OFFERYNNAU STATUDOL CYMRU

2009 Rhif 1376 (Cy.137)

IECHYD PLANHIGION, CYMRU

Gorchymyn Iechyd Planhigion (Cymru) (Diwygio) 2009

Gwnaed - - - -	*8 Mehefin 2009*
Gosodwyd gerbron Cynulliad Cenedlaethol Cymru - -	*10 Mehefin 2009*
Yn dod i rym - -	*1 Gorffennaf 2009*

Mae Gweinidogion Cymru, y mae'r pwerau a roddwyd gan adrannau 2(1) a 3(1) o Ddeddf Iechyd Planhigion 1967(**1**) bellach wedi eu breinio ynddynt(**2**), yn gwneud y Gorchymyn a ganlyn drwy arfer y pwerau hynny.

Enwi a chychwyn

1. Enw'r Gorchymyn hwn yw Gorchymyn Iechyd Planhigion (Cymru) (Diwygio) 2009. Daw i rym ar 1 Gorffennaf 2009 ac mae'n gymwys o ran Cymru.

Diwygiadau i Orchymyn Iechyd Planhigion (Cymru) 2006

2.—(1) Mae Gorchymyn Iechyd Planhigion (Cymru) 2006(**3**) wedi'i ddiwygio fel a ganlyn.

(2) Yn erthygl 2(1), yn lle'r diffiniad o "Directive 2000/29/EC", rhodder—

""Directive 2000/29/EC" means Council Directive 2000/29/EC on protective measures against the introduction into the Community of organisms harmful to plants or plant products and against their spread within the Community;"(**4**).

(3) Yn Rhan A o Atodlen 1, yn yr adran "Insects, mites and nematodes"—

(a) ar ôl eitem 11, mewnosoder "11a *Dendrolimus sibiricus Tschetverikov*";

(b) yn lle eitem 15, rhodder "15 *Diabrotica virgifera zeae* Krysan & Smith"; ac

(**1**) 1967 p. 8; diwygiwyd adrannau 2(1) a 3(1) gan Ddeddf y Cymunedau Ewropeaidd 1972 (p. 68), Atodlen 4, paragraff 8.

(**2**) O dan Orchymyn Trosglwyddo Swyddogaethau (Cymru) (Rhif 1) 1978 (O.S. 1978/272), erthygl 2(1) ac Atodlen 1, trosglwyddwyd swyddogaethau'r Gweinidog Amaethyddiaeth, Pysgodfeydd a Bwyd o dan Ddeddf Iechyd Planhigion 1967, 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 ac Atodlen 1, trosglwyddwyd y swyddogaethau a drosglwyddwyd i'r Ysgrifennydd Gwladol o dan Orchymyn 1978 i Gynulliad Cenedlaethol Cymru. Trosglwyddwyd y swyddogaethau hyn o Gynulliad Cenedlaethol Cymru i Weinidogion Cymru o dan adran 162 o Ddeddf Llywodraeth Cymru 2006 (p. 32) a pharagraff 30 (1) a (2) o Atodlen 11 iddi.

(**3**) O.S. 2006/1643 (Cy.158); yr offerynnau diwygio perthnasol yw O.S. 2007/2716 (Cy.229), 2007/3305 (Cy.292), 2008/2781 (Cy.248) a 2008/2913 (Cy.257).

(**4**) OJ Rhif L 169, 10.7.2000, t.1, a ddiwygiwyd ddiwethaf gan Gyfarwyddeb y Comisiwn 2009/7/EC, OJ Rhif L 40, 11.2.2009, t.12.

(c) ar ôl eitem 26, mewnosoder "26a *Rhynchophorus palmarum* (L.)".

(4) Yn Rhan B o Atodlen 1, yn yr adran "Insects, mites and nematodes", ar ôl eitem 1 mewnosoder "1a *Diabrotica virgifera virgifera Le Conte*".

(5) Yn Rhan A o Atodlen 2, yn yr adran "Insects, mites and nematodes"—

(a) ar ôl eitem 1, mewnosoder—

"1a	Plants intended for planting, 1a other than plants in tissue culture and seeds, of *Fraxinus* L., *Juglans mandshurica* Maxim., *Ulmus davidiana* Planch., *Ulmus parvifolia* Jacq. and *Pterocarya rhoifolia* Siebold & Zucc., originating in Canada, China, Japan, Mongolia, Republic of Korea, Russia, Taiwan and USA	*Agrilus planipennis* Fairmaire";

(b) hepgorer eitem 23; ac

(c) ar ôl eitem 26, mewnosoder—

"26a	Tubers of *Solanum tuberosum* L.	*Scrobipalpopsis solanivora* Povolny".

