OFFERYNNAU STATUDOL CYMRU

2020 Rhif 470 (Cy. 108)

AMAETHYDDIAETH, CYMRU

Rheoliadau Taliadau Uniongyrchol i Ffermwyr (Rhanddirymiad Tyfu Amrywiaeth o Gnydau) (Cymru) 2020

NODYN ESBONIADOL

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

Mae'r Rheoliadau hyn yn rhanddirymu Rheoliad (EU) Rhif 1307/2013 Senedd Ewrop a'r Cyngor sy'n sefydlu taliadau uniongyrchol i ffermwyr o dan gynlluniau cymorth o fewn fframwaith y polisi amaethyddol cyffredin. O dan y Rheoliadau hyn, mae'r gofynion o ran tyfu amrywiaeth o gnydau wedi eu datgymhwyso yng Nghymru mewn cysylltiad â blwyddyn hawlio 2020.

Ystyriwyd Cod Ymarfer Gweinidogion Cymru ar gynnal Asesiadau Effaith Rheoleiddiol mewn perthynas â'r Rheoliadau hyn. O ganlyniad, ystyriwyd nad oedd yn angenrheidiol cynnal asesiad effaith rheoleiddiol o'r costau a'r manteision sy'n debygol o ddeillio o gydymffurfio â'r Rheoliadau hyn.

WELSH STATUTORY INSTRUMENTS

2020 No. 470 (W. 108)

AGRICULTURE, WALES

The Direct Payments to Farmers (Crop Diversification Derogation) (Wales) Regulations 2020

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make a derogation from Regulation (EU) No. 1307/2013 of the European Parliament and of the Council establishing direct payments to farmers under support schemes within the framework of the common agricultural policy. Under these Regulations, the crop diversification requirements are disapplied in Wales in respect of claim year 2020.

The Welsh Ministers' Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to these Regulations. As a result, it was not considered necessary to carry out a regulatory impact assessment as to the likely costs and benefits of complying with these Regulations.

OFFERYNNAU STATUDOL CYMRU

2020 Rhif 470 (Cy. 108)

AMAETHYDDIAETH, CYMRU

Rheoliadau Taliadau Uniongyrchol i Ffermwyr (Rhanddirymiad Tyfu Amrywiaeth o Gnydau) (Cymru) 2020

Cymeradwywyd gan Senedd Cymru

Gwnaed *28 Ebrill 2020*

Gosodwyd gerbron Cynulliad Cenedlaethol Cymru *29 Ebrill 2020*

Yn dod i rym *30 Ebrill 2020*

Mae Gweinidogion Cymru, drwy arfer y pwerau a roddir iddynt gan Erthyglau 69(1) a 70(4) o Reoliad (EU) Rhif 1307/2013 Senedd Ewrop a'r Cygnor dyddiedig 17 Rhagfyr 2013 sy'n sefydlu rheolau ar gyfer taliadau uniongyrchol i ffermwyr o dan gynlluniau cymorth o fewn fframwaith y polisi amaethyddol cyffredin(**1**), yn gwneud y Rheoliadau a ganlyn.

