



OFFERYNNAU STATUDOL  
CYMRU

WELSH STATUTORY  
INSTRUMENTS

**2015 Rhif 1388 (Cy. 137)**

**2015 No. 1388 (W. 137)**

**TRYDAN, CYMRU**

**ELECTRICITY, WALES**

**Rheoliadau Safon Perfformiad  
Allyriadau (Gorfodi) (Cymru) 2015**

**The Emissions Performance  
Standard (Enforcement) (Wales)  
Regulations 2015**

**NODYN ESBONIADOL**

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

**EXPLANATORY NOTE**

*(This note is not part of the Regulations)*

Mae Pennod 8 o Ran 2 o Ddeddf Ynni 2013 (“y Ddeddf”) yn gosod dyletswydd, “y ddyletswydd terfyn allyriadau”, ar weithredwyr gweithfeydd tanwydd ffosil sydd wedi cael caniatâd cynllunio ar neu ar ôl 18 Chwefror 2014, i sicrhau nad yw eu hallyriadau carbon deuocsid blynyddol y gellir eu priodoli i danwydd ffosil yn uwch na swm (“y terfyn allyriadau”) a bennir yn ôl fformiwla a nodir yn adran 57(2) o'r Ddeddf.

Chapter 8 of Part 2 of the Energy Act 2013 (“the Act”) imposes a duty, “the emissions limit duty”, on operators of fossil fuel plants granted planning consent on or after 18th February 2014, to ensure that its annual emissions of carbon dioxide attributable to fossil fuels do not exceed an amount (“the emissions limit”) determined according to a formula set out in section 57(2) of the Act.

Mae Rheoliadau Safon Perfformiad Allyriadau 2015 yn gwneud darpariaeth ychwanegol ar gyfer cymhwyso'r ddyletswydd terfyn allyriadau yn y Deyrnas Unedig. Maent yn ymestyn cymhwysiad y ddyletswydd terfyn allyriadau i gynnwys unedau cynhyrchu sydd wedi gosod prif foeler newydd yn lle'r hen un neu wedi gosod boeler ychwanegol; maent yn addasu'r terfyn allyriadau pan fo amgylchiadau penodol yn gymwys yn ystod blwyddyn; maent yn gwneud darpariaeth ar gyfer amgylchiadau pan ddylid ystyried bod gwaith nwyeddio yn gysylltiedig â gwaith tanwydd ffosil perthnasol; maent yn esemptio unedau cynhyrchu sydd â system dal a storio carbon gyflawn o'r ddyletswydd terfyn allyriadau; maent yn nodi pa allyriadau sy'n berthnasol wrth benderfynu a yw gwaith tanwydd ffosil wedi torri'r ddyletswydd terfyn allyriadau ac maent yn darparu ar gyfer gostyngiad yn y terfyn allyriadau i weithfeydd tanwydd ffosil sy'n weithfeydd gwres a phŵer cyfunedig.

The Emissions Performance Standard Regulations 2015 make further provision for the application of the emissions limit duty in the United Kingdom. They extend the application of the emissions limit duty to include generating units that have replaced the main boiler or installed an additional main boiler; they modify the emissions limit where particular conditions apply during a year; they make provision for when a gasification plant should be considered as associated with a relevant fossil fuel plant; they exempt from the emissions limit duty generating units with a complete carbon capture and storage system; they set out what emissions are relevant in determining whether a fossil fuel plant has breached the emissions limit duty and they provide for a reduction in the emissions limit for fossil fuel plants which are combined heat and power plants.

Mae'r Rheoliadau hyn yn creu trefn fonitro a gorfodi i Gymru, mewn perthynas â'r ddyletswydd terfyn allyriadau.

These Regulations create a monitoring and enforcement regime, in relation to the emissions limit duty, for Wales.

Mae rheoliad 2 yn cynnwys diffiniadau.

Regulation 2 contains definitions.

Mae rheoliad 3 yn nodi'r amgylchiadau pan fo rhaid i weithredwr gwaith tanwydd ffosil roi hysbysiad i CANC. Rhaid i'r hysbysiad nodi'r terfyn allyriadau ar

Regulation 3 sets out the circumstances in which a fossil fuel plant operator must supply a notification to the NRW. The notification must state the emissions

gyfer y gwaith tanwydd ffosil, ei gapasiti cynhyrchu gosodedig a'r dyddiad y dechreuodd gynhyrchu neu y disgwylir iddo ddechrau cynhyrchu.

Mae rheoliad 4 yn darparu ar gyfer rhoi hysbysiadau i CANC mewn perthynas â system dal a storio carbon gyflawn, gan gynnwys i ba unedau cynhyrchu y dylai unrhyw esemptiad fod yn gymwys.

Mae rheoliad 5 yn darparu ar gyfer cyflenwi hysbysiad allyriadau manwl, sef "hysbysiad allyriadau blynyddol y Safon Perfformiad Allyriadau", sy'n cynnwys allyriadau blynyddol y Safon Perfformiad Allyriadau ar gyfer gwaith tanwydd ffosil, wedi eu cyfrifo'n unol â Rhan 2 o Reoliadau Safon Perfformiad Allyriadau 2015 a'r dulliau asesu a chyfrifo a ddefnyddir ar gyfer Cynllun Masnachu Allyriadau'r UE.

Mae rheoliad 6 yn darparu ar gyfer sefydlu cynllun codi tâl gan Weinidogion Cymru i gael ei redeg gan CANC wrth gyflawni swyddogaethau o dan y Rheoliadau hyn.

Mae rheoliad 7 yn caniatáu i CANC ofyn am wybodaeth ychwanegol gan weithredwr gwaith tanwydd ffosil, neu weithredwr gwaith tanwydd ffosil cysylltiedig.

Mae rheoliad 8 yn caniatáu i CANC gyflwyno hysbysiadau gorfodi pan fo gweithredwr gwaith tanwydd ffosil wedi torri'r ddyletswydd terfyn allyriadau.

Mae rheoliad 9 yn gwneud darpariaeth fel y caiff CANC gyflwyno cosbau sifil, pan fo gweithredwr gwaith tanwydd ffosil wedi torri'r ddyletswydd terfyn allyriadau. Caiff Gweinidogion Cymru gyhoeddi canllawiau ar gosbau ariannol a rhaid i CANC roi sylw iddynt.

Mae rheoliad 10 yn darparu ar gyfer effaith cyfarwyddydau a wneir gan yr Ysgrifennydd Gwladol o dan adran 59(2) o Ddeddf Ynni 2013 i atal gweithrediad y ddyletswydd terfyn allyriadau dros dro.

Mae rheoliad 11 yn darparu ar gyfer apeliadau yn erbyn hysbysiadau gorfodi a hysbysiadau cosb sifil i'r Tribiwnlys Haen Gyntaf.

Mae rheoliad 12 yn caniatáu i CANC gyhoeddi gwybodaeth mewn perthynas â chyflwyno hysbysiadau gorfodi a hysbysiadau cosb sifil, cyhyd ag y bo unrhyw apêl wedi ei phenderfynu neu ei thynnu'n ôl, neu fod y terfyn amser ar gyfer cyflwyno apêl wedi mynd heibio.

Mae rheoliad 13 yn gwneud darpariaeth fel y caiff CANC orfodi hysbysiadau gwybodaeth, hysbysiadau gorfodi a hysbysiadau cosb sifil drwy gael gorchymyn gan yr Uchel Lys.

limit for the fossil fuel plant, its installed generating capacity and the date on which it commenced or is expected to commence generation.

Regulation 4 makes provision for notifications to be given to the NRBW in relation to a complete CCS system, including to which generating units any exemption should apply.

Regulation 5 makes provision for the supply of a detailed emissions notification, an "EPS annual emissions notification", containing the EPS annual emissions of a fossil fuel plant calculated in accordance with Part 2 of the Emissions Performance Standard Regulations 2015 and the methods of assessment and calculation used for the EU Emissions Trading Scheme.

