



OFFERYNNAU STATUDOL
CYMRU

WELSH
STATUTORY INSTRUMENTS

2008 Rhif 601 (Cy.63)

2008 No. 601 (W.63)

BWYD, CYMRU

FOOD, WALES

**Rheoliadau Cig (Ffioedd
Rheolaethau Swyddogol) (Cymru)
2008**

**The Meat (Official Controls
Charges) (Wales) Regulations
2008**

NODYN ESBONIADOL

EXPLANATORY NOTE

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

(This note is not part of the Regulations)

1. Mae'r Rheoliadau hyn yn gymwys o ran Cymru. Maent yn dirymu ac yn disodli Rheoliadau Cig (Rheolaethau Swyddogol) (Ffioedd) (Cymru) (Rhif 2) 2007 (O.S. 2007/3461 (Cy.306)).

1. These Regulations apply in relation to Wales. They revoke and replace the Meat (Official Controls Charges) (Wales) (No. 2) Regulations 2007 (S.I. 2007/3461 (W.306)).

2. Mae'r Rheoliadau hyn yn darparu ar gyfer gweithredu a gorfodi mewn perthynas â Chymru Erthyglau 26 a 27 o Reoliad (EC) Rhif 882/2004 Senedd Ewrop a'r Cyngor ar reolaethau swyddogol a gyflawnir i sicrhau bod cydymffurfedd â'r gyfraith ynglŷn â bwyd anifeiliaid a bwyd, rheolau iechyd anifeiliaid a rheolau lles anifeiliaid yn cael ei wirhau (OJ Rhif L165, 30.4.2004, t.1; mae testun diwygiedig Rheoliad (EC) Rhif 882/2004 bellach wedi ei osod mewn Corrigendwm, OJ Rhif L191, 28.5.2004, t.1, y dylid ei ddarllen ar y cyd â Chorigendwm pellach, OJ Rhif L204, 4.8.2007, t.29), i'r graddau y mae'r darpariaethau hynny'n—

2. These Regulations provide for the execution and enforcement in relation to Wales of Articles 26 and 27 of Regulation (EC) No. 882/2004 of the European Parliament and of the Council on official controls performed to ensure the verification of compliance with feed and food law, animal health and animal welfare rules (OJ No. L165, 30.4.2004, p.1; the revised text of Regulation (EC) No. 882/2004 is now set out in a Corrigendum, OJ No. L191, 28.5.2004, p.1, which should be read with a further Corrigendum, OJ No.L204, 4.8.2007, p.29), in so far as those provisions—

(a) ei gwneud yn ofynnol i ffioedd gael eu casglu, neu mewn achosion o fathau penodol o ddofednod (e.e. soffliar) caniatáu i ffioedd gael eu casglu, i dalu'r costau sy'n cael eu peri gan reolaethau swyddogol a gyflawnir ar gig carnolion domestig, cig o ddofednod a lagomorffiaid, cig anifeiliaid hela a ffermir a chig anifeiliaid hela gwyllt o dan Reoliad (EC) Rhif 854/2004 Senedd Ewrop a'r Cyngor sy'n gosod rheolau penodol ar gyfer trefnu rheolaethau swyddogol ar gynhyrchion sy'n tarddu o anifeiliaid ac a fwriedir ar gyfer eu bwyta gan bobl (OJ L139, 30.4.2004, t.206; mae testun diwygiedig Rheoliad (EC) Rhif 854/2004 bellach wedi ei osod mewn Corrigendwm, OJ Rhif L226, 25.6.2004, t.83, y dylid ei ddarllen ynghyd â Chorigendwm pellach (OJ Rhif L204 4.8.2007, t.26); a

(a) require or, in the case of certain types of poultry (e.g. quail) permit, fees to be collected to cover the costs occasioned by official controls performed on meat of domestic ungulates, meat from poultry and lagomorphs, meat of farmed game and meat of wild game under Regulation (EC) No. 854/2004 of the European Parliament and of the Council laying down specific rules for the organisation of official controls on products of animal origin intended for human consumption (OJ No. L139, 30.4.2004, p.206; the revised text of Regulation (EC) No. 854/2004 is now set out in a Corrigendum, OJ No. L226, 25.6.2004, p.83, which should be read with a further Corrigendum, OJ No. L204, 4.8.2007, p.26); and

- (b) ei gwneud yn ofynnol i ffioedd gael eu casglu i dalu'r costau sy'n cael eu peri gan reolaethau swyddogol a gyflawnir i wirhau cydymffurfedd â'r rheolau lles anifeiliaid a nodir yng Nghyfarwyddeb y Cyngor 93/119/EC (OJ Rhif L340, 31.12.93, t.21) i'r graddau y maent yn gymwys o ran anifeiliaid a gigyddir mewn lladd-dai ar gyfer eu bwyta gan bobl.

3. Mae'r Rheoliadau hyn yn gwneud darpariaeth ar gyfer diben a grybwyllir yn adran 2(2) o Ddeddf y Cymunedau Ewropeaidd 1972 (1972 p.68) ac mae unrhyw gyfeiriad at offeryn Cymunedol a ddisgrifir yn Atodlen 1 i'w ddehongli fel cyfeiriad at yr offeryn hwnnw fel y'i diwygir o dro i dro.

4. Mae'r Rheoliadau hyn —

- (a) yn ei gwneud yn ofynnol i'r Asiantaeth hysbysu gweithredydd pob lladd-dŷ, sefydliad trin anifeiliaid hela a safle torri lle'r arferwyd rheolaethau swyddogol, o'r ffi rheolaethau swyddogol sydd bellach i'w chodi o ran y rheolaethau swyddogol hynny (diffinnir y termau "lladd-dŷ", "sefydliad trin anifeiliaid hela", "safle torri", "rheolaethau swyddogol" a "ffi rheolaethau swyddogol" oll yn rheoliad 2) (rheoliad 3);
- (b) yn darparu bod unrhyw ffi rheolaethau swyddogol a hysbysir yn y modd hwnnw yn daladwy gan y gweithredydd i'r Asiantaeth pan hawllir hi (rheoliad 3);
- (c) yn caniatáu i'r Asiantaeth wrthod arfer unrhyw reolaethau swyddogol eraill mewn mangre benodol, er gwaethaf gorchymyn Llys yn ei gwneud yn ofynnol i weithredydd y fangre dalu ffi rheolaethau swyddogol y mae'n atebol amdani, os yw'r gweithredydd yn methu cydymffurfio â'r gorchymyn (rheoliad 4);
- (ch) yn ei gwneud yn ofynnol i bersonau—
- (i) rhoi i'r Asiantaeth ar hawliad yr wybodaeth honno y caiff yn rhesymol ei gwneud yn ofynnol er mwyn cyfrifo'r ffi rheolaethau swyddogol neu hysbysu'r gweithredydd ohoni, a
- (ii) rhoi i'r Asiantaeth ar hawliad unrhyw dystiolaeth y mae arni angen rhesymol ei chael er mwyn gwirio'r wybodaeth honno (rheoliad 5);
- (d) yn darparu bod y personau y mae hawliad o'r fath wedi ei gyflwyno iddynt yn cyflawni tramgwydd os ydynt —
- (i) a hwythau'n honni eu bod yn cydymffurfio â'r hawliad, yn ddi-hid neu gan wybod hynny, yn rhoi gwybodaeth neu dystiolaeth sydd yn anwir neu'n gamarweiniol mewn manylyn o bwys, neu

- (b) require fees to be collected to cover the costs occasioned by official controls performed to verify compliance with the animal welfare rules set out in Council Directive 93/119/EC (OJ No. L340, 31.12.93, p.21) in so far as they apply in relation to animals slaughtered at slaughterhouses for human consumption.

3. These Regulations make provision for a purpose mentioned in section 2(2) of the European Communities Act 1972 (1972 c.68) and any reference to a Community instrument defined in Schedule 1 is to be construed as a reference to that instrument as amended from time to time.

4. These Regulations —

- (a) require the Agency to notify the operator of each slaughterhouse, game-handling establishment and cutting plant in which official controls have been exercised, of the official controls charge that has arisen in relation to those officials controls (the terms "slaughterhouse", "game-handling establishment", "cutting plant", "official controls" and "official controls charge" are all defined in regulation 2) (regulation 3);
- (b) provide that any official controls charge so notified is payable by the operator to the Agency on demand (regulation 3);
- (c) allow the Agency to refuse to exercise any further official controls at given premises where, despite a Court order requiring the operator of the premises to pay the official controls charge for which the operator is liable, the operator fails to comply with the order (regulation 4);
- (d) require persons—
- (i) to supply the Agency on demand with such information as it may reasonably require for the purpose of calculating the official controls charge or notifying the operator of it, and
- (ii) to supply the Agency on demand with such evidence as it may reasonably require to verify that information (regulation 5);
- (e) provide that persons to whom such a demand has been made commit an offence if—
- (i) in purported compliance with the demand, they knowingly or recklessly furnish information or evidence that is false or misleading information in a material particular, or

(ii) heb esgus rhesymol, yn methu â chydymffurfio o fewn cyfnod rhesymol â'r hawliad (rheoliad 5).

5. Mae Atodlen 2 i'r Rheoliadau hyn yn nodi sut y mae'r ffi'r rheolaethau swyddogol i'w chyfrifo.

6. Mae asesiad effaith reoleiddiol llawn o'r effaith y bydd yr offeryn hwn yn ei gael ar gael gan yr Asiantaeth Safonau Bwyd, Llawr 11, Southgate House, Wood Street, Caerdydd CF10 1EW.

(ii) without reasonable excuse, they fail to comply within a reasonable time with the demand (regulation 5).

5. Schedule 2 to these Regulations sets out how the official controls charge is to be calculated.

6. A full regulatory impact assessment of the effect that this instrument will have is available from the Food Standards Agency, 11th Floor, Southgate House, Wood Street, Cardiff, CF10 1EW.

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**Rheoliadau Cig (Ffioedd
Rheolaethau Swyddogol) (Cymru)
2008**

**The Meat (Official Controls
Charges) (Wales) Regulations
2008**

Gwnaed 4 Mawrth 2008

Made 4 March 2008

*Gosodwyd gerbron Cynulliad
Cenedlaethol Cymru* 6 Mawrth 2008

*Laid before the National
Assembly for Wales* 6 March 2008

Yn dod i rym 31 Mawrth 2008

Coming into force 31 March 2008

Mae Gweinidogion Cymru yn gwneud y Rheoliadau canlynol drwy arfer y pwerau a roddwyd gan adran 2(2) o Ddeddf y Cymunedau Ewropeaidd 1972 a pharagraff 1A o Atodlen 2 iddi(1).

The Welsh Ministers make the following Regulations in exercise of the powers conferred by section 2(2) of and paragraph 1A of Schedule 2 to the European Communities Act 1972(1).

