



OFFERYNNAU STATUDOL
CYMRU

WELSH STATUTORY
INSTRUMENTS

2016 Rhif 691 (Cy. 189)

2016 No. 691 (W. 189)

**DIOGELU'R AMGYLCHEDD,
CYMRU**

**ENVIRONMENTAL
PROTECTION, WALES**

**Rheoliadau Gwastraff (Ystyr Adfer)
(Diwygiadau Amrywiol) (Cymru)
2016**

**The Waste (Meaning of Recovery)
(Miscellaneous Amendments)
(Wales) Regulations 2016**

NODYN ESBONIADOL

EXPLANATORY NOTE

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

(This note is not part of the Regulations)

Mae'r Rheoliadau hyn yn diwygio offerynnau statudol penodol yn ymwneud â gwastraff, sy'n cyfeirio at Gyfarwyddeb 2008/98/EC Senedd Ewrop a'r Cyngor ar wastraff a diddymu Cyfarwyddebau penodol (OJ Rhif L 312, 22.11.2008, t.3) ("y Gyfarwyddeb Wastraff").

These Regulations amend certain statutory instruments concerned with waste, which refer to Directive 2008/98/EC of the European Parliament and of the Council on waste and repealing certain Directives (OJ No L 312, 22.11.2008, p.3) ("the Waste Directive").

Mae angen y diwygiadau a wneir gan y Rheoliadau hyn er mwyn gweithredu Cyfarwyddeb y Comisiwn (UE) 2015/1127 dyddiedig 10 Gorffennaf 2015 sy'n diwygio Atodiad II i Gyfarwyddeb 2008/98/EC Senedd Ewrop a'r Cyngor ar Wastraff a diddymu Cyfarwyddebau penodol (OJ Rhif L 184, 11.7.2015, t.13).

The amendments made by these Regulations are necessary in order to implement Commission Directive (EU) 2015/1127 of 10 July 2015 amending Annex II to Directive 2008/98/EC of the European Parliament and of the Council on Waste and repealing certain Directives (OJ No L 184, 11.7.2015, p. 13).

Mae rheoliadau 2, 3 a 6 yn diwygio Rheoliadau'r Cynllun Lwfansau Tirlenwi (Cymru) 2004 (O.S. 2004/1490 (Cy. 155)), Rheoliadau Gwastraff Peryglus (Cymru) 2005 (O.S. 2005/1806 (Cy. 138)) a Rheoliadau Targedau Ailgylchu, Paratoi i Aildefnyddio a Chompostio (Monitro a Chosbau) (Cymru) 2011 (O.S. 2011/1014 (Cy. 152)) yn y drefn honno, drwy fynegi'r cyfeiriad at y Gyfarwyddeb Wastraff ym mhob un o'r rheoliadau hynny fel cyfeiriad at y Gyfarwyddeb honno fel y'i diwygiwyd gan Gyfarwyddeb y Comisiwn (UE) 2015/1217.

Regulations 2, 3 and 6, amend the Landfill Allowances Scheme (Wales) Regulations 2004 (S.I. 2004/1490 (W. 155)), the Hazardous Waste (Wales) Regulations 2005 (S.I.2005/1806 (W. 138)) and the Recycling, Preparation for Re-use and Composting Targets (Monitoring and Penalties) (Wales) Regulations 2011 (S.I. 2011/1014 (W. 152)) respectively, by expressing the reference to the Waste Directive in each of those regulations, as a reference to that Directive as amended by Commission Directive (EU) 2015/1217.

Mae Rheoliadau 4 a 5 yn diwygio Rheoliadau Trwyddedu Amgylcheddol (Cymru a Lloegr) 2010 (O.S. 2010/675) ("y Rheoliadau Trwyddedu Amgylcheddol") a Rheoliadau Gwastraff (Cymru a Lloegr) 2011 (O.S. 2011/988) ("y Rheoliadau Gwastraff") yn y drefn honno. Er mwyn sicrhau

