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OFFERYNNAU STATUDOL CYMRU

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**2000 Rhif 3123 (Cy. 201 )**

**BWYD, CYMRU**

**Rheoliadau Cwotâu Cynhyrchion Llaeth  
(Diwygio) (Cymru) (Rhif 2) 2000**

*Wedi'u gwneud* - - 23 Tachwedd 2000  
*Yn dod i rym* - - 29 Tachwedd 2000

Mae Cynulliad Cenedlaethol Cymru, gan ei fod wedi'i ddynodi(1) at ddibenion adran 2(2) o Ddeddf y Cymunedau Ewropeaidd 1972(2) mewn perthynas â pholisi amaethyddol cyffredin y Gymuned Ewropeaidd, a thrwy arfer y pwerau a roddwyd iddo gan yr adran 2(2) a enwyd drwy hyn yn gwneud y Rheoliadau canlynol—

**Enwi a chychwyn**

1. Enw'r Rheoliadau hyn yw Rheoliadau Cwotâu Cynhyrchion Llaeth (Diwygio) (Cymru) (Rhif 2) 2000 a deuant i rym ar 29 Tachwedd 2000.

**Diwygio Rheoliadau Cwotâu Cynhyrchion Llaeth 1997**

2. Diwygir Rheoliadau Cwotâu Cynhyrchion Llaeth 1997(3), i'r graddau y maent yn gymwys i Gymru, yn unol â rheoliadau 3 i 13 o'r Rheoliadau hyn.

3. Yn rheoliad 2 (dehongli) ym mharagraff (1)—

(a) yn y diffiniad o'r "Community compensation scheme", ar ddiwedd y diffiniad mewnosodir y geiriau—

“or the scheme instituted by Council Regulation (EC) No. 2330 / 98 providing for an offer of compensation to certain producers of milk and milk products temporarily restricted in carrying out their trade and Commission Regulation (EC) No. 2647/98 laying down detailed rules for the application of Council Regulation (EC) No. 2330 / 98, or both those schemes”(4)(5);

(b) ym mharagraff (c) o'r diffiniad o "Scottish Islands area" dilëir y gair "Islay".

4. Yn union ar ôl rheoliad 3 mewnosodir y rheoliad canlynol—

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(1) Yn rhinwedd Gorchymyn y Cymunedau Ewropeaidd (Dynodi) (Rhif 3) 1999 (O.S. 1999/2788).  
(2) 1972 p.68.  
(3) O.S. 1997/733; y diwygiadau perthnasol yw O.S. 1997/1093 a 2000/698.  
(4) OJ Rhif L291, 30.10.98, t.4.  
(5) OJ Rhif L335, 10.12.98, t.33.

**“Scottish Islands area**

**3A.**—(1) Quota registered to direct sellers and producers within any Scottish Islands area can only be used by producers and purchasers against direct sales or wholesale deliveries of milk produced within that Scottish Islands area.

(2) The requirement in paragraph (1) does not apply to the reallocation of quota undertaken in accordance with Schedule 5.

(3) In this regulation—

- (a) “direct seller” and “producer” include a person who occupies land with quota whether or not that person is engaged in the sale or delivery of dairy produce; and
- (b) a direct seller or producer within a Scottish Islands area means a direct seller or producer who has 50% or more of his dairy enterprise within that Scottish Islands area.”.

**5. Yn rheoliad 6 (addasu cwota prynwr)—**

(a) ym mharagraff (2)—

- (i) dilëir y geirau “or on any permanent conversion of quota under regulation 16,” a'r geiriau “or such a conversion of quota”;
- (ii) yn lle is-baragraff (a) rhoddir yr is-baragraff canlynol—

“(a) within 56 days of the date of such transaction and in any case on or before 14th May in the quota year immediately following the quota year in which that transaction took place, a statement setting out particulars of the transaction; and”

(b) ym mharagraff (4)—

- (i) yn lle'r gair “Where” ar ddechrau'r paragraff hwnnw rhoddir y geiriau “Subject to paragraph (4A), where”;
- (ii) yn is-baragraff (a), yn lle'r geiriau “have his purchaser quota” rhoddir y geiriau “request of the Intervention Board (in such form as the latter may reasonably require) that his purchaser quota be”;

