



OFFERYNNAU STATUDOL
CYMRU

WELSH STATUTORY
INSTRUMENTS

2020 Rhif 601 (Cy. 138)

2020 No. 601 (W. 138)

**IECHYD PLANHIGION,
CYMRU**

PLANT HEALTH, WALES

HADAU, CYMRU

SEEDS, WALES

**Rheoliadau Deunyddiau Planhigion
Llysieuol a Hadau (Diwygiadau
Amrywiol) (Cymru) 2020**

**The Vegetable Plant Material and
Seed (Miscellaneous Amendments)
(Wales) 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—

These Regulations amend—

- Rheoliadau Marchnata Deunyddiau Planhigion Llysieuol 1995 (O.S. 1995/2652) (o ran Cymru yn unig) (“Rheoliadau 1995”), a
- Rheoliadau Marchnata Hadau (Cymru) 2012 (O.S. 2012/245) (Cy. 39) (“Rheoliadau 2012”).

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

Mae'r Rheoliadau hyn yn gweithredu Cyfarwyddeb Weithredu'r Comisiwn (EU) 2019/990 sy'n diwygio'r rhestr o genera a rhywogaethau yn Erthygl 2(1)(b) o Gyfarwyddeb y Cyngor 2002/55/EC, yn Atodiad II i Gyfarwyddeb y Cyngor 2008/72/EC ac yn yr Atodiad i Gyfarwyddeb y Comisiwn 93/61/EEC (OJ Rhif L 160, 18.6.2019, t. 14) (“Cyfarwyddeb 2019”).

These Regulations implement Commission Implementing Directive (EU) 2019/990 amending the list of genera and species in Article 2(1)(b) of Council Directive 2002/55/EC, in Annex II to Council Directive 2008/72/EC and in the Annex to Commission Directive 93/61/EEC (OJ No. L 160, 18.6.2019, p. 14) (“the 2019 Directive”).

Mae Rheoliadau 1995 yn gweithredu Cyfarwyddeb y Cyngor 2008/72/EC ar farchnata deunyddiau lluosogi a phlannu llysiau, ac eithrio hadau (OJ Rhif L 205, 1.8.2008, t. 28), a Chyfarwyddeb y Comisiwn 93/61/EEC sy'n nodi'r atodlenni sy'n nodi'r amodau sydd i'w bodloni gan ddeunyddiau lluosogi a phlannu llysiau, ac eithrio hadau yn unol â Chyfarwyddeb y Cyngor 2008/72/EC (OJ Rhif L 250, 7.10.1993, t. 19). Mae Rheoliadau 2012 yn gweithredu Cyfarwyddeb y Cyngor 2002/55/EC ar farchnata hadau llysiau.

The 1995 Regulations implement Council Directive 2008/72/EC on the marketing of vegetable propagating and planting material, other than seed (OJ No. L 205, 1.8.2008, p. 28), and Commission Directive 93/61/EEC setting out the schedules indicating the conditions to be met by vegetable propagating and planting material, other than seed pursuant to Council Directive 2008/72/EC (OJ No. L 250, 7.10.1993, p. 19). The 2012 Regulations implement Council Directive 2002/55/EC on the marketing of vegetable seed.

Mae rheoliad 2 yn diweddarau diffiniadau yn Rheoliadau 1995 er mwyn sicrhau bod cyfeiriadau at Gyfarwyddebau 2008/72/EC a 93/61/EEC yn cyfeirio at y Cyfarwyddebau hynny fel y'u diwygiwyd gan Gyfarwyddeb 2019 (gweler adran 26 o Ddeddf Deddfwriaeth (Cymru) 2019 (dccc 4)).

Mae rheoliad 3 yn diwygio'r rhestr o blanhigion llysiuol a'u henwau cyffredin cysylltiedig yn Atodlen 1 i Rheoliadau 2012 (hadau y mae'r Rheoliadau hyn yn gymwys iddynt) er mwyn ei gwneud yn eglur pan fo pob amrywogaeth o rywogaeth wedi ei chynnwys a phan mai dim ond amrywogaethau penodol o rywogaeth sydd wedi eu cynnwys. Mae hefyd yn darparu ar gyfer cymhwyso Rheoliadau 2012 i hybridiau o'r rhywogaethau a'r grwpiau o blanhigion llysiuol a restrir.

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.

Regulation 2 updates definitions in the 1995 Regulations to ensure that references to Directives 2008/72/EC and 93/61/EEC refer to those Directives as amended by the 2019 Directive (see section 26 of the Legislation (Wales) Act 2019 (anaw 4)).

