OFFERYNNAU STATUDOL CYMRU

2011 Rhif 1009 (Cy.149)

AMAETHYDDIAETH, CYMRU

Rheoliadau Adrodd ar Brisiau Cynhyrchion Llaeth (Cymru) 2011

NODYN ESBONIADOL

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

Mae'r Rheoliadau hyn yn dirymu ac yn disodli Rheoliadau Adrodd ar Brisiau Cynhyrchion Llaeth (Cymru) 2005 ("Rheoliadau 2005") a wnaeth ddarpariaeth yng Nghymru ar gyfer gweithredu erthygl 6 o Reoliad y Comisiwn (EC) Rhif 562/2005 (OJ Rhif L95, 14.4.2005, t.11) sy'n gosod rheolau ar gyfer gweithredu Rheoliad y Cyngor (EC) Rhif 1255/1999 o ran cyfathrebiadau rhwng yr Aelod-wladwriaethau a'r Comisiwn yn y sector llaeth a chynhyrchion llaeth fel y'i diwygiwyd o bryd i'w gilydd.

Cafodd Rheoliad y Comisiwn (EC) Rhif 562/2005 ei ddiddymu o 1 Awst 2010 ymlaen a'i ddisodli gan Reoliad y Comisiwn (EU) Rhif 479/2010 sy'n gosod rheolau ar gyfer gweithredu Rheoliad y Cyngor (EC) Rhif 1234/2007 o ran hysbysiadau gan Aelod-wladwriaethau i'r Comisiwn yn y sector llaeth a chynhyrchion llaeth fel y'i diwygiwyd o bryd i'w gilydd. Cafodd Rheoliad y Cyngor (EC) Rhif 1255/1999 ei ddiddymu o 1 Gorffennaf 2008 a'i ddisodli gan Reoliad y Comisiwn (EC) Rhif 1234/2007.

Mae'r Rheoliadau hyn yn ei gwneud yn ofynnol i broseswyr llaeth ddarparu i Weinidogion Cymru unrhyw wybodaeth ynglŷn â phrisiau cynhyrchion llaeth penodol a all fod yn ofynnol gan Weinidogion Cymru drwy hysbysiad (rheoliad 3). Mae methu â chydymffurfio â gofyniad o'r fath yn dramgwydd sy'n dwyn cosb ar gollfarn ddiannod o ddirwy nad yw'n uwch na lefel 5 ar y raddfa safonol (rheoliad 4).

Cafodd asesiad effaith rheoleiddiol llawn ar yr effaith ar gostau busnes ei lunio mewn perthynas â Rheoliadau 2005 a gellir cael copïau gan Lywodraeth Cynulliad Cymru, Parc Cathays, Caerdydd, CF10

WELSH STATUTORY INSTRUMENTS

2011 No. 1009 (W.149)

AGRICULTURE, WALES

The Reporting of Prices of Milk Products (Wales) Regulations 2011

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations revoke and replace the Reporting of Prices of Milk Products (Wales) Regulations 2005 ("the 2005 Regulations") which made provision in Wales for the implementation of article 6 of Commission Regulation (EC) No 562/2005 (OJ No L95, 14.4.2005, p.11) laying down rules for the implementation of Council Regulation (EC) No 1255/1999 as regards communications between the Member States and the Commission in the milk and milk products sector as amended from time to time.

Commission Regulation (EC) No 562/2005 was repealed from 1 August 2010 and replaced by Commission Regulation (EU) No 479/2010 laying down rules for the implementation of Council Regulation (EC) No 1234/2007 as regards Member States notifications to the Commission in the milk and milk products sector as amended from time to time. Council Regulation (EC) No 1255/1999 was repealed from 1 July 2008 and replaced by Commission Regulation (EC) No 1234/2007.

These Regulations require milk processors to provide the Welsh Ministers with such information relating to the prices of certain milk products, as they may require by notice (regulation 3). Failure to comply with such a requirement is an offence punishable on summary conviction by a fine not exceeding level 5 on the standard scale (regulation 4).

A full regulatory impact assessment on the effect on the costs of business was prepared in respect of the 2005 Regulations and copies of this can be obtained from the Welsh Assembly Government, Cathays Park,

3NQ. Nid oes asesiad effaith rheoleiddiol llawn pellach wedi ei lunio ar gyfer yr offeryn hwn, gan na ragwelir y bydd yn effeithio o gwbl ar y sector preifat na'r sector gwirfoddol.

