2011 which complies with the requirements of paragraph B of Section 5 of Chapter II of Annex X to that Regulation;
 - (f) dicalcium phosphate which complies with the requirements of paragraph B of Section 6 of Chapter II of Annex X to Regulation (EU) No. 142/2011;
 - (g) tricalcium phosphate which complies with the requirements of paragraph B of Section 7 of Chapter II of Annex X to Regulation (EU) No. 142/2011;
 - (h) collagen within the meaning of paragraph 11 of Annex I to Regulation (EU) No. 142/2011 which complies with the requirements of paragraph B of Section 8 of Chapter II of Annex X to that Regulation;
 - (i) egg products which comply with the requirements of paragraph B of Section 9 of Chapter II of Annex X to Regulation (EU) No. 142/2011;
 - (j) processed pet food within the meaning of paragraph 20 of Annex I to Regulation (EU) No. 142/2011 which complies with the requirements of Chapter II of Annex XIII to that Regulation;
 - (k) raw petfood within the meaning of paragraph 21 of Annex I to Regulation (EU) No. 142/2011 which complies with Chapter II of Annex XIII;
 - (l) dogchews within the meaning of paragraph 17 of Annex I to Regulation (EU) No. 142/2011 which comply with the requirements of Chapter II of Annex XIII to that Regulation;
 - (m) processed manure and processed manure products which comply with the requirements of Section 2 of Chapter I of Annex XI to Regulation (EU) No. 142/2011;
 - (n) game trophies having undergone a complete taxidermy treatment ensuring their preservation at ambient temperatures within the meaning of Chapter VI of Annex XIII to Regulation (EU) No. 142/2011;
 - (o) those by-products which are transported to designated plants within article 3(6)(c) for disposal, treatment, transformation or use which ensures
- (e) hydrolysed protein within the meaning of paragraph 14 of Annex I to Regulation (EU) No. 142/2011 which complies with the requirements of paragraph B of Section 5 of Chapter II of Annex X to that Regulation;
 - (f) dicalcium phosphate which complies with the requirements of paragraph B of Section 6 of Chapter II of Annex X to Regulation (EU) No. 142/2011;
 - (g) tricalcium phosphate which complies with the requirements of paragraph B of Section 7 of Chapter II of Annex X to Regulation (EU) No. 142/2011;
 - (h) collagen within the meaning of paragraph 11 of Annex I to Regulation (EU) No. 142/2011 which complies with the requirements of paragraph B of Section 8 of Chapter II of Annex X to that Regulation;
 - (i) egg products which comply with the requirements of paragraph B of Section 9 of Chapter II of Annex X to Regulation (EU) No. 142/2011;
 - (j) processed pet food within the meaning of paragraph 20 of Annex I to Regulation (EU) No. 142/2011 which complies with the requirements of Chapter II of Annex XIII to that Regulation;
 - (k) raw petfood within the meaning of paragraph 21 of Annex I to Regulation (EU) No. 142/2011 which complies with Chapter II of Annex XIII;
 - (l) dogchews within the meaning of paragraph 17 of Annex I to Regulation (EU) No. 142/2011 which comply with the requirements of Chapter II of Annex XIII to that Regulation;
 - (m) processed manure and processed manure products which comply with the requirements of Section 2 of Chapter I of Annex XI to Regulation (EU) No. 142/2011;
 - (n) game trophies having undergone a complete taxidermy treatment ensuring their preservation at ambient temperatures within the meaning of Chapter VI of Annex XIII to Regulation (EU) No. 142/2011;
 - (o) those by-products which are transported to designated plants within article 3(6)(c) for disposal, treatment, transformation or use which ensures

inactivation of the avian influenza virus;

