

Rheoliadau drafft a osodwyd gerbron Cynulliad Cenedlaethol Cymru o dan baragraff 1(8) o Atodlen 7 i Ddeddf yr Undeb Ewropeaidd (Ymadael) 2018, i'w cymeradwyo drwy benderfyniad gan Gynulliad Cenedlaethol Cymru.

OFFERYNNAU STATUDOL
CYMRU DRAFFT

2019 Rhif (Cy.)

**YMADAEL Â'R UNDEB
EWROPEAIDD, CYMRU**

**IECHYD PLANHIGION,
CYMRU**

Rheoliadau Iechyd Planhigion
(Coedwigaeth) (Diwygiadau
Amrywiol) (Cymru) (Ymadael â'r
UE) 2019

NODYN ESBONIADOL

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

Mae'r Rheoliadau hyn wedi eu gwneud drwy arfer y pwerau a roddir yn adran 8(1) o Ddeddf yr Undeb Ewropeaidd (Ymadael) 2018 (p. 16), ac Atodlen 2 iddi, er mwyn ymdrin ag unrhyw fethiant yng nghyfraith yr UE a ddargedwir i weithredu'n effeithiol a diffygion eraill sy'n deillio o ymadawiad y Deyrnas Unedig â'r Undeb Ewropeaidd.

Mae'r Rheoliadau hyn yn diwygio Rheoliadau Deunyddiau Atgenhedlol y Goedwig (Prydain Fawr) 2002, Gorchymyn Iechyd Planhigion (Coedwigaeth) 2005 a Rheoliadau Iechyd Planhigion (Ffioedd) (Coedwigaeth) (Cymru) 2019.

Ystyriwyd Cod Ymarfer Gweinidogion Cymru ar gynnal asesiadau effaith rheoleiddiol mewn perthynas â'r Rheoliadau hyn. O ganlyniad, ystyriwyd nad oedd yn angenrheidiol cynnal asesiad effaith rheoleiddiol o'r costau a'r manteision sy'n debygol o ddeillio o gydymffurfio â'r Rheoliadau hyn.

Rheoliadau drafft a osodwyd gerbron Cynulliad Cenedlaethol Cymru o dan baragraff 1(8) o Atodlen 7 i Ddeddf yr Undeb Ewropeaidd (Ymadael) 2018, i'w cymeradwyo drwy benderfyniad gan Gynulliad Cenedlaethol Cymru.

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UE) 2019

Gwnaed

Yn dod i rym yn unol â rheoliad 1(2)

Mae Gweinidogion Cymru yn gwneud y Rheoliadau hyn drwy arfer y pwerau a roddir gan adran 8(1) o Ddeddf yr Undeb Ewropeaidd (Ymadael) 2018(1), ac Atodlen 2 iddi.

Yn unol â pharagraff 1(8) o Atodlen 7 i'r Ddeddf honno, gosodwyd drafft o'r offeryn hwn gerbron Cynulliad Cenedlaethol Cymru ac fe'i cymeradwywyd ganddo drwy benderfyniad.

RHAN 1

Rhagarweiniol

Enwi, cychwyn a chymhwyso

1.—(1) Enw'r Rheoliadau hyn yw Rheoliadau Iechyd Planhigion (Coedwigaeth) (Diwygiadau Amrywiol) (Cymru) (Ymadael â'r UE) 2019.

(2) Daw'r Rheoliadau hyn i rym ar y diwrnod ymadael.

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

RHAN 2

Diwygio Rheoliadau Deunyddiau Atgenhedlol y Goedwig (Prydain Fawr) 2002

2.—(1) Mae Rheoliadau Deunyddiau Atgenhedlol y Goedwig (Prydain Fawr) 2002(1) wedi eu diwygio fel a ganlyn.

(2) Mae rheoliad 2 wedi ei ddiwygio yn unol â pharagraffau (3) a (4).

(3) Ym mharagraff (2)—

(a) ar ôl y diffiniad o “approved basic material” mewnosoder—

““approved non-EU third country” means a country listed in Part 1A of Schedule 13;”;

(b) hepgorer y diffiniad o “Council Decision 2008/971/EC”;

(c) ar ôl y diffiniad o “crossing design” mewnosoder—

““the Department” has the meaning given in the NI Regulations;”;

(d) hepgorer y diffiniad o “EC classification”;

(e) hepgorer y diffiniad o “EU-approved third countries”;

(f) yn y diffiniad o “genetically modified organism”, yn lle'r geiriau o “Article 2(1)” hyd at y diwedd rhodder “section 106 of the Environmental Protection Act 1990(2)”;

(g) yn y diffiniad o “Master Certificate”—

(i) ym mharagraff (b), yn lle'r geiriau o “official body for Northern Ireland” hyd at y diwedd rhodder “Department in

(1) O.S. 2002/3026, yr offerynnau diwygio perthnasol yw O.S. 2006/2530, 2011/1043, 2013/755 (Cy. 90) ac O.S. 2019/XXX (Cy. XX).

(2) 1990 p. 43; diwygiwyd adran 106 o ran Lloegr gan Ddeddf Ffrwythloni Dynol ac Embryoleg 2008 (p. 22), adran 60 a chan O.S. 2002/2443 a 2009/2232.

accordance with regulation 13 of the NI Regulations”;

(ii) ym mharagraff (d)—

(aa) yn lle “EU-approved” rhodder “approved non-EU”;

(bb) yn lle’r geiriau o “a relevant” hyd at y diwedd rhodder “the Department in accordance with the NI Regulations”;

(iii) ym mharagraff (e), yn lle “an official body of a member State” rhodder “the Department”;

(h) hepgorer y diffiniad o “the Mediterranean climatic region”;

(i) ar ôl y diffiniad o “National Register” mewnosoder—

““the NI Regulations” means the Forest Reproductive Material Regulations (Northern Ireland) 2002(1);”;

(j) yn y diffiniad o “official body”—

(i) hepgorer paragraff (b);

(ii) ym mharagraff (c), ar ôl “in relation to” mewnosoder “an approved non-EU third country or”;

(k) hepgorer y diffiniad o “plant passport”;

(l) yn y diffiniad o “region of provenance”, yn lle “in accordance with Article 9 of the Directive by another official body” rhodder “pursuant to regulation 5 of the NI Regulations by the Department”;

(m) yn lle’r diffiniad o “third countries” rhodder—

““third country” means a country or territory outside the United Kingdom;”.

(4) Hefgorer paragraffau (4A) i (6).

(5) Yn rheoliad 4—

(a) ym mharagraff (1)(c), hepgorer “subject to paragraph (1A)”;

(b) hepgorer paragraff 1(A).

(6) Yn rheoliad 7(4)—

(a) hepgorer is-baragraff (b);

(b) ar ôl is-baragraff (b) mewnosoder—

“(c) as regards Wales, consent to the marketing of the basic material has been given by the Welsh Ministers in accordance with the Genetically Modified Organisms (Deliberate

(1) Rh. St. 2002 Rhif 404.

Release) (Wales) Regulations 2002⁽¹⁾.

”

(7) Yn rheoliad 14(4)—

(a) yn is-baragraff (a)—

(i) ym mharagraff (ii)—

(aa) yn lle “any other official body of a member State” rhodder “the Department”;

(bb) yn lle “the official body in accordance with Article 10 of the Directive” rhodder “the Department in accordance with regulation 7 of the NI Regulations”;

(ii) ym mharagraff (iii), yn lle “an EU-approved” rhodder “a member State, an approved non-EU”;

(b) yn is-baragraff (b), ar ôl paragraff (i) mewnosoder—

“(ia) in the case of forest reproductive material derived from basic material approved by the Department, has the meaning given in regulation 7(5) of the NI Regulations;”.

(8) Yn rheoliad 17—

(a) ym mharagraff (1)—

(i) yn is-baragraff (b)—

(aa) hepgorer “or another member State”;

(bb) yn lle “Article 14 of the Directive” rhodder “regulation 19 of the NI Regulations”;

(ii) ar ôl is-baragraff (b) mewnosoder—

“(ba) in the case of forest reproductive material produced in a member State and imported into Wales, it has met the requirements as to entry into Wales set out in regulation 25;”;

(iii) yn is-baragraff (c), yn lle “EU-approved” rhodder “approved non-EU”;

(iv) hepgorer is-baragraff (d);

(v) ar ôl is-baragraff (e) mewnosoder—

“(ea) in the case of forest reproductive material imported into Northern

(1) 2002/3188 (Cy. 304), a ddiwygiwyd gan O.S. 2005/1913 (Cy. 156); mae offerynnau diwygio eraill ond nid oes yr un ohonynt yn berthnasol. Breinir swyddogaethau Cynulliad Cenedlaethol Cymru o dan y Rheoliadau hyn yng Ngweinidogion Cymru yn rhinwedd adran 162 o Ddeddf Llywodraeth Cymru 2006 (p. 32), a pharagraff 30 o Atodlen 11 iddi.

