

2009 Rhif 390 (Cy. 40)

AMAETHYDDIAETH, CYMRU

Rheoliadau Anifeiliaid a
Chynhyrchion Anifeiliaid
(Mewnforio ac Allforio) (Cymru)
(Diwygio) 2009

NODYN ESBONIADOL

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

Mae'r Rheoliadau hyn yn disodli Atodlenni 2, 3 a 7 i Reoliadau Anifeiliaid a Chynhyrchion Anifeiliaid (Mewnforio ac Allforio) (Cymru) 2006 (O.S. 2006/1536) (Cy.153). Mae'r Atodlenni newydd yn ymgorffori nifer o ddarnau newydd a darnau diwygiedig o ddeddfwriaeth Gymunedol sydd wedi dod i rym ers i'r Rheoliadau hynny ddod i rym.

Maent yn gwneud rhai mân gywiriadau i Reoliadau 2006.

Nid oes Asesiad Effaith wedi'i lunio ar gyfer yr offeryn hwn, gan na ragwelir y bydd yr offeryn yn effeithio o gwbl ar fusnes, elusennau na chyrff gwirfoddol.

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AMAETHYDDIAETH, CYMRU

**Rheoliadau Anifeiliaid a
Chynhyrchion Anifeiliaid
(Mewnforio ac Allforio) (Cymru)
(Diwygio) 2009**

Gwnaed 26 Chwefror 2009

*Gosodwyd gerbron
Cynulliad Cenedlaethol Cymru*

27 Chwefror 2009

Yn dod i rym 20 Mawrth 2009

Mae Gweinidogion Cymru wedi'u dynodi(1) at ddibenion gwneud Rheoliadau o dan adran 2(2) o Ddeddf y Cymunedau Ewropeaidd 1972(2) o ran polisi amaethyddol cyffredin y Gymuned Ewropeaidd.

Mae Gweinidogion Cymru yn gwneud y Rheoliadau hyn drwy arfer y pwerau a roddwyd gan yr adran honno.

Enwi, cymhwyso a chychwyn

1. Enw'r Rheoliadau hyn yw Rheoliadau Anifeiliaid a Chynhyrchion Anifeiliaid (Mewnforio ac Allforio) (Cymru) (Diwygio) 2009, maent yn gymwys o ran Cymru ac yn dod i rym ar 20 Mawrth 2009.

(1) O.S. 2005/2766. Mae swyddogaethau a roddwyd i Gynulliad Cenedlaethol Cymru yn arferadwy gan Weinidogion Cymru yn rhinwedd paragraff 30 o Ddeddf Llywodraeth Cymru 2006 ac Atodlen 11 iddi.

(2) 1972 p.68. Mewnosodwyd paragraff 1A o Atodlen 2 gan adran 28 o Ddeddf Diwygio Deddfwriaethol a Rheoleiddiol 2006 (p.51).

Diwygio Rheoliadau Anifeiliaid a Chynhyrchion Anifeiliaid (Mewnforio ac Allforio) (Cymru) 2006

2.—(1) Mae Rheoliadau Anifeiliaid a Chynhyrchion Anifeiliaid (Mewnforio ac Allforio) (Cymru) 2006(1) wedi'u diwygio'n unol â'r rheoliad hwn.

(2) Yn rheoliad 1(2), dileer y diffiniad o “bluetongue susceptible animal”.

(3) Yn lle rheoliad 1(5), rhodder—

“(5) Unless specifically defined in these Regulations, any expression used in these Regulations has the meaning it bears in—

- (a) Council Directive 90/425/EEC concerning veterinary and zootechnical checks applicable in intra-Community trade in certain live animals and products with a view to the completion of the single market (OJ No. L224, 18.8.90, p.29 as last amended by Directive 2002/33/EC of the European Parliament and of the Council, OJ No. L315, 19.11.2002, p.14); and
- (b) Council Directive 91/496/EEC laying down the principles governing the organisation of veterinary checks on animals entering the Community from third countries (OJ No. L268, 24.9.1991, p.56 as last amended by Council Directive 2006/104/EC, OJ No. L363, 20.12.2006, p.352).”.

(4) Yn rheoliad 35, dileer “and subject to paragraph (1).”.

(5) Mae Atodlen 1 wedi'i dileu.

