



OFFERYNNAU STATUDOL
CYMRU

WELSH STATUTORY
INSTRUMENTS

2020 Rhif 44 (Cy. 5)

2020 No. 44 (W. 5)

AMAETHYDDIAETH, CYMRU

AGRICULTURE, WALES

ANIFEILIAID, CYMRU

ANIMALS, WALES

**IECHYD PLANHIGION,
CYMRU**

PLANT HEALTH, WALES

Rheoliadau Rheolaethau
Swyddogol (Anifeiliaid, Bwyd
Anifeiliaid a Bwyd, Ffioedd Iechyd
Planhigion etc.) (Cymru) 2020

The Official Controls (Animals,
Feed and Food, Plant Health Fees
etc.) (Wales) Regulations 2020

NODYN ESBONIADOL

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

Mae'r Rheoliadau hyn yn disodli Rheoliadau Rheolaethau Swyddogol (Anifeiliaid, Bwyd Anifeiliaid a Bwyd) (Cymru) 2007 (O.S. 2007/196 (Cy. 15)) ac yn diwygio'n sylweddol Rheoliadau'r Fasnach mewn Anifeiliaid a Chynhyrchion Perthynol (Cymru) 2011 (O.S. 2011/2379 (Cy. 252)).

Mae'r Rheoliadau hyn yn gweithredu ac yn gorfodi Rheoliad (EU) 2017/625 (OJ Rhif L 95, 7.4.2017, t. 1) ar reolaethau swyddogol a gweithgareddau swyddogol eraill a gyflawnir er mwyn sicrhau y cymhwysir y gyfraith o ran bwyd a bwyd anifeiliaid, rheolau ynghylch iechyd a lles anifeiliaid, iechyd planhigion a chynhyrchion diogelu planhigion ("Rheoliad yr UE").

Mae gweithredu a gorfodi darpariaethau eraill Rheoliad yr UE sy'n ymwneud â bwyd a bwyd anifeiliaid yn destun Rheoliadau Rheolaethau Swyddogol ar Fwyd Anifeiliaid a Bwyd (Cymru) 2009 (O.S. 2009/3376 (Cy. 298)).

Bydd gweithredu a gorfodi darpariaethau sy'n ymwneud ag iechyd planhigion a mesurau i ddiogelu rhag plâu planhigion yn destun offeryn ar wahân.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations replace the Official Controls (Animals, Food and Feed) (Wales) Regulations 2007 (S.I. 2007/196 (W.15)) and substantially amend the Trade in Animals and Related Products (Wales) Regulations 2011 (S.I. 2011/2379 (W. 252)).

These Regulations implement and enforce Regulation (EU) 2017/625 (OJ No. L 95, 7.4.2017, p. 1) 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 ("the EU Regulation").

Implementation and enforcement of other provisions of the EU Regulation relating to food and feed are the subject of the Official Feed and Food Controls (Wales) Regulations 2009 (S.I. 2009/3376) (W. 298).

Implementation and enforcement of provisions relating to plant health and protective measures against plant pests will be the subject of a separate instrument.

Mae Rhan 2 yn darparu ar gyfer cynnal archwiliadau o reolaethau swyddogol a gweithgareddau swyddogol eraill yn unol â Rheoliad yr UE.

Mae Rhan 3 yn darparu ar gyfer cymorth a chydweithrediad o dan Deitl IV o Reoliad yr UE ac adennill treuliau.

Mae Rhan 4 yn darparu ar gyfer gorfodi a chosbau.

Mae Rhan 5 yn ymdrin â diwygiadau canlyniadol o ganlyniad i gymhwyso Rheoliad yr UE.

Mae Rhan 6 yn cynnwys diwygiadau i is-ddeddfwriaeth sy'n ymwneud â ffioedd iechyd planhigion o ganlyniad i gymhwyso Rheoliad yr UE a Rheoliad (EU) 2016/2031 Senedd Ewrop a'r Cyngor ar fesurau i ddiogelu rhag plâu planhigion (OJ Rhif L 317, 23.11.2016, t. 4).

Mae Rhan 7 yn dirymu Rheoliadau Rheolaethau Swyddogol (Anifeiliaid, Bwyd Anifeiliaid a Bwyd) (Cymru) 2007 (O.S. 2007/196 (Cy. 15)).

Ystyriwyd Cod Ymarfer Gweinidogion Cymru ar gynnal Aseidiadau 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: Llywodraeth Cymru, Parc Cathays, Caerdydd, CF10 3NQ.

Part 2 provides for audits to be undertaken of official controls and other official activities in accordance with the EU Regulation.

Part 3 provides for assistance and co-operation under Title IV of the EU Regulation and recovery of expenses.

Part 4 provides for enforcement and penalties.

Part 5 deals with consequential amendments as a result of the application of the EU Regulation.

Part 6 contains amendments to secondary legislation relating to plant health fees as a result of the application of the EU Regulation and 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).

Part 7 revokes the Official Controls (Animals, Feed and Food) (Wales) Regulations 2007 (S.I. 2007/196 (W. 15)).

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 Welsh Government, Cathays Park, Cardiff, CF10 3NQ.

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Planhigion etc.) (Cymru) 2020

The Official Controls (Animals,
Feed and Food, Plant Health Fees
etc.) (Wales) Regulations 2020

Gwnaed 21 Ionawr 2020

Made 21 January 2020

*Gosodwyd gerbron Cynulliad Cenedlaethol
Cymru* 22 Ionawr 2020

*Laid before the National Assembly for
Wales* 22 January 2020

Yn dod i rym 31 Ionawr 2020

Coming into force 31 January 2020

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Mae Gweinidogion Cymru wedi eu dynodi at ddibenion adran 2(2) o Ddeddf y Cymunedau Ewropeaidd 1972(1) mewn perthynas â pholisi amaethyddol cyffredin yr Undeb Ewropeaidd(2), ac mewn perthynas â'r meysydd milfeddygol a ffytoiechydol er mwyn diogelu iechyd y cyhoedd(3).

Mae Gweinidogion Cymru yn gwneud y Rheoliadau a ganlyn drwy arfer y pwerau a roddir gan adran 2(2) o Ddeddf y Cymunedau Ewropeaidd 1972, a chyda chydysyniad y Trysorlys, drwy arfer pwerau a roddir gan adran 56(1) o Ddeddf Cyllid 1973(4).

Fel sy'n ofynnol gan Erthygl 9 o Reoliad (EC) Rhif 178/2002 Senedd Ewrop a'r Cyngor sy'n gosod egwyddorion a gofynion cyffredinol cyfraith bwyd, yn sefydlu Awdurdod Diogelwch Bwyd Ewrop ac yn gosod gweithdrefnau o ran materion diogelwch bwyd(5), ymgynghorwyd yn agored ac yn dryloyw â'r cyhoedd wrth lunio'r Rheoliadau hyn.

The Welsh Ministers are designated for the purposes of section 2(2) of the European Communities Act 1972(1) in relation to the common agricultural policy of the European Union(2), and in relation to the veterinary and phytosanitary fields for the protection of public health(3).

The Welsh Ministers make the following Regulations in exercise of the powers conferred by section 2(2) of the European Communities Act 1972, and, with the consent of Treasury, in exercise of powers conferred by section 56(1) of the Finance Act 1973(4).

As required by Article 9 of Regulation (EC) No 178/2002 of the European Parliament and of the Council laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety(5) there has been open and transparent public consultation during the preparation of these Regulations.

RHAN 1

Cyffredinol

Enwi, cymhwyso a chychwyn

1.—(1) Enw'r Rheoliadau hyn yw Rheoliadau Rheolaethau Swyddogol (Anifeiliaid, Bwyd Anifeiliaid a Bwyd, Ffioedd Iechyd Planhigion etc.) (Cymru) 2020.

(2) Mae'r Rheoliadau hyn yn gymwys o ran Cymru a deuant i rym ar 31 Ionawr 2020.

PART 1

General

Title, application and commencement

1.—(1) The title of these Regulations is the Official Controls (Animals, Feed and Food, Plant Health Fees etc.) (Wales) Regulations 2020.

(2) These Regulations apply in relation to Wales and come into force on 31 January 2020.

(1) 1972 p. 68; diwygiwyd adran 2(2) gan adran 27(1)(a) o Ddeddf Diwygio Deddfwriaethol a Rheoleiddiol 2006 (p. 51), a Rhan 1 o'r Atodlen i Ddeddf yr Undeb Ewropeaidd (Diwygio) 2008 (p. 7), a'i diddymu'n rhagolygol gan adran 1 o Ddeddf yr Undeb Ewropeaidd (Ymadael) 2018 (p. 16) gan gael effaith o'r diwrnod ymadael (gweler adran 20 o'r Ddeddf honno).

(2) O.S. 2010/2690.

(3) O.S. 2008/1792.

(4) 1973 p. 51; diwygiwyd adran 56(1) gan O.S. 2011/1043, a'i diwygio'n rhagolygol gan baragraff 17 o Atodlen 8 i Ddeddf yr Undeb Ewropeaidd (Ymadael) 2018 o ddyddiad ac amser sydd i'w bennu.

(5) OJ Rhif L 31, 1.2.2002, t. 1, fel y'i diwygiwyd ddiwethaf gan Reoliad (EU) 2019/1243 Senedd Ewrop a'r Cyngor (OJ Rhif L 198, 25.7.2019, t. 241).

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

(2) S.I. 2010/2690.

(3) S.I. 2008/1792.

(4) 1973 c. 51; section 56(1) was amended by S.I. 2011/1043, and prospectively amended by paragraph 17 of Schedule 8 to the European Union (Withdrawal) Act 2018 from a date and time to be appointed.

(5) OJ No. L 31, 1.2.2002, p. 1, as last amended by Regulation (EU) 2019/1243 of the European Parliament and of the Council (OJ No. L 198, 25.7.2019, p. 241).

Dehongli

2.—(1) Yn y Rheoliadau hyn—

ystyr “archwiliad” (“*audit*”) yw archwiliad o awdurdod cymwys a gynhelir at ddibenion Erthygl 6 mewn perthynas â deddfwriaeth berthnasol;

ystyr “archwilydd” (“*auditor*”) yw person sy’n cynnal archwiliad ar ran awdurdod cymwys;

ystyr “arolygydd” (“*inspector*”), mewn perthynas ag unrhyw ddeddfwriaeth berthnasol, yw arolygydd, arolygydd milfeddygol, neu swyddog arall a awdurdodir gan Weinidogion Cymru neu gan awdurdod dynodedig arall i weithredu o dan y ddeddfwriaeth berthnasol honno;

ystyr “yr Asiantaeth” (“*the Agency*”) yw’r Asiantaeth Safonau Bwyd;

mae i “awdurdod bwyd” (“*food authority*”), mewn perthynas ag unrhyw ddeddfwriaeth berthnasol, yr un ystyr ag sydd iddo yn y ddeddfwriaeth berthnasol honno;

ystyr “awdurdod dynodedig” (“*designated authority*”) yw awdurdod sydd wedi ei ddynodi gan Weinidogion Cymru o dan reoliad 3;

ystyr “awdurdod lleol” (“*local authority*”) yw cyngor sir neu gyngor bwrdeistref sirol;

ystyr “cynorthwydd swyddogol” (“*official auxiliary*”) yw cynrychiolydd i Weinidogion Cymru sydd wedi ei hyfforddi’n briodol ac sy’n gweithredu o dan gyfrifoldeb neu oruchwyliaeth milfeddyg swyddogol i gyflawni rheolaethau swyddogol penodol neu dasgau penodol sy’n gysylltiedig â gweithgareddau swyddogol eraill;

ystyr “deddfwriaeth berthnasol” (“*relevant legislation*”) yw deddfwriaeth Ewropeaidd a domestig sy’n llywodraethu’r meysydd a restrir yn is-baragraffau (a), (c), (d), (e) ac (f) o Erthygl 1(2), ac eithrio deddfwriaeth bwyd a diogelwch bwyd, bwyd anifeiliaid a diogelwch bwyd anifeiliaid i’r graddau—

- (a) y mae deddfwriaeth o’r fath wedi ei diffinio fel “cyfraith bwyd anifeiliaid berthnasol” neu “cyfraith bwyd berthnasol” yn y Rheoliadau Bwyd Anifeiliaid a Bwyd,
- (b) y mae deddfwriaeth o’r fath yn ymwneud â sylweddau y gall eu defnydd neu eu presenoldeb ar gnydau i gynhyrchu neu brosesu bwyd neu fwyd anifeiliaid arwain at weddillion o’r sylweddau hynny mewn bwyd neu mewn bwyd anifeiliaid, neu
- (c) y mae’n ymwneud ag ychwanegion bwyd anifeiliaid neu fwydydd anifeiliaid meddyginiaethol;

Interpretation

2.—(1) In these Regulations—

“the Agency” (“*yr Asiantaeth*”) means the Food Standards Agency;

“audit” (“*archwiliad*”) means an audit of a competent authority carried out for the purposes of Article 6 in relation to relevant legislation;

“auditor” (“*archwilydd*”) means a person carrying out an audit on behalf of a competent authority;

“designated authority” (“*awdurdod dynodedig*”) means an authority designated by the Welsh Ministers under regulation 3;

“the EU Official Controls Regulations” (“*Rheoliadau Rheolaethau Swyddogol yr UE*”) means the EU Regulation and the Implementing Regulations and Delegated Regulations made under it;

“the EU Regulation” (“*Rheoliad yr UE*”) means Regulation (EU) 2017/625 of the European Parliament and of the Council of 15th March 2017 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⁽¹⁾;

“enforcement officer” (“*swyddog gorfodi*”) means an officer authorised by the Welsh Ministers or a designated authority to enforce the EU Official Controls Regulations and these Regulations;

“the Feed and Food Regulations” (“*y Rheoliadau Bwyd Anifeiliaid a Bwyd*”) means the Official Feed and Food Controls (Wales) Regulations 2009⁽²⁾;

“food authority” (“*awdurdod bwyd*”) in relation to any relevant legislation has the same meaning as it has in that relevant legislation;

“inspector” (“*arolygydd*”), in relation to any relevant legislation, means an inspector, veterinary inspector, or other officer authorised by the Welsh Ministers or other designated authority to act under that relevant legislation;

“local authority” (“*awdurdod lleol*”) means a county council or county borough council;

“official auxiliary” (“*cynorthwydd swyddogol*”) means a representative of the Welsh Ministers appropriately trained and acting under the responsibility or supervision of an official

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

(2) S.I. 2009/3376 (W. 298), amended by S.I. 2011/626 (W. 90), S.I. 2013/479 (W. 55), S.I. 2013/2007 (W. 298), S.I. 2014/2714 (W. 271) and prospectively amended by S.I. 2019/434 (W. 102) and XXXX (W. XX).

mae i “gweithgareddau swyddogol eraill” yr ystyr a roddir i “other official activities” gan Erthygl 2(2);

mae “mangre” (“*premises*”) yn cynnwys unrhyw gyfrwng cludo;

ystyr “milfeddyg swyddogol” (“*official veterinarian*”) yw milfeddyg sydd wedi ei benodi gan Weinidogion Cymru ac sydd wedi cymhwyso’n briodol i gynnal rheolaethau swyddogol a gweithgareddau swyddogol eraill er mwyn gwirio cydymffurfedd â’r rheolau y cyfeirir atynt yn Erthygl 1(2);

ystyr “rheolaethau swyddogol” (“*official controls*”) yw’r gweithgareddau y cyfeirir atynt yn Erthygl 2(1) ac eithrio’r rheini a restrir yn Erthygl 1(4);

ystyr “Rheoliad yr UE” (“*the EU Regulation*”) yw Rheoliad (EU) 2017/625 Senedd Ewrop a’r Cyngor dyddiedig 15 Mawrth 2017 ar reolaethau swyddogol a gweithgareddau swyddogol eraill a gyflawnir i sicrhau y cymhwysir y gyfraith o ran bwyd a bwyd anifeiliaid, rheolau ynghylch iechyd a lles anifeiliaid, iechyd planhigion a chynhyrchion diogelu planhigion(1);

ystyr “y Rheoliadau Bwyd Anifeiliaid a Bwyd” (“*the Feed and Food Regulations*”) yw Rheoliadau Rheolaethau Swyddogol ar Fwyd Anifeiliaid a Bwyd (Cymru) 2009(2);

ystyr “Rheoliadau Rheolaethau Swyddogol yr UE” (“*the EU Official Control Regulations*”) yw Rheoliad yr UE a’r Rheoliadau Gweithredu a’r Rheoliadau Dirprwyedig a wnaed oddi tanynt;

ystyr “swyddog gorfodi” (“*enforcement officer*”) yw swyddog sydd wedi ei awdurdodi gan Weinidogion Cymru neu gan awdurdod dynodedig i orfodi Rheoliadau Rheolaethau Swyddogol yr UE a’r Rheoliadau hyn.

(2) Yn y diffiniad o “deddfwriaeth berthnasol” ym mharagraff (1)—

(a) ystyr “bwydydd anifeiliaid meddyginiaethol” yw unrhyw gymysgedd o fwyd anifeiliaid a chynnyrch meddyginiaethol milfeddygol sydd â nodweddion ar gyfer trin neu atal afiechyd, adfer, cywiro neu addasu swyddogaethau ffisiologol mewn anifeiliaid, neu gynhyrchion a bwyd anifeiliaid neu fwydydd anifeiliaid sydd wedi eu paratoi’n barod ar gyfer eu marchnata ac y bwriedir eu bwydo i anifeiliaid heb eu prosesu ymhellach, ac

veterinarian to perform certain official controls or certain tasks related to other official activities;

“official controls” (“*rheolaethau swyddogol*”) means the activities referred to in Article 2(1) other than those listed in Article 1(4);

“official veterinarian” (“*milfeddyg swyddogol*”) means a veterinarian appointed by the Welsh Ministers and appropriately qualified to carry out official controls and other official activities for verification of compliance with the rules referred to in Article 1(2);

“other official activities” (“*gweithgareddau swyddogol eraill*”) has the meaning given by Article 2(2);

“premises” (“*mangre*”) includes any means of transport;

“relevant legislation” (“*deddfwriaeth berthnasol*”) means European and domestic legislation governing the areas listed in sub-paragraphs (a), (c), (d), (e) and (f) of Article 1(2), with the exception of food and food safety, feed and feed safety legislation in so far as—

- (a) such legislation is defined as “relevant feed law” or “relevant food law” in the Feed and Food Regulations,
- (b) such legislation involves substances the use or presence of which on crops to produce or process food or feed may result in residues of those substances in food or feed, or
- (c) it relates to feed additives or medicated feedingstuffs.

(2) In the definition of “relevant legislation” in paragraph (1)—

(a) “medicated feedingstuffs” means any mixture of feed with a veterinary medicinal product having properties for treating or preventing disease, restoring, correcting or modifying physiological functions in animals, or products and feed or feeds which are ready-prepared for marketing and intended to be fed to animals without further processing, and

(1) OJ Rhif L 95, 7.4.2017, t. 1, fel y’i diwygiwyd gan Reoliad Dirprwyedig y Comisiwn (EU) 2019/478 (OJ Rhif L 82, 25.3.2019, t. 4).

(2) O.S. 2009/3376 (Cy. 298), a ddiwygiwyd gan O.S. 2011/626 (Cy. 90), O.S. 2013/479 (Cy. 55), O.S. 2013/2007 (Cy. 298) ac O.S. 2014/2714 (Cy. 271) ac a ddiwygiwyd yn rhagolygol gan O.S. 2019/434 (Cy. 102) ac XXXX (Cy. XX).

- (b) ystyr “ychwanegion sootechnegol” yw ychwanegion bwyd anifeiliaid yn y categorïau a grybwyllir yn Erthygl 6.1(d) ac (e) o Reoliad (EC) Rhif 1831/2003 Senedd Ewrop a’r Cyngor ar ychwanegion ar gyfer eu defnyddio mewn maeth anifeiliaid⁽¹⁾, ac eithrio’r rheini sy’n perthyn i’r grwpiau swyddogaethol a restrir ym mharagraff 4(a), (b) ac (c) o Atodiad 1 i’r Rheoliad hwnnw.

(3) Oni ddarperir fel arall yn y rheoliad hwn, mae i dermau a ddefnyddir yn y Rheoliadau hyn yr un ystyron ag sydd i’r termau Saesneg cyfatebol yn Rheoliad yr UE.

(4) Oni bai bod y cyd-destun yn mynnu fel arall, mae unrhyw gyfeiriad yn y Rheoliadau hyn at “Erthygl” neu “Teitl” yn gyfeiriad at Erthygl neu Deitl yn Rheoliad yr UE.

Dynodiadau at ddibenion Erthygl 4

3.—(1) Mae’r Asiantaeth wedi ei dynodi fel yr awdurdod cymwys at ddibenion Erthygl 4 mewn perthynas â gofynion lles anifeiliaid, i’r graddau ei bod wedi ei dynodi i fod yr awdurdod cymwys a grybwyllir yn rheoliad 4(1) o Reoliadau Lles Anifeiliaid Adeg eu Lladd (Cymru) 2014⁽²⁾.

(2) Mewn unrhyw achos arall mae Gweinidogion Cymru wedi eu dynodi i fod yr awdurdod cymwys at ddibenion Erthygl 4 mewn perthynas â meysydd a lywodraethir gan y ddeddfwriaeth berthnasol.

(3) Mae awdurdodau lleol ac awdurdodau bwyd lleol (gan gynnwys unrhyw rai sy’n awdurdodau gorfodi o dan unrhyw ddeddfwriaeth berthnasol) yn awdurdodau dynodedig mewn perthynas â swyddogaethau gorfodi a gweithredu (ac eithrio erlyn) y maent yn eu harfer o dan ddeddfwriaeth berthnasol.

(4) Rhaid i unrhyw awdurdod dynodedig lunio cofnodion ysgrifenedig (ar bapur neu ar ffurf electronig) o reolaethau swyddogol a gweithgareddau swyddogol eraill a gyflawnir ganddynt, a rhaid i gofnodion o’r fath gynnwys—

- (a) disgrifiad o ddiben y rheolaethau swyddogol a’r gweithgareddau swyddogol eraill perthnasol,
- (b) y dulliau rheoli a gymhwyswyd,
- (c) y canlyniad, a

- (b) “zootechnical additives” means feed additives in the categories mentioned in Article 6.1(d) and (e) of Regulation (EC) No 1831/2003 of the European Parliament and of the Council on additives for use in animal nutrition⁽¹⁾, with the exception of those belonging to the functional groups listed in paragraph 4(a), (b) and (c) of Annex 1 to that Regulation.

(3) Unless otherwise provided in this regulation, terms used in these Regulations have the same meaning as they have in the EU Regulation.

(4) Unless the context otherwise requires, any reference in these Regulations to an “Article” or “Title” is to an Article or Title of the EU Regulation.

Designations for the purposes of Article 4

3.—(1) The Agency is designated as the competent authority for the purposes of Article 4 in relation to welfare requirements of animals, to the extent that it is designated as the competent authority mentioned in regulation 4(1) of the Welfare of Animals at the Time of Killing (Wales) Regulations 2014⁽²⁾.

(2) In any other case the Welsh Ministers are designated as the competent authority for the purposes of Article 4 in relation to areas governed by the relevant legislation.

(3) Local authorities and local food authorities (including any that are enforcement authorities under any relevant legislation) are designated authorities in relation to functions of enforcement and execution (other than prosecution) which they exercise under relevant legislation.

(4) Any designated authority must draw up written records (on paper or electronic form) of official controls and other official activities that they perform, and such records must contain—

- (a) a description of the purpose of the relevant official controls and other official activities,
- (b) the control methods applied,
- (c) the outcome, and

(1) OJ Rhif L 268, 18.10.2003, t. 29, fel y’i diwygiwyd ddiwethaf gan OJ Rhif L 156, 13.6.2019, t. 1.

(2) O.S. 2014/951 (Cy. 92), y ceir diwygiadau iddo nad ydynt yn berthnasol i’r Rheoliadau hyn.

(1) OJ No. L 268, 18.10.2003, p. 29 as last amended by OJ No. L 156, 13.6.2019, p. 1.

(2) S.I. 2014/951 (W. 92), to which there are amendments not relevant to these Regulations.

(d) pan fo'n briodol, unrhyw gamau y mae'n ofynnol i'r awdurdod dynodedig eu cymryd.

(5) Pan fo unrhyw awdurdod dynodedig wedi nodi achos o fethu â chydymffurfio drwy gymhwyso rheolaethau swyddogol, rhaid iddo hysbysu gweithredwr y busnes yn brydlon am yr achos o fethu â chydymffurfio.

Cyfnwid gwybodaeth

4. Caiff Gweinidogion Cymru ac unrhyw awdurdodau dynodedig eraill ddatgelu gwybodaeth i'w gilydd ac i awdurdodau cymwys eraill yn y Deyrnas Unedig ac mewn Aelod-wladwriaethau eraill at ddibenion cymhwyso'r Rheoliadau hyn a Rheoliadau Rheolaethau Swyddogol yr UE.

(d) where appropriate, any action required by the designated authority.

(5) Where non-compliance has been identified by any designated authority through the application of official controls, it must promptly inform the business operator of the non-compliance.

