

RHESTR O WELLIANNAU WEDI'U DIDOLI MARSHALLED LIST OF AMENDMENTS

Bil Cyfraith sy'n Deillio o'r Undeb Ewropeaidd (Cymru)

Law Derived from the European Union (Wales) Bill

Mae'r gwelliannau â * ar eu pwys yn rhai newydd neu'n rhai sydd wedi'u haddasu
Amendments marked * are new or have been altered

Mae gwelliannau a nodir ag 'R' yn dynodi bod yr Aelod wedi datgan buddiant cofrestradwy o dan Reol Sefydlog 2 neu fuddiant perthnasol o dan Reolau Sefydlog 13 neu 17 wrth gyflwyno'r gwelliant.

Amendments marked 'R' mean that the Member has declared either a registrable interest under Standing Order 2 or relevant interest under Standing Orders 13 or 17 when tabling the amendment.

Caiff y Bil ei ystyried yn y drefn a ganlyn—
The Bill will be considered in the following order—
Sections 1 - 20 Adrannau 1 - 20
Schedules 1 - 2 Atodlenni 1 - 2

Mark Drakeford

1

Section 2, page 1, line 22, leave out '(restated' and insert 'or continuing in effect under or by virtue of regulations under that section ('.

Adran 2, tudalen 1, llinell 23, hepgorer '(deddfiadau sy'n deillio o gyfraith yr UE sydd wedi eu hailddatgan' a mewnosoder 'neu sy'n parhau mewn effaith o dan neu yn rhinwedd rheoliadau o dan yr adran honno (deddfiadau sy'n deillio o gyfraith yr UE'.

Simon Thomas

7

Section 3, page 3, after line 27, insert—

'() In exercising their powers under this section, and notwithstanding subsection (4), the Welsh Ministers must ensure that provision is made to safeguard Welsh produce that has protected status under EU protected food name schemes prior to exit day.'



Adran 3, tudalen 3, ar ôl llinell 29, mewnosoder –

- '() Wrth arfer eu pwerau o dan yr adran hon, ac er gwaethaf is-adran (4), rhaid i Weinidogion Cymru sicrhau y gwneir darpariaeth i warchod cynnyrch Cymreig sydd â statws gwarchoddedig o dan gynlluniau enwau bwydydd a warchodir gan yr UE cyn y diwrnod ymadael.'

Mark Drakeford

2

Section 4, page 4, line 2, leave out subsection (1) and insert –

- '() The power in subsection (2) applies to an enactment if –
- (a) it was passed or made, or operates, entirely or to some extent for a purpose mentioned in section 2(2)(a) or (b) of the European Communities Act 1972 (whether or not made under section 2(2) of, or paragraph 1A of Schedule 2 to, that Act), or
 - (b) it relates otherwise to the EU or the EEA for all or some purposes.
- () The Welsh Ministers may by regulations –
- (a) repeal or revoke an enactment that is wholly within devolved competence;
 - (b) disapply an enactment that is wholly or partly within devolved competence, so far as it is within devolved competence;
 - (c) restate an enactment repealed or revoked under paragraph (a) with or without modifications within devolved competence;
 - (d) restate an enactment disapplied under paragraph (b), so far as it is disapplied, with or without modifications within devolved competence;
 - (e) make further provision within devolved competence in connection with restatement of an enactment under paragraph (c) or (d).
- () The Welsh Ministers may by regulations –
- (a) provide for provision in subordinate legislation made under, or by virtue of, a provision repealed or revoked by regulations under subsection (2)(a) to continue in effect as if made under or by virtue of provision in regulations under subsection (2)(c) (including provision in subordinate legislation made under, or by virtue of, functions that are not restated in the regulations under subsection (2)(c));
 - (b) provide for provision in subordinate legislation made under, or by virtue of, a provision so far as it is disapplied by regulations under subsection (2)(b) to continue in effect as if made under or by virtue of provision in regulations under subsection (2)(d) (including provision in subordinate legislation made under, or by virtue of, functions that are not restated in the regulations under subsection (2)(d));
 - (c) modify provision in subordinate legislation that continues in effect under this subsection and make further provision in connection with its continued effect, if the modification or further provision is within devolved competence.'



