

2007 Rhif 2716 (Cy.229)

**IECHYD PLANHIGION,
CYMRU**

**Gorchymyn Iechyd Planhigion
(Cymru) (Diwygio) 2007**

NODYN ESBONIADOL

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

Mae'r Gorchymyn hwn yn diwygio Atodlenni 16 a 17 i Orchymyn Iechyd Planhigion (Cymru) 2006 (O.S. 2006/1643 (Cy.158)) ("y prif Orchymyn"). Mae'r Atodlenni, sy'n gweithredu Cyfarwyddeb y Cyngor 93/85/EC (OJ Rhif L 259, 18.10.1993, t.1) a Chyfarwyddeb y Cyngor 98/57/EEC (OJ Rhif L 235, 21.8.1998, t.1), yn cynnwys mesurau arbennig ar reoli Pyddredd Cylch Tatws a *Ralstonia solanacearum* yn ôl eu trefn.

Mae'r diwygiadau i Atodlen 16, yn erthygl 2(6), yn rhoi ei heffaith i Gyfarwyddeb y Comisiwn 2006/56/EC (OJ Rhif L 182, 4.7.2006, t.1) sy'n diwygio'r Atodiadau i Gyfarwyddeb y Cyngor 93/85/EEC. Yn yr un modd, mae'r diwygiadau i Atodlen 17, yn erthygl 2(7) ac (8), yn rhoi ei heffaith i Gyfarwyddeb y Comisiwn 2006/63/EC (OJ Rhif L 206, 27.7.2006, t.36) sy'n diwygio Atodiadau II i VII i Gyfarwyddeb y Cyngor 98/57/EC. Mae'r diwygiadau i'r ddwy Atodlen yn diweddarar gofynion ar gyfer gwaredu deunydd halogedig a deunydd halogedig posibl, ar gyfer y mesurau rheoli sy'n ofynnol mewn mannau cynhyrchu halogedig ac, yn achos *Ralstonia solanacearum*, ar gyfer mesurau o'r fath o fewn parthau darnodi.

Mae'r Gorchymyn, yn erthygl 2(2) i (5), hefyd yn gwneud mân ddiwygiadau a diwygiadau drafftio i'r prif Orchymyn.

Nid oes asesiad effaith rheoleiddiol llawn wedi'i lunio ar gyfer yr offeryn hwn.

2007 Rhif 2716 (Cy.229)

**IECHYD PLANHIGION,
CYMRU**

**Gorchymyn Iechyd Planhigion
(Cymru) (Diwygio) 2007**

Wedi'i wneud 14 Medi 2007

*Wedi'i osod gerbron
Cynulliad Cenedlaethol Cymru* 17 Medi 2007

Yn dod i rym 10 Hydref 2007

Mae Gweinidogion Cymru yn gwneud y Gorchymyn hwn, drwy arfer y pwerau a roddwyd gan adrannau 2 a 3(1) o Ddeddf Iechyd Planhigion 1967(1), ac a freiniwyd ynddynt bellach(2):

Enwi, cychwyn, rhychwantu a chymhwysu

1.—(1) Enw'r Gorchymyn hwn yw Gorchymyn Iechyd Planhigion (Cymru) (Diwygio) 2007.

2. Mae'n gymwys o ran Cymru ac yn dod i rym ar 10 Hydref 2007.

**Diwygiadau i Orchymyn Iechyd Planhigion
(Cymru) 2006**

3.—(1) Mae Gorchymyn Iechyd Planhigion (Cymru) 2006(3) wedi'i ddiwygio fel a ganlyn.