- (p) those products which are transported to users or collection centres authorised and registered in accordance with Article 23 of Regulation (EU) No. 142/2011 for the feeding of animals after they have been treated by a method approved by the competent authority which ensures inactivation of the avian influenza virus;
 - (q) untreated feathers or parts of untreated feathers produced from poultry within the meaning of paragraph 30 of Annex I to Regulation (EU) No. 142/2011 which comply with the requirements of paragraph A of Chapter VII of Annex XIII to that Regulation;
 - (r) poultry feathers, feathers from wild game birds or parts of such feathers which have been treated with a steam current or by another method which ensures inactivation of the avian influenza virus.”;
- (b) yn lle paragraff (3), rhodder “No person is to move any bird by-product referred to in paragraph (2)(a) to (i) unless it has been processed at a processing plant in accordance with Regulation (EC) No. 1069/2009 and Annex IV to Regulation (EU) No. 142/2011;” ac
- (c) yn lle paragraff (4), rhodder “By-products from poultry referred to in paragraphs (2)(p) and (q), must be accompanied by the commercial document in accordance with Chapter III of Annex VIII to Regulation (EU) No. 142/2011.”

Gorchymyn Ffliw Adar (H5N1 mewn Adar Gwyllt) (Cymru) 2006

4.—(1) Mae Gorchymyn Ffliw Adar (H5N1 mewn Adar Gwyllt) (Cymru) 2006(1) wedi ei ddiwygio fel a ganlyn.

(2) Yn erthygl 2—

- (a) yn lle’r diffiniad o “bird by-product”, rhodder ““bird by-product” means entire bodies or parts of birds or products of avian origin, not intended for human consumption, included in Articles 8, 9 or 10 of Regulation (EC) No. 1069/2009;”;

(1) O.S. 2006/3310 (Cy. 300), y ceir diwygiadau iddo nad ydynt yn berthnasol i’r Rheoliadau hyn.

inactivation of the avian influenza virus;

- (p) those products which are transported to users or collection centres authorised and registered in accordance with Article 23 of Regulation (EU) No. 142/2011 for the feeding of animals after they have been treated by a method approved by the competent authority which ensures inactivation of the avian influenza virus;
 - (q) untreated feathers or parts of untreated feathers produced from poultry within the meaning of paragraph 30 of Annex I to Regulation (EU) No. 142/2011 which comply with the requirements of paragraph A of Chapter VII of Annex XIII to that Regulation;
 - (r) poultry feathers, feathers from wild game birds or parts of such feathers which have been treated with a steam current or by another method which ensures inactivation of the avian influenza virus.”;
- (b) for paragraph (3), substitute “No person is to move any bird by-product referred to in paragraph (2)(a) to (i) unless it has been processed at a processing plant in accordance with Regulation (EC) No. 1069/2009 and Annex IV to Regulation (EU) No. 142/2011;” and
- (c) for paragraph (4), substitute “By-products from poultry referred to in paragraphs (2)(p) and (q), must be accompanied by the commercial document in accordance with Chapter III of Annex VIII to Regulation (EU) No. 142/2011.”

The Avian Influenza (H5N1 in Wild Birds) (Wales) Order 2006

4.—(1) The Avian Influenza (H5N1 in Wild Birds) (Wales) Order 2006(1) is amended as follows.

(2) In article 2—

- (a) for the definition of “bird by-product”, substitute ““bird by-product” means entire bodies or parts of birds or products of avian origin, not intended for human consumption, included in Articles 8, 9 or 10 of Regulation (EC) No. 1069/2009;”;

(1) S.I. 2006/3310 (W. 300), to which there are amendments not relevant to these Regulations.

(b) ar ôl y diffiniad o “Regulation (EC) No. 853/2004” mewnosoder—

““Regulation (EC) No. 1069/2009” means Regulation (EC) No. 1069/2009 of the European Parliament and of the Council laying down health rules as regards animal by-products and derived products not intended for human consumption and repealing Regulation (EC) No. 1774/2002 (Animal by-products Regulation);”;

(c) ar ôl y diffiniad a fewnosodir gan baragraff (b) mewnosoder—

““Regulation (EU) No. 142/2011” means Commission Regulation (EU) No. 142/2011 implementing Regulation (EC) No. 1069/2009 of the European Parliament and of the Council laying down health rules as regards animal by-products and derived products not intended for human consumption and implementing Council Directive 97/78/EC as regards certain samples and items exempt from veterinary checks at the border under that Directive;”.

