OFFERYNNAU STATUDOL CYMRU

WELSH STATUTORY INSTRUMENTS

2019 Rhif 1334 (Cy. 232)

YMADAEL Â'R UNDEB EWROPEAIDD, CYMRU

ANIFEILIAID, CYMRU

IECHYD PLANHIGION, CYMRU

Rheoliadau Materion Gwledig (Diwygiadau Amrywiol) (Cymru) (Ymadael â'r UE) (Rhif 2) 2019

NODYN ESBONIADOL

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

Mae'r Rheoliadau hyn wedi eu gwneud drwy arfer y pŵer a roddir gan baragraff 1(1) o Atodlen 2 a pharagraff 21 o Atodlen 7 i Ddeddf yr Undeb Ewropeaidd (Ymadael) 2018 (p. 16) er mwyn ymdrin â methiannau yng nghyfraith yr UE a ddargedwir i weithredu'n effeithiol a diffygion eraill sy'n deillio o ymadawiad y Deyrnas Unedig â'r Undeb Ewropeaidd.

Mae'r Rheoliadau hyn yn gwneud diwygiadau i ddeddfwriaeth sy'n ymwneud ag anifeiliaid ac iechyd planhigion.

Mae rheoliad 2 yn gwneud diwygiadau i Reoliadau'r Fasnach mewn Anifeiliaid a Chynhyrchion Perthynol (Cymru) 2011 ("y Rheoliadau TARP").

Mae rheoliad 2(2) yn hepgor y diffiniad o "cynnyrch" o'r Rheoliadau TARP. Mae hefyd yn mewnosod diffiniad o "y rhestr cyfundrefn enwi gyhoeddedig" yn y Rheoliadau TARP er mwyn cymryd i ystyriaeth y ffaith y cyflwynir rhestr o gynhyrchion anifeiliaid, a gyhoeddir gan yr Ysgrifennydd Gwladol, sy'n pennu cynhyrchion at ddibenion penderfynu ar y detholiad o lwythi y mae rhaid eu cyflwyno ar gyfer gwiriadau milfeddygol wrth

2019 No. 1334 (W. 232)

EXITING THE EUROPEAN UNION, WALES

ANIMALS, WALES

PLANT HEALTH, WALES

The Rural Affairs (Miscellaneous Amendments) (Wales) (EU Exit) (No. 2) Regulations 2019

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations are made in exercise of the power conferred by paragraph 1(1) of Schedule 2 and paragraph 21 of Schedule 7 to the European Union (Withdrawal) Act 2018 (c. 16) in order to address failures of retained EU law to operate effectively and other deficiencies arising from the withdrawal of the United Kingdom from the European Union.

These Regulations make amendments to legislation relating to animals and plant health.

Regulation 2 makes amendments to the Trade in Animals and Related Products (Wales) Regulations 2011 ("the TARP Regulations").

Regulation 2(2) omits the definition of "product" from the TARP Regulations. It also inserts a definition of "the published nomenclature list" into the TARP Regulations to account for the introduction of a list of animal products, published by the Secretary of State, which specifies products for the purposes of determining the selection of consignments that must be submitted to veterinary checks at a border inspection post. Additionally, it makes provision for the purpose

arolygfa ffin. Yn ychwanegol at hynny, mae'n gwneud darpariaeth at ddiben dehongli cyfeiriadau at Gyfarwyddeb gan yr UE yn y Rheoliadau TARP ac offerynnau cysylltiedig gan yr UE.

Mae rheoliad 2(3) yn mewnosod cyfeiriadau at Ynysoedd Faröe a Kalaallit Nunaat (Greenland) yn rheoliad 4 o'r Rheoliadau TARP, sy'n darparu ar gyfer sut y mae masnach â nifer o diriogaethau penodedig i gael ei thrin at ddiben y Rheoliadau TARP.

Mae rheoliad 2(4) a (5) yn rhoi cyfeiriadau at y rhestr cyfundrefn enwi gyhoeddedig yn lle cyfeiriadau at ddeddfwriaeth yr UE yn y Rheoliadau TARP.

