OFFERYNNAU STATUDOL CYMRU

2004 Rhif 911 (Cy.94)

BWYD, CYMRU

Rheoliadau Cwotâu Cynnyrch Llaeth (Cymru) (Diwygio) 2004

Wedi'u gwneud - -	*24 Mawrth 2004*
Yn dod i rym - -	*1 Ebrill 2004*

Mae Cynulliad Cenedlaethol Cymru, ac yntau 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 yn rhinwedd yr adran 2(2) a enwyd, drwy hyn yn gwneud y Rheoliadau canlynol —

Enwi a chychwyn

1. Enw'r Rheoliadau hyn yw Rheoliadau Cwotâu Cynnyrch Llaeth (Cymru) (Diwygio) 2004, a deuant i rym ar 1 Ebrill 2004.

Cymhwysiad

2.—(1) Mae'r Rheoliadau hyn yn gymwys o ran cynhyrchwyr, prynwyr a phersonau perthnasol eraill y mae Cynulliad Cenedlaethol Cymru yn awdurdod cymwys perthnasol iddynt.

(2) Yn y rheoliad hwn, mae i "awdurdod cymwys perthnasol" yr ystyr a roddir i "*the relevant competent authority*" yn Rheoliadau Cwotâu Cynnyrch Llaeth (Darpariaethau Cyffredinol) 2002(**3**).

Dehongli

3. Yn y Rheoliadau hyn, ystyr "y prif Reoliadau" yw Rheoliadau Cwotâu Cynnyrch Llaeth (Cymru) 2004(**4**).

Diwygio'r Prif Reoliadau

4. Diwygir y prif Reoliadau yn unol â rheoliadau 5 i 15 isod.

(**1**) Yn rhinwedd Gorchymyn y Cymunedau Ewropeaidd (Dynodi) (Rhif 3) Gorchymyn 1999 (O.S. 1999/2788) ("y Gorchymyn"). Mae pŵer y Cynulliad Cenedlaethol, fel corff sydd wedi'i ddynodi mewn perthynas â pholisi amaethyddol cyffredin y Gymuned Ewropeaidd, i wneud rheoliadau sy'n gymwys i ddaliadau amaethyddol sy'n cynnwys tir sydd wedi'i leoli o fewn y Deyrnas Unedig ond sydd y tu allan i Gymru wedi'i gadarnhau gan baragraff 2(b) o Atodlen 2 i'r Gorchymyn.

(**2**) 1972 p.68.

(**3**) O.S. 2002/458.

(**4**) O.S. 2002/897 (Cy. 103).

5. Yn rheoliad 3 (dehongli) —

(a) yn lle'r diffiniad o "the Council Regulation" rhodder y diffiniad canlynol —

""the Council Regulation" means Council Regulation (EC) No. 1788/2003 establishing a levy in the milk and milk products sector(**5**);";

(b) yn lle'r diffiniad o "Scottish Islands area" rhodder y diffiniad canlynol—

""Scottish Islands area" means either one of—

(a) the islands of Orkney except for the island of Stronsay; or

(b) the islands of Jura, Gigha, Arran, Bute, Great Cumbrae and Little Cumbrae, the Kintyre peninsula south of Tarbert and the areas of land comprising those parts of the parishes of Dunoon and Kilmun and of Inverchaolain in the Argyll and Bute District shown bounded by a red line on a map marked "Map referred to in sub paragraph (b) of the definition of Scottish Islands area in regulation 3 of the Dairy Produce Quotas (Wales) Regulations 2002, as amended by regulation 5(b) of the Dairy Produce Quotas (Wales) (Amendement) Regulations 2004", dated 2nd February 2004, signed on behalf of the National Assembly and deposited at the offices of National Assembly's Department for Environment, Planning and Countryside, at Crown Buildings, Cathays Park, Cardiff, CF10 3NQ,".

6. Yn lle rheoliad 4 (ardaloedd Ynysoedd yr Alban) rhodder y rheoliad canlynol —

"**Scottish Islands areas**

4.—(1) Quota registered to direct sales quota holders and wholesale quota holders within a Scottish Islands area may be used by producers and purchasers only against direct sales or wholesale deliveries of milk produced within that Scottish Islands area.

(2) Where a direct sales quota holder or wholesale quota holder has a part of his or her dairy enterprise outside the Scottish Islands area, he or she shall be treated for the purposes of this regulation as a direct sales quota holder or wholesale quota holder within a Scottish Islands area if he or she has 50 per cent or more of his or her diary enterprise within that area.

(3) Paragraph (1) shall not apply to the reallocation of quota undertaken in accordance with Schedule 2.

(4) In this regulation —

(a) "direct sales quota holder" means a person in whose name direct sales quota is registered;

(b) "wholesale quota holder" means a person in whose name wholesale quota is registered.".

7. Yn lle rheoliad 12 (trosglwyddo cwota heb drosglwyddo tir) rhodder y rheoliad canlynol—

"**Transfer of quota without transfer of land**

12.—(1) This regulation applies where the competent authorities in Wales, in England in Scotland and in Northern Ireland have jointly determined in accordance with paragraphs (1)(e) and (2) of Article 18 of the Council Regulation, that within each United Kingdom quota region transfer of quota without transfer of the corresponding land is authorised.

(2) A transferee of quota for whom the National Assembly is the relevant competent authority shall submit a notice of any such transfer within the general quota region in such

(**5**) OJ Rhif L270, 21.10.2003, t.123.

form as the National Assembly may reasonably require to reach the National Assembly no later than 31st March in the quota year in which the transfer takes place.