Exchange of information

4. The Welsh Ministers and any other designated authorities may disclose information to each other and to other competent authorities in the United Kingdom and other member States for the purposes of applying these Regulations and the EU Official Controls Regulations.

RHAN 2

Archwiliadau a rheolaethau swyddogol

Pwerau archwilywr

5.—(1) Caiff archwilydd arfer y pwerau yn y rheoliad hwn a chynnal archwiliad yn unol â Rheoliadau Rheolaethau Swyddogol yr UE os caiff ei awdurdodi i wneud hynny—

- (a) mewn perthynas â chynnal archwiliad o weithgareddau awdurdod dynodedig, gan yr awdurdod dynodedig, neu
- (b) mewn perthynas â chynnal archwiliad yn unol â rheoliad 6(2), gan Weinidogion Cymru.

(2) At ddibenion cynnal archwiliad, caiff archwilydd fynd i fangre y mae gan arolygydd bŵer i fynd iddi o dan ddeddfwriaeth berthnasol (“mangre sy'n destun archwiliad”) fel pe bai'r archwilydd yn arolygydd sy'n bodloni'r meini prawf ar gyfer mynd iddi o dan y ddeddfwriaeth berthnasol honno.

(3) Caiff unrhyw berson y mae ei gymorth yn rhesymol ofynnol gan yr archwilydd fynd gydag archwilydd sy'n arfer pŵer i fynd i fangre.

(4) Caiff archwilydd ofyn i unrhyw berson mewn unrhyw fangre sy'n destun archwiliad am unrhyw wybodaeth sy'n rhesymol ofynnol at ddibenion yr archwiliad, a chaiff arolygu unrhyw gofnodion sy'n rhesymol ofynnol at y dibenion hynny.

(5) Caiff archwilydd wneud copïau o gofnodion o'r fath neu wneud copïau ohonynt yn ofynnol.

(6) Wrth arfer y pwerau a roddir gan y rheoliad hwn, rhaid i archwilydd, pan ofynnir iddo, ddangos tystiolaeth o awdurdodiad o dan y Rheoliadau hyn.

PART 2

Audits and official controls

Powers of auditors

5.—(1) An auditor may exercise the powers in this regulation and carry out an audit in accordance with the EU Official Controls Regulations if so authorised—

- (a) in relation to carrying out an audit of the activities of a designated authority, by the designated authority, or
- (b) in relation to carrying out an audit pursuant to regulation 6(2), by the Welsh Ministers.

(2) For the purposes of carrying out an audit, an auditor may enter premises to which an inspector has a power of entry under relevant legislation (“audit premises”) as if the auditor were an inspector meeting the criteria for gaining such entry under that relevant legislation.

(3) An auditor exercising a power of entry may be accompanied by any person whose assistance is reasonably required by the auditor.

(4) An auditor may request such information from any person at any premises that is subject to an audit as may reasonably be required for purposes of the audit, and may inspect such records as may reasonably be required for those purposes.

(5) An auditor may make or require copies of such records.

(6) When exercising the powers conferred by this regulation, an auditor must, upon request, produce evidence of authorisation under these Regulations.

(7) Nid yw'r rheoliad hwn yn gymwys pan fo archwilydd yn cynnal archwiliad yn unol â rheoliad 7 ar ran yr Asiantaeth.

Pwerau Gweinidogion Cymru mewn perthynas ag archwiliadau o awdurdodau dynodedig

6.—(1) Caiff Gweinidogion Cymru wneud cais ysgrifenedig i awdurdod dynodedig ddarparu gwybodaeth erbyn dyddiad penodedig ynglŷn ag unrhyw archwiliadau y mae wedi eu cynnal neu wedi bod yn destun iddynt neu y mae ganddo gynlluniau i'w cynnal neu i fod yn destun iddynt.

(2) Caiff Gweinidogion Cymru ei gwneud yn ofynnol i archwilydd gynnal archwiliad o awdurdod dynodedig.

(3) Rhaid i'r awdurdod dynodedig ddarparu unrhyw gymorth i'r archwilydd hwnnw sy'n rhesymol ofynnol er mwyn i'r archwilydd gynnal yr archwiliad yn effeithiol.

Pwerau'r Asiantaeth sy'n cynnal archwiliadau ar ran Gweinidogion Cymru

7.—(1) Pan fo Gweinidogion Cymru yn trefnu bod yr Asiantaeth yn cynnal archwiliad, mae darpariaethau archwilio'r Rheoliadau Bwyd Anifeiliaid a Bwyd yn gymwys fel pe bai—

- (a) cynnal yr archwiliad yn ddiben y cyfeirir ato yn rheoliadau 8(1) a 9(1) o'r Rheoliadau Bwyd Anifeiliaid a Bwyd, a
- (b) yr awdurdod cymwys o dan sylw yn awdurdod gorfodi y mae rheoliadau 8 a 9 o'r Rheoliadau Bwyd a Bwyd Anifeiliaid yn gymwys iddo.

(2) At ddibenion paragraff (1), darpariaethau archwilio'r Rheoliadau Bwyd Anifeiliaid a Bwyd yw—

- (a) rheoliadau 8 a 9(1) i (8) a (10), fel y'u darllenir ar y cyd â rheoliad 10 o'r Rheoliadau hynny, a
- (b) rheoliad 11 o'r Rheoliadau hynny.

(3) Pan fo'r Asiantaeth yn cynnal archwiliad, mae rheoliadau 17(2), (4) a (5)(c), 18(2) i (9), 19 i 21, 45 i 47, 49 a 50 o'r Rheoliadau Bwyd Anifeiliaid a Bwyd yn gymwys fel pe bai'r archwiliad wedi ei gynnal o dan y Rheoliadau hynny a'i orfodi neu ei gynnal oddi tanynt gan yr Asiantaeth.

(7) This regulation does not apply where an auditor undertakes an audit in accordance with regulation 7 on behalf of the Agency.

Powers of the Welsh Ministers in relation to audits of designated authorities

6.—(1) The Welsh Ministers may make a written request to a designated authority to provide information by a specified date about any audits it has carried out or undergone or which it plans to carry out or undergo.

(2) The Welsh Ministers may require an auditor to carry out an audit of a designated authority.

(3) The designated authority must provide such assistance to that auditor as may reasonably be required in order for the auditor to carry out the audit effectively.

Powers of the Agency undertaking audits on behalf of the Welsh Ministers

7.—(1) Where the Welsh Ministers arranges for the Agency to undertake an audit, the audit provisions of the Feed and Food Regulations apply as if—

- (a) the undertaking of the audit were a purpose referred to in regulations 8(1) and 9(1) of the Feed and Food Regulations, and
- (b) the competent authority concerned were an enforcement authority to which regulations 8 and 9 of the Feed and Food Regulations applied.

(2) For the purposes of paragraph (1), the audit provisions of the Feed and Food Regulations are—

- (a) regulations 8 and 9(1) to (8) and (10), as read with regulation 10 of those Regulations, and
- (b) regulation 11 of those Regulations.

(3) Where the Agency undertakes an audit, regulations 17(2), (4) and (5)(c), 18(2) to (9), 19 to 21, 45 to 47, 49 and 50 of the Feed and Food Regulations apply as if the audit were undertaken under those Regulations and enforced or undertaken thereunder by the Agency.

RHAN 3

Cymorth a chydweithrediad o dan Deitl IV ac adennill treuliau

Dyletswyddau awdurdodau dynodedig

8. Rhaid i awdurdod dynodedig hysbysu Gweinidogion Cymru os yw'n ystyried nad yw'n gallu cymryd camau sy'n ofynnol mewn unrhyw achos unigol o dan Deitl IV (cymorth gweinyddol a chydweithrediad) a rhaid iddo ddarparu unrhyw wybodaeth y gwneir cais rhesymol amdani i Weinidogion Cymru.

Hwyluso cymorth a chydweithrediad

9.—(1) At ddibenion cynorthwyo awdurdod cymwys o Aelod-wladwriaeth arall fel a ddarperir yn Erthygl 104, neu alluogi Gweinidogion Cymru neu awdurdod dynodedig i wneud hynny, caiff arolygydd sy'n arfer pwerau o dan ddeddfwriaeth berthnasol i fynd i fangre neu i arolygu cofnodion—

- (a) mynd â swyddogion awdurdodedig awdurdod cymwys gwlad arall gydag ef,
- (b) dangos cofnodion i'r swyddogion awdurdodedig hynny sy'n mynd gydag ef, ac
- (c) gwneud copïau o'r cofnodion ar eu cyfer, neu ei gwneud yn ofynnol i gopïau o'r cofnodion gael eu gwneud ar eu cyfer.

(2) At ddibenion hwyluso ymweliad gan dîm arolygu fel a ddarperir yn Erthygl 108, caiff arolygydd fynd â chynrychiolwyr o Gomisiwn yr UE gydag ef wrth arfer pwerau o dan ddeddfwriaeth berthnasol i fynd i fangre ac arolygu cofnodion.

(3) Caniateir ei gwneud yn ofynnol i unrhyw berson ddarparu i swyddog gorfodi unrhyw gymorth, unrhyw wybodaeth neu unrhyw gyfleusterau sy'n rhesymol ofynnol gan y swyddog at ddiben gweithredu neu orfodi'r Rheoliadau hyn neu Reoliadau Rheolaethau Swyddogol yr UE.

Adennill treuliau

10.—(1) Caniateir codi unrhyw dreuliau y mae Gweinidogion Cymru neu awdurdod dynodedig yn mynd iddynt wrth gyflawni gweithgareddau gorfodi o dan y Rheoliadau hyn, neu fesurau o dan Erthygl 66, 67, 69 neu 138 ar y gweithredwr busnes perthnasol a rhaid talu'r treuliau hynny pan gyflwynir archiad ysgrifenedig amdanynt.

PART 3

Assistance and co-operation under Title IV and recovery of expenses

Duties of designated authorities

8. A designated authority must notify the Welsh Ministers if it considers that it is unable to undertake action required in any individual case under Title IV (administrative assistance and cooperation) and must provide such information to the Welsh Ministers as may reasonably be requested.

Facilitating assistance and co-operation

9.—(1) For the purposes of assisting a competent authority of another member State as provided for in Article 104, or enabling the Welsh Ministers or a designated authority to do so, an inspector exercising powers under relevant legislation to enter premises or to inspect records may—

- (a) be accompanied by authorised officers of a competent authority of another country,
- (b) show records to such accompanying authorised officers, and
- (c) make copies for them, or require copies to be made for them, of the records.

(2) For the purposes of facilitating a visit by an inspection team as provided for in Article 108, an inspector may be accompanied by representatives of the EU Commission when exercising powers under relevant legislation to enter premises and inspect records.

(3) Any person may be required to provide an enforcement officer with such assistance, information or facilities as the officer may reasonably require for the purpose of the execution or enforcement of these Regulations or the EU Official Controls Regulations.

Recovery of expenses

10.—(1) Any expenses incurred by the Welsh Ministers or a designated authority in carrying out enforcement activities under these Regulations, or measures under Article 66, 67, 69 or 138 may be charged to the relevant business operator and such expenses must be paid on written demand.

(2) Caniateir adennill unrhyw swm sy'n ddyledus o dan y Rheoliadau hyn ac nad yw wedi ei dalu—

- (a) fel dyled sifil;
- (b) o dan orchymyn llys, yn unol ag unrhyw delerau y mae'r llys yn eu gorchymyn.

RHAN 4

Gorfodi a chosbau

Gorfodi ac erlyn

11.—(1) Cyfrifoldeb yr awdurdod cymwys neu awdurdod dynodedig yw gorfodi'r Rheoliadau hyn a Rheoliadau Rheolaethau Swyddogol yr UE.

(2) Mewn perthynas ag achosion o ddisgrifiad penodol neu mewn unrhyw achos penodol, caiff Gweinidogion Cymru gyfarwyddo bod y Rheoliadau hyn i'w gorfodi gan Weinidogion Cymru yn hytrach nag awdurdod lleol.

Pwerau swyddogion gorfodi

12.—(1) Caiff swyddog gorfodi—

- (a) gwneud unrhyw ymholiadau, arsylwi unrhyw weithgaredd neu broses, a chymryd ffotograffau;
- (b) arolygu unrhyw eitem, cynhwysydd, cyfarpar, offer neu gofnodion o unrhyw ddsbarth yr ymddengys i'r swyddog gorfodi eu bod yn berthnasol at ddibenion yr ymchwiliad, a chaiff wneud copïau o unrhyw gofnodion neu ei gwneud yn ofynnol i gopïau gael eu gwneud a mynd ag unrhyw gofnodion ymaith fel y bo'n rhesymol ofynnol;
- (c) marcio unrhyw eitem at ddibenion adnabod;
- (d) gwneud dangos unrhyw label, unrhyw ddogfen neu unrhyw gofnod (ar ba bynnag ffurf y caiff ei chadw neu ei gadw) yn ofynnol;
- (e) arolygu a gwneud copi o unrhyw label, unrhyw ddogfen neu unrhyw gofnod, neu wneud copi o ran ohoni neu ohono;
- (f) cael mynediad i unrhyw gyfrifiadur, ac arolygu a gwirio'r data ar unrhyw gyfrifiadur, a'i weithrediad;
- (g) os oes gan y swyddog gorfodi reswm i gredu bod person yn torri'r Rheoliadau hyn neu Reoliadau Rheolaethau Swyddogol yr UE, ac y gallai'r data fod yn berthnasol i'r toriad, ymafael mewn unrhyw offer cyfrifiadurol a'i gadw at ddiben copïo'r data neu, os nad yw wedi bod yn bosibl cynnal arolygiad digonol yn y fangre, at ddiben ei arolygu ymhellach;

(2) Any sum owing under these Regulations and unpaid may be recovered—

- (a) as a civil debt;
- (b) under an order of the court, on such terms as the court may order.

PART 4

Enforcement and penalties

Enforcement and prosecution

11.—(1) Enforcement of these Regulations and the EU Official Controls Regulations is the responsibility of the competent authority or a designated authority.

(2) The Welsh Ministers may direct, in relation to cases of a particular description or to a particular case that these Regulations are to be enforced by the Welsh Ministers instead of a local authority.

Powers of enforcement officers

12.—(1) An enforcement officer may—

- (a) make any enquiries, observe any activity or process, and take photographs;
- (b) inspect any article, container, plant, equipment or records of any class which appear to the enforcement officer to be relevant for the purposes of the investigation, and may make or require copies of such records and remove such records as may reasonably be required;
- (c) mark any item for identification purposes;
- (d) require the production of any label, document or record (in whatever form it is held);
- (e) inspect and take a copy of, or take a copy of an extract from, any label, document or record;
- (f) have access to, and inspect and check the data on, and operation of, any computer;
- (g) if the enforcement officer has reason to believe that a person is in contravention of these Regulations or the EU Official Controls Regulations, and that the data may be relevant to the contravention, seize and detain any computer equipment for the purpose of copying the data or, if it has not been possible carry out adequate inspection on the premises, of further inspection;

(h) os oes gan y swyddog gorfodi reswm i gredu bod person yn torri'r Rheoliadau hyn neu Reoliadau Rheolaethau Swyddogol yr UE, ac y gallai cofnodion penodol fod yn berthnasol i'r toriad, ymafael yn y cofnodion a'u cadw.

(2) Rhaid i swyddog gorfodi—

- (a) dangos tystiolaeth o awdurdodiad pan ofynnir iddo wneud hynny;
- (b) cyn gynted ag y bo'n rhesymol bosibl—
 - (i) darparu i'r person yr ymddengys ei fod yn gyfrifol am unrhyw gofnodion yr eir â hwy ymaith o unrhyw fangre dderbyneb ysgrifenedig sy'n nodi'r cofnodion hynny, a
 - (ii) ar ôl penderfynu nad oes eu hangen mwyach, dychwelyd unrhyw beth yr eir ag ef ymaith, ar wahân i gofnodion neu bethau eraill sydd i'w defnyddio fel tystiolaeth mewn achos llys.

Pwerau mynediad

13.—(1) Caiff swyddog gorfodi fynd i unrhyw fangre (ac eithrio unrhyw fangre a ddefnyddir yn llwyr neu'n bennaf fel annedd breifat) yn ystod oriau gwaith arferol heb roi hysbysiad ymlaen llaw, os yw'r swyddog yn credu bod hynny'n angenrheidiol at ddiben rheolaethau swyddogol neu weithgareddau swyddogol eraill o dan y Rheoliadau hyn neu Reoliadau Rheolaethau Swyddogol yr UE.

(2) Mewn amgylchiadau pan fo swyddog gorfodi yn cynnal gwiriadau dilysu arferol, rhaid darparu hysbysiad cyn arfer pŵer i fynd i fangre yn ystod oriau gwaith arferol.

(3) Nid yw'r gofyniad i roi hysbysiad ym mharagraff (2) yn gymwys—

- (a) pan fo ymdrechion rhesymol i gytuno ar apwyntiad wedi methu,
- (b) pan fo'r swyddog gorfodi yn credu'n rhesymol y byddai rhoi hysbysiad yn mynd yn groes i fwriad mynd i'r fangre, gan gynnwys unrhyw sefyllfa nad yw hysbysiad yn ofynnol ynddi o dan Erthygl 9(4), neu
- (c) pan fo gan y swyddog gorfodi amheuaeth resymol bod unrhyw ddarpariaeth yn y Rheoliadau hyn neu yn Rheoliadau Rheolaethau Swyddogol yr UE wedi ei thorri.

(4) Rhaid i swyddog gorfodi ddangos dogfen awdurdodi sydd wedi ei dilysu'n briodol, os gofynnir iddo wneud hynny.

(h) if the enforcement officer has reason to believe that a person is in contravention of these Regulations or the EU Official Controls Regulations, and that certain records may be relevant to the contravention, seize and detain the records.

(2) An enforcement officer must—

- (a) produce evidence of authorisation when requested to do so;
- (b) as soon as reasonably possible—
 - (i) provide to the person appearing to be responsible for any records removed from any premises a written receipt identifying those records, and
 - (ii) after deciding that they are no longer required, return anything removed, apart from records or other things to be used as evidence in court proceedings.

Powers of entry

13.—(1) An enforcement officer may enter any premises (except any premises used wholly or mainly as a private dwelling) during normal working hours without prior notice, if the officer believes that it is necessary for the purpose of official controls or other official activities under these Regulations or the EU Official Controls Regulations.

(2) In circumstances where an enforcement officer is carrying out routine verification checks, notice must be provided before exercising a power of entry to premises during normal working hours.

(3) The requirement to give notice in paragraph (2) does not apply—

- (a) where reasonable efforts to agree an appointment have failed,
- (b) where the enforcement officer reasonably believes that giving notice would defeat the object of the entry, including any situation in which notice is not required under Article 9(4), or
- (c) where the enforcement officer has a reasonable suspicion that any provision of these Regulations or the EU Official Controls Regulations has been contravened.

(4) An enforcement officer must, if requested to do so, produce a duly authenticated authorisation document.

(5) Caiff ynad heddwch lofnodi gwarant i ganiatáu i swyddog gorfodi fynd i unrhyw fangre, gan gynnwys tŷ annedd, a hynny gan ddefnyddio grym rhesymol os oes angen, os yw'r ynad wedi ei fodloni ar sail gwybodaeth ysgrifenedig a roddir ar lw—

(a) bod sail resymol dros fynd i'r fangre honno at ddibenion gorfodi'r Rheoliadau hyn neu Reoliadau Rheolaethau Swyddogol yr UE, a

(b) y bodlonir neu ragor o'r amodau ym mharagraff (6).

(6) Yr amodau yw—

(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 fath, yn mynd yn groes i'r amcan o fynd i'r fangre;

(c) bod angen mynd i'r fangre ar fyrder;

(d) bod y fangre heb ei meddiannu neu'r meddiannydd yn absennol dros dro.

(7) Mae gwarant yn ddilys am 30 o ddiwrnodau o ddyddiad ei llofnodi.

(8) Rhaid i swyddog gorfodi sy'n mynd i unrhyw fangre nad yw wedi ei meddiannu, neu y mae'r meddiannydd yn absennol ohoni dros dro, ei gadael wedi ei diogelu yr un mor effeithiol rhag mynediad heb awdurdod ag yr ydoedd cyn iddo fynd iddi.

(9) Caiff swyddog gorfodi—

(a) mynd ag unrhyw bersonau eraill, hyd at uchafswm o dri, y mae'r swyddog gorfodi yn ystyried eu bod yn angenrheidiol, gydag ef;

(b) dod ag unrhyw gyfarpar i'r fangre y mae'r swyddog gorfodi yn ystyried ei fod yn angenrheidiol.

Troseddau a chosbau

14.—(1) Mae person yn euog o drosedd os yw'r person hwnnw, heb esgus rhesymol, yn rhwystro neu'n peri neu'n caniatáu rhwystro—

(a) archwilydd,

(b) arolygydd,

(c) unrhyw berson sy'n mynd gydag archwilydd perthnasol neu arolygydd perthnasol, neu

(d) swyddog gorfodi.

(2) At ddibenion paragraff (1), mae rhwystro yn cynnwys methiant gan unrhyw berson—

(a) i ddangos cofnodion neu ddarparu cyfleusterau rhesymol ar gyfer copïo cofnodion, neu

(5) A justice of the peace may sign a warrant to permit an enforcement officer to enter any premises, including a dwelling-house, if necessary by reasonable force, if the justice on sworn information in writing is satisfied—

(a) that there are reasonable grounds to enter those premises for the purpose of enforcing these Regulations or the EU Official Controls Regulations, and

(b) that one or more of the conditions in paragraph (6) are met.

(6) The conditions are—

(a) that 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) that asking for admission to the premises, or giving such a notice, would defeat the object of the entry;

(c) that entry to the premises is required urgently;

(d) that the premises are unoccupied or the occupier is temporarily absent.

(7) A warrant is valid for 30 days from the date of signature.

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

(9) An enforcement officer may—

(a) be accompanied by such other persons, up to a maximum of three, as the enforcement officer considers necessary;

(b) bring onto the premises such equipment as the enforcement officer considers necessary.

Offences and penalties

14.—(1) A person is guilty of an offence if without reasonable excuse that person obstructs or causes or permits to be obstructed—

(a) an auditor,

(b) an inspector,

(c) any person who accompanies a relevant auditor or relevant inspector, or

(d) an enforcement officer.

(2) For the purposes of paragraph (1), obstruction includes failure by any person—

(a) to produce records or provide reasonable facilities for copying records, or

(b) i ddarparu gwybodaeth berthnasol pan ofynnir iddo wneud hynny.

(3) Mae person yn euog o drosedd os yw'r person hwnnw, heb esgus rhesymol, yn ddarparu gwybodaeth sy'n anwir neu'n gamarweiniol o ran unrhyw fanylyn perthnasol.

(4) Mae person sy'n euog o drosedd o dan y rheoliad hwn yn agored, o'i euogfarnu'n ddiannod, i ddirwy o unrhyw swm.

Troseddau gan gyrff corfforedig

15.—(1) Os bydd corff corfforedig yn cyflawni trosedd o dan reoliad 14, ac os dangosir bod y drosedd wedi ei chyflawni gyda chydsyniad neu ymoddefiad swyddog, neu ei bod i'w phriodoli i esgeulustod ar ran y swyddog hwnnw, mae'r swyddog hwnnw yn ogystal â'r corff corfforedig yn euog o'r drosedd ac yn agored i'w erlyn a'i gosbi yn unol â hynny.

(2) Os yw materion busnes corff corfforedig yn cael eu rheoli gan ei aelodau, mae paragraff (1) yn gymwys mewn perthynas â gweithredoedd a diffyg gweithredoedd aelod mewn cysylltiad â'i swyddogaethau rheoli, fel pe bai'r person hwnnw yn un o gyfarwyddwyr y corff.

(3) Ystyr "swyddog", mewn perthynas â chorff corfforedig, yw cyfarwyddwr, aelod o'r pwyllgor rheoli, prif weithredwr, rheolwr, ysgrifennydd neu swyddog cyffelyb arall y corff, neu berson sy'n honni ei fod yn gweithredu fel unrhyw un o'r rhain.

Terfynau amser ar gyfer erlyniad

16. Caiff erlyniad am drosedd o dan y Rhan hon gychwyn yn ddim hwyrach na'r cynharaf o'r adeg y daw'r canlynol i ben—

- (a) tair blynedd o adeg cyflawni'r drosedd, neu
- (b) blwyddyn o adeg ei darganfod gan yr awdurdod erlyn.

RHAN 5

Diwygiadau canlyniadol i is-ddeddfwriaeth sy'n ymwneud ag anifeiliaid, bwyd a masnach

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

17. Yn erthygl 3(1) o Orchymyn Clwy'r Traed a'r Genau (Cymru) 2006(1), yn y diffiniad o "health

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

(b) to provide relevant information when requested.

(3) A person is guilty of an offence if without reasonable excuse that person supplies information which, in any material particular, is false or misleading.

(4) A person guilty of an offence under this regulation is liable on summary conviction to a fine of any amount.

Offences by bodies corporate

15.—(1) If an offence under regulation 14 is committed by a body corporate, and is shown to have been committed with the consent or connivance of an officer, or to be attributable to the neglect of such officer, that officer as well as the body corporate is guilty of the offence and liable to be proceeded against and punished accordingly.

(2) 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 functions of management as if that person were a director of the body.

