



CYNULLIAD CENEDLAETHOL CYMRU

NATIONAL ASSEMBLY FOR WALES

OFFERYNNAU STATUDOL

STATUTORY INSTRUMENTS

2007 Rhif 196 (Cy.15)

2007 No. 196 (W.15)

AMAETHYDDIAETH, CYMRU

AGRICULTURE, WALES

BWYD, CYMRU

FOOD, WALES

**Rheoliadau Rheolaethau
Swyddogol (Anifeiliaid, Bwyd
Anifeiliaid a Bwyd) (Cymru) 2007**

**The Official Controls (Animals,
Feed and Food) (Wales)
Regulations 2007**

NODYN ESBONIADOL

EXPLANATORY NOTE

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

(This note is not part of the Regulations)

Mae'r Rheoliadau hyn yn gymwys o ran Cymru ac yn gorfodi Rheoliad (EC) Rhif 882/2004 (OJ Rhif L165, 30.04.2004, t. 1) ("Rheoliad 882/2004") Senedd Ewrop a'r Cyngor ynghylch rheolau iechyd a lles anifeiliaid, a'r gyfraith ynglŷn â bwyd anifeiliaid a bwyd a eithriwyd o Reoliadau Rheolaethau Swyddogol ar Fwyd Anifeiliaid a Bwyd (Cymru) 2006 ("Rheoliadau 2006"), sydd hefyd yn cymhwyso ac yn gorfodi Rheoliad 882/2004. Diwygiwyd testun Rheoliad 882/2004 ac mae i'w weld bellach mewn Corrigendwm (OJ Rhif L191, 28.05.2004, t. 1).

These Regulations apply in relation to Wales and enforce Regulation (EC) No. 882/2004 (OJ No. L165, 30.04.2004, p. 1) ("Regulation 882/2004") of the European Parliament and of the Council in relation to animal health and welfare rules, and feed and food law excluded from the Official Feed and Food Controls (Wales) Regulations 2006 ("the 2006 Regulations"), which also apply and enforce Regulation 882/2004. The text of Regulation 882/2004 was revised and is now set out in a Corrigendum (OJ No. L191, 28.05.2004, p. 1).

Mae'r Rheoliadau hyn yn darparu ar gyfer dynodi Cynulliad Cenedlaethol Cymru ac awdurdodau lleol (gan gynnwys awdurdodau bwyd) yn awdurdodau cymwys at ddibenion Erthygl 4.1 o Reoliad 882/2004 (rheoliadau 3 i 5). Mae a wnelo'r dynodiadau â'r canlynol:

These Regulations provide for the designation of the National Assembly for Wales and local authorities (including food authorities) as competent authorities for the purposes of Article 4.1 of Regulation 882/2004 (regulations 3 to 5). The designations relate to:

- (a) rheolau iechyd a lles anifeiliaid;
- (b) cyfraith bwyd sy'n ymwneud â rheolaethau ar anifeiliaid;
- (c) cyfraith bwyd anifeiliaid nad yw wedi'i rhestru yn Atodlen 3 i Reoliadau 2006; ac
- (ch) cyfraith bwyd ynghylch rheolaethau ar fwyd neu fwyd anifeiliaid a eithriwyd o'r dynodiadau yn Rheoliadau 2006, sef:
 - (i) bwydydd organig, gan gynnwys cynhyrchion bwyd organig a fewnforiwyd;

- (a) animal health and welfare rules;
- (b) food law which concerns controls on animals;
- (c) feed law not listed in Schedule 3 to the 2006 Regulations; and
- (d) food law concerning controls on food or feed excluded from the designations in the 2006 Regulations, namely:
 - (i) organic foods, including imported organic food products;

- (ii) cynhyrchion bwyd ag enwau a ddiogelir a chynhyrchion bwyd â chymeriad penodol;
- (iii) gweddillion meddyginiaethau milfeddygol;
- (iv) gweddillion plaleiddiaid;
- (v) mewnforio o drydydd gwledydd gynhyrchion sy'n dod o anifeiliaid, a'r fasnach ohonynt o fewn y Gymuned; a
- (vi) labelu cig eidon.

Maent yn ymwneud hefyd ag encephalopathïau sbyngffurf trosglwyddadwy ("TSEs") ynglŷn â rheolaethau profi (gan gynnwys samplu) ar wartheg, defaid a geifr a gigyddir ar gyfer eu bwyta gan bobl.

Nid yw'r dynodiadau yn cynnwys bwydydd anifeiliaid â meddyginiaeth ac ychwanegion sootechnegol, a gwmpesir ym mharagraff 4 o Atodlen 5 i Reoliadau Meddyginiaethau Milfeddygol 2005 (O.S. 2006/2407).

Mae'r Rheoliadau hyn yn darparu'n bendant ar gyfer cyfnewid gwybodaeth rhwng awdurdodau cymwys yng Nghymru a manau eraill yn y Deyrnas Unedig, ac yn yr Undeb Ewropeaidd (rheoliad 6).

Maent yn creu pwerau annibynnol i archwilwyr awdurdod cymwys gynnal archwiliadau sy'n ofynnol o dan Erthygl 4.6 o Reoliad 882/2004 (rheoliad 7). Mae darpariaeth wedi'i gwneud i Gynulliad Cenedlaethol Cymru alw am wybodaeth oddi wrth awdurdod lleol am ei archwiliadau; ac iddo ei gwneud yn ofynnol i archwilydd gynnal archwiliad o reolaethau swyddogol yr awdurdod lleol hwnnw fel awdurdod cymwys (rheoliad 8).

Pan fo Cynulliad Cenedlaethol Cymru yn trefnu bod yr Asiantaeth Safonau Bwyd i gynnal archwiliad o'r ddeddfwriaeth berthnasol o dan y Rheoliadau hyn, bydd darpariaethau monitro Rheoliadau 2006 yn gymwys ynghyd â'r darpariaethau gorfodi cyfatebol yn Rheoliadau 2006 (rheoliad 9 o'r Rheoliadau hyn).

Mae'r Rheoliadau yn ychwanegu at bwerau presennol arolygwyr hefyd er mwyn caniatáu iddynt ddod ag arbenigwyr y Comisiwn gyda hwy at ddibenion archwiliadau'r Comisiwn ei hun (rheoliad 10). Mae darpariaethau i hwyluso cymorth a chydweithrediad rhwng Aelod-wladwriaethau sy'n ofynnol o dan Deitl IV (Erthyglau 34 i 40) o Reoliad 882/2004 (rheoliadau 11 a 12), yn enwedig i alluogi swyddogion y Comisiwn ac Aelod-wladwriaethau eraill i fod yn bresennol gydag arolygydd sy'n ymchwilio i doriadau a amheuir o dan y ddeddfwriaeth berthnasol. Mae rheoliad 13 yn darparu ar gyfer talu ar archiad ysgrifenedig dreuliau a godir o dan Erthygl 40.4 ac Erthygl 28 o Reoliad 882/2004.

- (ii) protected name food products and specific character food products;
- (iii) veterinary medicines residues;
- (iv) pesticides residues;
- (v) the import from third countries of, and intra-Community trade in, products of animal origin; and
- (vi) beef labelling.

They also relate to transmissible spongiform encephalopathies ("TSEs") in relation to testing (including sampling) controls on bovine, ovine and caprine animals slaughtered for human consumption.

The designations do not include medicated feedingstuffs and zootechnical additives, which are covered in paragraph 4 of Schedule 5 to the Veterinary Medicines Regulations 2006 (S.I. 2006/2407).