Mae Gweinidogion Cymru wedi'u dynodi at ddibenion yr adran honno mewn perthynas â mesurau sy'n ymwneud â bwyd (gan gynnwys diod) gan gynnwys cynhyrchu sylfaenol o ran bwyd(2).

The Welsh Ministers are designated for the purposes of that section in relation to measures relating to food (including drink) including the primary production of food(2).

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(3) cafwyd ymgynghoriad cyhoeddus agored a thryloyw tra oedd y Rheoliadau canlynol yn cael eu llunio.

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(3) there has been open and transparent public consultation during the preparation of the following Regulations.

(1) 1972 p.68. Mewnosodwyd paragraff 1A o Atodlen 2 gan adran 28 o Ddeddf Diwygio Deddfwriaethol a Rheoleiddiol 2006 (2006 p.51).

(2) O.S. 2005/1971. Yn rhinwedd adran 162 o Ddeddf Llywodraeth Cymru 2006 a pharagraffau 28 a 30 o Atodlen 11 iddi, mae'r swyddogaethau a roddwyd i Gynulliad Cenedlaethol Cymru gan y dynodiad hwn yn arferadwy gan Weinidogion Cymru.

(3) OJ Rhif L31, 1.2.2002, t.1, fel y'i diwygiwyd ddiwethaf gan Reoliad y Comisiwn (EC) Rhif 575/2006 sy'n diwygio Rheoliad (EC) Rhif 178/2002 Senedd Ewrop a'r Cyngor ynghylch nifer ac enwau Paneli Gwyddonol parhaol Awdurdod Diogelwch Bwyd Ewrop (OJ Rhif L100, 8.4.2006, t.3).

(1) 1972 c.68. Paragraph 1A of Schedule 2 was inserted by section 28 of the Legislative and Regulatory Reform Act 2006 (2006 c.51).

(2) S.I. 2005/1971. By virtue of section 162 of and paragraphs 28 and 30 of Schedule 11 to the Government of Wales Act 2006, functions conferred on the National Assembly for Wales by this designation are exercisable by the Welsh Ministers.

(3) OJ No. L31, 1.2.2002, p.1, as last amended by Commission Regulation (EC) No. 575/2006 amending Regulation (EC) No. 178/2002 of the European Parliament and of the Council as regards the number and names of the permanent Scientific Panels of the European Food Safety Authority (OJ No. L100, 8.4.2006, p.3).

Enwi, cymhwyso a chychwyn

1. Enw'r Rheoliadau hyn yw Rheoliadau Cig (Ffioedd Rheolaethau Swyddogol) (Cymru) 2008, maent yn gymwys o ran Cymru a deuant i rym ar 31 Mawrth 2008.

Dehongli

2. Yn y Rheoliadau hyn —

mae i "anifeiliaid hela" yr ystyr a roddir i "game" yn Rheoliad 853/2004;

mae i "anifeiliaid hela a ffermir" yr ystyr a roddir i "farmed game" ym mhwynt 1.6 o Atodiad I i Reoliad 853/2004;

mae i "anifeiliaid hela gwyllt" yr ystyr a roddir i "wild game" ym mhwynt 1.5 o Atodiad I i Reoliad 853/2004;

ystyr "yr Asiantaeth" ("the Agency") yw'r Asiantaeth Safonau Bwyd;

mae i "carnolion domestig" yr ystyr a roddir i "domestic ungulates" ym mhwynt 1.2 o Atodiad I i Reoliadau 853/2004;

mae i "cig" yr ystyr a roddir i "meat" ym mhwynt 1.1 o Atodiad I i Reoliad 853/2004;

mae i "cig anifeiliaid hela" yr ystyr a roddir i "game meat" yn Rheoliad 853/2004;

mae i "cig ffres" yr ystyr a roddir i "fresh meat" ym mhwynt 1.10 o Atodiad I i Reoliad 853/2004;

ystyr "costau staff lladd-dŷ a gytunwyd" ("agreed slaughterhouse staff costs") o ran unrhyw ladd-dŷ lle cigyddir dofednod neu lagomorffiaid yw—

(a) y gyfran (a fynegir fel swm o arian) o'r cyflogau (gan gynnwys taliadau goramser a chyfraniadau pensiwn ac Yswiriant Gwladol y cyflogwyr) a delir i staff y lladd-dŷ hwnnw o ran cyfnod cyfrifyddu y bydd yr Asiantaeth a gweithredydd y lladd-dŷ yn cytuno arni fel y gyfran y gellir ei phriodoli i unrhyw staff o'r fath sy'n cynorthwyo gyda rheolaethau swyddogol drwy gyflawni tasgau penodol yno yn ystod y cyfnod hwnnw o dan Erthygl 5.6 o Reoliad 854/2004; plws

(b) 25% o'r swm hwnnw;

mae i "Cyfarwyddeb 2004/41" ("Directive 2004/41"), "Rheoliad 178/2002" ("Regulation 178/2002"), "Rheoliad 852/2004" ("Regulation 852/2004"), "Rheoliad 853/2004" ("Regulation 853/2004"), "Rheoliad 854/2004" ("Regulation 854/2004"), "Rheoliad 882/2004" ("Regulation 882/2004"), "Rheoliad 1688/2005" ("Regulation

Title, application and commencement

1. The title of these Regulations is the Meat (Official Controls Charges) (Wales) Regulations 2008, they apply in relation to Wales and come into force on 31 March 2008.

Interpretation

2. In these Regulations —

"accounting period" ("cyfnod cyfrifyddu") means a period of less than a year determined by the Agency;

"the Agency" ("yr Asiantaeth") means the Food Standards Agency;

"agreed slaughterhouse staff costs" ("costau staff lladd-dŷ a gytunwyd") means, in respect of any slaughterhouse at which poultry or lagomorphs are slaughtered —

(a) the proportion (expressed as a sum of money) of the salaries (including overtime payments and employers' pension and National Insurance contributions) paid to the staff at that slaughterhouse in respect of an accounting period that the Agency and the operator of the slaughterhouse may agree as being attributable to any such staff assisting with official controls by carrying out certain tasks there during that period under Article 5.6 of Regulation 854/2004; plus

(b) 25% of that sum;

"cutting plant" ("safle torri") means an establishment which is used for boning and/or cutting up fresh meat for placing on the market and which —

(a) is approved or conditionally approved under Article 31.2 of Regulation 882/2004; or

(b) (although lacking the approval or conditional approval that it requires under Article 4.3 of Regulation 853/2004) was, on 31 December 2005, operating as licensed cutting premises under the Fresh Meat (Hygiene and Inspection) Regulations 1995(1) or the Poultry Meat, Farmed Game Bird Meat and Rabbit Meat (Hygiene and Inspection) Regulations 1995(2);

"cutting up" ("torri") has the meaning that it bears in Regulation 853/2004 and "cut up" is construed accordingly;

"Directive 2004/41" ("Cyfarwyddeb 2004/41"), "Regulation 178/2002" ("Rheoliad 178/2002"), "Regulation 852/2004" ("Rheoliad 852/2004"), "Regulation 853/2004" ("Rheoliad 853/2004"),

(1) S.I. 1995/539, revoked with effect from 1 January 2006 by S.I. 2005/3292 (W.252)

(2) S.I. 1995/540, revoked with effect from 1 January 2006 by S.I. 2005/3292 (W.252).

1688/2005"), "Rheoliad 2073/2005" ("Regulation 2073/2005"), "Rheoliad 2074/2005" ("Regulation 2074/2005"), "Rheoliad 2075/2005" ("Regulation 2075/2005") a "Rheoliad 2076/2005" ("Regulation 2076/2005") yr ystyr a roddir iddynt yn eu trefn yn Atodlen 1;

ystyr "cyfnod cyfrifyddu" ("*accounting period*") yw cyfnod sy'n llai na blwyddyn y penderfynir arno gan yr Asiantaeth;

ystyr "cyfraniadau yswiriant gwladol cyflogwyr" ("*employers' National Insurance contributions*") yw'r cyfraniadau nawdd cymdeithasol hynny y mae cyflogwyr yn atebol amdanynt o dan Ran I o Ddeddf Cyfraniadau a Budd-daliadau Nawdd Cymdeithasol 1992(1);

mae i "dofednod" yr ystyr a roddir i "*poultry*" ym mhwynt 1.3 o Atodiad I i Reoliad 853/2004;

ystyr "ffi rheolaethau swyddogol" ("*official controls charge*") yw'r ffi a gyfrifir yn unol ag Atodlen 2 ac a hysbysir yn unol â rheoliad 3(1), (2) neu (3);

ystyr "gweithredydd" ("*operator*") yw gweithredydd busnes bwyd sy'n rhedeg busnes lladd-dŷ, sefydliad trin anifeiliaid hela neu safle torri neu gynrychiolydd y gweithredydd a awdurdodwyd yn briodol;

mae i "gweithredydd busnes bwyd" yr ystyr a roddir i "*food business operator*" yn Erthygl 3.3 o Reoliad 178/2002;

ystyr "gwirhau" ("*verification*") yw gwirio, drwy archwilio a darparu tystiolaeth wrthrychol;

mae i "lagomorffiaid" yr ystyr a roddir i "*lagomorphs*" ym mhwynt 1.4 o Atodiad I i Reoliad 853/2004;

ystyr "lladd-dŷ" ("*slaughterhouse*") yw sefydliad a ddefnyddir i gigydda a thrin anifeiliaid, y mae eu cig wedi'i fwriadu ar gyfer ei fwyta gan bobl ac sydd —

- (a) wedi'i gymeradwyo neu wedi'i gymeradwyo'n amodol o dan Erthygl 31.2 o Reoliad 882/2004; neu
- (b) (er nad oes ganddo'r gymeradwyaeth neu'r gymeradwyaeth amodol sy'n ofynnol o dan Erthygl 4.3 o Reoliad 853/2004) a oedd, ar 31 Rhagfyr 2005, yn gweithredu fel lladd-dŷ trwyddedig o dan Reoliadau Cig Ffres (Hylendid ac Arolygu) 1995(2) neu Reoliadau Cig Dofednod, Cig Adar Hela a Ffermir a Chig Cwningod (Hylendid ac Arolygu) 1995(3);

"Regulation 854/2004" ("*Rheoliad 854/2004*"), "Regulation 882/2004" ("*Rheoliad 882/2004*"), "Regulation 1688/2005" ("*Rheoliad 1688/2005*"), "Regulation 2073/2005" ("*Rheoliad 2073/2005*"), "Regulation 2074/2005" ("*Rheoliad 2074/2005*"), "Regulation 2075/2005" ("*Rheoliad 2075/2005*") and "Regulation 2076/2005" ("*Rheoliad 2076/2005*") have the meanings respectively given to them in Schedule 1;

"domestic ungulates" ("*carnolion domestig*") has the meaning given to it in point 1.2 of Annex I to Regulation 853/2004;

"employers' National Insurance contributions" ("*cyfraniadau yswiriant gwladol cyflogwyr*") means those social security contributions for which employers are liable under Part I of the Social Security Contributions and Benefits Act 1992(1);

"establishment" ("*sefydliad*") has the meaning given to it in Article 2.1(c) of Regulation 852/2004;

"farmed game" ("*anifeiliaid hela a ffermir*") has the meaning given to it in point 1.6 of Annex I to Regulation 853/2004;

"food business operator" ("*gweithredydd busnes bwyd*") has the meaning given to it in Article 3.3 of Regulation 178/2002;

"fresh meat" ("*cig ffres*") has the meaning given to it in point 1.10 of Annex I to Regulation 853/2004;

"game" ("*anifeiliaid hela*") has the meaning that it bears in Regulation 853/2004;

"game-handling establishment" ("*sefydliad trin anifeiliaid hela*") means any establishment in which game and game meat obtained after hunting are prepared for placing on the market and which —

- (a) is approved or conditionally approved under Article 31.2 of Regulation 882/2004; or
- (b) (although lacking the approval or conditional approval that it requires under Article 4.3 of Regulation 853/2004) was, on 31 December 2005, operating as a licensed wild game processing facility under the Wild Game Meat (Hygiene and Inspection) Regulations 1995(2);

"game meat" ("*cig anifeiliaid hela*") has the meaning that it bears in Regulation 853/2004;

"lagomorphs" ("*lagomorffiaid*") has the meaning given to it in point 1.4 of Annex I to Regulation

(1) 1992 p. 4.

