



OFFERYNNAU STATUDOL
CYMRU

WELSH STATUTORY
INSTRUMENTS

2024 Rhif 400 (Cy. 72)

2024 No. 400 (W. 72)

**DIOGELU'R AMGYLCHEDD,
CYMRU**

**ENVIRONMENTAL
PROTECTION, WALES**

Rheoliadau Gwastraff Pecynwaith
(Casglu ac Adrodd am Ddata)
(Cymru) (Diwygio) 2024

The Packaging Waste (Data
Collection and Reporting) (Wales)
(Amendment) Regulations 2024

NODYN ESBONIADOL

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

Mae'r Rheoliadau hyn yn diwygio Rheoliadau Gwastraff Pecynwaith (Casglu ac Adrodd am Ddata) (Cymru) 2023 ("y prif Reoliadau"). Diben y Rheoliadau hyn yw egluro'r rhaniad cyfrifoldebau rhwng perchnogion brand, pacwyr/llanwyr, mewforwyr a pherchnogion cyntaf yn y DU a dosbarthwyr, a gosod gofyniad ar Gyfoeth Naturiol Cymru ("CNC") i lunio canllawiau mewn cysylltiad â pheconwaith cartref a chyhoeddi rhestr o gynhyrchwyr mawr. Mae'r Rheoliadau hyn hefyd yn darparu nifer o ddiwygiadau amrywiol, gan gynnwys egluro brawddegau a diwygio gwallau teipograffyddol.

Mae rheoliad 2 yn darparu diffiniad o "y prif Reoliadau" at ddibenion y Rheoliadau hyn.

Mae rheoliad 3 yn ddarpariaeth drosiannol i ymdrin â'r sefyllfa pan, o ganlyniad i ddiwygiadau a wneir gan y Rheoliadau hyn i'r prif Reoliadau, na fydd gan gynhyrchydd mawr ddigon o ddata o bosibl i adrodd ar y cyfnod rhwng 1 Ionawr 2024 a 1 Ebrill 2024.

Mae rheoliad 5 yn diwygio rheoliad 2 (dehongli) o'r prif Reoliadau drwy ddileu'r diffiniad o "gwaredu", diwygio'r diffiniad o "mewnforiwr", a chynnwys diffiniadau newydd ar gyfer "cynhwysydd diod", "perchennog cyntaf yn y DU" a "grŵp o gwmnïau".

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Packaging Waste (Data Collection and Reporting) (Wales) Regulations 2023 ("the principal Regulations"). The purpose of these Regulations is to clarify the division of responsibilities between brand owners, packers/fillers, importers and first UK owners and distributors, and to place a requirement upon Natural Resources Wales ("NRW") to produce guidance in respect of household packaging and to publish a list of large producers. These Regulations also provide a number of miscellaneous amendments including clarification of sentences and amendment of typographical errors.

Regulation 2 provides a definition of "the principal Regulations" for the purposes of these Regulations.

Regulation 3 is a transitional provision to address the situation where, as a result of amendments made by these Regulations to the principal Regulations, a large producer may not have sufficient data to report on the period from 1 January 2024 to 1 April 2024.

Regulation 5 amends regulation 2 (interpretation) of the principal Regulations by removing the definition of "disposal", amending the definition of "importer", and including new definitions for "drink container", "first UK owner" and "group of companies".

Mae rheoliad 6 yn gwneud mân ddiwygiad i reoliad 5 (diod) o'r prif Reoliadau.

Mae rheoliad 7 yn gwneud diwygiadau i reoliad 6 (pecynwaith a chategoriâu o becynwaith) o'r prif Reoliadau, gan gynnwys mewnosod paragraff newydd (7).

Mae rheoliad 8 yn rhoi rheoliad newydd yn lle rheoliad 7 (pecynwaith cartref) yn y prif Reoliadau.

Mae rheoliad 9 yn mewnosod rheoliad newydd 7A (canllawiau CNC) yn y prif Reoliadau sy'n ei gwneud yn ofynnol i CNC ddarparu canllawiau at ddibenion rheoliad 7 (pecynwaith cartref) o'r prif Reoliadau.

Mae rheoliad 10 yn diwygio'r diffiniad o "cynhyrhydd" yn rheoliad 8 (cynhyrchwyr) o'r prif Reoliadau i estyn ystyr cynhyrhydd i berson sydd wedi ymsefydlu yn y Deyrnas Unedig. Mae hefyd yn cyflwyno'r cysyniad o "perchennog cyntaf yn y DU" ac yn gwneud diwygiadau mewn cysylltiad â pherchnogion brand a phecynwaith wedi ei lenwi, sy'n gysylltiedig ag ystyr cynhyrchwyr at ddibenion y prif Reoliadau.

Mae rheoliad 11 yn diwygio rheoliad 10 (cyflenwi) o'r prif Reoliadau i amnewid y geiriad mewn perthynas â chyflenwi pecynwaith gan berchennog cyntaf yn y DU a mewnofiwr.

Mae rheoliad 12 yn gwneud mân ddiwygiad i reoliad 11 (y meini prawf trothwy ar gyfer cynhyrchwyr mawr a bach) yn y prif Reoliadau.

Mae rheoliad 13 yn diwygio rheoliad 12 (pecynwaith esempt) o'r prif Reoliadau mewn perthynas â rhai cynlluniau dychwelyd ernes.

Mae rheoliad 14 yn gwneud diwygiad canlyniadol i reoliad 15 (rhwymedigaethau cynhyrchwyr) o'r prif Reoliadau yn sgil amnewid paragraffau (1) ac (1A) newydd yn rheoliad 8 o'r prif Reoliadau.

