



OFFERYNNAU STATUDOL
CYMRU

WELSH STATUTORY
INSTRUMENTS

2013 Rhif 889 (Cy. 101)

2013 No. 889 (W. 101)

HADAU, CYMRU

SEEDS, WALES

Rheoliadau Marchnata Hadau
(Cymru) (Diwygio) 2013

The Seed Marketing (Wales)
(Amendment) Regulations 2013

NODYN ESBONIADOL

EXPLANATORY NOTE

(Nid yw'r nodyn hwn yn rhan o'r Rheoliadau)

(This note is not part of the Regulations)

Mae'r Rheoliadau hyn yn diwygio Rheoliadau Marchnata Hadau (Cymru) 2012 (O.S. 2012/245) ("y prif Reoliadau").

These Regulations amend the Seed Marketing (Wales) Regulations 2012 (S.I. 2012/245) ("the principal Regulations").

Mae rheoliad 3 yn ychwanegu Penderfyniad y Cyngor 2003/17/EC ar gywerthedd archwiliadau maes a gyflawnir mewn trydydd gwledydd ar gnydau sy'n cynhyrchu hadau ac ar gywerthedd hadau a gynhyrchir mewn trydydd gwledydd (OJ Rhif L 8, 14.1.2003, t. 10) at y rhestr o offerynnau'r UE y mae'r cyfeiriadau yn y prif Reoliadau i'w dehongli fel cyfeiriadau at yr offerynnau hynny fel y'u diwygir o bryd i'w gilydd.

Regulation 3 adds 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 (OJ No L 8, 14.1.2003, p. 10) to the list of EU instruments in respect of which references in the principal Regulations are to be construed as references to those instruments as amended from time to time.

Mae rheoliad 4 yn caniatáu i Weinidogion Cymru drwyddedu esemptiadau ar gyfer arbrofion dros dro a drefnir o dan unrhyw un neu ragor o'r pum Cyfarwyddeb Ewropeaidd ar farchnata hadau betys, hadau yd, hadau planhigion porthiant, hadau planhigion olew a ffibr a hadau llysiau, yn y drefn honno. Mae darpariaethau eraill y Cyfarwyddebau hyn eisoes yn cael eu gweithredu (o ran Cymru) gan y prif Reoliadau.

Regulation 4 allows the Welsh Ministers to license exemptions for temporary experiments organised under any of the five European Directives on the marketing of, respectively, beet seed, cereal seed, fodder plant seed, seed of oil and fibre plants and vegetable seed. Other provisions of these Directives are already implemented (in relation to Wales) by the principal Regulations.

Ystyriwyd Cod Ymarfer Gweinidogion Cymru ar wneud Asesiadau Effaith Rheoleiddiol mewn perthynas â'r Rheoliadau hyn. O ganlyniad, ystyriwyd nad oedd yn angenrheidiol gwneud asesiad effaith rheoleiddiol o ran costau a manteision tebygol cydymffurfio â'r Rheoliadau hyn.

The Welsh Ministers' Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to these Regulations. As a result it was not considered necessary to carry out a regulatory impact assessment as to the likely costs and benefits of complying with these Regulations.

2013 Rhif 889 (Cy. 101)

HADAU, CYMRU

**Rheoliadau Marchnata Hadau
(Cymru) (Diwygio) 2013**

<i>Gwnaed</i>	<i>14 Ebrill 2013</i>
<i>Gosodwyd gerbron Cynulliad Cenedlaethol Cymru</i>	<i>17 Ebrill 2013</i>
<i>Yn dod i rym</i>	<i>10 Mai 2013</i>

Mae Gweinidogion Cymru yn gwneud y Rheoliadau hyn drwy arfer y pwerau yn adrannau 16(1), (1A), (2), (3), (4), (5) a (5A) a 36 o Ddeddf Amrywogaethau a Hadau Planhigion 1964(1), ar ôl ymgynghori yn unol ag adran 16(1) o'r Ddeddf honno â chynrychiolwyr y buddiannau hynny sy'n ymddangos yn berthnasol, a thrwy arfer y pwerau ym mharagraff 1A o Atodlen 2 i Ddeddf y Cymunedau Ewropeaidd 1972(2).

Mae'r Rheoliadau hyn yn gwneud darpariaeth at ddiben a grybwyllir yn adran 2(2) o Ddeddf y Cymunedau Ewropeaidd 1972(3) ac mae'n ymddangos i Weinidogion Cymru ei bod yn hwylus dehongli'r cyfeiriad yn y Rheoliadau hyn at Benderfyniad y Cyngor 2003/17/EC ar gywerthedd archwiliadau maes a gyflawnir mewn trydydd gwledydd ar gnydau sy'n cynhyrchu hadau ac ar gywerthedd hadau a gynhyrchir mewn trydydd gwledydd(4) fel cyfeiriad at y Penderfyniad hwnnw fel y'i diwygir o bryd i'w gilydd.

