OFFERYNNAU STATUDOL CYMRU

2007 Rhif 2716 (Cy.229)

IECHYD PLANHIGION, CYMRU

Gorchymyn Iechyd Planhigion (Cymru) (Diwygio) 2007

Wedi'i wneud - -	*18 Medi 2007*
Wedi'i osod gerbron Cynulliad Cenedlaethol Cymru - -	*19 Medi 2007*
Yn dod i rym - -	*10 Hydref 2007*

Mae Gweinidogion Cymru yn gwneud y Gorchymyn hwn, drwy arfer y pwerau a roddwyd gan adrannau 2 a 3(1) o Ddeddf Iechyd Planhigion 1967(**1**), ac a freiniwyd ynddynt bellach(**2**):

Enwi, cychwyn, rhychwantu a chymhwyso

1.—(1) Enw'r Gorchymyn hwn yw Gorchymyn Iechyd Planhigion (Cymru) (Diwygio) 2007.

2. Mae'n gymwys o ran Cymru ac yn dod i rym ar 10 Hydref 2007.

Diwygiadau i Orchymyn Iechyd Planhigion (Cymru) 2006

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

(2) Yn erthygl 2(1) (dehongli cyffredinol) ar y diffiniad o "Customs Act", mewnosoder—

"Decision 2006/473/EC means Commission Decision 2006/473/EC recognising certain third countries and certain areas of third countries as being free from *Xanthomonas campestris* (all strains pathogenic to Citrus), *Cercospora angolensis* Carv et Mendes and *Guignardia citricarpa* Kiely (all strains pathogenic to Citrus);";

(3) Yn erthygl 2(1), yn lle'r diffiniadau o "Directive 93/85/EC" a "Directive 98/57/EC", rhodder —

""Directive 93/85/EEC" means Council Directive 93/85/EEC(**4**) on the control of potato ring rot;

(**1**) 1967 p. 8; diwygiwyd adrannau 2(1) a 3(1) gan Ddeddf y Cymunedau Ewropeaidd 1972 (p. 68), Atodlen 4, paragraff 8.
(**2**) Trosglwyddwyd swyddogaethau'r Gweinidog Amaethyddiaeth, Pysgodfeydd a Bwyd i Gynulliad Cenedlaethol Cymru gan Orchymyn Cynulliad Cenedlaethol Cymru (Trosglwyddo Swyddogaethau) 1999 (O.S. 1999/672). Mae swyddogaethau Cynulliad Cenedlaethol Cymru yn arferadwy gan Weinidogion Cymru yn rhinwedd paragraff 30 o Atodlen 11 i Ddeddf Llywodraeth Cymru 2006.
(**3**) O.S. 2006/1643 (Cy.158).
(**4**) OJ Rhif L259, 18.10.1993, t.1, fel y'i diwygiwyd ddiwethaf gan OJ Rhif L 182, 4.7.2006, t.1.

"Directive 98/57/EC" means Council Directive 98/57/EC(**5**) on the control of *Ralstonia solanacearum* (Smith) Yabuuchi et al.;".

(4) Yn erthygl 2(1), yn y diffiniad o "protected zone", o flaen "means" rhodder "otherwise" ac ar ôl "means" dileer "otherwise".

(5) Yn erthygl 22(2) ar ôl "article 21(1)" rhodder "or" yn lle'r gair "and".

(6) Yn erthygl 39(2)(c) (darpariaethau amrywiol ar gyfer rhywogaethau mochlysaidd penodol), yn lle "Directive 93/85/EC", rhodder "Directive 93/85/EEC".

(7) Yn lle paragraff (3) o erthygl 42 (hysbysu o bresenoldeb, neu achos o amau presenoldeb, plâu planhigion penodol), rhodder—

"(3) Where any plant pest referred to in paragraph 2(b), (c) or (d) is specified in Schedule 18, it must be notifiable under paragraph (1) where—

(a) it is a subspecies or strain normally present in Great Britain and is found on the premises of a registered plant trader; or

(b) it is a subspecies or strain not normally present in Great Britain and is found on any premises.".

(8) Yn erthygl 45(1)(a)(xiii), ar ôl 39(1) mewnosoder "to (4)".

(9) Ar ôl eitem 15 o "Insects, mites and nematodes" yn Atodlen 1 Rhan A mewnosoder —

"**15a.** *Dryocosmus kuriphilus Yasumatsu"*

(10) Yn eitem 15 "Viruses and virus-like organisms" yn Atodlen 2, Rhan B, rhodder "producers" yn lle'r gair "production".

(11) Yn Atodlen 4, Rhan A —

(a) yn nhrydedd golofn eitem 6, yn lle "items 5, 60, 61 and 64," rhodder "items 5, 6a, 60, 61, and 64.";

(b) ar ôl eitem 6, mewnosoder —

"6a	Plants, other than fruit or seeds, of *Castanea* Mill, intended for planting, originating in any third country	Without prejudice to the requirements in items 5, 6, 51, 55, 60 and 61, the plants shall be accompanied by a phytosanitary certificate or phytosanitary certificate for re-export which states under the rubric "Additional declaration" that they have been grown throughout their life in places of production: (a) in countries where *Dryocosmus kuriphilus* Yasumatsu is not known to occur; or (b) in an area of areas, established by the national plant protection organisation in the country of origin, as being free