Mae rheoliadau 15 ac 16 yn gwneud mân ddiwygiadau i reoliad 16 (rhwymedigaethau casglu data) a rheoliad 17 (rhwymedigaethau adrodd am ddata), yn y drefn honno, o'r prif Reoliadau.

Mae rheoliad 17 yn mewnosod rheoliad newydd 17A (data ailgylchu) yn y prif Reoliadau. Mae'r rheoliad newydd hwn yn cyflwyno'r cysyniad o "adroddiad rheoliad 17A" ac yn darparu bod cynhyrchwyr mawr sy'n bodloni meini prawf penodol yn cael dewis cyflwyno naill ai adroddiad "rheoliad 17" neu adroddiad "rheoliad 17A" er mwyn cyflawni eu rhwymedigaethau adrodd am ddata.

Regulation 6 makes a minor amendment to regulation 5 (drink) of the principal Regulations.

Regulation 7 makes amendments to regulation 6 (packaging and packaging categories) of the principal Regulations, including inserting a new paragraph (7).

Regulation 8 substitutes a new regulation 7 (household packaging) in the principal Regulations.

Regulation 9 inserts a new regulation 7A (NRW guidance) into the principal Regulations which requires NRW to provide guidance for the purposes of regulation 7 (household packaging) of the principal Regulations.

Regulation 10 amends the definition of "producer" in regulation 8 (producers) of the principal Regulations to extend the meaning of producer to a person who is established in the United Kingdom. It also introduces the concept of a "first UK owner" and makes amendments in respect of brand owners and filled packaging, which is linked to the meaning of producer for the purposes of the principal Regulations.

Regulation 11 amends regulation 10 (supply) of the principal Regulations to substitute wording in relation to the supply of packaging by a first UK owner and an importer.

Regulation 12 makes a minor amendment to regulation 11 (threshold criteria for large and small producers) in the principal Regulations.

Regulation 13 amends regulation 12 (exempt packaging) of the principal Regulations in relation to certain deposit return schemes.

Regulation 14 makes a consequential amendment to regulation 15 (producer obligations) of the principal Regulations following the substitution of new paragraphs (1) and (1A) in regulation 8 of the principal Regulations.

Regulations 15 and 16 make minor amendments to regulation 16 (data collection obligations) and regulation 17 (data reporting obligations) respectively of the principal Regulations.

Regulation 17 inserts a new regulation 17A (recycling data) into the principal Regulations. This new regulation introduces the concept of a "regulation 17A report" and provides that large producers who meet certain criteria have the choice of submitting either a "regulation 17" or "regulation 17A" report in order to discharge their data reporting obligations.

Mae rheoliad 18 yn gwneud mân ddiwygiad i reoliad 20 (cynlluniau: darpariaethau cyffredinol) o'r prif Reoliadau.

Mae rheoliad 19 yn mewnosod rheoliad newydd 22A (cyhoeddi rhestr o gynhyrchwyr mawr) yn y prif Reoliadau. Mae hwn yn gosod dyletswydd ar CNC i gyhoeddi rhestr o'r holl gynhyrchwyr mawr sydd wedi adrodd am wybodaeth o dan reoliad 17 (rhwymedigaethau adrodd am ddata).

Mae rheoliadau 20 ac 21 yn gwneud mân ddiwygiadau i Atodlenni 1 a 2 i'r prif Reoliadau.

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

Regulation 18 makes a minor amendment to regulation 20 (schemes: general provisions) of the principal Regulations.

Regulation 19 inserts a new regulation 22A (publication of list of large producers) into the principal Regulations. This places a duty on NRW to publish a list of all large producers who have reported information under regulation 17 (data reporting obligations).

Regulations 20 and 21 make minor amendments to Schedules 1 and 2 to the principal Regulations.

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.

2024 Rhif 400 (Cy. 72)

**DIOGELU'R AMGYLCHEDD,
CYMRU**

**Rheoliadau Gwastraff Pecynwaith
(Casglu ac Adrodd am Ddata)
(Cymru) (Diwygio) 2024**

Gwnaed 20 Mawrth 2024

Yn dod i rym 1 Ebrill 2024

Mae Gweinidogion Cymru yn gwneud y Rheoliadau a ganlyn drwy arfer y pwerau a roddir iddynt gan adran 2(1) i (3) o Ddeddf Atal a Rheoli Llygredd 1999 ("Deddf 1999")(1) a pharagraffau 2, 11, 17 ac 20(1)(b) o Atodlen 1 iddi.

Mae Gweinidogion Cymru, yn unol ag adran 2(4) o Ddeddf 1999, wedi ymgynghori ag—

- (a) Cyfoeth Naturiol Cymru,
- (b) y cyrff neu'r personau hynny yr ymddengys i Weiniogion Cymru eu bod yn cynrychioli buddiannau llywodraeth leol, diwydiant, amaethyddiaeth a busnesau bach, yn eu trefn, y maent yn ystyried eu bod yn briodol, ac
- (c) y cyrff neu'r personau eraill hynny y mae Gweinidogion Cymru yn ystyried eu bod yn briodol.

(1) 1999 p. 24. Diwygiwyd adran 2 gan O.S. 2013/755 (Cy. 90); mae offeryn diwygio arall nad yw'n berthnasol i'r Rheoliadau hyn. Diwygiwyd Atodlen 1 gan O.S. 2019/458; mae offerynnau diwygio eraill, ond nid yw'r un ohonynt yn berthnasol i'r Rheoliadau hyn. Trosglwyddwyd swyddogaethau'r Ysgrifennydd Gwladol, i'r graddau y maent yn arferadwy o ran Cymru, i Gynulliad Cenedlaethol Cymru, ac eithrio mewn perthynas â chwilio am olew a nwy alltraeth ac elwa arnynt, gan erthygl 3(1) o Orchymyn Cynulliad Cenedlaethol Cymru (Trosglwyddo Swyddogaethau) 2005 (O.S. 2005/1958). Trosglwyddwyd swyddogaethau Cynulliad Cenedlaethol Cymru i Weiniogion Cymru gan adran 162 o Ddeddf Llywodraeth Cymru 2006 (p. 32) a pharagraff 30 o Atodlen 11 iddi.

