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2004 Rhif 1749 (Cy.186)

AMAETHYDDIAETH, CYMRU

Rheoliadau Porthiant, Porthiant (Samplu a Dadansoddi), a Phorthiant (Gorfodi) (Diwygio) (Cymru) 2004

Wedi'u gwneud	- -	*6 Gorffennaf 2004*
Yn dod i rym	- -	*9 Gorffennaf 2004*

Mae Cynulliad Cenedlaethol Cymru, drwy arfer y pwerau a roddwyd iddo gan adrannau 66(1), 74A, 77(4) a 84 o Ddeddf Amaethyddiaeth 1970(**1**), ar ôl yr ymgynghori sy'n ofynnol o dan adran 84(1) o'r Ddeddf honno a gan Erthygl 9 o Reoliad (EC) Rhif 178/2002 Senedd Ewrop a'r Cyngor sy'n gosod egwyddorion a gofynion cyffredinol cyfraith bwyd, yn sefydlu Awdurdod Diogelwch Bwyd Ewrop ac yn gosod gweithdrefnau ar faterion diogelwch bwyd(**2**), ac yn cael ei ddynodi(**3**) at ddibenion adran 2(2) o Ddeddf y Cymunedau Ewropeaidd 1972(**4**)) mewn perthynas â mesurau sy'n ymwneud â bwyd a gynhyrchir ar gyfer anifeiliaid sy'n cynhyrchu bwyd neu fwyd a fwydir iddynt, drwy arfer y pwerau a roddwyd gan yr adran ddiwethaf uchod (i'r graddau na ellir gwneud y Rheoliadau hyn o dan bwerau Deddf Amaethyddiaeth 1970 a grybwyllir uchod), yn gwneud y Rheoliadau canlynol:

Enwi, cymhwyso a chychwyn

1. Enw'r Rheoliadau hyn yw Rheoliadau Porthiant, Porthiant (Samplu a Dadansoddi) a Phorthiant (Gorfodi) (Diwygio) (Cymru) 2004 ac maent yn gymwys mewn perthynas â Chymru yn unig a deuant i rym ar 9 Gorffennaf 2004.

Diwygiadau i Reoliadau Porthiant (Cymru) 2001

2.—(1) Diwygir Rheoliadau Porthiant (Cymru) 2001(**5**) yn unol â pharagraffau (2) i (5).

(**1**) 1970 p. 40. Mae adran 66(1) yn cynnwys diffiniadau o'r ymadroddion "the Ministers", "prescribed" a "regulations"; diwygiwyd y diffiniad o "the Ministers" gan Orchymyn Trosglwyddo Swyddogaethau (Cymru) (Rhif 1) 1978 (O.S.1978/272), Atodlen 5, paragraff 1. Trosglwyddwyd swyddogaethau "the Secretary of State", i'r graddau yr oeddent yn arferadwy mewn perthynas â Chymru i Gynulliad Cenedlaethol Cymru gan O.S.1999/672. Mewnosodwyd adran 74A gan Ddeddf y Cymunedau Ewropeaidd 1972 (1972 p. 68), Atodlen 4, paragraff 6

(**2**) OJ No. L31, 1.2.2002, t.1. O dan Erthygl 3 o'r Rheoliad EC mae "cyfraith bwyd" yn ymestyn at fwyd a gynhyrchir ar gyfer anifeiliaid sy'n cynhyrchu bwyd neu fwyd a fwydir i anifeiliaid sy'n cynhyrchu bwyd.

(**3**) O.S. 2003/2901.

(**4**) O.S. 1972 p. 68.

(**5**) O.S. 2001/343 (Cy. 15), fel y'i diwygiwyd gan O.S. 2001/3461 (Cy.280), O.S. 2002/1797 (Cy.172), O.S. 2003/989 (Cy. 138), O.S. 2003/1677 (Cy. 180) ac O.S. 2003/1850 (Cy. 200).

(2) Yn Rhan V (elfennau hybrin) o Atodlen 3 (ychwanegion a ganiateir a darpariaethau sy'n ymwneud â'u defnydd), dileuir y cofnodion sy'n ymwneud ag "Iron-Fe", "Cobalt-Co", "Copper-Cu", "Manganese-Mn" a "Zinc-Zn".

