

Government Response: The Marketing of Seed, Plant and Propagating Material (Wales) Regulations 2020

The Committee is thanked for its report. The following reflects those elements of the report to which the Committee sought a response.

Technical Scrutiny

Point 1 The error at issue is old, when the UK Government corrected the error in England's equivalent Seed Potato Regulations it was identified as a formatting error (we attach links to the said Regulations and related EM for the Committee's ease of reference). Any substantive change arising from the correction of the error realises the intended policy rather than reflects a change of policy - such is its subtlety, the error had simply gone unnoticed.

<http://www.legislation.gov.uk/uksi/2017/288/contents/made;>

<http://www.legislation.gov.uk/uksi/2017/288/memorandum/contents;>

Point 2 The intended effect of the provision remains clear and the error will be corrected the next time the Seed Potatoes (Wales) Regulations 2016 are amended.

Merits Scrutiny

Point 5 The point is well made and pertains to references in footnotes. As the references do not change the effect of the provisions we do not propose to amend the footnotes.

Point 6 The original Queen's Printer Version of the Seed Potatoes (Wales) Regulations 2016 (attached for the Committee's ease of reference) as published on the legislation.co.uk website does not appear to reflect the anomaly identified.



OFFERYNNAU STATUDOL
CYMRU

WELSH STATUTORY
INSTRUMENTS

2016 Rhif 106 (Cy. 52)

2016 No. 106 (W. 52)

HADAU, CYMRU

SEEDS, WALES

**Rheoliadau Tatws Hadyd (Cymru)
2016**

**The Seed Potatoes (Wales)
Regulations 2016**

NODYN ESBONIADOL

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

Mae'r Rheoliadau hyn yn dirymu ac yn disodli Rheoliadau Tatws Hadyd (Cymru) 2006 (O.S. 2006/2929 (Cy. 264)), sydd wedi eu diwygio ar sawl achlysur.

Mae'r Rheoliadau yn rheoli cynhyrchu gyda'r bwriad o farchnata, ardystio a marchnata tatws hadyd yng Nghymru, ac eithrio'r rheini a fwriedir ar gyfer eu hallforio y tu allan i'r Undeb Ewropeaidd. Maent yn gweithredu amrywiol offerynnau Ewropeaidd, ac yn benodol Gyfarwyddeb y Cyngor 2002/56/EC ar farchnata tatws hadyd (OJ Rhif L 193, 20.07.2002, t. 60).

Mae rheoliad 5 yn gwahardd marchnata unrhyw datws hadyd onid ydynt wedi cael eu hardystio naill ai fel tatws hadyd cyn-sylfaenol, sylfaenol neu ardystiedig, neu onid ydynt wedi cael eu hawdurdodi i'w marchnata at ddibenion gwyddonol neu at waith dethol neu at ddibenion profi a threialu. Ar gyfer tatws hadyd a gynhyrchir yng Nghymru rhaid i ardystio, gan gynnwys penderfynu ar y categori a'r radd y mae'n rhaid marchnata'r tatws ynddynt, ddigwydd yn unol â gofynion rheoliad 10.

Mae rheoliadau 8 a 9 yn caniatáu i Weinidogion Cymru awdurdodi marchnata symiau bach o datws hadyd at ddibenion gwyddonol neu waith dethol a thatws hadyd at ddibenion profi a threialu.

Mae rheoliad 12 yn darparu mai mewn pecynnau neu gynnwysyddion yn unig y caniateir marchnata tatws hadyd (ac eithrio manwerthiannau symiau bach o datws hadyd sy'n bodloni amodau rheoliad 18). Dim ond os ydynt wedi eu labelu a'u selio (rheoliadau 13 a 14), gyda'r labeli'n dwyn y manylion a bennir yn Atodlen 2, y caniateir marchnata tatws hadyd mewn

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations revoke and replace the Seed Potatoes (Wales) Regulations 2006 (S.I. 2006/2929 (W. 264)), which have been amended on several occasions.

The Regulations control the production with a view to marketing, the certification and the marketing of seed potatoes in Wales, other than those intended for export outside the European Union. They implement various European instruments, in particular Council Directive 2002/56/EC on the marketing of seed potatoes (OJ No L 193, 20.7.2002, p. 60).

Regulation 5 prohibits the marketing of any seed potatoes unless they have been certified as either pre-basic, basic or certified seed potatoes, or unless they have been authorised for marketing for scientific purposes or selection work or for test and trial purposes. For seed potatoes produced in Wales, certification, including the determination of the category and grade at which the potatoes must be marketed, must take place in accordance with the requirements of regulation 10.

Regulations 8 and 9 allow the Welsh Ministers to authorise the marketing of small quantities of seed potatoes for scientific purposes or selection work and seed potatoes for test and trial purposes.

Regulation 12 provides that seed potatoes (other than retail sales of small quantities of seed potatoes meeting the conditions of regulation 18) may only be marketed in packages or containers. Seed potatoes in packages or containers (other than those authorised to be marketed for scientific purposes or selection work) can only be marketed if labelled and sealed (regulations 13 and 14),

pecynnau neu gynwysyddion (ac eithrio'r rheini yr awdurdodir eu marchnata at ddibenion gwyddonol neu waith dethol). Rhaid i ddogfennau sy'n mynd gyda thatws hadyd a gafodd eu haddasu'n enetig gynnwys cyfeiriad at y ffaith honno (rheoliad 15).

Mae rheoliad 19 yn darparu ar gyfer cymryd samplau fel rhan o'r broses ardystio neu i sicrhau cydymffurfiaeth â darpariaethau'r Rheoliadau.

Mae rheoliad 21 yn rhoi pwerau i Weinidogion Cymru archwilio tatws hadyd a'i gwneud yn ofynnol i datws hadyd a ddogfennau perthnasol gael eu cyflwyno.

Mae rheoliad 22 yn caniatáu i Weinidogion Cymru dynnu'n ôl labeli swyddogol neu ddogfennau swyddogol sy'n ymwneud â thatws hadyd y canfyddir nad ydynt yn cydymffurfio â'r gofynion a osodir gan y Rheoliadau.

Mae mynd yn groes i unrhyw ddarpariaeth yn y Rheoliadau yn drosedd o dan adran 16(7)(b) o Ddeddf Amrywogaethau a Hadau Planhigion 1964 (p. 14) sy'n dwyn atebolrwydd i ddirwy ar euogfarn ddiannod.

Ystyriwyd Cod Ymarfer Gweinidogion Cymru ar gynnal Aseidiadau Effaith Rheoleiddiol mewn perthynas â'r Rheoliadau hyn. O ganlyniad, ystyriwyd nad oedd yn angenrheidiol cynnal aseiad effaith rheoleiddiol o'r costau a'r manteision sy'n debygol o ddeillio o gydymffurfio â'r Rheoliadau hyn.

the labels bearing the particulars specified in Schedule 2. Documents accompanying seed potatoes that have been genetically modified must include reference to this fact (regulation 15).

Regulation 19 provides for the taking of samples as part of the certification process or to ensure compliance with the provisions of the Regulations.

Regulation 21 provides the Welsh Ministers with powers of examination and to require production of seed potatoes and relevant documents.

Regulation 22 allows the Welsh Ministers to withdraw official labels or official documents relating to seed potatoes which are found not to comply with the requirements imposed by the Regulations.

Contravention of any provision in the Regulations is an offence under section 16(7)(b) of the Plant Varieties and Seeds Act 1964 (c. 14), incurring liability on summary conviction to a fine.

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.

2016 Rhif 106 (Cy. 52)

2016 No. 106 (W. 52)

HADAU, CYMRU

SEEDS, WALES

**Rheoliadau Tatws Hadyd (Cymru)
2016**

**The Seed Potatoes (Wales)
Regulations 2016**

Gwnaed 2 Chwefror 2016
*Gosodwyd gerbron Cynulliad Cenedlaethol
Cymru* 4 Chwefror 2016
Yn dod i rym 29 Chwefror 2016

Made 2 February 2016
*Laid before the National Assembly
for Wales* 4 February 2016
Coming into force 29 February 2016

CYNNWYS

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Mae Gweinidogion Cymru, y mae'r pwerau a roddwyd gan adranau 16(1) i (5) a 36 o Ddeddf Amrywogaethau a Hadau Planhigion 1964(1) bellach wedi eu breinio ynddynt(2), yn gwneud y Rheoliadau a ganlyn wrth arfer y pwerau hynny.

Mae Gweinidogion Cymru wedi ymgynghori yn unol ag adran 16(1) o'r Ddeddf honno.

Enwi, cymhwyso a chychwyn

1.—(1) Enw'r Rheoliadau hyn yw Rheoliadau Tatws Hadyd (Cymru) 2016.

(2) Mae'r Rheoliadau hyn yn gymwys o ran Cymru a deuant i rym ar 29 Chwefror 2016.

The Welsh Ministers, in whom the powers conferred by sections 16(1) to (5) and 36 of the Plant Varieties and Seeds Act 1964(1) are now vested(2), make the following Regulations in exercise of those powers.

The Welsh Ministers have carried out a consultation in accordance with section 16(1) of that Act.

Title, application and commencement

1.—(1) The title of these Regulations is the Seed Potatoes (Wales) Regulations 2016.

(2) These Regulations apply in relation to Wales and come into force on 29 February 2016.

(1) 1964 p. 14; diwygiwyd adran 16(1), a mewnosodwyd adran 16(1A), gan adran 4 o Ddeddf y Cymunedau Ewropeaidd 1972 (p. 68), a pharagraff 5 o Atodlen 4 iddi a diwygiwyd adran 16(3) gan O.S. 1977/1112. *Gweler* adran 38(1) am ddiffiniad o "the Minister" ("y Gweinidog").

(2) Trosglwyddwyd swyddogaethau'r Gweinidog, i'r graddau yr oeddent yn arferadwy o ran Cymru, i'r Ysgrifennydd Gwladol gan erthygl 2 o Orchymyn Trosglwyddo Swyddogaethau (Cymru) (Rhif 1) 1978 (O.S. 1978/272), ac Atodlen 1 iddo. Trosglwyddwyd y swyddogaethau hynny i Gynulliad Cenedlaethol Cymru wedi hynny gan erthygl 2 o Orchymyn Cynulliad Cenedlaethol Cymru (Trosglwyddo Swyddogaethau) 1999 (O.S. 1999/672), ac Atodlen 1 iddo. Trosglwyddwyd swyddogaethau Cynulliad Cenedlaethol Cymru i Weinidogion Cymru gan adran 162 o Ddeddf Llywodraeth Cymru 2006 (p. 32), a pharagraff 30 o Atodlen 11 iddi.

(1) 1964 c. 14; section 16(1) was amended, and section 16(1A) was inserted, by section 4 of, and paragraph 5 of Schedule 4 to, the European Communities Act 1972 (c. 68); and section 16(3) was amended by S.I. 1977/1112. See section 38(1) for the definition of "the Minister".

(2) The functions of the Minister, so far as exercisable in relation to Wales, transferred to the Secretary of State by article 2 of, and Schedule 1 to, the Transfer of Functions (Wales) (No. 1) Order 1978 (S.I. 1978/272). Those functions were then transferred to the National Assembly for Wales by article 2 of, and Schedule 1 to, the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672). The functions of the National Assembly for Wales were transferred to the Welsh Ministers by section 162 of, and paragraph 30 of Schedule 11 to, the Government of Wales Act 2006 (c. 32).

Dehongli: cyffredinol

2.—(1) Yn y Rheoliadau hyn—

ystyr “archwiliad swyddogol” (“*official examination*”) yw archwiliad neu arolygiad a gynhelir gan swyddog awdurdodedig, gan gynnwys un a gynhelir drwy sampl;

ystyr “ardystio” (“*certification*”), ac mae “ardystiedig” (“*certified*”) i’w ddehongli yn unol â hynny, yw—

(a) o ran tatws hadyd a gynhyrchir yng Nghymru, ardystio yn unol â rheoliad 10; a

(b) o ran tatws hadyd a gynhyrchir y tu allan i Gymru, ardystio gan yr Awdurdod Ardystio yn unol â’r Gyfarwyddeb;

ystyr “Awdurdod Ardystio” (“*Certification Authority*”) yw’r awdurdod sy’n ymwneud ag ardystio tatws hadyd yn y wlad neu’r diriogaeth lle cynhyrchwyd y tatws hadyd;

ystyr “Catalog Cyffredin” (“*Common Catalogue*”) yw’r catalog cyffredin o amrywogaethau o rywogaethau o blanhigion amaethyddol a gyhoeddir yng Nghyfnodolyn Swyddogol yr Undeb Ewropeaidd;

ystyr “categori” (“*category*”) yw’r categori o datws hadyd cyn-sylfaenol, tatws hadyd sylfaenol neu datws hadyd ardystiedig (neu, mewn perthynas â thatws hadyd a gynhyrchir yn y Swistir, y categorïau sydd ag effaith gyfatebol o dan ddeddfwriaeth Cydffederasiwn y Swistir yn unol â chytundeb masnach y Swistir);

ystyr “dogfen swyddogol” (“*official document*”) yw—

(a) ar gyfer tatws hadyd a gynhyrchir yng Nghymru, dogfen a ddyroddir neu a gymeradwyir gan Weinidogion Cymru sy’n bodloni gofynion Rhan 2 o Atodlen 2;

(b) ar gyfer tatws hadyd a gynhyrchir y tu allan i Gymru, dogfen a ddyroddir neu a gymeradwyir gan yr Awdurdod Ardystio yn y wlad neu’r diriogaeth lle cafodd y tatws hadyd eu cynhyrchu sy’n bodloni gofynion Erthygl 13(1)(b) o’r Gyfarwyddeb;

ystyr “y Ddeddf” (“*the Act*”) yw Deddf Amrywogaethau a Hadau Planhigion 1964;

mae “gradd” (“*grade*”) yn cynnwys gradd yr Undeb;

ystyr “gradd yr Undeb” (“*Union grade*”) yw—

(a) o ran tatws hadyd a gynhyrchir yng Nghymru, gradd yr Undeb a benderfynir yn unol ag Atodlen 4 wrth eu hardystio, sef

Interpretation: general

2.—(1) In these Regulations—

“the Act” (“*y Ddeddf*”) means the Plant Varieties and Seeds Act 1964;

“authorised officer” (“*swyddog awdurdodedig*”) means an officer of the Welsh Ministers or a person authorised by the Welsh Ministers for any purpose in connection with these Regulations;

“basic seed potatoes” (“*tatws hadyd sylfaenol*”) means—

(a) in relation to seed potatoes produced in Wales, seed potatoes intended mainly for the production of certified seed potatoes and which have been certified as basic seed potatoes in accordance with regulation 10;

(b) in relation to seed potatoes produced outside Wales, seed potatoes brought into Wales in a package or container bearing an official label in accordance with Article 13(1)(a) of the Directive stating that the potatoes were certified as basic seed potatoes and graded at a Union grade;

“category” (“*category*”) means the category of pre-basic seed potatoes, basic seed potatoes, or certified seed potatoes (or, in relation to seed potatoes produced in Switzerland, the categories having equivalent effect under the legislation of the Swiss Confederation in accordance with the Swiss trade agreement);

“certification” (“*ardystio*”), and “certified” (“*ardystiedig*”) is to be construed accordingly, means—

(a) in relation to seed potatoes produced in Wales, certification in accordance with regulation 10; and

(b) in relation to seed potatoes produced outside Wales, certification by the Certification Authority in accordance with the Directive;

“Certification Authority” (“*Awdurdod Ardystio*”) means the authority concerned with the certification of seed potatoes in the country or territory where the seed potatoes were produced;

“certified seed potatoes” (“*tatws hadyd ardystiedig*”) means—

(a) in relation to seed potatoes produced in Wales, seed potatoes intended mainly for the production of potatoes other than seed potatoes and which have been certified (as certified seed potatoes) in accordance with regulation 10;

- (i) yn achos tatws hadyd cyn-sylfaenol, gradd PBTC yr Undeb neu gradd PB yr Undeb;
 - (ii) yn achos tatws hadyd sylfaenol, gradd S yr Undeb, gradd SE yr Undeb neu radd E yr Undeb;
 - (iii) yn achos tatws hadyd ardystiedig, gradd A yr Undeb neu radd B yr Undeb;
- (b) o ran tatws hadyd a gynhyrchir y tu allan i Gymru—
- (i) yn achos tatws hadyd cyn-sylfaenol, naill ai gradd PBTC yr Undeb neu radd PB yr Undeb, y nodir yr amodau gofynnol ar eu cyfer yn Erthyglau 2 a 3 o Gyfarwyddeb 2014/21/EU a'r Atodiad iddi;
 - (ii) yn achos tatws hadyd sylfaenol, naill ai gradd S yr Undeb, gradd SE yr Undeb neu radd E yr Undeb, y nodir yr amodau gofynnol ar eu cyfer yn Erthygl 1 o Gyfarwyddeb 2014/20/EU ac Atodiad I iddi; neu
 - (iii) yn achos tatws hadyd ardystiedig, naill ai gradd A yr Undeb neu radd B yr Undeb, y nodir yr amodau gofynnol ar eu cyfer yn Erthygl 2 o Gyfarwyddeb 2014/20/EU ac Atodiad II iddi;

ystyr “label swyddogol” (“*official label*”) yw—

- (a) ar gyfer tatws hadyd a gynhyrchir yng Nghymru, label a ddyroddir neu a gymeradwyir gan Weinidogion Cymru nas defnyddiwyd o'r blaen ac sy'n bodloni gofynion Rhan 1 o Atodlen 2;
- (b) ar gyfer tatws hadyd a gynhyrchir y tu allan i Gymru, label a ddyroddir neu a gymeradwyir gan yr Awdurdod Ardystio yn y wlad neu'r diriogaeth lle cynhyrchwyd y tatws hadyd sy'n bodloni gofynion, fel y bo'n briodol i'r tatws hadyd y mae'r label yn ymwneud â hwy, Erthygl 13(1)(a) neu 18(f) o'r Gyfarwyddeb neu Erthygl 9 o'r Penderfyniad;

ystyr “lot” (“*lot*”) yw llwyth, neu ran y gellir ei hadnabod o lwyth, a gofnodwyd ac a gofrestrwyd fel eitem ar wahân mewn anfoneb, nodyn danfon neu ddogfen arall a ddarperir yn unol â rheoliad 17;

ystyr “*marchnata*” (“*marketing*”, “*market*”, “*marketed*”) yw—

- (a) gwerthu, dal gafael ar gyda golwg ar werthu neu gynnig ar werth, neu

- (b) in relation to seed potatoes produced outside Wales, seed potatoes brought into Wales in a package or container bearing an official label in accordance with Article 13(1)(a) of the Directive stating that the potatoes were certified as certified seed potatoes and graded at a Union grade;

“Common Catalogue” (“*Catalog Cyffredin*”) means the common catalogue of varieties of species of agricultural plants published in the Official Journal of the European Union;

“genetically modified” (“*wedi ei addasu'n enetig*”) has the same meaning as in the Deliberate Release Directive;

“grade” (“*gradd*”) includes the Union grade;

“growing crop certificate” (“*tystysgrif cnwd sy'n tyfi*”) means a growing crop certificate issued by the Welsh Ministers in accordance with Schedule 1;

“lot” (“*lot*”) means a consignment or an identifiable part of a consignment which is recorded and listed as a separate item in an invoice, delivery note or other document provided in accordance with regulation 17;

“marketing” (“*marchnata*”) means—

- (a) selling, holding with a view to sale or offering for sale, or
- (b) any disposal, supply or transfer for the purpose of commercial exploitation of seed potatoes to third parties,

whether or not for consideration, and for these purposes “commercial exploitation” (“*defnydd masnachol*”) is not to be taken to include the supply of seed potatoes to official testing and inspection bodies, or the supply of seed potatoes to any person for the purpose of processing or packaging them provided that person does not acquire title to the seed potatoes supplied, and “market” (“*marchnata*”) and “marketed” (“*marchnata*”) are to be construed accordingly;

“National List” (“*Rhestr Genedlaethol*”) means a list of varieties of potato species prepared and published—

- (a) in accordance with regulation 3 of the National Lists Regulations; or
- (b) by a member State other than the United Kingdom pursuant to Article 3 of Council Directive 2002/53/EC on the common catalogue of varieties of agricultural plant species(1);

(1) OJ No L 193, 20.7.2002, p. 1, as last amended by Regulation (EC) No 1829/2003 (OJ No L 268, 18.10.2003, p. 1).

(b) unrhyw waredu, cyflenwi neu drosglwyddo at ddibenion defnydd masnachol o datws hadyd i drydydd partïon,

pa un ai am gydnabyddiaeth ai peidio, ac at y dibenion hyn nid yw “defnydd masnachol” (“*commercial exploitation*”) i’w ystyried fel petai’n cynnwys cyflenwi tatws hadyd i gyrff profi ac arolygu swyddogol, na chyflenwi tatws hadyd i unrhyw berson at ddibenion eu prosesu na’u pecynnu ar yr amod nad yw’r person hwnnw yn ennill hawl i’r tatws hadyd a gyflenwir;

ystyr “pecyn neu gynhwysydd” (“*package or container*”) yw—

(a) unrhyw becyn na chafodd ei ddefnyddio o’r blaen at unrhyw ddiben ac y mae modd ei gau a’i selio; neu

(b) unrhyw gynhwysydd na chafodd ei ddefnyddio o’r blaen at unrhyw ddiben, neu unrhyw gynhwysydd sydd, ers iddo gael ei ddefnyddio o’r blaen, wedi cael ei lanhau a’i ddiheintio ar yr amod bod y defnydd o unrhyw gynhwysydd o ran tatws hadyd a gynhyrchir yng Nghymru yn ddarostyngedig i gymeradwyaeth Gweinidogion Cymru;

ystyr “y Rheoliadau Rhestrau Cenedlaethol” (“*the National Lists Regulations*”) yw Rheoliadau Hadau (Rhestrau Cenedlaethol o Amrywogaethau) 2001(1);

ystyr “Rhestr Genedlaethol” (“*National List*”) yw rhestr o amrywogaethau o rywogaethau tatws sydd wedi ei pharatoi a’i chyhoeddi—

(a) yn unol â rheoliad 3 o’r Rheoliadau Rhestrau Cenedlaethol; neu

(b) gan Aelod-wladwriaeth ac eithrio’r Deyrnas Unedig yn unol ag Erthygl 3 o Gyfarwyddeb y Cyngor 2002/53/EC ar y catalog cyffredin o amrywogaethau o rywogaethau planhigion amaethyddol(2);

ystyr “swyddog awdurdodedig” (“*authorised officer*”) yw swyddog i Weinidogion Cymru neu berson a awdurdodwyd gan Weinidogion Cymru at unrhyw ddiben mewn cysylltiad â’r Rheoliadau hyn;

ystyr “taten” (“*potato*”) yw unrhyw gloronen neu ran o gloronen neu unrhyw blanhigyn neu ran o blanhigyn *Solanum tuberosum* L, neu unrhyw rywogaeth arall o *Solanum* sy’n ffurfio cloron neu unrhyw gymysgryw ohoni;

“the National Lists Regulations” (“*y Rheoliadau Rhestrau Cenedlaethol*”) means the Seeds (National Lists of Varieties) Regulations 2001(2);

“official document” (“*dogfen swyddogol*”) means—

(a) for seed potatoes produced in Wales, a document issued or approved by the Welsh Ministers which meets the requirements of Part 2 of Schedule 2;

(b) for seed potatoes produced outside Wales, a document issued or approved by the Certification Authority in the country or territory where the seed potatoes were produced which meets the requirements of Article 13(1)(b) of the Directive;

“official examination” (“*archwiliad swyddogol*”) means an examination or inspection conducted by an authorised officer, including one conducted by way of sample;

“official label” (“*label swyddogol*”) means—

(a) for seed potatoes produced in Wales, a label issued or approved by the Welsh Ministers, which has not been previously used and which meets the requirements of Part 1 of Schedule 2;

(b) for seed potatoes produced outside Wales, a label issued or approved by the Certification Authority in the country or territory where the seed potatoes were produced, which meets, as appropriate to the seed potatoes to which the label relates, the requirements of Article 13(1)(a) or 18(f) of the Directive or Article 9 of the Decision;

“package or container” (“*pecyn neu gynhwysydd*”) means—

(a) any package which has not been previously used for any purpose and is capable of being closed and sealed; or

(b) any container which has not been previously used for any purpose or which, since having been previously used, has been cleaned and disinfected, provided that the use of any container in respect of seed potatoes produced in Wales is subject to the approval of the Welsh Ministers;

“potato” (“*taten*”) means any tuber or part of a tuber or any plant or part of a plant of *Solanum tuberosum* L or other tuber-forming species or hybrids of *Solanum*;

(1) O.S. 2001/3510; yr offerynnau diwygio perthnasol yw O.S. 2004/2949, 2009/1273, 2010/1195 a 2011/464.

