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OFFERYNNAU STATUDOL CYMRU

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**2006 Rhif 2831 (Cy.252)**

**AMAETHYDDIAETH, CYMRU**

**Rheoliadau Cynllun Taliad Sengl a Chynlluniau  
Cymorth y Polisi Amaethyddol Cyffredin  
(Trawsgydymffurfio) (Cymru) (Diwygio) 2006**

*Wedi'u gwneud* - - - *24 Hydref 2006*

*Yn dod i rym* - - - *1 Tachwedd 2006*

Mae Cynulliad Cenedlaethol Cymru, ac yntau wedi'i ddynodi(1) at ddibenion adran 2(2) o Ddeddf Cymunedau Ewrop 1972(2) o ran polisi amaethyddol cyffredin y Gymuned Ewropeaidd, drwy arfer y pwerau a roddwyd iddo gan yr adran honno yn gwneud y Rheoliadau a ganlyn:

**Enwi, cychwyn a chymhwyso**

1.—(1) Enw'r Rheoliadau hyn yw Rheoliadau Cynllun Taliad Sengl a Chynlluniau Cymorth y Polisi Amaethyddol Cyffredin (Trawsgydymffurfio) (Cymru) (Diwygio) 2006.

(2) Daw'r Rheoliadau hyn i rym ar 1 Tachwedd 2006.

(3) Mae'r Rheoliadau hyn yn gymwys o ran Cymru.

**Diwygio Rheoliadau Cynllun Taliad Sengl a Chynlluniau Cymorth y Polisi Amaethyddol Cyffredin (Trawsgydymffurfio) (Cymru) 2004**

2. Mae Rheoliadau Cynllun Taliad Sengl a Chynlluniau Cymorth y Polisi Amaethyddol Cyffredin (Trawsgydymffurfio) (Cymru) 2004(3) yn cael eu diwygio fel a ganlyn—

(1) Yn rheoliad 2(1) (Dehongli)—

(a) yn lle'r diffiniad o “agri-environment commitment” rhodder—

““agri-environment commitment” means a commitment entered into before 1 January 2007 under Council Regulation 2078/92 (now repealed) or Articles 22, 23, 24 and 31 of Council Regulation 1257/1999 as last amended by Council Regulation (EC) No. 583/2004;

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(1) O.S. 2005/2766.

(2) 1972 p.68.

(3) O.S. 2004/3280 (Cy.284).

- (b) ar ddiwedd y diffiniad o “Commission Regulation” ychwaneger y geiriau “, as last amended by Commission Regulation (EC) No. 1187/2006(4)”;
  - (c) ar ddiwedd y diffiniad o “the Council Regulation” ychwaneger y geiriau “,as last amended by Commission Regulation (EC) No. 1156/2006(5)
- (2) Hepgorer rheoliad 2(2).
- (3) Yn rheoliad 4 (Safonau cyflwr amaethyddol ac amgylcheddol da), ar ôl 4(2) mewnosoder—
- “(3) Except in relation to any land set aside pursuant to Article 54 or 55(b) of the Council Regulation, a farmer is exempt from a standard in the Schedule if the farmer satisfies the National Assembly that the farmer should be exempted from it—
- (a) because, by virtue of any power or authorisation conferred by or under any enactment, a pipeline, cable or pylon is being or will be laid through, or constructed on or across, the land, he or she is unable to ensure the standard is met;
  - (b) because, as a result of maintenance of a pipeline, cable or pylon being carried out or to be carried out under statutory authority on the land, he or she is unable to ensure that the standard is met;
  - (c) in the interest of human or animal health or safety; or
  - (d) because such an exemption is necessary, either to enable a serious cause of harm to plant health or serious infestation of any pest or specified weed to be treated, or to permit measures to be taken to prevent the development of any such cause of harm or infestation.
- (4) In relation to land set aside pursuant to Article 54 or 55(b) of the Council Regulation, a farmer is exempt from a standard in the Schedule if the farmer satisfies the National Assembly that the farmer should be exempt from it on any of the grounds specified in subparagraph (a) to (g) of regulation 4(5) of the Common Agricultural Policy Single Payment Scheme (Set-aside) (Wales) Regulations 2005(6)
- (4) Yn rheoliad 5 (Tir Pori Parhaol), ar ôl 5(2) mewnosoder—
- “(3) But the National Assembly must not—
- (a) prohibit a farmer from converting land under permanent pasture in the circumstance mentioned in Article 4(3) of the Commission Regulation, or
  - (b) require a farmer to reconvert land where the farmer turned that land into permanent pasture in the circumstances mentioned in Article 4(3) of the Commission Regulation and later converted it out of permanent pasture.”
- (5) Yn lle rheoliad 6 (Awdurdod Rheolaethu Cymwys ac Awdurdodau Perthnasol) rhodder—

#### “Competent Control Authorities

6.—(1) Subject to paragraph (2), for the purposes of the designation in Article 42(2) of the Commission Regulation, the National Assembly is responsible for carrying out the controls in relation to cross-compliance requirements and standards.

