



OFFERYNNAU STATUDOL
CYMRU

WELSH STATUTORY
INSTRUMENTS

2020 Rhif 833 (Cy. 182)

2020 No. 833 (W. 182)

**IECHYD PLANHIGION,
CYMRU**

PLANT HEALTH, WALES

HADAU, CYMRU

SEEDS, WALES

**Rheoliadau Marchnata Hadau,
Planhigion a Deunyddiau Lluosogi
(Cymru) 2020**

**The Marketing of Seed, Plant and
Propagating Material (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 gweithredu Cyfarwyddeb Weithredu'r Comisiwn (EU) 2020/177 sy'n diwygio Cyfarwyddebau'r Cyngor 66/401/EEC, 66/402/EEC, 68/193/EEC, 2002/55/EC, 2002/56/EC a 2002/57/EC, Cyfarwyddebau'r Comisiwn 93/49/EEC a 93/61/EEC a Chyfarwyddebau Gweithredu 2014/21/EU a 2014/98/EU o ran plâu planhigion ar hadau a deunyddiau lluosogi planhigion arall (OJ Rhif L 41, 13.2.2020, t. 1).

These Regulations implement Commission Implementing Directive (EU) 2020/177 amending Council Directives 66/401/EEC, 66/402/EEC, 68/193/EEC, 2002/55/EC, 2002/56/EC and 2002/57/EC, Commission Directives 93/49/EEC and 93/61/EEC and Implementing Directives 2014/21/EU and 2014/98/EU as regards pests of plants on seeds and other plant reproductive material (OJ No. L 41, 13.2.2020, p. 1).

Mae'r Rheoliadau hyn, sy'n gymwys o ran Cymru, yn diwygio'r Rheoliadau a ganlyn ("y Rheoliadau Marchnata")—

These Regulations, which apply in relation to Wales, amend the following Regulations ("the Marketing Regulations")—

- Rheoliadau Marchnata Deunyddiau Planhigion Llysieuol 1995 (O.S. 1995/2652) ("Rheoliadau 1995"),
- Rheoliadau Marchnata Deunyddiau Lluosogi Planhigion Addurniadol 1999 (O.S. 1999/1801) ("Rheoliadau 1999"),
- Rheoliadau Marchnata Hadau (Cymru) 2012 (O.S. 2012/245) (Cy. 39) ("Rheoliadau 2012"),
- Rheoliadau Tatws Hadyd (Cymru) 2016 (O.S. 2016/106) (Cy. 52) ("Rheoliadau 2016"), a

- the Marketing of Vegetable Plant Material Regulations 1995 (S.I. 1995/2652) ("the 1995 Regulations"),
- the Marketing of Ornamental Plant Propagating Material Regulations 1999 (S.I. 1999/1801) ("the 1999 Regulations"),
- the Seed Marketing (Wales) Regulations 2012 (S.I. 2012/245) (W. 39) ("the 2012 Regulations"),
- the Seed Potatoes (Wales) Regulations 2016 (S.I. 2016/106) (W. 52) ("the 2016 Regulations"), and

— Rheoliadau Marchnata Planhigion Ffrwythau a Deunyddiau Lluosogi (Cymru) 2017 (O.S. 2017/691) (Cy. 163) (“Rheoliadau 2017”).

Mae Rheoliadau 1995 yn gweithredu Cyfarwyddeb y Cyngor 2008/72/EC ar farchnata deunyddiau lluosogi a phlannu llyisiau, ac eithrio hadau (OJ Rhif L 205, 1.8.2008, t. 28) (“Cyfarwyddeb y Cyngor 2008/72/EC”) a Chyfarwyddeb y Comisiwn 93/61/EEC sy’n nodi’r atodlenni sy’n dangos yr amodau sydd i’w bodloni gan ddeunyddiau lluosogi a phlannu llyisiau, ac eithrio hadau, yn unol â Chyfarwyddeb 92/33/EEC (OJ Rhif L 250, 7.10.1993, t. 19).

Mae Rheoliadau 1999 yn gweithredu Cyfarwyddeb y Cyngor 98/56/EC ar farchnata deunyddiau lluosogi planhigion addurniadol (OJ Rhif L 226, 13.8.1998, t. 16) a Chyfarwyddeb y Comisiwn 93/49/EEC sy’n nodi’r atodlen sy’n dangos yr amodau sydd i’w bodloni gan ddeunyddiau lluosogi planhigion addurniadol a phlanhigion addurniadol yn unol â Chyfarwyddeb y Cyngor 91/682/EEC (OJ Rhif L 250, 7.10.1993, t. 9).

Mae Rheoliadau 2012 yn gweithredu gwahanol offerynnau’r UE, yn enwedig Cyfarwyddeb y Cyngor 66/401/EEC ar farchnata hadau planhigion porthiant (OJ Rhif L 125, 11.7.1966, t. 2298), Cyfarwyddeb y Cyngor 66/402/EEC ar farchnata hadau yd (OJ Rhif L 125, 11.7.1966, t. 2309), Cyfarwyddeb y Cyngor 2002/55/EC ar farchnata hadau llyisiau (OJ Rhif L 193, 20.7.2002, t. 33) a Chyfarwyddeb y Cyngor 2002/57/EC ar farchnata hadau planhigion olew a ffeibr (OJ Rhif L 193, 20.7.2002, t. 74).

Mae Rheoliadau 2016 yn gweithredu gwahanol offerynnau’r UE, yn enwedig Cyfarwyddeb y Cyngor 2002/56/EC ar farchnata tatws hadyd (OJ Rhif L 193, 20.7.2002, t. 60) a Chyfarwyddeb Weithredu’r Comisiwn 2014/21/EU sy’n pennu amodau gofynnol a graddau’r Undeb ar gyfer tatws hadyd cyn-sylfaenol (OJ Rhif L 38, 7.2.2014, t. 39).

Mae Rheoliadau 2017 yn gweithredu gwahanol offerynnau’r UE, yn enwedig Cyfarwyddeb y Cyngor 2008/90/EC ar farchnata deunyddiau lluosogi planhigion ffrwythau a phlanhigion ffrwythau a fwriedir ar gyfer cynhyrchu ffrwythau (OJ Rhif L 267, 8.10.2008, t. 8) (“Cyfarwyddeb y Cyngor 2008/90/EC”) a Chyfarwyddeb Weithredu’r Comisiwn 2014/98/EU sy’n gweithredu Cyfarwyddeb y Cyngor 2008/90/EC o ran gofynion penodol mewn perthynas â genws a rhywogaeth planhigion ffrwythau y cyfeirir atynt yn Atodiad I iddi, gofynion penodol sydd i’w bodloni gan gyflenwyr a rheolau manwl sy’n ymwneud ag arolygiadau swyddogol (OJ Rhif L 298, 16.10.2014, t. 22).

— the Marketing of Fruit Plant and Propagating Material (Wales) Regulations 2017 (S.I. 2017/691) (W. 163) (“the 2017 Regulations”).

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) (“Council Directive 2008/72/EC”) 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 Directive 92/33/EEC (OJ No. L 250, 7.10.1993, p. 19).

The 1999 Regulations implement Council Directive 98/56/EC on the marketing of propagating material of ornamental plants (OJ No. L 226, 13.8.1998, p. 16) and Commission Directive 93/49/EEC setting out the schedule indicating the conditions to be met by ornamental plant propagating material and ornamental plants pursuant to Council Directive 91/682/EEC (OJ No. L 250, 7.10.1993, p. 9).

The 2012 Regulations implement various EU instruments, in particular Council Directive 66/401/EEC on the marketing of fodder plant seed (OJ No. L 125, 11.7.1966, p. 2298), Council Directive 66/402/EEC on the marketing of cereal seed (OJ No. L 125, 11.7.1966, p. 2309), Council Directive 2002/55/EC on the marketing of vegetable seed (OJ No. L 193, 20.7.2002, p. 33) and Council Directive 2002/57/EC on the marketing of seed of oil and fibre plants (OJ No. L 193, 20.7.2002, p. 74).

The 2016 Regulations implement various EU instruments, in particular Council Directive 2002/56/EC on the marketing of seed potatoes (OJ No. L 193, 20.7.2002, p. 60) and Commission Implementing Directive 2014/21/EU determining minimum conditions and Union grades for pre-basic seed potatoes (OJ No. L 38, 7.2.2014, p. 39).

The 2017 Regulations implement various EU instruments, in particular Council Directive 2008/90/EC on the marketing of fruit plant propagating material and fruit plants intended for fruit production (OJ No. L 267, 8.10.2008, p. 8) (“Council Directive 2008/90/EC”) and Commission Implementing Directive 2014/98/EU implementing Council Directive 2008/90/EC as regards specific requirements for the genus and species of fruit plants referred to in Annex I thereto, specific requirements to be met by suppliers and detailed rules concerning official inspections (OJ No. L 298, 16.10.2014, p. 22).

Mae'r Rheoliadau hyn yn diwygio darpariaethau yn y Rheoliadau Marchnata i'w gwneud yn ofynnol i hadau, planhigion a deunyddiau lluosogi planhigion ("deunyddiau planhigion") a fwriedir ar gyfer eu marchnata yng Nghymru fod yn rhydd i bob pwrpas rhag plâu a reoleiddir heb gwarantyn yn y man cynhyrchu a sicrhau nad yw presenoldeb y plâu hynny ar deunyddiau planhigion yn uwch na throthwyon penodedig.

Mae rheoliad 2(4) hefyd yn diwygio Rheoliadau 1995 i sicrhau y caiff Cyfarwydddeb y Cyngor 2008/72/EC ei gweithredu'n briodol.

Mae rheoliad 5(4) hefyd yn diwygio Rheoliadau 2016 i gywiro gwallau fformadu yn y tablau yn Rhannau 2 a 3 o Atodlen 3 i Reoliadau 2016.

Mae rheoliad 6(4) hefyd yn diwygio Rheoliadau 2017 i sicrhau y caiff Cyfarwydddeb y Cyngor 2008/90/EC ei gweithredu'n briodol.

