OFFERYNNAU STATUDOL CYMRU

2021 Rhif 239 (Cy. 62)

YMADAEL Â'R UNDEB EWROPEAIDD, CYMRU

IECHYD PLANHIGION, CYMRU

Rheoliadau Iechyd Planhigion (Diwygio) (Cymru) (Ymadael â'r UE) 2021

NODYN ESBONIADOL

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

Mae'r Rheoliadau hyn wedi eu gwneud drwy arfer y pwerau a roddir gan baragraffau 1(1) ac 11M o Atodlen 2 i Ddeddf yr Undeb Ewropeaidd (Ymadael) 2018 (p. 16) er mwyn ymdrin ag unrhyw fethiant yng nghyfraith yr UE a ddargedwir i weithredu'n effeithiol a diffygion eraill ac i ymdrin â materion sy'n deillio o'r Protocol ar Iwerddon/Gogledd Iwerddon yn y cytundeb ymadael â'r UE, neu faterion sy'n gysylltiedig ag ef.

Mae'r Rheoliadau hyn yn gysylltiedig â Rheoliadau Iechyd Planhigion (Diwygio) (Ymadael â'r UE) 2021 (O.S. 2021/79) ac yn diwygio Rheoliadau Rheolaethau Swyddogol (Iechyd Planhigion ac Organeddau a Addaswyd yn Enetig) (Cymru) 2020 (O.S. 2020/206 (Cy. 48)).

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

WELSH STATUTORY INSTRUMENTS

2021 No. 239 (W. 62)

EXITING THE EUROPEAN UNION, WALES

PLANT HEALTH, WALES

The Plant Health (Amendment) (Wales) (EU Exit) Regulations 2021

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations are made in exercise of the powers conferred by paragraphs 1(1) and 11M of Schedule 2 to the European Union (Withdrawal) Act 2018 (c. 16) in order to address failures of retained EU law to operate effectively and other deficiencies and to deal with matters arising out of, or related to, the Protocol on Ireland/Northern Ireland in the EU withdrawal agreement.

These Regulations are connected to the Plant Health (Amendment) (EU Exit) Regulations 2021 (S.I. 2021/79) and amend the Official Controls (Plant Health and Genetically Modified Organisms) (Wales) Regulations 2020 (S.I. 2020/206 (W. 48)).

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

OFFERYNNAU STATUDOL CYMRU

2021 Rhif 239 (Cy. 62)

YMADAEL Â'R UNDEB EWROPEAIDD, CYMRU

IECHYD PLANHIGION, CYMRU

Rheoliadau Iechyd Planhigion (Diwygio) (Cymru) (Ymadael â'r UE) 2021

Gwnaed	*3 Mawrth 2021*
Yn dod i rym	*4 Mawrth 2021*

Mae Gweinidogion Cymru yn gwneud y Rheoliadau hyn drwy arfer y pwerau a roddir gan baragraffau 1(1) ac 11M o Atodlen 2 i Ddeddf yr Undeb Ewropeaidd (Ymadael) 2018(**1**).

Gosodwyd drafft o'r offeryn hwn gerbron Senedd Cymru ac fe'i cymeradwywyd drwy benderfyniad ganddi yn unol â pharagraffau 1(8) ac 8F(7) o Atodlen 7 i'r Ddeddf honno(**2**).

Enwi a chychwyn

1.—(1) Enw'r Rheoliadau hyn yw Rheoliadau Iechyd Planhigion (Diwygio) (Cymru) (Ymadael â'r UE) 2021.

(2) Deuant i rym drannoeth y diwrnod y'u gwneir.

(**1**) 2018 p. 16; mewnosodwyd paragraff 11M o Atodlen 2 gan adran 22 o Ddeddf yr Undeb Ewropeaidd (Y Cytundeb Ymadael) 2020 (p. 1). *Gweler* adran 20(1) o Ddeddf 2018 am y diffiniad o "devolved authority".

(**2**) Mae'r cyfeiriadau yn Neddf yr Undeb Ewropeaidd (Ymadael) 2018 at Gynulliad Cenedlaethol Cymru bellach yn cael effaith fel cyfeiriadau at Senedd Cymru, yn rhinwedd adran 150A(2) o Ddeddf Llywodraeth Cymru 2006 (p. 32).

WELSH STATUTORY INSTRUMENTS

2021 No. 239 (W. 62)

EXITING THE EUROPEAN UNION, WALES

PLANT HEALTH, WALES

The Plant Health (Amendment) (Wales) (EU Exit) Regulations 2021

Made	*3 March 2021*
Coming into force	*4 March 2021*

The Welsh Ministers make these Regulations in exercise of the powers conferred by paragraphs 1(1) and 11M of Schedule 2 to the European Union (Withdrawal) Act 2018(**1**).

