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WELSH STATUTORY INSTRUMENTS

# 2020 Rhif 69 (Cy. 10)

# IECHYD PLANHIGION, CYMRU

## Rheoliadau Iechyd Planhigion etc. (Ffioedd) (Cymru) (Diwygio) 2020

# 2020 No. 69 (W. 10)

# PLANT HEALTH, WALES

## The Plant Health etc. (Fees) (Wales) (Amendment) Regulations 2020

**NODYN ESBONIADOL**

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

Mae'r Rheoliadau hyn yn diwygio Rheoliadau Iechyd Planhigion etc. (Ffioedd) (Cymru) 2018 ("Rheoliadau 2018") sy'n pennu ffioedd sy'n daladwy i Weinidogion Cymru mewn perthynas â gwasanaethau iechyd planhigion ac ardystio tatws hadyd a phlanhigion ffrwythau a deunydd lluosogi planhigion ffrwythau.

Mae rheoliad 2(2) yn mewnosod rheoliad 6A yn Rheoliadau 2018 i ddarparu ar gyfer y ffi sy'n daladwy gan fewnforiwr tatws sy'n tarddu o Libanus pan fo arolygydd yn cymryd samplau o lot tatws at ddibenion Penderfyniad Gweithredu'r Comisiwn (EU) 2019/1614 sy'n awdurdodi Aelod-wladwriaethau i ddarparu ar gyfer rhanddirymiadau rhag darpariaethau penodol Cyfarwyddeb y Cyngor 2000/29/EC mewn cysylltiad â thatws, ac eithrio tatws a fwriedir ar gyfer eu plannu, sy'n tarddu o ranbarthau Akkar a Bekaa, Libanus (OJ Rhif L 250, 30.9.2019, t. 85).

Mae rheoliad 2(3) yn amnewid Atodlen 2 i Reoliadau 2018, sy'n nodi ffioedd cyfradd gostyngol sy'n daladwy gan fewnforiwr llwyth o drydedd wlad ar gyfer gwiriadau iechyd planhigion mewn cysylltiad â phlanhigion penodol a chynhyrchion planhigion penodol sy'n ddarostyngedig i lefelau is o wiriadau y cytunwyd arnynt o dan y weithdrefn y darperir ar ei chyfer yn Erthyglau 13a(2) a 18(2) o Gyfarwyddeb y Cyngor 2000/29/EC ynghylch mesurau diogelu rhag cyflwyno i'r Gymuned organebau sy'n niweidiol i blanhigion neu i gynhyrchion planhigion a rhag eu lledaenu o fewn y Gymuned (OJ Rhif L 169, 10.7.2000, t. 1). Mae'r rheoliad hwn yn rhoi effaith i'r

**EXPLANATORY NOTE**

*(This note is not part of the Regulations)*

These Regulations amend the Plant Health etc. (Fees) (Wales) Regulations 2018 ("the 2018 Regulations") which specify fees payable to the Welsh Ministers in relation to plant health services and the certification of seed potatoes and fruit plants and fruit plant propagating material.

Regulation 2(2) inserts regulation 6A into the 2018 Regulations to provide for the fee payable by an importer of potatoes originating in Lebanon where an inspector samples a potato lot for the purposes of Commission Implementing Decision (EU) 2019/1614 authorising Member States to provide for derogations from certain provisions of Council Directive 2000/29/EC in respect of potatoes, other than potatoes intended for planting, originating in the regions of Akkar and Bekaa of Lebanon (OJ No L 250, 30.9.2019, p. 85).

Regulation 2(3) substitutes Schedule 2 to the 2018 Regulations, which sets out reduced rate fees payable by the importer of a third country consignment for plant health checks in respect of certain plant and plant products which are subject to reduced levels of checks agreed under the procedure provided for in Articles 13a(2) and 18(2) of 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 (OJ No L 169, 10.7.2000, p. 1). This

hysbysiad diweddaraf a gyhoeddwyd gan y Comisiwn Ewropeaidd am y lefelau is o wiriadau iechyd planhigion sy'n gymwys i blanhigion penodol ac i gynhyrchion planhigion penodol (a gyhoeddwyd ar 19 Tachwedd 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.

regulation gives effect to the latest notification published by the European Commission of the reduced plant health checks which are applicable to certain plants and plant products (published on 19 November 2019).

The Welsh Ministers' Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to these Regulations. As a result, it was not considered necessary to carry out a regulatory impact assessment as to the likely costs and benefits of complying with these Regulations.

