

OFFERYNNAU STATUDOL CYMRU

2001 Rhif 3666 (Cy. 298)

HADAU, CYMRU

Rheoliadau Tatws Hadyd (Diwylgio) (Cymru) 2001

<i>Wedi'u gwneud</i>	- -	<i>8 Tachwedd 2001</i>
<i>Yn dod i rym</i>	- -	<i>29 Tachwedd 2001</i>

Mae Cynulliad Cenedlaethol Cymru, drwy arfer y pwerau o dan adrannau 16(1), (1A), (2), (3), (4) a (5) a 36 o Ddeddf Amrywiadau a Hadau Planhigion 1964(1) sydd bellach wedi'u breinio ynddo(2) a phob pŵer arall sy'n ei alluogi yn y cyswlt hwnnw, ar ôl ymgynghori, yn unol ag adran 16(1) o'r Ddeddf honno, â chynrychiolwyr y buddiannau hynny y mae'n ymddangos iddo eu bod o bwys iddynt, drwy hyn yn gwneud y Rheoliadau canlynol:

Enwi, cychwyn a chymhwyso

1.—(1) Enw'r Rheoliadau hyn yw Rheoliadau Tatws Hadyd (Diwygio) (Cymru) 2001 a deuant i rym ar 29 Tachwedd 2001.

(2) Mae'r Rheoliadau hyn yn gymwys i Gymru yn unig.

Diwygio Rheoliadau Tatws Hadyd 1991

2.—(1) Diwygir Rheoliadau Tatws Hadyd 1991(3), i'r graddau y maent yn gymwys i Gymru, yn unol â darpariaethau canlynol y Rheoliadau hyn.

(2) Dehonglir unrhyw gyfeiriad yn y Rheoliadau hyn at reoliad neu Atodlen â rhif fel cyfeiriad at y rheoliad neu'r Atodlen sy'n dwyn y rhif hwnnw yn Rheoliadau Tatws Hadyd 1991.

Rheoliad 2 (Dehongli)

3.—(1) Ym mharagraff (1) o reoliad 2 —

(a) yn y lle priodol, mewnosodwch y diffiniadau canlynol —

-
- (1) [1964 p.14](#); diwygiwyd adran 16 gan adran 4(1) o Ddeddf Cymunedau Ewrop [1972 \(p.68\)](#) a pharagraff 5(1), (2) a (3) o Atodlen 4 iddi.
- (2) *Gweler* adran 38(1) i gael diffiniad o “the Minister”. O dan Orchymyn Trosglwyddo Swyddogaethau (Cymru) (Rhif 1) 1978 ([O.S. 1978/272](#)), erthygl 2(1) ac Atodlen 1, trosglwyddwyd swyddogaethau'r Gweinidog Amaethyddiaeth, Pysgodfeydd a Bwyd o dan Ddeddf Amrywiadau a Hadau Planhigion 1964, i'r graddau y maent yn arferadwy mewn perthynas â Chymru, i'r Ysgrifennydd Gwladol. Cafodd swyddogaethau a enwyd yr Ysgrifennydd Gwladol eu trosglwyddo i Gynulliad Cenedlaethol Cymru gan Orchymyn Cynulliad Cenedlaethol Cymru (Trosglwyddo Swyddogaethau) 1999 ([O.S. 1999/672](#)), y cafwyd diwygiadau iddo nad ydynt yn berthnasol i'r Rheoliadau hyn.
- (3) [O.S. 1991/2206](#), fel y'i diwygiwyd gan [O.S. 1992/1031](#), [1993/1878](#), [1994/2592](#), [1997/1474](#).

““genetically modified” has the same meaning as for the purposes of Council Directive 90/220/EEC(4) on the deliberate release into the environment of genetically modified organisms;”;

““the National Assembly” means the National Assembly for Wales;”;

““third country” means a country listed in the Annex to Council Decision 95/514(5);”.

