



OFFERYNNAU STATUDOL
CYMRU

WELSH STATUTORY
INSTRUMENTS

2020 Rhif 1134 (Cy. 259)

2020 No. 1134 (W. 259)

**IECHYD PLANHIGION,
CYMRU**

PLANT HEALTH, WALES

Rheoliadau Rheolaethau
Swyddogol (Iechyd Planhigion ac
Organeddau a Addaswyd yn Enetig)
(Cymru) (Diwygio) 2020

The Official Controls (Plant Health
and Genetically Modified
Organisms) (Wales) (Amendment)
Regulations 2020

NODYN ESBONIADOL

EXPLANATORY NOTE

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

(This note is not part of the Regulations)

Mae'r Rheoliadau hyn yn diwygio Rheoliadau Rheolaethau Swyddogol (Iechyd Planhigion ac Organeddau a Addaswyd yn Enetig) (Cymru) 2020 (O.S. 2020/206) (Cy. 48) ("Rheoliadau 2020"), sy'n rhoi effaith i—

These Regulations amend the Official Controls (Plant Health and Genetically Modified Organisms) (Wales) Regulations 2020 (S.I. 2020/206) (W. 48) ("the 2020 Regulations"), that give effect to—

- (a) Rheoliad (EU) 2016/2031 Senedd Ewrop a'r Cyngor ynghylch mesurau i ddiogelu rhag plâu planhigion (OJ Rhif L 317, 23.11.2016, t. 4), a
- (b) Rheoliad (EU) 2017/625 Senedd Ewrop a'r Cyngor ynghylch rheolaethau swyddogol a gweithgareddau swyddogol eraill a gyflawnir i sicrhau y cymhwysir y gyfraith bwyd a bwyd anifeiliaid, rheolau ar iechyd a lles anifeiliaid, iechyd planhigion a chynhyrchion i ddiogelu planhigion, i'r graddau y mae'n gymwys i'r rheolau y cyfeirir atynt yn Erthygl 1(2)(g) (OJ Rhif L 95, 7.4.2017, t. 1).

- (a) Regulation (EU) 2016/2031 of the European Parliament and of the Council on protective measures against pests of plants (OJ No. L 317, 23.11.2016, p. 4), and
- (b) Regulation (EU) 2017/625 of the European Parliament and of the Council on official controls and other official activities performed to ensure the application of food and feed law, rules on animal health and welfare, plant health and plant protection products, in so far as it applies to the rules referred to in Article 1(2)(g) (OJ No. L 95, 7.4.2017, p. 1).

Mae rheoliad 2(3) a (7) yn diweddarau'r cyfeiriadau yn Rheoliadau 2020 at—

Regulation 2(3) and (7) updates the references in the 2020 Regulations to—

- (a) Penderfyniad Gweithredu'r Comisiwn (EU) 2017/198 o ran mesurau i atal *Pseudomonas syringae* pv. *actinidiae* Takikawa, Serizawa, Ichikawa, Tsuyumu & Goto (OJ Rhif L 31, 4.2.2017, t. 29) rhag cael ei gyflwyno i'r Undeb a lledaenu ynddo, sydd wedi ei ddiddymu a'i ddisodli gan Reoliad Gweithredu'r Comisiwn (EU) 2020/885 o ran mesurau i atal *Pseudomonas syringae* pv. *actinidiae* Takikawa, Serizawa, Ichikawa, Tsuyumu & Goto (OJ Rhif L 205, 29.6.2020, t. 9) rhag cael ei gyflwyno i'r Undeb a lledaenu ynddo, a
- (b) Penderfyniad Gweithredu'r Comisiwn (EU) 2019/1615 yn sefydlu mesurau brys i atal Firws ffrwythau crychlyd coch tomatos (OJ Rhif L 250, 30.9.2015, t. 91) rhag cael ei gyflwyno i'r Undeb a lledaenu ynddo, sydd wedi ei ddiddymu a'i ddisodli gan Reoliad Gweithredu'r Comisiwn (EU) 2020/1191 yn sefydlu mesurau i atal Firws ffrwythau crychlyd coch tomatos (OJ Rhif L 262, 12.8.2020, t. 6) rhag cael ei gyflwyno i'r Undeb a lledaenu ynddo.