Adran 4, tudalen 4, llinell 2, hepgorer is-adran (1) a mewnosoder –

- '() Mae'r pŵer yn is-adran (2) yn gymwys i ddeddfiad –
- (a) os cafodd ei basio neu ei wneud, neu os yw'n gweithredu, yn gyfan gwbl neu i ryw raddau at ddiben a grybwyllir yn adran 2(2)(a) neu (b) o Ddeddf y Cymunedau Ewropeaidd 1972 (pa un a yw wedi ei wneud o dan adran 2(2) o'r Ddeddf honno neu baragraff 1A o Atodlen 2 iddi ai peidio), neu
 - (b) os yw'n ymwneud fel arall â'r UE neu'r AEE at bob diben neu at rai dibenion.
- () Caiff Gweinidogion Cymru drwy reoliadau –
- (a) diddymu neu ddirymu deddfiad sydd o fewn cymhwysedd datganoledig yn gyfan gwbl;
 - (b) datgymhwyso deddfiad sydd o fewn cymhwysedd datganoledig yn gyfan gwbl neu'n rhannol, i'r graddau y mae o fewn cymhwysedd datganoledig;
 - (c) ailddatgan deddfiad a ddiddymir neu a ddirymir o dan baragraff (a) gyda neu heb addasiadau o fewn cymhwysedd datganoledig;
 - (d) ailddatgan deddfiad a ddatgymhwysir o dan baragraff (b), i'r graddau y mae wedi ei ddatgymhwyso, gyda neu heb addasiadau o fewn cymhwysedd datganoledig;
 - (e) gwneud darpariaeth bellach o fewn cymhwysedd datganoledig mewn cysylltiad ag ailddatgan deddfiad o dan baragraff (c) neu (d).
- () Caiff Gweinidogion Cymru drwy reoliadau –
- (a) darparu i ddarpariaeth mewn is-ddeddfwriaeth a wneir o dan neu yn rhinwedd darpariaeth a ddiddymir neu a ddirymir drwy reoliadau o dan is-adran (2)(a) barhau mewn effaith fel pe bai wedi ei gwneud o dan neu yn rhinwedd darpariaeth mewn rheoliadau o dan is-adran (2)(c) (gan gynnwys darpariaeth mewn is-ddeddfwriaeth a wneir o dan neu yn rhinwedd swyddogaethau nad ydynt wedi eu hailddatgan yn y rheoliadau o dan is-adran (2)(c));
 - (b) darparu i ddarpariaeth mewn is-ddeddfwriaeth a wneir o dan neu yn rhinwedd darpariaeth i'r graddau y mae wedi ei datgymhwyso drwy reoliadau o dan is-adran (2)(b) barhau mewn effaith fel pe bai wedi ei gwneud o dan neu yn rhinwedd darpariaeth mewn rheoliadau o dan is-adran (2)(d) (gan gynnwys darpariaeth mewn is-ddeddfwriaeth a wneir o dan neu yn rhinwedd swyddogaethau nad ydynt wedi eu hailddatgan yn y rheoliadau o dan is-adran (2)(d));
 - (c) addasu darpariaeth mewn is-ddeddfwriaeth sy'n parhau mewn effaith o dan yr is-adran hon a gwneud darpariaeth bellach mewn cysylltiad â'i heffaith barhaus, os yw'r addasiad neu'r ddarpariaeth bellach o fewn cymhwysedd datganoledig'.

Mark Drakeford

3

Section 4, page 4, line 13, after 'restatement', insert 'or continued effect'.

Adran 4, tudalen 4, llinell 15, ar ôl 'ailddatgan', mewnosoder 'neu ei barhad mewn effaith'.



Mark Drakeford

4

Section 4, page 4, line 15, leave out 'restated'.

Adran 4, tudalen 4, llinell 17, hepgorer 'ailddatganedig'.

Simon Thomas

8

Page 11, after line 35, insert a new section –

[] Review and sunset of the power in section 11(1)

- (1) No regulations may be made under section 11(1) after the end of a period of 5 years beginning with exit day.
- (2) But the Welsh Ministers may by regulations extend the period mentioned in subsection (1).
- (3) Regulations under subsection (2) –
 - (a) may extend the period on more than one occasion;
 - (b) must come into force before the end of the period mentioned in subsection (1) or, if the period has been extended by previous regulations, the end of that extended period;
 - (c) must not extend the period on any occasion for more than 5 years.
- (4) Before making regulations under subsection (2), the Welsh Ministers must lay before the National Assembly for Wales a report on –
 - (a) the operation and effect of the power in section 11(1) and provision made under it, and
 - (b) the continuing need or otherwise for the power.
- (5) In preparing a report, the Welsh Ministers must consult such persons as they consider appropriate.
- (6) A report does not need to deal with a period dealt with in a previous report.'

