OFFERYNNAU STATUDOL CYMRU

2020 Rhif 1249 (Cy. 282)

YMADAEL Â'R UNDEB EWROPEAIDD, CYMRU

PYSGODFEYDD MÔR, CYMRU

RHEOLI MOROL, CYMRU

Rheoliadau Pysgodfeydd a Rheoli Morol (Diwygio) (Cymru) (Ymadael â'r UE) 2020

NODYN ESBONIADOL

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

Mae'r Rheoliadau hyn wedi eu gwneud drwy arfer y pwerau a roddir gan baragraff 1(1) o Atodlen 2 a pharagraff 21 o Atodlen 7 i Ddeddf yr Undeb Ewropeaidd (Ymadael) 2018 (p. 16) er mwyn ymdrin ag unrhyw fethiant yng nghyfraith yr UE a ddargedwir i weithredu'n effeithiol a diffygion eraill sy'n deillio o ymadawiad y Deyrnas Unedig â'r Undeb Ewropeaidd.

Yn benodol, mae'r Rheoliadau hyn yn diwygio Rheoliadau Pysgodfeydd a Rheoli Morol (Diwygio) (Cymru) (Ymadael â'r UE) 2019 (O.S. 2019/370) (Cy. 91)) sy'n diwygio is-ddeddfwriaeth, sy'n gymwys o ran Cymru a pharth Cymru, ym meysydd pysgodfeydd a rheoli morol.

Mae'r Rheoliadau hyn yn gwneud darpariaeth o dan baragraff 1(1) o Atodlen 2 i Ddeddf yr Undeb Ewropeaidd (Ymadael) 2018 er mwyn cywiro gwall yn rheoliad 3 o Reoliadau Pysgodfeydd a Rheoli Morol (Diwygio) (Cymru) (Ymadael â'r UE) 2019, sy'n ymwneud â diwygiadau a wnaed i Orchymyn Trwyddedu Morol (Gweithgareddau Esempt) (Cymru) 2011 (O.S. 2011/559 (Cy. 81)).

WELSH STATUTORY INSTRUMENTS

2020 No. 1249 (W. 282)

EXITING THE EUROPEAN UNION, WALES

SEA FISHERIES, WALES

MARINE MANAGEMENT, WALES

The Fisheries and Marine Management (Amendment) (Wales) (EU Exit) Regulations 2020

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations are made in exercise of the powers conferred by paragraph 1(1) of Schedule 2 and paragraph 21 of Schedule 7 to the European Union (Withdrawal) Act 2018 (c. 16) in order to address failures of retained EU law to operate effectively and other deficiencies arising from the withdrawal of the United Kingdom from the European Union.

In particular, these Regulations make amendments to the Fisheries and Marine Management (Amendment) (Wales) (EU Exit) Regulations 2019 (S.I. 2019/370) (W. 91)) which make amendments to subordinate legislation, which apply in relation to Wales and the Welsh zone, in the fields of fisheries and marine management.

These Regulations make provision under paragraph 1(1) of Schedule 2 to the European Union (Withdrawal) Act 2018 in order to correct an error within regulation 3 of the Fisheries and Marine Management (Amendment) (Wales) (EU Exit) Regulations 2019, concerning amendments made to the Marine Licensing (Exempted Activities) (Wales) Order 2011 (S.I. 2011/559 (W. 81)).

Mae'r Rheoliadau hyn hefyd yn gwneud darpariaeth sydd yn amnewid y cywiriadau a wneir gan reoliad 4 o Reoliadau Pysgodfeydd a Rheoli Morol (Diwygio) (Cymru) (Ymadael â'r DU) 2019, sy'n ymwneud â diwygiadau a wneir i Reoliadau Cronfa'r Môr a Physgodfeydd Ewrop (Grantiau) (Cymru) 2016 (O.S. 2016/665 (Cy. 182)), er mwyn adlewyrchu telerau Cytundeb Ymadael y DU â'r UE.