(3) Yn erthygl 13(1), yn lle is-baragraff (c) rhodder—

“(c) the following plants if approved under Article 24 of Regulation (EC) No. 1069/2009—

- (i) incineration plants;
- (ii) co-incineration plants;
- (iii) processing plants;
- (iv) biogas plants;
- (v) composting plants;
- (vi) petfood plants”.

(4) Yn Atodlen 1—

(a) ym mharagraff 13, yn lle is-baragraff (2) rhodder—

“(2) A veterinary inspector may not grant or direct the grant of a licence under sub-paragraph (1) unless it is for a movement of—

- (a) processed animal protein within the meaning of paragraph 5 of Annex 1 to Regulation (EU) No. 142/2011 which complies with the requirements of paragraph B of Section 1 of Chapter II of Annex X to that Regulation;
- (b) blood products within the meaning of paragraph 4 of Annex I to Regulation (EU) No. 142/2011 which comply with the requirements of paragraph B of Section 2 of Chapter II of Annex X to that Regulation;

(b) after the definition of “Regulation (EC) No. 853/2004” insert—

““Regulation (EC) No. 1069/2009” means Regulation (EC) No. 1069/2009 of the European Parliament and of the Council laying down health rules as regards animal by-products and derived products not intended for human consumption and repealing Regulation (EC) No. 1774/2002 (Animal by-products Regulation);”;

(c) after the definition inserted by paragraph (b) insert—

““Regulation (EU) No. 142/2011” means Commission Regulation (EU) No. 142/2011 implementing Regulation (EC) No. 1069/2009 of the European Parliament and of the Council laying down health rules as regards animal by-products and derived products not intended for human consumption and implementing Council Directive 97/78/EC as regards certain samples and items exempt from veterinary checks at the border under that Directive;”.

(3) In article 13(1), for sub-paragraph (c) substitute—

“(c) the following plants if approved under Article 24 of Regulation (EC) No. 1069/2009—

- (i) incineration plants;
- (ii) co-incineration plants;
- (iii) processing plants;
- (iv) biogas plants;
- (v) composting plants;
- (vi) petfood plants”.

(4) In Schedule 1—

(a) in paragraph 13, for sub-paragraph (2) substitute—

“(2) A veterinary inspector may not grant or direct the grant of a licence under sub-paragraph (1) unless it is for a movement of—

- (a) processed animal protein within the meaning of paragraph 5 of Annex 1 to Regulation (EU) No. 142/2011 which complies with the requirements of paragraph B of Section 1 of Chapter II of Annex X to that Regulation;
- (b) blood products within the meaning of paragraph 4 of Annex I to Regulation (EU) No. 142/2011 which comply with the requirements of paragraph B of Section 2 of Chapter II of Annex X to that Regulation;