These Regulations provide expressly for the exchange of information between competent authorities in Wales and elsewhere in the United Kingdom, and in the European Union (regulation 6).

They create independent powers for a competent authority's auditors to conduct audits required under Article 4.6 of Regulation 882/2004 (regulation 7). Provision is made for the National Assembly for Wales to call for information from a local authority about its audits; and for it to require an auditor to carry out an audit of that local authority's official controls as a competent authority (regulation 8).

Where the National Assembly for Wales arranges that the Food Standards Agency is to carry out an audit of relevant legislation under these Regulations, monitoring provisions of the 2006 Regulations apply together with the corresponding enforcement provisions from the 2006 Regulations (regulation 9 of these Regulations).

The Regulations also supplement existing powers of inspectors so that they may bring Commission experts with them for purposes of the Commission's own audits (regulation 10). There are provisions to facilitate assistance and co-operation between member States required under Title IV (Articles 34 to 40) of Regulation 882/2004 (regulations 11 and 12), in particular to enable officials of the Commission and other member States to attend with an inspector who investigates suspected breaches under the relevant legislation. Regulation 13 provides for the payment on written demand of expenses charged under Article 40.4 and Article 28 of Regulation 882/2004.

Mae Rhan 5 yn darparu ar gyfer gorfodi'r Rheoliadau, gan gynnwys pwerau swyddogion gorfodi i'r perwyl hwn (rheoliad 16). Mae'n dramgwydd o dan reoliad 17 i rwystro archwilydd, swyddog gorfodi, neu arolygydd sy'n dod â chynrychiolwyr o'r Comisiwn neu Aelod-wladwriaethau eraill gydag ef, neu i rwystro unrhyw bersonau sy'n dod gydag arolygydd neu archwilydd. Mae'n dramgwydd hefyd o dan reoliad 17 i ddarparu gwybodaeth gamarweiniol neu anwir i arolygydd neu archwilydd neu swyddog gorfodi, neu i fethu â darparu gwybodaeth y mae unrhyw un ohonynt yn gofyn amdani. Y gosb ar gollfarn ddiannod am y tramgwyddau yw dirwy ar lefel 5 o'r raddfa safonol (£5,000 ar hyn o bryd) neu dri mis yn y carchar, neu'r ddau (rheoliad 17(4)). Mae darpariaeth wedi'i gwneud i erlyn tramgwyddau a gyflawnir gan gyrff corfforaethol (rheoliad 18), a phennir terfynau amser ar gyfer erlyn yn rheoliad 19.

Mae rheoliad 20 yn diwygio Rheoliadau 2006 i dynnu o'r diffiniad o "cyfraith bwyd berthnasol", i'r graddau y mae'n gymwys o ran bwyd, Atodlen 2 i Reoliadau Enseffalopathïau Sbyngffurf Trosglwyddadwy (Cymru) 2006 ("Rheoliadau TSE") a darpariaethau penodol yn y Rheoliad UE ar TSEs (Rheoliad (EC) Rhif 999/2001 (OJ Rhif L147, 31.5.2001, t. 1)) ynghylch monitro TSEs mewn geifr a defaid a gigyddir.

Mae arfarniad rheoliadol wedi'i baratoi ynglŷn â'r Rheoliadau hyn ac mae ar gael oddi wrth Swyddfa'r Prif Swyddog Milfeddygol, Cynulliad Cenedlaethol Cymru, Parc Cathays, Caerdydd CF10 3NQ.

Part 5 provides for the enforcement of the Regulations, including powers of enforcement officers for this purpose (regulation 16). It is an offence under regulation 17 to obstruct an auditor, an enforcement officer, or an inspector who brings with him or her representatives from the Commission or other member States, or any persons accompanying an inspector or auditor. It is also an offence under regulation 17 to provide misleading or false information to, or to fail to provide information requested by, an inspector or auditor or an enforcement officer. The penalty on summary conviction for the offences is a fine at level 5 of the standard scale (currently £5,000) or three months' imprisonment, or both (regulation 17(4)). Provision is made for the prosecution of offences committed by corporate bodies (regulation 18), and time limits for prosecution are specified in regulation 19.

Regulation 20 amends the 2006 Regulations to remove from the definition of "relevant food law" in so far as it applies in relation to food, Schedule 2 of the Transmissible Spongiform Encephalopathies (Wales) Regulations 2006 ("the TSE Regulations") and certain provisions in the EU Regulation on TSEs (Regulation (EC) No. 999/2001 (OJ No. L147, 31.5.2001, p. 1)) relating to the monitoring of TSEs in slaughtered goats and sheep.

A regulatory appraisal has been prepared in respect of these Regulations and is available from the Office of the Chief Veterinary Officer, National Assembly for Wales, Cathays Park, Cardiff, CF10 3NQ.

2007 Rhif 196 (Cy.15)**2007 No. 196 (W.15)****AMAETHYDDIAETH, CYMRU****AGRICULTURE, WALES****BWYD, CYMRU****FOOD, WALES****Rheoliadau Rheolaethau
Swyddogol (Anifeiliaid, Bwyd
Anifeiliaid a Bwyd) (Cymru) 2007****The Official Controls (Animals,
Feed and Food) (Wales)
Regulations 2007***Wedi'u gwneud* 30 Ionawr 2007*Made* 30 January 2007*Yn dod i rym* 31 Ionawr 2007*Coming into force* 31 January 2007

CYNNWYS

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Mae Cynulliad Cenedlaethol Cymru wedi'i ddynodi⁽¹⁾ at ddibenion adran 2(2) o Ddeddf y Cymunedau Ewropeaidd 1972⁽²⁾ mewn perthynas â pholisi amaethyddol cyffredin y Gymuned Ewropeaidd (yn ddarostyngedig i eithriadau penodol) a mesurau ym maes milfeddygaeth i ddiogelu iechyd y cyhoedd.

Mae wedi cynnal ymgynghoriad yn unol ag Erthygl 9 o Reoliad (EC) Rhif 178/2002 Senedd Ewrop a'r Cyngor, sy'n gosod egwyddorion a gofynion cyffredinol cyfraith bwyd, yn sefydlu Awdurdod Diogelwch Bwyd Ewrop ac yn gosod gweithdrefnau o ran materion diogelwch bwyd⁽³⁾, fel y diwygiwyd y Rheoliad hwnnw ddiwethaf gan Reoliad y Comisiwn (EC) Rhif 575/2006 Senedd Ewrop a'r Cyngor⁽⁴⁾.

Mae Cynulliad Cenedlaethol Cymru yn gwneud y Rheoliadau canlynol drwy arfer y pwerau a roddwyd iddo gan adran 2(2) o Ddeddf y Cymunedau Ewropeaidd 1972:

(1) OS 2005/2766 mewn perthynas â'r polisi amaethyddol cyffredin (yn ddarostyngedig i eithriadau penodol), ac OS 2003/1246 mewn perthynas â mesurau milfeddygol i ddiogelu iechyd y cyhoedd.
(2) 1972 p. 68.
(3) OJ Rhif L31, 1.2.2002, t.1.
(4) OJ Rhif L100, 8.4.2006, t. 3.

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The National Assembly for Wales is designated⁽¹⁾ for the purposes of section 2(2) of the European Communities Act 1972⁽²⁾ in relation to the common agricultural policy of the European Community (subject to certain exceptions) and measures in the veterinary field for the protection of public health.

It has carried out a consultation in accordance with Article 9 of Regulation (EC) No. 178/2002 of the European Parliament and of the Council laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety⁽³⁾ as last amended by Commission Regulation (EC) No. 575/2006 of the European Parliament and of the Council⁽⁴⁾.

