



OFFERYNNAU STATUDOL
CYMRU

WELSH STATUTORY
INSTRUMENTS

2019 Rhif 414 (Cy. 96)

2019 No. 414 (W. 96)

**YMADAEL Â'R UNDEB
EWROPEAIDD, CYMRU**

**EXITING THE EUROPEAN
UNION, WALES**

**DIOGELU'R AMGYLCHEDD,
CYMRU**

**ENVIRONMENTAL
PROTECTION, WALES**

GWASTRAFF, CYMRU

WASTE, WALES

Rheoliadau Gwastraff (Cymru)
(Diwygiadau Amrywiol) (Ymadael
â'r UE) 2019

The Waste (Wales) (Miscellaneous
Amendments) (EU Exit)
Regulations 2019

NODYN ESBONIADOL

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

Mae'r Rheoliadau hyn (ac eithrio Rhan 2) wedi eu gwneud drwy arfer y pwerau ym mharagraff 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 yng nghyfraith UE a ddargedwir sy'n deillio o ymadawiad y Deyrnas Unedig â'r Undeb Ewropeaidd.

Mae'r Rheoliadau hyn yn gwneud diwygiadau i ddeddfwriaeth ym maes gwastraff. Mae Rhan 3 yn diwygio deddfwriaeth sylfaenol ac mae Rhan 4 yn diwygio is-ddeddfwriaeth.

Mae Rhan 2 o'r Rheoliadau hyn wedi ei gwneud drwy arfer y pwerau yn adran 2(2) o Ddeddf y Cymunedau Ewropeaidd 1972 (p. 68), ac yn diweddar cyfeiriadau at Gyfarwyddeb 2008/98/EC Senedd Ewrop a'r Cyngor ar wastraff (OJ Rhif L 312, 22.11.2008, t 3) a Chyfarwyddeb 1999/31/EC ar dirlenwi gwastraff (OJ Rhif L 182, 16.07.1999, t 1).

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.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations (except Part 2) are made in exercise of the powers in 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 in retained EU law arising from the withdrawal of the United Kingdom from the European Union.

These Regulations make amendments to legislation in the field of waste. Part 3 amends primary legislation and Part 4 amends subordinate legislation.

Part 2 of these Regulations is made in exercise of the powers in section 2(2) of the European Communities Act 1972 (c. 68), and update references to Directive 2008/98/EC of the European Parliament and of the Council on waste (OJ No L 312, 22.11.2008, p 3) and Directive 1999/31/EC on the landfill of waste (OJ No L 182, 16.07.1999, p1).

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.

2019 Rhif 414 (Cy. 96)

**YMADAEL Â'R UNDEB
EWROPEAIDD, CYMRU**

**DIOGELU'R AMGYLCHEDD,
CYMRU**

GWASTRAFF, CYMRU

Rheoliadau Gwastraff (Cymru)
(Diwygiadau Amrywiol) (Ymadael
â'r UE) 2019

Gofynion sifftio wedi eu bodloni 18 Chwefror 2019

Gwnaed 28 Chwefror 2019

*Gosodwyd gerbron Cynulliad Cenedlaethol
Cymru 1 Mawrth 2019*

Yn dod i rym yn unol â rheoliad 1(2)

Mae Gweinidogion Cymru'n gwneud y Rheoliadau a ganlyn drwy arfer y pwerau a roddir gan—

- (a) mewn perthynas â Rhan 1, y pwerau a grybwyllir ym mharagraffau (b) ac (c);
- (b) mewn perthynas â Rhan 2, adran 2(2) o Ddeddf y Cymunedau Ewropeaidd 1972(1);
- (c) mewn perthynas â gweddill y Rheoliadau, paragraff 1(1) o Atodlen 2 i Ddeddf yr Undeb Ewropeaidd (Ymadael) 2018(2).

(1) 1972 p. 68. Diwygiwyd adran 2(2) gan Ddeddf Diwygio Deddfwriaethol a Rheoleiddiol 2006 (p. 51), adran 27(1)(a) a Deddf yr Undeb Ewropeaidd (Diwygio) 2008 (p. 7), yr Atodlen, Rhan 1. Mae wedi ei diddymu yn rhagolygol gan Ddeddf yr Undeb Ewropeaidd (Ymadael) 2018 (p. 16), adran 1 o'r diwrnod ymadael (gweler adran 20 o'r Ddeddf honno).

(2) 2018 p.16.

2019 No. 414 (W. 96)

**EXITING THE EUROPEAN
UNION, WALES**

**ENVIRONMENTAL
PROTECTION, WALES**

WASTE, WALES

The Waste (Wales) (Miscellaneous
Amendments) (EU Exit)
Regulations 2019

Sift requirements satisfied 18 February 2019

Made 28 February 2019

*Laid before the National Assembly for Wales
1 March 2019*

*Coming into force in accordance with
regulation 1(2)*

The Welsh Ministers make these Regulations in exercise of the powers conferred by—

- (a) in relation to Part 1, the powers mentioned in paragraphs (b) and (c);
- (b) in relation to Part 2, section 2(2) of the European Communities Act 1972(1);
- (c) in relation to the remainder of the Regulations, paragraph 1(1) of Schedule 2 to the European Union (Withdrawal) Act 2018(2).

(1) 1972 c. 68. Section 2(2) was amended by the Legislative and Regulatory Reform Act 2006 (c. 51), section 27(1)(a) and the European Union (Amendment) Act 2008 (c. 7), the Schedule, Part 1. It is prospectively repealed by the European Union (Withdrawal) Act 2018 (c. 16), section 1 from exit day (see section 20 of that Act).

(2) 2018 c.16.

Mae Gweinidogion Cymru wedi eu dynodi (1) at ddibenion adran 2(2) o Ddeddf y Cymunedau Ewropeaidd 1972 o ran—

- (d) mesurau sy'n ymwneud ag atal, lleihau a dileu llygredd a achosir gan wastraff a rheoli pecynnu a gwastraff pecynnu(2);
- (e) atal, lleihau a rheoli gwastraff(3).

Mae gofynion paragraff 4(2) o Atodlen 7 i Ddeddf yr Undeb Ewropeaidd (Ymadael) 2018 (yn ymwneud â'r weithdrefn graffu briodol yng Nghynulliad Cenedlaethol Cymru ar gyfer y Rheoliadau hyn) wedi eu bodloni.

RHAN 1

Rhagarweiniol

Enwi a chychwyn

1.—(1) Enw'r Rheoliadau hyn yw Rheoliadau Gwastraff (Cymru) (Diwygiadau Amrywiol) (Ymadael â'r UE) 2019.

(2) Deuant i rym fel a ganlyn—

- (a) o ran y Rhan hon a Rhan 2, 21 diwrnod ar ôl y diwrnod y maent wedi eu gosodwyd;
- (b) o ran y gweddill, ar y diwrnod ymadael.

RHAN 2

Diwygio cyfeiriadau sydd wedi dyddio

Mesur Gwastraff (Cymru) 2010

2.—(1) Mae Mesur Gwastraff (Cymru) 2010(4) wedi ei ddiwygio fel a ganlyn.

(2) Yn adran 9(3), ar y diwedd mewnosoder “, fel y'i diwygiwyd ddiwethaf gan Gyfarwyddeb y Cyngor 2011/97/EU(5)”.

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- (1) Yn rhinwedd adran 59(2) o Ddeddf Llywodraeth Cymru 2006, caiff Gweinidogion Cymru arfer y pŵer a roddir gan adran 2(2) o Ddeddf y Cymunedau Ewropeaidd 1972 o ran unrhyw fater, neu at unrhyw ddiben, os ydynt wedi eu dynodi o ran y mater hwnnw neu at y diben hwnnw.
 - (2) O.S. 2005/850, y ceir diwygiadau iddo nad ydynt yn berthnasol i'r Rheoliadau hyn. Yn rhinwedd paragraff 28(1) o Atodlen 11 i Ddeddf Llywodraeth Cymru 2006, mae O.S. 2005/850 yn cael effaith fe pe bai wedi ei wneud o dan adran 59(1) o'r Ddeddf honno.
 - (3) O.S.2010/1552.
 - (4) 2010 mccc 8, y ceir diwygiadau iddo nad ydynt yn berthnasol i'r Rheoliadau hyn.
 - (5) OJ Rhif L 328, 10.12.2011, t 49.

The Welsh Ministers are designated(1) for the purposes of section 2(2) of the European Communities Act 1972 in relation to—

- (a) measures relating to the prevention, reduction and elimination of pollution caused by waste and the management of packaging and packaging waste(2);
- (b) the prevention, reduction and management of waste(3).

The requirements of paragraph 4(2) of Schedule 7 to the European Union (Withdrawal) Act 2018 (relating to the appropriate National Assembly for Wales scrutiny procedure for these Regulations) have been satisfied.

PART 1

Introductory

Title and commencement

1.—(1) The title of these Regulations is the Waste (Wales) (Miscellaneous Amendments) (EU Exit) Regulations 2019.

(2) They come into force as follows—

- (a) as regards this Part and Part 2, 21 days after the day on which they are laid;
- (b) as regards the remainder, on exit day.

PART 2

Amendments to out of date references

The Waste (Wales) Measure 2010

2.—(1) The Waste (Wales) Measure 2010(4) is amended as follows.

