
OFFERYNNAU STATUDOL CYMRU

2002 Rhif 2325 (Cy.232)

AMAETHYDDIAETH, CYMRU

**Rheoliadau Bucholion a Chynhyrchion Buchol
(Masnach) (Diwygio) (Cymru) (Rhif 2) 2002**

Wedi'u gwneud - - - *10 Medi 2002*
Yn dod i rym - - - *11 Medi 2002*

Mae Cynulliad Cenedlaethol Cymru, gan ei fod wedi'i ddynodi(1) at ddibenion adran 2(2) o Ddeddf y Cymunedau Ewropeaidd 1972(2) mewn perthynas â pholisi amaethyddiaeth cyffredin y Gymuned Ewropeaidd, drwy hyn yn gwneud y Rheoliadau canlynol:

Enw, cychwyn a chymhwyso

1. Enw'r Rheoliadau hyn yw Rheoliadau Bucholion a Chynhyrchion Buchol (Masnach) (Diwygio) (Cymru) (Rhif 2) 2002; maent yn gymwys i Gymru yn unig a deuant i rym ar 11 Medi 2002.

Diwygio the Bovines and Bovine Products (Trade) Regulations 1999

2.—(1) Diwygir Rheoliadau Bucholion a Chynhyrchion Buchol (Masnach) 1999(3) mewn perthynas â Chymru yn unol â darpariaethau canlynol y rheoliad hwn.

(2) Yn rheoliad (1) (dehongli)—

(a) diddymir y diffiniad o “bovine embryo”;

(b) rhoddir y diffiniad canlynol yn syth ar ôl y diffiniad o “establishment”—

““export approved establishment” means an establishment approved as such under regulation 12 below;”; ac

(c) diddymir y diffiniad o “export dedicated establishment”.

(3) Yn rheoliad 3(1)(a) (masnach mewn anifeiliaid byw, embryonau buchol, cig a blawd esgyrn mamalaidd a chynhyrchion cysylltiedig) diddymir y geiriau “or bovine embryo”.

(4) Ar ôl rheoliad 5 mewnosodir y rheoliad canlynol—

(1) O.S. 1999/2788.

(2) 1972 p. 68.

(3) O.S. 1999/1103, a ddiwygiwyd gan O.S. 1999/1554, O.S. 2000/656 ac O.S. 2002/1174.

“Offers to despatch

5A. No person shall offer to despatch, consign, or accept orders for the despatch, or consignment of anything prohibited from being despatched or consigned by these Regulations.”

(5) Yn rheoliad 10 (cymeradwyo sefydliadau ar gyfer cigyddda anifeiliaid sy'n gymwys ar gyfer y DBES a pharatoi nwyddau DBES)—

(a) yn lle paragraff 3(c) rhoddir y paragraff canlynol—

“that all parts of the premises, and equipment on the premises, used for the production, processing, treatment, handling, storage, loading or unloading of any bovine product not eligible for despatch abroad have been thoroughly cleansed and disinfected after such use.”; ac

(b) ym mharagraff 3(e)(i) yn lle'r geiriau “export dedicated establishment” amnewidir y geiriau “export approved establishment”.

(6) Yn rheoliad 12 (cymeradwyo sefydliadau ar gyfer paratoi ac anfon nwyddau o darddiad tramor sy'n gymwys i'w hallforio, nwyddau DBES ac ECHS a sgil-gynhyrchion buchol o darddiad tramor)—

(a) ym mharagraff (2)(a)(i) yn lle'r geiriau “export dedicated establishment” amnewidir y geiriau “export approved establishment”;

(b) ym mharagraff (2)(a)(i) yn lle'r geiriau “export dedicated establishments” amnewidir y geiriau “export approved establishments”;

(c) diddymir paragraff 2(a)(ii);

(ch) diddymir paragraff (3)(a);

(d) diddymir paragraff 3(b);

(dd) diddymir paragraff (3)(c)(i);

(e) ym mharagraff (3)(c)(ii) rhoddir y gair “that” ar ddechrau'r paragraff a diddymir y geiriau “and procedures must have been put in place to prevent entry onto the premises of bovine products which are not eligible for despatch abroad other than DBES goods destined for placing on the market in the United Kingdom”;