(2) OJ Rhif L 193, 20.7.2002, t. 1, fel y’i diwygiwyd ddiwethaf gan Reoliad (EC) Rhif 1829/2003 (OJ Rhif L 268, 18.10.2003, t. 1).

(2) S.I. 2001/3510; relevant amending instruments are S.I. 2004/2949, 2009/1273, 2010/1195 and 2011/464.

ystyr “tatws hadyd” (“*seed potatoes*”) yw—

- (a) tatws sy'n dwyn y disgrifiad hwnnw neu unrhyw ddisgrifiad sy'n dynodi eu haddasrwydd ar gyfer eu plannu a'u lluosogi ac y mae modd eu defnyddio i'w plannu a'u lluosogi; neu
- (b) unrhyw datws y bwriedir eu defnyddio i'w plannu a'u lluosogi;

ystyr “tatws hadyd a gynhyrchir y tu allan i Gymru” (“*seed potatoes produced outside Wales*”) yw—

- (a) tatws hadyd a gynhyrchir yn unrhyw ran o Ynysoedd Prydain ac eithrio Cymru;
- (b) tatws hadyd a gynhyrchir mewn unrhyw Aelod-wladwriaeth ac eithrio'r Deyrnas Unedig; neu
- (c) tatws hadyd a gynhyrchir yn y Swistir;

ystyr “tatws hadyd ardystiedig” (“*certified seed potatoes*”) yw—

- (a) o ran tatws hadyd a gynhyrchir yng Nghymru, tatws hadyd a fwriedir yn bennaf ar gyfer cynhyrchu tatws ac eithrio tatws hadyd ac a ardystiwyd fel tatws hadyd ardystiedig yn unol â rheoliad 10;
- (b) o ran tatws hadyd a gynhyrchir y tu allan i Gymru, tatws hadyd y daethpwyd â hwy i mewn i Gymru mewn pecyn neu gynhwysydd sy'n dwyn label swyddogol yn unol ag Erthygl 13(1)(a) o'r Gyfarwyddeb yn datgan bod y tatws wedi eu hardystio'n datws hadyd ardystiedig ac wedi eu graddio ar un o raddau'r Undeb;

ystyr “tatws hadyd cyn-sylfaenol” (“*pre-basic seed potatoes*”) yw—

- (a) o ran tatws hadyd a gynhyrchir yng Nghymru, tatws hadyd a fwriedir yn bennaf ar gyfer cynhyrchu tatws hadyd sylfaenol ac a ardystiwyd fel tatws hadyd cyn-sylfaenol yn unol â rheoliad 10;
- (b) o ran tatws hadyd a gynhyrchir y tu allan i Gymru, tatws hadyd y daethpwyd â hwy i mewn i Gymru mewn pecyn neu gynhwysydd sy'n dwyn label swyddogol yn unol ag Erthygl 18(f) o'r Gyfarwyddeb yn datgan bod y tatws wedi eu hardystio'n datws hadyd cyn-sylfaenol ac wedi eu graddio ar un o raddau'r Undeb;

ystyr “tatws hadyd o amrywogaeth gadwraeth” (“*seed potatoes of conservation variety*”) yw unrhyw amrywogaeth o datws hadyd a dderbynnir gan unrhyw Aelod-wladwriaeth i'w gatalog cenedlaethol o amrywogaethau o rywogaethau planhigion amaethyddol yn unol ag Erthygl 3 o Gyfarwyddeb 2008/62/EC;

ystyr “tatws hadyd sydd i'w profi a'u treialu” (“*test and trial seed potatoes*”) yw—

“pre-basic seed potatoes” (“*tatws hadyd cyn-sylfaenol*”) means—

- (a) in relation to seed potatoes produced in Wales, seed potatoes intended mainly for the production of basic seed potatoes and which have been certified as pre-basic seed potatoes in accordance with regulation 10;
- (b) in relation to seed potatoes produced outside Wales, seed potatoes brought into Wales in a package or container bearing an official label in accordance with Article 18(f) of the Directive stating that the potatoes were certified as pre-basic seed potatoes and graded at a Union grade;

“seed potatoes” (“*tatws hadyd*”) means—

- (a) potatoes which bear that description or any description indicating their suitability for planting and propagation and which are capable of being used for planting and propagation; or
- (b) any potatoes that are intended to be used for planting and propagation;

“seed potatoes of a conservation variety” (“*tatws hadyd o amrywogaeth gadwraeth*”) means any variety of seed potatoes accepted by any member State into its national catalogue of varieties of agricultural plant species in accordance with Article 3 of Directive 2008/62/EC;

“seed potatoes produced outside Wales” (“*tatws hadyd a gynhyrchir y tu allan i Gymru*”) means—

- (a) seed potatoes produced in any part of the British Islands other than Wales;
- (b) seed potatoes produced in any member State other than the United Kingdom; or
- (c) seed potatoes produced in Switzerland;

“test and trial seed potatoes” (“*tatws hadyd sydd i'w profi a'u treialu*”) means—

- (a) in relation to seed potatoes produced in Wales, seed potatoes which have been authorised by the Welsh Ministers in accordance with regulation 9;
- (b) in relation to seed potatoes produced outside Wales, seed potatoes brought into Wales in a package or container which bears an official label in accordance with Article 9 of the Decision.

“Union grade” (“*gradd gymwys yr Undeb*”) means—

- (a) in relation to seed potatoes produced in Wales, the Union grade determined in accordance with Schedule 4 during certification, this being—
 - (i) in the case of pre-basic seed potatoes, Union grade PBTC or Union grade PB;
 - (ii) in the case of basic seed potatoes, Union grade S, Union grade SE or Union grade E;
 - (iii) in the case of certified seed potatoes, Union grade A or Union grade B;

- (a) o ran tatws hadyd a gynhyrchir yng Nghymru, tatws hadyd yr awdurdododd Gweinidogion Cymru eu marchnata at ddibenion profi a threalu yn unol â rheoliad 9;
- (b) o ran tatws hadyd a gynhyrchir y tu allan i Gymru, tatws hadyd y daethpwyd â hwy i mewn i Gymru mewn pecyn neu gynhwysydd sy'n dwyn label swyddogol yn unol ag Erthygl 9 o'r Penderfyniad;

ystyr "tatws hadyd sylfaenol" ("*basic seed potatoes*") yw—

- (a) o ran tatws hadyd a gynhyrchir yng Nghymru, tatws hadyd a fwriedir yn bennaf ar gyfer cynhyrchu tatws hadyd ardystiedig ac a ardystiwyd fel tatws hadyd sylfaenol yn unol â rheoliad 10;
- (b) o ran tatws hadyd a gynhyrchir y tu allan i Gymru, tatws hadyd y daethpwyd â hwy i mewn i Gymru mewn pecyn neu gynhwysydd sy'n dwyn label swyddogol yn unol ag Erthygl 13(1)(a) o'r Gyfarwyddeb yn datgan bod y tatws wedi eu hardystio'n datws hadyd sylfaenol ac wedi eu graddio ar un o raddau'r Undeb;

ystyr "tystysgrif cnwd sy'n tyfu" ("*growing crop certificate*") yw tystysgrif cnwd sy'n tyfu a ddyroddwyd gan Weinidogion Cymru yn unol ag Atodlen 1;

mae i "wedi ei addasu'n enetig" yr un ystyr ag sydd i "genetically modified" yn y Gyfarwyddeb Gollyngiadau Bwriadol.

(2) O ran tatws hadyd a gynhyrchir yn y Swistir, mae unrhyw gyfeiriad yn y Rheoliadau hyn at y Gyfarwyddeb neu'r Penderfyniad, neu unrhyw ddarpariaeth yn y Gyfarwyddeb neu'r Penderfyniad, i'w ddehongli fel cyfeiriad at y ffaith bod deddfwriaeth Cydffederasiwn y Swistir yn cael effaith gyfatebol yn unol â chytundeb masnach y Swistir.

(3) Mae unrhyw gyfeiriad yn y Rheoliadau hyn at oddefiant o ran tatws hadyd sy'n ffurfio sampl i gael ei ddehongli—

- (a) o ran goddefiant i unrhyw glefyd neu bla, difrod a diffyg a bennir yn Atodlen 3, fel cyfeiriad at gyfran pwysau'r tatws hadyd yn y sampl yr effeithir arnynt gan y clefyd neu bla, y difrod a diffyg, neu gan unrhyw gyfuniad o'r clefyd neu bla, y difrod a diffyg hwnnw, mewn perthynas â phwysau cyfan yr holl sampl, wedi ei fynegi fel canran;
- (b) o ran goddefiant i faw neu sylwedd estronol arall a bennir yn Atodlen 3, fel cyfeiriad at gyfran pwysau mater o'r fath mewn perthynas â phwysau cyfan yr holl sampl, wedi ei fynegi fel canran;

- (b) in relation to seed potatoes produced outside Wales—

- (i) in the case of pre-basic seed potatoes, Union grade PBTC or Union grade PB, the minimum conditions for which are set out in Articles 2 and 3 of, and the Annex to, Directive 2014/21/EU;
- (ii) in the case of basic seed potatoes, Union grade S, Union grade SE or Union grade E, the minimum conditions for which are set out in Article 1 of, and Annex I to, Directive 2014/20/EU; or
- (iii) in the case of certified seed potatoes, Union grade A or Union grade B, the minimum conditions for which are set out in Article 2 of, and Annex II to, Directive 2014/20/EU;

(2) In relation to seed potatoes produced in Switzerland, any reference in these Regulations to the Directive or the Decision or any provision of the Directive or the Decision is to be construed as a reference to the legislation of the Swiss Confederation having equivalent effect in accordance with the Swiss trade agreement.

(3) Any reference in these Regulations to a tolerance in relation to seed potatoes comprised in a sample is to be construed—

- (a) in relation to a tolerance for any disease or pest, damage and defect specified in Schedule 3, as a reference to the proportion of the weight of seed potatoes in the sample affected by the disease or pest, damage and defect, or any combination of such disease or pest, damage and defect, in relation to the total weight of the sample, expressed as a percentage;
- (b) in relation to a tolerance for dirt or other extraneous matter specified in Schedule 3, as a reference to the proportion of the weight of such matter in relation to the total weight of the sample, expressed as a percentage;

(c) o ran goddefiant i wyriad neu glefyd a bennir yn y tablau yn Atodlen 4, fel cyfeiriad at nifer y planhigion o datws hadyd yr effeithir arnynt gan y gwyrriad neu'r clefyd mewn perthynas â chyfanswm nifer y planhigion yn y sampl, wedi ei fynegi fel canran.

(4) Yn y rheoliad hwn, ystyr “cytundeb masnach y Swistir” (“*Swiss trade agreement*”) yw'r Cytundeb rhwng y Gymuned Ewropeaidd a Chyddfederasiwn y Swistir ar fasnach mewn cynhyrchion amaethyddol a gymeradwywyd gan Benderfyniad y Cyngor a'r Comisiwn 2002/309/EC ac a ddiwygiwyd gan Benderfyniad y Comisiwn 2010/724/EU(1).

Dehongli: offerynnau Ewropeaidd

3. Yn y Rheoliadau hyn—

ystyr “Cyfarwyddeb 2008/62/EC” (“*Directive 2008/62/EC*”) yw Cyfarwyddeb y Comisiwn 2008/62/EC sy'n darparu ar gyfer rhanddirymiaid penodol er mwyn derbyn amrywogaethau brodorol amaethyddol ac amrywogaethau amaethyddol sydd wedi eu haddasu'n naturiol i'r amodau lleol a rhanbarthol ac sydd o dan fygythiad drwy erydiad genetig ac ar gyfer marchnata had a thatws hadyd perthynol o'r amrywogaethau brodorol ac amrywogaethau hynny(2);

ystyr “Cyfarwyddeb 2014/20/EU” (“*Directive 2014/20/EU*”) yw Cyfarwyddeb Gweithredu'r Comisiwn 2014/20/EU sy'n penderfynu graddau tatws hadyd sylfaenol ac ardystiedig yr Undeb, a'r amodau a'r dynodiadau sy'n gymwys i raddau o'r fath(3);

ystyr “Cyfarwyddeb 2014/21/EU” (“*Directive 2014/21/EU*”) yw Cyfarwyddeb Gweithredu'r Comisiwn 2014/21/EU sy'n penderfynu amodau gofynnol a graddau yr Undeb ar gyfer tatws hadyd cyn-sylfaenol(4);

ystyr “y Gyfarwyddeb” (“*the Directive*”) yw Cyfarwyddeb y Cyngor 2002/56/EC ar farchnata tatws hadyd(5);

(c) in relation to a tolerance for a deviation or disease specified in the tables in Schedule 4, as a reference to the number of plants of seed potatoes affected by the deviation or disease in relation to the total number of plants in the sample, expressed as a percentage.

(4) In this regulation, “Swiss trade agreement” (“*cytundeb masnach y Swistir*”) means the Agreement between the European Community and the Swiss Confederation on trade in agricultural products approved by Council and Commission Decision 2002/309/EC and amended by Commission Decision 2010/724/EU(1).

Interpretation: European instruments

3. In these Regulations—

“the Decision” (“*y Penderfyniad*”) means Commission Decision 2004/842/EC concerning implementing rules whereby Member States may authorise the placing on the market of seed belonging to varieties for which an application for entry in the national catalogue of varieties of agricultural plant species or vegetable species has been submitted(2);

“the Deliberate Release Directive” (“*y Gyfarwyddeb Gollyngiadau Bwriadol*”) means Directive 2001/18/EC of the European Parliament and of the Council on the deliberate release into the environment of genetically modified organisms(3);

“the Directive” (“*y Gyfarwyddeb*”) means Council Directive 2002/56/EC on the marketing of seed potatoes(4);

“Directive 2008/62/EC” (“*Cyfarwyddeb 2008/62/EC*”) means Commission Directive 2008/62/EC providing for certain derogations for acceptance of agricultural landraces and varieties

(1) OJ Rhif L 114, 30.4.2002, t. 1, fel y'i diwygiwyd gan Benderfyniad y Comisiwn 2010/724/EU (OJ Rhif L 312, 27.11.2010, t. 31). Cafodd y Cytundeb hwn, ynghyd â chwe Chytundeb arall gyda Chyddfederasiwn y Swistir, ei gymeradwyo gan y Cyngor a'r Comisiwn drwy Benderfyniad y Cyngor a'r Comisiwn 2002/309/EC, Euratom (OJ Rhif L 114, 30.4.2002, t. 1).

(2) OJ Rhif L 162, 21.6.2008, t. 13.

(3) OJ Rhif L 38, 7.2.2014, t. 32.

(4) OJ Rhif L 38, 7.2.2014, t. 39.

(5) OJ Rhif L 193, 20.7.2002, t. 60, fel y'i diwygiwyd ddiwethaf gan Benderfyniad Gweithredu'r Comisiwn 2014/367/EU (OJ Rhif L 178, 18.6.2014, t. 26).

(1) OJ No L 114, 30.4.2002, p. 1, as amended by Commission Decision 2010/724/EU (OJ No L 312, 27.11.2010, p. 31). This Agreement, together with six other Agreements with the Swiss Confederation, was approved by the Council and the Commission by way of Council and Commission Decision 2002/309/EC, Euratom (OJ No L 114, 30.4.2002, p. 1).

(2) OJ No L 362, 9.12.2004, p. 21.

(3) OJ No L 106, 17.4.2001, p. 1, as last amended by Directive (EU) 2015/412 (OJ No L 68, 13.3.2015, p. 1).

(4) OJ No L 193, 20.7.2002, p. 60, as last amended by Commission Implementing Decision 2014/367/EU (OJ No L 178, 18.6.2014, p. 26).

ystyr “y Gyfarwyddeb Gollyngiadau Bwriadol” (“*the Deliberate Release Directive*”) yw Cyfarwyddeb 2001/18/EC Senedd Ewrop a’r Cyngor ar ryddhau’n fwriadol i’r amgylchedd organeddau wedi eu haddasu’n enetig(1);

ystyr “y Penderfyniad” (“*the Decision*”) yw Penderfyniad y Comisiwn 2004/842/EC ynghylch gweithredu rheolau lle y caiff Aelod-wladwriaethau awdurdodi rhoi ar y farchnad hadau sy’n perthyn i amrywogaethau y mae cais i’w cynnwys yn y catalog cenedlaethol o amrywogaethau o rywogaethau planhigion amaethyddol neu o rywogaethau llysiuol wedi cael ei gyflwyno(2);

ystyr “y Rheoliad Bwyd a Bwyd Anifeiliaid” (“*the Food and Feed Regulation*”) yw Rheoliad (EC) Rhif 1829/2003 Senedd Ewrop a’r Cyngor ar fwyd a bwyd anifeiliaid wedi eu haddasu’n enetig(3).

Tatws hadyd nad yw’r Rheoliadau hyn yn gymwys iddynt

4. Nid yw’r Rheoliadau hyn yn gymwys i datws hadyd a fwriedir ar gyfer eu hallforio i unrhyw wlad y tu allan i’r Undeb Ewropeaidd.

Marchnata tatws hadyd

5.—(1) Ni chaiff unrhyw berson farchnata unrhyw datws hadyd ac eithrio—

- (a) tatws hadyd cyn-sylfaenol;
- (b) tatws hadyd sylfaenol;
- (c) tatws hadyd ardystiedig;
- (d) tatws hadyd gwyddonol a rhai i’w dethol; neu
- (e) tatws hadyd sydd i’w profi a’u treialu.

(2) Ni chaiff unrhyw berson farchnata unrhyw datws hadyd a gafodd eu trin â chynnyrch a gynhyrchir yn bennaf fel triniaeth i lesteirio eginiaid.

(3) Yn y rheoliad hwn, ystyr “tatws hadyd gwyddonol a rhai i’w dethol” (“*scientific and selection seed potatoes*”) yw—

- (a) o ran tatws hadyd a gynhyrchir yng Nghymru, tatws hadyd yr awdurdododd Gweinidogion Cymru eu marchnata yn unol â rheoliad 8;
- (b) o ran tatws hadyd a gynhyrchir y tu allan i Gymru, tatws hadyd yr awdurdododd yr

which are naturally adapted to the local and regional conditions and threatened by genetic erosion and for marketing of seed and seed potatoes of those landraces and varieties(1);

“Directive 2001/18/EU” (“*Cyfarwyddeb 2001/18/EU*”) means Commission Implementing Directive 2004/842/EU determining Union grades of basic and certified seed potatoes, and the conditions and designations applicable to such grades(2);

“Directive 2004/21/EU” (“*Cyfarwyddeb 2004/21/EU*”) means Commission Implementing Directive 2004/21/EU determining minimum conditions and Union grades for pre-basic seed potatoes(3);

“the Food and Feed Regulation” (“*y Rheoliad Bwyd a Bwyd Anifeiliaid*”) means Regulation (EC) No 1829/2003 of the European Parliament and of the Council on genetically modified food and feed(4).

Seed potatoes to which these Regulations do not apply

4. These Regulations do not apply to seed potatoes intended for export to any country outside the European Union.

Marketing of seed potatoes

5.—(1) No person may market any seed potatoes other than—

- (a) pre-basic seed potatoes;
- (b) basic seed potatoes;
- (c) certified seed potatoes;
- (d) scientific and selection seed potatoes; or
- (e) test and trial seed potatoes.

(2) No person may market any seed potatoes treated with a product which is produced primarily as an application for inhibiting germination.

(3) In this regulation, “scientific and selection seed potatoes” (“*tatws hadyd gwyddonol a rhai i’w dethol*”) means—

- (a) in relation to seed potatoes produced in Wales, seed potatoes which have been authorised by the Welsh Ministers for marketing in accordance with regulation 8;
- (b) in relation to seed potatoes produced outside Wales, seed potatoes which have been

(1) OJ Rhif L 106, 17.4.2001, t. 1, fel y’i diwygiwyd ddiwethaf gan Gyfarwyddeb (EU) 2015/412 (OJ Rhif L 68, 13.3.2015, t. 1).

(2) OJ Rhif L 362, 9.12.2004, t. 21.

(3) OJ Rhif L 268, 18.10.2003, t. 1, fel y’i diwygiwyd ddiwethaf gan Reoliad (EC) Rhif 298/2008 (OJ Rhif L 97, 9.4.2008, t. 64).

(1) OJ No L 162, 21.6.2008, p. 13.

(2) OJ No L 38, 7.2.2014, p. 32.

(3) OJ No L 38, 7.2.2014, p. 39.

(4) OJ No L 268, 18.10.2003, p. 1, as last amended by Regulation (EC) No 298/2008 (OJ No L 97, 9.4.2008, p. 64).

Awdurdod Ardystio yn y wlad neu'r diriogaeth lle cynhyrchwyd y tatws eu marchnata yn unol ag Erthygl 6(1)(a) o'r Gyfarwyddeb.

Marchnata amrywogaethau gadwraeth

6.—(1) Ni chaiff unrhyw berson farchnata tatws hadyd o amrywogaeth gadwraeth oni bai bod—

- (a) yr amrywogaeth wedi ei rhestru yn y Rhestr Genedlaethol o amrywogaethau rhywogaethau tatws a baratowyd ac a gyhoeddwyd yn unol â rheoliad 3 o'r Rheoliadau Rhestrau Cenedlaethol; a
- (b) y tatws hadyd hynny wedi eu cynhyrchu yn y Deyrnas Unedig.

(2) Rhaid i berson sy'n bwriadu cynhyrchu tatws hadyd o amrywogaeth gadwraeth ddarparu i Weinidogion Cymru, cyn gwneud hynny, ar y ffurf honno ac yn y modd hwnnw sy'n ofynnol gan Weinidogion Cymru, fanylion ysgrifenedig am faint a lleoliad yr ardal sydd i'w defnyddio i gynhyrchu'r had hwnnw.

