OFFERYNNAU STATUDOL CYMRU

WELSH STATUTORY INSTRUMENTS

2020 Rhif 1556 (Cy. 328)

2020 No. 1556 (W. 328)

YMADAEL Â'R UNDEB EWROPEAIDD, CYMRU

EXITING THE EUROPEAN UNION, WALES

AMAETHYDDIAETH, CYMRU

AGRICULTURE, WALES

Rheoliadau Taliadau Uniongyrchol i Ffermwyr a Materion Gwledig (Diwygiadau Amrywiol etc.) (Cymru) (Ymadael â'r UE) 2020

The Direct Payments to Farmers and Rural Affairs (Miscellaneous Amendments etc.) (Wales) (EU Exit) Regulations 2020

NODYN ESBONIADOL

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

Mae Rhannau 2, 3 a 4 o'r Rheoliadau hyn wedi eu gwneud drwy arfer y pwerau a roddir gan baragraffau 2(1), 3(1) a (2) a 4(1) a (2) o Atodlen 5 i Ddeddf Amaethyddiaeth 2020 (p. 21) er mwyn gwneud darpariaeth yng nghyfraith yr UE a ddargedwir sy'n llywodraethu'r cynlluniau taliadau uniongyrchol ar gyfer sicrhau parhad cynllun y taliad sylfaenol yng Nghymru y tu hwnt i 2020.

Mae rheoliadau 2, 3, 4, 5 a 6 yn addasu Rheoliadau (EU) Rhif 1306/2013, 809/2014, 640/2014, 907/2014 a 908/2014 i'r graddau y mae'n angenrheidiol i gynllun y taliad sylfaenol weithredu'n effeithiol y tu hwnt i 2020. Mae'r Rheoliadau UE hynny'n cynnwys rhai o'r rheolau sy'n llywodraethu'r cynlluniau taliadau uniongyrchol yn ogystal â chynlluniau eraill o dan y Polisi Amaethyddol Cyffredin. Mae'r Rheoliadau hyn yn diwygio'r corff hwnnw o gyfreithiau i'r graddau ag y mae'n ymwneud â chynlluniau taliadau uniongyrchol yn unig.

Mae rheoliadau 7, 8 a 9 yn diwygio Rheoliad (EU) Rhif 1307/2013 ("y Rheoliad Taliadau Uniongyrchol"), Rheoliadau (EU) Rhif 639/2014 a 641/2014. Mae'r newidiadau hyn yn caniatáu i gynllun y taliad sylfaenol weithredu'n effeithiol y tu hwnt i 2020. Mae rheoliad 7(4) yn cyflwyno i'r Rheoliad Taliadau Uniongyrchol Erthygl 5A newydd sy'n darparu'r modd ar gyfer penderfynu terfyn y taliadau uniongyrchol y tu hwnt i 2020.

EXPLANATORY NOTE

(This note is not part of the Regulations)

Parts 2, 3, and 4 of these Regulations are made in exercise of the powers conferred by paragraphs 2(1), 3(1) and (2) and 4(1) and (2) of Schedule 5 to the Agriculture Act 2020 (c. 21) in order to make provision in retained EU law governing the direct payment schemes for securing the continuation of the basic payment scheme in Wales beyond 2020.

Regulations 2, 3, 4, 5 and 6 modify Regulations (EU) No. 1306/2013, 809/2014, 640/2014, 907/2014 and 908/2014 to the extent necessary for the basic payment scheme to function effectively beyond 2020. Those EU Regulations contain some of the rules governing the direct payment schemes as well as other schemes under the Common Agricultural Policy. These Regulations amend that body of law insofar as it relates to the direct payment schemes only.

Regulations 7, 8 and 9 amend Regulation (EU) No. 1307/2013 ("the Direct Payments Regulation"), Regulations (EU) No. 639/2014 and 641/2014. These changes allow the basic payment scheme to function effectively beyond 2020. Regulation 7(4) introduces a new Article 5A to the Direct Payments Regulation which provides the manner in which to determine the direct payments ceiling beyond 2020.

Mae rheoliadau 2 i 9 hefyd yn diwygio cyfraith yr UE a ddargedwir sy'n ymwneud â'r cynlluniau taliadau uniongyrchol er mwyn—

(a) symleiddio dull gweinyddu'r cynllun a gwneud ei weithrediad yn fwy effeithlon ac effeithiol,

(b) dileu darpariaethau sydd wedi darfod neu nad ydynt yn cael eu defnyddio,

(c) dileu neu leihau'r beichiau ar bersonau sy'n gwneud cais am daliadau uniongyrchol o dan y cynllun neu y mae ganddynt hawl i'w cael,

(d) gwella'r ffordd y mae'r cynllun yn gweithredu mewn perthynas â phersonau sy'n gwneud cais am daliadau uniongyrchol o dan y cynllun neu y mae ganddynt hawl i'w cael,

(e) sicrhau bod sancsiynau a chosbau a osodir o dan y cynllun yn briodol a chymesur, ac

(f) cyfyngu ar gymhwysiad y cynllun i dir yng Nghymru yn unig.

Regulations 2 to 9 also amend the retained EU law relating to the direct payment schemes to—

(a) simplify the administration of the scheme and make its operation more efficient and effective,

(b) remove provisions which are spent or not in use,

(c) remove or reduce burdens on persons applying for, or entitled to, direct payments under the scheme,

(d) improve the way the scheme operates in relation to persons applying for, or entitled to direct payments under the scheme,

(e) ensure that sanctions and penalties imposed under the scheme are appropriate and proportionate, and

(f) limit the application of the scheme to land in Wales only.

Mae Rhan 4 o'r Rheoliadau hyn yn diwygio deddfwriaeth ddomestig sy'n ymwneud â thaliadau uniongyrchol.

Part 4 of these Regulations amend domestic legislation which relates to direct payments.

Mae rheoliad 10 yn diwygio Rheoliadau'r Polisi Amaethyddol Cyffredin (System Integredig Gweinyddu a Rheoli a Gorfodi a Thrawsgydymffurfio) (Cymru) 2014 (O.S. 2014/3223 (Cy. 328)), er mwyn sicrhau bod modd ei weithredu ar gyfer cynllun y taliad sylfaenol yng Nghymru y tu hwnt i 2020. Mae rheoliad 10 hefyd yn mewnosod paragraff newydd yn Atodlen 1 (*Safonau ar gyfer Cyflwr Amaethyddol ac Amgylcheddol Da*) sy'n rhoi manylion am y cyfyngiadau ar drosi, aredig neu ailhadu glaswelltir parhaol amgylcheddol-sensitif. Mae hyn yn sicrhau bod cydweddu â'r newidiadau a wnaed gan reoliad 2 i Reoliad (EU) Rhif 1306/2013.

Regulation 10 amends the Common Agricultural Policy (Integrated Administration and Control System and Enforcement and Cross Compliance) (Wales) Regulations 2014 (S.I. 2014/3223 (W. 328)), in order to secure its operability for the basic payment scheme in Wales beyond 2020. Regulation 10 also inserts a new paragraph into Schedule 1 (*Standards for Good Agricultural and Environmental Condition*) which details the restrictions on converting, ploughing or reseeding environmentally sensitive permanent grassland. This ensures alignment with the changes made by regulation 2 to Regulation (EU) No. 1306/2013.

Mae rheoliad 11 yn diwygio Rheoliadau'r Polisi Amaethyddol Cyffredin (Rheoli a Gorfodi, Trawsgydymffurfio, Craffu ar Drafodiadau ac Apelau) 2014 (O.S. 2014/3263), ac mae'n gymwys o ran Cymru. Mae rheoliad 3 (awdurdod cymwys) y Rheoliadau hynny wedi ei ddiwygio i sicrhau ei fod yn cydweddu â chyfraith yr UE a ddargedwir sy'n ymwneud â thaliadau uniongyrchol.

Regulation 11 amends the Common Agricultural Policy (Control and Enforcement, Cross-Compliance, Scrutiny of Transactions and Appeals) Regulations 2014 (S.I. 2014/3263), and applies in relation to Wales. Regulation 3 (competent authority) of those Regulations is amended to ensure it aligns with the retained EU law relating to direct payments.

Mae rheoliad 12 yn diwygio Rheoliadau Cynllun Taliad Sylfaenol a Chynlluniau Cymorth y Polisi Amaethyddol Cyffredin (Cymru) 2015 (O.S. 2015/1252 (Cy. 84)) i sicrhau ei fod yn cydweddu â'r newidiadau sy'n cael eu gwneud i gyfraith yr UE a ddargedwir sy'n ymwneud â thaliadau uniongyrchol gan y Rheoliadau hyn.

Regulation 12 amends the Common Agricultural Policy Basic Payment and Support Schemes (Wales) Regulations 2015 (S.I. 2015/1252 (W. 84)) to ensure it aligns with the changes being made to the retained EU law relating to direct payments by these Regulations.

Mae Rhan 5 o'r Rheoliadau hyn wedi ei gwneud drwy arfer y pwerau a roddir gan baragraff 1 o Atodlen 2 i Ddeddf yr Undeb Ewropeaidd (Ymadael) 2018 (p. 16) er mwyn ymdrin ag unrhyw fethiant yng nghyfraith yr UE a ddargedwir i weithredu'n effeithiol a diffygion eraill sy'n deillio o ymadawiad y Deyrnas Unedig â'r Undeb Ewropeaidd. Mae rheoliad 13 yn diwygio Rheoliadau'r Polisi Amaethyddol Cyffredin (Diwygiadau Amrywiol) (Cymru) (Ymadael â'r UE) 2019 (O.S. 2019/688 (Cy. 132)), sy'n ymdrin ag unrhyw fethiant yng nghyfraith yr UE a ddargedwir i weithredu'n effeithiol a diffygion eraill sy'n deillio o ymadawiad y Deyrnas Unedig â'r Undeb Ewropeaidd. Mae rheoliad 13 yn dirymu rheoliadau 2, 4(2) a 5(2) a (3) i gydweddu â'r newidiadau a wnaed gan y Rheoliadau hyn a chan Reoliadau'r Polisi Amaethyddol Cyffredin (Taliadau Uniongyrchol i Ffermwyr) (Diwygiadau Amrywiol) (Cymru) 2020 (O.S. 2020/104 (Cy. 17)).

