

2009 Rhif 1376(Cy.137)

**IECHYD PLANHIGION,
CYMRU**

**Gorchymyn Iechyd Planhigion
(Cymru) (Diwygio) 2009**

NODYN ESBONIADOL

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

Mae'r Gorchymyn hwn yn diwygio Gorchymyn Iechyd Planhigion (Cymru) 2006 (O.S. 2006/1643) (“y prif Orchymyn”) er mwyn gweithredu Cyfarwyddeb y Comisiwn 2009/7/EC sy'n diwygio Atodiadau I, II, IV a V i Gyfarwyddeb y Cyngor 2000/29/EC ar fesurau amddiffynnol yn erbyn cyflwyno i'r Gymuned organeddau sy'n niweidiol i blanhigion neu gynhyrchion planhigion ac yn erbyn eu hymlediad o fewn y Gymuned (OJ Rhif L 40, 11.2.2009, t 12).

Mae'r Gorchymyn yn diwygio Atodlenni 1, 2, 4 a 6 i'r prif Orchymyn er mwyn ehangu'r rheolaethau ar gyflwyno planhigion a phlâu planhigion penodol i Gymru, ac ar eu hymlediad oddi mewn iddi. Mae'r organeddau niweidiol canlynol, nad yw'n hysbys hyd yn hyn eu bod yn bresennol yn y Gymuned, wedi'u hychwanegu at y rhestr o organeddau gwaharddedig:

—*Dendrolimus sibiricus* (gwyfyn sidan conwydd Siberia),

—*Rhynchophorus palmarum* (gwiddonyn palmwydd Americanaidd),

—*Agrilus planipennis* (Tyllbryf onn emrallt) ar blanhigion *Fraxinus*, *Juglans mandshurica*, *Ulmus davidiana*, *Ulmus parvifolia*, a *Pterocarya rhoifolia*,

—Firws necrosis coesau ffarwelau haf ar blanhigion *Dendranthema* a *Lycopersicon lycopersicum*,

—*Scrobipalopsis solanivora* (gwyfyn tatws Guatemala) ar gloron *Solanum tuberosum*,

—*Stegophora ulmea* (Smotiau duon llwyfen) ar blanhigion *Ulmus* a *Zelkova*, sydd wedi'u bwriadu i'w plannu, ac eithrio hadau.

Nid oes asesiad effaith llawn wedi'i lunio ar gyfer yr offeryn hwn, gan na ragwelir y bydd yr offeryn yn effeithio o gwbl ar y sector preifat na'r sector gwirfoddol.

2009 Rhif 1376 (Cy.137)

**IECHYD PLANHIGION,
CYMRU**

**Gorchymyn Iechyd Planhigion
(Cymru) (Diwygio) 2009**

Gwnaed 8 Mehefin 2009

*Gosodwyd gerbron Cynulliad
Cenedlaethol Cymru*

10 Mehefin 2009

Yn dod i rym 1 Gorffennaf 2009

Mae Gweinidogion Cymru, y mae'r pwerau a roddwyd gan adrannau 2(1) a 3(1) o Ddeddf Iechyd Planhigion 1967(1) bellach wedi eu breinio ynddynt(2), yn gwneud y Gorchymyn a ganlyn drwy arfer y pwerau hynny.

Enwi a chychwyn

1. Enw'r Gorchymyn hwn yw Gorchymyn Iechyd Planhigion (Cymru) (Diwygio) 2009. Daw i rym ar 1 Gorffennaf 2009 ac mae'n gymwys o ran Cymru.

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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) O dan Orchymyn Trosglwyddo Swyddogaethau (Cymru) (Rhif 1) 1978 (O.S. 1978/272), erthygl 2(1) ac Atodlen 1, trosglwyddwyd swyddogaethau'r Gweinidog Amaethyddiaeth, Pysgodfeydd a Bwyd o dan Ddeddf Iechyd Planhigion 1967, i'r graddau y maent yn arferadwy o ran Cymru, i'r Ysgrifennydd Gwladol; ac, o dan Orchymyn Cynulliad Cenedlaethol Cymru (Trosglwyddo Swyddogaethau) 1999 (O.S. 1999/672), erthygl 2 ac Atodlen 1, trosglwyddwyd y swyddogaethau a drosglwyddwyd i'r Ysgrifennydd Gwladol o dan Orchymyn 1978 i Gynulliad Cenedlaethol Cymru. Trosglwyddwyd y swyddogaethau hyn o Gynulliad Cenedlaethol Cymru i Weinidogion Cymru o dan adran 162 o Ddeddf Llywodraeth Cymru 2006 (p. 32) a pharagraff 30 (1) a (2) o Atodlen 11 iddi.

Diwygiadau i Orchymyn Iechyd Planhigion (Cymru) 2006

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

(2) Yn erthygl 2(1), yn lle'r diffiniad o “Directive 2000/29/EC”, rhodder—

““Directive 2000/29/EC” means Council Directive 2000/29/EC on protective measures against the introduction into the Community of organisms harmful to plants or plant products and against their spread within the Community;”(2).