- (c) rendered fats within the meaning of paragraph 8 of Annex I to Regulation (EU) No. 142/2011 which comply with the requirements of paragraph B of Section 3 of Chapter II of Annex X to that Regulation;
 - (d) gelatine within the meaning of paragraph 12 of Annex I to Regulation (EU) No. 142/2011 which complies with the requirements of paragraph B of Section 5 of Chapter II of Annex X to that Regulation;
 - (e) hydrolysed protein within the meaning of paragraph 14 of Annex I to Regulation (EU) No. 142/2011 which complies with the requirements of paragraph B of Section 5 of Chapter II of Annex X to that Regulation;
 - (f) dicalcium phosphate which complies with the requirements of paragraph B of Section 6 of Chapter II of Annex X to Regulation (EU) No. 142/2011;
 - (g) tricalcium phosphate which complies with the requirements of paragraph B of Section 7 of Chapter II of Annex X to Regulation (EU) No. 142/2011;
 - (h) collagen within the meaning of paragraph 11 of Annex I to Regulation (EU) No. 142/2011 which complies with the requirements of paragraph B of Section 8 of Chapter II of Annex X to that Regulation;
 - (i) egg products which comply with the requirements of paragraph B of Section 9 of Chapter II of Annex X to Regulation (EU) No. 142/2011;
 - (j) processed pet food within the meaning of paragraph 20 of Annex I to Regulation (EU) No. 142/2011 which complies with the requirements of Chapter II of Annex XIII to that Regulation;
 - (k) raw pet food within the meaning of paragraph 21 of Annex I to Regulation (EU) No. 142/2011 which complies with Chapter II of Annex XIII;
 - (l) dogchews within the meaning of paragraph 17 of Annex I to Regulation (EU) No. 142/2011 which comply with the requirements of Chapter II of Annex XIII to that Regulation;
 - (m) processed manure and processed manure products which comply with the requirements of Section 2 of
- (c) rendered fats within the meaning of paragraph 8 of Annex I to Regulation (EU) No. 142/2011 which comply with the requirements of paragraph B of Section 3 of Chapter II of Annex X to that Regulation;
 - (d) gelatine within the meaning of paragraph 12 of Annex I to Regulation (EU) No. 142/2011 which complies with the requirements of paragraph B of Section 5 of Chapter II of Annex X to that Regulation;
 - (e) hydrolysed protein within the meaning of paragraph 14 of Annex I to Regulation (EU) No. 142/2011 which complies with the requirements of paragraph B of Section 5 of Chapter II of Annex X to that Regulation;
 - (f) dicalcium phosphate which complies with the requirements of paragraph B of Section 6 of Chapter II of Annex X to Regulation (EU) No. 142/2011;
 - (g) tricalcium phosphate which complies with the requirements of paragraph B of Section 7 of Chapter II of Annex X to Regulation (EU) No. 142/2011;
 - (h) collagen within the meaning of paragraph 11 of Annex I to Regulation (EU) No. 142/2011 which complies with the requirements of paragraph B of Section 8 of Chapter II of Annex X to that Regulation;
 - (i) egg products which comply with the requirements of paragraph B of Section 9 of Chapter II of Annex X to Regulation (EU) No. 142/2011;
 - (j) processed pet food within the meaning of paragraph 20 of Annex I to Regulation (EU) No. 142/2011 which complies with the requirements of Chapter II of Annex XIII to that Regulation;
 - (k) raw pet food within the meaning of paragraph 21 of Annex I to Regulation (EU) No. 142/2011 which complies with Chapter II of Annex XIII;
 - (l) dogchews within the meaning of paragraph 17 of Annex I to Regulation (EU) No. 142/2011 which comply with the requirements of Chapter II of Annex XIII to that Regulation;
 - (m) processed manure and processed manure products which comply with the requirements of Section 2 of