Part 5 of these Regulations is made in exercise of the powers conferred by paragraph 1 of Schedule 2 to the European Union (Withdrawal) Act 2018 (c. 16) in order to address failures of retained EU law to operate effectively and other deficiencies arising from the withdrawal of the United Kingdom from the European Union. Regulation 13 amends the Common Agricultural Policy (Miscellaneous Amendments) (Wales) (EU Exit) Regulations 2019 (S.I. 2019/688 (W. 132)), which address failures of retained EU law to operate effectively and other deficiencies arising from the withdrawal of the United Kingdom from the European Union. Regulation 13 revokes regulations 2, 4(2) and 5(2) and (3) to align with changes made by these Regulations and by the Common Agricultural Policy (Direct Payments to Farmers) (Miscellaneous Amendments) (Wales) Regulations 2020 (S.I. 2020/104 (W. 17)).

Mae Rhan 6 o'r Rheoliadau hyn wedi ei gwneud drwy arfer y pwerau a roddir gan baragraff 1 o Atodlen 2 i Ddeddf yr Undeb Ewropeaidd (Ymadael) 2018 er mwyn cywiro gwallau yn Rheoliadau Cyfraith yr UE a Ddargedwir (Diwygiadau Amrywiol) (Cymru) (Ymadael â'r UE) 2019 (O.S. 2019/1281 (Cy. 225)) a Rheoliadau Materion Gwledig (Diwygiadau Amrywiol) (Cymru) (Ymadael â'r UE) (Rhif 3) 2019 (O.S. 2019/1376 (Cy. 242)).

Part 6 of these Regulations is made in exercise of the powers conferred by paragraph 1 of Schedule 2 to the European Union (Withdrawal) Act 2018 in order to correct errors in the Retained EU Law (Miscellaneous Amendments) (Wales) (EU Exit) Regulations 2019 (S.I. 2019/1281 (W. 225)) and the Rural Affairs (Miscellaneous Amendments) (Wales) (EU Exit) (No. 3) Regulations 2019 (S.I. 2019/1376 (W. 242)).

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.

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.

2020 Rhif 1556 (Cy. 328)

YMADAEL Â'R UNDEB EWROPEAIDD, CYMRU

AMAETHYDDIAETH, CYMRU

Rheoliadau Taliadau Uniongyrchol i Ffermwyr a Materion Gwledig (Diwygiadau Amrywiol etc.) (Cymru) (Ymadael â'r UE) 2020

Gwnaed *16 Rhagfyr 2020*

Yn dod i rym yn unol â rheoliad 1(2)

Mae Gweinidogion Cymru yn gwneud y Rheoliadau hyn drwy arfer y pwerau a roddir iddynt—

(a) mewn perthynas â Rhan 1, gan y darpariaethau a grybwyllir ym mharagraffau (b) ac (c);

(b) mewn perthynas â Rhannau 2, 3 a 4, gan baragraffau 2(1), 3(1) a (2), a 4(1) a (2) o Atodlen 5 i Ddeddf Amaethyddiaeth 2020(**1**);

(c) mewn perthynas â Rhannau 5 a 6, gan baragraff 1 o Atodlen 2 i Ddeddf yr Undeb Ewropeaidd (Ymadael) 2018(**2**) ("Deddf 2018").

Mewn perthynas â Rhannau 5 a 6, mae'r gofyniad ym mharagraff 4(a) o Atodlen 2 (sy'n ymwneud ag ymgynghori â'r Ysgrifennydd Gwladol) i Ddeddf 2018 wedi ei fodloni.

(**1**) 2020 p. 21. Gweler paragraff 3(4) o Atodlen 5 am y diffiniad o "specified".

(**2**) 2018 p. 16. Gweler adran 20(1) am y diffiniad o "devolved authority".

2020 No. 1556 (W. 328)

EXITING THE EUROPEAN UNION, WALES

AGRICULTURE, WALES

The Direct Payments to Farmers and Rural Affairs (Miscellaneous Amendments etc.) (Wales) (EU Exit) Regulations 2020

Made *16 December 2020*

Coming into force in accordance with regulation 1(2)

The Welsh Ministers make these Regulations in exercise of the powers conferred on them by—

(a) in relation to Part 1, the provisions mentioned in paragraphs (b) and (c);

(b) in relation to Parts 2, 3 and 4, paragraphs 2(1), 3(1) and (2), and 4(1) and (2) of Schedule 5 to, the Agriculture Act 2020(**1**);

(c) in relation to Parts 5 and 6, paragraph 1 of Schedule 2 to the European Union (Withdrawal) Act 2018(**2**) ("the 2018 Act").

In relation to Parts 5 and 6, the requirement in paragraph 4(a) of Schedule 2 (relating to consultation with the Secretary of State) to the 2018 Act has been satisfied.

(**1**) 2020 c. 21. See paragraph 3(4) of Schedule 5 for the definition of "specified".

(**2**) 2018 c. 16. See section 20(1) for the definition of "devolved authority".

Yn unol ag adran 50(6)(c) ac (8) o Ddeddf Amaethyddiaeth 2020, a pharagraff 1(9) o Atodlen 7 i Ddeddf 2018, gosodwyd drafft o'r offeryn hwn gerbron Senedd Cymru, ac fe'i cymeradwywyd ganddi drwy benderfyniad.

In accordance with section 50(6)(c) and (8) of the Agriculture Act 2020, and paragraph 1(9) of Schedule 7 to the 2018 Act, a draft of this instrument has been laid before, and approved by a resolution of Senedd Cymru.

RHAN 1

Rhagarweiniol

Enwi, cychwyn a chymhwyso

1.—(1) Enw'r Rheoliadau hyn yw Rheoliadau Taliadau Uniongyrchol i Ffermwyr a Materion Gwledig (Diwygiadau Amrywiol etc.) (Cymru) (Ymadael â'r UE) 2020.

(2) Maent yn dod i rym fel a ganlyn—

(a) ac eithrio fel y darperir ar ei gyfer gan is-baragraff (b), daw'r Rheoliadau hyn i rym ar ddiwrnod cwblhau'r cyfnod gweithredu;

(b) mae Rhannau 1, 5 a 6 a rheoliad 7(4) yn dod i rym drannoeth y diwrnod y gwneir y Rheoliadau hyn.

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

RHAN 2

Taliadau Uniongyrchol: Deddfwriaeth Lorweddol

Diwygio Rheoliad (EU) Rhif 1306/2013

2.—(1) Mae Rheoliad (EU) Rhif 1306/2013 Senedd Ewrop a'r Cyngor ar ariannu, rheoli a monitro'r polisi amaethyddol cyffredin(**1**) wedi ei ddiwygio, i'r graddau y mae'n ymwneud â thaliadau uniongyrchol, fel a ganlyn.

(2) Yn lle Erthygl 2(1)(m) rhodder—

"(m)"appropriate authority" means the relevant authority for the constituent nation in which the regulations apply."

(**1**) EUR 2013/1306, a ddiwygiwyd mewn perthynas â chynlluniau taliadau uniongyrchol gan O.S. 2020/90 a 576. Mae EUR 2013/1306 wedi ei ddiwygio hefyd yn rhagolygol gydag effaith o ddiwrnod cwblhau'r cyfnod gweithredu gan O.S. 2019/748 (fel y'i diwygiwyd gan O.S. 2019/831), 763 (fel y'i diwygiwyd gan O.S. 2019/812), 831 a 1402. Er hynny, yn rhinwedd y diwygiadau yn Rheoliadau Amathyddiaeth (Taliadau) (Diwygio, etc.) (Ymadael â'r UE) 2020, nid yw'r diwygiadau rhagolygol hyn yn cael effaith mewn perthynas â chynlluniau taliadau uniongyrchol.

PART 1

Introductory

Title, commencement, and application

1.—(1) The title of these Regulations is the Direct Payments to Farmers and Rural Affairs (Miscellaneous Amendments etc.) (Wales) (EU Exit) Regulations 2020.

(2) They come into force as follows—

(a) except as provided for by sub-paragraph (b), these Regulations come into force on implementation period completion day;

(b) Parts 1, 5 and 6 and regulation 7(4) come into force on the day after the day on which these Regulations are made.

(3) These Regulations apply in relation to Wales.

PART 2

Direct Payments: Horizontal Legislation

Amendment of Regulation (EU) No. 1306/2013

2.—(1) Regulation (EU) No. 1306/2013 of the European Parliament and of the Council on the financing, management and monitoring of the common agricultural policy(**1**) is amended, insofar as it relates to direct payments, as follows.

(2) For Article 2(1)(m) substitute—

"(m)"appropriate authority" means the relevant authority for the constituent nation in which the regulations apply."

(**1**) EUR 2013/1306, amended in relation to direct payment schemes by S.I. 2020/90 and 576. EUR 2013/1306 is also amended prospectively with effect from implementation period completion day by S.I. 2019/748 (as amended by S.I. 2019/831), 763 (as amended by S.I. 2019/812), 831 and 1402. However, by virtue of the amendments in the Agriculture (Payments) (Amendment, etc.) (EU Exit) Regulations 2020, these prospective amendments do not have effect in relation to direct payment schemes.

(3) Yn Erthygl 12—

(a) yn lle “must” rhodder “may”;

(b) yn lle “shall”, yn yr ail frawddeg, rhodder “may”;

(c) yn lle’r drydedd frawddeg rhodder—

“That system may cover the maintenance of the agricultural area as referred to in point (c) of Article 4(1) of Regulation (EU) No. 1307/2013.”

(4) Hepgorer Erthygl 26.

(5) Yn Erthygl 54—

(a) ym mharagraff 1, hepgorer “within 18 months”;

(b) ym mharagraff 3(a)—

(i) ym mhwynt (i), yn lle “EUR 100” rhodder “£100”;

(ii) ym mhwynt (ii)—

(aa) yn lle “EUR 100” rhodder “£100”;

(bb) yn lle “EUR 250” rhodder “£250”.

(6) Hepgorer Erthygl 55.

(7) Yn Erthygl 67—

(a) ym mharagraff 4(a), ar ôl “continuous area of land” mewnosoder “within Wales”;

(b) ym mharagraff 4(b), hepgorer “the payment for agricultural practices beneficial for the climate and the environment referred to in Chapter 3 of Title III of Regulation (EU) No 1307/2013;”.

(8) Yn Erthygl 69—

(a) hepgorer brawddeg derfynol paragraff 1;

(b) hepgorer paragraff 2.

