



OFFERYNNAU STATUDOL
CYMRU

WELSH STATUTORY
INSTRUMENTS

2020 Rhif 206 (Cy. 48)

2020 No. 206 (W. 48)

**DIOGELU'R AMGYLCHEDD,
CYMRU**

**ENVIRONMENTAL
PROTECTION, WALES**

**IECHYD PLANHIGION,
CYMRU**

PLANT HEALTH, WALES

Rheoliadau Rheolaethau
Swyddogol (Iechyd Planhigion ac
Organeddau a Addaswyd yn Enetig)
(Cymru) 2020

The Official Controls (Plant Health
and Genetically Modified
Organisms) (Wales) Regulations
2020

NODYN ESBONIADOL

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

Mae'r Rheoliadau hyn yn rhoi eu heffaith i'r canlynol—

- (a) Rheoliad (EU) 2016/2031 Senedd Ewrop a'r Cyngor ynghylch mesurau i ddiogelu rhag plâu planhigion (OJ Rhif L 317, 23.11.2016, t. 4) (“Rheoliad Iechyd Planhigion yr UE”), a
- (b) Rheoliad (EU) 2017/625 Senedd Ewrop a'r Cyngor ynghylch rheolaethau swyddogol a gweithgareddau swyddogol eraill a gyflawnir i sicrhau y cymhwysir y gyfraith bwyd a bwyd anifeiliaid, rheolau ar iechyd a lles anifeiliaid, iechyd planhigion a chynhyrchion i ddiogelu planhigion, i'r graddau y maent yn gymwys i'r rheolau y cyfeirir atynt yn Erthygl 1(2)(g) (OJ Rhif L 95, 7.4.2017, t. 1) (“y Rheoliad Rheolaethau Swyddogol”).

Mae'r Rheoliadau hefyd yn gweithredu'r canlynol o ran Cymru—

- (a) Cyfarwyddeb y Cyngor 69/464/EEC ynghylch rheoli Clefyd y Ddafaden Tatws (OJ Rhif L 323, 24.12.1969, t. 1),
- (b) Cyfarwyddeb y Cyngor 93/85/EEC ynghylch rheoli pydredd cylch tatws (OJ Rhif L 259, 18.10.1993, t. 1),

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations give effect to—

- (a) Regulation (EU) 2016/2031 of the European Parliament and of the Council on protective measures against pests of plants (OJ No. L 317, 23.11.2016, p. 4) (“the EU Plant Health Regulation”), and
- (b) Regulation (EU) 2017/625 of the European Parliament and of the Council 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, in so far as it applies to the rules referred to in Article 1(2)(g) (OJ No. L 95, 7.4.2017, p. 1) (“the Official Controls Regulation”).

The Regulations also implement in relation to Wales—

- (a) Council Directive 69/464/EEC on the control of Potato Wart Disease (OJ No. L 323, 24.12.1969, p. 1),
- (b) Council Directive 93/85/EEC on the control of potato ring rot (OJ No. L 259, 18.10.1993, p. 1),

- (c) Cyfarwyddeb y Cyngor 98/57/EC ynghylch rheoli *Ralstonia solanacearum* (Smith) Yabuuchi *et al.* (OJ Rhif L 235, 21.8.1998, t. 1), a
- (d) Cyfarwyddeb y Cyngor 2007/33/EC ynghylch rheoli Llyngyr tatws (OJ Rhif L 156, 16.6.2007, t. 12).

Cyflwyno materion a wneir yn Rhan 1 ac mae'n cynnwys diffiniadau. Mae rheoliad 3(2) yn darparu i gyfeiriadau at Reoliad Gweithredu'r Comisiwn (EU) 2019/2072 yn sefydlu amodau unffurf ar gyfer gweithredu Rheoliad (EU) 2016/2031 Senedd Ewrop a'r Cyngor, o ran mesurau i ddiogelu rhag plâu planhigion (OJ Rhif L 319, 10.12.2019, t. 1), ac at offerynnau'r Undeb Ewropeaidd a restrir yn rheoliad 3(1), gael eu darllen fel cyfeiriadau at yr offerynnau hynny fel y'u diwygior o dro i dro.

Mae rheoliad 6 (yn Rhan 2) yn dynodi Gweinidogion Cymru fel yr awdurdod cymwys yng Nghymru at ddibenion Rheoliad Iechyd Planhigion yr UE a'r Rheoliad Rheolaethau Swyddogol.

Mae Rhan 3 yn gwneud rhagor o ddarpariaeth mewn perthynas â llwythi o blanhigion, cynhyrchion planhigion a gwrthrychau eraill o drydydd gwledydd sy'n dod o dan reolaethau swyddogol wrth ddod i mewn i'r Undeb Ewropeaidd.

Mae Rhan 4 yn cynnwys pwerau i alluogi arolygwyr iechyd planhigion a benodir gan Weinidogion Cymru i gymryd mesurau i atal plâu planhigion niweidiol yng Nghymru rhag ymsefydlu neu ledaenu.

Mae Rhan 5 ac Atodlen 1 yn gosod mesurau dros dro ychwanegol i atal plâu planhigion niweidiol penodol rhag dod i Gymru neu ymsefydlu neu ledaenu yng Nghymru.

Mae Rhan 6 yn gwneud rhagor o ddarpariaeth mewn perthynas â chofrestru gweithredwyr proffesiynol a rhoi awdurdodiadau i weithredwyr proffesiynol gan Weinidogion Cymru.

Mae Rhan 7 ac Atodlen 2 yn gosod gofynion ychwanegol mewn perthynas â rhywogaethau mochlysaidd penodol (tatws a thomatos) i roi'r Cyfarwyddebau a grybwyllir uchod ar waith.

Mae Rhan 8 yn gosod gofynion ychwanegol o ran hysbysu ynglŷn â phlanhigion a chynhyrchion planhigion penodol sydd i'w dwyn i Gymru o drydydd gwledydd, Aelod-wladwriaethau eraill neu'r Swistir.

Mae Rhan 9 yn nodi pwerau cyffredinol arolygwyr iechyd planhigion i'w galluogi i gyflawni rheolaethau swyddogol a gweithgareddau swyddogol eraill, a gorfodi Rheoliad Iechyd Planhigion yr UE, y Rheoliad Rheolaethau Swyddogol a'r Rheoliadau hyn.

- (c) Council Directive 98/57/EC on the control of *Ralstonia solanacearum* (Smith) Yabuuchi *et al.* (OJ No. L 235, 21.8.1998, p. 1), and
- (d) Council Directive 2007/33/EC on the control of potato cyst nematodes (OJ No. L 156, 16.6.2007, p. 12).

Part 1 is introductory and includes definitions. Regulation 3(2) provides for references to Commission Implementing Regulation (EU) 2019/2072 establishing uniform conditions for the implementation of Regulation (EU) 2016/2031 of the European Parliament and the Council, as regards protective measures against pests of plants (OJ No. L 319, 10.12.2019, p. 1), and to the European Union instruments listed in regulation 3(1), to be read as references to those instruments as amended from time to time.

Regulation 6 (in Part 2) designates the Welsh Ministers as the competent authority in Wales for the purposes of the EU Plant Health Regulation and the Official Controls Regulation.

Part 3 makes further provision in relation to consignments of plants, plant products and other objects from third countries which are subject to official controls on their entry into the European Union.

Part 4 contains powers to enable plant health inspectors appointed by the Welsh Ministers to take measures to prevent the establishment or spread of harmful plant pests in Wales.

Part 5 and Schedule 1 impose additional temporary measures to prevent the entry of certain harmful plant pests into Wales or their establishment in, or spread within, Wales.

Part 6 makes further provision in relation to the registration of professional operators and the granting of authorisations to professional operators by the Welsh Ministers.

Part 7 and Schedule 2 impose additional requirements in relation to certain solanaceous species (potatoes and tomatoes) to implement the Directives mentioned above.

Part 8 imposes additional notification requirements in respect of certain plants and plant products which are to be brought into Wales from third countries, other member States or Switzerland.

Part 9 sets out general powers of plant health inspectors to enable them to perform official controls and other official activities, and enforce the EU Plant Health Regulation, the Official Controls Regulation and these Regulations.

Mae Rhan 10 yn cynnwys darpariaethau cyffredinol ac atodol mewn perthynas â hysbysiadau a roddir gan arolygwyr iechyd planhigion.

Mae Rhan 11 yn cynnwys troseddau am beidio â chydymffurfio â darpariaethau penodedig yn Rheoliad Iechyd Planhigion yr UE, y Rheoliad Rheolaethau Swyddogol ac offerynnau eraill yr UE, a throseddau mewn perthynas â'r Rheoliadau hyn. Mae rheoliad 48 yn nodi'r cosbau am y troseddau hyn.

Mae Rhan 12 yn ymdrin â mân ddiwygiadau a diwygiadau canlyniadol i is-ddeddfwriaeth, dirymiadau a darpariaethau trosiannol mewn perthynas â deddfwriaeth iechyd planhigion.

Mae Rhan 13 yn diwygio'r Rheoliadau Rheolaethau Swyddogol (Anifeiliaid, Bwyd Anifeiliaid a Bwyd, Ffioedd Iechyd Planhigion etc.) (Cymru) 2020 i estyn darpariaethau penodol yn y Rheoliadau hynny sy'n ymwneud â gweithredu a gorfodi Rheoliad (EU) 2017/625 i reolaethau swyddogol ar ollwng organeddau a addaswyd yn enetig yn fwriadol i'r amgylchedd at ddibenion cynhyrchu bwyd a bwyd anifeiliaid.

Ystyriwyd Cod Ymarfer Gweinidogion Cymru ar gynnal Asesiadau Effaith Rheoleiddiol mewn perthynas â'r Rheoliadau hyn. O ganlyniad, lluniwyd asesiad effaith rheoleiddiol o'r costau a'r manteision sy'n debygol o ddeillio o gydymffurfio â'r Rheoliadau hyn. Gellir cael copi oddi wrth y gangen Iechyd Planhigion a Diogelu'r Amgylchedd, Llywodraeth Cymru, Rhodfa Padarn, Aberystwyth SY23 3UR.

Part 10 contains general and supplemental provisions in relation to notices given by plant health inspectors.

Part 11 contains offences for non-compliance with specified provisions of the EU Plant Health Regulation, the Official Controls Regulation and other EU instruments, and offences in relation to these Regulations. Regulation 48 sets out the penalties for these offences.

Part 12 deals with minor and consequential amendments to secondary legislation, revocations and transitional provisions in relation to plant health legislation.

Part 13 amends the Official Controls (Animals, Feed and Food, Plant Health Fees etc.) (Wales) Regulations 2020 to extend certain provisions in those Regulations relating to the implementation and enforcement of Regulation (EU) 2017/625 to official controls on the deliberate release into the environment of genetically modified organisms for the purposes of food and feed production.

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 Plant Health and Environment Protection branch of the Welsh Government, Rhodfa Padarn, Aberystwyth SY23 3UR.

2020 Rhif 206 (Cy. 48)

2020 No. 206 (W. 48)

**DIOGELU'R AMGYLCHEDD,
CYMRU**

**ENVIRONMENTAL
PROTECTION, WALES**

**IECHYD PLANHIGION,
CYMRU**

PLANT HEALTH, WALES

Rheoliadau Rheolaethau
Swyddogol (Iechyd Planhigion ac
Organeddau a Addaswyd yn Enetig)
(Cymru) 2020

The Official Controls (Plant Health
and Genetically Modified
Organisms) (Wales) Regulations
2020

Gwnaed 2 Mawrth 2020

Made 2 March 2020

*Gosodwyd gerbron Cynulliad Cenedlaethol
Cymru* 5 Mawrth 2020

*Laid before the National Assembly for
Wales* 5 March 2020

Yn dod i rym 27 Mawrth 2020

Coming into force 27 March 2020

CYNNWYS

CONTENTS

RHAN 1

PART 1

Rhagymadrodd

Introduction

1. Enwi, cymhwyso a chychwyn
2. Dehongli: cyffredinol
3. Dehongli: offerynnau'r UE ynglŷn ag iechyd planhigion
4. Mesurau a fabwysiedir yn unol ag Erthygl 30(1) o Reoliad Iechyd Planhigion yr UE
5. Erthygl 82 o Reoliad Iechyd Planhigion yr UE: ystyr "close proximity"

1. Title, application and commencement
2. Interpretation: general
3. Interpretation: EU instruments relating to plant health
4. Measures adopted pursuant to Article 30(1) of the EU Plant Health Regulation
5. Article 82 of the EU Plant Health Regulation: meaning of "close proximity"

RHAN 2

PART 2

Awdurdodau cymwys: iechyd planhigion

Competent authorities: plant health

6. Dynodi awdurdodau cymwys

6. Designation of competent authorities

RHAN 3

Rheolaethau swyddogol ar lwythi a reolir o drydydd gwledydd a rheolaethau swyddogol eraill ar nwyddau o drydydd gwledydd

7. Rhanddirymu'r gofyniad i roi hysbysiad ymlaen llaw yn unol ag Erthygl 1(1) o Reoliad Gweithredu'r Comisiwn (EU) 2019/1013
8. Amau bod diffyg cydymffurfiaeth
9. Llwythi sydd heb eu cyflwyno'n gywir ar gyfer rheolaethau swyddogol
10. Mesurau swyddogol mewn perthynas â llwythi nad ydynt yn cydymffurfio neu lwythi sy'n peri risg i iechyd planhigion
11. Hysbysiadau o dan reoliad 8, 9 neu 10
12. Safleoedd rheoli ar y ffin: awdurdodi canolfannau arolygu a chyfleusterau storio masnachol
13. Darpariaeth drosiannol: manau arolygu a gymeradwywyd

RHAN 4

Gweithgareddau swyddogol i atal plâu planhigion rhag ymsefydlu neu ledaenu

14. Rhagymadrodd
15. Hysbysiadau mewn perthynas â phlâu planhigion a reolir neu ddeunydd gwaharddedig
16. Camau y caiff arolygydd iechyd planhigion eu cymryd
17. Sefydlu ardaloedd a ddarnodir a mesurau sydd i'w cymryd yn yr ardaloedd hynny

RHAN 5

Mesurau gwladol dros dro ynglŷn ag iechyd planhigion

18. Atodlen 1

RHAN 6

Cofrestru, awdurdodiadau a thystysgrifau ynglŷn ag iechyd planhigion

19. Ceisiadau am gofrestru
20. Ceisiadau eraill
21. Awdurdodi at ddibenion eraill
22. Awdurdodiadau a roddir gan awdurdod priodol

PART 3

Official controls on controlled consignments from third countries and other official controls on goods from third countries

7. Derogations to the requirement to give prior notification in accordance with Article 1(1) of Commission Implementing Regulation (EU) 2019/1013
8. Suspicion of non-compliance
9. Consignments not correctly presented for official controls
10. Official measures in relation to non-compliant consignments or consignments which pose a risk to plant health
11. Notices under regulation 8, 9 or 10
12. Border control posts: authorisation of inspection centres and commercial storage facilities
13. Transitional provision: approved places of inspection

PART 4

Official activities to prevent the establishment or spread of plant pests

14. Introduction
15. Notices in relation to controlled plant pests or prohibited material
16. Action which may be taken by a plant health inspector
17. Establishment of demarcated areas and measures to be taken in those areas

PART 5

Temporary national measures relating to plant health

18. Schedule 1

PART 6

Registration, authorisations and certificates relating to plant health

19. Applications for registration
20. Other applications
21. Authorisations for other purposes
22. Authorisations granted by an appropriate authority

RHAN 7

Mesurau ynglŷn â rhywogaethau mochlysaidd penodol

23. Atodlen 2

RHAN 8

Gofynion o ran hysbysiadau: iechyd planhigion

- 24. Gofynion o ran hysbysiadau mewn perthynas â thatws hadyd
- 25. Gofynion o ran hysbysiadau mewn perthynas â ffrwythau sitrws
- 26. Gofynion o ran hysbysiadau mewn perthynas â phlanhigion a chynhyrchion planhigion eraill

RHAN 9

Pwerau cyffredinol arolygwyr iechyd planhigion a gorfodi

- 27. Dehongli
- 28. Pwerau mynediad
- 29. Hawl mynediad a roddir gan warant a ddyroddir gan ynad heddwch
- 30. Hysbysiadau gwybodaeth
- 31. Methu â chydymffurfio â hysbysiad
- 32. Tynnu nod SRFFf 15 oddi ar ddeunydd pecynnu pren
- 33. Marcio deunydd pecynnu pren: pŵer ymafael
- 34. Datgelu gwybodaeth a ddelir gan Gomisiynwyr Cyllid a Thollau Ei Mawrhydi
- 35. Datgelu gwybodaeth i awdurdodau cymwys eraill

RHAN 10

Darpariaethau cyffredinol ac atodol ynglŷn â hysbysiadau iechyd planhigion

- 36. Darpariaethau amrywiol ynglŷn â hysbysiadau
- 37. Cyflwyno hysbysiadau

RHAN 11

Troseddau ynglŷn â deddfwriaeth iechyd planhigion

- 38. Cyffredinol
- 39. Methu â chydymffurfio â gofynion hysbysiadau etc.

PART 7

Measures relating to certain solanaceous species

23. Schedule 2

PART 8

Notification requirements: plant health

- 24. Notification requirements in relation to seed potatoes
- 25. Notification requirements in relation to citrus fruits
- 26. Notification requirements in relation to other plants and plant products

PART 9

General powers of plant health inspectors and enforcement

- 27. Interpretation
- 28. Powers of entry
- 29. Right of entry conferred by a warrant issued by a justice of the peace
- 30. Information notices
- 31. Failure to comply with a notice
- 32. Removal of ISPM 15 mark from wood packaging material
- 33. Marking of wood packaging material: power of seizure
- 34. Disclosure of information held by the Commissioners for Her Majesty's Revenue and Customs
- 35. Disclosure of information to other competent authorities

PART 10

General and supplemental provisions relating to plant health notices

- 36. Miscellaneous provisions as to notices
- 37. Service of notices

PART 11

Offences relating to plant health legislation

- 38. General
- 39. Failure to comply with requirements of notices etc.

40. Amddiffyniad: esgus rhesymol
41. Darparu gwybodaeth ffug neu gamarweiniol
42. Defnyddio pasbortau planhigion neu dystysgrifau yn amhriodol
43. Rhwystro
44. Trosedd ynglŷn â datgelu gwybodaeth a ddelir gan Gyllid a Thollau
45. Amddiffyniad: datgelu cyfreithlon
46. Troseddau gan gyrff corfforedig
47. Troseddau gan bartneriaethau a chymdeithasau anghorfforedig
48. Cosbau

RHAN 12

Amrywiol: iechyd planhigion

49. Diwygiadau mân a chanlyniadol
50. Dirymu offerynnau iechyd planhigion
51. Darpariaethau trosiannol: trwyddedau o dan erthygl 39(1) o Orchymyn 2005 neu erthygl 41(1) o Orchymyn 2018
52. Darpariaethau trosiannol: trwyddedau eraill o dan Orchymyn 2005 neu Orchymyn 2018
53. Darpariaethau trosiannol: hysbysiadau
54. Darpariaethau trosiannol: cymeradwyaethau a roddwyd o dan erthygl 17(1) o Orchymyn 2005 neu Orchymyn 2018

RHAN 13

Rheolaethau swyddogol mewn perthynas ag organeddau a addaswyd yn enetig

55. Diwygio is-ddeddfwriaeth ar reolaethau swyddogol mewn perthynas ag organeddau a addaswyd yn enetig

ATODLEN 1 — Mesurau gwladol dros dro

RHAN 1 — Planhigion, cynhyrchion planhigion neu wrthrychau eraill o drydydd gwledydd

40. Defence: reasonable excuse
41. Provision of false or misleading information
42. Improper use of plant passports or certificates
43. Obstruction
44. Offence relating to the disclosure of information held by Revenue and Customs
45. Defence: lawful disclosure
46. Offences by bodies corporate
47. Offences by partnerships and unincorporated associations
48. Penalties

PART 12

Miscellaneous: plant health

49. Minor and consequential amendments
50. Revocation of plant health instruments
51. Transitional provisions: licences under article 39(1) of the 2005 Order or article 41(1) of the 2018 Order
52. Transitional provisions: other licences under the 2005 Order or the 2018 Order
53. Transitional provisions: notices
54. Transitional provisions: approvals granted under article 17(1) of the 2005 Order or the 2018 Order

PART 13

Official controls in relation to genetically modified organisms

55. Amendment to secondary legislation on official controls in relation to genetically modified organisms

SCHEDULE 1 — Temporary national measures

PART 1 — Plants, plant products or other objects from third countries

RHAN 2 — Planhigion, cynhyrchion planhigion neu wrthrychau eraill o ran arall o diriogaeth yr Undeb	PART 2 — Plants, plant products or other objects from another part of the Union territory
ATODLEN 2	SCHEDULE 2
RHAN 1 — Dehongli cyffredinol	PART 1 — General interpretation
RHAN 2 — Darpariaethau cyffredinol ynglŷn â phlannu rhywogaethau mochlysaidd penodol	PART 2 — General provisions relating to the planting of certain solanaceous species
RHAN 3 — Mesurau i reoli Clefyd y ddafaden tatws	PART 3 — Measures for the control of Potato wart disease
RHAN 4 — Mesurau i reoli poblogaethau Ewropeaidd o Lyngyr tatws	PART 4 — Measures for the control of European populations of Potato cyst nematode
RHAN 5 — Mesurau i reoli Pydredd cylch tatws	PART 5 — Measures for the control of Potato ring rot
RHAN 6 — Mesurau i reoli Pydredd coch tatws	PART 6 — Measures for the control of Potato brown rot
RHAN 7 — Mesurau ynglŷn â thatws o'r Aifft	PART 7 — Measures relating to Egyptian potatoes
ATODLEN 3 — Troseddau: darpariaethau perthnasol yn Rheoliadau'r UE	SCHEDULE 3 — Offences: relevant provisions in the EU Regulations
RHAN 1 — Rheoliad Iechyd Planhigion yr UE	PART 1 — The EU Plant Health Regulation
RHAN 2 — Y Rheoliad Rheolaethau Swyddogol	PART 2 — The Official Controls Regulation
RHAN 3 — Deddfwriaeth arall yr UE	PART 3 — Other EU legislation
ATODLEN 4 — Troseddau ynglŷn â phenderfyniadau brys gan yr UE	SCHEDULE 4 — Offences relating to EU emergency decisions
ATODLEN 5 — Diwygio is-ddeddfwriaeth ynglŷn â marchnata hadau a deunydd lluosogi planhigion a ffioedd iechyd planhigion	SCHEDULE 5 — Amendments to secondary legislation relating to the marketing of seeds and plant propagating material and plant health fees
RHAN 1 — Rheoliadau Marchnata Deunyddiau Planhigion Llysieuol 1995	PART 1 — The Marketing of Vegetable Plant Material Regulations 1995

RHAN 2 — Rheoliadau Marchnata Deunyddiau Lluosogi Planhigion Addurniadol 1999	PART 2 — The Marketing of Ornamental Plant Propagating Material Regulations 1999
RHAN 3 — Rheoliadau Deunyddiau Atgenhedlol y Goedwig (Prydain Fawr) 2002	PART 3 — The Forest Reproductive Material (Great Britain) Regulations 2002
RHAN 4 — Rheoliadau Tatws Hadyd (Cymru) 2016	PART 4 — The Seed Potatoes (Wales) Regulations 2016
RHAN 5 — Rheoliadau Iechyd Planhigion (Ffioedd) (Coedwigaeth) (Cymru) 2019	PART 5 — The Plant Health (Fees) (Forestry) (Wales) Regulations 2019
RHAN 6 — Rheoliadau Marchnata Planhigion Ffrwythau a Deunyddiau Lluosogi (Cymru) 2017	PART 6 — The Marketing of Fruit Plant and Propagating Material (Wales) Regulations 2017
ATODLEN 6 — Dirymu offerynnau	SCHEDULE 6 — Revocation of instruments

Mae Gweinidogion Cymru wedi eu dynodi at ddibenion adran 2(2) o Ddeddf y Cymunedau Ewropeaidd 1972(1) (“Deddf 1972”) mewn perthynas â’r polisi amaethyddol cyffredin(2) a mesurau sy’n ymwneud â rheoli a rheoleiddio gollwng yn fwriadol organeddau a addaswyd yn enetig, eu rhoi ar y farchnad a’u symud ar draws ffiniau(3).

The Welsh Ministers are designated for the purposes of section 2(2) of the European Communities Act 1972(1) (“the 1972 Act”) in relation to the common agricultural policy(2) and measures relating to the control and regulation of the deliberate release, placing on the market and transboundary movements of genetically modified organisms(3).

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

The Welsh Ministers make these Regulations in exercise of the powers conferred by section 2(2) of, and paragraph 1A of Schedule 2 to, the 1972 Act.

(1) 1972 p. 68. Diddymwyd Deddf y Cymunedau Ewropeaidd 1972 gan adran 1 o Ddeddf yr Undeb Ewropeaidd (Ymadael) 2018 (p. 16) ac mae hynny’n cael effaith o’r diwrnod ymadael, ond wedi ei arbed gydag addasiadau tan ddiwrnod cwblhau’r cyfnod gweithredu gan adran 1A o’r Ddeddf honno (fel y’i mewnosodwyd gan adran 1 o Ddeddf yr Undeb Ewropeaidd (Y Cytundeb Ymadael) 2020 (p. 1)). Diwygiwyd adran 2(2) o Ddeddf y Cymunedau Ewropeaidd 1972 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. Mewnosodwyd paragraff 1A o Atodlen 2 gan adran 28 o Ddeddf Diwygio Deddfwriaethol a Rheoleiddiol 2006 ac fe’i diwygiwyd gan Ran 1 o’r Atodlen i Ddeddf yr Undeb Ewropeaidd (Diwygio) 2008 ac O.S. 2007/1388.

(2) O.S. 2010/2690.

(3) O.S. 2003/2901, y ceir diwygiadau iddo nad ydynt yn berthnasol i’r Rheoliadau hyn. Yn rhinwedd paragraff 28(1) o Atodlen 11 i Ddeddf Llywodraeth Cymru 2006 (p. 32), mae’r dynodiad yn effeithiol fe fe bai wedi ei wneud o dan adran 59(1) o’r Ddeddf honno.

(1) 1972 c. 68. The European Communities Act 1972 was repealed by section 1 of the European Union (Withdrawal) Act 2018 (c. 16) with effect from exit day, but saved with modifications until IP completion day by section 1A of that Act (as inserted by section 1 of the European Union (Withdrawal Agreement) Act 2020 (c. 1)). Section 2(2) of the European Communities Act 1972 was 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). Paragraph 1A of Schedule 2 was inserted by section 28 of the Legislative and Regulatory Reform Act 2006 and amended by Part 1 of the Schedule to the European Union (Amendment) Act 2008 and S.I. 2007/1388.

(2) S.I. 2010/2690.

(3) S.I. 2003/2901, to which there are amendments not relevant to these Regulations. By virtue of paragraph 28(1) of Schedule 11 to the Government of Wales Act 2006 (c. 32), the designation has effect as if made under section 59(1) of that Act.

Mae'r Rheoliadau hyn yn gwneud darpariaeth at ddiiben a grybwyllir yn adran 2(2) o Ddeddf 1972 ac mae'n ymddangos i Weinidogion Cymru ei bod yn hwylus i'r cyfeiriadau at Reoliad Gweithredu'r Comisiwn (EU) 2019/2072 yn sefydlu amodau unffurf i weithredu Rheoliad (EU) 2016/2031 Senedd Ewrop a'r Cyngor, o ran mesurau i ddiogelu rhag plâu planhigion(1), ac at offerynnau'r Undeb Ewropeaidd a grybwyllir yn rheoliad 3(1), gael eu dehongli fel cyfeiriadau at yr offerynnau hynny fel y'u diwygir o bryd i'w gilydd.

RHAN 1

Rhagymadrodd

Enwi, cymhwyso a chychwyn

1. Enw'r Rheoliadau hyn yw Rheoliadau Rheolaethau Swydddogol (Iechyd Planhigion ac Organeddau a Addaswyd yn Enetig) (Cymru) 2020, maent yn gymwys o ran Cymru a deuant i rym ar 27 Mawrth 2020.

Dehongli: cyffredinol

2.—(1) Yn y Rheoliadau hyn—

ystyr “arolygydd iechyd planhigion” (“*plant health inspector*”) yw swydddog iechyd planhigion swydddogol a benodir gan Weinidogion Cymru;

ystyr “awdurdod priodol” (“*appropriate authority*”) yw Gweinidogion Cymru, ac mae i'w ddehongli yn unol â rheoliad 6;

ystyr “Cyfarwyddeb y Cyngor 2000/29/EC” (“*Council Directive 2000/29/EC*”) yw Cyfarwyddeb y Cyngor 2000/29/EC ynghylch mesurau i ddiogelu rhag cyflwyno i'r Gymuned organeddau sy'n niweidiol i blanhigion neu gynhyrchion planhigion a rhag eu lledaenu yn y Gymuned(2);

ystyr “Cymru” (“*Wales*”) yw ardal gyfunol y siroedd a'r bwrdeistrefi sirol yng Nghymru (gweler Rhannau 1 a 2 o Atodlen 4 i Ddeddf Llywodraeth Leol 1972(3));

ystyr “dyddiad cychwyn” (“*commencement date*”) yw'r dyddiad y daw'r Rheoliadau hyn i rym;

ystyr “eitem a reoleiddir” (“*regulated item*”) yw—

(1) OJ Rhif L 319, 10.12.2019, t. 1.

(2) OJ Rhif L 169, 10.7.2000, t. 1, fel y'i diwygiwyd ddiwethaf gan Gyfarwyddeb Gweithredu'r Comisiwn (EU) 2019/523 (OJ Rhif L 86, 28.3.2019, t. 41).

(3) 1972 p. 70.

These Regulations make provision for a purpose mentioned in section 2(2) of the 1972 Act and it appears expedient to the Welsh Ministers for the references to Commission Implementing Regulation (EU) 2019/2072 establishing uniform conditions for the implementation of Regulation (EU) 2016/2031 of the European Parliament and the Council, as regards protective measures against pests of plants(1), and to the European Union instruments mentioned in regulation 3(1), to be construed as references to those instruments as amended from time to time.

PART 1

Introduction

Title, application and commencement

1. The title of these Regulations is the Official Controls (Plant Health and Genetically Modified Organisms) (Wales) Regulations 2020, they apply in relation to Wales and come into force on 27 March 2020.

Interpretation: general

2.—(1) In these Regulations—

“the 2005 Order” (“*Gorchymyn 2005*”) means the Plant Health (Forestry) Order 2005(2);

“the 2018 Order” (“*Gorchymyn 2018*”) means the Plant Health (Wales) Order 2018(3);

“appropriate authority” (“*awdurdod priodol*”) means the Welsh Ministers, and is to be construed in accordance with regulation 6;

“commencement date” (“*dyddiad cychwyn*”) means the date on which these Regulations come into force;

“controlled consignment” (“*llwyth a reolir*”) means a consignment containing any plant, plant product or other object—

(a) which may not be brought into the Union territory without a phytosanitary certificate for export or a phytosanitary certificate for re-export pursuant to—

(i) Article 72 or 74 of the EU Plant Health Regulation,

(1) OJ No. L 319, 10.12.2019, p. 1.

(2) S.I. 2005/2517; amended by S.I. 2013/755 (W. 90). There are other amending instruments but none are relevant

(3) S.I. 2018/1064; there are amending instruments but none are relevant.

- (a) unrhyw blanhigyn, cynnyrch planhigion neu wrthrych arall y mae un o reolau iechyd planhigion yr UE yn gymwys iddynt, heblaw unrhyw blanhigyn, cynnyrch planhigion neu wrthrych arall sy'n rhan o lwyth a reolir, neu

(b) pla planhigion a reolir;

ystyr “Gorchymyn 2005” (“*the 2005 Order*”) yw Gorchymyn Iechyd Planhigion (Coedwigaeth) 2005(1);

ystyr “Gorchymyn 2018” (“*the 2018 Order*”) yw Gorchymyn Iechyd Planhigion (Cymru) 2018(2);

ystyr “llwyth a reolir” (“*controlled consignment*”) yw llwyth sy'n cynnwys unrhyw blanhigyn, cynnyrch planhigion neu wrthrych arall—

- (a) na chaniateir dod â hwy i diriogaeth yr Undeb heb dystysgrif ffytoiechydol ar gyfer allforio neu dystysgrif ffytoiechydol ar gyfer ailallforio yn unol â'r canlynol—

(i) Erthygl 72 neu 74 o Reoliad Iechyd Planhigion yr UE,

(ii) penderfyniad brys gan yr UE, neu

(iii) unrhyw un arall o reolau iechyd planhigion yr UE, heblaw Erthygl 73 o Reoliad Iechyd Planhigion yr UE, neu

- (b) a allforiwyd o diriogaeth yr Undeb i drydedd wlad ac sy'n dychwelyd i diriogaeth yr Undeb ar ôl i'r drydedd wlad honno wrthod mynediad i'r wlad iddynt;

ystyr “penderfyniad brys gan yr UE” (“*EU emergency decision*”) yw offeryn y cyfeirir ato yn rheoliad 3(1);

ystyr “pla planhigion” (“*plant pest*”) yw pla a fewn yr ystyr a roddir yn Erthygl 1(1) a (2) o Reoliad Iechyd Planhigion yr UE;

ystyr “pla planhigion a reolir” (“*controlled plant pest*”) yw—

- (a) pla planhigion o ddisgrifiad a bennir yn Atodiad 2, 3 neu 4 i'r Rheoliad Amodau Ffytoiechydol,
- (b) pla planhigion o ddisgrifiad a bennir mewn penderfyniad brys gan yr UE, neu
- (c) pla planhigion sy'n destun unrhyw un arall o reolau iechyd planhigion yr UE;

ystyr “Rheoliad Amodau Ffytoiechydol” (“*Phytosanitary Conditions Regulation*”) yw Rheoliad Gweithredu'r Comisiwn (EU) 2019/2072 yn sefydlu amodau unffurf i weithredu Rheoliad

(ii) an EU emergency decision, or

(iii) any other EU plant health rule, other than Article 73 of the EU Plant Health Regulation, or

- (b) which was exported from the Union territory to a third country and is returning to the Union territory following the refusal by that third country to allow its entry into the country;

“controlled plant pest” (“*pla planhigion a reolir*”) means—

(a) a plant pest of a description specified in Annex 2, 3 or 4 to the Phytosanitary Conditions Regulation,

(b) a plant pest of a description specified in an EU emergency decision, or

(c) a plant pest subject to any other EU plant health rule;

“Council Directive 2000/29/EC” (“*Cyfarwydddeb y Cyngor 2000/29/EC*”) means Council Directive 2000/29/EC on protective measures against the introduction into the Community of organisms harmful to plants or plant products and against their spread within the Community(1);

“EU emergency decision” (“*penderfyniad brys gan yr UE*”) means an instrument referred to in regulation 3(1);

“EU Plant Health Regulation” (“*Rheoliad Iechyd Planhigion yr UE*”) means Regulation (EU) 2016/2031 of the European Parliament and of the Council on protective measures against pests of plants(2);

“EU plant health rule” (“*un o reolau iechyd planhigion yr UE*”) means a rule within the meaning given in Article 1(2)(g) of the Official Controls Regulation;

“ISPM 15” (“*SRFFF 15*”) means International Standard for Phytosanitary Measures No. 15 of March 2002 on Guidelines for regulating wood packaging material in international trade, prepared by the Secretariat of the International Plant Protection Convention established by the Food and Agriculture Organisation of the United Nations(3);

(1) O.S. 2005/2517, a ddiwygiwyd gan O.S. 2013/755 (Cy. 90). Ceir offerynnau diwygio eraill ond nid yw'r un yn berthnasol.

(2) O.S. 2018/1064; ceir offerynnau diwygio eraill ond nid yw'r un yn berthnasol.

(1) OJ No. L 169, 10.7.2000, p. 1, as last amended by Commission Implementing Directive (EU) 2019/523 (OJ No. L 86, 28.3.2019, p. 41).

(2) OJ No. L 317, 23.11.2016, p. 4, amended by Regulation (EU) 2017/625 of the European Parliament and of the Council (OJ No. L 95, 7.4.2017, p. 1).

(3) Available from the Secretariat of the International Plant Protection Convention, AGPP-FAO, Viale Delle Terme di Caracalla, 00153, Rome, Italy and at <https://www.ippc.int/int>.

(EU) 2016/2031 Senedd Ewrop a'r Cyngor, o ran mesurau i ddiogelu rhag plâu planhigion(1);

ystyr “Rheoliad Iechyd Planhigion yr UE” (“*EU Plant Health Regulation*”) yw Rheoliad (EU) 2016/2031 Senedd Ewrop a'r Cyngor ynghylch mesurau i ddiogelu rhag plâu planhigion(2);

ystyr “Rheoliad Rheolaethau Swyddogol” (“*Official Controls Regulation*”) yw Rheoliad (EU) 2017/625 Senedd Ewrop a'r Cyngor ynghylch rheolaethau swyddogol a gweithgareddau swyddogol eraill a gyflawnir i sicrhau y cymhwysir y gyfraith bwyd a bwyd anifeiliaid, rheolau ar iechyd a lles anifeiliaid, iechyd planhigion a chynhyrchion i ddiogelu planhigion, i'r graddau y mae'n gymwys i reolau iechyd planhigion yr UE(3);

ystyr “SRFFf 15” (“*ISPM 15*”) yw'r Safon Ryngwladol ar Fesurau Ffytoiechydol Rhif 15 dyddiedig Mawrth 2002 ynghylch Canllawiau ynglŷn â rheoleiddio deunydd pecynnu pren mewn masnach ryngwladol, a baratowyd gan Ysgrifenyddiaeth y Confensiwn Rhyngwladol ar Warchod Planhigion a sefydlwyd gan Sefydliad Bwyd ac Amaethyddiaeth y Cenhedloedd Unedig(4);

ystyr “un o reolau iechyd planhigion yr UE” (“*EU plant health rule*”) yw rheol o fewn yr ystyr a roddir yn Erthygl 1(2)(g) o'r Rheoliad Rheolaethau Swyddogol.

(2) Oni bai bod y cyd-destun yn mynnu fel arall, mae i eiriau ac ymadroddion sydd heb eu diffinio yn y Rheoliadau hyn ac y mae'r geiriau ac ymadroddion Saesneg cyfatebol yn ymddangos yn Rheoliad Iechyd Planhigion yr UE neu'r Rheoliad Rheolaethau Swyddogol yr un ystyr yn y Rheoliadau hyn ag sydd gan y geiriau ac ymadroddion Saesneg cyfatebol yn Rheoliad Iechyd Planhigion yr UE neu'r Rheoliad Rheolaethau Swyddogol (yn ôl y digwydd).

“Official Controls Regulation” (“*Rheoliad Rheolaethau Swyddogol*”) means Regulation (EU) 2017/625 of the European Parliament and of the Council 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, insofar as it applies to EU plant health rules(1);

“Phytosanitary Conditions Regulation” (“*Rheoliad Amodau Ffytoiechydol*”) means Commission Implementing Regulation (EU) 2019/2072 establishing uniform conditions for the implementation of Regulation (EU) 2016/2031 of the European Parliament and the Council, as regards protective measures against pests of plants(2);

“plant health inspector” (“*arolygydd iechyd planhigion*”) means an official plant health officer appointed by the Welsh Ministers;

“plant pest” (“*pla planhigion*”) means a pest within the meaning given in Article 1(1) and (2) of the EU Plant Health Regulation;

“regulated item” (“*eitem a reoleiddir*”) means—

- (a) any plant, plant product or other object to which an EU plant health rule applies, other than any plant, plant product or other object which is part of a controlled consignment, or
- (b) a controlled plant pest;

“Wales” (“*Cymru*”) means the combined area of the counties and county boroughs in Wales (see Parts 1 and 2 of Schedule 4 to the Local Government Act 1972(3)).

(2) Unless the context otherwise requires, words and expressions which are not defined in these Regulations and appear in the EU Plant Health Regulation or the Official Controls Regulation have the same meaning in these Regulations as they have in the EU Plant Health Regulation or the Official Controls Regulation (as the case may be).

(1) OJ Rhif L 319, 10.12.2019, t. 1.

(2) OJ Rhif L 317, 23.11.2016, t. 4, a ddiwygiwyd gan Reoliad (EU) 2017/625 Senedd Ewrop a'r Cyngor (OJ Rhif L 95, 7.4.2017, t. 1).

(3) OJ Rhif L 95, 7.4.2017, t. 1, a ddiwygiwyd gan Reoliad Dirprwyedig y Comisiwn (EU) 2019/478 (OJ Rhif L 82, 25.3.2019, t. 4).

(4) Ar gael oddi wrth Ysgrifenyddiaeth y Confensiwn Rhyngwladol ar Warchod Planhigion, AGPP-FAO, Viale Delle Terme di Caracalla, 00153, Rhufain, Yr Eidal ac yn <https://www.ippc.int/int>.

(1) OJ No. L 95, 7.4.2017, p. 1, amended by Commission Delegated Regulation (EU) 2019/478 (OJ No. L 82, 25.3.2019, p. 4).

(2) OJ No. L 319, 10.12.2019, p. 1.

(3) 1972 c. 70.

Dehongli: offerynnau'r UE ynglŷn ag iechyd planhigion

3.—(1) Yn y Rheoliadau hyn—

ystyr “Penderfyniad y Comisiwn 98/109/EC” (“*Commission Decision 98/109/EC*”) yw Penderfyniad y Comisiwn 98/109/EC yn awdurdodi'r Aelod-wladwriaethau dros dro i gymryd mesurau brys rhag lledaenu *Thrips palmi* Karny o ran Gwlad Thai(1);

ystyr “Penderfyniad y Comisiwn 2002/757/EC” (“*Commission Decision 2002/757/EC*”) yw Penderfyniad y Comisiwn 2002/757/EC ynghylch mesurau ffytoiechydol brys dros dro i atal *Phytophthora ramorum* Werres, De Cock & Man in 't Veld sp. nov.(2) rhag cael ei gyflwyno i'r Gymuned a lledaenu ynddi;

ystyr “Penderfyniad y Comisiwn 2004/200/EC” (“*Commission Decision 2004/200/EC*”) yw Penderfyniad y Comisiwn 2004/200/EC ynghylch mesurau i atal Firws amryliw pepino(3) rhag cael ei gyflwyno i'r Gymuned a lledaenu ynddi;

ystyr “Penderfyniad Gweithredu'r Comisiwn 2011/787/EU” (“*Commission Implementing Decision 2011/787/EU*”) yw Penderfyniad Gweithredu'r Comisiwn 2011/787/EU yn awdurdodi'r Aelod-wladwriaethau dros dro i gymryd mesurau brys rhag lledaenu *Ralstonia solanacearum* (Smith) Yabuuchi et al. o ran yr Aifft(4);

ystyr “Penderfyniad Gweithredu'r Comisiwn 2012/138/EU” (“*Commission Implementing Decision 2012/138/EU*”) yw Penderfyniad Gweithredu'r Comisiwn 2012/138/EU o ran mesurau brys i atal *Anoplophora chinensis* (Forster)(5) rhag cael ei gyflwyno i'r Undeb a lledaenu ynddo;

ystyr “Penderfyniad Gweithredu'r Comisiwn 2012/270/EU” (“*Commission Implementing Decision 2012/270/EU*”) yw Penderfyniad Gweithredu'r Comisiwn 2012/270/EU o ran mesurau brys i atal *Epitrix cucumeris* (Harris), *Epitrix papa* sp.n., *Epitrix subcrinita* (Lec.) ac

Interpretation: EU instruments relating to plant health

3.—(1) In these Regulations—

“Commission Decision 98/109/EC” (“*Penderfyniad y Comisiwn 98/109/EC*”) means Commission Decision 98/109/EC authorising Member States temporarily to take emergency measures against the dissemination of *Thrips palmi* Karny as regards Thailand(1);

“Commission Decision 2002/757/EC” (“*Penderfyniad y Comisiwn 2002/757/EC*”) means Commission Decision 2002/757/EC on provisional emergency phytosanitary measures to prevent the introduction into and the spread within the Community of *Phytophthora ramorum* Werres, De Cock & Man in 't Veld sp. nov.(2);

“Commission Decision 2004/200/EC” (“*Penderfyniad y Comisiwn 2004/200/EC*”) means Commission Decision 2004/200/EC on measures to prevent the introduction into and the spread within the Community of Pepino mosaic virus(3);

“Commission Implementing Decision 2011/787/EU” (“*Penderfyniad Gweithredu'r Comisiwn 2011/787/EU*”) means Commission Implementing Decision 2011/787/EU authorising Member States temporarily to take emergency measures against the dissemination of *Ralstonia solanacearum* (Smith) Yabuuchi et al. as regards Egypt(4);

“Commission Implementing Decision 2012/138/EU” (“*Penderfyniad Gweithredu'r Comisiwn 2012/138/EU*”) means Commission Implementing Decision 2012/138/EU as regards emergency measures to prevent the introduction into and the spread within the Union of *Anoplophora chinensis* (Forster)(5);

“Commission Implementing Decision 2012/270/EU” (“*Penderfyniad Gweithredu'r Comisiwn 2012/270/EU*”) means Commission Implementing Decision 2012/270/EU as regards emergency measures to prevent the introduction into and the spread within the Union of *Epitrix*

(1) OJ Rhif L 27, 3.2.1998, t. 47.

(2) OJ Rhif L 252, 20.9.2002, t. 37, fel y'i diwygiwyd ddiwethaf gan Benderfyniad Gweithredu'r Comisiwn (EU) 2016/1967 (OJ Rhif L 303, 10.11.2016, t. 21).

(3) OJ Rhif L 64, 2.3.2004, t. 43.

(4) OJ Rhif L 319, 2.12.2011, t. 112.

(5) OJ Rhif L 64, 3.3.2012, t. 38, fel y'i diwygiwyd gan Benderfyniad Gweithredu'r Comisiwn (EU) 2014/356/EU (OJ Rhif L 175, 14.6.2014, t. 38).

(1) OJ No. L 27, 3.2.1998, p. 47.

(2) OJ No. L 252, 20.9.2002, p. 37, as last amended by Commission Implementing Decision (EU) 2016/1967 (OJ No. L 303, 10.11.2016, p. 21).

(3) OJ No. L 64, 2.3.2004, p. 43.

(4) OJ No. L 319, 2.12.2011, p. 112.

(5) OJ No. L 64, 3.3.2012, p. 38, as amended by Commission Implementing Decision (EU) 2014/356/EU (OJ No. L 175, 14.6.2014, p. 38).

Epitrix tuberis (Gentner)(1) rhag cael eu cyflwyno i'r Undeb a lledaenu ynddo;

ystyr “Penderfyniad Gweithredu'r Comisiwn 2012/535/EU” (“*Commission Implementing Decision 2012/535/EU*”) yw Penderfyniad Gweithredu'r Comisiwn 2012/535/EU ynghylch mesurau brys i atal *Bursaphelenchus xylophilus* (Steiner et Buhner) Nickle et al. (llyngyr coed pin)(2) rhag cael ei ledaenu yn yr Undeb;

ystyr “Penderfyniad Gweithredu'r Comisiwn 2012/697/EU” (“*Commission Implementing Decision 2012/697/EU*”) yw Penderfyniad Gweithredu'r Comisiwn 2012/697/EU o ran mesurau i atal y genws *Pomacea* (Perry)(3) rhag cael ei gyflwyno i'r Undeb a lledaenu ynddo;

ystyr “Penderfyniad Gweithredu'r Comisiwn (EU) 2015/789” (“*Commission Implementing Decision (EU) 2015/789*”) yw Penderfyniad Gweithredu'r Comisiwn (EU) 2015/789 o ran mesurau i atal *Xylella fastidiosa* (Wells et al.)(4) rhag cael ei gyflwyno i'r Undeb a lledaenu ynddo;

ystyr “Penderfyniad Gweithredu'r Comisiwn (EU) 2015/893” (“*Commission Implementing Decision (EU) 2015/893*”) yw Penderfyniad Gweithredu'r Comisiwn (EU) 2015/893 o ran mesurau i atal *Anoplophora glabripennis* (Motschulsky)(5) rhag cael ei gyflwyno i'r Undeb a lledaenu ynddo;

ystyr “Penderfyniad Gweithredu'r Comisiwn (EU) 2016/715” (“*Commission Implementing Decision (EU) 2016/715*”) yw Penderfyniad Gweithredu'r Comisiwn (EU) 2016/715 yn nodi mesurau o ran ffrwythau penodol sy'n tarddu o drydydd gwledydd penodol i atal yr organeb niweidiol *Phyllosticta citricarpa* (McAlpine) Van der Aa.(6) rhag cael ei gyflwyno i'r Undeb a lledaenu ynddo;

ystyr “Penderfyniad Gweithredu'r Comisiwn (EU) 2017/198” (“*Commission Implementing Decision (EU) 2017/198*”) yw Penderfyniad Gweithredu'r Comisiwn (EU) 2017/198 o ran mesurau i atal

cucumeris (Harris), *Epitrix papa* sp.n., *Epitrix subcristata* (Lec.) and *Epitrix tuberis* (Gentner)(1);

“Commission Implementing Decision 2012/535/EU” (“*Penderfyniad Gweithredu'r Comisiwn 2012/535/EU*”) means Commission Implementing Decision 2012/535/EU on emergency measures to prevent the spread within the Union of *Bursaphelenchus xylophilus* (Steiner et Buhner) Nickle et al. (the pine wood nematode)(2);

“Commission Implementing Decision 2012/697/EU” (“*Penderfyniad Gweithredu'r Comisiwn 2012/697/EU*”) means Commission Implementing Decision 2012/697/EU as regards measures to prevent the introduction into and the spread within the Union of the genus *Pomacea* (Perry)(3);

“Commission Implementing Decision (EU) 2015/789” (“*Penderfyniad Gweithredu'r Comisiwn (EU) 2015/789*”) means Commission Implementing Decision (EU) 2015/789 as regards measures to prevent the introduction into and the spread within the Union of *Xylella fastidiosa* (Wells et al.)(4);

“Commission Implementing Decision (EU) 2015/893” (“*Penderfyniad Gweithredu'r Comisiwn (EU) 2015/893*”) means Commission Implementing Decision (EU) 2015/893 as regards measures to prevent the introduction into and the spread within the Union of *Anoplophora glabripennis* (Motschulsky)(5);

“Commission Implementing Decision (EU) 2016/715” (“*Penderfyniad Gweithredu'r Comisiwn (EU) 2016/715*”) means Commission Implementing Decision (EU) 2016/715 setting out measures in respect of certain fruits originating in certain third countries to prevent the introduction into and the spread within the Union of the harmful organism *Phyllosticta citricarpa* (McAlpine) Van der Aa.(6);

“Commission Implementing Decision (EU) 2017/198” (“*Penderfyniad Gweithredu'r Comisiwn (EU) 2017/198*”) means Commission

(1) OJ Rhif L 132, 23.5.2012, t. 18, fel y'i diwygiwyd ddiwethaf gan Benderfyniad Gweithredu'r Comisiwn (EU) 2018/5 (OJ Rhif L 2, 5.1.2018, t. 11).
(2) OJ Rhif L 266, 2.10.2012, t. 42, fel y'i diwygiwyd ddiwethaf gan Benderfyniad Gweithredu'r Comisiwn (EU) 2018/618 (OJ Rhif L 102, 23.4.2018, t. 17).
(3) OJ Rhif L 311, 10.11.2012, t. 14.
(4) OJ Rhif L 125, 21.5.2015, t. 36, fel y'i diwygiwyd ddiwethaf gan Benderfyniad Gweithredu'r Comisiwn (EU) 2018/1511 (OJ Rhif L 255, 11.10.2018, t. 16).
(5) OJ Rhif L 146, 11.6.2015, t. 16.
(6) OJ Rhif L 125, 13.5.2016, t. 16, fel y'i diwygiwyd ddiwethaf gan Benderfyniad Gweithredu'r Comisiwn (EU) 2019/449 (OJ Rhif L 77, 20.3.2019, t. 76).

