

OFFERYNNAU STATUDOL CYMRU

**2022 Rhif 280 (Cy. 81)**

**ANIFEILIAID, CYMRU**

IECHYD ANIFEILIAID

**Gorchymyn Ffliw Adar (Cymru) (Diwygio a Dirymu) 2022**

Gwnaed - - - - - am 8.47 p.m. ar 10  
Mawrth 2022  
Yn dod i rym yn unol ag erthygl 1(2)

Mae Gweinidogion Cymru, drwy arfer y pwerau a roddir gan adrannau 1, 7, 8(1), 11, 15(5), 17(1), 23, 25, 28, 35(1) a (3), 38(1), 65A(3) a 83(2) o Ddeddf Iechyd Anifeiliaid 1981(1), yn gwneud y Gorchymyn a ganlyn:

**Enwi a chychwyn**

- 1.—(1) Enw'r Gorchymyn hwn yw Gorchymyn Ffliw Adar (Cymru) (Diwygio a Dirymu) 2022.  
(2) Daw'r Gorchymyn hwn i rym yn union ar ôl ei wneud.

**Diwygio Gorchymyn Ffliw Adar a Ffliw sy'n Deillio o Adar mewn Mamaliaid (Cymru) (Rhif 2) 2006**

2. Mae Gorchymyn Ffliw Adar a Ffliw sy'n Deillio o Adar mewn Mamaliaid (Cymru) (Rhif 2) 2006(2) wedi ei ddiwygio yn unol ag erthyglau 3 i 23.

**Diwygio erthygl 2 (dehongli)**

3. Yn erthygl 2 (dehongli)—
  - (a) ar ôl y diffiniad o "the Act" mewnosoder—

“appropriate minister” means—

    - (a) in relation to England, the Secretary of State;
    - (b) in relation to Wales, the Welsh Ministers;

(1) 1981 p. 22. Mae swyddogaethau "the Ministers" o dan Ddeddf Iechyd Anifeiliaid 1981 (fel y'u diffinnir yn adran 86(1) o'r Ddeddf honno) yn arferadwy gan Weinidogion Cymru (o ran Cymru), yn rhinwedd Gorchymyn Cynulliad Cenedlaethol Cymru (Trosglwyddo Swyddogaethau) 1999 (O.S. 1999/672), Gorchymyn Cynulliad Cenedlaethol Cymru (Trosglwyddo Swyddogaethau) 2004 (O.S. 2004/3044) ac adran 162 o Ddeddf Llywodraeth Cymru 2006 (p. 32), a pharagraff 30 o Atodlen 11 iddi.  
(2) O.S. 2006/2927 (Cy. 262), y mae diwygiadau iddo nad ydynt yn berthnasol i'r offeryn hwn.

