



OFFERYNNAU STATUDOL
CYMRU

WELSH STATUTORY
INSTRUMENTS

2016 Rhif 217 (Cy. 86)

2016 No. 217 (W. 86)

AMAETHYDDIAETH, CYMRU

AGRICULTURE, WALES

**Rheoliadau'r Polisi Amaethyddol
Cyffredin (Diwygio) (Rhif 2)
(Cymru) 2016**

**The Common Agricultural Policy
(Amendment) (No. 2) (Wales)
Regulations 2016**

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 diwygio Rheoliadau Cynllun Taliad Sylfaenol a Chynlluniau Cymorth y Polisi Amaethyddol Cyffredin (Cymru) 2015 (O.S. 2015/1252) (Cy. 84) ("y Rheoliadau Taliad Sylfaenol") a Rheoliadau'r Polisi Amaethyddol Cyffredin (System Integredig Gweinyddu a Rheoli a Gorfodi a Thrawsgydymffurfio) (Cymru) 2014 (O.S. 2014/3223) (Cy. 328) ("y Rheoliadau Trawsgydymffurfio").

These Regulations amend the Common Agricultural Policy Basic Payment and Support Schemes (Wales) Regulations 2015 (S.I. 2015/1252) (W. 84) ("the Basic Payment Regulations") and the Common Agricultural Policy (Integrated Administration and Control System and Enforcement and Cross Compliance) (Wales) Regulations 2014 (S.I. 2014/3223) (W. 328) ("the Cross Compliance Regulations").

Mae rheoliad 2(2) yn gwneud mân ddiwygiad i reoliad 16(3)(a) o'r Rheoliadau Taliad Sylfaenol er mwyn ymgorffori sribedi coediog. Mae rheoliad 2(3) yn dirymu rheoliad 17 o'r un Rheoliadau.

Regulation 2(2) makes a minor amendment to regulation 16(3)(a) of the Basic Payment Regulations to incorporate wooded strips. Regulation 2(3) revokes regulation 17 of the same Regulations.

Mae rheoliad 2(4) yn diwygio'r Rheoliadau Taliad Sylfaenol drwy fewnosod darpariaethau sy'n darparu y sefydlir Cronfa Genedlaethol gan Weinidogion Cymru ac yn nodi, yn ôl trefn blaenoriaeth, sut y defnyddir arian y gronfa honno. Mae rheoliad 2(4) hefyd yn mewnosod darpariaeth sy'n nodi cymhwysiad y gydran "wyrddu" o daliadau uniongyrchol, sy'n cysylltu taliadau ag arferion amaethyddol sy'n llesol i'r hinsawdd a'r amgylchedd.

Regulation 2(4) amends the Basic Payment Regulations by inserting provisions which provide that there will be a national reserve established by the Welsh Ministers setting out, in priority order, how funds in that reserve will be used. Regulation 2(4) also inserts a provision setting out the application of the "greening" component of direct payments, linking payments to agricultural practices beneficial for the climate and environment.

Mae rheoliad 2(5) yn dirymu Rhan 2 o'r Atodlen i'r Rheoliadau Taliad Uniongyrchol.

Regulation 2(5) revokes Part 2 of the Schedule to the Basic Payment Regulations.

Mae rheoliad 3 yn diwygio rheoliad 6 o'r Rheoliadau Trawsgydymffurfio, a pharagraffau 4 a 5 o Atodlen 1 iddynt. Mae rheoliad 3(2) yn diwygio rheoliad 6 mewn cysylltiad â sut y caiff y gyfradd log sy'n gymwys ei chyfrifo. Mae rheoliad 3(3) a (4) yn gwneud diwygiadau i'r Atodlen er mwyn caniatáu i fuddiolwr adael gorchudd arwyneb garw ar ôl cynaeafu ar yr amod bod yr asesiad risg angenrheidiol wedi ei gynnal a bod Gweinidogion Cymru wedi eu hysbysu amdano.

Mae rheoliad 4 yn dirymu Rheoliadau'r Polisi Amaethyddol Cyffredin (Diwygio) (Cymru) 2016 (O.S. 2016/131) (Cy. 64).

Mae'r Asesiad Effaith Rheoleiddiol sy'n gymwys i'r Rheoliadau hyn ar gael gan yr Adran Cyfoeth Naturiol, Llywodraeth Cymru, Parc Cathays, Caerdydd, CF10 3NQ ac ar wefan Llywodraeth Cymru yn www.llyw.cymru.

