

Agenda – Y Pwyllgor Materion Cyfansoddiadol a Deddfwriaethol

Lleoliad:	I gael rhagor o wybodaeth cysylltwch a:
Ystafell Bwyllgora 1 – Y Senedd	Gareth Williams
Dyddiad: Dydd Llun, 26 Tachwedd 2018	Clerc y Pwyllgor 0300 200 6362
Amser: 14.30	SeneddMCD@cynulliad.cymru

1 Cyflwyniad, ymddiheuriadau, dirprwyon a datgan buddiannau

2 Offerynnau nad ydynt yn nodi unrhyw bwyntiau i gyflwyno adroddiad arnynt o dan Reol Sefydlog 21.2 neu 21.3

(Tudalen 1)

CLA(5)–30–18 – Papur 1 – Offerynnau statudol gydag adroddiadau clir

Offerynnau'r Weithdrefn Penderfyniad Negyddol

2.1 SL(5)279 – Gorchymyn Dynodi Gorfodi Sifil ar Dramgwyddau Lonydd Bysiau a Thraffig sy'n Symud (Sir Gaerfyrddin) 2018

3 Offerynnau sy'n nodi pwyntiau i gyflwyno adroddiad i'r Cynulliad arnynt o dan Reol Sefydlog 21.2 neu 21.3

Offerynnau'r Weithdrefn Penderfyniad Negyddol

3.1 SL(5)277 – Gorchymyn Deddf Llywodraeth Cymru 2006 (Cynigion Cyllidebol a Chyrff Dynodedig) 2018

(Tudalennau 2 – 11)

CLA(5)–30–18 – Papur 2 – Adroddiad

CLA(5)–30–18 – Papur 3 – Gorchymyn

CLA(5)–30–18 – Papur 4 – Memorandwm Esboniadol

Offerynnau'r Weithdrefn Penderfyniad Cadarnhaol Cyfansawdd



3.2 SL(5)278 – Rheoliadau Safonau Trapio heb Greulondeb 2019

(Tudalennau 12 – 44)

CLA(5)–30–18 – Papur 5 – Adroddiad

CLA(5)–30–18 – Papur 6 – Rheoliadau

CLA(5)–30–18 – Papur 7 – Memorandwm Esboniadol

4 Offerynnau nad ydynt yn nodi unrhyw bwyntiau i gyflwyno adroddiad arnynt o dan Reol Sefydlog 21.2 neu 21.3 ond y mae goblygiadau iddynt o ganlyniad i ymadawiad y DU â'r UE

4.1 SL(5)276 – Rheoliadau Safonau Sootechnegol (Cymru) 2018

(Tudalennau 45 – 46)

CLA(5)–30–18 – Papur 8 – Adroddiad

4.2 SL(5)280 – Rheoliadau Iechyd Planhigion etc. (Ffioedd) (Cymru) 2018

(Tudalen 47)

CLA(5)–30–18 – Papur 9 – Adroddiad

5 Datganiadau ysgrifenedig o dan Reol Sefydlog 30C

5.1 WS–30C(5)10 – Rheoliadau Rheoli Mercwri (Diwygio) (Ymadael â'r UE) 2018

(Tudalennau 48 – 51)

CLA(5)–30–18 – Papur 10 – Datganiad

CLA(5)–30–18 – Papur 11 – Sylwebaeth

5.2 WS–30C(5)11 – Rheoliadau Llygryddion Organig Parhaus (Diwygio) (Ymadael â'r UE) 2018

(Tudalennau 52 – 55)

CLA(5)–30–18 – Papur 12 – Datganiad

CLA(5)–30–18 – Papur 13 – Sylwebaeth

- 5.3 WS-30C(5)12 – Rheoliadau INSPIRE (Diwygio) (Ymadael â'r UE) 2018**
(Tudalennau 56 – 59)
- CLA(5)-30-18 – Papur 14 – Datganiad
CLA(5)-30-18 – Papur 15 – Sylwebaeth
- 5.4 WS-30C(5)13 – Rheoliadau Darparu Gwasanaethau (Diwygio etc.) (Ymadael â'r UE) 2018**
(Tudalennau 60 – 63)
- CLA(5)-30-18 – Papur 16 – Datganiad
CLA(5)-30-18 – Papur 17 – Sylwebaeth
- 5.5 WS-30C(5)14 – Rheoliadau'r Amgylchedd, Bwyd a Materion Gwledig (Asesu Effeithiau Amgylcheddol) (Diwygio) (Ymadael â'r UE) 2018**
(Tudalennau 64 – 67)
- CLA(5)-30-18 – Papur 18 – Datganiad
CLA(5)-30-18 – Papur 19 – Sylwebaeth
- 5.6 WS-30C(5)15 – Rheoliadau Iechyd Anifeiliaid Dyfrol a Rhywogaethau Estron mewn Dyframaethu (Cymru a Lloegr) (Diwygio) (Ymadael â'r UE) 2018**
(Tudalennau 68 – 71)
- CLA(5)-30-18 – Papur 20 – Datganiad
CLA(5)-30-18 – Papur 21 – Sylwebaeth
- 5.7 WS-30C(5)16 – Rheoliadau Da byw (Cofnodion, Adnabod a Symud) (Diwygio) (Ymadael â'r UE) 2018**
(Tudalennau 72 – 75)
- CLA(5)-30-18 – Papur 22 – Datganiad
CLA(5)-30-18 – Papur 23 – Sylwebaeth
- 5.8 WS-30C(5)17 – Rheoliadau Lles Anifeiliaid (Diwygio) (Ymadael â'r UE) 2018**
(Tudalennau 76 – 80)

CLA(5)-30-18 – Papur 24 – Datganiad

CLA(5)-30-18 – Papur 25 – Sylwebaeth

**5.9 WS-30C(5)18 – Rheoliadau Iechyd Anifeiliaid Dyfrol a Rhywogaethau Estron
mewn Dyframaethu (Cymru a Lloegr) (Diwygio) (Ymadael â'r UE) 2018**

(Tudalennau 81 – 84)

CLA(5)-30-18 – Papur 26 – Datganiad

CLA(5)-30-18 – Papur 27 – Sylwebaeth

**5.10 WS-30C(5)19 – Rheoliadau Piblinellau, Petrolewm, Gwaith Trydan a Stocio
Olew (Diwygiadau Amrywiol) (Ymadael â'r UE) 2018**

(Tudalennau 85 – 88)

CLA(5)-30-18 – Papur 28 – Datganiad

CLA(5)-30-18 – Papur 29 – Sylwebaeth

**5.11 WS-30C(5)20 – Rheoliadau Protocol Nagoya (Cydydffurfio) (Ymadael â'r UE)
2018**

(Tudalennau 89 – 92)

CLA(5)-30-18 – Papur 30 – Datganiad

CLA(5)-30-18 – Papur 31 – Sylwebaeth

**5.12 WS-30C(5)21 – Rheoliadau Organeddau a Addaswyd yn Enetig (Diwygio)
(Ymadael â'r UE) 2018**

(Tudalennau 93 – 96)

CLA(5)-30-18 – Papur 32 – Datganiad

CLA(5)-30-18 – Papur 33 – Sylwebaeth

6 Papurau i'w nodi

**6.1 Llythyr gan Ysgrifennydd y Cabinet dros Gyllid: Gofyn am ddatganoli
cymwysedd ar gyfer treth ar dir gwag yng Nghymru**

(Tudalen 97)

CLA(5)-30-18 – Papur 34 – Llythyr gan Ysgrifennydd y Cabinet dros Gyllid

6.2 Llythyr gan Ysgrifennydd y Cabinet dros Ynni, Cynllunio a Materion Gwledig
(Tudalennau 98 – 99)

CLA(5)–30–18 – Papur 35 – Llythyr gan Ysgrifennydd y Cabinet dros Ynni, Cynllunio a Materion Gwledig

7 Cynnig o dan Reol Sefydlog 17.42(ix) i benderfynu gwahardd y cyhoedd o'r cyfarfod ar gyfer yr eitem a ganlyn:

8 Bil Awtistiaeth (Cymru): Adroddiad Drafft

(Tudalennau 100 – 135)

CLA(5)–30–18 – Papur 36 – Adroddiad Drafft

9 Datganiadau ysgrifenedig o dan Reol Sefydlog 30C: Diweddariad

CLA(5)–30–18 – Papur 37 – Diweddariad (Papur i ddilyn)

10 Memorandwm Cydsyniad Deddfwriaethol: y Bil Amaethyddiaeth

(Tudalennau 136 – 138)

CLA(5)–30–18 – Paper 38 – Papur Briffio gan y Gwasanaeth Ymchwil

11 Craffu ar reoliadau a wneir o dan Ddeddf yr UE (Ymadael) 2018: Y wybodaeth ddiweddaraf

(Tudalennau 139 – 140)

CLA(5)–30–18 – Paper 39 – Y wybodaeth ddiweddaraf

Offerynnau Statudol sydd ag Adroddiadau Clir 26 Tachwedd 2018

SL(5)279 – Gorchymyn Dynodi Gorfodi Sifil ar Dramgwyddau Lonydd Bysiau a Thraffig sy'n Symud (Sir Gaerfyrddin) 2018

Gweithdrefn: Negyddol

Mae'r Gorchymyn hwn yn dynodi Sir Gaerfyrddin yn ardal gorfodi sifil ar dramgwyddau lonydd bysiau a thraffig sy'n symud at ddibenion Rhan 6 o Ddeddf Rheoli Traffig 2004. Mae Sir Gaerfyrddin eisoes wedi ei dynodi yn ardal gorfodi sifil ar dramgwyddau parcio o dan y Ddeddf honno gan Orchymyn Traffig Ffyrdd (Ardal Barcio a Ganiateir ac Ardal Barcio Arbennig) (Sir Gaerfyrddin) 2004 (O.S. 2004/104 (Cy. 11)).

Rhiant-Ddeddf: Deddf Rheoli Traffig 2004

Fe'u gwnaed ar: 13 Tachwedd 2018

Fe'u gosodwyd ar: 15 Tachwedd 2018

Yn dod i rym ar: 10 Rhagfyr 2018



Eitem 3.1

SL(5)277 – Gorchymyn Deddf Llywodraeth Cymru 2006 (Cynigion Cyllidebol a Chyrff Dynodedig) 2018

Cefndir a Diben

Mae'r Gorchymyn hwn yn dynodi, mewn perthynas â Gweinidogion Cymru, y cyrff a restrir yn yr Atodlen i'r Gorchymyn at ddibenion cynnwys o fewn Cynnig Cyllidebol yr adnoddau y disgwylir eu defnyddio gan y cyrff hynny.

Mae paragraff 2.2 o'r Memorandwm Esboniadol i'r Gorchymyn yn cadarnhau:

Drwy gynnwys adnoddau'r cyrff dynodedig yn y cynnig cyllidebol, bydd hynny'n lleihau anghysondebau rhwng y Gyllideb, Cynnig y Gyllideb a'r cyfrifon cyfunol, ond ni fydd yn effeithio o gwbl ar derfynau'r cyrff hynny o ran adnoddau.

Y weithdrefn

Negyddol.

Craffu ar faterion technegol

Ni nodir unrhyw bwyntiau i gyflwyno adroddiad arnynt o dan Reol Sefydlog 21.2 mewn perthynas â'r offeryn hwn.

Rhinweddau: craffu

Nodir un pwynt i gyflwyno adroddiad arno o dan Reol Sefydlog 21.3 mewn perthynas â'r offeryn hwn:

- 1. Rheol Sefydlog 21.3(ii) ei fod o bwysigrwydd gwleidyddol neu gyfreithiol neu ei fod yn codi materion polisi cyhoeddus sy'n debyg o fod o ddiddordeb i'r Cynulliad.**

Roedd gan Weinidogion Cymru ddewis o weithdrefn ar gyfer yr offeryn hwn yn unol ag adrannau 126A(9) a 126A(10) o Ddeddf Llywodraeth Cymru 2006 a dewisodd y weithdrefn negyddol, sy'n ymddangos yn briodol.

Goblygiadau sy'n deillio o adael yr Undeb Ewropeaidd

Ni nodwyd unrhyw bwyntiau i gyflwyno adroddiad arnynt o dan Reol Sefydlog 21.3 mewn perthynas â'r offeryn hwn.

Ymateb y Llywodraeth

Nid oes angen ymateb y Llywodraeth.

Cynghorwyr Cyfreithiol

Y Pwyllgor Materion Cyfansoddiadol a Deddfwriaethol

20 Tachwedd 2018



OFFERYNNAU STATUDOL
CYMRU

2018 Rhif 1173 (Cy. 237)

**CYFRAITH
GYFANSODDIADOL**

**Gorchymyn Deddf Llywodraeth
Cymru 2006 (Cynigion Cyllidebol a
Chyrff Dynodedig) 2018**

NODYN ESBONIADOL

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

Mae'r Gorchymyn hwn yn dynodi'r cyrff a restrir yn yr Atodlen at ddiben cynnwys mewn cynnig Cyllidebol yr adnoddau y disgwylir eu defnyddio gan y cyrff hynny.

Mae'r Gorchymyn hwn yn disodli'r dynodiadau blaenorol a wnaed gan Orchymyn Deddf Llywodraeth Cymru 2006 (Cynigion Cyllidebol a Chyrff Dynodedig) 2016 (O.S. 2016/1096 (Cy. 260)) a Gorchymyn Deddf Llywodraeth Cymru 2006 (Cynigion Cyllidebol a Chyrff Dynodedig) 2017 (O.S. 2017/946 (Cy. 235)) ac felly yn dirymu'r offerynnau hynny.

Ystyriwyd Cod Ymarfer Gweinidogion Cymru ar gynnal Asesiadau Effaith Rheoleiddiol mewn perthynas â'r Gorchymyn hwn. 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 Gorchymyn hwn.

OFFERYNNAU STATUDOL
CYMRU

2018 Rhif 1173 (Cy. 237)

**CYFRAITH
GYFANSODDIADOL**

**Gorchymyn Deddf Llywodraeth
Cymru 2006 (Cynigion Cyllidebol a
Chyrff Dynodedig) 2018**

Gwnaed 12 Tachwedd 2018

*Gosodwyd gerbron Cynulliad Cenedlaethol
Cymru* 14 Tachwedd 2018

Yn dod i rym 21 Ionawr 2019

Mae Gweinidogion Cymru yn gwneud y Gorchymyn a ganlyn drwy arfer y pwerau a roddir iddynt gan adran 126A(2) a (3) o Ddeddf Llywodraeth Cymru 2006(1).

Yn unol ag adran 126A(4) a (6) o'r Ddeddf honno mae Gweinidogion Cymru wedi ymgynghori â'r Trysorlys, pan feddylant fod hynny'n briodol, ac mae'r Trysorlys wedi cydsynio i'r Gorchymyn hwn gael ei wneud.

Enwi a chychwyn

1.—(1) Enw'r Gorchymyn hwn yw Gorchymyn Deddf Llywodraeth Cymru 2006 (Cynigion Cyllidebol a Chyrff Dynodedig) 2018.

(2) Daw'r Gorchymyn hwn i rym ar 21 Ionawr 2019.

Dirymiadau

2. Mae'r Gorchymynion a ganlyn wedi eu dirymu—

(a) Gorchymyn Deddf Llywodraeth Cymru 2006 (Cynigion Cyllidebol a Chyrff Dynodedig) 2016(2);

(1) 2006 p. 32. Mewnosodwyd adran 126A gan adran 44(2) o Ddeddf Diwygio Cyfansoddiadol a Llywodraethu 2010 (p. 25).

(2) O.S. 2016/1096 (Cy. 260).

- (b) Gorchymyn Deddf Llywodraeth Cymru 2006
(Cynigion Cyllidebol a Chyrff Dynodedig)
2017(1).

Dynodiadau

3. Mae corff a restrir yn yr Atodlen i'r Gorchymyn hwn yn gorff dynodedig at ddibenion adran 126A o Ddeddf Llywodraeth Cymru 2006 mewn perthynas â Gweinidogion Cymru(2).

Mark Drakeford

Ysgrifennydd y Cabinet dros Gyllid, un o Weinidogion
Cymru
12 Tachwedd 2018

(1) O.S. 2017/946 (Cy. 235).

(2) Yn rhinwedd adran 124(3)(a) o Ddeddf Llywodraeth Cymru 2006 mae Gweinidogion Cymru yn "relevant person" at ddibenion adran 126A o'r Ddeddf honno.

YR ATODLEN Erthygl 3

Cyrff Dynodedig

Academi Genedlaethol Arweinyddiaeth Addysgol

Awdurdod Cyllid Cymru(1)

Byrddau Iechyd Lleol (fel y'u sefydlwyd o dan adran
11 o Ddeddf y Gwasanaeth Iechyd Gwladol (Cymru)
2006(2))

Career Choices Dewis Gyrfa Ltd

DCFW Limited

Hybu Cig Cymru-Meat Promotion Wales

Innovation Point Limited

Life Sciences Hub Wales Limited

Sector Development Wales Partnership Limited

Trafnidiaeth Cymru

WGC Holdco Limited

Ymddiriedolaeth Gwasanaeth Iechyd Gwladol
Prifysgol Felindre(3)

Ymddiriedolaeth Gwasanaeth Iechyd Gwladol
Gwasanaethau Ambiwylans Cymru(4)

Ymddiriedolaeth Gwasanaeth Iechyd Gwladol Iechyd
Cyhoeddus Cymru(5)

-
- (1) Sefydlwyd gan adran 2 o Ddeddf Casglu a Rheoli Trethi (Cymru) 2016 (decc 6).
(2) 2006 p. 42.
(3) Sefydlwyd gan O.S. 1993/2838, erthygl 2. Amnewidiwyd erthygl 2 gan O.S. 2018/887 (Cy. 176), erthygl 3.
(4) Sefydlwyd gan O.S. 1998/678, erthygl 2.
(5) Sefydlwyd gan O.S. 2009/2058 (Cy. 177), erthygl 2.

EXPLANATORY MEMORANDUM TO THE GOVERNMENT OF WALES ACT 2006 (BUDGET MOTIONS AND DESIGNATED BODIES) ORDER 2018

This Explanatory Memorandum has been prepared by the Permanent Secretary's Group and is laid before the National Assembly for Wales in conjunction with the above subordinate legislation and in accordance with Standing Order 27.1.

Cabinet Secretary's Declaration

In my view, this Explanatory Memorandum gives a fair and reasonable view of the expected impact of the Government of Wales Act 2006 (Budget Motions and Designated Bodies) Order 2018.

Mark Drakeford
Cabinet Secretary for Finance

14 November 2018

1. Description

1.1 The Government of Wales Act 2006 (Budget Motions and Designated Bodies) Order 2018 (“the Order”) designates bodies in relation to the Welsh Ministers. The purpose of such designation is so that information relating to the resources expected to be used by such bodies can be included within a Budget Motion.

2. Matters of special interest to the Constitutional and Legislative Affairs Committee

2.1 Section 126A(9) and (10) of the Government of Wales Act 2006 (“GOWA 2006”) provide for the Order to be subject to either the affirmative or the negative resolution procedure.

2.2 The Cabinet Secretary for Finance is of the view that the Order be subject to the negative resolution procedure as there are no factors indicating the use of the affirmative procedure. The Order designates bodies for the purposes of including within a Budget motion, information relating to the resources expected to be used by those bodies. Inclusion of the resources of the designated bodies within the Budget Motion will minimise alignment discrepancies between the Budget, Budget Motion and consolidated accounts, but will have no effect on the resource limits of those bodies. The subject matter of the Order can therefore be regarded as administrative as the effect on the Budget will be presentational.

3. Legislative background

3.1 This Order is made by the Welsh Ministers in exercise of the powers conferred on them by section 126A(2) and (3) GOWA 2006. This is the third Order made by the Welsh Ministers under these powers.

3.2 In accordance with section 126A(4) and (6) GOWA 2006, the Welsh Ministers have consulted, where they think it appropriate, with HM Treasury, and the Treasury has consented to the making of this Order.

4. Purpose and intended effect of the legislation

Background

4.1 In March 2015, the Finance Committee of the Fourth Assembly recommended, as part of its inquiry into Best Practice Budget Processes, that “the Welsh Government work closely with the Wales Audit Office to help ensure that the alignment of the budget and the Welsh Government’s accounts with the Treasury’s budget boundary is completed timeously and successfully”.

4.2 Under current arrangements, there are 3 main documents which set out the financial position of the bodies funded by the Welsh Consolidated Fund;

- the Budget to plan, monitor and control income and expenditure;
- the Annual and Supplementary Budget Motions to gain Assembly approval for income and expenditure; and
- after the year end, the Consolidated Accounts, to report and account for income and expenditure.

The boundaries of each of these documents i.e., the income and expenditure of the bodies which are included, differ for each causing misalignment and, accordingly can make it difficult to understand the links and inter-relationships between them. This can lead to a lack of transparency and understanding of the Welsh Government public expenditure.

4.3 Budget Motions voted by the National Assembly for Wales were aligned to the Welsh Government core account boundary. This was a different boundary to that used for the Welsh Government Consolidated Accounts and was subsequently different again to the boundary used for the HM Treasury Budget. The first two phases of alignment corrected the material differences.

4.4 Alignment ensures that the Welsh Government's consolidated accounts use the same boundary for the Budget Motions as that used by HM Treasury for the control of public expenditure, where those bodies are designated and material. Alignment will mean that the scope of the main control mechanisms is consistent.

Purpose

4.5 The Order consolidates and replaces the first two orders and designates specified bodies in relation to the Welsh Ministers for the purpose of including within a Budget motion the resources expected to be used by those bodies. Accordingly, the Order revokes the Government of Wales Act 2006 (Budget Motions and Designated Bodies) Order 2016 (S.I. 2016/1096 (W. 260)) and the Government of Wales Act 2006 (Budget Motions and Designated Bodies) Order 2017 (S.I. 2017/946 (W. 235)).

Effect

4.6 The designation of the bodies in the Order will allow closer alignment of the Budget Motions to the existing Welsh Government Consolidated Accounts Boundary. The resources expected to be used by the designated bodies can therefore be included within a Budget Motion replacing the cash funding they receive.

- 4.7 The Order, therefore, aligns the HM Treasury budget boundary to the Budget Motions and the Welsh Government Consolidated Accounts, enabling expenditure to be more easily tracked through the Budget Motions and Consolidated Accounts process. This will provide the benefits of increased transparency and understanding of Welsh public expenditure, making it easier for the Assembly, and the wider public, to understand and challenge spending plans and outturn. In turn, this should contribute to better involvement and awareness of public expenditure in Wales, therefore, indirectly contributing to well-being goals.
- 4.8 The Order leads to a more efficient approach to the impact on scrutiny of Budget Motions by the Finance Committee and the consolidated accounts by the Public Accounts Committee as variances between budget and outturn will be more consistent. In addition, the number of reconciliations required within the schedules supporting the Budget Motions will be reduced.
- 4.9 There would be no impact on the MEG budgets and limited impact on preparation of the consolidated accounts.
- 4.10 The Order does not amend or consolidate any other piece of legislation.

5. Consultation

- 5.1 In addition to those bodies previously designated by the 2016 and 2017 Orders, this Order designates Transport for Wales, the Welsh Revenue Authority and the National Academy for Educational Leadership. These are virtually new public sector bodies and considered to be part of business as usual and, as such, an external consultation with these public bodies was not considered to be necessary before designation. The Welsh Government has already undertaken a targeted consultation with the bodies included in the previous orders from 8th May 2017 to 31st July 2017.
- 5.2 HM Treasury were consulted in accordance with section 126A(6) GOWA 2006, where a complete list of bodies proposed to be designated was provided.
- 5.6 The final phase of alignment is planned for 2019/20.

6. Regulatory Impact Assessment (RIA)

- 6.1 A Regulatory Impact Assessment has not been prepared to accompany the Order; it is not expected to impose any cost on business, local government or the voluntary sector. This is consistent with the Welsh Ministers' Regulatory Impact Assessment Code for Subordinate Legislation.

6.2 Bodies to be designated in the Order already form part of the Welsh Government budgetary controls and so Welsh Government Groups are already monitoring in-year spending.

