

HYSBYSIAD YNGHYLCH GWELLIANNAU NOTICE OF AMENDMENTS

Cyflwynwyd ar 16 Mawrth 2018
Tabled on 16 March 2018

Bil Cyfraith sy'n Deillio o'r Undeb Ewropeaidd (Cymru)

Law Derived from the European Union (Wales) Bill

Simon Thomas

7

Section 3, page 3, after line 27, insert—

- '() In exercising their powers under this section, and notwithstanding subsection (4), the Welsh Ministers must ensure that provision is made to safeguard Welsh produce that has protected status under EU protected food name schemes prior to exit day.'

Adran 3, tudalen 3, ar ôl llinell 29, mewnosoder—

- '() Wrth arfer eu pwerau o dan yr adran hon, ac er gwaethaf is-adran (4), rhaid i Weinidogion Cymru sicrhau y gwneir darpariaeth i warchod cynnyrch Cymreig sydd â statws gwarchodedig o dan gynlluniau enwau bwydydd a warchodir gan yr UE cyn y diwrnod ymadael.'

Simon Thomas

8

Page 11, after line 35, insert a new section—

[] **Review and sunset of the power in section 11(1)**

- (1) No regulations may be made under section 11(1) after the end of a period of 5 years beginning with exit day.
- (2) But the Welsh Ministers may by regulations extend the period mentioned in subsection (1).
- (3) Regulations under subsection (2)—
 - (a) may extend the period on more than one occasion;



- (b) must come into force before the end of the period mentioned in subsection (1) or, if the period has been extended by previous regulations, the end of that extended period;
- (c) must not extend the period on any occasion for more than 5 years.
- (4) Before making regulations under subsection (2), the Welsh Ministers must lay before the National Assembly for Wales a report on—
 - (a) the operation and effect of the power in section 11(1) and provision made under it, and
 - (b) the continuing need or otherwise for the power.
- (5) In preparing a report, the Welsh Ministers must consult such persons as they consider appropriate.
- (6) A report does not need to deal with a period dealt with in a previous report.’.

Tudalen 11, ar ôl llinell 40, mewnosoder adran newydd—

[] Adolygu'r pŵer yn adran 11(1) a machlud y pŵer

- (1) Ni chaniateir i reoliadau gael eu gwneud o dan adran 11(1) ar ôl diwedd cyfnod o 5 mlynedd sy'n dechrau â'r diwrnod ymadael.
- (2) Ond caiff Gweinidogion Cymru drwy reoliadau estyn y cyfnod a grybwyllir yn is-adran (1).
- (3) O ran rheoliadau o dan is-adran (2)—
 - (a) cânt estyn y cyfnod ar fwy nag un achlysur;
 - (b) rhaid iddynt ddod i rym cyn diwedd y cyfnod a grybwyllir yn is-adran (1) neu, os yw'r cyfnod wedi ei estyn drwy reoliadau blaenorol, cyn diwedd y cyfnod estynedig hwnnw;
 - (c) ni cânt estyn y cyfnod ar unrhyw achlysur am fwy na 5 mlynedd.
- (4) Cyn gwneud rheoliadau o dan is-adran (2), rhaid i Weinidogion Cymru osod gerbron Cynulliad Cenedlaethol Cymru adroddiad ar—
 - (a) gweithrediad ac effaith y pŵer yn adran 11(1) a darpariaeth a wneir oddi tani, a
 - (b) yr angen parhaus neu fel arall am y pŵer.
- (5) Wrth lunio adroddiad, rhaid i Weinidogion Cymru ymgynghori â'r personau y maent yn ystyried eu bod yn briodol.
- (6) Nid oes angen i adroddiad ymdrin â chyfnod yr ymdriniwyd ag ef mewn adroddiad blaenorol.’.



Simon Thomas

9

Page 13, after line 24, insert a new section –

[] Duty to report on exercise of functions under sections 13 and 14

- (1) The Welsh Ministers must lay before the National Assembly for Wales a report on the exercise of their functions under sections 13 and 14 no later than 2 weeks after any consent has been given under those sections.
- (2) A report prepared under subsection (1) must provide details of the consent given, including–
 - (a) an explanation of the subordinate legislation being made, approved or confirmed;
 - (b) the person upon whom the functions of making, approving or confirming the legislation have been conferred;
 - (c) the Welsh Ministers' reasons for giving the consent; and
 - (d) which conditions in sections 13 or 14 apply to the consent.
- (3) If the Welsh Ministers have given consent under section 13 or 14 to a provision in subordinate legislation that modifies provision in primary legislation, the report must explain why consent was given in that case.'