Regulation 6 provides for the Welsh Ministers to establish a charging scheme for operation by the NRBW when carrying out functions under these Regulations.

Regulation 7 allows the NRBW to request further information from the operator of a fossil fuel plant, or the operator of an associated fossil fuel plant.

Regulation 8 allows for enforcement notices to be issued by the NRBW where an operator of a fossil fuel plant has breached the emissions limit duty.

Regulation 9 makes provision for NRBW to issue civil penalties, where an operator of a fossil fuel plant has breached the emissions limit duty. The Welsh Ministers may publish guidance on financial penalties, to which the NRBW must have regard.

Regulation 10 provides for the effect of directions made by the Secretary of State under section 59(2) of the Energy Act 2013 suspending the operation of the emissions limit duty.

Regulation 11 makes provision for appeals against enforcement notices and civil penalty notices to the First-tier Tribunal.

Regulation 12 allows the NRBW to publish information in relation to issuing enforcement notices and civil penalty notices, providing that any appeal has been determined or withdrawn, or that the time limit for bringing an appeal has elapsed.

Regulation 13 makes provision for NRBW to enforce information notices, enforcement notices and civil penalty notices by obtaining an order of the High Court.

Mae rheoliad 14 yn diwygio Rheoliadau'r Cynllun Masnachu Allyriadau Nwyon Tŷ Gwydr 2012, er mwyn caniatáu ar gyfer datgelu a chyhoeddi gwybodaeth yn ôl yr angen er mwyn cyflawni swyddogaethau CANC o dan y Rheoliadau hyn.

Mae rheoliad 15 yn dwyn i rym yr Atodlen sy'n darparu ar gyfer cyflwyno dogfennau gan Weinidogion Cymru a CANC o dan y Rheoliadau hyn. Rhoddir pwerau i CANC mewn rhan arall o'r Rheoliadau i ragnodi'r dull y caiff gweithredwyr gyflwyno hysbysiadau iddo.

Ystyriwyd Cod Ymarfer Gweinidogion Cymru ar gynnal Aseidiadau Effaith Rheoleiddiol mewn perthynas â'r Rheoliadau hyn. O ganlyniad, nid ystyriwyd bod angen cynnal asesiad effaith rheoleiddiol o'r costau a'r manteision sy'n debygol o ddeillio o gydymffurfio â'r Rheoliadau hyn.

Regulation 14 makes amendments to the Greenhouse Gas Emissions Trading Scheme Regulations 2012, to allow for information disclosure and publication as necessary for the performance of NRBW's functions under these Regulations.

Regulation 15 brings into force the Schedule which makes provision for the service of documents by the Welsh Ministers and the NRBW under these Regulations. The NRBW is given powers elsewhere in the Regulations to prescribe the manner in which operators may serve notifications on it.

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.

**2015 Rhif 1388 (Cy. 137)**

**2015 No. 1388 (W. 137)**

**TRYDAN, CYMRU**

**ELECTRICITY, WALES**

**Rheoliadau Safon Perfformiad  
Allyriadau (Gorfodi) (Cymru) 2015**

**The Emissions Performance  
Standard (Enforcement) (Wales)  
Regulations 2015**

*Gwnaed* 15 Mehefin 2015

*Made* 15 June 2015

*Gosodwyd gerbron Cynulliad Cenedlaethol  
Cymru* 16 Mehefin 2015

*Laid before the National Assembly for Wales*  
16 June 2015

*Yn dod i rym* 8 Gorffennaf 2015

*Coming into force* 8 July 2015

Mae Gweinidogion Cymru, drwy arfer y pwerau a roddwyd gan adrannau 60 a 62(9) o Ddeddf Ynni 2013(1), ac Atodlen 5 i'r Ddeddf honno, yn gwneud y Rheoliadau a ganlyn:

The Welsh Ministers, in exercise of the powers conferred by sections 60 and 62(9) of, and Schedule 5 to, the Energy Act 2013(1), make the following Regulations:

**Enwi, cychwyn a chymhwyso**

**Title, application and commencement**

1.—(1) Enw'r Rheoliadau hyn yw Rheoliadau Safon Perfformiad Allyriadau (Gorfodi) (Cymru) 2015.

1.—(1) The title of these Regulations is the Emissions Performance Standard (Enforcement) (Wales) Regulations 2015.

(2) Mae'r Rheoliadau hyn yn gymwys o ran Cymru ac yn dod i rym ar 8 Gorffennaf 2015.

(2) These Regulations apply in relation to Wales and come into force on 8 July 2015.

**Dehongli**

**Interpretation**

2. Yn y Rheoliadau hyn—

2. In these Regulations—

ystyr “Adroddiad Allyriadau Nwyon Tŷ Gwydr” (“*Greenhouse Gas Emissions Report*”) yw adroddiad y mae'n ofynnol i weithredwr ei gyflwyno gan Erthygl 67(1) o'r Rheoliad Monitro ac Adrodd(2);

“the Act” (“*y Ddeddf*”) means the Energy Act 2013;

“associated gasification plant” (“*gwaith nwyeddio cysylltiedig*”) means any gasification plant that—

mae “allyriadau blynyddol y Safon Perfformiad Allyriadau” (“*EPS annual emissions*”) i'w ddehongli yn unol â rheoliadau 7 ac 8 o Reoliadau Safon Perfformiad Allyriadau 2015(3);

(a) produces fuel from fossil fuels; and

(b) the fuel produced by that plant is used by a relevant fossil fuel plant to generate electricity;

“CCS notification” (“*hysbysiad dal a storio carbon*”) means a notification under regulation 4;

---

(1) 2013 p. 32.

(2) Gweler y gofyniad mewn Trwydded Allyriadau Nwyon Tŷ Gwydr a fewnosodir yn unol ag Atodlen 4, paragraff 2(3)(b) o Reoliadau CMANTG.

(3) O.S. 2015/933

---

(1) 2013 c. 32.

mae i “blwyddyn” yr un ystyr ag a roddir i “year” yn adran 61(1) o’r Ddeddf;

ystyr “CANC” (“*NRBW*”) yw Corff Adnoddau Naturiol Cymru;

ystyr “capasiti cynhyrchu gosodedig” (“*installed generating capacity*”), mewn perthynas â gorsaf gynhyrchu neu uned gynhyrchu, yw’r capasiti uchaf o ran cynhyrchu trydan (mewn MW) y gellid gweithredu’r orsaf gynhyrchu honno neu’r uned gynhyrchu honno yn unol ag ef am gyfnod parhaus heb achosi difrod iddi (gan gymryd bod ffynhonnell yr ynni a ddefnyddir i gynhyrchu trydan ar gael yn ddi-dor);

ystyr “y Ddeddf” (“*the Act*”) yw Deddf Ynni 2013; mae i “ffrwd ffynhonnell” yr un ystyr ag a roddir i “source stream” yn Erthygl 3(4) o’r Rheoliad Monitro ac Adrodd;

ystyr “gorsaf gynhyrchu” (“*generating station*”) yw gorsaf sy’n cynhyrchu trydan;

ystyr “gwaith nwyeddio cysylltiedig” (“*associated gasification plant*”) yw unrhyw waith—

