



CYNULLIAD CENEDLAETHOL CYMRU

NATIONAL ASSEMBLY FOR WALES

OFFERYNNAU STATUDOL

STATUTORY INSTRUMENTS

2004 Rhif 2919 (Cy.258)

2004 No. 2919 (W.258)

AMAETHYDDIAETH, CYMRU

AGRICULTURE, WALES

**Rheoliadau Cynllun y Taliad Sengl
ac Amrywiol Gynlluniau Cymorth
Uniongyrchol (Apelau) (Cymru)
2004**

**The Single Payment Scheme and
Miscellaneous Direct Support
Schemes (Appeals) (Wales)
Regulations 2004**

NODYN ESBONIADOL

EXPLANATORY NOTE

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

(This note is not part of the Regulations)

Mae'r Rheoliadau hyn yn galluogi Cynulliad Cenedlaethol Cymru ("y Cynulliad Cenedlaethol") i sefydlu gweithdrefn apelio ar gyfer ffermwyr sy'n gwrthwynebu ei benderfyniadau o ran sut y mae'n gweinyddu Cynllun y Taliad Sengl ac amrywiol gynlluniau cymorth penodol eraill (sef yn benodol y Cynlluniau rheini sydd yn ymwneud â premiwm cynydau protein, y taliad arwynebedd am gnau, cymorth cynydau ynni, cymorth am datws starts, y premiwm godro (a thaliadau ychwanegol) a chymorth cynhyrchu hadau.

These Regulations enable the National Assembly for Wales ("the National Assembly") to establish an appeals procedure for farmers who dispute decisions taken by it in connection with its administration of the Single Payment Scheme and various other direct support schemes, namely, those schemes concerned with protein crop premium, area payment for nuts, aid for energy crops, aid for starch potato, dairy premium (and additional payments) and seed aid.

Cyflwynir ac fe weithredir y cynlluniau yma gan Reoliad y Cyngor (EC) Rhif 1782/2003 (O.J. L270, 21.10.2003, t.1), Rheoliad y Comisiwn (EC) Rhif 2237/2003 (O.J. Rhif L339, 24.12.2003, t.52), Rheoliad y Comisiwn (EC) Rhif 795/2004 (O.J. Rhif L141, 30.04.2004, t.1) a Rheoliad y Comisiwn (EC) Rhif 796/2004 (O.J. Rhif L141, 30.04.2004, t.18).

These schemes are introduced by, and operate under, Council Regulation (EC) No. 1782/2003 (O.J. L270, 21.10.2003, p.1), Commission Regulation (EC) No. 2237/2003 (O.J. No. L339, 24.12.2003, p.52), Commission Regulation (EC) No. 795/2004 (O.J. No. L141, 30.4.2004, p.1) and Commission Regulation (EC) No. 796/2004 (O.J. No. L141, 30.4.2004, p.18).

Caiff unrhyw weithdrefn apelio a sefydlir yn unol â'r rheoliadau yma fod yn ffurf unai cyflwyniad ar lafar neu yn ysgrifenedig i bersonau a benodir gan y Cynulliad Cenedlaethol gyda'r bwriad i'r personau hynny argymhell i'r Cynulliad Cenedlaethol sut y dylai benderfynu'n derfynol ar y mater.

Any appeal procedure so established may take the form of oral or written submission to persons appointed by the National Assembly with a view to such persons making a recommendation to the National Assembly as to how the matter should be finally determined.

Mae'r Rheoliadau yn rhoi pŵer i'r Cynulliad Cenedlaethol dalu tâl a lwfansau i unrhyw bersonau a benodir felly, ac i godi tâl (nad sydd yn fwy na £100) yn sgîl costau'r weithdrefn.

The Regulations confer power upon the National Assembly to pay remuneration and allowances to any such persons appointed and to charge a fee (not exceeding £100), in respect of the costs of the procedure.

Paratowyd arfarniad rheoliadol mewn perthynas â'r Rheoliadau hyn. Gellir cael copïau o hwnnw gan Adran Amgylchedd Cynulliad Cenedlaethol Cymru, Adeiladau'r Goron, Parc Cathays, Caerdydd, CF10 3NQ.

A regulatory appraisal has been prepared in respect of these Regulations. Copies of this can be obtained from the National Assembly for Wales, Department of Environment, Planning and Countryside, Crown Buildings, Cathays Park, Cardiff, CF10 3NQ.

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Wedi'u gwneud 9 Tachwedd 2004
Yn dod i rym 30 Tachwedd 2004

Made 9 November 2004
Coming into force 30 November 2004

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

The National Assembly for Wales being designated(a) for the purposes of section 2(2) of the European Communities Act 1972(b) in relation to the common agricultural policy of the European Community, in exercise of the powers conferred upon it by the said section 2(2), hereby makes the following Regulations:

Enwi a Chychwyn

1. Enw'r Rheoliadau hyn yw Rheoliadau Cynllun y Taliad Sengl ac Amrywiol Gynlluniau Cymorth Uniongyrchol (Apelau) (Cymru) 2004 a deuant i rym ar 30 Tachwedd 2004.