(3) "Officer", in relation to a body corporate, means a director, member of the committee of management, chief executive, manager, secretary or other similar officer of the body, or a person purporting to act in any such capacity.

Time limits for prosecution

16. A prosecution for an offence under this Part may begin no later than the earlier of the expiry of—

- (a) three years from the commission of the offence, or
- (b) one year from its discovery by the prosecuting authority.

PART 5

Consequential amendments to secondary legislation relating to animals, food and trade

Amendment to the Foot-and-Mouth Disease (Wales) Order 2006

17. In article 3(1) of the Foot-and-Mouth Disease (Wales) Order 2006(1), in the definition of "health

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

marked”, yn lle’r geiriau o “required by” hyd at y diwedd, rhodder “as defined in Article 3(51) of 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(1)”.

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

18. Yn rheoliad 2(1) o Reoliadau Clwy’r Traed a’r Genau (Rheoli Brechu) (Cymru) 2006(2), yn lle’r diffiniad o “yn dwyn marc iechyd” rhodder—

“ystyr “yn dwyn marc iechyd” (“*health marked*”) yw yn dwyn y marc iechyd fel y diffinnir “health mark” yn Erthygl 3(51) o Reoliad (EU) 2017/625 Senedd Ewrop a’r Cyngor ar reolaethau swyddogol a gweithgareddau swyddogol eraill a gyflawnir i sicrhau y cymhwysir y gyfraith o ran bwyd a bwyd anifeiliaid, rheolau ynghylch iechyd a lles anifeiliaid, iechyd planhigion a chynhyrchion diogelu planhigion(3);”.

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

19. Yn erthygl 11(2)(b)(ii) o Orchymyn Ffliw Adar (H5N1 mewn Dofednod) (Cymru) 2006(4), yn lle’r geiriau “Chapter VIII” hyd at y diwedd, rhodder “Article 18 of 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 feed and food law, rules on animal health and welfare, plant health and plant protection products(5)”.

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

20. Yn Atodlen 1 i Orchymyn Ffliw Adar (H5N1 mewn Adar Gwyllt) (Cymru) 2006(6), yn Rhan 3, ym mharagraff 9(2)(a), yn lle’r geiriau “Sections I, II and

marked”, for the words “required by” to the end, substitute “as defined in Article 3(51) of 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(1)”.

Amendment to the Foot-and-Mouth Disease (Control of Vaccination) (Wales) Regulations 2006

18. In regulation 2(1) of the Foot-and-Mouth Disease (Control of Vaccination) (Wales) Regulations 2006(2), for the definition of “health marked” substitute—

““health marked” (“*yn dwyn marc iechyd*”) means bearing the health mark as defined in Article 3(51) of 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(3);”.

Amendment to the Avian Influenza (H5N1 in Poultry) (Wales) Order 2006

19. In article 11(2)(b)(ii) of the Avian Influenza (H5N1 in Poultry) (Wales) Order 2006(4), for the words “Chapter VIII” to the end, substitute “Article 18 of 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 feed and food law, rules on animal health and welfare, plant health and plant protection products(5)”.

Amendment to the Avian Influenza (H5N1 in Wild Birds) (Wales) Order 2006

20. In Schedule 1 to the Avian Influenza (H5N1 in Wild Birds) (Wales) Order 2006(6), in Part 3, in paragraph 9(2)(a), for the words “Sections I, II and III,

(1) OJ Rhif L 95, 7.4.2017, t. 1, fel y’i diwygiwyd gan Reoliad Dirprwyedig y Comisiwn (EU) 2019/478 (OJ Rhif L 82, 25.5.2019, t. 4).

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

(3) OJ Rhif L 95, 7.4.2017, t. 1.

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

(5) OJ Rhif L 95, 7.4.2017, t. 1, fel y’i diwygiwyd gan Reoliad Dirprwyedig y Comisiwn (EU) 2019/478 (OJ Rhif L 82, 25.5.2019, t. 4).

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

(1) OJ No. L 95, 7.4.2017, p. 1, as amended by Commission Delegated Regulation (EU) 2019/478 (OJ No. L 82, 25.5.2019, p. 4).

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

(3) OJ No. L 95, 7.4.2017, p. 1.

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

(5) OJ No. L 95, 7.4.2017, p. 1, as amended by Commission Delegated Regulation (EU) 2019/478 (OJ No. L 82, 25.5.2019, p. 4).

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

III, and Chapters V” hyd at y diwedd, rhodder “Article 18 of 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(1)”.

Diwygio Gorchymyn Lles Anifeiliaid (Cludo) (Cymru) 2007

21. Yn erthygl 20(2) o Orchymyn Lles Anifeiliaid (Cludo) (Cymru) 2007(2), hepgorer is-baragraff (g).

Diwygio Rheoliadau Lles Anifeiliaid a Ffermir (Cymru) 2007

22.—(1) Mae Rheoliadau Lles Anifeiliaid a Ffermir (Cymru) 2007(3) wedi eu diwygio fel a ganlyn.

(2) Yn Atodlen 5A—

(a) ym mharagraff 1—

(i) yn y diffiniad o “milfeddyg swyddogol”, yn lle “Rheoliad 854/2004” rhodder “Rheoliad (EU) 2017/625”,

(ii) hepgorer y diffiniad o “Rheoliad 854/2004”, a

(iii) ar y diwedd mewnosoder—

“ystyr “Rheoliad (EU) 2017/625” (“*Regulation (EU) 2017/625*”) yw Rheoliad (EU) 2017/625 Senedd Ewrop a’r Cyngor ar reolaethau swyddogol a gweithgareddau swyddogol eraill a gyflawnir i sicrhau y cymhwysir y gyfraith o ran bwyd a bwyd anifeiliaid, rheolau ar iechyd a lles anifeiliaid, iechyd planhigion a chynhyrchion diogelu planhigion(4).”;

(b) ym mharagraff 15(1), yn lle “Reoliad 854/2004” rhodder “Reoliad (EU) 2017/625”.

and Chapters V” to the end, substitute “Article 18 of 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(1)”.

Amendment to the Welfare of Animals (Transport) (Wales) Order 2007

21. In article 20(2) of the Welfare of Animals (Transport) (Wales) Order 2007(2), omit subparagraph (j).

Amendment to the Welfare of Farmed Animals (Wales) Regulations 2007

22.—(1) The Welfare of Farmed Animals (Wales) Regulations 2007(3) are amended as follows.

(2) In Schedule 5A—

(a) in paragraph 1—

(i) in the definition of “official veterinarian”, for “Regulation 854/2004” substitute “Regulation (EU) 2017/625”,

(ii) omit the definition of “Regulation 854/2004”, and

(iii) at the end insert—

““Regulation (EU) 2017/625” (“*Rheoliad (EU) 2017/625*”) 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(4).”;

(b) in paragraph 15(1), for “Regulation 854/2004” substitute “Regulation (EU) 2017/625”.

(1) OJ Rhif L 95, 7.4.2017, t. 1, fel y’i diwygiwyd gan Reoliad Dirprwyedig y Comisiwn (EU) 2019/478 (OJ Rhif L 82, 25.5.2019, t. 4).

(2) O.S. 2007/1047 (Cy. 105); ceir diwygiad rhagolygol perthnasol yn O.S. 2019/684 (Cy. 131).

(3) O.S. 2007/3070 (Cy. 264); yr offeryn diwygio perthnasol yw O.S. 2010/2713 (Cy. 229).

(4) OJ Rhif L 95, 7.4.2017, t. 1, fel y’i diwygiwyd gan Reoliad Dirprwyedig y Comisiwn (EU) 2019/478 (OJ Rhif L 82, 25.5.2019, t. 4).

(1) OJ No. L 95, 7.4.2017, p.1, as amended by Commission Delegated Regulation (EU) 2019/478 (OJ No. L 82, 25.5.2019, p. 4).

(2) S.I. 2007/1047 (W. 105); there is a relevant prospective amendment within S.I. 2019/684 (W. 131).

(3) S.I. 2007/3070 (W. 264), the relevant amending instrument is S.I. 2010/2713 (W. 229).

(4) OJ No. L 95, 7.4.2017, p. 1, as amended by Commission Delegated Regulation (EU) 2019/478 (OJ No. L 82, 25.5.2019, p. 4).

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

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

(2) Yn rheoliad 2—

(a) ym mharagraff (1)—

(i) yn lle'r diffiniad o “deunydd genetig” rhodder—

“ystyr “deunydd genetig” (*“genetic material”*) yw unrhyw gynnyrch cenhedlol sy'n cynnwys semen, öosytâu ac embryonau a fwriedir ar gyfer atgenhedlu artiffisial ac wyau deer;”;

(ii) yn lle'r diffiniad o “cynnyrch” rhodder—

“ystyr “cynnyrch” (*“product”*) yw—

(a) unrhyw gynnyrch sy'n dod o anifeiliaid, cynnyrch cenhedlol, sgil-gynnyrch anifeiliaid, cynnyrch deilliedig neu wair neu wellt sy'n ddarostyngedig i reolaethau swyddogol mewn safleoedd rheoli ar y ffin, a

(b) unrhyw gynnyrch cyfansawdd a restrir ym Mhenderfyniad y Comisiwn 2007/275(2) ynghylch rhestrau o anifeiliaid a chynhyrchion sydd i fod yn ddarostyngedig i reolaethau swyddogol mewn arolygfeydd ffin;”;

(iii) yn y lle priodol mewnosoder—

“mae “mangre” (*“premises”*) yn cynnwys unrhyw le, cerbyd, ôl-gerbyd, cynhwysydd, stondin, strwythur symudol, llong neu awyren;”;

“ystyr “mewnforiwr” (*“importer”*) yw'r person naturiol neu gyfreithiol sy'n cyflwyno anifeiliaid neu gynhyrchion i'w mewnfario o'r tu allan i'r Deyrnas Unedig;”;

“ystyr “rheolaethau swyddogol” (*“official controls”*) yw gweithgareddau a gyflawnir yn unol ag Erthygl 2(1) o Reoliad yr UE;”;

“ystyr “rheolaethau swyddogol dwysach” (*“intensified official controls”*) yw'r rheolaethau hynny a gynhelir yn unol ag Erthygl 65(4) o Reoliad yr UE;”;

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

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

(2) In regulation 2—

(a) in paragraph (1)—

(i) for the definition of “genetic material” substitute—

““genetic material” (*“deunydd genetig”*) means any germinal product that includes semen, oocytes and embryos intended for artificial reproduction and hatching eggs;”;

(ii) for the definition of “product” substitute—

““product” (*“cynnyrch”*) means—

(a) any product of animal origin, germinal product, animal by-product, derived product or hay or straw subject to official controls at border control posts, and

(b) any composite product listed in Commission Decision 2007/275(2) concerning lists of animals and products to be subject to official controls at border inspection posts;”;

(iii) in the appropriate place insert—

““health certificate” (*“tystysgrif iechyd”*) in these Regulations includes the equivalent of a health certificate in electronic form;”;

““importer” (*“mewnforiwr”*) means the natural or legal person who presents animals or products for importation from outside the United Kingdom;”;

““intensified official controls” (*“rheolaethau swyddogol dwysach”*) means those controls carried out in accordance with Article 65(4) of the EU Regulation;”;

““official controls” (*“rheolaethau swyddogol”*) means activities performed in accordance with Article 2(1) of the EU Regulation;”;

(1) O.S. 2011/2379 (Cy. 252), a ddiwygiwyd gan O.S. 2014/3158, 2018/1152, 2019/463, 2019/597, 2019/737, 2019/799 a 2019/526.

(2) OJ Rhif L 76, 16.3.2007, t. 12.

(1) S.I. 2011/2379 (W. 252), amended by S.I. 2014/3158, 2018/1152, 2019/463, 2019/597 2019/737 2019/799 and 2019/526.

(2) OJ No. L 76, 16.3.2007, p. 12.

“mae “tystysgrif iechyd” (“*health certificate*”) yn y Rheoliadau hyn yn cynnwys yr hyn sy’n cyfateb i dystysgrif iechyd ar ffurf electronig.”;

(b) ar ôl paragraff (2) mewnosoder—

“(3) Yn y Rheoliadau hyn,—

(a) mae “Rheoliad yr UE” (“*the EU Regulation*”) yn gyfeiriad at Reoliad (EU) 2017/625 Senedd Ewrop a’r Cyngor ar reolaethau swyddogol a gweithgareddau swyddogol eraill a gyflawnir i sicrhau y cymhwysir y gyfraith o ran bwyd a bwyd anifeiliaid, rheolau ynghylch iechyd a lles anifeiliaid, iechyd planhigion a chynhyrchion diogelu planhigion(1);

(b) mae “Rheoliad (EU) Rhif 2016/1012” (“*Regulation (EU) No. 2016/1012*”) yn gyfeiriad at Reoliad (EU) Rhif 2016/1012 ar amodau sootechnegol ac achyddol ar gyfer bridio a masnachu anifeiliaid bridio o frid pur, moch bridio hybrid a’u cynhyrchion cenhedlol, a dod â hwy i’r Undeb(2);

(c) mae unrhyw gyfeiriad at “arolygfa ffin” (“*border inspection post*”) i’w ddarllen fel cyfeiriad at “safle rheoli ar y ffin” (“*border control post*”) fel y’i diffinnir yn rheoliad 11; ac

(ch) mae unrhyw gyfeiriad at “DMMG” (“*CVED*”) i’w ddarllen fel cyfeiriad at “DMIG” (“*CHED*”) fel y’i diffinnir yn rheoliad 10.”

(3) Yn lle rheoliad 3 rhodder—

“Eithriad ar gyfer anifeiliaid anwes

3.—(1) Nid yw’r Rheoliadau hyn yn gymwys mewn perthynas ag anifeiliaid anwes pan fo—

(a) y symud yn symud anfasnachol, a

(b) yn achos cathod, cŵn a ffuredau—

(i) yr anifail anwes yn mynd gyda’r perchennog neu’r person awdurdodedig, neu

““premises” (“*mangre*”) includes any place, vehicle, trailer, container, stall, moveable structure, ship or aircraft.”;

(b) after paragraph (2) insert—

“(3) In these Regulations,—

(a) “the EU Regulation” (“*Rheoliad yr UE*”) is a reference to 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(1);

(b) “Regulation (EU) No. 2016/1012” (“*Rheoliad (EU) Rhif 2016/1012*”) is a reference to Regulation (EU) No. 2016/1012 on zootechnical and genealogical conditions for the breeding, trade in and entry into the Union of purebred breeding animals, hybrid breeding pigs and the germinal products thereof(2);

(c) any reference to a “border inspection post” (“*arolygfa ffin*”) is to be read as a reference to a “border control post” (“*safle rheoli ar y ffin*”) as defined in regulation 11; and

(d) any reference to a “CVED” (“*DMMG*”) is to be read as a reference to a “CHED” (“*DMIG*”) as defined in regulation 10.”

(3) For regulation 3 substitute—

“Exception for pet animals

3.—(1) These Regulations do not apply in relation to pet animals where—

(a) the movement is a non-commercial movement, and

(b) in the case of cats, dogs and ferrets—

(i) the pet animal is accompanying the owner or authorised person, or

(1) OJ Rhif L 95, 7.4.2017, t. 1, fel y’i diwygiwyd gan Reoliad Dirprwyedig y Comisiwn (EU) 2019/478 (OJ Rhif L 82, 25.5.2019, t. 4).

(2) OJ Rhif L 171, 29.6.2016, t. 66.

(1) OJ No. L 95, 7.4.2017, p. 1, as amended by Commission Delegated Regulation (EU) 2019/478 (OJ No. L 82, 25.5.2019, p. 4).

(2) OJ No. L 171, 29.6.2016, p. 66.

- (ii) pan fo mwy na phum anifail anwes yn mynd gyda'r perchennog neu'r person awdurdodedig, yr amodau a nodir yn Erthygl 5(2) o'r Rheoliad Anifeiliaid Anwes wedi eu bodloni.

(2) Yn y rheoliad hwn—

mae i “anifail anwes” yr un ystyr ag a roddir i “pet animal” yn Erthygl 4(11) o Reoliad (EU) 2016/429 ar glefydau trosglwyddadwy anifeiliaid(1);

mae i “mynd gyda” yr un ystyr ag a roddir i “accompanying” yn y Rheoliad Anifeiliaid Anwes;

mae i “person awdurdodedig”, “symud anfasnachol” a “perchennog” yr ystyron a roddir i “authorised person”, “non-commercial movement” ac “owner” gan Erthygl 3 o'r Rheoliad Anifeiliaid Anwes;

ystyr “y Rheoliad Anifeiliaid Anwes” (“*the Pets Regulation*”) yw Rheoliad (EU) Rhif 576/2013(2) Senedd Ewrop a'r Cyngor ar symud anfasnachol anifeiliaid anwes ac sy'n diddymu Rheoliad (EC) Rhif 998/2003.”

(4) Yn rheoliad 4, yn lle “masnach â” rhodder “masnach ag Ynysoedd Farøe, Kalaallit Nunaat (Greenland)”.

(5) Yn rheoliad 5—

(a) yn lle'r pennawd rhodder—

“Symud anifeiliaid neu ddeunydd genetig i Aelod-wladwriaethau neu ohonynt”;

(b) yn lle paragraff (1) rhodder—

“(1) Ni chaniateir anfon unrhyw anifail na deunydd genetig i Aelod-wladwriaeth, na dod ag ef o Aelod-wladwriaeth, oni bai bod tystysgrif iechyd wreiddiol yn dod gydag ef.

(1A) Ni chaniateir anfon unrhyw gynnyrch anifeiliaid i Aelod-wladwriaeth, na dod ag ef o Aelod-wladwriaeth, oni bai bod dogfen berthnasol yn dod gydag ef.”

(6) Yn rheoliad 6(1), yn lle “neu ddeunydd genetig i Aelod-wladwriaeth arall” rhodder “, cynnyrch anifeiliaid neu ddeunydd genetig i Aelod-wladwriaeth”.

- (ii) where more than five pet animals are accompanying the owner or authorised person, the conditions set out in Article 5(2) of the Pets Regulation are fulfilled.

(2) In this regulation—

“accompanying” (“*mynd gyda*”) has the same meaning as in the Pets Regulation;

“authorised person” (“*person awdurdodedig*”), “non-commercial movement” (“*symud anfasnachol*”) and “owner” (“*perchennog*”) have the meanings given by Article 3 of the Pets Regulation;

“pet animal” (“*anifail anwes*”) has the same meaning as in Article 4(11) of Regulation (EU) 2016/429 on transmissible animal diseases(1);

“the Pets Regulation” (“*y Rheoliad Anifeiliaid Anwes*”) means Regulation (EU) No. 576/2013(2) of the European Parliament and of the Council on the non-commercial movement of pet animals and repealing Regulation (EC) No. 998/2003.”

(4) In regulation 4, after “with” insert “the Faroe Islands, Greenland.”.

(5) In regulation 5—

(a) for the heading substitute—

“Movement of animals or genetic material to or from member States”;

(b) for paragraph (1) substitute—

“(1) No animal or genetic material may be sent to or brought from a member State unless it is accompanied by an original health certificate.

(1A) No animal product may be sent to or brought from a member State unless it is accompanied by a relevant document.”

(6) In regulation 6(1), for “or genetic material to another” substitute “, animal product or genetic material to a”.

(1) OJ Rhif L 84, 31.3.2016, t. 1.

(2) OJ Rhif L 17, 28.6.2013, t. 1.

(1) OJ No. L 84, 31.3.2016, p. 1.

(2) OJ No. L 17, 28.6.2013, p. 1.

(7) Yn rheoliad 7—

(a) yn lle'r pennawd rhodder—

“Hysbysiad o symud anifeiliaid a deunydd genetig i Aelod-wladwriaethau ac ohonynt”;

(b) ym mharagraff (1)—

(i) hepgorer “arall”, a

(ii) yn lle'r geiriau o “24 awr” hyd at y diwedd, rhodder “un diwrnod gwaith cyn yr amser y disgwylir i'r llwyth gyrraedd”;

(c) ym mharagraff (2), hepgorer y gair “arall”.

(8) Yn rheoliad 9, yn lle'r geiriau o “a bennir” hyd at y diwedd, rhodder “sy'n ddarostyngedig i reolaethau swyddogol mewn safleoedd rheoli ar y ffin i mewn i Gymru o wlad sydd y tu allan i'r Undeb Ewropeaidd”.

(9) Yn lle rheoliad 10, a phennawd y rheoliad hwnnw, rhodder—

“Ystyr Dogfen Mynediad Iechyd Gyffredin “DMIG” a'r defnydd ohoni

10.—(1) Ystyr “Dogfen Mynediad Iechyd Gyffredin” (“DMIG”) (“*Common Health Entry Document*” (“*CHED*”)) yw dogfen, neu'r hyn sy'n cyfateb i ddogfen ar ffurf electronig, ar y ffurf a bennir yn Rheoliad Gweithredu'r Comisiwn (EU) 2019/1715 sy'n gosod rheolau ar gyfer gweithrediad y system rheoli gwybodaeth ar gyfer rheolaethau swyddogol a'i chydrannau system(1).

(2) Pan fo'n ofynnol i DMIG ddod gyda llwyth a fewnforir i'r fangre sy'n gyrchfan derfynol, rhaid i'r gweithredwr sy'n gyfrifol am y llwyth lenwi'r darnau perthnasol o'r ddogfen cyn i'r llwyth gyrraedd yn ffisegol.

(3) Pennir yr achosion pan fo'n ofynnol defnyddio DMIG, a'r amodau ar gyfer gwneud hynny, yn Rheoliad Dirprwyedig y Comisiwn (EU) 2019/1602 sy'n ategu Rheoliad (EU) 2017/625 Senedd Ewrop a'r Cyngor ynghylch y Ddogfen Mynediad Iechyd Gyffredin sy'n dod gyda llwythi o anifeiliaid a nwyddau i'w gyrchfan(2).

(4) Pan fo DMIG yn ofynnol, rhaid i'r gweithredwr sy'n gyfrifol am y llwyth gydymffurfio â darpariaethau Erthygl 56 o Reoliad yr UE.

(7) In regulation 7—

(a) for the heading substitute—

“Notification of movement of animals and genetic material to and from member States”

;

(b) in paragraph (1)—

(i) for “another” substitute “a”, and

(ii) for the words “24 hours” to the end, substitute “one working day before the expected arrival of the consignment”;

(c) in paragraph (2), for “another” substitute “a”.

(8) In regulation 9, for the words “specified” to the end, substitute “subject to official controls at border control posts”.

(9) For regulation 10, and the heading to that regulation, substitute—

“Meaning and use of Common Health Entry Document “CHED”

10.—(1) A “Common Health Entry Document” (“CHED”) (“*Dogfen Mynediad Iechyd Gyffredin*” (“*DMIG*”)) means a document, or an electronic equivalent, in the format specified in Commission Implementing Regulation (EU) 2019/1715 laying down rules for the functioning of the information management system for official controls and its system components(1).

(2) Where the imported consignment is required to be accompanied by a CHED to the premises of final destination, the operator responsible for the consignment must complete the relevant parts of the document prior to the physical arrival of the consignment.

(3) The cases where and conditions under which the use of a CHED is required are specified in 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).

(4) Where a CHED is required, the operator responsible for the consignment must comply with the provisions of Article 56 of the EU Regulation.

(1) OJ Rhif L 261, 14.10.2019, t. 37.

(2) OJ Rhif L 250, 30.7.2019, t. 6.

(1) OJ No. L 261, 14.10.2019, p. 37.

(2) OJ No. L 250, 30.7.2019, p. 6.

(5) Mae'r hyn sy'n cyfateb i ddogfen ar ffurf electronig yn cyfeirio at DMIG y gall y person sy'n gyfrifol am y llwyth ei ddangos ar unrhyw adeg."

(10) Yn lle rheoliad 11, a phennawd y rheoliad hwnnw, rhodder—

“Safleoedd rheoli ar y ffin

11.—(1) Safle rheoli ar y ffin yw lle, ynghyd â'r cyfleusterau a gynhwysir yn y lle hwnnw, sydd wedi ei ddynodi gan Weinidogion Cymru yn unol ag Erthygl 59 o Reoliad yr UE ac a restrir gan y Comisiwn Ewropeaidd yn unol ag Erthygl 60 o Reoliad yr UE ar gyfer cyflawni'r rheolaethau swyddogol a nodir yn Erthygl 47(1) o Reoliad yr UE.

(2) Os bydd yr awdurdod perthnasol o'r farn, ar unrhyw adeg, nad yw unrhyw ran o'r cyfleusterau arolygu yn y safle rheoli ar y ffin yn cydymffurfio bellach â'r gofynion ar gyfer cymeradwyo, caiff yr awdurdod perthnasol, yn unol ag Erthyglau 61 i 63 o Reoliad yr UE, gyflwyno hysbysiad i'r gweithredwr sydd yn—

- (a) pennu'r modd y torrwyd y gofynion;
- (b) darparu terfyn amser o fewn pryd y mae rhaid cydymffurfio â'r amodau; ac
- (c) gwahardd defnyddio'r rhan honno o'r cyfleusterau hyd nes y cydymffurfir â'r amodau cymeradwyo.