(3) At ddibenion Erthyglau 14 a 15(2) o Gyfarwyddeb 2008/62/EC, caiff Gweinidogion Cymru bennu mwyafswm y tatws hadyd o amrywogaeth gadwraeth y caniateir ei farchnata mewn unrhyw dymor cynhyrchu penodol a chânt bennu mwyafsymiau gwahanol ar gyfer personau gwahanol neu ddsbarthau gwahanol o bersonau.

(4) Ni chaiff swm y tatws hadyd o amrywogaeth gadwraeth sy'n cael ei farchnata gan berson fod yn fwy nag unrhyw fwyafswm a bennir o dan baragraff (3) mewn perthynas â'r person hwnnw.

(5) Rhaid i unrhyw berson sy'n marchnata tatws hadyd o amrywogaeth gadwraeth ddarparu i Weinidogion Cymru, os cânt gais ysgrifenedig i wneud hynny, fanylion ysgrifenedig am swm ac amrywogaeth y tatws hadyd a osodir ar y farchnad yn ystod pob tymor cynhyrchu.

Maint tatws hadyd

7.—(1) Ni chaiff unrhyw berson farchnata unrhyw datws hadyd ac eithrio tatws hadyd cyn-sylfaenol o radd PBTC onid yw lleiafswm maint y cloron yn eu rhwystro rhag mynd drwy rwyll sgwâr 25 o filimetrau x 25 o filimetrau.

(2) Ni chaiff unrhyw berson farchnata unrhyw datws hadyd mewn lot pan fo mwyafswm yr amrywiad rhwng maint cloron yn golygu bod y gwahaniaeth rhwng y maintioli lleiaf a ganiateir a'r maintioli mwyaf a ganiateir yn fwy na 25 o filimetrau.

authorised by the Certification Authority in the country or territory where the potatoes were produced for marketing in accordance with Article 6(1)(a) of the Directive.

Marketing of conservation varieties

6.—(1) No person may market seed potatoes of a conservation variety unless—

- (a) the variety is listed in the National List of varieties of potato species prepared and published in accordance with regulation 3 of the National Lists Regulations; and
- (b) those seed potatoes have been produced in the United Kingdom.

(2) A person proposing to produce seed potatoes of a conservation variety must, before doing so, supply the Welsh Ministers, in such manner and form as the Welsh Ministers require, with details in writing of the size and location of the area to be used to produce that seed.

(3) For the purposes of Articles 14 and 15(2) of Directive 2008/62/EC, the Welsh Ministers may specify the maximum amount of seed potatoes of a conservation variety that may be marketed in any given production season, and may specify different maximum amounts for different persons or classes of persons.

(4) The amount of seed potatoes of a conservation variety marketed by a person must not exceed any maximum amount specified under paragraph (3) in relation to that person.

(5) Any person marketing seed potatoes of a conservation variety must supply the Welsh Ministers, if requested to do so in writing, with written details of the amount and variety of the seed potatoes placed on the market during each production season.

Size of seed potatoes

7.—(1) No person may market any seed potatoes other than pre-basic seed potatoes of grade PBTC unless the tubers have a minimum size such that they do not pass through a square mesh of 25 millimetres x 25 millimetres.

(2) No person may market any seed potatoes in a lot in which the maximum variation in size between tubers is such that the difference between the lower size limit and the upper size limit exceeds 25 millimetres.

(3) Mae gofynion paragraff (2) i gael eu trin fel petaent wedi eu bodloni ar yr amod nad yw mwy na 3% o bwysau cyfan y cloron yn y lot yn cynnwys—

- (a) cloron sy'n llai na'r maintioli lleiaf a ganiateir; neu
- (b) cloron sy'n fwy na'r maintioli mwyaf a ganiateir.

(4) Pan fo'n ofynnol datgan maintioli tatws hadyd yn unol â'r Rheoliadau hyn, rhaid datgan y canlynol—

- (a) mesuriadau sgwariau'r rhwyll nad yw'r cloron yn mynd drwyddi, pan mai'r un yw'r maintioli lleiaf a ganiateir â'r maintioli mwyaf a ganiateir;
- (b) y maintioli lleiaf a ganiateir a'r maintioli mwyaf a ganiateir, pan fo'r rhain yn wahanol i'w gilydd.

(5) At ddibenion paragraff (4), rhaid datgan mesuriadau o fwy na 35 o filimetrau i'r 5 milimetwr agosaf.

(6) At ddibenion y rheoliad hwn—

- (a) ystyr “y maintioli lleiaf a ganiateir” (“*the lower size limit*”) yw mesuriadau sgwâr mwyaf y rhwyll nad yw'r gloronen leiaf yn mynd drwyddi;
- (b) ystyr “y maintioli mwyaf a ganiateir” (“*the upper size limit*”) yw mesuriadau sgwâr mwyaf y rhwyll nad yw'r gloronen fwyaf yn mynd drwyddi.

Marchnata tatws hadyd at ddibenion gwyddonol neu waith dethol

8.—(1) Caiff Gweinidogion Cymru awdurdodi marchnata symiau bach o datws hadyd at ddibenion gwyddonol neu waith dethol yn unol â'r rheoliad hwn.

(2) Ni chaiff Gweinidogion Cymru awdurdodi marchnata tatws hadyd sy'n cynnwys unrhyw ddeunydd sydd wedi ei addasu'n enetig oni bai bod awdurdodiad mewn grym o dan y Rheoliad Bwyd a Bwyd Anifeiliaid neu o dan Ran C o'r Gyfarwyddeb Gollyngiadau Bwriadol.

(3) Rhaid i gais am awdurdodiad i farchnata tatws hadyd yn unol â pharagraff (1) gael ei wneud yn ysgrifenedig i Weinidogion Cymru a rhaid i unrhyw wybodaeth sy'n ofynnol gan Weinidogion Cymru fynd gydag ef.

Marchnata tatws hadyd at ddibenion profi a threialu

9.—(1) Caiff Gweinidogion Cymru awdurdodi marchnata tatws hadyd ar gyfer profion neu dreialon a

(3) The requirements of paragraph (2) are to be treated as being met provided that no more than 3% of the total weight of tubers in the lot consist of—

- (a) tubers which are smaller than the lower size limit; or
- (b) tubers which are larger than the upper size limit.

(4) Where the size of seed potatoes is required to be stated in accordance with these Regulations, the following must be stated—

- (a) where the lower size limit and the upper size limit are the same, the dimensions of the square mesh through which the tubers do not pass;
- (b) where they are not the same, the lower size limit and the upper size limit

(5) For the purposes of paragraph (4), dimensions of more than 35 millimetres must be stated to the nearest 5 millimetres.

(6) For the purposes of this regulation—

- (a) “the lower size limit” (“*y maintioli lleiaf a ganiateir*”) means the dimensions of the largest square mesh through which the smallest tuber does not pass;
- (b) “the upper size limit” (“*y maintioli mwyaf a ganiateir*”) means the dimensions of the largest square mesh through which the largest tuber does not pass.

Marketing of seed potatoes for scientific purposes or selection work

8.—(1) The Welsh Ministers may authorise marketing of small quantities of seed potatoes for scientific purposes or selection work in accordance with this regulation.

(2) The Welsh Ministers may not authorise marketing of seed potatoes which contain any genetically modified material unless an authorisation is in force under the Food and Feed Regulation or Part C of the Deliberate Release Directive.

(3) An application for authorisation to market seed potatoes in accordance with paragraph (1) must be made in writing to the Welsh Ministers and must be accompanied by such information as the Welsh Ministers may require.

Marketing of seed potatoes for test and trial purposes

9.—(1) The Welsh Ministers may authorise marketing of seed potatoes for tests or trials carried out at

gynhelir ar fentrau amaethyddol er mwyn casglu gwybodaeth ar drin neu ddefnyddio amrywogaeth o rywogaeth o datws yn unol â'r rheoliad hwn ac Atodlen 5.

(2) Ni chaiff Gweinidogion Cymru awdurdodi marchnata—

- (a) swm o datws hadyd sy'n fwy nag a ganiateir gan Erthygl 7 o'r Penderfyniad;
- (b) tatws hadyd sy'n cynnwys unrhyw ddeunydd sydd wedi ei addasu'n enetig oni bai bod y deunydd hwnnw wedi ei awdurdodi o dan y Rheoliad Bwyd a Bwyd Anifeiliaid neu o dan Ran C o'r Gyfarwyddeb Gollyngiadau Bwriadol.

(3) Rhaid i gais am awdurdodiad neu i adnewyddu awdurdodiad i farchnata tatws hadyd yn unol â pharagraff (1) gael ei wneud yn ysgrifenedig i Weiniogion Cymru a rhaid i unrhyw wybodaeth sy'n ofynnol gan Weiniogion Cymru fynd gydag ef.

(4) Mae awdurdodiad a roddir yn unol â pharagraff (1), neu adnewyddu awdurdodiad o'r fath, am gyfnod o flwyddyn neu am unrhyw gyfnod byrrach y caiff Gweinidogion Cymru ei bennu.

(5) Wrth awdurdodi marchnata yn unol â pharagraff (1), caiff Gweinidogion Cymru osod unrhyw amodau sy'n angenrheidiol neu'n ddymunol yn nhyb Gweinidogion Cymru o ystyried natur y profion neu'r treialon a natur y tatws hadyd y mae'r cais yn ymwneud â hwy, gan gynnwys amod yn ymwneud â chadw cofnodion o ran marchnata'r tatws hadyd.

(6) Mae awdurdodiad a roddir yn unol â pharagraff (1) yn peidio â bod yn effeithiol—

- (a) pan fo'r cais y cyfeirir ato ym mharagraff 3(a) o Atodlen 5 yn cael ei dynnu'n ôl neu ei wrthod yn unol â'r Rheoliadau Rhestrau Cenedlaethol; neu
- (b) pan fo'r amrywogaeth o rywogaeth o datws y mae'r awdurdodiad yn ymwneud ag ef yn cael ei gofnodi mewn Rhestr Genedlaethol neu yn y Catalog Cyffredin.

(7) Caiff Gweinidogion Cymru dynnu'n ôl unrhyw awdurdodiad a roddir yn unol â pharagraff (1) pan dorrir unrhyw amod y cyfeirir ato ym mharagraff (5).

(8) Caiff Gweinidogion Cymru ei gwneud yn ofynnol i'r person a gafodd awdurdodiad yn unol â pharagraff (1) ddarparu gwybodaeth ynglŷn ag—

- (a) canlyniadau'r profion neu'r treialon y mae'r awdurdodiad yn ymwneud â hwy;
- (b) symiau'r tatws hadyd a farchnatawyd yn ystod y cyfnod a awdurdodwyd ac enw'r Aelod-wladwriaeth lle bwriedir marchnata'r tatws hadyd.

agricultural enterprises to gather information on the cultivation or use of a variety of potato species in accordance with this regulation and Schedule 5.

(2) The Welsh Ministers may not authorise marketing—

- (a) of an amount of seed potatoes in excess of that permitted by Article 7 of the Decision;
- (b) of seed potatoes which contain any genetically modified material unless that material is authorised under the Food and Feed Regulation or Part C of the Deliberate Release Directive.

(3) An application for authorisation or renewal of authorisation to market seed potatoes in accordance with paragraph (1) must be made in writing to the Welsh Ministers and must be accompanied by such information as the Welsh Ministers may require.

(4) Authorisation given in accordance with paragraph (1), or the renewal of such authorisation, is for a period of one year or such shorter period as the Welsh Ministers may specify.

(5) In authorising marketing in accordance with paragraph (1), the Welsh Ministers may impose such conditions as the Welsh Ministers think necessary or desirable having regard to the nature of the tests or trials and the nature of the seed potatoes to which the application relates, including a condition relating to the keeping of records in respect of the marketing of the seed potatoes.

(6) Authorisation given in accordance with paragraph (1) ceases to have effect where—

- (a) the application referred to in paragraph 3(a) of Schedule 5 is withdrawn or rejected in accordance with the National Lists Regulations; or
- (b) the variety of potato species to which the authorisation relates is entered in a National List or the Common Catalogue.

(7) The Welsh Ministers may withdraw authorisation given in accordance with paragraph (1) where there is a breach of any condition referred to in paragraph (5).

(8) The Welsh Ministers may require the person to whom authorisation has been given in accordance with paragraph (1) to provide information about—

- (a) the results of the tests or trials to which the authorisation relates;
- (b) the quantities of seed potatoes marketed during the authorised period and the name of the member State in which the seed potatoes are intended to be marketed.

Ardystio tatws hadyd

10.—(1) Rhaid i ardystio tatws hadyd a gynhyrchir yng Nghymru fod yn unol â'r rheoliad hwn.

(2) Os bodlonir gofynion paragraff (3), rhaid i swyddog awdurdodedig ardystio bod tatws hadyd a gynhyrchir yng Nghymru—

- (a) yn datws hadyd cyn-sylfaenol;
- (b) yn datws hadyd sylfaenol; neu
- (c) yn datws hadyd ardystiedig.

(3) Y gofynion yw—

- (a) bod tystysgrif cnwd sy'n tyfu wedi cael ei dyroddi o ran y tatws hadyd; a
- (b) o'u harchwilio'n swyddogol bod canfyddiad wedi ei wneud nad yw'r tatws hadyd dros ben unrhyw un o'r goddefiannau ar gyfer clefydau neu blâu, difrod neu ddiffygion a bennir yn narpariaethau perthnasol Atodlen 3.

(4) Rhaid i gais am ardystio tatws hadyd a gynhyrchir yng Nghymru gael ei wneud yn ysgrifenedig i Weinidogion Cymru a rhaid i unrhyw wybodaeth sy'n ofynnol gan Weinidogion Cymru fynd gydag ef.

(5) At ddbenion paragraff (2), mae label swyddogol a ddyroddwyd yn unol â'r Rheoliadau hyn o ran tatws hadyd cyn-sylfaenol, tatws hadyd sylfaenol neu datws hadyd ardystiedig yn dystiolaeth ddigonol bod swyddog awdurdodedig wedi ardystio bod y tatws hadyd y mae'r label swyddogol yn ymwneud â hwy yn datws hadyd cyn-sylfaenol, yn datws hadyd sylfaenol neu'n datws hadyd ardystiedig, yn ôl y digwydd.

Cyfansoddiad lotiau o datws hadyd

11.—(1) Ni chaiff unrhyw berson farchnata tatws hadyd cyn-sylfaenol, tatws hadyd sylfaenol na thatws hadyd ardystiedig ac eithrio mewn lot a'i chynnwys yn gyfan gwbl yn datws hadyd—

- (a) o un categori;
- (b) o un amrywogaeth; ac
- (c) o un radd.

(2) Ni chaiff unrhyw berson farchnata tatws hadyd sydd i'w profi a'u treialu ac eithrio mewn lot a'i chynnwys yn gyfan gwbl yn datws hadyd o un amrywogaeth.

(3) At ddbenion y rheoliad hwn mae lot o datws hadyd i'w thrin fel petai ei chynnwys yn gyfan gwbl o un amrywogaeth ar yr amod—

- (a) mewn perthynas â thatws hadyd a gynhyrchir yng Nghymru, nad yw nifer y tatws hadyd yn y lot nad ydynt o'r wir amrywogaeth neu sydd o amrywogaeth wahanol mewn perthynas â chyfanswm y tatws hadyd yn y lot—

Certification of seed potatoes

10.—(1) Certification of seed potatoes produced in Wales must be in accordance with this regulation.

(2) If the requirements of paragraph (3) are satisfied, an authorised officer must certify seed potatoes produced in Wales as being—

- (a) pre-basic seed potatoes;
- (b) basic seed potatoes; or
- (c) certified seed potatoes.

(3) The requirements are that—

- (a) a growing crop certificate has been issued in relation to the seed potatoes; and
- (b) on official examination the seed potatoes have been found not to exceed any of the tolerances for diseases or pests, damage or defects specified in the relevant provisions of Schedule 3.

(4) An application for certification of seed potatoes produced in Wales must be made in writing to the Welsh Ministers and must be accompanied by such information as the Welsh Ministers may require.

(5) For the purposes of paragraph (2), an official label issued in accordance with these Regulations in relation to pre-basic seed potatoes, basic seed potatoes or certified seed potatoes is sufficient evidence that an authorised officer has certified the seed potatoes to which the official label relates as being pre-basic seed potatoes, basic seed potatoes or certified seed potatoes, as the case may be.

Composition of lots of seed potatoes

11.—(1) No person may market pre-basic seed potatoes, basic seed potatoes or certified seed potatoes otherwise than in a lot consisting wholly of seed potatoes of—

- (a) one category;
- (b) one variety; and
- (c) one grade.

(2) No person may market test and trial seed potatoes otherwise than in a lot consisting wholly of seed potatoes of one variety.

(3) For the purposes of this regulation a lot of seed potatoes is to be treated as if it consists wholly of one variety provided that—

- (a) in relation to seed potatoes produced in Wales, the number of seed potatoes in the lot which are not true to variety or are of a different variety in relation to the total number of seed potatoes in the lot—

- (i) yn achos tatws hadyd cyn-sylfaenol yn fwy na 0.01%;
container—
- (ii) yn achos tatws hadyd sylfaenol yn fwy na 0.1%;
- (iii) yn achos tatws hadyd ardystiedig neu datws hadyd sydd i'w profi a'u treialu yn fwy na 0.2%;
- (b) o ran tatws hadyd a gynhyrchir y tu allan i Gymru, bod y lot yn ddigon cydryw yn unol â'r safonau a osodir gan yr Awdurdod Ardystio yn unol â'r Gyfarwyddeb o ran marchnata'r tatws hynny.

- (i) in the case of pre-basic seed potatoes, is no more than 0.01%;
- (ii) in the case of basic seed potatoes, is no more than 0.1%;
- (iii) in the case of certified seed potatoes or test and trial seed potatoes, is no more than 0.2%;
- (b) in relation to seed potatoes produced outside Wales, the lot is sufficiently homogeneous in accordance with the standards imposed by the Certification Authority pursuant to the Directive in respect of the marketing of those potatoes.

Pecynnau a chynwysyddion ar gyfer tatws hadyd

12. Yn ddarostyngedig i reoliad 18, ni chaiff unrhyw berson farchnata unrhyw datws hadyd ac eithrio mewn pecyn neu gynhwysydd.

Packages and containers for seed potatoes

12. Subject to regulation 18, no person may market any seed potatoes otherwise than in a package or container.

Labelu pecynnau a chynwysyddion tatws hadyd

13.—(1) Yn ddarostyngedig i reoliad 18, ni chaiff unrhyw berson farchnata, ac eithrio mewn pecyn neu gynhwysydd wedi ei labelu'n briodol—

- (a) tatws hadyd cyn-sylfaenol;
- (b) tatws hadyd sylfaenol;
- (c) tatws hadyd ardystiedig; neu
- (d) tatws hadyd sydd i'w profi a'u treialu.

(2) At ddibenion y rheoliad hwn, ystyr “pecyn neu gynhwysydd wedi ei labelu'n briodol” (“*properly labelled package or container*”) yw pecyn neu gynhwysydd—

- (a) sydd â label swyddogol ynghlwm i'r tu allan iddo; a
- (b) yn ddarostyngedig i baragraff (3), sy'n cynnwys dogfen swyddogol.

(3) Nid yw paragraff (2)(b) yn gymwys—

- (a) pan fo'r manylion a bennir ym mharagraff 16 o Atodlen 2 wedi eu hargraffu'n annileadwy ar y pecyn neu'r cynhwysydd; neu
- (b) pan fo'r label swyddogol o ddeunydd gludiog neu o ddeunydd sy'n gwrthsefyll traul.

(4) Rhaid i gais i Weinidogion Cymru am label swyddogol neu ddogfen swyddogol gael ei wneud yn ysgrifenedig a rhaid i unrhyw wybodaeth sy'n ofynnol gan Weinidogion Cymru fynd gydag ef.

(5) Ar ôl iddynt eu bodloni eu hunain o'r canlynol yn unig y caiff Gweinidogion Cymru ddyroddi label swyddogol neu ddogfen swyddogol—

- (a) bod y tatws hadyd yn datws hadyd cyn-sylfaenol, yn datws hadyd sylfaenol, yn datws

Labelling of packages and containers of seed potatoes

13.—(1) Subject to regulation 18, no person may market, other than in a properly labelled package or

- (a) pre-basic seed potatoes;
- (b) basic seed potatoes;
- (c) certified seed potatoes; or
- (d) test and trial seed potatoes.

(2) For the purposes of this regulation, a “properly labelled package or container” (“*pecyn neu gynhwysydd wedi ei labelu'n briodol*”) means a package or container that—

- (a) has affixed to the outside an official label; and
- (b) subject to paragraph (3), contains an official document.

(3) Paragraph (2)(b) does not apply where—

- (a) the particulars specified in paragraph 16 of Schedule 2 are indelibly printed on the package or container; or
- (b) the official label is of an adhesive or wear and tear resistant material.

(4) An application to the Welsh Ministers for an official label or official document must be made in writing and must be accompanied by such information as the Welsh Ministers may require.

(5) The Welsh Ministers may only issue an official label or official document if satisfied that—

- (a) the seed potatoes are pre-basic seed potatoes, basic seed potatoes, certified seed potatoes or

hadyd ardystiedig neu'n datws hadyd sydd i'w profi a'u treialu;

- (b) bod y tatws hadyd yn cydymffurfio â'r gofynion maint lleiaf a bennir yn rheoliad 7 ac nad yw'r amrywiad mwyaf mewn maint rhwng cloron yn fwy na'r hyn a bennir yn rheoliad 7;
- (c) bod y tatws hadyd wedi eu cynnwys mewn pecyn neu gynhwysydd;
- (d) nad yw'r tatws hadyd wedi cael eu trin â chynnyrch a gynhyrchir yn bennaf fel triniaeth i lesteirio eginiaid;
- (e) y cafodd y tatws hadyd eu cynaeafu, eu storio, eu cludo a'u trafod mewn modd sy'n lleihau hyd yr eithaf y risg o halogiad drwy unrhyw un o'r clefydau neu'r plâu a bennir yn Atodlen 3;
- (f) yn ôl sampl a gymerir yn unol â rheoliad 19, nad yw'r tatws hadyd yn mynd dros ben unrhyw un o'r goddefiannau ar gyfer clefydau neu blâu, difrod neu ddiffygion a bennir yn y Rhan briodol o Atodlen 3; ac
- (g) na fu unrhyw fethiant arall i gydymffurfio â'r Rheoliadau hyn o ran unrhyw un neu ragor o'r tatws hadyd.

(6) Os cafodd pecyn neu gynhwysydd ei ail selio gan swyddog awdurdodedig yn unol â rheoliad 14(3) rhaid i'r label swydddog ddatgan—

- (a) bod y pecyn neu'r cynhwysydd wedi cael ei ail selio felly;
- (b) dyddiad yr ail selio; ac
- (c) enw'r swydddog awdurdodedig fu'n gyfrifol am yr ail selio.

