OFFERYNNAU STATUDOL CYMRU

WELSH STATUTORY INSTRUMENTS

2024 Rhif 953 (Cy. 159)

2024 No. 953 (W. 159)

HADAU, CYMRU

SEEDS, WALES

Rheoliadau Marchnata Hadau (Hybridiau Gwenith CMS) (Arbrawf Dros Dro) (Cymru) 2024

The Seed Marketing (CMS Wheat Hybrids) (Temporary Experiment) (Wales) Regulations 2024

NODYN ESBONIADOL

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

Mae'r Rheoliadau hyn yn gymwys mewn perthynas â hadau a gynhyrchir yng Nghymru o dan arbrawf dros dro. Diben yr arbrawf dros dro yw ceisio gofynion eraill ar gyfer ardystio hybridiau gwenith CMS (a ddiffinnir yn rheoliad 2 o'r Rheoliadau hyn) sy'n perthyn i'r categori sylfaenol neu ardystiedig o hadau o fewn ystyr rheoliad 5 o Reoliadau Marchnata Hadau (Cymru) 2012 ("Rheoliadau 2012"), sy'n fwy addas na'r gofynion a bennir ar hyn o bryd yn Rheoliadau 2012. Ardystio yw un o'r gofynion ar gyfer marchnata hadau o dan reoliad 8 o Reoliadau 2012. Bydd yr arbrawf yn rhedeg am gyfnod o 7 mlynedd gan ddechrau â 7 Hydref 2024. Mae trwyddedau a roddir o dan reoliad 3(3) o'r Rheoliadau hyn yn eithrio'r rhai sy'n cymryd rhan yn yr arbrawf rhag cydymffurfio â darpariaethau penodedig yn Rheoliadau 2012. Ar hyn o bryd, mae'r darpariaethau hyn yn atal ardystio hybridiau gwenith CMS, i bob pwrpas, gan eu bod yn pennu amodau na all hybridiau o'r fath eu bodloni. Mae rheoliad 21A o Reoliadau 2012 yn caniatáu arbrofion o'r fath pan drefnir yr arbrawf yn unol â rheoliadau a wneir o dan adran 16(5) o Ddeddf Amrywogaethau Planhigion a Hadau 1964 ("Deddf 1964").

Mae rheoliadau 3 i 6 o'r Rheoliadau hyn yn gwneud darpariaeth ynghylch diben yr arbrawf dros dro, y weithdrefn drwyddedu ac effaith rhoi trwydded.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations apply in relation to seed produced in Wales under a temporary experiment. The purpose of the temporary experiment is to seek alternative requirements for the certification of CMS wheat hybrids (defined in regulation 2 of these Regulations) falling within the basic or certified category of seed within the meaning of regulation 5 of the Seed Marketing (Wales) Regulations 2012 ("the 2012 Regulations"), which are more suitable than the requirements currently specified in the 2012 Regulations. Certification is one of the requirements for the marketing of seed under regulation 8 of the 2012 Regulations. The experiment is to run for a period of 7 years beginning with 7 October 2024. Licences granted under regulation 3(3) of these Regulations exempt participants in the experiment from compliance with specified provisions of the 2012 Regulations. These provisions currently effectively prevent the certification of CMS wheat hybrids, as they specify conditions which such hybrids are unable to satisfy. Regulation 21A of the 2012 Regulations permits such experiments where the experiment is organised in accordance with regulations made under section 16(5) of the Plant Varieties and Seeds Act 1964 ("the 1964 Act").

Regulations 3 to 6 of these Regulations make provision concerning the purpose of the temporary experiment, the licensing procedure and the effect of the grant of a licence.

Mae rheoliadau 7 ac 8 yn caniatáu i Weinidogion Cymru amrywio, atal dros dro neu ddirymu trwydded sydd wedi ei rhoi o dan reoliad 3(1) mewn amgylchiadau penodol. Mae rheoliadau 9 a 10 yn pennu rhwymedigaethau adrodd a chofnodi cyfranogwyr.

Regulations 7 and 8 permit the Welsh Ministers to vary, suspend or revoke a licence granted under regulation 3(1) in certain circumstances. Regulations 9 and 10 specify participants' reporting and recording obligations.

Mae rheoliad 11 yn nodi'r weithdrefn ar gyfer gwneud cais i ardystio hadau hybrid CMS a ddatblygir yn unol â'r Rheoliadau hyn. Gwneir cais o'r fath o dan Reoliadau 2012, fel y'u haddesir gan yr Atodlen i'r Rheoliadau hyn.

Regulation 11 sets out the procedure for applying for certification of CMS hybrid seeds developed in accordance with these Regulations. Such an application is made under the 2012 Regulations, as modified by the Schedule to these Regulations.

Mae paragraff 7 o'r Atodlen yn addasu'r hawliau presennol o ran apelio o dan Reoliadau 2012 fel eu bod yn gymwys mewn perthynas â gwrthod rhoi trwydded i gymryd rhan yn yr arbrawf, amrywio amodau sydd ynghlwm wrth y drwydded, a phenderfynu atal dros dro neu ddirymu'r drwydded.

Paragraph 7 of the Schedule modifies the existing appeal rights under the 2012 Regulations so that they apply in relation to a refusal to grant a licence to participate in the experiment, a variation of conditions attached to the licence, and a decision to suspend or revoke the licence.