(6) Yn lle Atodlenni 2, 3 a 7 i'r Rheoliadau hynny, rhodder yr atodlenni amnewid a geir yn yr Atodlen i'r Rheoliadau hyn.

Diwygio Rheoliadau Anifeiliaid a Chynhyrchion Anifeiliaid (Mewnforio ac Allforio) (Cymru) (Diwygio) 2007

3. Mae rheoliad 2(2) o Reoliadau Anifeiliaid a Chynhyrchion Anifeiliaid (Mewnforio ac Allforio) (Cymru) (Diwygio) 2007(2) wedi'i ddirymu.

(1) O.S. 2006/1536 (Cy.153), fel y'i diwygiwyd ddiwethaf gan O.S. 2007/3279 (Cy.288).
(2) O.S. 2007/3279 (Cy. 288).

Elin Jones

Y Gweinidog dros Faterion Gwledig, un o
Weinidogion Cymru

26 Chwefror 2009

YR ATODLEN

Rheoliad 2

Yr Atodlenni Amnewid

SCHEDULE 2

Regulation 1(2)

Border Inspection Posts

<i>Border inspection post</i>	<i>Animals that may be imported</i>
Gatwick Airport	All animals other than ungulates ⁽ⁱ⁾
Heathrow Airport	All animals
Manchester Airport	Live fish, reptiles, invertebrates
Stansted Airport ⁽ⁱⁱ⁾	Ungulates ⁽ⁱ⁾

⁽ⁱ⁾ Ungulates include registered equidae as defined in Council Directive 90/426/EEC (OJ No. L224, 18.8.90, p. 42 as last amended by Council Directive 2006/104/EC, OJ No. L363, 20.12.2006, p.352).

⁽ⁱⁱ⁾ Stansted Airport is not a border inspection post for any species of animal specified in the Rabies (Importation of Dogs, Cats and Other Mammals) Order 1974 (S.I. 1974/2211).

SCHEDULE 3

Regulation 4

Intra-Community trade: legislation and additional requirements

PART 1

LEGISLATION IN RELATION TO INTRA-COMMUNITY TRADE

Bovine animals and swine

1. Council Directive 64/432/EEC on health problems affecting intra-Community trade in bovine animals and swine(1).

Bovine semen

2. Council Directive 88/407/EEC laying down the animal health conditions applicable to intra-Community trade in and imports of semen of domestic animals of the bovine species(2).

Bovine embryos

3. Council Directive 89/556/EEC on animal health conditions concerning intra-Community trade in and importation from third countries of embryos of domestic animals of the bovine species(3).

Equidae

4. Council Directive 90/426/EEC on health conditions governing the movement of equidae and their import from third countries(4).

Porcine semen

5. Council Directive 90/429/EEC laying down the animal health requirements applicable to intra-Community trade in and imports of semen of domestic animals of the porcine species(5).

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- (1) OJ No. L121, 29.7.64, p.1977 as last amended by Council Directive 2008/73/EC (OJ No. L219, 14.8.2008, p.40).
- (2) OJ No. L194, 22.7.98, p.10 as last amended by Council Directive 2008/73/EC (OJ No. L219, 14.8.2008, p.40).
- (3) OJ No. L302, 19.10.89, p.1 as last amended by Council Directive 2008/73/EC (OJ No. L219, 14.8.2008, p.40).
- (4) OJ No. L224, 18.8.90, p.42 as last amended by Commission Decision 2006/104/EC (OJ No. L363, 20.12.2006, p.352).
- (5) OJ No. L224, 18.8.90, p.62 as last amended by Council Regulation (EC) 806/2003 (OJ No. L122, 16.5.2003, p.1).

Poultry and hatching eggs

6. Council Directive 90/539/EEC on animal health conditions governing intra-Community trade in, and imports from third countries of poultry and hatching eggs(1).

Animal waste

7. Regulation (EC) No. 1774/2002 of the European Parliament and of the Council laying down rules concerning animal by-products not intended for human consumption(2).

Fish

8. Council Directive 2006/88/EC on animal health requirements for aquaculture animals and products thereof, and on the prevention and control of certain diseases in aquatic animals(3).

9. Directive 2004/41/EC of the European Parliament and of the Council repealing certain directives concerning food hygiene and health conditions for the production and placing on the market of certain products of animal origin intended for human consumption and amending Council Directives 89/662/EEC and 92/118/EEC and Council Decision 95/408/EC(4).

