

2008 Rhif 2500 (Cy.218)

AMAETHYDDIAETH, CYMRU

**Rheoliadau Cynllun Taliad Sengl a
Chynlluniau Cymorth y Polisi
Amaethyddol Cyffredin (Cymru)
(Diwygio) 2008**

NODYN ESBONIADOL

(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 (Cymru) (Diwygio) 2005 ("y prif Reoliadau"). Mae'r prif Reoliadau yn gwneud darpariaeth yng Nghymru ar gyfer gweinyddu Rheoliad y Cyngor (EC) Rhif 1782/2003 (OJ Rhif L270, 21.10.2003, t.1) ("Rheoliad y Cyngor"), Rheoliad y Comisiwn (EC) Rhif 795/2004 (OJ Rhif L141, 30.4.2004, t.1), Rheoliad y Comisiwn (EC) Rhif 796/2004 (OJ Rhif L141, 30.4.2004, t.18) a Rheoliad y Comisiwn (EC) Rhif 1973/2004 (OJ Rhif L345, 20.11.2004, t.1) mewn perthynas â sefydlu system o gynlluniau cymorth uniongyrchol (gan gynnwys Cynllun y Taliad Sengl) a gyflwynwyd o dan y Polisi Amaethyddol Cyffredin yn 2005.

Mae rheoliad 3 yn diwygio rheoliad 2 (dehongli) o'r prif Reoliadau.

Mae rheoliad 4 yn disodli rheoliad 6 (cyfnod o 10 mis) o'r prif Reoliadau i ddileu darpariaethau sy'n ymwneud â'r gofyniad am i ffermwyr sy'n gwneud cais o dan Gynllun y Taliad Sengl gael at eu defnydd am gyfnod o ddeng mis barseli o dir y maent yn gwneud cais mewn cysylltiad â hwy. Diwygiwyd Erthygl 44(3) o Reoliad y Cyngor gan Erthygl 1(3) o Reoliad y Cyngor (EC) Rhif 146/2008 (OJ Rhif L46, 21.2.2008, t.1) ac effaith hynny yw nad oes bellach angen i Aelod-wladwriaethau bennu ond un diwrnod unigol yn y flwyddyn pryd y mae'n rhaid i ffermwyr gael at eu defnydd y parseli tir y maent yn gwneud cais o dan y Cynllun mewn cysylltiad â hwy. Mae'r ddarpariaeth newydd yn pennu mai 15 Mai ym mlwyddyn y cynllun y gwneir y cais ynddi yw'r diwrnod hwn.

Mae rheoliad 5 o'r Rheoliadau hyn yn mewnosod rheoliad 7A o'r prif Reoliadau, sy'n darparu ar gyfer meini prawf ar gyfer cyfrifo swm cyfeiriadol y ffermwr mewn perthynas â betys siwgr yn unol ag Erthygl 37(1), trydydd indent, a pharagraff 1, pwynt K, Atodiad VII i Reoliad y Cyngor (y mewnosodwyd y naill a'r llall gan Reoliad y Cyngor (EC) Rhif 319/2006 (OJ Rhif L 58, 28.2.2006, t.32).

Mae rheoliad 6 yn dirymu rheoliad 8 (Garddwriaeth) o'r prif Reoliadau.

Mae rheoliad 7 yn diwygio rheoliad 11 o'r prif Reoliadau, o ran modiweiddio gwirfoddol yn sgil Rheoliad y Cyngor (EC) Rhif 378/2007 (OJ Rhif L95, 5.4.2007, t.1).

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AMAETHYDDIAETH, CYMRU

Rheoliadau Cynllun Taliad Sengl a Chynlluniau Cymorth y Polisi Amaethyddol Cyffredin (Cymru) (Diwygio) 2008

Gwnaed 22 Medi 2008

*Gosodwyd gerbron Cynulliad Cenedlaethol
Cymru* 23 Medi 2008

Yn dod i rym 21 Hydref 2008

Mae Gweinidogion Cymru wedi eu dynodi(1) at ddibenion adran 2(2) o Ddeddf y Cymunedau Ewropeaidd 1972(2) o ran polisi amaethyddol cyffredin y Gymuned Ewropeaidd.