(2) In section 9(3), at the end insert “, as last amended by Council Directive 2011/97/EU(5)”.

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- (1) By virtue of section 59(2) of the Government of Wales Act 2006, the Welsh Ministers may exercise the power conferred by section 2(2) of the European Communities Act 1972 in relation to any matter, or for any purpose, if they have been designated in relation to that matter or for that purpose.
 - (2) S.I. 2005/850, to which there is an amendment not relevant to these Regulations. By virtue of paragraph 28(1) of Schedule 11 to the Government of Wales Act 2006, S.I. 2005/850 has effect as if made under section 59(1) of that Act.
 - (3) S.I.2010/1552.
 - (4) 2010 nawm 8, to which there are amendments not relevant to these Regulations.
 - (5) OJ No L 328, 10.12.2011, p 49.

(3) Yn adran 17(2), ar y diwedd mewnosoder “, fel y’i diwygiwyd ddiwethaf gan Reoliad y Cyngor (EU) 2017/997(1)”.

Rheoliadau'r Cynllun Lwfansau Tirlenwi (Cymru) 2004

3.—(1) Mae Rheoliadau'r Cynllun Lwfansau Tirlenwi (Cymru) 2004(2) wedi eu diwygio fel a ganlyn.

(2) Yn rheoliad 2(1), yn y diffiniad o “cyfleuster gwastraff” (“*waste facility*”) yn lle “fel y’i diwygiwyd ddiwethaf gan Gyfarwyddeb y Comisiwn (EU) 2015/1127” rhodder “fel y’i diwygiwyd ddiwethaf gan Reoliad y Cyngor (EU) 2017/997”.

(3) Yn rheoliad 7(10), ar y diwedd mewnosoder “fel y’i diwygiwyd ddiwethaf gan Reoliad y Cyngor 2011/97/EU”.

Rheoliadau Gwastraff Peryglus (Cymru) 2005

4.—(1) Mae Rheoliadau Gwastraff Peryglus (Cymru) 2005(3) wedi eu diwygio fel a ganlyn.

(2) Yn rheoliad 47(5B), ar ôl “gwastraff,” mewnosoder “fel y’i diwygiwyd ddiwethaf gan Gyfarwyddeb y Cyngor 2011/97/EU”.

(3) Yn rheoliad 48(6B), ar ôl “gwastraff,” mewnosoder “fel y’i diwygiwyd ddiwethaf gan Gyfarwyddeb y Cyngor 2011/97/EU”.

Rheoliadau Targedau Ailgylchu, Paratoi i Ailddefnyddio a Chompostio (Monitro a Chosbau) (Cymru) 2011

5. Yn rheoliad 2(1) o Reoliadau Targedau Ailgylchu, Paratoi i Ailddefnyddio a Chompostio (Monitro a Chosbau) (Cymru) 2011(4) yn y diffiniad o “y Gyfarwyddeb Fframwaith Gwastraff” (“*the Waste Framework Directive*”) yn lle “fel y’i diwygiwyd ddiwethaf gan Gyfarwyddeb y Cyngor (EU) 2015/1127” rhodder “fel y’i diwygiwyd ddiwethaf gan Reoliad y Cyngor (EU) 2017/997”.

(3) In section 17(2), at the end insert “, as last amended by Council Regulation (EU) 2017/997(1)”.

The Landfill Allowance Scheme (Wales) Regulations 2005

3.—(1) The Landfill Allowance Scheme (Wales) Regulations 2004(2) are amended as follows.

(2) In regulation 2(1), in the definition of “waste facility” (“*cyfleuster gwastraff*”), for “as last amended by Commission Directive (EU) 2015/1127” substitute “as last amended by Council Regulation (EU) 2017/997”.

(3) In regulation 7(10), at the end insert “as last amended by Council Regulation 2011/97/EU”.

The Hazardous Waste (Wales) Regulations 2005

4.—(1) The Hazardous Waste (Wales) Regulations 2005(3) are amended as follows.

(2) In regulation 47(5B), after “waste,” insert “as last amended by Council Directive 2011/97/EU”.

(3) In regulation 48(6B), after “waste,” insert “as last amended by Council Directive 2011/97/EU”.

The Recycling, Preparation for Re-use and Compositing Targets (Monitoring and Penalties) (Wales) Regulations 2011

5. In regulation 2(1) of the Recycling, Preparation for Re-use and Compositing Targets (Monitoring and Penalties) (Wales) Regulations 2011(4) in the definition of “the Waste Framework Directive” (“*y Gyfarwyddeb Fframwaith Gwastraff*”) for “as last amended by Commission Directive (EU) 2015/1127” substitute “as last amended by Council Regulation (EU) 2017/997”.

(1) OJ Rhif L 150, 14.6.2017, t 1.

(2) O.S. 2004/1490 (Cy. 155), fel y’i diwygiwyd gan O.S. 2011/971 (Cy. 141); ceir offerynnau diwygio eraill ond nid yw’r un yn berthnasol i’r Rheoliadau hyn.

(3) O.S. 2005/1806 (Cy. 138), fel y’i diwygiwyd gan O.S. 2011/971 (Cy. 141) ac O.S. 2018/721 (Cy. 140); ceir offerynnau diwygio eraill ond nid yw’r un yn berthnasol i’r Rheoliadau hyn.

(4) O.S. 2011/1014 (Cy. 152), a ddiwygiwyd gan O.S. 2016/691 (Cy. 189); ceir offerynnau diwygio eraill ond nid yw’r un yn berthnasol i’r Rheoliadau hyn.

(1) OJ No L 150, 14.6.2017, p 1.

(2) S.I. 2004/1490 (W. 155), as amended by S.I. 2011/971 (W. 141); there are other amending instruments but none is relevant to these Regulations.

(3) S.I. 2005/1806 (W. 138), as amended by S.I. 2011/971 (W. 141) and S.I. 2018/721 (W. 140); there are other amending instruments but none is relevant to these Regulations.

(4) S.I. 2011/1014 (W. 152), amended by S.I. 2016/691 (W. 189); there are other amending instruments but none is relevant to these Regulations.

RHAN 3

Diwygio deddfwriaeth sylfaenol

Mesur Gwastraff (Cymru) 2010

6.—(1) Mae Mesur Gwastraff (Cymru) 2010(1) wedi ei ddiwygio fel a ganlyn.

(2) Yn adran 9(3) (fel y'i diwygir gan reoliad 3(2)), ar y diwedd mewnosoder—

“, a'i darllen fel pe bai—

(a) yn Erthygl 2—

(i) y canlynol wedi ei roi yn lle pwynt (a)—

“(a) ‘waste’ has the meaning given by Article 3(1) of the Waste Framework Directive, as read with Articles 5 and 6 of that Directive;”;

(ii) y canlynol wedi ei roi yn lle pwynt (c)—

“(c) ‘hazardous waste’ has the meaning given in Article 3(2) of the Waste Framework Directive.”;

(b) yn Erthygl 3(2), “Without prejudice to existing Community legislation,” wedi ei hepgor.”.

(3) Yn adran 9A(3)—

(a) yn y diffiniad o “peiriant llosgi gwastraff” (“*waste incineration plant*”), yn lle “o'r Gyfarwyddeb honno” rhodder “o'r Gyfarwyddeb Allyriadau Diwydiannol”;

(b) yn y diffiniad o “peiriant cydlosgi gwastraff” (“*waste co-incineration plant*”) yn lle “o Gyfarwyddeb 2010/75/EU Senedd Ewrop a'r Cyngor ar allyriadau diwydiannol (atal a rheoli llygredd integredig) (Ail-lunio)” rhodder “o'r Gyfarwyddeb Allyriadau Diwydiannol”;

(c) ar ôl is-adran (3) mewnosoder—

“(4) Yn yr adran hon, ystyr “Cyfarwyddeb Allyriadau Diwydiannol” yw Cyfarwyddeb 2010/75/EU Senedd Ewrop a'r Cyngor ar allyriadau diwydiannol(2), gan ei darllen fel pe bai yn Erthygl 3—

PART 3

Amendment of primary legislation

The Waste (Wales) Measure 2010

6.—(1) The Waste (Wales) Measure 2010(1) is amended as follows.

(2) In section 9(3) (as amended by regulation 3(2)), at the end insert—

“, and read as if—

(a) in Article 2—

(i) for point (a) there were substituted—

“(a) ‘waste’ has the meaning given by Article 3(1) of the Waste Framework Directive, as read with Articles 5 and 6 of that Directive;”;

(ii) for point (c) there were substituted—

“(c) ‘hazardous waste’ has the meaning given in Article 3(2) of the Waste Framework Directive.”;

(b) in Article 3(2), “Without prejudice to existing Community legislation,” were omitted.”.

(3) In section 9A(3)—

(a) in the definition of “waste incineration plant” (“*peiriant llosgi gwastraff*”), for “Directive 2010/75/EU of the European Parliament and of the Council on industrial emissions (integrated pollution prevention and control) (Recast)” substitute “Industrial Emissions Directive”;

(b) in the definition of “waste co-incineration plant” (“*peiriant cydlosgi gwastraff*”) for “that Directive” substitute “the Industrial Emissions Directive”;

(c) after subsection (3) insert—

“(4) In this section, “Industrial Emissions Directive” means “Directive 2010/75/EU of the European Parliament and of the Council on industrial emissions(2), and read as if in Article 3—

(1) 2010 mccc 8. Mewnosodwyd adran 9A gan Ddeddf yr Amgylchedd (Cymru) 2016, adran 67.