(7) Pan fo unrhyw datws hadyd cyn-sylfaenol, tatws hadyd sylfaenol, tatws hadyd ardystiedig neu datws hadyd sydd i'w profi a'u treialu wedi cael eu trin ag unrhyw gynnyrch cemegol, rhaid i fath a swyddogaeth neu enw priodol y cynnyrch hwnnw—

- (a) fod wedi ei ddatgan ar label sydd ynghlwm wrth y pecyn neu'r cynhwysydd; a
- (b) naill ai—
 - (i) fod wedi ei ddatgan ar ddogfen sydd yn y pecyn neu'r cynhwysydd; neu
 - (ii) fod wedi ei argraffu yn annileadwy ar y pecyn neu'r cynhwysydd.

(8) At ddiobenion adran 16(7)(a) o'r Ddeddf, nid ystyrir bod gwybodaeth sy'n ymwneud ag amrywogaeth o datws hadyd a geir mewn datganiad statudol yn anwir mewn manylyn perthnasol yn unig am ei fod yn anwir—

- (a) yn achos tatws hadyd cyn-sylfaenol, o ran dim mwy na 0.01% o'r tatws hadyd;

test and trial seed potatoes;

- (b) the seed potatoes comply with the minimum size requirements specified in regulation 7 and that the maximum variation in size between tubers does not exceed that specified in regulation 7;
- (c) the seed potatoes are contained in a package or container;
- (d) the seed potatoes have not been treated with a product which is produced primarily as an application for inhibiting germination;
- (e) the seed potatoes have been harvested, stored, transported and handled so as to minimise the risk of contamination by any of the diseases or pests specified in Schedule 3;
- (f) on a sample taken in accordance with regulation 19, the seed potatoes do not exceed any of the tolerances for diseases or pests, damage or defects specified in the appropriate Part of Schedule 3; and
- (g) there has been no other failure to comply with these Regulations in respect of any of the seed potatoes.

(6) If a package or container has been re-sealed by an authorised officer in accordance with regulation 14(3) the official label must state—

- (a) that the package or container has been so re-sealed;
- (b) the date of re-sealing; and
- (c) the name of the authorised officer responsible for re-sealing.

(7) Where any pre-basic seed potatoes, basic seed potatoes, certified seed potatoes or test and trial seed potatoes have been treated with any chemical product, the type and function or the proprietary name of that product must be—

- (a) stated on a label affixed to the package or container; and
- (b) either—
 - (i) stated on a document contained in the package or container; or
 - (ii) indelibly printed on the package or container.

(8) For the purposes of section 16(7)(a) of the Act, information relating to a variety of seed potatoes contained in a statutory statement is not held to be false in a material particular by reason only that it is false—

- (a) in the case of pre-basic seed potatoes, in respect of no more than 0.01% of the seed potatoes;

- (b) yn achos tatws hadyd sylfaenol, o ran dim mwy na 0.1% o'r tatws hadyd;
- (c) yn achos tatws hadyd ardystiedig a thatws hadyd sydd i'w profi a'u treialu, o ran dim mwy na 0.2% o'r tatws hadyd.

(9) Ni chaiff unrhyw berson, mewn cysylltiad â marchnata unrhyw datws hadyd, neu mewn cysylltiad â'u paratoi ar gyfer eu marchnata, fynd ati'n fwriadol i atgynhyrchu, i symud ymaith, i altro, i ddifwyno, i guddio neu i gamddefnyddio mewn unrhyw fodd unrhyw label swyddogol neu ddogfen swyddogol, neu unrhyw label sydd ynghlwm neu ddogfen a gyflenwir yn unol â pharagraff (2), ac eithrio yn unol â gofynion y Ddeddf, y Rheoliadau hyn neu Orchmynion a wneir o dan Ddeddf Iechyd Planhigion 1967(1).

Selio pecynnau a chynwysyddion

14.—(1) Yn ddarostyngedig i reoliad 18, ni chaiff unrhyw berson farchnata, ac eithrio mewn pecyn neu gynhwysydd wedi ei selio'n briodol—

- (a) tatws hadyd cyn-sylfaenol;
- (b) tatws hadyd sylfaenol;
- (c) tatws hadyd ardystiedig; neu
- (d) tatws hadyd sydd i'w profi a'u treialu.

(2) At ddibenion y rheoliad hwn, ystyr “pecyn neu gynhwysydd wedi ei selio'n briodol” (“*properly sealed package or container*”)—

- (a) ar gyfer tatws hadyd a gynhyrchir yng Nghymru, yw pecyn neu gynhwysydd caeedig sydd wedi cael ei selio â dyfais selio nas torrwyd, gan swyddog awdurdodedig neu o dan ei oruchwyliaeth;
- (b) ar gyfer tatws hadyd a gynhyrchir y tu allan i Gymru, yw pecyn neu gynhwysydd caeedig sydd wedi cael ei selio yn unol ag Erthygl 11(1) o'r Gyfarwyddeb.

(3) Pan fo dyfais selio ar becyn neu gynhwysydd wedi ei thorri, rhaid peidio ag ail selio'r pecyn neu'r cynhwysydd â dyfais selio ac eithrio gan swyddog awdurdodedig neu o dan ei oruchwyliaeth.

(4) At ddibenion y rheoliad hwn ystyr “dyfais selio” (“*sealing device*”) yw dyfais a gymhwyswyd i'r pecyn neu'r cynhwysydd yn y fath fodd fel y bydd yn cael ei thorri pan agorir y pecyn neu'r cynhwysydd.

Dull adnabod tatws hadyd sydd wedi eu haddasu'n enetig

15. Ni chaiff unrhyw berson farchnata tatws hadyd sydd wedi eu haddasu'n enetig oni bai—

- (b) in the case of basic seed potatoes, in respect of no more than 0.1% of the seed potatoes;
- (c) in the case of certified seed potatoes and test and trial seed potatoes, in respect of no more than 0.2% of the seed potatoes.

(9) No person may, in connection with the marketing or the preparation for the marketing of any seed potatoes, wilfully reproduce, remove, alter, deface, conceal or misuse in any way any official label or official document, or any label affixed or document supplied in accordance with paragraph (2), except in accordance with the requirements of the Act, these Regulations or Orders made under the Plant Health Act 1967(1).

Sealing of packages and containers

14.—(1) Subject to regulation 18, no person may market, other than in a properly sealed package or container—

- (a) pre-basic seed potatoes;
- (b) basic seed potatoes;
- (c) certified seed potatoes; or
- (d) test and trial seed potatoes.

(2) For the purposes of this regulation, a “properly sealed package or container” (“*pecyn neu gynhwysydd wedi ei selio'n briodol*”) means—

- (a) for seed potatoes produced in Wales, a closed package or container that has been sealed with an unbroken sealing device by or under the supervision of an authorised officer;
- (b) for seed potatoes produced outside Wales, a closed package or container that has been sealed in accordance with Article 11(1) of the Directive.

(3) Where a sealing device on a package or container is broken, the package or container must not be re-sealed with a sealing device otherwise than by or under the supervision of an authorised officer.

(4) For the purposes of this regulation, a “sealing device” (“*dyfais selio*”) means a device applied in such a manner to a package or container that when the package or container is opened the device will be broken.

Identification of genetically modified seed potatoes

15. No person may market genetically modified seed potatoes unless—

(1) 1967 p. 8.

(1) 1967 c. 8.

- (a) y dangosir yn glir mewn unrhyw wybodaeth farchnata, gan gynnwys unrhyw gatalog gwerthu neu sylwadau marchnata eraill a ddarperir gan y person sy'n marchnata'r tatws hadyd, bod y tatws hadyd wedi eu haddasu'n enetig; a
- (b) bod unrhyw label swyddogol neu ddogfen swyddogol, neu label neu ddogfen arall sydd ynghlwm wrth y tatws hadyd, yn mynd gyda hwy neu'n ymwneud â hwy, yn dangos yn glir eu bod wedi eu haddasu'n enetig.

Tatws hadyd o'r tu allan i'r Undeb Ewropeaidd: gwybodaeth

16. Rhaid i unrhyw berson sy'n marchnata mwy na 2 gilogram o datws hadyd a fewnforiwyd i Gymru o wlad y tu allan i'r Undeb Ewropeaidd roi i Weinidogion Cymru, yn ysgrifenedig ac o fewn mis i farchnata'r tatws hadyd am y tro cyntaf, y manylion a bennir yn Atodlen 6.

Manylion ar wahân

17. Yn ddarostyngedig i reoliad 18, rhaid i berson sy'n gwerthu tatws hadyd cyn-sylfaenol, tatws hadyd sylfaenol, tatws hadyd ardystiedig neu datws hadyd sydd i'w profi a'u treialu ddyroddi i'r prynwr, yn ddim hwyrach na 14 o ddiwrnodau ar ôl y gwerthiant, neu os nad yw'r tatws hadyd yn cael eu danfon ar adeg y gwerthiant, heb fod yn hwyrach na 14 o ddiwrnodau ar ôl eu danfon, nodyn gwerthiant, nodyn danfon, anfoneb neu ddogfen gyffelyb sy'n pennu, o ran y tatws hadyd, y manylion a bennir yn Atodlen 7.

Manwerthiannau o datws hadyd

18. Nid yw rheoliadau 12, 13, 14 a 17 yn gymwys i fanwerthiannau o lai na 50 cilogram o datws hadyd—

- (a) mewn amgylchiadau pan ddangosir yn amlwg ar adeg y gwerthiant ar label sydd ynghlwm wrth becyn sy'n cynnwys y tatws hadyd, neu ar ddogfen neu hysbysiad a osodir gerllaw'r tatws hadyd, ddatganiad o'r manylion a bennir yn Atodlen 7; neu
- (b) mewn cynwysyddion nas defnyddiwyd o'r blaen at unrhyw ddiben, sydd â'r manylion a bennir yn Atodlen 7 wedi eu hargraffu neu wedi eu marcio yn ddealladwy ac yn annileadwy mewn modd arall ar bob un ohonynt, neu y ceir ynghlwm wrth neu o fewn pob un ohonynt label a farciwyd â'r manylion hynny.

- (a) it is clearly indicated in any marketing information, including any sales catalogue or other marketing representations provided by the person marketing the seed potatoes, that the seed potatoes have been genetically modified; and
- (b) any official label or official document, or other label or document, affixed to, accompanying or relating to the seed potatoes clearly indicates that they have been genetically modified.

Seed potatoes from outside the European Union: information

16. Any person marketing more than 2 kilograms of seed potatoes that have been imported into Wales from a country outside the European Union must supply the Welsh Ministers, in writing and within one month of the first marketing of the seed potatoes, with the particulars specified in Schedule 6.

Separate particulars

17. Subject to regulation 18 a person who sells pre-basic seed potatoes, basic seed potatoes, certified seed potatoes or test and trial seed potatoes must issue to the buyer not later than 14 days after the sale or, if the seed potatoes are not delivered at the time of sale, not later than 14 days after delivery, a sale note, delivery note, invoice or similar document specifying in relation to the seed potatoes the particulars specified in Schedule 7.

Retail sales of seed potatoes

18. Regulations 12, 13, 14 and 17 do not apply to a sale by retail of less than 50 kilograms of seed potatoes—

- (a) in circumstances where at the time of sale there is displayed conspicuously on a label affixed to a package containing the seed potatoes or on a document or notice placed in close proximity to the seed potatoes a statement of the particulars specified in Schedule 7; or
- (b) in containers that have not been previously used for any purpose, upon each of which has been printed or otherwise legibly and indelibly marked the particulars specified in Schedule 7, or attached to or inserted in each of which is a label marked with those particulars.

Samplu tatws hadyd

19.—(1) Rhaid i sampl o datws hadyd a gymerir at unrhyw ddiben mewn cysylltiad â'r Rheoliadau hyn gael ei chymryd yn unol â'r rheoliad hwn.

(2) Rhaid i sampl gael ei chymryd gan swyddog awdurdodedig a chaiff fod o'r swmp neu'r nifer a bod o'r rhan honno neu'r rhannau hynny o'r cnwd sy'n tyfu neu sydd wedi ei gynaeafu ag sy'n briodol ym marn y swyddog awdurdodedig.

(3) Mae paragraff (4) yn gymwys pan fo sampl yn ofynnol ac eithrio at ddiben mewn cysylltiad ag ardystio tatws hadyd a gynhyrchir yng Nghymru, a bod crynswth y tatws hadyd yn datws hadyd—

- (a) sy'n ffurfio mwy nag un llwyth, neu
- (b) sy'n gysylltiedig â mwy nag un dystysgrif cnwd sy'n tyfu,

(4) Rhaid rhannu'r tatws hadyd fel bod pob llwyth neu, yn ôl y digwydd, swmp y tatws sy'n gysylltiedig â phob dystysgrif cnwd sy'n tyfu yn ffurfio lot ar wahân a rhaid, os yw'r swyddog awdurdodedig yn ystyried bod hynny'n angenrheidiol, samplu pob lot ar wahân.

Cadw cofnodion

20.—(1) Rhaid i berson sy'n cynhyrchu tatws hadyd a fwriedir ar gyfer eu marchnata gadw cofnodion am gyfnod heb fod yn llai na dwy flynedd o bryniant y tatws hadyd y cynhyrchwyd y tatws hadyd hynny ohonynt ac o fanylion y cynydau a dyfwyd.

(2) Rhaid i berson sy'n marchnata tatws hadyd gadw cofnod, am gyfnod heb fod yn llai na dwy flynedd, o'r marchnata ar datws hadyd o'r fath.

Gorfodi: pwerau i archwilio ac i fynnu cyflwyno

21.—(1) Caiff swyddog awdurdodedig gynnal archwiliad a chymryd samplau o datws hadyd ac arolygu a chymryd copïau o ddogfen berthnasol at ddiben sicrhau cydymffurfiaeth ag unrhyw ddarpariaeth yn y Rheoliadau hyn.

(2) At ddibenion y rheoliad hwn, rhaid i berson ganiatáu, ar unrhyw amser rhesymol, i swyddog awdurdodedig—

- (a) archwilio a chymryd samplau o datws hadyd sydd ym meddiant y person hwnnw neu o dan ei reolaeth; a
- (b) arolygu a chymryd copïau o unrhyw ddogfen berthnasol sydd ym meddiant y person hwnnw neu o dan ei reolaeth.

(3) At ddibenion y rheoliad hwn, caiff swyddog awdurdodedig drwy hysbysiad ysgrifenedig a gyflwynir i berson ei gwneud yn ofynnol i'r person hwnnw—

Sampling of seed potatoes

19.—(1) A sample of seed potatoes taken for any purpose in connection with these Regulations must be taken in accordance with this regulation.

(2) A sample must be taken by an authorised officer and may be of such quantity or number and from such part or parts of the growing or harvested crop as the authorised officer considers appropriate.

(3) Paragraph (4) applies where a sample is required other than for a purpose in connection with certification of seed potatoes produced in Wales, and the bulk consists of seed potatoes—

- (a) comprising more than one consignment, or
- (b) associated with more than one growing crop certificate,

(4) The seed potatoes must be divided so that each consignment or, as the case may be, the quantity of potatoes associated with each growing crop certificate, constitutes a separate lot and each lot must, if the authorised officer considers it necessary, be separately sampled.

Keeping of records

20.—(1) A person who produces seed potatoes which are intended for marketing must retain for a period of not less than two years records of purchase of the seed potatoes from which those seed potatoes were produced and particulars of the crops grown.

(2) A person who markets seed potatoes must retain for a period of not less than two years a record of the marketing of such seed potatoes.

Enforcement: powers of examination and production

21.—(1) An authorised officer may conduct an examination and take samples of seed potatoes and inspect and take copies of a relevant document for the purpose of ensuring compliance with any provision of these Regulations.

(2) For the purposes of this regulation, a person must permit, at any reasonable time, an authorised officer to—

- (a) examine and take samples of seed potatoes in that person's possession or control; and
- (b) inspect and take copies of any relevant document in that person's possession or control.

(3) For the purposes of this regulation, an authorised officer may by written notice served on a person require that person to—

- (a) cyflwyno unrhyw datws hadyd neu unrhyw ddogfen berthnasol neu sicrhau eu bod ar gael i'w harchwilio;
- (b) darparu gwybodaeth y mae'r person hwnnw'n ymwybodol ohoni neu'n ei chredu mewn cysylltiad â chynhyrchu, ardystio neu farchnata'r tatws hadyd.

(4) Rhaid i berson y cyflwynwyd hysbysiad iddo yn unol â pharagraff (3) gydymffurfio â gofynion yr hysbysiad hwnnw o fewn saith niwrnod i'w gyflwyno neu o fewn unrhyw gyfnod hwy y caniateir ei bennu yn yr hysbysiad.

(5) At ddibenion y rheoliad hwn, ystyr “dogfen berthnasol” (“*relevant document*”) yw unrhyw dystysgrif cnwd sy'n tyfu, label swyddogol, dogfen swyddogol, dogfen neu label arall, neu gofnod neu anfoneb arall sy'n ymwneud â phlannu, cynhyrchu, ardystio neu farchnata tatws hadyd.

Gorfodi: pŵer i dynnu yn ôl labeli swyddogol, dogfennau swyddogol a thystysgrifau cnwd sy'n tyfu

22.—(1) Caiff Gweinidogion Cymru dynnu'n ôl label swyddogol neu ddogfen swyddogol pan fônt wedi eu bodloni—

- (a) bod y tatws hadyd y mae'r label swyddogol neu'r ddogfen swyddogol yn ymwneud â hwy—
 - (i) heb gael eu cynaeafu, eu storio, eu cludo neu eu trafod mewn modd sy'n lleihau hyd yr eithaf y risg o halogiad gan unrhyw un neu ragor o'r clefydau neu'r plâu a bennir yn Atodlen 3;
 - (ii) yn ôl sampl a gymerir yn unol â rheoliad 19, yn mynd dros ben unrhyw un o'r goddefiannau ar gyfer clefydau neu blâu, difrod neu ddiffygion a bennir yn y Rhan briodol o Atodlen 3; neu
 - (iii) mewn modd arall yn methu â chydymffurfio â'r Rheoliadau hyn; neu
- (b) bod y label swyddogol neu'r ddogfen swyddogol yn cynnwys unrhyw fanylyn sy'n anwir mewn mater perthnasol.

(2) Caiff Gweinidogion Cymru dynnu'n ôl dystysgrif cnwd sy'n tyfu pan fônt wedi eu bodloni—

- (a) nad oes, neu nad oes bellach, gydymffurfiaeth â gofynion Atodlen 1; neu
- (b) bod y dystysgrif cnwd sy'n tyfu yn cynnwys unrhyw fanylyn sy'n anwir mewn mater perthnasol.

(3) Pan dynnir yn ôl label swyddogol neu ddogfen swyddogol yn unol â pharagraff (1)(a)(ii), caiff y tatws

- (a) produce or make available for examination any seed potatoes or relevant document;
- (b) provide information within that person's knowledge or belief relating to the production, certification or marketing of the seed potatoes.

(4) A person on whom a notice is served in accordance with paragraph (3) must comply with the requirements of that notice within seven days of such service or such longer time as may be specified in the notice.

(5) For the purposes of this regulation, “relevant document” (“*dogfen berthnasol*”) means any growing crop certificate, official label, official document, other document or label, record or invoice relating to the planting, production, certification or marketing of seed potatoes.

Enforcement: power to withdraw official labels, official documents and growing crop certificates

22.—(1) The Welsh Ministers may withdraw an official label or official document where they are satisfied—

- (a) that the seed potatoes to which the official label or official document relates—
 - (i) have not been harvested, stored, transported or handled so as to minimise the risk of contamination by any of the diseases or pests specified in Schedule 3;
 - (ii) on a sample taken in accordance with regulation 19, exceed any of the tolerances for diseases or pests, damage or defects specified in the appropriate Part of Schedule 3; or
 - (iii) otherwise fail to comply with these Regulations; or
- (b) that the official label or official document contains any particular which is false in a material respect.

(2) The Welsh Ministers may withdraw a growing crop certificate where they are satisfied that—

- (a) the requirements of Schedule 1 are not, or are no longer, complied with; or
- (b) the growing crop certificate contains any particular which is false in a material respect.

(3) Where an official label or official document is withdrawn in accordance with paragraph (1)(a)(ii), the

hadyd y cymerwyd y sampl ohonynt fod yn destun archwiliad swyddogol er mwyn penderfynu a oes unrhyw rai ohonynt nad ydynt yn mynd dros ben y goddefiannau a bennir yn Atodlen 3.

(4) Pan gynhelir archwiliad swyddogol yn unol â pharagraff (3), caiff Gweinidogion Cymru ddyroddi label swyddogol neu ddogfen swyddogol mewn perthynas â'r tatws hadyd hynny y canfyddir nad ydynt yn mynd dros ben y goddefiannau a bennir yn Atodlen 3.

(5) Pan dynnir yn ôl label swyddogol, dogfen swyddogol neu dystysgrif cnwd sy'n tyfu yn unol â'r rheoliad hwn, caiff swyddog awdurdodedig—

- (a) symud ymaith a chadw'r label swyddogol, y ddogfen swyddogol neu'r dystysgrif cnwd sy'n tyfu; neu
- (b) ei gwneud yn ofynnol i unrhyw berson y mae'r label swyddogol, y ddogfen swyddogol neu'r dystysgrif cnwd sy'n tyfu yn ei feddiant neu o dan ei reolaeth ei ddanfôn i'r swyddog awdurdodedig o fewn unrhyw gyfnod y caiff y swyddog awdurdodedig ei bennu.

(6) Rhaid i berson sydd â label swyddogol, dogfen swyddogol neu dystysgrif cnwd sy'n tyfu a gafodd ei dynnu'n ôl neu ei thynnu'n ôl yn unol â'r rheoliad hwn yn ei feddiant neu o dan ei reolaeth—

- (a) caniatáu i swyddog awdurdodedig symud ymaith y label swyddogol, y ddogfen swyddogol neu'r dystysgrif cnwd sy'n tyfu yn unol â pharagraff (5)(a);
- (b) cydymffurfio ag unrhyw beth a wnaed yn ofynnol yn unol â pharagraff (5)(b).

Cyflwyno hysbysiadau

23.—(1) At ddibenion rheoliad 21(3), mae hysbysiad i'w drin fel pe bai wedi ei gyflwyno i unrhyw berson os caiff ei ddanfôn at y person hwnnw yn bersonol neu os caiff ei adael iddo yn ei gartref neu yn ei fan gwaith hysbys diwethaf neu ei anfon drwy'r post mewn llythyr wedi ei gyfeirio ato yno.

(2) Caiff hysbysiad—

- (a) yn achos corff corfforaethol (ac eithrio partneriaeth atebolrwydd cyfyngedig), ei gyflwyno i ysgrifennydd neu glerc y corff hwnnw yng nghyfeiriad swyddfa gofrestredig neu brif swyddfa'r corff hwnnw;
- (b) yn achos partneriaeth gan gynnwys partneriaeth Albanaidd (ac eithrio partneriaeth atebolrwydd cyfyngedig), ei gyflwyno i bartner neu berson sy'n llywio neu'n rheoli busnes y bartneriaeth yng nghyfeiriad prif swyddfa'r bartneriaeth;

seed potatoes from which the sample was taken may be the subject of an official examination in order to determine whether any of them do not exceed the tolerances specified in Schedule 3.

