



CYNULLIAD CENEDLAETHOL CYMRU  
NATIONAL ASSEMBLY FOR WALES

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OFFERYNNAU STATUDOL

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**2006 Rhif 2929 (Cy.264)**

**HADAU, CYMRU**

Rheoliadau Tatws Hadyd (Cymru) 2006

*Wedi'u gwneud*

*7 Tachwedd 2006*

*Yn dod i rym*

*15 Tachwedd 2006*

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STATUTORY INSTRUMENTS

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**2006 No. 2929 (W.264)**

**SEEDS, WALES**

The Seed Potatoes (Wales) Regulations 2006

*Made*

*7 November 2006*

*Coming into force*

*15 November 2006*

**£8.50**



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NATIONAL ASSEMBLY FOR WALES

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**HADAU, CYMRU**

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**Rheoliadau Tatws Hadyd (Cymru)  
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**The Seed Potatoes (Wales)  
Regulations 2006**

**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, sydd yn gymwys o ran Cymru, yn cydgrynhoi, gyda diwygiadau, Rheoliadau Tatws Hadyd 1991 (O.S. 1991/2206), Rheoliadau Tatws Hadyd (Diwygio) 1992 (O.S. 1992/1031), Rheoliadau Tatws Hadyd (Diwygio) 1993 (O.S. 1993/1878), Rheoliadau Tatws Hadyd (Diwygio) 1994 (O.S. 1994/2592), Rheoliadau Tatws Hadyd (Diwygio) 1997 (O.S. 1997/1474) a Rheoliadau Tatws Hadyd (Diwygio) (Cymru) 2001 (O.S. 2001/3666).

These Regulations, which apply in relation to Wales, consolidate with amendments the Seed Potatoes Regulations 1991 (S.I. 1991/2206), the Seed Potatoes (Amendment) Regulations 1992 (S.I. 1992/1031), the Seed Potatoes (Amendment) Regulations 1993 (S.I. 1993/1878), the Seed Potatoes (Amendment) Regulations 1994 (S.I. 1994/2592), the Seed Potatoes (Amendment) Regulations 1997 (S.I. 1997/1474) and the Seed Potatoes (Amendment) (Wales) Regulations 2001 (S.I. 2001/3666).

Mae'r Rheoliadau yn rheoli cynhyrchu gyda'r bwriad o farchnata, ardystio a marchnata tatws hadyd yng Nghymru, ac eithrio'r rheini y bwriedir eu hallforio y tu allan i'r Gymuned Ewropeaidd, ac maent yn rhoi effaith i Gyfarwydeb y Cyngor 2002/56/EC dyddiedig 13 Mehefin 2002 ar farchnata tatws hadyd (OJ L 193, 20.7.2002, t.60), fel y'i diwygiwyd, sy'n cydgrynhoi cyfraith flaenorol y Gymuned. Maent hefyd yn rhoi effaith i Benderfyniad y Comisiwn 2004/842/EC dyddiedig 1 Rhagfyr 2004 sy'n gosod dan ba amodau y gellir marchnata, at ddibenion profi a threialu, tatws hadyd na chawsant eu hychwanegu eto at Restr Genedlaethol, sy'n caniatáu i Aelod-wladwriaethau awdurdodi rhoi ar y farchnad hadau sy'n perthyn i amrywogaethau y mae cais i'w cynnwys yn y catalog cenedlaethol o amrywogaethau o rywogaethau planhigion amaethyddol neu o rywogaethau llysieuol wedi cael ei gyflwyno (OJ L 362, 9.12.2004, t.21).

The Regulations control the production with a view to marketing, the certification and the marketing of seed potatoes in Wales, other than those intended for export outside the European Community, and give effect to Council Directive 2002/56/EC of 13 June 2002 on the marketing of seed potatoes (OJ L 193, 20.7.2002, p60), as amended, which codifies the previous Community law. They also give effect to Commission Decision 2004/842/EC of 1 December 2004 concerning implementing rules whereby member States may authorise the placing on the market of seed belonging to varieties for which an application for entry in the national catalogue of varieties of agricultural plant species or vegetable species has been submitted (OJ L 362, 9.12.2004, p21), which sets out the conditions on which seed potatoes which have not yet been added to a National List may be marketed for test and trial purposes.

Mae rheoliad 4 yn gwahardd marchnata unrhyw datws hadyd onid ydynt wedi cael eu hardystio naill ai fel tatws hadyd cyn-sylfaenol, neu sylfaenol neu ardystiedig, neu onid ydynt wedi cael eu hawdurdodi i'w marchnata at ddibenion gwyddonol neu at waith

Regulation 4 prohibits the marketing of any seed potatoes unless they have been certified as either pre-basic, basic or certified seed potatoes, or unless they have been authorised for marketing for scientific purposes or selection work or for test and trial

dethol neu at ddibenion profi a threialu. Ar gyfer tatws hadyd a gynhyrchir yng Nghymru, mae'n rhaid i ardystio, gan gynnwys penderfynu ar y categori a'r dosbarth y dylid marchnata'r tatws ynddo, ddigwydd yn unol â gofynion rheoliad 9.

Mae rheoliad 5 yn cymhwyso gofynion llymach i datws hadyd sydd i gael eu marchnata yn y "rhanbarth sydd wedi ei ddiogelu" ("*protected region*") (a ddiffinnir yn rheoliad 2(1)). Mae rheoliad 6 yn darparu na ellir marchnata tatws hadyd onid ydynt yn cydymffurfio â'r gofynion maint a osodir gan y rheoliad.

Mae rheoliadau 7 ac 8 yn caniatáu i Gynulliad Cenedlaethol Cymru ("y Cynulliad Cenedlaethol") awdurdodi marchnata tatws hadyd fesul ychydig at ddibenion gwyddonol neu waith dethol a thatws hadyd at ddibenion profi a threialu.

Mae rheoliad 11 yn darparu mai mewn pecynnau neu gynhwysyddion yn unig y gellir marchnata tatws hadyd (ac eithrio mân werthiannau fesul ychydig o datws hadyd sy'n cyfarfod amodau rheoliad 17). Dim ond os ydynt wedi eu labelu a'u selio (rheoliadau 12 ac 13), gyda'r labelau'n dwyn y manylion a bennir yn Atodlen 2 y gellir marchnata tatws hadyd mewn pecynnau neu gynhwysyddion (ac eithrio'r rheini yr awdurdodir eu marchnata at ddibenion gwyddonol neu waith dethol). Mae'n rhaid i ddogfennau sy'n mynd gyda thatws hadyd a gafodd eu haddasu'n enetig gynnwys cyfeiriad at y ffaith honno (rheoliad 14).

Mae rheoliad 18 yn darparu ar gyfer cymryd samplau fel rhan o'r broses ardystio neu i sicrhau cydymffurfiaeth â darpariaethau'r Rheoliadau.

Mae rheoliad 20 yn rhoi pwerau i'r Cynulliad Cenedlaethol i archwilio tatws hadyd a dogfennau perthnasol ac i sicrhau eu bod yn cael eu cyflwyno iddo ar gyfer hynny.

Mae rheoliad 21 yn caniatáu i'r Cynulliad Cenedlaethol dynnu'n ôl labelau swyddogol neu ddogfennau swyddogol sy'n ymwneud â thatws hadyd y canfyddir nad ydynt yn cydymffurfio â'r gofynion a osodir gan y Rheoliadau.

Mae mynd yn groes i unrhyw ddarpariaeth yn y Rheoliadau yn dramgwydd o dan adran 16(7)(b) o Ddeddf Amrywogaethau a Hadau Planhigion 1964 (p.14) sy'n dwyn atebolrwydd ar gollfarn ddiannod i ddirwy heb fod yn uwch na lefel 5 ar y raddfa safonol.

Mae'r Rheoliadau yn cynnwys diwygiadau drafftio a diwygiadau eraill o ganlyniad i ddatganoli swyddogaethau i Weinidogion yr Alban, o ran yr Alban, ac i'r Cynulliad Cenedlaethol, o ran Cymru.

Cafodd Arfarniad Rheoliadol ei baratoi mewn perthynas â'r Rheoliadau hyn. Gellir cael copïau oddi wrth yr Adran Amgylchedd, Cynllunio a Chefn Gwlad, Llywodraeth Cynulliad Cymru, Parc Cathays, Caerdydd CF10 3NQ.

purposes. For seed potatoes produced in Wales, certification, including the determination of the category and class at which the potatoes should be marketed, must take place in accordance with the requirements of regulation 9.

Regulation 5 applies more stringent requirements to seed potatoes to be marketed in the "protected region" ("*rhanbarth sydd wedi ei ddiogelu*") (defined in regulation 2(1)). Regulation 6 provides that seed potatoes cannot be marketed unless they comply with the size requirements laid down by the regulation.

Regulations 7 and 8 allow the National Assembly for Wales ("the National Assembly") to authorise the marketing of small quantities of seed potatoes for scientific purposes or selection work and seed potatoes for test and trial purposes.

Regulation 11 provides that seed potatoes (other than retail sales of small quantities of seed potatoes meeting the conditions of regulation 17) may only be marketed in packages or containers. Seed potatoes in packages or containers (other than those authorised to be marketed for scientific purposes or selection work) can only be marketed if labelled and sealed (regulations 12 and 13), the labels bearing the particulars specified in Schedule 2. Documents accompanying seed potatoes that have been genetically modified must include reference to this fact (regulation 14).

Regulation 18 provides for the taking of samples as part of the certification process or to ensure compliance with the provisions of the Regulations.

Regulation 20 provides the National Assembly with powers of examination and production of seed potatoes and relevant documents.

Regulation 21 allows the National Assembly to withdraw official labels or official documents relating to seed potatoes which are found not to comply with the requirements imposed by the Regulations.

Contravention of any provision in the Regulations is an offence under section 16(7)(b) of the Plant Varieties and Seeds Act 1964 (c.14) incurring liability on summary conviction to a fine not exceeding level 5 on the standard scale.

The Regulations include drafting and other amendments including those consequential on devolution of functions to Scottish Ministers, in relation to Scotland, and to the National Assembly, in relation to Wales.

A Regulatory Appraisal in relation to these Regulations has been prepared. A copy is available from the Department for Environment, Planning and Countryside, Welsh Assembly Government, Cathays Park, Cardiff CF10 3NQ.

**2006 Rhif 2929 (Cy.264)****2006 No. 2929 (W.264)****HADAU, CYMRU****SEEDS, WALES****Rheoliadau Tatws Hadyd (Cymru)  
2006****The Seed Potatoes (Wales)  
Regulations 2006***Wedi'u gwneud* 7 Tachwedd 2006*Made* 7 November 2006*Yn dod i rym* 15 Tachwedd 2006*Coming into force* 15 November 2006

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Mae Cynulliad Cenedlaethol Cymru yn gwneud y Rheoliadau a ganlyn drwy arfer y pwerau a roddir gan adrannau 16(1), (1A), (2), (3), (4) a (5) a 36 o Ddeddf Amrywogaethau a Hadau Planhigion 1964(1) ac sydd bellach wedi'u breinio ynddo(2).

The National Assembly for Wales makes the following Regulations in exercise of the powers conferred by sections 16(1), (1A), (2), (3), (4) and (5) and 36 of the Plant Varieties and Seeds Act 1964(1) and now vested in it(2).

(1) 1964 p.14; diwygiwyd adran 16 gan adran 4(1) o Ddeddf y Cymunedau Ewropeaidd 1972 a pharagraff 5(1), (2) a (3) o Atodlen 4 iddi (p.68), O.S. 1977/1112, ac adran 2 o Ddeddf Amaeth 1986 (p.49); gweler adran 38(1) am ddiffiniad o "*the Minister*".

(2) O dan Erthygl 2 o Orchymyn Cynulliad Cenedlaethol Cymru (Trosglwyddo Swyddogaethau) 1999 (O.S. 1999/672) ac atodlen 1 iddo trosglwyddwyd swyddogaethau'r Gweinidog Amaeth, Pysgodfeydd a Bwyd o Ddeddf Amrywogaethau a Hadau Planhigion 1964, a drosglwyddwyd i'r Ysgrifennydd Gwladol gan Orchymyn Trosglwyddo Swyddogaethau (Cymru) (Rhif 1) 1978 (O.S. 1978/272), i Gynulliad Cenedlaethol Cymru.

(1) 1964 c.14; section 16 was amended by section 4(1) of, and paragraph 5(1), (2) and (3) of Schedule 4 to, the European Communities Act 1972 (c.68), S.I. 1977/1112, and section 2 of the Agriculture Act 1986 (c.49); see section 38(1) for a definition of "*the Minister*".

(2) Under Article 2 and Schedule 1 of the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672) the functions of the Minister of Agriculture, Fisheries and Food under the Plant Varieties and Seeds Act 1964, which were transferred to the Secretary of State by the Transfer of Functions (Wales) (No 1) Order 1978 (S.I. 1978/272), were transferred to the National Assembly for Wales.

Yn unol ag adran 16(1) o'r Ddeddf honno mae wedi ymgynghori â chynrychiolwyr y buddiannau hynny y mae'n ymddangos iddo yr effeithir arnynt gan y Rheoliadau a ganlyn:

### Enwi, cychwyn a chymhwyso

1.-(1) Enw'r Rheoliadau hyn yw Rheoliadau Tatws Hadyd (Cymru) 2006 a daw'r Rheoliadau hyn i rym ar 15 Tachwedd 2006.

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

### Dehongli

2.-(1) Yn y Rheoliadau hyn-

ystyr "archwiliad swyddogol" ("*official examination*") yw archwiliad neu arolygiad a gynhelir gan swyddog awdurdodedig, gan gynnwys un a gynhelir drwy sampl;

ystyr "ardystio" ("*certification*") yw-

- (a) o ran tatws hadyd a gynhyrchir yng Nghymru, ardystiad yn unol â rheoliad 9; a
- (b) o ran tatws hadyd a gynhyrchir y tu allan i Gymru, ardystiad gan yr Awdurdod Ardystio yn unol â'r Gyfarwyddeb;

a rhaid dehongli "ardystiedig" ("*certified*") yn unol â hynny;

ystyr "Awdurdod Ardystio" ("*Certification Authority*") yw'r awdurdod sy'n ymwneud ag ardystio tatws hadyd yn y wlad neu'r diriogaeth lle cynhyrchwyd y tatws hadyd;

ystyr "Catalog Cyffredin" ("*Common Catalogue*") yw'r catalog cyffredin o amrywogaethau o rywogaeth o blanhigion amaethyddol a gyhoeddir yng Nghyfnodolyn Swyddogol y Cymunedau Ewropeaidd;

ystyr "categori" ("*category*") yw'r categori o datws hadyd cyn-sylfaenol, tatws hadyd sylfaenol neu datws hadyd ardystiedig (neu, mewn perthynas â thatws hadyd a gynhyrchir yn y Swistir, y categorïau sydd ag effaith gyfatebol o dan ddeddfwriaeth Cydffederasiwn y Swistir yn unol â chytundeb masnach y Swistir);

ystyr "Cyfarwyddeb Gollyngiadau Bwriadol" ("*Deliberate Release Directive*") yw Cyfarwyddeb 2001/18/EC Senedd Ewrop a'r Cyngor dyddiedig 12 Mawrth 2001 ar ollwng yn fwriadol i'r amgylchedd organeddau wedi eu haddasu'n enetig(1), fel y'i diwygiwyd gan ddiwygiadau hyd at a chan gynnwys y rheini y rhoddir eu heffaith iddynt gan Reoliad (EC) Rhif 1830/2003 Senedd Ewrop a'r Cyngor dyddiedig 22 Medi 2003 ynghylch olrheindedd a labelu organeddau a addaswyd yn enetig ac olrheindedd bwyd a

In accordance with section 16(1) of that Act it has consulted with representatives of such interests as appear to it to be concerned by the following Regulations:

### Title, commencement and application

1.-(1) These title of these Regulations is the Seed Potatoes (Wales) Regulations 2006 and these Regulations come into force on 15 November 2006.

(2) These Regulations apply in relation to Wales.

### Interpretation

2.-(1) In these Regulations-

"the Act" ("*y Ddeddf*") means the Plant Varieties and Seeds Act 1964;

"authorised officer" ("*swyddog awdurdodedig*") means an officer of the National Assembly or a person authorised by the National Assembly for any purpose in connection with these Regulations;

"basic seed potatoes" ("*tatws hadyd sylfaenol*") means seed potatoes which-

- (a) in relation to seed potatoes produced in Wales, are seed potatoes intended mainly for the production of certified seed potatoes and which have been certified as basic seed potatoes in accordance with regulation 9; and
- (b) in relation to seed potatoes produced outside Wales, are seed potatoes brought into Wales in a package or container which bears an official label for basic seed potatoes in accordance with Article 13(1)(a) of the Directive;

"category" ("*categori*") means the category of pre-basic seed potatoes, basic seed potatoes, or certified seed potatoes (or, in relation to seed potatoes produced in Switzerland, the categories having equivalent effect under the legislation of the Swiss Confederation in accordance with the Swiss trade agreement);

"certification" ("*ardystio*") means-

- (a) in relation to seed potatoes produced in Wales, certification in accordance with regulation 9; and
- (b) in relation to seed potatoes produced outside Wales, certification by the Certification Authority in accordance with the Directive;

and "certified" ("*ardystiedig*") is to be construed accordingly;

"Certification Authority" ("*Awdurdod Ardystio*") means the authority concerned with the certification of seed potatoes in the country or territory where the seed potatoes were produced;

(1) OJ L 106, 17.4.2001, t.1.

chynhyrchion bwyd anifeiliaid a gynhyrchwyd o organeddau a addaswyd yn enetig (1);

ystyr "Cynulliad Cenedlaethol" ("*National Assembly*") yw Cynulliad Cenedlaethol Cymru;

ystyr "cytundeb masnach y Swistir" ("*Swiss trade agreement*") yw'r Cytundeb rhwng y Gymuned Ewropeaidd a Chyddfederasiwn y Swistir ar fasnach mewn cynhyrchion amaethyddol(2), fel y'i diwygiwyd gan ddiwygiadau hyd at ac yn cynnwys Penderfyniad y Comisiwn 2004/660/EC(3);

ystyr "dogfen swyddogol" ("*official document*") yw-

- (a) ar gyfer tatws hadyd a gynhyrchir yng Nghymru, dogfen a ddyroddir neu a gymeradwyir gan y Cynulliad Cenedlaethol sy'n bodloni gofynion Rhan II o Atodlen 2; a
- (b) ar gyfer tatws hadyd a gynhyrchir y tu allan i Gymru, dogfen a ddyroddir neu a gymeradwyir gan yr Awdurdod Ardystio yn y wlad neu'r diriogaeth lle cafodd y tatws hadyd eu cynhyrchu sy'n bodloni gofynion Erthygl 13(1)(b) o'r Gyfarwyddeb;

ystyr "dosbarth" ("*class*") yw-

- (a) o ran tatws hadyd a gynhyrchir yng Nghymru, y dosbarth neu'r Radd Gymuned a benderfynir-
  - (i) yn ystod ardystiad, neu
  - (ii) o dan y Rheoliadau Tatws Hadyd 1991(4), a
- (b) o ran tatws hadyd a gynhyrchir y tu allan i Gymru, y dosbarth neu'r radd, os oes un, a bennir ar y label swyddogol a osodir ar y pecyn neu'r cynhwysydd y deuir â'r tatws hadyd i mewn i Gymru ynddo neu a bennir mewn unrhyw ddogfen swyddogol sydd yn y pecyn neu'r cynhwysydd hwnnw;

ac mae "dosbarthiad" ("*classification*"), "dosbarthu" ("*classify*"), "wedi'i ddsbarthu" ("*classified*") ac ymadroddion cytras i'w dehongli'n unol â hynny;

ystyr "y Ddeddf" ("*the Act*") yw Deddf Amrywogaethau a Hadau Planhigion 1964;

"certified seed potatoes" ("*tatws hadyd ardystiedig*") means seed potatoes which-

- (a) in relation to seed potatoes produced in Wales, are intended mainly for the production of potatoes other than seed potatoes and which have been certified as certified seed potatoes in accordance with regulation 9; and
- (b) in relation to seed potatoes produced outside Wales, are seed potatoes brought into Wales in a package or container which bears an official label for certified seed potatoes in accordance with Article 13(1)(a) of the Directive;

"class" ("*dosbarth*") means-

- (a) in relation to seed potatoes produced in Wales, the class or Community Grade determined-
  - (i) in the course of certification, or
  - (ii) under the Seed Potatoes Regulations 1991(1),
- (b) in relation to seed potatoes produced outside Wales, the class or grade, if any, specified in the official label affixed to the package or container in which the seed potatoes are brought into Wales or in any official document contained in that package or container;

and "classification" ("*dosbarthiad*"), "classify" ("*dosbarthu*") and "classified" ("*wedi'i ddsbarthu*") are to be construed accordingly; and

"Common Catalogue" ("*Catalog Cyffredin*") means the common catalogue of varieties of species of agricultural plants published in the Official Journal of the European Communities;

"Community Grade" ("*Gradd Gymuned*") means one of the grades of basic seed potatoes (EC grade 1, EC grade 2 or EC grade 3) determined by Commission Directive 93/17/EEC of 30 March 1993 determining Community grades of basic seed potatoes, together with the conditions and designations applicable to such grades(2);

"Deliberate Release Directive" ("*Cyfarwyddeb Gollyngiadau Bwriadol*") means Directive 2001/18/EC of the European Parliament and of the Council of 12 March 2001 on the deliberate release into the environment of genetically modified organisms(3), as amended by amendments up to and including those effected by Regulation (EC)

(1) OJ L 268, 18.10.2003, t.24.

(2) OJ L 114, 30.4.2002, t.166. Cafodd hwn, ynghyd â chwe Chytundeb arall gyda Chyddfederasiwn y Swistir, ei gymeradwyo gan y Cyngor a'r Comisiwn drwy Benderfyniad y Cyngor a'r Comisiwn 2002/309/EC, Euratom, OJ L 114, 30.4.2002, t.1.

(3) OJ L 301, 28.9.2004, t.55.

(4) O.S. 1991/2206; yr offerynnau diwygio perthnasol yw O.S. 1992/1031, O.S. 1993/1878, O.S. 1994/2592, O.S. 1997/1474 ac O.S. 2000/1788

(1) S.I. 1991/2206; relevant amending instruments are S.I. 1992/1031, S.I. 1993/1878, S.I. 1994/2592, S.I. 1997/1474 and S.I. 2000/1788.

(2) OJ L106, 30.4.1993, p7. The grades of EEC grade 1, EEC grade 2 and EEC grade 3 stated in Commission Directive 93/17/EEC are now referred to as EC grade 1, EC grade 2 and EC grade 3 respectively: references in Article 1 of Commission Decision of 19 December 2003 authorising, in respect of the marketing of seed potatoes in all or part of the territory of certain member States, more stringent measures against certain diseases than are provided for in Annexes I and II to Council Directive 2002/56/EC (OJ L2, 6.1.2004, p47).

