



CYNULLIAD CENEDLAETHOL CYMRU

NATIONAL ASSEMBLY FOR WALES

OFFERYNNAU STATUDOL

STATUTORY INSTRUMENTS

2007 Rhif 970 (Cy.87)

2007 No. 970 (W.87)

AMAETHYDDIAETH, CYMRU

AGRICULTURE, WALES

**Rheoliadau Cynllun Taliad Sengl a
Chynlluniau Cymorth y Polisi
Amaethyddol Cyffredin
(Trawsgydymffurfio) (Cymru)
(Diwygio) 2007**

**The Common Agricultural Policy
Single Payment and Support
Schemes (Cross-compliance)
(Wales) (Amendment) Regulations
2007**

NODYN ESBONIADOL

EXPLANATORY NOTE

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

(This note is not part of the Regulations)

Mae'r Rheoliadau hyn yn diwygio Rheoliadau Cynllun Taliad Sengl a Chynlluniau Cymorth y Polisi Amaethyddol Cyffredin (Trawsgydymffurfio) (Cymru) 2004 (O.S. 2004/3280 (Cy. 284)). Mae'r Rheoliadau hynny yn gwneud darpariaeth yng Nghymru ar gyfer gweinyddu a gorfodi traws-gydymffurfio o dan Reoliad (EC) Rhif 1782/2003 (OJ Rhif L270, 21.10.2003, t.1) ("Rheoliad y Cyngor ") a Rheoliad y Comisiwn (EC) Rhif 796/2004 (OJ Rhif L141, 30.04.2004, t.18) ("Rheoliad y Comisiwn") mewn perthynas â'r gyfundrefn o gynlluniau cymorth incwm a ddaeth i rym ar 1 Ionawr 2005.

These Regulations amend the Common Agricultural Policy Single Payment and Support Schemes (Cross-compliance) (Wales) Regulations 2004 (S.I. 2004/3280 (W. 284)). Those Regulations make provision in Wales for the administration and enforcement of cross-compliance under Regulation (EC) No 1782/2003 (OJ No L270, 21.10.2003, p.1) ("the Council Regulation") and Commission Regulation (EC) No 796/2004 (OJ No L141, 30.04.2004, p.18) ("the Commission Regulation") in relation to the system of income support schemes which came into force on 1 January 2005.

Mae'r Rheoliadau hyn:

These Regulations:

- (a) yn diffinio'r rhestr o ymrwymadau amaeth-amgylchedd (sy'n cael blaenoriaeth dros safonau a gofynion traws-gydymffurfio) i gynnwys pob ymrwymiad perthnasol (rheoliad 3(a));
- (b) yn diwygio'r diffiniad o "authorised person" (rheoliad 3(b));
- (c) yn diweddarau'r diffiniadau o Reoliadau'r Cyngor a'r Comisiwn i gymryd ystyriaeth o ddiwygiadau i'r Rheoliadau hynny, ac yn ychwanegu diffiniad o Reoliad y Cyngor (EC) Rhif 1698/2006 (rheoliad 3(c - e));
- (ch) yn diwygio'r darpariaethau dehongli fel bod cyfeiriad at offeryn Cymuned yn gyfeiriad at yr offeryn hwnnw fel y dichon gael ei ddiwygio ar unrhyw adeg yn y dyfodol (rheoliad 4),

- (a) define the list of agri-environment commitments (which take precedence over cross-compliance standards and requirements) to include all relevant commitments (regulation 3(a));
- (b) amend the definition of "authorised person" (regulation 3(b));
- (c) update the definitions of the Council and Commission Regulations to take into account amendments to those Regulations, and add a definition of Council Regulation (EC) No 1698/2006 (regulation 3(c - e));
- (d) amend the interpretation provisions so that a reference to a Community instrument is a reference to that instrument as may be amended at any point in the future (regulation 4),

- (d) yn dynodi'r Ysgrifennydd Gwladol fel yr awdurdod rheolaethu cymwys mewn perthynas â gofynion rheoli statudol rhif 16 i 18 o Atodiad III o Reoliad y Cyngor ar les anifeiliaid (rheoliad 5);
- (dd) yn ychwanegu at bwerau arolygwyr er mwyn darparu ar gyfer arolygiadau mewn perthynas â gofynion lles anifeiliaid sy'n gymwys i ffermwyr o 1 Ionawr 2007 (rheoliad 5);
- (e) yn diwygio'r darpariaethau ynghylch rheoli tir ar ôl cynhaeaf (rheoliad 6).