- (a) sy’n cynhyrchu tanwydd o danwydd ffosil; a
- (b) y mae’r tanwydd a gynhyrchir gan y gwaith hwnnw’n cael ei ddefnyddio gan waith tanwydd ffosil perthnasol i gynhyrchu trydan;

ystyr “gwaith tanwydd ffosil perthnasol” (“*relevant fossil fuel plant*”) yw gwaith tanwydd ffosil y mae’r ddyletswydd terfyn allyriadau yn gymwys iddo o dan y Ddeddf neu uned gynhyrchu y mae’r ddyletswydd terfyn allyriadau yn gymwys iddi yn rhinwedd rheoliad 3 o Reoliadau Safon Perfformiad Allyriadau 2015;

ystyr “gweithredwr” (“*operator*”), mewn perthynas â gwaith tanwydd ffosil perthnasol yw’r person y mae’n ofynnol bod ganddo Drwydded Allyriadau Nwyon Tŷ Gwydr ar gyfer y gwaith tanwydd ffosil perthnasol;

ystyr “hysbysiad allyriadau blynyddol y Safon Perfformiad Allyriadau” (“*EPS annual emissions notification*”) yw hysbysiad o dan reoliad 5;

ystyr “hysbysiad cosb sifil” (“*civil penalty notice*”) yw hysbysiad a gyflwynir o dan reoliad 9;

ystyr “hysbysiad dal a storio carbon” (“*CCS notification*”) yw hysbysiad o dan reoliad 4;

ystyr “hysbysiad gorfodi” (“*enforcement notice*”) yw hysbysiad a gyflwynir o dan reoliad 8;

ystyr “hysbysiad gwybodaeth” (“*information notice*”) yw hysbysiad a gyflwynir o dan reoliad 7;

ystyr “hysbysiad terfyn allyriadau” (“*emissions limit notification*”) yw hysbysiad o dan reoliad 3;

“civil penalty notice” (“*hysbysiad cosb sifil*”) means a notice issued under regulation 9;

“emissions limit notification” (“*hysbysiad terfyn allyriadau*”) means a notification under regulation 3;

“enforcement notice” (“*hysbysiad gorfodi*”) means a notice issued under regulation 8;

“EPS annual emissions” (“*allyriadau blynyddol y Safon Perfformiad Allyriadau*”) is to be construed in accordance with regulations 7 and 8 of the Emissions Performance Standard Regulations 2015(1);

“EPS annual emissions notification” (“*hysbysiad allyriadau blynyddol y Safon Perfformiad Allyriadau*”) means a notification under regulation 5;

“generating station” (“*gorsaf gynhyrchu*”) means a station which generates electricity;

“generating unit” (“*uned gynhyrchu*”) means any combination of generators, boilers, turbines, or other prime movers that are physically connected as one unit and operated together to produce electricity independently of any other unit;

“the GGETS Regulations” (“*y Rheoliadau CMANTG*”) means the Greenhouse Gas Emissions Trading Scheme Regulations 2012(2);

“Greenhouse Gas Emissions Permit” (“*Trwydded Allyriadau Nwyon Tŷ Gwydr*”) means a permit granted under regulation 10 of the GGETS Regulations;

“Greenhouse Gas Emissions Report” (“*Adroddiad Allyriadau Nwyon Tŷ Gwydr*”) means a report required to be submitted by an operator by Article 67(1) of the Monitoring and Reporting Regulation(3);

“information notice” (“*hysbysiad gwybodaeth*”) is a notice issued under regulation 7;

“installed generating capacity” (“*capasiti cynhyrchu gosodedig*”), in relation to a generating station or generating unit, means the maximum capacity of electricity generation (in MW) at which that generating station or generating unit could be operated for a sustained period without damage being caused to it (assuming the source of energy used to generate electricity is available without interruption);

---

(1) S.I. 2015/933

(2) S.I. 2012/3038 which has been amended by S.I. 2013/1037, S.I. 2013/3135 and S.I. 2014/3125.

(3) See the requirement in a Greenhouse Gas Emissions Permit inserted pursuant to Schedule 4, paragraph 2(3)(b) of the GGETS Regulations.

ystyr “MW” (“*MW*”) yw megawat;

ystyr “MWth” (“*MWth*”) yw megawat o allbwn thermol;

ystyr “y Rheoliad Monitro ac Adrodd” (“*the Monitoring and Reporting Regulation*”) yw Rheoliad y Comisiwn (UE) Rhif 601/2012 ar fonitro ac adrodd ar allyriadau nwyon tŷ gwydr yn unol â Chyfarwyddeb 2003/87/EC Senedd Ewrop a’r Cyngor(1);

ystyr “y Rheoliadau CMANTG” (“*the GGETS Regulations*”) yw Rheoliadau’r Cynllun Masnachu Allyriadau Nwyon Tŷ Gwydr 2012(2);

ystyr “Trwydded Allyriadau Nwyon Tŷ Gwydr” (“*Greenhouse Gas Emissions Permit*”) yw trwydded a roddir o dan reoliad 10 o’r Rheoliadau CMANTG; ac

ystyr “uned gynhyrchu” (“*generating unit*”) yw unrhyw gyfuniad o eneraduron, boeleri, tyrbinau, neu brif symudwyr eraill sydd wedi eu cysylltu’n ffisegol fel un uned ac sy’n cael eu gweithredu gyda’i gilydd i gynhyrchu trydan yn annibynnol ar unrhyw uned arall.

“the Monitoring and Reporting Regulation” (“*y Rheoliad Monitro ac Adrodd*”) means Commission Regulation (EU) No 601/2012 on the monitoring and reporting of greenhouse gas emissions pursuant to Directive 2003/87/EC of the European Parliament and of the Council(1);

“MW” (“*MW*”) means megawatts;

“MWth” (“*MWth*”) means megawatt of thermal output;

“NRBW” (“*CANC*”) means Natural Resources Body for Wales;

“operator” (“*gweithredwr*”), in relation to a relevant fossil fuel plant, means the person required to hold a Greenhouse Gas Emissions Permit for the relevant fossil fuel plant;

“relevant fossil fuel plant” (“*gwaith tanwydd ffosil perthnasol*”) means a fossil fuel plant to which the emissions limit duty applies under the Act or a generating unit to which the emissions limit duty applies by virtue of regulation 3 of the Emissions Performance Standard Regulations 2015;

“source stream” (“*ffrwd ffynhonnell*”) has the same meaning as in Article 3(4) of the Monitoring and Reporting Regulation.

“year” has the same meaning as in section 61(1) of the Act.

## Y ddyletswydd hysbysiad o derfyn allyriadau

3.—(1) Os bodlonir unrhyw rai o’r amodau ym mharagraff (3) mewn perthynas â gwaith tanwydd ffosil perthnasol, rhaid i weithredwr y gwaith gyflwyno hysbysiad (“hysbysiad terfyn allyriadau”) i CANC o fewn 31 diwrnod i’r dyddiad y bodlonir yr amod (neu os bodlonir mwy nag un amod, o fewn 31 diwrnod i’r dyddiad y bodlonir yr amod cynharaf).

(2) Rhaid i hysbysiad terfyn allyriadau nodi—

- (a) y terfyn allyriadau (mewn tunelli o garbon deuocsid) ar gyfer y gwaith tanwydd ffosil perthnasol, wedi ei gyfrifo yn unol ag adran 57(1) o’r Ddeddf ac fel y’i haddasir, os yn gymwys, gan reoliad 4 o Reoliadau Safon Perfformiad Allyriadau 2015;
- (b) capasiti cynhyrchu gosodedig y gwaith tanwydd ffosil perthnasol; ac
- (c) y dyddiad y dechreuodd y gwaith tanwydd ffosil perthnasol gynhyrchu trydan neu’r dyddiad y disgwyilir iddo ddechrau gwneud hynny.

(3) Yr amodau y cyfeirir atynt ym mharagraff (1) yw—

(1) OJ Rhif L 181, 12.7.2012, t. 30.

(2) O.S. 2012/3038 sydd wedi ei ddiwygio gan O.S. 2013/1037, O.S. 2013/3135 ac O.S. 2014/3125.

## Emissions limit notification duty

3.—(1) If any of the conditions in paragraph (3) are met in relation to a relevant fossil fuel plant, the operator of the plant must submit a notification (“an emissions limit notification”) to the NRBW within 31 days of the date on which the condition is met (or if more than one condition is met, within 31 days of the date on which the earliest condition is met).

