OFFERYNNAU STATUDOL CYMRU

2019 Rhif 799 (Cy. 151)

AMAETHYDDIAETH, CYMRU

ANIFEILIAID, CYMRU

Rheoliadau Materion Gwledig (Diwygiadau Amrywiol) (Cymru) 2019

NODYN ESBONIADOL

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

Mae'r Rheoliadau hyn yn diwygio Rheoliadau Cynlluniau Cymorth y Polisi Amaethyddol Cyffredin nad ydynt yn rhai IACS (Apelau) (Cymru) 2004 ("Rheoliadau 2004") a Rheoliadau'r Fasnach mewn Anifeiliaid a Chynhyrchion Perthynol (Cymru) 2011 ("Rheoliadau 2011") drwy arfer y pwerau yn adran 2(2) o Ddeddf y Cymunedau Ewropeaidd 1972 (p. 68).

Mae Rheoliadau 2004 yn galluogi Gweinidogion Cymru i sefydlu gweithdrefn apelau os gwneir apêl yn dilyn penderfyniad cychwynnol a wnaed o dan unrhyw un neu ragor o gynlluniau cymorth y Polisi Amaethyddol Cyffredin ("PAC") a restrir yn yr Atodlen i'r Rheoliadau hynny.

Mae rheoliad 2 yn diweddaru'r cynlluniau y caniateir sefydlu gweithdrefn apelau ar eu cyfer gan Weinidogion Cymru er mwyn sicrhau eu bod yn gyson â Rheoliadau cyfredol yr UE. Mae hefyd yn dirymu'r Atodlen i Reoliadau 2004 sy'n rhestru cynlluniau unigol, y mae llawer ohonynt wedi darfod erbyn hyn neu wedi eu diweddaru yn neddfwriaeth yr UE.

Mae rheoliad 3 yn ddarpariaeth arbed sy'n darparu, pan fo Gweinidogion Cymru yn gwneud neu wedi gwneud penderfyniad cychwynnol ynghylch cynllun a restrir yn yr Atodlen i Reoliadau 2004 cyn i'r Rheoliadau hyn ddod i rym, fod y weithdrefn apelau a sefydlwyd o dan Reoliadau 2004 yn parhau i fod yn gymwys.

WELSH STATUTORY INSTRUMENTS

2019 No. 799 (W. 151)

AGRICULTURE, WALES

ANIMALS, WALES

The Rural Affairs (Miscellaneous Amendments) (Wales) Regulations 2019

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make amendments to the Common Agricultural Policy Non-IACS Support Schemes (Appeals) (Wales) Regulations 2004 ("the 2004 Regulations") and the Trade in Animals and Related Products (Wales) Regulations 2011 ("the 2011 Regulations") in exercise of powers in section 2(2) of the European Communities Act 1972 (c. 68).

The 2004 Regulations enable the Welsh Ministers to establish an appeals procedure if an appeal is made following an initial determination made under any of the Common Agricultural Policy ("CAP") support schemes listed in the Schedule to those Regulations.

Regulation 2 updates the schemes for which an appeals procedure may be established by the Welsh Ministers so that they align with current EU Regulations. It also revokes the Schedule to the 2004 Regulations which lists individual schemes, many of which have now lapsed or have been updated in EU legislation.

Regulation 3 is a saving provision which provides that where the Welsh Ministers make or have made an initial determination about a scheme listed in the Schedule to the 2004 Regulations before these Regulations came into force, the appeals procedure established under the 2004 Regulations continues to apply.

Mae Rheoliadau 2011 yn sefydlu system ar gyfer y fasnach mewn anifeiliaid byw a deunydd genetig ac ar gyfer mewnforio anifeiliaid byw, deunydd genetig a chynhyrchion sy'n dod o anifeiliaid.

Mae rheoliad 4 yn cywiro diwygiad a wnaed i reoliad 28 o Reoliadau 2011 gan reoliad 12(9) o Reoliadau Materion Gwledig, yr Amgylchedd, Pysgodfeydd a Bwyd (Diwygiadau a Dirymiadau Amrywiol) (Cymru) 2019 ("Rheoliadau 2019").

