



---

OFFERYNNAU STATUDOL  
CYMRU

---

---

WELSH STATUTORY  
INSTRUMENTS

---

**2009 Rhif 3270 (Cy.287)**

**2009 No. 3270 (W.287)**

**AMAETHYDDIAETH, CYMRU**

**AGRICULTURE, WALES**

Rheoliadau Rhaglenni Datblygu  
Gwledig (Cymru) (Diwygio)  
2009

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

**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 Rhaglenni Datblygu Gwledig (Cymru) 2006 (O.S. 2006/3343 (Cy. 304) ("y prif Reoliadau").

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

Diben y diwygio yw rhoi pwerau i Weinidogion Cymru o ran Cynllun Cymorth i Newydd-ddyfodiaid i fyd ffermio ("y Cynllun") a fydd yn agor yn 2010. Bydd y Cynllun yn caniatáu rhoi cymorth i newydd-ddyfodiaid ifanc o'r fath yn unol ag Erthygl 7 o Reoliad y Comisiwn (EC) Rhif 1857/2006 ar 15 Rhagfyr 2006 ar gymhwysiad Erthyglau 87 ac 88 o'r Cytuniad i gymorth gwladwriaethol i fusnesau bach a chanolig sy'n weithgar ym maes cynhyrchu cynhyrchion amaethyddol ac yn diwygio Rheoliad (EC) Rhif 70/2001. Rhaid i'r newydd-ddyfodiaid fodloni meini prawf a osodir yn Rheoliad y Cyngor (EC) Rhif 1698/2005 ar 20 Medi 2005 ar gymorth i ddatblygu gwledig gan Gronfa Amaethyddiaeth Ewrop ar gyfer Datblygu Gwledig.

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).

Diwygir y prif Reoliadau i ganiatáu i Weinidogion Cymru, o ran y Cynllun, wneud y canlynol: cymeradwyo gwariant ar gyfer cael cymorth ariannol; clymu amodau wrth unrhyw gymeradwyaeth o'r fath; talu cymorth ariannol; gosod yr amgylchiadau y caniateir dirymu cymeradwyaeth o'r gwariant ac y caniateir atal neu adennill unrhyw gymorth ariannol i fuddiolwr odanynt; darparu pwerau mynediad a phwerau archwilio i bersonau awdurdodedig o ran tir neu ddogfennau sy'n ymwneud â gwariant a gymeradwywyd; ei gwneud yn ofynnol i fuddiolwyr cymorth ariannol gadw cofnodion perthnasol am gyfnod penodol, rhoi gwybodaeth sy'n ymwneud â'r gwariant a gymeradwywyd a chynorthwyo personau

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

awdurdodedig; ei gwneud yn dramgwydd os bydd buddiolwyr yn gwneud datganiadau anwir, yn fwriadol yn rhwystro person awdurdodedig wrth iddo arfer pwerau'r person hwnnw, methu â chadw cofnodion perthnasol am y cyfnod y mae ei angen, methu â rhoi cymorth i'r person awdurdodedig; ei gwneud yn ofynnol i fuddiolwr roi ymgymeriad pan fo'n briodol.

Mae'r Rheoliadau hyn hefyd yn diweddarau'r cyfeiriadau at offerynnau deddfwriaethol Ewropeaidd penodol a restrir yn y prif Reoliadau.

Mae Asesiad Effaith Rheoleiddiol wedi'i baratoi ar gyfer y Rheoliadau hyn. Mae copïau ohono ar gael gan Is-adran Polisi Cefn Gwlad, Adran Materion Gwledig, Llywodraeth Cynulliad Cymru, Rhodfa Padarn, Llanbadarn Fawr, Aberystwyth SY23 3UR.

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.