2024 No. 400 (W. 72)

**ENVIRONMENTAL
PROTECTION, WALES**

**The Packaging Waste (Data
Collection and Reporting) (Wales)
(Amendment) Regulations 2024**

Made 20 March 2024

Coming into force 1 April 2024

The Welsh Ministers make the following Regulations in exercise of the powers conferred on them by section 2(1) to (3) of, and paragraphs 2, 11, 17 and 20(1)(b) of Schedule 1 to, the Pollution Prevention and Control Act 1999 ("the 1999 Act")(1).

The Welsh Ministers have, in accordance with section 2(4) of the 1999 Act consulted—

- (a) Natural Resources Wales,
- (b) such bodies or persons appearing to them to be representative of the interests of local government, industry, agriculture and small businesses respectively as they consider appropriate, and
- (c) such other bodies or persons as the Welsh Ministers consider appropriate.

(1) 1999 c. 24. Section 2 was amended by S.I. 2013/755 (W. 90); there is another amending instrument that is not relevant to these Regulations. Schedule 1 was amended by S.I. 2019/458; there are other amending instruments, but none are relevant to these Regulations. Functions of the Secretary of State, so far as exercisable in relation to Wales, were transferred to the National Assembly for Wales, except in relation to offshore oil and gas exploration and exploitation, by the National Assembly for Wales (Transfer of Functions) Order 2005 (S.I. 2005/1958), article 3(1). Functions of the National Assembly for Wales were transferred to the Welsh Ministers by section 162 of, and paragraph 30 of Schedule 11 to, the Government of Wales Act 2006 (c. 32).

Yn unol ag adran 2(8) o Ddeddf 1999, gosodwyd drafft o'r Rheoliadau hyn gerbron Senedd Cymru ac fe'i cymeradwywyd ganddi drwy benderfyniad(1).

Enwi a dod i rym

1.—(1) Enw'r Rheoliadau hyn yw Rheoliadau Gwastraff Pecynwaith (Casglu ac Adrodd am Ddata) (Cymru) (Diwygio) 2024.

(2) Daw'r Rheoliadau hyn i rym ar 1 Ebrill 2024.

Dehongli

2. Yn y Rheoliadau hyn, ystyr "y prif Reoliadau" yw Rheoliadau Gwastraff Pecynwaith (Casglu ac Adrodd am Ddata) (Cymru) 2023(2).

Darpariaeth drosiannol

3.—(1) Rhaid i gynhyrhydd sy'n gynhyrhydd mawr at ddibenion y prif Reoliadau sicrhau bod unrhyw adroddiad am ddata ailgylchu a gyflwynir am y cyfnod rhwng 1 Ionawr 2024 a 1 Mehefin 2024 yn cydymffurfio â rhwymedigaethau adrodd am ddata y cynhyrhydd o dan reoliad 17 o'r prif Reoliadau fel y maent wedi eu diwygio gan y Rheoliadau hyn.

(2) Pan na fo gan gynhyrhydd mawr ddigon o ddata i adrodd am y cyfnod rhwng 1 Ionawr 2024 a 1 Ebrill 2024—

- (a) nid yw'n ofynnol iddo gyflwyno adroddiad am y cyfnod rhwng 1 Ionawr 2024 a 1 Ebrill 2024, ond
- (b) rhaid iddo gyflwyno adroddiad am y cyfnod rhwng 1 Ebrill 2024 a 30 Mehefin 2024 sy'n cydymffurfio â'i rwymedigaethau adrodd am ddata o dan reoliad 17 o'r prif Reoliadau fel y maent wedi eu diwygio gan y Rheoliadau hyn.

Diwygio'r prif Reoliadau

4. Mae'r prif Reoliadau wedi eu diwygio yn unol â rheoliadau 5 i 21.

In accordance with section 2(8) of the 1999 Act, a draft of these Regulations has been laid before, and approved by resolution of, Senedd Cymru(1).

Title and coming into force

1.—(1) The title of these Regulations is the Packaging Waste (Data Collection and Reporting) (Wales) (Amendment) Regulations 2024.

(2) These Regulations come into force on 1 April 2024.

Interpretation

2. In these Regulations, "the principal Regulations" means the Packaging Waste (Data Collection and Reporting) (Wales) Regulations 2023(2).

Transitional provision

3.—(1) A producer who is a large producer for the purposes of the principal Regulations must ensure that any recycling data report submitted for the period from 1 January 2024 to 1 June 2024 complies with the producer's data reporting obligations under regulation 17 of the principal Regulations as amended by these Regulations.

(2) Where a large producer does not have sufficient data to report on the period from 1 January 2024 to 1 April 2024, the large producer—

- (a) is not required to submit a report for the period from 1 January 2024 to 1 April 2024, but
- (b) must submit a report for the period from 1 April 2024 to 30 June 2024 which complies with its data reporting obligations under regulation 17 of the principal Regulations as amended by these Regulations.

Amendments to the principal Regulations

4. The principal Regulations are amended in accordance with regulations 5 to 21.

(1) Mae'r cyfeiriad yn adran 2(8) at gymeradwyaeth gan ddau Dŷ Senedd y DU yn cael effaith mewn perthynas ag arfer swyddogaethau gan Weinidogion Cymru fel pe bai'n gyfeiriad at gymeradwyaeth gan Senedd Cymru, yn rhinwedd adran 150A(2) o Ddeddf Llywodraeth Cymru 2006 a pharagraff 33 o Atodlen 11 iddi.