(3) OJ L 106, 17.4.2001, p1.

mae "gradd" ("*grade*") yn cynnwys Gradd Gymuned;

ystyr "Gradd Gymuned" ("*Community Grade*") yw un o'r graddau o datws hadyd sylfaenol (gradd 1 EC, gradd 2 EC neu gradd 3 EC) a benderfynir gan Gyfarwyddeb y Comisiwn 93/17/EEC ar 30 Mawrth 1993 sy'n penderfynu graddau Cymuned tatws hadyd sylfaenol, ynghyd â'r amodau a'r dynodiadau sy'n gymwys i raddau o'r fath(1);

ystyr "y Gyfarwyddeb" ("*the Directive*") yw Cyfarwyddeb y Cyngor 2002/56/EC dyddiedig 13 Mehefin 2002 ar farchnata tatws hadyd(2), fel y'i diwygiwyd gan Benderfyniad y Comisiwn 2003/66/EC dyddiedig 28 Ionawr 2003(3) a Chyfarwyddeb y Cyngor 2003/61/EC dyddiedig 18 Mehefin 2003(4);

ystyr "label swyddogol" ("*official label*") yw-

- (a) ar gyfer tatws hadyd a gynhyrchir yng Nghymru, label a ddyroddir neu a gymeradwyir gan y Cynulliad Cenedlaethol nas defnyddiwyd o'r blaen sy'n bodloni gofynion Rhan II o Atodlen 2; a
- (b) ar gyfer tatws hadyd a gynhyrchir y tu allan i Gymru, label a ddyroddir neu a gymeradwyir gan yr Awdurdod Ardystio yn y wlad neu'r diriogaeth lle cynhyrchwyd y tatws hadyd sy'n bodloni gofynion, yn ôl y priodoldeb i'r tatws hadyd y mae'r label yn cyfeirio atynt, Erthygl 13(1)(a) neu Erthygl 18(f) o'r Gyfarwyddeb neu Erthygl 9 o Benderfyniad y Comisiwn 2004/842/EC dyddiedig 1 Rhagfyr 2004 ynghylch gweithredu rheolau sy'n galluogi Aelod-wladwriaethau i awdurdodi rhoi ar y farchnad had o amrywogaethau y cafodd cais i'w cynnwys yn y catalog cenedlaethol o amrywogaethau o rywogaethau amaethyddol neu o rywogaethau llysieuol ei gyflwyno(5);

ystyr "lot" ("*lot*") at ddibenion rheoliadau 6(2) a (3) a 10 yw llwyth neu ran y gellir ei adnabod o lwyth sydd wedi ei gofnodi a'i gofrestru fel eitem ar wahân mewn anfoneb, nodyn danfon neu ddogfen arall a ddarperir yn unol â rheoliad 16;

mae "mangre" ("*premises*") yn cynnwys unrhyw dir neu adeilad, ac eithrio tŷ annedd preifat, ac

No 1830/2003 of the European Parliament and of the Council of 22 September 2003 concerning the traceability and labelling of genetically modified organisms and traceability of food and feed products produced from genetically modified organisms(1);

"the Directive" ("*y Gyfarwyddeb*") means Council Directive 2002/56/EC of 13 June 2002 on the marketing of seed potatoes(2), as amended by Commission Decision 2003/66/EC of 28 January 2003(3) and Council Directive 2003/61/EC of 18 June 2003(4);

"Food and Feed Regulation" ("*Rheoliad Bwyd a Bwyd Anifeiliaid*") means Regulation (EC) No 1829/2003 of the European Parliament and of the Council of 22 September 2003 on genetically modified food and feed(5);

"genetically modified" ("*wedi'i addasu'n enetig*") has the same meaning as in the Deliberate Release Directive;

"grade" ("*gradd*") includes Community Grade;

"growing crop certificate" ("*tystysgrif cnwd sy'n tyfu*") means-

- (a) a growing crop certificate issued by the National Assembly in accordance with Schedule 1;
- (b) a pre-basic seed potatoes certificate issued by the National Assembly in accordance with the Seed Potatoes Regulations 1991;
- (c) a basic seed potatoes certificate issued by the National Assembly in accordance with the Seed Potatoes Regulations 1991; or
- (d) a certified seed potatoes certificate issued by the National Assembly in accordance with the Seed Potatoes Regulations 1991;

"lot" ("*lot*") for the purposes of regulations 6(2) and (3) and 10 means a consignment or an identifiable part of a consignment which is recorded and listed as a separate item in an invoice, delivery note or other document provided in accordance with regulation 16;

"marketing" ("*marchnata*") means-

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(1) OJ L106, 30.4.1993, t.7. Cyfeirir at y graddau gradd 1 EEC, gradd 2 EEC a gradd 3 EEC a geir yng Nghyfarwyddeb y Comisiwn 93/17/EEC bellach fel gradd 1EC, gradd 2 EC a gradd 3 EC yn eu trefn: *gweler* cyfeiriadau yn Erthygl 1 o Benderfyniad y Comisiwn ar 19 Rhagfyr 2003 yn awdurdodi, mewn perthynas â marchnata tatws hadyd yn y cyfan neu mewn rhan o Aelod-wladwriaethau penodol, mesurau llymach yn erbyn clefydau penodol nac y darperir ar eu cyfer yn Atodiadau I a II i Gyfarwyddeb y Cyngor 2002/56/EC (OJ L2, 6.1.2004, t47).

(2) OJ L 193, 20.7.2002, t.60.

(3) OJ L 25, 30.1.2003, t.42.

(4) OJ L 165, 3.7.2003, t.23.

(5) OJ L 362, 9.12.2004, t.21.

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(1) OJ L 268, 18.10.2003, p24.

(2) OJ L 193, 20.7.2002, p60.

(3) OJ L 25, 30.1.2003, p42.

(4) OJ L 165, 3.7.2003, p23.

(5) OJ L 268, 18.10.2003, p1.

unrhyw adeiledd sefydlog neu symudol, cerbyd, llestr, awyren, hofranfad neu gynhwysydd llwyth;

ystyr "marchnata" ("*marketing*") yw-

- (a) gwerthu, dal gafael ar gyda golwg ar werthu neu gynnig ar werth; a
- (b) unrhyw waredu, cyflenwi neu drosglwyddo at ddibenion defnydd masnachol o datws hadyd gyda thrydydd partïon,

p'un ai am gydnabyddiaeth ai peidio ac at y dibenion hyn nid yw "defnydd masnachol" ("*commercial exploitation*") i'w ddeall fel petai'n cynnwys cyflenwi tatws hadyd i gyrff arolygu a phrofi swyddogol, na chyflenwi tatws hadyd i unrhyw berson at ddibenion eu prosesu na'u pecynnu cyn belled ag nad yw'r person hwnnw yn ennill hawl i'r tatws hadyd a gyflenwir; ac mae "marchnata" ("*marketing*"), "wedi'i farchnata" ("*marketed*") ac ymadroddion cytras i'w dehongli yn unol â hynny.

ystyr "pecyn neu gynhwysydd" ("*package or container*") yw-

- (a) unrhyw becyn na chafodd ei ddefnyddio o'r blaen at unrhyw ddiben ac y mae modd ei gau a'i selio; neu
- (b) unrhyw gynhwysydd na chafodd ei ddefnyddio o'r blaen at unrhyw ddiben, neu unrhyw gynhwysydd sydd, ers iddo gael ei ddefnyddio o'r blaen, wedi cael ei lanhau a'i ddiheintio cyn belled a bod rhaid i ddefnyddio unrhyw gynhwysydd o ran tatws hadyd a gynhyrchir yng Nghymru fod yn ddarostyngedig i gymeradwyaeth y Cynulliad Cenedlaethol;

ystyr "rhanbarth sydd wedi'i ddiogelu" ("*protected region*") yw sir Cumbria, heb gynnwys dosbarthiadau Barrow-in-Furness a De Lakeland, a sir Northumberland, heb gynnwys dosbarthiadau Blyth Valley a Wansbeck;

ystyr "Rheoliad Bwyd a Bwyd Anifeiliaid" ("*Food and Feed Regulation*") yw Rheoliad (EC) Rhif 1829/2003 Senedd Ewrop a'r Cyngor dyddiedig 22 Medi 2003 ar fwyd a bwyd anifeiliaid wedi ei addasu'n enetig(1);

ystyr "Rhestr Genedlaethol" ("*National List*") yw rhestr o amrywogaethau o rywogaethau tatws sydd wedi ei pharatoi a'i chyhoeddi-

- (a) yn unol â rheoliad 3 o Reoliadau Hadau (Rhestrau Cenedlaethol o Amrywogaethau) 2001(2); neu
- (b) gan Aelod-wladwriaeth ac eithrio'r Deyrnas Unedig yn unol ag Erthygl 3 o Gyfarwyddeb y Cyngor 2002/53/EC dyddiedig 13 Mehefin

- (a) selling, holding with a view to sale or offering for sale; and
- (b) any disposal, supply or transfer for the purpose of commercial exploitation of seed potatoes to third parties,

whether or not for consideration and for these purposes "commercial exploitation" ("*defnydd masnachol*") is not to be taken to include the supply of seed potatoes to official testing and inspection bodies, or the supply of seed potatoes to any person for the purpose of processing or packaging them provided he or she does not acquire title to the seed potatoes supplied; and "market" ("*marchnata*") and "marketed" ("*wedi'i farchnata*") are to be construed accordingly;

"National Assembly" ("*Cynulliad Cenedlaethol*") means the National Assembly for Wales;

"National List" ("*Rhestr Genedlaethol*") means a list of varieties of potato species prepared and published-

- (a) in accordance with regulation 3 of the Seeds (National Lists of Varieties) Regulations 2001(1); or
- (b) by a member State other than the United Kingdom pursuant to Article 3 of Council Directive 2002/53/EC of 13 June 2002 on the common catalogue of varieties of agricultural plant species(2) as amended by the Food and Feed Regulation;

"official document" ("*dogfen swyddogol*") means-

- (a) for seed potatoes produced in Wales, a document issued or approved by the National Assembly which meets the requirements of Part II of Schedule 2; and
- (b) for seed potatoes produced outside Wales, a document issued or approved by the Certification Authority in the country or territory where the seed potatoes were produced which meets the requirements of Article 13(1)(b) of the Directive;

"official examination" ("*archwiliad swyddogol*") means an examination or inspection conducted by an authorised officer, including one conducted by way of sample;

"official label" ("*label swyddogol*") means-

- (a) for seed potatoes produced in Wales, a label issued or approved by the National Assembly which has not been previously used and which meets the requirements of Part I of Schedule 2; and

(1) OJ L 268, 18.10.2003, t.1.

(2) O.S. 2001/3510.

(1) S.I. 2001/3510.

(2) OJ L 193, 20.7.2002, p1.

2002 ar y catalog cyffredin o amrywogaethau o rywogaethau planhigion amaethyddol(1) fel y'i diwygiwyd gan y Rheoliad Bwyd a Bwyd Anifeiliaid;

ystyr "swyddog awdurdodedig" ("*authorised officer*") yw swyddog o'r Cynulliad Cenedlaethol neu berson a awdurdodwyd gan y Cynulliad Cenedlaethol at unrhyw ddben mewn cysylltiad â'r Rheoliadau hyn;

ystyr "taten" ("*potato*") yw unrhyw gloronen neu ran ohoni neu unrhyw blanhigyn *Solanum tuberosum* L. neu ran ohono neu unrhyw rywogaeth arall sy'n ffurfio cloron neu unrhyw gymysgryw o *Solanum* L.;

ystyr "tatws hadyd" ("*seed potatoes*") yw-

- (a) tatws sy'n dwyn y disgrifiad hwnnw neu unrhyw ddisgrifiad sy'n dynodi eu haddasrwydd ar gyfer eu plannu a'u lluosogi ac y mae modd eu defnyddio i'w plannu a'u lluosogi; neu
- (b) unrhyw datws y bwriedir eu defnyddio i'w plannu a'u lluosogi;

ystyr "tatws hadyd a gynhyrchir y tu allan i Gymru" ("*seed potatoes produced outside Wales*") yw-

- (a) tatws hadyd a gynhyrchir yn unrhyw rhan o Ynysoedd Prydain ac eithrio Cymru;
- (b) tatws hadyd a gynhyrchir yn unrhyw Aelod-wladwriaeth ac eithrio'r Deyrnas Unedig; neu
- (c) tatws hadyd a gynhyrchir yn Swistir;

ystyr "tatws hadyd ardystiedig" ("*certified seed potatoes*") yw tatws hadyd-

- (a) o ran tatws hadyd a gynhyrchir yng Nghymru, sydd yn datws hadyd a fwriedir yn bennaf ar gyfer cynhyrchu tatws ac eithrio tatws hadyd ac a ardystiwyd fel tatws hadyd ardystiedig yn unol â rheoliad 9; ac
- (b) o ran tatws hadyd a gynhyrchir y tu allan i Gymru, sydd yn datws hadyd y daethpwyd â hwy i mewn i Gymru mewn pecyn neu gynhwysydd sy'n dwyn label swyddogol ar gyfer tatws hadyd ardystiedig yn unol ag Erthygl 13(1)(a) o'r Gyfarwyddeb;

ystyr "tatws hadyd cyn-sylfaenol" ("*pre-basic seed potatoes*") yw tatws hadyd-

- (a) o ran tatws hadyd a gynhyrchir yng Nghymru, sydd yn datws hadyd a fwriedir yn bennaf ar gyfer cynhyrchu tatws hadyd sylfaenol ac a ardystiwyd fel tatws cyn-sylfaenol yn unol â rheoliad 9; a
- (b) o ran tatws hadyd a gynhyrchir y tu allan i Gymru, sy'n datws hadyd y daethpwyd â hwy i mewn i Gymru mewn pecyn neu gynhwysydd

- (b) for seed potatoes produced outside Wales, a label issued or approved by the Certification Authority in the country or territory where the seed potatoes were produced which meets, as appropriate to the seed potatoes to which the label relates, the requirements of Article 13(1)(a) or Article 18(f) of the Directive or Article 9 of Commission Decision 2004/842/EC of 1 December 2004 concerning implementing rules whereby member States may authorise the placing on the market of seed belonging to varieties for which an application for entry in the national catalogue of varieties of agricultural plant species or vegetable species has been submitted(1);

"package or container" ("*pecyn neu gynhwysydd*") means-

- (a) any package which has not been previously used for any purpose and is capable of being closed and sealed; or
- (b) any container which has not been previously used for any purpose or which, since having been previously used, has been cleaned and disinfected provided that the use of any container in respect of seed potatoes produced in Wales must be subject to the approval of the National Assembly;

"potato" ("*taten*") means any tuber or part thereof or any plant or part thereof of *Solanum tuberosum* L. or other tuber-forming species or hybrids of *Solanum*;

"pre-basic seed potatoes" ("*tatws hadyd cyn-sylfaenol*") means seed potatoes which-

- (a) in relation to seed potatoes produced in Wales, are intended mainly for the production of basic seed potatoes and which have been certified as pre-basic seed potatoes in accordance with regulation 9; and
- (b) in relation to seed potatoes produced outside Wales, are seed potatoes brought into Wales in a package or container which bears an official label for pre-basic seed potatoes in accordance with Article 18(f) of the Directive;

"premises" ("*mangre*") includes any land or building, other than a private dwelling house, and any fixed or moveable structure, vehicle, vessel, aircraft, hovercraft or freight container;

"protected region" ("*rhanbarth sydd wedi'i ddiogelu*") means the county of Cumbria, excluding the districts of Barrow-in-Furness and South Lakeland, and the county of Northumberland, excluding the districts of Blyth Valley and Wansbeck;

"seed potatoes" ("*tatws hadyd*") means-

(1) OJ L 193, 20.7.2002, t.1.

(1) OJ L 362, 9.12.2004, p21.

sy'n dwyn label swyddogol ar gyfer tatws hadyd cyn-sylfaenol yn unol ag Erthygl 18(f) o'r Gyfarwyddeb;

ystyr "tatws hadyd sydd i'w profi a'u treialu" ("*test and trial seed potatoes*") yw tatws hadyd-

- (a) o ran tatws hadyd a gynhyrchir yng Nghymru, sydd yn datws hadyd yr awdurdododd y Cynulliad Cenedlaethol eu marchnata at ddibenion profi a threialu yn unol â rheoliad 8; a
- (b) o ran tatws hadyd a gynhyrchir y tu allan i Gymru, tatws hadyd y daethpwyd â hwy i mewn i Gymru mewn pecyn neu gynhwysydd sy'n dwyn label swyddogol yn unol ag Erthygl 9 o Benderfyniad y Comisiwn 2004/842/EC.

ystyr "tatws hadyd sylfaenol" ("*basic seed potatoes*") yw tatws hadyd-

- (a) o ran tatws hadyd a gynhyrchir yng Nghymru, sydd yn datws hadyd a fwriedir yn bennaf ar gyfer cynhyrchu tatws hadyd ardstyedig ac a ardstiwyd fel tatws hadyd sylfaenol yn unol â rheoliad 9; a
- (b) o ran tatws hadyd a gynhyrchir y tu allan i Gymru, tatws hadyd y daethpwyd â hwy i mewn i Gymru mewn pecyn neu gynhwysydd sy'n dwyn label swyddogol ar gyfer tatws hadyd sylfaenol yn unol ag Erthygl 13(1)(a) o'r Gyfarwyddeb;

ystyr "tystysgrif cnwd sy'n tyfu" ("*growing crop certificate*") yw-

- (a) tystysgrif cnwd sy'n tyfu a ddyroddwyd gan y Cynulliad Cenedlaethol yn unol ag Atodlen 1;
- (b) tystysgrif tatws hadyd cyn-sylfaenol a ddyroddwyd gan y Cynulliad Cenedlaethol yn unol â'r Rheoliadau Tatws Hadyd 1991;
- (c) tystysgrif tatws hadyd sylfaenol a ddyroddwyd gan y Cynulliad Cenedlaethol yn unol â'r Rheoliadau Tatws Hadyd 1991; neu
- (ch) tystysgrif tatws hadyd ardstyedig a ddyroddwyd gan y Cynulliad Cenedlaethol yn unol â'r Rheoliadau Tatws Hadyd 1991;

y mae i "wedi'i addasu'n enetig" yr un ystyr ag sydd i "*genetically modified*" yn y Gyfarwyddeb Gollyngiadau Bwriadol;

(2) O ran tatws hadyd a gynhyrchir yn y Swistir, mae unrhyw gyfeiriad yn y Rheoliadau hyn at y Gyfarwyddeb neu at Benderfyniad y Comisiwn 2004/842/EC neu unrhyw ddarpariaeth o'u mewn i'w ddehongli fel cyfeiriad at fod deddfwriaeth Cydffederasiwn y Swistir yn cael effaith gyfatebol yn unol â chytundeb masnach y Swistir.

(a) potatoes which bear that description or any description indicating their suitability for planting and propagation and which are capable of being used for planting and propagation; or

(b) any potatoes that are intended to be used for planting and propagation;

"seed potatoes produced outside Wales" ("*tatws hadyd a gynhyrchir y tu allan i Gymru*") means-

- (a) seed potatoes produced in any part of the British Islands other than Wales;
- (b) seed potatoes produced in any member State other than the United Kingdom; or
- (c) seed potatoes produced in Switzerland;

"Swiss trade agreement" ("*cytundeb masnach y Swistir*") means the Agreement between the European Community and the Swiss Confederation on trade in agricultural products<sup>(1)</sup>, as amended by amendments up to and including Commission Decision 2004/660/EC<sup>(2)</sup>;

"test and trial seed potatoes" ("*tatws hadyd sydd i'w profi a'u treialu*") means seed potatoes which-

- (a) in relation to seed potatoes produced in Wales, are seed potatoes which have been authorised by the National Assembly for marketing for test and trial purposes in accordance with regulation 8; and
- (b) in relation to seed potatoes produced outside Wales, are seed potatoes brought into Wales in a package or container which bears an official label in accordance with Article 9 of Commission Decision 2004/842/EC.

(2) In relation to seed potatoes produced in Switzerland, any reference in these Regulations to the Directive or Commission Decision 2004/842/EC or any provision thereof is to be construed as a reference to the legislation of the Swiss Confederation having equivalent effect in accordance with the Swiss trade agreement.

(1) OJ L 114, 30.4.2002, p166. This, together with six other Agreements with the Swiss Confederation, was approved by the Council and the Commission by way of Council and Commission Decision 2002/309/EC, Euratom, OJ L 114, 30.4.2002, p1.

(2) OJ L 301, 28.9.2004, p55.

(3) Mae unrhyw gyfeiriad yn y Rheoliadau hyn at oddefiant o ran tatws hadyd sy'n ffurfio sampl i gael ei ddehongli-

- (a) o ran goddefiant at unrhyw glefyd, pla neu ddifrod a bennir yn Atodlen 3, fel cyfeiriad at gyfrannedd pwysau'r tatws hadyd yn y sampl yr effeithir arnynt gan y clefyd, y pla neu'r difrod, neu gan unrhyw gyfuniad o'r clefyd, y pla neu'r difrod hwnnw, mewn perthynas â phwysau cyfan yr holl sampl, wedi ei fynegi mewn canran;
- (b) o ran goddefiant at faw neu fater allanol arall a bennir yn Atodlen 3, fel cyfeiriad a gyfrannedd pwysau mater o'r fath mewn perthynas â phwysau cyfan yr holl sampl, wedi ei fynegi mewn canran; ac
- (c) o ran goddefiant at wyriad neu glefyd a bennir yn y tablau yn Atodlen 4, fel cyfeiriad at nifer y planhigion o datws hadyd yr effeithir arnynt gan y gwyriad neu'r clefyd mewn perthynas â chyfanswm nifer y planhigion yn y sampl, wedi ei fynegi mewn canran.

(4) At ddibenion Atodlen 1, mae i "uned amaethyddol" yr ystyr a roddir i'r ymadrodd "*agricultural unit*" yn adran 109(2) o Ddeddf Amaeth 1947(1).

(5) Mae i ymadroddion yn y Rheoliadau hyn nas diffinnir yn y rheoliad hwn neu mewn man arall yn y Rheoliadau hyn ac sy'n ymddangos yn y Gyfarwyddeb neu ym Mhenderfyniad y Comisiwn 2004/842/EC yr un ystyr yn y Rheoliadau hyn ag sydd iddynt yn y Gyfarwyddeb neu yn y Penderfyniad hwnnw.

### **Tatws hadyd nad yw'r rheoliadau hyn yn gymwys iddynt**

3. Nid yw'r Rheoliadau hyn yn gymwys i datws hadyd a fwriedir ar gyfer eu hallforio i unrhyw wlad y tu allan i'r Gymuned Ewropeaidd.

### **Marchnata tatws hadyd**

4.-(1) Rhaid i berson beidio â marchnata unrhyw datws hadyd ac eithrio-

- (a) tatws hadyd cyn-sylfaenol;
- (b) tatws hadyd sylfaenol;
- (c) tatws hadyd ardystiedig;
- (ch) tatws hadyd gwyddonol a rhai i'w dethol; neu
- (d) tatws hadyd i'w profi a'u treialu.

(2) Rhaid i berson beidio â marchnata unrhyw datws hadyd a gafodd eu trin â chynnyrch a gynhyrchir yn bennaf fel eli i lesteirio eginiad.

(3) Any reference in these Regulations to a tolerance in relation to seed potatoes comprised in a sample is to be construed-

- (a) in relation to a tolerance for any disease, pest or damage specified in Schedule 3, as a reference to the proportion of the weight of seed potatoes in the sample affected by the disease, pest or damage, or any combination of such disease, pest or damage, in relation to the total weight of the sample, expressed as a percentage;
- (b) in relation to a tolerance for dirt or other extraneous matter specified in Schedule 3, as a reference to the proportion of the weight of such matter in relation to the total weight of the sample, expressed as a percentage; and
- (c) in relation to a tolerance for a deviation or disease specified in the tables in Schedule 4, as a reference to the number of plants of seed potatoes affected by the deviation or disease in relation to the total number of plants in the sample, expressed as a percentage.