(3) The notice referred to in paragraph (2) shall include —

(a) statements by the transferor and transferee that they have agreed to the transfer of quota, stating the amounts of used and unused quota transferred;

(b) a consent or sole interest notice given by the transferor in respect of the entirety of the holding from which the quota is to be transferred; and

(c) a statement from the transferee that he or she is a producer.

(4) Where the National Assembly has received a notice pursuant to paragraph (2), it may require that the transferor or transferee shall produce such other information relating to the transfer, and within such time, as the National Assembly may reasonably determine.

(5) In this regulation —

(a) "competent authority" has the meaning given to it by regulation 2 of the Dairy Produce Quotas (General Provisions) Regulations 2002;

(b) "general quota region" means the United Kingdom other than the Scottish Islands;

(c) "United Kingdom quota region" means a Scottish Islands area or the general quota region.".

8. Yn lle rheoliad 23(6) (gwerthwyr uniongyrchol a chynhyrchwyr at ddibenion cofrestrau a baratoir ac a gynhelir gan y Cynulliad Cenedlaethol) rhodder y paragraff canlynol —

"(6) Notwithstanding that a person no longer produces and markets milk and for that reason is not a direct seller or producer, he or she shall remain registered under paragraph (1) or (2) and, for the purposes of this regulation and regulations 24(a), 26 and 28(1), continue to be regarded as a direct seller or producer, as the case may be, until the quota allocated or issued to him or her has been transferred or has been withdrawn under Article 15 of the Council Regulation.".

9. Yn rheoliad 26(2) (rhwymedigaeth i gofrestru gan gynhyrchwyr sy'n dal cwota cyfanwerthol) dileer y geiriau "within the extended meaning conferred by regulation 23(6))".

10. Yn lle rheoliad 31(3) (cosbau gweinyddol am fethu cyflwyno crynodebau cywir neu grynodebau diwygiedig) rhodder y paragraff canlynol —

"(3) Where a purchaser fails to submit to the National Assembly pursuant to regulation 22(1) or (2) a summary or revised summary, as the case may be, of producers' statements which is accurate, and thereby causes an overstatement or an understatement by him or her of deliveries made to him or her, he or she shall be liable to pay to the National Assembly a penalty equivalent to the theoretical amount of levy due on 0.5 per cent of the quantity by volume of milk which comprises the overstatement or understatement.".

11. Yn lle rheoliad 31(5) (cosbau gweinyddol am gyflwyno datganiadau anghywir gan werthwyr uniongyrchol) rhodder y paragraff canlynol —

"(5) For the purposes of the third sub-paragraph of Article 6(3) of the Commission Regulation (which requires Member States to impose proportionate penalties where producers submit incorrect declarations), and subject to the provisions of Article 6(5) of that Regulation (which confers a discretion on Member States not to impose penalties in certain circumstances) and paragraph (6), where a direct seller submits an annual declaration which overstates or understates the volume of direct sales for the quota year covered by that declaration, he or she shall be liable to pay to the National Assembly —

(a) in the case of an overstatement, a penalty equivalent to the theoretical amount of levy due on 0.5 per cent of the quantity by volume of milk which comprises the overstatement;

(b) in the case of an understatement, a penalty equivalent to the theoretical amount of levy due on 0.5 per cent of the quantity by volume of milk which comprises the understatement, except in any case where, for the quota year covered by the declaration, her or she is liable to pay to the National Assembly levy which exceeds that amount.".

12. Yn lle rheoliad 33 (atafaelu ac adfer cwota) rhodder y rheoliad canlynol —

"**Confiscation and restoration of quota**

33.—(1) On or before 14th May following the end of each quota year, each purchaser shall supply to the National Assembly a list of those wholesale quota holders registered with that purchaser (whether for the whole or part of the quota year) who have not made deliveries to that purchaser during that year.

(2) Pursuant to Article 15 of the Council Regulation (which concerns the confiscation and restoration of quota), the National Assembly shall notify —

(a) any wholesale quota holder or direct sales quota holder who, from information available to the National Assembly, appears to have made neither deliveries nor direct sales during the previous quota year, or

(b) any direct sales quota holder who, in contravention of Article 6 of the Commission Regulation, has failed to submit to National Assembly a declaration within 30 days of service of a notice by the National Assembly in accordance with Article 6(4) of that Regulation,

that his or her quota has been taken into the national reserve.

(3) Any quota withdrawn pursuant to Article 15 of the Council Regulation shall be placed in the national reserve with effect from the beginning of the quota year following —

(a) the quota year for which the list referred to in paragraph (1) was supplied,

(b) the quota year to which the declaration indicating no direct sales were made relates, or

(c) the quota year for which no declaration was submitted,

as the case may be.

(4) A wholesale quota holder or direct sales quota holder who receives a notification of confiscation under paragraph (2) shall within 28 days of receipt of that notification notify any person with an interest in the land comprised in the holding of the content of that notification.

(5) Subject to the second sub-paragraph of Article 15(1) of the Council Regulation (which specifies the time limit for quota restoration) and to paragraphs (6) and (7), a person whose quota has, pursuant to Article 15(1), been taken into the national reserve may request the National Assembly to restore to him or her the quota in respect of the holding from which it was confiscated or in respect of part of that holding provided that —

(a) he or she is a producer;

(b) the National Assembly receives the request by the end of the quota year to which the request relates; and