



OFFERYNNAU STATUDOL
CYMRU

WELSH STATUTORY
INSTRUMENTS

2014 Rhif 1835 (Cy. 189)

2014 No. 1835 (W. 189)

AMAETHYDDIAETH, CYMRU

AGRICULTURE, WALES

Rheoliadau Cynllun Taliad
Sylfaenol y Polisi Amaethyddol
Cyffredin (Dosbarthiad
Rhanbarthau Talu Dros Dro)
(Cymru) 2014

The Common Agricultural Policy
Basic Payment Scheme (Provisional
Payment Region Classification)
(Wales) Regulations 2014

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 gwneud darpariaeth, o ran Cymru, ar gyfer gweinyddu Rheoliad y Cyngor (EC) Rhif 1307/2013 (OJ Rhif L 347, 20.12.2013, t 608), mewn perthynas â thaliadau uniongyrchol i ffermwyr o dan gynlluniau cymorth y Polisi Amaethyddol Cyffredin.

These Regulations make provision, in relation to Wales, for the administration of Council Regulation (EC) No 1307/2013 (OJ No L 347, 20.12.2013, p 608), in relation to direct payments to farmers under support schemes of the Common Agricultural Policy.

Maent yn gwneud trefniadau i Weinidogion Cymru hysbysu ffermwyr am ddosbarthiad rhanbarthau talu dros dro eu parseli caeau at ddibenion hawlio cymorth o dan y cynllun taliad sylfaenol.

They make arrangements for the Welsh Ministers to inform farmers of the provisional payment region classification of their field parcels for the purposes of claiming support under the basic payment scheme.

Mae rheoliad 3 yn darparu bod tri rhanbarth yng Nghymru at ddibenion y cynllun taliad sylfaenol ac mae'n darparu mecanwaith i ffermwyr apelio yn erbyn dyfarniad gan Weinidogion Cymru o ran dosbarthiad rhanbarthau talu dros dro.

Regulation 3 provides that there are three regions in Wales for the purposes of the basic payment scheme and provides farmers with a mechanism to appeal a determination by the Welsh Ministers of a provisional payment region classification.

Mae Asesiad Effaith Rheoleiddiol o effeithiau'r Rheoliadau hyn ar gostau busnes, mewn perthynas â busnesau fferm yng Nghymru, wedi ei baratoi mewn cysylltiad â'r Rheoliadau hyn. Gellir cael copïau ohono oddi wrth yr Adran Dyfodol Cynaliadwy, Llywodraeth Cymru, Parc Cathays, Caerdydd, CF10 3NQ.

A Regulatory Impact Assessment of the effects of these Regulations on the costs of business, in relation to farm businesses in Wales, has been prepared in respect of these Regulations. Copies can be obtained from the Department of Sustainable Futures, Welsh Government, Cathays Park, Cardiff, CF10 3NQ.

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Gwnaed 11 Gorffennaf 2014

Made 11 July 2014

*Gosodwyd gerbron Cynulliad Cenedlaethol
Cymru 14 Gorffennaf 2014*

*Laid before the National Assembly for Wales
14 July 2014*

Yn dod i rym 4 Awst 2014

Coming into force 4 August 2014

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 Weinidogion Cymru ei bod yn hwylus i ddehongli'r cyfeiriadau at offerynnau'r UE yn y Rheoliadau hyn fel cyfeiriadau at Reoliad y Cyngor fel y'i 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 the references to the EU instruments in these Regulations to be construed as references to the Council Regulation 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, cychwyn a chymhwyso

Title, application and commencement

1.—(1) Enw'r Rheoliadau hyn yw Rheoliadau Cynllun Taliad Sylfaenol y Polisi Amaethyddol

1.—(1) The title of these Regulations is the Common Agricultural Policy Basic Payment Scheme

(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) ac 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.

Cyffredin (Dosbarthiad Rhanbarthau Talu Dros Dro) (Cymru) 2014.

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

(3) Daw'r Rheoliadau hyn i rym ar 4 Awst 2014.

