

## 2007 Rhif 2747 (Cy. 230)

### HADAU, CYMRU

#### Rheoliadau Hadau (Diwygiadau Amrywiol) (Cymru) 2007

##### NODYN ESBONIADOL

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

Mae'r Rheoliadau hyn yn diwygio'r Rheoliadau a ganlyn:

- (a) Rheoliadau Hadau Betys (Cymru) 2005 (O.S. 2005/3037 (Cy.225));
- (b) Rheoliadau Hadau Ŷd (Cymru) 2005 (O.S. 2005/3036 (Cy.224));
- (c) Rheoliadau Hadau Planhigion Porthiant (Cymru) 2005 (O.S. 2005/1207 (Cy.79));
- (ch) Rheoliadau Hadau Planhigion Olew a Ffibr (Cymru) 2004 (O.S. 2004/2881 (Cy.251));
- (d) Rheoliadau Hadau Llysiau (Cymru) 2005 (O.S. 2005/3035 (Cy.223));
- (dd) Rheoliadau Hadau (Cofrestru, Trwyddedu a Gorfodi) (Cymru) 2005 (O.S. 2005/3038 (Cy.226));

Mae'r Rheoliadau hyn yn gweithredu Penderfyniad y Cyngor 2005/834/EC, sy'n diwygio Penderfyniad y Cyngor 2003/17/EC (OJ Rhif L 312, 29.11.2005, t, 51). Maent yn gwneud diwygiadau er mwyn trefnu bod rhai hadau cyn-sylfaenol sydd wedi eu hardystio'n swyddogol mewn trydydd gwledydd yn dod o fewn cwmpas y Rheoliadau diwygiedig, gan ganiatáu i hadau o'r fath gael eu marchnata os ydynt yn bodloni gofynion y Rheoliadau hynny (rheoliadau 2(2)(b) a (5), 3(2)(b) a (7), 4(2)(b) a (7) a 5(2)(b) a (7)). Maent yn gwneud diwygiadau canlyniadol i ddarpariaethau ynglŷn â labelu hadau o'r fath (rheoliadau 2(4), 3(6), 4(6) a 5(6)), ac yn gwneud diwygiadau canlyniadol pellach.

Mae'r Rheoliadau hyn yn gweithredu Cyfarwyddeb y Comisiwn 2006/124/EC, sy'n diwygio Cyfarwyddeb y Cyngor 2002/55/EC ynglŷn â marchnata hadau llysiau (OJ Rhif L 339, 6.12.2006, t. 12). Maent hefyd yn gweithredu rhanddirymiad o'r gofyniad i gymhwyso

darpariaethau marchnata Cyfarwydddeb y Cyngor 2002/55/EC mewn perthynas â phedair o rywogaethau ac un isrywogaeth a ganiatawyd gan Benderfyniad y Comisiwn 2007/321/EC (OJ Rhif L 119, 9.5.2007, t .48). Maent yn diwygio Rheoliadau Hadau Llyisiau (Cymru) 2005 er mwyn ychwanegu india-corn neu bopgorn at y rhestr o rywogaethau rheoledig, ac yn gwneud mân ddiwygiadau i rai o enwau ac enwau cyffredin rhywogaethau rheoledig eraill (rheoliad 6(3)). Maent hefyd yn gosod safonau ar gyfer india-corn/popgorn o ran purdeb dadansoddol a chynnwys hadau rhywogaethau eraill o blanhigion, yn ogystal â phwysau lotiau a samplau (rheoliad 6(5) a (6)). Maent hefyd yn gwneud mân ddiwygiadau canlyniadol i'r Rheoliadau hynny (rheoliad 6(4) ac (8)) ac i Reoliadau Hadau (Cofrestru, Trwyddedu a Gorfodi) 2002 (rheoliad 8). Mae mân ddiwygiad yn cael ei wneud hefyd i'r olaf o'r Rheoliadau hynny er mwyn newid y math o ddyfais samplu sy'n cael ei ddefnyddio mewn perthynas â phys y maes.

Mae'r Rheoliadau hyn yn gwneud diwygiadau o ganlyniad i ymaelodaeth Bwlgaria a Rwmania yn Aelod-wladwriaethau (rheoliadau 2(2)(a), 3(2)(a), 4(2)(a) a 5(2)(a)).

Mae'r Rheoliadau hyn yn cywiro mân wallau sy'n deillio o ddiwygiadau a wnaed gan Reoliadau Hadau (Cymru) (Diwygiadau ar gyfer Cynnal Profion a Threialu etc.) 2007 (rheoliadau 2(3), 3(5), 4(5), 5(5) a 6(7)).

Nid oes asesiad effaith reoleiddiol llawn wedi ei lunio ar gyfer yr offeryn hwn.

**2007 Rhif. 2747(Cy.230 )**

## **HADAU, CYMRU**

### **Rheoliadau Hadau (Diwygiadau Amrywiol) (Cymru) 2007**

*Gwnaed* *17 Medi 2007*

*Gosodwyd gerbron Cynulliad Cenedlaethol  
Cymru* *18 Medi 2007.*

*Yn dod i rym* *11 Hydref 2007*

Mae Gweinidogion Cymru yn gwneud y Rheoliadau a ganlyn drwy arfer y pwerau a roddwyd gan adrannau 16(1), (1A), (2), (3), (4) a (5) a 36 o Ddeddf Amrywogaethau a Hadau Planhigion 1964 ac sydd bellach wedi eu breinio ynddynt hwy(1).

