OFFERYNNAU STATUDOL CYMRU

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HADAU, CYMRU

Rheoliadau Hadau (Diwygiadau Amrywogaethau Cadwraeth) (Cymru) 2009

Gwnaed - - - - 3 Mehefin 2009
Gosodwyd gerbron Cynulliad Cenedlaethol Cymru - - 5 Mehefin 2009
Yn dod i rym - - 30 Mehefin 2009

Mae Gweinidogion Cymru, y breinir y pwerau a roddwyd gan adrannau 16(1) i (5A) a 36 o Ddeddf Amrywogaethau a Hadau Planhigion 1964(**1**) ynddynt yn awr(**2**), yn gwneud y Rheoliadau hyn drwy arfer y pwerau hynny.

Mae Gweinidogion Cymru wedi cynnal ymgynghoriad yn unol ag adran 16(1) o'r Ddeddf honno.

RHAN 1

Cyflwyniad a diwygiadau

Enwi, cychwyn a chymhwyso

1.—(1) Enw'r Rheoliadau hyn yw Rheoliadau Hadau (Diwygiadau Amrywogaethau Cadwraeth) (Cymru) 2009.

(2) Daw'r Rheoliadau hyn i rym ar 30 Mehefin 2009, ac maent yn gymwys o ran Cymru.

Diwygiadau a wneir gan y Rheoliadau hyn

2. Mae'r Rheoliadau hyn yn diwygio—

(**1**) 1964 p. 14. Mae adran 16 wedi ei diwygio gan Ddeddf y Cymunedau Ewropeaidd 1972 (p. 68), adran 4 ac Atodlen 4, paragraff 5; gan O.S. 1977/1112, a chan Ddeddf Amaeth 1986 (p. 49), adran 2.

(**2**) *Gweler* adran 38(1) am ddiffiniad o'r term "y Gweinidog".
O dan Orchymyn Trosglwyddo Swyddogaethau (Cymru) (Rhif 1) 1978 (O.S. 1978/272), cafodd swyddogaethau'r Gweinidog Amaeth, Pysgodfeydd a Bwyd o dan Ddeddf Amrywogaethau a Hadau Planhigion 1967, i'r graddau yr ydynt yn arferadwy o ran Cymru, eu trosglwyddo i'r Ysgrifennydd Gwladol; ac o dan Orchymyn Cynulliad Cenedlaethol Cymru (Trosglwyddo Swyddogaethau) 1999 (O.S. 1999/672), cafodd y swyddogaethau a drosglwyddwyd i'r Ysgrifennydd Gwladol gan Orchymyn 1978 eu trosglwyddo i Gynulliad Cenedlaethol Cymru. Cafodd y swyddogaethau hyn eu trosglwyddo o Gynulliad Cenedlaethol Cymru i Weinidogion Cymru o dan Ddeddf Llywodraeth Cymru 2006 (p. 32).

(a) Rheoliadau Hadau Betys (Cymru) 2005(**3**) yn unol â Rhan 2;

(b) Rheoliadau Hadau Planhigion Porthiant (Cymru) 2005(**4**) yn unol â Rhan 3;

(c) Rheoliadau Hadau Ŷd (Cymru) 2005(**5**) yn unol â Rhan 4; ac

(ch) Rheoliadau Hadau Planhigion Olew a Ffibr (Cymru) 2004(**6**) yn unol â Rhan 5.

RHAN 2

Diwygiadau i Reoliadau Hadau Betys (Cymru) 2005

Diwygio

3. Diwygier Rheoliadau Hadau Betys (Cymru) 2005 fel a ganlyn.

Rheoliad 2 (dehongliad cyffredinol)

4. Yn rheoliad 2(1)—

(a) ar ôl y diffiniad o "breeder's seed", mewnosoder—

> ""Commission Directive 2008/62" means Commission Directive 2008/62/EC providing for certain derogations for acceptance of agricultural landraces and varieties which are naturally adapted to the local and regional conditions and threatened by genetic erosion and for marketing of seed and seed potatoes of those landraces and varieties(**7**);";

(b) ar ôl y diffiniad o "component", mewnosoder—

> ""conservation variety" means a variety which is listed as a conservation variety in accordance with the Seeds (National Lists of Varieties) Regulations 2001(**8**);".