Regulations 4 and 5 amend the Environmental Permitting (England and Wales) Regulations 2010 (S.I. 2010/675) ("the Environmental Permitting Regulations") and the Waste (England and Wales) Regulations 2011 (S.I. 2011/988) ("the Waste Regulations") respectively. In order to ensure

cysondeb rhwng y diwygiadau a wneir i'r offerynnau hynny gan y Rheoliadau hyn, a diwygiadau cyfatebol a wneir gan yr Ysgrifennydd Gwladol mewn perthynas â Lloegr, mae'r un ddarpariaeth yn union wedi ei rhoi yn lle'r cyfeiriad at y Gyfarwyddeb Wastraff yn y rheoliadau diwygiedig. Nid yw'r ddarpariaeth a amnewidir yn cyfeirio'n benodol at Gyfarwyddeb ddiwygio'r Comisiwn (UE) 2015/1227, ond effaith adran 20A o Ddeddf Dehongli 1978 (p. 30) ("Deddf 1978") yw pan fo Deddf sydd wedi ei phasio ar ôl dyddiad cychwyn yr adran honno yn cyfeirio at offeryn yr Undeb Ewropeaidd, fod y cyfeiriad, oni amlygir bwriad i'r gwrthwyneb, yn gyfeiriad at yr offeryn fel y'i diwygiwyd ar y dyddiad y daw'r Ddeddf honno i rym. Mae adran 23(1) o Ddeddf 1978 yn cymhwysu'r egwyddor honno i is-ddeddfwriaeth. O ganlyniad, effaith yr amnewidiadau a wneir gan reoliadau 4 a 5 yw bod cyfeiriadau at y Gyfarwyddeb Wastraff yn y Rheoliadau Trwyddedu Amgylcheddol a'r Rheoliadau Gwastraff yn dod yn gyfeiriadau at y Gyfarwyddeb honno fel y'i diwygiwyd ar y dyddiad y daw'r Rheoliadau hyn i rym.

Ystyriwyd Cod Ymarfer Gweinidogion Cymru ar gynnal asesiadau effaith rheoleiddiol ar gyfer is-ddeddfwriaeth mewn perthynas â'r Rheoliadau hyn. Lluniwyd asesiad effaith rheoleiddiol, o ran Cymru, o'r costau a'r manteision sy'n debygol o ddeillio o gydymffurfio â'r Rheoliadau hyn. Gellir cael copi oddi wrth Lywodraeth Cymru, Parc Cathays, Caerdydd CF10 3NQ ac mae wedi ei gyhoeddi ar www.llyw.cymru.

consistency between the amendments made to those instruments by these Regulations, and corresponding amendments made by the Secretary of State in relation to England, the reference to the Waste Directive in the amended regulations, is substituted by an identical provision. The substituted provision does not refer expressly to the amending Commission Directive (EU) 2015/1227, but the effect of section 20A of the Interpretation Act 1978 (c.30) ("the 1978 Act"), is that where an Act passed after the commencement of that section refers to a European Union instrument, unless a contrary intention appears, the reference is to the instrument as amended at the date the Act comes into force. Section 23(1) of the 1978 Act applies that principle in relation to secondary legislation. Accordingly, the substitutions made by Regulations 4 and 5, have the effect that references to the Waste Directive in the Environmental Permitting and the Waste Regulations, become references to that Directive as amended at the date on which these Regulations come into force.

The Welsh Ministers' Code of Practice on the carrying out of regulatory impact assessments for subordinate legislation was considered in relation to these Regulations. A regulatory impact assessment in relation to Wales has been prepared on the likely costs and benefits of complying with these Regulations. A copy can be obtained from the Welsh Government, Cathays Park, Cardiff CF10 3NQ and is published on www.gov.wales.

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Gwnaed 28 Mehefin 2016

Made 28 June 2016

*Gosodwyd gerbron Cynulliad Cenedlaethol
Cymru* 1 Gorffennaf 2016

*Laid before the National Assembly
for Wales* 1 July 2016

Yn dod i rym 31 Gorffennaf 2016

Coming into force 31 July 2016

Mae Gweinidogion Cymru wedi ymgynghori â'r canlynol, yn unol ag adran 2(4) o Ddeddf Atal a Rheoli Llygredd 1999(1) ("DARhLI 1999") —

The Welsh Ministers have, in accordance with section 2(4) of the Pollution Prevention and Control Act 1999(1) ("the PPCA1999"), consulted—

- (a) Corff Adnoddau Naturiol Cymru;
- (b) y cyrff neu'r personau hynny yr ymddengys iddynt eu bod yn cynrychioli buddiannau llywodraeth leol, diwydiant, amaethyddiaeth a busnesau bach, yn eu trefn, sy'n briodol yn eu tyb hwy; a
- (c) y cyrff neu'r personau eraill hynny sy'n briodol yn eu tyb hwy.

- (a) the Natural Resources Body for Wales;
- (b) such bodies or persons appearing to them to be representative of the interests of local government, industry, agriculture and small businesses respectively as they consider appropriate; and
- (c) such other bodies or persons as they consider appropriate.