Mae'r Rheoliadau hyn yn darparu at ddiben a grybwyllir yn adran 2(2) o Ddeddf y Cymunedau Ewropeaidd 1972 ac fe ymddengys i Weinidogion Cymru ei bod yn hwylus i ddehongli'r cyfeiriadau at offerynnau Cymunedol penodol yn y Rheoliadau hyn fel cyfeiriadau at yr offerynnau hynny fel y'u diwygir o bryd i'w gilydd.

Drwy arfer y pwerau a roddwyd iddynt o dan adran 2(2) o Ddeddf y Cymunedau Ewropeaidd 1972, a pharagraff 1A o Atodlen 2(3) iddi, mae Gweinidogion Cymru yn gwneud y Rheoliadau a ganlyn.

Enwi a chychwyn

1. Enw'r Rheoliadau hyn yw Rheoliadau Cynllun Taliad Sengl a Chynlluniau Cymorth y Polisi

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- (1) O.S. 2005/2766. Yn rhinwedd adrannau 59(1) a 162 o Ddeddf Llywodraeth Cymru 2006 a pharagraffau 28 a 30 o Atodlen 11 iddi, mae swyddogaethau a roddwyd i Gynulliad Cenedlaethol Cymru yn arferadwy gan Weinidogion Cymru. 1972 p.68.
- (2) Mewnosodwyd paragraff 1A o Atodlen 2 gan adran 28 o Ddeddf Diwygio Deddfwriaethol a Rheoliadol 2006 (p.51).
- (3)

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Diwygiadau

2. Diwygir fel a ganlyn Reoliadau Cynllun y Taliad
Sengl a Chynlluniau Cymorth y Polisi Amaethyddol
Cyffredin (Cymru) 2005(1).

3. Yn lle rheoliad 2, rhodder y canlynol—

“Interpretation

2.—(1) In these Regulations—

“Commission Regulation 795/2004” means
Commission Regulation (EC) No. 795/2004
laying down detailed rules for the
implementation of the single payment
scheme provided for in the Council
Regulation(2);

“Commission Regulation 796/2004” means
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(3);

“Commission Regulation 1973/2004”
means Commission Regulation (EC) No.
1973/2004 laying down detailed rules for
the application of Council Regulation (EC)
No. 1782/2003 as regards the support
schemes provided for in Titles IV and IVa
of that Regulation and the use of land set
aside for the production of raw materials(4);

“the Council Regulation” means Council
Regulation (EC) No. 1782/2003
establishing common rules for direct
support under the common agricultural
policy and establishing certain support
schemes for farmers(5);

“direct payment” has the meaning given by
Article 2(d) of the Council Regulation;

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- (1) O.S. 2005/360 (Cy.29), a ddiwygiwyd gan O.S. 2006/357
(Cy.45).
- (2) OJ Rhif L141, 30.4.2004, t.1, a ddiwygiwyd ddiwethaf gan
Reoliad y Comisiwn (EC) Rhif 319/2008 (OJ Rhif L95,
8.4.2008, t.63-65).
- (3) OJ Rhif L141, 30.4.2004, t.18, a ddiwygiwyd ddiwethaf gan
Reoliad y Comisiwn (EC) Rhif 319/2008 (OJ Rhif L95,
8.4.2008, t.63-65).
- (4) OJ Rhif L345, 20.11.2004, t.1, a ddiwygiwyd ddiwethaf gan
Reoliad y Comisiwn (EC) Rhif 829/2008 (OJ Rhif L 224,
22.8.2008, t. 3).
- (5) OJ Rhif L270, 21.10.2003, t.1, a ddiwygiwyd ddiwethaf gan
Reoliad y Comisiwn (EC) Rhif 674/2008 (OJ Rhif L 189,
17.7.2008, t.5-13).

“farmer” has the meaning given by Article 2(a) of the Council Regulation;

“holding” has the meaning given by Article 2(b) of the Council Regulation;

“the IACS Regulations” means the Common Agricultural Policy Single Payment and Support Schemes (Integrated Administration and Control System) Regulations 2005(1);

“relevant competent authority” has the meaning given by regulation 5 of the IACS Regulations;

“single application” has the meaning given by Article 2(11) of Commission Regulation 796/2004;

“single payment scheme” means the support scheme established under Title III of the Council Regulation;

“sugar quota” has the same meaning as it has in Council Regulation (EC) Regulation No. 318/2006 on the common organisation of the markets in the sugar sector(2);

(2) Other expressions used in these Regulations that are also used in the Council Regulation, Commission Regulation 795/2004, Commission Regulation 796/2004 or Commission Regulation 1973/2004 have the meaning they bear in those instruments.