(f) ym mharagraffau 3(c) a (d) diddymir y geiriau “in respect of an export approved establishment”;

(ff) ym mharagraff 3(d) yn lle'r geiriau “to these Regulations” amnewidir y canlynol “or 3 to these Regulations or both as appropriate”;

(g) diddymir paragraff 3(e);

(h) ym mharagraff 4 yn lle'r geiriau “export dedicated establishment or an application for approval of an establishment which is not an export dedicated establishment” amnewidir y canlynol “export approved establishment for the preparation of DBES goods or an application for an export approved establishment for the preparation of foreign origin export eligible goods”.

(7) Yn rheoliad 13 (gofynion a osodir ar reolwr sefydliad a gymeradwyir o dan rheoliad 12)—

(a) ym mharagraffau 2(b) a 4(c) yn lle'r geiriau “export dedicated establishment” amnewidir y geiriau “export approved establishment”;

(b) ym mharagraff 2(b) yn lle'r geiriau “to these Regulations” amnewidir y canlynol “or 3 to these Regulations or both as appropriate”;

(c) diddymir paragraff 2(c).

(8) Yn rheoliad 17 (cipio nwyddau anghyfreithlon)—

- (a) yn lle paragraff (7) amnewidir y paragraff canlynol—
- “(7) Where the justice of the peace, on the basis of such evidence as he or she considers to be appropriate in the circumstances is satisfied that a consignment is illegal, but is also satisfied that there is no relevant risk in respect of the consignment if it is returned to the owner, he or she shall order—
- (a) the consignment to be returned to the owner; and
- (b) any expenses reasonably incurred in connection with storage of the consignment to be defrayed by the owner of the consignment.”;
- (b) Ar ôl paragraff (7) mewnosdir y paragraffau canlynol—
- “(7A) Subject to paragraph (7B) below, where a notice served under this regulation is withdrawn or the justice of the peace refuses to make an order under paragraphs (6) or (7), the body who appointed the inspector who served the notice shall compensate the owner of the consignment for any depreciation in its value resulting from the action taken by the inspector.
- (7B) Paragraph (7A) shall not apply if the notice was served because the consignment was not accompanied by the correct documentation or certificate and the consignment was detained until the correct documentation or certificate was provided.”.
- (9) Yn lle Atodlenni 1 i 3 amnewidir yr atodlenni canlynol—

“**SCHEDULE 1**

Regulation 10 (3)(d)

Required methods of operation for DBES slaughterhouses

REQUIREMENT	DESCRIPTION OF FACILITY OR CONTROL PROCEDURE BY WHICH THE REQUIREMENT WILL BE MET*	STAFF MEMBER (S) RESPONSIBLE FOR SUPERVISION*
<p>1. Slaughterhouse management must agree with the supervising Official Veterinary Surgeon dedicated time periods (“DBES periods”) when only DBES eligible animals will be slaughtered. No bovine animals, which are not DBES eligible, may be slaughtered during DBES periods.</p>		
<p>2. All bovine animals slaughtered during DBES periods must have been confirmed by official checks before slaughter as being DBES eligible animals.</p>		
<p>3. Before a DBES period can start after non-DBES production, the slaughter hall must first be cleansed and disinfected.</p>		
<p>4. There must be a system at the establishment to ensure that after slaughter DBES meat is traceable</p>		