(3) Yn Rhan A o Atodlen 1, yn yr adran “Insects, mites and nematodes”—

- (a) ar ôl eitem 11, mewnosoder “11a *Dendrolimus sibiricus* Tschetverikov”;
- (b) yn lle eitem 15, rhodder “15 *Diabrotica virgifera zea* Kryan & Smith”; ac
- (c) ar ôl eitem 26, mewnosoder “26a *Rhynchophorus palmarum* (L.)”.

(4) Yn Rhan B o Atodlen 1, yn yr adran “Insects, mites and nematodes”, ar ôl eitem 1 mewnosoder “1a *Diabrotica virgifera virgifera* Le Conte”.

(5) Yn Rhan A o Atodlen 2, yn yr adran “Insects, mites and nematodes”—

- (a) ar ôl eitem 1, mewnosoder—

“1a Plants intended for planting, *Agrilus planipennis* other than plants in tissue culture and seeds, of *Fraxinus* Fairmaire”;
L., *Juglans mandshurica* Maxim., *Ulmus davidiana* Planch., *Ulmus parvifolia* Jacq. and *Pterocarya rhoifolia* Siebold & Zucc., originating in Canada, China, Japan, Mongolia, Republic of Korea, Russia, Taiwan and USA

- (b) hegorer eitem 23; ac

- (c) ar ôl eitem 26, mewnosoder—

“26a Tubers of *Solanum Scrobipalopsis tuberosum* L. *solanivora* Povolny”.

(1) O.S. 2006/1643 (Cy.158); yr offerynnau diwygio perthnasol yw O.S. 2007/2716 (Cy.229), 2007/3305 (Cy.292), 2008/2781 (Cy.248) a 2008/2913 (Cy.257).

(2) OJ Rhif L 169, 10.7.2000, t 1, a ddiwygiwyd ddiwethaf gan Gyfarwydddeb y Comisiwn 2009/7/EC, OJ Rhif L 40, 11.2.2009, t 12.

(6) Yn Rhan A o Atodlen 2—

(a) yn yr adran “Bacteria”, yn yr ail golofn yn eitem 4, hepgorer “fruit or”;

(b) yn yr adran “Fungi”, ar ôl eitem 15, mewnosoder—

“15a Plants of *Ulmus* L. and *Stegophora Zelkova* L., intended for *ulmea* planting, other than seeds (Schweinitz: Fries) Sydow & Sydow”; ac

(c) yn yr adran “Viruses and virus-like organisms”, ar ôl eitem 5, mewnosoder—

“5a Plants of *Dendranthema Chrysanthemum* (DC.) Des Moul. and stem necrosis *Lycopersicon lycopersicum* virus”. (L.) Karsten ex Farw., intended for planting, other than seeds

(7) Yn Rhan B o Atodlen 2, yn yr adran “Insects, mites and nematodes”—

(a) ar ôl eitem 7, mewnosoder—

“7a Plants of *Citrus* L., *Fortunella Parasaissetia Swingle* or *Poncirus Raf.*, and *nigra* their hybrids, other than fruit (Nietner)”; a and seeds

(b) ar ôl eitem 11(1) mewnosoder—

“12 Plants of Palmae, intended for *Paysandisia* planting, having a *archon* diameter of the stem at the (Burmeister)”. base of over 5 cm and belonging to the following genera: *Brahea* Mart., *Butia* Becc., *Chamaerops* L., *Jubaea* Kunth, *Livistona* R. Br., *Phoenix* L., *Sabal* Adans., *Syagrus* Mart., *Trachycarpus* H. Wendl., *Trithrinax* Mart., *Washingtonia* Raf.

(8) Yn Rhan A o Atodlen 4—

(a) ar ôl eitem 7, mewnosoder—

“7a Plants of *Fraxinus* L., *Juglans mandshurica* Maxim., *Ulmus davidiana* Planch., *Ulmus parvifolia* Jacq. and *Pterocarya rhoifolia* Siebold & Zucc., intended for The plants shall be accompanied by an official statement that they: (a) have been grown throughout their life in an area free from *Agrilus planipennis* Fairmaire, established by the national plant protection

(1) Mewnosodwyd eitem 11 gan O.S. 2008/2411, erth. 2(1), (9).

planting, other than seeds and plants in tissue culture originating in Canada, China, Japan, Mongolia, Republic of Korea, Russia, Taiwan and USA organisation in accordance with ISPM No. 4; or (b) have, for a period of at least two years prior to export, been grown in a place of production where no signs of *Agrilus planipennis* Fairmaire have been observed during two official inspections per year carried out at appropriate times, including immediately prior to export”;

(b) yn eitem 11, yn lle “requirements in items 60, 61 and 64” yn y golofn ar yr ochr dde rhodder “provisions applicable to the plants in item 7”;

(c) ar ôl eitem 35, mewnosoder—

“35a Tubers of *Solanum tuberosum* L., other than those intended for planting Without prejudice to the provisions applicable to tubers listed in items 32 to 34, the plants shall be accompanied by an official statement that the tubers originate in areas in which *Pseudomonas solanacearum* (Smith) Smith is not known to occur.

