



OFFERYNNAU STATUDOL  
CYMRU

WELSH STATUTORY  
INSTRUMENTS

**2020 Rhif 1339 (Cy. 296)**

**2020 No. 1339 (W. 296)**

**DIOGELU'R AMGYLCHEDD,  
CYMRU**

**ENVIRONMENTAL  
PROTECTION, WALES**

**Rheoliadau Gwastraff (Cymru)  
(Diwygiadau Amrywiol) (Ymadael  
â'r UE) 2020**

**The Waste (Wales) (Miscellaneous  
Amendments) (EU Exit)  
Regulations 2020**

**NODYN ESBONIADOL**

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

**EXPLANATORY NOTE**

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

Mae'r Rheoliadau hyn wedi eu gwneud o dan bwerau Gweinidogion Cymru ym mharagraff 1 o Atodlen 2 i Ddeddf yr Undeb Ewropeaidd (Ymadael) 2018 (p. 16), er mwyn ymdrin ag unrhyw fethiant yng nghyfraith yr UE a ddargedwir i weithredu'n effeithiol a diffygion eraill sy'n deillio o ymadawiad y Deyrnas Unedig â'r Undeb Ewropeaidd.

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

Yn benodol, mae'r rheoliadau hyn yn gwneud addasiadau i Reoliadau Gwastraff (Cymru) (Diwygiadau Amrywiol) (Ymadael â'r UE) 2019 (O.S. 2019/414 (Cy. 96)) ("Rheoliadau 2019").

In particular, these regulations make modifications to the Waste (Wales) (Miscellaneous Amendments) (EU Exit) Regulations 2019 (S.I. 2019/414 (W. 96)) ("the 2019 Regulations").

Mae Rheoliadau 2019, a ddaw i rym ar ddiwrnod cwblhau'r cyfnod gweithredu, yn gwneud addasiadau i Fesur Gwastraff (Cymru) 2010 (mccc 8), 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 Ailddefnyddio a Chompostio (Monitro a Chosbau) (Cymru) 2011 (O.S. 2011/1014 (Cy. 152)).

The 2019 Regulations, which come into force on IP completion day, make modifications to the Waste (Wales) Measure 2010 (nawm 8), 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)).

O ganlyniad i weithredu deddfwriaeth yr UE ers i Reoliadau 2019 gael eu gwneud, gan gynnwys diwygiadau i amryw o Gyfarwyddbau'r UE a wnaed o dan Becyn Economi Gylchol yr UE, nid yw'r darpariaethau cywiro a wnaed gan Reoliadau 2019 yn mynd i'r afael yn llawn mwyach â'r diffygion yng ngweithrediad cyfraith yr UE a ddargedwir a fydd yn codi o ganlyniad i ymadael â'r Undeb Ewropeaidd, ac y bwriadwyd iddynt eu cywiro.

As a result of implementation of EU legislation since the 2019 Regulations were made, including amendments to various EU Directives made under the EU Circular Economy Package, the correcting provisions made by the 2019 Regulations no-longer fully address the deficiencies in the operation of retained EU law which will arise as a consequence of leaving the European Union, and which they were intended to correct.

Mae rheoliad 2 o'r Rheoliadau hyn, sy'n cael effaith yn union cyn diwrnod cwblhau'r cyfnod gweithredu, yn gwneud diwygiadau i Rheoliadau 2019, er mwyn sicrhau, pan ddeuant i rym, y bydd yr offerynnau y maent yn eu diwygio yn gweithredu'n effeithiol ar ddiwrnod cwblhau'r cyfnod gweithredu.

Mae rheoliad 3 yn dirymu mân ddarpariaethau penodol yn Rheoliadau Gwastraff Peryglus (Cymru) 2005 a fydd yn peidio â gweithredu'n effeithiol ar ôl diwrnod cwblhau'r cyfnod gweithredu.

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.

Regulation 2 of these Regulations, which has effect immediately before IP completion day, makes amendments to the 2019 Regulations, in order to ensure that when they come into force, the instruments they amend, will function effectively on IP completion day.

Regulation 3 revokes certain minor provisions in the Hazardous Waste (Wales) Regulations 2005 which will cease to function effectively after IP completion day.

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.

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**DIOGELU'R AMGYLCHEDD,  
CYMRU**

**ENVIRONMENTAL  
PROTECTION, WALES**

Rheoliadau Gwastraff (Cymru)  
(Diwygiadau Amrywiol) (Ymadael  
â'r UE) 2020

The Waste (Wales) (Miscellaneous  
Amendments) (EU Exit)  
Regulations 2020

*Gofynion sifftio wedi eu  
bodloni 16 Tachwedd 2020*

*Sift requirements satisfied 16 November 2020*

*Gwnaed 23 Tachwedd 2020*

*Made 23 November 2020*

*Gosodwyd gerbron Senedd  
Cymru 25 Tachwedd 2020*

*Laid before Senedd Cymru 25 November 2020*

*Yn dod i rym yn unol â rheoliad 1(3) a (4)*

*Coming into force in accordance with  
regulation 1(3) and (4)*

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

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

Mae gofynion paragraff 4 o Atodlen 2 a pharagraff 4(2) o Atodlen 7 i'r Ddeddf honno wedi eu bodloni.

The requirements of paragraph 4 of Schedule 2 and paragraph 4(2) of Schedule 7 to that Act have been satisfied.

**Enwi a chychwyn**

**Title and commencement**

1.—(1) Enw'r Rheoliadau hyn yw Rheoliadau Gwastraff (Cymru) (Diwygiadau Amrywiol) (Ymadael â'r UE) 2020.