Eitem 3.2

SL(5)278 - Rheoliadau Safonau Trapio heb Greulondeb 2019

Cefndir a Diben

Mae'r Rheoliadau hyn yn diwygio Deddf Bywyd Gwyllt a Chefn Gwlad 1981 (c. 69) er mwyn gweithredu gofynion a gynhwysir yn y Cytundeb ar safonau trapio heb greulondeb rhyngwladol a wnaed yn derfynol rhwng y Gymuned Ewropeaidd, Llywodraeth Canada a Llywodraeth Ffederasiwn Rwsia (y "Cytundeb"). Wrth wneud hynny, mae'r Rheoliadau hefyd yn gweithredu'r safonau cyfatebol a gynhwysir mewn cofnod cytbwys dwyochrog rhwng y Gymuned Ewropeaidd ac Unol Daleithiau America.

Y weithdrefn

Cadarnhaol.

Materion technegol: craffu

Nodir un pwynt i gyflwyno adroddiad arno o dan Reol Sefydlog 21.2 mewn perthynas â'r offeryn hwn, gan fod yr offeryn i'w wneud yn Saesneg yn unig.

Mae paragraff 2 o Ran 1 o'r Memorandwm Esboniadol yn nodi fel a ganlyn:

"As the Regulations will be subject to UK Parliamentary scrutiny, it is not considered reasonably practicable for this instrument to be made or laid bilingually".

Mae'r Pwyllgor wedi ysgrifennu at Brif Weinidog Cymru ar y mater hwn, yn dilyn cyngor a gafwyd gan Bwyllgor Gweithdrefnau Tŷ'r Cyffredin, ac mae'n aros am ymateb.

Rhinweddau: craffu

Nodir un pwynt i gyflwyno adroddiad arno o dan Reol Sefydlog 21.3(ii) mewn perthynas â'r offeryn hwn. Mae'r UE wedi ymrwmo i gytundebau i wella safonau llesiant trapiu a ddefnyddir i ddal neu ladd rhai anifeiliaid gwyllt. Mae paragraff 4 o'r Memorandwm Esboniadol yn nodi mai'r "dyddiad cau ar gyfer gweithredu'r Cytundeb oedd Gorffennaf 2016". O'r herwydd, nid yw'r Cytundeb wedi'i weithredu ar amser. Y dyddiad y daw'r Rheoliadau hyn i rym yw 28 Mawrth 2019, ac mae'r ddarpariaeth drosiannol yn Rheoliad 9 yn gohirio'r gweithredu 12 mis (tan 1 Ebrill 2020) ar gyfer y carlwm.

Y goblygiadau yn sgil gadael yr Undeb Ewropeaidd

Mae'r Undeb Ewropeaidd (yr UE) yn rhan o'r Cytundeb. Fodd bynnag, nid oes unrhyw ddeddfwriaeth ar waith ar lefel yr UE. O dan gyfraith yr UE, mae'n ofynnol i Lywodraeth y DU a Gweinidogion Cymru weithredu'r safonau trapio yn uniongyrchol drwy ddeddfwriaeth ddomestig.

Gwneir y Rheoliadau hyn o dan adran 2(2) o Ddeddf y Cymunedau Ewropeaidd 1972 ac felly byddant yn rhan o gyfraith yr UE a ddargedwir ar ôl y diwrnod gadael.

Ymateb y Llywodraeth

Mae angen ymateb gan y Llywodraeth.

Cynghorwyr Cyfreithiol



**Y Pwyllgor Materion Cyfansoddiadol a Deddfwriaethol
20 Tachwedd 2018**



Amendment of section 11

3.—(1) Section 11 (prohibition of certain methods of killing or taking wild animals)(a) is amended as follows.

(2) For subsection (2) substitute—

“(2) Subject to the provisions of this Part, a person shall be guilty of an offence if that person—

- (a) uses any trap or snare for the purpose of killing or taking or restraining any wild animal included in Schedule 6 or 6ZA;
- (b) sets in position any trap or snare of such a nature and so placed as to be—
 - (i) in England and Wales, calculated to cause bodily injury to any wild animal included in Schedule 6 or 6ZA;
 - (ii) in Scotland, likely to cause bodily injury to any such wild animal;
- (c) sets in position any electrical device for killing or stunning, or any poisonous, poisoned or stupefying substance, of such a nature and so placed as to be—
 - (i) in England and Wales, calculated to cause bodily injury to any wild animal included in Schedule 6;
 - (ii) in Scotland, likely to cause bodily injury to any such wild animal;
- (d) uses for the purpose of killing or taking any wild animal included in Schedule 6—
 - (i) any electrical device for killing or stunning;
 - (ii) any poisonous, poisoned or stupefying substance;
 - (iii) any net;
 - (iv) any automatic or semi-automatic weapon;
 - (v) any device for illuminating a target or sighting device for night shooting;
 - (vi) any form of artificial light or any mirror or other dazzling device;
 - (vii) any gas or smoke not falling within sub-paragraph (ii);
 - (viii) any sound recording used as a decoy; or
 - (ix) any mechanically propelled vehicle in immediate pursuit of any such animal;
- (e) uses any mechanically propelled vehicle for the purpose of driving any wild animal included in Schedule 6; or
- (f) knowingly causes or permits to be done an act mentioned in paragraphs (a) to (e).”.

(3) In subsection (5), for “(2)(b), (c), (d) or (e)” substitute “(2)(a), (d) or (e)”.

(4) In subsections (6) and (7)—

- (a) for “subsection (2)(a)” substitute “subsection (2)(b) or (c)”;
- (b) for “Schedule 6” substitute “the relevant Schedule”.

(5) After subsection (7), insert—

“(7A) In subsections (6) and (7), “the relevant Schedule” means—

- (a) where proceedings relate to an offence under subsection (2)(b), Schedule 6 or 6ZA;
- (b) where proceedings relate to an offence under subsection (2)(c), Schedule 6.”.

(a) Subsection (2) was amended in relation to England and Wales by section 2(3) of the Wildlife and Countryside (Amendment) Act 1991 (c. 39), and in relation to Scotland by paragraph 10 of Schedule 6 to the Nature Conservation (Scotland) Act 2004 (asp 6). Subsection (5) was amended by section 2(5) of the Wildlife and Countryside (Amendment) Act 1991, and paragraph 10 of Schedule 6 to the Nature Conservation (Scotland) Act 2004. Subsection (7) was inserted by section 2(6) of the Wildlife and Countryside (Amendment) Act 1991.

Amendment of section 16

4. In section 16 (power to grant licences)(a), after subsection (3) insert—

“(3ZA) A licence granted under subsection (3) may permit the use of a trap or snare for the purpose of killing, taking or restraining a wild animal included in Schedule 6ZA only if the trap or snare—

- (a) meets the conditions relating to certification (see subsections (3ZB) to (3ZF)); or
- (b) meets the approved design conditions (see subsections (3ZG) to (3ZI)).

This subsection is subject to (3ZJ).

(3ZB) For the purposes of subsection (3ZA)(a) the conditions relating to certification are that—

- (a) the trap or snare is of a certified type and make;
- (b) the manufacturer of the trap or snare provides instructions as to how it should be set, operated safely and maintained; and
- (c) where it is manufactured on or after 28th March 2019, the trap or snare is identified by its manufacturer by means of a permanent marking as being of a certified type and make.

(3ZC) For the purposes of subsection (3ZB)(b), instructions provided by the supplier of a trap or snare with the authorisation of the manufacturer of that trap or snare are to be treated as provided by the manufacturer.

(3ZD) For the purposes of this section, a type and make of trap or snare is “certified” in relation to a wild animal included in Schedule 6ZA if it is certified by or on behalf of any of the following authorities as conforming (where the trap or snare is set in accordance with any instructions provided by the manufacturer) to the standards set out in the international trapping standards agreement in relation to the trapping of that animal—

- (a) the Secretary of State;
- (b) the Welsh Ministers;
- (c) the Scottish Ministers;
- (d) in Northern Ireland, the Department of Agriculture, Environment and Rural Affairs**(b)**;
- (e) an authority in another country or territory which is designated for the purposes of the international trapping standards agreement as a certifying authority.

(3ZE) The relevant authority shall—

- (a) publish in such manner as it considers appropriate a list of all traps and snares of a certified type and make of which it is aware; and
- (b) make the list available to anyone who asks for it in writing**(c)**.

(3ZF) For the purposes of subsection (3ZE), “the relevant authority” means—

- (a) in relation to England, the Secretary of State;

-
- (a) Section 16 was amended by paragraph 11 of Schedule 9 to the Environment Protection Act 1990 (c. 43), paragraph 15 of Schedule 6 to the Nature Conservation (Scotland) Act 2004, paragraph 72 of Part 1 of Schedule 11 to the Natural Environment and Rural Communities Act 2006 (c. 16), section 10 of the Marine and Coastal Access Act 2009 (c. 23), section 104 of the Marine (Scotland) Act 2010 (asp 5), sections 4(1) and (4), 9, 13(1) and (4), 17(1) and (2) and 18(1) and (2) of the Wildlife and Natural Environment (Scotland) Act 2011 (asp 6), and paragraph 6 of Schedule 12 to the Countryside and Rights of Way Act 2000 (c. 37), and by S.I. 1995/2825, 2007/1843, and 2013/755.
 - (b) The powers relating to traps and snares under Articles 12 and 12A of the Wildlife Order (Northern Ireland) 1985 (S.I. 1985 No. 171 (N.I.2)) were transferred from the Department of the Environment to the Department of Agriculture, Environment and Rural Affairs by Article 8(1)(c) of the Departments (Transfer of Functions) Order (Northern Ireland) 2016 (S.R. 2016 No. 76).
 - (c) Requests in writing can be made in England to the Wildlife Management Team, Natural Environment Policy Directorate, Defra, Horizon House, Deanery Road, Bristol, BS1 5AH. In Wales, requests in writing can be made to the Land, Nature and Forestry Division, Welsh Government, Rhodfa Padarn, Llanbadarn Fawr, Aberystwyth, Ceredigion, SY23 3UR. In Scotland, requests in writing can be made to Wildlife and Protected Areas, Natural Resources Division, Directorate for Environment and Forestry, The Scottish Government, Victoria Quay, Edinburgh, EH6 6QQ.

- (b) in relation to Wales, the Welsh Ministers;
- (c) in relation to Scotland, the Scottish Ministers.

(3ZG) For the purposes of subsection (3ZA)(b) a trap or snare meets the approved design conditions if it—

- (a) has been constructed by the person using it; and
- (b) complies with a design approved for this purpose by or on behalf of the Secretary of State (where it is used in England or Scotland) or the Welsh Ministers (where it is used in Wales).

(3ZH) The relevant authority must—

- (a) publish in such manner as it considers appropriate details of the design of a trap or snare approved in accordance with subsection (3ZG)(b); and
- (b) make the details available to anyone who asks for them in writing^(a).

(3ZI) In subsection (3ZH), “the relevant authority” means—

- (a) the Secretary of State, for designs of traps or snares approved for use in England;
- (b) the Welsh Ministers, for designs of traps or snares approved for use in Wales;
- (c) the Scottish Ministers, for designs of traps or snares approved for use in Scotland.

(3ZJ) Subsection (3ZA) does not apply where the licence—

- (a) is granted in accordance with any of paragraphs (a) to (d) or paragraphs (f) to (h) of subsection (3) and is subject to such conditions as the appropriate authority considers appropriate when granting the licence;
- (b) does not, in the opinion of the appropriate authority, undermine the objectives of the international trapping standards agreement; and
- (c) is accompanied by a written explanation of the reasons for that opinion and for the grant of the licence.

(3ZK) In this section “the international trapping standards agreement” means the Agreement on international humane trapping standards between the European Community, Canada and the Russian Federation^(b).”.

Amendment of section 22

5. In section 22 (power to vary Schedules), at the end insert—

“(6) The Secretary of State may, for the purpose of complying with the international trapping standards agreement, by order add any animal to, or remove any animal from, Schedule 6ZA.

(7) In subsection (6), “the international trapping standards agreement” has the meaning given by section 16(3ZK).”.

New Schedule 6ZA

6. After Schedule 6 to that Act, insert, as Schedule 6ZA to that Act, the Schedule set out in the Schedule to these Regulations.

(a) Requests in writing can be made in England to the Wildlife Management Team, Natural Environment Policy Directorate, Defra, Horizon House, Deanery Road, Bristol, BS1 5AH. In Wales, requests in writing can be made to the Land, Nature and Forestry Division, Welsh Government, Rhodfa Padarn, Llanbadarn Fawr, Aberystwyth, Ceredigion, SY23 3UR. In Scotland, requests in writing can be made to Wildlife and Protected Areas, Natural Resources Division, Directorate for Environment and Forestry, The Scottish Government, Victoria Quay, Edinburgh, EH6 6QQ.

(b) The Agreement was approved on behalf of the European Community by Council Decision 98/142/EC (OJ No. L42, 14.2.98, p. 40). The text of the Agreement is attached to the Decision (at OJ No. L 42, 14.2.98, p. 43).

PART 3

Amendment of other legislation

Amendment of the Pests Act 1954

7. In section 8 of the Pests Act 1954 (restriction on type of trap in England and Wales)(a)—

(a) after subsection (3), insert—

“(3A) An order made under subsection (3) may not specify any type or make of trap as approved if the trap is a leghold trap.”; and

(b) after subsection (8), insert—

“(8A) In subsection (3A), “leghold trap” means a device designed to restrain or capture an animal by means of jaws which close tightly upon one or more of the animal’s limbs, thereby preventing withdrawal of the limb or limbs from the trap.”.

Amendment of the Agriculture (Scotland) Act 1948

8. In section 50 of the Agriculture (Scotland) Act 1948 (prohibition of night shooting, and use of spring traps)(b)—

(a) in subsection (4), for “the next following subsection” substitute “subsections (4A) and (5)”;

(b) after subsection (4) insert—

“(4A) An order made under subsection (3) may not specify any type or make of trap as approved, and an order made under subsection (4) may not authorise the use of any trap, where the trap is a leghold trap.”;

(c) in subsection (5) for “the last foregoing subsection”, in both places where it occurs, substitute “subsection (4)”;

(d) after subsection (8) insert—

“(9) In subsection (4A), “leghold trap” means a device designed to restrain or capture an animal by means of jaws which close tightly upon one or more of the animal’s limbs, thereby preventing withdrawal of the limb or limbs from the trap.”.

PART 4

Transitional provision

Transitional provision

9. Until 1st April 2020, Schedule 6ZA to the Wildlife and Countryside Act 1981, as set out in the Schedule to these Regulations, has effect as if the entry in respect of *Mustela erminea* (Stoat) were omitted.

Date

Name
Parliamentary Under Secretary of State
Department for Environment, Food and Rural Affairs

(a) 1954 c. 68. Section 8 was amended by section 1(1) of, and Part 8 of Schedule 1 to, the Statute Law (Repeals) Act 1973 (c. 39), section 31 of, and Schedule 6 to, the Criminal Law Act 1977 (c. 45) and section 46 of the Criminal Justice Act 1982 (c. 48).

(b) 1948 c. 45. Section 50 was amended by section 10 of the Pests Act 1954 (c. 68).

Date

Name
Minister for Environment under authority of the Cabinet Secretary for
Energy Planning and Rural Affairs, one of the Welsh Ministers

SCHEDULE

Regulation 6

Schedule to be inserted as Schedule 6ZA to the Wildlife and Countryside
Act 1981

“SCHEDULE 6ZA

Section 11(2)

Animals which may not be killed or taken by trapping or snaring

<i>Common name</i>	<i>Scientific name</i>
Badger	<i>Meles meles</i>
Beaver, European	<i>Castor fiber</i>
Marten, Pine	<i>Martes martes</i>
Otter, Common	<i>Lutra lutra</i>
Stoat (otherwise known as Ermine)	<i>Mustela erminea</i>

NOTE. The common name or names given in the first column of this Schedule are included by way of guidance only; in the event of any dispute or proceedings, the common name or names shall not be taken into account.”

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Wildlife and Countryside Act 1981 (c. 69) (“the Act”) in order to implement in Great Britain requirements contained in the Agreement on international humane trapping standards concluded between the European Community, the Government of Canada and the Government of the Russian Federation (“the Agreement”)(a).

The Regulations restate the existing prohibitions in section 11 of the Act (animals which may not be killed or taken by certain methods) in relation to the animals listed in Schedule 6, without substantively adding to them. They introduce a prohibition on using or setting in position any trap or snare for the purpose of killing or taking the Stoat (otherwise known as the Ermine) or the European Beaver. The European Beaver and the Stoat are protected under the Agreement together with the Badger, which is already listed in Schedule 6 to the Act as it applies to England, Wales and Scotland; and the Otter and the Pine Marten, which are already listed in Schedule 6 to the Act as it applies to England and Wales. All five species are now also listed in Schedule 6ZA (animals which may not be killed or taken by trapping or snaring).

The prohibitions in section 11(2)(a) and (b) (as revised) (relating to using or setting in position a trap or snare) do not apply in relation to any animal specified in Schedule 6ZA where the use or

(a) The Agreement was approved on behalf of the European Community by Council Decision 98/142/EC (OJ No. L42, 14.2.98, p.40).

setting of the trap is under and in accordance with a licence issued by Natural England, the Natural Resources Body for Wales or Scottish Natural Heritage (as the case may be), and the trap or snare is of a certified type and make and other conditions relating to certification are complied with, or is constructed by the person using it and complies with a design approved by the Secretary of State or the Welsh Ministers (as the case may be) (see section 16(3) together with new 16(3ZA) of the Act). This is subject to the exemption in new section 16(3ZJ) of the Act relating to the grant of individual licences, where in the opinion of the appropriate authority the licence does not undermine the objectives of the Agreement. For this purpose, a trap or snare is one of a certified type and make if its type and make are certified as conforming, when used in accordance with any instructions provided by the manufacturer, to the humane trapping standards set out in Annex 1 to the Agreement.

The Regulations contain a transitional provision, by virtue of which the requirement in new section 16(3ZA) does not apply to Stoat until 1st April 2020.

The Regulations also amend section 8 of the Pests Act 1954 (c. 68), and section 50 of the Agriculture (Scotland) Act 1948 (c. 45), so as to prevent the Minister and the Scottish Ministers, respectively, from approving or authorising the use of a leghold trap in an order made under those sections. This is consequential on the prohibition on the use of leghold traps contained in Council Regulation (EEC) No. 3254/91 prohibiting the use of leghold traps in the Community and the introduction into the Community of pelts and manufactured goods of certain wild animal species originating in countries which catch them by means of leghold traps or trapping methods which do not meet international trapping standards^(a).

A full impact assessment of the effect this instrument will have on the costs of business and on the private, voluntary or public sectors is available at www.gov.uk and is annexed to the Explanatory Memorandum which is available alongside the instrument at www.legislation.gov.uk.

(a) OJ No. L308, 9.11.1991, p.1.

Explanatory Memorandum to The Humane Trapping Standards Regulations 2019

This Explanatory Memorandum has been prepared by the Department for Environment and Rural Affairs and is laid before the National Assembly for Wales in conjunction with the above subordinate legislation and in accordance with Standing Order 27.1.

Cabinet Secretary/Minister's Declaration

In my view, this Explanatory Memorandum gives a fair and reasonable view of the expected impact of The Humane Trapping Standards Regulations 2019. I am satisfied that the benefits justify the likely costs.

Hannah Blythyn AM
Minister for Environment
Date: 14 November 2018

PART 1

1. Description

The Humane Trapping Standards Regulations 2019 (“the Regulations”) amend the [Wildlife and Countryside Act 1981](#) (“the Act”) in order to implement, in Great Britain, requirements contained in the [Agreement on International Humane Trapping Standards](#) between the European Community, the Government of Canada and the Government of the Russian Federation (“the Agreement”). In doing so, the Regulations also implement the equivalent standards contained in the bilateral [Agreed Minute](#) between the European Community and the United States of America.

The Agreement seeks to improve animal welfare standards by prohibiting the use of traps that do not comply with humane trapping standards, by requiring compliant traps to be certified and identified by manufacturers and by requiring trapping to be carried out in accordance with its standards.

The European Union (EU) is a Party to the Agreement. However, there is no implementing legislation at the EU level. Under EU law, the UK as a Member State (MS) is therefore obliged to implement the trapping standards directly through domestic legislation.

For ease, this document will generally refer to the implementation of the Agreement. However, as mentioned above, in doing so, we will also be meeting the commitments in the separate Agreed Minute between the EU and the USA.

2. Matters of special interest to the Constitutional and Legislative Affairs Committee

These Regulations make amendments to an existing UK Act of Parliament, and are being made on a composite basis by the Welsh Ministers (in relation to Wales) and by the Secretary of State (in relation to England and Scotland). These Regulations are subject to affirmative resolution procedure before the National Assembly for Wales and the UK Parliament. As the Regulations will be subject to UK Parliamentary scrutiny, it is not considered reasonably practicable for this instrument to be made or laid bilingually.

There is no difference in the policy on which these Regulations are based between Wales, England and Scotland. The composite approach allows for a series of coordinated amendments to the Act, which is heavily amended. A single instrument for England, Scotland and Wales offers an effective and efficient mechanism that would mean that further changes could be coordinated with a view to providing greater clarity. A single SI to implement the provisions of an international agreement that will apply throughout Great Britain should assist with the accessibility of relevant provisions for members of the public and others.

3. Legislative background

[Council Regulation \(EEC\) No 3254/91](#) (“the Leghold Trap Regulation”) prohibits the use of leghold traps in the EU. It also prohibits the introduction into the EU of pelts and manufactured goods of certain wild animal species originating in countries which catch them by means of leghold traps or trapping methods which do not meet international humane trapping standards.

The Leghold Trap Regulation defines a ‘leghold trap’ as a device designed to restrain or capture an animal by means of jaws which close tightly upon one or more of the animal's limbs, thereby preventing withdrawal of the limb or limbs from the trap. A leghold trap is something akin to what is commonly referred to as a ‘gin trap’. Gin traps haven’t been approved for use in the UK since the 1950s.

In 1997, the EU concluded the Agreement with Canada and the Russian Federation and a similar Agreed Minute with the USA, for the purpose of establishing humane trapping standards and facilitating trade in fur and fur products. By establishing international standards, these agreements allow Canada, the Russian Federation and the USA (the main importers of wild-sourced pelts) to import pelts and manufactured goods of certain wild animal species into the EU.

These Regulations are required to meet the UK’s obligations under EU law to implement the Agreement. The EU is a Party to the Agreement, however there is no implementing legislation at the EU level. Under EU law, Member States are obliged to ensure that the obligations arising from international agreements entered into by the EU, such as the Agreement, are implemented. This is an obligation of the UK Government and the Welsh Ministers, to the extent that the Welsh Ministers can implement the Agreement by the exercise of any of their functions (section 80 Government of Wales Act 2006). The Welsh Ministers designation in relation to ‘wild animals’ (S.I 2014/1890) for the purposes of section 2(2) of the European Communities Act 1972 enables them to implement the Agreement in relation to Wales.

Article 7 of the Agreement requires the UK to prohibit the use of traps that are not certified as meeting the humaneness standards which are set out in the Agreement, and Article 8 of the Agreement requires the UK to put in place appropriate processes to grant or remove permission for the use of traps.

Article 12 of the Agreement, allows authorisation of the use of traps certified by other Parties, including other Member States, as compliant or else provide justification in writing to the Joint Management Committee (JMC) for not doing so.

The Agreement does not prevent individuals from constructing and using their own traps and snares, provided that such traps comply with designs approved by the relevant competent authority. These traps constructed by individuals are meant to be simple home-made traps for the constructor’s personal use.

In exceptional circumstances the use of non-compliant traps is possible under Article 10 of the Agreement, which permits derogations to be granted on a case

by case basis, provided they are not applied in a manner that would undermine the objectives of the Agreement.

Domestically, section 11 of the Wildlife and Countryside Act 1981 protects all animals from certain methods of killing and taking, with increased protection provided to those species listed in Schedule 6 to the Act. Our approach to implementation has been to amend this section, and the related section 16 (which allows derogation from those prohibitions, by means of licences) to reflect the requirements of the Agreement.

The Regulations improve the clarity of our implementation of the Leghold Trap Regulation. Article 2 of the Leghold Trap Regulation prohibits the use of leghold traps in the EU. This prohibition is implemented in Great Britain by the spring trap approval system under the Pests Act 1954 and the Agriculture (Scotland) Act 1948. In Wales, and in other administrations in Great Britain, there is an understanding that the use of leghold traps would not be approved in a spring trap approval order under the Pests Act 1954.