Mae Gweinidogion Cymru wedi ymgynghori â'r canlynol, yn unol ag adran 27(2) a (4) o Ddeddf Gwastraff a Masnachu Allyriadau 2003(2) ("DGMA 2003") —

The Welsh Ministers have, in accordance with section 27(2) and (4) of the Waste and Emissions Trading Act 2003(2) ("the WETA 2003"), consulted—

- (a) y cyrff neu'r personau hynny yr ymddengys iddynt eu bod yn cynrychioli buddiannau awdurdodau gwaredu gwastraff yn eu hardaloedd sy'n briodol yn eu tyb hwy;

- (a) such bodies or persons appearing to them to be representative of the interests of waste disposal authorities in their area as they consider appropriate;

(1) 1999 p.24. Diwygiwyd adran 2 gan adran 62(13) o Ddeddf Dŵr 2014 (p. 21) a chan O.S. 2013/755 (W. 90). Diwygiwyd Atodlen 1 gan adran 38 o Ddeddf Gwastraff a Masnachu Allyriadau 2003 (p. 33), gan adran 105(1) o Ddeddf Cymdogaethau Glan a'r Amgylchedd 2005 (p.16), a chan O.S. 2011/1043, a 2015/664.

(2) 2003 p.33. Diwygiwyd adrannau 11 a 12 gan O.S. 2011/2499.

(1) 1999 c. 24. Section 2 was amended by section 62(13) of the Water Act 2014 (c. 21) and by S.I. 2013/755 (W. 90). Schedule 1 was amended by section 38 of the Waste and Emissions Trading Act 2003 (c. 33), by section 105(1) of the Clean Neighbourhoods and Environment Act 2005 (c. 16), and by S.I. 2011/1043 and 2015/664.

(2) 2003 c. 33. Sections 11 and 12 were amended by S.I. 2011/2499.

- (b) y cyrff neu'r personau hynny yr ymddengys iddynt eu bod yn cynrychioli buddiannau personau sy'n ymwneud â gweithredu safleoedd tirlenwi yn eu hardaloedd sy'n briodol yn eu tyb hwy; ac
- (c) y cyrff neu'r personau hynny yr ymddengys iddynt eu bod yn cynrychioli unrhyw bersonau eraill yr effeithir arnynt sy'n briodol yn eu tyb hwy.

Mae Gweinidogion Cymru wedi ymgynghori â'r canlynol yn unol ag adran 8 o Fesur Gwastraff (Cymru) 2010(1) ("MG(C) 2010") —

- (a) Corff Adnoddau Naturiol Cymru;
- (b) pob awdurdod lleol; ac
- (c) unrhyw bersonau eraill sy'n briodol yn nhyb Gweinidogion Cymru.

Mae Gweinidogion Cymru wedi eu dynodi(2) at ddibenion adran 2(2) o Ddeddf y Cymunedau Ewropeaidd 1972(3) ("DCE 1972") mewn perthynas â mesurau ynghylch atal, lleihau a dileu llygredd a achosir gan wastraff(4).

Mae Gweinidogion Cymru yn gwneud y Rheoliadau hyn drwy arfer y pwerau a roddwyd gan adran 2(2) o DCE 1972, adran 2 o DARhLI 1999 ac Atodlen 1 iddi, adrannau 11, 12, 13 a 36 o DGMA 2003 ac adrannau 5(1)(a) a (b) a (d) i (f) a 19(2) o MG(C) 2010.

Enwi, cychwyn a chymhwys

1.—(1) Enw'r Rheoliadau hyn yw Rheoliadau Gwastraff (Ystyr Adfer) (Diwygiadau Amrywiol) (Cymru) 2016.

(2) Daw'r Rheoliadau hyn i rym ar 31 Gorffennaf 2016.

(3) Mae'r Rheoliadau hyn yn gymwys o ran Cymru.

(b) such bodies or persons appearing to them to be representative of the interests of persons concerned in the operation of landfills in their area as they consider appropriate; and

(c) such bodies or persons appearing to them to be representative of any other affected persons as they consider appropriate.

The Welsh Ministers have, in accordance with section 8 of the Waste (Wales) Measure 2010(1) ("the W(W)M 2010"), consulted—

- (a) the Natural Resources Body for Wales;
- (b) each local authority; and
- (c) such other persons as the Welsh Ministers consider appropriate.

The Welsh Ministers are designated(2) for the purposes of section 2(2) of the European Communities Act 1972(3) ("the ECA 1972") in relation to measures relating to the prevention, reduction and elimination of pollution caused by waste(4).

The Welsh Ministers make these Regulations in exercise of the powers conferred by section 2(2) of the ECA 1972, section 2 of and Schedule 1 to the PPCA 1999, sections 11, 12, 13 and 36 of the WETA 2003 and sections 5(1)(a) and (b) and (d) to (f) and 19(2) of the W(W)M 2010.

