



OFFERYNNAU STATUDOL
CYMRU

WELSH STATUTORY
INSTRUMENTS

2010 Rhif 1671 (Cy.158)

2010 No. 1671 (W.158)

BWYD, CYMRU

FOOD, WALES

**Rheoliadau Wyau a Chywion
(Cymru) 2010**

**The Eggs and Chicks (Wales)
Regulations 2010**

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 dirymu ac yn cymryd lle Rheoliadau Wyau a Chywion (Cymru) 2009 (O.S. 2009/793).

These Regulations revoke and replace the Eggs and Chicks (Wales) Regulations 2009 (S.I. 2009/793).

Fel y gwnâi Rheoliadau 2009, maent yn darparu ar gyfer gorfodi a gweithredu safonau marchnata EU uniongyrchol gymwys mewn perthynas ag wyau deor a chywion dofednod buarth fferm a safonau marchnata EU uniongyrchol gymwys mewn perthynas ag wyau yn eu plisgyn ar gyfer eu bwyta. Maent hefyd yn gwneud darpariaeth newydd ar gyfer gorfodi rheolaethau EU uniongyrchol gymwys ar gyfer seroteipiau Salmonella sydd ag arwyddocâd i iechyd y cyhoedd, mewn perthynas â marchnata a defnyddio wyau yn eu plisgyn ar gyfer eu bwyta gan bobl.

As in the 2009 Regulations, they make provision for the enforcement and execution of directly applicable EU marketing standards relating to eggs for hatching and farmyard poultry chicks and directly applicable EU marketing standards relating to eggs in shell for consumption. They also make new provision for the enforcement of directly applicable EU controls for Salmonella serotypes with public health significance in relation to the marketing and use of eggs in shell for human consumption.

O ran y safonau marchnata EU mewn perthynas ag wyau deor a chywion, mae'r Rheoliadau hyn—

As regards the EU marketing standards relating to eggs for hatching and chicks, these Regulations—

- (a) yn gwneud y methiant i gydymffurfio â darpariaethau Rheoliad y Cyngor (EC) Rhif 1234/2007 sy'n sefydlu trefn gyffredin o farchnadoedd amaethyddol, ac yn gwneud darpariaethau penodol ynglŷn â rhai cynhyrchion amaethyddol (y Rheoliad Sengl CMO) (OJ Rhif L 299, 16.11.2007, t. 1) a Rheoliad y Comisiwn (EC) Rhif 617/2008 (OJ Rhif L 168, 28.6.2008, t. 5), a grybwyllir yn Atodlen 1, yn dramgwydd (rheoliad 5);
- (b) yn cynnwys darpariaethau sy'n ymwneud â chofrestru sefydliadau bridio pedigri, sefydliadau bridio eraill a deorfeydd (rheoliad 6); ac
- (c) yn darparu eithriad rhag Erthygl 3(2) o Reoliad y Comisiwn (EC) Rhif 617/2008 drwy ganiatáu i wyau deor gael eu marcio mewn dull

- (a) make the failure to comply with the provisions of Council Regulation (EC) No 1234/2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products (Single CMO Regulation) (OJ No L 299, 16.11.2007, p. 1) and Commission Regulation (EC) No 617/2008 (OJ No L 168, 28.6.2008, p. 5) mentioned in Schedule 1 an offence (regulation 5);
- (b) include provisions relating to the registration of pedigree breeding establishments, other breeding establishments and hatcheries (regulation 6); and
- (c) provide an exception from Article 3(2) of Commission Regulation (EC) No 617/2008 by allowing eggs for hatching to be marked in a

gwahanol i'r dull a grybwyllir yn y ddarpariaeth honno (rheoliad 7).

O ran y safonau marchnata EU sy'n gymwys yn uniongyrchol mewn perthynas ag wyau yn eu plisgyn ar gyfer eu bwyta, mae'r Rheoliadau hyn—

- (a) yn gwneud y methiant i gydymffurfio â darpariaethau'r Rheoliad Sengl CMO a Rheoliad y Comisiwn (EC) Rhif 589/2008 (OJ Rhif L 163, 24.6.2008, t 6) a grybwyllir yn Atodlen 2 yn dramgwydd (rheoliad 9);
- (b) yn cynnwys darpariaethau ynglŷn ag awdurdodi canolfannau pecynnu i raddio wyau (rheoliad 10);
- (c) yn darparu eithriad rhag darpariaethau pwyntiau III(1) a (3) o Ran A o Atodiad XIV i'r Rheoliad Sengl CMO o ran marcio wyau ar gyfer eu bwyta (rheoliad 11);
- (ch) yn amrywio'r gofynion sylfaenol ar gyfer marchnata wyau fel wyau buarth drwy awdurdodi pori da byw ar libartau awyr agored ar gyfer ieir sy'n cynhyrchu'r cyfryw wyau (rheoliad 12);
- (d) yn darparu eithriad rhag darpariaethau Rheoliad y Comisiwn (EC) Rhif 589/2008, drwy ganiatáu i wyau gael eu marchnata fel wyau buarth er nad yw'r holl ofynion a osodir yn y Rheoliad hwnnw ar gyfer wyau buarth wedi eu bodloni (rheoliad 13); ac
- (dd) yn darparu eithriad rhag darpariaethau Rheoliad y Comisiwn (EC) Rhif 589/2008, drwy ganiatáu i wyau gael eu marchnata fel wyau sgubor er nad yw'r holl ofynion a osodir yn y Rheoliad hwnnw ar gyfer wyau sgubor wedi eu bodloni (rheoliad 14).

O ran y rheolaethau newydd mewn perthynas â Salmonella mae'r Rheoliadau'n cynnwys darpariaeth sy'n gwneud y methiant i gydymffurfio â darpariaethau Rheoliad (EC) Rhif 2160/2003 Senedd Ewrop a'r Cyngor (OJ Rhif L 325, 12.12.2003, t. 1) ar reoli Salmonella a chyfyngau milheintiol penodedig eraill a gludir mewn bwyd, a grybwyllir yn Atodlen 3, yn dramgwydd (rheoliad 16).

Mae'r Rheoliadau hyn hefyd yn darparu ar gyfer gorfodi'r Rheoliadau gan awdurdodau bwyd a Gweinidogion Cymru (rheoliad 17) ac yn gosod dyletswydd ar awdurdodau gorfodi i gynorthwyo a rhannu gwybodaeth â'i gilydd (rheoliad 18). Maent yn rhoi pwerau mynediad (rheoliad 19) a phwerau eraill (rheoliad 20), gan gynnwys pwerau i ymafael a dinistrio. Maent yn gwneud yn ofynnol dilyn gweithdrefnau penodol mewn unrhyw ddigwyddiad pan arferir y pwerau ymafael (rheoliad 21). Darperir hefyd ar gyfer dyroddi hysbysiadau cydymffurfio (rheoliad 22) ac ar gyfer apelau yn erbyn rhai

different manner from that mentioned in that provision (regulation 7).

As regards the directly applicable EU marketing standards relating to eggs in shell for consumption, these Regulations—

- (a) make the failure to comply with the provisions of the Single CMO Regulation and Commission Regulation (EC) No 589/2008 (OJ No L 163, 24.6.2008, p 6) mentioned in Schedule 2 an offence (regulation 9);
- (b) include provisions relating to the authorisation of packing centres to grade eggs (regulation 10);
- (c) provide an exception from the provisions of points III(1) and (3) of Part A of Annex XIV to the Single CMO Regulation, as regards the marking of eggs for consumption (regulation 11);
- (d) vary the minimum requirements for the marketing of eggs as free-range eggs by authorising livestock grazing on open-air runs for hens producing such eggs (regulation 12);
- (e) provide an exception from the provisions of Commission Regulation (EC) No 589/2008, by allowing eggs to be marketed as free-range eggs although not all of the requirements laid down in that Regulation for free-range eggs are met (regulation 13); and
- (f) provide an exception from the provisions of Commission Regulation (EC) No 589/2008, by allowing eggs to be marketed as barn eggs although not all of the requirements laid down in that Regulation for barn eggs are met (regulation 14).

As regards the new Salmonella related controls, the Regulations include a provision making the failure to comply with the provisions of Regulation (EC) No 2160/2003 (OJ No L 325, 12.12.2003, p. 1) of the European Parliament and of the Council on the control of Salmonella and other specified food-borne zoonotic agents mentioned in Schedule 3 an offence (regulation 16).

These Regulations also provide for food authorities and the Welsh Ministers to enforce the Regulations (regulation 17) and impose a duty on enforcement authorities to give assistance and information to each other (regulation 18). They confer powers of entry (regulation 19) and other powers (regulation 20), including seizure and destruction powers. They require certain procedures to be followed in the event of any exercise of the seizure powers (regulation 21). They provide for the issue of compliance notices (regulation 22) and provide for appeals against certain decisions of the Welsh Ministers and enforcement authorities

penderfyniadau gan Weinidogion Cymru ac awdurdodau gorfodi (rheoliad 23). Maent yn galluogi Gweinidogion Cymru i osod gofynion ychwanegol o ran cadw cofnodion (rheoliad 24). Maent yn darparu ar gyfer cyhoeddi achosion pan ddinistriwyd eitemau yr ymafaelwyd ynddynt, ac achosion pan roddwyd hysbysiadau cydymffurfio (rheoliad 25).

Maent yn gwneud rhwystro yn dramgwydd (rheoliad 26) ac yn darparu ar gyfer cosbi tramgwyddau troseddol (rheoliad 27). Maent yn cynnwys darpariaethau sy'n estyn y cyfnod pan ellir dwyn erlyniad (rheoliad 28) a darpariaethau sy'n ymwneud â thramgwyddau a gyflawnir gan gorff corfforaethol, corff anghorfforedig neu bartneriaeth (rheoliad 29).

Maent yn creu cynllun hefyd ar gyfer dyroddi a thalu hysbysiadau cosb am dramgwydd o dan reoliad 16 ac yn fwyaf penodol ddarpariaethau ynglŷn â rhoi hysbysiad cosb (rheoliad 30); cynnwys hysbysiad o'r fath (rheoliad 31); swm y gosb sy'n daladwy o dan hysbysiad cosb (rheoliad 32 ac Atodlen 4); y cyfnod a ganiateir ar gyfer talu cosb ac effaith talu cosb (rheoliad 33); y dull a ddefnyddir i dalu cosb (rheoliad 34); dyroddi tystysgrif ynglŷn â thalu neu beidio â thalu cosb (rheoliad 35); talu cosbau i Gronfa Gyfunol Cymru (rheoliad 36); a thynnu hysbysiad cosb yn ôl (rheoliad 37).

Maent yn cynnwys darpariaethau hefyd ynglŷn â rhoi hysbysiadau o dan y Rheoliadau (rheoliad 38). Cymhwysir amryw o ddarpariaethau Deddf Diogelwch Bwyd 1990 (1990 p. 16) i'r Rheoliadau (rheoliad 39) a gwneir darpariaeth drosiannol (rheoliad 40).

Mae asesiad effaith rheoleiddiol llawn o effaith y Rheoliadau hyn ar gostau busnes a'r sector gwirfoddol ar gael yn www.cymru.gov.uk neu o Swyddfa'r Prif Swyddog Milfeddygol, Llywodraeth Cynulliad Cymru, Adeiladau'r Llywodraeth, Parc Cathays, Caerdydd, CF10 3NQ. Atodir ef hefyd i'r Memorandwm Esboniadol sydd ar gael, ynghyd â'r Rheoliadau hyn, ar wefan OPSI (www.opsi.gov.uk).

(regulation 23). They enable the Welsh Ministers to impose additional record-keeping requirements (regulation 24). They provide for the publication of cases where seized items have been destroyed and cases in which Compliance notices have been given (regulation 25).

They make obstruction an offence (regulation 26) and provide for the punishment of criminal offences (regulation 27). They contain provisions extending the period during which a prosecution may be brought (regulation 28) and relating to offences committed by a body corporate, unincorporated body or partnership (regulation 29).

They also create a scheme for the issuing and payment of penalty notices for an offence under regulation 16, more particularly provisions relating to the giving of a penalty notice (regulation 30); the content of such a notice (regulation 31); the amount of a penalty payable under a penalty notice (regulation 32 and Schedule 4); the period in which a penalty must be paid and the effect of paying a penalty (regulation 33); the method of paying a penalty (regulation 34); the issue of a certificate relating to the payment or non-payment of a penalty (regulation 35); the payment of penalties into the Welsh Consolidated Fund (regulation 36); and the withdrawal of a penalty notice (regulation 37).

They also contain provisions relating to the giving of notices under the Regulations (regulation 38). They apply various provisions of the Food Safety Act 1990 (1990 c. 16) to the Regulations (regulation 39) and make a transitional provision (regulation 40).

A full regulatory impact assessment of the effect that these Regulations will have on the costs of business and the voluntary sector is available at www.wales.gov.uk or from Office of the Chief Veterinary Officer, Welsh Assembly Government, Government Buildings, Cathays Park, Cardiff, CF10 3NQ.

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**Rheoliadau Wyau a Chywion
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**The Eggs and Chicks (Wales)
Regulations 2010**

Gwnaed 22 Mehefin 2010

Made 22 June 2010

*Gosodwyd gerbron Cynulliad
Cenedlaethol Cymru* 25 Mehefin 2010

*Laid before the National
Assembly for Wales* 25 June 2010

Yn dod i rym 16 Gorffennaf 2010

Coming into force 16 July 2010

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Mae Gweinidogion Cymru wedi eu dynodi(1) at ddibenion adran 2(2) o Ddeddf y Cymunedau Ewropeaidd 1972(2) o ran polisi amaethyddol cyffredin yr Undeb Ewropeaidd.

Mae'r Rheoliadau hyn yn gwneud darpariaeth ar gyfer diben a grybwyllir yn adran 2(2) o Ddeddf y Cymunedau Ewropeaidd 1972, ac mae'n ymddangos i Weinidogion Cymru yn hwylus i unrhyw gyfeiriad at y Rheoliadau canlynol gael ei ddehongli fel cyfeiriad at y Rheoliadau hynny fel y'u diwygir o bryd i'w gilydd—

- (a) Rheoliad y Cyngor (EC) Rhif 1234/2007(3) sy'n sefydlu trefniadaeth gyffredin o farchnadoedd amaethyddol ac sy'n gosod darpariaethau penodol ar gyfer cynhyrchion amaethyddol penodol (y Rheoliad Sengl CMO);
- (b) Rheoliad y Comisiwn (EC) Rhif 589/2008(4) sy'n gosod rheolau manwl ar gyfer gweithredu Rheoliad (EC) Rhif 1234/2007 o ran safonau marchnata ar gyfer wyau; ac
- (c) Rheoliad y Comisiwn (EC) 617/2008(5) sy'n gosod rheolau manwl ar gyfer gweithredu Rheoliad (EC) Rhif 1234/2007 o ran safonau marchnata ar gyfer wyau deor a chywion dofednod buarth fferm.

I'r graddau y gwneir y Rheoliadau hyn wrth arfer pwerau o dan Ddeddf Diogelwch Bwyd 1990(6), mae Gweinidogion Cymru wedi rhoi sylw i gyngor perthnasol a roddwyd gan yr Asiantaeth Safonau Bwyd fel sy'n ofynnol gan adran 48(4A)(7) o'r Ddeddf honno.

Ymgynghorwyd yn agored a thryloyw â'r cyhoedd wrth baratoi'r Rheoliadau canlynol yn unol â gofynion Erthygl 9 o Reoliad (EC) Rhif 178/2002 Senedd Ewrop a'r Cyngor(8) sy'n gosod egwyddorion a gofynion cyffredinol cyfraith bwyd, yn sefydlu Awdurdod Diogelwch Bwyd Ewrop ac yn gosod gweithdrefnau o ran materion diogelwch bwyd.

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.

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 any reference to the following Regulations to be construed as a reference to those Regulations as amended from time to time—

- (a) Council Regulation (EC) No 1234/2007(3) establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products (Single CMO Regulation);
- (b) Commission Regulation (EC) No 589/2008(4) laying down detailed rules for implementing Regulation (EC) No 1234/2007 as regards marketing standards for eggs; and
- (c) Commission Regulation (EC) No 617/2008(5) laying down detailed rules for implementing Regulation (EC) No 1234/2007 as regards marketing standards for eggs for hatching and farmyard poultry chicks.

Insofar as these Regulations are made in exercise of powers under the Food Safety Act 1990(6), the Welsh Ministers have had regard to relevant advice given by the Food Standards Agency as required by section 48(4A)(7) of that Act.

There has been open and transparent public consultation during the preparation of the following Regulations as required by Article 9 of Regulation (EC) No 178/2002 of the European Parliament and of the Council(8) laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety.

(1) O.S. 2005/2766. Yn rhinwedd adrannau 59 a 162 a pharagraffau 28 a 30 o Atodlen 11 i Ddeddf Llywodraeth Cymru 2006 (p.32), mae swyddogaethau a roddwyd i Gynulliad Cenedlaethol Cymru o dan y dynodiad hwn bellach wedi eu breinio yng Ngweinidogion Cymru.

(2) 1972 p.68.

(3) OJ Rhif L 299, 16.11.2007, t. 1, a ddiwygiwyd ddiwethaf gan Reoliad y Comisiwn (EC) Rhif 1140/2009 (OJ Rhif L 312, 27.11.2009, t. 4).

(4) OJ Rhif L 163, 24.6.2008, t. 6, a ddiwygiwyd ddiwethaf gan Reoliad y Comisiwn (EC) Rhif 598/2008 (OJ Rhif L 164, 25.6.2008, t. 14).

(5) OJ Rhif L 168, 28.6.2008, t. 5.

(6) 1990 p. 16.

(7) Mewnosodwyd adran 48(4A) gan baragraffau 7 ac 21 o Atodlen 5 i Ddeddf Safonau Bwyd 1999 (p. 28).

(8) OJ Rhif L 31, 1.2.2002, t. 1, a ddiwygiwyd ddiwethaf gan Reoliad y Comisiwn (EC) Rhif 202/2008 (OJ Rhif L 60, 5.3.2008, t. 17).

(1) S.I. 2005/2766. By virtue of sections 59 and 162 and paragraphs 28 and 30 of Schedule 11 to the Government of Wales Act 2006 (c.32), functions conferred upon the National Assembly for Wales by this designation are now vested in the Welsh Ministers.

(2) 1972 c. 68.

(3) OJ No L 299, 16.11.2007, p. 1, last amended by Commission Regulation (EC) No 1140/2009 (OJ No L 312, 27.11.2009, p. 4).

(4) OJ No L 163, 24.6.2008, p. 6, last amended by Commission Regulation (EC) No 598/2008 (OJ No L 164, 25.6.2008, p. 14).

(5) OJ No L 168, 28.6.2008, p. 5.

(6) 1990 c. 16.

(7) Section 48(4A) was inserted by paragraphs 7 and 21 of Schedule 5 to the Food Standards Act 1999 (c. 28).

(8) OJ No L 31, 1.2.2002, p. 1, last amended by Commission Regulation (EC) No 202/2008 (OJ No L 60, 5.3.2008, p. 17).

Yn unol â hyn, mae Gweinidogion Cymru yn gwneud y Rheoliadau a ganlyn drwy arfer y pwerau a roddwyd gan—

- (a) adran 2(2) o Ddeddf y Cymunedau Ewropeaidd 1972 a pharagraff 1A(1) o Atodlen 2 i'r Ddeddf honno; a
- (b) adrannau 6(4)(2), 16(1)(3), 17(4), 26(5) a 48(1)(6) o Ddeddf Diogelwch Bwyd 1990;
- (c) ac a freiniwyd bellach yng Ngweinidogion Cymru(7).

RHAN 1

Cyffredinol

Enwi, cychwyn a chymhwys

1.–(1) Enw'r Rheoliadau hyn yw Rheoliadau Wyau a Chywion (Cymru) 2010 a deuant i rym ar 16 Gorffennaf 2010.

(2) Maent yn gymwys o ran Cymru.

Dirymu

2. Dirymir Rheoliadau Wyau a Chywion (Cymru) 2009(8).

Accordingly, the Welsh Ministers make the following Regulations in exercise of the powers conferred by—

- (a) section 2(2) of, and paragraph 1A(1) of Schedule 2 to, the European Communities Act 1972; and
- (b) sections 6(4)(2), 16(1)(3), 17(4), 26(5) and 48(1)(6) of the Food Safety Act 1990 and now vested in the Welsh Ministers(7).

PART 1

General

Title, commencement and application

1.–(1) The title of these Regulations is the Eggs and Chicks (Wales) Regulations 2010 and they come into force on 16 July 2010.

(2) They apply in relation to Wales.

Revocation

2. The Eggs and Chicks (Wales) Regulations 2009(8) Regulations are revoked.

(1) Mewnosodwyd paragraff 1A o Atodlen 2 gan adran 28 o Ddeddf Diwygio Deddfwriaethol a Rheoleiddiol 2006 (p. 51).

(2) Diwygiwyd adran 6(4) gan baragraff 6 o Atodlen 9 i Ddeddf Dadreoleiddio a Chontractio Allan 1994 (p. 40), paragraffau 7, 10(1) a (3) o Atodlen 5, ac Atodlen 6 i Ddeddf Safonau Bwyd 1999, ac Atodlen 2 i O.S. 2002/794.

(3) Diwygiwyd adran 16(1) gan baragraffau 7 ac 8 o Atodlen 5 i Ddeddf Safonau Bwyd 1999.

(4) Diwygiwyd adran 17 gan baragraffau 7, 8 a 12 o Atodlen 5 i Ddeddf Safonau Bwyd 1999.

(5) Diwygiwyd adran 26(2) gan baragraff 13 o Atodlen 8, a Rhan 1 o Atodlen 23, i Ddeddf Tribiwnlysoedd, Llysoedd a Gorfodi 2007 (p. 15). Diddymwyd adran 26(3) yn rhannol gan Atodlen 6 i Ddeddf Safonau Bwyd 1999.

(6) Diwygiwyd adran 48(1) gan baragraffau 7 ac 8 o Atodlen 5 i Ddeddf Safonau Bwyd 1999.

(7) Mae swyddogaethau "the Ministers", i'r graddau y maent yn arferadwy mewn perthynas â Chymru, bellach yn arferadwy gan Weiniogion Cymru, gan eu bod wedi eu trosglwyddo i Gynulliad Cenedlaethol Cymru gan erthygl 2 o Orchymyn Cynulliad Cenedlaethol Cymru (Trosglwyddo Swyddogaethau) 1999 (O.S. 1999/672) ac Atodlen 1 i'r Gorchymyn hwnnw, fel y'u darllenir ar y cyd ag adran 40(3) o Ddeddf Safonau Bwyd 1999, ac yna wedi eu trosglwyddo i Weiniogion Cymru gan adran 162 o Ddeddf Llywodraeth Cymru 2006 (p. 32) a pharagraff 30(2)(a) o Atodlen 11 iddi.

(8) O.S. 2009/793.

(1) Paragraph 1A of Schedule 2 was inserted by section 28 of the Legislative and Regulatory Reform Act 2006 (c. 51).

(2) Section 6(4) was amended by paragraph 6 of Schedule 9 to the Deregulation and Contracting Out Act 1994 (c. 40), paragraphs 7, 10(1) and (3) of Schedule 5, and Schedule 6, to the Food Standards Act 1999, and Schedule 2 to S.I. 2002/794.

(3) Section 16(1) was amended by paragraphs 7 and 8 of Schedule 5 to the Food Standards Act 1999.

(4) Section 17 was amended by paragraphs 7, 8 and 12 of Schedule 5 to the Food Standards Act 1999.

(5) Section 26(2) was amended by paragraph 13 of Schedule 8, and Part 1 of Schedule 23, to the Tribunals, Courts and Enforcement Act 2007 (c. 15). Section 26(3) was partially repealed by Schedule 6 to the Food Standards Act 1999.

(6) Section 48(1) was amended by paragraphs 7 and 8 of Schedule 5 to the Food Standards Act 1999.

(7) Functions of "the Ministers", so far as exercisable in relation to Wales, are now exercisable by the Welsh Ministers, having been transferred to the National Assembly for Wales by article 2 of, and Schedule 1 to, the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672), as read with section 40(3) of the Food Standards Act 1999, and then transferred to the Welsh Ministers by section 162 of and paragraph 30(2)(a) of Schedule 11 to the Government of Wales Act 2006 (c.32).

(8) S.I. 2009/793.

Dehongli

3.–(1) Yn y Rheoliadau hyn–

ystyr "awdurdod bwyd" ("*food authority*") yw cyngor sir neu gyngor bwrdeistref sirol;

ystyr "awdurdod gorfodi" ("*enforcement authority*") yw awdurdod sy'n arfer swyddogaeth a roddir iddo gan reoliad 17;

mae i "canolfan becynnu" yr ystyr a roddir i "*packing centre*" gan is-baragraff (q) o ail baragraff Erthygl 1 o Reoliad y Comisiwn (EC) Rhif 589/2008;

ystyr "*cosb*" ("*penalty*") yw'r swm a bennir mewn hysbysiad cosb;

ystyr "Cyfarwyddeb y Cyngor 1999/74/EC" ("*Council Directive 1999/74/EC*") yw Cyfarwyddeb y Cyngor 1999/74/EC(1) sy'n gosod y safonau gofynnol ar gyfer amddiffyn ieir dodwy;

ystyr "Cyfarwyddeb 2000/13/EC" ("*Directive 2000/13/EC*") yw Cyfarwyddeb 2000/13/EC(2) Senedd Ewrop a'r Cyngor ar gyd-ddynesiad cyfreithiau'r Aelod-wladwriaethau sy'n ymwneud â labelu, cyflwyno a hysbysebu deunydd bwyd;

mae i "cywion" yr ystyr a roddir i "*chicks*" gan Erthygl 1(2) o Reoliad y Comisiwn (EC) Rhif 617/2008;

mae i "defnyddiwr terfynol" yr ystyr a roddir i "*final consumer*" gan is-baragraff (r) o ail baragraff Erthygl 1 o Reoliad y Comisiwn (EC) Rhif 589/2008;

mae i "deorfa" yr ystyr a roddir i "*hatchery*" gan Erthygl 1(3)(c) o Reoliad y Comisiwn (EC) Rhif 617/2008;

ystyr "y Ddeddf" ("*the Act*") yw Deddf Diogelwch Bwyd 1990;

ystyr "gwerthu o dŷ i dŷ" ("*door-to-door selling*") yw gwerthu yn ystod ymweliad digymell gan gynhyrhydd â chartref y defnyddiwr terfynol, neu â chartref person arall, neu â gweithle'r defnyddiwr terfynol;

ystyr "hysbysiad cosb" ("*penalty notice*") yw hysbysiad sy'n cynnig y cyfle, drwy dalu swm penodedig yn unol â'r Rheoliadau hyn, i ymryddhau o fod yn agored i gollfarn am y tramgwydd cosb y mae'r hysbysiad yn ymwneud ag ef;

Interpretation

3.–(1) In these Regulations–

"the Act" ("*y Ddeddf*") means the Food Safety Act 1990;

"authorised officer" ("*swyddog awdurdodedig*") means any person who has written authority from an enforcement authority to act in matters arising under or in relation to the Act or these Regulations;

"breeding establishment" ("*sefydliad bridio*") has the meaning given by Article 1(3)(b) of Commission Regulation (EC) No 617/2008;

"chicks" ("*cywion*") has the meaning given by Article 1(2) of Commission Regulation (EC) No 617/2008;

"Commission Regulation (EC) No 589/2008" ("*Rheoliad y Comisiwn (EC) Rhif 589/2008*") means Commission Regulation (EC) No 589/2008 laying down detailed rules for implementing Regulation (EC) No 1234/2007 as regards marketing standards for eggs, as amended from time to time.