However, we consider that our reliance on the spring trap approval system for the purposes of implementing Article 2 should be made more transparent. To improve clarity, the regulations amend [section 8 of the Pests Act 1954](#) and [section 50 of the Agriculture \(Scotland\) Act 1948](#) to make it clear that the Welsh Ministers, Secretary of State and Scottish Ministers would not approve or authorise the use of a leghold trap.

4. Purpose and intended effect of the legislation

Under EU law, the UK Government and the Welsh Ministers are obliged to implement the Agreement. The deadline for implementation of the Agreement was July 2016.

These Regulations implement the Agreement using existing legislative frameworks. A 'do nothing option' would result in a continued failure to meet these obligations. In addition, there would be no improvement in animal welfare as there would be no incentive for trap operators to improve their traps.

The Agreement covers trapping of animals for a variety of different reasons and applies to 19 species in total, most of which are not native to the UK. All traps, including cage traps, are covered by the Agreement.

Of the 19 species covered by the Agreement, only five occur in the wild in the UK:

- European Badger, *Meles meles*
- European Beaver, *Castor fiber*
- European Otter, *Lutra lutra*
- Pine Marten, *Martes martes*
- Stoat, *Mustela ermine*

Of these, only the stoat is regularly and widely trapped in the UK and it is the only species for which kill (lethal) traps are commonly used.

The effects of the instrument will primarily impact those who trap stoats in the UK; especially the gamekeeping sector which regularly catch stoats to protect game birds, but also, farmers, pest controllers and conservation agencies. Businesses such as trap retailers, manufacturers and importers, pest control companies, farms and other land managers and traders of fur and fur products derived from trapped animals will also be affected.

In order to give manufacturers sufficient time to produce compliant traps in sufficient quantities and for trap users to replace their existing traps for stoats, Ministers have decided to include a transitional provision which delays implementation for stoat by 12 months (until 1 April 2020). This will provide a clear signal to manufacturers and trap users that they must transition to compliant traps, whilst recognising they will need time to do so. This transitional provision is permitted under paragraph 4.2.3 of the Standards (found in Annex 1 to the Agreement).

These Regulations enable the Welsh Ministers to certify traps and approve the design of traps. There are requirements for the Welsh Ministers to publish lists of traps that they have certified and approved - these will be made publicly available on gov.wales. In certifying traps, we propose to identify the trap by make, model and manufacturer. If the manufacturer of a certified trap were to change, we would need to certify the 'new' trap. Provided they are built using the same design and to the same standards, the certification process will be simple and straightforward (i.e. the submission of a trap to confirm it is to the same design and quality, then adding to certified list).

5. Consultation

A Regulatory Impact Assessment (RIA) has been completed alongside this Explanatory Memorandum. Details of the [consultations undertaken are included in the RIA in Part 2, Section 8.](#)

PART 2 – REGULATORY IMPACT ASSESSMENT

The EU has entered into agreements with Canada, the United States of America and the Russian Federation to improve the welfare standard of traps used to catch or kill some wild animals. These agreements require EU Member States, including the UK, to have a system in place for certifying traps which meet specified humaneness standards and to prohibit the use of uncertified traps for trapping a list of specified species by 22 July 2016.

Parties to the AIHTS (Canada, Russian Federation and the EU) are required to meet on an ongoing basis. Delegates to these meetings make up the JMC, established under the terms of the AIHTS to administer the Agreement. The USA is a permanent observer on the JMC.

6. Options

International obligations under the agreements require us to prohibit non-certified traps. A 'do nothing option' or a non-regulatory approach would result in a continued failure to meet these obligations. The European Commission (EC) has already written to Member States reminding them of their obligation to implement the AIHTS and requesting details of implementation.

Our preferred option (Option 1) is to amend existing legislation to prohibit the use of non-certified traps against the five UK species and ensure the trapping of these species can be regulated through the existing licensing system. We intend to implement from 28 March 2019, with the provisions relating to stoat having effect from 1 April 2020 to facilitate transition from non-compliant to compliant traps.

7. Costs and benefits

Summary: Analysis & Evidence

Policy Option 1

Description: Implementation of the Agreement on International Humane Trapping Standards (AIHTS) in the UK

FULL ECONOMIC ASSESSMENT

Price Base Year 2016	PV Base Year 2017	Time Period Years 10	Net Benefit (Present Value (PV)) (£m)		
			Low: -5.18	High: -0.12	Best Estimate: -1.12

COSTS (£m)	Total Transition (Constant Price) Years		Average Annual (excl. Transition) (Constant Price)	Total Cost (Present Value)
	Low	High		
Low	0.5		-0.1	0.1
High	6.0		-0.1	5.2
Best Estimate	1.8		-0.1	1.1

Description and scale of key monetised costs by 'main affected groups'

The main affected group are gamekeepers. They will be required to replace nearly all of their existing stoat traps before 1st April 2020 or else stop trapping stoats until they do and this comes to a total cost of £1.7m in the first year or so of the appraisal. This initial cost is offset by a reduced need to replace old traps in the following years, giving a total net present cost of this activity of around £1.0m. Gamekeepers also face a familiarisation cost of around £0.1m in the first year.

Under the High scenario there is also a large one-off cost associated with constructing new tunnels of around £2.6m and replacing traps around £2.3m. Together these factors make the estimated cost of the High scenario nearly five times larger than that of the Best Estimate (Central scenario), although the High

scenario would only represent an accurate view of the world if all of the independent “high” assumptions were true at the same time. This is extremely unlikely.				
Other key non-monetised costs by ‘main affected groups’ N/A				
BENEFITS (£m)	Total Transition (Constant Price) Years		Average Annual (excl. Transition) (Constant Price)	Total Benefit (Present Value)
Low	Optional		Optional	Optional
High	Optional		Optional	Optional
Best Estimate				
Description and scale of key monetised benefits by ‘main affected groups’ None				
Other key non-monetised benefits by ‘main affected groups’ By removing less humane traps from use, implementation will result in improvements to the welfare of the 5 species covered by the Agreement. Furthermore, because stoat trappers catch multiple species in their traps, other small ground pest species will also benefit from more humane stoat traps. Evidence shows that the UK public places a value on higher welfare standards for animals, which suggests non-market benefits associated with implementation of the preferred option.				
Key assumptions/sensitivities/risks			3.5%	
There are two key assumptions which influence the results: (1) The cost of new, compliant traps; (2) Whether new tunnels will need to be constructed when replacing traps. Variation in (1) is reflected in the “low” and “high” scenarios presented here. We assume that new tunnels need not be constructed in both the “low” and “best estimate” scenarios, but allowing for this accounts for the large increase in cost shown in the “high” scenario.				

BUSINESS ASSESSMENT Option 1

Direct impact on business (Equivalent Annual) £m:			Score for Business Impact Target (qualifying provisions only) £m:
Costs: 0.1	Benefits: 0.0	Net: -0.1	

Evidence Base for Summary Sheets

Benefits

The purpose of the AIHTS is to set minimal welfare standards for traps used to capture species commonly trapped for fur, food, pest control purposes or conservation. Implementation in the UK will result in improvements in the welfare of trapped animals by removing traps from use which have a lower standard of welfare.

There is significant evidence that the public value animal welfare. Research by the University of Reading ([Bennet, 2012](#)) conducted a small survey on animal welfare.

They found that 96% of respondents thought we had a moral obligation to safeguard the welfare of animals. They were also willing to pay approximately £5 more per month for meat from farm animals with improved welfare. These values relate to the welfare of farm animals and therefore cannot be applied directly to this case. However, it illustrates a clear preference for products which take animal welfare into account.

Improving the welfare of certain species, by complying with the AIHTS, is therefore likely to generate non-market benefits to the public. Implementation will also mean that we are meeting our EU obligations to comply with the AIHTS.

Public cost of licensing, enforcement and implementation

The existing licensing mechanism would be used to allow compliant traps to be used. The AIHTS simply improves the standards with which traps must comply before they can be used and extends the scope of existing trap offences to two additional species (stoat and beaver). We propose that trapping of stoats using compliant traps should be permitted under a general licence granted by the licensing authority, which in Wales is Natural Resources Wales.

For other AIHTS species, we propose, licences would continue to be granted on a case-by-case basis or, in certain circumstances, under class licences.

In licensing trap use, we would require the licensing authority to only licence a trap or snare which is:

- of a certified type and make;
- identified by its manufacturer by means of a permanent marking as being of a certified type and make¹; and

¹ If manufactured by the manufacturer after the SI comes into force

- supplied with instructions for its appropriate setting, safe operation and maintenance; or
- if constructed by the person using it, compliant with a design approved by or on behalf of the Secretary of State for this purpose

In exceptional circumstances, the use of non-AIHTS compliant traps would be possible under licence on a case by case basis in accordance with Article 10 of the Agreement.

The impact on the public sector is likely to be minimal as we already have legal mechanisms in place for stipulating which traps can be used to capture certain species. This will result in negligible costs to the licensing authority and provides the least burdensome approach for trappers. It does not require the introduction of new offences or penalties and we would not anticipate significant additional enforcement costs as a consequence of implementing the Agreement.

Training requirements

The Agreement requires that trappers are trained in the humane, safe and effective use of trapping methods, including new methods as these are developed. The EC has indicated that it is satisfied that instructions and guidance provided with traps when they are sold would meet this requirement. We are satisfied, therefore, that licence conditions of use which require a trapper to follow the manufacturer's instructions, such other instructions prescribed in the licence and the Spring Trap Approval Order, would be sufficient to meet the requirements of the Agreement with no additional training costs being incurred by gamekeepers as a result of implementation.

For home-made traps and snares, users should be required to follow the manufacturer's instructions for the certified design, or if there are no such instructions, in accordance with conditions of use set out in the licence under which the trapping is being permitted.

Requirements for manufacturers/retailers

To be compliant with the Agreement, manufacturers will need to ensure their traps are identified as meeting the standards and provide instructions for their appropriate setting, safe operation and maintenance.

Marking of traps

The identification of certified traps, the permanency and the purpose of such a marking is not prescribed in the Agreement. However, we have concluded that the best route to ensure that manufacturers fulfil their trap marking obligations would be for traps to carry permanent marking which clearly identifies the make and model of trap, and to build the requirement for trap marking into the certification process. Ideally, the marking should be stamped or embossed onto an ID plate permanently attached (e.g. riveted) to the trap itself.

Discussions with UK manufacturers and importers have indicated that these obligations could be fulfilled with minimal additional expense; many manufacturers already permanently mark their traps with data (e.g. their name). We do not have precise information on the proportion of manufacturers who do this. We sought to gather this information during the consultation process but no further reliable data was provided.

We need to consider the approval of traps which have been certified by other signatory countries, which means that the marking requirement would need to be suitably flexible to accommodate different approaches (e.g. Canada have implemented using serial numbers for traps). However, failure to have suitable markings on a trap would provide us with justification for not approving their use in the UK.

This requirement is placed on manufacturers and will therefore only apply to traps that are manufactured after the Regulations are implemented in Great Britain. Traps which are already with distributors or trappers and compliant with the Agreement, will not need to be marked (although trappers may choose to identify the trap as meeting the standards when tagging their traps). It is proposed that a condition of certification will be that the trap must be suitably identified as meeting the standards if manufactured after the implementation date. While this will create some initial enforcement issues, over time the numbers of unmarked traps in circulation will diminish as they are replaced.

Provision of user instructions

There is some flexibility in how manufacturers provide instructions. For example, the instructions could be provided with the trap when purchased or separately on the internet, but we consider that they should continue to be obtainable via the manufacturer for the life of the trap, since traps may be in service for several years and instructions can be damaged or lost over time. All manufacturers/retailers we spoke to already provide this information and we don't expect any significant alteration of instructions will be required to ensure compliance, therefore we would anticipate no additional costs as a result of this requirement.

Live capture traps background and cost

In evaluating whether a trap meets the Agreement, the humaneness assessment considers whether certain behavioural and injury indicators are shown. To be approved, the trap must meet the required standards for 80% of 20 humaneness assessments.

The UK AIHTS species other than stoat and European beaver are expressly protected under the Wildlife and Countryside Act 1981. These species are not frequently trapped, but when they are, it is usually for conservation, disease control or damage prevention purposes, under licence and using a live capture trap. European beaver has very recently begun to re-establish itself in the wild and will be subject to the same kind of trapping activity. Following

implementation of the Agreement, where there is a suitable certified AIHTS-compliant trap available, only a certified trap will be licensed.

We have adequate data on the cage traps most commonly used in the UK for the live capture of the European badger to certify their use under the AIHTS. We also have sufficient data to certify a cage trap model for stoat, pine marten and beaver. We are currently looking to acquire sufficient data to certify a cage trap model for otter.

Initially, our approach would be to rely on the above models and certifications by other AIHTS Parties (including EU Member States) who more commonly trap these species. It is likely that the traps used by UK trappers will be certified under AIHTS elsewhere. This means we can approve the same traps in the UK without cost to Government, manufacturers or end users.

If users have to replace non-compliant traps that they currently use for these species, there may be an additional cost. However, this is unlikely to be significant for a number of reasons:

- 1) Otters, beavers, stoats and pine marten are so rarely live caught that UK trappers will not have a significant stock of traps that need replacing.
- 2) There are several live capture traps certified by the Fur Institute of Canada for beaver. Whilst this is likely to mean the Canadian beaver (*Castor canadensis*) rather than the European beaver (*Castor fiber*), there are no significant morphological differences between the two species such that there are no welfare implications of approving traps for both species simultaneously. Agreement for simultaneous certification for both species would have to be sought from the JMC for AIHTS, but if this is secured, then these beaver traps will be available for use by UK trappers.
- 3) Because live caught animals are often released after capture, suitable medical assessments (to ensure they are fit for release) may already have been recorded such that certification of some UK trap models will be possible without a need for further humaneness assessment. We have already used such data to determine compliance of several cage traps as mentioned above.
- 4) Cage trap models are generally similar to each other, which means that small differences may not have an impact on the humaneness of the trap. Therefore, the certification of one trap model may mean a similar design can be certified without the need for separate humaneness assessment.

If there is no certified live capture trap design available, or insufficient welfare data available to consider certification of a design, or someone wants a trap design to be considered for certification for a particular AIHTS species, we would propose to use individual licences using the derogation purposes under Article 10 AIHTS to permit the use of unapproved live capture traps (e.g. cage

traps) to trap the species concerned, until we have gathered enough welfare data on the trapped animal to be able to determine whether the trap can be certified as AIHTS compliant.

A condition of such a licence will be that a suitable humaneness assessment should be carried out on any animals trapped under the licence and the suitability of the person undertaking the assessment would be recorded in the returnable assessment form.

The expectation would be that the licence applicant would be liable to any cost incurred in providing the data. However, part or even most of the humaneness assessment cost will already be incurred as part of current live capture trap user practice.

In summary, because humaneness assessments already take place, the number of trapping events (and therefore assessments undertaken) and the number of traps needing replacement, will be so small, it is assumed that the cost of implementing AIHTS with respect to live capture traps is likely to be negligible. We sought more information on frequency and cost in the consultation. However, the consultation didn't provide any further reliable data on this issue and for the purposes of this RIA, we will assume the cost here is £0.

Lethal traps background

The Agreement's standards are met if the time to irrecoverable unconsciousness² does not exceed a specified time.

Efforts to make available in the UK suitable run-through lethal traps for stoats

The only country covered by the AIHTS other than the UK that has, to our knowledge, tested kill traps for stoats is Canada. The Fur Institute of Canada has certified over 20 traps as compliant with the AIHTS for stoat. However, the stoat is much smaller in Canada than in the UK (about the size of our weasel) and [scientific evidence from New Zealand](#) and subsequent trap testing in the UK demonstrates that the difference in the size of the two sub-species requires different trapping standards to ensure a humane kill.

Currently, Spring Trap Approval Orders made in England and Wales under the Pests Act 1954, Scotland under the Agriculture (Scotland) Act 1948 and Northern Ireland under the Wildlife (Northern Ireland) Order 1985 permit, by listing, the use of a number of traps for killing stoats. While there are limited data on trap use in the UK we know that the majority of these traps are either no longer manufactured or in use, or have already been assessed against the AIHTS criteria (see table 1).

² Pain is not felt when unconscious

Evidence from the testing of run-through stoat traps has shown that there were no currently approved trap models available in the UK that have been shown to be compliant with AIHTS for European stoats using a run-through configuration.

A technical working group was established by Department of Environment Food and Rural Affairs (Defra) to identify AIHTS compliant traps that are suitable for stoats in the UK. The working group includes user representatives from the British Association of Shooting and Conservation (BASC), Countryside Alliance, the Game and Wildlife Conservation Trust (GWCT), the Moorland Association, the National Gamekeepers' Organisation and Scottish Land and Estates, as well as government organisations (Animal and Plant Health Agency and Science and Advice for Scottish Agriculture).

Besides the traps presently approved for stoat under the Spring Trap Approval Orders, we have also considered and tested several new potentially suitable trap designs, developed as commercial ventures.

As a result, four AIHTS-compliant trap models are to be listed on a new Welsh Spring Trap Approval Order, subject to required clearances, for use as run-through traps to trap stoat, by the time implementation starts. Other new potentially suitable traps are currently undergoing development and, if successful, will undergo approval in due course.

Table 1: Traps approved for stoat in one or more³ of the national Spring Traps Approval Orders - status in relation to the Standards.

Part 1: Approved spring traps which are compliant with AIHTS	
Trap	AIHTS Status
DOC 150	AIHTS compliant. Already approved for use for stoats in baited configuration. Planned to be approved for run-through as well as baited set up.
DOC 200	AIHTS compliant. Already approved for use for stoats in baited configuration. Planned to be approved for run-through as well as baited set up.
DOC 250	AIHTS compliant. Already approved for use for stoats in baited configuration. Planned to be approved for run-through as well as baited set up.
Goodnature A24 rat and stoat trap	AIHTS compliant. Listed on English Spring Trap Order. Planned to be listed on new Welsh Spring Trap Order for use for stoats.
Part 2: Spring Traps which will not be approved for stoats after 1 April 2020	
Trap	AIHTS Status
BMI Magnum 110	Not compliant with AIHTS.
BMI Magnum 116	Not compliant with AIHTS.
Kania Trap 2000	Compliance with AIHTS unknown. It has been agreed with the manufacturer that this will not be tested as it is rarely if ever used for stoats. Will not be approved for stoats unless industry funds testing.

³ Each Devolved Administration makes their own Spring Trap Approval Orders and the traps approved under them can vary between them at any given time.

Kania Trap 2500	Compliance with AIHTS unknown. It has been agreed with the manufacturer that this will not be tested as it is rarely if ever used for stoats. Will not be approved for stoats unless industry funds testing.
Fenn Mark IV	Not compliant with AIHTS.
Fenn Mark VI	Not compliant with AIHTS.
Solway Mark 4	Compliance with AIHTS unknown. Similar design to Fenn traps.
Solway Mark 6	Compliance with AIHTS unknown. Similar design to Fenn traps.
Springer No. 4	Replica of the Fenn Mark IV therefore not compliant with AIHTS.
Springer No. 6	Replica of the Fenn Mark VI therefore not compliant with AIHTS.
WCS tube trap	Compliance with AIHTS unknown. Rarely if ever used for stoats. Has been certified in Canada but it needs to be tested using European stoats. Will not be approved for stoats unless industry funds testing.
Part 3: Spring Traps which will have their approval withdrawn as soon as possible	
Trap	AIHTS Status
Fenn Mark I	Uncommonly used and almost certainly not compliant with AIHTS.
Fenn Mark II	Uncommonly used and almost certainly not compliant with AIHTS.
Fenn Mark III	Uncommonly used and almost certainly not compliant with AIHTS.
Imbra Mark I	Uncommonly used.
Imbra Mark II	Uncommonly used.
Juby Trap	Uncommonly used.
Lloyd Trap	Uncommonly used.
Sawyer Trap	Uncommonly used.

Currently approved spring traps which are compliant

Some of the assessed traps have been shown to be compliant with the AIHTS for European stoat and use of these will continue to be permitted after implementation (see Part 1 of Table 1 above). The DOC and Goodnature A24 traps have been shown to be compliant with the AIHTS. The use of DOC traps is presently on the current Spring Trap Order for Wales and will continue to be permitted after implementation and the Goodnature A24 is to be included in a new Spring Trap Order for Wales. However, in their current approved configuration (as baited traps) they are not suitable for most stoat trapping in the UK. Stoats will avoid entering baited traps when alternative preferred food is readily available which, in the UK, coincides with the main trapping period when prey is abundant.

Unlike the Goodnature trap, the DOC traps are capable of being used in a run-through configuration and we have successfully determined that they can be a compliant trap in this configuration without the need for any alteration of the trap design itself.

In addition to the DOC traps a new trap, the Tully Trap, has been shown to be compliant with AIHTS requirements.

Currently approved spring traps which are commonly used but are not compliant

Other assessed traps have been shown to be non-compliant. Published [trap testing data from New Zealand](#) indicates that Fenn IV and VI traps (the most commonly used type of stoat trap) fail to meet the AIHTS for European stoats. Given the similarity in design, expert opinion is that it is highly likely that other Fenn-type traps (e.g. Springer's and Solway's) will also not be compliant with AIHTS. In the light of this evidence, we will not test these traps against the AIHTS in the UK.

We have tested the BMI Magnum 55, 110 and 116 and also the Koro rodent snap trap and found that they do not meet the AIHTS for stoats.

These commonly available but non-compliant traps (see Part 2 of Table 1 above), will no longer be approved for use in targeting stoats after implementation.

Currently approved spring traps which are rarely used and are not compliant

We should be restricting the continued use of non-compliant traps to the minimum necessary to enable the continued trapping of stoats prior to implementation. The remaining traps approved for stoat have been out of production for some time and are not used in meaningful numbers to trap any permitted target species. These traps are identified in Part 3 of Table 1.

Even if a sufficient number of traps were available for humaneness assessment (a minimum of 10 is required), we do not propose to test them against the standards. Doing so would pose serious welfare issues and would be contrary to our approach to trap testing. Moreover, it would not be a responsible use of public money to test traps that we have every reasonable expectation will fail. We propose in the new Spring Trap Order for Wales to withdraw their approval for all current target species as soon as possible.

We propose that the trapping of stoats using AIHTS compliant traps should be permitted under a general licence⁴ to minimise the licensing impact on both trappers and licensing authorities.

In exceptional circumstances, the use of non-AIHTS compliant stoat traps would be possible under licence on a case by case basis in accordance with Article 10 of the Agreement.

Lethal traps cost

As a result of implementation, a number of traps will no longer be permitted for killing stoats. Most stoats caught in the UK are trapped by gamekeepers to protect game birds; therefore, the biggest impact of this will be on the gamekeeping sector as well as trap suppliers and manufacturers.

⁴ You don't need to apply for these licences but you must come within the terms of the licence and comply with its conditions

Lethal traps set for stoats are primarily general purpose run-through spring-traps designed to catch animals as they travel through their usual pathways across the landscape. The aim of the trapper may not be to catch one particular species when setting the trap but to catch a number of pest species for which the trap is approved. The traps listed in Part 2 of Table 1, which are not compliant with AIHTS for stoats, will still be permitted for use against other species, such as rats, weasels and squirrels.

Once the Agreement is implemented for stoat, trap users who set traps for those species in locations where a stoat may also be caught may, depending on the risk of catching a stoat, have to use AIHTS-compliant traps. This consideration will be part of the risk assessment that trap users already undertake when assessing the risk of capturing non-target species. Most pest control activity doesn't target stoat and occurs where stoats are unlikely to occur, therefore the pest control industry will be largely unaffected by these changes.

In most cases, the loss of the non-compliant traps will have a negligible economic impact as they are rarely, if ever, used. However, gamekeepers commonly use Fenn and Fenn-type traps such as the Springers and Solways. Gamekeepers will need to replace these traps with those that are compliant with the AIHTS which will result in transitional costs to ensure compliance with the AIHTS by the 1 April 2020 deadline.

There is no available information on the numbers of traps currently in circulation; however, an estimate of the number of traps that may need replacing can be made using annual sales figures. From discussions with manufacturers we can estimate the number of Fenn, Solway and Springer traps sold in the UK as well as their value. Manufacturers were unable to differentiate between the two types of Springer traps or the two types of Fenn traps and could only give overall sales figures. It was assumed that they were sold in the same proportion as the Solway traps for the purposes of these calculations. Manufacturers have estimated that only 20% of their trade in traps is with the gamekeeping sector, so we have reduced the reported annual sales figures by 80%.