REQUIREMENT	DESCRIPTION OF FACILITY OR CONTROL PROCEDURE BY WHICH THE REQUIREMENT WILL BE MET*	STAFF MEMBER (S) RESPONSIBLE FOR SUPERVISION*
<p>back to the DBES eligible animal from which it is derived or, in the case of offal which is intended for export, is traceable back to the batch of DBES eligible animals from which it is derived.</p> <p>5. There must be a system for recording all DBES eligible animals slaughtered and outgoing DBES fresh meat which ensures that it is possible to cross check consignments entering and leaving the establishment.</p> <p>6. All carcasses of DBES eligible animals must have individual numbers correlated with the eartag number and must be marked with an additional distinct mark in the form prescribed in Schedule 5 to The Bovines and Bovine Products (Trade) Regulations 1999 after the meat has been passed fit for human consumption following post mortem inspection.</p> <p>7. The additional mark may only be applied to carcasses during DBES periods.</p> <p>8. Instruments intended for application of the additional mark, labels or packaging bearing an additional mark and official seals, may be ordered only with the authorisation of a veterinary inspector.</p> <p>9. All new supplies of instruments intended for application of the additional mark, labels or packaging bearing the additional mark and official seals must be delivered into the control of an inspector in accordance with Regulation 11(7) of The Bovines and Bovine Products (Trade) Regulations 1999 and maintained</p>		

REQUIREMENT	DESCRIPTION OF FACILITY OR CONTROL PROCEDURE BY WHICH THE REQUIREMENT WILL BE MET*	STAFF MEMBER (S) RESPONSIBLE FOR SUPERVISION*
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and applied under the control of an inspector.

10. Carcasses of DBES eligible animals bearing the additional mark must be despatched to export approved establishments except for carcasses of such animals aged under 9 months which may also be despatched abroad. All carcasses must be despatched from the premises in means of transport, or in a lockable chamber or lockable container carried on a means of transport, which is not used at the same time for the carriage of any other meat derived from a bovine animal and sealed with an official seal.

Where carcasses of DBES eligible animals are destined for placing on the market in the UK they should not bear the additional mark.

Where such a mark is present it shall be cancelled or removed from the goods at the time that the goods leave the establishment.

11. Outside of DBES periods, carcasses of DBES eligible animals must be stored separately from carcasses of non-DBES eligible animals in cold store chambers, which are locked under seal so that goods cannot be added or removed without breaking the seal.

During DBES periods, carcasses of non-DBES eligible animals must be stored separately from carcasses of DBES eligible animals in cold store chambers, which are locked under seal so that goods cannot be added or removed without breaking the seal.

Statws This is the original version (as it was originally made). Dim ond ar ei ffurf wreiddiol y mae'r eitem hon o ddeddfwriaeth ar gael ar hyn o bryd.

REQUIREMENT	DESCRIPTION OF FACILITY OR CONTROL PROCEDURE BY WHICH THE REQUIREMENT WILL BE MET*	STAFF MEMBER (S) RESPONSIBLE FOR SUPERVISION*
(Lockable rails in chillers are not sufficient to comply with this requirement.)		

SCHEDULE 2

Regulations 10 (3)(e)(ii) and 12 (3)(d)

Required methods of operation for the preparation of DBES goods in export approved establishments

REQUIREMENT	DESCRIPTION OF FACILITY OR CONTROL PROCEDURE BY WHICH THE REQUIREMENT WILL BE MET*	STAFF MEMBER (S) RESPONSIBLE FOR SUPERVISION*
<p>1. All DBES goods in the establishment must be processed or treated, stored, handled, loaded and unloaded and transported separately, or at different times, from bovine products which are not eligible for despatch abroad.</p> <p>2.—(1) In respect of the preparation at the establishment of any fresh meat derived from DBES eligible animals, the meat must be deboned and all adherent tissues, including obvious nervous and lymphatic tissues, and the lymph nodes mentioned in paragraph (2) of this requirement, must be removed</p> <p>(2) The lymph nodes which must be removed with adherent and obvious nervous and lymphatic tissues are:—</p> <p style="padding-left: 40px;">popliteal, ischiatic, superficial inguinal, deep inguinal, medial and lateral iliac, renal prefemoral, lumbar, costocervical, sternal, presacpular, axilliary and caudal deep cervical.</p> <p>3. DBES goods must be traceable to the individual animal</p>		