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.

These Regulations amend provisions in the Marketing Regulations to require seed, plants and plant propagating material ("plant material") intended for marketing in Wales to be practically free from regulated non-quarantine pests at the place of production and for the presence of such pests on plant material not to exceed specified thresholds.

Regulation 2(4) also amends the 1995 Regulations to ensure correct implementation of Council Directive 2008/72/EC.

Regulation 5(4) also amends the 2016 Regulations to correct formatting errors in the tables in Parts 2 and 3 of Schedule 3 to the 2016 Regulations.

Regulation 6(4) also amends the 2017 Regulations to ensure correct implementation of Council Directive 2008/90/EC.

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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PLANT HEALTH, WALES

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**Rheoliadau Marchnata Hadau,
Planhigion a Deunyddiau Lluosogi
(Cymru) 2020**

**The Marketing of Seed, Plant and
Propagating Material (Wales)
Regulations 2020**

Gwnaed 4 Awst 2020
Gosodwyd gerbron Senedd Cymru 6 Awst 2020
Yn dod i rym 29 Awst 2020

Made 4 August 2020
Laid before Senedd Cymru 6 August 2020
Coming into force 29 August 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).

(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") gydag 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. 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 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.

Mae Gweinidogion Cymru yn gwneud y Rheoliadau hyn drwy arfer y pwerau a roddir gan adrannau 16(1), (1A), (3), (4) a 36 o Ddeddf Amrywogaethau a Hadau Planhigion 1964(1) ac adran 2(2) o Ddeddf y Cymunedau Ewropeaidd 1972.

Mae Gweinidogion Cymru wedi ymgynghori â chynrychiolwyr y buddiannau hynny sy'n ymddangos iddynt hwy yn berthnasol yn unol ag adran 16(1) o Ddeddf Amrywogaethau a Hadau Planhigion 1964.

Enwi, cymhwyso a chychwyn

1. Enw'r Rheoliadau hyn yw Rheoliadau Marchnata Hadau, Planhigion a Deunyddiau Lluosogi (Cymru) 2020, maent yn gymwys o ran Cymru a deuant i rym ar 29 Awst 2020.

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), ar ôl y diffiniad o “Directive 2008/72/EC” mewnosoder—

““EU Plant Health Regulation” means Regulation (EU) 2016/2031 of the European Parliament and of the Council on protective measures against pests of plants(3);”.

(3) Yn rheoliad 5—

- (a) mae'r testun presennol yn dod yn baragraff (1);
- (b) ym mharagraff (1), yn lle is-baragraff (a) rhodder—

The Welsh Ministers make these Regulations in exercise of the powers conferred by sections 16(1), (1A), (3), (4) and 36 of the Plant Varieties and Seeds Act 1964(1) and section 2(2) of the European Communities Act 1972.

The Welsh Ministers have consulted representatives of such interests as appear to them to be concerned in accordance with section 16(1) of the Plant Varieties and Seeds Act 1964.

Title, application and commencement

1. The title of these Regulations is the Marketing of Seed, Plant and Propagating Material (Wales) Regulations 2020, they apply in relation to Wales and come into force on 29 August 2020.

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), after the definition of “Directive 2008/72/EC” insert—

““EU Plant Health Regulation” means Regulation (EU) 2016/2031 of the European Parliament and of the Council on protective measures against pests of plants(3);”.

(3) In regulation 5—

- (a) the existing text becomes paragraph (1);
- (b) in paragraph (1), for sub-paragraph (a) substitute—

(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 y maent 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. 2007/2190 (Cy. 174), 2014/519 (Cy. 61), 2018/1216 (Cy. 249), 2020/206 (Cy. 48); mae offerynnau diwygio eraill ond nid yw'r un ohonynt yn berthnasol.

(3) OJ Rhif L 317, 23.11.2016, t. 4.

(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. 2007/2190 (W. 174), 2014/519 (W. 61), 2018/1216 (W. 249), 2020/206 (W. 48); there are other amending instruments but none are relevant.

(3) OJ No. L 317, 23.11.2016, p. 4.

- “(a) at the place of production it was found, at least on visual inspection, to be practically free from all pests listed in relation to that plant material in the Annex to Directive 93/61/EEC;
- (ab) the quantity of any RNQP present on the plant material does not, at least on visual inspection, exceed the threshold set out in respect of that RNQP in the Annex to Directive 93/61/EEC;
- (ac) it is found, at least on visual inspection, to be practically free from any pests which reduce its usefulness and quality as plant material, other than those pests listed in the Annex to Directive 93/61/EEC in relation to that plant material;
- (ad) it complies with the requirements concerning Union quarantine pests, protected zone quarantine pests and RNQPs set out in the EU Plant Health Regulation and in the implementing acts adopted pursuant to that Regulation, including measures adopted pursuant to Article 30(1) of that Regulation;”;
- (c) ar ôl paragraff (1) mewnosoder—
- “(2) In this regulation—
- “protected zone quarantine pest” means a pest within the meaning given by Article 32(1) of the EU Plant Health Regulation;
- “RNQP” means a Union regulated non-quarantine pest within the meaning given by Article 36 of the EU Plant Health Regulation;
- “Union quarantine pest” means a pest within the meaning given by Article 4 of the EU Plant Health Regulation.”
- (4) Yn lle rheoliad 6 rhodder—
- “6.—(1) A producer must—
- (a) report to an inspector any plant material that fails to comply with the requirements of regulation 5(1)(a) or (ab);
- (b) immediately report to an inspector any plant material that shows the presence of a plant pest of a description specified in Annex 2 or 3 to the Phytosanitary Conditions Regulation and carry out any measures laid down by the inspector; and
- “(a) at the place of production it was found, at least on visual inspection, to be practically free from all pests listed in relation to that plant material in the Annex to Directive 93/61/EEC;
- (ab) the quantity of any RNQP present on the plant material does not, at least on visual inspection, exceed the threshold set out in respect of that RNQP in the Annex to Directive 93/61/EEC;
- (ac) it is found, at least on visual inspection, to be practically free from any pests which reduce its usefulness and quality as plant material, other than those pests listed in the Annex to Directive 93/61/EEC in relation to that plant material;
- (ad) it complies with the requirements concerning Union quarantine pests, protected zone quarantine pests and RNQPs set out in the EU Plant Health Regulation and in the implementing acts adopted pursuant to that Regulation, including measures adopted pursuant to Article 30(1) of that Regulation;”;
- (c) after paragraph (1) insert—
- “(2) In this regulation—
- “protected zone quarantine pest” means a pest within the meaning given by Article 32(1) of the EU Plant Health Regulation;
- “RNQP” means a Union regulated non-quarantine pest within the meaning given by Article 36 of the EU Plant Health Regulation;
- “Union quarantine pest” means a pest within the meaning given by Article 4 of the EU Plant Health Regulation.”
- (4) For regulation 6 substitute—
- “6.—(1) A producer must—
- (a) report to an inspector any plant material that fails to comply with the requirements of regulation 5(1)(a) or (ab);
- (b) immediately report to an inspector any plant material that shows the presence of a plant pest of a description specified in Annex 2 or 3 to the Phytosanitary Conditions Regulation and carry out any measures laid down by the inspector; and

(c) keep plant material in lots of homogenous composition and origin during growing and lifting or removal from parent material.

(2) In this regulation—

“the Phytosanitary Conditions Regulation” means Commission Implementing Regulation (EU) 2019/2072 establishing uniform conditions for the implementation of Regulation (EU) 2016/2031 of the European Parliament and of the Council, as regards protective measures against pests of plants(1).”

(5) Hefgorer rheoliadau 7 ac 8(5).

(6) Yn rheoliad 9(4)(c), yn lle “harmful organisms referred to in regulation 5(a)” rhodder “pests referred to in regulations 5(1)(a), (ab) and 6(1)(b)”.

(7) Yn rheoliad 11(4), yn lle “5(a)” rhodder “5(1)(a) to (ac)”.

Rheoliadau Marchnata Deunyddiau Lluosogi Planhigion Addurniadol 1999

3.—(1) Mae Rheoliadau Marchnata Deunyddiau Lluosogi Planhigion Addurniadol 1999(2) wedi eu diwygio fel a ganlyn.

(2) Yn rheoliad 2(1), cyn y diffiniad o “Directive 98/56/EC” mewnosoder—

““Directive 93/49/EEC” means Commission Directive 93/49/EEC setting out the schedule indicating the conditions to be met by ornamental plant propagating material and ornamental plants pursuant to Council Directive 91/682/EEC(3);”.

(3) Yn rheoliad 4—

(a) mae’r testun presennol yn dod yn baragraff (1);

(b) ym mharagraff (1), ar ôl is-baragraff (a) mewnosoder—

“(ab) have been found at the place of production to be practically free, at least on visual inspection, from all pests listed in the Annex to Directive 93/49/EEC in relation to that propagating material;

(c) keep plant material in lots of homogenous composition and origin during growing and lifting or removal from parent material.

(2) In this regulation—

“the Phytosanitary Conditions Regulation” means Commission Implementing Regulation (EU) 2019/2072 establishing uniform conditions for the implementation of Regulation (EU) 2016/2031 of the European Parliament and of the Council, as regards protective measures against pests of plants(1).”

(5) Omit regulations 7 and 8(5).

(6) In regulation 9(4)(c), for “harmful organisms referred to in regulation 5(a)” substitute “pests referred to in regulations 5(1)(a), (ab) and 6(1)(b)”.

(7) In regulation 11(4), for “5(a)” substitute “5(1)(a) to (ac)”.

The Marketing of Ornamental Plant Propagating Material Regulations 1999

3.—(1) The Marketing of Ornamental Plant Propagating Material Regulations 1999(2) are amended as follows.

(2) In regulation 2(1), before the definition of “Directive 98/56/EC” insert—

““Directive 93/49/EEC” means Commission Directive 93/49/EEC setting out the schedule indicating the conditions to be met by ornamental plant propagating material and ornamental plants pursuant to Council Directive 91/682/EEC(3);”.