Mae Rheoliadau 2019 yn diweddaru cyfeiriadau at amryw o ddarnau o ddeddfwriaeth y DU ac Ewrop mewn deddfwriaeth ddomestig sy'n ymwneud ag amaethyddiaeth, iechyd anifeiliaid, lles anifeiliaid, addysg, diogelu'r amgylchedd, bwyd, iechyd planhigion, pysgodfeydd môr a dŵr.

Ystyriwyd Cod Ymarfer Gweinidogion Cymru ar gynnal Asesiadau Effaith Rheoleiddiol mewn perthynas â'r Rheoliadau hyn. O ganlyniad, ystyriwyd nad oedd yn angenrheidiol cynnal asesiad effaith rheoleiddiol o'r costau a'r manteision sy'n debygol o ddeillio o gydymffurfio â'r Rheoliadau hyn.

The 2011 Regulations establish a system for trade in live animals and genetic material and for the importation of live animals, genetic material and products of animal origin.

Regulation 4 corrects an amendment made to regulation 28 of the 2011 Regulations by regulation 12(9) of the Rural Affairs, Environment, Fisheries and Food (Miscellaneous Amendments and Revocations) (Wales) Regulations 2019 ("the 2019 Regulations").

The 2019 Regulations update references to various pieces of UK and European legislation within domestic legislation relating to agriculture, animal health, animal welfare, education, environmental protection, food, plant health, sea fisheries and water.

The Welsh Ministers' Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to these Regulations. As a result it was not considered necessary to carry out a regulatory impact assessment as to the likely costs and benefits of complying with these Regulations.

OFFERYNNAU STATUDOL CYMRU

2019 Rhif 799 (Cy. 151)

AMAETHYDDIAETH, CYMRU

ANIFEILIAID, CYMRU

Rheoliadau Materion Gwledig (Diwygiadau Amrywiol) (Cymru) 2019

Gwnaed *1 Ebrill 2019*

Gosodwyd gerbron Cynulliad Cenedlaethol Cymru *5 Ebrill 2019*

Yn dod i rym *29 Ebrill 2019*

Mae Gweinidogion Cymru wedi eu dynodi(**1**) at ddibenion adran 2(2) o Ddeddf y Cymunedau Ewropeaidd 1972(**2**) ("Deddf 1972") mewn perthynas â pholisi amaethyddol cyffredin yr Undeb Ewropeaidd.

Mae Gweinidogion Cymru yn gwneud y Rheoliadau hyn drwy arfer y pwerau a roddir gan adran 2(2) o Ddeddf 1972.

RHAN 1

Cyflwyniad

Enwi a chychwyn

1.—(1) Enw'r Rheoliadau hyn yw Rheoliadau Materion Gwledig (Diwygiadau Amrywiol) (Cymru) 2019.

(2) Daw'r Rheoliadau hyn i rym ar 29 Ebrill 2019.

(**1**) O.S. 2010/2690.

(**2**) 1972 p. 68. Diwygiwyd adran 2(2) gan adran 27 o Ddeddf Diwygio Deddfwriaethol a Rheoleiddiol 2006 (p. 51) a chan adran 3 o Ddeddf yr Undeb Ewropeaidd (Diwygio) 2008 (p. 7), a Rhan 1 o'r Atodlen iddi. Mae wedi ei diddymu yn rhagolygol gan adran 1 o Ddeddf yr Undeb Ewropeaidd (Ymadael) 2018 (p. 16) o'r diwrnod ymadael (gweler adran 20 o'r Ddeddf honno).