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- (1) 1964 p.14. Diwygiwyd adran 16 gan Ddeddf y Cymunedau Ewropeaidd 1972 (p.68), adran 4 ac Atodlen 4, paragraff 5; O.S. 1977/1112; ac adran 2 o Ddeddf Amaethyddiaeth 1986 (p.49). *Gweler* adran 38(1) ar gyfer y diffiniad o "the Minister". O dan Orchymyn Trosglwyddo Swyddogaethau (Cymru) (Rhif 1) 1978 (O.S. 1978/272) erthygl 2(1) ac Atodlen 1, trosglwyddwyd swyddogaethau'r Gweinidog Amaethyddiaeth, Pysgodfeydd a Bwyd o dan Ddeddf Amrywogaethau a Hadau Planhigion 1964, i'r graddau 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 ac Atodlen 1, trosglwyddwyd y swyddogaethau a drosglwyddwyd i'r Ysgrifennydd Gwladol o dan Orchymyn 1978 i Gynulliad Cenedlaethol Cymru. Yn rhinwedd paragraff 30 o Atodlen 11 i Ddeddf Llywodraeth Cymru 2006, mae'r swyddogaethau hynny bellach yn arferadwy gan Weinidogion Cymru.
- (2) 1972 p.68. Mewnosodwyd paragraff 1A o Atodlen 2 gan adran 28 o Ddeddf Diwygio Deddfwriaethol a Rheoleiddiol 2006 (p.51).
- (3) Diwygiwyd adran 2(2) gan adran 27(1)(a) o Ddeddf Diwygio Deddfwriaethol a Rheoleiddiol 2006, a Rhan 1 o'r Atodlen i Ddeddf yr Undeb Ewropeaidd (Diwygio) 2008 (p.7).
- (4) OJ Rhif L 8, 14.1.2003, t. 10, fel y'i diwygiwyd ddiwethaf gan Benderfyniad Senedd Ewrop a'r Cyngor Rhif 1105/2012/EU (OJ Rhif L 328, 28.11.12, tt.4-6).

2013 No. 889 (W. 101)

SEEDS, WALES

**The Seed Marketing (Wales)
(Amendment) Regulations 2013**

<i>Made</i>	<i>14 April 2013</i>
<i>Laid before the National Assembly for Wales</i>	<i>17 April 2013</i>
<i>Coming into force</i>	<i>10 May 2013</i>

The Welsh Ministers make these Regulations in exercise of the powers in sections 16(1), (1A), (2), (3), (4), (5) and (5A) and 36 of the Plant Varieties and Seeds Act 1964(1), after consultation in accordance with section 16(1) of that Act with representatives of such interests as appear to be concerned, and in exercise of the powers in paragraph 1A of Schedule 2 to the European Communities Act 1972(2).

These Regulations make provision for a purpose mentioned in section 2(2) of the European Communities Act 1972(3) and it appears to the Welsh Ministers that it is expedient for the reference in these Regulations to 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(4) to be construed as a reference to that Decision as amended from time to time.

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- (1) 1964 c.14. Section 16 has been amended by the European Communities Act 1972 (c.68), section 4 and Schedule 4, paragraph 5; S.I. 1977/1112; and section 2 of the Agriculture Act 1986 (c.49). *See* section 38(1) for the definition of "the Minister". Under the Transfer of Functions (Wales) (No 1) Order 1978 (S.I. 1978/272) article 2(1) and Schedule 1, the functions of the Minister of Agriculture, Fisheries and Food under the Plant Varieties and Seeds Act 1964 were so far as they are exercisable in relation to Wales, transferred to the Secretary of State and under the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672), article 2 and Schedule 1, the functions transferred to the Secretary of State by the 1978 Order were transferred to the National Assembly for Wales. By virtue of paragraph 30 of Schedule 11 to the Government of Wales Act 2006 those functions are now exercisable by the Welsh Ministers.
- (2) 1972 c.68. Paragraph 1A of Schedule 2 was inserted by section 28 of the Legislative and Regulatory Reform Act 2006 (c.51).
- (3) Section 2(2) was amended by section 27(1)(a) of the Legislative and Regulatory Reform Act 2006, and Part 1 of the Schedule to the European Union (Amendment) Act 2008 (c.7).
- (4) OJ No L 8, 14.1.2003, p. 10, as last amended by European Parliament and Council Decision No 1105/2012/EU (OJ No L 328, 28.11.12, pp. 4 - 6).

Enwi, cymhwyso a chychwyn

1. Enw'r Rheoliadau hyn yw Rheoliadau Marchnata Hadau (Cymru) (Diwygio) 2013. Maent yn gymwys o ran Cymru a deuant i rym ar 10 Mai 2013.

Diwygio Rheoliadau Marchnata Hadau (Cymru) 2012

2. Mae Rheoliadau Marchnata Hadau (Cymru) 2012(1) wedi eu diwygio fel a ganlyn.

Rheoliad 3 (dehongli termau eraill)

3. Yn rheoliad 3(2)—

- (a) ar ddiwedd is-baragraff (e), hepgorer "ac";
- (b) ar ôl is-baragraff (f), mewnosoder—
"ac
 - (ff) Penderfyniad y Cyngor 2003/17/EC ar gywerthedd archwiliadau maes a gyflawnir mewn trydydd gwledydd ar gnydau sy'n cynhyrchu hadau ac ar gywerthedd hadau a gynhyrchir mewn trydydd gwledydd,"; ac
- (c) yn lle "y Cyfarwyddbau hynny", rhodder "yr offerynnau hynny".