(2) OJ Rhif L 334, 17.12.2010, t 17, fel y'i cywirwyd gan gorigendwm (OJ Rhif L 158, 19.6.2012, t 25).

(1) 2010 nawm 8. Section 9A was inserted by the Environment (Wales) Act 2016, s 67.

(2) OJ No L 334, 17.12.2010, p 17, as corrected by a corrigendum (OJ No L 158, 19.6.2012, p 25).

(a) ym mhwynt (37), “the Waste Framework Directive, as read with Articles 5 and 6 of that Directive” wedi ei roi yn lle “Directive 2008/98/EC of the European Parliament and of the Council of 19 November 2008 on waste”;

(b) ym mhwynt (38), “the Waste Framework Directive” wedi ei roi yn lle “Directive 2008/98/EC”.

(5) Wrth ddarllen y Gyfarwyddeb Allyriadau Diwydiannol yn unol ag is-adran (4), mae i gyfeiriadau yn y Gyfarwyddeb honno at y “Gyfarwyddeb Fframwaith Gwastraff” (fel y’u mewnosodir gan is-adran (4)) yr ystyr a roddir gan adran 17(2) o’r mesur hwn.”.

(4) Yn adran 17—

(a) yn is-adran (2) (fel y’i diwygir gan reoliad 3(3)), ar y diwedd mewnosoder “, a chan ei ddarllen yn unol ag is-adrannau (3) i (8)”;

(b) ar ôl is-adran (2) mewnosoder—

“(3) Mae cyfeiriad at un neu fwy o Aelod-wladwriaethau mewn darpariaeth sy’n gosod rhwymedigaeth ar Aelod-wladwriaeth neu Aelod-wladwriaethau neu sy’n rhoi disgrisiwn i Aelod-wladwriaeth neu Aelod-wladwriaethau i’w ddarllen fel cyfeiriad at Weinidogion Cymru, Corff Adnoddau Naturiol Cymru neu awdurdod lleol a oedd, yn union cyn y diwrnod ymadael, yn gyfrifol am gydymffurfiaeth y Deyrnas Unedig â’r rhwymedigaeth honno neu’n cael arfer y disgrisiwn hwnnw o ran Cymru.

(4) Mae Erthygl 2 i’w darllen fe pe bai—

(a) ym mharagraff 2—

(i) yn y geiriau o flaen pwynt (a), “retained EU law” wedi ei roi yn lle “other Community legislation”;

(ii) ym mhwyntiau (b) a (c), “Regulation (EC) No 1069/2009” wedi ei roi yn lle “Regulation (EC) No 1774/2002”;

(iii) ym mhwynt (d), “the Mining Waste Directive (gweler adran 17A)” wedi ei roi yn lle’r geiriau o “Directive 2006/21/EC” hyd at y diwedd;

(b) ym mharagraff 3, y geiriau o “Without prejudice” hyd at “Community legislation,” wedi eu hepgor;

(c) paragraff 4 wedi ei hepgor.

(5) Mae Erthygl 5 i’w darllen fel pe bai paragraff 2 wedi ei hepgor.

(a) in point (37), for “Directive 2008/98/EC of the European Parliament and of the Council of 19 November 2008 on waste” there were substituted “the Waste Framework Directive, as read with Articles 5 and 6 of that Directive”;

(b) in point (38), for “Directive 2008/98/EC” there were substituted “the Waste Framework Directive.

(5) In reading the Industrial Emissions Directive in accordance with subsection (4), references in that Directive to the “Waste Framework Directive” (as inserted by subsection (4)) have the meaning given by section 17(2) of this measure.”.

(4) In section 17—

(a) in subsection (2) (as amended by regulation 3(3)), at the end insert “, and read in accordance with subsections (3) to (8)”;

(b) after subsection (2) insert—

“(3) A reference to one or more member States in a provision imposing an obligation or conferring a discretion on a member State or member States is to be read as a reference to the Welsh Ministers, the Natural Resources Body for Wales or local authority which, immediately before exit day, was responsible for the United Kingdom’s compliance with that obligation or able to exercise that discretion in respect of Wales.

(4) Article 2 is to be read as if—

(a) in paragraph 2—

(i) in the words before point (a), for “other Community legislation” there were substituted “retained EU law”;

(ii) in points (b) and (c), for “Regulation (EC) No 1774/2002” there were substituted “Regulation (EC) No 1069/2009”;

(iii) in point (d), for the words from “Directive 2006/21/EC” to the end there were substituted “the Mining Waste Directive (see section 17A)”;

(b) in paragraph 3, the words from “Without prejudice” to “Community legislation,” were omitted;

(c) paragraph 4 were omitted.

(5) Article 5 is to be read as if paragraph 2 were omitted.

(6) Mae Erthygl 6 i'w darllen fel pe bai—

- (a) paragraffau 1 i 3 wedi eu hepgor;
- (b) ym mharagraff 4—
 - (i) yn y frawddeg gyntaf, “Except where waste ceases to be waste in accordance with Council Regulation (EU) No 333/2011, Commission Regulation (EU) No 1179/2012 or Commission Regulation (EU) No 715/2013” wedi ei roi yn lle'r geiriau o “Where criteria” hyd at “paragraphs 1 and 2”;
 - (ii) yr ail frawddeg wedi ei hepgor.

(7) Mae Erthygl 7 i'w darllen fel pe bai—

- (a) ym mharagraff 1—
 - (i) y frawddeg gyntaf a'r ail frawddeg wedi eu hepgor;
 - (ii) yn y drydedd frawddeg, “shall, subject to paragraph 1A, be binding” wedi ei roi yn lle “shall be binding”;
- (b) ar ôl paragraff 1, mewnosoder—

“1A. Paragraph 1 is subject to—

- (a) a determination by the Welsh Ministers under regulation 8(1) of the Hazardous Waste (Wales) Regulations 2005(1) that a specific batch of waste is to be treated as hazardous waste;
- (b) a decision made by the Welsh Ministers under regulation 9(1) of the Hazardous Waste (Wales) Regulations 2005(2) that a specific batch of waste is to be treated as non-hazardous waste;
- (c) the treating of a specific batch of waste as hazardous or, as the case may be, non-hazardous, in accordance with regulations 8(2) or 9(2) of the Hazardous Waste (Wales) Regulations 2005(3);

(6) Article 6 is to be read as if—

- (a) paragraphs 1 to 3 were omitted;
- (b) in paragraph 4—
 - (i) in the first sentence, for the words from “Where criteria” to “paragraphs 1 and 2” there were substituted “Except where waste ceases to be waste in accordance with Council Regulation (EU) No 333/2011, Commission Regulation (EU) No 1179/2012 or Commission Regulation (EU) No 715/2013”;
 - (ii) the second sentence were omitted.

(7) Article 7 is to be read as if—

- (a) in paragraph 1—
 - (i) the first and second sentences were omitted;
 - (ii) in the third sentence, for “shall be binding” there were substituted “shall, subject to paragraph 1A, be binding”;
- (b) after paragraph 1, there were inserted—

“1A. Paragraph 1 is subject to—

- (a) a determination by the Welsh Ministers under regulation 8(1) of the Hazardous Waste (Wales) Regulations 2005(1) that a specific batch of waste is to be treated as hazardous waste;
- (b) a decision made by the Welsh Ministers under regulation 9(1) of the Hazardous Waste (Wales) Regulations 2005(2) that a specific batch of waste is to be treated as non-hazardous waste;
- (c) the treating of a specific batch of waste as hazardous or, as the case may be, non-hazardous, in accordance with regulations 8(2) or 9(2) of the Hazardous Waste (Wales) Regulations 2005(3);

(1) Diwygiwyd rheoliad 8(1) gan O.S. 2011/971 (Cy.141) ac O.S. 2015/1417 (Cy.141).

(2) Diwygiwyd rheoliad 9(1) gan O.S. 2011/971 (Cy.141) ac O.S. 2015/1417 (Cy.141).

(3) Diwygiwyd rheoliadau 8(2) a 9(2) gan O.S. 2015/1417 (Cy.141)

(1) Regulation 8(1) has been amended by S.I. 2011/971 (W.141) and S.I. 2015/1417 (W.141).

(2) Regulation 9(1) has been amended by S.I. 2011/971 (W.141) and S.I. 2015/1417 (W.141).

(3) Regulations 8(2) and 9(2) has been amended by S.I. 2015/1417 (W.141)

(d) regulations (if any) made by the Welsh Ministers under section 62A(2) of the Environmental Protection Act 1990 (lists of waste displaying hazardous properties)(1).”;

(c) paragraffau 2, 3 a 5 wedi eu hepgor;

(d) ar ôl paragraff 6 mewnosoder—

“6A. In this Article, the “list of waste” means the list established by Commission Decision 2000/532/EC.”;

(e) paragraff 7 wedi ei hepgor.

(8) Mae Atodiad 3 i’w ddarllen fel pe bai, yng nghofnod HP 9, yn yr ail frawddeg, “in the Member States” wedi ei hepgor.”