(3) Any reference in paragraph (1) to a Community instrument is a reference to that instrument as amended from time to time.”.

4. Yn lle rheoliad 6 (cyfnod o 10 mis), rhodder—

“Date on which eligible land must be at the farmer’s disposal

6. In relation to any year in which the farmer makes a declaration in respect of parcels pursuant to article 44(3) of the Council Regulation, the date on which those parcels must be at the farmer’s disposal is 15 May.”.

5. Ar ôl rheoliad 7 (premiwm godro a thaliadau ychwanegol), mewnosoder y canlynol—

“The reference amount in relation to sugar beet

7A.—(1) For the purposes of paragraph 1, point K of Annex VII to the Council Regulation, the Welsh Ministers will determine

(1) O.S. 2005/218.

(2) OJ Rhif L58, 28.2.2006, a ddiwygiwyd ddiwethaf gan Reoliad y Comisiwn (EC) Rhif 1260/2007 OJ Rhif L283, 27.10.2007, t. 1-7).

the amount to be included in the reference amount of each farmer in accordance with the criteria set out in this regulation.

(2) The amount in relation to a farmer (in this regulation “the claimant farmer”) will be determined by reference to the original contracted tonnage of sugar beet to be supplied under a relevant contract, relative to the original contracted tonnage of all relevant contracts.

(3) A contract is a relevant contract if—

- (a) it provides for the claimant farmer or a linked farmer to supply sugar beet to British Sugar⁽¹⁾ in the representative period; and
- (b) the sugar beet to be supplied under the contract was part of British Sugar’s sugar quota for the representative period.

(4) In relation to a relevant contract—

- (a) the “original contracted tonnage” is the amount so identified in the last dated document entitled “2005 Sugar Beet Contract Confirmation” issued by British Sugar in relation to that contract prior to 22 November 2006;
- (b) the “representative period” is the marketing year 2005/2006.

(5) A linked farmer is a farmer who:

- (a) is—
 - (i) the landlord of the claimant farmer;
 - (ii) the tenant of the claimant farmer;
 - (iii) a farmer for whom the claimant farmer (under a sub-contract with the linked farmer) grew the sugar beet to be supplied under the relevant contract;
 - (iv) a firm or company of which the claimant farmer (now being a sole trader) was formerly a member, officer or employee; or
 - (v) a subsidiary company of a parent company which is the claimant farmer;
- (b) does not rely on the relevant contract for the purposes of inclusion in any

(1) Cwmni cyhoeddus cyfyngedig sy'n masnachu o dan yr enw British Sugar plc yw British Sugar; ei enw gynt oedd y British Sugar Corporation Limited, ac fe'i crëwyd yn sgil adran 3 o Ddeddf y Diwydiant Siwgr (Ad-drefnu) 1936 (p. 18).

reference amount applying to him or her; and

(c) agrees in writing that the claimant farmer may so rely in his or her place.

(6) The Welsh Ministers may only include an amount in the reference amount for a claimant farmer under this regulation if that farmer held qualifying entitlements as provided for in Article 58 of the Council Regulation on 15 May 2006.

(7) A qualifying entitlement under paragraph (6) does not include set-aside entitlements.”.

6. Dirymir rheoliad 8 (Garddwriaeth).

7. Yn lle paragraff (2) o reoliad 10 (modiweiddio ychwanegol), rhodder y canlynol—

“(2) In this regulation—

“the relevant amount” means the amount which would have been granted to the farmer in respect of the year concerned but for the application of Article 10(1) of the Council Regulation;

“the relevant purposes” means the purposes of any payment made pursuant to the measures under rural development programming financed by the European Agricultural Fund for Rural Development in accordance with Council Regulation (EC) No. 1698/2005 on support for rural development by the European Agricultural Fund for Rural Development (EAFRD)(1);

“the specified proportion” means in respect of 2008, 2.5%.”.

Elin Jones

Y Gweinidog dros Faterion Gwledig, un o Weinidogion Cymru.

22 Medi 2008

(1) OJ Rhif L277, 21.10.2005, t.1, a ddiwygiwyd ddiwethaf gan Reoliad y Cyngor (EC) Rhif 146/2008 (OJ Rhif L 46, 21.2.2008, t.1-6).