Ireland, it met the requirements set out in the NI Regulations as to entry into Northern Ireland and was accompanied on its entry into Wales by the supplier's label or document required by regulation 19 of the NI Regulations;

”;

(vi) hepgorer is-baragraff (f);

(b) hepgorer paragraff (12).

(9) Yn rheoliad 18(3), yn is-baragraff (c), yn lle “the Directive” rhodder “any provision made under retained EU law relating to forest reproductive material or under the Plant Varieties and Seeds Act 1964⁽¹⁾”.

(10) Yn rheoliad 19—

(a) ym mharagraff (1)—

(i) yn is-baragraff (e), hepgorer “, another member State”;

(ii) hepgorer is-baragraff (h) a'r “and” sy'n dod o'i flaen;

(iii) hepgorer is-baragraff (i);

(b) ym mharagraff (3), yn lle “EU-approved” rhodder “approved non-EU”.

(11) Ym mhennawd Rhan 6, yn lle “Between Great Britain and elsewhere in the European Union” rhodder “within the United Kingdom”.

(12) Yn rheoliad 21, yn lle “Northern Ireland”, ym mhob lle y mae'n digwydd (gan gynnwys yn y pennawd), rhodder “another part of the United Kingdom”.

(13) Hepgorer rheoliad 22.

(14) Yn rheoliad 23—

(a) yn y pennawd, ar y diwedd, mewnosoder “or within Great Britain”;

(b) yn lle “Northern Ireland” rhodder “another part of the United Kingdom”;

(c) yn lle “required by Article 14 of the Directive” rhodder “setting out the particulars required under regulation 19 of these Regulations or regulation 19 of the NI Regulations”.

(15) Hepgorer rheoliad 24.

(16) Yn rheoliad 25—

(a) ym mharagraffau (1) a (2), yn lle “an EU-approved” rhodder “a member State, an approved non-EU”;

(b) ym mharagraff (6), yn lle “an EU-approved” rhodder “a member State or an approved non-EU”.

(1) 1964 p. 14.

(17) Yn rheoliad 26(3)(a)(vii), ar y dechrau mewnosoder “UK”.

(18) Yn rheoliad 27—

(a) ym mharagraff (2)—

(i) hepgorer “, including representatives of the Commission of the European Union”;

(ii) hepgorer “, or for facilitating the checks required under Article 16(6) of the Directive”;

(b) ym mharagraff (3), hepgorer “the Commission of the European Union or”.

(19) Yn rheoliad 34(2), hepgorer “or European Community”.

(20) Yn y dystysgrif enghreifftiol yn Atodlen 6—

(a) yn lle “ISSUED IN ACCORDANCE WITH DIRECTIVE 1999/105/EC” rhodder—

“ISSUED IN ACCORDANCE WITH THE OECD FOREST AND PLANT SCHEME AND THE FOREST REPRODUCTIVE MATERIAL (GREAT BRITAIN) REGULATIONS 2002”;

(b) yn lle “**MEMBER STATE:**” rhodder “**UNITED KINGDOM**”;

(c) yn lle “**No EC:/(MEMBER STATE CODE)/ (No)**” rhodder “**UK (No.)**”;

(d) yn lle “EC Directive” rhodder “OECD Forest Seed and Plant Scheme moving in International Trade and the Forest Reproductive Material (Great Britain) Regulations 2002”;

(e) yn lle “**EC Certificate**” rhodder “**UK or OECD Certificate**”.

(21) Yn y dystysgrif enghreifftiol yn Atodlen 7—

(a) yn lle “ISSUED IN ACCORDANCE WITH DIRECTIVE 1999/105/EC” rhodder—

“ISSUED IN ACCORDANCE WITH THE OECD FOREST AND PLANT SCHEME AND THE FOREST REPRODUCTIVE MATERIAL (GREAT BRITAIN) REGULATIONS 2002”;

(b) yn lle “**MEMBER STATE:**” rhodder “**UNITED KINGDOM**”;

(c) yn lle “**No EC:/(MEMBER STATE CODE)/ (No.)**” rhodder “**UK (No.)**”;

(d) yn lle “EC Directive” rhodder “OECD Forest Seed and Plant Scheme and the Forest Reproductive Material (Great Britain) Regulations 2002”;

(e) yn lle “**EC Certificate**” rhodder “**UK or OECD Certificate**”.

(22) Yn y dystysgrif enghreifftiol yn Atodlen 8—

- (a) yn lle “ISSUED IN ACCORDANCE WITH DIRECTIVE 1999/105/EC” rhodder—

“ISSUED IN ACCORDANCE WITH THE OECD FOREST AND PLANT SCHEME AND THE FOREST REPRODUCTIVE MATERIAL (GREAT BRITAIN) REGULATIONS 2002”;

- (b) yn lle “**MEMBER STATE:**” rhodder “**UNITED KINGDOM**”;
- (c) yn lle “**No EC:(MEMBER STATE CODE)/ (No)**” rhodder “**UK (No.)**”;
- (d) yn lle “EC Directive” rhodder “OECD Forest Seed and Plant Scheme and the Forest Reproductive Material (Great Britain) Regulations 2002”;
- (e) yn lle “**EC Certificate**” rhodder “**UK or OECD Certificate**”.

(23) Yn Atodlen 9—

- (a) ym mharagraff 1(b), hepgorer “EC”, yn y ddau le y mae’n digwydd;
- (b) yn y tabl ym mharagraff 2(b), hepgorer y rhes gyntaf a’r tair rhes olaf.

(24) Hepgorer Atodlen 10.

(25) Yn Atodlen 13—

- (a) ym mharagraff 1, yn lle “an EU-approved” rhodder “a member State, an approved non-EU”;

(b) ym mharagraff 2—

- (i) o flaen y diffiniad o “OECD Certificate of Provenance” mewnosoder—

““OECD Certificate of Identity” means a certificate of identity issued in accordance with the rules of the OECD Scheme;”;

- (ii) yn y diffiniad o “permitted material”—

- (aa) o flaen paragraff (a) mewnosoder—

“(za)in the case of forest reproductive material produced in a member State, forest reproductive material which has been certified by the relevant official body in accordance with Article 12 of the Directive or the OECD Scheme;”;

- (bb) ym mharagraff (a), yn lle “EU-approved” rhodder “approved non-EU”;

- (c) ar ôl Rhan 1 mewnosoder—

“PART 1A

Approved non-EU third countries

1. Canada
2. Norway
3. Serbia
4. Switzerland
5. Turkey
6. United States

PART 1B

Scope of Part 1B

2A. This Part applies to consignments of permitted material produced in a member State.

General requirements

2B. A consignment of permitted material must be accompanied by—

- (a) a copy of the Master Certificate issued by the relevant official body under Article 12 of the Directive;
- (b) a label or document which complies with the requirements in Article 14 of the Directive;
- (c) an OECD Certificate of Provenance or OECD Certificate of Identity issued in relation to the permitted material; or
- (d) a label or document completed by the supplier of the consignment containing—
 - (i) the supplier’s name;
 - (ii) all of the information contained in the OECD Certificate of Provenance or OECD Certificate of Identity; and
 - (iii) in relation to any seed lot which is accompanied by an OECD Certificate of Provenance or an OECD Certificate of Identity, the information specified in paragraph 2D.

2C. Where the permitted material is accompanied by an OECD Certificate of Provenance or OECD Certificate of Identity, or

a label or document referred to in paragraph 2B(d), an OECD label must be attached to each seed lot and to each consignment of planting stock.

2D. The OECD label attached to the seed lot and any supplier's document accompanying the seed lot must contain the following additional information in relation to the seed lot assessed, so far as is practicable in all the circumstances, using internationally accepted techniques—

- (a) the percentage by weight of pure seed, other seed and inert matter;
- (b) the germination percentage of pure seed or, where it is impossible or impracticable to assess the germination percentage, the viability percentage assessed by reference to a method which must be described;
- (c) the weight of 1000 pure seeds;
- (d) the number of germinable seeds per kilogram of the seed, or where it is impossible or impracticable to assess the number of germinable seeds, the number of viable seeds per kilogram;
- (e) in the case of a seed lot of closely related species which does not reach a minimum species purity of 99%, the species purity.

2E. But the OECD label and supplier's document may omit the following information—

- (a) any information mentioned in paragraph 2D(a) to (e) which is yet to be ascertained by testing the seed using internationally accepted techniques;
- (b) in the case of a seed lot containing seed which has been harvested from the current season's crop, any information mentioned in paragraph 2D(b) or (d) which is not yet available;
- (c) in the case of seed which is to be marketed in quantities no greater than those specified for the species or artificial hybrid of the seed in Schedule 11, the information mentioned in paragraph 2D(b) or (d).

2F. All seed must be consigned in sealed packages.”