Mae Arfarniad Rheoliadol wedi'i baratoi ar gyfer yr offeryn hwn. Gellir cael copïau ohono oddi wrth yr Adran dros yr Amgylchedd, Cynllunio a Chefn Gwlad, Llywodraeth Cynulliad Cymru, Parc Cathays, Caerdydd CF10 3NQ.

- (e) designate the Secretary of State as the competent control authority in relation to statutory management requirements numbers 16 to 18 of Annex III of the Council Regulation on animal welfare (regulation 5);
- (f) add to the powers of inspectors in order to provide for inspections relating to animal welfare requirements which apply to farmers from 1st January 2007 (regulation 5);
- (g) amend the provisions as to post-harvest management of land (regulation 6).

A regulatory appraisal has been prepared for this statutory instrument. Copies can be obtained from the Department of Environment, Planning and Countryside, Welsh Assembly Government, Cathays Park, Cardiff CF10 3NQ.

2007 Rhif 970 (Cy.87)**2007 No. 970 (W.87)****AMAETHYDDIAETH, CYMRU****AGRICULTURE, WALES**

**Rheoliadau Cynllun Taliad Sengl a
Chynlluniau Cymorth y Polisi
Amaethyddol Cyffredin
(Trawsgydymffurfio) (Cymru)
(Diwygio) 2007**

**The Common Agricultural Policy
Single Payment and Support
Schemes (Cross-compliance)
(Wales) (Amendment) Regulations
2007**

Wedi'u gwneud 21 Mawrth 2007
Yn dod I rym 31 Mawrth 2007

Made 21 March 2007
Coming into force 31 March 2007

Mae Cynulliad Cenedlaethol Cymru wedi'i ddynodi(1) at ddibenion adran 2(2) o Ddeddf y Cymunedau Ewropeaidd 1972(2) o ran polisi amaethyddol cyffredin y Gymuned Ewropeaidd. Drwy arfer y pwerau a roddwyd iddo gan yr adran honno, mae'n gwneud y Rheoliadau a ganlyn:

The National Assembly for Wales is 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 Community. In exercise of the powers conferred on it by that section, it makes the following Regulations:

Enwi, cychwyn a chymhwyso

1.-(1) Enw'r Rheoliadau hyn yw Rheoliadau Cynllun Taliad Sengl a Chynlluniau Cymorth y Polisi Amaethyddol Cyffredin (Trawsgydymffurfio) (Cymru) (Diwygio) 2007.

(2) Daw'r Rheoliadau hyn i rym ar 31 Mawrth 2007 ac maent yn gymwys o ran Cymru.

Title, commencement and application

1.-(1) The title of these Regulations is the Common Agricultural Policy Single Payment and Support Schemes (Cross-compliance) (Wales) (Amendment) Regulations 2007.

(2) These Regulations come into force on 31 March 2007 and apply in relation to Wales.

**Diwygiadau i Reoliadau Cnllun Taliad Sengl a
Chynlluniau Cymorth y Polisi Amaethyddol
Cyffredin (Trawsgydymffurfio) (Cymru) 2004**

2. Mae Rheoliadau Cynllun Taliad Sengl a Chynlluniau Cymorth y Polisi Amaethyddol Cyffredin (Trawsgydymffurfio) (Cymru) 2004(3) yn cael eu diwygio fel y gosodir yn y Rheoliadau hyn.

3. Yn rheoliad 2(1) (Dehongli)-

(a) yn lle'r diffiniad o "agri-environment commitment" rhodder-

**Amendments to the Common Agricultural Policy
Single Payment and Support Schemes (Cross-
compliance) (Wales) Regulations 2004**

2. The Common Agricultural Policy Single Payment and Support Schemes (Cross-compliance) (Wales) Regulations 2004(3) are amended as set out in these Regulations.

3. In regulation 2(1) (interpretation)-

(a) for the definition of "agri-environment commitment" substitute-

(1) O.S. 2005/2766.

(2) 1972 p.68.

(3) O.S. 2004/3280 (Cy. 284).

(1) S.I. 2005/2766.

(2) 1972 c.68.

(3) S.I. 2004/3280 (W. 284).