These figures only represent the number of traps which have to be replaced each year, and not the total number/value of traps in circulation. Traps generally last a long time and are only replaced if damaged, stolen, or lost or if they have reached the end of their useable life. From discussion with trap users, we assume an average lifespan of 10 years for a trap, allowing us to calculate the number and value of traps in the game keeping sector that may need to be replaced with AIHTS-compliant traps. If a trap lasts 10 years, then in 10 years the entire stock of traps would have been replaced. We have therefore assumed a 10% per year replacement rate.

Table 2. Trap sales, use and population estimates for the UK

Trap	Annual Sales for Gamekeeping	Cost per unit	Value	Estimated stock of traps in use
Springer 4	2,570	£7.20	£18,500	25,700
Springer 6	430	£8.70	£3,700	4,300
Fenn Mk4	5,140	£9.00	£46,300	51,400
Fenn Mk 6	860	£9.00	£7,700	8,600
Solway 4	1,200	£7.96	£9,600	12,000
Solway 6	200	£8.50	£1,700	2,000
Total / Weighted Average	10,400	£8.41	£87,500	104,000

Source: Personal communications from manufacturers

Trap Replacement

Under option 1, we assume that the stock of existing non-compliant traps will be replaced immediately (subject to availability of compliant traps). One of the replacement trap suitability criteria set out in the implementation plan is the retail cost. From initial consideration of candidate traps and discussion with their designers, we anticipate there will be a suitable replacement trap available which will cost approximately £17.00 per unit or about double the price of the average cost of existing, non-compliant, traps.

Replacing the stock of existing traps, in the UK, in the first year or so, with relatively expensive new traps, leads to a large one-off cost of around £1.7 million. However, there is an offsetting saving to gamekeepers over the following ten years, as they no longer have to undertake regular replacement of the older traps. Overall the change in pattern and unit cost of trap replacement leads to a net present cost of around £1.0 million.

The rate at which new AIHTS-compliant traps can be manufactured is limited. With an industry estimated best production rate⁵ of 50,000 new traps a year it could take several years to replace all the traps in the UK set to catch stoats. It may not, therefore, be possible for sufficient AIHTS-compliant stoat kill-traps to be available before the proposed implementation date. We sought comments and further evidence on this issue in the consultation paper. However, the consultation did not provide any further reliable data on this issue.

If a trapper is not able to replace their Fenn-type traps by the implementation deadline, their options would be to:

- 1) seek licensed use of their illegal traps. These would only be granted in exceptional circumstances.
- 2) choose not to target stoats whilst trapping other pest species
- 3) purchase and use compliant but less effective traps (e.g. baited traps)

Familiarisation

⁵ Production rate will be initially lower as investment in production capacity will be driven by demand and market share with competitors, which will not be immediately apparent.

Trappers will need to be aware which traps are compliant with the legislation and review their existing stocks. We estimate that this will take 1 hour to familiarise themselves with the guidance and ½ an hour to check the make and model of their stocks of traps. Estimated hourly rates for gamekeepers range between £6.73 and £9.62 an hour depending on age and level of responsibility, according to the [National Careers Service](#). The Annual Survey of Hours and Earnings gives a wage of £8.30 for “Elementary Agricultural Occupations” and £9.49 for “Skilled Trades Occupations: Agricultural and Related Trades”. Given this range of estimates, we take a mid-point between the two ASHE estimates to represent the relevant average labour costs, and increase it by 30% to reflect non-wage labour costs. This gives an estimate of £11.56 per hour.

The National Game Keepers’ Organisation estimates that there are 7,000 game keepers in the UK. Therefore, the total familiarisation cost for the UK sector is around £0.1 million.

As required by the Spring Trap Approval Orders, Fenn-type traps are set in tunnels. The trapper may need to modify or even build new trap tunnels depending on replacement trap design. However, one of the replacement trap suitability criteria set out in the implementation plan is that the replacement trap should be comparable in size to those traps currently used to allow setting in existing tunnels/locations.

We do not have data on the proportion of tunnels which may or may not need modifying or the scale of the work involved, but at least one of the replacement traps which will be certified first will fit in the majority of existing tunnels. We assume that new tunnels need not be constructed in both the “low” and “best estimate” scenarios, but allowing for this accounts for the large increase in cost shown in the “high” scenario, based on an hour’s work and £8.00 of required material.

Total

The overall net present cost faced by gamekeepers in complying with AIHTS is around £1.1 million.

We sought comments and further evidence on the issue of lethal trap use in the consultation paper. However, the consultation did not provide any further reliable data on the number of tunnels that may need modifying to accommodate replacement traps.

Sensitivity Analysis

The analysis above is based on our central estimates for the various assumptions underlying the calculations. In order to test the sensitivity of the result to errors in our assumptions, we have analysed a range of plausible alternative values for the assumptions. The complete set of assumptions is given in table 3.

Table 3: Range of assumptions used

Assumption	Low	Central	High
1. Gamekeeper wage (including 30% non-wage costs)	£10.79	£11.56	£12.34
2. Number of gamekeepers	7,000	7,000	8,000
3. Familiarisation time (hours)	1	1.5	2
4. Proportion of traps sold for gamekeeping	15%	20%	25%
5. Trap lifespan (years)	7	10	10
6. Modify trap tunnels (hours per trap)	0	0	1
7. Modify trap tunnels (£materials)	0	0	£8.00
8. Average existing trap cost	£8.41	£8.41	£8.41
9. Average new trap cost	£8.41	£16.83	£25.24
10. Stock of existing traps	54,600	104,000	130,000

Notes:

- 1) The range for gamekeeper wages comes from using values for “elementary” and “skilled” agricultural trades from ASHE for Low and High, respectively.
- 2) The central estimate for the number of gamekeepers comes from membership of a trade body, so we assume that, even in the Low scenario, there are no fewer gamekeepers than members of that body. We allow for the possibility that there are some non-member gamekeepers in the High scenario.
- 3) Our central estimate of the familiarisation time is made up of one hour to read the relevant literature and half an hour to check records relating to the types of existing traps in use. We allow for this estimate, which is derived from expert trap user opinion, to be adjusted either up and down over a plausible range.
- 4) Based on discussion with expert trap users, our best estimate of the trap life is ten years, though we allow for the possibility that traps have shorter lives, which reduces the corresponding estimate of the total stock of traps in use.
- 5) One of the replacement trap suitability criteria set out in the implementation plan is that the replacement trap should be comparable in size to those traps currently used to allow setting in existing tunnels/locations. From consideration of candidate traps and discussion with their designers, our opinion is that there will be little need to adjust the size or shape of the structures in which traps are placed, as there will be a strong incentive for manufacturers to design traps which are of similar dimensions to existing traps. However, the use of internal baffles to control entry through the trap may in some cases require some tunnel modification, so we allow for some time spent fitting new traps into modified old structures.
- 6) As for the previous point, if modifications are required to fit new traps, there may be the need to purchase materials for use in that process, so we allow for this in the High scenario.
- 7) The existing trap cost is derived from commercial information on individual trap costs available on trap retailer websites. This is combined with the sales figures in table 2 to generate a weighted average cost.

- 8) It is possible that new, compliant, traps will be more expensive than existing traps and we treat this as the Central scenario, where the trap cost doubles. We allow for the cost to either remain constant or increase to three times the existing trap cost in the other scenarios.
- 9) The stock of existing traps is determined entirely by assumptions on the number of traps sold, the percentage bought for gamekeeping and the lifespan of the traps.

Table 4 presents the estimated net present costs for lethal traps, based on the different scenarios. The cost of implementing AIHTS with respect to live capture traps is likely to be negligible and for the purposes of this RIA, we will assume the cost here is £0 in all the different scenarios.

Table 4: Scenario net present cost estimates

	Low	Central	High
Trap Replacement	£44,000	£997,000	£2,340,000
Familiarisation	£76,000	£121,000	£197,000
Tunnel modification	£0	£0	£2,644,000
Total	£120,000	£1,118,000	£5,181,000

The Central scenario is dominated by the trap replacement cost which reflects the increase in price of the traps used by gamekeepers.

Trap replacement in the Low scenario has a relative small cost because there is no difference in price between the existing and replacement traps. The residual cost is a result of gamekeepers having to bring forward the regular replacement of traps into one year.

In the High scenario, the trap replacement cost is significantly higher due to both an increase in the estimated number of traps needing replacement and a higher price for new traps. In addition, the costs associated with modifying existing trap placements add a substantial further cost. Together these factors make the estimated cost of the High scenario nearly five times larger than that of the Central scenario.

These scenarios are defined in such a way that they describe the widest possible range of outcomes. For example, the High scenario would only represent an accurate view if all of the independent “high” assumptions were true at the same time. This is extremely unlikely, so the High and Low scenario estimates define the bounds of the possible cost outcomes.

Small business impacts

Due to the nature of gamekeeping, the cost of implementation will primarily fall to small businesses. The policy objectives and benefits cannot be achieved without the impact to small business. Moreover, the AIHTS has no derogation options which would allow us to reduce its financial impact on this sector. To minimise these costs we aim to take the least burdensome approach to implementation where possible, for example, by proposing that the use of AIHTS-certified traps for stoat should be permitted via a general licence.

We have agreed with stakeholders a delay to the implementation of the AIHTS (as permitted under the Agreement) to give the sector sufficient time to obtain new compliant traps.

Trap manufacturers will be unlikely to commit to the cost of producing and marketing new traps which have passed AIHTS standards until the SI approving the traps for sale and use⁶ has been made. This is currently anticipated to be December 2018.

We will maintain constant contact with industry bodies and provide information on the traps we know to be compliant with the AIHTS as soon as testing of the traps has been completed.

This will maximise the length of time manufacturers have to invest in production and gamekeepers have to transition to the use of new traps, where it is necessary for them to do so.

Charities or voluntary bodies

The impact on charities or voluntary bodies is likely to be minimal as few if any will be involved in trapping, especially of stoats.

8. Consultation

Following several years of informal consultation with key stakeholders (trap users, retailers and manufacturers, welfare groups), DEFRA, Welsh, Scottish and Northern Irish government officials, the UK-wide 6-week public consultation on implementation of the Agreement ended on 30 April 2018. While stakeholders were broadly supportive of welfare improvements they opposed the implementation of the Agreement for two reasons:

- 74% of respondents (mostly gamekeepers and trappers) were opposed to the proposed implementation date of January 2019. They believe there will not be sufficient numbers of compliant stoat traps available in time. The Game and Wildlife Conservation Trust, the British Association of Shooting and Conservation and the National Farmers' Union support a delay in implementation, but have not proposed an alternative date. The National Gamekeepers' Organisation proposed a delay of three years, whilst individual gamekeepers called for delays of up to 5 years.
- For many welfare groups, there was a general disagreement with implementation on the grounds of the perception that the Agreement facilitates the wider use of traps and international trade in fur. However, the obligations in the Agreement bind the UK already (via the EU), and we are obliged to implement the requirements of the Agreement under EU law.

⁶ A Spring Traps Approval Order made under the Pests Act 1954.

A [summary of consultation responses](#) has been published, with a link from the Welsh Government consultation webpages.

Such was the strength of feeling expressed by the consultation respondents that the government has concluded that implementing in January 2019 would not provide sufficient time for manufacturers to produce compliant traps in sufficient quantities or for trap users to replace their existing traps for stoats.

Ministers have decided to implement AIHTS in March 2019 but include a transitional provision for stoat which delays implementation for stoat for a further year (until April 2020). This will provide a clear signal to manufacturers and traps users that they must transition to compliant traps, whilst recognising they will need time to do so.

9. Competition Assessment

Competition filter

- Q1: In the market(s) affected by the new regulation, does any firm have more than 10% market share? Yes
- Q2: In the market(s) affected by the new regulation, does any firm have more than 20% market share? Yes
- Q3: In the market(s) affected by the new regulation, do the largest three firms together have at least 50% market share? Yes
- Q4: Would the costs of the regulation affect some firms substantially more than others? Yes
- Q5: Is the regulation likely to affect the market structure, changing the number or size of businesses/organisation? Yes
- Q6: Would the regulation lead to higher set-up costs for new or potential suppliers that existing suppliers do not have to meet? No
- Q7: Would the regulation lead to higher ongoing costs for new or potential suppliers that existing suppliers do not have to meet? No
- Q8: Is the sector characterised by rapid technological change? No
- Q9: Would the regulation restrict the ability of suppliers to choose the price, quality, range or location of their products? Yes

As a result of implementation of AIHTS for stoats, 1 April 2020, a number of traps will no longer be permitted for killing stoats. Part 2 of Table 1 lists which traps are currently approved but are not compliant with AIHTS for stoats. However, they will still be permitted for use against other species, such as rats, weasels and squirrels but should not be set in locations where a stoat would be at risk of being caught. Kania and WCS tube traps are rarely used for stoats. The BMI magnum trap is manufactured in the USA and is rarely used for stoats in the UK. The Fenn traps are manufactured by DB Springs in England, Springer traps by AB County Products Ltd in England and the Solway traps by Solway Feeders Ltd in Scotland. For DB Springs and AB County Products, production of these traps is a significant part of their business, less so for Solway Feeders Ltd who are stockists, suppliers and manufacturers of a wide

range of products not just traps. There are no Wales-based manufacturers of these traps.

In most cases, the loss of the non-compliant traps will have a negligible economic impact as they are rarely, if ever, used. In the UK, the commonly used traps are Fenn and Fenn-type traps such as the Springers and Solways. For the UK, Table 2 lists trap sales, use and estimated stock for these commonly used traps.

At the initial stages of bringing forward this legislation, through e-mail and telephone conversations, trap manufacturers were contacted and informed of the implications of the AIHTS requirements. In January 2016, DEFRA held a meeting with trap users, manufacturers and retailers to discuss the implications of implementing the agreement. Out of this meeting, an implementation plan was drafted and signed off by UK government and representatives of trap manufacturers, retailers and users. Welsh Ministers later agreed to this planned approach.

In relation to design and use of a replacement trap, the main success criteria of the implementation plan are that, by the time AIHTS is implemented, at least one AIHTS-compliant killing trap model must be available to control stoat, this trap must be useable in a run-through or baited configuration, be approved for stoat, rat and weasel, and be available on the UK market in sufficient quantities and at a reasonable price. It should also be comparable in size to those currently available to allow setting in existing tunnels/locations.

This meeting highlighted some approved traps that could potentially meet the above criteria, however, testing of these traps proved they were not AIHTS compliant. So, in February 2017, a notice was issued in the specialist gamekeeper press calling for the development of new trap designs. The notice outlined that Defra had agreed to match funding provided by the countryside organisations and devolved administrations to finance the testing of new trap designs.

A steering committee consisting of representatives from each contributing organisation, would assess submitted trap designs and score them according to their likelihood of passing AIHTS and meeting the other success criteria of the implementation plan, the ease of setting and the build quality.

The highest scoring traps would then be prioritised for formal testing, with a view to having at least one approved, AIHTS compliant, run-through stoat trap available for summer 2018. The manufacturers of lower scoring traps, with potential for scoring higher if developed, were given feedback from the group with a view to re-submitting improved designs.

To be considered for testing, any new trap had to exist as a physical prototype, with ten examples required to complete the AIHTS testing. Any trap manufacturer or developer who had a design to submit for testing was encouraged to contact APHA for further technical advice. Trap manufacturers

were also advised that this was a short-term initiative with a strict time frame and they needed to get in touch as soon as possible.

Subsequently, existing trap manufacturers, including those adversely affected by implementation of the agreement, and private individuals submitted several designs for consideration. Both DB Springs and Springers manufacturers of Fenn type spring traps submitted designs which either failed to meet the requirements or are still subject to ongoing consideration.

The only traps that are currently compliant with AIHTS requirements and meet the success criteria in run-through configuration are the DOC traps and the Tully Trap. DOC traps are manufactured in New Zealand. Tully is manufactured by an English company which isn't a traditional trap manufacturer and produces other unrelated products. Between them, these companies will, subject to commercial success, have over 50% of the market share, although future successful trap designs might eat into that market share. Other established trap manufacturer companies were given the opportunity to submit appropriate traps and have not done so.

10. Post implementation review

Welsh Government will monitor the measures introduced by this instrument by keeping under review the level and nature of prosecutions in respect of illegal trap use under the 1981 Act. This will be done through liaison with the Police and the Crown Prosecution Service.

SL(5)276 - Rheoliadau Safonau Sootechnegol (Cymru) 2018

Cefndir a Diben

Mae'r Rheoliadau hyn yn ategu, ac yn gwneud darpariaeth ar gyfer gorfodi Rheoliad (UE) 2016/1012 Senedd Ewrop a'r Cyngor ar gyflyrau sootechnegol ac achyddol ar gyfer bridio, masnachu a mynd i mewn i'r Undeb o ran anifeiliaid bridio pur, moch bridio hybrid moch, a'u cynhyrchion cenhedlol ("y Rheoliad Bridio Anifeiliaid").

Mae'r Rheoliadau hyn yn dirymu ac yn disodli Rheoliadau Ceffylau (Safonau Sootechnegol) (Cymru) 2006 a Rheoliadau Safonau Sootechnegol (Cymru) 2015. Maent hefyd yn diwygio Rheoliadau Masnach mewn Anifeiliaid a Chynhyrchion Cysylltiedig (Cymru) 2011 i wneud darpariaeth mewn perthynas â gwiriadau ar y ffin mewn rhai amgylchiadau o dan y Rheoliad Bridio Anifeiliaid.

Y weithdrefn

Negyddol.

Materion technegol: craffu

Ni nodir unrhyw bwyntiau i gyflwyno adroddiad arnynt o dan Reol Sefydlog 21.2 mewn perthynas â'r offeryn hwn.

Rhinweddau: craffu

Ni nodwyd unrhyw bwyntiau i gyflwyno adroddiad arnynt o dan Reol Sefydlog 21.3 mewn perthynas â'r offeryn hwn.

Y goblygiadau yn sgil gadael yr Undeb Ewropeaidd

Mae'r Rheoliadau hyn yn gweithredu ac yn ategu amrywiol gyfrifoldebau'r UE mewn perthynas â chyflyrau sootechnegol ac achyddol, ac felly bydd y Rheoliadau hyn yn rhan o gyfraith yr UE a ddargedwir ar ôl y diwrnod ymadael.

Mae'r Cytundeb Rhynglywodraethol ar Fil yr Undeb Ewropeaidd (Ymadael) a Sefydlu Fframweithiau Cyffredin yn nodi bod "amaethyddiaeth – sootech" yn faes polisi sy'n debygol o fod yn ddarostyngedig i reoliadau a wneir o dan adran 12 o Ddeddf yr UE (Ymadael) 2018. Felly, mae'r gyfraith sy'n dod o dan y Rheoliadau hyn yn debygol o fod yn faes o gyfraith yr UE a gaiff ei rewi tra bod fframweithiau cyffredin yn cael eu rhoi ar waith.

Ymateb y Llywodraeth

Nid oes angen ymateb y llywodraeth.



Cynghorwyr Cyfreithiol
Y Pwyllgor Materion Cyfansoddiadol a Deddfwriaethol
20 Tachwedd 2018



SL(5)280 - Rheoliadau Iechyd Planhigion etc. (Ffioedd) (Cymru) 2018

Cefndir a Diben

Mae'r Rheoliadau hyn, sy'n gymwys i Gymru, yn pennu ffioedd sy'n daladwy i Weinidogion Cymru mewn perthynas â gwasanaethau iechyd planhigion ac ardystio tatws hadyd, planhigion ffrwythau a deunydd lluosogi planhigion ffrwythau. Mae'r Rheoliadau hyn yn dirymu ac yn disodli Rheoliadau Ffioedd Iechyd Planhigion (Cymru) 2014 (OS. 2014/792).

Y weithdrefn

Negyddol

Materion technegol: craffu

Ni nodir unrhyw bwyntiau i gyflwyno adroddiad arnynt o dan Reol Sefydlog 21.2 mewn perthynas â'r offeryn hwn.

Rhinweddau: craffu

Ni nodwyd unrhyw bwyntiau i gyflwyno adroddiad arnynt o dan Reol Sefydlog 21.3 mewn perthynas â'r offeryn hwn.

Y goblygiadau yn sgil gadael yr Undeb Ewropeaidd

Mae'r Rheoliadau hyn yn gweithredu amrywiol gyfrifoldebau'r UE mewn perthynas ag iechyd planhigion, ac felly bydd y Rheoliadau hyn yn rhan o gyfraith yr UE a ddargedwir ar ôl y diwrnod ymadael.

Mae'r Cytundeb Rhynglywodraethol ar Fil yr Undeb Ewropeaidd (Ymadael) a Sefydlu Fframweithiau Cyffredin yn nodi bod "Iechyd planhigion, hadau a deunydd lluosogi" yn faes polisi sy'n debygol o fod yn ddarostyngedig i reoliadau a wneir o dan adran 12 o Ddeddf yr UE (Ymadael) 2018. Felly, mae'r gyfraith sy'n dod o dan y Rheoliadau hyn yn debygol o fod yn faes o gyfraith yr UE a gaiff ei rewi tra bod fframweithiau cyffredin yn cael eu rhoi ar waith.

Ymateb y Llywodraeth

Nid oes angen ymateb y llywodraeth.

Cynghorwyr Cyfreithiol

**Y Pwyllgor Materion Cyfansoddiadol a Deddfwriaethol
20 Tachwedd 2018**





DATGANIAD YSGRIFENEDIG GAN LYWODRAETH CYMRU

TEITL RHEOLIADAU RHEOLI MERCWRI (DIWYGIO) (YMADAEL Â'R UE) 2018
DYDDIAD 12 Tachwedd 2018
GAN Julie James AC, Arweinydd y Tŷ a'r Prif Chwip

Rheoliadau Rheoli Mercwri (Diwygio) (Ymadael â'r UE) 2018

Cyfraith [yr UE a ddargedwir] sy'n cael ei diwygio

Deddfwriaeth yr UE sy'n uniongyrchol gymwys

- Rheoliad (UE) Rhif 2017/852 o Senedd Ewrop a'r Cyngor ar fercwri, a diddymu Rheoliad (CE) Rhif 1102/2008
- Penderfyniad Gweithredu'r Comisiwn (UE) 2017/2287 sy'n pennu'r ffurflenni i'w defnyddio mewn perthynas â mewnforio mercwri a chymysgeddau penodol o fercwri, a hynny'n unol â Rheoliad (UE) 2017/852

Deddfwriaeth Ddomestig

- Rheoliadau Rheoli Mercwri (Gorfodi) 2017/1200

Yr UE

- Cytundeb yr AEE

Unrhyw effaith y gall yr OS ei chael ar gymhwysedd deddfwriaethol y Cynulliad a/neu gymhwysedd gweithredol Gweinidogion Cymru

Mae'r OS sy'n gysylltiedig â Rheoli Mercwri o fewn maes lle y mae cymhwysedd wedi ei ddatganoli Fodd bynnag, o dan yr amgylchiadau eithriadol hyn pan fo gofyn inni ystyried a chywirow nifer digyffelyb o ddarnau deddfwriaeth o fewn amserlen dynn gan ddefnyddio adnoddau cyfyngedig, egwyddor gyffredinol Llywodraeth Cymru yw ein bod yn gofyn i Lywodraeth y DU ddeddfu ar ein rhan ar gyfer nifer mawr o offerynnau statudol.

Diben y diwygiadau

Bydd Rheoliadau Rheoli Mercwri (Diwygio) (Ymadael â'r UE) 2018 yn cael eu cyflwyno gan Adran yr Amgylchedd, Bwyd a Materion Gwledig (DEFRA) ac maent oll yn OSau o dan y Tudalen y pecyn 48

weithdrefn negyddol. Diben **Rheoliadau Rheoli Mercwri (Diwygio) (Ymadael â'r UE) 2018** yw gwneud y diwygiadau angenrheidiol i'r drefn, sy'n rheoli mercwri a'i gyfansoddion a allai gael eu rhyddhau i'r amgylchedd yn sgil gweithgareddau pobl. Yn sgil y gofynion rhyngwladol sy'n parhau mewn grym o dan Gofensiwn Minamata, mae angen diwygio'r gyfraith a gadwyd yn ôl gan yr UE er mwyn sicrhau bod y DU yn cyflawni ei rhwymedigaethau rhyngwladol.