(2) Yn erthygl 2(1) (dehongli cyffredinol) ar y diffiniad o "Customs Act", mewnosoder—

"Decision 2006/473/EC means Commission Decision 2006/473/EC(d) recognising certain

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- (1) 1967 p. 8; diwygiwyd adrannau 2(1) a 3(1) gan Ddeddf y Cymunedau Ewropeaidd 1972 (p. 68), Atodlen 4, paragraff 8.
- (2) Trosglwyddwyd swyddogaethau'r Gweinidog Amaethyddiaeth, Pysgodfeydd a Bwyd i Gynulliad Cenedlaethol Cymru gan Orchymyn Cynulliad Cenedlaethol Cymru (Trosglwyddo Swyddogaethau) 1999 (O.S. 1999/672). Mae swyddogaethau Cynulliad Cenedlaethol Cymru yn arferadwy gan Weinidogion Cymru yn rhinwedd paragraff 30 o Atodlen 11 i Ddeddf Llywodraeth Cymru 2006.
- (3) O.S. 2006/1643 (Cy.158).

third countries and certain areas of third countries as being free from *Xanthomonas campestris* (all strains pathogenic to Citrus), *Cercospora angolensis* Carv et Mendes and *Guignardia citricarpa* Kiely (all strains pathogenic to Citrus);”;

(3) Yn erthygl 2(1), yn lle'r diffiniadau o “Directive 93/85/EC” a “Directive 98/57/EC”, rhodder—

““Directive 93/85/EEC” means Council Directive 93/85/EEC(1) on the control of potato ring rot;

“Directive 98/57/EC” means Council Directive 98/57/EC(2) on the control of *Ralstonia solanacearum* (Smith) Yabuuchi et al.”;

(4) Yn erthygl 2(1), yn y diffiniad o “protected zone”, o flaen “means” rhodder “otherwise” ac ar ôl “means” dileer “otherwise”.

(5) Yn erthygl 22(2) ar ôl “article 21(1)” rhodder “or” yn lle'r gair “and”.

(6) Yn erthygl 39(2)(c) (darpariaethau amrywiol ar gyfer rhywogaethau mochlysaidd penodol), yn lle “Directive 93/85/EC”, rhodder “Directive 93/85/EEC”.

(7) Yn lle paragraff (3) o erthygl 42 (hysbysu o bresenoldeb, neu achos o amau presenoldeb, plâu planhigion penodol), rhodder—

“(3) Where any plant pest referred to in paragraph 2(b), (c) or (d) is specified in Schedule 18, it must be notifiable under paragraph (1) where—

- (a) it is a subspecies or strain normally present in Great Britain and is found on the premises of a registered plant trader; or
- (b) it is a subspecies or strain not normally present in Great Britain and is found on any premises.”.

(8) Yn erthygl 45(1)(a)(xiii), ar ôl 39(1) mewnosoder “to (4)”.

(9) Ar ôl eitem 15 o “Insects, mites and nematodes” yn Atodlen 1 Rhan A mewnosoder —

“15a *Dryocosmus kuriphilus* Yasumatsu”

(10) Yn eitem 15 “Viruses and virus-like organisms” yn Atodlen 2, Rhan B, rhodder “producers” yn lle'r gair “production”.

(11) Yn Atodlen 4, Rhan A —

(1) OJ Rhif L259, 18.10.1993, t.1, fel y'i diwygiwyd ddiwethaf gan OJ Rhif L 182, 4.7.2006, t.1.
(2) OJ Rhif L235, 21.8.1998, t.1, fel y'i diwygiwyd ddiwethaf gan OJ Rhif L 206, 27.7.2006, t.36.

- (a) yn nhrydedd golofn eitem 6, yn lle “items 5, 60, 61 and 64,” rhodder “items 5, 6a, 60, 61, and 64.”;
- (b) ar ôl eitem 6, mewnosoder —

“6a	Plants, other than fruit or seeds, of <i>Castanea</i> Mill, intended for planting, originating in any third country	<p>Without prejudice to the requirements in items 5, 6, 51, 55, 60 and 61, the plants shall be accompanied by a phytosanitary certificate or phytosanitary certificate for re-export which states under the rubric “Additional declaration” that they have been grown throughout their life in places of production:</p> <p>(a) in countries where <i>Dryocosmus kuriphilus</i> Yasumatsu is not known to occur; or</p> <p>(b) in an area of areas, established by the national plant protection organisation in the country of origin, as being free from <i>Dryocosmus kuriphilus</i> Yasumatsu, in accordance with ISPM No. 4, and that area shall be mentioned in the phytosanitary certificate or phytosanitary certificate for re-export under the rubric “Place of origin”;</p>
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- (c) yn lle'r geiriau yn nhrydedd golofn eitem 12, rhodder —