RHAN 3

Diwygio Gorchymyn Iechyd Planhigion (Coedwigaeth) 2005

3. Mae Gorchymyn Iechyd Planhigion (Coedwigaeth) 2005(1) wedi ei ddiwygio fel a ganlyn.

4. Yn erthygl 2—

(a) ym mharagraff (1)—

(i) yn y lleoedd priodol mewnoder—

““appropriate UK plant health authority” means—

(a) in relation to timber and forest pests in England, the Forestry Commissioners;

(b) otherwise in relation to England, the Secretary of State;

(c) in relation to Wales, the Welsh Ministers;

(d) in relation to Scotland, the Scottish Ministers;

(e) in relation to Northern Ireland, the Department of Agriculture, Environment and Rural Affairs;

(f) in relation to the Bailiwick of Guernsey, the States of Guernsey;

(g) in relation to the Bailiwick of Jersey, the Department of Environment of the Bailiwick of Jersey;

(h) in relation to the Isle of Man, the Department of Environment, Food and Agriculture of the Isle of Man;”;

““CD territory” means the Bailiwick of Guernsey, the Bailiwick of Jersey or the Isle of Man;”;

““the list of controlled material” means Schedule 6 to the Plant Health Regulations;”;

““the list of pest free area controlled material” means Schedule 7 to the Plant Health Regulations;”;

““the list of prohibited infested material” means Schedule 2 to the Plant Health Regulations;”;

““the list of prohibited material” means Schedule 3 to the Plant Health Regulations;”;

(1) O.S. 2005/2517, a ddiwygiwyd gan O.S. 2006/2696, 2008/644, 2009/594, 2009/3020, 2012/2707, 2013/755 (Cy. 90), 2013/2691, 2014/2420, 2016/1167, 2017/1178 a 2018/1048.

“the list of prohibited plant pests” means Schedule 1 to the Plant Health Regulations;”;

“the list of regulated material” means Schedule 4 to the Plant Health Regulations;”;

“NI Order” means the Plant Health Order (Northern Ireland) 2018(1);”;

“NI (Wood and Bark) Order” means the Plant Health (Wood and Bark) Order (Northern Ireland) 2006(2);”;

“pest free area” means that part of a UK pest free area that is in Wales or, where the UK pest free area includes two or more separate parts of Wales, each such part;”;

“the Plant Health Regulations” means the Plant Health (EU Exit) Regulations 2019(3);”;

“regulated tree pest” means—

- (a) a tree pest of a description specified in Part A, B or D of the list of prohibited plant pests;
- (b) a tree pest of a description specified in Part C of the list of prohibited plant pests which relates to a pest free area;
- (c) a tree pest of a description specified in column 2 of Part A, B or D of the list of prohibited infested material;
- (d) a tree pest of a description specified in column 2 of Part C of the list of prohibited infested material which relates to a pest free area;”;

“UK pest free area” means an area in the United Kingdom which has been established as a pest free area in accordance with ISPM No. 4;”;

“UK plant passport” means a label and, where appropriate, an accompanying document that meets the relevant requirements set out in Schedule 9, issued by or with the authority of the appropriate UK plant health authority, and includes any replacement of such a passport;”;

“UK territory” means England, Wales, Scotland or Northern Ireland;”;

- (ii) hepgorer y diffiniadau o “area of plant health control” ac “associated controlled dunnage”;

(1) Rh. St. G.I. 2018/184.
(2) Rh. St. G.I. 2006/66.
(3) O.S. 2019/XXX.

- (iii) yn y diffiniad o “authorised officer”, yn lle paragraffau (a) i (c) rhodder—
 - “(a) in relation to a UK plant passport, an inspector acting under the authority of the appropriate UK plant health authority; or
 - (b) in relation to a phytosanitary certificate or phytosanitary certificate for re-export, an authorised representative of, or a public officer acting under, the national plant protection organisation of the country in which a phytosanitary certificate or phytosanitary certificate for re-export or a translation of a phytosanitary certificate or phytosanitary certificate for re-export is issued;”;
- (iv) hepgorer y diffiniad o “bark-free”;
- (v) yn lle’r diffiniad o “consignment” rhodder—
 - ““consignment” means a quantity of goods covered by a single document required for customs or other formalities;”;
- (vi) hepgorer y diffiniad o “debarked”;
- (vii) hepgorer y diffiniadau o “Decision 2002/757/EC” hyd at “Decision (EU) 2015/893”;
- (viii) hepgorer y diffiniadau o “the Directive”, “dunnage”, “EC transit goods”, “Euro-Mediterranean area” ac “Europe”;
- (ix) yn y diffiniad o “European Union”, hepgorer “including the Isle of Man and the Channel Islands”;
- (x) hepgorer y diffiniad o “fruit”;
- (xi) yn y diffiniad o “importer”, yn lle “landing” rhodder “consignment”;
- (xii) hepgorer y diffiniadau o “isolated bark” a “landed”;
- (xiii) yn lle’r diffiniad o “lot” rhodder—
 - ““lot” means a number of units of a single commodity, identifiable by its homogeneity of composition and origin, which form part of a consignment;”;
- (xiv) yn y diffiniad o “national plant protection organisation”, yn lle “European Commission” rhodder “national plant protection organisation of the United Kingdom”;
- (xv) hepgorer y diffiniad o “North America”;
- (xvi) yn y diffiniad o “official”, yn lle “responsible official body” rhodder “appropriate UK plant health authority”;

- (xvii) hepgorer y diffiniadau o “official body of destination”, “official body of point of entry” ac “official documentation”;
 - (xviii) yn y diffiniad o “official label”, yn lle’r geiriau o “responsible” hyd at y diwedd rhodder “appropriate UK plant health authority”;
 - (xix) yn y diffiniad o “official statement”, yn lle “plant passport” rhodder “UK plant passport”;
 - (xx) hepgorer y diffiniad o “OPM protected zone”;
 - (xxi) yn y diffiniadau o “phytosanitary certificate” a “phytosanitary certificate for reexport”, yn lle “articles 7 and” rhodder “article”;
 - (xxii) hepgorer y diffiniadau o “plant health check”, “plant health movement document” a “plant passport”;
 - (xxiii) yn lle’r diffiniad o “planting” rhodder—
““planting” means any operation for the placing of plants to ensure their subsequent growth, reproduction or propagation;”;
 - (xxiv) hepgorer y diffiniad o “protected zone”;
 - (xxv) hepgorer y diffiniad o “Regulation (EC) No 690/2008”;
 - (xxvi) hepgorer y diffiniadau o “responsible official body” a “round wood”;
 - (xxvii) hepgorer y diffiniadau o “solid fuel wood” a “Swiss plant passport”;
 - (xxviii) yn lle’r diffiniad o “third country” rhodder—
““third country” means—
(a) a country or territory outside the European Union, other than a territory within the British Islands; or
(b) the European Union;”;
 - (xxix) hepgorer y diffiniad o “tree or shrub in tissue culture”;
 - (xxx) hepgorer y diffiniad o “the USA”;
- (b) hepgorer paragraff (2);
 - (c) hepgorer paragraff (3A);
 - (d) hepgorer paragraff (5);
 - (e) ar ôl paragraff (5) mewnosoder—
“(6) As regards Wales, words and expressions which are not defined in this Order and which appear in the Plant Health Regulations have the same meaning in this Order as they have in the Plant Health Regulations.”

5. Yn erthygl 2A—

- (a) ym mharagraff (1)(a), hepgorer “England or”;
- (b) ar ôl paragraff (1) mewnosoder—

“(1A) The functions of an inspector under articles 9, 10A, 12, 12A, 13, 23 and 31(1) to (3) are exercisable in relation to tree pests and relevant material which are brought into a point of entry that is located in Wales, by an inspector authorised by the Welsh Ministers.”;

- (c) ym mharagraff (3)(a), hepgorer “England or”;
- (d) ar ôl paragraff (3) mewnosoder—

“(3A) The functions of an inspector under articles 31(4) to (7), 32, 40 and 41A are exercisable in relation to premises or a free zone in Wales, by an inspector authorised by the Welsh Ministers.”

6. Yn erthygl 3—

- (a) yn y lleoedd priodol mewnosoder—

““correct phytosanitary certificate”, in relation to notifiable relevant material, means a phytosanitary certificate or phytosanitary certificate for re-export which has been issued—

- (a) in the manner specified in article 7(2) to (5); and
- (b) in respect of the relevant prescribed requirements;”;

““designated area of plant health control”, in relation to notifiable relevant material, means a place close to a point of entry which has been designated as an area of plant health control by the Welsh Ministers and the Commissioners for Her Majesty’s Revenue and Customs;”;

““EU transit material” means any notifiable relevant material from a third country, other than a country or territory in the European Union, which is consigned to the United Kingdom via the European Union and which was not, on its entry into the European Union, subject to—

- (a) the formalities described in Article 13a of Directive 2000/29/EC(1); or
- (b) to other similar official controls under Regulation (EU) 2017/625 of the European Parliament and of the Council, as it has effect in EU law(2);”;

(1) OJ Rhif L 169, 10.7.2000, t. 1, fel y’i diwygiwyd ddiwethaf gan Gyfarwydddeb Weithredu’r Comisiwn (EU) 2017/1920 (OJ Rhif L 271, 20.10.2017, t. 34).