(3) Os na chydymffurfir â'r hysbysiad, caiff Gweinidogion Cymru atal dros dro y gymeradwyaeth mewn perthynas â'r rhan honno o'r cyfleusterau arolygu.

(4) Os yw'r awdurdod perthnasol yn penderfynu bod gweithredwr safle rheoli ar y ffin yn torri yn ddifrifol y gofynion perfformiad mewn perthynas â rheolaethau swyddogol ar gyfer unrhyw un neu ragor o'r categorïau o anifail neu gynnyrch y mae wedi ei ddynodi ar eu cyfer, neu amodau'r gymeradwyaeth, neu os yw'r modd y mae safle rheoli ar y ffin yn gweithredu yn creu risg i iechyd pobl neu anifeiliaid neu les anifeiliaid, rhaid i Weinidogion Cymru atal dros dro y gymeradwyaeth ar gyfer y safle rheoli ar y ffin a gorchymyn bod ei weithgareddau yn dod i ben ar gyfer pob categori, neu gategorïau penodedig, o anifail neu gynnyrch, a rhaid iddo hysbysu'r Comisiwn am yr ataliad dros dro a'r rheswm drosto.

(5) An electronic equivalent refers to a CHED capable of being produced at any time by the person responsible for the consignment."

(10) For regulation 11, and the heading to that regulation, substitute—

“Border control posts

11.—(1) A border control post is a place, together with the facilities contained at that place, that has been designated by the Welsh Ministers in accordance with Article 59 of the EU Regulation and listed by the European Commission in accordance with Article 60 of the EU Regulation for the performance of the official controls set out in Article 47(1) of the EU Regulation.

(2) If at any time the relevant authority is of the opinion that any part of the inspection facilities at the border control post no longer complies with the requirements for approval, the relevant authority may, in accordance with Articles 61 to 63 of the EU Regulation, serve a notice on the operator—

- (a) specifying the breach;
- (b) providing a time limit within which the conditions must be complied with; and
- (c) prohibiting the use of that part of the facilities until the conditions of the approval are complied with.

(3) If the notice is not complied with, the Welsh Ministers may suspend the approval in relation to that part of the inspection facilities.

(4) If the operator of a border control post is determined by the relevant authority to be in serious breach relating to the performance requirements of official controls for any of the categories of animal or product for which it has been designated, or the conditions of the approval, or if the operation of the border control post creates a risk to human or animal health or animal welfare, the Welsh Ministers must suspend the approval of the border control post and order its activities to cease for all, or specified, categories of animal or product, and must inform the Commission of the suspension and the reason.

(5) Ym mharagraff (2), ystyr “yr awdurdod perthnasol” (“*the relevant authority*”) yw—

- (a) mewn perthynas ag anifeiliaid, Gweinidogion Cymru; neu
- (b) mewn perthynas â chynhyrchion, yr awdurdod lleol.”

(11) Yn rheoliad 12, yn lle paragraff (4) rhodder—

“(4) Os yw’r gymeradwyaeth ar gyfer y safle rheoli ar y ffin yn caniatáu mewnforio unrhyw gynhyrchion pysgodfeydd, infertebratau dyfrol, molysgiaid dwygragennog byw, ecinodermiaid byw, tiwnigogion byw a gastropodau morol byw a fwriedir i’w bwyta gan bobl, caiff yr awdurdod lleol benodi swyddogion iechyd yr amgylchedd sydd wedi eu hyfforddi’n addas neu bersonau eraill sydd wedi eu hyfforddi’n briodol i gyflawni rheolaethau swyddogol neu dasgau penodol sy’n gysylltiedig â gweithgareddau swyddogol eraill, i fod yn arolygwyr pysgod swyddogol ar gyfer y safle hwnnw mewn perthynas â chynhyrchion o’r fath, a bydd gan unrhyw arolygwr pysgod swyddogol o’r fath yr holl bwerau sydd gan filfeddyg swyddogol mewn perthynas â’r cynhyrchion hynny.”

(12) Mae rheoliad 14 wedi ei ddiwygio fel a ganlyn—

(a) yn lle paragraff (1) rhodder—

“(1) Rhaid i’r person sy’n gyfrifol am lwyth o anifeiliaid neu gynhyrchion hysbysu’r safle rheoli ar y ffin sy’n gyrchfan am y dyddiad y disgwylir iddo gyrraedd y safle rheoli ar y ffin o leiaf un diwrnod gwaith cyn y disgwylir iddo gyrraedd; ond pan fo’r person yn gallu darparu tystiolaeth o gyfyngiad logistaidd sy’n atal hysbysiad o’r fath, caniateir bodloni’r gofyniad hwnnw drwy hysbysu am yr amser y disgwylir iddo gyrraedd o leiaf bedair awr ymlaen llaw.”;

(b) hepgorer paragraff (2);

(c) yn lle paragraff (4) rhodder—

“(4) Yn achos trawslwytho cynhyrchion o un safle rheoli ar y ffin i un arall, rhaid i’r person sy’n gyfrifol am y llwyth hysbysu’r milfeddyg swyddogol yn y safle rheoli ar y ffin sy’n gyrchfan am—

- (a) amcangyfrif o’r amser y bydd y llwyth yn cyrraedd;
- (b) y safle rheoli ar y ffin lle y bydd y trawslwythiad yn cael ei wirio;
- (c) beth yw’r llwyth a’i leoliad; ac
- (ch) amcangyfrif o’r amser gadael.”

(5) In paragraph (2), “the relevant authority” (“*yr awdurdod perthnasol*”) means—

- (a) in relation to animals, the Welsh Ministers; or
- (b) in relation to products, the local authority.”

(11) In regulation 12, for paragraph (4) substitute—

“(4) If the approval for the border control post permits the importation of any fishery products, aquatic invertebrates, live bivalve molluscs, live echinoderms, live tunicates and live marine gastropods intended for human consumption, the local authority may appoint suitably trained environmental health officers or other persons who are appropriately trained to perform official controls or certain tasks related to other official activities, to be official fish inspectors for that post in relation to such products, and any such official fish inspector has all the powers of an official veterinary surgeon in relation to those products.”

(12) Regulation 14 is amended as follows—

(a) for paragraph (1) substitute—

“(1) The person responsible for a consignment of animals or products must notify the border control post of destination of the expected date of its arrival at the border control post at least one working day before it is due to arrive; but where the person can provide evidence of a logistical constraint preventing such notification, that requirement may be satisfied by notification of its expected time of arrival at least four hours in advance.”;

(b) omit paragraph (2);

(c) for paragraph (4) substitute—

“(4) In the case of a transshipment of products from one border control post to another, the person responsible for the consignment must notify the official veterinary surgeon at the border control post of destination of—

- (a) the estimated time of arrival;
- (b) the border control post at which the transshipment will be checked;
- (c) the identification and location of the consignment; and
- (d) the estimated time of departure.”

(13) Yn lle rheoliad 15 rhodder—

“15.—(1) Pan fo llwyth wedi ei ddadlwytho, rhaid i'r person sy'n gyfrifol amdano, cyn gynted ag y bo'n rhesymol, drefnu iddo, yn ogystal â'r ddogfennaeth a bennir ar gyfer y llwyth hwnnw yn y ddeddfwriaeth berthnasol a restrir yn Atodlen 1, gael ei gyflwyno yng nghyfleusterau arolygu y safle rheoli ar y ffin er mwyn galluogi rheolaethau swyddogol yn unol ag—

- (a) Pennod 5 o Reoliad yr UE, ynghyd â'r actau gweithredu a'r actau dirprwyedig perthnasol; a
- (b) y gwiriadau sy'n ofynnol gan Erthygl 37(1) o Reoliad (EU) 2016/1012.

(2) Rhaid i unrhyw weithredwr sy'n gyfrifol am y llwyth sicrhau bod y llwyth yn cael ei gyflwyno ar gyfer rheolaethau swyddogol yn y safle rheoli ar y ffin ar adeg resymol yn ystod y diwrnod gwaith.

(3) Rhaid i'r awdurdod cymwys gynnal yr holl reolaethau swyddogol angenrheidiol a bennir ym mharagraff (1) ac ni chaiff ond dyroddi DMIG sy'n caniatáu mynediad—

- (a) os yw'r llwyth yn cydymffurfio â'r gofynion sy'n ymwneud ag ef yn yr offeryn perthnasol a restrir yn Atodlen 1;
- (b) os nad yw'r mewnfario wedi ei wahardd o dan baragraff (4); ac
- (c) os yw'r ffi gywir ar gyfer y gwiriadau wedi ei thalu neu'n mynd i gael ei thalu.

(4) Yn achos anifeiliaid byw, ni chaiff y milfeddyg swyddogol ddyroddi DMIG sy'n caniatáu mynediad—

- (a) os yw'r anifeiliaid yn dod o diriogaeth neu ran o diriogaeth trydedd wlad nad yw wedi ei chynnwys yn y rhestr i a luniwyd yn unol â deddfwriaeth yr Undeb Ewropeaidd ar gyfer y rhywogaeth o dan sylw, neu os gwaherddir mewnfario ohonynt o dan y ddeddfwriaeth honno;
- (b) os yw'r anifeiliaid yn dioddef o glefyd heintus neu glefyd sy'n cyflwyno risg i iechyd pobl neu anifeiliaid neu os oes amheuaeth eu bod yn dioddef felly neu wedi eu heintio felly;
- (c) os nad yw'r drydedd wlad sy'n allforio wedi cydymffurfio â'r gofynion y darperir ar eu cyfer yn neddfwriaeth yr Undeb Ewropeaidd;

(13) For regulation 15 substitute—

“15.—(1) When the consignment has been unloaded, the person responsible for the consignment must with reasonable expedition arrange for it, together with the documentation specified for that consignment in the relevant legislation listed in Schedule 1, to be presented at the border control post inspection facilities to enable official controls in accordance with—

- (a) Chapter 5 of the EU Regulation, together with relevant implementing and delegated acts; and
- (b) the checks required by Article 37(1) of Regulation (EU) 2016/1012.

(2) Any operator responsible for the consignment must ensure that the consignment is presented for official controls at the border control post at a reasonable time during the working day.

(3) The competent authority must carry out all necessary official controls specified in paragraph (1) and may only issue a CHED permitting entry if—

- (a) the consignment complies with the requirements relating to it in the relevant instrument listed in Schedule 1;
- (b) the importation is not prohibited under paragraph (4); and
- (c) the correct fee for the checks has been or will be paid.

(4) In the case of live animals, the official veterinary surgeon must not issue a CHED permitting entry if—

- (a) the animals are from a territory or part of a territory of a third country not included in the lists drawn up in accordance with legislation of the European Union for the species concerned, or from which imports are prohibited under that legislation;
- (b) the animals are suffering from or are suspected to be suffering from or infected by a contagious disease or a disease presenting a risk to human or animal health;
- (c) the exporting third country has not complied with the requirements provided for in legislation of the European Union;

(ch) os nad yw'r anifeiliaid mewn cyflwr priodol i barhau ar eu taith; neu

(d) os nad yw'r dystysgrif filfeddygol neu'r ddogfen sy'n dod gyda'r anifeiliaid yn bodloni gofynion deddfwriaeth yr Undeb Ewropeaidd mewn perthynas â mewnforio.

(5) Os nad oes unrhyw ofynion deddfwriaethol mewn perthynas â'r llwyth, ni chaiff y milfeddyg swyddogol ddyroddi DMIG oni bai bod y mewnforio wedi cael ei awdurdodi yn ysgrifenedig o dan y paragraff hwn gan—

(a) yr Asiantaeth Safonau Bwyd ar gyfer unrhyw gynnyrch y mae gofynion iechyd y cyhoedd yn unig yn gymwys iddynt; neu

(b) Gweinidogion Cymru ar gyfer unrhyw gynnyrch arall.

(6) Ni chaniateir rhoi awdurdodiad o dan baragraff (5)(a) onid yw'r Asiantaeth wedi ei bodloni nad yw'r llwyth yn peri risg i iechyd pobl.

(7) Ni chaniateir rhoi awdurdodiad o dan baragraff (5)(b) onid yw Gweinidogion Cymru wedi eu bodloni nad yw'r llwyth yn peri risg i statws iechyd anifeiliaid y Deyrnas Unedig.

(8) Rhaid i'r milfeddyg swyddogol gadw tystiolaeth o awdurdodi neu wrthod llwyth am gyfnod o dair blynedd o ddyddiad y mewnforio.

(14) Yn lle rheoliad 16, a phennawd y rheoliad hwnnw, rhodder—

“Symud llwyth o'r safle rheoli ar y ffin

16.—(1) Ni chaiff unrhyw berson symud llwyth o'r safle rheoli ar y ffin oni bai bod DMIG a ddyroddwyd gan y milfeddyg swyddogol, neu'r arolygydd pysgod swyddogol (fel y bo'n briodol) yn achos llwyth o bysgod, yn dod gyda'r llwyth, a bod y symudiad yn unol â'r ddogfen honno.

(2) Rhaid i'r person sy'n ei gludo o'r safle rheoli ar y ffin sicrhau bod y ddogfen yn dod gyda'r llwyth a rhaid iddo ei gludo yn uniongyrchol i'r gyrchfan a bennir ynddi.

(3) Nid yw'r gofynion hyn yn gymwys os yw'r llwyth yn cael ei symud o'r safle rheoli ar y ffin o dan awdurdod y milfeddyg swyddogol neu'r arolygydd pysgod perthnasol (fel y bo'n briodol).

(d) the animals are not in a fit state to continue their journey; or

(e) the veterinary certificate or document accompanying the animals does not meet the requirements of legislation of the European Union relating to importation.

(5) If there are no legislative requirements relating to the consignment, the official veterinary surgeon must not issue a CHED unless the importation has been authorised in writing under this paragraph by—

(a) the Food Standards Agency for any product for which only public health requirements apply; or

(b) the Welsh Ministers for any other product.

(6) An authorisation under paragraph (5)(a) may only be granted if the Agency is satisfied that the consignment does not pose a risk to human health.

(7) An authorisation under paragraph (5)(b) may only be granted if the Welsh Ministers are satisfied that the consignment does not pose a risk to the animal health status of the United Kingdom.

(8) The official veterinary surgeon must retain evidence of authorisation or refusal of a consignment for a period of three years from the date of the importation.”

(14) For regulation 16, and the heading to that regulation, substitute—

“Removal from the border control post

16.—(1) No person may remove a consignment from the border control post unless it is accompanied by a CHED issued by the official veterinary surgeon, or the official fish inspector (as appropriate) in the case of a consignment of fish, and the movement is in accordance with that document.

(2) The person transporting it from the border control post must ensure that the document accompanies the consignment and must transport it directly to the destination specified therein.

(3) These requirements do not apply if the consignment is removed from the border control post under the authority of the relevant official veterinary surgeon or fish inspector (as appropriate).

(4) Yn achos anifeiliaid byw, rhaid i'r person sy'n gyfrifol am eu cludo i'r gyrchfan derfynol feddu ar yr awdurdodiad cludo priodol yn unol ag Erthygl 4 o Reoliad y Cyngor (EC) 1/2005 ar ddiogelu anifeiliaid wrth eu cludo a gweithrediadau cysylltiedig(1) y tu mewn i'r cerbyd.

(5) Yn y rheoliad hwn, mae gofynion bod "DMIG yn dod gyda'r llwyth", mewn perthynas â DMIG ar ffurf electronig, yn cyfeirio at y ffaith y gall y person sy'n gyfrifol am y llwyth ddangos y DMIG ar unrhyw adeg."

(15) Yn lle rheoliad 17, a phennawd y rheoliad hwnnw, rhodder—

"Goruchwyllo a monitro llwythi

17. Pan fo'n ofynnol i lwyth gael ei gymryd o dan oruchwylloeth o safle rheoli ar y ffin i gyrchfan benodol yn y Deyrnas Unedig neu mewn Aelod-wladwriaeth—

- (a) rhaid i'r symudiad fod o dan oruchwylloeth gwasanaeth y tollau os pennir hynny yn y DMIG; a
- (b) pan fydd y llwyth yn cyrraedd, rhaid i feddiannydd y fangre sy'n gyrchfan hysbysu Gweinidogion Cymru ar unwaith ei fod wedi cyrraedd."

(16) Yn rheoliad 18—

(a) yn lle paragraff (3) rhodder—

"(3) Caniateir i gynhyrchion sy'n cyrraedd safle rheoli ar y ffin sydd â chyrchfan derfynol y tu allan i'r Deyrnas Unedig, ac sy'n ddarostyngedig i ofynion gwiriadau iechyd anifeiliaid yn y ddeddfwriaeth berthnasol a restrir yn Atodlen 1, gael eu cymryd yn uniongyrchol o'r safle rheoli ar y ffin i'r gyrchfan y tu allan i'r Deyrnas Unedig heb DMIG, cyn belled nad yw'r cynhyrchion yn aros am fwy na thri diwrnod mewn safle rheoli ar y ffin sy'n faes awyr neu 30 o ddiwrnodau mewn safle rheoli ar y ffin sy'n borthladd."

(b) ar ôl paragraff (3) mewnosoder—

"(3A) Caniateir i gynhyrchion nad ydynt yn ddarostyngedig i ofynion gwiriadau mewnforio, ac sy'n cyrraedd safle rheoli ar y ffin ar gyfer cyrchfan derfynol y tu allan i'r Deyrnas Unedig, gael eu cymryd yn uniongyrchol o'r safle rheoli ar y ffin i'w cyrchfan heb DMIG, cyn belled nad yw'r cynhyrchion yn aros ar y safle rheoli ar y ffin am fwy na 90 o ddiwrnodau."

(1) OJ Rhif L 3, 5.1.2005, t. 1.

(4) In the case of live animals, the person responsible for the transport to the final destination must be in possession of the appropriate transport authorisation in accordance with Article 4 of Council Regulation (EC) 1/2005 on the protection of animals during transport and related operations(1) inside the vehicle.

(5) In this regulation, requirements for a consignment to be "accompanied by a CHED", in relation to a CHED in electronic form, refer to the CHED being capable of being produced at any time by the person responsible for the consignment."

(15) For regulation 17, and the heading to that regulation, substitute—

"Supervision and monitoring consignments

17. Where a consignment is required to be taken under supervision from a border control post to a specific destination in the United Kingdom or a member State —

- (a) the movement must be under customs supervision if this is specified in the CHED; and
- (b) on arrival, the occupier of the destination premises must immediately notify the Welsh Ministers of its arrival."

(16) In regulation 18—

(a) for paragraff (3) substitute—

"(3) Products that arrive at a border control post for an ultimate destination outside the United Kingdom, and which are subject to animal health check requirements in the relevant legislation listed in Schedule 1, may be taken directly from the border control post to the destination outside the United Kingdom without a CHED, so long as the products do not remain for more than three days at an airport border control post or 30 days at a sea port border control post."

(b) after paragraff (3) insert—

"(3A) Products that are not subject to import check requirements, and which arrive at a border control post for an ultimate destination outside the United Kingdom, may be taken directly from the border control post to their destination without a CHED, so long as the products do not remain at the border control post for more than 90 days."

(1) OJ No. L 3, 5.1.2005, p.1.

(17) Yn rheoliad 19, yn lle paragraffau (b) ac (c) rhodder—

- “(b) sy’n cael ei symud o safle rheoli ar y ffin heb DMIG neu heb awdurdod y milfeddyg swyddogol neu’r arolygydd pysgod swyddogol (yn ôl y digwydd) yn y safle; neu
- (c) sy’n cael ei gludo o’r safle rheoli ar y ffin i gyrchfan wahanol i’r un a bennir yn y ddogfen mynediad.”

(18) Yn lle rheoliad 20 rhodder—

“**20.**—(1) Mae’r rheoliad hwn yn gymwys mewn perthynas ag unrhyw lwyth o gynnyrch os yw’r gwiriadau mewn safle rheoli ar y ffin yn dangos nad yw’r llwyth yn cydymffurfio â’r rheolau y cyfeirir atynt yn Erthygl 1(2) o Reoliad yr UE.

(2) Rhaid i’r milfeddyg swyddogol neu’r arolygydd pysgod swyddogol (fel y bo’n briodol), ar ôl ymgynghori â’r mewnoforiwr neu gynrychiolydd y mewnoforiwr, osod y llwyth yng nghadw a gwrthod mynediad iddo i’r Deyrnas Unedig.

(3) Caiff y milfeddyg swyddogol neu’r arolygydd pysgod swyddogol (fel y bo’n briodol) orchymyn y person sy’n gyfrifol am y llwyth i wneud y canlynol—

- (a) gwneud y llwyth yn destun triniaeth arbennig yn unol ag Erthygl 71(1) a (2) o Reoliad yr UE neu unrhyw fesur arall sy’n angenrheidiol er mwyn sicrhau cydymffurfedd â’r rheolau y cyfeirir atynt yn Erthygl 1(2) o Reoliad yr UE, a, phan fo hynny’n briodol ac ar yr amod nad oes unrhyw risg i iechyd pobl nac anifeiliaid, dyrannu’r llwyth at ddibenion gwahanol i’r rhai y’i bwriadwyd ar eu cyfer yn wreiddiol;
- (b) pan fo amodau iechyd yn caniatáu hynny, ei gwneud yn ofynnol i’r person sy’n gyfrifol am y llwyth ailanfon y cynnyrch yn unol ag Erthygl 72 o Reoliad yr UE o’r un safle rheoli ar y ffin i gyrchfan y tu allan i’r Undeb Ewropeaidd y cytunwyd arni gyda’r person sy’n gyfrifol am y llwyth, gan ddefnyddio’r un cyfrwng cludo, o fewn terfyn amser o 60 niwrnod ar y mwyaf i gyrraedd y safle rheoli ar y ffin; neu
- (c) os yw’r person sy’n gyfrifol am y llwyth yn cytuno ar unwaith, bod ailanfon yn amhosibl neu fod y terfyn amser o 60 niwrnod wedi dod i ben, dinistrio’r cynhyrchion.

(17) In regulation 19, for paragraphs (b) and (c) substitute—

- “(b) removed from a border control post without a CHED or the authority of the official veterinary surgeon or official fish inspector (as the case may be) at the post; or
- (c) transported from the border control post to a destination other than that specified in the entry document.”

(18) For regulation 20 substitute—

“**20.**—(1) This regulation applies in relation to any consignment of a product if the checks at a border control post show that the consignment does not comply with the rules referred to in Article 1(2) of the EU Regulation.

(2) The official veterinary surgeon or the official fish inspector (as appropriate) must, after consultation with the importer or the importer’s representative, place the consignment under detention and refuse its entry to the United Kingdom.

(3) The official veterinary surgeon or the official fish inspector (as appropriate) may order the person responsible for the consignment—

- (a) subject the consignment to special treatment in accordance with Article 71(1) and (2) of the EU Regulation or to any other measure necessary to ensure compliance with the rules referred to in Article 1(2) of the EU Regulation, and, where appropriate and provided there is no risk to human or animal health, allocate the consignment for purposes other than those for which it was originally intended;
- (b) where health conditions permit, to require the person in charge of the consignment to re-dispatch the product in accordance with Article 72 of the EU Regulation from the same border control post to a destination outside the European Union agreed with the person responsible for the consignment, using the same means of transport, within a maximum time limit of 60 days from arrival at the border control post; or
- (c) if the person responsible for the consignment gives immediate agreement, re-dispatch is impossible or the 60-day time limit has elapsed, to destroy the products.

(4) Caiff y milfeddyg swyddogol neu'r arolygydd pysgod swyddogol (fel y bo'n briodol), mewn achos eithriadol, awdurdodi cymryd camau dinistrio, ailanfon, triniaeth arbennig, neu unrhyw fesur arall y caniateir ei gymryd mewn cysylltiad â llwyth, mewn cysylltiad â rhan o'r llwyth yn unig, ar yr amod—

- (a) bod y camau a gymerir yn sicrhau cydymffurfedd;
- (b) nad yw'r camau a gymerir yn peri risg i iechyd pobl nac anifeiliaid; ac
- (c) nad yw'r camau a gymerir yn tarfu ar weithrediadau rheolaethau swyddogol.

(5) Pan fo'r person sy'n gyfrifol am y llwyth yn aros am ailanfon neu'n aros am gadarnhad o'r rhesymau dros wrthod y llwyth, rhaid iddo, ar draul y person hwnnw ei hun, storio'r llwyth o dan oruchwyliaeth yr awdurdod gorfodi.

(6) Os ymafaelir mewn llwyth o gynhyrchion y tu allan i safle rheoli ar y ffin o dan reoliad 19, rhaid i'r awdurdod gorfodi orchymyn bod y llwyth hwnnw yn cael ei gadw neu ei alw yn ôl, a'i osod yng nghadw yn swyddogol yn ddi-oed, ac mae paragraffau (2) a (3) o'r rheoliad hwn yn gymwys.

(7) Mae'r mewnforiwr neu gynrychiolydd y mewnforiwr yn atebol am y costau yr eir iddynt mewn unrhyw fesurau a gymerir o dan baragraffau (2) i (6), ond mae ganddo'r hawl i daliad o swm sy'n cyfateb i werth y cynnyrch ar ôl didynnu'r costau hyn.

