OFFERYNNAU STATUDOL CYMRU

WELSH STATUTORY INSTRUMENTS

2008 Rhif 2716 (Cy.245)

2008 No. 2716 (W.245)

ANIFEILIAID, CYMRU

ANIMALS, WALES

IECHYD ANIFEILIAID

ANIMAL HEALTH

Rheoliadau Milheintiau a Sgil-gynhyrchion Anifeiliaid (Ffioedd) (Cymru) 2008

The Zoonoses and Animal By-Products (Fees) (Wales) Regulations 2008

NODYN ESBONIADOL

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

Mae'r Rheoliadau hyn, sy'n gymwys o ran Cymru, yn darparu i Weinidogion Cymru godi ffioedd am weithgareddau sy'n ofynnol o dan Reoliad y Comisiwn (EC) Rhif 1003/2005, Rheoliad y Comisiwn (EC) Rhif 1168/2006, Rheoliad (EC) Rhif 2160/2003 a Rheoliadau Sgil-gynhyrchion Anifeiliaid (Cymru) 2006. Rhestrir y gweithgareddau yn rheoliad 3(1). Mae'r Rheoliadau hyn yn dirymu Rheoliadau Milheintiau a Sgil-gynhyrchion Anifeiliaid (Ffioedd) (Cymru) 2007 (O.S. 2007/2496 (Cy.215)).

Mae Asesiad Effaith Rheoleiddiol y Rheoliadau hyn wedi ei lunio a'i atodi i'r Memorandwm Esboniadol. Gellir cael copïau ohono oddi wrth Lywodraeth Cynulliad Cymru, Parc Cathays, Caerdydd, CF10 3NQ.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations apply in relation to Wales and make provision for the Welsh Ministers to charge fees for activities required under Commission Regulation (EC) No. 1003/2005, Commission Regulation (EC) No. 1168/2006, Regulation (EC) No. 2160/2003 and the Animal By-Products (Wales) Regulations 2006. The activities are listed in regulation 3(1). The Regulations revoke the Zoonoses and Animal By-Products (Fees) (Wales) Regulations 2007 (S.I. 2007/2496 (W.215)).

A Regulatory Impact Assessment of the effect of these Regulations has been prepared and is annexed to the Explanatory Memorandum. Copies may be obtained from the Welsh Assembly Government, Cathays Park, Cardiff, CF10 3NQ.

OFFERYNNAU STATUDOL CYMRU

2008 Rhif 2716 (Cy.245)

ANIFEILIAID, CYMRU

IECHYD ANIFEILIAID

Rheoliadau Milheintiau a Sgil-gynhyrchion Anifeiliaid (Ffioedd) (Cymru) 2008

Gwnaed	*16 Hydref 2008*
Gosodwyd gerbron Cynulliad Cenedlaethol Cymru	*17 Hydref 2008*
Yn dod i rym	*31 Hydref 2008*

Mae Gweinidogion Cymru drwy arfer y pwerau a roddwyd gan adran 56(1) a (2) o Ddeddf Cyllid 1973(**1**) ac a freiniwyd bellach ynddynt hwy gan adran 59(5) o Ddeddf Llywodraeth Cymru 2006(**2**), a pharagraff 1A o Atodlen 2 i Ddeddf y Cymunedau Ewropeaidd 1972(**3**),a chyda chydsyniad y Trysorlys, yn gwneud y Rheoliadau a ganlyn.

Mae'r rheoliadau hyn yn darparu ar gyfer diben y cyfeirir ato yn adran 2(2) o Ddeddf y Cymunedau Ewropeaidd 1972 ac y mae'n ymddangos yn hwylus i Weinidogion Cymru ddehongli cyfeiriadau at offerynnau'r Gymuned Ewropeaidd yn y Rheoliadau hyn fel cyfeiriadau at yr offerynnau hynny fel y'u diwygir o bryd i'w gilydd.

Enwi, cymhwyso a chychwyn

1. Enw'r Rheoliadau hyn yw Rheoliadau Milheintiau a Sgil-gynhyrchion Anifeiliaid (Ffioedd) (Cymru) 2008, maent yn gymwys o ran Cymru a deuant i rym ar 31 Hydref 2008.

(**1**) 1973 p.51.

(**2**) 2006 p.32.