Yn unol ag adran 16(1) o'r Ddeddf honno, mae Gweinidogion Cymru wedi ymgynghori â chynrychiolwyr y buddiannau hynny sy'n ymddangos i'r Gweinidogion yn rhai cysylltiedig.

#### **Enwi a chychwyn**

**1.** Enw'r Rheoliadau hyn yw Rheoliadau Hadau (Diwygiadau Amrywiol) (Cymru) 2007, a deuant i rym ar 11 Hydref 2007.

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(1) 1964 p.14; cafodd adran 16 ei diwygio gan adran 4(1) o Ddeddf y Cymunedau Ewropeaidd 1972 (p.68) a chan baragraff 5(1), (2) a (3) o Atodlen 4 i'r Ddeddf honno, gan O.S. 1977/1112 ac adran 2 o Ddeddf Amaeth 1986. *Gweler* adran 31(1) am ddiffiniad o "the Minister". O dan Orchymyn Trosglwyddo Swyddogaethau (Cymru) (Rhif 1) 1978 (O.S. 1978/272), erthygl 2(1) ac Atodlen 2, trosglwyddwyd swyddogaethau'r Gweinidog Amaethyddiaeth, Pysgodfeydd a Bwyd o dan Ddeddf Amrywogaethau a Hadau Planhigion 1964, i'r graddau ag 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(1) ac Atodlen 1, cafodd y swyddogaethau a drosglwyddwyd i'r Ysgrifennydd Gwladol gan Orchymyn Trosglwyddo 1978 eu trosglwyddo i Gynulliad Cenedlaethol Cymru. Yn rhinwedd paragraff 30 o Atodlen 11 i Ddeddf Llywodraeth Cymru 2006 mae'r swyddogaethau hynny'n arferadwy gan Weinidogion Cymru.

## Diwygio Rheoliadau Hadau Betys (Cymru) 2005

2.—(1) Diwygir Rheoliadau Hadau Betys (Cymru) 2005(1) fel a ganlyn.

(2) Yn rheoliad 2(1)—

- (a) yn y diffiniad o “equivalent third country”, hepgorer “Bulgaria” a “Romania”; a
- (b) yn lle'r diffiniad o “the Third Country Equivalence Decision”, rhodder—

““the Third Country Equivalence Decision” means Council Decision 2003/17/EC on the equivalence of field inspections carried out in third countries on seed-producing crops and on the equivalence of seed produced in third countries;”(2).

(3) Yn rheoliad 18(2)(b), yn lle “the seed satisfies”, rhodder “the crop satisfies”.

(4) Yn rheoliad 23—

- (a) yn lle paragraff (5), rhodder—

“(5) A package of officially certified pre-basic seed must be labelled—

- (a) in the case of a package of seed sealed in Wales, in accordance with paragraphs 4 to 7 of Schedule 8;
- (b) in the case of a package of seed sealed—
  - (i) in the United Kingdom, elsewhere than in Wales, or
  - (ii) in another member State, in accordance with the provisions of Article 21(c) of the Beet Seed Directive; and
- (c) in the case of a package of seed sealed in an equivalent third country, in accordance with the provisions of paragraphs 1 and 3 of Part B of Annex II to the Third Country Equivalence Decision.”; a

- (b) ym mharagraff (13), ar ôl “paragraph”, mewnosoder “3A”.

(5) Yn Rhan I o Atodlen 1—

- (a) ar ôl paragraff 3, mewnosoder—

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(1) O.S. 2005/3037 (Cy.225) fel y'i diwygiwyd gan O.S. 2007/119 (Cy.9).

(2) OJ Rhif L 8, 14.1.2003, t. 10, fel y'i diwygiwyd ddiwethaf gan Benderfyniad y Cyngor 2005/834/EC (OJ Rhif L 312, 29.11.2005, t.51).

**“Third country officially certified pre-basic seed of a listed variety**

**3A.**—(1) In these Regulations “third country officially certified pre-basic seed of a listed variety” means seed to which sub-paragraph (2) or (4) applies.

(2) This sub-paragraph applies to pre-basic seed of a listed variety—

- (a) that was harvested from a crop that was produced—
  - (i) in an equivalent third country; and
  - (ii) from a preceding generation of seed that was produced in accordance with the provisions applicable to basic seed specified in paragraph 5 of Part B of Annex II to the Third Country Equivalence Decision;
- (b) that has been officially certified as pre-basic seed by the approved seed certification authority in that country in accordance with the OECD Beet Seed Scheme and the conditions specified in paragraphs 1 and 2 of Part B of Annex II to the Third Country Equivalence Decision;
- (c) that has been packed in packages that have been officially closed and marked in accordance with the OECD Beet Seed Scheme and, as regards the packaging, in accordance with the relevant conditions specified in paragraph 3 of Part B of Annex II to the Third Country Equivalence Decision; and
- (d) that has been imported into the United Kingdom accompanied by the appropriate documentation.

(3) For the purposes of sub-paragraph (2)(d), the appropriate documentation is—

- (a) in a case where the seed has been certified in the United States of America, a Lot Inspection Certificate issued by the Official Seed Testing Laboratory under the authority of the State Seed Testing Agency showing that it has been found to satisfy those conditions; and
- (b) in all other cases—
  - (i) an OECD Certificate issued by the approved seed certification authority in respect of the seed lot from which the seed was taken

approving the seed in that lot as pre-basic seed; and

- (ii) an Orange or Green International Seed Lot Certificate issued under the Rules of ISTA showing that it has been found to satisfy the relevant Directive seed conditions for pre-basic seed other than those relating to varietal identity and varietal purity.

