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WELSH STATUTORY  
INSTRUMENTS

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**2020 Rhif 531 (Cy. 125)**

**2020 No. 531 (W. 125)**

**AMAETHYDDIAETH, CYMRU**

**AGRICULTURE, WALES**

**Rheoliadau Taliadau i Ffermwyr  
(Rheolaethau a Gwiriadau) (Cymru)  
(Coronafeirws) 2020**

**The Payments to Farmers (Controls  
and Checks) (Wales) (Coronavirus)  
Regulations 2020**

**NODYN ESBONIADOL**

**EXPLANATORY NOTE**

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

*(This note is not part of the Regulations)*

Mae rheoliad 2 yn addasu Rheoliad Gweithredu'r Comisiwn (EU) Rhif 809/2014 ("Rheoliad 809/2014") sy'n gosod rheolau ar gyfer cymhwyso Rheoliad (EU) Rhif 1306/2013 o ran y system weinyddu a rheoli integredig, mesurau datblygu gwledig a thrawsgydymffurfio ar gyfer blwyddyn hawlio 2020.

Regulation 2 modifies Commission Implementing Regulation (EU) No. 809/2014 ("Regulation 809/2014") laying down rules for the application of Regulation (EU) No. 1306/2013 with regard to the integrated administration and control system, rural development measures and cross compliance for claim year 2020.

Mae Rheoliad 809/2014 yn gosod rheolau ar gyfer amseru gwiriadau yn y fan a'r lle, cyfraddau rheoli gwiriadau yn y fan a'r lle penodol o fewn y system integredig gan gynnwys ar gyfer cynlluniau cymorth sy'n seiliedig ar arwynebedd, a chynyddu neu ostwng y cyfraddau rheoli. Yn ogystal, mae Rheoliad 809/2014 yn cynnwys rheolau ar wiriadau yn y fan a'r lle sy'n ymwneud â meini prawf cymhwystra, ac ymrwymadau.

Regulation 809/2014 lays down rules on the timing of on-the-spot checks, the control rates of certain on-the-spot checks within the integrated system including for area-related aid schemes, and the increase or reduction of the control rates. In addition, Regulation 809/2014 contains rules on on-the-spot checks relating to eligibility criteria, and commitments.

Mae nifer o rwymedigaethau yn unol â Rheoliad (EU) Rhif 1306/2013 a Rheoliad (EU) Rhif 1307/2013 yn dibynnu ar amserlenni penodol a gwahanol ar gyfer eu cyflawni, ac o ganlyniad maent yn ei gwneud yn ofynnol i'r gwiriadau yn y fan a'r lle gael eu cynnal o fewn yr amserlenni hynny. Mae'r mesurau sydd ar waith i ymdrin â phandemig COVID-19 yn effeithio ar ddichonoldeb cyflawni'r gwiriadau yn y fan a'r lle sy'n ofynnol yn gywir ac o fewn y terfynau amser cyfatebol.

Several obligations pursuant to Regulation (EU) No. 1306/2013 and Regulation (EU) No. 1307/2013 rely on specific and different time frames for their fulfilment, and consequently require the on-the-spot checks to be carried out within those time frames. The measures in place to address the COVID-19 pandemic affects the feasibility of performing the required on-the-spot checks accurately and within the corresponding time limits.

Mae rheoliad 2 yn darparu ar gyfer rhanddirymu'r gofynion hynny ac yn gostwng cyfradd isaf y gwiriadau yn y fan a'r lle o gymharu â'r cyfraddau rheoli arferol ar gyfer rhwymedigaethau Gwyrddu, trawsgydymffurfio, Cynllun y Taliad Sylfaenol, ailddosbarthu a ffermwyr ifanc.

Ystyriwyd Cod Ymarfer Gweinidogion Cymru ar gynnal Aseidiadau 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.

Regulation 2 provides for derogations from those requirements and reduces the minimum rate of the on-the-spot checks compared to the normal control rates for Greening, cross-compliance, Basic Payment Scheme, redistributive and young farmer obligations.

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.

