O F F E R Y N N A U S T A T U D O L C Y M R U

2018 Rhif 1152 (Cy. 234)

ANIFEILIAID, CYMRU

IECHYD ANIFEILIAID

Rheoliadau Safonau Sootechnegol (Cymru) 2018

NODYN ESBONIADOL

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

Mae'r Rheoliadau hyn yn ychwanegu at Reoliad (EU) 2016/1012 Senedd Ewrop a'r Cyngor ar amodau sootechnegol ac achyddol ar gyfer bridio a masnachu anifeiliaid bridio o frid pur, moch bridio hybrid a'u cynhyrchion cenhedlol, a dod â hwy i'r Undeb, ("y Rheoliad Bridio Anifeiliaid") ac yn gwneud darpariaeth ar gyfer ei orfodi.

Mae'r Rheoliadau hyn yn dirymu ac yn disodli Rheoliadau Ceffylau (Safonau Sootechnegol) (Cymru) 2006 a Rheoliadau Safonau Sootechnegol (Cymru) 2015. Maent hefyd yn diwygio Rheoliadau'r Fasnach mewn Anifeiliaid a Chynhyrchion Perthynol (Cymru) 2011 i wneud darpariaeth mewn cysylltiad â gwiriadau ffiniau o dan amgylchiadau penodol a ragwelir gan y Rheoliad Bridio Anifeiliaid.

Ystyriwyd Cod Ymarfer Gweinidogion Cymru ar gynnal Asesiadau Effaith Rheoleiddiol mewn perthynas â'r Rheoliadau hyn. O ganlyniad, ystyriwyd nad oedd yn angenrheidiol cynnal asesiad effaith rheoleiddiol o'r costau a'r manteision sy'n debygol o ddeillio o gydymffurfio â'r Rheoliadau hyn.

W E L S H S T A T U T O R Y I N S T R U M E N T S

2018 No. 1152 (W. 234)

ANIMALS, WALES

ANIMAL HEALTH

The Zootechnical Standards (Wales) Regulations 2018

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations supplement, and make provision for the enforcement of, Regulation (EU) 2016/1012 of the European Parliament and of the Council on zootechnical and genealogical conditions for the breeding, trade in and entry into the Union of purebred breeding animals, hybrid breeding pigs, and the germinal products thereof ("the Animal Breeding Regulation").

These Regulations revoke and replace the Horses (Zootechnical Standards) (Wales) Regulations 2006 and the Zootechnical Standards (Wales) Regulations 2015. They also amend the Trade in Animals and Related Products (Wales) Regulations 2011 to make provision in respect of border checks in certain circumstances envisaged by the Animal Breeding Regulation.

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.

OFFERYNNAU STATUDOL CYMRU

2018 Rhif 1152 (Cy. 234)

ANIFEILIAID, CYMRU

IECHYD ANIFEILIAID

Rheoliadau Safonau Sootechnegol (Cymru) 2018

Gwnaed	*6 Tachwedd 2018*
Gosodwyd gerbron Cynulliad Cenedlaethol Cymru	*9 Tachwedd 2018*
Yn dod i rym	*1 Rhagfyr 2018*

Mae Gweinidogion Cymru wedi eu dynodi(**1**) at ddibenion adran 2(2) o Ddeddf y Cymunedau Ewropeaidd 1972(**2**) mewn perthynas â pholisi amaethyddol cyffredin yr Undeb Ewropeaidd.

Mae Gweinidogion Cymru yn gwneud y Rheoliadau hyn o dan y pwerau a roddir gan adran 2(2) o Ddeddf y Cymunedau Ewropeaidd 1972(**3**) a pharagraff 1A o Atodlen 2 iddi.

Mae'r Rheoliadau hyn yn gwneud darpariaeth at ddiben a grybwyllir yn adran 2(2) o Ddeddf y Cymunedau Ewropeaidd 1972 ac mae'n ymddangos i Weinidogion Cymru ei bod yn hwylus dehongli'r cyfeiriadau at ddarpariaethau offerynnau'r UE yn y Rheoliadau hyn fel cyfeiriadau at y darpariaethau hynny fel y'u diwygir o bryd i'w gilydd.