(b) yn y diffiniad o “class” —

(i) yn lle paragraff (a) rhowch —

“(a) in relation to seed potatoes produced in Wales, the class in which the seed potatoes were placed during the course of classification and specified in the certificate relating to those potatoes, being —

(i) in the case of pre-basic seed potatoes, the class or one of the classes established pursuant to paragraph 3A of Part IA of Schedule 1;

(ii) in the case of basic seed potatoes, any one of the classes specified in order of superiority in column 1 of paragraph 2 of Schedule 3; and

(iii) the case of certified seed potatoes, CC class; and”.

(c) hepgorwch y diffiniad o “marketing” a'r cyfeiriad at ddehongli'r ymadroddion “market” a “marketed” sy'n gysylltiedig ag ef;

(ch) ar ôl y diffiniad o “potato”, mewnosodwch —

““pre-basic seed potatoes” means —

(a) in relation to seed potatoes produced in Wales, seed potatoes in relation to which a pre-basic seed potatoes certificate has been issued in accordance with Parts I, IA and IV of Schedule 1; and

(b) in relation to seed potatoes produced outside Wales, seed potatoes being a lot or part of a lot moved into Wales in a package or container, to or in which a label or document, approved by the authority concerned with classification of seed potatoes in the country or place where the potatoes were produced, has been affixed or placed, stating that on examination of the potatoes they were classified as seed potatoes of a pre-basic category in that country or place where the National Assembly has approved the arrangements applying to pre-basic seed potatoes in that country or place as being equivalent to those applying in Wales;

“pre-basic seed potatoes certificate” means a certificate issued in accordance with Parts I, IA and IV of Schedule 1;”;

(d) yn lle'r diffiniad o “seed potatoes” rhowch —

““seed potatoes” means 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 any potatoes that are intended to be used for planting and propagation;”;

(dd) yn y diffiniad o “seed potatoes produced outside Great Britain” yn lle —

“Belgium, Denmark, Federal Republic of Germany, France, Greece, Italy, Luxembourg, Netherlands, Portugal, Spain,”

rhowch —

(4) OJ Rhif L117, 8.5.90, t.15; fel yr effeithiwyd ddiwethaf gan Gyfarwydddeb 2001/18/EC y Senedd Ewropeaidd a'r Cyngor 98/96/EC (OJ Rhif L106, 17.04.2001, t.1) a fydd yn diddymu 90/220/EEC ar 17 Hydref, 2002

(5) OJ Rhif L296, 8.12.95, t.34.

“Austria, Belgium, Denmark, Germany, Finland, France, Greece, Italy, Luxembourg, Netherlands, Portugal, Spain, Sweden.”.

(2) Ar ddiwedd rheoliad 2 ychwanegwch —

“(4) In these Regulations “marketing” means —

- (a) selling, holding with a view to sale and 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 “market” and “marketed” shall be construed accordingly.

(5) Trade in seed potatoes not aimed at commercial exploitation of the variety, such as the following operations —

- (a) the supply of seed potatoes to official testing and inspection bodies; or
- (b) the supply of seed potatoes to any person for the purpose of processing or packaging the seed potatoes provided that person does not acquire title to the seed potatoes supplied,

shall not be treated as marketing of seed potatoes of that variety.”.

Rheoliad 5 (tatws nad yw'r Rheoliadau'n gymwys iddynt)

4. Hefgorwch reoliad 5.

Rheoliad 6 (marchnata tatws hadyd)

5. Yn rheoliad 6, yn lle paragraffau (2) a (3) rhowch —

“(2) Subject to the provisions of regulation 21, no person shall market —

- (a) any pre-basic seed potatoes, basic seed potatoes or certified seed potatoes —
 - (i) which have been treated with a product which is produced primarily as an application for inhibiting germination; or
 - (ii) as being of a class superior to that in which those potatoes were classified; or
- (b) any basic seed potatoes or certified seed potatoes —
 - (i) which are of a size less than 25 millimetres; or
 - (ii) in a lot where the variation in size of the seed potatoes exceeds 25 millimetres.

(3) Subject to the provisions of regulation 21, no person shall market any seed potatoes within the protected region other than —

- (a) pre-basic seed potatoes; or
- (b) basic seed potatoes of a Community grade.