(6) Yn Rhan A o Atodlen 2—

(a) yn yr adran "Bacteria", yn yr ail golofn yn eitem 4, hepgorer "fruit or";

(b) yn yr adran "Fungi", ar ôl eitem 15, mewnosoder—

"15a	Plants of *Ulmus* L. and *Zelkova* L., intended for planting, other than seeds	*Stegophora ulmea* (Schweinitz: Fries) Sydow & Sydow"; ac

(c) yn yr adran "Viruses and virus-like organisms", ar ôl eitem 5, mewnosoder—

"5a	Plants of *Dendranthema* (DC.) Des Moul. and *Lycopersicon lycopersicum* (L.) Karsten ex Farw., intended for planting, other than seeds	Chrysanthemum stem necrosis virus".

(7) Yn Rhan B o Atodlen 2, yn yr adran "Insects, mites and nematodes"—

(a) ar ôl eitem 7, mewnosoder—

"7a	Plants of *Citrus* L., *Fortunella Swingle, Poncirus* Raf., and their hybrids, other than fruit and seeds	*Parasaissetia nigra* (Nietner)"; and

(b) ar ôl eitem 11(**5**) mewnosoder—

"12	Plants of Palmae, intended for planting, having a diameter of the stem at the base of over 5 cm and belonging to the following genera: *Brahea* Mart., *Butia* Becc., *Chamaerops* L., *Jubaea* Kunth, *Livistona* R. Br., *Phoenix* L., *Sabal* Adans., *Syagrus* Mart., *Trachycarpus* H. Wendl., *Trithrinax* Mart., *Washingtonia* Raf.	*Paysandisia archon* (Burmeister)".

(8) Yn Rhan A o Atodlen 4—

(a) ar ôl eitem 7, mewnosoder—

"7a	Plants of *Fraxinus* L., *Juglans mandshurica* Maxim., *Ulmus davidiana* Planch., *Ulmus parvifolia* Jacq. and *Pterocarya rhoifolia* Siebold & Zucc., intended for planting, other than seeds and plants in tissue culture originating in Canada, China, Japan, Mongolia, Republic of Korea, Russia, Taiwan and USA	The plants shall be accompanied by an official statement that they: (a) have been grown throughout their life in an area free from *Agrilus planipennis* Fairmaire, established by the national plant protection organisation in accordance with ISPM No. 4; or (b) have, for a period of at least two years prior to export, been grown in a place of production where no signs of *Agrilus planipennis* Fairmaire have been observed during two official inspections per year carried out at appropriate times, including immediately prior to export";

(b) yn eitem 11, yn lle "requirements in items 60, 61 and 64" yn y golofn ar yr ochr dde rhodder "provisions applicable to the plants in item 7";

(c) ar ôl eitem 35, mewnosoder—

(**5**) Mewnosodwyd eitem 11 gan O.S. 2008/2411, erth. 2(1), (9).

"35a	Tubers of *Solanum tuberosum* L., other than those intended for planting	Without prejudice to the provisions applicable to tubers listed in items 32 to 34, the plants shall be accompanied by an official statement that the tubers originate in areas in which *Pseudomonas solanacearum* (Smith) Smith is not known to occur.
35b	Tubers of *Solanum tuberosum* L.	Without prejudice to the provisions applicable to tubers listed in items 32 to 35a, the plants shall be accompanied by an official statement that: (a) the tubers originate in a country where *Scrobipalpopsis solanivora* Povolny is not known to occur; or (b) the tubers originate in an area free from *Scrobipalpopsis solanivora* Povolny, established by the national plant protection organisation in accordance ISPM No. 4";

(ch) hepgorer eitem 39;

(d) ar ôl eitem 43, mewnosoder—

"43a	Plants of Dendranthema (DC.) Des Moul. and *Lycopersicon lycopersicum* (L.) Karsten ex Farw., intended for planting, other than seeds	Without prejudice to the requirements applicable to the plants listed in items 36, 37, 38, 41 to 43, the plants shall be accompanied by an official statement that: (a) the plants have been grown throughout their life in a country free from Chrysanthemum stem necrosis virus; (b) the plants have been grown throughout their life in an area established by the national plant protection organisation