Regulation 3 amends regulation 6 of, and paragraphs 4 and 5 of Schedule 1 to, the Cross Compliance Regulations. Regulation 3(2) amends regulation 6 in respect of how the rate of interest applicable will be calculated. Regulation 3(3) and (4) make amendments to the Schedule to permit a beneficiary to leave rough surface cover post harvest provided the requisite risk assessment has been undertaken and notified to the Welsh Ministers.

Regulation 4 revokes The Common Agricultural Policy (Amendment) (Wales) Regulations 2016 (S.I. 2016/131) (W. 64).

The Regulatory Impact Assessment applicable to these Regulations is obtainable from the Department of Natural Resources, Welsh Government, Cathays Park, Cardiff, CF10 3NQ and on the Welsh Government website at www.gov.wales.

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(Amendment) (No. 2) (Wales)
Regulations 2016**

Gwnaed 23 Chwefror 2016

Made 23 February 2016

*Gosodwyd gerbron Cynulliad
Cenedlaethol Cymru* 25 Chwefror 2016

*Laid before the National Assembly
for Wales* 25 February 2016

Yn dod i rym 18 Mawrth 2016

Coming into force 18 March 2016

Mae Gweinidogion Cymru wedi eu dynodi(1) at ddibenion adran 2(2) o Ddeddf y Cymunedau Ewropeaidd 1972(2) mewn perthynas â pholisi amaethyddol cyffredin yr Undeb Ewropeaidd.

The Welsh Ministers are designated(1) for the purposes of section 2(2) of the European Communities Act 1972(2) in relation to the common agricultural policy of the European Union.

Mae'r Rheoliadau hyn yn gwneud darpariaeth at ddiben a grybwyllir yn yr adran honno ac mae'n ymddangos i Weiniogion Cymru ei bod yn hwylus dehongli unrhyw gyfeiriad at offerynnau'r UE yn y Rheoliadau hyn fel cyfeiriad at yr offerynnau hynny fel y'u diwygir o bryd i'w gilydd.

These Regulations make provision for a purpose mentioned in that section and it appears to the Welsh Ministers that it is expedient for any reference in these Regulations to EU instruments to be construed as a reference to those instruments as amended from time to time.

Mae Gweinidogion Cymru yn gwneud y Rheoliadau hyn drwy arfer y pwerau a roddwyd gan adran 2(2) o Ddeddf y Cymunedau Ewropeaidd 1972 a pharagraff 1A o Atodlen 2 iddi.

The Welsh Ministers make these Regulations in exercise of the powers conferred by section 2(2) of, and paragraph 1A of Schedule 2 to, the European Communities Act 1972.

Enwi, cymhwyso a chychwyn

Title, application and commencement

1.—(1) Enw'r Rheoliadau hyn yw Rheoliadau'r Polisi Amaethyddol Cyffredin (Diwygio) (Rhif 2) (Cymru) 2016.

1.—(1) The title of these Regulations is the Common Agricultural Policy (Amendment) (No. 2) (Wales) Regulations 2016.

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

(2) These Regulations apply in relation to Wales.

(1) O.S. 2010/2690.

(2) 1972 p. 68. Diwygiwyd adran 2(2) gan adran 27(1)(a) o Ddeddf Diwygio Deddfwriaethol a Rheoleiddiol 2006 (p. 51) a chan adran 3(3) o Ddeddf yr Undeb Ewropeaidd (Diwygio) 2008 (p. 7), a Rhan 1 o'r Atodlen iddi. Mewnosodwyd paragraff 1A o Atodlen 2 gan adran 28 o Ddeddf Diwygio Deddfwriaethol a Rheoleiddiol 2006.

(1) S.I. 2010/2690.

(2) 1972 c. 68. Section 2(2) was amended by section 27(1)(a) of the Legislative and Regulatory Reform Act 2006 (c. 51) and by section 3(3) of, and Part 1 of the Schedule to, the European Union (Amendment) Act 2008 (c. 7). Paragraph 1A of Schedule 2 was inserted by section 28 of the Legislative and Regulatory Reform Act 2006.

(3) Daw'r Rheoliadau hyn i rym ar 18 Mawrth 2016.

(3) These Regulations come into force on 18 March 2016.