Heb y diwygiadau a gynhwysir yn yr OS ar gyfer Ymadael â'r UE, byddai'r ddeddfwriaeth yn cynnwys nifer o ddiffygion a allai greu ansicrwydd cyfreithiol i'r rhai y mae gofyn iddynt gydymffurfio â'r rhwymedigaethau.

Pam y rhoddwyd cydsyniad

Rhoddwyd cydsyniad i Lywodraeth y DU wneud y cywiriadau hyn o ran ac ar ran Cymru, am resymau'n ymwneud ag effeithlonrwydd, hwylustod ac oherwydd natur dechnegol y diwygiadau. Mae'r diwygiadau wedi cael eu hystyried yn llawn; ac nid oes unrhyw wahaniaeth o ran polisi. Diben y diwygiadau hyn yw sicrhau bod y llyfr statud yn parhau i weithio ar ôl i'r DU ymadael â'r UE.

Mae'r OSau a'r Memorandwm Esboniadol sy'n mynd gyda nhw, ac sy'n nodi effaith pob un o'r diwygiadau, ar gael yma: <https://www.gov.uk/eu-withdrawal-act-2018-statutory-instruments>

**GWEINIDOGION Y DU SY'N GWEITHIO MEWN MEYSYDD
DATGANOLEDIG**

Rheoliadau Merchwri (Diwygio) (Ymadael â'r UE) 2018

Dyddiad gosod yn Senedd y DU: 8 Tachwedd 2018

Sifftio

A fydd angen eu sifftio yn Senedd y DU?	Bydd
Gweithdrefn:	Negyddol arfaethedig
Dyddiad trafod gan Bwyllgor Offerynnau Statudol Ewropeaidd Tŷ'r Cyffredin	20 Tachwedd 2018
Dyddiad trafod gan Bwyllgor Craffu ar Is-ddeddfwriaeth Tŷ'r Arglwyddi	19/20 Tachwedd 2018
Y dyddiad y daw'r cyfnod sifftio i ben yn Senedd y DU	26 Tachwedd 2018
Datganiad ysgrifenedig o dan Reol Sefydlog 30C:	Papur 10
Memorandwm Cydsyniad Offeryn Statudol o dan Reol Sefydlog 30A (oherwydd ei fod yn diwygio deddfwriaeth sylfaenol)	Dim angen

Gweithdrefn graffu

Canlyniad y broses sifftio	Anhysbys
Y weithdrefn	Negyddol neu Gadarnhaol
Dyddiad trafod gan y Cyd-bwyllgor ar Offerynnau Statudol	Anhysbys
Dyddiad trafod gan Bwyllgor Offerynnau Statudol Tŷ'r Cyffredin	Anhysbys
Dyddiad trafod gan Bwyllgor Craffu ar Is-ddeddfwriaeth Tŷ'r Arglwyddi	Anhysbys

Sylwadau

Bwriedir i'r Rheoliadau hyn gael eu gwneud gan Lywodraeth y DU yn unol ag adran 8(1), a pharagraff 21 o Atodlen 7, Deddf yr Undeb Ewropeaidd (Ymadael) 2018.

Diben Rheoliadau Merchwri (Diwygio) (Ymadael â'r UE) 2018 yw gwneud y newidiadau angenrheidiol i'r gyfundrefn sy'n rheoli'r mercwri a'r cyfansoddion mercwri y gellir eu rhyddhau i'r amgylchedd o ganlyniad i weithgareddau dynol. Yn sgil y gofynion rhyngwladol parhaus o dan Confensiwn Minamata, mae angen diwygio cyfraith yr UE a ddargedwir i sicrhau bod y DU yn diwallu ei rhwymedigaethau rhyngwladol.

Heb y diwygiadau a geir yn yr Offeryn Statudol Ymadael â'r UE, byddai'r deddfwriaeth yn cynnwys nifer o ddiffygion, a allai greu ansicrwydd

cyfreithiol i'r rheini y mae'n ofynnol iddynt gydymffurfio â'r rhwymedigaethau.

Nid yw'r diwygiadau yn y Rheoliadau hyn yn gwyro mewn unrhyw ffordd oddi wrth y polisi cyfredol gyda'r Undeb Ewropeaidd.

Mae'r cynghorwyr cyfreithiol yn cytuno â'r datganiad a osodwyd gan Lywodraeth Cymru dyddiedig 12 Tachwedd 2018 ynghylch effaith y Rheoliadau hyn.

Mae'r crynodeb uchod a chynnwys Memorandwm Esboniadol y Rheoliadau hyn yn cadarnhau eu heffaith ac i ba raddau y byddai'r Rheoliadau hyn yn deddfu polisi newydd mewn meysydd datganoledig.

Nid yw'r cynghorwyr cyfreithiol o'r farn bod unrhyw faterion arwyddocaol yn codi o dan baragraff 8 y Memorandwm ar Fil yr Undeb Ewropeaidd (Ymadael) a Sefydlu Fframweithiau Cyffredin mewn perthynas â'r Rheoliadau hyn.

Nid yw'r cynghorwyr cyfreithiol wedi nodi unrhyw reswm cyfreithiol dros geisio cynnig cydsyniad o dan Reol Sefydlog 30A.10 mewn perthynas â'r Rheoliadau hyn.

Eitem 5.2

GWEINIDOGION Y DU SY'N GWEITHIO MEWN MEYSYDD DATGANOLEDIG	
Rheoliadau Llygryddion Organig Parhaus (Ymadael â'r UE) 2018 <i>Dyddiad gosod yn Senedd y DU: 8 Tachwedd 2018</i>	
Sifftio	
A fydd angen eu sifftio yn Senedd y DU?	Bydd
Gweithdrefn:	Negyddol arfaethedig
Dyddiad trafod gan Bwyllgor Offerynnau Statudol Ewropeaidd Tŷ'r Cyffredin	20 Tachwedd 2018
Dyddiad trafod gan Bwyllgor Craffu ar Is-ddeddfwriaeth Tŷ'r Arglwyddi	19/20 Tachwedd 2018
Y dyddiad y daw'r cyfnod sifftio i ben yn Senedd y DU	26 Tachwedd 2018
Datganiad ysgrifenedig o dan Reol Sefydlog 30C:	Papur 12
Memorandwm Cydsyniad Offeryn Statudol o dan Reol Sefydlog 30A (oherwydd ei fod yn diwygio deddfwriaeth sylfaenol)	Dim angen
Gweithdrefn graffu	
Canlyniad y broses sifftio	Anhysbys
Y weithdrefn	Negyddol neu Gadarnhaol
Dyddiad trafod gan y Cyd-bwyllgor ar Offerynnau Statudol	Anhysbys
Dyddiad trafod gan Bwyllgor Offerynnau Statudol Tŷ'r Cyffredin	Anhysbys
Dyddiad trafod gan Bwyllgor Craffu ar Is-ddeddfwriaeth Tŷ'r Arglwyddi	Anhysbys
Sylwadau	
<p>Bwriedir i'r Rheoliadau hyn gael eu gwneud gan Lywodraeth y DU yn unol ag adran 8(1) Deddf yr Undeb Ewropeaidd (Ymadael) 2018, a pharagraff 21 o Atodlen 7 iddi.</p> <p>Mae'r Rheoliadau hyn yn gwneud cywiriadau i sicrhau bod Rheoliad (EC) Rhif 850/2004 Senedd Ewrop a'r Cyngor ynghylch llygryddion organig parhaus yn gweithredu wedi i ni adael yr UE. Bydd hyn yn cynnal gweithredadwyedd rheoliadau sy'n gweithredu Confensiwn Stockholm drwy ddileu a chyfyngu ar y defnydd o gemegau sydd wedi'u cydnabod yn rhyngwladol fel rhai gwenwynig, parhaus, bio-gronnus a symudol iawn.</p> <p>Mae'r Rheoliadau hyn hefyd yn diwygio Rheoliadau Llygryddion Organig Parhaus 2007 (OS 2007/3106), er mwyn galluogi'r rheoliadau hynny i barhau i weithredu yn dilyn ymadawiad y DU â'r UE.</p>	

Mae'r cynghorwyr cyfreithiol wedi adolygu'r datganiad a osodwyd gan Lywodraeth Cymru dyddiedig 12 Tachwedd 2018. Mae'r cynghorwyr cyfreithiol yn cytuno â'r datganiad a osodwyd gan Lywodraeth Cymru ynghylch effaith y Rheoliadau hyn.

Mae'r crynodeb uchod a chynnwys Memorandwm Esboniadol y Rheoliadau hyn yn cadarnhau eu heffaith ac i ba raddau y byddai'r Rheoliadau hyn yn deddfu polisi newydd mewn meysydd datganoledig.

Nid yw'r cynghorwyr cyfreithiol o'r farn bod unrhyw faterion arwyddocaol yn codi o dan baragraff 8 y Memorandwm ar Fil yr Undeb Ewropeaidd (Ymadael) a Sefydlu Fframweithiau Cyffredin mewn perthynas â'r Rheoliadau hyn.

Nid yw'r cynghorwyr cyfreithiol wedi nodi unrhyw reswm cyfreithiol dros geisio cynnig cydsyniad o dan Reol Sefydlog 30A.10 mewn perthynas â'r Rheoliadau hyn.



DATGANIAD YSGRIFENEDIG GAN LYWODRAETH CYMRU

TEITL RHEOLIADAU INSPIRE (DIWYGIO) (YMADAEL Â'R UE) 2018
DYDDIAD 12 Tachwedd 2018
GAN Julie James AC, Arweinydd y Tŷ a'r Prif Chwip

Rheoliadau Inspire (Diwygio) (Ymadael â'r UE) 2018

Cyfraith [yr UE a ddargedwir] sy'n cael ei diwygio

Deddfwriaeth yr UE sy'n uniongyrchol gymwys

- Rheoliad gan y Comisiwn (CE) Rhif 1205/2008 sy'n gweithredu Cyfarwyddeb 2007/2/CE Senedd Ewrop a'r Cyngor ynghylch metadata
- Penderfyniad gan y Comisiwn 2009/442/CE sy'n gweithredu Cyfarwyddeb 2007/2/CE Senedd Ewrop a'r Cyngor ynghylch monitro ac adrodd
- Rheoliad gan y Comisiwn (CE) Rhif 976/2009 sy'n gweithredu Cyfarwyddeb 2007/2/CE Senedd Ewrop a'r Cyngor ynghylch y Gwasanaethau Rhwydwaith
- Rheoliad gan y Comisiwn (UE) Rhif 268/2010 sy'n gweithredu Cyfarwyddeb 2007/2/CE Senedd Ewrop a'r Cyngor ynghylch mynediad at setiau data a gwasanaethau gofodol yr Aelod-Wladwriaethau gan sefydliadau a chyrrff y Gymuned o dan amodau wedi'u cysoni - **WEDI'I DDIRYMU**
- Rheoliad gan y Comisiwn (UE) 1089/2010 sy'n gweithredu Cyfarwyddeb 2007/2/CE Senedd Ewrop a'r Cyngor ynghylch sut y gall setiau data a gwasanaethau gofodol ryngweithredu.

Deddfwriaeth Ddomestig

- Rheoliadau INSPIRE 2009 2009/3157 Cymru, Lloegr a Gogledd Iwerddon.

Unrhyw effaith y gall yr OS ei chael ar gymhwysedd deddfwriaethol y Cynulliad a/neu gymhwysedd gweithredol Gweinidogion Cymru

Caiff INSPIRE ei restru fel mater a gadwyd yn ôl yn Atodlen 7A o Ddeddf Llywodraeth Cymru 2006 ac o'r herwydd nid oedd yn ofynnol cael cydsyniad. Er bod INSPIRE yn fater a gadwyd yn ôl mae'n ymwneud â data amgylcheddol sydd o fewn cymhwysedd datganoledig. Mae'r dull sydd wedi'i ddefnyddio hyd yma yn cydnabod yr hyblygrwydd o ran y dull y mae sefydliadau a gweinyddiaethau yn ei ddefnyddio er mwyn cydymffurfio â safonau. Mae ceisio cydsyniad i'r OS yn cydnabod yr hyblygrwydd hwn a'r hyn y mae Llywodraeth Cymru eisoes yn ei wneud yn y maes hwn.

Diben y diwygiadau

Bydd Rheoliadau INSPIRE (Diwygio) (Ymadael â'r UE) 2018 yn cael eu cyflwyno gan Adran yr Amgylchedd, Bwyd a Materion Gwledig (DEFRA) ac mae'n OS sy'n dilyn y weithdrefn negyddol.

Diben Rheoliadau INSPIRE (Diwygio) (Ymadael â'r UE) 2018 yw gwneud yr addasiadau angenrheidiol er mwyn parhau i gymhwysu'r rheolau presennol ynghylch Seilweithiau Data Gofodol (SDG) a weithredir gan Awdurdodau Cyhoeddus a nodir mewn cyfraith ar ôl ymadael â'r UE. Bydd y diwygiadau'n sicrhau bod y rheoliadau Inspire yn parhau i gael eu gweithredu ar ôl i'r DU ymadael â'r UE.

Pam y rhoddwyd cydsyniad

Rhoddwyd cydsyniad i Lywodraeth y DU wneud y cywiriadau hyn o ran ac ar ran Cymru, am resymau'n ymwneud ag effeithlonrwydd, hwylustod ac oherwydd natur dechnegol y diwygiadau. Mae'r diwygiadau wedi cael eu hystyried yn llawn; ac nid oes unrhyw wahaniaeth o ran polisi. Diben y diwygiadau hyn yw sicrhau bod y llyfr statud yn parhau i weithio ar ôl i'r DU ymadael â'r UE. Mae'r OSau a'r Memorandwm Esboniadol sy'n mynd gyda nhw, ac sy'n nodi effaith pob un o'r diwygiadau, ar gael yma: <https://www.gov.uk/eu-withdrawal-act-2018-statutory-instruments>

**GWEINIDOGION Y DU SY'N GWEITHIO MEWN MEYSYDD
DATGANOLEDIG**

Rheoliadau INSPIRE (Diwygio) (Ymadael â'r UE) 2018

Dyddiad gosod yn Senedd y DU: 8 Tachwedd 2018

Sifftio

A fydd angen eu sifftio yn Senedd y DU?	Bydd
Gweithdrefn:	Negyddol arfaethedig
Dyddiad trafod gan Bwyllgor Offerynnau Statudol Ewropeaidd Tŷ'r Cyffredin	20 Tachwedd 2018
Dyddiad trafod gan Bwyllgor Craffu ar Is-ddeddfwriaeth Tŷ'r Arglwyddi	19/20 Tachwedd 2018
Y dyddiad y daw'r cyfnod sifftio i ben yn Senedd y DU	26 Tachwedd 2018
Datganiad ysgrifenedig o dan Reol Sefydlog 30C:	Papur 14
Memorandwm Cydsyniad Offeryn Statudol o dan Reol Sefydlog 30A (oherwydd ei fod yn diwygio deddfwriaeth sylfaenol)	Dim angen

Gweithdrefn graffu

Canlyniad y broses sifftio	Anhysbys
Y weithdrefn	Negyddol neu Gadarnhaol
Dyddiad trafod gan y Cyd-bwyllgor ar Offerynnau Statudol	Anhysbys
Dyddiad trafod gan Bwyllgor Offerynnau Statudol Tŷ'r Cyffredin	Anhysbys
Dyddiad trafod gan Bwyllgor Craffu ar Is-ddeddfwriaeth Tŷ'r Arglwyddi	Anhysbys

Sylwadau

Bwriedir i'r Rheoliadau hyn gael eu gwneud gan Lywodraeth y DU yn unol ag adran 8(1) Deddf yr Undeb Ewropeaidd (Ymadael) 2018 a pharagraff 21 o Atodlen 7 iddi.

Er mwyn caniatáu i'r DU barhau i weithredu'r seilwaith data gofodol a sefydlwyd gan y Gyfarwyddeb INSPIRE, mae 'diffygion' yn Rheoliadau INSPIRE 2009 a chyfraith gysylltiedig yr UE a ddargedwir sy'n codi o ganlyniad i Ymadael â'r UE yn cael eu 'cywiro'. Mae hyn yn sicrhau gweithredadwyedd cyfreithiol Rheoliadau INSPIRE 2009 a chyfraith yr UE a ddargedwir ar ôl Ymadael â'r UE.

Mae'r cynghorwyr cyfreithiol yn gwneud y sylwadau canlynol mewn perthynas â datganiad Llywodraeth Cymru dyddiedig 12 Tachwedd 2018 ynghylch y Rheoliadau hyn:

Mae'r Rheoliadau hyn yn diwygio Rheoliadau canlynol y Comisiwn: 1205/2008, 2009/442 a 976/2009 a 1089/2010, yn ogystal â Rheoliadau INSPIRE 2009. Bydd Rheoliadau'r Comisiwn yn ddeddfwriaeth uniongyrchol yr UE a ddargedwir drwy rinwedd adran 3 o Ddeddf yr Undeb Ewropeaidd (Ymadael) 2018. Ymhlith gwelliannau eraill, mae'r Rheoliadau hyn yn diwygio Rheoliadau'r Comisiwn i osod cyfeiriadau at 'awdurdod priodol' yn lle cyfeiriadau at 'Aelod-Wladwriaethau'. Caiff hyn ei ddiffinio fel yr Ysgrifennydd Gwladol mewn perthynas â Lloegr, Cymru a Gogledd Iwerddon a Gweinidogion yr Alban mewn perthynas â'r Alban. Nid yw datganiad Llywodraeth Cymru na Memorandwm Esboniadol Llywodraeth y DU yn esbonio pam mae Cymru'n cael ei thrin yn wahanol i'r Alban.

Mae'r ateb yn gorwedd yng ngweithrediad Cyfarwydddeb INSPIRE (2007/2/EC). Fe'i trosglwyddwyd gan Reoliadau INSPIRE 2009 a Rheoliadau INSPIRE (yr Alban) 2009. Yn unol â hynny, mae fframwaith deddfwriaethol ar wahân eisoes ar gyfer yr Alban, a ddargedwir gan y Rheoliadau presennol. Ni fyddai wedi bod yn briodol defnyddio deddfwriaeth 'gywiro' i ddatganoli cyfrifoldebau i Weinidogion Cymru. Serch hynny, byddai wedi bod o gymorth pe bai datganiad Llywodraeth Cymru wedi esbonio hyn.

Yn ddarostyngedig i'r sylwadau uchod, mae'r crynodeb uchod a chynnwys Memorandwm Esboniadol y Rheoliadau hyn yn cadarnhau eu heffaith ac i ba raddau y byddai'r Rheoliadau hyn yn deddfu polisi newydd mewn meysydd datganoledig.

Nid yw'r cynghorwyr cyfreithiol o'r farn bod unrhyw faterion arwyddocaol yn codi o dan baragraff 8 y Memorandwm ar Fil yr Undeb Ewropeaidd (Ymadael) a Sefydlu Fframweithiau Cyffredin mewn perthynas â'r Rheoliadau hyn.

Nid yw'r cynghorwyr cyfreithiol wedi nodi unrhyw reswm cyfreithiol dros geisio cynnig cydsyniad o dan Reol Sefydlog 30A.10 mewn perthynas â'r Rheoliadau hyn.



DATGANIAD YSGRIFENEDIG GAN LYWODRAETH CYMRU

TEITL	Rheoliadau Darparu Gwasanaethau (Diwygio etc.) (Ymadael â'r UE) 2018
DYDDIAD	13 Tachwedd 2018
GAN	Julie James AC, Arweinydd y Tŷ a'r Prif Chwip

Rheoliadau Darparu Gwasanaethau (Diwygio etc.) (Ymadael â'r UE) 2018

SO30C – Gosod OS yn Senedd y DU sy'n diwygio deddfwriaeth mewn maes datganoledig

Cyfraith yr UE sy'n cael ei diwygio

Cyfarwyddeb Gwasanaethau yr UE (2006/723/EC), sy'n cael ei weithredu yn neddfwriaeth y DU gan Reoliadau Darparu Gwasanaethau 2009.

Unrhyw effaith y gall yr OS ei chael ar gymhwysedd deddfwriaethol y Cynulliad a/neu gymhwysedd gweithredol Gweinidogion Cymru

Nid yw'r OS yn effeithio ar gymhwysedd deddfwriaethol Cynulliad Cenedlaethol Cymru na chymhwysedd gweithredol Gweinidogion Cymru.

Diben y diwygiadau

Mae hwn yn OS cywiro ar gyfer y senario pan fydd y DU yn ymadael â'r UE heb gytundeb ac ni fyddai bellach wedi ei rhwymo i gydymffurfio â'r Gyfarwyddeb Gwasanaethau.

Yr ymagwedd i gywiro'r diffygion yn y Rheoliadau yw y bydd busnesau'r Ardal Economaidd Ewropeaidd yn cael eu trin yn yr un modd â darparwyr gwasanaethau trydydd gwledydd eraill ac ni fyddant bellach y cael hawliau mynediad a mesurau diogelu ffafriol o fewn y DU. Byddai'n hanfodol sicrhau nad oes unrhyw wahaniaethu o dan senario fasnachu Sefydliad Masnach y Byd (WTO). Wedi hynny, caiff Awdurdodau cymwys reoleiddio busnesau'r Ardal Economaidd Ewropeaidd yn yr un modd ag y maent yn rheoleiddio darparwyr gwasanaethau trydydd gwledydd.

Mae'r OS a'r Memorandwm Esboniadol sy'n mynd gydag ef, ac sy'n nodi effaith pob un o'r diwygiadau, ar gael yma: https://www.gov.uk/eu-withdrawal-act-2018-statutory-instruments?keywords=&laid_date%5Bfrom%5D=&laid_date%5Bto%5D=&sifting_status%5B%5D=open

Pam y rhoddwyd cydsyniad

Fel rheol, lle bo'r pwerau yn nwylo Gweinidogion Cymru, mae'n bolisi gan Lywodraeth Cymru mai Gweinidogion Cymru fydd yn gyfrifol am ddeddfu dros Gymru. Er hynny, yn wyneb amgylchiadau eithriadol ymadawiad y DU â'r UE, mae Gweinidogion Cymru yn cydnabod yr angen i Lywodraeth y DU ddeddfu mewn rhai meysydd datganoledig er mwyn cael llyfr statud cwbl weithredol ar y diwrnod ymadael.

Felly mae Gweinidogion Cymru yn cydsynio i Reoliadau Darparu Gwasanaethau (Diwygio etc.) (Ymadael â'r UE) 2018 ar yr achlysur hwn.

**GWEINIDOGION Y DU SY'N GWEITHIO MEWN MEYSYDD
DATGANOLEDIG**

Rheoliadau Darparu Gwasanaethau (Diwygio etc.) (Ymadael â'r UE) 2018

Dyddiad gosod yn Senedd y DU: 12 Tachwedd 2018

Sifftio

A fydd angen eu sifftio yn Senedd y DU?	Bydd
Gweithdrefn:	Negyddol arfaethedig
Dyddiad trafod gan Bwyllgor Offerynnau Statudol Ewropeaidd Tŷ'r Cyffredin	27 Tachwedd 2018
Dyddiad trafod gan Bwyllgor Craffu ar Is-ddeddfwriaeth Tŷ'r Arglwyddi	Yr wythnos yn dechrau 26 Tachwedd 2018
Y dyddiad y daw'r cyfnod sifftio i ben yn Senedd y DU	27 Tachwedd 2018
Datganiad ysgrifenedig o dan Reol Sefydlog 30C:	Papur 16
Memorandwm Cydsyniad Offeryn Statudol o dan Reol Sefydlog 30A (oherwydd ei fod yn diwygio deddfwriaeth sylfaenol)	Dim angen

Gweithdrefn graffu

Canlyniad y broses sifftio	Anhysbys
Y weithdrefn	Negyddol neu Gadarnhaol
Dyddiad trafod gan y Cyd-bwyllgor ar Offerynnau Statudol	Anhysbys
Dyddiad trafod gan Bwyllgor Offerynnau Statudol Tŷ'r Cyffredin	Anhysbys
Dyddiad trafod gan Bwyllgor Craffu ar Is-ddeddfwriaeth Tŷ'r Arglwyddi	Anhysbys

Sylwadau

Cynigir bod y Rheoliadau hyn yn cael eu gwneud gan Lywodraeth y DU yn unol ag adran 8(1) o Ddeddf yr Undeb Ewropeaidd (Ymadael) 2018.