1.—(1) The title of these Regulations is the Waste (Wales) (Miscellaneous Amendments) (EU Exit) Regulations 2020.

(2) Daw'r Rheoliadau hyn i rym yn unol â pharagraffau (3) a (4).

(2) These Regulations come into force in accordance with paragraphs (3) and (4).

(3) Daw'r rheoliad hwn a rheoliad 2 i rym yn union cyn diwrnod cwblhau'r cyfnod gweithredu.

(3) This regulation and regulation 2 come into force immediately before IP completion day.

(4) Daw rheoliad 3 i rym ar ddiwrnod cwblhau'r cyfnod gweithredu.

(4) Regulation 3 comes into force on IP completion day.

(1) 2018 p.16, a ddiwygiwyd gan Ddeddf yr Undeb Ewropeaidd (Cytundeb Ymadael) 2020 (p. 1).

(1) 2018 c.16, amended by the European Union (Withdrawal Agreement) Act 2020 (c. 1).

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

2.—(1) Mae Rheoliadau Gwastraff (Cymru) (Diwygiadau Amrywiol) (Ymadael â'r UE) 2019(1) wedi eu diwygio fel a ganlyn.

(2) Yn rheoliad 6—

(a) yn lle paragraff (2) rhodder—

“(2) Yn adran 9(3) ar y diwedd mewnosoder “, a’i darllen fel pe bai—

(a) yn Erthygl 2—

(i) ym mhwynt (a) y cyfeiriad at y diffiniad o ‘waste’ wedi ei hepgor;

(ii) y canlynol wedi ei fewnosod ar ôl pwynt (a)—

“(aa) ‘Waste’ has the meaning given in Article 3(1) of Directive 2008/98/EC (“the Waste Framework Directive”), as read with Articles 5 and 6 of that Directive.”;

(b) yn Erthygl 3—

(i) ym mharagraff (2) “The” wedi ei roi yn lle “Without prejudice to existing Community legislation the”;

(ii) y canlynol wedi ei roi yn lle paragraff (3)—

“3. The management of extractive waste, within the meaning given in regulation 2(1) of the Environmental Permitting (England and Wales) Regulations 2016, is excluded from the scope of this Directive where it falls within the scope of Schedule 20, or paragraph 8(a) or (b) of Schedule 22, to those Regulations.”;

(b) hepgorer paragraff (3);

(c) ym mharagraff (4)—

(i) yn is-baragraff (a), hepgorer “fel y’i diwygir gan reoliad 3(3)”;

(ii) yn is-baragraff (b)—

(aa) yn yr is-adran (3) a fewnosodir, yn lle “y diwrnod ymadael” rhodder “diwrnod cwblhau’r cyfnod gweithredu (yn yr ystyr a roddir i’r ymadrodd “IP completion day” yn Neddf yr Undeb Ewropeaidd (Cytundeb Ymadael) 2020)”;

**Amendment of the Waste (Wales) (Miscellaneous Amendments) (EU Exit) Regulations 2019**

2.—(1) The Waste (Wales) (Miscellaneous Amendments) (EU Exit) Regulations 2019(1) are amended as follows.

(2) In regulation 6—

(a) for paragraph (2) substitute—

“(2) In section 9(3) at the end insert “, and read as if—

(a) in Article 2—

(i) in point (a) the reference to the definition of ‘waste’ were omitted;

(ii) after point (a) there were inserted—

“(aa) ‘Waste’ has the meaning given in Article 3(1) of Directive 2008/98/EC (“the Waste Framework Directive”), as read with Articles 5 and 6 of that Directive.”;

(b) in Article 3—

(i) in paragraph (2) for “Without prejudice to existing Community legislation the” there were substituted “The”;

(ii) for paragraph (3) there were substituted—

“3. The management of extractive waste, within the meaning given in regulation 2(1) of the Environmental Permitting (England and Wales) Regulations 2016, is excluded from the scope of this Directive where it falls within the scope of Schedule 20, or paragraph 8(a) or (b) of Schedule 22, to those Regulations.”;

(b) omit paragraph (3);

(c) in paragraph (4)—

(i) in sub-paragraph (a), omit “(as amended by regulation 3(3))”;

(ii) in sub-paragraph (b)—

(aa) in the inserted subsection (3), for “exit day” substitute “IP completion day (within the meaning given to that expression in the European Union (Withdrawal Agreement) Act 2020)”;

(bb) yn lle'r is adrannau (5) i (7) a fewnosodir rhodder—

“(5) Mae Erthygl 5 i’w darllen fel pe bai—

(a) ym mharagraff 1, “A” wedi ei roi yn lle “Member States shall take appropriate measures to ensure that a”;

(b) y canlynol wedi ei fewnosod ar ôl paragraff 1—

“1A. Any decision as to whether a substance or object is a by-product, must be made—

(a) in accordance with any regulations setting out detailed criteria on the application of the conditions in paragraph 1 to specific substances or objects; and

(b) having regard to any guidance published by the Welsh Ministers or the Natural Resources Body for Wales for the purposes of this Article.”;

(c) paragraffau 2 a 3 wedi eu hepgor.