**2009 Rhif 3270 (Cy.287)**

**AMAETHYDDIAETH, CYMRU**

**Rheoliadau Rhaglenni Datblygu  
Gwledig (Cymru) (Diwygio)  
2009**

*Gwnaed* 9 Rhagfyr 2009  
*Gosodwyd gerbron Cynulliad  
Cenedlaethol Cymru* 11 Rhagfyr 2009  
*Yn dod i rym* 1 Ionawr 2010

Mae Gweinidogion Cymru wedi eu dynodi(1) at ddibenion adran 2(2) o Ddeddf y Cymunedau Ewropeaidd 1972(2) o ran polisi amaethyddol cyffredin yr Undeb Ewropeaidd, ac maent yn gwneud y Rheoliadau canlynol drwy arfer y pwerau a roddwyd gan yr adran honno a pharagraff 1A o Atodlen 2 i'r Ddeddf honno.

Mae'r Rheoliadau hyn yn gwneud darpariaeth at ddiben a grybwyllir yn adran 2(2) o Ddeddf y Cymunedau Ewropeaidd 1972, ac mae'n ymddangos i Weinidogion Cymru ei bod yn hwylus i unrhyw gyfeiriad at offeryn y Gymuned Ewropeaidd gael ei ddechongli fel cyfeiriad at yr offeryn hwnnw fel y'i diwygir o bryd i'w gilydd.

**Enwi, cymhwyso a chychwyn**

1.–(1) Enw'r Rheoliadau yw Rheoliadau Rhaglenni Datblygu Gwledig (Cymru) (Diwygio) 2009.

(2) Mae'r Rheoliadau hyn yn gymwys o ran Cymru, a deuant i rym ar 1 Ionawr 2010.

**Diwygiadau i Reoliadau Rhaglenni Datblygu  
Gwledig (Cymru) 2006**

2.–(1) Diwygir Rheoliadau Rhaglenni Datblygu Gwledig (Cymru) 2006 (3) yn unol â'r rheoliad hwn.

---

(1) O.S. 2005/2766. Mae'r swyddogaethau a roddwyd i Gynulliad Cenedlaethol Cymru yn arferadwy gan Weinidogion Cymru yn rhinwedd paragraff 30 o ac Atodlen 11 i Deddf Llywodraeth Cymru 2006.

(2) 1972 p.68.

(3) O.S. 2006/3343 (Cy. 304), fel y'i diwygiwyd gan O.S. 2007/2900 (Cy. 251).

**2009 No. 3270 (W.287)**

**AGRICULTURE, WALES**

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

*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.

(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 (3) are amended in accordance with this regulation.

---

(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.

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

(2) Yn rheoliad 2–

- (a) Dileer diffiniad o "gweithrediad a gymeradwywyd",
- (b) Yn y man priodol mewnoder y diffiniadau canlynol–

"ystyr "gweithrediad a gymeradwywyd neu gost sefydlu a gymeradwywyd" ("*approved operation or approved setting up cost*") yw gweithrediad neu gost sefydlu y mae Gweinidogion Cymru wedi'u cymeradwyo'n ysgrifenedig ar gyfer cael cymorth ariannol, ac mae "cymeradwyo" ("*approve*") a "cymeradwyaeth" ("*approval*") i'w dehongli'n unol â hynny;

ystyr "cost sefydlu" ("*setting up cost*") yw gwariant a dynnir neu sydd i'w dynnu wrth sefydlu ffermwyr ifanc yn unol ag Erthygl 7 o Reoliad y Comisiwn (EC) Rhif 1857/2006 ar 15 Rhagfyr 2006 ar gymhwysiad Erthyglau 87 ac 88 o'r Cytuniad i gymorth gwladwriaethol i fusnesau bach a chanolig sy'n weithgar ym maes cynhyrchu cynhyrchion amaethyddol ac yn diwygio Rheoliad (EC) Rhif 70/2001."<sup>(1)</sup>

(3) Yn rheoliadau 3(1), 6(1), 7(1)(a), 7(1)(b), 7(2)(a), 7(7), 8(1) 9(1), 9(1)(ch), 9(1)(e), 9(1)(f), 9(1)(ff), 9(1)(h), 9(2)(b) ar ôl "gweithrediad a gymeradwywyd" mewnoder "neu gost sefydlu a gymeradwywyd".

(4) Yn rheoliadau 4(1) a 9(2)(a) ar ôl "gweithrediad" mewnoder "neu gost sefydlu".