(1) OJ No. L 132, 23.5.2012, p. 18, as last amended by Commission Implementing Decision (EU) 2018/5 (OJ No. L 2, 5.1.2018, p. 11).
(2) OJ No. L 266, 2.10.2012, p. 42, as last amended by Commission Implementing Decision (EU) 2018/618 (OJ No. L 102, 23.4.2018, p. 17).
(3) OJ No. L 311, 10.11.2012, p. 14.
(4) OJ No. L 125, 21.5.2015, p. 36, as last amended by Commission Implementing Decision (EU) 2018/1511 (OJ No. L 255, 11.10.2018, p. 16).
(5) OJ No. L 146, 11.6.2015, p. 16.
(6) OJ No. L 125, 13.5.2016, p. 16, as last amended by Commission Implementing Decision (EU) 2019/449 (OJ No. L 77, 20.3.2019, p. 76).

Pseudomonas syringae pv. *actinidiae* Takikawa, Serizawa, Ichikawa, Tsuyuma & Goto(1) rhag cael ei gyflwyno i'r Undeb a lledaenu ynddo;

ystyr “Penderfyniad Gweithredu'r Comisiwn (EU) 2018/638” (“*Commission Implementing Decision (EU) 2018/638*”) yw Penderfyniad Gweithredu'r Comisiwn (EU) 2018/638 yn sefydlu mesurau brys i atal yr organedd niweidiol *Spodoptera frugiperda* (Smith)(2) rhag cael ei gyflwyno i'r Undeb a lledaenu ynddo;

ystyr “Penderfyniad Gweithredu'r Comisiwn (EU) 2018/1503” (“*Commission Implementing Decision (EU) 2018/1503*”) yw Penderfyniad Gweithredu'r Comisiwn (EU) 2018/1503 yn sefydlu mesurau i atal *Aromia bungii* (Faldermann)(3) rhag cael ei gyflwyno i'r Undeb a lledaenu ynddo;

ystyr “Penderfyniad Gweithredu'r Comisiwn (EU) 2019/1615” (“*Commission Implementing Decision (EU) 2019/1615*”) yw Penderfyniad Gweithredu'r Comisiwn (EU) 2019/1615 yn sefydlu mesurau brys i atal Firws ffrwythau crychlyd coch tomatos (ToBRFV)(4) rhag cael ei gyflwyno i'r Undeb a lledaenu ynddo;

ystyr “Penderfyniad Gweithredu'r Comisiwn (EU) 2019/1739” (“*Commission Implementing Decision (EU) 2019/1739*”) yw Penderfyniad Gweithredu'r Comisiwn (EU) 2019/1739 yn sefydlu mesurau brys i atal Firws Rhoséd Rhosynnau(5) rhag cael ei ei gyflwyno i'r Undeb a lledaenu ynddo;

ystyr “Penderfyniad Gweithredu'r Comisiwn (EU) 2019/2032” (“*Commission Implementing Decision (EU) 2019/2032*”) yw Penderfyniad Gweithredu'r Comisiwn (EU) 2019/2032 yn sefydlu mesurau i atal *Fusarium circinatum* Nirenberg & O'Donnell (*Gibberella circinata* gynt)(6) rhag cael ei gyflwyno i'r Undeb a lledaenu ynddo.

(2) Mae cyfeiriadau at y Rheoliad Amodau Ffytioechydol ac at offerynnau'r Undeb Ewropeaidd y cyfeirir atynt ym mharagraff (1) i'w dehongli fel cyfeiriadau at yr offerynnau hynny fel y'u diwygir o bryd i'w gilydd.

Implementing Decision (EU) 2017/198 as regards measures to prevent the introduction into and the spread within the Union of *Pseudomonas syringae* pv. *actinidiae* Takikawa, Serizawa, Ichikawa, Tsuyuma & Goto(1);

“Commission Implementing Decision (EU) 2018/638” (“*Penderfyniad Gweithredu'r Comisiwn (EU) 2018/638*”) means Commission Implementing Decision (EU) 2018/638 establishing emergency measures to prevent the introduction into and the spread within the Union of the harmful organism *Spodoptera frugiperda* (Smith)(2);

“Commission Implementing Decision (EU) 2018/1503” (“*Penderfyniad Gweithredu'r Comisiwn (EU) 2018/1503*”) means Commission Implementing Decision (EU) 2018/1503 establishing measures to prevent the introduction into and the spread within the Union of *Aromia bungii* (Faldermann)(3);

“Commission Implementing Decision (EU) 2019/1615” (“*Penderfyniad Gweithredu'r Comisiwn (EU) 2019/1615*”) means Commission Implementing Decision (EU) 2019/1615 establishing emergency measures to prevent the introduction into and the spread within the Union of Tomato brown rugose fruit virus (ToBRFV)(4);

“Commission Implementing Decision (EU) 2019/1739” (“*Penderfyniad Gweithredu'r Comisiwn (EU) 2019/1739*”) means Commission Implementing Decision (EU) 2019/1739 establishing emergency measures to prevent the introduction into and the spread within the Union of Rose Rosette Virus(5);

“Commission Implementing Decision (EU) 2019/2032” (“*Penderfyniad Gweithredu'r Comisiwn (EU) 2019/2032*”) means Commission Implementing Decision (EU) 2019/2032 establishing measures to prevent the introduction into and the spread within the Union of *Fusarium circinatum* Nirenberg & O'Donnell (formerly *Gibberella circinata*)(6).

(2) References to the Phytosanitary Conditions Regulation and to the European Union instruments referred to in paragraph (1) are to be construed as references to those instruments as amended from time to time.

(1) OJ Rhif L 31, 4.2.2017, t. 29.

(2) OJ Rhif L 105, 25.4.2018, t. 31, fel y'i diwygiwyd gan Benderfyniad Gweithredu'r Comisiwn (EU) 2019/1598 (OJ Rhif L 248, 27.9.2019, t. 86).

(3) OJ Rhif L 254, 10.10.2018, t. 9.

(4) OJ Rhif L 250, 30.9.2019, t. 91.

(5) OJ Rhif L 265, 18.10.2019, t. 12.

(6) OJ Rhif L 313, 4.12.2019, t. 94.

(1) OJ No. L 31, 4.2.2017, p. 29.

(2) OJ No. L 105, 25.4.2018, p. 31, as amended by Commission Implementing Decision (EU) 2019/1598 (OJ No. L 248, 27.9.2019, p. 86).

(3) OJ No. L 254, 10.10.2018, p. 9.

(4) OJ No. L 250, 30.9.2019, p. 91.

(5) OJ No. L 265, 18.10.2019, p. 12.

(6) OJ No. L 313, 4.12.2019, p. 94.

Mesurau a fabwysiedir yn unol ag Erthygl 30(1) o Reoliad Iechyd Planhigion yr UE

4. Mae unrhyw gyfeiriad yn Rheoliad Iechyd Planhigion yr UE at bla sy'n destun y mesurau a fabwysiedir yn unol ag Erthygl 30(1) yn cynnwys y plâu planhigion a ganlyn—

- (a) *Epitrix cucumeris* (Harris), *Epitrix* papa. (Orlova-Bienkowskaja), *Epitrix* subcrinita (Lec.) neu *Epitrix tuberis* (Gentner);
- (b) *Pseudomonas syringae* pv. *actinidiae* Takikawa, Serizawa, Ichikawa, Tsuyuma & Goto;
- (c) Firws rhoséd rhosynnau;
- (d) Firws ffrwythau crychlyd coch tomatos.

Erthygl 82 o Reoliad Iechyd Planhigion yr UE: ystyr “close proximity”

5.—(1) At ddibenion Erthygl 82 o Reoliad Iechyd Planhigion yr UE, bernir bod mangre gweithredwr cofrestredig yn un sy'n agos at fangreodded eraill i'r gweithredwr hwnnw, yn yr ystyr a roddir i “close proximity”, os oes unrhyw bwynt ar ffin ei man gweithredol, neu ar ffin unrhyw un neu ragor o'i fannau gweithredol, o fewn deng milltir i unrhyw bwynt ar ffin y man gweithredol, neu ar ffin unrhyw un neu ragor o'r manau gweithredol, o'r fangre arall

(2) Ym mharagraff (1), ystyr “man gweithredol”, mewn perthynas â mangre gweithredwr cofrestredig, yw—

- (a) yn achos mangre a ddefnyddir yn llwyr gan y gweithredwr cofrestredig i gyflawni un neu ragor o'r gweithgareddau a grybwyllir yn Erthygl 65(1) o Reoliad Iechyd Planhigion yr UE, y man sy'n ffurfio'r fangre honno;
- (b) yn achos unrhyw fangre arall a ddefnyddir gan y gweithredwr cofrestredig i gyflawni un neu ragor o'r gweithgareddau a grybwyllir yn Erthygl 65(1) o Reoliad Iechyd Planhigion yr UE, man o fewn y fangre a ddefnyddir gan y gweithredwr cofrestredig i gyflawni unrhyw un neu ragor o'r gweithgareddau hynny.

Measures adopted pursuant to Article 30(1) of the EU Plant Health Regulation

4. Any reference in the EU Plant Health Regulation to a pest that is subject to the measures adopted pursuant to Article 30(1) includes the following plant pests—

- (a) *Epitrix cucumeris* (Harris), *Epitrix* papa. (Orlova-Bienkowskaja), *Epitrix* subcrinita (Lec.) or *Epitrix tuberis* (Gentner);
- (b) *Pseudomonas syringae* pv. *actinidiae* Takikawa, Serizawa, Ichikawa, Tsuyuma & Goto;
- (c) Rose rosette virus;
- (d) Tomato brown rugose fruit virus.

Article 82 of the EU Plant Health Regulation: meaning of “close proximity”

5.—(1) For the purposes of Article 82 of the EU Plant Health Regulation, the premises of a registered operator are to be regarded as being in “close proximity” to other premises of that operator if any point on the boundary of its operative area, or of any of its operative areas, is within ten miles of any point on the boundary of the operative area, or of any of the operative areas, of the other premises.

(2) In paragraph (1), “operative area”, in relation to the premises of a registered operator, means—

- (a) in the case of premises which are used entirely by the registered operator to carry out one or more of the activities mentioned in Article 65(1) of the EU Plant Health Regulation, the area comprising those premises;
- (b) in the case of any other premises used by the registered operator to carry out one or more of the activities mentioned in Article 65(1) of the EU Plant Health Regulation, an area within the premises which is used by the registered operator to carry out any of those activities.

RHAN 2

Awdurdodau cymwys: iechyd planhigion

Dynodi awdurdodau cymwys

6.—(1) Mae Gweinidogion Cymru wedi eu dynodi fel yr awdurdod cymwys sy'n gyfrifol am drefnu a chyflawni rheolaethau swyddogol a gweithgareddau swyddogol eraill yng Nghymru i'r graddau y maent yn ymwneud â'r canlynol—

- (a) plâu planhigion, planhigion, plâu coed, coed, deunydd coedwigaeth neu ddeunydd nad yw'n ddeunydd coedwigaeth, neu
- (b) gweithredwyr proffesiynol coedwigaeth neu weithredwyr proffesiynol eraill.

(2) Yn y rheoliad hwn—

ystyr “coeden” (“*tree*”) yw coeden neu lwyn byw, neu ran fyw o goeden neu lwyn, ar unrhyw gyfnod yn eu tyfiant;

ystyr “deunydd coedwigaeth” (“*forestry material*”) yw—

- (a) pren sy'n cadw rhan neu'r cyfan o'i arwyneb crwn naturiol, gyda rhisgl neu hebdo;
- (b) pren ar ffurf sglodion, gronnynau, naddion, blawd llif, gwastraff neu sgrap pren;
- (c) coed conwydd dros 3m o uchder;
- (d) rhisgl sydd wedi ei dynnu neu sydd wedi datgysylltu oddi ar goeden fyw, coeden a gwmpwyd neu goeden a syrthiodd, neu oddi ar ran o un o'r rhain;

ystyr “deunydd nad yw'n ddeunydd coedwigaeth” (“*non-forestry material*”) yw planhigion, cynhyrchion planhigion neu wrthrychau eraill, heblaw deunydd coedwigaeth;

ystyr “deunydd pecynnu pren” (“*wood packaging material*”) yw pren neu gynhyrchion pren (ac eithrio cynhyrchion papur) a ddefnyddir, neu y bwriedir eu defnyddio, i gynnal, diogelu neu gario nwydd o unrhyw fath, gan gynnwys pacin;

ystyr “gweithredwr proffesiynol coedwigaeth” (“*forestry professional operator*”) yw gweithredwr proffesiynol sy'n cyflawni un neu ragor o'r gweithgareddau a ganlyn, ond nid unrhyw weithgareddau eraill a ddisgrifir yn Erthygl 2(9) o Reoliad Iechyd Planhigion yr UE—

- (a) cyflwyno deunydd coedwigaeth i Gymru;
- (b) storio, agregu neu symud deunydd coedwigaeth yng Nghymru, symud deunydd coedwigaeth i Gymru o ran arall o diriogaeth yr Undeb neu symud deunydd coedwigaeth o Gymru i ran arall o diriogaeth yr Undeb;

PART 2

Competent authorities: plant health

Designation of competent authorities

6.—(1) The Welsh Ministers are designated as the competent authority responsible for the organisation and the performance of official controls and other official activities in Wales insofar as they relate to—

- (a) plant pests, plants, tree pests, trees, forestry material or non-forestry material, or
- (b) forestry professional operators or other professional operators.

(2) In this regulation—

“forestry material” (“*deunydd coedwigaeth*”) means—

- (a) wood which retains part or all of its natural round surface, with or without bark;
- (b) wood in the form of chips, particles, shavings, sawdust, wood waste or scrap;
- (c) conifer trees over 3m in height;
- (d) bark which has been removed or become detached from, or from part of, a living, felled or fallen tree;

“forestry professional operator” (“*gweithredwr proffesiynol coedwigaeth*”) means a professional operator who carries out one or more of the following activities, but no other activities described in Article 2(9) of the EU Plant Health Regulation—

- (a) the introduction of forestry material into Wales;
- (b) the storage, aggregation or movement of forestry material within Wales, the movement of forestry material into Wales from another part of the Union territory or the movement of forestry material from Wales to another part of the Union territory;
- (c) the export of forestry material from Wales to a third country;
- (d) the treatment and marking of wood packaging material or forestry material in accordance with Annex 1 to ISPM 15 or the repair of wood packaging material in Wales;
- (e) the introduction of tree pests into Wales, the movement of tree pests within Wales or the holding or multiplication of tree pests in Wales, for official testing, scientific or educational purposes, trials, varietal selection or breeding;

- (c) allforio deunydd coedwigaeth o Gymru i drydedd wlad;
- (d) trin a marcio deunydd pecynnu pren neu ddeunydd coedwigaeth yn unol ag Atodiad 1 i SRFFf 15 neu drwsio deunydd pecynnu pren yng Nghymru;
- (e) cyflwyno plâu coed i Gymru, symud plâu coed yng Nghymru neu ddal neu luosi plâu coed yng Nghymru, at ddibenion profion swyddogol, dibenion gwyddonol neu addysgol, treialon, dewis neu fridio amrywogaethau;
- (f) cyflwyno coed neu ddeunydd coedwigaeth i Gymru neu symud coed neu ddeunydd coedwigaeth yng Nghymru, i'w defnyddio at ddibenion profion swyddogol, dibenion gwyddonol neu addysgol, treialon, dewis neu fridio amrywogaethau;

ystyr "pla coed" ("*tree pest*") yw pla planhigion sy'n niweidiol i goed neu bren.

- (f) the introduction of trees or forestry material into Wales or the movement of trees or forestry material within Wales, for use in official testing, scientific or educational purposes, trials, varietal selection or breeding;
- "non-forestry material" ("*deunydd nad yw'n ddeunydd coedwigaeth*") means plants, plant products or other objects, other than forestry material;
- "tree" ("*coeden*") means a living tree or shrub, or a living part of a tree or shrub, at any stage of its growth;
- "tree pest" ("*pla coed*") means a plant pest which is injurious to trees or wood;
- "wood packaging material" ("*deunydd pecynnu pren*") means wood or wood products (excluding paper products) used, or intended to be used, for supporting, protecting or carrying a commodity of any kind, including dunnage.

RHAN 3

Rheolaethau swyddogol ar lwythi a reolir o drydydd gwledydd a rheolaethau swyddogol eraill ar nwyddau o drydydd gwledydd

Rhanddirymu'r gofyniad i roi hysbysiad ymlaen llaw yn unol ag Erthygl 1(1) o Reoliad Gweithredu'r Comisiwn (EU) 2019/1013

7.—(1) Rhaid i weithredwr cyfrifol llwyth a reolir sydd i'w ddwyn i Gymru drwy'r awyr fod wedi hysbysu'r awdurdod priodol y disgwylir i'r llwyth gyrraedd o leiaf bedair awr waith cyn y disgwylir iddo gyrraedd Cymru.

(2) Yn achos unrhyw lwyth a reolir sy'n cynnwys, yn gyfan gwbl neu'n rhannol, logiau heb eu prosesu neu bren wedi ei lifio neu wedi ei sglodio ac sydd i'w ddwyn i Gymru wrth bwynt mynediad sydd â safle rheoli ar y ffin dros dro yn unig, rhaid i'r gweithredwr cyfrifol fod wedi hysbysu Gweinidogion Cymru fod y llwyth yn cyrraedd o leiaf dri diwrnod gwaith cyn y disgwylir iddo gyrraedd Cymru.

(3) Nid yw Erthygl 1(1) o Reoliad Gweithredu'r Comisiwn (EU) 2019/1013 yn gymwys i unrhyw weithredwr cyfrifol ar lwyth a reolir y cyfeirir ato ym mharagraff (1) neu (2).

PART 3

Official controls on controlled consignments from third countries and other official controls on goods from third countries

Derogations to the requirement to give prior notification in accordance with Article 1(1) of Commission Implementing Regulation (EU) 2019/1013

7.—(1) The responsible operator of a controlled consignment which is to be brought into Wales by air must have notified the appropriate authority of the consignment's expected arrival at least four working hours before its expected arrival in Wales.

(2) In the case of any controlled consignment which consists, in whole or in part, of unprocessed logs or sawn or chipped wood and is to be brought into Wales at a point of entry which only has a temporary border control post, the responsible operator must have notified the Welsh Ministers of the consignment's arrival at least three working days before its expected arrival in Wales.

(3) Article 1(1) of Commission Implementing Regulation (EU) 2019/1013 does not apply to any responsible operator of a controlled consignment referred to in paragraph (1) or (2).

(4) Yn y rheoliad hwn—

ystyr “awr waith” (“*working hour*”) yw cyfnod o un awr yn ystod diwrnod sydd yng Nghymru yn ddiwrnod gwaith, ac mae “oriau gwaith” yn cynnwys oriau yn ystod mwy nag un diwrnod gwaith;

ystyr “diwrnod gwaith” (“*working day*”) yw unrhyw ddiwrnod, heblaw—

- (a) dydd Sadwrn neu ddydd Sul,
- (b) dydd Nadolig neu ddydd Gwener y Groglith, neu
- (c) gŵyl banc yng Nghymru o dan Ddeddf Bancio a Thrafodion Ariannol 1971(1);

ystyr “gweithredwr cyfrifol” (“*responsible operator*”), mewn perthynas â llwyth a reolir, yw gweithredwr y mae’n ofynnol iddo sicrhau bod y llwyth yn cael ei gyflwyno ar gyfer rheolaethau swyddogol wrth y safle rheoli ar y ffin lle mae’r llwyth yn cyrraedd yr Undeb am y tro cyntaf yn unol ag Erthygl 47(5) o’r Rheoliad Rheolaethau Swyddogol;

ystyr “Rheoliad Gweithredu’r Comisiwn (EU) 2019/1013” (“*Commission Implementing Regulation (EU) 2019/1013*”) yw Rheoliad Gweithredu’r Comisiwn (EU) 2019/1013 ynghylch hysbysu ymlaen llaw fod llwythi o gategoriâu penodol o anifeiliaid a nwyddau yn dod i’r Undeb(2);

ystyr “safle rheoli dros dro ar y ffin” (“*temporary border control post*”) yw safle rheoli ar y ffin yng Nghymru sydd wedi ei esemptio o’r rhwymedigaethau yn Erthygl 64(3)(a), (c) ac (f) o’r Rheoliad Rheolaethau Swyddogol yn unol ag Erthygl 4 o Rheoliad Dirprwyedig y Comisiwn (EU) 2019/1012 yn ategu Rheoliad (EU) 2017/625 Senedd Ewrop a’r Cyngor drwy randdirymu’r rheolau ar ddynodi safleoedd rheoli a’r isafswm gofynion ar gyfer safleoedd rheoli ar y ffin(3).

Amau bod diffyg cydymffurfiaeth

8.—(1) Mae’r rheoliad hwn yn gymwys pan fo arolygydd iechyd planhigion yn amau bod llwyth a reolir neu eitem a reoleiddir yn debygol o gael ei dwyn, neu wedi ei dwyn, i Gymru o drydedd wlad yn groes i un o reolau iechyd planhigion yr UE, neu nad yw unrhyw lwyth neu eitem o’r fath yn cydymffurfio fel arall ag un o reolau iechyd planhigion yr UE.

(4) In this regulation—

“Commission Implementing Regulation (EU) 2019/1013” (“*Rheoliad Gweithredu’r Comisiwn (EU) 2019/1013*”) means Commission Implementing Regulation (EU) 2019/1013 on prior notification of consignments of certain categories of animals and goods entering the Union(1);

“responsible operator” (“*gweithredwr cyfrifol*”), in relation to a controlled consignment, means an operator who is required to ensure that the consignment is presented for official controls at the border control post of first arrival into the Union in accordance with Article 47(5) of the Official Controls Regulation;

“temporary border control post” (“*safle rheoli dros dro ar y ffin*”) means a border control post in Wales which has been exempted from the obligations in Article 64(3)(a), (c) and (f) of the Official Controls Regulation pursuant to Article 4 of Commission Delegated Regulation (EU) 2019/1012 supplementing Regulation (EU) 2017/625 of the European Parliament and of the Council by derogating from the rules on the designation of control points and from the minimum requirements for border control posts(2);

“working day” (“*diwrnod gwaith*”) means any day, other than—

- (a) a Saturday or Sunday,
- (b) Christmas Day or Good Friday, or
- (c) a bank holiday in Wales under the Banking and Financial Dealings Act 1971(3);

“working hour” (“*awr waith*”) means a period of one hour during a day which in Wales is a working day, and “working hours” includes hours during more than one working day.

Suspicion of non-compliance

8.—(1) This regulation applies where a plant health inspector suspects that a controlled consignment or a regulated item is likely to be, or has been, brought into Wales from a third country in contravention of an EU plant health rule or that any such consignment or item may not otherwise comply with an EU plant health rule.

(1) 1971 p. 80, y ceir diwygiadau iddi nad ydynt yn berthnasol i’r Rheoliadau hyn.

(2) OJ Rhif L 165, 21.6.2019, t. 8.

(3) OJ Rhif L 165, 21.6.2019, t. 4.

(1) OJ No. L 165, 21.6.2019, p. 8.

(2) OJ No. L 165, 21.6.2019, p. 4.

(3) 1971 c. 80, to which there are amendments not relevant to these Regulations.

(2) Rhaid i arolygydd iechyd planhigion gyflwyno hysbysiad i'r gweithredwr sy'n gyfrifol am y llwyth a reolir neu'r eitem a reoleiddir—

- (a) yn rhoi'r llwyth neu'r eitem yng nghadw yn swyddogol, a
- (b) yn gwahardd y llwyth neu'r eitem rhag dod i diriogaeth yr Undeb,

tra disgwylir canlyniad y rheolaethau swyddogol i gadarnhau neu ddileu'r amheuaeth y cyfeirir ati ym mharagraff (1).

(3) Mae'r rheoliad hwn yn gymwys i unrhyw lwyth a reolir neu eitem a reoleiddir p'un a yw eu cyrchfan derfynol yng Nghymru ai peidio.

Llwythi sydd heb eu cyflwyno'n gywir ar gyfer rheolaethau swyddogol

9. Pan fo arolygydd iechyd planhigion yn amau neu'n ymwybodol nad yw llwyth a reolir wedi ei gyflwyno ar gyfer rheolaethau swyddogol yn unol ag Erthygl 47(1) o'r Rheoliad Rheolaethau Swyddogol, neu yn unol â'r gofynion eraill y cyfeirir atynt yn Erthygl 66(6) o'r Rheoliad hwnnw, rhaid i'r arolygydd iechyd planhigion gyflwyno hysbysiad i'r gweithredwr sy'n gyfrifol am y llwyth yn adalw'r llwyth ac yn rhoi'r llwyth yng nghadw yn swyddogol.

Mesurau swyddogol mewn perthynas â llwythi nad ydynt yn cydymffurfio neu llwythi sy'n peri risg i iechyd planhigion

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

- (a) unrhyw lwyth a reolir neu eitem a reoleiddir sydd, ym marn arolygydd iechyd planhigion, wedi eu dwyn i Gymru o drydedd wlad yn groes i un o reolau iechyd planhigion yr UE,
- (b) unrhyw lwyth a reolir neu eitem a reoleiddir a ddygwyd i Gymru o drydedd wlad ac nad yw fel arall yn cydymffurfio ag un o reolau iechyd planhigion yr UE, neu
- (c) unrhyw lwyth a ddygwyd i Gymru o drydedd wlad ac sydd, ym marn arolygydd iechyd planhigion, yn peri risg i iechyd planhigion yng Nghymru neu i unrhyw ran arall o diriogaeth yr Undeb.

(2) Rhaid i arolygydd iechyd planhigion gyflwyno hysbysiad i'r gweithredwr sy'n gyfrifol am y llwyth neu'r eitem—

- (a) yn rhoi'r llwyth neu'r eitem yng nghadw yn swyddogol, a
- (b) yn nodi'r mesurau y mae'n rhaid i'r gweithredwr eu cymryd mewn perthynas â'r llwyth neu'r eitem.

(2) A plant health inspector must serve a notice on the operator who is responsible for the controlled consignment or regulated item—

- (a) placing the consignment or item under official detention, and
- (b) prohibiting the entry of the consignment or item into the Union territory,

pending the outcome of official controls to confirm or eliminate the suspicion referred to in paragraph (1).

(3) This regulation applies to any controlled consignment or regulated item whether or not its ultimate destination is in Wales.

Consignments not correctly presented for official controls

9. Where a plant health inspector suspects or is aware that a controlled consignment has not been presented for official controls in accordance with Article 47(1) of the Official Controls Regulation, or in accordance with the other requirements referred to in Article 66(6) of that Regulation, the plant health inspector must serve a notice on the operator who is responsible for the consignment recalling the consignment and placing the consignment under official detention.

Official measures in relation to non-compliant consignments or consignments which pose a risk to plant health

10.—(1) This regulation applies to—

- (a) any controlled consignment or regulated item which, in the opinion of a plant health inspector, has been brought into Wales from a third country in contravention of an EU plant health rule,
- (b) any controlled consignment or regulated item which has been brought into Wales from a third country and which does not otherwise comply with an EU plant health rule, or
- (c) any consignment which has been brought into Wales from a third country and which, in the opinion of a plant health inspector, poses a risk to plant health in Wales or to any other part of the Union territory.

(2) A plant health inspector must serve a notice on the operator who is responsible for the consignment or item—

- (a) placing the consignment or item under official detention, and
- (b) setting out the measures which the operator must take in relation to the consignment or item.

Hysbysiadau o dan reoliad 8, 9 neu 10

11.—(1) Caiff hysbysiad o dan reoliad 8, 9 neu 10 gynnwys unrhyw un neu ragor o'r canlynol—

- (a) y mesurau y mae'n rhaid i'r gweithredwr cyfrifol eu cymryd mewn perthynas â'r llwyth neu'r eitem i ynysu'r llwyth neu'r eitem neu eu gosod mewn cwarantin, neu i ymdrin fel arall â'r risg i iechyd planhigion sy'n deillio o'r llwyth neu'r eitem;
- (b) pan fo arolygydd iechyd planhigion yn ei gwneud yn ofynnol i'r llwyth neu'r eitem gael eu dinistrio neu eu gwaredu fel arall, eu hailallforio neu eu trin, y mesurau y mae'n rhaid i'r gweithredwr cyfrifol eu cymryd i ddinistrio'r llwyth neu'r eitem neu i'w gwaredu fel arall, i'w hailallforio neu i'w trin;
- (c) unrhyw fesurau eraill y mae'r arolygydd iechyd planhigion o'r farn eu bod yn briodol yng ngoleuni'r toriad tybiedig neu hysbys neu'r risg i iechyd planhigion yng Nghymru neu i unrhyw ran arall o diriogaeth yr Undeb sy'n deillio o'r llwyth neu'r eitem.

(2) Ym mharagraff (1), mae "gweithredwr cyfrifol" i'w ddehongli yn unol â rheoliad 8, 9 neu 10 (yn ôl y digwydd).

Safleoedd rheoli ar y ffin: awdurdodi canolfannau arolygu a chyfleusterau storio masnachol

12.—(1) Caiff yr awdurdod priodol roi trwydded sy'n awdurdodi—

- (a) defnyddio cyfleuster a leolir o fewn safle rheoli ar y ffin yn ganolfan arolygu at ddibenion cyflawni rheolaethau swyddogol a gweithgareddau swyddogol eraill ar lwythi a reolir ac eitemau eraill a reoleiddir pan fyddant yn cyrraedd y safle rheoli ar y ffin;
- (b) defnyddio cyfleusterau storio masnachol o fewn cyffiniau agos safle rheoli ar y ffin yn fan lle y gellir cynnal gwiriadau adnabod a gwiriadau ffisegol ar lwythi a reolir ac eitemau eraill a reoleiddir pan fyddant yn cyrraedd y safle rheoli ar y ffin.

(2) Rhaid i gais am drwydded gael ei wneud i'r awdurdod priodol gan weithredwr y cyfleuster neu'r cyfleusterau storio masnachol yn y modd a'r ffurf sy'n ofynnol gan yr awdurdod priodol.

(3) Dim ond os yw'r awdurdod priodol wedi ei fodloni bod y cyfleuster yn cydymffurfio â'r gofynion a bennir mewn cysylltiad â chanolfannau arolygu yn Erthygl 8 o Reoliad (EU) 2019/1014 y caniateir rhoi trwydded o dan baragraff (1)(a).

Notices under regulation 8, 9 or 10

11.—(1) A notice under regulation 8, 9 or 10 may include any of the following—

- (a) the measures that the responsible operator must take in relation to the consignment or item to isolate or quarantine the consignment or item or otherwise deal with the risk to plant health arising from the consignment or item;
- (b) where a plant health inspector requires the consignment or item to be destroyed or otherwise disposed of, re-exported or treated, the measures that the responsible operator must take to destroy or otherwise dispose of, re-export or treat the consignment or item;
- (c) any other measures which the plant health inspector considers are appropriate in the light of the suspected or known contravention or the risk to plant health in Wales or to any other part of the Union territory arising from the consignment or item.

(2) In paragraph (1), "responsible operator" is to be construed in accordance with regulation 8, 9 or 10 (as the case may be).

Border control posts: authorisation of inspection centres and commercial storage facilities

12.—(1) The appropriate authority may grant a permit which authorises—

- (a) the use of a facility which is located within a border control post as an inspection centre for the purposes of carrying out official controls and other official activities on controlled consignments and other regulated items on their arrival at the border control post;
- (b) the use of commercial storage facilities within the close vicinity of a border control post as a place at which identity checks and physical checks may be performed on controlled consignments and other regulated items on their arrival at the border control post.

(2) An application for a permit must be made to the appropriate authority by the operator of the facility or commercial storage facilities in the manner and form required by the appropriate authority.

(3) A permit may only be granted under paragraph (1)(a) if the appropriate authority is satisfied that the facility complies with the requirements specified in respect of inspection centres in Article 8 of Regulation (EU) 2019/1014.

(4) Dim ond os yw'r awdurdod priodol wedi ei fodloni bod y cyfleusterau storio masnachol yn cydymffurfio â'r gofynion a bennir mewn cysylltiad â chyfleusterau storio masnachol yn Erthygl 3(11) o Reoliad (EU) 2019/1014 y caniateir rhoi trwydded o dan baragraff (1)(b).

(5) Rhaid i drwydded a roddir o dan baragraff (1)(a) neu (b) fod mewn ysgriflen a chaniateir iddo gael ei roi—

- (a) o dan amodau;
- (b) am gyfnod amhenodol ynteu am gyfnod penodol.

(6) Caiff trwydded a roddir o dan baragraff (1)(a) neu (b) gynnwys darpariaeth yn caniatáu i'r awdurdod priodol addasu, atal neu ddirymu'r drwydded unrhyw bryd drwy hysbysiad ysgrifenedig.

(7) Yn y rheoliad hwn, ystyr "Rheoliad (EU) 2019/1014" yw Rheoliad Gweithredu'r Comisiwn (EU) 2019/1014 i osod rheolau manwl ynghylch yr isafswm gofynion ar gyfer safleoedd rheoli ar y ffin, gan gynnwys canolfannau arolygu, ac ar gyfer y fformat, y categorïau a'r byrfoddau sydd i'w defnyddio i restru safleoedd rheoli ar y ffin a phwyntiau rheoli(1).

Darpariaeth drosiannol: manau arolygu a gymeradwywyd

13.—(1) Yn ystod y cyfnod perthnasol caiff yr awdurdod priodol awdurdodi—

- (a) cludo llwyth a reolir i fan arolygu a gymeradwywyd, a
- (b) cyflawni gwiriadau adnabod a gwiriadau iechyd planhigion gan arolygydd iechyd planhigion mewn man arolygu a gymeradwywyd.

(2) Rhaid i'r gweithredwr sy'n gyfrifol am lwyth a reolir ac a fwriedir ar gyfer man arolygu a gymeradwywyd—

- (a) rhoi i'r awdurdod priodol y manylion a nodir ym mharagraff (3) drwy hysbysiad ysgrifenedig heb fod yn hwyrach na thri diwrnod gwaith cyn i'r llwyth gyrraedd Cymru,
- (b) sicrhau bod y llwyth, ei becyn a'r cerbyd y caiff ei gludo ynddo yn cael eu cau neu eu selio yn y fath fodd fel nad oes risg i'r planhigion, y cynhyrchion planhigion neu'r gwrthrychau yn y llwyth achosi heigiad, haint neu halogiad na risg y bydd newid yn digwydd yng nghynnwys y llwyth, ac

(4) A permit may only be granted under paragraph (1)(b) if the appropriate authority is satisfied that the commercial storage facilities comply with the requirements specified in respect of commercial storage facilities in Article 3(11) of Regulation (EU) 2019/1014.

(5) A permit granted under paragraph (1)(a) or (b) must be in writing and may be granted—

- (a) subject to conditions;
- (b) for an indefinite period or a specified period.

(6) A permit granted under paragraph (1)(a) or (b) may include provision permitting the appropriate authority to modify, suspend or revoke the permit at any time by notice in writing.

(7) In this regulation, "Regulation (EU) 2019/1014" means Commission Implementing Regulation (EU) 2019/1014 to lay down detailed rules on minimum requirements for border control posts, including inspection centres, and for the format, categories and abbreviations to use for listing border control posts and control points(1).

Transitional provision: approved places of inspection

13.—(1) The appropriate authority may during the relevant period authorise—

- (a) the transportation of a controlled consignment to an approved place of inspection, and
- (b) the performance of identity checks and plant health checks by a plant health inspector at an approved place of inspection.

(2) The operator who is responsible for a controlled consignment that is destined for an approved place of inspection must—

- (a) by notice in writing give the appropriate authority the particulars set out in paragraph (3) no later than three working days before the consignment arrives in Wales,
- (b) ensure that the consignment, its packaging and the vehicle in which it is transported are closed or sealed in such a way that there is no risk of the plants, plant products or objects in the consignment causing infestation, infection or contamination or a change occurring in the contents of the consignment, and

(1) OJ Rhif L 165, 21.6.2019, t. 10.

(1) OJ No. L 165, 21.6.2019, p. 10.

- (c) sicrhau bod dogfen symud iechyd planhigion yn cyd-fynd â'r llwyth.

(3) Dyma'r manylion—

- (a) enw, cyfeiriad a lleoliad y man arolygu a gymeradwywyd y mae'r llwyth wedi ei fwriadu iddo,
- (b) y dyddiad a'r amser y trefnwyd i'r llwyth gyrraedd y man y cyfeirir ato yn is-baragraff (a),
- (c) os yw ar gael, rhif cyfresol unigol y ddogfen symud iechyd planhigion mewn perthynas â'r llwyth hwnnw,
- (d) os ydynt ar gael, y dyddiad a'r man y lluniwyd y ddogfen symud iechyd planhigion,
- (e) enw, cyfeiriad a rhif cofrestru'r gweithredwr, ac
- (f) rhif cyfeirnod y dystysgrif ffytoiechydol neu'r dystysgrif ffytoiechydol ar gyfer ailallforio sy'n ofynnol mewn perthynas â'r llwyth yn unol ag Erthygl 72(1) neu 74(1) o Reoliad Iechyd Planhigion yr UE.

(4) Rhaid i'r gweithredwr hysbysu'r awdurdod priodol ar unwaith mewn ysgrifen am unrhyw newidiadau yn y manylion y mae'r gweithredwr wedi eu rhoi o dan baragraff (2)(a).

(5) Rhaid i'r hysbysiad gael ei roi i'r awdurdod priodol yn y cyfeiriad a roddir gan yr awdurdod priodol o bryd i'w gilydd at ddibenion y rheoliad hwn.

(6) At ddibenion paragraff (1) caiff awdurdod priodol gymeradwyo man y mae llwyth a reolir wedi ei fwriadu ar ei gyfer fel man lle y caniateir i wiriadau adnabod a gwiriadau iechyd planhigion gael eu cyflawni gan arolygydd iechyd planhigion yn ystod y cyfnod perthnasol.

(7) Rhaid i gais am gymeradwyaeth o dan baragraff (6) gael ei wneud i'r awdurdod priodol yn y modd a'r ffurf sy'n ofynnol gan yr awdurdod priodol.

(8) Caniateir i gymeradwyaeth gael ei rhoi o dan amodau, gan gynnwys amodau ynglŷn â storio llwythi a reolir, a chaniateir ei thynnu'n ôl unrhyw bryd os nad yw'r awdurdod priodol bellach yn credu bod y man y mae'r gymeradwyaeth yn ymwneud ag ef yn addas at y diben y rhoddwyd y gymeradwyaeth ar ei gyfer.

(9) Dim ond os yw'r man wedi ei gymeradwyo gan Gomisiynwyr Cyllid a Thollau Ei Mawrhydi i'w ddefnyddio'n gyfleuster storio dros dro y caiff yr awdurdod priodol gymeradwyo man fel man arolygu a gymeradwywyd.

- (c) ensure that the consignment is accompanied by a plant health movement document.

(3) The particulars are—

- (a) the name, address and location of the approved place of inspection to which the consignment is destined,
- (b) the scheduled date and time of arrival of the consignment at the place referred to in subparagraph (a),
- (c) if available, the individual serial number of the plant health movement document in relation to that consignment,
- (d) if available, the date and place at which that plant health movement document was drawn up,
- (e) the name, address and registration number of the operator, and
- (f) the reference number of the phytosanitary certificate or phytosanitary certificate for re-export required in relation to the consignment pursuant to Article 72(1) or 74(1) of the EU Plant Health Regulation.

(4) The operator must notify the appropriate authority immediately in writing of any changes to the particulars which the operator has given under paragraph (2)(a).

(5) The notice must be given to the appropriate authority at the address given by the appropriate authority from time to time for the purposes of this regulation.

(6) An appropriate authority may for the purposes of paragraph (1) approve a place to which a controlled consignment may be destined as a place at which identity checks and plant health checks may be performed by a plant health inspector during the relevant period.

(7) An application for approval under paragraph (6) must be made to the appropriate authority in the manner and form required by the appropriate authority.

(8) An approval may be granted subject to conditions, including conditions relating to the storage of controlled consignments, and may be withdrawn at any time if the appropriate authority no longer considers that the place to which the approval relates is suitable for the purpose for which the approval was given.

(9) The appropriate authority may only approve a place as an approved place of inspection if the place has been approved by the Commissioners for Her Majesty's Revenue and Customs for use as a temporary storage facility.

(10) Yn y rheoliad hwn—

mae i “awr waith” (“*working hour*”) yr ystyr a roddir yn rheoliad 7(4);

ystyr “cyfleuster storio dros dro” (“*temporary storage facility*”) yw cyfleuster storio dros dro o fewn ystyr Erthygl 148 o Reoliad (EU) Rhif 952/2013 Senedd Ewrop a’r Cyngor yn gosod Cod Tollau’r Undeb(1);

ystyr “cyfnod perthnasol” (“*relevant period*”) yw’r cyfnod sy’n dechrau ar y dyddiad cychwyn ac sy’n diweddau yn union cyn 14 Rhagfyr 2020;

ystyr “dogfen symud iechyd planhigion” (“*plant health movement document*”) yw dogfen ar y ffurf a nodir yn yr Atodiad i Gyfarwyddeb y Comisiwn 2004/103/EC ynghylch gwiriadau adnabod planhigion a gwiriadau iechyd planhigion ar blanhigion, cynhyrchion planhigion neu wrthrychau eraill, a restrir yn Rhan B o Atodiad V i Gyfarwyddeb y Cyngor 2000/29/EC, a all gael eu cyflawni mewn man heblaw’r pwynt mynediad i’r Gymuned neu mewn man gerllaw ac sy’n pennu’r amodau sy’n gysylltiedig â’r gwiriadau hyn(2);

ystyr “man arolygu a gymeradwywyd” (“*approved place of inspection*”) yw man a gymeradwywyd yn fan arolygu gan awdurdod priodol o dan erthygl 17(1) o Orchymyn 2005 neu Orchymyn 2018 cyn y dyddiad cychwyn ac sy’n dal wedi ei gymeradwyo yn rhinwedd rheoliad 54(1), neu fan a gymeradwywyd o dan baragraff (6).

RHAN 4

Gweithgareddau swyddogol i atal plâu planhigion rhag ymsefydlu neu ledaenu

Rhagymadrodd

14.—(1) Mae’r Rhan hon yn gymwys os bydd arolygydd iechyd planhigion yn amau bod pla planhigion a reolir neu ddeunydd gwaharddedig yn bresennol neu’n debygol o fod yn bresennol, neu os bydd yn dod yn ymwybodol bod pla planhigion a reolir neu ddeunydd gwaharddedig yn bresennol, ar unrhyw fangre yng Nghymru.

(1) OJ Rhif L 269, 10.10.2013, t. 1, fel y’i diwygiwyd ddiwethaf gan Reoliad (EU) 2019/632 Senedd Ewrop a’r Cyngor (OJ Rhif L 111, 25.4.2019, t. 54).

(2) OJ Rhif L 313, 12.10.2004, t. 16.

(10) In this regulation—

“approved place of inspection” (“*man arolygu a gymeradwywyd*”) means a place which was approved as a place of inspection by an appropriate authority under article 17(1) of the 2005 Order or the 2018 Order before the commencement date and which remains approved by virtue of regulation 54(1), or a place approved under paragraph (6);

“plant health movement document” (“*dogfen symud iechyd planhigion*”) means a document in the form set out in the Annex to Commission Directive 2004/103/EC on identity and plant health checks of plants, plant products or other objects, listed in Part B of Annex V to Council Directive 2000/29/EC, which may be carried out at a place other than the point of entry into the Community or at a place close by and specifying the conditions related to these checks(1);

“relevant period” (“*cyfnod perthnasol*”) means the period beginning on the commencement date and ending immediately before 14 December 2020;

“temporary storage facility” (“*cyfleuster storio dros dro*”) means a temporary storage facility within the meaning of Article 148 of Regulation (EU) No 952/2013 of the European Parliament and of the Council laying down the Union Customs Code(2);

“working hour” (“*awr waith*”) has the meaning given in regulation 7(4).

PART 4

Official activities to prevent the establishment or spread of plant pests

Introduction

14.—(1) This Part applies if a plant health inspector suspects that a controlled plant pest or prohibited material is present or likely to be present, or becomes aware that a controlled plant pest or prohibited material is present, on any premises in Wales.

(1) OJ No. L 313, 12.10.2004, p. 16.

(2) OJ No. L 269, 10.10.2013, p. 1, as last amended by Regulation (EU) 2019/632 of the European Parliament and of the Council (OJ No. L 111, 25.4.2019, p. 54).

(2) Yn y Rhan hon—

ystyr “deunydd gwaharddedig” (“*prohibited material*”) yw—

- (a) planhigyn, cynnyrch planhigion neu wrthrych arall sy'n cario pla planhigion a reolir, neu sydd wedi ei heigio neu wedi ei heintio ganddo, neu a allai fod yn cario pla planhigion a reolir, neu wedi ei heigio neu wedi ei heintio ganddo;
- (b) planhigyn, cynnyrch planhigion neu wrthrych arall y gwaherddir mynediad iddynt i diriogaeth yr Undeb neu i Gymru o dan un o reolau iechyd planhigion yr UE;
- (c) planhigyn, cynnyrch planhigion neu wrthrych arall y mae ei symud o fewn tiriogaeth yr Undeb, neu i Gymru, yng Nghymru neu o Gymru, wedi ei wahardd o dan un o reolau iechyd planhigion yr UE;

mae “mangre” (“*premises*”) yn cynnwys unrhyw le, gan gynnwys unrhyw dir, adeilad, cerbyd, llestr, awyren, hofrenfad, cynhwysydd llwythi, wagen reilffordd, trelar neu adeilad neu adeiledd symudol.

Hysbysiadau mewn perthynas â phlâu planhigion a reolir neu ddeunydd gwaharddedig

15.—(1) Caiff arolygydd iechyd planhigion gyflwyno hysbysiad i'r person priodol—

- (a) yn ei gwneud yn ofynnol i'r person priodol drin, dinistrio neu waredu fel arall y pla planhigion a reolir neu'r deunydd gwaharddedig,
- (b) yn gwahardd am y cyfnod a bennir yn yr hysbysiad—
 - (i) symud unrhyw bla planhigion a reolir neu unrhyw ddeunydd gwaharddedig ymaith o'r fangre, neu
 - (ii) unrhyw weithgaredd y mae'r arolygydd o'r farn ei bod yn angenrheidiol ei wahardd er mwyn atal pla planhigion a reolir rhag ymsefydlu neu ledaenu,
- (c) yn ei gwneud yn ofynnol i unrhyw bla planhigion a reolir neu ddeunydd gwaharddedig gael eu symud ymaith o'r fangre, neu
- (d) yn ei gwneud yn ofynnol i unrhyw gamau eraill gael eu cymryd, fel y'u pennir yn yr hysbysiad, y mae'r arolygydd o'r farn eu bod yn angenrheidiol er mwyn dileu'r pla planhigion a reolir neu i'w atal rhag ymsefydlu neu ledaenu.

(2) In this Part—

“premises” (“*mangre*”) includes any place, including any land, building, vehicle, vessel, aircraft, hovercraft, freight container, railway wagon, trailer or movable building or structure;

“prohibited material” (“*deunydd gwaharddedig*”) means—

- (a) a plant, plant product or other object which is carrying, or is infested by or infected with, a controlled plant pest or may be carrying, or be infested by or infected with, a controlled plant pest;
- (b) a plant, plant product or other object the entry of which into the Union territory or Wales is prohibited under an EU plant health rule;
- (c) a plant, plant product or other object the movement of which within the Union territory, or into, within or from Wales, is prohibited under an EU plant health rule.

Notices in relation to controlled plant pests or prohibited material

15.—(1) A plant health inspector may serve a notice on the appropriate person—

- (a) requiring the appropriate person to treat, destroy or otherwise dispose of the controlled plant pest or prohibited material,
- (b) prohibiting for the period specified in the notice—
 - (i) the removal of any controlled plant pest or prohibited material from the premises, or
 - (ii) any activity which the inspector considers necessary to prohibit in order to prevent the establishment or spread of a controlled plant pest,
- (c) requiring the removal of any controlled plant pest or prohibited material from the premises, or
- (d) requiring the taking of any other steps, as specified in the notice, which the inspector considers necessary to eradicate the controlled plant pest or prevent its establishment or spread.

(2) Os oes gan arolygydd iechyd planhigion sail resymol dros gredu bod hynny'n angenrheidiol at ddiben atal unrhyw bla planhigion a reolir rhag lledaenu, neu sicrhau y dilëir unrhyw bla planhigion a reolir, o unrhyw fangre, caiff yr arolygydd gyflwyno hysbysiad i'r meddiannydd yn gosod unrhyw waharddiad neu'n ei gwneud yn ofynnol i unrhyw gam rhesymol gael ei gymryd at y diben hwnnw.

(3) Ym mharagraff (1), ystyr "person priodol" yw—

- (a) yn achos mangre a ddefnyddir gan weithredwr proffesiynol, y gweithredwr proffesiynol;
- (b) yn achos unrhyw fangre arall—
 - (i) y meddiannydd neu unrhyw berson arall sydd â gofal am y fangre;
 - (ii) unrhyw berson arall sydd â gofal am y pla planhigion a reolir neu'r deunydd gwaharddedig yn y fangre honno.

Camau y caiff arolygydd iechyd planhigion eu cymryd

16.—(1) Caiff arolygydd iechyd planhigion, o roi hysbysiad rhesymol, fynd i mewn i unrhyw fangre ac unrhyw fangre gyfagos at ddiben cymryd camau i wneud y canlynol—

- (a) dileu neu ddinistrio unrhyw bla planhigion a reolir, neu ddelio ag ef fel arall,
- (b) atal unrhyw bla planhigion a reolir rhag lledaenu, neu
- (c) dinistrio neu drin unrhyw ddeunydd a heintwyd, neu ddelio ag ef fel arall.

(2) Os gofynnir iddo wneud hynny, rhaid i arolygydd iechyd planhigion ddangos tystiolaeth o'i awdurdod cyn mynd i mewn i unrhyw fangre at y dibenion a bennir ym mharagraff (1).

(3) Nid yw paragraff (1) yn gymwys i unrhyw fangre a ddefnyddir yn gyfan gwbl neu'n bennaf fel annedd breifat oni bai bod 24 awr o rybudd wedi ei roi i'r meddiannydd.