"Commission Regulation (EC) No 617/2008" ("*Rheoliad y Comisiwn (EC) Rhif 617/2008*") means Commission Regulation (EC) No 617/2008 laying down detailed rules for implementing Regulation (EC) No 1234/2007 as regards marketing standards for eggs for hatching and farmyard poultry chicks, as amended from time to time;

"Council Directive 1999/74/EC" ("*Cyfarwyddeb y Cyngor 1999/74/EC*") means Council Directive 1999/74/EC(1) laying down minimum standards for the protection of laying hens;

"Directive 2000/13/EC" ("*Cyfarwyddeb 2000/13/EC*") means Directive 2000/13/EC(2) of the European Parliament and of the Council on the approximation of the laws of the Member States relating to the labelling, presentation and advertising of foodstuffs;

"door-to-door selling" ("*gwerthu o dŷ i dŷ*") means a sale which is made during an unsolicited visit by a producer to the final consumer's home, or to the home of another person, or to the final consumer's place of work;

"eggs" ("*wyau*") has the meaning given by subparagraph (k) of the second paragraph of Article 1 of Commission Regulation (EC) No 589/2008;

(1) OJ Rhif L 203, 3.8.1999, t 53, a ddiwygiwyd ddiwethaf gan Reoliad y Cyngor (EC) Rhif 806/2003 (OJ Rhif L 122, 16.5.2003, t. 1).

(2) OJ Rhif L 109, 6.5.2000, t. 29, a ddiwygiwyd ddiwethaf gan Reoliad (EC) Rhif 1334/2008 Senedd Ewrop a'r Cyngor (OJ Rhif L 354, 31.12.2008, t. 34).

(1) OJ No L 203, 3.8.1999, p 53, last amended by Council Regulation (EC) No 806/2003 (OJ No L 122, 16.5.2003, p. 1).

(2) OJ No L 109, 6.5.2000, p. 29, last amended by Regulation (EC) No 1334/2008 of the European Parliament and of the Council (OJ No L 354, 31.12.2008, p. 34).

ystyr "marchnad" ("*market*") yw—

- (a) marchnad neu ffair y caffaelwyd yr hawl i'w chynnal yn rhinwedd grant (gan gynnwys grant tybiedig), neu y caffaelwyd neu sefydlwyd yn rhinwedd deddfiad neu is-ddeddfwriaeth; a
- (b) marchnad dros dro—
 - (i) sy'n cynnwys ymgynulliad o brynwyr a gwerthwyr eitemau, ac a gynhelir rywfodd heblaw mewn adeilad neu a gynhelir ar briffordd, heb ddim llai na phum bwth, stondin, cerbyd (symudadwy ai peidio) neu safleoedd y gwerthir yr eitemau ohonynt; a
 - (ii) y rhoddwyd ar ei chyfer unrhyw hysbysiad sy'n ofynnol o dan adran 37(2) o Ddeddf Llywodraeth Leol (Darpariaethau Amrywiol) 1982(1);

ystyr "marchnad gyhoeddus leol" ("*local public market*"), mewn perthynas ag wyau a ddodwyir mewn safle cynhyrchu, yw—

- (a) marchnad gyhoeddus sydd o fewn radiws o 80 cilometr o ffin y safle cynhyrchu; neu
- (b) pan fo marchnad gyhoeddus yn rhannol o fewn radiws o 80 cilometr o ffin y safle cynhyrchu ac yn rhannol y tu allan i radiws o 80 cilometr o ffin y safle cynhyrchu, y cyfan o'r farchnad honno;

ystyr "rhanbarth" ("*region*") yw rhanbarth etholiadol o fewn ystyr adran 1(2)(b) o Ddeddf Etholiadau Senedd Ewrop 2002:

ystyr "rhanbarth cynhyrchu" ("*region of production*") mewn perthynas ag wyau sy'n cael eu marchnata gan gynhyrchydd yn uniongyrchol i'r defnyddwyr terfynol drwy werthu o dŷ i dŷ neu mewn marchnad gyhoeddus leol yw—

- (a) pan fo'r safle cynhyrchu lle cynhyrchir yr wyau hynny o fewn un rhanbarth—
 - (i) yr ardal o fewn radiws o 80 cilometr o ffin y safle cynhyrchu; a
 - (ii) unrhyw ran o'r rhanbarth hwnnw sydd y tu allan i'r radiws hwnnw o 80 cilometr o ffin y safle cynhyrchu; a
- (b) pan fo'r safle cynhyrchu lle cynhyrchir yr wyau hynny yn rhannol mewn un rhanbarth ac yn rhannol mewn un neu ragor o ranbarthau eraill—
 - (i) yr ardal sy'n cynnwys yr ardal o fewn radiws o 80 cilometr o ffin y safle cynhyrchu; a
 - (ii) unrhyw ran o'r rhanbarth mwyaf y mae'r safle wedi ei leoli ynddo, sydd y tu allan i'r radiws o 80 cilometr o ffin y safle cynhyrchu;

"eggs for hatching" ("*wyau deor*") has the meaning given by Article 1(1) of Commission Regulation (EC) No 617/2008;

"enforcement authority" ("*awdurdod gorfodi*") means an authority exercising a function conferred on it by regulation 17;

"final consumer" ("*defnyddiwr terfynol*") has the meaning given by sub-paragraph (r) of the second paragraph of Article 1 of Commission Regulation (EC) No 589/2008;

"food authority" ("*awdurdod bwyd*") means a county council or a county borough council;

"hatchery" ("*deorfa*") has the meaning given by Article 1(3)(c) of Commission Regulation (EC) No 617/2008;

"local public market" ("*marchnad gyhoeddus leol*"), in relation to eggs laid at a production site, means—

- (a) a public market that is within an 80 kilometre radius of the boundary of the production site; or
- (b) where a public market is partly within an 80 kilometre radius of the boundary of the production site and partly outside an 80 kilometre radius of the boundary of the production site, the whole of that market;

"market" ("*marchnad*"), when used as a noun, means—

- (a) a market or fair for which the right to hold it was acquired by virtue of a grant (including a presumed grant) or acquired or established by virtue of an enactment or subordinate legislation; and
- (b) a temporary market—
 - (i) comprising of a concourse of buyers and sellers of articles held otherwise than in a building or on a highway, with not less than five stalls, stands, vehicles (whether moveable or not) or pitches from which articles are sold; and
 - (ii) for which any notice required under section 37(2) of the Local Government (Miscellaneous Provisions) Act 1982(1) has been given;

"officer" ("*swyddog*")—

- (a) in relation to a body corporate, means a director, member of the committee of management, chief executive, manager, secretary or other similar officer of the body; and
- (b) in relation to an unincorporated body, means any member of its governing body or a chief

(1) 1982 p. 30 fel y'i darllenir ag adran 17(5) o Ddeddf Llywodraeth Leol (Cymru) 1994 (p.19).

(1) 1982 c. 30 as read with section 17(5) of the Local Government (Wales) Act 1994 (c. 19).

ystyr "Rheoliad (EC) Rhif 2160/2003" ("*Regulation (EC) No 2160/2003*") yw Rheoliad (EC) Rhif 2160/2003(1) Senedd Ewrop a'r Cyngor ar reoli Salmonella a chyfryngau milheintiol penodedig eraill a gludir mewn bwyd;

ystyr "y Rheoliad Sengl CMO" ("*Single CMO Regulation*") yw Rheoliad y Cyngor (EC) Rhif 1234/2007 sy'n sefydlu trefniadaeth gyffredin o farchnadoedd amaethyddol ac sy'n gosod darpariaethau penodol ar gyfer cynhyrchion amaethyddol penodol (y Rheoliad Sengl CMO), fel y'i diwygir o bryd i'w gilydd;

ystyr "Rheoliad y Comisiwn (EC) Rhif 589/2008" ("*Commission Regulation (EC) No 589/2008*") yw Rheoliad y Comisiwn (EC) Rhif 589/2008 sy'n gosod rheolau manwl ar gyfer gweithredu Rheoliad (EC) Rhif 1234/2007 o ran safonau marchnata ar gyfer wyau, fel y'i diwygiwyd o bryd i'w gilydd;

ystyr "Rheoliad y Comisiwn (EC) Rhif 617/2008" ("*Commission Regulation (EC) No 617/2008*") yw Rheoliad y Comisiwn (EC) Rhif 617/2008 sy'n gosod rheolau manwl ar gyfer gweithredu Rheoliad (EC) Rhif 1234/2007 o ran safonau marchnata ar gyfer wyau deor a chywion dofednod buarth fferm, fel y'i diwygir o bryd i'w gilydd;

mae i "safle cynhyrchu" yr ystyr a roddir i "*production site*" gan is-baragraff (p) o ail baragraff Erthygl 1 o Reoliad y Comisiwn (EC) Rhif 589/2008;

mae i "sefydliad bridio" yr ystyr a roddir i "*breeding establishment*" gan Erthygl 1(3)(b) o Reoliad y Comisiwn (EC) Rhif 617/2008;

mae i "sefydliad bridio pedigri" yr ystyr a roddir i "*pedigree breeding establishment*" gan Erthygl 1(3)(a) o Reoliad y Comisiwn (EC) Rhif 617/2008;

ystyr "swyddog" ("*officer*")—

(a) mewn perthynas â chorff corfforaethol yw cyfarwyddwr, aelod o'r pwyllgor rheoli, prif weithredwr, rheolwr, ysgrifennydd neu swyddog arall cyffelyb o'r corff; a

(b) mewn perthynas â chorff anghorfforedig, yw unrhyw aelod o'i gorff llywodraethu, neu brif weithredwr, rheolwr neu swyddog cyffelyb o'r corff;

ystyr "swyddog awdurdodedig" ("*authorised officer*") yw unrhyw berson a awdurdodwyd yn ysgrifenedig gan awdurdod gorfodi i weithredu mewn cysylltiad â materion sy'n codi o dan neu mewn perthynas â'r Ddeddf neu â'r Rheoliadau hyn;

ystyr "tramgwydd cosb" ("*penalty offence*") yw tramgwydd y caniateir rhoi hysbysiad cosb ar ei

executive, manager or other similar officer of the body;

"packing centre" ("*canolfan becynnu*") has the meaning given by sub-paragraph (q) of the second paragraph of Article 1 of Commission Regulation (EC) No 589/2008;

"pedigree breeding establishment" ("*sefydliad bridio pedigri*") has the meaning given by Article 1(3)(a) of Commission Regulation (EC) No 617/2008;

"penalty" ("*cosb*") means the amount specified in a penalty notice;

"penalty notice" ("*hysbysiad cosb*") means a notice offering the opportunity, by payment of a specified amount in accordance with these Regulations, to discharge any liability to be convicted of the penalty offence to which the notice relates;

"penalty offence" ("*tramgwydd cosb*") means an offence for which a penalty notice may be given under regulation 30;

"production site" ("*safle cynhyrchu*") has the meaning given by sub-paragraph (p) of the second paragraph of Article 1 of Commission Regulation (EC) No 589/2008;

"region" ("*rhanbarth*") means an electoral region within the meaning of section 1(2)(b) of the European Parliamentary Elections Act 2002;

"region of production" ("*rhanbarth cynhyrchu*"), in relation to eggs marketed by a producer direct to a final consumer by door-to-door selling or at a local public market, means—

(a) where the production site at which those eggs are produced is in one region—

- (i) the area within a 80 kilometre radius of the boundary of the production site; and
- (ii) any part of that region that is outside of that 80 kilometre radius of the boundary of the production site; and

(b) where the production site at which those eggs are produced is partly in one region and partly in one or more other regions—

- (i) the area comprising of the area within a 80 kilometre radius of the boundary of the production site; and
- (ii) any part of the largest region into which the site falls that is outside of the 80 kilometre radius of the boundary of the production site;

"Regulation (EC) No 2160/2003" ("*Rheoliad (EC) Rhif 2160/2003*") means Regulation (EC) No 2160/2003(1) of the European Parliament and of

(1) OJ Rhif L 325, 12.12.2003, t. 1, a ddiwygiwyd ddiwethaf gan Reoliad y Comisiwn (EC) Rhif 213/2009 (OJ Rhif L 73, 19.3.2009, t. 5).

(1) OJ No L 325, 12.12.2003, p. 1, last amended by Commission Regulation (EC) No 213/2009 (OJ No L 73, 19.3.2009, p. 5).

gyfer o dan reoliad 30;

mae i "wyau" yr ystyr a roddir i "eggs" yn is-baragraff (k) o ail baragraff Erthygl 1 o Reoliad y Comisiwn (EC) Rhif 589/2008; ac

mae i "wyau deor" yr ystyr a roddir i "eggs for hatching" gan Erthygl 1(1) o Reoliad y Comisiwn (EC) Rhif 617/2008.

(2) Mae i unrhyw ymadrodd nas diffinnir ym mharagraff (1), ond a ddefnyddir yn Rhan 2 o'r Rheoliadau hyn neu yn Atodlen 1 iddynt, ac y defnyddir yr ymadrodd Saesneg sy'n cyfateb iddo yn Rhan C o Atodiad XIV i'r Rheoliad Sengl CMO, yr un ystyr yn y darpariaethau hynny yn y Rheoliadau hyn ag y sydd i'r ymadrodd Saesneg cyfatebol yn y Rheoliad Sengl CMO.

(3) Mae i unrhyw ymadrodd nas diffinnir ym mharagraff (1), ond a ddefnyddir yn Rhannau 3 neu 4 o'r Rheoliadau hyn, neu yn Atodlen 2 iddynt, ac y defnyddir yr ymadrodd Saesneg sy'n cyfateb iddo yn Rhan A o Atodiad XIV i'r Rheoliad Sengl CMO neu yn Rheoliad y Comisiwn (EC) Rhif 589/2008, yr un ystyr yn y darpariaethau hynny yn y Rheoliadau hyn ag y sydd i'r ymadrodd Saesneg cyfatebol yn y Rheoliad CE lle y'i defnyddir.

(4) Mae i unrhyw ymadrodd nas diffinnir ym mharagraff (1), ond a ddefnyddir yn Atodlen 3 i'r Rheoliadau hyn, ac y defnyddir yr ymadrodd Saesneg sy'n cyfateb iddo yn Rheoliad (EC) Rhif 2160/2003, yr ystyr sydd i'r ymadrodd Saesneg cyfatebol yn Rheoliad (EC) Rhif 2160/2003.

(5) Ystyr unrhyw gyfeiriad at fynd yn groes i unrhyw ddarpariaeth a grybwyllir yn Atodlen 1, neu at fethiant i gydymffurfio â darpariaeth o'r fath, yw mynd yn groes i'r canlynol neu fethiant i gydymffurfio â'r canlynol—

- (a) unrhyw ddarpariaeth yn y Rheoliad Sengl CMO a grybwyllir yng ngholofn 1 yn Rhan 1 o Atodlen 1, fel y'i darllenir ar y cyd ag unrhyw ddarpariaeth a grybwyllir mewn unrhyw gofnod cyfatebol yng ngholofn 2 yn y Rhan honno; neu
- (b) unrhyw ddarpariaeth yn Rheoliad y Comisiwn (EC) Rhif 617/2008 a grybwyllir yng ngholofn 1 yn Rhan 2 o Atodlen 1, fel y'i darllenir ar y cyd ag unrhyw ddarpariaeth a grybwyllir mewn unrhyw gofnod cyfatebol yng ngholofn 2 yn y Rhan honno.

(6) Ystyr unrhyw gyfeiriad at fynd yn groes i unrhyw ddarpariaeth a grybwyllir yn Atodlen 2, neu fethiant i gydymffurfio â darpariaeth o'r fath, yw mynd yn groes i'r canlynol, neu fethiant i gydymffurfio â'r canlynol—

- (a) unrhyw ddarpariaeth yn y Rheoliad Sengl CMO a grybwyllir yng ngholofn 1 yn Rhan 1 o Atodlen 2, fel y'i darllenir ar y cyd ag unrhyw ddarpariaeth a grybwyllir mewn unrhyw gofnod cyfatebol yng ngholofn 2 yn y Rhan honno; neu

the Council on the control of Salmonella and other specified food-borne zoonotic agents; and

"Single CMO Regulation" ("y *Rheoliad Sengl CMO*") means Council Regulation (EC) No 1234/2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products (Single CMO Regulation), as amended from time to time.

(2) Any expression which is not defined in paragraph (1) but is used in Part 2 of, or Schedule 1 to, these Regulations and in Part C of Annex XIV to the Single CMO Regulation has the same meaning in those provisions of these Regulations as it does in the Single CMO Regulation.

(3) Any expression which is not defined in paragraph (1) but is used in Part 3 or 4 of, or Schedule 2 to, these Regulations and in Part A of Annex XIV to the Single CMO Regulation, or Commission Regulation (EC) No 589/2008, has the same meaning in those provisions of these Regulations as it does in the EC Regulation in which it is used.

(4) Any expression which is not defined in paragraph (1) but is used in Schedule 3 to these Regulations and in Regulation (EC) No 2160/2003 has the same meaning in Schedule 3 as it does in Regulation (EC) No 2160/2003.

(5) Any reference to a contravention of, or failure to comply with, any provision mentioned in Schedule 1 means a contravention of or failure to comply with—

- (a) any provision of the Single CMO Regulation mentioned in column 1 of Part 1 of Schedule 1, as read with any provision mentioned in any corresponding entry in column 2 of that Part; or
- (b) any provision of Commission Regulation (EC) No 617/2008 mentioned in column 1 of Part 2 of Schedule 1, as read with any provision mentioned in any corresponding entry in column 2 of that Part.

(6) Any reference to a contravention of, or failure to comply with, any provision mentioned in Schedule 2 means a contravention of or failure to comply with—

- (a) any provision of the Single CMO Regulation mentioned in column 1 of Part 1 of Schedule 2, as read with any provision mentioned in any corresponding entry in column 2 of that Part; or

- (b) unrhyw ddarpariaeth yn Rheoliad y Comisiwn (EC) Rhif 589/2008 a grybwyllir yng ngholofn 1 yn Rhan 2 o Atodlen 2, fel y'i darllenir ar y cyd ag unrhyw ddarpariaeth a grybwyllir mewn unrhyw gofnod cyfatebol yng ngholofn 2 yn y Rhan honno.

(7) Ystyr unrhyw gyfeiriad at fynd yn groes i unrhyw ddarpariaeth a grybwyllir yn Atodlen 3, neu fethiant i gydymffurfio â darpariaeth o'r fath, yw mynd yn groes i, neu fethiant i gydymffurfio ag, unrhyw ddarpariaeth o Reoliad (EC) Rhif 2160/2003 a grybwyllir yng ngholofn 1 o Atodlen 3, fel y'i darllenir ar y cyd ag unrhyw ddarpariaeth a grybwyllir yn y cofnod cyfatebol yng ngholofn 2 o'r Atodlen honno.

RHAN 2

Wyau deor a chywion

Cymhwysu'r Rhan hon

4.–(1) Mae'r Rhan hon yn gymwys i wyau deor a chywion y mae pwynt I(1) o Ran C o Atodiad XIV i'r Rheoliad Sengl CMO a Rheoliad y Comisiwn (EC) Rhif 617/2008 yn gymwys iddynt.

(2) Ond nid yw'n gymwys i sefydliadau a deorfeydd o'r math y cyfeirir ato ym mhwynt I(2) o Ran C o Atodiad XIV i'r Rheoliad Sengl CMO.

Cydymffurfio â darpariaethau Cymunedol

5. Mae person yn euog o dramgwydd os yw'n mynd yn groes i unrhyw ddarpariaeth a grybwyllir yn Atodlen 1, neu'n methu â chydymffurfio â darpariaeth o'r fath.

Cofrestru sefydliadau bridio pedigri, sefydliadau bridio a deorfeydd

6.–(1) Dynodwyd Gweinidogion Cymru yn asiantaeth gymwys at ddiben Erthygl 2(1) o Reoliad y Comisiwn (EC) Rhif 617/2008 (cofrestru sefydliadau bridio pedigri, sefydliadau bridio eraill a deorfeydd).

(2) Os gwneir cais i Weiniogion Cymru yn unol ag Erthygl 2(1) o Reoliad y Comisiwn (EC) Rhif 617/2008, rhaid i Weiniogion Cymru roi hysbysiad i'r ceisydd i'w hysbysu o'r materion a grybwyllir ym mharagraff (3), o fewn cyfnod o 28 diwrnod sy'n cychwyn ar y diwrnod sy'n dilyn y diwrnod pan fo Gweinidogion Cymru'n cael y cais.

(3) Y materion yw—

- (a) penderfyniad Gweinidogion Cymru ar y cais;
- (b) y rhesymau dros unrhyw wrthodiad i ganiatáu'r

- (b) any provision of Commission Regulation (EC) No 589/2008 mentioned in column 1 of Part 2 of Schedule 2, as read with any provision mentioned in any corresponding entry in column 2 of that Part.

(7) Any reference to a contravention of, or failure to comply with, any provision mentioned in Schedule 3 means a contravention of, or failure to comply with, any provision of Regulation (EC) No 2160/2003 mentioned in column 1 of Schedule 3, as read with any provision mentioned in the corresponding entry in column 2 of that Schedule.

PART 2

Eggs for hatching and chicks

Application of this Part

4.–(1) This Part applies to eggs for hatching and chicks to which point I(1) of Part C of Annex XIV to the Single CMO Regulation and Commission Regulation (EC) No 617/2008 apply.

(2) But it does not apply to establishments and hatcheries of the type mentioned in point I(2) of Part C of Annex XIV to the Single CMO Regulation.

Compliance with Community provisions

5. A person is guilty of an offence if they contravene, or fail to comply with, any provision mentioned in Schedule 1.

Registration of pedigree breeding establishments, breeding establishments and hatcheries

6.–(1) The Welsh Ministers are designated as the competent agency for the purpose of Article 2(1) of Commission Regulation (EC) No 617/2008 (registration of pedigree breeding establishments, other breeding establishments and hatcheries).

(2) Where an application is made to the Welsh Ministers pursuant to Article 2(1) of Commission Regulation (EC) No 617/2008, the Welsh Ministers must give a notice to the applicant notifying them of the matters mentioned in paragraph (3) within a period of 28 days, beginning with the day after the day on which the Welsh Ministers receive the application.

(3) The matters are—

- (a) the Welsh Ministers' decision on the application;
- (b) the reasons for any refusal to grant the

cais; ac

- (c) yn achos unrhyw wrthodiad i ganiatáu'r cais, yr hawl i apelio a roddir gan reoliad 23 o'r Rheoliadau hyn.

(4) Os na fodlonir Gweinidogion Cymru y dylid caniatáu'r cais, yna (cyn penderfynu'n derfynol a ddylid gwrthod y cais ai peidio), cânt roi hysbysiad i'r ceisydd i'w hysbysu o'r rhesymau dros hynny, ac—

- (a) os nad yw Gweinidogion Cymru'n fodlon bod y data a ddarparwyd i gefnogi'r cais yn ddigonol, cânt ofyn i'r ceisydd ddarparu rhagor o ddata;
- (b) os nad yw Gweinidogion Cymru'n fodlon y cydymffurfir ar ôl cofrestru'r sefydliad hwnnw â'r holl ddarpariaethau a grybwyllir yn Atodlen 1 ac sy'n berthnasol i'r math o sefydliad sydd i'w gofrestru, caiff Gweinidogion Cymru ofyn i'r ceisydd gymryd camau penodedig i sicrhau y cydymffurfir â'r darpariaethau hynny; ac
- (c) caiff Gweinidogion Cymru roi cyfle i'r ceisydd ddarparu ar eu cyfer esboniadau llafar neu ysgrifenedig mewn cysylltiad â'r cais.

(5) Os bydd Gweinidogion Cymru'n penderfynu tynnu'n ôl cofrestriad sefydliad bridio pedigri, sefydliad bridio arall neu ddeorfa oherwydd mynd yn groes i unrhyw ddarpariaeth a grybwyllir yn Atodlen 1 neu oherwydd methiant i gydymffurfio â darpariaeth o'r fath, rhaid iddynt roi hysbysiad i'r person sy'n cynnal busnes yn y sefydliad dan sylw ("P") i'w hysbysu o'r materion a grybwyllir ym mharagraff (6).

(6) Y materion yw—

- (a) penderfyniad Gweinidogion Cymru i dynnu'n ôl y cofrestriad;
- (b) y dyddiad y bydd tynnu'n ôl y cofrestriad yn effeithiol;
- (c) y rhesymau dros dynnu'n ôl y cofrestriad; ac
- (ch) yr hawl i apelio a roddir gan reoliad 23 o'r Rheoliadau hyn.

(7) Os bydd Gweinidogion Cymru â'u bryd ar dynnu'n ôl cofrestriad sefydliad bridio pedigri, sefydliad bridio arall neu ddeorfa, oherwydd mynd yn groes i unrhyw ddarpariaeth a grybwyllir yn Atodlen 1 neu fethiant i gydymffurfio â darpariaeth o'r fath, yna caiff Gweinidogion Cymru (cyn penderfynu'n derfynol a ddylid tynnu'n ôl y cofrestriad ai peidio) roi hysbysiad i P i'w hysbysu bod Gweinidogion Cymru â'u bryd ar dynnu'n ôl y cofrestriad, gan roi'r rhesymau dros wneud hynny, ac—

- (a) os yw'r mynd yn groes i unrhyw ddarpariaeth a grybwyllir yn Atodlen 1 neu'r methiant i gydymffurfio â darpariaeth o'r fath, yn parhau, caiff Gweinidogion Cymru ofyn i P gymryd

application; and

- (c) in the case of any refusal to grant the application, the right of appeal conferred by regulation 23 of these Regulations.

(4) Where the Welsh Ministers are not satisfied that an application should be granted, they may (before making a final decision about whether or not to refuse the application) give a notice to the applicant notifying them of the reason for this, and—

- (a) where the Welsh Ministers are not satisfied with the sufficiency of the data provided in support of the application, the Welsh Ministers may ask the applicant to provide further data;
- (b) where the Welsh Ministers are not satisfied that all of the provisions mentioned in Schedule 1 that are relevant to the type of establishment to be registered will be complied with following the registration of that establishment, the Welsh Ministers may ask the applicant to take specified steps to ensure that those provisions will be complied with; and
- (c) the Welsh Ministers may give the applicant an opportunity to provide oral or written explanations to them in respect of the application.

(5) Where the Welsh Ministers decide to withdraw a registration of a pedigree breeding establishment, other breeding establishment or hatchery because of a contravention of, or failure to comply with, any provision mentioned in Schedule 1, they must give a notice to the person carrying on business at the establishment concerned ("P") notifying them of the matters mentioned in paragraph (6).

(6) The matters are—

- (a) the Welsh Ministers' decision to withdraw the registration;
- (b) the date on which the withdrawal of the registration is to take effect;
- (c) the reasons for the withdrawal; and
- (d) the right of appeal conferred by regulation 23 of these Regulations.

(7) Where the Welsh Ministers are minded to withdraw a registration of a pedigree breeding establishment, other breeding establishment or hatchery because of a contravention of, or failure to comply with, any provision mentioned in Schedule 1, the Welsh Ministers may (before making a final decision about whether or not to withdraw the registration) give a notice to P notifying them that the Welsh Ministers are minded to withdraw the registration, and the reasons for this, and—

- (a) where the contravention of, or failure to comply with, any provision mentioned in Schedule 1 is continuing, the Welsh Ministers may ask P to take specified steps to ensure that

camau penodedig i sicrhau y cydymffurfir â'r ddarpariaeth; a

- (b) caiff Gweinidogion Cymru roi cyfle i P ddarparu esboniadau llafar neu ysgrifenedig i Weinidogion Cymru mewn cysylltiad â'r mater.

(8) Pan fo Gweinidogion Cymru'n rhoi hysbysiad i geisydd o dan baragraff (4), neu i P o dan baragraff (7), rhaid iddynt bennu terfyn amser yn yr hysbysiad, erbyn pryd y bydd rhaid cymryd unrhyw gamau a grybwyllir yn yr hysbysiad.

(9) Caniateir estyn unrhyw derfyn amser a bennir gan Weinidogion Cymru o dan y rheoliad hwn, unwaith neu nifer o weithiau.

(10) At y diben o gyfrifo'r terfyn amser o 28 diwrnod a grybwyllir ym mharagraff (2), rhaid peidio â chyfrif unrhyw gyfnod o amser a ganiateir gan Weinidogion Cymru i'r ceisydd gymryd unrhyw gamau a grybwyllir mewn hysbysiad o dan baragraff (4).