(2) An emissions limit notification must state—

- (a) the emissions limit (in tonnes of carbon dioxide) for the relevant fossil fuel plant, calculated in accordance with section 57(1) of the Act and as modified, if applicable, by regulation 4 of the Emissions Performance Standard Regulations 2015;
- (b) the installed generating capacity of the relevant fossil fuel plant; and
- (c) the date on which the relevant fossil fuel plant commenced or is expected to commence generation.

(3) The conditions referred to in paragraph (1) are—

(1) OJ No L 181, 12.7.2012, p 30.

- (a) bod Trwydded Allyriadau Nwyon Tŷ Gwydr mewn perthynas â'r gwaith tanwydd ffosil perthnasol—
  - (i) gan y gweithredwr ar y dyddiad y daw'r Rheoliadau hyn i rym;
  - (ii) yn cael ei rhoi i'r gweithredwr ar ôl y dyddiad y daw'r Rheoliadau hyn i rym; neu
  - (iii) yn cael ei hamrywio mewn perthynas â maint y capasiti cynhyrchu gosodedig y mae'r drwydded honno'n berthnasol iddo ar ôl y dyddiad y daw'r Rheoliadau hyn i rym; neu
- (b) yr addasir terfyn allyriadau'r gwaith tanwydd ffosil perthnasol gan reoliad 4 o Reoliadau Safon Perfformiad Allyriadau 2015.

(4) Rhaid cyflwyno hysbysiad terfyn allyriadau ar unrhyw ffurf ac mewn unrhyw ddull y caiff CANC yn rhesymol ofyn amdano.

#### **Hysbysiad dal a storio carbon**

4.—(1) At ddibenion adran 58 o'r Ddeddf, rhaid i CANC beidio ag ystyried bod system dal a storio carbon gyflawn yn barod i'w ddefnyddio oni bai ei fod wedi derbyn hysbysiad gan y gweithredwr ("hysbysiad dal a storio carbon") mewn cysylltiad â'r system.

(2) Rhaid i hysbysiad dal a storio carbon nodi—

- (a) pob uned gynhyrchu o fewn y gwaith tanwydd ffosil perthnasol y mae'r system dal a storio carbon gyflawn yn ymwneud â hi;
- (b) capasiti cynhyrchu gosodedig pob un o'r unedau cynhyrchu a nodir o dan is-baragraff (a); ac
- (c) y dyddiad y mae'r gweithredwr yn dymuno i'r system dal a storio carbon gyflawn gael ei hystyried yn barod i'w defnyddio.

(3) Rhaid i hysbysiad dal a storio carbon gael ei gyflwyno ar unrhyw ffurf ac mewn unrhyw ddull y caiff CANC yn rhesymol ofyn amdano.

#### **Hysbysiadau allyriadau blynyddol y Safon Perfformiad Allyriadau**

5.—(1) Os bodlonir yr amod ym mharagraff (2) mewn perthynas â gwaith tanwydd ffosil perthnasol, rhaid i weithredwr y gwaith gyflwyno hysbysiad ("hysbysiad allyriadau blynyddol y Safon Perfformiad Allyriadau") i CANC yn unol â pharagraffau (4) a (5).

(2) Yr amod y cyfeirir ato ym mharagraff (1) yw fod cyfanswm—

- (a) that a Greenhouse Gas Emissions Permit in relation to the relevant fossil fuel plant—
  - (i) is held by the operator on the date these Regulations come into force;
  - (ii) is granted to the operator after the date these Regulations come into force; or
  - (iii) is varied in relation to the amount of installed generating capacity covered by that permit after the date these Regulations come into force; or
- (b) the emissions limit for the relevant fossil fuel plant is modified by regulation 4 of the Emissions Performance Standard Regulations 2015.

(4) An emissions limit notification must be submitted in such form and manner as the NRBW may reasonably require.

#### **CCS notification**

4.—(1) For the purposes of section 58 of the Act, the NRBW must not consider a complete CCS system to be ready for use unless it has first received from the operator a notification ("a CCS notification") in respect of the system.

(2) A CCS notification must state—

- (a) each generating unit within the relevant fossil fuel plant to which the complete CCS system relates;
- (b) the installed generating capacity of all the generating units stated under sub-paragraph (a); and
- (c) the date on which the operator wishes the complete CCS system to be considered ready for use.

(3) A CCS notification must be submitted in such form and manner as the NRBW may reasonably require.

#### **EPS annual emissions notification**

5.—(1) If the condition in paragraph (2) is satisfied in relation to a relevant fossil fuel plant, the operator of the plant must submit a notification ("an EPS annual emissions notification") to the NRBW in accordance with paragraphs (4) and (5).

(2) The condition referred to in paragraph (1) is that the total of—

- (a) cyfanswm yr allyriadau carbon deuocsid ar gyfer y gwaith tanwydd ffosil perthnasol a adroddir mewn Adroddiad Allyriadau Nwyon Tŷ Gwydr wedi ei ddilysu; ac
- (b) os yn gymwys a phan nad yw wedi ei gynnwys fel arall yn y cyfanswm o dan is-baragraff (a), cyfanswm yr allyriadau carbon deuocsid y gellir ei briodoli'n uniongyrchol i gynhyrchu tanwydd a gynhyrchir gan danwydd ffosil mewn unrhyw waith nwyeddio cysylltiedig a ddefnyddir gan y gwaith tanwydd ffosil perthnasol am yr un cyfnod â'r adroddiad,

yn uwch na therfyn allyriadau'r gwaith hwnnw ar gyfer y flwyddyn y mae'r adroddiad yn ymwneud â hi.

(3) At ddibenion paragraff (2)—

- (a) dim ond allyriadau carbon deuocsid sy'n gysylltiedig ag unedau cynhyrchu a adroddir mewn Adroddiad Allyriadau Nwyon Tŷ Gwydr wedi ei ddilysu sydd i'w cynnwys; a
- (b) ystyr "terfyn allyriadau" ("*emissions limit*") yw'r terfyn allyriadau ar gyfer y gwaith tanwydd ffosil perthnasol wedi ei gyfrifo'n unol ag adran 57(1) o'r Ddeddf ac fel y'i haddaswyd, os yn gymwys, gan reoliad 4 o Reoliadau Safon Perfformiad Allyriadau 2015.

(4) Rhaid i hysbysiad allyriadau blynyddol y Safon Perfformiad Allyriadau—

- (a) ddatgan allyriadau blynyddol y Safon Perfformiad Allyriadau ar gyfer y gwaith tanwydd ffosil perthnasol am yr un cyfnod â'r Adroddiad Allyriadau Nwyon Tŷ Gwydr wedi ei ddilysu y cyfeirir ato ym mharagraff (2), ac at y diben hwnnw, rhaid cyfrifo neu fesur allyriadau blynyddol y Safon Perfformiad Allyriadau yn unol â methodoleg y Rheoliad Monitro ac Adrodd;
- (b) adnabod ffrydiau ffynhonnell ar gyfer pob uned gynhyrchu yn y gwaith tanwydd ffosil perthnasol y mae'r ddyletswydd terfyn allyriadau'n gymwys iddi;
- (c) gael ei gyflwyno i CANC o fewn 10 diwrnod i gyflwyno'r Adroddiad Allyriadau Nwyon Tŷ Gwydr y cyfeirir ato ym mharagraff (2); a
- (d) gael ei gyflwyno ar unrhyw ffurf ac mewn unrhyw ddull y caiff CANC yn rhesymol ofyn amdano.

- (a) the total emissions of carbon dioxide for the relevant fossil fuel plant reported in a verified Greenhouse Gas Emissions Report; and
- (b) if applicable and where not otherwise included in the total under sub-paragraph (a), the total emissions of carbon dioxide directly attributable to the production of fuel produced from fossil fuel in any associated gasification plant used by the relevant fossil fuel plant for the same period as the report,

is greater than the emissions limit for that plant for the year covered by the report.