Mae rheoliad 2(5) yn diwygio rheoliad 21 o Reoliadau 2020 er mwyn caniatáu i'r awdurdod priodol awdurdodi defnyddio plâu planhigion cwarantyn posibl at ddibenion profion swyddogol, dibenion gwyddonol neu addysgol, treialon, dewis neu fridio amrywogaethau.

Mae rheoliad 2(6) yn diwygio Atodlen 3 i Reoliadau 2020 er mwyn galluogi Rheoliad Dirprwyedig y Comisiwn (EU) 2019/2123 yn ategu Rheoliad (EU) 2017/625 Senedd Ewrop a'r Cyngor o ran rheolau ar gyfer yr achosion pan ganiateir cynnal gwiriadau adnabod a gwiriadau ffisegol ar nwyddau penodol wrth bwyntiau rheoli a phan ganiateir cynnal gwiriadau dogfennol bellter oddi wrth safleoedd rheoli ar y ffin, ac o dan ba amodau y caniateir gwneud hynny, (OJ Rhif L 321, 12.12.2019, t. 64) i gael ei orfodi o 14 Rhagfyr 2020 (y dyddiad y bydd y darpariaethau yn y Rheoliad hwnnw yn gymwys i blanhigion, cynhyrchion planhigion a gwrthrychau eraill penodol).

Mae rheoliadau 2(2) a (4), 3 a 4 yn gwneud diwygiadau canlyniadol a mân ddiwygiadau eraill.

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

- (a) Commission Implementing Decision (EU) 2017/198 as regards measures to prevent the introduction into and the spread within the Union of *Pseudomonas syringae* pv. *actinidiae* Takikawa, Serizawa, Ichikawa, Tsuyumu & Goto (OJ No. L 31, 4.2.2017, p. 29), which has been repealed and replaced by Commission Implementing Regulation (EU) 2020/885 as regards measures to prevent the introduction into and the spread within the Union of *Pseudomonas syringae* pv. *actinidiae* Takikawa, Serizawa, Ichikawa, Tsuyumu & Goto (OJ No. L 205, 29.6.2020, p. 9), and
- (b) Commission Implementing Decision (EU) 2019/1615 establishing emergency measures to prevent the introduction into and the spread within the Union of Tomato brown rugose fruit virus (OJ No. L 250, 30.9.2015, p. 91), which has been repealed and replaced by Commission Implementing Regulation (EU) 2020/1191 establishing measures to prevent the introduction into and the spread within the Union of Tomato brown rugose fruit virus (OJ No. L 262, 12.8.2020, p. 6).

Regulation 2(5) amends regulation 21 of the 2020 Regulations to allow the appropriate authority to authorise the use of potential quarantine plant pests for official testing, scientific or educational purposes, trials, varietal selection or breeding.

Regulation 2(6) amends Schedule 3 to the 2020 Regulations to enable Commission Delegated Regulation (EU) 2019/2123 supplementing Regulation (EU) 2017/625 of the European Parliament and of the Council as regards rules for the cases where and the conditions under which identity checks and physical checks on certain goods may be performed at control points and documentary checks may be performed at distance from border control posts (OJ No. L 321, 12.12.2019, p. 64) to be enforced from 14 December 2020 (the date on which the provisions in that Regulation will apply to certain plants, plant products and other objects).

Regulations 2(2) and (4), 3 and 4 make consequential and other minor amendments.

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.