(5) Ar ôl adran 17 mewnosoder—

“Ystyr “y Gyfarwyddeb Gwastraff Mwyngloddio”

17A.—(1) Wrth ddarllen Erthygl 2 o’r Gyfarwyddeb Fframwaith Gwastraff yn unol ag adran 17(4), ystyr “y Gyfarwyddeb Gwastraff Mwyngloddio” (“*the Mining Waste Directive*”) (fel y’i mewnosodwyd gan baragraff (a)(iii) o adran 17(4)) yw Cyfarwyddeb 2006/21/EC Senedd Ewrop a’r Cyngor ar reoli gwastraff o ddiwydiannau echdynnu(2), gan ei darllen yn unol ag is-adrannau (2) i (5).

(2) Mae Erthygl 2 i’w darllen fe pe bai—

(a) ym mharagraff 2(c), y cyfeiriad at Erthygl 11(3)(j) o Gyfarwyddeb 2000/60/EC(3) yn gyfeiriad at yr Erthygl honno o’i darllen yn unol ag is-adran (4);

(b) paragraffau 3 a 4 wedi eu hepgor.

(3) Mae Erthygl 3(1) i’w darllen fel pe bai “Article 3(1) of the Waste Framework Directive, as read with Articles 5 and 6 of that Directive” wedi ei roi yn lle “Article 1(a) of Directive 75/442/EEC”.

(4) At ddibenion is-adran (2)(a), mae Erthygl 11(3)(j) o Gyfarwyddeb 2000/60/EC i’w darllen fel pe bai—

(d) regulations (if any) made by the Welsh Ministers under section 62A(2) of the Environmental Protection Act 1990 (lists of waste displaying hazardous properties)(1).”;

(c) paragraphs 2, 3 and 5 were omitted;

(d) after paragraph 6 there were inserted—

“6A. In this Article, the “list of waste” means the list established by Commission Decision 2000/532/EC.”;

(e) paragraph 7 were omitted.

(8) Annex 3 is to be read as if, in entry HP 9, in the second sentence, “in the Member States” were omitted.”

(5) After section 17 insert—

“Meaning of the “Mining Waste Directive”

17A.—(1) In reading Article 2 of the Waste Framework Directive in accordance with section 17(4), “the Mining Waste Directive” (as inserted by paragraph (a)(iii) of section 17(4)) means Directive 2006/21/EC of the European Parliament and of the Council on the management of waste from extractive industries(2), read in accordance with subsections (2) to (5).

(2) Article 2 is to be read as if—

(a) in paragraph 2(c), the reference to Article 11(3)(j) of Directive 2000/60/EC(3) were a reference to that Article read in accordance with subsection (4);

(b) paragraphs 3 and 4 were omitted.

(3) Article 3(1) is to be read as if, for “Article 1(a) of Directive 75/442/EEC” there were substituted “Article 3(1) of the Waste Framework Directive, as read with Articles 5 and 6 of that Directive”.

(4) For the purposes of subsection (2)(a), Article 11(3)(j) of Directive 2000/60/EC is to be read as if—

(1) 1990 p.43. Mewnosodwyd adran 62A gan O.S. 2005/894, a’i diwygio gan O.S. 2011/988, 2015/1360, 2018/721 (Cy.140) a 2018/942.

(2) OJ Rhif L 102, 11.4.2006, t 15, fel y’i diwygiwyd gan Reoliad (EC) Rhif 596/2009 Senedd Ewrop a’r Cyngor (OJ Rhif L 118, 18.7.2009, t 14).

(3) OJ Rhif L 327, 22.12.2000, t 1, fel y’i diwygiwyd ddiwethaf gan Gyfarwyddeb y Comisiwn 2014/101/EU (OJ Rhif L 311, 31.10.2014, t 32).

(1) 1990 c.43. Section 62A was inserted by S.I. 2005/894, and amended by S.I. 2011/988, 2015/1360, 2018/721 (W.140) and 2018/942.

(2) OJ No L 102, 11.4.2006, p 15, as amended by Regulation (EC) No 596/2009 of the European Parliament and of the Council (OJ No L 118, 18.7.2009, p 14).

(3) OJ No L 327, 22.12.2000, p 1, as last amended by Commission Directive 2014/101/EU (OJ No L 311, 31.10.2014, p 32).

(a) y cyfeiriad cyntaf at “Member States” yn gyfeiriad at Weinidogion Cymru neu Gorff Adnoddau Naturiol Cymru;

(b) y canlynol wedi ei fewnosod ar y diwedd—

“and “environmental objectives”, in relation to a river basin district within the meaning of the Water Environment (Water Framework Directive) (England and Wales) Regulations 2017(1) has the same meaning as in those Regulations.

(5) Wrth ddarllen y Gyfarwyddeb Gwastraff Mwyngloddio yn unol ag is-adran (3), mae i'r cyfeiriad yn y Gyfarwyddeb honno at y “Waste Framework Directive” (fel y'i mewnosodwyd gan is-adran (3)) yr ystyr a roddir gan adran 17(2) o'r mesur hwn.”

(a) the first reference to “Member States” were a reference to the Welsh Ministers or the Natural Resources Body for Wales;

(b) at the end there were inserted—

“and “environmental objectives”, in relation to a river basin district within the meaning of the Water Environment (Water Framework Directive) (England and Wales) Regulations 2017(1) has the same meaning as in those Regulations..

(5) In reading the Mining Waste Directive in accordance with subsection (3), the reference in that Directive, to the “Waste Framework Directive” (as inserted by subsection (3)) has the meaning given by section 17(2) of this measure.”.

RHAN 4

Diwygio is-ddeddfwriaeth

Rheoliadau'r Cynllun Lwfansau Tirlenwi (Cymru) 2004

7.—(1) Mae Rheoliadau'r Cynllun Lwfansau Tirlenwi (Cymru) 2004(2) wedi eu diwygio fel a ganlyn.

(2) Yn rheoliad 2(1)(3), yn y diffiniad o “cyfleuster gwastraff” (“*waste facility*”) (fel y'i hamnewidir gan reoliad 4(2)), yn lle “Gyfarwyddeb 2008/98/EC Senedd Ewrop a'r Cyngor ar wastraff fel y'i diwygiwyd ddiwethaf gan Reoliad y Cyngor (EU) 2017/997”, rhodder “Gyfarwyddeb Fframwaith Gwastraff”.

(3) Ar ôl y diffiniad o “gwastraff trefol a gasglwyd” (“*collected municipal waste*”) mewnosoder—

ystyr “y Gyfarwyddeb Fframwaith Gwastraff” (“*the Waste Framework Directive*”) yw Gyfarwyddeb 2008/98/EC Senedd Ewrop a'r Cyngor ar wastraff(4) fel y'i diwygiwyd ddiwethaf gan Reoliad y Cyngor (EU) 2017/997(5), gan ei darllen yn unol â pharagraffau (3) i (9).

(4) Ar ôl paragraff (2) mewnosoder—

PART 4

Amendment of subordinate legislation

The Landfill Allowances Scheme (Wales) Regulations 2004

7.—(1) The Landfill Allowances Scheme (Wales) Regulations 2004(2) are amended as follows.

(2) In regulation 2(1)(3), in the definition of “waste facility” (“*cyfleuster gwastraff*”) (as substituted by regulation 4(2)), for “Directive 2008/98/EC of the European Parliament and of the Council on waste as last amended by Council Regulation (EU) 2017/997”, substitute “the Waste Framework Directive”.

(3) After the definition of “waste facility” (“*cyfleuster gwastraff*”) insert—

“the Waste Framework Directive” (“*y Gyfarwyddeb Fframwaith Gwastraff*”) means Directive 2008/98/EC of the European Parliament and of the Council on waste(4) as last amended by Council Regulation (EU) 2017/997(5), and read in accordance with paragraphs (3) to (9).

(4) After paragraph (2) insert—

(1) O.S. 2017/407, y ceir diwygiadau iddo nad ydynt yn berthnasol i'r Rheoliadau hyn.

(2) O.S. 2004/1490 (Cy.155).

(3) Diwygiwyd y diffiniad o “cyfleuster gwastraff” gan O.S. 2011/971 (Cy.141) ac O.S. 2016/691 (Cy.189). Ceir diwygiadau eraill ond nid yw'r un yn berthnasol.

(4) OJ Rhif L 312, 22.11.08, t 3.

(5) OJ Rhif L 150, 14.6.2017, t 1.

(1) S.I. 2017/407, to which there are amendments not relevant to these Regulations.

(2) S.I. 2004/1490 (W.155).

(3) The definition of Waste Facility has been amended by SI.2011/971 (W.141) and S.I. 2016/691 (W.189). There are other amendments but none is relevant.

(4) OJ No L 312, 22.11.08, p 3.

(5) OJ No L 150, 14.6.2017, p 1.

“(3) Mae cyfeiriad at un neu fwy o Aelod-wladwriaethau mewn darpariaeth sy’n gosod rhwymedigaeth ar Aelod-wladwriaeth neu Aelod-wladwriaethau neu sy’n rhoi disgrisiwn i Aelod-wladwriaeth neu Aelod-wladwriaethau i’w ddarllen fel cyfeiriad at Weinidogion Cymru, Corff Adnoddau Naturiol Cymru neu’r awdurdod lleol a oedd, yn union cyn y diwrnod ymadael, yn gyfrifol am gydymffurfiaeth y Deyrnas Unedig â’r rhwymedigaeth honno neu’n cael arfer y disgrisiwn hwnnw o ran Cymru.