(4) Caiff arolygydd iechyd planhigion ddod ag unrhyw bersonau eraill (gan gynnwys cynrychiolwyr y Comisiwn Ewropeaidd) gydag ef a chaiff ddod ag unrhyw offer a cherbydau i'r fangre y mae'r arolygydd o'r farn eu bod yn angenrheidiol.

(5) Caiff person sy'n dod gydag arolygydd iechyd planhigion o dan baragraff (4)—

- (a) aros yn y fangre ac o bryd i'w gilydd fynd i'r fangre eto heb arolygydd iechyd planhigion,
- (b) dod ag unrhyw offer neu gerbydau i'r fangre y mae'r person o'r farn eu bod yn angenrheidiol, ac

(2) If a plant health inspector has reasonable grounds for believing that it is necessary for the purpose of preventing the spread of, or ensuring the eradication of, any controlled plant pest from any premises, the inspector may serve a notice on the occupier imposing any prohibition or requiring any reasonable step to be taken for that purpose.

(3) In paragraph (1), "appropriate person" means—

- (a) in the case of premises used by a professional operator, the professional operator;
- (b) in the case of any other premises—
 - (i) the occupier or any other person in charge of the premises;
 - (ii) any other person who is in charge of the controlled plant pest or the prohibited material at those premises.

Action which may be taken by a plant health inspector

16.—(1) A plant health inspector may, on giving reasonable notice, enter any premises and any adjacent premises for the purpose of taking steps to—

- (a) eradicate, destroy or otherwise deal with any controlled plant pest,
- (b) prevent the spread of any controlled plant pest, or
- (c) destroy, treat or otherwise deal with any infected material.

(2) A plant health inspector must, if requested to do so, produce evidence of his or her authority before entering any premises for the purposes specified in paragraph (1).

(3) Paragraph (1) does not apply to any premises which are used wholly or mainly as a private dwelling unless 24 hours' notice has been given to the occupier.

(4) A plant health inspector may be accompanied by such other persons (including representatives of the European Commission) and bring onto the premises such equipment and vehicles as the inspector considers necessary.

(5) A person accompanying a plant health inspector under paragraph (4) may—

- (a) remain on the premises and from time to time re-enter the premises without a plant health inspector,
- (b) bring onto the premises any equipment or vehicles that the person considers necessary, and

(c) cyflawni gwaith yn y fangre mewn modd a gyfarwyddir gan arolygydd iechyd planhigion.

(6) Ym mharagraff (1), ystyr “deunydd a heintwyd” yw—

(a) planhigyn, cynnyrch planhigion neu wrthrych arall sy'n cario pla planhigion a reolir, neu sydd wedi ei heigio neu wedi ei heintio ganddo, neu a allai fod yn cario pla planhigion a reolir, neu wedi ei heigio neu wedi ei heintio ganddo;

(b) planhigyn, cynnyrch planhigion neu wrthrych arall nad yw'n cario pla planhigion a reolir, neu nad yw wedi ei heigio neu wedi ei heintio ganddo, ond y gallai eu presenoldeb neu eu bodolaeth, ym marn arolygydd iechyd planhigion, beri i bla planhigion a reolir ledu neu gael ei ledaenu.

Sefydlu ardaloedd a ddarnodir a mesurau sydd i'w cymryd yn yr ardaloedd hynny

17.—(1) Mae'r rheoliad hwn yn gymwys pan fo awdurdod priodol wedi cadarnhau'n swyddogol bresenoldeb pla planhigion a reolir nad yw'n hysbys ei fod yn bresennol yng Nghymru neu bresenoldeb pla planhigion a reolir mewn ardal o Gymru lle nad oedd yn bresennol o'r blaen.

(2) Caiff awdurdod priodol drwy hysbysiad—

(a) darnodi ardal mewn perthynas â phresenoldeb y pla planhigion a reolir at ddiben dileu neu gyfyngu'r pla planhigion;

(b) pennu'r gwaharddiadau neu'r cyfyngiadau sydd i fod yn gymwys i'r ardal a ddarnodir at y diben hwnnw.

(3) O ran hysbysiad o dan baragraff (2)—

(a) rhaid iddo fod mewn ysgrifen;

(b) rhaid iddo ddisgrifio hyd a lled yr ardal a ddarnodir;

(c) rhaid iddo bennu ar ba ddyddiad y bydd unrhyw waharddiadau neu gyfyngiadau o'r fath yn cychwyn;

(d) rhaid iddo gael ei gyhoeddi mewn modd sy'n briodol i ddod ag ef i sylw'r cyhoedd;

(e) caniateir iddo gael ei ddiwygio neu ei ddirymu, yn gyfan gwbl neu'n rhannol, drwy hysbysiad arall.

(c) carry out work on the premises in a manner directed by a plant health inspector.

(6) In paragraph (1), “infected material” means—

(a) a plant, plant product or other object which is carrying, or is infested by or infected with, a controlled plant pest or may be carrying, or be infested by or infected with, a controlled plant pest;

(b) a plant, plant product or other object which is not carrying, or is not infested by or infected with, a controlled plant pest but the presence or existence of which may, in the opinion of a plant health inspector, cause a controlled plant pest to spread or be spread.

Establishment of demarcated areas and measures to be taken in those areas

17.—(1) This regulation applies where an appropriate authority has officially confirmed the presence of a controlled plant pest which is not known to be present in Wales or the presence of a controlled plant pest in an area of Wales where it was not previously present.

(2) An appropriate authority may by notice—

(a) demarcate an area in relation to the presence of the controlled plant pest for the purpose of eradicating or containing the plant pest;

(b) specify the prohibitions or restrictions which are to apply to the demarcated area for that purpose.

(3) A notice under paragraph (2)—

(a) must be in writing;

(b) must describe the extent of the demarcated area;

(c) must specify the date on which any such prohibitions or restrictions are to commence;

(d) must be published in a manner appropriate to bring it to the attention of the public;

(e) may be amended or revoked, in whole or in part, by further notice.

RHAN 5

Mesurau gwladol dros dro ynglŷn ag iechyd planhigion

Atodlen 1

18. Mae Atodlen 1 yn cynnwys mesurau dros dro ychwanegol i atal plâu planhigion penodol a reolir rhag dod i Gymru, neu ymsefydlu yng Nghymru, neu ledauenu yng Nghymru.

RHAN 6

Cofrestru, awdurdodiadau a thystysgrifau ynglŷn ag iechyd planhigion

Ceisiadau am gofrestru

19. Rhaid i gais am gofrestru yn unol ag Erthygl 66(1) o Reoliad Iechyd Planhigion yr UE sydd i'w gyflwyno i awdurdod priodol gael ei gyflwyno yn y modd a'r ffurf sy'n ofynnol gan yr awdurdod priodol.

Ceisiadau eraill

20.—(1) Rhaid i'r ceisiadau a ganlyn gael eu gwneud i'r awdurdod priodol yn y modd a'r ffurf sy'n ofynnol gan yr awdurdod priodol—

- (a) cais am awdurdodiad dros dro i ganiatáu gweithgaredd perthnasol at ddibenion profion swyddogol, dibenion gwyddonol neu addysgol, treialon, dethol neu fridio amrywogaethau;
- (b) cais am awdurdodiad y cyfeirir ato yn y darpariaethau a ganlyn yn Rheoliad Iechyd Planhigion yr UE—
 - (i) Erthygl 64(2),
 - (ii) Erthygl 89(1), neu
 - (iii) Erthygl 98(1);
- (c) cais am ddyroddi tystysgrif ffytoiechydol ar gyfer allforio, tystysgrif ffytoiechydol ar gyfer ailallforio neu dystysgrif cyn-allforio.

(2) Yn y rheoliad hwn—

ystyr “gweithgaredd perthnasol” yw gweithgaredd a fyddai fel arall wedi ei wahardd o dan Reoliad Iechyd Planhigion yr UE, penderfyniad brys gan yr UE neu un arall o reolau iechyd planhigion yr UE ac sy'n golygu—

- (a) cyflwyno pla planhigion neu blanhigyn, cynnyrch planhigion neu wrthrych arall i Gymru,

PART 5

Temporary national measures relating to plant health

Schedule 1

18. Schedule 1 contains additional temporary measures to prevent the entry of certain controlled plant pests into Wales, or their establishment in, or spread within, Wales.

PART 6

Registration, authorisations and certificates relating to plant health

Applications for registration

19. An application for registration pursuant to Article 66(1) of the EU Plant Health Regulation which is to be submitted to an appropriate authority must be submitted in the manner and form required by the appropriate authority.

Other applications

20.—(1) The following applications must be made to the appropriate authority in the manner and form required by the appropriate authority—

- (a) an application for a temporary authorisation to permit a relevant activity for official testing, scientific or educational purposes, trials, varietal selection or breeding;
- (b) an application for an authorisation referred to in the following provisions of the EU Plant Health Regulation—
 - (i) Article 64(2),
 - (ii) Article 89(1), or
 - (iii) Article 98(1);
- (c) an application for the issue of a phytosanitary certificate for export, a phytosanitary certificate for re-export or a pre-export certificate.

(2) In this regulation—

“relevant activity” means an activity which would otherwise be prohibited under the EU Plant Health Regulation, an EU emergency decision or another EU plant health rule involving—

- (a) the introduction of a plant pest or a plant, plant product or other object into Wales,

- (b) symud pla planhigion neu blanhigyn, cynnyrch planhigion neu wrthrych arall yng Nghymru,
- (c) dal pla planhigion a reolir neu blanhigyn, cynnyrch planhigion neu wrthrych arall ar fangre yng Nghymru, neu
- (d) lluosogi pla planhigion ar fangre yng Nghymru.

- (b) the movement of a plant pest or a plant, plant product or other object within Wales,
- (c) the holding of a controlled plant pest or a plant, plant product or other object at premises in Wales, or
- (d) the multiplication of a plant pest at premises in Wales.

Awdurdodi at ddibenion eraill

21.—(1) Caiff yr awdurdod priodol roi awdurdodiad i ganiatáu cyflawni—

- (a) unrhyw weithgaredd a bennir mewn rhanddirymiad iechyd planhigion, neu
- (b) unrhyw weithgaredd arall y mae cymeradwyaeth yr awdurdod priodol yn ofynnol ar ei gyfer o dan Reoliad Iechyd Planhigion yr UE, y Rheoliad Rheolaethau Swyddogol neu'r Rheoliadau hyn.

(2) Rhaid i gais am unrhyw awdurdodiad o'r fath gael ei wneud i'r awdurdod priodol yn y modd a'r ffurf sy'n ofynnol gan yr awdurdod priodol.

(3) Yn y rheoliad hwn, ystyr “rhanddirymiad iechyd planhigion” yw—

- (a) rhanddirymiad darpariaethau Rheoliad Iechyd Planhigion yr UE a nodir mewn act weithredu neu act ddirprwyedig a fabwysiedid gan y Comisiwn Ewropeaidd o dan Reoliad Iechyd Planhigion yr UE neu'r Rheoliad Rheolaethau Swyddogol, neu
- (b) rhanddirymiad unrhyw benderfyniad o fewn ystyr Erthygl 288 o'r Cytuniad ar Weithrediad yr Undeb Ewropeaidd, sy'n dal yn gymwys at ddibenion Rheoliad Iechyd Planhigion yr UE ar neu ar ôl y dyddiad cychwyn ac sy'n caniatáu i'r Aelod-wladwriaethau awdurdodi gweithgaredd a fyddai fel arall wedi ei wahardd gan Reoliad Iechyd Planhigion yr UE neu odano.

Awdurdodiadau a roddir gan awdurdod priodol

22.—(1) Rhaid i awdurdodiad a roddir gan awdurdod priodol at ddibenion Rheoliad Iechyd Planhigion yr UE, y Rheoliad Rheolaethau Swyddogol neu'r Rheoliadau hyn fod mewn ysgriflen a chaniateir iddo gael ei roi—

- (a) o dan amodau;
- (b) am gyfnod amhenodol ynteu am gyfnod penodol.

Authorisations for other purposes

21.—(1) The appropriate authority may grant an authorisation to permit the carrying out of—

- (a) any activity specified in a plant health derogation, or
- (b) any other activity which requires the approval of the appropriate authority under the EU Plant Health Regulation, the Official Controls Regulation or these Regulations.

(2) An application for any such authorisation must be made to the appropriate authority in the manner and form required by the appropriate authority.

(3) In this regulation, a “plant health derogation” means—

- (a) a derogation from provisions of the EU Plant Health Regulation which is set out in an implementing or delegated act adopted by the European Commission under the EU Plant Health Regulation or the Official Controls Regulation, or
- (b) a derogation in any decision within the meaning of Article 288 of the Treaty on the Functioning of the European Union, which continues to apply for the purposes of the EU Plant Health Regulation on or after the commencement date and allows member States to authorise an activity which would otherwise be prohibited by or under the EU Plant Health Regulation.

Authorisations granted by an appropriate authority

22.—(1) An authorisation granted by an appropriate authority for the purposes of the EU Plant Health Regulation, the Official Controls Regulation or these Regulations must be in writing and may be granted—

- (a) subject to conditions;
- (b) for an indefinite period or a specified period.

(2) Caiff awdurdodiad a roddir gan awdurdod priodol ganiatáu i'r awdurdod priodol addasu'r awdurdodiad, ei atal dros dro neu ei ddirymu unrhyw bryd drwy hysbysiad ysgrifenedig.

RHAN 7

Mesurau ynglŷn â rhywogaethau mochlysaidd penodol

Atodlen 2

23. Mae Atodlen 2 yn cynnwys mesurau penodol ynglŷn â rhywogaethau mochlysaidd penodol.

RHAN 8

Gofynion o ran hysbysiadau: iechyd planhigion

Gofynion o ran hysbysiadau mewn perthynas â thatws hadyd

24.—(1) Rhaid i weithredwr proffesiynol sy'n dod ag unrhyw un neu ragor o'r tatws a ganlyn i Gymru, o leiaf ddau ddiwrnod cyn y dyddiad y disgwylir iddynt gyrraedd Cymru, roi hysbysiad ysgrifenedig i arolygydd iechyd planhigion ynglŷn â'r materion y cyfeirir atynt ym mharagraff (2)—

- (a) tatws hadyd a dyfwyd neu yr amheuir eu bod wedi eu tyfu mewn Aelod-wladwriaeth arall neu yn y Swistir, neu
- (b) tatws, heblaw tatws hadyd, a dyfwyd neu yr amheuir eu bod wedi eu tyfu yng Ngwlad Pwyl, Portiwgal, Rwmania neu Sbaen.

(2) Dyma'r materion—

- (a) yr amser a'r dyddiad y disgwylir iddynt gyrraedd,
- (b) eu diben arfaethedig,
- (c) eu cyrchfan arfaethedig,
- (d) eu hamrywogaeth a'u nifer, ac
- (e) rhif adnabod cynhyrchydd y tatws.

(3) Ym mharagraff (1)(b), ystyr "Sbaen" yw'r rhan honno o Sbaen sydd wedi ei chynnwys o fewn tiriogaeth yr Undeb at ddibenion Rheoliad Iechyd Planhigion yr UE, heblaw Ynysoedd Balears.

(2) An authorisation granted by an appropriate authority may permit the appropriate authority to modify, suspend or revoke the authorisation at any time by notice in writing.

PART 7

Measures relating to certain solanaceous species

Schedule 2

23. Schedule 2 contains specific measures relating to certain solanaceous species.

PART 8

Notification requirements: plant health

Notification requirements in relation to seed potatoes

24.—(1) A professional operator who is bringing any of the following potatoes into Wales must, at least two days before the expected date of their arrival in Wales, provide written notification to a plant health inspector of the matters referred to in paragraph (2)—

- (a) seed potatoes grown or suspected of having been grown in another member State or in Switzerland, or
- (b) potatoes, other than seed potatoes, grown or suspected of having been grown in Poland, Portugal, Romania or Spain.

(2) The matters are—

- (a) the expected time and date of their arrival,
- (b) their intended use,
- (c) their intended destination,
- (d) their variety and quantity, and
- (e) the identification number of the producer of the potatoes.

(3) In paragraph (1)(b), "Spain" means that part of Spain which is included within the Union territory for the purposes of the EU Plant Health Regulation, other than the Balearic Islands.

Gofynion o ran hysbysiadau mewn perthynas â ffrwythau sitrws

25.—(1) Rhaid i weithredwr proffesiynol sy'n cyflwyno ffrwythau sitrws hysbysadwy i diriogaeth yr Undeb drwy safle rheoli ar y ffin mewn rhan arall o diriogaeth yr Undeb, cyn iddynt gyrraedd y safle rheoli hwnnw ar y ffin, roi hysbysiad ysgrifenedig i Weinidogion Cymru yn y cyfeiriad penodedig ynglŷn â'r materion y cyfeirir atynt ym mharagraff (2).

(2) Dyma'r materion—

- (a) y dyddiad y disgwylir eu cyflwyno i'r Undeb Ewropeaidd;
- (b) enw'r safle rheoli ar y ffin;
- (c) eu swm;
- (d) rhifau adnabod eu cynwysyddion;
- (e) enwau, cyfeiriadau a lleoliadau'r mangreoedd yng Nghymru lle maent i gael eu prosesu.

(3) Ym mharagraff (1)—

ystyr "cyfeiriad penodedig" ("*specified address*") yw'r cyfeiriad a roddir gan Weinidogion Cymru o bryd i'w gilydd at ddibenion y rheoliad hwn;

ystyr "ffrwythau sitrws hysbysadwy" ("*notifiable citrus fruits*") yw ffrwythau *Citrus L.*, *Fortunella Swingle*, *Poncirus Raf.*, *Microcitrus Swingle*, *Naringi Adans.*, neu *Swinglea Merr.*, yn tarddu o drydedd wlad, sydd i'w prosesu'n ddiwydiannol yn sudd yng Nghymru.

Gofynion o ran hysbysiadau mewn perthynas â phlanhigion a chynhyrchion planhigion eraill

26.—(1) Rhaid i weithredwr proffesiynol sy'n dod ag unrhyw un neu ragor o'r planhigion neu'r cynhyrchion planhigion a ganlyn i Gymru, cyn y dyddiad y maent yn cyrraedd Cymru neu heb fod yn hwyrach na phedwar diwrnod ar ôl y dyddiad y maent yn cyrraedd Cymru, roi hysbysiad ysgrifenedig i arolygydd iechyd planhigion ynglŷn â'r materion y cyfeirir atynt ym mharagraff (2)—

- (a) planhigion *Castanea Mill.*, *Fraxinus L.*, *Olea europaea L.*, *Pinus L.*, *Platanus L.*, *Prunus L.*, *Quercus L.* neu *Ulmus L.* a fwriedir i'w plannu, a dyfwyd neu yr amheuir eu bod wedi eu tyfu mewn Aelod-wladwriaeth arall,
- (b) planhigion *Castanea Mill.*, *Fraxinus L.*, *Olea europaea L.*, *Pinus L.*, *Platanus L.*, *Prunus L.*, *Quercus L.* neu *Ulmus L.* a fwriedir i'w plannu, a dyfwyd neu yr amheuir eu bod wedi eu tyfu yn y Swistir ac nad yw Erthygl 47(1) o'r Rheoliad Rheolaethau Swyddogol yn gymwys iddynt, neu

Notification requirements in relation to citrus fruits

25.—(1) A professional operator who is introducing notifiable citrus fruits into the Union territory through a border control post in another part of the Union territory must, before their arrival at that border control post, provide written notification to the Welsh Ministers at the specified address of the matters referred to in paragraph (2).

(2) The matters are—

- (a) the expected date of their introduction into the European Union;
- (b) the name of the border control post;
- (c) their volume;
- (d) the identification numbers of their containers;
- (e) the names, addresses and the locations of the premises in Wales at which they are to be processed.

(3) In paragraph (1)—

"notifiable citrus fruits" ("*ffrwythau sitrws hysbysadwy*") means fruits of *Citrus L.*, *Fortunella Swingle*, *Poncirus Raf.*, *Microcitrus Swingle*, *Naringi Adans.*, or *Swinglea Merr.*, originating in a third country, which are to be industrially processed into juice in Wales;

"specified address" ("*cyfeiriad penodedig*") means the address given by the Welsh Ministers from time to time for the purposes of this regulation.

Notification requirements in relation to other plants and plant products

26.—(1) A professional operator who is bringing any of the following plants or plant products into Wales must, before or no later than four days after the date of their arrival in Wales, provide written notification to a plant health inspector of the matters referred to in paragraph (2)—

- (a) plants of *Castanea Mill.*, *Fraxinus L.*, *Olea europaea L.*, *Pinus L.*, *Platanus L.*, *Prunus L.*, *Quercus L.* or *Ulmus L.* intended for planting, which have been grown or are suspected of having been grown in another member State,
- (b) plants of *Castanea Mill.*, *Fraxinus L.*, *Olea europaea L.*, *Pinus L.*, *Platanus L.*, *Prunus L.*, *Quercus L.* or *Ulmus L.* intended for planting, which have been grown or are suspected of having been grown in Switzerland and to which Article 47(1) of the Official Controls Regulation does not apply, or

- (c) pren tanwydd solet o Aelod-wladwriaeth arall, neu bren tanwydd solet o drydedd wlad nad yw Erthygl 47(1) o'r Rheoliad Rheolaethau Swyddogol yn gymwys iddo.

(2) Dyma'r materion—

- (a) y dyddiad y disgwylir i'r llwyth gyrraedd neu, os yw'r llwyth wedi cyrraedd Cymru, y dyddiad y cyrraeddodd Gymru gyntaf;
- (b) cyrchfan arfaethedig y llwyth, neu os yw'r llwyth wedi cyrraedd ei gyrchfan arfaethedig yng Nghymru, ei leoliad presennol;
- (c) genws, rhywogaeth a nifer y planhigion neu'r pren yn y llwyth;
- (d) y wlad y traddodwyd neu y traddodir y planhigion neu'r pren ohoni;
- (e) yn achos planhigion y bwriedir eu plannu, rhif adnabod cyflenwr y planhigion;
- (f) yn achos pren tanwydd solet—
- (i) cyfeiriad y traddodwr, a
- (ii) manylion unrhyw driniaethau ffytoiechydol a roddwyd i'r pren.

(3) Yn y rheoliad hwn, ystyr “pren tanwydd solet” yw pren tanwydd ar ffurf logiau, plociau, brigau, ffagodau neu ffurfiau tebyg eraill.

- (c) solid fuel wood from another member State, or solid fuel wood from a third country to which Article 47(1) of the Official Controls Regulation does not apply.

(2) The matters are—

- (a) the expected date of the arrival of the consignment or, if the consignment has arrived in Wales, the date on which it first arrived in Wales;
- (b) the intended destination of the consignment, or if the consignment has arrived at its intended destination in Wales, its current location;
- (c) the genus, species and quantity of the plants or wood in the consignment;
- (d) the country from which the plants or wood have been, or are to be, consigned;
- (e) in the case of plants intended for planting, the identification number of the supplier of the plants;
- (f) in the case of solid fuel wood—
- (i) the address of the consignor, and
- (ii) details of any phytosanitary treatments applied to the wood.

(3) In this regulation “solid fuel wood” means fuel wood in the form of logs, billets, twigs, faggots or other similar forms.

RHAN 9

Pwerau cyffredinol arolygwyr iechyd planhigion a gorfodi

Dehongli

27.—(1) Yn y Rhan hon—

mae “deunydd pecynnu pren” (“*wood packaging material*”) yn cynnwys unrhyw bren neu wrthrych arall y mae'n ofynnol ei drin a'i farcio yn unol ag Atodiad 1 i SRFFf 15;

mae “mangre” (“*premises*”) yn cynnwys unrhyw le, gan gynnwys unrhyw dir, adeilad, cerbyd, llestr, awyren, hofrenfad, cynhwysydd llwythi, wagen reilffordd, trelar neu adeilad neu adeiledd symudol;

ystyr “nod SRFFf 15” (“*ISPM 15 mark*”) yw'r nod y cyfeirir ato yn Erthygl 96(1) o Reoliad Iechyd Planhigion yr UE, y gellir ei osod ar ddeunydd pecynnu pren i dystio ei fod wedi ei drin yn unol ag Atodiad 1 i SRFFf 15.

PART 9

General powers of plant health inspectors and enforcement

Interpretation

27.—(1) In this Part—

“ISPM 15 mark” (“*nod SRFFf 15*”) means the mark referred to in Article 96(1) of the EU Plant Health Regulation, which may be applied to wood packaging material to attest that it has been treated in accordance with Annex 1 to ISPM 15;

“premises” (“*mangre*”) includes any place, including any land, building, vehicle, vessel, aircraft, hovercraft, freight container, railway wagon, trailer or movable building or structure;

“wood packaging material” (“*deunydd pecynnu pren*”) includes any wood or other object which is required to be treated and marked in accordance with Annex 1 to ISPM 15.

(2) At ddibenion rheoliadau 32 a 33, mae person yn gosod nod SRFFf 15 ar ddeunydd pecynnu pren “yn anghywir” os yw'r person yn gosod y nod heblaw yn y modd a bennir yn Erthygl 96(1) o Reoliad Iechyd Planhigion yr UE, fel y'i darllenir gydag Erthygl 97(1) o Reoliad Iechyd Planhigion yr UE.

Pwerau mynediad

28.—(1) Caiff arolygydd iechyd planhigion fynd i mewn i unrhyw fangre ar adeg resymol at ddiben—

- (a) cyflawni rheolaethau swyddogol i ddilysu—
 - (i) bod gweithredwr yn cydymffurfio â'r Rheoliad Rheolaethau Swyddogol,
 - (ii) bod gweithredwr proffesiynol yn cydymffurfio â Rheoliad Iechyd Planhigion yr UE,
 - (iii) bod person yn cydymffurfio â'r Rheoliadau hyn, neu
 - (iv) bod unrhyw blanhigion, cynhyrchion planhigion neu wrthrychau eraill sy'n destun un o reolau iechyd planhigion yr UE neu i'r gofynion yn Atodlen 1 yn cydymffurfio â'r rheol honno neu'r gofynion hynny;
- (b) cyflawni gweithgareddau swyddogol eraill sydd i'w cyflawni gan yr awdurdod priodol yn unol â'r Rheoliad Rheolaethau Swyddogol, Rheoliad Iechyd Planhigion yr UE neu'r Rheoliadau hyn;
- (c) gorfodi'r Rheoliad Rheolaethau Swyddogol, Rheoliad Iechyd Planhigion yr UE neu'r Rheoliadau hyn;
- (d) dilysu gwybodaeth a roddwyd gan berson mewn cysylltiad â chais am gofrestrriad neu am awdurdodiad neu drwydded a roddwyd, neu sydd i'w rhoi, o dan y Rheoliadau hyn;
- (e) canfod a ydys yn cydymffurfio neu a gydymffurfiwyd ag amod mewn awdurdodiad neu drwydded a roddwyd gan awdurdod priodol o dan y Rheoliadau hyn neu at ddiben Rheoliad Iechyd Planhigion yr UE neu'r Rheoliad Rheolaethau Swyddogol.

(2) Os gofynnir iddo wneud hynny, rhaid i arolygydd iechyd planhigion ddangos tystiolaeth o'i awdurdod cyn mynd i mewn i unrhyw fangre at y dibenion a bennir yn mharagraff (1).

(3) Nid yw paragraff (1) yn gymwys i unrhyw fangre a ddefnyddir yn gyfan gwbl neu'n bennaf fel annedd breifat oni bai bod 24 awr o rybudd wedi ei roi i'r meddiannydd.

(2) For the purposes of regulations 32 and 33, a person “incorrectly” applies the ISPM 15 mark to wood packaging material if the person applies the mark otherwise than in the manner specified in Article 96(1) of the EU Plant Health Regulation, as read with Article 97(1) of the EU Plant Health Regulation.

Powers of entry

28.—(1) A plant health inspector may enter any premises at a reasonable time for the purpose of—

- (a) performing official controls to verify that—
 - (i) an operator is complying with the Official Controls Regulation,
 - (ii) a professional operator is complying with the EU Plant Health Regulation,
 - (iii) a person is complying with these Regulations, or
 - (iv) any plants, plant products or other objects which are subject to an EU plant health rule or to the requirements in Schedule 1 comply with that rule or those requirements;
- (b) carrying out other official activities which are to be performed by the appropriate authority pursuant to the Official Controls Regulation, the EU Plant Health Regulation or these Regulations;
- (c) enforcing the Official Controls Regulation, the EU Plant Health Regulation or these Regulations;
- (d) verifying information supplied by a person in connection with an application for registration or for an authorisation or permit granted, or to be granted, under these Regulations;
- (e) ascertaining whether a condition of an authorisation or permit granted by an appropriate authority under these Regulations or for the purpose of the EU Plant Health Regulation or the Official Controls Regulation is being or has been complied with.

(2) A plant health inspector must, if requested to do so, produce evidence of his or her authority before entering any premises for the purposes specified in paragraph (1).

(3) Paragraph (1) does not apply to any premises which are used wholly or mainly as a private dwelling unless 24 hours' notice has been given to the occupier.

(4) Caiff arolygydd iechyd planhigion sy'n mynd i mewn i fangre at ddiben a bennir ym mharagraff (1) neu o dan warant a ddyroddir gan ynad heddwch—

- (a) archwilio, marcio neu dynnu ffotograff o unrhyw ran o'r fangre, unrhyw wrthrych yn y fangre neu unrhyw beth sydd wedi ei atodi i'r fangre neu fel arall yn ffurfio rhan ohoni;
- (b) yn achos mangre sy'n cael ei defnyddio i weithgynhyrchu deunydd pecynnu pren, archwilio neu brofi unrhyw gyfleuster trin, peiriannau, offer neu gyfarpar arall a ddefnyddir i weithgynhyrchu deunydd pecynnu pren neu arsylwi a monitro'r broses o weithgynhyrchu deunydd pecynnu pren;
- (c) cymryd samplau—
 - (i) o unrhyw bla planhigion neu oddi arno,
 - (ii) o unrhyw blanhigyn, cynnyrch planhigion neu wrthrych arall neu oddi arnynt, neu
 - (iii) o unrhyw gynhwysydd, pecyn neu wrthrych sydd wedi bod neu a allai fod wedi bod mewn cysylltiad â phla planhigion neu blanhigyn, cynnyrch planhigion neu wrthrych arall neu oddi ar y rhain;
- (d) agor unrhyw gynhwysydd neu becyn neu ei gwneud yn ofynnol i berchennog neu berson sydd â gofal am unrhyw gynhwysydd neu becyn agor y cynhwysydd neu'r pecyn;
- (e) arolygu neu wneud copïau o unrhyw ddogfennau neu gofnodion (ar ba ffurf bynnag y cânt eu dal) sy'n ymwneud â chynhyrchu unrhyw blanhigyn, cynnyrch planhigion neu wrthrych arall, neu ag unrhyw weithgareddau sy'n ymwneud â hwy.

(5) Caiff arolygydd iechyd planhigion ddinistrio neu waredu fel arall unrhyw sampl a gymerir o dan y rheoliad hwn pan na fydd angen y sampl mwyach.

(6) Caiff arolygydd iechyd planhigion—

- (a) dod ag—
 - (i) cynrychiolydd o'r Comisiwn Ewropeaidd neu swyddog awdurdodedig i unrhyw awdurdod cymwys a ddynodwyd o fewn tiriogaeth yr Undeb at ddibenion Rheoliad Iechyd Planhigion yr UE neu'r Rheoliad Rheolaethau Swyddogol, neu
 - (ii) unrhyw bersonau eraill y mae'r arolygydd o'r farn eu bod yn angenrheidiol, a
- (b) dod ag unrhyw offer a cherbydau i'r fangre y mae'r arolygydd o'r farn eu bod yn angenrheidiol.

(4) A plant health inspector who enters premises for a purpose specified in paragraph (1) or under a warrant issued by a justice of the peace may—

- (a) examine, photograph or mark any part of the premises, any object on the premises or anything that is attached to or otherwise forms part of the premises;
- (b) in the case of premises being used to manufacture wood packaging material, examine or test any treatment facility, machinery, tools or other equipment used for the manufacture of wood packaging material or observe and monitor the manufacture of wood packaging material;
- (c) take samples of or from—
 - (i) any plant pest,
 - (ii) any plant, plant product or other object, or
 - (iii) any container, package or item which has been or may have been in contact with a plant pest or plant, plant product or other object;
- (d) open any container or package or require the owner or person in charge of any container or package to open the container or package;
- (e) inspect or make copies of any documents or records (in whatever form they may be held) relating to the production of, or any activities relating to, any plant, plant product or other object.

(5) A plant health inspector may destroy or otherwise dispose of any sample taken under this regulation when the sample is no longer required.

(6) A plant health inspector may—

- (a) be accompanied—
 - (i) by a representative of the European Commission or an authorised officer of any competent authority designated in the Union territory for the purposes of the EU Plant Health Regulation or the Official Controls Regulation, or
 - (ii) such other persons as the inspector considers necessary, and
- (b) bring onto the premises such equipment and vehicles as the inspector considers necessary.

(7) Caiff arolygydd iechyd planhigion sy'n dod â pherson a grybwyllir ym mharagraff (6)(a)(i)—

- (a) dangos i'r person unrhyw ddogfennau neu gofnodion a arolygir gan yr arolygydd o dan baragraff (4)(e), a
- (b) gwneud copïau, neu ei gwneud yn ofynnol bod copïau yn cael eu gwneud o'r dogfennau neu'r cofnodion hynny ar gyfer y person hwnnw.

(8) Caiff person sy'n dod gydag arolygydd iechyd planhigion o dan baragraff (6)(a)(ii)—

- (a) aros yn y fangre ac o bryd i'w gilydd fynd i'r fangre eto heb arolygydd iechyd planhigion,
- (b) dod ag unrhyw offer neu gerbydau i'r fangre y mae'r person o'r farn eu bod yn angenrheidiol, ac
- (c) cyflawni gwaith yn y fangre mewn modd a gyfarwyddir gan arolygydd iechyd planhigion.

Hawl mynediad a roddir gan warant a ddyroddir gan ynad heddwch

29.—(1) Caiff ynad heddwch, drwy warant wedi ei llofnodi, ganiatáu i arolygydd fynd i fangre o dan reoliad 16(1), 28(1) neu 31(1), gan ddefnyddio grym rhesymol os oes ei angen, os yw'r ynad wedi ei fodloni ar sail gwybodaeth ysgrifenedig ar lw—

- (a) bod sail resymol dros fynd i'r fangre honno, a
- (b) bod unrhyw un neu ragor o'r amodau ym mharagraff (2) wedi eu bodloni.

(2) Dyma'r amodau—

- (a) bod mynediad i'r fangre 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,
- (b) y byddai gofyn am gael mynediad i'r fangre, neu roi hysbysiad o'r bwriad i wneud cais am warant, yn mynd yn groes i'r amcan o fynd i'r fangre,
- (c) bod angen mynd i'r fangre ar fyrder, neu
- (d) bod y fangre heb ei meddiannu neu fod y meddiannydd yn absennol dros dro.

(3) Mae gwarant yn ddilys am un mis.

(4) Rhaid i arolygydd sy'n mynd i unrhyw fangre nad yw wedi ei meddiannu ei gadael wedi ei diogelu yr un mor effeithiol rhag mynediad heb awdurdod ag yr oedd cyn iddo fynd iddi.

(7) A plant health inspector who is accompanied by a person mentioned in paragraph (6)(a)(i) may—

- (a) show the person any documents or records which are inspected by the inspector under paragraph (4)(e), and
- (b) make copies, or require copies to be made, of those documents or records for that person.

(8) A person accompanying a plant health inspector under paragraph (6)(a)(ii) may—

- (a) remain on the premises and from time to time re-enter the premises without a plant health inspector,
- (b) bring onto the premises any equipment or vehicles that the person considers necessary, and
- (c) carry out work on the premises in a manner directed by a plant health inspector.

Right of entry conferred by a warrant issued by a justice of the peace

29.—(1) A justice of the peace may by signed warrant permit an inspector to enter premises under regulation 16(1), 28(1) or 31(1), if necessary by reasonable force, if the justice, on sworn information in writing, is satisfied that—

- (a) there are reasonable grounds to enter those premises, and
- (b) any of the conditions in paragraph (2) are met.

(2) The conditions are that—

- (a) entry to the premises has been, or is likely to be, refused and notice of the intention to apply for a warrant has been given to the occupier,
- (b) asking for admission to the premises, or giving notice of the intention to apply for a warrant, would defeat the object of the entry,
- (c) entry is required urgently, or
- (d) the premises are unoccupied or the occupier is temporarily absent.

(3) A warrant is valid for one month.

(4) An inspector who enters any unoccupied premises must leave them as effectively secured against unauthorised entry as they were before entry.

Hysbysiadau gwybodaeth

30.—(1) Caiff arolygydd iechyd planhigion neu unrhyw swyddog arall i awdurdod priodol drwy hysbysiad ysgrifenedig ei gwneud yn ofynnol i berson priodol roi i'r arolygydd neu'r swyddog, o fewn yr amser a bennir yn yr hysbysiad, unrhyw wybodaeth a all fod gan y person ynghylch—

- (a) y planhigion a dyfwyd neu'r cynhyrchion a storiwyd unrhyw bryd yn y fangre a bennir yn yr hysbysiad,
- (b) unrhyw bla planhigion neu blanhigyn, cynnyrch planhigion neu wrthrych arall y cyfeirir atynt ym mharagraff (4)(b), neu
- (c) y personau sydd wedi cael, neu sy'n debygol o fod wedi cael, unrhyw bla planhigion neu blanhigyn, cynnyrch planhigion neu wrthrych arall y cyfeirir atynt ym mharagraff (4)(b) yn eu meddiant neu o dan eu gofal.

(2) Rhaid i'r amser y mae'n ofynnol i'r wybodaeth gael ei rhoi i'r arolygydd neu'r swyddog arall o'i fewn fod yn rhesymol.

(3) Rhaid i berson priodol ddangos unrhyw awdurdodiad, datganiad swyddogol, tystysgrif, pasbort planhigion, cofnod, anfoneb neu ddogfen arall sy'n ymwneud â phla planhigion neu unrhyw blanhigyn, cynnyrch planhigion neu wrthrych arall a bennir yn yr hysbysiad i'w harchwilio gan yr arolygydd neu'r swyddog arall.

(4) Yn y rheoliad hwn, ystyr "person priodol" yw—

- (a) mewn perthynas ag unrhyw fangre a bennir mewn hysbysiad o dan baragraff (1), person sy'n berchennog, yn feddiannydd neu'n berson arall sydd â gofal am y fangre,
- (b) person y mae neu y bu ganddo feddiant o'r canlynol neu ofal amdanynt, neu y mae'n rhesymol i'r arolygydd neu'r swyddog amau bod ganddo, neu y bu ganddo feddiant ohonynt neu ofal amdanynt—
 - (i) pla planhigion a reolir,
 - (ii) unrhyw blanhigyn, cynnyrch planhigion neu wrthrych arall a oedd yn cario pla planhigion a reolir neu a oedd wedi ei heigio neu wedi ei heintio gan bla planhigion a reolir, neu
 - (iii) unrhyw blanhigyn, cynnyrch planhigion neu wrthrych arall y mae'r arolygydd neu'r swyddog yn gwybod neu'n amau eu bod wedi eu mewnfario i Gymru neu wedi eu hallfario ohoni, neu
- (c) person sydd, fel arwerthwr, gwerthwr neu fel arall, wedi gwerthu pla planhigion a reolir, wedi ei gynnig ar werth neu wedi ei waredu fel arall.

Information notices

30.—(1) A plant health inspector or any other officer of an appropriate authority may by notice in writing require an appropriate person to give to the inspector or officer, within the time specified in the notice, any information which the person may possess as to—

- (a) the plants grown or products stored at any time on the premises specified in the notice,
- (b) any plant pest or plant, plant product or other object referred to in paragraph (4)(b), or
- (c) the persons who have had, or are likely to have had, any plant pest or plant, plant product or other object referred to in paragraph (4)(b) in their possession or under their charge.

(2) The time within which the information is required to be given to the inspector or other officer must be reasonable.

(3) An appropriate person must produce for examination by the inspector or other officer any authorisation, official statement, certificate, plant passport, record, invoice or other document relating to a plant pest or any plant, plant product or other object specified in the notice.

(4) In this regulation, "appropriate person" means—

- (a) in relation to any premises to be specified in a notice under paragraph (1), a person who is the owner, occupier or other person in charge of the premises,
- (b) a person who has, has had, or is reasonably suspected by the inspector or officer to have or have had, possession or charge of—
 - (i) a controlled plant pest,
 - (ii) any plant, plant product or other object which was carrying a controlled plant pest or which was infested by or infected with a controlled plant pest, or
 - (iii) any plant, plant product or other object which the inspector or officer knows or suspects to have been imported into or exported from Wales, or
- (c) a person who, as auctioneer, salesman or otherwise, has sold, offered for sale or otherwise disposed of a controlled plant pest.

Methu â chydymffurfio â hysbysiad

31.—(1) Os bydd person yn methu â chydymffurfio â hysbysiad a gyflwynir i'r person hwnnw o dan y Rheoliadau hyn, caiff arolygydd iechyd planhigion fynd i unrhyw fangre yr effeithir arni ar bob adeg resymol i gymryd neu beri cymryd unrhyw gamau y mae'r arolygydd iechyd planhigion o'r farn eu bod yn angenrheidiol i sicrhau y cydymffurfir â'r hysbysiad neu i unioni canlyniadau'r methiant i'w cyflawni.

(2) Rhaid i arolygydd iechyd planhigion sy'n gweithredu o dan baragraff (1) ddangos tystiolaeth o'i awdurdod i weithredu, os gofynnir iddo wneud hynny.

(3) Nid yw paragraff (1) yn gymwys i unrhyw fangre a ddefnyddir yn gyfan gwbl neu'n bennaf fel annedd breifat oni bai bod 24 awr o rybudd wedi ei roi i'r meddiannydd.

(4) Caiff arolygydd iechyd planhigion ddod ag unrhyw bersonau eraill (gan gynnwys cynrychiolwyr y Comisiwn Ewropeaidd) gydag ef a chaiff ddod ag unrhyw offer a cherbydau i'r fangre y mae'r arolygydd o'r farn eu bod yn angenrheidiol.

(5) Caiff person sy'n dod gydag arolygydd iechyd planhigion o dan baragraff (4)—

- (a) aros yn y fangre ac o bryd i'w gilydd fynd i'r fangre eto heb arolygydd iechyd planhigion,
- (b) dod ag unrhyw offer neu gerbydau i'r fangre y mae'r person o'r farn eu bod yn angenrheidiol, ac
- (c) cyflawni gwaith yn y fangre mewn modd a gyfarwyddir gan arolygydd iechyd planhigion.

Tynnu nod SRFFF 15 oddi ar ddeunydd pecynnu pren

32. Pan fo arolygydd yn gwybod, neu pan fo ganddo sail resymol dros amau, bod y nod SRFFF 15 wedi ei osod yn anghywir ar ddeunydd pecynnu pren, caiff arolygydd iechyd planhigion dynnu'r nod neu, drwy hysbysiad ysgrifenedig, ei gwneud yn ofynnol i berson arall ei dynnu.

Marcio deunydd pecynnu pren: pŵer ymafael

33.—(1) Mae'r rheoliad hwn yn gymwys pan fo arolygydd iechyd planhigion yn gwybod, neu pan fo ganddo sail resymol dros amau, bod person wedi gosod yn anghywir, neu'n bwriadu gosod yn anghywir, y nod SRFFF 15 ar ddeunydd pecynnu pren mewn unrhyw fangre yng Nghymru.

Failure to comply with a notice

31.—(1) If a person fails to comply with a notice served on that person under these Regulations, a plant health inspector may enter any affected premises at all reasonable times to take or cause to be taken any steps that the plant health inspector considers necessary to ensure compliance with the notice or to remedy the consequences of the failure to carry them out.

(2) A plant health inspector acting under paragraph (1) must, if requested to do so, show evidence of authority to act.

(3) Paragraph (1) does not apply to any premises which are used wholly or mainly as a private dwelling unless 24 hours' notice has been given to the occupier.

(4) A plant health inspector may be accompanied by such other persons (including representatives of the European Commission) and bring onto the premises such equipment and vehicles as the inspector considers necessary.

(5) A person accompanying a plant health inspector under paragraph (4) may—

- (a) remain on the premises and from time to time re-enter the premises without a plant health inspector,
- (b) bring onto the premises any equipment or vehicles that the person considers necessary, and
- (c) carry out work on the premises in a manner directed by a plant health inspector.

Removal of ISPM 15 mark from wood packaging material

32. Where an inspector knows, or has reasonable grounds for suspecting, that the ISPM 15 mark has been incorrectly applied to wood packaging material, a plant health inspector may remove the mark or, by notice in writing, require another person to remove it.

Marking of wood packaging material: power of seizure

33.—(1) This regulation applies where a plant health inspector knows, or has reasonable grounds for suspecting, that a person has incorrectly applied, or intends to incorrectly apply, the ISPM 15 mark to wood packaging material at any premises in Wales.

(2) Caiff yr arolygydd iechyd planhigion ymafael mewn unrhyw stensil, templed neu eitem arall o offer y mae'n ymddangos i'r arolygydd y gellid eu defnyddio i osod y nod SRFFF 15, oddi wrth y person hwnnw neu o'r fangre honno a'u cadw.

(3) Os nad yw'r arolygydd iechyd planhigion o'r farn ei bod yn ymarferol, am y tro, i'r arolygydd ymafael mewn unrhyw eitem a'i symud ymaith, caiff yr arolygydd ei gwneud yn ofynnol i unrhyw berson yn y fangre sicrhau na chaiff yr eitem ei symud ymaith ac nad ymyrrir â'r eitem fel arall nes y gall yr arolygydd ymafael ynddi a'i symud ymaith.

(4) Rhaid i'r arolygydd iechyd planhigion wneud ymdrechion rhesymol i roi hysbysiad ysgrifenedig i'r person priodol—

- (a) yn nodi'r hyn yr ymafaelwyd ynddo a'r rheswm dros ymafael ynddo;
- (b) yn esbonio effaith paragraffau (5) i (12).

(5) Caniateir i unrhyw eitem yr ymafaelir ynddi o dan baragraff (2) gael ei chadw gan Weinidogion Cymru am gyhyd ag y bo'n angenrheidiol o dan yr holl amgylchiadau, ac yn benodol at ddibenion achos cyfreithiol mewn perthynas â throsedd a bennir yn rheoliad 38(1).

(6) Caiff Gweinidogion Cymru wneud cais i'r llys ynadon am fforffedu unrhyw eitem a gedwir o dan baragraff (5).

(7) Pan wneir cais o dan baragraff (6), caiff y llys orchymyn i'r eitem gael ei fforffedu os yw'r llys wedi ei fodloni—

- (a) bod trosedd a bennir yn rheoliad 38(1) wedi ei chyflawni mewn cysylltiad â hi, neu
- (b) ei bod wedi ei defnyddio wrth gyflawni trosedd o'r fath.

(8) Os yw'r llys yn gorchymyn i'r eitem gael ei fforffedu, caiff Gweinidogion Cymru ei gwaredu ym mha ffordd bynnag y credant ei bod yn briodol.

(9) Os nad yw'r llys yn gorchymyn i'r eitem gael ei fforffedu, rhaid iddo orchymyn i'r eitem gael ei dychwelyd i'r person priodol.

(10) Caiff Gweinidogion Cymru adennill oddi ar y person priodol yr holl gostau rhesymol yr aed iddynt gan Weinidogion Cymru at ddibenion sicrhau bod eitem yn cael ei fforffedu o dan baragraffau (6) i (8).

(11) Pan awdurdodwyd cadw unrhyw eitem o dan y rheoliad hwn, ond nad yw hynny wedi ei awdurdodi mwyach—

- (a) rhaid i'r eitem gael ei dychwelyd i'r person priodol;
- (b) caiff y person priodol wneud cais i'r llys ynadon am orchymyn i'r eitem gael ei dychwelyd.

(2) The plant health inspector may seize and detain from that person or from those premises any stencil, template or other item of equipment that appears to the inspector to be capable of being used to apply the ISPM 15 mark.

(3) If, in the opinion of the plant health inspector, it is not for the time being practicable for the inspector to seize and remove any item, the inspector may require any person on the premises to secure that the item is not removed or otherwise interfered with until such time as the inspector may seize and remove it.

(4) The plant health inspector must make reasonable efforts to give written notice to the appropriate person—

- (a) stating what has been seized and the reason for its seizure;
- (b) explaining the effect of paragraphs (5) to (12).

(5) Any item seized under paragraph (2) may be retained by the Welsh Ministers for as long as is necessary in all the circumstances, and in particular for the purposes of proceedings in relation to an offence specified in regulation 38(1).

(6) The Welsh Ministers may apply to the magistrate's court for the forfeiture of any item retained under paragraph (5).

(7) Where an application is made under paragraph (6), the court may order the item to be forfeited if the court is satisfied that—

- (a) an offence specified in regulation 38(1) has been committed in respect of it, or
- (b) it was used in the commission of such an offence.

(8) If the court orders the item to be forfeited, the Welsh Ministers may dispose of it in whatever way they think appropriate.

(9) If the court does not order the item to be forfeited, it must order the item to be returned to the appropriate person.

(10) The Welsh Ministers may recover from the appropriate person all reasonable costs incurred by the Welsh Ministers for the purposes of securing the forfeiture of an item under paragraphs (6) to (8).

(11) Where the retention of any item has been, but is no longer, authorised under this regulation—

- (a) the item must be returned to the appropriate person;
- (b) the appropriate person may apply to the magistrate's court for an order that the item be returned.

(12) Pan fo'n ofynnol i'r eitem gael ei dychwelyd i'r person priodol a bod ymdrechion rhesymol wedi eu gwneud, heb lwyddiant, i dychwelyd yr eitem i'r person hwnnw, caiff Gweinidogion Cymru waredu'r eitem ym mha ffordd bynnag y credant ei bod yn briodol.

(13) Yn y rheoliad hwn—

ystyr “person priodol” yw—

- (a) yn achos eitem yr ymafaelwyd ynddi oddi wrth berson, y person yr ymafaelwyd yn yr eitem oddi wrtho;
- (b) yn achos eitem yr ymafaelwyd ynddi o fangre, y meddiannydd neu unrhyw berson arall sydd â gofal am y fangre;
- (c) yn achos eitem yr ymafaelwyd ynddi oddi wrth berson neu o fangre nad yw'n perthyn i berson sy'n dod o fewn paragraff (a) neu (b), y person y mae'n perthyn iddo ac sy'n haeru perchnogaeth drosti.

(14) Nid oes dim yn y rheoliad hwn yn effeithio ar bwerau arolygydd iechyd planhigion o dan reoliad 32.

Datgelu gwybodaeth a ddelir gan Gomisiynwyr Cyllid a Thollau Ei Mawrhydi

34.—(1) Caiff Comisiynwyr Cyllid a Thollau Ei Mawrhydi ddatgelu unrhyw wybodaeth yn eu meddiant i awdurdod priodol at ddibenion galluogi neu gynorthwyo'r awdurdod priodol i gyflawni unrhyw swyddogaeth a roddwyd iddo o dan Reoliad Iechyd Planhigion yr UE, y Rheoliad Rheolaethau Swyddogol neu'r Rheoliadau hyn, neu yn rhinwedd y rhain.

