OFFERYNNAU STATUDOL CYMRU

WELSH STATUTORY INSTRUMENTS

2014 Rhif 519 (Cy. 61)

HADAU, CYMRU

Rheoliadau Hadau a Deunyddiau Planhigion Llysieuol (Newidiadau i’r Gyfundrefn Enwi) (Cymru) 2014

2014 No. 519 (W. 61)

SEEDS, WALES

The Seeds and Vegetable Plant Material (Nomenclature Changes) (Wales) Regulations 2014

NODYN ESBONIADOL

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

Mae'r Rheoliadau hyn yn diwygio Rheoliadau Marchnata Hadau (Cymru) 2012 (O.S. 2012/245 (Cy.39)) a Rheoliadau Marchnata Deunyddiau Planhigion Llysieuol 1995 (O.S. 1995/2652) (“y Rheoliadau Planhigion Llysieuol”) mewn perthynas â Chymru.

Mae'r Rheoliadau hyn yn gweithredu Cyfarwyddeb Weithredu’r Comisiwn 2013/45/EU (OJ Rhif L 213, 8.8.2013 t.20) sy'n diwygio Cyfarwyddeb 2002/55/EC (OJ Rhif L 193, 20.7.2002, t.33), Cyfarwyddeb 2008/72/EC (OJ Rhif L 205, 1.8.2008, t.28) a Chyfarwyddeb 2009/145/EC (OJ Rhif L 312, 27.11.2009, t.44) o ran enw botanegol tomato i adlewyrchu adolygiadau i God Rhyngwladol y Gyfundrefn Enwi Fotanegol.

Diddymwyd Cyfarwyddeb 92/33/EEC (OJ Rhif L 157, 10.6.1992, t.1) gan Gyfarwyddeb 2008/72/EC ar farchnata deunydd lluosogi a phlannu llysieuol, ac eithrio hadau. Diwygir y Rheoliadau Planhigion Llysieuol i adlewyrchu'r dirymiad hwn. Maent bellach yn gymwys i ddeunydd planhigion o'r genera a’r rhywogaethau a restrir yn Atodiad II i Gyfarwyddeb 2008/72/EC fel y'i diwygiwyd o bryd i'w gilydd.

Ystyriwyd Cod Ymarfer Gweinidogion Cymru ar gynnal Asesiadau Effaith Rheoleiddiol mewn perthynas â'r Rheoliadau hyn. O ganlyniad, ystyriwyd nad oedd yn angenrheidiol cynnal asesiad effaith rheoleiddiol o’r costau a’r manteision sy’n debygol o ddeillio o gydymffurfio â'r Rheoliadau hyn.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Seed Marketing (Wales) Regulations 2012 (S.I 2012/245 (W.39)) and the Marketing of Vegetable Plant Material Regulations 1995 (S.I. 1995/2652) (“the Vegetable Plant Regulations”) in relation to Wales.

These Regulations implement Commission Implementing Directive 2013/45/EU (OJ No L 213, 8.8.2013 p.20) which amends Directive 2002/55/EC (OJ No L 193, 20.7.2002, p.33), Directive 2008/72/EC (OJ No L 205, 1.8.2008, p.28) and Directive 2009/145/EC (OJ No L 312, 27.11.2009, p.44) as regards the botanical name of tomato to reflect revisions to the International Code of Botanical Nomenclature.

Directive 92/33/EEC (OJ No L 157, 10.6.1992, p.1) has been repealed by Directive 2008/72/EC on the marketing of vegetable propagating and planting material, other than seed. The Vegetable Plant Regulations are amended to reflect this repeal and now apply to plant material of the genera and species listed in Annex II as amended from time to time to Directive 2008/72/EC.

The Welsh Ministers’ Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to these Regulations. As a result it was not considered necessary to carry out a regulatory impact assessment as to the likely costs and benefits of complying with these Regulations.

OFFERYNNAU STATUDOL CYMRU

2014 Rhif 519 (Cy. 61)

HADAU, CYMRU

Rheoliadau Hadau a Deunyddiau Planhigion Llysieuol (Newidiadau i'r Gyfundrefn Enwi) (Cymru) 2014

Gwnaed *5 Mawrth 2014*

Gosodwyd gerbron Cynulliad Cenedlaethol Cymru. *7 Mawrth 2014*

Yn dod i rym *31 Mawrth 2014*

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

Mae Gweinidogion Cymru yn gwneud y Rheoliadau hyn drwy arfer y pwerau a roddwyd iddynt gan adrannau 16(1), (1A), (2), (3), (4), (5) a (5A) a 36 o Ddeddf Amrywogaethau a Hadau Planhigion 1964(**3**), wedi ymgynghori â chynrychiolwyr y buddiannau hynny sy'n ymddangos yn berthnasol yn unol ag adran 16(1) o'r Ddeddf honno.

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

(**2**) 1972 p.68. Diwygiwyd adran 2(2) gan adran 27(1)(a) o Ddeddf Diwygio Deddfwriaethol a Rheoleiddiol 2006 (p.51), a Rhan 1 o'r Atodlen i Ddeddf yr Undeb Ewropeaidd (Diwygio) 2008 (p. 7).