(2) OJ Rhif L 095, 7.4.2017, t. 1.

““notifiable relevant material” means any relevant material—

- (a) of a description specified in Schedule 5 to the Plant Health Regulations;
- (b) of a description specified in Schedule 7 to the Plant Health Regulations, originating in a third country;”;

““notified EU material” means any notifiable relevant material originating in the European Union or Switzerland which is intended to be, or has been, consigned to the United Kingdom from the European Union or Switzerland via a point of entry in Wales and whose arrival in Wales has been notified to the Welsh Ministers in accordance with article 6(A1);”;

““point of entry” means—

- (a) in the case of relevant material which arrives by air, the airport at which the material first arrives in the United Kingdom;
- (b) in the case of relevant material which arrives by maritime or fluvial transport, the port at which the material first arrives in the United Kingdom;
- (c) in the case of relevant material which arrives by rail, the rail freight terminal at which the material first arrives in the United Kingdom;
- (d) in the case of relevant material which arrives by road, the initial destination of the material after its arrival in the United Kingdom;”;

““prescribed requirements”, in relation to any notifiable relevant material, means—

- (a) the requirements specified in respect of the material in article 5; or
- (b) in the case of any material which is destined for a UK pest free area which includes Northern Ireland, but not England or Wales, the requirements specified in respect of that material in article 4 of the Plant Health (Wood and Bark) Order (Northern Ireland) 2006(1) or article 5 of the Plant Health Order (Northern Ireland) 2018(2);”;

““relevant Plant Health Order” means—

(1) Rh. St. 2006 Rhif 66, a ddiwygiwyd gan Rh. St. 2009 Rhif 340, Rh. St. 2010 Rhif 48, Rh. St. 2012 Rhif 400, Rh. St. 2015 Rhif 129.

(2) Rh. St. 2018 Rhif 184.

- (a) in relation to relevant material destined for England, the Plant Health (England) Order 2015 and the Plant Health (Forestry) (England) Order 2005 in its application to England;
- (b) in relation to relevant material destined for Wales, the Plant Health (Wales) Order 2018(1) and the Plant Health (Forestry) Order 2005 in its application to Wales;
- (c) in relation to relevant material destined for Scotland, the Plant Health (Scotland) Order 2005(2) and the Plant Health (Forestry) Order 2005 in its application to Scotland;
- (d) in relation to relevant material destined for Northern Ireland, the Plant Health (Wood and Bark) (Phytophthora ramorum) Order (Northern Ireland) 2005(3), the Plant Health (Wood and Bark) Order (Northern Ireland) 2006 or the Plant Health Order (Northern Ireland) 2018;”;

““trade documents” in relation to a consignment of notifiable relevant material, means the invoice, delivery note, consignment note or other similar document;”;

- (b) yn lle “approved place of inspection” rhodder—

““approved place of inspection”, as regards Wales, means a place which has been approved by the Welsh Ministers under article 17A or, in relation to other UK territories, by the appropriate UK plant health authority under equivalent provisions of the relevant Plant Health Order;”;

- (c) hepgorer y diffiniadau o “Customs Code” a “customs document”;
- (d) hepgorer y diffiniadau o “identity check” ac “industry certificate”.

7. Hepgorer erthygl 4.

8. Ar ôl erthygl 4 mewnosoder—

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- (1) O.S. 2018/1064 (Cy. 223).
 - (2) O.S.A. 2005/613, a ddiwygiwyd gan O.S.A. 2006/474, 2007/415, 498, 2008/300, 350, 2009/153, 2010/206, 342, 2012/266, 326, 2013/5, 187, 366, 2014/140, 2015/10, 2016/83, 2018/112, 283.
 - (3) Rh. St. 2005 Rhif 252.

“Application of Part 2: Wales

4A. This Part applies to plant pests and relevant material which are brought into Wales from a third country, whether directly or via another UK territory.”

9. Yn erthygl 5—

- (a) yn y pennawd, yn lle “landing” rhodder “bringing in”;
- (b) ar y dechrau mewnosoder—
 - “(A1) No person may bring any of the following into Wales—
 - (a) any tree pest of a description specified in Part A, B or D of the list of prohibited plant pests;
 - (b) any relevant material of a description specified in column 2 of Part A, B or D of the list of prohibited infested material which is carrying or infected with a tree pest of a description specified in the corresponding entry in respect of that description of relevant material in column 3;
 - (c) any tree pest which, although not specified in Part A, B or D of the list of prohibited plant pests, or in column 3 of Part A, B or D of the list of prohibited infested material, is not normally present in Great Britain and which is likely to be injurious to trees in Great Britain;
 - (d) any relevant material of a description specified in column 2 of Part A or B of the list of prohibited material which originates in a third country specified in the corresponding entry in respect of that description of relevant material in column 3;
 - (e) any relevant material of a description specified in column 2 of Part A or D of the list of regulated material, unless the requirements specified in the corresponding entries in respect of that description of relevant material in column 3 are complied with;
 - (f) in the case of any relevant material which is destined for a pest free area, any tree pest of a description specified in column 2 of Part C of the list of prohibited plant pests which relates to that pest free area;
 - (g) in the case of any relevant material which is destined for a pest free area specified in column 4 of Part C of the

list of prohibited infested material, any relevant material of a description specified in the corresponding entry in column 2 of Part C of that list which is carrying or infested with a tree pest of a description specified in the corresponding entry in column 3;

(h) in the case of any relevant material which is destined for a pest free area specified in column 4 of Part C of the list of regulated material, any relevant material of a description specified in the corresponding entry in column 2 of that Part, unless the requirements specified in the corresponding entries in respect of that relevant material in column 3 are complied with.”;

(c) hepgorer paragraffau (1) ac (1A);

(d) ym mharagraff (2), ar ôl “paragraph” mewnosoder “(A1)(d) or”;

(e) ar ôl paragraff (2) mewnosoder—

“(3) The prohibitions in paragraph (A1)(b) to (h) do not apply to relevant material which enters a point of entry that is located in another UK territory and is discharged in that territory in accordance with article 11 of the NI (Wood and Bark) Order or article 12 of any other relevant Plant Health Order.”

10. Yn erthygl 6—

(a) yn y pennawd, yn lle “landing” rhodder “arrival”;

(b) ar y dechrau mewnosoder—

“(A1) No person may bring any notifiable relevant material into a point of entry that is located in Wales, unless notice is given in accordance with this article.”;

(c) hepgorer paragraffau (1) a (2);

(d) ym mharagraff (3)—

(i) yn y geiriau o flaen is-baragraff (a), ar ôl “paragraph” mewnosoder “(A1) or”;

(ii) yn y geiriau ar ôl is-baragraff (b), yn lle “the relevant material is landed” rhodder “its arrival”;

(e) ym mharagraff (4), ar ôl “paragraph” mewnosoder “(A1) or”;

(f) ym mharagraff (5)—

(i) ar ôl “paragraph”, yn y lle cyntaf y mae’n digwydd, mewnosoder “(A1) or”;

(ii) yn lle “landing” rhodder “arrival”.

11. Ar ôl erthygl 6 mewnosoder—

“EU transit material: Wales

6A.—(1) No person may bring any EU transit material into a RoRo port that is located in Wales, unless that material is destined for a single approved place of inspection.

(2) Paragraph (1) is subject to article 8(A1).

(3) In this article, “RoRo port” means—

- (a) a RoRo listed location within the meaning of regulation 130 of the Customs (Import Duty) (EU Exit) Regulations 2018(1); or
- (b) if a notice has not been published pursuant to regulation 130(1) of those Regulations, a point of entry that—
 - (i) predominantly services roll-on/roll-off ferries operating between Wales and a member State; and
 - (ii) is listed in a notice published by the Welsh Ministers from time to time.”

12. Yn erthygl 7—

(a) ar y dechrau mewnosoder—

“(A1) Subject to article 8 and to paragraph (6), no person may bring any notifiable relevant material into a point of entry that is located in Wales unless the material is accompanied by one of following certificates which certifies that the material meets the prescribed requirements—

- (a) a phytosanitary certificate issued in the country in which that material originates or in the country from which it was consigned;
- (b) where paragraph (2) applies, by a phytosanitary certificate for re-export.”

(b) hepgorer paragraff (1);

(c) hepgorer paragraff (4);

(d) ym mharagraff (6)—

- (i) yn y geiriau o flaen is-baragraff (a), yn lle “paragraph (1) does” rhodder “paragraph (A1) and paragraph (1) do”;
- (ii) yn is-baragraff (a), yn lle “landed in” rhodder “brought into”;
- (iii) yn is-baragraff (b)—

(1) O.S. 2018/1248.

- (aa) yn lle “landed in” rhodder “brought into”;
- (bb) yn lle “European Union” rhodder “United Kingdom”;

(e) hepgorer paragraff (7).

