
OFFERYNNAU STATUDOL CYMRU

2009 Rhif 1376 (Cy.137)

IECHYD PLANHIGION, CYMRU

Gorchymyn Iechyd Planhigion (Cymru) (Diwygio) 2009

<i>Gwnaed</i>	- - - -	8 Mehefin 2009
<i>Gosodwyd gerbron Cynulliad</i>		
<i>Cenedlaethol Cymru</i>	- -	10 Mehefin 2009
<i>Yn dod i rym</i>	- -	1 Gorffennaf 2009

Mae Gweinidogion Cymru, y mae'r pwerau a roddwyd gan adrannau 2(1) a 3(1) o Ddeddf Iechyd Planhigion 1967(1) bellach wedi eu breinio ynddynt(2), yn gwneud y Gorchymyn a ganlyn drwy arfer y pwerau hynny.

Enwi a chychwyn

1. Enw'r Gorchymyn hwn yw Gorchymyn Iechyd Planhigion (Cymru) (Diwygio) 2009. Daw i rym ar 1 Gorffennaf 2009 ac mae'n gymwys o ran Cymru.

Diwygiadau i Orchymyn Iechyd Planhigion (Cymru) 2006

2.—(1) Mae Gorchymyn Iechyd Planhigion (Cymru) 2006(3) wedi'i ddiwygio fel a ganlyn.

(2) Yn erthygl 2(1), yn lle'r diffiniad o “Directive 2000/29/EC”, rhodder—

““Directive 2000/29/EC” means Council Directive 2000/29/EC on protective measures against the introduction into the Community of organisms harmful to plants or plant products and against their spread within the Community;”(4).

(3) Yn Rhan A o Atodlen 1, yn yr adran “Insects, mites and nematodes”—

(a) ar ôl eitem 11, mewnosoder “11a *Dendrolimus sibiricus* Tschetverikov”;

(b) yn lle eitem 15, rhodder “15 *Diabrotica virgifera zea* Kryan & Smith”; ac

(1) 1967 p. 8; diwygiwyd adrannau 2(1) a 3(1) gan Ddeddf y Cymunedau Ewropeaidd 1972 (p. 68), Atodlen 4, paragraff 8.
(2) 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 Iechyd Planhigion 1967, 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. Trosglwyddwyd y swyddogaethau hyn o Gynulliad Cenedlaethol Cymru i Weinidogion Cymru o dan adran 162 o Ddeddf Llywodraeth Cymru 2006 (p. 32) a pharagraff 30 (1) a (2) o Atodlen 11 iddi.
(3) O.S. 2006/1643 (Cy.158); yr offerynnau diwygio perthnasol yw O.S. 2007/2716 (Cy.229), 2007/3305 (Cy.292), 2008/2781 (Cy.248) a 2008/2913 (Cy.257).
(4) OJ Rhif L 169, 10.7.2000, t.1, a ddiwygiwyd ddiwethaf gan Gyfarwyddeb y Comisiwn 2009/7/EC, OJ Rhif L 40, 11.2.2009, t.12.

Statws This is the original version (as it was originally made).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

(c) ar ôl eitem 26, mewnosoder “26a *Rhynchophorus palmarum* (L.)”.

(4) Yn Rhan B o Atodlen 1, yn yr adran “Insects, mites and nematodes”, ar ôl eitem 1 mewnosoder “1a *Diabrotica virgifera virgifera* Le Conte”.

(5) Yn Rhan A o Atodlen 2, yn yr adran “Insects, mites and nematodes”—

(a) ar ôl eitem 1, mewnosoder—

“1a	Plants intended for planting, 1a other than plants in tissue culture and seeds, of <i>Fraxinus</i> L., <i>Juglans mandshurica</i> Maxim., <i>Ulmus davidiana</i> Planch., <i>Ulmus parvifolia</i> Jacq. and <i>Pterocarya rhoifolia</i> Siebold & Zucc., originating in Canada, China, Japan, Mongolia, Republic of Korea, Russia, Taiwan and USA	<i>Agrilus planipennis</i> Fairmaire”;
-----	---	--

(b) hepgorer eitem 23; ac

(c) ar ôl eitem 26, mewnosoder—

“26a	Tubers of <i>Solanum tuberosum</i> L.	<i>Scrobipalopsis solanivora</i> Povolny”.
------	---------------------------------------	--

(6) Yn Rhan A o Atodlen 2—

(a) yn yr adran “Bacteria”, yn yr ail golofn yn eitem 4, hepgorer “fruit or”;

(b) yn yr adran “Fungi”, ar ôl eitem 15, mewnosoder—

“15a	Plants of <i>Ulmus</i> L. and <i>Zelkova</i> L., intended for planting, other than seeds	<i>Stegophora ulmea</i> (Schweinitz: Fries) Sydow & Sydow”; ac
------	--	--