(2) O.S. 1995/539, a ddirymwyd gydag effaith o 1 Ionawr 2006 gan O.S. 2005/3292 (Cy. 252).

(3) O.S. 1995/540, a ddirymwyd gydag effaith o 1 Ionawr 2006 gan O.S. 2005/3292 (Cy.252).

(1) 1992 c. 4.

(2) S.I. 1995/2148, revoked with effect from 1 January 2006 by S.I. 2005/3292 (W.252).

ystyr "mangre" ("*premises*") yw unrhyw ladd-dŷ, sefydliad trin anifeiliaid hela neu safle torri;

ystyr "rheolaethau swyddogol" ("*official controls*") yw'r rheolaethau y mae'r Asiantaeth yn eu cyflawni o dan Reoliad 854/2004 —

- (a) mewn lladd-dai, sefydliadau trin anifeiliaid hela a safleoedd torri, er mwyn gwirhau cydymffurfedd â darpariaethau Rheoliad 853/2004 i'r graddau y mae'r darpariaethau hynny'n gymwys o ran cig carnolion domestig, cig o ddofednod a lagomorffiaid, cig anifeiliaid hela a ffermir neu, yn ôl y digwydd, cig anifeiliaid hela gwyllt; a
- (b) mewn lladd-dai, er mwyn gwirhau cydymffurfedd â darpariaethau Rheoliadau Lles Anifeiliaid (Cigydda neu Ladd) 1995(1) i'r graddau y maent yn gymwys o ran anifeiliaid a gigyddir yno ar gyfer eu bwyta gan bobl;

mae i "rhoi ar y farchnad" yr ystyr a roddir i "*placing on the market*" yn Erthygl 3.8 o Reoliad 178/2002;

ystyr "safle torri" ("*cutting plant*") yw sefydliad a ddefnyddir ar gyfer tynnu esgyrn a/neu dorri cig ffres er mwyn ei roi ar y farchnad ac —

- (a) sydd wedi'i gymeradwyo neu wedi'i gymeradwyo'n amodol o dan Erthygl 31.2 o Reoliad 882/2004; neu
- (b) a oedd (er ei fod heb y gymeradwyaeth neu'r gymeradwyaeth amodol y mae ei hangen arno o dan erthygl 4.3 o Reoliad 853/2004) yn gweithredu ar 31 Rhagfyr 2005 fel mangre dorri drwyddedig o dan Reoliadau Cig Ffres (Hylendid ac Arolygu) 1995 neu Reoliadau Cig Dofednod, Cig Adar Hela a Ffermir a Chig Cwningod (Hylendid ac Arolygu) 1995;

mae i "sefydliad" yr ystyr a roddir i "*establishment*" yn Erthygl 2.1(c) o Reoliad 852/2004;

ystyr "sefydliad trin anifeiliaid hela" ("*game-handling establishment*") yw unrhyw sefydliad lle caiff anifeiliaid hela a chig anifeiliaid hela a geir ar ôl hela eu paratoi i'w rhoi ar y farchnad ac —

- (a) sydd wedi'i gymeradwyo neu wedi'i gymeradwyo'n amodol o dan Erthygl 31.2 o Reoliad 882/2004; neu
- (b) (er nad oes ganddo'r gymeradwyaeth neu'r gymeradwyaeth amodol sy'n ofynnol o dan Erthygl 4.3 o Reoliad 853/2004) a oedd, ar 31 Rhagfyr 2005, yn gweithredu fel cyfleuster trwyddedig i brosesu anifeiliaid hela gwyllt o dan Reoliadau Cig Anifeiliaid Hela Gwyllt

853/2004;

"meat" ("*cig*") has the meaning given to it in point 1.1 of Annex I to Regulation 853/2004;

"official controls" ("*rheolaethau swyddogol*") means the controls performed by the Agency under Regulation 854/2004—

- (a) at slaughterhouses, game-handling establishments and cutting plants, for the verification of compliance with the provisions of Regulation 853/2004 in so far as they apply in relation to meat of domestic ungulates, meat from poultry and lagomorphs, meat of farmed game or as the case may be meat of wild game; and
- (b) at slaughterhouses, for the verification of compliance with the provisions of the Welfare of Animals (Slaughter or Killing) Regulations 1995(1) insofar as they apply in relation to animals slaughtered there for human consumption;

"official controls charge" ("*ffi rheolaethau swyddogol*") means the charge calculated in accordance with Schedule 2 and notified in accordance with regulation 3(1), (2) or (3);

"operator" ("*gweithredydd*") means a food business operator who is carrying on the business of a slaughterhouse, game-handling establishment or cutting plant or his or her duly authorised representative;

"placing on the market" ("*rhoi ar y farchnad*") has the meaning given to it in Article 3.8 of Regulation 178/2002;

"poultry" ("*dofednod*") has the meaning given to it in point 1.3 of Annex I to Regulation 853/2004;

"premises" ("*mangre*") means any slaughterhouse, game-handling establishment or cutting plant;

"slaughterhouse" ("*lladd-dŷ*") means an establishment used for slaughtering and dressing animals, the meat of which is intended for human consumption and which —

- (a) is approved or conditionally approved under Article 31.2 of Regulation 882/2004; or
- (b) (although lacking the approval or conditional approval that it requires under Article 4.3 of Regulation 853/2004) was, on 31 December 2005, operating as a licensed slaughterhouse under the Fresh Meat (Hygiene and Inspection) Regulations 1995 or the Poultry Meat, Farmed Game Bird Meat and Rabbit Meat (Hygiene and Inspection) Regulations 1995;

(1) O.S. 1995/731, fel y'i diwygiwyd gan O.S. 1999/400, O.S. 1999/1820, O.S. 2000/656.

(1) S.I. 1995/731, amended by S.I. 1999/400, S.I. 1999/1820 and S.I. 2000/656.

(Hylendid ac Arolygu) 1995(1); ac

mae i "torri" yr ystyr a roddir i "cutting up" yn Rheoliad 853/2004.

Ffioedd

3.—(1) Rhaid i'r Asiantaeth, yn ddarostyngedig i ddarpariaethau canlynol y rheoliad hwn, hysbysu gweithredydd pob lladd-dŷ, sefydliad trin anifeiliaid hela a safle torri lle'r arferwyd rheolaethau swyddogol mewn unrhyw gyfnod cyfrifyddu o ffi rheolaethau swyddogol o ran y rheolaethau swyddogol hynny cyn gynted â phosibl ar ôl diwedd y cyfnod hwnnw.

(2) Os nad yw'r Asiantaeth yn gallu cydymffurfio â pharagraff (1) am nad oes digon o wybodaeth ar gael iddi i'w galluogi i gyfrifo'r ffi rheolaethau swyddogol ar gyfer unrhyw gyfnod cyfrifyddu o ran unrhyw fangre o'r fath a bennir yn y paragraff hwnnw, rhaid iddi hysbysu gweithredydd y fangre honno o ffi interim, sef y swm y mae'r Asiantaeth yn ei amcangyfrif (gan ystyried yr wybodaeth sydd ganddi) yw'r ffi rheolaethau swyddogol.

(3) Os yw'r Asiantaeth wedi hysbysu gweithredydd o ffi interim yn unol â pharagraff (2), a bod gwybodaeth ddigonol yn dod ar gael i'r Asiantaeth gyfrifo'r ffi rheolaethau swyddogol, rhaid iddi gyfrifo'r ffi honno ac—

- (a) os yw'n fwy na'r ffi interim, rhaid iddi hysbysu'r gweithredydd o'r ffi derfynol, sef y swm y mae'r ffi rheolaethau swyddogol yn fwy na'r ffi interim; neu
- (b) yn ddarostyngedig i baragraff (6), os yw'n llai na'r ffi interim, rhaid iddi roi credyd i'r gweithredydd o'r swm y mae'r ffi interim yn fwy na'r ffi rheolaethau swyddogol.

(4) Mae unrhyw ffi a hysbysir i weithredydd o dan baragraff (1), (2) neu (3) yn daladwy gan y gweithredydd i'r Asiantaeth pan hawllir hi.

(5) Os cafodd unrhyw gostau staff lladd-dŷ a gytunwyd eu defnyddio i gyfrifo ffi y mae angen ei hysbysu i weithredydd o dan baragraff (1), (2) neu (3), rhaid gwrthgyfrifo'r costau hynny yn erbyn swm y ffi honno wrth gyfrifo'r ffi wirioneddol a hysbysir oddi tano, ar yr amod na wneir ad-daliad i'r gweithredydd perthnasol.

(6) Os yw swm o dan baragraff (3)(b) i gael ei gredu i weithredydd, caiff yr Asiantaeth, os yw'n penderfynu gwneud hynny, dalu'r cyfryw swm i'r gweithredydd o dan sylw yn hytrach na'i gredu i'r gweithredydd.

"verification" ("*gwirhau*") means checking, by examination and provision of objective evidence; and

"wild game" ("*anifeiliaid hela gwyllt*") has the meaning given to it in point 1.5 of Annex I to Regulation 853/2004.

Charges

3.—(1) The Agency must, subject to the following provisions of this regulation, notify the operator of each slaughterhouse, game-handling establishment and cutting plant in which official controls have been exercised in any accounting period of an official controls charge in respect of those official controls as soon as practicable after the end of that period.