Regulation 3 amends the list of vegetable plants and their associated common names in Schedule 1 to the 2012 Regulations (seed to which these Regulations apply) to make explicit where all varieties of a species are included and where only certain varieties of a species are included. It also provides for the application of the 2012 Regulations to hybrids of the species and groups of vegetable plants listed.

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.

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**The Vegetable Plant Material and
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(Wales) Regulations 2020**

Gwnaed 16 Mehefin 2020

Made 16 June 2020

*Gosodwyd gerbron Senedd
Cymru* 17 Mehefin 2020

Laid before Senedd Cymru 17 June 2020

Yn dod i rym 10 Gorffennaf 2020

Coming into force 10 July 2020

Mae Gweinidogion Cymru wedi eu dynodi at ddibenion adran 2(2) o Ddeddf y Cymunedau Ewropeaidd 1972(1) 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) in relation to the common agricultural policy(2).

Mae Gweinidogion Cymru wedi ymgynghori â chynrychiolwyr y buddiannau hynny y mae'n ymddangos iddynt yr effeithir arnynt yn unol ag adran

The Welsh Ministers have consulted representatives of such interests as appear to them to be concerned in

(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") gan gael effaith o'r diwrnod ymadael ("exit day"). 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 hyd ddiwrnod cwblhau'r cyfnod gweithredu ("IP completion day"), yn rhinwedd adran 1A o Ddeddf 2018. Mewnosodwyd 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 flaenrol hefyd 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.

16(1) o Ddeddf Amrywogaethau a Hadau Planhigion 1964(1).

Mae Gweinidogion Cymru yn gwneud y Rheoliadau hyn drwy arfer y pwerau a roddir gan adran 16(1) ac (1A) o Ddeddf Amrywogaethau a Hadau Planhigion 1964 ac adran 2(2) o Ddeddf y Cymunedau Ewropeaidd 1972.

Enwi, cymhwyso a chychwyn

1. Enw'r Rheoliadau hyn yw Rheoliadau Deunyddiau Planhigion Llysieuol a Hadau (Diwygiadau Amrywiol) (Cymru) 2020, maent yn gymwys o ran Cymru ac yn dod i rym ar 10 Gorffennaf 2020.

Diwygio Rheoliadau Marchnata Deunyddiau Planhigion Llysieuol 1995

2.—(1) Mae Rheoliadau Marchnata Deunyddiau Planhigion Llysieuol 1995(2) wedi eu diwygio fel a ganlyn.

(2) Yn rheoliad 2(1)—

(a) yn lle'r diffiniad o "Directive 93/61/EEC" rhodder—

““Directive 93/61/EEC” means Commission Directive 93/61/EEC setting out the schedules indicating the conditions to be met by vegetable propagating and planting material, other than seed pursuant to Directive 92/33/EEC(3);”;

accordance with section 16(1) of the Plant Varieties and Seeds Act 1964(1).

The Welsh Ministers make these Regulations in exercise of the powers conferred by section 16(1) and (1A) of the Plant Varieties and Seeds Act 1964 and section 2(2) of the European Communities Act 1972.

Title, application and commencement

1. The title of these Regulations is the Vegetable Plant Material and Seed (Miscellaneous Amendments) (Wales) Regulations 2020, they apply in relation to Wales and come into force on 10 July 2020.

Amendment of the Marketing of Vegetable Plant Material Regulations 1995

2.—(1) The Marketing of Vegetable Plant Material Regulations 1995(2) are amended as follows.

(2) In regulation 2(1)—

(a) for the definition of “Directive 93/61/EEC” substitute—

““Directive 93/61/EEC” means Commission Directive 93/61/EEC setting out the schedules indicating the conditions to be met by vegetable propagating and planting material, other than seed pursuant to Directive 92/33/EEC(3);”;

(1) 1964 p. 14. Mewnosodwyd adran 16(1A) gan adran 4 o Ddeddf y Cymunedau Ewropeaidd 1972 a pharagraff 5 o Atodlen 4 iddi. *Gweler* adran 38(1) am ddiffiniad o “the Minister”. Yn unol ag erthygl 2(1) o Orchymyn Trosglwyddo Swyddogaethau (Cymru) (Rhif 1) 1978 (O.S. 1978/272), ac Atodlen 1 iddo, trosglwyddwyd swyddogaethau'r Gweinidog Amaethyddiaeth, Pysgodfeydd a Bwyd o dan Ddeddf Amrywogaethau a Hadau Planhigion 1964, i'r graddau yr oeddent yn arferadwy o ran Cymru, i'r Ysgrifennydd Gwladol. Yn unol ag erthygl 2 o Orchymyn Cynulliad Cenedlaethol Cymru (Trosglwyddo Swyddogaethau) 1999 (O.S. 1999/672), ac Atodlen 1 iddo, trosglwyddwyd y swyddogaethau a drosglwyddwyd i'r Ysgrifennydd Gwladol gan Orchymyn 1978 i Gynulliad Cenedlaethol Cymru. Yn rhinwedd paragraff 30 o Atodlen 11 i Ddeddf Llywodraeth Cymru 2006 (p. 32) mae'r swyddogaethau hynny bellach yn arferadwy gan Weinidogion Cymru.