13. Yn erthygl 8—

(a) ar y dechrau mewnosoder—

“(A1) The provisions referred to in paragraph (A2) do not apply to—

- (a) any tree or wood described in paragraph (2) originating in any third country, other than the European Union or Switzerland, which is brought into England in the baggage of a passenger or other traveller coming from any such third country and meets the conditions in paragraph (A3); or
- (b) any small quantity of relevant material originating in the European Union or Switzerland which is brought into England in the baggage of a passenger or other traveller coming from the European Union or Switzerland and meets the conditions in paragraph (A3).

(A2) The provisions are—

- (a) article 5(A1)(e) and (h);
- (b) article 6(A1);
- (c) article 6A(1);
- (d) article 7(A1);
- (e) article 10A;
- (f) article 12A.

(A3) The conditions are that the relevant material—

- (a) does not show any signs of the presence of a tree pest;
- (b) is not intended for use in the course of a trade or business;
- (c) is intended for household use; and
- (d) in the case of any tree or wood originating in a third country, other than the European Union or Switzerland, has been grown in or consigned from the Euro-Mediterranean area.”;

(b) hepgorer paragraff (1);

(c) ym mharagraff (2), yn y geiriau o flaen is-baragraff (a), ar ôl “to in” mewnosoder “paragraph (A1) or”.

14. Yn erthygl 9—

(a) ar y dechrau mewnosoder—

“(A1) The following documents must be delivered to an inspector by the importer of a consignment of notifiable relevant material within three days of the date of its arrival in Wales—

(a) any phytosanitary certificate or phytosanitary certificate for re-export which is required under article 7(A1) to accompany the consignment of notifiable relevant material; and

(b) in the case of notified EU material, the trade documents which accompany the consignment.

(B1) The importer of a consignment of notifiable relevant material must include in a customs document relating to the consignment—

(a) a statement that “this consignment contains produce of phytosanitary relevance”;

(b) the reference number of the phytosanitary certificate or phytosanitary certificate for re-export which is required under article 7(A1) to accompany the consignment; and

(c) the registration number of the importer.”;

(b) hepgorer paragraffau (1) a (2);

(c) ar ôl paragraff (3) mewnosoder—

“(4) Paragraph (A1) does not apply to any notifiable relevant material which is in the course of its consignment to an approved place of inspection in another UK territory.

(5) In paragraph (B1), “customs document” means a document required by the Commissioners for Her Majesty’s Revenue and Customs for placing relevant material under a Customs procedure within the meaning of section 3(3) of the Taxation (Cross-border Trade) Act 2018(1).”

15. Hepgorer erthygl 10.

16. Ar ôl erthygl 10 mewnosoder—

“Prohibitions applying to notifiable relevant material on entry: Wales

10A.—(1) This article applies to notifiable relevant material, other than notified EU

(1) 2018 p. 22.

material, which is brought into a point of entry that is located in Wales.

(2) No person may move any notifiable relevant material or cause any notifiable relevant material to be moved from its point of entry unless the material is being moved to a designated area of plant health control or an approved place of inspection.

(3) No person may remove or cause any notifiable relevant material to be removed from its point of entry, or where the material is moved to a designated area of plant health control or an approved place of inspection in Wales, the designated area of plant health control or approved place of inspection, unless an inspector has discharged the material under article 12 or the removal of the material is permitted under Part 6.

(4) Any notifiable relevant material which is being held at a point of entry or a designated area of plant health control under paragraph (3) must be stored by the importer under the supervision and in accordance with the instructions of an inspector.

(5) The importer is liable for the costs of storing the notifiable relevant material pending its release.”.

17. Yn erthygl 11—

- (a) yn y geiriau o flaen paragraff (a), ar ôl “article 10(1)” mewnosoder “and the prohibition imposed by article 10A(3)”;
- (b) ym mharagraff (c), yn lle “European Union” rhodder “United Kingdom”.

18. Yn erthygl 12—

- (a) ar y dechrau mewnosoder—

“(A1) Paragraph (B1) applies to any notifiable relevant material, other than notified EU material, which is brought into a point of entry that it is located in Wales and is not in the course of its consignment to an approved place of inspection in another UK territory.

(B1) An inspector may discharge notifiable relevant material from its point of entry, designated area of plant health control or approved place of inspection in Wales if the inspector is satisfied that—

- (a) the material meets the prescribed requirements;
- (b) the relevant material corresponds with the description given to it in the phytosanitary certificate or phytosanitary certificate for re-export

which accompanied the material on entry; and

- (c) the relevant material is accompanied by the correct phytosanitary certificate.”;
- (b) hepgorer paragraffau (1) a (2);
- (c) ym mharagraff (3), ar ôl “the matters” mewnosoder “in paragraph (B1)(a)”;
- (d) hepgorer paragraff (4);
- (e) ar ôl paragraff (4) mewnosoder—
“(4A) An inspector may, for the purpose of being satisfied as to matters in paragraph (B1)(b), carry out an examination of a consignment of relevant material to determine whether it corresponds to its description in the documents that accompany it.”;
- (f) hepgorer paragraffau (5) a (6);
- (g) ym mharagraff (7)—
 - (i) yn y geiriau o flaen is-baragraff (a), ar ôl “referred to” mewnosoder “in paragraph (B1)(c) or”;
 - (ii) yn is-baragraff (a), ar ôl “article” mewnosoder “9(A1) or”;
 - (iii) hepgorer is-baragraff (b) a’r “; and” sy’n dod o’i flaen;
- (h) ym mharagraff (8)—
 - (i) yn lle “a plant health check” rhodder “an examination under paragraph (3)”;
 - (ii) yn lle “checks” rhodder “examination”.

19. Ar ôl erthygl 12 mewnosoder—

“Requirements applicable to notified EU material: Wales

12A.—(1) This article applies to notified EU material which is brought into a point of entry that is located in Wales.

(2) An inspector must carry out an examination of—

- (a) the phytosanitary certificate or phytosanitary certificate for re-export accompanying a consignment of notified EU material to confirm that the consignment is accompanied by the correct phytosanitary certificate; and
- (b) the trade documents that accompany the consignment to confirm that those documents correspond to the description of the relevant material in the phytosanitary certificate or phytosanitary certificate for re-export.”

20. Yn erthygl 14(1), yn lle'r geiriau o "under" hyd at y diwedd rhodder "subject to the control of an officer of Revenue and Customs within the meaning of Schedule 1 to the Taxation (Cross-border Trade) Act 2018".

21. Yn erthygl 15—

- (a) hepgorer paragraff (2);
- (b) ym mharagraff (3)—
 - (i) yn is-baragraff (a), hepgorer "the responsible official body or";
 - (ii) yn is-baragraff (b), yn lle "one of the official languages of the European Union" rhodder "English or Welsh";
 - (iii) hepgorer is-baragraff (c);
 - (iv) yn is-baragraff (d), yn lle "Plant Protection Organisations of the Member States of the European Union" rhodder "the Plant Protection Organisation of the United Kingdom";
- (c) hepgorer paragraff (4);
- (d) ar ôl paragraff (4) mewnosoder—

"(4A) Where in relation to any relevant material of a description specified in column 2 of Part A, C or D of the list of regulated material, more than one set of entry requirements is specified in the corresponding entry in column 3 of Part A, C or D of that list, the phytosanitary certificate or phytosanitary certificate for re-export issued in respect of any relevant material of that description must specify under the heading "Additional declaration" which particular requirement has been complied with."

22. Hpgorer erthygl 16.

23. Ar ôl erthygl 16 mewnosoder—

"Requirements to be met by relevant material destined for an approved place of inspection: Wales

16A.—(1) This article applies to notifiable relevant material, other than notified EU material, which is destined for an approved place of inspection.

(2) Any relevant material to which this article applies may not be moved within Wales unless—

- (a) it is accompanied by a copy of the phytosanitary certificate or phytosanitary certificate for re-export which accompanied the material on its entry into the United Kingdom;

- (b) its packaging and the vehicle in which it is transported is sealed in such a way that there is no risk of the relevant material causing infestation, infection or contamination or a change occurring in the identity of the material or, where the material is destined for an approved place of inspection in Wales, its movement has been otherwise authorised by the Welsh Ministers.

(3) The importer of any relevant material which is destined for an approved place of inspection in Wales must give the Welsh Ministers notice of the following particulars no later than three working days before the material is brought into the United Kingdom—

- (a) the name, address and location of the approved place of inspection to which the relevant material is destined;
- (b) the scheduled date and time of arrival of the relevant material at the approved place of inspection;
- (c) the name, address and registration number of the importer;
- (d) the reference number of the phytosanitary certificate or phytosanitary certificate for re-export required under article 7 to accompany the relevant material.

(4) The importer must notify the Welsh Ministers immediately of any changes to the particulars which the importer has given under paragraph (3).

(5) The notice must be given to the Welsh Ministers at the address given by the Welsh Ministers for the purposes of this article.”