(9) Yn Erthygl 70—

(a) ym mharagraff 1—

(i) hepgorer “and, as from 2016, at a scale of 1: 5 000,”;

(ii) hepgorer yr ail is-baragraff;

(b) hepgorer paragraff 2.

(10) Hepgorer Erthygl 71(2).

(11) Yn Erthygl 75—

(a) ym mharagraff 1, ar ôl “calendar year” mewnosoder “or in cases where it has not been possible to complete the verification of eligibility conditions by 30 June, upon completion.”;

(3) In Article 12—

(a) for “must” substitute “may”;

(b) for “shall”, in the second sentence, substitute “may”;

(c) for the third sentence substitute—

“That system may cover the maintenance of the agricultural area as referred to in point (c) of Article 4(1) of Regulation (EU) No. 1307/2013. ”

(4) Omit Article 26.

(5) In Article 54—

(a) in paragraph 1, omit “within 18 months”;

(b) in paragraph 3(a)—

(i) in point (i), for “EUR 100” substitute “£100”;

(ii) in point (ii)—

(aa) for “EUR 100” substitute “£100”;

(bb) for “EUR 250” substitute “£250”.

(6) Omit Article 55.

(7) In Article 67—

(a) in paragraph 4(a), after “continuous area of land” insert “within Wales”;

(b) in paragraph 4(b), omit “the payment for agricultural practices beneficial for the climate and the environment referred to in Chapter 3 of Title III of Regulation (EU) No 1307/2013;”.

(8) In Article 69—

(a) omit the final sentence of paragraph 1;

(b) omit paragraph 2.

(9) In Article 70—

(a) in paragraph 1—

(i) omit “and, as from 2016, at a scale of 1: 5 000,”;

(ii) omit the second subparagraph;

(b) omit paragraph 2.

(10) Omit Article 71(2).

(11) In Article 75—

(a) in paragraph 1, after “calendar year” insert “or in cases where it has not been possible to complete the verification of eligibility conditions by 30 June, upon completion.”;

(b) ym mharagraff 1(a)—

(i) hepgorer "but not before 16 October";

(ii) ar ôl "direct payments" mewnosoder "before the verification of eligibility conditions, to be carried out by the relevant authority pursuant to Article 74, has been finalised";

(c) ym mharagraff 2, ar ôl "paragraph 1" mewnosoder "(excluding advances for direct payments under paragraph 1(a))".

(12) Hepgorer Erthygl 77(6).

(13) Yn Erthygl 91—

(a) hepgorer ail is-baragraff paragraff 2;

(b) ym mharagraff 3(a), yn lle "the United Kingdom" rhodder "Wales".

(14) Yn nheitl Erthygl 94, hepgorer "of Member States".

(15) Yn Erthygl 97(3), yn lle "EUR 100" rhodder "£100".

(16) Hepgorer Erthyglau 105 a 106.

(17) Hepgorer Erthygl 108.

(18) Hepgorer is-baragraff terfynol Erthygl 111(1).

(19) Yn Erthygl 112, yn yr is-baragraff cyntaf, yn lle'r geiriau o "the Funds" hyd at y diwedd, rhodder "received in one year by a beneficiary is equal to or less than £1250."

(20) Yn Atodiad II, yn y rhes "Landscape, minimum level of maintenance", yn y bedwaredd golofn, ar ôl "measures for avoiding invasive plant species" mewnosoder—

". Restrictions on converting, ploughing or reseeding environmentally sensitive permanent grassland."

Diwygio Rheoliad Dirprwyedig y Comisiwn (EU) Rhif 640/2014

3.—(1) Mae Rheoliad Dirprwyedig y Comisiwn (EU) Rhif 640/2014 sy'n ategu Rheoliad (EU) Rhif 1306/2013 Senedd Ewrop a'r Cyngor o ran y system integredig gweinyddu a rheoli a'r amodau ar gyfer gwrthod taliadau neu eu tynnu yn ôl a chosbau gweinyddol sy'n gymwys i daliadau uniongyrchol, cymorth ar gyfer datblygu gwledig a thrawsgydymffurfio(**1**), wedi ei ddiwygio, i'r graddau y mae'n ymwneud â thaliadau uniongyrchol, fel a ganlyn.

(**1**) EUR 2014/640, a ddiwygiwyd mewn perthynas â chynlluniau taliadau uniongyrchol gan O.S. 2020/90 ac mewn perthynas â chynlluniau taliadau uniongyrchol yn Lloegr gan O.S. 2020/551. Diwygiwyd EUR 2014/640 hefyd yn rhagolygol gydag effaith o ddiwrnod cwblhau'r cyfnod gweithredu gan O.S. 2019/765. Er hynny, yn rhinwedd y diwygiadau yn Rheoliadau Amaethyddiaeth (Taliadau) (Diwygio, etc.) (Ymadael â'r UE) 2020, nid yw'r diwygiadau rhagolygol hyn yn cael effaith mewn perthynas â chynlluniau taliadau uniongyrchol.

(b) in paragraph 1(a)—

(i) omit "but not before 16 October";

(ii) after "direct payments" insert "before the verification of eligibility conditions, to be carried out by the relevant authority pursuant to Article 74, has been finalised";

(c) in paragraph 2, after "paragraph 1" insert "(excluding advances for direct payments under paragraph 1(a))".

(12) Omit Article 77(6).

(13) In Article 91—

(a) omit the second subparagraph of paragraph 2;

(b) in paragraph 3(a), for "the United Kingdom" substitute "Wales".

(14) In the title of Article 94, omit "of Member States".

(15) In Article 97(3), for "EUR 100" substitute "£100".

(16) Omit Articles 105 and 106.

(17) Omit Article 108.

(18) Omit the final subparagraph of Article 111(1).

(19) In Article 112, in the first subparagraph, for the words from "the Funds" to the end, substitute "received in one year by a beneficiary is equal to or less than £1250."

(20) In Annex II, in the row "Landscape, minimum level of maintenance", in the fourth column, after "measures for avoiding invasive plant species" insert—

". Restrictions on converting, ploughing or reseeding environmentally sensitive permanent grassland."

Amendment of Commission Delegated Regulation (EU) No. 640/2014

3.—(1) Commission Delegated Regulation (EU) No. 640/2014 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**), is amended, insofar as it relates to direct payments, as follows.

(**1**) EUR 2014/640, amended in relation to direct payment schemes by S.I. 2020/90 and in relation to direct payment schemes in England by S.I. 2020/551. EUR 2014/640 is also amended prospectively with effect from implementation period completion day by S.I. 2019/765. However, by virtue of the amendments in the Agriculture (Payments) (Amendment, etc.) (EU Exit) Regulations 2020, these prospective amendments do not have effect in relation to direct payment schemes.

(2) Yn Erthygl 2(1), yn lle pwynt (22) rhodder—

"(22) 'use' in relation to area means the use of area in terms of the type of permanent grassland as defined in Article 4(1)(h) of Regulation (EU) No. 1307/2013, or areas of grassland, other than permanent grassland, or ground cover or the absence of a crop;".

(3) Yn Erthygl 5(2)—

(a) hepgorer pwynt (c);

(b) ym mhwynt (d), hepgorer y geiriau o "areas designated" hyd at y diwedd.

(4) Yn Erthygl 6—

(a) yn lle paragraff 1 rhodder—

"**1.** The relevant authority shall annually assess the quality of the identification system for agricultural parcels. Where the results of the quality assessment reveal deficiencies in the system, the relevant authority shall take appropriate remedial action.";

(b) yn lle paragraff 2 rhodder—

"**2.** The relevant authority shall perform the assessment referred to in paragraph 1 on the basis of a sample of reference parcels.";

(c) ym mharagraff 3, hepgorer "by 31 January 2021".

(5) Yn Erthygl 7(1), hepgorer "at United Kingdom level".

(6) Hepgorer is-baragraff terfynol Erthygl 9(3).

(7) Hepgorer Erthygl 10.

(8) Yn Erthygl 13—

(a) hepgorer ail is-baragraff paragraff 1;

(b) ar ôl is-baragraff terfynol paragraff 1 mewnosoder—

"All documents in support of an aid application, must be submitted by 31 December of that calendar year.";

(c) yn ail is-baragraff paragraff 3, yn lle "third" rhodder "second".

(9) Hepgorer ail is-baragraff Erthygl 16(1).

(10) Yn Erthygl 18(2), hepgorer "and (8)".

(11) Yn Erthygl 19a—

(a) yn lle paragraff 2 rhodder—

(2) In Article 2(1), for point (22) substitute—

"(22) 'use' in relation to area means the use of area in terms of the type of permanent grassland as defined in Article 4(1)(h) of Regulation (EU) No. 1307/2013, or areas of grassland, other than permanent grassland, or ground cover or the absence of a crop;".

(3) In Article 5(2)—

(a) omit point (c);

(b) in point (d), omit the words from "areas designated" to the end.

(4) In Article 6—

(a) for paragraph 1 substitute—

"**1.** The relevant authority shall annually assess the quality of the identification system for agricultural parcels. Where the results of the quality assessment reveal deficiencies in the system, the relevant authority shall take appropriate remedial action.";

(b) for paragraph 2 substitute—

"**2.** The relevant authority shall perform the assessment referred to in paragraph 1 on the basis of a sample of reference parcels.";

(c) in paragraph 3, omit "by 31 January 2021".

(5) In Article 7(1), omit "at United Kingdom level".

(6) Omit the final subparagraph of Article 9(3).

(7) Omit Article 10.

(8) In Article 13—

(a) omit the second subparagraph of paragraph 1;

(b) after the final subparagraph of paragraph 1 insert—

"All documents in support of an aid application, must be submitted by 31 December of that calendar year.";

(c) in the second subparagraph of paragraph 3, for "third" substitute "second".

(9) Omit the second subparagraph of Article 16(1).

(10) In Article 18(2), omit "and (8)".

(11) In Article 19a—

(a) for paragraph 2 substitute—

"**2.** The administrative penalty referred to in paragraph 1 shall be reduced by 50% if the difference between the area declared and the area determined does not exceed 10% of the area determined.";

(b) hepgorer paragraffau 3 a 4.

(12) Hepgorer Erthyglau 22 i 29.

(13) Hepgorer brawddeg derfynol Erthygl 38(1).