The National Assembly for Wales makes the following Regulations in exercise of the powers conferred on it by section 2(2) of the European Communities Act 1972:

(1) SI 2005/2766 in relation to the common agricultural policy (subject to certain exceptions), and SI 2003/1246 in relation to veterinary measures for the protection of public health.
(2) 1972 c. 68.
(3) OJ No. L31, 1.2.2002, p.1.
(4) OJ No. L100, 8.4.2006, p. 3.

RHAN 1

Cyffredinol

Enwi, cymhwyso a chychwyn

1.-(1) Enw'r Rheoliadau hyn yw Rheoliadau Rheolaethau Swyddogol (Anifeiliaid, Bwyd Anifeiliaid a Bwyd) (Cymru) 2007.

(2) Mae'r Rheoliadau hyn yn gymwys o ran Cymru ac yn dod i rym ar 31 Ionawr 2007.

Dehongli

2.-(1) Yn y Rheoliadau hyn-

ystyr "arolygydd" ("*inspector*"), mewn perthynas ag unrhyw ddarn o ddeddfwriaeth berthnasol, yw arolygydd, arolygydd milfeddygol, neu swyddog arall a awdurdodir gan y Cynulliad Cenedlaethol neu awdurdod arall i weithredu yng Nghymru o dan y ddeddfwriaeth berthnasol honno;

mae i "yr awdurdod bwyd", mewn perthynas ag unrhyw ddeddfwriaeth berthnasol y gwneir dynodiad ar ei chyfer o dan y Rheoliadau hyn, yr un ystyr â "*the food authority*" yn y ddeddfwriaeth berthnasol honno;

mae i "yr awdurdod lleol", mewn perthynas ag unrhyw ddeddfwriaeth berthnasol y gwneir dynodiad ar ei chyfer o dan y Rheoliadau hyn, yr un ystyr â "*the local authority*" yn y ddeddfwriaeth berthnasol honno;

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

mae i "deddfwriaeth berthnasol" ("*relevant legislation*") yr ystyr a roddir ym mharagraff (3);

ystyr "mangre" ("*premises*") yw mangre neu eiddo arall, lle neu gyfrwng cludo;

ystyr "Rheoliad 882/2004" ("*Regulation 882/2004*") yw Rheoliad (EC) Rhif 882/2004 Senedd Ewrop a'r Cyngor ar reolaethau swyddogol a gyflawnir i sicrhau cydymffurfedd â chyfraith bwyd anifeiliaid a chyfraith bwyd, rheolau iechyd a lles anifeiliaid(1), fel y diwygiwyd y Rheoliad hwnnw gan Reoliad y Comisiwn (EC) Rhif 776/2006 yn diwygio Atodiad VII o ran labordai cyfeirio'r Gymuned(2) ac fel y'i darllenir gyda'r canlynol-

PART 1

General

Title, application and commencement

1.-(1) The title of these Regulations is the Official Controls (Animals, Feed and Food) (Wales) Regulations 2007.

(2) These Regulations apply in relation to Wales and come into force on 31 January 2007.

Interpretation

2.-(1) In these Regulations-

"the 2006 Regulations" ("*Rheoliadau 2006*") means the Official Feed and Food Controls (Wales) Regulations 2006(1);

"the food authority" ("*yr awdurdod bwyd*") in relation to any relevant legislation for which a designation is made under these Regulations has the same meaning as it has in that relevant legislation;

"inspector" ("*arolygydd*") means in relation to any piece of relevant legislation, an inspector, veterinary inspector, or other officer authorised by the National Assembly or other authority to act in Wales under that relevant legislation;

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

"the local authority" ("*yr awdurdod lleol*") in relation to any relevant legislation for which a designation is made under these Regulations has the same meaning as it has in that relevant legislation;

"premises" ("*mangre*") means premises or other property, place or means of transport;

"Regulation 882/2004" ("*Rheoliad 882/2004*") means Regulation (EC) No 882/2004 of the European Parliament and of the Council on official controls performed to ensure the verification of compliance with feed and food law, animal health and animal welfare rules(2), as amended by Commission Regulation (EC) No 776/2006 amending Annex VII as regards Community reference laboratories(3) and as read with-

(1) OJ Rhif L165, 30.4.2004, t.1; gweler y testun sydd wedi'i gywiro yn y corigendwm i'r Rheoliad a gyhoeddwyd yn OJ Rhif L 191, 28.5.2004, t. 1.

(2) OJ Rhif L136, 24.5.2006, t. 3.

(1) SI 2006/590 (W.66) as amended by SI 2006/1704 (W.166), regulation 1(3).

(2) OJ No. L165, 30.4.2004, p.1; see the corrected text as set out in the corrigendum to the Regulation published in OJ No. L 191, 28.5.2004, p. 1.

(3) OJ No. L136, 24.5.2006, p. 3.

- (a) Penderfyniad y Comisiwn 2006/677 yn nodi'r canllawiau sy'n gosod meini prawf ar gyfer cynnal archwiliadau o dan Reoliad (EC) Rhif 882/2004 Senedd Ewrop a'r Cyngor ar reolaethau swyddogol i wirio cydymffurfedd â chyfraith bwyd anifeiliaid a chyfraith bwyd, rheolau iechyd anifeiliaid a rheolau lles anifeiliaid(1);
- (b) Rheoliad y Comisiwn (EC) Rhif 2074/2005 sy'n gosod mesurau gweithredu ar gyfer cynhyrchion penodol o dan Reoliad (EC) Rhif 853/2004 Senedd Ewrop a'r Cyngor ac ar gyfer trefnu rheolaethau swyddogol o dan Reoliad (EC) Rhif 854/2004 Senedd Ewrop a'r Cyngor a Rheoliad (EC) Rhif 882/2004 Senedd Ewrop a'r Cyngor, sy'n rhanddirymu Rheoliad (EC) Rhif 852/2004 Senedd Ewrop a'r Cyngor ac yn diwygio Rheoliadau (EC) Rhif 853/2004 ac (EC) Rhif 854/2004(2);
- (c) Rheoliad y Comisiwn (EC) Rhif 2076/2005 yn gosod trefniadau trosiannol ar gyfer gweithredu Rheoliadau (EC) Rhif 853/2004, (EC) Rhif 854/2004, ac (EC) Rhif 882/2004 Senedd Ewrop a'r Cyngor ac yn diwygio Rheoliadau (EC) Rhif 853/2004 ac (EC) Rhif 854/2004(3); ac
- (ch) Rheoliad (EC) Rhif 178/2002 Senedd Ewrop a'r Cyngor sy'n gosod egwyddorion a gofynion cyffredinol cyfraith bwyd, yn sefydlu Awdurdod Diogelwch Bwyd Ewrop ac yn gosod gweithdrefnau o ran materion diogelwch bwyd fel y diwygiwyd y Rheoliad hwnnw ddiwethaf gan Reoliad (EC) Rhif 575/2006 Senedd Ewrop a'r Cyngor;

ystyr "Rheoliadau 2006" ("*the 2006 Regulations*") yw Rheoliadau Rheolaethau Swyddogol ar Fwyd Anifeiliaid a Bwyd (Cymru) 2006(4).