# 2020 Rhif 69 (Cy. 10)

# IECHYD PLANHIGION, CYMRU

## Rheoliadau Iechyd Planhigion etc. (Ffioedd) (Cymru) (Diwygio) 2020

| | |
|---|---|
| *Gwnaed* | *28 Ionawr 2020* |
| *Gosodwyd gerbron Cynulliad Cenedlaethol Cymru* | *29 Ionawr 2020* |
| *Yn dod i rym* | *24 Chwefror 2020* |

Mae Gweinidogion Cymru yn gwneud y Rheoliadau hyn, gyda chydsyniad y Trysorlys, drwy arfer y pwerau a roddir gan adran 56(1) a (2) o Ddeddf Cyllid 1973(**1**), sydd bellach wedi eu breinio ynddynt hwy(**2**).

**Enwi a chychwyn**

**1.** Enw'r Rheoliadau hyn yw Rheoliadau Iechyd Planhigion etc. (Ffioedd) (Cymru) (Diwygio) 2020 a deuant i rym ar 24 Chwefror 2020.

**Diwygio Rheoliadau Iechyd Planhigion etc. (Ffioedd) (Cymru) 2018**

**2.**—(1) Mae Rheoliadau Iechyd Planhigion etc. (Ffioedd) (Cymru) 2018(**3**) wedi eu diwygio fel a ganlyn.

(**1**) 1973 p. 51; diwygiwyd adran 56(1) gan O.S. 2011/1043, ac mae wedi ei diwygio yn rhagolygol gan baragraff 17 o Atodlen 8 i Ddeddf yr Undeb Ewropeaidd (Ymadael) 2018 (p. 16) o ddyddiad ac amser sydd i'w bennu.

(**2**) Yn rhinwedd adran 59(5) o Ddeddf Llywodraeth Cymru 2006 (p. 32).

(**3**) O.S. 2018/1179 (Cy. 238), a ddiwygiwyd gan O.S. 2019/1378 (Cy. 244).



# 2020 No. 69 (W. 10)

# PLANT HEALTH, WALES

## The Plant Health etc. (Fees) (Wales) (Amendment) Regulations 2020

| | |
|---|---|
| *Made* | *28 January 2020* |
| *Laid before the National Assembly for Wales* | *29 January 2020* |
| *Coming into force* | *24 February 2020* |

The Welsh Ministers make these Regulations, with the consent of the Treasury, in exercise of the powers conferred by section 56(1) and (2) of the Finance Act 1973(**1**) now vested in them(**2**).

**Title and commencement**

**1.** The title of these Regulations is the Plant Health etc. (Fees) (Wales) (Amendment) Regulations 2020 and they come into force on 24 February 2020.

**Amendment of the Plant Health etc. (Fees) (Wales) Regulations 2018**

**2.**—(1) The Plant Health etc. (Fees) (Wales) Regulations 2018(**3**) are amended as follows.

(**1**) 1973 c. 51; section 56(1) was amended by S.I. 2011/1043, and is prospectively amended by paragraph 17 of Schedule 8 to the European Union (Withdrawal) Act 2018 (c. 16) from a date and time to be appointed.

(**2**) By virtue of section 59(5) of the Government of Wales Act 2006 (c. 32).

(**3**) S.I. 2018/1179 (W. 238), amended by S.I. 2019/1378 (W. 244).

(2) Ar ôl rheoliad 6 mewnosoder—

**"Tatws sy'n tarddu o Libanus: ffi**

**6A.**—(1) Pan fo arolygydd yn cymryd sampl o datws sy'n tarddu o Libanus er mwyn canfod, at ddibenion Erthygl 4 o'r Penderfyniad, pa un a yw'r tatws hynny wedi eu heintio ag is-rywogaethau *Clavibacter michiganensis* (Spieckermann and Kotthoff) Davis et al., rhaid i'r mewnforiwr dalu ffi o £70.83 mewn cysylltiad â phob lot sy'n cael ei samplu.

(2) Ym mharagraff (1), ystyr "y Penderfyniad" yw Penderfyniad Gweithredu'r Comisiwn (EU) 2019/1614 sy'n awdurdodi Aelod-wladwriaethau i ddarparu ar gyfer rhanddirymiadau rhag darpariaethau penodol Cyfarwyddeb y Cyngor 2000/29/EC mewn cysylltiad â thatws, ac eithrio tatws a fwriedir ar gyfer eu plannu, sy'n tarddu o ranbarthau Akkar a Bekaa, Libanus(**1**)."