(**3**) 1964 p.14. Diwygiwyd Adran 16 gan adran 4 a pharagraff 5 o Atodlen 4 i Ddeddf y Cymunedau Ewropeaidd 1972 (p. 68); O.S. 1977/1112; ac adran 2 o Ddeddf Amaethyddiaeth 1986 (p. 49). *Gweler* adran 38(1) ar gyfer y diffiniad o "the Minister". O dan Orchymyn Trosglwyddo Swyddogaethau (Cymru) (Rhif 1) 1978 (O.S. 1978/272) erthygl 2(1) ac Atodlen 1, trosglwyddwyd swyddogaethau'r Gweinidog Amaethyddiaeth, Pysgodfeydd a Bwyd o dan Ddeddf Amrywogaethau a Hadau Planhigion 1964, i'r graddau y maent yn arferadwy o ran Cymru, i'r Ysgrifennydd Gwladol ac o dan Orchymyn Cynulliad Cenedlaethol Cymru (Trosglwyddo Swyddogaethau) 1999 (O.S. 1999/672), erthygl 2 ac Atodlen 1, trosglwyddwyd y swyddogaethau a drosglwyddwyd i'r Ysgrifennydd Gwladol o dan Orchymyn 1978 i Gynulliad Cenedlaethol Cymru. Yn rhinwedd paragraff 30 o Atodlen 11 i Ddeddf Llywodraeth Cymru 2006 mae'r swyddogaethau hynny bellach yn arferadwy gan Weinidogion Cymru.

WELSH STATUTORY INSTRUMENTS

2014 No. 519 (W. 61)

SEEDS, WALES

The Seeds and Vegetable Plant Material (Nomenclature Changes) (Wales) Regulations 2014

Made *5 March 2014*

Laid before the National Assembly for Wales *7 March 2014*

Coming into force *31 March 2014*

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

The Welsh Ministers make these Regulations in exercise of the powers conferred on them by sections 16(1), (1A), (2), (3), (4), (5) and (5A) and 36 of the Plant Varieties and Seeds Act 1964(**3**), after consultation in accordance with section 16(1) of that Act with representatives of such interests as appear to be concerned.

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

(**2**) 1972 c. 68. Section 2(2) was amended by section 27(1)(a) of the Legislative and Regulatory Reform Act 2006 (c. 51), and Part 1 of the Schedule to the European Union (Amendment) Act 2008 (c. 7).

(**3**) 1964 c.14. Section 16 has been amended by section 4 of, and paragraph 5 of Schedule 4 to the European Communities Act 1972 (c. 68); S.I. 1977/1112; and section 2 of the Agriculture Act 1986 (c. 49). *See* section 38(1) for the definition of "the Minister". Under the Transfer of Functions (Wales) (No 1) Order 1978 (S.I. 1978/272) article 2(1) and Schedule 1, the functions of the Minister of Agriculture, Fisheries and Food under the Plant Varieties and Seeds Act 1964 were so far as they are exercisable in relation to Wales, transferred to the Secretary of State and under the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672), article 2 and Schedule 1, the functions transferred to the Secretary of State by the 1978 Order were transferred to the National Assembly for Wales. By virtue of paragraph 30 of Schedule 11 to the Government of Wales Act 2006 those functions are now exercisable by the Welsh Ministers.

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

Mae'r Rheoliadau hyn yn gwneud darpariaeth at ddiben a grybwyllir yn adran 2(2) o Ddeddf y Cymunedau Ewropeaidd 1972 ac ymddengys i Weinidogion Cymru ei bod yn hwylus i'r cyfeiriad sydd yn y Rheoliadau hyn at Atodlen II i Gyfarwyddeb y Cyngor 2008/72/EC(**2**) ar farchnata deunydd lluosogi a phlannu llysieuol, ac eithrio hadau, gael ei ddehongli fel cyfeiriad at yr Atodlen honno fel y'i diwygiwyd o bryd i'w gilydd.

Enwi, cymhwyso a chychwyn

1.—(1) Enw'r Rheoliadau hyn yw Rheoliadau Hadau a Deunyddiau Planhigion Llysieuol (Newidiadau i'r Gyfundrefn Enwi) (Cymru) 2014.

(2) Maent yn gymwys o ran Cymru a deuant i rym ar 31 Mawrth 2014.

Diwygio Rheoliadau Marchnata Hadau (Cymru) 2012

2.—(1) Mae Rheoliadau Marchnata Hadau (Cymru) 2012(**3**) wedi eu diwygio fel a ganlyn.

(2) Yng ngholofn 1 (Planhigion y mae'r Rheoliadau yn gymwys iddynt) o Atodlen 1 (Hadau y mae'r Rheoliadau hyn yn gymwys iddynt) ar gyfer *"Lycopersicon esculentum* Mill*",* rhodder—

"*Solanum lycopersicum* L.".