Diwygio Rheoliadau Cynllun Taliad Sylfaenol a Chynlluniau Cymorth y Polisi Amaethyddol Cyffredin (Cymru) 2015

2.—(1) Mae Rheoliadau Cynllun Taliad Sylfaenol a Chynlluniau Cymorth y Polisi Amaethyddol Cyffredin (Cymru) 2015(1) wedi eu diwygio fel a ganlyn.

(2) Yn rheoliad 16(3)(a) ar ôl “perthi” mewnosoder “a stribedi coediog”.

(3) Mae rheoliad 17 wedi ei ddirymu.

(4) Ar ôl rheoliad 16 mewnosoder—

“Cronfa genedlaethol

18.—(1) Bydd Gweinidogion Cymru yn sefydlu cronfa genedlaethol, yn unol ag Erthygl 30(1) o'r Rheoliad Taliadau Uniongyrchol.

(2) Bydd Gweinidogion Cymru yn defnyddio'r gronfa genedlaethol, yn ôl y drefn flaenoriaeth a ganlyn—

- (a) i ddyrannu hawliau i daliadau i ffermwyr ifanc ac i ffermwyr sy'n dechrau eu gweithgarwch amaethyddol, yn unol ag Erthygl 30(6) o'r Rheoliad Taliadau Uniongyrchol;
- (b) i ddyrannu hawliau i daliadau i ffermwyr a rwystrwyd rhag cael hawliau i daliadau wedi eu dyrannu iddynt o dan y cynllun taliad sylfaenol o ganlyniad i force majeure neu amgylchiadau eithriadol, yn unol ag Erthygl 30(7)(c) o'r Rheoliad Taliadau Uniongyrchol;
- (c) i ymdrin â'r anghenion blynyddol am daliadau i ffermwyr ifanc, yn unol ag Erthygl 30(7)(f) o'r Rheoliad Taliadau Uniongyrchol; a
- (d) i gynyddu'n llinol, ar sail barhaol, werth yr holl hawliau i daliadau o dan y cynllun taliad sylfaenol os yw'r gronfa genedlaethol yn fwy na 0.5% o'r terfyn cenedlaethol blynyddol ar gyfer y cynllun taliad sylfaenol, yn unol ag Erthygl 30(7)(e) o'r Rheoliad Taliadau Uniongyrchol.

Amendment to the Common Agricultural Policy Basic Payment and Support Schemes (Wales) Regulations 2015

2.—(1) The Common Agricultural Policy Basic Payment and Support Schemes (Wales) Regulations 2015(1) are amended as follows.

(2) In regulation 16(3)(a) after “hedges” insert “and wooded strips”.

(3) Regulation 17 is revoked.

(4) After regulation 16 insert—

“National reserve

18.—(1) The Welsh Ministers will establish a national reserve, in accordance with Article 30(1) of the Direct Payments Regulation.

(2) The Welsh Ministers will use the national reserve, in the following priority order, to—

- (a) allocate payment entitlements to young farmers and to farmers commencing their agricultural activity, in accordance with Article 30(6) of the Direct Payments Regulation;
- (b) allocate payment entitlements to farmers who were prevented from being allocated payment entitlements under the basic payment scheme as a result of force majeure or exceptional circumstances, in accordance with Article 30(7)(c) of the Direct Payments Regulation;
- (c) cover the yearly needs for payments to young farmers, in accordance with Article 30(7)(f) of the Direct Payments Regulation; and
- (d) permanently linearly increase the value of all payment entitlements under the basic payment scheme if the national reserve exceeds 0.5% of the annual national ceiling for the basic payment scheme, in accordance with Article 30(7)(e) of the Direct Payments Regulation.

Taliad am arferion amaethyddol sy'n llesol i'r hinsawdd a'r amgylchedd

19.—(1) Bydd Gweinidogion Cymru yn rhoi'r taliad am arferion amaethyddol sy'n llesol i'r hinsawdd a'r amgylchedd fel canran o gyfanswm gwerth yr hawliau i daliadau y mae'r ffermwr wedi eu gweithredu yn unol ag Erthygl 33(1) o'r Rheoliad Taliadau Uniongyrchol ar gyfer pob blwyddyn berthnasol, yn unol â thrydydd is-baragraff Erthygl 43(9) o'r Rheoliad Taliadau Uniongyrchol.