Mae'r Rheoliadau hyn yn gwneud cyfres o newidiadau i ddeddfwriaeth ym maes darparu gwasanaethau i sicrhau bod y gyfraith yn y maes hwn yn parhau i weithredu ar ôl i'r DU adael yr Undeb Ewropeaidd. Yn benodol, mae'r Rheoliadau hyn yn diwygio Rheoliadau Darparu Gwasanaethau 2009 ("**Rheoliadau 2009**"), deddfwriaeth ansolfedd domestig benodol (rhai yn ymwneud â Gogledd Iwerddon yn unig) a Deddf Asiantaethau Cyflogi 1973, ac yn dirymu Penderfyniad y Comisiwn 2009/793/EC yn ymwneud â chyfnewid gwybodaeth rhwng aelod-wladwriaethau. Mae Cyfarwyddeb Gwasanaethau'r UE (2006/123/EC) ("**y Gyfarwyddeb**"), a weithredir yn bennaf i gyfraith y DU gan Reoliadau 2009, yn nodi egwyddorion cyffredinol ar reoleiddio darpariaeth gwasanaeth yn y

Farchnad Sengl ac yn ceisio ei gwneud hi'n haws i fusnesau sefydlu a darparu gwasanaethau mewn aelod-wladwriaethau eraill yr Ardal Economaidd Ewropeaidd ("**AEE**"). Mae'n berthnasol i ystod eang o wasanaethau anariannol.

Yn dilyn ymadawiad y DU o'r Undeb Ewropeaidd ym mis Mawrth 2019, ni fydd y Gyfarwyddeb yn gymwys mwyach i'r DU na busnesau neu unigolion yr AEE sy'n darparu gwasanaethau yn y DU. Mae'r Rheoliadau hyn yn sicrhau bod yr egwyddorion rheoleiddio sy'n gymwys i ddarparu gwasanaethau yn parhau i weithredu'n effeithiol ar ôl y diwrnod gadael. Mae'r dull a gymerir gan y Rheoliadau hyn wedi'i gynllunio i sicrhau bod y DU yn rheoleiddio busnesau aelod-wladwriaethau yr AEE yn yr un ffordd ag y byddai'n rheoleiddio darparwyr gwasanaeth trydydd gwlad. Bydd dileu rhai amddiffyniadau ar gyfer darparwyr gwasanaeth yr AEE yn galluogi'r DU i gyflawni ymrwymadau o dan reolau Sefydliad Masnach y Byd ("**WTO**"); yn benodol, egwyddor "cenedl fwyaf ffafriol" yr WTO, sy'n atal gwledydd rhag gwahaniaethu rhwng eu partneriaid masnachu y tu allan i gytundebau masnachu. Mae'r Rheoliadau hyn hefyd yn dirymu rhwymedigaethau rhannu gwybodaeth diangen rhwng y DU ac aelod-wladwriaethau'r AEE.

Mae Cyngorwyr Cyfreithiol yn gwneud y sylwadau canlynol mewn perthynas â datganiad Llywodraeth Cymru dyddiedig 13 Tachwedd 2018 ynghylch effaith y Rheoliadau hyn:

Mae'r datganiad yn cynnwys mân wallau cyfeirio wrth gyfeirio at Gyfarwyddiaeth Gwasanaethau'r UE "(2006/723/EC)", a ddylai nodi "(2006/123/EC)" yn lle hynny.

Mae'r crynodeb uchod a chynnwys y Memorandwm Esboniadol i'r Rheoliadau hyn yn cadarnhau eu heffaith ac i ba raddau y byddai'r Rheoliadau hyn yn deddfu polisi newydd mewn meysydd datganoledig. Nid yw Cyngorwyr Cyfreithiol o'r farn bod unrhyw faterion sylweddol yn codi o dan baragraff 8 o'r Memorandwm ar Fil yr Undeb Ewropeaidd (Ymadael) a Sefydlu Fframweithiau Cyffredin mewn perthynas â'r Rheoliadau hyn.

Nid yw Cyngorwyr Cyfreithiol wedi nodi unrhyw reswm cyfreithiol i geisio am gynnig cydsyniad o dan Reol Sefydlog 30A.10 mewn perthynas â'r Rheoliadau hyn.



DATGANIAD YSGRIFENEDIG GAN LYWODRAETH CYMRU

TEITL	Rheoliadau'r Amgylchedd, Bwyd a Materion Gwledig (Asesu Effeithiau Amgylcheddol) (Diwygio) (Ymadael â'r UE) 2018
DYDDIAD	15 Tachwedd 2018
GAN	Julie James AC, Arweinydd y Tŷ a'r Prif Chwip

Rheoliadau'r Amgylchedd, Bwyd a Materion Gwledig (Asesu Effeithiau Amgylcheddol) (Diwygio) (Ymadael â'r UE) 2018

Cyfraith [yr UE a ddargedwir] sy'n cael ei diwygio

Deddfwriaeth Ddomestig

- Rheoliadau Asesu Effeithiau Amgylcheddol (Gwaith Gwella Draenio Tir) (Cymru a Lloegr) 1999;
- Rheoliadau Asesu Effeithiau Amgylcheddol (Coedwigaeth) (Cymru a Lloegr) 1999;
- Rheoliadau Adnoddau Dŵr (Asesu Effeithiau Amgylcheddol) (Cymru a Lloegr) 2003;
- Rheoliadau Gwaith Morol (Asesu Effeithiau Amgylcheddol) 2007

Unrhyw effaith y gall yr OS ei chael ar gymhwysedd deddfwriaethol y Cynulliad a/neu gymhwysedd gweithredol Gweinidogion Cymru

Mae'r OS yn cynnwys darpariaethau o fewn maes lle y mae cymhwysedd wedi ei ddatganoli. Fodd bynnag, o dan yr amgylchiadau eithriadol hyn pan fo gofyn inni ystyried a chywiro nifer digyffelyb o ddarnau deddfwriaeth o fewn amserlen dynn gan ddefnyddio adnoddau cyfyngedig, egwyddor gyffredinol Llywodraeth Cymru yw ein bod yn gofyn i Lywodraeth y DU ddeddfu ar ein rhan ar gyfer nifer mawr o offerynnau statudol.

Mae'r OS yn cynnwys cywiriad i un OS sy'n berthnasol i Loegr yn unig, ac o'r herwydd nid oes angen cydsyniad ar ei gyfer. Bydd OS Ymadael â'r UE ar gyfer Cymru yn gwneud y cywiriadau angenrheidiol i'r offeryn statudol cyfatebol ar gyfer Cymru.

Diben y diwygiadau

Diben Rheoliadau'r Amgylchedd, Bwyd a Materion Gwledig (Asesu Effeithiau Amgylcheddol) (Diwygio) (Ymadael â'r UE) 2018, i'w cyflwyno gan Adran yr Amgylchedd, Bwyd a Materion Gwledig (DEFRA) yw gwneud y newidiadau lleiaf posibl sy'n ofynnol er mwyn sicrhau bod yr holl gyfundrefnau ar gyfer AEA yn parhau'n weithredol ar ôl i'r DU ymadael â'r UE.

Mae'r OSau a'r Memoranda Esboniadol sy'n cyd-fynd â nhw, ac sy'n nodi effaith pob un o'r diwygiadau, ar gael yma: <https://www.gov.uk/eu-withdrawal-act-2018-statutory-instruments>

Pam y rhoddwyd cydsyniad

Rhoddwyd cydsyniad i Lywodraeth y DU wneud y cywiriadau hyn o ran ac ar ran Cymru, am resymau'n ymwneud ag effeithlonrwydd, hwylustod ac oherwydd natur dechnegol y diwygiadau. Mae'r diwygiadau wedi cael eu hystyried yn llawn; ac nid oes unrhyw wahaniaeth o ran polisi. Diben y diwygiadau hyn yw sicrhau bod y llyfr statud yn parhau i weithio ar ôl i'r DU ymadael â'r UE. Mae hyn yn unol â'r egwyddorion ar gyfer cywiro y cytunwyd arnynt ym mis Mai gan Is-bwyllgor y Cabinet ar Bontio Ewropeaidd.

**GWEINIDOGION Y DU SY'N GWEITHIO MEWN MEYSYDD
DATGANOLEDIG**

**Rheoliadau'r Amgylchedd, Bwyd a Materion Gwledig (Asesu Effeithiau
Amgylcheddol) (Diwygio) (Ymadael â'r UE) 2018**

Dyddiad gosod yn Senedd y DU: 14 Tachwedd 2018

Sifftio

A fydd angen eu sifftio yn Senedd y DU?	Bydd
Gweithdrefn:	Negyddol arfaethedig
Dyddiad trafod gan Bwyllgor Offerynnau Statudol Ewropeaidd Tŷ'r Cyffredin	27 Tachwedd 2018
Dyddiad trafod gan Bwyllgor Craffu ar Is-ddeddfwriaeth Tŷ'r Arglwyddi	Yr wythnos yn dechrau 26 Tachwedd 2018
Y dyddiad y daw'r cyfnod sifftio i ben yn Senedd y DU	29 Tachwedd 2018
Datganiad ysgrifenedig o dan Reol Sefydlog 30C:	Papur 18
Memorandwm Cydsyniad Offeryn Statudol o dan Reol Sefydlog 30A (oherwydd ei fod yn diwygio deddfwriaeth sylfaenol)	Dim angen

Gweithdrefn graffu

Canlyniad y broses sifftio	Anhysbys
Y weithdrefn	Negyddol neu Gadarnhaol
Dyddiad trafod gan y Cyd-bwyllgor ar Offerynnau Statudol	Anhysbys
Dyddiad trafod gan Bwyllgor Offerynnau Statudol Tŷ'r Cyffredin	Anhysbys
Dyddiad trafod gan Bwyllgor Craffu ar Is-ddeddfwriaeth Tŷ'r Arglwyddi	Anhysbys

Sylwadau

Bwriedir i'r Rheoliadau hyn gael eu gwneud gan Lywodraeth y DU yn unol ag adran 8 o Ddeddf yr Undeb Ewropeaidd (Ymadael) 2018.

Mae'r Rheoliadau hyn yn diwygio pum set o reoliadau, ac mae pedwar ohonynt yn gymwys i Gymru; mae'r un sy'n weddill yn gymwys i Loegr yn unig ac nid yw'n berthnasol at y dibenion hyn. Mae'r Rheoliadau i'w diwygio yn diffinio asesu effeithiau amgylcheddol ac yn pennu'r hyn y mae'n rhaid iddo ei nodi, ei ddisgrifio a'i asesu ac yn rhagnodi gweithdrefnau cysylltiedig. Mae'n deillio o Gyfarwyddeb 2011/92/EU sy'n ymdrin ag asesu ac effaith prosiectau cyhoeddus a phreifat penodol ar yr amgylchedd. Mae'r Rheoliadau yn gwneud newidiadau bach a thechnegol i sicrhau bod y gyfraith yn y maes hwn yn parhau i weithredu ar ôl i'r DU adael yr Undeb Ewropeaidd.

Mae'r cynghorwyr cyfreithiol yn cytuno â'r datganiad a osodwyd gan Lywodraeth Cymru dyddiedig 15 Tachwedd 2018 ynghylch effaith y Rheoliadau hyn.

Mae'r crynodeb uchod a chynnwys Memorandwm Esboniadol y Rheoliadau hyn yn cadarnhau eu heffaith ac i ba raddau y byddai'r Rheoliadau hyn yn deddfu polisi newydd mewn meysydd datganoledig. Nid yw'r cynghorwyr cyfreithiol o'r farn bod unrhyw faterion arwyddocaol yn codi o dan baragraff 8 y Memorandwm ar Fil yr Undeb Ewropeaidd (Ymadael) a Sefydlu Fframweithiau Cyffredin mewn perthynas â'r Rheoliadau hyn.

Nid yw'r cynghorwyr cyfreithiol wedi nodi unrhyw reswm cyfreithiol dros geisio cynnig cydsyniad o dan Reol Sefydlog 30A.10 mewn perthynas â'r Rheoliadau hyn.



DATGANIAD YSGRIFENEDIG GAN LYWODRAETH CYMRU

TEITL	Rheoliadau Iechyd Anifeiliaid Dyfrol a Rhywogaethau Estron mewn Dyframaeth (Cymru a Lloegr) (Diwygio) (Ymadael â'r UE) 2018
DYDDIAD	16 Tachwedd 2018
GAN	Julie James AC, Arweinydd y Tŷ a'r Prif Chwip

Rheoliadau Iechyd Anifeiliaid Dyfrol a Rhywogaethau Estron mewn Dyframaeth (Cymru a Lloegr) (Diwygio) (Ymadael â'r UE) 2018

Cyfraith [yr UE a ddargedwir] sy'n cael ei diwygio

Mae Rheoliadau Iechyd Anifeiliaid Dyfrol a Rhywogaethau Estron mewn Dyframaeth (Cymru a Lloegr) (Diwygio) (Ymadael â'r UE) 2018 yn diwygio'r rheoliadau a ganlyn:

- Mae Rheoliadau Iechyd Anifeiliaid Dyfrol (Cymru a Lloegr) 2009 yn gweithredu Cyfarwyddeb 2006/88/EC.
- Mae Rheoliadau Rhywogaethau Estron a Rhywogaethau sy'n Absennol yn Lleol mewn Dyframaeth (Cymru a Lloegr) 2011 yn gweithredu Rheoliad y Cyngor 708/2007.

Unrhyw effaith y gall yr OS ei chael ar gymhwysedd deddfwriaethol y Cynulliad a/neu gymhwysedd gweithredol Gweinidogion Cymru

Mae'r OSau (pan fônt yn berthnasol i Gymru) o fewn cymhwysedd deddfwriaethol, fodd bynnag, o dan yr amgylchiadau eithriadol hyn pan fo gofyn inni ystyried a chywiro nifer digyffelyb o ddarnau deddfwriaeth o fewn amserlen dynn gan ddefnyddio adnoddau cyfyngedig, egwyddor gyffredinol Llywodraeth Cymru yw ein bod yn gofyn i Lywodraeth y DU ddeddfu ar ein rhan ar gyfer nifer mawr o offerynnau statudol.

Diben y diwygiadau

Diben yr OS hwn (y weithdrefn negyddol), i'w gyflwyno gan Adran yr Amgylchedd, Bwyd a Materion Gwledig (DEFRA), yw sicrhau bod deddfwriaeth yr UE ym meysydd iechyd anifeiliaid dyfrol a rhywogaethau estron mewn dyframaethu yn parhau i fod yn weithredadwy ar ôl i'r DU ymadael â'r UE. Ni fydd yr offeryn yn cyflwyno unrhyw newidiadau polisi.

Mae'r OSau a'r Memoranda Esboniadol cysylltiedig sy'n nodi effaith pob un o'r diwygiadau, ar gael yma:

<https://www.gov.uk/eu-withdrawal-act-2018-statutory-instruments/the-aquatic-animal-health-and-alien-species-in-aquaculture-amendment-england-and-wales-eu-exit-regulations-2018>

Pam y rhoddwyd cydsyniad

Rhoddwyd cydsyniad i Lywodraeth y DU wneud y cywiriadau hyn o ran ac ar ran Cymru, am resymau'n ymwneud ag effeithlonrwydd, hwylustod ac oherwydd natur dechnegol y diwygiadau. Mae'r diwygiadau wedi cael eu hystyried yn llawn; ac nid oes unrhyw wahaniaeth o ran polisi. Diben y diwygiadau hyn yw sicrhau bod y llyfr statud yn parhau i weithio ar ôl i'r DU ymadael â'r UE. Mae hyn yn unol â'r egwyddorion ar gyfer cywiro y cytunwyd arnynt ym mis Mai gan Is-bwyllgor y Cabinet ar Bontio Ewropeaidd.

**GWEINIDOGION Y DU SY'N GWEITHIO MEWN MEYSYDD
DATGANOLEDIG**

**Rheoliadau Iechyd Anifeiliaid Dŵr a Rhywogaethau Estron mewn
Dyframaethu (Cymru a Lloegr) (Diwygio) (Ymadael â'r UE) 2018**

Dyddiad gosod yn Senedd y DU: 13 Tachwedd 2018

Sifftio

A fydd angen eu sifftio yn Senedd y DU?	Bydd
Gweithdrefn:	Negyddol arfaethedig
Dyddiad trafod gan Bwyllgor Offerynnau Statudol Ewropeaidd Tŷ'r Cyffredin	27 Tachwedd 2018
Dyddiad trafod gan Bwyllgor Craffu ar Is-ddeddfwriaeth Tŷ'r Arglwyddi	Yr wythnos yn dechrau 26 Tachwedd 2018
Y dyddiad y daw'r cyfnod sifftio i ben yn Senedd y DU	28 Tachwedd 2018
Datganiad ysgrifenedig o dan Reol Sefydlog 30C:	Papur 20
Memorandwm Cydsyniad Offeryn Statudol o dan Reol Sefydlog 30A (oherwydd ei fod yn diwygio deddfwriaeth sylfaenol)	Dim angen

Gweithdrefn graffu

Canlyniad y broses sifftio	Anhysbys
Y weithdrefn	Negyddol neu Gadarnhaol
Dyddiad trafod gan y Cyd-bwyllgor ar Offerynnau Statudol	Anhysbys
Dyddiad trafod gan Bwyllgor Offerynnau Statudol Tŷ'r Cyffredin	Anhysbys
Dyddiad trafod gan Bwyllgor Craffu ar Is-ddeddfwriaeth Tŷ'r Arglwyddi	Anhysbys

Sylwadau

Bwriedir i'r Rheoliadau hyn gael eu gwneud gan Lywodraeth y DU yn unol ag adran 8 o Ddeddf yr Undeb Ewropeaidd (Ymadael) 2018.

Mae'r Rheoliadau yn gwneud diwygiadau i ddwy gyfres bresennol o Rheoliadau Cymru a Lloegr sy'n ymwneud â gofynion iechyd anifeiliaid ar gyfer anifeiliaid a chynhyrchion dyframaethu a chofrestru busnesau dyframaethu. Effaith y Rheoliadau y bwriedir eu gwneud nawr yw dileu pŵer swyddogion yr UE i archwilio adeiladau'r DU a / neu i fynd gydag arolygwyr. Maent hefyd yn disodli cyfeiriadau at glefydau a geir mewn un Gyfarwyddeb UE benodol â rhestr a geir mewn Rheoliad yr UE. Bydd yr olaf yn rhan o gyfraith a ddargedwir yr UE, ac ni fydd y cyntaf.

Mae Cynghorwyr Cyfreithiol yn cytuno â'r datganiad a osodwyd gan Lywodraeth Cymru, dyddiedig 16 Tachwedd 2018, ynghylch effaith y Rheoliadau hyn.

Mae'r crynodeb uchod a chynnwys y Memorandwm Esboniadol i'r Rheoliadau hyn yn cadarnhau eu heffaith ac yn nodi i ba raddau y byddai'r Rheoliadau hyn yn deddfu o ran polisi newydd yn y meysydd datganoledig.

Nid yw Cynghorwyr Cyfreithiol yn ystyried bod unrhyw faterion arwyddocaol yn codi o dan baragraff 8 o'r Memorandwm ar Fil yr Undeb Ewropeaidd (Ymadael) a Sefydlu Fframweithiau Cyffredin mewn perthynas â'r Rheoliadau hyn.

Nid yw Cynghorwyr Cyfreithiol wedi nodi unrhyw reswm cyfreithiol dros geisio cynnig caniatâd o dan Reol Sefydlog 30A.10 mewn perthynas â'r Rheoliadau hyn.



DATGANIAD YSGRIFENEDIG GAN LYWODRAETH CYMRU

TEITL	Rheoliadau Da byw (Cofnodion, Adnabod a Symud) (Diwygio) (Ymadael â'r UE) 2018
DYDDIAD	16 Tachwedd 2018
GAN	Julie James AC, Arweinydd y Tŷ a'r Prif Chwip

Cyfraith [yr UE a ddargedwir] sy'n cael ei diwygio

Rheoliadau Da byw (Cofnodion, Adnabod a Symud) (Diwygio) (Ymadael â'r UE) 2018
Bucholion

- Rheoliad y Cyngor a'r Senedd EC 1760/2000
- Rheoliad y Comisiwn EC 911/2004
- Rheoliad y Comisiwn EC 644/2005
- Rheoliad y Comisiwn EC 509/1999
- Rheoliad Gweithredu'r Comisiwn UE 2017/949
- Rheoliad y Comisiwn (EC) Rhif 1082/2003
- Rheoliad y Comisiwn EC 494/98
- Penderfyniad y Comisiwn EC Rhif 2006/28

Defaid a Geifr

- Rheoliad y Cyngor EC 21/2004
- Rheoliad y Comisiwn EC 1505/2006
- Penderfyniad y Comisiwn EC 2006/968

Unrhyw effaith y gall yr OS ei chael ar gymhwysedd deddfwriaethol y Cynulliad a/neu ar gymhwysedd gweithredol Gweinidogion Cymru

Mae adnabod a chofrestru da byw (Defaid, Geifr, Gwartheg a Moch) yn swyddogaeth ddatganoledig

Diben y diwygiadau

Diben yr OS hwn (y weithdrefn negyddol), i'w gyflwyno gan Adran yr Amgylchedd, Bwyd a Materion Gwledig (DEFRA), fydd sicrhau bod deddfwriaeth yr UE ar adnabod a chofrestru da byw (Defaid, Geifr, Gwartheg a Moch) yn parhau i fod yn weithredadwy yn y DU ar ôl i'r DU ymadael â'r UE.

Mae'r OSau a'r Memoranda Esboniadol cysylltiedig, sy'n nodi effaith pob diwygiad hwn i'w gweld yma:

<https://www.gov.uk/eu-withdrawal-act-2018-statutory-instruments/the-livestock-records-identification-and-movement-amendment-eu-exit-regulations-2018>

Pam y rhoddwyd cydsyniad

Rhoddwyd cydsyniad i Lywodraeth y DU wneud y cywiriadau hyn o ran, ac ar ran, Cymru am resymau'n ymwneud ag effeithlonrwydd, hwylustod ac oherwydd natur dechnegol y diwygiadau. Mae'r diwygiadau wedi cael eu hystyried yn llawn; ac nid oes unrhyw wahaniaeth o ran polisi. Diben y diwygiadau hyn yw sicrhau bod y llyfr statud yn parhau i weithio ar ôl i'r DU ymadael â'r UE. Mae hyn yn unol â'r egwyddorion ar gyfer cywiro y cytunwyd arnynt ym mis Mai gan Is-bwyllgor y Cabinet ar Bontio Ewropeaidd.

**GWEINIDOGION Y DU SY'N GWEITHIO MEWN MEYSYDD
DATGANOLEDIG**

**Rheoliadau Da byw (Cofnodion, Adnabod a Symud) (Diwygio) (Ymadael
â'r UE) 2018**

Dyddiad gosod yn Senedd y DU: 14 Tachwedd 2018

Sifftio

A fydd angen eu sifftio yn Senedd y DU?	Bydd
Gweithdrefn:	Negyddol arfaethedig
Dyddiad trafod gan Bwyllgor Offerynnau Statudol Ewropeaidd Tŷ'r Cyffredin	27 Tachwedd 2018
Dyddiad trafod gan Bwyllgor Craffu ar Is-ddeddfwriaeth Tŷ'r Arglwyddi	Yr wythnos yn dechrau 26 Tachwedd 2018
Y dyddiad y daw'r cyfnod sifftio i ben yn Senedd y DU	29 Tachwedd 2018
Datganiad ysgrifenedig o dan Reol Sefydlog 30C:	Papur 22
Memorandwm Cydsyniad Offeryn Statudol o dan Reol Sefydlog 30A (oherwydd ei fod yn diwygio deddfwriaeth sylfaenol)	Dim angen

Gweithdrefn graffu

Canlyniad y broses sifftio	Anhysbys
Y weithdrefn	Negyddol neu Gadarnhaol
Dyddiad trafod gan y Cyd-bwyllgor ar Offerynnau Statudol	Anhysbys
Dyddiad trafod gan Bwyllgor Offerynnau Statudol Tŷ'r Cyffredin	Anhysbys
Dyddiad trafod gan Bwyllgor Craffu ar Is-ddeddfwriaeth Tŷ'r Arglwyddi	Anhysbys

Sylwadau

Cynigir bod y Rheoliadau hyn yn cael eu gwneud gan Lywodraeth y DU o dan adran 8(1) o, a pharagraff 21(b) o Atodlen 7 i, Ddeddf yr Undeb Ewropeaidd (Ymadael) 2018.