(4) For the purposes of Schedule 1, "agricultural unit" ("*uned amaethyddol*") has the meaning assigned to that expression in section 109(2) of the Agriculture Act 1947(1).

(5) Expressions in these Regulations which are not defined in this regulation or elsewhere in these Regulations and which appear in the Directive or Commission Decision 2004/842/EC have the same meaning in these Regulations as they have in the Directive or that Decision.

### **Seed potatoes to which these Regulations do not apply**

3. These Regulations do not apply to seed potatoes intended for export to any country outside the European Community.

### **Marketing of seed potatoes**

4.-(1) A person must not market any seed potatoes other than-

- (a) pre-basic seed potatoes;
- (b) basic seed potatoes;
- (c) certified seed potatoes;
- (d) scientific and selection seed potatoes; or
- (e) test and trial seed potatoes.

(2) A person must not market any seed potatoes treated with a product which is produced primarily as an application for inhibiting germination.

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(1) 1947 t.48.

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(1) 1947 c.48.

(3) Yn y rheoliad hwn, ystyr "tatws hadyd gwyddonol a rhai i'w dethol" ("*scientific and selection seed potatoes*") yw tatws hadyd-

- (a) o ran tatws hadyd a gynhyrchir yng Nghymru, sydd yn datws hadyd yr awdurdododd y Cynulliad Cenedlaethol eu marchnata yn unol â rheoliad 7; a
- (b) o ran tatws hadyd a gynhyrchir y tu allan i Gymru, sydd yn datws hadyd yr awdurdododd yr Awdurdod Ardystio yn y wlad neu'r diriogaeth lle cynhyrchwyd y tatws eu marchnata yn unol ag Erthygl 6(1)(a) o'r Gyfarwyddeb.

### Marchnata yn y rhanbarth sydd wedi'i ddiogelu

5. Rhaid i berson beidio â marchnata unrhyw datws hadyd o fewn y rhanbarth sydd wedi'i ddiogelu ac eithrio-

- (a) tatws hadyd cyn-sylfaenol; neu
- (b) tatws hadyd sylfaenol sydd wedi cael eu graddio gyda Gradd Gymuned ac sy'n bodloni gofynion Penderfyniad y Comisiwn 2004/3/EC dyddiedig 19 Rhagfyr 2003 yn awdurdodi, o ran marchnata tatws hadyd yn y cyfan o diriogaeth Aelod-wladwriaethau penodol, neu mewn rhan ohono, fesurau llymach yn erbyn clefydau penodol nag a ddarperir ar eu cyfer yn Atodiadau I a II i Gyfarwyddeb y Cyngor 2002/56/EC(1).

### Maint tatws hadyd

6.-(1) Rhaid i berson beidio â marchnata unrhyw datws hadyd ac eithrio tatws hadyd o ddsbarth TC cyn-sylfaenol onid yw lleiafswm eu maint yn eu rhwystro rhag mynd drwy rwyll sgwâr 25 o filimetrau x 25 o filimetrau.

(2) Rhaid i berson beidio â marchnata unrhyw datws hadyd mewn lot pan fo mwyafswm yr amrywiad rhwng cloron yn gyfryw a bod y gwahaniaeth rhwng y maint lleiaf a ganiateir a'r maint mwyaf a ganiateir yn fwy na 25 o filimetrau.

(3) Mae gofynion paragraff (2) i gael eu trin fel petaent wedi eu bodloni cyhyd ag nad oes mwy na thri y cant o bwysau cyfan y cloron yn y lot yn cynnwys-

- (a) cloron sy'n llai na'r maint lleiaf a ganiateir; neu
- (b) cloron sy'n fwy na'r maint mwyaf a ganiateir.

(4) At ddibenion y rheoliad hwn-

- (a) ystyr "y maint lleiaf a ganiateir" ("*the lower size limit*") yw mesuriadau sgwâr mwyaf y rhwyll nad elo'r gloronen leiaf drwyddi; ac

(3) In this regulation, "scientific and selection seed potatoes" ("*tatws hadyd gwyddonol a rhai i'w dethol*") means seed potatoes which-

- (a) in relation to seed potatoes produced in Wales, are seed potatoes which have been authorised by the National Assembly for marketing in accordance with regulation 7; and
- (b) in relation to seed potatoes produced outside Wales, are seed potatoes which have been authorised by the Certification Authority in the country or territory where the potatoes were produced for marketing in accordance with Article 6(1)(a) of the Directive.

### Marketing in the protected region

5. A person must not market any seed potatoes within the protected region other than-

- (a) pre-basic seed potatoes; or
- (b) basic seed potatoes which have been graded at a Community Grade and which meet the requirements of Commission Decision 2004/3/EC of 19 December 2003 authorising, in respect of the marketing of seed potatoes in all or part of the territory of certain member States, more stringent measures against certain diseases than are provided for in Annexes I and II to Council Directive 2002/56/EC(1).

### Size of seed potatoes

6.-(1) A person must not market any seed potatoes other than seed potatoes of pre-basic TC class unless they have a minimum size such that they do not pass through a square mesh of 25 millimetres x 25 millimetres.

(2) A person must not market any seed potatoes in a lot in which the maximum variation in size between tubers is such that the difference between the lower size limit and the upper size limit exceeds 25 millimetres.

(3) The requirements of paragraph (2) are to be treated as being met provided that no more than three per cent of the total weight of tubers in the lot consist of-

- (a) tubers which are smaller than the lower size limit; or
- (b) tubers which are larger than the upper size limit.

(4) For the purposes of this regulation-

- (a) "the lower size limit" ("*y maint lleiaf a ganiateir*") means the dimensions of the largest square mesh through which the smallest tuber does not pass; and

(1) OJ L 2, 6.1.2004, t.47.

(1) OJ L 2, 6.1.2004, p47.

(b) ystyr "y maint mwyaf a ganiateir" ("*the upper size limit*") yw mesuriadau sgwâr mwyaf y rhwyll nad elo'r gloronen fwyafa drwyddi;

(5) Pan fo'n ofynnol datgan maint tatws hadyd yn unol â'r Rheoliadau hyn, rhaid datgan-

(a) mesuriadau sgwariau'r rhwyll nad elo'r cloron drwyddi, pan mai'r un yw'r maint lleiaf a ganiateir â'r maint mwyaf a ganiateir; neu

(b) y maint lleiaf a ganiateir a'r maint mwyaf a ganiateir pan fo'r rhain yn wahanol i'w gilydd.

(6) At ddibenion paragraff (5), mae mesuriadau o fwy na 35 o filimetrau i gael eu datgan at y pum milimetr agosaf.

### **Marchnata tatws hadyd at ddibenion gwyddonol neu waith dethol**

7.-(1) Caiff y Cynulliad Cenedlaethol awdurdodi marchnata tatws hadyd fesul ychydig at ddibenion gwyddonol neu waith dethol yn unol â'r rheoliad hwn.

(2) Rhaid i'r Cynulliad Cenedlaethol beidio ag awdurdodi marchnata tatws hadyd sy'n cynnwys unrhyw ddeunydd sydd wedi ei addasu'n enetig oni bai bod awdurdodiad mewn grym o dan y Rheoliad Bwyd a Bwyd Anifeiliaid neu o dan Ran C o'r Gyfarwyddeb Gollyngiadau Bwriadol.

(3) Rhaid i gais am awdurdodiad i farchnata tatws hadyd yn unol â pharagraff (1) gael ei wneud yn ysgrifenedig i'r Cynulliad Cenedlaethol a rhaid bod gydag ef wybodaeth o'r fath ag a fo'n ofynnol gan y Cynulliad Cenedlaethol.

### **Marchnata tatws hadyd at ddibenion profi a threialu**

8.-(1) Caiff y Cynulliad Cenedlaethol awdurdodi marchnata tatws hadyd ar gyfer profion neu dreialon ar fentrau amaethyddol er mwyn casglu gwybodaeth ar drin neu ddefnyddio amrywogaeth o rywogaeth o datws yn unol â'r rheoliad hwn ac ag Atodlen 5.

(2) Rhaid i gais am awdurdodiad neu i adnewyddu awdurdodiad i farchnata tatws hadyd yn unol â pharagraff (1) gael ei wneud yn ysgrifenedig i'r Cynulliad Cenedlaethol a rhaid bod gydag ef wybodaeth o'r fath ag a fo'n ofynnol gan y Cynulliad Cenedlaethol.

(3) Rhaid i'r Cynulliad Cenedlaethol beidio ag awdurdodi marchnata-

(a) swm o datws hadyd sy'n fwy nag a ganiateir gan Erthygl 7 o Benderfyniad y Comisiwn 2004/842/EC;

(b) tatws hadyd sy'n cynnwys unrhyw ddeunydd

(b) "the upper size limit" ("*y maint mwyaf a ganiateir*") means the dimensions of the largest square mesh through which the largest tuber does not pass.

(5) Where the size of seed potatoes is required to be stated in accordance with these Regulations, there must be stated-

(a) the dimensions of the square mesh through which the tubers do not pass, where the lower size limit and the upper size limit are the same; or

(b) the lower size limit and the upper size limit, where these are not the same.

(6) For the purposes of paragraph (5), dimensions of more than 35 millimetres are to be stated to the nearest five millimetres.

### **Marketing of seed potatoes for scientific purposes or selection work**

7.-(1) The National Assembly may authorise marketing of small quantities of seed potatoes for scientific purposes or selection work in accordance with this regulation.

(2) The National Assembly must not authorise marketing of seed potatoes which contain any genetically modified material unless an authorisation is in force under the Food and Feed Regulation or Part C of the Deliberate Release Directive.

(3) Application for authorisation to market seed potatoes in accordance with paragraph (1) must be made in writing to the National Assembly and must be accompanied by such information as it may require.

### **Marketing of seed potatoes for test and trial purposes**

8.-(1) The National Assembly may authorise marketing of seed potatoes for tests or trials carried out at agricultural enterprises to gather information on the cultivation or use of a variety of potato species in accordance with this regulation and Schedule 5.

(2) Application for authorisation or renewal of authorisation to market seed potatoes in accordance with paragraph (1) must be made in writing to the National Assembly and must be accompanied by such information as it may require.

(3) The National Assembly must not authorise marketing-

(a) of an amount of seed potatoes in excess of that permitted by Article 7 of Commission Decision 2004/842/EC;

(b) of seed potatoes which contain any genetically

sydd wedi ei addasu'n enetig oni bai bod y deunydd hwnnw wedi ei awdurdodi o dan y Rheoliad Bwyd a Bwyd Anifeiliaid neu o dan Ran C o'r Gyfarwyddeb Gollyngiadau Bwriadol.

(4) Caiff awdurdodiad a roddir yn unol â pharagraff (1), neu adnewyddu awdurdodiad o'r fath, fod am gyfnod o flwyddyn neu am unrhyw gyfnod byrrach a bennir gan y Cynulliad Cenedlaethol.

(5) Wrth awdurdodi marchnata yn unol â pharagraff (1), caiff y Cynulliad Cenedlaethol osod yr amodau hynny ag y mae'n tybio eu bod yn angenrheidiol neu yn ddymunol o ystyried natur y profion neu'r treialon a natur y tatws hadyd y mae'r cais yn ymwneud â hwy gan gynnwys amod yn ymwneud â chadw cofnodion o ran marchnata'r tatws hadyd.

(6) Mae awdurdodiad a roddir yn unol â pharagraff (1) yn peidio â bod yn effeithiol-

- (a) pan fo'r cais y cyfeirir ato ym mharagraff (3)(a) o Atodlen 5 yn cael ei dynnu'n ôl neu ei wrthod yn unol â'r Rheoliadau Hadau (Rhestrau Cenedlaethol o Amrywogaethau) 2001; neu
- (b) bod yr amrywogaeth o rywogaeth y mae'r tatws hadyd y mae'r awdurdodiad yn ymwneud â hwy wedi ei gofnodi mewn Rhestr Genedlaethol neu yn y Catalog Cyffredin.

(7) Caiff y Cynulliad Cenedlaethol dynnu'n ôl unrhyw awdurdodiad a roddir yn unol â pharagraff (1) pan dorrir unrhyw amod y cyfeirir ato ym mharagraff (5).

(8) Caiff y Cynulliad Cenedlaethol ei gwneud yn ofynnol i'r person a gafodd awdurdodiad yn unol â pharagraff (1) ddarparu gwybodaeth i'r Cynulliad Cenedlaethol ynglŷn â-

- (a) canlyniadau'r profion neu'r treialon y mae'r awdurdodiad yn ymwneud â nhw; neu
- (b) symiau'r tatws hadyd a farchnatawyd yn ystod y cyfnod a awdurdodwyd ac enw'r Aelod-wladwriaeth lle bwriedir marchnata'r tatws hadyd.

### **Ardystio tatws hadyd**

9.-(1) Rhaid i ardystio tatws hadyd a gynhyrchir yng Nghymru fod yn unol â'r rheoliad hwn.

(2) Rhaid i swyddog awdurdodedig ardystio bod tatws hadyd a gynhyrchir yng Nghymru naill ai-

- (a) yn datws hadyd cyn-sylfaenol,
- (b) yn datws hadyd sylfaenol, neu
- (c) yn datws hadyd ardystiedig,

os yw gofnion paragraff (3) wedi'u bodloni.

(3) Y gofynion y cyfeirir atynt ym mharagraff (2) yw-

modified material unless that material is authorised under the Food and Feed Regulation or Part C of the Deliberate Release Directive.

(4) Authorisation given in accordance with paragraph (1), or the renewal of such authorisation, may be for a period of one year or such shorter period as the National Assembly may specify.

(5) In authorising marketing in accordance with paragraph (1), the National Assembly may impose such conditions as it thinks necessary or desirable having regard to the nature of the tests or trials and the nature of the seed potatoes to which the application relates, including a condition relating to the keeping of records in respect of the marketing of the seed potatoes.

(6) Authorisation given in accordance with paragraph (1) ceases to have effect where-

- (a) the application referred to in paragraph (3)(a) of Schedule 5 is withdrawn or rejected in accordance with the Seeds (National Lists of Varieties) Regulations 2001; or
- (b) the variety of potato species to which the seed potatoes to which the authorisation relates belong is entered in a National List or the Common Catalogue.

(7) The National Assembly may withdraw authorisation given in accordance with paragraph (1) where there is a breach of any condition referred to in paragraph (5).

(8) The National Assembly may require the person to whom authorisation has been given in accordance with paragraph (1) to provide it with information about-

- (a) the results of the tests or trials to which the authorisation relates; or
- (b) the quantities of seed potatoes marketed during the authorised period and the name of the member State in which the seed potatoes are intended to be marketed.

### **Certification of seed potatoes**

9.-(1) Certification of seed potatoes produced in Wales must be in accordance with this regulation.

(2) An authorised officer must certify seed potatoes produced in Wales as being-

- (a) pre-basic seed potatoes,
- (b) basic seed potatoes, or
- (c) certified seed potatoes,

if the requirements of paragraph (3) are satisfied.

(3) The requirements mentioned in paragraph (2) are that-

- (a) bod tystysgrif cnwd sy'n tyfu wedi cael ei dyroddi o ran y tatws hadyd; a
- (b) o'u harchwilio'n swyddogol bod canfyddiad wedi ei wneud nad yw'r tatws hadyd dros ben unrhyw un o'r goddefiannau ar gyfer clefydau neu blâu, difrod neu ddiffygion a bennir yn narpariaethau priodol Atodlen 3.

(4) Rhaid i gais am ardystiad o datws hadyd a gynhyrchir yng Nghymru gael ei wneud yn ysgrifenedig i'r Cynulliad Cenedlaethol a rhaid bod gydag ef wybodaeth o'r fath ag a fo'n ofynnol gan y Cynulliad Cenedlaethol.

(5) At ddibenion paragraff (2), mae label swyddogol a ddyroddwyd yn unol â'r Rheoliadau hyn o ran tatws hadyd cyn-sylfaenol, tatws hadyd sylfaenol neu datws hadyd ardystiedig yn dystiolaeth ddigonol bod swyddog awdurdodedig wedi ardystio bod y tatws hadyd y mae'r label yn ymwneud â nhw yn datws hadyd cyn-sylfaenol, yn datws hadyd sylfaenol neu yn datws hadyd ardystiedig, yn ôl y digwydd.

### Cyfansoddiad lotiau o datws hadyd

10.-(1) Rhaid i berson beidio â marchnata tatws hadyd cyn-sylfaenol, tatws hadyd sylfaenol na thatws hadyd ardystiedig ac eithrio mewn lot a'i chynnwys yn gyfangwbl yn datws hadyd-

- (a) o un categori;
- (b) o un amrywogaeth; ac
- (c) o un dosbarth.

(2) Rhaid i berson beidio â marchnata tatws hadyd sydd i'w profi a'u treialu ac eithrio mewn lot a'i chynnwys yn gyfangwbl yn datws hadyd o un amrywogaeth;

(3) At ddibenion y rheoliad hwn rhaid trin lot o datws hadyd fel petai ei chynnwys yn gyfangwbl o un amrywogaeth cyn belled â bod-

- (a) o ran tatws hadyd a gynhyrchir yng Nghymru, nad yw nifer y tatws hadyd yn y lot nad ydynt o'r wir amrywogaeth mewn perthynas â'r nifer cyfan o datws hadyd yn y lot-
  - (i) yn achos tatws hadyd cyn-sylfaenol heb fod yn fwy na 0.01 y cant;
  - (ii) yn achos tatws hadyd sylfaenol heb fod yn fwy na 0.1 y cant; ac
  - (iii) yn achos tatws hadyd ardystiedig neu datws hadyd sydd i'w profi a'u treialu heb fod yn fwy na 0.2 y cant; ac
- (b) o ran tatws hadyd a gynhyrchir y tu allan i Gymru, bod y lot yn ddigon cydryw yn unol â'r safonau a osodir gan yr Awdurdod Ardystio yn unol â'r Gyfarwyddeb o ran marchnata'r tatws hynny.

- (a) a growing crop certificate has been issued in relation to the seed potatoes; and
- (b) on official examination the seed potatoes have been found not to exceed any of the tolerances for diseases or pests, damage or defects specified in the appropriate provisions of Schedule 3.

(4) Application for certification of seed potatoes produced in Wales must be made in writing to the National Assembly and must be accompanied by such information as it may require.

(5) For the purposes of paragraph (2), an official label issued in accordance with these Regulations in relation to pre-basic seed potatoes, basic seed potatoes or certified seed potatoes is sufficient evidence that an authorised officer has certified the seed potatoes to which the official label relates as being pre-basic seed potatoes, basic seed potatoes or certified seed potatoes, as the case may be.

### Composition of lots of seed potatoes

10.-(1) A person must not market pre-basic seed potatoes, basic seed potatoes or certified seed potatoes otherwise than in a lot consisting wholly of seed potatoes of-

- (a) one category;
- (b) one variety; and
- (c) one class.

(2) A person must not market test and trial seed potatoes otherwise than in a lot consisting wholly of seed potatoes of one variety.

(3) For the purposes of this regulation a lot of seed potatoes must be treated as if it consists wholly of one variety provided that-

- (a) in relation to seed potatoes produced in Wales, the number of seed potatoes in the lot which is not true to variety in relation to the total number of seed potatoes in the lot-
  - (i) in the case of pre-basic seed potatoes is no more than 0.01 per cent;
  - (ii) in the case of basic seed potatoes is no more than 0.1 per cent; and
  - (iii) in the case of certified seed potatoes or test and trial seed potatoes is no more than 0.2 per cent; and
- (b) in relation to seed potatoes produced outside Wales, the lot is sufficiently homogeneous in accordance with the standards imposed by the Certification Authority pursuant to the Directive in respect of the marketing of those potatoes.

## **Pecynnau a chynhwysyddion ar gyfer tatws hadyd**

11. Yn ddarostyngedig i reoliad 17, rhaid i berson beidio â marchnata unrhyw datws hadyd ac eithrio mewn pecyn neu gynhwysydd.

## **Labelu pecynnau a chynhwysyddion tatws hadyd**

12.-(1) Yn ddarostyngedig i reoliad 17, rhaid i berson beidio â marchnata-

- (a) tatws hadyd cyn-sylfaenol,
- (b) tatws hadyd sylfaenol,
- (c) tatws hadyd ardystiedig, na
- (ch) tatws hadyd sydd i'w profi a'u treialu,

ac eithrio mewn pecyn neu gynhwysydd wedi'i labelu'n briodol yn unol â'r rheoliad hwn.

(2) At ddibenion y rheoliad hwn, ystyr pecyn neu gynhwysydd wedi'i labelu'n briodol yw pecyn neu gynhwysydd-

- (a) sydd â label swyddogol ynghlwm i'r tu allan iddo; ac
- (b) yn ddarostyngedig i baragraff (3), sy'n cynnwys dogfen swyddogol.

(3) Nid yw paragraff (2)(b) yn gymwys-

- (a) pan fo'r manylion a bennir ym mharagraff 14 o Atodlen 2 wedi'u hargraffu'n annileadwy ar y pecyn neu'r cynhwysydd; neu
- (b) pan fo'r label swyddogol o ddeunydd gludiog neu o ddeunydd sy'n gwrthsefyll traul.

(4) Rhaid i gais i'r Cynulliad Cenedlaethol am labelau swyddogol gael ei wneud yn ysgrifenedig a rhaid bod gydag ef wybodaeth o'r fath ag a fo'n ofynnol gan y Cynulliad Cenedlaethol.

(5) Ar ôl iddo'i fodloni ei hun o'r canlynol yn unig y mae'r Cynulliad Cenedlaethol i ddyroddi label swyddogol neu ddogfen swyddogol-

- (a) bod y tatws hadyd yn datws hadyd cyn-sylfaenol, yn datws hadyd sylfaenol, yn datws hadyd ardystiedig neu'n datws hadyd sydd i'w profi a'u treialu;
- (b) mae'r tatws hadyd yn cydymffurfio â'r gofynion maint lleiaf a bennir yn rheoliad 6(1) ac nid yw'r amrywiad mwyaf mewn maint rhwng cloron yn fwy na'r hyn a bennir yn rheoliad 6(2);
- (c) mae'r tatws hadyd wedi eu cynnwys mewn pecyn neu gynhwysydd;
- (ch) nid yw'r tatws hadyd wedi cael eu trin â chynnyrch a gynhyrchir yn bennaf fel eli i lesteirio eginiaid;
- (d) cafodd y tatws hadyd eu cynaeafu, eu storio, eu cludo a'u trafod mewn modd sy'n lleihau hyd yr eithaf risg o halogiad drwy unrhyw un o'r

## **Packages and containers for seed potatoes**

11. Subject to regulation 17, a person must not market any seed potatoes otherwise than in a package or container.

## **Labelling of packages and containers of seed potatoes**

12.-(1) Subject to regulation 17, a person must not market-

- (a) pre-basic seed potatoes,
- (b) basic seed potatoes,
- (c) certified seed potatoes, or
- (d) test and trial seed potatoes,

other than in a properly labelled package or container in accordance with this regulation.

(2) For the purposes of this regulation, a properly labelled package or container means a package or container that-

- (a) has affixed to the outside an official label; and
- (b) subject to paragraph (3), contains an official document.

(3) Paragraph (2)(b) does not apply where-

- (a) the particulars specified in paragraph 14 of Schedule 2 are indelibly printed on the package or container; or
- (b) the official label is of an adhesive or wear and tear resistant material.

(4) Applications to the National Assembly for official labels and official documents must be made in writing and must be accompanied by such information as it may require.