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

(a) ym mharagraff 1 “Waste” wedi ei roi yn lle “Member States shall take appropriate measures to ensure that waste”;

(b) y canlynol wedi ei fewnosod ar ôl paragraff 1—

“1A. Any decision as to whether a substance or object has ceased to be waste must be made—

(a) in accordance with any regulations or retained direct EU legislation (within the meaning given to that expression in the European Union (Withdrawal) Act 2018) setting out detailed criteria on the application of the conditions in paragraph 1 to specific types of waste; and

(b) having regard to any guidance published by the Welsh Ministers or the Natural Resources Body for Wales for the purposes of this Article.”;

(bb) for the inserted subsections (5) to (7) substitute—

“(5) Article 5 is to be read as if—

(a) in paragraph 1, for “Member States shall take appropriate measures to ensure that a”, there were substituted “A”;

(b) after paragraph 1 there were inserted—

“1A. Any decision as to whether a substance or object is a by-product, must be made—

(a) in accordance with any regulations setting out detailed criteria on the application of the conditions in paragraph 1 to specific substances or objects; and

(b) having regard to any guidance published by the Welsh Ministers or the Natural Resources Body for Wales for the purposes of this Article.”;

(c) paragraphs 2 and 3 were omitted.

(6) Article 6 is to be read as if—

(a) in paragraph 1 for “Member States shall take appropriate measures to ensure that waste”, there were substituted “Waste”;

(b) after paragraph 1 there were inserted—

“1A. Any decision as to whether a substance or object has ceased to be waste must be made—

(a) in accordance with any regulations or retained direct EU legislation (within the meaning given to that expression in the European Union (Withdrawal) Act 2018) setting out detailed criteria on the application of the conditions in paragraph 1 to specific types of waste; and

(b) having regard to any guidance published by the Welsh Ministers or the Natural Resources Body for Wales for the purposes of this Article.”;

- (c) ym mharagraff 2—
- (i) yr is-baragraff cyntaf wedi ei hepgor;
  - (ii) yn yr ail is-baragraff, “Any detailed criteria set out in guidance as referred to in paragraph 1A” wedi ei roi yn lle “Those detailed criteria”;
  - (iii) y trydydd a’r pedwerydd is-baragraffau wedi eu hepgor;
- (d) paragraff 3 wedi ei hepgor;
- (e) ym mharagraff 4—
- (i) yn yr is-baragraff cyntaf—
    - (aa) yn y frawddeg gyntaf, “Where criteria have not been set out as referred to in paragraph 1A(a) the Natural Resources Body for Wales” wedi ei roi yn lle’r geiriau o’r dechrau hyd at “Member State”;
    - (bb) yr ail frawddeg wedi ei hepgor;
  - (ii) yn yr ail is-baragraff—
    - (aa) “The Natural Resources Body for Wales” wedi ei roi yn lle “Member States”;
    - “ ”
    - (bb) by competent authorities wedi ei hepgor.
- (7) Mae Erthygl 7 i’w darllen fel pe bai—
- (a) y canlynol wedi ei fewnosod o flaen paragraff 1—
 

“A1. In this Article, the “list of waste” means the list contained in the Annex to Commission Decision 2000/532/EC, as that list has effect in Wales.”;
  - (b) ym mharagraff 1—
    - (i) y frawddeg gyntaf a’r ail frawddeg wedi eu hepgor;
    - (ii) “The list of waste shall, except as provided in Commission Decision 2000/532/EC, be binding as regards determination of the waste which is to be considered as hazardous waste or as non-hazardous waste.” wedi ei roi yn lle’r drydedd frawddeg;
  - (c) paragraffau 2, 3, 6 a 7 wedi eu hepgor.”
- (c) in paragraph 2—
- (i) the first sub-paragraph were omitted;
  - (ii) in the second sub-paragraph, for “Those detailed criteria” there were substituted “Any detailed criteria set out in guidance as referred to in paragraph 1A”;
  - (iii) the third and fourth sub-paragraphs were omitted;
- (d) paragraph 3 were omitted;
- (e) in paragraph 4—
- (i) in the first sub-paragraph—
    - (aa) in the first sentence, for the words from the beginning to “Member State”, there were substituted “Where criteria have not been set out as referred to in paragraph 1A(a) the Natural Resources Body for Wales”;
    - (bb) the second sentence were omitted;
  - (ii) in the second sub-paragraph—
    - (aa) for “Member States” there were substituted “The Natural Resources Body for Wales”;
    - (bb) “by competent authorities” were omitted.
- (7) Article 7 is to be read as if—
- (a) before paragraph 1 there were inserted—
 

“A1. In this Article, the “list of waste” means the list contained in the Annex to Commission Decision 2000/532/EC, as that list has effect in Wales.”;
  - (b) in paragraph 1—
    - (i) the first and second sentences were omitted;
    - (ii) for the third sentence there were substituted “The list of waste shall, except as provided in Commission Decision 2000/532/EC, be binding as regards determination of the waste which is to be considered as hazardous waste or as non-hazardous waste.”;
  - (c) paragraphs 2, 3, 6 and 7 were omitted.”

(3) Yn rheoliad 7—

(a) yn lle paragraff (2) rhodder—

“(2) Yn rheoliad 2(1)—

- (a) yn y diffiniad o “cyfleuster gwastraff (“*waste facility*”)", hepgorer “(fel y’i hamnewidir gan reoliad 4(2))”;
- (b) ar ôl y diffiniad o “gwastraff trefol a gasglwyd (“*collected Municipal waste*”)" mewnosoder—

“ystyr “y Gyfarwydddeb Fframwaith Gwastraff” (“*the Waste Framework Directive*”) yw Cyfarwydddeb 2008/98/EC Senedd Ewrop a’r Cyngor ar wastraff, fel y’i diwygiwyd ddiwethaf gan Gyfarwydddeb (EU) 2018/851 gan ei darllen yn unol â pharagraffau (3) i (9).”;

(b) hepgorer paragraff (3);