Mae paragraff 8 yn gwneud addasiadau darfodol i Reoliadau 2012, ac i sut y mae Atodiadau 1 a 2 i Gyfarwyddeb y Cyngor 66/402/EEC ar farchnata hadau ŷd i'w darllen at ddiben paragraff 15 o Atodlen 2 i Reoliadau 2012, fel bod modd i hybridiau gwenith CMS a gynhyrchir o dan yr arbrawf gael eu hardystio a'u marchnata ar y sail eu bod yn bodloni'r gofynion yn Rheoliadau 2012, fel y maent wedi eu haddasu.

Paragraph 8 makes transitory modifications to the 2012 Regulations, and to how Annexes 1 and 2 to Council Directive 66/402/EEC on the marketing of cereal seed are to be read for the purpose of paragraph 15 of Schedule 2 to the 2012 Regulations, to enable CMS wheat hybrids produced under the experiment to be certified and marketed on the basis that they meet the requirements in the 2012 Regulations, as so modified.

O dan adran 16(7) o Ddeddf 1964, mae torri unrhyw ddarpariaeth yn y Rheoliadau hyn, neu gynnwys mewn datganiad statudol unrhyw beth sy'n anwir mewn manylyn perthnasol, yn drosedd y gellir ei chosbi ar euogfarn ddiannod drwy ddirwy nad yw'n uwch na lefel 5 ar y raddfa safonol.

Under section 16(7) of the 1964 Act, breach of any provision of these Regulations, or the inclusion in a statutory statement of anything which is false in a material particular, is an offence punishable on summary conviction by a fine not exceeding level 5 on the standard scale.

Ystyriwyd Cod Ymarfer Gweinidogion Cymru ar gynnal Asesiadau Effaith Rheoleiddiol mewn perthynas â'r Rheoliadau hyn. O ganlyniad, lluniwyd asesiad effaith rheoleiddiol o'r costau a'r manteision sy'n debygol o ddeillio o gydymffurfio â'r Rheoliadau hyn. Gellir cael copi drwy gysylltu â'r Is-adran Tirweddau, Natur a Choedwigaeth, yr Adran Newid Hinsawdd a Materion Gwledig, Llywodraeth Cymru, Parc Cathays, Caerdydd CF10 3NQ.

The Welsh Ministers' Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to these Regulations. As a result, a regulatory impact assessment has been prepared as to the likely costs and benefits of complying with these Regulations. A copy can be obtained by contacting the Landscapes, Nature and Forestry Division, Climate Change and Rural Affairs Department, Welsh Government, Cathays Park, Cardiff CF10 3NQ.

2024 Rhif 953 (Cy. 159)

HADAU, CYMRU

Rheoliadau Marchnata Hadau (Hybridiau Gwenith CMS) (Arbrawf Dros Dro) (Cymru) 2024

Gwnaed	*11 Medi 2024*
Gosodwyd gerbron Senedd Cymru	*16 Medi 2024*
Yn dod i rym	*7 Hydref 2024*

Mae Gweinidogion Cymru yn gwneud y Rheoliadau a ganlyn drwy arfer y pwerau a roddir gan adrannau 16(1), (1A), (3) a (5) a 36 o Ddeddf Amrywogaethau Planhigion a Hadau 1964(**1**) ("Deddf 1964").

Yn unol ag adran 16(1) o Ddeddf 1964, mae Gweinidogion Cymru wedi ymgynghori â chynrychiolwyr y buddiannau hynny y mae'n ymddangos i Weinidogion Cymru yr effeithir arnynt.

(**1**) 1964 p. 14. Diwygiwyd adran 16 gan adran 4(1) o Ddeddf y Cymunedau Ewropeaidd 1972 (p. 68) a pharagraff 5(1), (2) a (3) o Atodlen 4 iddi, O.S. 1977/1112 ac adran 2 o Ddeddf Amaethyddiaeth 1986 (p. 49). Gweler adran 38(1) o Ddeddf 1964 am ddiffiniad o "the Minister". O dan Orchymyn Trosglwyddo Swyddogaethau (Cymru) (Rhif 1) 1978 (O.S. 1978/272) ("Gorchymyn 1978"), erthygl 2(1) ac Atodlen 1, trosglwyddwyd swyddogaethau'r Gweinidog Amaethyddiaeth, Pysgodfeydd a Bwyd o dan Ddeddf Amrywogaethau Planhigion a Hadau 1964, i'r graddau yr oeddent 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 gan Orchymyn 1978 i Gynulliad Cenedlaethol Cymru. Yn rhinwedd paragraff 30 o Atodlen 11 i Ddeddf Llywodraeth Cymru 2006, mae'r swyddogaethau hynny yn arferadwy gan Weinidogion Cymru.

2024 No. 953 (W. 159)

SEEDS, WALES

The Seed Marketing (CMS Wheat Hybrids) (Temporary Experiment) (Wales) Regulations 2024

Made	*11 September 2024*
Laid before Senedd Cymru	*16 September 2024*
Coming into force	*7 October 2024*

The Welsh Ministers make the following Regulations in exercise of the powers conferred by sections 16(1), (1A), (3) and (5) and 36 of the Plant Varieties and Seeds Act 1964(**1**) ("the 1964 Act").