Trwyddedau ar gyfer arbrofion dros dro

4. Ar ôl rheoliad 21, mewnosoder—

"Trwyddedau ar gyfer arbrofion dros dro

21A. Caiff Gweinidogion Cymru esemptio drwy drwydded unrhyw berson neu ddsbarth ar berson rhag cydymffurfio ag unrhyw un neu ragor o ddarpariaethau'r Rheoliadau hyn at ddibenion arbrwf dros dro a drefnir o dan—

- (a) Erthygl 19 o Gyfarwyddeb y Cyngor 2002/54/EC ar farchnata hadau betys(2);
- (b) Erthygl 13a o Gyfarwyddeb y Cyngor 66/402/EEC ar farchnata hadau yd(3);

Title, application and commencement

1. The title of these Regulations is the Seed Marketing (Wales) (Amendment) Regulations 2013. They apply in relation to Wales and come into force on 10 May 2013.

Amendment of the Seed Marketing (Wales) Regulations 2012

2. The Seed Marketing (Wales) Regulations 2012(1) are amended as follows.

Regulation 3 (interpretation of other terms)

3. In regulation 3(2)—

- (a) at the end of sub-paragraph (g), omit "and";
- (b) after sub-paragraph (h), insert—
"and
 - (i) 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,"; and
- (c) for "those Directives", substitute "those instruments".

Licences for temporary experiments

4. After regulation 21, insert—

"Licences for temporary experiments

21A. The Welsh Ministers may by licence exempt any person or class of person from compliance with any provision of these Regulations for the purposes of a temporary experiment organised under—

- (a) Article 19 of Council Directive 2002/54/EC on the marketing of beet seed(2);
- (b) Article 13a of Council Directive 66/402/EEC on the marketing of cereal seed(3);

(1) O.S. 2012/245.

(2) OJ Rhif L 193, 20.7.2002, t. 12, fel y'i diwygiwyd ddiwethaf gan Gyfarwyddeb y Cyngor 2004/117/EC (OJ Rhif L 14, 18.1.2005, t. 18).

(3) OJ Rhif L 125, 11.7.1966, t. 2309 (OJ/SE 1965 - 66, t. 143), fel y'i diwygiwyd ddiwethaf gan Gyfarwyddeb Weithredu y Comisiwn 2012/37/EU (OJ Rhif L 325, 23.11.2012, tt. 13-14).

(1) S.I. 2012/245.

(2) OJ No L 193, 20.7.2002, p. 12, as last amended by Council Directive 2004/117/EC (OJ No L 14, 18.1.2005, p. 18).

(3) OJ No L 125, 11.7.1966, p. 2309 (OJ/SE 1965 - 66, p. 143) as last amended by Commission Implementing Directive 2012/37/EU (OJ No. L 325, 23.11.2012, pp. 13 - 14).

- (c) Erthygl 13a o Gyfarwyddeb y Cyngor 66/401/EEC ar farchnata hadau planhigion porthiant(1);
- (ch)Erthygl 16 o Gyfarwyddeb y Cyngor 2002/57/EC ar farchnata hadau planhigion olew a ffibr(2); neu
- (d) Erthygl 33 o Gyfarwyddeb y Cyngor 2002/55/EC ar farchnata hadau llysiâu(3)."

- (c) Article 13a of Council Directive 66/401/EEC on the marketing of fodder plant seed(1);
- (d) Article 16 of Council Directive 2002/57/EC on the marketing of seed of oil and fibre plants(2); or
- (e) Article 33 of Council Directive 2002/55/EC on the marketing of vegetable seed(3)."

Alun Davies

Y Gweinidog Cyfoeth Naturiol a Bwyd, un o Weinidogion Cymru

Minister for Natural Resources and Food, one of the Welsh Ministers

14 Ebrill 2013

14 April 2013

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- (1) OJ Rhif L 125, 11.7.1966, t. 2298 (OJ/SE 1965 - 66, t. 132), fel y'i diwygiwyd ddiwethaf gan Gyfarwyddeb Weithredu y Comisiwn 2012/37/EU (OJ Rhif L 325, 23.11.12, tt. 13-14).
- (2) OJ Rhif L 193, 20.7.2002, t. 74, fel y'i diwygiwyd ddiwethaf gan Gyfarwyddeb y Comisiwn 2009/74/EC (OJ Rhif L 166, 27.6.2009, t. 40).
- (3) OJ Rhif L 193, 20.7.2002, t. 33.

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- (1) OJ No L 125, 11.7.1966, p. 2298 (OJ/SE 1965 - 66, p. 132) as last amended by Commission Implementing Directive 2012/37/EU (OJ No L 325, 23.11.12, pp. 13 - 14).
- (2) OJ No L 193, 20.7.2002, p. 74, as last amended by Commission Directive 2009/74/EC (OJ No L 166, 27.6.2009, p. 40).
- (3) OJ No L 193, 20.7.2002, p. 33.

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