Diwygio Rheoliad Gweithredu'r Comisiwn (EU) Rhif 809/2014

4.—(1) Mae Rheoliad Gweithredu'r Comisiwn (EU) Rhif 809/2014 sy'n gosod rheolau ar gyfer cymhwyso Rheoliad (EU) Rhif 1306/2013 Senedd Ewrop a'r Cyngor o ran y system integredig gweinyddu a rheoli, mesurau datblygu gwledig a thrawsgydymffurfio(**1**), wedi ei ddiwygio, i'r graddau y mae'n ymwneud â thaliadau uniongyrchol, fel a ganlyn.

(2) Hepgorer Erthygl 2.

(3) Hepgorer ail baragraff Erthygl 4.

(4) Yn Erthygl 6—

(a) ym mharagraff 2(f)(v), yn lle "national" rhodder "total";

(b) hepgorer paragraff 3(b).

(5) Yn Erthygl 14(1), hepgorer pwynt (h).

(6) Yn Erthygl 15—

(a) hepgorer paragraff 1b;

(b) ym mharagraff 2—

(i) yn yr ail is-baragraff, yn lle "Member States" rhodder "the relevant authority";

(ii) yn y trydydd is-baragraff, hepgorer y geiriau o "the payment for agricultural practices" hyd at "Regulation (EU) No. 1307/2013 or";

(c) hepgorer paragraff 2b;

(d) ym mharagraff 3, hepgorer yr ail is-baragraff.

(7) Yn Erthygl 17—

(a) hepgorer paragraff 2;

(b) yn ail is-baragraff paragraff 4, hepgorer y frawddeg derfynol;

(**1**) EUR 2014/809, a ddiwygiwyd mewn perthynas â chynlluniau taliadau uniongyrchol gan O.S. 2020/90 a 576. Mae EUR 2014/809 wedi ei ddiwygio hefyd mewn perthynas â chynlluniau taliadau uniongyrchol yn Lloegr gan O.S. 2020/510 a 575. Mae EUR 2014/809 hefyd wedi ei ddiwygio'n rhagolygol gydag effaith o ddiwrnod cwblhau'r cyfnod gweithredu gan O.S. 2019/765. Er hynny, yn rhinwedd y diwygiadau yn Rheoliadau Amaethyddiaeth (Taliadau) (Diwygio, etc.) (Ymadael â'r UE) 2020, nid yw'r diwygiadau rhagolygol hyn yn cael effaith mewn perthynas â chynlluniau taliadau uniongyrchol.

"**2.** The administrative penalty referred to in paragraph 1 shall be reduced by 50% if the difference between the area declared and the area determined does not exceed 10% of the area determined.";

(b) omit paragraphs 3 and 4.

(12) Omit Articles 22 to 29.

(13) Omit the final sentence of Article 38(1).

Amendment of Commission Implementing Regulation (EU) No. 809/2014

4.—(1) Commission Implementing Regulation (EU) No. 809/2014 laying down rules for the application of Regulation (EU) No. 1306/2013 of the European Parliament and of the Council with regard to the integrated administration and control system, rural development measures and cross compliance(**1**), is amended, in so far as it relates to direct payments, as follows.

(2) Omit Article 2.

(3) Omit the second paragraph of Article 4.

(4) In Article 6—

(a) in paragraph 2(f)(v), for "national" substitute "total";

(b) omit paragraph 3(b).

(5) In Article 14(1), omit point (h).

(6) In Article 15—

(a) omit paragraph 1b;

(b) in paragraph 2—

(i) in the second subparagraph, for "Member States" substitute "the relevant authority";

(ii) in the third subparagraph, omit the words from "the payment for agricultural practices" to "Regulation (EU) No 1307/2013 or";

(c) omit paragraph 2b;

(d) in paragraph 3, omit the second subparagraph.

(7) In Article 17—

(a) omit paragraph 2;

(b) in the second subparagraph of paragraph 4, omit the final sentence;

(**1**) EUR 2014/809, amended in relation to direct payment schemes by S.I. 2020/90 and 576. EUR 2014/809 is also amended in relation to direct payment schemes in England by S.I. 2020/510 and 575. EUR 2014/809 is also amended prospectively with effect from implementation period completion day by S.I. 2019/765. However, by virtue of the amendments in the Agriculture (Payments) (Amendment, etc.) (EU Exit) Regulations 2020, these prospective amendments do not have effect in relation to direct payment schemes.

(c) yn lle paragraff 5 rhodder—

"**5.** The beneficiary shall unambiguously identify and declare the area of each agricultural parcel. ";

(d) hepgorer paragraff 6.

(8) Hepgorer Erthygl 18.

(9) Yn Erthygl 25, hepgorer "and shall not exceed 14 days".

(10) Hepgorer Erthygl 26(4).

(11) Hepgorer ail a thrydydd paragraff Erthygl 27.

(12) Yn Erthygl 29(1)(d), yn lle "(6)" rhodder "(4)".

(13) Ym mhennawd Erthygl 30, hepgorer "other than the payment for agricultural practices beneficial for the climate and environment".

(14) Yn lle Erthygl 30 rhodder—

"For area-related aid schemes the control sample for on-the-spot checks carried out each year shall cover at least:

(a) 3% of all beneficiaries applying for the basic payment scheme in accordance with Title III of Regulation (EU) No. 1307/2013 (which includes the redistributive payment, and the payment for young farmers); and

(b) 5% of all beneficiaries applying for area-related payments under voluntary coupled support in accordance with Chapter 1 of Title IV of Regulation (EU) No 1307/2013."

(15) Hepgorer Erthygl 31.

(16) Yn lle Erthygl 33 rhodder—

"For animal aid schemes, the control sample for on-the-spot checks carried out each year shall for each of the aid schemes cover at least 5% of all beneficiaries applying for that respective aid scheme."

(17) Hepgorer Erthygl 33a.

(18) Yn Erthygl 34—

(a) yn lle paragraff 2 rhodder—

"**2.** For the purposes of Article 30, the sample selection shall ensure that:

(a) a proportion of the control population is selected randomly;

(b) the remaining number of beneficiaries in the control sample is selected on the basis of a risk analysis.";

(c) for paragraph 5 substitute—

"**5.** The beneficiary shall unambiguously identify and declare the area of each agricultural parcel.";

(d) omit paragraph 6.

(8) Omit Article 18.

(9) In Article 25, omit "and shall not exceed 14 days".

(10) Omit Article 26(4).

(11) Omit the second and third paragraphs of Article 27.

(12) In Article 29(1)(d), for "(6)" substitute "(4)".

(13) In the heading of Article 30, omit "other than the payment for agricultural practices beneficial for the climate and environment".

(14) For Article 30 substitute—

"For area-related aid schemes the control sample for on-the-spot checks carried out each year shall cover at least:

(a) 3% of all beneficiaries applying for the basic payment scheme in accordance with Title III of Regulation (EU) No. 1307/2013 (which includes the redistributive payment, and the payment for young farmers); and

(b) 5% of all beneficiaries applying for area-related payments under voluntary coupled support in accordance with Chapter 1 of Title IV of Regulation (EU) No 1307/2013."

(15) Omit Article 31.

(16) For Article 33 substitute—

"For animal aid schemes, the control sample for on-the-spot checks carried out each year shall for each of the aid schemes cover at least 5% of all beneficiaries applying for that respective aid scheme."

(17) Omit Article 33a.

(18) In Article 34—

(a) for paragraph 2 substitute—

"**2.** For the purposes of Article 30, the sample selection shall ensure that:

(a) a proportion of the control population is selected randomly;

(b) the remaining number of beneficiaries in the control sample is selected on the basis of a risk analysis.";

(b) hepgorer paragraffau 3, 4 a 4a;

(c) ym mharagraff 5—

(i) yn lle "shall" rhodder "may";

(ii) ym mhwynt (d) ar ôl "that" mewnosoder "may".

(19) Yn Erthygl 36—

(a) ym mharagraff 2—

(i) hepgorer "and (b)";

(ii) yn lle "3%" rhodder "1%";

(b) ym mharagraff 3—

(i) hepgorer "and (b)";

(ii) hepgorer yr ail, trydydd a phedwerydd is-baragraff;

(c) ym mharagraff 5—

(i) yn lle "2, 3 and 4" rhodder "2 and 3";

(ii) hepgorer "and (b)".

(20) Hepgorer Erthygl 37(3).

(21) Yn Erthygl 38—

(a) hepgorer y frawddeg derfynol ym mharagraff 5;

(b) hepgorer paragraff 6;

(c) hepgorer paragraff 9;

(d) ym mharagraff 10, hepgorer "or permanent pastures".

(22) Yn Erthygl 39—

(a) hepgorer brawddeg gyntaf paragraff 2;

(b) hepgorer paragraff 3.

(23) Hepgorer Erthygl 40a.

(24) Yn Erthygl 41—

(a) hepgorer is-baragraff terfynol paragraff 1;

(b) yn is-baragraff terfynol paragraff 2—

(i) hepgorer "or by means of monitoring in accordance with Article 40a,";

(ii) hepgorer "or by monitoring" yn y ddau le y mae'n digwydd;

(iii) hepgorer y frawddeg derfynol.

(25) Yn Erthygl 42(1), yn yr ail is-baragraff—

(a) hepgorer "at least 50% of";

(b) yn lle "shall", yn y ddau le y mae'n digwydd, rhodder "may".

(26) Hepgorer Erthygl 44.

(27) Yn Erthygl 68—

(a) ym mharagraff 1—

(i) yn yr is-baragraff cyntaf, hepgorer ", as it has effect in EU law";

(ii) hepgorer yr ail is-baragraff;

(b) omit paragraphs 3, 4 and 4a;

(c) in paragraph 5—

(i) for "shall" substitute "may";

(ii) in point (d), after "that" insert "may".

(19) In Article 36—

(a) in paragraph 2—

(i) omit "and (b)";

(ii) for "3%" substitute "1%";

(b) in paragraph 3—

(i) omit "and (b)";

(ii) omit the second, third and fourth subparagraphs;

(c) in paragraph 5—

(i) for "2, 3 and 4" substitute "2 and 3";

(ii) omit "and (b)".

(20) Omit Article 37(3).

(21) In Article 38—

(a) omit the final sentence in paragraph 5;

(b) omit paragraph 6;

(c) omit paragraph 9;

(d) in paragraph 10, omit "or permanent pastures".

