



Mae'r Offeryn Statudol hwn wedi ei argraffu i gywiro camgymeriadau yn O.S. 2020/44 (Cy. 5) ac mae'n cael ei ddyroddi'n rhad ac am ddim i bawb y gwyddys iddynt gael yr Offeryn Statudol hwnnw.

This Statutory Instrument has been printed to correct errors in S.I. 2020/44 (W. 5) and is being issued free of charge to all known recipients of that Statutory Instrument.

OFFERYNNAU STATUDOL
CYMRU

WELSH STATUTORY
INSTRUMENTS

2020 Rhif 177 (Cy. 38)

2020 No. 177 (W. 38)

AMAETHYDDIAETH, CYMRU

AGRICULTURE, WALES

ANIFEILIAID, CYMRU

ANIMALS, WALES

**Rheoliadau'r Fasnach mewn
Anifeiliaid a Chynhyrchion
Perthynol (Cymru) (Diwygio) 2020**

**The Trade in Animals and Related
Products (Wales) (Amendment)
Regulations 2020**

NODYN ESBONIADOL

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

Mae'r Rheoliadau hyn yn diwygio Rheoliadau'r Fasnach mewn Anifeiliaid a Chynhyrchion Perthynol (Cymru) 2011 ("Rheoliadau 2011").

Mae rheoliad 12(4) o Reoliadau 2011 wedi ei ddiwygio i egluro bod arolygwyr pysgod swyddogol yn gyfrifol am benderfyniadau sy'n ymwneud â chynhyrchion cyfansawdd sy'n cynnwys cynhyrchion pysgodfeydd wedi eu prosesu.

Mae rheoliadau 20(7) a 23(6) o Reoliadau 2011 yn ymwneud ag achosion pan fo'n ofynnol trin, ailanfon neu ddinistrio cynhyrchion ac anifeiliaid nad ydynt yn cydymffurfio. Mae'r darpariaethau hyn yn gwneud y mewnofiwr neu gynrychiolydd y mewnofiwr yn atebol am y costau yr eir iddynt ar gyfer unrhyw fesurau gorfodi a roddir ar waith yn dilyn methiant gwiriadau neu ymafaeliad nwyddau ac anifeiliaid sydd wedi eu mewnofio o wledydd y tu allan i'r Undeb Ewropeaidd. Mae'r diwygiadau i'r darpariaethau hyn yn sicrhau nad oes gan y mewnofiwr neu gynrychiolydd y mewnofiwr hawl i unrhyw daliad ar ôl eu dinistrio.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Trade in Animals and Related Products (Wales) Regulations 2011 ("the 2011 Regulations").

Regulation 12(4) of the 2011 Regulations is amended to clarify that official fish inspectors are responsible for decisions relating to composite products containing processed fishery products.

Regulations 20(7) and 23(6) of the 2011 Regulations relate to cases where non-compliant products and animals are required to be treated, re-dispatched or destroyed. These provisions make the importer or the importer's representative liable for the costs incurred for any enforcement measures taken following failure of checks or seizure of goods and animals imported from countries outside the European Union. The amendments to these provisions ensure that the importer or importer's representative is not entitled to any payment following their destruction.

Mae rheoliad 20(8) o Reoliadau 2011 wedi ei hepgor, yng ngoleuni is-baragraff olaf Erthygl 66(3) o Reoliad (EU) 2017/625 ar reolaethau swyddogol a gweithgareddau swyddogol eraill a gyflawnir i sicrhau y cymhwysir y gyfraith o ran bwyd a bwyd anifeiliaid, rheolau ynghylch iechyd a lles anifeiliaid, iechyd planhigion a chynhyrchion diogelu planhigion (OJ Rhif L 95, 7.4.2017, t. 1). Yn rhinwedd Erthygl 66(3), o dan amgylchiadau penodol mae gan y mewnoforiwr neu gynrychiolydd y mewnoforiwr hawl i gael ei glywed ynghylch gofyniad y bwriedir ei osod mewn perthynas â llwyth nad yw'n cydymffurfio.

Mae Atodlen 2 i Reoliadau 2011 wedi ei diwygio i gywiro mân wall yn ei thestun.

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.

Regulation 20(8) of the 2011 Regulations is omitted, in view of the last subparagraph of Article 66(3) of the Regulation (EU) 2017/625 on official controls and other official activities performed to ensure the application of food and feed law, rules on animal health and welfare, plant health and plant protection products (OJ No. L 95, 7.4.2017, p. 1). By virtue of Article 66(3), in certain circumstances the importer or the importer's representative is entitled to be heard regarding a requirement proposed to be imposed in relation to a non-compliant consignment.

Schedule 2 to the 2011 Regulations is amended to correct a minor error in its text.

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

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**The Trade in Animals and Related
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Gwnaed 24 Chwefror 2020

Made 24 February 2020

*Gosodwyd gerbron Cynulliad Cenedlaethol
Cymru* 26 Chwefror 2020

Laid before the National Assembly for Wales
26 February 2020

Yn dod i rym 20 Mawrth 2020

Coming into force 20 March 2020

Mae Gweinidogion Cymru yn gwneud y Rheoliadau hyn drwy arfer y pwerau a roddir gan adran 2(2) o Ddeddf y Cymunedau Ewropeaidd 1972(1).

The Welsh Ministers make these Regulations in exercise of the powers conferred by section 2(2) of the European Communities Act 1972(1).