(8) Caiff y mewnforiwr neu gynrychiolydd y mewnforiwr gyflwyno sylwadau ysgrifenedig i Weinidogion Cymru ar unwaith, ac o fewn un diwrnod gwaith ar ôl cael ei hysbysu am yr achos o fethu â chydymffurfio, ynghylch unrhyw benderfyniad a gymerwyd o dan y rheoliad hwn, a rhaid i Weinidogion Cymru ystyried unrhyw sylwadau o'r fath a rhoi ymateb ysgrifenedig o fewn un diwrnod gwaith i gael sylwadau o'r fath."

(19) Yn lle rheoliad 21 rhodder—

"**21.** Os yw'r rheolaethau swyddogol yn y safle rheoli ar y ffin yn dangos bod y llwyth yn debygol o beri perygl i iechyd anifeiliaid neu bobl, rhaid i'r milfeddyg swyddogol neu'r arolygydd pysgod swyddogol (yn ôl y digwydd) osod y llwyth yng nghadw yn swyddogol ar unwaith a gorchymyn bod y person sy'n gyfrifol am y llwyth yn ei ddinistrio neu'n trefnu triniaeth arbennig yn unol ag Erthygl 71 o Reoliad yr UE ar draul y person hwnnw."

(4) The official veterinary surgeon or official fish inspector (as appropriate) may exceptionally authorise destruction, re-dispatch, special treatment, or any other measure that may be taken in respect of a consignment to be taken in respect of a part of the consignment only, provided that the action taken—

- (a) is such as to ensure compliance;
- (b) does not pose a risk to human or animal health; and
- (c) does not disrupt official control operations.

(5) Pending re-dispatch or confirmation of the reasons for rejection, the person responsible for the consignment must, at that person's own expense, store the consignment under the supervision of the enforcement authority.

(6) If a consignment of products is seized outside a border control post under regulation 19, the enforcement authority must order that such consignment be retained or recalled, and placed under official detention without delay, and paragraphs (2) and (3) of this regulation apply.

(7) The importer or the importer's representative is liable for the costs incurred in any measures taken under paragraphs (2) to (6) but is entitled to payment of a sum equal to the value of the product after deduction of these costs.

(8) The importer or the importer's representative may immediately, and within one working day after notification of the non-compliance, make written representations to the Welsh Ministers regarding any decision taken under this regulation, and any such representations must be considered and a written response must be given by the Welsh Ministers within one working day of receiving such representations."

(19) For regulation 21 substitute—

"**21.** If the official controls at the border control post indicate that the consignment is likely to constitute a danger to animal or human health, the official veterinary surgeon or the official fish inspector (as the case may be) must immediately place the consignment under official detention and order that the person responsible for the consignment destroy it or arrange special treatment in accordance with Article 71 of the EU Regulation at that person's expense."

(20) Yn lle rheoliad 22 rhodder—

“22.—(1) Os yw'r milfeddyg swyddogol neu'r arolygydd pysgod swyddogol (fel y bo'n briodol) yn amau bod cynhyrchion sy'n dod i mewn i'r Deyrnas Unedig o drydedd wlad benodol, rhan benodol o drydedd wlad neu sefydliad penodol mewn trydedd wlad wedi bod yn destun toriadau difrifol o unrhyw ofyniad mewnforio, neu doriadau sy'n rhan o gyfres, neu pan fo'r gwiriadau hynny yn datgelu bod y lefelau gweddillion uchaf yn uwch na'r hyn a ganiateir, mae'r rheoliad hwn yn gymwys i'r deng llwyth nesaf, neu i bwysau net o 300 tonnell, pa un bynnag sydd leiaf, a fewnforir o'r drydedd wlad honno, neu yn ôl y digwydd o ran benodol o drydedd wlad neu sefydliad penodol y mae'r amheuaeth yn ymwneud â hi neu ag ef.

(2) Os oes gan y milfeddyg swyddogol neu'r arolygydd pysgod swyddogol (fel y bo'n briodol) reswm i amau bod gweithredwr sy'n gyfrifol am lwyth yn gweithredu mewn modd twyllodrus neu ddichellgar, caiff Gweinidogion Cymru gymhwyso rheolaethau swyddogol dwysach.

(3) Rhaid i'r milfeddyg swyddogol neu'r arolygydd pysgod swyddogol (fel y bo'n briodol) gynnal gwiriad ffisegol ar y llwyth yr amheuir ei fod yn methu â chydymffurfio a chymryd mesurau priodol yn unol ag Adran 3 o Bennod 5 o Deitl 2.

(4) Rhaid i'r person sy'n gyfrifol am y llwyth roi blaendal neu warant i'r milfeddyg swyddogol sy'n ddigonol i sicrhau y telir yr holl ffioedd, gan gynnwys cymryd samplau, a phroffion neu ddadansoddiad.”

(21) Yn lle rheoliad 23 rhodder—

“23.—(1) Os yw'r gwiriadau mewn safle rheoli ar y ffin yn dangos nad yw anifail yn cydymffurfio â'r rheolau y cyfeirir atynt yn Erthygl 1(2) o Reoliad yr UE mewn perthynas â'r anifail hwnnw, neu pan fo'r gwiriadau hynny yn datgelu afreoleidd-dra, rhaid i'r milfeddyg swyddogol, yn y lle cyntaf, osod yr anifail yng nghadw, ei ynysu neu ei roi mewn cwarantîn, fel y bo'n briodol, lle mae rhaid ei gadw, gofalu amdano neu ei drin o dan amodau priodol hyd nes y gwneir penderfyniad swyddogol pellach ynghylch tynged yr anifail.

(2) Oni bai bod angen cymryd camau ar unwaith er mwyn ymateb i risg i iechyd pobl neu anifeiliaid neu les anifeiliaid neu i'r amgylchedd, caiff y milfeddyg swyddogol, ar ôl ymgynghori â'r mewnforiwr neu gynrychiolydd y mewnforiwr, orchymyn i'r person sy'n gyfrifol am y llwyth—

(20) For regulation 22 substitute—

“22.—(1) If the official veterinary surgeon or official fish inspector (as appropriate) suspects that products entering the United Kingdom from a particular third country, part of a third country or establishment in a third country have been the subject of serious contraventions of any import requirement, or contraventions that form part of a series, or where those checks reveal that maximum residue levels have been exceeded, this regulation applies to the next ten consignments, or a net weight of 300 tonnes, whichever is the lowest, imported from that third country, or as the case may be a particular part of a third country or establishment to which the suspicion relates.

(2) If the official veterinary surgeon or official fish inspector (as appropriate) has reason to suspect fraudulent or deceptive practices by an operator responsible for a consignment, the Welsh Ministers may apply intensified official controls.

(3) The official veterinary surgeon or official fish inspector (as appropriate) must carry out a physical check on the suspected non-compliant consignment and take appropriate measures in accordance with Section 3 of Chapter 5 of Title 2.

(4) The person responsible for the consignment must lodge with the official veterinary surgeon a deposit or guarantee sufficient to assure payment of all charges, including the taking of samples, and tests or analysis.”

(21) For regulation 23 substitute—

“23.—(1) If the checks at a border control post show that an animal does not comply with the rules referred to in Article 1(2) of the EU Regulation relating to that animal, or where such checks reveal an irregularity, the official veterinary surgeon must initially place the animal under detention, isolation or quarantine, as appropriate, where it must be kept, cared for or treated under appropriate conditions pending further official decision on the fate of the animal.

(2) Unless immediate action is necessary in order to respond to a risk to human or animal health or animal welfare or to the environment, the official veterinary surgeon may, after consultation with the importer or the importer's representative, order the person responsible for the consignment—

- (a) darparu cysgod, porthiant a dŵr i'r anifail ac, os bydd angen, rhoi triniaeth iddo;
- (b) os bydd angen hynny, ei roi mewn cwarantîn neu ei ynysu am ba hyd bynnag y bo'n angenrheidiol i sicrhau nad oes unrhyw risg i iechyd pobl neu anifeiliaid; neu
- (c) ailanfon yr anifail yn ddi-oed yn unol ag Erthygl 72 o Reoliad yr UE.

(3) Os yw ailanfon yn amhosibl, yn benodol oherwydd rhesymau lles, caiff y milfeddyg swyddogol orchymyn y mewnforiwr neu gynrychiolydd y mewnforiwr i drefnu i'r anifail gael ei gigydda er mwyn osgoi unrhyw boen, trallod neu ddiodefaint y gellir ei hosgoi neu ei osgoi.

(4) Os ymafaelir mewn anifail o dan reoliad 19 mewn lle ac eithrio safle rheoli ar y ffin, rhaid i'r awdurdod gorfodi orchymyn bod y llwyth i'w gadw neu i'w alw yn ôl, a'i osod yng nghadw yn swyddogol yn ddi-oed, ac mae paragraffau (1) a (2) yn gymwys.

(5) Caiff y milfeddyg swyddogol, mewn achos eithriadol, awdurdodi cymryd camau rhannol o ran dinistrio, ailanfon, triniaeth arbennig, neu unrhyw fesur arall y caniateir ei gymryd mewn cysylltiad â llwyth o anifeiliaid, mewn cysylltiad â rhan o unrhyw lwyth o'r fath, ar yr amod—

- (a) bod y camau hynny yn sicrhau cydymffurfedd â gofynion gwiriadau mewnforio Rheoliad yr UE ac unrhyw Reoliadau Gweithredu a Rheoliadau Dirprwyedig perthnasol a wnaed oddi tano;
- (b) nad yw'r camau a gymerir yn peri risg i iechyd pobl nac anifeiliaid; ac
- (c) nad yw'r camau a gymerir yn tarfu ar weithrediadau rheolaethau swyddogol.

(6) Mae'r mewnforiwr neu gynrychiolydd y mewnforiwr yn atebol am y costau yr eir iddynt yn y mesurau hyn ond mae ganddo'r hawl i daliad o swm sy'n cyfateb i werth anifail a gigyddir ar ôl didynnu'r costau hyn."

(22) Yn rheoliad 27—

- (a) yn y pennawd, yn lle "cynhyrchion" rhodder "anifeiliaid a chynhyrchion";
- (b) yn lle paragraff (1) rhodder—

"(1) Rhaid i filfeddyg swyddogol mewn safle rheoli ar y ffin awdurdodi aillfewnforio llwythi o'r categorïau o anifeiliaid a chynhyrchion y cyfeirir atynt ym mhwyntiau (a) a (b) o Erthygl 47(1) o Reoliad yr UE sy'n tarddu o'r Undeb,

- (a) to shelter, feed and water and, if necessary, treat the animal;
- (b) if necessary, to place it in quarantine or isolate it for so long as is necessary to ensure that there is no risk to human or animal health; or
- (c) to re-dispatch the animal in accordance with Article 72 of the EU Regulation without delay.

(3) If re-dispatch is impossible, in particular for welfare reasons, the official veterinary surgeon may order the importer or the importer's representative to arrange for the slaughter of the animal to spare any avoidable pain, distress or suffering.

(4) If an animal is seized under regulation 19 at a place other than a border control post, the enforcement authority must order the consignment to be retained or recalled, and placed under official detention without delay, and paragraphs (1) and (2) apply.

(5) The official veterinary surgeon may exceptionally authorise partial destruction, re-dispatch, special treatment, or any other measure that may be taken in respect of a consignment of animals to be taken in respect of a part of any such consignment, provided that such action—

- (a) is such as to ensure compliance with the import check requirements the EU Regulation and any relevant Implementing Regulations and Delegated Regulations made under it;
- (b) does not pose a risk to human or animal health; and
- (c) does not disrupt official control operations.

(6) The importer or the importer's representative is liable for the costs incurred in these measures but is entitled to payment of a sum equal to the slaughter value of the animal after deduction of these costs."

(22) In regulation 27—

- (a) in the heading, after "of" insert "animals and";
- (b) for paragraph (1) substitute—

"(1) An official veterinary surgeon at a border control post must authorise the re-importation of consignments of the categories of animals and products referred to in points (a) and (b) of Article 47(1) of the EU Regulation originating

ac yn dychwelyd iddo, yn dilyn gwrthodiad gan drydedd wlad i roi mynediad, ar yr amod—

- (a) bod anifeiliaid a chynhyrchion cenhedloll sydd wedi eu hawdurdodi ymlaen llaw gan yr awdurdod cymwys yn cydymffurfio â'r gofynion iechyd anifeiliaid a lles anifeiliaid perthnasol;
- (b) bod cynhyrchion sy'n dod o anifeiliaid a chynhyrchion cyfansawdd yn cydymffurfio â gofynion iechyd anifeiliaid a'r cyhoedd mewn perthynas â llwythi o gynhyrchion i'w bwyta gan bobl sy'n tarddu o'r Undeb, ac yn dychwelyd iddo, yn dilyn gwrthodiad gan drydedd wlad i roi mynediad; ac
- (c) bod sgil-gynhyrchion anifeiliaid yn cydymffurfio â'r gofynion iechyd anifeiliaid a nodir yn Atodiad XIV i Reoliad y Comisiwn (EU) 142/2011 ar y gofynion ar gyfer mynediad i lwythi o sgil-gynhyrchion anifeiliaid a chynhyrchion deilliedig sy'n tarddu o'r Undeb, ac yn dychwelyd iddo, yn dilyn gwrthodiad gan drydedd wlad i roi mynediad(1).”;

(c) ar ôl paragraff (1) mewnosoder—

“(1A) Ym mharagraff (1), ystyr “Rheoliad y Comisiwn (EU) 142/2011” yw Rheoliad y Comisiwn (EU) 142/2011 sy'n gweithredu Rheoliad (EC) Rhif 1069/2009 Senedd Ewrop a'r Cyngor sy'n gosod rheolau iechyd o ran sgil-gynhyrchion anifeiliaid a chynhyrchion deilliedig nad ydynt wedi eu bwriadu ar gyfer eu bwyta gan bobl ac yn gweithredu Cyfarwyddeb y Cyngor 97/78/EC o ran samplau ac eitemau penodol sydd wedi eu hesemptio rhag gwiriadau milfeddygol ar y ffin o dan y Gyfarwyddeb honno.”

(23) Yn lle rheoliad 29 rhodder—

“**29.**—(1) Pan fo Gweinidogion Cymru neu'r Asiantaeth Safonau Bwyd—

- (a) â sail resymol dros amau bod clefyd, milhaint, ffenomenon neu amgylchiad yn bodoli mewn gwlad y tu allan i'r Deyrnas Unedig sy'n golygu bod anifeiliaid neu gynhyrchion sy'n tarddu o'r wlad gyfan neu o ran o'r wlad o dan sylw yn debygol o beri risg i iechyd pobl neu anifeiliaid, neu

from, and returning to, the Union following a refusal of entry by a third country, provided that—

- (a) animals and germinal products that have been authorised in advance by the competent authority comply with the relevant animal health and animal welfare requirements;
- (b) products of animal origin and composite products comply with animal and public health requirements relating to consignments of products for human consumption originating in and returning to the Union following a refusal of entry by a third country; and
- (c) animal by-products comply with the animal health requirements laid down in Annex XIV to Commission Regulation (EU) 142/2011 on the requirements for the entry of consignments of animal by-products and derived products originating from, and returning to, the Union following refusal of entry by a third country(1).”;

(c) after paragraph (1) insert—

“(1A) In paragraph (1), “Commission Regulation (EU) 142/2011” means Commission Regulation (EU) 142/2011 implementing Regulation (EC) No 1069/2009 of the European Parliament and of the Council laying down health rules as regards animal by-products and derived products not intended for human consumption and implementing Council Directive 97/78/EC as regards certain samples and items exempt from veterinary checks at the border under that Directive.”

(23) For regulation 29 substitute—

“**29.**—(1) Where the Welsh Ministers or the Food Standards Agency—

- (a) has reasonable grounds for suspecting the existence of a disease, zoonosis, phenomenon or circumstance in a country outside the United Kingdom such that animals or products originating from the whole or part of the country concerned are liable to pose risk to human or animal health, or

(1) OJ Rhif L 54, 26.2.2011, t. 1, a ddiwygiwyd ddiwethaf gan OJ L 185, 11.7.2019, t. 26.

(1) OJ No. L 54, 26.2.2011, p. 1, last amended by OJ L. 185, 11.7.2019, p. 26.

- (b) o'r farn bod achos difrifol o fethu â chydymffurfio â rheolau rheolaethau swyddogol o dan Reoliad yr UE mewn perthynas â mewnfornion o'r Undeb Ewropeaidd, neu reolau rheolaethau swyddogol cyfatebol mewn gwledydd ac eithrio Aelod-wladwriaeth,

caiff Gweinidogion Cymru neu'r Asiantaeth gyhoeddi datganiad ysgrifenedig ar y mesurau arbennig sy'n angenrheidiol er mwyn cyfyngu'r risg i iechyd pobl neu anifeiliaid neu'r risg bod anifeiliaid neu gynhyrchion sy'n methu â chydymffurfio yn dod i mewn i'r Deyrnas Unedig.

(2) Mae'r mesurau arbennig y caiff Gweinidogion Cymru neu'r Asiantaeth Safonau Bwyd eu gwneud yn ofynnol yn cynnwys—

- (a) atal dros dro fynediad i unrhyw anifail neu gynnyrch sy'n tarddu neu'n cael ei anfon allan o'r wlad gyfan o dan sylw neu ran ohoni;
- (b) gosod amodau sy'n ei gwneud yn ofynnol—
 - (i) bod unrhyw anifeiliaid neu gynhyrchion yn dod yn destun triniaeth benodol neu'n dod yn ddarostyngedig i reolaethau penodol cyn iddynt gael eu hanfon allan, neu wrth iddynt gyrraedd;
 - (ii) bod tystysgrif swyddogol, ardystiad swyddogol, neu unrhyw dystiolaeth arall (ar unrhyw ffurf a bennir) yn dod gydag unrhyw anifeiliaid neu gynhyrchion, sy'n nodi bod unrhyw fewnfornion o'r Undeb Ewropeaidd yn cydymffurfio â rheolau rheolaethau swyddogol sefydledig o dan Reoliad yr UE ac unrhyw Reoliadau Gweithredu neu Reoliadau Dirprwyedig perthnasol a wnaed oddi tano neu reolau cyfatebol mewn gwledydd eraill;
- (c) unrhyw fesurau eraill y mae Gweinidogion Cymru neu'r Asiantaeth yn ystyried eu bod yn angenrheidiol er mwyn cyfyngu'r risg.

(3) Rhaid i'r datganiad gael ei gyhoeddi yn y modd y mae Gweinidogion Cymru neu'r Asiantaeth Safonau Bwyd (yn ôl y digwydd) yn meddwl ei fod yn briodol a chaniateir ei ddiwygio neu ei ddirymu gan ddatganiad pellach ar unrhyw adeg.

- (b) is of the opinion that there is serious non-compliance with official control rules under the EU Regulation in relation to imports from the European Union, or equivalent official control rules in countries other than a member State,

the Welsh Ministers or the Agency may publish a written declaration of the special measures necessary in order to contain the risk to human or animal health or the risk of non-compliant animals or products entering into the United Kingdom.

(2) The special measures that the Welsh Ministers or the Food Standards Agency may require include—

- (a) suspension of entry of any animal or product originating in or dispatched from the whole or part of the country concerned;
- (b) imposition of conditions requiring that any animals or products—
 - (i) prior to dispatch, or on arrival, are made the subject of specific treatment or controls;
 - (ii) be accompanied by an official certificate, an official attestation, or any other evidence (in any format that may be specified) that any import from the European Union complies with established official control rules under the EU Regulation and any relevant Implementing Regulations and Delegated Regulations made under it or equivalent rules in other countries;
- (c) such other measures as the Welsh Ministers or the Agency considers necessary to contain the risk.

(3) The declaration must be published in such manner as the Welsh Ministers or the Food Standards Agency (as the case may be) thinks fit and may be amended or revoked by further declaration at any time.

(4) Ni chaiff unrhyw berson fewnforio i'r Deyrnas Unedig unrhyw beth sy'n torri unrhyw fesurau a grybwyllir mewn unrhyw ddatganiad.

(24) Yn rheoliad 32—

- (a) ym mharagraff (2), yn lle “arolygfa ffin, mewn perthynas ag anifeiliaid” rhodder “safle rheoli ar y ffin, mewn perthynas ag anifeiliaid (ac eithrio mewn perthynas ag anifeiliaid dyfrol)”, a
- (b) ar ôl paragraff (2) mewnosoder—

“(2A) Y tu allan i safle rheoli ar y ffin, gorfodir rheolaethau swyddogol mewn perthynas ag anifeiliaid dyfrol gan Weinidogion Cymru.”;
- (c) ym mharagraff (4), yn lle “Erthyglau 135 i 137” rhodder “Erthygl 134”;
- (d) yn lle paragraff (6) rhodder—

“(6) Pan fo swyddog tollau, wrth arfer swyddogaeth statudol mewn unrhyw le sydd o dan oruchwyliaeth gwasanaeth y tollau, yn darganfod unrhyw anifail neu gynnyrch yr amheuir ei fod yn methu â chydymffurfio, rhaid i'r swyddog hwnnw ei gadw a hysbysu swyddog awdurdodedig o'r awdurdod gorfodi perthnasol am y cadwad hwnnw.”

(25) Yn lle rheoliad 33 rhodder—

“**33.**—(1) Caiff swyddog sy'n awdurdodedig gan Weinidogion Cymru neu asiantaeth orfodi, ar unrhyw adeg resymol yn ystod oriau gweithio arferol a heb roi hysbysiad ymlaen llaw, fynd i unrhyw fangre (ac eithrio unrhyw fangre a ddefnyddir yn llwyr neu'n bennaf fel annedd breifat) os yw'r swyddog yn credu ei bod yn angenrheidiol mynd i'r fangre at y diben o orfodi'r Rheoliadau hyn.

(2) Rhaid i swyddog awdurdodedig ddangos dogfen awdurdodi sydd wedi ei dilysu'n briodol, os gofynnir iddo wneud hynny.

(3) Caiff ynad heddwch lofnodi gwarant i ganiatáu i swyddog gorfodi fynd i unrhyw fangre, gan gynnwys tŷ annedd, os yw'r ynad wedi ei fodloni ar sail gwybodaeth ysgrifenedig a roddir ar lw—

- (a) bod sail resymol dros fynd i'r fangre honno at ddiben gorfodi'r Rheoliadau hyn; a
- (b) y bodlonir un neu ragor o'r amodau ym mharagraff (4).

(4) No person may import into the United Kingdom anything in breach of any measures mentioned in any declaration.”

(24) In regulation 32—

- (a) in paragraph (2), for “inspection post, in relation to animals” substitute “control post, in relation to animals (other than in relation to aquatic animals)”, and
- (b) after paragraph (2) insert—

“(2A) Outside a border control post, official controls in relation to aquatic animals are enforced by the Welsh Ministers.”;
- (c) in paragraph (4), for “Articles 135 to 137” substitute “Article 134”;
- (d) for paragraph (6) substitute—

“(6) Where a customs officer exercising a statutory function at any place under customs supervision discovers any animal or product suspected of being non-compliant, that officer must detain it and notify such detention to an authorised officer of the relevant enforcement authority.”

(25) For regulation 33 substitute—

“**33.**—(1) An authorised officer of the Welsh Ministers or an enforcement agency may at any reasonable hour during normal working hours without prior notice enter any premises (except any premises used wholly or mainly as a private dwelling) if the officer believes that it is necessary to enter for the purpose of enforcing these Regulations.

(2) An authorised officer must, if requested to do so, produce a duly authenticated authorisation document.

(3) A justice of the peace may sign a warrant to permit an enforcement officer to enter any premises, including a dwelling-house, if the justice on sworn information in writing is satisfied—

- (a) that there are reasonable grounds to enter those premises for the purpose of enforcing these Regulations; and
- (b) that one or more of the conditions in paragraph (4) are met.

(4) Yr amodau yw—

- (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 fath, yn mynd yn groes i'r amcan o fynd i'r fangre;
- (c) bod angen mynd i'r fangre ar fyrder;
- (ch) bod y fangre heb ei meddiannu neu'r meddiannydd yn absennol dros dro.

(5) Mae gwarant yn ddilys am 30 o ddiwrnodau o'r dyddiad y mae'r ynad heddwch yn ei llofnodi.

(6) Rhaid i swyddog awdurdodedig sy'n mynd i unrhyw fangre nad yw wedi ei meddiannu, neu y mae'r meddiannydd yn absennol ohoni dros dro, ei gadael wedi ei diogelu yr un mor effeithiol rhag mynediad heb awdurdod ag yr ydoedd cyn iddo fynd iddi.

(7) Caiff swyddog awdurdodedig—

- (a) mynd ag unrhyw bersonau eraill (hyd at uchafswm o dri), y mae'r swyddog yn ystyried eu bod yn angenrheidiol, gydag ef;
- (b) dod ag unrhyw gyfarpar i'r fangre y mae'r swyddog yn ystyried ei fod yn angenrheidiol.”

(26) Yn rheoliad 34, ar ôl paragraff (e) mewnosoder—

- “(f) ei gwneud yn ofynnol cigyddu unrhyw anifail a fewnforir sy'n methu â chydymffurfio â gofynion mewnfario neu les anifeiliaid yn y Rheoliadau hyn neu Reoliad yr UE ac unrhyw Reoliadau Gweithredu a Rheoliadau Dirprwyedig a wnaed oddi tano, neu y mae gan Weinidogion Cymru amheuaeth ei fod yn peri risg i iechyd anifeiliaid neu bobl;
- (ff) ei gwneud yn ofynnol rhoi mewn cwatantîn unrhyw anifail a fewnforir y mae gan Weinidogion Cymru amheuaeth ei fod yn peri risg i iechyd anifeiliaid neu bobl.”