24. Hepgorer erthygl 17.

25. Ar ôl erthygl 17 mewnosoder—

“Approved places of inspection: Wales

“17A.—(1) The Welsh Ministers may approve premises which are not located at a point of entry or are not part of a designated area of plant health control as a place at which appropriate checks may be carried out by an inspector in respect of notifiable relevant material, other than notified EU material.

(2) An application for approval under paragraph (1) may be made to the Welsh Ministers by an importer or other person responsible for those premises in such form and

containing such information as the Welsh Ministers may specify.

(3) An approval may be granted subject to conditions, including conditions relating to the storage of the relevant material and may be withdrawn at any time if the Welsh Ministers no longer consider that the premises to which the approval relates are suitable for the purpose for which the approval was given.

(4) The Welsh Ministers may only approve premises as an approved place of inspection in respect of notifiable relevant material, other than EU transit material, if the premises have been designated or approved by the Commissioners for Her Majesty's Revenue and Customs for that purpose.

(5) In the case of any other premises, the Welsh Ministers may only approve those premises as an approved place of inspection for the purpose of carrying out appropriate checks in respect of EU transit material.

(6) In this article, "appropriate checks", in relation to a consignment of notifiable relevant material, means—

- (a) an examination of the phytosanitary certificate or phytosanitary certificate for re-export accompanying the consignment to determine whether it is the correct phytosanitary certificate;
- (b) an examination of the consignment to determine whether it corresponds to its description in the trade documents that accompany it;
- (c) an examination of the consignment and its packaging, and where necessary, the vehicle transporting the consignment to determine whether it meets the prescribed requirements."

26. Yn Rhan 3, yn y pennawd, hepgorer "Community".

27. Hepgorer erthyglau 18 a 19.

28. Ar ôl erthygl 19 mewnosoder—

**"Prevention of the spread of tree pests:
Wales**

19A.—(1) This article applies to Wales.

(2) No person may knowingly keep, store, sell, plant or move or knowingly cause or permit to be kept, stored, planted, sold or moved—

- (a) any tree pest of a description specified in Part A, B or D of the list of prohibited plant pests;
- (b) any relevant material of a description specified in column 2 of Part A, B or D of the list of prohibited infested material which is carrying or infected with a plant pest of a description specified in the corresponding entry in column 3;
- (c) any tree pest which, although not specified in Part A, B or D of the list of prohibited plant pests, or in column 3 of Part A, B or D of the list of prohibited infested material, is not normally present in Great Britain and which is likely to be injurious to trees in Great Britain;
- (d) any relevant material of a description specified in column 2 of Part E of the list of regulated material which originates in the United Kingdom or a CD territory unless the requirements specified in the corresponding entries in respect of that description of relevant material in column 3 are complied with;
- (e) any relevant material originating in a third country which is brought into Wales in contravention of article 5(A1)(d) or (e).

(3) No person may knowingly keep, store, plant, sell or move within a pest free area or knowingly cause or permit to be kept, stored, planted, sold or moved within such an area—

- (a) any tree pest of a description specified in column 2 of Part C of the list of prohibited plant pests which relates to the pest free area;
- (b) in the case of any pest free area which is, or is included in, a UK pest free area specified in column 4 of Part C of the list of prohibited infested material, any relevant material of a description specified in the corresponding entry in column 2 of that Part which is carrying or infested with a tree pest of a description specified in the corresponding entry in column 3;
- (c) any relevant material originating in a third country which is brought into a pest free area in contravention of article 5(A1)(h);

- (d) in the case of any pest free area which is, or is included in, a UK pest free area specified in column 4 of Part C of the list of regulated material, any relevant material of a description specified in the corresponding entry in column 2 of that Part which originates in the United Kingdom or a CD territory, unless the requirements specified in the corresponding entries in respect of that relevant material in column 3 are complied with.

(4) The prohibitions in paragraphs (2) and (3) do not apply to any tree pest or relevant material which is required to be kept, stored or moved in compliance with a requirement imposed by an inspector under Part 6 or 7.

(5) In this article, “move” means “move or otherwise dispose of”, and “moved” is to be construed accordingly.”

29. Hepgorer erthygl 20.

30. Ar ôl erthygl 20 mewnosoder—

**“Requirements for UK plant passports:
Wales**

20A.—(1) No person may move any of the following relevant material into or within Wales unless it is accompanied by a UK plant passport—

- (a) any relevant material of a description specified in the list of controlled material which originates in the United Kingdom or a CD territory;
- (b) any relevant material that has been discharged by the Commissioners under article 12(1) or by another appropriate UK plant health authority in an equivalent manner;
- (c) in the case of any notifiable relevant material originating in the European Union or Switzerland which was brought into a point of entry in the United Kingdom, any relevant material specified in the list of controlled material which originates in the European Union or Switzerland and was notified to the Commissioners in accordance with article 6(1), or to the appropriate UK plant health authority in accordance with equivalent requirements under the relevant Plant Health Order.

(2) No person may move any of the following relevant material into or within a pest free area unless it is accompanied by a UK plant passport which is valid for that pest free area or the UK pest free area of which it is a part—

- (a) any relevant material of a description, specified in the list of pest free area controlled material in respect of the relevant UK pest free area, which originates in the United Kingdom or a CD territory;
- (b) any relevant material of a description specified in the list of pest free area controlled material in respect of the relevant UK pest free area that has been discharged by the Commissioners under article 12(1) or by another appropriate UK plant health authority in an equivalent manner;
- (c) in the case of any notifiable relevant material originating in the European Union or Switzerland which was brought into a point of entry in the United Kingdom, any relevant material specified in the list of pest free area controlled material in respect of the relevant UK pest free area which—
 - (i) originates in the European Union or Switzerland; and
 - (ii) was notified to the Commissioners in accordance with article 6(1), or to the appropriate UK plant health authority in accordance with equivalent requirements under the relevant Plant Health Order.

(3) No person may consign from Wales to another UK territory or a CD territory any of the following relevant material originating in Wales unless it is accompanied by a UK plant passport—

- (a) in the case of relevant material destined for Northern Ireland or England, any relevant material of a description specified in the list of controlled material;
- (b) in the case of relevant material destined for a place in Northern Ireland or England which is within a UK pest free area, any relevant material of a description, specified in the list of pest free area controlled material in respect of that UK pest free area;
- (c) in the case of relevant material destined for Scotland, any relevant material of a

description specified in Part A of Schedule 6 to the Plant Health (Forestry) Order 2005;

- (d) in the case of relevant material destined for a place in Scotland which is within a UK pest free area, any relevant material of a description specified in Part B of Schedule 6 to the Plant Health (Forestry) Order 2005 in respect of that UK pest free area;
- (e) in the case of relevant material destined for a CD territory, any relevant material of a description specified for the purposes of this paragraph in the applicable plant health legislation of that CD territory.

(4) In the case of any relevant material originating in a place of production in Wales, a UK plant passport may only be issued in respect of that material if the material has been subjected to a satisfactory inspection at the place of production.

(5) The requirements in paragraphs (1)(b) and (2)(b) do not apply to any notified EU material moving from its point of entry to its first destination in the United Kingdom if it is accompanied by a copy of the phytosanitary certificate or phytosanitary certificate for re-export which accompanied the material on its entry into the United Kingdom.

(6) In paragraphs (1) and (2), “relevant Plant Health Order” has the same meaning as in Part 2 (see article 3).”

31. Yn erthygl 21—

- (a) ym mharagraff (1)—
 - (i) hepgorer “prohibitions on landing in article 18(1)(e), (f) and (g) and (3) and the”;
 - (ii) ar ôl “plant passport” mewnosoder “or, as regards Wales, article 20A(1)(a), (2)(a) and (3)”;
- (b) hepgorer paragraff (2A).

32. Hepgorer erthygl 22.

33. Ar ôl erthygl 22 mewnosoder—

“Validity of UK plant passports: Wales

22A.—(1) This article applies to relevant material of a description specified in the list of pest free area controlled material which relates to a pest free area and which is moved through a

pest free area to a destination outside the relevant UK pest free area.

(2) The requirements in article 20A(2) do not apply if the relevant material—

- (a) originates outside the relevant UK pest free area;
- (b) is accompanied during its transit through the pest free area by a document of a type normally used for trade purposes which certifies that the material originates outside the relevant UK pest free area and is in transit to a final destination outside the relevant UK pest free area and the conditions in paragraph (3) are met.

(3) The conditions are that—

- (a) the packaging in which the relevant material is transported and any vehicle which is used to transport the material is free from soil and plant debris and any relevant tree pest;
- (b) the material was sealed immediately after packaging or, where appropriate, after loading, and remains sealed during its journey through the relevant UK pest free area;
- (c) the nature or construction of the packaging in which the material is transported and any vehicle which is used to transport the material are sufficient to ensure that there is no risk of any relevant tree pest which may be present in or on the relevant material escaping.

(4) In this article—

- (a) “relevant UK pest free area”, in relation to any relevant material of a description specified in the list of pest free area controlled material, means the pest free area which is, or is part of, the UK pest free area that has been designated in respect of that material;
- (b) “relevant tree pest”, in relation to a UK pest free area, means the tree pest in respect of which the UK pest free area has been designated.”