REQUIREMENT	DESCRIPTION OF FACILITY OR CONTROL PROCEDURE BY WHICH THE REQUIREMENT WILL BE MET*	STAFF MEMBER (S) RESPONSIBLE FOR SUPERVISION*
<p>from which they were derived (for meat prior to cutting) or batch of animals from which they were derived (for meat after cutting). Offal derived from DBES eligible animals must be traceable to the batch of animals from which they were derived.</p>		
<p>4. Cold stores must have chambers for storage of carcase meat from DBES eligible animals which can be locked under seal so that products cannot be added or removed without breaking the seal. (Lockable rails in chillers are not sufficient to comply with this requirement).</p>		
<p>5. Stores for packaged meat must have clear and effective segregation (i.e spatial separation) between DBES goods and bovine products which are not eligible for dispatch abroad (though this need not take the form of a chamber locked under a seal).</p>		
<p>6. Fresh meat, minced meat, meat preparations, meat products and other products of animal origin derived from DBES eligible animals must be marked with an additional distinct mark in the form prescribed in Schedule 5 of The Bovines and Bovine Products (Trade) Regulations 1999.</p>		
<p>7. Instruments intended for application of the additional mark, labels or packaging bearing an additional mark and official seals may be ordered only with the authorisation of a veterinary inspector.</p>		
<p>8. All new supplies of instruments intended for application of the additional mark, labels or packaging bearing an</p>		

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REQUIREMENT	DESCRIPTION OF FACILITY OR CONTROL PROCEDURE BY WHICH THE REQUIREMENT WILL BE MET*	STAFF MEMBER (S) RESPONSIBLE FOR SUPERVISION*
<p>additional mark and official seals must be delivered into the control of an inspector in accordance with regulation 13(12) of the Bovines and Bovine Products (Trade) Regulations 1999 and maintained and applied under the control of an inspector.</p> <p>9. DBES goods must be despatched from the premises in means of transport which is not used at the same time for the carriage of bovine products which are not eligible for despatch abroad.</p> <p>10. Where DBES goods are destined for placing on the market in the UK they should not bear the additional mark. Where such a mark is present it shall be cancelled or removed from the goods at the time that the goods leave the establishment.</p>		

SCHEDULE 3

Regulation 12(3)(d)

Required methods of operation for the preparation of foreign origin export eligible goods in export approved establishments

REQUIREMENT	DESCRIPTION OF FACILITY OR CONTROL PROCEDURE BY WHICH THE REQUIREMENT WILL BE MET*	STAFF MEMBER (S) RESPONSIBLE FOR SUPERVISION*
<p>1. All raw materials for use in production for despatch abroad must be identifiable to species of origin. Materials of bovine origin and any mammalian meat and bone meal must be traceable to non-UK place of origin.</p> <p>2. All foreign origin export eligible goods which are eligible for despatch abroad must be unloaded, processed or treated, stored,</p>		

REQUIREMENT	DESCRIPTION OF FACILITY OR CONTROL PROCEDURE BY WHICH THE REQUIREMENT WILL BE MET*	STAFF MEMBER (S) RESPONSIBLE FOR SUPERVISION*
<p>handled, loaded and unloaded and transported separately, or at different times, from bovine products which are not eligible for despatch abroad.</p> <p>3.—(1) Cold stores must have chambers for storage of foreign origin export eligible goods which are eligible for despatch abroad which can be locked under seal so that products cannot be added or removed without breaking the seal. (Lockable rails in chillers are not sufficient to comply with this requirement.)</p> <p>(2) Stores for packaged meat must have clear and effective segregation (i.e spatial separation) between foreign origin export eligible goods and bovine products which are not eligible for despatch abroad (though this need not take the form of a chamber locked under a seal).</p> <p>(3) Other stores must have clear and effective segregation between foreign origin export eligible goods which are eligible for despatch abroad and bovine products which are not so eligible (though this need not take the form of a chamber locked under seal).</p> <p>4. Fresh meat, minced meat, meat preparations, meat products and other products of animal origin of bovine origin which are eligible for despatch abroad must be marked with an additional mark in the form prescribed in Schedule 4 to the Bovines and Bovine Products (Trade) Regulations 1999.</p> <p>5. Instruments intended for application of the additional mark, labels or packaging bearing an additional mark and official seals may be ordered only with the</p>		