Rhanddirymu mewn perthynas â marcio wyau deor

7.–(1) Caniateir i wyau deor gael eu marcio ag unrhyw farc du haniaethol, ac eithrio smotyn, yn hytrach na chael eu marcio â rhif adnabod y sefydliad cynhyrchu (a fyddai, fel arall, yn ofynnol o dan Erthygl 3(2) o Reoliad y Comisiwn (EC) Rhif 617/2008) os cydymffurfir â'r amodau a grybwyllir ym mharagraff (2).

(2) Yr amodau yw—

- (a) bod y marc yn annileadwy, y gellir ei weld yn eglur, a bod ei arwynebedd yn 10 mm² o leiaf: a
- (b) bod yr wyau'n cael eu marcio cyn eu rhoi yn y deorydd, naill ai yn y sefydliad cynhyrchu neu mewn deorfa.

RHAN 3

Wyau yn eu plisgyn ar gyfer eu bwyta:
gofynion cyffredinol

Cymhwyso'r Rhan hon

8.–(1) Mae'r Rhan hon yn gymwys i wyau y mae pwynt I(1) o Ran A o Atodiad XIV i'r Rheoliad Sengl CMO a Rheoliad y Comisiwn (EC) Rhif 589/2008 yn gymwys (wyau yn eu plisgyn ar gyfer eu bwyta, a gynhyrchir gan ieir o'r rhywogaeth *Gallus gallus*).

(2) Ond nid yw'n gymwys i'r canlynol—

- (a) gwerthu wyau y mae pwynt I(1) o Ran A o Atodiad XIV i'r Rheoliad Sengl CMO a Rheoliad y Comisiwn (EC) Rhif 589/2008 yn

that provision is complied with; and

- (b) the Welsh Ministers may give P an opportunity to provide oral or written explanations to the Welsh Ministers in respect of the matter.

(8) Where the Welsh Ministers give a notice to an applicant under paragraph (4), or to P under paragraph (7), they must specify a deadline in the notice by which any action mentioned in the notice must be taken.

(9) Any deadline given by the Welsh Ministers under this regulation may be extended on one or more occasions.

(10) For the purposes of calculating the 28-day time limit mentioned in paragraph (2), time does not run during any period that the Welsh Ministers give to an applicant to take any action mentioned in a notice under paragraph (4).

Derogation relating to the marking of eggs for hatching

7.–(1) Eggs for hatching may be marked with any abstract black mark, except for a spot, instead of being marked with the distinguishing number of the producer establishment (as otherwise required by Article 3(2) of Commission Regulation (EC) No 617/2008) if the conditions mentioned in paragraph (2) are complied with.

(2) The conditions are that—

- (a) the mark is indelible, clearly visible and at least 10 mm² in area: and
- (b) the marking of the eggs is carried out prior to insertion into the incubator, either at the producer establishment or at a hatchery.

PART 3

Eggs in shell for consumption: general requirements

Application of this Part

8.–(1) This Part applies to eggs to which point I(1) of Part A of Annex XIV to the Single CMO Regulation and Commission Regulation (EC) No 589/2008 apply (eggs in shell for consumption produced by hens of the species *Gallus gallus*).

(2) But it does not apply—

- (a) to the sale of eggs to which point I(1) of Part A of Annex XIV to the Single CMO Regulation and Commission Regulation (EC) No

gymwys iddynt, pan werthir yr wyau heb unrhyw raddio o ran ansawdd na phwysau, yn uniongyrchol i'r defnyddiwr terfynol gan y cynhyrchydd—

- (i) ar y safle cynhyrchu; neu
 - (ii) drwy werthu o dŷ i dŷ yn y rhanbarth cynhyrchu; neu
- (b) ac eithrio mor bell ag y mae'n ymwneud â'r gofyniad a osodir gan bwynt III(3) o Ran A o Atodiad XIV i'r Rheoliad Sengl CMO, i werthu wyau y mae pwynt I(1) o Ran A o Atodiad XIV i'r Rheoliad Sengl CMO a Rheoliad y Comisiwn (EC) Rhif 589/2008 yn gymwys iddynt, pan werthir yr wyau heb unrhyw raddio o ran ansawdd na phwysau, yn uniongyrchol i'r defnyddiwr terfynol gan y cynhyrchydd mewn marchnad gyhoeddus leol yn y rhanbarth cynhyrchu.

Cydymffurfio â darpariaethau Cymunedol

9. Mae person yn euog o dramgwydd os yw'n mynd yn groes i unrhyw ddarpariaeth a grybwyllir yn Atodlen 2, neu'n methu â chydymffurfio â darpariaeth o'r fath.

Awdurdodi canolfannau pecynnu i raddio wyau

10.—(1) Dynodwyd Gweinidogion Cymru yn awdurdod cymwys at ddiben is-baragraff cyntaf Erthygl 5(2) o Reoliad y Comisiwn (EC) Rhif 589/2008 (awdurdodi ymgymeriadau yn ganolfannau pecynnu i raddio wyau).

(2) Os gwneir cais i Weinidogion Cymru o dan is-baragraff cyntaf Erthygl 5(2) o Reoliad y Comisiwn (EC) Rhif 589/2008 am awdurdodi ymgymeriad yn ganolfan pecynnu i raddio wyau, rhaid i Weinidogion Cymru roi hysbysiad i'r ceisydd i'w hysbysu o'r materion a grybwyllir ym mharagraff (3), o fewn cyfnod o 28 diwrnod sy'n cychwyn ar y diwrnod sy'n dilyn y diwrnod pan fo Gweinidogion Cymru'n cael y cais.

- (3) Y materion yw—
- (a) penderfyniad Gweinidogion Cymru ar y cais;
 - (b) y rhesymau dros unrhyw wrthodiad i ganiatáu awdurdodiad; ac
 - (c) yn achos unrhyw wrthodiad i ganiatáu awdurdodiad, yr hawl i apelio a roddir gan reoliad 23 o'r Rheoliadau hyn.

(4) Os na fodlonir Gweinidogion Cymru y dylid caniatáu'r cais, yna (cyn penderfynu'n derfynol a ddylid gwrthod y cais ai peidio), cânt roi hysbysiad i'r ceisydd i'w hysbysu o'r rhesymau dros hynny, ac—

- (a) os nad yw Gweinidogion Cymru'n fodlon bod y data a ddarparwyd i gefnogi'r cais yn

589/2008 apply, where the eggs are sold, without any quality or weight grading, directly to the final consumer by the producer—

- (i) on the production site; or
 - (ii) by door-to-door selling in the region of production; or
- (b) except insofar as it relates to the requirement imposed by point III(3) of Part A of Annex XIV to the Single CMO Regulation, to the sale of eggs to which point I(1) of Part A of Annex XIV to that Regulation and Commission Regulation (EC) No 589/2008 apply, where the eggs are sold, without any quality or weight grading, directly to the final consumer by the producer in a local public market in the region of production.

Compliance with Community provisions

9. A person is guilty of an offence if they contravene, or fail to comply with, any provision mentioned in Schedule 2.

Authorisation of packing centres to grade eggs

10.—(1) The Welsh Ministers are designated as the competent authority for the purpose of the first subparagraph of Article 5(2) of Commission Regulation (EC) No 589/2008 (authorisation of undertakings as packing centres to grade eggs).

(2) Where an application is made to the Welsh Ministers under the first sub-paragraph of Article 5(2) of Commission Regulation (EC) No 589/2008 to authorise an undertaking as a packing centre to grade eggs, the Welsh Ministers must give a notice to the applicant notifying them of the matters mentioned in paragraph (3) within a period of 28 days, beginning with the day after the day on which they receive the application.

- (3) The matters are—
- (a) the Welsh Ministers' decision on the application;
 - (b) the reasons for any refusal to grant an authorisation; and
 - (c) in the case of any refusal to grant an authorisation, the right of appeal conferred by regulation 23 of these Regulations.

(4) Where the Welsh Ministers are not satisfied that an application should be granted, they may (before making a final decision about whether or not to refuse the application) give a notice to the applicant notifying them of the reason for this and—

- (a) where the Welsh Ministers are not satisfied with the sufficiency of the data provided in

ddigonol, cânt ofyn i'r ceisydd ddarparu rhagor o ddata;

- (b) os nad yw Gweinidogion Cymru'n fodlon y bodlonwyd y gofynion a grybwyllir yn is-baragraff cyntaf Erthygl 5(2) o Reoliad y Comisiwn (EC) Rhif 589/2008 ac sy'n berthnasol i'r math o ganolfan becynnu sydd i'w hawdurdodi, cânt ofyn i'r ceisydd gydymffurfio ag unrhyw ofyniad nad yw eto wedi ei fodloni; ac
- (c) caiff Gweinidogion Cymru roi cyfle i'r ceisydd ddarparu ar eu cyfer esboniadau llafar neu ysgrifenedig mewn cysylltiad â'r cais.

(5) Os bydd Gweinidogion Cymru'n penderfynu tynnu'n ôl awdurdodiad canolfan becynnu i raddio wyau oherwydd methiant i gydymffurfio ag unrhyw un neu rai o'r gofynion a grybwyllir yn is-baragraff cyntaf Erthygl 5(2) o Reoliad y Comisiwn (EC) Rhif 589/2008, rhaid iddynt roi hysbysiad i'r person sy'n cynnal busnes yn y ganolfan becynnu ("P") i'w hysbysu o'r materion a grybwyllir ym mharagraff (6) o fewn cyfnod o 28 diwrnod, sy'n cychwyn ar y diwrnod y gwneir y penderfyniad.

(6) Y materion yw—

- (a) penderfyniad Gweinidogion Cymru i dynnu'n ôl yr awdurdodiad;
- (b) y dyddiad y mae tynnu'n ôl yr awdurdodiad i fod yn effeithiol;
- (c) y rhesymau dros dynnu'n ôl yr awdurdodiad; ac
- (ch) yr hawl i apelio a roddir gan reoliad 23 o'r Rheoliadau hyn.

(7) Os bydd Gweinidogion Cymru â'u bryd ar dynnu'n ôl awdurdodiad canolfan becynnu i raddio wyau oherwydd methiant i gydymffurfio ag unrhyw un neu rai o'r gofynion a grybwyllir yn is-baragraff cyntaf Erthygl 5(2) o Reoliad y Comisiwn (EC) Rhif 589/2008, yna caiff Gweinidogion Cymru (cyn penderfynu'n derfynol a ddylid tynnu'n ôl yr awdurdodiad ai peidio) roi hysbysiad i P i'w hysbysu bod Gweinidogion Cymru â'u bryd ar dynnu'n ôl yr awdurdodiad, gan roi'r rhesymau dros wneud hynny, ac—

- (a) os yw'r methiant i gydymffurfio ag unrhyw un neu rai o'r gofynion a grybwyllir yn is-baragraff cyntaf Erthygl 5(2) o Reoliad y Comisiwn (EC) Rhif 589/2008 yn parhau, caiff Gweinidogion Cymru ofyn i P gymryd camau penodedig i sicrhau y cydymffurfir â'r gofynion hynny; a
- (b) caiff Gweinidogion Cymru roi cyfle i P ddarparu ar eu cyfer esboniadau llafar neu ysgrifenedig mewn cysylltiad â'r mater.

(8) Pan fo Gweinidogion Cymru'n rhoi hysbysiad i geisydd o dan baragraff (4), neu i P o dan baragraff (7),

support of the application, they may ask the applicant to provide further data;

- (b) where the Welsh Ministers are not satisfied that the requirements mentioned in the first sub-paragraph of Article 5(2) of Commission Regulation (EC) No 589/2008 that are relevant to the type of packing centre to be authorised have been met, they may ask the applicant to comply with any outstanding requirement; and
- (c) the Welsh Ministers may give the applicant an opportunity to provide oral or written explanations to them in respect of the application.

(5) Where the Welsh Ministers decide to withdraw an authorisation of a packing centre to grade eggs because of a failure to comply with any of the requirements mentioned in the first sub-paragraph of Article 5(2) of Commission Regulation (EC) No 589/2008, the Welsh Ministers must give a notice to the person carrying on business at the packing centre ("P") notifying them of the matters mentioned in paragraph (6) within 28 days, beginning with the day on which the decision is made.

(6) The matters are—

- (a) the Welsh Ministers' decision to withdraw the authorisation;
- (b) the date on which the withdrawal of the authorisation is to take effect;
- (c) the reasons for the withdrawal; and
- (d) the right of appeal conferred by regulation 23 of these Regulations.

(7) Where the Welsh Ministers are minded to withdraw the authorisation of a packing centre to grade eggs because of a failure to comply with any of the requirements mentioned in the first sub-paragraph of Article 5(2) of Commission Regulation (EC) No 589/2008, they may (before making a final decision about whether or not to withdraw the authorisation) give a notice to P notifying them that they are minded to withdraw the authorisation, and the reasons for this, and—

- (a) where the failure to comply with any of the requirements mentioned in the first sub-paragraph of Article 5(2) of Commission Regulation (EC) No 589/2008 is continuing, the Welsh Ministers may ask P to take specified steps to ensure that those requirements are met; and
- (b) the Welsh Ministers may give P an opportunity to provide oral or written explanations to them in respect of the matter.

(8) Where the Welsh Ministers give a notice to an applicant under paragraph (4), or to P under paragraph

rhaiddi ynt bennu terfyn amser yn yr hysbysiad, erbyn pryd y bydd rhaidd cymryd unrhyw gamau a bennir yn yr hysbysiad.

(9) Caniateir estyn unrhyw derfyn amser a bennir gan Weinidogion Cymru o dan y rheoliad hwn, unwaith neu nifer o weithiau.

(10) At y diben o gyfrifo'r terfyn amser o 28 diwrnod a grybwyllir ym mharagraff (2), rhaidd peidio â chyfrif unrhyw gyfnod o amser a roddir gan Weinidogion Cymru i'r ceisydd gymryd unrhyw gamau a grybwyllir mewn hysbysiad o dan baragraff (4).

Rhanddirymidiadau sy'n ymwneud â marcio wyau

11.–(1) Nid yw'r ddarpariaeth yn ail is-baragraff pwynt III(1) o Ran A o Atodiad XIV i'r Rheoliad Sengl CMO (sy'n ei gwneud yn ofynnol i wyau Dosbarth B gael eu marcio) yn gymwys os yw wyau Dosbarth B i'w marchnata yn y Deyrnas Unedig yn unig.

(2) Nid yw'r ddarpariaeth yn is-baragraff cyntaf pwynt III(3) o Ran A o Atodiad XIV i'r Rheoliad Sengl CMO (sy'n ei gwneud yn ofynnol i wyau a werthir gan gynhyrchydd i ddefnyddiwr terfynol mewn marchnad gyhoeddus leol yn y rhanbarth cynhyrchu gael eu marcio'n unol â phwynt III(1) o Ran A o Atodiad XIV i'r Rheoliad Sengl CMO) yn gymwys yn achos cynhyrchydd sy'n cadw hyd at 50 o ieir dodwy os nodir enw a chyfeiriad y cynhyrchydd yn y man gwerthu.

(3) Ond nid yw paragraffau (1) a (2) yn gymwys i wyau y mae'n rhaidd eu hystyried yn wyau Dosbarth B yn rhinwedd paragraff (a) o'r ail is-baragraff o bwynt 2 o Ran D o Atodiad II i Reoliad (EC) Rhif 2160/2003.

Pori da byw ar libartau awyr agored

12. At ddiben paragraff (b) o'r ail is-baragraff o bwynt 1 o Atodiad II i Reoliad y Comisiwn (EC) Rhif 589/2008 (sy'n gosod y gofynion sylfaenol y mae angen eu bodloni er mwyn i wyau gael eu marchnata fel wyau buarth), awdurdodir pori da byw ar libartau awyr agored y mae gan ieir dodwy fynediad iddynt.

Rhanddirymidiadau sy'n ymwneud ag wyau buarth

13.–(1) Trwy rhanddirymiad o ddarpariaethau pwynt 1 yn Atodiad II i Reoliad y Comisiwn (EC) Rhif 589/2008, caniateir i wyau y mae paragraff (2) yn gymwys iddynt gael eu marchnata fel wyau buarth.

(2) Mae'r paragraff hwn yn gymwys i wyau–

- (a) a gynhyrchwyd mewn system gynhyrchu nad yw'n cydymffurfio ag unrhyw un neu ragor o'r amodau a grybwyllir ym mharagraff (3); a
- (b) a gynhyrchwyd mewn sefydliad–
 - (i) a chanddo lai na 350 o ieir dodwy ar yr adeg pan gynhyrchir yr wyau;

(7), they must specify a deadline in the notice by which any action mentioned in the notice must be taken.

(9) Any deadline given by the Welsh Ministers under this regulation may be extended on one or more occasions.

(10) For the purposes of calculating the 28-day time limit mentioned in paragraph (2), time does not run during any period that the Welsh Ministers give to an applicant to take any action mentioned in a notice under paragraph (4).

Derogations relating to the marking of eggs

11.–(1) The provision in the second sub-paragraph of point III(1) of Part A of Annex XIV to the Single CMO Regulation (requiring Class B eggs to be marked) does not apply where Class B eggs are to be marketed exclusively in the United Kingdom.

(2) The provision in the first sub-paragraph of point III(3) of Part A of Annex XIV to the Single CMO Regulation (requiring eggs sold by a producer to a final consumer in a local public market in the region of production to be marked in accordance with point III(1) of Part A of Annex XIV to the Single CMO Regulation) does not apply in the case of a producer with up to 50 laying hens if the name and address of the producer are indicated at the point of sale.

(3) But paragraphs (1) and (2) do not apply to eggs that must be considered as Class B eggs by virtue of paragraph (a) of the second sub-paragraph of point 2 of Part D of Annex II to Regulation (EC) No 2160/2003.

Livestock grazing on open-air runs

12. For the purpose of paragraph (b) of the second sub-paragraph of point 1 of Annex II to Commission Regulation (EC) No 589/2008 (setting down the minimum requirements that need to be met in order for eggs to be marketed as free-range eggs), livestock grazing is authorised on open-air runs to which laying hens have access.

Derogation relating to free-range eggs

13.–(1) By way of derogation from the provisions of point 1 of Annex II to Commission Regulation (EC) No 589/2008, eggs to which paragraph (2) applies may be marketed as free-range eggs.

(2) This paragraph applies to eggs that have–

- (a) been produced in a system of production that does not comply with any one or more of the conditions mentioned in paragraph (3); and
- (b) been produced in an establishment–
 - (i) with fewer than 350 laying hens at the time that the eggs are produced;

- (ii) sy'n magu ieir dodwy sy'n bridio ar yr adeg pan gynhyrchir yr wyau; neu
- (iii) sy'n magu ieir dodwy sy'n bridio a chanddo lai na 350 o ieir dodwy ar y pryd.

(3) Yr amodau yw'r amodau yn narpariaethau canlynol Erthygl 4(1) o Gyfarwyddeb y Cyngor 1999/74/EC—

- (a) yr ail frawddeg o bwynt 1(d);
- (b) pwynt 1(e);
- (c) pwynt 2;
- (ch) pwynt 3(a)(i); a
- (d) pwynt 3(b)(i).

(4) Mater i berson sy'n bwriadu dibynnu ar baragraff (1) er mwyn marchnata wyau fel wyau buarth yw profi bod yr wyau yn rhai y mae paragraff (2) yn gymwys iddynt.

Rhanddirymiaidau sy'n ymwneud ag wyau sguor

14.—(1) Trwy randdirymiad o ddarpariaethau pwynt 2 yn Atodiad II i Reoliad y Comisiwn (EC) Rhif 589/2008, caniateir i wyau y mae paragraff (2) yn gymwys iddynt gael eu marchnata fel wyau sguor.

(2) Mae'r paragraff hwn yn gymwys i wyau—

- (a) a gynhyrchwyd mewn system gynhyrchu nad yw'n cydymffurfio ag unrhyw un neu ragor o'r amodau a grybwyllir ym mharagraff (3); a
- (b) a gynhyrchwyd mewn sefydliad—
 - (i) a chanddo lai na 350 o ieir dodwy ar yr adeg pan gynhyrchir yr wyau;
 - (ii) sy'n magu ieir dodwy sy'n bridio ar yr adeg pan gynhyrchir yr wyau; neu
 - (iii) sy'n magu ieir dodwy sy'n bridio a chanddo lai na 350 o ieir dodwy ar y pryd.

(3) Yr amodau yw'r amodau yn narpariaethau canlynol Erthygl 4(1) o Gyfarwyddeb y Cyngor 1999/74/EC—

- (a) yr ail frawddeg o bwynt 1(d);
- (b) pwynt 1(e);
- (c) pwynt 2;
- (ch) pwynt 3(a)(i); a
- (d) pwynt 3(b)(i).

(4) Mater i berson sy'n bwriadu dibynnu ar baragraff (1) er mwyn marchnata wyau fel wyau sguor yw profi bod yr wyau yn rhai y mae paragraff (2) yn gymwys iddynt.

- (ii) rearing breeding laying hens at the time that the eggs are produced; or
- (iii) rearing breeding laying hens and with fewer than 350 laying hens at that time.

(3) The conditions are the conditions in the following provisions of Article 4(1) of Council Directive 1999/74/EC—

- (a) the second sentence of point 1(d);
- (b) point 1(e);
- (c) point 2;
- (d) point 3(a)(i); and
- (e) point 3(b)(i).

(4) It is for a person seeking to rely on paragraph (1) in order to market eggs as free-range eggs to prove that the eggs are eggs to which paragraph (2) applies.

Derogation relating to barn eggs

14.—(1) By way of derogation from the provisions of point 2 of Annex II to Commission Regulation (EC) No 589/2008, eggs to which paragraph (2) applies may be marketed as barn eggs.

(2) This paragraph applies to eggs that have—

- (a) been produced in a system of production that does not comply with any one or more of the conditions specified in paragraph (3); and
- (b) been produced in an establishment—
 - (i) with fewer than 350 laying hens at the time that the eggs are produced;
 - (ii) rearing breeding laying hens at the time that the eggs are produced; or
 - (iii) rearing breeding laying hens and with fewer than 350 laying hens at that time.

(3) The conditions are the conditions in the following provisions of Article 4(1) of Council Directive 1999/74/EC—

- (a) the second sentence of point 1(d);
- (b) point 1(e);
- (c) point 2;
- (d) point 3(a)(i); and
- (e) point 3(b)(i).

(4) It is for a person seeking to rely on paragraph (1) in order to market eggs as barn eggs to prove that the eggs are eggs to which paragraph (2) applies.

RHAN 4

Wyau yn eu plisgyn ar gyfer eu bwyta:
gofynion mewn perthynas â rheoli Salmonella

Cymhwyso'r Rhan hon

15. Mae'r Rhan hon yn gymwys i wyau y mae Rheoliad (EC) Rhif 2160/2003 yn gymwys iddynt fel y'i darllenir ar y cyd â'r eithriad yn Erthygl 1(3) o Reoliad (EC) Rhif 2160/2003.

Cydydffurfio â darpariaethau Cymunedol

16. Mae person yn euog o dramgwydd os yw'n mynd yn groes i unrhyw ddarpariaeth a grybwyllir yn Atodlen 3, neu'n methu â chydydffurfio â darpariaeth o'r fath.

RHAN 5

Amrywiol Ddarpariaethau

Gorfodi

17.–(1) Rhaid i bob awdurdod bwyd–

- (a) gorfodi'r darpariaethau a grybwyllir yn Atodlen 2, fel y'i darllenir gyda rheoliad 9, a'r darpariaethau a grybwyllir yn Atodlen 3, fel y'i darllenir gyda rheoliad 16, i'r graddau y maent yn ymwneud ag–
 - (i) manwerthu wyau o fewn ei ardal;
 - (ii) gwerthu wyau i arlwywr mawr yn ei ardal;
a
 - (iii) defnyddio wyau o fewn ei ardal;
- (b) gorfodi darpariaethau rheoliad 20(3) a (4) yn achos cyfarwyddyd a roddir gan swyddog awdurdodedig a awdurdodir gan yr awdurdod bwyd ("swyddog awdurdod bwyd");
- (c) gorfodi darpariaethau rheoliad 20(6) yn achos pecyn neu gynhwysydd a ddiogelir gan swyddog awdurdod bwyd;
- (ch) gorfodi darpariaethau rheoliad 20(11) a (12) yn achos ymyrryd ag unrhyw eitem neu offer cyfrifiadurol, neu eu symud ymaith, yn groes i delerau hysbysiad a roddwyd gan swyddog awdurdod bwyd;
- (d) gorfodi darpariaethau rheoliad 22(3) yn achos hysbysiad cydydffurfio a roddir gan swyddog awdurdod bwyd;
- (dd) gorfodi darpariaethau rheoliad 22(7) yn achos hysbysiad cydydffurfio a roddir gan swyddog awdurdod bwyd; a
- (e) gorfodi darpariaethau rheoliad 26 yn achos rhwystro swyddog awdurdod bwyd.

PART 4

Eggs in shell for consumption: salmonella
control related requirements

Application of this Part

15. This Part applies to eggs to which Regulation (EC) No 2160/2003 applies as read with the exception in Article 1(3) of Regulation (EC) No 2160/2003.

Compliance with Community provisions

16. A person is guilty of an offence if they contravene, or fail to comply with, any provision mentioned in Schedule 3.

PART 5

Miscellaneous provisions

Enforcement

17.–(1) Each food authority must–

- (a) enforce the provisions mentioned in Schedule 2, as read with regulation 9, and the provisions mentioned in Schedule 3, as read with regulation 16, insofar as they apply to–
 - (i) the retail sale of eggs within their area;
 - (ii) the sale of eggs to a mass caterer in their area; and
 - (iii) the use of eggs within their area.
- (b) enforce the provisions of regulation 20(3) and (4) in the case of a direction given by an authorised officer who is authorised by the food authority ("a food authority officer");
- (c) enforce the provisions of regulation 20(6) in the case of a pack or container secured by a food authority officer;
- (d) enforce the provisions of regulation 20(11) and (12) in the case of the disturbance or removal of any item or computer equipment in contravention of the terms of a notice given by a food authority officer;
- (e) enforce the provisions of regulation 22(3) in the case of a compliance notice given by a food authority officer;
- (f) enforce the provisions of regulation 22(7) in the case of a compliance notice given by a food authority officer; and
- (g) enforce the provisions of regulation 26 in the case of an obstruction of a food authority officer.

(2) Caiff Gweinidogion Cymru orfodi'r darpariaethau a grybwyllir yn Atodlen 2, fel y'i darllenir gyda rheoliad 9, a'r darpariaethau a grybwyllir yn Atodlen 3, fel y'i darllenir gyda rheoliad 16, i'r graddau y maent yn gymwys i fanwerthu wyau, gwerthu wyau i arlwywr mawr neu ddefnyddio wyau.

(3) Rhaid i Weinidogion Cymru—

- (a) gorfodi'r darpariaethau a grybwyllir yn Atodlen 1, fel y'i darllenir gyda rheoliad 5;
- (b) gorfodi'r darpariaethau a grybwyllir yn Atodlen 2, fel y'i darllenir gyda rheoliad 9, a'r darpariaethau a grybwyllir yn Atodlen 3, fel y'i darllenir gyda rheoliad 16, i'r graddau nad ydynt yn gymwys i fanwerthu wyau, gwerthu wyau i arlwywr mawr neu ddefnyddio wyau;
- (c) gorfodi darpariaethau rheoliad 20(3) a (4) yn achos cyfarwyddyd a roddir gan swyddog awdurdodedig a awdurdodir gan Weinidogion Cymru ("swyddog Gweinidogion Cymru");
- (ch) gorfodi darpariaethau rheoliad 20(6) yn achos pecyn neu gynhwysydd a ddiogelir gan swyddog Gweinidogion Cymru;
- (d) gorfodi darpariaethau rheoliad 20(11) a (12) yn achos ymyrryd ag unrhyw eitem neu offer cyfrifiadurol, neu eu symud ymaith, yn groes i delerau hysbysiad a roddwyd gan swyddog Gweinidogion Cymru;
- (dd) gorfodi darpariaethau rheoliad 22(3) yn achos hysbysiad cydymffurfio a roddir gan swyddog Gweinidogion Cymru;
- (e) gorfodi darpariaethau rheoliad 22(7) yn achos hysbysiad cydymffurfio a roddir gan swyddog Gweinidogion Cymru;
- (f) gorfodi darpariaethau rheoliad 24(4); ac
- (ff) gorfodi darpariaethau rheoliad 26 yn achos rhwystro swyddog Gweinidogion Cymru.

