



CYNULLIAD CENEDLAETHOL CYMRU

OFFERYNNAU STATUDOL

2006 Rhif 3101 (Cy.285)

AMAETHYDDIAETH, CYMRU

**Rheoliadau Cynllun Taliad Sengl y
Polisi Amaethyddol Cyffredin
(Neilltir) (Cymru) (Diwygio)
2006**

NODYN ESBONIADOL

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

Mae'r Rheoliadau hyn sy'n gymwys o ran Cymru yn diwygio Rheoliadau Cynllun Taliad Sengl y Polisi Amaethyddol Cyffredin (Neilltir) (Cymru) 2005 (O.S. 2005/45, Cy.4) ("y prif Rheoliadau").

Mae'r prif Rheoliadau yn gwneud darpariaeth yng Nghymru i weinyddu Rheoliad y Cyngor (EC) Rhif 1782/2003 (O.J. Rhif L. 270, 21.10.2003, t.1) ("Rheoliad y Cyngor"), Rheoliad y Comisiwn (EC) Rhif 795/2004 (O.J. Rhif L. 141, 30.4.2004, t.1) a Rheoliad y Comisiwn (EC) Rhif 1973/2004 (O.J. Rhif L. 345, 20.11.2004, t.1) ynglŷn â'r rhwymedigaeth i neilltuo tir o dan y Cynllun Taliad Sengl ar gyfer ffermwyr ("y Cynllun"). Daeth y Cynllun i rym ar 1 Ionawr 2005.

Yn benodol, mae'r Rheoliadau hyn yn diwygio Atodlen 1 i'r prif Rheoliadau, o ran y cyflyrau amaethyddol ac amgylcheddol da sy'n gymwys i dir sydd wedi'i neilltuo o dan y Cynllun hwn, fel a ganlyn -

- (i) maent yn ychwanegu esemptiadau pellach rhag y gofyniad i sefydlu gorchudd glas erbyn dechrau'r tymor gorchudd glas cyffredol (rheoliad 5(2));
- (ii) maent yn ychwanegu darpariaeth sy'n caniatáu i ffermwyr drin tir sydd wedi'i neilltuo oddi wrth waith cynhyrchu ar neu ar ôl 1 Mai, ac sy'n dir organig, at ddibenion rheoli chwyn (rheoliad 5(5));
- (iii) maent yn dileu'r cyfyngiad ar bori ar ôl y cyfnod neilltuo pan fo'r gorchudd glas wedi'i amnewid (rheoliad 5(6));

NATIONAL ASSEMBLY FOR WALES

STATUTORY INSTRUMENTS

2006 No. 3101 (W.285)

AGRICULTURE, WALES

**The Common Agricultural Policy
Single Payment Scheme (Set-aside)
(Wales) (Amendment) Regulations
2006**

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations which apply in relation to Wales amend the Common Agricultural Policy Single Payment Scheme (Set-aside) (Wales) Regulations 2005 (S.I. 2005/45 W.4) ("the principal Regulations").

The principal Regulations make provision in Wales for the administration of Council Regulation (EC) No. 1782/2003 (O.J. No. L. 270, 21.10.2003, p.1) ("the Council Regulation"), Commission Regulation (EC) No 795/2004 (O.J. No. L. 141, 30.4.2004, p.1) and Commission Regulation (EC) No 1973/2004 (O.J. No. L. 345, 20.11.2004, p.1) in relation to the obligation to set aside land under the Single Payment Scheme for farmers ("the Scheme"). The Scheme came into force on 1 January 2005.

In particular these Regulations amend Schedule 1 to the principal Regulations in relation to the good agricultural and environmental conditions that apply to land set aside under the Scheme as follows -

- (i) they add further exemptions from the requirement to establish a green cover by the commencement of the current green cover season (regulation 5(2));
- (ii) they add a provision allowing farmers to cultivate land set aside from production on or after 1 May which is organic land, for the purposes of controlling weeds (regulation 5(5));
- (iii) they remove the restriction on grazing after the set-aside period where the green cover has been replaced (regulation 5(6));

(iv) maent yn ychwanegu dau baragraff newydd sy'n gwahardd defnyddio plaleiddiaid a chwynleiddiaid ar dir sydd wedi'i neilltuo oddi wrth waith cynhyrchu ac eithrio o dan yr amgylchiadau a nodir (rheoliad 5(8)).