In accordance with section 16(1) of the 1964 Act, the Welsh Minsters have consulted with representatives of such interests as appear to the Welsh Minsters to be concerned.

(**1**) 1964 c. 14. Section 16 was amended by section 4(1) of, and paragraph 5(1), (2) and (3) of Schedule 4 to, the European Communities Act 1972 (c. 68), S.I. 1977/1112 and section 2 of the Agriculture Act 1986 (c. 49). See section 38(1) of the 1964 Act for a definition of "the Minister". Under the Transfer of Functions (Wales) (No. 1) Order 1978 (S.I. 1978/272) ("the 1978 Order"), article 2(1) and Schedule 1, the functions of the Minister of Agriculture, Fisheries and Food under the Plant Varieties and Seeds Act 1964 were, so far as they are exercisable in relation to Wales, transferred to the Secretary of State and under the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672), article 2 and Schedule 1, the functions transferred to the Secretary of State by the 1978 Order were transferred to the National Assembly for Wales. By virtue of paragraph 30 of Schedule 11 to the Government of Wales Act 2006, those functions are exercisable by the Welsh Ministers.

RHAN 1

Rhagarweiniol

Enwi, dod i rym, cymhwyso a dod i ben

1.—(1) Enw'r Rheoliadau hyn yw Rheoliadau Marchnata Hadau (Hybridiau Gwenith CMS) (Arbrawf Dros Dro) (Cymru) 2024 a deuant i rym ar 7 Hydref 2024.

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

(3) Bydd y Rheoliadau hyn yn peidio â chael effaith ar ddiwedd 6 Hydref 2031.

Dehongli

2. Yn y Rheoliadau hyn—

ystyr "yr arbrawf" ("*the experiment*") yw'r arbrawf dros dro a drefnir yn unol â'r Rheoliadau hyn;

ystyr "cyfranogwr" ("*participant*") yw person y rhoddir trwydded iddo;

ystyr "hybrid gwenith CMS" ("*CMS wheat hybrid*") yw hybrid o'r rhywogaethau planhigion *Triticum aestivum, Triticum durum* neu *Triticum spelta* a gynhyrchir drwy anffrwythlondeb gwrywol cytoplasmig;

mae i "marchnata" ("*marketing*") yr un ystyr ag a roddir yn rheoliad 2 o Reoliadau 2012;

ystyr "Rheoliadau 2012" ("*the 2012 Regulations*") yw Rheoliadau Marchnata Hadau (Cymru) 2012(**1**);

ystyr "trwydded" ("*licence*"), ac eithrio yn rheoliad 4(2)(d), yw trwydded a roddir o dan reoliad 3(3).

(**1**) O.S. 2012/245 (Cy. 39); gwnaed diwygiadau perthnasol gan O.S. 2013/889 (Cy. 101), 2016/1242 (Cy. 294) a 2019/368 (Cy. 90) (fel y'i diwygiwyd gan O.S. 2020/1573 (Cy. 330)).

PART 1

Introductory

Title, coming into force, application and expiry

1.—(1) The title of these Regulations is the Seed Marketing (CMS Wheat Hybrids) (Temporary Experiment) (Wales) Regulations 2024 and they come into force on 7 October 2024.

(2) These Regulations apply in relation to Wales only.

(3) These Regulations cease to have effect at the end of 6 October 2031.

Interpretation

2. In these Regulations—

"the 2012 Regulations" ("*Rheoliadau 2012*") means the Seed Marketing (Wales) Regulations 2012(**1**);

"CMS wheat hybrid" ("*hybrid gwenith CMS*") means a hybrid of the plant species of *Triticum aestivum, Triticum durum* or *Triticum spelta* produced by means of cytoplasmic male sterility;

"the experiment" ("*yr arbrawf*") means the temporary experiment organised in accordance with these Regulations;

"licence" ("*trwydded*"), except in regulation 4(2)(d), means a licence granted under regulation 3(3);

"marketing" ("*marchnata*") has the meaning given by regulation 2 of the 2012 Regulations;

"participant" ("*cyfranogwr*") means a person granted a licence.

(**1**) S.I. 2012/245 (W. 39); relevant amendments were made by S.I. 2013/889 (W. 101), 2016/1242 (W. 294) and 2019/368 (W. 90) (as amended by S.I. 2020/1573 (W. 330)).

RHAN 2

Yr arbrawf

Diben a hyd yr arbrawf, a rhoi trwyddedau i gymryd rhan ynddo

3.—(1) Diben yr arbrawf, yn unol â rheoliad 21A(1) o Reoliadau 2012(**1**), yw ceisio gofynion eraill ar gyfer ardystio hybridiau gwenith CMS a all fod yn fwy addas na'r gofynion a bennir yn Atodlen 2 i Reoliadau 2012.

(2) Mae'r arbrawf yn para am gyfnod o saith mlynedd gan ddechrau â 7 Hydref 2024 a chan ddod i ben â 6 Hydref 2031.

(3) Caiff Gweinidogion Cymru roi trwydded at ddiben cymryd rhan yn yr arbrawf i berson sy'n gwneud cais am drwydded yn unol â rheoliad 4(1) a (2).

Cais am drwydded

4.—(1) Rhaid gwneud cais am drwydded yn ysgrifenedig i Weinidogion Cymru a chynnwys yr wybodaeth a bennir ym mharagraff (2).