Mae rheoliad 2(6) yn gwneud diwygiadau i reoliad 15 o'r Rheoliadau TARP, sy'n ymwneud â gweithdrefnau mewnforio. Mae'r newidiadau hynny yn cynnwys amnewidiad sy'n gosod gofyniad ar y person sy'n gyfrifol am lwyth i drefnu i'r llwyth a thystysgrif iechyd gael eu cyflwyno ar gyfer gwiriadau wrth yr arolygfa ffin.

Mae rheoliad 2(7) yn darparu nad yw'r cynhyrchion cyfansawdd a deunyddiau bwyd, a restrir gan yr Ysgrifennydd Gwladol fel rhai sydd wedi eu heithrio rhag gwiriadau mewnforio milfeddygol, yn ddarostyngedig i Ran 3 o'r Rheoliadau TARP, sydd ei hunan yn darparu ar gyfer mewnforio i Gymru unrhyw anifail neu gynnyrch a bennir ym Mhenderfyniad y Comisiwn 2007/275/EC o wlad y tu allan i'r UE.

Mae rheoliad 3 yn diwygio rheoliad 28(c) o Reoliadau Iechyd Planhigion (Diwygio) (Cymru) (Ymadael â'r UE) 2019 sydd, yn rhannol, yn hepgor erthygl 21(7) o Orchymyn Iechyd Planhigion (Cymru) 2018. Mae rheoliad 28(c) wedi ei ddiwygio er mwyn adlewyrchu'r ffaith bod erthygl 21(7) wedi ei hepgor gan Orchymyn Iechyd Planhigion (Cymru) (Diwygio) (Rhif 2) 2019.

Mae rheoliad 4 yn gwneud mân ddiwygiad i offeryn statudol blaenorol, sef Rheoliadau Materion Gwledig, yr Amgylchedd, Pysgodfeydd a Bwyd (Diwygiadau a Dirymiadau Amrywiol) (Cymru) 2019 ym maes iechyd a lles anifeiliaid. Mae'r diwygiad yn dileu'r ddarpariaeth wallus yn yr offeryn hwnnw sy'n ymwneud â rheoliad 20(1)(a) o Reoliadau Clefyd Affricanaidd y Ceffylau (Cymru) 2013 (O.S. 2013/1662 (Cy. 158)) y canfuwyd ei fod yn gwrthdaro â diwygiad tebyg mewn offeryn ymadael â'r UE.

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.

of interpreting references to an EU Directive in the TARP Regulations and associated EU instruments.

Regulation 2(3) inserts references to the Faroe Islands and Greenland into regulation 4 of the TARP Regulations, which provides for how trade with a number of specified territories is to be treated for the purpose of the TARP Regulations.

Regulation 2(4) and (5) substitute references in the TARP Regulations to EU legislation for references to the published nomenclature list.

Regulation 2(6) makes amendments to regulation 15 of the TARP Regulations, which relates to import procedures. Among those changes is a substitution that imposes a requirement on the person responsible for a consignment to arrange for the consignment and a health certificate to be submitted for checks at the border inspection.

Regulation 2(7) makes provision so that the composite products and foodstuffs listed by the Secretary of State as being exempt from veterinary import checks are not subject to Part 3 of the TARP Regulations, which itself provides for the importation into Wales of any animal or product specified in Commission Decision 2007/275/EC from a country outside the EU.

Regulation 3 amends regulation 28(c) of the Plant Health (Amendment) (Wales) (EU Exit) Regulations 2019 which, in part, omits article 21(7) of the Plant Health (Wales) Order 2018. Regulation 28(c) is amended to reflect that article 21(7) has been omitted by the Plant Health (Wales) (Amendment) (No. 2) Order 2019.