(3) Yn lle Atodlen 2 rhodder—

"ATODLEN 2 Rheoliad 3(2) a (3)

Ffioedd arolygu mewnforio: cyfraddau gostyngol

| *Genws* | *Gwlad Tarddiad* | *Ffi (£)* |
|---|---|---|
| **Blodau wedi eu torri** | | |
| *Aster* | Zimbabwe | 32.06 |
| *Dianthus* | Colombia | 1.28 |
| | Ecuador | 6.41 |
| | Kenya | 2.14 |
| | Twrci | 6.41 |
| *Rosa* | Colombia | 1.28 |
| | Ecuador | 0.43 |
| | Ethiopia | 2.14 |
| | Kenya | 4.28 |
| | Tanzania | 21.38 |
| | Zambia | 4.28 |
| **Canghennau gyda deiliant** | | |
| *Phoenix* | Costa Rica | 17.00 |
| **Ffrwythau** | | |
| *Actinidia* | Unrhyw drydedd wlad | 2.66 |
| *Carica papaya* | Unrhyw drydedd wlad | 2.66 |
| *Citrus* | Yr Aifft | 39.83 |
| | Mecsico | 26.55 |

(**1**) OJ Rhif L 250, 30.9.2019, t. 85.

(2) After regulation 6 insert—

**"Potatoes originating in Lebanon: fee**

**6A.**—(1) Where an inspector takes a sample of potatoes originating in Lebanon in order to ascertain whether, for the purposes of Article 4 of the Decision, those potatoes are infected with *Clavibacter michiganensis* subspecies (Spieckermann and Kotthoff) Davis et al., the importer must pay a fee of £70.83 in respect of each lot sampled.

(2) In paragraph (1), "the Decision" means Commission Implementing Decision (EU) 2019/1614 authorising Member States to provide for derogations from certain provisions of Council Directive 2000/29/EC in respect of potatoes, other than potatoes intended for planting, originating in the regions of Akkar and Bekaa of Lebanon(**1**)."

(3) For Schedule 2 substitute—

"SCHEDULE 2 Regulation 3(2) and (3)

Import inspection fees: reduced rates

| *Genus* | *Country of Origin* | *Fee (£)* |
|---|---|---|
| **Cut flowers** | | |
| *Aster* | Zimbabwe | 32.06 |
| *Dianthus* | Colombia | 1.28 |
| | Ecuador | 6.41 |
| | Kenya | 2.14 |
| | Turkey | 6.41 |
| *Rosa* | Colombia | 1.28 |
| | Ecuador | 0.43 |
| | Ethiopia | 2.14 |
| | Kenya | 4.28 |
| | Tanzania | 21.38 |
| | Zambia | 4.28 |
| **Branches with foliage** | | |
| *Phoenix* | Costa Rica | 17.00 |
| **Fruit** | | |
| *Actinidia* | Any third country | 2.66 |
| *Carica papaya* | Any third country | 2.66 |
| *Citrus* | Egypt | 39.83 |
| | Mexico | 26.55 |

(**1**) OJ No. L 250, 30.9.2019, p. 85.

| *Genws* | *Gwlad Tarddiad* | *Ffi (£)* |
|---|---|---|
| | Moroco | 1.59 |
| | Periw | 5.31 |
| | Twrci | 1.59 |
| | UDA | 13.28 |
| *Cydonia* | Unrhyw drydedd wlad yn Ewrop[1] | 2.66 |
| *Fragaria* | Unrhyw drydedd wlad | 2.66 |
| *Malus* | Yr Ariannin | 18.59 |
| | Brasil | 26.55 |
| | Chile | 2.66 |
| | Unrhyw drydedd wlad yn Ewrop[1] | 2.66 |
| | Seland Newydd | 5.31 |
| | De Affrica | 2.66 |
| *Mangifera* | Brasil | 26.55 |
| *Passiflora* | Colombia | 3.72 |
| | Kenya | 13.28 |
| | De Affrica | 26.55 |
| | Fiet-nam | 13.28 |
| | Zimbabwe | 39.83 |
| *Persea americana* | Unrhyw drydedd wlad | 2.66 |
| *Prunus* | Yr Ariannin | 39.83 |
| | Chile | 5.31 |
| | Unrhyw drydedd wlad yn Ewrop[1] | 2.66 |
| | Moroco | 26.55 |
| | Twrci | 18.59 |
| *Prunus ac eithrio prunus persica* | De Affrica | 5.31 |
| *Pyrus* | Yr Ariannin | 7.97 |
| | Chile | 7.97 |
| | Tsieina | 26.55 |
| | Unrhyw drydedd wlad yn Ewrop[1] | 2.66 |
| | De Affrica | 5.31 |
| *Ribes* | Unrhyw drydedd wlad yn Ewrop[1] | 2.66 |
| *Rubus* | Unrhyw drydedd wlad | 2.66 |
| *Vaccinium* | Yr Ariannin | 13.28 |
| | Chile | 5.31 |
| | Periw | 5.31 |
| | Unrhyw drydedd wlad yn Ewrop[1] | 2.66 |
| *Vitis* | Unrhyw drydedd wlad | 2.66 |
| **Llysiau** | | |
| *Solanum lycopersicon* | Yr Ynysoedd Dedwydd | 2.66 |
| | Moroco | 2.66 |
| *Solanum melongena* | Twrci | 7.97 |