(2) O.S. 1995/2652, a ddiwygiwyd gan O.S. 2014/519 (Cy. 61); mae offerynnau diwygio eraill ond nid oes yr un ohonynt yn berthnasol.

(3) OJ Rhif L 250, 7.10.1993, t. 19, fel y'i diwygiwyd ddiwethaf gan Gyfarwydddeb Weithredu'r Comisiwn (EU) 2020/177 (OJ Rhif L 41, 13.2.2020, t. 1).

(1) 1964 c. 14. Section 16(1A) was inserted by section 4 of, and paragraph 5 of Schedule 4 to, the European Communities Act 1972. *See* section 38(1) for a definition of “the Minister”. In accordance with article 2(1) of, and Schedule 1 to, the Transfer of Functions (Wales) (No. 1) Order 1978 (S.I. 1978/272) the functions of the Minister of Agriculture, Fisheries and Food under the Plant Varieties and Seeds Act 1964 were, so far as exercisable in relation to Wales, transferred to the Secretary of State. In accordance with article 2 of, and Schedule 1 to, the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672) 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 (c. 32) those functions are now exercisable by the Welsh Ministers.

(2) S.I. 1995/2652, amended by S.I. 2014/519 (W. 61); there are other amending instruments but none are relevant.

(3) OJ No. L 250, 7.10.1993, p. 19, as last amended by Commission Implementing Directive (EU) 2020/177 (OJ No. L 41, 13.2.2020, p. 1).

(b) yn lle'r diffiniad o "Directive 2008/72/EC" rhodder—

“Directive 2008/72/EC” means Council Directive 2008/72/EC on the marketing of vegetable propagating and planting material, other than seed(1);”.

(b) for the definition of “Directive 2008/72/EC” substitute—

“Directive 2008/72/EC” means Council Directive 2008/72/EC on the marketing of vegetable propagating and planting material, other than seed(1);”.

Diwygio Rheoliadau Marchnata Hadau (Cymru) 2012

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

(2) Yn Atodlen 1, yn y tabl, yn lle'r is-bennawd “Llysiau” a'r cofnodion o dan yr is-bennawd hwnnw rhodder—

	“Llysiau
<i>Allium cepa</i> L.	—
—Grŵp Cepa	Nionod, Echalion
<i>Allium porrum</i> L.	Cennin
—pob amrywogaeth	
<i>Apium graveolens</i> L.	—
—Grŵp Seleri	—
—Grŵp Seleriac	—
<i>Asparagus officinalis</i> L.	Merllys
—pob amrywogaeth	
<i>Beta vulgaris</i> L.	—
—Grŵp Betys Gardd	Betys gan gynnwys betys Cheltenham
—Grŵp Betys Deiliog	Betys ysbigoglys neu Ddail betys
<i>Brassica oleracea</i> L.	—
—Grŵp Cêl	—
—Grŵp Blodfresych	—
—Grŵp Capitata	Cabets coch a Chabets gwyn
—Grŵp Ysgewyll Brwsel	—
—Grŵp Colrabi	—
—Grŵp Cabets Crych	—
—Grŵp Broccoli	Y math Calabrese a'r math Blaguro
—Grŵp Cêl Palmwydd	—
—Grŵp Tronchuda	Cabets Portiwgal
<i>Brassica rapa</i> L.	—
—Grŵp Cabets Tsieina	—
—Grŵp Llysiau Maip	—
<i>Cichorium endivia</i> L.	Ysgellog y meirch
—pob amrywogaeth	

Amendment of the Seed Marketing (Wales) Regulations 2012

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

(2) In Schedule 1, in the table, for the sub-heading “Vegetables” and the entries beneath that sub-heading substitute—