34. Yn erthygl 23—

- (a) yn y pennawd, yn lle “plant passports” rhodder “UK plant passports”;
- (b) ym mharagraffau (1) i (4), yn lle “plant passport”, ym mhob lle y mae’n digwydd, rhodder “UK plant passport”;

- (c) ym mharagraff (4)(b)(ii), ar y diwedd mewnosoder “or, as regards Wales, a regulated tree pest”.

35. Yn Rhan 4, yn y pennawd, yn lle “PLANT PASSPORTS” rhodder “UK PLANT PASSPORTS”.

36. Yn erthygl 24, hepgorer paragraff (4).

37. Yn erthygl 28—

- (a) yn y pennawd ac ym mharagraffau (1), (4), (5) a (6), yn lle “plant passports”, ym mhob lle y mae’n digwydd, rhodder “UK plant passports”;
- (b) ym mharagraff (7), hepgorer “or” ar ôl is-baragraff (a) ac ar ôl is-baragraff (b) mewnosoder—
“(c) as regards Wales, a regulated tree pest.”

38. Hepgorer Rhan 5.

39. Yn erthygl 30—

- (a) ym mharagraff (1)(b), yn lle “plant passport” rhodder “UK plant passport”;
- (b) ym mharagraff (7), hepgorer “, including representatives of the European Commission,”.

40. Ar ôl erthygl 30 mewnosoder—

“Emergency measures: Wales

30A.—(1) Where a regulated tree pest is found to be present in Wales, the Welsh Ministers may by notice—

- (a) demarcate an area in relation to that infestation for the purpose of eradicating or containing that tree pest; and
 - (b) specify the prohibitions and restrictions which are to apply in the demarcated area for that purpose.
- (2) A notice under paragraph (1)—
- (a) must be in writing,
 - (b) must describe the extent of the demarcated area,
 - (c) must specify the date on which any such prohibitions or restrictions are to commence,
 - (d) must be published in a manner appropriate to bring it to the attention of the public, and
 - (e) may be amended or revoked, in whole or in part, by further notice.”

41. Yn erthygl 31—

- (a) ym mharagraff (1), yn lle “landed” rhodder “brought into a point of entry located”;
- (b) ym mharagraff (2)—
 - (i) yn is-baragraff (a), yn lle “landed” rhodder “brought into the point of entry”;
 - (ii) yn is-baragraff (b), yn lle “landed” rhodder “brought in”;
- (c) ym mharagraff (3)—
 - (i) yn is-baragraff (a), yn lle “landing” rhodder “bringing in”;
 - (ii) yn is-baragraff (b)—
 - (aa) yn lle “the landing is to be carried out” rhodder “any tree pest or relevant material is to be brought in”;
 - (bb) yn lle “to the landing” rhodder “to its entry”;
- (d) ym mharagraff (5)—
 - (i) yn is-baragraff (a), ar y diwedd mewnosoder “or, as regards Wales, a regulated plant pest”;
 - (ii) hepgorer is-baragraff (c) a’r “and” sy’n dod o’i flaen;
- (e) ym mharagraff (6)(b)—
 - (i) hepgorer “or 18”;
 - (ii) ar y diwedd mewnosoder “or, as regards Wales, article 19A”.

42. Yn erthygl 32—

- (a) ym mharagraff (2)(a), ar y diwedd mewnosoder “or, as regards Wales, a regulated tree pest”;
- (b) ym mharagraff (4), hepgorer “, including representatives of the European Commission,”.

43. Yn erthygl 36(2), hepgorer “, including representatives of the European Commission,”.

44. Yn erthygl 38—

- (a) ym mharagraff (1)—
 - (i) yn lle “landed,” rhodder “imported into or”;
 - (ii) cyn is-baragraff (a) mewnosoder—
 - “(za) in the case of any licence granted by the Welsh Ministers, in exercise of any derogation permitted by Schedule 8 to the Plant Health Regulations;”;
 - (iii) hepgorer is-baragraffau (a) a (b);

- (b) ym mharagraff (2), yn lle “(1)(b)” rhodder “(1)”;
- (c) hepgorer paragraff (3).

45. Yn erthygl 39—

- (a) yn y pennawd, hepgorer “permitted by Directive 2008/61/EC”;
- (b) ar y dechrau mewnosoder—

“(A1) The Welsh Ministers must by licence authorise the importation, movement or keeping of any tree pest or relevant material for any activity for trial or scientific purposes or for work on varietal selections in Wales, where the importation, movement or keeping of the tree pest or relevant material for any such purpose would otherwise be prohibited by this Order, if the Welsh Ministers—

- (a) have received an application for a licence containing the information set out in Part A of Schedule 13A; and
- (b) are satisfied that the general conditions set out in Part B of Schedule 13A are met in relation to the application.

(B1) A licence granted under paragraph (A1) must be in writing and include—

- (a) the conditions specified in Part C of Schedule 13A which are relevant to any tree pest or relevant material that is the subject of the activities to which the licence relates;
- (b) any other conditions as the Welsh Ministers may determine in relation to licence quarantine measures that are appropriate in respect of those activities.”;

- (c) hepgorer paragraffau (1) a (2);
- (d) ym mharagraff (3), ar ôl “under” mewnosoder “paragraph (B1)(b) or”;
- (e) ym mharagraff (4), ar ôl “under” mewnosoder “paragraph (A1) or”;
- (f) ym mharagraff (5), ar ôl “this Order” mewnosoder “or, as regards Wales, any regulated tree pest”;
- (g) hepgorer paragraff (6);
- (h) ym mharagraff (7)—
 - (i) ar ôl is-baragraff (a) mewnosoder—

“(aa) “licence quarantine measures”, as regards Wales, means the measures specified in Part D of Schedule 13A.”;
 - (ii) hepgorer is-baragraff (b).

46. Yn erthygl 40—

- (a) hepgorer paragraff (2);
- (b) ar ôl paragraff (2) mewnosoder—
“(2A) In paragraph (1), “notifiable tree pest”, as regards Wales, means a regulated tree pest or any other tree pest, which is not normally present in Great Britain and which is likely to be injurious to trees in Great Britain.”

47. Hepgorer erthygl 41.

48. Ar ôl erthygl 41 mewnosoder—

“Notification of the likely entry into, or presence in, a free zone of tree pests or relevant material: Wales

41A.—(1) The responsible authority for a free zone in Wales who knows or suspects that any of the following is likely to be brought into the free zone, or is present in the free zone and has not been cleared out of charge, must immediately give notice of that fact to the Welsh Ministers or an inspector—

- (a) any regulated tree pest;
- (b) any other tree pest which is not normally present in Great Britain and which is likely to be injurious to trees in Great Britain;
- (c) any relevant material of a description specified in column 2 of Part A or B of the list of prohibited material which originates in a third country specified in the corresponding entry in respect of that description of relevant material in column 3.

(2) Where a person gives notice in accordance with paragraph (1) orally, the person must confirm it in writing as soon as reasonably practicable.

(3) In this article, “responsible authority” and “free zone” have the same meaning as in the Customs Act.”

49. Yn erthygl 42—

- (a) ym mharagraff (2)(b)—
 - (i) ym mharagraff (i), ar y diwedd mewnosoder “or, as regards Wales, any regulated tree pest”;
 - (ii) ym mharagraff (ii), ar y diwedd mewnosoder “or, as regards Wales, any tree pest, other than a regulated tree pest, which is not normally present in Great Britain and which is likely to be injurious to trees in Great Britain”;

- (b) ym mharagraff (4), ar ôl “certificates,” mewnosoder “UK”.

50. Yn erthygl 43(1)—

- (a) yn is-baragraff (a), ar ôl paragraff (i) mewnosoder—
 - “(ia)article 6A;”;
- (b) yn is-baragraff (b), yn lle “or”, yn y trydydd lle y mae’n digwydd, rhodder “a prohibition or restriction in a notice published, a provision or condition of a ”.

51. Ar ôl erthygl 45 mewnosoder—

“Transitional provision: UK plant passports

45A.—(1) An authorisation to issue plant passports which has been granted and has effect immediately before exit day in relation to Wales continues to apply on or after exit day as if it were an authorisation to issue UK plant passports.

(2) In the case of any plant passport that has been issued in respect of any relevant material before exit day for the purposes of the movement of that material in Wales which takes place before and after exit day, the plant passport is to be treated as if it were a UK plant passport and references to a UK plant passport are to be construed accordingly.”