Title, commencement and application

1.—(1) The title of these Regulations is the Waste (Meaning of Recovery) (Miscellaneous Amendments) (Wales) Regulations 2016.

(2) These Regulations come into force on 31 July 2016.

(3) These Regulations apply in relation to Wales.

(1) 2010 mccc 8.

(2) Yn rhinwedd adran 59(2) o Ddeddf Llywodraeth Cymru 2006 (p. 32) ("DLIC 2006") caiff Gweinidogion Cymru arfer y pŵer a roddwyd gan adran 2(2) o Ddeddf y Cymunedau Ewropeaidd 1972 (p. 68) ("DCE 1972") mewn perthynas ag unrhyw fater, neu at unrhyw ddiben, os ydynt wedi eu dynodi mewn perthynas â'r mater hwnnw neu at y diben hwnnw. Mae paragraff 28(1) o Atodlen 1 i DLIC 2006 yn darparu bod dynodiadau a wnaed o dan adran 2(2) o DCE 1972 yn rhinwedd adran 29(1) o Ddeddf Llywodraeth Cymru 1998 (p. 38) sydd mewn grym yn union cyn cychwyn y diddymiad o'r is-adran honno gan DLIC 2006 yn parhau i gael effaith ar ôl cychwyn y diddymiad hwnnw fel pe baent wedi eu gwneud yn rhinwedd adran 59(1) o DLIC 2006.

(3) 1972 p. 68. Diwygiwyd adran 2(2) gan adran 27(1)(a) o Ddeddf Diwygio Deddfwriaethol a Rheoleiddiol 2006 (p. 51) a chan Ran 1 o'r Atodlen i Ddeddf yr Undeb Ewropeaidd (Diwygio) 2008 (p. 7).

(4) O.S. 2005/850.

(1) 2010 nawm 8.

(2) By virtue of section 59(2) of the Government of Wales Act 2006 (c.32) ("GOWA 2006") the Welsh Ministers may exercise the power conferred by section 2(2) of the European Communities Act 1972 (c.68) ("the ECA 1972") in relation to any matter, or for any purpose, if they have been designated in relation to that matter or for that purpose. Paragraph 28(1) of Schedule 11 to GOWA 2006 provides that designations made under section 2(2) of the ECA 1972 by virtue of section 29 (1) of the Government of Wales Act 1998 (c. 38) which are in force immediately before the commencement of the repeal of that subsection by GOWA 2006 continue to have effect after the commencement of that repeal as if made by virtue of section 59(1) of GOWA 2006.

(3) 1972 c. 68. Section 2(2) was amended by section 27(1)(a) of the Legislative and Regulatory Reform Act 2006 (c. 51) and by Part 1 of the Schedule to the European Union (Amendment) Act 2008 (c. 7).

(4) S.I. 2005/850.

Diwygio Rheoliadau'r Cynllun Lwfansau Tirlenwi (Cymru) 2004

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

(2) Yn rheoliad 2(1) (dehongli) yn y diffiniad o “cyfleuster gwastraff”, ar ôl y geiriau “Cyngor ar wastraff” mewnosoder “fel y'i diwygiwyd ddiwethaf gan Gyfarwyddeb y Comisiwn (UE) 2015/1127(2)”.

Diwygio Rheoliadau Gwastraff Peryglus (Cymru) 2005

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

(2) Yn rheoliad 2(1)(a)(4) (Y Gyfarwyddeb Wastraff ac ystyr gwastraff), yn lle'r geiriau “Rheoliad y Comisiwn (UE) Rhif 1357/2014” rhodder “Cyfarwyddeb y Comisiwn (UE) 2015/1127”.

Diwygio Rheoliadau Trwyddedu Amgylcheddol (Cymru a Lloegr) 2010

4.—(1) Mae Rheoliadau Trwyddedu Amgylcheddol (Cymru a Lloegr) 2010(5) wedi eu diwygio fel a ganlyn.

(2) Yn rheoliad 3 (dehongli: Cyfarwyddebau) yn lle'r diffiniad o “the Waste Framework Directive” rhodder—

““the Waste Framework Directive” means Directive 2008/98/EC of the European Parliament and of the Council on waste;”.

Diwygio Rheoliadau Gwastraff (Cymru a Lloegr) 2011

5.—(1) Mae Rheoliadau Gwastraff (Cymru a Lloegr) 2011(6) wedi eu diwygio fel a ganlyn.