(2) Yn y Rheoliadau hyn-

- (a) ystyr "archwiliad" ("*audit*"), ac eithrio yn rheoliad 10, yw archwiliad awdurdod cymwys a gyflawnir at ddibenion Erthygl 4.6 o Reoliad 882/2004 mewn perthynas ag un darn o ddeddfwriaeth berthnasol neu fwy ohonynt; a
- (b) ystyr "archwilydd" ("*auditor*") yw person sy'n cynnal archwiliad o'r fath.

(3) Yn y Rheoliadau hyn, ystyr "deddfwriaeth berthnasol" ("*relevant legislation*") yw cyfraith bwyd anifeiliaid a chyfraith bwyd y mae Rheoliad 882/2004 yn gymwys iddynt a rheolau iechyd a lles anifeiliaid, ac eithrio-

- (a) Commission Decision 2006/677 setting out the guidelines laying down criteria for the conduct of audits under Regulation (EC) No 882/2004 of the European Parliament and of the Council on official controls to verify compliance with feed and food law, animal health and animal welfare rules(1);
- (b) Commission Regulation (EC) No. 2074/2005 laying down implementing measures for certain products under Regulation (EC) No. 853/2004 of the European Parliament and of the Council and for the organisation of official controls under Regulation (EC) No. 854/2004 of the European Parliament and of the Council and Regulation (EC) No. 882/2004 of the European Parliament and of the Council, derogating from Regulation (EC) No. 852/2004 of the European Parliament and of the Council and amending Regulations (EC) No. 853/2004 and (EC) No. 854/2004(2);
- (c) Commission Regulation (EC) No. 2076/2005 laying down transitional arrangements for the implementation of Regulations (EC) No. 853/2004, (EC) No. 854/2004, and (EC) No. 882/2004 of the European Parliament and of the Council and amending Regulations (EC) No. 853/2004 and (EC) No. 854/2004(3); and
- (d) Regulation (EC) No. 178/2002 of the European Parliament and of the Council laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety as last amended by Commission Regulation (EC) No. 575/2006 of the European Parliament and of the Council;

"relevant legislation" ("*deddfwriaeth berthnasol*") has the meaning given in paragraph (3).

(2) In these Regulations-

- (a) "audit" ("*archwiliad*") means, except in regulation 10, an audit of a competent authority carried out for the purposes of Art 4.6 of Regulation 882/2004 in relation to one or more pieces of relevant legislation; and
- (b) "auditor" ("*archwilydd*") means a person carrying out such an audit.

(3) In these Regulations, "relevant legislation" ("*deddfwriaeth berthnasol*") means feed law and food law to which Regulation 882/2004 applies and animal health and welfare rules, except-

(1) OJ Rhif L278, 10.10.2006, t.15.

(2) OJ Rhif L338, 22.12.2005, t. 27.

(3) OJ Rhif L338, 22.12.2005, t. 83.

(4) OS 2006/590 (Cy.66) fel y'i diwygiwyd gan OS 2006/1704 (Cy.166), rheoliad 1(3).

(1) OJ No. L 278, 10.10.2006, p. 15.

(2) OJ No. L338, 22.12.2005, p, 27.

(3) OJ No. L338, 22.12.2005, p. 83.

- (a) "cyfraith bwyd anifeiliaid berthnasol" ("*relevant feed law*") a "cyfraith bwyd berthnasol" ("*relevant food law*") fel y'u diffinnir yn Rheoliadau 2006; a
- (b) Rheoliadau Meddyginiaethau Milfeddygol 2006(1) i'r graddau y maent yn rheoleiddio ychwanegion sootecnegol a bwydydd anifeiliaid â meddyginiaeth.

(4) Ym mharagraff (3)(b)-

mae i "bwydydd anifeiliaid â meddyginiaeth" yr ystyr a roddir i "*medicated feedingstuffs*" yn Erthygl 1.6 o Gyfarwyddeb 2001/82/EC Senedd Ewrop a'r Cyngor ar god y Gymuned sy'n ymwneud â chynhyrchion meddyginiaethol milfeddygol(2) fel y diwygiwyd y Gyfarwyddeb honno gan Gyfarwyddeb 2004/28/EC Senedd Ewrop a'r Cyngor sy'n diwygio Cyfarwyddeb 2001/82/EC ar god y Gymuned ynghylch cynhyrchion meddyginiaethol milfeddygol(3); ac

ystyr "*ychwanegion sootecnegol*" ("*zootechnical additives*") yw ychwanegion bwyd anifeiliaid yn y categorïau a grybwyllir yn Erthygl 6.1(d) ac (e) o Reoliad y Cyngor (EC) Rhif 1831/2003 Senedd Ewrop a'r Cyngor ar ychwanegion i'w defnyddio i roi maeth i anifeiliaid(4) ac eithrio'r rhai sy'n perthyn i'r grŵp swyddogaethol a restrir ym mharagraff 4(a), (b) ac (c) o Atodiad 1 i'r Rheoliad hwnnw.

(5) Oni ddarperir fel arall yn y rheoliad hwn, mae i dermau a ddefnyddir yn y Rheoliadau hyn yr un ystyr ag a roddir i'r ymadroddion Saesneg cyfatebol yn Rheoliad 882/2004.

(6) Oni fynnir fel arall gan y cyd-destun, mae cyfeiriadau yn y Rheoliadau hyn at "Erthygl" ("*Article*") neu "Teitl" ("*Title*") yn gyfeiriadau at Erthygl neu Deitl, yn ôl eu trefn, o Reoliad 882/2004.

(7) Mae unrhyw gyfeiriad yn y Rheoliadau hyn at offeryn Cymunedol yn gyfeiriad at yr offeryn hwnnw fel y'i diwygir o dro i dro.

- (a) "relevant feed law" ("*cyfraith bwyd anifeiliaid berthnasol*") and "relevant food law" ("*cyfraith bwyd berthnasol*") as defined in the 2006 Regulations; and
- (b) the Veterinary Medicines Regulations 2006(1) in so far as they regulate zootechnical additives and medicated feedingstuffs.

(4) In paragraph (3)(b)-

"medicated feedingstuffs" ("*bwydydd anifeiliaid â meddyginiaeth*") has the meaning given in Article 1.6 of Directive 2001/82/EC of the European Parliament and of the Council on the Community code relating to veterinary medicinal products(2) as amended by Directive 2004/28/EC of the European Parliament and of the Council amending Directive 2001/82/EC on the Community code relating to veterinary medicinal products(3); and

"zootechnical additives" ("*ychwanegion sootecnegol*") means feed additives in the categories mentioned in Article 6.1(d) and (e) of Regulation (EC) No. 1831/2003 of the European Parliament and of the Council on additives for use in animal nutrition(4) with the exception of those belonging to the functional group listed in paragraph 4(a), (b) and (c) of Annex 1 to that Regulation.

(5) Unless otherwise provided in this regulation, terms used in these Regulations have the same meaning as they have in Regulation 882/2004.

(6) Unless otherwise required by the context, references in these Regulations to an "Article" ("*Erthygl*") or "Title" ("*Teitl*") are to an Article or Title, respectively, of Regulation 882/2004.

(7) Any reference in these Regulations to a Community instrument is a reference to that instrument as from time to time amended.

(1) OS 2006/2407.

(2) OJ Rhif L311, 28.11.2001, t. 1.

(3) OJ Rhif L136, 30.4.2004, t. 58.

(4) OJ Rhif L268, 18.10.2003, t. 29.

(1) SI 2006/2407.

(2) OJ No. L311, 28.11.2001, p. 1.

(3) OJ No. L136, 30.4.2004, p. 58.

(4) OJ No. L268, 18.10.2003, p. 29.