(2) Where the Agency cannot comply with paragraph (1) because it has insufficient information available to it to enable it to calculate the official controls charge for any accounting period in respect of any such premises as are specified in that paragraph, it must notify the operator of those premises of an interim charge, being such amount as the Agency estimates (having regard to the information it has) the official controls charge to be.

(3) Where the Agency has notified an operator of an interim charge in accordance with paragraph (2), and sufficient information becomes available to the Agency to calculate the official controls charge, it must calculate that charge and —

- (a) where it exceeds the interim charge, notify the operator of the final charge, being the amount by which the official controls charge exceeds the interim charge; or
- (b) subject to paragraph (6), where it is less than the interim charge, credit to the operator the amount by which the interim charge exceeds the official controls charge.

(4) Any charge notified to an operator under paragraph (1), (2) or (3) is payable by the operator to the Agency on demand.

(5) Where any agreed slaughterhouse staff costs have been used to calculate a charge falling to be notified under paragraph (1), (2) or (3), those costs must be set off against the amount of that charge in calculating the actual charge notified thereunder, provided that no refund may be made to the relevant operator.

(6) Where under paragraph (3)(b) a sum is to be credited to an operator, the Agency may if it so determines pay such sum to the operator concerned instead of crediting it to the operator.

(1) O.S. 1995/2148, a ddirymwyd gydag effaith o 1 Ionawr 2006 ymlaen gan O.S. 2005/3292 (Cy.252).

Tynnu rheolaethau swyddogol yn ôl

4. Os cafodd yr Asiantaeth ddyfarniad wedi'i gofnodi yn erbyn gweithredydd unrhyw fangre am unrhyw swm sy'n daladwy iddi o dan reoliad 3(4) ac os yw'r gweithredydd yn methu â bodloni'r dyfarniad o fewn cyfnod rhesymol wedyn, caniateir i'r Asiantaeth (ni waeth beth fo unrhyw rwymedi cyfreithiol arall sydd yn agored iddi) wrthod arfer unrhyw reolaethau swyddogol pellach yn y fangre honno hyd nes y bodlonir y dyfarniad.

Gwybodaeth

5.—(1) Rhaid i unrhyw berson pan hawilir hynny gan yr Asiantaeth, roi—

- (a) unrhyw wybodaeth y mae'n rhesymol i'r Asiantaeth fynnu ei chael at ddiben cyfrifo'r ffi rheolaethau swyddogol neu hysbysu gweithredydd ohoni; a
- (b) unrhyw dystiolaeth y mae'n rhesymol i'r Asiantaeth fynnu ei chael i'w galluogi i wirhau gwybodaeth a roddwyd iddi o dan is-baragraff (a).

(2) Bydd unrhyw berson sydd —

- (a) ac yntau'n honni ei fod yn cydymffurfio â pharagraff (1), yn ddi-hid neu gan wybod hynny, yn rhoi gwybodaeth sy'n anwir neu'n gamarweiniol mewn manylyn o bwys; neu
- (b) heb esgus rhesymol, yn methu â chydymffurfio o fewn cyfnod rhesymol â hawliad a wnaed o dan baragraff (1),

yn euog o dramgwydd a bydd yn atebol ar gollfarn ddiannod i ddirwy nad yw'n uwch na lefel 5 ar y raddfa safonol.

Dirymu

6. Mae Rheoliadau Cig (Ffioedd Rheolaethau Swyddogol) (Cymru) (Rhif 2) 2007(1) wedi'u dirymu.

Withdrawal of official controls

4. Where the Agency has had judgment entered against an operator of any premises for any sum which is payable to it under regulation 3(4) and the operator fails within a reasonable time thereafter to satisfy the judgment, the Agency may (regardless of any other legal remedy open to it) refuse to exercise any further official controls at those premises until the judgment has been satisfied.

Information

5.—(1) Any person must, on demand being made by the Agency, supply —

- (a) such information as the Agency may reasonably require for the purpose of calculating the official controls charge or notifying an operator of it; and
- (b) such evidence as the Agency may reasonably require to enable it to verify information supplied under sub-paragraph (a).

(2) Any person who —

- (a) in purported compliance with paragraph (1), knowingly or recklessly furnishes information which is false or misleading in a material particular; or
- (b) without reasonable excuse, fails to comply within a reasonable time with a demand made under paragraph (1),

is guilty of an offence and liable on summary conviction to a fine not exceeding level 5 on the standard scale.

Revocation

6. The Meat (Official Controls Charges) (Wales) (No. 2) Regulations 2007(1) are revoked.

Gwenda Thomas

O dan awdurdod y Gweinidog dros Iechyd a Gwasanaethau Cymdeithasol, un o Weinidogion Cymru

4 Mawrth 2008

Under authority of the Minister for Health and Social Services, one of the Welsh Ministers

4 March 2008

(1) O.S. 2007/3461 (Cy.306).

(1) S.I. 2007/3461 (W.306).

DIFFINIADAU O DDEDDFWRIAETH
GYMUNEDOLDEFINITIONS OF COMMUNITY
LEGISLATION

Ystyr "Cyfarwyddeb 2004/41" ("*Directive 2004/41*") yw Cyfarwyddeb 2004/41/EC Senedd Ewrop a'r Cyngor sy'n diddymu cyfarwyddebau penodol ynglyn â hylendid bwyd ac amodau iechyd ar gyfer cynhyrchu a rhoi ar y farchnad gynhyrchion penodol sy'n dod o anifeiliaid ac a fwriedir i'w bwyta gan bobl ac sy'n diwygio Cyfarwyddebau'r Cyngor 89/662/EEC a 92/118/EEC a Phenderfyniad y Cyngor 95/408/EC(1);

"Directive 2004/41" ("*Cyfarwyddeb 2004/41*") means Directive 2004/41/EC of the European Parliament and of the Council repealing certain directives concerning food hygiene and health conditions for the production and placing on the market of certain products of animal origin intended for human consumption and amending Council Directives 89/662/EEC and 92/118/EEC and Council Decision 95/408/EC(1);

ystyr "Rheoliad 178/2002" ("*Regulation 178/2002*") yw Rheoliad (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(2);

"Regulation 178/2002" ("*Rheoliad 178/2002*") means 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(2);

ystyr "Rheoliad 852/2004" ("*Regulation 852/2004*") yw Rheoliad (EC) Rhif 852/2004 Senedd Ewrop a'r Cyngor ar hylendid deunyddiau bwyd(3), fel y'i darllenir gyda Rheoliad y Comisiwn (EC) Rhif 2073/2005;

"Regulation 852/2004" ("*Rheoliad 852/2004*") means Regulation (EC) No. 852/2004 of the European Parliament and of the Council on the hygiene of foodstuffs(3) as read with Commission Regulation (EC) No. 2073/2005;

ystyr "Rheoliad 853/2004" ("*Regulation 853/2004*") yw Rheoliad (EC) Rhif 853/2004 Senedd Ewrop a'r Cyngor sy'n gosod rheolau hylendid penodol ar gyfer bwyd sy'n dod o anifeiliaid(4), fel y'i darllenir gyda Chyfarwyddeb 2004/41, Rheoliad 1688/2005, Rheoliad 2074/2005 a Rheoliad 2076/2005;

"Regulation 853/2004" ("*Rheoliad 853/2004*") means Regulation (EC) No. 853/2004 of the European Parliament and of the Council laying down specific hygiene rules for food of animal origin(4) as read with Directive 2004/41, Regulation 1688/2005, Regulation 2074/2005 and Regulation 2076/2005;

(1) OJ Rhif L157, 30.4.2004, t.33. Mae testun diwygiedig Cyfarwyddeb 2004/41/EC wedi'i osod bellach mewn Corrigendwm (OJ Rhif L195, 2.6.2004, t.12).

(2) OJ Rhif L31, 1.2.2002, t.1.

(3) OJ Rhif L139, 30.4.2004, t.1. Mae testun diwygiedig Rheoliad (EC) Rhif 852/2004 wedi'i osod bellach mewn Corrigendwm (OJ Rhif L226, 25.6.2004, t.3), y dylid ei ddarllen ynghyd â Chorigendwm pellach (L204, 4.8.2007, t.26). Diwygiwyd Rheoliad (EC) Rhif 853/2004 ddiwethaf gan Reoliad y Comisiwn (EC) Rhif 1243/2007, sy'n diwygio Atodiad III i Reoliad (EC) Rhif 853/2004 Senedd Ewrop a'r Cyngor, sy'n gosod rheolau hylendid penodol ar gyfer bwyd sy'n dod o anifeiliaid (OJ Rhif L281, 25.10.2007, t.8).

(4) OJ Rhif L139, 30.4.2004, t.55. Mae testun diwygiedig Rheoliad (EC) Rhif 853/2004 wedi'i osod bellach mewn Corrigendwm (OJ Rhif L226, 25.6.2004, t.22), y dylid ei ddarllen ynghyd â Chorigendwm pellach (L204, 4.8.2007, t.26). Diwygiwyd Rheoliad (EC) Rhif 853/2004 ddiwethaf gan Reoliad y Comisiwn (EC) Rhif 1243/2007, sy'n diwygio Atodiad III i Reoliad (EC) Rhif 853/2004 Senedd Ewrop a'r Cyngor, sy'n gosod rheolau hylendid penodol ar gyfer bwyd sy'n dod o anifeiliaid (OJ Rhif L281, 25.10.2007, t.8).

(1) OJ No. L157, 30.4.2004, p.33. The revised text of Directive 2004/41/EC is now set out in a Corrigendum (OJ No. L195, 2.6.2004, p.12).

(2) OJ No. L31, 1.2.2002, p.1.

(3) OJ No. L139, 30.4.2004, p.1. The revised text of Regulation (EC) No. 852/2004 is now set out in a Corrigendum (OJ No. L226, 25.6.2004, p.3) which should be read with a further Corrigendum (OJ No. L204, 4.8.2007 p.26).