(2) Yn rheoliad 3(1) (dehongli), yn lle'r diffiniad o “the Waste Framework Directive” rhodder—

““the Waste Framework Directive” means Directive 2008/98/EC of the European Parliament and of the Council on waste;”.

Amendment of the Landfill Allowances Scheme (Wales) Regulations 2004

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

(2) In regulation 2(1) (interpretation), in the definition of “waste facility”, after the words “Council on waste” insert “as last amended by Commission Directive (EU) 2015/1127(2)”.

Amendment of the Hazardous Waste (Wales) Regulations 2005

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

(2) In regulation 2(1)(a)(4) (the Waste Directive and the meaning of waste), for the words “Commission Regulation (EU) No 1357/2014” substitute “Commission Directive (EU) 2015/1127”.

Amendment of the Environmental Permitting (England and Wales) Regulations 2010

4.—(1) The Environmental Permitting (England and Wales) Regulations 2010(5) are amended as follows.

(2) In regulation 3 (interpretation: Directives) for the definition of “the Waste Framework Directive” substitute—

““the Waste Framework Directive” means Directive 2008/98/EC of the European Parliament and of the Council on waste;”.

Amendment of the Waste (England and Wales) Regulations 2011

5.—(1) The Waste (England and Wales) Regulations 2011(6) are amended as follows.

(2) In regulation 3(1) (interpretation) for the definition of “the Waste Framework Directive” substitute—

““the Waste Framework Directive” means Directive 2008/98/EC of the European Parliament and of the Council on waste;”.

(1) O.S. 2004/1490 (Cy. 155) fel y'i diwygiwyd gan O.S. 2005/1820 (Cy. 148). Gwnaed diwygiadau eraill nad ydynt yn berthnasol i'r Rheoliadau hyn.

(2) OJ Rhif L 184, 11.7.2015, t.13.

(3) O.S. 2005/1806 (Cy. 138) fel y'i diwygiwyd gan O.S. 2015/1417 (Cy. 141), 2011/971 (Cy. 141) ac 2011/988.

(4) Amnewidiwyd rheoliad 2(1)(a) gan O.S. 2015/1417 (Cy. 141).

(5) O.S. 2010/675, fel y'i diwygiwyd gan O.S. 2015/1417 (Cy. 141). Gwnaed diwygiadau eraill nad ydynt yn berthnasol i'r Rheoliadau hyn.

(6) O.S. 2011/988 fel y'i diwygiwyd gan O.S. 2013/755 ac 2014/656.

(1) S.I. 2004/1490 (W. 155) as amended by S.I. 2005/1820 (W. 148). There are other amendments not relevant to these Regulations.

(2) OJ No L 184, 11.7.2015, p13.

(3) S.I. 2005/1806 (W. 138) as amended by S.I. 2015/1417 (W. 141), 2011/971 (W. 141) and 2011/988.

(4) Regulation 2(1)(a) was substituted by S.I. 2015/1417 (W. 141).

(5) S.I. 2010/675, as amended by S.I. 2015/1417 (W. 141). There are other amendments not relevant to these Regulations.

(6) S.I. 2011/988 as amended by S.I. 2013/755 and 2014/656.

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

6.—(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) (dehongli) yn y diffiniad o “y Gyfarwyddeb Fframwaith Gwastraff” ar ôl y geiriau “sy’n diddymu Cyfarwyddebau penodol” mewnosoder “fel y’i diwygiwyd ddiwethaf gan Gyfarwyddeb y Comisiwn (UE) 2015/1127”.

Amendment of the Recycling, Preparation for Re-use and Composting Targets (Monitoring and Penalties) (Wales) Regulations 2011

6.—(1) The Recycling, Preparation for Re-use and Composting Targets (Monitoring and Penalties) (Wales) Regulations 2011(1) are amended as follows.

(2) In regulation 2(1) (interpretation), in the definition of “the Waste Framework Directive” after the words “repealing certain Directives” insert “as last amended by Commission Directive (EU) 2015/1127”.

Lesley Griffiths

Ysgrifennydd y Cabinet dros yr Amgylchedd a Materion Gwledig, un o Weinidogion Cymru
28 Mehefin 2016

Cabinet Secretary for Environment and Rural Affairs,
one of the Welsh Ministers
28 June 2016

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(1) O.S. 2011/1014 (Cy. 152) fel y’i diwygiwyd gan O.S. 2015/1417 (Cy. 141).

(1) S.I. 2011/1014 (W. 152) as amended by S.I. 2015/1417 (W. 141).

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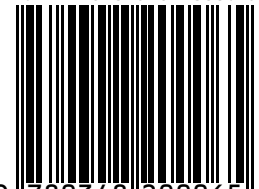
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