

OFFERYNNAU STATUDOL CYMRU

**2001 Rhif 3667 (Cy.299)**

**HADAU, CYMRU**

**Rheoliadau Hadau Llysiâu (Diwygio) (Cymru) 2001**

*Wedi'u gwneud* - - 8 Tachwedd 2001  
*Yn dod i rym* - - 29 Tachwedd 2001

Mae Cynulliad Cenedlaethol Cymru, drwy arfer y pwerau a roddwyd o dan adrannau 16(1), (1A), (2), (3), (4) a (5) a 36 o Ddeddf Amrywiadau a Hadau Planhigion 1964(1) sydd bellach wedi'u breinio ynddo(2) a phob pŵer arall sy'n ei alluogi yn y cyswllt hwnnw, ar ôl ymgynghori, yn unol ag adran 16(1) o'r Ddeddf honno, â chynrychiolwyr y buddiannau hynny y mae'n ymddangos iddo eu bod o bwys iddynt, drwy hyn yn gwneud y Rheoliadau canlynol:

**Enwi, cychwyn a chymhwysio**

1.—(1) Enw'r Rheoliadau hyn yw Rheoliadau Hadau Llysiâu (Diwygio) (Cymru) 2001 a deuant i rym ar 29 Tachwedd 2001.

(2) Mae'r Rheoliadau hyn yn gymwys i Gymru yn unig.

**Diwygio Rheoliadau Hadau Llysiâu 1993**

2.—(1) Diwygir Rheoliadau Hadau Llysiâu 1993(3), i'r graddau y maent yn gymwys i Gymru, yn unol â darpariaethau canlynol y Rheoliadau hyn.

(2) Dehonglir unrhyw gyfeiriad yn y Rheoliadau hyn at reoliad neu Atodlen â rhif fel cyfeiriad at y rheoliad neu'r Atodlen sy'n dwyn y rhif hwnnw yn Rheoliadau Hadau Llysiâu 1993.

**Rheoliad 3 (Dehongli)**

3.—(1) Yn rheoliad 3(1) —

(a) yn y lle priodol, mewnosodwch y diffiniadau canlynol —

- (1) [1964 p.14](#); diwygiwyd adran 16 gan adran 4(1) o Ddeddf Cymunedau Ewrop [1972 \(p.68\)](#) a pharagraff 5(1), (2) a (3) o Atodlen 4 iddi.
- (2) *Gweler* adran 38(1) i gael diffiniad o “the Minister”. O dan Orchymyn Trosglwyddo Swyddogaethau (Cymru) (Rhif 1) 1978 ([O.S. 1978/272](#)), erthygl 2(1) ac Atodlen 1, trosglwyddwyd swyddogaethau'r Gweinidog Amaethyddiaeth, Pysgodfeydd a Bwyd o dan Ddeddf Amrywiadau a Hadau Planhigion 1964, i'r graddau y maent yn arferadwy mewn perthynas â Chymru, i'r Ysgrifennydd Gwladol. O dan Orchymyn Cynulliad Cenedlaethol Cymru (Trosglwyddo Swyddogaethau) 1999 ([O.S. 1999/672](#)), y cafwyd diwygiadau iddo nad ydynt yn berthnasol i'r Rheoliadau hyn, cafodd swyddogaethau'r Ysgrifennydd Gwladol eu trosglwyddo, mewn perthynas â Chymru, i Gynulliad Cenedlaethol Cymru.
- (3) [O.S. 1993/2008](#), fel y'i diwygiwyd gan [O.S. 1996/1452](#), [1997/616](#) ac [O.S. 1999/1863](#).

““genetically modified” has the same meaning as for the purposes of Council Directive 90/220/EEC(4) on the deliberate release into the environment of genetically modified organisms;”;

““the National Assembly” means the National Assembly for Wales;”;

““third country” means a country listed in the Annex to Council Decision 95/514/EC(5);”.