Mae Gweinidogion Cymru wedi eu dynodi at ddibenion adran 2(2) o'r Ddeddf honno mewn perthynas â'r meysydd milfeddygol a ffytoiechydol ar gyfer diogelu iechyd y cyhoedd(2).

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

(1) 1972 p. 68. Mae Deddf y Cymunedau Ewropeaidd 1972 ("Deddf 1972") wedi ei diddymu gan adran 1 o Ddeddf yr Undeb Ewropeaidd (Ymadael) 2018 (p. 16) ("Deddf 2018") gan gael effaith o'r diwrnod ymadael ("exit day"). Mae "exit day" wedi ei ddiffinio yn adran 20 o Ddeddf 2018 fel 31 Ionawr 2020 am 11pm. Er gwaethaf y diddymiad hwnnw mae Deddf 1972 yn parhau i gael effaith gydag addasiadau hyd ddiwrnod cwblhau'r cyfnod gweithredu ("IP completion day"), yn rhinwedd adran 1A o Ddeddf 2018. Mewnosodwyd adran 1A gan adran 1 o Ddeddf yr Undeb Ewropeaidd (Y Cytundeb Ymadael) 2020 (p. 1) ("Deddf 2020"). Mae "IP completion day" wedi ei ddiffinio yn adran 1A fel 31 Rhagfyr 2020 am 11pm (yr ystyr a roddir yn adran 39 o Ddeddf 2020). Diwygiwyd adran 2(2) o Ddeddf 1972 yn flaenorol gan adran 27(1) 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.

(2) O.S. 2008/1792, sydd wedi ei ddirymu'n rhagolygol gan O.S. 2018/1011 o ddiwrnod cwblhau'r cyfnod gweithredu.

(1) 1972 c. 68. The European Communities Act 1972 ("the 1972 Act") was repealed by section 1 of the European Union (Withdrawal) Act 2018 (c. 16) ("the 2018 Act") with effect from exit day. "Exit day" is defined in section 20 of the 2018 Act as 31 January 2020 at 11pm. Despite that repeal the 1972 Act continues to have effect with modifications until IP completion day, by virtue of section 1A of the 2018 Act. Section 1A was inserted by section 1 of the European Union (Withdrawal Agreement) Act 2020 (c. 1) ("the 2020 Act"). "IP completion day" is defined in section 1A as 31 December 2020 at 11pm (the meaning given in section 39 of the 2020 Act). Section 2(2) of the 1972 Act was previously amended by section 27(1) 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).

(2) S.I. 2008/1792, which is prospectively revoked by S.I. 2018/1011 from IP completion day.

Enwi a chychwyn

1. Enw'r Rheoliadau hyn yw Rheoliadau'r Fasnach mewn Anifeiliaid a Chynhyrchion Perthynol (Cymru) (Diwygio) 2020 a deuant i rym ar 20 Mawrth 2020.

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

2.—(1) Mae Rheoliadau'r Fasnach mewn Anifeiliaid a Chynhyrchion Perthynol (Cymru) 2011(1) wedi eu diwygio fel a ganlyn.

(2) Yn rheoliad 12(4), yn lle'r geiriau o "echinodermiaid" hyd at "awdurdod lleol" rhodder "echinodermiaid byw, tiwnigogion byw a gastropodau morol byw a chynhyrchion cyfansawdd sy'n cynnwys cynhyrchion pysgodfeydd wedi eu prosesu a fwriedir i'w bwyta gan bobl, caiff yr awdurdod gorfodi".

(3) Yn rheoliad 20—

(a) ym mharagraff (7), hepgorer y geiriau o "ond mae ganddo'r hawl" hyd at y diwedd;

(b) hepgorer paragraff (8).

(4) Yn rheoliad 23(6), hepgorer y geiriau o "ond mae ganddo'r hawl" hyd at y diwedd.

(5) Yn Atodlen 2, ym mharagraff 9(1), yn y testun Saesneg, ar ôl "purposes" mewnosoder "of".

Title and commencement

1. The title of these Regulations is the Trade in Animals and Related Products (Wales) (Amendment) Regulations 2020 and they come into force on 20 March 2020.

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

2.—(1) The Trade in Animals and Related Products (Wales) Regulations 2011(1) are amended as follows.

(2) In regulation 12(4), for the words from "echinoderms" to "local authority" substitute "echinoderms, live tunicates and live marine gastropods and composite products containing processed fishery products intended for human consumption, the enforcement authority".

(3) In regulation 20—

(a) in paragraph (7), omit the words from "but is entitled" to the end;

(b) omit paragraph (8).

(4) In regulation 23(6), omit the words from "but is entitled" to the end.

(5) In Schedule 2, in paragraph 9(1), in the English language text, after "purposes" insert "of".

Lesley Griffiths

Gweinidog yr Amgylchedd, Ynni a Materion Gwledig,
un o Weinidogion Cymru
24 Chwefror 2020

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(1) O.S. 2011/2379 (Cy. 252), a ddiwygiwyd gan O.S. 2020/44 (Cy. 5); mae offerynnau diwygio eraill ond nid yw'r un ohonynt yn berthnasol.

Minister for Environment, Energy and Rural Affairs,
one of the Welsh Ministers
24 February 2020

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(1) S.I. 2011/2379 (W. 252), amended by S.I. 2020/44 (W. 5); there are other amending instruments but none is relevant.

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