(2) O.S. 2023/798 (Cy. 127).

(1) The reference in section 2(8) to approval by each House of Parliament has effect in relation to the exercise of functions by the Welsh Ministers as if it were a reference to approval by Senedd Cymru, by virtue of section 150A(2) of, and paragraph 33 of Schedule 11 to, the Government of Wales Act 2006.

(2) S.I. 2023/798 (W. 127).

Diwygio rheoliad 2 (dehongli)

5. Yn rheoliad 2(1)—

- (a) hegorer y diffiniad o “gwaredu”;
- (b) yn y lleoedd priodol, yn nhrefn yr wyddor, mewnosoder y diffiniadau a ganlyn—

“ystyr “cynhwysydd diod” (“*drink container*”) yw potel neu gan—

 - (a) sy’n cynnwys diod neu a oedd yn cynnwys diod,
 - (b) sydd wedi ei gwneud neu wedi ei wneud yn gyfan gwbl neu’n bennaf o blastig polyethylen tereffthalad (PET), gwydr, dur neu alwminiwm,
 - (c) sydd â chynhwysedd o 50 o fililitrau o leiaf ond dim mwy na thri litr o hylif,
 - (d) sydd wedi ei chynllunio neu ei gynllunio, neu wedi ei bwriadu neu ei fwriadu, i gael ei selio mewn cyflwr aerglos a dwrglos yn y man cyflenwi i dreuliwr yn y Deyrnas Unedig, ac
 - (e) nad yw wedi ei chreu neu ei greu, wedi ei chynllunio neu ei gynllunio nac wedi ei marchnata neu ei farchnata i gael ei hail-lenwi neu ei ail-lenwi na’i hailddefnyddio neu ei ailddefnyddio mewn unrhyw ffordd arall gan unrhyw berson;”;

“mae i “grŵp o gwmnïau” (“*group of companies*”) yr ystyr a roddir gan reoliad 11(9)(d);”;

“ystyr “perchennog cyntaf yn y DU” (“*first UK owner*”), mewn perthynas â phe cynwaith nad yw’n cael ei fewnforio, yw’r person cyntaf sydd wedi ymsefydlu yn y Deyrnas Unedig sy’n cymryd perchnogaeth o’r pecynwaith hwnnw yn y Deyrnas Unedig;”;
- (c) yn y diffiniad o “mewnforiwr”—
 - (i) ym mharagraff (a), hegorer “wedi ei lenwi”;
 - (ii) ym mharagraff (b)—
 - (aa) yn lle “yn bresennol” rhodder “wedi ymsefydlu”;
 - (bb) ar ôl “person cyntaf” mewnosoder “sydd wedi ymsefydlu”.

Diwygio rheoliad 5 (diod)

6. Yn rheoliad 5(1), hegorer “ac eithrio yn rheoliad 12(4),”.

Amendment of regulation 2 (interpretation)

5. In regulation 2(1)—

- (a) omit the definition of “disposal”;
- (b) at the appropriate places, in alphabetical order, insert the following definitions—

““*drink container*” (“*cynhwysydd diod*”) means a bottle or can which—

 - (a) contains or used to contain drink,
 - (b) is made wholly or mainly from polyethylene terephthalate (PET) plastic, glass, steel or aluminium,
 - (c) has a capacity of at least 50 millilitres but no more than three litres of liquid,
 - (d) is designed or intended to be sealed in an airtight and watertight state at the point of supply to a consumer in the United Kingdom, and
 - (e) is not conceived, designed or marketed to be refilled or re-used in any other way by any person;”;

““*first UK owner*” (“*perchennog cyntaf yn y DU*”) in relation to packaging which is not imported, means the first person established in the United Kingdom who takes ownership of that packaging in the United Kingdom;”;

““*group of companies*” (“*grŵp o gwmnïau*”) has the meaning given by regulation 11(9)(d);”;
 - (c) in the definition of “importer”—
 - (i) in paragraph (a), omit “filled”;
 - (ii) in paragraph (b)—
 - (aa) for “present”, substitute “established”;
 - (bb) after “first person”, insert “established”.

Amendment of regulation 5 (drink)

6. In regulation 5(1), omit “except in regulation 12(4),”.

Diwygio rheoliad 6 (pecynwaith a categorïau o becynwaith)

7. Yn rheoliad 6—

- (a) ym mharagraff (1)—
 - (i) yn is-baragraff (c), yn lle “cynwysyddion” rhodder “pecynwaith cludo na chynwysyddion”;
 - (ii) yn is-baragraff (d), hepgorer “a ychwanegir”;
- (b) ar ôl paragraff (6), mewnosoder—

“(7) Pan fo cynhwysydd diod yn cynnwys nifer o gydrannau sydd wedi eu gwneud o wahanol ddeunyddiau—

 - (a) mae’r cynhwysydd diod i’w drin fel pe bai wedi ei wneud o’r un deunydd â’r gydran sy’n pwyso fwyaf (“y gydran fwyaf”), oni bai bod y gydran fwyaf wedi ei gwneud o wydr;
 - (b) pan fo’r gydran fwyaf wedi ei gwneud o wydr, mae pob cydran o’r cynhwysydd diod i’w thrin ar wahân at ddibenion y Rheoliadau hyn.”

Amnewid rheoliad 7 (pecynwaith cartref)

8. Yn lle rheoliad 7 rhodder—

“Pecynwaith cartref

7.—(1) Yn y Rheoliadau hyn, “pecynwaith cartref” yw pecynwaith cynradd neu becynwaith cludo nad yw’n becynwaith cynradd nac yn becynwaith cludo sy’n dod o fewn paragraff (2).