"agri-environment commitment" means a commitment under-

- (a) a scheme established under Council Regulation (EC) No 2078/92 on agricultural production methods compatible with the requirements of the protection of the environment and the maintenance of the countryside⁽¹⁾, as last amended by Council Regulation (EC) No 2772/95⁽²⁾;
 - (b) a scheme established under Articles 22, 23, 24 or 31 of Council Regulation (EC) No 1257/1999 on support for rural development from the European Agricultural Guidance and Guarantee Fund (EAGGF)⁽³⁾, as last amended by Council Regulation (EC) No 583/2004⁽⁴⁾;
 - (c) a management agreement entered into with the Countryside Council, pursuant to section 15 of the Countryside Act 1968⁽⁵⁾;
 - (d) a management agreement entered into with the Countryside Council, pursuant to section 16 of the National Parks and Access to the Countryside Act 1949⁽⁶⁾;
 - (e) an approved project in respect of which financial assistance is paid under the Energy Crops Regulations 2000⁽⁷⁾; or
 - (f) a measure listed in Article 36 of Council Regulation (EC) No 1698/2005⁽⁸⁾;
- (b) yn y diffiniad o "authorised person", ar ôl y geiriau "any person authorised by the National Assembly" mewnosoder "or the Secretary of State";
- (c) yn y diffiniad o "the Commission Regulation", yn lle "Commission Regulation (EC) No 1187/2006" rhodder "Commission Regulation (EC) No 2025/2006⁽⁸⁾".

"agri-environment commitment" means a commitment under-

- (a) a scheme established under Council Regulation (EC) No 2078/92 on agricultural production methods compatible with the requirements of the protection of the environment and the maintenance of the countryside⁽¹⁾, as last amended by Council Regulation (EC) No 2772/95⁽²⁾;
 - (b) a scheme established under Articles 22, 23, 24 or 31 of Council Regulation (EC) No 1257/1999 on support for rural development from the European Agricultural Guidance and Guarantee Fund (EAGGF)⁽³⁾, as last amended by Council Regulation (EC) No 583/2004⁽⁴⁾;
 - (c) a management agreement entered into with the Countryside Council, pursuant to section 15 of the Countryside Act 1968⁽⁵⁾;
 - (d) a management agreement entered into with the Countryside Council, pursuant to section 16 of the National Parks and Access to the Countryside Act 1949⁽⁶⁾;
 - (e) an approved project in respect of which financial assistance is paid under the Energy Crops Regulations 2000⁽⁷⁾; or
 - (f) a measure listed in Article 36 of Council Regulation (EC) No 1698/2005⁽⁸⁾;
- (b) in the definition of "authorised person", after the words "any person authorised by the National Assembly" insert "or the Secretary of State";
- (c) in the definition of "the Commission Regulation", for "Commission Regulation (EC) No 1187/2006" substitute "Commission Regulation (EC) No 2025/2006⁽⁸⁾".

(1) O.J. L 215, 30.07.1992, t.85. Cafodd y Rheoliad hwn gan y Cyngor ei ddiddymu ond erys ymrwymadau amaeth-amgylchedd a wnaed oddi tano mewn bod.

(2) O.J. L 288, 01.12.1995, t. 35.

(3) O.J. L 160, 26.06.1999, t.80. Diddymwyd y Rheoliad hwn gan y Cyngor, gyda'r diddymiad yn effeithiol ar 1 Ionawr 2007, ac eithrio bod darpariaethau penodol yn parhau mewn grym y tu hwnt i'r dyddiad hwnnw.

(4) O.J. L 91, 30.03.2004, t.1.

(5) 1968 p.41.

(6) 1949 p.97.

(7) O.S. 2000/3042, a ddiwygiwyd gan O.S. 2001/3900.

(8) O.J. L 384, 29.12.2006, t. 81.

(1) O.J. L 215, 30.07.1992, p.85. This Council Regulation has been repealed but agri-environment commitments entered into under it remain extant.

(2) O.J. L 288, 01.12.1995, p. 35.

(3) O.J. L 160, 26.06.1999, p.80. This Council Regulation has been repealed, with effect from 1 January 2007, except for certain provisions which continue in force beyond that date.

(4) O.J. L 91, 30.03.2004, p.1.

(5) 1968 c.41.

(6) 1949 c.97.

(7) S.I. 2000/3042, amended by S.I. 2001/3900.

(8) O.J. L 384, 29.12.2006, p. 81.

(ch) yn y diffiniad o "the Council Regulation", yn lle "Commission Regulation (EC) No 1156/2006" rhodder "Council Regulation (EC) No 2013/2006(1)".