“Without prejudice to the requirements in items 19, 21 to 23, 27 to 30, 60, 61 and 64, the plants shall be accompanied by an official statement that they originate in a country known to be free from *Monilinia fructicola* (Winter) Honey”;

- (ch) yn nhrydedd golofn eitem 15, ar ôl “(all strains pathogenic to Citrus)” ym mharagraff (a), mewnosoder “as referred to in Article 1(1) of Decision 2006/473/EC”;
- (d) yn nhrydedd golofn eitem 15, ar ôl “(all strains pathogenic to Citrus)” ym mharagraff (b), mewnosoder “as referred to in Article 1(2) of Decision 2006/473/EC”;
- (dd) yn nhrydedd golofn eitem 16, ar ôl “Carv et Mendes” ym mharagraff (a), mewnosoder “as referred to in Article 2 of Decision 2006/473/EC”;
- (e) yn nhrydedd golofn eitem 17, ar ôl “(all strains pathogenic to Citrus)” ym mharagraff (a), mewnosoder “as referred to in Article 3(1) of Decision 2006/473/EC”;
- (f) yn nhrydedd golofn eitem 17, ar ôl “(all strains pathogenic to Citrus)” ym mharagraff (b), mewnosoder “as referred to in Article 3(2) of Decision 2006/473/EC”;
- (ff) yn nhrydedd golofn eitem 29, ar ôl “vegetation” ym mharagraff (b), rhodder “and” yn lle “or”; ac
- (g) yn ail golofn eitem 37, ar ôl “*Solanaceae*,” mewnosoder “intended for planting.”

(12) Yn Rhan A (deunydd perthnasol, o drydydd gwledydd, y caniateir ei lanio yng Nghymru ddim ond os caiff gofynion penodol eu bodloni) o Atodlen 4, yn nhrydedd golofn eitem 77, yn lle “a country”, rhodder “an area or areas”.

(13) Yn Atodlen 4, Rhan B —

- (a) yn nhrydedd golofn eitem 4, yn lle “The plants shall be accompanied by an official statement that”, rhodder “Without prejudice to the requirements in item 4(a), the plants shall be accompanied by an official statement that”;
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- (b) Ar ôl eitem 4, mewnosoder —

“4a	Plants, other than fruit or seeds of <i>Castanea</i> Mill, intended for planting	Without prejudice to the requirements in item 4, the plants shall be accompanied by an official statement that: (a) they have been grown throughout their life or since their introduction into the Community in a place of production in a member State where <i>Dryocosmus kuriphilus</i> Yasumatsu is not known to occur; or
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		(b) they have been grown throughout their life or since their introduction into the Community in a place of production in an area or areas, established by the responsible official body in a member State, as being free from <i>Dryocosmus kuriphilus</i> Yasumatsu, in accordance with ISPM No. 4”.
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(14) Ym mharagraff 1(c) o Atodlen 5, Rhan A, yn lle “*Capsicum subsp Helianthus annuus L, Lycopersicon lycopersicon (L) Karsten ex Farw,*” rhodder “*Solanaceae, Helianthus annuus L,*”.

(15) Ym mharagraff 1 o Atodlen 6, Rhan A ac o Atodlen 7, Rhan A, ar ôl “*Amelanchier Med,*” mewnosoder “*Castanea Mill,*”.

(16) Ym mharagraff 7(a) o Atodlen 6, Rhan A ac o Atodlen 7, Rhan A, heggorer “*Castanea Mill,*”.