(4) This sub-paragraph applies to pre-basic seed—

- (a) of a previously listed variety that is on the OECD List and for which a marketing extension is in force; and
- (b) that complies with sub-paragraph (2)(a) to (d).”;

(b) yn lle paragraff 7, rhodder—

**“Officially certified pre-basic seed**

7. In these Regulations “officially certified pre-basic seed” means—

- (a) UK officially certified pre-basic seed of a listed variety;
- (b) EC officially certified pre-basic seed of a listed variety;
- (c) third country officially certified pre-basic seed of a listed variety;
- (d) overseas tested officially certified pre-basic seed of a listed variety;
- (e) UK officially certified early movement pre-basic seed of a listed variety; and
- (f) EC officially certified early movement pre-basic seed of a listed variety.”.

(6) Yn Atodlen 5, yng ngholofn (1) o'r tabl, yn y cofnod sy'n dwyn y rhif 1, ar ôl “EC” mewnosoder “, third country”.

(7) Yn Atodlen 6, ar ôl paragraff 3, mewnosoder—

**“3A.** Third country officially certified pre-basic seed of a listed variety.”.

(8) Yn Atodlen 10, yn y tabl, ar ôl y rhes sy'n cynnwys y cofnod ar gyfer “third country officially certified CS seed of a listed variety”, mewnosoder y rhes ganlynol—

“third country officially certified pre-basic seed of a listed variety	Paragraph 3A of Schedule 1”
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### Diwygio Rheoliadau Hadau Ŷd (Cymru) 2005

3.—(1) Diwygir Rheoliadau Hadau Ŷd (Cymru) 2005(1) fel a ganlyn.

(2) Yn rheoliad 2(1)—

- (a) yn y diffiniad o “equivalent third party”, hepgorer “Bulgaria” a “Romania”; a
- (b) yn lle'r diffiniad o “the Third Country Equivalence Decision”, rhodder—

““the Third Country Equivalence Decision” means Council Decision 2003/17/EC on the equivalence of field inspections carried out in third countries on seed-producing crops and on the equivalence of seed produced in third countries;”.

(3) Yn rheoliad 13(3)(a)(i), (5)(c), (d) ac (e)(ii), ar ôl “EC”, mewnosoder “, third country”.

(4) Yn rheoliad 20(2)(b)(i) a (ii), yn lle “the seed satisfies”, rhodder “the crop satisfies”.

(5) Yn rheoliad 26—

- (a) yn lle paragraff (6), rhodder—

“(6) A package of officially certified pre-basic seed, other than a small package of such seed sealed in the United Kingdom, shall be labelled—

- (a) in the case of a package of seed sealed in Wales, in accordance with paragraphs 5 to 8 of Schedule 8;
- (b) in the case of a package of seed sealed—
  - (i) in the United Kingdom, elsewhere than in Wales, or
  - (ii) in another member State, in accordance with the provisions of Article 14a(c) of the Cereal Seed Directive; and
- (c) in the case of a package of seed sealed in an equivalent third country, in accordance with the provisions of paragraphs 1 and 3 of Part B of Annex II to the Third Country Equivalence Decision.”; a

- (b) ym mharagraff (17), ar ôl “paragraph”, mewnosoder “3A, 8A,”.

(6) Yn Rhan I o Atodlen 1—

- (a) ar ôl paragraff 3, mewnosoder—

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(1) O.S. 2005/3036 (Cy.224), fel y'i diwygiwyd gan O.S. 2007/119 (Cy.9).

**“Third country officially certified pre-basic seed of a listed variety**

**3A.**—(1) In these Regulations “third country officially certified pre-basic seed of a listed variety” means seed of an approved species to which sub-paragraph (2) or (4) applies.

(2) This sub-paragraph applies to pre-basic seed of a listed variety—

- (a) that was harvested from a crop that was produced—
  - (i) in an equivalent third country; and
  - (ii) from a preceding generation of seed that was produced in accordance with the provisions applicable to basic seed specified in paragraph 5 of Part B of Annex II to the Third Country Equivalence Decision;
- (b) that has been officially certified as pre-basic seed by the approved seed certification authority in that country in accordance with—
  - (i) in the case of seed other than maize, the OECD Cereal Seed Scheme;
  - (ii) in the case of maize, the OECD Maize and Sorghum Seed Scheme; and
  - (iii) in both cases, the conditions specified in paragraphs 1 and 2 of Part B of Annex II to the Third Country Equivalence Decision;
- (c) that has been packed in packages that have been officially closed and marked in accordance with—
  - (i) in the case of seed other than maize, the OECD Cereal Seed Scheme;
  - (ii) in the case of maize, the OECD Maize and Sorghum Seed Scheme; and, as regards the packaging, in accordance with the relevant conditions specified in paragraph 3 of Part B of Annex II to the Third Country Equivalence Decision; and
- (d) that has been imported into the United Kingdom accompanied by the appropriate documentation.