(**5**) OJ Rhif L235, 21.8.1998, t.1, fel y'i diwygiwyd ddiwethaf gan OJ Rhif L 206, 27.7.2006, t.36.

		from *Dryocosmus kuriphilus* Yasumatsu, in accordance with ISPM No. 4, and that area shall be mentioned in the phytosanitary certificate or phytosanitary certificate for re-export under the rubric "Place of origin"";"

(c) yn lle'r geiriau yn nhrydedd golofn eitem 12, rhodder —

"Without prejudice to the requirements in items 19, 21 to 23, 27 to 30, 60, 61 and 64, the plants shall be accompanied by an official statement that they originate in a country known to be free from *Monilinia fructicola* (Winter) Honey";

(ch) yn nhrydedd golofn eitem 15, ar ôl "(all strains pathogenic to *Citrus*)" ym mharagraff (a), mewnosoder "as referred to in Article 1(1) of Decision 2006/473/EC";

(d) yn nhrydedd golofn eitem 15, ar ôl "(all strains pathogenic to *Citrus*)" ym mharagraff (b), mewnosoder "as referred to in Article 1(2) of Decision 2006/473/EC";

(dd) yn nhrydedd golofn eitem 16, ar ôl "Carv et Mendes" ym mharagraff (a), mewnosoder "as referred to in Article 2 of Decision 2006/473/EC";

(e) yn nhrydedd golofn eitem 17, ar ôl "(all strains pathogenic to *Citrus*)" ym mharagraff (a), mewnosoder "as referred to in Article 3(1) of Decision 2006/473/EC";

(f) yn nhrydedd golofn eitem 17, ar ôl "(all strains pathogenic to *Citrus*)" ym mharagraff (b), mewnosoder "as referred to in Article 3(2) of Decision 2006/473/EC";

(ff) yn nhrydedd golofn eitem 29, ar ôl "vegetation" ym mharagraff (b), rhodder "and" yn lle "or"; ac

(g) yn ail golofn eitem 37, ar ôl "*Solanaceae*," mewnosoder "intended for planting,".

(12) Yn Rhan A (deunydd perthnasol, o drydydd gwledydd, y caniateir ei lanio yng Nghymru ddim ond os caiff gofynion penodol eu bodloni) o Atodlen 4, yn nhrydedd golofn eitem 77, yn lle "a country", rhodder "an area or areas".

(13) Yn Atodlen 4, Rhan B —

(a) yn nhrydedd golofn eitem 4, yn lle "The plants shall be accompanied by an official statement that", rhodder "Without prejudice to the requirements in item 4(a), the plants shall be accompanied by an official statement that"; a

(b) Ar ôl eitem 4, mewnosoder —

"4a	Plants, other than fruit or seeds of *Castanea* Mill, intended for planting	Without prejudice to the requirements in item 4, the plants shall be accompanied by an official statement that: (a) they have been grown throughout their life or since their introduction into the Community in a place of production in a member State where

	Dryocosmus kuriphilus Yasumatsu is not known to occur; or
(b)	they have been grown throughout their life or since their introduction into the Community in a place of production in an area or areas, established by the responsible official body in a member State, as being free from *Dryocosmus kuriphilus* Yasumatsu, in accordance with ISPM No. 4".

(14) Ym mharagraff 1(c) o Atodlen 5, Rhan A, yn lle "Capsicum subsp Helianthus annuus L, Lycopersicon lycopersicon (L) Karsten ex Farw," rhodder "Solanaceae, Helianthus annuus L,".

(15) Ym mharagraff 1 o Atodlen 6, Rhan A ac o Atodlen 7, Rhan A, ar ôl "*Amelanchier* Med," mewnosoder "*Castanea* Mill,".

(16) Ym mharagraff 7(a) o Atodlen 6, Rhan A ac o Atodlen 7, Rhan A, hepgorer "*Castanea* Mill,".

(17) Yn Atodlen 16 (mesurau arbennig ar gyfer rheoli pydredd cylch tatws) —

(a) ym mharagraff 1, yn y diffiniad o "certified seed potatoes", yn lle "seed potatoes", rhodder "pre-basic seed potatoes, basic seed potatoes or certified seed potatoes";

(b) ym mharagraff 2, yn lle "Directive 93/85/EC", rhodder "Directive 93/85/EEC";

(c) yn lle paragraff 3, rhodder—

"**3.** Material can be required to be disposed of—

(a) by destruction; or

(b) by any other measure that complies with paragraph 1 of Annex IV to Directive 93/85/EEC.";

(ch) ym mharagraff 4—

(i) yn lle "Directive 93/85/EC", rhodder "Directive 93/85/EEC";

(ii) ym mharagraff (b), yn lle "paragraph 5", rhodder "paragraph 2 of Annex IV to Directive 93/85/EEC";

(d) hepgorer paragraff 5;

(dd) ym mharagraffau 6, 7 a 9, yn lle "Directive 93/85/EC", rhodder "Directive 93/85/EEC";

(e) yn lle paragraff 10(b) ac (c), rhodder—

"(b) in the first potato cropping season following the period referred to in paragraph (a), that potatoes may be planted, for ware production only, provided that the field has been free from volunteer potato plants and other naturally found host plants of Potato Ring Rot for at least the two consecutive growing years prior to planting; and

(c) in the potato cropping season which follows that referred to in paragraph (b) and following an appropriate rotation cycle (which must be at least two years