(**1**) Rheoliad (EU) Rhif 1307/2013 Senedd Ewrop a'r Cyngor dyddiedig 17 Rhagfyr 2013 sy'n sefydlu rheolau ar gyfer taliadau uniongyrchol i ffermwyr o dan gynlluniau cymorth o fewn fframwaith y polisi amaethyddol cyffredin ac sy'n diddymu Rheoliad y Cyngor (EC) Rhif 637/2008 a Rheoliad y Cyngor (EC) Rhif 73/2009 (OJ Rhif L 347, 20.12.2013, t. 608). Mae Rheoliad (EU) Rhif 1307/2013 wedi ei ymgorffori mewn cyfraith ddomestig yn rhinwedd adran 1 o Ddeddf Taliadau Uniongyrchol i Ffermwyr (Parhad Deddfwriaethol) 2020 (p. 2) ond dim ond ar gyfer blwyddyn hawlio 2020 (gweler adran 1(2)(a) o'r Ddeddf honno ac adran 1(7) o'r Ddeddf honno am y diffiniad o "claim year"). Roedd y Ddeddf hefyd yn ymgorffori deddfwriaeth arall yr UE sy'n ymwneud â chynllun taliadau uniongyrchol y PAC ond nid yw'n berthnasol i'r Rheoliadau hyn. Mae Deddf Taliadau Uniongyrchol i Ffermwyr (Parhad Deddfwriaethol) 2020 yn darparu'r sail gyfreithiol ar gyfer parhau i dalu taliadau uniongyrchol i ffermwyr ar gyfer blwyddyn hawlio 2020 (roedd Erthygl 137 o'r Cytundeb ar Ymadawiad Teyrnas Unedig Prydain Fawr a Gogledd Iwerddon â'r Undeb Ewropeaidd (19 Hydref 2019) yn darparu nad yw Rheoliad (EU) Rhif 1307/2013 yn gymwys i'r DU ar gyfer blwyddyn hawlio 2020). Mae Rheoliad (EU) Rhif 1307/2013 wedi ei ddiwygio gan reoliadau 2, 3(4) a 7 o Reoliadau Rheolau ar gyfer Taliadau Uniongyrchol i Ffermwyr (Diwygio) 2020 (O.S. 2020/91). Mae'r diwygiadau a wneir gan y Rheoliadau yn ymdrin ag unrhyw fethiant yn Rheoliad (EU) Rhif 1307/2013 i weithredu'n effeithiol a diffygion eraill sy'n codi o ymadawiad y DU â'r Undeb Ewropeaidd. Yn benodol, mae'r Rheoliadau yn diwygio Erthygl

WELSH STATUTORY INSTRUMENTS

2020 No. 470 (W. 108)

AGRICULTURE, WALES

The Direct Payments to Farmers (Crop Diversification Derogation) (Wales) Regulations 2020

Approved by Senedd Cymru

Made *28 April 2020*

Laid before the National Assembly for Wales *29 April 2020*

Coming into force *30 April 2020*

The Welsh Ministers, in exercise of the powers conferred on them by Articles 69(1) and 70(4) of Regulation (EU) No. 1307/2013 of the European Parliament and of the Council of 17 December 2013 establishing rules for direct payments to farmers under support schemes within the framework of the common agricultural policy(**1**) make the following Regulations.

(**1**) Regulation (EU) No. 1307/2013 of the European Parliament and of the Council of 17 December 2013 establishing rules for direct payments to farmers under support schemes within the framework of the common agricultural policy and repealing Council Regulation (EC) No. 637/2008 and Council Regulation (EC) No. 73/2009 (OJ No L 347, 20.12.2013, p. 608). Regulation (EU) No. 1307/2013, has been incorporated into domestic law by virtue of section 1 of the Direct Payments to Farmers (Legislative Continuity) Act 2020 (c. 2) but only for claim year 2020 (see section 1(2)(a) of that Act and section 1(7) of that Act for the definition of "claim year"). The Act also incorporated other EU legislation relating to the CAP direct payment scheme but they are not relevant to these Regulations. The Direct Payments to Farmers (Legislative Continuity) Act 2020 provides the legal basis to continue paying direct payments to farmers for claim year 2020 (Article 137 of the Agreement on the Withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union (19 October 2019) provided that Regulation (EU) No. 1307/2013 does not apply to the UK for claim year 2020). Regulation (EU) No. 1307/2013 has been amended by regulations 2, 3(4) and 7 of the Rules for Direct Payments to Farmers (Amendment) Regulations 2020 (S.I. 2020/91). The amendments made by the Regulations addressed the failures in Regulation (EU) No. 1307/2013 to operate effectively and other deficiencies arising from the withdrawal of the UK from the European Union. In particular, the Regulations amended Article 69(1) of Regulation (EU) No. 1307/2013 so that the power to make derogations is