| *Genus* | *Country of Origin* | *Fee (£)* |
|---|---|---|
| | Morocco | 1.59 |
| | Peru | 5.31 |
| | Turkey | 1.59 |
| | USA | 13.28 |
| *Cydonia* | Any third country in Europe[1] | 2.66 |
| *Fragaria* | Any third country | 2.66 |
| *Malus* | Argentina | 18.59 |
| | Brazil | 26.55 |
| | Chile | 2.66 |
| | Any third country in Europe[1] | 2.66 |
| | New Zealand | 5.31 |
| | South Africa | 2.66 |
| *Mangifera* | Brazil | 26.55 |
| *Passiflora* | Colombia | 3.72 |
| | Kenya | 13.28 |
| | South Africa | 26.55 |
| | Vietnam | 13.28 |
| | Zimbabwe | 39.83 |
| *Persea americana* | Any third country | 2.66 |
| *Prunus* | Argentina | 39.83 |
| | Chile | 5.31 |
| | Any third country in Europe[1] | 2.66 |
| | Morocco | 26.55 |
| | Turkey | 18.59 |
| *Prunus other than prunus persica* | South Africa | 5.31 |
| *Pyrus* | Argentina | 7.97 |
| | Chile | 7.97 |
| | China | 26.55 |
| | Any third country in Europe[1] | 2.66 |
| | South Africa | 5.31 |
| *Ribes* | Any third country in Europe[1] | 2.66 |
| *Rubus* | Any third country | 2.66 |
| *Vaccinium* | Argentina | 13.28 |
| | Chile | 5.31 |
| | Peru | 5.31 |
| | Any third country in Europe[1] | 2.66 |
| *Vitis* | Any third country | 2.66 |
| **Vegetables** | | |
| *Solanum lycopersicon* | Canary Islands | 2.66 |
| | Morocco | 2.66 |
| *Solanum melongena* | Turkey | 7.97 |

[1] Mae “drydedd wlad yn Ewrop” yn cynnwys Albania, Andorra, Armenia, Azerbaijan, Belarws, Bosnia-Herzegovina, Yr Ynysoedd Dedwydd, Ynysoedd Faröe, Georgia, Gwlad yr Iâ, Liechtenstein, Moldofa, Monaco, Montenegro, Gogledd Macedonia, Norwy, Rwsia (dim ond y rhannau a ganlyn: Y Rhanbarth Ffederal Canolog (Tsentralny federalny okrug), Rhanbarth Ffederal y Gogledd-orllewin (Severo-Zapadny federalny okrug), Rhanbarth Ffederal y De (Yuzhny federalny okrug), Rhanbarth Ffederal Gogledd y Cawcasws (Severo-Kavkazsky federalny okrug) a Rhanbarth Ffederal y Folga (Privolzhsky federalny okrug)), San Marino, Serbia, Twrci ac Ukrain.”

[1] “Third country in Europe” includes Albania, Andorra, Armenia, Azerbaijan, Belarus, Bosnia and Herzegovina, Canary Islands, Faeroe Islands, Georgia, Iceland, Liechtenstein, Moldova, Monaco, Montenegro, North Macedonia, Norway, Russia (only the following parts: Central Federal District (Tsentralny federalny okrug), Northwestern Federal District (Severo-Zapadny federalny okrug), Southern Federal District (Yuzhny federalny okrug), North Caucasian Federal District (Severo-Kavkazsky federalny okrug) and Volga Federal District (Privolzhsky federalny okrug), San Marino, Serbia, Turkey and Ukraine.”

*Lesley Griffiths*

Gweinidog yr Amgylchedd, Ynni a Materion Gwledig, un o Weinidogion Cymru
28 Ionawr 2020

Minister for Environment, Energy and Rural Affairs, one of the Welsh Ministers
28 January 2020

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