- Chapter I of Annex XI to Regulation (EU) No. 142/2011;
- (n) game trophies having undergone a complete taxidermy treatment ensuring their preservation at ambient temperatures within the meaning of Chapter VI of Annex XIII to Regulation (EU) No. 142/2011;
- (o) those by-products which are transported to designated plants within article 13(1)(c), processing plants for disposal, treatment, transformation or use which ensures inactivation of the avian influenza virus;
- (p) those products which are transported to users or collection centres authorised and registered in accordance with Article 23 of Regulation (EU) No. 142/2011 for the feeding of animals after they have been treated by a method approved by the competent authority which ensures inactivation of the avian influenza virus;
- (q) untreated feathers or parts of untreated feathers produced from poultry within the meaning of paragraph 30 of Annex 1 to Regulation (EU) No. 142/2011 which comply with the requirements of paragraph A of Chapter VII of Annex XIII to that Regulation;
- (r) poultry feathers, feathers from wild game birds or parts of such feathers which have been treated with a steam current or by another method which ensures inactivation of the avian influenza virus”;
- (b) yn lle paragraff 13(3), rhodder “A veterinary inspector may not grant or direct the grant of a licence under sub-paragraph (1) for the movement of the by-products listed in sub-paragraph (2)(a) to (i) unless they have also been processed at a processing plant which complies with the requirements of Regulation (EC) No. 1069/2009 and Annex IV to Regulation (EU) No. 142/2011”;
- (c) yn lle paragraff 13(5), rhodder “The bird by-products referred to in sub-paragraph (2)(p) and (q) must be accompanied by the commercial document in accordance with Chapter III of Annex VIII to Regulation (EU) No. 142/2011”;
- (d) yn lle paragraff 14(a), rhodder “the movement is to an establishment for treatment in accordance with Regulation (EC) No.
- Chapter I of Annex XI to Regulation (EU) No. 142/2011;
- (n) game trophies having undergone a complete taxidermy treatment ensuring their preservation at ambient temperatures within the meaning of Chapter VI of Annex XIII to Regulation (EU) No. 142/2011;
- (o) those by-products which are transported to designated plants within article 13(1)(c), processing plants for disposal, treatment, transformation or use which ensures inactivation of the avian influenza virus;
- (p) those products which are transported to users or collection centres authorised and registered in accordance with Article 23 of Regulation (EU) No. 142/2011 for the feeding of animals after they have been treated by a method approved by the competent authority which ensures inactivation of the avian influenza virus;
- (q) untreated feathers or parts of untreated feathers produced from poultry within the meaning of paragraph 30 of Annex 1 to Regulation (EU) No. 142/2011 which comply with the requirements of paragraph A of Chapter VII of Annex XIII to that Regulation;
- (r) poultry feathers, feathers from wild game birds or parts of such feathers which have been treated with a steam current or by another method which ensures inactivation of the avian influenza virus”;
- (b) for paragraph 13(3), substitute “A veterinary inspector may not grant or direct the grant of a licence under sub-paragraph (1) for the movement of the by-products listed in sub-paragraph (2)(a) to (i) unless they have also been processed at a processing plant which complies with the requirements of Regulation (EC) No. 1069/2009 and Annex IV to Regulation (EU) No. 142/2011”;
- (c) for paragraph 13(5), substitute “The bird by-products referred to in sub-paragraph (2)(p) and (q) must be accompanied by the commercial document in accordance with Chapter III of Annex VIII to Regulation (EU) No. 142/2011”;
- (d) for paragraph 14(a), substitute “the movement is to an establishment for treatment in accordance with Regulation (EC) No.

1069/2009 and Section 2 of Chapter I of Annex XI to Regulation (EU) No. 142/2011”;

- (e) yn lle paragraff 15(a), rhodder “it has been treated in accordance with Regulation (EC) No. 1069/2009 and Section 2 of Chapter I of Annex XI to Regulation (EU) No. 142/2011”.

Rheoliadau Adnabod Gwartheg (Cymru) 2007

5. Yn lle paragraff 3(3) o Atodlen 3 i Reoliadau Adnabod Gwartheg (Cymru) 2007(1), rhodder—

“(3) Os nad yw Gweinidogion Cymru’n darparu pasbort o’r newydd yn lle’r hen un, rhaid peidio â symud yr anifail y mae’n ymwneud ag ef oddi ar ddaliad ac eithrio (o dan awdurdod trwydded a roddir gan Weinidogion Cymru)—

- (a) i safle a gymeradwywyd o dan Erthygl 24(1)(a), (b), (c) neu (h) o Reoliad (EC) Rhif 1069/2009 Senedd Ewrop a’r Cyngor; neu
- (b) i ganolfan gasglu gofrestredig sy’n cydymffurfio ag Adran 1 o Bennod II o Atodiad VI i Reoliad y Comisiwn (EU) Rhif 142/2011 yn gweithredu Rheoliad (EC) Rhif 1069/2009 Senedd Ewrop a’r Cyngor”.