(b) hepgorwch y diffiniad o “marketing” a'r cyfeiriad at ddehongli'r termau cysylltiedig, sef “market” a “marketed”; ac

(c) yn lle'r diffiniad o “official examination” rhowch —

““official examination” means —

(a) in relation to seed produced in the United Kingdom, an examination or a test carried out by or on behalf of the National Assembly, the Minister of Agriculture, Fisheries and Food, the Secretary of State, the Scottish Ministers, or the (Northern Ireland) Department of Agriculture and Rural Development; or

(b) in relation to seed produced elsewhere, an examination or a test approved by the National Assembly;”.

(2) Ar ôl paragraff (3) o reoliad 3 mewnosodwch —

“(3A) For the purposes of these Regulations, seeds —

(a) produced and packaged in a Member State other than the United Kingdom;

(b) accompanied by a document issued by a competent authority concerned with the certification of vegetable seeds in that Member State containing information specified at paragraph C(b) of Part I of Schedule 6; and

(c) in respect of which an application has been made for a breeder’s confirmation under these Regulations,

shall be deemed to be seeds produced from seeds issued with a breeder’s confirmation.

(3B) For the purposes of these Regulations, seeds —

(a) produced and packaged in a Member State other than the United Kingdom;

(b) accompanied by a document issued by a competent authority concerned with the certification of vegetable seeds in that Member State containing information specified (in respect of packages of seed not finally certified) at paragraph C(b) of Part I of Schedule 6; and

(c) in respect of which an application has been made for an official certificate under these Regulations,

shall be deemed to be seeds produced from seeds issued with such a breeder’s confirmation or an official certificate.

(3C) For the purposes of these Regulations, seeds —

(a) produced and packaged in a Member State other than the United Kingdom;

(b) labelled in accordance with the requirements of regulation 9; and

(c) in the case of a small package of seeds, sealed in accordance with the requirements of regulation 8(3), or, in the case of seeds other than a small package of seeds,

(4) OJ Rhif L117, 8.5.90, t.15; fel y'i diwygiwyd ddiwethaf gan Benderfyniad y Comisiwn 98/294/EC, OJ Rhif L131, 5.5.98, t.33.

(5) OJ Rhif L296, 8.12.95, t.34.

sealed by a competent authority concerned with the certification of vegetable seeds in that Member State,

shall be deemed to fall within the meaning of the appropriate category of seeds set out in paragraph (3) above”.

(3) Ar ôl paragraff (4) o reoliad 3, ychwanegwch —

“(5) In these Regulations “marketing” means —

- (a) selling, holding with a view to sale and offering for sale; and
- (b) any disposal, supply or transfer for the purpose of commercial exploitation of seed to third parties,

whether or not for consideration; and “market” and “marketed” shall be construed accordingly.

(6) Trade in seed not aimed at commercial exploitation of the variety, such as the following operations —

- (a) the supply of seed to official testing and inspection bodies; or
- (b) the supply of seed to any person for the purpose of processing or packaging the seed provided he does not acquire title to the seed supplied,

shall not be treated as marketing of seed of that variety.”.

#### **Rheoliad 4 (Hadau y mae Rheoliadau Hadau Llysiau 1993 yn gymwys iddynt)**

4. Yn rheoliad 4 —

- (a) ym mharagraff (1), yn lle “Subject to paragraphs (2) and (3) below” rhowch “Subject to paragraph (2) below”;
- (b) ym mharagraff (2), hepgorwch is-baragraffau (b), (c) a (d); ac
- (c) hepgorwch baragraff (3).

#### **Rheoliad 5 (Marchnata Hadau)**

5. Yn rheoliad 5 —

- (a) ym mharagraff (1)(b), ar ôl “regulation 9(1),” mewnosodwch “(1B),”;
- (b) ar ôl paragraff (1)(c), ychwanegwch —
  - “, or
  - (d) in the case of genetically modified seeds, clearly indicated, in the sales catalogue of the person marketing the seeds and in any other marketing information or marketing representations provided by that person, as having been genetically modified.”;
- (c) ar ôl paragraff (1) mewnosodwch —
  - “(1A) Paragraph (1) above shall not prevent the marketing of seed as grown, marketed for processing, provided that the identity of the seed is ensured.”;
- (ch) ar ôl paragraff (2) mewnosodwch —
  - “(2A) Where there is an arrangement under which —
    - (a) seed, other than seed which contains any genetically modified material, under the control of one person (“the first person”) is used by another person (“the second person”) for the purpose of —
      - (i) increasing the first person’s stock of the seed for sowing; or

(ii) carrying out tests or trials on the seed; and

(b) everything produced from the seed, whether directly or indirectly, and any unused seed, become or remain the property of the first person,

the prohibitions in paragraph (1) above shall not apply to the marketing of the seed by the first person to the second person as part of that arrangement or to the marketing by the second person to the first person of any seed produced (whether directly or indirectly) from that seed.