(2) Nid yw’r pecynwaith cynradd na’r pecynwaith cludo a ganlyn i’w trin fel pecynwaith cartref—

- (a) pecynwaith a gyflenwir i fusnes neu sefydliad cyhoeddus sy’n ddefnyddiwr terfynol y pecynwaith hwnnw;
- (b) pecynwaith ar gyfer cynnyrch—
 - (i) pan fo’r cynnyrch wedi ei gynllunio i’w ddefnyddio gan fusnes neu sefydliad cyhoeddus yn unig, a
 - (ii) pan nad yw’n rhesymol debygol y bydd y pecynwaith ar gyfer y cynnyrch hwnnw yn cael ei waredu mewn bin cartref na bin cyhoeddus;

Amendment of regulation 6 (packaging and packaging categories)

7. In regulation 6—

- (a) in paragraph (1)—
 - (i) in sub-paragraph (c), after “does not include” insert “shipment packaging or”;
 - (ii) in sub-paragraph (d), omit “added”;
- (b) after paragraph (6), insert—

“(7) Where a drink container consists of a number of components made of different materials—

 - (a) the drink container is to be treated as being made of the same material as the component which is predominant by weight (“the predominant component”), unless the predominant component is made of glass;
 - (b) where the predominant component is made of glass, each component of the drink container is to be treated separately for the purpose of these Regulations.”

Substitution of regulation 7 (household packaging)

8. For regulation 7, substitute—

“Household packaging

7.—(1) In these Regulations, “household packaging” is primary packaging or shipment packaging which is not primary packaging or shipment packaging falling within paragraph (2).

(2) The following primary packaging or shipment packaging is not to be treated as household packaging—

- (a) packaging supplied to a business or public institution which is the final user of that packaging;
- (b) packaging for a product, where—
 - (i) the product is designed only for use by a business or public institution, and
 - (ii) the packaging for that product is not reasonably likely to be disposed of in a household bin or a public bin;

- (c) pecynwaith a fewnforir i'r Deyrnas Unedig gan fewnforiwr a'i daflu yn y Deyrnas Unedig gan y mewnforiwr hwnnw.
- (3) Nid yw pecynwaith i'w drin fel pe bai'n dod o fewn paragraff (2)(a) neu (b) oni bai bod y cynhyrchydd sy'n cyflenwi'r pecynwaith hwnnw yn gallu darparu tystiolaeth—
- (a) yn achos paragraff (2)(a), y cyflenwir y pecynwaith i fusnes neu sefydliad cyhoeddus nad yw'n cyflenwi i unrhyw berson arall—
- (i) y pecynwaith, neu
- (ii) y cynnyrch y mae'r pecynwaith yn ei gynnwys ar ei ffurf becynedig;
- (b) yn achos paragraff (2)(b)—
- (i) bod y cynnyrch o dan sylw yn bodloni'r gofyniad ym mharagraff (2)(b)(i), a
- (ii) bod y pecynwaith ar gyfer y cynnyrch hwnnw yn bodloni'r gofyniad ym mharagraff (2)(b)(ii).
- (4) At ddibenion paragraff (2)(b), ystyr "pecynwaith ar gyfer cynnyrch" yw—
- (a) pecynwaith a gyflenwir gyda chynnyrch sy'n bodloni'r amodau ym mharagraff (2)(b) ("cynnyrch busnes"), a
- (b) pecynwaith nas llanwyd sydd wedi ei wneud i'w ddefnyddio gyda chynnyrch busnes, ar yr amod bod gan gyflenwr y pecynwaith hwnnw dystiolaeth y bydd y pecynwaith yn cael ei ddefnyddio gyda chynnyrch busnes.
- (5) At ddibenion paragraff (3)(a)(ii), mae cynnyrch i'w drin fel pe bai'n cael ei gyflenwi ar ei ffurf becynedig oni bai bod yr holl becynwaith wedi ei dynnu ymaith o'r cynnyrch cyn ei gyflenwi i ddefnyddiwr terfynol y cynnyrch hwnnw.
- (6) At ddibenion y rheoliad hwn a rheoliad 7A, mae'r sefydliadau a'r personau a ganlyn i'w trin fel sefydliadau cyhoeddus—
- (a) ysgol, prifysgol, neu sefydliad addysgol arall;
- (b) ysbyty neu bractis ymarferydd meddygol cyffredinol neu ddeintydd;
- (c) cartref nyrsio neu gartref preswyl arall;
- (d) adran o'r llywodraeth;
- (e) awdurdod perthnasol;
- (f) llys neu dribiwnlys;
- (c) packaging imported into the United Kingdom by an importer and discarded in the United Kingdom by that importer.
- (3) Packaging is not to be treated as falling within paragraph (2)(a) or (b) unless the producer supplying that packaging can provide evidence that—
- (a) in the case of paragraph (2)(a), the packaging is supplied to a business or a public institution which does not supply to any other person—
- (i) the packaging, or
- (ii) the product which the packaging contains in its packaged form;
- (b) in the case of paragraph (2)(b)—
- (i) the product in question satisfies the requirement in paragraph (2)(b)(i), and
- (ii) the packaging for that product satisfies the requirement in paragraph (2)(b)(ii).
- (4) For the purposes of paragraph (2)(b), "packaging for a product" means—
- (a) packaging supplied with a product satisfying the conditions in paragraph (2)(b) ("a business product"), and
- (b) unfilled packaging made to be used with a business product, provided that the supplier of that packaging has evidence that the packaging will be used with a business product.
- (5) For the purposes of paragraph (3)(a)(ii), a product is to be treated as being supplied in its packaged form unless all packaging is removed from the product before it is supplied to the final user of that product.
- (6) For the purposes of this regulation and regulation 7A, the following institutions and persons are to be treated as public institutions—
- (a) a school, university, or other educational establishment;
- (b) a hospital or the practice of a general medical practitioner or dentist;
- (c) a nursing home or other residential home;
- (d) a government department;
- (e) a relevant authority;
- (f) a court or tribunal;