(4) Mae Erthygl 2 i’w darllen fel pe bai—

(a) ym mharagraff 2—

(i) yn y geiriau o flaen pwynt (a), “retained EU law” wedi ei roi yn lle “other Community legislation”;

(ii) ym mhwyntiau (b) a (c), “Regulation (EC) No 1069/2009” wedi ei roi yn lle “Regulation (EC) No 1774/2002”;

(iii) ym mhwynt (d), “the Mining Waste Directive (gweler rheoliad 2A)” wedi ei roi yn lle’r geiriau o “Directive 2006/21/EC” hyd at y diwedd;

(b) ym mharagraff 3, y geiriau o “Without prejudice” hyd at “Community legislation,” wedi eu hepgor;

(c) paragraff 4 wedi ei hepgor.

(5) Mae Erthygl 5 i’w darllen fel pe bai paragraff 2 wedi ei hepgor.

(6) Mae Erthygl 6 i’w darllen fel pe bai—

(a) paragraffau 1 i 3 wedi eu hepgor;

(b) ym mharagraff 4—

(i) yn y frawddeg gyntaf, “Except where waste ceases to be waste in accordance with Council Regulation (EU) No 333/2011, Commission Regulation (EU) No 1179/2012 or Commission Regulation (EU) No 715/2013” wedi ei roi yn lle’r geiriau o “Where criteria” hyd at “paragraphs 1 and 2”;

(ii) yr ail frawddeg wedi ei hepgor.

(7) Mae Erthygl 7 i’w darllen fel pe bai—

(a) ym mharagraff 1—

(i) y frawddeg gyntaf a’r ail frawddeg wedi eu hepgor;

“(3) A reference to one or more member States in a provision imposing an obligation or conferring a discretion on a member State or member States is to be read as a reference to the Welsh Ministers, the Natural Resources Body for Wales or local authority which, immediately before exit day, was responsible for the United Kingdom’s compliance with that obligation or able to exercise that discretion in respect of Wales.

(4) Article 2 is to be read as if—

(a) in paragraph 2—

(i) in the words before point (a), for “other Community legislation” there were substituted “retained EU law”;

(ii) in points (b) and (c), for “Regulation (EC) No 1774/2002” there were substituted “Regulation (EC) No 1069/2009”;

(iii) in point (d), for the words from “Directive 2006/21/EC” to the end there were substituted “the Mining Waste Directive (see regulation 2A)”;

(b) in paragraph 3, the words from “Without prejudice” to “Community legislation,” were omitted;

(c) paragraph 4 were omitted.

(5) Article 5 is to be read as if paragraph 2 were omitted.

(6) Article 6 is to be read as if—

(a) paragraphs 1 to 3 were omitted;

(b) in paragraph 4—

(i) in the first sentence, for the words from “Where criteria” to “paragraphs 1 and 2” there were substituted “Except where waste ceases to be waste in accordance with Council Regulation (EU) No 333/2011, Commission Regulation (EU) No 1179/2012 or Commission Regulation (EU) No 715/2013”;

(ii) the second sentence were omitted.

(7) Article 7 is to be read as if—

(a) in paragraph 1—

(i) the first and second sentences were omitted;

- (ii) yn y drydedd frawddeg, “shall, subject to paragraph 1A, be binding wedi ei roi yn lle “shall be binding”;
- (b) ar ôl paragraff 1, y canlynol wedi ei fewnosod—
- “1A. Paragraph 1 is subject to—
- (a) a determination by the Welsh Ministers under regulation 8(1) of the Hazardous Waste (Wales) Regulations 2005 that a specific batch of waste is to be treated as hazardous waste;
- (b) a decision made by the Welsh Ministers under regulation 9(1) of the Hazardous Waste (Wales) Regulations 2005 that a specific batch of waste is to be treated as non-hazardous waste;
- (c) the treating of a specific batch of waste as hazardous or, as the case may be, non-hazardous, in accordance with regulations 8(2) or 9(2) of the Hazardous Waste (Wales) Regulations 2005;
- (d) regulations (if any) made by the Welsh Ministers under section 62A(2) of the Environmental Protection Act 1990 (lists of waste displaying hazardous properties).”;
- (c) paragraffau 2, 3 a 5 wedi eu hepgor;
- (d) ar ôl paragraff 6 y canlynol wedi ei fewnosod—
- “6A. In this Article, the “list of waste” means the list established by Commission Decision 2000/532/EC.”;
- (e) paragraff 7 wedi ei hepgor.
- (8) Mae Atodiad 3 i’w ddarllen fel pe bai, yng nghofnod HP 9, yn yr ail frawddeg, “in the Member States” wedi ei hepgor.
- (9) Ym mharagraff (3) ystyr “awdurdod lleol” yw cyngor sir neu gyngor bwrdeistref sirol.”
- (5) Ar ôl rheoliad 2, mewnosoder—
- (ii) in the third sentence, for “shall be binding” there were substituted “shall, subject to paragraph 1A, be binding”;
- (b) after paragraph 1, there were inserted—
- “1A. Paragraph 1 is subject to—
- (a) a determination by the Welsh Ministers under regulation 8(1) of the Hazardous Waste (Wales) Regulations 2005 that a specific batch of waste is to be treated as hazardous waste;
- (b) a decision made by the Welsh Ministers under regulation 9(1) of the Hazardous Waste (Wales) Regulations 2005 that a specific batch of waste is to be treated as non-hazardous waste;
- (c) the treating of a specific batch of waste as hazardous or, as the case may be, non-hazardous, in accordance with regulations 8(2) or 9(2) of the Hazardous Waste (Wales) Regulations 2005;
- (d) regulations (if any) made by the Welsh Ministers under section 62A(2) of the Environmental Protection Act 1990 (lists of waste displaying hazardous properties).”;
- (c) paragraphs 2, 3 and 5 were omitted;
- (d) after paragraph 6 there were inserted—
- “6A. In this Article, the “list of waste” means the list established by Commission Decision 2000/532/EC.”;
- (e) paragraph 7 were omitted.
- (8) Annex 3 is to be read as if, in entry HP 9, in the second sentence, “in the Member States” were omitted.
- (9) In paragraph (3) “local authority” means a county council or a county borough council.”.
- (5) After regulation 2, insert—

“Ystyr “y Gyfarwyddeb Gwastraff Mwyngloddio” yn rheoliad 2

2A.—(1) Yn rheoliad 2(4)(a)(iii), ystyr “y Gyfarwyddeb Gwastraff Mwyngloddio” (“*the Mining Waste Directive*”) yw Gyfarwyddeb 2006/21/EC Senedd Ewrop a’r Cyngor ar reoli gwastraff o ddiwydiannau echdynnu, gan ei darllen yn unol â pharagraffau (2) i (4).

(2) Mae Erthygl 2 i’w darllen fe pe bai—

(a) ym mharagraff 2(c), y cyfeiriad at Erthygl 11(3)(j) o Gyfarwyddeb 2000/60/EC yn gyfeiriad at yr Erthygl honno o’i darllen yn unol â pharagraff (4) o’r rheoliad hwn;

(b) paragraffau 3 a 4 wedi eu hepgor.

(3) Mae Erthygl 3(1) i’w darllen fel pe bai “Article 3(1) of the Waste Framework Directive, as read with Articles 5 and 6 of that Directive” wedi ei roi yn lle “Article 1(a) of Directive 75/442/EC”.

(4) At ddibenion paragraff (2)(a), mae Erthygl 11(3)(j) o Gyfarwyddeb 2000/60/EC i’w darllen fel pe bai—

(a) y cyfeiriad cyntaf at “Member States” yn gyfeiriad at yr Weinidogion Cymru neu Corff Adnoddau Naturiol Cymru;

(b) ar y diwedd, y canlynol wedi ei fewnosod—

“and “environmental objectives”, in relation to a river basin district within the meaning of the Water Environment (Water Framework Directive) (England and Wales) Regulations 2017 has the same meaning as in those Regulations.”.

(6) Yn rheoliad 7(10) (fel y’i diwygir gan reoliad 4(3)), ar y diwedd, mewnosoder “o’i ddarllen yn unol â pharagraff (11).

(7) Ar ôl paragraff (10) mewnosoder—

“(11) At ddibenion rheoliad 7(10), mae’r Gyfarwyddeb i’w darllen fel pe bai—

(a) yn Erthygl 2—

(i) y canlynol wedi ei roi yn lle pwynt (a)—

“(a) ‘waste’ has the meaning given by Article 3(1) of the Waste Framework Directive, as read with Article 5 and 6 of that Directive;”;

“Meaning of “the Mining Waste Directive” in regulation 2

2A.—(1) In regulation 2(4)(a)(iii), “the Mining Waste Directive” means Directive 2006/21/EC of the European Parliament and of the Council on the management of waste from extractive industries, read in accordance with paragraphs (2) to (4).

(2) Article 2 is to be read as if—

(a) in paragraph 2(c), the reference to Article 11(3)(j) of Directive 2000/60/EC were a reference to that Article read in accordance with paragraph (4) of this regulation;

(b) paragraphs 3 and 4 were omitted.

(3) Article 3(1) is to be read as if, for “Article 1(a) of Directive 75/442/EC” there were substituted “Article 3(1) of the Waste Framework Directive, as read with Articles 5 and 6 of that Directive”.