(3) For the purposes of sub-paragraph (2)(d), the appropriate documentation is—

- (a) in a case where the seed has been certified in Canada or the United States



of America, a Lot Inspection Certificate issued by the Official Seed Testing Laboratory under the authority of the State Seed Testing Agency showing that it has been found to satisfy those conditions; and

(b) in all other cases—

(i) an OECD Certificate issued by the approved seed certification authority in respect of the seed lot from which the seed was taken approving the seed in that lot as pre-basic seed; and

(ii) an Orange or Green International Seed Lot Certificate issued under the Rules of ISTA showing that it has been found to satisfy the relevant Directive seed conditions for pre-basic seed other than those relating to varietal identity and varietal purity.

(4) This sub-paragraph applies to pre-basic seed—

(a) of a previously listed variety that is on the OECD List and for which a marketing extension is in force; and

(b) that complies with sub-paragraph (2)(a) to (d).”;

(b) ar ôl paragraff 8, mewnosoder—

**“Third country officially certified pre-basic seed of a component used in the production of a listed hybrid variety**

**8A.**—(1) In these Regulations “third country officially certified pre-basic seed of a component used in the production of a listed hybrid variety” means pre-basic seed of an approved species to which sub-paragraph (2) or (4) applies.

(2) This sub-paragraph applies to pre-basic seed of a component used in the production of a listed hybrid variety—

(a) that was harvested from a crop that was produced—

(i) in an equivalent third country; and

(ii) from a preceding generation of seed that was produced in accordance with the provisions applicable to basic seed specified in paragraph 5 of Part B of Annex II to the Third Country Equivalence Decision;

- (b) that has been officially certified as pre-basic seed by the approved seed certification authority in that country in accordance with—
    - (i) in the case of seed other than maize, the OECD Cereal Seed Scheme;
    - (ii) in the case of maize, the OECD Maize and Sorghum Seed Scheme; and
    - (iii) in both cases, the conditions specified in paragraphs 1 and 2 of Part B of Annex II to the Third Country Equivalence Decision;
  - (c) that has been packed in packages that have been officially closed and marked in accordance with—
    - (i) in the case of seed other than maize, the OECD Cereal Seed Scheme;
    - (ii) in the case of maize, the OECD Maize and Sorghum Seed Scheme, and

as regards the packaging, in accordance with the relevant conditions specified in paragraph 3 of Part B of Annex II to the Third Country Equivalence Decision; and
  - (d) that has been imported into the United Kingdom accompanied by the appropriate documentation.
- (3) For the purposes of sub-paragraph (2)(d), the appropriate documentation is—
- (a) in a case where the seed has been certified in Canada or the United States of America, a Lot Inspection Certificate issued by the Official Seed Testing Laboratory under the authority of the State Seed Testing Agency showing that it has been found to satisfy those conditions; and
  - (b) in all other cases—
    - (i) an OECD Certificate issued by the approved seed certification authority in respect of the seed lot from which the seed was taken approving the seed in that lot as pre-basic seed; and
    - (ii) an Orange or Green International Seed Lot Certificate issued under the Rules of ISTA showing that it has been found to satisfy the relevant Directive seed conditions

for pre-basic seed other than those relating to varietal identity and varietal purity.

(4) This sub-paragraph applies to pre-basic seed of a component—

- (a) of a previously listed hybrid variety that is on the OECD List and for which a marketing extension is in force; and
- (b) that complies with sub-paragraph (2)(a) to (d).”; ac

(c) yn lle paragraff 12, rhodder—

“**12.** In these Regulations “officially certified pre-basic seed” means—

- (a) UK officially certified pre-basic seed of a listed variety;
- (b) EC officially certified pre-basic seed of a listed variety;
- (c) third country officially certified pre-basic seed of a listed variety;
- (d) overseas tested officially certified pre-basic seed of a listed variety;
- (e) UK officially certified early movement pre-basic seed of a listed variety;
- (f) EC officially certified early movement pre-basic seed of a listed variety;
- (g) UK officially certified pre-basic seed of a component used in the production of a listed hybrid variety;
- (h) EC officially certified pre-basic seed of a component used in the production of a listed hybrid variety;
- (i) third country officially certified pre-basic seed of a component used in the production of a listed hybrid variety;
- (j) overseas tested officially certified pre-basic seed of a component used in the production of a listed hybrid variety;
- (k) UK officially certified early movement pre-basic seed of a component used in the production of a listed hybrid variety; and
- (l) EC officially certified early movement pre-basic seed of a component used in the production of a listed hybrid variety.”.

(7) Yn Atodlen 5, yng ngholofn (1) o'r tabl, yn y cofnodion sy'n dwyn y rhifau 1(a) a 3(a), ar ôl “EC” ym mharagraffau 1(a) a 3(a), mewnosoder “, third country”.

(8) Yn Atodlen 6—

(a) ar ôl paragraff 3, mewnosoder—

“3A. Third country officially certified pre-basic seed of a listed variety.”; a

(b) ar ôl paragraff 32, mewnosoder—

“32A. Third country officially certified pre-basic seed of a component used in the production of a listed hybrid variety.”.

(9) Yn Atodlen 10, yn y tabl, ar ôl y rhes sy'n cynnwys y cofnod ar gyfer “third country officially certified CS seed of a listed variety”, mewnosoder y rhesi a ganlyn—

“third country officially certified pre-basic seed of a component used in the production of a listed hybrid variety	Paragraph 8A of Schedule 1
third country officially certified pre-basic seed of a listed variety	Paragraph 3A of Schedule 1”

#### **Diwygio Rheoliadau Hadau Planhigion Porthiant (Cymru) 2005**

4.—(1) Diwygir Rheoliadau Hadau Planhigion Porthiant (Cymru) 2005(1) fel a ganlyn.