Ovine and caprine animals

10. Council Directive 91/68/EEC on animal health conditions governing intra-Community trade in ovine and caprine animals(5).

Other animals, semen, ova and embryos

11. Council Directive 92/65/EEC laying down animal health requirements governing trade in and imports into the Community of animals, semen, ova and embryos not subject to animal health requirements laid down in specific Community rules referred to in Council Directive 90/425/EEC(6).

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- (1) OJ No. L303, 31.10.90, p.6 as last amended by Commission Decision 2007/729/EC (OJ No. L294 13.11.2007, p.26).
- (2) OJ No. L273, 10.10.2002, p.1 as last amended by Commission Regulation (EC) 777/2008 (OJ No. L207, 5.8.2008, p.9).
- (3) OJ No. L328, 24.11.2006, p.14 as last amended by Commission Directive 2008/53/EC (OJ No. L117, 1.5.2008, p.27).
- (4) OJ No. L157, 30.4.2004, p.33 as corrected in OJ No. L195, 2.6.2004, p.12.
- (5) OJ No. L46, 19.2.91, p.19 as last amended by Council Directive 2008/73/EC (OJ No. L219, 14.8.2008, p.40).
- (6) OJ No. L268, 14.9.92, p.54 as last amended by Council Directive 2008/73/EC (OJ No. L219, 14.8.2008, p.40).

Circuses and animal acts

12. Commission Regulation (EC) No. 1739/2005 laying down animal health requirements for the movement of circus animals between member States(1).

Pathogens

13. Council Directive 92/118/EEC laying down animal and public health requirements governing trade in and imports into the Community of products not subject to the said requirements laid down in specific Community rules referred to in Annex A(I) to Directive 89/662/EEC and, as regards pathogens, to Directive 90/425/EEC(2).

Pure-bred animals of the bovine species

14. Council Directive 77/504/EEC on pure-bred breeding animals of the bovine species(3).

Breeding animals of the porcine species

15. Council Directive 88/661/EEC on the zootechnical standards applicable to breeding animals of the porcine species(4).

Pure-bred breeding sheep and goats

16. Council Directive 89/361/EEC concerning pure-bred breeding sheep and goats(5).

Equidae

17. Council Directive 90/427/EEC on the zootechnical and genealogical conditions governing intra-Community trade in equidae(6).

Bluetongue susceptible animals

18. Commission Regulation (EC) No. 1266/2007 on implementing rules for Council Directive 2000/75/EC as regards the control, monitoring, surveillance and

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- (1) OJ No. L279, 22.10.2005, p.47.
(2) OJ No. L62, 15.3.93, p.49 as last amended by Commission Regulation (EC) 445/2004 (OJ No. L72, 11.3.2004, p.60).
(3) OJ No. L206, 12.8.1977, p.8 as last amended by Council Directive 2008/73/EC (OJ No. L219, 14.8.2008, p.40).
(4) OJ No. L382, 31.12.1988, p.36 as last amended by Council Regulation (EC) No. 806/2003 (OJ No. L122, 16.5.2003, p.1).
(5) OJ No. L153, 6.6.1989, p.30 as last amended by Agreement on the European Economic Area - Annex I - Veterinary and phytosanitary matters - List provided for in Article 17 (OJ No. L1, 3.1.94, p.220).
(6) OJ No. L224, 18.8.90, p.55 as last amended by Agreement on the European Economic Area - Annex I - Veterinary and phytosanitary matters - List provided for in Article 17 (OJ No. L1, 3.1.94, p.220).

restrictions on movements of certain animals of susceptible species in relation to bluetongue⁽¹⁾.

SCHEDULE 7

Regulation 16

Community legislation in relation to imports from third countries

PART 1

INSTRUMENTS SPECIFYING THIRD COUNTRIES AND TERRITORIES IN THIRD COUNTRIES FROM WHICH MEMBER STATES MAY AUTHORISE CERTAIN IMPORTS

Cloven-hoofed animals and elephants and zoo ungulates

1. Council Decision 79/542/EEC drawing up a list of third countries or parts of third countries, and laying down animal and public health and veterinary certification conditions, for importation into the Community of certain live animals and their fresh meat⁽²⁾.