Gorchymyn Diwygio Deddfwriaethol a Rheoleiddiol (Swyddogaethau Rheoleiddiol) 2007

6. Yn Rhan 2 o’r Atodlen i Orchymyn Diwygio Deddfwriaethol a Rheoleiddiol (Swyddogaethau Rheoleiddiol) 2007(2), o dan y croesbennawd “animal health and welfare” ar ôl y cofnod “Animal By-Products (Enforcement) (England) Regulations 2013” mewnosoder “Animal By-Products (Enforcement) (Wales) Regulations 2014”.

Rheoliadau Enseffalopathïau Sbyngffurf Trosglwyddadwy (Cymru) 2008

7.—(1) Mae Rheoliadau Enseffalopathïau Sbyngffurf Trosglwyddadwy (Cymru) 2008(3) wedi eu diwygio fel a ganlyn.

(2) Yn rheoliad 2(1), ar ôl y diffiniad o “Rheoliad (EC) Rhif 882/2004” mewnosoder—

1069/2009 and Section 2 of Chapter I of Annex XI to Regulation (EU) No. 142/2011”;

- (e) for paragraph 15(a), substitute “it has been treated in accordance with Regulation (EC) No. 1069/2009 and Section 2 of Chapter I of Annex XI to Regulation (EU) No. 142/2011”.

The Cattle Identification (Wales) Regulations 2007

5. For paragraph 3(3) of Schedule 3 to the Cattle Identification (Wales) Regulations 2007(1), substitute—

“(3) If the Welsh Ministers do not provide a replacement, the animal to which it relates must not be moved off a holding except (under the authority of a licence granted by the Welsh Ministers) to—

- (a) a plant approved under Article 24(1)(a), (b), (c) or (h) of Regulation (EC) No. 1069/2009 of the European Parliament and of the Council; or
- (b) a registered collection centre which complies with Section 1 of Chapter II of Annex VI to Commission Regulation (EU) No. 142/2011 implementing Regulation (EC) No. 1069/2009 of the European Parliament and of the Council”.

The Legislative and Regulatory Reform (Regulatory Functions) Order 2007

6. In Part 2 of the Schedule to the Legislative and Regulatory Reform (Regulatory Functions) Order 2007(2), under the cross-heading “animal health and welfare” after the entry “Animal By-Products (Enforcement) (England) Regulations 2013” insert “Animal By-Products (Enforcement) (Wales) Regulations 2014”.

The Transmissible Spongiform Encephalopathies (Wales) Regulations 2008

7.—(1) The Transmissible Spongiform Encephalopathies (Wales) Regulations 2008(3) are amended as follows.

(2) In regulation 2(1), after the definition of “Regulation (EC) No. 882/2004” insert—

(1) O.S. 2007/842 (Cy. 74), y ceir diwygiadau iddo nad ydynt yn berthnasol i’r Rheoliadau hyn.

(2) O.S. 2007/3544, a ddiwygiwyd gan O.S. 2009/2981; ceir offerynnau diwygio eraill ond nid yw’r un yn berthnasol.

(3) O.S. 2008/3154 (Cy. 282), y ceir diwygiadau iddo nad ydynt yn berthnasol i’r Rheoliadau hyn.

(1) S.I. 2007/842 (W. 74), to which there are amendments not relevant to these Regulations.

(2) S.I. 2007/3544, amended by S.I. 2009/2981; there are other amending instruments but none is relevant.

(3) S.I. 2008/3154 (W. 282), to which there are amendments not relevant to these Regulations.

“ystyr “Rheoliad (EC) Rhif 1069/2009” (“*Regulation (EC) No. 1069/2009*”) yw Rheoliad (EC) Rhif 1069/2009 Senedd Ewrop a’r Cyngor sy’n gosod rheolau iechyd ynglŷn â sgil-gynhyrchion anifeiliaid a chynhyrchion sy’n dod o anifeiliaid na fwriedir i bobl eu bwyta ac sy’n diddymu Rheoliad (EC) Rhif 1774/2002 (Rheoliad Sgil-gynhyrchion Anifeiliaid);”.