- (g) person sydd wedi ei sefydlu neu ei benodi gan neu o dan unrhyw ddeddfiad sy'n cyflawni swyddogaethau cyhoeddus;
- (h) elusen neu gorff nid-er-elw arall;
- (i) sefydliad cosbi.
- (7) Yn y rheoliad hwn—
- ystyr “corff nid-er-elw” (“*not for profit body*”) yw corff—
- (a) y mae'n ofynnol iddo (ar ôl iddo dalu all daliadau), yn rhinwedd ei gyfansoddiad neu unrhyw ddeddfiad, gymhwyso'r cyfan o'i incwm, ac unrhyw gyfalaf y mae'n ei wario, at ddibenion elusennol neu gyhoeddus, a
- (b) sydd wedi ei wahardd, yn rhinwedd ei gyfansoddiad neu unrhyw ddeddfiad, rhag dosbarthu unrhyw ran o'i asedau yn uniongyrchol neu'n anuniongyrchol ymhlith ei aelodau ac eithrio at ddibenion elusennol neu gyhoeddus;
- ystyr “deintydd” (“*dentist*”) yw person sydd wedi ei gofrestru ar y gofrestr o ddeintyddion a gedwir o dan adran 14(1) o Ddeddf Deintyddion 1984(1);
- ystyr “ymarferydd meddygol cyffredinol” (“*general medical practitioner*”) yw person sydd wedi ei gofrestru ar y Gofrestr Ymarferwyr Cyffredinol a gedwir gan y Cyngor Cyffredinol o dan adran 34C o Ddeddf Meddygaeth 1983(2).
- (8) Yn y rheoliad hwn ac yn rheoliad 7A—
- (a) ystyr “bin cartref” yw cynhwysydd sydd wedi ei gynllunio i gasglu deunydd gwastraff o gartref nad yw'n fusnes nac yn sefydliad cyhoeddus;
- (b) ystyr “bin cyhoeddus” yw cynhwysydd—
- (i) a gynhelir gan awdurdod perthnasol mewn stryd neu fan cyhoeddus, a
- (ii) sydd wedi ei gynllunio i gasglu deunydd gwastraff.”
- (g) a person established or appointed by or under any enactment who discharges public functions;
- (h) a charity or other not for profit body;
- (i) a penal institution.
- (7) In this regulation—
- “dentist” (“*deintydd*”) means a person registered in the dentists register kept under section 14(1) of the Dentists Act 1984(1);
- “general medical practitioner” (“*ymarferydd meddygol cyffredinol*”) means a person registered in the General Practitioner Register kept by the General Council under section 34C of the Medical Act 1983(2);
- “not for profit body” (“*corff nid-er-elw*”) means a body which, by virtue of its constitution or any enactment—
- (a) is required (after payment of outgoings) to apply the whole of its income, and any capital which it expends, for charitable or public purposes, and
- (b) is prohibited from directly or indirectly distributing among its members any part of its assets otherwise than for charitable or public purposes.
- (8) In this regulation and in regulation 7A—
- (a) “household bin” means a receptacle designed to collect waste material from a household which is not a business or a public institution;
- (b) “public bin” means a receptacle—
- (i) maintained by a relevant authority in a street or public place, and
- (ii) designed to collect waste material.

(1) 1984 p. 24; diwygiwyd adran 14(1) gan O.S. 2005/2011; mae offerynnau diwygio eraill, ond nid yw'r un ohonynt yn berthnasol i'r Rheoliadau hyn.

(2) 1983 p. 54. Mewnosodwyd adran 34C gan baragraff 10 o Atodlen 1 i O.S. 2010/234.

(1) 1984 c. 24; section 14(1) was amended by S.I. 2005/2011; there are other amending instruments, but none are relevant to these Regulations.

(2) 1983 c. 54. Section 34C was inserted by S.I. 2010/234, Schedule 1, paragraph 10.

Mewnosod rheoliad newydd 7A (canllawiau CNC)

9. Ar ôl rheoliad 7 (pecynwaith cartref), mewnosoder—

“Canllawiau CNC

7A.—(1) Rhaid i CNC ddarparu canllawiau at ddibenion rheoliad 7 (pecynwaith cartref)—

- (a) ar y dystiolaeth y caiff cynhyrchydd ei defnyddio i ddangos bod pecynwaith cynradd neu becynwaith cludo yn cael ei gyflenwi i fusnes neu sefydliad cyhoeddus sydd, yn y naill achos neu'r llall, yn ddefnyddiwr terfynol y pecynwaith;
- (b) ynghylch pan fydd—
 - (i) cynnyrch i'w drin fel pe bai wedi ei gynllunio i'w ddefnyddio gan fusnes neu sefydliad cyhoeddus yn unig, a
 - (ii) pecynwaith ar gyfer y cynnyrch hwnnw i'w drin fel pecynwaith nad yw'n rhesymol debygol o gael ei waredu mewn bin cartref neu fin cyhoeddus.

(2) Caiff CNC ystyried y ffactorau a ganlyn wrth lunio canllawiau o dan baragraff (1)(b)—

- (a) maint y pecynwaith;
- (b) pwysau'r pecynwaith;
- (c) a yw cyflenwi cynnyrch yn ddarostyngedig i gyfyngiadau a osodir gan neu o dan ddeddfwriaeth sylfaenol neu is-ddeddfwriaeth;
- (d) pa mor hawdd yw hi i dreuliwr gael gafael ar gynnyrch neu ei becynwaith;
- (e) a yw cynnyrch yn debygol o gael ei ddefnyddio gan fusnes mewn cartref;
- (f) unrhyw ffactor arall y mae CNC yn ystyried ei fod yn berthnasol.”

