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OFFERYNNAU STATUDOL  
CYMRU

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WELSH STATUTORY  
INSTRUMENTS

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**2010 Rhif 2976 (Cy.247)**

**2010 No. 2976 (W.247)**

**IECHYD PLANHIGION,  
CYMRU**

**PLANT HEALTH,  
WALES**

Gorchymyn Iechyd Planhigion  
(Cymru) (Diwygio) (Rhif 2) 2010

The Plant Health (Wales)  
(Amendment) (No. 2) Order 2010

**NODYN ESBONIADOL**

**EXPLANATORY NOTE**

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

*(This note is not part of the Order)*

Mae'r Gorchymyn hwn yn diwygio Gorchymyn Iechyd Planhigion (Cymru) 2006 (O.S. 2006/1643) (Cy. 158) ("y prif Orchymyn") er mwyn trosi Penderfyniad y Comisiwn 2010/380/EU sy'n diwygio Penderfyniad 2008/840/EC ynglŷn â mesurau brys i rwystro *Anoplophora chinensis* (Forster) rhag dod i mewn a lledaenu oddi mewn i'r Undeb Ewropeaidd (OJ Rhif L 174, 9.7.2010, t.46). Trosir darpariaethau perthnasol Penderfyniad y Comisiwn 2010/380/EU yn erthyglau 2(4) a (5)(b).

This Order amends the Plant Health (Wales) Order 2006 (S.I. 2006/1643) (W. 158) ("the principal Order") to transpose Commission Decision 2010/380/EU amending Decision 2008/840/EC as regards emergency measures to prevent the introduction into and spread within the European Union of *Anoplophora chinensis* (Forster) (OJ No L 174, 9.7.2010, p.46). Relevant provisions of Commission Decision 2010/380/EU are transposed in articles 2(4) and (5)(b).

Mae erthygl 2(2) yn darparu ar gyfer cyfeiriadau at Benderfyniad y Comisiwn 2008/840/EC yn y prif Orchymyn i'w darllen fel y'u diwygir o bryd i'w gilydd. Mae erthygl 2(3) yn diwygio'r cofnod ynglŷn â gwledydd tarddiad a gynhwysir yn eitem 10 o Atodlen 3 i'r prif Orchymyn. Mae erthygl 2(5)(a) yn diwygio'r disgrifiad o ddeunydd perthnasol a gynhwysir yn eitem 52 o Ran A o Atodlen 4 i'r prif Orchymyn.

Article 2(2) provides for the references to Commission Decision 2008/840/EC in the principle Order to be read as amended from time to time. Article 2(3) amends the entry for countries of origin contained in item 10 of Schedule 3 to the principal Order. Article 2(5)(a) amends the description of relevant material contained in item 52 of Part A of Schedule 4 to the principal Order.

Ni pharatowyd asesiad effaith rheoleiddiol ar gyfer yr offeryn hwn gan na ragwelir unrhyw effaith ar y sectorau preifat neu wirfoddol.

A regulatory impact assessment has not been produced for this instrument as no impact on the private or voluntary sectors is foreseen.

**2010 Rhif 2976 (Cy.247)**

**IECHYD PLANHIGION,  
CYMRU**

**Gorchymyn Iechyd Planhigion  
(Cymru) (Diwygio) (Rhif 2) 2010**

*Gwnaed* 15 Rhagfyr 2010  
*Gosodwyd gerbron Cynulliad  
Cenedlaethol Cymru* 15 Rhagfyr 2010  
*Yn dod i rym* 5 Ionawr 2011

Mae Gweinidogion Cymru, y mae'r pwerau a roddwyd gan adrannau 2 a 3 o Ddeddf Iechyd Planhigion 1967(1) bellach wedi eu breinio ynddynt hwy(2), yn gwneud y Gorchymyn hwn drwy arfer y pwerau hynny a pharagraff 1A o Atodlen 2 i Ddeddf y Cymunedau Ewropeaidd 1972(3).