(3) In regulation 4—

(a) the existing text becomes paragraph (1);

(b) in paragraph (1), after sub-paragraph (a) insert—

“(ab) have been found at the place of production to be practically free, at least on visual inspection, from all pests listed in the Annex to Directive 93/49/EEC in relation to that propagating material;

(1) OJ Rhif L 319, 10.12.2019, t. 1.

(2) O.S. 1999/1801, yr offerynnau diwygio perthnasol yw O.S. 2018/974, 2018/1216 (Cy. 249), 2020/206 (Cy. 48). Mae O.S. 1999/1801 wedi ei ddiwygio’n rhagolygol gan O.S. 2019/131.

(3) OJ Rhif L 250, 7.10.1993, t. 9, fel y’i diwygiwyd ddiwethaf gan Gyfarwyddeb Weithredu’r Comisiwn (EU) 2020/177 (OJ Rhif L 41, 13.2.2020, t. 1).

(1) OJ No. L 319, 10.12.2019, p. 1.

(2) S.I. 1999/1801, relevant amending instruments are S.I. 2018/974, 2018/1216 (W. 249), 2020/206 (W. 48). S.I. 1999/1801 is amended prospectively by S.I. 2019/131.

(3) OJ No. L 250, 7.10.1993, p. 9, as last amended by Commission Implementing Directive (EU) 2020/177 (OJ No. L 41, 13.2.2020, p. 1).

(ac) be free, at least on visual inspection, from any RNQP in a quantity exceeding the thresholds set out in the Annex to Directive 93/49/EEC for the presence of that RNQP;

(ad) be, at least on visual inspection, practically free from, and from any signs or symptoms of, any pests which reduce its usefulness or quality as propagating material, other than the pests listed in the Annex to Directive 93/49/EEC with regard to the respective propagating material;

(ae) comply with the requirements concerning Union quarantine pests, protected zone quarantine pests and RNQPs set out in the implementing acts adopted pursuant to the EU Plant Health Regulation, and measures adopted pursuant to Article 30(1) of that Regulation;”;

(c) ar ôl paragraff (1) mewnosoder—

“(2) In this regulation—

“protected zone quarantine pest” means a pest within the meaning given by Article 32(1) of the EU Plant Health Regulation;

“RNQP” means a Union regulated non-quarantine pest within the meaning given by Article 36 of the EU Plant Health Regulation;

“Union quarantine pest” means a pest within the meaning given by Article 4 of the EU Plant Health Regulation.”

(4) Hepgorer rheoliad 6A.

Rheoliadau Marchnata Hadau (Cymru) 2012

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

(2) Yn Atodlen 2—

(a) cyn Rhan 1 mewnosoder—

(ac) be free, at least on visual inspection, from any RNQP in a quantity exceeding the thresholds set out in the Annex to Directive 93/49/EEC for the presence of that RNQP;

(ad) be, at least on visual inspection, practically free from, and from any signs or symptoms of, any pests which reduce its usefulness or quality as propagating material, other than the pests listed in the Annex to Directive 93/49/EEC with regard to the respective propagating material;

(ae) comply with the requirements concerning Union quarantine pests, protected zone quarantine pests and RNQPs set out in the implementing acts adopted pursuant to the EU Plant Health Regulation, and measures adopted pursuant to Article 30(1) of that Regulation;”;

(c) after paragraph (1) insert—

“(2) In this regulation—

“protected zone quarantine pest” means a pest within the meaning given by Article 32(1) of the EU Plant Health Regulation;

“RNQP” means a Union regulated non-quarantine pest within the meaning given by Article 36 of the EU Plant Health Regulation;

“Union quarantine pest” means a pest within the meaning given by Article 4 of the EU Plant Health Regulation.”

(4) Omit regulation 6A.

The Seed Marketing (Wales) Regulations 2012

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

(2) In Schedule 2—

(a) before Part 1 insert—

(1) O.S. 2012/245 (Cy. 39). Mae offerynnau diwygio eraill ond nid yw'r un ohonynt yn berthnasol. Mae O.S. 2012/245 (Cy. 39) wedi ei ddiwygio'n rhagolygol gan O.S. 2019/368 (Cy. 90).

(1) S.I. 2012/245 (W. 39). There are amending instruments but none are relevant. S.I. 2012/245 (W. 39) is prospectively amended by S.I. 2019/368 (W. 90).

“Rhan A1
Rhagymadrodd

“Part A1
Introduction

Dehongli

A1. Yn yr Atodlen hon—

ystyr “pla cwarantin parth gwarchoddedig” (“*protected zone quarantine pest*”) yw pla o fewn yr ystyr a roddir gan Erthygl 32(1) o Reoliad Iechyd Planhigion yr UE;

ystyr “pla cwarantin yr Undeb” (“*Union quarantine pest*”) yw pla o fewn yr ystyr a roddir gan Erthygl 4 o Reoliad Iechyd Planhigion yr UE;

ystyr “PRHG” (“*RNQP*”) yw pla a rooleiddir gan yr Undeb heb gwarantin o fewn yr ystyr a roddir gan Erthygl 36 o Reoliad Iechyd Planhigion yr UE;

ystyr “Rheoliad Iechyd Planhigion yr UE” (“*EU Plant Health Regulation*”) yw Rheoliad (EU) 2016/2031 Senedd Ewrop a’r Cyngor ar fesurau diogelu rhag plâu planhigion.”;

(b) yn lle paragraff 15(4) rhodder—

“(4) Rhaid i’r cnwd a’r hadau a gynhyrchir gan y cnwd fod yn rhydd i bob pwrpas rhag unrhyw blâu sy’n lleihau defnyddioldeb ac ansawdd yr hadau.

(5) Rhaid i’r cnwd a’r hadau a gynhyrchir gan y cnwd gydymffurfio â’r gofynion sy’n ymwneud â phlâu cwarantin yr Undeb, plâu cwarantin parth gwarchoddedig a PRHGau a nodir mewn actau gweithredu a fabwysiedir yn unol â Rheoliad Iechyd Planhigion yr UE, a mesurau a fabwysiedir yn unol ag Erthygl 30(1) o’r Rheoliad hwnnw.”;

(c) ym mharagraffau 28 a 42, yn lle is-baragraff (3) ym mhob achos rhodder—

“(3) Rhaid i’r cnwd a’r hadau a gynhyrchir gan y cnwd fod yn rhydd i bob pwrpas rhag unrhyw blâu sy’n lleihau defnyddioldeb ac ansawdd yr hadau.

(4) Rhaid i’r cnwd a’r hadau a gynhyrchir gan y cnwd gydymffurfio â’r gofynion sy’n ymwneud â phlâu cwarantin yr Undeb, plâu cwarantin parth gwarchoddedig a PRHGau a nodir mewn actau gweithredu a fabwysiedir yn unol â Rheoliad Iechyd Planhigion yr UE, a mesurau a fabwysiedir yn unol ag Erthygl 30(1) o’r Rheoliad hwnnw.”;

Interpretation

A1. In this Schedule—

“EU Plant Health Regulation” (“*Rheoliad Iechyd Planhigion yr UE*”) means Regulation (EU) 2016/2031 of the European Parliament and of the Council on protective measures against pests of plants;

“protected zone quarantine pest” (“*pla cwarantin parth gwarchoddedig*”) means a pest within the meaning given by Article 32(1) of the EU Plant Health Regulation;

“RNQP” (“*PRHG*”) means a Union regulated non-quarantine pest within the meaning given by Article 36 of the EU Plant Health Regulation;

“Union quarantine pest” (“*pla cwarantin yr Undeb*”) means a pest within the meaning given by Article 4 of the EU Plant Health Regulation.”;

(b) for paragraph 15(4) substitute—

“(4) The crop and the seed produced by the crop must be practically free from any pests which reduce the usefulness and quality of the seed.

(5) The crop and the seed produced by the crop must comply with the requirements concerning Union quarantine pests, protected zone quarantine pests and RNQPs set out in implementing acts adopted pursuant to the EU Plant Health Regulation, and measures adopted pursuant to Article 30(1) of that Regulation.”;

(c) in paragraphs 28 and 42, for sub-paragraph (3) in each case substitute—

“(3) The crop and the seed produced by the crop must be practically free from any pests which reduce the usefulness and quality of the seed.

(4) The crop and seed produced by the crop must comply with the requirements concerning Union quarantine pests, protected zone quarantine pests and RNQPs set out in implementing acts adopted pursuant to the EU Plant Health Regulation, and measures adopted pursuant to Article 30(1) of that Regulation.”;

(d) yn lle paragraff 50(4) rhodder—

“(4) Rhaid i’r cnwd a’r hadau a gynhyrchir gan y cnwd fod yn rhydd i bob pwrpas rhag unrhyw blâu sy’n lleihau defnyddioldeb ac ansawdd yr hadau.

(4A) Rhaid i’r cnwd a’r hadau a gynhyrchir gan y cnwd gydymffurfio â’r gofynion sy’n ymwneud â phlâu cwarantîn yr Undeb, plâu cwarantîn parth gwarchoddedig a PRHGau a nodir mewn actau gweithredu a fabwysiedir yn unol â Rheoliad Iechyd Planhigion yr UE, a mesurau a fabwysiedir yn unol ag Erthygl 30(1) o’r Rheoliad hwnnw.”

Rheoliadau Tatws Hadyd (Cymru) 2016

5.—(1) Mae Rheoliadau Tatws Hadyd (Cymru) 2016(1) wedi eu diwygio fel a ganlyn.

(2) Yn rheoliad 3, yn lle’r diffiniad o “Cyfarwyddeb 2014/21/EU” rhodder—

“ystyr “Cyfarwyddeb 2014/21/EU” (“Directive 2014/21/EU”) yw Cyfarwyddeb Weithredu’r Comisiwn 2014/21/EU sy’n pennu amodau gofynnol a Graddau’r Undeb ar gyfer tatws hadyd cyn-sylfaenol(2);”.