(2) Nid oes dim ym mharagraff (1) yn effeithio ar unrhyw bŵer sydd gan y Comisiynwyr i ddatgelu gwybodaeth neu unrhyw ofyniad arall sydd arnynt i wneud hynny.

Datgelu gwybodaeth i awdurdodau cymwys eraill

35.—(1) Caiff Gweinidogion Cymru ddatgelu gwybodaeth i unrhyw awdurdod cymwys arall mewn rhan arall o diriogaeth yr Undeb at ddibenion Rheoliad Iechyd Planhigion yr UE neu'r Rheoliad Rheolaethau Swyddogol.

(2) Nid oes dim ym mharagraff (1) yn effeithio ar unrhyw bŵer sydd gan Weinidogion Cymru i ddatgelu gwybodaeth neu unrhyw ofyniad arall sydd arnynt i wneud hynny.

(12) Where the item is required to be returned to the appropriate person and reasonable efforts have been made, without success, to return the item to that person, the Welsh Ministers may dispose of the item in whatever way they think appropriate.

(13) In this regulation—

“appropriate person” means—

- (a) in the case of an item seized from a person, the person from whom the item was seized;
- (b) in the case of an item seized from premises, the occupier or any other person in charge of the premises;
- (c) in the case of an item seized from a person or premises which does not belong to a person falling within paragraph (a) or (b), the person to whom it belongs and who asserts ownership over it.

(14) Nothing in this regulation affects the powers of a plant health inspector under regulation 32.

Disclosure of information held by the Commissioners for Her Majesty's Revenue and Customs

34.—(1) The Commissioners for Her Majesty's Revenue and Customs may disclose any information in their possession to an appropriate authority for the purposes of enabling or assisting the appropriate authority to carry out any function conferred on it under or by virtue of the EU Plant Health Regulation, the Official Controls Regulation or these Regulations.

(2) Nothing in paragraph (1) affects any other power or requirement of the Commissioners to disclose information.

Disclosure of information to other competent authorities

35.—(1) The Welsh Ministers may disclose information to any other competent authority in another part of the Union territory for the purposes of the EU Plant Health Regulation or the Official Controls Regulation.

(2) Nothing in paragraph (1) affects any other power or requirement of the Welsh Ministers to disclose information.

RHAN 10

Darpariaethau cyffredinol ac atodol ynglŷn â hysbysiadau iechyd planhigion

Darpariaethau amrywiol ynglŷn â hysbysiadau

36.—(1) Mae'r rheoliad hwn yn gymwys i unrhyw hysbysiad a roddir gan arolygydd iechyd planhigion o dan y Rheoliadau hyn heblaw hysbysiad a roddir o dan reoliad 33(4).

(2) Caiff yr hysbysiad—

(a) pennu—

- (i) un neu ragor o ofynion neu ofynion amgen;
- (ii) ym mha fodd ac ym mha gyfnod y mae'n rhaid cyflawni unrhyw ofyniad neu amod a bennir yn yr hysbysiad, neu

(b) ei gwneud yn ofynnol i'r perchennog neu unrhyw berson arall y mae'n ymddangos ei fod â gofal am y fangre y mae'r hysbysiad yn ymwneud â hi—

- (i) hysbysu'r awdurdod priodol am unrhyw newid ym meddiannaeth y fangre, dyddiad y newid ac enw'r meddiannydd newydd, a
- (ii) rhoi gwybod i feddiannydd newydd y fangre am gynnwys yr hysbysiad.

(3) Rhaid i unrhyw waith i ddiaristrio, gwaredu, ailallforio neu drin planhigyn, cynnyrch planhigion neu wrthrych arall neu bla planhigion y mae'n ofynnol ei wneud o dan yr hysbysiad gael ei wneud neu rhaid trefnu iddo gael ei wneud, er boddhad arolygydd iechyd planhigion gan y person y mae'r hysbysiad wedi ei gyflwyno iddo o'r man a bennir yn yr hysbysiad neu yn y man hwnnw.

(4) Caiff arolygydd iechyd planhigion ddiwygio'r hysbysiad neu ei dynnu'n ôl drwy hysbysiad pellach.

(5) Caiff yr hysbysiad ddiffinio hyd a lled y fangre y cyfeirir ati yn yr hysbysiad drwy gyfeirio at fap neu blân neu fel arall.

Cyflwyno hysbysiadau

37.—(1) Caniateir i hysbysiad gael ei gyflwyno i weithredwr cofrestredig—

- (a) drwy ei ddanfôn yn bersonol,
- (b) drwy ei adael yng nghyfeiriad cysylltu'r gweithredwr cofrestredig, neu ei anfon yno drwy'r post, neu
- (c) drwy ei anfon at y cyfeiriad ebost y mae'r gweithredwr wedi ei roi i'r awdurdod priodol ar gyfer cyflwyno hysbysiadau.

PART 10

General and supplemental provisions relating to plant health notices

Miscellaneous provisions as to notices

36.—(1) This regulation applies to any notice given by a plant health inspector under these Regulations, other than a notice given under regulation 33(4).

(2) The notice may—

(a) specify—

- (i) one or more requirements or alternative requirements;
- (ii) the manner in which and the period in which any requirement or condition specified in the notice must be carried out or fulfilled, or

(b) require the owner or any other person who appears to be in charge of the premises to which the notice relates to—

- (i) notify the appropriate authority of any change in occupation of the premises, the date of the change and the name of the new occupier, and
- (ii) inform the new occupier of the premises of the contents of the notice.

(3) Any destruction, disposal, re-export or treatment of a plant, plant product or other object or a plant pest which is required to be carried out under the notice must be carried out, or arranged to be carried out, to the satisfaction of a plant health inspector by the person on whom the notice has been served from or at the place specified in the notice.

(4) A plant health inspector may amend or withdraw the notice by a further notice.

(5) The notice may define by reference to a map or plan or otherwise the extent of the premises referred to in the notice.

Service of notices

37.—(1) A notice may be served on a registered operator by—

- (a) delivering it personally,
- (b) leaving it at, or sending it by post to, the contact address of the registered operator, or
- (c) sending it to the email address that the operator has given to the appropriate authority for the service of notices.

(2) Caniateir i hysbysiad gael ei gyflwyno i unrhyw berson arall—

- (a) drwy ei ddanfôn yn bersonol,
- (b) drwy ei adael yng nghartref neu fan busnes hysbys diwethaf y person, neu ei anfon yno drwy'r post, neu
- (c) drwy ei anfon at unrhyw gyfeiriad ebost y mae'r person wedi ei roi i'r awdurdod priodol ar gyfer cyflwyno hysbysiaidau

(3) Os oes hysbysiad i'w roi gan arolygydd iechyd planhigion i feddiannydd neu i berson arall sydd â gofal am fangre, ac na ellir dod o hyd i gartref neu gyfeiriad hysbys diwethaf y person hwnnw ar ôl gwneud ymholiadau rhesymol, caniateir cyflwyno'r hysbysiad i'r person hwnnw drwy ei gyfeirio at "y meddiannydd" a'i adael wedi ei osod yn weladwy ar wrthrych yn y fangre am gyfnod o saith niwrnod.

(4) Caniateir i hysbysiad gael ei gyflwyno—

- (a) yn achos corff corfforedig (heblaw partneriaeth atebolrwydd cyfyngedig), i ysgrifennydd neu glerc y corff hwnnw yng nghyfeiriad swyddfa gofrestredig neu brif swyddfa'r corff hwnnw,
- (b) yn achos partneriaeth (heblaw partneriaeth atebolrwydd cyfyngedig, ond gan gynnwys partneriaeth Albanaidd), i bartner neu berson sy'n llywio neu'n rheoli busnes y bartneriaeth yng nghyfeiriad prif swyddfa'r bartneriaeth, neu
- (c) yn achos partneriaeth atebolrwydd cyfyngedig, i aelod o'r bartneriaeth yng nghyfeiriad swyddfa gofrestredig neu brif swyddfa'r bartneriaeth.

(5) At ddibenion paragraff (4), prif swyddfa cwmni a gofrestrwyd y tu allan i'r Deyrnas Unedig neu bartneriaeth sy'n cyflawni busnes y tu allan i'r Deyrnas Unedig yw ei brif swyddfa neu ei phrif swyddfa yn y Deyrnas Unedig.

(6) Yn y rheoliad hwn—

ystyr "cyfeiriad cysylltu" ("*contact address*"), mewn perthynas â gweithredwr cofrestredig, yw—

- (a) prif gyfeiriad y gweithredwr yn y gofrestr, neu
- (b) unrhyw gyfeiriad post arall yng Nghymru y mae'r gweithredwr wedi ei roi i'r awdurdod priodol fel cyfeiriad cysylltu ar gyfer cyflwyno hysbysiaidau;

ystyr "hysbysiad" ("*notice*") yw hysbysiad sydd i'w roi gan arolygydd iechyd planhigion o dan y Rheoliadau hyn.

(2) A notice may be served on any other person by—

- (a) delivering it personally,
- (b) leaving it at, or sending it by post to, the person's last known place of abode or business, or
- (c) sending it to any email address that the person has given to the appropriate authority for the service of notices.

(3) If a notice is to be given by a plant health inspector to an occupier or other person in charge of premises and the last known place of abode or address of that person cannot be ascertained after reasonable enquiry, the notice may be served on that person by addressing it to "the occupier" and leaving it conspicuously affixed to an object on the premises for a period of seven days.

(4) A notice may—

- (a) in the case of a body corporate (other than a limited liability partnership), be served on the secretary or clerk of that body at the address of the registered or principal office of that body,
- (b) in the case of a partnership (other than a limited liability partnership, but including a Scottish partnership), be served on a partner or a person having the control or management of the partnership business at the address of the principal office of the partnership, or
- (c) in the case of a limited liability partnership, be served on a member of the partnership at the address of the registered or principal office of the partnership.

(5) For the purposes of paragraph (4), the principal office of a company registered outside the United Kingdom or a partnership carrying on business outside the United Kingdom is its principal office within the United Kingdom.

(6) In this regulation—

"notice" ("*hysbysiad*") means a notice to be given by a plant health inspector under these Regulations;

"contact address" ("*cyfeiriad cysylltu*"), in relation to a registered operator, means—

- (a) the operator's principal address in the register, or
- (b) any other postal address in Wales that the operator has given to the appropriate authority as a contact address for the service of notices.

RHAN 11

Troseddau ynglŷn â deddfwriaeth iechyd planhigion

Cyffredinol

38.—(1) Mae person yn cyflawni trosedd os yw'n torri'r canlynol, neu'n methu â chydymffurfio â hwy—

- (a) rheoliad 24(1), 25(1) neu 26(1);
- (b) paragraff 2 neu 4 o Atodlen 1;
- (c) paragraffau 2(1) neu (2), 5(1) neu (2), 11(1), 12(1), 13(1), 14(1), 15, 20(1), 21(7), 22(2), 27(1), 28(7), 29(2) neu 31(2) o Atodlen 2;
- (d) un o ddarpariaethau Rheoliad Iechyd Planhigion yr UE a bennir yn Rhan 1 o Atodlen 3;
- (e) un o ddarpariaethau'r Rheoliad Rheolaethau Swyddogol a bennir yn Rhan 2 o Atodlen 3 (i'r graddau y mae'n gymwys i blanhigion, cynhyrchion planhigion neu wrthrychau eraill sy'n destun un o reolau iechyd planhigion yr UE);
- (f) darpariaeth mewn unrhyw ddeddfwriaeth arall yr UE a bennir yn Rhan 3 o Atodlen 3;
- (g) darpariaeth mewn unrhyw benderfyniad brys gan yr UE a bennir yn Atodlen 4.

(2) Ond nid yw paragraff (1) yn gymwys i unrhyw beth a wneir o dan y canlynol, neu yn unol â hwy—

- (a) awdurdodiad neu drwydded a roddir o dan y Rheoliadau hyn, neu sy'n cael effaith o dan y Rheoliadau hyn neu yn rhinwedd y Rheoliadau hyn;
- (b) cymeradwyaeth a roddir o dan reoliad 13(6) neu gymeradwyaeth y cyfeirir ati yn rheoliad 54(1);
- (c) hysbysiad a roddir gan arolygydd iechyd planhigion neu awdurdod priodol o dan y Rheoliadau hyn, neu sy'n cael effaith o dan y Rheoliadau hyn neu yn rhinwedd y Rheoliadau hyn.

Methu â chydymffurfio â gofynion hysbysadau etc.

39. Mae person yn cyflawni trosedd os yw'n methu â chydymffurfio â'r canlynol—

- (a) darpariaeth neu amod mewn hysbysiad a gyflwynwyd i'r person o dan y Rheoliadau hyn neu sy'n cael effaith o dan y Rheoliadau hyn neu yn rhinwedd y Rheoliadau hyn,

PART 11

Offences relating to plant health legislation

General

38.—(1) A person commits an offence if the person contravenes or fails to comply with—

- (a) regulation 24(1), 25(1) or 26(1);
- (b) paragraph 2 or 4 of Schedule 1;
- (c) paragraphs 2(1) or (2), 5(1) or (2), 11(1), 12(1), 13(1), 14(1), 15, 20(1), 21(7), 22(2), 27(1), 28(7), 29(2) or 31(2) of Schedule 2;
- (d) a provision of the EU Plant Health Regulation specified in Part 1 of Schedule 3;
- (e) a provision of the Official Controls Regulation specified in Part 2 of Schedule 3 (insofar as it applies to plants, plant products or other objects which are subject to an EU plant health rule);
- (f) a provision of any other EU legislation specified in Part 3 of Schedule 3;
- (g) a provision of an EU emergency decision specified in Schedule 4.

(2) But paragraph (1) does not apply to anything done under, or in accordance with—

- (a) an authorisation or permit which is granted under these Regulations or has effect under or by virtue of these Regulations;
- (b) an approval granted under regulation 13(6) or an approval referred to in regulation 54(1);
- (c) a notice which is given by a plant health inspector or an appropriate authority under these Regulations, or has effect under or by virtue of these Regulations.

Failure to comply with requirements of notices etc.

39. A person commits an offence if the person fails to comply with—

- (a) a provision or condition of a notice which has been served on the person under these Regulations or has effect under or by virtue of these Regulations,

- (b) darpariaeth neu amod mewn awdurdodiad neu drwydded a roddwyd i'r person o dan y Rheoliadau hyn neu sy'n cael effaith o dan y Rheoliadau hyn neu yn rhinwedd y Rheoliadau hyn, neu
- (c) darpariaeth neu amod mewn cyfarwyddyd a roddir o dan y Rheoliadau hyn.

- (b) a provision or condition of an authorisation or permit which has been granted to the person under these Regulations or has effect under or by virtue of these Regulations, or
- (c) a provision or condition of a direction given under these Regulations.

Amddiffyniad: esgus rhesymol

40. Mae'n amddiffyniad i berson a gyhuddir o drosedd o dan reoliad 38 neu 39 ddangos bod ganddo esgus rhesymol dros dorri'r gwaharddiad neu'r gofyniad o dan sylw neu dros fethu â chydymffurfio â hwy.

Defence: reasonable excuse

40. It is a defence for a person charged with an offence under regulation 38 or 39 to show that the person had a reasonable excuse for contravening or failing to comply with the prohibition or requirement in question.

Darparu gwybodaeth ffug neu gamarweiniol

41. Mae person yn cyflawni trosedd os yw'r person hwnnw, at ddibenion sicrhau awdurdodiad neu drwydded neu at ddibenion sicrhau y dyroddir pasbort planhigion neu dystysgrif—

- (a) yn fwriadol neu'n ddi-hid yn gwneud datganiad neu sylwadau sy'n ffug o ran manylyn perthnasol,
- (b) yn fwriadol neu'n ddi-hid yn darparu dogfen neu wybodaeth sy'n ffug o ran manylyn perthnasol, neu
- (c) yn fwriadol yn methu â datgelu unrhyw wybodaeth berthnasol.

Provision of false or misleading information

41. A person commits an offence if, for the purposes of obtaining an authorisation or a permit or procuring the issue of a plant passport or certificate, the person—

- (a) knowingly or recklessly makes a statement or representation which is false in a material particular,
- (b) knowingly or recklessly furnishes a document or information which is false in a material particular, or
- (c) intentionally fails to disclose any material information.

Defnyddio pasbortau planhigion neu dystysgrifau yn amhriodol

42.—(1) Mae person yn cyflawni trosedd os yw'r person hwnnw—

- (a) yn dyroddi pasbort planhigion neu dystysgrif yn anonest,
- (b) yn newid pasbort planhigion neu dystysgrif yn anonest, neu
- (c) yn aildefnyddio pasbort planhigion neu dystysgrif yn anonest.

(2) Ym mharagraff (1), ystyr "tystysgrif" yw tystysgrif ffyioiechydol ar gyfer allforio, tystysgrif ffyioiechydol ar gyfer ailallforio neu dystysgrif cyn-allforio.

Improper use of plant passports or certificates

42.—(1) A person commits an offence if the person—

- (a) dishonestly issues a plant passport or a certificate,
- (b) dishonestly alters a plant passport or a certificate, or
- (c) dishonestly re-uses a plant passport or a certificate.

(2) In paragraph (1), "certificate" means a phytosanitary certificate for export, a phytosanitary certificate for re-export or a pre-export certificate.

Rhwystro

43.—(1) Mae person yn cyflawni trosedd os yw'r person hwnnw—

Obstruction

43.—(1) A person commits an offence if the person—

- (a) yn fwiadol yn rhwystro arolygydd iechyd planhigion neu berson awdurdodedig sy'n gweithredu i weithredu neu orfodi Rheoliad Iechyd Planhigion yr UE, y Rheoliad Rheolaethau Swyddogol neu'r Rheoliadau hyn,
- (b) heb esgus rhesymol, yn methu â rhoi i arolygydd iechyd planhigion neu berson awdurdodedig unrhyw gymorth neu wybodaeth y mae'n rhesymol i'r arolygydd neu'r person awdurdodedig eu gwneud yn ofynnol at y dibenion hynny, neu
- (c) yn methu â dangos dogfen neu gofnod pan fo awdurdod priodol neu arolygydd iechyd planhigion sy'n gweithredu i weithredu neu orfodi Rheoliad Iechyd Planhigion yr UE, y Rheoliad Rheolaethau Swyddogol neu'r Rheoliadau hyn yn ei gwneud yn ofynnol iddo wneud hynny.

(2) Ym mharagraff (1), ystyr "person awdurdodedig" yw person a awdurdodwyd gan awdurdod priodol.

Trosedd ynglŷn â datgelu gwybodaeth a ddelir gan Gyllid a Thollau

44. Mae person yn cyflawni trosedd os yw'n datgelu unrhyw wybodaeth a gafwyd oddi wrth Gomisiynwyr Cyllid a Thollau Ei Mawrhydi o dan reoliad 34(1) ac—

- (a) bod yr wybodaeth yn ymwneud â pherson y mae ei fanylion adnabod wedi eu pennu yn y datgeliad, neu y gellir eu casglu o'r datgeliad,
- (b) bod y datgeliad yn ddatgeliad at ddiben heblaw'r un a bennir yn rheoliad 34(1), ac
- (c) nad yw'r Comisiynwyr wedi rhoi eu cydsyniad i'r datgeliad ymlaen llaw.

Amddiffyniad: datgelu cyfreithlon

45. Mae'n amddiffyniad i berson a gyhuddir o drosedd o dan reoliad 44 brofi ei fod yn credu'n rhesymol—

- (a) bod y datgeliad yn gyfreithlon, neu
- (b) bod yr wybodaeth ar gael i'r cyhoedd yn flaenorol a hynny mewn modd cyfreithlon.

Troseddau gan gyrff corfforedig

46.—(1) Pan fo trosedd o dan y Rhan hon wedi ei chyflawni gan gorff corfforedig ac y profir bod y drosedd—

- (a) wedi ei chyflawni gyda chydsyniad neu ymoddefiad swyddog, neu

- (a) intentionally obstructs a plant health inspector or an authorised person acting in the execution or enforcement of the EU Plant Health Regulation, the Official Controls Regulation or these Regulations,
- (b) without reasonable excuse, fails to give to a plant health inspector or an authorised person any assistance or information which the inspector or authorised person may reasonably require for those purposes, or
- (c) fails to produce a document or record when required to do so by an appropriate authority or a plant health inspector acting in the execution or enforcement of the EU Plant Health Regulation, the Official Controls Regulation or these Regulations.

(2) In paragraph (1), "authorised person" means a person authorised by an appropriate authority.

Offence relating to the disclosure of information held by Revenue and Customs

44. A person commits an offence if the person discloses any information received from the Commissioners for Her Majesty's Revenue and Customs under regulation 34(1) and—

- (a) the information relates to a person whose identity is specified in the disclosure or can be deduced from the disclosure,
- (b) the disclosure is for a purpose other than specified in regulation 34(1), and
- (c) the Commissioners have not given their prior consent to the disclosure.

Defence: lawful disclosure

45. It is a defence for a person charged with an offence under regulation 44 to prove that the person reasonably believed that—

- (a) the disclosure was lawful, or
- (b) the information had previously been made available lawfully.

Offences by bodies corporate

46.—(1) Where an offence under this Part has been committed by a body corporate and the offence is proved—

- (a) to have been committed with the consent or connivance of an officer, or

- (b) i'w phriodoli i unrhyw esgeulustod ar ran swyddog,

mae'r swyddog, yn ogystal â'r corff corfforedig, yn euog o'r drosedd ac yn agored i gael ei erlyn a'i gosbi yn unol â hynny.

(2) Ym mharagraff (1), ystyr "swyddog", mewn perthynas â chorff corfforedig, yw—

- (a) cyfarwyddwr, rheolwr, ysgrifennydd neu swyddog cyffelyb arall i'r corff, neu
(b) person sy'n honni ei fod yn gweithredu mewn unrhyw swyddogaeth o'r fath.

(3) Os yw materion corff corfforedig yn cael eu rheoli gan ei aelodau, mae paragraff (1) yn gymwys mewn perthynas â gweithredoedd ac anweithredoedd aelod mewn cysylltiad â swyddogaethau'r aelod hwnnw o reoli fel y mae'n gymwys i un o swyddogion corff corfforedig.

Troseddau gan bartneriaethau a chymdeithasau anghorfforedig

47.—(1) Rhaid i achos am drosedd o dan y Rhan hon 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.

(2) At ddibenion achosion o'r fath—

- (a) mae rheolau'r llys ynglŷn â chyflwyno dogfennau yn cael effaith fel pe bai'r bartneriaeth neu'r gymdeithas anghorfforedig yn gorff corfforedig, a
(b) mae adran 33 o Ddeddf Cyfiawnder Troseddol 1925 (gweithdrefn ynglŷn â chyhuddiad o drosedd yn erbyn corfforaeth)(1) ac Atodlen 3 i Ddeddf Llysoedd Ynadon 1980 (corfforaethau)(2) yn gymwys mewn perthynas â'r bartneriaeth neu'r gymdeithas fel y maent yn gymwys mewn perthynas â chorff corfforedig.

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

(4) Os profir bod trosedd o dan y Rhan hon a gyflawnwyd gan bartneriaeth—

- (a) wedi ei chyflawni gyda chydysyniad neu ymoddefiad partner, neu

- (b) to be attributable to any neglect on the part of an officer,

the officer, as well as the body corporate, is guilty of the offence and liable to be proceeded against and punished accordingly.

(2) In paragraph (1), "officer", in relation to a body corporate, means—

- (a) a director, manager, secretary or other similar officer of the body, or
(b) a person purporting to act in any such capacity.

(3) If the affairs of a body corporate are managed by its members, paragraph (1) applies in relation to the acts and defaults of a member in connection with the member's functions of management as it applies to an officer of a body corporate.

Offences by partnerships and unincorporated associations

47.—(1) Proceedings for an offence under this Part alleged to have been committed by a partnership or an unincorporated association must be brought against the partnership or association in the name of the partnership or association.

(2) For the purposes of such proceedings—

- (a) rules of court relating to the service of documents have effect as if the partnership or unincorporated association were a body corporate, and
(b) section 33 of the Criminal Justice Act 1925 (procedure on charge of offence against corporation)(1) and Schedule 3 to the Magistrates' Courts Act 1980 (corporations)(2) apply in relation to the partnership or association as they apply in relation to a body corporate.

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

(4) If an offence under this Part committed by a partnership is proved—

- (a) to have been committed with the consent or connivance of a partner, or

(1) 1925 p. 86; diddymwyd adran 33 yn rhannol gan Atodlen 6 i Ddeddf Llysoedd Ynadon 1952 (p. 55), ac fe'i diwygiwyd gan baragraff 19 o Atodlen 8 i Ddeddf Llysoedd 1971 (p. 23) a pharagraff 71 o Atodlen 8, ac Atodlen 10, i Ddeddf Llysoedd 2003 (p. 39) (yn ddarostyngedig i arbedion a bennir yn O.S. 2004/2066).

(2) 1980 p. 43; diwygiwyd Atodlen 3 gan Atodlen 13 i Ddeddf Cyfiawnder Troseddol 1991 (p. 53) a pharagraff 51 o Atodlen 3, a Rhan 4 o Atodlen 37 i Ddeddf Cyfiawnder Troseddol 2003 (p. 44).

(1) 1925 c. 86; section 33 was repealed in part by Schedule 6 to the Magistrates Courts Act 1952 (c. 55), and amended by paragraph 19 of Schedule 8 to the Courts Act 1971 (c. 23) and paragraph 71 of Schedule 8, and Schedule 10, to the Courts Act 2003 (c. 39) (subject to savings specified in S.I. 2004/2066).

(2) 1980 c. 43; Schedule 3 was amended by Schedule 13 to the Criminal Justice Act 1991 (c. 53) and paragraph 51 of Schedule 3, and Part 4 of Schedule 37 to the Criminal Justice Act 2003 (c. 44).

- (b) i'w phriodoli i unrhyw esgeulustod ar ran partner,

mae'r partner, yn ogystal â'r bartneriaeth, yn euog o'r drosedd ac yn agored i gael ei erlyn a'i gosbi yn unol â hynny.

(5) Ym mharagraff (4), mae "partner" yn cynnwys person sy'n honni ei fod yn gweithredu fel partner.

(6) Os profir bod trosedd o dan y Rhan hon a gyflawnwyd gan gymdeithas anghorfforedig (heblaw partneriaeth)—

- (a) wedi ei chyflawni gyda chydysyniad neu ymoddefiad un o swyddogion y gymdeithas, neu

- (b) i'w phriodoli i unrhyw esgeulustod ar ran swyddog o'r fath,

mae'r swyddog, yn ogystal â'r gymdeithas, yn euog o'r drosedd ac yn agored i gael ei erlyn a'i gosbi yn unol â hynny.

(7) Ym mharagraff (6), ystyr "swyddog", mewn perthynas â chymdeithas anghorfforedig, yw—

- (a) un o swyddogion y gymdeithas neu aelod o'i chorff llywodraethu, neu

- (b) person sy'n honni ei fod yn gweithredu mewn swyddogaeth o'r fath.

Cosbau

48.—(1) Mae person sy'n euog o drosedd o dan reoliad 38(1), 39, 41, 42 neu 43 yn agored ar gollfarn ddiannod i ddirwy.

(2) Mae person sy'n euog o drosedd o dan reoliad 44 yn agored—

- (a) ar gollfarn ddiannod, i garchariad am gyfnod nad yw'n fwy na thri mis, i ddirwy neu i'r ddau;

- (b) ar gollfarn ar dditiad, i garchariad am gyfnod nad yw'n fwy na dwy flynedd, i ddirwy neu i'r ddau.

RHAN 12

Amrywiol: iechyd planhigion

Diwygiadau mân a chanlyniadol

49. Mae Atodlen 5 yn cynnwys diwygiadau mân a chanlyniadol i is-ddeddfwriaeth sy'n ymwneud â marchnata hadau a deunydd lluosogi planhigion a ffioedd iechyd planhigion.

- (b) to be attributable to any neglect on the part of a partner,

the partner, as well as the partnership, is guilty of the offence and liable to be proceeded against and punished accordingly.

(5) In paragraph (4), "partner" includes a person purporting to act as a partner.

(6) If an offence under this Part committed by an unincorporated association (other than a partnership) is proved—

- (a) to have been committed with the consent or connivance of an officer of the association, or

- (b) to be attributable to any neglect on the part of such an officer,

the officer, as well as the association, is guilty of the offence and liable to be proceeded against and punished accordingly.

(7) In paragraph (6), "officer", in relation to an unincorporated association, means—

- (a) an officer of the association or a member of its governing body, or

- (b) a person purporting to act in such a capacity.

Penalties

48.—(1) A person guilty of an offence under regulation 38(1), 39, 41, 42 or 43 is liable on summary conviction to a fine.

(2) A person guilty of an offence under regulation 44 is liable—

- (a) on summary conviction, to imprisonment for a term not exceeding three months, to a fine or to both;

- (b) on conviction on indictment to imprisonment for a term not exceeding two years, to a fine or to both.

PART 12

Miscellaneous: plant health

Minor and consequential amendments

49. Schedule 5 contains minor and consequential amendments to secondary legislation relating to the marketing of seeds and plant propagating material and plant health fees.

Dirymu offerynnau iechyd planhigion

50. Mae'r offerynnau a restrir yn Atodlen 6 wedi eu dirymu.

Darpariaethau trosiannol: trwyddedau o dan erthygl 39(1) o Orchymyn 2005 neu erthygl 41(1) o Orchymyn 2018

51.—(1) Mae unrhyw drwydded a roddwyd gan Weinidogion Cymru o dan erthygl 39(1) o Orchymyn 2005 neu o dan erthygl 41(1) o Orchymyn 2018, sydd mewn grym yn union cyn y dyddiad cychwyn, yn cael effaith yn ystod y cyfnod perthnasol fel pe bai wedi ei rhoi gan yr awdurdod priodol yn unol ag Erthygl 5 o Reoliad Dirprwyedig y Comisiwn (EU) 2019/829 ar y dyddiad y'i rhoddwyd o dan Orchymyn 2005 neu Orchymyn 2018

(2) Nid oes dim ym mharagraff (1) yn effeithio ar unrhyw beth a gyflawnwyd cyn y dyddiad cychwyn, o dan y drwydded neu at ddibenion y drwydded.

(3) Mae unrhyw gyfeiriad yn y drwydded at Orchymyn 2005, Gorchymyn 2018, Cyfarwyddeb y Cyngor 2000/29/EC neu Gyfarwyddeb y Comisiwn 2008/61/EC i'w ddarllen fel cyfeiriad at y ddarpariaeth gyfatebol yn Rheoliad Iechyd Planhigion yr UE neu'r Rheoliadau hyn neu o dan y Rheoliad hwnnw neu'r Rheoliadau hynny.

(4) Yn y rheoliad hwn—

ystyr “Cyfarwyddeb y Comisiwn 2008/61/EC” (“*Commission Directive 2008/61/EC*”) yw Cyfarwyddeb y Comisiwn 2008/61/EC yn sefydlu o dan ba amodau y caniateir cyflwyno rhai organeddau niweidiol, planhigion, cynhyrchion planhigion a gwrthrychau eraill a restrir yn Atodiadau I i V i Gyfarwyddeb y Cyngor 2000/29/EC i'r Gymuned neu i barthau gwarchoddedig penodol ynddi, neu eu symud yn y Gymuned neu'r parthau hynny, at ddibenion treialon neu ddibenion gwyddonol ac ar gyfer gwaith ar ddedol amrywogaethau(1);

ystyr “cyfnod perthnasol” (“*relevant period*”), mewn perthynas â thrwydded, yw—

- (a) os yw'r drwydded yn dod i ben ar neu ar ôl 31 Rhagfyr 2020, y cyfnod sy'n dechrau ar y dyddiad cychwyn ac sy'n diweddau ar 31 Rhagfyr 2020, neu
- (b) os yw'r drwydded yn dod i ben cyn 31 Rhagfyr 2020, y cyfnod sy'n dechrau ar y dyddiad cychwyn ac sy'n diweddau ar y dyddiad a bennir yn y drwydded i'r drwydded ddod i ben;

Revocation of plant health instruments

50. The instruments listed in Schedule 6 are revoked.

Transitional provisions: licences under article 39(1) of the 2005 Order or article 41(1) of the 2018 Order

51.—(1) Any licence granted by the Welsh Ministers under article 39(1) of the 2005 Order or under article 41(1) of the 2018 Order, which is in force immediately before the commencement date, has effect during the relevant period as if it had been granted by the appropriate authority in accordance with Article 5 of Commission Delegated Regulation (EU) 2019/829 on the date on which it was granted under the 2005 Order or the 2018 Order.

(2) Nothing in paragraph (1) affects anything carried out prior to the commencement date under, or for the purposes of, the licence.

(3) Any reference in the licence to the 2005 Order, the 2018 Order, Council Directive 2000/29/EC or Commission Directive 2008/61/EC is to be read as a reference to the corresponding provision in or under the EU Plant Health Regulation or these Regulations.

(4) In this regulation—

“Commission Delegated Regulation (EU) 2019/829” (“*Rheoliad Dirprwyedig y Comisiwn (EU) 2019/829*”) means Commission Delegated Regulation (EU) 2019/829 supplementing Regulation (EU) 2016/2031 of the European Parliament and of the Council on protective measures against pests of plants, authorising Member States to provide for temporary derogations in view of official testing, scientific or educational purposes, trials, varietal selections, or breeding(1);

“Commission Directive 2008/61/EC” (“*Cyfarwyddeb y Comisiwn 2008/61/EC*”) means Commission Directive 2008/61/EC establishing the conditions under which certain harmful organisms, plants, plant products and other objects listed in Annexes I to V to Council Directive 2000/29/EC may be introduced into or moved within the Community or certain protected zones thereof, for trial or scientific purposes and for work on varietal selections(2);

(1) OJ Rhif L 158, 18.6.2008, t. 41.

(1) OJ No. L 137, 23.5.2019, p. 15.

(2) OJ No. L 158, 18.6.2008, p. 41.

ystyr “Rheoliad Dirprwyedig y Comisiwn (EU) 2019/829” (“*Commission Delegated Regulation (EU) 2019/829*”) yw Rheoliad Dirprwyedig y Comisiwn (EU) 2019/829 yn ategu Rheoliad (EU) 2016/2031 Senedd Ewrop a’r Cyngor ynghylch mesurau i ddiogelu rhag plâu planhigion, yn awdurdodi’r Aelod-wladwriaethau i ddarparu ar gyfer rhanddirymiaidau dros dro oherwydd dibenion profion swyddogol, dibenion gwyddonol neu addysgol, treialon, dethol neu fridio amrywogaethau(1).

Darpariaethau trosiannol: trwyddedau eraill o dan Orchymyn 2005 neu Orchymyn 2018

52.—(1) Mae unrhyw drwydded a roddwyd gan Weinidogion Cymru o dan erthygl 38(1)(a) o Orchymyn 2005 neu o dan erthygl 40(1)(a) o Orchymyn 2018 ac sy’n cael effaith ar y dyddiad cychwyn yn parhau mewn grym fel pe bai’n awdurdodiad a roddwyd gan yr awdurdod priodol o dan reoliad 21(1)(a) ar y dyddiad y rhoddwyd y drwydded o dan Orchymyn 2005 neu Orchymyn 2018.

(2) Nid oes dim ym mharagraff (1) yn effeithio ar unrhyw beth a gyflawnwyd cyn y dyddiad cychwyn, o dan y drwydded neu at ddibenion y drwydded.

(3) Mae unrhyw gyfeiriad yn y drwydded at Orchymyn 2005, Gorchymyn 2018 neu Gyfarwyddeb y Cyngor 2000/29/EC i’w ddarllen fel cyfeiriad at y ddarpariaeth gyfatebol yn Rheoliad Iechyd Planhigion yr UE neu’r Rheoliadau hyn neu o dan y Rheoliad hwnnw neu’r Rheoliadau hynny.

Darpariaethau trosiannol: hysbysiadau

53.—(1) Mae unrhyw hysbysiad a roddwyd o dan Orchymyn 2005, Gorchymyn Iechyd Planhigion (Marcio Deunydd Pecynnu Pren) (Coedwigaeth) 2006(2) neu Orchymyn 2018 ac sy’n cael effaith ar y dyddiad cychwyn—

- (a) yn parhau mewn grym ac yn parhau i gael effaith fel pe bai wedi ei roi o dan y Rheoliadau hyn at ddiben cyfatebol ar y dyddiad y rhoddwyd ef o dan Orchymyn 2005, Gorchymyn Iechyd Planhigion (Marcio Deunydd Pecynnu Pren) (Coedwigaeth) 2006 neu Orchymyn 2018 (yn ôl y digwydd), a
- (b) i’w ddarllen gydag unrhyw addasiadau sy’n angenrheidiol er mwyn iddo wneud hynny.

“relevant period” (“*cyfnod perthnasol*”), in relation to a licence, means—

- (a) if the licence expires on or after 31 December 2020, the period beginning on the commencement date and ending on 31 December 2020, or
- (b) if the licence expires before 31 December 2020, the period beginning on the commencement date and ending on the date of expiry of the licence specified in the licence.

Transitional provisions: other licences under the 2005 Order or the 2018 Order

52.—(1) Any licence granted by the Welsh Ministers under article 38(1)(a) of the 2005 Order or under article 40(1)(a) of the 2018 Order and which has effect on the commencement date remains in force as if it were an authorisation granted by the appropriate authority under regulation 21(1)(a) on the date on which the licence was granted under the 2005 Order or the 2018 Order.

(2) Nothing in paragraph (1) affects anything carried out before the commencement date under, or for the purposes of, the licence.

(3) Any reference in the licence to the 2005 Order, the 2018 Order or Council Directive 2000/29/EC is to be read as a reference to the corresponding provision in or under the EU Plant Health Regulation or these Regulations.

Transitional provisions: notices

53.—(1) Any notice given under the 2005 Order, the Plant Health (Wood Packaging Material Marking) (Forestry) Order 2006(1) or the 2018 Order and which has effect on the commencement date—

- (a) remains in force and continues to have effect as if it were given under these Regulations for an equivalent purpose on the date on which it was given under the 2005 Order, the Plant Health (Wood Packaging Material Marking) (Forestry) Order 2006 or the 2018 Order (as the case may be), and
- (b) is to be read with such modifications as are necessary for it to do so.

(1) OJ Rhif L 137, 23.5.2019, t. 15.

(2) O.S. 2006/2695, a ddiwygiwyd gan O.S. 2013/755 (Cy. 90) ac O.S. 2019/734.

(1) S.I. 2006/2695, amended by S.I. 2013/755 (W. 90) and S.I. 2019/734.

(2) Ym mharagraff (1), mae'r cyfeiriad at unrhyw hysbysiad o dan Orchymyn 2005, Gorchymyn Iechyd Planhigion (Marcio Deunydd Pecynnu Pren) (Coedwigaeth) 2006 neu Orchymyn 2018 yn cynnwys unrhyw gymeradwyaeth swyddogol a roddwyd at ddibenion yr hysbysiad.

Darpariaethau trosiannol: cymeradwyaethau a roddwyd o dan erthygl 17(1) o Orchymyn 2005 neu Orchymyn 2018

54.—(1) Mae unrhyw gymeradwyaeth a roddwyd gan Weinidogion Cymru o dan erthygl 17(1) o Orchymyn 2005 neu o dan erthygl 17(1) o Orchymyn 2018 sydd mewn grym yn union cyn y dyddiad cychwyn yn parhau mewn grym ac yn parhau i gael effaith yn ystod y cyfnod perthnasol.

(2) Ym mharagraff (1), ystyr “cyfnod perthnasol”, mewn perthynas â chymeradwyaeth a roddwyd o dan erthygl 17(1) o Orchymyn 2005 neu Orchymyn 2018, yw—

- (a) os yw'r gymeradwyaeth yn dod i ben ar neu ar ôl 13 Rhagfyr 2020, y cyfnod sy'n dechrau ar y dyddiad cychwyn ac sy'n diweddau ar 13 Rhagfyr 2020, neu
- (b) os yw'r gymeradwyaeth yn dod i ben cyn 13 Rhagfyr 2020, y cyfnod sy'n dechrau ar y dyddiad cychwyn ac sy'n diweddau ar y dyddiad a bennir yn y gymeradwyaeth i'r gymeradwyaeth ddod i ben.

RHAN 13

Rheolaethau swyddogol mewn perthynas ag organeddau a addaswyd yn enetig

Diwygio is-ddeddfwriaeth ar reolaethau swyddogol mewn perthynas ag organeddau a addaswyd yn enetig

55.—(1) Mae Rheoliadau Rheolaethau Swyddogol (Anifeiliaid, Bwyd Anifeiliaid a Bwyd, Ffioedd Iechyd Planhigion etc.) (Cymru) 2020(1) wedi eu diwygio fel a ganlyn.

(2) Yn rheoliad 2(1), yn y diffiniad o “deddfwriaeth berthnasol”, yn lle “is-baragraffau (a), (c), (d), (e) ac (f)” rhodder “is-baragraffau (a) i (f)”.

(3) Yn rheoliad 13(5)(b), yn y testun Cymraeg, ar ôl “bodlonir” mewnosoder “un”.

(2) In paragraph (1), the reference to any notice under the 2005 Order, the Plant Health (Wood Packaging Material Marking) (Forestry) Order 2006 or the 2018 Order includes any official approval given for the purposes of the notice.

Transitional provisions: approvals granted under article 17(1) of the 2005 Order or the 2018 Order

54.—(1) Any approval granted by the Welsh Ministers under article 17(1) of the 2005 Order or under article 17(1) of the 2018 Order which is in force immediately before the commencement date remains in force and continues to have effect during the relevant period.

(2) In paragraph (1), “relevant period”, in relation to an approval granted under 17(1) of the 2005 Order or the 2018 Order, means—

- (a) if the approval expires on or after 13 December 2020, the period beginning on the commencement date and ending on 13 December 2020, or
- (b) if the approval expires before 13 December 2020, the period beginning on the commencement date and ending on the date of expiry of the approval specified in the approval.

PART 13

Official controls in relation to genetically modified organisms

Amendment to secondary legislation on official controls in relation to genetically modified organisms

55.—(1) The Official Controls (Animals, Feed and Food, Plant Health Fees etc.) (Wales) Regulations 2020(1) are amended as follows.

(2) In regulation 2(1), in the definition of “relevant legislation”, for “sub-paragraphs (a), (c), (d), (e) and (f)” substitute “sub-paragraphs (a) to (f)”.

(3) In regulation 13(5)(b), in the Welsh language text, after “bodlonir” insert “un”.

(1) O.S. 2020/44 (Cy. 5).

(1) S.I. 2020/44 (W. 5).

Lesley Griffiths

Gweinidog yr Amgylchedd, Ynni a Materion Gwledig,
un o Weinidogion Cymru
2 Mawrth 2020

Minister for Environment, Energy and Rural Affairs,
one of the Welsh Ministers
2 March 2020

Mesurau gwladol dros dro

Dehongli

1. Yn yr Atodlen hon, ystyr “cyflwyno” yw cyflwyno i Gymru o drydedd wlad neu ran arall o diriogaeth yr Undeb.

RHAN 1

Planhigion, cynhyrchion planhigion neu wrthrychau eraill o drydydd gwledydd

Mesurau dros dro sy'n gymwys i gyflwyno planhigion, cynhyrchion planhigion neu wrthrychau eraill o drydydd gwledydd

2.—(1) Ni chaiff unrhyw berson gyflwyno unrhyw beiriannau neu gerbydau a ddefnyddiwyd ac a weithredwyd at ddibenion amaethyddiaeth neu goedwigaeth ac a allforiwyd o'r Swistir oni bai bod y peiriannau neu'r cerbydau—

- (a) wedi eu hallforio o ardal a sefydlwyd gan y sefydliad amddiffyn planhigion gwladol yn unol ag SRFFF 4 fel ardal sy'n rhydd rhag *Ceratocystis platani* (J.M. Walter) Engelbr. & T.C. Harr., neu
- (b) yn achos unrhyw beiriannau neu gerbydau a allforiwyd o ardal sydd wedi ei heigio â *Ceratocystis platani* (J.M. Walter) Engelbr. & T.C. Harr., eu bod wedi eu glanhau a'u bod yn rhydd rhag gweddillion pridd a phlanhigion cyn eu symud allan o'r ardal.

(2) Ym mharagraff (1), ystyr “SRFFF 4” yw'r Safon Ryngwladol ar Fesurau Ffytoiechydol Rhif 4 dyddiedig Tachwedd 1995 ynghylch y gofynion ar gyfer sefydlu ardaloedd di-bla, a baratowyd gan Ysgrifenyddiaeth yr IPPC a sefydlwyd gan Sefydliad Bwyd ac Amaethyddiaeth y Cenhedloedd Unedig(1).

Temporary national measures

Interpretation

1. In this Schedule, “introduce” means introduce into Wales from a third country or another part of the Union territory.

PART 1

Plants, plant products or other objects from third countries

Temporary measures applying to the introduction of plants, plant products or other objects from third countries

2.—(1) No person may introduce any used machinery or vehicles which have been operated for agricultural or forestry purposes and exported from Switzerland unless the machinery or vehicles—

- (a) have been exported from an area established by the national plant protection organisation in accordance with ISPM 4 as an area that is free from *Ceratocystis platani* (J.M. Walter) Engelbr. & T.C. Harr., or
- (b) in the case of any machinery or vehicles exported from an area infested with *Ceratocystis platani* (J.M. Walter) Engelbr. & T.C. Harr., they have been cleaned and were free from soil and plant debris prior to being moved out of the area.

(2) In paragraph (1), “ISPM 4” means International Standard for Phytosanitary Measures No. 4 of November 1995 on the requirements for the establishment of pest free areas, prepared by the Secretariat of the IPPC established by the Food and Agriculture Organisation of the United Nations(1).

(1) Ar gael oddi wrth Ysgrifenyddiaeth yr IPPC, AGPP-FAO, Viale Delle Terme di Caracalla, 00153, Rhufain, Yr Eidal ac yn <https://www.ippc.int/int>.

(1) Available from the IPPC Secretariat, AGPP-FAO, Viale Delle Terme di Caracalla, 00153, Rome, Italy and at <https://www.ippc.int/int>.

RHAN 2

Planhigion, cynhyrchion planhigion neu wrthrychau eraill o ran arall o diriogaeth yr Undeb

Mesurau dros dro sy'n gymwys i gyflwyno planhigion, cynhyrchion planhigion neu wrthrychau eraill o ran arall o diriogaeth yr Undeb

3. Yn y Rhan hon—

ystyr “datganiad swyddogol” (“*official statement*”) yw datganiad a ddyroddir gan gynrychiolydd awdurdodedig i'r awdurdod cymwys yn yr Aelod-wladwriaeth wreiddiol neu o dan ei oruchwyliaeth;

ystyr “Sbaen” (“*Spain*”) yw'r rhan honno o Sbaen sydd wedi ei chynnwys o fewn tiriogaeth yr Undeb at ddibenion Rheoliad Iechyd Planhigion yr UE, heblaw Ynysoedd Balears;

ystyr “symud” (“*move*”) yw symud yng Nghymru.

4. Ni chaiff unrhyw berson gyflwyno na symud unrhyw blanhigion, cynhyrchion planhigion neu wrthrychau eraill a ddisgrifir yng ngholofn 2 o Dabl 1 oni cheir datganiad swyddogol gyda hwy yn cadarnhau'r materion a nodir yn y cofnod cyfatebol yng ngholofn 3 o'r Tabl hwnnw.

PART 2

Plants, plant products or other objects from another part of the Union territory

Temporary measures applying to the introduction of plants, plant products or other objects from another part of the Union territory

3. In this Part—

“move” (“*symud*”) means move within Wales;

“official statement” (“*datganiad swyddogol*”) means a statement issued by, or under the supervision of, an authorised representative of the competent authority in the member State of origin;

“Spain” (“*Sbaen*”) means that part of Spain which is included within the Union territory for the purposes of the EU Plant Health Regulation, other than the Balearic Islands.

4. No person may introduce or move any plants, plant products or other objects described in column 2 of Table 1 unless they are accompanied by an official statement confirming the matters set out in the corresponding entry in column 3 of that Table.

Tabl 1

(1)	(2) <i>Disgrifiad o'r planhigion, y cynhyrchion planhigion neu'r gwrthrychau eraill</i>	(3) <i>Manylion y datganiad swyddogol</i>
1.	Cloron <i>Solanum tuberosum</i> L., gan gynnwys y rhai a fwriedir i'w plannu sy'n tarddu o Sbaen ac eithrio pan fo'r cloron hynny'n tarddu o ardal a sefydlwyd yn unol ag Erthygl 5 o Benderfyniad 2012/270/EU	Rhaid i'r datganiad swyddogol gadarnhau bod y cloron wedi eu golchi fel nad oes mwy na 0.1% o bridd ar ôl
2.	Cloron <i>Solanum tuberosum</i> L., yn tarddu o Wlad Pwyl	Rhaid i'r datganiad swyddogol gadarnhau y cafwyd bod y cloron yn rhydd rhag <i>Clavibacter michiganensis</i> ssp. <i>Sepedonicus</i> (Spieckermann a Kotthoff) David <i>et al.</i> mewn profion mewn labordy

Table 1

(1)	(2) <i>Description of plants, plant products or other objects</i>	(3) <i>Details of official statement</i>
1.	Tubers of <i>Solanum tuberosum</i> L., including those intended for planting which originate in Spain except where those tubers originate in an area which has been established in accordance with Article 5 of Decision 2012/270/EU	The official statement must confirm that the tubers have been washed so that there is no more than 0.1% of soil remaining
2.	Tubers of <i>Solanum tuberosum</i> L., originating in Poland	The official statement must confirm that the tubers have been found free from <i>Clavibacter michiganensis</i> ssp. <i>Sepedonicus</i> (Spieckermann and Kotthoff) David <i>et al.</i> in laboratory tests

RHAN 1

Dehongli cyffredinol

1. Yn yr Atodlen hon—

ystyr “Cyfarwyddeb 93/85/EEC” (“*Directive 93/85/EEC*”) yw Cyfarwyddeb y Cyngor 93/85/EEC ynghylch rheoli pydredd cylch tatws(1);

ystyr “Cyfarwyddeb 98/57/EC” (“*Directive 98/57/EC*”) yw Cyfarwyddeb y Cyngor 98/57/EC ynghylch rheoli *Ralstonia solanacearum* (Smith) Yabuuchi *et al.*(2);

ystyr “Cyfarwyddeb 2007/33/EC” (“*Directive 2007/33/EC*”) yw Cyfarwyddeb y Cyngor 2007/33/EC ynghylch rheoli Llyngyr tatws(3);

mae “mangre” (“*premises*”) yn cynnwys unrhyw le, gan gynnwys unrhyw dir, adeilad, cerbyd, llestr, awyren, hofrenfad, cynhwysydd llwythi, wagen reilffordd, trelar neu adeilad neu adeiledd symudol;

ystyr “Pydredd coch tatws” (“*Potato brown rot*”) yw naill ai’r clefyd tatws a achosir gan *Ralstonia solanacearum* (Smith) Yabuuchi *et al.* neu’r bacteriwm hwnnw, fel y bo’r cyd-destun yn mynnu;

ystyr “Pydredd cylch tatws” (“*Potato ring rot*”) yw naill ai’r clefyd tatws a achosir gan y bacteriwm *Clavibacter michiganensis* (Smith) Davis *et al.* spp. *Sepdonicus* (Spieckermann a Kotthof) Davis *et al.* neu’r bacteriwm hwnnw, fel y bo’r cyd-destun yn mynnu;

ystyr “Rheoliadau Tatws Hadyd” (“*Seed Potatoes Regulations*”) yw Rheoliadau Tatws Hadyd (Cymru) 2016(4);

ystyr “taten” (“*potato*”) yw unrhyw gloronen neu wir had neu unrhyw blanhigyn arall o *Solanum tuberosum* L, neu unrhyw rywogaeth arall o’r genws *Solanum L.* sy’n ffurfio cloron.