Mae'r Gorchymyn hwn yn gwneud darpariaeth at ddiben a grybwyllir yn adran 2(2) o Ddeddf y Cymunedau Ewropeaidd 1972 ac mae'n ymddangos yn hwylus i Weinidogion Cymru bod cyfeiriadau a fewnosodir gan y Gorchymyn hwn yng Ngorchymyn Iechyd Planhigion (Cymru) 2006(4) at Benderfyniad y Comisiwn 2008/840/EC ynglŷn â mesurau brys i atal

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- (1) 1967 p. 8; diwygiwyd adrannau 2(1) a 3(1), (2) a (5) gan adran 4 o Ddeddf y Cymunedau Ewropeaidd 1972 (p. 68) a pharagraff 8 o Atodlen 4 i'r Ddeddf honno. Diwygiwyd adran 2(2) gan adran 177(1) o Ddeddf Rheoli Tollau Tramor a Chartref 1979 (p. 2), a pharagraff 12 o Atodlen 4 i'r Ddeddf honno. Mewnosodwyd adran 2(3) gan erthygl 2(1) o O.S. 1990/2371 ac Atodlen 1 i'r offeryn hwnnw.
- (2) Trosglwyddwyd swyddogaethau'r Gweinidog dros Amaethyddiaeth, Pysgodfeydd a Bywd o dan Ddeddf Iechyd Planhigion 1967 (p. 8), i'r graddau y maent 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 i'r Gorchymyn hwnnw. Trosglwyddwyd swyddogaethau hynny oddi wrth yr Ysgrifennydd Gwladol i Gynulliad Cenedlaethol Cymru gan erthygl 2 o Orchymyn Cynulliad Cenedlaethol Cymru (Trosglwyddo Swyddogaethau) 1999 (O.S. 1999/672) ac Atodlen 1 i'r Gorchymyn hwnnw. Trosglwyddwyd swyddogaethau Cynulliad Cenedlaethol Cymru i Weinidogion Cymru gan adran 162 o Ddeddf Llywodraeth Cymru 2006 (p. 32) a pharagraff 30 o Atodlen 11 i'r Ddeddf honno.
- (3) 1972 p. 68. Mewnosodwyd paragraff 1A o Atodlen 2 gan adran 28 o Ddeddf Diwygio Deddfwriaethol a Rheoleiddiol 2006 (p.51).
- (4) O.S. 2006/1643 (Cy. 158), fel y'i diwygiwyd gan O.S. 2007/2716 (Cy. 229), O.S. 2007/3305 (Cy. 292), O.S. 2008/2781 (Cy. 248), O.S. 2008/2913 (Cy. 257), O.S. 2009/1376 (Cy. 137) ac O.S. 2010/1795 (Cy. 171).

**2010 No. 2976 (W.247)**

**PLANT HEALTH,  
WALES**

**The Plant Health (Wales)  
(Amendment) (No. 2) Order 2010**

*Made* 15 December 2010  
*Laid before the National  
Assembly for Wales* 15 December 2010  
*Coming into force* 5 January 2011

The Welsh Ministers in whom the powers conferred by sections 2 and 3 of the Plant Health Act 1967(1) are now vested(2) make this Order in exercise of those powers and paragraph 1A of Schedule 2 to the European Communities Act 1972(3).

This Order makes provision for a purpose mentioned in section 2(2) of the European Communities Act 1972, and it appears to the Welsh Ministers that it is expedient for the references inserted by this Order into the Plant Health (Wales) Order 2006(4) to Commission Decision 2008/840/EC on emergency measures to prevent the introduction into and the spread within the

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- (1) 1967 c. 8; sections 2(1) and 3(1), (2) and (5) were amended by section 4 of, and paragraph 8 of Schedule 4 to, the European Communities Act 1972 (c. 68). Section 2(2) was amended by section 177(1) of, and paragraph 12 of Schedule 4 to, the Customs and Excise Management Act 1979 (c. 2). Section 2(3) was inserted by article 2(1) of, and Schedule 1 to, S.I. 1990/2371.
- (2) The functions of the Minister for Agriculture, Fisheries and Food under the Plant Health Act 1967 (c. 8) were so far as exercisable in relation to Wales, transferred to the Secretary of State by article 2 and Schedule 1 to the Transfer of Functions (Wales) (No. 1) Order 1978 (S.I. 1978/272). Those functions were transferred from the Secretary of State 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. 1997/672). 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).
- (3) 1972 c. 68. Paragraph 1A of Schedule 2 was inserted by section 28 of the Legislative and Regulatory Reform Act 2006 (c.51).
- (4) S.I. 2006/1643 (W. 158), as amended by S.I. 2007/2716 (W. 229), S.I. 2007/3305 (W. 292), S.I. 2008/2781(W. 248), S.I. 2008/2913 (W. 257), S.I. 2009/1376 (W. 137) and S.I. 2010/1795 (W. 171).

