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OFFERYNNAU STATUDOL
CYMRU

WELSH STATUTORY
INSTRUMENTS

2013 Rhif 1653 (Cy. 154)

2013 No. 1653 (W. 154)

AMAETHYDDIAETH, CYMRU

AGRICULTURE, WALES

BWYD, CYMRU

FOOD, WALES

**Rheoliadau Cynhyrchion Penodedig
o Tsieina (Cyfyngiad ar eu Rhoi
Gyntaf ar y Farchnad) (Cymru)
(Diwygio) 2013**

**The Specified Products from China
(Restriction on First Placing on the
Market) (Wales) (Amendment)
Regulations 2013**

NODYN ESBONIADOL

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

EXPLANATORY NOTE

(This note is not part of the Regulations)

1. Mae'r Rheoliadau hyn, sy'n dod i rym ar 4 Gorffennaf 2013, yn diwygio Rheoliadau Cynhyrchion Penodedig o Tsieina (Cyfyngiad ar eu Rhoi Gyntaf ar y Farchnad) (Cymru) 2008 (O.S. 2008/1080 (Cy.114)) fel y'u diwygiwyd gan O.S. 2012/64 (Cy.15)) ("Rheoliadau 2008") er mwyn rhoi ar waith ofynion penodol a gyflwynir gan Benderfyniad Gweithredu'r Comisiwn 2013/287/EU sy'n diwygio Penderfyniad Gweithredu 2011/884/EU ar fesurau brys ynghylch reis sydd wedi ei addasu'n enetig heb awdurdod mewn cynhyrchion reis sy'n tarddu o Tsieina (OJ Rhif L162, 14.6.2013, t.10) ("Penderfyniad 2013/287").

2. Yn benodol, mae'r Rheoliadau hyn yn diwygio Rheoliadau 2008 drwy —

- (a) diwygio'r diffiniad o "Benderfyniad y Comisiwn" er mwyn cynnwys cyfeiriad at Benderfyniad 2013/287 (*rheoliad 2(2)*);
- (b) darparu na chaiff cynhyrchion reis o Tsieina eu rhoi ar y farchnad yn gyfreithlon os nad ydynt yn cydymffurfio â gofynion penodol, gan gynnwys amodau newydd a gynhwysir yn Erthygl 3.2 o Benderfyniad y Comisiwn (*rheoliad 2(3)*); a

1. These Regulations, which come into force on 4 July 2013, amend the Specified Products from China (Restriction on First Placing on the Market) (Wales) Regulations 2008 (S.I. 2008/1080 (W.114)), as amended by S.I. 2012/64 (W.15)) ("the 2008 Regulations") in order to implement certain requirements introduced by Commission Implementing Decision 2013/287/EU amending Commission Decision 2011/884/EU on emergency measures regarding unauthorised genetically modified rice in rice products originating from China (OJ No. L162, 14.6.2013, p.10) ("Decision 2013/287").

2. In particular these Regulations amend the 2008 Regulations by —

- (a) amending the definition of "the Commission Decision" so as to include reference to Decision 2013/287 (*regulation 2(2)*);
- (b) providing that rice products from China may not be lawfully placed on the market if they do not comply with certain requirements, including new conditions contained in Article 3.2 of the Commission Decision (*regulation 2(3)*); and

- (c) darparu ar gyfer gwneud trefniadau trosiannol mewn perthynas â chynhyrchion reis a fewnforir i'r UE o Tsieina cyn 5 Awst 2013 yn achos rhai cynhyrchion a 5 Hydref 2013 yn achos cynhyrchion eraill (*rheoliad 2 (4)*).

Mae asesiad effaith rheoleiddiol yn cael ei baratoi ac fe'i cyhoeddir cyn gynted ag y bydd wedi ei gwblhau. Oherwydd natur brys yr offeryn hwn, nid oedd yr Asiantaeth Safonau Bwyd yn gallu cwblhau'r asesiad effaith rheoleiddiol cyn i'r offeryn ddod i rym.

- (c) providing for transitional arrangements in relation to rice products imported into the EU from China before 5th August 2013 in the case of some products and 5th October 2013 in the case of others (*regulation 2(4)*).

A regulatory impact assessment is in preparation and will be published as soon as completed. Due to the emergency nature of this instrument, the Food Standards Agency was unable to complete the regulatory impact assessment before the coming into force of the instrument.

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AMAETHYDDIAETH, CYMRU

BWYD, CYMRU

**Rheoliadau Cynhyrchion Penodedig
o Tsieina (Cyfyngiad ar eu Rhoi
Gyntaf ar y Farchnad) (Cymru)
(Diwygio) 2013**

Gwnaed 3 Gorffennaf 2013

*Gosodwyd gerbron Cynulliad Cenedlaethol
Cymru* 4 Gorffennaf 2013

Yn dod i rym 4 Gorffennaf 2013

Mae Gweinidogion Cymru yn gwneud y Rheoliadau a ganlyn drwy arfer y pwerau a roddwyd iddynt gan adran 2(2) o Ddeddf y Cymunedau Ewropeaidd 1972(1).