(c) ym mharagraff (4)—

- (i) yn lle “Ar ôl paragraff (2)” rhodder “Ar ôl rheoliad 2(2)”;
- (ii) yn y paragraff (3) a fewnosodir, yn lle “y diwrnod ymadael” rhodder “diwrnod cwblhau’r cyfnod gweithredu (yn yr ystyr a roddir i’r ymadrodd “IP completion day” yn Neddf yr Undeb Ewropeaidd (Cytundeb Ymadael) 2020)”;
- (iii) yn lle’r paragraffau (5) i (7) a fewnosodir rhodder—

“(5) Mae Erthygl 5 i’w darllen fel pe bai—

- (a) ym mharagraff 1, “A” wedi ei roi yn lle “Member States shall take appropriate measures to ensure that a”;
- (b) y canlynol wedi ei fewnosod ar ôl paragraff 1—

“1A. Any decision as to whether a substance or object is a by-product must be made—

- (a) in accordance with any regulations setting out detailed criteria on the application of the conditions in paragraph 1 to specific substances or objects; and
- (b) having regard to any guidance published by the Welsh Ministers or the Natural Resources Body for Wales for the purposes of this Article.”;
- (c) paragraffau 2 a 3 wedi eu hepgor.

(3) In regulation 7—

(a) for paragraph (2) substitute —

“(2) In regulation 2(1)—

- (a) in the definition of “waste facility (“*cyfleuster gwastraff*”)", omit “(as substituted by regulation 4(2))”;
- (b) after the definition of “waste facility” insert—

““the Waste Framework Directive” (“*y Gyfarwydddeb Fframwaith Gwastraff*”) means Directive 2008/98/EC of the European Parliament and of the Council on waste, as last amended by Directive (EU) 2018/851 and read in accordance with paragraphs (3) to (9).”;

(b) omit paragraph (3);

(c) in paragraph (4)—

- (i) for “After paragraph (2)” substitute “After regulation 2(2)”;
- (ii) in the inserted paragraph (3), for “exit day” substitute “IP completion day (within the meaning given to that expression in the European Union (Withdrawal Agreement) Act 2020)”;
- (iii) for the inserted paragraphs (5) to (7) substitute—

“(5) Article 5 is to be read as if—

- (a) in paragraph 1, for “Member States shall take appropriate measures to ensure that a”, there were substituted “A”;
- (b) after paragraph 1 there were inserted—

“1A. Any decision as to whether a substance or object is a by-product must be made—

- (a) in accordance with any regulations setting out detailed criteria on the application of the conditions in paragraph 1 to specific substances or objects; and
- (b) having regard to any guidance published by the Welsh Ministers or the Natural Resources Body for Wales for the purposes of this Article.”;
- (c) paragraphs 2 and 3 were omitted.

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

- (a) ym mharagraff 1, “Waste” wedi ei roi yn lle “Member States shall take appropriate measures to ensure that waste”;
- (b) y canlynol wedi ei fewnosod ar ôl paragraff 1—

“1A. Any decision as to whether a substance or object has ceased to be waste must be made—

- (a) in accordance with any regulations or retained direct EU legislation (within the meaning given to that expression in the European Union (Withdrawal) Act 2018) setting out detailed criteria on the application of the conditions in paragraph 1 to specific types of waste; and
  - (b) having regard to any guidance published by the Welsh Ministers or the Natural Resources Body for Wales for the purposes of this Article.”;
- (c) ym mharagraff 2—
- (i) yr is-baragraff cyntaf wedi ei hepgor;
  - (ii) yn y ail is-baragraff, “Any detailed criteria set out in guidance as referred to in paragraph 1A” wedi ei roi yn lle “Those detailed criteria”;
  - (iii) y trydydd a’r pedwerydd is-baragraffau wedi eu hepgor;
- (d) paragraff 3 wedi ei hepgor;
- (e) ym mharagraff 4—
- (i) yn yr is-baragraff cyntaf—
    - (aa) yn y frawddeg gyntaf, “Where criteria have not been set out as referred to in paragraph 1A(a), the Natural Resources Body for Wales” wedi ei roi yn lle’r geiriau o’r dechrau hyd at “Member State”;
    - (bb) yr ail frawddeg wedi ei hepgor;

(6) Article 6 is to be read as if—

- (a) in paragraph 1, for “Member States shall take appropriate measures to ensure that waste” there were substituted “Waste”;
- (b) after paragraph 1 there were inserted—

“1A. Any decision as to whether a substance or object has ceased to be waste must be made—

- (a) in accordance with any regulations or retained direct EU legislation (within the meaning given to that expression in the European Union (Withdrawal) Act 2018) setting out detailed criteria on the application of the conditions in paragraph 1 to specific types of waste; and
  - (b) having regard to any guidance published by the Welsh Ministers or the Natural Resources Body for Wales for the purposes of this Article.”;
- (c) in paragraph 2—
- (i) the first sub-paragraph were omitted;
  - (ii) in the second sub-paragraph, for “Those detailed criteria” there were substituted “Any detailed criteria set out in guidance as referred to in paragraph 1A”;
  - (iii) the third and fourth sub-paragraphs were omitted;
- (d) paragraph 3 were omitted;
- (e) in paragraph 4—
- (i) in the first sub-paragraph—
    - (aa) in the first sentence, for the words from the beginning to “Member State”, there were substituted “Where criteria have not been set out as referred to in paragraph 1A(a), the Natural Resources Body for Wales”;
    - (bb) the second sentence were omitted;