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**Rheoliadau Taliadau i Ffermwyr  
(Rheolaethau a Gwiriadau) (Cymru)  
(Coronafeirws) 2020**

**The Payments to Farmers (Controls  
and Checks) (Wales) (Coronavirus)  
Regulations 2020**

*Gwnaed* 21 Mai 2020

*Made* 21 May 2020

*Gosodwyd gerbron Senedd  
Cymru* 22 Mai 2020

*Laid before Senedd Cymru* 22 May 2020

*Yn dod i rym* 14 Mehefin 2020

*Coming into force* 14 June 2020

Mae Gweinidogion Cymru, drwy arfer y pwerau a roddir iddynt gan Erthygl 62(2)(a) a (b) o Reoliad (EU) Rhif 1306/2013 Senedd Ewrop a'r Cyngor dyddiedig 17 Rhagfyr 2013 ar ariannu, rheoli a monitro'r polisi amaethyddol cyffredin(1), yn gwneud y Rheoliadau a glyn:

The Welsh Ministers, in exercise of the powers conferred on them by Article 62(2)(a) and (b) of Regulation (EU) No. 1306/2013 of the European Parliament and of the Council of 17 December 2013 on the financing, management and monitoring of the common agricultural policy(1), make the following Regulations:

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(1) Rheoliad (EU) Rhif 1306/2013 Senedd Ewrop a'r Cyngor dyddiedig 17 Rhagfyr 2013 ar ariannu, rheoli a monitro'r polisi amaethyddol cyffredin ac sy'n diddymu Rheoliadau'r Cyngor (EEC) Rhif 352/78, (EC) Rhif 165/94, (EC) Rhif 2799/98, (EC) Rhif 814/2000, (EC) Rhif 1290/2005 ac (EC) Rhif 485/2008 (OJ Rhif L 347, 20.12.2013, t. 549). Mae Deddf Taliadau Uniongyrchol i Ffermwyr (Parhad Deddfwriaethol) 2020 (p. 2) yn darparu'r sail gyfreithiol ar gyfer parhau i dalu taliadau uniongyrchol i ffermwyr ar gyfer blwyddyn hawlio 2020 (roedd Erthygl 137 o'r Cytundeb ar Ymadawiad Teyrnas Unedig Prydain Fawr a Gogledd Iwerddon â'r Undeb Ewropeaidd (19 Hydref 2019) yn darparu nad yw Rheoliad (EU) Rhif 1307/2013 yn gymwys i'r DU ar gyfer blwyddyn hawlio 2020). Roedd Rheoliad (EU) Rhif 1307/2013 yn sefydlu'r rheolau ar gyfer taliadau uniongyrchol i ffermwyr. I'r graddau y mae'n ymwneud â chynlluniau taliadau uniongyrchol y PAC ar gyfer blwyddyn hawlio 2020, mae Rheoliad (EU) Rhif 1306/2013 wedi ei ymgorffori mewn cyfraith ddomestig yn rhinwedd adran 1 o Ddeddf Taliadau Uniongyrchol i Ffermwyr (Parhad Deddfwriaethol) 2020. Mae Erthygl 62(2) o Reoliad (EU) Rhif 1306/2013 wedi ei diwygio gan reoliad 7(4) o Reoliadau Ariannu, Rheoli a Monitro Taliadau Uniongyrchol i Ffermwyr (Diwygio) 2020 (O.S. 2020/90). Yn benodol, mae'r swyddogaeth yn Erthygl 62(2) wedi ei diwygio fel ei bod yn arferadwy gan Weinidogion Cymru (gweler Erthygl 2(1)(k) ac (m) o Reoliad (EU) Rhif 1306/2013 am y diffiniadau o "relevant authority" ac "appropriate authority"). Mae diwygiadau eraill i Reoliad (EU) Rhif 1306/2013 ond nid ydynt yn berthnasol i'r Rheoliadau hyn.