(iv) they add two new paragraphs prohibiting the use of pesticides and herbicides on land set aside from production except in the circumstances set out (regulation 5(8)).

2006 Rhif 3101 (Cy.285)**2006 No. 3101 (W.285)****AMAETHYDDIAETH, CYMRU****AGRICULTURE, WALES****Rheoliadau Cynllun Taliad Sengl y
Polisi Amaethyddol Cyffredin
(Neilltir) (Cymru) (Diwygio)
2006****The Common Agricultural Policy
Single Payment Scheme (Set-aside)
(Wales) (Amendment) Regulations
2006***Wedi'u gwneud**21 Tachwedd 2006**Made**21 November 2006**Yn dod i rym**1 Rhagfyr 2006**Coming into force**1 December 2006*

Mae Cynulliad Cenedlaethol Cymru, gan ei fod wedi'i ddynodi(1) at ddibenion adran 2(2) o Ddeddf y Cymunedau Ewropeaidd 1972(2) mewn perthynas â Pholisi Amaethyddol Cyffredin y Gymuned Ewropeaidd, drwy arfer y pwerau a roddwyd iddo gan yr adran honno, drwy hyn yn gwneud y Rheoliadau a ganlyn:

The National Assembly for Wales being 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 upon it by that section hereby makes the following Regulations:

Enwi, cychwyn a chymhwyso

1. Enw'r Rheoliadau hyn yw Rheoliadau Cynllun Taliad Sengl y Polisi Amaethyddol Cyffredin (Neilltir) (Cymru) (Diwygio) 2006. Deuant i rym ar 1 Rhagfyr 2006 ac maent yn gymwys o ran Cymru.

Title, commencement and application

1. The title of these Regulations is the Common Agricultural Policy Single Payment Scheme (Set-aside) (Wales) (Amendment) Regulations 2006. They come into force on 1 December 2006 and apply in relation to Wales.

Dehongli

2. Yn y Rheoliadau hyn, ystyr "y prif Reoliadau" ("the principal Regulations") yw Rheoliadau Cynllun Taliad Sengl y Polisi Amaethyddol Cyffredin (Neilltir) (Cymru) 2005(3).

Interpretation

2. In these Regulations, "the principal Regulations" ("y prif Reoliadau") means the Common Agricultural Policy Single Payment Scheme (Set-aside) (Wales) Regulations 2005(3)

Diwygio Rheoliad 2(1) o'r prif Reoliadau

3. Mae Rheoliad 2(1) wedi'i ddiwygio yn unol â pharagraffau (a) - (ch)-

Amendment of Regulation 2(1) of the principal Regulations

3. Regulation 2(1) is amended in accordance with paragraphs (a) - (d)-

- (a) ar ddiwedd y diffiniad o "Rheoliad y Comisiwn 795/2004" mewnoder ", fel y diwygiwyd y Rheoliad Comisiwn hwnnw ddiwethaf gan Reoliad y Comisiwn (EC) 1291/2006"(4);

- (a) at the end of the definition of "Commission Regulation 795/2004" insert "as last amended by Commission Regulation (EC) 1291/2006"(4);

(1) O.S. 2005/2766.

(2) 1972 p.68.

(3) O.S. 2005/45.

(4) O.J. Rhif L236, 31.08.2006, t. 20.

(1) S.I. 2005/2766

(2) 1972 c.68.

(3) S.I. 2005/45

(4) O.J. No. L 236, 31.08.2006, p 20.

- (b) ar ddiwedd y diffiniad o "Rheoliad y Comisiwn 1973/2004" mewnosoder ", fel y diwygiwyd y Rheoliad Comisiwn hwnnw ddiwethaf gan Reoliad y Comisiwn (EC) 1250/2006"(1);
- (c) ar ddiwedd y diffiniad o "Rheoliad y Cyngor" mewnosoder ", fel y diwygiwyd y Rheoliad Cyngor hwnnw ddiwethaf gan Reoliad y Cyngor (EC) 953/2006"(2);
- (ch) ar ddiwedd y diffiniad o "Rheoliadau Trawsgydymffurfio 2004" mewnosoder "fel y'u diwygiwyd gan Reoliadau Cynllun Taliad Sengl a Chynlluniau Cymorth y Polisi Amaethyddol Cyffredin (Trawsgydymffurfio) (Cymru) (Diwygio) 2005"(3).

