pN(5)018 – Rheoliadau’r Fasnach mewn Anifeiliaid a Chynhyrchion Perthynol (Diwygio) (Cymru) (Ymadael â’r UE) 2019

Cefndir a Diben

Mae'r Rheoliadau yn gwneud diwygiadau i Reoliadau Semen Buchol (Cymru) 2008 (“Rheoliadau 2008”) a Rheoliadau’r Fasnach mewn Anifeiliaid a Chynhyrchion Perthynol (Cymru) (“Rheoliadau 2011”) sy'n ymwneud â masnach mewn anifeiliaid a chynhyrchion perthynol.

Cafodd y rheoliadau hyn eu gosod at ddibenion sifftio o dan Ddeddf yr UE (Ymadael) 2018 yn unol â Rheol Sefydlog 27.9A

Argymhelliad y Pwyllgor ynghylch y weithdrefn briodol

Rydym wedi trafod y meini prawf a nodir yn Rheol Sefydlog 21.3C.

Rydym yn argymell mai gweithdrefn y penderfyniad negyddol yw'r weithdrefn briodol ar gyfer y Rheoliadau hyn.

Fodd bynnag, efallai y bydd y Pwyllgor am fod yn ymwybodol (er gwybodaeth) fod Llywodraeth y DU wedi derbyn argymhelliad gan Bwyllgor Craffu ar Is-ddeddfwriaeth Tŷ'r Arglwyddi i uwchraddio'r weithdrefn ar gyfer Rheoliadau’r Fasnach mewn Anifeiliaid a Chynhyrchion Perthynol (Diwygio) (Cymru) (Ymadael â’r UE) 2018 o'r weithdrefn negyddol i'r weithdrefn gadarnhaol. Fodd bynnag, roedd Pwyllgor Offerynnau Statudol Ewropeaidd Tŷ'r Cyffredin o'r farn mai'r weithdrefn negyddol oedd y weithdrefn briodol.

Ystyriwyd Rheoliadau’r Fasnach mewn Anifeiliaid a Chynhyrchion Perthynol (Diwygio) (Ymadael â’r UE) 2018 gan Bwyllgor Craffu ar Is-ddeddfwriaeth Tŷ'r Arglwyddi ar 10 Rhagfyr 2018. Mae'r Rheoliadau yn diwygio nifer o ddarnau o ddeddfwriaeth i gynnwys offerynnau sy'n gymwys i Loegr yn unig sy'n gwneud darpariaeth debyg i Reoliadau 2008 a Rheoliadau 2011, a gaiff eu diwygio gan yr offeryn hwn.

Yn **Adroddiad rhif 10** o sesiwn 2017-2019, dywedodd y Pwyllgor:-

This instrument only makes provisions for the movements of animals and animal-related products from the EU into the UK. We asked the Department about the impact of a ‘no deal’ scenario on the movement of animals and animal products from the UK into the EU. Defra told us that the UK would be treated as a third country and would face considerable additional administrative requirements and potential costs for the commercial movement of animals and animal-related products and the non-commercial movement of pets. Defra also emphasised, however, that any potential reciprocal agreements with the EU would be the outcome of negotiations with the EU and are therefore beyond the scope of these draft Regulations.

This instrument proposes to maintain the current arrangements for the import of animals and animal products from the EU into the UK in a possible ‘no deal’ scenario. As Defra says, the question of whether the EU would reciprocate these arrangements is subject to negotiations with the EU rather than this instrument.

The Committee frequently considers instruments where the UK Government's decision to maintain current arrangements may not be reciprocated by the EU in a 'no deal' scenario. In this instance, given the potential impact of a 'no deal' exit on the export of animals and animal products and the movement of pets from the UK to the EU, the possible lack of reciprocity may be of interest to the House, and the House may expect the opportunity to debate the Department's choice of unilateral recognition of current arrangements. The Committee therefore recommends that the instrument should be subject to the affirmative procedure.

Ymateb y Llywodraeth

Nid oes angen esboniad gan Lywodraeth Cymru yn unol â Rheol Sefydlog 27.9B.

Cynghorwyr Cyfreithiol
Y Pwyllgor Materion Cyfansoddiadol a Deddfwriaethol
4 Chwefror 2019