

2009 No. 3270 (W.287)

AGRICULTURE, WALES

**The Rural Development
Programmes (Wales) (Amendment)
Regulations 2009**

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Rural Development Programmes (Wales) Regulations 2006, S.I. 2006/3343 (W. 304) (“the principal Regulations”).

The purpose of the amendment is to confer powers upon Welsh Ministers in relation to the Support for Young Entrants into Farming Scheme (“the Scheme”) which will open in 2010. The Scheme will allow for aid to be granted to such young entrants pursuant to Article 7 of Commission Regulation (EC) No 1857/2006 of 15 December 2006 on the application of Articles 87 and 88 of the Treaty to State aid to small and medium-sized enterprises active in the production of agricultural products and amending Regulation (EC) No 70/2001. The young entrants must fulfil criteria laid down in Council Regulation (EC) No 1698/2005 of 20 September 2005 on support for rural development by the European Agricultural Fund for Rural Development (EAFRD).

The principal Regulations are being amended to allow for the Welsh Ministers, in relation to the Scheme, to: approve expenditure for receipt of financial assistance; attach conditions to any such approval; pay financial assistance; set out the circumstances under which approval of expenditure may be revoked and any financial assistance paid to a beneficiary may be withheld or recovered; provide powers of entry and inspection to authorised persons in relation to land or documents relating to approved expenditure; require beneficiaries of financial assistance to - keep relevant records for a certain period, supply information related to the approved expenditure and assist authorised persons; make it an offence where beneficiaries - make false statements, intentionally obstruct an authorised person in exercise of that person’s powers, fail to keep relevant records for the required period, fail to provide

an authorised person with assistance; require a beneficiary to give an undertaking where appropriate.

These Regulations also update references to certain European legislative instruments listed in the principal Regulations.

A Regulatory Impact Assessment has been prepared for these Regulations. Copies of which are available from the Countryside Policy Division, Department for Rural Affairs, Welsh Assembly Government, Rhodfa Padarn, Llanbadarn Fawr, Aberystwyth SY23 3UR.

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Made 9 December 2009

Laid before the National Assembly for Wales
11 December 2009

Coming into force 1 January 2010

The Welsh Ministers, are 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 Union, and make the following Regulations in exercise of powers conferred by that section and paragraph 1A of Schedule 2 to that Act.

These Regulations make provision for a purpose mentioned in section 2(2) of the European Communities Act 1972 and it appears to the Welsh Ministers that it is expedient for the reference to the European Community instrument in these Regulations to be construed as a reference to that instrument as amended from time to time.

Title, application and commencement

1.—(1) The title of these Regulations is the Rural Development Programmes (Wales) (Amendment) Regulations 2009.

⁽¹⁾ S.I. 2005/2766. Functions conferred on the National Assembly for Wales are exercisable by the Welsh Ministers by virtue of paragraph 30 of and Schedule 11 to the Government of Wales Act 2006.

⁽²⁾ 1972 c.68.

(2) These Regulations apply in relation to Wales, and come into force on 1 January 2010.

Amendments to the Rural Development Programmes (Wales) Regulations 2006

2.—(1) The Rural Development Programmes (Wales) Regulations 2006⁽¹⁾ are amended in accordance with this regulation.

(2) In regulation 2—

- (a) Delete the definition of “approved operation”,
- (b) In the appropriate place insert the following definitions—

““approved operation or approved setting up cost” (*“gweithrediad a gymeradwywyd neu gost sefydlu a gymeradwywyd”*) means an operation or setting up cost which the Welsh Ministers have approved in writing for the receipt of financial assistance, and “approve” (*“cymeradwyo”*) and “approval” (*“cymeradwyaeth”*) are to be construed accordingly;

“setting up cost” (*“cost sefydlu”*) means the expenditure incurred or to be incurred in the setting up of young farmers pursuant to Article 7 of Commission Regulation (EC) No 1857/2006 of 15 December 2006 on the application of Articles 87 and 88 of the Treaty to State aid to small and medium-sized enterprises active in the production of agricultural products and amending Regulation (EC) No 70/2001.”⁽²⁾

(3) In regulations 3(1), 6(1), 7(1)(a), 7(1)(b), 7(2)(a), 7(7), 8(1) 9(1), 9(1)(d), 9(1)(g), 9(1)(h), 9(1)(i), 9(1)(l), 9(2)(b) after “approved operation” insert “or approved setting up cost”.

(4) In regulations 4(1) and 9(2)(a) after “operation” insert “or setting up cost”.

(5) For regulation 4(2), substitute—

“4(2) The Welsh Ministers may,

(i) provided that they are satisfied that an operation to which the application relates is eligible for Community assistance, approve that operation, or

(ii) approve the setting up cost

for the receipt of financial assistance, and any such approval may be given subject to such conditions as the Welsh Ministers may determine.”.

(6) In regulation 8(1) for “that operation” substitute “an operation or setting up cost”.

⁽¹⁾ S.I. 2006/3343 (W. 304), as amended by S.I. 2007/2900 (W. 251).

⁽²⁾ OJ No 358, 16.12.2006, p. 3.

(7) In the Schedule—

- (a) In paragraph 4 replace the entry with the following text—

“4. Commission Regulation (EC) No 1120/2009 of 29 October 2009 laying down detailed rules for the implementation of the single payment scheme provided for in Title III of Council Regulation (EC) No 73/2009 establishing common rules for direct support schemes for farmers under the common agricultural policy and establishing certain support schemes for farmers.”(1);

- (b) In paragraph 5 replace the entry with the following text—

“5. Commission Regulation (EC) No 1122/2009 of 30 November 2009 laying down detailed rules for the implementation of Council Regulation (EC) No 73/2009 as regards cross-compliance, modulation and the integrated administration and control system, under the direct support schemes for farmers provided for in that Regulation, as well as for the implementation of Council Regulation (EC) No 1234/2007 as regards cross-compliance under the support scheme provided for the wine sector.”(2);

- (c) In paragraph 6 replace the entry with the following text—

“6. Council Regulation (EC) No 73/2009 of 19 January 2009 establishing common rules for direct support schemes for farmers under the common agricultural policy and establishing certain support schemes for farmers.”(3).

Elin Jones

Minister for Rural Affairs, one of the Welsh Ministers

9 December 2009

(1) OJ No L 316, 2.12.09, p. 1.

(2) OJ No L 316, 2.12.09, p. 65.

(3) OJ No L 30, 31.1.09, p. 16.