(2) For the purposes of Article 42(1) of the Commission Regulation, the Secretary of State is the specialised control body who bears the responsibility of carrying out the controls in respect of statutory management requirements under numbers 10, 13, 14 and 15 of Annex III to the Council Regulation.

(4) OJ L 214, 4.8.2006

(5) OJ L 208, 29.7.2006, t. 3—14

(6) O.S. 2005/45 (Cy. 4).

(3) The National Assembly and the Secretary of State may, in respect of the standards for which they are responsible, require a relevant authority to carry out controls or checks for the purposes of Article 9 and Chapter I and Chapter III of Title III of the Commission Regulation.

(4) A relevant authority which has been required by the National Assembly or the Secretary of State to carry out the controls referred to in paragraph (3) must—

- (a) send a provisional control report, in relation to the controls carried out, to the National Assembly or the Secretary of State (as the case may be);
- (b) where, in the course of its other activities, it considers that there has been a non-compliance, notify the person or body responsible under paragraph (1) or (2) of this regulation for carrying out controls in relation to that non-compliance.

(5) The functions conferred on the Countryside Council by paragraphs (3) and (4) are to be treated for the purposes of section 132(2), section 133 and paragraphs 19 and 20 of Schedule 6 to the Environment Protection Act 1990(7) as though they were conferred on the Countryside Council under section 132 of that Act.

(6) In this regulation, “a relevant authority”, means—

- (a) The Environment Agency; or
- (b) The Countryside Council.”.

(6) Ym mharagraff 12(1) (Gwrychoedd a Pherthi) o'r Atodlen, yn lle “or (4)” rhodder “, (4) or (5)”.

(7) Ym mharagraff 14 (asesiad effaith Amgylcheddol) o'r Atodlen ar ôl 14(3) mewnosoder—

“(4) A farmer must not, without reasonable excuse, fail to comply with any requirement of a reinstatement notice served on the farmer under regulation 24(1) of those Regulations.”.

(8) Ar ôl paragraff 20 (Safleoedd o ddiddordeb gwyddonol arbennig) o'r Atodlen, mewnosoder paragraff newydd—

“**20A.** A farmer who is a section 28G authority within the meaning of section 28G(3) of the Wildlife and Countryside Act 1981 must comply with the requirements of section 28H of that Act.”.

Llofnodwyd ar ran Cynulliad Cenedlaethol Cymru o dan adran 66(1) o Ddeddf Llywodraeth Cymru 1998(8)

24 Hydref 2006

*D. Elis-Thomas*  
Llywydd y Cynulliad Cenedlaethol

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(7) 1990 p. 43.

(8) 1998 p.38.

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## EXPLANATORY NOTE

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

Mae'r Rheoliadau hyn yn diwygio Rheoliadau Cynllun Taliad Sengl a Chynlluniau Cymorth y Polisi Amaethyddol Cyffredin (Trawsgydymffurfio) (Cymru) (Diwygio) 2004 (“y prif Reoliadau”).

Mae rheoliad 2(5) yn diwygio rheoliad 6 o'r Prif Reoliadau, o ran dynodi Awdurdodau Rheolaethu Cymwys sydd yn gyfrifol am gyflawni rheolaethau mewn perthynas â gofynion a safonau trawsgydymffurfio.

Mae rheoliad 2 hefyd gwneud diwygiadau i'r prif Reoliadau er mwyn:

- diweddarau cyfeiriadau at yr offerynnau Cymunedol yn y prif Reoliadau i fod yn gyfeiriadau at yr Offerynnau Cymunedol fel y'u diwygiwyd ar y dyddiad y mae'r Rheoliadau hyn yn cael eu gwneud;
- cywiro gwallau drafftio penodol yn y Rheoliadau; a
- gwneud mân ddiwygiadau a diwygiadau technegol i'r Rheoliadau.

Cafodd arfarniad rheoliadol ei baratoi ynglŷn â'r Rheoliadau hyn ac mae ar gael oddi wrth Adran yr Amgylchedd, Cynllunio a Chefn Gwlad, Cynulliad Cenedlaethol Cymru, Parc Cathays, Caerdydd CF10 3NQ.