Diwygio rheoliad 6 o'r prif Reoliadau

4. Yn Rheoliad 6(5) o'r prif Reoliadau, yn lle'r geiriau "31 Ionawr" rhodder y geiriau "9 Chwefror".

Diwygio Atodlen 1 i'r prif Reoliadau

5.-(1) Mae Atodlen 1 i'r prif Reoliadau wedi'i diwygio'n unol â pharagraffau (2) i (8):

(2) Ar ôl paragraff 7(3) mewnosoder-

"(4) Ym mhob cae neu ran o gae y mae unrhyw un o'r opsiynau a grybwyllir ym mharagraff 1(1) yn cael ei weithredu, bydd ffermwr yn rhinwedd y ddarpariaeth hon yn cael ei drin fel un sy'n esempt rhag gofyniad i sefydlu gorchudd glas erbyn dechrau'r tymor gorchudd glas cyfredol yn unrhyw un o'r amgylchiadau a bennir yn is-baragraffau (5) i (7).

(5) Mae'r amgylchiad cyntaf yn codi -

- (a) pan fyddo'r ffermwr wedi cymryd pob cam rhesymol i sefydlu gorchudd glas erbyn dechrau tymor y gorchudd glas;
- (b) pan fyddo'r gorchudd glas wedi methu ac na fyddo wedi bod yn rhesymol bosibl i'r ffermwr atal y methiant hwnnw; ac
- (c) pan fyddo'r ffermwr wedi gadael y gorchudd glas a fethodd i ganiatáu aildyfiant naturiol.

(6) Mae'r ail amgylchiad yn codi pan fyddo'r ffermwr-

- (a) wedi hau cnwd ar y tir hwnnw cyn 1 Hydref yn y flwyddyn flaenorol er mwyn ei gynaeafu ar neu ar ôl y dyddiad hwnnw;

- (b) at the end of the definition of "Commission Regulation 1973/2004" insert "as last amended by Commission Regulation (EC) 1250/2006"(1);
- (c) at the end of the definition of "Council Regulation" insert "as last amended by Council Regulation (EC) No 953/2006"(2);
- (d) at the end of the definition of "the Cross Compliance Regulations 2004" insert "as amended by the Common Agricultural Policy Single Payment and Support Schemes (Cross Compliance) (Wales) (Amendment) Regulations 2005"(3).

Amendment of regulation 6 of the principal Regulations

4. In Regulation 6(5) of the principal Regulations, for the words "31 January" substitute the words "9 February".

Amendment of Schedule 1 to the principal Regulations

5.-(1) Schedule 1 to the principal Regulations is amended in accordance with paragraphs (2) to (8):

(2) After paragraph 7(3) insert-

"(4) In each field or part of a field to which any of the options mentioned in paragraph 1(1) is applied, a farmer will by virtue of this provision be treated as exempt from a requirement to establish a green cover by the start of the current green cover season in any of the circumstances specified in sub-paragraphs (5) to (7).

(5) The first circumstance is where -

- (a) the farmer has taken all reasonable steps to establish a green cover by the start of the green cover season;
- (b) the green cover failed and the farmer could not reasonably have prevented that failure; and
- (c) the farmer left the failed green cover to allow natural regeneration.

(6) The second circumstance is where the farmer-

- (a) sowed a crop on that land before 1 October in the previous year for harvesting on or after that date;

(1) O.J. Rhif L227 19.08.2006, t.23.

(2) O.J. Rhif L175, 29.06.2006, t.1.

(3) O.S. 2005/3367 (Cy.264).

(1) O.J. No. L 227, 19.08.2006, p 23.