(4) Yn y rheoliad hwn—

ystyr "manwerthu" ("*retail sale*") yw unrhyw werthu ac eithrio gwerthu cynnyrch ar gyfer ei ddefnyddio neu ei ailwerthu wrth fasnachu neu gynnal busnes; ac

mae "gwerthu" ("*sale*") yn cynnwys meddu ar gynnyrch ar gyfer ei werthu, ei gynnig, ei arddangos a'i hysbysebu ar gyfer gwerthu.

Dyletswydd i roi cymorth a darparu gwybodaeth

18.—(1) Rhaid i Weinidogion Cymru roi i unrhyw awdurdod bwyd pa bynnag gymorth a gwybodaeth y gofynnir amdanynt yn rhesymol at y diben o'i gynorthwyo i gyflawni ei ddyletswyddau o dan y Rheoliadau hyn, a chaiff Gweinidogion Cymru rannu unrhyw wybodaeth arall a ddaw i'w meddiant gydag unrhyw awdurdod bwyd (hyd yn oed os na ofynnir am

(2) The Welsh Ministers may enforce the provisions mentioned in Schedule 2, as read with regulation 9, and the provisions mentioned in Schedule 3, as read with regulation 16, insofar as they apply to the retail sale of eggs, the sale of eggs to a mass caterer or the use of eggs.

(3) The Welsh Ministers must—

- (a) enforce the provisions mentioned in Schedule 1, as read with regulation 5;
- (b) enforce the provisions mentioned in Schedule 2, as read with regulation 9, and the provisions mentioned in Schedule 3, as read with regulation 16, insofar as they do not apply to the retail sale of eggs, the sale of eggs to a mass caterer or the use of eggs;
- (c) enforce the provisions of regulation 20(3) and (4) in the case of a direction given by an authorised officer who is authorised by the Welsh Ministers ("an officer of the Welsh Ministers");
- (d) enforce the provisions of regulation 20(6) in the case of a pack or container secured by an officer of the Welsh Ministers;
- (e) enforce the provisions of regulation 20(11) and (12) in the case of the disturbance or removal of any item or computer equipment in contravention of the terms of a notice given by an officer of the Welsh Ministers;
- (f) enforce the provisions of regulation 22(3) in the case of a compliance notice given by an officer of the Welsh Ministers;
- (g) enforce the provisions of regulation 22(7) in the case of a compliance notice given by an officer of the Welsh Ministers;
- (h) enforce the provisions of regulation 24(4); and
- (i) enforce the provisions of regulation 26 in the case of an obstruction of an officer of the Welsh Ministers.

(4) In this regulation—

"retail sale" ("*manwerthu*") means any sale other than a sale for use or resale in the course of a trade or business; and

"sale" ("*gwerthu*") includes possession for sale and offer, exposure and advertising for sale.

Duty to give assistance and provide information

18.—(1) The Welsh Ministers must give any food authority such assistance and information as they may reasonably request for the purpose of helping them perform their duties under these Regulations, and the Welsh Ministers may share any other information obtained by them with any food authority (although not requested by the authority) for the purpose of helping

yr wybodaeth gan yr awdurdod) at y diben o gynorthwyo'r awdurdod i gyflawni'r dyletswyddau hynny.

(2) Ym mharagraff (1), ystyr "gwybodaeth" ("*information*") yw gwybodaeth a ddaw i feddiant Gweinidogion Cymru fel yr awdurdod cymwys dynodedig o dan reoliad 6(1), yr awdurdod cymwys dynodedig o dan reoliad 10(1) neu fel awdurdod gorfodi.

(3) Caiff Gweinidogion Cymru ddefnyddio'r wybodaeth a ddaw i'w meddiant fel yr awdurdod cymwys dynodedig o dan reoliad 6(1), neu fel yr awdurdod cymwys dynodedig o dan reoliad 10(1), at y diben o'u cynorthwyo i gyflawni eu dyletswyddau fel awdurdod gorfodi o dan y Rheoliadau hyn.

(4) Caiff Gweinidogion Cymru ddefnyddio'r wybodaeth a ddaw i'w meddiant fel awdurdod gorfodi o dan y Rheoliadau hyn at y diben o'u cynorthwyo i gyflawni eu dyletswyddau fel yr awdurdod cymwys dynodedig o dan reoliad 6(1), neu fel yr awdurdod cymwys dynodedig o dan reoliad 10(1).

(5) Rhaid i bob awdurdod bwyd roi i unrhyw awdurdod bwyd arall neu i Weinidogion Cymru pa bynnag gymorth a gwybodaeth y gofynnir amdanynt yn rhesymol at y diben o gynorthwyo gyda chyflawni dyletswyddau'r awdurdod bwyd arall neu Weinidogion Cymru o dan y Rheoliadau hyn, a chaiff pob awdurdod bwyd rannu unrhyw wybodaeth arall a ddaw i'w feddiant fel awdurdod gorfodi gydag unrhyw awdurdod bwyd arall neu gyda Gweinidogion Cymru (hyd yn oed os na ofynnir am yr wybodaeth honno gan yr awdurdod na chan Weinidogion Cymru) at y diben o gynorthwyo i gyflawni eu dyletswyddau o dan y Rheoliadau hyn.

(6) Ym mharagraff (5) ystyr "gwybodaeth" ("*information*") yw gwybodaeth a ddaw i feddiant awdurdod bwyd fel awdurdod gorfodi.

Pwerau mynediad

19.–(1) Caiff swyddog awdurdodedig fynd i mewn i unrhyw fangre ar unrhyw adeg resymol at y diben o sicrhau y cydymffurfir â darpariaethau'r Rheoliadau hyn.

(2) Caiff y swyddog awdurdodedig fynd â'r canlynol ag ef–

- (a) unrhyw bersonau eraill sydd yn ei farn ef yn angenrheidiol; ac
- (b) unrhyw gynrychiolydd y Comisiwn Ewropeaidd.

(3) Rhaid i swyddog awdurdodedig beidio ag arfer y pwerau o dan baragraff (1) neu (2) ac eithrio ar ôl cyflwyno, os gofynnir iddo wneud hynny, dogfen a ddilyswyd yn briodol ac sy'n dangos awdurdod y swyddog.

them perform those duties.

(2) In paragraph (1) "information" ("*gwybodaeth*") means information obtained by the Welsh Ministers as the competent authority designated by regulation 6(1), as the competent authority designated by regulation 10(1) or as an enforcement authority.

(3) The Welsh Ministers may use information obtained by them as the competent authority designated by regulation 6(1), or as the competent authority designated by regulation 10(1), for the purpose of helping them perform their duties as an enforcement authority under these Regulations.

(4) The Welsh Ministers may use information obtained by them as an enforcement authority under these Regulations for the purpose of helping them perform their duties as the competent authority designated by regulation 6(1) or as the competent authority designated by regulation 10(1).

(5) Each food authority must give any other food authority or the Welsh Ministers such assistance and information as they may reasonably request for the purpose of helping them perform their duties under these Regulations, and each food authority may share any other information obtained by them as an enforcement authority with any other food authority or with the Welsh Ministers (although not requested by the authority or the Welsh Ministers) for the purpose of helping them perform their duties under these Regulations.

(6) In paragraph (5) "information" ("*gwybodaeth*") means information obtained by a food authority as an enforcement authority.

Powers of entry

19.–(1) An authorised officer may enter any premises at any reasonable hour for the purpose of ensuring that the provisions of these Regulations are being complied with.

(2) The authorised officer may take with them–

- (a) such other persons as they consider necessary; and
- (b) any representative of the European Commission.

(3) An authorised officer must not exercise the powers under paragraph (1) or (2) except on the production, if so required, of a duly authenticated document showing their authority.

(4) Nid oes hawl i fynnu cael mynediad i unrhyw fangre a ddefnyddir yn unig fel tŷ annedd preifat, ac eithrio ar ôl rhoi rhybudd, 24 awr ymlaen llaw, i'r meddiannydd o'r bwriad i fynd i mewn, neu pan eir i mewn yn unol â gwarant a roddwyd o dan y rheoliad hwn.

(5) Os yw ynad heddwch, ar sail gwybodaeth ysgrifenedig a roddir ar lw, wedi ei fodloni ynglŷn â'r materion a grybwyllir ym mharagraff (6), caiff lofnodi gwarant sy'n caniatáu i swyddog awdurdodedig fynd i mewn i unrhyw fangre, gan ddefnyddio grym rhesymol pe bai angen.

(6) Y materion yw—

- (a) bod sail rhesymol i gredu bod Amod A neu B wedi ei fodloni; a
- (b) bod Amod C, CH neu D wedi ei fodloni.

(7) Amod A yw fod eitemau yn y fangre o'r math a grybwyllir yn rheoliad 20(1)(a) neu ddogfennau a chofnodion o'r math a grybwyllir yn rheoliad 20(1)(d), a bod eu harchwilio'n debygol o ddatgelu tystiolaeth o fynd yn groes i'r Rheoliadau hyn, neu o fethiant i gydymffurfio â hwy.

(8) Amod B yw fod mynd yn groes i'r Rheoliadau hyn, neu o fethiant i gydymffurfio â hwy wedi digwydd, yn digwydd neu ar fin digwydd yn y fangre honno.

(9) Amod C yw fod mynediad i'r fangre wedi ei wrthod, neu'n debygol o gael ei wrthod a'r meddiannydd wedi ei hysbysu (naill ai ar lafar neu mewn ysgrifenedig) y gellir gwneud cais am warant.

(10) Amod CH yw fod mynediad i'r fangre wedi ei wrthod, neu'n debygol o gael ei wrthod, a phe hysbysid y meddiannydd y gellid gwneud cais am warant o dan y rheoliad hwn, gallai hynny danseilio'r diben o fynd i mewn.

(11) Amod D yw fod y fangre heb feddiannydd, neu fod y meddiannydd yn absennol dros dro, ac y gallai aros iddo ddychwelyd danseilio'r diben o fynd i mewn.

(12) Mae gwarant a roddir o dan baragraff (5)—

- (a) yn ddilys am un mis, sy'n cychwyn gyda'r diwrnod y rhoddir y warant; a
- (b) rhaid dangos y warant i'w harchwilio gan y person (os oes un) y mae'n ymddangos i'r swyddog ei fod yn feddiannydd y fangre, neu'r person sy'n gofalu amdani.

(13) Rhaid i swyddog awdurdodedig sy'n mynd i mewn i unrhyw fangre sydd heb feddiannydd, neu sydd â'i meddiannydd yn absennol dros dro, adael y fangre wedi ei diogelu mor effeithiol rhag mynediad diawdurdod ag yr oedd cyn i'r swyddog ddod yno.

(14) Caiff swyddog awdurdodedig wneud archwiliad ar gais Aelod-wladwriaeth arall neu'r Comisiwn Ewropeaidd.

(4) Admission to any premises used only as a private dwellinghouse may not be demanded as of right unless 24 hours notice of the intended entry has been given to the occupier or the entry is in accordance with a warrant granted under this regulation.

(5) If a justice of the peace, on sworn information in writing, is satisfied of the matters mentioned in paragraph (6), they may sign a warrant permitting an authorised officer to enter any premises, if needs be by reasonable force.

(6) The matters are that—

- (a) there are reasonable grounds for believing that Condition A or B is met; and
- (b) Condition C, D or E is met.

(7) Condition A is that on the premises there are items of the type mentioned in regulation 20(1)(a) or documents or records of the type mentioned in regulation 20(1)(d) and that their inspection is likely to disclose evidence of a contravention of, or failure to comply with, these Regulations.

(8) Condition B is that a contravention of, or failure to comply with, these Regulations has occurred, is occurring or is about to occur on those premises.

(9) Condition C is that admission to the premises has been, or is likely to be, refused, and that the occupier has been informed (whether orally or in writing) that a warrant may be applied for.

(10) Condition D is that admission to the premises has been, or is likely to be, refused, and informing the occupier that a warrant under this regulation may be applied for may defeat the object of the entry.

(11) Condition E is that the premises are unoccupied or that the occupier is temporarily absent and it may defeat the object of the entry to await their return.

(12) A warrant granted under paragraph (5)—

- (a) is valid for one month, beginning with the day on which it is granted; and
- (b) must be produced for inspection to the person (if there is one) who appears to the officer to be the occupier, or the person in charge, of the premises.

(13) An authorised officer who enters any premises that are unoccupied or where the occupier is temporarily absent must leave the premises as effectively secured against unauthorised entry as when they found them.

(14) An authorised officer may carry out an inspection at the request of another Member State or the European Commission.

Pwerau swyddog awdurdodedig

20.–(1) Caiff swyddog awdurdodedig ("S") sy'n mynd i mewn i fangre o dan rheoliad 19–

- (a) archwilio'r fangre, ac unrhyw offer, peiriannau neu gyfarpar sydd yn y fangre honno, ac unrhyw rai o'r eitemau canlynol a ddarganfyddir yn y fangre honno–
 - (i) wyau;
 - (ii) wyau deor;
 - (iii) pecynnau neu gynwysyddion eraill ar gyfer wyau, wyau deor neu gywion; a
 - (iv) labeli sy'n ymwneud ag wyau, wyau deor neu gywion;
- (b) chwilio'r fangre;
- (c) cymryd samplau;
- (ch) cynnal unrhyw ymholiadau, archwiliadau neu broffion;
- (d) sicrhau mynediad i unrhyw ddogfennau neu gofnodion (ym mha bynnag ffurf y'u cedwir) sy'n ymwneud â materion o fewn cwmplas y Rheoliadau hyn, eu harchwilio a'u copïo, a'u symud oddi yno i alluogi eu copïo;
- (dd) sicrhau mynediad i, ac archwilio a gwirio gweithrediad, a'r data a gynhwysir mewn, unrhyw gyfrifiadur ac unrhyw ddyfais storio electronig neu gyfarpar cysylltiedig ("offer cyfrifiadurol"), a ddefnyddir neu a ddefnyddiwyd mewn cysylltiad â'r dogfennau neu gofnodion a grybwyllir yn is-baragraff (d), gan gynnwys data mewn perthynas â ffeiliau a ddilëwyd a logiau gweithgarwch; ac at y diben hwnnw, caiff S ei gwneud yn ofynnol bod unrhyw berson sy'n gofalu am yr offer cyfrifiadurol, neu rywfodd arall yn ymwneud â'u gweithredu, yn rhoi i S pa bynnag gymorth (gan gynnwys darparu enwau defnyddwyr a chyfrineiriau) ag a fynnir yn rhesymol gan S, ac yn ystod y gwiriadau, caiff S adfer data a gedwir yn yr offer cyfrifiadurol; ac
- (e) pan gedwir dogfen neu gofnod a grybwyllir yn is-baragraff (d) drwy gyfrwng gyfrifiadur, ei gwneud yn ofynnol bod y cofnod yn cael ei baratoi mewn ffurf sy'n caniatáu ei gludo ymaith.

(2) Caiff S roi cyfarwyddyd ("cyfarwyddyd rheoliad 20(2)") i berson ("P"), sy'n ymddangos i S ei fod â gofal o'r eitemau neu'r mangreodded a grybwyllir isod, bod rhaid gadael y canlynol heb ymyrryd â hwy cyhyd ag y bo'n angenrheidiol yn rhesymol at ddibenion unrhyw archwiliad neu ymchwiliad–

- (a) unrhyw un neu ragor o'r eitemau a grybwyllir ym mharagraff (1)(a)(i) i (iv);
- (b) unrhyw ddogfen neu gofnod a grybwyllir ym mharagraff (1)(d);
- (c) unrhyw offer cyfrifiadurol a grybwyllir ym

Powers of an authorised officer

20.–(1) An authorised officer ("O") entering premises under regulation 19 may–

- (a) inspect the premises, and any plant, machinery or equipment on those premises, and any of the following items found on those premises–
 - (i) eggs;
 - (ii) eggs for hatching;
 - (iii) packs or other containers for eggs, eggs for hatching or chicks; and
 - (iv) labels relating to eggs, eggs for hatching or chicks;
- (b) search the premises;
- (c) take samples;
- (d) carry out any inquiries, examinations or tests;
- (e) have access to, and inspect and copy, any documents or records (in whatever form they are held) relating to matters covered by these Regulations, and remove them to enable them to be copied;
- (f) have access to, and inspect and check the data on, and operation of, any computer, and any associated electronic storage device or apparatus ("computer equipment") that is, or has been in use in connection with, the documents or records mentioned in subparagraph (e), including data relating to deleted files and activity logs; and for this purpose O may require any person having charge of, or otherwise concerned with the operation of, the computer equipment to afford to O such assistance (including the provision of usernames and passwords) as O may reasonably require, and, during the course of the checks, O may recover data held on the computer equipment; and
- (g) where a document or record mentioned in subparagraph (e) is kept by means of a computer, require the record to be produced in a form in which it may be taken away.

(2) O may direct ("a regulation 20(2) direction") a person ("P") appearing to them to be in charge of the items or premises mentioned below that the following must be left undisturbed for as long as is reasonably necessary for the purpose of any examination or investigation–

- (a) any one or more of the items mentioned in paragraph (1)(a)(i) to (iv);
- (b) any document or record mentioned in paragraph (1)(e);
- (c) any computer equipment mentioned in

mharagraff (1)(dd); ac

(ch) unrhyw fangre y darganfyddir unrhyw rai o'r eitemau hynny arni neu ynddi.

(3) Mae P yn euog o dramgwydd os yw'n methu â chydymffurfio â chyfarwyddyd rheoliad 20(2) a roddir iddo gan S.

(4) Mae person arall, ac eithrio S a P, sy'n gwybod am gyfarwyddyd rheoliad 20(2) yn euog o dramgwydd os yw (er na roddwyd y cyfarwyddyd iddo ef) yn ymyrryd ag unrhyw eitem neu fangre yn groes i delerau'r cyfarwyddyd.

(5) Os na chynhelir archwiliad neu ymchwiliad ar unwaith ar ôl rhoi cyfarwyddyd o dan baragraff (2), caiff S osod tâp ar y pecynnau neu gynwysyddion ar gyfer wyau neu wyau deor sy'n destun y cyfarwyddyd hwnnw, neu eu gwneud yn ddiogel rywfodd arall, hyd nes cynnal archwiliad neu ymchwiliad.

(6) Mae person sy'n gwybod bod pecynnau neu gynwysyddion ar gyfer wyau neu wyau deor wedi eu tapio neu'u diogelu rhywfodd arall gan S (yn unol â pharagraff (5)) yn euog o dramgwydd os yw'n ymyrryd ag unrhyw un o'r pecynnau neu'r cynwysyddion hynny, oni chaiff ei awdurdodi i wneud hynny, mewn ysgrifen, gan S.

(7) Caiff S ymafael mewn, a chadw, unrhyw eitem o'r math a grybwyllir ym mharagraff (1)(a)(i) i (iv), neu ddogfen neu gofnod a grybwyllir ym mharagraff (1)(d), os oes rheswm ganddo i gredu y gallai fod eu hangen fel tystiolaeth mewn achos o dan y Rheoliadau hyn.

(8) Caiff S ymafael mewn unrhyw eitem o'r math a ddisgrifir ym mharagraff (1)(a)(i) i (iv) fel un sy'n agored i'w dinistrio, os yw S o'r farn yn rhesymol ei bod yn mynd yn groes i unrhyw ddarpariaeth o'r Rheoliadau hyn.

(9) Caiff S ymafael mewn unrhyw offer cyfrifiadurol at y diben o gopïo dogfennau neu gofnodion o'r math a grybwyllir ym mharagraff (1)(d), a gwirio gweithrediad, a'r data a gynhwysir mewn, unrhyw offer cyfrifiadurol a ddefnyddir neu a ddefnyddiwyd mewn cysylltiad â'r dogfennau neu'r cofnodion hynny (ac wrth wneud hynny caiff adfer data), ar yr amod y'u dychwelir cyn gynted ag y bo'n ymarferol, a beth bynnag o fewn cyfnod o 28 diwrnod, sy'n cychwyn gyda'r diwrnod yr ymafaelir yn yr offer.

(10) Os na all S symud ymaith eitem neu offer cyfrifiadurol yr ymafaelir ynddi neu ynddynt o dan baragraff (7), (8) neu (9) ar unwaith, caiff—

- (a) marcio'r eitem neu offer mewn unrhyw ffordd y tybio'n briodol; a
- (b) rhoi i'r person ("P") sy'n ymddangos iddo ei fod â gofal o'r eitem neu offer cyfrifiadurol hysbysiad ("hysbysiad rheoliad 20(10)") sy'n—
 - (i) nodi manylion adnabod yr eitem neu'r offer cyfrifiadurol;

paragraph (1)(f); and

(d) any premises on or in which any of those items are found.

(3) P is guilty of an offence if they fail to comply with a regulation 20(2) direction given to them by O.

(4) A person, other than O and P, who knows about a regulation 20(2) direction is guilty of an offence if (although the direction was not given to them) they disturb any item or premises in contravention of the terms of the direction.

(5) If an examination or investigation will not be carried out immediately after a direction has been given under paragraph (2), O may apply tape to the packs or other containers for eggs or eggs for hatching that are subject to that direction, or otherwise secure them pending the examination or investigation.

(6) A person who knows that packs or other containers for eggs or eggs for hatching have been taped or otherwise secured by O (pursuant to paragraph (5)) is guilty of an offence if they interfere with any of those packs or containers unless authorised to do so, in writing, by O.

(7) O may seize and detain any item of the type mentioned in paragraph (1)(a)(i) to (iv) or document or record mentioned in paragraph (1)(e) that O has reason to believe may be required as evidence in proceedings under these Regulations.

(8) O may seize as liable to destruction any item of the type mentioned in paragraph (1)(a)(i) to (iv) that O reasonably believes contravenes any provision of these Regulations.

(9) O may seize any computer equipment for the purpose of copying documents or records of the type mentioned in paragraph (1)(e), and for checking the data on, and operation of, any computer equipment that is, or has been, in use in connection with, those documents or records (and in doing so may recover data), provided it is returned as soon as practicable and, in any event, within 28 days, beginning with the day on which the equipment is seized.

(10) If O is not able to remove an item or computer equipment seized under paragraph (7), (8) or (9) immediately, they may—

- (a) mark it in any way that they see fit; and
- (b) give the person ("P") appearing to them to be in charge of the item or computer equipment a notice ("a regulation 20(10) notice")—
 - (i) identifying it;

- (ii) ei gwneud yn ofynnol nad oes neb yn ymyrryd â'r eitem neu'r offer cyfrifiadurol hyd nes ei chesglir neu eu cesglir gan S; a
- (iii) gwahardd symud yr eitem neu'r offer cyfrifiadurol o'r fangre lle ei darganfuwyd neu eu darganfuwyd, hyd nes ei chesglir neu eu cesglir gan S.

(11) Mae P yn euog o dramgwydd os yw'n methu â chydymffurfio â hysbysiad rheoliad 20(10) a roddir iddo gan S.

(12) Mae person arall, ac eithrio S a P, sy'n gwybod am hysbysiad rheoliad 20(10), yn euog o dramgwydd os yw (er na roddwyd yr hysbysiad iddo ef), yn symud ymaith neu'n ymyrryd ag eitem neu offer cyfrifiadurol, yn groes i delerau'r hysbysiad.

(13) Rhaid i S beidio ag arfer y pwerau o dan y rheoliad hwn ac eithrio ar ôl cyflwyno, os gofynnir iddo, dogfen a ddilyswyd yn briodol sy'n dangos ei awdurdod.

(14) Yn y rheoliad hwn mae "mangre" yn cynnwys unrhyw le ac unrhyw gerbyd, ôl-gerbyd, stondin neu adeiledd symudol.

Gweithdrefn ar gyfer ymafael

21.—(1) Rhaid i swyddog awdurdodedig ("S") ddilyn y gweithdrefnau a bennir yn y rheoliad hwn os yw'n ymafael mewn unrhyw beth o dan reoliad 20(7), (8) neu (9).

(2) Rhaid i S roi i'r person y mae'n ymddangos i S ei fod â gofal o'r fangre yr ymafaelir yn yr eitem neu'r offer cyfrifiadurol ymafaeledig ynddi ("y fangre"), hysbysiad y mae'n rhaid iddo ddatgan—

- (a) beth yr ymafaelodd S ynddo;
- (b) pa bryd yr ymafaelodd S ynddo;
- (c) ar ba sail yr ymafaelwyd yn yr eitem neu'r offer; ac
- (ch) i ba gyfeiriad ac yn ystod pa gyfnod y gellir anfon hawliad am ddychwelyd yr eitem neu'r offer.

(3) Ond os yw'r fangre heb feddiannydd neu os yw'n ymddangos i S nad oes neb â gofal o'r fangre, rhaid i S osod hysbysiad ynghlwm wrth ran amlwg o'r fangre, neu wrth wrthrych amlwg ar y fangre, sy'n cynnwys yr wybodaeth a grybwyllir yn is-baragraffau (a) i (ch) o baragraff (2).

(4) Caiff person sydd â buddiant perchnogol yn yr eitem neu'r offer cyfrifiadurol ymafaeledig (gan gynnwys credydwr sydd â dyled wedi ei sicrhau ar yr eitem neu'r offer cyfrifiadurol) hysbysu'r awdurdod gorfodi o unrhyw hawliad na ddylid bod wedi ymafael yn yr eitem neu'r offer cyfrifiadurol ymafaeledig, gan ddatgan yn llawn y sail dros wneud yr hawliad.

(5) Rhaid anfon yr hawliad i'r cyfeiriad a bennir yn

- (ii) requiring the item or computer equipment to be left undisturbed until it is collected by O; and
- (iii) prohibiting the removal of the item or computer equipment from the premises on which it was found until it is collected by O.

(11) P is guilty of an offence if they fail to comply with a regulation 20(10) notice given to them by O.

(12) A person, other than O and P, who knows about a regulation 20(10) notice, is guilty of an offence if (although the notice was not given to them) they disturb or remove an item or computer equipment in contravention of the terms of the notice.

(13) O must not exercise the powers under this regulation except on the production, if so required, of a duly authenticated document showing their authority.

(14) In this regulation "premises" includes any place and any vehicle, trailer, stall or moveable structure.

Procedure on seizure

21.—(1) An authorised officer ("O") must follow the procedures set out in this regulation if they seize anything under regulation 20(7), (8) or (9).

(2) O must give to the person appearing to O to be in charge of the premises from which the seized item or computer equipment is seized ("the premises") a notice that must state—

- (a) what O has seized;
- (b) when O seized it;
- (c) the grounds for the seizure of the item or equipment; and
- (d) the address to which, and the period during which, a claim may be made for the return of the item or equipment.

(3) But where the premises are unoccupied, or no-one appears to O to be in charge of the premises, O must attach a notice to a conspicuous part of the premises, or to some conspicuous object on the premises, containing the information mentioned in sub-paragraphs (a) to (d) of paragraph (2).

(4) A person having a proprietary interest in the seized item or computer equipment (including a creditor who has a debt secured on the item or computer equipment) may notify the enforcement authority of any claim that the seized item or equipment was not liable to seizure, setting out the grounds for the claim in full.

(5) The claim must be made within 28 days of the

yr hysbysiad ymafael, o fewn cyfnod o 28 diwrnod ar ôl yr ymafaeliad, sy'n cychwyn gyda'r diwrnod yr ymafaelwyd yn yr eitem neu'r offer cyfrifiadurol ymafaeledig.

(6) Os na cheir hysbysiad o hawliad o fewn 28 diwrnod mewn perthynas ag eitem yr ymafaelwyd ynddi o dan reoliad 20(7), caiff yr awdurdod gorfodi gadw'r eitem ymafaeledig cyhyd â bo angen tra'n ei dal at ddibenion unrhyw ymchwiliad neu achos troseddol, neu i'w defnyddio fel tystiolaeth mewn treial.

