

**Ymateb y Llywodraeth: Rheoliadau Cig (Ffioedd Rheolaethau Swydddogol)
(Cymru) (Diwygio) 2019**

Pwynt Craffu Technegol _ : *Ymateb*

Ddim yn Berthnasol

Pwynt Craffu ar Rinweddau _ : *Ymateb*

Nodwyd 3 phwynt craffu ar rinweddau i'w hadrodd o dan Reol Sefydlog 21.3 mewn perthynas â Rheoliadau Cig (Ffioedd Rheolaethau Swydddogol) (Cymru) (Diwygio) 2019 ("Rheoliadau 2019"). Gofynnwyd am ymateb gan y Llywodraeth mewn perthynas â phwynt adrodd 3.

Mae pwynt adrodd 3 yn ymwneud â'r darpariaethau a ganlyn o Reoliadau 2019:

1. Rheoliad 3(c)(ii), sy'n diwygio'r diffiniad o "safle torri" yn rheoliad 2(1) o Reoliadau Cig (Ffioedd Rheolaethau Swydddogol) (Cymru) 2009 ("y Prif Reoliadau");
2. Rheoliad 3(e)(ii), sy'n diwygio'r diffiniad o "sefydliad trin anifeiliaid hela" yn rheoliad 2(1) o'r Prif Reoliadau; a
3. Rheoliad 3(i)(ii), sy'n diwygio'r diffiniad o "lladd-dy" yn rheoliad 2(1) o'r Prif Reoliadau.

Mae'r darpariaethau hyn yn eu tro yn dileu'r paragraff (b) cyfredol o bob un o'r diffiniadau hyn.

Materion a nodwyd mewn perthynas â phwynt adrodd 3.

Mae angen mynd i'r afael â nifer o wallau ym mhwynt adrodd 3 cyn ymateb iddo.

Mae'r pwynt bwled cyntaf a'r trydydd ym mhwynt 3 (sy'n ymdrin â'r diwygiad i'r diffiniad o "safle torri" a "lladd-dy") yn cynnwys cyfeiriadau anghywir at Reoliadau Cig Anifeiliaid Hela Gwylt (Hylendid ac Arolygu) 1995. Mae paragraff (b) cyfredol pob un o'r diffiniadau hyn yn cyfeirio at yr offerynnau a ganlyn:

- Rheoliadau Cig Ffres (Hylendid ac Arolygu) 1995; a
- Rheoliadau Cig Dofednod, Cig Adar Hela a Ffermir a Chig Cwningod (Hylendid ac Arolygu) 1995.

Ym mharagraff olaf pwynt 3, nodir:

"Effaith bosibl y darpariaethau a restrir uchod yw na fyddai rhai safleoedd/sefydliadau/lladd-dai a oedd wedi'u hawdurdodi at ddibenion Rheoliadau 2009 yn y gorffennol wedi'u hawdurdodi mwyach."

Nid yw'r datganiad hwn yn gywir. Nid yw'r Prif Reoliadau yn darparu ar gyfer awdurdodi'r sefydliadau dan sylw. Maent yn darparu ar gyfer gweithredu agweddau ar Reoliad (EC) Rhif 882/2004 (erthyglau 26 a 27), mewn perthynas ag adennill

ffioedd sy'n ymwneud â chostau sy'n deillio o reolaethau swyddogol sy'n cael eu cyflawni mewn sefydliadau perthnasol. Ymdrinnir ag awdurdodi sefydliadau o'r fath mewn man arall yn nhrefn yr UE.

Hefyd, mae'r paragraff olaf yn nodi bod "*Rheoliad 853/2004 wedi'i ddisodli*". Nid yw hynny'n wir – mae Rheoliad (EC) 853/2004 yn parhau mewn grym, ond nid yw'n berthnasol i'r mater hwn pa un bynnag am y rheswm sy'n cael ei nodi yn y paragraff blaenorol. Fodd bynnag, mae Rheoliad (EC) 882/2004 yn cael ei ddisodli ar 14 Rhagfyr 2019 (yn yr un modd â Rheoliad (EC) 854/2004 – y ddau yn cael eu diddymu gan Reoliad (EU) 2017/625).

Ymateb y Llywodraeth i bwynt adrodd 3

Mae'r Prif Reoliadau yn darparu ar gyfer gweithredu erthyglau 26 a 27 o Reoliad (EC) Rhif 882/2004, mewn perthynas ag adennill ffioedd sy'n ymwneud â chostau sy'n deillio o reolaethau swyddogol sy'n cael eu cyflawni mewn sefydliadau perthnasol. Mae'r Rheoliad hwnnw gan yr UE yn ffurfio rhan o drefn ehangach sy'n cynnwys pecyn o Reoliadau'r UE a ddaeth i rym yn bennaf ym mis Ionawr 2006 (daeth rhai agweddau i rym ar ddyddiadau diweddarach).

Mae'r pecyn hwnnw o Reoliadau'r UE (sy'n cynnwys Rheoliadau (EC) 852/2004, 853/2004, 854/2004 ac 882/2004) yn gwneud darpariaeth mewn perthynas â rheolaethau swyddogol, ymysg pethau eraill, mewn sefydliadau a oedd ar y pryd yn cael eu rheoleiddio o dan yr offerynnau statudol a ganlyn:

- Rheoliadau Cig Ffres (Hylendid ac Arolygu) 1995;
- Rheoliadau Cig Dofednod, Cig Adar Hela a Ffermir a Chig Cwningod (Hylendid ac Arolygu) 1995; a
- Rheoliadau Cig Anifeiliaid Hela Gwyllt (Hylendid ac Arolygu) 1995.