(**3**) 1972 p. 68.

WELSH STATUTORY INSTRUMENTS

2008 No. 2716 (W.245)

ANIMALS, WALES

ANIMAL HEALTH

The Zoonoses and Animal By-Products (Fees) (Wales) Regulations 2008

Made	*16 October 2008*
Laid before the National Assembly for Wales	*17 October 2008*
Coming into force	*31 October 2008*

The Welsh Ministers, in exercise of the powers conferred by section 56(1) and (2) of the Finance Act 1973(**1**) and now vested in them by section 59(5) of the Government of Wales Act 2006(**2**), and paragraph 1A of Schedule 2 to the European Communities Act 1972(**3**), and with the consent of the Treasury, make the following Regulations.

These Regulations make provision for a purpose mentioned in section 2(2) of the European Communities Act 1972 and it appears to the Welsh Ministers that it is expedient for the references to European Community instruments in these Regulations to be construed as references to those instruments as amended from time to time.

Title, application and commencement

1. The title of these Regulations is the Zoonoses and Animal By-Products (Fees) (Wales) Regulations 2008, they apply in relation to Wales and come into force on 31 October 2008.

(**1**) 1973 c.51.

(**2**) 2006 c.32.

(**3**) 1972 c.68.

Dehongli

2.—(1) Yn y Rheoliadau hyn—

ystyr "y Rheoliad Ewropeaidd" ("*the European Regulation*") yw Rheoliad (EC) Rhif 2160/2003 Senedd Ewrop a'r Cyngor ar reoli salmonela a chyfryngau milheintiol penodedig eraill sy'n ymledu drwy fwyd (**1**);

ystyr "Rheoliadau 2006" ("*the 2006 Regulations*") yw Rheoliadau Sgil-gynhyrchion Anifeiliaid (Cymru) 2006 (**2**);

ystyr "samplau rheoli swyddogol" ("*official control samples*") yw samplau sydd wedi'u cymryd o dan bwynt 2.1.2.2 o'r Atodiad i Reoliad y Comisiwn (EC) Rhif 1003/2005 sy'n gweithredu Rheoliad (EC) Rhif 2160/2003 o ran targed Cymunedol ar gyfer gostwng nifer yr achosion o seroteipiau salmonela penodol mewn heidiau bridio o Gallus gallus ac yn diwygio Rheoliad (EC) Rhif 2160/2003(**3**) neu bwynt 2.1 o'r Atodiad i Reoliad y Comisiwn (EC) Rhif 1168/2006 sy'n gweithredu Rheoliad (EC) Rhif 2160/2003 o ran targed Cymunedol ar gyfer gostwng nifer yr achosion o seroteipiau salmonela penodol mewn heidiau dodwy o Gallus gallus ac yn diwygio Rheoliad (EC) Rhif 1003/2005(**4**).

(2) Mae unrhyw gyfeiriad yn y Rheoliadau hyn at offeryn Cymunedol yn gyfeiriad at yr offeryn hwnnw fel y'i diwygiwyd o bryd i'w gilydd.

Ffioedd

3.—(1) Caiff Gweinidogion Cymru godi unrhyw ffioedd a fydd, yn eu barn hwy, yn eu galluogi i dalu unrhyw dreuliau rhesymol yr ânt iddynt wrth iddynt gyflawni'r gweithgareddau a ganlyn—

(a) cymryd neu oruchwylio cymryd samplau rheoli swyddogol;

(b) archwilio samplau rheoli swyddogol;

(c) prosesu cais am gymeradwyo labordy o dan reoliad 21 o Reoliadau 2006 neu Erthygl 12 o'r Rheoliad Ewropeaidd;

(ch) prosesu dogfennau cofrestru blynyddol mewn perthynas â labordy a gymeradwywyd o dan reoliad 21 o Reoliadau 2006 neu Erthygl 12 o'r Rheoliad Ewropeaidd;

(d) archwilio labordy at ddiben rheoliad 21 o Reoliadau 2006 neu Erthygl 12 o'r Rheoliad Ewropeaidd;

Interpretation

2.—(1) In these Regulations—

"the 2006 Regulations" ("*Rheoliadau 2006*") means the Animal By-Products (Wales) Regulations 2006(**1**);