- (c) in relation to Scotland, the Scottish Ministers;”;
- (b) ar ôl y diffiniad o “border inspection post” mewnosoder—  
 ““brood-and-move Galliformes” means Galliformes that have been, are being or are to be moved for the purposes of growing or fattening to premises other than those where they were reared;”;
- (c) yn lle'r diffiniad o “commercial premises” rhodder—  
 ““commercial premises” means premises where any poultry or other captive birds are kept for commercial purposes;”;
- (d) ar ôl y diffiniad o “designated” mewnosoder—  
 ““diagnostic manual” means the diagnostic manual set out in the Annex to Commission [Decision 2006/437/EC](#) approving a Diagnostic Manual for avian influenza as provided for in Council [Directive 2005/94/EC\(3\)](#);”;
- (e) ar ôl y diffiniad o “egg processing plant” mewnosoder—  
 ““fresh meat” means meat which has not undergone any preserving process other than chilling, freezing or quick-freezing, including meat which is vacuum wrapped or wrapped in a controlled atmosphere;”;
- (f) ar ôl y diffiniad o “mammal carcase” mewnosoder—  
 ““meat product” means a processed product resulting from the processing of meat or from the further processing of such a processed product, so that the cut surface shows that the product no longer has the characteristics of fresh meat;”;
- (g) ar ôl y diffiniad o “National Assembly” mewnosoder—  
 ““non-commercial premises” means premises where all poultry or other captive birds, or their eggs, are kept by their keeper for the purposes of the keeper’s personal consumption or use, or as pets;”;
- (h) ar ôl y diffiniad o “premises” mewnosoder—  
 ““primary outbreak” means an outbreak which is not epidemiologically linked with a previous outbreak in Wales;  
 “processed fresh meat” means any of the following—
- (a) minced meat, being boned meat which has been minced into fragments and contains less than 1% salt;
  - (b) a meat preparation, being fresh meat, including meat that has been reduced to fragments, which has had foodstuffs, seasonings or additives added to it or which has undergone processes insufficient to modify the internal muscle fibre structure of the meat and thus eliminate the characteristics of fresh meat;
  - (c) meat mechanically removed from flesh-bearing bones using means resulting in the loss or modification of the muscle fibre structure;”;
- (i) ar ôl y diffiniad o “racing pigeon” mewnosoder—  
 ““ready-to-lay poultry” means birds, which are intended for use as productive egg layers, and for these purposes, includes both female and male birds;”;
- (j) ar ôl y diffiniad o “wild birds” mewnosoder—  
 ““wild game bird” means a bird which lives freely in the wild and is hunted for human consumption;

“wild game bird product” means any wild game bird carcase, egg or any other thing originating or made (whether in whole or in part) from a wild game bird or from a wild game bird carcase and includes bird by-products from wild birds.”

#### **Diwygio erthygl 11 (rhanddirymiadau rhag cyfyngiadau sy'n gymwys mewn mangre o dan amheuaeth)**

4. Yn erthygl 11, hepgorer paragraff (5).

#### **Diwygio erthygl 12 (ymchwiliadau milfeddygol a samplu)**

5. Yn erthygl 12, ar ôl paragraff (2) mewnosoder—

“(3) The Welsh Ministers must ensure that any veterinary inquiry conducted under paragraph (1) or (2) is conducted in accordance with the procedures set out in the diagnostic manual.”

#### **Diwygio erthygl 22 (mesurau ar fangre categori arbennig)**

6. Yn erthygl 22—

- (a) yn lle paragraff (2) rhodder—

“(2) A veterinary inspector must not license a movement to a place in the territory for which another administration within the British Islands is responsible unless the movement is authorised by the appropriate minister for that administration.”;

- (b) yn lle paragraff (3)(g) rhodder—

“(g) premises or parts of premises where only officially registered rare breeds of poultry or other captive birds are kept.”;

- (c) hepgorer paragraff (4);

- (d) yn y lle priodol mewnosoder—

“(5) In this article, “officially registered rare breeds of poultry or other captive birds” means any poultry or other captive birds that have been officially recognised on the “UK breeds at risk” list published on 20 December 2021(4).”

#### **Diwygiadau sy'n ymwneud â chyfyngiadau ar symud cynnyrch adar hela gwyllt**

7. Ar ôl erthygl 31 mewnosoder—

##### **“Restrictions on the movement of wild game bird products**

**31A.**—(1) The Welsh Ministers may, on the basis of a risk assessment, prohibit the movement of wild game bird products intended for human consumption.

(2) Where movement of wild game bird products is prohibited under paragraph (1), a veterinary inspector or an inspector acting under the direction of a veterinary inspector may by licence authorise the movement—

- (a) of meat products, from wild game birds originating in a protection, surveillance or restricted zone, which have been heated throughout the product in question to a minimum temperature of 70°C;

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(4) Mae'r rhestr wedi ei chyhoeddi ar [www.gov.uk](http://www.gov.uk) ac mae manylion ar gael yn “FAnGR resources for farmers and livestock breeders”.