Enwi, cymhwyso a chychwyn

1.—(1) Enw'r Rheoliadau hyn yw Rheoliadau Safonau Sootechnegol (Cymru) 2018.

(2) Mae'r Rheoliadau hyn yn gymwys o ran Cymru.

(**1**) O.S. 2010/2690.
(**2**) 1972 p. 68.
(**3**) Mewnosodwyd paragraff 1A o Atodlen 2 gan adran 28 o Ddeddf Diwygio Deddfwriaethol a Rheoleiddiol 2006 (p. 51).

WELSH STATUTORY INSTRUMENTS

2018 No. 1152 (W. 234)

ANIMALS, WALES

ANIMAL HEALTH

The Zootechnical Standards (Wales) Regulations 2018

Made	*6 November 2018*
Laid before the National Assembly for Wales	*9 November 2018*
Coming into force	*1 December 2018*

The Welsh Ministers are designated(**1**) for the purposes of section 2(2) of the European Communities Act 1972(**2**) in relation to the common agricultural policy of the European Union.

The Welsh Ministers make these Regulations under the powers conferred by section 2(2) of, and paragraph 1A of Schedule 2 to, the European Communities Act 1972(**3**).

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

Title, application and commencement

1.—(1) The title of these Regulations is the Zootechnical Standards (Wales) Regulations 2018.

(2) These Regulations apply in relation to Wales.

(**1**) S.I. 2010/2690.
(**2**) 1972 c. 68.
(**3**) Paragraph 1A of Schedule 2 was inserted by section 28 of the Legislative and Regulatory Reform Act 2006 (c. 51).

(3) Daw'r Rheoliadau hyn i rym ar 1 Rhagfyr 2018.

Dehongli

2.—(1) Yn y Rheoliadau hyn, ystyr "y Rheoliad Bridio Anifeiliaid" yw Rheoliad (EU) 2016/1012(**1**) Senedd Ewrop a'r Cyngor dyddiedig 8 Mehefin 2016 ar amodau sootechnegol ac achyddol ar gyfer bridio a masnachu anifeiliaid bridio o frid pur, moch bridio hybrid a'u cynhyrchion cenhedlol, a dod â hwy i'r Undeb, ac sy'n diwygio Rheoliad (EU) Rhif 652/2014, Cyfarwyddebau'r Cyngor 89/608/EEC a 90/425/EEC ac yn diddymu actau penodol ym maes bridio anifeiliaid.

(2) Mae i ymadroddion nad ydynt wedi eu diffinio yn y Rheoliadau hyn ac y mae'r ymadroddion Saesneg cyfatebol yn digwydd yn y Rheoliad Bridio Anifeiliaid yr un ystyr yn y Rheoliadau hyn ag sydd gan yr ymadroddion Saesneg cyfatebol at ddibenion y Rheoliad Bridio Anifeiliaid.

Yr awdurdod cymwys

3. Gweinidogion Cymru yw'r awdurdod cymwys at ddibenion y Rheoliad Bridio Anifeiliaid.

Gorfodi

4. Gorfodir y Rheoliad Bridio Anifeiliaid gan yr awdurdod cymwys.

Hysbysiadau

5.—(1) Caniateir i unrhyw hysbysiad sydd i'w gyflwyno o dan y Rheoliad Bridio Anifeiliaid gael ei anfon at y gweithredwr—

(a) drwy'r post; neu

(b) yn electronig,

i'r cyfeiriad post neu'r cyfeiriad electronig a ddarperir gan y gweithredwr i'r awdurdod cymwys.

(2) Os anfonir yr hysbysiad yn electronig at y gweithredwr, nid yw ond i'w drin fel pe bai wedi cael ei roi—

(3) These Regulations come into force on 1 December 2018.

Interpretation

2.—(1) In these Regulations, "the Animal Breeding Regulation" means Regulation (EU) 2016/1012(**1**) of the European Parliament and of the Council of 8 June 2016 on zootechnical and genealogical conditions for the breeding, trade in and entry into the Union of purebred breeding animals, hybrid breeding pigs and the germinal products thereof and amending Regulation (EU) No 652/2014, Council Directives 89/608/EEC and 90/425/EEC and repealing certain acts in the area of animal breeding.

(2) Expressions that are not defined in these Regulations and occur in the Animal Breeding Regulation have the same meaning in these Regulations as they have for the purposes of the Animal Breeding Regulation.