(2B) The prohibitions in paragraph (1) above shall not apply to the marketing by producers of small quantities of seed, other than seed which contains any genetically modified material, for scientific purposes or selection work.

(2C) If the conditions specified in paragraph (2D) below are satisfied, the prohibitions in paragraph (1) above shall not apply to—

- (a) the marketing, as part of any arrangement referred to in paragraph (2A) above by the first person referred to in that paragraph to the second person referred to in that paragraph, of seed which contains any genetically modified material;
- (b) the marketing, as part of any arrangement referred to in paragraph (2A) above, by the second person referred to in that paragraph to the first person referred to in that paragraph of seed produced (whether directly or indirectly) from the seed marketed to the second person as part of any such arrangement which contains any genetically modified material; or
- (c) the marketing by producers, for scientific purposes or selection work, of small quantities of seed which contains any genetically modified material.

(2D) The conditions referred to in paragraph (2C) above are —

- (a) the deliberate release of the genetically modified material has been authorised under a Part B consent, or the genetically modified material has been accepted for marketing in accordance with a Part C consent, issued for the purposes of Council Directive [90/220/EEC](#) on the deliberate release into the environment of genetically modified organisms;
- (b) the seeds are accompanied during marketing by a copy of the consent;
- (c) all appropriate measures, in accordance with an environmental risk assessment in respect of the material carried out in accordance with article 7(4) of Council Directive [70/458/EEC](#)<sup>(6)</sup>, have been taken by the producer of the seed to avoid adverse effects on human health and the environment; and
- (d) in the case of genetically modified material accepted for marketing in accordance with a Part C consent, an authorisation has been granted by the National Assembly in accordance with paragraph (2E) below to the person marketing the seed.

(2E) An authorisation may be granted by the National Assembly for the purpose of paragraph (2D)(d) above if —

- (a) the person intending to market the seed has applied to the National Assembly no later than 15 working days before the seed is marketed —
  - (i) giving the National Assembly notice of that person's intention to market the seed and a description of the proposed marketing in respect of which the authorisation is sought; and

(6) OJ Rhif L225, 12.10.1970, t.1; fel yr effeithiwyd ddiwethaf gan Gyfarwydddeb 2001/18/EC y Senedd Ewropeaidd a'r Cyngor 98/96/EC (OJ Rhif L106, 17.04.2001, t.1) a fydd yn diddymu 90/220/EEC ar 17 Hydref 2002.

- (ii) giving the National Assembly such information relating to the acceptance for marketing of the variety of the seed concerned under Council Directive 90/220/EEC, and the proposed marketing in respect of which the authorisation is sought, as the National Assembly may require for the purposes of determining whether or not to grant the authorisation; and
- (b) the National Assembly is satisfied that an authorisation should be granted.”;
- (d) ar ôl paragraff (9) mewnosodwch —
  - “(9A) Vegetable seeds produced and packaged in a Member State other than the United Kingdom intended for official certification in the United Kingdom shall not be marketed unless they are —
    - (a) sealed and labelled as required by regulations 8 and 9; and
    - (b) accompanied by an official document containing all the information in respect of the seeds specified at paragraph C of Part I of Schedule 6.
  - (9B) A person who imports a package containing a net weight of more than 2 kilograms of vegetable seeds produced in a country other than another Member State shall make available to the National Assembly, in such manner and at such time as the National Assembly may require, the information in respect of the seeds specified in Part IV of Schedule 6.”; ac
- (dd) ym mharagraff (13), hepgorwch “may be imported but”.