Regulation 4 makes a minor amendment to a previous statutory instrument, namely the Rural Affairs, Environment, Fisheries and Food (Miscellaneous Amendments and Revocations) (Wales) Regulations 2019 in the field of animal health and welfare. The amendment removes an erroneous provision in that instrument relating to regulation 20(1)(a) of the African Horse Sickness (Wales) Regulations 2013 (S.I. 2013/1662 (W. 158)) which has been identified as being in conflict with a similar amendment in an EU exit instrument.

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

2019 Rhif 1334 (Cy. 232)

YMADAEL Â'R UNDEB EWROPEAIDD, CYMRU

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Rheoliadau Materion Gwledig (Diwygiadau Amrywiol) (Cymru) (Ymadael â'r UE) (Rhif 2) 2019

Gwnaed *9 Hydref 2019*

Yn dod i rym yn unol â rheoliad 1(2)

Mae Gweinidogion Cymru, drwy arfer y pŵer a roddir gan baragraff 1(1) o Atodlen 2 a pharagraff 21 o Atodlen 7 i Ddeddf yr Undeb Ewropeaidd (Ymadael) 2018(**1**), yn gwneud y Rheoliadau a ganlyn.

Yn unol â pharagraff 1(9) o Atodlen 7 i'r Ddeddf honno, gosodwyd drafft o'r offeryn hwn gerbron Cynulliad Cenedlaethol Cymru ac fe'i cymeradwywyd ganddo drwy benderfyniad.

Yn unol â pharagraff 4(a) o Atodlen 2 i'r Ddeddf honno, mae Gweinidogion Cymru wedi ymgynghori â'r Ysgrifennydd Gwladol ynghylch diwygio Rheoliadau Iechyd Planhigion (Diwygio) (Cymru) (Ymadael â'r UE) 2019(**2**) a Rheoliadau Materion Gwledig, yr Amgylchedd, Pysgodfeydd a Bwyd (Diwygiadau a Dirymiadau Amrywiol) (Cymru) 2019(**3**).

(**1**) 2018 p. 16.
(**2**) O.S. 2019/674 (Cy. 130).
(**3**) O.S. 2019/463 (Cy. 111).

WELSH STATUTORY INSTRUMENTS

2019 No. 1334 (W. 232)

EXITING THE EUROPEAN UNION, WALES

ANIMALS, WALES

PLANT HEALTH, WALES

The Rural Affairs (Miscellaneous Amendments) (Wales) (EU Exit) (No. 2) Regulations 2019

Made *9 October 2019*

Coming into force in accordance with regulation 1(2)

The Welsh Ministers, in exercise of the power conferred by paragraph 1(1) of Schedule 2 and paragraph 21 of Schedule 7 to the European Union (Withdrawal) Act 2018(**1**), make the following Regulations.

In accordance with paragraph 1(9) of Schedule 7 to that Act, a draft of this instrument has been laid before and approved by a resolution of the National Assembly for Wales.

In accordance with paragraph 4(a) of Schedule 2 to that Act, the Welsh Ministers have consulted the Secretary of State with regard to the amendment of the Plant Health (Amendment) (Wales) (EU Exit) Regulations 2019(**2**) and the Rural Affairs, Environment, Fisheries and Food (Miscellaneous Amendments and Revocations) (Wales) Regulations 2019(**3**).

(**1**) 2018 c. 16.
(**2**) S.I. 2019/674 (W. 130).
(**3**) S.I. 2019/463 (W. 111).

Enwi a chychwyn

1.—(1) Enw'r Rheoliadau hyn yw Rheoliadau Materion Gwledig (Diwygiadau Amrywiol) (Cymru) (Ymadael â'r UE) (Rhif 2) 2019.

(2) Ac eithrio rheoliad 2, a ddaw i rym ar y diwrnod ymadael, daw'r Rheoliadau hyn i rym yn union cyn y diwrnod ymadael.

Diwygio Rheoliadau'r Fasnach mewn Anifeiliaid a Chynhyrchion Perthynol (Cymru) 2011

2.—(1) Mae Rheoliadau'r Fasnach mewn Anifeiliaid a Chynhyrchion Perthynol (Cymru) 2011(**1**) wedi eu diwygio fel a ganlyn.