"the European Regulation" ("*y Rheoliad Ewropeaidd*") means Regulation (EC) No. 2160/2003 of the European Parliament and of the Council on the control of salmonella and other specified food-borne zoonotic agents(**2**);

"official control samples" ("*samplau rheoli swyddogol*") means samples taken under point 2.1.2.2 of the Annex to Commission Regulation (EC) No. 1003/2005 implementing Regulation (EC) No. 2160/2003 as regards a Community target for the reduction of the prevalence of certain salmonella serotypes in breeding flocks of Gallus gallus and amending Regulation (EC) No. 2160/2003(**3**) or point 2.1 of the Annex to Commission Regulation (EC) No. 1168/2006 implementing Regulation (EC) No. 2160/2003 as regards a Community target for the reduction of the prevalence of certain salmonella serotypes in laying flocks of Gallus gallus and amending Regulation (EC) No. 1003/2005(**4**).

(2) Any reference in these Regulations to a Community instrument is a reference to that instrument as amended from time to time.

Fees

3.—(1) The Welsh Ministers may charge such fees as they consider will enable them to meet any reasonable expenses incurred by them in performing the following activities—

(a) taking or supervising the taking of official control samples;

(b) examining official control samples;

(c) processing of an application for approval of a laboratory under regulation 21 of the 2006 Regulations or Article 12 of the European Regulation;

(d) processing of annual registration documentation in respect of a laboratory approved under regulation 21 of the 2006 Regulations or Article 12 of the European Regulation;

(e) inspecting a laboratory for the purpose of regulation 21 of the 2006 Regulations or Article 12 of the European Regulation;

(**1**) OJ Rhif L325, 12.12.2003, t.1, fel y'i diwygiwyd ddiwethaf gan Reoliad y Comisiwn (EC) Rhif 1273/2007 ar 23 Hydref 2007.

(**2**) O.S. 2006/1293 (Cy. 127).

(**3**) OJ Rhif L 170, 1.7.2005, t.12.

(**4**) OJ Rhif L 211, 1.8.2006, t.4.

(**1**) S.I. 2006/1293 (W.127).

(**2**) OJ No. L325, 12.12.2003, p.1, as last amended by Commission Regulation (EC) No.1273/2007 of 23 October 2007.

(**3**) OJ No L 170, 1.7.2005, p.12.

(**4**) OJ No L 211, 1.8.2006, p.4.

(dd) gweinyddu prawf rheoli ansawdd o dan reoliad 21 o Reoliadau 2006 neu Erthygl 12 o'r Rheoliad Ewropeaidd.

(2) Mae ffioedd yn daladwy i Weinidogion Cymru gan—

(a) y person sydd â gofal daliad pan fo samplau rheoli swyddogol yn cael eu cymryd mewn perthynas â'r gweithgareddau ym mharagraff (1)(a) a (b); a

(b) gweithredydd y labordy mewn perthynas â'r gweithgareddau ym mharagraff (1)(c) i (dd).

(3) Rhaid talu unrhyw ffi sy'n daladwy o dan y rheoliad hwn i Weinidogion Cymru o fewn 14 diwrnod ar ôl cael cais gan Weinidogion Cymru.

Dirymiad

4. Dirymir Rheoliadau Milheintiau a Sgil-gynhyrchion Anifeiliaid (Ffioedd) (Cymru) 2007(**1**).

(f) administering a quality control test under regulation 21 of the 2006 Regulations or Article 12 of the European Regulation.

(2) Fees are payable to the Welsh Ministers by—

(a) the person in charge of a holding where official control samples are taken in respect of the activities in paragraph (1)(a) and (b); and

(b) the operator of the laboratory in respect of the activities in paragraph (1)(c) to (f).

(3) Any fee payable under this regulation must be paid to the Welsh Ministers within 14 days of demand by the Welsh Ministers.

Revocation

4. The Zoonoses and Animal By-Products (Fees) (Wales) Regulations 2007(**1**) are revoked.

Elin Jones

Y Gweinidog dros Faterion Gwledig, un o Weinidogion Cymru

Minister for Rural Affairs, one of the Welsh Ministers

16 Hydref 2008

16 October 2008

(**1**) O.S. 2007/2496 (Cy.215).

(**1**) S.I. 2007/2496 (W.215).

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