35b Tubers of *Solanum tuberosum* L. Without prejudice to the provisions applicable to tubers listed in items 32 to 35a, the plants shall be accompanied by an official statement that—
 (a) the tubers originate in a country where *Scrobipalopsis solanivora* Povolny is not known to occur; or
 (b) the tubers originate in an area free from *Scrobipalopsis solanivora* Povolny, established by the national plant protection organisation in accordance with ISPM No. 4”;

(ch) hepgorer eitem 39;

(d) ar ôl eitem 43, mewnosoder—

“43a Plants of *Dendranthema* (DC.) Des Moul. Without prejudice to the requirements applicable to the plants listed in

and *Lycopersicon lycopersicum* (L.) Karsten ex Farw., intended for planting, other than seeds

items 36, 37, 38, 41 to 43, the plants shall be accompanied by an official statement that:

(a) the plants have been grown throughout their life in a country free from Chrysanthemum stem necrosis virus;

(b) the plants have been grown throughout their life in an area established by the national plant protection organisation in the country of export as being free from Chrysanthemum stem necrosis virus in accordance with ISPM No. 4; or

(c) the plants have been grown throughout their life in a place of production, established as being free from Chrysanthemum stem necrosis virus and verified through official inspections and, where appropriate, testing”;

(dd) ar ôl eitem 57a(1) mewnosoder—

“57b Plants of Palmae, intended for planting, having a diameter of the stem at the base of over 5 cm and belonging to the following genera:

Brahea Mart.,
Butia Becc.,
Chamaerops L.,
Jubaea Kunth,
Livistona R. Br.,
Phoenix L.,
Sabal Adans.,
Syagrus Mart.,
Trachycarpus H. Wendl.,
Trithrinax Mart.,
Washingtonia Raf.

Without prejudice to the provisions applicable to the plants listed in items 57 and 57a, the plants shall be accompanied by an official statement that the plants:

(a) have been grown throughout their life in a country where *Paysandisia archon* (Burmeister) is not known to occur;

(b) have been grown throughout their life in an area free from *Paysandisia archon* (Burmeister), established by the national plant protection organisation in accordance with ISPM No. 4; or

(1) Mewnosodwyd eitem 57a gan O.S. 2007/2950, erth. 3(3).

(c) have, during a period of at least two years prior to export, been grown in a place of production:

(i) which is registered and supervised by the national plant protection organisation in the country of origin,

(ii) where the plants were placed in a site with complete physical protection against the introduction of *Paysandisia archon* (Burmeister) or with application of appropriate preventive treatments, and

(iii) where, during three official inspections per year carried out at appropriate times, including immediately prior to export, no signs of *Paysandisia archon* (Burmeister) have been observed”.

(9) Yn Rhan B o Atodlen 4, ar ôl eitem 22, mewnosoder—

“22a Plants of Palmae, The plants are intended for accompanied by an planting, having a official statement that the diameter of the plants:

stem at the base of (a) have been grown over 5 cm and throughout their life in an belonging to the area free from the following genera:

Brahea Mart., (Burmeister), established by the national plant protection organisation in accordance with ISPM No. 4; or

Butia Becc.,
Chamaerops L.,
Jubaea Kunth,
Livistona R. Br.,
Phoenix L., *Sabal* Adans., *Syagrus* Mart.,

Trachycarpus H. Wendl., *Trithrinax* Mart.,
Washingtonia Raf.

(b) have, during a period of at least two years prior to movement, been grown in a place of production:

(i) which is registered and supervised by the responsible official body in the Member State of origin,

(ii) where the plants were placed in a site with complete physical protection against the

introduction of
Paysandisia archon
(Burmeister) or with
application of appropriate
preventive treatments,
and
(iii) where, during three
official inspections per
year carried out at
appropriate times, no
signs of *Paysandisia*
archon (Burmeister) have
been observed”.

(10) Yn Rhan A o Atodlen 6, ar ôl paragraff 7(c),
mewnosoder—

“(ca) Plants of Palmae, intended for
planting, having a diameter of the stem
at the base of over 5 cm and belonging
to the following genera: *Brahea* Mart.,
Butia Becc., *Chamaerops* L., *Jubaea*
Kunth, *Livistona* R. Br., *Phoenix* L.,
Sabal Adans., *Syagrus* Mart.,
Trachycarpus H. Wendl., *Trithrinax*
Mart. or *Washingtonia* Raf.”.

Elin Jones

Y Gweinidog dros Faterion Gwledig, un o
Weinidogion Cymru

8 Mehefin 2009