(d) ar ôl y diffiniad o "the Council Regulation", mewnosoder-

"Council Regulation (EC) No 1698/2005" means Council Regulation (EC) No 1698/2005 on support for rural development by the European Agricultural Fund for Rural Development (EAFRD)(2).

4. Ar ôl rheoliad 2(1) (dehongli) mewnosoder-

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

5. Yn rheoliad 6(2) (awdurdodau rheolaethu cymwys), yn lle "numbers 10, 13, 14 and 15" rhodder "numbers 10 and 13 to 18".

6. Yn rheoliad 7(3) (pwerau personau awdurdodedig)-

(a) yn is-baragraff (a), ar ôl "examination" mewnosoder ", measurement";

(b) yn is-baragraff (d), yn lle "or kept on it" rhodder ", or any livestock or any other thing kept on it";

(c) yn is-baragraffau (f) a (g), yn lle "records" (bob tro yr ymddengys) rhodder "documents or records";

(ch) yn is-baragraff (g), yn lle "record" (bob tro yr ymddengys) rhodder "document or record";

(d) ar y diwedd, ychwaneger-
";

(h) remove a carcass found on the land for the purpose of carrying out a post-mortem examination on it;

(i) take a photograph of anything on the land; and

(j) remove anything which he or she reasonably believes to be evidence of any non-compliance."

7. Yn lle paragraff 2(1)(c) o'r Atodlen, rhodder-

"(c)the land is prepared as a seedbed for a crop, and

(i) the crop is sown within a period of 10 days beginning with the day after final seedbed preparation, or

(ii) if sowing within that 10-day period would mean breaching the requirement in paragraph 3(1), the crop is sown as soon as is practicable after it ceases to be waterlogged, or

(d) in the definition of "the Council Regulation", for "Commission Regulation (EC) No 1156/2006" substitute "Council Regulation (EC) No 2013/2006 (1)".

(e) after the definition of "the Council Regulation", insert-

"Council Regulation (EC) No 1698/2005" means Council Regulation (EC) No 1698/2005 on support for rural development by the European Agricultural Fund for Rural Development (EAFRD)(2).

4. After regulation 2(1) (interpretation) insert-

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

5. In regulation 6(2) (competent control authorities), for "numbers 10, 13, 14 and 15" substitute "numbers 10 and 13 to 18".

6. In regulation 7(3) (powers of authorised persons)-

(a) in sub-paragraph (a), after "examination" insert ", measurement";

(b) in sub-paragraph (d), for "or kept on it" substitute ", or any livestock or any other thing kept on it";

(c) in sub-paragraphs (f) and (g), for "records" (each time it appears) substitute "documents or records";

(d) in sub-paragraph (g), for "record" (each time it appears) substitute "document or record";

(e) at the end, add-
";

(h) remove a carcass found on the land for the purpose of carrying out a post-mortem examination on it;

(i) take a photograph of anything on the land; and

(j) remove anything which he or she reasonably believes to be evidence of any non-compliance."

7. For paragraph 2(1)(c) of the Schedule, substitute-

"(c)the land is prepared as a seedbed for a crop, and

(i) the crop is sown within a period of 10 days beginning with the day after final seedbed preparation, or

(ii) if sowing within that 10-day period would mean breaching the requirement in paragraph 3(1), the crop is sown as soon as is practicable after it ceases to be waterlogged, or

(1) O.J. L 384, 29.12.2006, t. 13.

(2) O.J. Rhif L277, 20.09.2005, t.1.

(1) O.J. No L 384, 29.12.2006, p. 13.

(2) O.J. No L277, 20.09.2005, p.1.

(iii) if there are severe weather conditions making it impracticable to sow within that 10- day period, the crop is sown as soon as is practicable after the severe weather conditions cease;"

(iii) if there are severe weather conditions making it impracticable to sow within that 10- day period, the crop is sown as soon as is practicable after the severe weather conditions cease;"

Llofnodwyd ar ran Cynulliad Cenedlaethol Cymru o dan adran 66(1) o Ddeddf Llywodraeth Cymru 1998(1)

Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998(1)

21 Mawrth 2007

21 March 2007

D. Elis-Thomas

Llywydd y Cynulliad Cenedlaethol

The Presiding Officer of the National Assembly

2007 Rhif 970 (Cy.87)

AMAETHYDDIAETH, CYMRU

Rheoliadau Cynllun Taliad Sengl a
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