(1) OJ Rhif L 259, 18.10.1993, t. 1, fel y’i diwygiwyd gan Gyfarwyddeb y Comisiwn 2006/56/EC (OJ Rhif L 182, 4.7.2006, t. 1). Mae’n cael ei ddiddymu o 1 Ionawr 2022 ymlaen (gweler Erthygl 113(2) o Reoliad (EU) 2016/2031 (OJ Rhif L 317, 23.11.2016, t. 4).
 (2) OJ Rhif L 235, 21.8.1998, t. 1, fel y’i diwygiwyd gan Gyfarwyddeb y Comisiwn 2006/63/EC (OJ Rhif L 206, 27.7.2006, t. 36). Mae’n cael ei ddiddymu o 1 Ionawr 2022 ymlaen (gweler Erthygl 113(2) o Reoliad (EU) 2016/2031).
 (3) OJ Rhif L 156, 16.6.2007, t. 12. Mae’n cael ei ddiddymu o 1 Ionawr 2022 ymlaen (gweler Erthygl 113(2) o Reoliad (EU) 2016/2031).
 (4) O.S. 2016/106 (Cy. 52).

PART 1

General interpretation

1. In this Schedule—

“Directive 93/85/EEC” (“*Cyfarwyddeb 93/85/EEC*”) means Council Directive 93/85/EEC on the control of potato ring rot(1);

“Directive 98/57/EC” (“*Cyfarwyddeb 98/57/EC*”) means Council Directive 98/57/EC on the control of *Ralstonia solanacearum* (Smith) Yabuuchi *et al.*(2);

“Directive 2007/33/EC” (“*Cyfarwyddeb 2007/33/EC*”) means Council Directive 2007/33/EC on the control of potato cyst nematodes(3);

“premises” (“*mangre*”) includes any place, including any land, building, vehicle, vessel, aircraft, hovercraft, freight container, railway wagon, trailer or movable building or structure;

“potato” (“*taten*”) means any tuber or true seed or any other plant of *Solanum tuberosum* L. or other tuber-forming species of the genus *Solanum* L.;

“Potato brown rot” (“*Pydredd coch tatws*”) means either the disease of potatoes caused by *Ralstonia solanacearum* (Smith) Yabuuchi *et al.* or that bacterium, as the context requires;

“Potato ring rot” (“*Pydredd cylch tatws*”) means either the disease of potatoes which is caused by the bacterium *Clavibacter michiganensis* (Smith) Davis *et al.* spp. *Sepdonicus* (Spieckermann and Kotthof) Davis *et al.* or that bacterium, as the context requires;

“Seed Potatoes Regulations” (“*Rheoliadau Tatws Hadyd*”) means the Seed Potatoes (Wales) Regulations 2016(4).

(1) OJ No. L 259, 18.10.1993, p. 1, as amended by Commission Directive 2006/56/EC (OJ No. L 182, 4.7.2006, p. 1). It is repealed from 1 January 2022 (see Article 113(2) of Regulation (EU) 2016/2031 (OJ No. L 317, 23.11.2016, p. 4).
 (2) OJ No. L 235, 21.8.1998, p. 1, as amended by Commission Directive 2006/63/EC (OJ No. L 206, 27.7.2006, p. 36). It is repealed from 1 January 2022 (see Article 113(2) of Regulation (EU) 2016/2031).
 (3) OJ No. L 156, 16.6.2007, p. 12. It is repealed from 1 January 2022 (see Article 113(2) of Regulation (EU) 2016/2031).
 (4) S.I. 2016/106 (W. 52).

RHAN 2

Darpariaethau cyffredinol ynglŷn â phlannu rhywogaethau mochlysaidd penodol

Cyfyngiadau cyffredinol ar blannu tatws

2.—(1) Ni chaiff unrhyw berson fynd ati'n fwriadol i blannu'r canlynol, nac achosi na chaniatáu'n fwriadol iddynt gael eu plannu—

- (a) unrhyw datws a dyfwyd mewn trydedd wlad, heblaw'r Swistir, neu
- (b) unrhyw datws a gynhyrchir o'r tatws hynny.

(2) Ni chaiff unrhyw berson fynd ati'n fwriadol i blannu unrhyw datws, nac achosi na chaniatáu'n fwriadol iddynt gael eu plannu oni bai—

- (a) eu bod yn tarddu mewn llinell uniongyrchol o ddeunydd tatws sydd wedi ei gael o dan raglen a gymeradwywyd yn swyddogol yn yr Undeb Ewropeaidd neu'r Swistir,
- (b) y canfuwyd eu bod yn rhydd rhag Pydredd cyleh tatws mewn profion swyddogol gan ddefnyddio'r dulliau a nodir yn Atodiad 1 i Gyfarwyddeb 93/85/EEC, ac
- (c) y canfuwyd eu bod yn rhydd rhag Pydredd coch tatws mewn profion swyddogol gan ddefnyddio'r dulliau a nodir yn Atodiad 2 i Gyfarwyddeb 98/57/EC.

RHAN 3

Mesurau i reoli Clefyd y ddafaden tatws

Dehongli

3. Yn y Rhan hon—

- (a) ystyr “Clefyd y ddafaden tatws” yw naill ai'r clefyd tatws a achosir gan y ffwng *Synchytrium endobioticum* (Schilbersky) Percival neu'r ffwng hwnnw, fel y bo'r cyddestun yn mynnu;
- (b) mae llain o dir i'w hystyried yn llain halogedig os bydd prawf swyddogol yn cadarnhau bod Clefyd y ddafaden tatws yn bresennol ar o leiaf un planhigyn sy'n tyfu neu a dyfwyd ar y llain honno.

PART 2

General provisions relating to the planting of certain solanaceous species

General restrictions on the planting of potatoes

2.—(1) A person must not knowingly plant, or knowingly cause or permit to be planted—

- (a) any potatoes which have been grown in a third country, other than Switzerland, or
- (b) any potatoes produced from those potatoes.

(2) A person must not knowingly plant, or knowingly cause or permit to be planted, any potatoes unless—

- (a) they derive in direct line from potato material which has been obtained under an officially approved programme in the European Union or Switzerland,
- (b) they have been found to be free from Potato ring rot in official tests using the methods set out in Annex 1 to Directive 93/85/EEC, and
- (c) they have been found to be free from Potato brown rot in official tests using the methods set out in Annex 2 to Directive 98/57/EC.

PART 3

Measures for the control of Potato wart disease

Interpretation

3. In this Part—

- (a) “Potato wart disease” means either the disease of potatoes which is caused by the fungus *Synchytrium endobioticum* (Schilbersky) Percival or that fungus, as the context requires;
- (b) a plot of land is to be regarded as a contaminated plot if Potato wart disease is confirmed by an official test to be present on at least one plant that is growing or was grown on that plot.

Mesurau swyddogol ynglŷn â lleiniau tir halogedig

4.—(1) Rhaid i arolygydd iechyd planhigion ddarnodi unrhyw lain halogedig a pharth diogelwch o amgylch y llain honno sy'n ddigon mawr i sicrhau diogelwch yr ardal o'i hamgylch.

(2) Rhaid i arolygydd iechyd planhigion gyflwyno hysbysiad o dan reoliad 15(1) yn ei gwneud yn ofynnol i unrhyw gloron neu wlydd tatws sy'n bresennol ar y llain halogedig neu sydd wedi dod o'r llain halogedig, gael eu trin mewn modd sy'n sicrhau bod Clefyd y ddfaden tatws sy'n bresennol arnynt yn cael ei ddiinstrio.

(3) Pan fo arolygydd iechyd planhigion wedi ei fodloni bod unrhyw gloron neu wlydd tatws wedi eu halogi â Chlefyd y ddfaden tatws ac na all yr arolygydd ganfod a fu'r cloron neu'r gwlydd hynny yn bresennol ar lain halogedig, caiff yr arolygydd gyflwyno hysbysiad o dan reoliad 15(1) sy'n ei gwneud yn ofynnol i'r swp cyfan sy'n cynnwys y cloron neu'r gwlydd yr effeithiwyd arnynt gael ei drin mewn modd sy'n sicrhau nad oes risg y bydd Clefyd y ddfaden tatws yn lledaenu.

Gwahardd plannu tatws ar leiniau halogedig

5.—(1) Pan fo llain halogedig wedi ei darnodi o dan baragraff 4(1), ni chaiff unrhyw berson—

- (a) tyfu unrhyw datws ar y llain, neu
- (b) tyfu neu storio ar y llain unrhyw blanhigion a fwriedir i'w trawsblannu.

(2) Ni chaiff unrhyw berson dyfu tatws mewn parth diogelwch a ddarnodir o dan baragraff 4(1) oni bai bod arolygydd iechyd planhigion wedi ei fodloni eu bod o rywogaeth sydd ag ymwrthedd i'r hiliau o Glefyd y ddfaden tatws a geir ar y llain halogedig y mae'r parth diogelwch yn ymwneud â hi.

(3) Bernir bod amrywogaeth tatws yn un sydd ag ymwrthedd i hil benodol o Glefyd y ddfaden tatws at ddibenion is-baragraff (2) pan fo'r amrywogaeth honno yn adweithio i halogiad gan gyfrwng pathogenig yr hil honno mewn modd sy'n sicrhau nad oes perygl o sgil-heintio.

Dirymu darnodiad llain halogedig

6. Pan fo arolygydd iechyd planhigion wedi ei fodloni nad yw Clefyd y ddfaden tatws yn bresennol mwyach ar lain a ddarnodir o dan baragraff 4(1) neu ar ei pharth diogelwch cysylltiedig, rhaid i'r arolygydd ddirymu'r darnodiad hwnnw.

Official measures relating to contaminated plots of land

4.—(1) A plant health inspector must demarcate any contaminated plot and a safety zone around that plot which is large enough to ensure the protection of the surrounding area.

(2) A plant health inspector must serve a notice under regulation 15(1) requiring any potato tubers or haulms which are present on the contaminated plot, or which come from the contaminated plot, to be treated in such a way that the Potato wart disease present on them is destroyed.

(3) Where a plant health inspector is satisfied that any potato tubers or haulms are contaminated with Potato wart disease and the inspector cannot determine whether those tubers or haulms have been present on a contaminated plot, the inspector may serve a notice under regulation 15(1) which requires the whole batch containing the affected tubers or haulms to be treated in such a way that there is no risk of Potato wart disease spreading.

Prohibition on the planting of potatoes on contaminated plots

5.—(1) Where a contaminated plot is demarcated under paragraph 4(1), no person may—

- (a) grow any potatoes on the plot, or
- (b) grow or store on the plot any plants intended for transplanting.

(2) No person may grow potatoes in a safety zone demarcated under paragraph 4(1) unless a plant health inspector is satisfied that they are of a variety which is resistant to the races of Potato wart disease found on the contaminated plot to which the safety zone relates.

(3) A potato variety is to be considered resistant to a particular race of Potato wart disease for the purposes of sub-paragraph (2) where that variety reacts to contamination by the pathogenic agent of that race in such a way that there is no danger of secondary infection.

Revocation of the demarcation of a contaminated plot

6. Where a plant health inspector is satisfied that Potato wart disease is no longer present on a plot which was demarcated under paragraph 4(1) or on its associated safety zone, the inspector must revoke that demarcation.

RHAN 4

Mesurau i reoli poblogaethau Ewropeaidd o
Lyngyr tatws

Dehongli

7. Yn y Rhan hon—

ystyr “bylbiau sy’n dueddol o gael plâu neu glefydau” (“*susceptible bulbs*”) yw bylbiau, cloron neu risomau, a dyfwyd mewn pridd ac a fwriedir i’w plannu, o *Allium ascalonicum* L., *Allium cepa* L., *Dahlia* spp., *Gladiolus* Tourn. Ex L., *Hyacinthus* spp., *Iris* spp., *Lilium* spp., *Narcissus* L. neu *Tulipa* L., heblaw’r rhai y ceir tystiolaeth drwy gyfrwng eu pecynnau neu drwy ddulliau eraill y bwriedir iddynt gael eu gwerthu i ddefnyddwyr terfynol nad ydynt yn ymwneud yn broffesiynol â chynhyrchu planhigion neu flodau wedi eu torri;

ystyr “cae” (“*field*”) yw ardal sydd wedi ei darnodi fel cae at ddibenion Erthygl 3 o Gyfarwyddeb 2007/33/EC;

ystyr “cae a heigiwyd” (“*infested field*”) yw cae y cofnodwyd ei fod wedi ei heigio yn unol â pharagraff 9(1);

ystyr “deunydd sy’n dueddol o gael plâu neu glefydau” (“*susceptible material*”) yw planhigion cynhaliol, bylbiau sy’n dueddol o gael plâu neu glefydau neu blanhigion sy’n dueddol o gael plâu neu glefydau;

ystyr “hysbysiad” (“*notice*”) yw hysbysiad o dan reoliad 15(1);

ystyr “Llyngyr tatws” (“*Potato cyst nematode*”) yw unrhyw lyngyr sy’n ffurfio systiau o’r rhywogaeth *Globodera pallida* (Stone) Behrens neu *Globodera rostochiensis* (Wollenweber) Behrens sy’n heigio ac yn lluosogi ar datws, gan gynnwys unrhyw fath neu bathoteip o lyngyr o’r fath;

ystyr “planhigion cynhaliol” (“*host plants*”) yw planhigion ac iddynt wreiddiau *Capsicum* spp., *Solanum lycopersicum* L. neu *Solanum melongena* L.;

ystyr “planhigion sy’n dueddol o gael plâu neu glefydau” (“*susceptible plants*”) yw planhigion ac iddynt wreiddiau *Allium porrum* L., *Asparagus officinalis* L., *Beta vulgaris* L., *Brassica* spp. neu *Fragaria* L.

PART 4

Measures for the control of European
populations of Potato cyst nematode

Interpretation

7. In this Part—

“field” (“*cae*”) means an area which has been demarcated as a field for the purposes of Article 3 of Directive 2007/33/EC;

“host plants” (“*planhigion cynhaliol*”) means plants with roots of *Capsicum* spp., *Solanum lycopersicum* L. or *Solanum melongena* L.;

“infested field” (“*cae a heigiwyd*”) means a field which is recorded as infested pursuant to paragraph 9(1);

“notice” (“*hysbysiad*”) means a notice under regulation 15(1);

“Potato cyst nematode” (“*Llyngyr tatws*”) means any cyst-forming nematode of the species *Globodera pallida* (Stone) Behrens or *Globodera rostochiensis* (Wollenweber) Behrens that infests and multiplies on potatoes, including any strain or pathotype of any such nematode;

“susceptible bulbs” (“*bylbiau sy’n dueddol o gael plâu neu glefydau*”) means bulbs, tubers or rhizomes, grown in soil and intended for planting, of *Allium ascalonicum* L., *Allium cepa* L., *Dahlia* spp., *Gladiolus* Tourn. Ex L., *Hyacinthus* spp., *Iris* spp., *Lilium* spp., *Narcissus* L. or *Tulipa* L., other than those for which there is evidence by their packaging or by other means that they are intended for sale to final consumers not involved in professional plant or cut flower production;

“susceptible material” (“*deunydd sy’n dueddol o gael plâu neu glefydau*”) means host plants, susceptible bulbs or susceptible plants;

“susceptible plants” (“*planhigion sy’n dueddol o gael plâu neu glefydau*”) means plants with roots of *Allium porrum* L., *Asparagus officinalis* L., *Beta vulgaris* L., *Brassica* spp. or *Fragaria* L.

Ymchwiliadau ac arolygon swyddogol

8. Rhaid i Weinidogion Cymru sicrhau—

- (a) bod ymchwiliadau swyddogol yn cael eu cynnal yn unol ag Erthyglau 4 a 5 o Gyfarwyddeb 2007/33/EC ar gyfer presenoldeb Llyngyr tatws mewn caeau y bwriedir plannu neu storio ynddynt datws hadyd neu ddeunydd sy'n dueddol o gael plâu neu glefydau sydd wedi eu bwriadu ar gyfer cynhyrchu planhigion i'w plannu, a
- (b) bod arolygon swyddogol yn cael eu cynnal yn unol ag Erthygl 6 o Gyfarwyddeb 2007/33/EC ar gyfer presenoldeb Llyngyr tatws mewn caeau a ddefnyddir i gynhyrchu datws, heblaw'r rhai a fwriedir ar gyfer cynhyrchu datws hadyd.

Cofnodion swyddogol ymchwiliadau ac arolygon

9.—(1) Rhaid i Weinidogion Cymru sicrhau bod canlyniadau pob ymchwiliad swyddogol neu arolwg swyddogol a gynhelir yn unol â pharagraff 8 yn cael eu cofnodi i ddangos a ganfuwyd Llyngyr tatws yn y caeau yn ystod yr ymchwiliad neu'r arolwg.

(2) Pan fo'r mesurau a gymeradwywyd yn swyddogol ac a nodir yn Adran 3(C) o Atodiad 3 i Gyfarwyddeb 2007/33/EC wedi eu cymryd mewn cae y cofnodwyd ei fod wedi ei heigio yn unol ag is-baragraff (1) ac, ar ôl cwblhau'r mesurau hynny, y cadarnheir yn swyddogol nad oes Llyngyr tatws yn bresennol yn y cae mwyach, rhaid i Weinidogion Cymru sicrhau bod y cofnod yn cael ei ddiweddarau yn unol â hynny.

Hysbysiadau mewn perthynas â chaeau a heigiwyd a deunydd sy'n dueddol o gael plâu neu glefydau a halogwyd

10.—(1) Rhaid i arolygydd iechyd planhigion gyflwyno hysbysiad ysgrifenedig i'r meddiannydd neu i'r person arall sydd â gofal am gae a heigiwyd, sy'n pennu ffiniau'r cae a heigiwyd.

(2) Ni chaniateir tynnu'r hysbysiad yn ôl hyd nes y cadarnheir, yn unol â pharagraff 9(2) nad oes Llyngyr tatws yn bresennol yn y cae mwyach.

(3) Rhaid i arolygydd iechyd planhigion, drwy hysbysiad, ddynodi bod unrhyw ddeunydd sy'n dueddol o gael plâu neu glefydau ac sy'n dod o gae y cofnodwyd yn swyddogol ei fod wedi ei heigio o dan baragraff 9(1) neu unrhyw ddeunydd sy'n dueddol o gael plâu neu glefydau ac sydd wedi bod mewn cysylltiad â phridd lle cafwyd Llyngyr tatws yn ddeunydd halogedig.

Official investigations and surveys

8. The Welsh Ministers must ensure that—

- (a) official investigations are carried out in accordance with Articles 4 and 5 of Directive 2007/33/EC for the presence of Potato cyst nematodes in fields in which seed potatoes or susceptible material intended for the production of plants for planting are to be planted or stored, and
- (b) official surveys are carried out in accordance with Article 6 of Directive 2007/33/EC for the presence of Potato cyst nematodes in fields used for the production of potatoes, other than those intended for the production of seed potatoes.

Official records of investigations and surveys

9.—(1) The Welsh Ministers must ensure that the results of each official investigation or official survey carried out pursuant to paragraph 8 are recorded to indicate whether Potato cyst nematodes were found in the fields during the investigation or survey.

(2) Where the officially approved measures set out in Section 3(C) of Annex 3 to Directive 2007/33/EC have been taken in a field which has been recorded as infested pursuant to sub-paragraph (1) and, following the completion of those measures, it is officially confirmed that Potato cyst nematodes are no longer present in the field, the Welsh Ministers must ensure that the record is updated accordingly.

Notices in relation to infested fields and contaminated susceptible material

10.—(1) A plant health inspector must serve a notice in writing on the occupier or other person in charge of an infested field which specifies the boundaries of the infested field.

(2) The notice may not be withdrawn until it is confirmed, in accordance with paragraph 9(2), that Potato cyst nematode is no longer present in the field.

(3) A plant health inspector must by notice designate as contaminated any susceptible material which comes from a field that has been officially recorded as infested under paragraph 9(1) or any susceptible material which has been in contact with soil in which Potato cyst nematodes have been found.

Gwahardd plannu tatws mewn caeau a heigiwyd

11.—(1) Oni chaiff ei awdurdodi i wneud hynny gan arolygydd, ni chaiff unrhyw berson—

- (a) plannu unrhyw datws y bwriedir eu defnyddio i gynhyrchu tatws hadyd mewn cae a heigiwyd, neu
- (b) plannu neu storio unrhyw ddeunydd sy'n dueddol o gael plâu neu glefydau y bwriedir ei blannu mewn cae a heigiwyd.

(2) Caiff arolygydd iechyd planhigion awdurdodi plannu bylbiau sy'n dueddol o gael plâu neu glefydau neu blanhigion sy'n dueddol o gael plâu neu glefydau mewn cae a heigiwyd.

(3) Rhaid i awdurdodiad o dan is-baragraff (2) gael ei roi drwy hysbysiad a rhaid iddo gynnwys y mesurau a nodir yn Adran 3(A) o Atodiad 3 i Gyfarwyddeb 2007/33/EC.

Atal Llyngyr tatws

12.—(1) Ni chaiff unrhyw berson blannu unrhyw datws mewn cae a heigiwyd nad ydynt wedi eu bwriadu ar gyfer cynhyrchu tatws hadyd oni bai ei fod wedi ei awdurdodi i wneud hynny gan arolygydd iechyd planhigion.

(2) Rhaid i awdurdodiad o dan is-baragraff (1) gael ei roi drwy hysbysiad a dim ond os yw'r arolygydd wedi ei fodloni bod pob cam rhesymol i atal Llyngyr tatws yn y cae wedi eu cymryd yn unol â'r rhaglen reoli swyddogol a fabwysiadwyd gan Weinidogion Cymru ar gyfer atal Llyngyr tatws y caniateir iddo gael ei roi.

Rheolaethau ar datws hadyd halogedig etc.

13.—(1) Ni chaiff unrhyw berson blannu unrhyw datws hadyd nac unrhyw blanhigion cynhaliol sydd wedi eu dynodi yn halogedig yn unol â pharagraff 10(3), oni bai ei fod wedi ei awdurdodi i wneud hynny gan arolygydd.

(2) Rhaid i awdurdodiad o dan is-baragraff (1) gael ei roi drwy hysbysiad a rhaid iddo gynnwys y mesurau sy'n angenrheidiol ym marn yr arolygydd i ddihalogi'r tatws hadyd neu'r planhigion cynhaliol hynny.

Rheolaethau ar datws ar gyfer prosesu neu raddio diwydiannol

14.—(1) Ni chaiff unrhyw berson symud unrhyw datws a ddynodwyd yn halogedig yn unol â pharagraff 10(3) ac a fwriedir ar gyfer prosesu neu raddio diwydiannol, oni bai ei fod wedi ei awdurdodi i wneud hynny gan arolygydd.

Prohibition on the planting of potatoes in infested fields

11.—(1) Unless authorised to do so by an inspector, no person may—

- (a) plant any potatoes that are intended for the production of seed potatoes in an infested field, or
- (b) plant or store any susceptible material which is intended for planting in an infested field.

(2) A plant health inspector may authorise the planting of susceptible bulbs or susceptible plants in an infested field.

(3) An authorisation under sub-paragraph (2) must be by notice and must contain the measures set out in Section 3(A) of Annex 3 to Directive 2007/33/EC.

Suppression of Potato cyst nematodes

12.—(1) No person may plant any potatoes that are not intended for the production of seed potatoes in an infested field unless authorised to do so by a plant health inspector.

(2) An authorisation under sub-paragraph (1) must be by notice and may only be given if the inspector is satisfied that all reasonable steps to suppress Potato cyst nematodes in the field have been taken in accordance with the official control programme adopted by the Welsh Ministers for the suppression of Potato cyst nematodes.

Controls on contaminated seed potatoes etc.

13.—(1) No person may plant any seed potatoes or any host plants which have been designated as contaminated pursuant to paragraph 10(3), unless authorised to do so by an inspector.

(2) An authorisation under sub-paragraph (1) must be by notice and must contain the measures which the inspector considers necessary to decontaminate those seed potatoes or host plants.

Controls on potatoes for industrial processing or grading

14.—(1) No person may move any potatoes which have been designated as contaminated pursuant to paragraph 10(3) and are intended for industrial processing or grading, unless authorised to do so by an inspector.

(2) Rhaid i awdurdodiad o dan is-baragraff (1) gael ei roi drwy hysbysiad a rhaid iddo ei gwneud yn ofynnol i'r tatws gael eu danfon i safle prosesu neu raddio sydd â gweithdrefnau gwaredu gwastraff priodol a gymeradwywyd yn swyddogol sy'n sicrhau nad oes risg y bydd Llyngyr tatws yn lledaenu.

Rheolaethau ar fylbiau halogedig etc.

15. Ni chaiff unrhyw berson blannu unrhyw fylbiau sy'n dueddol o gael plâu neu glefydau neu blanhigion sy'n dueddol o gael plâu neu glefydau sydd wedi eu dynodi fel rhai a halogwyd yn unol â pharagraff 10(3), oni bai eu bod wedi bod yn destun y mesurau a nodir yn Adran 3(A) o Atodiad 3 i Gyfarwyddeb 2007/33/EC a bod arolygydd wedi cadarnhau drwy hysbysiad nad ydynt wedi eu halogi mwyach.

Ymchwiliadau pellach ar gyfer presenoldeb llyngyr tatws

16. Os yw unrhyw achos a amheuir o Lyngyr tatws neu unrhyw achos o bresenoldeb Llyngyr tatws a gadarnhawyd yn deillio o fethiant neu newid o ran effeithiolrwydd amrywogaeth tatws sydd ag ymwrthedd sy'n ymwneud â newid eithriadol o ran cyfansoddiad rhywogaethau llyngyr, pathodeipiau neu grwpiau gwenwyndra, rhaid i Weinidogion Cymru sicrhau y cynhelir drwy ddulliau priodol ymchwiliad i'r rhywogaeth o Lyngyr tatws dan sylw a, pan fo'n gymwys, y pathoteip a'r grŵp gwenwyndra dan sylw, a'u bod yn cael eu cadarnhau drwy ddulliau priodol.

RHAN 5

Mesurau i reoli Pydredd cylch tatws

Dehongli

17. Yn y Rhan hon—

ystyr “blwyddyn dyfu gyntaf” (“*first growing year*”), yn achos mesurau sydd i'w cymryd mewn perthynas â man cynhyrchu halogedig, yw'r flwyddyn dyfu gyntaf yn dilyn y flwyddyn dyfu pryd y dynodir y man cynhyrchu yn halogedig at ddibenion Erthygl 5(1)(a) o Gyfarwyddeb 93/85/EEC;

ystyr “deunydd sy'n dueddol o gael plâu neu glefydau” (“*susceptible material*”) yw cloron neu blanhigion *Solanum tuberosum* L.;

ystyr “gwrthrych” (“*object*”) yw unrhyw beiriant, cerbyd, llestr, storfa neu wrthrych arall, gan gynnwys deunydd pecynnu;

ystyr “halogedig” (“*contaminated*”) yw wedi ei dynodi'n halogedig gan arolygydd iechyd

(2) An authorisation under sub-paragraph (1) must be by notice and must require the potatoes to be delivered to a processing or grading plant that has appropriate and officially approved waste disposal procedures that ensure that there is no risk of Potato cyst nematodes spreading.

Controls on contaminated bulbs etc.

15. No person may plant any susceptible bulbs or susceptible plants which have been designated as contaminated pursuant to paragraph 10(3), unless they have been subject to the measures set out in Section 3(A) of Annex 3 to Directive 2007/33/EC and an inspector has confirmed by notice that they are no longer contaminated.

Further investigations for the presence of Potato cyst nematodes

16. If any suspected occurrence or confirmed presence of Potato cyst nematodes in Wales results from a breakdown or change in the effectiveness of a resistant potato variety which relates to an exceptional change in the composition of nematode species, pathotype or virulence group, the Welsh Ministers must ensure that the species of Potato cyst nematode and, where applicable, the pathotype and virulence group involved are investigated and confirmed by appropriate methods.

PART 5

Measures for the control of Potato ring rot

Interpretation

17. In this Part—

“certified seed potatoes” (“*tatws hadyd ardystiedig*”) means pre-basic seed potatoes, basic seed potatoes or certified seed potatoes within the meaning given in regulation 2(1) of the Seed Potatoes Regulations;

“contaminated” (“*halogedig*”) means designated by a plant health inspector as contaminated for the purposes of Article 5(1)(a) of Directive 93/85/EEC;

“first growing year” (“*blwyddyn dyfu gyntaf*”), in the case of measures to be taken in relation to a contaminated place of production, means the first growing year following the growing year in which the place of production is designated as contaminated for the purposes of Article 5(1)(a) of Directive 93/85/EEC;

planhigion at ddibenion Erthygl 5(1)(a) o Gyfarwyddeb 93/85/EEC;

ystyr “halogedig o bosibl” (“*possibly contaminated*”) yw wedi ei bennu’n halogedig o bosibl gan arolygydd iechyd planhigion at ddibenion Erthygl 5(1)(b) o Gyfarwyddeb 93/85/EEC;

ystyr “hysbysiad” (“*notice*”), mewn perthynas â hysbysiad sydd i’w roi gan arolygydd iechyd planhigion, yw hysbysiad o dan reoliad 15(1);

ystyr “parth” (“*zone*”) yw unrhyw ardal, gan gynnwys unrhyw fangre unigol;

ystyr “tatws hadyd ardystiedig” (“*certified seed potatoes*”) yw tatws hadyd cyn-sylfaenol, tatws hadyd sylfaenol neu datws hadyd ardystiedig o fewn yr ystyr a nodir yn rheoliad 2(1) o’r Rheoliadau Tatws Hadyd.

Arolygon a phroffion swyddogol

18.—(1) Rhaid i Weinidogion Cymru sicrhau bod arolygon swyddogol systemataidd ar gyfer Pydredd cylch tatws yn cael eu cynnal yng Nghymru ar gloron *Solanum tuberosum* L. a, pan fo’n briodol, ar blanhigion *Solanum tuberosum* L., yn unol ag Erthygl 2(1) o Gyfarwyddeb 93/85/EEC.

(2) Pan amheuir bod Pydredd cylch tatws yn bresennol mewn deunydd sy’n dueddol o gael plâu neu glefydau, rhaid i Weinidogion Cymru sicrhau—

- (a) bod profion swyddogol yn cael eu cynnal gan ddefnyddio’r dull a nodir yn Atodiad 1 i Gyfarwyddeb 93/85/EEC ac yn unol â’r amodau a bennir ym mhwynt 1 o Atodiad 2 i Gyfarwyddeb 93/85/EEC i gadarnhau a yw’n bresennol ai peidio,
- (b) bod y canlynol yn cael eu cadw a’u diogelu’n briodol tra disgwylir i’r profion swyddogol gael eu cwblhau—
 - (i) yr holl gloron a samplwyd, a lle bynnag y bo’n bosibl, yr holl blanhigion a samplwyd;
 - (ii) unrhyw echdyniad sy’n weddill a deunydd paratoi ychwanegol ar gyfer y profion sgrinio;
 - (iii) yr holl ddogfennaeth berthnasol, ac
- (c) hyd nes y cadarnheir ei fod yn bresennol neu y gwrthbrofir yr amheuaeth ei fod yn bresennol, pan fo symptomau gweledol diagnostig sy’n peri amheuaeth ynghylch presenoldeb Pydredd cylch tatws wedi eu gweld, neu pan fo symptomau Pydredd cylch tatws wedi eu canfod gan brawf imiwnoffloroleuedd cadarnhaol neu brawf cadarnhaol priodol arall—

“notice” (“*hysbysiad*”), in relation to a notice to be given by a plant health inspector, means a notice under regulation 15(1);

“object” (“*gwrthrych*”) means any item of machinery, vehicle, vessel, store or other object, including packaging material;

“possibly contaminated” (“*halogedig o bosibl*”) means determined by a plant health inspector to be possibly contaminated for the purposes of Article 5(1)(b) of Directive 93/85/EEC;

“susceptible material” (“*deunydd sy’n dueddol o gael plâu neu glefydau*”) means tubers or plants of *Solanum tuberosum* L.;

“zone” (“*parth*”) means any area, including any individual premises.

Official surveys and testing

18.—(1) The Welsh Ministers must ensure that systematic official surveys for Potato ring rot are carried out in Wales on tubers of *Solanum tuberosum* L. and, where appropriate, on plants of *Solanum tuberosum* L., in accordance with Article 2(1) of Directive 93/85/EEC.

(2) Where the presence of Potato ring rot in susceptible material is suspected, the Welsh Ministers must ensure that—

- (a) official testing is carried out using the method set out in Annex 1 to Directive 93/85/EEC and in accordance with the conditions specified in point 1 of Annex 2 to Directive 93/85/EEC to confirm whether or not it is present,
- (b) the following are retained and appropriately conserved pending completion of the official testing—
 - (i) all tubers sampled, and wherever possible, all plants sampled;
 - (ii) any remaining extract and additional preparation material for the screening tests;
 - (iii) all relevant documentation, and
- (c) pending the confirmation of its presence or the refutation of its suspected presence, where suspect diagnostic visual symptoms of Potato ring rot have been seen or symptoms of Potato ring rot have been identified by a positive immunofluorescence test or other appropriate positive test—

- (i) bod symud yr holl lotiau neu lwythi y cymerwyd y samplau ohonynt, heblaw'r rhai sydd o dan reolaeth swyddogol, yn cael ei wahardd, ac eithrio pan gadarnhawyd nad oes risg adnabyddadwy y bydd Pydredd cylch tatws yn lledaenu,
- (ii) bod camau'n cael eu cymryd i olrhain tarddiad yr achos a amheuir, a
- (iii) bod camau rhagofalus priodol ychwanegol sy'n seiliedig ar lefel y risg a amcangyfrifir yn cael eu cymryd i atal y pla planhigion rhag lledaenu.

(3) Caiff hysbysiad gynnwys mesurau at ddibenion is-baragraff (2)(c)(i) i (iii).

Mesurau i'w cymryd yn dilyn cadarnhau presenoldeb Pydredd cylch tatws

19.—(1) Os yw presenoldeb Pydredd cylch tatws yn cael ei gadarnhau mewn sampl o ddeunydd sy'n dueddol o gael plâu neu glefydau yn dilyn profion swyddogol a gynhelir yn unol â pharagraff 18(2)(a) neu is-baragraff (2), rhaid i Weinidogion Cymru sicrhau—

- (a) bod y deunydd sy'n dueddol o gael plâu neu glefydau, y llwyth neu'r lot ac unrhyw wrthrych y cymerwyd y sampl ohono a, pan fo'n briodol, y man cynhyrchu a'r cae y cynaeafwyd y deunydd sy'n dueddol o gael plâu neu glefydau ohonynt, yn cael eu dynodi yn halogedig gan arolygydd iechyd planhigion;
- (b) bod arolygydd iechyd planhigion yn canfod graddau'r halogi tebygol drwy gysylltiad cyn neu ar ôl cynaeafu neu drwy unrhyw gyswllt cynhyrchu ag unrhyw beth a ddynodir yn halogedig o dan baragraff (a), gan ystyried y materion a nodir ym mhwynt 1 o Atodiad 3 i Gyfarwyddeb 93/85/EEC;
- (c) bod parth yn cael ei ddarnodi gan arolygydd iechyd planhigion ar sail y dynodiad a wneir o dan baragraff (a), gan ystyried y materion a nodir ym mhwynt 2 o Atodiad 3 i Gyfarwyddeb 93/85/EEC.

(2) Pan fo deunydd sy'n dueddol o gael plâu neu glefydau wedi ei ddynodi yn halogedig o dan is-baragraff (1)(a), rhaid i Weinidogion Cymru sicrhau y cynhelir profion ar stociau tatws sy'n perthyn drwy glonio i'r deunydd hwnnw sy'n dueddol o gael plâu neu glefydau yn y dull a bennir ym mharagraff 18(2)(a) er mwyn canfod prif ffynhonnell debygol yr haint, a graddau'r halogi tebygol.

- (i) the movement of all lots or consignments from which the samples have been taken, other than those which are under official control, is prohibited, except where it has been established that there is no identifiable risk of Potato ring rot spreading,
- (ii) steps are taken to trace the origin of the suspected occurrence, and
- (iii) additional appropriate precautionary measures based on the level of estimated risk are taken to prevent any spread of the plant pest.

(3) A notice may contain measures for the purposes of sub-paragraph (2)(c)(i) to (iii).

Measures to be taken following the confirmation of the presence of Potato ring rot

19.—(1) If the presence of Potato ring rot is confirmed in a sample of susceptible material following official testing carried out pursuant to paragraph 18(2)(a) or sub-paragraph (2), the Welsh Ministers must ensure that—

- (a) the susceptible material, the consignment or lot and any object from which the sample was taken and, where appropriate, the place of production and field from which the susceptible material was harvested are designated as contaminated by a plant health inspector;
- (b) a plant health inspector determines the extent of the probable contamination through pre- or post-harvest contact or through any production link with anything designated as contaminated under paragraph (a), taking into account the matters set out in point 1 of Annex 3 to Directive 93/85/EEC;
- (c) a zone is demarcated by a plant health inspector on the basis of the designation made under paragraph (a), taking into account the matters set out in point 2 of Annex 3 to Directive 93/85/EEC.

(2) Where susceptible material has been designated as contaminated under sub-paragraph (1)(a), the Welsh Ministers must ensure that testing is carried out on potato stocks which are clonally related to that susceptible material in the manner specified in paragraph 18(2)(a) in order to determine the probable primary source of infection and the extent of the probable contamination.

(3) Rhaid cynnal unrhyw broffion o'r fath ar faint bynnag o ddeunydd sy'n dueddol o gael plâu neu glefydau ag sy'n angenrheidiol i ganfod prif ffynhonnell debygol yr haint, a graddau'r halogi tebygol.

(4) Rhaid i unrhyw ddynodiad gan arolygydd iechyd planhigion o dan y paragraff hwn hon gael ei wneud drwy hysbysiad.

(5) Pan fo arolygydd iechyd planhigion yn canfod o dan is-baragraff (1)(b) fod unrhyw ddeunydd sy'n dueddol o gael plâu neu glefydau, neu unrhyw wrthrych, yn halogedig o bosibl, rhaid i'r arolygydd ddynodi drwy hysbysiad fod y deunydd hwnnw neu'r gwrthrych hwnnw yn halogedig o bosibl.

Cyfyngiadau mewn perthynas â deunydd sy'n dueddol o gael plâu neu glefydau neu wrthrychau sy'n halogedig neu sy'n halogwyd o bosibl â Phydredd cylch tatws

20.—(1) Ni chaff unrhyw berson fynd ati'n fwriadol i blannu'r canlynol, nac achosi na chaniatáu'n fwriadol iddynt gael eu plannu—

- (a) unrhyw ddeunydd sy'n dueddol o gael plâu neu glefydau ac sy'n halogedig, neu
- (b) unrhyw ddeunydd sy'n dueddol o gael plâu neu glefydau ac sy'n halogedig o bosibl.

(2) Pan fo deunydd sy'n dueddol o gael plâu neu glefydau neu wrthrych wedi eu dynodi'n halogedig neu'n halogedig o bosibl o dan baragraff 19(1) neu (5), rhaid i arolygydd iechyd planhigion gyflwyno hysbysiad yn ei gwneud yn ofynnol—

- (a) yn achos deunydd sy'n dueddol o gael plâu neu glefydau ac sy'n halogedig, i'r deunydd gael ei waredu drwy ei ddinistrio neu drwy unrhyw fesur arall sy'n cydymffurfio â phwynt 1 o Atodiad 4 i Gyfarwyddeb 93/85/EEC;
- (b) yn achos deunydd sy'n dueddol o gael plâu neu glefydau ac sy'n halogedig o bosibl, i'r deunydd gael ei ddefnyddio neu ei waredu yn unol â phwynt 2 o Atodiad 4 i Gyfarwyddeb 93/85/EEC;
- (c) yn achos gwrthrych sy'n halogedig neu wrthrych sy'n halogedig o bosibl, i'r gwrthrych—
 - (i) cael ei waredu drwy ei ddinistrio, neu
 - (ii) cael ei lanhau a'i ddiheintio fel nad oes risg adnabyddadwy y bydd Pydredd cylch tatws yn goroesi neu'n lledaenu.

(3) Ni chaniateir i ddim byd a lanhawyd ac a ddiheintiwyd yn unol ag is-baragraff (2)(c)(ii) gael ei drin mwyach fel pe bai'n halogedig at ddibenion Cyfarwyddeb 93/85/EEC.

(3) Any such testing must be carried out on as much susceptible material as is necessary to determine the probable primary source of infection and the extent of the probable contamination.

(4) Any designation by a plant health inspector under this paragraph must be made by notice.

(5) Where any susceptible material or object is determined by a plant health inspector under sub-paragraph (1)(b) to be possibly contaminated, the inspector must by notice designate that material or object as possibly contaminated.

Restrictions in relation to susceptible material or objects contaminated or possibly contaminated with Potato ring rot

20.—(1) No person may knowingly plant or knowingly cause or permit to be planted—

- (a) any contaminated susceptible material, or
- (b) any possibly contaminated susceptible material.

(2) Where susceptible material or an object has been designated as contaminated or possibly contaminated under paragraph 19(1) or (5), a plant health inspector must serve a notice requiring that—

- (a) in the case of contaminated susceptible material, the material be disposed of by destruction or by any other measure that complies with point 1 of Annex 4 to Directive 93/85/EEC;
- (b) in the case of possibly contaminated susceptible material, the material be used or disposed of in accordance with point 2 of Annex 4 to Directive 93/85/EEC;
- (c) in the case of a contaminated object or a possibly contaminated object, the object be—
 - (i) disposed of by destruction, or
 - (ii) cleansed and disinfected so that there is no identifiable risk of Potato ring rot surviving or spreading.

(3) Anything cleansed and disinfected in accordance with sub-paragraph (2)(c)(ii) may no longer be treated as contaminated for the purposes of Directive 93/85/EEC.

Mesurau mewn perthynas â man cynhyrchu halogedig

21.—(1) Rhaid i arolygydd iechyd planhigion gyflwyno'r hysbysiadau a ganlyn i unrhyw feddiannydd neu berson arall sydd â gofal am fan cynhyrchu halogedig—

- (a) mewn perthynas ag unrhyw gae halogedig sy'n rhan o'r man cynhyrchu, hysbysiad yn cynnwys y set gyntaf o fesurau dileu neu hysbysiad yn cynnwys yr ail gyfres o fesurau dileu;
 - (b) mewn perthynas ag unrhyw gae sy'n rhan o'r man cynhyrchu ond nad yw'n halogedig, hysbysiad yn cynnwys y drydedd set o fesurau dileu.
- (2) Dyma'r set gyntaf o fesurau dileu—
- (a) y mesurau sydd i'w cymryd yn y cae o'r dyddiad y ceir yr hysbysiad ac am o leiaf dair blwyddyn dyfu o ddechrau'r flwyddyn dyfu gyntaf er mwyn dileu planhigion tatws gwirfoddol, ac unrhyw blanhigion eraill sy'n tyfu'n naturiol sy'n cynnal Pydredd cylch tatws,
 - (b) gwaharddiad ar blannu unrhyw un neu ragor o'r canlynol yn y cae yn ystod y cyfnod hwnnw—
 - (i) cloron, planhigion neu wir hadau tatws;
 - (ii) planhigion sy'n tyfu'n naturiol sy'n cynnal Pydredd cylch tatws;
 - (iii) cnydau lle ceir risg mewn cysylltiad â hwy y bydd Pydredd cylch tatws yn lledaenu,
 - (c) gofyniad mai dim ond tatws ar gyfer cynhyrchu tatws bwyta y caniateir eu plannu yn y cae yn ystod y tymor cnydio tatws cyntaf yn dilyn y cyfnod hwnnw, a bod y tatws dim ond yn cael eu plannu os canfuwyd bod y cae yn rhydd rhag planhigion tatws gwirfoddol a phlanhigion eraill sy'n tyfu'n naturiol sy'n cynnal Pydredd cylch tatws am o leiaf ddwy flwyddyn dyfu yn olynol cyn plannu, a bod y cloron a gynaeafwyd yn destun profion swyddogol gan ddefnyddio'r dull a nodir yn Atodiad 1 i Gyfarwyddeb 93/85/EEC, a

Measures in relation to a contaminated place of production

21.—(1) A plant health inspector must serve the following notices on any occupier or other person who is in charge of a contaminated place of production—

- (a) in relation to any contaminated field which is part of the place of production, a notice containing the first set of eradication measures or a notice containing the second set of eradication measures;
 - (b) in relation to any field which is part of the place of production but is not contaminated, a notice containing the third set of eradication measures.
- (2) The first set of eradication measures is—
- (a) the measures to be taken in the field from the date of receipt of the notice and for at least three growing years from the start of the first growing year so as to eliminate volunteer potato plants, and other naturally found host plants, of Potato ring rot,
 - (b) a prohibition on the planting of any of the following in the field during that period—
 - (i) potato tubers, plants or true seeds;
 - (ii) naturally found host plants of Potato ring rot;
 - (iii) crops for which there is a risk of Potato ring rot spreading,
 - (c) a requirement that in the first potato cropping season following that period, only potatoes for ware production be planted in the field, that they only be planted if the field has been found free from volunteer potato plants and other naturally found host plants of Potato ring rot for at least two consecutive growing years prior to planting, and that the harvested tubers be subjected to official testing using the method set out in Annex 1 to Directive 93/85/EEC, and

- (d) gofyniad mai dim ond tatws ar gyfer cynhyrchu tatws hadyd neu datws bwyta y caniateir eu plannu yn y cae yn ystod y tymor cynyddio tatws nesaf yn dilyn cylch cylchdroi priodol (rhaid i'r cylch hwnnw fod o leiaf ddwy flynedd pan fo'r tatws i'w plannu i gynhyrchu tatws hadyd).
- (3) Dyma'r ail set o fesurau dileu—
- (a) y mesurau sydd i'w cymryd yn y cae o'r dyddiad y ceir yr hysbysiad ac am bedair blwyddyn dyfu o ddechrau'r flwyddyn dyfu gyntaf er mwyn dileu planhigion tatws gwirfoddol, a phlanhigion eraill sy'n tyfu'n naturiol sy'n cynnal Pydredd cylch tatws,
- (b) gofyniad bod y cae yn cael ei gadw, yn ystod y cyfnod hwnnw, yn fraenar neu'n dir pori parhaol, gan dorri'r borfa yn fyr neu bori'r tir yn ddwys yn fynych, ac
- (c) gofyniad mai dim ond tatws ar gyfer cynhyrchu tatws hadyd neu datws bwyta y caniateir eu plannu yn ystod y tymor cynyddio tatws cyntaf yn dilyn y cyfnod hwnnw, a bod y tatws dim ond yn cael eu plannu os canfuwyd bod y cae yn rhydd rhag planhigion tatws gwirfoddol a phlanhigion eraill sy'n tyfu'n naturiol sy'n cynnal Pydredd cylch tatws am o leiaf ddwy flyddyn dyfu yn olynol cyn plannu, a bod y cloron a gynaeafwyd yn destun profion swyddogol gan ddefnyddio'r dull a nodir yn Atodiad 1 i Gyfarwydddeb 93/85/EEC.
- (4) Dyma'r drydedd set o fesurau dileu—
- (a) pan fo arolygydd iechyd planhigion wedi ei fodloni bod y risg o blanhigion tatws gwirfoddol a phlanhigion eraill sy'n tyfu'n naturiol sy'n cynnal Pydredd cylch tatws wedi ei ddileu, gwaharddiad ar blannu unrhyw un neu ragor o'r canlynol yn y cae o'r dyddiad y ceir yr hysbysiad ac am y flwyddyn dyfu gyntaf—
- (i) cloron, planhigion neu wir hadau tatws,
- (ii) planhigion sy'n tyfu'n naturiol sy'n cynnal Pydredd cylch tatws, a
- (iii) tatws hadyd ardystiedig, oni bai eu bod ar gyfer cynhyrchu tatws bwyta yn unig,
- (b) gofyniad mai dim ond y tatws a ganlyn y caniateir eu plannu ar gyfer cynhyrchu tatws hadyd neu datws bwyta yn y flwyddyn dyfu ganlynol—
- (i) tatws hadyd ardystiedig, a
- (d) a requirement that in the next potato cropping season only potatoes for seed or ware production be planted in the field following an appropriate rotation cycle (which must be at least two years where the potatoes are to be planted for seed production).
- (3) The second set of eradication measures is—
- (a) the measures to be taken in the field from the date of receipt of the notice and for four growing years from the start of the first growing year so as to eliminate volunteer potato plants, and other naturally found host plants, of Potato ring rot,
- (b) a requirement that, during that period, the field be maintained in bare fallow or in permanent pasture with frequent close cutting or intensive grazing, and
- (c) a requirement that in the first potato cropping season following that period, only potatoes for seed or ware production be planted, that they only be planted if the field has been found free from volunteer potato plants and other naturally found host plants of Potato ring rot for at least two consecutive growing years prior to planting, and that the harvested tubers be subjected to official testing using the method set out in Annex 1 to Directive 93/85/EEC.
- (4) The third set of eradication measures is—
- (a) where a plant health inspector is satisfied that the risk of volunteer potato plants and other naturally found host plants of Potato ring rot has been eliminated, a prohibition on the planting of any of the following in the field from the date of receipt of the notice and for the first growing year—
- (i) potato tubers, plants or true seeds,
- (ii) naturally found host plants of Potato ring rot, and
- (iii) certified seed potatoes, unless they are for ware production only,
- (b) a requirement that, in the subsequent growing year only the following potatoes be planted for seed or ware production—
- (i) certified seed potatoes, and

(ii) tatws hadyd a brofwyd yn swyddogol ar gyfer absenoldeb Pydredd cylch tatws ac a dyfwyd o dan reolaeth swyddogol mewn man cynhyrchu nad yw'n fan cynhyrchu halogedig,

(c) gofyniad mai dim ond tatws hadyd ardystiedig neu datws hadyd a dyfwyd o dan reolaeth swyddogol o datws hadyd ardystiedig y caniateir eu plannu i gynhyrchu tatws hadyd neu datws bwyta yn ystod o leiaf y drydedd flwyddyn dyfu, a

(d) y mesurau sydd i'w cymryd yn y cae o'r dyddiad y ceir yr hysbysiad hyd at ddiwedd y drydedd flwyddyn dyfu er mwyn dileu planhigion tatws gwirfoddol, ac unrhyw blanhigion sy'n tyfu'n naturiol sy'n cynnal Pydredd cylch tatws a gofyniad bod profion swyddogol yn cael eu cynnal ar y cloron a gynaeafwyd ym mhob cae gan ddefnyddio'r dull a nodir yn Atodiad 1 i Gyfarwyddeb 93/85/EEC.