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(1) Regulation (EU) No. 1306/2013 of the European Parliament and of the Council of 17 December 2013 on the financing, management and monitoring of the common agricultural policy and repealing Council Regulations (EEC) No. 352/78, (EC) No. 165/94, (EC) No. 2799/98, (EC) No. 814/2000, (EC) No. 1290/2005 and (EC) No. 485/2008 (OJ No L 347, 20.12.2013, p. 549). The Direct Payment to Farmers (Legislative Continuity) Act 2020 (c. 2) provides the legal basis to continue paying direct payments to farmers for claim year 2020 (Article 137 of the Agreement on the Withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union (19 October 2019) provided that Regulation (EU) No. 1307/2013 does not apply to the UK for claim year 2020). Regulation (EU) No. 1307/2013 established the rules for direct payments to farmers. In so far as relating to the CAP direct payment schemes for claim year 2020, Regulation (EU) No. 1306/2013, has been incorporated into domestic law by virtue of section 1 of the Direct Payments to Farmers (Legislative Continuity) Act 2020. Article 62(2) of Regulation (EU) No. 1306/2013 has been amended by regulation 7(4) of the Financing, Management and Monitoring of Direct Payments to Farmers (Amendment) Regulations 2020 (S.I. 2020/90). In particular, the function in Article 62(2) has been amended so that it is exercisable by the Welsh Ministers (see Article 2(1)(k) and (m) of Regulation (EU) No. 1306/2013 for the definitions of "relevant authority" and "appropriate authority"). There are other amendments to Regulation (EU) No. 1306/2013 but they are not relevant to these Regulations.

## Enwi, cychwyn, cymhwyso a dehongli

1.—(1) Enw'r Rheoliadau hyn yw Rheoliadau Taliadau i Ffermwyr (Rheolaethau a Gwiriadau) (Cymru) (Coronafeirws) 2020.

(2) Daw'r Rheoliadau hyn i rym ar 14 Mehefin 2020.

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

(4) Yn y Rheoliadau hyn—

mae “blwyddyn hawlio 2020” i’w dehongli yn unol ag adran 1(7) o Ddeddf Taliadau Uniongyrchol i Ffermwyr (Parhad Deddfwriaethol) 2020(1);

ystyr “Rheoliad Gweithredu'r Comisiwn (EU) Rhif 809/2014” (“*Commission Implementing Regulation (EU) No. 809/2014*”) yw Rheoliad Gweithredu'r Comisiwn (EU) Rhif 809/2014 dyddiedig 17 Gorffennaf 2014 sy'n gosod rheolau ar gyfer cymhwyso Rheoliad (EU) Rhif 1306/2013 Senedd Ewrop a'r Cyngor o ran y system weinyddu a rheoli integredig, mesurau datblygu gwledig a thrawsgydymffurfio(2), fel y mae'n ffurfio rhan o gyfraith ddomestig yn rhinwedd adran 1 o Ddeddf Taliadau Uniongyrchol i Ffermwyr (Parhad Deddfwriaethol) 2020.

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

2. At ddibenion blwyddyn hawlio 2020, mae Rheoliad Gweithredu'r Comisiwn (EU) Rhif 809/2014 yn cael effaith fel pe bai—

(a) y canlynol wedi ei fewnosod ar ôl is-baragraff cyntaf Erthygl 24(4)—

“By way of derogation from the first subparagraph of this paragraph, the competent authority may, in relation to the checks to be carried out in relation to area-related aid schemes, use photo-interpretation of satellite or aerial ortho-images or other relevant evidence including evidence provided

## Title, commencement, application and interpretation

1.—(1) The title of these Regulations is the Payments to Farmers (Controls and Checks) (Wales) (Coronavirus) Regulations 2020.

(2) These Regulations come into force on 14 June 2020.

(3) These Regulations apply in relation to Wales.

(4) In these Regulations—

“claim year 2020” (“*blwyddyn hawlio 2020*”) is to be interpreted in accordance with section 1(7) of the Direct Payments to Farmers (Legislative Continuity) Act 2020(1);

“Commission Implementing Regulation (EU) No. 809/2014” (“*Rheoliad Gweithredu'r Comisiwn (EU) Rhif 809/2014*”) means the Commission Implementing Regulation (EU) No. 809/2014 of 17 July 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(2), as it forms part of domestic law by virtue of section 1 of the Direct Payments to Farmers (Legislative Continuity) Act 2020.

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

2. For the purposes of claim year 2020, Commission Implementing Regulation (EU) No. 809/2014 has effect as if—

(a) after the first subparagraph of Article 24(4), there were inserted—

“By way of derogation from the first subparagraph of this paragraph, the competent authority may, in relation to the checks to be carried out in relation to area-related aid schemes, use photo-interpretation of satellite or aerial ortho-images or other relevant

(1) 2020 p. 2.