(3) Yn lle rheoliad 4(2), rhodder “Os bydd farw neu os lleddir anifail buchol, dafad neu afr neu eu hepil a gedwir mewn mangre ymchwil a gymeradwywyd, rhaid i’r meddiannydd ei waredu fel sgil-gynnyrch anifail Categori 1 yn unol â Rheoliad (EC) Rhif 1069/2009, ac mae peidio â gwneud hynny yn dramgwydd”.

Gorchymyn Crynadau Anifeiliaid (Cymru) 2010

8. Yn lle erthygl 8(2) o Orchymyn Crynadau Anifeiliaid (Cymru) 2010(1), rhodder “Nid yw’r erthygl hon yn gymwys i unrhyw ddeunydd y mae’n ofynnol ei waredu o dan Rheoliad (EC) Rhif 1069/2009 Senedd Ewrop a’r Cyngor”.

Rheoliadau Hawlenni Amgylcheddol (Cymru a Lloegr) 2010

9.—(1) Mae Rheoliadau Hawlenni Amgylcheddol (Cymru a Lloegr) 2010(2) wedi eu diwygio fel a ganlyn.

(2) Yn rheoliad 2(1)—

- (a) hepgorer y diffiniad o “the Animal By-Products Regulations”; a
- (b) ar ôl y diffiniad o “regulated facility” mewnosoder—

““Regulation (EC) No. 1069/2009” means Regulation (EC) No. 1069/2009 of the European Parliament and of the Council laying down health rules as regards animal by-products and derived products not intended for human consumption and repealing Regulation (EC) No. 1774/2002 (Animal by-products Regulation);”.

(3) Yn Adran 6.8 o Bennod 6 o Atodlen 1, hepgorer paragraff 1(g) ac (i).

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(1) O.S. 2010/900 (Cy. 93).

(2) O.S. 2010/675 a ddiwygiwyd gan O.S. 2010/2172, 2011/988 a 2013/390; ceir offerynnau diwygio eraill ond nid yw’r un yn berthnasol.

““Regulation (EC) No. 1069/2009” (“*Rheoliad (EC) Rhif 1069/2009*”) means Regulation (EC) No. 1069/2009 of the European Parliament and of the Council laying down health rules as regards animal by-products and derived products not intended for human consumption and repealing Regulation (EC) No. 1774/2002 (Animal by-products Regulation);”.

(3) For regulation 4(2), substitute “If a bovine animal, sheep or goat kept in approved research premises or its progeny dies or is killed, the occupier must dispose of it as a Category 1 animal by-product in accordance with Regulation (EC) No. 1069/2009, and failure to do so is an offence”.

The Animal Gatherings (Wales) Order 2010

8. For article 8(2) of the Animal Gatherings (Wales) Order 2010(1), insert “This article does not apply to any material required to be disposed of under Regulation (EC) No. 1069/2009 of the European Parliament and of the Council”.

The Environmental Permitting (England and Wales) Regulations 2010

9.—(1) The Environmental Permitting (England and Wales) Regulations 2010(2) are amended as follows.

(2) In regulation 2(1)—

- (a) omit the definition “the Animal By-Products Regulations”; and
- (b) after the definition of “regulated facility” insert—

““Regulation (EC) No. 1069/2009” means Regulation (EC) No. 1069/2009 of the European Parliament and of the Council laying down health rules as regards animal by-products and derived products not intended for human consumption and repealing Regulation (EC) No. 1774/2002 (Animal by-products Regulation);”.

(3) In Section 6.8 of Chapter 6 of Schedule 1, omit paragraph 1(g) and (i).

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(1) S.I. 2010/900 (W. 93).

(2) S.I. 2010/675 amended by S.I. 2010/2172, 2011/988 and 2013/390; there are other amending instruments but none is relevant.