(5) Rhaid hefyd i hysbysiad a gyflwynir gan arolygydd iechyd planhigion o dan is-baragraff (1)(a) sy'n cynnwys y set gyntaf o fesurau dileu—

(a) cynnwys gofyniad bod rhaid i'r holl beiriannau a chyfleusterau storio yn y man cynhyrchu a ddefnyddir i gynhyrchu tatws gael eu glanhau a'u diheintio ar unwaith ac yn dilyn y flwyddyn dyfu gyntaf, a

(b) pennu'r dulliau priodol ar gyfer glanhau a diheintio'r peiriannau a'r cyfleusterau storio.

(6) Caniateir i'r mesurau y caiff eu pennu mewn hysbysiad o dan is-baragraff (1) neu (5) gael eu cynnwys mewn hysbysiad gyda mesurau priodol eraill.

(7) Rhaid i'r person y cyflwynir hysbysiad iddo yn unol ag is-baragraff (1) sicrhau bod y mesurau a bennir yn yr hysbysiad yn cael eu cymryd yn y modd gofynnol.

(8) Pan fo arolygydd iechyd planhigion yn cyflwyno hysbysiad yn cynnwys y set gyntaf o fesurau dileu, rhaid i Weinidogion Cymru sicrhau bod arolwg swyddogol yn cael ei gynnal mewn perthynas â'r cae a grybwyllir yn is-baragraff (2)(d) yn unol ag Erthygl 2 o Gyfarwyddeb 93/85/EEC.

Mesurau ychwanegol sy'n gymwys i uned cynhyrchu cnwd o dan orchudd

22.—(1) Mae'r paragraff hwn yn gymwys i blannu unrhyw gloron, planhigion neu wir hadau tatws mewn uned cynhyrchu cynydau o dan orchudd sy'n halogedig lle mae'n bosibl amnewid yr holl gyfrwng tyfu yn yr uned.

(ii) seed potatoes officially tested for the absence of Potato ring rot and grown under official control at a place of production which is not a contaminated place of production,

(c) a requirement that, during at least the third growing year, only certified seed potatoes or seed potatoes grown under official control from certified seed potatoes be planted for seed or ware production, and

(d) the measures to be taken in the field from the date of receipt of the notice to the end of the third growing year so as to eliminate volunteer potato plants, and naturally found host plants of Potato ring rot and a requirement that official testing be carried out on harvested tubers in each field using the method set out in Annex 1 to Directive 93/85/EEC.

(5) A notice served by a plant health inspector under sub-paragraph (1)(a) containing the first set of eradication measures must additionally—

(a) include a requirement that all machinery and storage facilities at the place of production which are used for potato production be cleansed and disinfected immediately and following the first growing year, and

(b) specify the appropriate methods for cleansing and disinfecting the machinery and storage facilities.

(6) The measures which may be specified in a notice under sub-paragraph (1) or (5) may be included in a notice with other appropriate measures.

(7) The person on whom a notice is served pursuant to sub-paragraph (1) must ensure that the measures specified in the notice are taken in the required manner.

(8) Where a plant health inspector serves a notice containing the first set of eradication measures, the Welsh Ministers must ensure that an official survey is carried out in relation to the field mentioned in sub-paragraph (2)(d) in accordance with Article 2 of Directive 93/85/EEC.

Additional measures applicable to a unit of protected crop production

22.—(1) This paragraph applies to the planting of any potato tubers, plants or true seeds in a contaminated unit of protected crop production where it is possible to replace all of the growing medium in the unit.

(2) Ni chaiff unrhyw berson blannu unrhyw gloron, planhigion na gwir hadau tatws yn yr uned heb awdurdodiad ysgrifenedig arolygydd iechyd planhigion.

(3) Ni chaiff arolygydd iechyd planhigion roi awdurdodiad o dan is-baragraff (2) oni bai—

- (a) y cydymffurfiwyd â'r holl fesurau i ddileu Pydredd cylch tatws ac i symud yr holl blanhigion sy'n eu cynnal ymaith a bennir mewn hysbysiad mewn perthynas â'r man cynhyrchu lle y mae'r uned wedi ei lleoli,
- (b) bod y cyfrwng tyfu yn yr uned wedi ei newid yn llwyr, ac
- (c) bod yr uned a'r holl offer a ddefnyddiwyd yn yr uned wedi eu glanhau ac wedi eu diheintio i ddileu Pydredd cylch tatws ac i symud yr holl ddeunydd planhigion cynhaliol ymaith.

(4) Pan roddir awdurdodiad o dan is-baragraff (2), caiff yr awdurdodiad bennu mai dim ond tatws hadyd ardystiedig, cloron bychain neu ficro-blanhigion sy'n deillio o ffynonellau a brofwyd yn swyddogol y caniateir eu defnyddio yn y broses gynhyrchu.

Mesurau i'w cymryd mewn parthau a ddarnodwyd i reoli Pydredd cylch tatws

23.—(1) Mae'r paragraff hwn yn gymwys pan fo arolygydd iechyd planhigion wedi darnodi parth yn unol â pharagraff 19(1)(c).

(2) Caiff Gweinidogion Cymru, drwy hysbysiad, bennu rhagor o waharddiadau, cyfyngiadau a mesurau eraill a fydd yn gymwys yn y parth a ddarnodwyd i atal y risg y bydd Pydredd cylch tatws yn goroesi neu'n lledaenu.

(3) Caiff Gweinidogion Cymru, yn benodol, bennu mewn hysbysiad o dan is-baragraff (2)—

- (a) bod rhaid i unrhyw beiriannau neu gyfleusterau storio mewn mangre yn y parth a ddarnodwyd a ddefnyddir i gynhyrchu tatws gael eu glanhau a'u diheintio mewn modd priodol, fel nad oes risg adnabyddadwy y bydd Pydredd cylch tatws yn goroesi neu'n lledaenu;
- (b) mai dim ond tatws hadyd ardystiedig neu datws hadyd a dyfwyd o dan reolaeth swyddogol y caniateir eu plannu yn ystod y cyfnod penodedig;
- (c) bod rhaid i unrhyw datws hadyd a dyfir mewn man cynhyrchu sy'n halogedig o bosibl gael eu profi'n swyddogol ar ôl eu cynaeafu;

(2) No person may plant any potato tubers, plants or true seeds in the unit without the written authorisation of a plant health inspector.

(3) A plant health inspector may not grant an authorisation under sub-paragraph (2) unless—

- (a) all of the measures to eliminate Potato ring rot and to remove all host plants which are specified in a notice in relation to the place of production in which the unit is situated have been complied with,
- (b) the growing medium in the unit has been completely changed, and
- (c) the unit and all equipment used on the unit has been cleansed and disinfected to eliminate Potato ring rot and to remove all host plant material.

(4) Where an authorisation is granted under sub-paragraph (2), the authorisation may specify that only certified seed potatoes, mini-tubers or micro-plants derived from officially tested sources may be used in the production.

Measures to be taken in demarcated zones for the control of Potato ring rot

23.—(1) This paragraph applies where a plant health inspector has demarcated a zone pursuant to paragraph 19(1)(c).

(2) The Welsh Ministers may, by notice, specify further prohibitions, restrictions and other measures which are to apply in the demarcated zone to prevent the risk of Potato ring rot surviving or spreading.

(3) The Welsh Ministers may, in particular, specify in a notice under sub-paragraph (2) that—

- (a) any machinery or storage facilities at premises within the demarcated zone which are used for potato production must be cleansed and disinfected in an appropriate manner so that there is no identifiable risk of Potato ring rot surviving or spreading;
- (b) only certified seed potatoes or seed potatoes grown under official control may be planted during the specified period;
- (c) any seed potatoes grown in a place of production which is possibly contaminated must be officially tested after harvesting;

- (d) bod rhaid i datws a fwriedir i'w plannu gael eu trin ar wahân i'r holl datws eraill mewn mangre yn y parth neu fod rhaid gweithredu system lanhau a, pan fo'n briodol, ddiheintio rhwng trin tatws hadyd a thrin tatws bwyta yn ystod y cyfnod penodedig.

(4) O ran hysbysiad o dan is-baragraff (2)—

- (a) rhaid iddo fod mewn ysgrifen,
- (b) rhaid iddo ddisgrifio hyd a lled y parth a ddarnodir,
- (c) rhaid iddo bennu ar ba ddyddiad y bydd pob mesur i gael effaith ac am ba hyd,
- (d) rhaid iddo gael ei gyhoeddi mewn modd sy'n briodol i ddod ag ef i sylw'r cyhoedd, ac
- (e) caniateir iddo gael ei ddiwygio, ei atal neu ei ddirymu, yn gyfan gwbl neu'n rhannol, drwy hysbysiad arall.

(5) Rhaid trin unrhyw fangre sy'n rhannol o fewn parth a ddarnodir ac yn rhannol y tu allan iddo fel pe bai o fewn y parth hwnnw at ddibenion y paragraff hwn, ac eithrio pan nad yw'r rhan sydd y tu allan i'r parth a ddarnodir yng Nghymru.

(6) Rhaid trin hysbysiad a gyhoeddir yn unol ag is-baragraff (4) fel pe bai wedi ei gyflwyno—

- (a) i unrhyw feddiannydd neu berson arall sydd â gofal am unrhyw fangre o fewn y parth a ddarnodir, a
- (b) i unrhyw berson sy'n gweithredu peiriannau neu sy'n cyflawni unrhyw weithgaredd arall mewn perthynas â chynhyrchu tatws o fewn y parth a ddarnodir.

(7) Rhaid i Weinidogion Cymru sicrhau—

- (a) bod mangreoedd sy'n tyfu, yn storio neu'n trin cloron tatws, a mangreoedd sy'n gweithredu peiriannau tatws o dan gontract, yn cael eu goruchwyllo gan arolygwyr iechyd planhigion drwy gydol y cyfnod penodedig;
- (b) bod arolwg swyddogol yn cael ei gynnal yn ystod y cyfnod penodedig yn unol ag Erthygl 2 o Gyfarwyddeb 93/85/EEC;
- (c) bod rhaglen yn cael ei sefydlu, pan fo'n briodol, i amnewid yr holl stociau tatws hadyd dros gyfnod priodol o amser.

(8) At ddibenion is-baragraffau (3) a (7), ystyr "y cyfnod penodedig" yw'r cyfnod a bennir yn yr hysbysiad, a rhaid iddo fod o leiaf dri thymor tyfu ar ôl y flwyddyn y darnodwyd y parth.

- (d) potatoes intended for planting must be handled separately from all other potatoes at premises within the zone or that a system of cleansing and, where appropriate, disinfection must be carried out between the handling of seed potatoes and the handling of ware potatoes during the specified period.

(4) A notice under sub-paragraph (2)—

- (a) must be in writing,
- (b) must describe the extent of the demarcated zone,
- (c) must specify the date on which each measure is to take effect and for how long,
- (d) must be published in a manner appropriate to bring it to the attention of the public, and
- (e) may be amended, suspended or revoked, in whole or in part, by further notice.

(5) Any premises which are partly within and partly outside a demarcated zone must be treated as within that zone for the purposes of this paragraph, except where the part which is outside the demarcated zone is not in Wales.

(6) A notice published in accordance with sub-paragraph (4) is to be treated as having been served on—

- (a) any occupier or other person in charge of any premises within the demarcated zone, and
- (b) any person who operates machinery or carries out any other activity in relation to the production of potatoes within the demarcated zone.

(7) The Welsh Ministers must ensure that—

- (a) premises growing, storing or handling potato tubers, and premises which operate potato machinery under contract, are supervised by plant health inspectors for the duration of the specified period;
- (b) an official survey is carried out during the specified period in accordance with Article 2 of Directive 93/85/EEC;
- (c) a programme is established, where appropriate, for the replacement of all seed potato stocks over an appropriate period of time.

(8) For the purposes of sub-paragraphs (3) and (7), "the specified period" means the period specified in the notice, which must be at least three growing seasons following the year in which the zone was demarcated.

RHAN 6

Mesurau i reoli Pydredd coch tatws

24. Yn y Rhan hon—

ystyr “blwyddyn dyfu gyntaf” (“*first growing year*”), yn achos mesurau sydd i’w cymryd mewn perthynas â man cynhyrchu halogedig, yw’r flwyddyn dyfu gyntaf yn dilyn y flwyddyn dyfu pryd y dynodir y man cynhyrchu halogedig yn halogedig at ddibenion Erthygl 5(1)(a)(ii) o Gyfarwyddeb 98/57/EC;

ystyr “deunydd sy’n dueddol o gael plâu neu glefydau” (“*susceptible material*”) yw planhigion (gan gynnwys cloron) heblaw gwir hadau *Solanum tuberosum* L. neu blanhigion, heblaw ffrwythau neu hadau *Solanum lycopersicum* L.;

ystyr “gofynion PRHG perthnasol” (“*relevant RNQP requirements*”), mewn perthynas â phlanhigion at blannu *Solanum lycopersicum* L., yw—

(a) yn achos planhigion i’w plannu a gynhyrchwyd cyn 14 Rhagfyr 2019, y gofynion a oedd yn gymwys i’r planhigion i’w plannu hynny o dan Gyfarwyddeb y Cyngor 2000/29/EC neu yn rhinwedd y Gyfarwyddeb honno;

(b) yn achos planhigion i’w plannu a gynhyrchwyd ar neu ar ôl 14 Rhagfyr 2019, y gofynion sy’n gymwys i’r planhigion i’w plannu hynny o dan y Rheoliad Amodau Ffytioiechydol neu yn rhinwedd y Rheoliad hwnnw;

ystyr “gwrthrych” (“*object*”) yw unrhyw beiriant, cerbyd, llestr, storfa neu wrthrych arall, gan gynnwys deunydd pecynnu;

ystyr “halogedig” (“*contaminated*”) yw wedi ei ddynodi’n halogedig gan arolygydd iechyd planhigion at ddibenion Erthygl 5(1)(a)(ii) o Gyfarwyddeb 98/57/EC;

ystyr “halogedig o bosibl” (“*possibly contaminated*”) yw wedi ei bennu’n halogedig o bosibl gan arolygydd iechyd planhigion at ddibenion Erthygl 5(1)(a)(iii) neu (c)(iii) o Gyfarwyddeb 98/57/EC;

ystyr “hysbysiad” (“*notice*”), mewn perthynas â hysbysiad sydd i’w roi gan arolygydd iechyd planhigion, yw hysbysiad o dan reoliad 15(1);

ystyr “parth” (“*zone*”) yw unrhyw ardal, gan gynnwys unrhyw fangre unigol;

ystyr “tatws hadyd ardystiedig” (“*certified seed potatoes*”) yw tatws hadyd cyn-sylfaenol, tatws hadyd sylfaenol neu datws hadyd ardystiedig o fewn yr ystyr a roddir yn rheoliad 2(1) o’r Rheoliadau Tatws Hadyd.

PART 6

Measures for the control of Potato brown rot

24. In this Part—

“certified seed potatoes” (“*tatws hadyd ardystiedig*”) means pre-basic seed potatoes, basic seed potatoes or certified seed potatoes within the meaning given in regulation 2(1) of the Seed Potatoes Regulations;

“contaminated” (“*halogedig*”) means designated by a plant health inspector as contaminated for the purposes of Article 5(1)(a)(ii) of Directive 98/57/EC;

“first growing year” (“*blwyddyn dyfu gyntaf*”), in the case of measures to be taken in relation to a contaminated place of production, means the first growing year following the growing year in which the contaminated place of production is designated as contaminated for the purposes of Article 5(1)(a)(ii) of Directive 98/57/EC;

“notice” (“*hysbysiad*”), in relation to a notice to be given by a plant health inspector, means a notice under regulation 15(1);

“object” (“*gwrthrych*”) means any item of machinery, vehicle, vessel, store or other object, including packaging material;

“possibly contaminated” (“*halogedig o bosibl*”) means determined by a plant health inspector to be possibly contaminated for the purposes of Article 5(1)(a)(iii) or (c)(iii) of Directive 98/57/EC;

“relevant RNQP requirements” (“*gofynion PRHG perthnasol*”), in relation to plants for planting of *Solanum lycopersicum* L., means—

(a) in the case of plants for planting produced before 14 December 2019, the requirements that applied to those plants for planting under, or by virtue of, Council Directive 2000/29/EC;

(b) in the case of plants for planting produced on or after 14 December 2019, the requirements that apply to those plants for planting under, or by virtue of, the Phytosanitary Conditions Regulation;

“susceptible material” (“*deunydd sy’n dueddol o gael plâu neu glefydau*”) means plants (including tubers), other than true seed, of *Solanum tuberosum* L. or plants, other than fruit or seeds, of *Solanum lycopersicum* L.;

“zone” (“*parth*”) means any area, including any individual premises.

Arolygon a phrofion swyddogol

25.—(1) Rhaid i Weinidogion Cymru sicrhau y cynhelir arolygon swyddogol systemataidd blynyddol yng Nghymru er mwyn nodi presenoldeb Pydredd coch tatws ar ddeunydd sy'n dueddol o gael plâu neu glefydau yn unol ag Erthygl 2 o Gyfarwyddeb 98/57/EC.

(2) Pan amheuir bod Pydredd coch tatws yn bresennol, rhaid i Weinidogion Cymru sicrhau—

- (a) bod profion swyddogol yn cael eu cynnal i gadarnhau a yw'n bresennol—
 - (i) yn achos deunydd sy'n dueddol o gael plâu neu glefydau, gan ddefnyddio'r dull a nodir yn Atodiad 2 i Gyfarwyddeb 98/57/EC ac yn unol â'r amodau a bennir ym mhwynt 1 o Atodiad 3 i Gyfarwyddeb 98/57/EC;
 - (ii) mewn unrhyw achos arall, gan ddefnyddio unrhyw ddull a gymeradwyir yn swyddogol;
- (b) hyd nes y cadarnheir ei fod yn bresennol neu y gwrthbrofir yr amheuaeth ei fod yn bresennol, pan fo symptomau gweledol diagnostig sy'n peri amheuaeth ynghylch presenoldeb Pydredd coch tatws wedi eu gweld, ac y cafwyd canlyniad cadarnhaol mewn prawf sgrinio cyflym, neu y cafwyd canlyniad cadarnhaol yn y profion sgrinio a bennir ym mhwynt 2 o Adran 1 ac Adran 3 o Atodiad 2 i Gyfarwyddeb 98/57/EC—
 - (i) bod symud yr holl blanhigion a'r holl gloron o'r holl gnydau, yr holl lotiau neu'r holl lwythi y cymerwyd y samplau ohonynt, heblaw'r rhai sydd o dan reolaeth swyddogol, yn cael ei wahardd, ac eithrio pan gadarnhawyd nad oes risg adnabyddadwy y bydd Pydredd coch tatws yn lledaenu,
 - (ii) bod camau'n cael eu cymryd i olrhain tarddiad yr achos a amheuir, a
 - (iii) bod mesurau rhagofalus priodol ychwanegol sy'n seiliedig ar lefel y risg a amcangyfrifir yn cael eu cymryd er mwyn atal Pydredd coch tatws rhag lledaenu.

(3) Caiff hysbysiad gynnwys mesurau at ddibenion is-baragraff (2)(b)(i) i (iii).

Official surveys and testing

25.—(1) The Welsh Ministers must ensure that annual systematic official surveys are carried out in Wales to identify the presence of Potato brown rot on susceptible material in accordance with Article 2 of Directive 98/57/EC.

(2) Where the presence of Potato brown rot is suspected, the Welsh Ministers must ensure that—

- (a) official testing is carried out to confirm whether it is present—
 - (i) in the case of susceptible material, using the method set out in Annex 2 to Directive 98/57/EC and in accordance with the conditions specified in point 1 of Annex 3 to Directive 98/57/EC;
 - (ii) in any other case, using any officially approved method;
- (b) pending the confirmation of its presence or the refutation of its suspected presence, where suspect diagnostic visual symptoms of Potato brown rot have been seen, and a positive result in a rapid screening test has been obtained, or a positive result in the screening tests specified in point 2 of Section 1 and Section 3 of Annex 2 to Directive 98/57/EC has been obtained—
 - (i) the movement of all plants and tubers from all crops, lots or consignments from which the samples have been taken, other than those which are under official control, is prohibited, except where it has been established that there is no identifiable risk of Potato brown rot spreading,
 - (ii) steps are taken to trace the origin of the suspected occurrence, and
 - (iii) additional appropriate precautionary measures based on the level of estimated risk are taken to prevent any spread of Potato brown rot.

(3) A notice may contain measures for the purposes of sub-paragraph (2)(b)(i) to (iii).

Mesurau i'w cymryd yn dilyn cadarnhau presenoldeb Pydredd coch tatws

26.—(1) Os bydd presenoldeb Pydredd coch tatws yn cael ei gadarnhau yn dilyn profion swyddogol a gynhelir yn unol â pharagraff 25(2)(a), rhaid i Weinidogion Cymru sicrhau y cymerir y camau a bennir yn is-baragraffau (2) i (4) yn unol ag egwyddorion gwyddonol cadarn, bioleg Pydredd coch tatws a systemau cynhyrchu, marchnata a phrosesu perthnasol planhigion sy'n cynnal Pydredd coch tatws.

(2) Yn achos deunydd sy'n dueddol o gael plâu neu glefydau, y camau yw—

- (a) ymchwiliad gan arolygydd iechyd planhigion i ganfod graddau'r halogiad a phrif ffynonellau'r halogiad yn unol ag Atodiad 4 i Gyfarwyddeb 98/57/EC;
- (b) profion swyddogol pellach, gan gynnwys profion ar yr holl stociau tatws hadyd sy'n perthyn drwy glonio;
- (c) dynodi gan arolygydd iechyd planhigion bod y pethau a ganlyn yn halogedig—
 - (i) y deunydd sy'n dueddol o gael plâu neu glefydau a'r llwyth neu'r lot y cymerwyd y sampl ohono neu ohoni;
 - (ii) unrhyw wrthrychau sydd wedi dod i gysylltiad â'r sampl honno;
 - (iii) unrhyw uned cynhyrchu cnwd dan orchudd neu gae cynhyrchu cnwd dan orchudd ac unrhyw fan cynhyrchu deunydd sy'n dueddol o gael plâu neu glefydau y cymerwyd y sampl ohoni neu ohono;
- (d) penderfyniad gan arolygydd iechyd planhigion ynghylch graddau'r halogiad tebygol drwy ddod i gysylltiad cyn neu ar ôl cynaeafu, drwy gysylltau cynhyrchu, dyfrhau neu chwistrellu neu drwy berthynas drwy glonio;
- (e) darnodi parth gan arolygydd iechyd planhigion ar sail y dynodiad o dan baragraff (c), y penderfyniad a wneir o dan baragraff (d) a lledaeniad posibl Pydredd coch tatws yn unol â phwynt 2(i) o Atodiad 5 i Gyfarwyddeb 98/57/EC.

(3) Yn achos planhigion cynhaliol, heblaw deunydd sy'n dueddol o gael plâu neu glefydau, pan fo arolygydd iechyd planhigion yn nodi bod cynhyrchu deunydd o'r fath yn wynebu risg, y camau yw—

- (a) ymchwiliad gan arolygydd iechyd planhigion i ganfod graddau'r halogiad a phrif ffynonellau'r halogiad yn unol ag Atodiad 4 i Gyfarwyddeb 98/57/EC;

Measures to be taken following the confirmation of the presence of Potato brown rot

26.—(1) If the presence of Potato brown rot is confirmed following official testing carried out pursuant to paragraph 25(2)(a), the Welsh Ministers must ensure that the actions specified in subparagraphs (2) to (4) are taken in accordance with sound scientific principles, the biology of Potato brown rot and the relevant production, marketing and processing systems of host plants of Potato brown rot.

(2) In the case of susceptible material, the actions are—

- (a) an investigation by a plant health inspector to determine the extent and the primary sources of the contamination in accordance with Annex 4 to Directive 98/57/EC;
- (b) further official testing, including on all clonally related seed potato stocks;
- (c) the designation of the following as contaminated by a plant health inspector—
 - (i) the susceptible material and consignment or lot from which the sample was taken;
 - (ii) any objects which have been in contact with that sample;
 - (iii) any unit or field of protected crop production and any place of production of the susceptible material from which the sample was taken;
- (d) a determination by a plant health inspector of the extent of probable contamination through pre- or post-harvest contact, through production, irrigation or spraying links or through clonal relationship;
- (e) the demarcation of a zone by a plant health inspector on the basis of the designation under paragraph (c), the determination made under paragraph (d) and the possible spread of Potato brown rot, in accordance with point 2(i) of Annex 5 to Directive 98/57/EC.

(3) In the case of host plants, other than susceptible material, where the production of susceptible material is identified to be at risk by a plant health inspector, the actions are—

- (a) an investigation by a plant health inspector to determine the extent and the primary sources of the contamination in accordance with Annex 4 to Directive 98/57/EC;

- (b) dynodi gan arolygydd iechyd planhigion fod planhigion cynhaliol y cymerwyd y sampl ohonynt yn halogedig;
- (c) penderfyniad gan arolygydd iechyd planhigion o ran yr halogiad tebygol;
- (d) darnodi parth gan arolygydd iechyd planhigion ar sail y dynodiad o dan baragraff (b), y penderfyniad a wnaed o dan baragraff (c) a lledaeniad posibl Pydredd coch tatws yn unol â phwynt 2(i) o Atodiad 5 i Gyfarwyddeb 98/57/EC.

(4) Yn achos dŵr wyneb a phlanhigion cynhaliol mochlysaidd gwyllt cysylltiedig, pan fo arolygydd iechyd planhigion yn nodi bod cynhyrchu deunydd sy'n dueddol o gael plâu neu glefydau yn wynebu risg oherwydd dyfrhau, chwistrellu neu lifogydd dŵr wyneb, y camau yw—

- (a) ymchwiliad gan arolygydd iechyd planhigion i ganfod graddau'r halogiad, sy'n cynnwys cynnal arolwg swyddogol, ar adegau priodol, ar samplau o ddŵr wyneb ac, os ydynt yn bresennol, planhigion cynhaliol mochlysaidd gwyllt;
- (b) dynodi dŵr wyneb y cymerwyd y sampl ohono gan arolygydd iechyd planhigion, i'r graddau sy'n briodol ac ar sail yr ymchwiliad o dan baragraff (a);
- (c) penderfyniad gan arolygydd iechyd planhigion o ran yr halogiad tebygol ar sail y dynodiad a wnaed o dan baragraff (b);
- (d) darnodi parth gan arolygydd iechyd planhigion ar sail y dynodiad o dan baragraff (b), y penderfyniad a wnaed o dan baragraff (c) a lledaeniad posibl Pydredd coch tatws yn unol â phwynt 2(ii) o Atodiad 5 i Gyfarwyddeb 98/57/EC.

Cyfyngiadau mewn perthynas â deunydd sy'n dueddol o gael plâu neu glefydau neu wrthrychau sy'n halogedig neu sy'n halogedig o bosibl â Phydredd coch tatws

27.—(1) Ni chaiff unrhyw berson fynd ati'n fwriadol i blannu'r canlynol, nac achosi na chaniatáu'n fwriadol iddynt gael eu plannu—

- (a) unrhyw ddeunydd sy'n dueddol o gael plâu neu glefydau ac sy'n halogedig, neu
- (b) unrhyw ddeunydd sy'n dueddol o gael plâu neu glefydau ac sy'n halogedig o bosibl.

(2) Pan fo deunydd sy'n dueddol o gael plâu neu glefydau neu wrthrych wedi eu dynodi'n halogedig neu'n halogedig o bosibl o dan baragraff 26(2), rhaid i arolygydd iechyd planhigion gyflwyno hysbysiad yn ei gwneud yn ofynnol—

- (b) the designation by a plant health inspector of host plants from which the sample was taken as contaminated;
- (c) a determination of the probable contamination by a plant health inspector;
- (d) the demarcation of a zone by a plant health inspector on the basis of the designation under paragraph (b), the determination made under paragraph (c) and the possible spread of Potato brown rot, in accordance with point 2(i) of Annex 5 to Directive 98/57/EC.

(4) In the case of surface water and associated wild solanaceous host plants where production of susceptible material is identified by a plant health inspector to be at risk through irrigation, spraying or flooding of surface water, the actions are—

- (a) an investigation by a plant health inspector to establish the extent of the contamination, which includes an official survey at appropriate times on samples of surface water and, if present, wild solanaceous host plants;
- (b) the designation of surface water from which the sample was taken by a plant health inspector, to the extent appropriate and on the basis of the investigation under paragraph (a);
- (c) a determination by a plant health inspector of the probable contamination on the basis of the designation made under paragraph (b);
- (d) the demarcation of a zone by a plant health inspector on the basis of the designation under paragraph (b), the determination made under paragraph (c) and the possible spread of Potato brown rot, in accordance with point 2(ii) of Annex 5 to Directive 98/57/EC.

Restrictions in relation to susceptible material or objects contaminated or possibly contaminated with Potato brown rot

27.—(1) No person may knowingly plant or knowingly cause or permit to be planted—

- (a) any contaminated susceptible material, or
- (b) any possibly contaminated susceptible material.

(2) Where susceptible material or an object has been designated as contaminated or possibly contaminated under paragraph 26(2), a plant health inspector must serve a notice requiring that—

- (a) yn achos deunydd sy'n dueddol o gael plâu neu glefydau ac sy'n halogedig, i'r deunydd fod yn destun unrhyw fesur sy'n cydymffurfio â phwynt 1 o Atodiad 6 i Gyfarwyddeb 98/57/EC;
- (b) yn achos deunydd sy'n dueddol o gael plâu neu glefydau ac sy'n halogedig o bosibl, i'r deunydd gael ei ddefnyddio neu ei waredu yn unol â phwynt 2 o Atodiad 6 i Gyfarwyddeb 98/57/EC;
- (c) yn achos gwrthrych sy'n halogedig neu wrthrych sy'n halogedig o bosibl, i'r gwrthrych—
 - (i) cael ei waredu drwy ei ddinistrio, neu
 - (ii) cael ei lanhau a'i ddiheintio fel nad oes risg adnabyddadwy y bydd Pydredd coch tatws yn goroesi neu'n lledaenu.

(3) Ni chaniateir i ddim byd a lanhawyd ac a ddiheintiwyd yn unol ag is-baragraff (2) gael ei drin mwyach fel pe bai'n halogedig at ddibenion Cyfarwyddeb 98/57/EC.

Mesurau y caniateir eu gwneud yn ofynnol mewn perthynas â man cynhyrchu halogedig

28.—(1) Rhaid i arolygydd iechyd planhigion gyflwyno'r hysbysiadau a ganlyn i unrhyw feddiannydd neu berson arall sydd â gofal am fan cynhyrchu halogedig sydd mewn parth a ddarnodir gan arolygydd iechyd planhigion o dan baragraff 26(2)(e)—

- (a) mewn perthynas â chae halogedig neu uned cynhyrchu cnwd dan orchudd halogedig sy'n rhan o'r man cynhyrchu, hysbysiad yn cynnwys y set gyntaf o fesurau dileu neu hysbysiad yn cynnwys yr ail set o fesurau dileu;
- (b) mewn perthynas â chae sy'n rhan o'r man cynhyrchu ond nad yw'n halogedig a, pan fo'r arolygydd wedi ei fodloni bod y risg o blanhigion tatws gwirfoddol a phlanhigion tomatos gwirfoddol a phlanhigion eraill sy'n tyfu'n naturiol sy'n cynnal Pydredd coch tatws wedi ei dileu, hysbysiad yn cynnwys y drydedd set o fesurau dileu.

(2) Y set gyntaf o fesurau dileu yw—

- (a) y mesurau sydd i'w cymryd yn y cae neu'r uned o'r dyddiad y ceir yr hysbysiad ac am o leiaf bedair blwyddyn dyfu o ddechrau'r flwyddyn dyfu gyntaf, er mwyn dileu unrhyw blanhigion tatws gwirfoddol a phlanhigion tomatos gwirfoddol ac unrhyw blanhigion eraill, gan gynnwys chwyn mochlysaidd, sy'n cynnal Pydredd coch tatws,

- (a) in the case of contaminated susceptible material, the material be subjected to any measure that complies with point 1 of Annex 6 to Directive 98/57/EC;
- (b) in the case of possibly contaminated susceptible material, the material be used or disposed of in accordance with point 2 of Annex 6 to Directive 98/57/EC;
- (c) in the case of a contaminated object or a possibly contaminated object, the object be—
 - (i) disposed of by destruction, or
 - (ii) cleansed and disinfected so that there is no identifiable risk of Potato brown rot surviving or spreading.

(3) Anything cleansed and disinfected in accordance with sub-paragraph (2) may no longer be treated as contaminated for the purposes of Directive 98/57/EC.

Measures which may be required in relation to a contaminated place of production

28.—(1) A plant health inspector must serve the following notices on any occupier or other person who is in charge of a contaminated place of production which is in a zone demarcated by a plant health inspector under paragraph 26(2)(e)—

- (a) in relation to a contaminated field or a unit of protected crop production which is part of the place of production, a notice containing the first set of eradication measures or a notice containing the second set of eradication measures;
- (b) in relation to a field which is part of the place of production but is not contaminated and, where the inspector is satisfied that the risk of volunteer potato and tomato plants and other naturally found host plants of Potato brown rot has been eliminated, a notice containing the third set of eradication measures.

(2) The first set of eradication measures is—

- (a) the measures to be taken in the field or the unit from the date of receipt of the notice and for at least four growing years from the start of the first growing year, so as to eliminate any volunteer potato and tomato plants and other host plants, including solanaceous weeds, of Potato brown rot,

- (b) gwaharddiad ar blannu unrhyw un neu ragor o'r canlynol yn y cae neu'r uned yn ystod y cyfnod hwnnw—
- (i) cloron, planhigion neu wir hadau tatws;
 - (ii) planhigion tomatos neu hadau tomatos;
 - (iii) gan ystyried bioleg Pydredd coch tatws, planhigion cynhaliol eraill neu blanhigion o'r rhywogaeth *Brassica* lle ceir risg mewn cysylltiad â hwy bod Pydredd coch tatws yn goroesi;
 - (iv) cnydau lle ceir risg mewn cysylltiad â hwy y bydd Pydredd coch tatws yn lledaenu,
- (c) gofyniad mai dim ond tatws ar gyfer cynhyrchu tatws bwyta y caniateir eu plannu yn y cae neu'r uned yn ystod y tymor cnydio tatws neu domatos cyntaf yn dilyn y cyfnod hwnnw, a bod y tatws dim ond yn cael eu plannu os canfuwyd bod y cae neu'r uned yn rhydd rhag planhigion tatws gwirfoddol a phlanhigion tomato gwirfoddol a phlanhigion cynhaliol eraill, gan gynnwys chwyn mochlysaidd, yn ystod arolygiadau swyddogol ar gyfer Pydredd coch tatws, am o leiaf y ddwy flwyddyn dyfu olynol cyn plannu, a bod y cloron neu'r planhigion tomatos a gynaeafwyd yn destun profion swyddogol gan ddefnyddio'r dull a nodir yn Atodiad 2 i Gyfarwyddeb 98/57/EC, a
- (d) gofyniad bod rhaid cymhwyso cylch cylchdroi priodol yn y tymhorau cnydio tatws neu domatos dilynol, a rhaid i'r cylch hwnnw fod yn ddwy flynedd o leiaf pan fo tatws i'w plannu i gynhyrchu tatws hadyd.
- (3) Yr ail set o fesurau dileu yw—
- (a) y mesurau sydd i'w cymryd yn y cae neu'r uned o'r dyddiad y ceir yr hysbysiad ac am bum blwyddyn dyfu o ddechrau'r flwyddyn dyfu gyntaf er mwyn dileu planhigion tatws gwirfoddol a phlanhigion tomatos gwirfoddol a phlanhigion eraill sy'n tyfu'n naturiol, gan gynnwys chwyn mochlysaidd, sy'n cynnal Pydredd coch tatws,
 - (b) gofyniad—
 - (i) yn ystod tair blwyddyn gyntaf y blynyddoedd tyfu hynny, fod y cae neu'r uned yn cael ei gadw neu ei chadw—
 - (aa) yn fraenar,
 - (bb) gyda chnydau grawnfwyd, os yw'r arolygydd wedi ei fodloni nad oes risg y bydd Pydredd coch tatws yn lledaenu,
- (b) a prohibition on the planting of any of the following in the field or the unit during that period—
- (i) potato tubers, plants or true seeds;
 - (ii) tomato plants or seeds;
 - (iii) taking into account the biology of Potato brown rot, other host plants or plants of the species *Brassica* in respect of which there is a risk of Potato brown rot surviving;
 - (iv) crops in respect of which there is a risk of Potato brown rot spreading,
- (c) a requirement that, in the first potato or tomato cropping season following that period, only potatoes for ware production be planted in the field or the unit, that the potatoes only be planted if the field or the unit has been found free from volunteer potato and tomato plants and other host plants, including solanaceous weeds, during official inspections of Potato brown rot, for at least the two consecutive growing years prior to planting, and that harvested tubers or tomato plants be subjected to official testing using the method set out in Annex 2 to Directive 98/57/EC, and
- (d) a requirement that an appropriate rotation cycle be applied in subsequent potato or tomato cropping seasons, which must be at least two years where potatoes are to be planted for seed production.
- (3) The second set of eradication measures is—
- (a) the measures to be taken in the field or the unit from the date of receipt of the notice and for five growing years from the start of the first growing year so as to eliminate volunteer potato and tomato plants and other naturally found host plants, including solanaceous weeds, of Potato brown rot,
 - (b) a requirement that—
 - (i) during the first three of those growing years, the field or the unit be maintained—
 - (aa) in bare fallow,
 - (bb) in cereals, if the inspector is satisfied that there is no risk of Potato brown rot spreading,

- (cc) yn dir pori parhaus gan dorri'r borfa yn fyr neu bori'r tir yn ddwys yn fynych, neu
 - (dd) fel glaswellt ar gyfer cynhyrchu hadau;
 - (ii) yn ystod y bedwaredd a'r bumed flwyddyn dyfu, mai dim ond planhigion nad ydynt yn cynnal Pydredd coch tatws ac nad oes unrhyw risg mewn cysylltiad â hwy y bydd Pydredd coch tatws yn goroesi neu'n lledaenu y caniateir eu plannu yn y cae neu'r uned, ac
 - (c) gofyniad mai dim ond tatws ar gyfer cynhyrchu tatws hadyd neu datws bwyta y caniateir eu plannu yn ystod y tymor cynyddio tatws neu domatos cyntaf yn dilyn y cyfnod hwnnw, a bod y tatws dim ond yn cael eu plannu os canfuwyd bod y cae neu'r uned yn rhydd rhag planhigion tatws gwirfoddol a phlanhigion tomatos gwirfoddol a phlanhigion cynhaliol eraill, gan gynnwys chwyn mochlysaidd, yn ystod arolygiadau swyddogol ar gyfer Pydredd coch tatws, am o leiaf ddwy flwyddyn dyfu yn olynol cyn plannu, a bod y cloron neu'r planhigion tomatos a gynaeafwyd yn destun profion swyddogol gan ddefnyddio'r dull a nodir yn Atodiad 2 i Gyfarwyddeb 98/57/EC.
- (4) Y drydedd set o fesurau dileu yw—
- (a) gofyniad na phlennir planhigion sy'n cynnal Pydredd coch tatws neu mai dim ond y planhigion tatws a'r planhigion tomatos a ganlyn y caniateir eu plannu yn y cae o'r dyddiad y ceir yr hysbysiad ac am y flwyddyn dyfu gyntaf—
 - (i) tatws hadyd ardystiedig ar gyfer cynhyrchu tatws bwyta;
 - (ii) planhigion tomatos a dyfwyd o hadau sy'n bodloni'r gofynion PRHG perthnasol ar gyfer cynhyrchu ffrwythau,
 - (b) gofyniad mai dim ond y tatws a ganlyn y caniateir eu plannu i gynhyrchu tatws hadyd neu datws bwyta yn y flwyddyn dyfu ddilynol gyntaf, os oes tatws i'w plannu yn y flwyddyn honno—
 - (i) tatws hadyd ardystiedig;
 - (ii) tatws hadyd a brofwyd yn swyddogol ar gyfer absenoldeb Pydredd coch tatws ac a dyfwyd o dan reolaeth swyddogol mewn man cynhyrchu nad yw'n halogedig,
- (cc) in permanent pasture with frequent close cutting or intensive grazing, or
 - (dd) as grass for seed production;
 - (ii) during the fourth and fifth growing years, only non-host plants of Potato brown rot in respect of which there is no risk of Potato brown rot surviving or spreading be planted in the field or the unit, and
 - (c) a requirement that, in the first potato or tomato cropping season following that period, only potatoes for seed or ware production be planted, that the potatoes only be planted if the field or the unit has been found free from volunteer potato and tomato plants and other host plants, including solanaceous weeds, during official inspections of Potato brown rot, for at least the two consecutive growing years prior to planting, and that harvested tubers or tomato plants be subjected to official testing using the method set out in Annex 2 to Directive 98/57/EC.
- (4) The third set of eradication measures is—
- (a) a requirement that from the date of receipt of the notice and for the first growing year no host plants of Potato brown rot be planted or only the following potatoes and tomato plants be planted in the field—
 - (i) certified seed potatoes for ware production;
 - (ii) tomato plants grown from seed which meets the relevant RNQP requirements for fruit production,
 - (b) a requirement that, if potatoes are to be planted in the first subsequent growing year, only the following potatoes be planted for seed or ware production in that year—
 - (i) certified seed potatoes;
 - (ii) seed potatoes officially tested for the absence of Potato brown rot and grown under official control at a place of production which is not contaminated,

- (c) gofyniad mai dim ond y planhigion tomatos a ganlyn y caniateir eu plannu i gynhyrchu planhigion neu ffrwythau yn y flwyddyn dyfu ddilynol gyntaf, os oes planhigion tomatos i'w plannu yn y flwyddyn honno—
 - (i) planhigion tomatos a dyfwyd o hadau sy'n bodloni'r gofynion PRHG perthnasol;
 - (ii) os ydynt wedi eu lluosogi yn llystyfol, planhigion tomatos a dyfwyd o hadau sy'n bodloni'r gofynion PRHG perthnasol ac a dyfwyd o dan reolaeth swyddogol mewn man cynhyrchu nad yw'n halogedig,
- (d) gofyniad, yn achos tatws, mai dim ond tatws hadyd ardystiedig neu datws hadyd a dyfwyd o dan reolaeth swyddogol o datws hadyd ardystiedig y caniateir eu plannu yn y cae yn ystod yr ail flwyddyn dyfu ddilynol ac unrhyw flwyddyn dyfu ddilynol arall i gynhyrchu tatws hadyd neu datws bwyta yn y cae,
- (e) gofyniad, yn achos tomatos, mai dim ond planhigion tomatos a dyfwyd o hadau sy'n bodloni'r gofynion PRHG perthnasol neu, os ydynt wedi eu lluosogi yn llystyfol, planhigion tomatos a dyfwyd o hadau sy'n bodloni'r gofynion PRHG perthnasol ac a dyfwyd o dan reolaeth swyddogol y caniateir eu plannu yn y cae yn ystod yr ail flwyddyn dyfu ddilynol ac unrhyw flwyddyn dyfu ddilynol arall i gynhyrchu planhigion neu ffrwythau yn y cae,
- (f) y mesurau sydd i'w cymryd yn y cae o'r dyddiad y ceir yr hysbysiad hyd at ddiwedd y flwyddyn dyfu a bennir yn yr hysbysiad er mwyn dileu planhigion tatws gwirfoddol, a phlanhigion sy'n tyfu'n naturiol sy'n cynnal Pyddredd coch tatws, ac
- (g) arolygiadau swyddogol o gnydau sy'n tyfu ar adegau priodol a phrofion swyddogol ar datws a gynaeafwyd yn unol â'r dull a nodir yn Atodiad 2 i Gyfarwyddeb 98/57/EC.

(5) Rhaid hefyd i hysbysiad a gyflwynir gan arolygydd iechyd planhigion o dan is-baragraff (1)(a) sy'n cynnwys y set gyntaf o fesurau dileu—

- (a) cynnwys gofyniad bod rhaid i'r holl beiriannau a chyfleusterau storio yn y man cynhyrchu a ddefnyddir i gynhyrchu tatws gael eu glanhau a'u diheintio ar unwaith ac yn dilyn y flwyddyn dyfu gyntaf,
- (b) pennu'r dulliau priodol ar gyfer glanhau a diheintio'r peiriannau a'r cyfleusterau storio, ac

- (c) a requirement that, if tomato plants are to be planted in the first subsequent growing year, only the following tomato plants be planted for plant or fruit production in that year—
 - (i) tomato plants grown from seed which meets the relevant RNQP requirements;
 - (ii) if vegetatively propagated, tomato plants grown from seed which meets the relevant RNQP requirements and grown under official control at a place of production which is not contaminated,
 - (d) a requirement, in the case of potatoes, that, in the second subsequent growing year and any other subsequent growing year, only certified seed potatoes or seed potatoes grown under official control from certified seed potatoes be planted for seed or ware production in the field,
 - (e) a requirement, in the case of tomatoes, that during the second subsequent growing year and any other subsequent growing year, only tomato plants grown from seed which meets the relevant RNQP requirements or if, vegetatively propagated, tomato plants grown from seed which meets the relevant RNQP requirements and grown under official control be planted for plant or fruit production in the field,
 - (f) the measures to be taken in the field from the date of receipt of the notice to the end of the growing year specified in the notice so as to eliminate volunteer potato plants, and naturally found host plants, of Potato brown rot, and
 - (g) official inspections of growing crops at appropriate times and official testing of harvested potatoes in accordance with the method set out in Annex 2 to Directive 98/57/EC.
- (5) A notice served by a plant health inspector under sub-paragraph (1)(a) containing the first set of eradication measures must additionally—

- (a) include a requirement that all machinery and storage facilities at the place of production which are used for potato production be cleansed and disinfected immediately and following the first growing year,
- (b) specify the appropriate methods for cleansing and disinfecting the machinery and storage facilities, and

- (c) gwahardd unrhyw raglen ddyfrhau neu chwistrellu yn y man cynhyrchu neu bennu sut y mae'n rhaid cynnal unrhyw raglen ddyfrhau neu chwistrellu yn y man cynhyrchu, at ddiben atal Pydredd coch tatws rhag lledaenu.

(6) Caniateir i'r mesurau y caiff eu pennu mewn hysbysiad o dan is-baragraff (1) neu (5) gael eu cynnwys mewn hysbysiad gyda mesurau priodol eraill.

(7) Rhaid i'r person y cyflwynir hysbysiad iddo yn unol ag is-baragraff (1) sicrhau bod y mesurau a bennir yn yr hysbysiad yn cael eu cymryd yn y modd gofynnol.

Mesurau ychwanegol mewn perthynas ag unedau cynhyrchu cnwd dan orchudd

29.—(1) Mae'r paragraff hwn yn gymwys i blannu unrhyw gloron, planhigion neu wir hadau tatws mewn uned cynhyrchu cnydau o dan orchudd sy'n halogedig lle mae'n bosibl amnewid yr holl gyfrwng tyfu yn yr uned.

(2) Ni chaiff unrhyw berson blannu unrhyw gloron, planhigion na gwir hadau tatws, planhigion tomatos neu hadau tomatos neu blanhigion eraill sy'n cynnal Pydredd coch tatws yn yr uned heb awdurdodiad ysgrifenedig arolygydd iechyd planhigion.

(3) Ni chaiff arolygydd iechyd planhigion roi awdurdodiad o dan is-baragraff (2) oni bai—

- (a) y cydymffurfiwyd â'r holl fesurau i ddileu Pydredd coch tatws ac i symud yr holl blanhigion sy'n cynnal Pydredd coch tatws ymaith a bennir mewn hysbysiad mewn perthynas â'r man cynhyrchu lle y mae'r uned wedi ei lleoli,
- (b) bod y cyfrwng tyfu yn yr uned wedi ei newid yn llwyr, ac
- (c) bod yr uned a'r holl offer a ddefnyddiwyd yn yr uned wedi eu glanhau ac wedi eu diheintio i ddileu Pydredd coch tatws ac i symud yr holl ddeunydd planhigion cynhaliol ymaith.

(4) Caiff awdurdodiad o dan is-baragraff (2)—

- (a) mewn perthynas â chynhyrchu tatws, bennu mai dim ond tatws hadyd ardystiedig neu gloron bychain neu ficro-blanhigion sy'n deillio o ffynonellau a brofwyd yn swyddogol y caniateir eu defnyddio yn y broses gynhyrchu;

- (c) prohibit any irrigation or spraying programme at the place of production or specify how any irrigation or spraying programme at the place of production must be carried out, for the purpose of preventing the spread of Potato brown rot.

(6) The measures which may be specified in a notice under sub-paragraph (1) or (5) may be included in a notice with other appropriate measures.

(7) The person on whom a notice is served pursuant to sub-paragraph (1) must ensure that the measures specified in the notice are taken in the required manner.

Additional measures in relation to units of protected crop production

29.—(1) This paragraph applies to the planting of any potato tubers, plants or true seeds in a contaminated unit of protected crop production where it is possible to replace all of the growing medium in the unit.

(2) No person may plant any potato tubers, plants or true seeds, tomato plants or seeds or other host plants of Potato brown rot in the unit without the written authorisation of a plant health inspector.

(3) A plant health inspector may not grant an authorisation under sub-paragraph (2) unless—

- (a) all of the measures to eliminate Potato brown rot and to remove all host plants of Potato brown rot which are specified in a notice in relation to the place of production in which the unit is situated have been complied with,
- (b) the growing medium in the unit has been completely changed, and
- (c) the unit and all of the equipment used on the unit have been cleansed and disinfected to eliminate Potato brown rot and remove all host plant material.

(4) An authorisation under sub-paragraph (2) may—

- (a) in relation to potato production, specify that only certified seed potatoes or mini-tubers or micro-plants derived from officially tested sources may be used in the production;

- (b) mewn perthynas â chynhyrchu tomatos, bennu mai dim ond hadau sy'n bodloni'r gofynion PRHG perthnasol neu, os cânt eu lluosogi yn llystyfol, blanhigion tomatos a gynhyrchwyd o hadau sy'n bodloni'r gofynion PRHG perthnasol ac a dyfwyd o dan reolaeth swyddogol y caniateir eu defnyddio yn y broses gynhyrchu;
- (c) gwahardd unrhyw raglen ddyfrhau neu chwistrellu yn y man cynhyrchu;
- (d) pennu sut y mae'n rhaid cynnal unrhyw raglen ddyfrhau neu chwistrellu yn y man cynhyrchu at ddiben atal Pydredd coch tatws rhag lledaenu.