dyfodiad *Anoplophora chinensis* (Forster) i'r Undeb Ewropeaidd a'i ledaeniad o fewn yr Undeb Ewropeaidd(1) yn cael eu dehongli fel cyfeiriadau at y Penderfyniad hwnnw fel y'i diwygir o bryd i'w gilydd.

## Enwi, cymhwyso a chychwyn

1. Enw'r Gorchymyn hwn yw Gorchymyn Iechyd Planhigion (Cymru) (Diwygio) (Rhif 2) 2010. Daw i rym ar 5 Ionawr 2011 ac mae'n gymwys o ran Cymru.

## Diwygiadau i Orchymyn Iechyd Planhigion (Cymru) 2006

2.–(1) Diwygir Gorchymyn Iechyd Planhigion (Cymru) 2006 fel a ganlyn.

(2) Yn erthygl 2(1)(2), ar ôl y diffiniad o "Decision 2007/433/EC", mewnosoder–

"Decision 2008/840/EC" means Commission Decision 2008/840/EC on emergency measures to prevent the introduction into and the spread within the European Union of *Anoplophora chinensis* (Forster), as amended from time to time;"

(3) Yn y tabl yn Atodlen 3(3), yn lle'r cofnod yng ngholofn (3) sy'n cyfateb i eitem 10, rhodder–

"Belarus, Moldova, Russia, Turkey, Ukraine and any third country not in mainland Europe, other than Egypt, Israel, Libya, Morocco or Tunisia".

(4) Yn y tabl yn Atodlen 3, ar ôl eitem 15, mewnosoder y testun a gynhwysir yn y tabl canlynol–

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"16	Plants for planting, other than seeds, of <i>Acer</i> spp. until the end of April 2012	China."
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(5) Yn y tabl yn Atodlen 4(4), Rhan A–

(a) yn lle'r cofnod yng ngholofn (2) sy'n cyfateb i eitem 52, rhodder–

"Soil or growing medium that–

(a) is attached to, or accompanies, plants for the purpose of sustaining the vitality of those plants;

(b) consists–

(i) wholly or partly of soil or any solid organic substance such as parts of plants or humus (including peat or bark); or

(ii) partly of any solid inorganic substance; and

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(1) OJ Rhif L 300, 11.11.2008, t.36; fel y'i diwygiwyd gan Benderfyniad y Comisiwn 2010/380 OJ Rhif L 174, 9.7.2010, t.46.

(2) Gwnaed diwygiadau i'r erthygl hon, nad ydynt yn berthnasol i'r Gorchymyn hwn.

(3) Gwnaed diwygiadau i Atodlen 3, nad ydynt yn berthnasol i'r Gorchymyn hwn.

(4) Gwnaed diwygiadau i Atodlen 4, nad ydynt yn berthnasol i'r Gorchymyn hwn.

European Union of *Anoplophora chinensis* (Forster)(1) to be construed as references to that Decision as amended from time to time.

## Title, application and commencement

1. The title of this Order is the Plant Health (Wales) (Amendment) (No. 2) Order 2010. It comes into force on 5 January 2011 and applies in relation to Wales.

## Amendments to the Plant Health (Wales) Order 2006

2.–(1) The Plant Health (Wales) Order 2006 is amended as follows.

(2) In article 2(1)(2), after the definition of "Decision 2007/433/EC", insert–

"Decision 2008/840/EC" means Commission Decision 2008/840/EC on emergency measures to prevent the introduction into and the spread within the European Union of *Anoplophora chinensis* (Forster), as amended from time to time;"

(3) In the table in Schedule 3(3), for the entry in column (3) corresponding to item 10, substitute–

"Belarus, Moldova, Russia, Turkey, Ukraine and any third country not in mainland Europe, other than Egypt, Israel, Libya, Morocco or Tunisia".