	“Vegetables
<i>Allium cepa</i> L.	—
—Cepa Group	Onion, Echalion
<i>Allium porrum</i> L.	Leek
—all varieties	
<i>Apium graveolens</i> L.	—
—Celery Group	—
—Celeriac Group	—
<i>Asparagus officinalis</i> L.	Asparagus
—all varieties	
<i>Beta vulgaris</i> L.	—
—Garden Beet Group	Beetroot including Cheltenham beet
—Leaf Beet Group	Spinach beet or Chard
<i>Brassica oleracea</i> L.	—
—Kale Group	—
—Cauliflower Group	—
—Capitata Group	Red cabbage and White cabbage
—Brussel Sprouts Group	—
—Kohlrabi Group	—
—Savoy Cabbage Group	—
—Broccoli Group	Calabrese type and Sprouting type
—Palm Kale Group	—
—Tronchuda Group	Portuguese cabbage
<i>Brassica rapa</i> L.	—
—Chinese Cabbage Group	—
—Vegetable Turnip Group	—
<i>Cichorium endivia</i> L.	Endive
—all varieties	

(1) OJ Rhif L 205, 1.8.2008, t. 28, fel y'i diwygiwyd ddiwethaf gan Gyfarwydddeb Weithredu'r Comisiwn (EU) 2019/990 (OJ Rhif L 160, 18.6.2019, t. 14).

(2) O.S. 2012/245 (Cy. 39), a ddiwygiwyd gan O.S. 2014/519 (Cy. 61); mae offerynnau diwygio eraill ond nid oes yr un ohonynt yn berthnasol.

(1) OJ No. L 205, 1.8.2008, p. 28, as last amended by Commission Implementing Directive (EU) 2019/990 (OJ No. L 160, 18.6.2019, p. 14).

(2) S.I. 2012/245 (W. 39), amended by S.I. 2014/519 (W. 61); there are other amending instruments but none are relevant.

<i>Cucumis melo</i> L. —pob amrywogaeth	Melonau	<i>Cucumis melo</i> L. —all varieties	Melon
<i>Cucumis sativus</i> L. —Grŵp Cucumerau —Grŵp Gercynau	— —	<i>Cucumis sativus</i> L. —Cucumber Group —Gherkin Group	— —
<i>Cucurbita maxima</i> Duchesne —pob amrywogaeth	Gowrdiau	<i>Cucurbita maxima</i> Duchesne —all varieties	Gourd
<i>Cucurbita pepo</i> L. —pob amrywogaeth	Maros, gan gynnwys pwpenni aeddfed a sgwoshiau sgolop, neu Courgettes, gan gynnwys sgwoshiau sgolop anaeddfed	<i>Cucurbita pepo</i> L. —all varieties	Marrow, including mature pumpkin and scallop squash, or Courgette, including immature scallop squash
<i>Daucus carota</i> L. —pob amrywogaeth	Moron a Moron Porthi	<i>Daucus carota</i> L. —all varieties	Carrot and Fodder Carrot
<i>Lactuca sativa</i> L. —pob amrywogaeth	Letys	<i>Lactuca sativa</i> L. —all varieties	Lettuce
<i>Solanum lycopersicum</i> L. —pob amrywogaeth	Tomatos	<i>Solanum lycopersicum</i> L. —all varieties	Tomato
<i>Petroselinum crispum</i> (Mill.) Nyman ex A. W. Hill —Grŵp Persli Deiliog —Grŵp Gwreidd-bersli	— —	<i>Petroselinum crispum</i> (Mill.) Nyman ex A. W. Hill —Leaf Parsley Group —Root Parsley Group	— —
<i>Phaseolus coccineus</i> L. —pob amrywogaeth	Ffa dringo	<i>Phaseolus coccineus</i> L. —all varieties	Runner bean
<i>Phaseolus vulgaris</i> L. —Grŵp Ffa Ffrengig Bach —Grŵp Ffa Ffrengig Dringol	— —	<i>Phaseolus vulgaris</i> L. —Dwarf French Bean Group —Climbing French Bean Group	— —
<i>Pisum sativum</i> L. —Grŵp Pys Crwn —Grŵp Pys Crych —Grŵp Pys Siwgr	— — —	<i>Pisum sativum</i> L. —Round Pea Group —Wrinkled Pea Group —Sugar Pea Group	— — —
<i>Raphanus sativus</i> L. —Grŵp Radis —Grŵp Radis Du	— —	<i>Raphanus sativus</i> L. —Radish Group —Black Radish Group	— —
<i>Spinacia oleracea</i> L. —pob amrywogaeth	Ysbigoglys	<i>Spinacia oleracea</i> L. —all varieties	Spinach
<i>Vicia faba</i> L. —pob amrywogaeth	Ffa llydain	<i>Vicia faba</i> L. —all varieties	Broad bean
<i>Zea mays</i> L. —Grŵp India-corn —Grŵp Popgorn Unrhyw hybridiau o'r rhywogaethau llysiâu neu'r Grwpiau a restrir uchod".	— — —	<i>Zea mays</i> L. —Sweet Corn Group —Popcorn Group Any hybrid of the vegetable species or Groups listed above".	— — —

Lesley Griffiths

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

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

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