Tudalen 13, ar ôl llinell 25, mewnosoder adran newydd –

[] Dyletswydd i adrodd ar arfer swyddogaethau o dan adrannau 13 a 14

- (1) Rhaid i Weinidogion Cymru osod gerbron Cynulliad Cenedlaethol Cymru adroddiad ar arfer eu swyddogaethau o dan adrannau 13 a 14 heb fod yn hwyrach na 2 wythnos ar ôl i unrhyw gydsyniad gael ei roi o dan yr adrannau hynny.
- (2) Rhaid i adroddiad o dan is-adran (1) ddarparu manylion y cydsyniad a roddir gan gynnwys–
 - (a) esboniad o'r is-ddeddfwriaeth sy'n cael ei gwneud, ei chymeradwyo neu ei chadarnhau;
 - (b) y person y rhoddwyd y swyddogaethau o wneud, cymeradwyo neu gadarnhau'r ddeddfwriaeth iddo;
 - (c) rhesymau Gweinidogion Cymru dros roi cydsyniad, a
 - (d) pa rai o'r amodau yn adran 13 neu 14 sy'n gymwys i'r cydsyniad.
- (3) Os yw Gweinidogion Cymru wedi rhoi cydsyniad o dan adran 13 neu 14 i ddarpariaeth mewn is-ddeddfwriaeth sy'n addasu darpariaeth mewn deddfwriaeth sylfaenol, rhaid i'r adroddiad esbonio pam y rhoddwyd cydsyniad yn yr achos hwnnw.'



Simon Thomas

10

Page 13, after line 39, insert a new section –

'Environmental principles

[] Regulations: continuance of EU law environmental principles

- (1) In exercising, in relation to the environment, any functions conferred or imposed on them in or under this Act, the Welsh Ministers, and any other person on whom functions are so conferred or imposed, must have regard to the principles set out in subsection (2).
- (2) The principles referred to in subsection (1) are –
 - (a) the principle that the level of protection accorded to the environment is to be high;
 - (b) the principle that where potential damage to the environment has been identified but the risk cannot be determined with sufficient certainty, a precautionary approach is to be taken with the aim of avoiding or preventing that damage;
 - (c) the principle that damage to the environment is to be avoided or prevented wherever possible, rather than being rectified;
 - (d) the principle that, where rectification is necessary, it should be effected at source;
 - (e) the principle that the person responsible for causing damage or potential damage to the environment should be responsible for the cost of avoidance, prevention or rectification;
 - (f) the principle that, in meeting the needs of the present, the ability of future generations to meet their own needs is not to be compromised.
- (3) For the avoidance of doubt, the duty imposed by subsection (1) is in addition to, and without prejudice to, the duties placed on the Welsh Ministers by section 3(1) and (2), section 4(2) and section 5(5)(a).'

Tudalen 13, ar ôl llinell 40, mewnosoder adran newydd –

'Egwyddorion amgylcheddol

[] Rheoliadau: parhad egwyddorion amgylcheddol cyfraith yr UE

- (1) Wrth arfer, mewn perthynas â'r amgylchedd, unrhyw swyddogaethau a roddir iddynt neu a osodir arnynt yn neu o dan y Ddeddf hon, rhaid i Weinidogion Cymru, ac unrhyw berson arall y rhoddir swyddogaethau iddo neu y'u gosodir arno yn y fath fodd, roi sylw i'r egwyddorion a nodir yn is-adran (2).
- (2) Yr egwyddorion y cyfeirir atynt yn is-adran (1) yw –
 - (a) yr egwyddor bod lefel y diogelwch a roddir i'r amgylchedd yn uchel;
 - (b) yr egwyddor, lle y nodwyd difrod posibl i'r amgylchedd ond na ellir canfod y risg â digon o sicrwydd, fod dull rhagofalus i'w fabwysiadu gyda'r nod o osgoi neu atal y difrod hwnnw;



- (c) yr egwyddor bod difrod i'r amgylchedd i'w osgoi neu ei atal lle bynnag y bo'n bosibl, yn hytrach na'i unioni;
 - (d) yr egwyddor, lle y bo unioni'n angenrheidiol, y dylid gwneud hynny yn y tarddle;
 - (e) yr egwyddor bod y person sy'n gyfrifol am beri difrod neu ddifrod posibl i'r amgylchedd yn gyfrifol am y costau osgoi, atal neu unioni;
 - (f) yr egwyddor, wrth ddiwallu anghenion y presennol, nad yw gallu cenedlaethau'r dyfodol i ddiwallu eu hanghenion eu hunain yn cael ei gyfaddawdu.
- (3) Er mwyn osgoi amheuaeth, mae'r ddyletswydd a osodir gan is-adran (1) yn ychwanegol at, a heb ragfarnu, y dyletswyddau a roddir ar Weinidogion Cymru gan adran 3(1) a (2), adran 4(2) ac adran 5(5)(a).'

Simon Thomas

11

Section 18, page 15, after line 5, insert—

“EU protected food name schemes” includes schemes for the protection of food or drink protected under the following EU product quality indicators - Protected Designation of Origin, Protected Geographical Indicator, and Traditional Speciality Guaranteed as provided for by Regulation (EU) No 1151/2012 of the European Parliament and of the Council.’

Adran 18, tudalen 15, ar ôl llinell 4, mewnosoder—

‘mae “cynlluniau enwau bwydydd a warchodir gan yr UE” yn cynnwys cynlluniau ar gyfer gwarchod bwyd a diod a warchodir o dan ddangosyddion ansawdd cynnyrch a ganlyn yr UE - Enw Tarddiad Gwarchodedig, Dynodiad Daearyddol Gwarchodedig, a Gwarant Arbenigedd Traddodiadol fel y darperir ar eu cyfer gan Reoliad (EU) Rhif 1151/2012 Senedd Ewrop a'r Cyngor.’