Mewnosod rheoliad 18A newydd

5. Ar ôl rheoliad 18, mewnosoder—

"**Exception for conservation varieties**

18A.—(1) The prohibition in regulation 14(1) does not apply to the marketing of seed of a conservation variety, provided that the requirements of this regulation are met.

(2) The seed must be descended from seed produced according to well defined practices for maintenance of the variety.

(3) The seed must have been harvested from a crop that—

(a) has been produced in the region of origin for the variety, and

(b) satisfies the conditions laid down in Schedule 3 and Part I of Schedule 4 for a crop from which CS seed for the species in question is to be produced, except for the conditions in respect of minimum varietal purity and those concerning official examination or examination under official supervision.

(**3**) O.S. 2005/3037 (W. 225), a ddiwygiwyd gan O.S. 2007/119 (Cy. 9) a 2007/2747 (Cy. 230).
(**4**) O.S. 2005/1207 (W. 79), a ddiwygiwyd gan O.S. 2007/119 (Cy. 9) a 2007/2747 (Cy. 230).
(**5**) O.S. 2005/3036 (W. 224), a ddiwygiwyd gan O.S. 2007/119 (Cy. 9) a 2007/2747 (Cy. 230).
(**6**) O.S. 2004/2881 (W. 251), a ddiwygiwyd gan O.S. 2007/119 (Cy. 9) a 2007/2747 (Cy. 230).
(**7**) OJ Rhif L 162, 21.6.08, t. 13.
(**8**) O.S. 2001/3510; mae O.S. 2004/2949, 2007/1871 a [*to be inserted — ref to new NL amendment*] yn ddiwygiadau perthnasol.

(4) The seed must satisfy the conditions laid down in Parts II, III and IV of Schedule 4 for CS seed for the species in question, except for the conditions in respect of minimum varietal purity and those concerning official examination or examination under official supervision.

(5) The seed may only be marketed in its region of origin.

(6) A person proposing to produce seed of a conservation variety must supply the Welsh Ministers, in such manner and form as the Welsh Ministers require, with details in writing of the size and location of the area to be used to produce that seed.

(7) For the purposes of Articles 14 and 15(2) of Commission Directive 2008/62 (quantitative restrictions), the Welsh Ministers may specify the maximum amount of conservation variety seed which may be marketed in any given production season; and different maxima for different persons or classes of persons may be specified.

(8) The amount of seed marketed by a person must not exceed any maximum amount specified under paragraph (7) in relation to that person.

(9) Any person marketing seed of a conservation variety must supply the Welsh Ministers, on request, with details in writing of the amount and variety of the seed placed on the market during each production season.

(10) In this regulation—

(a) "official examination or examination under official supervision" means an official UK field inspection, a UK field inspection carried out under official supervision, or a seed test carried out by an official testing station or under official supervision by a licensed seed testing laboratory;

(b) "region of origin" has the meaning given to it by regulation 2(1) of the Seeds (National Lists of Varieties) Regulations 2001, but also includes any other area approved by the Welsh Ministers for the purposes of the second paragraph of Article 11(1) of Commission Directive 2008/62.".

Rheoliad 20 (samplu)

6. Ar ôl rheoliad 20(1), mewnosoder—

"(1A) A sample of seed taken from a conservation variety for the purpose of checking compliance with these Regulations must be taken from a homogeneous seed lot.".

Rheoliad 21 (pecynnu)

7.—(1) Diwygier rheoliad 21 fel a ganlyn.

(2) Ym mharagraff (2), yn lle "breeder's seed or officially certified pre-basic, basic, CS or test and trial seed", rhodder "breeder's seed, officially certified pre-basic, basic or CS seed, test and trial seed or seed of a conservation variety".

(3) Ym mharagraff (4), ar ôl "breeder's seed", mewnosoder "and seed of a conservation variety".

Rheoliad 23 (labelu pecynnau)

8.—(1) Diwygier rheoliad 23 fel a ganlyn.

(2) Ym mharagraff (1), yn lle "breeder's seed or officially certified pre-basic, basic, CS seed or test and trial seed", rhodder "breeder's seed, officially certified pre-basic, basic or CS seed, test and trial seed or seed of a conservation variety".