Mae'r Rheoliadau hyn yn sicrhau bod deddfwriaeth yr UE ar adnabod a chofrestru da byw yn parhau i fod yn weithredol yn y DU ar ôl i'r DU adael yr UE. Mae'r Memorandwm Esboniadol i'r Rheoliadau yn nodi bod y llywodraeth yn dymuno cadw'r safon uchel presennol o'r gallu i olrhain a ddarperir ar ei gyfer gan deddfwriaeth y DU, ac sy'n ategu gwaith rheoli afiechydon effeithiol.

Mae Cynghorwyr Cyfreithiol yn cytuno â'r datganiad a osodwyd gan Lywodraeth Cymru dyddiedig 16 Tachwedd 2018 ynghylch effaith y Rheoliadau hyn

Mae'r crynodeb uchod a chynnwys y Memorandwm Esboniadol i'r Rheoliadau hyn yn cadarnhau eu heffaith ac i ba raddau y byddai'r Rheoliadau hyn yn deddfu polisi newydd mewn meysydd datganoledig. Nid yw Cynghorwyr Cyfreithiol o'r farn bod unrhyw faterion sylweddol yn codi o dan baragraff 8 o'r Memorandwm ar Fil yr Undeb Ewropeaidd (Ymadael) a Sefydlu Fframweithiau Cyffredin mewn perthynas â'r Rheoliadau hyn.

Nid yw Cynghorwyr Cyfreithiol wedi nodi unrhyw reswm cyfreithiol i geisio am gynnig cydsyniad o dan Reol Sefydlog 30A.10 mewn perthynas â'r Rheoliadau hyn.



DATGANIAD YSGRIFENEDIG GAN LYWODRAETH CYMRU

TEITL Rheoliadau Lles Anifeiliaid (Diwygio) (Ymadael â'r UE) 2018

DYDDIAD 16 Tachwedd 2018

GAN Julie James AC, Arweinydd y Tŷ a'r Prif Chwip

Cyfraith [yr UE a ddargedwir] sy'n cael ei diwygio

Rheoliadau Lles Anifeiliaid (Diwygio) (Ymadael â'r UE) 2018

- Rheoliad y Cyngor (EC) 1255/97 ynglŷn â meini prawf y Gymuned ar gyfer safleoedd rheoli a diwygio cynllun y daith fel y cyfeirir ato yn yr Atodiad i Gyfarwyddeb 91/628/EEC;
- Rheoliad y Cyngor (EC) 1/2005 ar ddiogelu anifeiliaid wrth eu cludo a gweithrediadau cysylltiedig a Chyfarwyddebau diwygio 64/432/EEC a 93/119/EC a Rheoliad (EC) rhif 1255/97;
- Rheoliad 1099/2009 yr UE ar ddiogelu anifeiliaid adeg eu lladd.

Unrhyw effaith y gall yr OS ei chael ar gymhwysedd deddfwriaethol y Cynulliad a/neu ar gymhwysedd gweithredol Gweinidogion Cymru

Mae Lles anifeiliaid yn fater datganoledig.

Diben y diwygiadau

Diben yr OS hwn (y weithdrefn negyddol), i'w gyflwyno gan Adran yr Amgylchedd, Bwyd a Materion Gwledig (DEFRA), yw sicrhau bod Rheoliadau perthnasol yr UE mewn perthynas â diogelu lles anifeiliaid wrth eu cludo, eu cadw mewn safleoedd rheoli neu adeg eu lladd yn parhau i fod yn weithredadwy ac yn orfodadwy yn y DU ar ôl i'r DU ymadael â'r UE.

Mae'r OSau a'r Memoranda Esboniadol cysylltiedig sy'n nodi effaith pob un o'r diwygiadau, ar gael yma:

<https://www.gov.uk/eu-withdrawal-act-2018-statutory-instruments/the-animal-welfare-amendment-eu-exit-regulations-2018>

Pam y rhoddwyd cydsyniad

Rhoddwyd cydsyniad i Lywodraeth y DU wneud y cywiriadau hyn o ran ac ar ran Cymru, am resymau'n ymwneud ag effeithlonrwydd, hwylustod ac oherwydd natur dechnegol y diwygiadau. Mae'r diwygiadau wedi cael eu hystyried yn llawn; ac nid oes unrhyw wahaniaeth o ran polisi. Diben y diwygiadau hyn yw sicrhau bod y llyfr statud yn parhau i weithio ar ôl i'r DU ymadael â'r UE. Mae hyn yn unol â'r egwyddorion ar gyfer cywiro y cytunwyd arnynt ym mis Mai gan Is-bwyllgor y Cabinet ar Bontio Ewropeaidd.

UK MINISTERS ACTING IN DEVOLVED AREAS

The Animal Welfare (Amendment) (EU Exit) Regulations 2018

Laid in the UK Parliament: 13 November 2018

Sifting

Subject to sifting in UK Parliament?	Yes
Procedure:	Proposed negative
Date of consideration by the House of Commons European Statutory Instruments Committee	27 November 2018
Date of consideration by the House of Lords Secondary Legislation Scrutiny Committee	W/C 26 November 2018
Date sifting period ends in UK Parliament	28 November 2018
Written statement under SO 30C:	Paper 24
SICM under SO 30A (because amends primary legislation)	Not required

Scrutiny procedure

Outcome of sifting	Not known
Procedure	Negative or Affirmative
Date of consideration by the Joint Committee on Statutory Instruments	Not known
Date of consideration by the House of Commons Statutory Instruments Committee	Not known
Date of consideration by the House of Lords Secondary Legislation Scrutiny Committee	Not known

Commentary

These Regulations are proposed to be made by the UK Government pursuant to section 8(1) of, and paragraph 21(b) of Schedule 7 to, the European Union (Withdrawal) Act 2018 (the Act).

These Regulations are made in order to address failures of retained direct EU legislation to operate effectively and other deficiencies arising from the withdrawal of the United Kingdom from the European Union.

Legal Advisers make the following comment in relation to the Welsh Government's statement dated 16 November 2018 regarding the effect of these Regulations. The final paragraph of the Welsh Government's statement states that:

“Consent has been given for the UK Government to make these corrections in relation to, and on behalf of, Wales for reasons of efficiency, expediency and due to the technical nature of the amendments. The

amendments have been considered fully; and there is no divergence in policy”.

The Explanatory Memorandum to the Regulations note that the Regulations make a policy change in respect of the recognition of certificates of competence for slaughterers. Paragraph 10.1 states as follows:

“...this instrument makes mainly technical amendments...it does not change the substantive policy with the exception of the proposal to no longer recognise EU27 certificates of competence for slaughterers...”

Paragraph 2.17 describes this change in more detail:

“2.17 ... As well as these technical changes to ensure operability of the regulation after exit, the instrument also introduces a policy change. Currently, certificates of competence, issued to slaughterers by other Member States, must be recognised in the UK. Certificates of competence are required by slaughterhouses in the EU to demonstrate that an individual has been trained and successfully assessed as DExEU/EM/7-2018.2 4 reaching a sufficient level of competence to undertake the animal handling, stunning and killing and related operations required of them. The amendments made to Article 21(4) of Council Regulation (EC) 1099/2009 removes this recognition requirement...”

Paragraph 2.18 of the UK Government’s Explanatory Memorandum, notes that there could be enforcement issues if certificates continued to be recognised:

“2.18 Continued recognition of certificates issued in other Member States would open up potential enforcement issues as we would be unable to suspend or revoke a certificate issued in another Member State in the event a slaughterer breached the requirements of the retained EU legislation or domestic legislation. The European Commission has already confirmed that certificates of competence issued in the UK will not be recognised in other Member States after the UK has left the EU.”

The Welsh Government’s statement does not explain how many people in Wales will be affected by this provision, nor the reasoning for deciding that it was appropriate for the UK Government to provide for this policy change in a UK statutory instrument.

The above summary and the content of the Explanatory Memorandum to these Regulations confirm their effect and the extent to which these Regulations would enact new policy in devolved areas.

Legal Advisers draw the Committee’s attention to the issue mentioned above (regarding the proposal to no longer recognise EU27 certificates of competence for slaughterers) in relation to paragraph 8 of the Memorandum on the European Union (Withdrawal) Bill and the Establishment of Common Frameworks. Paragraph 8 states that, in

respect of the powers in clauses 7, 8 and 9 of the Act, “the powers will not be used to enact new policy in devolved areas; the primary purpose of using such powers will be administrative efficiency”.
Legal Advisers have not identified any legal reason to seek a consent motion under Standing Order 30A.10 in relation to these Regulations.



Llywodraeth Cymru
Welsh Government

DATGANIAD YSGRIFENEDIG GAN LYWODRAETH CYMRU

TEITL Rheoliadau Iechyd Anifeiliaid Dyfrol a Rhywogaethau Estron
mewn Dyframaeth (Diwygio) (Ymadael â'r UE) 2018

DYDDIAD 19 Tachwedd 2018

GAN Julie James AC, Arweinydd y Tŷ a'r Prif Chwip

**Rheoliadau Iechyd Anifeiliaid Dyfrol a Rhywogaethau Estron mewn Dyframaeth
(Diwygio) (Ymadael â'r UE) 2018**

Cyfraith yr UE a ddargedwir sy'n cael ei diwygio

- Rheoliad y Comisiwn Rhif 1251/2008 sy'n gweithredu Cyfarwyddeb y Cyngor 2006/88 mewn perthynas ag amodau a gofynion ardystio ar gyfer rhoi ar y farchnad a mewnforio i'r Gymuned anifeiliaid dyframaeth a'u cynhyrchion ac â phennu rhywogaethau sy'n fectorau;
- Penderfyniad y Comisiwn 2008/392 sy'n gweithredu Cyfarwyddeb y Cyngor 2006/88/EC mewn perthynas â thudalen wybodaeth ar y Rhynggrwyd er mwyn trefnu bod gwybodaeth am fusnesau cynhyrchu ym maes dyframaeth a sefydliadau prosesu awdurdodedig ar gael drwy dulliau electronig;
- Penderfyniad y Comisiwn 2008/896 ar ganllawiau ar gyfer y cynlluniau cadw gwylidwriaeth sy'n seiliedig ar risg mewn perthynas ag iechyd anifeiliaid ac y darperir ar eu cyfer yng Nghyfarwyddeb y Cyngor 2006/88/EC;
- Penderfyniad y Comisiwn 2008/946 sy'n gweithredu Cyfarwyddeb y Cyngor 2006/88/EC mewn perthynas â'r gofynion ar gyfer cadw anifeiliaid dyframaeth mewn cwarantin;
- Penderfyniad y Comisiwn 2009/177 sy'n gweithredu Cyfarwyddeb y Cyngor 2006/88/EC mewn perthynas â rhaglenni gwylidwriaeth a rhaglenni dileu a statws diglefyd Aelod-wladwriaethau, parhtau a chompartmentau;
- Penderfyniad y Comisiwn 2010/221 sy'n cymeradwyo mesurau cenedlaethol ar gyfer cyfyngu ar effaith clefydau penodol mewn anifeiliaid dyframaeth ac anifeiliaid dyfrol gwyllt yn unol ag Erthygl 43 o Gyfarwyddeb y Cyngor 2006/88/EC;
- Penderfyniad y Comisiwn 2015/1554 sy'n pennu rheolau ar gyfer cymhwysu Cyfarwyddeb 2006/88/EC mewn perthynas â dulliau gwylidwriaeth a dulliau diagnostig;
- Rheoliad y Cyngor (EC) 708/2007 sy'n ymwneud â defnyddio rhywogaethau estron a rhywogaethau sy'n absennol yn lleol mewn dyframaeth, a

- Rheoliad y Comisiwn (EC) Rhif 535/2008 sy'n pennu rheolau manwl ar gyfer gweithredu Rheoliad y Cyngor (EC) Rhif 708/2007 sy'n ymwneud â defnyddio rhywogaethau estron a rhywogaethau sy'n absennol yn lleol mewn dyframaeth.

Unrhyw effaith y gall yr OS ei chael ar gymhwysedd deddfwriaethol y Cynulliad a/neu ar gymhwysedd gweithredol Gweinidogion Cymru

Mae'r OS o fewn cymhwysedd datganoledig, fodd bynnag, o dan yr amgylchiadau eithriadol hyn pan fo gofyn inni ystyried a chywiro nifer digyffelyb o ddarnau deddfwriaeth o fewn amserlen dynn gan ddefnyddio adnoddau cyfyngedig, egwyddor gyffredinol Llywodraeth Cymru yw ein bod yn gofyn i Lywodraeth y DU ddeddfu ar ein rhan ar gyfer nifer mawr o offerynnau statudol.

Mae darpariaeth yn yr OS hwn sy'n galluogi Gweinidogion Cymru i arfer swyddogaethau o ran Cymru yn ddilyffethair ac i Weinidogion Cymru roi cydsyniad i'r Ysgrifennydd Gwladol arfer swyddogaethau o ran Cymru.

Byddai swyddogaethau a drosglwyddir i'r Ysgrifennydd Gwladol â chydsyniad yn gyfystyr â swyddogaethau un o Weinidogion y Goron at ddibenion Atodlen 7B i Ddeddf Llywodraeth Cymru 2006. Mae'n bosibl, felly, fod hynny'n ystyriaeth berthnasol yng nghyd-destun cymhwysedd y Cynulliad i ddeddfu yn y meysydd hyn yn y dyfodol.

Diben y diwygiadau

Diben yr offerynnau hyn (y weithdrefn negyddol), i'w cyflwyno gan Adran yr Amgylchedd, Bwyd a Materion Gwledig (DEFRA), fydd sicrhau bod deddfwriaeth yr UE sy'n ymwneud ag iechyd anifeiliaid dyfrol a rhywogaethau estron a rhywogaethau sy'n absennol yn lleol mewn dyframaeth yn parhau i fod yn weithredadwy ar ôl i'r DU ymadael â'r UE. Ni fydd yr offerynnau hyn yn cyflwyno unrhyw newidiadau polisi.

Mae'r OSau a'r Memoranda Esboniadol cysylltiedig sy'n nodi effaith pob diwygiad i'w gweld yma: <https://www.gov.uk/eu-withdrawal-act-2018-statutory-instruments/the-aquatic-animal-health-and-alien-species-in-aquaculture-amendment-etc-eu-exit-regulations-2018>

Pam y rhoddwyd cydsyniad

Rhoddwyd cydsyniad i Lywodraeth y DU wneud y cywiriadau hyn o ran, ac ar ran, Cymru am resymau'n ymwneud ag effeithlonrwydd, hwylustod ac oherwydd natur dechnegol y diwygiadau. Mae'r diwygiadau wedi cael eu hystyried yn llawn; ac nid oes unrhyw wahaniaeth o ran polisi. Diben y diwygiadau hyn yw sicrhau bod y llyfr statud yn parhau i weithio ar ôl i'r DU ymadael â'r UE. Mae hyn yn unol â'r egwyddorion ar gyfer cywiro y cytunwyd arnynt ym mis Mai gan Is-bwyllgor y Cabinet ar Bontio Ewropeaidd.

**GWEINIDOGION Y DU YN GWEITHREDU MEWN MEYSYDD
DATGANOLEDIG**

**Rheoliadau Iechyd Anifeiliaid Dyfrol a Rhywogaethau Estron mewn
Dyframaethu (Diwygio etc.) (Ymadael â'r UE) 2018**

Dyddiad gosod yn Senedd y DU: 13 Hydref 2018

Sifftio

A fydd angen eu sifftio yn Senedd y DU?	Bydd
Gweithdrefn:	Negyddol arfaethedig
Dyddiad trafod gan Bwyllgor Offerynnau Statudol Ewropeaidd Tŷ'r Cyffredin	27 Tachwedd 2018
Dyddiad trafod gan Bwyllgor Craffu ar Is-ddeddfwriaeth Tŷ'r Arglwyddi	Yr wythnos yn dechrau 26 Tachwedd 2018
Y dyddiad y daw'r cyfnod sifftio i ben yn Senedd y DU	28 Tachwedd 2018
Datganiad ysgrifenedig o dan Reol Sefydlog 30C:	Papur 26
Memorandwm Cydsyniad Offeryn Statudol o dan Reol Sefydlog 30A (oherwydd ei fod yn diwygio deddfwriaeth sylfaenol)	Dim angen

Gweithdrefn graffu

Canlyniad y broses sifftio	Anhysbys
Y weithdrefn	Negyddol neu Gadarnhaol
Dyddiad trafod gan y Cyd-bwyllgor ar Offerynnau Statudol	Anhysbys
Dyddiad trafod gan Bwyllgor Offerynnau Statudol Tŷ'r Cyffredin	Anhysbys
Dyddiad trafod gan Bwyllgor Craffu ar Is-ddeddfwriaeth Tŷ'r Arglwyddi	Anhysbys

Sylwadau

Cynigir bod y Rheoliadau hyn yn cael eu gwneud gan Lywodraeth y DU yn unol ag adran 8(1) o, a pharagraff 21 o Atodlen 7 i, Ddeddf yr Undeb Ewropeaidd (Ymadael) 2018.

Mae'r Rheoliadau yn mynd i'r afael â 9 darn perthnasol uniongyrchol o ddeddfwriaeth yr UE. Mae'r rhain yn ymwneud â sefydlu fframwaith bioddiogelwch ledled yr UE ar gyfer afiechydon pysgod a physgod cregyn. Maent hefyd yn nodi proses ar gyfer symud rhywogaethau estron dyfrol. Maent yn disodli cyfeiriadau at System Rheoli ac Allforio Masnach yr UE (TRACES) gyda chyfeiriadau at system y DU ar gyfer hysbysiadau rheoli mewnforio. Caiff cyfeiriadau at symudiadau rhwng aelod-wladwriaethau'r UE eu newid i gyfeirio at symudiadau rhwng yr UE a'r DU. Mae rhestr o'r

afiechydon sy'n destun rheolaethau ledled yr UE wedi'u datgan eto. Yn olaf, mae rhai croesgyfeiriadau diffygiol wedi'u cywiro.

Mae Cynghorwyr Cyfreithiol yn cytuno â'r datganiad a osodwyd gan Lywodraeth Cymru dyddiedig 19 Tachwedd 2018 ynghylch effaith y Rheoliadau hyn.

Nid yw Cynghorwyr Cyfreithiol o'r farn bod unrhyw faterion sylweddol yn codi o dan baragraff 8 o'r Memorandwm ar Fil yr Undeb Ewropeaidd (Ymadael) a Sefydlu Fframweithiau Cyffredin mewn perthynas â'r Rheoliadau hyn.

Nid yw Cynghorwyr Cyfreithiol wedi nodi unrhyw reswm cyfreithiol i geisio am gynnig cydsyniad o dan Reol Sefydlog 30A.10 mewn perthynas â'r Rheoliadau hyn.

DATGANIAD YSGRIFENEDIG GAN LYWODRAETH CYMRU

TEITL	Rheoliadau Piblinellau, Petrolewm, Gwaith Trydan a Stocio Olew (Diwygiadau Amrywiol) (Ymadael â'r UE) 2018
DYDDIAD	20 Tachwedd 2018
GAN	Julie James AC, Arweinydd y Tŷ a'r Prif Chwip

Rheoliadau Piblinellau, Petrolewm, Gwaith Trydan a Stocio Olew (Diwygiadau Amrywiol) (Ymadael â'r UE) 2018

Mae Rheoliadau 2018 yn cynnwys nifer o ddarpariaethau o fewn meysydd lle y mae cymhwysedd wedi ei ddatganoli, boed yn rhannol neu'n llawn. Mae'r darpariaethau hyn yn diwygio'r deddfwriaeth ganlynol.

Deddfwriaeth Ddomestig

- Rheoliadau Cyfarwyddeb Trwyddedu Hydrocarbonau 1995;
- Rheoliadau Gosodiadau Hylosgi Alltraeth (Atal a Rheoli Llygredd) 2013;
- Rheoliadau Trwyddedu Petrolewm (Ceisiadau) 2015
- Rheoliadau Gwaith Trydan (Asesiadau o'r Effaith Amgylcheddol) (Cymru a Lloegr) 2017

Effaith yr Offeryn Statudol mewn perthynas â Chymru:

O safbwynt effaith yr Offeryn Statudol yng Nghymru, mae'n diwygio'r rheoliadau canlynol, a hynny i'r graddau y maent yn gysylltiedig â diwygiadau technolegol a materion yn ymwneud ag ymadael sy'n gysylltiedig â gweithgareddau penodol y sector ynni. Bydd yn mynd i'r afael â methiannau cyfraith yr UE sydd wedi'i dargadw i weithredu'n effeithiol a hefyd â diffygion eraill sy'n deillio o'r ffaith bod y DU yn ymadael â'r Undeb Ewropeaidd.

Unrhyw effaith y gall yr OS ei chael ar gymhwysedd deddfwriaethol y Cynulliad a/neu gymhwysedd gweithredol Gweinidogion Cymru

Mae'r OSau (pan fônt yn berthnasol i Gymru) o fewn cymhwysedd deddfwriaethol, fodd bynnag, o dan yr amgylchiadau eithriadol hyn pan fo gofyn inni ystyried a chywiro nifer digyffelyb o ddarnau deddfwriaeth o fewn amserlen dynn gan ddefnyddio adnoddau

cyfyngedig, egwyddor gyffredinol Llywodraeth Cymru yw ein bod yn gofyn i Lywodraeth y DU ddeddfu ar ein rhan ar gyfer nifer mawr o offerynnau statudol.

Diben y diwygiadau

Bydd Deddf Ymadael â'r Undeb Ewropeaidd 2018 yn ei gwneud hi'n bosibl i ddeddfwriaeth sy'n deillio o'r UE gael ei diwygio er mwyn sicrhau ei bod yn gweithredu'n briodol ac yn effeithiol ar ôl i'r DU ymadael â'r UE.

Mae'r diwygiadau hyn yn mynd i'r afael â diffygion sy'n deillio o'r ffaith bod y DU yn ymadael â'r UE. Mae'r offeryn hwn yn diwygio darpariaethau a fydd, er enghraifft, yn amhriodol neu'n ddiangen.

Heb ddiwygio cyfraith berthnasol yr UE ni fyddai'n gweithredu'n briodol ar ôl i'r DU ymadael, a hynny i'r graddau na fyddai'r pwerau i gynnal swyddogaethau statudol yn gwbl sicr.

Mae'r offeryn hwn yn diwygio'r ddeddfwriaeth berthnasol er mwyn sicrhau bod camau diogelu a fframweithiau rheoleiddio presennol yn cael eu cynnal a'u bod yn parhau i weithredu yn yr un modd ar ôl i'r DU ymadael â'r UE.

Mae'r OSau a'r Memoranda Esboniadol sy'n cyd-fynd â nhw, ac sy'n nodi effaith pob un o'r diwygiadau, ar gael yma:

<https://www.gov.uk/eu-withdrawal-act-2018-statutory-instruments>

Pam y rhoddwyd cydsyniad

Rhoddwyd cydsyniad i Lywodraeth y DU wneud y cywiriadau hyn o ran ac ar ran Cymru, am resymau'n ymwneud ag effeithlonrwydd, hwylustod ac oherwydd natur dechnegol y diwygiadau. Mae'r diwygiadau wedi cael eu hystyried yn llawn; ac nid oes unrhyw wahaniaeth o ran polisi. Diben y diwygiadau hyn yw sicrhau bod y llyfr statud yn parhau i weithio ar ôl i'r DU ymadael â'r UE. Mae hyn yn unol â'r egwyddorion ar gyfer cywiro y cytunwyd arnynt ym mis Mai gan Is-bwyllgor y Cabinet ar Bontio Ewropeaidd.

