OFFERYNNAU STATUDOL CYMRU

2003 1851 Rhif (Cy.201)

IECHYD PLANHIGION, CYMRU

Gorchymyn Iechyd Planhigion (Diwygio) (Cymru) 2003

Wedi'u gwneud	- -	*16 Gorffennaf 2003*
Yn dod i rym	- -	*31 Gorffennaf 2003*

Mae Cynulliad Cenedlaethol Cymru, mewn perthynas â Chymru, drwy arfer y pwerau a roddwyd i'r Gweinidog Amaethyddiaeth, Pysgodfeydd a Bwyd iddo gan adrannau 2, 3(1) i (4) a 4(1) o Ddeddf Iechyd Planhigion 1967(**1**) fel y'i darllenir gydag adran 20 o Ddeddf Amaethyddiaeth (Darpariaethau Amrywiol) 1972(**2**) ac a freiniwyd bellach yng Nghynulliad Cenedlaethol Cymru(**3**) drwy hyn yn gwneud y Gorchymyn canlynol:

Teitl, cymhwyso a chychwyn

1. Enw'r Gorchymyn hwn yw Gorchymyn Iechyd Planhigion (Diwygio) (Cymru) 2003, mae'n gymwys i Gymru, a daw i rym ar 31 Gorffennaf 2003.

Diwygio Gorchymyn Iechyd Planhigion (Prydain Fawr) 1993

2.—(1) Diwygir Gorchymyn Iechyd Planhigion (Prydain Fawr) 1993(**4**)) yn unol â pharagraffau canlynol yr erthygl hon.

(2) Yn erthygl 2(1) —

(a) Yn lle'r diffiniad o "Directive 2000/29/EC" rhodder y canlynol —

> ""Directive 2000/29/EC" means Council Directive 2000/29/EC(**5**) of 8th May 2000 on protective measures against the introduction into the Community of organisms harmful to plants or plant products and against their spread within the

(**1**) 1967 p.8; diwygiwyd adrannau 2(1) a 3(1) a (2) gan Ddeddf y Cymunedau Ewropeaidd 1972 (p.68), adran 4(1) ac Atodlen 4, paragraff 8; amnewidiwyd adran 3(4) gan adran 42 of Ddeddf Cyfiawnder Troseddol 1982 (p.48).

(**2**) 1972 p. 62.

(**3**) Mae adran 1(2)(b) o Ddeddf Iechyd Planhigion 1967 yn darparu mai'r Gweinidog Amaethyddiaeth, Pysgodfeydd a Bwyd yw'r awdurdod cymwys yng Nghymru a Lloegr at ddibenion y Ddeddf honno. Yn rhinwedd Gorchymyn Trosglwyddo Swyddogaethau (Cymru) (Rhif 1) 1978 (O.S. 1978/272), adran 2(1) ac Atodlen 1, trosglwyddwyd swyddogaethau'r Gweinidog Amaethyddiaeth, Pysgodfeydd a Bwyd o dan Ddeddf Iechyd Planhigion 1967, i'r graddau eu bod yn arferadwy mewn perthynas â Chymru, i Ysgrifennydd Gwladol Cymru. Yna trosglwyddwyd y swyddogaethau hynny, a roddwyd i Ysgrifennydd Gwladol Cymru, i Gynulliad Cenedlaethol Cymru gan Orchymyn Cynulliad Cenedlaethol Cymru (Trosglwyddo Swyddogaethau) 1999 (O.S. 1999/672).

(**4**) O.S. 1993/1320; fel y'i diwygiwyd gan O.S. 1993/3213, 1995/1358 a 2929, 1996/25, 1165 a 3242, 1997/1145 a 2907, 1998/349, 1121 a 2245, 1999/2641 (Cy.8), 2001/2500 (Cy.203), 2001/3761 (Cy.310) a 2002/1805 (Cy.175).

(**5**) OJ Rhif L 169, 10.7.00, t.1.