WELSH STATUTORY INSTRUMENTS

2019 No. 799 (W. 151)

AGRICULTURE, WALES

ANIMALS, WALES

The Rural Affairs (Miscellaneous Amendments) (Wales) Regulations 2019

Made *1 April 2019*

Laid before the National Assembly for Wales *5 April 2019*

Coming into force *29 April 2019*

The Welsh Ministers are designated(**1**) for the purposes of section 2(2) of the European Communities Act 1972(**2**) ("the 1972 Act") in relation to the common agricultural policy of the European Union.

The Welsh Ministers make these Regulations in exercise of the powers conferred by section 2(2) of the 1972 Act.

PART 1

Introduction

Title and commencement

1.—(1) The title of these Regulations is the Rural Affairs (Miscellaneous Amendments) (Wales) Regulations 2019.

(2) These Regulations come into force on 29 April 2019.

(**1**) S.I. 2010/2690.

(**2**) 1972 c. 68. Section 2(2) was amended by section 27 of the Legislative and Regulatory Reform Act 2006 (c. 51) and section 3 of, and Part 1 of the Schedule to, the European Union (Amendment) Act 2008 (c. 7). It is prospectively repealed by section 1 of the European Union (Withdrawal) Act 2018 (c. 16) from exit day (see section 20 of that Act).

RHAN 2

Diwygio deddfwriaeth sy'n ymwneud ag Apelau'r Polisi Amaethyddol Cyffredin nad ydynt yn rhai IACS

Diwygio Rheoliadau Cynlluniau Cymorth y Polisi Amaethyddol Cyffredin nad ydynt yn rhai IACS (Apelau) (Cymru) 2004

2.—(1) Mae Rheoliadau Cynlluniau Cymorth y Polisi Amaethyddol Cyffredin nad ydynt yn rhai IACS (Apelau) (Cymru) 2004(**1**) ("Rheoliadau 2004") wedi eu diwygio fel a ganlyn.

(2) Yn rheoliad 2—

(a) yn y diffiniad o "apelydd", yn lle "restrir yn yr Atodlen i'r Rheoliadau hyn" rhodder "sefydlwyd o dan ddarpariaethau yn Rheoliad (EU) 1308/2013, Rheoliad (EU) 1379/2013, Rheoliad (EU) 510/2014 a Rheoliad (EU) 1144/2014";

(b) ar ddiwedd y diffiniad o "y Cynulliad Cenedlaethol", hepgorer "ac";

(c) yn y lleoedd priodol, mewnosoder y diffiniadau a ganlyn—

(i) "ystyr "Rheoliad (EU) 1308/2013" ("*Regulation (EU) 1308/2013*") yw Rheoliad (EU) Rhif 1308/2013 Senedd Ewrop a'r Cygnor dyddiedig 17 Rhagfyr 2013 sy'n sefydlu cyd-drefniadaeth ar gyfer y marchnadoedd mewn cynhyrchion amaethyddol ac yn diddymu Rheoliadau'r Cyngor (EEC) Rhif 922/72, (EEC) Rhif 234/79, (EC) Rhif 1037/2001, ac (EC) Rhif 1234/2007(**2**) fel y'i diwygiwyd ddiwethaf gan Reoliad 2017/2393(**3**);";

(ii) "ystyr "Rheoliad (EU) 1379/2013" ("*Regulation (EU) 1379/2013*") yw Rheoliad (EU) Rhif 1379/2013 Senedd Ewrop a'r Cyngor dyddiedig 11 Rhagfyr 2013 ar gyd-drefniadaeth y marchnadoedd mewn cynhyrchion pysgodfeydd a dyframaethu, sy'n diwygio Rheoliadau'r Cyngor (EC) Rhif 1184/2006 ac (EC) Rhif 1224/2009 ac yn

(**1**) O.S. 2004/685 (Cy. 73), a ddiwygiwyd gan O.S. 2017/724 (Cy. 174).
(**2**) OJ Rhif L 347, 20.12.2013, t. 671.
(**3**) OJ Rhif L 350, 29.12.2017, t. 15.