(3) Ym mharagraff (3), ar ôl "test and trial seed", mewnosoder "or seed of a conservation variety".

(4) Ar ôl paragraff (9A), mewnosoder—

"(9B) A package of seed of a conservation variety must be labelled—

(a) in the case of a package of seed sealed in Wales, in accordance with paragraph 19 of Schedule 8; and

(b) in the case of a package of seed sealed—

(i) in the United Kingdom, elsewhere than in Wales, or

(ii) in another member State,

in accordance with the provisions of Article 18 of Commission Directive 2008/62.".

Atodlen 8 (labelu)

9. Ar ôl paragraff 18 o Atodlen 8, mewnosoder—

"PART VI

Labelling of Packages of Seed of a Conservation Variety

Supplier's label or notice for a package of seed of a conservation variety

19.—(1) The package must be labelled, not later than the time of sealing, on the outside with a supplier's label, or a printed or stamped notice, containing the following particulars—

(a) the words "EC rules and standards";

(b) the name and address, or the registration number, of the person responsible for affixing the label or notice;

(c) the year of sealing, or the year of last sampling for the purposes of the last testing of germination, expressed by the word "sealed" or "sampled" (as the case may be), followed by the year in question;

(d) the species;

(e) the denomination of the conservation variety;

(f) the words "conservation variety";

(g) the region of origin;

(h) where the region of seed production is different from the region of origin, the indication of the region of seed production;

(i) the reference number of the lot given by the person responsible for affixing the label;

(j) the declared net or gross weight or declared number of seeds; and

(k) where weight is indicated and granulated pesticides, pelleting substances or other solid additives are used, the nature of the chemical treatment or additive and the approximate ratio between the weight of clusters of pure seeds and the total weight.

(2) The label or notice must be coloured brown.".

RHAN 3

Diwygiadau i Reoliadau Hadau Planhigion Porthiant (Cymru) 2005

Diwygio

10. Diwygier Rheoliadau Hadau Planhigion Porthiant (Cymru) 2005 fel a ganlyn.

Rheoliad 2 (dehongliad cyffredinol)

11. Yn rheoliad 2(1)—

(a) ar ôl y diffiniad o "breeder's seed", mewnosoder—

> ""Commission Directive 2008/62" means Commission Directive 2008/62/EC providing for certain derogations for acceptance of agricultural landraces and varieties which are naturally adapted to the local and regional conditions and threatened by genetic erosion and for marketing of seed and seed potatoes of those landraces and varieties;";

(b) ar ôl y diffiniad o "component", mewnosoder—

> ""conservation variety" means a variety which is listed as a conservation variety in accordance with the Seeds (National Lists of Varieties) Regulations 2001;".

Mewnosod rheoliad 20A newydd

12. Ar ôl rheoliad 20, mewnosoder—

"**Exception for conservation varieties**

20A.—(1) The prohibition in regulation 15(1) does not apply to the marketing of seed of a conservation variety, provided that the requirements of this regulation are met.

(2) The seed must be descended from seed produced according to well defined practices for maintenance of the variety.

(3) The seed must have been harvested from a crop that—

(a) has been produced in the region of origin for the variety, and

(b) satisfies the conditions laid down in Schedule 3 and Part I of Schedule 4 for a crop from which CS, C1 or C2 seed (whichever is the final generation) for the species in question is to be produced, except for the conditions in respect of minimum varietal purity and those concerning official examination or examination under official supervision.

(4) The seed must satisfy the conditions laid down in Parts II, III and IV of Schedule 4 for CS, C1 or C2 seed (whichever is the final generation) for the species in question, except for the conditions in respect of minimum varietal purity and those concerning official examination or examination under official supervision.

(5) The seed may only be marketed in its region of origin.

(6) A person proposing to produce seed of a conservation variety must supply the Welsh Ministers, in such manner and form as the Welsh Ministers require, with details in writing of the size and location of the area to be used to produce that seed.

(7) For the purposes of Articles 14 and 15(2) of Commission Directive 2008/62 (quantitative restrictions), the Welsh Ministers may specify the maximum amount of