(4) The prohibitions in paragraph (1) above shall not apply to the marketing by producers of small quantities of seed potatoes, other than seed potatoes which contain any genetically modified material, for scientific purposes or selection work.

(5) If the conditions specified in paragraph (6) below are satisfied the prohibitions in paragraph (1) above shall not apply to the marketing by producers, for scientific purposes or selection work, of small quantities of seed potatoes which contain any genetically modified material.

(6) The conditions referred to in paragraph (5) above are —

- (a) the deliberate release of the genetically modified material has been authorised under a Part B consent, or the genetically modified material has been accepted for marketing in accordance with a Part C consent, issued for the purposes of Council Directive [90/220/EEC](#) on the deliberate release into the environment of genetically modified organisms;
 - (b) the seed potatoes are accompanied during marketing by a copy of the consent;
 - (c) all appropriate measures, in accordance with an environmental risk assessment in respect of the material carried out in accordance with article 7(4) of Council Directive [70/457/EEC](#)(6), have been taken by the producer of the seed potatoes to avoid adverse effects on human health and the environment; and
 - (d) in the case of genetically modified material accepted for marketing in accordance with a Part C consent, an authorisation has been granted by the National Assembly in accordance with paragraph (7) below to the person marketing the seed potatoes.
- (7) An authorisation may be granted by the National Assembly for the purpose of paragraph (6)(d) above if —
- (a) the person intending to market the seed potatoes has applied to the National Assembly no later than 15 working days before the seed potatoes are marketed —
 - (i) giving the National Assembly notice of that person’s intention to market the seed potatoes and a description of the proposed marketing in respect of which the authorisation is sought; and
 - (ii) giving the National Assembly such information relating to the acceptance for marketing of the variety of the seed potatoes concerned under Council Directive [90/220/EEC](#) and the proposed marketing in respect of which the authorisation is sought, as the National Assembly may require for the purposes of determining whether or not to grant the authorisation; and
 - (b) the National Assembly is satisfied that an authorisation should be granted.”.

Rheoliad 7 (Dosbarthu tatws hadyd)

6. Yn rheoliad 7(2), ar y dechrau, mewnosodwch “Pre-basic seed potatoes and”.

Rheoliad 8 (Archwilio tatws hadyd yn swyddogol)

7. Yn rheoliad 8, yn lle “basic or certified seed potatoes” rhowch “pre-basic, basic or certified seed potatoes”.

Rheoliad 9 (Tatws hadyd sylfaenol ac ardystiedig: eu hadnabod a'u pacio)

8. Yn rheoliad 9 yn lle —

“Subject to the provisions of regulation 21, no person shall market basic seed potatoes or certified seed potatoes otherwise than in a lot consisting wholly of either basic seed potatoes or certified seed potatoes of one variety and of one class.”,

rhowch —

“Subject to the provisions of regulation 21, no person shall market seed potatoes other than in a lot consisting wholly of —

- (a) pre-basic seed potatoes, basic seed potatoes or certified seed potatoes;

(6) OJ Rhif L225, 12.10.1970, t.1 (Atodiad Argraffiad Arbennig Saesneg Cyfres I (66—70) t.36); fel y'i diwygiwyd ddiwethaf gan Gyfarwyddeb y Cyngor 98/96/EC (OJ Rhif L25, 1.2.1999, t.27).

- (b) one variety; and
- (c) one class.”.

Tatws hadyd a addaswyd yn enetig

9. Ar ôl rheoliad 10 (pecynnau a chynwysyddio ar gyfer tatws hadyd) mewnosodwch —

“Genetically modified seed potatoes

10A. No person shall market genetically modified seed potatoes unless —

- (a) it is clearly indicated in the sales catalogue of the person marketing the seed potatoes and in any other marketing information or marketing representations provided by that person, that the seed potatoes have been genetically modified; and
- (b) any label or document, whether official or otherwise, affixed to, accompanying or following a lot or any part of a lot in accordance with the provisions of regulation 11, 12 or 15, shall clearly indicate that the seed potatoes have been genetically modified.”.