Title and Commencement

1. These Regulations may be cited as the Single Payment Scheme and Miscellaneous Direct Support Schemes (Appeals) (Wales) Regulations 2004 and shall come into force on 30th November 2004.

Cymhwyso

2. Mae'r Rheoliadau hyn yn gymwys i benderfyniad perthnasol a wneir mewn perthynas â ffermwr sydd â'i ddaliad wedi'i leoli, naill ai yn gyfan gwbl neu'n rhannol, yng Nghymru.

Application

2. These Regulations apply to a relevant determination made in respect of a farmer whose holding is situated, either entirely or partially, in Wales.

Dehongli

3. (1) Yn y Rheoliadau hyn-

ystyr "y Cynulliad Cenedlaethol" ("*the National Assembly*") yw Cynulliad Cenedlaethol Cymru;

Interpretation

3.-(1) In these Regulations -

"the Community legislation" ("*Deddfwriaeth y Gymuned*") means the Council Regulation,

(a) Yn rhinwedd Gorchymyn y Cymunedau Ewropeaidd (Dynodi) (Rhif 3) (O.S. 1999/2788) ("y Gorchymyn"). Mae pŵer y Cynulliad Cenedlaethol, fel corff sydd wedi'i ddynodi mewn perthynas â pholisi amaethyddol cyffredin y Gymuned Ewropeaidd, i wneud rheoliadau sy'n gymwys i ddaliadau sy'n cynnwys tir sydd wedi'i leoli o fewn y Deyrnas Unedig ond y tu allan i Gymru wedi'i gadarnhau gan baragraff 2(b) o Atodlen 2 i'r Gorchymyn.

(b) 1972 p.68.

(a) By virtue of the European Communities (Designation) (No.3) Order 1999 (S.I. 1999/2788) ("the Order"). The National Assembly's power to make, as a body designated in relation to the common agricultural policy of the European Community, regulations which extend to holdings which include land situated within the United Kingdom but outside Wales is confirmed by paragraph 2(b) of Schedule 2 to the Order.

(b) 1972 c.68.

mae i "daliad" yr un ystyr ag sydd i "holding" yn Erthygl 2(b) o Reoliad y Cyngor;

ystyr "Deddfwriaeth y Gymuned" ("*the Community legislation*") yw Rheoliad y Cyngor, Rheoliad y Comisiwn (EC) Rhif 2237/2003 sydd yn gosod rheolau manwl ar gyfer cymhwyso rhai cynlluniau cefnogi a ddarperir ar eu cyfer yn Nheitl IV o Reoliad y Cyngor (a), Rheoliad y Comisiwn (EC) 795/2004 sydd yn gosod rheolau manwl ar gyfer gweithredu y cynllun taliad sengl a ddisgrifir yn Rheoliad y Cyngor (b) a Rheoliad y Comisiwn (EC) Rhif 796/2004 yn gosod rheolau manwl ar gyfer gweithredu cyd-gydymffurfiaeth, modiwlleiddio a'r system weinyddu a rheoli cyfunol a ddarperi ar ei gyfer yn Rheoliad y Cyngor (c);

mae i "ffermwr" yr un ystyr ag sydd i "farmer" yn Erthygl 2(a) o Reoliad y Cyngor;

ystyr "penderfyniad perthnasol" ("*relevant determination*") yw unrhyw benderfyniad gan y Cynulliad Cenedlaethol a wneir mewn perthynas â ffermwr yn unol â, neu mewn cysylltiad â deddfwriaeth y Gymuned;

ystyr "Rheoliad y Cyngor" ("*the Council Regulation*") yw Rheoliad y Cyngor (EC) Rhif 1782/2003, sy'n pennu rheolau cyffredin ar gyfer cynlluniau cymorth uniongyrchol o dan y polisi amaethyddol cyffredin ac sy'n pennu cynlluniau cymorth penodol i ffermwyr (ch)

(2) Mae unrhyw gyfeiriad yn y rheoliadau hyn at offeryn y Gymuned yn gyfeiriad at yr offeryn hynny fel ei ddiwygir ar y dyddiad y mae'r rheoliadau hyn yn cael eu gwneud.

Darparu gweithdrefn apelio

4.-(1) Caiff y Cynulliad Cenedlaethol sefydlu gweithdrefn sydd, ar gais ffermwr, i'w chymhwyso er mwyn ystyried penderfyniad perthnasol ymhellach, a hynny ar ran y Cynulliad Cenedlaethol, a bydd y weithdrefn yn gweithio fel apêl yn erbyn y penderfyniad perthnasol dan sylw.