Diwygio Rheoliadau Marchnata Deunyddiau Planhigion Llysieuol 1995

3.—(1) Mae Rheoliadau Marchnata Deunyddiau Planhigion Llysieuol 1995(**4**) wedi eu diwygio mewn perthynas â Chymru fel a ganlyn.

(**1**) Mewnosodwyd paragraff 1A o Atodlen 2 gan adran 28 o Ddeddf Diwygio Deddfwriaethol a Rheoleiddiol 2006 (p. 51).
(**2**) OJ Rhif L 205, 1.8.2008, t.28, fel y'i diwygiwyd ddiwethaf gan Gyfarwyddeb y Comisiwn 2013/45/EU, OJ Rhif L 213, 8.8.2013 t.20.
(**3**) O.S. 2012/245 (Cy.39), y mae iddi ddiwygiadau nad ydynt yn berthnasol i'r Rheoliadau hyn.
(**4**) O.S. 1995/2652, a ddiwygiwyd gan O.S. 2007/2190 (Cy.174), Rheoliadau 2(2) a 2(3); mae offerynnau diwygio eraill ond nid oes yr un ohonynt yn berthnasol i'r Rheoliadau hyn.

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

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 reference in these Regulations to Annex II to Council Directive 2008/72/EC(**2**) on the marketing of vegetable propagating and planting material, other than seed to be construed as a reference to that Annex as amended from time to time.

Title, application and commencement

1.—(1) The title of these Regulations is the Seeds and Vegetable Plant Material (Nomenclature Changes) (Wales) Regulations 2014.

(2)They apply in relation to Wales and come into force on 31 March 2014.

Amendment of the Seed Marketing (Wales) Regulations 2012

2.—(1) The Seed Marketing (Wales) Regulations 2012(**3**) are amended as follows.

(2) In column 1 (Plants to which the Regulations apply) of Schedule 1 (Seed to which these Regulations apply) for *"Lycopersicon esculentum* Mill", substitute—

"*Solanum lycopersicum* L.".

Amendment of the Marketing of Vegetable Plant Material Regulations 1995

3.—(1) The Marketing of Vegetable Plant Material Regulations 1995(**4**) are amended in relation to Wales as follows.

(**1**) Paragraph 1A of Schedule 2 was inserted by section 28 of the Legislative and Regulatory Reform Act 2006 (c. 51).
(**2**) OJ No L 205, 1.8.2008, p.28, as last amended by Commission Directive 2013/45/EU, OJ No L 213, 8.8.2013 p.20.
(**3**) S.I. 2012/245 (W.39), to which there are amendments not relevant to these Regulations.
(**4**) S.I. 1995/2652, amended by S.I. 2007/2190 (W.174), Regulation 2(2) and 2(3); there are other amending instruments but none is relevant to these Regulations.

(2) Yn rheoliad 2 (Dehongli)—

(a) Hepgorer y diffiniad o "Directive 92/33/EEC";

(b) Ar ôl y diffiniad o "Directive 93/61/EEC", mewnosoder—

""Directive 2008/72/EC" means Council Directive 2008/72/EC on the marketing of vegetable propagating and planting material, other than seed;"

(3) Yn rheoliad 3(1) (Deunyddiau planhigion y mae'r Rheoliadau hyn yn gymwys iddynt), yn lle is-baragraffau (a) a (b) rhodder—

"(a) plant material of the genera and species set out in Annex II as amended from time to time, to Directive 2008/72/EC and their hybrids; and

(b) rootstocks and other parts of plants of other genera or species and their hybrids if plant material of a genus or species set out in Annex II, as amended from time to time, to Directive 2008/72/EC or of a hybrid of such a genus or species is or is to be grafted on to them.".

(4) Yn rheoliad 5(d) (Gofynion ansawdd ar gyfer deunyddiau planhigion), yn lle is-baragraff (ii) rhodder—

"(ii) it belongs to a variety officially accepted in a member State in accordance with Article 9 of Directive 2008/72/EC; and".

(2) In regulation 2 (Interpretation)—

(a) Omit the definition of "Directive 92/33/EEC";

(b) After the definition of "Directive 93/61/EEC", insert—

""Directive 2008/72/EC" means Council Directive 2008/72/EC on the marketing of vegetable propagating and planting material, other than seed;"

(3) In regulation 3(1) (Plant material to which these Regulations apply), for sub-paragraphs (a) and (b) substitute—

"(a) plant material of the genera and species set out in Annex II as amended from time to time, to Directive 2008/72/EC and their hybrids; and

(b) rootstocks and other parts of plants of other genera or species and their hybrids if plant material of a genus or species set out in Annex II, as amended from time to time, to Directive 2008/72/EC or of a hybrid of such a genus or species is or is to be grafted on to them.".

(4) In regulation 5(d) (Quality requirements for plant material), for sub-paragraph (ii) substitute—

"(ii) it belongs to a variety officially accepted in a member State in accordance with Article 9 of Directive 2008/72/EC; and".

Alun Davies

Y Gweinidog Cyfoeth Naturiol a Bwyd, un o Weinidogion Cymru

5 Mawrth 2014

Minister for Natural Resources and Food, one of the Welsh Ministers

5 March 2014

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