Tatws hadyd sylfaenol ac ardystiedig o drydydd gwledydd: gwybodaeth

10. Ar ôl rheoliad 12 mewnosodwch —

“Basic and certified seed potatoes from third countries : information

12A. A person who imports a package containing a net weight of more than 2 kilograms of seed potatoes produced in a country other than a Member State shall make available to the National Assembly, in such manner and at such time as the National Assembly may require, the information in respect of the seed potatoes specified in Part III of Schedule 4.”.

Atodlen 1 (dosbarthu tatws hadyd)

11. Yn Atodlen 1 (dosbarthu tatws hadyd)

(a) yn Rhan I, yn lle paragraff 3(b) rhowch —

“(b) the seed potatoes are or were grown, stored, transported and handled so as to minimise the risk of contamination by such harmful diseases or pests as notified in writing by the National Assembly from time to time;”;

(b) ar ôl Rhan I mewnosodwch —

“PART IA

3A. No pre-basic seed potatoes certificate shall be issued by an authorised officer unless he or she is satisfied that the seed potatoes satisfy the minimum conditions established by the National Assembly for pre-basic seed potatoes and for classes of pre-basic seed potatoes.”;

(c) yn Rhan II paragraff 4(b), ar ôl “the protected region only” mewnosodwch “pre-basic seed potatoes and” ;

(ch) yn Rhan II paragraff 4(e), yn lle “Brown Rot (*Pseudomonas solanacearum* (E. F. Smith) Jensen)” rhowch “Brown Rot (*Ralstonia solanacearum* (Smith) Yabuuchi et al.)”;

(d) yn Rhan III, yn lle paragraff 6(2)(b) rhowch —

- “(b) the seed potatoes have been produced —
 - (i) directly from pre-basic seed potatoes, basic seed potatoes or certified seed potatoes;
 - (ii) from a crop grown with the authority of or in circumstances notified in writing as being acceptable to the National Assembly; or
 - (iii) from seed potatoes grown elsewhere than in Great Britain and in respect of which an examination notified in writing as being acceptable to the National Assembly has been carried out.”; ac
- (dd) yn Rhan III paragraff 6(2)(d), yn lle “Brown Rot (*Pseudomonas solanacearum* (E. F. Smith) Jensen)” rhowch “Brown Rot (*Ralstonia solanacearum* (Smith) Yabuuchi et al.)”.

Atodlen 3 (dosbarthu tatws hadyd sylfaenol)

12. Yn Atodlen 3, paragraff 2 —

- (a) yng ngholofn 2, gyferbyn â'r cofnod ar gyfer VTSC 1, yn lle paragraff (b) rhowch —
 - “(b) be seed potatoes derived from a stock which was classified as pre-basic seed potatoes in the year preceding the planting of the crop or from officially selected and tested clones propagated under the supervision of an authorised officer;”;
- (b) yng ngholofn 2, gyferbyn â'r cofnod ar gyfer VTSC 2, yn lle'r geiriau o “The seed potatoes shall be grown” hyd at “preceding the planting of the crop” rhowch “The seed potatoes shall be seed potatoes derived from a stock which was classified as VTSC 1 in the year preceding the planting of the crop.”;
- (c) yng ngholofn 2 gyferbyn â'r cofnod ar gyfer Super Elite 1 (SE1), yn lle “The seed potatoes shall be seed potatoes derived from a stock which was classified as VTSC1 or VTSC2 in the year preceding the planting of the crop.” rhowch “The seed potatoes shall be seed potatoes derived from a stock which was classified as pre-basic seed potatoes, VTSC1 or VTSC2 in the year preceding the planting of the crop.”;
- (ch) yng ngholofn 2 gyferbyn â'r cofnod ar gyfer Elite 1 (E1), yn lle “The seed potatoes shall be seed potatoes derived from a stock of basic seed potatoes” rhowch “The seed potatoes shall be seed potatoes derived from a stock of pre-basic seed potatoes or basic seed potatoes”; a
- (d) yng ngholofn 2 gyferbyn â'r cofnod ar gyfer AA, yn lle “The seed potatoes shall be seed potatoes derived from a stock of basic seed potatoes” rhowch “The seed potatoes shall be seed potatoes derived from a stock of pre-basic seed potatoes or basic seed potatoes”.