Cafodd y tri offeryn statudol hyn eu diddymu yn gyfan gwbl o ran Cymru ar 1 Ionawr 2006, drwy reoliad 33 o Reoliadau Hylendid Bwyd (Cymru) 2005/3292, ac Atodlen 7 iddynt, fel rhan o weithredu'r pecyn o Reoliadau'r UE a grybwyllir uchod. Cafodd Rheoliadau 2005 eu diddymu wedi hynny a'u disodli gan Reoliadau Hylendid Bwyd (Cymru) 2006/31.

Trefn yr UE sy'n parhau i gymeradwyo'r sefydliadau perthnasol (gweler hefyd Reoliadau Hylendid Bwyd (Cymru) 2006), ac nid y Prif Reoliadau. Mae'r Prif Reoliadau yn delio ag adennill costau rheolaethau swyddogol yn unig. Wrth lunio'r Prif Reoliadau, ystyriwyd bod angen cynnwys darpariaeth a oedd yn sicrhau bod modd adennill costau rheolaethau swyddogol gan yr holl sefydliadau er gwaethaf pontio o'r drefn flaenorol i'r drefn bresennol. Mae'r ddarpariaeth bontio honno bellach yn cael ei dileu gan nad oes ei hangen. Nid oes sefydliadau yng Nghymru mwyach sydd angen i'r ddarpariaeth bontio honno barhau i gael ei chynnwys.

Government Response: *The Meat (Official Controls Charges) (Wales) (Amendment) Regulations 2019*

Technical Scrutiny point _ : *Response*

N/A

Merit Scrutiny point _ : *Response*

3 merit points have been identified for reporting under Standing Order 21.3 in respect of the Meat (Official Controls Charges) (Wales) (Amendment) Regulations 2019 (“the 2019 Regulations”). A government response has been requested in relation to reporting point 3.

Reporting point 3 concerns the following provisions of the 2019 Regulations:

4. Regulation 3(c)(ii), which amends the definition of “cutting plant” in regulation 2(1) of the Meat (Official Controls Charges) (Wales) Regulations 2009 (“the Principal Regulations”);
5. Regulation 3(e)(ii), which amends the definition of “game-handling establishment” in regulation 2(1) of the Principal Regulations; and
6. Regulation 3(i)(ii), which amends the definition of “slaughterhouse” in regulation 2(1) of the Principal Regulations.

These provisions respectively remove the current paragraph (b) from each of these definitions.

Issues identified in relation to reporting point 3.

There are a number of inaccuracies in reporting point 3 that need to be addressed prior to responding the point.

The first and third bullets of point 3 (dealing with the amendment to the definition of “cutting plant” and “slaughterhouse”) contain incorrect references to the Wild Game Meat (Hygiene and Inspection) Regulations 1995. The current paragraph (b) of each of those definitions references the following instruments:

- The Fresh Meat (Hygiene and Inspection) Regulations 1995;and
- The Poultry Meat, Farmed Game Bird Meat and Rabbit Meat (Hygiene and Inspection) Regulations 1995.

In the final paragraph of point 3, it states:

“The effect of the provisions listed above could be that some plants/establishments/ slaughterhouses which were previously authorised for the purposes of the 2009 Regulations may no longer be authorised.”

This statement is not correct. The Principal Regulations do not provide for the authorisation of the establishments in question. They provide for the implementation

of aspects of Regulation (EC) No. 882/2004 (articles 26 and 27), in relation to the recovery of fees relating to costs arising from official controls performed at relevant establishments. The actual authorisation of such establishments is dealt with elsewhere in the EU regime.

Also in the final paragraph, it states that “*Regulation 853/2004 has been superseded*”. That is not the case – Regulation (EC) 853/2004 remains in effect, but in any event is not relevant to this matter for the reason set out in the previous paragraph. Regulation (EC) 882/2004 however, is superseded as of 14 December 2019 (as is Regulation (EC) 854/2004 – both repealed by Regulation (EU) 2017/625).

Government Response to reporting point 3

The Principal Regulations provide for the implementation of articles 26 and 27 of Regulation (EC) No. 882/2004, in relation to the recovery of fees relating to costs arising from official controls performed at relevant establishments. That EU Regulation forms part of a wider regime made up of a package of EU Regulations that principally came into effect in January 2006 (some aspects applied from later dates).

That package of EU Regulations (which includes Regulations (EC) 852/2004, 853/2004, 854/2004 and 882/2004) makes provision in relation to, inter alia, official controls at establishments that, at the time, were regulated under the following statutory instruments:

- The Fresh Meat (Hygiene and Inspection) Regulations 1995;
- The Poultry Meat, Farmed Game Bird Meat and Rabbit Meat (Hygiene and Inspection) Regulations 1995; and
- The Wild Game Meat (Hygiene and Inspection) Regulations 1995.

These three statutory instruments were, in relation to Wales, revoked in their entirety as of 1 January 2006, by regulation 33 of, and Schedule 7 to, the Food Hygiene (Wales) Regulations 2005/3292 – as part of the implementation of the package of EU Regulations mentioned above. The 2005 Regulations was subsequently revoked and replaced by Food Hygiene (Wales) Regulations 2006/31.

Approval of the relevant establishments remains governed by the EU Regime (see also the Food Hygiene (Wales) Regulations 2006), not by the Principal Regulations, which deal only with recovery of costs of official controls. It was considered necessary, when making the Principal Regulations to include provision that ensured that costs of official controls could be recovered from all relevant establishments notwithstanding the transition from the previous to the current regimes. That transitional provision is now being removed as it is redundant. There are no longer establishments in Wales that require the continued inclusion of that transitional provision.