(4) The conditions are—

- (a) that 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) that asking for admission to the premises, or giving such a notice, would defeat the object of the entry;
- (c) that entry is required urgently;
- (d) that the premises are unoccupied or the occupier is temporarily absent.

(5) A warrant is valid for 30 days from the date of signature by the justice of the peace.

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

(7) An authorised officer may—

- (a) be accompanied by such other persons (up to a maximum of three) as the officer considers necessary;
- (b) bring onto the premises such equipment as the officer considers necessary.”

(26) In regulation 34, after paragraph (g) insert—

- “(h) require the slaughter of any imported animal which is non-compliant with import or animal welfare requirements in these Regulations or the EU Regulation and any Implementing Regulations and Delegated Regulations made under it, or suspected by the Welsh Ministers of posing a risk to animal or human health;
- (i) require the quarantine of any imported animal that is suspected by the Welsh Ministers of posing a risk to animal or human health.”

(27) Yn lle rheoliad 35, a phennawd y rheoliad hwnnw, rhodder—

“Mewnforio anifeiliaid neu gynhyrchion sy’n peri risg i iechyd anifeiliaid neu’r cyhoedd

35.—(1) Os oes gan Weinidogion Cymru amheuaeth bod anifeiliaid neu gynhyrchion a fewnforir yn peri risg difrifol i iechyd pobl neu anifeiliaid neu les anifeiliaid, neu, mewn achos lle ceir amheuaeth o fethu â chydymffurfio, os yw’r anifeiliaid neu’r cynhyrchion yn dod o ranbarth sydd wedi ei halogi â chlefyd episöotig, caiff swyddog sy’n awdurdodedig gan Weinidogion Cymru ei gwneud yn ofynnol—

- (a) cynnal ymchwiliad er mwyn cadarnhau’r amheuaeth honno neu gael gwared arni;
- (b) cynnal ymchwiliad ynghylch hyd a lled unrhyw achos o fethu â chydymffurfio a amheuir ac er mwyn canfod cyfrifoldebau’r gweithredwr mewnforio;
- (c) rhoi rheolaethau swyddogol dwysach ar lwythi o anifeiliaid neu gynhyrchion o ranbarth penodol hyd nes na fydd y swyddog yn ystyried bod y mewnforion hynny yn peri risg o’r fath i iechyd mwyach;
- (ch) gosod unrhyw un neu ragor o’r anifeiliaid neu’r cynhyrchion yng nghadw yn swyddogol;
- (d) cymryd mesurau priodol er mwyn sicrhau bod y person sy’n gyfrifol am yr anifeiliaid neu’r cynhyrchion yn unioni’r methiant i gydymffurfio ac yn atal achosion eraill o fethu â chydymffurfio o’r fath.

(2) Mewn achos sydd o fewn paragraff (1)(a), rhaid i’r mewnforiwr gynorthwyo’r swyddog i ganfod rhanbarth y tarddiad.

(3) Pan fo Gweinidogion Cymru wedi eu bodloni bod anifeiliaid neu gynhyrchion a fewnforir yn peri risg i iechyd anifeiliaid neu’r cyhoedd, caiff swyddog sy’n awdurdodedig gan Weinidogion Cymru, ar ôl rhoi hysbysiad ysgrifenedig, gymryd unrhyw gamau rhesymol i sicrhau cydymffurfedd ag unrhyw reolau a nodir yn unol ag Erthygl 1(2) o Reoliad yr UE, gan gynnwys—

- (a) cymryd samplau ar gyfer profi a gorchymyn neu gynnal triniaethau milfeddygol ar anifeiliaid;

(27) For regulation 35, and the heading to that regulation, substitute—

“Importation of animals or products constituting a risk to animal or public health

35.—(1) If imported animals or products are suspected by the Welsh Ministers of constituting a serious risk to human or animal health or animal welfare, or, in a case of suspected non-compliance, the animals or products come from a region contaminated by an epizootic disease, an authorised officer of the Welsh Ministers may require—

- (a) an investigation in order to confirm or eliminate that suspicion;
- (b) an investigation into the extent of any suspected non-compliance and to establish the import operator’s responsibilities;
- (c) intensified official controls on consignments of animals or products from a particular region until such imports are no longer regarded by the officer of constituting such health risk;
- (d) the official detention of any of the animals or products;
- (e) appropriate measures to ensure that the person responsible for the animals or products remedies the non-compliance and prevents further occurrences of such non-compliance.

(2) In a case within paragraph (1)(a), the importer must assist the officer with establishing the region of origin.

(3) Where the Welsh Ministers are satisfied that imported animals or products constitute a risk to animal or public health, an authorised officer of the Welsh Ministers may, following written notice, take any reasonable action to ensure compliance with any rules laid down in accordance with Article 1(2) of the EU Regulation, including—

- (a) taking samples for testing and ordering or performing veterinary treatments on animals;

- (b) gorchymyn bod anifeiliaid yn cael eu dadlwytho a'u trosglwyddo drwy gyfrwng cludo arall i ddaliad penodedig am gyfnod cwarantîn penodedig (pa un a yw hynny'n golygu gohirio cigyddda'r anifeiliaid ai peidio);
 - (c) cigyddda neu ladd yr anifeiliaid, ar yr amod mai dyma'r mesur mwyaf priodol er mwyn diogelu iechyd pobl yn ogystal ag o ran iechyd a lles anifeiliaid;
 - (ch) gwahardd rhoi'r anifail neu'r cynnyrch ar y farchnad, ei symud neu ei allforio, neu gyfyngu ar hynny, neu ei gwneud yn ofynnol ei ddychwelyd i'r wlad y'i hanfonwyd allan ohoni;
 - (d) gorchymyn y mewnforiwr i gynnal gwiriadau a rheolaethau systematig yn amlach ac yn fwy trylwyr cyn mewnforio anifeiliaid neu nwyddau pellach o'r un rhanbarth;
 - (dd) gorchymyn ynysu neu gau, am gyfnod priodol, fusnes cyfan neu ran o fusnes (gan gynnwys unrhyw werthiannau cynhyrchion cysylltiedig ar y rhyngwrwyd ac ar-lein a allai beri risg i iechyd anifeiliaid neu bobl) y mae mewnforio anifail neu gynnyrch sy'n peri risg i iechyd anifeiliaid neu bobl yn effeithio arno;
 - (f) galw yn ôl, tynnu yn ôl, symud neu ddinistrio'r cynhyrchion;
 - (ff) rhoi triniaeth i gynhyrchion sydd i'w bwyta gan bobl, addasu labeli neu ddarparu gwybodaeth gywirol i ddefnyddwyr;
 - (g) atal dros dro neu dynnu yn ôl gofrestrriad neu gymeradwyaeth i sefydliad, safle, daliad neu gyfrwng cludo perthnasol yr effeithir arno, neu awdurdodiad i gludwr;
 - (ng) defnyddio'r cynhyrchion at ddibenion ac eithrio'r rhai y'u bwriadwyd ar eu cyfer yn wreiddiol.
- (4) Rhaid i swyddog sy'n awdurdodedig gan Weinidogion Cymru ddarparu'r canlynol i weithredwr busnes yr effeithir arno, neu ei gynrychiolydd—
- (a) hysbysiad ysgrifenedig am y penderfyniad ynghylch y cam neu'r mesur sydd i'w gymryd yn unol â'r rheoliad hwn, ynghyd â'r rhesymau dros y penderfyniad hwnnw; a
- (b) ordering the unloading of animals and their transfer via another means of transport to a specified holding for a specified quarantine period (whether or not involving the postponement of the slaughter of animals);
 - (c) the slaughter or killing of animals, provided that this is the most appropriate measure to safeguard human health as well as animal health and welfare;
 - (d) restricting or prohibiting the placing on the market, the movement or the export of the animal or product, or requiring its return to the country of dispatch;
 - (e) ordering the importer to increase the frequency and thoroughness of systematic checks and controls before importing further animals or goods from the same region;
 - (f) ordering the isolation or closure, for an appropriate period of time, of all or part of a business operation (including any related internet and on-line sales of products that may constitute a risk to animal or human health) affected by the importation of an animal or product that constitutes a risk to animal or human health;
 - (g) the recall, withdrawal, removal or destruction of products;
 - (h) the treatment of products for human consumption, the alteration of labels or corrective information to be provided to consumers;
 - (i) the temporary suspension or withdrawal of the registration or approval of an affected establishment, plant, holding or means of transport concerned, or of an authorisation of a transporter;
 - (j) the use of the products for purposes other than those for which they were originally intended.
- (4) An authorised officer of the Welsh Ministers must provide an affected business operator, or its representative, with—
- (a) written notification of the decision concerning the action or measure to be taken in accordance with this regulation, together with the reasons for that decision; and

(b) gwybodaeth am unrhyw hawl i gael adolygiad o'r penderfyniad hwnnw yn unol â rheoliad 35A.

(5) Mae'r holl wariant yr aed iddo o ganlyniad i gamau a gymerwyd gan Weinidogion Cymru neu ar eu rhan o dan y rheoliad hwn i'w dalu gan y gweithredwr cyfrifol.

(6) Yn achos dyroddi tystysgrifau swyddogol anwir neu gamarweiniol yng Nghymru, neu pan geir tystiolaeth o gamddefnyddio tystysgrifau swyddogol, caiff swyddog sy'n awdurdodedig gan Weinidogion Cymru gymryd camau priodol, gan gynnwys—

- (a) atal dros dro y swyddog ardystio rhag ardystio unrhyw dystysgrifau sy'n gysylltiedig ag unrhyw fasnach berthnasol;
- (b) tynnu yn ôl awdurdodiad person i lofnodi tystysgrifau swyddogol;
- (c) unrhyw fesur arall y mae'r swyddog yn credu ei fod yn angenrheidiol er mwyn atal unrhyw achos o fethu â chydymffurfio neu gamddefnyddio rhag digwydd eto."

(28) Ar ôl rheoliad 35 mewnosoder—

“Adolygiad o benderfyniadau gan berson penodedig

35A.—(1) Caiff unrhyw berson a dramgwyddir gan benderfyniad a wneir o dan y Rheoliadau hyn, ac eithrio unrhyw benderfyniad y cyfeirir ato yn rheoliad 20 neu 23, ofyn am adolygiad o'r penderfyniad hwnnw gan berson a benodir gan Weinidogion Cymru (“y person penodedig”).

(2) Caiff y person a dramgwyddir gyflwyno sylwadau ysgrifenedig i'r person penodedig o fewn 21 o ddiwrnodau i benodi'r person penodedig.

(3) Rhaid i'r person penodedig ystyried unrhyw sylwadau ysgrifenedig a gyflwynir pan fo'n adolygu'r penderfyniad a herir a rhaid iddo roi adroddiad ysgrifenedig i Weinidogion Cymru 21 o ddiwrnodau ar ôl i'r cyfnod ym mharagraff (2) ddod i ben gydag argymhellion ar gyfer dull gweithredu sy'n deillio o'r adolygiad.

(4) Rhaid i Weinidogion Cymru ystyried adroddiad y person penodedig a hysbysu'r perchennog yn brydlon am ganlyniad yr adolygiad a darparu copi o adroddiad y person penodedig.

(b) information on any right of review against such decision in accordance with regulation 35A.

(5) All expenditure incurred as a result of actions taken by or on behalf of the Welsh Ministers under this regulation is to be borne by the responsible operator.

(6) In the case of the issue of false or misleading official certificates in Wales, or where there is evidence of abuse of official certificates, an authorised officer of the Welsh Ministers may take appropriate measures, including—

- (a) the temporary suspension of the certifying officer from certifying any certificates related to any relevant trade;
- (b) the withdrawal of the authorisation of a person to sign official certificates;
- (c) any other measure believed by the officer to be necessary to prevent a reoccurrence of any non-compliance or abuse."

(28) After regulation 35 insert—

“Review of decisions by an appointed person

35A.—(1) Any person aggrieved by a decision made under these Regulations, other than any decision referred to in regulation 20 or 23, may request a review of that decision by a person appointed by the Welsh Ministers (“the appointed person”).

(2) Within 21 days of the appointment of the appointed person written representations may be made by the aggrieved person to the appointed person.

(3) The appointed person must consider any written representations made when reviewing the disputed decision and must report in writing to the Welsh Ministers 21 days from the expiry of the period in paragraph (2) with a recommended course of action resulting from the review.

(4) The Welsh Ministers must consider the report of the appointed person and promptly notify the owner of the outcome of the review and provide a copy of the report of the appointed person.

(5) Nid yw adolygiad, neu'r hawl i gael adolygiad, yn effeithio ar y rhwymedigaeth sydd ar yr awdurdod dynodedig i gymryd camau prydlon i ddileu neu gyfyngu'r risg i iechyd pobl neu anifeiliaid."

(29) Yn rheoliad 36, ar ôl y geiriau "Rheoliadau hyn", ym mhob lle y maent yn digwydd, mewnosoder "neu Reoliad yr UE".

(30) Yn lle rheoliad 38 rhodder—

"**38.** Rhaid i Weinidogion Cymru godi ffi resymol mewn perthynas ag unrhyw weithgaredd rheolaethau swyddogol yn unol â'r darpariaethau codi ffi a gynhwysir ym Mhennod 6, Teitl 2 o Reoliad yr UE, ac mae'r ffi honno yn daladwy gan y gweithredwr sy'n gyfrifol am y llwyth neu ei gynrychiolydd."

(31) Yn rheoliad 39, yn y cofnod cyntaf yn y tabl—

- (a) yn lle "rheoliad 5(1)" rhodder "rheoliad 5(1) ac (1A)", a
- (b) yn yr ail golofn, yn lle'r disgrifiad o'r drosedd rhodder—

"Symudiadau heb fod dogfennau cywir yn dod gyda hwy".

(32) Yn lle rheoliad 42 rhodder—

"**42.** Mae person sy'n euog o unrhyw dramgwydd o dan y Rheoliadau hyn yn agored, o'i euogfarnu'n ddiannod, i ddirwy."

(33) Yn Atodlen 1—

- (a) hepgorer y cofnodion yn y ddwy golofn sy'n ymwneud ag—
 - (i) Cyfarwyddeb y Cyngor 96/23/EC ar fesurau i fonitro sylweddau penodol a'u gweddillion mewn anifeiliaid byw a chynhyrchion anifeiliaid ac sy'n diddymu Cyfarwyddebau 85/358/EEC a 86/469/EEC a Phenderfyniadau 89/187/EEC a 91/664/EEC,
 - (ii) Rheoliad y Comisiwn (EC) Rhif 136/2004 sy'n gosod gweithdrefnau ar gyfer gwiriadau milfeddygol mewn arolygfeydd ar ffin y Gymuned ar gynhyrchion a fewnforir o drydydd gwledydd,
 - (iii) Rheoliad (EC) Rhif 854/2004 Senedd Ewrop a'r Cyngor sy'n gosod rheolau hylendid penodol ar gyfer trefnu rheolaethau swyddogol ar gynhyrchion sy'n dod o anifeiliaid ac a fwriedir ar gyfer eu bwyta gan bobl,

(5) A review, or right of review, does not affect the obligation on the designated authority to take prompt action to eliminate or contain the risks to human or animal health."

(29) In regulation 36, after the words "these Regulations", in each place where they occur, insert "or the EU Regulation".

(30) For regulation 38 substitute—

"**38.** The Welsh Ministers must charge a reasonable fee in relation to any official control activity in accordance with the charging provisions contained in Chapter 6, Title 2 of the EU Regulation, and such fee is payable by the operator responsible for the consignment or its representative."

(31) In regulation 39, in the first entry of the table—

- (a) for "regulation 5(1)" substitute "regulation 5(1) and (1A)", and
- (b) in the second column, for the description of the offence substitute—

"Movements without correct accompanying document".

(32) For regulation 42 substitute—

"**42.** A person guilty of any offence under these Regulations is liable on summary conviction to a fine."

(33) In Schedule 1—

- (a) omit the entries in both columns relating to—
 - (i) Council Directive 96/23/EC on measures to monitor certain substances and residues thereof in live animals and animal products and repealing Directives 85/358/EEC and 86/469/EEC and Decisions 89/187/EEC and 91/664/EEC,
 - (ii) Commission Regulation (EC) No 136/2004 laying down procedures for veterinary checks at Community border inspection posts on products imported from third countries,
 - (iii) Regulation (EC) No 854/2004 of the European Parliament and the Council laying down specific hygiene rules for the organisation of official controls on products of animal origin intended for human consumption,

- (iv) Rheoliad (EC) Rhif 882/2004 Senedd Ewrop a'r Cyngor ar reolaethau swyddogol a gyflawnir i sicrhau gwirio cydymffurfedd â'r gyfraith ynglŷn â bwyd anifeiliaid a bwyd, rheolau iechyd anifeiliaid a rheolau lles anifeiliaid, a
- (v) Rheoliad (EC) Rhif 767/2009 Senedd Ewrop a'r Cyngor dyddiedig 13 Gorffennaf 2009 ar osod bwyd anifeiliaid ar y farchnad a'i ddefnyddio;
- (b) ar ôl yr eitem 'Rheoliad y Cyngor (EC) Rhif 1069/2009', yn y golofn gyntaf mewnosoder—
 “Rheoliad (EU) 2016/1012 Senedd Ewrop a'r Cyngor dyddiedig 8 Mehefin 2016 ar amodau sootechnegol ac achyddol ar gyfer bridio a masnachu anifeiliaid bridio o frid pur, moch bridio hybrid a'u cynhyrchion cenedlol, a dod â hwy i'r Undeb
- Rheoliad (EU) 2017/625 Senedd Ewrop a'r Cyngor ar reolaethau swyddogol a gweithgareddau swyddogol eraill a gyflawnir i sicrhau y cymhwysir y gyfraith o ran bwyd a bwyd anifeiliaid, rheolau ynghylch iechyd a lles anifeiliaid, iechyd planhigion a chynhyrchion diogelu planhigion(1) a Rheoliadau Gweithredu a Rheoliadau Dirprwyedig a wnaed oddi tano”;
- (c) yn yr ail golofn, mewn perthynas â'r cofnod ar gyfer “Rheoliad (EU) 2016/1012” a fewnosodir gan is-baragraff (b) mewnosoder—
 “Anifeiliaid bridio o frid pur, moch bridio hybrid a'u cynhyrchion cenedlol”;
- (d) yn yr ail golofn, mewn perthynas â'r cofnod ar gyfer “Rheoliad (EU) 2017/625” a fewnosodir gan is-baragraff (b) mewnosoder—
 “Rheolaethau swyddogol a gweithgareddau swyddogol eraill”.
- (34) Yn Atodlen 2—
- (a) ym mhennawd Rhan 1, yn lle “rhwng” rhodder “gydag”;
- (b) ym mharagraff 2—
- (i) hepgorer is-baragraff (1);
- (ii) yn lle is-baragraff (2) rhodder—
- (iv) Regulation (EC) No 882/2004 of the European Parliament and of the Council on official controls performed to ensure the verification of compliance with food and feed law, animal health and animal welfare rules, and
- (v) Regulation (EC) No 767/2009 of the European Parliament and of the Council of 13 July 2009 on the placing on the market and use of feed;
- (b) after the item ‘Council Regulation (EC) No. 1069/2009’, in the first column insert—
 “Regulation (EU) 2016/1012 of the European Parliament and of the Council of 8 June 2016 on zootechnical and genealogical conditions for the breeding, trade in and entry into the Union of purebred breeding animals, hybrid breeding pigs and the germinal products thereof
- 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(1) and the Implementing Regulations and Delegated Regulations made under it”;
- (c) in the second column, in relation to the entry for “Regulation (EU) 2016/1012” inserted by sub-paragraph (b) insert—
 “Purebred breeding animals, hybrid breeding pigs and the germinal products thereof”;
- (d) in the second column, in relation to the entry for “Regulation (EU) 2017/625” inserted by sub-paragraph (b) insert—
 “Official controls and other official activities”.
- (34) In Schedule 2—
- (a) in the heading to Part 1, for “between” substitute “with”;
- (b) in paragraph 2—
- (i) omit sub-paragraph (1);
- (ii) for sub-paragraph (2) substitute—

(1) OJ Rhif L 95, 7.04.2017, t. 1, fel y'i diwygiwyd gan Reoliad Dirprwyedig y Comisiwn (EU) 2019/478 (OJ Rhif L 82, 25.5.2019, t. 4).

(1) OJ No. L 95, 7.04.2017, p. 1, as amended by Commission Delegated Regulation (EU) 2019/478 (OJ No. L 82, 25.5.2019, p. 4).

“(2) Ni chaiff unrhyw berson gludo gwartheg, moch, defaid na geifr i Aelod-wladwriaeth oni fo Gweinidogion Cymru wedi awdurdodi hynny yn unol ag Erthygl 11 o Reoliad y Cyngor (EC) Rhif 1/2005 ar ddiogelu anifeiliaid wrth eu cludo a gweithrediadau cysylltiedig(1).”;

(c) ym mharagraff 3—

(i) yn lle “rhwng Aelod-wladwriaethau” rhodder “i Aelod-wladwriaethau neu ohonynt”;

(ii) ar y diwedd mewnosoder “ac maent wedi eu hesemptio rhag y gofyniad yn rheoliad 7(2) i ddarparu rhybudd o un diwrnod gwaith i Weinidogion Cymru cyn y bwriedir i’r llwyth gyrraedd”;

(d) ym mharagraffau 4 a 5(4), yn lle “rhwng” rhodder “gydag”;

(e) ym mharagraff 7, yn lle “arall neu ddod â hwy i mewn i Gymru o Aelod-wladwriaeth arall” rhodder “neu ddod â hwy i mewn i Gymru o Aelod-wladwriaeth”;

(f) ym mharagraff 9(1), ar ôl “awdurdod cymwys ar gyfer” mewnosoder “mewnforio adar penodol ac amodau cwarantîn at ddibenion”;

(g) yn lle paragraff 10 rhodder—

“10. Pan fo ceffyl yn cael ei fewnforio o drydedd wlad o dan Reoliad Gweithredu’r Comisiwn (EU) 2018/659 ar yr amodau mynediad i’r Undeb ar gyfer equidae byw a semen, ofa ac embryonau equidae(2) rhaid i’r milfeddyg swyddogol ddychwelyd y dystysgrif iechyd i’r person sy’n mynd gyda’r ceffyl, a gwneud cofnod o’r dystysgrif”;

(h) yn lle paragraff 11, a phennawd y paragraff hwnnw, rhodder—

“Cyflenwi â llong

11.—(1) Rhaid i dystysgrif iechyd perthnasol sy’n ymwneud â’r cynnyrch hwnnw ddod gyda chynnyrch nad yw’n cydymffurfio â gofynion mewnforio ac sy’n cael ei anfon o safle rheoli ar y ffin i long, a rhaid i feistr y llestr gadarnhau y traddodwyd y cynnyrch drwy lofnodi dystysgrif y mae’n rhaid iddi ddod gyda’r llwyth i’w gyrchfan.

“(2) No person may transport cattle, pigs, sheep or goats to a member State unless authorised by the Welsh Ministers in accordance with Article 11 of the Council Regulation (EC) No 1/2005 on the protection of animals during transport and related operations(1).”;

(c) in paragraph 3—

(i) for “between” substitute “to or from”;

(ii) at the end insert “and are exempt from the requirement in regulation 7(2) to provide one working day’s notice to the Welsh Ministers in advance of the intended arrival of the consignment”;

(d) in paragraphs 4 and 5(4), for “between” substitute “with”;

(e) in paragraph 7, for “another member State, or brought into Wales from another” substitute “a member State, or brought into Wales from a”;

(f) in paragraph 9(1), after “authority for” insert “the import of certain birds and quarantine conditions for the purposes”;

(g) for paragraph 10 substitute—

“10. When a horse is imported from a third country under Commission Implementing Regulation (EU) 2018/659 on the conditions for the entry into the Union of live equidae and of semen, ova and embryos of equidae(2) the official veterinary surgeon must return the health certificate to the person accompanying the horse, and make a record of the certificate”;

(h) for paragraph 11 and the heading to that paragraph, substitute—

“Ship supply

11.—(1) A product that does not comply with import requirements and is sent from a border control post to a ship must be accompanied by the relevant health certificate relating to that product, and the master of the vessel must confirm delivery of the product by signing a certificate which must accompany the consignment to its place of destination.

(1) OJ Rhif L 3, 5.1.2005, t. 1.

(2) OJ Rhif L 110, 30.4.2018, t. 1.

(1) OJ No. L 3, 5.1.2005, p. 1.

(2) OJ No. L.110, 30.4.2018, p. 1.

(2) O fewn 15 niwrnod i gwblhau traddodi cynhyrchion ar y llestr, rhaid i'r gweithredwr sy'n gyfrifol am y traddodiad, neu gynrychiolydd meist'r y llestr, anfon y dystysgrif swyddogol wedi ei llofnodi gan feistr y llestr (neu ei hanfon drwy ddulliau a systemau electronig) at awdurdodau cymwys y safle rheoli ar y ffin lle cafwyd mynediad neu'r warws tollau a gymeradwywyd.”;

(i) hepgorer paragraff 12.