(7) Os ceir hysbysiad o hawliad o fewn 28 diwrnod mewn perthynas ag eitem yr ymafaelwyd ynddi o dan reoliad 20(7), rhaid i'r awdurdod gorfodi-

- (a) dychwelyd yr eitem ymafaeledig o fewn cyfnod o 14 diwrnod, sy'n cychwyn gyda'r diwrnod y cafwyd yr hawliad; neu
- (b) cadw'r eitem ymafaeledig cyhyd â bo angen tra'n ei dal at ddibenion unrhyw ymchwiliad neu achos troseddol, neu i'w defnyddio fel tystiolaeth mewn treial, ond rhaid iddo hysbysu'r hawlydd bod yr eitem ymafaeledig yn cael ei chadw, ac o'r rheswm pam y caiff ei chadw, o fewn cyfnod o 14 diwrnod, sy'n cychwyn gyda'r diwrnod y cafwyd yr hawliad.

(8) Os na cheir hysbysiad o hawliad o fewn 28 diwrnod mewn perthynas ag eitem yr ymafaelwyd ynddi o dan reoliad 20(8), caiff yr awdurdod gorfodi-

- (a) os yw'r awdurdod gorfodi'n penderfynu peidio â dinistrio'r eitem ymafaeledig, ond yn hytrach ei chadw at ddibenion unrhyw ymchwiliad neu achos troseddol, neu i'w defnyddio'n dystiolaeth mewn treial, gadw'r eitem ymafaeledig cyhyd ag y bo angen at un o'r dibenion hynny, ond rhaid i'r awdurdod gorfodi-
 - (i) hysbysu'r person perthnasol bod yr eitem ymafaeledig yn cael ei chadw, ac o'r rheswm pam y caiff ei chadw, o fewn cyfnod o 14 diwrnod o ddiwedd y cyfnod hawlio, sy'n cychwyn gyda'r diwrnod cyntaf ar ôl diwedd y cyfnod hawlio; neu
 - (ii) os na wŷr yr awdurdod gorfodi pwy yw'r person perthnasol, ac os methir â darganfod hynny yn dilyn ymholiadau rhesymol gan yr awdurdod gorfodi, gosod hysbysiad ynghlwm wrth ran amlwg o'r fangre, neu ynghlwm wrth wrthrych amlwg ar y fangre, o fewn cyfnod o 14 diwrnod o ddiwedd y cyfnod hawlio, sy'n cychwyn gyda'r diwrnod cyntaf ar ôl diwedd y cyfnod hawlio, yn datgan bod yr eitem ymafaeledig yn cael ei chadw a'r rheswm pam y mae'n cael ei chadw; neu
- (b) dinistrio'r eitem ymafaeledig o fewn cyfnod o 28 diwrnod, sy'n cychwyn gyda'r diwrnod ar ôl diwedd y cyfnod hawlio o 28 diwrnod, os yw'n credu yn rhesymol bod yr eitem yn mynd yn groes i'r Rheoliadau hyn, ac-

seizure, beginning on the day on which the seized item or computer equipment is seized, to the address specified in the seizure notice.

(6) If a notification of a claim is not received within 28 days in respect of an item seized under regulation 20(7), the enforcement authority may retain the seized item for as long as necessary while it is being held for the purpose of any criminal investigation or proceedings or for use as evidence at a trial.

(7) If a notification of a claim is received within 28 days in respect of an item seized under regulation 20(7), the enforcement authority must-

- (a) return the seized item within 14 days, beginning with the day on which the claim is received; or
- (b) retain the seized item for as long as necessary while it is being held for the purpose of any criminal investigation or proceedings, or for use as evidence at a trial, but it must notify the claimant that the seized item is being retained, and of the reason why it is being retained within 14 days, beginning with the day on which the claim is received.

(8) If a notification of a claim is not received within 28 days in respect of an item seized under regulation 20(8), the enforcement authority may-

- (a) if a decision is taken by the enforcement authority not to destroy the seized item but to retain it for the purpose of any criminal investigation or proceedings, or for use as evidence at a trial, retain the seized item for as long as necessary for one of those purposes, but the enforcement authority must-
 - (i) notify the relevant person that the seized item is being retained, and of the reason why it is being retained, within 14 days of the expiry of the claim period, beginning with the day after the claim period expires; or
 - (ii) where the enforcement authority does not know who the relevant person is, and this cannot be ascertained after reasonable enquiries have been made by the enforcement authority, attach a notice to a conspicuous part of the premises, or a conspicuous object on those premises, within 14 days of the expiry of the claim period, beginning with the day after the claim period expires, stating that the seized item is being retained, and the reason why it is being retained; or
- (b) destroy the seized item within 28 days, beginning with the day after the 28 day claim period expires, if it reasonably believes that the item contravenes these Regulations, and-

- (i) hysbysu'r person perthnasol bod yr eitem ymafaeledig wedi ei dinistrio, o fewn cyfnod o 14 diwrnod ar ôl ei dinistrio, sy'n cychwyn ar y diwrnod y dinistrir yr eitem (neu ddiwrnod olaf y dinistrio os yw dinistrio'r eitem yn digwydd ar fwy nag un diwrnod); neu
- (ii) os na wŷyr yr awdurdod gorfodi pwy yw'r person perthnasol, ac os methir â darganfod hynny yn dilyn ymholiadau rhesymol gan yr awdurdod gorfodi, gosod hysbysiad ynghlwm wrth ran amlwg o'r fangre, neu ynghlwm wrth wrthrych amlwg ar y fangre, o fewn cyfnod o 14 diwrnod o ddinistrio'r eitem, sy'n cychwyn gyda'r diwrnod y dinistrir yr eitem (neu ddiwrnod olaf y dinistrio os yw dinistrio'r eitem yn digwydd ar fwy nag un diwrnod) yn datgan bod yr eitem ymafaeledig wedi ei dinistrio.

(9) Ym mharagraff (8) ystyr "person perthnasol" ("*relevant person*") yw—

- (a) os yw'r awdurdod gorfodi'n gwybod enw person sydd â buddiant perchnogol yn yr eitem ymafaeledig, y person hwnnw, neu (os gŵyr yr awdurdod enwau mwy nag un person sydd â buddiant perchnogol yn yr eitem ymafaeledig) pob un o'r personau hynny; neu
- (b) os na wŷyr yr awdurdod gorfodi enw unrhyw berson sydd â buddiant perchnogol yn yr eitem ymafaeledig, y person sy'n ymddangos i'r awdurdod gorfodi ei fod â gofal o'r fangre.

(10) Yn achos unrhyw eitem a ddinistrir o dan baragraff (8)(b), caiff yr awdurdod gorfodi adennill y costau canlynol fel dyled oddi ar unrhyw berson a oedd â buddiant perchnogol yn yr eitem yn union cyn ei dinistrio (ar wahân i gredydwr sydd â dyled wedi ei sicrhau ar yr eitem)—

- (a) costau symud a chludo'r eitem o'r fangre i'r storfa lle'i cedwir;
- (b) costau storio'r eitem am hyd at 28 diwrnod;
- (c) unrhyw gostau ar gyfer symud a chludo'r eitem, os symudir hi o un storfa i storfa arall;
- (ch) costau cludo'r eitem o'r storfa i'r man lle'i dinistrir; a
- (d) costau dinistrio'r eitem.

(11) Os ceir hysbysiad o hawliad o fewn 28 diwrnod mewn perthynas ag eitem yr ymafaelwyd ynnddi o dan reoliad 20(8), rhaid i'r awdurdod gorfodi—

- (a) dychwelyd yr eitem ymafaeledig o fewn cyfnod o 14 diwrnod, sy'n cychwyn gyda'r diwrnod y cafwyd yr hawliad;

- (i) notify the relevant person that the seized item has been destroyed within 14 days of its destruction, beginning with the day on which the item is destroyed (or the last day of its destruction where the destruction of the item takes place on more than one day); or
- (ii) where the enforcement authority does not know who the relevant person is, and this cannot be ascertained after reasonable enquiries have been made by the enforcement authority, attach a notice to a conspicuous part of the premises, or to a conspicuous object on those premises, within 14 days of the destruction of the item, beginning with the day on which the item is destroyed (or the last day of its destruction where the destruction of the item takes place on more than one day) stating that the seized item has been destroyed.

(9) In paragraph (8) the "relevant person" ("*person perthnasol*") means—

- (a) if the enforcement authority knows the identity of a person with a proprietary interest in the seized item, that person or (where they know the identity of more than one person with a proprietary interest in the seized item) each of those persons; or
- (b) if the enforcement authority does not know the identity of a person with a proprietary interest in the seized item, the person appearing to them to be in charge of the premises.

(10) In the case of any item destroyed under paragraph (8)(b), the enforcement authority may recover the following costs as a debt from any person who had a proprietary interest in the item immediately before its destruction (apart from a creditor who has a debt secured on the item)—

- (a) the costs of the removal and transport of the item from the premises to the place at which it is stored;
- (b) the costs of the storage of the item for up to 28 days;
- (c) any costs for the removal and transport of the item if it is moved from one place of storage to another place of storage;
- (d) the costs of the transport of the item from the place of storage to the place of destruction; and
- (e) the costs of the destruction of the item.

(11) If a notification of a claim is received within 28 days in respect of an item seized under regulation 20(8), the enforcement authority must—

- (a) return the seized item within 14 days, beginning with the day on which the claim is received;

- (b) os yw'r awdurdod gorfodi'n penderfynu peidio â dinistrio'r eitem ymafaeledig, ond yn hytrach ei chadw at ddibenion unrhyw ymchwiliad neu achos troseddol, neu i'w defnyddio'n dystiolaeth mewn treial, gadw'r eitem cyhyd ag y bo angen at un o'r dibenion hynny, ond rhaid i'r awdurdod gorfodi hysbysu'r hawlydd bod yr eitem ymafaeledig yn cael ei chadw, ac o'r rheswm pam y caiff ei chadw, o fewn cyfnod o 14 diwrnod o'r hawliad, sy'n cychwyn gyda'r diwrnod y cafwyd yr hawliad; neu
- (c) o fewn cyfnod o 14 diwrnod o'r hawliad, sy'n cychwyn gyda'r diwrnod y cafwyd yr hawliad, cychwyn achos ("achos rheoliad 21(11)(c)") mewn llys ynadon, i geisio gorchymyn i'w awdurdodi i ddinistrio'r eitem.

(12) Mewn achos rheoliad 21(11)(c) caiff y llys ynadon—

- (a) awdurdodi'r awdurdod gorfodi i ddinistrio'r eitem ymafaeledig;
- (b) awdurdodi'r awdurdod gorfodi i gadw'r eitem at ddibenion unrhyw ymchwiliad neu achos troseddol, neu i'w defnyddio'n dystiolaeth mewn treial, am gyhyd ag y bo angen at un o'r dibenion hynny; neu
- (c) gwneud yn ofynnol bod yr awdurdod gorfodi'n dychwelyd yr eitem at yr hawlydd, a gosod terfyn amser ar gyfer gwneud hynny.

(13) Os yw llys ynadon, mewn achos rheoliad 21(11)(c) yn awdurdodi'r awdurdod gorfodi i ddinistrio'r eitem ymafaeledig, caiff y llys hefyd orchymyn bod yr hawlydd (ond nid hawlydd sydd yn gredydwr â dyled wedi ei sicrhau ar yr eitem) yn talu pa rai bynnag o'r costau canlynol a bennir gan y llys—

- (a) costau symud a chludo'r eitem o'r fangre i'r man lle'i storir;
- (b) costau storio'r eitem am hyd at 28 diwrnod;
- (c) unrhyw gostau ar gyfer symud a chludo'r eitem, os symudir hi o un storfa i storfa arall;
- (ch) costau cludo'r eitem o'r storfa i'r man lle'i dinistrio; a
- (d) costau dinistrio'r eitem.

(14) Os ceir hysbysiad o hawliad o fewn 28 diwrnod, yn achos unrhyw offer cyfrifiadurol yr ymafaelwyd ynddynt o dan reoliad 20(9), rhaid i'r awdurdod gorfodi—

- (a) dychwelyd yr offer cyfrifiadurol ymafaeledig o fewn cyfnod o saith niwrnod o'r hawliad, sy'n dechrau ar y diwrnod y ceir yr hawliad neu, os yw'n fyrrach, o fewn gweddill y cyfnod hwyaf o 28 diwrnod y darperir ar ei gyfer yn rheoliad 20(9); neu

- (b) if a decision is taken by the enforcement authority not to destroy the seized item but to retain it for the purpose of any criminal investigation or proceedings or for use as evidence at a trial, retain the item for as long as necessary for one of those purposes but the enforcement authority must notify the claimant that the seized item is being retained, and of the reason why it is being retained, within 14 days of the claim, beginning with the day on which the claim is received; or
- (c) within 14 days of the claim, beginning with the day on which the claim is received, take proceedings ("regulation 21(11)(c) proceedings") in a magistrates' court for an order giving them authority to destroy the item.

(12) In regulation 21(11)(c) proceedings the magistrates' court may—

- (a) authorise the enforcement authority to destroy the seized item;
- (b) authorise the enforcement authority to retain the item for the purpose of any criminal investigation or proceedings, or for use as evidence at a trial, for as long as necessary for one of those purposes; or
- (c) require the enforcement authority to return the item to the claimant and impose a deadline by which this must be done.

(13) If, in regulation 21(11)(c) proceedings, the magistrates' court authorises the enforcement authority to destroy the seized item, the court may also make an order requiring the claimant (but not a claimant who is a creditor with a debt secured on the item) to pay such of the following costs as the court may specify—

- (a) the costs of the removal and transport of the item from the premises to the place at which it is stored;
- (b) the costs of the storage of the item for up to 28 days;
- (c) any costs for the removal and transport of the item if it is moved from one place of storage to another place of storage;
- (d) the costs of the transport of the item from the place of storage to the place of destruction; and
- (e) the costs of the destruction of the item.

(14) If a notification of a claim is received within 28 days in the case of any computer equipment seized under regulation 20(9), the enforcement authority must—

- (a) return the seized computer equipment within seven days of the claim, beginning with the day on which the claim is received, or, if shorter, within the remainder of the maximum 28 day period provided for in regulation 20(9); or

- (b) cychwyn achos mewn llys ynadon o fewn cyfnod o saith niwrnod o'r hawliad, sy'n dechrau ar y diwrnod y ceir yr hawliad oni fydd saith niwrnod neu lai yn weddill cyn diwedd y cyfnod hwyaf o 28 diwrnod y darperir ar ei gyfer yn rheoliad 20(9), am orchymyn yn awdurdodi'r awdurdod gorfodi i gadw'r offer cyfrifiadurol ymafaledig, yn unol â'r gofynion a bennir yn rheoliad 20(9).

(15) Os yw llys ynadon, yn achos unrhyw offer cyfrifiadurol yr ymafaelir ynddynt o dan reoliad 20(9), yn awdurdodi'r awdurdod gorfodi i gadw'r offer cyfrifiadurol ymafaledig, caiff y llys osod amodau ynglŷn ag ar ba sail y ceir parhau i gadw'r offer, gan gynnwys pennu terfyn amser gyfer dychwelyd yr offer, sy'n fyrrach na'r cyfnod hwyaf o 28 diwrnod y darperir ar ei gyfer yn rheoliad 20(9).

(16) Mae'r weithdrefn mewn llys ynadon o dan y rheoliad hwn ar ffurf achwyniad ac y mae Deddf Llysoedd Ynadon 1980(1) yn gymwys i'r achosion.

Hysbysiadau cydymffurfio

22.–(1) Pan fo gan swyddog awdurdodedig ("S") sail resymol dros gredu bod unrhyw berson ("P") yn methu â chydymffurfio â'r Rheoliadau hyn, caiff S, drwy hysbysiad ("hysbysiad cydymffurfio rheoliad 22(1)"), ei gwneud yn ofynnol bod P yn cymryd pa bynnag gamau a bennir gan S (neu gamau sydd o leiaf yn gyfwerth â'r rheini), o fewn pa bynnag gyfnod a bennir gan S, i sicrhau nad yw'r methiant i gydymffurfio'n parhau neu'n digwydd drachefn.

- (2) Rhaid i hysbysiad cydymffurfio rheoliad 22(1)–
- (a) datgan y sail dros yr hyn y mae S yn ei gredu;
 - (b) pennu'r materion sy'n gyfystyr â methiant i gydymffurfio â'r Rheoliadau hyn;
 - (c) pennu'r hyn y mae'n rhaid i P roi'r gorau i'w wneud, neu'r camau y mae'n rhaid, ym marn S, i P eu cymryd er mwyn cydymffurfio â'r Rheoliadau hyn;
 - (ch) gwneud yn ofynnol bod P yn rhoi'r gorau i gyflawni'r weithred a bennir yn yr hysbysiad, neu'n cymryd y camau a bennir yn yr hysbysiad, neu gamau sydd o leiaf gyfwerth â'r rheini, o fewn y cyfnod a grybwyllir yn yr hysbysiad;
 - (d) hysbysu P o'r hawl sydd ganddo, a roddir gan reoliad 23 i apelio i lys ynadon; ac
- (dd) hysbysu P o'r cyfnod a ganiateir ar gyfer gwneud apêl o'r fath.

(3) Mae person yn euog o dramgwydd os yw'n methu â chydymffurfio â hysbysiad cydymffurfio rheoliad 22(1) a roddir iddo o dan baragraff (1).

- (b) take proceedings in a magistrates' court within seven days of the claim, beginning with the day on which the claim is received unless there are seven days or less remaining before the expiry of the maximum 28 day period provided for in regulation 20(9), for an order authorising the enforcement authority to retain the seized computer equipment in accordance with the requirements laid down in regulation 20(9).

(15) If, in the case of any computer equipment seized under regulation 20(9), the magistrates' court authorises the enforcement authority to retain the seized computer equipment, the court may impose conditions as to the basis on which the equipment may continue to be retained, including the imposition of a deadline by which the equipment must be returned that is shorter than the 28 day maximum period provided for in regulation 20(9).

(16) The procedure in a magistrates' court under this regulation is by way of complaint and the Magistrates' Courts Act 1980(1) applies to the proceedings.

Compliance notices

22.–(1) If an authorised officer ("O") has reasonable grounds for believing that any person ("P") is failing to comply with these Regulations, O may, by notice (a "regulation 22(1) compliance notice"), require P to take such steps as O may specify (or steps at least equivalent to them), within such period as O may specify, to secure that the non-compliance does not continue or recur.

- (2) A regulation 22(1) compliance notice must–
- (a) state O's grounds for their belief;
 - (b) specify the matters that constitute the failure to comply with these Regulations;
 - (c) specify what P must stop doing, or the measures that, in O's opinion, P must take in order to comply with these Regulations;
 - (d) require P to stop doing the action specified in the notice, or take the measures specified in the notice, or measures at least equivalent to them, within the period mentioned in the notice;
 - (e) inform P of their right of appeal to a magistrates' court conferred by regulation 23; and
 - (f) inform P of the period within which such an appeal may be brought.

(3) A person is guilty of an offence if they fail to comply with a regulation 22(1) compliance notice given to them under paragraph (1).

(1) 1980 p. 43.

(1) 1980 c. 43.

(4) Os oes sail resymol gan S dros gredu nad yw unrhyw eitem a grybwyllir ym mharagraff (5) yn cydymffurfio, mewn unrhyw un neu ragor o ffyrdd, â'r gofynion a grybwyllir yn Atodlen 1, 2 neu 3, caiff S, drwy hysbysiad ("hysbysiad cydymffurfio rheoliad 22(4)"), roi cyfarwyddyd i'r person ("P") sy'n ymddangos i S ei fod â gofal o'r fangre lle y darganfyddir yr eitem berthnasol, i beidio â symud yr eitem berthnasol o'r fangre honno, oni roddir cyfarwyddyd fel arall mewn ysgrifen gan S, hyd nes bo'r eitem yn cydymffurfio â'r gofynion hynny.

(5) Yr eitemau yw—

- (a) wyau;
- (b) wyau deor;
- (c) pecynnau neu gynwysyddion eraill ar gyfer wyau, wyau deor neu gywion; ac
- (ch) labeli sy'n ymwneud ag wyau, wyau deor neu gywion.

(6) Rhaid i hysbysiad cydymffurfio rheoliad 22(4)—

- (a) ddatgan y sail dros yr hyn y mae S yn ei gredu;
- (b) pennu'r materion sy'n gyfystyr â methiant i gydymffurfio;
- (c) pennu'r camau y mae'n rhaid, ym marn S, eu cymryd i sicrhau cydymffurfiaeth;
- (ch) hysbysu P o'i hawl i apelio i lys ynadon; a

(d) hysbysu P o'r cyfnod a ganiateir ar gyfer gwneud apel o'r fath.

(7) Mae P yn euog o dramgwydd os yw'n symud eitem, y mae hysbysiad cydymffurfio rheoliad 22(4) a roddwyd iddo gan S yn ymwneud â hi, o'r fangre lle'i darganfuwyd gan S, yn groes i delerau'r hysbysiad hwnnw, oni chaiff gyfarwyddyd ysgrifenedig i wneud hynny gan S.

(8) Mae person arall, ac eithrio S a P, sy'n gwybod am hysbysiad cydymffurfio rheoliad 22(4) yn euog o dramgwydd (er na roddwyd yr hysbysiad iddo ef) os yw'n symud eitem y mae'r hysbysiad yn ymwneud â hi o'r fangre lle'i darganfuwyd gan S, yn groes i delerau'r hysbysiad hwnnw, oni chaiff gyfarwyddyd ysgrifenedig i wneud hynny gan S.

Apelau

23.—(1) Caiff unrhyw berson y mae penderfyniad a bennir ym mharagraff (2) yn ei dramgwyddo apelio i lys ynadon yn erbyn y penderfyniad hwnnw.

(2) Mae'r canlynol yn benderfyniad penodedig at ddiben paragraff (1)—

- (a) penderfyniad gan Weinidogion Cymru i wrthod cofrestru sefydliad yn sefydliad bridio pedigri, yn sefydliad bridio arall neu'n ddeorfa o dan Erthygl 2(1) o Reoliad y Comisiwn (EC) Rhif 617/2008, neu i dynnu'n ôl y cyfryw gofrestriad;

(4) If O has reasonable grounds for believing that any item mentioned in paragraph (5) does not comply in any one or more respects with the requirements mentioned in Schedule 1, 2 or 3, O may, by notice (a "regulation 22(4) compliance notice"), instruct the person ("P") who appears to O to be in charge of the premises on which the relevant item is found that, unless otherwise directed in writing by O, the relevant item must not be removed from those premises until it complies with those requirements.

(5) The items are—

- (a) eggs;
- (b) eggs for hatching;
- (c) packs or other containers for eggs, eggs for hatching or chicks; and
- (d) labels relating to eggs, eggs for hatching or chicks.

(6) A regulation 22(4) compliance notice must—

- (a) state O's grounds for their belief;
- (b) specify the matters that constitute the failure to comply;
- (c) specify the measures that, in O's opinion, must be taken in order to secure compliance;
- (d) inform P of the right of appeal to a magistrates' court; and
- (e) inform P of the period within which such an appeal may be brought.

(7) P is guilty of an offence if they remove an item to which a regulation 22(4) compliance notice given to them by O relates from the premises on which it was found by O in contravention of the terms of that notice unless directed in writing by O to do so.

(8) A person, other than O and P, who knows about a regulation 22(4) compliance notice, is guilty of an offence if they remove an item to which the notice relates (although the notice was not given to them) from the premises on which it was found by O in contravention of the terms of that notice unless directed in writing by O to do so.

Appeals

23.—(1) Any person who is aggrieved by a decision specified in paragraph (2) may appeal against that decision to a magistrates' court.

(2) A specified decision for the purpose of paragraph (1) is—

- (a) a decision by the Welsh Ministers to refuse to register an establishment as a pedigree breeding establishment, other breeding establishment or hatchery under Article 2(1) of Commission Regulation (EC) No 617/2008, or to withdraw such a registration;

- (b) penderfyniad gan Weinidogion Cymru i wrthod awdurdodi ymgymriad yn ganolfan becynnu i raddio wyau o dan is-baragraff cyntaf Erthygl 5(2) o Reoliad y Comisiwn (EC) Rhif 589/2008, neu i dynnu'n ôl y cyfryw awdurdodiad;
- (c) penderfyniad gan swyddog awdurdodedig i osod hysbysiad cydymffurfio rheoliad 22(1); neu
- (ch) penderfyniad gan swyddog awdurdodedig i osod hysbysiad cydymffurfio rheoliad 22(4).

(3) Mae adran 37(3), (5) a (6) o'r Ddeddf yn effeithiol mewn perthynas ag apêl o dan y rheoliad hwn fel y mae'n effeithiol mewn perthynas ag apêl o dan yr adran honno, ond gan hepgor—

- (a) yn is-adran (3), y geiriau ", or an appeal to such a court for which provision is made by regulations under Part II of this Act,";
- (b) is-adran (5)(b), a'r gair "or" sy'n dod yn union o'i blaen; ac
- (c) yn is-adran (6)(a), y geiriau "or to the sheriff".

(4) Nid yw tynnu cofrestrriad neu awdurdodiad yn ôl fel y cyfeirir ato ym mharagraff (2) yn cael effaith hyd nes daw'r amser ar gyfer apelio yn ei erbyn i ben, ac os cyflwynir apêl, hyd nes penderfynir yr apêl yn derfynol neu y'i tynnir yn ôl.

Gofynion cadw cofnodion

24.—(1) Caiff Gweinidogion Cymru, drwy hysbysiad, gyfarwyddo unrhyw berson, sy'n ymgymryd ag unrhyw weithgarwch a reoleiddir gan ddarpariaeth a grybwyllir yn Atodlen 1, 2 neu 3, i gydymffurfio ag unrhyw un neu rai o'r gofynion a grybwyllir ym mharagraff (2).

(2) Y gofynion yw—

- (a) cadw pa bynnag gofnodion ag y bo'n ofynnol yn rhesymol gan Weinidogion Cymru at ddibenion gorfodi unrhyw ddarpariaeth o'r fath, neu beri eu bod yn cael eu cadw;
- (b) darparu ar gyfer Gweinidogion Cymru pa bynnag wybodaeth sy'n deillio o'r cyfryw gofnodion ag y bo'n ofynnol gan Weinidogion Cymru, erbyn yr adegau a grybwyllir yn yr hysbysiad; ac
- (c) dal gafael yn y cyfryw gofnodion am ba bynnag gyfnod y bo'n ofynnol yn rhesymol gan Weinidogion Cymru.

(3) Ond rhaid i Weinidogion Cymru beidio â rhoi cyfarwyddyd o dan baragraff (1) onid yw'r cofnodion y mae'r cyfarwyddyd yn ymwneud â hwy yn rhai o'r math a gedwir yn arferol yng nghwrs eu busnes gan bersonau sy'n ymgymryd ag unrhyw weithgarwch a reoleiddir gan ddarpariaeth a grybwyllir yn Atodlen 1, 2 neu 3 ac—

- (b) a decision by the Welsh Ministers to refuse to authorise an undertaking as a packing centre to grade eggs under the first sub-paragraph of Article 5(2) of Commission Regulation (EC) No 589/2008, or to withdraw such an authorisation;
- (c) a decision by an authorised officer to impose a regulation 22(1) compliance notice; or
- (d) a decision by an authorised officer to impose a regulation 22(4) compliance notice.

(3) Section 37(3), (5) and (6) of the Act has effect in relation to an appeal under this regulation as it has effect in relation to an appeal under that section, but with the omission—

- (a) in subsection (3), of the words ", or an appeal to such a court for which provision is made by regulations under Part II of this Act,";
- (b) of subsection 5(b), and the word "or" immediately preceding it; and
- (c) in subsection (6)(a), of the words "or to the sheriff".

(4) The withdrawal of a registration or authorisation referred to in paragraph (2) does not take effect until the time for appealing against it has expired, and, if an appeal is lodged, until the appeal is finally disposed of or withdrawn.

Record-keeping requirements

24.—(1) The Welsh Ministers may by notice direct any person carrying on any activity regulated by a provision mentioned in Schedule 1, 2 or 3 to comply with any of the requirements mentioned in paragraph (2).

(2) The requirements are—

- (a) to keep, or cause to be kept, such records as the Welsh Ministers may reasonably require for the purposes of enforcing any such provision;
- (b) to provide the Welsh Ministers with such information derived from such records as they may require by the times mentioned in the notice; and
- (c) to retain such records for such period as the Welsh Ministers may reasonably require.