(2) Yn rheoliad 2—

(a) ym mharagraff (1)—

(i) hepgorer y diffiniad o "cynnyrch" ("*product*");

(ii) yn y lle priodol, mewnosoder y diffiniad a ganlyn—

"ystyr "y rhestr cyfundrefn enwi gyhoeddedig" ("*the published nomenclature list*") yw'r rhestr o gynhyrchion a gyhoeddir ac a ddiwygir o bryd i'w gilydd gan yr Ysgrifennydd Gwladol, sy'n pennu cynhyrchion drwy gyfeirio at y gyfundrefn enwi berthnasol at ddibenion penderfynu ar y detholiad o lwythi y mae rhaid eu cyflwyno ar gyfer gwiriadau milfeddygol wrth arolygfa ffin.";

(b) ar ôl paragraff (2) mewnosoder—

"(3) At ddibenion unrhyw gyfeiriad at Gyfarwyddeb yn y Rheoliadau hyn, mae unrhyw offeryn gan yr UE y mae'r Gyfarwyddeb honno yn cyfeirio ato, neu y mae unrhyw offeryn gan yr UE y cyfeirir ato gan y Gyfarwyddeb honno yn cyfeirio ato, ac sy'n gyfeiriad at yr offeryn hwnnw fel y mae'n cael effaith o bryd i'w gilydd, i'w ddarllen fel pe bai'n gyfeiriad at yr offeryn fel y mae'n cael effaith yn union cyn y diwrnod ymadael."

(3) Yn rheoliad 4, yn lle "masnach â" rhodder "masnach ag Ynysoedd Faröe, Kalaallit Nunaat (Greenland),".

(4) Yn rheoliad 9, yn lle "ym Mhenderfyniad y Comisiwn 2007/275/EC, fel y'i diwygiwyd ddiwethaf gan Benderfyniad Gweithredu'r Comisiwn (EU) 2016/1196" rhodder "yn y rhestr cyfundrefn enwi gyhoeddedig".

(**1**) O.S. 2011/2379 (Cy. 252), a ddiwygiwyd gan O.S. 2019/463 (Cy. 111). Mae offerynnau diwygio eraill, ond nid oes yr un ohonynt yn berthnasol.

Title and commencement

1.—(1) The title of these Regulations is the Rural Affairs (Miscellaneous Amendments) (Wales) (EU Exit) (No. 2) Regulations 2019.

(2) Save for regulation 2 which comes into force on exit day, these Regulations come into force immediately before exit day.

Amendment of the Trade in Animals and Related Products (Wales) Regulations 2011

2.—(1) The Trade in Animals and Related Products (Wales) Regulations 2011(**1**) are amended as follows.

(2) In regulation 2—

(a) in paragraph (1)—

(i) omit the definition of "product" ("*cynnyrch*");

(ii) at the appropriate place, insert the following definition—

""the published nomenclature list" ("*y rhestr cyfundrefn enwi gyhoeddedig*") means the list of products published and amended from time to time by the Secretary of State, specifying products by reference to the relevant nomenclature for the purposes of determining the selection of consignments that must be submitted to veterinary checks at a border inspection post.";

(b) after paragraph (2) insert—

"(3) For the purposes of any reference to a Directive in these Regulations, any EU instrument to which that Directive refers, or to which any EU instrument referred to by that Directive refers, and which is a reference to that instrument as it has effect from time to time, is to be read as a reference to the instrument as it has effect immediately before exit day."

(3) In regulation 4, after "Trade with" insert "the Faroe Islands, Greenland,".

(4) In regulation 9, for "Commission Decision 2007/275/EC, as last amended by Commission Implementing Decision (EU) 2016/1196" substitute "the published nomenclature list".

(**1**) S.I. 2011/2379 (W.252), amended by S.I. 2019/463 (W. 111). There are other amending instruments but none are relevant.