(4) OJ No. L139, 30.4.2004, p.55. The revised text of Regulation (EC) No. 853/2004 is now set out in a Corrigendum (OJ No. L226, 25.6.2004, p.22), which should be read with a further Corrigendum (OJ No. L204, 4.8.2007 p.26). Regulation (EC) No. 853/2004 was last amended by Council Regulation (EC) No. 1243/2007 amending Annex III to Regulation (EC) No. 853/2004 of the European Parliament and the Council laying down specific hygiene rules for food of animal origin (OJ No. L281, 25.10.2007, p.8).

ystyr "Rheoliad 854/2004" ("*Regulation 854/2004*") yw Rheoliad (EC) Rhif 854/2004 Senedd Ewrop a'r Cyngor sy'n gosod rheolau penodol ar gyfer trefnu rheolaethau swyddogol ar gynhyrchion sy'n dod o anifeiliaid ac a fwriedir ar gyfer eu bwyta gan bobl(1), fel y'i darllenir gyda Chyfarwyddeb 2004/41, Rheoliad 2074/2005, Rheoliad 2075/2005 a Rheoliad 2076/2005;

ystyr "Rheoliad 882/2004" ("*Regulation 882/2004*") yw Rheoliad (EC) Rhif 882/2004 Senedd Ewrop a'r Cyngor ar reolaethau swyddogol a ddefnyddir i sicrhau bod cydymffurfedd â chyfraith bwyd anifeiliaid a chyfraith bwyd, rheolau iechyd anifeiliaid a rheolau lles anifeiliaid yn cael ei wirhau(2), fel y'i darllenir gyda Rheoliad 2074/2005 a Rheoliad 2076/2005;

ystyr "Rheoliad 1688/2005" ("*Regulation 1688/2005*") yw Rheoliad y Comisiwn (EC) Rhif 1688/2005 yn gweithredu Rheoliad (EC) Rhif 853/2004 Senedd Ewrop a'r Cyngor o ran gwarantiau arbennig ynghylch salmonela ar gyfer llwythi o gigoedd ac wyau penodol i'r Ffindir ac i Sweden(3);

ystyr "Rheoliad 2073/2005" ("*Regulation 2073/2005*") yw Rheoliad y Comisiwn (EC) Rhif 2073/2005 ar feini prawf microbiolegol ar gyfer deunyddiau bwyd(4);

"Regulation 854/2004" ("*Rheoliad 854/2004*") means Regulation (EC) No. 854/2004 of the European Parliament and of the Council laying down specific rules for the organisation of official controls on products of animal origin intended for human consumption(1) as read with Directive 2004/41, Regulation 2074/2005, Regulation 2075/2005 and Regulation 2076/2005;

"Regulation 882/2004" ("*Rheoliad 882/2004*") means Regulation (EC) No. 882/2004 of the European Parliament and of the Council on official controls performed to ensure the verification of compliance with feed and food law, animal health and animal welfare rules(2) as read with Regulation 2074/2005 and Regulation 2076/2005;

"Regulation 1688/2005" ("*Rheoliad 1688/2005*") means Commission Regulation (EC) No. 1688/2005 implementing Regulation (EC) No. 853/2004 of the European Parliament and of the Council as regards special guarantees concerning salmonella for consignments to Finland and Sweden of certain meat and eggs(3);

"Regulation 2073/2005" ("*Rheoliad 2073/2005*") means Commission Regulation (EC) No. 2073/2005 on microbiological criteria for foodstuffs(4);

(1) OJ Rhif L139, 30.4.2004, t.206. Mae testun diwygiedig Rheoliad (EC) Rhif 854/2004 wedi'i osod bellach mewn Corrigendwm (OJ Rhif L226, 25.6.2004, t.83), y dylid ei ddarllen ynghyd â Chorigendwm pellach (L204, 4.8.2007, t.26). Diwygiwyd Rheoliad (EC) Rhif 854/2004 ddiwethaf gan Reoliad y Cyngor (EC) Rhif 1791/2006 sy'n addasu Rheoliadau a Phenderfyniadau penodol ym meysydd symud rhydd ar nwyddau, rhyddid i bobl symud, cyfraith cwmnïau, polisi cystadlu, amaethyddiaeth (gan gynnwys deddfwriaeth filfeddygol a ffytoiechydol), polisi trafniadaeth, treth, ystadegau, ynni, yr amgylchedd, cydweithredu ym meysydd cyfiawnder a materion cartref, undeb tollau, cysylltiadau allanol, polisïau tramor a diogelwch cyffredin a sefydliadau, oherwydd ymaelodaeth Bwlgaria a Romania (OJ Rhif L363, 20.12.2006, p.1).

(2) OJ Rhif L165, 30.4.2004, t.1. Mae testun diwygiedig Rheoliad (EC) Rhif 882/2004 wedi'i osod bellach mewn Corrigendwm (OJ Rhif L191, 28.5.2004, t.1), y dylid ei ddarllen ynghyd â Chorigendwm pellach (L204, 4.8.2007, t.29). Diwygiwyd Rheoliad (EC) Rhif 882/2004 ddiwethaf gan Reoliad y Cyngor (EC) Rhif 1791/2006.

(3) OJ Rhif L271, 15.10.2005, t.17.

(4) OJ Rhif L338, 22.12.2005, t.1, fel y'i darllenir gyda'r Corrigenda yn OJ Rhif L278, 10.10.2006, t.32 a OJ Rhif L283, 14.10.2006, t.62 ac fel y'i diwygiwyd gan Reoliad (EC) Rhif 1441/2007 sy'n diwygio Rheoliad (EC) Rhif 2073/2005 ar feini prawf microbiolegol ar gyfer bwydydd (OJ Rhif L332, 7.12.2007, t.12).

(1) OJ No. L139, 30.4.2004, p.206. The revised text of Regulation (EC) No. 854/2004 is now set out in a Corrigendum (OJ No. L226, 25.6.2004, p.83) which should be read with a further Corrigendum (OJ No. L204, 4.8.2007, p.26). Regulation (EC) No. 854/2004 was last amended by Council Regulation (EC) No. 1791/2006 adapting certain Regulations and Decisions in the fields of free movement of goods, freedom of movement of persons, company law, competition policy, agriculture (including veterinary and phytosanitary legislation), transport policy, taxation, statistics, energy, environment, cooperation in the fields of justice and home affairs, customs union, external relations, common foreign and security policy and institutions, by reason of the accession of Bulgaria and Romania (OJ No. L363, 20.12.2006, p.1).

(2) OJ No. L165, 30.4.2004, p.1. The revised text of Regulation (EC) No. 882/2004 is now set out in Corrigendum (OJ No. L191, 28.5.2004, p.1), which should be read with a further Corrigendum (OJ No. L204, 4.8.2007, p.29). Regulation (EC) No. 882/2004 was last amended by Council Regulation (EC) No. 1791/2006.

(3) OJ No. L271, 15.10.2005, p.17.

(4) OJ No. L338, 22.12.2005, p.1, as read with the Corrigenda at OJ No. L278, 10.10.2006, p.32 and OJ No. L283, 14.10.2006, p.62 and as amended by Regulation (EC) No. 1441/2007 amending Regulation (EC) No. 2073/2005 on microbiological criteria for foodstuffs (OJ No. L332, 7.12.2007, p.12).

ystyr "Rheoliad 2074/2005" ("*Regulation 2074/2005*") yw Rheoliad y Comisiwn (EC) Rhif 2074/2005 yn gosod mesurau gweithredu ar gyfer cynhyrchion penodol o dan Reoliad (EC) Rhif 853/2004 Senedd Ewrop a'r Cyngor ac er mwyn trefnu rheolaethau swyddogol o dan Reoliad (EC) Rhif 854/2004 Senedd Ewrop a'r Cyngor a Rheoliad (EC) Rhif 882/2004 Senedd Ewrop a'r Cyngor, sy'n rhanddirymu Rheoliad (EC) Rhif 852/2004 Senedd Ewrop a'r Cyngor ac yn diwygio Rheoliadau (EC) Rhif 853/2004 ac (EC) Rhif 854/2004(1);

ystyr "Rheoliad 2075/2005" ("*Regulation 2075/2005*") yw Rheoliad y Comisiwn (EC) Rhif 2075/2005 sy'n gosod rheolau penodol ar reolaethau swyddogol ar *Trichinella* mewn cig(2); ac

ystyr "Rheoliad 2076/2005" ("*Regulation 2076/2005*") yw Rheoliad y Comisiwn (EC) Rhif 2076/2005 sy'n gosod trefniadau trosiannol i weithredu Rheoliadau (EC) Rhif 853/2004, (EC) Rhif 854/2004 ac (EC) Rhif 882/2004 Senedd Ewrop a'r Cyngor ac yn diwygio Rheoliadau (EC) Rhif 853/2004 ac (EC) Rhif 854/2004(3).

"Regulation 2074/2005" ("*Rheoliad 2074/2005*") means Commission Regulation (EC) No. 2074/2005 laying down implementing measures for certain products under Regulation (EC) No. 853/2004 of the European Parliament and of the Council and for the organisation of official controls under Regulation (EC) No. 854/2004 of the European Parliament and of the Council and Regulation (EC) No. 882/2004 of the European Parliament and of the Council, derogating from Regulation (EC) No. 852/2004 of the European Parliament and of the Council and amending Regulations (EC) No. 853/2004 and (EC) No. 854/2004(1);

"Regulation 2075/2005" ("*Rheoliad 2075/2005*") means Commission Regulation (EC) No. 2075/2005 laying down specific rules on official controls for *Trichinella* in meat(2); and

"Regulation 2076/2005" ("*Rheoliad 2076/2005*") means Commission Regulation (EC) No. 2076/2005 laying down transitional arrangements for the implementation of Regulations (EC) No. 853/2004, (EC) No. 854/2004 and (EC) No. 882/2004 of the European Parliament and of the Council and amending Regulations (EC) No. 853/2004 and (EC) No. 854/2004(3).

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- (1) OJ Rhif L338, 22.12.2005, t.27, fel y'i diwygiwyd ddiwethaf gan Reoliad y Comisiwn (EC) Rhif 1244/2007 sy'n diwygio Rheoliad (EC) Rhif 2074/2005 o ran gweithredu mesurau ar gyfer cynhyrchion penodol sy'n dod o anifeiliaid ac a fwriedir i'w bwyta gan bobl ac sy'n gosod rheolau penodol ar reolaethau swyddogol ar gyfer arolygu cig (OJ Rhif L281, 25.10.2007, t.12).
 - (2) OJ Rhif L338, 22.12.2005, t.60, a ddiwygiwyd gan Reoliad y Comisiwn (EC) Rhif 1665/2006 fel y'i diwygiwyd ddiwethaf gan Reoliad y Comisiwn (EC) Rhif 1245/2007 sy'n diwygio Atodiad I i Reoliad (EC) Rhif 2075/2005 o ran defnyddio pepsin hylifol i ganfod *Trichinella* mewn cig (OJ Rhif L281, 25.10.2007, t.19).
 - (3) OJ Rhif L338, 22.12.2005, t.83, fel y'i diwygiwyd ddiwethaf gan Reoliad y Comisiwn (EC) Rhif 1246/2007, sy'n diwygio Rheoliad (EC) Rhif 2076/2005 o ran estyn y cyfnod trosiannol a roddir i weithredwyr busnes bwyd sy'n mewnforio olew pysgod a fwriedir ar gyfer ei fwyta gan bobl (OJ Rhif L281, 25.10.2007, t.21).