(2) Caiff unrhyw weithdrefn a sefydlwyd yn unol â pharagraff (1) osod unrhyw ddyddiad cau y mae'r Cynulliad Cenedlaethol yn ei ystyried yn angenrheidiol at ddibenion ei gwneud yn ofynnol i ffermwr gyflwyno iddo, ddogfennau a gwybodaeth berthnasol a rhybudd o friad ef neu hi i apelio yn erbyn penderfyniad perthnasol.

Commission Regulation (EC) No. 2237/2003 laying down detailed rules for the application of certain support schemes provided for in Title IV of the Council Regulation(a), Commission Regulation (EC) 795/2004 laying down detailed rules for the implementation of the single payment scheme provided for in the Council Regulation(b) and Commission Regulation (EC) No. 796/2004 laying down detailed rules for the implementation of cross compliance, modulation and the integrated administration and control system provided for in the Council Regulation(c);

"the Council Regulation" ("*Rheoliad y Cyngor*") means Council Regulation (EC) No. 1782/2003 establishing common rules for direct support schemes under the common agricultural policy and establishing certain support schemes for farmers(d);

"farmer" has the meaning given to it by Article 2(a) of the Council Regulation;

"holding" has the meaning given to it by Article 2(b) of the Council regulation;

"the National Assembly" ("*y Cynulliad Cenedlaethol*") means the National Assembly for Wales; and

"relevant determination" ("*penderfyniad perthnasol*") means any determination of the National Assembly in respect of a farmer made pursuant to, or in connection with, the Community legislation.

(2) Any reference in these regulations to a Community instrument is a reference to that instrument as amended on the date these regulations are made.

Provision of appeals procedure

4.-(1) The National Assembly may establish a procedure to be applied at the request of a farmer, for the further consideration on its behalf of a relevant determination, such procedure operating by way of an appeal from the relevant determination in question.

(2) Any procedure established pursuant to paragraph (1) may impose such deadlines as the National Assembly considers necessary for the purposes of requiring a farmer to submit to it applicable information and documentation and notice of his or her intention to appeal against a relevant determination.

(a) OJ Rhif L339, 24.12.2003, t.52.

(b) OJ Rhif L141, 30.04.2004, t.1.

(c) OJ Rhif L141, 30.04.2004, t.18.

(ch) OJ Rhif L270, 21.10.2003, t.1 fel ei ddiwygiwyd ddiwethaf gan Reoliad y Cyngor (EC) Rhif 864/2004 (O.J. L161, 30.04.2004, t.48).

(a) OJ No. L339, 24.12.2003, p.52.

(b) OJ No. L141, 30.4.2004, p.1.

(c) OJ No. L141, 30.4.2004, p.18.

(d) O.J. No.L270, 21.10.2003, p.1 as last amended by Council Regulation (EC) No. 864/2004 (O.J. L161, 30.4.2004, p.48).

(3) Caiff unrhyw weithdrefn a sefydlwyd o dan baragraff (1) ddarparu ar gyfer apelio'n ysgrifenedig neu ar lafar i'r personau hynny y caiff y Cynulliad Cenedlaethol eu penodi at y diben hwnnw (heb fod mwy na thri ohonynt), gyda'r bwriad eu bod yn llunio adroddiad o'u casgliadau a'u hargymhellion o ran sut y dylai'r Cynulliad Cenedlaethol benderfynu'n derfynol ar yr apêl.

(4) Pan fo'r Cynulliad Cenedlaethol yn sefydlu unrhyw weithdrefn a grybwyllir ym mharagraff (3), caiff-

- (a) talu i'r personau a benodir unrhyw dâl rhesymol am eu swyddogaethau o dan y weithdrefn honno, ac unrhyw lwfansau teithio a lwfansau eraill y bydd yn penderfynu arnynt; a
- (b) codi ar unrhyw ffermwr, yr ystyrir ei apêl o dan y weithdrefn a sefydlwyd, unrhyw dâl y caiff y Cynulliad Cenedlaethol ei bennu (heb fod yn fwy na £100), mewn perthynas ag unrhyw gostau a dynnwyd ganddo wrth roi'r weithdrefn ar waith o ran yr apêl dan sylw.

(3) Any procedure established under paragraph (1) may provide for an oral or written appeal to such persons (not exceeding three) as the National Assembly may appoint for that purpose, with a view to such persons their making a report of their conclusions and recommendations as to the manner in which the appeal should be finally determined by the National Assembly.

(4) When the National Assembly establishes any such procedure as is mentioned in paragraph (3), it may -

- (a) pay to the persons so appointed such reasonable remuneration in respect of their functions under that procedure, and such travelling and other allowances, as it may determine; and
- (b) charge any farmer whose appeal is considered under the procedure so established such fee (not exceeding £100) as the National Assembly may determine in respect of the costs incurred by it by virtue of the operation of that procedure in relation to the appeal in question.

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

Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998(a).

9 Tachwedd 2004

9 November 2004

D. Elis-Thomas

Llywydd y Cynulliad Cenedlaethol

The Presiding Officer of the National Assembly

(a) 1998 p.38.

(a) 1998 c.38.

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