Atodlen 4 (label swyddogol etc)

13. Yn Atodlen 4 —

- (a) yn Rhan I, ar y dechrau mewnosodwch —
 - “(A) An official label affixed or to be affixed to a package or container of pre-basic seed potatoes shall be white with a diagonal violet line.”;
- (b) yn Rhan I, yn lle paragraff 4 rhowch—
 - “4. An official label shall state the following particulars —
 - Member State;
 - Country of production;
 - Producer’s identification number;
 - Species (except basic and certified seed potatoes);

Variety;
Pre-basic, basic or certified seed potatoes;
Class;
Community grade (as appropriate);
Size (except pre-basic seed potatoes);
Net weight;
Month and year of closing”;

(c) yn Rhan II, cyn paragraff 5 mewnosodwch—

“**4A.** An official document inserted or to be inserted in a package or container of pre-basic seed potatoes shall be white with a diagonal violet line.”;

(ch) yn Rhan II, yn lle paragraff 7 rhowch —

“**7.** An official document shall state the following particulars —

Producer’s identification number;
Species (except basic and certified seed potatoes);
Variety;
Pre-basic, basic or certified seed potatoes;
Class;
Community grade (as appropriate)”;

(d) ar ôl Rhan II mewnosodwch —

“PART III

INFORMATION IN RESPECT OF SEED POTATOES PRODUCED IN A COUNTRY OTHER THAN A MEMBER STATE MORE THAN 2 KILOGRAMS IN NET WEIGHT

1. Species.
2. Variety.
3. Category.
4. Country of production and official inspection authority.
5. Country of despatch.
6. Importer.
7. Quantity of seed potatoes.”.

Atodlen 5 (clefydau neu blâu penodedig etc)

14. Yn Atodlen 5, Rhan I, Rhan II a Rhan III yn lle “Brown Rot (*Pseudomonas solanacearum* (E. F. Smith) Jensen)” (ym mob lle) rhowch “Brown Rot (*Ralstonia solanacearum* (Smith) Yabuuchi et al.)”.

Atodlen 6 (y manylion sydd i’w pennu mewn nodyn gwerthu etc)

15. Yn lle Atodlen 6, rhowch —

“SCHEDULE 6

regulations 15, 16(a) and (b)

PARTICULARS TO BE SPECIFIED IN A SALE NOTE, ETC.

- Name and address of the seller;
- Net weight;
- Species (except basic and certified seed potatoes);
- Variety;
- Pre-basic, basic or certified seed potatoes;
- Class;
- Community grade (as appropriate);
- Size (except pre-basic seed potatoes);
- Producer’s identification number;
- Particulars of any chemical treatment”.

Diwygiadau amrywiol

16.—(1) Yn y darpariaethau y mae paragraff (2) yn gymwys iddynt, yn lle “basic seed potatoes or certified seed potatoes” (ble bynnag y'u gwelir) rhwch “pre-basic seed potatoes, basic seed potatoes or certified seed potatoes”.

(2) Dyma'r darpariaethau y mae'r paragraff hwn yn gymwys iddynt —

- (a) paragraff (1) o reoliad 6 (marchnata tatws hadyd);
- (b) paragraffau (1) a (6) o reoliad 11 (tatws hadyd sylfaenol ac ardystiedig a gynhyrchir ym Mhrydain Fawr: labelu pecynnau);
- (c) paragraffau (1) a (3) o reoliad 12 (tatws hadyd sylfaenol ac ardystiedig a gynhyrchir y tu allan i Brydain Fawr: labelu pecynnau);
- (ch) paragraff (1) o reoliad 14 (tatws hadyd sylfaenol ac ardystiedig: selio pecynnau);
- (d) yn rheoliad 15 (tatws hadyd sylfaenol ac ardystiedig, darpariaethau ar wahân); ac
- (dd) yn rheoliad 20 (gwybodaeth ynghylch tatws hadyd).