RHAN 2

Dynodi awdurdodau cymwys a chyfnewid gwybodaeth rhyngddynt

Dibenion y dynodiadau

3. Mae dynodiadau yn y Rhan hon yn cael eu gwneud at ddibenion Erthygl 4.1.

Dynodi'r Cynulliad Cenedlaethol yn awdurdod cymwys

4. Mae'r Cynulliad Cenedlaethol wedi'i ddynodi'n awdurdod cymwys mewn perthynas â deddfwriaeth berthnasol.

Dynodi awdurdodau lleol, etc., yn awdurdodau cymwys

5.-(1) Mae'r awdurdod lleol wedi'i ddynodi'n awdurdod cymwys mewn perthynas â swyddogaethau gorfodi a gweithredu (ac eithrio erlyn) y mae'n eu harfer o dan ddeddfwriaeth berthnasol.

(2) Mae'r awdurdod bwyd wedi'i ddynodi'n awdurdod cymwys mewn perthynas â swyddogaethau gorfodi a gweithredu (ac eithrio erlyn) y mae'n eu harfer o dan ddeddfwriaeth berthnasol.

(3) Yn y rheoliad hwn, mae "yr awdurdod lleol" ac "yr awdurdod bwyd" yn cynnwys awdurdod lleol neu awdurdod bwyd sy'n arfer ei swyddogaethau, sef y rhai y cyfeiriwyd atynt ym mharagraff (1) neu (2) fel "awdurdod gorfodi" o dan ddeddfwriaeth berthnasol ac o fewn ystyr "*enforcement authority*" mewn deddfwriaeth o'r fath.

Cyfnewid gwybodaeth

6. Caiff awdurdodau cymwys a ddynodir o dan y Rheoliadau hyn ddatgelu gwybodaeth i'w gilydd ac i awdurdodau cymwys eraill yn y Deyrnas Unedig ac i Aelod-wladwriaethau eraill at ddibenion Rheoliad 882/2004.

RHAN 3

Archwiliadau a rheolaethau'r Gymuned

Pwerau archwilydd ac eithriad ar gyfer archwilydd yr Asiantaeth Safonau Bwyd

7.-(1) Caiff archwilydd arfer y pwerau yn y rheoliad hwn os yw wedi'i awdurdodi-

- (a) gan awdurdod cymwys a ddynodir o dan y Rheoliadau hyn i gynnal archwiliad o weithgareddau'r awdurdod hwnnw; neu

PART 2

Designation of competent authorities and the exchange of information amongst them

Purposes of designations

3. Designations in this Part are made for the purposes of Article 4.1.

Designation of the National Assembly as competent authority

4. The National Assembly is designated a competent authority in relation to relevant legislation.

Designation of local authorities, etc, as competent authorities

5.-(1) The local authority is designated a competent authority in relation to functions of enforcement and execution (other than prosecution) which it exercises under relevant legislation.

(2) The food authority is designated a competent authority in relation to functions of enforcement and execution (other than prosecution) which it exercises under relevant legislation.

(3) In this regulation, "the local authority" and "the food authority" include a local authority or food authority which exercises its functions referred to in paragraph (1) or (2) as an "enforcement authority" under and within the meaning of relevant legislation.

Exchange of information

6. Competent authorities designated under these Regulations may disclose information to each other and to other competent authorities in the United Kingdom and to other member States for the purposes of Regulation 882/2004.

PART 3

Audits and Community controls

Powers of auditors and exception for Food Standards Agency auditors

7.-(1) An auditor may exercise the powers in this regulation if he or she is authorised-

- (a) by a competent authority designated under these Regulations to carry out an audit of its activities; or

(b) gan y Cynulliad Cenedlaethol i gynnal archwiliad yn unol â rheoliad 8(3).

(2) At ddibenion cynnal archwiliad, caiff archwilydd fynd i mewn i fangre y mae gan arolygydd bŵer i fynd iddo o dan ddeddfwriaeth berthnasol ("mangre archwilio") fel petai'r archwilydd yn arolygydd sy'n bodloni'r meini prawf ar gyfer sicrhau mynediad o'r fath o dan y ddeddfwriaeth berthnasol honno.

(3) Caiff archwilydd sy'n arfer ei bŵer mynediad ddod ag unrhyw berson gydag ef y mae ar yr archwilydd angen rhesymol am ei gymorth.

(4) Caiff archwilydd ofyn i unrhyw berson yn unrhyw fangre archwilio am unrhyw wybodaeth y mae arno angen rhesymol amdani at ddibenion yr archwiliad, a chaiff arolygu unrhyw gofnodion y mae arno angen rhesymol amdanynt at y dibenion hynny.

(5) Caiff archwilydd wneud copiâu o'r cofnodion hynny neu ei gwneud yn ofynnol i'r copiâu gael eu gwneud.

(6) Wrth arfer y pwerau a roddwyd gan y rheoliad hwn, rhaid i archwilydd, os gofynnir iddo wneud hynny, ddangos tystiolaeth ei fod wedi'i awdurdodi o dan y Rheoliadau hyn.

(7) Nid yw'r rheoliad hwn yn gymwys pan fo rheoliad 9 yn gymwys.

Pwerau'r Cynulliad Cenedlaethol mewn perthynas ag archwiliadau awdurdodau lleol, etc.

8.-(1) Caiff y Cynulliad Cenedlaethol ei gwneud yn ofynnol i awdurdod cymwys a ddynodir o dan reoliad 5 ddarparu gwybodaeth iddo am unrhyw archwiliadau y mae'r awdurdod cymwys hwnnw wedi'u cynnal neu wedi'u cael neu y mae'r awdurdod cymwys hwnnw yn bwriadu eu cynnal neu eu cael.

(2) Pan fo'r Cynulliad Cenedlaethol yn ei gwneud yn ofynnol i wybodaeth gael ei darparu o dan baragraff (1), rhaid iddo wneud hynny'n ysgrifenedig a rhaid iddo nodi o fewn pa derfyn amser y mae'r wybodaeth sy'n ofynnol i gael ei darparu.

(3) Caiff y Cynulliad Cenedlaethol ei gwneud yn ofynnol-

- (a) i archwilydd gynnal archwiliad o awdurdod cymwys a ddynodir o dan reoliad 5; a
- (b) i'r awdurdod cymwys sydd o dan sylw roi unrhyw gymorth i'r archwilydd hwnnw y bydd ar yr archwilydd angen rhesymol amdano er mwyn cynnal yr archwiliad.

Pwerau'r Asiantaeth Safonau Bwyd sy'n ymgymryd ag archwiliadau ar ran y Cynulliad Cenedlaethol

9.-(1) Pan fo'r Cynulliad Cenedlaethol yn trefnu bod yr Asiantaeth Safonau Bwyd yn ymgymryd ag

(b) by the National Assembly to carry out an audit pursuant to regulation 8(3).

(2) For the purposes of carrying out an audit, an auditor may enter premises to which an inspector has a power of entry under relevant legislation ("audit premises") as if the auditor were an inspector meeting the criteria for gaining such entry under that relevant legislation.

(3) An auditor exercising his or her power of entry may bring with him or her any person whose assistance he or she reasonably requires.

(4) An auditor may request such information from any person at any audit premises as he or she reasonably requires for purposes of the audit, and may inspect such records as he or she reasonably requires for those purposes.

(5) An auditor may make or require copies of such records.

(6) When exercising the powers conferred by this regulation an auditor must upon request produce evidence of his or her authorisation under these Regulations.

(7) This regulation does not apply where regulation 9 applies.

Powers of the National Assembly in relation to audits of local authorities, etc.