(5) The National Assembly must only issue an official label or an official document where it is satisfied that-

- (a) the seed potatoes are pre-basic seed potatoes, basic seed potatoes, certified seed potatoes or test and trial seed potatoes;
- (b) the seed potatoes comply with the minimum size requirements specified in regulation 6(1) and that the maximum variation in size between tubers does not exceed that specified in regulation 6(2);
- (c) the seed potatoes are contained in a package or container;
- (d) the seed potatoes have not been treated with a product which is produced primarily as an application for inhibiting germination;
- (e) the seed potatoes have been harvested, stored, transported and handled so as to minimise the risk of contamination by any of the diseases or

clefydau neu'r plâu a bennir yn Atodlen 3;

(dd) yn ôl sampl a gymerir yn unol â rheoliad 18, nid yw'r tatws hadyd yn mynd dros ben unrhyw un o'r goddefiannau ar gyfer clefydau, plâu, difrod neu ddiffygion a bennir yn y rhan briodol o Atodlen 3; ac

(e) ni fu unrhyw fethiant arall i gydymffurfio â'r rheoliadau hyn o ran unrhyw un o'r tatws hadyd.

(6) Os cafodd pecyn neu gynhwysydd ei ail selio gan swyddog awdurdodedig yn unol â rheoliad 13(4) rhaid i'r label swyddogol ddatgan-

(a) bod y pecyn neu'r cynhwysydd wedi cael ei ail selio felly;

(b) dyddiad yr ail selio; ac

(c) enw'r swyddog awdurdodedig fu'n gyfrifol am yr ail selio.

(7) Pan fo unrhyw datws hadyd cyn-sylfaenol, tatws hadyd sylfaenol, tatws hadyd ardystiedig neu datws hadyd sydd i'w profi a'u treialu wedi cael eu trin ag unrhyw gynnyrch cemegol, rhaid i fath a swyddogaeth neu enw priodol y cynnyrch hwnnw-

(a) fod wedi ei ddatgan ar label sydd ynghlwm wrth y pecyn neu'r cynhwysydd; a

(b) naill ai-

(i) fod wedi ei ddatgan ar ddogfen sydd yn y pecyn neu'r cynhwysydd; neu

(ii) fod wedi ei ddatgan yn annileadwy ar y pecyn neu'r cynhwysydd;

(8) At ddibenion adran 16(7)(a) o'r Ddeddf, ni ellir dal fod gwybodaeth sy'n ymwneud ag amrywogaeth o datws hadyd a geir mewn datganiad statudol yn gamarweiniol mewn manylyn perthnasol yn unig am ei fod yn gamarweiniol-

(a) yn achos tatws hadyd cyn-sylfaenol, o ran dim mwy na 0.01 y cant o'r tatws hadyd;

(b) yn achos tatws hadyd sylfaenol, o ran dim mwy na 0.1 y cant o'r tatws hadyd; ac

(c) yn achos tatws hadyd ardystiedig a thatws hadyd sydd i'w profi a'u treialu, o ran dim mwy na 0.2 y cant o'r tatws hadyd.

(9) Ac eithrio yn unol â gofynion y Ddeddf, y Rheoliadau hyn neu Orchmynion a wnaed o dan Ddeddf Iechyd Planhigion 1967(1), rhaid i berson beidio, mewn cysylltiad â marchnata unrhyw datws hadyd, neu mewn cysylltiad â'u paratoi at y farchnad, mynd ati'n fwriadol i atgynhyrchu, symud ymaith, altro, difwyno, cuddio neu gamdrin mewn unrhyw fodd unrhyw label swyddogol neu ddogfen swyddogol, neu unrhyw label sydd ynghlwm neu ddogfen a gyflenwir yn unol â pharagraff (2).

pests specified in Schedule 3;

(f) on a sample taken in accordance with regulation 18, the seed potatoes do not exceed any of the tolerances for diseases, pests, damage or defects specified in the appropriate part of Schedule 3; and

(g) there has been no other failure to comply with these Regulations in respect of any of the seed potatoes.

(6) If a package or container has been re-sealed by an authorised officer in accordance with regulation 13(4) the official label must state-

(a) that the package or container has been so re-sealed;

(b) the date of re-sealing; and

(c) the name of the authorised officer responsible for re-sealing.

(7) Where any pre-basic seed potatoes, basic seed potatoes, certified seed potatoes or test and trial seed potatoes have been treated with any chemical product, the type and function or the proprietary name of that product must be-

(a) stated on a label affixed to the package or container; and

(b) either-

(i) stated on a document contained in the package or container; or

(ii) indelibly printed on the package or container.

(8) For the purposes of section 16(7)(a) of the Act, information relating to a variety of seed potatoes contained in a statutory statement is not to be held to be false in a material particular by reason only that it is false-

(a) in the case of pre-basic seed potatoes, in respect of no more than 0.01 per cent of the seed potatoes;

(b) in the case of basic seed potatoes, in respect of no more than 0.1 per cent of the seed potatoes; and

(c) in the case of certified seed potatoes and test and trial seed potatoes, in respect of no more than 0.2 per cent of the seed potatoes.

(9) Except in accordance with the requirements of the Act, these Regulations or Orders made under the Plant Health Act 1967(1), a person must not, in connection with the marketing or the preparation for the marketing of any seed potatoes, wilfully reproduce, remove, alter, deface, conceal or misuse in any way any official label or official document, or any label affixed or document supplied in accordance with paragraph (2).

### **Selio pecynnau a chynhwysyddion**

13.-(1) Yn ddarostyngedig i reoliad 17, rhaid i berson beidio â marchnata-

- (a) tatws hadyd cyn-sylfaenol,
- (b) tatws hadyd sylfaenol,
- (c) tatws hadyd ardystiedig, na
- (ch) tatws hadyd sydd i'w profi a'u treialu,

ac eithrio mewn pecyn neu gynhwysydd wedi ei selio'n briodol.

(2) At ddibenion y rheoliad hwn, ystyr pecyn neu gynhwysydd wedi'i selio'n briodol yw pecyn neu gynhwysydd-

- (a) ar gyfer tatws hadyd a gynhyrchir yng Nghymru, pecyn neu gynhwysydd caeëdig sydd wedi cael ei selio â dyfais selio nas torrwyd, gan swyddog awdurdodedig neu dan ei oruchwyliaeth; a
- (b) ar gyfer tatws hadyd a gynhyrchir y tu allan i Gymru, pecyn neu gynhwysydd caeëdig sydd wedi cael ei selio yn unol ag Erthygl 11(1) o'r Gyfarwyddeb.

(3) At ddibenion y rheoliad hwn ystyr "dyfais selio" ("*sealing device*") yw dyfais a gymhwyswyd i'r pecyn neu'r cynhwysydd yn y fath fodd fel y bydd yn cael ei thorri pan agorir y pecyn neu'r cynhwysydd.

(4) Pan fo dyfais selio ar becyn neu gynhwysydd wedi ei thorri, rhaid peidio ag ail selio'r pecyn neu'r cynhwysydd â dyfais selio ac eithrio gan swyddog awdurdodedig neu o dan ei oruchwyliaeth.

### **Dull adnabod tatws hadyd sydd wedi cael eu haddasu'n enetig**

14. Rhaid i berson beidio â marchnata tatws hadyd sydd wedi eu haddasu'n enetig oni bai-

- (a) y dangosir yn glir mewn unrhyw wybodaeth farchnata, gan gynnwys unrhyw gatalog gwerthu neu sylwadau marchnata eraill a ddarperir gan y person sy'n gwerthu'r tatws hadyd, bod y tatws hadyd wedi cael eu haddasu'n enetig; a
- (b) bod unrhyw label swyddogol neu ddogfen swyddogol, neu label neu ddogfen arall sydd ynghlwm wrth, sy'n mynd gyda neu sy'n ymwneud â'r tatws hadyd yn dangos yn glir eu bod wedi cael eu haddasu'n enetig.

### **Tatws hadyd o'r tu allan i'r Gymuned Ewropeaidd: gwybodaeth**

15. Rhaid i unrhyw berson sy'n marchnata mwy na dau gilogram o datws hadyd a fewnforiwyd i Gymru o'r tu allan i'r Gymuned Ewropeaidd roi i'r Cynulliad Cenedlaethol, yn ysgrifenedig ac o fewn mis i

### **Sealing of packages and containers**

13.-(1) Subject to regulation 17, a person must not market-

- (a) pre-basic seed potatoes,
- (b) basic seed potatoes,
- (c) certified seed potatoes, or
- (d) test and trial seed potatoes,

other than in a properly sealed package or container.

(2) For the purposes of this regulation, a properly sealed package or container means-

- (a) for seed potatoes produced in Wales, a closed package or container that has been sealed with an unbroken sealing device by or under the supervision of an authorised officer; and
- (b) for seed potatoes produced outside Wales, a closed package or container that has been sealed in accordance with Article 11(1) of the Directive.

(3) For the purposes of this regulation a "sealing device" ("*dyfais selio*") means a device applied in such a manner to a package or container that when the package or container is opened the device will be broken.

(4) Where a sealing device on a package or container is broken, the package or container must not be resealed with a sealing device otherwise than by or under the supervision of an authorised officer.

### **Identification of genetically modified seed potatoes**

14. A person must not market genetically modified seed potatoes unless-

- (a) it is clearly indicated in any marketing information, including any sales catalogue or other marketing representations provided by the person marketing the seed potatoes, that the seed potatoes have been genetically modified; and
- (b) any official label or official document, or other label or document, affixed to, accompanying or relating to the seed potatoes clearly indicates that they have been genetically modified.

### **Seed potatoes from outside the European Community: information**

15. Any person marketing more than two kilograms of seed potatoes that have been imported into Wales from a country outside the European Community must supply the National Assembly, in writing and within

farchnata'r tatws am y tro cyntaf, y manylion a bennir yn Atodlen 6.

### Manylion ar wahân

16. Yn ddarostyngedig i rheoliad 17, rhaid i berson sy'n gwerthu tatws hadyd cyn-sylfaenol, tatws hadyd sylfaenol, tatws hadyd ardystiedig neu datws hadyd sydd i'w profi a'u treialu ddyroddi i'r prynwr, dim hwyrach na 14 o ddiwrnodau ar ôl y gwerthiant, neu os nad yw'r tatws hadyd yn cael eu danfon ar adeg y gwerthiant, heb fod yn hwyrach na 14 o ddiwrnodau ar ôl eu danfon, nodyn gwerthiant, nodyn danfon, anfoneb neu ddogfen gyffelyb yn pennu, o ran y tatws hadyd, y manylion a bennir yn Atodlen 7.

### Manwerthiannau o datws hadyd

17. Nid yw Rheoliadau 11, 12, 13 a 16 yn gymwys i werthiant o lai na 50 o gilogramau o datws hadyd-

- (a) mewn amgylchiadau pan ddangosir yn amlwg ar adeg y gwerthiant ar label sydd ynghlwm wrth becyn sy'n cynnwys y tatws hadyd, neu ar ddogfen neu hysbysiad a osodir gerllaw y tatws hadyd, ddatganiad o'r manylion a bennir yn Atodlen 7; neu
- (b) mewn cynhwysyddion heb gael eu defnyddio o'r blaen at unrhyw ddiben sydd â'r manylion a bennir yn Atodlen 7 wedi eu hargraffu neu wedi eu marcio yn ddealladwy ac yn annileadwy mewn modd arall arnynt neu y ceir ynghlwm wrth neu o fewn pob un ohonynt label a farciwyd â'r manylion hynny.

### Samplu tatws hadyd

18.-(1) Rhaid i sampl o datws hadyd a gymerir at unrhyw ddiben mewn cysylltiad â'r Rheoliadau hyn gael ei gymryd yn unol â'r rheoliad hwn.

(2) Rhaid i sampl sy'n ofynnol-

- (a) at unrhyw ddiben mewn cysylltiad ag ardystio tatws hadyd a gynhyrchir yng Nghymru, neu
- (b) at unrhyw ddiben arall,

gael ei gymryd gan swyddog awdurdodedig ac, yn ddarostyngedig i baragraff (3), rhaid iddo fod o'r swmp neu'r nifer a ffurfio'r cyfryw ran neu rannau o'r cnwd sy'n tyfu neu sydd wedi eu gynaeafu ag sy'n briodol ym marn y swyddog awdurdodedig.

(3) Pan fo sampl yn ofynnol o dan baragraff (2)(b) ac mae crynswth y tatws hadyd y dyroddwyd tystysgrif cnwd sy'n tyfu iddynt yn datws hadyd-

- (a) sy'n ffurfio mwy nag un llwyth, neu
- (b) sy'n gysylltiedig â mwy nag un tystysgrif cnwd sy'n tyfu,

one month of the first marketing of the seed potatoes, with the particulars specified in Schedule 6.

### Separate particulars

16. Subject to regulation 17, a person who sells pre-basic seed potatoes, basic seed potatoes, certified seed potatoes or test and trial seed potatoes must issue to the buyer not later than 14 days after the sale, or, if the seed potatoes are not delivered at the time of sale, not later than 14 days after delivery thereof, a sale note, delivery note, invoice or similar document specifying in relation to the seed potatoes the particulars specified in Schedule 7.

### Retail sales of seed potatoes

17. Regulations 11, 12, 13 and 16 do not apply to a sale by retail of less than 50 kilograms of seed potatoes-

- (a) in circumstances where at the time of sale there is displayed conspicuously on a label affixed to a package containing the seed potatoes or on a document or notice placed in close proximity to the seed potatoes a statement of the particulars specified in Schedule 7; or
- (b) in containers that have not been previously used for any purpose upon each of which has been printed or otherwise legibly and indelibly marked the particulars specified in Schedule 7 or attached to or inserted in each of which is a label marked with those particulars.

### Sampling of seed potatoes

18.-(1) A sample of seed potatoes taken for any purpose in connection with these Regulations must be taken in accordance with this regulation.

(2) A sample required-

- (a) for any purpose in connection with certification of seed potatoes produced in Wales, or
- (b) for any other purpose,

must be taken by an authorised officer and, subject to paragraph (3), must be of such quantity or number and from such part or parts of the growing or harvested crop as the authorised officer considers to be appropriate.

(3) Where a sample is required under paragraph (2)(b) and the bulk of seed potatoes in respect of which a growing crop certificate has been issued consists of seed potatoes-

- (a) comprising more than one consignment, or
- (b) associated with more than one growing crop certificate,

mae'n rhaid ei rannu fel bod pob llwyth neu, yn ôl y digwydd, swmp y tatws sy'n gysylltiedig â phob tystysgrif cnwd sy'n tyfu yn ffurfio lot ar wahân a rhaid, os oes angen, samplu pob lot ar wahân.

### **Cadw cofnodion**

19.-(1) Rhaid i berson sy'n cynhyrchu tatws hadyd y bwriedir eu marchnata gadw cofnodion am gyfnod heb fod yn llai na dwy flynedd o bryniant y tatws hadyd y cynhyrchwyd y tatws hadyd hynny ohonynt ac o fanylion y cynydau a dyfwyd.

(2) Rhaid i berson sy'n marchnata tatws hadyd gadw cofnodion am gyfnod heb fod yn llai na dwy flynedd o'i farchnata ar datws hadyd o'r fath.

### **Gorfodi - pwerau i archwilio ac i fynnu cyflwyno**

20.-(1) Caiff swyddog awdurdodedig gynnal archwiliad a chymryd samplau o datws hadyd ac arolygu a chymryd copiâu o ddogfennau perthnasol at ddibenion sicrhau cydymffurfiaeth ag unrhyw ddarpariaeth yn y rheoliadau hyn.

(2) At ddibenion y rheoliad hwn rhaid i berson ganiatáu, ar unrhyw amser rhesymol, i swyddog awdurdodedig-

- (a) archwilio a chymryd samplau o datws hadyd sydd yn ei feddiant neu dan ei reolaeth; a
- (b) archwilio a chymryd copiâu o unrhyw ddogfen sydd yn ei feddiant neu dan ei reolaeth;

(3) At ddibenion y rheoliad hwn caiff swyddog awdurdodedig drwy hysbysiad ysgrifenedig a gyflwynir i berson ei gwneud yn ofynnol i'r person hwnnw-

- (a) gyflwyno unrhyw datws hadyd neu unrhyw ddogfen berthnasol neu sicrhau eu bod ar gael; neu
- (b) darparu gwybodaeth y mae'n ymwybodol ohoni neu'n ei chredu mewn cysylltiad â chynhyrchu, ardystio neu farchnata'r tatws hadyd.

(4) Rhaid i berson y cyflwynwyd hysbysiad iddo yn unol â pharagraff (3) gydymffurfio â gofynion yr hysbysiad hwnnw o fewn saith niwrnod i'w gyflwyno neu o fewn unrhyw gyfnod hwy o amser a bennir yn yr hysbysiad.

(5) At ddibenion y rheoliad hwn ystyr "dogfen berthnasol" ("*relevant document*") yw unrhyw dystysgrif cnwd yn tyfu, label swyddogol, dogfen swyddogol, dogfen neu label arall, neu gofnod neu anfoneb sy'n ymwneud â phlannu, cynhyrchu, ardystio neu farchnata tatws hadyd.

it must be divided so that each consignment or, as the case may be, the quantity of potatoes associated with each growing crop certificate constitutes a separate lot and each lot must, if necessary, be separately sampled.

### **Keeping of records**

19.-(1) A person who produces seed potatoes which are intended for marketing must maintain for a period of not less than two years records of purchase of the seed potatoes from which those seed potatoes were produced and particulars of the crops grown.

(2) A person who markets seed potatoes must maintain for a period of not less than two years a record of his or her marketing of such seed potatoes.

### **Enforcement - powers of examination and production**

20.-(1) An authorised officer may conduct an examination and take samples of seed potatoes and inspect and take copies of a relevant document for the purpose of ensuring compliance with any provision of these Regulations.

(2) For the purposes of this regulation a person must permit, at any reasonable time, an authorised officer to-

- (a) examine and take samples of seed potatoes in his or her possession or control; and
- (b) inspect and take copies of any relevant document in his or her possession or control.

(3) For the purposes of this regulation an authorised officer may by written notice served on a person require that person to-

- (a) produce or make available for examination any seed potatoes or relevant document; or
- (b) provide information within his or her knowledge or belief relating to the production, certification or marketing of the seed potatoes.

(4) A person on whom a notice is served in accordance with paragraph (3) must comply with the requirements of that notice within seven days of such service or such longer time as may be specified in the notice.

(5) For the purposes of this regulation "relevant document" ("*dogfen berthnasol*") means any growing crop certificate, official label, official document, other document or label, record or invoice relating to the planting, production, certification or marketing of seed potatoes.

**Gorfodi - pŵer i dynnu'n ôl labelau swyddogol, dogfennau swyddogol a thystysgrifau cnwd yn tyfu**

21.-(1) Caiff y Cynulliad Cenedlaethol dynnu'n ôl label swyddogol neu ddogfen swyddogol-

- (a) pan fo wedi'i fodloni fod y tatws hadyd y mae'r label swyddogol neu'r ddogfen swyddogol yn ymwneud â nhw-
  - (i) heb gael eu cynaeafu, eu storio, eu cludo neu eu trafod mewn modd sy'n lleihau hyd yr eithaf y risg o halogiad gan unrhyw un o'r clefydau neu'r plâu a bennir yn Atodlen 3;
  - (ii) yn ôl sampl a gymerir yn unol â rheoliad 18, yn mynd dros ben unrhyw un o'r goddefiannau ar gyfer clefydau, plâu, difrod neu ddiffygion a bennir yn y rhan briodol o Atodlen 3; neu
  - (iii) mewn modd arall yn methu â chydymffurfio â'r Rheoliadau hyn; neu
- (b) pan fo wedi'i fodloni bod y label swyddogol neu'r ddogfen swyddogol yn cynnwys unrhyw fanylyn sy'n anwir mewn mater perthnasol.

(2) Caiff y Cynulliad Cenedlaethol dynnu'n ôl dystysgrif cnwd yn tyfu pan fo wedi'i fodloni-

- (a) nad oes, neu nad oes bellach, gydymffurfiaeth â gofynion Atodlen 1; neu
- (b) bod y dystysgrif cnwd sy'n tyfu yn cynnwys unrhyw fanylyn sy'n anwir mewn mater perthnasol.

(3) Pan dynnir yn ôl label swyddogol neu ddogfen swyddogol yn unol â pharagraff (1)(a)(ii), caiff y tatws hadyd y cymerwyd y sampl ohonynt fod yn ddarostyngedig i archwiliad swyddogol er mwyn penderfynu a oes unrhyw rai ohonynt nad ydynt yn mynd dros ben y goddefiannau a bennir yn Atodlen 3.

(4) Pan gynhelir archwiliad swyddogol yn unol â pharagraff (3), caiff y Cynulliad Cenedlaethol ddyroddi label swyddogol neu ddogfen swyddogol mewn perthynas â'r tatws hadyd hynny y canfyddir nad ydynt yn mynd dros ben y goddefiannau a bennir yn Atodlen 3.

(5) Pan dynnir yn ôl label swyddogol, dogfen swyddogol neu dystysgrif cnwd yn tyfu yn unol â'r rheoliad hwn, caiff swyddogol awdurdodedig-

- (a) symud ymaith a chadw'r label swyddogol, y ddogfen swyddogol neu'r dystysgrif cnwd sy'n tyfu; neu
- (b) ei gwneud yn ofynnol i unrhyw berson y mae'r label swyddogol, y ddogfen swyddogol neu'r dystysgrif cnwd yn tyfu yn ei feddiant ei ddanfôn i'r swyddog awdurdodedig o fewn amser y caiff y swyddog awdurdodedig ei bennu.

**Enforcement - power to withdraw official labels, official documents and growing crop certificates**

21.-(1) The National Assembly may withdraw an official label or official document-

- (a) where it is satisfied that the seed potatoes to which the official label or official document relates-
  - (i) have not been harvested, stored, transported or handled so as to minimise the risk of contamination by any of the diseases or pests specified in Schedule 3;
  - (ii) on a sample taken in accordance with regulation 18, exceed any of the tolerances for diseases, pests, damage or defects specified in the appropriate part of Schedule 3; or
  - (iii) otherwise fail to comply with these Regulations; or
- (b) where it is satisfied that the official label or official document contains any particular which is false in a material respect.

(2) The National Assembly may withdraw a growing crop certificate where it is satisfied that-

- (a) the requirements of Schedule 1 are not, or are no longer, complied with; or
- (b) the growing crop certificate contains any particular which is false in a material respect.

(3) Where an official label or official document is withdrawn in accordance with paragraph (1)(a)(ii), the seed potatoes from which the sample was taken may be the subject of an official examination in order to determine whether any of them do not exceed the tolerances specified in Schedule 3.

(4) Where an official examination is conducted in accordance with paragraph (3), the National Assembly may issue an official label or official document in relation to such seed potatoes as are found not to exceed the tolerances in Schedule 3.

(5) Where an official label, official document or growing crop certificate is withdrawn in accordance with this regulation, an authorised officer may-

- (a) remove and retain the official label, official document or growing crop certificate; or
- (b) require any person in possession or charge of the official label, official document or growing crop certificate to deliver it to the authorised officer within such time as the authorised officer may specify.