2020 Rhif 1134 (Cy. 259)

2020 No. 1134 (W. 259)

**IECHYD PLANHIGION,
CYMRU**

PLANT HEALTH, WALES

Rheoliadau Rheolaethau
Swyddogol (Iechyd Planhigion ac
Organeddau a Addaswyd yn Enetig)
(Cymru) (Diwygio) 2020

The Official Controls (Plant Health
and Genetically Modified
Organisms) (Wales) (Amendment)
Regulations 2020

Gwnaed 16 Hydref 2020

Made 16 October 2020

Gosodwyd gerbron *Senedd*
Cymru 20 Hydref 2020

Laid before Senedd Cymru 20 October 2020

Yn dod i rym 13 Tachwedd 2020

Coming into force 13 November 2020

Mae Gweinidogion Cymru wedi eu dynodi at ddibenion adran 2(2) o Ddeddf y Cymunedau Ewropeaidd 1972(1) (“Deddf 1972”) mewn perthynas â’r polisi amaethyddol cyffredin(2).

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

Mae Gweinidogion Cymru yn gwneud y Rheoliadau hyn drwy arfer y pwerau a roddir gan adran 2(2) o Ddeddf 1972, a pharagraff 1A o Atodlen 2 iddi, a chyda cysyniad y Trysorlys, drwy arfer y pwerau a

The Welsh Ministers make these Regulations in exercise of the powers conferred by section 2(2) of, and paragraph 1A of Schedule 2 to, the 1972 Act and, with the consent of the Treasury, in exercise of the

(1) 1972 p. 68. Diddymwyd Deddf y Cymunedau Ewropeaidd 1972 (“Deddf 1972”) gan adran 1 o Ddeddf yr Undeb Ewropeaidd (Ymadael) 2018 (p. 16) (“Deddf 2018”) ac mae hynny’n cael effaith o’r diwrnod ymadael. Mae “exit day” wedi ei ddiffinio yn adran 20 o Ddeddf 2018 fel 31 Ionawr 2020 am 11pm. Er gwaethaf y diddymiad hwnnw mae Deddf 1972 yn parhau i gael effaith gydag addasiadau tan ddiwrnod cwblhau’r cyfnod gweithredu, yn rhinwedd adran 1A o Ddeddf 2018. Mewnysodwyd adran 1A gan adran 1 o Ddeddf yr Undeb Ewropeaidd (Y Cytundeb Ymadael) 2020 (p. 1) (“Deddf 2020”). Mae “IP completion day” wedi ei ddiffinio yn adran 1A fel 31 Rhagfyr 2020 am 11pm (yr ystyr a roddir yn adran 39 o Ddeddf 2020). Diwygiwyd adran 2(2) o Ddeddf 1972 yn flaenorol gan adran 27(1) o Ddeddf Diwygio Deddfwriaethol a Rheoleiddiol 2006 (p. 51) a chan adran 3(3) o Ddeddf yr Undeb Ewropeaidd (Diwygio) 2008 (p. 7) a Rhan 1 o’r Atodlen iddi.

(2) O.S. 2010/2690, sydd wedi ei ddirymu’n rhagolygol gan O.S. 2018/1011 o ddiwrnod cwblhau’r cyfnod gweithredu.

(1) 1972 c. 68. The European Communities Act 1972 (“the 1972 Act”) was repealed by section 1 of the European Union (Withdrawal) Act 2018 (c. 16) (“the 2018 Act”) with effect from exit day. “Exit day” is defined in section 20 of the 2018 Act as 31 January 2020 at 11pm. Despite that repeal the 1972 Act continues to have effect with modifications until IP completion day, by virtue of section 1A of the 2018 Act. Section 1A was inserted by section 1 of the European Union (Withdrawal Agreement) Act 2020 (c. 1) (“the 2020 Act”). “IP completion day” is defined in section 1A as 31 December 2020 at 11pm (the meaning given in section 39 of the 2020 Act). Section 2(2) of the 1972 Act was previously amended by section 27(1) of the Legislative and Regulatory Reform Act 2006 (c. 51) and by section 3(3) of, and Part 1 of the Schedule to, the European Union (Amendment) Act 2008 (c. 7).