(2) Cyfrifir y ganran y cyfeirir ati ym mharagraff (1) yn unol â phedwerydd is-baragraff Erthygl 43(9) o'r Rheoliad Taliadau Uniongyrchol."

(5) Mae Rhan 2 o'r Atodlen wedi ei dirymu.

Diwygio Rheoliadau'r Polisi Amaethyddol Cyffredin (System Integredig Gweinyddu a Rheoli a Gorfodi a Thrawsgydymffurfio) (Cymru) 2014

3.—(1) Mae Rheoliadau'r Polisi Amaethyddol Cyffredin (System Integredig Gweinyddu a Rheoli a Gorfodi a Thrawsgydymffurfio) (Cymru) 2014(1) wedi eu diwygio fel a ganlyn.

(2) Yn rheoliad 6, yn lle "y diwrnod hwnnw", rhodder "ddiwrnod gwaith cyntaf pob mis calendr".

(3) Ym mharagraff 4(1) o Atodlen 1 yn lle "torri" rhodder "gwrthdaro ag".

(4) Yn lle paragraff 5(2) o Atodlen 1 rhodder—

"(2) Pan fo amodau ar safle penodol yn lleihau'r risg o erydiad pridd a phan fo buddiolwr yn gadael tir heb orchudd o gnydau, sofr, gweddillion neu lystyfiant arall ar ôl trin y tir, rhaid i fuddiolwr:

- (a) gadael gorchudd arwyneb garw; a
- (b) peidio â chaniatáu i bridd erydu i lawr llethr neu oddi ar y safle; ac
- (c) llunio asesiad risg pridd arwyneb garw a'i gyflwyno i Weinidogion Cymru ar y diwrnod y caiff y tir ei drin gan adael arwyneb garw, neu cyn hynny.

(3) Yn y paragraff hwn—

ystyr "oddi ar y safle" ("*off-site*") yw unrhyw fan sydd y tu hwnt i derfyn cae mewn daliad, gan gynnwys cae arall sy'n rhan o'r un daliad."

Payment for agricultural practices beneficial for the climate and the environment

19.—(1) The Welsh Ministers will grant the payment for agricultural practices beneficial for the climate and the environment as a percentage of the total value of the payment entitlements that the farmer has activated in accordance with article 33(1) of the Direct Payments Regulation for each relevant year, in accordance with the third sub-paragraph of article 43(9) of the Direct Payments Regulation.

(2) The percentage referred to in paragraph (1) will be calculated in accordance with the fourth sub-paragraph of article 43(9) of the Direct Payments Regulation."

(5) Part 2 of the Schedule is revoked.

Amendment to the Common Agricultural Policy (Integrated Administration and Control System and Enforcement and Cross Compliance) (Wales) Regulations 2014

3.—(1) The Common Agricultural Policy (Integrated Administration and Control System and Enforcement and Cross Compliance) (Wales) Regulations 2014(1) are amended as follows.

(2) In regulation 6, for "that day", substitute "the first working day of each calendar month".

(3) In paragraph 4(1) of Schedule 1 replace "mean breaching" with "conflict with".

(4) For paragraph 5(2) of Schedule 1 substitute—

"(2) Where site specific conditions minimise risk of soil erosion and where a beneficiary leaves land without a covering of crops, stubbles, residues or other vegetation post cultivation, a beneficiary must:

- (a) leave a rough surface cover; and
- (b) not allow soil erosion down slope or off-site; and
- (c) complete a rough surface soil risk assessment and submit it to the Welsh Ministers on or before the day the land is cultivated to leave a rough surface.

(3) In this paragraph—

"off-site" ("*oddi ar y safle*") means any area beyond the boundary of a field on a holding, including another field that is part of the same holding."

(1) O.S. 2014/3223 (Cy. 328).

(1) S.I. 2014/3223 (W. 328).

Dirymu

4. Mae Rheoliadau'r Polisi Amaethyddol Cyffredin (Diwygio) (Cymru) 2016(1) wedi eu dirymu.

Revocation

4. The Common Agricultural Policy (Amendment) (Wales) Regulations 2016(1) are revoked.

Rebecca Evans

Y Dirprwy Weinidog Ffermio a Bwyd, o dan awdurdod y Gweinidog Cyfoeth Naturiol, un o Weinidogion Cymru

23 Chwefror 2016

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Deputy Minister for Farming and Food, under the authority of the Minister for Natural Resources, one of the Welsh Ministers

23 February 2016

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