(4) Where an official examination is conducted in accordance with paragraph (3), the Welsh Ministers may issue an official label or official document in relation to such seed potatoes as are found not to exceed the tolerances in Schedule 3.

(5) Where an official label, official document or growing crop certificate is withdrawn in accordance with this regulation, an authorised officer may—

- (a) remove and retain the official label, official document or growing crop certificate; or
- (b) require any person in possession or charge of the official label, official document or growing crop certificate to deliver it to the authorised officer within such time as the authorised officer may specify.

(6) A person in possession or charge of an official label, official document or growing crop certificate that has been withdrawn in accordance with this regulation must—

- (a) permit an authorised officer to remove the official label, official document or growing crop certificate in accordance with paragraph (5)(a);
- (b) comply with any requirement made in accordance with paragraph (5)(b).

Service of notices

23.—(1) For the purposes of regulation 21(3), a notice is to be treated to have been served on any person if it is delivered to that person personally or left for them at their last known place of abode or business or sent through the post in a letter addressed to them there.

(2) A notice may—

- (a) in the case of a body corporate (other than a limited liability partnership), be served on the secretary or clerk of that body at the address of the registered or principal office of that body;
- (b) in the case of a partnership including a Scottish partnership (other than a limited liability partnership), be served on a partner or person having the control or management of the partnership business at the address of the principal office of the partnership;

(c) yn achos partneriaeth atebolrwydd cyfyngedig, ei gyflwyno i aelod o'r bartneriaeth yng nghyfeiriad swyddfa gofrestredig neu brif swyddfa'r bartneriaeth honno.

(3) At ddibenion paragraff (2), prif swyddfa cwmni sy'n gofrestredig y tu allan i'r Deyrnas Unedig neu bartneriaeth sy'n cyflawni busnes y tu allan i'r Deyrnas Unedig yw ei brif swyddfa yn y Deyrnas Unedig.

Addasu darpariaethau'r Ddeddf

24.—(1) Mewn cysylltiad â darpariaethau'r Rheoliadau hyn, addesir neu eithrir gweithrediad y darpariaethau a ganlyn o'r Ddeddf yn unol â darpariaethau'r rheoliad hwn.

(2) Addesir adran 25 fel petai, at ddibenion yr adran, unrhyw gyfeiriad at “premises” yn gyfeiriad at “mangre” (“*premises*”) fel y'i diffinnir ym mharagraff (6) ac unrhyw gyfeiriad at is-adran sy'n cynnwys cyfeiriad at “premises” yn gyfeiriad at yr is-adran honno wedi ei haddasu felly.

(3) Addesir adran 25(1) fel petai'r cyfeiriad at is-adran (4) o'r adran honno yn gyfeiriad at yr is-adran honno fel y'i haddaswyd gan ddarpariaeth paragraff (4).

(4) Yn adran 25(4) hepgorer y geiriau o “potatoes” (yn y lle cyntaf y mae'n ymddangos) i'r diwedd.

(5) Yn adran 26, hepgorer is-adrannau (2) a (4) i (9).

(6) Ym mharagraff (2), mae “mangre” (“*premises*”) yn cynnwys unrhyw dir neu adeilad, ac eithrio tŷ annedd preifat, ac unrhyw adeiledd sefydlog neu symudol, cerbyd, llestr, awyren, hofranfad neu gynhwysydd llwyth.

Dirymiadau

25. Mae'r Rheoliadau a ganlyn wedi eu dirymu—

- (a) Rheoliadau Tatws Hadyd (Cymru) 2006(1);
- (b) Rheoliadau Tatws Hadyd (Cymru) (Diwygio) 2008(2);
- (c) Rheoliadau Tatws Hadyd (Cymru) (Diwygio) 2009(3);
- (d) Rheoliadau Tatws Hadyd (Cymru) (Diwygio) 2010(4).

(c) in the case of a limited liability partnership, be served on a member of the partnership at the address of the registered or principal office of that partnership.

(3) For the purposes of paragraph (2), the principal office of a company registered outside the United Kingdom or of a partnership carrying on business outside the United Kingdom is its principal office within the United Kingdom.

Modification of provisions of the Act

24.—(1) In connection with the provisions of these Regulations, the operation of the following provisions of the Act is modified or excluded in accordance with the provisions of this regulation.

(2) Section 25 is modified as if for the purposes of the section any reference to “premises” were a reference to premises as defined in paragraph (6) and any reference to a subsection containing a reference to premises were a reference to that subsection as so modified.

(3) Section 25(1) is modified as if the reference to subsection (4) of that section were a reference to that subsection as modified by the provision of paragraph (4).

(4) In section 25(4) the words from “potatoes” (where it first occurs) to the end are omitted.

(5) In section 26, subsections (2) and (4) to (9) are omitted.

(6) In paragraph (2), “premises” (“*mangre*”) includes any land or building, other than a private dwelling house, and any fixed or moveable structure, vehicle, vessel, aircraft, hovercraft or freight container.

Revocations

25. The following Regulations are revoked—

- (a) the Seed Potatoes (Wales) Regulations 2006(1);
- (b) the Seed Potatoes (Wales) (Amendment) Regulations 2008(2);
- (c) the Seed Potatoes (Wales) (Amendment) Regulations 2009(3);
- (d) the Seed Potatoes (Wales) (Amendment) Regulations 2010(4).

(1) O.S. 2006/2929 (Cy. 264) a ddiwygiwyd gan O.S. 2008/1063 (Cy. 112), 2009/2980 (Cy. 259) a 2010/1796 (Cy. 172).

(2) O.S. 2008/1063 (Cy. 112).

(3) O.S. 2009/2980 (Cy. 259).

(4) O.S. 2010/1796 (Cy. 172).

(1) S.I. 2006/2929 (W. 264) amended by S.I. 2008/1063 (W. 112), 2009/2980 (W. 259) and 2010/1796 (W. 172).

(2) S.I. 2008/1063 (W. 112).

(3) S.I. 2009/2980 (W. 259).

(4) S.I. 2010/1796 (W. 172).

Diwygiad atodol

26. Yn rheoliad 2(1) o'r Rheoliadau Rhestrau Cenedlaethol, yn y diffiniad o "the Seeds Marketing Regulations", yn is-baragraff (b)(vi), yn lle "Seed Potatoes (Wales) Regulations 2006" rhodder "Seed Potatoes (Wales) Regulations 2015".

Y Dirprwy Weinidog Ffermio a Bwyd, o dan awdurdod y Gweinidog Cyfoeth Naturiol, un o Weinidogion Cymru
2 Chwefror 2016

Supplementary amendment

26. In regulation 2(1) of the National Lists Regulations, in the definition of "the Seeds Marketing Regulations", in sub-paragraph (b)(vi), for "Seed Potatoes (Wales) Regulations 2006", substitute "Seed Potatoes (Wales) Regulations 2016".

Rebecca Evans

Deputy Minister for Farming and Food, under the authority of the Minister for Natural Resources, one of the Welsh Ministers
2 February 2016

ATODLEN 1 Rheoliad 2(1)

Tystysgrifau cnwd sy'n tyfu

RHAN 1

Cyffredinol

1. Pan gaiff gais i ardstyio unrhyw datws hadyd, rhaid i swyddog awdurdodedig—

- (a) dyrannu i'r person sy'n gwneud y cais rif sydd i'w alw'n "rhif adnabod y cynhyrchydd" (pan na fo un eisoes yn bod ar gyfer y person hwnnw);
- (b) ar ôl archwiliad swyddogol, penderfynu yn unol â'r Atodlen hon ac Atodlen 4 ym mha categorïau a graddau y mae modd marchnata'r tatws hadyd; ac
- (c) yn ddarostyngedig i baragraffau 3 i 11, dyroddi tystysgrif cnwd sy'n tyfu yn unol â pharagraff 2.

2.—(1) Rhaid i dystysgrif cnwd sy'n tyfu ddatgan—

- (a) enw a chyfeiriad y ceisydd;
- (b) y categorïau a'r graddau y penderfynodd y swyddog awdurdodedig fod modd marchnata'r tatws hadyd ynddynt yn unol â pharagraff 1(b);
- (c) enw'r uned amaethyddol y tyfwyd y cnwd arno;
- (d) rhif adnabod y cynhyrchydd;
- (e) y dyddiad pan gafodd y cnwd sy'n tyfu ei arolygu;
- (f) amrywogaeth y tatws hadyd;
- (g) ardal y tatws hadyd; ac
- (h) lleoliad y cae lle tyfwyd y tatws hadyd.

(2) Yn is-baragraff (1), mae i "uned amaethyddol" yr ystyr a roddir i'r ymadrodd "agricultural unit" yn adran 109(2) o Ddeddf Amaeth 1947(1).

3. Ni chaniateir dyroddi tystysgrif cnwd sy'n tyfu ond pan fo swyddog awdurdodedig wedi ei fodloni, o ran y tatws hadyd a archwiliwyd gan y swyddog hwnnw—

- (a) bod y tatws hadyd o amrywogaeth o rywogaeth o datws sydd wedi ei gofnodi mewn Rhestr Genedlaethol neu yn y Catalog Cyffredin;

SCHEDULE 1 Regulation 2(1)

Growing crop certificates

PART 1

General

1. On receipt of an application for certification of any seed potatoes, an authorised officer must—

- (a) allocate to the person making the application a number to be known as the "producer's identification number" (where one does not already exist for that person);
- (b) following an official examination, determine in accordance with this Schedule and Schedule 4 the categories and grades at which the seed potatoes are capable of being marketed; and
- (c) subject to paragraphs 3 to 11, issue a growing crop certificate in accordance with paragraph 2.

2.—(1) A growing crop certificate must state—

- (a) the name and address of the applicant;
- (b) the categories and grades at which the authorised officer has determined the seed potatoes are capable of being marketed in accordance with paragraph 1(b);
- (c) the name of the agricultural unit on which the crop was grown;
- (d) the producer's identification number;
- (e) the date on which the growing crop was inspected;
- (f) the variety of the seed potatoes;
- (g) the area of the seed potatoes; and
- (h) the location of the field on which the seed potatoes were grown.

(2) In sub-paragraph (1), "agricultural unit" ("*uned amaethyddol*") has the meaning assigned to that expression in section 109(2) of the Agriculture Act 1947(1).

3. A growing crop certificate may only be issued where an authorised officer is satisfied, in relation to the seed potatoes examined by that officer, that—

- (a) the seed potatoes are of a variety of potato species entered in a National List or the Common Catalogue;

(1) 1947 p. 48.

(1) 1947 c. 48.

- (b) bod y tatws hadyd mewn unrhyw un cnwd o un amrywogaeth;
- (c) bod y tatws hadyd wedi eu cymryd o gnwd sy'n iach o'r clefydau neu'r plâu a ganlyn—
- (i) Clefyd y Ddafaden (*Synchytrium endobioticum* (Schilb) Perc);
- (ii) Llyngyr Tatws (rhywogaeth *Globodera* sy'n heintio tatws);
- (iii) Pydredd Cylch (*Clavibacter michiganensis* (Smith) Davis et al ssp *Sepedonicus* (Spieck & Kotth) Davis et al);
- (iv) Pydredd Coch (*Ralstonia solanacearum* (Smith) Yabuuchi et al);
- (v) Firoid y Gloronen Bigfain;
- (vi) Chwilen Golorado (*Leptinotarsa decemlineata* (Say)); ac
- (vii) Llyngyr y Gloronen (*Ditylenchus destructor* (Thorne));
- (d) nad yw'r tir y mae'r tatws hadyd yn tyfu arno neu lle y tyfwyd hwy yn dir a ddynodwyd o dan Atodlen 14 i Orchymyn Iechyd Planhigion (Cymru) 2006(1) fel tir a halogwyd gan Glefyd y Ddafaden (*Synchytrium endobioticum* (Schilb) Perc) neu o fewn parth diogelwch a ddynodwyd o dan y Gorchymyn hwnnw;
- (e) nad yw neu na fu bylchu'n eithafol yn unman yn y cnwd o'r tatws hadyd sy'n tyfu;
- (f) na chafodd y cnwd sy'n tyfu ei chwynnu'n ormodol; ac
- (g) y cymerwyd pob cam rhesymol mewn hwsmonaeth yn effeithiol er mwyn atal clefydau a phlâu rhag digwydd, datblygu nac ymledu.
- (b) the seed potatoes in any one crop are of a single variety;
- (c) the seed potatoes are taken from a crop which is free from the following diseases or pests—
- (i) Wart Disease (*Synchytrium endobioticum* (Schilb) Perc);
- (ii) Potato Cyst Nematode (*Globodera* species infesting potatoes);
- (iii) Ring Rot (*Clavibacter michiganensis* (Smith) Davis et al ssp *Sepedonicus* (Spieck & Kotth) Davis et al);
- (iv) Brown Rot (*Ralstonia solanacearum* (Smith) Yabuuchi et al);
- (v) Potato Spindle Tuber Viroid;
- (vi) Colorado Beetle (*Leptinotarsa decemlineata* (Say)); and
- (vii) Potato Tuber Eelworm (*Ditylenchus destructor* (Thorne));
- (d) the land on which the seed potatoes are growing or were grown is not land which is demarcated under Schedule 14 to the Plant Health (Wales) Order 2006(1) as contaminated with Wart Disease (*Synchytrium endobioticum* (Schilb) Perc) or is within a safety zone demarcated under that Order;
- (e) blanking in any of the growing crop of the seed potatoes is not or was not excessive;
- (f) the growing crop has not been over-rogued; and
- (g) all reasonable husbandry practices for the prevention of the occurrence, development or spread of diseases and pests have been effectively carried out.

RHAN 2

Tatws hadyd cyn-sylfaenol

4.—(1) Ni chaniateir dyroddi tystysgrif cnwd sy'n tyfu sy'n cynnwys datganiad bod modd marchnata tatws hadyd fel tatws hadyd cyn-sylfaenol o unrhyw radd oni bai bod y swyddog awdurdodedig wedi ei fodloni bod y tir y mae'r tatws hadyd yn tyfu arno neu y tyfwyd hwy arno—

PART 2

Pre-basic seed potatoes

4.—(1) No growing crop certificate may be issued containing a statement that seed potatoes are capable of being marketed as pre-basic seed potatoes of any grade unless the authorised officer is satisfied that the land on which the seed potatoes are growing or were grown—

(1) O.S. 2006/1643 (Cy. 158), a ddiwygiwyd gan O.S. 2010/1795 (Cy. 171); mae offerynnau diwygio eraill ond nid oes yr un ohonynt yn berthnasol.

(1) S.I. 2006/1643 (W. 158), amended by S.I. 2010/1795 (W. 171); there are other amending instruments but none is relevant.

- (a) yn dir y canfyddwyd, o ganlyniad i brawf pridd a gynhaliwyd gan Weinidogion Cymru cyn plannu'r cnwd, nad yw wedi ei halogi â'r Llyngyr Tatws (rhywogaeth *Globodera* sy'n heintio tatws);
- (b) yn dir nad yw wedi ei ddynodi o dan Atodlen 15 i Orchymyn Iechyd Planhigion (Cymru) 2006 fel tir sydd wedi ei heintio â phoblogaeth Ewropeaidd o'r Llyngyr Tatws; ac
- (c) yn dir nad yw wedi ei ddefnyddio ar gyfer tyfu tatws ar unrhyw adeg yn ystod y saith mlynedd yn union cyn plannu'r cnwd.

(2) Ond nid yw is-baragraff (1)(a) yn gymwys yn achos tatws hadyd a dyfir mewn cyfrwng di-bridd.

5. Ni chaniateir dyroddi tystysgrif cnwd sy'n tyfu sy'n cynnwys datganiad bod modd marchnata tatws hadyd fel tatws hadyd cyn-sylfaenol gradd PBTC yr Undeb oni bai bod y swyddog awdurdodedig wedi ei fodloni nad yw'r cnwd olynol nesaf a gynhyrchir allan o'r tatws hadyd yn debygol o gynnwys—

- (a) planhigion o amrywogaeth wahanol; neu
- (b) planhigion sydd wedi eu heffeithio gan firws cymedrol neu ddifrifol.

6. Ni chaniateir dyroddi tystysgrif cnwd sy'n tyfu sy'n cynnwys datganiad bod modd marchnata tatws hadyd fel tatws hadyd cyn-sylfaenol gradd PB yr Undeb oni bai bod y swyddog awdurdodedig wedi ei fodloni nad yw'r cnwd olynol nesaf a gynhyrchir allan o'r tatws hadyd yn debygol o gynnwys—

- (a) mwy na 0.01% yn ôl rhif y planhigion sy'n tyfu sy'n amrywio o'u hamrywogaeth a'u math neu sy'n amrywogaeth wahanol; neu
- (b) mwy na 0.5% yn ôl rhif y planhigion sy'n tyfu sy'n arddangos symptomau o heintiau firws pan fo'r symptomau hynny i'w priodoli i haint yn y cnwd tarddiol.

RHAN 3

Tatws hadyd sylfaenol

7.—(1) Ni chaniateir dyroddi tystysgrif cnwd sy'n tyfu sy'n cynnwys datganiad bod modd marchnata tatws hadyd fel tatws hadyd sylfaenol o unrhyw radd oni bai bod y swyddog awdurdodedig wedi ei fodloni bod y tir y mae'r tatws hadyd yn tyfu arno neu y tyfwyd hwy arno—

- (a) yn dir y canfyddwyd, o ganlyniad i brawf pridd a gynhaliwyd gan Weinidogion Cymru cyn plannu'r cnwd, nad yw wedi ei halogi â'r Llyngyr Tatws (rhywogaeth *Globodera* sy'n heintio tatws);

- (a) is land which, as a result of a soil test carried out by the Welsh Ministers prior to the planting of the crop, has been found not to be contaminated with Potato Cyst Nematode (*Globodera* species infesting potatoes);
- (b) is not demarcated under Schedule 15 to the Plant Health (Wales) Order 2006 as infested with a European population of Potato Cyst Nematode; and
- (c) has not been used for growing potatoes at any time during the seven years immediately preceding the planting of the crop.

(2) But sub-paragraph (1)(a) does not apply in the case of seed potatoes grown in a soil-free medium.

5. No growing crop certificate may be issued containing a statement that seed potatoes are capable of being marketed as pre-basic seed potatoes of Union grade PBTC unless the authorised officer is satisfied that the immediately succeeding crop produced from the seed potatoes is not likely to contain—

- (a) plants of a different variety; or
- (b) plants affected by mild or severe virus.

6. No growing crop certificate may be issued containing a statement that seed potatoes are capable of being marketed as pre-basic seed potatoes of Union grade PB unless the authorised officer is satisfied that the immediately succeeding crop produced from the seed potatoes is not likely to contain—

- (a) more than 0.01% by number of growing plants which deviate from variety and type or are a different variety; or
- (b) more than 0.5% by number of growing plants which show symptoms of virus diseases where those symptoms are attributable to infection in the mother crop.

PART 3

Basic seed potatoes

7.—(1) No growing crop certificate may be issued containing a statement that seed potatoes are capable of being marketed as basic seed potatoes of any grade unless the authorised officer is satisfied that the land on which the seed potatoes are growing or were grown—

- (a) is land which, as a result of a soil test carried out by the Welsh Ministers prior to the planting of the crop, has been found not to be contaminated with Potato Cyst Nematode (*Globodera* species infesting potatoes);

- (b) yn dir nad yw wedi ei ddynodi o dan Atodlen 15 i Orchymyn Iechyd Planhigion (Cymru) 2006 fel tir sydd wedi ei heintio â phoblogaeth Ewropeaidd o'r Llyngyr Tatws; ac
- (c) yn dir nad yw wedi ei ddefnyddio ar gyfer tyfu tatws ar unrhyw adeg yn ystod y pum mlynedd yn union cyn plannu'r cnwd.

(2) Ond nid yw is-baragraff (1)(a) yn gymwys yn achos tatws hadyd a dyfir mewn cyfrwng di-bridd.

8. Ni chaniateir dyroddi tystysgrif cnwd sy'n tyfu sy'n cynnwys datganiad bod modd marchnata tatws hadyd fel tatws hadyd sylfaenol o unrhyw radd oni bai bod y swyddog awdurdodedig wedi ei fodloni na fydd y cnwd olynol nesaf a gynhyrchir allan o'r tatws hadyd yn debygol o gynnwys—

- (a) mwy na 0.25% yn ôl rhif y planhigion sy'n tyfu nad ydynt yn epilio yn driw i'w hamrywogaeth neu sy'n amrywogaeth wahanol; ac
- (b) yn achos—
 - (i) gradd S, dim mwy nag 1%,
 - (ii) gradd SE, dim mwy na 2%, a
 - (iii) gradd E, dim mwy na 4%,
 yn ôl rhif y planhigion sy'n tyfu sy'n dangos symptomau o heintiau firws sy'n gyffredin yn Ewrop pan fo'r symptomau hynny i'w priodoli i haint yn y cnwd tarddiol.

RHAN 4

Tatws hadyd ardystiedig

9.—(1) Ni chaniateir dyroddi tystysgrif cnwd sy'n tyfu sy'n cynnwys datganiad bod modd marchnata tatws hadyd fel tatws hadyd ardystiedig oni bai bod y swyddog awdurdodedig wedi ei fodloni bod y tir y mae'r tatws hadyd yn tyfu arno neu y tyfwyd hwy arno—

- (a) yn dir y canfyddwyd, o ganlyniad i brawf pridd a gynhaliwyd gan Weinidogion Cymru cyn plannu'r cnwd, nad yw wedi ei halogi â'r Llyngyr Tatws (rhywogaeth *Globodera* sy'n heintio tatws);
- (b) yn dir nad yw wedi ei ddynodi o dan Atodlen 15 i Orchymyn Iechyd Planhigion (Cymru) 2006 fel tir sydd wedi ei heintio â phoblogaeth Ewropeaidd o'r Llyngyr Tatws; ac
- (c) yn dir nad yw wedi ei ddefnyddio ar gyfer tyfu tatws ar unrhyw adeg yn ystod y pedair blynedd yn union cyn plannu'r cnwd.

- (b) is not demarcated under Schedule 15 to the Plant Health (Wales) Order 2006 as infested with a European population of Potato Cyst Nematode; and
- (c) has not been used for growing potatoes at any time during the five years immediately preceding the planting of the crop.

(2) But sub-paragraph (1)(a) does not apply in the case of seed potatoes grown in a soil-free medium.

8. No growing crop certificate may be issued containing a statement that seed potatoes are capable of being marketed as basic seed potatoes of any grade unless the authorised officer is satisfied that the immediately succeeding crop produced from the seed potatoes is not likely to contain—

- (a) more than 0.25% by number of growing plants which do not breed true to variety or are a different variety; and
- (b) in the case of—
 - (i) Union grade S, not more than 1%,
 - (ii) Union grade SE, not more than 2%, and
 - (iii) Union grade E, not more than 4%,
 by number of growing plants which show symptoms of virus diseases prevalent in Europe where those symptoms are attributable to infection in the mother crop.