Insertion of new regulation 7A (NRW guidance)

9. After regulation 7 (household packaging), insert—

“NRW guidance

7A.—(1) NRW must provide guidance for the purposes of regulation 7 (household packaging)—

- (a) on the evidence which may be used by a producer to demonstrate that primary packaging or shipment packaging is supplied to a business or a public institution which in either case is the final user of the packaging;
- (b) on when—
 - (i) a product is to be treated as being designed only for use by a business or a public institution, and
 - (ii) packaging for that product is to be treated as not reasonably likely to be disposed of in a household bin or a public bin.

(2) NRW may take the following factors into account in the preparation of guidance under paragraph (1)(b)—

- (a) the size of the packaging;
- (b) the weight of the packaging;
- (c) whether the supply of a product is subject to restrictions imposed by or under primary or secondary legislation;
- (d) how available a product or its packaging is to consumers;
- (e) whether a product is likely to be used by a business in a household;
- (f) any other factor NRW considers relevant.”

Diwygio rheoliad 8 (cynhyrchwyr)

10. Yn rheoliad 8—

(a) yn lle paragraff (1) rhodder—

“(1) Mae person yn gynhyrchydd mewn perthynas â'r pecynwaith a bennir yn y rheoliad hwn os yw'n cyflawni yn unrhyw un neu ragor o wledydd y Deyrnas Unedig swyddogaethau un neu ragor o'r canlynol mewn perthynas â pheconwaith, naill ai ar ei ran ei hun, neu drwy asiant yn gweithredu ar ei ran, ac yng nghwrs busnes—

- (a) perchennog brand,
- (b) paciwr/llanwr,
- (c) mewnofiwr neu berchennog cyntaf yn y DU,
- (d) dosbarthwr,
- (e) gweithredwr marchnadle ar-lein,
- (f) darparwr gwasanaeth, neu
- (g) gwerthwr.

(1A) Ni chaniateir trin unrhyw berson fel ei fod yn cyflawni un o'r swyddogaethau a restrir ym mharagraff (1) at ddibenion y rheoliad hwn oni bai ei fod wedi ymsefydlu yn y Deyrnas Unedig.”;

(b) ym mharagraff (2)—

- (i) yn lle “paragraff (6)”, rhodder “paragraff (5)(b)(iii), (6) neu (7)”;
- (ii) yn lle “baragraff (4)”, rhodder “baragraffau (3) a (12A)”;

(c) ym mharagraff (3)—

- (i) yn lle “Yn ddarostyngedig i ” rhodder “Oni bai bod paragraff (6) neu (7) yn gymwys, ac yn ddarostyngedig i”;
- (ii) yn lle “baragraff (4)” rhodder “baragraff (12A)”;
- (iii) ar y diwedd mewnosoder “ac unrhyw becynwaith a gynhwysir yn y pecynwaith hwnnw neu sy'n ffurfio rhan ohono (pa un a yw'r rhan honno o'r pecynwaith wedi ei brandio ai peidio).”;

(d) hepgorer paragraff (4);

(e) ym mharagraff (5), yn lle is-baragraff (b) rhodder—

“(b) pan fo un (neu ragor) o'r canlynol yn gymwys—

- (i) nid oes perchennog brand sydd wedi ymsefydlu yn y Deyrnas Unedig,

Amendment of regulation 8 (producers)

10. In regulation 8—

(a) for paragraph (1), substitute—

“(1) A person is a producer in relation to the packaging specified in this regulation if they perform in any nation of the United Kingdom the functions of one or more of the following in relation to packaging, either on their own behalf, or through an agent acting on their behalf, and in the course of business—

- (a) a brand owner,
- (b) a packer/filler,
- (c) an importer or first UK owner,
- (d) a distributor,
- (e) an online marketplace operator,
- (f) a service provider, or
- (g) a seller.

(1A) No person may be treated as performing one of the functions listed in paragraph (1) for the purposes of this regulation unless they are established in the United Kingdom.”;

(b) in paragraph (2)—

- (i) for “paragraff (6)”, substitute “paragraff (5)(b)(iii), (6) or (7)”;
- (ii) for “paragraff (4)”, substitute “paragraphs (3) and (12A)”;

(c) in paragraph (3)—

- (i) for “Subject”, substitute “Unless paragraph (6) or (7) applies, and subject”;
- (ii) for “paragraff (4)”, substitute “paragraff (12A)”;
- (iii) at the end, insert “and any packaging contained in, or forming part of, that packaging (whether or not that part of the packaging is branded).”;

(d) omit paragraph (4);