(4) For the purposes of paragraph (2)(a), Article 11(3)(j) of Directive 2000/60/EC is to be read as if—

(a) the first reference to “Member States” were a reference to the Welsh Ministers or the Natural Resources Body for Wales;

(b) at the end, there were inserted—

“and “environmental objectives”, in relation to a river basin district within the meaning of the Water Environment (Water Framework Directive) (England and Wales) Regulations 2017 has the same meaning as in those Regulations.”.

(6) In regulation 7(10) (as amended by regulation 4(3)), at the end, insert “read in accordance with paragraph (11).

(7) After paragraph (10) insert—

“(11) For the purposes of regulation 7(10), the Directive is to be read as if—

(a) in Article 2—

(i) for point (a) there were substituted—

“(a) ‘waste’ has the meaning given by Article 3(1) of the Waste Framework Directive, as read with Article 5 and 6 of that Directive;”;

(ii) y canlynol wedi ei roi yn lle pwynt (c)—

“(c) ‘hazardous waste’ has the meaning given by Article 3(2) of the Waste Framework Directive.”

(b) yn Erthygl 3(2), “Without prejudice to existing Community legislation,” wedi ei hepgor.”.

(ii) for point (c) there were substituted—

“(c) ‘hazardous waste’ has the meaning given by Article 3(2) of the Waste Framework Directive.”

(b) in Article 3(2), “Without prejudice to existing Community legislation,” were omitted.”.

Rheoliadau Gwastraff Peryglus (Cymru) 2005

8.—(1) Mae Rheoliadau Gwastraff Peryglus (Cymru) 2005(1) wedi eu diwygio fel a ganlyn.

(2) Yn rheoliad 2(1)—

(a) yn is-baragraff (a), ar y diwedd mewnosoder “, ac fel y’i darllenir yn unol â rheoliad 2A”;

(b) yn is-baragraff (b)(i), ar y diwedd mewnosoder “, fel y’i darllenir gydag Erthyglau 5 a 6 o’r Gyfarwyddeb honno”.

(3) Ar ôl rheoliad 2 mewnosoder—

“Ystyr y Gyfarwyddeb Wastraff

2A.—(1) At ddibenion y Rheoliadau hyn, mae’r Gyfarwyddeb Wastraff i’w darllen yn unol â’r rheoliad hwn.

(2) Mae cyfeiriad at un neu fwy o Aelod-wladwriaethau mewn darpariaeth sy’n gosod rhwymedigaeth ar Aelod-wladwriaeth neu Aelod-wladwriaethau neu sy’n rhoi disgrisiwn i Aelod-wladwriaeth neu Aelod-wladwriaethau i’w ddarllen fel cyfeiriad at yr awdurdod priodol neu’r awdurdod lleol a oedd, yn union cyn y diwrnod ymadael, yn gyfrifol am gydymffurfiaeth y Deyrnas Unedig â’r rhwymedigaeth honno neu’n cael arfer y disgrisiwn hwnnw o ran Cymru.

(3) Mae Erthygl 2 i’w darllen fel pe bai—

(a) ym mharagraff 2—

(i) yn y geiriau o flaen pwynt (a), “retained EU law” wedi ei roi yn lle “other Community legislation”;

(ii) ym mhwyntiau (b) a (c), “Regulation (EC) No 1069/2009” wedi ei roi yn lle “Regulation (EC) No 1774/2002”;

The Hazardous Waste (Wales) Regulations 2005

8.—(1) The Hazardous Waste (Wales) Regulations 2005(1) are amended as follows.

(2) In regulation 2(1)—

(a) in sub-paragraph (a), at the end insert “, and read in accordance with regulation 2A”;

(b) in sub-paragraph (b)(i), at the end insert “, as read with Articles 5 and 6 of that Directive”.

(3) After regulation 2 insert—

“Meaning of the Waste Directive

2A.—(1) For the purposes of these Regulations, the Waste Directive is to be read in accordance with this regulation.

(2) A reference to one or more member States in a provision imposing an obligation or conferring a discretion on a member State or member States is to be read as a reference to the appropriate authority or local authority which, immediately before exit day, was responsible for the United Kingdom’s compliance with that obligation or able to exercise that discretion in respect of Wales.

(3) Article 2 is to be read as if—

(a) in paragraph 2—

(i) in the words before point (a), for “other Community legislation” there were substituted “retained EU law”;

(ii) in points (b) and (c), for “Regulation (EC) No 1774/2002” there were substituted “Regulation (EC) No 1069/2009”;

(1) O.S. 2005/1806 (Cy.138).

(1) S.I. 2005/1806 (W.138).

- (iii) ym mhwynt (d), “the Mining Waste Directive” wedi ei roi yn lle’r geiriau o “Directive 2006/21/EC” hyd at y diwedd;
- (b) ym mharagraff 3, y geiriau o “Without prejudice” hyd at “Community legislation,” wedi eu hepgor;
- (c) paragraff 4 wedi ei hepgor.
- (4) Mae Erthygl 3(20) i’w darllen fel pe bai “Article 3(10) of the Industrial Emissions Directive” wedi ei roi yn lle “Article 2(11) of Directive 96/61/EC”.
- (5) Mae Erthygl 5 i’w darllen fel pe bai paragraff 2 wedi ei hepgor.
- (6) Mae Erthygl 6 i’w darllen fe pe bai—
- (a) paragraffau 1 i 3 wedi eu hepgor;
- (b) ym mharagraff 4—
- (i) yn y frawddeg gyntaf, “Except where waste ceases to be waste in accordance with Council Regulation (EU) No 333/2011, Commission Regulation (EU) No 1179/2012 or Commission Regulation (EU) No 715/2013” wedi ei roi yn lle’r geiriau o “Where criteria” hyd at “paragraphs 1 and 2”;
- (ii) yr ail frawddeg wedi ei hepgor.
- (7) Mae Erthygl 7 i’w darllen fel pe bai—
- (a) ym mharagraff 1—
- (i) y frawddeg gyntaf a’r ail frawddeg wedi eu hepgor;
- (ii) yn y drydedd frawddeg, “shall, subject to paragraph 1A, be binding” wedi ei roi yn lle “shall be binding”;
- (b) y canlynol wedi ei fewnosod ar ôl paragraff 1—
- “1A. Paragraph 1 is subject to—
- (a) a determination by the Welsh Ministers under regulation 8(1) of the Hazardous Waste (Wales) Regulations 2005 that a specific batch of waste is to be treated as hazardous waste;
- (b) a decision made by the Welsh Ministers under regulation 9(1) of the Hazardous Waste (Wales) Regulations 2005 that a specific batch of waste is to be treated as non-hazardous waste;
- (iii) in point (d), for the words from “Directive 2006/21/EC” to the end there substituted “the Mining Waste Directive”;
- (b) in paragraph 3, the words from “Without prejudice” to “Community legislation,” were omitted;
- (c) paragraph 4 were omitted.
- (4) Article 3(20) is to be read as if for “Article 2(11) of Directive 96/61/EC” there were substituted “Article 3(10) of the Industrial Emissions Directive”.
- (5) Article 5 is to be read as if paragraph 2 were omitted.
- (6) Article 6 is to be read as if—
- (a) paragraphs 1 to 3 were omitted;
- (b) in paragraph 4—
- (i) in the first sentence, for the words from “Where criteria” to “paragraphs 1 and 2” there were substituted “Except where waste ceases to be waste in accordance with Council Regulation (EU) No 333/2011, Commission Regulation (EU) No 1179/2012 or Commission Regulation (EU) No 715/2013”;
- (ii) the second sentence were omitted.
- (7) Article 7 is to be read as if—
- (a) in paragraph 1—
- (i) the first and second sentences were omitted;
- (ii) in the third sentence, for “shall be binding” there were substituted “shall, subject to paragraph 1A, be binding”;
- (b) after paragraph 1, there were inserted—
- “1A. Paragraph 1 is subject to—
- (a) a determination by the Welsh Ministers under regulation 8(1) of the Hazardous Waste (Wales) Regulations 2005 that a specific batch of waste is to be treated as hazardous waste;
- (b) a decision made by the Welsh Ministers under regulation 9(1) of the Hazardous Waste (Wales) Regulations 2005 that a specific batch of waste is to be treated as non-hazardous waste;

- (c) the treating of a specific batch of waste as hazardous or, as the case may be, non-hazardous, in accordance with regulations 8(2) or 9(2) of the Hazardous Waste (Wales) Regulations 2005;
- (d) regulations (if any) made by the Welsh Ministers under section 62A(2) of the Environmental Protection Act 1990 (lists of waste displaying hazardous properties).”;

- (c) paragraffau 2, 3 a 5 wedi eu hepgor;
- (d) y canlynol wedi ei fewnosod ar ôl paragraff 6—

“6A. In this Article, the “list of waste” means the list established by Commission Decision 2000/532/EC.”;

- (e) paragraff 7 wedi ei hepgor.
- (8) Mae Erthygl 19 i’w darllen fel pe bai—
 - (a) ym mharagraff 1, “national” wedi ei roi yn lle “Community”;
 - (b) ym mharagraff 2, “Wales” wedi ei roi yn lle “a Member State”.

(9) Mae Atodiad 3 i’w ddarllen fel pe bai, yng nghofnod HP 9, yn yr ail frawddeg, “in the Member States” wedi ei hepgor.