(3) For the purposes of paragraph (2)—

- (a) only emissions of carbon dioxide which relate to generating units reported in a verified Greenhouse Gas Emissions Report are to be included; and
- (b) "emissions limit" ("*terfyn allyriadau*") means the emissions limit for the relevant fossil fuel plant calculated in accordance with section 57(1) of the Act and as modified, if applicable, by regulation 4 of the Emissions Performance Standard Regulations 2015.

(4) An EPS annual emissions notification must—

- (a) state the EPS annual emissions for the relevant fossil fuel plant for the same period as the verified Greenhouse Gas Emissions Report referred to in paragraph (2), and for this purpose, the EPS annual emissions are to be calculated or measured in accordance with the methodology of the Monitoring and Reporting Regulation;
- (b) identify source streams for each generating unit at the relevant fossil fuel plant to which the emissions limit duty applies;
- (c) be submitted to the NRBW within 10 days of the submission of the verified Greenhouse Gas Emissions Report referred to in paragraph (2); and
- (d) be submitted in such form and manner as the NRBW may reasonably require.



## Taliadau

6.—(1) Caiff Gweinidogion Cymru wneud ac, o bryd i'w gilydd, adolygu cynllun er mwyn i CANC godi ffioedd neu daliadau eraill am gyflawni swyddogaethau a roddir iddo gan y Rheoliadau hyn (“cynllun codi tâl y Safon Perfformiad Allyriadau”).

(2) Caiff cynllun codi tâl y Safon Perfformiad Allyriadau, yn benodol—

- (a) gwneud darpariaethau gwahanol ar gyfer achosion gwahanol, gan gynnwys darpariaeth wahanol mewn perthynas â phersonau gwahanol mewn amgylchiadau neu ardaloedd gwahanol,
- (b) darparu ar gyfer yr adegau a'r modd y mae'n rhaid gwneud y taliadau sy'n ofynnol gan y cynllun, ac
- (c) gwneud unrhyw ddarpariaethau cysylltiedig, atodol a throsiannol sy'n ymddangos yn briodol i Weinidogion Cymru.

(3) Ni chaiff CANC ond codi tâl am gyflawni'r swyddogaethau a roddir iddo gan y Rheoliadau hyn fel y mae cynllun codi tâl y Safon Perfformiad Allyriadau'n ei ddarparu.

(4) Rhaid i weithredwr dalu tâl a osodir ar y gweithredwr o dan gynllun codi tâl y Safon Perfformiad Allyriadau a phan fethir â gwneud hynny—

- (a) rhaid trin yr hysbysiad y mae'r tâl yn ymwneud ag ef fel pe na bai wedi ei wneud; a
- (b) caiff CANC adennill gan y gweithredwr swm y tâl y mae'r gweithredwr yn methu â'i dalu fel dyled sifil.

(5) Rhaid i Weinidogion Cymru sicrhau bod cynllun codi tâl y Safon Perfformiad Allyriadau ar gael yn gyhoeddus cyn iddo gael effaith.

## Hysbysiadau gwybodaeth

7.—(1) At unrhyw rai o'r dibenion a grybwyllwyd ym mharagraff (2), caiff CANC, drwy hysbysiad a gyflwynir i weithredwr neu weithredwr gwaith nwyeddio cysylltiedig (“hysbysiad gwybodaeth”), ei gwneud yn ofynnol i'r person hwnnw roi'r wybodaeth honno a nodir yn yr hysbysiad i CANC, ar y ffurf a nodir ac o fewn cyfnod a nodir ar ôl cyflwyno'r hysbysiad neu ar yr adeg honno a nodir.

(2) Y dibenion y cyfeirir atynt ym mharagraff (1) yw—

- (a) ymchwilio pa un a yw'r gweithredwr wedi torri'r ddyletswydd terfyn allyriadau ai peidio;

## Charges

6.—(1) The Welsh Ministers may make, and from time to time revise, a scheme for the charging by the NRBW of fees or other charges for the carrying out of functions conferred on it by these Regulations (“an EPS charging scheme”).

(2) An EPS charging scheme may, in particular—

- (a) make different provision for different cases, including different provision in relation to different persons in different circumstances or localities,
- (b) provide for the times at which and the manner in which the payments required by the scheme are to be made, and
- (c) make such incidental, supplementary and transitional provisions as appear to the Welsh Ministers to be appropriate.

(3) The NRBW may charge for the carrying out of functions conferred on it by these Regulations only as provided by an EPS charging scheme.

(4) An operator must pay a charge imposed under an EPS charging scheme on the operator and where there is a failure to do so—

- (a) the notification to which the charge relates is to be treated as not having been made; and
- (b) the amount of the charge an operator fails to pay may be recovered from the operator by the NRBW as a civil debt.

(5) An EPS charging scheme must be made publically available by the Welsh Ministers before it has effect.

## Information notices

7.—(1) For any of the purposes mentioned in paragraph (2), the NRBW may, by notice served on an operator or the operator of an associated gasification plant (“an information notice”), require that person to furnish to the NRBW such information as is stated in the notice, in such form and within such period following service of the notice or at such time as is so stated.

(2) The purposes referred to in paragraph (1) are—

- (a) investigating whether or not the operator has breached the emissions limit duty;

- (b) ymchwilio pa un a yw gweithredwr wedi methu â chydymffurfio â'r naill neu'r llall neu'r ddwy ddyletswydd yn rheoliadau 3 a 5 ai peidio;
- (c) ymchwilio a yw system dal a storio carbon gyflawn yn barod i'w defnyddio; a
- (d) ymchwilio i unrhyw un o'r canlynol mewn perthynas â gwaith nwyeddio cysylltiedig, at ddibenion cyfrifo allyriadau gwaith tanwydd ffosil perthnasol—
  - (i) allyriadau carbon deuocsid y gwaith nwyeddio cysylltiedig; a
  - (ii) swm y tanwydd a gynhyrchir gan y gwaith nwyeddio cysylltiedig ac a ddefnyddir gan y gwaith tanwydd ffosil perthnasol.
- (b) investigating whether or not an operator has failed to comply with either or both of the duties in regulations 3 and 5;
- (c) investigating whether a complete CCS system is ready for use; and
- (d) investigating any of the following in relation to an associated gasification plant, for the purposes of calculating the emissions of a relevant fossil fuel plant—
  - (i) the carbon dioxide emissions of the associated gasification plant; and
  - (ii) the amount of fuel produced by the associated gasification plant and used by the relevant fossil fuel plant.

### Hysbysiadau gorfodi

8.—(1) Pan fo CANC o'r farn fod gweithredwr wedi torri'r ddyletswydd terfyn allyriadau, caiff CANC gyflwyno hysbysiad ("hysbysiad gorfodi") i'r gweithredwr hwnnw.

(2) Ni chaniateir ond cyflwyno hysbysiad gorfodi mewn cysylltiad â thorri'r ddyletswydd terfyn allyriadau mewn perthynas â—

- (a) y flwyddyn y cyflwynir yr hysbysiad ynddi; neu
  - (b) y flwyddyn flaenorol.
- (3) Rhaid i hysbysiad gorfodi nodi—
- (a) barn CANC o dan baragraff (1);
  - (b) y camau adfer y mae'n rhaid i'r gweithredwr eu cymryd mewn cysylltiad â thorri'r ddyletswydd; ac
  - (c) erbyn pryd y mae'n rhaid cymryd y camau adfer a nodwyd o dan is-baragraff (b).

(4) Rhaid i'r amser a nodwyd o dan baragraff (3)(c) beidio â bod yn gynharach na 21 diwrnod ar ôl dyddiad cyflwyno'r hysbysiad gorfodi.

(5) Yn ddarostyngedig i baragraff (6) a rheoliad 11, pan fo hysbysiad gorfodi wedi ei gyflwyno i weithredwr, rhaid i'r gweithredwr gydymffurfio â gofynion yr hysbysiad gorfodi.