Dehongli

2.—(1) Yn y Rheoliadau hyn—

ystyr “cnydau â” (“*arable crops*”) yw ydau, hadau llin, had olew, gwreiddgnydau, cnydau ffrwythau neu gnydau protein, gan gynnwys pys dringo;

ystyr “dosbarthiad rhanbarthau talu dros dro” (“*provisional payment region classification*”) yw dyfarnu parcel cyfeirio yn rhan o ranbarth talu gan Weinidogion Cymru yn unol â rheoliad 3 ac mae i “parcel cyfeirio” yr un ystyr a roddir i “*reference parcel*” yn Erthygl 2(25) o Reoliad y Comisiwn;

ystyr “Rheoliad y Comisiwn” (“*the Commission Regulation*”) yw Rheoliad Dirprwyedig y Comisiwn (EU) Rhif 640/2014 ar 11 Mawrth 2014 sy'n ychwanegu at Reoliad (EU) Rhif 1306/2013 Senedd Ewrop a'r Cyngor o ran y system weinyddu a rheoli integredig a'r amodau ar gyfer gwrthod taliadau neu eu tynnu yn ôl a chosbau gweinyddol sy'n gymwys i daliadau uniongyrchol, cymorth datblygu gwledig a thrawsgydymffurfio⁽¹⁾;

ystyr “Rheoliad y Cyngor” (“*the Council Regulation*”) yw Rheoliad y Cyngor (EC) Rhif 1307/2013 Senedd Ewrop a'r Cyngor ar 17 Rhagfyr 2013 sy'n gosod rheolau ar gyfer taliadau uniongyrchol i ffermwyr o dan gynlluniau cymorth o fewn fframwaith y polisi amaethyddol cyffredin⁽²⁾.

(2) Mae unrhyw gyfeiriad yn y Rheoliadau hyn at un o offerynnau yr UE yn gyfeiriad at yr offeryn hwnnw fel y'i diwygir o bryd i'w gilydd.

Rhanbarthau

3.—(1) At ddibenion Erthygl 23 o Reoliad y Cyngor, mae tri rhanbarth talu yn Nghymru, sef—

- (a) rhostir;
- (b) yr ardal dan anfantais ddifrifol;
- (c) pob tir arall.

(2) At y dibenion hyn—

ystyr “rhostir” (“*moorland*”) yw unrhyw dir—

(Provisional Payment Region Classification) (Wales) Regulations 2014.

(2) These Regulations apply in relation to Wales.

(3) These Regulations come into force on 4 August 2014.

Interpretation

2.—(1) In these Regulations—

“arable crops” (“*cnydau â*”) means cereals, linseeds, oilseed, root crops, fruit crops or protein crops, including vining peas;

“provisional payment region classification” (“*dosbarthiad rhanbarthau talu dros dro*”) means a determination of a reference parcel as part of a payment region by the Welsh Ministers pursuant to regulation 3 and “reference parcel” (“*parcel cyfeirio*”) has the same meaning as in Article 2(25) of the Commission Regulation;

“the Commission Regulation” (“*Rheoliad y Comisiwn*”) means Commission Delegated Regulation (EU) No 640/2014 of 11 March 2014 supplementing Regulation (EU) No 1306/2013 of the European Parliament and of the Council with regard to the integrated administration and control system and conditions for refusal or withdrawal of payments and administrative penalties applicable to direct payments, rural development support and cross compliance⁽¹⁾;

“the Council Regulation” (“*Rheoliad y Cyngor*”) means Council Regulation (EC) 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⁽²⁾.

(2) Any reference in these Regulations to an EU instrument is a reference to that instrument as amended from time to time.

Regions

3.—(1) For the purposes of Article 23 of the Council Regulation, there are three payment regions in Wales, which are—

- (a) moorland;
- (b) the severely disadvantaged area;
- (c) all other land.

(2) For these purposes—

“moorland” (“*rhostir*”) means any land which—

(1) OJ Rhif L 181, 20.6.2014, t 48.

(2) OJ Rhif L 347, 20.12.2013, t 608.

(1) OJ No L 181, 20.6.2014, p 48.

(2) OJ No L 347, 20.12.2013, p 608.

- (a) sydd wedi ei ddosbarthu gan Weinidogion Cymru fel rhostir ar Fap Rhostir Cymru 1992 sydd wedi ei adneuo yn swyddfeydd Llywodraeth Cymru, Parc Cathays, Caerdydd, CF10 3NQ, a
- (b) y mae ganddo uchder o 400 o fetrau neu'n uwch, ac
- (c) y mae ganddo llystyfiant ucheldirol lled-naturiol yn bennaf, neu sy'n cynnwys cerrig brig a llystyfiant ucheldirol lled-naturiol yn bennaf, a ddefnyddir yn anad dim ar gyfer pori garw, a
- (d) nid oes ganddo fwy na 40% o'r rhywogaethau amaethyddol wedi eu gwella hynny a restrir yn yr Atodlen, ac
- (e) nid oes cnydau â'r yn tyfu arno;

ystyr “yr ardal dan anfantais ddifrifol” (“*the severely disadvantaged area*”) yw tir—