(2) Yr wybodaeth yw—

(a) enw, rhif ffôn, cyfeiriad a chyfeiriad e-bost y ceisydd a, phan nad unigolyn yw'r ceisydd, enw'r unigolyn sydd i fod yn gyfrifol am gymryd rhan yn yr arbrawf,

(b) yr amrywogaethau o hybridiau gwenith CMS y cynigir eu defnyddio yn yr arbrawf,

(c) y rhanbarth neu'r rhanbarth arfaethedig y mae hybridiau gwenith CMS i'w tyfu ynddo, a

(d) pan fo'n ofynnol i'r ceisydd fod â thrwydded ar gyfer marchnata hadau o dan reoliad 20 o Reoliadau 2012, rif y drwydded honno.

(3) Caiff Gweinidogion Cymru gynnwys, fel amod mewn trwydded, fod rhaid i gyfranogwyr ailgyflwyno'r wybodaeth a bennir ym mharagraff (2) bob blwyddyn, ynghyd ag unrhyw amodau eraill y mae Gweinidogion Cymru yn ystyried eu bod yn briodol.

(4) Rhaid i'r cyfranogwr gydymffurfio ag unrhyw amodau a bennir yn y drwydded.

(**1**) Mewnosodwyd rheoliad 21A gan O.S. 2013/889 (Cy. 101), ac fe'i hamnewidiwyd gan O.S. 2019/368 (Cy. 90). Mae'n darparu y caiff Gweinidogion Cymru eseptio drwy drwydded unrhyw berson neu ddosbarth ar berson rhag cydymffurfio ag unrhyw un neu ragor o ddarpariaethau Rheoliadau 2012 at ddibenion arbrawf dros dro sy'n chwilio am ddulliau amgenach na darpariaethau'r Rheoliadau hynny.

PART 2

The experiment

Purpose and duration of the experiment, and the granting of licences to participate in it

3.—(1) The purpose of the experiment, in accordance with regulation 21A(1) of the 2012 Regulations(**1**), is to seek alternative requirements for the certification of CMS wheat hybrids which may be more suitable than the requirements specified in Schedule 2 to the 2012 Regulations.

(2) The experiment lasts for a period of seven years beginning with 7 October 2024 and ending with 6 October 2031.

(3) The Welsh Ministers may grant a licence for the purpose of participating in the experiment to a person who applies for a licence in accordance with regulation 4(1) and (2).

Application for a licence

4.—(1) An application for a licence must be made in writing to the Welsh Ministers and include the information specified in paragraph (2).

(2) The information is—

(a) the name, telephone number, address and email address of the applicant and, where the applicant is not an individual, the name of the individual who is to be responsible for participation in the experiment,

(b) the varieties of CMS wheat hybrids proposed to be used in the experiment,

(c) the region or proposed region in which CMS wheat hybrids are to be grown, and

(d) where the applicant is required to have a licence for the marketing of seed under regulation 20 of the 2012 Regulations, the number of that licence.

(3) The Welsh Ministers may include, as a condition in a licence, that participants must resubmit the information specified in paragraph (2) annually, and any other conditions that the Welsh Ministers consider to be appropriate.

(4) The participant must comply with any conditions specified in the licence.

(**1**) Regulation 21A was inserted by S.I. 2013/889 (W. 101) and substituted by S.I. 2019/368 (W. 90). It provides that the Welsh Ministers may by licence exempt any person or class of persons from compliance with any provision of the 2012 Regulations for the purposes of a temporary experiment seeking improved alternatives to provisions of those Regulations.

Cyfnod dilysrwydd trwydded

5.—(1) Yn ddarostyngedig i baragraffau (2) a (5) ac i reoliad 8, mae cyfnod dilysrwydd trwydded i gymryd rhan yn yr arbrawf yn dechrau ar y dyddiad dyroddi a bennir yn y drwydded ac yn dod i ben â 6 Hydref 2031.

(2) Os yw trwydded y cyfranogwr yn pennu cyfnod dilysrwydd byrrach, mae'r drwydded yn peidio â bod yn ddilys ar ddiwedd y dyddiad a bennir yn y drwydded.

(3) Os yw'r cyfranogwr yn bwriadu rhoi'r gorau i gymryd rhan yn yr arbrawf, rhaid iddo hysbysu Gweinidogion Cymru yn ysgrifenedig, gan bennu'r dyddiad y bydd yn rhoi'r gorau iddi.

(4) Rhaid i'r dyddiad a bennir at ddiben paragraff (3) fod yn ddyddiad sy'n gynharach na'r dyddiad y byddai trwydded y cyfranogwr yn peidio â bod yn ddilys fel arall yn unol â pharagraff (1) neu (2).

(5) Pan fo'r cyfranogwr yn hysbysu Gweinidogion Cymru ei fod yn bwriadu rhoi'r gorau i gymryd rhan yn yr arbrawf, mae trwydded y cyfranogwr yn peidio â bod yn ddilys ar ddiwedd y dyddiad a bennir yn yr hysbysiad y cyfeirir ato ym mharagraff (3).

Effaith rhoi trwydded i gymryd rhan yn yr arbrawf

6. Mae'r Atodlen, sy'n gwneud addasiadau darfodol i gymhwyso Rheoliadau 2012 yn ystod cyfnod dilysrwydd trwydded, yn cael effaith mewn perthynas â chyfranogwr i'r graddau y mae'r ddarpariaeth yn ymwneud â hybridiau gwenith CMS a ddatblygir yn unol â'r drwydded.