Cafodd Gweinidogion Cymru eu dynodi at ddibenion yr adran honno o ran mesurau sy'n ymwneud â bwyd (gan gynnwys diod), gan gynnwys cynhyrchu sylfaenol o ran bwyd a mesurau sy'n ymwneud â bwyd anifeiliaid a gynhyrchir ar gyfer anifeiliaid sy'n cynhyrchu bwyd neu a fwydir i'r cyfryw anifeiliaid.(2).

2013 No. 1653 (W. 154)

AGRICULTURE, WALES

FOOD, WALES

**The Specified Products from China
(Restriction on First Placing on the
Market) (Wales) (Amendment)
Regulations 2013**

Made 3 July 2013

Laid before the National Assembly for Wales
4 July 2013

Coming into force 4 July 2013

The Welsh Ministers make the following Regulations in exercise of the powers conferred on them by section 2(2) of the European Communities Act 1972(1).

The Welsh Ministers have been designated for the purposes of that section in relation to measures relating to food (including drink) including the primary production of food and measures relating to feed produced for or fed to food-producing animals(2).

(1) 1972 p.68.

(2) Gorchymyn y Cymunedau Ewropeaidd (Dynodi) (Rhif 2) 2005 (O.S. 2005/1971) yw'r gorchymyn dynodi perthnasol. Roedd Erthygl 4 o'r gorchymyn hwnnw yn dynodi Cynulliad Cenedlaethol Cymru fel y'i cyfansoddwyd gan Ddeddf Llywodraeth Cymru 1998 (p. 38) ("y Cynulliad") at ddibenion adran 2(2) o Ddeddf y Cymunedau Ewropeaidd 1972 o ran y materion a bennir yn Atodlen 3 i'r gorchymyn hwnnw sy'n cynnwys mesurau mewn perthynas â bwyd (gan gynnwys diod) gan gynnwys cynhyrchu sylfaenol o ran bwyd a mesurau sy'n ymwneud â bwyd anifeiliaid a gynhyrchir ar gyfer anifeiliaid sy'n cynhyrchu bwyd neu a fwydir i'r cyfryw anifeiliaid. Mae'r swyddogaethau sy'n arferadwy gan y Cynulliad o dan y gorchymyn hwnnw wedi eu breinio bellach yng Ngweinidogion Cymru yn rhinwedd adran 162 a pharagraff 30(2)(b) o Atodlen 11 i Ddeddf Llywodraeth Cymru 2006 (p. 32).

(1) 1972 c.68.

(2) The relevant designation order is the European Communities (Designation) (No.2) Order 2005 (S.I. 2005/1971). Article 4 of that order designated the National Assembly for Wales constituted by the Government of Wales Act 1998 (c.38) ("the Assembly") for the purposes of section 2(2) of the European Communities Act 1972 in relation to the matters specified in Schedule 3 to that order which includes measures relating to food (including drink) including the primary production of food and measures relating to feed produced for or fed to food producing animals. Functions exercisable by the Assembly under that order are now vested in the Welsh Ministers by virtue of section 162 and paragraph 30(2)(b) of Schedule 11 to the Government of Wales Act 2006 (c.32).

Enwi a chychwyn

1. Enw'r Rheoliadau hyn yw Rheoliadau Cynhyrchion Penodedig o Tsieina (Cyfyngiad ar eu Rhoi Gyntaf ar y Farchnad) (Cymru) (Diwygio) 2013, deuant i rym ar 4 Gorffennaf 2013 ac maent yn gymwys o ran Cymru.

Diwygio Rheoliadau Cynhyrchion Penodedig o Tsieina (Cyfyngiad ar eu Rhoi Gyntaf ar y Farchnad) (Cymru) 2008

2.—(1) Mae'r Rheoliadau Cynhyrchion Penodedig o Tsieina (Cyfyngiad ar eu Rhoi Gyntaf ar y Farchnad) (Cymru) 2008(1) wedi eu diwygio yn unol â pharagraffau (2) i (4).

(2) Ym mharagraff 1 o reoliad 2 (dehongli), yn lle'r diffiniad o "Penderfyniad y Comisiwn" rhodder y diffiniad a ganlyn —

"ystyr "Penderfyniad y Comisiwn" (*"the Commission Decision"*) yw Penderfyniad Gweithredu'r Comisiwn 2011/884/EU ar fesurau brys ynghylch reis a addaswyd yn enetig heb awdurdod mewn cynhyrchion reis sy'n tarddu o Tsieina ac sy'n Benderfyniad sy'n diddymu Penderfyniad 2008/289/EC(2), fel y'i diwygiwyd gan Benderfyniad Gweithredu'r Comisiwn 2013/287/EU(3);".