- (ii) yn yr ail is-baragraff—
- (aa) “The Natural Resources Body for Wales” wedi ei roi yn lle “Member States”;
- (bb) “by competent authorities” wedi ei hepgor.
- (7) Mae Erthygl 7 i’w darllen fel pe bai—
- (a) y canlynol wedi ei fewnosod o flaen paragraff 1—
- “A1. In this Article, the “list of waste” means the list contained in the Annex to Commission Decision 2000/532/EC, as that list has effect in Wales.”;
- (b) ym mharagraff 1—
- (i) y frawddeg gyntaf a’r ail frawddeg wedi eu hepgor;
- (ii) “The list of waste shall, except as provided in Commission Decision 2000/532/EC, be binding as regards determination of the waste which is to be considered as hazardous waste or as non-hazardous waste.” wedi ei roi yn lle’r drydedd frawddeg;
- (c) paragraffau 2, 3, 6 a 7 wedi eu hepgor.”
- (d) ym mharagraff (6) hepgorer “(as amended by regulation 4(3))”;
- (e) yn lle paragraff 7 rhodder—
- “(7) Ar ôl rheoliad 7(10) mewnosoder—
- “(11) At ddibenion rheoliad 7(10) mae Cyfarwyddeb 1999/31/EC i’w ddarllen fel pe bai—
- (a) yn Erthygl 2—
- (i) ym mhwynt (a), y cyfeiriad at y diffiniad o ‘waste’ wedi ei hepgor;
- (ii) y canlynol wedi ei fewnosod ar ôl pwynt (a)—
- “(aa) ‘Waste’ has the meaning given in Article 3(1) of Directive 2008/98/EC (“the Waste Framework Directive”), as read with Articles 5 and 6 of that Directive“;
- (ii) in the second sub-paragraph—
- (aa) for “Member States” there were substituted “The Natural Resources Body for Wales”;
- (bb) “by competent authorities” were omitted.
- (7) Article 7 is to be read as if—
- (a) before paragraph 1 there were inserted—
- “A1. In this Article, the “list of waste” means the list contained in the Annex to Commission Decision 2000/532/EC, as that list has effect in Wales.”;
- (b) in paragraph 1—
- (i) the first and second sentences were omitted;
- (ii) for the third sentence there were substituted “The list of waste shall, except as provided in Commission Decision 2000/532/EC, be binding as regards determination of the waste which is to be considered as hazardous waste or as non-hazardous waste.”;
- (c) paragraphs 2, 3, 6 and 7 were omitted.”
- (d) in paragraph (6) omit “(as amended by regulation 4(3))”;
- (e) for paragraph 7 substitute—
- “(7) After regulation 7(10) insert—
- “(11) For the purposes of regulation 7(10) Directive 1999/31/EC is to be read as if—
- (a) in Article 2—
- (i) in point (a), the reference to the definition of ‘waste’ were omitted;
- (ii) after point (a) there were inserted—
- “(aa) ‘Waste’ has the meaning given in Article 3(1) of Directive 2008/98/EC (“the Waste Framework Directive”), as read with Articles 5 and 6 of that Directive“;

- (b) yn Erthygl 3—
- (i) ym mharagraff (2) “The” wedi ei roi yn lle “Without prejudice to existing Community legislation the”;
  - (ii) y canlynol wedi ei roi yn lle paragraff (3)—

“(3) The management of extractive waste, within the meaning given in regulation 2(1) of the Environmental Permitting (England and Wales) Regulations 2016, is excluded from the scope of this Directive where it falls within the scope of Schedule 20, or paragraph 8(a) or (b) of Schedule 22, to those Regulations.””

(4) Yn rheoliad 8—

- (a) ym mharagraff (3)—
- (i) yn y rheoliad 2A a fewnosodir—
    - (aa) ym mharagraff (2), yn lle “y diwrnod ymadael” rhodder “diwrnod cwblhau’r cyfnod gweithredu (yn yr ystyr a roddir i’r ymadrodd “IP completion day” yn Neddf yr Undeb Ewropeaidd (Cytundeb Ymadael) 2020)”;
    - (bb) hepgorer paragraff (4);
    - (cc) yn lle paragraffau (5) i (7), rhodder—

“(5) Mae Erthygl 5 i’w darllen fel pe bai—

- (a) ym mharagraff 1, “A” wedi ei roi yn lle “Member States shall take appropriate measures to ensure that a”;
- (b) y canlynol wedi ei fewnosod ar ôl paragraff 1—

“1A. Any decision as to whether a substance or object is a by-product must be made—

- (a) in accordance with any regulations setting out detailed criteria on the application of the conditions in paragraph 1 to specific substances or objects; and
- (b) having regard to any guidance published by the Welsh Ministers or the Natural Resources Body for Wales for the purposes of this Article.”;
- (c) paragraffau 2 a 3 wedi eu hepgor.

- (b) in Article 3—
- (i) in paragraph (2) for “Without prejudice to existing Community legislation the” there were substituted “The”;
  - (ii) for paragraph (3) there were substituted—

“(3) The management of extractive waste, within the meaning given in regulation 2(1) of the Environmental Permitting (England and Wales) Regulations 2016, is excluded from the scope of this Directive where it falls within the scope of Schedule 20, or paragraph 8(a) or (b) of Schedule 22, to those Regulations.””