(2) S.I. 2010/2690, which is prospectively revoked by S.I. 2018/1011 from IP completion day.

roddir gan adran 56(1) o Ddeddf Cyllid 1973(1) sydd bellach wedi eu breinio ynddynt hwy(2).

Mae'r Rheoliadau hyn yn gwneud darpariaeth at ddiben a grybwyllir yn adran 2(2) o Ddeddf 1972 ac mae'n ymddangos i Weinidogion Cymru ei bod yn hwylus i'r cyfeiriadau at offerynnau'r Undeb Ewropeaidd a grybwyllir yn rheoliad 2(3)(b) gael eu dehongli fel cyfeiriadau at yr offerynnau hynny fel y'u diwygir o bryd i'w gilydd.

Enwi a chychwyn

1. Enw'r Rheoliadau hyn yw Rheoliadau Rheolaethau Swyddogol (Iechyd Planhigion ac Organeddau a Addaswyd yn Enetig) (Cymru) (Diwygio) 2020 a deuant i rym ar 13 Tachwedd 2020.

RHAN 1

Diwygio Rheoliadau Rheolaethau Swyddogol (Iechyd Planhigion ac Organeddau a Addaswyd yn Enetig) (Cymru) 2020

Diwygio Rheoliadau Rheolaethau Swyddogol (Iechyd Planhigion ac Organeddau a Addaswyd yn Enetig) (Cymru) 2020

2.—(1) Mae Rheoliadau Rheolaethau Swyddogol (Iechyd Planhigion ac Organeddau a Addaswyd yn Enetig) (Cymru) 2020(3) wedi eu diwygio fel a ganlyn.

(2) Yn rheoliad 2(1), ym mharagraff (c) o'r diffiniad o "pla planhigion a reolir", ar y diwedd mewnosoder "gan gynnwys pla planhigion cwarantyn posibl o fewn yr ystyr a roddir yn rheoliad 21(3)".

(3) Yn rheoliad 3(1)—

(a) hepgorer y diffiniadau o—

(i) "Penderfyniad Gweithredu'r Comisiwn (EU) 2017/198", a

(ii) "Penderfyniad Gweithredu'r Comisiwn (EU) 2019/1615";

(b) ar y diwedd mewnosoder—

"ystyr "Rheoliad Gweithredu'r Comisiwn (EU) 2020/885" ("*Commission Implementing Regulation (EU) 2020/885*")"

(1) 1973 p. 51; diwygiwyd adran 56(1) gan O.S. 2011/1043, ac mae wedi ei diwygio yn rhagolygol gan baragraff 17 o Atodlen 8 i Ddeddf yr Undeb Ewropeaidd (Ymadael) 2018 (p. 16) o ddyddiad ac amser sydd i'w bennu.

(2) Yn rhinwedd adran 59(5) o Ddeddf Llywodraeth Cymru 2006 (p. 32).

(3) O.S. 2020/206 (Cy. 48).

powers conferred by section 56(1) of the Finance Act 1973(1) now vested in them(2).

These Regulations make provision for a purpose mentioned in section 2(2) of the 1972 Act and it appears expedient to the Welsh Ministers for the references to the European Union instruments mentioned in regulation 2(3)(b) to be construed as references to those instruments as amended from time to time.

Title and commencement

1. The title of these Regulations is the Official Controls (Plant Health and Genetically Modified Organisms) (Wales) (Amendment) Regulations 2020 and they come into force on 13 November 2020.

PART 1

Amendment of the Official Controls (Plant Health and Genetically Modified Organisms) (Wales) Regulations 2020

Amendment of the Official Controls (Plant Health and Genetically Modified Organisms) (Wales) Regulations 2020

2.—(1) The Official Controls (Plant Health and Genetically Modified Organisms) (Wales) Regulations 2020(3) are amended as follows.

(2) In regulation 2(1), in paragraph (c) of the definition of "controlled plant pest", at the end insert "including a potential quarantine plant pest within the meaning given in regulation 21(3)".