(35) Yn Atodlen 3—

(a) yn lle paragraff 2 (Achos 1: Mewnforion personol a llwythi bychain) rhodder—

“2. Y cynhyrchion y cyfeirir atynt yn Erthygl 7 ac Erthygl 10 o Reoliad Dirprwyedig y Comisiwn a fabwysiadwyd yn unol ag Erthygl 48(d) ac (e) o Reoliad yr UE(1).”;

(b) yn lle paragraff 4 (Achos 3: Samplau masnach a samplau ar gyfer astudiaeth benodol neu ddadansoddiad), a phennawd y paragraff hwnnw, rhodder—

“Achos 3: Samplau ymchwil a samplau diagnostig

4.—(1) Mae samplau ymchwil a samplau diagnostig fel y'u diffinnir ym mhwynt (38) o Atodiad 1 i Reoliad (EU) Rhif 142/2011(2) wedi eu hesemptio rhag gwiriadau milfeddygol yn y safle rheoli ar y ffin, ar yr amod eu bod wedi eu hawdurdodi ymlaen llaw gan Weinidogion Cymru a bod y llwyth yn cael ei anfon yn uniongyrchol o'r man mynediad i'r defnyddiwr awdurdodedig.

(2) Mewn perthynas â samplau o'r fath sy'n cyrraedd y Deyrnas Unedig ac y bwriedir iddynt fynd i Aelod-wladwriaeth—

(a) rhaid i'r mewnforiwr neu gynrychiolydd y mewnforiwr gyflwyno samplau ymchwil a samplau diagnostig mewn safle rheoli ar y ffin lle ceir mynediad; a

(b) rhaid i awdurdod cymwys y safle rheoli ar y ffin hysbysu awdurdod cymwys yr Aelod-wladwriaeth sy'n gyrchfan bod y samplau wedi cyrraedd.”;

(c) ym mhennawd paragraff 5, hepgorer “arall”;

(2) Within 15 days of completion of delivery of products on board the vessel, the operator responsible for the delivery, or the representative of the master of the vessel, must send the official certificate signed by the master of the vessel (or send by electronic means and systems) to the competent authorities of the border control post of entry or the approved customs warehouse.”;

(i) omit paragraph 12.

(35) In Schedule 3—

(a) for paragraph 2 (Case 1: Personal imports and small consignments) substitute—

“2. Products referred to in Article 7 and Article 10 of the Commission Delegated Regulation adopted in accordance with Article 48(d) and (e) of the EU Regulation(1).”;

(b) for paragraph 4 (Case 3: Trade samples and samples for particular study or analysis) and the heading to that paragraph, substitute—

“Case 3: Research and diagnostic samples

4.—(1) Research and diagnostic samples as defined in point (38) of Annex 1 to Regulation (EU) No 142/2011(2) are exempt from veterinary checks at the border control post, provided that they have been authorised in advance by the Welsh Ministers and the consignment is sent directly from the point of entry to the authorised user.

(2) In relation to such samples arriving in the United Kingdom and destined for a member State—

(a) the importer or importer's representative must present research and diagnostic samples at a border control post of entry; and

(b) the competent authority of the border control post must inform the competent authority of the member State of destination of the arrival of the samples.”;

(c) in the heading to paragraph 5, for “another” substitute “a”;

(1) Mabwysiadwyd Rheoliad Dirprwyedig y Comisiwn ym Mrwsel ar 10.10.2019 o dan y cyfeirnod C(2019) 7007 final, ond nid yw'r offeryn wedi ei gyhoeddi yn y Cyfnodolyn Swyddogol.

(2) OJ Rhif L 54, 26.2.2011, t. 1, fel y'i diwygiwyd ddiwethaf gan OJ L 185, 11.7.2019, t. 26.

(1) The Commission Delegated Regulation was adopted in Brussels on 10.10.2019 under reference C(2019) 7007 final, but the instrument has not published in the Official Journal.

(2) OJ No. L 54, 26.2.2011, p. 1, as last amended by OJ L. 185, 11.7.2019, p. 26.

- (d) ym mharagraff 5, hepgorer “arall” yn y lle cyntaf y mae’n digwydd;
- (e) ar ôl paragraff 7 mewnosoder—

“Achos 7: Anifeiliaid di-asgwrn-cefn a fwriedir ar gyfer dibenion gwyddonol

8.—(1) Mae anifeiliaid di-asgwrn-cefn a fwriedir ar gyfer dibenion gwyddonol megis ymchwil, gweithgareddau addysgol neu ymchwil sy’n gysylltiedig â gweithgareddau datblygu cynnyrch wedi eu hesemptio rhag rheolaethau swyddogol mewn safleoedd rheoli ar y ffin, ac eithrio rheolaethau a gynhelir yn unol ag Erthygl 15(2) o Reoliad (EU) Rhif 1143/2014(1), ar yr amod—

- (a) eu bod yn cydymffurfio â’r holl ofynion iechyd anifeiliaid angenrheidiol;
- (b) eu bod wedi eu hawdurdodi gan Weinidogion Cymru;
- (c) pan fo’r gweithgareddau sy’n ymwneud â’r dibenion gwyddonol wedi eu cyflawni, rhaid iddynt hwy ac unrhyw gynhyrchion sy’n deillio ohonynt, ac eithrio unrhyw ddarnau a ddefnyddiwyd at y dibenion gwyddonol, gael eu gwaredu neu eu hailanfoni i’r drydedd wlad y maent yn tarddu ohoni.

(2) Nid yw is-baragraff (1) yn gymwys i fêl-wenyn (*Apis mellifera*), cacwn (*Bombus* spp), molysgiaid sy’n perthyn i’r ffylwm Mollusca na chramenogion sy’n perthyn i’r is-ffylwm Crustacea.”

Diwygio Rheoliadau Meddyginiaethau Milfeddygol 2013

24.—(1) Mae Rheoliadau Meddyginiaethau Milfeddygol 2013(2) wedi eu diwygio fel a ganlyn—

- (a) yn rheoliad 2(2)—
 - (i) hepgorer y diffiniad o “Regulation (EC) No 882/2004”, a
 - (ii) ar ôl y diffiniad o “Regulation (EC) No 1831/2003” mewnosoder—

- (d) in paragraph 5, for “another”, in the first place where it occurs, substitute “a”;
- (e) after paragraph 7 insert—

“Case 7: Invertebrate animals intended for scientific purposes

8.—(1) Invertebrate animals intended for scientific purposes such as research, educational activities or research related to product development activities are exempt from official controls at border control posts, other than controls carried out in accordance with Article 15(2) of Regulation (EU) No 1143/2014(1), provided that—

- (a) they comply with all requisite animal health requirements;
- (b) they have been authorized by the Welsh Ministers ;
- (c) when the activities relating to the scientific purposes have been carried out, they and any products derived from them, with the exception of any portions used for the scientific purposes, must be disposed of or re-dispatched to the third country of origin.

(2) Sub-paragraph (1) does not apply to honey bees (*Apis mellifera*), bumble bees (*Bombus* spp), molluscs belonging to the phylum Mollusca or crustaceans belonging to the subphylum Crustacea.”

Amendment to the Veterinary Medicines Regulations 2013

24.—(1) The Veterinary Medicines Regulations 2013(2) are amended as follows—

- (a) in regulation 2(2)—
 - (i) omit the definition of “Regulation (EC) No 882/2004”, and
 - (ii) after the definition of “Regulation (EC) No 1831/2003” insert—

(1) OJ Rhif L 317, 4.11.2014, t. 35.

(2) O.S. 2013/2033, y ceir diwygiadau iddo nad ydynt yn berthnasol i’r Rheoliadau hyn.

(1) OJ No. L. 317, 4.11.2014, p. 35.

(2) S.I. 2013/2033, to which there are amendments not relevant to these Regulations.

““Regulation (EU) 2017/625” 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(1);”;

(b) yn rheoliad 45(3)(c), yn lle “Regulation (EC) No 882/2004” rhodder “Regulation (EU) 2017/625”;

(c) yn lle rheoliad 46(3)(f) rhodder—

“(f) “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;”;

(d) yn Atodlen 5—

(i) yn y Cynnwys, yn eitem 4, yn lle “Regulation (EC) No 882/2004” rhodder “Regulation (EU) 2017/625”, a

(ii) ym mharagraff 4 a’r pennawd i’r paragraff hwnnw, yn lle “Regulation (EC) No 882/2004” rhodder “Regulation (EU) 2017/625”.

““Regulation (EU) 2017/625” 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(1);”;

(b) in regulation 45(3)(c), for “Regulation (EC) No 882/2004” substitute “Regulation (EU) 2017/625”;

(c) for regulation 46(3)(f) substitute—

“(f) “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;”;

(d) in Schedule 5—

(i) in the Contents, in item 4, for “Regulation (EC) No 882/2004” substitute “Regulation (EU) 2017/625”, and

(ii) in paragraph 4 and the heading to that paragraph, for “Regulation (EC) No 882/2004” substitute “Regulation (EU) 2017/625”.

Diwygio Rheoliadau Lles Anifeiliaid Adeg eu Lladd (Cymru) 2014

25. Yn rheoliad 4(1)(c)(iii) o’r Rheoliadau Lles Anifeiliaid Adeg eu Lladd (Cymru) 2014(2), yn lle “Erthygl 22(1)” rhodder “Erthygl 138 (camau gweithredu os cadarnheir achos o fethu â chydymffurfio) o Reoliad (EU) 2017/625 Senedd Ewrop a’r Cyngor ar reolaethau swyddogol a gweithgareddau swyddogol eraill a gyflawnir i sicrhau y cymhwysir y gyfraith o ran bwyd a bwyd anifeiliaid, rheolau ynghylch iechyd a lles anifeiliaid, iechyd planhigion a chynhyrchion diogelu planhigion(3)”.

Amendment to the Welfare of Animals at the Time of Killing (Wales) Regulations 2014

25. In regulation 4(1)(c)(iii) of the Welfare of Animals at the Time of Killing (Wales) Regulations 2014(2), for “Article 22(1)” substitute “Article 138 (actions in the event of established non-compliance) of 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(3)”.

(1) OJ Rhif L 95, 7.4.2017, t. 1, fel y’i diwygiwyd gan Reoliad Dirprwyedig y Comisiwn (EU) 2019/478 (OJ Rhif L 82, 25.5.2019, t. 4).

(2) O.S. 2014/951 (Cy. 92), y ceir diwygiadau iddo nad ydynt yn berthnasol i’r Rheoliadau hyn.

(3) OJ Rhif L 95, 7. 4.2017, t. 1, fel y’i diwygiwyd gan Reoliad Dirprwyedig y Comisiwn (EU) 2019/478 (OJ Rhif L 82, 25.5.2019, t. 4).

(1) OJ No. L 95, 7.4.2017, p. 1, as amended by Commission Delegated Regulation (EU) 2019/478 (OJ No. L 82, 25.5.2019, p. 4).

(2) S.I. 2014/951 (W. 92), to which there are amendments not relevant to these Regulations.

(3) OJ No. L 95, 7.4.2017, p. 1, as amended by Commission Delegated Regulation (EU) 2019/478 (OJ No. L 82, 25.5.2019, p. 4).

Diwygio Rheoliadau Dosbarthu Carcasau a Hysbysu eu Prisiau (Cymru) 2018

26. Yn rheoliad 2(1) o Reoliadau Dosbarthu Carcasau a Hysbysu eu Prisiau (Cymru) 2018(1), yn y diffiniad o “carcas buchol”, yn lle’r geiriau “y darperir ar ei gyfer yn Erthygl 5(2)” hyd at y diwedd rhodder “fel y’i diffinnir yn Erthygl 3(51) o Reoliad EU 2017/625 Senedd Ewrop a’r Cyngor ar reolaethau swyddogol a gweithgareddau swyddogol eraill a gyflawnir i sicrhau y cymhwysir y gyfraith o ran bwyd a bwyd anifeiliaid, rheolau ynghylch iechyd a lles anifeiliaid, iechyd planhigion a chynhyrchion diogelu planhigion(2)”.

Diwygio Rheoliadau Bwyd a Bwyd Anifeiliaid (Diwygiadau a Dirymiadau Amrywiol) (Cymru) 2018

27. Yn Rheoliadau Bwyd a Bwyd Anifeiliaid (Diwygiadau a Dirymiadau Amrywiol) (Cymru) 2018(3), hepgorer rheoliad 11.

Diwygio Rheoliadau Enseffalopathïau Sbyngffurf Trosglwyddadwy (Cymru) 2018

28.—(1) Mae Rheoliadau Enseffalopathïau Sbyngffurf Trosglwyddadwy (Cymru) 2018(4) wedi eu diwygio fel a ganlyn.

(2) Yn rheoliad 2(1)—

- (a) yn y diffiniad o “safle torri”, yn lle “o dan Erthygl 31(2) o Reoliad (EC) Rhif 882/2004” rhodder “o dan Erthygl 148(3) o Reoliad (EU) 2017/625”,
- (b) yn y diffiniad o “lladd-dy” yn lle “o dan Erthygl 31(2) o Reoliad (EC) Rhif 882/2004” rhodder “o dan Erthygl 148(3) o Reoliad (EU) 2017/625”,
- (c) hepgorer y diffiniad o “Rheoliad (EC) Rhif 882/2004”, a
- (d) ar ôl y diffiniad o “Rheoliad (EC) Rhif 1069/2009” mewnosoder—
“ystyr “Rheoliad (EU) 2017/625” (“*Regulation (EU) 2017/625*”) yw Rheoliad (EU) 2017/625 Senedd Ewrop a’r Cyngor ar reolaethau swyddogol a gweithgareddau swyddogol eraill a gyflawnir i sicrhau y

Amendment to the Carcase Classification and Price Reporting (Wales) Regulations 2018

26. In regulation 2(1) of the Carcase Classification and Price Reporting (Wales) Regulations 2018(1), in the definition of “bovine carcase”, for the words “provided for in Article 5(2)” to the end substitute “as defined in Article 3(51) of 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(2)”.

Amendment to the Food and Feed (Miscellaneous Amendments and Revocations) (Wales) Regulations 2018

27. In the Food and Feed (Miscellaneous Amendments and Revocations) (Wales) Regulations 2018(3), omit regulation 11.

Amendment to the Transmissible Spongiform Encephalopathies (Wales) Regulations 2018

28.—(1) The Transmissible Spongiform Encephalopathies (Wales) Regulations 2018(4) are amended as follows.

(2) In regulation 2(1)—

- (a) in the definition of “cutting plant”, for “under Article 31(2) of Regulation (EC) No 882/2004” substitute “under Article 148(3) of Regulation (EU) 2017/625”,
- (b) in the definition of “slaughterhouse”, for “under Article 31(2) of Regulation (EC) No 882/2004” substitute “under Article 148(3) of Regulation (EU) 2017/625”,
- (c) omit the definition of “Regulation (EC) No 882/2004”, and
- (d) after the definition of “Regulation (EC) No 1069/2009” insert—
““Regulation (EU) 2017/625” (“*Rheoliad (EU) 2017/625*”) means Regulation (EU) 2017/625 of the European Parliament and of the Council on official controls and other official activities performed to ensure the

(1) O.S. 2018/1215 (Cy. 248), y ceir diwygiadau iddo nad ydynt yn berthnasol i’r Rheoliadau hyn.

(2) OJ Rhif L 95, 7.4.2017, t. 1, fel y’i diwygiwyd gan Reoliad Dirprwyedig y Comisiwn (EU) 2019/478 (OJ Rhif L 82, 25.5.2019, t. 4).

(3) O.S. 2018/806 (Cy. 162).

(4) O.S. 2018/968 (Cy. 248), a ddiwygiwyd gan O.S. 2018/942 ac O.S. 2018/1120.

(1) S.I. 2018/1215 (W. 248); to which there are amendments not relevant to these Regulations.

(2) OJ No. L 95, 7.4.2017, p. 1, as amended by Commission Delegated Regulation (EU) 2019/478 (OJ No. L 82, 25.5.2019, p. 4).

(3) S.I. 2018/806 (W. 162).

(4) S.I. 2018/968 (W.248), amended by S.I. 2018/942 and 2018/1120.

cymhwysir y gyfraith o ran bwyd a bwyd anifeiliaid, rheolau ynghylch iechyd a lles anifeiliaid, iechyd planhigion a chynhyrchion diogelu planhigion(1);”.

application of food and feed law, rules on animal health and welfare, plant health and plant protection products(1);”.

Diwygio Rheoliadau'r Fasnach mewn Anifeiliaid a Chynhyrchion Perthynol (Diwygio) (Cymru) (Ymadael â'r UE) 2019

29. Yn Rheoliadau'r Fasnach mewn Anifeiliaid a Chynhyrchion Perthynol (Diwygio) (Cymru) (Ymadael â'r UE) 2019(2)—

- (a) hepgorer rheoliad 2(1), a
- (b) hepgorer rheoliad 3(7)(i), (20) a (22).

Diwygio Rheoliadau Hylendid a Diogelwch Bwyd a Bwyd Anifeiliaid (Diwygiadau Amrywiol) (Cymru) (Ymadael â'r UE) 2019

30. Yn Rheoliadau Hylendid a Diogelwch Bwyd a Bwyd Anifeiliaid (Diwygiadau Amrywiol) (Cymru) (Ymadael â'r UE) 2019(3), hepgorer rheoliad 3.

Amendment to the Trade in Animals and Related Products (Amendment) (Wales) (EU Exit) Regulations 2019

29. In the Trade in Animals and Related Products (Amendment) (Wales) (EU Exit) Regulations 2019(2)—

- (a) omit regulation 2(1), and
- (b) omit regulation 3(7)(i), (20) and (22).

Amendment to the Food and Feed Hygiene and Safety (Miscellaneous Amendments) (Wales) (EU Exit) Regulations 2019

30. In the Food and Feed Hygiene and Safety (Miscellaneous Amendments) (Wales) (EU Exit) Regulations 2019(3), omit regulation 3.

RHAN 6

PART 6

Diwygiadau i is-ddeddfwriaeth sy'n ymwneud â ffioedd iechyd planhigion

Amendments to secondary legislation relating to plant health fees

Gorchymyn Iechyd Planhigion (Tystysgrifau Allforio) (Coedwigaeth) (Prydain Fawr) 2004

31. Yng Ngorchymyn Iechyd Planhigion (Tystysgrifau Allforio) (Coedwigaeth) (Prydain Fawr) 2004(4)—

- (a) yn erthygl 3(2)(a), yn lle “of the services listed in the first column of Schedule 3” rhodder “services”;
- (b) hepgorer erthygl 4;
- (c) hepgorer Atodlen 3.

The Plant Health (Export Certification) (Forestry) (Great Britain) Order 2004

31. In the Plant Health (Export Certification) (Forestry) (Great Britain) Order 2004(4)—

- (a) in article 3(2)(a), for “of the services listed in the first column of Schedule 3” substitute “services”;
- (b) omit article 4;
- (c) omit Schedule 3.

Gorchymyn Iechyd Planhigion (Tystysgrifau Allforio) (Cymru) 2006

32. Yng Ngorchymyn Iechyd Planhigion (Tystysgrifau Allforio) (Cymru) 2006(5)—

The Plant Health (Export Certification) (Wales) Order 2006

32. In the Plant Health (Export Certification) (Wales) Order 2006(5)—

(1) OJ Rhif L 95, 7.4.2017, t. 1, fel y'i diwygiwyd gan Reoliad Dirprwyedig y Comisiwn (EU) 2019/478 (OJ Rhif L 82, 25.5.2019, t. 4).
(2) O.S. 2019/597 (Cy. 126).
(3) O.S. 2019/434 (Cy. 102).
(4) O.S. 2004/1684, a ddiwygiwyd gan O.S. 2013/755, 2019/734.
(5) O.S. 2006/1701 (Cy. 163), a ddiwygiwyd gan O.S. 2013/1658 (Cy. 156), O.S. 2014/1759 (Cy. 174), O.S. 2016/1084 (Cy. 259) ac O.S. 2018/772 (Cy. 156).

(1) OJ No. L 95, 7.4.2017, p. 1, as amended by Commission Delegated Regulation (EU) 2019/478 (OJ No. L 82, 25.5.2019, p. 4).
(2) S.I. 2019/597 (W. 126).
(3) S.I. 2019/434 (W. 102).
(4) S.I. 2004/1684, amended by S.I. 2013/755, 2019/734.
(5) S.I. 2006/1701 (W. 163), amended by S.I. 2013/1658 (W. 156), S.I. 2014/1759 (W. 174), S.I. 2016/1084 (W. 259) and S.I. 2018/772 (W. 156).

- (a) yn erthygl 3(2)(a), yn lle “unrhyw rai o’r gwasanaethau a restrir yng ngholofn gyntaf Atodlen 3” rhodder “unrhyw wasanaethau”;
- (b) hepgorer erthygl 5;
- (c) hepgorer Atodlen 3.

Gorchymyn Iechyd Planhigion (Marcio Deunydd Pecynnu Pren) (Coedwigaeth) 2006

33. Yng Ngorchymyn Iechyd Planhigion (Marcio Deunydd Pecynnu Pren) (Coedwigaeth) 2006(1)—

- (a) hepgorer erthygl 7;
- (b) hepgorer Atodlen 1.

Rheoliadau Iechyd Planhigion etc. (Ffioedd) (Cymru) 2018

34.—(1) Mae Rheoliadau Iechyd Planhigion etc. (Ffioedd) (Cymru) 2018(2) wedi eu diwygio fel a ganlyn.

(2) Yn lle rheoliad 2 rhodder—

“**2.—**(1) Yn y Rheoliadau hyn, ystyr “Rheoliad Iechyd Planhigion yr UE” yw Rheoliad (EU) 2016/2031 Senedd Ewrop a’r Cyngor ar fesurau i ddiogelu rhag plâu planhigion(3).

(2) Mae i eiriau ac ymadroddion nad ydynt wedi eu diffinio yn y Rheoliadau hyn ac y mae’r ymadroddion Saesneg cyfatebol yn ymddangos yn Rheoliad Iechyd Planhigion yr UE neu yn Rheoliad (EU) 2017/625 Senedd Ewrop a’r Cyngor ar reolaethau swyddogol a gweithgareddau swyddogol eraill a gyflawnir i sicrhau y cymhwysir y gyfraith o ran bwyd a bwyd anifeiliaid, rheolau ynghylch iechyd a lles anifeiliaid, iechyd planhigion a chynhyrchion diogelu planhigion(4) yr un ystyron yn y Rheoliadau hyn ag sydd gan yr ymadroddion Saesneg cyfatebol yn yr offeryn UE o dan sylw.”

(3) Yn rheoliad 3—

- (a) ym mharagraff (1), yn lle “a restrir yn Atodlen 5 i Orchymyn 2018” rhodder “a ddisgrifir yn rhestrau’r Rheoliad Amodau Ffytioiechydol sy’n gymwys at ddibenion Erthyglau 72(1) a 74(1) o Reoliad Iechyd Planhigion yr UE”;

- (a) in article 3(2)(a), for “of the services listed in the first column of Schedule 3” substitute “services”;
- (b) omit article 5;
- (c) omit Schedule 3.

The Plant Health (Wood Packaging Material Marking) (Forestry) (Order) 2006

33. In the Plant Health (Wood Packaging Material Marking) (Forestry) Order 2006(1)—

- (a) omit article 7;
- (b) omit Schedule 1.

The Plant Health etc. (Fees) (Wales) Regulations 2018

34.—(1) The Plant Health etc. (Fees) (Wales) Regulations 2018(2) are amended as follows.

(2) For regulation 2 substitute—

“**2.—**(1) In these Regulations, “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(3).

(2) Words and expressions which are not defined in these Regulations and appear in the EU Plant Health Regulation or in 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(4) have the same meaning in these Regulations as they have in the EU instrument in question.”

(3) In regulation 3—

- (a) in paragraph (1), for “listed in Schedule 5 to the 2018 Order” substitute “described in the lists of the Phytosanitary Conditions Regulation that apply for the purposes of Articles 72(1) and 74(1) of the EU Plant Health Regulation”;

(1) O.S. 2006/2695, a ddiwygiwyd gan O.S. 2013/755, 2019/734.
 (2) O.S. 2018/1179 (Cy. 238) a ddiwygiwyd gan O.S. 2019/1378 (Cy. 244).
 (3) OJ 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).
 (4) 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).

(1) S.I. 2006/2695, amended by S.I. 2013/755, 2019/734.
 (2) S.I. 2018/1179 (W. 238), amended by S.I. 2019/1378 (W. 244).
 (3) 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).
 (4) OJ No. L 95, 7.4.2017, amended by Commission Delegated Regulation (EU) 2019/478 (OJ No. L 82, 25.3.2019, p. 4).