Tudalen 11, ar ôl llinell 40, mewnosoder adran newydd –

[] Adolygu'r pŵer yn adran 11(1) a machlud y pŵer

- (1) Ni chaniateir i reoliadau gael eu gwneud o dan adran 11(1) ar ôl diwedd cyfnod o 5 mlynedd sy'n dechrau â'r diwrnod ymadael.
- (2) Ond caiff Gweinidogion Cymru drwy reoliadau estyn y cyfnod a grybwyllir yn is-adran (1).
- (3) O ran rheoliadau o dan is-adran (2) –
 - (a) cânt estyn y cyfnod ar fwy nag un achlysur;
 - (b) rhaid iddynt ddod i rym cyn diwedd y cyfnod a grybwyllir yn is-adran (1) neu, os yw'r cyfnod wedi ei estyn drwy reoliadau blaenorol, cyn diwedd y cyfnod estynedig hwnnw;
 - (c) ni chânt estyn y cyfnod ar unrhyw achlysur am fwy na 5 mlynedd.



- (4) Cyn gwneud rheoliadau o dan is-adran (2), rhaid i Weinidogion Cymru osod gerbron Cynulliad Cenedlaethol Cymru adroddiad ar—
 - (a) gweithrediad ac effaith y pŵer yn adran 11(1) a darpariaeth a wneir oddi tani, a
 - (b) yr angen parhaus neu fel arall am y pŵer.
- (5) Wrth lunio adroddiad, rhaid i Weinidogion Cymru ymgynghori â'r personau y maent yn ystyried eu bod yn briodol.
- (6) Nid oes angen i adroddiad ymdrin â chyfnod yr ymdriniwyd ag ef mewn adroddiad blaenorol.'.

Simon Thomas

9

Page 13, after line 24, insert a new section—

[] Duty to report on exercise of functions under sections 13 and 14

- (1) The Welsh Ministers must lay before the National Assembly for Wales a report on the exercise of their functions under sections 13 and 14 no later than 2 weeks after any consent has been given under those sections.
- (2) A report prepared under subsection (1) must provide details of the consent given, including—
 - (a) an explanation of the subordinate legislation being made, approved or confirmed;
 - (b) the person upon whom the functions of making, approving or confirming the legislation have been conferred;
 - (c) the Welsh Ministers' reasons for giving the consent; and
 - (d) which conditions in sections 13 or 14 apply to the consent.
- (3) If the Welsh Ministers have given consent under section 13 or 14 to a provision in subordinate legislation that modifies provision in primary legislation, the report must explain why consent was given in that case.'.

Tudalen 13, ar ôl llinell 25, mewnosoder adran newydd—

[] Dyletswydd i adrodd ar arfer swyddogaethau o dan adrannau 13 a 14

- (1) Rhaid i Weinidogion Cymru osod gerbron Cynulliad Cenedlaethol Cymru adroddiad ar arfer eu swyddogaethau o dan adrannau 13 a 14 heb fod yn hwyrach na 2 wythnos ar ôl i unrhyw gydsyniad gael ei roi o dan yr adrannau hynny.
- (2) Rhaid i adroddiad o dan is-adran (1) ddarparu manylion y cydsyniad a roddir gan gynnwys—
 - (a) esboniad o'r is-ddeddfwriaeth sy'n cael ei gwneud, ei chymeradwyo neu ei chadarnhau;
 - (b) y person y rhoddwyd y swyddogaethau o wneud, cymeradwyo neu gadarnhau'r ddeddfwriaeth iddo;
 - (c) rhesymau Gweinidogion Cymru dros roi cydsyniad, a
 - (d) pa rai o'r amodau yn adran 13 neu 14 sy'n gymwys i'r cydsyniad.



- (3) Os yw Gweinidogion Cymru wedi rhoi cydsyniad o dan adran 13 neu 14 i ddarpariaeth mewn is-ddeddfwriaeth sy'n addasu darpariaeth mewn deddfwriaeth sylfaenol, rhaid i'r adroddiad esbonio pam y rhoddyd cydsyniad yn yr achos hwnnw.'

Simon Thomas

10

Page 13, after line 39, insert a new section –

'Environmental principles

[] Regulations: continuance of EU law environmental principles

- (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 the principles set out in subsection (2).
- (2) The 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).'

Tudalen 13, ar ôl llinell 40, mewnosoder adran newydd –

'Egwyddorion amgylcheddol

[] Rheoliadau: parhad egwyddorion 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 egwyddorion a nodir yn is-adran (2).



- (2) Yr egwyddorion 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 yn cael 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).'

Simon Thomas

11

Section 18, page 15, after line 5, insert –

“EU protected food name schemes” includes schemes for the protection of food or drink protected under the following EU product quality indicators - Protected Designation of Origin, Protected Geographical Indicator, and Traditional Speciality Guaranteed as provided for by Regulation (EU) No 1151/2012 of the European Parliament and of the Council.’