(6) Rhaid i berson sydd â label swyddogol, dogfen swyddogol neu dystysgrif cnwd yn tyfu ac a gafodd ei thynnu'n ôl yn unol â'r rheoliad hwn yn ei feddiant neu dan ei reolaeth-

- (a) ganiatáu i swyddog awdurdodedig symud ymaith y label swyddogol, y ddogfen swyddogol neu'r dystysgrif cnwd yn tyfu yn unol â pharagraff (5)(a); a
- (b) cydymffurfio ag unrhyw beth a wnaed yn ofynnol yn unol â pharagraff (5)(b).

### Cyflwyno hysbysiadau

**22.**-(1) At ddibenion rheoliad 20(3), bernir bod hysbysiad wedi cael ei gyflwyno i unrhyw berson os caiff ei ddanfon ato'n bersonol neu os caiff ei adael iddo yn ei gartref neu yn ei fan gwaith hysbys diwethaf neu ei anfon drwy'r post mewn llythyr wedi ei gyfeirio ato yno.

(2) Caiff hysbysiad ei chyflwyno-

- (a) yn achos corff corfforaethol (ac eithrio partneriaeth gyfyngedig ei hatebolrwydd), i ysgrifennydd neu glerc y corff hwnnw yng nghyfeiriad swyddfa gofrestredig neu brif swyddfa'r corff hwnnw;
- (b) yn achos partneriaeth gan gynnwys partneriaeth Albanaidd (ac eithrio partneriaeth gyfyngedig ei hatebolrwydd), i bartner neu berson sy'n llywio neu'n rheoli busnes y bartneriaeth yng nghyfeiriad prif swyddfa'r bartneriaeth; neu
- (c) yn achos partneriaeth gyfyngedig ei hatebolrwydd, i aelod o'r bartneriaeth yng nghyfeiriad swyddfa gofrestredig neu brif swyddfa'r bartneriaeth honno,

ac at ddibenion y paragraff hwn prif swyddfa cwmni sy'n gofrestredig y tu allan i'r Deyrnas Unedig neu bartneriaeth sy'n cyflawni busnes y tu allan i'r Deyrnas Unedig yw ei brif swyddfa yn y Deyrnas Unedig.

### Diwygio darpariaethau'r Ddeddf

**23.**-(1) Mewn cysylltiad â darpariaethau'r Rheoliadau hyn addesir neu eithrir gweithrediad y darpariaethau a ganlyn o'r Ddeddf yn unol â darpariaethau'r rheoliad hwn.

(2) Addesir adran 25(1) megis at ddibenion yr adran honno bod unrhyw gyfeiriad at "premises" yn gyfeiriad at "premises" ("*mangre*") fel y'i diffinnir yn y Rheoliadau hyn a bod unrhyw gyfeiriad at is-adran sy'n cynnwys cyfeiriad at "*premises*" yn gyfeiriad at yr is-adran honno wedi ei haddasu felly.

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(1) Mewnosodwyd adran 25 gan Ddeddf y Cymunedau Ewropeaidd 1972 (1972 p. 68), Atodlen 3, Rhan III ac Atodlen 4, paragraff 5(2) a chan Ddeddf Cyfiawnder Troseddol 1982 (p. 48), Atodlen 6, paragraff 16.

(6) A person in possession or charge of an official label, official document or growing crop certificate that has been withdrawn in accordance with this regulation must-

- (a) permit an authorised officer to remove the official label, official document or growing crop certificate in accordance with paragraph (5)(a); and
- (b) comply with any requirement made in accordance with paragraph (5)(b).

### Service of notices

**22.**-(1) For the purposes of regulation 20(3), a notice is deemed to have been served on any person if it is delivered to him or her personally or left for him or her at his or her last known place of abode or business or sent through the post in a letter addressed to him or her there.

(2) A notice may-

- (a) in the case of a body corporate (other than a limited liability partnership), be served on the secretary or clerk of that body at the address of the registered or principal office of that body;
- (b) in the case of a partnership including a Scottish partnership (other than a limited liability partnership), be served on a partner or person having the control or management of the partnership business at the address of the principal office of the partnership; or
- (c) in the case of a limited liability partnership, be served on a member of the partnership at the address of the registered or principal office of that partnership,

and for the purposes of this paragraph the principal office of a company registered outside the United Kingdom or of a partnership carrying on business outside the United Kingdom is its principal office within the United Kingdom.

### Modification of provisions of the Act

**23.**-(1) In connection with the provisions of these Regulations the operation of the following provisions of the Act is modified or excluded in accordance with the provisions of this regulation.

(2) Section 25(1) is modified as if for the purposes of the section any reference to "premises" ("*mangre*") were a reference to premises as defined in these Regulations and any reference to a subsection containing a reference to premises were a reference to that subsection as so modified.

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(1) Section 25 was amended by the European Communities Act 1972 (c. 68), Schedule 3, Part III and Schedule 4, paragraph 5(2) and by the Criminal Justice Act 1982 (c. 48), Schedule 6, paragraph 16.

(3) Addesir adran 25(1) megis petai'r cyfeiriad at is-adran (4) o'r adran honno yn gyfeiriad at yr is-adran fel y'i haddaswyd gan ddarpariaeth paragraff (4).

(4) Yn adran 25(4) hepgorer y geiriau o "*potatoes*" (pan fo'n digwydd gyntaf) i'r diwedd.

(5) Yn adran 26, hepgorer adrannau (2), (4), (5), (6), (7), (8) a (9) .

### **Dirymiadau**

**24.** Dirymir y rheoliadau yn Atodlen 8 o ran Cymru.

(3) Section 25(1) is modified as if the reference to subsection (4) of that section were a reference to that subsection as modified by the provision of paragraph (4).

(4) In section 25(4) the words from "*potatoes*" (where it first occurs) to the end are omitted.

(5) In section 26, subsections (2), (4), (5), (6), (7), (8) and (9) are omitted.

### **Revocations**

**24.** The regulations in Schedule 8 are revoked in relation to Wales.

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

Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998(1).

7 Tachwedd 2006

7 November 2006

*D. Elis-Thomas*

Llywydd y Cynulliad Cenedlaethol

The Presiding Officer of the National Assembly

## TYSTYSGRIFAU CNWD SY'N TYFU

## GROWING CROP CERTIFICATES

## RHAN I

## PART I

## Cyffredinol

## General

1. Pan gaiff gais i ardystio unrhyw datws hadyd, rhaid i swyddog awdurdodedig-

1. On receipt of an application for certification of any seed potatoes, an authorised officer must-

- (a) dyrannu i'r person sy'n gwneud cais o'r fath rif sydd i'w alw yn "rhif adnabod y cynhyrchydd" (pan na fo un eisoes yn bod i'r person hwnnw);
- (b) ar ôl archwiliad swyddogol, benderfynu yn unol â'r Atodlen hon ac Atodlen 4 ym mha categorïau y mae modd marchnata'r tatws hadyd; ac
- (c) yn ddarostyngedig i baragraffau 3 i 11, dyroddi tystysgrif cnwd sy'n tyfu yn unol â pharagraff 2.

- (a) allocate to the person making such application a number to be known as a "producer's identification number" (where one does not already exist for that person);
- (b) following an official examination, determine in accordance with this Schedule and Schedule 4 the categories and classes at which the seed potatoes are capable of being marketed; and
- (c) subject to paragraphs 3 to 11, issue a growing crop certificate in accordance with paragraph 2.

2. Rhaid i dystysgrif cnwd sy'n tyfu ddatgan-

2. A growing crop certificate must state-

- (a) enw a chyfeiriad y ceisydd;
- (b) y categorïau a'r dosbarthiadau y penderfynodd y swyddog awdurdodedig fod modd marchnata'r tatws hadyd ynddynt yn unol â pharagraff 1(b);
- (c) enw'r uned amaethyddol y tyfwyd y cnwd arno;
- (ch) rhif adnabod y cynhyrchydd;
- (d) y dyddiad pan gafodd y cnwd sy'n tyfu ei arolygu;
- (dd) amrywogaeth y tatws hadyd;
- (e) ardal y tatws hadyd;
- (f) lleoliad y cae lle tyfwyd y tatws hadyd.

- (a) the name and address of the applicant;
- (b) the categories and classes at which the authorised officer has determined the seed potatoes are capable of being marketed in accordance with paragraph 1(b);
- (c) the name of the agricultural unit on which the crop was grown;
- (d) the producer's identification number;
- (e) the date on which the growing crop was inspected;
- (f) the variety of the seed potatoes;
- (g) the area of the seed potatoes;
- (h) the location of the field on which the seed potatoes were grown.

3. Ni ddyroddir tystysgrif cnwd sy'n tyfu ond pan fo swyddog awdurdodedig wedi'i fodloni o ran y tatws hadyd a arolygwyd ganddo ef-

3. A growing crop certificate may only be issued where an authorised officer is satisfied that in relation to the seed potatoes examined by him or her-

- (a) bod y tatws hadyd o amrywogaeth o rywogaeth o datws sydd wedi ei gofnodi mewn Rhestr Genedlaethol neu yn y Catalog Cyffredin;
- (b) bod y tatws hadyd mewn unrhyw un cnwd o un amrywogaeth;
- (c) bod y tatws hadyd wedi'u cymryd o gnwd sy'n iach o'r clefydau neu'r plâu a ganlyn-
  - (i) Clefyd y Ddafaden (*Synchytrium endobioticum* (Schilb.) Perc.);
  - (ii) Llyngyr tatws (rhywogaeth *Globodera*

- (a) the seed potatoes are of a variety of potato species entered in a National List or the Common Catalogue;
- (b) the seed potatoes in any one crop are of a single variety;
- (c) the seed potatoes are taken from a crop which is free from the following diseases or pests-
  - (i) Wart Disease (*Synchytrium endobioticum* (Schilb.) Perc.);
  - (ii) Potato Cyst Nematode (*Globodera* species

- sy'n heintio tatws);
- (iii) Pydredd y Meinwe (*Clavibacter michiganensis* (Smith) Davis et al. ssp. *Sepedonicus* (Spieck. & Kotth.) Davis et al.);
  - (iv) Y Gafod Lwyd (*Ralstonia solanacearum* (Smith) Yabuuchi et al.);
  - (v) Firoid y Gloronen Bigfain;
  - (vi) Chwilen Golorado (*Leptinotarsa decemlineata* (Say)); a
  - (vii) Llyngyr y Gloronen (*Ditylenchus destructor* (Thorne));
- (ch) nid yw'r tir y mae'r tatws hadyd yn tyfu arno neu lle tyfwyd hwy yn dir a ddynodwyd o dan Atodlen 14 i Orchymyn Iechyd Planhigion (Cymru) 2006(1) fel tir a halogwyd gan Glefyd y Ddafaden (*Synchytrium endobioticum* (Schilb.) Perc.) neu sydd o fewn parth diogelwch sydd wedi ei ddynodi o dan Gorchymyn hwnnw;
- (d) nid yw neu ni fu bylchu'n eithafol yn unman yn y cnwd sy'n tyfu;
  - (dd) ni chafodd y cnwd sy'n tyfu ei chwynu'n ormodol; ac
  - (e) cymerwyd pob cam rhesymol mewn hwsmonaeth yn effeithiol er mwyn atal plâu a heintiau rhag digwydd, datblygu nac ymledu.

- infesting potatoes);
- (iii) Ring Rot (*Clavibacter michiganensis* (Smith) Davis et al. ssp. *Sepedonicus* (Spieck. & Kotth.) Davis et al.);
  - (iv) Brown Rot (*Ralstonia solanacearum* (Smith) Yabuuchi et al.);
  - (v) Potato Spindle Tuber Viroid;
  - (vi) Colorado Beetle (*Leptinotarsa decemlineata* (Say)); and
  - (vii) Potato Tuber Eelworm (*Ditylenchus destructor* (Thorne));
- (d) the land on which the seed potatoes are growing or were grown is not land which is demarcated under Schedule 14 to the Plant Health (Wales) Order 2006(1) as contaminated with Wart Disease (*Synchytrium endobioticum* (Schilb.) Perc.) or is within a safety zone demarcated under that Order;
- (e) blanking in any of the growing crop of the seed potatoes is not or was not excessive;
  - (f) the growing crop has not been over-rogued; and
  - (g) all reasonable husbandry practices for the prevention of the occurrence, development or spread of pests and diseases have been effectively carried out.

## RHAN II

### Tatws hadyd cyn-sylfaenol

4. Rhaid peidio â dyroddi tystysgrif cnwd sy'n tyfu sy'n cynnwys datganiad bod modd marchnata tatws hadyd fel tatws hadyd cyn-sylfaenol o unrhyw dosbarth oni bai bod y swyddog awdurdodedig wedi'i fodloni-

- (a) oni chawsant eu tyfu mewn cyfrwng di-bridd, bod y tir lle mae'r tatws yn tyfu neu lle cawsant eu tyfu yn dir y canfyddwyd, o ganlyniad i brawf pridd swyddogol a wnaed cyn plannu'r cnwd, nad yw wedi ei halogi â'r llyngyr tatws (rhywogaeth *Globodera* sy'n heintio tatws); ac os canfyddwyd llyngyr tatws ar y tir hwnnw ar unrhyw adeg yn ystod y cyfnod o 12 mlynedd yn union cyn plannu'r cnwd-
- (i) nad yw'r tir bellach wedi'i ddynodi o dan Atodlen 15 i Orchymyn Iechyd Planhigion (Cymru) 2006 fel tir wedi'i heintio â llyngyr tatws;

## PART II

### Pre-basic seed potatoes

4. A growing crop certificate must not be issued containing a statement that seed potatoes are capable of being marketed as pre-basic seed potatoes of any class unless the authorised officer is satisfied that-

- (a) unless grown in a soil-free medium, the land on which the seed potatoes are growing or were grown is land which as a result of an official soil test carried out prior to the planting of the crop has been found not to be contaminated with potato cyst nematode (*Globodera* species infecting potatoes); and if potato cyst nematode has been found on that land at any time during the period of 12 years immediately preceding the planting of the crop that-
- (i) the land is no longer demarcated under Schedule 15 to the Plant Health (Wales) Order 2006 as infected with potato cyst nematode;

- (ii) bod chwe blynedd wedi mynd heibio ers y canfyddiad pendant diwethaf fod y tir wedi'i heintio â llyngyr tatws;
  - (iii) ac eithrio fel yr awdurdodir o dan baragraff 5 o Atodlen 15 i Orchymyn Iechyd Planhigion (Cymru) 2006, na chafodd y tir ei ddefnyddio i dyfu tatws ar unrhyw adeg yn ystod y cyfnod o 11 o flynyddoedd yn union cyn plannu'r cnwd; a
- (b) bod y tir lle mae'r tatws yn tyfu neu lle cawsant eu tyfu yn dir na chafodd ei ddefnyddio i dyfu tatws ar unrhyw adeg yn ystod y saith mlynedd yn union cyn plannu'r cnwd.

5. Rhaid peidio â dyroddi tystysgrif cnwd sy'n tyfu sy'n cynnwys datganiad bod modd marchnata tatws hadyd fel tatws hadyd cyn-sylfaenol o'r dosbarth TC cyn-sylfaenol oni bai bod y swyddog awdurdodedig wedi'i fodloni nad yw'r cnwd olynol nesaf a gynhyrchir allan o'r tatws hadyd yn debygol o gynnwys-

- (a) planhigion o amrywogaeth wahanol; neu
- (b) planhigion sydd wedi eu heffeithio gan firws cymhedrol neu ddifrifol.

6. Rhaid peidio â dyroddi tystysgrif cnwd sy'n tyfu sy'n cynnwys datganiad bod modd marchnata tatws hadyd fel tatws hadyd cyn sylfaenol o ddosbarth cyn-sylfaenol 1, cyn-sylfaenol 2, cyn-sylfaenol 3 na chyn-sylfaenol 4 oni bai, ym marn y swyddog awdurdodedig, nad yw'r cnwd olynol nesaf a gynhyrchir allan o'r tatws hadyd yn debygol o gynnwys-

- (a) mwy na 0.01 y cant yn ôl rhif y planhigion sy'n tyfu yn amrywio o'u hamrywogaeth a'u math; neu
- (b) mwy na 0.01 y cant yn ôl rhif y planhigion sy'n tyfu sy'n arddangos symptomau o heintiau firws sydd naill ai'n gymhedrol neu'n ddifrifol pan fo'r symptomau hynny i'w priodoli i haint yn y cnwd tarddiol.

### RHAN III

#### Tatws hadyd sylfaenol

7. Rhaid peidio â dyroddi tystysgrif cnwd sy'n tyfu sy'n cynnwys datganiad bod modd marchnata tatws hadyd fel tatws hadyd sylfaenol o unrhyw ddosbarth oni bai bod y swyddog awdurdodedig wedi'i fodloni-

- (a) bod y tir lle mae'r tatws yn tyfu neu lle cawsant eu tyfu yn dir y canfyddwyd, o ganlyniad i brawf pridd swyddogol a wnaed cyn plannu'r cnwd, nad yw wedi ei halogi â'r llyngyr tatws (rhywogaeth *Globodera* sy'n heintio tatws); ac os canfyddwyd llyngyr tatws ar y tir hwnnw ar

- (ii) six years have elapsed since the last positive finding of infection by potato cyst nematode on the land;
  - (iii) except as authorised under paragraph 5 of Schedule 15 to the Plant Health (Wales) Order 2006, the land has not been used for growing potatoes at any time during the period of 11 years immediately preceding the planting of the crop; and
- (b) the land on which the seed potatoes are growing or were grown is land which has not been used for growing potatoes at any time during the seven years immediately preceding the planting of the crop.

5. A growing crop certificate must not be issued containing a statement that seed potatoes are capable of being marketed as pre-basic seed potatoes of pre-basic TC class unless the authorised officer is satisfied that the immediately succeeding crop produced from the seed potatoes is not likely to contain-

- (a) plants of a different variety; or
- (b) plants affected by mild or severe virus.

6. A growing crop certificate must not be issued containing a statement that seed potatoes are capable of being marketed as pre-basic seed potatoes of pre-basic 1, pre-basic 2, pre-basic 3 or pre-basic 4 class unless, in the opinion of the authorised officer, the immediately succeeding crop produced from the seed potatoes is not likely to contain-

- (a) more than 0.01 per cent by number of growing plants which deviate from variety and type; or
- (b) more than 0.01 per cent by number of growing plants which show symptoms of either mild or severe virus diseases where those symptoms are attributable to infection in the mother crop.

### PART III

#### Basic seed potatoes

7. A growing crop certificate must not be issued containing a statement that seed potatoes are capable of being marketed as basic seed potatoes of any class unless the authorised officer is satisfied that-

- (a) the land on which the seed potatoes are growing or were grown is land which as a result of an official soil test carried out prior to the planting of the crop has been found not to be contaminated with potato cyst nematode (*Globodera* species infecting potatoes); and if

unrhyw adeg yn ystod y cyfnod o 12 mlynedd yn union cyn plannu'r cnwd-

- (i) nad yw'r tir bellach wedi ei ddynodi o dan Atodlen 15 i Orchymyn Iechyd Planhigion (Cymru) 2006 fel tir wedi'i heintio â llyngyr tatws;
  - (ii) bod chwe blynedd wedi mynd heibio ers y canfyddiad pendant diwethaf fod y tir wedi'i heintio â llyngyr tatws; a
  - (iii) ac eithrio fel yr awdurdodir o dan baragraff 5 o Atodlen 15 i Orchymyn Iechyd Planhigion (Cymru) 2006, na chafodd y tir ei ddefnyddio i dyfu tatws ar unrhyw adeg yn ystod y cyfnod o 11 o flynyddoedd yn union cyn plannu'r cnwd; a
- (b) bod y tir lle mae'r tatws yn tyfu neu lle cawsant eu tyfu yn dir na chafodd ei ddefnyddio i dyfu tatws ar unrhyw adeg yn ystod y pum mlynedd yn union cyn plannu'r cnwd.

**8.** Rhaid peidio â dyroddi tystysgrif cnwd sy'n tyfu sy'n cynnwys datganiad bod modd marchnata tatws hadyd sylfaenol o unrhyw ddsbarth oni bai, ym marn y swyddog awdurdodedig, bod y cnwd olynol nesaf a gynhyrchir allan o'r tatws hadyd yn debygol o gynnwys-

- (a) dim mwy na 0.25 y cant yn ôl rhif o blanhigion sy'n tyfu nad ydynt yn epilio yn driw i'w hamrywogaeth a dim mwy na 0.1 y cant yn ôl rhif o blanhigion sydd o amrywogaeth wahanol; a
- (b) dim mwy na 4 y cant yn ôl rhif o blanhigion sy'n arddangos symptomau, ac eithrio symptomau ysgafn, o heintiau firws naill ai gymhedrol neu ddifrifol sydd fwyaf cyffredin yn Ewrop pan fo'r symptomau hynny i'w priodoli i haint yn y cnwd tarddiol.

#### RHAN IV

##### Tatws hadyd ardystiedig

**9.** Rhaid peidio â dyroddi tystysgrif cnwd sy'n tyfu sy'n cynnwys datganiad bod modd marchnata tatws hadyd fel tatws hadyd ardystiedig yn achos tatws hadyd sydd yn tyfu neu a dyfwyd yn y rhanbarth sydd wedi'i ddiogelu.

**10.** Rhaid peidio â dyroddi tystysgrif cnwd sy'n tyfu sy'n cynnwys datganiad bod modd marchnata tatws hadyd fel tatws hadyd ardystiedig oni bai bod y swyddog awdurdodedig wedi'i fodloni-

- (a) bod y tir lle mae'r tatws yn tyfu neu lle cawsant eu tyfu yn dir y canfyddwyd, o ganlyniad i

potato cyst nematode has been found on that land at any time during the period of 12 years immediately preceding the planting of the crop that-

- (i) the land is no longer demarcated under Schedule 15 to the Plant Health (Wales) Order 2006 as infected with potato cyst nematode;
  - (ii) six years have elapsed since the last positive finding of infection by potato cyst nematode on the land; and
  - (iii) except as authorised under paragraph 5 of Schedule 15 to the Plant Health (Wales) Order 2006, the land has not been used for growing potatoes at any time during the period of 11 years immediately preceding the planting of the crop; and
- (b) the land on which the seed potatoes are growing or were grown is land which has not been used for growing potatoes at any time during the five years immediately preceding the planting of the crop.

**8.** A growing crop certificate must not be issued containing a statement that seed potatoes are capable of being marketed as basic seed potatoes of any class unless, in the opinion of the authorised officer, the immediately succeeding crop produced from the seed potatoes is likely to contain-

- (a) not more than 0.25 per cent by number of growing plants which do not breed true to variety and not more than 0.1 per cent by number of plants which are of a different variety; and
- (b) not more than 4 per cent by number of growing plants which show symptoms, other than slight symptoms, of either mild or severe virus diseases prevalent in Europe where those symptoms are attributable to infection in the mother crop.

#### PART IV

##### Certified seed potatoes

**9.** A growing crop certificate must not be issued containing a statement that seed potatoes are capable of being marketed as certified seed potatoes in the case of seed potatoes growing or grown in the protected region.

**10.** A growing crop certificate must not be issued containing a statement that seed potatoes are capable of being marketed as certified seed potatoes unless the authorised officer is satisfied that-

- (a) the land on which the seed potatoes are growing or were grown is land which as a

brawf pridd swyddogol a wnaed cyn plannu'r cnwd, nad yw wedi ei halogi â'r llyngyr tatws; a

- (b) bod y tir lle mae'r tatws yn tyfu neu lle cawsant eu tyfu yn dir na chafodd ei ddefnyddio i dyfu tatws ar unrhyw adeg yn ystod y cyfnod o bedair blynedd yn union cyn plannu'r cnwd hwnnw.