- (b) in relation to tomato production, specify that only seed which meets the relevant RNQP requirements or, if vegetatively propagated, tomato plants produced from seed which meets the relevant RNQP requirements and grown under official control, may be used in the production;
- (c) prohibit any irrigation or spraying programme at the place of production;
- (d) specify how any irrigation or spraying programme at the place of production must be carried out for the purpose of preventing the spread of Potato brown rot.

Mesurau i'w cymryd mewn parthau a ddarnodwyd i reoli Pydredd coch tatws

30.—(1) Mae'r paragraff hwn yn gymwys pan fo arolygydd iechyd planhigion wedi darnodi parth mewn perthynas â chadarnhad bod Pydredd coch tatws wedi ei ganfod o dan baragraff 26(3)(d) neu (4)(d).

(2) Caiff Gweinidogion Cymru, drwy hysbysiad, bennu rhagor o waharddiadau, cyfyngiadau a mesurau eraill a fydd yn gymwys yn y parth a ddarnodir i atal y risg y bydd Pydredd coch tatws yn goroesi neu'n lledaenu.

(3) Caiff Gweinidogion Cymru, yn benodol, bennu mewn hysbysiad o dan is-baragraff (2)—

- (a) bod rhaid glanhau a, pan fo'n briodol, ddiheintio unrhyw beiriannau neu gyfleusterau storio mewn mangre o fewn y parth a ddarnodir a ddefnyddir i dyfu, i storio neu i drin cloron tatws neu domatos o fewn y parth, neu unrhyw fangre o fewn y parth y gweithredir peiriannau o dan gontract ar gyfer cynhyrchu tatws neu domatos ohoni, er mwyn sicrhau nad oes unrhyw risg adnabyddadwy y bydd Pydredd coch tatws yn goroesi neu'n lledaenu;
- (b) yn achos cnydau tatws, mai dim ond tatws hadyd ardystiedig neu datws hadyd a dyfwyd o dan reolaeth swyddogol y caniateir eu plannu yn ystod y cyfnod penodedig;
- (c) bod rhaid i datws a fwriedir i'w plannu gael eu trin ar wahân i'r holl datws eraill mewn mangre o fewn y parth neu fod rhaid gweithredu system lanhau a, pan fo'n briodol, ddiheintio rhwng trin tatws hadyd a thrin tatws bwyta yn ystod y cyfnod penodedig;

Measures to be taken in demarcated zones for the control of Potato brown rot

30.—(1) This paragraph applies where a plant health inspector has demarcated a zone in relation to a confirmed finding of Potato brown rot under paragraph 26(3)(d) or (4)(d).

(2) The Welsh Ministers may, by notice, specify further prohibitions, restrictions and other measures which are to apply in the demarcated zone to prevent the risk of Potato brown rot surviving or spreading.

(3) The Welsh Ministers may, in particular, specify in a notice under sub-paragraph (2) that—

- (a) any machinery or storage facilities at premises within the demarcated zone which are used for growing, storing or handling potato tubers or tomatoes within the zone, or any premises within the zone from which machinery for potato or tomato production is operated under contract, must be cleansed and, where appropriate, disinfected so that there is no identifiable risk of Potato brown rot surviving or spreading;
- (b) in the case of potato crops, only certified seed potatoes or seed potatoes grown under official control may be planted during the specified period;
- (c) potatoes intended for planting must be handled separately from all other potatoes at premises within the zone or that a system of cleansing and, where appropriate, disinfection must be carried out between the handling of seed potatoes and the handling of ware potatoes during the specified period;

- (d) yn achos cynydu tomatos, mai dim ond planhigion tomatos a dyfwyd o hadau sy'n bodloni'r gofynion PRHG perthnasol neu, os cânt eu lluosogi yn llystyfol, blanhigion tomatos a gynhyrchir o hadau o'r fath ac a dyfwyd o dan reolaeth swyddogol y caniateir eu plannu yn ystod y cyfnod penodedig;
- (e) na chaniateir defnyddio ddŵr wyneb halogedig ar gyfer dyfrhau na chwistrellu deunydd planhigion penodedig a, pan fo'n briodol, blanhigion eraill sy'n cynnal Pdredd coch tatws, heb awdurdodiad ysgrifenedig ymlaen llaw gan arolygydd iechyd planhigion;
- (f) os oes gollyngiadau gwastraff hylifol wedi eu halogi, fod rhaid gwaredu unrhyw wastraff o fangre brosesu neu becynnu ddiwydiannol yn y parth sy'n trin deunydd planhigion penodedig o dan oruchwyliaeth arolygydd iechyd planhigion.

(4) O ran hysbysiad o dan is-baragraff (2)—

- (a) rhaid iddo fod mewn ysgrifen,
- (b) rhaid iddo ddisgrifio hyd a lled y parth a ddarnodir,
- (c) rhaid iddo bennu mewn perthynas â phob mesur a yw'n gymwys yn gyffredinol ynteu i ardal o ddŵr wyneb yn y parth a ddarnodwyd,
- (d) rhaid iddo bennu ar ba ddyddiad y bydd pob mesur yn cael effaith ac am ba hyd,
- (e) rhaid iddo gael ei gyhoeddi mewn modd sy'n briodol i ddod ag ef i sylw'r cyhoedd, ac
- (f) caniateir iddo gael ei ddiwygio, ei atal neu ei ddirymu, yn gyfan gwbl neu'n rhannol, drwy hysbysiad arall.

(5) Rhaid trin unrhyw fangre sy'n rhannol o fewn parth a ddarnodir ac yn rhannol y tu allan iddo fel pe bai o fewn y parth hwnnw at ddibenion y paragraff hwn, ac eithrio pan nad yw'r rhan sydd y tu allan i'r parth a ddarnodir yng Nghymru.

(6) Rhaid trin hysbysiad a gyhoeddir yn unol ag is-baragraff (4) fel pe bai wedi ei gyflwyno—

- (a) i unrhyw feddiannydd neu berson arall sydd â gofal am unrhyw fangre o fewn y parth a ddarnodir;
- (b) i unrhyw berson—
 - (i) sydd â hawl i ddefnyddio unrhyw ddŵr wyneb halogedig,
 - (ii) sydd ag unrhyw ddŵr wyneb halogedig ar fangre o fewn y parth a ddarnodir y mae'r person yn ei meddiannu neu y mae ganddo ofal amdani, a

(d) in the case of tomato crops, only tomato plants grown from seed which meets the relevant RNQP requirements or, if vegetatively propagated, tomato plants produced from such seed and grown under official control may be planted during the specified period;

(e) contaminated surface water must not be used for the irrigation or the spraying of specified plant material and, where appropriate, other host plants of Potato brown rot, without the prior written authorisation of a plant health inspector;

(f) if liquid waste discharges have been contaminated, any waste from industrial processing or packaging premises in the zone which handle specified plant material must be disposed of under the supervision of a plant health inspector.

(4) A notice under sub-paragraph (2)—

- (a) must be in writing,
- (b) must describe the extent of the demarcated zone,
- (c) must specify in relation to each measure whether it applies generally or to an area of surface water in the demarcated zone,
- (d) must specify the date on which each measure takes effect and for how long,
- (e) must be published in a manner appropriate to bring it to the attention of the public, and
- (f) may be amended, suspended or revoked, in whole or in part, by further notice.

(5) Any premises which are partly within and partly outside a demarcated zone must be treated as within that zone for the purposes of this paragraph, except where the part which is outside the demarcated zone is not in Wales.

(6) A notice published in accordance with sub-paragraph (4) is to be treated as having been served on—

- (a) any occupier or other person in charge of any premises within the demarcated zone;
- (b) any person who—
 - (i) has a right to use any contaminated surface water,
 - (ii) has any contaminated surface water on premises within the demarcated zone which the person occupies or is in charge of, and

- (iii) sy'n gweithredu peiriannau neu sy'n cyflawni unrhyw weithgaredd arall mewn perthynas â chynhyrchu tatws neu domatos o fewn y parth a ddarnodir.

(7) Ni chaiff Gweinidogion Cymru bennu'r mesurau y cyfeirir atynt yn is-baragraff (3) ond pan fo'r parth wedi ei darnodi—

- (a) mewn perthynas â'r mesurau y cyfeirir atynt ym mharagraffau (a) i (d) o'r is-baragraff hwnnw at ddibenion Erthygl 5(1)(a)(iv) o Gyfarwyddeb 98/57/EC;
- (b) mewn perthynas â'r mesurau y cyfeirir atynt ym mharagraffau (e) ac (f) o'r is-baragraff hwnnw at ddibenion Erthygl 5(1)(c)(iii) o Gyfarwyddeb 98/57/EC.

(8) Rhaid i Weinidogion Cymru sicrhau—

- (a) bod mangreoedd sy'n tyfu, yn storio neu'n trin cloron tatws a mangreoedd sy'n gweithredu peiriannau tatws o dan contract yn cael eu goruchwyllo gan arolygwyr iechyd planhigion yn ystod y cyfnod penodedig;
- (b) bod arolwg swyddogol yn cael ei gynnal yn unol ag Erthygl 2 o Gyfarwyddeb 98/57/EC yn ystod y cyfnod penodedig;
- (c) bod rhaglen yn cael ei sefydlu, pan fo'n briodol, i amnewid yr holl stociau tatws hadyd dros gyfnod priodol o amser.

(9) At ddibenion is-baragraffau (3) ac (8), rhaid i'r "cyfnod penodedig", mewn perthynas â pharth a ddarnodir yn unol â pharagraff 26(3)(d) neu (4)(d) fod o leiaf dri thymor tyfu ar ôl y flwyddyn y darnodwyd y parth.

- (iii) operates machinery or carries out any other activity in relation to the production of potatoes or tomatoes within the demarcated zone.

(7) The Welsh Ministers may only specify the measures referred to in sub-paragraph (3) where the zone has been demarcated—

- (a) in relation to measures referred to in paragraphs (a) to (d) of that sub-paragraph for the purposes of Article 5(1)(a)(iv) of Directive 98/57/EC;
- (b) in relation to the measures referred to in paragraphs (e) and (f) of that sub-paragraph for the purposes of Article 5(1)(c)(iii) of Directive 98/57/EC.

(8) The Welsh Ministers must ensure that—

- (a) premises growing, storing or handling potato tubers and premises which operate potato machinery under contract are supervised by plant health inspectors during the specified period;
- (b) an official survey is carried out in accordance with Article 2 of Directive 98/57/EC during the specified period;
- (c) a programme is established, where appropriate, for the replacement of all seed potato stocks over an appropriate period of time.

(9) For the purposes of sub-paragraphs (3) and (8), "the specified period", in relation to a zone demarcated pursuant to paragraph 26(3)(d) or (4)(d), must be at least three growing seasons following the year in which the zone was demarcated.

RHAN 7

Mesurau ynglŷn â thatws o'r Aifft

Mesurau at ddibenion Erthygl 7 o Benderfyniad Gweithredu'r Comisiwn 2011/787/EC

31.—(1) Yn y Rhan hon, ystyr "tatws o'r Aifft" yw unrhyw gloron *Solanum tuberosum* L., yn tarddu o'r Aifft a gyflwynir i diriogaeth yr Undeb o dan Benderfyniad Gweithredu'r Comisiwn 2011/787/EC.

(2) Ni chaiff unrhyw weithredwr proffesiynol—

- (a) symud unrhyw datws o'r Aifft yng Nghymru oni bai eu bod wedi eu labelu i ddangos eu bod yn tarddu o'r Aifft;
- (b) prosesu, paratoi, golchi neu becynnau unrhyw datws o'r Aifft mewn mangre yng Nghymru heblaw mewn mangre y mae Gweinidogion

PART 7

Measures relating to Egyptian potatoes

Measures for the purposes of Article 7 of Commission Implementing Decision 2011/787/EC

31.—(1) In this Part, "Egyptian potatoes" means any tubers of *Solanum tuberosum* L., originating in Egypt, which are introduced into the Union territory under Commission Implementing Decision 2011/787/EC.

(2) No professional operator may—

- (a) move any Egyptian potatoes within Wales unless they are labelled to indicate that they originate in Egypt;
- (b) process, prepare, wash or package any Egyptian potatoes at premises in Wales other

Cymru wedi ei chymeradwyo mewn ysgrifen at y diben hwnnw.

(3) Nid yw is-baragraff (2)(b) yn gymwys i becynnu neu baratoi unrhyw datws o'r Aifft mewn siop, bwyty, ffreutur, clwb, tŷ tafarn, ysgol, ysbyty, neu sefydliad tebyg (gan gynnwys cerbyd neu stondin sefydlog neu symudol) i'w ddanfôn at y defnyddiwr terfynol.

than at premises that the Welsh Ministers have approved in writing for that purpose.

(3) Sub-paragraph (2)(b) does not apply to the packing or preparation of any Egyptian potatoes in a shop, restaurant, canteen, club, public house, school, hospital, or similar establishment (including a vehicle or a fixed or mobile stall) for delivery to the final consumer.

ATODLEN 3 Rheoliad 38(1)(d) i (f)

Troseddau: darpariaethau perthnasol yn Rheoliadau'r UE

RHAN 1

Rheoliad Iechyd Planhigion yr UE

<i>Y Ddarpariaeth yn Rheoliad Iechyd Planhigion yr UE</i>	<i>Y Pwnc</i>
Erthygl 5(1) (fel y'i darllenir gydag Erthygl 8(1))	Yn gwahardd cyflwyno pla cwarantín Undeb i diriogaeth yr Undeb, symud pla cwarantín Undeb o fewn tiriogaeth yr Undeb neu ddal, lluosogi neu ryddhau pla cwarantín Undeb o fewn tiriogaeth yr Undeb(1).
Erthygl 9(3) (fel y'i darllenir gydag Erthygl 33(1))	Yn ei gwneud yn ofynnol i weithredwyr proffesiynol hysbysu awdurdodau cymwys ar unwaith am unrhyw dystiolaeth a all fod ganddynt ynghylch perygl sydd ar fin digwydd: (a) y daw pla cwarantín Undeb neu bla sy'n destun mesurau a fabwysiadwyd yn unol ag Erthygl 30(1) i diriogaeth yr Undeb neu i ran o diriogaeth yr Undeb lle nad yw'n bresennol eto, neu

(1) Nodir y rhestr o blâu cwarantín yr Undeb yn Atodiad 2 i Reoliad (EU) 2019/2072 ("Rheoliad Amodau Ffytioiechydol") sy'n pennu amodau unffurf ar gyfer gweithredu Rheoliad (EU) 2016/2031 Senedd Ewrop a'r Cyngor, o ran mesurau diogelu rhag plâu planhigion (OJ Rhif L 319, 10.12.2019, t. 1) ("Rheoliad Iechyd Planhigion yr UE").

SCHEDULE 3 Regulation 38(1)(d) to (f)

Offences: relevant provisions in the EU Regulations

PART 1

The EU Plant Health Regulation

<i>Provision of the EU Plant Health Regulation</i>	<i>Subject matter</i>
Article 5(1) (as read with Article 8(1))	Prohibits the introduction of a Union quarantine pest into the Union territory, the movement of a Union quarantine pest within the Union territory or the holding, multiplication or the release of a Union quarantine pest in the Union territory(1).
Article 9(3) (as read with Article 33(1))	Requires professional operators immediately to notify competent authorities of any evidence they may have concerning an imminent danger of the entry of: (a) a Union quarantine pest or a pest subject to measures adopted pursuant to Article 30(1) into the Union territory or into a part of the Union territory where it is not yet present, or

(1) The list of Union quarantine pests is set out in Annex 2 to Regulation (EU) 2019/2072 ("Phytosanitary Conditions Regulation") establishing uniform conditions for the implementation of Regulation (EU) 2016/2031 of the European Parliament and the Council, as regards protective measures against pests of plants (OJ No. L 319, 10.12.2019, p. 1) ("EU Plant Health Regulation").

	(b) y daw pla cwarantin parth gwarchoddedig i'r priod barth gwarchoddedig.		(b) a protected zone quarantine pest into the respective protected zone.
Erthygl 14(1) (fel y'i darllenir gydag Erthyglau 16 a 33(1))	<p>Yn ei gwneud yn ofynnol i weithredwr proffesiynol sy'n amau neu sy'n dod yn ymwybodol:</p> <p>(a) bod pla cwarantin Undeb neu bla sy'n destun mesurau a fabwysiadwyd yn unol ag Erthygl 30(1) yn bresennol mewn planhigion, cynhyrchion planhigion neu wrthrychau eraill sydd o dan reolaeth y gweithredwr;</p> <p>(b) bod pla cwarantin parth gwarchoddedig yn bresennol mewn planhigion, cynhyrchion planhigion neu wrthrychau eraill sydd o dan reolaeth y gweithredwr yn y priod barth gwarchoddedig,</p> <p>hysbysu'r awdurdod cymwys ar unwaith a chymryd camau rhagofalus i atal y pla rhag ymsefydlu a lledaenu.</p>	Article 14(1) (as read with Articles 16 and 33(1))	<p>Requires a professional operator who suspects or becomes aware that:</p> <p>(a) a Union quarantine pest or a pest subject to measures adopted pursuant to Article 30(1) is present in plants, plant products or other objects which are under the operator's control;</p> <p>(b) a protected zone quarantine pest is present in plants, plant products or other objects which are under the operator's control in the respective protected zone,</p> <p>immediately to notify the competent authority and take precautionary measures to prevent the establishment and spread of the pest.</p>
Erthygl 14(3)	<p>Yn ei gwneud yn ofynnol i weithredwr proffesiynol:</p> <p>(a) ymgynghori â'r awdurdod cymwys pan fo'r gweithredwr proffesiynol wedi cael cadarnhad swyddogol ynghylch</p>	Article 14(3)	<p>Requires a professional operator:</p> <p>(a) to consult the competent authority where the professional operator has received an official confirmation concerning the presence of a</p>

	<p>presenoldeb pla cwarantín Undeb mewn planhigion, cynhyrchion planhigion neu wrthrychau eraill sydd o dan reolaeth y gweithredwr, a</p> <p>(b) pan fo'n gymwys, bwrw ymlaen â'r camau sy'n ofynnol o dan Erthygl 14(4) i (7).</p>		<p>Union quarantine pest in plants, plant products or other objects which are under the operator's control, and</p> <p>(b) where applicable, proceed with the actions required under Article 14(4) to (7).</p>
Erthygl 15(1) (fel y'i darllenir gydag Erthyglau 15(2), 16 a 33(1))	<p>Yn ei gwneud yn ofynnol i berson nad yw'n weithredwr proffesiynol hysbysu'r awdurdod cymwys ar unwaith pan fydd y person yn dod yn ymwybodol o'r canlynol, neu pan fo ganddo reswm i amau'r canlynol:</p> <p>(a) presenoldeb pla cwarantín Undeb;</p> <p>(b) presenoldeb pla cwarantín parth gwarchoddedig yn y priod barth gwarchoddedig.</p>	Article 15(1) (as read with Articles 15(2), 16 and 33(1))	<p>Requires a person who is not a professional operator immediately to notify the competent authority where the person becomes aware of, or has reason to suspect:</p> <p>(a) the presence of a Union quarantine pest;</p> <p>(b) the presence of a protected zone quarantine pest in the respective protected zone.</p>
Erthygl 32(2)	<p>Yn gwahardd cyflwyno pla cwarantín parth gwarchoddedig i'r priod barth gwarchoddedig, symud pla cwarantín parth gwarchoddedig yn y priod barth gwarchoddedig neu'r daliad, lluosogi neu ryddhau pla cwarantín parth gwarchoddedig yn y priod barth gwarchoddedig(1).</p>	Article 32(2)	<p>Prohibits the introduction of a protected zone quarantine pest into the respective protected zone, the movement of a protected zone quarantine pest within the respective protected zone or the holding, multiplication or the release of a protected zone quarantine pest in the respective protected zone(1).</p>

(1) Nodir y rhestr o barthau gwarchoddedig a'r priod blâu parth gwarchoddedig yn Atodiad 3 i'r Rheoliad Amodau Ffytoiechydol.

(1) The list of protected zones and the respective protected zone pests is set out in Annex 3 to the Phytosanitary Conditions Regulation.

Erthygl 37(1) (fel y'i darllenir gydag Erthygl 39, ac Erthygl 17 o'r Rheoliad Amodau Ffytoiechydol)	Yn gwahardd gweithredwr proffesiynol rhag cyflwyno i diriogaeth yr Undeb bla nad yw'n bla cwarantín Undeb a reoleiddir ar blanhigion i'w plannu y caiff ei drosglwyddo drwyddynt, neu symud pla nad yw'n bla cwarantín Undeb a reoleiddir o fewn tiriogaeth yr Undeb ar blanhigion i'w plannu y caiff ei drosglwyddo drwyddynt(1).	Article 37(1) (as read with Article 39, and Article 17 of the Phytosanitary Conditions Regulation)	Prohibits the introduction into the Union territory by a professional operator of a Union regulated non-quarantine pest on plants for planting through which it is transmitted, or the movement of a Union regulated non-quarantine pest within the Union territory by a professional operator on plants for planting through which it is transmitted(1).
Erthygl 40(1) (fel y'i darllenir gydag Erthyglau 47 a 48(1))	Yn gwahardd cyflwyno planhigion, cynhyrchion planhigion neu wrthrychau eraill penodol i diriogaeth yr Undeb os ydynt yn tarddu o bob trydedd wlad neu diriogaeth neu rai penodol ohonynt(2).	Article 40(1) (as read with Articles 47 and 48(1))	Prohibits the introduction into the Union territory of certain plants, plant products or other objects if they originate from all or certain third countries or territories(2).
Erthygl 41(1) (fel y'i darllenir gydag Erthyglau 47 a 48(1))	Yn gwahardd: (a) cyflwyno i diriogaeth yr Undeb blanhigion, cynhyrchion planhigion neu wrthrychau penodol eraill o drydydd gwledydd oni bai bod y gofynion arbennig mewn cysylltiad â'r planhigion, y cynhyrchion planhigion neu'r gwrthrychau eraill hynny wedi eu cyflawni(3);	Article 41(1) (as read with Articles 47 and 48(1))	Prohibits: (a) the introduction into the Union territory of certain plants, plant products or other objects from third countries unless the special requirements in respect of those plants, plant products or other objects are fulfilled(3);

(1) Nodir y rhestr o blâu nad ydynt yn blâu cwarantín Undeb a reoleiddir a'r planhigion perthnasol i'w plannu, gyda chategorïau a throthwyon, yn Atodiad 4 i'r Rheoliad Amodau Ffytoiechydol.

(2) Nodir y rhestr o blanhigion, cynhyrchion planhigion a gwrthrychau eraill a'r drydydd gwledydd, y grwpiau o drydydd gwledydd neu'r ardaloedd penodol o drydydd gwledydd y mae'r gwaharddiad yn gymwys iddynt yn Atodiad 6 i'r Rheoliad Amodau Ffytoiechydol.

(3) Nodir y rhestr o blanhigion, cynhyrchion planhigion a gwrthrychau eraill sy'n tarddu o drydydd gwledydd a'r gofynion arbennig cyfatebol mewn perthynas â'u cyflwyno i diriogaeth yr Undeb yn Atodiad 7 i'r Rheoliad Amodau Ffytoiechydol.

(1) The list of Union regulated non-quarantine pests and the relevant plants for planting, with categories and thresholds, is set out in Annex 4 to the Phytosanitary Conditions Regulation.

(2) The list of plants, plant products and other objects and the third countries, groups of third countries or specific areas of third countries to which the prohibition applies is set out in Annex 6 to the Phytosanitary Conditions Regulation.

(3) The list of plants, plant products and other objects originating from third countries and the corresponding special requirements in relation to their introduction into the Union territory is set out in Annex 7 to the Phytosanitary Conditions Regulation.

	(b) symud o fewn tiriogaeth yr Undeb blanhigion, cynhyrchion planhigion neu wrthrychau penodol eraill oni bai bod y gofynion arbennig mewn cysylltiad â'r planhigion, y cynhyrchion planhigion neu'r gwrthrychau eraill hynny wedi eu cyflawni(1).		(b) the movement within the Union territory of certain plants, plant products or other objects unless the special requirements in respect of those plants, plant products or other objects are fulfilled(1).
Erthygl 42(2) (fel y'i darllenir gydag Erthyglau 47 a 48(1))	Yn gwahardd cyflwyno i diriogaeth yr Undeb blanhigion, cynhyrchion planhigion neu wrthrychau eraill sy'n uchel eu risg o drydydd gwledydd(2).	Article 42(2) (as read with Articles 47 and 48(1))	Prohibits the introduction into the Union territory of high-risk plants, plant products or other objects from third countries(2).
Erthygl 43(1)	Yn gwahardd cyflwyno i diriogaeth yr Undeb ddeunydd pecynnu pren, p'un a yw'n cael ei ddefnyddio i gludo gwrthrychau o unrhyw fath neu beidio, oni bai ei fod yn cyflawni'r gofynion penodedig neu ei fod yn destun yr esemptiadau y darperir ar eu cyfer yn SRFFf 15.	Article 43(1)	Prohibits the introduction into the Union territory of wood packaging material, whether or not in use in the transport of objects of any kind, unless it fulfils the specified requirements or is subject to the exemptions provided for in ISPM 15.
Erthygl 45(1), y trydydd paragraff (fel y'i darllenir gydag Erthygl 55)	Yn ei gwneud yn ofynnol i wasanaethau post a gweithredwyr proffesiynol sy'n ymwneud â gwerthu drwy gontractau pellter drefnu bod gwybodaeth benodol ar gael i'w	Article 45(1), third paragraph (as read with Article 55)	Requires postal services and professional operators involved in sales through distance contracts to make specified information

- (1) Nodir y rhestr o blanhigion, cynhyrchion planhigion a gwrthrychau eraill sy'n tarddu o'r Undeb a'r gofynion arbennig cyfatebol mewn perthynas â'u symud o fewn tiriogaeth yr Undeb yn Atodiad 8 i'r Rheoliad Amodau Ffytioechydol.
- (2) Nodir y rhestr o blanhigion, cynhyrchion planhigion a gwrthrychau eraill uchel eu risg y mae'r gwaharddiad yn gymwys iddynt yn Atodiad 1 i Reoliad Gweithredu'r Comisiwn (EU) 2018/2019 yn sefydlu rhestr dros dro o blanhigion, cynhyrchion planhigion neu wrthrychau eraill uchel eu risg, o fewn ystyr Erthygl 42 o Reoliad (EU) 2016/2031 a rhestr o blanhigion nad yw tystysgrifau ffytioechydol yn ofynnol ar eu cyfer i'w cyflwyno i'r Undeb, o fewn ystyr Erthygl 73 o'r Rheoliad hwnnw (OJ Rhif L 323, 19.12.2018, t. 10).

- (1) The list of plants, plant products and other objects originating in the Union and the corresponding special requirements in relation to their movement within the Union territory is set out in Annex 8 to the Phytosanitary Conditions Regulation.
- (2) The list of high risk plants, plant products and other objects to which the prohibition applies is set out in Annex 1 to Commission Implementing Regulation (EU) 2018/2019 establishing a provisional list of high risk plants, plant products or other objects, within the meaning of Article 42 of Regulation (EU) 2016/2031 and a list of plants for which phytosanitary certificates are not required for introduction into the Union, within the meaning of Article 73 of that Regulation (OJ No. L 323, 19.12.2018, p. 10).

	cleientiaid drwy'r rhyngwrwyd.		available to their clients through the internet.
Erthygl 53(1) (fel y'i darllenir gydag Erthyglau 57 a 58)	Yn gwahardd: (a) cyflwyno planhigion, cynhyrchion planhigion neu wrthrychau penodol eraill sy'n tarddu o drydydd gwledydd i barthau gwarchoddedig penodol; (b) cyflwyno planhigion, cynhyrchion planhigion neu wrthrychau penodol eraill sy'n tarddu o fewn tiriogaeth yr Undeb i barthau gwarchoddedig penodol(1).	Article 53(1) (as read with Articles 57 and 58)	Prohibits: (a) the introduction of certain plants, plant products or other objects originating from third countries into certain protected zones; (b) the introduction of certain plants, plant products or other objects originating within the Union territory into certain protected zones(1).
Erthygl 54(1) (fel y'i darllenir gydag Erthyglau 57 a 58)	Yn gwahardd: (a) cyflwyno planhigion, cynhyrchion planhigion neu wrthrychau penodol eraill i barthau gwarchoddedig penodol oni bai bod y gofynion arbennig mewn cysylltiad â'r parthau gwarchoddedig hynny wedi eu cyflawni; (b) symud planhigion, cynhyrchion planhigion neu wrthrychau penodol eraill mewn parthau gwarchoddedig	Article 54(1) (as read with Articles 57 and 58)	Prohibits: (a) the introduction of certain plants, plant products or other objects into certain protected zones unless the special requirements in respect of those protected zones are fulfilled; (b) the movement of certain plants, plant products or other objects within certain protected zones unless the

(1) Nodir y rhestr o blanhigion, cynhyrchion planhigion a gwrthrychau eraill at y dibenion hyn yn Atodiad 9 i'r Rheoliad Amodau Ffytioiechydol.

(1) The list of plants, plant products and other objects for these purposes is set out in Annex 9 to the Phytosanitary Conditions Regulation.

	penodol oni bai bod y gofynion arbennig mewn cysylltiad â'r parthau gwarchoddedig hynny wedi eu cyflawni(1).		special requirements in respect of those protected zones are fulfilled(1).
Erthygl 59	<p>Yn ei gwneud yn ofynnol:</p> <p>(a) i gerbydau, peiriannau neu ddeunydd pecynnu a ddefnyddir ar gyfer planhigion, cynhyrchion planhigion neu wrthrychau penodol eraill sy'n symud i diriogaeth yr Undeb neu o'i mewn, neu drwy diriogaeth yr Undeb, fod yn rhydd rhag plâu cwarantín Undeb a phlâu sy'n destun mesurau a fabwysiedir yn unol ag Erthygl 30(1);</p> <p>(b) i gerbydau, peiriannau neu ddeunydd pecynnu a ddefnyddir ar gyfer planhigion, cynhyrchion planhigion neu wrthrychau penodol eraill sy'n symud i'r parthau gwarchoddedig neu o'u mewn, neu drwy barthau gwarchoddedig, fod yn rhydd rhag y plâu cwarantín priod barth gwarchoddedig.</p>	Article 59	<p>Requires:</p> <p>(a) vehicles, machinery or packaging material used for specified plants, plant products or other objects moving into or within the Union territory, or through the Union territory, to be free from Union quarantine pests and pests subject to measures adopted pursuant to Article 30(1);</p> <p>(b) vehicles, machinery or packaging material used for specified plants, plant products or other objects moving into or within the protected zones, or through protected zones, to be free from the respective protected zone quarantine pests.</p>

(1) Nodir y rhestr o blanhigion, cynhyrchion planhigion a gwrthrychau eraill at y dibenion hyn yn Atodiad 10 i'r Rheoliad Amodau Ffytioechydol.

(1) The list of plants, plant products and other objects for these purposes is set out in Annex 10 to the Phytosanitary Conditions Regulation.

Erthygl 62(1)	Yn ei gwneud yn ofynnol i berson sy'n gyfrifol am orsaf gwarantín neu gyfleuster cyfyngu fonitro'r orsaf neu'r cyfleuster a'r cyffiniau agos, am bresenoldeb anfwriadol plâu cwarantín Undeb a phlâu sy'n destun mesurau a fabwysiedir yn unol ag Erthygl 30(1).	Article 62(1)	Requires a person responsible for a quarantine station or confinement facility to monitor the station or facility and its immediate vicinity for the unintended presence of Union quarantine pests and pests subject to measures adopted pursuant to Article 30(1).
Erthygl 62(2)	Yn ei gwneud yn ofynnol i berson sy'n gyfrifol am orsaf gwarantín neu gyfleuster cyfyngu gymryd camau priodol ar sail y cynllun wrth gefn y cyfeirir ato ym mhwynt (e) o Erthygl 61(1) ac i gydymffurfio â'r rhwymedigaethau i weithredwyr proffesiynol yn Erthygl 14 pan ganfyddir neu pan amheuir presenoldeb anfwriadol pla cwarantín Undeb neu bla sy'n destun mesurau a fabwysiedir yn unol ag Erthygl 30(1).	Article 62(2)	Requires a person responsible for a quarantine station or confinement facility to take appropriate action based on the contingency plan referred to in point (e) of Article 61(1) and to comply with the obligations of professional operators in Article 14 where the unintended presence of a Union quarantine pest or a pest subject to measures adopted pursuant to Article 30(1) is found or suspected.
Erthygl 64(1) (fel y'i darllenir gydag Erthygl 64(2))	Yn gwahardd rhyddhau planhigion, cynhyrchion planhigion a gwrthrychau eraill o orsafoedd cwarantín neu gyfleusterau cyfyngu oni bai bod hynny wedi ei awdurdodi gan yr awdurdodau cymwys.	Article 64(1) (as read with Article 64(2))	Prohibits the release of plants, plant products and other objects from quarantine stations or confinement facilities unless authorised by the competent authorities.
Erthygl 66(1) (fel y'i darllenir gydag Erthygl 65(3))	Yn ei gwneud yn ofynnol i weithredwyr proffesiynol penodol gyflwyno cais am gofrestru i'r awdurdodau cymwys.	Article 66(1) (as read with Article 65(3))	Requires certain professional operators to submit an application for registration to the competent authorities.
Erthygl 66(5) (fel y'i darllenir gydag Erthygl 65(3))	Yn ei gwneud yn ofynnol i weithredwyr cofrestredig, pan fo'n berthnasol: (a) cyflwyno diweddariad blynyddol ynghylch unrhyw newidiadau yn y data y cyfeirir ato ym mhwyntiau (d) ac (e) o Erthygl	Article 66(5) (as read with Article 65(3))	Requires registered operators, where relevant: (a) to submit an annual update concerning any changes in the data referred to in points (d) and (e) of Article 66(2) or in the statements referred to in

	<p>66(2) neu yn y datganiadau y cyfeirir atynt ym mhwyntiau (b) ac (c) o Erthygl 66(2);</p> <p>(b) diweddarau'r data y cyfeirir ato ym mhwynt (a) o Erthygl 66(2) heb fod yn hwyrach na 30 diwrnod ar ôl y newid yn y data hwnnw.</p>		<p>points (b) and (c) of Article 66(2);</p> <p>(b) to update the data referred to in point (a) of Article 66(2) no later than 30 days after the change in that data.</p>
Erthygl 69(1) (fel y'i darllenir gydag Erthyglau 65(3) a 69(3))	Yn ei gwneud yn ofynnol i weithredwr proffesiynol y cyflenwir iddo blanhigion, cynhyrchion planhigion neu wrthrychau eraill sy'n destun y gofynion neu'r amodau penodedig gadw cofnod sy'n caniatáu i'r gweithredwr adnabod y gweithredwr proffesiynol a gyflenwodd bob uned fasnach.	Article 69(1) (as read with Articles 65(3) and 69(3))	Requires a professional operator to whom plants, plant products or other objects are supplied that are subject to the specified requirements or conditions to keep a record allowing the operator to identify the professional operator who supplied each trade unit.
Erthygl 69(2) (fel y'i darllenir gydag Erthygl 69(3))	Yn ei gwneud yn ofynnol i weithredwr proffesiynol sy'n cyflenwi planhigion, cynhyrchion planhigion neu wrthrychau eraill sy'n destun y gofynion neu'r amodau penodedig gadw cofnod sy'n caniatáu i'r gweithredwr adnabod y gweithredwr proffesiynol y cyflenwyd pob uned fasnach iddo.	Article 69(2) (as read with Article 69(3))	Requires a professional operator who is supplying plants, plant products or other objects that are subject to the specified requirements or conditions to keep a record allowing the operator to identify the professional operator to whom each trade unit was supplied.
Erthygl 69(4)	Yn ei gwneud yn ofynnol i weithredwyr proffesiynol gadw'r cofnodion sy'n ofynnol yn unol ag Erthygl 69(1) i (3) am o leiaf dair blynedd.	Article 69(4)	Requires professional operators to keep the records required pursuant to Article 69(1) to (3) for at least three years.
Erthygl 70(1)	Yn ei gwneud yn ofynnol i weithredwyr proffesiynol y cyflenwir y planhigion, y cynhyrchion planhigion neu'r gwrthrychau eraill y cyfeirir atynt yn Erthygl 69(1) a (2) iddynt, neu sy'n cyflenwi'r rheiny, fod â systemau neu weithdrefnau olrhain ar waith i ganiatáu i symudiadau'r planhigion,	Article 70(1)	Requires professional operators who are supplied with, or supply, the plants, plant products or other objects referred to in Article 69(1) and (2) to have in place traceability systems or procedures to allow identification of the movements of those plants, plant products

	y cynhyrchion planhigion a'r gwrthrychau eraill hynny o fewn a rhwng eu mangreoedd eu hunain gael eu hadnabod.		and other objects within and between their own premises.
Erthyglau 72(1) a 73	Yn gwahardd cyflwyno planhigion, cynhyrchion planhigion a gwrthrychau penodol eraill i diriogaeth yr Undeb o drydydd gwledydd oni bai bod tystysgrif ffytoiachydol yn mynd gyda hwy(1).	Articles 72(1) and 73	Prohibits the introduction into the Union territory of certain plants, plant products and other objects from third countries unless they are accompanied by a phytosanitary certificate(1).
Erthygl 74(1)	Yn gwahardd cyflwyno planhigion, cynhyrchion planhigion a gwrthrychau penodol eraill o drydydd gwledydd i barthau gwarchoddedig penodol oni bai bod tystysgrif ffytoiachydol yn mynd gyda hwy(2).	Article 74(1)	Prohibits the introduction of certain plants, plant products and other objects from third countries into certain protected zones unless accompanied by a phytosanitary certificate(2).
Erthygl 79(1) (fel y'i darllenir gydag Erthyglau 81, 82 a 83)	Yn gwahardd symud planhigion, cynhyrchion planhigion a gwrthrychau penodol eraill o fewn tiriogaeth yr Undeb heb basbort planhigion(3).	Article 79(1) (as read with Articles 81, 82 and 83)	Prohibits the movement of certain plants, plant products and other objects within the Union territory without a plant passport(3).
Erthygl 80(1) (fel y'i darllenir gydag Erthyglau 81, 82 a 83)	Yn gwahardd cyflwyno planhigion, cynhyrchion planhigion a gwrthrychau penodol eraill i barthau gwarchoddedig penodol, neu symud planhigion, cynhyrchion planhigion a gwrthrychau penodol eraill o fewn parthau gwarchoddedig penodol, heb basbort planhigion(4).	Article 80(1) (as read with Articles 81, 82 and 83)	Prohibits the introduction of certain plants, plant products and other objects into certain protected zones, or the movement of certain plants, plant products and other objects within certain protected zones, without a plant passport(4).

- (1) Nodir y rhestr o blanhigion, cynhyrchion planhigion a gwrthrychau eraill at ddibenion Erthygl 72(1) yn Rhan A o Atodiad 11 i'r Rheoliad Amodau Ffytoiachydol. Nodir y rhestr o blanhigion, cynhyrchion planhigion a gwrthrychau eraill at ddibenion Erthygl 73(1) yn Rhan B o'r Atodiad hwnnw, ond nid yw'n cynnwys unrhyw blanhigion, cynhyrchion planhigion a gwrthrychau eraill yn y rhestr a nodir yn Rhan C o'r Atodiad hwnnw.
- (2) Nodir y rhestr o blanhigion, cynhyrchion planhigion a gwrthrychau eraill at y dibenion hyn yn Atodiad 12 i'r Rheoliad Amodau Ffytoiachydol.
- (3) Nodir y rhestr o blanhigion, cynhyrchion planhigion a gwrthrychau eraill at y dibenion hyn yn Atodiad 13 i'r Rheoliad Amodau Ffytoiachydol.
- (4) Nodir y rhestr o blanhigion, cynhyrchion planhigion a gwrthrychau eraill at y dibenion hyn yn Atodiad 14 i'r Rheoliad Amodau Ffytoiachydol.

- (1) The list of plants, plant products and other objects for the purposes of Article 72(1) is set out in Part A of Annex 11 to the Phytosanitary Conditions Regulation. The list of plants, plant products and other objects for the purposes of Article 73(1) is set out in Part B of that Annex, but does not include any plants, plant products and other objects in the list set out in Part C of that Annex.
- (2) The list of plants, plant products and other objects for these purposes is set out in Annex 12 to the Phytosanitary Conditions Regulation.
- (3) The list of plants, plant products and other objects for these purposes is set out in Annex 13 to the Phytosanitary Conditions Regulation.
- (4) The list of plants, plant products and other objects for these purposes is set out in Annex 14 to the Phytosanitary Conditions Regulation.

Erthygl 84(1)	Yn gwahardd gweithredwyr proffesiynol rhag dyroddi pasbortau planhigion oni bai eu bod wedi eu hawdurdodi a rhag dyroddi pasbortau planhigion ar gyfer planhigion, cynhyrchion planhigion neu wrthrychau eraill nad ydynt yn gyfrifol amdanynt.	Article 84(1)	Prohibits professional operators from issuing plant passports unless they are authorised and from issuing plant passports for plants, plant products or other objects for which they are not responsible.
Erthygl 84(3)	Yn gwahardd gweithredwyr proffesiynol awdurdodedig rhag dyroddi pasbortau planhigion ac eithrio mewn mangreoedd, warysau cyfun neu ganolfannau anfon penodedig.	Article 84(3)	Prohibits authorised professional operators from issuing plant passports except at specified premises, collective warehouses or dispatching centres.
Erthygl 85 (fel y'i darllenir gydag Erthygl 87)	Yn gwahardd gweithredwyr proffesiynol awdurdodedig rhag dyroddi pasbortau planhigion ar gyfer planhigion, cynhyrchion planhigion neu wrthrychau eraill oni bai bod y gofynion penodedig wedi eu cyflawni mewn cysylltiad â'r planhigion, y cynhyrchion planhigion neu'r gwrthrychau eraill hynny.	Article 85 (as read with Article 87)	Prohibits authorised professional operators from issuing plant passports for plants, plant products or other objects unless the specified requirements are fulfilled in respect of those plants, plant products or other objects.
Erthygl 86(1) (fel y'i darllenir gydag Erthyglau 86(2) a 87)	Yn gwahardd gweithredwyr proffesiynol awdurdodedig rhag dyroddi pasbortau planhigion ar gyfer planhigion, cynhyrchion planhigion neu wrthrychau eraill i'w cyflwyno i barth gwarchodedig, neu i'w symud o'i fewn, oni bai bod y gofynion penodol wedi eu cyflawni mewn cysylltiad â'r planhigion, y cynhyrchion planhigion neu'r gwrthrychau eraill hynny.	Article 86(1) (as read with Articles 86(2) and 87)	Prohibits authorised professional operators from issuing plant passports for plants, plant products or other objects to be introduced into, or moved within, a protected zone unless the specified requirements are fulfilled in respect of those plants, plant products or other objects.
Erthygl 88	Yn ei gwneud yn ofynnol i weithredwyr proffesiynol atodi pasbortau planhigion i uned fasnach y planhigion, y cynhyrchion planhigion neu'r	Article 88	Requires professional operators to attach plant passports to the trade unit of the plants, plant products or other objects concerned, or where the

	gwrthrychau eraill o dan sylw, neu pan fo'r planhigion, y cynhyrchion planhigion neu'r gwrthrychau eraill yn cael eu symud mewn pecyn, bwndel neu gynhwysydd, i'r pecyn, y bwndel neu'r cynhwysydd hwnnw.		plants, plant products or other objects are moved in a package, bundle or container, to that package, bundle or container.
Erthygl 90(1)	Yn ei gwneud yn ofynnol i weithredwr awdurdodedig: <ul style="list-style-type: none"> (a) nodi a monitro'r pwyntiau yn ei broses gynhyrchu a phwyntiau allweddol penodol eraill ynglŷn â symud planhigion, cynhyrchion planhigion a gwrthrychau eraill pan fo'r gweithredwr awdurdodedig yn bwriadu dyroddi pasbort planhigion mewn cysylltiad â'r planhigion, y cynhyrchion planhigion a'r gwrthrychau eraill hynny, a (b) cadw cofnodion ynghylch nodi a monitro'r pwyntiau hynny am o leiaf dair blynedd. 	Article 90(1)	Requires an authorised operator: <ul style="list-style-type: none"> (a) to identify and monitor the points in its production process and certain other critical points as regards the movement of plants, plant products and other objects where the authorised operator intends to issue a plant passport in respect of those plants, plant products and other objects, and (b) to keep records concerning the identification and monitoring of those points for at least three years.
Erthygl 90(2)	Yn ei gwneud yn ofynnol i weithredwyr awdurdodedig sicrhau bod hyfforddiant priodol yn cael ei roi i'w bersonél sy'n ymwneud â'r archwiliadau y cyfeirir atynt yn Erthygl 87.	Article 90(2)	Requires authorised operators to ensure that appropriate training is given to its personnel involved in the examinations referred to in Article 87.
Erthygl 93(1)	Yn gwahardd gweithredwyr awdurdodedig rhag dyroddi pasbortau planhigion amnewid oni bai bod amodau penodol wedi eu cyflawni.	Article 93(1)	Prohibits authorised operators from issuing replacement plant passports unless certain conditions are fulfilled.

Erthygl 93(5)	Yn ei gwneud yn ofynnol i weithredwyr awdurdodedig gadw pasbortau planhigion amnewid neu eu cynnwys am o leiaf dair blynedd.	Article 93(5)	Requires authorised operators to retain replacement plant passports or their contents for at least three years.
Erthygl 96(1)	Yn gwahardd marcio deunydd pecynnu pren, pren neu wrthrychau eraill o fewn tiriogaeth yr Undeb: (a) gan unrhyw weithredwr proffesiynol nad yw wedi ei awdurdodi yn unol ag Erthygl 98, neu (b) heblaw yn y modd gofynnol.	Article 96(1)	Prohibits the marking of wood packaging material, wood or other objects in the Union territory: (a) by any professional operator who is not authorised in accordance with Article 98, or (b) otherwise than in the manner required.
Erthygl 97(1)	Yn gwahardd trwsio deunydd pecynnu pren: (a) gan unrhyw weithredwr proffesiynol nad yw wedi ei awdurdodi yn unol ag Erthygl 98, neu (b) heblaw yn y modd gofynnol.	Article 97(1)	Prohibits the repairing of wood packaging material: (a) by any professional operator who is not authorised in accordance with Article 98, or (b) otherwise than in the manner required.

RHAN 2

Y Rheoliad Rheolaethau Swyddogol

PART 2

The Official Controls Regulation

<i>Y ddarpariaeth yn y Rheoliad Rheolaethau Swyddogol</i>	<i>Y pwnc</i>	<i>Provision of the Official Controls Regulation</i>	<i>Subject matter</i>
Erthygl 47(5) (fel y'i darllenir gydag Erthyglau 5 a 7 o Reoliad Dirprwyedig y Comisiwn (EU) 2019/2122 yn ategu Rheoliad (EU) 2017/625 Senedd Ewrop a'r Cyngor o ran categorïau penodol o anifeiliaid a nwyddau a esemptir o reolaethau swyddogol mewn safleoedd rheoli ar y ffin, rheolaethau penodol ar fagiâu personol teithwyr ac ar lwythi bach o nwyddau a anfonir at bobl naturiol na fwriedir eu rhoi ar y farchnad(1))	Yn ei gwneud yn ofynnol i'r gweithredwr sy'n gyfrifol am lwyth perthnasol sy'n dod i'r Undeb sicrhau ei fod yn cael ei gyflwyno ar gyfer rheolaethau swyddogol ar y safle rheoli ar y ffin lle daw i'r Undeb am y tro cyntaf.	Article 47(5) (as read with Articles 5 and 7 of Commission Delegated Regulation (EU) 2019/2122 supplementing Regulation (EU) 2017/625 of the European Parliament and of the Council as regards certain categories of animals and goods exempted from official controls at border control posts, specific controls on passengers' personal luggage and on small consignments of goods sent to natural persons which are not intended to be placed on the market(1))	Requires the operator responsible for a relevant consignment entering the Union to ensure that it is presented for official controls at the border control post of first arrival into the Union.
Erthygl 50(1)	Yn ei gwneud yn ofynnol i weithredwr llwyth perthnasol y mae Erthygl 47(1) yn gymwys iddo gyflwyno'r tystysgrifau neu'r dogfennau swyddogol gwreiddiol y mae'n ofynnol iddynt fynd gyda'r llwyth i awdurdodau cymwys y safle rheoli ar y ffin.	Article 50(1)	Requires the operator of a relevant consignment to which Article 47(1) applies to present the original official certificates or documents which are required to accompany the consignment to the competent authorities of the border control post.
Erthygl 50(3)	Yn gwahardd gweithredwr llwyth perthnasol rhag hollti'r llwyth nes y bydd rheolaethau swyddogol wedi eu cyflawni a bod y Ddogfen Mynediad Iechyd Cymunedol ("DMIC") wedi ei chwblhau.	Article 50(3)	Prohibits the operator of a relevant consignment from splitting the consignment until official controls have been performed and the Community Health Entry Document ("CHED") has been finalised.

(1) OJ Rhif L 321, 12.12.2019, t. 45.

(1) OJ No. L 321, 12.12.2019, p. 45.

Erthygl 56(1)	Yn ei gwneud yn ofynnol i weithredwr llwyth perthnasol gwblhau'r rhan berthnasol o'r DMIC.	Article 56(1)	Requires the operator of a relevant consignment to complete the relevant part of the CHED.
Erthygl 56(4) (fel y'i darllenir gydag Erthygl 1(1) o Reoliad Gweithredu'r Comisiwn (EU) 2019/1013 ynghylch hysbysu ymlaen llaw fod llwythi o gategoriâu penodol o anifeiliaid a nwyddau yn dod i'r Undeb(1) a rheoliad 9)	Yn ei gwneud yn ofynnol i weithredwr llwyth perthnasol roi hysbysiad ymlaen llaw i awdurdodau cymwys y safle rheoli ar y ffin fod y llwyth yn cyrraedd cyn i'r llwyth gyrraedd yr Undeb yn gorfforol.	Article 56(4) (as read with Article 1(1) of Commission Implementing Regulation (EU) 2019/1013 on the prior notification of consignments of certain categories of animals and goods entering the Union(1) and regulation 9)	Requires the operator of a relevant consignment to give prior notification to the competent authorities of the border control post of the arrival of the consignment before the physical arrival of the consignment in the Union.

RHAN 3

Deddfwriaeth arall yr UE

Y ddarpariaeth yn Y pwnc neddfwriaeth yr UE

Rheoliad Dirprwyedig y Comisiwn (EU) 2019/1602 yn ategu Rheoliad (EU) 2017/625 Senedd Ewrop a'r Cyngor ynghylch y Ddogfen Mynediad Iechyd Cymunedol sy'n mynd gyda llwythi o anifeiliaid a nwyddau i'w cyrchfan(2)

Erthygl 3 (fel y'i darllenir gydag Erthyglau 4(a), 5(1)(b) a (d), 5(2)(a) ac (c) a 6(a))

Yn ei gwneud yn ofynnol i'r gweithredwr sy'n gyfrifol am lwyth sicrhau bod DMIC yn mynd gyda'r llwyth cyn ei ryddhau ar gyfer cylchredeg rhydd yn unol ag Erthygl 57(2)(b) o'r Rheoliad Rheolaethau Swyddogol.