(22) In Article 39—

(a) omit the first sentence of paragraph 2;

(b) omit paragraph 3.

(23) Omit Article 40a.

(24) In Article 41—

(a) omit the final subparagraph of paragraph 1;

(b) in the final subparagraph of paragraph 2—

(i) omit "or by means of monitoring in accordance with Article 40a,";

(ii) omit "or by monitoring" in both places that it occurs;

(iii) omit the final sentence.

(25) In Article 42(1), in the second subparagraph—

(a) omit "at least 50% of";

(b) for "shall", in both places that it occurs, substitute "may".

(26) Omit Article 44.

(27) In Article 68—

(a) in paragraph 1—

(i) in the first subparagraph, omit ", as it has effect in EU law";

(ii) omit the second subparagraph;

(b) ym mharagraff 4, yn lle “shall” rhodder “may”.

(28) Yn Erthygl 69(1), hepgorer brawddeg derfynol yr is-baragraff cyntaf.

(29) Yn Erthygl 70—

(a) ym mharagraff 3, hepgorer y geiriau o “or by using” hyd at “equivalent value”;

(b) hepgorer paragraff 4.

(30) Hepgorer Erthyglau 70a a 70b.

(31) Yn Erthygl 72—

(a) hepgorer is-baragraff terfynol paragraff 1;

(b) ym mharagraff 2, hepgorer “checked by monitoring in accordance with Article 70a,”;

(c) ym mharagraff 3, hepgorer y frawddeg derfynol yn yr is-baragraff cyntaf;

(d) ym mharagraff 4, hepgorer ail frawddeg yr is-baragraff cyntaf.

Diwygio Rheoliad Dirprwyedig y Comisiwn (EU) Rhif 907/2014

5. Yn Rheoliad Dirprwyedig y Comisiwn (EU) Rhif 907/2014 dyddiedig 11 Mawrth 2014 sy’n ategu Rheoliad (EU) Rhif 1306/2013 Senedd Ewrop a’r Cyngor o ran asiantaethau talu a chyrff eraill, rheolaeth ariannol, clirio cyfrifon, gwarannau a defnyddio’r ewro(**1**), hepgorer Erthygl 11, i’r graddau y mae’n ymwneud â thaliadau uniongyrchol.

Diwygio Rheoliad Gweithredu’r Comisiwn (EU) Rhif 908/2014

6.—(1) Mae Rheoliad Gweithredu’r Comisiwn (EU) Rhif 908/2014 sy’n gosod rheolau ar gyfer cymhwyso Rheoliad (EU) Rhif 1306/2013 Senedd Ewrop a’r Cyngor o ran asiantaethau talu a chyrff eraill, rheolaeth ariannol, clirio cyfrifon, rheolau ar wiriadau, gwarannau a thryloywder(**2**) wedi ei ddiwygio, i’r graddau y mae’n ymwneud â’r taliadau uniongyrchol, fel a ganlyn.

(**1**) EUR 2014/907, a ddiwygiwyd mewn perthynas â chynlluniau taliadau uniongyrchol gan O.S. 2020/90. Mae EUR 2014/907 hefyd wedi ei ddiwygio’n rhagolygol gydag effaith o ddiwrnod cwblhau’r cyfnod gweithredu gan O.S. 2019/765. Er hynny, yn rhinwedd y diwygiadau yn Rheoliadau Amaethyddiaeth (Taliadau) (Diwygio, etc.) (Ymadael â’r UE) 2020, nid yw’r diwygiadau rhagolygol hyn yn cael effaith mewn perthynas â chynlluniau taliadau uniongyrchol.

(**2**) EUR 2014/908, a ddiwygiwyd mewn perthynas â chynlluniau taliadau uniongyrchol gan O.S. 2020/90. Mae EUR 2014/908 hefyd wedi ei ddiwygio’n rhagolygol gydag effaith o ddiwrnod cwblhau’r cyfnod gweithredu gan O.S. 2019/765. Er hynny, yn rhinwedd y diwygiadau yn Rheoliadau Amaethyddiaeth (Taliadau) (Diwygio, etc.) (Ymadael â’r UE) 2020, nid yw’r diwygiadau rhagolygol hyn yn cael effaith mewn perthynas â chynlluniau taliadau uniongyrchol.

(b) in paragraph 4, for “shall” substitute “may”.

(28) In Article 69(1), omit the final sentence of the first subparagraph.

(29) In Article 70—

(a) in paragraph 3, omit the words from “or by using” to “equivalent value”;

(b) omit paragraph 4.

(30) Omit Articles 70a and 70b.

(31) In Article 72—

(a) omit the final subparagraph of paragraph 1;

(b) in paragraph 2, omit “checked by monitoring in accordance with Article 70a,”;

(c) in paragraph 3, omit the final sentence in the first subparagraph;

(d) in paragraph 4, omit the second sentence of the first subparagraph.

Amendment of Commission Delegated Regulation (EU) No. 907/2014

5. In Commission Delegated Regulation (EU) No. 907/2014 of 11 March 2014 supplementing Regulation (EU) No. 1306/2013 of the European Parliament and of the Council with regard to paying agencies and other bodies, financial management, clearance of accounts, securities and use of euro(**1**), omit Article 11, insofar as it relates to direct payments.

Amendment of Commission Implementing Regulation (EU) No. 908/2014

6.—(1) Commission Implementing Regulation (EU) No. 908/2014 laying down rules for the application of Regulation (EU) No. 1306/2013 of the European Parliament and of the Council with regard to paying agencies and other bodies, financial management, clearance of accounts, rules on checks, securities and transparency(**2**) is amended, insofar as it relates to direct payments, as follows.

(**1**) EUR 2014/907, amended in relation to direct payment schemes by S.I. 2020/90. EUR 2014/907 is also amended prospectively with effect from implementation period completion day by S.I. 2019/765. However, by virtue of the amendments in the Agriculture (Payments) (Amendment, etc.) (EU Exit) Regulations 2020, these prospective amendments do not have effect in relation to direct payment schemes.

(**2**) EUR 2014/908, amended in relation to direct payment schemes by S.I. 2020/90. EUR 2014/908 is also amended prospectively with effect from implementation period completion day by S.I. 2019/765. However, by virtue of the amendments in the Agriculture (Payments) (Amendment, etc.) (EU Exit) Regulations 2020, these prospective amendments do not have effect in relation to direct payment schemes.

(2) Yn Erthygl 4(1)—

(a) hepgorer pwynt (i);

(b) ym mhwynt (ii), hepgorer "on a single website".

(3) Hepgorer Erthygl 11.

(4) Yn Erthygl 27(1), yn lle "EUR 5" rhodder "£5.00".

(5) Yn Erthygl 28—

(a) hepgorer "established in accordance with national law";

(b) hepgorer y geiriau o "under direct" hyd at "Development".

(6) Yn lle Erthygl 41(1) rhodder—

"**1.** The relevant authorities may decide to reduce the minimum level of on-the-spot checks in accordance with Article 59(5) of Regulation (EU) No 1306/2013. For the reduced control rate to apply, the paying agency must confirm that—

(a) the internal control system is functioning correctly; and

(b) the error rate for the population concerned was below the materiality threshold of 2.0%."

(7) Yn Erthygl 58, yn lle "third" rhodder "second".

(8) Hepgorer Erthygl 62.

(2) In Article 4(1)—

(a) omit point (i);

(b) in point (ii), omit "on a single website".

(3) Omit Article 11.

(4) In Article 27(1), for "EUR 5" substitute "£5.00".

(5) In Article 28—

(a) omit "established in accordance with national law";

(b) omit the words from "under direct" to "Development".

(6) For Article 41(1) substitute—

"**1.** The relevant authorities may decide to reduce the minimum level of on-the-spot checks in accordance with Article 59(5) of Regulation (EU) No 1306/2013. For the reduced control rate to apply, the paying agency must confirm that—

(a) the internal control system is functioning correctly; and

(b) the error rate for the population concerned was below the materiality threshold of 2.0%."

(7) In Article 58, for "third" substitute "second".

(8) Omit Article 62.

RHAN 3

Taliadau Uniongyrchol: Deddfwriaeth Uniongyrchol a Ddargedwir

Diwygio Rheoliad (EU) Rhif 1307/2013

7.—(1) Mae 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(**1**) wedi ei ddiwygio fel a ganlyn.

(2) Yn Erthygl 1, hepgorer pwynt (b)(iv).

(3) Yn Erthygl 4—

PART 3

Direct Payments: Retained Direct Legislation

Amendment of Regulation (EU) No. 1307/2013

7.—(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(**1**) is amended as follows.

(2) In Article 1, omit point (b)(iv).

(3) In Article 4—

(**1**) EUR 2013/1307, a ddiwygiwyd gan O.S. 2020/91, O.S. 2020/576 ac O.S. 2020/760. Ymgorfforwyd y Rheoliad hwn mewn cyfraith ddomestig gan adran 1 o Ddeddf Taliadau Uniongyrchol i Ffermwyr (Parhad Deddfwriaethol) 2020 (p. 2).

(**1**) EUR 2013/1307, amended by S.I. 2020/91, S.I. 2020/576 and S.I. 2020/760. This Regulation was incorporated into domestic law by section 1 of the Direct Payments to Farmers (Legislative Continuity) Act 2020 (c. 2).

(a) ym mharagraff (1)—

(i) ym mhwyntiau (a), (b) ac (i), yn lle “the United Kingdom”, ym mhob lle y mae’n digwydd, rhodder “Wales”;

(ii) ym mhwynt (e), hepgorer “and permanent pasture”;

(iii) ym mhwynt (g)—

(aa) hepgorer “and permanent pasture”;

(bb) yn lle “occupy” rhodder “occupies”;

(iv) ym mhwynt (h), yn lle ““permanent grassland and permanent pasture” (together referred to as “permanent grassland”)” rhodder ““permanent grassland”” ;

(v) yn lle pwynt (s) rhodder—

“(s) “appropriate authority” means the relevant authority for the constituent nation in which the regulations apply;”;

(vi) ar ôl pwynt (s) mewnosoder—

“(t) “total ceiling” means the amount determined in accordance with Article 5A.”;

(b) ym mharagraff 2, hepgorer yr is-baragraff terfynol.