Ystyriwyd Cod Ymarfer Gweinidogion Cymru ar gynnal Asesiadau Effaith Rheoleiddiol mewn perthynas â'r Rheoliadau hyn. O ganlyniad, ystyriwyd nad oedd yn angenrheidiol cynnal asesiad effaith rheoleiddiol o'r costau a'r manteision sy'n debygol o ddeillio o gydymffurfio â'r Rheoliadau hyn.

These Regulations also make provision substituting the corrections made by regulation 4 of the Fisheries and Marine Management (Amendment) (Wales) (EU Exit) Regulations 2019, concerning amendments made to the European Maritime and Fisheries Fund (Grants) (Wales) Regulations 2016 (S.I. 2016/665 (W. 182)), in order to reflect the terms of the EU-UK Withdrawal Agreement.

The Welsh Ministers' Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to these Regulations. As a result, it was not considered necessary to carry out a regulatory impact assessment as to the likely costs and benefits of complying with these Regulations.

OFFERYNNAU STATUDOL CYMRU

2020 Rhif 1249 (Cy. 282)

YMADAEL Â’R UNDEB EWROPEAIDD, CYMRU

PYSGODFEYDD MÔR, CYMRU

RHEOLI MOROL, CYMRU

Rheoliadau Pysgodfeydd a Rheoli Morol (Diwygio) (Cymru) (Ymadael â’r UE) 2020

Gofynion sifftio wedi eu bodloni *9 Tachwedd 2020*

Gwnaed *10 Tachwedd 2020*

Gosodwyd gerbron Senedd Cymru *12 Tachwedd 2020*

Yn dod i rym yn unol â rheoliad 1(2)

Mae Gweinidogion Cymru, drwy arfer y pwerau a roddir gan baragraff 1(1) o Atodlen 2 a pharagraff 21 o Atodlen 7 i Ddeddf yr Undeb Ewropeaidd (Ymadael) 2018(**1**), yn gwneud y Rheoliadau a ganlyn.

Mae gofynion paragraff 4(a) o Atodlen 2 i Ddeddf yr Undeb Ewropeaidd (Ymadael) 2018 (sy’n ymwneud â’r gofyniad i ymgynghori o dan amgylchiadau penodol) a pharagraff 4(2) o Atodlen 7 i’r Ddeddf honno (sy’n ymwneud â gweithdrefn briodol Senedd Cymru(**2**) ar gyfer y Rheoliadau hyn) wedi eu bodloni.

(**1**) 2018 p. 16. Mae diwygiadau i baragraff 21 o Atodlen 7 nad ydynt yn berthnasol i’r Rheoliadau hyn.

(**2**) Mae’r cyfeiriad yn Neddf yr Undeb Ewropeaidd (Ymadael) 2018 at Gynulliad Cenedlaethol Cymru bellach yn cael effaith fel cyfeiriad at Senedd Cymru, yn rhinwedd adran 150A(2) o Ddeddf Llywodraeth Cymru 2006 (p. 32).

WELSH STATUTORY INSTRUMENTS

2020 No. 1249 (W. 282)

EXITING THE EUROPEAN UNION, WALES

SEA FISHERIES, WALES

MARINE MANAGEMENT, WALES

The Fisheries and Marine Management (Amendment) (Wales) (EU Exit) Regulations 2020

Sift requirements satisfied *9 November 2020*

Made *10 November 2020*

Laid before Senedd Cymru *12 November 2020*

Coming into force in accordance with regulation 1(2)

The Welsh Ministers, in exercise of the powers conferred by paragraph 1(1) of Schedule 2 and paragraph 21 of Schedule 7 to the European Union (Withdrawal) Act 2018(**1**), make the following Regulations.

The requirements of paragraph 4(a) of Schedule 2 to the European Union (Withdrawal) Act 2018 (relating to the requirement for consultation in certain circumstances) and of paragraph 4(2) of Schedule 7 to that Act (relating to the appropriate Senedd Cymru(**2**) procedure for these Regulations) have been satisfied.