Competent authority

3. The Welsh Ministers are the competent authority for the purposes of the Animal Breeding Regulation.

Enforcement

4. The Animal Breeding Regulation is enforced by the competent authority.

Notifications

5.—(1) Any notice to be served under the Animal Breeding Regulation may be sent to the operator—

(a) by post; or

(b) electronically,

to the postal or electronic address provided by the operator to the competent authority.

(2) If the notice is sent to the operator electronically it is to be treated as given only if—

(**1**) OJ Rhif L 171, 29.06.2016, t. 66. *Gweler* hefyd Reoliad Gweithredu'r Comisiwn (EU) 2017/716 sy'n gwneud darpariaeth mewn cysylltiad â'r ffurfiau enghreifftiol sydd i'w defnyddio ar gyfer yr wybodaeth sydd i'w chynnwys yn y rhestrau o gymdeithasau brid cydnabyddedig a gweithrediadau bridio; Rheoliad Gweithredu'r Comisiwn (EU) 2017/717 sy'n gosod rheolau ar gyfer cymhwyso Rheoliad (EU) 2016/1012 o ran ffurfiau enghreifftiol tystysgrifau sootechnegol ar gyfer anifeiliaid bridio a'u cynhyrchion cenhedlol; a Rheoliad Dirprwyedig y Comisiwn (EU) 2017/1940 o ran cynnwys a ffurf tystysgrifau sootechnegol a ddyroddir ar gyfer anifeiliaid bridio o frid pur o'r rhywogaeth equine a gynhwysir mewn un ddogfen adnabod gydol oes ar gyfer equidae.

(**1**) OJ No L 171, 29.06.2016, p. 66. *See* also Commission Implementing Regulation (EU) 2017/716 which makes provision in respect of the model forms to be used for the information to be included in the lists of recognised breed societies and breeding operations; Commission Implementing Regulation (EU) 2017/717 laying down rules for the application of Regulation (EU) 2016/1012 with regard to the model forms of zootechnical certificates for breeding animals and their germinal products; and Commission Delegated Regulation (EU) 2017/1940 as regards the content and format of zootechnical certificates issued for purebred breeding animals of the equine species contained in a single lifetime identification document for equidae.

(a) os yw'r gweithredwr wedi mynegi i'r awdurdod cymwys ei barodrwydd i gael hysbysiad drwy gyfrwng electronig a'i fod wedi darparu cyfeiriad sy'n addas at y diben hwnnw; a

(b) os anfonwyd yr hysbysiad i'r cyfeiriad hwnnw.

Rhwymedigaeth i hysbysu'r awdurdod cymwys am newid i fanylion cyswllt

6.—(1) Mae'r rheoliad hwn yn gymwys pan fo manylion cyswllt gweithredwr yn newid.

(2) Yn ddarostyngedig i baragraff (3), rhaid i'r gweithredwr hysbysu'r awdurdod cymwys fod ei fanylion cyswllt wedi newid yn ddim hwyrach na 10 diwrnod gwaith ar ôl y newid, a bydd y cyfnod hwnnw o 10 diwrnod yn dechrau â'r diwrnod y mae'r newid yn digwydd.

(3) Rhaid i hysbysiad a roddir o dan y rheoliad hwn gael ei anfon i'r awdurdod cymwys yn y cyfeiriad penodedig.

(4) Yn y rheoliad hwn, ystyr "cyfeiriad penodedig" yw'r cyfeiriad post neu'r cyfeiriad electronig a roddir gan Weinidogion Cymru o bryd i'w gilydd at ddibenion y rheoliad hwn.

Cosbau

7. Pan fo gweithredwr yn torri rhwymedigaeth o dan y Rheoliad Bridio Anifeiliaid neu o dan y Rheoliadau hyn, bydd yr awdurdod cymwys yn ymdrin â'r toriad hwnnw yn unol â'r darpariaethau yn Erthygl 47 o'r Rheoliad Bridio Anifeiliaid.