PART 3

Other EU legislation

Provision of EU Subject matter legislation

Commission Delegated Regulation (EU) 2019/1602 supplementing Regulation (EU) 2017/625 of the European Parliament and of the Council concerning the Common Health Entry Document accompanying consignments of animals and goods to their destination(2)

Article 3 (as read with Articles 4(a), 5(1)(b) and (d), 5(2)(a) and (c) and 6(a))

Requires the operator responsible for a consignment to ensure that a CHED accompanies the consignment before it is released for free circulation in accordance with Article 57(2)(b) of the Official Controls Regulation.

(1) OJ Rhif L 165, 21.6.2019, t. 8.
(2) OJ Rhif L 250, 30.9.2019, t. 6.

(1) OJ No. L 165, 21.6.2019, p. 8.
(2) OJ No. L 250, 30.9.2019, p. 6.

Rheoliad Dirprwyedig y Comisiwn (EU) 2019/2124 yn ategu Rheoliad (EU) 2017/625 Senedd Ewrop a'r Cyngor o ran rheolau ar gyfer rheolaethau swyddogol ar lwythi o anifeiliaid a nwyddau sy'n cael eu cludo, eu trawslwytho a'u cludo ymlaen drwy'r Undeb(1)		Commission Delegated Regulation (EU) 2019/2124 supplementing Regulation (EU) 2017/625 of the European Parliament and of the Council as regards rules for official controls of consignments of animals and goods in transit, transshipment and onward transportation through the Union(1)	
Erthygl 5(a) a (b)	Yn ei gwneud yn ofynnol i'r gweithredwr sy'n gyfrifol am lwyth perthnasol sydd wedi cael awdurdodiad i gludo'r llwyth ymlaen i nodi manylion penodol yn y DMIC a chyflwyno'r DMIC.	Article 5(a) and (b)	Requires the operator who is responsible for a relevant consignment that has been given authorisation for onward transportation to enter certain details in the CHED and submit the CHED.
Erthygl 6	Yn ei gwneud yn ofynnol i'r gweithredwr sy'n gyfrifol am lwyth perthnasol sydd wedi cael awdurdodiad i'w gludo ymlaen gydymffurfio â'r amodau penodedig ynglŷn â'i gludo a'i storio.	Article 6	Requires the operator who is responsible for a relevant consignment that has been given authorisation for onward transportation to comply with the specified conditions relating to its transportation and storage.
Erthygl 16(1) a (3)	Yn ei gwneud yn ofynnol i'r gweithredwr sy'n gyfrifol am lwyth perthnasol a drawslwythir roi'r wybodaeth benodedig i awdurdodau cymwys.	Article 16(1) and (3)	Requires the operator who is responsible for a transhipped relevant consignment to notify the specified information to competent authorities.
Erthygl 22(4)	Yn ei gwneud yn ofynnol i'r gweithredwr sy'n gyfrifol am lwyth perthnasol sy'n cael ei gludo drwy diriogaeth yr Undeb gymryd mesurau penodol ynglŷn â chludo'r llwyth.	Article 22(4)	Requires the operator who is responsible for a relevant consignment that is in transit through the Union territory to take specific measures relating to the transportation of the consignment.

(1) OJ Rhif L 321, 12.12.2019, t. 73.

(1) OJ No. L 321, 12.12.2019, p. 73.

ATODLEN 4 Rheoliad 38(1)(g)

Troseddau ynglŷn â phenderfyniadau
brys gan yr UE

SCHEDULE 4 Regulation 38(1)(g)

Offences relating to EU emergency
decisions

<i>Penderfyniad yr UE</i>	<i>Y ddarpariaeth ym mhenderfyniad yr UE</i>	<i>EU decision</i>	<i>Provision of EU decision</i>
Penderfyniad y Comisiwn 98/109/EC	Erthygl 1 (gofynion mewn perthynas â chyflwyno i diriogaeth yr Undeb flodau wedi eu torri o <i>Orchidaceae</i> sy'n tarddu o Wlad Thai)	Commission 98/109/EC	Decision Article 1 (requirements in relation to the introduction into the Union territory of cut flowers of <i>Orchidaceae</i> originating in Thailand)
Penderfyniad y Comisiwn 2002/757/EC	Erthygl 3(1) a (2) (gofynion mewn perthynas â chyflwyno i diriogaeth yr Undeb blanhigion sy'n dueddol o gael plâu neu glefydau a phren sy'n dueddol o gael plâu neu glefydau ac sy'n tarddu o UDA)	Commission 2002/757/EC	Decision Article 3(1) and (2) (requirements in relation to the introduction into the Union territory of susceptible plants and susceptible wood originating in the USA)
	Erthygl 3(4) (gofynion mewn perthynas â symud o fewn tiriogaeth yr Undeb blanhigion penodol, heblaw hadau, a fwriedir i'w plannu ac sy'n tarddu o drydydd gwledydd heblaw UDA)		
	Erthygl 4 (gwahardd cyflwyno i diriogaeth yr Undeb risgl sy'n dueddol o gael plâu neu glefydau ac sy'n tarddu o UDA)		
Penderfyniad y Comisiwn 2004/200/EC	Erthygl 5 (gofynion mewn perthynas â symud o fewn tiriogaeth yr Undeb blanhigion penodol a fwriedir i'w plannu ac sy'n tarddu o'r Undeb)	Commission 2004/200/EC	Decision Article 5 (requirements in relation to the movement within the Union territory of certain plants intended for planting originating in the Union)
	Erthygl 1 (gwahardd symud o fewn tiriogaeth yr Undeb hadau <i>Solanum lycopersicum</i> L. wedi eu halogi gan Firws amryliw pepino) i'r graddau y mae'n ymwneud â symud hadau <i>Solanum</i>		

		<p><i>lycopersicum</i> L. a gynhyrchwyd cyn 14 Rhagfyr 2019 ac sy'n cael eu symud o fewn tiriogaeth yr Undeb ar unrhyw adeg cyn 14 Rhagfyr 2020</p>			<p>movement of seeds of <i>Solanum lycopersicum</i> L. that were produced before 14 December 2019 and are moved within the Union territory at any time before 14 December 2020</p>
		<p>Erthygl 3(1) (gofynion mewn perthynas â symud hadau <i>Solanum lycopersicum</i> L. sy'n tarddu o'r Undeb) i'r graddau y mae'n ymwneud â symud hadau <i>Solanum lycopersicum</i> L. a gynhyrchwyd cyn 14 Rhagfyr 2019 ac sy'n cael eu symud o fewn tiriogaeth yr Undeb unrhyw bryd cyn 14 Rhagfyr 2020</p>			<p>Article 3(1) (requirements in relation to the movement of seeds of <i>Solanum lycopersicum</i> L. originating in the Union) insofar as it relates to the movement of seeds of <i>Solanum lycopersicum</i> L. that were produced before 14 December 2019 and are moved within the Union territory at any time before 14 December 2020</p>
Penderfyniad Gweithredu'r 2011/787/EU	Comisiwn	<p>Erthygl 1(1) (gofynion mewn perthynas â chyflwyno i diriogaeth yr Undeb gloron <i>Solanum tuberosum</i> L. sy'n tarddu o'r Aifft)</p>	Commission Implementing Decision	2011/787/EU	<p>Article 1(1) (requirements in relation to the introduction into the Union territory of tubers of <i>Solanum tuberosum</i> L. originating in Egypt)</p>
Penderfyniad Gweithredu'r 2012/138/EU	Comisiwn	<p>Erthygl 2 (gofynion mewn perthynas â chyflwyno i diriogaeth yr Undeb blanhigion penodedig sy'n tarddu o drydydd gwledydd, heblaw Tsieina)</p>	Commission Implementing Decision	2012/138/EU	<p>Article 2 (requirements in relation to the introduction into the Union territory of specified plants originating in third countries, other than China)</p>
		<p>Erthygl 3(1) a (2) (gofynion mewn perthynas â chyflwyno i diriogaeth yr Undeb blanhigion penodedig sy'n tarddu o Tsieina)</p>			<p>Article 3(1) and (2) (requirements in relation to the introduction into the Union territory of specified plants originating in China)</p>
		<p>Erthygl 4 (gofynion mewn perthynas â symud o fewn tiriogaeth yr Undeb blanhigion penodedig sy'n tarddu o ardaloedd a ddarnodwyd, neu a gyflwynwyd iddynt, neu blanhigion penodedig a gyflwynwyd i diriogaeth yr Undeb yn unol ag Erthygl 2 neu 3)</p>			<p>Article 4 (requirements in relation to the movement within the Union territory of specified plants originating in, or introduced into, demarcated areas or specified plants introduced into the Union territory in accordance with Article 2 or 3)</p>

Penderfyniad Gweithredu'r 2012/270/EU	Comisiwn	Erthygl 1 (gwahardd cyflwyno i diriogaeth yr Undeb, a lledaenu o fewn tiriogaeth yr Undeb, <i>Epitrix cucumeris</i> (Harris), <i>Epitrix Papa</i> . (Orlova-Bienkowskaja), <i>Epitrix subcrinita</i> (Lec.) neu <i>Epitrix tuberis</i> (Gentner))	Commission Implementing 2012/270/EU	Decision	Article 1 (prohibition on the introduction into the Union territory, and the spread within the Union territory, of <i>Epitrix cucumeris</i> (Harris), <i>Epitrix papa</i> . (Orlova-Bienkowskaja), <i>Epitrix subcrinita</i> (Lec.) or <i>Epitrix tuberis</i> (Gentner))
		Erthygl 2(1) (gofynion mewn perthynas â chyflwyno i diriogaeth yr Undeb gloron tatws sy'n tarddu o drydydd gwledydd lle gwyddys bod un neu fwy o'r organeddau penodedig yn bresennol)			Article 2(1) (requirements in relation to the introduction into the Union territory of potato tubers originating in third countries where one or more of the specified organisms are known to be present)
		Erthygl 3 (gofynion mewn perthynas â symud o fewn tiriogaeth yr Undeb gloron tatws sy'n tarddu o ardaloedd a ddarnodwyd neu gloron tatws a gyflwynwyd i diriogaeth yr Undeb o drydydd gwledydd lle gwyddys bod un neu fwy o'r organeddau penodedig yn bresennol)			Article 3 (requirements in relation to the movement within the Union territory of potato tubers originating in demarcated areas or potato tubers introduced into the Union territory from third countries where one or more of the specified organisms are known to be present)
Penderfyniad Gweithredu'r 2012/535/EU	Comisiwn	Erthygl 10(1) a (2) (gofynion mewn perthynas â symud o fewn tiriogaeth yr Undeb blanhigion sy'n dueddol o gael plâu neu glefydau, pren sy'n dueddol o gael plâu neu glefydau neu risgl sy'n dueddol o gael plâu neu glefydau)	Commission Implementing 2012/535/EU	Decision	Article 10(1) and (2) (requirements in relation to the movement within the Union territory of susceptible plants, susceptible wood or susceptible bark)
Penderfyniad Gweithredu'r 2012/697/EU	Comisiwn	Erthygl 2 (gofynion mewn perthynas â chyflwyno i diriogaeth yr Undeb blanhigion penodedig sy'n tarddu o drydydd gwledydd)	Commission Implementing 2012/697/EU	Decision	Article 2 (requirements in relation to the introduction into the Union territory of specified plants originating in third countries)
		Erthygl 3 (gofynion mewn perthynas â symud o fewn tiriogaeth yr Undeb blanhigion penodedig sy'n tarddu o ardaloedd a ddarnodwyd)			Article 3 (requirements in relation to the movement within the Union territory of specified plants originating in demarcated areas)

Penderfyniad Gweithredu'r Comisiwn (EU) 2015/789	Erthygl 9 (gofynion mewn perthynas â symud o fewn tiriogaeth yr Undeb blanhigion penodedig, heblaw unrhyw rai a dyfwyd ar gyfer y cylch cynhyrchu cyfan <i>in vitro</i> neu blanhigion sy'n perthyn i amrywogaethau o blanhigion penodedig a restrir yn Atodiad III)	Commission Implementing Decision (EU) 2015/789	Article 9 (requirements in relation to the movement within the Union territory of specified plants, other than any which have been grown for the entire production cycle <i>in vitro</i> or plants belonging to varieties of specified plants listed in Annex III)
	Erthygl 9a (gofynion mewn perthynas â symud o fewn tiriogaeth yr Undeb blanhigion penodedig a dyfwyd ar gyfer y cylch cynhyrchu cyfan <i>in vitro</i> ac am o leiaf ran o'u bywyd mewn ardaloedd a ddarnodwyd)		Article 9a (requirements in relation to the movement within the Union territory of specified plants which have been grown for the entire production cycle <i>in vitro</i> and for at least part of their life in demarcated areas)
	Erthygl 15 (gwahardd cyflwyno planhigion <i>Coffea</i> i'w plannu, ac eithrio hadau, sy'n tarddu o Costa Rica neu Honduras)		Article 15 (prohibition on the introduction of plants for planting, other than seeds, of <i>Coffea</i> originating in Costa Rica or Honduras)
	Erthygl 16 (gofynion mewn perthynas â chyflwyno i diriogaeth yr Undeb blanhigion penodedig sy'n tarddu o drydydd gwledydd lle nad yw'r organedd penodedig yn bresennol)		Article 16 (requirements in relation to the introduction into the Union territory of specified plants originating in third countries where the specified organism is not present)
	Erthygl 17(1) (gofynion mewn perthynas â chyflwyno i diriogaeth yr Undeb blanhigion penodedig sy'n tarddu o drydydd gwledydd lle gwyddys bod yr organedd penodedig yn bresennol)		Article 17(1) (requirements in relation to the introduction into the Union territory of specified plants originating in third countries where the specified organism is known to be present)
Penderfyniad Gweithredu'r Comisiwn (EU) 2015/893	Erthygl 2(a) (gofynion mewn perthynas â chyflwyno i diriogaeth yr Undeb blanhigion penodedig sy'n tarddu o drydydd gwledydd lle gwyddys bod yr organedd penodedig yn bresennol)	Commission Implementing Decision (EU) 2015/893	Article 2(a) (requirements in relation to the introduction into the Union territory of specified plants originating in third countries where the specified organism is known to be present)

Erthygl 3(a) (gofynion mewn perthynas â chyflwyno i diriogaeth yr Undeb bren penodedig sy'n tarddu o drydydd gwledydd lle gwyddys bod yr organedd penodedig yn bresennol)

Article 3(a) (requirements in relation to the introduction into the Union territory of specified wood originating in third countries where the specified organism is known to be present)

Erthygl 4 (gofynion mewn perthynas â symud o fewn tiriogaeth yr Undeb blanhigion penodedig sy'n tarddu o ardaloedd a ddarnodwyd, neu a gyflwynwyd iddynt, neu blanhigion penodedig a gyflwynwyd i diriogaeth yr Undeb o drydydd gwledydd yn unol ag Erthygl 2)

Article 4 (requirements in relation to the movement within the Union territory of specified plants originating in, or introduced into, demarcated areas, or specified plants introduced into the Union territory from third countries in accordance with Article 2)

Erthygl 5 (gofynion mewn perthynas â symud o fewn tiriogaeth yr Undeb bren penodedig sy'n tarddu o ardaloedd a ddarnodwyd, pren penodedig sy'n cadw'r cyfan neu ran o'i wyneb crwn sydd wedi ei gyflwyno i ardaloedd a ddarnodwyd neu ddeunydd pecynnu pren penodedig sy'n tarddu o ardaloedd a ddarnodwyd)

Article 5 (requirements in relation to the movement within the Union territory of specified wood originating in demarcated areas, specified wood retaining all or part of its round surface which has been introduced into demarcated areas or specified wood packaging material originating in demarcated areas)

Penderfyniad
Gweithredu'r Comisiwn
(EU) 2016/715

Erthygl 5 (gofynion mewn perthynas â chyflwyno i diriogaeth yr Undeb ffrwythau penodedig sy'n tarddu o Dde Affrica neu Uruguay)

Commission
Implementing Decision
(EU) 2016/715

Article 5 (requirements in relation to the introduction into the Union territory of specified fruits originating in South Africa or Uruguay)

Erthygl 5a (gofynion mewn perthynas â chyflwyno i diriogaeth yr Undeb ffrwythau penodedig sy'n tarddu o'r Ariannin neu Frasil)

Article 5a (requirements in relation to the introduction into the Union territory of specified fruits originating in Argentina or Brazil)

Penderfyniad Gweithredu'r 2017/198/EU	Comisiwn	Erthygl 1 (gwahardd cyflwyno <i>Pseudomonas syringae</i> pv. actinidiae Takikawa, Serizawa, Ichikawa, Tsuyumu & Goto i diriogaeth yr Undeb a gwahardd ei ledaenu o fewn tiriogaeth yr Undeb)	Commission Implementing 2017/198/EU	Decision	Article 1 (prohibition on the introduction of <i>Pseudomonas syringae</i> pv. actinidiae Takikawa, Serizawa, Ichikawa, Tsuyumu & Goto into the Union territory and its spread within the Union territory)
		Erthygl 2 (gofynion mewn perthynas â chyflwyno i diriogaeth yr Undeb blanhigion penodedig sy'n tarddu o drydydd gwledydd)			Article 2 (requirements in relation to the introduction into the Union territory of specified plants originating in third countries)
		Erthygl 3 (gofynion mewn perthynas â symud o fewn tiriogaeth yr Undeb blanhigion penodedig sy'n tarddu o'r Undeb neu blanhigion penodedig a gyflwynwyd i diriogaeth yr Undeb o drydydd gwledydd yn unol ag Erthygl 2)			Article 3 (requirements in relation to the movement within the Union territory of specified plants originating in the Union or specified plants introduced into the Union territory from third countries in accordance with Article 2)
Penderfyniad Gweithredu'r (EU) 2018/638	Comisiwn	Erthygl 3(a) a (b) (gofynion mewn perthynas â chyflwyno i diriogaeth yr Undeb blanhigion penodedig sy'n tarddu o drydydd gwledydd heblaw'r Swistir)	Commission Implementing (EU) 2018/638	Decision	Article 3(a) and (b) (requirements in relation to the introduction into the Union territory of specified plants originating in third countries other than Switzerland)
Penderfyniad Gweithredu'r (EU) 2018/1503	Comisiwn	Erthygl 7(1), (6) a (7) (gofynion mewn perthynas â symud o fewn tiriogaeth yr Undeb blanhigion penodedig sy'n tarddu o ardaloedd a ddarnodwyd, planhigion penodedig a gyflwynwyd i ardaloedd a ddarnodwyd neu blanhigion penodedig a gyflwynwyd i diriogaeth yr Undeb o drydydd gwledydd lle y gwyddys bod yr organedd penodedig yn bresennolyn unol ag Erthygl 11)	Commission Implementing (EU) 2018/1503	Decision	Article 7(1), (6) and (7) (requirements in relation to the movement within the Union territory of specified plants originating in demarcated areas, specified plants introduced into demarcated areas or specified plants introduced into the Union territory from third countries where the specified organism is known to be present in accordance with Article 11)

	<p>Erthygl 8 (gofynion mewn perthynas â symud o fewn tiriogaeth yr Undeb bren penodedig sy'n tarddu o ardaloedd a ddarnodwyd neu bren penodedig sy'n cadw'r cyfan neu ran o'i arwyneb crwn a gyflwynwyd i ardaloedd a ddarnodwyd)</p>		<p>Article 8 (requirements in relation to the movement within the Union territory of specified wood originating in demarcated areas or specified wood retaining all or part of its round surface introduced into demarcated areas)</p>
	<p>Erthygl 9 (gofynion mewn perthynas â symud o fewn tiriogaeth yr Undeb ddeunydd pecynnu pren penodedig sy'n tarddu o ardaloedd a ddarnodwyd)</p>		<p>Article 9 (requirements in relation to movement within the Union territory of specified wood packaging material originating in demarcated areas)</p>
	<p>Erthygl 11 (gofynion mewn perthynas â chyflwyno i diriogaeth yr Undeb blanhigion penodedig sy'n tarddu o drydydd gwledydd lle gwyddys bod yr organedd penodedig yn bresennol)</p>		<p>Article 11 (requirements in relation to the introduction into the Union territory of specified plants originating in third countries where the specified organism is known to be present)</p>
	<p>Erthygl 12 (gofynion mewn perthynas â chyflwyno i diriogaeth yr Undeb bren penodedig sy'n tarddu o drydydd gwledydd lle gwyddys bod yr organedd penodedig yn bresennol)</p>		<p>Article 12 (requirements in relation to the introduction into the Union territory of specified wood originating in third countries where the specified organism is known to be present)</p>
<p>Penderfyniad Gweithredu'r Comisiwn (EU) 2019/1615</p>	<p>Erthygl 2 (gwahardd cyflwyno Firws ffrwythau crychlyd coch tomatos i diriogaeth yr Undeb a'i ledaenu o fewn tiriogaeth yr Undeb)</p>	<p>Commission Implementing Decision (EU) 2019/1615</p>	<p>Article 2 (prohibition on the introduction of Tomato brown rugose fruit virus into the Union territory and its spread within the Union territory)</p>
	<p>Erthygl 5 (gofynion mewn perthynas â symud o fewn tiriogaeth yr Undeb blanhigion penodedig sy'n tarddu o diriogaeth yr Undeb)</p>		<p>Article 5 (requirements in relation to the movement within the Union territory of specified plants originating in the Union territory)</p>

	Erthygl 6 (gofynion mewn perthynas â chyflwyno i diriogaeth yr Undeb blanhigion penodedig sy'n tarddu o drydydd gwledydd)		Article 6 (requirements in relation to the introduction into the Union territory of specified plants originating in third countries)
Penderfyniad Gweithredu'r Comisiwn (EU) 2019/1739	Erthygl 2 (gwahardd cyflwyno Firws rhoséd rhosynnau i diriogaeth yr Undeb a'i ledaenu o fewn tiriogaeth yr Undeb)	Commission Implementing Decision (EU) 2019/1739	Article 2 (prohibition on the introduction of Rose rosette virus into the Union territory and its spread within the Union territory)
	Erthygl 5 (gofynion mewn perthynas â chyflwyno i diriogaeth yr Undeb blanhigion penodedig sy'n tarddu o drydydd gwledydd)		Article 5 (requirements in relation to the introduction into the Union territory of specified plants originating in third countries)
Penderfyniad Gweithredu'r Comisiwn (EU) 2019/2032	Erthygl 6 (gofynion mewn perthynas â symud planhigion penodedig o fewn tiriogaeth yr Undeb)	Commission Implementing Decision (EU) 2019/2032	Article 6 (requirements in relation to the movement within the Union territory of specified plants)
	Erthygl 7 (gofynion mewn perthynas â symud pren penodedig a rhisgl ynysedig o barth a heigiwyd i barth clustogi neu o ardal a ddarnodwyd)		Article 7 (requirements in relation to the movement of specified wood and isolated bark from an infested zone to a buffer zone or from a demarcated area)
	Erthygl 8 (gofynion mewn perthynas â symud deunydd pecynnu pren o barth a heigiwyd i barth clustogi neu o ardal a ddarnodwyd)		Article 8 (requirements in relation to the movement of wood packaging material from an infested zone to a buffer zone or from a demarcated area)
	Erthygl 9 (gofynion mewn perthynas â chyflwyno planhigion penodedig i diriogaeth yr Undeb sy'n tarddu o drydydd gwledydd nad ydynt yn wledydd Ewropeaidd)		Article 9 (requirements in relation to the introduction into the Union territory of specified plants originating in non-European third countries)

Erthygl 10 (gofynion
mewn perthynas â
chyflwyno i diriogaeth yr
Undeb bren penodedig
neu risgl ynysedig sy'n
tarddu o drydydd
gwledydd nad ydynt yn
wledydd Ewropeaidd)

Article 10 (requirements
in relation to the
introduction into the
Union territory of
specified wood or isolated
bark originating in non-
European third countries)

Diwygio is-ddeddfwriaeth ynglŷn â
marchnata hadau a deunydd lluosogi
planhigion a ffioedd iechyd planhigion

RHAN 1

Rheoliadau Marchnata Deunyddiau Planhigion
Llysieuol 1995

1.—(1) Mae Rheoliadau Marchnata Deunyddiau Planhigion Llysieuol 1995(1) wedi eu diwygio fel a ganlyn.

(2) Yn rheoliad 8—

(a) ym mharagraff (2), yn lle “Council Directive 2000/29/EC” rhodder “the EU Plant Health Regulation”;

(b) ar ôl paragraff (4) mewnosoder—

“(5) In this regulation, “the EU Plant Health Regulation” means Regulation (EU) 2016/2031 of the European Parliament and of the Council on protective measures against pests of plants.”

RHAN 2

Rheoliadau Marchnata Deunyddiau Lluosogi
Planhigion Addurniadol 1999

2.—(1) Mae Rheoliadau Marchnata Deunyddiau Lluosogi Planhigion Addurniadol 1999(2) wedi eu diwygio fel a ganlyn.

(2) Yn rheoliad 2(1)—

(a) yn y lle priodol mewnosoder—

“the EU Plant Health Regulation” means Regulation (EU) 2016/2031 of the European Parliament and of the Council on protective measures against pests of plants;”;

(b) hepgorer y diffiniad o “Directive 2000/29/EC”.

(3) Yn rheoliad 6A(4), yn y diffiniad o “responsible official body”, yn lle’r geiriau o “a body” hyd at y diwedd, rhodder “, in relation to Wales, the Welsh Ministers”.

Amendments to secondary legislation
relating the marketing of seeds and plant
propagating material and plant health
fees

PART 1

The Marketing of Vegetable Plant Material
Regulations 1995

1.—(1) The Marketing of Vegetable Plant Material Regulations 1995(1) are amended as follows.

(2) In regulation 8—

(a) in paragraph (2), for “Council Directive 2000/29/EC” substitute “the EU Plant Health Regulation”;

(b) after paragraph (4) insert—

“(5) In this regulation, “the EU Plant Health Regulation” means Regulation (EU) 2016/2031 of the European Parliament and of the Council on protective measures against pests of plants.”

PART 2

The Marketing of Ornamental Plant
Propagating Material Regulations 1999

2.—(1) The Marketing of Ornamental Plant Propagating Material Regulations 1999(2) are amended as follows.

(2) In regulation 2(1)—

(a) in the appropriate place insert—

““the EU Plant Health Regulation” means Regulation (EU) 2016/2031 of the European Parliament and of the Council on protective measures against pests of plants;”;

(b) omit the definition of “Directive 2000/29/EC”.

(3) In regulation 6A(4), in the definition of “responsible official body”, for the words from “a body” to the end, substitute “, in relation to Wales, the Welsh Ministers”.

(1) O.S. 1995/2652, a ddiwygiwyd gan O.S. 2007/2190 (Cy. 174); ceir offerynnau diwygio eraill ond nid yw’r un yn berthnasol.

(2) O.S. 1999/1801; offerynnau diwygio perthnasol yw O.S. 2018/974, O.S. 2018/1216 (Cy. 249) ac O.S. 2019/463 (Cy. 111).

(1) S.I. 1995/2652, amended by S.I. 2007/2190 (W. 174); there are other amending instruments but none is relevant.

(2) S.I. 1999/1801; relevant amending instruments are S.I. 2018/974, S.I. 2018/1216 (W. 249) and S.I. 2019/463 (W. 111).

(4) Yn rheoliad 7, yn lle paragraff (4) rhodder—

“(4) Registration of a supplier on the register of professional operators for the purposes of the EU Plant Health Regulation is deemed to constitute registration for the purposes of paragraph (1) above.”

(5) Yn rheoliad 8(3)—

(a) yn lle'r geiriau o “notifiable” hyd at “Order 2018” rhodder “plant pest of a description specified in Annex 2, 3 or 4 to Commission Implementing Regulation (EU) 2019/2072 establishing uniform conditions for the implementation of Regulation (EU) 2016/2031 of the European Parliament and the Council, as regards protective measures against pests of plants,”;

(b) yn lle “article 42 of that Order (notification of the presence or suspected presence of certain plant pests)” rhodder “the EU Plant Health Regulation”.

(6) Yn rheoliad 9(2), yn lle “Directive 2000/29/EC” rhodder “the EU Plant Health Regulation”.

(7) Yn rheoliad 12(3), yn lle'r geiriau o “if he delivers” hyd at y diwedd rhodder “, in relation to Wales, if the supplier delivers a phytosanitary certificate for export or a phytosanitary certificate for re-export to the Welsh Ministers”.

(4) In regulation 7, for paragraph (4) substitute—

“(4) Registration of a supplier on the register of professional operators for the purposes of the EU Plant Health Regulation is deemed to constitute registration for the purposes of paragraph (1) above.”

(5) In regulation 8(3)—

(a) for the words from “notifiable” to “Order 2018” substitute “plant pest of a description specified in Annex 2, 3 or 4 to Commission Implementing Regulation (EU) 2019/2072 establishing uniform conditions for the implementation of Regulation (EU) 2016/2031 of the European Parliament and the Council, as regards protective measures against pests of plants,”;

(b) for “article 42 of that Order (notification of the presence or suspected presence of certain plant pests)” substitute “the EU Plant Health Regulation”.

(6) In regulation 9(2), for “Directive 2000/29/EC” substitute “the EU Plant Health Regulation”.

(7) In regulation 12(3), for the words from “if he delivers” to the end substitute “, in relation to Wales, if the supplier delivers a phytosanitary certificate for export or a phytosanitary certificate for re-export to the Welsh Ministers”.

RHAN 3

Rheoliadau Deunyddiau Atgennedllo y Goedwig (Prydain Fawr) 2002

3.—(1) Mae Rheoliadau Deunyddiau Atgennedllo y Goedwig (Prydain Fawr) 2002(1) wedi eu diwygio fel a ganlyn.

(2) Yn rheoliad 2(2), yn y diffiniad o “plant passport”, yn lle “the Plant Health (Forestry) Order 2005” rhodder “Regulation (EU) 2016/2031 of the European Parliament and of the Council on protective measures against pests of plants”.

RHAN 4

Rheoliadau Tatws Hadyd (Cymru) 2016

4.—(1) Mae Rheoliadau Tatws Hadyd (Cymru) 2016(2) wedi eu diwygio fel a ganlyn.

PART 3

The Forest Reproductive Material (Great Britain) Regulations 2002

3.—(1) The Forest Reproductive Material (Great Britain) Regulations 2002(1) are amended as follows.

(2) In regulation 2(2), in the definition of “plant passport”, for “the Plant Health (Forestry) Order 2005” substitute “Regulation (EU) 2016/2031 of the European Parliament and of the Council on protective measures against pests of plants”.

PART 4

The Seed Potatoes (Wales) Regulations 2016

4.—(1) The Seed Potatoes (Wales) Regulations 2016(2) are amended as follows.

(1) O.S. 2002/3026, a ddiwygiwyd gan O.S. 2019/496 (Cy. 133); ceir offerynnau diwygio eraill ond nid yw'r un yn berthnasol.

(2) O.S. 2016/106 (Cy. 52); ceir offerynnau diwygio ond nid yw'r un yn berthnasol.

(1) S.I. 2002/3026, amended by S.I. 2019/496 (W. 133); there are other amending instruments but none is relevant.

(2) S.I. 2016/106 (W. 52); there are amending instruments but none is relevant.

(2) Yn rheoliad 2(1), yn y lle priodol mewnoder—

“ystyr “y Rheoliadau Rheolaethau Swyddogol (Iechyd Planhigion)” (“*the Official Controls (Plant Health) Regulations*”) yw Rheoliadau Rheolaethau Swyddogol (Iechyd Planhigion ac Organeddau a Addaswyd yn Enetig) (Cymru) 2020;”.

(3) Yn rheoliad 13(9), ar ôl “y Rheoliadau hyn” mewnoder “, Rheoliad (EU) 2016/2031 Senedd Ewrop a’r Cyngor ynghylch mesurau i ddiogelu rhag plâu planhigion”.

(4) Yn Atodlen 1—

(a) ym mharagraff 3(d)—

(i) yn lle “Atodlen 14 i Orchymyn Iechyd Planhigion (Cymru) 2006” rhodder “Ran 3 o Atodlen 2 i’r Rheoliadau Rheolaethau Swyddogol (Iechyd Planhigion)”;

(ii) yn lle “Gorchymyn hwnnw” rhodder “Rheoliadau hynny”;

(b) ym mharagraff 4(1)(b), yn lle “Atodlen 15 i Orchymyn Iechyd Planhigion (Cymru) 2006” rhodder “Ran 4 o Atodlen 2 i’r Rheoliadau Rheolaethau Swyddogol (Iechyd Planhigion)”;

(c) ym mharagraff 7(1)(b), yn lle “Atodlen 15 i Orchymyn Iechyd Planhigion (Cymru) 2006” rhodder “Ran 4 o Atodlen 2 i’r Rheoliadau Rheolaethau Swyddogol (Iechyd Planhigion)”;

(d) ym mharagraff 9(1)(b), yn lle “Atodlen 15 i Orchymyn Iechyd Planhigion (Cymru) 2006” rhodder “Ran 4 o Atodlen 2 i’r Rheoliadau Rheolaethau Swyddogol (Iechyd Planhigion)”.

(5) Yn Atodlen 2, ym mharagraff 10(b), hepgorer “neu yng Ngorchymyn Iechyd Planhigion (Cymru) 2006”.

(6) Yn Atodlen 5, ym mharagraff 3(b)—

(a) yn lle “Atodlen 14 i Orchymyn Iechyd Planhigion (Cymru) 2006” rhodder “Ran 3 o Atodlen 2 i’r Rheoliadau Rheolaethau Swyddogol (Iechyd Planhigion)”;

(b) yn lle “Gorchymyn hwnnw” rhodder “Rheoliadau hynny”.

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

““the Official Controls (Plant Health) Regulations” (“*y Rheoliadau Rheolaethau Swyddogol (Iechyd Planhigion)*”) means the Official Controls (Plant Health and Genetically Modified Organisms) (Wales) Regulations 2020;”.

(3) In regulation 13(9), after “these Regulations” insert “, Regulation (EU) 2016/2031 of the European Parliament and of the Council on protective measures against pests of plants”.

(4) In Schedule 1—

(a) in paragraph 3(d)—

(i) for “Schedule 14 to the Plant Health (Wales) Order 2006” substitute “Part 3 of Schedule 2 to the Official Controls (Plant Health) Regulations”;

(ii) for “that Order” substitute “those Regulations”;

(b) in paragraph 4(1)(b), for “Schedule 15 to the Plant Health (Wales) Order 2006” substitute “Part 4 of Schedule 2 to the Official Controls (Plant Health) Regulations”;

(c) in paragraph 7(1)(b), for “Schedule 15 to the Plant Health (Wales) Order 2006” substitute “Part 4 of Schedule 2 to the Official Controls (Plant Health) Regulations”;

(d) in paragraph 9(1)(b), for “Schedule 15 to the Plant Health (Wales) Order 2006” substitute “Part 4 of Schedule 2 to the Official Controls (Plant Health) Regulations”.

(5) In Schedule 2, in paragraph 10(b), omit “or the Plant Health (Wales) Order 2006”.

(6) In Schedule 5, in paragraph 3(b)—

(a) for “Schedule 14 to the Plant Health (Wales) Order 2006” substitute “Part 3 of Schedule 2 to the Official Controls (Plant Health) Regulations”;

(b) for “that Order” substitute “those Regulations”.

RHAN 5

Rheoliadau Iechyd Planhigion (Ffioedd) (Coedwigaeth) (Cymru) 2019

5.—(1) Mae Rheoliadau Iechyd Planhigion (Ffioedd) (Coedwigaeth) (Cymru) 2019(1) wedi eu diwygio fel a ganlyn.

(2) Yn rheoliad 2(1)—

(a) yn y diffiniad o “man arolygu a gymeradwywyd” yn lle “erthygl 3 o’r Gorchymyn” rhodder “rheoliad 13(10) o Reoliadau Rheolaethau Swydddogol (Iechyd Planhigion) 2020”;

(b) yn y lle priodol mewnosoder—

“ystyr “hysbysiad adfer coedwigaeth” (“*forestry remedial notice*”) yw hysbysiad a gyflwynir gan arolygydd iechyd planhigion o dan reoliad 10 neu 15(1) neu (2) o’r Rheoliadau Rheolaethau Swydddogol (Iechyd Planhigion) 2020;”;

(c) yn lle’r diffiniad o “trwydded” rhodder—

“ystyr “trwydded” (“*licence*”) yw—

(a) trwydded y cyfeirir ati yn rheoliad 51(1) o Reoliadau Rheolaethau Swydddogol (Iechyd Planhigion) 2020 a roddwyd gan Weinidogion Cymru, neu

(b) awdurdodiad a ddisgrifir yn rheoliad 20(1)(a) neu (b)(i) neu 21(1)(a) o Reoliadau Rheolaethau Swydddogol (Iechyd Planhigion) 2020 a roddwyd gan Weinidogion Cymru.”;

(d) yn y lle priodol mewnosoder—

“ystyr “Rheoliadau Rheolaethau Swydddogol (Iechyd Planhigion) 2020” (“*the Official Controls (Plant Health) Regulations 2020*”) yw Rheoliadau Rheolaethau Swydddogol (Iechyd Planhigion ac Organeddau a Addaswyd yn Enetig) (Cymru) 2020;”;

(e) yn y lle priodol mewnosoder—

“ystyr “Rheoliad Amodau Ffytoiechydol” (“*Phytosanitary Conditions Regulation*”) yw Rheoliad Gweithredu’r Comisiwn (EU) 2019/2072 yn sefydlu amodau unffurf ar gyfer gweithredu Rheoliad (EU) 2016/2031 Senedd Ewrop a’r Cyngor, o ran mesurau i ddiogelu rhag plâu planhigion;”;

PART 5

The Plant Health (Fees) (Forestry) (Wales) Regulations 2019

5.—(1) The Plant Health (Fees) (Forestry) (Wales) Regulations 2019(1) are amended as follows.

(2) In regulation 2(1)—

(a) in the definition of “approved place of inspection” for “article 3 of the Order” substitute “regulation 13(10) of the Official Controls (Plant Health) Regulations 2020”;

(b) in the appropriate place insert—

““forestry remedial notice” (“*hysbysiad adfer coedwigaeth*”) means a notice served by a plant health inspector under regulation 10 or 15(1) or (2) of the Official Controls (Plant Health) Regulations 2020;”;

(c) for the definition of “licence” substitute—

““licence” (“*trwydded*”) means—

(a) a licence referred to in regulation 51(1) of the Official Controls (Plant Health) Regulations 2020 that has been granted by the Welsh Ministers, or

(b) an authorisation described in regulation 20(1)(a) or (b)(i) or 21(1)(a) of the Official Controls (Plant Health) Regulations 2020 granted by the Welsh Ministers;”;

(d) in the appropriate place insert—

““the Official Controls (Plant Health) Regulations 2020” (“*Rheoliadau Rheolaethau Swydddogol (Iechyd Planhigion) 2020*”) means the Official Controls (Plant Health and Genetically Modified Organisms) (Wales) Regulations 2020;”;

(e) in the appropriate place insert—

““Phytosanitary Conditions Regulation” (“*Rheoliad Amodau Ffytoiechydol*”) means Commission Implementing Regulation (EU) 2019/2072 establishing uniform conditions for the implementation of Regulation (EU) 2016/2031 of the European Parliament and the Council, as regards protective measures against pests of plants;”;

(1) O.S. 2019/497 (Cy. 114), a ddiwygiwyd gan O.S. 2020/44 (Cy. 5).

(1) S.I. 2019/497 (W. 114), amended by S.I. 2020/44 (W. 5).

- (f) yn y lle priodol mewnosoder—
 “ystyr “arolygydd iechyd planhigion” (“*plant health inspector*”) yw swyddog iechyd planhigion swyddogol a benodir gan Weinidogion Cymru at ddibenion y Rheoliadau Rheolaethau Swyddogol (Iechyd Planhigion) 2020;”;
- (g) yn y diffiniad o “awdurdodiad pasbort planhigion”, ar y diwedd mewnosoder “ac a roddir gan Weinidogion Cymru”;
- (h) hepgorer y diffiniad o “y Gorchymyn”;
- (i) hepgorer y diffiniad o “hysbysiad adfer”;
- (j) yn y diffiniad o “gwaith adfer”, yn lle “hysbysiad adfer, neu gan arolygydd o dan erthygl 32(1) o’r Gorchymyn” rhodder “hysbysiad adfer coedwigaeth, neu gan arolygydd iechyd planhigion o dan reoliad 16(1) o’r Rheoliadau Rheolaethau Swyddogol (Iechyd Planhigion) 2020”;
- (k) yn y diffiniad o “awdurdodiad DPP”, ar y diwedd mewnosoder “ac a roddir gan Weinidogion Cymru”.
- (3) Yn rheoliad 3—
- (a) hepgorer paragraff (6);
- (b) ar y diwedd mewnosoder—
 “(6A) Rhaid i’r person y cyflwynir hysbysiad adfer coedwigaeth iddo neu y rhoddir hysbysiad iddo o dan reoliad 16(1) o’r Rheoliadau Rheolaethau Swyddogol (Iechyd Planhigion) 2020 dalu’r ffi a bennir yn Atodlen 5 ar gyfer cynnal neu fonitro gwaith adfer a gweithgareddau cysylltiedig gan arolygydd iechyd planhigion mewn cysylltiad â llwyth a reolir.”

RHAN 6

Rheoliadau Marchnata Planhigion Ffrwythau a Deunyddiau Lluosogi (Cymru) 2017

6.—(1) Mae Rheoliadau Marchnata Planhigion Ffrwythau a Deunyddiau Lluosogi (Cymru) 2017(1) wedi eu diwygio fel a ganlyn.

(2) Yn rheoliad 3(1), hepgorer y diffiniad o “Cyfarwyddeb 2000/29/EC”.

(3) Hefgorer rheoliad 10(6).

- (f) in the appropriate place insert—
 ““plant health inspector” (“*arolygydd iechyd planhigion*”) means an official plant health officer appointed by the Welsh Ministers for the purposes of the Official Controls (Plant Health) Regulations 2020;”;
- (g) in the definition of “plant passport authority”, at the end insert “and granted by the Welsh Ministers”;
- (h) omit the definition of “the Order”;
- (i) omit the definition of “remedial notice”;
- (j) in the definition of “remedial work”, for “a remedial notice, or by an inspector under article 32(1) of the Order” substitute “a forestry remedial notice, or by a plant health inspector under regulation 16(1) of the Official Controls (Plant Health) Regulations 2020”;
- (k) in the definition of “WPM authorisation”, at the end insert “and granted by the Welsh Ministers”.

(3) In regulation 3—

(a) omit paragraph (6);

(b) at the end insert—

“(6A) The person on whom a forestry remedial notice is served or who is given notice under regulation 16(1) of the Official Controls (Plant Health) Regulations 2020 must pay the fee specified in Schedule 5 for the carrying out or the monitoring by a plant health inspector of remedial work and associated activities in connection with a controlled consignment.”

PART 6

The Marketing of Fruit Plant and Propagating Material (Wales) Regulations 2017

6.—(1) The Marketing of Fruit Plant and Propagating Material (Wales) Regulations 2017(1) are amended as follows.

(2) In regulation 3(1), omit the definition of “Directive 2000/29/EC”.

(3) Omit regulation 10(6).

(1) O.S. 2017/691 (Cy. 163), a ddiwygiwyd gan O.S. 2019/368 (Cy. 90); ceir offerynnau diwygio eraill ond nid yw’r un yn berthnasol.

(1) S.I. 2017/691 (W. 163), amended by S.I. 2019/368 (W. 90); there are other amending instruments but none is relevant.

(4) Yn rheoliad 11(7), yn lle'r geiriau o "masnachwr planhigion" hyd at "2018" rhodder "gweithredwr proffesiynol at ddibenion Rheoliad (EU) 2016/2031 Senedd Ewrop a'r Cyngor ynghylch mesurau i ddiogelu rhag plâu planhigion".

(5) Yn rheoliad 15(1)(g), yn lle paragraff (iii) rhodder—

“(iii) pla planhigion o ddisgrifiad a bennir yn Atodiad 2, 3 neu 4 o Reoliad Gweithredu'r Comisiwn (EU) 2019/2072 yn sefydlu amodau unffurf ar gyfer gweithredu Rheoliad (EU) 2016/2031 Senedd Ewrop a'r Cyngor, o ran mesurau i ddiogelu rhag plâu planhigion.”

(4) In regulation 11(7), for the words from “plant trader” to “2018” substitute “professional operator for the purposes of Regulation (EU) 2016/2031 of the European Parliament and of the Council on protective measures against pests of plants”.

(5) In regulation 15(1)(g), for paragraph (iii) substitute—

“(iii) a plant pest of a description specified in Annex 2, 3 or 4 to Commission Implementing Regulation (EU) 2019/2072 establishing uniform conditions for the implementation of Regulation (EU) 2016/2031 of the European Parliament and the Council, as regards protective measures against pests of plants.”

Dirymu offerynnau

Revocation of instruments

<i>Offeryn</i>	<i>Cyfeirnod</i>	<i>Instrument</i>	<i>Reference</i>
Gorchymyn Iechyd Planhigion (Tystysgrifau Allforio) (Coedwigaeth) (Prydain Fawr) 2004	O.S. 2004/1684	The Plant Health (Export Certification) (Forestry) (Great Britain) Order 2004	S.I. 2004/1684
Rheoliadau Tatws sy'n Tarddu o'r Aifft (Cymru) 2004	O.S. 2004/2245 (Cy. 209)	The Potatoes Originating in Egypt (Wales) Regulations 2004	S.I. 2004/2245 (W. 209)
Gorchymyn Iechyd Planhigion (Coedwigaeth) 2005	O.S. 2005/2517	The Plant Health (Forestry) Order 2005	S.I. 2005/2517
Gorchymyn Iechyd Planhigion (Tystysgrifau Allforio) (Cymru) 2006	O.S. 2006/1701 (Cy. 163)	The Plant Health (Export Certification) (Wales) Order 2006	S.I. 2006/1701 (W. 163)
Gorchymyn Iechyd Planhigion (Marcio Deunydd Pecynnu Pren) (Coedwigaeth) 2006	O.S. 2006/2695	The Plant Health (Wood Packaging Material Marking) (Forestry) Order 2006	S.I. 2006/2695
Gorchymyn Iechyd Planhigion (Coedwigaeth) (Diwygio) 2006	O.S. 2006/2696	The Plant Health (Forestry) (Amendment) Order 2006	S.I. 2006/2696
Gorchymyn Iechyd Planhigion (Coedwigaeth) (Diwygio) 2008	O.S. 2008/644	The Plant Health (Forestry) (Amendment) Order 2008	S.I. 2008/644
Gorchymyn Iechyd Planhigion (Coedwigaeth) (Diwygio) 2009	O.S. 2009/594	The Plant Health (Forestry) (Amendment) Order 2009	S.I. 2009/594
Gorchymyn Iechyd Planhigion (Coedwigaeth) (Diwygio) (Rhif 2) 2009	O.S. 2009/3020	The Plant Health (Forestry) (Amendment) (No. 2) Order 2009	S.I. 2009/3020
Gorchymyn Iechyd Planhigion (Coedwigaeth) (Diwygio) 2012	O.S. 2012/2707	The Plant Health (Forestry) (Amendment) Order 2012	S.I. 2012/2707
Gorchymyn Iechyd Planhigion (Tystysgrifau Allforio) (Cymru) (Diwygio) 2013	O.S. 2013/1658 (Cy. 156)	The Plant Health (Export Certification) (Wales) (Amendment) Order 2013	S.I. 2013/1658 (W. 156)
Rheoliadau Iechyd Planhigion (Diwygiadau Amrywiol) (Cymru) 2014	O.S. 2014/1463 (Cy. 144)	The Plant Health (Miscellaneous Amendments) (Wales) Regulations 2014	S.I. 2014/1463 (W. 144)
Gorchymyn Iechyd Planhigion (Tystysgrifau Allforio) (Cymru) (Diwygio) 2014	O.S. 2014/1759 (Cy. 174)	The Plant Health (Export Certification) (Wales) (Amendment) Order 2014	S.I. 2014/1759 (W. 174)
Gorchymyn Iechyd Planhigion (Coedwigaeth) (Diwygio) (Cymru) 2015	O.S. 2015/1723 (Cy. 235)	The Plant Health (Forestry) (Amendment) (Wales) Order 2015	S.I. 2015/1723 (W. 235)

Gorchymyn Iechyd Planhigion (Tystysgrifau Allforio) (Cymru) (Diwygio) 2016	O.S. 2016/1084 (Cy. 259)	The Plant Health (Export Certification) (Wales) (Amendment) Order 2016	S.I. 2016/1084 (W. 259)
Gorchymyn Iechyd Planhigion (Tystysgrifau Allforio) (Cymru) (Diwygio) 2018	O.S. 2018/772 (Cy. 156)	The Plant Health (Export Certification) (Wales) (Amendment) Order 2018	S.I. 2018/772 (W. 156)
Gorchymyn Iechyd Planhigion (Cymru) 2018	O.S. 2018/1064 (Cy. 223)	The Plant Health (Wales) Order 2018	S.I. 2018/1064 (W. 223)
Gorchymyn Iechyd Planhigion (Cymru) (Diwygio) 2019	O.S. 2019/132 (Cy. 33)	The Plant Health (Wales) (Amendment) Order 2019	S.I. 2019/132 (W. 33)
Gorchymyn Iechyd Planhigion (Coedwigaeth) (Diwygio) (Cymru) 2019	O.S. 2019/498 (Cy. 115)	The Plant Health (Forestry) (Amendment) (Wales) Order 2019	S.I. 2019/498 (W. 115)
Gorchymyn Iechyd Planhigion (Coedwigaeth) (Diwygio Rhif 2) (Cymru) 2019	O.S. 2019/1153 (Cy. 202)	The Plant Health (Forestry) (Amendment No. 2) (Wales) Order 2019	S.I. 2019/1153 (W. 202)
Gorchymyn Iechyd Planhigion (Cymru) (Diwygio) (Rhif 2) 2019	O.S. 2019/1167 (Cy. 204)	The Plant Health (Wales) (Amendment) (No. 2) Order 2019	S.I. 2019/1167 (W. 204)
Gorchymyn Iechyd Planhigion (Cymru) (Diwygio) (Rhif 3) 2019	O.S. 2019/1280 (Cy. 224)	The Plant Health (Wales) (Amendment) (No. 3) Order 2019	S.I. 2019/1280 (W. 224)

©©Hawlfraint y Goron 2020

Argraffwyd a chyhoeddwyd yn y Deyrnas Unedig gan The Stationery Office Limited o dan awdurdod ac arolygiaeth Jeff James, Rheolwr Gwasg Ei Mawrhydi ac Argraffydd Deddfau Seneddol y Frenhines.

© Crown copyright 2020

Printed and published in the UK by The Stationery Office Limited under the authority and superintendence of Jeff James, Controller of Her Majesty's Stationery Office and Queen's Printer of Acts of Parliament.