- (a) sydd yn hanfodol addas ar gyfer cynhyrchu da byw yn llai dwys ond, heb fod yn hanfodol addas ar gyfer cynhyrchu cnydau mewn niferoedd sydd yn sylweddol fwy na'r hyn sy'n angenrheidiol i fwydo'r cyfryw dda byw ag sy'n gallu cael eu cynnal ar dir o'r fath y mae ei gynhyrchiant amaethyddol wedi ei gyfyngu o ran ei ystod gan y pridd, y dirwedd, y wedd neu'r hinsawdd, neu gyfuniad ohonynt, a
- (b) sydd wedi ei nodi fel ardal dan anfantais ddifrifol ar Fap Dosbarthiad Rhanbarthau Talu Cymru 2014 sydd wedi ei adneuo yn swyddfeydd Llywodraeth Cymru, Parc Cathays, Caerdydd, CF10 3NQ;

ystyr “pob tir arall” (“*all other land*”) yw pob tir arall nad yw'n dod o fewn diffiniad o rostir neu ardal dan anfantais ddifrifol ac sydd wedi ei nodi felly ar Fap Dosbarthiad Rhanbarthau Talu Cymru 2014 sydd wedi ei adneuo yn swyddfeydd Llywodraeth Cymru, Parc Cathays, Caerdydd, CF10 3NQ.

(3) Mae rheoliad 3 o Reoliadau Cynlluniau Cymorthdaliadau a Grantiau Amaethyddol (Apelau) (Cymru) 2006(1) (darparu gweithdrefn apelio) yn gymwys i ddosbarthiad rhanbarthau talu dros dro fel pe bai'n ddyfarniad perthnasol.

Rebecca Evans

Y Diprwy Weinidog Amaeth a Physgodfeydd, o dan awdurdod y Gweinidog Economi, Gwyddoniaeth a Thrafnidiaeth, un o Weinidogion Cymru

11 Gorffennaf 2014

- (a) is classified by the Welsh Ministers as moorland on the Wales 1992 Moorland Map deposited at the offices of the Welsh Government, Cathays Park, Cardiff, CF10 3NQ, and
- (b) has an altitude of 400 metres or above, and
- (c) has predominantly semi-natural upland vegetation, or comprising predominantly rock outcrops and semi-natural upland vegetation, used primarily for rough grazing, and
- (d) does not have more than 40% of those improved agricultural species listed in the Schedule, and
- (e) arable crops are not being grown upon;

“the severely disadvantaged area” (“*yr ardal dan anfantais ddifrifol*”) means land which—

- (a) is inherently suitable for extensive livestock production but, not for the production of crops in quantity materially greater than that necessary to feed such livestock as are capable of being maintained on such land whose agricultural production is restricted in its range by, or by a combination of soil, relief, aspect or climate, and
- (b) is marked as severely disadvantaged area on the Payment Region Classification Map of Wales 2014 deposited at the offices of the Welsh Government, Cathays Park, Cardiff, CF10 3NQ;

“all other land” (“*pob tir arall*”) means all other land which does not fall within the definition of moorland or the severely disadvantaged area and marked as such on the Payment Regions Classification Map of Wales 2014 deposited at the offices of the Welsh Government, Cathays Park, Cardiff, CF10 3NQ.

(3) Regulation 3 of the Agricultural Subsidies and Grants Schemes (Appeals) (Wales) Regulations 2006(1) (provision of appeals procedure) applies to a provisional payment region classification as if it was a relevant determination.

Deputy Minister for Agriculture and Fisheries under authority of the Minister for Economy, Science and Transport, one of the Welsh Ministers

11 July 2014

(1) O.S. 2006/3342 (Cy. 303), fel y'i diwygiwyd gan O.S. 2007/2900 (Cy. 251) ac O.S. 2010/1807 (Cy. 175).

(1) S.I. 2006/3342 (W. 303), as amended by S.I. 2007/2900 (W. 251) and S.I. 2010/1807 (W. 175).

Rhywogaethau Amaethyddol Wedi eu Gwella

Rhygwellt Parhaol (*Lolium perenne*)

Rhygwellt yr Eidal (*Lolium multiflorum*)

Meillion Gwyn (*Trifolium repens*)

Meillion Coch (*Trifolium pratense*)

Rhonwellt (*Phleum pratense*)

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SCHEDULE

Regulation 3(2)(d)

Improved Agricultural Species

Perennial Ryegrass (*Lolium perenne*)

Italian Ryegrass (*Lolium multiflorum*)

White Clover (*Trifolium repens*)

Red Clover (*Trifolium pratense*)

Timothy grass (*Phleum pratense*)

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£6.00

W2022/07/14

ON

ISBN 978-0-348-10974-0



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