Amrywio amodau sydd wedi eu cynnwys mewn trwydded

7.—(1) Caiff Gweinidogion Cymru ar unrhyw adeg amrywio unrhyw un neu ragor o'r amodau sydd wedi eu cynnwys mewn trwydded drwy hysbysu'r cyfranogwr yn ysgrifenedig.

(2) Rhaid i'r hysbysiad ysgrifenedig y cyfeirir ato ym mharagraff (1) nodi'r rhesymau dros yr amrywiad a'r dyddiad y mae i gael effaith.

Dirymu trwydded neu ei hatal dros dro

8.—(1) Caiff Gweinidogion Cymru ddirymu trwydded neu ei hatal dros dro drwy hysbysu'r cyfranogwr yn ysgrifenedig os ydynt wedi eu bodloni bod cyfranogwr wedi—

(a) cynnwys gwybodaeth anghywir mewn cais am drwydded o dan reoliad 4;

Period of validity of a licence

5.—(1) Subject to paragraphs (2) and (5) and to regulation 8, the period of validity of a licence to participate in the experiment begins on the date of issue specified in the licence and ends with 6 October 2031.

(2) If the participant's licence specifies a shorter period of validity, the licence ceases to be valid at the end of the date specified in the licence.

(3) If the participant intends to cease participation in the experiment, they must give notice in writing to the Welsh Ministers, specifying the date on which participation will cease.

(4) The date specified for the purpose of paragraph (3) must be a date earlier than the date on which the participant's licence would otherwise cease to be valid in accordance with paragraph (1) or (2).

(5) Where the participant informs the Welsh Ministers that they intend to cease participation in the experiment, the participant's licence ceases to be valid at the end of the date specified in the notice referred to in paragraph (3).

Effect of the grant of a licence to participate in the experiment

6. The Schedule, which makes transitory modifications to the application of the 2012 Regulations during the period of validity of a licence, has effect in relation to a participant in so far as the provision relates to CMS wheat hybrids developed in accordance with the licence.

Variation of conditions included in a licence

7.—(1) The Welsh Ministers may at any time vary any of the conditions included in a licence by giving notice in writing to the participant.

(2) The written notice referred to in paragraph (1) must state the reasons for the variation and the date from which it is to take effect.

Revocation or suspension of a licence

8.—(1) The Welsh Ministers may revoke or suspend a licence by giving written notice to the participant if satisfied that a participant has—

(a) included incorrect information in an application for the licence under regulation 4;

(b) methu â chydymffurfio ag unrhyw ofyniad neu amod a osodwyd arnynt gan neu o dan unrhyw ddeddfwriaeth sy'n ymwneud ag iechyd planhigion ac sy'n gymwys o ran Cymru, gan gynnwys yn benodol—

(i) rheoliad 9 neu 10,

(ii) Deddf Amrywogaethau Planhigion a Hadau 1964, neu

(iii) Rheoliadau 2012, fel y maent yn cael effaith o dan yr Atodlen;

(c) methu â chydymffurfio â gofyniad neu amod o'r drwydded.

(2) Rhaid i'r hysbysiad ysgrifenedig y cyfeirir ato ym mharagraff (1) nodi'r rhesymau dros ddirymu'r drwydded neu ei hatal dros dro a'r dyddiad y mae i gael effaith.

(3) Yn dilyn achos o atal dros dro drwydded y cyfeirir ato ym mharagraff (1), caiff Gweinidogion Cymru, pan fyddant wedi eu bodloni ei bod yn briodol gwneud hynny, beidio ag atal dros dro y drwydded drwy hysbysu'r cyfranogwr yn ysgrifenedig am hyn, gan bennu'r dyddiad na fydd y drwydded wedi ei hatal dros dro mwyach.

(b) failed to comply with any requirement or condition imposed on them by or under any legislation covering plant health and applying in relation to Wales, including in particular —

(i) regulation 9 or 10,

(ii) the Plant Varieties and Seeds Act 1964, or

(iii) the 2012 Regulations, as they have effect under the Schedule;

(c) failed to comply with a requirement or condition of the licence.

(2) The written notice referred to in paragraph (1) must state the reasons for the revocation or suspension and the date from which it is to take effect.

(3) Following the suspension of a licence referred to in paragraph (1), the Welsh Ministers may, where they are satisfied that it is appropriate to do so, lift the suspension by giving written notice of this to the participant, specifying the date on which the suspension will cease to have effect.

RHAN 3

Cadw cofnodion ac arolygu mangreoedd

Rhwymedigaethau cofnodi ac adrodd sy'n ymwneud â'r arbrawf

9. Rhaid i gyfranogwr neu, pan nad unigolyn yw'r cyfranogwr, y person sy'n gyfrifol am gyfranogiad y cyfranogwr yn yr arbrawf, gadw cofnodion cywir ynghylch yr arbrawf mewn perthynas ag—

(a) y cydrannau rhieniol sydd wedi eu defnyddio i greu hybrid gwenith CMS,

(b) unrhyw newidiadau i'r wybodaeth a bennir yn rheoliad 4(2) ers i'r cais am drwydded gael ei wneud, ac

(c) gwybodaeth sy'n ddigonol i berson rhesymol nodi—

(i) holl gyflenwyr yr hadau sydd wedi eu defnyddio i greu hybrid gwenith CMS,

(ii) unrhyw berson y mae hadau'r hybrid wedi eu cyflenwi iddo, a

(iii) y person sy'n gyfrifol am ddatblygu a chynnal a chadw'r hybrid.

