OFFERYNNAU STATUDOL CYMRU

2019 Rhif 244 (Cy. 59)

YMADAEL Â'R UNDEB EWROPEAIDD, CYMRU

DIOGELU'R AMGYLCHEDD, CYMRU

Rheoliadau Difrod Amgylcheddol (Atal ac Adfer) (Cymru) (Diwygio) (Ymadael â'r UE) 2019

NODYN ESBONIADOL

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

Mae'r Rheoliadau hyn wedi eu gwneud drwy arfer y pwerau a roddir gan baragraff 1(1) o Atodlen 2 i, Ddeddf yr Undeb Ewropeaidd (Ymadael) 2018 (p. 16), er mwyn ymdrin ag unrhyw fethiant yng nghyfraith yr UE a ddargedwir i weithredu'n effeithiol a diffygion eraill sy'n deillio o ymadawiad y DU â'r Undeb Ewropeaidd.

Mae'r Rheoliadau hyn yn diwygio Rheoliadau Difrod Amgylcheddol (Atal ac Adfer) (Cymru) 2009.

Ystyriwyd Cod Ymarfer Gweinidogion Cymru ar gynnal asesiadau 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.

WELSH STATUTORY INSTRUMENTS

2019 No. 244 (W. 59)

EXITING THE EUROPEAN UNION, WALES

ENVIRONMENTAL PROTECTION, WALES

The Environmental Damage (Prevention and Remediation) (Wales) (Amendment) (EU Exit) Regulations 2019

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations are made in exercise of the powers conferred by paragraph 1(1) of Schedule 2 to, the European Union (Withdrawal) Act 2018 (c. 16), in order to address failures of retained EU law to operate effectively and other deficiencies arising from the withdrawal of the UK from the European Union.

These Regulations make amendments to the Environmental Damage (Prevention and Remediation) (Wales) Regulations 2009.

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.

OFFERYNNAU STATUDOL CYMRU

2019 Rhif 244 (Cy. 59)

YMADAEL Â'R UNDEB EWROPEAIDD, CYMRU

DIOGELU'R AMGYLCHEDD, CYMRU

Rheoliadau Difrod Amgylcheddol (Atal ac Adfer) (Cymru) (Diwygio) (Ymadael â'r UE) 2019

Gofynion sifftio wedi eu bodloni *7 Ionawr 2019*

Gwnaed *11 Chwefror 2019*

Gosodwyd gerbron Cynulliad Cenedlaethol Cymru *13 Chwefror 2019*

Yn dod i rym yn unol â rheoliad 1

Mae Gweinidogion Cymru yn gwneud y Rheoliadau hyn drwy arfer y pwerau a roddir gan baragraff 1(1) o Atodlen 2 i, Ddeddf yr Undeb Ewropeaidd (Ymadael) 2018(**1**).

Mae gofynion paragraff 4(2) o Atodlen 7 i'r Ddeddf honno (sy'n ymwneud â gweithdrefn graffu briodol Cynulliad Cenedlaethol Cymru ar gyfer y Rheoliadau hyn) wedi eu bodloni.

Enwi a chychwyn

1. Enw'r Rheoliadau hyn yw Rheoliadau Difrod Amgylcheddol (Atal ac Adfer) (Cymru) (Diwygio) (Ymadael â'r UE) 2019 a deuant i rym ar y diwrnod ymadael.

(**1**) 2018 p. 16.

WELSH STATUTORY INSTRUMENTS

2019 No. 244 (W. 59)

EXITING THE EUROPEAN UNION, WALES

ENVIRONMENTAL PROTECTION, WALES

The Environmental Damage (Prevention and Remediation) (Wales) (Amendment) (EU Exit) Regulations 2019

Sift requirements satisfied *7 January 2019*

Made *11 February 2019*

Laid before the National Assembly for Wales *13 February 2019*

Coming into force in accordance with regulation 1

The Welsh Ministers make these Regulations in exercise of the powers conferred by paragraph 1(1) of Schedule 2 to, the European Union (Withdrawal) Act 2018(**1**).

The requirements of paragraph 4(2) of Schedule 7 to that Act (relating to the appropriate National Assembly for Wales scrutiny procedure for these Regulations) have been satisfied.

Title and commencement

1. The title of these Regulations is the Environmental Damage (Prevention and Remediation) (Wales) (Amendment) (EU Exit) Regulations 2019 and come into force on exit day.

(**1**) 2018 c. 16.

Diwygio Rheoliadau Difrod Amgylcheddol (Atal ac Adfer) (Cymru) 2009

2.—(1) Mae Rheoliadau Difrod Amgylcheddol (Atal ac Adfer) (Cymru) 2009(**1**) wedi eu diwygio fel a ganlyn.

(2) Yn rheoliad 2, ym mharagraff (3)(a), ar y diwedd mewnosoder “, neu o dan gyfraith yr UE a ddargedwir(**2**) a wnaeth drosi Cyfarwyddeb 2001/18/EC o ran Cymru.”.