(c) yn union ar ôl paragraff (4) mewnosodir y paragraffau canlynol—

“(4A) Where the amount of quota necessary to cover the deliveries made to an original purchaser and referred to in paragraph (4)(b) is affected by an adjustment of the quantity delivered by the producer (being an adjustment in accordance with the second sub-paragraph of Article 2(2) of the Commission Regulation)—

- (a) in the event that an increase in the original purchaser’s quota is necessary to cover the deliveries made to him by the producer, the original purchaser may apply to the Intervention Board (in such form as the latter may reasonably require) to assess and make such increase, and make a corresponding reduction in the purchaser quota of the purchaser (or purchasers) with whom the producer is newly registered, and
- (b) in the event that a reduction is capable of being made to the quota of an original purchaser who has more than is necessary to cover the deliveries made to him by the producer, any purchaser with whom the producer is newly registered and who requires an increase in purchaser quota to cover the deliveries made by the producer to him may apply to the Intervention Board (in such form as the latter may reasonably require) to assess and make the appropriate reduction, and make a corresponding increase in the purchaser quota of the said purchaser with whom the producer is newly registered,

and in each case upon such application the Intervention Board shall make the assessment requested and the appropriate adjustment.

(4B) An application under paragraph (4A)(a) or (b) shall be made no later than 15th June in the quota year immediately following the quota year during which the producer changed from being registered with the original purchaser to being registered with the other purchaser in question.”.

**6.** Yn rheoliad 11 (trosglwyddo cwota heb drosglwyddo tir)—

- (a) ym mharagraff (1), dilëir y geiriau “8th May 1997 or” a “(whichever is the later)” ;
- (b) ym mharagraff (2), yn is-baragraff (a), ar ôl y gair “quota” mewnosodir y geiriau “, stating the amounts of used and unused quota transferred”;
- (c) dilëir paragraffau (5) a (6);
- (ch) yn lle paragraff (7) rhoddir y paragraff canlynol—

“(7) Where an application to transfer quota without transfer of land has been approved by the Intervention Board, the Intervention Board may wholly or partly release a transferee from the undertaking referred to in paragraph (2)(d)(i) where it is satisfied that the release is justified in the light of exceptional circumstances resulting in a significant fall in milk production or a significant failure to achieve a planned increase in milk production which, in either case, could not have been avoided or foreseen by the transferee at the time of the submission of the application under paragraph (1), and such release shall be to the extent that is required so as to permit the transfer of the amount of quota that the Intervention Board considers has remained unused in the particular case.”;

- (d) ym mharagraff 8, is-baragraff (h), dilëir y gair “;and” yn union ar ôl is-baragraff (g).—

**7.** Yn rheoliad 14 (ailddyrranu cwota dros dro)—

- (a) yn lle paragraff (1) rhoddir y paragraff canlynol—

“(1) For the purposes of the reallocation of quota referred to in Article 2(1) of the Council Regulation, in so far as that reallocation relates to certain priority categories of producer who (under Article 2(4) of that Regulation and Article 5 of the Commission Regulation) may be determined as entitled to a redistribution of levy in the event of any levy being collected in excess of the levy actually due, the Intervention Board may, for any quota year, award to a producer referred to in paragraph (2) a temporary reallocation of an amount of any surplus quota, in accordance with the provisions of this regulation.”;

- (b) ym mharagraff (2), dilëir is-baragraff (a);
- (c) dilëir paragraffau (6) a (7).