A draft of this instrument has been laid before and approved by a resolution of Senedd Cymru in accordance with paragraphs 1(8) and 8F(7) of Schedule 7 to that Act(**2**).

Title and commencement

1.—(1) The title of these Regulations is the Plant Health (Amendment) (Wales) (EU Exit) Regulations 2021.

(2) They come into force on the day after the day on which they are made.

(**1**) 2018 c. 16; paragraph 11M of Schedule 2 was inserted by section 22 of the European Union (Withdrawal Agreement) Act 2020 (c. 1). *See* section 20(1) of the 2018 Act for the definition of "devolved authority".

(**2**) The references in the European Union (Withdrawal) Act 2018 to the National Assembly for Wales now have effect as references to Senedd Cymru, by virtue of section 150A(2) of the Government of Wales Act 2006 (c. 32).

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

2.—(1) Mae Rheoliadau Rheolaethau Swyddogol (Iechyd Planhigion ac Organeddau a Addaswyd yn Enetig) (Cymru) 2020(**1**) wedi eu diwygio fel a ganlyn.

(2) Yn rheoliad 2(1), yn y lle priodol, mewnosoder—

> "ystyr "pasbort planhigion" ("*plant passport*") yw pasbort sy'n basbort planhigion y DU neu'n basbort planhigion arall a ganiateir;".

(3) Yn rheoliad 42—

(a) yn y pennawd, hepgorer "y DU";

(b) ym mharagraff (1)(b) ac (c), hepgorer "y DU" yn y ddau le y mae'n digwydd.

(4) Yn Atodlen 3, yn Rhan 1, yn y tabl—

(a) yn y cofnod sy'n ymwneud ag Erthygl 79(1), yn y golofn gyntaf, yn lle "a 92a" rhodder ", 92a a 95a(2)";

(b) yn y cofnod sy'n ymwneud ag Erthygl 80(1), yn y golofn gyntaf, yn lle "a 92a" rhodder ", 92a a 95a(2)";

(c) yn y cofnod sy'n ymwneud ag Erthygl 93(5), yn yr ail golofn, yn lle "amnewid y DU" rhodder "penodol";

(d) ar ôl y cofnod sy'n ymwneud ag Erthygl 93(5) mewnosoder—

"Erthygl 95a(1)	Yn gwahardd cyflwyno uned fasnach GI berthnasol i Brydain Fawr o Ogledd Iwerddon oni bai bod y pasbort planhigion a oedd yn ofynnol ar gyfer ei symud o fewn Gogledd Iwerddon yn dod gyda hi.".

(**1**) O.S. 2020/206 (Cy. 48), a ddiwygiwyd gan O.S. 2020/1134 (Cy. 259), O.S. 2020/1303 (Cy. 288) ac O.S. 2020/1628 (Cy. 342).

Amendment of the Official Controls (Plant Health and Genetically Modified Organisms) (Wales) Regulations 2020

2.—(1) The Official Controls (Plant Health and Genetically Modified Organisms) (Wales) Regulations 2020(**1**) are amended as follows.

(2) In regulation 2(1), at the appropriate place, insert—

> ""plant passport" ("*pasbort planhigion*") means a passport which is a UK plant passport or other permitted plant passport;".

(3) In regulation 42—

(a) in the heading, omit "UK";

(b) in paragraph (1)(b) and (c), omit "UK" in both places where it occurs.

(4) In Schedule 3, in Part 1, in the table—

(a) in the entry relating to Article 79(1), in the first column, for "and 92a" substitute ", 92a and 95a(2)";

(b) in the entry relating to Article 80(1), in the first column, for "and 92a" substitute ", 92a and 95a(2)";

(c) in the entry relating to Article 93(5), in the second column, for "replacement UK" substitute "certain";

(d) after the entry relating to Article 93(5) insert—

"Article 95a(1)	Prohibits the introduction of a relevant NI trade unit into Great Britain from Northern Ireland unless it is accompanied by the plant passport which was required for its movement within Northern Ireland.".

(**1**) S.I. 2020/206 (W. 48), amended by S.I. 2020/1134 (W. 259), S.I. 2020/1303 (W. 288) and S.I. 2020/1628 (W. 342).

Lesley Griffiths

Gweinidog yr Amgylchedd, Ynni a Materion Gwledig, un o Weinidogion Cymru
3 Mawrth 2021

Minister for Environment, Energy and Rural Affairs, one of the Welsh Ministers
3 March 2021

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