REQUIREMENT	DESCRIPTION OF FACILITY OR CONTROL PROCEDURE BY WHICH THE REQUIREMENT WILL BE MET*	STAFF MEMBER (S) RESPONSIBLE FOR SUPERVISION*
<p>authorisation of a veterinary inspector.</p> <p>6. All new supplies of instruments intended for application of the additional mark, labels or packaging bearing an additional mark and official seals must be delivered into the control of an inspector in accordance with regulation 13(12) of the Bovines and Bovine Products (Trade) Regulations 1999 and maintained and applied under the control of an inspector.</p> <p>7. There must be sufficient identification of foreign origin export eligible goods for despatch to allow a full description of the goods to be provided on certificates required for the purposes of the Bovines and Bovine Products (Trade) Regulations 1999.</p> <p>8. Foreign origin export eligible goods must be despatched from the premises in means of transport, or in a lockable chamber or lockable container carried on a means of transport, which is—</p> <p>(a) not used at the same time for the carriage of any goods which are not eligible for despatch abroad under these Regulations; and</p> <p>(b) sealed with an official seal.”</p>		

(10) Yn lle paragraff 1(c) o Atodlen 6 amnewidir y canlynol—

“(c) bear the capital letters—

- (i) XAP (in respect of an official seal for an export approved establishment handling foreign origin export eligible goods); or
- (ii) XAPD (in respect of an official seal for an export approved establishment handling DBES goods)”.

Llofnodwyd ar ran Cynulliad Cenedlaethol Cymru o dan adran 66(1) Ddeddf Llywodraeth Cymru 1998(4)

10 Medi 2002

Jane Hutt
Y Gweinidog dros Iechyd a Gwasanaethau
Cymdeithasol

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EXPLANATORY NOTE

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

Mae'r Rheoliadau hyn yn diwygio Rheoliadau Bucholion a Chynhyrchion Buchol (Masnach) 1999 (O.S. 1999/1103, fel y'u diwygiwyd gan O.S. 1999/1554, O.S. 2000/656 ac O.S. 2002/1174 (Cy.122) —“y Prif Rheoliadau”) i'r graddau y maent yn gymwys i Gymru. Mae'r Prif Rheoliadau yn rhoi eu heffaith i Benderfyniadau'r Comisiwn 98/692/EC (OJ Rhif L328, 4.12.98, t.28) a 98/564/EC (OJ Rhif L273, 9.10.98, p.37) a ddiwygiodd Benderfyniad y Cyngor 98/256/EC (OJ Rhif L113, 15.4.98, t.32).

Effaith y diwygiadau yn rheoliad 2 yw rhoi ei effaith i Benderfyniad y Comisiwn 2002/670/EC (OJ Rhif L228, 24.8.2002, t.22) sy'n diwygio Penderfyniad y Cyngor 98/256/EC i ganiatáu anfon o Gymru embryonau buchol a charcasau cig llo ag esgyrn ynddo o loi rhwng 6 a 9 mis oed sy'n cael eu hallforio o dan y Cynllun Allforio ar Sail Dyddiadau (CASD). Mae'r penderfyniad yn diwygio ymhellach y dulliau gweithredu a fyynnir ar gyfer yr CASD yn benodol er mwyn caniatáu i gwmnïau sy'n cymryd rhan gigydda a phrosesu anifeiliaid buchol nad ydynt yn gymwys ar gyfer CASD yn ogystal ag anifeiliaid buchol sy'n gymwys ar gyfer CASD ar yr amod bod trefniadau gwahanu digonol wedi'u sefydlu.

Yn ychwanegol mae rheoliad 2(4) yn gwahardd cynnig anfon neu draddodi nwyddau na chaniateir eu hanfon na'u traddodi o dan y Rheoliadau hyn, boed ar y rhyngrwyd neu fel arall. Mae rheoliad 2(7) yn diwygio rheoliad 17 i ddarparu ar gyfer talu'r costau sy'n cael eu tynnu yn rhesymol mewn cysylltiad â storio gan berchennog y llwyth ac o dan rai amgylchiadau ar gyfer talu iawndal i'r perchennog am unrhyw ostyngiad yng ngwerth y llwyth.

Nid oes Arfarniad Rheoliadol wedi'i baratoi ar gyfer y Rheoliadau hyn.