Adran 18, tudalen 15, ar ôl llinell 4, mewnosoder –

‘mae “cynlluniau enwau bwydydd a warchodir gan yr UE” yn cynnwys cynlluniau ar gyfer gwarchod bwyd a diod a warchodir o dan ddangosyddion ansawdd cynnyrch a ganlyn yr UE - Enw Tarddiad Gwarchodedig, Dynodiad Daearyddol Gwarchodedig, a Gwarant Arbenigedd Traddodiadol fel y darperir ar eu cyfer gan Reoliad (EU) Rhif 1151/2012 Senedd Ewrop a'r Cyngor.’

Simon Thomas

12

Schedule 2, page 20, line 13, after ‘11’, insert ‘or section [section to be inserted by amendment 8]’.

Atodlen 2, tudalen 20, llinell 14, ar ôl ‘11’, mewnosoder ‘neu adran [yr adran sy'n cael ei mewnosod gan welliant 8]’.



Mark Drakeford

5

Schedule 2, page 20, line 16, after 'Wales', insert 'along with a statement setting out the Welsh Ministers' view on whether the procedure in sub-paragraphs (5) to (13) should apply'.

Atodlen 2, tudalen 20, llinell 18, ar ôl 'Cymru', mewnosoder 'ynghyd â datganiad sy'n nodi barn Gweinidogion Cymru o ran a ddylai'r weithdrefn yn is-baragraffau (5) i (13) fod yn gymwys'.

Simon Thomas

13

Schedule 2, page 20, after line 16, insert –

'() If the draft regulations contain provision modifying primary legislation, the Welsh Ministers must lay a statement before the National Assembly for Wales that explains why the provision is needed.'

Atodlen 2, tudalen 20, ar ôl llinell 18, mewnosoder –

'() Os yw'r rheoliadau drafft yn cynnwys darpariaeth sy'n addasu deddfwriaeth sylfaenol, rhaid i Weinidogion Cymru osod datganiad gerbron Cynulliad Cenedlaethol Cymru sy'n esbonio pam bod angen y ddarpariaeth.'

Simon Thomas

14

Schedule 2, page 20, after line 22, insert –

'() the draft regulations are to be made under section [*section to be inserted by amendment 8*],'

Atodlen 2, tudalen 20, ar ôl llinell 24, mewnosoder –

'() os yw'r rheoliadau drafft i'w gwneud o dan adran [*yr adran sy'n cael ei mewnosod gan welliant 8*],'

Mark Drakeford

6

Schedule 2, page 22, line 30, after 'Wales', insert 'along with a statement explaining the circumstances of the urgency and why, in the Welsh Ministers' opinion, it was necessary to make the regulations without a draft being laid and approved'.

Atodlen 2, tudalen 22, llinell 32, ar ôl 'Cymru', mewnosoder 'ynghyd â datganiad sy'n esbonio amgylchiadau'r brys a pham, ym marn Gweinidogion Cymru, yr oedd angen gwneud y rheoliadau heb osod na chymeradwyo drafft'.



Simon Thomas

15

Schedule 2, page 23, after line 19, insert –

'Explanatory statements: continuance of EU law environmental principles

- 7 (1) Any regulations, or draft regulations, laid before the National Assembly for Wales under this Act must be accompanied by an Explanatory Memorandum including an explanation as to how, in relation to the instrument or draft, the Welsh Ministers have had regard to the principles set out in paragraph (2).
- (2) The principles referred to in paragraph (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) Paragraph (1) is without prejudice to any other requirements set out in the Standing Orders of the National Assembly for Wales, as they apply from time to time, relating to Explanatory Memoranda to accompany statutory instruments or draft statutory instruments laid before the Assembly.'

Atodlen 2, tudalen 23, ar ôl llinell 20, mewnosoder –

'Datganiadau esboniadol: parhad egwyddorion amgylcheddol cyfraith yr UE

- 7 (1) Rhaid i Femorandwm Esboniadol fynd gydag unrhyw reoliadau, neu reoliadau drafft, a osodir gerbron Cynulliad Cenedlaethol Cymru o dan y Ddeddf hon, gan gynnwys esboniad o sut, mewn perthynas â'r offeryn neu'r drafft, y mae Gweinidogion Cymru wedi rhoi sylw i'r egwyddorion a nodir ym mharagraff (2).
- (2) Yr egwyddorion y cyfeirir atynt ym mharagraff (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 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 yn cael ei gyfaddawdu.
- (3) Nid yw paragraff (1) yn rhagfarnu unrhyw ofynion eraill a nodir yn Rheolau Sefydlog Cynulliad Cenedlaethol Cymru, fel sy'n gymwys o bryd i'w gilydd, sy'n ymwneud â Memoranda Esboniadol i gyd-fynd ag offerynnau statudol neu offerynnau statudol drafft a osodir gerbron y Cynulliad.'