(2) O.J. No. L175, 29.06.2006, p1

(3) S.I. 2005/3367 (W.264)

- (b) wedi cynaeafu'r cnwd hwnnw ar neu ar ôl y dyddiad hwnnw a chyn dechrau'r tymor gorchudd glas; ac
 - (c) wedi caniatáu aildyfiant naturiol ar ôl y cynhaeaf.
- (7) Mae'r trydydd amgylchiad yn codi-
- (a) pan fyddo'r ffermwr wedi hau cnwd ar y tir hwnnw cyn 1 Hydref yn y flwyddyn flaenorol i'w gynaeafu ar neu ar ôl y dyddiad hwnnw;
 - (b) pan fyddo'r cnwd wedi methu gyda'r canlyniad nad oedd yn gallu dwyn cynhaeaf cyn dechrau'r tymor gorchudd glas ac na fyddo wedi bod yn rhesymol bosibl i'r ffermwr atal y methiant hwnnw; ac
 - (c) pan fo'r ffermwr wedi caniatáu aildyfiant naturiol ar ôl y cynhaeaf.
- (8) Rhaid i ffermwr, mewn perthynas â'r cae neu'r rhan o gae lle caniatodd aildyfiant naturiol fel y cyfeiriwyd ato yn is-baragraffau (5) i (7), gydymffurfio â'r amodau a nodir yn y Rhan hon o'r Atodlen hon sy'n ymwneud ag opsiwn yr aildyfiant naturiol.
- (9) Pan fo ffermwr yn cael ei drin fel un sy'n esempt yn rhinwedd is-baragraff (4), caiff sefydlu gorchudd glas serch hynny ar ôl dechrau'r tymor gorchudd glas drwy hau-
- (a) hadau o fath perthnasol; neu
 - (b) cymysgedd perthnasol o hadau.
- (10) Rhaid i'r ffermwr hwnnw, mewn perthynas â'r cae neu'r rhan o gae lle mae'r gorchudd glas hwnnw wedi'i sefydlu, gydymffurfio â'r amodau a nodir yn y Rhan hon o'r Atodlen hon ac sy'n ymwneud-
- (a) pan fo'r hadau a heuwyd yn hadau o fath perthnasol, ag opsiwn y gorchudd glas wedi'i hau; a
 - (b) pan fo'r hadau a heuwyd yn gymysgedd perthnasol o hadau, ag opsiwn y gorchudd adar gwyllt. "
- (3) Ym mharagraff 9 yn lle'r rhif "15", rhodder y rhif "17".
- (4) Ym mharagraff 11(2), yn lle'r gair "baragraff" rhodder y gair "is-baragraff".
- (5) Ym mharagraff 12 rhodder "12(1)" yn lle "12" ac ar ôl y paragraff hwnnw mewnosoder y canlynol -
- "(2) Ar unrhyw bryd ar neu ar ôl 1 Mai caiff ffermwr drin tir organig sydd wedi'i neilltuo oddi wrth waith cynhyrchu at ddibenion rheoli chwyn.
- (3) Yn y paragraff hwn -

- (b) harvested that crop on or after that date and before the start of the green cover season; and
 - (c) allowed natural regeneration following the harvest.
- (7) The third circumstance is where-
- (a) the farmer sowed a crop on that land before 1 October in the previous year for harvesting on or after that date;
 - (b) the crop failed such that it was incapable of yielding a harvest before the start of the green cover season and the farmer could not reasonably have prevented that failure; and
 - (c) the farmer allowed natural regeneration following the harvest.
- (8) A farmer must, in respect of the field or part of a field where he or she allowed natural regeneration as referred to in sub-paragraphs (5) to (7), comply with the conditions set out in this Part of this Schedule which relate to the natural regeneration option.
- (9) Where a farmer is treated as exempt by virtue of sub-paragraph (4) he or she may nevertheless establish a green cover after the start of the green cover season by sowing-
- (a) seed of a relevant kind; or
 - (b) a relevant mixture of seed.
- (10) Such a farmer must, in respect of the field or part of a field where such green cover is established, comply with such of the conditions set out in this Part of this Schedule which relate-
- (a) where the seed sown is seed of a relevant kind, to the sown green cover option; and
 - (b) where the seed sown is a relevant mixture of seed, to the wild bird cover option."
- (3) In paragraph 9 for the number "15" substitute the number "17".
- (4) In paragraph 11(2), for the word "paragraph" substitute the word "sub-paragraph".
- (5) In paragraph 12 substitute "12(1)" for "12" and after that paragraph insert the following -
- "(2) A farmer may at any time on or after 1 May cultivate organic land set aside from production for the purpose of controlling weeds.
- (3) In this paragraph -

