

OFFERYNNAU STATUDOL CYMRU

2020 No. 1492

**Rheoliadau Iechyd Planhigion (Coedwigaeth)
(Diwygiadau Amrywiol) (Cymru) (Ymadael â'r UE) 2020**

Rhagarweiniol

Enwi, cychwyn a chymhwyso

1. Enw'r Rheoliadau hyn yw Rheoliadau Iechyd Planhigion (Coedwigaeth) (Diwygiadau Amrywiol) (Cymru) (Ymadael â'r UE) 2020.
2. Daw'r Rheoliadau hyn i rym—
 - (a) o ran rheoliadau 1, 2, 3 a 5 yn union cyn diwrnod cwblhau'r cyfnod gweithredu,
 - (b) o ran rheoliad 4 a 6 ar ddiwrnod cwblhau'r cyfnod gweithredu.
3. Mae'r Rheoliadau hyn yn gymwys o ran Cymru.

Dirymu Rhannau 2 a 3 o Reoliadau Iechyd Planhigion (Coedwigaeth) (Diwygiadau Amrywiol) (Cymru) (Ymadael â'r UE) 2019

4. Mae Rhan 2 a Rhan 3 o Reoliadau Iechyd Planhigion (Coedwigaeth) (Diwygiadau Amrywiol) (Cymru) (Ymadael â'r UE) 2019 wedi eu dirymu.

Diwygio Rhan 4 o Reoliadau Iechyd Planhigion (Coedwigaeth) (Diwygiadau Amrywiol) (Cymru) (Ymadael â'r UE) 2019

- 5.—(1) Mae Rhan 4 o Reoliadau Iechyd Planhigion (Coedwigaeth) (Diwygiadau Amrywiol) (Cymru) (Ymadael â'r UE) 2019 wedi ei diwygio fel a ganlyn.
 - (2) Yn rheoliad 57(2)(a) ar ôl y gair “rhodder—” hyd at y diwedd rhodder —

“ystyr “llwyth a reolir” (“*controlled consignment*”) yw llwyth—

 - (a) a gyflwynir i Gymru o drydedd wlad; a
 - (b) sy'n, neu sy'n cynnwys, rhisgl wedi ei wahanu neu bren o fath a ddisgrifir yn Rhan A o Atodiad 11, neu Atodiad 12, i Reoliad Gweithredu'r Comisiwn (EU) 2019/2072 sy'n sefydlu amodau unffurf ar gyfer gweithredu Rheoliad (EU) 2016/2031 Senedd Ewrop a'r Cyngor, o ran mesurau diogelu rhag plâu planhigion.”;
 - (3) Ar ôl rheoliad 57(2)(c) mewnosoder —

“(ca) yn y diffiniad o “Rheoliad Iechyd Planhigion yr UE”, hepgorer “UE”, yn y lle cyntaf y mae'n digwydd;”;
 - (4) Ar ôl rheoliad 57(2)(d) mewnosoder —

“(da) hepgorer y diffiniad o “y Rheoliad Amodau Ffytioiechydol”.
 - (5) Yn rheoliad 57(2)(f) ar ôl y geiriau “mewnosoder “y DU”” mewnosoder “a hepgorer “UE”;
 - (6) Ar ôl erthygl 57(2)(f) mewnosoder —

“(g) yn y diffiniad o “awdurdodiad DPP” hepgorer “UE”.

(h) ym mharagraff (2), hepgorer “UE”, yn y lle cyntaf a’r trydydd lle y mae’n digwydd.”.

Diwygio Rheoliadau Deunyddiau Atgennedllo y Goedwig (Prydain Fawr) 2002

6.—(1) Mae Rheoliadau Deunyddiau Atgennedllo y Goedwig (Prydain Fawr) 2002⁽¹⁾ wedi eu diwygio fel a ganlyn.