(4) In regulation 8—

- (a) in paragraph (3)—
- (i) in the inserted regulation 2A—
    - (aa) in paragraph (2), for “exit day” substitute “IP completion day (within the meaning given to that expression in the European Union (Withdrawal Agreement) Act 2020)”;
    - (bb) omit paragraph (4);
    - (cc) for paragraphs (5) to (7) substitute—

“(5) Article 5 is to be read as if—

- (a) in paragraph 1, for “Member States shall take appropriate measures to ensure that a” there were substituted “A”;
- (b) after paragraph 1 there were inserted—

“1A. Any decision as to whether a substance or object is a by-product must be made—

- (a) in accordance with any regulations setting out detailed criteria on the application of the conditions in paragraph 1 to specific substances or objects; and
- (b) having regard to any guidance published by the Welsh Ministers or the Natural Resources Body for Wales for the purposes of this Article.”;
- (c) paragraphs 2 and 3 were omitted.

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

- (a) ym mharagraff 1, “Waste” wedi ei roi yn lle “Member States shall take appropriate measures to ensure that waste”;
- (b) y canlynol wedi ei fewnosod ar ôl paragraff 1—

“1A. Any decision as to whether a substance or object has ceased to be waste, must be made—

- (a) in accordance with any regulations or retained direct EU legislation (within the meaning given to that expression in the European Union (Withdrawal) Act 2018) setting out detailed criteria on the application of the conditions in paragraph 1 to specific types of waste; and
  - (b) having regard to any guidance published by the Welsh Ministers or the Natural Resources Body for Wales for the purposes of this Article.”;
- (c) ym mharagraff 2—
- (i) yr is-baragraff cyntaf wedi ei hepgor;
  - (ii) yn yr ail is-baragraff “Any detailed criteria set out in guidance as referred to in paragraph 1A” wedi ei roi yn lle “Those detailed criteria”;
  - (iii) y trydydd a’r pedwerydd is-baragraffau wedi eu hepgor;
- (d) paragraff 3 wedi ei hepgor;
- (e) ym mharagraff 4—
- (i) yn yr is-baragraff cyntaf—
    - (aa) yn y frawddeg gyntaf, “Where criteria have not been set out as referred to in paragraph 1A(a), the Natural Resources Body for Wales” wedi ei roi yn lle’r geiriau o’r dechrau hyd at “Member State”;
    - (bb) yr ail frawddeg wedi ei hepgor;

(6) Article 6 is to be read as if—

- (a) in paragraph 1, for “Member States shall take appropriate measures to ensure that waste” there were substituted “Waste”;
- (b) after paragraph 1 there were inserted—

“1A. Any decision as to whether a substance or object has ceased to be waste, must be made—

- (a) in accordance with any regulations or retained direct EU legislation (within the meaning given to that expression in the European Union (Withdrawal) Act 2018) setting out detailed criteria on the application of the conditions in paragraph 1 to specific types of waste; and
  - (b) having regard to any guidance published by the Welsh Ministers or the Natural Resources Body for Wales for the purposes of this Article.”;
- (c) in paragraph 2—
- (i) the first sub-paragraph were omitted;
  - (ii) in the second sub-paragraph for “Those detailed criteria” there were substituted “Any detailed criteria set out in guidance as referred to in paragraph 1A”;
  - (iii) the third and fourth sub-paragraphs were omitted;
- (d) paragraph 3 were omitted;
- (e) in paragraph 4—
- (i) in the first sub-paragraph—
    - (aa) in the first sentence, for the words from the beginning to “Member State”, there were substituted “Where criteria have not been set out as referred to in paragraph 1A(a), the Natural Resources Body for Wales”;
    - (bb) the second sentence were omitted;

- (ii) yn yr ail is-baragraff—
- (aa) “The Natural Resources Body for Wales” wedi ei roi yn lle “Member States”;
- (bb) “by competent authorities” wedi ei hepgor.
- (7) Mae Erthygl 7 i’w darllen fel pe bai—
- (a) y canlynol wedi ei fewnosod o flaen paragraff 1—
- “A1. In this Article, the “list of waste” means the list contained in the Annex to Commission Decision 2000/532/EC, as that list has effect in Wales.”;
- (b) ym mharagraff 1—
- (i) y frawddeg gyntaf a’r ail frawddeg wedi eu hepgor;
- (ii) “The list of waste shall, except as provided in Commission Decision 2000/532/EC, be binding as regards determination of the waste which is to be considered as hazardous waste or as non-hazardous waste.” Wedi ei roi yn lle’r drydedd frawddeg;
- (c) paragraffau 2, 3, 6 a 7 wedi eu hepgor.”;
- (ii) yn y rheoliad 2B a fewnosodir—
- (aa) yn y pennawd, hepgorer “a “Chyfarwyddeb Allyriadau Diwydiannol”;
- (bb) hepgorer paragraffau (4), (5) a (6);
- (b) ym mharagraff 4(b), yn lle’r diffiniad a fewnosodir o “Cyfarwyddeb Tirlenwi”, rhodder—
- “ystyr “y Gyfarwyddeb Tirlenwi” (*the Landfill Directive*) yw Cyfarwyddeb y Cyngor 1999/31/EC ar dirlenwi gwastraff, fel y’i diwygiwyd ddiwethaf gan Gyfarwyddeb (EU) 2018/850, gan ei darllen fel pe bai—
- (a) yn Erthygl 2—
- (i) ym mhwynt (a)—
- (aa) y cyfeiriad at y diffiniad o ‘waste’ wedi ei hepgor; a
- (bb) “the Waste Framework Directive” wedi ei roi yn lle “Directive 2008/98/EC”;
- (ii) in the second sub-paragraph—
- (aa) for “Member States” there were substituted “The Natural Resources Body for Wales”;
- (bb) “by competent authorities” were omitted.
- (7) Article 7 is to be read as if—
- (a) before paragraph 1 there were inserted—
- “A1. In this Article, the “list of waste” means the list contained in the Annex to Commission Decision 2000/532/EC, as that list has effect in Wales.”;
- (b) in paragraph 1—
- (i) the first and second sentences were omitted;
- (ii) for the third sentence, there were substituted “The list of waste shall, except as provided in Commission Decision 2000/532/EC, be binding as regards determination of the wastewhich is to be considered as hazardous waste or non-hazardous waste.”;
- (c) paragraphs 2, 3, 6 and 7 were omitted.”;
- (ii) in the inserted regulation 2B—
- (aa) in the heading omit “and Industrial Emissions Directive”;
- (bb) omit paragraphs (4), (5) and (6);
- (b) in paragraph 4(b), for the inserted definition of “Landfill Directive”, substitute—
- ““the Landfill Directive” (*“y Gyfarwyddeb Dirlenwi”*) means Council Directive 1999/31/EC on the landfill of waste, as last amended by Directive (EU) 2018/850, and read as if—
- (a) in Article 2—
- (i) in point (a)—
- (aa) the reference to the definition of ‘waste’ were omitted; and
- (bb) for “Directive 2008/98/EC” there were substituted “the Waste Framework Directive”;