Cardiff, CF10 3NQ. A further full regulatory impact assessment has not been produced for this instrument as no impact on the private or voluntary sectors is foreseen.

OFFERYNNAU STATUDOL CYMRU

2011 Rhif 1009 (Cy.149)

AMAETHYDDIAETH, CYMRU

Rheoliadau Adrodd ar Brisiau Cynhyrchion Llaeth (Cymru) 2011

Gwnaed	*29 Mawrth 2011*
Gosodwyd gerbron Cynulliad Cenedlaethol Cymru	*31 Mawrth 2011*
Yn dod i rym	*21 Ebrill 2011*

Mae Gweinidogion Cymru wedi eu dynodi(**1**) at ddibenion gwneud rheoliadau o dan adran 2(2) o Ddeddf y Cymunedau Ewropeaidd 1972(**2**) o ran polisi amaethyddol cyffredin yr Undeb Ewropeaidd.

Mae'r Rheoliadau hyn yn gwneud darpariaeth ar gyfer diben a grybwyllir yn adran 2(2) o Ddeddf y Cymunedau Ewropeaidd 1972, ac mae'n ymddangos i Weinidogion Cymru ei bod yn hwylus i'r cyfeiriadau at offeryn Undeb Ewropeaidd, yn y Rheoliadau hyn, gael eu dehongli fel cyfeiriadau at yr offeryn Undeb Ewropeaidd hwnnw fel y'i diwygir o bryd i'w gilydd.

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

Enwi, cychwyn a chymhwyso

1. Enw'r Rheoliadau hyn yw Rheoliadau Adrodd ar Brisiau Cynhyrchion Llaeth (Cymru) 2011. Maent yn dod i rym ar 21 Ebrill 2011 ac maent yn gymwys o ran Cymru.

Dehongli

2. Yn y Rheoliadau hyn—

ystyr "cynhyrchion llaeth" ("*milk products*") yw'r cynhyrchion hynny a restrir yn Erthygl 2(3)(a) o Reoliad y Comisiwn, ac Atodiadau 1.A ac 1.B iddo;

(**1**) O.S. 2010/2690.

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

WELSH STATUTORY INSTRUMENTS

2011 No. 1009 (W.149)

AGRICULTURE, WALES

The Reporting of Prices of Milk Products (Wales) Regulations 2011

Made	*29 March 2011*
Laid before the National Assembly for Wales	*31 March 2011*
Coming into force	*21 April 2011*

The Welsh Ministers, are designated(**1**) for the purposes of making regulations under section 2(2) of the European Communities Act 1972(**2**) in relation to the common agricultural policy of the European Union.

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 a European Union instrument, in these Regulations, to be construed as references to that European Union instrument as amended from time to time.

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

Title, commencement and application

1. The title of these Regulations is the Reporting of Prices of Milk Products (Wales) Regulations 2011. They come into force on 21 April2011 and apply in relation to Wales.

Interpretation

2. In these Regulations—

"Commission Regulation" ("*Rheoliad y Comisiwn*") means Commission Regulation (EU) No. 479/2010 laying down rules for the

(**1**) S.I. 2010/2690.

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

ystyr "proseswr llaeth" ("*milk processor*") yw person sy'n rhedeg sefydliad sy'n gweithgynhyrchu cynhyrchion llaeth; ac

ystyr "Rheoliad y Comisiwn" ("*Commission Regulation*") yw Rheoliad y Comisiwn (EU) Rhif 479/2010 sy'n gosod rheolau ar gyfer gweithredu Rheoliad y Cyngor (EC) Rhif 1234/2007 o ran hysbysiadau gan Aelod-wladwriaethau i'r Comisiwn yn y sector llaeth a chynhyrchion llaeth(**1**) fel y'i diwygir o bryd i'w gilydd.

Darparu gwybodaeth ar brisiau cynhyrchion llaeth

3.—(1) Rhaid i broseswr llaeth ddarparu i Weinidogion Cymru yr wybodaeth honno sy'n ymwneud â phrisiau cynhyrchion llaeth y caiff Gweinidogion Cymru drwy hysbysiad ei gwneud yn ofynnol at ddibenion Erthyglau 2 a 3 o Reoliad y Comisiwn.