(6) Caiff CANC amrywio hysbysiad gorfodi ar unrhyw adeg drwy gyflwyno hysbysiad gorfodi arall i'r gweithredwr.

(7) Caiff CANC dynnu hysbysiad gorfodi yn ôl ar unrhyw adeg.

### Enforcement notices

8.—(1) Where the NRBW is of the view that an operator has breached the emissions limit duty, the NRBW may serve a notice ("an enforcement notice") on that operator.

(2) An enforcement notice may only be served in respect of a breach of the emissions limit duty in relation to—

- (a) the year in which the notice is served; or
  - (b) the preceding year.
- (3) An enforcement notice must state—
- (a) the NRBW's view under paragraph (1);
  - (b) the remedial action which the operator must take in respect of the breach; and
  - (c) the time by which the remedial action stated under sub-paragraph (b) must be taken.

(4) The time stated under paragraph (3)(c) must not be earlier than 21 days after the date of service of the enforcement notice.

(5) Subject to paragraph (6) and regulation 11, where an enforcement notice has been served on an operator, the operator must comply with the requirements of the enforcement notice.

(6) The NRBW may vary an enforcement notice at any time by further enforcement notice served on the operator.

(7) The NRBW may withdraw an enforcement notice at any time.

## Hysbysiadau cosb sifil

9.—(1) Yn ddarostyngedig i baragraff (7), pan fo CANC o'r farn fod gweithredwr wedi torri'r ddyletswydd terfyn allyriadau, caiff CANC gyflwyno hysbysiad ("hysbysiad cosb sifil") i'r gweithredwr hwnnw yn nodi'r gosb ariannol sy'n daladwy mewn cysylltiad â'r toriad hwnnw.

(2) Rhaid i hysbysiad cosb sifil ddatgan—

- (a) sut y cyfrifwyd swm y gosb ariannol a osodwyd; a
- (b) erbyn pa ddyddiad y mae'n rhaid talu'r swm sy'n daladwy o dan yr hysbysiad cosb sifil yn llawn.

(3) Rhaid i'r gosb ariannol gael ei gosod ar lefel y mae CANC yn ystyried a fydd, os yn bosibl—

- (a) yn cael gwared ar unrhyw fudd i'r gweithredwr sy'n deillio o dorri'r ddyletswydd terfyn allyriadau;
- (b) yn deg; ac
- (c) yn gymesur.

(4) Caiff y gosb ariannol gynnwys swm sy'n gysylltiedig â'r costau yr aeth CANC iddynt yn rhesymol wrth ymchwilio ac asesu'r achos o dorri'r ddyletswydd terfyn allyriadau.

(5) Rhaid i weithredwr dalu'r swm sy'n daladwy o dan hysbysiad cosb sifil ac os nad yw'n cael ei dalu'n llawn erbyn y dyddiad a nodir yn yr hysbysiad cosb sifil, caiff CANC adennill y swm sy'n daladwy gan y gweithredwr fel dyled sifil.

(6) Caiff CANC amrywio hysbysiad cosb sifil neu ei dynnu'n ôl cyn iddo gael ei dalu drwy gyflwyno hysbysiad arall i'r gweithredwr.

(7) Ni chaiff CANC osod cosb ariannol mewn cysylltiad â thorri'r ddyletswydd terfyn allyriadau mewn unrhyw flwyddyn a ddechreuodd fwy na 5 mlynedd cyn y flwyddyn y cyflwynir yr hysbysiad sy'n gosod y gosb.

(8) Caiff Gweinidogion Cymru gyhoeddi canllawiau ("Canllawiau cosbau'r Safon Perfformiad Allyriadau") ar y dull o gyfrifo cosbau ariannol.

(9) Pan gyhoeddir canllawiau cosbau'r Safon Perfformiad Allyriadau, rhaid i CANC roi sylw i'r canllawiau hynny wrth gyfrifo swm y gosb ariannol i'w chodi.

(10) Cyn cyhoeddi canllawiau o dan baragraff (7), rhaid i Weinidogion Cymru ymgynghori â—

- (a) Gweinidogion yr Alban;
- (b) yr Ysgrifennydd Gwladol;
- (c) Adran yr Amgylchedd; a

## Civil penalty notices

9.—(1) Subject to paragraph (7), where the NRBW is of the view that an operator has breached the emissions limit duty, the NRBW may serve a notice ("a civil penalty notice") on that operator which states the financial penalty which is payable in respect of that breach.

(2) A civil penalty notice must state—

- (a) how the amount of the financial penalty imposed was calculated; and
- (b) the date by which the amount payable under the civil penalty notice is to be paid in full.

(3) The financial penalty is to be set at a level that the NRBW considers will, if possible—

- (a) remove any benefit derived by the operator from the breach of the emissions limit duty;
- (b) be fair; and
- (c) be proportionate.

(4) The financial penalty may include an amount in respect of the costs reasonably incurred by NRBW in investigating and assessing the breach of the emissions limit duty.

(5) An operator must pay the amount payable under a civil penalty notice and if it is not paid in full by the date stated in the civil penalty notice, the amount payable may be recovered from the operator by the NRBW as a civil debt.

(6) The NRBW may vary or withdraw a civil penalty notice before it has been paid by further notice served on the operator.

(7) The NRBW may not impose a financial penalty in respect of a breach of the emissions limit duty in any year which began more than 5 years before the year in which the notice imposing the penalty is served.

(8) The Welsh Ministers may issue guidance ("EPS penalty guidance") on the calculation of financial penalties.

(9) Where EPS penalty guidance is issued, the NRBW must have regard to that guidance when calculating the amount of a financial penalty to be imposed.

(10) Before issuing guidance under paragraph (7), the Welsh Ministers must consult—

- (a) the Scottish Ministers;
- (b) the Secretary of State;
- (c) the Department of Environment; and

- (d) unrhyw bersonau neu gyrff eraill y mae Gweinidogion Cymru yn eu hystyried yn briodol.

(11) Pan fo canllawiau cosbau'r Safon Perfformiad Allyriadau yn cael eu cyhoeddi, rhaid i Weinidogion Cymru sicrhau eu bod ar gael yn gyhoeddus cyn iddynt gael effaith.

(12) Caiff CANC nodi ym mha ddull ac ar ba ffurf y mae'n rhaid talu unrhyw swm y mae'n ofynnol ei thalu gan hysbysiad cosb sifil.

(13) Rhaid i unrhyw swm a dderbynnir gan CANC o dan y rheoliad hwn gael ei dalu i Gronfa Gyfunol Cymru.

### **Cyfarwyddydau o dan adran 59(2) o'r Ddeddf**

**10.** Pan fo'r Ysgrifennydd Gwladol yn gwneud cyfarwyddyd o dan adran 59(2) o'r Ddeddf, rhaid i CANC—

- (a) ymdrin â'r ddyletswydd terfyn allyriadau fel pe bai wedi ei hatal dros dro neu ei haddasu fel sy'n ofynnol gan y cyfarwyddyd; a
- (b) cydymffurfio ag unrhyw ofyniad a osodir arno gan y cyfarwyddyd.

### **Apeliadau**

**11.**—(1) Caiff gweithredwr apelio i'r Tribiwnlys Haen Gyntaf yn erbyn—

- (a) hysbysiad gorfodi; neu
- (b) hysbysiad cosb sifil.

(2) Rhaid gwneud apêl o fewn 28 diwrnod gan ddechrau ar y diwrnod y cyflwynir yr hysbysiad sy'n destun yr apêl.

(3) Pan fo gweithredwr yn apelio o dan baragraff (1), caiff unrhyw hysbysiad gorfodi neu hysbysiad cosb sifil sy'n ddarostyngedig i'r apêl honno ei hatal dros dro hyd nes y bydd y Tribiwnlys Haen Gyntaf yn penderfynu ar yr apêl yn unol â pharagraff (4).