8.-(1) The National Assembly may require a competent authority designated under regulation 5 to provide it with information about any audits that competent authority has carried out or undergone or which that competent authority plans to carry out or undergo.

(2) Where the National Assembly requires information under paragraph (1), it must do so in writing and must state the time limit within which the required information is to be provided.

(3) The National Assembly may require-

- (a) an auditor to carry out an audit of a competent authority designated under regulation 5; and
- (b) the competent authority concerned to provide such assistance to that auditor as the auditor may reasonably require in order to carry out the audit.

Powers of the Food Standards Agency undertaking audits on behalf of the National Assembly

9.-(1) Where the National Assembly arranges for the Food Standards Agency to undertake an audit in

archwiliad mewn perthynas â deddfwriaeth berthnasol, bydd darpariaethau archwilio Rheoliadau 2006 yn gymwys fel petai-

(a) ymgymryd â'r archwiliad hwnnw yn ddiben a ddisgrifir yn rheoliad 8(1) a 9(1) o Reoliadau 2006; a

(b) yr awdurdod cymwys o dan sylw yn awdurdod gorfodi y mae rheoliadau 8 a 9 o Reoliadau 2006 yn gymwys iddo.

(2) Dyma ddarpariaethau archwilio Rheoliadau 2006-

(a) rheoliadau 8 a 9(1) i (8) a (10), fel y'i darllenir gyda rheoliad 10; a

(b) rheoliad 11.

(3) Mae rheoliadau 17(2), (4) a (5)(c), 18(2) i (9), 19 i 21, 41 i 43, 45 a 46 o Reoliadau 2006 yn gymwys pan fo paragraff (1) o'r rheoliad hwn yn gymwys fel petai'r paragraff hwnnw'n un o ddarpariaethau Rheoliadau 2006 a oedd i'w gorfodi neu i'w gweithredu o dan Reoliadau 2006.

Rheolaethau'r Gymuned

10. I'r graddau nad oes gan arolygydd bwerau eisoes i wneud hynny, er mwyn ei gwneud yn hwylus i archwiliadau gael eu cynnal gan arbenigwyr y Comisiwn yn unol ag Erthygl 45, caiff arolygydd fynd i unrhyw fangre y mae ganddo bŵer i gael mynediad iddo o dan ddeddfwriaeth berthnasol, ac-

(a) dod ag unrhyw arbenigwyr o'r fath gydag ef; a

(b) dangos iddynt y cofnodion y mae'n eu harolygu.

RHAN 4

Cymorth a chydweithrediad o dan Deitl IV

Dyletswyddau awdurdodau lleol, etc, o dan Deitl IV

11. Rhaid i awdurdod lleol neu awdurdod bwyd sydd wedi'i ddynodi'n awdurdod cymwys o dan reoliad 5 hysbysu'r Cynulliad Cenedlaethol os yw'n credu nad yw'n gallu cymryd camau sy'n ofynnol mewn unrhyw achos unigol o dan Deitl IV (cymorth a chydweithrediad gweinyddol ym meysydd bwyd anifeiliaid a bwyd) a rhaid iddo ddarparu i'r Cynulliad Cenedlaethol unrhyw wybodaeth y bydd y Cynulliad Cenedlaethol yn gofyn yn rhesymol amdano.

Hwyluso cymorth a chydweithrediad o dan Deitl IV

12.-(1) At ddibenion cynorthwyo awdurdod cymwys Aelod-wladwriaeth arall fel y darperir ar ei gyfer o dan Erthygl 36.3, neu alluogi awdurdod cymwys a

relation to relevant legislation, the audit provisions of the 2006 Regulations apply as if-

(a) the undertaking of such an audit were a purpose described in regulation 8(1) and 9(1) of the 2006 Regulations; and

(b) the competent authority concerned were an enforcement authority to which regulations 8 and 9 of the 2006 Regulations applied.

(2) The audit provisions of the 2006 Regulations are-

(a) regulations 8 and 9(1) to (8) and (10), as read with regulation 10; and

(b) regulation 11.

(3) Regulations 17(2), (4) and (5)(c), 18(2) to (9), 19 to 21, 41 to 43, 45 and 46 of the 2006 Regulations apply where paragraph (1) of this regulation applies as if that paragraph were a provision of the 2006 Regulations falling to be enforced or executed under the 2006 Regulations.

Community controls

10. In so far as an inspector does not already have powers to do so, for the purposes of facilitating audits to be carried out by Commission experts pursuant to Article 45, an inspector may enter any premises to which he or she has a power of entry under relevant legislation, and-

(a) bring with him or her any such experts; and

(b) show them such records as he or she inspects.

PART 4

Assistance and co-operation under Title IV

Duties of local authorities, etc, under Title IV

11. A local authority or food authority which is designated a competent authority under regulation 5 must notify the National Assembly if it considers that it is unable to undertake action required in any individual case under Title IV (administrative assistance and cooperation in the areas of feed and food) and must provide such information to the National Assembly as the National Assembly may reasonably request.

Facilitating assistance and co-operation under Title IV

12.-(1) For the purposes of assisting a competent authority of another member State as provided for under Article 36.3, or enabling a competent authority

ddynodir o dan y Rheoliadau hyn i wneud hynny, caiff arolygydd sy'n arfer ei bwerau o dan ddeddfwriaeth berthnasol i fynd i mewn i fangre neu i arolygu cofnodion-

- (a) dod â swyddogion awdurdodedig awdurdod cymwys Aelod-wladwriaeth arall gydag ef;
- (b) dangos iddynt y cofnodion y mae'n eu harolygu; ac
- (c) gwneud copïau iddynt neu ei gwneud yn ofynnol i gopïau gael eu gwneud iddynt o'r cofnodion y mae ganddo bwerau i'w gwneud neu i'w gwneud yn ofynnol iddynt gael eu gwneud o dan y ddeddfwriaeth berthnasol.

(2) At ddibenion hwyluso ymweliad gan dîm arolygu a anfonir gan y Comisiwn fel y darperir ar ei gyfer yn Erthygl 40.3(a), caiff arolygydd ddod â chynrychiolwyr y Comisiwn gydag ef wrth arfer ei bwerau o dan ddeddfwriaeth berthnasol i fynd i mewn i fangre neu i arolygu cofnodion.

Adennill treuliau

13.-(1) Rhaid i dreuliau a godir gan awdurdod cymwys ar fusnes bwyd anifeiliaid neu fusnes bwyd yn unol ag Erthygl 40.4 gael eu talu gan y busnes hwnnw ar ôl cael archiad ysgrifenedig gan yr awdurdod cymwys o dan sylw.

(2) Rhaid i dreuliau a godir gan awdurdod cymwys ar weithredydd yn unol ag Erthygl 28 gael eu talu gan y gweithredydd hwnnw ar ôl cael archiad ysgrifenedig gan yr awdurdod cymwys dan sylw.

(3) Yn y rheoliad hwn ystyr "awdurdod cymwys" ("*competent authority*") yw awdurdod cymwys a ddynodir o dan reoliad 4 neu 5.

RHAN 5

Gorfodi a chosbau

Dehongli a chymhwyso Rhan 5, etc.