ystyr "Compendium of UK Organic Standards" yw'r argraffiad Gorffenhaf 2005 o'r *Compendium of UK Organic Standards*, a gyhoeddwyd gan Adran yr Amgylchedd, Bwyd a Materion Gwledig;

ystyr "Rheoliad y Cyngor (EEC) Rhif 2092/1991" ("*Council Regulation (EEC) No 2092/1991*") yw Rheoliad y Cyngor (EEC) Rhif 2092/1991(1) ar gynhyrchu cynhyrchion a bwydydd amaethyddol yn organig, fel y'i diwygiwyd ddiwethaf gan Reoliad y Comisiwn (EC) Rhif 780/2006(2);

ystyr "tir organig" ("*organic land*") yw tir sydd -

(a) yn cael ei reoli yn unol â'r dull cynhyrchu organig o dan Reoliad y Cyngor (EEC) Rhif 2092/1991 fel ag y mae'n ymwneud â thir sy'n hollol organig, neu dir sy'n troi'n organig o dan y Rheoliad Cyngor hwnnw, fel y'i darllenir (yn y naill achos a'r llall) gydag unrhyw ddarpariaethau ychwanegol a nodir yn y *Compendium of UK Organic Standards*; a

(b) yn ddarostyngedig i'r system arolygu o dan Erthygl 9 o Reoliad y Cyngor (EEC) Rhif 2092/1991."

(6) Ym mharagraff 13, mae is-baragraff (4) wedi'i ddileu.

(7) Ym mharagraff 14(2)(a), yn lle'r geiriau "baragraffau 11(3) a 13(4)" rhodder y geiriau "baragraff 11(3)".

(8) Ar ôl paragraff 15, ychwaneger y canlynol -

"Taenu plaleiddiaid ar dir sydd wedi'i neilltuo oddi wrth waith cynhyrchu"

16.-(1) Yn ddarostyngedig i is-baragraff (2) a pharagraff 17, rhaid i ffermwr beidio â thaenu plaleiddiaid ar dir sydd wedi'i neilltuo oddi wrth waith cynhyrchu yn ystod y cyfnod neilltuo cyfredol.

(2) Ar unrhyw bryd ar neu ar ôl 15 Gorffennaf caiff ffermwr daenu plaleiddiaid, ond nid plaleiddiaid sy'n fioleiddiaid, at ddibenion paratoi ar gyfer hau.

(3) Yn y paragraff hwn -

(a) ystyr "pla" ("*pest*") yw unrhyw organedd sy'n niweidiol i blanhigion neu i gynhyrchion pren neu gynhyrchion planhigion eraill, unrhyw blanhigyn nas dymunir ac unrhyw greadur niweidiol; a

(b) ystyr "plaleiddiaid" ("*pesticides*") yw unrhyw sylwedd, paratoad neu organedd a baratowyd neu a ddefnyddiwyd i ddifa unrhyw bla.

"Compendium of UK Organic Standards" means the July 2005 edition of the *Compendium of UK Organic Standards*, published by the Department for Environment, Food and Rural Affairs;

"Council Regulation (EEC) No 2092/1991" ("*Rheoliad y Cyngor (EEC) Rhif 2092/1991*") means Council Regulation (EEC) No 2092/1991(1) on organic production of agricultural products and foodstuffs as last amended by Commission Regulation (EC) No 780/2006(2);

"Organic land" ("*tir organig*") means land which -

(a) is managed in accordance with the organic production method under Council Regulation (EEC) No 2092/1991 as it relates to land which is fully organic, or land which is in conversion under that Council Regulation, as read (in both cases) with any additional provisions set out in the *Compendium of UK Organic Standards*; and

(b) is subject to the inspection system under Article 9 of Council Regulation (EEC) No 2092/1991."

(6) In paragraph 13 sub paragraph (4) is deleted.

(7) In paragraph 14(2)(a), for the words "paragraphs 11(3) and 13(4)" substitute the words "paragraph 11(3)".