(**1**) 2018 c. 16. There are amendments to paragraph 21 of Schedule 7 which are not relevant to these Regulations.

(**2**) The reference in the European Union (Withdrawal) Act 2018 to the National Assembly for Wales now has effect as a reference to Senedd Cymru, by virtue of section 150A(2) of the Government of Wales Act 2006 (c. 32).

Enwi a chychwyn

1.—(1) Enw'r Rheoliadau hyn yw Rheoliadau Pysgodfeydd a Rheoli Morol (Diwygio) (Cymru) (Ymadael â'r UE) 2020.

(2) Daw'r Rheoliadau hyn i rym yn union cyn diwrnod cwblhau'r cyfnod gweithredu.

Diwygio Rheoliadau Pysgodfeydd a Rheoli Morol (Diwygio) (Cymru) (Ymadael â'r UE) 2019

2. Mae Rheoliadau Pysgodfeydd a Rheoli Morol (Diwygio) (Cymru) (Ymadael â'r UE) 2019(**1**) wedi eu diwygio yn unol â rheoliadau 3 a 4.

Diwygio rheoliad 3 (diwygio Gorchymyn Trwyddedu Morol (Gweithgareddau Esempt) (Cymru) 2011)

3. Yn rheoliad 3(2), yn yr erthygl 3A(6)(b) newydd sydd i'w mewnosod yng Ngorchymyn Trwyddedu Morol (Gweithgareddau Esempt) (Cymru) 2011(**2**) gan y rheoliad hwnnw, yn lle "regulation 9(1) of the Hazardous Waste (England and Wales) Regulations 2005" rhodder "regulation 9(1) of the Hazardous Waste (Wales) Regulations 2005(**3**)".

Amnewid rheoliad 4 (diwygio Rheoliadau Cronfa'r Môr a Physgodfeydd Ewrop (Grantiau) (Cymru) 2016)

4. Yn lle rheoliad 4 rhodder—

> **"Rheoliadau Cronfa'r Môr a Physgodfeydd Ewrop (Grantiau) (Cymru) 2016**
>
> **4.** Yn rheoliad 2(2) o Reoliadau Cronfa'r Môr a Physgodfeydd Ewrop (Grantiau) (Cymru) 2016(**4**), yn lle "yn gyfeiriad at yr offeryn hwnnw fel y'i diwygir o bryd i'w gilydd" rhodder ", i'r graddau y bo'n ofynnol at ddibenion cyfraith berthnasol y cytundebau gwahanu, yn gyfeiriad at yr offeryn hwnnw fel y mae'n cael effaith yn rhinwedd adran 7A o Ddeddf yr Undeb Ewropeaidd (Ymadael) 2018 (gan gynnwys, i'r graddau y bo'n ofynnol, fel y mae'n cael effaith o bryd i'w gilydd) ac mae i

(**1**) O.S. 2019/370 (Cy. 91).
(**2**) O.S. 2011/559 (Cy. 81), y mae diwygiadau iddo nad ydynt yn berthnasol i'r Rheoliadau hyn.
(**3**) O.S. 2005/1806 (Cy. 138), a ddiwygiwyd gan O.S. 2011/971 (Cy. 141) ac O.S. 2015/1417 (Cy. 141); mae offerynnau diwygio eraill ond nid oes yr un ohonynt yn berthnasol.
(**4**) O.S. 2016/665 (Cy. 182), y mae diwygiadau iddo nad ydynt yn berthnasol i'r Rheoliadau hyn.

Title and commencement

1.—(1) The title of these Regulations is the Fisheries and Marine Management (Amendment) (Wales) (EU Exit) Regulations 2020.

(2) These Regulations come into force immediately before implementation period completion day.

Amendment to the Fisheries and Marine Management (Amendment) (Wales) (EU Exit) Regulations 2019

2. The Fisheries and Marine Management (Amendment) (Wales) (EU Exit) Regulations 2019(**1**) are amended in accordance with regulations 3 and 4.