(2) Yn Rheoliad 2(2) —

- (a) hepgorer y diffiniad o “Council Decision 2008/971/EC”;
- (b) o flaen y diffiniad o “crossing design” mewnosoder—
 - “a “country granted equivalence” means a third country that has been assessed by the Welsh Ministers that the forest reproductive material from that third country is produced under conditions equivalent to the requirements of these Regulations for that category of forest reproductive material to which these Regulations apply;”;
- (c) ar ôl y diffiniad o “crossing design” mewnosoder—
 - ““Crown Dependency” means the Isle of Man or any of the Channel Islands;
 - “the Department” has the meaning given in the NI Regulations;”;
- (d) hepgorer y diffiniad o “EC classification”;
- (e) hepgorer y diffiniad o “EU-approved third countries”;
- (f) yn y diffiniad o “genetically modified organism”, yn lle’r geiriau o “Article 2(1)” hyd at y diwedd rhodder “section 106 of the Environmental Protection Act 1990⁽²⁾”;
- (g) yn y diffiniad o “Master Certificate”—
 - (i) ym mharagraff (b), yn lle “official body for Northern Ireland” hyd at y diwedd rhodder “Department in accordance with regulation 13 of the NI Regulations”;
 - (ii) hepgorer paragraff (c);
 - (iii) ym mharagraff (d)—
 - (aa) yn lle “EU-approved third country” rhodder “OECD country granted equivalence”;
 - (bb) yn lle’r geiriau o “a relevant” hyd at y diwedd rhodder “the Department in accordance with the NI Regulations”;
 - (iv) ym mharagraff (e)—
 - (aa) yn lle “permitted third country” rhodder “non-OECD country granted equivalence”;
 - (bb) yn lle “an official body of a member State” rhodder “the Department”;
 - (v) ar ôl paragraff (e) mewnosoder—
 - “(f) in the case of forest reproductive material produced in a Crown Dependency, an official certificate issued in relation to the material by an official body of that Crown Dependency under legislation recognised by the Welsh Ministers to have equivalent effect to these Regulations.”.
- (h) hepgorer y diffiniad o “the Mediterranean climatic region”;
- (i) ar ôl y diffiniad o “National Register” mewnosoder—

(1) O.S. 2002/3026; yr offerynnau diwygio perthnasol yw O.S. 2006/2530, 2011/1043, 2013/755 (Cy. 90).

(2) 1990 p. 43; diwygiwyd adran 106 o ran Cymru gan Ddeddf Ffrwythloni Dynol ac Embryoleg 2008 (p. 22), adran 60 a chan O.S. 2002/3188.

- “the NI Regulations” means the Forest Reproductive Material Regulations (Northern Ireland) 2002(3);”;
- (j) ar ôl y diffiniad o “the 1973 Regulations” mewnosoder—
- “a “non-OECD country granted equivalence” means a country granted equivalence and which is not a member of the OECD Scheme;
- an “OECD country granted equivalence” means a country granted equivalence and which is a member of the OECD Scheme;
- the “OECD Scheme” means the OECD Scheme for the Certification of Forest Reproductive Material Moving in International Trade adopted by Decision C(2007)69 of the Council of the Organisation for Economic Co-operation and development, as last amended by Decision C(2013)30 of that Council;”;
- (k) yn y diffiniad o “official body”—
- (i) hepgorer paragraffau (a) a (b);
- (ii) ym mharagraff (c), yn lle “a permitted third country” rhodder “a country granted equivalence or a Crown Dependency”;
- (l) yn y diffiniad o “plant passport”, o flaen “plant passport” mewnosoder “UK”;
- (m) hepgorer y diffiniad o “permitted third countries;”
- (n) yn y diffiniad o “region of provenance”, yn lle “in accordance with Article 9 of the Directive by another official body” rhodder “pursuant to regulation 5 of the NI Regulations by the Department”;
- (o) yn lle'r diffiniad o “third countries” rhodder—
- “third country” means a country or territory outside the British Islands;”;
- (3) Hepgorer paragraffau (4A) i (6).
- (4) Yn rheoliad 3, yn lle “to third countries” rhodder “outside of Great Britain”.
- (5) Yn rheoliad 4—
- (a) ym mharagraff (1)(c), hepgorer “subject to paragraph (1A)”;
- (b) hepgorer paragraff (1A).
- (6) Yn rheoliad 7(4)—
- (a) hepgorer is-baragraff (b);
- (b) ar ôl is-baragraff (b) mewnosoder—
- “(c) as regards Wales, consent to the marketing of the basic material has been given by the Welsh Ministers in accordance with the Genetically Modified Organisms (Deliberate Release) (Wales) Regulations 2002(4).”.
- (7) Yn rheoliad 14(4)—
- (a) yn is-baragraff (a)—
- (i) ym mharagraff (ii)—
- (aa) yn lle “any other official body of a member State” rhodder “the Department”;

(3) Rh. St. 2002 Rhif 404.

(4) 2002/3188 (Cy. 304), a ddiwygiwyd gan O.S. 2005/1913 (Cy. 156); mae offerynnau diwygio eraill ond nid yw'r un ohonynt yn berthnasol. Breinir swyddogaethau Cynulliad Cenedlaethol Cymru o dan y Rheoliadau hyn yng Ngweinidogion Cymru yn rhinwedd adran 162 o Ddeddf Llywodraeth Cymru 2006 (p. 32), a pharagraff 30 o Atodlen 11 iddi.