Community as amended by Commission Directives 2001/33/EC(**6**) of 8th May 2001, 2002/28/EC(**7**) of 19th March 2002, 2002/36/EC(**8**)) of 29th April 2002 and by 2003/22/EC(**9**)) of 24th March 2003 amending certain annexes to Council Directive 2000/29/EC;"; a

(b) Ar ôl y difiniad o "reforwarding phytosanitary certificate" rhodder y canlynol —

""relevant International Standards for Phytosanitary Measures (ISPM) means ISPM No.4 "Requirements for the Establishment of Pest Free Areas" February 1996 and ISPM No.10 "Requirements for the Establishment of Pest Free Places of Production and Pest Free Production Sites" October 1999(**10**), prepared by the Secretariat of the International Plant Protection Convention (IPPC) established by the Food and Agriculture Organisation of the United Nations;".

(3) Yn Atodlen 1, Rhan A, Adran 1(a) —

(a) ar ôl eitem 4 rhodder y canlynol —

"**4.1.** *Anoplophora glabripennis* (Motschulsky)"; a

(b) ar ôl eitem 16 rhodder y canlynol —

"**16.1.** *Naupactus leucoloma* Boheman".

(4) Yn Atodlen 1, Rhan A, Adran 2(a), dileer eitemau 4, 5 a 6.

(5) Yn Atodlen 1, Rhan B(a), ar ôl eitem 2 rhodder y canlynol —

"**3.** *Liriomyza bryoniae* (Kaltenbach)	IRL and UK (Northern Ireland)".

(6) Yn Atodlen 1, Rhan B(d), yn eitem 1, yn lle'r geiriau yn yr ail golofn rhodder y canlynol —

"DK, F (Brittany), IRL, P (Azores), FI, S (with the exception of the District Council areas of Bromölla, Hässleholm, Kristianstad and Östra Göinge in the county of Skåne), UK (Northern Ireland)".

(7) Yn Atodlen 2, Rhan A, Adran 1(c), ar ôl eitem 1 rhodder y canlynol —

"**1.1.** *Anisogramma anomala* (Peck) E. Müller	Plants of *Corylus* L., intended for planting, other than seeds, originating in Canada and the United States of America".

(8) Yn Atodlen 2, Rhan A, Adran 2(a), ar ôl eitem 7 rhodder y canlynol —

"**8.** *Liriomyza* (Blanchard)	*huidobrensis*	Cut flowers, leafy vegetables of *Apium graveolens* L., and plants of herbaceous species, intended for planting, other than: — bulbs, — corms, — plants of the family Gramineae, — rhizomes,

(**6**) OJ Rhif L 127, 9.5.01, t.42; a *gweler* y Gyfarwyddeb gysylltiedig, sef Cyfarwyddeb y Comisiwn 2001/32/EC, OJ Rhif L127, 9.5.01, t.38.
(**7**) OJ Rhif L 77, 20.3.02, t.23; a *gweler* y Gyfarwyddeb gysylltiedig, sef Cyfarwyddeb y Comisiwn 2002/29/EC, OJ Rhif L 77, 20.3.02, t.26.
(**8**) OJ Rhif L 116, 3.5.02, t.16.
(**9**) OJ Rhif L78, 25.3.03, t.10.
(**10**) Ar gael oddi wrth Ysgrifenyddiaeth IPPC, AGPP-FAO, Viale Delle Terme di Caracalla, 00100 Rhufain, yr Eidal a http://www.ippc.int/IPP/En/default.htm

	— seeds.
9. *Liriomyza trifolii* (Burgess)	Cut flowers, leafy vegetables of *Apium graveolens* L., and plants of herbaceous species, intended for planting, other than: — bulbs, — corms, — plants of the family Gramineae, — rhizomes, — seeds".

(9) Yn Atodlen 2, Rhan B(a), yn eitem 5, yn lle'r geiriau yn y drydedd golofn rhodder y canlynol —

"EL, P (Azores)".