Adolygiad mewn cysylltiad â phenderfyniad a wnaed o dan Erthygl 47 o'r Rheoliad Bridio Anifeiliaid

8.—(1) Pan fo'r awdurdod cymwys wedi rhoi hysbysiad i gymdeithas y brid neu weithrediad bridio o dan Erthygl 47(2)(a) o'r Rheoliad Bridio Anifeiliaid mewn cysylltiad â phenderfyniad i dynnu yn ôl gydnabyddiaeth cymdeithas y brid neu'r gweithrediad bridio a roddwyd yn unol ag Erthygl 4(3) o'r Rheoliad hwnnw, caiff cymdeithas y brid neu'r gweithrediad bridio hwnnw wneud cais i'r awdurdod cymwys ailystyried y penderfyniad a roddwyd yn yr hysbysiad hwnnw.

(2) Rhaid i gais o dan baragraff (1)—

(a) cael ei wneud gan gymdeithas y brid neu'r gweithrediad bridio o fewn y cyfnod o 28 o ddiwrnodau sy'n dechrau â'r diwrnod y cyflwynir yr hysbysiad perthnasol; a

(a) the operator had indicated to the competent authority willingness to receive notification by electronic means and provided an address suitable for that purpose; and

(b) the notification was sent to that address.

Obligation to inform the competent authority of a change in contact details

6.—(1) This regulation applies where an operator's contact details change.

(2) Subject to paragraph (3), the operator must give the competent authority notice of its changed contact details no later than 10 working days following the change, that period of 10 days beginning with the day on which the change occurs.

(3) Notice given under this regulation must be sent to the competent authority at the specified address.

(4) In this regulation, "specified address" means the postal or electronic address given by the Welsh Ministers from time to time for the purposes of this regulation.

Penalties

7. Where an operator infringes an obligation under the Animal Breeding Regulation or under these Regulations, the competent authority will deal with that infringement in accordance with the provisions in Article 47 of the Animal Breeding Regulation.

Review in respect of a decision taken under Article 47 of the Animal Breeding Regulation

8.—(1) Where the competent authority has given a breed society or breeding operation a notice under Article 47(2)(a) of the Animal Breeding Regulation in respect of a decision to withdraw the recognition of the breed society or breeding operation granted in accordance with Article 4(3) of that Regulation, that breed society or breeding operation may apply to the competent authority for a reconsideration of the decision given in that notice.

(2) An application under paragraph (1) must—

(a) be made by the breed society or breeding operation within the period of 28 days beginning with the day on which the relevant notice is served; and

(b) nodi'r rhesymau dros wneud y cais a chael ei gyflwyno gyda'r dystiolaeth honno y mae cymdeithas y brid neu'r gweithrediad bridio yn credu ei bod yn ategu'r rhesymau hynny.

(3) Caiff yr awdurdod cymwys ofyn am dystiolaeth gan gymdeithas y brid neu'r gweithrediad bridio i ategu'r cais.

(4) Rhaid i'r awdurdod cymwys, cyn gynted ag y bo'n rhesymol ymarferol—

(a) ystyried y cais a gwneud penderfyniad mewn cysylltiad ag ef;

(b) rhoi hysbysiad ysgrifenedig i gymdeithas y brid neu'r gweithrediad bridio yn nodi a yw'r penderfyniad wedi ei gadarnhau neu ei wrthdroi; ac

(c) os caiff y penderfyniad ei wrthdroi, cymryd y camau priodol mewn cysylltiad â'r penderfyniad a gafodd ei wrthdroi.

(5) Nid yw argaeledd adolygiad o dan y rheoliad hwn yn atal hysbysiad a ddisgrifir ym mharagraff (1) rhag cael effaith yn syth ar ôl ei gyflwyno.

Diwygio Rheoliadau'r Fasnach mewn Anifeiliaid a Chynhyrchion Perthynol (Cymru) 2011

9.—(1) Mae Rheoliadau'r Fasnach mewn Anifeiliaid a Chynhyrchion Perthynol (Cymru) 2011(**1**) wedi eu diwygio fel a ganlyn.