(2) Yn rheoliad 2(1)—

(a) yn y diffiniad o “equivalent third party” hepgorer “Bulgaria” a “Romania”; a

(b) yn lle'r diffiniad o “the Third Country Equivalence Decision”, rhodder y diffiniad a ganlyn—

““the Third Country Equivalence Decision” means Council Decision 2003/17/EC on the equivalence of field inspections carried out in third countries on seed-producing crops and on the equivalence of seed produced in third countries;”.

(3) Yn rheoliad 10(4)(b)(i) ac (c)(i), yn lle “UK, EC or overseas tested”, rhodder “UK, EC, third country or overseas tested”.

(4) Yn rheoliad 13(3)(a)(i), (5)(b) ac (c)(ii), ar ôl “EC”, mewnosoder “, third country”.

(5) Yn rheoliad 20(2)(b)(i) a (ii), yn lle “the seed satisfies”, rhodder “the crop satisfies”.

(6) Yn rheoliad 26—

(a) yn lle paragraff (6), rhodder—

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(1) O.S. 2005/1207 (Cy.79), fel y'i diwygiwyd gan O.S. 2007/119 (Cy.9).

“(6) A package of officially certified pre-basic seed shall be labelled—

- (a) in the case of a package of seed sealed in Wales, in accordance with paragraphs 5 to 8 of Schedule 8;
- (b) in the case of a package of seed sealed—
  - (i) in the United Kingdom, elsewhere than in Wales, or
  - (ii) in another member State,in accordance with the provisions of Article 14a(c) of the Fodder Plant Seed Directive; and
- (c) in the case of a package of seed sealed in an equivalent third country, in accordance with the provisions of paragraphs 1 and 3 of Part B of Annex II to the Third Country Equivalence Decision.”; a

(b) ym mharagraff (20), ar ôl “paragraph”, mewnosoder “3A,”.

(7) Yn Rhan I o Atodlen 1—

(a) ar ôl paragraff 3, mewnosoder—

**“Third country officially certified pre-basic seed of a listed variety**

**3A.**—(1) In these Regulations “third country officially certified pre-basic seed of a listed variety” means seed to which sub-paragraph (2) or (4) applies.

(2) This sub-paragraph applies to pre-basic seed of a listed variety—

- (a) that was harvested from a crop that was produced in an equivalent third country from a preceding generation of seed that was produced in accordance with the provisions applicable to basic seed specified in paragraph 5 of Part B of Annex II to the Third Country Equivalence Decision;
- (b) that has been officially certified as pre-basic seed by the approved seed certification authority in that country in accordance with—
  - (i) in the case of seed other than crucifers, the OECD Grass and Legume Seed Scheme, and
  - (ii) in the case of crucifers, the OECD Crucifer and Oil and Fibre Seed Scheme; and

- (iii) in both cases, the conditions specified in paragraphs 1 and 2 of Part B of Annex II to the Third Country Equivalence Decision;
  - (c) that has been packed in packages that have been officially closed and marked in accordance with—
    - (i) in the case of seed other than crucifers, the OECD Grass and Legume Seed Scheme, and
    - (ii) in the case of crucifers, the OECD Crucifer and Oil and Fibre Seed Scheme,
 and, as regards the packaging, in accordance with the relevant conditions specified in paragraph 3 of Part B of Annex II to the Third Country Equivalence Decision; and
  - (d) that has been imported into the United Kingdom accompanied by the appropriate documentation.
- (3) For the purposes of sub-paragraph (2)(d), the appropriate documentation is—
- (a) in a case where the seed has been certified in Canada or the United States of America, a Lot Inspection Certificate issued by the Official Seed Testing Laboratory under the authority of the State Seed Testing Agency showing that it has been found to satisfy those conditions; and
  - (b) in all other cases—
    - (i) an OECD Certificate issued by the approved seed certification authority in respect of the seed lot from which the seed was taken approving the seed in that lot as pre-basic seed; and
    - (ii) an Orange or Green International Seed Lot Certificate issued under the Rules of ISTA showing that it has been found to satisfy the relevant Directive seed conditions for pre-basic seed other than those relating to varietal identity and varietal purity.
- (4) This sub-paragraph applies to pre-basic seed—
- (a) of a previously listed variety that is on the OECD List and for which a marketing extension is in force, and
  - (b) that complies with sub-paragraph (2)(a) to (d).”; a

(b) yn lle paragraff 7, rhodder—

**“Officially certified pre-basic seed**

7. In these Regulations “officially certified pre-basic seed” means—

- (a) UK officially certified pre-basic seed of a listed variety;
- (b) EC officially certified pre-basic seed of a listed variety;
- (c) third country officially certified pre-basic seed of a listed variety;
- (d) overseas tested officially certified pre-basic seed of a listed variety;
- (e) UK officially certified early movement pre-basic seed of a listed variety; and
- (f) EC officially certified early movement pre-basic seed of a listed variety.”.

(8) Yn Atodlen 5, yng ngholofn (1) o'r tabl, yn y cofnod sy'n dwyn y rhif 1(a), ar ôl “EC” mewnosoder “, third country”.