(4) In the table in Schedule 3, after item 15, insert the text contained in the following table–

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"16	Plants for planting, other than seeds, of <i>Acer</i> spp. until the end of April 2012	China."
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(5) In the table in Schedule 4(4), Part A–

(a) for the entry in column (2) corresponding to item 52, substitute–

"Soil or growing medium that–

(a) is attached to, or accompanies, plants for the purpose of sustaining the vitality of those plants;

(b) consists–

(i) wholly or partly of soil or any solid organic substance such as parts of plants or humus (including peat or bark); or

(ii) partly of any solid inorganic substance; and

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(1) OJ No L 300, 11.11.2008, p.36; as amended by Commission Decision 2010/380 OJ No L 174, 9.7.2010, p.46.

(2) There are amendments to this article that are not relevant to this Order.

(3) There are amendments to Schedule 3 that are not relevant to this Order.

(4) There are amendments to Schedule 4 that are not relevant to this Order.

(c) originates from—

- (i) Belarus, Georgia, Moldova, Russia, Turkey or the Ukraine; or
- (ii) any country outside Europe, other than Algeria, Egypt, Israel, Libya, Morocco or Tunisia"; and

(b) for item 81, substitute the text contained in the following table—

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"81 Specified plants within the meaning of Article 1(a) of Decision 2008/840/EC originating in China	Without prejudice to the requirements in Schedule 3, items 4, 12 and 14 and items 11, 12, 19, 20, 22, 23, 27, 28, 29, 30, 48, 50, 51, 52, 55, 60, 61, 64, 65 and 70 of Part A of this Schedule the plants must be accompanied by an official statement containing the information in point (1) of Section I(B) of Annex 1 to Decision 2008/840/EC and the place of production of those plants must comply with the requirements set out in Article 2a(1)(c) of Decision 2008/840/EC
82 Specified plants within the meaning of Article 1(a) of Decision 2008/840/EC originating in any third country where <i>Anoplophora chinensis</i> (Forster) is known to occur, other than China	Without prejudice to the requirements in Schedule 3, items 4, 12 and 14 and items 11, 12, 19, 20, 22, 23, 27, 28, 29, 30, 48, 50, 51, 52, 55, 60, 61, 64, 65 and 70 of Part A of this Schedule the plants must be accompanied by an official statement containing the information in point (1) of Section I(A) of Annex 1 to Decision 2008/840/EC. "

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(c) originates from—

- (i) Belarus, Georgia, Moldova, Russia, Turkey or the Ukraine; or
- (ii) any country outside Europe, other than Algeria, Egypt, Israel, Libya, Morocco or Tunisia"; and

(b) for item 81, substitute the text contained in the following table—

---

"81 Specified plants within the meaning of Article 1(a) of Decision 2008/840/EC originating in China	Without prejudice to the requirements in Schedule 3, items 4, 12 and 14 and items 11, 12, 19, 20, 22, 23, 27, 28, 29, 30, 48, 50, 51, 52, 55, 60, 61, 64, 65 and 70 of Part A of this Schedule the plants must be accompanied by an official statement containing the information in point (1) of Section I(B) of Annex 1 to Decision 2008/840/EC and the place of production of those plants must comply with the requirements set out in Article 2a(1)(c) of Decision 2008/840/EC
82 Specified plants within the meaning of Article 1(a) of Decision 2008/840/EC originating in any third country where <i>Anoplophora chinensis</i> (Forster) is known to occur, other than China	Without prejudice to the requirements in Schedule 3, items 4, 12 and 14 and items 11, 12, 19, 20, 22, 23, 27, 28, 29, 30, 48, 50, 51, 52, 55, 60, 61, 64, 65 and 70 of Part A of this Schedule the plants must be accompanied by an official statement containing the information in point (1) of Section I(A) of Annex 1 to Decision 2008/840/EC. "

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*Elin Jones*

Y Gweinidog dros Faterion Gwledig, un o  
Weinidogion Cymru

Minister for Rural Affairs, one of the Welsh Ministers

15 Rhagfyr 2010

15 December 2010

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