Mae Gweinidogion Cymru yn ystyried ei bod yn angenrheidiol, er mwyn datrys problemau sy'n deillio o lifogydd yng Nghymru, rhanddirymu'r darpariaethau yn y Rheoliad hwnnw ar gyfer blwyddyn hawlio 2020 mewn cysylltiad â'r gofynion o ran tyfu amrywiaeth o gnydau, a bod cyfiawnhad dros wneud hynny, ac mae rhychwant a chyfnod y rhanddirymiad hwnnw, ym marn Gweinidogion Cymru, yn hollol angenrheidiol.

Enwi, cychwyn, cymhwyso a dehongli

1.—(1) Enw'r Rheoliadau hyn yw Rheoliadau Taliadau Uniongyrchol i Ffermwyr (Rhanddirymiad Tyfu Amrywiaeth o Gnydau) (Cymru) 2020.

(2) Daw'r Rheoliadau hyn i rym ar 30 Ebrill 2020.

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

(4) Yn y Rheoliadau hyn, ystyr "Rheoliad (EU) Rhif 1307/2013" yw Rheoliad (EU) Rhif 1307/2013 Senedd Ewrop a'r Cyngor dyddiedig 17 Rhagfyr 2013 sy'n sefydlu rheolau ar gyfer taliadau uniongyrchol i ffermwyr o dan gynlluniau cymorth o fewn fframwaith y polisi amaethyddol cyffredin ac sy'n diddymu Rheoliad y Cyngor (EC) Rhif 637/2008 a Rheoliad y Cyngor (EC) Rhif 73/2009 (OJ Rhif L 347, 20.12.2013, t. 608), fel y mae'n ffurfio rhan o gyfraith ddomestig yn rhinwedd adran 1 o Ddeddf Taliadau Uniongyrchol i Ffermwyr (Parhad Deddfwriaethol) 2020(**1**).

(5) Mae i'r ymadroddion a ddefnyddir yn y Rheoliadau hyn yr un ystyr ag sydd i'r ymadroddion Saesneg cyfatebol yn Rheoliad (EU) Rhif 1307/2013.

Rhanddirymu'r gofynion o ran tyfu amrywiaeth o gnydau

2. At ddibenion Erthygl 43(1) (taliadau uniongyrchol: gofyniad i gydymffurfio ag arferion amaethyddol sy'n llesol i'r hinsawdd a'r amgylchedd) o Reoliad (EU) Rhif 1307/2013—

(a) nid yw'r darpariaethau a ganlyn yn Rheoliad (EU) Rhif 1307/2013 yn cael effaith mewn cysylltiad â hectarau cymwys yng Nghymru—

(i) Erthygl 43(2)(a) (tyfu amrywiaeth o gnydau fel un o'r arferion amaethyddol sy'n llesol i'r hinsawdd a'r amgylchedd);

69(1) o Reoliad (EU) Rhif 1307/2013 fel bod y pŵer i wneud rhanddirymiadau yn arferadwy gan Weinidogion Cymru (gweler Erthygl 4(1)(r) ac (s) o Reoliad (EU) Rhif 1307/2013 am y diffiniadau o "relevant authority" ac "appropriate authority"). Mae diwygiadau eraill i Reoliad (EU) Rhif 1307/2013 ond nid ydynt yn berthnasol i'r Rheoliadau hyn.

(**1**) 2020 p. 2.

The Welsh Ministers consider that, in order to resolve problems arising from flooding in Wales, it is necessary and justifiable to derogate from the provisions in that Regulation for claim year 2020 as respects crop diversification requirements, the extent and period of that derogation being in the Welsh Ministers' opinion, strictly necessary.

Title, commencement, application and interpretation

1.—(1) The title of these Regulations is the Direct Payments to Farmers (Crop Diversification Derogation) (Wales) Regulations 2020.