(3) Yn Rhan IX (Rheoliadau y Gymuned Ewropeaidd sy'n rheoli ychwanegion) o Atodlen 3 —

(a) mewnosodir y testun a ganlyn yn union ar ôl y cyfeiriad at Reoliad y Comisiwn (EC) Rhif 877/2003

> "Commission Regulation (EC) No. 1334/2003 amending the conditions for authorisation of a number of additives in feedingstuffs belonging to the group of trace elements[19].
>
> Commission Regulation (EC) No. 1801/2003 provisionally authorising the new use of a certain micro-organism in feedingstuffs[20].
>
> Commission Regulation (EC) No. 1847/2003 concerning the provisional authorisation of a new use of an additive and the permanent authorisation of an additive already authorised in feedingstuffs[21].
>
> Commission Regulation (EC) No. 2112/2003 correcting Regulation (EC) No. 1334/2003 amending the conditions for authorisation of a number of additives in feedingstuffs belonging to the group trace elements[22]."
>
> Commission Regulation (EC) No. 2154/2003 provisionally authorising certain micro-organisms in feeding stuffs[23].
>
> Commission Regulation (EC) No. 277/2004 concerning the authorisation without time limit of an additive in feeding stuffs (3-phytase for turkeys for fattening)[24].
>
> Commission Regulation (EC) No. 278/2004 provisionally authorising a new use of an additive already authorised in feeding stuffs (preparation of endo-1, 4-beta-xylanase and subtilisin for laying hens)[25].
>
> Commission Regulation (EC) No. 490/2004 provisionally authorising the new use of an additive already authorised in feeding stuffs (saccharomyces cerevisiae)[26]." a

(b) mewnosodir y testun a ganlyn ar y diwedd —

> "(19) OJ No. L187, 26.7.2003, p.11.
>
> (20) OJ No. L264, 15.10.2003, p.16.
>
> (21) OJ No. L269, 21.10.2003, p.3.
>
> (22) OJ No. L317, 2.12.2003, p.22.
>
> (23) OJ No. L324, 11.12.2003, p.11.
>
> (24) OJ No. L047, 18.2.2004, p.20.
>
> (25) OJ No. L047, 18.2.2004, p.22.
>
> (26) OJ No. L079, 17.3.2004, p.23.".

(4) Yn lle'r cofnodion sy'n ymwneud â "dioxin (sum of polychlorinated dibenzo-para-dioxins (PCDDs) and polychlorinated dibenzofurans (PCDFs) expressed in World Health Organisation (WHO) toxic equivalents using the WHO-TEFs (toxic equivalency factors, 1997) PCDD/F" a nodir yng ngholofnau 1 i 3 yn y drefn honno o Ran I (porthiant) o Atodlen 7 (terfynau rhagnodedig ar gyfer sylweddau annymunol) rhoddir y cofnodion a nodir yng ngholofnau 1 i 3 yn y drefn honno o Atodlen 1 i'r Rheoliadau hyn.

(5) Yn lle'r cofnodion sy'n ymwneud ag "analogues of methionine" a nodir yng ngholofnau 1 i 7 yn y drefn honno o Atodlen 8 (rheoli ffynhonellau protein penodol) rhoddir y cofnodion a nodir yng ngholofnau 1 i 7 yn y drefn honno o Atodlen 2 i'r Rheoliadau hyn.

Diwygiadau canlyniadol i Reoliadau Porthiant (Cymru) 2001

3.—(1) Diwygir Rheoliadau Porthiant (Cymru) 2001 yn unol â pharagraffau (2) a (3).

(2) Yn lle paragraff (1) o reoliad 7 (cyfyngiadau ar amrywiadau) rhoddir y paragraff canlynol —

"(1) Bydd adran 74(2) yn cael effaith fel petai'r geiriau "or the Feeding Stuffs (Wales) Regulations 2001 as amended by Regulations up to and including the Feeding Stuffs, the Feeding Stuffs (Sampling and Analysis) and the Feeding Stuffs (Enforcement) (Amendment) (Wales) Regulations 2004." wedi'u mewnosod ar ôl y geiriau "this Part of this Act".