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- (1) OJ No.L338, 22.12.2005, p.27, as last amended by Commission Regulation (EC) No. 1244/2007 amending Regulation (EC) No. 2074/2005 as regards implementing measures for certain products of animal origin intended for human consumption and laying down specific rules on official controls for the inspection of meat (OJ No. L 281, 25.10.2007, p.12).
 - (2) OJ No..L338, 22.12.2005, p.60, amended by Commission Regulation (EC) No. 1665/2006 as last amended by Commission Regulation (EC) No. 1245/2007 amending Annex I to Regulation (EC) No. 2075/2005 as regards the use of liquid pepsin for the detection of *Trichinella* in meat (OJ No. L281, 25.10.2007, p.19).
 - (3) OJ No.L338, 22.12.2005, p.83, as last amended by Commission Regulation (EC) No. 1246/2007 amending Regulation (EC) No. 2076/2005 as regards the extension of the transitional period granted to food business operators importing fish oil intended for human consumption (OJ No. L281, 25.10.2007, p.21).

CYFRIFO'R FFI RHEOLAETHAU
SWYDDOGOLCALCULATION OF THE OFFICIAL
CONTROLS CHARGE**Y ffi rheolaethau swyddogol**

1. Yn ddarostyngedig i baragraff 2, y ffi rheolaethau swyddogol sy'n daladwy gan weithredydd unrhyw fangre am unrhyw gyfnod cyfrifyddu yw'r lleiaf o—

- (a) y swm o —
 - (i) y ffi safonol a dynnir mewn cysylltiad â'r fangre honno am y cyfnod hwnnw, a
 - (ii) unrhyw ffi ychwanegol a dynnir mewn cysylltiad â'r fangre honno am y cyfnod hwnnw yn rhinwedd paragraff 6; a
- (b) y costau amser a gynhyrchir gan y fangre honno am y cyfnod hwnnw.

2.—(1) Mae'r paragraff hwn yn gymwys os yw'r ffi rheolaethau swyddogol a gyfrifir o dan baragraff 1 am unrhyw gyfnod cyfrifyddu (swm A), pan ychwanegir hi at y ffi rheolaethau swyddogol sy'n daladwy o ran pob cyfnod cyfrifyddu blaenorol sy'n dod o fewn yr un cyfnod ariannol (swm B), yn cynhyrchu cyfanswm (swm C) sy'n fwy na swm y ffi rheolaethau swyddogol a fyddai'n daladwy o dan baragraff 1 pe bai'r cyfnodau cyfrifyddu hynny yn un cyfnod cyfrifyddu (swm D).

(2) Os yw'r paragraff hwn yn gymwys, y ffi rheolaethau swyddogol sy'n daladwy gan weithredydd am gyfnod cyfrifyddu yw'r swm y mae swm D yn fwy na swm B.

(3) Yn y paragraff hwn ystyr "cyfnod ariannol" ("*financial period*") yw—

- (a) y cyfnod sy'n dechrau ar 31 Mawrth 2008 ac sy'n dod i ben ar 29 Mawrth 2009; a
- (b) ar ôl hynny, y cyfnod sy'n dechrau ar 30 Mawrth 2009 ac sy'n dod i ben ar 31 Rhagfyr 2009.

Y ffi safonol

3. Mae'r ffi safonol am unrhyw gyfnod cyfrifyddu, sy'n daladwy gan weithredydd lladd-dŷ, i'w chyfrifo—

- (a) tan ddiwedd 2008, drwy luosi'r gyfradd a bennir yn y Tabl canlynol sy'n gymwys i anifail o fath penodol â nifer yr anifeiliaid o'r math hwnnw a gafodd eu cigyddu a/neu eu trin yno yn y cyfnod; a
- (b) yn ystod 2009—
 - (i) yn yr un modd, neu

The official controls charge

1. Subject to paragraph 2, the official controls charge payable by the operator of any premises for any accounting period will be the lower of —

- (a) the sum of —
 - (i) the standard charge incurred in relation to those premises for that period, and
 - (ii) any additional charge incurred in relation to those premises for that period by virtue of paragraph 6; and
- (b) the time costs generated by those premises for that period.

2.—(1) This paragraph applies where the official controls charge calculated under paragraph 1 for any accounting period (amount A), when added to the official controls charge payable in respect of all earlier accounting periods falling within the same financial period (amount B), produces a total (amount C) which is greater than the amount of the official controls charge which would be payable under paragraph 1 if those accounting periods were one accounting period (amount D).

(2) Where this paragraph applies, the official controls charge payable by an operator for an accounting period is the amount by which amount D exceeds amount B.

(3) In this paragraph "financial period" ("*cyfnod ariannol*") means—

- (a) the period commencing on 31 March 2008 and ending on 29 March 2009; and
- (b) thereafter, the period commencing on 30 March 2009 and ending on 31 December 2009.

The standard charge

3. The standard charge for any accounting period payable by the operator of a slaughterhouse is to be calculated—

- (a) until the end of 2008, by multiplying the rate specified in the following Table applicable to a given type of animal by the number of animals of that type slaughtered and/or dressed there in the period; and
- (b) during 2009—
 - (i) in the same manner, or

- (ii) drwy luosi'r gyfradd mewn Ewros a bennir ym Mhennod I o Adran B o Atodiad IV i Reoliad 882/2004 sy'n gymwys i anifail o fath penodol a bennir yn y Tabl canlynol â nifer yr anifeiliaid o'r math hwnnw a gafodd eu cigyddu a/neu eu trin yno yn y cyfnod a throsi'r swm sy'n deillio o hyn i Sterling drwy ei luosi gan y gyfradd drosi Ewro/Sterling a gyhoeddir yng nghyfres C o Gyfnodolyn Swyddogol yr Undeb Ewropeaidd ar 1 Medi 2008, neu os na chyhoeddir unrhyw gyfradd yn y ddogfen honno ar y dyddiad hwnnw, y gyfradd a gyhoeddir gyntaf ynddi ar ôl hynny,

p'un bynnag sy'n rhoi'r ffi uwch.

4. Mae'r ffi safonol am gyfnod cyfrifyddu sy'n daladwy gan weithredydd sefydliad trin anifeiliaid hela o ran anifeiliaid hela gwyllt a gafodd eu trin yno yn ystod y cyfnod hwnnw i'w chyfrifo—

- (a) tan ddiwedd 2008, drwy luosi'r gyfradd a bennir yn y Tabl canlynol sy'n gymwys i anifail o fath penodol sydd yn cael ei gategoreiddio fel anifail hela gwyllt â nifer yr anifeiliaid o'r math hwnnw a gafodd eu trin yno yn y cyfnod; a
- (b) yn ystod 2009—
 - (i) yn yr un modd, neu
 - (ii) drwy luosi'r gyfradd mewn Ewros a bennir ym Mhennod III o Adran B o Atodiad IV i Reoliad 882/2004 sy'n gymwys i anifail o fath penodol sydd yn cael ei gategoreiddio fel anifail hela gwyllt ac a bennir yn y Tabl canlynol â nifer yr anifeiliaid o'r math hwnnw a gafodd eu trin yno yn y cyfnod a throsi'r swm sy'n deillio o hyn i Sterling drwy ei luosi gan y gyfradd drosi Ewro/Sterling a gyhoeddir yng nghyfres C o Gyfnodolyn Swyddogol yr Undeb Ewropeaidd ar 1 Medi 2008, neu os na chyhoeddir unrhyw gyfradd yn y ddogfen honno ar y dyddiad hwnnw, y gyfradd a gyhoeddir gyntaf ynddi ar ôl hynny,

p'un bynnag sy'n rhoi'r ffi uwch.

- (ii) by multiplying the rate in Euros specified in Chapter I of Section B of Annex IV to Regulation 882/2004 applicable to a given type of animal specified in the following Table by the number of animals of that type slaughtered and/or dressed there in the period and converting the resulting sum into Sterling by multiplying it by the Euro/Sterling conversion rate published in the C series of the Official Journal of the European Union on 1 September 2008, or if no rate is published in that document on that date, the first rate published in it thereafter,

whichever results in the higher charge.

4. The standard charge for any accounting period payable by the operator of a game-handling establishment in respect of wild game dressed there during that period is to be calculated—

- (a) until the end of 2008, by multiplying the rate specified in the following Table applicable to a given type of animal that is categorised as wild game by the number of animals of that type dressed there in the period; and
- (b) during 2009—
 - (i) in the same manner, or
 - (ii) by multiplying the rate in Euros specified in Chapter III of Section B of Annex IV to Regulation 882/2004 applicable to a given type of animal that is categorised as wild game and is specified in the following Table by the number of animals of that type dressed there in the period and converting the resulting sum into Sterling by multiplying it by the Euro/Sterling conversion rate published in the C series of the Official Journal of the European Union on 1 September 2008, or if no rate is published in that document on that date, the first rate published in it thereafter,

whichever results in the higher charge.

<i>Math o anifail</i>	<i>Cyfradd fesul math o anifail mewn Punnoedd Sterling</i>
Anifeiliaid buchol	
- yn llai na 8 mis oed pan gigyddir hwy	1.9804
- 8 wythnos oed neu fwy pan gigyddir hwy	3.4350
Uncarnolion ac equidae	3.3587
Moch	0.3817
- pwysau carcass llai na 25 kg	
- pwysau carcass sy'n gytbwys â neu'n fwy na 25 kg	0.9924
Defaid a geifr	
- pwysau carcass llai na 12 kg	0.1336
- pwysau carcass rhwng 12 a 18 kg yn gynhwysol	0.2672
- pwysau carcass mwy na 18 kg	0.3817
Dofednod	
- Hwyaidd a gwyddau	
- sy'n pwyso llai na 2 kg	0.0077
- sy'n pwyso o leiaf 2 kg (ac eithrio'r rheini sy'n oedolion ac sy'n pwyso o leiaf 5 kg)	0.0153
- oedolion ac sy'n pwyso o leiaf 5kg	0.0305
- Tyrcwn	
- unrhyw bwysau (ac eithrio'r rheini sy'n oedolion ac sy'n pwyso o leiaf 5 kg)	0.0169
- oedolion ac sy'n pwyso o leiaf 5kg	0.0305
- Dofednod o fath nas crybwyllir uchod	
- pob brwyliad; pob iâr gast; dofednod eraill sy'n pwyso llai na 2 kg	0.0077
- dofednod (nad ydynt yn frwyliaid neu'n ieir cast) sy'n pwyso o leiaf 2 kg (ac eithrio'r rheini sy'n oedolion ac sy'n pwyso o leiaf 5 kg)	0.0153
- dofednod (nad ydynt yn frwyliaid neu'n ieir cast) sy'n oedolion ac sy'n pwyso o leiaf 5 kg	0.0305
Cwningod a ffermir	
- sy'n pwyso llai na 2 kg	0.0077
- sy'n pwyso o leiaf 2 kg (ac eithrio'r rheini sy'n oedolion ac sy'n pwyso o leiaf 5 kg)	0.0153
- oedolion ac sy'n pwyso o leiaf 5kg	0.0305