(3) But the Welsh Ministers must not give a direction under paragraph (1) unless the records to which the direction relates are of a type that are normally kept in the course of a business by persons carrying on any activity regulated by a provision mentioned in Schedule 1, 2 or 3 and—

- (a) oni roddir y cyfarwyddyd ar neu cyn 16 Ionawr 2010, a Gweinidogion Cymru yn rhesymol yn amau bod y person y rhoddir y cyfarwyddyd iddo wedi mynd yn groes i unrhyw ddarpariaeth a grybwyllir yn Atodlen 1, 2 neu 3, neu wedi methu â chydymffurfio â'r ddarpariaeth honno, ers i'r Rheoliadau hyn ddod i rym;
- (b) oni roddir y cyfarwyddyd ar neu cyn 16 Ionawr 2010, a'r person y rhoddir y cyfarwyddyd iddo wedi ei gollfarnu o dramgwydd o dan reoliad 5, 9 neu 16 o'r Rheoliadau hyn, a Gweinidogion Cymru yn amau yn rhesymol bod y person hwnnw, ers iddo gael ei gollfarnu—
- (i) wedi parhau i fynd yn groes i'r ddarpariaeth a grybwyllir yn Atodlen 1, 2 neu 3 y mae collfarn y person hwnnw yn ymwneud â hi, neu'n parhau i fethu â chydymffurfio â hi; neu
- (ii) wedi mynd yn groes i ryw ddarpariaeth arall a grybwyllir yn Atodlen 1, 2 neu 3, neu wedi methu â chydymffurfio â hi;
- (c) oni roddir y cyfarwyddyd ar neu ar ôl 17 Ionawr 2010, a Gweinidogion Cymru yn rhesymol yn amau bod y person y rhoddir y cyfarwyddyd iddo wedi mynd yn groes i unrhyw ddarpariaeth a grybwyllir yn Atodlen 1, 2 neu 3, neu wedi methu â chydymffurfio â hi o fewn y cyfnod o chwe mis yn union cyn i'r cyfarwyddyd gael ei roi; neu
- (ch) oni roddir y cyfarwyddyd ar neu ar ôl 17 Ionawr 2010, a'r person y rhoddir y cyfarwyddyd iddo wedi ei gollfarnu o dramgwydd o dan reoliad 5, 9 neu 16 o'r Rheoliadau hyn o fewn y cyfnod o chwe mis yn union cyn i'r cyfarwyddyd gael ei roi, a Gweinidogion Cymru yn amau yn rhesymol bod y person hwnnw, ers iddo gael ei gollfarnu—
- (i) wedi parhau i fynd yn groes i'r ddarpariaeth a grybwyllir yn Atodlen 1, 2 neu 3 y mae collfarn y person hwnnw yn ymwneud â hi, neu'n parhau i fethu â chydymffurfio â hi; neu
- (ii) wedi mynd yn groes i ryw ddarpariaeth arall a grybwyllir yn Atodlen 1, 2 neu 3, neu wedi methu â chydymffurfio â hi.
- (a) the direction will be given on or before 16 January 2010 and the Welsh Ministers reasonably suspect that the person to whom the direction will be given has contravened, or failed to comply with, any provision mentioned in Schedule 1, 2 or 3 since the coming into force of these Regulations;
- (b) the direction will be given on or before 16 January 2010, the person to whom the direction will be given has been convicted of an offence under regulation 5, 9 or 16 of these Regulations and the Welsh Ministers reasonably suspects that, since the conviction, that person—
- (i) has continued to contravene, or fail to comply with, the provision mentioned in Schedule 1, 2 or 3 to which that person's conviction relates; or
- (ii) has contravened, or failed to comply with, some other provision mentioned in Schedule 1, 2 or 3;
- (c) the direction will be given on or after 17 January 2010 and the Welsh Ministers reasonably suspect that the person to whom the direction will be given has contravened, or failed to comply with, any provision mentioned in Schedule 1, 2 or 3 within the six month period immediately before the direction is given; or
- (d) the direction will be given on or after 17 January 2011, the person to whom the direction will be given has been convicted of an offence under regulation 5, 9 or 16 of these Regulations within the six month period immediately before the giving of the direction, and the Welsh Ministers reasonably suspect that, since the conviction, that person—
- (i) has continued to contravene, or fail to comply with, the provision mentioned in Schedule 1, 2 or 3 to which that person's conviction relates; or
- (ii) has contravened, or failed to comply with, some other provision mentioned in Schedule 1, 2 or 3.

(4) Mae person yn euog o dramgwydd os nad yw'n cydymffurfio ag unrhyw ofyniad a osodir arno gan gyfarwyddyd a roddir gan Weinidogion Cymru o dan baragraff (1).

(4) A person is guilty of an offence if they do not comply with any requirement imposed on them by a direction given by the Welsh Ministers under paragraph (1).

Cyhoeddi gwybodaeth ynghylch gorfodi

25.—(1) Rhaid i awdurdod gorfodi roi cyhoeddusrwydd i achosion pan fo eitemau yr ymafaelwyd ynddynt o dan reoliad 20(8) wedi eu

Publication of enforcement information

25.—(1) An enforcement authority must publicise the cases in which items seized under regulation 20(8) have been destroyed and shall do so in such manner as

dinistrio, a rhaid iddo wneud hynny ym mha bynnag fodd y gwêl yn briodol.

(2) Ond rhaid i'r awdurdod gorfodi beidio â rhoi cyhoeddusrwydd i ddinistrio unrhyw eitem yr ymafaelir ynddi o dan reoliad 20(8) os yw o'r farn y byddai'n amhriodol gwneud hynny.

(3) Rhaid i awdurdod gorfodi roi cyhoeddusrwydd i achosion pan roddir hysbysiadau cydymffurfio ganddo o dan reoliad 22, a rhaid iddo wneud hynny ym mha bynnag fodd y gwêl yn briodol.

(4) Ond rhaid i'r awdurdod gorfodi beidio â rhoi cyhoeddusrwydd i hysbysiad cydymffurfio a roddir ganddo o dan reoliad 22—

- (a) cyn bo'r cyfnod ar gyfer apelio yn erbyn gosod yr hysbysiad cydymffurfio wedi dod i ben;
- (b) yn ystod y cyfnod pan fo unrhyw apêl yn erbyn gosod yr hysbysiad cydymffurfio yn parhau;
- (c) pan fo apêl yn erbyn gosod yr hysbysiad cydymffurfio wedi llwyddo; neu
- (ch) mewn unrhyw achos arall pan fo'r awdurdod gorfodi o'r farn y byddai'n amhriodol gwneud hynny.

Rhwystro

26. Mae person ("P") yn euog o dramgwydd os yw—

- (a) yn rhwystro unrhyw berson ("S") sy'n gweithredu i roi'r Rheoliadau hyn ar waith;
- (b) yn methu â rhoi i S unrhyw gymorth neu wybodaeth y mae'n rhesymol i S ofyn amdano neu amdani gan P, ar gyfer cyflawni swyddogaethau S o dan y Rheoliadau hyn;
- (c) yn rhoi unrhyw wybodaeth ffug neu gamarweiniol i S; neu
- (ch) yn methu â dangos unrhyw gofnod pan ofynnir iddo wneud hynny gan S.

Dirwy

27. Mae person sy'n euog o dramgwydd o dan reoliad 5, 9, 16, 20(3), (4), (6), (11) neu (12), 22(3), (7) neu (8), 24(4) neu 26 yn atebol ar gollfarn ddiannod i ddirwy nad yw'n fwy na lefel 5 ar y raddfa safonol.

Estyn y cyfnod ar gyfer dwyn erlyniad

28.—(1) Caniateir cychwyn achos am dramgwydd o dan y Rheoliadau hyn o fewn y cyfnod o un flwyddyn o'r dyddiad pryd y daeth tystiolaeth sy'n ddigonol ym marn yr erlynydd i gyfiawnhau dwyn yr achos i sylw'r erlynydd.

(2) Ond ni chaniateir cychwyn achos o'r fath yn rhinwedd paragraff (1) fwy na thair blynedd ar ôl cyflawni'r tramgwydd.

it sees fit.

(2) But an enforcement authority must not publicise the destruction of any item seized under regulation 20(8) where it considers that it would be inappropriate to do so.

(3) An enforcement authority must publicise the cases in which compliance notices have been given by it under regulation 22 and shall do so in such manner as it sees fit.

(4) But an enforcement authority must not publicise an compliance notice given by it under regulation 22—

- (a) until the time for appealing against the imposition of the compliance notice has passed;
- (b) during the period that any appeal against the imposition of the compliance notice is ongoing;
- (c) where an appeal against the imposition of the compliance notice is successful; or
- (d) in any other case where the enforcement authority considers that it would be inappropriate to do so.

Obstruction

26. A person ("P") is guilty of an offence if they—

- (a) obstruct any person acting in the execution of these Regulations ("O");
- (b) fail to give to O any assistance or information that O may reasonably require of P for the performance of O's functions under these Regulations;
- (c) furnish any false or misleading information to O; or
- (d) fail to produce a record when required to do so to O.

Fine

27. A person guilty of an offence under regulation 5, 9, 16, 20(3), (4), (6), (11) or (12), 22(3), (7) or (8), 24(4) or 26 is liable on summary conviction to a fine not exceeding level 5 on the standard scale.

Extended period for bringing prosecutions

28.—(1) Proceedings for an offence under these Regulations may be commenced within the period of one year from the date on which evidence sufficient in the opinion of the prosecutor to warrant the proceedings came to the prosecutor's knowledge.

(2) But no such proceedings may be commenced by virtue of paragraph (1) more than three years after the commission of the offence.

(3) At ddibenion y rheoliad hwn—

- (a) mae tystysgrif a lofnodwyd gan yr erlynydd neu ar ei ran ac y nodir arni'r dyddiad pryd y daeth tystiolaeth sy'n ddigonol ym marn yr erlynydd i gyfiawnhau dwyn achos i sylw'r erlynydd yn dystiolaeth ddigamsyniol o'r ffaith honno; a
- (b) rhaid barnu bod tystysgrif sy'n datgan y mater hwnnw ac yr honnir iddi gael ei llofnodi felly wedi ei llofnodi felly oni cheir prawf i'r gwrthwyneb.

Tramgwyddau gan gyrff corfforaethol etc.

29.—(1) Os profir bod tramgwydd a gyflawnir gan gorff corfforaethol (ac eithrio partneriaeth atebolrwydd cyfyngedig neu bartneriaeth Albanaidd) wedi'i gyflawni drwy gydsyniad neu ymoddefiad, neu i'w briodoli i unrhyw esgeulustod ar ran, swyddog o'r corff corfforaethol, neu berson sy'n honni gweithredu mewn swydd o'r fath, mae'r swyddog neu'r person hwnnw (yn ogystal â'r corff corfforaethol) yn euog o'r tramgwydd ac yn agored i gael ei erlyn a'i gosbi yn unol â hynny.

(2) Pan fo materion corff corfforaethol yn cael eu rheoli gan ei aelodau, mae paragraff (1) yn gymwys mewn perthynas â gweithredoedd a diffyg gweithredoedd aelod, a pherson sy'n honni gweithredu mewn swydd o'r fath, mewn cysylltiad â swyddogaethau'r aelod o reoli, fel y mae'n gymwys i swyddog corff corfforaethol.

(3) Os profir bod tramgwydd a gyflawnir gan gorff anghorfforedig (ac eithrio partneriaeth anghorfforedig) wedi'i gyflawni drwy gydsyniad neu ymoddefiad, neu i'w briodoli i unrhyw esgeulustod ar ran, unrhyw swyddog neu berson sy'n honni gweithredu mewn swydd o'r fath, mae'r swyddog neu'r person hwnnw (yn ogystal â'r corff anghorfforedig) yn euog o'r tramgwydd ac yn agored i gael ei erlyn a'i gosbi yn unol â hynny.

(4) Os profir bod tramgwydd a gyflawnir gan bartneriaeth (gan gynnwys partneriaeth atebolrwydd cyfyngedig neu bartneriaeth Albanaidd) wedi'i gyflawni drwy gydsyniad neu ymoddefiad, neu i'w briodoli i unrhyw esgeulustod ar ran partner, neu berson sy'n honni gweithredu mewn swydd o'r fath, mae'r partner neu'r person (yn ogystal â'r bartneriaeth) yn euog o'r tramgwydd ac yn agored i gael ei erlyn a'i gosbi yn unol â hynny.

(5) Yn y rheoliad hwn, ystyr "tramgwydd" ("*offence*") yw tramgwydd o dan y Rheoliadau hyn.

Rhoi hysbysiad cosb am dramgwydd cosb

30. Caiff awdurdod gorfodi roi hysbysiad cosb i berson ("P") os oes rheswm gan yr awdurdod i gredu bod P wedi cyflawni tramgwydd o dan reoliad 16 drwy fynd yn groes i ddarpariaeth o Reoliad (EC) Rhif 2160/2003 a grybwyllir yng ngholofn 1 o Atodlen 3,

(3) For the purposes of this regulation—

- (a) a certificate signed by or on behalf of the prosecutor and stating the date on which evidence sufficient in the prosecutor's opinion to warrant the proceedings came to the prosecutor's knowledge is conclusive evidence of that fact; and
- (b) a certificate stating that matter and purporting to be so signed, is deemed to be so signed unless the contrary is proved.

Offences by bodies corporate etc.

29.—(1) Where an offence committed by a body corporate (other than a limited liability partnership or a Scottish partnership) is proved to have been committed with the consent or connivance of, or is attributable to the neglect of, an officer of the body corporate, or a person purporting to act in such a capacity, that officer or person (as well as the body corporate) is guilty of the offence and is liable to be proceeded against and punished accordingly.

(2) Where the affairs of a body corporate are managed by its members, paragraph (1) applies in relation to the acts and defaults of a member, and a person purporting to act in such a capacity, in connection with the member's functions of management as it applies to an officer of a body corporate.

(3) Where an offence committed by an unincorporated body (other than an unincorporated partnership) is proved to have been committed with the consent or connivance of, or is attributable to the neglect on the part of, any officer or a person purporting to act in such a capacity, that officer or person (as well as the unincorporated body) is guilty of the offence and liable to be proceeded against and punished accordingly.

(4) Where an offence committed by a partnership (including a limited liability partnership and a Scottish partnership) is proved to have been committed with the consent or connivance of, or is attributable to the neglect of a partner, or a person purporting to act in such a capacity, the partner or person (as well as the partnership) is guilty of the offence and liable to be proceeded against and punished accordingly.

(5) In this regulation "offence" ("*tramgwydd*") means an offence under these Regulations.

Giving of penalty notice for penalty offence

30. An enforcement authority may give a penalty notice to a person ("P") where the authority has reason to believe that P has committed an offence under regulation 16 by contravening or failing to comply with a provision of Regulation (EC) No 2160/2003

neu fethu â chydymffurfio â hi.

Cynnwys yr hysbysiad cosb

31. Rhaid i hysbysiad cosb a roddir gan awdurdod gorfodi—

- (a) rhoi pa a bynnag fanylion sy'n angenrheidiol am yr amgylchiadau, yr honnir eu bod yn ffurfio'r tramgwydd cosb, i gyfleu gwybodaeth resymol am y tramgwydd;
- (b) datgan swm y gosb;
- (c) datgan yn ystod pa gyfnod, yn rhinwedd rheoliad 33, na chychwynnir achos ynglŷn â'r tramgwydd;
- (ch) datgan i ba berson ac ym mha gyfeiriad y gellir talu'r gosb; a
- (d) datgan rhaid peidio â thalu mewn arian parod.

Swm y gosb

32.—(1) Mae swm y gosb i'w benderfynu gan yr awdurdod gorfodi, a rhaid iddo beidio â bod yn llai na £100 nac yn fwy na £4,500.

(2) Caiff y ffactorau sydd i'w cymryd i ystyriaeth gan yr awdurdod gorfodi wrth benderfynu swm y gosb gynnwys un neu ragor o'r ffactorau a grybwyllir yn Atodlen 4 (ond nid ydynt yn gyfyngedig i'r ffactorau hynny).

Cyfyngiad ar ddwyn achos am dramgwydd cosb

33.—(1) Pan roddir hysbysiad cosb i berson ("P")—

- (a) ni chaniateir dwyn achos yn erbyn P am y tramgwydd cosb y mae'r hysbysiad hwnnw'n ymwneud ag ef cyn diwedd y cyfnod o 28 diwrnod sy'n cychwyn gyda'r diwrnod y rhoddir yr hysbysiad iddo; a
- (b) ni chaniateir collfarnu P am y tramgwydd os telir y gosb yn unol â rheoliad 34 cyn diwedd y cyfnod hwnnw.

(2) Nid yw paragraff (1) yn gymwys os tynnir y rhybudd cosb yn ôl yn unol â rheoliad 37.

Talu'r gosb

34.—(1) Rhaid talu unrhyw gosb i'r person a grybwyllir yn yr hysbysiad cosb drwy anfon y tâl drwy'r post neu drwy ba bynnag ddull a grybwyllir yn yr hysbysiad.

(2) Rhaid i unrhyw gosb beidio â chael ei thalu mewn arian parod.

Tystysgrif o dalu neu o beidio â thalu cosb

35. Mewn unrhyw achos, mae tystysgrif, yr honnir ei

mentioned in column 1 of Schedule 3.

Contents of penalty notice

31. A penalty notice given by an enforcement authority must—

- (a) give such particulars of the circumstances alleged to constitute the penalty offence as are necessary for giving reasonable information about the offence;
- (b) state the amount of the penalty;
- (c) state the period during which, by virtue of regulation 33, proceedings will not be taken for the offence;
- (d) state the person to whom, and the address at which, the penalty may be paid; and
- (e) state that payment must not be made in cash.

Amount of penalty

32.—(1) The amount of the penalty is to be determined by the enforcement authority and must not be less than £100 or more than £4,500.

(2) The factors to be taken into account by the enforcement authority in determining the amount of the penalty may include (but are not limited to) one or more of the factors mentioned in Schedule 4.

Restriction on proceedings for penalty offence

33.—(1) Where a person ("P") is given a penalty notice—

- (a) no proceedings may be brought against P for the penalty offence to which that notice relates before the end of the period of 28 days, beginning with the day on which they were given the notice; and
- (b) P may not be convicted of the offence if the penalty is paid in accordance with regulation 34 before the end of that period.

(2) Paragraph (1) does not apply if the penalty notice is withdrawn in accordance with regulation 37.

Payment of penalty

34.—(1) Payment of any penalty must be made to the person mentioned in the penalty notice by sending it by post or by such method as may be mentioned in the notice.

(2) Payment of any penalty must not be made in cash.

Certificate of payment or non-payment of a penalty

35. In any proceedings a certificate purporting to be

bod wedi ei llofnodi gan neu ar ran yr awdurdod gorfodi, sy'n datgan bod taliad mewn perthynas â hysbysiad cosb wedi ei gael neu heb ei gael ar neu cyn dyddiad a grybwyllir yn y dystysgrif, yn dystiolaeth o'r ffeithiau a ddatgenir.

Derbyniadau cosbau

36. Rhaid i unrhyw gosbau a delir i awdurdod gorfodi gael eu talu i Gronfa Gyfunol Cymru.

Tynnu hysbysiad cosb yn ôl

37.—(1) Caiff awdurdod gorfodi dynnu hysbysiad cosb yn ôl os oes rheswm gan yr awdurdod gorfodi i gredu na ddylid bod wedi ei roi (pa un ai i'r person a enwir yn yr hysbysiad cosb neu fel arall).

(2) Caiff awdurdod gorfodi dynnu hysbysiad cosb yn ôl drwy roi hysbysiad i'r person a enwir yn yr hysbysiad cosb, cyn neu ar ôl talu'r gosb.

(3) Pan fo awdurdod gorfodi yn tynnu hysbysiad cosb yn ôl, rhaid iddo ad-dalu unrhyw gosb a dalwyd o dan yr hysbysiad cosb, i'r person a enwir yn yr hysbysiad cosb, o fewn cyfnod o 28 diwrnod, sy'n cychwyn gyda'r diwrnod y rhoddir yr hysbysiad o dynnu'n ôl yr hysbysiad cosb.

Rhoi hysbysiadau

38.—(1) Rhaid i unrhyw hysbysiad y mae'n ofynnol ei roi o dan y Rheoliadau hyn, i unrhyw berson, fod mewn ysgrifen, a gellir ei roi iddo—

- (a) drwy ei ddanfôn i'r person hwnnw;
- (b) ei adael yn ei gyfeiriad priodol;
- (c) ei anfon ato yn y cyfeiriad hwnnw drwy'r post rhagdaledig; neu
- (ch) yn ddarostyngedig i baragraff (9), drwy ei anfon ato mewn cyfathrebiad electronig.

(2) Caniateir rhoi'r hysbysiad i gorff corfforaethol drwy ei roi i swyddog o'r corff hwnnw.

(3) Caniateir rhoi'r hysbysiad i bartneriaeth atebolrwydd cyfyngedig, partneriaeth Albanaidd neu bartneriaeth anghorfforedig drwy ei roi i bartner neu i berson sydd â rheolaeth ar, neu sy'n rheoli, busnes y bartneriaeth.

(4) Caniateir rhoi'r hysbysiad i unrhyw gorff anghorfforedig arall drwy ei roi i swyddog y corff anghorfforedig.

(5) At ddibenion y rheoliad hwn, ac adran 7 o Ddeddf Dehongli 1978(1) (cyflwyno dogfennau drwy'r post) o ran y modd y'i cymhwysir i'r rheoliad hwn, cyfeiriad priodol unrhyw berson y rhoddir hysbysiad iddo yw—

signed by or on behalf of the enforcement authority, stating that payment in respect of a penalty notice was or was not received on or before a date mentioned in the certificate, is evidence of the facts stated.

Penalty receipts

36. Penalties paid to an enforcement authority must be paid into the Welsh Consolidated Fund.

Withdrawal of penalty notice

37.—(1) A penalty notice may be withdrawn by an enforcement authority which has reason to believe that it ought not to have been given (whether to the person named in the penalty notice or otherwise).

(2) A penalty notice may be withdrawn by the enforcement authority giving notice to the person named in the penalty notice before or after the payment of the penalty.

(3) Where an enforcement authority withdraws a penalty notice it must repay any penalty paid under the penalty notice to the person named in the penalty notice within 28 days, beginning with the day on which the notice of the withdrawal of the penalty notice is given.

Giving of notices

38.—(1) Any notice required to be given under these Regulations to any person must be in writing and may be given to them by—

- (a) delivering it to them;
- (b) leaving it at their proper address;
- (c) sending it to them by prepaid post at that address; or
- (d) subject to paragraph (9), by being sent to them by an electronic communication.

(2) The notice may be given to a body corporate by being given to an officer of that body.

(3) The notice may be given to a limited liability partnership, Scottish partnership or unincorporated partnership by being given to a partner or a person having the control or management of the partnership business.

(4) The notice may be given to any other unincorporated body by being given to an officer of the unincorporated body.

(5) For the purposes of this regulation and section 7 of the Interpretation Act 1978(1) (service of documents by post) in its application to this regulation, the proper address of any person to whom a notice is to be given is—

(1) 1978 p. 30. Diwygiwyd adran 15(1) gan baragraff 158 o Atodlen 17 i Ddeddf Cyfathrebiadau 2003 (p. 21).

(1) 1978 c. 30. Section 15(1) was amended by paragraph 158 of Schedule 17 to the Communications Act 2003 (c. 21).

- (a) yn achos corff corfforaethol, cyfeiriad swyddfa gofrestredig neu brif swyddfa'r corff;
- (b) yn achos partneriaeth atebolrwydd cyfyngedig neu bartneriaeth Albanaidd, cyfeiriad swyddfa gofrestredig neu brif swyddfa'r bartneriaeth;
- (c) yn achos partneriaeth anghorfforedig neu unrhyw gorff anghorfforedig arall, cyfeiriad prif swyddfa'r bartneriaeth neu'r corff;
- (ch) yn achos person y rhoddir yr hysbysiad iddo gan ddibynnu ar unrhyw un o baragraffau (2), (3) neu (4), cyfeiriad priodol y corff corfforaethol, partneriaeth neu gorff anghorfforedig arall dan sylw; a
- (d) mewn unrhyw achos arall, cyfeiriad hysbys diwethaf y person dan sylw.

(6) At ddibenion paragraff (5) mae'r cyfeiriadau at "y brif swyddfa" mewn perthynas â chwmmi a gofrestrwyd y tu allan i'r Deyrnas Unedig, partneriaeth sy'n cynnal busnes y tu allan i'r Deyrnas Unedig, ac unrhyw gorff anghorfforedig arall sydd â'i brif swyddfa y tu allan i'r Deyrnas Unedig, yn cynnwys cyfeiriad, ym mhob achos, i'w prif swyddfa (os oes un) o fewn y Deyrnas Unedig.

(7) Mae paragraff (8) yn gymwys os yw person, sydd i gael hysbysiad o dan y Rheoliadau hyn, wedi pennu mai cyfeiriad o fewn y Deyrnas Unedig ("y cyfeiriad penodedig") sy'n wahanol i'w gyfeiriad priodol (fel y'i penderfynir o dan baragraff (5)) fydd y cyfeiriad lle y bydd ef, neu rywun ar ei ran, yn derbyn dogfennau o'r un disgrifiad â hysbysiad a roddir o dan y Rheoliadau hyn.

(8) Rhaid trin y cyfeiriad penodedig hefyd, at ddibenion y rheoliad hwn ac adran 7 o Ddeddf Dehongli 1978 yn y modd y'i cymhwysir i'r rheoliad hwn, fel cyfeiriad priodol y person.

(9) Os anfonir hysbysiad, sydd i'w roi i berson o dan y Rheoliadau hyn, mewn cyfathrebiad electronig gan awdurdod gorfodi, nid yw'r hysbysiad i'w drin fel pe bai wedi ei roi—

- (a) onid yw'r person y rhoddir yr hysbysiad iddo wedi dynodi wrth yr awdurdod gorfodi ei fod yn fodlon cael hysbysiadau mewn cyfathrebiadau electronig ac wedi darparu cyfeiriad addas at y diben hwnnw; a
- (b) onid anfonir yr hysbysiad i'r cyfeiriad a ddarparwyd gan y person hwnnw.

(10) Yn y rheoliad hwn—

nid yw "corff corfforaethol" ("*body corporate*") yn cynnwys partneriaeth atebolrwydd cyfyngedig na phartneriaeth Albanaidd; ac

- (a) in the case of a body corporate, the address of the registered or principal office of the body;
- (b) in the case of a limited liability partnership or a Scottish partnership, the address of the registered or principal office of the partnership;
- (c) in the case of an unincorporated partnership or any other unincorporated body, the address of the principal office of the partnership or body;
- (d) in the case of a person to whom the notice is given in reliance on any of paragraph (2), (3) or (4), the proper address of the body corporate, partnership or other unincorporated body in question; and
- (e) in any other case, the last known address of the person in question.

(6) For the purposes of paragraph (5) the references to "the principal office" in relation to a company which is registered outside the United Kingdom, a partnership which is carrying on business outside the United Kingdom and any other unincorporated body which has its principal office outside the United Kingdom, include a reference, in each case, to their principal office within the United Kingdom (if any).

(7) Paragraph (8) applies if a person to be given a notice under these Regulations has specified an address ("the specified address") within the United Kingdom other than their proper address (as decided under paragraph (5)) as the one at which they, or someone on their behalf, will accept documents of the same description as a notice given under these Regulations.

(8) The specified address is also to be treated for the purposes of this regulation and section 7 of the Interpretation Act 1978 in its application to this regulation as the person's proper address.

(9) If a notice under these Regulations to be given to a person is sent by an enforcement authority by an electronic communication, it is to be treated as given only if—

- (a) the person to whom the notice is given has indicated a willingness to the enforcement authority to receive notices by an electronic communication and provided an address suitable for that purpose; and
- (b) the notice is sent to the address provided by that person.

(10) In this regulation—

"body corporate" ("*corff corfforaethol*") does not include a limited liability partnership or a Scottish partnership; and

mae i "cyfathrebiad electronig" yr ystyr a roddir i "electronic communication" yn adran 15(1) o Ddeddf Cyfathrebiadau Electronig 2000(1).