(4) Ar ôl Erthygl 5 mewnosoder—

“*Article 5A*

The total ceiling for Wales

1. The Welsh Ministers must determine the total ceiling for Wales.

2. The Welsh Ministers must determine the total ceiling before the start of the relevant year.

3. The Welsh Ministers must publish the total ceiling as soon as practicable after they have determined it under paragraph 1.

4. The total ceiling, for any relevant year, must be distributed among all claimed payment entitlements, including the national reserve or the regional reserves, and ceilings set in accordance with Articles 42 and 51 and the amount allocated under Article 53.

5. In this Article, “relevant year” has the same meaning as in paragraph 3(4) of Schedule 5 to the Agriculture Act 2020.”

(5) Hepgorer Erthyglau 6, 7 a 7A.

(6) Yn Erthygl 9—

(a) hepgorer paragraffau 2 i 4;

(b) hepgorer paragraff 5(b), (c) a (d);

(c) hepgorer paragraffau 6 i 8.

(a) in paragraph (1)—

(i) in points (a), (b) and (i), for “the United Kingdom”, in each place that it occurs, substitute “Wales”;

(ii) in point (e), omit “and permanent pasture”;

(iii) in point (g)—

(aa) omit “and permanent pasture”;

(bb) for “occupy” substitute “occupies”;

(iv) in point (h), for ““permanent grassland and permanent pasture” (together referred to as “permanent grassland”)” substitute ““permanent grassland””;

(v) for point (s) substitute—

“(s) “appropriate authority” means the relevant authority for the constituent nation in which the regulations apply;”;

(vi) after point (s) insert—

“(t) “total ceiling” means the amount determined in accordance with Article 5A.”;

(b) in paragraph 2, omit the final subparagraph.

(4) After Article 5 insert—

“*Article 5A*

The total ceiling for Wales

1. The Welsh Ministers must determine the total ceiling for Wales.

2. The Welsh Ministers must determine the total ceiling before the start of the relevant year.

3. The Welsh Ministers must publish the total ceiling as soon as practicable after they have determined it under paragraph 1.

4. The total ceiling, for any relevant year, must be distributed among all claimed payment entitlements, including the national reserve or the regional reserves, and ceilings set in accordance with Articles 42 and 51 and the amount allocated under Article 53.

5. In this Article, “relevant year” has the same meaning as in paragraph 3(4) of Schedule 5 to the Agriculture Act 2020.”

(5) Omit Articles 6, 7 and 7A.

(6) In Article 9—

(a) omit paragraphs 2 to 4;

(b) omit paragraph 5(b), (c) and (d);

(c) omit paragraphs 6 to 8.

(7) Yn Erthygl 10(2), yn lle "EUR 100" rhodder "£100".

(8) Yn Erthygl 11—

(a) ym mharagraff 1, yn lle "EUR 150 000" rhodder "£150,000";

(b) ym mharagraff 3—

(i) hepgorer "of its share" yn y ddau le y mae'n digwydd;

(ii) yn lle "annual national", yn y ddau le y mae'n digwydd, rhodder "total".

(9) Hepgorer Erthygl 14.

(10) Yn Erthygl 22—

(a) hepgorer paragraff 1;

(b) yn lle paragraff 2 rhodder—

"**2.** The basic payment scheme ceiling in Wales for any given year is the amount which remains for the basic payment scheme after deducting, from the total ceiling, the ceilings set in accordance with Articles 42 and 51 for that year, and the amount allocated under Article 53.";

(c) hepgorer paragraff 3;

(d) yn lle paragraff 4 rhodder—

"**4.** The total value of all claimed payment entitlements in the constituent nation must equal the basic payment scheme ceiling in Wales.";

(e) yn lle paragraff 5 rhodder—

"**5.** If the ceiling calculated pursuant to paragraph 2 of this Article is different from the relevant authority's share of the basic payment scheme ceiling in claim year 2020 as a result of any decision taken by the relevant authority, or the total value of all claimed payment entitlements (including those allocated and claimed from the national reserve or regional reserve) is different from the total value of claimed payment entitlements in claim year 2020, the relevant authority shall linearly reduce or increase the value of all claimed payment entitlements in order to ensure compliance with paragraph 4 of this Article. "

(11) Yn Erthygl 25—

(a) hepgorer paragraffau 1 a 2;

(b) hepgorer paragraff 8.

(12) Yn Erthygl 30—

(a) ym mharagraff 7—

(i) hepgorer pwyntiau (a) a (b);

(7) In Article 10(2), for "EUR 100" substitute "£100".

(8) In Article 11—

(a) in paragraph 1, for "EUR 150 000" substitute "£150,000";

(b) in paragraph 3—

(i) omit "of its share" in both places that it occurs;

(ii) for "annual national", in both places that it occurs, substitute "total".

(9) Omit Article 14.

(10) In Article 22—

(a) omit paragraph 1;

(b) for paragraph 2 substitute—

"**2.** The basic payment scheme ceiling in Wales for any given year is the amount which remains for the basic payment scheme after deducting, from the total ceiling, the ceilings set in accordance with Articles 42 and 51 for that year, and the amount allocated under Article 53.";

(c) omit paragraph 3;

(d) for paragraph 4 substitute—

"**4.** The total value of all claimed payment entitlements in the constituent nation must equal the basic payment scheme ceiling in Wales.";

(e) for paragraph 5 substitute—

"**5.** If the ceiling calculated pursuant to paragraph 2 of this Article is different from the relevant authority's share of the basic payment scheme ceiling in claim year 2020 as a result of any decision taken by the relevant authority, or the total value of all claimed payment entitlements (including those allocated and claimed from the national reserve or regional reserve) is different from the total value of claimed payment entitlements in claim year 2020, the relevant authority shall linearly reduce or increase the value of all claimed payment entitlements in order to ensure compliance with paragraph 4 of this Article."

(11) In Article 25—

(a) omit paragraphs 1 and 2;

(b) omit paragraph 8.

(12) In Article 30—

(a) in paragraph 7—

(i) omit points (a) and (b);

(ii) ym mhwynt (e), yn lle "relevant authority's share of the basic payment scheme ceiling" rhodder "basic payment scheme ceiling in Wales";

(iii) ym mhwynt (f), hepgorer "and Article 65(1), (2) and (3)";

(b) ym mharagraff 8—

(i) yn yr ail is-baragraff, yn lle "relevant authority's share of the basic payment scheme ceiling" rhodder "basic payment scheme ceiling in Wales";

(ii) hepgorer y trydydd is-baragraff;

(c) ym mharagraff 11(a), hepgorer "(3) and".

(13) Hepgorer Erthygl 31(1)(h).

(14) Yn Erthygl 32—

(a) ym mharagraff 1—

(i) hepgorer "of financial discipline,";

(ii) hepgorer "Article 7 and";

(b) hepgorer paragraff 5.

(15) Yn Erthygl 34, hepgorer paragraff 4.

(16) Yn Erthygl 35(1)—

(a) ym mhwynt (g), hepgorer "and 7";

(b) hepgorer pwynt (h).

(17) Yn Erthygl 41—

(a) ym mharagraff 1, hepgorer y geiriau o ", provided that" hyd at y diwedd;

(b) ym mharagraff 3—

(i) hepgorer "of financial discipline,";

(ii) hepgorer ", of linear reductions as referred in Article 7";

(c) ym mharagraff 4, yn lle'r ail frawddeg rhodder—

"The number of such payment entitlements or hectares shall not exceed a maximum level to be set by the relevant authority which shall not be higher than 54 hectares."

(18) Yn Erthygl 42—

(a) hepgorer ", by the date referred to in Article 41(1)";

(b) yn lle "its share of the annual national" rhodder "the total".

(19) Hepgorer Pennod 3 o Deitl III.

(20) Yn Erthygl 50—

(a) hepgorer paragraff 3;

(b) ym mharagraff 4, hepgorer "of financial discipline,";

(c) hepgorer ail is-baragraff paragraff 5;

(d) hepgorer paragraffau 8 a 10A.

(ii) in point (e), for "relevant authority's share of the basic payment scheme ceiling" substitute "basic payment scheme ceiling in Wales";

(iii) in point (f), omit "and Article 65(1), (2) and (3)";

(b) in paragraph 8—

(i) in the second subparagraph, for "relevant authority's share of the basic payment scheme ceiling" substitute "basic payment scheme ceiling in Wales";

(ii) omit the third subparagraph;

(c) in paragraph 11(a), omit "(3) and".

(13) Omit Article 31(1)(h).

(14) In Article 32—

(a) in paragraph 1—

(i) omit "of financial discipline,";

(ii) omit "Article 7 and";

(b) omit paragraph 5.

(15) In Article 34, omit paragraph 4.

(16) In Article 35(1)—

(a) in point (g), omit "and 7";

(b) omit point (h).

(17) In Article 41—

(a) in paragraph 1, omit the words from ", provided that" to the end;

(b) in paragraph 3—

(i) omit "of financial discipline,";

(ii) omit ", of linear reductions as referred in Article 7";

(c) in paragraph 4, for the second sentence substitute—

"The number of such payment entitlements or hectares shall not exceed a maximum level to be set by the relevant authority which shall not be higher than 54 hectares."

(18) In Article 42—

(a) omit ", by the date referred to in Article 41(1)";

(b) for "its share of the annual national" substitute "the total".

(19) Omit Chapter 3 of Title III.

(20) In Article 50—

(a) omit paragraph 3;

(b) in paragraph 4, omit "of financial discipline,";

(c) omit the second subparagraph of paragraph 5;

(d) omit paragraphs 8 and 10A.

(21) Yn Erthygl 51—

(a) yn is-baragraff cyntaf paragraff 1, yn lle "its share of the annual national" rhodder "the total";

(b) ym mharagraff 2, yn lle "relevant authority's share of the national" rhodder "total";

(c) ym mharagraff 3, yn lle "its share of the annual national" rhodder "the total".

(22) Yn Erthygl 53—

(a) yn lle paragraff 1 rhodder—

"**1.** Up to 10% of the total ceiling may be used to finance the coupled support. ";

(b) hepgorer paragraff 3;

(c) ym mharagraff 5—

(i) yn lle "percentages set out in paragraphs 1 to 4" rhodder "percentage set out in paragraph 1";

(ii) yn lle "EUR 3" rhodder "£3";

(d) hepgorer paragraff 6.