PART 4

Certified seed potatoes

9.—(1) No growing crop certificate may be issued containing a statement that seed potatoes are capable of being marketed as certified seed potatoes unless the authorised officer is satisfied that the land on which the seed potatoes are growing or were grown—

- (a) is land which, as a result of a soil test carried out by the Welsh Ministers prior to the planting of the crop, has been found not to be contaminated with Potato Cyst Nematode (*Globodera* species infesting potatoes);
- (b) is not demarcated under Schedule 15 to the Plant Health (Wales) Order 2006 as infested with a European population of Potato Cyst Nematode; and
- (c) has not been used for growing potatoes at any time during the four years immediately preceding the planting of the crop.

(2) Ond nid yw is-baragraff (1)(a) yn gymwys yn achos tatws hadyd a dyfir mewn cyfrwng di-bridd.

10. Ni chaniateir dyroddi tystysgrif cnwd sy'n tyfu sy'n cynnwys datganiad bod modd marchnata tatws hadyd fel tatws hadyd ardystiedig oni bai bod y swyddog awdurdodedig wedi'i fodloni bod y cnwd olynol nesaf a gynhyrchir allan o'r tatws hadyd yn debygol o gynnwys—

(a) yn achos—

(i) gradd A yr Undeb, dim mwy na 0.5%, a

(ii) gradd B yr Undeb, dim mwy na 0.5%,

yn ôl rhif y planhigion sy'n tyfu nad ydynt yn epilio yn driw i'w hamrywogaeth neu sy'n amrywogaeth wahanol; a

(b) yn achos—

(i) gradd A yr Undeb, dim mwy nag 8%, a

(ii) gradd B yr Undeb, dim mwy na 10%,

yn ôl rhif y planhigion sy'n tyfu sy'n dangos symptomau o heintiau firws difrifol sy'n gyffredin yn Ewrop pan fo'r symptomau hynny i'w priodoli i haint yn y cnwd tarddiol.

(2) But sub-paragraph (1)(a) does not apply in the case of seed potatoes grown in a soil-free medium.

10. No growing crop certificate may be issued containing a statement that seed potatoes are capable of being marketed as certified seed potatoes unless the authorised officer is satisfied that the immediately succeeding crop produced from the seed potatoes is likely to contain—

(a) in the case of—

(i) Union grade A, not more than 0.5%, and

(ii) Union grade B, not more than 0.5%,

by number of growing plants which do not breed true to variety or are a different variety; and

(b) in the case of—

(i) Union grade A, not more than 8%, and

(ii) Union grade B, not more than 10%,

by number of growing plants which show symptoms of severe virus diseases prevalent in Europe where those symptoms are attributable to infection in the mother crop.

ATODLEN 2 Rheoliad 2(1)

Labeli swyddogol a dogfennau swyddogol

RHAN 1

Labeli swyddogol

1. Rhaid i label swyddogol a ddefnyddir mewn perthynas â thatws hadyd cyn-sylfaenol fod wedi ei liwio'n wyn gyda llinell goreslinol fioled.

2. Rhaid i label swyddogol a ddefnyddir mewn perthynas â thatws hadyd sylfaenol fod wedi ei liwio'n wyn.

3. Rhaid i label swyddogol a ddefnyddir mewn perthynas â thatws hadyd ardystiedig fod wedi ei liwio'n las.

4. Rhaid i label swyddogol a ddefnyddir mewn perthynas â thatws hadyd sydd i'w profi a'u treialu fod wedi ei liwio'n oren.

5. Rhaid i label swyddogol fesur dim llai na 110 o filimetrau x 67 o filimetrau.

6. Rhaid i label swyddogol ar gyfer tatws hadyd cyn-sylfaenol, mewn perthynas â'r tatws hadyd y mae'n ymwneud â hwy, ddatgan y manylion a ganlyn—

SCHEDULE 2 Regulation 2(1)

Official labels and official documents

PART 1

Official labels

1. An official label used in relation to pre-basic seed potatoes must be coloured white with a diagonal violet line.

2. An official label used in relation to basic seed potatoes must be coloured white.

3. An official label used in relation to certified seed potatoes must be coloured blue.

4. An official label used in relation to test and trial seed potatoes must be coloured orange.

5. An official label must measure not less than 110 millimetres x 67 millimetres.

6. An official label for pre-basic seed potatoes must, in relation to the seed potatoes to which it relates, state the following particulars—

- (a) yr Awdurdod Ardystio a'r Aelod-wladwriaeth neu eu byrfoddau neilltuol;
- (b) rhif adnabod y cynhyrchydd neu rif cyfeirnod y lot;
- (c) mis a blwyddyn ei selio;
- (d) y rhywogaeth, wedi ei ddangos o leiaf yn yr wyddor Rufeinig, o dan ei enw botanegol, y caniateir ei roi mewn ffurf dalfyredig a heb enwau'r awduron, neu o dan ei enw cyffredin, neu'r ddau;
- (e) yr amrywogaeth, wedi ei ddangos o leiaf yn yr wyddor Rufeinig;
- (f) y radd; ac
- (g) y disgrifiad "pre-basic seed potatoes".

7. Rhaid i label swyddogol ar gyfer tatws hadyd sylfaenol neu datws hadyd ardystiedig—

- (a) cynnwys y datganiad "EU Rules and Standards"; a
- (b) mewn perthynas â'r tatws hadyd y mae'n ymwneud â hwy, ddatgan y manylion a ganlyn—
 - (i) yr Awdurdod Ardystio a'r Aelod-wladwriaeth neu eu byrfoddau neilltuol;
 - (ii) rhif adnabod y cynhyrchydd neu rif cyfeirnod y lot;
 - (iii) mis a blwyddyn ei selio;
 - (iv) yr amrywogaeth, wedi ei ddangos o leiaf yn yr wyddor Rufeinig;
 - (v) y wlad lle'u cynhyrchwyd;
 - (vi) y categori;
 - (vii) y radd;
 - (viii) y maint; ac
 - (ix) y pwysau net.

8. Rhaid i label swyddogol ar gyfer tatws hadyd sydd i'w profi a'u treialu—

- (a) cynnwys y datganiadau "variety not yet officially listed" ac "for tests and trials only"; a
- (b) mewn perthynas â'r tatws hadyd y mae'n ymwneud â hwy, ddatgan y manylion a ganlyn—
 - (i) yr Awdurdod Ardystio a'r Aelod-wladwriaeth neu eu byrfoddau neilltuol;
 - (ii) rhif adnabod y cynhyrchydd neu rif cyfeirnod y lot;
 - (iii) mis a blwyddyn ei selio;
 - (iv) y rhywogaeth;

- (a) the Certification Authority and member State or their distinguishing abbreviations;
- (b) the producer's identification number or a lot reference number;
- (c) the month and year of sealing;
- (d) the species, indicated at least in Roman characters, under its botanical name, which may be given in abridged form and without the authors' names, or under its common name, or both;
- (e) the variety, indicated at least in Roman characters;
- (f) the grade; and
- (g) the description "pre-basic seed potatoes".

7. An official label for basic seed potatoes or certified seed potatoes must—

- (a) contain the statement "EU Rules and Standards"; and
- (b) in relation to the seed potatoes to which it relates, state the following particulars—
 - (i) the Certification Authority and member State or their distinguishing abbreviations;
 - (ii) the producer's identification number or a lot reference number;
 - (iii) the month and year of sealing;
 - (iv) the variety, indicated at least in Roman characters;
 - (v) the country of production;
 - (vi) the category;
 - (vii) the grade;
 - (viii) the size; and
 - (ix) the net weight.

8. An official label for test and trial seed potatoes must—

- (a) contain the statements "variety not yet officially listed" and "for tests and trials only"; and
- (b) in relation to the seed potatoes to which it relates, state the following particulars—
 - (i) the Certification Authority and member State or their distinguishing abbreviations;
 - (ii) the producer's identification number or a lot reference number;
 - (iii) the month and year of sealing;
 - (iv) the species;

- (v) dynodiad yr amrywogaeth y mae'r tatws hadyd i gael eu marchnata oddi tano (y caniateir iddo fod yn gyfeirnod y bridwiwr, y dynodiad arfaethedig neu'r dynodiad a gymeradwywyd);
- (vi) y rhif cyfeirnod mewn cysylltiad â'r cais a gyflwynwyd yn unol â rheoliad 4(1)(a) o'r Rheoliadau Rhestrau Cenedlaethol ar gyfer derbyn yr amrywogaeth o dan sylw ar Restr Genedlaethol;
- (vii) y maint; ac
- (viii) y pwysau net.

9. Yn achos tatws hadyd o amrywogaeth cadwraeth, yn ogystal â gofynion paragraffau 1 i 8, rhaid i label swyddogol gynnwys yr wybodaeth ychwanegol sy'n ofynnol gan Erthygl 18 o Gyfarwyddeb 2008/62/EC.

10. Heb iddo leihau effaith paragraffau 1 i 8, caiff label swyddogol gynnwys unrhyw ddatganiadau pellach—

- (a) sy'n ymwneud â'r cenhedliad maes y mae'r tatws hadyd yn perthyn iddo;
- (b) sy'n ofynnol neu y caniateir eu cynnwys mewn label swyddogol yn unol ag unrhyw ddarpariaeth yn y Rheoliadau hyn neu yng Ngorchymyn Iechyd Planhigion (Cymru) 2006; neu
- (c) sy'n briodol ym marn Gweinidogion Cymru.

11. Os nad yw'r label swyddogol yn dangos y cenhedliad maes, bernir bod tatws hadyd yn perthyn—

- (a) yn achos tatws hadyd cyn-sylfaenol, i'r pedwerydd cenhedliad;
- (b) yn achos tatws hadyd sylfaenol—
 - (i) gradd S yr Undeb, i'r pumed cenhedliad;
 - (ii) gradd SE yr Undeb, i'r chweched cenhedliad;
 - (iii) gradd E yr Undeb, i'r seithfed cenhedliad;
- (c) yn achos tatws hadyd ardystiedig, gradd A yr Undeb neu radd B yr Undeb, i'r nawfed cenhedliad.

RHAN 2

Dogfennau swyddogol

12. Rhaid i ddogfen swyddogol a ddefnyddir mewn perthynas â thatws hadyd cyn-sylfaenol fod wedi ei lliwio'n wyn gyda llinell groeslinol fioled.

- (v) the denomination of the variety under which the seed potatoes are to be marketed (which may be the breeder's reference, the proposed denomination or the approved denomination);
- (vi) the reference number in respect of the application submitted in accordance with regulation 4(1)(a) of the National Lists Regulations for acceptance of the variety concerned on to a National List;
- (vii) the size; and
- (viii) the net weight.

9. In the case of seed potatoes of a conservation variety, in addition to the requirements of paragraphs 1 to 8, an official label must contain the further information required by Article 18 of Directive 2008/62/EC.

10. Without prejudice to paragraphs 1 to 8, an official label may contain such further statements—

- (a) concerning the field generation to which the seed potatoes belong;
- (b) as required or permitted to be included in an official label in accordance with any provision of these Regulations or the Plant Health (Wales) Order 2006; or
- (c) as the Welsh Ministers consider appropriate.

11. Where the field generation is not indicated on the official label, seed potatoes are deemed to belong to—

- (a) in the case of pre-basic seed potatoes, the fourth generation;
- (b) in the case of basic seed potatoes—
 - (i) of Union grade S, the fifth generation;
 - (ii) of Union grade SE, the sixth generation;
 - (iii) of Union grade E, the seventh generation;
- (c) in the case of certified seed potatoes of Union grade A or Union grade B, the ninth generation.

PART 2

Official documents

12. An official document used in relation to pre-basic seed potatoes must be coloured white with a diagonal violet line.

13. Rhaid i ddogfen swyddogol a ddefnyddir mewn perthynas â thatws hadyd sydd i'w profi a'u treialu fod wedi ei lliwio'n oren.

14. Rhaid i ddogfen swyddogol a ddefnyddir mewn perthynas â thatws hadyd sylfaenol fod yn wyn yn bennaf.

15. Rhaid i ddogfen swyddogol a ddefnyddir mewn perthynas â thatws hadyd ardystiedig fod yn las yn bennaf.

16. Rhaid i ddogfen swyddogol, mewn perthynas â'r tatws hadyd y mae'n ymwneud â hwy, ddatgan—

- (a) rhif adnabod y cynhyrchydd neu rif cyfeirnod y lot;
- (b) mis a blwyddyn ei seilio; ac
- (c) y wlad lle'u cynhyrchwyd.

RHAN 3

Gofynion Iaith

17. Rhaid i label swyddogol neu ddogfen swyddogol fod yn Saesneg a chânt hefyd fod yn Gymraeg.

18. Yn ogystal â'r testun Saesneg sy'n rhaid ei gynnwys yn sgil paragraff 6(g), rhaid i unrhyw destun Cymraeg sy'n cyfateb ag ef gynnwys y disgrifiad "*tatws hadyd cyn-sylfaenol*".

19. Yn ogystal â'r testun Saesneg sy'n rhaid ei gynnwys yn sgil paragraff 7(a), rhaid i unrhyw destun Cymraeg sy'n cyfateb ag ef gynnwys y datganiad "*Rheolau a Safonau'r UE*".

20. Yn ogystal â'r testun Saesneg sy'n rhaid ei gynnwys yn sgil paragraff 8(a), rhaid i unrhyw destun Cymraeg sy'n cyfateb ag ef gynnwys y datganiad "*amrywogaeth nas rhestrwyd yn swyddogol eto*" ac "*ar gyfer profi a threialu'n unig*".

13. An official document used in relation to test and trial seed potatoes must be coloured orange.

14. An official document used in relation to basic seed potatoes must be predominantly white.

15. An official document used in relation to certified seed potatoes must be predominantly blue.

16. An official document must, in relation to the seed potatoes to which it relates, state—

- (a) the producer's identification number or a lot reference number;
- (b) the month and year of sealing; and
- (c) the country of production

PART 3

Language requirements

17. An official label or official document must be in English and may also be in Welsh.

18. In addition to the English text that must be included by virtue of paragraph 6(g), any equivalent Welsh text must include the description "*tatws hadyd cyn-sylfaenol*".

19. In addition to the English text that must be included by virtue of paragraph 7(a), any equivalent Welsh text must contain the statement "*Rheolau a Safonau'r UE*";

20. In addition to the English text that must be included by virtue of paragraph 8(a), any equivalent Welsh text must contain the statement "*amrywogaeth nas rhestrwyd yn swyddogol eto*" and "*ar gyfer profi a threialu'n unig*".

Clefydau neu blâu, difrod a diffygion a goddefiannau penodedig

RHAN 1

Tatws hadyd cyn-sylfaenol o radd PBTC yr Undeb a gynhyrchir yng Nghymru

<i>Colofn 1</i>	<i>Colofn 2</i>
<i>Clefydau neu blâu, difrod a diffygion penodedig</i>	<i>Goddefiannau unigol</i>
Grŵp 1	
Clefyd y Ddafaden (<i>Synchytrium endobioticum</i> (Schilb) Perc)	Dim
Llyngyr y Gloronen (<i>Ditylenchus destructor</i> Thorne)	Dim
Llyngyr Tatws (rhywogaeth <i>Globodera</i> sy'n heintio tatws)	Dim
Pydredd Cylch (<i>Clavibacter michiganensis</i> (Smith) Davis et al ssp <i>sepedonicus</i> (Spieck & Koth) Davis et al)	Dim
Pydredd Coch (<i>Ralstonia solanacearum</i> (Smith) Yabuuchi et al)	Dim
Firoid y Gloronen Bigfain	Dim
Chwilen Golorado (<i>Leptinotarsa decemlineata</i> (Say))	Dim
Grŵp II	
Y Clwy Tatws (<i>Phytophthora infestans</i> (Mont) de Bary)	Dim
Pydredd Du'r Coesyn (<i>Erwinia carotovora</i> (Jones) Bergey et al spp) <i>atroseptica</i> (Hellmers & Dowson) Dye neu <i>Erwinia chrysanthemi</i> Burkholder et al neu'r ddau	Dim
Pydreddau Meddal gan gynnwys: Pydredd yr Archoll Diferol (<i>Pythium ultimum</i> Trow)	Dim
Y Pydredd Pinc (<i>Phytophthora erythroseptica</i> Pethybridge) a Phydredd y Manbant	Dim
Y Pydredd Sych (rhywogaeth <i>Fusarium</i>)	Dim
Y Madredd (rhywogaeth <i>Phoma</i>)	Dim
Cloron a ddifrodwyd gan rew	Dim
Grŵp III	
Brychni'r Croen (<i>Polyscytalum pustulans</i> (Owen & Wakefield) M B Ellis)	Dim
Grŵp IV	
Y Cen Du (<i>Rhizoctonia solani</i> Kuhn)	Dim
Y Crach Cyffredin (rhywogaeth <i>Streptomyces</i>)	Dim
Grŵp V	

Y Crach Llychlyd (<i>Spongospora subterranea</i> (Wallr) Legerh)	Dim
Grŵp VI	
Brychau allanol, gan gynnwys cloron wedi eu niweidio neu gloron ac eithrio cloron afiach â'u siâp heb fod yn nodweddiadol o'r amrywogaeth	Dim
Madredd arwynebol a achosir gan firws tatws Y	Dim
Cloron wedi crebachu oherwydd dadhydradu gormodol neu ddadhydradu a achoswyd gan gen arian (<i>Helminthosporium solani</i>)	Dim
Grŵp VII	
Baw neu sylwedd estronol arall	1.0%

RHAN 2

Tatws hadyd cyn-sylfaenol o radd PB yr Undeb a gynhyrchir yng Nghymru

Colofn 1	Colofn 2	Colofn 3	Colofn 4
<i>Clefydau neu blâu, difrod a diffygion penodedig</i>	<i>Goddef-iannau unigol</i>	<i>Goddef-iannau grŵp</i>	<i>Goddef-iannau grŵp cyfunol</i>
Grŵp I			
Clefyd y Ddafaden (<i>Synchytrium endobioticum</i> (Schilb) Perc)	Dim	–	–
Llyngyr y Gloronen (<i>Ditylenchus destructor</i> (Thorne))	Dim	–	–
Llyngyr Tatws (rhywogaeth <i>Globodera</i> sy'n heintio tatws)	Dim	–	–
Pydredd Cylch (<i>Clavibacter michiganensis</i> (Smith) Davis et al ssp <i>sepedonicus</i> (Spieck & Kotth) Davis et al)	Dim	–	–
Pydredd Coch (<i>Ralstonia solanacearum</i> (Smith) Yabuuchi et al)	Dim	–	–
Firoid y Gloronen Bigfain	Dim	–	–
Chwilen Golorado (<i>Leptinotarsa decemlineata</i> (Say))	Dim	–	–
Grŵp II			
Y Clwy Tatws (<i>Phytophthora infestans</i> (Mont) de Bary)	0.2%))
Pydredd Du'r Coesyn (<i>Erwinia carotovora</i> (Jones) Bergey et al spp <i>atroseptica</i> (Hellmers & Dowson))	0.2%))
Dye neu <i>Erwinia chrysanthemi</i> Burkholder et al neu'r ddau			
Pydreddau Meddal gan gynnwys: Pydredd yr Archoll Diferol (<i>Pythium ultimum</i> Trow)	0.2%))
Y Pydredd Pinc (<i>Phytophthora erythroseptica</i> Pethybridge) a Phydredd y Manbant	0.2%	) 0.2%)
Y Pydredd Sych (rhywogaeth <i>Fusarium</i>)	0.2%))
Y Madredd (rhywogaeth <i>Phoma</i>)	0.2%))

Cloron a ddifrodwyd gan rew	0.2%))
Grŵp III Brychni'r Croen (<i>Polyscytalum pustulans</i> (Owen & Wakefield)) M B Ellis	0.2%	)	) 6.0%
Grŵp IV Y Cen Du (<i>Rhizoctonia solani</i> Kuhn) Cyn belled ag y bernir bod tatws hadyd sydd ag o leiaf ddau ysmotyn du yn y pen blaguro sy'n gyfan gwbl heb eu heffeithio ac sydd â llai nag un rhan o ddeg o'u harwynebedd wedi ei effeithio heb gael eu heffeithio gan y clefyd	1.0%	) 5.0%)
Y Crach Cyffredin (rhywogaeth <i>Streptomyces</i>) Cyn belled ag y bernir bod tatws hadyd sydd ag o leiaf ddau ysmotyn du yn y pen blaguro sy'n gyfan gwbl heb eu heffeithio ac sydd â llai nag un rhan o dair o'u harwynebedd wedi ei effeithio heb gael eu heffeithio gan y clefyd	5.0%))
Grŵp V Y Crach Llychlyd (<i>Spongospora subterranea</i> (Wallr) Legerh) Cyn belled ag y bernir bod tatws hadyd sydd ag o leiaf ddau ysmotyn du yn y pen blaguro sy'n gyfan gwbl heb eu heffeithio ac sydd â llai nag un rhan o ddeg o'u harwynebedd wedi ei effeithio heb gael eu heffeithio gan y clefyd	1.0%))
Grŵp VI Brychau allanol gan gynnwys cloron wedi eu niweidio neu gloron ac eithrio cloron wedi eu heintio â'u siâp heb fod yn nodweddiadol o'r rhywogaeth	3.0%)	–
Madredd arwynebol a achosir gan firws tatws Y Cloron wedi crebachu oherwydd dadhydradu gormodol neu ddadhydradu a achoswyd gan gen arian (<i>Helminthosporium solani</i>)	Dim 0.5%	) 3.0%)	– –
Grŵp VII Baw neu sylwedd estronol arall	1.0%	–	–