(10) Yn Atodlen 2, Rhan B(b), yn eitem 2, yn lle'r geiriau yn y drydedd golofn rhodder y canlynol —

"E, F (Corsica), IRL, I (Abruzzi; Apulia; Basilicata; Calabria; Campania; Emilia-Romagna: provinces of Forlí-Cesena, Parma, Piacenza and Rimini; Friuli-Venezia Giulia; Lazio; Liguria; Lombardy; Marche; Molise; Piedmont; Sardinia; Sicily; Tuscany; Trentino-Alto Adige: autonomous provinces of Bolzano and Trento; Umbria; Valle d'Aosta; Veneto: except in the province of Rovigo the communes Rovigo, Polesella, Villamarzana, Fratta Polesine, San Bellino, Badia Polesine, Trecenta, Ceneselli, Pontecchio Polesine, Arquà Polesine, Costa di Rovigo, Occhiobello, Lendinara, Canda, Ficarolo, Guarda Veneta, Frassinelle Polesine, Villanova del Ghebbo, Fiesso Umbertiano, Castelguglielmo, Bagnolo di Po, Giacciano con Baruchella, Bosaro, Canaro, Lusia, Pincara, Stienta, Gaiba, Salara, and in the province of Padova the communes Castelbaldo, Barbona, Piacenza d'Adige, Vescovana, S. Urbano, Boara Pisani, Masi, and the province of Verona the communes Palù, Roverchiara, Legnago, Castagnaro, Ronco all'Adige, Villa Bartolomea, Oppeano, Terrazzo, Isola Rizza, Angiari), and for A (Burgenland, Carinthia, Lower Austria, Tirol (administrative district Lienz), Styria, Vienna), P, FI, UK (Northern Ireland, Isle of Man and Channel Islands)".

(11) Yn Atodlen 3, Rhan B, yn eitem 1, yn lle'r geiriau yn yr ail golofn rhodder y canlynol —

"E, F (Corsica), IRL, I (Abruzzi; Apulia; Basilicata; Calabria; Campania; Emilia-Romagna: provinces of Forlí-Cesena, Parma, Piacenza and Rimini; Friuli-Venezia Giulia; Lazio; Liguria; Lombardy; Marche; Molise; Piedmont; Sardinia; Sicily; Tuscany; Trentino-Alto Adige: autonomous provinces of Bolzano and Trento; Umbria; Valle d' Aosta; Veneto: except in the province of Rovigo the communes Rovigo, Polesella, Villamarzana, Fratta Polesine, San Bellino, Badia Polesine, Trecenta, Ceneselli, Pontecchio Polesine, Arquà Polesine, Costa di Rovigo, Occhiobello, Lendinara, Canda, Ficarolo, Guarda Veneta, Frassinelle Polesine, Villanova del Ghebbo, Fiesso Umbertiano, Castelguglielmo, Bagnolo di Po, Giacciano con Baruchella, Bosaro, Canaro, Lusia, Pincara, Stienta, Gaiba, Salara, and in the province of Padova the communes Castelbaldo, Barbona, Piacenza d'Adige, Vescovana, S. Urbano, Boara Pisani, Masi, and in the province of Verona the communes Palù, Roverchiara, Legnago, Castagnaro, Ronco all'Adige, Villa Bartolomea, Oppeano, Terrazzo, Isola Rizza, Angiari), and for A (Burgenland, Carinthia, Lower Austria, Tirol (administrative disrict Lienz), Styria, Vienna), P, FI, UK (Northern Ireland, Isle of Man and Channel Islands)".