**11.** Rhaid peidio â dyroddi tystysgrif cnwd sy'n tyfu sy'n cynnwys datganiad bod modd marchnata tatws fel tatws hadyd ardystiedig oni bai, ym marn y swyddog awdurdodedig, bod y cnwd olynol nesaf a gynhyrchir allan o'r tatws hadyd yn debygol o gynnwys-

- (a) dim mwy na 0.5 y cant yn ôl rhif o blanhigion sy'n tyfu nad ydynt yn epilio yn driw i'w hamrywogaeth a dim mwy na 0.2 y cant yn ôl rhif o blanhigion sydd o amrywogaeth wahanol; a
- (b) dim mwy na 10 y cant yn ôl rhif o blanhigion sy'n tyfu sy'n dangos symptomau, ac eithrio symptomau ysgafn, o glefydau firws difrifol sy'n gyffredin yn Ewrop pan fo'r symptomau hynny i'w priodoli i haint yn y cnwd tarddiol (cyn belled â bod heintiau amryliw ("mosaics") sy'n peri bod deilen yn arddangos gwahanol liwiau ond nad yw'n peri anffurfio'r ddeilen i gael eu hanwybyddu)

result of an official soil test carried out prior to the planting of the crop has been found not to be contaminated with potato cyst nematode; and

- (b) the land on which the seed potatoes are growing or were grown is land which has not at any time during the period of four years immediately preceding the planting of that crop been used for growing potatoes.

**11.** A growing crop certificate must not be issued containing a statement that seed potatoes are capable of being marketed as certified seed potatoes unless, in the opinion of the authorised officer, the immediately succeeding crop produced from the seed potatoes is likely to contain-

- (a) not more than 0.5 per cent by number of growing plants which do not breed true to variety and not more than 0.2 per cent by number of plants which are of a different variety; and
- (b) not more than 10 per cent by number of growing plants which show symptoms, other than slight symptoms, of severe virus diseases prevalent in Europe where those symptoms are attributable to infection in the mother crop (provided that light mosaics causing discoloration but not leaf deformation are to be ignored).

LABEL SWYDDOGOL A DOGFEN  
SWYDDOGOL

OFFICIAL LABEL AND OFFICIAL  
DOCUMENT

**RHAN I**

**PART I**

**Label Swyddogol**

**Official Label**

1. Rhaid i label swyddogol a ddefnyddir mewn perthynas â thatws hadyd cyn-sylfaenol fod wedi ei liwio'n wyn gyda llinell groeslinol fioled.

2. Rhaid i label swyddogol a ddefnyddir mewn perthynas â thatws hadyd sylfaenol fod wedi ei liwio'n wyn.

3. Rhaid i label swyddogol a ddefnyddir mewn perthynas â thatws hadyd ardystiedig fod wedi ei liwio'n las.

4. Rhaid i label swyddogol a ddefnyddir mewn perthynas â thatws hadyd sydd i'w profi a'u treialu fod wedi ei liwio'n oren.

5. Rhaid i label swyddogol fesur dim llai na 110 o filimetrau x 67 o filimetrau.

6. Rhaid i label swyddogol ar gyfer tatws hadyd cyn-sylfaenol, mewn perthynas â'r tatws hadyd y mae'n ymwneud â nhw, ddatgan y manylion a ganlyn-

- (a) yr Awdurdod Ardystio a'r Aelod-wladwriaeth neu eu byrfodd neilltuol;
- (b) rhif adnabod y cynhyrchydd neu gyfeirnod y lot;
- (c) mis a blwyddyn ei selio;
- (ch) y rhywogaeth, wedi ei ddangos o leiaf yn yr wyddor rufeinig, o dan ei enw botanegol, y gellir ei roi mewn ffurf dalfyredig ac heb enwau'r awduron, neu o dan ei enw cyffredin, neu'r ddau;
- (d) yr amrywogaeth, wedi ei ddangos o leiaf yn yr wyddor rufeinig; a
- (dd) y disgrifiad "tatws hadyd cyn-sylfaenol".

7. Rhaid i label swyddogol ar gyfer tatws hadyd sylfaenol neu datws hadyd ardystiedig-

- (a) cynnwys y datganiad "Rheolau a Safonau'r UE"; a
- (b) mewn perthynas â'r tatws hadyd y mae'n ymwneud â hwy, ddatgan y manylion a ganlyn-

1. An official label used in relation to pre-basic seed potatoes must be coloured white with a diagonal violet line.

2. An official label used in relation to basic seed potatoes must be coloured white.

3. An official label used in relation to certified seed potatoes must be coloured blue.

4. An official label used in relation to test and trial seed potatoes must be coloured orange.

5. An official label must measure not less than 110 millimetres x 67 millimetres.

6. An official label for pre-basic seed potatoes must, in relation to the seed potatoes to which it relates, state the following particulars-

- (a) the Certification Authority and member State or their distinguishing abbreviation;
- (b) the producer's identification number or a lot reference number;
- (c) the month and year of sealing;
- (d) the species, indicated at least in roman characters, under its botanical name, which may be given in abridged form and without the authors' names, or under its common name, or both;
- (e) the variety, indicated at least in roman characters; and
- (f) the description "pre-basic seed potatoes".

7. An official label for basic seed potatoes or certified seed potatoes must-

- (a) contain the statement "EC Rules and Standards"; and
- (b) in relation to the seed potatoes to which it relates, state the following particulars-

- (i) yr Awdurdod Ardystio a'r Aelod-wladwriaeth neu eu byrfoddau;
- (ii) rhif adnabod y cynhyrchydd neu gyfeirnod y lot;
- (iii) mis a blwyddyn ei selio;
- (iv) yr amrywogaeth, wedi ei ddangos o leiaf yn yr wyddor rufeinig;
- (v) y wlad lle'u cynhyrchwyd;
- (vi) y categori;
- (vii) ar gyfer tatws hadyd sylfaenol, y Radd Gymuned (os yn briodol);
- (viii) y maint; a
- (ix) y pwysau net.

**8.** Rhaid i label swyddogol ar gyfer tatws hadyd sydd i'w profi a'u treialu-

- (a) cynnwys y datganiadau "amrywogaeth nas rhestrwyd eto" ac "ar gyfer profi a threialu'n unig"; a
- (b) mewn perthynas â'r tatws hadyd y mae'n ymwneud â hwy, ddatgan y manylion a ganlyn-
  - (i) yr Awdurdod Ardystio a'r Aelod-wladwriaeth neu eu byrfodd neilltuol;
  - (ii) rhif adnabod y cynhyrchydd neu gyfeirnod y lot;
  - (iii) mis a blwyddyn ei selio;
  - (iv) y rhywogaeth;
  - (v) dynodiad yr amrywogaeth y mae'r tatws hadyd i gael eu marchnata odditano (a eill fod yn gyfeirnod y bridwr, y dynodiad arfaethedig neu'r dynodiad a gymeradwywyd);
  - (vi) y cyfeirnod mewn perthynas â'r cais a gyflwynwyd yn unol â rheoliad 4(1)(a) o Reoliadau Hadau (Rhestrau Cenedlaethol o Amrywogaethau) 2001 ar gyfer derbyn yr amrywogaeth dan sylw i Restr Genedlaethol;
  - (vii) y maint; a
  - (viii) y pwysau net.

**9.** Heb iddo leihau effaith paragraffau 1 i 8, caiff label swyddogol gynnwys datganiadau pellach o'r fath-

- (a) sy'n angenrheidiol neu y caniateir eu cynnwys mewn label swyddogol ag unrhyw ddarpariaeth yn y rheoliadau hyn neu yng Ngorchymyn Iechyd (Cymru) 2006; neu
- (b) ag y mae'r Cynulliad Cenedlaethol yn eu hystyried yn briodol.

- (i) the Certification Authority and member State or their initials;
- (ii) the producer's identification number or a lot reference number;
- (iii) the month and year of sealing;
- (iv) the variety, indicated at least in roman characters;
- (v) the country of production;
- (vi) the category;
- (vii) for basic seed potatoes, the Community Grade (if appropriate);
- (viii) the size; and
- (ix) the net weight.

**8.** An official label for test and trial seed potatoes must-

- (a) contain the statements "variety not yet officially listed" and "for tests and trials only"; and
- (b) in relation to the seed potatoes to which it relates, must state the following particulars-
  - (i) the Certification Authority and member State or their distinguishing abbreviations;
  - (ii) the producer's identification number or a lot reference number;
  - (iii) the month and year of sealing;
  - (iv) the species;
  - (v) the denomination of the variety under which the seed potatoes are to be marketed (which may be the breeder's reference, the proposed denomination or the approved denomination);
  - (vi) the reference number in respect of the application submitted in accordance with regulation 4(1)(a) of the Seeds (National Lists of Varieties) Regulations 2001 for acceptance of the variety concerned on to a National List;
  - (vii) the size; and
  - (viii) the net weight.

**9.** Without prejudice to paragraphs 1 to 8, an official label may contain such further statements-

- (a) as are required or permitted to be included in an official label in accordance with any provision of these Regulations or the Plant Health (Wales) Order 2006; or
- (b) as the National Assembly considers appropriate.

## RHAN II

### Dogfen swyddogol

**10.** Rhaid i ddogfen swyddogol a ddefnyddir mewn perthynas â thatws hadyd cyn-sylfaenol fod wedi ei lliwio'n wyn gyda llinell groeslinol fioled.

**11.** Rhaid i ddogfen swyddogol a ddefnyddir mewn perthynas â thatws hadyd sydd i'w profi a'u treialu fod wedi ei liwio'n oren.

**12.** Rhaid i ddogfen swyddogol a ddefnyddir mewn perthynas â thatws hadyd sylfaenol fod yn wyn yn bennaf.

**13.** Rhaid i ddogfen swyddogol a ddefnyddir mewn perthynas â thatws hadyd ardystiedig fod yn las yn bennaf.

**14.** Rhaid i ddogfen swyddogol, mewn perthynas â'r tatws hadyd y mae'n ymwneud â hwy, ddatgan-

- (a) rhif adnabod y cynhyrchydd neu gyfeirnod y lot;
- (b) mis a blwyddyn ei selio; a
- (c) y wlad lle'u cynhyrchwyd.

## PART II

### Official document

**10.** An official document used in relation to pre-basic seed potatoes must be coloured white with a diagonal violet line.

**11.** An official document used in relation to test and trial seed potatoes must be coloured orange.

**12.** An official document in relation to basic seed potatoes must be predominantly white.

**13.** An official document in relation to certified seed potatoes must be predominantly blue.

**14.** An official document must, in relation to the seed potatoes to which it relates, state-

- (a) the producer's identification number or a lot reference number;
- (b) the month and year of sealing; and
- (c) the country of production.

## ATODLEN 3

Rheoliad 2(3), 9(3), 12(5) a 21(1)(3) a (4)

### CLEFYDAU NEU BLÂU, DIFROD A DIFFYGION A GODDEFIANNAU PENODEDIG

#### RHAN I

##### Tatws hadyd cyn-sylfaenol o ddsbarth TC cyn-sylfaenol a gynhyrchir yng Nghymru

<i>Colofn 1</i> <i>Clefydau neu blâu, difrod a diffygion</i>	<i>Colofn 2</i> <i>Goddefiannau unigol</i>
<b>GRŴP I</b>	
Clefyd y Ddafaden ( <i>Synchytrium endobioticum</i> (Schilb.) Perc.)	Dim
Llyngyr y Gloronen ( <i>Ditylenchus destructor</i> Thorne)	Dim
Llyngyr tatws (rhywogaeth <i>Globodera</i> sy'n heintio tatws);	Dim
Pydredd y Meinwe ( <i>Clavibacter michiganensis</i> (Smith) Davis et al. ssp. <i>sepedonicus</i> (Spieck. & Kotth.) Davis et al.)	Dim
Y Gafod Lwyd <i>Ralstonia solanacearum</i> (Smith) Yabuuchi et al.)	Dim
Firoid y Gloronen Bigfain	Dim
Chwilen Golorado ( <i>Leptinotarsa decemlineata</i> (Say))	Dim
<b>GRŴP II</b>	
Y Clwy Tatws ( <i>Phytophthora infestans</i> (Mont.) de Bary)	Dim
Pydredd Du'r Coesyn ( <i>Erwinia carotovora</i> (Jones) Bergey et al. spp. <i>atroseptica</i> (Hellmers & Dowson) Dye neu <i>Erwinia chrysanthemi</i> Burkholder et al. neu'r ddau)	Dim
Pydreddau Meddal gan gynnwys: Pydredd yr Archoll Diferol ( <i>Pythium ultimum</i> Trow)	Dim
Y Pydredd Pinc ( <i>Phytophthora erythroseptica</i> Pethybridge) a	Dim

Phydredd y Manbant	
Y Pydredd Sych (rhywogaeth <i>Fusarium</i> )	Dim
Y Madredd (rhywogaeth <i>Phoma</i> )	Dim
Cloron a ddifrodwyd gan rew	Dim
<b>GRŴP III</b>	
Brychni'r Croen ( <i>Polyscytalum pustulans</i> (Owen & Wakefield) M. B. Ellis)	Dim
<b>GRŴP IV</b>	
Y Cen Du ( <i>Rhizoctonia solani</i> Kuhn)	Dim
Y Crach Cyffredin (rhywogaeth <i>Streptomyces</i> )	Dim
<b>GRŴP V</b>	
Y Crach Llychlyd ( <i>Spongospora subterranea</i> (Wallr.) Legerh.)	Dim
<b>GRŴP VI</b>	
Diffygion allanol neu gloron, ac eithrio cloron heintiedig, â'u siâp heb fod yn nodweddiadol o'r rhywogaeth	3.0%
<b>GRŴP VII</b>	
Baw neu sylwedd estronol arall	1.0%

RHAN II

Tatws hadyd cyn-sylfaenol o ddsbarth cyn-sylfaenol 1, cyn-sylfaenol 2, cyn-sylfaenol 3 neu gyn-sylfaenol 4 a gynhyrchir yng Nghymru

Colofn 1 <i>Clefydau neu blâu, difrod a diffygion</i>	Colofn 2 <i>Goddefiannau unigol</i>	Colofn 3 <i>Goddefiannau Grŵp</i>	Colofn 4 <i>Goddefiannau Grŵp Cyfunol</i>
<b>GRŴP I</b>			
Clefyd y Ddafaden ( <i>Synchytrium endobioticum</i> (Schilb.) Perc.)	Dim	-	-
Llyngyr y Gloronen ( <i>Ditylenchus destructor</i> Thorne)	Dim	-	-
Llyngyr tatws (rhywogaeth <i>Globodera</i> sy'n heintio tatws)	Dim	-	-
Pydredd y Meinwe ( <i>Clavibacter michiganensis</i> (Smith) Davis et al. ssp. <i>Sepedonicus</i> (Spieck. & Kotth.) Davis et al.)	Dim	-	-
Y Gafod Lwyd ( <i>Ralstonia solanacearum</i> (Smith) Yabuuchi et al.)	Dim	-	-
Firoid y Gloronen Bigfain	Dim	-	-
Chwilen Golorado ( <i>Leptinotarsa decemlineata</i> (Say))	Dim	-	-
<b>GRŴP II</b>			
Y Clwy Tatws ( <i>Phytophthora infestans</i> (Mont.) de Bary)	0.2%	-	-
Pydredd Du'r Coesyn ( <i>Erwinia carotovora</i> (Jones) Bergey et al. spp. <i>atroseptica</i> (Hellmers & Dowson) Dye neu <i>Erwinia chrysanthemi</i> Burkholder et al. neu'r ddau)	Dim	)	)
Pydreddau Meddal gan gynnwys: Pydredd yr Archoll Diferol ( <i>Pythium ultimum</i> Trow)	0.2%	)	)
Y Pydredd Pinc ( <i>Phytophthora erythroseptica</i> Pethybridge) a Phydredd y Manbant	0.2%	) 0.2%	)
Y Pydredd Sych (rhywogaeth <i>Fusarium</i> )	0.2%	)	)
Y Madredd (rhywogaeth <i>Phoma</i> )	0.2%	)	)

Cloron a ddifrodwyd gan rew	0.2%	)	)
<b>GRŴP III</b> Brychni'r Croen ( <i>Polyscytalum pustulans</i> (Owen & Wakefield) M. B. Ellis)	0.2%	)	) 4.0%
<b>GRŴP IV</b> Y Cen Du ( <i>Rhizoctonia solani</i> Kuhn)  Cyn belled ag y bernir bod tatws hadyd sydd ag o leiaf ddau ysmotyn du yn y pen blaguro sy'n gyfangwbl heb eu heffeithio ac sydd â llai nag o leiaf yr wythfed ran o'u harwynebedd wedi ei effeithio heb gael eu heffeithio gan y clefyd.  Y Crach Cyffredin (rhywogaeth <i>Streptomyces</i> )  Cyn belled ag y bernir bod tatws hadyd sydd ag o leiaf ddau ysmotyn du yn y pen blaguro sy'n gyfangwbl heb eu heffeithio ac sydd â llai na chwarter o'u harwynebedd wedi ei effeithio heb gael eu heffeithio gan y clefyd.	1.0%	) 3.0%	)
<b>GRŴP V</b> Y Crach Llychlyd ( <i>Spongospora subterranea</i> (Wallr.) Legerh.)  Cyn belled ag y bernir bod tatws hadyd sydd ag o leiaf ddau ysmotyn du yn y pen blaguro sy'n gyfangwbl heb eu heffeithio ac sydd â llai nag o leiaf yr wythfed ran o'u harwynebedd wedi ei effeithio heb gael eu heffeithio gan y clefyd.	1.0%	)	)
<b>GRŴP VI</b> Diffygion allanol neu gloron, ac eithrio cloron heintiedig, â'u siâp heb fod yn nodweddiadol o'r rhywogaeth  Madredd arwynebol a achosir gan firws tatws Y	1.0%	-	-
<b>GRŴP VII</b> Baw neu sylwedd estronol arall	Dim	-	-
	1.0%	-	-

### RHAN III

#### Tatws hadyd sylfaenol a thatws hadyd ardystiedig a gynhyrchir yng Nghymru

<i>Colofn 1</i> <i>Clefydau neu blâu, difrod a diffygion</i>	<i>Colofn 2</i> <i>Goddefiannau unigol</i>	<i>Colofn 3</i> <i>Goddefiannau Grŵp</i>	<i>Column 4</i> <i>Goddefiannau Grŵp Cyfunol</i>
<b>GRŴP I</b>			
Clefyd y Ddafaden ( <i>Synchytrium endobioticum</i> (Schilb.) Perc.)	Dim	-	-
Llyngyr y Gloronen ( <i>Ditylenchus destructor</i> Thorne)	Dim	-	-
Llyngyr Tatws (rhywogaeth <i>Globodera</i> sy'n heintio tatws)	Dim	-	-
Pydredd y Meinwe ( <i>Clavibacter michiganensis</i> (Smith) Davis et al. ssp. <i>sepedonicus</i> (Spieck. & Kotth.) Davis et al.)	Dim	-	-
Y Gafod Lwyd <i>Ralstonia solanacearum</i> (Smith) Yabuuchi et al.)	Dim	-	-
Firoid y Gloronen Bigfain;	Dim	-	-
Chwilen Golorado ( <i>Leptinotarsa decemlineata</i> (Say))	Dim	-	-
<b>GRŴP II</b>			
Y Clwy Tatws ( <i>Phytophthora infestans</i> (Mont.) de Bary)	1.0%	)	)
Pydredd Du'r Coesyn ( <i>Erwinia carotovora</i> (Jones) Bergey et al. spp. <i>atroseptica</i> (Hellmers & Dowson) Dye neu <i>Erwinia chrysanthemi</i> Burkholder et al. neu'r ddau)	1.0%	)	)
Pydreddau Meddal gan gynnwys Pydredd yr Archoll Diferol ( <i>Pythium ultimum</i> Trow)	1.0%	) 1.0%	)
Y Pydredd Pinc ( <i>Phytophthora erythroseptica</i> Pethybridge) a phydredd y Manbant	1.0%	)	)
Y Pydredd Sych (rhywogaeth <i>Fusarium</i> )	1.0%	)	)

Y Madredd (rhywogaeth <i>Phoma</i> )	1.0%	)	)
Cloron a ddifrodwyd gan rew	1.0%	)	)
Cyn belled o ran tatws hadyd o Radd Gymuned ag nad yw'r goddefiannau unigol a restrir yng ngholofn 2 a'r goddefiannau <i>grŵp</i> a restrir yng ngholofn 3 yn fwy na 0.5%.			
<b>GRŴP III</b>			
Brychni'r Croen ( <i>Polyscytalum pustulans</i> (Owen & Wakefield) M. B. Ellis)	0.5% ac eithrio dosbarthiadau A ac CC; 2.0% ar gyfer dosbarthiadau A ac CC yn unig	)	)
Y Crach Llychlyd ( <i>Spongospora subterranea</i> (Wallr.) Legerh.)	3.0%	) 4.0%	) 4.0%
Cyn belled ag y bernir bod tatws hadyd sydd ag o leiaf ddau ysmotyn du yn y pen blaguro sy'n gyfangwbl heb eu heffeithio ac sydd â llai nag o leiaf yr wythfed ran o'u harwynebedd wedi ei effeithio heb gael eu heffeithio gan y clefyd (ac eithrio pan fo'r crach llychlyd yn ei ffurf ganseraidd).			
<b>GRŴP IV</b>			
Y Cen Du ( <i>Rhizoctonia solani</i> Kuhn)	3.0%	)	)
Cyn belled ag y bernir bod tatws hadyd sydd ag o leiaf ddau ysmotyn du yn y pen blaguro sy'n gyfangwbl heb eu heffeithio ac sydd â llai na chwarter o'u harwynebedd wedi ei effeithio o ran dosbarth A a dosbarth CC a llai na'r wythfed ran o ran pob dosbarth arall wedi ei effeithio heb gael eu heffeithio gan y clefyd.			
Y Crach Cyffredin (rhywogaeth <i>Streptomyces</i> )	4.0%	)	)
Cyn belled ag y bernir bod tatws hadyd sydd ag o leiaf ddau ysmotyn du yn y pen blaguro sy'n gyfangwbl heb eu heffeithio ac sydd â llai na chwarter o'u harwynebedd wedi ei effeithio heb gael eu heffeithio gan y clefyd.			
<b>GRŴP V</b>			
Diffygion allanol neu gloron, ac eithrio cloron â'u siâp heb fod yn nodweddiadol o'r rhywogaeth	2.0%	2.0%	)
Madredd arwynebol a achosir gan firws tatws Y	0.1%		