(4) Caiff y Tribiwnlys Haen Gyntaf—

- (a) cadarnhau'r hysbysiad gorfodi neu'r hysbysiad cosb sifil;
- (b) rhoi cyfarwyddyd i CANC amrywio'r hysbysiad gorfodi neu'r hysbysiad cosb sifil neu dynnu'r naill neu'r llall yn ôl; neu
- (c) gosod unrhyw hysbysiad gorfodi neu hysbysiad cosb sifil arall fel y gwêl y Tribiwnlys Haen Gyntaf yn dda.

- (d) such other persons or bodies as the Welsh Ministers consider appropriate.

(11) Where EPS penalty guidance is issued, it must be made publically available by the Welsh Ministers before it has effect.

(12) The NRBW may state the manner and form in which any amount required to be paid by a civil penalty notice must be paid.

(13) Any sum received by the NRBW under this regulation must be paid into the Welsh Consolidated Fund.

### **Directions under section 59(2) of the Act**

**10.** Where the Secretary of State makes a direction under section 59(2) of the Act, the NRBW must—

- (a) treat the emissions limit duty as suspended or modified as required by the direction; and
- (b) comply with any requirement imposed on it by the direction.

### **Appeals**

**11.**—(1) An operator may appeal to the First-tier Tribunal against—

- (a) an enforcement notice; or
- (b) a civil penalty notice.

(2) An appeal must be made within 28 days beginning with the day on which the notice subject to the appeal is served.

(3) Where an operator appeals under paragraph (1), any enforcement notice or civil penalty notice subject to that appeal is suspended until the appeal is determined by the First-tier Tribunal in accordance with paragraph (4).

(4) The First-tier Tribunal may—

- (a) affirm the enforcement notice or civil penalty notice;
- (b) direct the NRBW to vary or withdraw the enforcement notice or civil penalty notice; or
- (c) impose such other enforcement notice or civil penalty notice as the First-tier Tribunal thinks fit.

## Cyhoeddi gwybodaeth

**12.**—(1) Yn ddarostyngedig i baragraff (3), caiff CANC gyhoeddi unrhyw ran o'r wybodaeth a nodir ym mharagraff (2) mewn perthynas â hysbysiad gorfodi neu hysbysiad cosb sifil ar neu ar ôl y diweddraf o'r canlynol—

- (a) y diwrnod ar ôl i'r cyfnod ar gyfer gwneud apêl yn erbyn yr hysbysiad ddod i ben, os na wnaed unrhyw apêl; neu
- (b) penderfynu ar yr apêl neu dynnu'r apêl yn ôl, os gwnaed apêl.

(2) Yr wybodaeth y cyfeirir ati ym mharagraff (1) yw—

- (a) hunaniaeth y gweithredwr sy'n ddarostyngedig i'r hysbysiad gorfodi neu'r hysbysiad cosb sifil;
- (b) yn achos hysbysiad gorfodi, y camau adfer y mae'n ofynnol eu cymryd er mwyn unioni'r achos o dorri'r ddyletswydd terfyn allyriadau;
- (c) yn achos hysbysiad cosb sifil, y swm sy'n daladwy o dan yr hysbysiad cosb sifil; a
- (d) os yw'r hysbysiad wedi bod yn destun apêl o dan reoliad 11, canlyniad yr apêl honno.

(3) Rhaid i CANC beidio â chyhoeddi'r wybodaeth a nodir ym mharagraff (2) mewn perthynas â hysbysiad gorfodi neu hysbysiad cosb sifil os—

- (a) canfyddir mewn apêl nad yw'r gweithredwr wedi torri'r ddyletswydd terfyn allyriadau; neu
- (b) os yw'r hysbysiad gorfodi neu'r hysbysiad cosb sifil wedi ei dynnu'n ôl.

## Gorfodaeth gan yr Uchel Lys

**13.**—(1) Os bydd gweithredwr yn methu â chydymffurfio â rhwymedigaeth berthnasol caiff yr Uchel Lys, o dderbyn cais gan CANC wneud gorchymyn sy'n ei gwneud yn ofynnol i'r "gweithredwr" gydymffurfio â'r rhwymedigaeth berthnasol.

(2) Ni chaiff CANC wneud cais i'r Uchel Lys am orchymyn o dan baragraff (1)—

- (a) os nad yw'r amser ar gyfer apêl yn ymwneud â'r rhwymedigaeth berthnasol wedi mynd heibio; neu
- (b) os oes unrhyw apêl yn ymwneud â'r rhwymedigaeth berthnasol heb ei phenderfynu.

## Publication of information

**12.**—(1) Subject to paragraph (3), the NRBW may publish any of the information stated in paragraph (2) in relation to an enforcement notice or civil penalty notice on or after the later of—

- (a) the day following expiry of the period for making an appeal against the imposition of the notice, if no appeal is made; or
- (b) the determination or withdrawal of the appeal, if an appeal is made.

(2) The information referred to in paragraph (1) is—

- (a) the identity of the operator subject to the enforcement notice or civil penalty notice;
- (b) in the case of an enforcement notice, remedial action required to be taken to remedy the breach of the emissions limit duty;
- (c) in the case of a civil penalty notice, the amount payable under the civil penalty notice; and
- (d) if the notice has been the subject of an appeal under regulation 11, the result of that appeal.

(3) The NRBW must not publish the information stated in paragraph (2) in relation to an enforcement notice or civil penalty notice if—

- (a) the operator is found on appeal not to have breached the emissions limit duty; or
- (b) the enforcement notice or civil penalty notice has been withdrawn.

## Enforcement by the High Court

**13.**—(1) If an operator fails to comply with a relevant obligation the High Court may, on an application by NRBW make an order requiring "the operator" to comply with the relevant obligation.

(2) The NRBW may not apply to the High Court for an order under paragraph (1) if—

- (a) the time for an appeal relating to the relevant obligation has not elapsed; or
- (b) any appeal relating to the relevant obligation has not been determined.

(3) Ym mharagraff (1), mae “rhwymedigaeth berthnasol” (“*a relevant obligation*”) yn golygu unrhyw rwymedigaeth sydd wedi ei chynnwys mewn—

- (a) hysbysiad gwybodaeth;
- (b) hysbysiad gorfodi; neu
- (c) hysbysiad cosb sifil.

#### **Diwygio'r Rheoliadau CMANTG**

**14.**—(1) Ar ddiwedd rheoliad 46(1)(a)(ii) o'r Rheoliadau CMANTG, ar ôl “;” hepgorer “or”.

(2) Ar ôl rheoliad 46(1)(a)(iv) o'r Rheoliadau CMANTG mewnosoder—

- “ (iv) necessary for the performance of the NRBW’s functions in Wales under the Emissions Performance Standard (Enforcement) (Wales) Regulations 2015.”

#### **Dogfennau**

**15.** Mae'r Atodlen (dogfennau) yn cael effaith.

(3) In paragraph (1), “a relevant obligation” (“*rhwymedigaeth berthnasol*”) means any obligation included in—

- (a) an information notice;
- (b) an enforcement notice; or
- (c) a civil penalty notice.

#### **Amendment of the GGETS Regulations**

**14.**—(1) At the end of regulation 46(1)(a)(ii) of the GGETS Regulations, after “;” omit “or”.

(2) After regulation 46(1)(a)(iv) of the GGETS Regulations insert—

- “ (iv) necessary for the performance of the NRBW’s functions in Wales under the Emissions Performance Standard (Enforcement) (Wales) Regulations 2015.”

#### **Documents**

**15.** The Schedule (documents) has effect.

*Carl Sargeant*

Y Gweinidog Cyfoeth Naturiol, un o Weinidogion  
Cymru  
15 Mehefin 2015

Minister for Natural Resources, one of the Welsh  
Ministers  
15 June 2015

Dogfennau

1.—(1) Yn ddarostyngedig i is-baragraff (2), mae darpariaethau'r Atodlen hon yn gymwys i unrhyw ddogfen a gyhoeddir o dan y Rheoliadau hyn.