Adar hela bach	
- sy'n pwyso llai na 2 kg	0.0077
- sy'n pwyso o leiaf 2 kg (ac eithrio'r rheini sy'n oedolion ac sy'n pwyso o leiaf 5 kg)	0.0153
- oedolion ac sy'n pwyso o leiaf 5kg	0.0305
Helfield daear bach	
- sy'n pwyso o llai na 2 kg	0.0077
- sy'n pwyso o leiaf 2 kg (ac eithrio'r rheini sy'n oedolion ac sy'n pwyso o leiaf 5 kg)	0.0153
- oedolion ac sy'n pwyso o leiaf 5kg	0.0305
Adar di-gêl	0.9924
Mamaliaid tir	
- baeddod	1.0136
- anifeiliaid cnoi cil o bwysau carcas sy ddim mwy na 18 kg	0.3379
- anifeiliaid cnoi cil o bwysau carcas mwy na 18 kg	0.3817

<i>Type of animal</i>	<i>Rate per type of animal in Pounds Sterling</i>
Bovine animals	
-aged less than 8 months at slaughter	1.9084
-aged 8 months or more at slaughter	3.4350
Solipeds and equidae	3.3587
Pigs	
-carcase weight less than 25 kg	0.3817
-carcase weight equal to or greater than 25 kg	0.9924
Sheep and goats	
-carcase weight less than 12 kg	0.1336
-carcase weight between 12 and 18 kg inclusive	0.2672
-carcase weight greater than 18 kg	0.3817
Poultry	
- Duck and geese	
-weighing less than 2 kg	0.0077
- weighing at least 2 kg (except those which are adult and weigh at least 5 kg)	0.0153
-adult and weighing at least 5 kg	0.0305
- Turkeys	
-any weight (except those which are adult and weigh at least 5 kg)	0.0169
-adult and weighing at least 5 kg	0.0305
- Poultry of a type not mentioned above	
- all broilers; all cast hens; other poultry weighing less than 2 kg	0.0077
- poultry (not being broilers or cast hens) weighing at least 2 kg (except those which are adult and weigh at least 5 kg)	0.0153
- poultry (not being broilers or cast hens) being adult and weighing at least 5 kg	0.0305
Farmed rabbits	
-weighing less than 2 kg	0.0077
-weighing at least 2 kg (except those which are adult and weigh at least 5 kg)	0.0153
-adult and weighing at least 5 kg	0.0305

Small game birds	
- weighing less than 2 kg	0.0077
- weighing at least 2 kg (except those which are adult and weigh at least 5 kg)	0.0153
- adult and weighing at least 5 kg	0.0305
Small ground game	
- weighing less than 2 kg	0.0077
- weighing at least 2 kg (except those which are adult and weigh at least 5 kg)	0.0153
- adult and weighing at least 5 kg	0.0305
Ratites	0.9924
Land mammals	
-boars	1.0136
-ruminants of carcass weight no more than 18 kg	0.3379
-ruminants of carcass weight greater than 18 kg	0.3817

5. Mae'r ffi safonol am unrhyw gyfnod cyfrifyddu, sy'n daladwy gan weithredydd safle torri neu sefydliad trin anifeiliaid hela o ran cig a ddygwyd i'r safle neu'r sefydliad yn ystod y cyfnod hwnnw er mwyn ei dorri neu er mwyn tynnu'r esgyrn ohono yno, i'w chyfrifo—

- (a) tan ddiwedd 2008, drwy luosi â £2.29 y nifer o dunelli o'r cyfryw gig; a
- (b) yn ystod 2009—
 - (i) yn yr un modd, neu
 - (ii) drwy luosi'r gyfradd mewn Ewros a bennir ym Mhennod II o Adran B o Atodiad IV i Reoliad 882/2004 sy'n gymwys i gig sy'n dod o anifail o fath penodol â nifer y tunnelli o gig sy'n dod o anifeiliaid o'r math hwnnw a ddygwyd i'r safle neu'r sefydliad yn ystod y cyfnod er mwyn cael ei dorri neu er mwyn tynnu'r esgyrn ohono yno a throsi'r swm sy'n deillio o hyn i Sterling drwy ei luosi gan y gyfradd drosi Ewro/Sterling a gyhoeddir yng nghyfres C o Gyfnodolyn Swyddogol yr Undeb Ewropeaidd ar 1 Medi 2008, neu os na chyhoeddir unrhyw gyfradd yn y ddogfen honno ar y dyddiad hwnnw, y gyfradd a gyhoeddir ynddi gyntaf ar ôl hynny,

p'un bynnag sy'n rhoi'r ffi uwch.

Y ffi ychwanegol

6.—(1) Os bydd yr Asiantaeth o ran cyfnod cyfrifyddu yn tynnu costau uwch oherwydd aneffeithlonrwydd yng ngweithrediad y fangre, caiff, yn unol â'r paragraff hwn, ychwanegu ffi ychwanegol at y ffi safonol a dynnwyd mewn cysylltiad â'r fangre am y cyfnod hwnnw.

(2) Bydd y ffi ychwanegol yn swm sy'n hafal i'r costau amser a gynhyrchir gan yr aneffeithlonrwydd am y cyfnod cyfrifyddu o dan sylw.

(3) Ni chaiff yr Asiantaeth godi ffi ychwanegol yn unol â'r paragraff hwn onid yw wedi hysbysu'r gweithredydd o'i bwriad i wneud hynny.

(4) Rhaid rhoi'r hysbysiad y cyfeirir ato yn is-baragraff (3) cyn gynted ag y bo'n ymarferol ar ôl i'r Asiantaeth benderfynu ei bod yn dymuno codi ffi ychwanegol yn unol â'r paragraff hwn.

(5) At ddibenion y paragraff hwn ystyr "anefeithlonrwydd" ("*inefficiency*") yw anefeithlonrwydd ar ran y gweithredydd ac mae'n cynnwys yn benodol—

- (a) oedi cyn dechrau cigyddu y gellir ei briodoli i'r gweithredydd;
- (b) torri i lawr mecanyddol oherwydd diffyg cynnal a chadw;
- (c) camau gorfodi a gymerir gan yr Asiantaeth neu gan swyddog;

5. The standard charge for any accounting period payable by the operator of a cutting plant or of a game-handling establishment in respect of meat brought into the plant or establishment during that period for the purposes of being cut up or boned there is to be calculated—

- (a) until the end of 2008, by multiplying by £2.29 the number of tonnes of such meat; and
- (b) during 2009—
 - (i) in the same manner, or
 - (ii) by multiplying the rate in Euros specified in Chapter II of Section B of Annex IV to Regulation 882/2004 applicable to meat derived from a given type of animal by the number of tonnes of meat derived from animals of that type brought into the plant or establishment during the period for the purposes of being cut up or boned there and converting the resulting sum into Sterling by multiplying it by the Euro/Sterling conversion rate published in the C series of the Official Journal of the European Union on 1 September 2008, or if no rate is published in that document on that date, the first rate published in it thereafter,

whichever results in the higher charge.

The additional charge

6.—(1) Where in respect of an accounting period the Agency incurs increased costs because of inefficiency in the operation of premises, it may, in accordance with this paragraph, add an additional charge to the standard charge incurred in relation to the premises for that period.

(2) The additional charge is a sum equal to the time costs generated by the inefficiency for the accounting period concerned.

(3) The Agency may not make an additional charge in accordance with this paragraph unless it has notified the operator of its intention to do so.

(4) The notification referred to in sub-paragraph (3) must be given as soon as is practicable after the Agency has concluded that it wishes to make an additional charge in accordance with this paragraph.

(5) For the purposes of this paragraph "*inefficiency*" ("*anefeithlonrwydd*") means inefficiency on the part of the operator and includes in particular —

- (a) delay in the start of slaughtering attributable to the operator;
- (b) mechanical breakdown caused by lack of maintenance;
- (c) enforcement action taken by the Agency or an official;

- (ch) tangyflogaeth arolygwyr a achosir oherwydd methiant y gweithredydd i lynu wrth yr oriau gwaith neu'r arferion gwaith a gytunwyd at ddibenion y paragraff hwn yn unol ag is-baragraff (6);
- (d) darpariaeth annigonol o staff cigydd a achosir gan fethiant y gweithredydd i lynu at oriau gwaith neu arferion gwaith a gytunwyd at ddibenion y paragraff hwn yn unol ag is-baragraff (6);
- (dd) oedi a achosir gan risgiau i iechyd neu ddiogelwch arolygwyr y gellir eu priodoli i'r gweithredydd; ac
- (e) unrhyw newid i oriau gwaith neu arferion gwaith a gytunwyd at ddibenion y paragraff hwn yn unol ag is-baragraff (6) y gellir eu priodoli i'r gweithredydd.

(6) At ddibenion is-baragraffau (5)(ch), (d) ac (e), rhaid i'r Asiantaeth a'r gweithredydd gytuno ar oriau gwaith ac arferion gwaith a pharhau i adolygu'r oriau gwaith a'r arferion gwaith a gytunwyd.

(7) Os yw'n ymddangos i'r Asiantaeth a'r gweithredydd, ar ôl unrhyw adolygiad o'r fath, ei bod yn briodol i wneud hynny, caniateir iddynt drwy gytundeb pellach amrywio unrhyw oriau gwaith neu arferion gwaith a gytunwyd yn unol ag is-baragraff (6).

(8) Os bydd unrhyw oriau gwaith neu arferion gwaith wedi cael eu hamrywio yn unol ag is-baragraff (7), rhaid eu trin fel pe baent wedi cael eu cytuno yn unol ag is-baragraff (6).

(9) Ni chaniateir codi ffi ychwanegol yn unol â'r paragraff hwn o ran unrhyw gostau uwch a dynnwyd oherwydd unrhyw amrywiad mewn oriau gwaith neu arferion gwaith nad yw'n newid oriau gwaith neu arferion gwaith a gytunwyd yn unol ag is-baragraff (6).

7.—(1) Caiff gweithredydd nad yw'n cytuno y gellir cyfiawnhau ffi ychwanegol o dan baragraff 6 ofyn am benderfyniad ar y cwestiwn gan berson a enwebwyd at y diben yn unol ag is-baragraff (3)(a).

(2) Rhaid gwneud cais o dan is-baragraff (1) o fewn wythnos ar ôl i'r Asiantaeth roi hysbysiad i'r gweithredydd o dan baragraff 6(3).

(3) Os bydd gweithredydd yn gwneud cais o dan is-baragraff (1)—

- (a) rhaid i'r Asiantaeth enwebu person o'r rhestr a sefydlwyd o dan is-baragraff (4) i benderfynu'r mater;
- (b) rhaid i'r person a enwebir felly roi cyfle i'r gweithredydd a'r Asiantaeth wneud sylwadau ar y mater sydd i'w benderfynu; ac
- (c) rhaid i'r person a enwebir felly, o fewn 1 mis o'i enwebiad, benderfynu a oes ffi ychwanegol

- (d) under-employment of inspectors caused by the operator's failure to adhere to the working hours or working practices agreed for the purposes of this paragraph pursuant to sub-paragraph (6);
- (e) insufficient provision of slaughter staff caused by the operator's failure to adhere to the working hours or working practices agreed for the purposes of this paragraph pursuant to sub-paragraph (6);
- (f) delays caused by risks to the health or safety of inspectors attributable to the operator; and
- (g) any change to the working hours or working practices agreed for the purposes of this paragraph pursuant to sub-paragraph (6) which is attributable to the operator.