(3) Yn Atodlen 1—

(a) ym mharagraff 3(c), yn lle paragraffau (vi) a (vii) rhodder—

“(vi) Chwilen Golorado (*Leptinotarsa decemlineata* (Say));

(vii) Llyngyr y Gloronen (*Ditylenchus destructor* (Thorne));

(viii) *Candidatus* Liberibacter *solanacearum* Liefting et al.; a

(ix) *Candidatus* Phytoplasma *solani* Quaglino et al.”;

(b) ym mharagraff 8, yn y geiriau ar ôl is-baragraff (b)(iii), hepgorer “sy’n gyffredin yn Ewrop”;

(c) ym mharagraff 10, yn y geiriau ar ôl is-baragraff (b)(ii), hepgorer “sy’n gyffredin yn Ewrop”.

(d) for paragraph 50(4) substitute—

“(4) The crop and seed produced by the crop must be practically free from any pests which reduce the usefulness and quality of the seed.

(4A) The crop and seed produced by the crop must comply with the requirements concerning Union quarantine pests, protected zone quarantine pests and RNQPs set out in implementing acts adopted pursuant to the EU Plant Health Regulation, and measures adopted pursuant to Article 30(1) of that Regulation.”

The Seed Potatoes (Wales) Regulations 2016

5.—(1) The Seed Potatoes (Wales) Regulations 2016(1) are amended as follows.

(2) In regulation 3, for the definition of “Directive 2014/21/EU” substitute—

““Directive 2014/21/EU” (“Cyfarwyddeb 2014/21/EU”) means Commission Implementing Directive 2014/21/EU determining minimum conditions and Union Grades for pre-basic seed potatoes(2);”.

(3) In Schedule 1—

(a) in paragraph 3(c), for paragraphs (vi) and (vii) substitute—

“(vi) Colorado Beetle (*Leptinotarsa decemlineata* (Say));

(vii) Potato Tuber Eelworm (*Ditylenchus destructor* (Thorne));

(viii) *Candidatus* Liberibacter *solanacearum* Liefting et al.; and

(ix) *Candidatus* Phytoplasma *solani* Quaglino et al.”;

(b) in paragraph 8, in the words after subparagraph (b)(iii), omit “prevalent in Europe”;

(c) in paragraph 10, in the words after subparagraph (b)(ii), omit “prevalent in Europe”.

(1) O.S. 2016/106 (Cy. 52), yr offerynnau diwygio perthnasol yw O.S. 2018/1216 (Cy. 249), 2020/206 (Cy. 48). Mae O.S. 2016/106 (Cy. 52) wedi ei ddiwygio’n rhagolygol gan O.S. 2019/738 (Cy. 141).

(2) Diwygiwyd ddiwethaf gan Gyfarwyddeb Weithredu’r Comisiwn (EU) 2020/177 sy’n diwygio Cyfarwyddebau’r Cyngor 66/401/EEC, 66/402/EEC, 68/193/EEC, 2002/55/EC, 2002/56/EC a 2002/57/EC, Cyfarwyddebau’r Comisiwn 93/49/EEC a 93/61/EEC a Chyfarwyddebau Gweithredu 2014/21/EU a 2014/98/EU o ran plâu planhigion ar hadau a deunyddiau lluosogi planhigion eraill (OJ Rhif L 41, 13.2.2020, t. 1). Gweler adran 26 o Ddeddf Deddfwriaeth (Cymru) 2019 (decc 4).

(1) S.I. 2016/106 (W. 52), relevant amending instruments are S.I. 2018/1216 (W. 249), 2020/206 (W. 48). S.I. 2016/106 (W. 52) is amended prospectively by S.I. 2019/738 (W. 141).

(2) Last amended by Commission Implementing Directive (EU) 2020/177 amending Council Directives 66/401/EEC, 66/402/EEC, 68/193/EEC, 2002/55/EC, 2002/56/EC and 2002/57/EC, Commission Directives 93/49/EEC and 93/61/EEC and Implementing Directives 2014/21/EU and 2014/98/EU as regards pests of plants on seeds and other plant reproductive material (OJ No. L 41, 13.2.2020, p. 1). See section 26 of the Legislation (Wales) Act 2019 (anaw 4).

(4) Yn Atodlen 3—

(a) yn y tabl yn Rhan 1, yng ngholofn 1—

(i) o dan y pennawd “Grŵp II”, yn lle’r geiriau o “Pydredd Du’r Coesyn” hyd at “et al neu’r ddau” rhodder “Pydredd Du’r Coesyn (*Dickeya* Samson et al. spp. neu *Pectobacterium* Waldee emend. Hauben et al. spp. neu’r ddau)”;

(ii) o dan y pennawd “Grŵp IV”, yn lle “Y Cen Du (*Rhizoctonia solani* Kuhn)” rhodder “Y cen du fel y’i hachosir gan *Thanatephorus cucumeris* (A.B. Frank) Donk”;

(b) yn y tabl yn Rhan 1, o dan y pennawd “Grŵp 1”, ar ôl y cofnod “Chwilen Golorado” mewnosoder—

“ <i>Candidatus</i> Liberibacter <i>solanacearum</i> Liefting et al	Dim
<i>Candidatus</i> Phytoplasma <i>solani</i> Quaglino et al	Dim”;

(c) yn lle Rhannau 2 a 3 rhodder—

(4) In Schedule 3—

(a) in the table in Part 1, in column 1—

(i) under the heading “Group II”, for the words from “Blackleg” to “et al or both” substitute “Blackleg (*Dickeya* Samson et al. spp. or *Pectobacterium* Waldee emend. Hauben et al. spp. or both)”;

(ii) under the heading “Group IV”, for “Black Scurf (*Rhizoctonia solani* Kuhn)” substitute “Black scurf as caused by *Thanatephorus cucumeris* (A.B. Frank) Donk”;

(b) in the table in Part 1, under the heading “Group 1”, after the entry “Colorado Beetle” insert—

“ <i>Candidatus</i> Liberibacter <i>solanacearum</i> Liefting et al	Nil
<i>Candidatus</i> Phytoplasma <i>solani</i> Quaglino et al	Nil”;

(c) for Parts 2 and 3 substitute—

“RHAN 2

Tatws hadyd cyn-sylfaenol o radd PB yr Undeb a gynhyrchir yng Nghymru

<i>Colofn 1</i>	<i>Colofn 2</i>	<i>Colofn 3</i>	<i>Colofn 4</i>
<i>Clefydau neu blâu, difrod a diffygion penodedig</i>	<i>Goddefiannau unigol</i>	<i>Goddefiannau grŵp</i>	<i>Goddefiannau grŵp cyfunol</i>
Grŵp I			
Clefyd y Ddafaden (<i>Synchytrium endobioticum</i> (Schlib) Perc)	Dim	-	-
Llyngyr y Gloronen (<i>Ditylenchus destructor</i> Thorne)	Dim	-	-
Llyngyr Tatws (rhywogaeth <i>Globodera</i> sy'n heintio tatws)	Dim	-	-
Pydredd Cylch (<i>Clavibacter michiganensis</i> (Smith) Davis et al spp <i>sepedonicus</i> (Spieck & Kotth) Davis et al)	Dim	-	-
Pydredd Coch (<i>Ralstonia solanacearum</i> (Smith) Yabuuchi et al)	Dim	-	-
Firoid y Gloronen Bigfain	Dim	-	-
Chwilen Golorado (<i>Lepinotarsa decemlineata</i> (Say))	Dim	-	-
<i>Candidatus</i> Liberibacter <i>solanacearum</i> Liefting et al	Dim	-	-
<i>Candidatus</i> Phytoplasma <i>solani</i> Quaglino et al	Dim	-	-
Grŵp II			
Y Clwy Tatws (<i>Phytophthora infestans</i> (Mont) de Bary)	0.2%))
Pydredd Du'r Coesyn (<i>Dickeya</i> Samson et al. spp. neu <i>Pectobacterium</i> Waldee emend. Hauben et al. spp. neu'r ddau)	0.2%))
Pydreddau Meddal gan gynnwys: Pydredd yr Archoll Diferol (<i>Pythium ultimum</i> Trow)	0.2%))
Y Pydredd Pinc (<i>Phytophthora erythroseptica</i> Pethybridge) a Phydredd y Manbant	0.2%	) 0.2%)
Y Pydredd Sych (rhywogaeth <i>Fusarium</i>)	0.2%))
Y Madredd (rhywogaeth <i>Phoma</i>)	0.2%))
Cloron a ddifrodwyd gan rew	0.2%))

Grŵp III Brychni'r croen (<i>Polyscytalum pustulans</i> (Owen & Wake-field)) M B Ellis	0.2%	)	) 6.0%
Grŵp IV Y cen du fel y'i hachosir gan <i>Thanatephorus cucumeris</i> (A.B. Frank) Donk Cyn belled ag y bernir bod tatws hadyd sydd ag o leiaf ddau ysmotyn du yn y pen blaguro sy'n gyfan gwbl heb eu heffeithio ac sydd â llai nag un rhan o ddeg o'u harwynebedd wedi ei effeithio heb gael eu heffeithio gan y clefyd Y Crach Cyffredin (rhywogaeth <i>Streptomyces</i>) Cyn belled ag y bernir bod tatws hadyd sydd ag o leiaf ddau ysmotyn du yn y pen blaguro sy'n gyfan gwbl heb eu heffeithio ac sydd â llai nag un rhan o dair o'u harwynebedd wedi ei effeithio heb gael eu heffeithio gan y clefyd	1.0%	) 5.0%)
Grŵp V Y crach llychlyd (<i>Spongospora subterranea</i> (Wallr) Legerh) Cyn belled ag y bernir bod tatws hadyd sydd ag o leiaf ddau ysmotyn du yn y pen blaguro sy'n gyfan gwbl heb eu heffeithio ac sydd â llai nag un rhan o ddeg o'u harwynebedd wedi ei effeithio heb gael eu heffeithio gan y clefyd	1.0%))
Grŵp VI Brychau allanol gan gynnwys cloron wedi eu niweidio neu gloron ac eithrio cloron wedi eu heintio â'u siâp heb fod yn nodweddiadol o'r amrywogaeth Madredd arwynebol a achosir gan firws tatws Y Cloron wedi crebachu oherwydd dadhydradu gormodol neu ddadhydradu a achosir gan gen arian (<i>Helminthosporium solani</i>)	3.0%))
	Nil	) 3.0%)
	0.5%))
Grŵp VII Baw neu sylwedd estronol arall	1.0%	-	-