### **Rheoliad 9 (Labelu Pecynnau)**

- 6. Yn rheoliad 9 —
  - (a) ar ôl paragraff (1A), mewnosodwch —
    - “(1B) If a variety has been genetically modified, any label or document, whether official or otherwise, affixed to or accompanying a seed lot or any part of a seed lot in accordance with the provisions of this regulation, shall clearly indicate that the variety has been genetically modified.”; a
  - (b) ym mharagraff (11)(b) yn lle “Part IV” rhwch “Part V”.

### **Atodlen 6 (Gofynion Labelu)**

- 7. Yn Atodlen 6 —
  - (a) ailrifwch “Part IV” (Manylion sydd i’w marcio neu i’w harddangos wrth werthu hadau nad ydynt mewn pecyn) fel “Part V”; a
  - (b) ar ôl Rhan III, mewnosodwch —

## “Part IV

### **Information in respect of seeds imported from third countries in packages more than 2 kilograms in Net weight**

1. Species.
2. Variety.
3. Category.
4. Country of production and official inspection authority.

5. Country of despatch.
6. Importer.
7. Quantity of seed.”.

Llofnodwyd ar ran Cynulliad Cenedlaethol Cymru o dan adran 66(1) o Ddeddf Llywodraeth Cymru 1998(7).

8 Tachwedd 2001

*D. Elis-Thomas*  
Llywydd y Cynulliad Cenedlaethol

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## EXPLANATORY NOTE

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

Mae'r Rheoliadau hyn yn diwygio Rheoliadau Hadau Llysiau 1993, [O.S. 1993/2008](#), (fel y'i diwygiwyd gan [O.S. 1996/1452](#), [1997/616](#) a [1999/1863](#)) (“Rheoliadau 1993”). Maent yn dod i rym ar 29 Tachwedd 2001 ac yn gymwys i Gymru yn unig.

Mae'r diwygiadau i Reoliadau 1993 yn peri bod Cyfarwyddeb y Cyngor [98/95/EC](#) (OJ Rhif L25, 1.2.1999, t.1) yn effeithiol yng Nghymru mewn perthynas â chyfuno'r farchnad fewnol, adnoddau planhigion a addaswyd yn enetig ac adnoddau genetig planhigion. Diwygiodd y gyfarwyddeb hon Gyfarwyddeb y Cyngor [70/458/EEC](#) (OJ Rhif L225, 12.10.1970, t.7) ynghylch marchnata hadau llysiau.

Mae'r Rheoliadau hyn —

- (a) yn diwygio diffiniadau yn rheoliad 3 (o Reoliadau 1993), gan gynnwys y diffiniadau o “marketing” ac “official examination” (rheoliad 3);
- (b) yn diwygio rheoliad 5 mewn perthynas â marchnata (gan gynnwys marchnata hadau llysiau a addaswyd yn enetig), ac awdurdodiadau marchnata, profion a threialon, hadau fel y cânt eu tyfu, gwaith dethol a dibenion gwyddonol eraill; ac yn gwneud diwygiadau canlyniadol i reoliad 4 (rheoliadau 4 a 5);
- (c) yn diwygio rheoliad 9 i wneud darpariaeth mewn perthynas â dangos amrywiadau a addaswyd yn enetig yn glir (rheoliad 6); ac
- (ch) yn diwygio Atodlen 6 i wneud darpariaeth ar gyfer rhoi gwybodaeth ynghylch hadau sydd wedi'u mewnfario (rheoliad 7).

Mae Rheoliadau tebyg wedi'u gwneud er mwyn diwygio Rheoliadau 1993 i'r graddau y maent yn gymwys i Loegr ac i'r Alban gan [O.S. 2000/1790](#) ac [O.S.A. 2000/250](#) yn y drefn honno.

Mae Rheoliadau tebyg yn cael eu gwneud mewn perthynas â Chymru ynglŷn â'r canlynol:

- hadau betys
- hadau planhigion porthiant
- hadau grawnfwydydd
- tatws hadyd
- hadau planhigion olew a ffibr.

I gael rhagor o wybodaeth am y Rheoliadau hynny, cysylltwch â'r Is-adran Cefn Gwlad, Cynulliad Cenedlaethol Cymru, Parc Cathays, Caerdydd.