(2) Rheoliad Gweithredu'r Comisiwn (EU) Rhif 809/2014 dyddiedig 17 Gorffennaf 2014 sy'n gosod rheolau ar gyfer cymhwyso Rheoliad (EU) Rhif 1306/2013 Senedd Ewrop a'r Cyngor o ran y system weinyddu a rheoli integredig, mesurau datblygu gwledig a thrawsgydymffurfio (OJ Rhif L 227, 31.7.2014, t. 69). I'r graddau y mae'n ymwneud â'r cynlluniau taliadau uniongyrchol ar gyfer blwyddyn hawlio 2020, mae Rheoliad Gweithredu'r Comisiwn (EU) Rhif 809/2014 wedi ei ymgorffori mewn cyfraith ddomestig yn rhinwedd adran 1 o Ddeddf Taliadau Uniongyrchol i Ffermwyr (Parhad Deddfwriaethol) 2020. Mae Rheoliad Gweithredu'r Comisiwn (EU) Rhif 809/2014 wedi ei ddiwygio gan reoliad 14 o Reoliadau Ariannu, Rheoli a Monitro Taliadau Uniongyrchol i Ffermwyr (Diwygio) 2020 (O.S. 2020/90). Mae offerynnau diwygio eraill ond nid yw'r un ohonynt yn berthnasol.

(1) 2020 c. 2.

(2) Commission Implementing Regulation (EU) No. 809/2014 of 17 July 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 (OJ No L 227, 31.7.2014, p. 69). In so far as relating to the direct payment schemes for claim year 2020, Commission Implementing Regulation (EU) No. 809/2014 has been incorporated into domestic law by virtue of section 1 of the Direct Payments to Farmers (Legislative Continuity) Act 2020. Commission Implementing Regulation (EU) No. 809/2014 has been amended by regulation 14 of the Financing, Management and Monitoring of Direct Payments to Farmers (Amendment) Regulations 2020 (S.I. 2020/90). There are other amending instruments but none are relevant.

by the beneficiary at the request of the competent authority, including geotagged photos, which could permit definitive conclusions to be drawn to the satisfaction of the competent authority.”;

- (b) y canlynol wedi ei fewnosod ar ôl trydydd is-baragraff Erthygl 26(4)—

“By way of derogation from the first three subparagraphs of this paragraph, the relevant authority may carry out the checks by the use of new technologies, or other relevant evidence, including geotagged photos, in addition to the possibility to use remote sensing in accordance with Article 40.”;

- (c) yn Erthygl 30(d), “3%” wedi ei roi yn lle “5%”;
- (d) yn Erthygl 31(1)(a), “3%” wedi ei roi yn lle “5%” yn y ddau le y mae’n digwydd;
- (e) Erthygl 33a wedi ei hepgor;
- (f) yn Erthygl 36(2), “1%” wedi ei roi yn lle “3%”;
- (g) yn Erthygl 68(1), “0.5%” wedi ei roi yn lle “1%”.

evidence including evidence provided by the beneficiary at the request of the competent authority, including geotagged photos, which could permit definitive conclusions to be drawn to the satisfaction of the competent authority.”;

- (b) after the third subparagraph of Article 26(4), there were inserted—

“By way of derogation from the first three subparagraphs of this paragraph, the relevant authority may carry out the checks by the use of new technologies, or other relevant evidence, including geotagged photos, in addition to the possibility to use remote sensing in accordance with Article 40.”;

- (c) in Article 30(d), for “5%”, there were substituted “3%”;
- (d) in Article 31(1)(a), for “5%” in both places it occurs, there were substituted “3%”;
- (e) Article 33a has been omitted;
- (f) in Article 36(2), for “3%” there were substituted “1%”;
- (g) in Article 68(1), for “1%” there were substituted “0.5%”.

*Lesley Griffiths*

Gweinidog yr Amgylchedd, Ynni a Materion Gwledig,  
un o Weinidogion Cymru  
21 Mai 2020

Minister for Environment, Energy and Rural Affairs,  
one of the Welsh Ministers  
21 May 2020

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