OFFERYNNAU STATUDOL CYMRU

2011 Rhif 994 (Cy.147)

HADAU, CYMRU

Rheoliadau Hadau Llysiau (Cymru) (Diwygio) 2011

Gwnaed - - - -	*29 Mawrth 2011*
gosodwyd gerbron Cynulliad Cenedlaethol Cymru - -	*30 Mawrth 2011*
Yn dod i rym - -	*22 Ebrill 2011*

Mae Gweinidogion Cymru yn gwneud y Rheoliadau canlynol drwy arfer y pwerau a roddir gan adrannau 16(1), (1A), (2), (3), (4) a (5) ac 36 o Ddeddf Amrywogaethau a Hadau Planhigion 1964, ac a freinir bellach ynddynt hwy(**1**), a thrwy arfer y pwerau ym mharagraff 1A of Atodlen 2 i Ddeddf y Cymunedau Ewropeaidd 1972(**2**).

Yn unol ag adran 16(1) o'r Ddeddf honno, mae Gweinidogion Cymru wedi ymgynghori â chynrychiolwyr y cyfryw fuddiannau sy'n ymddangos iddynt yn berthnasol.

Mae'r Rheoliadau yn gwneud darpariaeth at ddiben a grybwyllir yn adran 2(2) o Ddeddf y Cymunedau Ewropeaidd 1972, ac y mae'n ymddangos yn hwylus i Weinidogion Cymru ddehongli'r cyfeiriadau at y Gyfarwyddeb a bennir yn rheoliad 3 fel cyfeiriadau at y Gyfarwyddeb honno fel y'i diwygir o bryd i'w gilydd.

Enwi, cymhwyso a chychwyn

1.—(1) Enw'r Rheoliadau hyn yw Rheoliadau Hadau Llysiau (Cymru) (Diwygio) 2011.

(2) Mae'r Rheoliadau hyn yn gymwys o ran Cymru a deuant i rym ar 22 Ebrill 2011.

Diwygio Rheoliadau Hadau Llysiau (Cymru) 2005

2. Diwygir Rheoliadau Hadau Llysiau (Cymru) 2005(**3**) yn unol â darpariaethau canlynol y Rheoliadau hyn.

(**1**) 1964 p.14. Diwygiwyd adran 16 gan adran 4(1) o Ddeddf y Cymunedau Ewropeaidd 1972 (p.68) a pharagraff 5(1), (2) a (3) o Atodlen 4 i'r Ddeddf honno, O.S. 1977/1112, ac adran 2 o Ddeddf Amaeth 1986 (p.49). *Gweler* adran 38(1) am ddiffiniad o "*the Minister*". O dan Orchymyn Trosglwyddo Swyddogaethau (Cymru) (Rhif 1) 1978 (O.S. 1978/272), erthygl 2(1) ac Atodlen 2, trosglwyddwyd swyddogaethau'r Gweinidog dros 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; ac o dan Orchymyn Cynulliad Cenedlaethol Cymru (Trosglwyddo Swyddogaethau) 1999 (O.S. 1999/672), erthygl 2(1) ac Atodlen 1, trosglwyddwyd y swyddogaethau a drosglwyddwyd i'r Ysgrifennydd Gwladol i Gynulliad Cenedlaethol Cymru. Yn rhinwedd paragraff 30 o Atodlen 11 i Ddeddf Llywodraeth Cymru 2006 p.32, mae'r swyddogaethau hynny'n arferadwy gan Weinidogion Cymru.

(**2**) 1972 p.68 fel y'i diwygiwyd gan Ddeddf Diwygio Deddfwriaethol a Rheoleiddiol 2006 p.51.

(**3**) O.S. 2005/3035 (Cy. 223).

Diwygio Rheoliad 2

3. Yn rheoliad 2(1) (Dehongli cyffredinol)—

(a) Ar ôl y diffiniad o "the Act" mewnosoder—

> ""additional region" means the region for seed production approved by the Welsh Ministers for the purposes of the second paragraph of Article 13.1 (additional regions) of Commission Directive 2009/145;
>
> "amateur variety" means a variety of vegetable species with no intrinsic value for commercial crop production which is developed for growing under particular conditions and is contained within a National List;";

(b) Ar ôl y diffiniad o "breeder's seed" mewnosoder—

> ""certified seed of a conservation variety" means seed of a conservation variety which—
>
> (a) is produced in the region of origin or an additional region;
>
> (b) descends from seed produced accordingly to well defined practices for the maintenance of the variety;
>
> (c) satisfies the requirements for certification of certified seed set out in the Vegetable Seed Directive, except the requirements in respect of minimal varietal purity and examination and satisfies the requirements of Part V of Schedule 4; and
>
> (d) has sufficient varietal purity;
>
> "Commission Directive 2009/145" Commission Directive 2009/145" means Commission Directive 2009/145/EC providing for certain derogations, for acceptance of vegetable landraces and varieties which have been traditionally grown in particular localities and regions and are threatened by genetic erosion and of vegetable varieties with no intrinsic value for commercial crop production but developed for growing under particular conditions and for marketing of seed of those landraces and varieties as amended from time to time;";

(c) ar ôl y diffinad o "component" mewnosoder—

> ""conservation variety" means a landrace or variety of vegetable species which is naturally adapted to local and regional conditions and threatened by genetic erosion and is contained within a National List and for these purposes—
>
> (a) "landrace" means a set of populations or clones of a plant species which are naturally adapted to the environmental conditions of their region; and
>
> (b) "genetic erosion" means loss of genetic diversity between and within populations or varieties of the same species over time or reduction of the genetic basis of a species due to human intervention or environmental change;";