Poultry

2. Commission Decision 95/233/EC drawing up lists of third countries from which member States authorise imports of live poultry and hatching eggs⁽³⁾.

Captive birds

3. Commission Regulation (EC) No. 318/2007 of 23 March 2007 laying down animal health conditions for imports of certain birds into the Community and the quarantine conditions thereof⁽⁴⁾.

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- (1) OJ No. L283, 27.10.2007, p.37 as last amended by Commission Regulation (EC) No. 708/2008 (OJ No. L197, 25.7.2008, p.18).
- (2) OJ No. L146, 14.6.79, p.15 as last amended by Commission Decision 2008/752/EC (OJ No. L261, 30.9.2008, p.1).
- (3) OJ No. L156, 7.7.95, p.76 as last amended by Commission Regulation (EC) No. 1792/2006 (OJ No. L362, 20.12.2006, p.1).
- (4) OJ No. L84, 24.3.2007, p.7 as last amended by Commission Regulation (EC) No. 754/2008 (OJ No. L205, 1.8.2008, p.6).

Shellfish

4. Commission Decision 2003/804/EC laying down the animal health conditions and certification requirements for imports of molluscs, their eggs and gametes for further growth, fattening, relaying or human consumption(1).

Finfish

5. Commission Decision 2003/858/EC laying down the animal health conditions and certification requirements for imports of live fish, their eggs and gametes intended for farming, and live fish of aquaculture origin and products thereof intended for human consumption(2).

Bees

6. Commission Decision 2003/881/EC of 11 December 2003 concerning the animal health and certification conditions for imports of bees (*Apis mellifera* and *Bombus* spp.) from certain third countries and repealing Decision 2000/462/EC(3).

Equidae

7. Commission Decision 2004/211/EC establishing the list of third countries and parts of territory thereof from which member States authorise imports of live equidae and semen, ova and embryos of the equine species(4).

Cats, dogs and ferrets

8. Commission Decision 2005/64/EC implementing Council Directive 92/65/EEC as regards import conditions for cats, dogs and ferrets for approved bodies, institutes or centres(5).

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- (1) OJ No. L302, 21.11.2003, p.22 as last amended by Commission Decision 2007/158/EC (OJ No. L68, 8.3.2007, p.10).
- (2) OJ No. L324, 11.12.2003, p.37 as last amended by Commission Decision 2008/641/EC (OJ No. L207, 5.8.2008, p.34).
- (3) OJ No. L328, 17.12.2003, p.26 as last amended by Commission Decision 2005/60/EC (OJ No. L25, 28.1.2005, p.64).
- (4) OJ No. L73, 11.3.2004, p.1 as last amended by Commission Decision 2008/804/EC (OJ No. L277, 18.10.2008, p.36).
- (5) OJ No. L27, 29.1.2005, p.48.

PART 2

DETAILED PROVISIONS

Cloven-hoofed animals and elephants and zoo ungulates

9. Council Decision 79/542/EEC of 21 December 1976 drawing up a list of third countries from which the member States authorise imports of bovine animals, swine and fresh meat(1).

Zoo ungulates

10. Council Directive 2004/68/EC laying down health rules for the importation into and transit through the Community of certain live ungulate animals(2).

Equidae

General

11. Council Directive 90/426/EEC on health conditions governing the movement of equidae and their import from third countries(3).

12. Commission Decision 2004/211/EC establishing the list of third countries and parts of territory thereof from which member States authorise imports of live equidae and semen, ova and embryos of the equine species(4).

Temporary admission of registered horses

13. Commission Decision 92/260/EEC on animal health conditions and veterinary certification for temporary admission of registered horses(5).

Registered horses for racing, etc, upon re-entry

14. Commission Decision 93/195/EEC on animal health conditions and veterinary certification for the re-entry of registered horses for racing, competition and cultural events after temporary export(6).

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- (1) OJ No. L146, 14.6.79, p.15 as last amended by Commission Decision 2008/752/EC (OJ No. L261, 30.9.2008, p.1).
- (2) OJ No. L139, 30.4.2004, p.321 as corrected in OJ No. L226, 25.6.2004, p.128.
- (3) OJ No. L224, 18.8.1990, p.42, as last amended by Council Directive 2006/104/EC, (OJ No. L363, 20.12.2006, p.352).
- (4) OJ No. L73, 11.3.2004, p.1 as last amended by Commission Decision 2008/804/EC (OJ No. L277, 18.10.2008, p.36).
- (5) OJ No. L130, 15.5.1992, p.67 as last amended by Commission Regulation (EC) No. 1792/2006 (OJ No. L362, 20.12.2006, p.1).
- (6) OJ No. L86, 6.4.93, p.1 as last amended by Commission Regulation (EC) No. 1792/2006 (OJ No. L362, 20.12.2006, p.1).