(9) Yn Atodlen 6, ar ôl paragraff 3, mewnosoder—

**“3A.** Third country officially certified pre-basic seed of a listed variety.”.

(10) Yn Atodlen 10, yn y tabl, ar ôl y rhes sy'n cynnwys y cofnod “third country officially certified CS seed of a listed variety”, mewnosoder y rhes a ganlyn—

“third country officially certified pre-basic seed of a listed variety	Paragraph 3A of Schedule 1”
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**Diwygio Rheoliadau Hadau Planhigion Olew a Ffibr (Cymru) 2004**

5.—(1) Diwygir Rheoliadau Hadau Planhigion Olew a Ffibr (Cymru) 2004(1) fel a ganlyn.

(2) Yn rheoliad 2(1)—

- (a) yn y diffiniad o “equivalent third party” hepgorer “Bulgaria” a “Romania”; a
- (b) yn lle'r diffiniad o “the Third Country Equivalence Decision”, rhodder y diffiniad a ganlyn—

““the Third Country Equivalence Decision” means Council Decision 2003/17/EC on the equivalence of field inspections carried out in third countries on seed-producing crops

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(1) O.S. 2004/2881 (Cy.251), fel y'i diwygiwyd gan O.S. 2007/119 (Cy.9).

and on the equivalence of seed produced in third countries;”.

(3) Yn rheoliad 10(4)(b)(i), (c)(i) a (d)(i), yn lle “UK, EC or overseas tested”, rhodder “UK, EC, third country or overseas tested”.

(4) Yn rheoliad 13(3)(a)(i), (5)(c) a (d), ar ôl “EC”, mewnosoder “, third country”.

(5) Yn rheoliad 19(2)(b)(i) a (ii), yn lle “the seed satisfies”, rhodder “the crop satisfies”.

(6) Yn rheoliad 26—

(a) yn lle paragraff (5), rhodder—

“(5) A package of officially certified pre-basic seed shall be labelled—

(a) in the case of a package of seed sealed in Wales, in accordance with paragraphs 4 to 7 of Schedule 8;

(b) in the case of a package of seed sealed—

(i) in the United Kingdom, elsewhere than in Wales, or

(ii) in another member State,

in accordance with the provisions of Article 18(c) of the Oil and Fibre Plant Seed Directive; and

(c) in the case of a package of seed sealed in an equivalent third country, in accordance with the provisions of paragraphs 1 and 3 of Part B of Annex II to the Third Country Equivalence Decision.”; a

(b) ym mharagraff (16), ar ôl “paragraph”, mewnosoder “3A, 8A,”.

(7) Yn Rhan I o Atodlen 1—

(a) ar ôl paragraff 3, mewnosoder—

**“Third country officially certified pre-basic seed of a listed variety**

**3A.**—(1) In these Regulations “third country officially certified pre-basic seed of a listed variety” means seed to which sub-paragraph (2) or (4) applies.

(2) This sub-paragraph applies to pre-basic seed of a listed variety—

(a) that was harvested from a crop that was produced—

(i) in an equivalent third country; and

(ii) from a preceding generation of seed that was produced in accordance with the provisions applicable to basic seed specified



in paragraph 5 of Part B of Annex II to the Third Country Equivalence Decision;

- (b) that has been officially certified as pre-basic seed by the approved seed certification authority in that country in accordance with—
    - (i) in the case of seed other than soya bean seed, the OECD Crucifer and Oil and Fibre Seed Scheme;
    - (ii) in the case of soya bean seed, the OECD Grass and Legume Seed Scheme; and
    - (iii) in both cases, the conditions specified in paragraphs 1 and 2 of Part B of Annex II to the Third Country Equivalence Decision;
  - (c) that has been packed in packages that have been officially closed and marked in accordance with—
    - (i) in the case of seed other than soya bean seed, the OECD Crucifer and Oil and Fibre Seed Scheme; and
    - (ii) in the case of soya bean seed, the OECD Grass and Legume Seed Scheme,and, as regards the packaging, in accordance with the relevant conditions specified in paragraph 3 of Part B of Annex II to the Third Country Equivalence Decision; and
  - (d) that has been imported into the United Kingdom accompanied by the appropriate documentation.
- (3) For the purposes of sub-paragraph (2)(d), the appropriate documentation is—
- (a) in a case where the seed has been certified in Canada or the United States of America, a Lot Inspection Certificate issued by the Official Seed Testing Laboratory under the authority of the State Seed Testing Agency showing that it has been found to satisfy those conditions; and
  - (b) in all other cases—
    - (i) an OECD Certificate issued by the approved seed certification authority in respect of the seed lot from which the seed was taken approving the seed in that lot as pre-basic seed; and
    - (ii) an Orange or Green International Seed Lot Certificate issued under

the Rules of ISTA showing that it has been found to satisfy the relevant Directive seed conditions for pre-basic seed other than those relating to varietal identity and varietal purity.

(4) This sub-paragraph applies to pre-basic seed—

- (a) of a previously listed variety that is on the OECD List and for which a marketing extension is in force; and
- (b) that complies with sub-paragraph (2)(a) to (d).”; a

(b) ar ôl paragraff 8, mewnosoder—

**“Third country officially certified pre-basic seed of a component used in the production of a listed hybrid variety**

**8A.**—(1) In these Regulations “third country officially certified pre-basic seed of a component used in the production of a listed hybrid variety” means seed to which sub-paragraph (2) or (4) applies.