(23) Yn Erthygl 71A—

(a) ym mharagraff 1, yn lle "paragraphs 2" rhodder "paragraphs 3";

(b) hepgorer paragraff 2.

(24) Yn Atodiad I, hepgorer y trydydd cofnod yn y tabl.

(25) Yn Atodiad II, yn y pennawd, yn lle "Article 6" rhodder "Article 5A".

(26) Hepgorer Atodiadau III, IX a X.

Diwygio Rheoliad Dirprwyedig y Comisiwn (EU) Rhif 639/2014

8.—(1) Mae Rheoliad Dirprwyedig y Comisiwn (EU) Rhif 639/2014 dyddiedig 11 Mawrth 2014 sy'n ategu Rheoliad (EU) Rhif 1307/2013 Senedd Ewrop a'r Cyngor sy'n sefydlu rheolau ar gyfer taliadau uniongyrchol i ffermwyr o dan gynlluniau cymorth o fewn fframwaith y polisi amaethyddol cyffredin(**1**) wedi ei ddiwygio fel a ganlyn.

(2) Hepgorer Erthygl 1(d).

(3) Hepgorer Erthygl 8.

(4) Hepgorer Erthyglau 11 i 13.

(21) In Article 51—

(a) in the first subparagraph of paragraph 1, for "its share of the annual national" substitute "the total";

(b) in paragraph 2, for "relevant authority's share of the national" substitute "total";

(c) in paragraph 3, for "its share of the annual national" substitute "the total".

(22) In Article 53—

(a) for paragraph 1 substitute—

"**1.** Up to 10% of the total ceiling may be used to finance the coupled support.";

(b) omit paragraph 3;

(c) in paragraph 5—

(i) for "percentages set out in paragraphs 1 to 4" substitute "percentage set out in paragraph 1";

(ii) for "EUR 3" substitute "£3";

(d) omit paragraph 6.

(23) In Article 71A—

(a) in paragraph 1, for "paragraphs 2" substitute "paragraphs 3";

(b) omit paragraph 2.

(24) In Annex I, omit the third entry in the table.

(25) In Annex II, in the heading, for "Article 6" substitute "Article 5A".

(26) Omit Annexes III, IX and X.

Amendment of Commission Delegated Regulation (EU) No. 639/2014

8.—(1) Commission Delegated Regulation (EU) No. 639/2014 of 11 March 2014 supplementing Regulation (EU) No. 1307/2013 of the European Parliament and of the Council establishing rules for direct payments to farmers under support schemes within the framework of the common agricultural policy(**1**) is amended as follows.

(2) Omit Article 1(d).

(3) Omit Article 8.

(4) Omit Articles 11 to 13.

(**1**) EUR 2014/639, a ddiwygiwyd gan O.S. 2020/91 a 576. Diwygiwyd EUR 2014/639 yn rhagolygol gydag effaith o ddiwrnod cwblhau'r cyfnod gweithredu gan O.S 2019/208 a 763 (fel y'i diwygiwyd gan O.S. 2019/812), ond dirymwyd y diwygiadau rhagolygol hynny gan Rheoliadau Amaethyddiaeth (Taliadau) (Diwygio, etc.) (Ymadael â'r UE) 2020 yn union cyn ddiwrnod cwblhau'r cyfnod gweithredu.

(**1**) EUR 2014/639, amended by S.I. 2020/91 and 576. EUR 2014/639 was prospectively amended with effect from implementation period completion day by S.I. 2019/208 and 763 (as amended by S.I. 2019/812), but those prospective amendments were revoked by the Agriculture (Payments) (Amendment, etc.) (EU Exit) Regulations 2020 immediately before implementation period completion day.

(5) Hepgorer Erthygl 26.

(6) Hepgorer Erthygl 29(4).

(7) Hepgorer Erthygl 30(2).

(8) Hepgorer Pennod 3.

(9) Yn Erthygl 49(3)(a), hepgorer ",(8)".

(10) Yn Erthygl 53(2), yn yr ail is-baragraff, ym mhwyntiau (a) a (b), ar ôl "Annex I to this Regulation", yn y ddau le y mae'n digwydd, mewnosoder "as it had effect immediately before exit day".

(11) Yn Erthygl 53a, hepgorer paragraff 4.

(12) Hepgorer Atodiad II.

Diwygio Rheoliad Gweithredu'r Comisiwn (EU) Rhif 641/2014

9.—(1) Mae Rheoliad Gweithredu'r Comisiwn (EU) Rhif 641/2014 dyddiedig 16 Mehefin 2014 sy'n gosod rheolau ar gyfer cymhwyso Rheoliad (EU) Rhif 1307/2013 Senedd Ewrop a'r Cyngor sy'n sefydlu rheolau ar gyfer taliadau uniongyrchol i ffermwyr o dan gynlluniau cymorth o fewn fframwaith y polisi amaethyddol cyffredin(**1**) wedi ei ddiwygio fel a ganlyn.

(2) Hepgorer Atodlen 1(c).

(3) Yn Erthygl 8(1), hepgorer "prior to exit day".

(4) Hepgorer Pennod 3.

(5) Omit Article 26.

(6) Omit Article 29(4).

(7) Omit Article 30(2).

(8) Omit Chapter 3.

(9) In Article 49(3)(a), omit ",(8)".

(10) In Article 53(2), in the second subparagraph, in points (a) and (b), after "Annex I to this Regulation", in both places that it occurs, insert "as it had effect immediately before exit day".

(11) In Article 53a, omit paragraph 4.

(12) Omit Annex II.

Amendment of Commission Implementing Regulation (EU) No. 641/2014

9.—(1) Commission Implementing Regulation (EU) No. 641/2014 of 16 June 2014 laying down rules for the application of Regulation (EU) No. 1307/2013 of the European Parliament and of the Council establishing rules for direct payments to farmers under support schemes within the framework of the common agricultural policy(**1**) is amended as follows.

(2) Omit Article 1(c).

(3) In Article 8(1), omit "prior to exit day".

(4) Omit Chapter 3.

RHAN 4

Taliadau Uniongyrchol: Deddfwriaeth Ddomestig

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

10.—(1) Mae Rheoliadau'r Polisi Amaethyddol Cyffredin (System Integredig Gweinyddu a Rheoli a Gorfodi a Thrawsgydymffurfio) (Cymru) 2014(**2**) wedi eu diwygio, i'r graddau y maent yn ymwneud â thaliadau uniongyrchol, fel a ganlyn.

PART 4

Direct Payments: Domestic Legislation

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

10.—(1) The Common Agricultural Policy (Integrated Administration and Control System and Enforcement and Cross Compliance) (Wales) Regulations 2014(**2**) are amended, insofar as they relate to direct payments, as follows.

(**1**) EUR 2014/641, a ddiwygiwyd gan O.S. 2020/91. Diwygiwyd EUR 2014/641 hefyd yn rhagolygol gydag effaith o ddiwrnod cwblhau'r cyfnod gweithredu gan O.S. 2019/208, er y dirymwyd yr offeryn hwnnw gan Rheoliadau Amaethyddiaeth (Taliadau) (Diwygio, etc.) (Ymadael â'r UE) 2020 yn union cyn diwrnod cwblhau'r cyfnod gweithredu.

(**2**) O.S. 2014/3223 (Cy. 328), a ddiwygiwyd gan O.S. 2016/217 (Cy. 86), O.S. 2016/1154, O.S. 2017/565 (Cy. 134), O.S. 2019/688 (Cy. 132) o ddiwrnod cwblhau'r cyfnod gweithredu ymlaen, ac O.S. 2020/104 (Cy. 17).

(**1**) EUR 2014/641, amended by S.I. 2020/91. EUR 2014/641 was also prospectively amended with effect from implementation period completion day by S.I. 2019/208, although that instrument was revoked by the Agriculture (Payments) (Amendment, etc.) (EU Exit) Regulations 2020 immediately before implementation period completion day.

(**2**) S.I. 2014/3223 (W. 328), amended by S.I. 2016/217 (W. 86), S.I. 2016/1154, S.I. 2017/565 (W. 134), S.I. 2019/688 (W. 132) as from implementation period completion day, and S.I. 2020/104 (W. 17).

(2) Yn rheoliad 2, hepgorer paragraff (1A).

(3) Yn rheoliad 5—

(a) yn lle paragraff (2)(b) rhodder—

"(b) yn cynnwys datganiad gan Weinidogion Cymru o'r gyfradd am y cyfnod hwnnw;";

(b) hepgorer paragraff (3).

(4) Yn Atodlen 1, ar ôl paragraff 15 mewnosoder—

"**Trosi, aredig neu ailhadu tir a ddynodwyd yn laswelltir parhaol amgylcheddol-sensitif**

16.—(1) Ni chaiff buddiolwr drosi, aredig neu ailhadu darnau penodol o laswelltir parhaol amgylcheddol-sensitif ond—

(a) os yw hysbysiad y safle o ddiddordeb gwyddonol arbennig yn ei gwneud yn ofynnol neu'n caniatáu i'r buddiolwr aredig neu drosi darnau penodol o'r safle o ddiddordeb gwyddonol arbennig; neu

(b) os yw'r caniatâd i wneud hynny wedi ei roi gan Gyfoeth Naturiol Cymru.

(2) Yn y paragraff hwn—

ystyr "glaswelltir parhaol amgylcheddol-sensitif" ("*environmentally sensitive permanent grassland*") yw—

(a) glaswelltir a leolir mewn safle o ddiddordeb gwyddonol arbennig; a

(b) glaswelltir y mae'n ofynnol cael caniatâd ysgrifenedig i aredig mewn perthynas ag ef yn unol ag adran 28E(1) o Ddeddf Bywyd Gwyllt a Chefn Gwlad 1981(**1**) ond nad yw caniatâd o'r fath wedi ei gael;

mae i "safle o ddiddordeb gwyddonol arbennig" yr ystyr a roddir i "*site of special scientific interest*" yn adran 52(1) o Ddeddf Bywyd Gwyllt a Chefn Gwlad 1981."

Diwygio Rheoliadau'r Polisi Amaethyddol Cyffredin (Rheoli a Gorfodi, Trawsgydymffurfio, Craffu ar Drafodiadau ac Apelau) 2014

11.—(1) Mae Rheoliadau'r Polisi Amaethyddol Cyffredin (Rheoli a Gorfodi, Trawsgydymffurfio, Craffu ar Drafodiadau ac Apelau) 2014(**2**) wedi eu diwygio, i'r graddau ag y maent yn ymwneud â thaliadau uniongyrchol, fel a ganlyn.