52. Hepgorer Atodlenni 1 i 8.

53. Yn Atodlen 9—

- (a) yn y pennawd, yn lle “plant passports” rhodder “UK plant passports”;
- (b) ym mharagraffau 1 a 2, yn lle “plant passport”, yn y ddau le y mae’n digwydd, rhodder “UK plant passport”;
- (c) ym mharagraff 3, yn lle “plant passports”, yn y ddau le y mae’n digwydd, rhodder “UK plant passports”;
- (d) ym mharagraff 4(1)—
 - (i) yn y geiriau cyn is-baragraff (a), yn lle “plant passport” rhodder “UK plant passport”;
 - (ii) yn lle is-baragraff (a) rhodder—
 - “(a) in English and Welsh, and”;
- (e) ym mharagraffau 5 a 6, yn lle “plant passport”, yn y ddau le y mae’n digwydd, rhodder “UK plant passport”;
- (f) ym mharagraff 7—
 - (i) yn lle is-baragraff (a) rhodder—
 - “(a) the title “UK plant passport”;

- (ii) hepgorer is-baragraff (b);
- (iii) yn is-baragraff (c), yn lle'r geiriau o "responsible" hyd at y diwedd rhodder "appropriate UK plant health authority";
- (iv) yn is-baragraffau (d) i (g), yn lle "plant passport", ym mhob lle y mae'n digwydd, rhodder "UK plant passport";
- (v) yn is-baragraff (h)—
 - (aa) yn lle "protected zone", yn y ddau le y mae'n digwydd, rhodder "UK pest free area";
 - (bb) yn lle "ZP" rhodder "PFA";
- (vi) yn is-baragraff (i), yn lle "plant passport", ym mhob lle y mae'n digwydd, rhodder "UK plant passport";
- (vii) yn is-baragraff (j), yn lle "relevant territory" rhodder "United Kingdom or a CD territory".

54. Yn Atodlen 12, yn Rhan A—

- (a) ym mharagraff 1, hepgorer " , other than solid fuel wood,";
- (b) hepgorer paragraff 2;
- (c) hepgorer Rhan C.

55. Hepgorer Atodlen 13.

56. Ar ôl Atodlen 13 mewnosoder—

"SCHEDULE 13A

Article 39(A1), (B1), (7)(aa)

Licences for trial or scientific purposes or for work on varietal selections

1. In this Schedule, "specified activity" means any activity for trial or scientific purposes or for work on varietal selections.

PART A

Information to be included in an application for a scientific licence

2. The name and address of the person responsible for the proposed specified activity.

3. The following details in relation to the relevant material and plant pests to be used in the specified activity—

- (a) their scientific name or names;

- (b) the type of relevant material;
- (c) the quantity of relevant material;
- (d) the place of origin of the relevant material;
- (e) the place at which the relevant material is to be first stored or planted after its official release (where relevant);
- (f) the proposed method of destruction or treatment of the relevant material on completion of the specified activity (where relevant);
- (g) in the case of any relevant material or plant pest which is to be imported from a third country, its proposed point of entry into the United Kingdom.

4. In the case of any relevant material to be used in the specified activity, appropriate documentary evidence to confirm its place of origin.

5. The duration, nature and objectives of the proposed specified activity, including a summary and a specification of the work to be conducted.

6. The address and description of the specific site or sites at which the proposed specified activity is to be carried out.

PART B

General conditions to be met in relation to an application for a scientific licence

7. The nature and objectives of the specified activity comply with the concept of trial or scientific purposes or for work on varietal selections.

8. The premises and the facilities at the site or sites at which the specified activity is to be carried out meet any conditions relating to their quarantine.

9. The personnel carrying out the specified activity have appropriate scientific and technical qualifications.

PART C

Licence conditions relating to any plant pest or relevant material to be used in a specified activity

10. For the purposes of article 39(B1)(a), the conditions are that—

- (a) in the case of any relevant material, the material is accompanied on its entry into the United Kingdom by a letter of authority which has been issued by the relevant national plant protection organisation on the basis of appropriate documentary evidence as regards the place of origin of the material;
- (b) in the case of any relevant material of a description specified in Schedule 5 to the Plant Health Regulations, the material is, wherever possible, accompanied on its entry into the United Kingdom, by a phytosanitary certificate issued in the country of origin which—
 - (i) confirms that the material is free from any regulated plant pest, other than any plant pest whose importation is authorised by the licence;
 - (ii) includes the statement under the heading “Additional declaration”, “This material is imported under article 39 of the Plant Health (Forestry) Order 2005”; and
 - (iii) includes the name of any authorised plant pest; and
- (c) the relevant material is held under quarantine containment conditions and on arrival is directly and immediately moved to the site or sites specified in the licence.

PART D

Licence quarantine measures

11. The licence quarantine measures are—

- (a) in the case of the premises, facilities and working procedures which relate to the specified activity:
 - (i) the physical isolation of any plant pests or relevant material being used in the specified activity from all other plant pest and relevant

- material, including control of vegetation in surrounding areas, where appropriate;
- (ii) the designation of a contact person responsible for the specified activity;
 - (iii) the implementation of restrictions on access to the premises and facilities being used in relation to the specified activity and, where appropriate, to the area surrounding those premises and facilities, to named personnel only;
 - (iv) the appropriate identification of the premises and facilities being used, indicating the type of activities and the personnel responsible;
 - (v) the maintenance of a register of the activities performed and a manual of operating procedures, including procedures in the event of escape of plant pests from containment;
 - (vi) the maintenance of appropriate security and alarm systems; and
 - (vii) the implementation of—
 - (aa) appropriate control measures to prevent the introduction into and the spread of plant pests within the premises being used;
 - (bb) controlled procedures for sampling, and for transfer of any relevant material between premises and facilities being used;
 - (cc) controls for the disposal of waste, soil and water, as appropriate;
 - (dd) appropriate hygiene and disinfection procedures and facilities for personnel, structures and equipment;
 - (ee) appropriate measures and facilities for disposal of experimental material;
 - (ff) appropriate indexing (including testing) facilities and procedures; and
- (b) other appropriate quarantine measures according to the specific biology and

epidemiology of the type of material involved and the activities approved, including—

- (i) the maintenance of facilities accessible to authorised personnel via a separate room with two interlocking doors;
- (ii) the maintenance of facilities under negative air pressure,
- (iii) the use of escape-proof containers with appropriate mesh size and other barriers;
- (iv) the maintenance of the material in isolation from other plant pests and material;
- (v) the maintenance of any material for breeding in breeding cages with manipulation devices;
- (vi) the prohibition on any interbreeding of the plant pest with indigenous strains or species;
- (vii) the implementation of controls on the continuous culture of the plant pest;
- (viii) the maintenance of the plant pest under conditions that strictly control the multiplication of the plant pest;
- (ix) the implementation of procedures to check the purity of cultures of the plant pest for freedom from parasites and other plant pests;
- (x) the implementation of appropriate control programmes for the material to eliminate possible vectors;
- (xi) in the case of *in vitro* activities, the implementation of controls on the handling of the material under sterile conditions;
- (xii) the maintenance of the plant pest in conditions to ensure that it cannot spread via any vector; and
- (xiii) the seasonal isolation of the material to ensure that the activities are done during periods of low plant health risk.”

RHAN 4

Diwygio Rheoliadau Iechyd Planhigion (Ffioedd) (Coedwigaeth) (Cymru) 2019

57.—(1) Mae Rheoliadau Iechyd Planhigion (Ffioedd) (Coedwigaeth) (Cymru) 2019(1) wedi eu diwygio fel a ganlyn.

(2) Yn rheoliad 2(1)—

- (a) yn lle'r diffiniad o “llwyth a reolir” rhodder—
“ystyr “llwyth a reolir” (*“controlled consignment”*) yw llwyth sy'n cynnwys, neu y mae arolygydd o'r farn ei fod yn cynnwys—
 - (a) rhisgl wedi ei wahanu o ddisgrifiad a bennir yn Atodlen 5 i Reoliadau Iechyd Planhigion (Ymadael â'r UE) 2019;
 - (b) pren o ddisgrifiad a bennir yn yr Atodlen honno, ac eithrio deunydd pecynnu pren a ddefnyddir mewn gwirionedd wrth gludo gwrthrychau o bob math;”;
- (b) hepgorer y diffiniad o “y Gyfarwyddeb”;
- (c) yn lle'r diffiniad o “gwiriad dogfennol” rhodder—
“ystyr “gwiriad dogfennol” (*“documentary check”*) yw archwiliad at ddibenion erthygl 12(B1)(c) neu 12A(2)(a) o'r Gorchymyn;”;
- (d) yn lle'r diffiniad o “gwiriad adnabod” rhodder—
“ystyr “gwiriad adnabod” (*“identity check”*) yw archwiliad at ddibenion erthygl 12(B1)(b) neu 12A(2)(b) o'r Gorchymyn;”;
- (e) yn lle'r diffiniad o “gwiriad iechyd planhigion” rhodder—
“ystyr “gwiriad iechyd planhigion” (*“plant health check”*) yw archwiliad at ddibenion erthygl 12(B1)(a) o'r Gorchymyn;”;
- (f) yn y diffiniad o “awdurdodiad pasbort planhigion”, ar ôl “ddyroddi pasbortau planhigion” mewnosoder “y DU”.

Enw

Teitl y Gweinidog, un o Weinidogion Cymru
Dyddiad

(1) O.S.2019/xxx (Cy.).