- (b) of fresh meat and meat products from wild game birds originating in a protection, surveillance or restricted zone, to an unrestricted area in Wales, provided the meat, or meat products has, or have been—
    - (i) marked in accordance with Schedule 8, paragraph 2;
    - (ii) cut and stored in the handling establishment separately from other products which have originated outside the protection, surveillance or restricted zone;
  - (c) of fresh meat from wild game birds originating outside the protection, surveillance or restricted zone, which has been—
    - (i) produced in accordance with section 4 of Annex 3 to Regulation (EC) No 853/2004 of the European Parliament and of the Council laying down specific hygiene rules for food of animal origin<sup>(5)</sup>;
    - (ii) subject to the official controls set out in Article 18 of Regulation (EU) 2017/625 of the European Parliament and of the Council on official controls and other official activities performed to ensure the application of food and feed laws, rules on animal health and welfare, plant health and plant protection products<sup>(6)</sup>;
  - (d) of processed fresh meat and products containing such meat from wild game birds originating outside the protection, surveillance or restricted zone, produced in accordance with Sections 5 and 6 of Annex 3 to Regulation (EC) No 853/2004.
- (3) The measures in Schedule 8 apply in respect of movements covered by this article.”

**Diwygio erthygl 34 (mesurau mewn parthau o dan gyfyngiad)**

8. Yn erthygl 34(2), yn lle “Schedules 4 and 5 and article 35” rhodder “Schedules 4, 5 and 8 and articles 31A, 35 and 64”.

**Diwygio erthygl 36 (dod â pharthau gwarchod, parthau gwyliadwriaeth a pharthau o dan gyfyngiad i ben)**

9. Yn erthygl 36—

- (a) ym mharagraff (1), ar ôl “but” mewnosoder “, subject to paragraph (4)”;
- (b) ar ôl paragraff (3) mewnosoder—

“(4) The restrictions that would otherwise apply by virtue of paragraph (1)(a) or (3) do not apply where the Welsh Ministers are satisfied that their application is not necessary to reduce the risk of the spread of avian influenza.”

**Diwygio erthygl 41 (mesurau mewn arolygfeydd ffin)**

10. Yn erthygl 41(4), ar ôl “instructions” mewnosoder “and kept under official supervision until the investigation is completed in accordance with the requirements set out in the diagnostic manual”.

**Diwygio erthygl 44 (ailgyflwyno dofednod ac adar caeth eraill)**

11. Yn erthygl 44, yn lle “has been carried out”, ym mhob lle y mae’n digwydd, rhodder “has been completed and at least 24 hours have elapsed since its completion”.

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(5) EUR 853/2004. Diwygiwyd Atodiad 3 gan O.S. 2019/640.

(6) EUR 625/2017. Diwygiwyd Erthygl 18 gan O.S. 2020/1481.

## **Diwygio erthygl 47 (lladd dofednod ac adar caeth eraill)**

### **12. Yn erthygl 47—**

#### **(a) yn lle paragraff (1) rhodder—**

“(1) The Welsh Ministers must ensure that all poultry and other captive birds of the species in which low pathogenic avian influenza has been confirmed on the holding are killed or slaughtered under official supervision in such a way as to prevent the spread of avian influenza.”;

#### **(b) ym mharagraff (2), ar ôl “The occupier of a” mewnosoder “designated”;**

#### **(c) ym mharagraff (3), ar ôl “movement of birds to a” mewnosoder “designated”;**

#### **(d) yn lle paragraff (4) rhodder—**

“(4) The Welsh Ministers may require other captive birds on the premises to be killed or slaughtered on the basis of an assessment of the risk that they pose as regards the spread of avian influenza to birds on other premises that are determined on the basis of epidemiological inquiry to be contact premises.”

## **Diwygio erthygl 48 (symud wyau o fangre pan fo ffliw adar pathogenedd isel wedi ei gadarnhau)**

**13.** Yn erthygl 48(2)(a), ar ôl “in disposable packaging” mewnosoder “or packaging which has been cleansed and disinfected in accordance with the instructions of a veterinary inspector”.