(10) Ym mharagraff (2) ystyr “awdurdod lleol” yw cyngor sir neu gyngor bwrdeistref sirol.

Ystyr y “Gyfarwyddeb Gwastraff Mwyngloddio” a “Chyfarwyddeb Allyriadau Diwydiannol”

2B.—(1) Yn rheoliad 2A(3)(a)(iii), ystyr “y Gyfarwyddeb Gwastraff Mwyngloddio” (“*the Mining Waste Directive*”) yw Cyfarwyddeb 2006/21/EC Senedd Ewrop a’r Cyngor ar reoli gwastraff o ddiwydiannau echdynnu, o’i darllen yn unol â pharagraffau (2) a (3).

- (2) Mae Erthygl 2 i’w darllen fel pe bai—
 - (a) ym mharagraff 2(c), y cyfeiriad at Erthygl 11(3)(j) o Gyfarwyddeb 2000/60/EC yn gyfeiriad at y Gyfarwyddeb honno o’i darllen yn unol â pharagraff (7) o’r rheoliad hwn;
 - (b) paragraffau 3 a 4 wedi eu hepgor.

- (c) the treating of a specific batch of waste as hazardous or, as the case may be, non-hazardous, in accordance with regulations 8(2) or 9(2) of the Hazardous Waste (Wales) Regulations 2005;
- (d) regulations (if any) made by the Welsh Ministers under section 62A(2) of the Environmental Protection Act 1990 (lists of waste displaying hazardous properties).”;

- (c) paragraphs 2, 3 and 5 were omitted;
- (d) after paragraph 6 there were inserted—

“6A. In this Article, the “list of waste” means the list established by Commission Decision 2000/532/EC.”;

- (e) paragraph 7 were omitted.
- (8) Article 19 is to be read as if—
 - (a) in paragraph 1, for “Community” there was substituted “national”;
 - (b) in paragraph 2, for “a Member State” there were substituted “Wales”.

(9) Annex 3 is to be read as if, in entry HP 9, in the second sentence, “in the Member States” were omitted.

(10) In paragraph (2) “local authority” means a county council or a county borough council.

Meaning of the “Mining Waste Directive” and “Industrial Emissions Directive”

2B.—(1) In regulation 2A(3)(a)(iii), “the Mining Waste Directive” means Directive 2006/21/EC of the European Parliament and of the Council on the management of waste from extractive industries, read in accordance with paragraphs (2) and (3).

- (2) Article 2 is to be read as if—
 - (a) in paragraph 2(c), the reference to Article 11(3)(j) of Directive 2000/60/EC were a reference to that Article read in accordance with paragraph (7) of this regulation;
 - (b) paragraphs 3 and 4 were omitted.

(3) Mae Erthygl 3(1) i'w darllen fel pe bai “Article 3(1) of the Waste Directive, as read with Articles 5 and 6 of that Directive” wedi ei roi yn lle “Article 1(a) of Directive 75/442/EEC”.

(4) Yn rheoliad 2A(4), ystyr “y Gyfarwyddeb Allyriadau Diwydiannol” (“*the Industrial Emissions Directive*”) yw Cyfarwyddeb 2010/75/EU Senedd Ewrop a'r Cyngor ar allyriadau diwydiannol (atal a rheoli llygredd integredig)(1), o'i darllen yn unol â pharagraffau (5) a (6).

(5) Mae Erthygl 3 i'w darllen fel pe bai—

- (a) ym mhwynt (1)(a), “Article 4(78) of Council Directive 2013/59/Euratom laying down basic safety standards for protection against the dangers arising from exposure to ionising radiation(2)” wedi ei roi yn lle'r geiriau o “Article 1” hyd at y diwedd;
- (b) ym mhwynt (10)(b), “United Kingdom” wedi ei roi yn lle “Member State in question”;
- (c) ym mhwynt (23), “point 1 of the second subparagraph of Article 2 of Council Directive 2009/158/EC on animal health conditions governing intra-Community trade in, and imports from third countries of, poultry and hatching eggs(3)” wedi ei roi yn lle'r geiriau o “point 1” hyd at y diwedd;
- (d) ym mhwynt (37), “the Waste Directive, as read with Articles 5 and 6 of that Directive” wedi ei roi yn lle “Directive 2008/98/EC of the European Parliament and of the Council of 19 November 2008 on waste”.

(6) Mae Atodiad 1 i'w ddarllen fel pe bai—

- (a) yr ail baragraff wedi ei hepgor yn y geiriau o flaen pwynt 1;

(1) OJ Rhif L 334, 17.12.2010, t 17, fel y'i cywirwyd gan gorigendwm (OJ Rhif L 158, 19.6.2012, t 25).

(2) OJ Rhif L 13, 17.1.2014, t 1, fel y'i cywirwyd gan gorigendwm (OJ Rhif L 072, 17.3.2016, t 69).

(3) OJ Rhif L 343, 22.12.2009, t 74, fel y'i diwygiwyd ddiwethaf gan Benderfyniad Gweithredu'r Comisiwn 2011/879/EU (OJ Rhif L 343, 23.12.2011, t 105).

- (b) ym mhwynt 5.3—
 - (i) ym mhwynt (a), yn y geiriau o flaen pwynt (i), “the Urban Waste Water Treatment (England and Wales) Regulations 1994(1)” wedi ei roi yn lle “Council Directive 91/271/EEC of 21 May 1991 concerning urban waste-water treatment”;
 - (ii) ym mhwynt (b), yn y geiriau o flaen pwynt (i), “the Urban Waste Water Treatment (England and Wales) Regulations 1994 wedi ei roi yn lle “Directive 91/271/EEC”;
- (c) ym mhwynt 5.4, y cyfeiriad at Gyfarwyddeb y Cyngor 1999/31/EC ddyddiedig 26 Ebrill 1999 ar dirlenwi gwastraff yn gyfeiriad at y Gyfarwyddeb Dirlenwi;
- (d) ym mhwynt 6.9, “the EU-derived domestic legislation which transposed Directive 2009/31/EC in respect of Wales” wedi ei roi yn lle “Directive 2009/31/EC”;
- (e) ym mhwynt 6.11, “the Urban Waste Water Treatment (England and Wales) Regulations 1994” wedi ei roi yn lle “Directive 91/271/EEC”.

(7) At ddibenion paragraff (2)(a), mae Erthygl 11(3)(j) o Gyfarwyddeb 2000/60/EC i’w darllen fel pe bai—

- (a) y cyfeiriad cyntaf at “Member States” yn gyfeiriad at yr awdurdod priodol;
- (b) y canlynol wedi ei fewnosod ar y diwedd—

“and “environmental objectives”, in relation to a river basin district within the meaning of the Water Environment (Water Framework Directive) (England and Wales) Regulations 2017, has the same meaning as in those Regulations.”.

(4) Yn rheoliad 5(1)—

- (a) yn y lle priodol mewnosoder—
ystyr “awdurdod priodol” (“*appropriate authority*”) yw Gweinidogion Cymru, CANC neu’r Asiantaeth;”;

(1) O.S. 1994/2841.

- (b) ar ôl y diffiniad o “gwastraff peryglus” (“hazardous waste”) mewnosoder—

ystyr “y Gyfarwyddeb Dirlenwi” (“*the Landfill Directive*”) yw Cyfarwyddeb y Cyngor 1999/31/EC ar dirlenwi gwastraff (1), fel y’i diwygiwyd ddiwethaf gan Gyfarwyddeb y Cyngor 2011/97/EU(2), gan ei darllen fel pe bai—

- (a) yn Erthygl 2—

- (i) yn lle pwynt (a) rhodder—

“(a) ‘waste’ has the meaning given by regulation 2(1)(b) of the Hazardous Waste (Wales) Regulations 2005.”;

- (ii) yn lle pwynt (c) rhodder—

“(c) ‘hazardous waste’ has the meaning given in regulation 6 of the Hazardous Waste (Wales) Regulations 2005.”;

- (b) yn Erthygl 3(2), “Without prejudice to existing Community legislation,” wedi ei hepgor.”.

- (5) Yn rheoliad 8—

- (a) ym mharagraff (2)—

- (i) hepgorer y geiriau o “gan yr Ysgrifennydd Gwladol” hyd at “yn ôl y digwydd.”;

- (ii) yn lle “ag Erthygl 7(2) o’r Gyfarwyddeb Wastraff” rhodder “â pharagraff (3)”;

- (b) ar ôl paragraff (2) mewnosoder—

“(3) At ddibenion paragraff (2), penderfynir bod swp penodol o wastraff yn beryglus—

- (a) o ran Lloegr—

- (i) os yw o fath a restrir mewn rheoliadau a wneir o dan adran 62A(2) o Ddeddf 1990;

- (ii) os yw’n destun penderfyniad gan yr Ysgrifennydd Gwladol o dan reoliad 8 o Reoliadau Gwastraff Peryglus (Cymru a Lloegr) 2005(3);

(1) OJ Rhif L 182, 16.7.1999, t 1.

(2) OJ Rhif L 328, 10.12.2011, t 49.

(3) O.S. 2005/894, a ddiwygiwyd gan O.S. 2011/988, 2015/1360, 2016/738, 2018/575.