RHAN 3

Tatws hadyd sylfaenol a thatws hadyd ardystiedig a gynhyrchir yng Nghymru

<i>Colofn 1</i> <i>Clefydau neu blâu, difrod a diffygion penodedig</i>	<i>Colofn 2</i> <i>Goddef-iannau unigol</i>	<i>Colofn 3</i> <i>Goddef-iannau grŵp</i>	<i>Colofn 4</i> <i>Goddef-iannau grŵp cyfunol</i>
Grŵp I Clefyd y Ddafaden (<i>Synchytrium endobioticum</i> (Schilb) Perc)	Dim	–	–
Llyngyr y Gloronen (<i>Ditylenchus destructor</i> Thorne)	Dim	–	–
Llyngyr Tatws (rhywogaeth <i>Globodera</i> sy'n heintio tatws)	Dim	–	–
Pydredd Cylch (<i>Clavibacter michiganensis</i> (Smith) Davis et al ssp <i>sepedonicus</i> (Spieck & Koth) Davis)	Dim	–	–

et al)			
Pydredd Coch (<i>Ralstonia solanacearum</i> (Smith) Yabuuchi et al)	Dim	–	–
Firoid y Gloronen Bigfain	Dim	–	–
Chwilen Golorado (<i>Leptinotarsa decemlineata</i> (Say))	Dim	–	–
Grŵp II			
Y Clwy Tatws (<i>Phytophthora infestans</i> (Mont) de Bary)	0.5%))
Pydredd Du'r Coesyn (<i>Erwinia carotovora</i> (Jones) Bergey et al spp) <i>atroseptica</i> (Hellmers & Dowson)	0.5%))
Dye neu <i>Erwinia chrysanthemi</i> Burkholder et al neu'r ddau			
Pydreddau Meddal gan gynnwys Pydredd yr Archoll Diferol (<i>Pythium ultimum</i> Trow)	0.5%	) 0.5%)
Y Pydredd Pinc (<i>Phytophthora erythroseptica</i> Pethybridge) a Phydredd y Manbant	0.5%))
Y Pydredd Sych (rhywogaeth <i>Fusarium</i>)	0.5%))
Y Madredd (rhywogaeth <i>Phoma</i>)	0.5%))
Cloron a ddifrodwyd gan rew	0.5%))
Unrhyw un o'r diffygion Grŵp II hyn sy'n ymddangos fel symptom pydredd gwlyb	0.2%))
Grŵp III			
Brychni'r Croen (<i>Polyscytalum pustulans</i> (Owen & Wakefield) M B Ellis)	0.5% ac eithrio gradd E yr Undeb, gradd A yr Undeb a gradd B yr Undeb; 2.0% ar gyfer gradd E yr Undeb, gradd A yr Undeb a gradd B yr Undeb yn unig))
Y Crach Llychlyd (<i>Spongospora subterranea</i> (Wallr) Legerh)	3.0%	) 5.0%	) 6.0% ar gyfer tatws hadyd sylfaenol ac 8.0% ar gyfer tatws hadyd ardystiedig
Cyn belled ag y bernir bod tatws hadyd sydd ag o leiaf ddau ysmotyn du yn y pen blaguro sy'n gyfan gwbl heb eu heffeithio ac sydd â llai nag un rhan o ddeg o'u harwynebedd wedi ei effeithio heb gael eu heffeithio gan y clefyd (ac eithrio pan fo'r crach llychlyd yn ei ffurf ganseraidd)			
Grŵp IV			
Y Cen Du (<i>Rhizoctonia solani</i> Kuhn)	5.0%))
Cyn belled ag y bernir bod tatws hadyd sydd ag o leiaf ddau ysmotyn du yn y pen blaguro sy'n gyfan gwbl heb eu heffeithio ac sydd â llai nag un rhan o ddeg o'u harwynebedd wedi ei effeithio heb gael eu heffeithio gan y clefyd			
Y Crach Cyffredin (rhywogaeth <i>Streptomyces</i>)	5.0%))

Cyn belled ag y bernir bod tatws hadyd sydd ag o leiaf ddau ysmotyn du yn y pen blaguro sy'n gyfan gwbl heb eu heffeithio ac sydd â llai nag un rhan o dair o'u harwynebedd wedi ei effeithio heb gael eu heffeithio gan y clefyd			
Grŵp V			
Brychau allanol gan gynnwys cloron wedi eu niweidio neu gloron ac eithrio cloron afiach â'u siâp heb fod yn nodweddiadol o'r rhywogaeth	3.0%)	–
Cloron wedi crebachu oherwydd dadhydradu gormodol neu ddadhydradu a achoswyd gan gen arian (<i>Helminthosporium solani</i>)	1.0%	) 3.0%	–
Madredd arwynebol a achosir gan fathau o firws tatws Y	0.1%)	–
Grŵp VI			
Baw neu sylwedd estronol arall	1.0%	–	–

RHAN 4

Tatws hadyd sydd i'w profi a'u treialu

<i>Clefydau neu plâu, difrod a diffygion penodedig</i>	<i>Goddef- iannau unigol</i>	<i>Goddef- iannau cyfunol</i>
Llyngyr y Gloronen (<i>Ditylenchus destructor</i> (Thorne))	Dim	–
Llyngyr Tatws (rhywogaeth <i>Globodera</i> sy'n heintio tatws)	Dim	–
Pydredd Cylch (<i>Clavibacter michiganensis</i> (Smith) Davis et al ssp. <i>sepedonicus</i> (Spieck & Kotth) Davis et al)	Dim	–
Pydredd Coch (<i>Ralstonia solanacearum</i> (Smith) Yabuuchi et al)	Dim	–
Firoid y Gloronen Bigfain	Dim	–
Chwilen Golorado (<i>Leptinotarsa decemlineata</i> (Say))	Dim	–
Clefyd y Ddafaden (<i>Synchytrium endobioticum</i> (Schilb) Perc)	Dim	–
Llyngyr Tatws (rhywogaeth <i>Globodera</i> sy'n heintio tatws)	Dim	–
Pydredd Cylch (<i>Clavibacter michiganensis</i> (Smith) Davis et al ssp. <i>sepedonicus</i> (Spieck & Kotth) Davis et al)	Dim	–
Pydredd Coch (<i>Ralstonia solanacearum</i> (Smith) Yabuuchi et al)	Dim	–
Baw neu sylwedd estronol arall	2.0%	–
Pydredd sych a phydredd gwlyb, ac eithrio os achosir hwy gan <i>Synchytrium endobioticum</i> , <i>Clavibacter michiganensis</i> (Smith) Davis et al ssp. <i>Sepedonicus</i> (Spieck & Kotth) Davis et al) neu <i>Ralstonia solanacearum</i> (Smith) Yabuuchi et al)	1.0%)
Brychau allanol gan gynnwys cloron wedi eu niweidio neu gloron ac eithrio cloron afiach â'u siâp heb fod yn nodweddiadol o'r rhywogaeth	3.0%	) 6.0%
Y Crach Cyffredin: cloron yr effeithiwyd arnynt dros fwy na thraean o'u harwynebedd	5.0%)
<p>(1) Mae'r clefydau, plâu, difrod a'r diffygion sydd i'w hagregu ar gyfer goddefiant grŵp, goddefiant grŵp cyfunol neu oddefiant cyfunol perthnasol yn cael eu dynodi gan “)”.</p> <p>(2) Mae'r clefydau, plâu, difrod a'r diffygion na ddylid eu hagregu ar gyfer goddefiant grŵp, goddefiant grŵp cyfunol neu oddefiant cyfunol perthnasol yn cael eu dynodi gan “-”.</p> <p>(3) Mae llinellau llorweddol o fewn colofn yn dynodi rychwant goddefiant grŵp, goddefiant grŵp cyfunol neu oddefiant cyfunol perthnasol.</p>		

Graddio tatws hadyd

RHAN 1

Tatws hadyd y mae modd eu marchnata fel tatws hadyd cyn-sylfaenol

Wrth wneud penderfyniad at ddibenion paragraff 1(b) o Atodlen 1, pan fo swyddog awdurdodedig yn penderfynu bod modd marchnata tatws hadyd fel tatws hadyd cyn-sylfaenol, caiff y swyddog hwnnw eu graddio fel tatws hadyd o unrhyw un o raddau'r Undeb a bennir yng ngholofn 1 o Dabl 1 pan fo'r swyddog hwnnw wedi ei fodloni yn sgil arolygiad bod y gofynion a bennir yng ngholofn 2 o ran y radd honno wedi eu bodloni ac nad aed dros y goddefiannau a bennir yng ngholofn 3 mewn cysylltiad â'r tatws hadyd hynny.

Tabl 1

Colofn 1	Colofn 2	Colofn 3
Gradd Undeb PBTC	yr Gofynion	Goddefiannau
	(1) Rhaid i'r tatws hadyd—	Dim
	(a) bod yn deillio o stoc cenedlrol neu gloron a brofwyd—	
	(i) sy'n rhydd o <i>Pectobacterium</i> spp., <i>Dickeya</i> spp., firysau tatws A, M, S, X, Y, crychni'r dail, firws tatws top mop, firws trwst tybaco a marwoldeb gwythiennol tybaco neu unrhyw firws arall o bwys; a	
	(ii) a gyflenwyd gan ffynhonnell sy'n dderbyniol gan Weinidogion Cymru, ac a dyfwyd ar uned lle nad oes deunydd o rywogaeth <i>Solanaceae</i> na deunydd arall, ac eithrio deunydd sy'n deillio o stoc cenedlrol neu o gloron sydd wedi eu profi sy'n dod o ffynhonnell sy'n dderbyniol gan Weinidogion Cymru, wedi cael ei dyfu;	
	(b) bod wedi eu cadw rhag—	
	(i) firysau tatws A, M, S, X, Y, crychni'r dail, firws tatws top mop, firws trwst tybaco a marwoldeb gwythiennol tybaco neu unrhyw firws arall o bwys;	
	(ii) ysgub y gwrrachod a phydredd du'r coesyn;	
	(iii) gwyriadau mewn amrywogaeth a math; a	
	(iv) sgrwff yn y pridd;	
	(c) wedi eu cynhyrchu (yn achos planhigion a chloron) drwy ficro-luosogi mewn	

cyfleuster gwarchoddedig ac mewn cyfrwng tyfu sy'n rhydd rhag plâu; a

(d) (yn achos cloron) nad ydynt wedi eu lluosu y tu hwnt i'r cenhedliad cyntaf.

PB

(1) Rhaid i'r tatws hadyd fod yn deillio —

(a) o stoc cenhedloll neu gloron a brofwyd—

(i) a gyflenwyd gan ffynhonnell sy'n dderbyniol gan Weinidogion Cymru, ac a dyfwyd ar uned lle nad oes deunydd o rywogaeth *Solanaceae* na deunydd arall, ac eithrio deunydd sy'n deillio o stoc cenhedloll neu o gloron sydd wedi eu profi sy'n dod o ffynhonnell sy'n dderbyniol gan Weinidogion Cymru, wedi cael ei dyfu; ac

(i) Pydredd du'r coesyn – dim

(ii) sy'n rhydd o *Pectobacterium* spp., *Dickeya* spp., firysau tatws A, M, S, X, Y, crychni'r dail, firws tatws top mop, firws trwst tybaco a marwoldeb gwythiennol tybaco neu unrhyw firws arall o bwys; neu

(ii) yn amrywio o'u math neu o amrywogaeth wahanol, gan gynnwys sgrwff yn y pridd 0.01%

(b) o stoc a gafodd ei raddio fel gradd PB yr Undeb o genhedliad maes blaenorol yn y flwyddyn cyn plannu'r cnwd; neu

(iii) Firysau tatws Y, A a chrychni'r dail - dim

(c) unrhyw datws hadyd eraill yr hysbysodd Gweinidogion Cymru mewn ysgrifen eu bod yn dderbyniol gan Weinidogion Cymru Cymru.

(iv) Firysau amryliw eraill 0.1%

(2) Rhaid i'r tatws hadyd fod wedi eu cadw rhag—

(i) firysau tatws A, M, S, X, Y, crychni'r dail, firws tatws top mop, firws trwst tybaco a marwoldeb gwythiennol tybaco neu unrhyw firws arall o bwys;

(ii) ysgub y gwrachod a phydredd du'r coesyn;

(iii) gwyriadau mewn amrywogaeth a math;

(iv) sgrwff yn y pridd;

(v) planhigion o amrywogaeth wahanol.

(3) Pedwar yw uchafswm y cenedliadau maes.

RHAN 2

Tatws hadyd y mae modd eu marchnata fel tatws hadyd sylfaenol

Wrth wneud penderfyniad at ddibenion paragraff 1(b) o Atodlen 1, pan fo swyddog awdurdodedig yn penderfynu bod modd marchnata tatws hadyd fel tatws hadyd sylfaenol, caiff y swyddog hwnnw eu graddio fel tatws hadyd o unrhyw un o raddau'r Undeb a bennir yng ngholofn 1 o Dabl 2 pan fo'r swyddog hwnnw wedi ei fodloni yn sgil arolygiad bod y gofynion a bennir yng ngholofn

2 o ran y radd honno wedi eu bodloni ac nad aed dros y goddefiannau a bennir yng ngholofn 3 mewn cysylltiad â'r tatws hadyd hynny.

Tabl 2

<i>Colofn 1</i>	<i>Colofn 2</i>	<i>Colofn 3</i>
<i>Gradd Undeb</i>	<i>yr Gofynion</i>	<i>Goddefiannau</i>
S	<p>(1) Rhaid i'r tatws hadyd fod wedi deillio—</p> <p>(a) o stoc o datws hadyd cyn-sylfaenol neu stoc a raddiwyd yn radd S yr Undeb o bedwar neu lai cenedliad maes yn y flwyddyn cyn plannu'r cnwd; neu</p> <p>(b) o unrhyw datws hadyd eraill yr hysbysodd Gweinidogion Cymru mewn ysgrifen eu bod yn dderbyniol gan Weinidogion Cymru.</p> <p>(2) Pump yw uchafswm y cenedliadau maes, gan gynnwys cenedliadau blaenorol o radd gyn-sylfaenol.</p>	<p>(i) Gwyrriadau mewn amrywogaeth a math neu amrywogaeth gwahanol gan gynnwys sgrwff yn y pridd – 0.1%</p> <p>(ii) Firysau tatws Y, A a chrychni'r dail naill ai'n unigol neu ar y cyd - 0.02%</p> <p>(iii) Cyfanswm firysau gan gynnwys firysau amryliw eraill a firysau tatws Y, A a chrychni'r dail - 0.2%</p> <p>(iv) Pydredd du'r coesyn - 0.1%</p>
SE	<p>(1) Rhaid i'r tatws hadyd fod wedi deillio—</p> <p>(a) o stoc o datws hadyd cyn-sylfaenol neu stoc a raddiwyd yn radd S yr Undeb neu'n radd SE yr Undeb o bump neu lai cenedliad maes yn y flwyddyn cyn plannu'r cnwd; neu</p> <p>(b) o unrhyw datws hadyd eraill yr hysbysodd Gweinidogion Cymru mewn ysgrifen eu bod yn dderbyniol gan Weinidogion Cymru.</p> <p>(2) Chwech yw uchafswm y cenedliadau maes, gan gynnwys cenedliadau blaenorol o ddsbarth cyn-sylfaenol neu ddsbarth sylfaenol.</p>	<p>(i) Amrywiad mewn amrywogaeth a math neu amrywogaeth wahanol, gan gynnwys sgrwff yn y pridd - 0.1%</p> <p>(ii) Firysau tatws Y, A a chrychni'r dail naill ai'n unigol neu ar y cyd - 0.1%</p> <p>(iii) Cyfanswm firysau gan gynnwys firysau amryliw eraill a firysau tatws Y, A a chrychni'r dail - 0.5%</p> <p>(iv) Pydredd du'r coesyn – 0.5%</p>
E	<p>(1) Rhaid i'r tatws hadyd fod wedi deillio—</p> <p>(a) o stoc o datws hadyd cyn-sylfaenol neu stoc a raddiwyd yn radd S yr Undeb, gradd SE yr Undeb neu radd E yr Undeb yn y flwyddyn cyn plannu'r cnwd; neu</p> <p>(b) o stoc o datws hadyd cyn-sylfaenol neu o</p>	<p>(i) Amrywiadau mewn amrywogaeth a math neu amrywogaeth wahanol, gan gynnwys sgrwff yn y pridd - 0.1%</p> <p>(ii) Firysau tatws Y, A a</p>

stoc a raddiwyd yn radd S yr Undeb, gradd SE yr Undeb neu radd E yr Undeb o chwe chenhedliad maes neu lai yn y flwyddyn cyn plannu'r cnwd; neu
(c) o unrhyw datws hadyd eraill yr hysbysodd Gweinidogion Cymru mewn ysgrifen eu bod yn dderbyniol gan Weinidogion Cymru.

chrychni'r dail naill ai'n unigol neu ar y cyd -) 0.4%

(2) Saith yw uchafswm y cenedliadau maes, gan gynnwys cenedliadau blaenorol o radd gyn-sylfaenol neu radd sylfaenol.

(iii) Cyfanswm firysau gan gynnwys firysau amryliw eraill a firysau tatws Y, A a chrychni'r dail - 0.8%
(iv) Pydredd du'r coesyn - 1.0%

RHAN 3

Tatws hadyd y mae modd eu marchnata fel tatws hadyd ardystiedig

Wrth wneud penderfyniad at ddibenion paragraff 1(b) o Atodlen 1, pan fo swyddog awdurdodedig yn penderfynu bod modd marchnata tatws hadyd fel tatws hadyd ardystiedig, caiff y swyddog hwnnw eu graddio fel tatws hadyd o unrhyw un o'r graddau a bennir yng ngholofn 1 o Dabl 3 pan fo'r swyddog hwnnw wedi ei fodloni yn sgil arolygiad bod y gofynion a bennir yng ngholofn 2 o ran y radd honno wedi eu bodloni ac nad aed dros y goddefiannau a bennir yng ngholofn 3 mewn cysylltiad â'r tatws hadyd hynny.

Tabl 3

<i>Colofn 1</i>	<i>Colofn 2</i>	<i>Colofn 3</i>
<i>Gradd Undeb</i>	<i>yr Gofynion</i>	<i>Goddefiannau</i>
A	Rhaid i'r tatws hadyd fod wedi eu cynhyrchu— (a) yn uniongyrchol o datws hadyd cyn-sylfaenol, tatws hadyd sylfaenol neu datws hadyd ardystiedig a raddiwyd yn radd A yr Undeb cenhedliad maes wyth; neu (b) o gnwd a dyfwyd gydag awdurdod Gweinidogion Cymru neu mewn amgylchiadau y rhoddodd Gweinidogion Cymru hysbysiad ysgrifenedig eu bod yn dderbyniol ganddynt.	(i) Firysau tatws Y, A a chrychni'r dail naill ai'n unigol neu ar y cyd - 2.0% (ii) Firysau eraill - 2.0% (iii) Cyfuniad o firysau tatws Y, A a chrychni'r dail a firysau eraill - 2.0% (iv) Pydredd du'r coesyn - 2.0% (v) Amrywiadau mewn amrywogaeth a math neu amrywogaeth wahanol, gan gynnwys sgrwff yn y pridd - 0.2%
B	Rhaid i'r tatws hadyd fod wedi eu cynhyrchu— (a) yn uniongyrchol o datws hadyd cyn-sylfaenol, tatws hadyd sylfaenol neu datws	(i) Firysau tatws Y, A a chrychni'r dail naill ai'n

hadyd ardystiedig a raddiwyd yn radd A yr Undeb cenhedliad maes wyth neu datws hadyd ardystiedig a raddiwyd yn radd B yr Undeb cenhedliad maes wyth; neu

(b) o gnwd a dyfwyd gydag awdurdod Gweinidogion Cymru neu mewn amgylchiadau y rhoddodd Gweinidogion Cymru hysbysiad ysgrifenedig eu bod yn dderbyniol ganddynt.

unigol neu ar y cyd - 6.0%

(ii) Firysau eraill - 6.0%

(iii) Cyfuniad o firysau tatws Y, A a chrychni'r dail a firysau eraill - 6.0%

(iv) Pydredd du'r coesyn - 4.0%

(v) Amrywiadau mewn amrywogaeth a math neu amrywogaeth wahanol, gan gynnwys sgrwff yn y pridd - 0.5%

SCHEDULE 3

Regulation 2(3)

Specified diseases or pests, damage and defects and tolerances

PART 1

Pre-basic seed potatoes of Union grade PBTC produced in Wales

<i>Column 1</i>	<i>Column 2</i>
<i>Specified diseases or pests, damage and defects</i>	<i>Individual tolerances</i>
Group 1	
Wart Disease (<i>Synchytrium endobioticum</i> (Schilb) Perc)	Nil
Potato Tuber Eelworm (<i>Ditylenchus destructor</i> Thorne)	Nil
Potato Cyst Nematode (<i>Globodera</i> species infesting potatoes)	Nil
Ring Rot (<i>Clavibacter michiganensis</i> (Smith) Davis et al spp sepedonicus (Spieck & Kotth) Davis et al)	Nil
Brown Rot (<i>Ralstonia solanacearum</i> (Smith) Yabuuchi et al)	Nil
Potato Spindle Tuber Viroid	Nil
Colorado Beetle (<i>Lepinotarsa decemlineata</i> (Say))	Nil
Group II	
Blight (<i>Phytophthora infestans</i>) (Mont) de Bary)	Nil
Blackleg (<i>Erwinia carotovora</i> (Jones) Bergey et al spp <i>atroseptica</i> (Hellmers & Dowson) Dye or <i>Erwinia chrysanthemi</i> Burkholder et al or both	Nil
Soft Rots including: Watery Wound Rot (<i>Pythium ultimum</i> Trow)	Nil
Pink Rot (<i>Phytophthora erythroseptica</i> Pethybridge) and Pit Rot	Nil
Dry Rot (<i>Fusarium</i> species)	Nil
Gangrene (<i>Phoma</i> species)	Nil
Frost damaged tubers	Nil
Group III	
Skin spot (<i>Polyscytalum pustulans</i> (Owen & Wakefield) M B Ellis	Nil
Group IV	
Black Scurf (<i>Rhizoctonia solani</i> Kuhn)	Nil
Common Scab (<i>Streptomyces</i> species)	Nil
Group V	
Powdery scab (<i>Spongospora subterranea</i> (Wallr) Legerh)	Nil
Group VI	
External blemishes, including damaged	Nil

tubers or tubers other than diseased tubers whose shape is atypical for the variety	Nil
Superficial necrosis caused by potato virus Y	Nil
Shrivelled tubers due to excessive dehydration or dehydration caused by silver scurf (<i>Helminthosporium solani</i>)	Nil
Group VII	
Dirt or other extraneous matter	1.0%

PART 2

Pre-basic seed potatoes of Union grade PB produced in Wales

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>	<i>Column 4</i>
<i>Specified diseases or pests, damage and defects</i>	<i>Individual tolerances</i>	<i>Group tolerances</i>	<i>Collective group tolerances</i>
Group I			
Wart Disease (<i>Synchytrium endobioticum</i> (Schilb) Perc)	Nil	–	–
Potato Tuber Eelworm (<i>Ditylenchus destructor</i> Thorne)	Nil	–	–
Potato Cyst Nematode (<i>Globodera</i> species infesting potatoes)	Nil	–	–
Ring Rot (<i>Clavibacter michiganensis</i> (Smith) Davis et al spp <i>sepedonicus</i> (Spieck & Kotth) Davis et al)	Nil	–	–
Brown Rot (<i>Ralstonia solanacearum</i> (Smith) Yabuuchi et al)	Nil	–	–
Potato Spindle Tuber Viroid	Nil	–	–
Colorado Beetle (<i>Lepinotarsa decemlineata</i> (Say))	Nil	–	–
Group II			
Blight (<i>Phytophthora infestans</i> (Mont) de Bary)	0.2%))
Blackleg (<i>Erwinia carotovora</i> (Jones) Bergey et al spp) <i>atroseptica</i> (Hellmers & Dowson) Dye or <i>Erwinia chrysanthemi</i> Burkholder et al or both)	0.2%))
Soft Rots including: Watery Wound Rot (<i>Pythium ultimum</i> Trow)	0.2%))
Pink Rot (<i>Phytophthora erythroseptica</i> Pethybridge) and Pit Rot	0.2%	) 0.2%)
Dry Rot (<i>Fusarium</i> species)	0.2%))
Gangrene (<i>Phoma</i> species)	0.2%))
Frost damaged tubers	0.2%))
Group III			
Skin spot (<i>Polyscytalum pustulans</i> (Owen & Wakefield)) M B Ellis	0.2%	)	) 6.0%
Group IV			
Black Scurf (<i>Rhizoctonia solani</i> Kuhn) Provided that seed potatoes which have at least two eyes at the rose end that are wholly unaffected and less than one-tenth of whose surface area has been affected are deemed to be unaffected by the disease	1.0%	) 5.0%)