## **Diwygiadau sy'n ymwneud â chyfnod para parthau o dan gyfyngiad ffliw adar pathogenedd isel**

### **14. Ar ôl erthygl 57 mewnosoder—**

#### **“Duration of low pathogenic avian influenza restricted zones**

**57A.**—(1) The measures in article 57 must be maintained for at least the minimum period and until the Welsh Ministers, on the basis of investigations and laboratory tests carried out in the restricted zone in accordance with the diagnostic manual and a risk assessment, have determined that the risk of the spread of low pathogenic avian influenza is negligible.

#### **(2) In paragraph (1), “the minimum period” means—**

**(a)** in a case where preliminary cleansing and disinfection at the infected premises has been carried out in accordance with one or more of the procedures in article 66, 21 days following completion of that preliminary cleansing and disinfection;

**(b)** in any other case, 42 days following the date on which the outbreak is confirmed.”

## **Diwygio erthygl 64 (dofednod a symudir i fangre y tu allan i barthau o dan reolaeth ac eithrio ar gyfer cigydda)**

**15.** Yn erthygl 64(2), ar ôl “ready-to-lay poultry” mewnosoder “or brood-and-move Galliformes”.

## **Diwygio erthygl 68 (gwylidwriaeth mewn mangre dofednod masnachol wedi ei ailstocio)**

**16.** Yn erthygl 68(1)(b), ar ôl “avian influenza” mewnosoder “in accordance with the diagnostic manual”.

### **Diwygio erthygl 81 (ymchwiliadau milfeddygol)**

17. Yn erthygl 81, ar ôl paragraff (7) mewnosoder—

“(8) Any person who carries out an investigation under this Order must do so in accordance with the diagnostic manual.”

### **Diwygio Atodlen 1 (mesurau pan amheuir bod fflw adar neu feirws fflw adar mewn mangre)**

18. Yn Atodlen 1, ym mharagraff 4, ar ôl “veterinary inspector” mewnosoder “, and observes appropriate biosecurity measures in order to minimise the risk of spread of disease”.

### **Diwygio Atodlen 2 (mesurau mewn mangre pan fo fflw adar pathogenedd uchel wedi ei gadarnhau)**

19. Yn Atodlen 2, ar ôl paragraff 6 mewnosoder—

#### **“Primary outbreak**

7. In the case of a primary outbreak—

- (a) the Welsh Ministers must submit the virus isolate to the national reference laboratory as soon as practicable;
- (b) the national reference laboratory must subject that virus isolate to the laboratory procedures specified within the diagnostic manual for the purpose of identifying the genetic subtype.”

### **Diwygio Atodlen 4 (mesurau mewn parth gwarchod)**

20. Yn Atodlen 4—

(a) ym mharagraff 16—

(i) yn is-baragraff (f), ar ôl “ready-to-lay poultry” mewnosoder “or brood-and-move Galliformes”;

(ii) ar ôl is-baragraff (l) mewnosoder—

“(m) poultry and other captive birds to a veterinary surgery for treatment, or return to the premises of origin following such a movement.”;

(b) ym mharagraff 17—

(i) ar ôl is-baragraff (a) hepgorer “and”;

(ii) ar ôl is-baragraff (b) mewnosoder—

“(c) where appropriate, laboratory tests have been carried out on poultry on the premises of origin in accordance with the diagnostic manual; and

(d) where the movement is within Great Britain, the appropriate minister responsible for the designated slaughterhouse has been informed and has agreed to receive the poultry.”;

(c) yn lle paragraff 20 (gan gynnwys y pennawd) rhodder—

#### **“Day-old chicks**

20.—(1) Day-old chicks hatched from eggs produced in the zone, or hatched from eggs which had contact with such eggs, must not be moved unless—