(3) Yn lle paragraff (1) o reoliad 24 (addasu adran 74A(3) o Ddeddf Amaethyddiaeth 1970) rhoddir y paragraff canlynol—

"(1) At ddibenion gorfodi a gweinyddu'r darpariaethau a bennir ym mharagraff (2) isod, bydd adran 74A(3) yn cael effaith fel petai'r geiriau "any provision specified in regulation 24(2) of the Feeding Stuffs (Wales) Regulations 2001 as amended by Regulations up to and including the Feeding Stuffs, the Feeding Stuffs (Sampling and Analysis) and the Feeding Stuffs (Enforcement) (Amendment) (Wales) Regulations 2004."wedi'u rhoi yn lle'r geiriau "regulations under subsection (1) above, or fails to comply with any other provision of the regulations,".

Diwygiadau canlyniadol i Reoliadau Porthiant (Samplu a Dadansoddi) 1999

4. Diwygir Rheoliadau Porthiant (Samplu a Dadansoddi) 1999(**6**) i'r graddau y maent yn gymwys i Gymru yn unol â rheoliadau 5 a 6.

5. Ym mharagraff 3(e)(ii) o Ran I o Atodlen 2 (dulliau dadansoddi), ar ôl y geiriau "Feeding Stuffs (Wales) Regulations 2001" rhoddir am weddill y paragraff y geiriau "as amended by Regulations up to and including the Feeding Stuffs, the Feeding Stuffs (Sampling and Analysis) and the Feeding Stuffs (Enforcement) (Amendment) (Wales) Regulations 2004".

6. Yn lle paragraff (11)(a) o Ran II (nodiadau ar gyfer llenwi tystysgrif) o Atodlen 3 (ffurf ar dystysgrif ddadansoddi), rhoddir y paragraff canlynol —

"(a) whether or not the material was named in accordance with the requirements of the Feeding Stuffs (Wales) Regulations 2001 as amended by Regulations up to and including the Feeding Stuffs, the Feeding Stuffs (Sampling and Analysis) and the Feeding Stuffs (Enforcement) (Amendment) (Wales) Regulations 2004 and, if it was not named in accordance with those requirements, in what respect it was not;".

Diwygiadau canlyniadol i Reoliadau Porthiant (Gorfodi) 1999

7. Diwygir Rheoliadau Porthiant (Gorfodi) 1999(**7**) i'r graddau y maent yn gymwys i Gymru yn unol â rheoliadau 8 i 11.

8. Yn rheoliad 7 (addasu Deddf Amaethyddiaeth 1970 at ddibenion penodol) —

(a) yn lle paragraff (2) rhoddir y paragraff canlynol —

(**6**) O.S. 1999/1663, a ddiwygiwyd gan O.S. 1999/1871, O.S. 2001/2253 (Cy.163), O.S. 2002/1797 (Cy.172), O.S. 2003/1677 (Cy.180), O.S. 2003/1850 (Cy.200) ac O.S. 2003/3119 (Cy.297).

(**7**) O.S. 1999/2325, a ddiwygiwyd gan O.S. 2000/656, O.S. 2001/2253 (Cy.163), O.S. 2001/3461 (Cy.280), O.S. 2002/1797 (Cy.172), O.S. 2003/989 (Cy.138), O.S. 2003/1677 (Cy.180), O.S. 2003/1850 (Cy.200) ac O.S. 2003/3119 (Cy.297).

"(2) The purpose referred to in paragraph (1) is the enforcement and administration of —

(a) the Feeding Stuffs (Wales) Regulations 2001 as amended by Regulations up to and including the Feeding Stuffs, the Feeding Stuffs (Sampling and Analysis) and the Feeding Stuffs (Enforcement) (Amendment) (Wales) Regulations 2004 as read with Part IV of the Act; and

(b) sections 73 and 73A of the Act."; a

(b) yn lle paragraff (4) rhoddir y paragraff canlynol —

"(4) The purpose referred to in paragraph (3) is the enforcement and administration of —

(a) the Feeding Stuffs (Wales) Regulations 2001 as amended by Regulations up to and including the Feeding Stuffs, the Feeding Stuffs (Sampling and Analysis) and the Feeding Stuffs (Enforcement) (Amendment) (Wales) Regulations 2004, as read with Part IV of the Act; and

(b) sections 73 and 73A of the Act.".