(2) Caiff yr hysbysiad y cyfeirir ato o dan baragraff (1) ei gwneud yn ofynnol i'r proseswr llaeth ddarparu'r wybodaeth y gofynnwyd amdani ar sail reolaidd, a phennu pryd ac ym mha fformat y mae'n rhaid darparu'r wybodaeth.

Tramgwyddau

4.—(1) Bydd unrhyw berson sy'n methu â chydymffurfio â hysbysiad y cyfeirir ato yn rheoliad 3(1) yn euog o dramgwydd, ac yn agored ar gollfarn ddiannod i ddirwy nad yw'n uwch na lefel 5 ar y raddfa safonol.

(2) Os yw corff corfforaethol yn euog o dramgwydd o dan baragraff (1) ac os profir bod y tramgwydd wedi ei wneud drwy gydsyniad neu ymoddefiad, neu wedi ei briodoli i unrhyw esgeulustod ar ran—

(a) unrhyw gyfarwyddwr, rheolwr, ysgrifennydd neu berson arall tebyg yn y corff corfforaethol, neu

(b) unrhyw berson a oedd yn honni ei fod yn gweithredu mewn unrhyw swyddogaeth o'r fath,

mae'r person hwnnw yn euog o'r tramgwydd yn ogystal â'r corff corfforaethol.

(3) At ddibenion paragraff (2), ystyr "cyfarwyddwr" mewn perthynas â chorff corfforaethol y mae ei faterion yn cael eu rheoli gan ei aelodau, yw aelod o'r corff corfforaethol.

(**1**) OJ Rhif L 135, 2.6.2010, t.26, fel y'i diwygiwyd ddiwethaf gan Reoliad y Comisiwn (EU) Rhif 1041/2010 (OJ Rhif L 299, 17.11.2010, t.4).

implementation of Council Regulation (EC) No 1234/2007 as regards Member States' notifications to the Commission in the milk and milk products sector(**1**) as amended from time to time;

"milk processor" ("*proseswr llaeth*") means a person operating an establishment which manufactures milk products; and

"milk products" ("*cynhyrchion llaeth*") means those products listed in Article 2(3)(a) of, and Annexes 1.A and 1.B to the Commission Regulation.

Provision of information on prices of milk products

3.—(1) A milk processor must provide to the Welsh Ministers such information relating to the prices of milk products as the Welsh Ministers may by notice require for the purposes of Articles 2 and 3 of the Commission Regulation.

(2) The notice referred to under paragraph (1) may require the milk processor to provide the information requested on a regular basis, and may specify when and in what format the information must be provided.

Offences

4.—(1) Any person who fails to comply with a notice referred to in regulation 3(1) is guilty of an offence, and liable on summary conviction to a fine not exceeding level 5 on the standard scale.

(2) Where a body corporate is guilty of an offence under paragraph (1) and the offence is proved to have been committed with the consent or connivance of, or to have been attributable to any neglect on the part of—

(a) any director, manager, secretary or other similar person of the body corporate, or

(b) any person who was purporting to act in any such capacity,

that person is guilty of the offence as well as the body corporate.

(3) For the purposes of paragraph (2) "director" in relation to a body corporate whose affairs are managed by its members, means a member of the body corporate.

(**1**) OJ No L 135, 2.6.2010, p.26 as last amended by Commission Regulation (EU) No 1041/2010 (OJ No L 299, 17.11.2010, p.4).

Dirymu

5. Mae Rheoliadau Adrodd ar Brisiau Cynhyrchion Llaeth (Cymru) 2005(**1**) wedi eu dirymu.

Revocation

5. The Reporting of Prices of Milk Products (Wales) Regulations 2005(**1**) are revoked.

Elin Jones

Y Gweinidog dros Faterion Gwledig, un o Weinidogion Cymru

29 Mawrth 2011

Minister for Rural Affairs, one of the Welsh Ministers

29 March 2011

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(**1**) O.S. 2005/2907 (Cy.206).

(**1**) S.I. 2005/2907 (W.206).

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WELSH STATUTORY INSTRUMENTS

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