(b) ym mharagraff (3)—

(i) yn lle is-baragraffau (a) ac (aa) rhodder—

“(a) ystyr “pla planhigion a reolir” yw—

(i) pla planhigion o ddisgrifiad a bennir yn rhestrau'r Rheoliad Amodau Ffytoiechydol sy'n gymwys at ddibenion Erthyglau 5(2), 32(3) a 37(2) o Reoliad Iechyd Planhigion yr UE;

(ii) unrhyw bla planhigion arall o ddisgrifiad a bennir mewn penderfyniad a fabwysiedir cyn 14 Rhagfyr 2019 gan y Comisiwn Ewropeaidd yn unol ag Erthygl 16(3) o Gyfarwyddeb y Cyngor 2000/29/EC ar fesurau i ddiogelu rhag cyflwyno i'r Gymuned organeddau sy'n niweidiol i blanhigion neu gynhyrchion planhigion a rhag eu lledaenu o fewn y Gymuned(1);

(aa) mae “Ewrop” yn cynnwys Belarus, yr Ynysoedd Dedwydd, Georgia, Kazakhstan (ac eithrio'r ardal i'r dwyrain o afon Ural), Rwsia (ac eithrio rhanbarthau Tyumen, Chelyabinsk, Irkutsk, Kemerovo, Kurgan, Novossibirsk, Omsk, Sverdlovsk, Tomsk, Chita, Kamchatka, Magadan, Amur a Skhalin, tiriogaethau Krasnoyarsk, Altay, Khabarovsk a Primarie, a gweriniaethau Sakha, Tuva a Buryatia), Ukrain a Thwrci (ac eithrio'r ardal i'r dwyrain o Gulfor Bosphorus o'r enw Anatolia);”;

(ii) ar ôl is-baragraff (ab) mewnosoder—

“(aba) ystyr “y Rheoliad Amodau Ffytoiechydol” yw'r act weithredu a fabwysiadwyd gan y Comisiwn Ewropeaidd yn unol ag Erthyglau 5(2), 32(2), 37(2), 37(4), 40(2), 41(2), 53(2), 54(2), 72(1), 73, 74(2), 79(2) a 80(2) o Reoliad Iechyd Planhigion yr UE;”;

(iii) hepgorer is-baragraff (c).

(b) in paragraph (3)—

(i) for sub-paragraphs (a) and (aa) substitute—

“(a) “controlled plant pest” means—

(i) a plant pest of a description specified in the lists of the Phytosanitary Conditions Regulation that apply for the purposes of Articles 5(2), 32(3) and 37(2) of the EU Plant Health Regulation;

(ii) any other plant pest of a description specified in a decision adopted before 14 December 2019 by the European Commission pursuant to Article 16(3) of 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);

(aa) “Europe” includes Belarus, the Canary Islands, Georgia, Kazakhstan (except the area east of the Ural river), Russia (except the regions of Tyumen, Chelyabinsk, Irkutsk, Kemerovo, Kurgan, Novossibirsk, Omsk, Sverdlovsk, Tomsk, Chita, Kamchatka, Magadan, Amur and Skhalin, the territories of Krasnoyarsk, Altay, Khabarovsk and Primarie, and the republics of Sakha, Tuva and Buryatia), Ukraine and Turkey (except the area east of the Bosphorus Strait known as Anatolia);”;

(ii) after sub-paragraph (ab) insert—

“(aba) “the Phytosanitary Conditions Regulation” means the implementing act adopted by the European Commission pursuant to Articles 5(2), 32(2), 37(2), 37(4), 40(2), 41(2), 53(2), 54(2), 72(1), 73, 74(2), 79(2) and 80(2) of the EU Plant Health Regulation;”;

(iii) omit sub-paragraph (c).

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

(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).

- (4) Yn rheoliad 4—
- (a) ym mharagraff (2), yn y geiriau o flaen is-baragraff (a), ar ôl “a gynhelir” mewnosoder “gan, neu ar ran, Gweinidogion Cymru”;
 - (b) ym mharagraff (6)(a), hepgorer “a roddir o dan erthygl 29 o Orchymyn 2018”.

- (5) Yn rheoliad 5—
- (a) ym mharagraff (1)—
 - (i) yn is-baragraff (a), ar y diwedd mewnosoder “a wneir i Weinidogion Cymru”;
 - (ii) yn is-baragraff (b), ar y diwedd mewnosoder “a roddir gan Weinidogion Cymru”;
 - (b) ym mharagraff (5), yn lle “trwydded a ddisgrifir yn erthygl 40 neu 41 o Orchymyn 2018” rhodder “awdurdodiad at ddibenion unrhyw randdirymiad a ddisgrifir yn Erthygl 8(1) neu 48(1) o Reoliad Iechyd Planhigion yr UE”.

- (6) Ar ôl rheoliad 5 mewnosoder—

“Gwasanaethau tystysgrifau allforio a gwasanaethau cyn-allforio: ffioedd

5A.—(1) Mae’r ffioedd a bennir yn y tabl yn Atodlen 4A yn daladwy mewn cysylltiad â’r gwasanaethau a ddisgrifir yng ngholofn 1 o’r tabl gan berson sy’n gwneud cais i Weinidogion Cymru am dystysgrif neu am wasanaeth cyn-allforio.

(2) Swm y ffi mewn cysylltiad ag unrhyw wasanaeth a ddisgrifir yng ngholofn 1 o’r tabl yn Atodlen 4A yw—

- (a) yn achos allforiwr bach nad yw, ar ddyddiad y cais, ond wedi bod yn atebol yn ystod y flwyddyn ariannol pan wneir y cais i dalu ffioedd o £750 neu lai mewn cysylltiad â’r gwasanaethau a ddisgrifir yng ngholofn 1 o’r tabl, y swm a bennir yn y cofnod cyfatebol yng ngholofn 2 o’r tabl hwnnw;
- (b) mewn unrhyw achos arall, y swm a bennir yn y cofnod cyfatebol yng ngholofn 3 o’r tabl hwnnw.

(3) Mae’r ffioedd a bennir yng ngholofnau 2 a 3 o’r tabl yn Atodlen 4A mewn cysylltiad ag arolygiad o lwyth neu archwiliad o arolygiad grawn yn daladwy ar gyfer pob 15 munud (neu ran ohono) a dreuliyd yn cynnal yr arolygiad neu’r archwiliad ac unrhyw weithgareddau cysylltiedig, yn ddarostyngedig i isafswm y ffioedd a bennir yn y cofnodion hynny.

- (4) In regulation 4—
- (a) in paragraph (2), in the words before subparagraph (a), after “out” insert “by, or on behalf of, the Welsh Ministers”;
 - (b) in paragraph (6)(a), omit “conferred under article 29 of the 2018 Order”.

- (5) In regulation 5—
- (a) in paragraph (1)—
 - (i) in sub-paragraph (a), at the end insert “made to the Welsh Ministers”;
 - (ii) in sub-paragraph (b), at the end insert “granted by the Welsh Ministers”;
 - (b) for paragraph (5), for “a licence described in article 40 or 41 of the 2018 Order” substitute “an authorisation for the purposes of any derogation described in Article 8(1) or 48(1) of the EU Plant Health Regulation”.

- (6) After regulation 5 insert—

“Export certification services and pre-export services: fees

5A.—(1) The fees specified in the table in Schedule 4A are payable in respect of the services described in column 1 of the table by a person who applies to the Welsh Ministers for a certificate or a pre-export service.

(2) The amount of the fee in respect of any service described in column 1 of the table in Schedule 4A is—

- (a) in the case of a small exporter who, at the date of the application, has only been liable during the financial year in which the application is made to pay fees of £750 or less in respect of the services described in column 1 of the table, the amount specified in the corresponding entry in column 2 of that table;
- (b) in any other case, the amount specified in the corresponding entry in column 3 of that table.

(3) The fees specified in columns 2 and 3 of the table in Schedule 4A in respect of an inspection of a consignment or an audit of a grain inspection are payable for each 15 minutes (or part thereof) spent in carrying out the inspection or audit and any associated activities, subject to the minimum fees specified in those entries.

(4) Pan fo person yn cyflwyno cais am dystysgrif neu wasanaeth cyn-allforio neu'n cyflwyno archiad i ddiwygio tystysgrif ar bapur (ac nid ar-lein), mae'r ffi ychwanegol a ganlyn yn daladwy mewn cysylltiad â'r cais neu'r archiad—

(a) yn achos allforiwr bach nad yw, ar ddyddiad y cais neu'r archiad, ond wedi bod yn atebol yn ystod y flwyddyn ariannol pan wneir y cais neu'r archiad i dalu ffioedd o £750 neu lai mewn cysylltiad â'r gwasanaethau a ddisgrifir yng ngholofn 1 o'r tabl yn Atodlen 4A, £7.88;

(b) mewn unrhyw achos arall, £15.76.

(5) Yn y rheoliad hwn—

ystyr "allforiwr bach" ("*small exporter*") yw person—

(a) yn y flwyddyn ariannol y gwneir y cais neu'r archiad—

(i) nad yw'n berson trethadwy at ddibenion Deddf Treth ar Werth 1994(1); neu

(ii) nad yw'n cyflenwi'n drethadwy blanhigion, cynhyrchion planhigion, hadau, pridd neu beiriannau amaethyddol at ddibenion Deddf Treth ar Werth 1994; neu

(b) yn y flwyddyn ariannol cyn y flwyddyn pan wneir y cais neu'r archiad, sydd wedi allforio nwyddau a thystysgrif gyda hwy yr oedd cyfanswm eu gwerth yn llai na £5,000;

ystyr "gwasanaeth cyn-allforio" ("*pre-export service*") yw unrhyw arolygiad neu archwiliad iechyd planhigion, gan gynnwys cymryd samplau, y mae'n ofynnol ei gynnal mewn perthynas â phlanhigyn, cynnyrch planhigyn neu wrthrych arall sydd i'w allforio i drydedd wlad er mwyn bodloni gofynion ffytoiechydol y drydedd wlad, ac eithrio unrhyw arolygiad neu archwiliad sy'n ofynnol er mwyn dyroddi tystysgrif;

ystyr "tystysgrif" ("*certificate*") yw naill ai tystysgrif ffytoiechydol ar gyfer allforio neu dystysgrif ffytoiechydol ar gyfer ail-allforio."

(4) Where a person submits an application for a certificate or a pre-export service or a request to amend a certificate in paper form (and not online), the following additional fee is payable in respect of the application or the request—

(a) in the case of a small exporter who, at the date of the application or request, has only been liable during the financial year in which the application or request is made to pay fees of £750 or less in respect of the services described in column 1 of the table in Schedule 4A, £7.88;

(b) in any other case, £15.76.

(5) In this regulation—

"certificate" ("*tystysgrif*") means either a phytosanitary certificate for export or a phytosanitary certificate for re-export;

"pre-export service" ("*gwasanaeth cyn-allforio*") means any plant health inspection or examination, including by the taking of samples, which is required to be carried out in relation to a plant, plant product or other object which is to be exported to a third country in order to satisfy the phytosanitary requirements of the third country, other than any such inspection or examination required for the issue of a certificate;

"small exporter" ("*allforiwr bach*"), means a person who—

(a) in the financial year in which the application or request is made—

(i) is not a taxable person for the purposes of the Value Added Tax Act 1994(1), or

(ii) does not make a taxable supply of plants, plant products, seeds, soil or agricultural machinery for the purposes of the Value Added Tax Act 1994, or

(b) in the financial year preceding the year in which the application or request is made, exported goods which were accompanied by a certificate the total value of which was less than £5,000."

(1) 1994 p. 23.

(1) 1994 c. 23.

(7) Yn rheoliad 6(1), yn lle “arolygydd” rhodder “arolygydd iechyd planhigion swyddogol”.

(8) Hefgorer rheoliad 7.

(9) Yn rheoliad 11—

(a) ym mharagraff (1)—

(i) yn y geiriau o flaen is-baragraff (a), yn lle “fasnachwr planhigion cofrestredig” rhodder “weithredwr proffesiynol cofrestredig”;

(ii) yn is-baragraff (b), yn lle “masnachwr” rhodder “gweithredwr”;

(b) hepgorer paragraff (2).

(10) Ar ôl Atodlen 4 mewnosoder—

(7) In regulation 6(1), for “inspector” substitute “official plant health inspector”.

(8) Omit regulation 7.

(9) In regulation 11—

(a) in paragraph (1)—

(i) in the words before sub-paragraph (a), for “registered plant trader” substitute “registered professional operator”;

(ii) in sub-paragraph (b), for “trader’s” substitute “operator’s”;

(b) omit paragraph (2).

(10) After Schedule 4 insert—

“ATODLEN 4A Rheoliad 5A

Ffioedd gwasanaethau tystysgrifau allforio a gwasanaethau cyn-allforio

(1) <i>Gwasanaeth</i>	(2) <i>Ffi – allforiwr bach (£)</i>	(3) <i>Ffi – allforiwr arall (£)</i>
Arolygiad o lwyth	31.90 am bob cyfnod o 15 munud (neu ran o’r cyfnod hwnnw), yn ddarostyngedig i isafswm ffi o 63.80	63.80 am bob cyfnod o 15 munud (neu ran o’r cyfnod hwnnw), yn ddarostyngedig i isafswm ffi o 127.60
Archwiliad o arolygiad grawn	13.20 am bob cyfnod o 15 munud (neu ran o’r cyfnod hwnnw), yn ddarostyngedig i isafswm ffi o 26.40	26.40 am bob cyfnod o 15 munud (neu ran o’r cyfnod hwnnw), yn ddarostyngedig i isafswm ffi o 52.80
Archwiliad mewn labordy (gan gynnwys profion labordy)	16.78 am bob sampl a brofir	33.56 am bob sampl a brofir

“SCHEDULE 4A Regulation 5A

Fees for export certification services and pre-export services

(1) <i>Service</i>	(2) <i>Fee - small exporter (£)</i>	(3) <i>Fee – other exporter (£)</i>
Inspection of consignment	31.90 for each 15 minutes (or part thereof), subject to a minimum fee of 63.80	63.80 for each 15 minutes (or part thereof), subject to a minimum fee of 127.60
Audit of a grain inspection	13.20 for each 15 minutes (or part thereof), subject to a minimum fee of 26.40	26.40 for each 15 minutes (or part thereof), subject to a minimum fee of 52.80
Laboratory examination (including laboratory testing)	16.78 per sample tested	33.56 per sample tested

Dyrodidi tystysgrif	12.76 am bob tystysgrif	25.52 am bob tystysgrif	Issue of certificate	12.76 per certificate	25.52 per certificate
Diwygio tystysgrif ar archiad yr allforiwr	7.88 am bob tystysgrif	15.76 am bob tystysgrif’.	Amendment of a certificate at the request of the exporter	7.88 per certificate	15.76 per certificate’.

Rheoliadau Iechyd Planhigion (Ffioedd) (Coedwigaeth) (Cymru) 2019

35.—(1) Mae Rheoliadau Iechyd Planhigion (Ffioedd) (Coedwigaeth) (Cymru) 2019(1) wedi eu diwygio fel a ganlyn.

(2) Yn lle rheoliad 2 rhodder—

“Dehongli

2.—(1) Yn y Rheoliadau hyn—

ystyr “awdurdodiad DPP” (“*WPM authorisation*”) yw awdurdodiad a ddisgrifir yn Erthygl 98(1) o Reoliad Iechyd Planhigion yr UE;

ystyr “awdurdodiad pasbort planhigion” (“*plant passport authority*”) yw awdurdodiad a ddisgrifir yn Erthygl 89(1) o Reoliad Iechyd Planhigion yr UE;

ystyr “y Gorchymyn” (“*the Order*”) yw Gorchymyn Iechyd Planhigion (Coedwigaeth) 2005(2);

ystyr “gwaith adfer” (“*remedial work*”) yw unrhyw gamau a gymerir gan berson at ddibenion cydymffurfio â hysbysiad adfer, neu gan arolygydd o dan erthygl 32(1) o’r Gorchymyn;

ystyr “hysbysiad adfer” (“*remedial notice*”) yw hysbysiad a gyflwynir o dan erthygl 31(1) neu (4) o’r Gorchymyn;

ystyr “llwyth a reolir” (“*controlled consignment*”) yw llwyth—

(a) a gyflwynir i Gymru o drydedd wlad, a

(b) sy’n, neu sy’n cynnwys—

- (i) rhisgl wedi ei wahanu o fath a ddisgrifir yn rhestrau’r Rheoliad Amodau Ffytoiechydol sy’n gymwys at ddibenion Erthyglau

The Plant Health (Fees) (Forestry) (Wales) Regulations 2019

35.—(1) The Plant Health (Fees) (Forestry) (Wales) Regulations 2019(1) are amended as follows.

(2) For regulation 2 substitute—

“Interpretation

2.—(1) In these Regulations—

“approved place of inspection” (“*man arolygu a gymeradwywyd*”) has the meaning given in article 3 of the Order;

“controlled consignment” (“*llwyth a reolir*”) means a consignment which—

(a) is introduced into Wales from a third country, and

(b) consists of, or includes—

- (i) isolated bark of a type that is described in the lists of the Phytosanitary Conditions Regulation that apply for the purposes of Articles 72(1) and 74(1) of the EU Plant Health Regulation, or in a decision adopted before 14 December 2019 by the European Commission pursuant to Article 16(3) of 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 in the Community(2);

- (ii) wood of a type that is described in the lists or a decision mentioned in sub-paragraph (i) other than wood packaging material which is

(1) O.S. 2019/497 (Cy. 114); ceir diwygiad rhagolygol perthnasol yn O.S. 2019/735 (Cy. 138).

(2) O.S. 2005/2517; yr offerynnau diwygio perthnasol yw O.S. 2013/755 (Cy. 90), O.S. 2014/2420, O.S. 2019/734.

(1) S.I. 2019/497 (W. 114); there is a relevant prospective amendment within S.I. 2019/735 (W. 138).

(2) 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).

72(1) a 74(1) o Reoliad Iechyd Planhigion yr UE, neu mewn penderfyniad a fabwysiedir cyn 14 Rhagfyr 2019 gan y Comisiwn Ewropeaidd yn unol ag Erthygl 16(3) o Gyfarwyddeb y Cyngor 2000/29/EC ar fesurau gwarchod yn erbyn cyflwyno i'r Gymuned organeddau sy'n niweidiol i blanhigion neu gynhyrchion planhigion a rhag eu lledaenu yn y Gymuned(1);

- (ii) pren o fath a ddisgrifir yn y rhestrau neu mewn penderfyniad a grybwyllir yn is-baragraff (i) ac eithrio deunydd pecynnu pren a ddefnyddir mewn gwirionedd wrth gludo gwrthrychau o bob math;

mae i "man arolygu a gymeradwywyd" yr ystyr a roddir i "approved place of inspection" yn erthygl 3 o'r Gorchymyn;

ystyr "Rheoliad Iechyd Planhigion yr UE" ("*the EU Plant Health Regulation*") yw Rheoliad (EU) 2016/2031 Senedd Ewrop a'r Cyngor ar fesurau gwarchod yn erbyn plâu planhigion(2);

ystyr "trwydded" ("*licence*") yw awdurdodiad at ddibenion unrhyw randdirymiad a ddisgrifir yn Erthygl 8(1) neu 48(1) o Reoliad Iechyd Planhigion yr UE.

(2) Mae i eiriau ac ymadroddion nas diffinnir yn y Rheoliadau hyn ac y mae'r ymadroddion Saesneg cyfatebol yn ymddangos yn Rheoliad Iechyd Planhigion yr UE neu yn Rheoliad (EU) 2017/625 Senedd Ewrop a'r Cyngor ar reolaethau swyddogol a gweithgareddau swyddogol eraill a gyflawnir i sicrhau y cymhwysir y gyfraith o ran bwyd a bwyd anifeiliaid, rheolau ynghylch iechyd a lles anifeiliaid, iechyd planhigion a chynhyrchion diogelu planhigion(3) yr un ystyron yn y Rheoliadau hyn ag sydd gan yr ymadroddion Saesneg cyfatebol yn yr offeryn UE o dan sylw."

actually in use in the transport of objects of all kinds;

"the 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(1);

"licence" ("*trwydded*") means an authorisation for the purposes of any derogation described in Article 8(1) or 48(1) of the EU Plant Health Regulation;

"the Order" ("*y Gorchymyn*") means the Plant Health (Forestry) Order 2005(2);

"plant passport authority" ("*awdurdodiad pasbort planhigion*") means an authorisation described in Article 89(1) of the EU Plant Health Regulation;

"remedial notice" ("*hysbysiad adfer*") means a notice served under article 31(1) or (4) of the Order;

"remedial work" ("*gwaith adfer*") means any steps taken by a person for the purposes of complying with a remedial notice, or by an inspector under article 32(1) of the Order;

"WPM authorisation" ("*awdurdodiad DPP*") means an authorisation described in Article 98(1) of the EU Plant Health Regulation.

(2) Words and expressions which are not defined in these Regulations and which appear in the EU Plant Health Regulation or in Regulation (EU) 2017/625 of the European Parliament and of the Council on official controls and other official activities performed to ensure that application of food and feed law, rules on animal health and welfare, plant health and plant protection products(3) have the same meaning in these Regulations as they have in the EU instrument in question."

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

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

(3) OJ Rhif L 317, 23.11.2016, t. 4, fel y'i diwygiwyd gan Reoliad (EU) 2017/625 Senedd Ewrop a'r Cyngor (OJ Rhif L 95, 7.4.2017, t. 1).

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

(2) S.I. 2005/2517, relevant amending instruments are: S.I. 2013/755 (W. 90), S.I. 2014/2420, S.I. 2019/734.

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

(3) Yn rheoliad 3, ar ôl paragraff (5) mewnosoder—

“(5A) Y ffi sy’n daladwy mewn cysylltiad â chais i Weinidogion Cymru am dystysgrif ffytoiechydol ar gyfer allforio neu dystysgrif ffytoiechydol ar gyfer ail-allforio yw’r ffi a bennir yn Atodlen 4A.

(5B) Y ffi sy’n daladwy mewn cysylltiad â chais i Weinidogion Cymru am awdurdodiad DPP yw’r ffi a bennir yn Atodlen 4B.”

(4) Ar ôl Atodlen 4 mewnosoder—

“ATODLEN 4A Rheoliad 3(5A)

Ffioedd mewn cysylltiad â chais am dystysgrif ffytoiechydol ar gyfer allforio neu dystysgrif ffytoiechydol ar gyfer ail-allforio

(1) <i>Gwasanaeth</i>	(2) <i>Ffi</i>
Ystyried cais, gan gynnwys dyroddi dystysgrif ffytoiechydol neu dystysgrif ffytoiechydol ar gyfer ail-allforio pan fo hynny’n briodol	£15.00
Archwilio neu brofi planhigion, cynhyrchion planhigion neu wrthrychau eraill a gweithgareddau cysylltiedig (gan gynnwys amser teithio ac amser swyddfa):	
(a) hyd at a chan gynnwys yr awr gyntaf;	£27.00
(b) wedi hynny, am bob 15 munud ychwanegol neu ran o’r cyfnod hwnnw	£7.50.

(3) In regulation 3, after paragraph (5) insert—

“(5A) The fee payable in connection with an application to the Welsh Ministers for a phytosanitary certificate for export or phytosanitary certificate for re-export is the fee specified in Schedule 4A.

(5B) The fee payable in connection with an application to the Welsh Ministers for a WPM authorisation is the fee specified in Schedule 4B.”

(4) After Schedule 4 insert—

“SCHEDULE 4A Regulation 3(5A)

Fees in connection with an application for a phytosanitary certificate for export or phytosanitary certificate for re-export

(1) <i>Service</i>	(2) <i>Fee</i>
The consideration of an application, including the issue, where appropriate, of a phytosanitary certificate or a phytosanitary certificate for re-export	£15.00
The examination or testing of plants, plant products or other objects and associated activities (including travelling and office time):	
(a) up to and including the first hour;	£27.00
(b) thereafter, for each additional 15 minutes or part thereof	£7.50.

ATODLEN 4B Rheoliad 3(5B)
Ffioedd mewn cysylltiad â chais am awdurdodiad DPP

<i>(1)</i> <i>Math o gais</i>	<i>(2)</i> <i>Ffi</i>
Cais am awdurdodiad DPP, ac eithrio adnewyddu awdurdodiad DPP presennol	£400.00
Cais i adnewyddu awdurdodiad DPP presennol	£120.00
Cais am ailasesiad at ddibenion awdurdodiad DPP	£120.00 ⁷ .

RHAN 7
Dirymu

36. Mae Rheoliadau Rheolaethau Swyddogol (Anifeiliaid, Bwyd Anifeiliaid a Bwyd) (Cymru) 2007(1) wedi eu dirymu.

SCHEDULE 4B Regulation 3(5B)
Fees in connection with an application for a WPM authorisation

<i>(1)</i> <i>Type of application</i>	<i>(2)</i> <i>Fee</i>
Application for a WPM authorisation, other than a renewal of an existing WPM authorisation	£400.00
Application for a renewal of an existing WPM authorisation	£120.00
Application for a re-assessment for the purposes a WPM authorisation	£120.00 ⁷ .

PART 7
Revocation

36. The Official Controls (Animals, Feed and Food) (Wales) Regulations 2007(1) are revoked.

Lesley Griffiths

Gweinidog yr Amgylchedd, Ynni a Materion Gweldig,
 un o Weinidogion Cymru
 21 Ionawr 2020

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Minister for Environment, Energy and Rural Affairs,
 one of the Welsh Ministers
 21 January 2020

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(1) O.S. 2007/196 (Cy. 15).

(1) S.I. 2007/196 (W. 15).