(5) Yn lle rheoliad 4(2), rhodder–

"4(2) Caiff Gweinidogion Cymru,

- (i) ar yr amod eu bod wedi'u bodloni bod gweithrediad y mae'r cais yn ymwneud ag ef yn gymwys i gael cymorth Cymunedol, gymeradwyo'r gweithrediad hwnnw, neu
- (ii) gymeradwyo'r gost sefydlu ar gyfer cael cymorth ariannol, a chaniateir rhoi cymeradwyaeth o'r fath yn ddarostyngedig i'r cyfryw amodau ag y caiff Gweinidogion Cymru eu penderfynu."

(6) Yn rheoliad 8(1) yn lle "â'r gweithrediad hwnnw" mewnoder " â gweithrediad neu gost sefydlu".

(7) Yn yr Atodlen–

- (a) Ym mharagraff 4 disodler y cofnod gan y testun canlynol–

"4. Rheoliad y Comisiwn (EC) Rhif 1120/2009 dyddiedig 29 Hydref 2009 sy'n gosod rheolau manwl ar gyfer gweithredu'r cynllun taliad sengl y darperir ar ei gyfer yn Nheitl III o Reoliad y Cyngor (EC) Rhif 73/2009 sy'n sefydlu rheolau cyffredin ar gyfer cynlluniau cymorth

(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."<sup>(1)</sup>

(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".

(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

(1) OJ Rhif 358, 16.12.2006, t. 3.

(1) OJ No 358, 16.12.2006, p. 3.

uniongyrchol i ffermwyr o dan y polisi amaethyddol cyffredin ac yn sefydlu cynlluniau cymorth penodol i ffermwyr."(1);

(b) Ym mharagraff 5 disodler y cofnod gan y testun canlynol—

"5. Rheoliad y Comisiwn (EC) Rhif 1122/2009 dyddiedig 30 Tachwedd 2009 sy'n gosod rheolau manwl ar gyfer gweithredu Rheoliad y Cyngor (EC) Rhif 73/2009 o ran trawsgydymffurfio, modiwlleiddio a'r system integredig gweinyddu a rheoli, o dan y cynlluniau cymorth uniongyrchol i ffermwyr y darperir ar eu cyfer yn Rheoliad hwnnw, yn ogystal â gweithredu Rheoliad y Cyngor (EC) Rhif 1234/2007 o ran trawsgydymffurfio o dan y cynllun cymorth a ddarperir i'r sector gwin."(2);

(c) Ym mharagraff 6 disodler y cofnod gan y testun canlynol—

"6. Rheoliad y Cyngor (EC) Rhif 73/2009 dyddiedig 19 Ionawr 2009 sy'n sefydlu rheolau cyffredin ar gyfer cynlluniau cymorth uniongyrchol i ffermwyr o dan y polisi amaethyddol cyffredin ac yn sefydlu cynlluniau cymorth penodol i ffermwyr."(3).

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*

Y Gweinidog dros Faterion Gwledig, un o Weinidogion Cymru

Minister for Rural Affairs, one of the Welsh Ministers

9 Rhagfyr 2009

9 December 2009

© Hawlfraint y Goron 2009

© Crown copyright 2009

Argraffwyd a chyhoeddwyd yn y Deyrnas Unedig gan The Stationery Office Limited o dan awdurdod ac arolygiaeth Carol Tullo, Rheolwr Gwasg Ei Mawrhydi ac Argraffydd Deddfau Seneddol y Frenhines.

Printed and Published in the UK by the Stationery Office Limited under the authority and superintendence of Carol Tullo, Controller of Her Majesty's Stationery Office and Queen's Printer of Acts of Parliament.

(1) OJ Rhif 316, 2.12.09, t. 1.

(2) OJ Rhif 316, 2.12.09, t. 65.

(3) OJ Rhif 30, 31.1.09, t. 16.

(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.

---

OFFERYNNAU STATUDOL  
CYMRU

---

**2009 Rhif 3270 (Cy.287)**

**AMAETHYDDIAETH, CYMRU**

Rheoliadau Rhaglenni Datblygu  
Gwledig (Cymru) (Diwygio)  
2009

---

WELSH STATUTORY  
INSTRUMENTS

---

**2009 No. 3270 (W.287)**

**AGRICULTURE, WALES**

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