(12) Yn Atodlen 4, Rhan A, Adran 1—

(a) ar ôl eitem 11.2 rhodder y canlynol —

"**11.3.** Plants of *Corylus* L., intended for planting, other than seeds,	Official statement that the plants have been grown in nurseries and	

originating in Canada and the United States of America	(a) originate in an area, established in the country of export by the national plant protection service in that country, as being free from *Anisogramma anomala* (Peck) E. Müller, in accordance with the relevant International Standards for Phytosanitary Measures, and which is mentioned on the certificates referred to in Articles 7 or 8 of Directive 2000/29/EC under the rubric "Additional declaration", or (b) originate in a place of production, established in the country of export by the national plant protection service in that country, as being free from *Anisogramma anomala* (Peck) E. Müller on official inspections carried out at the place of production or its immediate vicinity since the beginning of the last three complete cycles of vegetation, in accordance with the relevant International Standards for Phytosanitary Measures, and which is mentioned on the certificates referred to in Articles 7 or 8 of Directive 2000/29/EC under the rubric "Additional declaration" and declared free from *Anisogramma anomala* (Peck) E. Müller";

(b) yn lle eitemau 32.1, 32.2 a 32.3 rhodder y canlynol —

"**32.1.** Plants of herbaceous species, intended for planting, other than: — bulbs, — corms, — plants of the family Gramineae, — rhizomes, — seeds, — tubers, originating in third countries where *Liriomyza sativae* (Blanchard) and *Amauromyza maculosa* (Malloch) are known to occur	Without prejudice to the requirements Applicable to the plants in Schedule 4, Part A, Section 1 items 27.1, 27.2, 28 and 29, where appropriate, official statement that the plants have been grown in nurseries and: (a) originate in an area, established in the country of export by the national plant protection service in that country, as being free from *Liriomyza sativae* (Blanchard) and *Amauromyza maculosa* (Malloch) in accordance with the relevant International Standards for Phytosanitary Measures, and which is mentioned on the certificates referred to in Articles 7 or 8 of Directive 2000/29/EC under the rubric "Additional declaration", or (b) originate in a place of production, established in the country of export by the national plant protection service in that country, as being

	free from *Liriomyza sativae* (Blanchard) and *Amauromyza maculosa* (Malloch) in accordance with the relevant International Standards for Phytosanitary Measures, and which is mentioned on the certificates referred to in Articles 7 or 8 of Directive 2000/29/EC under the rubric "Additional declaration", and declared free from *Liriomyza sativae* (Blanchard) and *Amauromyza maculosa* (Malloch) on official inspections carried out at least monthly during the three months prior to export, or (c) immediately prior to export, have been subjected to an appropriate treatment against *Liriomyza sativae* (Blanchard) and *Amauromyza maculosa* (Malloch) and have been officially inspected and found free from *Liriomyza sativae* (Blanchard) and *Amauromyza maculosa* (Malloch). Details of the treatment shall be mentioned on the certificates referred to in Articles 7 or 8 of Directive 2000/29/EC.
32.2. Cut flowers of *Dendranthema* (DC) Des. Moul., *Dianthus* L.,*Gypsophila* L., and *Solidago* L., and leafy vegetables of *Apium graveolens* L., and *Ocimum* L.	Official statement that the cut flowers and the leafy vegetables: — originate in a country and free from *Liriomyza sativae* (Blanchard) and *Amauromyza maculosa* (Malloch), or — immediately prior to their export, have been officially inspected and found free from *Liriomyza sativae* (Blanchard) and *Amauromyza maculosa* (Malloch).
32.3. Plants of herbaceous species, intended for planting, other than: — bulbs, — corms, — plants of the family Gramineae, — rhizomes, — seeds, — tubers, originating in third countries	Without prejudice to the requirements applicable to the plants in Schedule 4, Part A, Section 1, items 27.1, 27.2, 28, 29 and 32.1, official statement that: (a) the plants originate in an area known to be free from *Liriomyza huidobrensis* (Blanchard) and *Liriomyza trifolii* (Burgess), or (b) either no signs of *Liriomyza huidobrensis* (Blanchard) and *Liriomyza trifolii* (Burgess) have been observed at the place of production, on official inspections carried out at least monthly during the three months prior to harvesting, or (c) immediately prior to export, the plants have been officially inspected and found free from *Liriomyza huidobrensis*