Common Scab (<i>Streptomyces</i> species) Provided that seed potatoes which have at least two eyes at the rose end that are wholly unaffected and less than one-third of whose surface area has been affected are deemed to be unaffected by the disease	5.0%))
Group V Powdery scab (<i>Spongospora subterranea</i> (Wallr) Legerh) Provided that seed potatoes which have at least two eyes at the rose end that are wholly unaffected and less than one-tenth of whose surface area has been affected are deemed to be unaffected by the disease	1.0%))
Group VI External blemishes including damaged tubers or tubers other than diseased tubers whose shape is atypical for the variety Superficial necrosis caused by potato virus Y Shrivelled tubers due to excessive dehydration or dehydration caused by silver scurf (<i>Helminthosporium solani</i>)	3.0% Nil 0.5%	) ) 3.0%)	– – –
Group VII Dirt or other extraneous matter	1.0%	–	–

PART 3

Basic seed potatoes and certified seed potatoes produced in Wales

Column 1 Specified diseases or pests, damage and defects	Column 2 Individual tolerances	Column 3 Group tolerances	Column 4 Collective group tolerances
Group I Wart Disease (<i>Synchytrium endobioticum</i> (Schilb) Perc) Potato Tuber Eelworm (<i>Ditylenchus destructor</i> Thorne) Potato Cyst Nematode (<i>Globodera</i> species infesting potatoes) Ring Rot (<i>Clavibacter michiganensis</i> (Smith) Davis et al spp <i>sepedonicus</i> (Spieck & Kotth) Davis et al) Brown Rot (<i>Ralstonia solanacearum</i> (Smith) Yabuuchi et al) Potato Spindle Tuber Viroid Colorado Beetle (<i>Lepinotarsa decemlineata</i> (Say))	Nil Nil Nil Nil Nil Nil Nil	– – – – – – –	– – – – – – –
Group II Blight (<i>Phytophthora infestans</i> (Mont) de Bary) Blackleg (<i>Erwinia carotovora</i> (Jones) Bergey et al spp) <i>atroseptica</i> (Hellmers & Dowson) Dye or <i>Erwinia chrysanthemi</i> Burkholder et al or both Soft Rots including Watery Wound Rot (<i>Pythium ultimum</i> Trow) Pink Rot (<i>Phytophthora erythroseptica</i> Pethybridge) and Pit Rot Dry Rot (<i>Fusarium</i> species)	0.5% 0.5% 0.5% 0.5% 0.5%	) ) ) 0.5%)))))))

Gangrene (<i>Phoma</i> species)	0.5%))
Frost damaged tubers	0.5%))
Any of these Group II defects that present as a wet rot symptom	0.2%))
Group III Skin spot (<i>Polyscytalum pustulans</i> (Owen & Wakefield) M B Ellis)	0.5% except Union grade E, Union grade A and Union grade B grades; 2.0% for Union grade E, Union grade A and Union grade B grades only))
Powdery scab (<i>Spongospora subterranea</i> (Wallr) Legerh) Provided that seed potatoes which have at least two eyes at the rose end that are wholly unaffected and less than one-tenth of whose surface area has been affected are deemed to be unaffected by the disease (except where powdery scab takes its cankerous form)	3.0%	) 5.0%	6.0% for basic seed potatoes and 8.0% for certified seed potatoes
Group IV Black Scurf (<i>Rhizoctonia solani</i> Kuhn) Provided that seed potatoes which have at least two eyes at the rose end that are wholly unaffected and less than one-tenth of whose surface area has been affected are deemed to be unaffected by the disease	5.0%))
Common Scab (<i>Streptomyces</i> species) Provided that seed potatoes which have at least two eyes at the rose end that are wholly unaffected and less than one-third of whose surface area has been affected are deemed to be unaffected by the disease	5.0%))
Group V External blemishes including damaged tubers or tubers other than diseased tubers whose shape is atypical for the variety	3.0%)	–
Shrivelled tubers due to excessive dehydration or dehydration caused by silver scurf (<i>Helminthosporium solani</i>)	1.0%	) 3.0%	–
Superficial necrosis caused by strains of potato virus Y	0.1%)	–
Group VI Dirt or other extraneous matter	1.0%	–	–

PART 4

Test and trial seed potatoes

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
<i>Specified diseases or pests, damage and defects</i>	<i>Individual tolerances</i>	<i>Collective tolerances</i>
Potato Tuber Eelworm (<i>Ditylenchus destructor</i> Thorne)	Nil	–
Potato Cyst Nematode (<i>Globodera</i> species infesting potatoes)	Nil	–
Ring Rot (<i>Clavibacter michiganensis</i> (Smith) Davis et al spp. <i>sepedonicus</i> (Spieck & Koth) Davis et al)	Nil	–
Brown Rot (<i>Ralstonia solanacearum</i> (Smith) Yabuuchi et al)	Nil	–
Potato Spindle Tuber Viroid	Nil	–
Colorado Beetle (<i>Lepinotarsa decemlineata</i> (Say))	Nil	–
Wart Disease (<i>Synchytrium endobioticum</i> (Schilb) Perc)	Nil	–
Potato Cyst Nematode (<i>Globodera</i> species infesting potatoes)	Nil	–
Ring Rot (<i>Clavibacter michiganensis</i> (Smith) Davis et al spp <i>sepedonicus</i> (Spieck & Koth) Davis et al)	Nil	–
Brown Rot (<i>Ralstonia solanacearum</i> (Smith) Yabuuchi et al)	Nil	–
Earth or other extraneous matter	2.0%	–
Dry and wet rot, except if caused by <i>Synchytrium endobioticum</i> , <i>Clavibacter michiganensis</i> (Smith) Davis et al ssp <i>Sepedonicus</i> (Spieck & Koth) Davis et al) or <i>Ralstonia solanacearum</i> (Smith) Yabuuchi et al)	1.0%)
External blemishes including damaged tubers or tubers other than diseased tubers whose shape is atypical for the variety	3.0%	) 6.0%
Common Scab: tubers affected over more than one-third of their surface	5.0%)

⁽¹⁾ The diseases, pests, damages and defects that are to be aggregated for a relevant group tolerance; collective group tolerance or collective tolerance are indicated by “)”.

⁽²⁾ The diseases, pests, damages and defects that should not be aggregated for a relevant group tolerance; collective group tolerance or collective tolerance are indicated by “–”.

⁽³⁾ Horizontal lines within a column indicate the extent of a relevant group tolerance; collective group tolerance or collective tolerance.

SCHEDULE 4

Regulation 2(3)

Grading of seed potatoes

PART 1

Seed potatoes capable of being marketed as pre-basic seed potatoes

In the course of making a determination for the purposes of paragraph 1(b) of Schedule 1, where an authorised officer determines that seed potatoes are capable of being marketed as pre-basic seed potatoes, that officer may grade them as being seed potatoes of any of the Union grades specified in column 1 of Table 1 where that officer is satisfied following inspection that the requirements specified in column 2 in relation to that grade have been met and that the tolerances specified in column 3 have not been exceeded in respect of those seed potatoes.

Table 1

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
<i>Union Grade</i>	<i>Requirements</i>	<i>Tolerances</i>
PBTC	<p>(1) The seed potatoes must—</p> <p>(a) be derived from nuclear stock or tested tubers—</p> <p>(i) that are free from <i>Pectobacterium</i> spp., <i>Dickeya</i> spp., potato viruses A, M, S X, Y, leaf roll, potato mop top virus, tobacco rattle virus and tobacco venial necrosis or any other significant virus; and</p> <p>(ii) supplied by a source acceptable to the Welsh Ministers, which have been grown on a unit where no material of the species <i>Solanaceae</i> or other material, other than that derived from nuclear stock or tested tubers from a source acceptable to the Welsh Ministers, has been grown;</p> <p>(b) have been kept free from—</p> <p>(i) potato viruses A, M, S, X, Y, leaf roll, potato mop top virus, tobacco rattle virus and tobacco veinal necrosis or any other significant virus;</p> <p>(ii) witches' broom and backleg;</p> <p>(iii) deviations of variety and type; and</p> <p>(iv) groundkeepers;</p> <p>(c) have been produced (in the case of plants and tubers) through micro-propagation in a protected facility and in a growing medium that is free from pests; and</p> <p>(d) (in the case of tubers) not been multiplied beyond the first generation.</p>	Nil
PB	<p>(1) The seed potatoes must be derived from—</p> <p>(a) nuclear stock or tested tubers—</p> <p>(i) supplied by a source acceptable to the Welsh Ministers, which have been grown on a unit where no material of the species <i>Solanaceae</i> or other material, other than that derived from nuclear stock or tested tubers from a source acceptable to the Welsh Ministers, has been grown; and</p> <p>(ii) that are free from <i>Pectobacterium</i> spp., <i>Dickeya</i> spp., potato viruses A, M, S X, Y, leaf roll, potato mop top virus, tobacco rattle virus and tobacco venial necrosis or any other significant virus; or</p> <p>(b) a stock graded as Union grade PB of a previous field generation in the year preceding the planting of the crop; or</p> <p>(c) such other seed potatoes as are notified in writing by the Welsh Ministers as being acceptable to the Welsh Ministers;</p> <p>(2) The seed potatoes must have been kept free from—</p> <p>(i) potato viruses A, M, S, X, Y, leaf roll, potato mop top virus, tobacco rattle virus and tobacco veinal necrosis or any other significant virus;</p> <p>(ii) witches' broom and blackleg;</p>	<p>(i) Blackleg - nil</p> <p>(ii) Not true to type or of a different variety, including groundkeepers 0.01%</p> <p>(iii) Potato viruses Y, A and leaf roll - nil</p> <p>(iv) Other mosaic viruses 0.1%</p>

- (iii) deviations of variety and type;
 - (iv) groundkeepers;
 - (v) plants of a different variety.
- (3) The maximum number of field generations is four

PART 2

Seed potatoes capable of being marketed as basic seed potatoes

In the course of making a determination for the purposes of paragraph 1(b) of Schedule 1, where an authorised officer determines that seed potatoes are capable of being marketed as basic seed potatoes, that officer may grade them as being seed potatoes of any of the Union grades specified in column 1 of Table 2 where that officer is satisfied following inspection that the requirements specified in column 2 in relation to that grade have been met and that the tolerances specified in column 3 have not been exceeded in respect of those seed potatoes.

Table 2

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
<i>Union grade</i> S	<i>Requirements</i> (1) The seed potatoes must be derived from— (a) a stock of pre-basic seed potatoes or a stock which was graded as Union grade S of field generation four or less in the year preceding the planting of the crop; or (b) such other seed potatoes as are notified in writing by the Welsh Ministers as being acceptable to the Welsh Ministers (2) The maximum number of field generations, including previous generations at pre-basic grade, is five.	<i>Tolerances</i> (i) Deviations from variety and type or different variety, including groundkeepers - 0.1% (ii) Potato viruses Y, A and leaf roll either individually or in combination - 0.02% (iii) Total virus including other mosaic viruses and potato viruses Y, A and leaf roll – 0.2% (iv) Blackleg – 0.1%
SE	(1) The seed potatoes must be derived from— (a) a stock of pre-basic seed potatoes or a stock which was graded Union grade S or Union grade SE field generation five or less in the year preceding the planting of the crop; or (b) such other seed potatoes as are notified in writing by the Welsh Ministers as being acceptable to the Welsh Ministers (2) The maximum field generations, including previous generations at pre-basic or basic grade, is six.	(i) Deviations from variety and type or different variety, including groundkeepers - 0.1% (ii) Potato viruses Y, A and leaf roll either individually or in combination - 0.1% (iii) total virus including other mosaic viruses and potato viruses Y, A and leaf roll – 0.5% (iv) Blackleg – 0.5%

E	<p>(1) The seed potatoes must be derived from—</p> <p>(a) a stock of pre-basic seed potatoes or a stock which was graded as Union grade S or Union grade SE in the year preceding the planting of the crop;</p> <p>(b) a stock of pre-basic seed potatoes or a stock which was graded as Union grade S, Union grade SE or Union grade E field generation six or less in the year preceding the planting of the crop; or</p> <p>(c) such other seed potatoes as are notified in writing by the Welsh Ministers as being acceptable to the Welsh Ministers.</p> <p>(2) The maximum field generations, including previous generations at pre-basic or basic grade, is seven.</p>	<p>(i) Deviations from variety and type or different variety, including groundkeepers - 0.1%</p> <p>(ii) Potato viruses Y, A and leaf roll either individually or in combination - 0.4%</p> <p>(iii) Total virus including other mosaic viruses and potato viruses Y, A and leaf roll - 0.8%</p> <p>(iv) Blackleg – 1.0%</p>
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PART 3

Seed potatoes capable of being marketed as certified seed potatoes

In the course of making a determination for the purposes of paragraph 1(b) of Schedule 1, where an authorised officer determines that seed potatoes are capable of being marketed as certified seed potatoes, that officer may grade them as seed potatoes of any of the grades specified in column 1 of Table 3 where that officer is satisfied following inspection that the requirements specified in column 2 in relation to that grade have been met and that the tolerances specified in column 3 have not been exceeded in respect of those seed potatoes.

Table 3

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
<p><i>Union grade</i></p> <p>A</p>	<p>The seed potatoes must be produced—</p> <p>(a) directly from pre-basic seed potatoes, basic seed potatoes or certified seed potatoes that have been graded Union grade A field generation eight; or</p> <p>(b) from a crop grown with the authority of or in circumstances notified in writing by the Welsh Ministers as being acceptable to the Welsh Ministers.</p>	<p><i>Tolerances</i></p> <p>(i) Potato viruses Y, A and leaf roll either individually or in combination – 2.0%</p> <p>(ii) Other viruses - 2.0%</p> <p>(iii) Combination of potato viruses Y, A and leaf roll and other viruses - 2.0%</p> <p>(iv) Blackleg - 2.0%</p> <p>(v) Deviations from variety and type or different variety, including groundkeepers - 0.2%</p>
<p>B</p>	<p>The seed potatoes must be produced—</p> <p>(a) directly from pre-basic seed potatoes, basic seed potatoes, certified seed potatoes that have</p>	<p>(i) Potato viruses Y, A and leaf roll either individually or in</p>

been graded Union grade A field generation eight or certified seed potatoes that have been graded Union grade B field generation eight;
or
(b) from a crop grown with the authority of or in circumstances notified in writing by the Welsh Ministers as being acceptable to the Welsh Ministers.

combination - 6.0%

(ii) Other viruses - 6.0%

(iii) Combination of potato viruses Y, A and leaf roll and other viruses - 6.0%

(iv) Blackleg - 4.0%

(v) Deviations from variety and type or different variety, including groundkeepers - 0.5%

Awdurdodiad i farchnata tatws hadyd at ddibenion profi a threialu

1. Pan geir cais am awdurdodiad a wnaed yn unol â rheoliad 9, rhaid i swyddog awdurdodedig—

- (a) dyrannu i'r person sy'n gwneud y cais rif sydd i'w alw'n "rhif adnabod y cynhyrchydd" (pan na fo un eisoes yn bod ar gyfer person hwnnw);
- (b) cynnal archwiliad swyddogol o'r tatws hadyd er mwyn penderfynu a yw gofynion yr Atodlen hon a Rhan 4 o Atodlen 3 wedi eu bodloni; ac
- (c) yn ddarostyngedig i baragraff 3 a rheoliad 9, dyroddi awdurdodiad i farchnata tatws hadyd at ddibenion profi a threialu.

2. Rhaid i awdurdodiad ddatgan—

- (a) enw a chyfeiriad y ceisydd;
- (b) rhif adnabod y cynhyrchydd;
- (c) swm y tatws hadyd y rhoddir awdurdod i'w marchnata;
- (d) y cyfnod yr awdurdodir marchnata;
- (e) dyddiad dyroddi'r awdurdodiad; ac
- (f) enw arfaethedig amrywogaeth y tatws hadyd.

3. Ni chaiff swyddog awdurdodedig ddyroddi awdurdodiad onid yw wedi ei fodloni—

- (a) bod y tatws hadyd o amrywogaeth y gwnaed cais ar ei chyfer o dan reoliad 4(1)(a) o'r Rheoliadau Rhestrau Cenedlaethol ar gyfer derbyn yr amrywogaeth o dan sylw ar Restr Genedlaethol ac nad yw'r cais wedi ei dynnu'n ôl na'i benderfynu'n derfynol;
- (b) nad yw'r tir y mae'r tatws hadyd yn tyfu arno neu lle tyfwyd hwy yn dir a ddynodwyd o dan Atodlen 14 i Orchymyn Iechyd Planhigion (Cymru) 2006(1) fel tir a halogwyd gan Glefyd y Ddafaden (*Synchytrium endobioticum* (Schilb) Perc) neu o fewn parth diogelwch a ddynodwyd o dan y Gorchymyn hwnnw;

(1) O.S. 2006/1643 (Cy. 158), a ddiwygiwyd gan O.S. 2010/1795 (Cy. 171); mae offerynnau diwygio eraill ond nid oes yr un ohonynt yn berthnasol.

Authorisation for marketing seed potatoes for test and trial purposes

1. On receipt of an application for authorisation made in accordance with regulation 9, an authorised officer must—

- (a) allocate to the person making the application a number to be known as the "producer's identification number" (where one does not already exist for that person);
- (b) conduct an official examination of the seed potatoes in order to determine whether the requirements of this Schedule and Part 4 of Schedule 3 have been met; and
- (c) subject to paragraph 3 and regulation 9, issue an authorisation to market seed potatoes for test and trial purposes.

2. An authorisation must state—

- (a) the name and address of the applicant;
- (b) the producer's identification number;
- (c) the amount of seed potatoes for which marketing is authorised;
- (d) the period for which marketing is authorised;
- (e) the date on which the authorisation was issued; and
- (f) the proposed name of the variety of the seed potatoes.

3. No authorisation is to be issued by an authorised officer unless that officer is satisfied that—

- (a) the seed potatoes are of a variety for which an application has been made under regulation 4(1)(a) of the National Lists Regulations for acceptance of the variety concerned on to a National List and that application has not been withdrawn or finally determined;
- (b) the land on which the seed potatoes are growing or were grown is not land which is demarcated under Schedule 14 to the Plant Health (Wales) Order 2006(1) as contaminated with Wart Disease (*Synchytrium endobioticum* (Schilb) Perc) or is within a safety zone demarcated under that Order;

(1) S.I. 2006/1643 (W. 158), amended by S.I. 2010/1795 (W. 171); there are other amending instruments but none is relevant.

- (c) bod y tir y mae'r tatws hadyd yn tyfu arno neu lle tyfwyd hwy yn dir nad yw wedi ei halogi gan rywogaeth *Globodera* sy'n heintio tatws;
- (d) bod y tatws hadyd wedi eu cymryd o gnwd o datws hadyd sy'n rhydd rhag rhywogaeth *Globodera* sy'n heintio tatws, *Synchytrium endobioticum* (Schilb) Perc, *Clavibacter michiganensis* (Smith) Davis et al ssp *Sepedonicus* (Spieck & Kotth) Davis et al) a *Ralstonia solanacearum* (Smith) Yabuuchi et al);
- (e) nad yw nifer y planhigion sy'n tyfu yr effeithir arnynt gan bydredd du'r coesyn yn fwy na 4%;
- (f) bod y cnwd olynol nesaf a gynhyrchir o'r tatws hadyd, ym marn y swyddog awdurdodedig, yn debygol o gynnwys—
- (i) dim mwy na 0.5% yn ôl rhif o blanhigion sy'n tyfu nad ydynt yn epilio yn driw i'w hamrywogaeth a dim mwy na 0.2% yn ôl rhif o blanhigion sy'n tyfu sydd o amrywogaeth wahanol; a
- (ii) dim mwy na 10% yn ôl rhif o blanhigion sy'n tyfu sy'n dangos symptomau, ac eithrio symptomau ysgafn, o glefydau firws difrifol sy'n gyffredin yn Ewrop (mae heintiau amryliw ysgafn sy'n peri bod deilen yn arddangos gwahanol liwiau ond nad yw'n peri anffurfio'r ddeilen i gael eu hanwybyddu); ac
- (g) bod canfyddiad wedi ei wneud nad yw'r tatws hadyd wedi eu heffeithio gan unrhyw un o'r goddefiannau ar gyfer clefydau neu blâu, difrod na diffygion a bennir yn Rhan 4 o Atodlen 3.
- (c) the land on which the seed potatoes are growing or were grown is land which is not contaminated by *Globodera* species infesting potatoes;
- (d) the seed potatoes are taken from a crop of seed potatoes free from *Globodera* species infesting potatoes, *Synchytrium endobioticum* (Schilb) Perc, *Clavibacter michiganensis* (Smith) Davis et al ssp *Sepedonicus* (Spieck & Kotth) Davis et al) and *Ralstonia solanacearum* (Smith) Yabuuchi et al);
- (e) the number of growing plants affected by blackleg does not exceed 4%;
- (f) the immediately succeeding crop produced from the seed potatoes is, in the opinion of the authorised officer, likely to contain—
- (i) not more than 0.5% by number of growing plants which do not breed true to variety and not more than 0.2% by number of growing plants which are of a different variety; and
- (ii) not more than 10% by number of growing plants which show symptoms, other than slight symptoms, of severe virus diseases prevalent in Europe (light mosaics causing discoloration and not leaf deformation are to be ignored); and
- (g) the seed potatoes are ascertained not to be affected by any of the tolerances for diseases or pests, damage or defects specified in Part 4 of Schedule 3.

ATODLEN 6 Rheoliad 16

Gwybodaeth o ran tatws hadyd o fwy na 2 gilogram a gynhyrchir mewn gwlad ac eithrio Aelod-wladwriaeth

- Rhywogaeth.
- Amrywogaeth.
- Categori.
- Gwlad lle cynhyrchir a'r Awdurdod Ardystio.
- Gwlad anfon.
- Mewnforiwr.
- Swm y tatws hadyd.

SCHEDULE 6 Regulation 16

Information in respect of seed potatoes of more than 2 kilograms produced in a country other than a member State

- Species.
- Variety.
- Category.
- Country of production and Certification Authority.
- Country of dispatch.
- Importer.
- Quantity of seed potatoes.

Manylion i'w pennu ar nodyn gwerthiant
etc.

- Enw a chyfeiriad y gwerthwr.
- Pwysau net (ac eithrio tatws hadyd cyn-sylfaenol).
- Rhywogaeth (ac eithrio tatws hadyd sylfaenol a thatws hadyd ardystiedig).
- Amrywogaeth.
- Categori.
- Gradd (fel y bo'n briodol).
- Maint (ac eithrio tatws hadyd cyn-sylfaenol).
- Rhif adnabod y cynhyrhydd neu (ac eithrio ar gyfer tatws hadyd a gynhyrchir yng Nghymru) rif cyfeirnod lot yr had.
- Manylion unrhyw driniaeth gemegol.

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Particulars to be specified in a sale note
etc.

- Name and address of the seller.
- Net weight (except pre-basic seed potatoes).
- Species (except basic seed potatoes and certified seed potatoes).
- Variety.
- Category.
- Grade (as appropriate).
- Size (except pre-basic seed potatoes).
- Producer's identification number or (except for seed potatoes produced in Wales) seed lot reference number.
- Particulars of any chemical treatment.

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