**8.** Yn rheoliad 16 (trosi cwota)—

- (a) ym mharagraff (4), yn lle'r geiriau “paragraph (5)” rhoddir y geiriau “paragraphs (5) and (6)”;
- (b) yn lle paragraff (5) rhoddir y paragraffau canlynol—

“(5) Where, upon application to the Intervention Board by a producer who has permanently converted quota in any quota year, the Intervention Board is satisfied that exceptional circumstances of a type described in regulation 11(8) have resulted in a significant fall in milk production or a significant failure to achieve a planned increase in milk production and it is of the opinion that such could have been neither foreseen nor avoided by the producer at the time of his permanent conversion, it may, in the same quota year in which the permanent conversion occurred, release that producer from the restriction in paragraph (4), and such release shall be to the extent that is required so as

to allow the transfer of the amount of quota that the Intervention Board considers has remained unused in the particular case.

(6) The restriction in paragraph (4) shall not apply to any producer who, in the immediately preceding quota year, has temporarily converted quota.”.

9. Yn rheoliad 25 (archwilio cofnodion yng nghofrestrau'r Bwrdd Ymyrraeth)—
- (a) dilëir y geiriau “in writing”, lle maent yn ymddangos gyntaf;
  - (b) yn is-baragraff (a), ar ôl y gair “entry” yn yr ail le y mae'n digwydd, mewnosodir y geiriau “, or by anyone being the agent of such a person”.
10. Yn rheoliad 30 (pwerau swyddogion awdurdodedig) ym mharagraff (6) yn union ar ôl y gair “regulation” mewnosodir y geiriau “and in regulation 30A”.
11. Yn union ar ôl rheoliad 30 mewnosodir y rheoliad canlynol—

**“Keeping and retention of records**

**30A.** Without prejudice to regulation 3 of the Common Agricultural Policy (Protection of Community Arrangements) Regulations 1992(6), the Intervention Board may by notice in the London Gazette require any relevant person to keep and retain, in respect of any matter governed by these Regulations, such records and for such a period as may be specified in that notice.”.

12. Yn rheoliad 31 (cosbau), ym mharagraff (1), yn lle is-baragraff (b) rhoddir yr is-baragraff canlynol—

“(b) in connection with these Regulations or the Community legislation, makes or causes to be made a statement or uses or causes to be used a document which he knows to be false in a material particular or recklessly makes or causes to be made a statement or recklessly uses or causes to be used a document which is false in a material particular; or”.

13. Yn Atodlen 5 (ailldyrannu cwota a chyfrifo rhwymedigaeth ardoll), ym mharagraffau 8 a 18 ill dau, yn lle'r geiriau “within 45 days of” rhoddir y geiriau “on or before 14th May immediately following”.

Llofnodwyd ar ran Cynulliad Cenedlaethol Cymru o dan adran 66(1) o Ddeddf Llywodraeth Cymru 1998(7).

23 Tachwedd 2000

*John Marek*  
Dirpwy Lywydd y Cynulliad Cenedlaethol

(6) O.S. 1992/314.

(7) 1998 p.38.

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## EXPLANATORY NOTE

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

Mae'r Rheoliadau hyn, sy'n dod i rym ar 29 Tachwedd 2000, yn diwygio ymhellach Reoliadau Cwotâu Cynhyrchion Llaeth 1997 (O.S. 1997/733) (“y prif Reoliadau”) i'r graddau y maent yn gymwys i Gymru.

