HYSBYSIAD YNGHYLCH GWELLIANNAU
NOTICE OF AMENDMENTS

Cyflwynwyd ar 20 Mawrth 2018
Tabled on 20 March 2018

Bil Cyfraith sy'n Deillio o'r Undeb Ewropeaidd (Cymru)
Law Derived from the European Union (Wales) Bill

David Melding **1**

Section 18, page 15, line 13, after 'regulations', insert ', with the exception of regulations made under section [*section to be inserted by amendment* 2]'.

Adran 18, tudalen 15, llinell 13, ar ôl 'rheoliadau', mewnosoder ', ac eithrio rheoliadau a wneir o dan adran [*yr adran sy'n cael ei mewnosod gan welliant* 2]'.

David Melding **2**

Page 18, after line 14, insert a new section—

'[ ] **Repeal of this Act**

(1) The Welsh Ministers may by regulations repeal this Act or any provision of this Act.

(2) No regulations are to be made under subsection (1) unless a draft of the statutory instrument containing them has been laid before, and approved by a resolution of, the Assembly. '.

Tudalen 18, ar ôl llinell 14, mewnosoder adran newydd—

'[ ] **Diddymu'r Ddeddf hon**

(1) Caiff Gweinidogion Cymru drwy reoliadau ddiddymu'r Ddeddf hon neu unrhyw ddarpariaeth o'r Ddeddf hon.

(2) Ni chaniateir gwneud rheoliadau o dan is-adran (1) oni bai bod drafft o'r offeryn statudol sy'n eu cynnwys wedi cael ei osod gerbron y Cynulliad, a'i gymeradwyo ganddo drwy benderfyniad.'.

Cynulliad Cenedlaethol Cymru
National Assembly for Wales

Julie James **3**

Page 14, after line 21, insert a new section—

'[ ] Duty to report on exercise of functions under sections 14(1) and 15(1)

(1) The Welsh Ministers must lay before the National Assembly for Wales a report on the exercise of their consent function under section 14(1) or 15(1) before the end of a period of 60 days beginning with the day on which consent is given.

(2) A report prepared under subsection (1) must—

(a) give an explanation of the subordinate legislation being made, approved or confirmed;

(b) specify the person upon whom the functions of making, approving or confirming the legislation have been conferred;

(c) specify the Welsh Ministers' reasons for giving the consent.

(3) For the purposes of subsection (1), no account is to be taken of any time during which the National Assembly for Wales is dissolved or in recess for more than four days.'.

Tudalen 14, ar ôl llinell 22, mewnosoder adran newydd—

'[ ] Dyletswydd i adrodd ar arfer swyddogaethau o dan adrannau 14(1) a 15(1)

(1) Rhaid i Weinidogion Cymru osod gerbron Cynulliad Cenedlaethol Cymru adroddiad ar arfer eu swyddogaeth cydsyniad o dan adran 14(1) neu 15(1) cyn diwedd cyfnod o 60 o ddiwrnodau sy'n dechrau â'r diwrnod y rhoddir cydsyniad.

(2) Rhaid i adroddiad a lunnir o dan is-adran (1)—

(a) rhoi esboniad o'r is-ddeddfwriaeth sy'n cael ei gwneud, ei chymeradwyo neu ei chadarnhau;

(b) pennu'r person y mae'r swyddogaethau o wneud, cymeradwyo neu gadarnhau'r ddeddfwriaeth wedi eu rhoi iddo;

(c) pennu rhesymau Gweinidogion Cymru dros roi'r cydsyniad.

(3) At ddibenion is-adran (1), nid oes unrhyw ystyriaeth i'w rhoi i unrhyw amser pan yw Cynulliad Cenedlaethol Cymru wedi ei ddiddymu neu ar doriad am fwy na phedwar diwrnod.'.

Julie James **4**

Page 18, after line 14, insert a new section—

'[ ] Repeal of this Act

The Welsh Ministers may by regulations repeal this Act or any provision of this Act.'.

Tudalen 18, ar ôl llinell 14, mewnosoder adran newydd—

'[ ] **Diddymu'r Ddeddf hon**

Caiff Gweinidogion Cymru drwy reoliadau ddiddymu'r Ddeddf hon neu unrhyw ddarpariaeth o'r Ddeddf hon.'.

Julie James **5**

Schedule 2, page 21, line 13, leave out 'or section 12' and insert ', section 12 or section [*section to be inserted by amendment 4*]'.

Atodlen 2, tudalen 21, llinell 14, hepgorer 'neu adran 12' a mewnosoder ', adran 12 neu adran [*yr adran sy'n cael ei mewnosod gan welliant 4*]'.

Julie James **6**

Schedule 2, page 21, line 28, after '12', insert 'or section [*section to be inserted by amendment 4*]'.

Atodlen 2, tudalen 21, llinell 29, ar ôl '12', mewnosoder 'neu adran [*yr adran sy'n cael ei mewnosod gan welliant 4*]'.