- (a) they are transported in vehicles sealed by a veterinary inspector or in accordance with their instructions;
  - (b) appropriate biosecurity measures are applied during transport and are to be applied at the premises of destination;
  - (c) if moved outside the protection or surveillance zone, the poultry are to remain on the premises of destination for at least 21 days.
- (2) The occupier of premises to which day-old chicks are transported in accordance with sub-paragraph (1) must not move the day-old chicks from those premises for a period of 21 days following movement of the chicks onto the premises.”;
- (d) ym mharagraff 22—
- (i) yn lle'r pennawd rhodder “Requirements for the movement of ready-to-lay poultry or brood-and-move Galliformes”;
  - (ii) yn y geiriau o flaen is-baragraff (a), ar ôl “Ready-to-lay poultry” mewnosoder “or brood-and-move Galliformes”;
  - (iii) yn is-baragraff (b), ar ôl “ready-to-lay poultry” mewnosoder “or brood-and-move Galliformes”;
- (e) ym mharagraff 24(a), ar ôl “packaging” mewnosoder “or packaging which is cleansed and disinfected in accordance with the instructions of a veterinary inspector.”

## **Diwygio Atodlen 5 (mesurau mewn parth gwyliadwriaeth)**

### **21. Yn Atodlen 5—**

- (a) yn lle paragraff 2 rhodder—

#### **“Record of poultry**

**2.** The occupier of any premises where poultry or other captive birds are kept in the zone must—

- (a) make a record of all poultry entering or leaving those premises as soon as reasonably practicable after the movement;
  - (b) immediately report to the Welsh Ministers any increased morbidity or mortality or significant drop in egg production or, where relevant, feed or water intake, or other relevant information relating to the production of eggs on the premises.”;
- (b) ym mharagraff 8—
- (i) daw'r ddarpariaeth bresennol yn is-baragraff (1);
  - (ii) ar ôl yr is-baragraff hwnnw mewnosoder—  
“(2) The movement of poultry manure, with appropriate biosecurity measures in place, may be authorised, by a veterinary inspector, from premises situated in a surveillance zone to a designated plant, for treatment or immediate storage for subsequent treatment, to mitigate against the risk of the spread of avian influenza virus.”;
- (c) ym mharagraff 11, yn lle “licensed by a veterinary inspector” rhodder “they comply with all relevant biosecurity measures laid down by a veterinary inspector in licence conditions”;
- (d) ym mharagraff 15(2)—
- (i) ym mharagraff (d), ar ôl “ready-to-lay poultry” mewnosoder “or brood-and-move Galliformes”;

(ii) ar ôl paragraff (h) mewnosoder—

“(i) poultry to a veterinary surgery for treatment, or to the premises of origin on return following such a movement.”;

(e) yn lle paragraff 17 rhodder—

**“Requirements for the movement of poultry from premises in the zone to a designated slaughterhouse**

17. Poultry must not be moved from premises in the zone to a designated slaughterhouse outside the zone unless the following requirements are met—

- (a) a veterinary inspector has examined the poultry at the premises no more than 24 hours before they leave the premises;
- (b) on the basis of a risk assessment, samples have been taken from the poultry and tested for avian influenza in accordance with the diagnostic manual;
- (c) the appropriate minister responsible for the designated slaughterhouse has been informed and has agreed to receive the poultry.”;

(f) ym mharagraff 21(a), ar ôl “packaging” mewnosoder “or packaging which has been cleansed and disinfected in accordance with the instructions of a veterinary inspector”.

**Diwygio Atodlen 7 (mesurau mewn parth o dan gyfyngiad fflw adar pathogenedd isel)**

22. Yn Atodlen 7, ym mharagraff 7(2)(f), ar ôl “in disposable packaging” mewnosoder “or packaging which has been cleansed and disinfected in accordance with the instructions of a veterinary inspector”.