(3) Yn lle paragraff (1) o reoliad 3 (cyfyngiad ar roi cynhyrchion penodedig gyntaf ar y farchnad), rhodder y canlynol —

"3.—(1) Gwaherddir rhoi unrhyw gynnyrch penodedig ar y farchnad oni bai —

(a) mewn perthynas â'r cynnyrch —

(i) bod y gofyniad a gynhwysir yn Erthygl 3.2 o Benderfyniad y Comisiwn, mewn perthynas â chynhyrchion sy'n cynnwys reis, wedi ei gyfansoddi ohono neu wedi ei gynhyrchu ohono, i drosglwyddo dogfen mynediad gyffredin neu ddogfen mynediad milfeddygol gyffredin, fel y bo'n briodol, gyda'r rhannau priodol wedi eu cwblhau, wedi ei ddigoni, a

(ii) y cydymffurfiwyd â'r amodau a bennir yn Erthygl 4 o Benderfyniad y Comisiwn; a

Title and commencement

1. The title of these Regulations is the Specified Products from China (Restriction on First Placing on the Market) (Wales) (Amendment) Regulations 2013, they come into force on 4 July 2013 and apply in relation to Wales.

Amendment of the Specified Products from China (Restriction on First Placing on the Market) (Wales) Regulations 2008

2.—(1) The Specified Products from China (Restriction on First Placing on the Market) (Wales) Regulations 2008(1) are amended in accordance with paragraphs (2) to (4).

(2) In paragraph (1) of regulation 2 (interpretation), for the definition of "the Commission Decision" substitute the following definition —

"“the Commission Decision” (*"Penderfyniad y Comisiwn"*) means Commission Implementing Decision 2011/884/EU on emergency measures regarding unauthorised genetically modified rice in rice products originating from China and repealing Decision 2008/289/EC(2), as amended by Commission Implementing Decision 2013/287/EU(3);".

(3) For paragraph (1) of regulation 3 (restriction on first placing on the market of specified products), substitute the following —

"3.—(1) The placing on the market of any specified product is prohibited unless —

(a) in relation to the product —

(i) the requirement contained in Article 3.2 of the Commission Decision, in respect of products containing, consisting or produced from rice, to transmit a common entry document or common veterinary entry document, as appropriate, with relevant parts completed, has been met, and

(ii) conditions specified in Article 4 of the Commission Decision have been complied with; and

(1) O.S. 2008/1080(Cy. 114).

(2) OJ Rhif L343, 23.12.2011, t.140.

(3) OJ Rhif L162, 14.6.2013 t.10

(1) S.I. 2008/1080(W.114).

(2) OJ No. L343, 23.12.2011, p.140.

(3) OJ No. L162, 14.6.2013, p.10.

- (b) pan fo'r llwyth sy'n cynnwys y cynnyrch penodedig wedi ei rannu yn dilyn rheolaeth swyddogol, bod copi dilysedig o'r dystysgrif iechyd a'r adroddiad dadansoddiadol yn dod gyda phob rhan o'r llwyth rhanedig.”.

(4) Yn lle rheoliad 8 (darpariaeth drosiannol) rhodder y canlynol —

“8.—(1) Yn y rheoliad hwn, mae paragraff (2) yn gymwys mewn perthynas â chynhyrchion penodedig ac eithrio'r rhai hynny sy'n cyfateb i Godau CN 1905 90 60, 1905 90 90 neu 2103 90 90, ac mae paragraff (3) yn gymwys i gynhyrchion penodedig sy'n cyfateb i'r Codau CN hynny yn unig.

(2) Hyd 5 Awst 2013, nid yw'r gwaharddiad yn rheoliad 3(1) yn gymwys mewn perthynas â chynnyrch penodedig, ar yr amod bod —

- (a) y cynnyrch wedi cyrraedd yr UE cyn 4 Gorffennaf 2013, a
- (b) na fyddai rhoi'r cynnyrch ar y farchnad wedi bod yn dramgwydd o dan y Rheoliadau hyn fel yr oeddent yn sefyll yn union cyn i Reoliadau Cynhyrchion Penodedig o Tsieina (Cyfyngiad ar eu Rhoi Gyntaf ar y Farchnad) (Cymru) (Diwygio) 2013 ddod i rym.

(3) Nid yw'r gwaharddiad yn rheoliad 3(1) yn gymwys hyd 5 Hydref 2013.”

- (b) where the consignment of the specified product has been split following official control, an authenticated copy of the health certificate and the analytical report accompanies each part of the split consignment.”.

(4) For regulation 8 (transitional provision) substitute the following —

“8.—(1) In this regulation, paragraph (2) applies to specified products other than those which correspond to CN Codes 1905 90 60, 1905 90 90 or 2103 90 90, and paragraph (3) applies only to specified products which correspond to those CN Codes.

(2) Until 5th August 2013, the prohibition in regulation 3(1) does not apply in relation to a specified product, provided that —

- (a) the product arrived in the EU before 4th July 2013, and
- (b) the placing on the market of the product would not have constituted an offence under these Regulations as they stood immediately before the coming into force of the Specified Products from China (Restriction on First Placing on the Market) (Wales) (Amendment) Regulations 2013.

(3) Until 5th October 2013, the prohibition in regulation 3(1) does not apply.”

Mark Drakeford

Y Gweinidog Iechyd a Gwasanaethau Cymdeithasol,
un o Weinidogion Cymru

3 Gorffennaf 2013

Minister for Health and Social Services, one of the
Welsh Ministers

3 July 2013

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