(17) Yn Atodlen 16 (mesurau arbennig ar gyfer rheoli pydredd cylch tatws) —

(a) ym mharagraff 1, yn y diffiniad o “certified seed potatoes”, yn lle “seed potatoes”, rhodder “pre-basic seed potatoes, basic seed potatoes or certified seed potatoes”;

(b) ym mharagraff 2, yn lle “Directive 93/85/EC”, rhodder “Directive 93/85/EEC”;

(c) yn lle paragraff 3, rhodder—

“3. Material can be required to be disposed of—

(a) by destruction; or

(b) by any other measure that complies with paragraph 1 of Annex IV to Directive 93/85/EEC.”;

(ch) ym mharagraff 4—

(i) yn lle “Directive 93/85/EC”, rhodder “Directive 93/85/EEC”;

(ii) ym mharagraff (b), yn lle “paragraph 5”, rhodder “paragraph 2 of Annex IV to Directive 93/85/EEC”;

(d) heggorer paragraff 5;

(dd) ym mharagraffau 6, 7 a 9, yn lle “Directive 93/85/EC”, rhodder “Directive 93/85/EEC”;

(e) yn lle paragraff 10(b) ac (c), rhodder—

“(b) in the first potato cropping season following the period referred to in

- paragraph (a), that potatoes may be planted, for ware production only, provided that the field has been free from volunteer potato plants and other naturally found host plants of Potato Ring Rot for at least the two consecutive growing years prior to planting; and
- (c) in the potato cropping season which follows that referred to in paragraph (b) and following an appropriate rotation cycle (which must be at least two years where potatoes are planted for seed production), that potatoes may be planted, for seed or ware production.”;
- (f) yn lle paragraff 11(b), rhodder—
- “(b) in the first potato cropping season following the period referred to in paragraph (a), that potatoes may be planted, for seed or ware production, provided that the field has been free from volunteer potato plants and other naturally found host plants of Potato Ring Rot for at least the two consecutive growing years prior to planting.”;
- (ff) ym mharagraff 12—
- (i) yn lle “Directive 93/85/EC”, rhodder “Directive 93/85/EEC”;
- (ii) yn lle paragraffau (b) ac (c), rhodder—
- “(b) in the second growing year following the period referred to in (a) that—
- (i) certified seed potatoes; or
- (ii) seed potatoes officially tested for the absence of Potato Ring Rot and grown under official control at a place of production which is not designated by an inspector as contaminated for the purposes of Article 5(1)(a) of Directive 93/85/EEC,
- may be planted, for seed or ware production;
- (c) for at least the third growing year following the period referred to in paragraph (a), that certified seed potatoes or seed potatoes grown under official control from certified seed potatoes may be planted, for seed or ware production; and
- (d) from the date of receipt of the notice for the growing years referred to in paragraphs (a), (b) and (c), measures

shall be taken to eliminate volunteer potato plants and naturally found host plants of Potato Ring Rot.”;

- (g) ym mharagraffau 13 a 16, yn lle “Directive 93/85/EC”, rhodder “Directive 93/85/EEC”.

(18) Yn Rhan A (mesurau arbennig ar gyfer rheoli *Ralstonia solanacearum*) o Atodlen 17—

- (a) ym mharagraff 1, yn y diffiniad o “certified seed potatoes”, ar ôl “means”, mewnosoder “pre-basic seed potatoes, basic seed potatoes or”;

- (b) ym mharagraff 2(b), yn lle “used or disposed of in accordance with paragraph 3”, rhodder “subjected to a provision in paragraph 1 of Annex VI to that Directive”;

- (c) hepgorer paragraff 3;

- (ch) ym mharagraff 4(b), yn lle “paragraph 5”, rhodder “paragraph 2 of Annex VI to that Directive”;

- (d) hepgorer paragraff 5;

(dd) ym mharagraff 10—

- (i) ym mharagraff (a)(ii)(aa), yn lle “and plants”, rhodder “, plants and true seeds”;

- (ii) yn lle paragraffau (b) ac (c), rhodder—

“(b) in the first potato cropping season following the period referred to in paragraph (a), that potatoes may be planted, for ware production only, provided that the field or unit of production has been free from volunteer potato and tomato plants and other host plants including solanaceous weeds for at least the two consecutive growing years prior to planting; and

- (c) in the potato or tomato cropping season which follows that referred to in paragraph (b), that there must be an appropriate rotation cycle which shall be at least two years where seed potatoes are planted.”;

(e) ym mharagraff 11—

- (i) ym mharagraff (a)(i), ar ôl “other”, mewnosoder “naturally found”;