(3) Yn lle rheoliad 3 rhodder—

> “**3.**—(1) Mae cyfeiriadau yn y Rheoliadau hyn at offerynnau’r UE yn gyfeiriadau at yr offerynnau hynny fel yr oeddent yn cael effaith yn union cyn y diwrnod ymadael.
>
> (2) Mae cyfeiriadau at—
>
> (a) yr Undeb Ewropeaidd, neu fel arall at yr ardal y mae’r offeryn hwnnw yn gymwys iddo;
>
> (b) Aelod-wladwriaeth,
>
> mewn unrhyw offeryn gan yr UE y cyfeirir ato yn y Rheoliadau hyn yn cynnwys y Deyrnas Unedig.”.

(4) Yn Atodlen 1, ym mharagraff 1(1)(d), yn lle “neu ledled yr Undeb Ewropeaidd” rhodder “, yn genedlaethol neu yn eu gwasgariad naturiol”.

(5) Yn Atodlen 2—

(a) ar ôl paragraff 1 mewnosoder—

> “**1A.** Mae cyfeiriad yn yr Atodlen hon at weithgaredd a awdurdodir, a waherddir, a weithredir neu a reolir yn unol â thrwydded neu gofrestriad o dan Gyfarwyddeb gan yr UE, neu at weithgaredd sy’n ddarostyngedig i drwydded neu gofrestriad o’r fath, yn cynnwys, ar ôl y diwrnod ymadael, unrhyw weithgaredd a awdurdodir, a waherddir, a weithredir neu a reolir yn unol â thrwydded neu gofrestriad o dan unrhyw gyfraith yr UE a ddargedwir a wnaeth drosi’r Gyfarwyddeb honno, neu unrhyw weithgaredd sy’n ddarostyngedig i drwydded neu gofrestriad o’r fath.”; a

(**1**) O.S. 2009/995 (Cy. 81), a ddiwygiwyd gan O.S. 2011/1043; mae offerynnau diwygio eraill ond nid yw’r un ohonynt yn berthnasol.

(**2**) Mae i “cyfraith yr UE a ddargedwir” yr un ystyr a roddir i “retained EU law” yn adran 6 o Ddeddf yr Undeb Ewropeaidd (Ymadael) 2018.

Amendment of the Environmental Damage (Prevention and Remediation) (Wales) Regulations 2009

2.—(1) The Environmental Damage (Prevention and Remediation) (Wales) Regulations 2009(**1**) are amended as follows.

(2) In regulation 2, in paragraph (3)(a), at the end insert “, or under retained EU law(**2**) which transposed Directive 2001/18/EC in relation to Wales.”.

(3) For regulation 3 substitute—

> “**3.**—(1) References in these Regulations to EU instruments are to those instruments as they had effect immediately before exit day.
>
> (2) References to—
>
> (a) the European Union, or otherwise to the area to which that instrument applies;
>
> (b) a Member State,
>
> in any EU instrument referred to in these Regulations includes the United Kingdom.”.

(4) In Schedule 1, in paragraph 1(1)(e), for “or European Union-wide” substitute “, national or in their natural range”.

(5) In Schedule 2—

(a) after paragraph 1 insert—

> “**1A.** A reference in this Schedule to an activity being authorised, prohibited, operated or managed pursuant to, or subject to, a permit or registration under an EU Directive includes, after exit day, any activity authorised, prohibited, operated or managed pursuant to, or subject to, a permit or registration under any retained EU law which transposed that Directive.”; and

(**1**) S.I. 2009/995 (W. 81), amended by S.I. 2011/1043; there are other amending instruments but none is relevant.

(**2**) Retained EU law has the same meaning as in section 6 of the European Union (Withdrawal) Act 2018.

(b) ym mharagraff 10, yn lle’r geiriau o “Undeb Ewropeaidd” hyd at y diwedd, rhodder “Undeb Ewropeaidd, i mewn iddo neu allan ohono, neu ar ôl y diwrnod ymadael, i mewn i’r Deyrnas Unedig neu allan ohoni, y mae’n ofynnol cael awdurdodiad ar ei gyfer neu sydd wedi ei wahardd o dan Reoliad (EC) Rhif 1013/2006 Senedd Ewrop a’r Cyngor ar gludo llwythi gwastraff.”

(b) in paragraph 10, for the words from “European Union” to the end, substitute “European Union, or after exit day into or out of the United Kingdom, requiring an authorisation or prohibited under Regulation (EC) No 1013/2006 of the European Parliament and of the Council on shipments of waste.”.

Lesley Griffiths

Gweinidog yr Amgylchedd, Ynni a Materion Gwledig, un o Weinidogion Cymru
11 Chwefror 2019

Minister for Environment, Energy and Rural Affairs, one of the Welsh Ministers
11 February 2019

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