Mae'r prif newidiadau a wneir gan y Rheoliadau hyn—

- (a) yn ymestyn y diffiniad o “cynllun iawndal Cymunedol” i gynnwys yr un a sefydlwyd gan Reoliad y Cyngor (EC) Rhif 2330/98 sy'n darparu bod iawndal yn cael ei gynnig i gynhyrchwyr penodol llaeth a chynhyrchion llaeth sydd wedi'u cyfyngu dros dro rhag cyflawni eu masnach (OJ Rhif L291, 30.10.98, t.4) (rheoliad 3(a));
- (b) yn dileu Islay o'r trefniadau cwota llaeth penodol sy'n gymwys i Ynysoedd yr Alban (rheoliad 3(b)) ac yn egluro i ba raddau ac ym mha ffordd y mae'r trefniadau hynny'n gymwys (rheoliad 4);
- (c) yn ymestyn y cyfnod (o 28 i 56 o ddiwrnodau, yn ddarostyngedig i ddyddiad terfynol o 14 Mai yn y flwyddyn gwota nesaf sy'n dilyn) y bydd rhaid i brynwyr hysbysu'r Bwrdd Ymyrraeth o unrhyw gynhyrchydd sydd newydd gofrestru gyda hwy o'i fewn (rheoliad 5(a)(ii));
- (ch) drwy reoliad 6(4A) newydd o'r prif Reoliadau, yn egluro pwy sy'n cael caniatâd, ai prynwr gwreiddiol ynteu prynwr newydd llaeth cynhyrchydd, i wneud cais i'w gwota gael ei addasu o ganlyniad i newidiadau dilynol yn lefel nodweddiadol y braster a geir yn llaeth y cynhyrchydd hwnnw (rheoliad 5(c));
- (d) yn dileu'r gofyniad (gynt yn rheoliad 11(5) o'r prif Reoliadau), a oedd yn gymwys yn achos trosglwyddo cwota heb drosglwyddo tir hefyd, ar ôl i'r trosglwyddiad gael ei gymeradwyo gan y Bwrdd Ymyrraeth, i'r trosglwyddai ddarparu datganiad i'r Bwrdd ynghylch y cwota a ddefnyddid a'r cwota nas defnyddid a oedd ar gael iddo ef ac i'r trosglwyddwr ar ddyddiad y trosglwyddiad (rheoliad 6(c));
- (dd) drwy reoliad 11(7) diwygiedig yn y prif Reoliadau, yn ymestyn gallu'r Bwrdd Ymyrraeth i ryddhau trosglwyddai o'i ymrywmiad, fel bod y pŵ er yn gymwys nid yn unig lle mae amgylchiadau eithriadol yn arwain at ostyngiad sylweddol yn y llaeth sy'n cael ei gynhyrchu, ond hefyd lle maent yn arwain at fethiant sylweddol â sicrhau cynnydd a gynlluniwyd yn y llaeth sy'n cael ei gynhyrchu (rheoliad 6(d));
- (e) yn egluro'r sail y gellir ail-ddyrano cwota dros ben dros dro arni (rheoliad 7(a)) ac yn dileu o gategori'r cynhyrchwyr sy'n gymwys i gael ailddyriadau dros dro o'r fath y cynhyrchwyr y mae cydnabyddiaeth ffurfiol bod yna gamgymeriad wrth gyfrifo eu hardoll yn effeithio arnynt (rheoliad 7(b));
- (f) yn galluogi'r Bwrdd Ymyrraeth, yng nghyd-destun penderfyniad i drosi cwota cynhyrchydd yn barhaol ac os bydd amgylchiadau eithriadol wedi arwain at ostyngiad arwyddocaol yn y llaeth sy'n cael ei gynhyrchu neu fethiant arwyddocaol â sicrhau cynnydd a gynlluniwyd yn y llaeth sy'n cael ei gynhyrchu, i ryddhau'r cynhyrchydd hwnnw o'r cyfyngiad a fyddai fel arall yn ei atal rhag trosglwyddo allan gwota o'r math y mae wedi trosi iddo yn yr un flwyddyn gwota â'r un y digwyddodd y trosi hwnnw ynddi (rheoliad 8);

**Statws** This is the original version (as it was originally made).

- (ff) yn caniatáu i'r Bwrdd Ymyrraeth ei gwneud yn ofynnol i'r cyfryw bersonau a ddiffinir fel “relevant persons” yn rheoliad 30(6) o'r prif Reoliadau gynnal a chadw cofnodion (rheoliad 11);
- (g) yn ymestyn y tramgwydd a ddisgrifir yn rheoliad 31(1)(b) o'r prif Reoliadau i gynnwys achosi elfennau o'r tramgwydd hwnnw (rheoliad 12).

Mae Arfarniad Rheoleiddio wedi'i baratoi ar gyfer y Rheoliadau hyn, ac mae copi ohono ar gael oddi wrth Gynulliad Cenedlaethol Cymru, Yr Adran Amaethyddiaeth, Parc Cathays, Caerdydd CF10 3NQ.