(2) This sub-paragraph applies to pre-basic seed of a component used in the production of a listed hybrid variety—

- (a) that was harvested from a crop that was produced—
  - (i) in an equivalent third country; and
  - (ii) from a preceding generation of seed that was produced in accordance with the provisions applicable to basic seed specified in paragraph 5 of Part B of Annex II to the Third Country Equivalence Decision;
- (b) that has been officially certified as pre-basic seed by the approved seed certification authority in that country in accordance with—
  - (i) in the case of seed other than soya bean seed, the OECD Crucifer and Oil and Fibre Seed Scheme; and
  - (ii) in the case of soya bean seed, the OECD Grass and Legume Seed Scheme; and
  - (iii) in both cases, the conditions specified in paragraphs 1 and 2 of Part B of Annex II to the Third Country Equivalence Decision;

(c) that has been packed in packages that have been officially closed and marked in accordance with—

(i) in the case of seed other than soya bean seed, the OECD Crucifer and Oil and Fibre Seed Scheme, and

(ii) in the case of soya bean seed, the OECD Grass and Legume Seed Scheme,

and, as regards the packaging, in accordance with the relevant conditions specified in paragraph 3 of Part B of Annex II to the Third Country Equivalence Decision; and

(d) that has been imported into the United Kingdom accompanied by the appropriate documentation.

(3) For the purposes of sub-paragraph (2)(d), the appropriate documentation is—

(a) in a case where the seed has been certified in Canada or the United States of America, a Lot Inspection Certificate issued by the Official Seed Testing Laboratory under the authority of the State Seed Testing Agency showing that it has been found to satisfy those conditions; and

(b) in all other cases—

(i) an OECD Certificate issued by the approved seed certification authority in respect of the seed lot from which the seed was taken approving the seed in that lot as pre-basic seed; and

(ii) an Orange or Green International Seed Lot Certificate issued under the Rules of ISTA showing that it has been found to satisfy the relevant Directive seed conditions for pre-basic seed other than those relating to varietal identity and varietal purity.

(4) This sub-paragraph applies to pre-basic seed of a component—

(a) of a previously listed hybrid variety that is on the OECD List and for which a marketing extension is in force; and

(b) that complies with sub-paragraph (2)(a) to (d).”; ac

(c) yn lle paragraff 12, rhodder—

“12. In these Regulations “officially certified pre-basic seed” means—

- (a) UK officially certified pre-basic seed of a listed variety;
- (b) EC officially certified pre-basic seed of a listed variety;
- (c) third country officially certified pre-basic seed of a listed variety;
- (d) overseas tested officially certified pre-basic seed of a listed variety;
- (e) UK officially certified early movement pre-basic seed of a listed variety;
- (f) EC officially certified early movement pre-basic seed of a listed variety;
- (g) UK officially certified pre-basic seed of a component used in the production of a listed hybrid variety;
- (h) EC officially certified pre-basic seed of a component used in the production of a listed hybrid variety;
- (i) third country officially certified pre-basic seed of a component used in the production of a listed hybrid variety;
- (j) overseas tested officially certified pre-basic seed of a component used in the production of a listed hybrid variety;
- (k) UK officially certified early movement pre-basic seed of a component used in the production of a listed hybrid variety; and
- (l) EC officially certified early movement pre-basic seed of a component used in the production of a listed hybrid variety.”.

(8) Yn Atodlen 5, yng ngholofn (1) o’r tabl, ar ôl “EC” yn y cofnodion sy’n dwyn y rhifau 1(a) a 3(a), mewnosoder “, third country”.

(9) Yn Atodlen 6—

(a) ar ôl paragraff 3, mewnosoder—

“**3A.** Third country officially certified pre-basic seed of a listed variety.”; a

(b) ar ôl paragraff 40, mewnosoder—

“**40A.** Third country officially certified pre-basic seed of a component used in the production of a listed hybrid variety.”.

(10) Yn Atodlen 10, yn y tabl, ar ôl y cofnod ar gyfer “third country officially certified CS seed of a listed variety”, mewnosoder y rhesi a ganlyn—

“third country officially certified pre-basic seed of a component used in the	Paragraph 8A of Schedule 1
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production of a listed hybrid variety	
third country officially certified pre-basic seed of a listed variety	Paragraph 3A of Schedule 1”.

### Diwygio Rheoliadau Hadau Llyisiau (Cymru) 2005

6.—(1) Diwygir Rheoliadau Hadau Llyisiau (Wales) 2005(1) fel a ganlyn.

(2) Yn rheoliad 2(1), yn lle'r diffiniad o “the Vegetable Seed Directive” rhodder y diffiniad a ganlyn—

““the Vegetable Seed Directive” means Council Directive 2002/55/EC on the marketing of vegetable seed;”(2).

(3) Yn lle rheoliad 3, rhodder—

#### “Definitions relating to plant species

3. In these Regulations—

“asparagus” means plants commonly known by that name of the species *Asparagus officinalis* L.;

“beetroot” means plants commonly known by that name of the species *Beta vulgaris* L., and includes plants commonly known as Cheltenham beet;

“broad bean” means plants commonly known by that name of the species *Vicia faba* L. (partim);

“Brussels sprouts” means plants commonly known by that name of the species *Brassica oleracea* L.;

“carrot” means plants commonly known by that name of the species *Daucus carota* L., and includes plants commonly known as fodder carrot;

“cauliflower” means plants commonly known by that name of the species *Brassica oleracea* L.;

“celery” means plants commonly known by that name of the species *Apium graveolens* L., and includes plants commonly known as celeriac;

(1) O.S. 2005/3035 (Cy.223), fel y'i diwygiwyd gan O.S. 2007/119 (Cy.9).