- (ii) y canlynol wedi ei fewnosod ar ôl pwynt (a)—  
“(aa) ‘waste’ has the meaning given by regulation 2(1)(b) of the Hazardous Waste (Wales) Regulations 2005;”
- (b) yn Erthygl 3—  
(i) ym mharagraff 2, “The” wedi ei roi yn lle “Without prejudice to existing Community legislation the”;  
(ii) y canlynol wedi ei roi yn lle paragraff 3—  
**“3.** The management of extractive waste, within the meaning given in regulation 2(1) of the Environmental Permitting Regulations, is excluded from the scope of this Directive where it falls within the scope of Schedule 20, or paragraph 8(a) or (b) of Schedule 22, to those Regulations.”;
- (c) ym mharagraff (7) hepgorer “(as amended by regulation 5(2) and 5(3)).
- (5) Yn rheoliad 9—  
(a) ym mharagraff (2), hepgorer “(“*the Waste Framework Directive*”) (as substituted by regulation 6)”;  
(b) ym mharagraff (3)—  
(i) yn lle “Ar ôl paragraff (2)” rhodder “Ar ôl rheoliad 2(2)”;  
(ii) yn y paragraff (3) a fewnosodir, yn lle “y diwrnod ymadael” rhodder “diwrnod cwblhau’r cyfnod gweithredu (yn yr ystyr a roddir i’r ymadrodd “IP completion day “ yn Neddf yr Undeb Ewropeaidd (Cytundeb Ymadael) 2020)”;  
(iii) yn lle’r paragraffau (5) i (7) a fewnosodir, rhodder—  
“(5) Mae Erthygl 5 i’w darllen fel pe bai—  
(a) ym mharagraff 1, “A” wedi ei roi yn lle “Member States shall take appropriate measures to ensure that a”;  
(b) y canlynol wedi ei fewnosod ar ôl paragraff 1—  
**“1A.** Any decision as to whether a substance or object is a by-product must be made—  
(a) in accordance with any regulations setting out detailed criteria on the application of the
- (ii) after point (a) there were inserted—  
“(aa) ‘waste’ has the meaning given by regulation 2(1)(b) of the Hazardous Waste (Wales) Regulations 2005”;
- (b) in Article 3—  
(i) in paragraph 2, for “Without prejudice to existing Community legislation the” there were substituted “The”;  
(ii) for paragraph 3 there were substituted—  
**“3.** The management of extractive waste, within the meaning given in regulation 2(1) of the Environmental Permitting Regulations, is excluded from the scope of this Directive where it falls within the scope of Schedule 20, or paragraph 8(a) or (b) of Schedule 22, to those Regulations.”;
- (c) in paragraph (7) omit “(as amended by regulation 5(2) and 5(3)).
- (5) In regulation 9—  
(a) in paragraph (2), omit “(“*y Gyfarwyddeb Fframwaith Gwastraff*”) (as substituted by regulation 6)”;  
(b) in paragraph (3)—  
(i) for “After paragraph (2)” substitute “after regulation 2(2)”;  
(ii) in the inserted paragraph (3), for “exit day” substitute “IP completion day (within the meaning given to that expression in the European Union (Withdrawal Agreement) Act 2020)”;  
(iii) for the inserted paragraphs (5) to (7), substitute—  
“(5) Article 5 is to be read as if—  
(a) in paragraph 1, for “Member States shall take appropriate measures to ensure that a” there were substituted “A”;  
(b) after paragraph 1 there were inserted—  
**“1A.** Any decision as to whether a substance or object is a by-product must be made—  
(a) in accordance with any regulations setting out detailed criteria on the application of the