(c) yn yr adran “Viruses and virus-like organisms”, ar ôl eitem 5, mewnosoder—

“5a	Plants of <i>Dendranthema</i> (DC.) Des Moul. and <i>Lycopersicon lycopersicum</i> (L.) Karsten ex Farw., intended for planting, other than seeds	Chrysanthemum stem necrosis virus”.
-----	---	-------------------------------------

(7) Yn Rhan B o Atodlen 2, yn yr adran “Insects, mites and nematodes”—

(a) ar ôl eitem 7, mewnosoder—

“7a	Plants of <i>Citrus</i> L., <i>Fortunella Swingle</i> , <i>Poncirus</i> Raf., and their hybrids, other than fruit and seeds	<i>Parasaissetia nigra</i> (Nietner)”;
-----	---	--

(b) ar ôl eitem 11(5) mewnosoder—

(5) Mewnosodwyd eitem 11 gan O.S. 2008/2411, erth. 2(1), (9).

<p>“12</p>	<p>Plants of <i>Palmae</i>, intended for planting, having a diameter of the stem at the base of over 5 cm and belonging to the following genera: <i>Brahea</i> Mart., <i>Butia</i> Becc., <i>Chamaerops</i> L., <i>Jubaea</i> Kunth, <i>Livistona</i> R. Br., <i>Phoenix</i> L., <i>Sabal</i> Adans., <i>Syagrus</i> Mart., <i>Trachycarpus</i> H. Wendl., <i>Trithrinax</i> Mart., <i>Washingtonia</i> Raf.</p>	<p><i>Paysandisia archon</i> (Burmeister)”.</p>
<p>(8) Yn Rhan A o Atodlen 4— (a) ar ôl eitem 7, mewnosoder—</p>		
<p>“7a</p>	<p>Plants of <i>Fraxinus</i> L., <i>Juglans mandshurica</i> Maxim., <i>Ulmus davidiana</i> Planch., <i>Ulmus parvifolia</i> Jacq. and <i>Pterocarya rhoifolia</i> Siebold & Zucc., intended for planting, other than seeds and plants in tissue culture originating in Canada, China, Japan, Mongolia, Republic of Korea, Russia, Taiwan and USA</p>	<p>The plants shall be accompanied by an official statement that they: (a) have been grown throughout their life in an area free from <i>Agrilus planipennis</i> Fairmaire, established by the national plant protection organisation in accordance with ISPM No. 4; or (b) have, for a period of at least two years prior to export, been grown in a place of production where no signs of <i>Agrilus planipennis</i> Fairmaire have been observed during two official inspections per year carried out at appropriate times, including immediately prior to export”;</p>
<p>(b) yn eitem 11, yn lle “requirements in items 60, 61 and 64” yn y golofn ar yr ochr dde rhodder “provisions applicable to the plants in item 7”; (c) ar ôl eitem 35, mewnosoder—</p>		
<p>“35a</p>	<p>Tubers of <i>Solanum tuberosum</i> L., other than those intended for planting</p>	<p>Without prejudice to the provisions applicable to tubers listed in items 32 to 34, the plants shall be accompanied by an official statement</p>

35b	Tubers of <i>Solanum tuberosum</i> L.	<p>that the tubers originate in areas in which <i>Pseudomonas solanacearum</i> (Smith) Smith is not known to occur.</p> <p>Without prejudice to the provisions applicable to tubers listed in items 32 to 35a, the plants shall be accompanied by an official statement that:</p> <ul style="list-style-type: none"> (a) the tubers originate in a country where <i>Scrobipalopsis solanivora</i> Povolny is not known to occur; or (b) the tubers originate in an area free from <i>Scrobipalopsis solanivora</i> Povolny, established by the national plant protection organisation in accordance ISPM No. 4”;
-----	---------------------------------------	--

-
- (ch) hepgorer eitem 39;
(d) ar ôl eitem 43, mewnosoder—

“43a	Plants of <i>Dendranthema</i> (DC.) Des Moul. and <i>Lycopersicon lycopersicum</i> (L.) Karsten ex Farw., intended for planting, other than seeds	<p>Without prejudice to the requirements applicable to the plants listed in items 36, 37, 38, 41 to 43, the plants shall be accompanied by an official statement that:</p> <ul style="list-style-type: none"> (a) the plants have been grown throughout their life in a country free from <i>Chrysanthemum stem necrosis virus</i>; (b) the plants have been grown throughout their life in an area established by the national plant protection organisation in the country of export as being free from <i>Chrysanthemum stem necrosis virus</i> in accordance with ISPM No. 4; or (c) the plants have been grown throughout
------	---	---

their life in a place of production, established as being free from Chrysanthemum stem necrosis virus and verified through official inspections and, where appropriate, testing”; ac

(dd) ar ôl eitem 57a(6) mewnoder—

“57b

Plants of Palmae, intended for planting, having a diameter of the stem at the base of over 5 cm and belonging to the following genera: *Brahea* Mart., *Butia* Becc., *Chamaerops* L., *Jubaea* Kunth, *Livistona* R. Br., *Phoenix* L., *Sabal* Adans., *Syagrus* Mart., *Trachycarpus* H. Wendl., *Trithrinax* Mart., *Washingtonia* Raf.