(5) Yn rheoliad 12(4), yn lle "ym Mhennod 3 o Atodiad I i Benderfyniad y Comisiwn 2007/275/EC, fel y'i diwygiwyd ddiwethaf gan Benderfyniad Gweithredu'r Comisiwn (EU) 2016/1196" rhodder "ym Mhennod 3 (pysgod a chramenogion, molysgiaid ac infertebratau dyfrol eraill) o'r rhestr cyfundrefn enwi gyhoeddedig,".

(6) Yn rheoliad 15—

(a) ym mharagraff (1), yn y geiriau o flaen is-baragraff (a), yn lle'r geiriau o "ddogfennaeth" hyd at "Atodlen 1" rhodder "dystysgrif iechyd berthnasol a gyhoeddir gan Weinidogion Cymru neu (yn ôl y digwydd) yr Ysgrifennydd Gwladol";

(b) ym mharagraff (3)(a), yn lle "gofynion sy'n ymwneud ag ef yn yr offeryn perthnasol" rhodder "amodau masnach sy'n berthnasol iddo mewn unrhyw gyfraith yr UE a ddargedwir neu offeryn arall gan yr Undeb Ewropeaidd".

(7) Yn Atodlen 3, ym mharagraff 6(1), yn lle "Atodiad II i Benderfyniad y Comisiwn 2007/275/EC" rhodder "y rhestr o gynhyrchion cyfansawdd a deunyddiau bwyd sydd wedi eu heithrio rhag gwiriadau mewnforio milfeddygol a gyhoeddir gan yr Ysgrifennydd Gwladol".

Diwygio Rheoliadau Iechyd Planhigion (Diwygio) (Cymru) (Ymadael â'r UE) 2019

3. Yn Rheoliadau Iechyd Planhigion (Diwygio) (Cymru) (Ymadael â'r UE) 2019, yn rheoliad 28(c), yn lle "paragraffau (7) ac (8)" rhodder "paragraff (8)".

Diwygio Rheoliadau Materion Gwledig, yr Amgylchedd, Pysgodfeydd a Bwyd (Diwygiadau a Dirymiadau Amrywiol) (Cymru) 2019

4. Yn Rheoliadau Materion Gwledig, yr Amgylchedd, Pysgodfeydd a Bwyd (Diwygiadau a Dirymiadau Amrywiol) (Cymru) 2019, hepgorer rheoliad 13.

(5) In regulation 12(4), for "Chapter 3 of Annex I to Commission Decision 2007/275/EC, as last amended by Commission Implementing Decision (EU) 2016/1196" substitute "Chapter 3 (fish and crustaceans, molluscs and other aquatic invertebrates) of the published nomenclature list,".

(6) In regulation 15—

(a) in paragraph (1), in the words before sub-paragraph (a), for the words from "documentation" to "Schedule 1" substitute "relevant health certificate published by the Welsh Ministers or (as the case may be) the Secretary of State";

(b) in paragraph (3)(a), for "requirements relating to it in the relevant" substitute "conditions of trade relevant to it in any retained EU law or other European Union".

(7) In Schedule 3, in paragraph 6(1), for "Annex II to Commission Decision 2007/275/EC" substitute "the list of composite products and foodstuffs exempt from veterinary import checks published by the Secretary of State".

Amendment of the Plant Health (Amendment) (Wales) (EU Exit) Regulations 2019

3. In the Plant Health (Amendment) (Wales) (EU Exit) Regulations 2019, in regulation 28(c), for "paragraphs (7) and (8)" substitute "paragraph (8)".

Amendment of the Rural Affairs, Environment, Fisheries and Food (Miscellaneous Amendments and Revocations) (Wales) Regulations 2019

4. In the Rural Affairs, Environment, Fisheries and Food (Miscellaneous Amendments and Revocations) (Wales) Regulations 2019, omit regulation 13.

Lesley Griffiths

Gweinidog yr Amgylchedd, Ynni a Materion Gweldig, un o Weinidogion Cymru
9 Hydref 2019

Minister of Environment, Energy and Rural Affairs, one of the Welsh Ministers
9 October 2019

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