UK MINISTERS ACTING IN DEVOLVED AREAS

The Pipe-Lines, Petroleum, Electricity Works and Oil Stocking (Miscellaneous Amendments) (EU Exit) Regulations 2018

Laid in the UK Parliament: 15 November 2018

Sifting

Subject to sifting in UK Parliament?	Yes
Procedure:	Proposed negative
Date of consideration by the House of Commons European Statutory Instruments Committee	27 November 2018
Date of consideration by the House of Lords Secondary Legislation Scrutiny Committee	W/C 26 November 2018
Date sifting period ends in UK Parliament	3 December 2018
Written statement under SO 30C:	Paper 28
SICM under SO 30A (because amends primary legislation)	Not required

Scrutiny procedure

Outcome of sifting	Not known
Procedure	Negative or Affirmative
Date of consideration by the Joint Committee on Statutory Instruments	Not known
Date of consideration by the House of Commons Statutory Instruments Committee	Not known
Date of consideration by the House of Lords Secondary Legislation Scrutiny Committee	Not known

Commentary

These Regulations are proposed to be made by the UK Government pursuant to section 8 (1) of the European Union (Withdrawal) Act 2018.

These Regulations make amendments to legislation in the fields of hydrocarbon licensing, oil stocking and the assessment of environmental effects for electricity work, pipe-lines and oil and gas projects.

Legal Advisers agree with the statement laid by the Welsh Government dated 20 November regarding the effect of these Regulations.

The above summary and the content of the Explanatory Memorandum to these Regulations confirm their effect and the extent to which these Regulations would enact new policy in devolved areas.

Legal Advisers do not consider that any significant issues arise under paragraph 8 of the Memorandum on the European Union (Withdrawal)

Bill and the Establishment of Common Frameworks in relation to these Regulations.

Legal Advisers have not identified any legal reason to seek a consent motion under Standing Order 30A.10 in relation to these Regulations.



Llywodraeth Cymru
Welsh Government

DATGANIAD YSGRIFENEDIG GAN LYWODRAETH CYMRU

TEITL	Rheoliadau Organeddau a Addaswyd yn Enetig (Diwygio) (Ymadael â'r UE) 2018
DYDDIAD	20 Tachwedd 2018
GAN	Julie James AC, Arweinydd y Tŷ a'r Prif Chwip

Rheoliadau Organeddau a Addaswyd yn Enetig (Diwygio) (Ymadael â'r UE) 2018

Cyfraith [yr UE a ddargedwir] sy'n cael ei diwygio

Deddfwriaeth wedi'i diwygio gan Rheoliadau Organeddau a Addaswyd yn Enetig (Diwygio) (Ymadael â'r UE) 2018

Rheoliadau Organeddau a Addaswyd yn Enetig (Asesu Risg) (Cofnodion ac Esemptiadau) 1996

Rheoliad (EC) Rhif 1946/2003 ar symudiadau trawsffiniol organeddau a addaswyd yn enetig

Rheoliad (EC) Rhif 1830/2003 ar y gallu i olrhain organeddau a addaswyd yn enetig a'u labelu a hefyd ar y gallu i olrhain cynhyrchion bwyd a phorthiant a gynhyrchir o organeddau a addaswyd yn enetig

Rheoliad y Comisiwn (EC) Rhif 65/2004 yn sefydlu system neu ddatblygu a neilltuo rifau adnabod unigryw ar gyfer organeddau a addaswyd yn enetig

Penderfyniad y Comisiwn 94/730/EC yn sefydlu gweithdrefnau mwy syml ar gyfer rhyddhau'n fwriadol i'r amgylchedd blanhigion a addaswyd yn enetig

Penderfyniad y Cyngor 2002/812/EC yn sefydlu diwyg yr wybodaeth gryno ar gyfer rhoi ar y farchnad organeddau a addaswyd yn enetig fel cynhyrchion neu o fewn cynhyrchion

Penderfyniad y Cyngor 2002/813/EC yn sefydlu diwyg yr wybodaeth hysbysu gryno ar gyfer hysbysiadau ynghylch rhyddhau'n fwriadol i'r amgylchedd organeddau a addaswyd yn enetig at ddibenion heblaw am farchnata

Penderfyniad y Comisiwn 2003/701/EC yn sefydlu diwyg ar gyfer cyflwyno canlyniadau rhyddhau'n fwriadol i'r amgylchedd blanhigion uwch a addaswyd yn enetig at ddibenion heblaw am eu rhoi ar y farchnad

Penderfyniad y Comisiwn 2009/770/EC yn sefydlu diwyg adrodd safonol ar gyfer cyflwyno canlyniadau monitro rhyddhau'n fwriadol i'r amgylchedd organeddau a addaswyd yn enetig, fel cynhyrchion neu mewn cynhyrchion, at ddiben rhoi ar y farchnad.

Penderfyniad Gweithredu'r Comisiwn (EU) 2016/321 yn addasu cwmpas daearyddol yr awdurdodiad ar gyfer trin indrawn a addaswyd yn enetig (*Zea mays* L.) MON- 00810-6.

Unrhyw effaith y gall yr OS ei chael ar gymhwysedd deddfwriaethol y Cynulliad a/neu gymhwysedd gweithredol Gweinidogion Cymru

Mae rheoli organebau a addaswyd yn enetig yn swyddogaeth ddatganoledig.

Diben y diwygiadau

Diben yr OS hwn (y weithdrefn negyddol) yw cywiro deddfwriaeth a ddargedwir sy'n uniongyrchol berthnasol i'r UE a Rheoliadau Organeddau a Addaswyd yn Enetig (Asesu Risg) (Cofnodion ac Esemptiadau) 1996, gan eu bod wedi'u llunio cyn dyddiad datganoli a'u bod yn berthnasol i Brydain Fawr. Byddai'r diwygiadau'n sicrhau bod modd i organeddau wedi'u haddasu'n enetig barhau i gael eu hawdurdodi, eu marchnata a'u trin. Deddfwriaeth gyffredinol yr UE yn yr achos yw Cyfarwyddeb yr UE 2001/18 ar ryddhau'n fwriadol i'r amgylchedd organeddau a addaswyd yn enetig.

Mae'r OSau a'r Memoranda Esboniadol sy'n cyd-fynd â nhw, ac sy'n nodi effaith pob un o'r diwygiadau, ar gael yma: <https://www.gov.uk/eu-withdrawal-act-2018-statutory-instruments>

Pam y rhoddwyd cydsyniad

Rhoddwyd cydsyniad i Lywodraeth y DU wneud y cywiriadau hyn o ran ac ar ran Cymru, am resymau'n ymwneud ag effeithlonrwydd, hwylustod ac oherwydd natur dechnegol y diwygiadau. Mae'r diwygiadau wedi cael eu hystyried yn llawn; ac nid oes unrhyw wahaniaeth o ran polisi. Diben y diwygiadau hyn yw sicrhau bod y llyfr statud yn parhau i weithio ar ôl i'r DU ymadael â'r UE. Mae hyn yn unol â'r egwyddorion ar gyfer cywiro y cytunwyd arnynt ym mis Mai gan Is-bwyllgor y Cabinet ar Bontio Ewropeaidd.

UK MINISTERS ACTING IN DEVOLVED AREAS

Nagoya Protocol (Compliance) (EU Exit) Regulations 2018

Laid in the UK Parliament: 15 November 2018

Sifting

Subject to sifting in UK Parliament?	Yes
Procedure:	Proposed negative
Date of consideration by the House of Commons European Statutory Instruments Committee	27 November 2018
Date of consideration by the House of Lords Secondary Legislation Scrutiny Committee	W/C 26 November 2018
Date sifting period ends in UK Parliament	3 December 2018
Written statement under SO 30C:	Paper 30
SICM under SO 30A (because amends primary legislation)	Not required

Scrutiny procedure

Outcome of sifting	Not known
Procedure	Negative or Affirmative
Date of consideration by the Joint Committee on Statutory Instruments	Not known
Date of consideration by the House of Commons Statutory Instruments Committee	Not known
Date of consideration by the House of Lords Secondary Legislation Scrutiny Committee	Not known

Commentary

These Regulations are proposed to be made by the UK Government under section 8(1) of, and paragraph 21(b) of Schedule 7 to, the European Union (Withdrawal) Act 2018.

The purpose of these Regulations is to ensure that regulations in the UK which implement the Nagoya Protocol on access to genetic resources and the fair and equitable sharing of benefits arising from their utilisation, will continue to be operable after the UK leaves the EU.

The UK is a party to the Nagoya Protocol in its own right and will continue to be bound by the obligations of the Protocol after the UK leaves the European Union. These Regulations ensure continued compliance with the Protocol after exit.

The current regime (which covers both devolved and non-devolved matters) is applied uniformly across the UK by the UK Government. These Regulations provide that a uniform UK-wide approach will continue after exit.

Legal Advisers agree with the statement laid by the Welsh Government dated 20 November 2018 regarding the effect of these Regulations.

The above summary and the content of the Explanatory Memorandum to these Regulations confirm their effect and the extent to which these Regulations would enact new policy in devolved areas.

Legal Advisers do not consider that any significant issues arise under paragraph 8 of the Memorandum on the European Union (Withdrawal) Bill and the Establishment of Common Frameworks in relation to these Regulations.

Legal Advisers have not identified any legal reason to seek a consent motion under Standing Order 30A.10 in relation to these Regulations.

DATGANIAD YSGRIFENEDIG GAN LYWODRAETH CYMRU

TEITL	Rheoliadau Organeddau a Addaswyd yn Enetig (Diwygio) (Ymadael â'r UE) 2018
DYDDIAD	20 Tachwedd 2018
GAN	Julie James AC, Arweinydd y Tŷ a'r Prif Chwip

Rheoliadau Organeddau a Addaswyd yn Enetig (Diwygio) (Ymadael â'r UE) 2018

Cyfraith [yr UE a ddargedwir] sy'n cael ei diwygio

Deddfwriaeth wedi'i diwygio gan Rheoliadau Organeddau a Addaswyd yn Enetig (Diwygio) (Ymadael â'r UE) 2018

Rheoliadau Organeddau a Addaswyd yn Enetig (Asesu Risg) (Cofnodion ac Esemptiadau) 1996

Rheoliad (EC) Rhif 1946/2003 ar symudiadau trawsffiniol organeddau a addaswyd yn enetig

Rheoliad (EC) Rhif 1830/2003 ar y gallu i olrhain organeddau a addaswyd yn enetig a'u labelu a hefyd ar y gallu i olrhain cynhyrchion bwyd a phorthiant a gynhyrchir o organeddau a addaswyd yn enetig

Rheoliad y Comisiwn (EC) Rhif 65/2004 yn sefydlu system neu ddatblygu a neilltuo rifau adnabod unigryw ar gyfer organeddau a addaswyd yn enetig

Penderfyniad y Comisiwn 94/730/EC yn sefydlu gweithdrefnau mwy syml ar gyfer rhyddhau'n fwriadol i'r amgylchedd blanhigion a addaswyd yn enetig

Penderfyniad y Cyngor 2002/812/EC yn sefydlu diwyg yr wybodaeth gryno ar gyfer rhoi ar y farchnad organeddau a addaswyd yn enetig fel cynhyrchion neu o fewn cynhyrchion

Penderfyniad y Cyngor 2002/813/EC yn sefydlu diwyg yr wybodaeth hysbysu gryno ar gyfer hysbysiadau ynghylch rhyddhau'n fwriadol i'r amgylchedd organeddau a addaswyd yn enetig at ddibenion heblaw am farchnata

Penderfyniad y Comisiwn 2003/701/EC yn sefydlu diwyg ar gyfer cyflwyno canlyniadau rhyddhau'n fwriadol i'r amgylchedd blanhigion uwch a addaswyd yn enetig at ddibenion heblaw am eu rhoi ar y farchnad

Penderfyniad y Comisiwn 2009/770/EC yn sefydlu diwyg adrodd safonol ar gyfer cyflwyno canlyniadau monitro rhyddhau'n fwriadol i'r amgylchedd organeddau a addaswyd yn enetig, fel cynhyrchion neu mewn cynhyrchion, at ddiben rhoi ar y farchnad.

Penderfyniad Gweithredu'r Comisiwn (EU) 2016/321 yn addasu cwmpas daearyddol yr awdurdodiad ar gyfer trin indrawn a addaswyd yn enetig (*Zea mays* L.) MON- 00810-6.

Unrhyw effaith y gall yr OS ei chael ar gymhwysedd deddfwriaethol y Cynulliad a/neu gymhwysedd gweithredol Gweinidogion Cymru

Mae rheoli organebau a addaswyd yn enetig yn swyddogaeth ddatganoledig.

Diben y diwygiadau

Diben yr OS hwn (y weithdrefn negyddol) yw cywiro deddfwriaeth a ddargedwir sy'n uniongyrchol berthnasol i'r UE a Rheoliadau Organeddau a Addaswyd yn Enetig (Asesu Risg) (Cofnodion ac Esemptiadau) 1996, gan eu bod wedi'u llunio cyn dyddiad datganoli a'u bod yn berthnasol i Brydain Fawr. Byddai'r diwygiadau'n sicrhau bod modd i organeddau wedi'u haddasu'n enetig barhau i gael eu hawdurdodi, eu marchnata a'u trin. Deddfwriaeth gyffredinol yr UE yn yr achos yw Cyfarwyddeb yr UE 2001/18 ar ryddhau'n fwriadol i'r amgylchedd organeddau a addaswyd yn enetig.

Mae'r OSau a'r Memoranda Esboniadol sy'n cyd-fynd â nhw, ac sy'n nodi effaith pob un o'r diwygiadau, ar gael yma: <https://www.gov.uk/eu-withdrawal-act-2018-statutory-instruments>

Pam y rhoddwyd cydsyniad

Rhoddwyd cydsyniad i Lywodraeth y DU wneud y cywiriadau hyn o ran ac ar ran Cymru, am resymau'n ymwneud ag effeithlonrwydd, hwylustod ac oherwydd natur dechnegol y diwygiadau. Mae'r diwygiadau wedi cael eu hystyried yn llawn; ac nid oes unrhyw wahaniaeth o ran polisi. Diben y diwygiadau hyn yw sicrhau bod y llyfr statud yn parhau i weithio ar ôl i'r DU ymadael â'r UE. Mae hyn yn unol â'r egwyddorion ar gyfer cywiro y cytunwyd arnynt ym mis Mai gan Is-bwyllgor y Cabinet ar Bontio Ewropeaidd.

UK MINISTERS ACTING IN DEVOLVED AREAS

The Genetically Modified Organisms (Amendment) (EU Exit) Regulations 2018

Laid in the UK Parliament: 15 November 2018

Sifting

Subject to sifting in UK Parliament?	Yes
Procedure:	Proposed negative
Date of consideration by the House of Commons European Statutory Instruments Committee	27 November 2018
Date of consideration by the House of Lords Secondary Legislation Scrutiny Committee	W/C 26 November 2018
Date sifting period ends in UK Parliament	3 December 2018
Written statement under SO 30C:	Paper 32
SICM under SO 30A (because amends primary legislation)	Not required

Scrutiny procedure

Outcome of sifting	Not known
Procedure	Negative or Affirmative
Date of consideration by the Joint Committee on Statutory Instruments	Not known
Date of consideration by the House of Commons Statutory Instruments Committee	Not known
Date of consideration by the House of Lords Secondary Legislation Scrutiny Committee	Not known

Commentary

These Regulations are proposed to be made by the UK Government pursuant to section 2(2) of the European Communities Act 1972 and section 8(1) of, and paragraph 21(b) of Schedule 7 to, the European Union (Withdrawal) Act 2018.

The purpose of this SI (negative procedure) is to correct retained, directly-applicable EU legislation and the Genetically Modified Organisms (Risk Assessment) (Records and Exemptions) Regulations 1996, as the latter pre-date devolution and applies to Great Britain. The amendments would ensure on day-one exit GMOs could continue to be authorised, marketed and cultivated. The overarching EU legislation in the case is the 2001/18 EU.

Legal Advisers agree with the statement laid by the Welsh Government dated 20 November 2018 regarding the effect of these Regulations.

The above summary and the content of the Explanatory Memorandum to these Regulations confirm their effect and the extent to which these Regulations would enact new policy in devolved areas.

Legal Advisers do not consider that any significant issues arise under paragraph 8 of the Memorandum on the European Union (Withdrawal) Bill and the Establishment of Common Frameworks in relation to these Regulations.

Legal Advisers have not identified any legal reason to seek a consent motion under Standing Order 30A.10 in relation to these Regulations.

Mark Drakeford AC/AM
Ysgrifennydd y Cabinet dros Gyllid
Cabinet Secretary for Finance



Llywodraeth Cymru
Welsh Government

Ein cyf/Our ref MA-L/MD/0670/18

20 Tachwedd 2018

Annwyl gyfaill,

Fel y gwyddoch, mae'n fwiad gen i roi prawf ar fecanwaith Deddf Cymru 2014 drwy geisio cael datganoli'r cymhwysedd ar gyfer treth ar dir gwag. Cyn proses ddiwygiedig Rheol Sefydlog 27 ar gyfer craffu ar Orchmynion adran 116C, mae Llywodraeth Cymru wedi ymrwmo i roi gwybod i'r Cynulliad am hynt y gwaith.

Mae fy swyddogion yn dechrau ar drafodaethau gyda swyddogion Llywodraeth y DU ar Orchymyn Cyfrin Gyngor drafft i roi effaith gyfreithiol i'r trosglwyddo cymhwysedd. Unwaith y bydd y trafodaethau hyn wedi cyrraedd cyfarfod o Gyd-bwyllgor y Trysorlysoedd, byddaf yn rhoi gwybod ichi beth yw'r sefyllfa ddiweddaraf yn unol â'm haddewid.

Cofion gorau,

Mark Drakeford AC/AM
Ysgrifennydd y Cabinet dros Gyllid
Cabinet Secretary for Finance



Llywodraeth Cymru
Welsh Government

Mike Hedges AC
Cadeirydd
Y Pwyllgor Newid yn yr Hinsawdd, Materion Gwledig a'r Amgylchedd
Cynulliad Cenedlaethol Cymru

21 Tachwedd 2018

Annwyl Mike

Diolch ichi am eich llythyr dyddiedig 9 Tachwedd yn gofyn am eglurhad pellach yn dilyn fy mhresenoldeb yn sesiwn y Pwyllgor ar adroddiad cyllideb ddrafft Llywodraeth Cymru 2019-20 a gynhaliwyd ar 8 Tachwedd.

Derbyniwch fy ymddiheuriadau am oedi ychydig cyn ymateb. Roedd angen gorffen trafod gyda DEFRA ynghylch rhai o'r ymholiadau a godwyd gennych am Fil Amaethyddiaeth y DU.

Ystyried Rheoliadau Newid yn yr Hinsawdd (Cyllidebau Carbon) (Cymru) 2018

Rwyf wedi nodi eich bwriad i adrodd ar y rheoliadau, yn unol â Rheol Sefydlog 27.8.

Cynllun Cyflawni Carbon Isef

Bydd copi o'r Cynllun Cyflawni ar gael i'r Pwyllgor yn ystod yr wythnos sy'n dechrau ar 18 Mawrth 2019.

Bil Amaethyddiaeth y DU

Rwy'n hyderus nad yw'r Bil yn llesteirio polisi yn y dyfodol. Mae darpariaethau Cymru yn y Bil yn rhoi pwerau galluogi eang sy'n caniatáu hyblygrwydd i ystod eang o gynlluniau talu posibl gael eu cynllunio a'u gweithredu yn dibynnu ar natur ymadawriad y DU o'r UE a chanlyniad yr ymgynghoriad 'Brexit a'n Tir'.

Mae angen cymryd y pwerau eang hyn yn awr fel y gall y Llywodraeth ymateb yn briodol unwaith y gwneir penderfyniadau. Fel yr amlinellais yn fy llythyr ar 30 Hydref, hoffwn sicrhau'r Pwyllgor na fydd penderfyniadau polisi yn cael eu gwneud cyn ymgynghori ymhellach a bydd angen i ddeddfwriaeth eilaidd ar wahân ddod i rym, gan roi cyfle i'r

Bae Caerdydd • Cardiff Bay
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CF99 1NA

Canolfan Cyswllt Cyntaf / First Point of Contact Centre:
0300 0604400

Gohebiaeth.Lesley.Griffiths@llyw.cymru
Correspondence.Lesley.Griffiths@gov.wales

Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

Cynulliad graffu'n iawn. Rwyf hefyd yn cadarnhau fy mwriad i gyflwyno Bil Amaethyddiaeth (Cymru) i'r Cynulliad unwaith y gwneir penderfyniadau ar bolisi yn y dyfodol.

Os bydd y DU yn gadael yr UE heb gytundeb Brexit, bydd rheoliadau newydd yn cywiro diffygion yn rheoliadau'r UE (gan gynnwys rheoliad Taliadau Uniongyrchol y Polisi Amaethyddol Cyffredin (CAP) ar gyfer blwyddyn y cynllun 2020) yn dod i rym ar 29 Mawrth 2019 o dan Ddeddf Ymadael y DU. Yn y senario hon, byddai'r rheoliad Taliadau Uniongyrchol yn gymwys tan y flwyddyn hawlio 2020 yn unig. Felly, mae'r ddarpariaeth i ganiatáu gwneud Taliadau Uniongyrchol y tu hwnt i 2020 yn cael ei chymryd o dan Fil Amaethyddiaeth y DU.

Pe bai cytundeb ar Gyfnod Gweithredu yn rhedeg hyd at 31 Rhagfyr 2020, byddai rheoliadau'r UE yn parhau i fod yn gymwys tan y dyddiad hwnnw, ac eithrio rheoliad Taliadau Uniongyrchol PAC nad yw wedi'i gynnwys yn y Cytundeb Ymadael drafft ar gyfer blwyddyn y cynllun 2020. Fel y'i drafftwyd ar hyn o bryd, nid yw'r Bil Amaethyddiaeth yn cynnwys pwerau i wneud Taliadau Uniongyrchol yn 2020 yn y senario hon. Ni ellir cyflwyno'r mecanwaith deddfwriaethol i ddatrys hyn nes bod y Senedd wedi cael pleidlais ystyrion ar y Cytundeb Ymadael terfynol. Os ceir cytundeb, disgwyliwn i'r ddarpariaeth barhau i wneud Taliadau Uniongyrchol ym mlwyddyn hawlio 2020 i'w cymryd o dan ddeddfwriaeth y DU.

Fel yr ydych yn cydnabod, roeddwn yn glir iawn i'r Pwyllgor Materion Cyfansoddiadol a Deddfwriaethol fod mater rheolau Sefydliad Masnach y Byd yn llinell goch i Lywodraeth Cymru ac ni fyddwn yn gallu argymhell bod y Cynulliad yn rhoi ei gydsyniad i'r Bil hyd nes y byddai hyn wedi ei ddatrys. Rwyf wedi cael trafodaethau cadarnhaol diweddar gyda'r Ysgrifennydd Gwladol ac mae swyddogion hefyd yn gwneud cynnydd da wrth ddod o hyd i ateb. Efallai na fydd angen diwygio'r Bil i gyflawni hyn a gallai fod yn bosibl dod i ganlyniad boddhaol trwy gytundeb rhwng llywodraethau ynghylch sut y dylai'r ddarpariaeth bresennol weithredu. Rwy'n gobeithio y bydd ein dwy lywodraeth yn dod i gytundeb ac y byddaf yn gallu argymhell bod y Cynulliad yn rhoi ei gydsyniad maes o law.

Bil Pysgodfeydd y DU

Mae Rheol Sefydlog 29 yn ei gwneud yn ofynnol i Lywodraeth Cymru lunio memorandwm cydsyniad deddfwriaethol fel rheol o fewn pythefnos i gyflwyno'r Bil ac rydym bob amser yn ceisio cydymffurfio â'r dyddiad cau hwnnw. Nid yw hyn wedi bod yn bosibl mewn ambell achos diweddar, ond mae'n rhaid inni gydnabod bod gan y Bil Pysgodfeydd faterion cydsynio sylweddol i'w hystyried, am ei fod yn Fil y DU sy'n delio â goblygiadau Brexit ar gyfer sectorau pwysig y mae cyfrifoldeb amdanynt wedi'i ddatganoli. O ganlyniad, mae wedi cymryd mwy o amser nag arfer i osod y memorandwm a osodwyd ar 15 Tachwedd. O ran materion cydsyniad y Cynulliad o'r fath, mae Llywodraeth Cymru yn awyddus i gael digon o amser craffu ar gyfer y Pwyllgorau.

Cofion,



Lesley Griffiths AC/AM

Ysgrifennydd y Cabinet dros Ynni, Cynllunio a Materion Gwledig

Eitem 8

Yn rhinwedd paragraff(au) vi o Reol Sefydlog 17.42

Mae cyfyngiadau ar y ddogfen hon

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