RHAN 3

Tatws hadyd sylfaenol a thatws hadyd ardystiedig a gynhyrchir yng Nghymru

<i>Colofn 1</i>	<i>Colofn 2</i>	<i>Colofn 3</i>	<i>Colofn 4</i>
<i>Clefydau neu blâu, difrod a diffygion penodedig</i>	<i>Goddefiannau unigol</i>	<i>Goddefiannau grŵp</i>	<i>Goddefiannau grŵp cyfunol</i>
Grŵp I			
Clefyd y Ddafaden (<i>Synchytrium endobioticum</i> (Schlib) Perc)	Dim	-	-
Llyngyr y Gloronen (<i>Ditylenchus destructor</i> Thorne)	Dim	-	-
Llyngyr Tatws (rhywogaeth <i>Globodera</i> sy'n heintio tatws)	Dim	-	-
Pydredd Cylch (<i>Clavibacter michiganensis</i> (Smith) Davis et al spp <i>sepedonicus</i> (Spieck & Kotth) Davis et al)	Dim	-	-
Pydredd Coch (<i>Ralstonia solanacearum</i> (Smith) Yabuuchi et al)	Dim	-	-
Firoid y Gloronen Bigfain	Dim	-	-
Chwilen Golorado (<i>Lepinotarsa decemlineata</i> (Say))	Dim	-	-
<i>Candidatus</i> Liberibacter <i>solanacearum</i> Liefting et al	Dim	-	-
<i>Candidatus</i> Phytoplasma <i>solani</i> Quaglino et al	Dim	-	-
Grŵp II			
Y Clwy Tatws (<i>Phytophthora infestans</i> (Mont) de Bary)	0.5%))
Pydredd Du'r Coesyn (<i>Dickeya</i> Samson et al. spp. neu <i>Pectobacterium</i> Waldee emend. Hauben et al. spp. neu'r ddau)	0.5%))
Pydreddau Meddal gan gynnwys Pydredd yr Archoll Diferol (<i>Pythium ultimum</i> Trow)	0.5%))
Y Pydredd Pinc (<i>Phytophthora erythroseptica</i> Pethybridge) a Phydredd y Manbant	0.5%	) 0.5%)
Y Pydredd Sych (rhywogaeth <i>Fusarium</i>)	0.5%))
Y Madredd (rhywogaeth <i>Phoma</i>)	0.5%))
Cloron a ddifrodwyd gan rew	0.5%))

Unrhyw un o'r diffygion Grŵp II sy'n ymddangos fel symptom pydredd gwlyb	0.2%	)	)6.0% ar gyfer tatws hadyd sylfaenol ac 8.0% ar gyfer tatws hadyd ardystiedig
Grŵp III Brychni'r croen (<i>Polyscytalum pustulans</i> (Owen & Wakefield) M B Ellis)	0.5% ac eithrio gradd E yr Undeb, gradd A yr Undeb a gradd B yr Undeb; 2.0% ar gyfer gradd E yr Undeb, gradd A yr Undeb a gradd B yr Undeb yn unig))
Y crach llychlyd (<i>Spongospora subterranea</i> (Wallr) Legerh) Cyn belled ag y bernir bod tatws hadyd sydd ag o leiaf ddau ysmotyn du yn y pen blaguro sy'n gyfan gwbl heb eu heffeithio ac sydd â llai nag un rhan o ddeg o'u harwynebedd wedi ei effeithio heb gael eu heffeithio gan y clefyd (ac eithrio pan fo'r crach llychlyd yn ei ffurf ganseraidd)	3.0%	) 5.0%)
Grŵp IV Y cen du fel y'i hachosir gan <i>Thanatephorus cucumeris</i> (A.B. Frank) Donk Cyn belled ag y bernir bod tatws hadyd sydd ag o leiaf ddau ysmotyn du yn y pen blaguro sy'n gyfan gwbl heb eu heffeithio ac sydd â llai nag un rhan o ddeg o'u harwynebedd wedi ei effeithio heb gael eu heffeithio gan y clefyd Y Crach Cyffredin (rhywogaeth <i>Streptomyces</i>) Cyn belled ag y bernir bod tatws hadyd sydd ag o leiaf ddau ysmotyn du yn y pen blaguro sy'n gyfan gwbl heb eu heffeithio ac sydd â llai nag un rhan o dair o'u harwynebedd wedi ei effeithio heb gael eu heffeithio gan y clefyd	5.0% 5.0%))))

Grŵp V Brychau allanol gan gynnwys cloron wedi eu niweidio neu gloron ac eithrio cloron afiach â'u siâp heb fod yn nodweddiadol o'r amrywogaeth	3.0%))
Cloron wedi crebachu oherwydd dadhydradu gormodol neu ddadhydradu a achosir gan gen arian (<i>Helminthosporium solani</i>)	1.0%	) 3.0%)
Madredd arwynebol a achosir gan fathau o firws tatws Y	0.1%))
Grŵp VI Baw neu sylwedd estronol arall	1.0%	-	-";

“PART 2

Pre-basic seed potatoes of Union grade PB produced in Wales

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>	<i>Column 4</i>
<i>Specified diseases or pests, damage and defects</i>	<i>Individual tolerances</i>	<i>Group tolerances</i>	<i>Collective group tolerances</i>
Group I			
Wart Disease (<i>Synchytrium endobioticum</i> (Schlib) Perc)	Nil	-	-
Potato Tuber Eelworm (<i>Ditylenchus destructor</i> Thorne)	Nil	-	-
Potato Cyst Nematode (<i>Globodera</i> species infesting potatoes)	Nil	-	-
Ring Rot (<i>Clavibacter michiganensis</i> (Smith) Davis et al spp <i>sepedonicus</i> (Spieck & Kotth) Davis et al)	Nil	-	-
Brown Rot (<i>Ralstonia solanacearum</i> (Smith) Yabuuchi et al)	Nil	-	-
Potato Spindle Tuber Viroid	Nil	-	-
Colorado Beetle (<i>Lepinotarsa decemlineata</i> (Say))	Nil	-	-
<i>Candidatus</i> Liberibacter <i>solanacearum</i> Liefiting et al	Nil	-	-
<i>Candidatus</i> Phytoplasma <i>solani</i> Quaglino et al	Nil	-	-
Group II			
Blight (<i>Phytophthora infestans</i> (Mont) de Bary)	0.2%))
Blackleg (<i>Dickeya</i> Samson et al. spp. or <i>Pectobacterium</i> Waldee emend. Hauben et al. spp. or both)	0.2%))
Soft Rots including: Watery Wound Rot (<i>Pythium ultimum</i> Trow)	0.2%))
Pink Rot (<i>Phytophthora erythroseptica</i> Pethybridge) and Pit Rot	0.2%	) 0.2%)
Dry Rot (<i>Fusarium</i> species)	0.2%))
Gangrene (<i>Phoma</i> species)	0.2%))
Frost damaged tubers	0.2%))
Group III			
Skin spot (<i>Polyscytalum pustulans</i> (Owen & Wake-field)) M B Ellis	0.2%	)	) 6.0%

<p>Group IV</p> <p>Black scurf as caused by <i>Thanatephorus cucumeris</i> (A.B. Frank) Donk Provided that seed potatoes which have at least two eyes at the rose end that are wholly unaffected and less than one-tenth of whose surface area has been affected are deemed to be unaffected by the disease</p>	1.0%	) 5.0%)
<p>Common Scab (<i>Streptomyces</i> species) Provided that seed potatoes which have at least two eyes at the rose end that are wholly unaffected and less than one-third of whose surface area has been affected are deemed to be unaffected by the disease</p>	5.0%))
<p>Group V</p> <p>Powdery scab (<i>Spongospora subterranea</i> (Wallr) Legerh) Provided that seed potatoes which have at least two eyes at the rose end that are wholly unaffected and less than one-tenth of whose surface area has been affected are deemed to be unaffected by the disease</p>	1.0%))
<p>Group VI</p> <p>External blemishes including damaged tubers or tubers other than diseased tubers whose shape is atypical for the variety</p> <p>Superficial necrosis caused by potato virus Y</p> <p>Shrivelled tubers due to excessive dehydration or dehydration caused by silver scurf (<i>Helminthosporium solani</i>)</p>	3.0%))
	Nil	) 3.0%)
	0.5%))
<p>Group VII</p> <p>Dirt or other extraneous matter</p>	1.0%	-	-

PART 3

Basic seed potatoes and certified seed potatoes produced in Wales

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>	<i>Column 4</i>
<i>Specified diseases or pests, damage and defects</i>	<i>Individual tolerances</i>	<i>Group tolerances</i>	<i>Collective group tolerances</i>
<p>Group I</p> <p>Wart Disease (<i>Synchytrium endobioticum</i> (Schlib) Perc)</p>	Nil	-	-