"electronic communication" ("cyfathrebiad electronig") has the same meaning as in section 15(1) of the Electronic Communications Act 2000(1).

Cymhwyso amrywiol ddarpariaethau o'r Ddeddf

39.–(1) Mae'r darpariaethau canlynol o'r Ddeddf yn gymwys at ddibenion y Rheoliadau hyn gyda'r addasiadau a grybwyllir ym mharagraff (2)–

adran 3 (rhagdybiaethau y bwriedir bwyd i'w fwyta gan bobl);

adran 20 (tramgwyddau oherwydd bai person arall);

adran 21(2) (amddiffyniad diwydrwydd dyladwy);

adran 29 (caffael samplau);

adran 30(8) (tystiolaeth ddogfennol);

adran 44 (diogelu swyddogion sy'n gweithredu'n ddiwyll); ac

adran 46(1) (treuliau swyddogion awdurdodedig).

(2) Yr addasiadau yw–

- (a) rhaid dehongli unrhyw gyfeiriad yn y darpariaethau a bennir ym mharagraff (1) at y Ddeddf (neu Ran o'r Ddeddf) fel cyfeiriad at y Rheoliadau hyn;
- (b) rhaid dehongli unrhyw gyfeiriad yn y darpariaethau a bennir ym mharagraff (1) at swyddog awdurdodedig, swyddog awdurdod gorfodi, neu swyddog awdurdod bwyd fel cyfeiriad at swyddog awdurdodedig fel y'i diffinnir yn rheoliad 3(1) o'r Rheoliadau hyn;
- (c) o ran adran 20, rhaid dehongli'r cyfeiriad at yr adran honno fel pe bai'n cynnwys cyfeiriad at yr adran honno fel y'i cymhwysir i'r Rheoliadau hyn gan baragraff (1);
- (ch) o ran adran 21(2), yn lle'r geiriau "section 14 or 15 above" rhodder y geiriau "these Regulations";
- (d) o ran adran 29–
 - (i) ym mharagraff (b)(ii), rhaid dehongli'r cyfeiriad at adran 32 fel pe bai'n cynnwys cyfeiriad at reoliad 20 o'r Rheoliadau hyn; a
 - (ii) ym mharagraff (d), hepgorer y geiriau "or of regulations or orders made under it";
- (dd) o ran adran 30(8)(a), hepgorer y geiriau "under subsection (6) above"; ac
- (e) o ran adran 44, rhaid dehongli unrhyw gyfeiriad at awdurdod bwyd fel cyfeiriad at awdurdod gorfodi.

Application of various provisions of the Act

39.–(1) The following provisions of the Act apply for the purposes of these Regulations with the modifications mentioned in paragraph (2)–

section 3 (presumptions that food intended for human consumption);

section 20 (offences due to fault of another person);

section 21(2) (defence of due diligence);

section 29 (procurement of samples);

section 30(8) (documentary evidence);

section 44 (protection of officers acting in good faith); and

section 46(1) (expenses of authorised officers).

(2) The modifications are–

- (a) any reference in the provisions specified in paragraph (1) to the Act (or a Part of the Act) must be construed as a reference to these Regulations;
- (b) any reference in the provisions specified in paragraph (1) to an authorised officer, or an officer of an enforcement authority or food authority, must be construed as a reference to an authorised officer as defined in regulation 3(1) of these Regulations;
- (c) in relation to section 20, the reference to that section must be construed as including a reference to that section as applied to these Regulations by paragraph (1);
- (d) in relation to section 21(2), the words "section 14 or 15 above" must be replaced with the words "these Regulations";
- (e) in relation to section 29–
 - (i) in paragraph (b)(ii), the reference to section 32 must be construed as including a reference to regulation 20 of these Regulations; and
 - (ii) in paragraph (d), the omission of the words "or of regulations or orders made under it";
- (f) in relation to section 30(8)(a), the omission of the words "under subsection (6) above"; and
- (g) in relation to section 44, any reference to a food authority must be construed as a reference to an enforcement authority.

(1) 2000 p. 7.

(2) Diwygiwyd adran 21(2) gan O.S. 2004/3279.

(1) 2000 c. 7.

(2) Section 21(2) was amended by S.I. 2004/3279.

Darpariaeth drosiannol

40. Mae unrhyw awdurdod ysgrifenedig a roddwyd i unrhyw berson i weithredu mewn materion sy'n deillio o dan neu mewn perthynas â Rheoliadau Wyau (Safonau Marchnata) 1995(1) neu Reoliadau Wyau a Chywion (Cymru) 2009(2) yn effeithiol fel pe bai'n cyfeirio at y Rheoliadau hyn.

Transitional provision

40. Any written authority granted to any person to act in matters arising under or in relation to the Eggs (Marketing Standards) Regulations 1995(1) or the Eggs and Chicks (Wales) Regulations 2009(2) has effect as if it referred to these Regulations.

Elin Jones

Y Gweinidog dros Faterion Gwledig, un o
Weinidogion Cymru

22 Mehefin 2010

Minister for Rural Affairs, one of the Welsh Ministers

22 June 2010

(1) O.S. 1995/1544, dirymwyd gan O.S.A 2005/332 o ran yr Alban, O.S. 2007/2245 o ran Lloegr ac O.S. 2009/793 (Cy. 71) o ran Cymru.

(2) O.S. 2009/793.

(1) S.I. 1995/1544, revoked by S.S.I. 2005/332 in relation to Scotland, S.I. 2007/2245 in relation to England and S.I. 2009/793 (W.71) in relation to Wales.

(2) S.I. 2009/793.

ATODLEN 1

Rheoliad 5

DARPARIAETHAU CYMUNEDOL YNGLŶN AG WYAU DEOR A CHYWION Y MAE METHU Â CHYDYMFFURFIO Â HWY YN DRAMGWYDD

RHAN 1

DARPARIAETHAU'R RHEOLIAD SENGL CMO

<i>Colofn 1</i>	<i>Colofn 2</i>	<i>Colofn 3</i>
Y ddarpariaeth berthnasol yn y Rheoliad Sengl CMO	Darpariaethau i'w darllen gyda darpariaethau'r Rheoliad Sengl CMO a grybwyllir yng ngholofn 1	Y pwnc
Erthygl 113(3), yr is-baragraff cyntaf, i'r graddau y mae'n ymwneud â marchnata wyau deor a chywion	Erthygl 116 o'r Rheoliad Sengl CMO a Rhan C o Atodiad XIV iddo, a Rheoliad y Comisiwn (EC) Rhif 617/2008	Gwaharddiad ar farchnata wyau deor a chywion ac eithrio yn unol â'r safonau marchnata a osodir yn Rhan C o Atodiad XIV i'r Rheoliad Sengl CMO a Rheoliad y Comisiwn (EC) Rhif 617/2008.
Pwynt II(1) o Ran C o Atodiad XIV	Erthygl 3(1) o Reoliad y Comisiwn (EC) Rhif 617/2008	Marcio wyau deor.
Pwynt II(2) o Ran C o Atodiad XIV	Erthygl 3(4) a (5) o Reoliad y Comisiwn (EC) Rhif 617/2008	Cludo a phacio wyau deor.
Pwynt II(3) o Ran C o Atodiad XIV	Erthygl 3(8) o Reoliad y Comisiwn (EC) Rhif 617/2008	Mewnforio pecynnau o wyau deor o drydedd wlad.
Pwynt III(1) o Ran C o Atodiad XIV	Erthygl 4(1) o Reoliad y Comisiwn (EC) Rhif 617/2008	Pacio cywion yn ôl rhywogaeth, math a chategori o ddefnod.
Pwynt III(2) o Ran C o Atodiad XIV	Erthygl 4(2) o Reoliad y Comisiwn (EC) Rhif 617/2008	Cynnwys a marciau bocsys o gywion.
Pwynt III(3) o Ran C o Atodiad XIV	Pwynt III(1) o Ran C o Atodiad XIV i'r Rheoliad Sengl CMO ac Erthygl 4(1) a (3) o Reoliad y Comisiwn (EC) Rhif 617/2008	Mewnforio cywion o drydedd wlad.

RHAN 2

DARPARIAETHAU RHEOLIAD Y COMISIWN (EC) RHIF 617/2008

<i>Colofn 1</i>	<i>Colofn 2</i>	<i>Colofn 3</i>
Darpariaeth berthnasol Rheoliad y Comisiwn (EC) Rhif 617/2008	Darpariaethau sydd i'w darllen gyda darpariaethau Rheoliad y Comisiwn (EC) Rhif 617/2008 a grybwyllir yng ngholofn 1	Y pwnc
Erthygl 2(1)		Cofrestru sefydliadau bridio pedigri, sefydliadau bridio a deorfeydd.
Erthygl 3(1)	Erthygl 3(2) a (3) o Reoliad y Comisiwn (EC) Rhif 617/2008	Marcio wyau deor fesul un.
Erthygl 3(2)	Erthygl 3(3) a (5) o Reoliad y Comisiwn (EC) Rhif 617/2008 a rheoliad 7	Marcio wyau deor yn y sefydliad cynhyrchu.
Erthygl 3(4)	Erthygl 3(5) a (6) o Reoliad y Comisiwn (EC) Rhif 617/2008 ac Atodiad II iddo	Cludo wyau deor: gofynion pacio.
Erthygl 3(6)	Erthygl 3(4) a (5) o Reoliad y Comisiwn (EC) Rhif 617/2008	Rhif unigryw'r sefydliad cynhyrchu ar becynnau a chynwysyddion y cludir wyau deor ynddynt.
Erthygl 3(7)	Erthygl 3(1), (2) a (3) o Reoliad y Comisiwn (EC) Rhif 617/2008 a rheoliad 7	Gwaharddiad ar gludo neu fasnachu wyau deor rhwng Aelod-wladwriaethau onid ydynt wedi'u marcio'n gywir.
Erthygl 3(8)		Marcio a pheccynnau wyau deor a fewnforir.
Erthygl 4(1)	Pwynt III(1) o Ran C o Atodiad XIV i'r Rheoliad Sengl CMO ac Erthygl 4(2) o Reoliad y Comisiwn (EC) Rhif 617/2008	Pacio cywion yn ôl rhywogaeth, math a chategori o ddofednod.
Erthygl 4(2)	Pwynt III(2) o Ran C o Atodiad XIV i'r Rheoliad Sengl CMO ac Erthygl 4(1) o Reoliad y Comisiwn (EC) Rhif 617/2008	Cynhwysiad a gofynion marcio sylfaenol ar gyfer pecynnau sy'n cynnwys cywion.
Erthygl 4(3)	Pwynt III(3) o Ran C o Atodiad XIV i'r Rheoliad Sengl CMO ac Erthygl 4(1) o Reoliad y Comisiwn (EC) Rhif 617/2008	Mewnforio cywion o drydydd gwledydd, gan gynnwys cynhwysiad a gofynion marcio sylfaenol ar gyfer pecynnau sy'n cynnwys cywion.
Erthygl 5(1)		Dogfennau sy'n gorfod bod gyda sypiau o wyau deor a chywion.
Erthygl 5(2)	Erthygl 5(1) o Reoliad y Comisiwn (EC) Rhif 617/2008	Gofynion arbennig o ran gwybodaeth sydd i'w darparu o ran dogfennau sy'n gorfod bod gyda sypiau o wyau deor a chywion a fewnforir o drydedd wlad.
Erthygl 6		Cadw cofrestri gan ddeorfeydd.
Erthygl 7	Is-baragraff (h) o'r ail baragraff o Erthygl 1 o Reoliad y Comisiwn (EC) Rhif 589/2008	Cyfyngiad ar y defnydd o wyau a dynnwyd o ddeorydd.
Erthygl 8(1)		Ymrwymiad ar ddeorfeydd i ddarparu adroddiadau misol.

SCHEDULE 1

Regulation 5

COMMUNITY PROVISIONS RELATING TO EGGS FOR HATCHING AND CHICKS
CONTRAVENTION OF WHICH IS AN OFFENCE

PART 1

PROVISIONS OF THE SINGLE CMO REGULATION

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
Relevant provision of the Single CMO Regulation	Provisions to be read with the provisions of the Single CMO Regulation mentioned in column 1	Subject matter
Article 113(3), first sub-paragraph, insofar as it relates to the marketing of eggs for hatching and chicks	Article 116 of, and Part C of Annex XIV to, the Single CMO Regulation and Commission Regulation (EC) No 617/2008	Prohibition on the marketing of eggs for hatching and of chicks except in accordance with the marketing standards laid down in Part C of Annex XIV to the Single CMO Regulation and Commission Regulation (EC) No 617/2008.
Point II(1) of Part C of Annex XIV	Article 3(1) of Commission Regulation (EC) No 617/2008	Marking of eggs for hatching.
Point II(2) of Part C of Annex XIV	Article 3(4) and (5) of Commission Regulation (EC) No 617/2008	Transportation and packing of eggs for hatching.
Point II(3) of Part C of Annex XIV	Article 3(8) of Commission Regulation (EC) No 617/2008	Importation of packages of eggs for hatching from a third country.
Point III(1) of Part C of Annex XIV	Article 4(1) of Commission Regulation (EC) No 617/2008	Packing of chicks by species, type and category of poultry.
Point III(2) of Part C of Annex XIV	Article 4(2) of Commission Regulation (EC) No 617/2008	Content and marking of boxes of chicks.
Point III(3) of Part C of Annex XIV	Point III(1) of Part C of Annex XIV to the Single CMO Regulation and Article 4(1) and (3) of Commission Regulation (EC) No 617/2008	Importation of chicks from a third country.

PART 2

PROVISIONS OF COMMISSION REGULATION (EC) NO 617/2008

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
Relevant provision of Commission Regulation (EC) No 617/2008	Provisions to be read with the provisions of Commission Regulation (EC) No 617/2008 mentioned in column 1	Subject matter
Article 2(1)		Registration of pedigree breeding establishments, breeding establishments and hatcheries.
Article 3(1)	Article 3(2) and (3) of Commission Regulation (EC) No 617/2008	Individual marking of eggs for hatching.
Article 3(2)	Article 3(3) and (5) of Commission Regulation (EC) No 617/2008 and regulation 7	Marking of eggs for hatching at producer establishment.
Article 3(4)	Article 3(5) and (6) of, and Annex II to, Commission Regulation (EC) No 617/2008	Transport of eggs for hatching: packing requirements.
Article 3(6)	Article 3(4) and (5) of Commission Regulation (EC) No 617/2008	Distinguishing number of producer establishment on packs and containers in which eggs for hatching are transported.
Article 3(7)	Article 3(1), (2) and (3) of Commission Regulation (EC) No 617/2008 and regulation 7	Prohibition on transporting or trading eggs for hatching between Member States unless properly marked.
Article 3(8)		Marking and packages of imported eggs for hatching.
Article 4(1)	Point III(1) of Part C of Annex XIV to the Single CMO Regulation and Article 4(2) of Commission Regulation (EC) No 617/2008	Packing of chicks by species, type and category of poultry.
Article 4(2)	Point III(2) of Part C of Annex XIV to the Single CMO Regulation and Article 4(1) of Commission Regulation (EC) No 617/2008	Content and minimum marking requirement for packs containing chicks.
Article 4(3)	Point III(3) of Part C of Annex XIV to the Single CMO Regulation and Article 4(1) of Commission Regulation (EC) No 617/2008	Importation of chicks from third countries, including content and minimum marking requirement for packs containing such chicks.
Article 5(1)		Documentation that must accompany batches of eggs for hatching and chicks.
Article 5(2)	Article 5(1) of Commission Regulation (EC) No 617/2008	Special requirements as to information to be provided in the documentation that must accompany batches of eggs for hatching and chicks imported from a third country.

Article 6		Keeping of registers by hatcheries.
Article 7	Sub-paragraph (h) of the second paragraph of Article 1 of Commission Regulation (EC) No 589/2008	Restriction on the use of eggs withdrawn from an incubator.
Article 8(1)		Obligation on hatcheries to provide monthly reports.

DARPARIAETHAU CYMUNEDOL CYFFREDINOL YNGLŶN AG WYAU YN EU PLISGYN AR GYFER
EU BWYTA Y MAE METHU Â CHYDYMFFURFIO Â HWY YN DRAMGWYDD

RHAN 1

DARPARIAETHAU'R RHEOLIAD SENGL CMO

<i>Colofn 1</i>	<i>Colofn 2</i>	<i>Colofn 3</i>
Y ddarpariaeth berthnasol yn y Rheoliad Sengl CMO	Darpariaethau i'w darllen gyda darpariaethau'r Rheoliad Sengl CMO a grybwyllir yng ngholofn 1	Y pwnc
Erthygl 113(3), yr is-baragraff cyntaf, i'r graddau y mae'n ymwneud â marchnata wyau	Erthygl 116 o'r Rheoliad Sengl CMO a Rhan A o Atodiad XIV iddo, a Rheoliad y Comisiwn (EC) Rhif 589/2008	Gwaharddiad ar farchnata wyau ac eithrio yn unol â'r safonau marchnata a osodir yn Rhan A o Atodiad XIV i'r Rheoliad Sengl CMO a Rheoliad y Comisiwn (EC) Rhif 589/2008.
Pwynt II(1) o Ran A o Atodiad XIV	Erthygl 2(1) a (4) o Reoliad y Comisiwn (EC) Rhif 589/2008	Graddio ansawdd wyau dosbarth A (neu ffres) ac wyau dosbarth B.
Pwynt II(2) o Ran A o Atodiad XIV	Erthygl 4(1) o Reoliad y Comisiwn (EC) Rhif 589/2008	Graddio pwysau wyau dosbarth A.
Pwynt II(3) o Ran A o Atodiad XIV		Gwaharddiad ar gyflenwi wyau dosbarth B ac eithrio i'r diwydiant bwyd a diwydiant nad yw'n ddiwydiant bwyd.
Pwynt III(1) o Ran A o Atodiad XIV, yr is-baragraff cyntaf	Erthyglau 9 ac 11 o Reoliad y Comisiwn (EC) Rhif 589/2008	Marcio wyau dosbarth A.
Pwynt III(1) o Ran A o Atodiad XIV, yr ail is-baragraff	Erthyglau 9, 10 ac 11 o Reoliad y Comisiwn (EC) Rhif 589/2008, paragraffau (a) a (b) o'r ail is-baragraff o bwynt 2 o Ran D o Atodiad II i Reoliad (EC) Rhif 2160/2003, a rheoliad 11(1)	Marcio wyau dosbarth B.
Pwynt III(2) o Ran A o Atodiad XIV	Pwynt III(1) o Ran A o Atodiad XIV i'r Rheoliad Sengl CMO	Y man lle caiff wyau eu marcio.
Pwynt III(3) o Ran A o Atodiad XIV, yr is-baragraff cyntaf	Pwynt III(1) o Ran A o Atodiad XIV ac ail is-baragraff pwynt III(3) o Ran A o Atodiad XIV i'r Rheoliad Sengl CMO a rheoliad 11(2)	Marcio wyau a werthir gan gynhyrchydd i'r cwsmer terfynol mewn marchnad gyhoeddus leol.
Pwynt IV(1) o Ran A o Atodiad XIV, y drydedd frawddeg	Erthygl 30(2) o Reoliad y Comisiwn (EC) Rhif 589/2008	Marcio wyau a fewnforir o drydedd wlad pan fo digon o warantau bod y rheolau a gymhwysir mewn perthynas â'r wyau hynny yn y drydedd wlad o dan sylw yn gyfwerth â deddfwriaeth Gymunedol.
Pwynt IV(3) o Ran A o Atodiad XIV	Erthyglau 11 a 30(2) a (3) o Reoliad y Comisiwn (EC) Rhif 589/2008	Marcio wyau a fewnforir o drydedd wlad pan na fo digon o warantau wedi eu darparu bod y rheolau mewn perthynas â'r wyau hynny'n gyfwerth â deddfwriaeth Gymunedol.

RHAN 2

DARPARIAETHAU RHEOLIAD Y COMISIWN (EC) RHIF 589/2008

<i>Colofn 1</i>	<i>Colofn 2</i>	<i>Colofn 3</i>
Darpariaeth berthnasol Rheoliad y Comisiwn (EC) Rhif 589/2008	Darpariaethau sydd i'w darllen gyda darpariaethau Rheoliad y Comisiwn (EC) Rhif 589/2008 a grybwyllir yng ngholofn 1	Y pwnc
Erthygl 2(1)	Pwynt II(1) o Ran A o Atodiad XIV, y mewnnoliad cyntaf, i'r Rheoliad Sengl CMO, paragraff (a) o'r ail is-baragraff o bwynt 2 o Ran D o Atodiad II i Reoliad (EC) Rhif 2160/2003 a rheoliad 16 fel y'i darllenir gyda'r cofnod yn Atodlen 3 yn ymwneud â pharagraff (a) o'r ail is-baragraff o bwynt 2 o Ran D o Atodiad II i Reoliad (EC) Rhif 2160/2003	Nodweddion ansawdd wyau dosbarth A ac achosion pryd y mae'n rhaid i wyau sy'n bodloni'r nodweddion ansawdd hynny gael eu categorio'n wyau dosbarth B.
Erthygl 2(2)	Erthygl 3 o Reoliad y Comisiwn (EC) Rhif 589/2008	Gwahardd golchi a glanhau wyau dosbarth A cyn eu graddio neu ar ôl hynny.
Erthygl 2(3)		Gwahardd trin wyau dosbarth A ar gyfer eu cadw ac oeri wyau mewn mangreoedd neu weithfeydd lle y cedwir y tymheredd drwy ddulliau artiffisial yn is na 5°C.
Erthygl 2(4)	Pwynt II(1) o Ran A o Atodiad XIV, yr ail fewnnoliad, i'r Rheoliad Sengl CMO, paragraff (a) o'r ail is-baragraff o bwynt 2 o Ran D o Atodiad II i Reoliad (EC) Rhif 2160/2003 a rheoliad 16 fel y'i darllenir gyda'r cofnod yn Atodlen 3 yn ymwneud â pharagraff (a) o'r ail is-baragraff o bwynt 2 o Ran D o Atodiad II i Reoliad (EC) Rhif 2160/2003	Nodweddion ansawdd wyau dosbarth B ac achosion pryd y mae'n rhaid i wyau sy'n bodloni nodweddion ansawdd wyau dosbarth A gael eu categorio'n wyau dosbarth B.
Erthygl 4(1)	Pwynt II(2) o Ran A o Atodiad XIV i'r Rheoliad Sengl CMO ac Erthygl 4(3) o Reoliad y Comisiwn (EC) Rhif 589/2008	Graddio wyau dosbarth A yn ôl eu pwysau.
Erthygl 4(2)	Erthygl 4(1) o Reoliad y Comisiwn (EC) Rhif 589/2008 a Chyfarwyddeb 2000/13/EC	Dangosiadau graddio yn ôl pwysau.
Erthygl 4(3)	Erthygl 4(1) o Reoliad y Comisiwn (EC) Rhif 589/2008	Isafswm pwysau net mewn gramau a'r dangosiad 'eggs of different sizes' neu dermau cyfwerth i'w gosod ar wyneb allanol pecyn o wyau dosbarth A o wahanol feintiau.
Erthygl 5(1), yr is-baragraff cyntaf		Graddio a phacio wyau a labelu pecynnau yn ôl canolfannau pecynnu.
Erthygl 5(3)		Canolfannau pecynnu i feddu ar y

		cyfarpar technegol angenrheidiol i sicrhau bod wyau'n cael eu trafod yn briodol.
Erthygl 6(1)		Wyau i'w graddio, i'w marcio ac i'w pecynnu o fewn 10 diwrnod i'w dodwy.
Erthygl 6(2)	Erthygl 14 o Reoliad y Comisiwn (EC) Rhif 589/2008	Wyau dosbarth A a gaiff eu marchnata fel wyau 'extra' neu 'extra fresh' i'w graddio, i'w marcio ac i'w pecynnu o fewn pedwar diwrnod i'w dodwy.
Erthygl 6(3)	Erthyglau 12(1)(d) a 13 o Reoliad y Comisiwn (EC) Rhif 589/2008 ac Erthygl 9(2) o Gyfarwyddeb 2000/13/EC	Pecynnau i'w marcio gyda dyddiad isafswm eu parhauster adeg eu pacio.
Erthygl 7(1), yr is-baragraff cyntaf	Erthygl 7(1), yr ail is-baragraff, o Reoliad y Comisiwn (EC) Rhif 589/2008	Cynhyrchwyr i nodi gwybodaeth benodol ar bob deunydd pacio ar gyfer cludo sy'n cynnwys wyau.
Erthygl 7(2), yr is-baragraff cyntaf, y frawddeg gyntaf	Erthygl 7(1), ac Erthygl 7(2), yr ail is-baragraff, o Reoliad y Comisiwn (EC) Rhif 589/2008	Cymhwysu'r wybodaeth a bennir yn Erthygl 7(1) o Reoliad y Comisiwn (EC) Rhif 589/2008 i bob deunydd pacio ar gyfer cludo sy'n cynnwys wyau a chynnwys yr wybodaeth honno mewn dogfennau sy'n mynd gyda'r deunydd pacio.
Erthygl 7(2), yr is-baragraff cyntaf, yr ail frawddeg	Erthygl 7(2), yr is-baragraff cyntaf, y frawddeg gyntaf, a'r ail is-baragraff, o Reoliad y Comisiwn (EC) Rhif 589/2008	Gweithredwyr camau canol y broses i gadw copi o'r dogfennau a bennir ym mrawddeg gyntaf is-baragraff cyntaf Erthygl 7(2) o Reoliad y Comisiwn (EC) Rhif 589/2008.
Erthygl 7(2), yr is-baragraff cyntaf, y drydedd frawddeg	Erthygl 7(2), yr is-baragraff cyntaf, y frawddeg gyntaf, a'r ail is-baragraff, o Reoliad y Comisiwn (EC) Rhif 589/2008	Y ganolfan becynnu sy'n graddio wyau y mae'r dogfennau'n ymwneud â hwy i gadw'r dogfennau gwreiddiol y cyfeirir atynt ym mrawddeg gyntaf is-baragraff cyntaf Erthygl 7(2) o Reoliad y Comisiwn (EC) Rhif 589/2008.
Erthygl 7(3)	Erthygl 7(1) o Reoliad y Comisiwn (EC) Rhif 589/2008	Gwahardd addasu neu symud yr wybodaeth y cyfeirir ati yn Erthygl 7(1) o Reoliad y Comisiwn (EC) Rhif 589/2008 ar ddeunydd pacio ar gyfer cludo sy'n cynnwys wyau hyd oni symudir yr wyau ar gyfer eu graddio, eu marcio, eu pecynnu, neu eu prosesu'n ymhellach yn ddiymdroi.
Erthygl 8(1)	Erthygl 8(2) o Reoliad y Comisiwn (EC) Rhif 589/2008	Wyau a gyflenwir o safle cynhyrchu i gasglwr, i ganolfan becynnu neu i ddiwydiant nad yw'n ddiwydiant bwyd mewn Aelod-wladwriaeth arall i'w marcio â chod y cynhyrchydd cyn gadael y safle cynhyrchu, ac eithrio pan fo esemptiad wedi ei roi o dan Erthygl 8(2) o Reoliad y Comisiwn (EC) Rhif 589/2008.
Erthygl 8(2), y frawddeg olaf		Copi o'r contract cyflenwi i fynd gyda llwyth o wyau y rhoddwyd esemptiad

		iddo o dan Erthygl 8(2) o Reoliad y Comisiwn (EC) Rhif 589/2008.
Erthygl 8(5)	Pwynt III(1) o Ran A o Atodiad XIV, yr ail is-baragraff, i'r Rheoliad Sengl CMO, ac Erthygl 10 o Reoliad y Comisiwn (EC) Rhif 598/2008	Marcio wyau dosbarth B i'w marchnata mewn Aelod-wladwriaeth arall.
Erthygl 9(1)	Pwynt 2 o'r Atodiad i Gyfarwyddeb y Comisiwn 2002/4/EC(1) ar gofrestriad sefydliadau sy'n cadw ieir dodwy, a gwmpesir gan Gyfarwyddeb y Cyngor 1999/74/EC	Cod cynhyrchydd.
Erthygl 10	Pwynt III(1) o Ran A o Atodiad XIV yr ail is-baragraff, i'r Rheoliad Sengl CMO	Y dangosiadau ar wyau dosbarth B.
Erthygl 12(1)		Marcio pecynnau o wyau dosbarth A.
Erthygl 12(2), yr is-baragraff cyntaf a'r ail is-baragraff	Erthygl 12(1) o Reoliad y Comisiwn (EC) Rhif 589/2008 a Rhan A o Atodiad I iddo, ac Atodiad II iddo, Erthygl 2 o Reoliad y Cyngor (EEC) Rhif 2092/91(2) ar gynhyrchu cynhyrchion amaethyddol yn organig a dangosiadau sy'n cyfeirio at hynny ar gynhyrchion amaethyddol a bwydydd, a rheoliadau 12, 13 a 14.	Y dull ffermio i'w ddangos ar wyneb allanol y pecynnau sy'n cynnwys wyau dosbarth A.
Erthygl 12(2), y trydydd is-baragraff	Erthygl 9(1) o Reoliad y Comisiwn (EC) Rhif 589/2008	Cod cynhyrchydd i'w egluro ar becynnau neu y tu mewn iddynt.
Erthygl 12(2), y pedwerydd is-baragraff	Rhan B o Atodiad 1 i Reoliad y Comisiwn (EC) Rhif 589/2008 a Phennod III o Gyfarwyddeb y Cyngor 1999/74/EC	Defnyddio dangosiad a restrir yn Rhan B o Atodiad I i Reoliad y Comisiwn (EC) Rhif 589/2008 (cewyll a gyfoethogwyd).
Erthygl 12(4)		Marcio pecynnau o wyau dosbarth B.
Erthygl 13	Erthygl 3(1)(5) o Gyfarwyddeb 2000/13/EC	Dyddiad parhauster lleiaf.
Erthygl 14(1)		Defnyddio'r geiriau 'extra' ac 'extra fresh' fel dangosiad ychwanegol o ran ansawdd ar becynnau'n cynnwys wyau dosbarth A.
Erthygl 14(2)	Erthygl 14(1) o Reoliad y Comisiwn (EC) Rhif 589/2008	Y dyddiad dodwy a'r terfyn amser naw niwrnod a bennir yn Erthygl 14(1) o Reoliad y Comisiwn (EC) Rhif 598/2008 i'w ddangos lle y defnyddir y geiriau 'extra' neu 'extra fresh' fel dangosiad ychwanegol o ran ansawdd ar becynnau'n cynnwys wyau dosbarth A.
Erthygl 15		Cyfeiriad at rawnfwyd fel cynhwysyn bwyd anifeiliaid pan roddir dangosiad ynghylch sut y bwydir ieir dodwy.