(3) In regulation 3(1)—

(a) omit the definitions of—

(i) "Commission Implementing Decision (EU) 2017/198", and

(ii) "Commission Implementing Decision (EU) 2019/1615";

(b) at the end insert—

"“Commission Implementing Regulation (EU) 2020/885” ("*Rheoliad Gweithredu'r Comisiwn (EU) 2020/885*") means Commission Implementing Regulation (EU)

(1) 1973 c. 51; section 56(1) was amended by S.I. 2011/1043, and is prospectively amended by paragraph 17 of Schedule 8 to the European Union (Withdrawal) Act 2018 (c. 16) from a date and time to be appointed.

(2) By virtue of section 59(5) of the Government of Wales Act 2006 (c. 32).

(3) S.I. 2020/206 (W. 48).

yw Rheoliad Gweithredu'r Comisiwn (EU) 2020/885 o ran mesurau i atal *Pseudomonas syringae* pv. *actinidiae* Takikawa, Serizawa, Ichikawa, Tsuyumu & Goto(1) rhag cael ei gyflwyno i'r Undeb a lledaenu ynddo;

ystyr “Rheoliad Gweithredu'r Comisiwn (EU) 2020/1191” (“*Commission Implementing Regulation (EU) 2020/1191*”) yw Rheoliad Gweithredu'r Comisiwn (EU) 2020/1191 yn sefydlu mesurau i atal Firws ffrwythau crychlyd coch tomatos (ToBRFV)(2) rhag cael ei gyflwyno i'r Undeb a lledaenu ynddo.”

(4) Yn rheoliad 13(10)—

- (a) hepgorer y diffiniad o “awr waith”;
- (b) yn y lle priodol mewnosoder—
“mae i “diwrnod gwaith” (“*working day*”) yr ystyr a roddir yn rheoliad 7(4);”.

(5) Yn rheoliad 21—

- (a) yn lle paragraff (1) rhodder—
“(1) Caiff yr awdurdod priodol roi awdurdodiad i ganiatáu—
 - (a) cyflawni unrhyw weithgaredd a bennir mewn rhanddirymiad iechyd planhigion,
 - (b) cyflwyno pla planhigion cwarantín posibl i Gymru, symud pla planhigion cwarantín posibl o fewn Cymru, neu ddal neu luosogi pla planhigion cwarantín posibl yng Nghymru, at ddibenion profion swyddogol, dibenion gwyddonol neu addysgol, treialon, dewis neu fridio amrywogaethau, neu
 - (c) cyflawni unrhyw weithgaredd arall y mae cymeradwyaeth yr awdurdod priodol yn ofynnol ar ei gyfer o dan Rheoliad Iechyd Planhigion yr UE, y Rheoliad Rheolaethau Swyddogol neu'r Rheoliadau hyn.”;

(b) yn lle paragraff (3) rhodder—

“(3) Ym mharagraff (1)—
ystyr “pla planhigion cwarantín posibl” (“*potential quarantine plant pest*”) yw pla planhigion nad yw'n bla cwarantín yr Undeb, yn bla cwarantín parth gwarchoddedig nac yn bla planhigion sy'n destun unrhyw fesurau a fabwysiedir yn unol ag Erthygl 30(1) o Reoliad Iechyd Planhigion yr UE, ond sydd, ym marn yr

2020/885 as regards measures to prevent the introduction into and the spread within the Union of *Pseudomonas syringae* pv. *actinidiae* Takikawa, Serizawa, Ichikawa, Tsuyumu & Goto(1);

“*Commission Implementing Regulation (EU) 2020/1191*” (“*Rheoliad Gweithredu'r Comisiwn (EU) 2020/1191*”) means *Commission Implementing Regulation (EU) 2020/1191* establishing measures to prevent the introduction into and the spread within the Union of Tomato brown rugose fruit virus (ToBRFV)(2).”