Simon Thomas

12

Schedule 2, page 20, line 13, after ‘11’, insert ‘or section [section to be inserted by amendment 8]’.

Atodlen 2, tudalen 20, llinell 14, ar ôl ‘11’, mewnosoder ‘neu adran [yr adran sy'n cael ei mewnosod gan welliant 8]’.



Simon Thomas

13

Schedule 2, page 20, after line 16, insert –

- '() If the draft regulations contain provision modifying primary legislation, the Welsh Ministers must lay a statement before the National Assembly for Wales that explains why the provision is needed.'

Atodlen 2, tudalen 20, ar ôl llinell 18, mewnosoder –

- '() Os yw'r rheoliadau drafft yn cynnwys darpariaeth sy'n addasu deddfwriaeth sylfaenol, rhaid i Weinidogion Cymru osod datganiad gerbron Cynulliad Cenedlaethol Cymru sy'n esbonio pam bod angen y ddarpariaeth.'

Simon Thomas

14

Schedule 2, page 20, after line 22, insert –

- '() the draft regulations are to be made under section [section to be inserted by amendment 8],'

Atodlen 2, tudalen 20, ar ôl llinell 24, mewnosoder –

- '() os yw'r rheoliadau drafft i'w gwneud o dan adran [yr adran sy'n cael ei mewnosod gan welliant 8],'

Simon Thomas

15

Schedule 2, page 23, after line 19, insert –

'Explanatory statements: continuance of EU law environmental principles

- 7 (1) Any regulations, or draft regulations, laid before the National Assembly for Wales under this Act must be accompanied by an Explanatory Memorandum including an explanation as to how, in relation to the instrument or draft, the Welsh Ministers have had regard to the principles set out in paragraph (2).
- (2) The principles referred to in paragraph (1) are –
- (a) the principle that the level of protection accorded to the environment is to be high;
 - (b) the principle that where potential damage to the environment has been identified but the risk cannot be determined with sufficient certainty, a precautionary approach is to be taken with the aim of avoiding or preventing that damage;
 - (c) the principle that damage to the environment is to be avoided or prevented wherever possible, rather than being rectified;
 - (d) the principle that, where rectification is necessary, it should be effected at source;



- (e) the principle that the person responsible for causing damage or potential damage to the environment should be responsible for the cost of avoidance, prevention or rectification;
 - (f) the principle that, in meeting the needs of the present, the ability of future generations to meet their own needs is not to be compromised.
- (3) Paragraph (1) is without prejudice to any other requirements set out in the Standing Orders of the National Assembly for Wales, as they apply from time to time, relating to Explanatory Memoranda to accompany statutory instruments or draft statutory instruments laid before the Assembly.'

Atodlen 2, tudalen 23, ar ôl llinell 20, mewnosoder –

'Datganiadau esboniadol: parhad egwyddorion amgylcheddol cyfraith yr UE

- 7 (1) Rhaid i Femorandwm Esboniadol fynd gydag unrhyw reoliadau, neu reoliadau drafft, a osodir gerbron Cynulliad Cenedlaethol Cymru o dan y Ddeddf hon, gan gynnwys esboniad o sut, mewn perthynas â'r offeryn neu'r drafft, y mae Gweinidogion Cymru wedi rhoi sylw i'r egwyddorion a nodir ym mharagraff (2).
- (2) Yr egwyddorion y cyfeirir atynt ym mharagraff (1) yw -
- (a) yr egwyddor bod lefel y diogelwch a roddir i'r amgylchedd yn uchel;
 - (b) yr egwyddor, lle y nodwyd difrod posibl i'r amgylchedd ond na ellir canfod y risg â digon o sicrwydd, fod dull rhagofalus i'w fabwysiadu gyda'r nod o osgoi neu atal y difrod hwnnw;
 - (c) yr egwyddor bod difrod i'r amgylchedd i'w osgoi neu ei atal lle bynnag y bo'n bosibl, yn hytrach na'i unioni;
 - (d) yr egwyddor, lle y bo unioni'n angenrheidiol, y dylid gwneud hynny yn y tarddle;
 - (e) yr egwyddor bod person sy'n gyfrifol am beri difrod neu ddifrod posibl i'r amgylchedd yn gyfrifol am y costau osgoi, atal neu unioni;
 - (f) yr egwyddor, wrth ddiwallu anghenion y presennol, nad yw gallu cenedlaethau'r dyfodol i ddiwallu eu hanghenion eu hunain yn cael ei gyfaddawdu.
- (3) Nid yw paragraff (1) yn rhagfarnu unrhyw ofynion eraill a nodir yn Rheolau Sefydlog Cynulliad Cenedlaethol Cymru, fel sy'n gymwys o bryd i'w gilydd, sy'n ymwneud â Memoranda Esboniadol i gyd-fynd ag offerynnau statudol neu offerynnau statudol drafft a osodir gerbron y Cynulliad.'