Julie James **7**

Schedule 2, page 23, line 29, after '11', insert ', section 12'.

Atodlen 2, tudalen 23, llinell 34, ar ôl '11', mewnosoder ', adran 12'.

Julie James **8**

Schedule 2, page 23, line 29, after '11', insert 'and section [*section to be inserted by amendment 4*]'.

Atodlen 2, tudalen 23, llinell 34, ar ôl '11', mewnosoder 'ac adran [*yr adran sy'n cael ei mewnosod gan welliant 4*]'.

Simon Thomas **9**

Page 7, after line 21, insert a new section—

'Environmental principles and governance

[ ] **Regulations: continuance of EU law environmental principles and governance**

(1) In exercising, in relation to the environment, any functions conferred or imposed on them in or under this Act, the Welsh Ministers, and any other person on whom functions are so conferred or imposed , must have regard to—

(a) the environmental principles set out in subsection (2); and

(b) the desirability of ensuring the continuance of environmental governance.

(2) The environmental principles referred to in subsection (1) are—

(a) the principle that the level of protection accorded to the environment is to be high;

(b) the principle that where potential damage to the environment has been identified but the risk cannot be determined with sufficient certainty, a precautionary approach is to be taken with the aim of avoiding or preventing that damage;

(c) the principle that damage to the environment is to be avoided or prevented wherever possible, rather than being rectified;

(d) the principle that, where rectification is necessary, it should be effected at source;

(e) the principle that the person responsible for causing damage or potential damage to the environment should be responsible for the cost of avoidance, prevention or rectification;

(f) the principle that, in meeting the needs of the present, the ability of future generations to meet their own needs is not to be compromised.

(3) For the avoidance of doubt, the duty imposed by subsection (1) is in addition to, and without prejudice to, the duties placed on the Welsh Ministers by section 3(1) and (2), section 4(2) and section 5(5)(a).

(4) For the purposes of this section, "environmental governance" means the functions carried out before exit day by the EU Commission and European Court of Justice and other EU bodies or agencies in ensuring compliance with environmental law and principles and the application of the environmental principles to public authorities.'.

Tudalen 7, ar ôl llinell 21, mewnosoder adran newydd—

'Egwyddorion a llywodraethu amgylcheddol

[ ] Rheoliadau: parhad egwyddorion a llywodraethu amgylcheddol cyfraith yr UE

(1) Wrth arfer, mewn perthynas â'r amgylchedd, unrhyw swyddogaethau a roddir iddynt neu a osodir arnynt yn neu o dan y Ddeddf hon, rhaid i Weinidogion Cymru, ac unrhyw berson arall y rhoddir swyddogaethau iddo neu y'u gosodir arno yn y fath fodd, roi sylw i'r canlynol—

(a) yr egwyddorion amgylcheddol a nodir yn is-adran (2); a

(b) dymunoldeb sicrhau parhad llywodraethu amgylcheddol.

(2) Yr egwyddorion amgylcheddol y cyfeirir atynt yn is-adran (1) yw —

(a) yr egwyddor bod lefel y diogelwch a roddir i'r amgylchedd yn uchel;

(b) yr egwyddor, lle y nodwyd difrod posibl i'r amgylchedd ond na ellir canfod y risg â digon o sicrwydd, fod dull rhagofalus i'w fabwysiadu gyda'r nod o osgoi neu atal y difrod hwnnw;

(c) yr egwyddor bod difrod i'r amgylchedd i'w osgoi neu ei atal lle bynnag y bo'n bosibl, yn hytrach na'i unioni;

(d) yr egwyddor, lle y bo unioni'n angenrheidiol, y dylid gwneud hynny yn y tarddle;

(e) yr egwyddor bod y person sy'n gyfrifol am beri difrod neu ddifrod posibl i'r amgylchedd yn gyfrifol am y costau osgoi, atal neu unioni;

(f) yr egwyddor, wrth ddiwallu anghenion y presennol, nad yw gallu cenedlaethau'r dyfodol i ddiwallu eu hanghenion eu hunain i gael ei gyfaddawdu.

(3) Er mwyn osgoi amheuaeth, mae'r ddyletswydd a osodir gan is-adran (1) yn ychwanegol at, a heb ragfarnu, y dyletswyddau a roddir ar Weinidogion Cymru gan adran 3(1) a (2), adran 4(2) ac adran 5(5)(a).

(4) At ddibenion yr adran hon, ystyr "llywodraethu amgylcheddol" yw'r swyddogaethau a gyflawnir cyn y diwrnod ymadael gan Gomisiwn yr UE a Llys Cyfiawnder Ewrop a chyrff neu asiantaethau eraill yr UE wrth sicrhau cydymffurfedd â chyfraith ac egwyddorion amgylcheddol a chymhwysiad yr egwyddorion amgylcheddol i awdurdodau lleol.'.