(4) In regulation 13(10)—

- (a) omit the definition of “working hour”;
- (b) at the appropriate place insert—
““working day” (“*diwrnod gwaith*”) has the meaning given in regulation 7(4).”

(5) In regulation 21—

- (a) for paragraph (1) substitute—
“(1) The appropriate authority may grant an authorisation to permit—
 - (a) the carrying out of any activity specified in a plant health derogation,
 - (b) the introduction into Wales, the movement within Wales, or the holding or multiplication in Wales, of a potential quarantine plant pest for official testing, scientific or educational purposes, trials, varietal selection or breeding, or
 - (c) the carrying out of any other activity which requires the approval of the appropriate authority under the EU Plant Health Regulation, the Official Controls Regulation or these Regulations.”;

(b) for paragraph (3) substitute—

“(3) In paragraph (1)—
“plant health derogation” (“*rhanddirymiad iechyd planhigion*”) means—

- (a) a derogation from provisions of the EU Plant Health Regulation which is set out in an implementing or delegated act adopted by the European Commission under the EU Plant Health Regulation or the Official Controls Regulation, or

(1) OJ Rhif L 205, 29.6.2020, t. 9.
(2) OJ Rhif L 262, 12.8.2020, t. 6.

(1) OJ No. L 205, 29.6.2020, p. 9.
(2) OJ No. L 262, 12.8.2020, p. 6.

awdurdod priodol, yn bodloni'r meini prawf a nodir yn Is-adran 1 o Adran 3 o Atodiad 1 i'r Rheoliad hwnnw neu y gallai fod yn bodloni'r meini prawf yn Is-adran 2 o'r Adran honno;

ystyr “rhanddirymiad iechyd planhigion” (“*plant health derogation*”) yw—

- (a) rhanddirymiad darpariaethau Rheoliad Iechyd Planhigion yr UE a nodir mewn act weithredu neu act ddirprwyedig a fabwysiadwyd gan y Comisiwn Ewropeaidd o dan Reoliad Iechyd Planhigion yr UE neu'r Rheoliad Rheolaethau Swyddogol, neu
- (b) rhanddirymiad unrhyw benderfyniad o fewn ystyr Erthygl 288 o'r Cytuniad ar Weithrediad yr Undeb Ewropeaidd, sy'n dal yn gymwys at ddibenion Rheoliad Iechyd Planhigion yr UE ar neu ar ôl y dyddiad cychwyn ac sy'n caniatáu i'r Aelod-wladwriaethau awdurdodi gweithgaredd a fyddai fel arall wedi ei wahardd gan Reoliad Iechyd Planhigion yr UE neu odano.”

(6) Yn Atodlen 3, yn y tabl yn Rhan 3, ar ôl y cofnod ar gyfer Rheoliad Dirprwyedig y Comisiwn (EU) 2019/1602 mewnosoder—

- (b) a derogation in any decision within the meaning of Article 288 of the Treaty on the Functioning of the European Union, which continues to apply for the purposes of the EU Plant Health Regulation on or after the commencement date and allows member States to authorise an activity which would otherwise be prohibited by or under the EU Plant Health Regulation;

“potential quarantine plant pest” (“*planhigion cwarantîn posibl*”) means a plant pest which is not a Union quarantine pest, a protected zone quarantine pest or a plant pest subject to any measures adopted pursuant to Article 30(1) of the EU Plant Health Regulation, but which, in the opinion of the appropriate authority, fulfils the criteria set out in Subsection 1 of Section 3 of Annex 1 to that Regulation or may fulfil the criteria in Subsection 2 of that Section.”