PART 3

Record keeping and inspection of premises

Recording and reporting obligations relating to the experiment

9. A participant or, where the participant is not an individual, the person responsible for the participant's participation in the experiment, must keep accurate records concerning the experiment in relation to—

(a) the parental components which have been used to create a CMS wheat hybrid,

(b) any changes to the information specified in regulation 4(2) since the licence application was made, and

(c) information sufficient for a reasonable person to identify—

(i) all suppliers of the seeds used to create a CMS wheat hybrid,

(ii) any person to whom seeds of the hybrid have been supplied, and

(iii) the person responsible for the development and maintenance of the hybrid.

10.—(1) Rhaid i gyfranogwr neu, pan nad unigolyn yw'r cyfranogwr, y person sy'n gyfrifol am gyfranogiad y cyfranogwr yn yr arbrawf, hysbysu Gweinidogion Cymru yn ysgrifenedig am unrhyw newidiadau i'r wybodaeth a bennir yn rheoliad 4(2) ers i'r cais am drwydded gael ei wneud.

(2) Rhaid i'r hysbysiad ysgrifenedig y cyfeirir ato ym mharagraff (1) gael ei roi o fewn y cyfnod o 30 o ddiwrnodau sy'n dechrau â'r dyddiad y digwyddodd y newid, neu'r dyddiad y dylai'r cyfranogwr fod wedi dod yn ymwybodol ohono'n rhesymol.

10.—(1) A participant or, where the participant is not an individual, the person responsible for the participant's participation in the experiment, must notify the Welsh Ministers in writing of any changes to the information specified in regulation 4(2) since the licence application was made.

(2) The written notification referred to in paragraph (1) must be given within the period of 30 days beginning with the date on which the change took place, or the date on which the participant ought reasonably to have become aware of it.

RHAN 4

Marchnata ac ardystio

Gweithdrefn ardystio

11.—(1) Caiff cyfranogwr wneud cais i Weinidogion Cymru o dan Reoliadau 2012, fel y maent yn cael effaith o dan yr Atodlen, i ardystio hadau hybrid gwenith CMS sydd wedi eu datblygu fel rhan o'r arbrawf.

(2) Os yw Gweinidogion Cymru o'r farn bod y gofynion a bennir yn narpariaethau perthnasol Rheoliadau 2012 wedi eu bodloni, caiff Gweinidogion Cymru ardystio'r hadau hynny at ddiben rheoliad 8(a) o'r Rheoliadau hynny.

PART 4

Marketing and certification

Certification procedure

11.—(1) A participant may apply to the Welsh Ministers under the 2012 Regulations, as they have effect under the Schedule, for certification of CMS wheat hybrid seeds developed under the experiment.

(2) If the Welsh Ministers consider that the requirements specified in the relevant provisions of the 2012 Regulations are met, the Welsh Ministers may certify those seeds for the purpose of regulation 8(a) of those Regulations.

Huw Irranca-Davies

Y Dirprwy Brif Weinidog ac Ysgrifennydd y Cabinet dros Newid Hinsawdd a Materion Gwledig, un o Weinidogion Cymru
11 Medi 2024

Deputy First Minister and Cabinet Secretary for Climate Change and Rural Affairs, one of the Welsh Ministers
11 September 2024

YR ATODLEN Rheoliad 6

Addasiadau darfodol: cymhwyso Rheoliadau 2012

RHAN 1

Cyffredinol

1. Mae Rheoliadau 2012 yn gymwys i hybridiau gwenith CMS a gynhyrchir yn unol â thrwydded, yn ddarostyngedig i'r addasiadau a bennir yn Rhan 2 o'r Atodlen hon.

2. Yn yr Atodlen hon—

(a) mae cyfeiriadau at reoliad yn gyfeiriadau at reoliad yn Rheoliadau 2012;

(b) mae cyfeiriadau at Atodlen 2 yn gyfeiriadau at Atodlen 2 i Reoliadau 2012.

RHAN 2

Addasiadau darfodol: ardystio

3. Mae rheoliad 3 (dehongli termau eraill) i'w ddarllen fel pe bai—

(a) y canlynol wedi ei fewnosod ar ôl paragraff (1)(b)—

"(ba) mae i "hybrid gwenith CMS" yr ystyr a roddir gan reoliad 2 o'r Rheoliadau Hybridiau Gwenith CMS;

(bb) ystyr "y Rheoliadau Hybridiau Gwenith CMS" yw Rheoliadau Marchnata Hadau (Hybridiau Gwenith CMS) (Arbrawf Dros Dro) (Cymru) 2024;

(bc) ystyr "trwydded CWH" yw trwydded a roddir o dan reoliad 3(3) o'r Rheoliadau Hybridiau Gwenith CMS;";

(b) y canlynol wedi ei fewnosod ar ôl paragraff (2)—

"(3) Mae unrhyw gyfeiriad at reoliad yn y Rheoliadau hyn, neu at baragraff yn Atodlen 2 i'r Rheoliadau hyn, y mae ei gymhwyso wedi ei addasu gan yr Atodlen i'r Rheoliadau Hybridiau Gwenith CMS, i'w ddarllen fel cyfeiriad at y ddarpariaeth honno fel y'i haddaswyd gan y Rheoliadau Hybridiau Gwenith CMS."