- (ii) ym mharagraff (b), yn lle'r geiriau ar ôl “paragraph (a)” hyd at ddiwedd y paragraff hwnnw, rhodder “that potatoes may be planted, for seed or ware production”;

- (f) ym mharagraff 12(a), yn lle “or potato plants”, rhodder “, potato plants or true seeds”;

(ff) ym mharagraff 14, ar ôl paragraff (a), hepgorer “and” ac mewnosoder —

“(aa) where the authorisation is granted for tomato production, production shall be from seed which meets the requirements of Directive 2000/29/EC(1) or, if vegetatively propagated, from tomato plants produced from such seed and grown under official control; and”;

(g) yn lle paragraff 15, rhodder —

“15. Where a place of production is designated by an inspector to be contaminated for the purposes of Article 5(1)(a)(ii) of Directive 98/57/EC and with regard to any fields at that place other than those referred to in paragraph 9 the inspector is satisfied that the risk of volunteer potato and tomato plants and other naturally found host plants of *R solanacearum* has been eliminated, the notice referred to in paragraph 8 may require that with regard to such fields—

(a) from the date of receipt of the notice and for one growing year following the start of the next growing year—

(i) potato tubers, potato plants and true seeds and other host plants of *R solanacearum* must not be planted save that, in the case of potato tubers, certified seed potatoes may be planted for ware production only;

(ii) tomato plants grown from seed which meets the requirements of Directive 2000/29/EC may be planted, for fruit production only;

(b) in the first growing year following that specified in paragraph (a)—

(i) if potatoes are to be planted, only certified seed potatoes or seed potatoes officially tested for the absence of *R solanacearum* and grown under official control at a place of production which is not designated by an inspector as contaminated for the purposes of Article 5(1)(a)(ii) of Directive 98/57/EC may be planted, for seed or ware production;

(ii) in the case of tomatoes, only tomato plants grown from seed

(1) OJ Rhif L169, 10.7.2000, t.1, fel y'i diwygiwyd ddiwethaf gan OJ Rhif L 88, 25.3.2006, t.9.

which meets the requirements of Directive 2000/29/EC or, if vegetatively propagated, from tomato plants produced from such seed and grown under official control at a place of production which is not designated by an inspector as contaminated for the purposes of Article 5(1)(a)(ii) of Directive 98/57/EC may be planted, for plant or fruit production;

(c) in the second growing year following that specified in paragraph (a) and, where appropriate, in any subsequent growing year which may be specified in the notice—

(i) if potatoes are to be planted, only certified seed potatoes or seed potatoes grown under official control from certified seed potatoes may be planted, for seed or ware production;

(ii) if tomatoes are to be planted, only tomato plants grown from seed which meets the requirements of Directive 2000/29/EC or tomato plants grown from such plants under official control may be planted, for plant or fruit production; and

(d) from the date of the receipt of the notice and in each of the growing years referred to in this paragraph, measures shall be taken to eliminate volunteer potato plants and other naturally found host plants of *R solanacearum* as appropriate.”;

(ng) ym mharagraff 16, yn lle “throughout the subsequent growing years up to and including the first potato or tomato cropping season permitted by paragraph 10(b) or 11(b)”, rhodder “after the first subsequent growing year”.

(19) Yn Rhan B (darnodi parthau ar gyfer rheoli *Ralstonia solanacearum*) o Atodlen 17, ym mharagraff 6(a)—

(a) yn is-baragraff (ii), yn lle “may be planted”, rhodder “or seed potatoes grown under official control may be planted”;

(b) ar ôl is-baragraff (ii), hepgorer “and”;

(c) ar ddiwedd is-baragraff (iii), mewnosoder “, or a system of cleansing and, where appropriate, disinfection shall be carried out

between the handling of seed and ware potatoes”;

(ch) ar ôl is-baragraff (iii), mewnosoder —

“and

- (iv) with regard to tomato crops in the zone, only tomato plants grown from seed which meets the requirements of Directive 2000/29/EC or, if vegetatively propagated, tomato plants produced from such seed and grown under official control may be planted;”.

Elin Jones

Y Gweinidog dros Faterion Gwledig, un o
Weinidogion Cymru

14 Medi 2007.