- (bb) yn lle “the official body in accordance with Article 10 of the Directive” rhodder “the Department in accordance with regulation 7 of the NI Regulations”;
- (ii) ym mharagraff (iii), yn lle “an EU-approved third country or a permitted third country” rhodder “a country granted equivalence”;
- (b) yn is-baragraff (b), ar ôl paragraff (i) mewnosoder—
- “(ia) in the case of forest reproductive material derived from basic material approved by the Department, has the meaning given in regulation 7(5) of the NI Regulations;”.
- (8) Yn rheoliad 17—
- (a) ym mharagraff (1)—
- (i) yn is-baragraff (b)—
- (aa) hepgorer “or another member State”;
- (bb) yn lle “Article 14 of the Directive” rhodder “regulation 19 of the NI Regulations”;
- (ii) yn is-baragraff (c), yn lle “EU-approved third country and imported from a third country” rhodder “OECD country granted equivalence and imported”;
- (iii) hepgorer is-baragraff (d);
- (iv) yn is-baragraff (e), yn lle “permitted third country and imported from a third country” rhodder “non-OECD country granted equivalence and imported”;
- (v) ar ôl is-baragraff (e) mewnosoder—
- “(ea) in the case of forest reproductive material imported into Northern Ireland, it met the requirements set out in the NI Regulations as to entry into Northern Ireland and was accompanied on its entry into Wales by the supplier’s label or document required by regulation 19 of the NI Regulations;
- (eb) in the case of forest reproductive material produced in a Crown Dependency and imported into Wales, it has met the requirements set out in legislation of that Crown Dependency which is recognised by the Welsh Ministers to have equivalent effect to these Regulations and was accompanied on its entry into Wales by a supplier’s label or document as required by regulation 23A.”;
- (vi) hepgorer is-baragraff (f);
- (b) hepgorer paragraff (12).
- (9) Yn rheoliad 18(3), yn is-baragraff (c), yn lle “the Directive” rhodder “any provision made under retained EU law relating to forest reproductive material or under the Plant Varieties and Seeds Act 1964(5)”.
- (10) Yn rheoliad 19—
- (a) ym mharagraff (1)—
- (i) yn is-baragraff (e), yn lle “another member State or a third country” rhodder “a Crown Dependency or a country granted equivalence”;
- (ii) hepgorer is-baragraff (h) a’r “and” sy’n dod o’i flaen;
- (iii) hepgorer is-baragraff (i);

- (b) ym mharagraff (3), yn lle “an EU-approved third country” rhodder “a country granted equivalence”.
- (11) Ym mhennawd Rhan 6, yn lle “Between Great Britain and elsewhere in the European Union” rhodder “within the British Islands”.
- (12) Hepgorer rheoliad 21.
- (13) Hepgorer rheoliad 22.
- (14) Yn rheoliad 23—
 - (a) yn y pennawd, ar y diwedd, mewnosoder “or within Great Britain”;
 - (b) yn lle “Northern Ireland” rhodder “another part of the United Kingdom”;
 - (c) yn lle “required by Article 14 of the Directive” rhodder “setting out the particulars required under regulation 19 of these Regulations or regulation 19 of the NI Regulations”.
- (15) Ar ôl rheoliad 23 mewnosoder —

“Imports into Great Britain from a Crown Dependency

23A. No person acting in the course of a business or trade whether or not for profit shall import from a Crown Dependency forest reproductive material into a relevant territory intending to market that material unless it is accompanied by a supplier’s label or document setting out the particulars required under legislation of that Crown Dependency which is recognised by the Welsh Ministers as having equivalent effect to regulation 19 of these Regulations.”;

- (16) Hepgorer rheoliad 24.
- (17) Yn rheoliad 25—
 - (a) ym mharagraffau (1) a (2), yn lle “an EU-approved third country or a permitted third country” rhodder “a country granted equivalence”;
 - (b) ym mharagraff 6, yn lle “EU-approved third country” rhodder “OECD country granted equivalence”.
- (18) Yn rheoliad 26(3)(a)(vii), ar y dechrau mewnosoder “UK”.
- (19) Yn rheoliad 27—
 - (a) ym mharagraff (2)—
 - (i) hepgorer “, including representatives of the Commission of the European Union”;
 - (ii) hepgorer “, or for facilitating the checks required under Article 16(6) of the Directive”;
 - (b) ym mharagraff (3), hepgorer “the Commission of the European Union or”.
- (20) Yn rheoliad 34(2), hepgorer “or European Community”.
- (21) Yn y dystysgrif enghreifftiol yn Atodlen 6—
 - (a) yn lle “ISSUED IN ACCORDANCE WITH DIRECTIVE 1999/105/EC” rhodder—