SCHEDULE Regulation 6

Transitory modifications: application of the 2012 Regulations

PART 1

General

1. The 2012 Regulations apply to CMS wheat hybrids produced in accordance with a licence, subject to the modifications specified in Part 2 of this Schedule.

2. In this Schedule—

(a) references to a regulation are to a regulation of the 2012 Regulations;

(b) references to Schedule 2 are to Schedule 2 to the 2012 Regulations.

PART 2

Transitory modifications: certification

3. Regulation 3 (interpretation of other terms) is to be read as if—

(a) after paragraph (1)(b) there were inserted —

"(ba) "CMS wheat hybrid" has the meaning given by regulation 2 of the CMS Wheat Hybrids Regulations;

(bb) "the CMS Wheat Hybrids Regulations" means the Seed Marketing (CMS Wheat Hybrids) (Temporary Experiment) (Wales) Regulations 2024;

(bc) "CWH licence" means a licence granted under regulation 3(3) of the CMS Wheat Hybrids Regulations;";

(b) after paragraph (2), there were inserted—

"(3) Any reference to a regulation of, or to a paragraph of Schedule 2 to, these Regulations whose application is modified by the Schedule to the CMS Wheat Hybrids Regulations, is to be read as a reference to that provision as modified by the CMS Wheat Hybrids Regulations."

4. Mae rheoliad 10 (gofynion gor-redol ar gyfer ardystio) i'w ddarllen fel pe bai—

(a) y testun presennol wedi ei rifo'n baragraff (1);

(b) ym mharagraff (1), fel y'i rhifir gan y paragraff hwn, yn y geiriau agoriadol, "(ac eithrio yn achos hedyn o hybrid gwenith CMS)" wedi ei fewnosod ar ôl "rheoliad 5".

(c) ar ôl paragraff (1), fel y'i rhifir gan y rheoliad hwn, y canlynol wedi ei fewnosod—

"(2) I'w ardystio fel categori (c) neu (ch) o reoliad 5, rhaid i hedyn o hybrid gwenith CMS—

(a) bod wedi ei gynhyrchu o dan drwydded CWH, a

(b) bodloni'r gofynion ar gyfer ardystio a bennir yn Atodlen 2."

5. Mae rheoliad 11 (gofynion manwl ar gyfer ardystio) i'w ddarllen fel pe bai, ym mharagraff (3), yn y geiriau agoriadol, "ac, mewn perthynas â hybridiau gwenith CMS, y Rheoliadau Hybridiau Gwenith CMS" wedi ei fewnosod ar ôl "Atodlen 2".

6. Mae rheoliad 15 (plotiau rheoli a phrofion) i'w ddarllen fel pe bai, ym mharagraff (2), "neu, mewn perthynas â hedyn o hybrid gwenith CMS, y gofynion ardystio cymwys yn Atodlen 2 a'r Rheoliadau Hybridiau Gwenith CMS," wedi ei fewnosod ar ôl "phurdeb amrywogaethol".

7. Mae rheoliad 28 (apelau) i'w ddarllen fel pe bai, ym mharagraff (1), ar ôl is-baragraff (a), y canlynol wedi ei fewnosod—

"(aa) mewn perthynas â hedyn a ddefnyddir i greu hybrid gwenith CMS—

(i) gwrthod rhoi trwydded CWH;

(ii) amrywio'r amodau sydd ynghlwm wrth drwydded o'r fath yn unol â rheoliad 7 o'r Rheoliadau Hybridiau Gwenith CMS;

(iii) dirymu neu atal dros dro drwydded o'r fath yn unol â rheoliad 8 o'r Rheoliadau Hybridiau Gwenith CMS;".

4. Regulation 10 (Overriding requirements for certification) is to be read as if—

(a) the existing text were numbered paragraph (1);

(b) in paragraph (1), as numbered by this paragraph, in the opening words after "regulation 5" there were inserted "(except in the case of a seed of a CMS wheat hybrid)".

(c) after paragraph (1), as numbered by this regulation, there were inserted—

"(2) To be certified as category (c) or (d) of regulation 5, a seed of a CMS wheat hybrid must—

(a) be produced under a CWH licence, and

(b) meet the requirements for certification specified in Schedule 2."

5. Regulation 11 (detailed requirements for certification) is to be read as if, in paragraph (3), in the opening words, after "Schedule 2" there were inserted "and, in relation to CMS wheat hybrids, the CMS Wheat Hybrids Regulations".

6. Regulation 15 (control plots and tests) is to be read as if, in paragraph (2), after "varietal purity" there were inserted "or, in relation to a seed of a CMS wheat hybrid, the applicable certification requirements in Schedule 2 and the CMS Wheat Hybrids Regulations,".