Potato Tuber Eelworm (<i>Ditylenchus destructor</i> Thorne)	Nil	-	-
Potato Cyst Nematode (<i>Globodera</i> species infesting potatoes)	Nil	-	-
Ring Rot (<i>Clavibacter michiganensis</i> (Smith) Davis et al spp <i>sepedonicus</i> (Spieck & Kotth) Davis et al)	Nil	-	-
Brown Rot (<i>Ralstonia solanacearum</i> (Smith) Yabuuchi et al)	Nil	-	-
Potato Spindle Tuber Viroid	Nil	-	-
Colorado Beetle (<i>Lepinotarsa decemlineata</i> (Say))	Nil	-	-
<i>Candidatus</i> Liberibacter <i>solanacearum</i> Liefting et al	Nil	-	-
<i>Candidatus</i> Phytoplasma <i>solani</i> Quaglino et al	Nil	-	-
Group II			
Blight (<i>Phytophthora infestans</i> (Mont) de Bary)	0.5%))
Blackleg (<i>Dickeya</i> Samson et al. spp. or <i>Pectobacterium</i> Waldee emend. Hauben et al. spp. or both)	0.5%))
Soft Rots including Watery Wound Rot (<i>Pythium ultimum</i> Trow)	0.5%))
Pink Rot (<i>Phytophthora erythroseptica</i> Pethybridge) and Pit Rot	0.5%	) 0.5%)
Dry Rot (<i>Fusarium</i> species)	0.5%))
Gangrene (<i>Phoma</i> species)	0.5%))
Frost damaged tubers	0.5%))
Any of these Group II defects that present as a wet rot symptom	0.2%	)	)6.0% for basic seed potatoes and 8.0% for certified seed potatoes

<p>Group III</p> <p>Skin spot (<i>Polyscytalum pustulans</i> (Owen & Wakefield) M B Ellis)</p> <p>Powdery scab (<i>Spongospora subterranea</i> (Wallr) Legerh) Provided that seed potatoes which have at least two eyes at the rose end that are wholly unaffected and less than one-tenth of whose surface area has been affected are deemed to be unaffected by the disease (except where powdery scab takes its cankerous form)</p>	<p>0.5% except Union grade E, Union grade A and Union grade B grades; 2.0% for Union grade E, Union grade A and Union grade B grades only</p> <p>3.0%</p>	<p>))</p> <p>) 5.0%)</p>	
<p>Group IV</p> <p>Black scurf as caused by <i>Thanatephorus cucumeris</i> (A.B. Frank) Donk Provided that seed potatoes which have at least two eyes at the rose end that are wholly unaffected and less than one-tenth of whose surface area has been affected are deemed to be unaffected by the disease</p> <p>Common Scab (<i>Streptomyces</i> species) Provided that seed potatoes which have at least two eyes at the rose end that are wholly unaffected and less than one-third of whose surface area has been affected are deemed to be unaffected by the disease</p>	<p>5.0%</p> <p>5.0%</p>	<p>))</p> <p>))</p>	
<p>Group V</p> <p>External blemishes including damaged tubers or tubers other than diseased tubers whose shape is atypical for the variety</p> <p>Shrivelled tubers due to excessive dehydration or dehydration caused by silver scurf (<i>Helminthosporium solani</i>)</p> <p>Superficial necrosis caused by strains of potato virus Y</p>	<p>3.0%</p> <p>1.0%</p> <p>0.1%</p>	<p>))</p> <p>) 3.0%)</p> <p>))</p>	

Group VI			
Dirt or other extraneous matter	1.0%	-	-";

- (d) yn y tabl yn Rhan 4, ar ôl y cofnod ar gyfer “Chwilen Golorado” mewnosoder—

“ <i>Candidatus Liberibacter solanacearum</i> Liefting et al	Dim	-
<i>Candidatus Phytoplasma solani</i> Quaglino et al	Dim	-”.

- (5) Yn Rhan 1 o Atodlen 4, yn nhabl 1—

- (a) yn y cofnod ar gyfer gradd yr Undeb “PBTC”, yn yr ail golofn—
- (i) ym mharagraff (1)(a)(i), ar ôl “*Dickeya* spp.,” mewnosoder “*Candidatus Liberibacter solanacearum*, *Candidatus Phytoplasma solani*, Firoid y gloronen bigfain,”;
- (ii) ym mharagraff (1)(b)(i), ar y dechrau mewnosoder “*Candidatus Liberibacter solanacearum*, *Candidatus Phytoplasma solani*, Firoid y gloronen bigfain,”;
- (b) yn y cofnod ar gyfer gradd yr Undeb “PB”, yn yr ail golofn—
- (i) ym mharagraff (1)(a)(ii), ar ôl “*Dickeya* spp.,” mewnosoder “*Candidatus Liberibacter solanacearum*, *Candidatus Phytoplasma solani*, Firoid y gloronen bigfain,”;
- (ii) ym mharagraff (2)(i), ar y dechrau mewnosoder “*Candidatus Liberibacter solanacearum*, *Candidatus Phytoplasma solani*, Firoid y gloronen bigfain,”.

- (6) Yn Atodlen 5, ym mharagraff 3(f)(ii), hepgorer “sy’n gyffredin yn Ewrop”.

Rheoliadau Marchnata Planhigion Ffrwythau a Deunyddiau Lluosogi (Cymru) 2017

6.—(1) Mae Rheoliadau Marchnata Planhigion Ffrwythau a Deunyddiau Lluosogi (Cymru) 2017(1) wedi eu diwygio fel a ganlyn.

- (d) in the table in Part 4, after the entry for “Colorado Beetle” insert—

“ <i>Candidatus Liberibacter solanacearum</i> Liefting et al	Nil	-
<i>Candidatus Phytoplasma solani</i> Quaglino et al	Nil	-”.

- (5) In Part 1 of Schedule 4, in table 1—

- (a) in the entry for Union grade “PBTC”, in the second column—
- (i) in paragraph (1)(a)(i), after “*Dickeya* spp.,” insert “*Candidatus Liberibacter solanacearum*, *Candidatus Phytoplasma solani*, Potato spindle tuber viroid,”;
- (ii) in paragraph (1)(b)(i), at the beginning insert “*Candidatus Liberibacter solanacearum*, *Candidatus Phytoplasma solani*, Potato spindle tuber viroid,”;
- (b) in the entry for Union grade “PB”, in the second column—
- (i) in paragraph (1)(a)(ii), after “*Dickeya* spp.,” insert “*Candidatus Liberibacter solanacearum*, *Candidatus Phytoplasma solani*, Potato spindle tuber viroid,”;
- (ii) in paragraph (2)(i), at the beginning insert “*Candidatus Liberibacter solanacearum*, *Candidatus Phytoplasma solani*, Potato spindle tuber viroid,”.

- (6) In Schedule 5, in paragraph 3(f)(ii), omit “prevalent in Europe”.

The Marketing of Fruit Plant and Propagating Material (Wales) Regulations 2017

6.—(1) The Marketing of Fruit Plant and Propagating Material (Wales) Regulations 2017(1) are amended as follows.

(1) O.S. 2017/691 (Cy. 163), a ddiwygiwyd gan O.S. 2020/206 (Cy. 48); mae offerynnau diwygio eraill ond nid yw’r un ohonynt yn berthnasol. Mae O.S. 2017/691 (Cy. 163) wedi ei ddiwygio’n rhagolygol gan O.S. 2019/368 (Cy. 90).

(1) S.I. 2017/691 (W. 163), amended by S.I. 2020/206 (W. 48); there are other amending instruments but none are relevant. S.I. 2017/691 (W. 163) is amended prospectively by S.I. 2019/368 (W. 90).

(2) Yn rheoliad 2, yn y lle priodol mewnosoder—
“ystyr “PRHG” (“RNQP”) yw pla a reoleiddir gan yr Undeb heb gwarantyn o fewn yr ystyr a roddir gan Erthygl 36 o Reoliad (EU) 2016/2031 Senedd Ewrop a’r Cyngor ar fesurau diogelu rhag plâu planhigion;”.

(3) Yn rheoliad 3(1), yn lle’r diffiniad o “Cyfarwyddeb 2014/98/EU” rhodder—

“ystyr “Cyfarwyddeb 2014/98/EU” (“Directive 2014/98/EU”) yw Cyfarwyddeb Weithredu’r Comisiwn 2014/98/EU sy’n gweithredu Cyfarwyddeb y Cyngor 2008/90/EC o ran gofynion penodol ar gyfer genws a rhywogaethau planhigion ffrwythau y cyfeirir atynt yn Atodiad I iddi, gofynion penodol sydd i’w bodloni gan gyflenwyr a rheolau manwl sy’n ymwneud ag arolygiadau swyddogol(1).”

(4) Ar ôl rheoliad 14 mewnosoder—

“Cyflenwyr: gofynion hysbysu

14A.—(1) Rhaid i gyflenwr adrodd ar unwaith i arolygydd ynghylch—

- (a) deunyddiau planhigion sy’n dangos presenoldeb unrhyw PRHG a restrir yn Atodiad 1 neu 2 i Gyfarwyddeb 2014/98/EU;
- (b) presenoldeb yn y pridd unrhyw PRHG a restrir yn Atodiad 3 i Gyfarwyddeb 2014/98/EU;
- (c) presenoldeb unrhyw PRHG yn y safle cynhyrchu ar lefel uwch na’r goddefiant a bennwyd ar gyfer yr organeb honno yn Atodiad 4 i Gyfarwyddeb 2014/98/EU; neu
- (d) deunyddiau planhigion sy’n dangos presenoldeb unrhyw bla a restrir yn Atodiad 2 neu 3 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.

(2) In regulation 2, at the appropriate place insert—

““RNQP” (“PRHG”) means a Union regulated non-quarantine pest within the meaning given by Article 36 of Regulation (EU) 2016/2031 of the European Parliament and of the Council on protective measures against pests of plants;”.

(3) In regulation 3(1), for the definition of “Directive 2014/98/EU” substitute—

““Directive 2014/98/EU” (“Cyfarwyddeb 2014/98/EU”) means Commission Implementing Directive 2014/98/EU implementing Council Directive 2008/90/EC as regards specific requirements for the genus and species of fruit plants referred to in Annex I thereto, specific requirements to be met by suppliers and detailed rules concerning official inspections(1).”

(4) After regulation 14 insert—

“Suppliers: notification requirements

14A.—(1) A supplier must immediately report to an inspector—

- (a) plant material that shows the presence of any RNQP listed in Annex 1 or 2 to Directive 2014/98/EU;
- (b) the presence in the soil of any RNQP listed in Annex 3 to Directive 2014/98/EU;
- (c) the presence of any RNQP at the production site at a level greater than the tolerance specified for such organism in Annex 4 to Directive 2014/98/EU; or
- (d) plant material that shows the presence of any pest listed in Annex 2 or 3 to Commission Implementing Regulation (EU) 2019/2072 establishing uniform conditions for the implementation of Regulation (EU) 2016/2031 of the European Parliament and of the Council, as regards protective measures against pests of plants.