9. Ym mhob un o reoliadau 11, 11A ac 11B, yn lle'r ymadrodd "the Feeding Stuffs (Sampling and Analysis) (Amendment) (Wales) Regulations 2001, the Feeding Stuffs and the Feeding Stuffs (Enforcement) (Amendment) (Wales) Regulations 2001, the Feeding Stuffs (Amendment) (Wales) Regulations 2002, the Feeding Stuffs (Amendment) (Wales) Regulations 2003, the Feeding Stuffs, the Feeding Stuffs (Sampling and Analysis) and the Feeding Stuffs (Enforcement) (Amendment) (Wales) Regulations 2003 and the Feeding Stuffs, the Feeding Stuffs (Sampling and Analysis) and the Feeding Stuffs (Enforcement) (Amendment) (Wales) (No. 2) Regulations 2003", rhoddir yr ymadrodd ", Regulations up to and including the Feeding Stuffs, the Feeding Stuffs (Sampling and Analysis) and the Feeding Stuffs (Enforcement) (Amendment) (Wales) Regulations 2004".

10. Yn y fersiwn addasedig o is-adran (8) o adran 67 o Ddeddf Amaethyddiaeth 1970 sydd wedi'i nodi yn rheoliad 9, yn lle'r ymadrodd "the Feeding Stuffs (Sampling and Analysis) (Amendment) (Wales) Regulations 2001, the Feeding Stuffs and the Feeding Stuffs (Enforcement) (Amendment) (Wales) Regulations 2001, the Feeding Stuffs (Amendment) (Wales) Regulations 2002, the Feeding Stuffs (Amendment) (Wales) Regulations 2003, the Feeding Stuffs, the Feeding Stuffs (Sampling and Analysis) and the Feeding Stuffs (Enforcement) (Amendment) (Wales) Regulations 2003 and the Feeding Stuffs, the Feeding Stuffs (Sampling and Analysis) and the Feeding Stuffs (Enforcement) (Amendment) (Wales) (No. 2) Regulations 2003", rhoddir yr ymadrodd ", Regulations up to and including the Feeding Stuffs, the Feeding Stuffs (Sampling and Analysis) and the Feeding Stuffs (Enforcement) (Amendment) (Wales) Regulations 2004".

11. Yn rheoliad 10 (addasu adran 76 o Ddeddf Amaethyddiaeth 1970), yn lle'r fersiwn addasedig o is-adran (17) o adran 76 o Ddeddf Amaethyddiaeth 1970 sydd wedi'i nodi yn y rheoliad hwnnw rhoddir yr is-adran ganlynol —

"(17) In this section —

"compound feeding stuff" has the meaning given in regulation 2(1) of the Feeding Stuffs (Wales) Regulations 2001 as amended by Regulations up to and including the Feeding Stuffs, the Feeding Stuffs (Sampling and Analysis) and the Feeding Stuffs (Enforcement) (Amendment) (Wales) Regulations 2004;

"controlled product" means any feeding stuff, substance or product which is subject to any of the controls contained in the Feeding Stuffs (Wales) Regulations 2001 as amended by Regulations up to and including the Feeding Stuffs, the Feeding Stuffs (Sampling and Analysis) and the Feeding Stuffs (Enforcement) (Amendment) (Wales) Regulations 2004, as read with this Part of this Act, or in section 73 or 73A of this Act;

"feeding stuff which is intended for a particular nutritional purpose" shall be construed in accordance with the definitions of "feeding stuff intended for a particular nutritional purpose" and "particular nutritional purpose" in regulation 2(1) of the Feeding Stuffs (Wales) Regulations 2001 as amended by Regulations up to and including the Feeding Stuffs, the Feeding Stuffs (Sampling and Analysis) and the Feeding Stuffs (Enforcement) (Amendment) (Wales) Regulations 2004;

"premises" include any land, vehicle, vessel, aircraft or hovercraft; and

"put into circulation" means sell or otherwise supply, or have in possession with a view to selling or otherwise supplying.".

Llofnodwyd ar ran Cynulliad Cenedlaethol Cymru o dan adran 66(1) o Ddeddf Llywodraeth Cymru 1998(**8**)

D. Elis-Thomas
Llywydd y Cynulliad Cenedlaethol

6 Gorffennaf 2004

(**8**) 1998 p.38.