Equidae for slaughter

15. Commission Decision 93/196/EEC on animal health conditions and veterinary certification for imports of equidae for slaughter(1).

Registered equidae and equidae for breeding and production

16. Commission Decision 93/197/EEC on animal health conditions and veterinary certification on imports of registered equidae and equidae for breeding and production(2).

Poultry

17. Council Directive 90/539/EEC on animal health conditions governing intra-Community trade in, and imports from third countries of poultry and hatching eggs(3).

Other specified animals, semen, ova and embryos

18. Council Directive 92/65/EEC laying down animal health requirements governing trade in and imports into the Community of animals, semen, ova and embryos not subject to animal health requirements laid down in specific Community rules referred to in Council Directive 90/425/EEC(4).

Captive birds

19. Commission Regulation (EC) No. 318/2007 of 23 March 2007 laying down animal health conditions for imports of certain birds into the Community and the quarantine conditions thereof(5).

Cats, dogs and ferrets

20. Commission Decision 2005/64/EC implementing Council Directive 92/65/EEC as regards import conditions for cats, dogs and ferrets for approved bodies, institutes or centres(6).

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- (1) OJ No. L86, 6.4.93, p.7 as last amended by Commission Regulation (EC) No. 1792/2006 (OJ No. L362, 20.12.2006, p.1).
- (2) OJ No. L86, 6.4.93, p.16 as last amended by Commission Regulation (EC) No. 1792/2006 (OJ No. L362, 20.12.2006, p.1).
- (3) OJ No. L303, 31.10.90, p.6 as last amended by Commission Decision 2007/729/EC (OJ No. L294, 13.11.2007, p.26).
- (4) OJ No. L268, 14.9.92, p.54 as last amended by Council Directive 2008/73/EC (OJ No. L219, 14.8.2008, p.40).
- (5) OJ No. L84, 24.3.2007, p.7 as last amended by Commission Regulation (EC) No. 754/2008 (OJ No. L205, 1.8.2008, p.6).
- (6) OJ No. L27, 29.1.2005, p.48.

Live animals from New Zealand

21. Commission Decision 2003/56/EC on health certificates for the importation of live animals and animal products from New Zealand(1).

Zootechnical conditions

22. Council Directive 94/28/EC laying down the principles relating to the zootechnical and genealogical conditions applicable to imports from third countries of animals, their semen, ova and embryos, and amending Directive 77/504/EEC on pure-bred breeding animals of the bovine species(2).

Finfish and shellfish from third countries

23. Commission Decision 2003/804/EC laying down the animal health conditions and certification requirements for imports of molluscs, their eggs and gametes for further growth, fattening, relaying or human consumption(3).

24. Commission Decision 2003/858/EC laying down the specific animal health conditions and certification requirements for imports of live fish, their eggs, and gametes intended for farming, and live fish of aquaculture origin and products thereof intended for human consumption(4).

Bees

25. Commission Decision 2003/881/EC concerning the animal health and certification conditions for imports of bees (*Apis mellifera* and *Bombus* spp.) from certain third countries and repealing Decision 2000/462/EC(5).

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- (1) OJ No. L22, 25.1.2003, p.38 as last amended by Commission Decision 2006/855/EC (OJ No. L338, 5.12.2006, p.45).
- (2) OJ No. L178, 12.7.94, p.66 as amended by Council Directive 2008/73/EC (OJ No. L219, 14.8.2008, p.40).
- (3) OJ No. L302, 21.11.2003, p.22 as last amended by Commission Decision 2007/158/EC (OJ No. L68, 8.3.2007, p.10).
- (4) OJ No. L324, 11.12.2003, p.37 as last amended by Commission Decision 2007/158/EC (OJ No. L68, 8.3.2007, p.10).
- (5) OJ No. L328, 17.12.2003, p.26 as last amended by Commission Decision 2005/60/EC (OJ No. L25, 28.1.2005 p.64).