(1) Diwygiwyd ddiwethaf gan Gyfarwyddeb Weithredu’r Comisiwn (EU) 2020/177 sy’n diwygio Cyfarwyddebau’r Cyngor 66/401/EEC, 66/402/EEC, 68/193/EEC, 2002/55/EC, 2002/56/EC a 2002/57/EC, Cyfarwyddebau’r Comisiwn 93/49/EEC a 93/61/EEC a Chyfarwyddebau Gweithredu 2014/21/EU a 2014/98/EU o ran plâu planhigion ar hadau a deunyddiau lluosogi planhigion eraill (OJ Rhif L 41, 13.2.2020, t. 1). Gweler adran 26 o Ddeddf Deddfwriaeth Cymru (Cymru) 2019 (dccc 4).

(1) Last amended by Commission Implementing Directive (EU) 2020/177 amending Council Directives 66/401/EEC, 66/402/EEC, 68/193/EEC, 2002/55/EC, 2002/56/EC and 2002/57/EC, Commission Directives 93/49/EEC and 93/61/EEC and Implementing Directives 2014/21/EU and 2014/98/EU as regards pests of plants on seeds and other plant reproductive material (OJ No. L 41, 13.2.2020, p. 1). See section 26 of the Legislation (Wales) Act 2019 (anaw 4).

(2) Pan fo cyflenwr wedi adrodd i arolygydd ynghylch deunyddiau planhigion y cyfeirir atynt ym mharagraff (1)(d), rhaid i'r cyflenwr gyflawni unrhyw fesurau a osodir gan yr arolygydd.”

(5) Yn rheoliad 15(1)(g)—

- (a) ym mharagraff (i), hepgorer “Rhan A o”;
- (b) hepgorer paragraff (ii) a'r “a” sy'n ei ddilyn;
- (c) ym mharagraff (iii), yn lle “Atodiad 2, 3 neu 4” rhodder “Atodiad 2 neu 3”;
- (d) ar ôl paragraff (iii) mewnosoder—

“(iv) unrhyw PRHG a restrir yn Atodiad 3 i Gyfarwyddeb 2014/98/EU, pan fo'n bresennol yn y pridd; a

(v) unrhyw PRHG ar lefel uwch na'r goddefiant a bennir ar gyfer y PRHG hwnnw yn Atodiad 4 i Gyfarwyddeb 2014/98/EU.”

(6) Yn Atodlen 1—

- (a) ym mharagraff 1(2), yn lle paragraffau (c) a (d) rhodder—

“(c) yn cydymffurfio â'r gofynion iechyd ym mharagraff 4;

(d) yn cydymffurfio â'r gofynion ynghylch diffygion ym mharagraff 5; ac

(e) yn cydymffurfio â'r gofynion ynghylch y safle cynhyrchu ym mharagraff 6.”;

- (b) ym mharagraff 2(2), yn lle paragraffau (b) ac (c) rhodder—

“(b) yn cydymffurfio â'r gofynion iechyd ym mharagraff 4;

(c) yn cydymffurfio â'r gofynion ynghylch diffygion ym mharagraff 5; a

(d) yn cydymffurfio â'r gofynion ynghylch y safle cynhyrchu ym mharagraff 6.”;

- (c) ym mharagraff 4, yn lle is-baragraffau (1) i (5) rhodder—

“(1) Rhaid canfod bod deunyddiau CAC, drwy arolygiad gweledol gan y cyflenwr yn ystod y cam cynhyrchu, yn rhydd i bob pwrpas rhag y PRHGau a restrir yn Atodiad 1 neu 2 i Gyfarwyddeb 2014/98/EU mewn perthynas â'r genws neu'r rhywogaeth o dan sylw, oni nodir fel arall yn Atodiad 4 i'r Gyfarwyddeb honno.

(2) Rhaid i'r cyflenwr samplu a phrofi'r ffynhonnell ddeunyddiau adnabyddedig neu'r deunyddiau CAC—

- (a) mewn achosion pan fo amheuaeth ynghylch presenoldeb unrhyw PRHG a restrir yn Atodiad 1 i Gyfarwyddeb 2014/98/EU, am y plâu hynny;

(2) Where a supplier has reported to an inspector plant material referred to in paragraph (1)(d), the supplier must carry out any measures laid down by the inspector.”

(5) In regulation 15(1)(g)—

- (a) in paragraph (i), omit “Part A of”;
- (b) omit paragraph (ii) and the “and” after it;
- (c) in paragraph (iii), for “Annex 2, 3 or 4” substitute “Annex 2 or 3”;
- (d) after paragraph (iii) insert—

“(iv) any RNQP listed in Annex 3 to Directive 2014/98/EU, where present in the soil; and

(v) any RNQP at a level greater than the tolerance specified for that RNQP in Annex 4 to Directive 2014/98/EU.”

(6) In Schedule 1—

- (a) in paragraph 1(2), for paragraphs (c) and (d) substitute—

“(c) complies with health requirements in paragraph 4;

(d) complies with requirements concerning defects in paragraph 5; and

(e) complies with production site requirements in paragraph 6.”;

- (b) in paragraph 2(2), for paragraphs (b) and (c) substitute—

“(b) complies with health requirements in paragraph 4;

(c) complies with requirements concerning defects in paragraph 5; and

(d) complies with production site requirements in paragraph 6.”;

- (c) in paragraph 4, for sub-paragraphs (1) to (5) substitute—

“(1) CAC material must be found, on visual inspection by the supplier at the stage of production, to be practically free from the RNQPs listed in Annex 1 or 2 to Directive 2014/98/EU in relation to the genus or species concerned, unless stated otherwise in Annex 4 to that Directive.

(2) The supplier must sample and test the identified source of material or CAC material—

- (a) in cases of doubt as to the presence of any RNQP listed in Annex 1 to Directive 2014/98/EU, for such pests;

(b) am y PRHGau a restrir yn Atodiad 2 i Gyfarwyddeb 2014/98/EU, yn ddarostyngedig i ofynion Atodiad 4 i'r Gyfarwyddeb honno a bennir mewn perthynas â'r genws neu'r rhywogaeth o dan sylw, a'r categori.

(3) Ar ôl ei gynhyrchu, rhaid canfod bod deunyddiau CAC, drwy arolygiad gweledol gan y cyflenwr, yn rhydd rhag arwyddion neu symptomau unrhyw PRHG a restrir yn Atodiad 1 neu 2 i Gyfarwyddeb 2014/98/EU.

(4) Rhaid cynnal arolygiadau gweledol a gwaith samplu a phrofi yn unol â'r gofynion a bennir yn Atodiad 4 i Gyfarwyddeb 2014/98/EU mewn perthynas â'r genws neu'r rhywogaeth o dan sylw, a'r categori.

(5) Ond nid yw is-baragraffau (1) i (3) yn gymwys i ddeunyddiau CAC yn ystod rhewgadw.”;

(d) ar ôl paragraff 5 mewnosoder—

“Gofynion ynghylch y safle cynhyrchu

6. Rhaid cynhyrchu deunyddiau CAC yn unol â'r gofynion ar gyfer y safle cynhyrchu, y man cynhyrchu neu'r ardal a nodir yn Atodiad 4 i Gyfarwyddeb 2014/98/EU ac a bennir mewn perthynas â'r genws neu'r rhywogaeth o dan sylw.”

(7) Yn Atodlen 5—

(a) ym mharagraffau 3(2) a 4(2), ar ôl paragraff (f) ym mhob achos, mewnosoder—

“(g) yn cydymffurfio â'r gofynion ynghylch y safle cynhyrchu ym mharagraff 12A.”;

(b) ym mharagraffau 5(1)(a) a 6, yn lle “12” rhodder “12A”;

(c) ym mharagraff 10—

(i) yn lle is-baragraffau (1) a (2) rhodder—

“(1) Rhaid canfod bod planhigyn tarddiol cyn-sylfaenol neu ddeunyddiau cyn-sylfaenol yn rhydd rhag unrhyw PRHG a restrir yn Atodiad 1 neu 2 i Gyfarwyddeb 2014/98/EU mewn perthynas â'r genws neu'r rhywogaeth o dan sylw, yn ddarostyngedig i ofynion Atodiad 4 i'r Gyfarwyddeb honno a bennir mewn perthynas â'r genws neu'r rhywogaeth o dan sylw, a'r categori.

(2) Rhaid i arolygydd a, phan fo'n briodol, y cyflenwr wneud gwaith samplu a phrofi ar y planhigyn tarddiol cyn-sylfaenol neu'r deunyddiau cyn-sylfaenol—

(b) for the RNQPs listed in Annex 2 to Directive 2014/98/EU, subject to the requirements of Annex 4 to that Directive specified in relation to the genus or species concerned, and category.

(3) CAC material must be found after production, on visual inspection by the supplier, to be free from signs or symptoms of any RNQP listed in Annex 1 or 2 to Directive 2014/98/EU.

(4) Visual inspections and sampling and testing must be conducted in accordance with the requirements specified in Annex 4 to Directive 2014/98/EU in relation to the genus or species concerned, and category.

(5) But sub-paragraphs (1) to (3) do not apply to CAC material during cryopreservation.”;

(d) after paragraph 5 insert—

“Requirements concerning production site

6. CAC material must be produced in accordance with the requirements for the production site, place of production or area set out in Annex 4 to Directive 2014/98/EU and specified in relation to the genus or species concerned.”

(7) In Schedule 5—

(a) in paragraphs 3(2) and 4(2), after paragraph (f) in each case, insert—

“(g) complies with the production site requirements in paragraph 12A.”;

(b) in paragraphs 5(1)(a) and 6, for “12” substitute “12A”;

(c) in paragraph 10—

(i) for sub-paragraphs (1) and (2) substitute—

“(1) A pre-basic mother plant or pre-basic material must be found to be free from any RNQP listed in Annex 1 or 2 to Directive 2014/98/EU in relation to the genus or species concerned, subject to the requirements of Annex 4 to that Directive specified in relation to the genus or species concerned, and category.