PART 2

Amendments to legislation concerning Common Agricultural Policy Non-IACS Appeals

Amendments to the Common Agricultural Policy Non-IACS Support Schemes (Appeals) (Wales) Regulations 2004

2.—(1) The Common Agricultural Policy Non-IACS Support Schemes (Appeals) (Wales) Regulations 2004(**1**) ("the 2004 Regulations") are amended as follows.

(2) In regulation 2—

(a) in the definition of "appellant", for "listed in the Schedule to these Regulations" substitute "established under provisions in Regulation (EU) 1308/2013, Regulation (EU) 1379/2013, Regulation (EU) 510/2014 and Regulation (EU) 1144/2014";

(b) at the end of the definition of "relevant date", omit "and";

(c) in the appropriate place insert the following definitions—

(i) ""Regulation (EU) 1308/2013" ("*Rheoliad (EU) 1308/2013*") means Regulation (EU) No 1308/2013 of the European Parliament and of the Council of 17 December 2013 establishing a common organisation of the markets in agricultural products and repealing Council Regulations (EEC) No 922/72, (EEC) No 234/79, (EC) No 1037/2001, and (EC) No 1234/2007(**2**) as last amended by Regulation 2017/2393(**3**);";

(ii) ""Regulation (EU) 1379/2013" ("*Rheoliad (EU) 1379/2013*") means Regulation (EU) No 1379/2013 of the European Parliament and of the Council of 11 December 2013 on the common organisation of the markets in fishery and aquaculture products, amending Council Regulations (EC) No 1184/2006 and (EC) No 1224/2009 and repealing

(**1**) S.I. 2004/685 (W. 73), amended by S.I. 2017/724 (W. 174).
(**2**) OJ No L 347, 20.12.2013, p. 671.
(**3**) OJ No L 350, 29.12.2017, p. 15.

diddymu Rheoliad y Cyngor (EC) Rhif 104/2000([1]) fel y'i diwygiwyd ddiwethaf gan Reoliad (EU) 2015/812([2]);";

(iii) "ystyr "Rheoliad (EU) 510/2014" ("*Regulation (EU) 510/2014*") yw Rheoliad (EU) Rhif 510/2014 Senedd Ewrop a'r Cyngor dyddiedig 16 Ebrill 2014 sy'n gosod y trefniadau masnach sy'n gymwys i nwyddau penodol sy'n deillio o brosesu cynhyrchion amaethyddol ac yn diddymu Rheoliadau'r Cyngor (EC) Rhif 1216/2009 ac (EC) Rhif 614/2009([3]);";

(iv) "ystyr "Rheoliad (EU) 1144/2014" ("*Regulation (EU) 1144/2014*") yw Rheoliad (EU) Rhif 1144/2014 Senedd Ewrop a'r Cyngor dyddiedig 22 Hydref 2014 ar fesurau darparu gwybodaeth a hybu gwybodaeth ynghylch cynhyrchion amaethyddol a weithredir yn y farchnad fewnol ac mewn trydydd gwledydd ac sy'n diddymu Rheoliad y Cyngor (EC) Rhif 3/2008([4]);"

(3) Yn rheoliad 4(1), yn lle "restrir yn yr Atodlen" rhodder "sefydlwyd o dan ddarpariaethau yn Rheoliad (EU) 1308/2013, Rheoliad (EU) 1379/2013, Rheoliad (EU) 510/2014 a Rheoliad (EU) 1144/2014".

(4) Hepgorer yr Atodlen.

Darpariaeth arbed

3. Pan fo Gweinidogion Cymru yn gwneud neu wedi gwneud penderfyniad cychwynnol mewn perthynas â gweinyddu cynllun cymorth cyn i'r Rheoliadau hyn ddod i rym, bydd y broses apelau a sefydlwyd o dan Reoliadau 2004 yn cael effaith fel pe na bai rheoliad 2 wedi ei wneud.

([1]) OJ Rhif L 354, 28.12.2013, t. 1.
([2]) OJ Rhif L 133, 29.5.2015, t. 1.
([3]) OJ Rhif L 150, 20.5.2014, t. 1.
([4]) OJ Rhif L 317, 4.11.2014, t. 56.

