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HADAU, CYMRU

Rheoliadau Hadau (Diwygiadau Amrywiol) (Cymru) 2007

Gwnaed - - - -	*17 Medi 2007*
Gosodwyd gerbron Cynulliad Cenedlaethol Cymru - -	*18 Medi 2007*
Yn dod i rym - -	*11 Hydref 2007*

Mae Gweinidogion Cymru yn gwneud y Rheoliadau a ganlyn drwy arfer y pwerau a roddwyd gan adrannau 16(1), (1A), (2), (3), (4) a (5) a 36 o Ddeddf Amrywogaethau a Hadau Planhigion 1964 ac sydd bellach wedi eu breinio ynddynt hwy(**1**).

Yn unol ag adran 16(1) o'r Ddeddf honno, mae Gweinidogion Cymru wedi ymgynghori â chynrychiolwyr y buddiannau hynny sy'n ymddangos i'r Gweinidogion yn rhai cysylltiedig.

Enwi a chychwyn

1. Enw'r Rheoliadau hyn yw Rheoliadau Hadau (Diwygiadau Amrywiol) (Cymru) 2007, a deuant i rym ar 11 Hydref 2007.

Diwygio Rheoliadau Hadau Betys (Cymru) 2005

2.—(1) Diwygir Rheoliadau Hadau Betys (Cymru) 2005(**2**) fel a ganlyn.

(2) Yn rheoliad 2(1)—

(a) yn y diffiniad o "equivalent third country", hepgorer "Bulgaria" a "Romania"; a

(b) yn lle'r diffiniad o "the Third Country Equivalence Decision", rhodder—

(**1**) 1964 p.14; cafodd adran 16 ei diwygio gan adran 4(1) o Ddeddf y Cymunedau Ewropeaidd 1972 (p.68) a chan baragraff 5(1), (2) a (3) o Atodlen 4 i'r Ddeddf honno, gan O.S. 1977/1112 ac adran 2 o Ddeddf Amaeth 1986. Gweler adran 31(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 Amaethyddiaeth, Pysgodfeydd a Bwyd o dan Ddeddf Amrywogaethau a Hadau Planhigion 1964, i'r graddau ag 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, cafodd y swyddogaethau a drosglwyddwyd i'r Ysgrifennydd Gwladol gan Orchymyn Trosglwyddo 1978 eu trosglwyddo i Gynulliad Cenedlaethol Cymru. Yn rhinwedd paragraff 30 o Atodlen 11 i Ddeddf Llywodraeth Cymru 2006 mae'r swyddogaethau hynny'n arferadwy gan Weinidogion Cymru.

(**2**) O.S. 2005/3037 (Cy.225) fel y'i diwygiwyd gan O.S. 2007/119 (Cy.9).

""the Third Country Equivalence Decision" means Council Decision 2003/17/EC on the equivalence of field inspections carried out in third countries on seed-producing crops and on the equivalence of seed produced in third countries;"(**3**).

(3) Yn rheoliad 18(2)(b), yn lle "the seed satisfies", rhodder "the crop satisfies".

(4) Yn rheoliad 23—

(a) yn lle paragraff (5), rhodder—

"(5) A package of officially certified pre-basic seed must be labelled—

(a) in the case of a package of seed sealed in Wales, in accordance with paragraphs 4 to 7 of Schedule 8;

(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 21(c) of the Beet Seed Directive; and

(c) in the case of a package of seed sealed in an equivalent third country, in accordance with the provisions of paragraphs 1 and 3 of Part B of Annex II to the Third Country Equivalence Decision."; a

(b) ym mharagraff (13), ar ôl "paragraph", mewnosoder "3A,".

(5) Yn Rhan I o Atodlen 1—

(a) ar ôl paragraff 3, mewnosoder—

"**Third country officially certified pre-basic seed of a listed variety**

3A.—(1) In these Regulations "third country officially certified pre-basic seed of a listed variety" means seed to which sub-paragraph (2) or (4) applies.