(2) An inspector and, where appropriate, the supplier must sample and test the pre-basic mother plant or pre-basic material—

- (a) mewn achosion pan fo amheuaeth ynghylch presenoldeb unrhyw PRHG a restrir yn Atodiad 1 i Gyfarwyddeb 2014/98/EU, am y plâu hynny;
- (b) am y PRHGau a restrir yn Atodiad 2 i Gyfarwyddeb 2014/98/EU, yn ddarostyngedig i ofynion Atodiad 4 i'r Gyfarwyddeb honno a bennir mewn perthynas â'r genws neu'r rhywogaeth o dan sylw, a'r categori.”;
- (ii) yn lle is-baragraff (4) rhodder—
“(4) Caiff cydymffurfedd ag is-baragraff (1) ei gadarnhau drwy arolygiad gweledol gan arolygydd a, phan fo'n briodol, y cyflenwr.”;
- (d) ar ôl paragraff 12 mewnosoder—

“Gofynion ynghylch y safle cynhyrchu

12A. Rhaid cynhyrchu planhigion tarddiol cyn-sylfaenol a deunyddiau cyn-sylfaenol yn unol â'r gofynion ar gyfer y safle cynhyrchu, y man cynhyrchu neu'r ardal a nodir yn Atodiad 4 i Gyfarwyddeb 2014/98/EU ac a bennir mewn perthynas â'r genws neu'r rhywogaeth o dan sylw.”;

- (e) ym mharagraffau 14(2) a 15(2), yn lle paragraffau (g) ac (h) rhodder—
“(g) wedi eu cynnal yn unol â pharagraff 18;
- (h) pan fo'n briodol, wedi eu lluosio yn unol â pharagraff 19; ac
- (i) wedi eu cynhyrchu yn unol â'r gofynion ynghylch y safle cynhyrchu ym mharagraff 12A.”;
- (f) ym mharagraff 14(3), yn lle “(h)” rhodder “(i)”;
- (g) ym mharagraff 16—
(i) yn lle is-baragraffau (1) a (2) rhodder—

“(1) Rhaid canfod bod planhigyn tarddiol sylfaenol neu ddeunyddiau sylfaenol yn rhydd rhag unrhyw PRHG a restrir yn Atodiad 1 neu 2 i Gyfarwyddeb 2014/98/EU mewn perthynas â'r genws neu'r rhywogaeth o dan sylw, yn ddarostyngedig i ofynion Atodiad 4 i'r Gyfarwyddeb honno a bennir mewn perthynas â'r genws neu'r rhywogaeth o dan sylw, a'r categori.

(2) Rhaid i arolygydd a, phan fo'n briodol, y cyflenwr wneud gwaith samplu a phrofi ar y planhigyn tarddiol sylfaenol neu'r deunyddiau sylfaenol—

- (a) in cases of doubt as to the presence of any RNQP listed in Annex 1 to Directive 2014/98/EU, for such pests;
- (b) for the RNQPs listed in Annex 2 to Directive 2014/98/EU, subject to the requirements of Annex 4 to that Directive specified in relation to the genus or species concerned, and category.”;
- (ii) for sub-paragraph (4) substitute—
“(4) Compliance with sub-paragraph (1) is established by visual inspection by an inspector and, where appropriate, the supplier.”;
- (d) after paragraph 12 insert—

“Requirements concerning production site

12A. Pre-basic mother plants and pre-basic material must be produced in accordance with the requirements for the production site, place of production or area set out in Annex 4 to Directive 2014/98/EU and specified in relation to the genus or species concerned.”;

- (e) in paragraphs 14(2) and 15(2), for paragraphs (g) and (h) substitute—
“(g) has been maintained in accordance with paragraph 18;
- (h) where appropriate, has been multiplied in accordance with paragraph 19; and
- (i) has been produced in accordance with the production site requirements in paragraph 12A.”;
- (f) in paragraph 14(3), for “(h)” substitute “(i)”;
- (g) in paragraph 16—
(i) for sub-paragraphs (1) and (2) substitute—

“(1) A basic mother plant or basic material must be found to be free from any RNQP listed in Annex 1 or 2 to Directive 2014/98/EU in relation to the genus or species concerned, subject to the requirements of Annex 4 to that Directive specified in relation to the genus or species concerned, and category.

(2) An inspector and, where appropriate the supplier, must sample and test the basic mother plant or basic material—

- (a) mewn achosion pan fo amheuaeth ynghylch presenoldeb unrhyw PRHG a restrir yn Atodiad 1 i Gyfarwyddeb 2014/98/EU, am y plâu hynny;
- (b) am y PRHGau a restrir yn Atodiad 2 i Gyfarwyddeb 2014/98/EU, yn ddarostyngedig i ofynion Atodiad 4 i'r Gyfarwyddeb honno a bennir mewn perthynas â'r genws neu'r rhywogaeth o dan sylw, a'r categori.”;
- (ii) yn lle is-baragraff (4) rhodder—
“(4) Caiff cydymffurfedd ag is-baragraff (1) ei gadarnhau drwy arolygiad gweledol gan arolygydd a, phan fo'n briodol, y cyflenwr.”;
- (h) ym mharagraff 20—
- (i) yn is-baragraff (2), yn lle paragraffau (e) ac (f) rhodder—
“(e) yn cydymffurfio â'r gofynion iechyd ym mharagraff 22;
- (f) yn cael eu tyfu mewn pridd y canfyddir, drwy waith samplu a phrofi, ei fod yn cydymffurfio â pharagraff 23; ac
- (g) yn cydymffurfio â'r gofynion ynghylch y safle cynhyrchu ym mharagraff 12A.”;
- (ii) yn is-baragraff (4), yn y geiriau cyn paragraff (a), yn lle “(f)” rhodder “(g)”;
- (i) ym mharagraff 22—
- (i) yn lle is-baragraffau (1) a (2) rhodder—
“(1) Rhaid canfod bod planhigyn tarddiol ardystiedig neu ddeunyddiau ardystiedig yn rhydd rhag unrhyw PRHG a restrir yn Atodiad 1 neu 2 i Gyfarwyddeb 2014/98/EU mewn perthynas â'r genws neu'r rhywogaeth o dan sylw, yn ddarostyngedig i ofynion Atodiad 4 i'r Gyfarwyddeb honno a bennir mewn perthynas â'r genws neu'r rhywogaeth o dan sylw, a'r categori.
- (2) Rhaid i arolygydd a, phan fo'n briodol, y cyflenwr wneud gwaith samplu a phrofi ar y planhigyn tarddiol ardystiedig neu'r deunyddiau ardystiedig—
- (a) mewn achosion pan fo amheuaeth ynghylch presenoldeb unrhyw PRHG a restrir yn Atodiad 1 i Gyfarwyddeb 2014/98/EU, am y plâu hynny;
- (a) in cases of doubt as to the presence of any RNQP listed in Annex 1 to Directive 2014/98/EU, for such pests;
- (b) for the RNQPs listed in Annex 2 to Directive 2014/98/EU, subject to the requirements of Annex 4 to that Directive specified in relation to the genus or species concerned, and category.”;
- (ii) for sub-paragraph (4) substitute—
“(4) Compliance with sub-paragraph (1) is established by visual inspection by an inspector and, where appropriate, the supplier.”;
- (h) in paragraph 20—
- (i) in sub-paragraph (2), for paragraphs (e) and (f) substitute—
“(e) complies with the health requirements in paragraph 22;
- (f) is grown in soil that is found by sampling and testing to comply with paragraph 23; and
- (g) complies with the production site requirements in paragraph 12A.”;
- (ii) in sub-paragraph (4), in the words before paragraph (a), for “(f)” substitute “(g)”;
- (i) in paragraph 22—
- (i) for sub-paragraphs (1) and (2) substitute—
“(1) A certified mother plant or certified material must be found to be free from any RNQP listed in Annex 1 or 2 to Directive 2014/98/EU in relation to the genus or species concerned, subject to the requirements of Annex 4 to that Directive specified in relation to the genus or species concerned, and category.
- (2) An inspector and, where appropriate, the supplier must sample and test the certified mother plant or certified material—
- (a) in cases of doubt as to the presence of any RNQP listed in Annex 1 to Directive 2014/98/EU, for such pests;

- (b) am y PRHGau a restrir yn Atodiad 2 i Gyfarwyddeb 2014/98/EU, yn ddarostyngedig i ofynion Atodiad 4 i'r Gyfarwyddeb honno a bennir mewn perthynas â'r genws neu'r rhywogaeth o dan sylw, a'r categori.”;
- (ii) yn is-baragraff (4), yn lle'r geiriau o “is-baragraffau (1)” hyd at y diwedd rhodder “is-baragraff (1) drwy arolygiad gweledol”;
- (j) ym mharagraff 23(4)(a), ar y dechrau mewnosoder “oni nodir fel arall,”.

- (b) for the RNQPs listed in Annex 2 to Directive 2014/98/EU, subject to the requirements of Annex 4 to that Directive specified in relation to the genus or species concerned, and category.”;
- (ii) in sub-paragraph (4), for the words from “sub-paragraphs (1)” to the end substitute “sub-paragraph (1) by visual inspection”;
- (j) in paragraph 23(4)(a), at the beginning insert “unless otherwise stated,”.

Lesley Griffiths

Gweinidog yr Amgylchedd, Ynni a Materion Gwledig,
un o Weinidogion Cymru
4 Awst 2020

Minister for Environment, Energy and Rural Affairs,
one of the Welsh Ministers
4 August 2020

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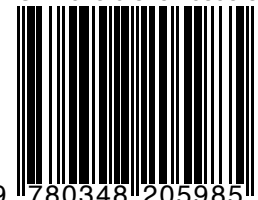
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