(ch) ar ôl y diffiniad o "official measures" mewnosoder—

> ""official post control" means a control plot has been sown with seed from the relevant seed lot and has produced plants which have been examined by or on behalf of the relevant European Authority and for these purposes—
>
> (a) "control plot" means a plot sown by or on behalf of a European Authority with seed from a sample which is of at least the minimum weight specified in column 3 of the table in Schedule 7 taken by or on behalf of a European Authority or the person marketing the seed; and
>
> (b) "European Authority" means:

(i) the Welsh Ministers;

(ii) the Scottish Ministers;

(iii) the Department of Agriculture and Rural Development in Northern Ireland;

(iv) the Secretary of State; or

(v) a competent seed certification authority of an EEA state other than the United Kingdom;" and

(d) ar ôl y diffiniad o "previously listed variety" mewnosoder—

""region of origin" means the region forming a part or the whole of the United Kingdom identified by the Welsh Ministers for the purposes of Article 8(1) (region of origin) of Commission Directive 2009/145;" and

(dd) yn lle'r diffiniad o "the Vegetable Seed Directive", rhodder—

""the Vegetable Seed Directive" means Council Directive 2002/55/EC on the marketing of vegetable seed, as amended from time to time:".

Mewnosod rheoliadau newydd 19A, 19B a 19C

4. Ar ôl rheoliad 19 (Eithriad ar gyfer profi'r farchnad) mewnosoder—

"**Marketing seed of conservation varieties**

19A.—(1) The prohibition in regulation 15(1) does not apply to the marketing of seed of a conservation variety, certified seed of a conservation variety and standard seed of a conservation variety, which is in accordance with this regulation.

(2) The Welsh Ministers must ascertain, so far as is practicable, whether seed of a conservation variety has sufficient varietal purity by the use of official post control and the consideration of any other relevant information.

(3) Where the results of official post control show that the seed does not have sufficient varietal purity, the Welsh Ministers must notify in writing the person marketing the relevant seed lot of that fact.

(4) Where in the case of standard seed of a conservation variety, notice is given under paragraph (3), further marketing of the relevant seed lot must not occur.

(5) A person must not market seed of a conservation variety other than in its region of origin or additional region.

(6) A person proposing to produce seed of a conservation variety must supply the Welsh Ministers, in such a manner and form as they require, with the following details in writing—

(a) the size (in hectares); and

(b) the location,

of the area to be used to produce the seed.

(7) For the purposes of Article 15 (quantitative restrictions) of Commission Directive 2009/145, the Welsh Ministers may specify the maximum amount of seed of a conservation variety which may be marketed in any given growing season and specify different maxima for different persons or classes of person.

(8) Where a person proposing to produce seed of a conservation variety has supplied the Welsh Ministers with details under paragraph (6), the Welsh Ministers may in writing authorise the person to market seed of a conservation variety not exceeding the amount specified in the authorisation and must give notice of that authorisation to the person.

(9) A person must not market more than the maximum amount of seed of a conservation variety specified in an authorisation given that person under paragraph (8).

(10) A person must not market a package of seed of a conservation variety unless it had been sealed by the supplier using a non-reusable sealing system or some other sealing system—

(a) including the use of a label or the affixing of a seal; and

(b) in such a manner that the package cannot be opened without damaging the sealing system or without leaving evidence of tampering on the label or the package.";

"**Marketing seed of amateur varieties**

19B.—(1) The prohibition in regulation 15(1) does not apply to the marketing of standard seed of an amateur variety which is in accordance with this regulation.

(2) The Welsh Ministers must ascertain, so far as is practicable, whether standard seed of an amateur variety has sufficient varietal purity by the use of official post control and the consideration of an other relevant information.

(3) Where the results of official post control show that the seed does not have sufficient varietal purity, the Welsh Ministers must notify in writing the person marketing the relevant seed lot of that fact.

(4) Where, in the case of standard seed of an amateur variety, notice is given under paragraph (3), no further marketing of the relevant seed lot may occur.

(5) The seed must be in a package not exceeding the maximum net weight specified for each species in Annex II to Commission Directive 2009/145/EC.

(6) A person must not market a package of standard seed of an amateur variety unless it has been sealed by the supplier using a non reusable sealing system or some other sealing system—

(a) including the use of a label or the affixing of a seal; and

(b) in such a manner that the package cannot be opened with damaging the sealing system or without leaving evidence of tampering on the label or the package.;"

"**Marketing certain seed produced and packaged elsewhere in the EU**

19C. The prohibition in regulation 15(1) does not apply to the marketing of standard seed of an amateur variety which has been produced and packaged in another member State (other than the United Kingdom) and which has been sealed in accordance with Article 29 and labelled in accordance with Article 30 of Commission Directive 2099/145.".

Diwygio rheoliad 22

5. Yn rheoliad 22 (Samplu)—

(1) Ar ôl paragraff (6) mewnosoder—

"(7) A sample of seed of a conservation variety or standard seed of an amateur variety taken for the purposes of checking compliance with these Regulations must be taken in accordance with the requirements contained in Schedule 5 of the Seed (Registration, Licensing and Enforcement) (Wales) Regulations 2005(**4**).

(8) If a sample of seed of a conservation variety or standard seed of an amateur variety taken for the purposes of an examination is found not to have been taken in accordance with

(**4**) O.S. 2005/3038 (Cy.226).