14.-(1) Yn y Rhan hon-

- (a) ystyr "archwilydd perthnasol" ("*a relevant auditor*") yw archwilydd sy'n arfer ei bwerau o dan reoliad 7;
- (b) mae "arolygydd perthnasol" ("*a relevant inspector*") yn cynnwys unrhyw berson sy'n dod gydag arolygydd yn unol â rheoliadau 10 neu 12;
- (c) nid yw "mangre" ("*premises*") yn cynnwys unrhyw fangre neu ran o fangre a ddefnyddir fel annedd yn unig;
- (ch) ystyr "swyddog gorfodi" ("*enforcement officer*") yn cynnwys swyddog a awdurdodir i orfodi'r Rheoliadau hyn gan yr awdurdod cymwys sy'n gyfrifol am orfodi yn unol â rheoliad 15.

designated under these Regulations to do so, an inspector exercising his or her powers under relevant legislation to enter premises or to inspect records may-

- (a) bring with him or her authorised officers of a competent authority of another member State;
- (b) show to them such records as he or she inspects; and
- (c) make copies for them or require copies to be made for them of such records as he or she has powers to make or require under the relevant legislation.

(2) For the purposes of facilitating a visit by an inspection team sent by the Commission as provided for in Article 40.3(a), an inspector may bring with him or her representatives of the Commission when exercising his or her powers under relevant legislation to enter premises or to inspect records.

Recovery of expenses

13.-(1) Expenses charged by a competent authority to a feed or food business pursuant to Article 40.4 must be paid by that business on the written demand of the competent authority concerned.

(2) Expenses charged by a competent authority to an operator pursuant to Article 28 must be paid by that operator on the written demand of the competent authority concerned.

(3) In this regulation "competent authority" ("*awdurdod cymwys*") means a competent authority designated under regulation 4 or 5.

PART 5

Enforcement and penalties

Interpretation and application of Part 5, etc.

14.-(1) In this Part-

- (a) "an enforcement officer" ("*swyddog gorfodi*") means an officer authorised to enforce these Regulations by the competent authority responsible for enforcement pursuant to regulation 15;
- (b) "premises" ("*mangre*") excludes any premises or part of premises used exclusively as a dwelling;
- (c) "a relevant auditor" ("*archwilydd perthnasol*") means an auditor exercising his or her powers under regulation 7;
- (d) "a relevant inspector" ("*arolygydd perthnasol*") includes accompanied by any person an inspector pursuant to regulations 10 or 12.

(2) Nid yw Rheoliadau 15 i 19 yn gymwys pan fo rheoliad 9 yn gymwys.

Gorfodi

15. Mae gorfodi'r Rheoliadau hyn yn gyfrifoldeb yr awdurdod cymwys sydd, o dan unrhyw amgylchiadau penodol, yn awdurdodi bod pwerau yn cael eu harfer o dan y Rheoliadau hyn.

Pwerau swyddogion gorfodi

16.-(1) Caiff swyddog gorfodi-

- (a) mynd i mewn i fangre ar unrhyw adeg resymol;
- (b) gwneud unrhyw ymholiadau, arsylwi unrhyw weithgaredd neu broses, a thynnu ffotograffau; ac
- (c) arolygu unrhyw eitem neu gofnodion unrhyw ddsbarth sy'n ymddangos yn berthnasol i'r swyddog gorfodi at ddibenion ei ymchwiliad, ac fe gaiff wneud copïau o'r cofnodion hynny neu ei gwneud yn ofynnol iddynt gael eu gwneud a mynd ag unrhyw gofnodion y mae arno angen rhesymol amdanynt oddi yno.

(2) Rhaid i swyddog gorfodi wneud y canlynol-

- (a) dangos tystiolaeth ei fod wedi'i awdurdodi pan ofynnir iddo wneud hynny;
- (b) cyn gynted ag y bo'n rhesymol bosibl iddo wneud hynny, darparu i'r person y mae'n ymddangos iddo mai hwnnw sy'n gyfrifol am gofnodion y mae'r swyddog gorfodi yn mynd â hwy oddi yno o dan baragraff (1)(c) dderbynneb ysgrifenedig sy'n nodi'r cofnodion hynny; ac
- (c) cyn gynted ag y bo'n rhesymol bosibl iddo wneud hynny, ar ôl penderfynu nad oes angen amdanynt mwyach, dychwelyd y cofnodion hynny, ar wahân i'r rhai a ddefnyddir fel tystiolaeth mewn achos llys.

Tramgwyddau a chosbau

17.-(1) Bydd person yn euog o dramgwydd os yw heb esgus rhesymol yn rhwystro unrhyw un o'r personau canlynol, neu'n peri neu'n caniatáu iddo gael ei rwystro-

- (a) archwilydd perthnasol;
- (b) arolygydd perthnasol;
- (c) unrhyw berson sy'n dod gydag archwilydd perthnasol neu arolygydd perthnasol o dan reoliadau 7(3), 10, neu 12; neu
- (ch) swyddog gorfodi.

(2) At ddibenion paragraff (1), mae rhwystro yn cynnwys-

- (a) methu-
 - (i) â dangos cofnodion;

(2) Regulations 15 to 19 do not apply where regulation 9 applies.

Enforcement

15. Enforcement of these Regulations is the responsibility of the competent authority which in any given circumstances authorises the exercise of powers under these Regulations.

Powers of enforcement officers

16.-(1) An enforcement officer may-

- (a) at any reasonable hour enter premises;
- (b) make any enquiries, observe any activity or process, and take photographs; and
- (c) inspect any article or records of any class which appear to the enforcement officer to be relevant for the purposes of his or her investigation, and may make or require copies of such records and remove such records as he or she reasonably requires.

(2) An enforcement officer must-

- (a) produce evidence of his or her authorisation when requested to do so;
- (b) as soon as he or she reasonably can, provide to the person appearing to him or her to be responsible for records he or she removes under paragraph (1)(c) a written receipt identifying those records; and
- (c) as soon as he or she reasonably can after deciding that they are no longer required, return such records, apart from those used as evidence in court proceedings.

Offences and penalties

17.-(1) A person is guilty of an offence if without reasonable excuse he or she obstructs or causes or permits to be obstructed-

- (a) a relevant auditor;
- (b) a relevant inspector;
- (c) any person who accompanies a relevant auditor or relevant inspector under regulations 7(3), 10, or 12; or
- (d) an enforcement officer.

(2) For the purposes of paragraph (1), to obstruct includes-

- (a) failure-
 - (i) to produce records;

- (ii) â darparu cofnodion; neu
- (iii) â darparu cyfleusterau rhesymol ar gyfer copïo cofnodion,

fel sy'n ofynnol o dan y Rheoliadau hyn; a-

- (b) methiant gan unrhyw berson i ddarparu gwybodaeth sydd yn ei feddiant pan ofynnir iddo wneud hynny gan archwilydd perthnasol, arolygydd perthnasol neu swyddog gorfodi.

(3) Mae person yn euog o dramgwydd os yw'n darparu heb esgus rhesymol i archwilydd perthnasol, arolygydd perthnasol neu swyddog gorfodi, wybodaeth sy'n anwir neu'n gamarweiniol mewn unrhyw fanylyn o bwys.

(4) Mae person sy'n euog o dramgwydd o dan y rheoliad hwn yn atebol, o'i gollfarnu'n ddiannod, i ddirwy nad yw'n uwch na lefel 5 ar y raddfa safonol neu i garchariad am gyfnod nad yw'n hwy na thri mis, neu'r ddau.

Tramgwyddau gan gyrrff corfforaethol

18.-(1) Pan brofir bod tramgwydd o dan reoliad 17 a gyflawnwyd gan gorff corfforaethol wedi'i gyflawni gyda chydysyniad neu ymoddefiad swyddog, neu os gellir priodoli'r tramgwydd hwnnw i unrhyw esgeulustod ar ei ran, bydd y swyddog, yn ogystal â'r corff corfforaethol, yn euog o'r tramgwydd ac yn agored i gael ei erlyn a'i gosbi yn unol â hynny.