(3) Ym mhennawd pob un o reoliadau 11, 12, 14 a 15 yn lle “Basic and Certified seed potatoes”, rhwch “Pre-basic, basic and certified seed potatoes”.

Llofnodwyd ar ran Cynulliad Cenedlaethol Cymru o dan adran 66(1) o Ddeddf Llywodraeth Cymru 1998(7).

8 Tachwedd 2001

D. Elis-Thomas
Llywydd y Cynulliad Cenedlaethol

EXPLANATORY NOTE

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

Mae'r Rheoliadau hyn yn diwygio Rheoliadau Tatws Hadyd 1991, [O.S. 1991/2206](#) (fel y'i diwygiwyd gan [O.S. 1992/1031](#), [1993/1878](#), [1994/2592](#) a [1997/1474](#)) (Rheoliadau 1991). Deuant i rym ar 29 Tachwedd 2001 ac maent yn gymwys i Gymru'n unig.

Mae'r diwygiadau i Reoliadau 1991 yn peri bod Cyfarwyddeb y Cyngor [98/95/EC](#) (OJ Rhif L25, 1.2.1999, t.1) yn effeithiol yng Nghymru gan ddiwygio, mewn perthynas â chyfuno'r farchnad fewnol, adnoddau planhigion a addaswyd yn enetig ac adnoddau genetig planhigion, cyfarwyddebau mewn perthynas â marchnata hadau a'r catalog cyffredin o amrywiadau rhywogaethau planhigion amaethyddol.

Mae'r cyfarwyddebau mewn perthynas â marchnata hadau a ddiwygiwyd gan Gyfarwyddeb y Cyngor [98/95/EC](#) yn cynnwys Cyfarwyddeb y Cyngor [66/403/EEC](#) (OJ Rhif L125, 11.7.66, t.2320) (OJ/SE 1965—66, t.154) ar farchnata tatws hadyd. Mae Cyfarwyddeb y Cyngor [98/96/EC](#) (OJ Rhif L25, 1.2.1999, t.27) hefyd yn diwygio Cyfarwyddeb y Cyngor [66/403/EEC](#) ond nid yw'r diwygiadau yn ei gwneud yn ofynnol diwygio Rheoliadau 1991.

Mae'r Rheoliadau hyn —

- (a) yn diwygio diffiniadau yn rheoliad 2 (o Reoliadau 1991), gan gynnwys y diffiniadau o “marketing” a “seed potatoes” (rheoliad 3);
- (b) yn darparu ar gyfer marchnata tatws hadyd rhag-sylfaenol (amryw o reoliadau);
- (c) yn gwneud darpariaeth newydd yn rheoliad 6 mewn perthynas â marchnata at ddibenion gwyddonol neu waith dethol ac o ganlyniad maent yn hepgor rheoliad 5 (rheoliadau 4 a 5);
- (ch) yn mewnosod rheoliad 10A newydd sy'n ymwneud â thatws hadyd a addaswyd yn enetig (rheoliad 9);
- (d) yn mewnosod rheoliad 12A newydd sy'n ymwneud â mewnforio tatws hadyd o drydydd gwledydd (rheoliad 10);
- (dd) yn diwygio Atodlen 1 Rhan III mewn perthynas ag ardystio tatws hadyd (rheoliad 11) (d); ac
- (e) yn gwneud mân ddiwygiadau a diwygiadau canlyniadol i Reoliadau 1991 (amryw o reoliadau).

Mae Rheoliadau tebyg wedi'u gwneud er mwyn diwygio Rheoliadau 1991 i'r graddau y maent yn gymwys i Loegr (gweler [O.S. 2000/1788](#)). Yn yr Alban, mae Rheoliadau newydd sy'n disodli Rheoliadau 1991 mewn perthynas â'r Alban wedi'u gwneud (gweler [O.S.A. 2000/201](#)).