(1) OJ Rhif L 30, 31.1.2002, t 44, a ddiwygiwyd ddiwethaf gan Gyfarwyddeb y Comisiwn 2006/83/EC (OJ Rhif L 362, 20.12.2006, t. 97).

(2) OJ Rhif L 198, 22.7.1991, t 1, a ddiwygiwyd ddiwethaf gan Reoliad y Comisiwn (EC) Rhif 404/2008 (OJ Rhif L 120, 7.5.2008, t. 8).

Erthygl 16		Gwybodaeth i'w rhoi am werthiant wyau heb eu pecynnu.
Erthygl 17		Ansawdd y pecynnau.
Erthygl 18		Cynwysyddion pacio y caiff wyau diwydiannol eu marchnata ynddynt.
Erthygl 19		Ailbecynnu wyau dosbarth A.
Erthygl 20(1)	Erthygl 20(4) o Reoliad y Comisiwn (EC) Rhif 589/2008	Cofnodion cynhyrchwyr ar ddulliau ffermio.
Erthygl 20(2)	Erthyglau 15 a 20(4) o Reoliad y Comisiwn (EC) Rhif 589/2008	Cofnodion cynhyrchwyr ar ddull bwydo.
Erthygl 20(3)	Erthygl 20(1) a (2) o Reoliad y Comisiwn (EC) Rhif 589/2008	Gwybodaeth a gofnodir gan gynhyrchwyr o dan Erthygl 20(1) a (2) o Reoliad y Comisiwn (EC) Rhif 589/2008 i'w chofnodi fesul cwt ieir pan fo cynhyrchydd yn defnyddio dulliau ffermio gwahanol ar un safle cynhyrchu unigol.
Erthygl 21(1)	Erthygl 21(2) o Reoliad y Comisiwn (EC) Rhif 589/2008	Cofnodion casglwyr ar wyau a gesglir ac a gyflenwir ganddynt.
Erthygl 22(1), yr is-baragraff cyntaf	Erthygl 22(3) o Reoliad y Comisiwn (EC) Rhif 589/2008	Cofnodion canolfannau pecynnu.
Erthygl 22(1), yr ail is-baragraff		Canolfannau pecynnu i ddiweddarau eu cofnodion stoc ffisegol bob wythnos.
Erthygl 22(2)	Erthyglau 15 a 22(1) o Reoliad y Comisiwn (EC) Rhif 589/2008	Canolfannau pecynnu i gadw cofnodion ar wahân pan fo wyau dosbarth A a'u pecynnau'n dwyn dangosiad ynghylch sut y bwydir ieir dodwy.
Erthygl 23	Erthyglau 7(2), 20, 21 a 22 o Reoliad y Comisiwn (EC) Rhif 589/2008	Cofnodion a ffeiliau y cyfeirir atynt yn Erthyglau 7(2), 20, 21 a 22 o Reoliad y Comisiwn (EC) Rhif 589/2008 i'w cadw am o leiaf 12 mis o ddyddiad eu creu.
Erthygl 24(5)	Erthyglau 20, 21 a 22 o Reoliad y Comisiwn (EC) Rhif 589/2008	Cofnodion y cyfeirir atynt yn Erthyglau 20, 21 a 22 o Reoliad y Comisiwn (EC) Rhif 589/2008 i fod ar gael i'r gwasanaethau arolygu y tro cyntaf y gofynnir amdanynt.
Erthygl 30(2)		Wyau a gaiff eu mewnfario o drydydd gwledydd i fod wedi eu marcio yn y darddwlad yn glir ac yn ddarllenadwy yn unol â'r cod gwlad ISO 3166.
Erthygl 30(3)	Pwynt IV(3) o Ran A o Atodiad XIV i'r Rheoliad Sengl CMO	Marcio pecynnau'n cynnwys wyau a fewnforir o drydedd wlad pan na fo digon o warantau wedi eu darparu bod y rheolau mewn perthynas â'r wyau hynny'n gyfwerth â deddfwriaeth Gymunedol.

SCHEDULE 2

Regulation 9

GENERAL COMMUNITY PROVISIONS RELATING TO EGGS IN SHELL FOR CONSUMPTION
CONTRAVENTION OF WHICH IS AN OFFENCE

PART 1

PROVISIONS OF THE SINGLE CMO REGULATION

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
Relevant provision of the Single CMO Regulation	Provisions to be read with the provisions of the Single CMO Regulation mentioned in column 1	Subject matter
Article 113(3), first sub-paragraph, insofar as it relates to the marketing of eggs	Article 116 of, and Part A of Annex XIV to, the Single CMO Regulation and Commission Regulation (EC) No 589/2008	Prohibition on the marketing of eggs except in accordance with the marketing standards laid down in Part A of Annex XIV to the Single CMO Regulation and Commission Regulation (EC) No 589/2008.
Point II(1) of Part A of Annex XIV	Article 2(1) and (4) of Commission Regulation (EC) No 589/2008	Quality grading of Class A (or fresh) and Class B eggs.
Point II(2) of Part A of Annex XIV	Article 4(1) of Commission Regulation (EC) No 589/2008	Weight grading of Class A eggs.
Point II(3) of Part A of Annex XIV		Prohibition on the delivery of Class B eggs except to the food and non-food industry.
Point III(1) of Part A of Annex XIV, first sub-paragraph	Articles 9 and 11 of Commission Regulation (EC) No 589/2008	Marking of Class A eggs.
Point III(1) of Part A of Annex XIV, second sub-paragraph	Articles 9, 10 and 11 of Commission Regulation (EC) No 589/2008, paragraphs (a) and (b) of the second sub-paragraph of point 2 of Part D of Annex II to Regulation (EC) No 2160/2003, and regulation 11(1)	Marking of Class B eggs.
Point III(2) of Part A of Annex XIV	Point III(1) of Part A of Annex XIV to the Single CMO Regulation	Place at which eggs are marked.
Point III(3) of Part A of Annex XIV, first sub-paragraph	Point III(1) of Part A of Annex XIV and the second sub-paragraph of point III(3) of Part A of Annex XIV to the Single CMO Regulation and regulation 11(2)	Marking of eggs sold by a producer to the final consumer at a local public market.
Point IV(1) of Part A of Annex XIV, third sentence	Article 30(2) of Commission Regulation (EC) No 589/2008	Marking of eggs imported from a third country where the rules applied in relation to those eggs in the third country concerned have been found to offer sufficient guarantees as to equivalence with Community legislation.
Point IV(3) of Part A of Annex XIV	Articles 11 and 30(2) and (3) of Commission Regulation (EC) No 589/2008	Marking of eggs imported from a third country where sufficient guarantees of equivalence of the

rules relating to those eggs with Community legislation have not been provided.

PART 2

PROVISIONS OF COMMISSION REGULATION (EC) NO 589/2008

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
Relevant provision of Commission Regulation (EC) No 589/2008	Provisions to be read with the provisions of Commission Regulation (EC) No 589/2008 mentioned in column 1	Subject matter
Article 2(1)	The first indent of point II(1) of Part A of Annex XIV to the Single CMO Regulation, paragraph (a) of the second sub-paragraph of point 2 of Part D of Annex II to Regulation (EC) No 2160/2003 and regulation 16 as read with the Schedule 3 entry relating to paragraph (a) of the second sub-paragraph of point 2 of Part D of Annex II to Regulation (EC) No 2160/2003	Quality characteristics of Class A eggs and cases in which eggs meeting those quality characteristics must be categorised as Class B eggs.
Article 2(2)	Article 3 of Commission Regulation (EC) No 589/2008	Prohibition on the washing and cleaning of Class A eggs before or after grading.
Article 2(3)		Prohibition on the treatment of Class A eggs for preservation, and the chilling of eggs, in premises or plants where the temperature is artificially maintained at less than 5°C.
Article 2(4)	The second indent of point II(1) of Part A of Annex XIV to the Single CMO Regulation, paragraph (a) of the second sub-paragraph of point 2 of Part D of Annex II to Regulation (EC) No 2160/2003 and regulation 16 as read with the Schedule 3 entry relating to paragraph (a) of the second sub-paragraph of point 2 of Part D of Annex II to Regulation (EC) No 2160/2003	Quality characteristics of Class B eggs and cases in which eggs meeting the quality characteristics for Class A eggs must be categorised as Class B eggs.
Article 4(1)	Point II(2) of Part A of Annex XIV to the Single CMO Regulation and Article 4(3) of Commission Regulation (EC) No 589/2008	Grading of Class A eggs by weight.
Article 4(2)	Article 4(1) of Commission Regulation (EC) No 589/2008 and Directive 2000/13/EC	Weight grading indications.
Article 4(3)	Article 4(1) of Commission Regulation (EC) No 589/2008	Minimum net weight in grams and the indication "eggs of different

		sizes" or equivalent terms to be given on the outer surface of a pack of Class A eggs of different sizes.
Article 5(1), first sub-paragraph		Grading and packing of eggs and the labelling of packs by packing centres.
Article 5(3)		Packing centres to have the technical equipment necessary to ensure that eggs are handled properly.
Article 6(1)		Eggs to be graded, marked and packed within 10 days of laying.
Article 6(2)	Article 14 of Commission Regulation (EC) No 589/2008	Class A eggs marketed as "extra" or "extra fresh" eggs to be graded, marked and packed within four days of laying.
Article 6(3)	Articles 12(1)(d) and 13 of Commission Regulation (EC) No 589/2008 and Article 9(2) of Directive 2000/13/EC	Packs to be marked with date of minimum durability at the time of packing.
Article 7(1), first sub-paragraph	The second sub-paragraph of Article 7(1) of Commission Regulation (EC) No 589/2008	Producers to identify each transport packaging containing eggs with certain information.
Article 7(2), first sub-paragraph, first sentence	Article 7(1) and second sub-paragraph of Article 7(2) of Commission Regulation (EC) No 589/2008	Application of the information specified in Article 7(1) of Commission Regulation (EC) No 589/2008 to each transport packaging containing eggs and the inclusion of that information in accompanying documents.
Article 7(2), first sub-paragraph, second sentence	The first sentence of the first sub-paragraph and the second sub-paragraph of Article 7(2) of Commission Regulation (EC) No 589/2008	Intervening operators to keep a copy of the documents specified in the first sentence of the first sub-paragraph of Article 7(2) of Commission Regulation (EC) No 589/2008.
Article 7(2), first sub-paragraph, third sentence	The first sentence of the first sub-paragraph and second sub-paragraph of Article 7(2) of Commission Regulation (EC) No 589/2008	Original documents referred to in the first sentence of the first sub-paragraph of Article 7(2) of Commission Regulation (EC) No 589/2008 to be kept by the packing centre that grades the eggs to which the documents relate.
Article 7(3)	Article 7(1) of Commission Regulation (EC) No 589/2008	Prohibition on the modification or removal of the information referred to in Article 7(1) of Commission Regulation (EC) No 589/2008 on the transport packaging of eggs until the removal of the eggs for immediate grading, marking, packing or further processing.
Article 8(1)	Article 8(2) of Commission Regulation (EC) No 589/2008	Eggs being delivered from a production site to a collector, packing centre or non-food industry in another Member State to be

		marked with the producer code before leaving the production site, except where an exemption has been granted under Article 8(2) of Commission Regulation (EC) No 589/2008.
Article 8(2), last sentence		A copy of the delivery contract to accompany a consignment of eggs for which an exemption has been granted under Article 8(2) of Commission Regulation (EC) No 589/2008.
Article 8(5)	The second sub-paragraph of point III(1) of Part A of Annex XIV to the Single CMO Regulation and Article 10 of Commission Regulation (EC) No 589/2008	Marking of Class B eggs for marketing in another Member State.
Article 9(1)	Point 2 of the Annex to Commission Directive 2002/4/EC(1) on the registration of establishments keeping laying hens, covered by Council Directive 1999/74/EC	Producer code.
Article 10	The second sub-paragraph of point III(1) of Part A of Annex XIV to the Single CMO Regulation	Indications on Class B eggs.
Article 12(1)		Marking of packs of Class A eggs.
Article 12(2), first and second sub-paragraphs	Article 12(1) of, and Part A of Annex I, and Annex II, to Commission Regulation (EC) No 589/2008, Article 2 of Council Regulation (EEC) No 2092/91(2) on organic production of agricultural products and indications referring thereto on agricultural products and foodstuffs, and regulations 12, 13 and 14	Farming method to be shown on the outer surface of packs containing Class A eggs.
Article 12(2), third sub-paragraph	Article 9(1) of Commission Regulation (EC) No 589/2008	Producer code to be explained on or inside packs.
Article 12(2), fourth sub-paragraph	Part B of Annex I to Commission Regulation (EC) No 589/2008 and Chapter III of Council Directive 1999/74/EC	Use of an indication listed in Part B of Annex I to Commission Regulation (EC) No 589/2008 (enriched cages).
Article 12(4)		Marking of packs of Class B eggs.
Article 13	Article 3(1)(5) of Directive 2000/13/EC	Date of minimum durability.
Article 14(1)		Use of the words "extra" and "extra fresh" as an additional quality indication on packs containing Class A eggs.

(1) OJ No L 30, 31.1.2002, p 44, last amended by Commission Directive 2006/83/EC (OJ No L 362, 20.12.2006, p. 97).

(2) OJ No L 198, 22.7.1991, p 1, last amended by Commission Regulation (EC) No 404/2008 (OJ No L 120, 7.5.2008, p. 8).

Article 14(2)	Article 14(1) of Commission Regulation (EC) No 589/2008	Laying date and the nine-day time limit specified in Article 14(1) of Commission Regulation (EC) No 589/2008 to be shown where the words "extra" or "extra fresh" are used as an additional quality indication on packs containing Class A eggs.
Article 15		Reference to a cereal as a feed ingredient where an indication is given of how laying hens are fed.
Article 16		Information to be given for loose egg sales.
Article 17		Quality of packs.
Article 18		Packaging containers in which industrial eggs are marketed.
Article 19		Repacking of Class A eggs.
Article 20(1)	Article 20(4) of Commission Regulation (EC) No 589/2008	Producer records on farming methods.
Article 20(2)	Articles 15 and 20(4) of Commission Regulation (EC) No 589/2008	Producer records on feeding method.
Article 20(3)	Article 20(1) and (2) of Commission Regulation (EC) No 589/2008	Information recorded by producers under Article 20(1) and (2) of Commission Regulation (EC) No 589/2008 to be broken down by hen house where a producer uses different farming methods on a single production site.
Article 21(1)	Article 21(2) of Commission Regulation (EC) No 589/2008	Collector records on eggs collected and delivered by them.
Article 22(1), first sub-paragraph	Article 22(3) of Commission Regulation (EC) No 589/2008	Packing centre records.
Article 22(1), second sub-paragraph		Updating of packing centres physical stock records each week.
Article 22(2)	Articles 15 and 22(1) of Commission Regulation (EC) No 589/2008	Packing centres to keep separate records where Class A eggs and their packs bear an indication of how laying hens are fed.
Article 23	Articles 7(2), 20, 21 and 22 of Commission Regulation (EC) No 589/2008	Records and files referred to in Articles 7(2), 20, 21 and 22 of Commission Regulation (EC) No 589/2008 to be kept for at least 12 months from their date of creation.
Article 24(5)	Articles 20, 21 and 22 of Commission Regulation (EC) No 589/2008	Records referred to in Articles 20, 21 and 22 of Commission Regulation (EC) No 589/2008 to be made available to the inspection services on first request.
Article 30(2)		Eggs imported from third countries to have been clearly and legibly

Article 30(3)	Point IV(3) of Part A of Annex XIV to the Single CMO Regulation	marked in the country of origin in accordance with the ISO 3166 country code. Marking of packs containing eggs imported from a third country where sufficient guarantees of equivalence of the rules relating to those eggs with Community legislation have not been provided.
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RHEOLAETHAU CYMUNEDOL YNGLŶN AG WYAU YN EU PLISGYN AR GYFER EU BWYTA, MEWN PERTHYNAS Â SALMONELLA, Y MAE METHU Â CHYDYMFFURFIO Â HWY YN DRAMGWYDD

<i>Colofn 1</i>	<i>Colofn 2</i>	<i>Colofn 3</i>
Darpariaeth berthnasol Rheoliad (EC) Rhif 2160/2003	Darpariaethau sydd i'w darllen gyda darpariaethau Rheoliad (EC) Rhif 2160/2003 a grybwyllir yng ngholofn 1	Y pwnc
Pwynt 1 o Ran D o Atodiad II	Erthygl 1(3) o Reoliad (EC) Rhif 2160/2003	Gwahardd defnyddio wyau i'w bwyta'n uniongyrchol gan bobl fel wyau bwrdd onid ydynt yn tarddu o haid fasnachol o ieir dodwy sy'n ddarostyngedig i raglen o reolaethau cenedlaethol, ac nad yw o dan gyfyngiad swyddogol.
Pwynt 2 o Ran D o Atodiad II, yr is-baragraff cyntaf	Pwynt 4 o Ran D o Atodiad II i Reoliad (EC) Rhif 2160/2003	Gwahardd defnyddio wyau o statws milheintiol penodol i'w bwyta gan bobl oni fyddant wedi eu trin, ac eithrio pan fo'r cyfyngiadau ym mhwynt 2 o Ran D o Atodiad II i Reoliad (EC) Rhif 2160/2003 wedi eu diddymu o dan bwynt 4 o'r Rhan honno.
Pwynt 2 o Ran D o Atodiad II, yr ail is-baragraff, paragraff (a)	Erthygl 1(3) o Ran D o Atodiad II i Reoliad (EC) Rhif 2160/2003 a phwynt 4 o'r Rhan honno, darpariaethau Erthyglau 113(3) a 116 o'r Rheoliad Sengl CMO a Rhan A o Atodiad XIV i'r Rheoliad hwnnw, a Rheoliad y Comisiwn (EC) Rhif 589/2008, cyn belled ag y maent yn ymwneud ag wyau Dosbarth B	Trin rhai wyau o statws milheintiol fel wyau Dosbarth B, ac eithrio pan fo'r cyfyngiadau ym mhwynt 2 o Ran D o Atodiad II i Reoliad (EC) Rhif 2160/2003 wedi eu diddymu o dan bwynt 4 o'r Rhan honno.
Pwynt 2 o Ran D o Atodiad II, yr ail is-baragraff, paragraff (b)	Erthygl 1(3) o Reoliad (EC) Rhif 2160/2003 a phwynt 4 o Ran D o Atodiad II i'r Rheoliad hwnnw, ac Erthygl 10 o Reoliad y Comisiwn (EC) Rhif 589/2008	Marcio rhai wyau o statws milheintiol gyda'r dynodiad sy'n ofynnol o dan Erthygl 10 o Reoliad y Comisiwn (EC) Rhif 589/2008, ac eithrio pan fo'r cyfyngiadau ym mhwynt 2 o Ran D o Atodiad II i Reoliad (EC) Rhif 2160/2003 wedi eu diddymu o dan bwynt 4 o'r Rhan honno.
Pwynt 2 o Ran D o Atodiad II, yr ail is-baragraff, paragraff (c)	Pwynt 4 o Ran D o Atodiad II i Reoliad (EC) Rhif 2160/2003	Gwahardd mynediad rhai wyau o statws milheintiol i ganolfannau pecynnu oni fydd yr awdurdod cymwys wedi ei fodloni ynglŷn â'r mesurau i atal y posibilrwydd o groeshalogi, ac eithrio pan fo'r cyfyngiadau ym mhwynt 2 o Ran D o Atodiad II i Reoliad (EC) Rhif 2160/2003 wedi eu diddymu o dan bwynt 4 o'r Rhan honno.

SCHEDULE 3

Regulation 16

COMMUNITY SALMONELLA RELATED CONTROLS ON EGGS IN SHELL FOR CONSUMPTION CONTRAVENTION OF WHICH IS AN OFFENCE

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
Relevant provision of Regulation (EC) No 2160/2003	Provisions to be read with the provisions of Regulation (EC) No 2160/2003 mentioned in column 1	Subject matter
Point 1 of Part D of Annex II	Article 1(3) of Regulation (EC) No 2160/2003	Prohibition on the use of eggs for direct human consumption as table eggs unless they originate from a commercial flock of laying hens subject to a national control programme and are not under official restriction.
Point 2, first sub-paragraph, of Part D of Annex II	Point 4 of Part D of Annex II to Regulation (EC) No 2160/2003	Prohibition on the use of certain zoonosis status eggs for human consumption unless treated, except where the restrictions in point 2 of Part D of Annex II to Regulation (EC) No 2160/2003 are lifted under point 4 of that Part.
Point 2, second sub-paragraph, paragraph (a), of Part D of Annex II	Article 1(3) of, and point 4 of Part D of Annex II to, Regulation (EC) No 2160/2003, the provisions of Articles 113(3) and 116 of, and Part A of Annex XIV to, the Single CMO Regulation, and Commission Regulation (EC) No 589/2008, insofar as they relate to Class B eggs	Treatment of certain zoonosis status eggs as Class B eggs, except where the restrictions in point 2 of Part D of Annex II to Regulation (EC) No 2160/2003 are lifted under point 4 of that Part.
Point 2, second sub-paragraph, paragraph (b), of Part D of Annex II	Article 1(3) of, and point 4 of Part D of Annex II to, Regulation (EC) No 2160/2003 and Article 10 of Commission Regulation (EC) No 589/2008	Marking of certain zoonosis status eggs with the indication required by Article 10 of Commission Regulation (EC) No 589/2008, except where the restrictions in point 2 of Part D of Annex II to Regulation (EC) No 2160/2003 are lifted under point 4 of that Part.
Point 2, second sub-paragraph, paragraph (c), of Part D of Annex II	Point 4 of Part D of Annex II to Regulation (EC) No 2160/2003	Prohibited access to packing centres for certain zoonosis status eggs unless the competent authority is satisfied with measures to prevent possible cross-contamination, except where the restrictions in point 2 of Part D of Annex II to Regulation (EC) No 2160/2003 are lifted under point 4 of that Part.

FFACTORAU SYDD I'W CYMRYD I YSTYRIAETH WRTH BENDERFYNU SWM COSB

RHAN 1

Ffactorau gwaethybol

1. Difrifoldeb y methiant i gydymffurfio.
2. Y niwed neu'r niwed posibl i iechyd dynol.
3. Y niwed ariannol i ddefnyddwyr.
4. Y niwed ariannol i gystadleuwyr.
5. Parhad y methiant i gydymffurfio.
6. Tystiolaeth o fwriad y tu ôl i'r methiant i gydymffurfio.
7. Hanes o fethiant i gydymffurfio ar ran y person ("P") y bwriedir rhoi'r hysbysiad cosb iddo.
8. Y fantais ariannol a enillir gan P o ganlyniad i'r methiant i gydymffurfio.
9. Adnoddau ariannol P.
10. Maint busnes P.
11. Argaeledd yr eitem nad yw'n cydymffurfio, gan gynnwys y nifer o siopau manwerthu y'i masnachwyd ynddynt.
12. Ymddygiad P wedi i awdurdod gorfodi dynnu ei sylw at y methiant i gydymffurfio.
13. Camau blaenorol a gymrwyd gan yr awdurdod gorfodi i gynorthwyo P i gydymffurfio â'r Rheoliadau.

RHAN 2

Ffactorau lliniarol

1. Camau a gymerwyd i ddiddymu neu leihau'r risg o ddifrod o ganlyniad i'r methiant i gydymffurfio.
2. Camau a gymerwyd gan P i gywiro'r niwed a wnaed gan y methiant i gydymffurfio.
3. Unrhyw gydweithredu ar ran P gyda'r awdurdod gorfodi wrth ymateb i'r methiant i gydymffurfio.
4. Pa un a hysbysodd P yr awdurdod gorfodi o'r methiant i gydymffurfio.
5. Adnoddau ariannol P.
6. Maint busnes P.
7. Argaeledd yr eitem nad yw'n cydymffurfio, gan gynnwys y nifer o siopau manwerthu y'i masnachwyd ynddynt.
8. Ymddygiad P wedi i awdurdod gorfodi dynnu ei sylw at y methiant i gydymffurfio.
9. Os cyflogai P a fethodd â chydymffurfio, y graddau yr oedd y cyflogai'n gweithredu y tu hwnt i'w awdurdod.

SCHEDULE 4

Regulation 32(2)

FACTORS TO BE TAKEN INTO ACCOUNT IN DETERMINING THE AMOUNT OF A PENALTY

PART 1

Aggravating factors

1. Seriousness of the non-compliance.
2. Harm or potential harm to human health.
3. Financial harm to consumers.
4. Financial harm to competitors.
5. Duration of non-compliance.
6. Evidence of intention behind the non-compliance.
7. History of non-compliance of the person ("P") to whom the penalty notice is to be given.
8. Financial gain made by P as a result of non-compliance.
9. Financial resources of P.
10. Size of P's business.
11. Availability of non-compliant item, including the number of retail shops in which it has been marketed.
12. The conduct of P after the non-compliance is drawn to their attention by an enforcement authority.
13. Previous action taken by the enforcement authority to help P comply with the Regulations.

PART 2

Mitigating factors

1. Action taken to eliminate or reduce the risk of damage resulting from the non-compliance.
2. Action taken by P to repair the harm done by the non-compliance.
3. Any co-operation given to the enforcement authority by P in responding to the non-compliance.
4. Whether P reported the non-compliance to the enforcement authority.
5. Financial resources of P.
6. Size of P's business.
7. Availability of non-compliant item, including the number of retail shops in which it has been marketed.
8. The conduct of P after the non-compliance is drawn to their attention by an enforcement authority.
9. Where the non-compliance was committed by an employee of P, the extent to which the employee was acting outside of their authority.

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