(**1**) 1981 p. 69.

(**2**) O.S. 2014/3263, a ddiwygiwyd gan O.S. 2015/1325. Mae offerynnau diwygio eraill ond nid yw'r un ohonynt yn berthnasol.

(2) In regulation 2, omit paragraph (1A).

(3) In regulation 5—

(a) for paragraph (2)(b) substitute—

"(b) includes a statement by the Welsh Ministers of the rate for that period;";

(b) omit paragraph (3).

(4) In Schedule 1, after paragraph 15 insert—

"**Converting, ploughing or reseeding land designated as environmentally sensitive permanent grassland**

16.—(1) A beneficiary may only convert, plough or reseed certain areas of environmentally sensitive permanent grassland if—

(a) the site of special scientific interest notification requires or allows the beneficiary to plough or convert certain areas of the site of special scientific interest; or

(b) consent to do so has been provided by Natural Resources Wales.

(2) In this paragraph—

"environmentally sensitive permanent grassland" ("*glaswelltir parhaol amgylcheddol-sensitif*") means—

(a) grassland located in a site of special scientific interest; and

(b) grassland in relation to which written consent to plough is required in accordance with section 28E(1) of the Wildlife and Countryside Act 1981(**1**) but such consent has not been obtained;

"site of special scientific interest" ("*safle o ddiddordeb gwyddonol arbennig*") has the meaning given in section 52(1) of the Wildlife and Countryside Act 1981."

Amendment of the Common Agricultural Policy (Control and Enforcement, Cross-Compliance, Scrutiny of Transactions and Appeals) Regulations 2014

11.—(1) The Common Agricultural Policy (Control and Enforcement, Cross-Compliance, Scrutiny of Transactions and Appeals) Regulations 2014(**2**) are amended, insofar as they relate to direct payments, as follows.

(**1**) 1981 c. 69.

(**2**) S.I. 2014/3263, amended by S.I. 2015/1325. There are other amending instruments but none are relevant.

(2) Yn rheoliad 2 (dehongli), yn y diffiniad o "competent authority", hepgorer ", except as otherwise provided by regulation 3,".

(3) Yn rheoliad 3 (awdurdod cymwys)—

(a) hepgorer paragraffau (2) i (3A);

(b) yn lle paragraff (4) rhodder—

"(4) In this regulation, "holding" has the meaning given by Article 4(1)(b) of the Direct Payments Regulation.".

(2) In regulation 2 (interpretation), in the definition of "competent authority", omit ", except as otherwise provided by regulation 3,".

(3) In regulation 3 (competent authority)—

(a) omit paragraphs (2) to (3A);

(b) for paragraph (4) substitute—

"(4) In this regulation, "holding" has the meaning given by Article 4(1)(b) of the Direct Payments Regulation."

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

12.—(1) Mae Rheoliadau Cynllun Taliad Sylfaenol a Chynlluniau Cymorth y Polisi Amaethyddol Cyffredin (Cymru) 2015(**1**) wedi eu diwygio, i'r graddau ag y maent yn ymwneud â thaliadau uniongyrchol, fel a ganlyn.

(2) Yn rheoliad 3—

(a) mae'r ddarpariaeth bresennol wedi ei hailrifo fel paragraff (1);

(b) ar ddechrau'r paragraff (1) a ailrifwyd, mewnosoder "Yn ddarostyngedig i baragraff (2),";

(c) ar ôl y paragraff (1) a ailrifwyd mewnosoder—

"(2) Caniateir i daliadau uniongyrchol gael eu rhoi i ffermwr pan fo arwynebedd cymwys y daliad y cyfeirir ato ym mharagraff (1) yn llai na 5 hectar os oedd taliadau uniongyrchol wedi eu hawlio gan y ffermwr hwnnw yn 2020 neu'n ddyledus iddo bryd hynny—

(a) cyn cymhwysiad Erthygl 63 o Reoliad (EU) Rhif 1306/2013; a

(b) mewn cysylltiad â daliad o'r fath (fel y'i diffinnir ar gyfer blwyddyn hawlio 2020)—

(i) a leolir yng Nghymru ac o leiaf un diriogaeth arall;

(ii) pan fo arwynebedd cymwys a leolir yng Nghymru y daliad hwnnw yn llai na 5 hectar; a

(iii) yr oedd taliad wedi ei hawlio neu'n ddyledus mewn cysylltiad â'r arwynebedd cymwys a leolir yng Nghymru."

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

12.—(1) The Common Agricultural Policy Basic Payment and Support Schemes (Wales) Regulations 2015(**1**) are amended, insofar as they relate to direct payments, as follows.

(2) In regulation 3—

(a) the existing provision is renumbered as paragraph (1);

(b) at the beginning of renumbered paragraph (1), insert "Subject to paragraph (2),";

(c) after renumbered paragraph (1) insert—

"(2) Direct payments may be granted to a farmer where the eligible area of the holding referred to in paragraph (1) is less than 5 hectares if in 2020 direct payments were claimed by or due to be granted to that farmer—

(a) before the application of Article 63 of Regulation (EU) No 1306/2013; and

(b) in respect of such a holding (as defined for the 2020 claim year)—

(i) situated in Wales and at least one other territory;

(ii) where the eligible area situated in Wales of that holding was less than 5 hectares; and

(iii) for which a payment was claimed or due to be granted in respect of the eligible area situated in Wales. "

(**1**) O.S. 2015/1252 (Cy. 84), a ddiwygiwyd gan O.S. 2016/217 (Cy. 86), O.S. 2019/688 (Cy. 132) o ddiwrnod cwblhau'r cyfnod gweithredu ymlaen, ac O.S. 2020/104 (Cy. 17).

(**1**) S.I. 2015/1252 (W. 84), amended by S.I. 2016/217 (W. 86), S.I. 2019/688 (W. 132) as from implementation period completion day, and S.I. 2020/104 (W. 17).

(3) Hepgorer rheoliad 9.

(4) Yn rheoliad 10—

(a) ym mharagraff (1), hepgorer "Erthygl 24 neu";

(b) hepgorer paragraffau (3) a (4).

(5) Yn rheoliad 11(3), yn lle "30 Ebrill" rhodder "15 Mai".

(6) Hepgorer rheoliadau 14 i 16, a 19.

RHAN 5

Taliadau Uniongyrchol: diwygio deddfwriaeth ddomestig o ganlyniad i ymadawiad y Deyrnas Unedig â'r Undeb Ewropeaidd

Diwygio Rheoliadau'r Polisi Amaethyddol Cyffredin (Diwygiadau Amrywiol) (Cymru) (Ymadael â'r UE) 2019

13.—(1) Mae Rheoliadau'r Polisi Amaethyddol Cyffredin (Diwygiadau Amrywiol) (Cymru) (Ymadael â'r UE) 2019(**1**) wedi eu diwygio fel a ganlyn.

(2) Hepgorer rheoliad 2.

(3) Hepgorer rheoliad 4(2).

(4) Hepgorer rheoliad 5(2) a (3).

RHAN 6

Diwygio deddfwriaeth ddomestig o ganlyniad i ymadawiad y Deyrnas Unedig â'r Undeb Ewropeaidd

Diwygio Rheoliadau Cyfraith yr UE a Ddargedwir (Diwygiadau Amrywiol) (Cymru) (Ymadael â'r UE) 2019

14. Yn rheoliad 1(3) o Reoliadau Cyfraith yr UE a Ddargedwir (Diwygiadau Amrywiol) (Cymru) (Ymadael â'r UE) 2019(**2**), ar ôl "rheoliadau" mewnosoder "1,".

(**1**) O.S. 2019/688 (Cy. 132).
(**2**) O.S. 2019/1281 (Cy. 225).

(3) Omit regulation 9.

(4) In regulation 10—

(a) in paragraph (1), omit "Article 24 or";

(b) omit paragraphs (3) and (4).

(5) In regulation 11(3), for "30 April" substitute "15 May".

(6) Omit regulations 14 to 16, and 19.

PART 5

Direct Payments: amendment of domestic legislation consequent on the withdrawal of the United Kingdom from the European Union

Amendment of the Common Agricultural Policy (Miscellaneous Amendments) (Wales) (EU Exit) Regulations 2019

13.—(1) The Common Agricultural Policy (Miscellaneous Amendments) (Wales) (EU Exit) Regulations 2019(**1**) are amended as follows.

(2) Omit regulation 2.

(3) Omit regulation 4(2).

(4) Omit regulation 5(2) and (3).

PART 6

Amendment of domestic legislation consequent on the withdrawal of the United Kingdom from the European Union

Amendment to the Retained EU Law (Miscellaneous Amendments) (Wales) (EU Exit) Regulations 2019

14. In regulation 1(3) of the Retained EU Law (Miscellaneous Amendments) (Wales) (EU Exit) Regulations 2019(**2**), after "Regulations" insert "1,".

(**1**) S.I. 2019/688 (W. 132).
(**2**) S.I. 2019/1281 (W. 225).

Diwygio Rheoliadau Materion Gwledig (Diwygiadau Amrywiol) (Cymru) (Ymadael â'r UE) (Rhif 3) 2019

15. Yn rheoliad 1(2) o Reoliadau Materion Gwledig (Diwygiadau Amrywiol) (Cymru) (Ymadael â'r UE) (Rhif 3) 2019(**1**), ar ôl "rheoliadau" mewnosoder "1,".

Amendment to the Rural Affairs (Miscellaneous Amendments) (Wales) (EU Exit) (No. 3) Regulations 2019

15. In regulation 1(2) of the Rural Affairs (Miscellaneous Amendments) (Wales) (EU Exit) (No. 3) Regulations 2019(**1**), after "regulations" insert "1,".

Lesley Griffiths

Gweinidog yr Amgylchedd, Ynni a Materion Gwledig, un o Weinidogion Cymru
16 Rhagfyr 2020

Minister for Environment, Energy and Rural Affairs, one of the Welsh Ministers
16 December 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.

(**1**) O.S. 2019/1376 (Cy. 242).

(**1**) S.I. 2019/1376 (W. 242).

ISBN 978-0-348-20703-3

£6.90

http://www.legislation.gov.uk/id/wsi/2020/1556