- (b) o ran Gogledd Iwerddon, os yw'n destun penderfyniad gan yr Adran Amaethyddiaeth, Amgylchedd a Materion Gwledig o dan reoliad 9 o Reoliadau Gwastraff Peryglus (Gogledd Iwerddon) 2005(1);
- (c) o ran yr Alban, os yw'n destun penderfyniad gan Weinidogion yr Alban, am fod Gweinidogion yr Alban o'r farn bod y gwastraff yn amlygu un neu ragor o'r nodweddion peryglus a restrir yn Atodiad III."

(6) Yn rheoliad 9—

(a) ym mharagraff (2)—

- (i) hepgorer y geiriau o "gan yr Ysgrifennydd Gwladol" hyd at "yn ôl y digwydd,";
- (ii) yn lle "ag Erthygl 7(2) o'r Gyfarwyddeb Wastraff" rhodder "â pharagraff (3)";

(b) ar ôl paragraff (2) mewnosoder—

"(3) At ddibenion paragraff (2), penderfynir bod swp penodol o wastraff yn wastraff nad yw'n beryglus os nad yw'n destun penderfyniad—

- (a) o ran Lloegr, gan yr Ysgrifennydd Gwladol o dan reoliad 9 o Reoliadau Gwastraff Peryglus (Cymru a Lloegr) 2005;
- (b) o ran Gogledd Iwerddon, gan yr Adran Amaethyddiaeth, Amgylchedd a Materion Gwledig o dan reoliad 10 o Reoliadau Gwastraff Peryglus (Gogledd Iwerddon) 2005;
- (c) o ran yr Alban, gan Weinidogion yr Alban, am fod Gweinidogion yr Alban o'r farn nad yw'r gwastraff yn amlygu unrhyw nodweddion peryglus a restrir yn Atodiad III."

(7) Yn rheoliadau 47(5B) a 48(6B) (fel y'u diwygir gan reoliad 5(2) a 5(3)), yn lle "Gyfarwyddeb y Cyngor 1999/31/EC ar dirlenwi gwastraff fel y'i diwygiwyd ddiwethaf gan Gyfarwyddeb y Cyngor 2011/97/EU" rhodder "y Gyfarwyddeb Dirlenwi".

(8) Yn rheoliad 60(1), yn y geiriau o flaen is-baragraff (a), hepgorer o "ac" hyd at "Wastraff".

(1) S.R. 2005 Rhif 300; offerynnau diwygio perthnasol yw S.R 2011 Rhif 127 ac S.R 2015 Rhif 288.

Rheoliadau Targedau Ailgylchu, Paratoi i Ailddefnyddio a Chompostio (Monitro a Chosbau) (Cymru) 2011

9.—(1) Mae Rheoliadau Targedau Ailgylchu, Paratoi i Ailddefnyddio a Chompostio (Monitro a Chosbau) (Cymru) 2011(1) wedi eu diwygio fel a ganlyn.

(2) Yn rheoliad 2(1), yn y diffiniad o “y Gyfarwydddeb Fframwaith Gwasttraff” (“*the Waste Framework Directive*”) (fel y’i hamnewidir gan reoliad 6), ar y diwedd, mewnosoder “gan ei darllen yn unol â pharagraffau (3) i (8)”.

(3) Ar ôl paragraff (2) mewnosoder—

“(3) Mae cyfeiriad at un neu fwy o Aelod-wladwriaethau mewn darpariaeth sy’n gosod rhwymedigaeth ar Aelod-wladwriaeth neu Aelod-wladwriaethau neu sy’n rhoi disgrisiwn i Aelod-wladwriaeth neu Aelod-wladwriaethau i’w ddarllen fel cyfeiriad at Weinidogion Cymru, Corff Adnoddau Naturiol Cymru neu awdurdod lleol a oedd, yn union cyn y diwrnod ymadael, yn gyfrifol am gydymffurfiaeth y Deyrnas Unedig â’r rhwymedigaeth honno neu’n cael arfer y disgrisiwn hwnnw o ran Cymru.

(4) Mae Erthygl 2 i’w darllen fel pe bai—

(a) ym mharagraff 2—

(i) yn y geiriau o flaen pwynt (a), “retained EU law” wedi ei roi yn lle “other Community legislation”;

(ii) ym mhwyntiau (b) a (c), “Regulation (EC) No 1069/2009” wedi ei roi yn lle “Regulation (EC) No 1774/2002”;

(iii) ym mhwynt (d), “the Mining Waste Directive (see regulation 2A)” wedi ei roi yn lle’r geiriau o “Directive 2006/21/EC” hyd at y diwedd;

(b) ym mharagraff 3, y geiriau o “Without prejudice” hyd at “Community legislation,” wedi eu hepgor;

(c) paragraff 4 wedi ei hepgor.(5) Mae Erthygl 5 i’w darllen fel pe bai paragraff 2 wedi ei hepgor.

(6) Mae Erthygl 6 i’w darllen fel pe bai—

(a) paragraffau 1 i 3 wedi eu hepgor;

(b) ym mharagraff 4—

(1) O.S. 2011/1014 (Cy.152), a ddiwygiwyd gan O.S.2016/691 (Cy.189); ceir offerynnau diwygio eraill ond nid yw’r un yn berthnasol.

- (i) yn y frawddeg gyntaf, “Except where waste ceases to be waste in accordance with Council Regulation (EU) No 333/2011, Commission Regulation (EU) No 1179/2012 or Commission Regulation (EU) No 715/2013” wedi ei roi yn lle’r geiriau o “Where criteria” hyd at “paragraphs 1 and 2”;
 - (ii) yr ail frawddeg wedi ei hepgor.
- (7) Mae Erthygl 7 i’w darllen fe pe bai—
- (a) ym mharagraff 1—
 - (i) y frawddeg gyntaf a’r ail frawddeg wedi eu hepgor;
 - (ii) yn y drydedd frawddeg, “shall, subject to paragraph 1A, be binding” wedi ei roi yn lle “shall be binding”;
 - (b) y canlynol wedi ei fewnosod ar ôl paragraff 1—

“1A. Paragraph 1 is subject to—

 - (a) a determination by the Welsh Ministers under regulation 8(1) of the Hazardous Waste (Wales) Regulations 2005 that a specific batch of waste is to be treated as hazardous waste;
 - (b) a decision made by the Welsh Ministers under regulation 9(1) of the Hazardous Waste (Wales) Regulations 2005 that a specific batch of waste is to be treated as non-hazardous waste;
 - (c) the treating of a specific batch of waste as hazardous or, as the case may be, non-hazardous, in accordance with regulations 8(2) or 9(2) of the Hazardous Waste (Wales) Regulations 2005;
 - (d) regulations (if any) made by the Welsh Ministers under section 62A(2) of the Environmental Protection Act 1990 (lists of waste displaying hazardous properties).”;
 - (c) paragraffau 2, 3 a 5 wedi eu hepgor;
 - (d) y canlynol wedi ei fewnosod ar ôl paragraff 6—

“6A. In this Article, the “list of waste” means the list established by Commission Decision 2000/532/EC.”;

(e) paragraff 7 wedi ei hepgor.

(8) Mae Atodiad 3 i’w ddarllen fel pe bai, yng nghofnod HP 9, yn yr ail frawddeg, “in the Member States” wedi ei hepgor.”

(4) Ar ôl rheoliad 2, mewnosoder—

“Ystyr “y Gyfarwyddeb Gwastraff Mwyngloddio” yn rheoliad 2

2A.—(1) Yn rheoliad 2(4)(a)(iii), ystyr “y Gyfarwyddeb Gwastraff Mwyngloddio” (“*the Mining Waste Directive*”) yw Cyfarwyddeb 2006/21/EC Senedd Ewrop a’r Cyngor ar reoli gwastraff o ddiwydiannau echdynnu, gan ei darllen yn unol â pharagraffau (2) i (4).

(2) Mae Erthygl 2 i’w darllen fe pe bai—

(a) ym mharagraff 2(c), y cyfeiriad at Erthygl 11(3)(j) o Gyfarwyddeb 2000/60/EC yn gyfeiriad at yr Erthygl honno o’i darllen yn unol â pharagraff (4) o’r rheoliad hwn;

(b) paragraffau 3 a 4 wedi eu hepgor.

(3) Mae Erthygl 3(1) i’w darllen fel pe bai “Article 3(1) of the Waste Framework Directive, as read with Articles 5 and 6 of that Directive” wedi ei roi yn lle “Article 1(a) of Directive 75/442/EC”.

(4) At ddibenion paragraff (2)(a), mae Erthygl 11(3)(j) o Gyfarwyddeb 2000/60/EC i’w darllen fel pe bai—

(a) y cyfeiriad cyntaf at “Member States” yn gyfeiriad at Weinidogion Cymru neu Gorff Adnoddau Naturiol Cymru;

(b) ar y diwedd, y canlynol wedi ei fewnosod—

“and “environmental objectives”, in relation to a river basin district within the meaning of the Water Environment (Water Framework Directive) (England and Wales) Regulations 2017 has the same meaning as in those Regulations.”.

Hannah Blythyn

Y Dirprwy Weinidog Tai a Llywodraeth leol, o dan awdurdod y Y Gweinidog Tai a Llywodraeth Leol, un o Weinidogion Cymru
28 Chwefror 2019



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61-71	£12.65
72-84	£16.40
85-96	£18.40
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