7. Regulation 28 (appeals) is to be read as if, in paragraph (1), after sub-paragraph (a), there were inserted—

"(aa) in relation to a seed used to create a CMS wheat hybrid—

(i) refuse to grant a CWH licence;

(ii) vary the conditions attached to such a licence in accordance with regulation 7 of the CMS Wheat Hybrids Regulations;

(iii) revoke or suspend such a licence in accordance with regulation 8 of the CMS Wheat Hybrids Regulations;".

8. Mae paragraff 15 o Atodlen 2 (gofynion cnydau a hadau) i'w ddarllen fel pe bai, ar ôl is-baragraff (2A), y canlynol wedi ei fewnosod—

"**2B.** Yn ogystal, mewn perthynas â hybridiau gwenith CMS—

(a) mae Atodiad I i Gyfarwyddeb y Cyngor 66/402/EEC i'w ddarllen fel pe bai—

(i) paragraff 5 wedi ei hepgor,

(ii) ar ôl paragraff 5a, y canlynol wedi ei fewnosod—

"**5b.** Crops to produce basic and certified seed of hybrids of *Triticum aestivum, Triticum durum or Triticum spelta* by means of the technique of CMS:

(a) For crops to produce hybrids of *Triticum aestivum*, *Triticum durum* or *Triticum spelta* by means of the technique of CMS, the minimum distance from neighbouring crops or plants of other species, or of other varieties of the same species, liable to cross-pollinate with the crop is the distance specified in column 2 of the following table, with reference to the corresponding purpose for which the crop is used specified in column 1.

Purpose for which the crop is used	*Minimum distance*
For the production of basic seed for the CMS female component	300 m
For the production of certified seed	25 m

(b) The crop must have sufficient varietal identity and varietal purity as regards the components. In particular the percentage by number of plants which are recognisable as obviously not being true to the variety must not exceed—

(i) where the crop is used for the production of basic seed, 0.1% for the maintainer and the restorer line and 0.3% for the CMS female component;

8. Paragraph 15 of Schedule 2 (crop and seed requirements) is to be read as if, after sub-paragraph (2A), there were inserted—

"**2B.** In addition, in relation to CMS wheat hybrids—

(a) Annex I to Council Directive 66/402/EEC is to be read as if—

(i) paragraph 5 were omitted,

(ii) after paragraph 5a, there were inserted—

"**5b.** Crops to produce basic and certified seed of hybrids of *Triticum aestivum, Triticum durum or Triticum spelta* by means of the technique of CMS:

(a) For crops to produce hybrids of *Triticum aestivum*, *Triticum durum* or *Triticum spelta* by means of the technique of CMS, the minimum distance from neighbouring crops or plants of other species, or of other varieties of the same species, liable to cross-pollinate with the crop is the distance specified in column 2 of the following table, with reference to the corresponding purpose for which the crop is used specified in column 1.

Purpose for which the crop is used	*Minimum distance*
For the production of basic seed for the CMS female component	300 m
For the production of certified seed	25 m

(b) The crop must have sufficient varietal identity and varietal purity as regards the components. In particular the percentage by number of plants which are recognisable as obviously not being true to the variety must not exceed—

(i) where the crop is used for the production of basic seed, 0.1% for the maintainer and the restorer line and 0.3% for the CMS female component;

(ii) where the crop is used for the production of certified seed, 0.3% for the restorer line and 0.6% for the CMS female component, or 0.3% for the restorer line and 1% for the CMS female component where the CMS female component is a simple hybrid.

(c) The level of male sterility of the CMS female component must be at least—

(i) where the crop is used for the production of basic seed, 99.7%, and

(ii) where the crop is used for the production of certified seed, 99 %.

(d) The requirements of paragraphs (b) and (c) must be examined in official post-control tests.

(e) Certified seed may be produced in mixed cultivation of a female male-sterile component with a male component which restores fertility.";

(b) mae Atodiad II i Gyfarwyddeb y Cyngor 66/402/EEC (amodau i'w bodloni gan yr hedyn) i'w ddarllen fel pe bai—

(i) ym mharagraff 1(c), ar ôl "*Hordeum vulgare"*, yn yr ail le y mae'r geiriau hynny'n digwydd, y canlynol wedi ei fewnosod ", *Triticum aestivum*, *Triticum durum* and *Triticum spelta*";

(ii) ym mharagraff 1(e), ar ôl "*Hordeum vulgare*", mewnosoder ", *Triticum aestivum, Triticum durum and Triticum spelta*"."

(ii) where the crop is used for the production of certified seed, 0.3% for the restorer line and 0.6% for the CMS female component, or 0.3% for the restorer line and 1% for the CMS female component where the CMS female component is a simple hybrid.

(c) The level of male sterility of the CMS female component must be at least—

(i) where the crop is used for the production of basic seed, 99.7%, and

(ii) where the crop is used for the production of certified seed, 99 %.

(d) The requirements of paragraphs (b) and (c) must be examined in official post-control tests.

(e) Certified seed may be produced in mixed cultivation of a female male-sterile component with a male component which restores fertility.";

(b) Annex II to Council Directive 66/402/EEC (conditions to be satisfied by the seed) is to be read as if—

(i) in paragraph 1(c), after "*Hordeum vulgare"*, in the second place those words occur, there were inserted ", *Triticum aestivum*, *Triticum durum* and *Triticum spelta*";

(ii) in paragraph 1(e), after "*Hordeum vulgare*", insert ", *Triticum aestivum, Triticum durum and Triticum spelta*"."

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