“ISSUED IN ACCORDANCE WITH THE OECD FOREST AND PLANT SCHEME AND THE FOREST REPRODUCTIVE MATERIAL (GREAT BRITAIN) REGULATIONS 2002”;
 - (b) yn lle “MEMBER STATE:” rhodder “UNITED KINGDOM”;
 - (c) yn lle “No EC:/(MEMBER STATE CODE)/(No)” rhodder “UK (No.)”;

- (d) yn lle “EC Directive” rhodder “OECD Forest Seed and Plant Scheme moving in International Trade and the Forest Reproductive Material (Great Britain) Regulations 2002”;
- (e) yn lle “**EC Certificate**” rhodder “**UK or OECD Certificate**”.
- (22) Yn y dystysgrif enghreifftiol yn Atodlen 7—
- (a) yn lle “ISSUED IN ACCORDANCE WITH DIRECTIVE 1999/105/EC” rhodder—
“ISSUED IN ACCORDANCE WITH THE OECD FOREST AND PLANT SCHEME AND THE FOREST REPRODUCTIVE MATERIAL (GREAT BRITAIN) REGULATIONS 2002”;
- (b) yn lle “**MEMBER STATE:**” rhodder “**UNITED KINGDOM**”;
- (c) yn lle “**No EC:/(MEMBER STATE CODE)/ (No)**” rhodder “**UK (No.)**”;
- (d) yn lle “EC Directive” rhodder “OECD Forest Seed and Plant Scheme and the Forest Reproductive Material (Great Britain) Regulations 2002”;
- (e) yn lle “**EC Certificate**” rhodder “**UK or OECD Certificate**”.
- (23) Yn y dystysgrif enghreifftiol yn Atodlen 8—
- (a) yn lle “ISSUED IN ACCORDANCE WITH DIRECTIVE 1999/105/EC” rhodder—
“ISSUED IN ACCORDANCE WITH THE OECD FOREST AND PLANT SCHEME AND THE FOREST REPRODUCTIVE MATERIAL (GREAT BRITAIN) REGULATIONS 2002”;
- (b) yn lle “**MEMBER STATE:**” rhodder “**UNITED KINGDOM**”;
- (c) yn lle “**No EC:/(MEMBER STATE CODE)/ (No)**” rhodder “**UK (No.)**”;
- (d) yn lle “EC Directive” rhodder “OECD Forest Seed and Plant Scheme and the Forest Reproductive Material (Great Britain) Regulations 2002”;
- (e) yn lle “**EC Certificate**” rhodder “**UK or OECD Certificate**”.
- (24) Yn Atodlen 9—
- (a) ym mharagraff 1(b), hepgorer “EC”, yn y ddau le y mae’n digwydd;
- (b) yn y tabl ym mharagraff 2(b), hepgorer y rhes gyntaf a’r tair rhes olaf.
- (25) Hefgorer Atodlen 10.
- (26) Yn Atodlen 13—
- (a) ym mharagraff 1, yn lle “an EU-approved third country or a permitted third country” rhodder “a country granted equivalence”;
- (b) ym mharagraff 2—
- (i) o flaen y diffiniad o “OECD Certificate of Provenance” mewnosoder—
““OECD Certificate of Identity” means a certificate of identity issued in accordance with the rules of the OECD Scheme;”;
- (ii) hepgorer y diffiniad o “the OECD Scheme”.
- (iii) yn y diffiniad o “permitted material”—
- (aa) yn is-baragraff (a), yn lle “an EU-approved third country” rhodder “an OECD country granted equivalence”;
- (bb) yn is-baragraff (a)(iii), ar ôl ““selected”” mewnosoder “, “tested””;
- (cc) yn is-baragraff (b), yn lle “permitted third country” rhodder “non-OECD country granted equivalence”;

- (dd) yn is-baragraff (b)(i), yn lle'r geiriau o "second" hyd at y diwedd, rhodder "authorisation for that country published by the Welsh Ministers";
- (ee) hepgorer y tabl o dan is-baragraff (b);
- (c) ym mharagraff 3, yn lle "EU-approved third country" rhodder "OECD country granted equivalence";
- (d) ym mharagraff 7, yn lle "permitted third country" rhodder "non-OECD country granted equivalence".