(2) Yn rheoliad 15(1) (gweithdrefn wrth fewnforio), ar ôl is-baragraff (c) mewnosoder—

"(ch) y gwiriadau sy'n ofynnol gan Erthygl 37(1) o Reoliad (EU) 2016/1012 Senedd Ewrop a'r Cygnor dyddiedig 8 Mehefin 2016 ar amodau sootechnegol ac achyddol ar gyfer bridio a masnachu anifeiliaid bridio o frid pur, moch bridio hybrid a'u cynhyrchion cenhedlol, a dod â hwy i'r Undeb, ac sy'n diwygio Rheoliad (EU) Rhif 652/2014, Cyfarwyddebau'r Cyngor 89/608/EEC a 90/425/EEC ac yn diddymu actau penodol ym maes bridio anifeiliaid."

(**1**) O.S. 2011/2379 (Cy. 252), a ddiwygiwyd gan O.S. 2014/3158.

(b) state the reasons for making the application and be accompanied by such evidence as the breed society or breeding operation believes supports those reasons.

(3) The competent authority may request evidence from the breed society or breeding operation in support of the application.

(4) The competent authority must as soon as reasonably practicable—

(a) consider the application and make a decision in respect of it;

(b) give written notification to the breed society or breeding operation stating whether the decision is confirmed or reversed; and

(c) if the decision is reversed, take the appropriate action in respect of the reversed decision.

(5) The availability of a review under this regulation does not prevent a notice described in paragraph (1) having effect immediately upon being served.

Amendment of the Trade in Animals and Related Products (Wales) Regulations 2011

9.—(1) The Trade in Animals and Related Products (Wales) Regulations 2011(**1**) are amended as follows.

(2) In regulation 15(1) (procedure on importation), after sub-paragraph (c) insert—

"(d) the checks required by Article 37(1) of Regulation (EU) 2016/1012 of the European Parliament and of the Council of 8 June 2016 on zootechnical and genealogical conditions for the breeding, trade in and entry into the Union of purebred breeding animals, hybrid breeding pigs and the germinal products thereof and amending Regulation (EU) No 652/2014, Council Directives 89/608/EEC and 90/425/EEC and repealing certain acts in the area of animal breeding."

(**1**) S.I. 2011/2379 (W. 252), as amended by S.I. 2014/3158.

(3) Yn Atodlen 1 (Deddfwriaeth yr Undeb Ewropeaidd), ar y diwedd mewnosoder—

“Rheoliad (EU) 2016/1012 Senedd Ewrop a’r Cyngor dyddiedig 8 Mehefin 2016 ar amodau sootechnegol ac achyddol ar gyfer bridio a masnachu anifeiliaid bridio o frid pur, moch bridio hybrid a’u cynhyrchion cenhedlol, a dod â hwy i’r Undeb	Anifeiliaid bridio o frid pur, moch bridio hybrid a’u cynhyrchion cenhedlol”.

Dirymiadau

10. Mae’r Rheoliadau a ganlyn wedi eu dirymu—

(a) Rheoliadau Ceffylau (Safonau Sootechnegol) (Cymru) 2006(**1**); a

(b) Rheoliadau Safonau Sootechnegol (Cymru) 2015(**2**).

(3) In Schedule 1 (European Union legislation), at the end insert—

“Regulation (EU) 2016/1012 of the European Parliament and of the Council of 8 June 2016 on zootechnical and genealogical conditions for the breeding, trade in and entry into the Union of purebred breeding animals, hybrid breeding pigs and the germinal products thereof	Purebred breeding animals, hybrid breeding pigs and the germinal products thereof”.

Revocations

10. The following Regulations are revoked—

(a) the Horses (Zootechnical Standards) (Wales) Regulations 2006(**1**); and

(b) the Zootechnical Standards (Wales) Regulations 2015(**2**).

Lesley Griffiths

Ysgrifennydd y Cabinet dros Ynni, Cynllunio a Materion Gwledig, un o Weinidogion Cymru
6 Tachwedd 2018

Cabinet Secretary for Energy, Planning and Rural Affairs, one of the Welsh Ministers
6 November 2018

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(**1**) O.S. 2006/2607 (Cy. 220).
(**2**) O.S. 2015/1686 (Cy. 218).

(**1**) S.I. 2006/2607 (W. 220).
(**2**) S.I. 2015/1686 (W. 218).

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2018 Rhif 1152 (Cy. 234)

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Rheoliadau Safonau Sootechnegol (Cymru) 2018

WELSH STATUTORY INSTRUMENTS

2018 No. 1152 (W. 234)

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ANIMAL HEALTH

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