(8) After paragraph 15 add the following -

"Application of pesticides to land set aside from production"

16.-(1) Subject to sub-paragraph (2) and paragraph 17, a farmer must not apply pesticides to land set aside from production during the current set-aside period.

(2) A farmer may at any time on or after 15 July apply pesticides, but not pesticides which are biocides, for the purpose of making preparations for sowing.

(3) In this paragraph -

(a) "pesticides" ("*plaleiddiaid*") means any substance, preparation or organism prepared or used for destroying any pest; and

(b) "pest" ("*pla*") means any organism harmful to plants or to wood or other plant products, any undesired plant and any harmful creature.

(1) O.J. Rhif L198, 22.7.1991, t. 1 - 15.

(2) O.J. Rhif L137, 25.5.2006, t. 9 - 14.

(1) O.J. No. L 198, 22.7.1991, p 1 - 15.

(2) O.J. No. L 137, 25..5.2006, p 9 - 14.

Taenu chwynleiddiaid ar dir sydd wedi'i neilltuo oddi wrth waith cynhyrchu

17.-(1) Yn ystod y cyfnod neilltuo cyfredol caiff ffermwr daenu chwynleiddiad cyn 15 Ebrill ar dir sydd wedi'i neilltuo oddi wrth waith cynhyrchu -

(a) os yw'n chwynleiddiad o fath sydd naill ai -

- (i) yn cael ei amsugno i'r planhigyn yn bennaf drwy'r dail a'r coesyn; neu
- (ii) wedi'i gymeradwyo o dan reoliad 5 o Reoliadau Rheoli Plaleiddiaid 1986(1) neu o dan reoliadau 5, 7, 8 neu 11 o Reoliadau Cynhyrchion Amddiffyn Planhigion 2005(2) ac y mae dull ei daenu'n cydymffurfio â'r gymeradwyaeth honno; a

(b) os bydd y gwaith o'i daenu -

- (i) yn annhebygol o niweidio'n sylweddol y gorchudd glas ar y tir; neu
- (ii) yn cael ei wneud cyn amnewid gorchudd glas yn unol â pharagraff 13(1); neu
- (iii) yn cael ei wneud drwy sbot-chwynnu neu drwy ddefnyddio wic; neu
- (iv) yn cael ei wneud er mwyn creu llain o dir nad oes rhaid i ffermwr sefydlu gorchudd glas arno yn rhinwedd paragraff 7(2), neu i gadw'r llain honno'n foel.

(2) Ar unrhyw bryd ar neu ar ôl 15 Ebrill yn y cyfnod neilltir cyfredol, caiff ffermwr daenu chwynleiddiad ar y tir sydd wedi'i neilltuo oddi wrth waith cynhyrchu. "

Application of herbicides to land set aside from production

17.-(1) During the current set-aside period a farmer may before 15 April apply a herbicide to land set aside from production where -

(a) it is of a type which either -

- (i) is absorbed into a plant primarily through the leaves and stem; or
- (ii) has been approved under regulation 5 of the Control of Pesticides Regulations 1986(1) or under regulations 5, 7, 8 or 11 of the Plant Protection Products Regulations 2005(2) and its application is in accordance with that approval; and

(b) the application of it -

- (i) is not likely to damage significantly the green cover on the land; or
- (ii) is done prior to replacing a green cover in accordance with paragraph 13(1); or
- (iii) is done by a spot treatment or with a wick application; or
- (iv) is done in order to create a strip of land on which a farmer need not establish a green cover by virtue of paragraph 7(2), or to keep such a strip bare.

(2) A farmer may at any time on or after 15 April in the current set aside period apply herbicide to land set aside from production."

Llofnodwyd ar ran Cynulliad Cenedlaethol Cymru o dan adran 66(1) o Ddeddf Llywodraeth Cymru 1998(3).

Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998(3).

21 Tachwedd 2006

21 November 2006

D. Elis-Thomas

Llywydd y Cynulliad Cenedlaethol

The Presiding Officer of the National Assembly

(1) O.S. 1986/1510.

(2) O.S. 2005/1435.

(3) 1998 p.38.

(1) S.I. 1986/1510

(2) S.I. 2005/1435

(3) 1998 c.38.

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