(6) In Schedule 3, in the table in Part 3, after the entry for Commission Delegated Regulation (EU) 2019/1602 insert—

“Rheoliad Dirprwyedig y Comisiwn (EU) 2019/2123 yn ategu Rheoliad (EU) 2017/625 Senedd Ewrop a'r Cyngor o ran rheolau ar gyfer yr achosion pan ganiateir cynnal gwiriadau adnabod a gwiriadau ffisegol ar nwyddau penodol wrth bwyntiau rheoli a phan ganiateir cynnal gwiriadau dogfennol bellter oddi wrth safleoedd rheoli ar y ffin, ac o dan ba amodau y caniateir gwneud hynny(1)	“Commission Delegated Regulation (EU) 2019/2123 supplementing Regulation (EU) 2017/625 of the European Parliament and of the Council as regards rules for the cases where and the conditions under which identity checks and physical checks on certain goods may be performed at control points and documentary checks may be performed at distance from border control posts(1)
Erthygl 2(1)(d), (e), (f), (g)(i) ac (h) (fel y'u darllenir gydag Erthygl 2(2) a (3)), Erthygl 5(1) (fel y'i darllenir gydag Erthygl 5(2), Erthygl 6(1) a (4) ac Erthygl 8(2))	Yn ei gwneud yn ofynnol i'r gweithredwr sy'n gyfrifol am lwyth gydymffurfio ag amodau penodol pan fo gwiriadau adnabod a gwiriadau ffisegol ar y llwyth i'w cynnal wrth bwynt rheoli ac eithrio safle rheoli ar y ffin ”
Article 2(1)(d), (e), (f), (g)(i) and (h) (as read with Article 2(2) and (3)), Article 5(1) (as read with Article 5(2), Article 6(1) and (4) and Article 8(2))	Requires the operator responsible for a consignment to comply with certain conditions where identity and physical checks on the consignment are to be performed at a control point other than a border control post.”

(1) OJ Rhif L 321, 12.12.2019, t. 64.

(1) OJ No. L 321, 12.12.2019, p. 64.

(7) Yn y tabl yn Atodlen 4—

- (a) hepgorer y cofnodion sy'n ymwneud ag—
- (i) Penderfyniad Gweithredu'r Comisiwn 2017/198/EU, a
 - (ii) Penderfyniad Gweithredu'r Comisiwn (EU) 2019/1615;
- (b) ar y diwedd mewnosoder—

“Rheoliad Gweithredu'r Comisiwn (EU) 2020/885

Erthygl 2 (gwahardd cyflwyno i diriogaeth yr Undeb a lledaenu o fewn tiriogaeth yr Undeb *Pseudomonas syringae* pv. *actinidiae* Takikawa, Serizawa, Ichikawa, Tsuyumu & Goto)

Erthygl 3 (gofynion mewn perthynas â chyflwyno i diriogaeth yr Undeb blanhigion penodedig sy'n tarddu o drydydd gwledydd)

Erthygl 7 (gofynion mewn perthynas â symud o fewn tiriogaeth yr Undeb blanhigion penodedig sydd wedi treulio rhan o'u bywyd yn yr Undeb)

Rheoliad Gweithredu'r Comisiwn (EU) 2020/1191

Erthygl 2 (gwahardd cyflwyno i diriogaeth yr Undeb a lledaenu o fewn tiriogaeth yr Undeb Firws ffrwythau crychlyd coch tomatos)

Erthygl 6 (gofynion mewn perthynas â symud o fewn tiriogaeth yr Undeb blanhigion penodedig ar gyfer eu plannu o fewn yr Undeb)

(7) In the table in Schedule 4—

- (a) omit the entries relating to—
- (i) Commission Implementing Decision 2017/198/EU, and
 - (ii) Commission Implementing Decision (EU) 2019/1615;
- (b) at the end insert—

“Commission Implementing Regulation (EU) 2020/885

Article 2 (prohibition on the introduction of *Pseudomonas syringae* pv. *actinidiae* Takikawa, Serizawa, Ichikawa, Tsuyumu & Goto into the Union territory, and its spread within the Union territory)

Article 3 (requirements in relation to the introduction into the Union territory of specified plants originating in third countries)

Article 7 (requirements in relation to the movement within the Union territory of specified plants that have spent a part of their lives in the Union)

Commission Implementing Regulation (EU) 2020/1191

Article 2 (prohibition on the introduction of Tomato brown rugose fruit virus into the Union territory and its spread within the Union territory)