23. Ar ôl Atodlen 7 mewnosoder—

“Schedule 8

Articles 31A and 34

Wild Game Bird Products

**Restrictions on the movement of wild game bird products**

1.—(1) A person moving a wild game bird product referred to in article 31A(2)(b) must ensure that it does not come into contact with any other wild game bird product.

(2) Any wild game bird product which comes into contact with a wild game bird product moved under article 31A(2) is subject to the measures applicable to such products under article 31A(2) and under sub-paragraph (1) above.

**Requirements for the marking of wild game bird meat and meat products**

2.—(1) Fresh meat and meat products referred to in article 31A(2)(b) or their packaging must bear a mark which is—

- (a) the shape set out in sub-paragraph (2);
- (b) of the dimensions referred to in sub-paragraph (2) or of proportionate dimensions; and
- (c) legible to the naked eye.

(2) The mark referred to in sub-paragraph (1) must be of the following shape and size—





- (a) UK – letters 8 mm high;
- (b) XXXX – numbers 11 mm high (where XXXX is the approval number of the premises, as referred to in point 7 of Part B of Section I of Annex II to Regulation (EC) No 853/2004);
- (c) diameter (to outer edge of border) - not less than 30 mm;
- (d) thickness of border - 3 mm.

(3) No person other than the final consumer of meat or meat products marked with a mark referred to in sub-paragraph (1) is to deface, obliterate or remove that mark, unless licensed by the Welsh Ministers.”

### Dirymu

24. Mae Gorchymyn Ffliw Adar (H5N1 mewn Dofednod) (Cymru) 2006(7) wedi ei ddirymu.

Am 8.47 p.m. ar 10 Mawrth 2022

*Lesley Griffiths*  
Y Gweinidog Materion Gwledig a Gogledd  
Cymru, a'r Trefnydd, un o Weinidogion Cymru

*Statws* This is the original version (as it was originally made). Dim ond ar ei ffurf wreiddiol y mae'r eitem hon o ddeddfwriaeth ar gael ar hyn o bryd.

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## NODYN ESBONIADOL

*(Nid yw'r nodyn hwn yn rhan o'r Gorchymyn)*

Mae'r Gorchymyn hwn yn gymwys o ran Cymru. Mae'n diwygio Gorchymyn Ffliw Adar a Ffliw sy'n Deillio o Adar mewn Mamaliaid (Cymru) (Rhif 2) 2006 ac yn dirymu Gorchymyn Ffliw Adar (H5N1 mewn Dofednod) (Cymru) 2006.

Mae erthyglau 3 i 23 o'r Gorchymyn hwn yn diwygio Gorchymyn Ffliw Adar a Ffliw sy'n Deillio o Adar mewn Mamaliaid (Cymru) (Rhif 2) 2006. Mae'r diwygiadau yn cynnwys darpariaeth sy'n ymwneud â—

- (a) cyfyngiadau ar symud adar o fangreoedd categori arbennig (erthygl 6),
- (b) cyfyngiadau ar symud cynnyrch adar hela gwyllt sy'n tarddu o barthau gwarchod, parthau gwylidwriaeth neu barthau o dan gyfyngiad, ac o'r tu allan i'r parthau hynny (erthyglau 7, 8 a 23),
- (c) dod â pharthau gwarchod a pharthau gwylidwriaeth i ben yn gynnar (erthygl 9),
- (d) lladd dofednod ac adar caeth eraill pan fo fflw adar pathogenedd isel wedi ei gadarnhau (erthygl 12), ac
- (e) defnyddio deunydd pecynnu wyau sydd wedi ei lanhau a'i ddiheintio o dan amgylchiadau penodol (erthyglau 20, 21 a 22).

Mae erthygl 24 yn dirymu Gorchymyn Ffliw Adar (H5N1 mewn Dofednod) (Cymru) 2006.

Ystyriwyd Cod Ymarfer Gweinidogion Cymru ar gynnal Asesiadau Effaith Rheoleiddiol mewn perthynas â'r Gorchymyn hwn. 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 Gorchymyn hwn.