(2) Pan fo materion corff corfforaethol yn cael eu rheoli gan ei aelodau, mae paragraff (1) yn gymwys mewn perthynas â gweithredoedd a diffyg gweithredoedd aelod mewn cysylltiad â'i swyddogaethau rheoli fel pe bai'r aelod hwnnw yn un o gyfarwyddwyr y corff.

(3) Ystyr "swyddog", mewn perthynas â chorff corfforaethol, yw cyfarwyddwr, aelod o'r pwyllgor rheoli, prif weithredwr, rheolwr, ysgrifennydd neu swyddog tebyg arall i'r corff, neu berson sy'n honni ei fod yn gweithredu yn rhinwedd swydd o'r fath.

Terfynau amser ar gyfer erlyn

19. Caiff erlyniad am dramgwydd o dan y Rhan hon ddechrau heb fod yn hwyrach na diwedd-

- (a) tair blynedd o ddyddiad cyflawni'r tramgwydd; neu
- (b) blwyddyn o ddyddiad ei ddarganfod gan yr erlynydd,

p'un bynnag yw'r cynharaf.

Diwygio Rheoliadau 2006

20.-(1) Mae Rheoliadau 2006 wedi'u diwygio fel a ganlyn.

(2) Yn rheoliad 2(1), yn y paragraff sy'n dechrau "mae i "Rheoliad 178/2002" ("*Regulation 178/2002*")"

- (ii) to provide copies; or
- (iii) to provide reasonable facilities for copying records,

as required under these Regulations; and-

- (b) failure by any person to provide information in his or her possession when requested to do so by a relevant auditor, a relevant inspector or an enforcement officer.

(3) A person is guilty of an offence if without reasonable excuse he or she supplies to a relevant auditor, a relevant inspector or an enforcement officer information which, in any material particular, is false or misleading.

(4) A person guilty of an offence under this regulation is liable on summary conviction to a fine not exceeding level 5 on the standard scale or to imprisonment for a term not exceeding three months, or to both.

Offences by bodies corporate

18.-(1) If an offence under regulation 17 committed by a body corporate is shown to have been committed with the consent or connivance of an officer, or to be attributable to any neglect on his or her part, the officer as well as the body corporate is guilty of the offence and liable to be proceeded against and punished accordingly.

(2) If the affairs of a body corporate are managed by its members, paragraph (1) applies in relation to the acts and defaults of a member in connection with his or her functions of management as if he or she were a director of the body.

(3) "Officer", in relation to a body corporate, means a director, member of the committee of management, chief executive, manager, secretary or other similar officer of the body, or a person purporting to act in any such capacity.

Time limits for prosecution

19. A prosecution for an offence under this Part may begin no later than after the expiry of-

- (a) three years from the commission of the offence; or
- (b) one year from its discovery by the prosecutor,

whichever is the earlier.

Amendment to the 2006 Regulations

20.-(1) The 2006 Regulations are amended as follows.

(2) In regulation 2(1), in the paragraph which begins ""Regulation 178/2002" ("*Rheoliad 178/2002*")" insert

mewnosoder ar ôl y geiriau ""Cyfarwyddeb 2004/41" ("*Directive 2004/41*)," y geiriau ""Rheoliad 999/2001" ("*Regulation 999/2001*")".

(3) Yn Atodlen 1, ar ôl y diffiniad o ""Cyfarwyddeb 2004/41" ("*Directive 2004/41*")", mewnosoder-

"ystyr "Rheoliad 999/2001" ("*Regulation 999/2001*") yw Rheoliad (EC) Rhif 999/2001 Senedd Ewrop a'r Cyngor sy'n gosod rheolau ar gyfer atal, rheoli a difodi eneffalopathïau sbyngffurf trosglwyddadwy penodol fel y'i diwygir⁽¹⁾ ac mae iddo'r un ystyr â'r diffiniad o "Rheoliad TSE y Gymuned" ("*Community TSE Regulation*") yn Rheoliadau Eneffalopathïau Sbyngffurf Trosglwyddadwy (Cymru) 2006⁽²⁾.

(4) Ym mharagraff (a) o Atodlen 3-

(a) ar ôl is-baragraff (vi) dileer "a";

(b) ar ddiwedd paragraff (vii)(bb) dileer "; a" ac ychwaneger-

", ac

(viii) y materion a reoleiddir o dan Atodlen 2 i Reoliadau Eneffalopathïau Sbyngffurf Trosglwyddadwy (Cymru) 2006 i'r graddau y mae'r Atodlen honno yn gymwys o ran anifeiliaid a gigyddir ar gyfer eu bwyta gan bobl, ynghyd â phwynt 2 o Ran II o Bennod A Atodiad III i Reoliad 999/2001 i'r graddau y mae'r pwynt hwnnw yn gymwys o ran anifeiliaid a gigyddir ar gyfer eu bwyta gan bobl".

Llofnodwyd ar ran Cynulliad Cenedlaethol Cymru o dan adran 66(1) o Ddeddf Llywodraeth Cymru 1998⁽³⁾

30 Ionawr 2007

Llywydd y Cynulliad Cenedlaethol

after the words ""Directive 2004/41" ("*Cyfarwyddeb 2004/41*)," the words ""Regulation 999/2001" ("*Rheoliad 999/2001*")".

(3) In Schedule 1, after the definition of ""Directive 2004/41" ("*Cyfarwyddeb 2004/41*")", insert-

""Regulation 999/2001" ("*Rheoliad 999/2001*") means Regulation (EC) No. 999/2001 of the European Parliament and of the Council laying down rules for the prevention, control and eradication of certain transmissible spongiform encephalopathies as amended⁽¹⁾ and has the same meaning as the definition of "Community TSE Regulation" ("*Rheoliad TSE y Gymuned*") in the Transmissible Spongiform Encephalopathies (Wales) Regulations 2006⁽²⁾;".

(4) In paragraph (a) of Schedule 3-

(a) after sub-paragraph (vi) delete "and";

(b) at the end of paragraph (vii)(bb) delete ";" and add-

", and

(viii) the matters regulated under Schedule 2 to the Transmissible Spongiform Encephalopathies (Wales) Regulations 2006 in so far as that Schedule applies in relation to animals slaughtered for human consumption, together with point 2 of Part II of Chapter A of Annex III to Regulation 999/2001 in so far as that point applies in relation to animals slaughtered for human consumption".

Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998⁽³⁾

30 January 2007

The Presiding Officer of the National Assembly

D. Elis-Thomas

(1) OJ Rhif L147, 31.5.2001, t. 1 fel y'i diwygir gan Reoliad y Comisiwn (EC) 1041/2006 sy'n diwygio Atodiad III i Reoliad (EC) Rhif 999/2001 Senedd Ewrop a'r Cyngor ynglyn â monitro eneffalopathïau sbyngffurf trosglwyddadwy mewn anifeiliaid o deulu'r ddafad.

(2) OS 2006/1226 (Cy.117).

(3) 1998 p.38.

(1) OJ No. L147, 31.5.2001, p. 1 as amended by Commission Regulation (EC) 1041/2006 amending Annex III to Regulation (EC) No 999/2001 of the European Parliament and of the Council as regards monitoring of transmissible spongiform encephalopathies in ovine animals (OJ No. L187, 8.7.2006, p. 10.)

(2) SI 2006/1226 (W.117).

(3) 1998 c.38.

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