(2) This sub-paragraph applies to pre-basic seed of a listed variety—

(a) that was harvested from a crop that was produced—

(i) in an equivalent third country; and

(ii) from a preceding generation of seed that was produced in accordance with the provisions applicable to basic seed specified in paragraph 5 of Part B of Annex II to the Third Country Equivalence Decision;

(b) that has been officially certified as pre-basic seed by the approved seed certification authority in that country in accordance with the OECD Beet Seed Scheme and the conditions specified in paragraphs 1 and 2 of Part B of Annex II to the Third Country Equivalence Decision;

(c) that has been packed in packages that have been officially closed and marked in accordance with the OECD Beet Seed Scheme and, as regards the packaging, in accordance with the relevant conditions specified in paragraph 3 of Part B of Annex II to the Third Country Equivalence Decision; and

(d) that has been imported into the United Kingdom accompanied by the appropriate documentation.

(**3**) OJ Rhif L 8, 14.1.2003, t. 10, fel y'i diwygiwyd ddiwethaf gan Benderfyniad y Cyngor 2005/834/EC (OJ Rhif L 312, 29.11.2005, t.51).

(3) For the purposes of sub-paragraph (2)(d), the appropriate documentation is—

(a) in a case where the seed has been certified in the United States of America, a Lot Inspection Certificate issued by the Official Seed Testing Laboratory under the authority of the State Seed Testing Agency showing that it has been found to satisfy those conditions; and

(b) in all other cases—

(i) an OECD Certificate issued by the approved seed certification authority in respect of the seed lot from which the seed was taken approving the seed in that lot as pre-basic seed; and

(ii) an Orange or Green International Seed Lot Certificate issued under the Rules of ISTA showing that it has been found to satisfy the relevant Directive seed conditions for pre-basic seed other than those relating to varietal identity and varietal purity.

(4) This sub-paragraph applies to pre-basic seed—

(a) of a previously listed variety that is on the OECD List and for which a marketing extension is in force; and

(b) that complies with sub-paragraph (2)(a) to (d).";

(b) yn lle paragraff 7, rhodder—

"**Officially certified pre-basic seed**

7. In these Regulations "officially certified pre-basic seed" means—

(a) UK officially certified pre-basic seed of a listed variety;

(b) EC officially certified pre-basic seed of a listed variety;

(c) third country officially certified pre-basic seed of a listed variety;

(d) overseas tested officially certified pre-basic seed of a listed variety;

(e) UK officially certified early movement pre-basic seed of a listed variety; and

(f) EC officially certified early movement pre-basic seed of a listed variety.".

(6) Yn Atodlen 5, yng ngholofn (1) o'r tabl, yn y cofnod sy'n dwyn y Rhif 1, ar ôl "EC" mewnosoder ", third country".

(7) Yn Atodlen 6, ar ôl paragraff 3, mewnosoder—

"**3A.** Third country officially certified pre-basic seed of a listed variety.".

(8) Yn Atodlen 10, yn y tabl, ar ôl y rhes sy'n cynnwys y cofnod ar gyfer "third country officially certified CS seed of a listed variety", mewnosoder y rhes ganlynol—

"third country officially certified pre-basic seed of a listed variety	Paragraph 3A of Schedule 1"

Diwygio Rheoliadau Hadau Yd (Cymru) 2005

3.—(1) Diwygir Rheoliadau Hadau Yd (Cymru) 2005(**4**) fel a ganlyn.

(**4**) O.S. 2005/3036 (Cy.224), fel y'i diwygiwyd gan O.S. 2007/119 (Cy.9).

(2) Yn rheoliad 2(1)—

(a) yn y diffiniad o "equivalent third party", hepgorer "Bulgaria" a "Romania"; a

(b) yn lle'r diffiniad o "the Third Country Equivalence Decision", rhodder—

""the Third Country Equivalence Decision" means Council Decision 2003/17/EC on the equivalence of field inspections carried out in third countries on seed-producing crops and on the equivalence of seed produced in third countries;".