Article 6 (requirements in relation to the movement within the Union territory of specified plants for planting within the Union)

Erthygl 7 (gofynion mewn perthynas â symud o fewn tiriogaeth yr Undeb hadau penodedig)

Article 7 (requirements in relation to the movement within the Union territory of specified seeds)

Erthygl 8 (gofynion mewn perthynas â chyflwyno i diriogaeth yr Undeb blanhigion penodedig i'w plannu sy'n tarddu o drydydd gwledydd)

Article 8 (requirements in relation to the introduction into the Union territory of specified plants for planting originating in third countries)

Erthygl 9 (gofynion mewn perthynas â chyflwyno i diriogaeth yr Undeb hadau penodedig sy'n tarddu o drydydd gwledydd)".

Article 9 (requirements in relation to the introduction into the Union territory of specified seeds originating in third countries)".

RHAN 2

Diwygiadau canlyniadol i ddeddfwriaeth yn ymwneud â ffioedd

PART 2

Consequential amendments to legislation relating to fees

Diwygio Rheoliadau Iechyd Planhigion etc. (Ffioedd) (Cymru) 2018

3. Yn Rheoliadau Iechyd Planhigion etc. (Ffioedd) (Cymru) 2018(1), yn rheoliad 5(5), yn lle “at ddbenion unrhyw randdirymiad a ddisgrifir yn Erthygl 8(1) neu 48(1) o Reoliad Iechyd Planhigion yr UE” rhodder “a ddisgrifir yn rheoliad 20(1)(a) neu (b)(i) neu 21(1)(b) o Reoliadau Rheolaethau Swyddogol (Iechyd Planhigion ac Organeddau a Addaswyd yn Enetig) (Cymru) 2020”.

Diwygio Rheoliadau Iechyd Planhigion (Ffioedd) (Coedwigaeth) (Cymru) 2019

4. Yn Rheoliadau Iechyd Planhigion (Ffioedd) (Coedwigaeth) (Cymru) 2019(2), yn rheoliad 2(1), yn y diffiniad o “trwydded”, ym mharagraff (b), ar ôl “21(1)(a)” mewnosoder “neu (b)”.

Amendment of the Plant Health etc. (Fees) (Wales) Regulations 2018

3. In the Plant Health etc. (Fees) (Wales) Regulations 2018(1), in regulation 5(5), for “for the purposes of any derogation described in Article 8(1) or 48(1) of the EU Plant Health Regulation” substitute “described in regulation 20(1)(a) or (b)(i) or 21(1)(b) of the Official Controls (Plant Health and Genetically Modified Organisms) (Wales) Regulations 2020”.

Amendment of the Plant Health (Fees) (Forestry) (Wales) Regulations 2019

4. In the Plant Health (Fees) (Forestry) (Wales) Regulations 2019(2), in regulation 2(1), in the definition of “licence”, in paragraph (b), after “21(1)(a)” insert “or (b)”.

(1) O.S. 2018/1179 (Cy. 238), a ddiwygiwyd gan O.S. 2020/44 (Cy. 5); mae offerynnau diwygio eraill ond nid oes yr un ohonynt yn berthnasol.

(2) O.S. 2019/497 (Cy. 114), a ddiwygiwyd gan O.S. 2020/44 (Cy. 5) ac O.S. 2020/206 (Cy. 48).

(1) S.I. 2018/1179 (W. 238), amended by S.I. 2020/44 (W. 5); there are other amending instruments but none are relevant.

(2) S.I. 2019/497 (W. 114), amended by S.I. 2020/44 (W. 5) and S.I. 2020/206 (W. 48).

Lesley Griffiths

Gweinidog yr Amgylchedd, Ynni a Materion Gwledig,
un o Weinidogion Cymru
16 Hydref 2020

Minister for Environment, Energy and Rural Affairs,
one of the Welsh Ministers
16 October 2020

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