(2) These Regulations come into force on 30 April 2020.

(3) These Regulations apply in relation to Wales.

(4) In these Regulations, "Regulation (EU) No. 1307/2013" means Regulation (EU) No 1307/2013 of the European Parliament and of the Council of 17 December 2013 establishing rules for direct payments to farmers under support schemes within the framework of the common agricultural policy and repealing Council Regulation (EC) No 637/2008 and Council Regulation (EC) No 73/2009 (OJ No L 347, 20.12.2013, p. 608), as it forms part of domestic law by virtue of section 1 of the Direct Payments to Farmers (Legislative Continuity) Act 2020(**1**).

(5) Expressions used in these Regulations have the same meaning as in Regulation (EU) No. 1307/2013.

Derogation from the crop diversification requirements

2. For the purposes of Article 43(1) (direct payments: requirement to observe agricultural practices beneficial for the climate and the environment) of Regulation (EU) No. 1307/2013—

(a) the following provisions of Regulation (EU) No. 1307/2013 do not have effect in relation to eligible hectares in Wales—

(i) Article 43(2)(a) (crop diversification as an agricultural practice beneficial for the climate and environment);

exercisable by the Welsh Ministers (see Article 4(1)(r) and (s) of Regulation (EU) No. 1307/2013 for the definitions of "relevant authority" and "appropriate authority"). There are other amendments to Regulation (EU) No. 1307/2013 but they are not relevant to these Regulations.

(**1**) 2020 c. 2.

(ii) Erthygl 44 (gofynion o ran tyfu amrywiaeth o gnydau);

(iii) Atodiad IX, Adran I, paragraff (1) (rhestr o arferion sy'n cyfateb i dyfu amrywiaeth o gnydau);

(b) mae is-baragraff cyntaf Erthygl 43(9) o Reoliad (EU) Rhif 1307/2013 yn cael effaith mewn perthynas â hectarau cymwys yng Nghymru fel pe bai'r cyfeiriad at 44 wedi ei hepgor.

3.—(1) Mae rheoliad 2 yn cael effaith hyd at ddiwedd blwyddyn hawlio 2020.

(2) Yn y Rheoliadau hyn, mae "blwyddyn hawlio 2020" i'w ddehongli yn unol ag adran 1(7) o Ddeddf Taliadau Uniongyrchol i Ffermwyr (Parhad Deddfwriaethol) 2020.

(ii) Article 44 (crop diversification requirements);

(iii) Annex IX, Section I, paragraph (1) (list of practices equivalent to crop diversification);

(b) the first subparagraph of Article 43(9) of Regulation (EU) No. 1307/2013 has effect in relation to eligible hectares in Wales as if the reference to 44 was omitted.

3.—(1) Regulation 2 has effect until the end of claim year 2020.

(2) In these Regulations, "claim year 2020" is to be interpreted in accordance with section 1(7) of the Direct Payments to Farmers (Legislative Continuity) Act 2020.

Lesley Griffiths

Gweinidog yr Amgylchedd, Ynni a Materion Gwledig, un o Weinidogion Cymru
28 Ebrill 2020

Minister for Environment, Energy and Rural Affairs, one of the Welsh Ministers
28 April 2020

©Ⓗ Hawlfraint y Goron 2020

Argraffwyd a chyhoeddwyd yn y Deyrnas Unedig gan The Stationery Office Limited o dan awdurdod ac arolygiaeth Jeff James, Rheolwr Gwasg Ei Mawrhydi ac Argraffydd Deddfau Seneddol y Frenhines.

© Crown copyright 2020

Printed and published in the UK by The Stationery Office Limited under the authority and superintendence of Jeff James, Controller of Her Majesty's Stationery Office and Queen's Printer of Acts of Parliament.

£4.90

W202009091002 09/2020

ISBN 978-0-348-11351-8

9 780348 113518

http://www.legislation.gov.uk/id/wsi/2020/470