(6) For the purposes of sub-paragraph (5)(d), (e) and (g), the Agency and the operator must agree working hours and working practices and keep the working hours and working practices so agreed under review.

(7) Where, following any such review, it appears to the Agency and the operator that it is appropriate to do so, they may by further agreement vary any working hours or working practices agreed pursuant to sub-paragraph (6).

(8) Where any working hours or working practices have been varied pursuant to sub-paragraph (7) they are to be treated as having been agreed pursuant to sub-paragraph (6).

(9) No additional charge may be made in accordance with this paragraph in respect of any increased costs incurred because of any variation in working hours or working practices which does not alter the working hours or working practices which have been agreed in accordance with sub-paragraph (6).

7.—(1) An operator who does not agree that an additional charge is justified under paragraph 6 may request that the question be determined by a person nominated for the purpose pursuant to sub-paragraph (3)(a).

(2) A request under sub-paragraph (1) must be made within 1 week of the Agency giving the operator notice under paragraph 6(3).

(3) Where an operator makes a request under sub-paragraph (1) —

- (a) the Agency must nominate a person from the list established under sub-paragraph (4) to determine the question;
- (b) the person so nominated must give the operator and the Agency an opportunity to make representations on the question to be determined; and
- (c) the person so nominated must, within 1 month of being nominated, decide whether an

yn daladwy a hysbysu'r gweithredydd a'r Asiantaeth o'i benderfyniad.

(4) Rhaid i'r Asiantaeth sefydlu a chadw rhestr o bobl y caniateir eu henwebu at ddibenion y paragraff hwn a rhaid iddi ymgynghori â'r cyrff hynny y mae'n ymddangos iddi eu bod yn cynrychioli gweithredwyr cyn cynnwys unrhyw berson ar y rhestr.

Costau amser

8. Cyfrifir y costau amser a gynhyrchir gan unrhyw fangre yn unrhyw gyfnod cyfrifyddu (yn ddarostyngedig i baragraffau 9 a 10) drwy—

- (a) lluosir amser (a fynegir mewn oriau a ffracsionau o awr) a dreulir gan bob arolygydd sy'n arfer rheolaethau swyddogol yn y fangre honno yn y cyfnod gan y tâl wrth yr awr sy'n gymwys i'r arolygydd hwnnw a benderfynir neu a amrywir yn unol â pharagraffau 11 i 13;
- (b) ychwanegu'r canlyniadau at ei gilydd; ac
- (c) ychwanegu unrhyw gostau staff lladd-dŷ a gytunwyd am y cyfnod hwnnw.

9. Mae'r costau amser o ran unrhyw reolaethau swyddogol yn cynnwys unrhyw daliadau goramser neu lwfansau eraill tebyg a delir i'r arolygydd dan sylw o dan ei gontract cyflogaeth neu ei gontract am wasanaethau am arfer y rheolaethau swyddogol hynny.

10. Wrth benderfynu cyfanswm yr amser a dreuliwyd yn arfer rheolaethau swyddogol, mae unrhyw amser a dreuliwyd gan arolygydd—

- (a) yn teithio i fangre neu o fangre lle mae'r arolygydd yn arfer rheolaethau swyddogol ac y caiff ei dalu amdano o dan gontract cyflogaeth neu gontract am wasanaethau;
- (b) yn unrhyw fangre yr aeth yr arolygydd iddi at ddibenion arfer rheolaethau swyddogol ac y caiff ei dalu amdano o dan gontract cyflogaeth neu gontract am wasanaethau (ni waeth a fydd yr arolygydd yn gallu arfer rheolaethau swyddogol yno ai peidio); ac
- (c) yn unrhyw le arall—
 - (i) pan fo'r arolygydd ar gael i arfer rheolaethau swyddogol ond nad yw mewn gwirionedd yn eu harfer, a
 - (ii) pan gaiff yr arolygydd ei dalu amdano o dan ei gontract cyflogaeth neu ei gontract am wasanaethau,

i'w gyfrifo fel pe bai'n amser yr oedd yr arolygydd yn arfer rheolaethau swyddogol.

11. Rhaid i'r Asiantaeth benderfynu tâl yr awr sy'n gymwys i arolygwyr, a chaiff benderfynu graddau gwahanol i arolygwyr gwahanol neu ddsbarthiadau gwahanol o arolygydd, gan ystyried am lefel cymwysterau a phrofiad arolygwyr gwahanol neu ddsbarthiadau o arolygydd ac ystyried y gost o arfer

additional charge is payable and notify the operator and the Agency of his or her decision.

(4) The Agency must establish and maintain a list of people who may be nominated for the purposes of this paragraph and consult those organisations appearing to represent operators before including any person on the list.

Time costs

8. The time costs generated by any premises in any accounting period is (subject to paragraphs 9 and 10) calculated by —

- (a) multiplying the time (expressed in hours and fractions of an hour) spent by each inspector exercising official controls at those premises in the period by the hourly rate applicable to that inspector determined or varied in accordance with paragraphs 11 to 13;
- (b) adding the results together; and
- (c) adding any agreed slaughterhouse staff costs for the period.

9. The time costs in respect of any official controls includes any overtime payments or other similar allowances made to the inspector concerned under his or her contract of employment or contract for services for exercising those official controls.

10. In determining the total time spent in exercising official controls, any time spent by an inspector—

- (a) in travelling to or from premises at which the inspector exercises official controls and for which he or she is paid under a contract of employment or contract for services;
- (b) at any premises to which the inspector has gone for the purpose of exercising official controls and for which he or she is paid under a contract of employment or contract for services (regardless of whether or not he or she is able to exercise official controls there); and
- (c) at any other place—
 - (i) when the inspector is available for exercising official controls but is not in fact exercising any such controls, and
 - (ii) for which the inspector is paid under his or her contract of employment or contract for services,

is to be counted as if it were time when the inspector was exercising official controls.

11. The Agency must determine the hourly rate applicable to inspectors, and may determine different rates for different inspectors or different classes of inspector, having regard to the level of qualifications and experience of different inspectors or classes of inspector and to the cost of exercising official controls

rheolaethau swyddogol o ran arolygwyr gwahanol neu ddosbarthiadau gwahanol o arolygydd.

12. Rhaid cyfrifo'r tâl yr awr i unrhyw arolygydd neu ddosbarth o arolygydd fel ei fod yn adlewyrchu y cyfryw gyfrannedd o gostau'r eitemau a restrir yn Atodiad VI i Reoliad 882/2004 a dynnwyd gan yr arolygydd hwnnw neu'r dosbarth hwnnw o arolygydd wrth arfer rheolaethau swyddogol (ond heb gynnwys unrhyw gostau ychwanegol a gymerwyd i ystyriaeth yn unol â pharagraff 9) ag y bydd yr Asiantaeth yn credu ei fod yn briodol ei ddsrannu i'r tâl hwnnw yr awr;

13. Caiff yr Asiantaeth amrywio unrhyw gyfradd a benderfynir yn unol â pharagraff 11 os yw'n ymddangos iddi, o ystyried y ffactorau a nodir ym mharagraff 12, ei bod yn angenrheidiol gwneud hynny.

14. Cyn penderfynu neu amrywio'r tâl yn ôl yr awr yn unol â pharagraffau 11 i 13, rhaid i'r Asiantaeth ymgynghori â'r gweithredwyr hynny y mae'n debygol yr effeithir arnynt gan y tâl hwnnw yn ôl yr awr.

Diffiniadau

15. Yn yr Atodlen hon —

- (a) mae i "cynorthwydd swyddogol" a "milfeddyg swyddogol" yr ystyr a roddir i "official auxiliary" a "official veterinarian" yn eu trefn yn Erthygl 2.1(h) ac (f) o Reoliad 854/2004;
- (b) ystyr "arolygydd" ("*inspector*") yw milfeddyg swyddogol neu gynorthwydd swyddogol;
- (c) ystyr "y ffi safonol" ("*the standard charge*"), yw ffi am unrhyw gyfnod cyfrifyddu a dynnir mewn perthynas â lladd-dŷ, sefydliad trin anifeiliaid hela neu safle torri, ac a gyfrifir yn unol â pharagraff 3, 4 neu 5, yn ôl y digwydd;
- (ch) ystyr "costau amser" ("*time costs*"), o ran unrhyw sefydliad am unrhyw gyfnod cyfrifyddu, yw'r costau a gyfrifir yn unol â pharagraffau 8 i 10; a
- (d) mae i unrhyw ymadroddion eraill a ddefnyddir yn yr Atodlen hon ac yn Rheoliad 882/2004 yr ystyr a roddir iddynt yn Rheoliad 882/2004.

by different inspectors or classes of inspector.

12. The hourly rate for any inspector or class of inspector is to be calculated so as to reflect such proportion of the costs of the items listed in Annex VI to Regulation 882/2004 incurred by that inspector or class of inspector in exercising official controls (excluding any additional costs taken into account pursuant to paragraph 9) as the Agency considers it proper to apportion to that hourly rate.

13. The Agency may vary any rate determined pursuant to paragraph 11 where, having regard to variations in the costs referred to in paragraph 12, it appears to it to be necessary to do so.

14. Prior to determining or varying hourly rates in accordance with paragraphs 11 to 13, the Agency must consult such operators as are likely to be affected by those rates.

Definitions

15. In this Schedule —

- (a) "official auxiliary" ("*cynorthwydd swyddogol*") and "official veterinarian" ("*milfeddyg swyddogol*") have the meanings respectively given to them in Article 2.1(h) and (f) of Regulation 854/2004;
- (b) "inspector" ("*arolygydd*") means an official veterinarian or an official auxiliary;
- (c) "the standard charge" ("*y ffi safonol*") means the charge for any accounting period that is incurred in relation to a slaughterhouse, game-handling establishment or cutting plant and calculated in accordance with paragraph 3, 4 or 5, as the case may be;
- (d) "time costs" ("*costau amser*") means, in relation to any establishment for any accounting period, the costs calculated in accordance with paragraphs 8 to 10; and
- (e) any other expressions used both in this Schedule and in Regulation 882/2004 have the meanings that they bear in Regulation 882/2004.

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2008 Rhif 601 (Cy.63)

BWYD, CYMRU

Rheoliadau Cig (Ffioedd
Rheolaethau Swyddogol) (Cymru)
2008

WELSH
STATUTORY INSTRUMENTS

2008 No. 601 (W.63)

FOOD, WALES

The Meat (Official Controls
Charges) (Wales) Regulations
2008

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