- conditions in paragraph 1 to specific substances or objects; and
- (b) having regard to any guidance published by the Welsh Ministers or the Natural Resources Body for Wales for the purposes of this Article.”;
- (c) paragraffau 2 a 3 wedi eu hepgor.
- (6) Mae Erthygl 6 i’w darllen fel pe bai—
- (a) ym mharagraff 1, “Waste” wedi ei roi yn lle “Member States shall take appropriate measures to ensure that waste”;
- (b) y canlynol wedi ei fewnosod ar ôl paragraff 1—
- “1A. Any decision as to whether a substance or object has ceased to be waste must be made—
- (a) in accordance with any regulations or retained direct EU legislation (within the meaning given to that expression in the European Union (Withdrawal) Act 2018) setting out detailed criteria on the application of the conditions in paragraph 1 to specific types of waste; and
- (b) having regard to any guidance published by the Welsh Ministers or the Natural resources Body for Wales for the purposes of this Article.”;
- (c) ym mharagraff 2—
- (i) yr is-baragraff cyntaf wedi ei hepgor;
- (ii) yn yr ail is-baragraff, “Any detailed criteria set out in guidance as referred to in paragraph 1A” wedi ei roi yn lle “Those detailed criteria”;
- (iii) y trydydd a’r pedwerydd is-baragraffau wedi eu hepgor;
- (d) paragraff 3 wedi ei hepgor;
- (e) ym mharagraff 4—
- (i) yn yr is-baragraff cyntaf—
- (aa) yn y frawddeg gyntaf, “Where criteria have not been set out as referred to in paragraph 1A(a), the Natural Resources Body for Wales” wedi ei roi yn lle’r
- conditions in paragraph 1 to specific substances or objects; and
- (b) having regard to any guidance published by the Welsh Ministers or the Natural Resources Body for Wales for the purposes of this Article.”;
- (c) paragraphs 2 and 3 were omitted.
- (6) Article 6 is to be read as if—
- (a) in paragraph 1, for “Member States shall take appropriate measures to ensure that waste” there were substituted “Waste”;
- (b) after paragraph 1 there were inserted—
- “1A. Any decision as to whether a substance or object has ceased to be waste must be made—
- (a) in accordance with any regulations or retained direct EU legislation (within the meaning given to that expression in the European Union (Withdrawal) Act 2018 setting out detailed criteria on the application of the conditions in paragraph 1 to specific types of waste; and
- (b) having regard to any guidance published by the Welsh Ministers or the Natural resources Body for Wales for the purposes of this Article.”;
- (c) in paragraph 2—
- (i) the first sub-paragraph were omitted;
- (ii) in the second sub-paragraph, for “Those detailed criteria” there were substituted “Any detailed criteria set out in guidance as referred to in paragraph 1A”;
- (iii) the third and fourth sub-paragraphs were omitted;
- (d) paragraph 3 were omitted;
- (e) in paragraph 4—
- (i) in the first sub-paragraph—
- (aa) in the first sentence, for the words from the beginning to “Member State”, there were substituted “Where criteria have not been set out as referred to in paragraph 1A(a), the

- geiriau o'r dechrau hyd at "Member State";
- (bb) yr ail frawddeg wedi ei hepgor;
- (ii) yn yr ail is-baragraff—
- (aa) "The Natural Resources Body for Wales" wedi ei roi yn lle "Member States";
- (bb) "by competent authorities" wedi ei hepgor.
- (7) Mae Erthygl 7 i'w darllen fel pe bai—
- (a) y canlynol wedi ei fewnosod o flaen paragraff 1—
- “A1. In this Article, the “list of waste” means the list contained in the Annex to Commission Decision 2000/532/EC, as that list has effect in Wales.”;
- (b) ym mharagraff 1—
- (i) y frawddeg gyntaf a'r ail frawddeg wedi eu hepgor;
- (ii) “The list of waste shall, except as provided in Commission Decision 2000/532/EC, be binding as regards determination of the waste which is to be considered as hazardous waste or as non-hazardous waste.” wedi ei roi yn lle'r drydedd frawddeg;
- (c) paragraffau 2, 3, 6 a 7 wedi eu hepgor.”

### **Diwygio Rheoliadau Gwastraff Peryglus (Cymru) 2005**

- 3.—(1)** Mae Rheoliadau Gwastraff Peryglus (Cymru) 2005(1) wedi eu diwygio fel a ganlyn.
- (2) Hefgorer rheoliadau 6(b), 8(1)(b) a 9(1)(b).

- Natural Resources Body for Wales”;
- (bb) the second sentence were omitted;
- (ii) in the second sub-paragraph—
- (aa) for “Member States” there were substituted “The Natural Resources Body for Wales”;
- (bb) “by competent authorities” were omitted.
- (7) Article 7 is to be read as if—
- (a) before paragraph 1 there were inserted—
- “A1. In this Article, the “list of waste” means the list contained in the Annex to Commission Decision 2000/532/EC, as that list has effect in Wales.”;
- (b) in paragraph 1—
- (i) the first and second sentences were omitted;
- (ii) for the third sentence there were substituted “The list of waste shall, except as provided in Commission Decision 2000/532/EC, be binding as regards determination of the waste which is to be considered as hazardous waste or as non-hazardous waste.”;
- (c) paragraphs 2, 3, 6 and 7 were omitted.”

### **Amendment of the Hazardous Waste (Wales) Regulations 2005**

- 3.—(1)** The Hazardous Waste (Wales) Regulations 2005(1) are amended as follows.
- (2) Omit regulations 6(b), 8(1)(b) and 9(1)(b).

(1) O.S. 2005/1806 (Cy. 138) a ddiwygiwyd gan O.S. 2009/2861 (Cy. 250), 2011/971 (Cy. 141), 2013/755 (Cy. 90), 2018/721 (Cy. 140) a 2019/414 (Cy. 96). Ceir diwygiadau eraill nad ydynt yn berthnasol i'r Rheoliadau hyn.

(1) S.I. 2005/1806 (W. 138) amended by S.I. 2009/2861 (W. 250), 2011/971 (W. 141), 2013/755 (W. 90), 2018/721 (W. 140) and 2019/414 (W. 96). There are other amendments not relevant to these Regulations.

*Lesley Griffiths*

Gweinidog yr Amgylchedd, Ynni a Materion Gwledig,  
un o Weinidogion Cymru  
23 Tachwedd 2020

Minister for Environment, Energy and Rural Affairs,  
one of the Welsh Ministers  
23 November 2020

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