Without prejudice to the provisions applicable to the plants listed in items 57 and 57a, the plants shall be accompanied by an official statement that the plants:

- (a) have been grown throughout their life in a country where *Paysandisia archon* (Burmeister) is not known to occur;
- (b) have been grown throughout their life in an area free from *Paysandisia archon* (Burmeister), established by the national plant protection organisation in accordance with ISPM No. 4; or
- (c) have, during a period of at least two years prior to export, been grown in a place of production:
 - (i) which is registered and supervised by the national plant protection organisation in the country of origin,
 - (ii) where the plants were placed in a site with complete physical protection against the introduction of *Paysandisia archon* (Burmeister) or

- with application of appropriate preventive treatments, and
- (iii) where, during three official inspections per year carried out at appropriate times, including immediately prior to export, no signs of *Paysandisia archon* (Burmeister) have been observed”.

(9) Yn Rhan B o Atodlen 4, ar ôl eitem 22, mewnosoder—

“22a	Plants of Palmae, intended for planting, having a diameter of the stem at the base of over 5 cm and belonging to the following genera: <i>Brahea</i> Mart., <i>Butia</i> Becc., <i>Chamaerops</i> L., <i>Jubaea</i> Kunth, <i>Livistona</i> R. Br., <i>Phoenix</i> L., <i>Sabal</i> Adans., <i>Syagrus</i> Mart., <i>Trachycarpus</i> H. Wendl., <i>Trithrinax</i> Mart., <i>Washingtonia</i> Raf.	The plants are accompanied by an official statement that the plants: <ul style="list-style-type: none"> (a) have been grown throughout their life in an area free from <i>Paysandisia archon</i> (Burmeister), established by the national plant protection organisation in accordance with ISPM No. 4; or (b) have, during a period of at least two years prior to movement, been grown in a place of production: <ul style="list-style-type: none"> (i) which is registered and supervised by the responsible official body in the Member State of origin, (ii) where the plants were placed in a site with complete physical protection against the introduction of <i>Paysandisia archon</i> (Burmeister) or with application of appropriate preventive treatments, and
------	--	--

- (iii) where, during three official inspections per year carried out at appropriate times, no signs of *Paysandisia archon* (Burmeister) have been observed”.

(10) Yn Rhan A o Atodlen 6, ar ôl paragraff 7(c), mewnosoder—

- “(ca) Plants of Palmae, intended for planting, having a diameter of the stem at the base of over 5 cm and belonging to the following genera: Brahea Mart., Butia Becc., Chamaerops L., Jubaea Kunth, Livistona R. Br., Phoenix L., Sabal Adans., Syagrus Mart., Trachycarpus H. Wendl., Trithrinax Mart. or Washingtonia Raf.”.

8 Mehefin 2009

Elin Jones
Y Gweinidog dros Faterion Gwledig, un o
Weinidogion Cymru

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

EXPLANATORY NOTE

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

Mae'r Gorchymyn hwn yn diwygio Gorchymyn Iechyd Planhigion (Cymru) 2006 (O.S. 2006/1643) ("y prif Orchymyn") er mwyn gweithredu Cyfarwydddeb y Comisiwn 2009/7/EC sy'n diwygio Atodiadau I, II, IV a V i Gyfarwydddeb y Cyngor 2000/29/EC ar fesurau amddiffynnol yn erbyn cyflwyno i'r Gymuned organeddau sy'n niweidiol i blanhigion neu gynhyrchion planhigion ac yn erbyn eu hymlediad o fewn y Gymuned (OJ Rhif L 40, 11.2.2009, t. 12).

Mae'r Gorchymyn yn diwygio Atodlenni 1, 2, 4 a 6 i'r prif Orchymyn er mwyn ehangu'r rheolaethau ar gyflwyno planhigion a phlâu planhigion penodol i Gymru, ac ar eu hymlediad oddi mewn iddi. Mae'r organeddau niweidiol canlynol, nad yw'n hysbys hyd yn hyn eu bod yn bresennol yn y Gymuned, wedi'u hychwanegu at y rhestr o organeddau gwaharddedig:

- Dendrolimus sibiricus* (gwyfyn sidan conwydd Siberia),
- Rhynchophorus palmarum* (gwiddonyn palmwydd Americanaidd),
- Agrilus planipennis* (Tyllbryf onn emrallt) ar blanhigion *Fraxinus*, *Juglans mandshurica*, *Ulmus davidiana*, *Ulmus parvifolia*, a *Pterocarya rhoifolia*,
- Firws necrosis coesau ffarwelau haf* ar blanhigion *Dendranthema* a *Lycopersicon lycopersicum*,
- Scrobipalopsis solanivora* (gwyfyn tatws Guatemala) ar gloron *Solanum tuberosum*,
- Stegophora ulmea* (Smotiau duon llwyfen) ar blanhigion *Ulmus* a *Zelkova*, sydd wedi'u bwriadu i'w plannu, ac eithrio hadau.

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