Amendment to regulation 3 (amendment to the Marine Licensing (Exempted Activities) (Wales) Order 2011)

3. In regulation 3(2), in the new article 3A(6)(b) to be inserted in the Marine Licensing (Exempted Activities) (Wales) Order 2011(**2**) by that regulation, for "regulation 9(1) of the Hazardous Waste (England and Wales) Regulations 2005" substitute "regulation 9(1) of the Hazardous Waste (Wales) Regulations 2005(**3**)".

Substitution of regulation 4 (amendment to the European Maritime and Fisheries Fund (Grants) (Wales) Regulations 2016)

4. For regulation 4 substitute—

> **"The European Maritime and Fisheries Fund (Grants) (Wales) Regulations 2016**
>
> **4.** In regulation 2(2) of the European Maritime and Fisheries Fund (Grants) (Wales) Regulations 2016(**4**), for "a reference to that instrument as amended from time to time" substitute ", so far as required for the purposes of relevant separation agreement law, a reference to that instrument as it has effect by virtue of section 7A of the European Union (Withdrawal) Act 2018 (including, so far as required, as it has effect from time to time) and "relevant separation agreement law" has the

(**1**) S.I. 2019/370 (W. 91).
(**2**) S.I. 2011/559 (W. 81), to which there are amendments not relevant to these Regulations.
(**3**) S.I. 2005/1806 (W. 138), amended by S.I. 2011/971 (W. 141) and S.I. 2015/1417 (W. 141); there are other amending instruments but none are relevant.
(**4**) S.I. 2016/665 (W. 182), to which there are amendments not relevant to these Regulations.

"cyfraith berthnasol y cytundebau gwahanu" yr ystyr a roddir i "relevant separation agreement law" yn adran 7C(3) o Ddeddf yr Undeb Ewropeaidd (Ymadael) 2018"(**1**)".

meaning given in section 7C(3) of the European Union (Withdrawal) Act 2018"(**1**)".

Lesley Griffiths

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

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

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(**1**) O dan Erthygl 138 o'r cytundeb ymadael (fel y diffinnir "withdrawal agreement" yn adran 39(1) o Ddeddf yr Undeb Ewropeaidd (Y Cytundeb Ymadael) 2020) ac adran 7A o Ddeddf yr Undeb Ewropeaidd (Ymadael) 2018 bydd rhaglenni a gweithgareddau penodol yr Undeb yr ymrwymwyd iddynt o dan fframwaith ariannol amlflwydd 2014-20 a phersbectifau ariannol blaenorol yn parhau i gael eu llywodraethu gan gyfraith berthnasol yr UE sy'n gymwys hyd nes y daw'r rhaglenni a'r gweithgareddau hynny i ben. Mewnosodwyd adran 7A o Ddeddf yr Undeb Ewropeaidd (Ymadael) 2018 gan adran 5 o Ddeddf yr Undeb Ewropeaidd (Y Cytundeb Ymadael) 2020. Mewnosodwyd adran 7C o Ddeddf yr Undeb Ewropeaidd (Ymadael) 2018 gan adran 26(2) o Ddeddf yr Undeb Ewropeaidd (Y Cytundeb Ymadael) 2020.

(**1**) Under Article 138 of the withdrawal agreement (as defined in section 39(1) of the European Union (Withdrawal Agreement) Act 2020) and section 7A of the European Union (Withdrawal) Act 2018 certain Union programmes and activities committed under the multiannual financial framework 2014-20 and previous financial perspectives will continue to be governed by the relevant applicable EU law until the closure of those programmes and activities. Section 7A of the European Union (Withdrawal) Act 2018 was inserted by section 5 of the European Union (Withdrawal Agreement) Act 2020. Section 7C of the European Union (Withdrawal) Act 2018 was inserted by section 26(2) of the European Union (Withdrawal Agreement) Act 2020.

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