(2) Nid yw darpariaethau'r Atodlen hon yn gymwys i—

- (a) hysbysiad terfyn allyriadau;
- (b) hysbysiad dal a storio carbon; ac
- (c) hysbysiad allyriadau blynyddol y Safon Perfformiad Allyriadau.

2. Rhaid i ddogfen fod yn ysgrifenedig a bod wedi ei dyddio.

3. Mae dogfen a roddir i berson ar ddiwrnod nad yw'n ddiwrnod gwaith i gael ei thrin fel pe byddai wedi ei rhoi ar y diwrnod gwaith nesaf.

4. Caniateir rhoi dogfen i berson drwy—

- (a) ei danfon i'r person hwnnw yn bersonol;
- (b) ei gadael yng nghyfeiriad cywir y person hwnnw;
- (c) ei hanfon drwy'r post neu ffacs i gyfeiriad cywir y person hwnnw;
- (d) ei hanfon drwy e-bost i'r person hwnnw; neu
- (e) ei chyflwyno drwy borth penodedig ar wefan y person hwnnw.

5. At ddibenion paragraff 4(a), rhoddir dogfen i—

- (a) corff corfforaethol, pan y'i rhoddir i berson sydd â rheolaeth o'r corff hwnnw neu sy'n ei reoli;
- (b) partneriaeth, pan y'i rhoddir i bartner neu berson sydd â rheolaeth o'r busnes partneriaeth neu sy'n ei reoli;
- (c) cymdeithas anghorfforedig, pan y'i rhoddir i berson sydd â chyfrifoldebau rheoli mewn cysylltiad â'r gymdeithas.

6. At ddibenion paragraff 4(d), rhoddir dogfen i—

- (a) corff corfforaethol, pan y'i hanfonir i gyfeiriad e-bost—
  - (i) y corff corfforaethol, neu
  - (ii) person sydd â rheolaeth dros y corff hwnnw neu sy'n ei reoli,
 pan fo'r cyfeiriad hwnnw wedi ei ddarparu gan y corff hwnnw ar gyfer cynnal materion y corff hwnnw;

Documents

1.—(1) Subject to sub-paragraph (2), the provisions of this Schedule apply to any document issued under these Regulations.

(2) The provisions of this Schedule do not apply to—

- (a) an emissions limit notification;
- (b) a CCS notification; and
- (c) an EPS annual emissions notification.

2. A document must be in writing and dated.

3. A document given to a person on a non-working day is to be treated as given on the next following working day.

4. A document may be given to a person by—

- (a) delivering it to that person in person;
- (b) leaving it at that person's proper address;
- (c) sending it by post or fax to that person's proper address;
- (d) sending it by email to that person; or
- (e) submitting it by means of a dedicated portal on that person's website.

5. For the purposes of paragraph 4(a), a document is given to—

- (a) a body corporate, where it is given to a person having control or management of that body;
- (b) a partnership, where it is given to a partner or a person having control or management of the partnership business;
- (c) an unincorporated association, where it is given to a person having management responsibilities in respect of the association.

6. For the purposes of paragraph 4(d), a document is given to—

- (a) a body corporate, where it is sent to an email address of—
  - (i) the body corporate, or
  - (ii) a person having control or management of that body,
 where that address is supplied by that body for the conduct of the affairs of that body;

- (b) partneriaeth, pan y’i hanfonir i gyfeiriad e-bost—
  - (i) y bartneriaeth, neu
  - (ii) partner neu berson sydd â rheolaeth dros y busnes partneriaeth neu sy’n ei reoli,
 pan fo’r cyfeiriad hwnnw wedi ei ddarparu gan y bartneriaeth honno ar gyfer cynnal materion y bartneriaeth honno;
- (c) cymdeithas anghorfforedig, pan y’i hanfonir i gyfeiriad e-bost person sydd â chyfrifoldeb rheoli mewn cysylltiad â’r gymdeithas, pan fo’r cyfeiriad hwnnw wedi ei ddarparu gan y gymdeithas honno ar gyfer cynnal materion y gymdeithas honno.

7. Caiff person, yn lle cyfeiriad cywir a fyddai’n gymwys fel arall, nodi cyfeiriad yn y Deyrnas Unedig lle y caniateir rhoi dogfennau i’r person hwnnw neu rywun ar ran y person hwnnw, a rhaid trin y cyfeiriad hwnnw yn lle hynny fel cyfeiriad cywir y person hwnnw.

#### 8. Yn yr Atodlen hon—

ystyr “cyfeiriad cywir” (“*proper address*”) yw yn achos—

- (a) corff corfforaethol, y swyddfa gofrestredig (os yw yn y Deyrnas Unedig) neu brif swyddfa’r corff hwnnw yn y Deyrnas Unedig;
- (b) partneriaeth, prif swyddfa’r bartneriaeth yn y Deyrnas Unedig;
- (c) unrhyw berson arall, cyfeiriad hysbys diweddaraf y person hwnnw, sy’n cynnwys cyfeiriad e-bost;
- (d) unrhyw ran o’r Deyrnas Unedig;

ystyr “diwrnod nad yw’n ddiwrnod gwaith” (“*non-working day*”) yw—

- (a) dydd Sadwrn neu ddydd Sul;
- (b) Noswyl Nadolig, Diwrnod Nadolig neu Ddydd Gwener y Grogllith; neu
- (c) diwrnod sy’n wyl y banc o dan Ddeddf Bancio a Thrafodion Ariannol 1971(1) yn unrhyw ran o’r Deyrnas Unedig,

a rhaid darllen “diwrnod gwaith” (“*working day*”) yn unol â hynny; ac

ystyr “porth penodedig” (“*dedicated portal*”) yw cyfleuster ar wefan person sydd wedi ei sefydlu er mwyn gallu cyfathrebu â’r person hwnnw’n electronig.

©Hawlfraint y Goron 2015

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.

- (b) a partnership, where it is sent to an email address of—
  - (i) the partnership, or
  - (ii) a partner or a person having control or management of the partnership business,
 where that address is supplied by that partnership for the conduct of the affairs of that partnership;
- (c) an unincorporated association, where it is sent to an email address of a person having management responsibilities in respect of the association, where that address is supplied by that association for the conduct of the affairs of that association.

7. A person may, in substitution for the proper address which would otherwise apply, state an address in the United Kingdom at which that person or someone on that person’s behalf may be given documents, which address is to be treated instead as that person’s proper address.

#### 8. In this Schedule—

“dedicated portal” (“*porth penodedig*”) means a facility on a person’s website which is established to allow electronic communication with that person;

“non-working day” (“*diwrnod nad yw’n ddiwrnod gwaith*”) means—

- (a) a Saturday or Sunday;
- (b) a Christmas Eve, Christmas Day or Good Friday; or
- (c) a day which is a bank holiday under the Banking and Financial Dealings Act 1971(1) in any part of the United Kingdom,

and “working day” (“*diwrnod gwaith*”) is to be read accordingly;

“proper address” (“*cyfeiriad cywir*”) means in the case of—

- (a) a body corporate, the registered office (if it is in the United Kingdom) or the principal office of that body in the United Kingdom;
- (b) a partnership, the principal office of the partnership in the United Kingdom;
- (c) any other person, that person’s last known address, which includes an email address;
- (d) any part of the United Kingdom.

© Crown copyright 2015

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.









---

OFFERYNNAU STATUDOL  
CYMRU

---

---

WELSH STATUTORY  
INSTRUMENTS

---

**2015 Rhif 1388 (Cy. 137)**

**2015 No. 1388 (W. 137)**

**TRYDAN, CYMRU**

**ELECTRICITY, WALES**

Rheoliadau Safon Perfformiad  
Allyriadau (Gorfodi) (Cymru) 2015

The Emissions Performance  
Standard (Enforcement) (Wales)  
Regulations 2015

£6.00

W2330/06/15

ON

ISBN 978-0-348-11111-8



9 780348 111118