<b>GRŴP VI</b>			
Baw neu sylwedd estronol arall	1.0%	-	-

**RHAN IV**

**Tatws hadyd sydd i'w profi a'u treialu**

<i>Colofn 1 Clefydau neu blâu, difrod a diffygion</i>	<i>Colofn 2 Goddefian nau unigol</i>	<i>Colofn 3 Goddefian nau Cyfunol</i>
Llyngyr y Gloronen ( <i>Ditylenchus destructor</i> Thorne)	Dim	-
Llyngyr tatws (rhywogaeth <i>Globodera</i> sy'n heintio tatws)	Dim	-
Pydredd y Meinwe ( <i>Clavibacter michiganensis</i> (Smith) Davis et al. ssp. <i>sepedonicus</i> (Spieck. & Kotth.) Davis et al.)	Dim	-
Y Gafod Lwyd <i>Ralstonia solanacearum</i> (Smith) Yabuuchi et al.)	Dim	-
Firoid y Gloronen Bigfain;	Dim	-
Chwilen Golorado ( <i>Leptinotarsa decemlineata</i> (Say))	Dim	-
Clefyd y Ddafaden ( <i>Synchytrium endobioticum</i> (Schilb.) Perc.)	Dim	-
Baw neu sylwedd estronol arall	2.0%	-
Pydredd sych a phydredd gwlyb, ac eithrio os achosir hwy gan <i>Synchytrium endobioticum</i> <i>Clavibacter michiganensis</i> (Smith) Davis et al. ssp. <i>Sepeponicus</i> (Spieck. & Kotth.) Davis et al. neu <i>Ralstonia solanacearum</i> (Smith) Yabuuchi et al.	1.0%	)
Diffygion allanol neu gloron, ac eithrio cloron â'u siâp heb fod yn nodweddiadol o'r rhywogaeth	3.0%	) 6.0%
Y Crach Cyffredin: cloron yr effeithiwyd arnynt dros fwy na thraean o'u harwynebedd	5.0%	)

### SCHEDULE 3

Regulations 2(3), 9(3), 12(5) and 21(1)(3) and (4)

#### SPECIFIED DISEASES OR PESTS, DAMAGE AND DEFECTS AND TOLERANCES

#### PART I

#### Pre-basic seed potatoes of pre-basic TC class produced in Wales

<i>Column 1</i> <i>Specified diseases or pests, damage and defects</i>	<i>Column 2</i> <i>Individual tolerances</i>
<b>GROUP I</b>	
Wart Disease ( <i>Synchytrium endobioticum</i> (Schlib.) Perc.)	Nil
Potato Tuber Eelworm ( <i>Ditylenchus destructor</i> Thorne)	Nil
Potato Cyst Nematode ( <i>Globodera</i> species infesting potatoes)	Nil
Ring Rot ( <i>Clavibacter michiganensis</i> (Smith) Davis et al. spp. <i>sepedonicus</i> (Spieck. & Kotth.) Davis et al.)	Nil
Brown Rot ( <i>Ralstonia solanacearum</i> (Smith) Yabuuchi et al.)	Nil
Potato Spindle Tuber Viroid	Nil
Colorado Beetle ( <i>Lepinotarsa decemlineata</i> (Say))	Nil
<b>GROUP II</b>	
Blight ( <i>Phytophthora infestans</i> (Mont.) de Bary)	Nil
Blackleg ( <i>Erwinia carotovora</i> (Jones) Bergey et al. spp. <i>atroseptica</i> (Hellmers & Dowson) Dye or <i>Erwinia chrysanthemi</i> Burkholder et al. or both)	Nil
Soft Rots including: Watery Wound Rot ( <i>Pythium ultimum</i> Trow)	Nil
Pink Rot ( <i>Phytophthora erythroseptica</i> Pethybridge) and Pit Rot	Nil

Dry Rot ( <i>Fusarium</i> species)	Nil
Gangrene ( <i>Phoma</i> species)	Nil
Frost damaged tubers	Nil
<b>GROUP III</b>	
Skin spot ( <i>Polyscytalum pustulans</i> (Owen & Wakefield) M. B. Ellis)	Nil
<b>GROUP IV</b>	
Black Scurf ( <i>Rhizoctonia solani</i> Kuhn)	Nil
Common Scab ( <i>Streptomyces</i> species)	Nil
<b>GROUP V</b>	
Powdery scab ( <i>Spongospora subterranea</i> (Wallr.) Legerh.)	Nil
<b>GROUP VI</b>	
External blemishes or tubers other than diseased tubers whose shape is atypical for the variety	3.0%
<b>GROUP VII</b>	
Dirt or other extraneous matter	1.0%

**PART II**

**Pre-basic seed potatoes of pre-basic 1, pre-basic 2, pre-basic 3 or pre-basic 4 class produced in Wales**

<i>Column 1 Specified diseases or pests, damage and defects</i>	<i>Column 2 Individual tolerances</i>	<i>Column 3 Group tolerances</i>	<i>Column 4 Collective group tolerances</i>
<b>GROUP I</b>			
Wart Disease ( <i>Synchytrium endobioticum</i> (Schlib.) Perc.)	Nil	-	-
Potato Tuber Eelworm ( <i>Ditylenchus destructor</i> Thorne)	Nil	-	-
Potato Cyst Nematode ( <i>Globodera</i> species infesting potatoes)	Nil	-	-
Ring Rot ( <i>Clavibacter michiganensis</i> (Smith) Davis et al. spp. <i>sepedonicus</i> (Spieck. & Kotth.) Davis et al.)	Nil	-	-
Brown Rot ( <i>Ralstonia solanacearum</i> (Smith) Yabuuchi et al.)	Nil	-	-
Potato Spindle Tuber Viroid	Nil	-	-
Colorado Beetle ( <i>Lepinotarsa decemlineata</i> (Say))	Nil	-	-
<b>GROUP II</b>			
Blight ( <i>Phytophthora infestans</i> (Mont.) de Bary)	0.2%	-	-
Blackleg ( <i>Erwinia carotovora</i> (Jones) Bergey et al. spp. <i>atroseptica</i> (Hellmers & Dowson) Dye or <i>Erwinia chrysanthemi</i> Burkholder et al. or both)	Nil	)	)
Soft Rots including: Watery Wound Rot ( <i>Pythium ultimum</i> Trow)	0.2%	)	)
Pink Rot ( <i>Phytophthora erythroseptica</i> Pethybridge) and Pit Rot	0.2%	) 0.2%	)

Dry Rot ( <i>Fusarium</i> species)	0.2%	)	)
Gangrene ( <i>Phoma</i> species)	0.2%	)	)
Frost damaged tubers	0.2%	)	)
<b>GROUP III</b>			
Skin spot ( <i>Polyscytalum pustulans</i> (Owen & Wakefield) M. B. Ellis)	0.2%	)	) 4.0%
<b>GROUP IV</b>			
Black Scurf ( <i>Rhizoctonia solani</i> Kuhn)	1.0%	) 3.0%	)
Provided that seed potatoes which have at least two eyes at the rose end that are wholly unaffected and less than one-eighth of whose surface area has been affected are to be deemed to be unaffected by the disease.			
Common Scab ( <i>Streptomyces</i> species)	3.0%	)	)
Provided that seed potatoes which have at least two eyes at the rose end that are wholly unaffected and less than one-quarter of whose surface area has been affected are to be deemed to be unaffected by the disease.			
<b>GROUP V</b>			
Powdery scab ( <i>Spongospora subterranea</i> (Wallr.) Legerh.)	1.0%	)	)
Provided that seed potatoes which have at least two eyes at the rose end that are wholly unaffected and less than one-eighth of whose surface area has been affected are to be deemed to be unaffected by the disease.			
<b>GROUP VI</b>			
External blemishes or tubers other than diseased tubers whose shape is atypical for the variety	1.0%	-	-
Superficial necrosis caused by potato virus Y	Nil		

<b>GROUP VII</b>			
Dirt or other extraneous matter	1.0%	-	-

### PART III

#### Basic seed potatoes and certified seed potatoes produced in Wales

<i>Column 1 Specified diseases or pests, damage and defects</i>	<i>Column 2 Individual tolerances</i>	<i>Column 3 Group tolerances</i>	<i>Column 4 Collective group tolerances</i>
<b>GROUP I</b>			
Wart Disease ( <i>Synchytrium endobioticum</i> (Schlib.) Perc.)	Nil	-	-
Potato Tuber Eelworm ( <i>Ditylenchus destructor</i> Thorne)	Nil	-	-
Potato Cyst Nematode ( <i>Globodera</i> species infesting potatoes)	Nil	-	-
Ring Rot ( <i>Clavibacter michiganensis</i> (Smith) Davis et al. spp. <i>sepedonicus</i> (Spieck. & Kotth.) Davis et al.)	Nil	-	-
Brown Rot ( <i>Ralstonia solanacearum</i> (Smith) Yabuuchi et al.)	Nil	-	-
Potato Spindle Tuber Viroid	Nil	-	-
Colorado Beetle ( <i>Lepinotarsa decemlineata</i> (Say))	Nil	-	-
<b>GROUP II</b>			
Blight ( <i>Phytophthora infestans</i> (Mont.) de Bary)	1.0%	)	)
Blackleg ( <i>Erwinia carotovora</i> (Jones) Bergery et al. spp. <i>atroseptica</i> (Hellmers & Dowson) Dye or <i>Erwinia chrysanthemi</i> Burkholder et al. or both)	1.0%	)	)
Soft Rots including Watery Wound Rot			

( <i>Pythium ultimum</i> Trow)	1.0%	) 1.0%	)
Pink Rot ( <i>Phytophthora erythroseptica</i> Pethybridge) and Pit Rot	1.0%	)	)
Dry Rot ( <i>Fusarium</i> species)	1.0%	)	)
Gangrene ( <i>Phoma</i> species)	1.0%	)	)
Frost damaged tubers	1.0%	)	)
Provided that in respect of seed potatoes of a Community Grade the individual tolerances listed in column 2 and the group tolerances listed in column 3 do not exceed 0.5%.			
<b>GROUP III</b>			
Skin spot ( <i>Polyscytalum pustulans</i> (Owen & Wakefield) M. B. Ellis)	0.5% except for A and CC classes; 2.0% for A and CC classes only	)	)
Powdery scab ( <i>Spongospora subterranea</i> (Wallr.) Legerh.)	3.0%	) 4.0%	) 4.0%
Provided that seed potatoes which have at least two eyes at the rose end that are wholly unaffected and less than one-eighth of whose surface area has been affected are to be deemed to be unaffected by the disease (except where powdery scab takes its cankerous form).			
<b>GROUP IV</b>			
Black Scurf ( <i>Rhizoctonia solani</i> Kuhn)	3.0%	)	)
Provided that seed potatoes which have at least two eyes at the rose end that are wholly unaffected and less than one-quarter of whose surface area has been affected in respect of class A and class CC and one-eighth unaffected in respect of all other classes are to be deemed to be unaffected by the disease.			

Common Scab ( <i>Streptomyces</i> species)  Provided that seed potatoes which have at least two eyes at the rose end that are wholly unaffected and less than one-quarter of whose surface area has been affected are to be deemed to be unaffected by the disease.	4.0%	)	)
<b>GROUP V</b>  External blemishes or tubers other than diseased tubers whose shape is atypical for the variety  Superficial necrosis caused by strains of potato virus Y	2.0%  0.1%	2.0%	)
<b>GROUP VI</b>  Dirt or other extraneous matter	1.0%	-	-

#### PART IV

##### Test and trial seed potatoes

<i>Column 1</i> Specified diseases or pests, damage and defects	<i>Column 2</i> Individual tolerances	<i>Column 3</i> Collective tolerances
Potato Tuber Eelworm ( <i>Ditylenchus destructor</i> Thorne)	Nil	-
Potato Cyst Nematode ( <i>Globodera</i> species infesting potatoes)	Nil	-
Ring Rot ( <i>Clavibacter michiganensis</i> (Smith) Davis et al. spp. <i>sepedonicus</i> (Spieck. & Kotth.) Davis et al.)	Nil	-
Brown Rot ( <i>Ralstonia solanacearum</i> (Smith) Yabuuchi et al.)	Nil	-
Potato Spindle Tuber Viroid	Nil	-
Colorado Beetle ( <i>Lepinotarsa decemlineata</i> (Say))	Nil	-

Wart Disease ( <i>Synchytrium endobioticum</i> (Schlib.) Perc.)	Nil	-
Earth or other extraneous matter	2.0 %	-
Dry and wet rot, except if caused by <i>Synchytrium endobioticum</i> , <i>Clavibacter michiganensis</i> (Smith) Davis et al. ssp. <i>Sepedonicus</i> (Spieck. & Kotth.) Davis et al. or <i>Ralstonia solanacearum</i> (Smith) Yabuuchi et al.	1.0 %	)
External blemishes or tubers other than diseased tubers whose shape is atypical for the variety	3.0 %	) 6.0 %
Common scab: tubers affected over more than one-third of their surface	5.0 %	)

## ATODLEN 4

Rheoliad 2(3) Atodlen 1

### DOSBARTHAD TATWS HADYD

#### RHAN I

#### Tatws hadyd y mae modd eu marchnata fel tatws hadyd cyn-sylfaenol

Wrth wneud penderfyniad at ddibenion Atodlen 1, paragraff 1(b), pan fo swyddog awdurdodedig yn penderfynu bod modd marchnata tatws hadyd fel tatws hadyd cyn-sylfaenol, caiff eu dosbarthu fel tatws hadyd o unrhyw un o'r dosbarthiadau a bennir yng ngholofn 1 o dabl 1 pan fo wedi'i fodloni yn sgil archwiliad bod y gofynion a bennir yng ngholofn 2 o ran y dosbarth hwnnw wedi eu bodloni.

**Tabl 1**

<i>Colofn 1 Dosbarth</i>	<i>Colofn 2 Gofynion</i>
TC cyn-sylfaenol	<p>(1) Rhaid i'r tatws hadyd-</p> <ul style="list-style-type: none"> <li>(a) bod yn deillio o stoc cenhedlol neu o gloron sydd wedi cael eu profi a gyflenwyd gan ffynhonnell sy'n dderbyniol gan y Cynulliad Cenedlaethol ac a gafodd eu tyfu ar uned lle nad oes deunudd o rywogaeth <i>Solanaceae</i> na deunydd arall, ac eithrio deunydd sy'n deillio o stoc cenhedlol neu o gloron sydd wedi cael eu profi sy'n dod o ffynhonnell sy'n dderbyniol gan y Cynulliad Cenedlaethol, wedi cael ei dyfu; a</li> <li>(b) bod wedi eu cadw rhag- <ul style="list-style-type: none"> <li>(i) firysau tatws A, M, S, X, Y, crychni'r dail, firws tatws top mop, firws trwst tybaco a marwoldeb gwythiennol tybaco neu unrhyw firws arall o bwys,</li> <li>(ii) ysgub y gwrrachod a phydredd du'r coesyn,</li> <li>(iii) gwyriadau mewn amrywogaeth a math, a</li> <li>(iv) sgrwff yn y pridd</li> </ul> </li> </ul>
Cyn-sylfaenol 1	<p>(2) Rhaid i'r tatws hadyd-</p> <ul style="list-style-type: none"> <li>(a) bod yn deillio- <ul style="list-style-type: none"> <li>(i) o stoc cenhedlol neu o gloron a gyflenwyd gan ffynhonnell sy'n dderbyniol gan y Cynulliad Cenedlaethol ac a gafodd eu tyfu ar uned lle nad oes deunudd o rywogaeth <i>Solanaceae</i> na deunydd arall, ac eithrio deunydd sy'n deillio o stoc cenhedlol neu o gloron sydd wedi cael eu profi sy'n dod o ffynhonnell sy'n dderbyniol gan y Cynulliad Cenedlaethol, wedi cael ei dyfu;</li> <li>(ii) o stoc a gafodd ei ddsbarthu fel TC cyn-sylfaenol yn y flwyddyn cyn plannu'r cnwd; neu</li> <li>(iii) unrhyw datws hadyd eraill o fath y rhoddod y Cynulliad Cenedlaethol hysbysiad ysgrifenedig eu bod yn dderbyniol ganddo; a</li> </ul> </li> </ul>

	<p>(b) bod wedi eu cadw rhag-</p> <ul style="list-style-type: none"> <li>(i) firysau tatws A, M, S, X, Y, crychni'r dail, firws tatws top mop, firws trwst tybaco a marwoldeb gwythiennol tybaco neu unrhyw firws arall o bwys,</li> <li>(ii) ysgub y gwrachod a phydredd du'r coesyn,</li> <li>(iii) gwyradau mewn amrywogaeth a math, a</li> <li>(iv) sgrwff yn y pridd.</li> </ul>
Cyn-sylfaenol 2	<p>(3) Rhaid i'r tatws hadyd-</p> <p>(a) bod yn deillio-</p> <ul style="list-style-type: none"> <li>(i) o stoc a gafodd ei ddosbarthu fel cyn-sylfaenol 1 yn y flwyddyn cyn plannu'r cnwd; neu</li> <li>(ii) unrhyw datws hadyd eraill o fath y rhoddodd y Cynulliad Cenedlaethol hysbysiad ysgrifenedig eu bod yn dderbyniol ganddo; a</li> </ul> <p>(b) bod wedi eu cadw rhag-</p> <ul style="list-style-type: none"> <li>(i) firysau tatws A, M, S, X, Y, crychni'r dail, firws tatws top mop, firws trwst tybaco a marwoldeb gwythiennol tybaco neu unrhyw firws arall o bwys,</li> <li>(ii) ysgub y gwrachod a phydredd du'r coesyn,</li> <li>(iii) gwyradau mewn amrywogaeth a math, a</li> <li>(iv) sgrwff yn y pridd.</li> </ul>
Cyn-sylfaenol 3	<p>(4) Rhaid i'r tatws hadyd-</p> <p>(a) bod yn deillio-</p> <ul style="list-style-type: none"> <li>(i) o stoc a gafodd ei ddosbarthu fel cyn-sylfaenol 2 yn y flwyddyn cyn plannu'r cnwd; neu</li> <li>(ii) o unrhyw datws hadyd eraill o fath y rhoddodd y Cynulliad Cenedlaethol hysbysiad ysgrifenedig eu bod yn dderbyniol ganddo; a</li> </ul> <p>(b) bod wedi eu cadw rhag-</p> <ul style="list-style-type: none"> <li>(i) firysau tatws A, M, S, X, Y, crychni'r dail, firws tatws top mop, firws trwst tybaco a marwoldeb gwythiennol tybaco neu unrhyw firws arall o bwys,</li> <li>(ii) ysgub y gwrachod a phydredd du'r coesyn,</li> <li>(iii) gwyradau mewn amrywogaeth a math, a</li> <li>(iv) sgrwff yn y pridd.</li> </ul>
Cyn-sylfaenol 4	<p>(5) Rhaid i'r tatws hadyd-</p> <p>(a) bod yn deillio-</p> <ul style="list-style-type: none"> <li>(i) o stoc a gafodd ei ddosbarthu fel cyn-sylfaenol 3 yn y flwyddyn cyn plannu'r cnwd; neu</li> <li>(ii) o unrhyw datws hadyd eraill o fath y rhoddodd y Cynulliad Cenedlaethol hysbysiad ysgrifenedig eu bod yn dderbyniol ganddo; a</li> </ul> <p>(b) bod wedi eu cadw rhag-</p>

	<p>(i) firysau tatws A, M, S, X, Y, crychni'r dail, firws tatws top mop, firws trwst tybaco a marwoldeb gwythiennol tybaco neu unrhyw firws arall o bwys,</p> <p>(ii) ysgub y gwrachod a phydredd du'r coesyn,</p> <p>(iii) gwyradau mewn amrywogaeth a math, a</p> <p>(iv) sgrwff yn y pridd.</p>
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## RHAN II

### Tatws hadyd y mae modd eu marchnata fel tatws hadyd sylfaenol

Wrth wneud penderfyniad at ddibenion Atodlen 1, paragraff 1(b), pan fo swyddog awdurdodedig yn penderfynu bod modd marchnata tatws hadyd fel tatws hadyd sylfaenol, caiff eu dosbarthu fel tatws hadyd-

- (a) o unrhyw un o'r dosbarthiadau a bennir yng ngholofn 1 o dabl 2 pan fo wedi'i fodloni yn sgil archwiliad bod y gofynion a bennir yng ngholofn 2 o ran y dosbarth hwnnw wedi eu bodloni ac nad aethpwyd dros ben y goddefiannau a bennir yng ngholofn 3 o ran y tatws hynny; neu
- (b) Gradd Gymuned pan fo wedi'i fodloni yn sgil archwiliad bod gofynion Cyfarwyddeb y Comisiwn 93/17/EEC dyddiedig 30 Mawrth 1993 sy'n pennu Gradd Gymuned tatws hadyd sylfaenol, ynghyd â'r amodau a'r dynodiadau sy'n gymwys i raddau o'r fath(1) wedi eu bodloni.

**Tabl 2**

<i>Colofn 1 Dosbarth</i>	<i>Colofn 2 Gofynion</i>	<i>Colofn 3 Goddefiannau</i>
Super Elite 1 (SE1)	<p>(6) Rhaid i'r tatws hadyd fod wedi deillio-</p> <p>(a) o stoc o datws hadyd cyn-sylfaenol neu o stoc dosbarthiedig o dan Reoliadau Tatws Hadyd 1991 fel VTSC 1 neu VTSC 2 yn y flwyddyn cyn plannu'r cnwd; neu</p> <p>(b) o unrhyw datws hadyd eraill o fath y rhoddodd y Cynulliad Cenedlaethol hysbysiad ysgrifenedig eu bod yn dderbyniol ganddo;</p>	<p>(i) amrywiad mewn amrywogaeth a math a sgrwff yn y pridd - 0.05%</p> <p>(ii) amryliw trwm - dim</p> <p>(iii) crychni'r dail - 0.01%.</p> <p>(iv) amryliw cymhedrol - 0.05%</p> <p>(v) pydredd du'r coesyn - 0.25%.</p>
Super Elite 2 (SE2)	<p>(7) Rhaid i'r tatws hadyd fod wedi deillio-</p> <p>(a) o stoc a gafodd ei ddosbarthu fel SE1 yn y flwyddyn cyn plannu'r cnwd; neu</p> <p>(b) o unrhyw datws hadyd eraill o fath y rhoddodd y Cynulliad Cenedlaethol hysbysiad ysgrifenedig eu bod yn dderbyniol ganddo;</p>	Megis ar gyfer dosbarth SE1.
Super Elite 3 (SE3)	<p>(8) Rhaid i'r tatws hadyd fod wedi deillio-</p> <p>(a) o stoc a gafodd ei ddosbarthu fel SE2 yn y flwyddyn cyn plannu'r cnwd; neu</p>	Megis ar gyfer dosbarth SE1.

(1) OJ L106, 30.4.1993, t.7.