(3) Yn rheoliad 13(3)(a)(i), (5)(c), (d) ac (e)(ii), ar ôl "EC", mewnosoder ", third country".

(4) Yn rheoliad 20(2)(b)(i) a (ii), yn lle "the seed satisfies", rhodder "the crop satisfies".

(5) Yn rheoliad 26—

(a) yn lle paragraff (6), rhodder—

"(6) A package of officially certified pre-basic seed, other than a small package of such seed sealed in the United Kingdom, shall be labelled—

(a) in the case of a package of seed sealed in Wales, in accordance with paragraphs 5 to 8 of Schedule 8;

(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 14a(c) of the Cereal Seed Directive; and

(c) in the case of a package of seed sealed in an equivalent third country, in accordance with the provisions of paragraphs 1 and 3 of Part B of Annex II to the Third Country Equivalence Decision."; a

(b) ym mharagraff (17), ar ôl "paragraph", mewnosoder "3A, 8A,".

(6) Yn Rhan I o Atodlen 1—

(a) ar ôl paragraff 3, mewnosoder—

"**Third country officially certified pre-basic seed of a listed variety**

3A.—(1) In these Regulations "third country officially certified pre-basic seed of a listed variety" means seed of an approved species to which sub-paragraph (2) or (4) applies.

(2) This sub-paragraph applies to pre-basic seed of a listed variety—

(a) that was harvested from a crop that was produced—

(i) in an equivalent third country; and

(ii) from a preceding generation of seed that was produced in accordance with the provisions applicable to basic seed specified in paragraph 5 of Part B of Annex II to the Third Country Equivalence Decision;

(b) that has been officially certified as pre-basic seed by the approved seed certification authority in that country in accordance with—

(i) in the case of seed other than maize, the OECD Cereal Seed Scheme;

(ii) in the case of maize, the OECD Maize and Sorghum Seed Scheme; and

(iii) in both cases, the conditions specified in paragraphs 1 and 2 of Part B of Annex II to the Third Country Equivalence Decision;

(c) that has been packed in packages that have been officially closed and marked in accordance with—

(i) in the case of seed other than maize, the OECD Cereal Seed Scheme;

(ii) in the case of maize, the OECD Maize and Sorghum Seed Scheme;

and, as regards the packaging, in accordance with the relevant conditions specified in paragraph 3 of Part B of Annex II to the Third Country Equivalence Decision; and

(d) that has been imported into the United Kingdom accompanied by the appropriate documentation.

(3) For the purposes of sub-paragraph (2)(d), the appropriate documentation is—

(a) in a case where the seed has been certified in Canada or the United States of America, a Lot Inspection Certificate issued by the Official Seed Testing Laboratory under the authority of the State Seed Testing Agency showing that it has been found to satisfy those conditions; and

(b) in all other cases—

(i) an OECD Certificate issued by the approved seed certification authority in respect of the seed lot from which the seed was taken approving the seed in that lot as pre-basic seed; and

(ii) an Orange or Green International Seed Lot Certificate issued under the Rules of ISTA showing that it has been found to satisfy the relevant Directive seed conditions for pre-basic seed other than those relating to varietal identity and varietal purity.

(4) This sub-paragraph applies to pre-basic seed—

(a) of a previously listed variety that is on the OECD List and for which a marketing extension is in force; and

(b) that complies with sub-paragraph (2)(a) to (d).";

(b) ar ôl paragraff 8, mewnosoder—

"**Third country officially certified pre-basic seed of a component used in the production of a listed hybrid variety**

8A.—(1) In these Regulations "third country officially certified pre-basic seed of a component used in the production of a listed hybrid variety" means pre-basic seed of an approved species to which sub-paragraph (2) or (4) applies.

(2) This sub-paragraph applies to pre-basic seed of a component used in the production of a listed hybrid variety—

(a) that was harvested from a crop that was produced—

(i) in an equivalent third country; and

(ii) from a preceding generation of seed that was produced in accordance with the provisions applicable to basic seed specified in paragraph 5 of Part B of Annex II to the Third Country Equivalence Decision;