(2) OJ Rhif L 193, 20.7.2002, t 33, fel y'i diwygiwyd ddiwethaf gan Gyfarwyddeb y Comisiwn 2006/124/EC (OJ Rhif L 339, 6.12.2006, t. 12).

“chard and spinach beet” means plants commonly known by those names of the species *Beta vulgaris* L.;

“Chinese cabbage” means plants commonly known by that name of the species *Brassica rapa* L.;

“cucumber and gherkin” means plants commonly known by those names of the species *Cucumis sativus* L.;

“curly kale” means plants commonly known by that name of the species *Brassica oleracea* L.;

“endive” means plants commonly known as curled-leaved endive or plain-leaved endive of the species *Cichorium endivia* L.;

“French bean” means plants commonly known as dwarf French bean or climbing French bean of the species *Phaseolus vulgaris* L.;

“gourd” means plants commonly known by that name of the species *Cucurbita maxima* Duchesne;

“kohlrabi” means plants commonly known by that name of the species *Brassica oleracea* L.;

“large-leaved chicory and Witloof chicory” means plants commonly known by those names of the species *Cichorium intybus* L., and includes plants commonly known as Italian chicory;

“leek” means plants commonly known by that name of the species *Allium porrum* L.;

“legume” means broad beans, French beans, runner beans and peas;

“lettuce” means plants commonly known by that name of the species *Lactuca sativa* L.;

“marrow” means plants commonly known by that name of the species *Cucurbita pepo* L., and includes plants commonly known as courgette;

“melon” means plants commonly known by that name of the species *Cucumis melo* L.;

“onion” means plants commonly known by that name of the species *Allium cepa* L. *Cepa* Group, and includes plants commonly known as Echalion;

“parsley” means plants commonly known by that name of the species *Petroselinum crispum* (Mill.) Nyman ex A.W. Hill;

“pea” means plants commonly known as wrinkled pea, round pea or sugar pea of the species *Pisum sativum* L. (partim);

“radish” means plants commonly known by that name of the species *Raphanus sativus* L., and includes plants commonly known as black radish;

“red cabbage” means plants commonly known by that name of the species *Brassica oleracea* L.;

“runner bean” means plants commonly known by that name of the species *Phaseolus coccineus* L.;

“Savoy cabbage” means plants commonly known by that name of the species *Brassica oleracea* L.;

“spinach” means plants commonly known by that name of the species *Spinacia oleracea* L.;

“sprouting broccoli” means plants commonly known by that name of the species *Brassica oleracea* L., and includes plants commonly known as calabrese;

“sweet corn or popcorn” means plants commonly known by those names of the species *Zea mays* L. (partim);

“tomato” means plants commonly known by that name of the species *Lycopersicon esculentum* Mill.;

“turnip” means plants commonly known by that name of the species *Brassica rapa* L.; and

“white cabbage” means plants commonly known by that name of the species *Brassica oleracea* L.”.

(4) Yn Atodlen 2, yn lle’r cofnodion sy’n dwyn y rhifau 27 a 28, rhodder—

“27. Sweet corn or popcorn.

28. Tomato.

29. Turnip.”.

(5) Yn Atodlen 4—

(a) yn y tabl ym mharagraff 3, yn lle’r rhesi sy’n dwyn y llythrennau (aa) a (bb), rhodder y rhesi a ganlyn—

“(aa) sweet corn or popcorn	98	0.1
(bb) tomato	97	0.5
(cc) turnip	97	1.0”.

- (b) yn y tabl ym mharagraff 4(1), yn lle'r rhesi sy'n dwyn y llythrennau (aa) a (bb), rhodder y rhesi a ganlyn—

“(aa) sweet corn or popcorn	85
(bb) tomato	75
(cc) turnip	80”.

- (6) Yn Atodlen 7, yn y tabl, yn lle'r rhesi sy'n dwyn y rhifau 27 a 28, rhodder y rhesi a ganlyn—

“27. sweet corn or popcorn	20	1000
28. tomato	10	25
29. turnip	10	25”.

- (7) Yn Atodlen 8, yn y pennawd i baragraff 30, yn lle “Official” rhodder “Supplier's”.

- (8) Yn Atodlen 10, yn y tabl, ar ôl y rhes sy'n cynnwys y cofnod ar gyfer “standard seed”, mewnosoder y rhes a ganlyn—

“sweet corn and popcorn	Regulation 3”.
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### **Diwygio Rheoliadau Hadau (Cofrestru, Trwyddedu a Gorfodi) (Cymru) 2005**

7. Diwygir Rheoliadau Hadau (Cofrestru, Trwyddedu a Gorfodi) (Cymru) 2005(1) fel a ganlyn.

8. Yn Atodlen 5, yn y tabl ym mharagraff 13—

- (a) yng ngholofn (2) o'r rhes sy'n cynnwys y cofnod ar gyfer “Field pea (fodder pea)”, yn lle “B” rhodder “C”; a
- (b) ar ôl y rhes sy'n cynnwys y cofnod ar gyfer “Swede rape”, mewnosoder y rhes a ganlyn—

“Sweet corn and popcorn	C”.
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(1) O.S. 2005/3038 (Cy.226), fel y'i diwygiwyd gan O.S. 2007/119 (Cy.9).



*Elin Jones*

Y Gweinidog dros Faterion Gwledig, un o  
Weinidogion Cymru

17 Medi 2007