Council Regulation (EC) No 104/2000([1]) as last amended by Regulation (EU) 2015/812([2]);";

(iii) ""Regulation (EU) 510/2014" ("*Rheoliad (EU) 510/2014*") means Regulation (EU) No 510/2014 of the European Parliament and of the Council of 16 April 2014 laying down the trade arrangements applicable to certain goods resulting from the processing of agricultural products and repealing Council Regulations (EC) No 1216/2009 and (EC) No 614/2009([3]);";

(iv) ""Regulation (EU) 1144/2014" ("*Rheoliad (EU) 1144/2014*") means Regulation (EU) No 1144/2014 of the European Parliament and of the Council of 22 October 2014 on information provision and promotion measures concerning agricultural products implemented in the internal market and in third countries and repealing Council Regulation (EC) No 3/2008([4]);"

(3) In regulation 4(1), for "listed in the Schedule" substitute "established under provisions in Regulation (EU) 1308/2013, Regulation (EU) 1379/2013, Regulation (EU) 510/2014 and Regulation (EU) 1144/2014".

(4) Omit the Schedule.

Saving provision

3. Where the Welsh Ministers make or have made an initial determination in relation to the administration of a support scheme before these Regulations come into force, the appeals process established under the 2004 Regulations will have effect as if regulation 2 had not been made.

([1]) OJ No L 354, 28.12.2013, p. 1.
([2]) OJ No L 133, 29.5.2015, p. 1.
([3]) OJ No L 150, 20.5.2014, p. 1.
([4]) OJ No L 317, 4.11.2014, p. 56.

RHAN 3

Diwygio deddfwriaeth sy’n ymwneud ag anifeiliaid

Diwygio Rheoliadau’r Fasnach mewn Anifeiliaid a Chynhyrchion Perthynol (Cymru) 2011

4. Yn lle rheoliad 28 o Reoliadau’r Fasnach mewn Anifeiliaid a Chynhyrchion Perthynol (Cymru) 2011(**1**) rhodder—

“Derbyn cynhyrchion i warysau

28. Ni chaiff neb ddod â llwyth o gynhyrchion nad yw'n cydymffurfio â gofynion mewnforio'r Rheoliadau hyn i warws gan dorri Adran 2 (storio yn warysau’r tollau) neu Adran 3 (parthau rhydd) o Bennod 3 o Deitl 7 o Reoliad (EU) Rhif 952/2013 Senedd Ewrop a’r Cyngor sy’n nodi Cod Tollau’r Undeb(**2**).”

PART 3

Amendment to legislation concerning animals

Amendment to the Trade in Animals and Related Products (Wales) Regulations 2011

4. For regulation 28 of the Trade in Animals and Related Products (Wales) Regulations 2011(**1**), substitute—

“Admission of products into warehouses

28. No person may bring a consignment of products that does not comply with the import requirements of these Regulations into a warehouse in contravention of Section 2 (customs warehousing) or Section 3 (free zones) of Chapter 3 of Title 7 of Regulation (EU) No 952/2013 of the European Parliament and of the Council laying down the Union Customs Code(**2**).”

Lesley Griffiths

Gweinidog yr Amgylchedd, Ynni a Materion Gwledig, un o Weinidogion Cymru
1 Ebrill 2019

Minister for Environment, Energy and Rural Affairs, one of the Welsh Ministers
1 April 2019

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(**1**) O.S. 2011/2379 (Cy. 252), a ddiwygiwyd gan O.S. 2019/463 (Cy. 111); mae offerynnau diwygio eraill ond nid yw’r un ohonynt yn berthnasol.

(**2**) OJ Rhif L 269, 10.10.2013, t. 1.

(**1**) S.I. 2011/2379 (W. 252), amended by 2019/463 (W. 111); there are other amending instruments but none is relevant.

(**2**) OJ No L 269, 10.10.2013, p. 1.

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