	(b) o unrhyw datws hadyd eraill o fath y rhoddodd y Cynulliad Cenedlaethol hysbysiad ysgrifenedig eu bod yn dderbyniol ganddo.	
Elite 1 (E1)	(9) Rhaid i'r tatws hadyd fod wedi deillio-  (a) o stoc a gafodd ei ardystio fel tatws hadyd cyn-sylfaenol neu datws hadyd sylfaenol (ac eithrio dosbarth E1, E2, E3 neu A) yn y flwyddyn cyn plannu'r cnwd; neu  (b) o unrhyw datws hadyd eraill o fath y rhoddodd y Cynulliad Cenedlaethol hysbysiad ysgrifenedig eu bod yn dderbyniol ganddo.	(i) amrywiad mewn amrywogaeth a math a sgrwff yn y pridd - 0.05%.  (ii) cyfanswm clefyd firws (crychni'r dail, amryliw trwm ac amryliw ysgafn) - 0.5% gyda dim mwy na 0.1% o'r cyfanswm yn grychni'r dail ac amryliw trwm.  (iii) pydredd du'r coesyn - 0.5%.
Elite 2 (E2)	(10) Rhaid i'r tatws hadyd fod wedi deillio-  (a) o stoc a gafodd ei ddosbarthu fel E1 yn y flwyddyn cyn plannu'r cnwd;  (b) o datws hadyd sylfaenol o Radd Gymuned EC gradd 1 neu EC gradd 2; neu  (c) o unrhyw datws hadyd eraill o fath y rhoddodd y Cynulliad Cenedlaethol hysbysiad ysgrifenedig eu bod yn dderbyniol ganddo.	Megis ar gyfer tatws dosbarth E1.
Elite 3 (E3)	(11) Rhaid i'r tatws hadyd fod wedi deillio-  (a) o stoc a gafodd ei ddosbarthu fel E2 yn y flwyddyn cyn plannu'r cnwd; neu  (b) o unrhyw datws hadyd eraill o fath y rhoddodd y Cynulliad Cenedlaethol hysbysiad ysgrifenedig eu bod yn dderbyniol ganddo.	Megis ar gyfer tatws dosbarth E1.
A	(12) Rhaid i'r tatws hadyd fod wedi deillio-  (a) o fewn y rhanbarth sydd wedi ei ddiogelu, o stoc a gafodd ei ardystio fel tatws hadyd cyn-sylfaenol neu datws hadyd sylfaenol (ac eithrio dosbarth A) yn y flwyddyn cyn plannu'r cnwd;  (b) y tu allan i'r rhanbarth a ddiogelir, o stoc o datws hadyd cyn-sylfaenol neu datws hadyd sylfaenol o Radd Gymuned EC gradd 3; neu  (c) o unrhyw datws hadyd eraill o fath y rhoddodd y Cynulliad Cenedlaethol hysbysiad ysgrifenedig eu bod yn dderbyniol ganddo.	(i) amrywiad mewn amrywogaeth a math a sgrwff yn y pridd - 0.1%.  (ii) cyfanswm clefyd firws - 0.8% gyda dim mwy na 0.4% o'r cyfanswm yn grychni'r dail ac amryliw trwm.  (iii) pydredd du'r coesyn - 1.0%.

### RHAN III

#### Tatws hadyd y mae modd eu marchnata fel tatws hadyd ardystiedig

Wrth wneud penderfyniad at ddibenion Atodlen 1, paragraff 1(b), pan fo swyddog awdurdodedig yn penderfynu bod modd marchnata tatws hadyd fel tatws hadyd ardystiedig, rhaid iddo eu dosbarthu fel tatws hadyd o ddosbarth a elwir yn ddosbarth CC pan fo wedi'i fodloni drwy sampl bod y gofynion a bennir yng ngholofn 2 o dabl 3 o ran y dosbarth hwnnw wedi eu bodloni ac nad aethpwyd dros ben y goddefiannau a bennir yng ngholofn 3 o ran y tatws hynny.

**Tabl 3**

<i>Colofn 1 Dosbarth</i>	<i>Colofn 2 Gofynion</i>	<i>Colofn 3 Goddefiannau</i>
CC	<p>Rhaid i'r tatws hadyd fod wedi eu cynhyrchu -</p> <p>(a) yn uniongyrchol o datws hadyd cyn-sylfaenol, tatws hadyd sylfaenol, neu datws hadyd ardystiedig; neu</p> <p>(b) o gnwd a dyfwyd gydag awdurdod y Cynulliad Cenedlaethol neu mewn amgylchiadau y rhoddodd y Cynulliad Cenedlaethol hysbysiad ysgrifenedig eu bod yn dderbyniol ganddo.</p>	<p>(i) crychni'r dail ac amryliw trwm - 2.0%</p> <p>(ii) amryliw ysgafn - 5.0%. cyn belled ag nad yw cyfanswm y crychni'r dail a'r amryliw ysgafn yn fwy na 5%;</p> <p>(iii) pydredd du'r coesyn - 2.0%;</p> <p>(iv) gwyrriadau mewn amrywogaeth a math a sgrwff yn y pridd - 0.5%, gydag 0.2% ohono yn wyriad mewn math.</p>

SCHEDULE 4

Regulation 2(3) and Schedule 1

CLASSIFICATION OF SEED POTATOES

PART I

**Seed potatoes capable of being marketed as pre-basic seed potatoes**

In the course of making a determination for the purposes of Schedule 1, paragraph 1(b), where an authorised officer determines that seed potatoes are capable of being marketed as pre-basic seed potatoes, he or she may classify them as being seed potatoes of any of the classes specified in column 1 of table 1 where he or she is satisfied following inspection that the requirements specified in column 2 in relation to that class have been met.

**Table 1**

<i>Column 1 Class</i>	<i>Column 2 Requirements</i>
Pre-basic TC	<p>(1) The seed potatoes must-</p> <ul style="list-style-type: none"> <li>(a) be derived from nuclear stock or tested tubers supplied by a source acceptable to the National Assembly which have been grown on a unit where no material of the species <i>Solanaceae</i> or other material, other than that derived from nuclear stock or tested tubers from a source acceptable to the National Assembly, has been grown; and</li> <li>(b) have been kept free from- <ul style="list-style-type: none"> <li>(i) potato viruses A, M, S, X, Y, leafroll, potato mop top virus, tobacco rattle virus and tobacco vein necrosis or any other significant virus,</li> <li>(ii) witches' broom and blackleg,</li> <li>(iii) deviations of variety and type, and</li> <li>(iv) groundkeepers.</li> </ul> </li> </ul>
Pre-basic 1	<p>(2) The seed potatoes must-</p> <ul style="list-style-type: none"> <li>(a) be derived from- <ul style="list-style-type: none"> <li>(i) nuclear stock or tested tubers supplied by a source acceptable to the National Assembly which have been grown on a unit where no material of the species <i>Solanaceae</i> or other material, other than that derived from nuclear stock or tested tubers from a source acceptable to the National Assembly, has been grown;</li> <li>(ii) a stock which was classified as pre-basic TC in the year preceding the planting of the crop; or</li> <li>(iii) such other seed potatoes as have been notified in writing by the National Assembly as being acceptable to it; and</li> </ul> </li> <li>(b) have been kept free from- <ul style="list-style-type: none"> <li>(i) potato viruses A, M, S, X, Y, leafroll, potato mop top virus, tobacco rattle</li> </ul> </li> </ul>

	<p>virus and tobacco veinal necrosis or any other significant virus,</p> <p>(ii)witches' broom and blackleg,</p> <p>(iii) deviations of variety and type, and</p> <p>(iv) groundkeepers.</p>
Pre-basic 2	<p>(3) The seed potatoes must-</p> <p>(a) be derived from-</p> <p>(i) a stock which was classified as pre-basic 1 in the year preceding the planting of the crop; or</p> <p>(ii)such other seed potatoes as have been notified in writing by the National Assembly as being acceptable to it; and</p> <p>(b) have been kept free from-</p> <p>(i) potato viruses A, M, S, X, Y, leafroll, potato mop top virus, tobacco rattle virus and tobacco veinal necrosis or any other significant virus,</p> <p>(ii)witches' broom and blackleg,</p> <p>(iii) deviations of variety and type, and</p> <p>(iv) groundkeepers.</p>
Pre-basic 3	<p>(4) The seed potatoes must-</p> <p>(a) be derived from-</p> <p>(i) a stock which was classified as pre-basic 2 in the year preceding the planting of the crop; or</p> <p>(ii)such other seed potatoes as have been notified in writing by the National Assembly as being acceptable to it; and</p> <p>(b) have been kept free from-</p> <p>(i) potato viruses A, M, S, X, Y, leafroll, potato mop top virus, tobacco rattle virus and tobacco veinal necrosis or any other significant virus,</p> <p>(ii)witches' broom and blackleg,</p> <p>(iii) deviations of variety and type, and</p> <p>(iv) groundkeepers.</p>
Pre-basic 4	<p>(5) The seed potatoes must-</p> <p>(a) be derived from-</p> <p>(i) a stock which was classified as pre-basic 3 in the year preceding the planting of the crop; or</p> <p>(ii) such other seed potatoes as have been notified in writing by the National Assembly as being acceptable to it; and</p> <p>(b) have been kept free from-</p> <p>(i) potato viruses A, M, S, X, Y, leafroll, potato mop top virus, tobacco rattle virus and tobacco veinal necrosis or any other significant virus,</p>

	<ul style="list-style-type: none"> <li>(ii) witches' broom and blackleg,</li> <li>(iii) deviations of variety and type, and</li> <li>(iv) groundkeepers.</li> </ul>
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**PART II**

**Seed potatoes capable of being marketed as basic seed potatoes**

In the course of making a determination for the purposes of Schedule 1, paragraph 1(b), where an authorised officer determines that seed potatoes are capable of being marketed as basic seed potatoes, he or she may classify them as being seed potatoes of-

- (a) any of the classes specified in column 1 of table 2 where he or she is satisfied following inspection that the requirements specified in column 2 in relation to that class have been met and that the tolerances specified in column 3 have not been exceeded in respect of those seed potatoes; or
- (b) a Community Grade where he or she is satisfied following inspection that the requirements of Commission Directive 93/17/EEC of 30 March 1993 determining Community Grades of basic seed potatoes, together with the conditions and designations applicable to such grades( ) have been met.

**Table 2**

<i>Column 1 Class</i>	<i>Column 2 Requirements</i>	<i>Column 3 Tolerances</i>
Super Elite 1 (SE1)	(6) The seed potatoes must be derived from- <ul style="list-style-type: none"> <li>(a) a stock of pre-basic seed potatoes or a stock classified under the Seed Potatoes Regulations 1991 as VTSC 1 or VTSC 2 in the year preceding the planting of the crop; or</li> <li>(b) such other seed potatoes as have been notified in writing by the National Assembly as being acceptable to it.</li> </ul>	<ul style="list-style-type: none"> <li>(i) deviations from variety and type and groundkeepers - 0.05%.</li> <li>(ii) severe mosaic - nil.</li> <li>(iii) leafroll - 0.01%.</li> <li>(iv) mild mosaic - 0.05%.</li> <li>(v) blackleg - 0.25%.</li> </ul>
Super Elite 2 (SE2)	(7) The seed potatoes must be derived from- <ul style="list-style-type: none"> <li>(a) a stock which was classified as SE1 in the year preceding the planting of the crop; or</li> <li>(b) such other seed potatoes as have been notified in writing by the National Assembly as being acceptable to it.</li> </ul>	As for class SE1 potatoes.
Super Elite 3 (SE3)	(8) The seed potatoes must be derived from- <ul style="list-style-type: none"> <li>(a) a stock which was classified as SE2 in the year preceding the planting of the crop; or</li> <li>(b) such other seed potatoes as have been notified in writing by the National Assembly as being acceptable to it.</li> </ul>	As for class SE1 potatoes.

Elite 1 (E1)	<p>(9) The seed potatoes must be derived from-</p> <p>(a) a stock which was certified as pre-basic seed potatoes or basic seed potatoes (other than E1, E2, E3 or A class) in the year preceding the planting of the crop; or</p> <p>(b) such other seed potatoes as have been notified in writing by the National Assembly as being acceptable to it.</p>	<p>(i) deviations from variety and type and groundkeepers - 0.05%.</p> <p>(ii) total virus disease (leafroll, severe mosaic and mild mosaic) - 0.5% of which not more than 0.1% in total is leafroll and severe mosaic.</p> <p>(iii) blackleg - 0.5%.</p>
Elite 2 (E2)	<p>(10) The seed potatoes must be derived from-</p> <p>(a) a stock which was classified as E1 in the year preceding the planting of the crop;</p> <p>(b) basic seed potatoes of Community Grade EC grade 1 or EC grade 2; or</p> <p>(c) such other seed potatoes as have been notified in writing by the National Assembly as being acceptable to it.</p>	As for class E1 potatoes.
Elite 3 (E3)	<p>(11) The seed potatoes must be derived from-</p> <p>(a) a stock which was classified as E2 in the year preceding the planting of the crop; or</p> <p>(b) such other seed potatoes as have been notified in writing by the National Assembly as being acceptable to it.</p>	As for class E1 potatoes.
A	<p>(12) The seed potatoes must be derived from-</p> <p>(a) inside the protected region, a stock which was certified as pre-basic seed potatoes or basic seed potatoes (other than A class) in the year preceding the planting of the crop;</p> <p>(b) outside the protected region, a stock of pre-basic seed potatoes or basic seed potatoes of Community Grade EC grade 3; or</p> <p>(c) such other seed potatoes as have been notified in writing by the National Assembly as being acceptable to it.</p>	<p>(i) deviations from variety and type and groundkeepers - 0.1%.</p> <p>(ii) total virus disease - 0.8% of which not more than 0.4% in total is leafroll and severe mosaic.</p> <p>(iii) blackleg - 1.0%.</p>

## PART III

### Seed potatoes capable of being marketed as certified seed potatoes

In the course of making a determination for the purposes of Schedule 1, paragraph 1(b), where an authorised officer determines that seed potatoes are capable of being marketed as certified seed potatoes, he or she must classify them as seed potatoes of a class known as CC class where he or she is satisfied on a sample that the requirements specified in column 2 of table 3 in relation to that class have been met and that the tolerances specified in column 3 have not been exceeded in respect of those potatoes.

**Table 3**

<i>Column 1 Class</i>	<i>Column 2 Requirements</i>	<i>Column 3 Tolerances</i>
CC	<p>The seed potatoes must be produced-</p> <p>(a) directly from pre-basic seed potatoes, basic seed potatoes or certified seed potatoes; or</p> <p>(b) from a crop grown with the authority of or in circumstances notified in writing as being acceptable to the National Assembly.</p>	<p>(i) leafroll and severe mosaic - 2.0%;</p> <p>(ii) mild mosaic - 5.0%, providing that the total of leafroll and mild mosaic does not exceed 5%;</p> <p>(iii) blackleg - 2.0%;</p> <p>(iv) deviations from variety and type and groundkeepers - 0.5%, of which deviation from variety - 0.2%.</p>

AWDURDODIAD I FARCHNATA TATWS  
HADYD AT DDIBENION PROFI A THREIALU

AUTHORISATION FOR MARKETING  
SEED POTATOES FOR TEST AND TRIAL  
PURPOSES

1. Pan geir cais am awdurdodiad wedi'i wneud yn unol â rheoliad 8, rhaid i swyddog awdurdodedig-

- (a) dyrannu i'r person sy'n gwneud cais o'r fath rif sydd i'w alw yn "rhif adnabod y cynhyrhydd" (pan na fo un eisoes yn bod ar gyfer person hwnnw);
- (b) cynnal archwiliad swyddogol ar y tatws hadyd er mwyn penderfynu a yw gofynion yr Atodlen hon a Rhan IV o Atodlen 3 wedi'u bodloni; ac
- (c) yn ddarostyngedig i baragraff 3 a rheoliad 8, dyroddi awdurdodiad i farchnata tatws hadyd at ddibenion profi a threialu.

2. Rhaid i awdurdodiad ddatgan-

- (a) enw a chyfeiriad y ceisydd;
- (b) rhif adnabod y cynhyrhydd;
- (c) swm y tatws hadyd y rhoddir awdurdod i'w marchnata;
- (ch) y cyfnod yr awdurdodir marchnata drosto;
- (d) dyddiad dyroddi'r awdurdodiad; a
- (dd) enw arfaethedig amrywogaeth y tatws hadyd.

3. Rhaid i swyddog awdurdodedig beidio â dyroddi awdurdodiad onid yw wedi'i fodloni-

- (a) bod y tatws hadyd o amrywogaeth y gwnaed cais, o dan rheoliad 4(1)(a) o Reoliadau Hadau (Rhestrau Cenedlaethol o Amrywogaethau) 2001, i dderbyn yr amrywogaeth honno ar Restr Genedlaethol ac nad yw'r cais hwnnw wedi ei dynnu'n ôl ac na fu dyfarniad terfynol arno;
- (b) nad w'r tir y mae'r tatws hadyd yn tyfu arno neu lle tyfwyd hwy yn dir a ddynodwyd o dan Atodlen 14 i Orchymyn Iechyd Planhigion (Cymru) 2006 fel tir wedi'i halogi gan Glefyd y Ddafaden (*Synchytrium endobioticum* (Schilb.) Perc.) neu ei fod o fewn parth diogelwch sydd wedi ei ddynodi o dan Gorchymyn hwnnw;
- (c) bod y tir lle mae'r tatws yn tyfu neu lle cawsant eu tyfu yn dir nad yw wedi ei halogi gan rywogaeth *Globodera* sy'n heintio tatws;

1. On receipt of an application for authorisation made in accordance with regulation 8, an authorised officer must-

- (a) allocate to the person making such application a number to be known as a "producer's identification number" (where one does not already exist for that person);
- (b) conduct an official examination of the seed potatoes in order to determine whether the requirements of this Schedule and Part IV of Schedule 3 have been met; and
- (c) subject to paragraph 3 and regulation 8, issue an authorisation to market seed potatoes for test and trial purposes.

2. An authorisation must state-

- (a) the name and address of the applicant;
- (b) the producer's identification number;
- (c) the amount of seed potatoes for which marketing is authorised;
- (d) the period for which marketing is authorised;
- (e) the date on which the authorisation was issued; and
- (f) the proposed name of the variety of the seed potatoes.

3. An authorisation must not be issued by an authorised officer unless he or she is satisfied that-

- (a) the seed potatoes are of a variety for which an application has been made under regulation 4(1)(a) of the Seeds (National Lists of Varieties) Regulations 2001 for acceptance of the variety concerned on to a National List and which application has not been withdrawn or finally determined;
- (b) the land on which the seed potatoes are growing or were grown is not land which is demarcated under Schedule 14 to the Plant Health (Wales) Order 2006 as contaminated with Wart Disease (*Synchytrium endobioticum* (Schilb.) Perc.) or is within a safety zone demarcated under that Order;
- (c) the land on which the seed potatoes are growing or were grown is land which is not contaminated by *Globodera* species infesting potatoes;

- (ch) bod y tatws hadyd wedi eu cymryd o gnwd o datws hadyd sy'n iach oddi wrth rywogaeth *Globodera* sy'n heintio tatws, *Synchytrium endobioticum* (Schilb.) Perc., *Clavibacter michiganensis* (Smith) Davis et al. ssp. *sepedonicus* (Spieck. & Kotth.) Davis et al. a *Ralstonia solanacearum* (Smith) Yabuuchi et al.);
- (d) nad yw nifer y planhigion sy'n tyfu yr effeithir arnynt gan bydredd du'r coesyn yn fwy na 4 y cant;
- (dd) bod y cnwd olynol uniongyrchol a gynhyrchir o'r tatws hadyd, ym marn y swyddog awdurdodedig, yn debygol o gynnwys-
- (i) dim mwy na 0.5 y cant yn ôl rhif o blanhigion sy'n tyfu nad ydynt yn epilio yn driw i'w hamrywogaeth a dim mwy na 0.2 y cant yn ôl rhif o blanhigion sydd o amrywogaeth wahanol; a
- (ii) dim mwy na 10 y cant yn ôl rhif o blanhigion sy'n tyfu sy'n dangos symptomau, ac eithrio symptomau ysgafn, o glefydau firws difrifol sy'n gyffredin yn Ewrop (mae heintiau amryliw ('mosaics') ysgafn sy'n peri bod deilen yn arddangos gwahanol liwiau ond nad yw'n peri anffurfio'r ddeilen i gael eu hanwybyddu);
- (e) bod canfyddiad wedi ei wneud nad yw'r tatws hadyd wedi'u heffeithio gan unrhyw un o'r goddefiannau ar gyfer clefydau, plâu, difrod neu ddiffygion a bennir yn rhan IV o Atodlen 3.
- (d) the seed potatoes are taken from a crop of seed potatoes free from *Globodera* species infesting potatoes, *Synchytrium endobioticum* (Schilb.) Perc., *Clavibacter michiganensis* (Smith) Davis et al. ssp. *sepedonicus* (Spieck. & Kotth.) Davis et al. and *Ralstonia solanacearum* (Smith) Yabuuchi et al.);
- (e) the number of growing plants affected by blackleg does not exceed 4 per cent;
- (f) the immediately succeeding crop produced from the seed potatoes is, in the opinion of the authorised officer, likely to contain-
- (i) not more than 0.5 per cent by number of growing plants which do not breed true to variety and not more than 0.2 per cent by number of growing plants which are of a different variety; and
- (ii) not more than 10 per cent by number of growing plants which show symptoms, other than slight symptoms, of severe virus diseases prevalent in Europe (light mosaics causing discoloration and not leaf deformation are to be ignored);
- (g) the seed potatoes are ascertained not to be affected by any of the tolerances for diseases, pests, damage or defects specified in Part IV of Schedule 3.

ATODLEN 6

SCHEDULE 6

Rheoliad 15

Regulation 15

GWYBODAETH O RAN TATWS HADYD O  
FWY NA DAU GILOGRAM A  
GYNHYRCHIR MEWN GWLAD AC  
EITHRIO AELOD- WLADWRIAETH

INFORMATION IN RESPECT OF SEED  
POTATOES OF MORE THAN TWO  
KILOGRAMS PRODUCED IN A COUNTRY  
OTHER THAN A MEMBER STATE

Rhywogaeth

Species

Amrywogaeth

Variety

Categori

Category

Gwlad lle cynhyrchir a'r Awdurdod Ardystio

Country of production and Certification Authority

Gwlad lle'r anfonir

Country of despatch

Mewnforiwr

Importer

Swm y tatws hadyd

Quantity of seed potatoes

Rheoliad 16

Regulation 16

MANYLION I'W NODI AR NODYN  
GWERTHIANT, ETC.

PARTICULARS TO BE SPECIFIED IN A  
SALE NOTE, ETC

Enw a chyfeiriad y gwerthwr

Name and address of the seller

Pwysau net (ac eithrio tatws hadyd cyn-sylfaenol)

Net weight (except pre-basic seed potatoes)

Rhywogaeth (ac eithrio tatws hadyd sylfaenol a thatws hadyd ardystiedig)

Species (except basic seed potatoes and certified seed potatoes)

Amrywogaeth

Variety

Categori

Category

Dosbarth (yn ôl priodoldeb)

Class (as appropriate)

Gradd Gymuned (os yn gymwys)

Community Grade (if applicable)

Maint (ac eithrio tatws hadyd cyn-sylfaenol)

Size (except pre-basic seed potatoes)

Rhif adnabod y cynhyrhydd neu (ac eithrio ar gyfer tatws hadyd a gynhyrchir yng Nghymru) rhif cyfeirnod lot yr had

Producer's identification number or (except for seed potatoes produced in Wales) seed lot reference number

Manylion unrhyw driniaeth gemegol

Particulars of any chemical treatment

## DIRYMIADAU

(1)	(2)
<i>Y Rheoliadau sy'n cael eu Dirymu</i>	<i>Cyfeirnodau</i>
Rheoliadau Tatws Hadyd (1991)	O.S. 1991/2206
Rheoliadau Tatws Hadyd (Diwygio) 1992	O.S. 1992/1031
Rheoliadau Tatws Hadyd (Diwygio) 1993	O.S. 1993/1878
Rheoliadau Tatws Hadyd (Diwygio) 1994	O.S. 1994/2592
Rheoliadau Tatws Hadyd (Diwygio) 1997	O.S. 1997/1474
Rheoliadau Tatws Hadyd (Diwygio) (Cymru) 2001	O.S. 2001/3666

## REVOCATIONS

(1)	(2)
<i>Regulations revoked</i>	<i>References</i>
The Seed Potatoes Regulations 1991	S.I. 1991/2206
The Seed Potatoes (Amendment) Regulations 1992	S.I. 1992/1031
The Seed Potatoes (Amendment) Regulations 1993	S.I. 1993/1878
The Seed Potatoes (Amendment) Regulations 1994	S.I. 1994/2592
The Seed Potatoes (Amendment) Regulations 1997	S.I. 1997/1474
The Seed Potatoes (Amendment) (Wales) Regulations 2001	S.I. 2001/3666

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