(e) in paragraph (5), for sub-paragraph (b) substitute—

“(b) where one (or more) of the following applies—

- (i) there is no brand owner established in the United Kingdom,

- (ii) nid yw'r perchennog brand yn gynhyrchydd mawr, neu
- (iii) mae'r unig frand ar y pecynwaith yn ymwneud â'r pecynwaith ac nid â'r cynnyrch sydd wedi ei gynnwys yn y pecynwaith hwnnw.”;
- (f) yn lle paragraffau (7) ac (8) rhodder—
- “(7) Mae mewnoforiwr (“ME”) yn gynhyrchydd mewn perthynas ag unrhyw becynwaith a fewnforir i'r Deyrnas Unedig y mae paragraff (8) yn gymwys iddo—
- (a) y mae'r ME wedi ei fewnforio, a
- (b) sydd—
- (i) yn becynwaith wedi ei lenwi, neu
- (ii) yn becynwaith a daflwyd gan ME yn y Deyrnas Unedig.
- (8) Mae'r paragraff hwn yn gymwys i becynwaith—
- (a) nad oes perchennog brand sydd wedi ymsefydlu yn y Deyrnas Unedig ar ei gyfer,
- (b) pan na fo'r perchennog brand yn gyfrifol am fewnforio'r pecynwaith, neu
- (c) pan fo'r perchennog brand yn gyfrifol am fewnforio'r pecynwaith, ond nid yw'n gynhyrchydd mawr.”;
- (g) ar ôl paragraff (8), mewnosoder—
- “(8A) Mae perchennog cyntaf yn y DU yn gynhyrchydd mewn perthynas ag unrhyw becynwaith—
- (a) pan fo'r pecynwaith wedi ei becynnu neu ei lenwi yn y Deyrnas Unedig ar ran person nad yw wedi ymsefydlu yn y Deyrnas Unedig,
- (b) pan, ar yr adeg y mae'n cael ei bacio neu ei lenwi, nad oes unrhyw berson sydd wedi ymsefydlu yn y Deyrnas Unedig yn berchennog ar y pecynwaith nac wedi bod yn berchennog arno, ac
- (c) pan fo'r pecynwaith wedi ei lenwi yn cael ei gyflenwi i'r perchennog cyntaf yn y DU.”;
- (h) ym mharagraff (9)—
- (i) yn lle is-paragraff (b) rhodder—
- “(b) yn cael ei gyflenwi i unrhyw berson, ac eithrio cynhyrchydd mawr sy'n llenwi neu'n pacio'r pecynwaith cyn ei gyflenwi i unrhyw berson arall.”;
- (ii) the brand owner is not a large producer, or
- (iii) the only brand on the packaging relates to the packaging and not to the product contained in that packaging.”;
- (f) for paragraphs (7) and (8), substitute—
- “(7) An importer (“IM”) is a producer in relation to any packaging imported into the United Kingdom to which paragraph (8) applies—
- (a) for which the IM is the importer, and
- (b) which is—
- (i) filled packaging, or
- (ii) packaging discarded by the IM in the United Kingdom.
- (8) This paragraph applies to packaging—
- (a) for which there is no brand owner established in the United Kingdom,
- (b) where the brand owner is not responsible for the import of the packaging, or
- (c) where the brand owner is responsible for the import of the packaging but is not a large producer.”;
- (g) after paragraph (8), insert—
- “(8A) A first UK owner is a producer in relation to any packaging where—
- (a) the packaging is packed or filled in the United Kingdom on behalf of a person who is not established in the United Kingdom,
- (b) at the time it is packed or filled, no person established in the United Kingdom is or has been the owner of the packaging, and
- (c) the filled packaging is supplied to the first UK owner.”;
- (h) in paragraph (9)—
- (i) for sub-paragraph (b), substitute—
- “(b) supplied to any person, other than a large producer who fills or packs the packaging before supplying it to any other person.”;

(ii) yn lle'r geiriau cloi rhodder—
“ac eithrio pan mai cynhyrchydd mawr sy'n berchennog brand neu'n baciwr/llanwr yw'r cynhyrchydd mewn perthynas â'r pecynwaith hwnnw o dan baragraff (2), (3), (5) neu (6) ar ôl i'r pecynwaith gael ei lenwi.”;

(i) ym mharagraff (12), yn lle “dreuliwr” rhodder “ddefnyddiwr terfynol” ac yn lle “treuliwr” rhodder “defnyddiwr terfynol”;

(j) ar ôl paragraff (12), mewnosoder—
“(12A) Pan fo cynhyrchion unigol gwahanol wedi eu grwpio gyda'i gilydd i'w gwerthu fel un uned werthu, rhaid cymhwyso'r rheoliad hwn ar wahân er mwyn pennu cynhyrchydd—

(a) y pecynwaith ar gyfer pob cynnyrch unigol o fewn yr uned werthu, a

(b) y pecynwaith ar gyfer yr uned werthu yn ei chyfanrwydd, gan gynnwys unrhyw becynwaith o fewn yr uned werthu nad yw'n rhan o becynwaith unrhyw gynnyrch unigol o fewn yr uned werthu honno.”

Diwygio rheoliad 10 (cyflenwi)

11. Yn rheoliad 10—

(a) yn lle paragraff (2) rhodder—

“(2) Yn y Rheoliadau hyn—

(a) mae perchennog cyntaf yn y DU i'w drin fel pe bai'n “cyflenwi” unrhyw becynwaith—

(i) nad yw wedi ei gyflenwi, o fewn ystyr y Rheoliadau hyn, cyn dod i berchnogaeth y perchennog cyntaf yn y DU, a

(ii) sy'n cael ei daflu gan y perchennog cyntaf yn y DU yn y Deyrnas Unedig;

(b) mae mewnofiwr i'w drin fel pe bai'n “cyflenwi” pecynwaith neu ddeunyddiau pecynwaith y mae'r mewnofiwr yn ei fewnforio neu'n eu mewnforio i'r Deyrnas Unedig ac yn ei daflu neu'n eu taflu yno.”;

(b) hepgorer paragraff (3).

(ii) for the closing words, substitute—

“except where a large producer who is a brand owner or a packer/filler is the producer in relation to that packaging under paragraph (2), (3), (5) or (6) once the packaging is filled.”;

(i) in paragraph (12) for “consumer” both times it occurs, substitute “final user”;

(j) after paragraph (12), insert—

“(12A) Where different individual products are grouped together to be sold as a single sales unit, this regulation must be applied separately to determine the producer of—

(a) the packaging for each individual product within the sales unit, and

(b) the packaging for the sales unit as a whole, including any packaging within the sales unit which is not part of the packaging of any individual product within that sales unit.”

Amendment of regulation 10 (supply)

11. In regulation 10—

(a) for paragraph (2), substitute—

“(2) In these Regulations—

(a) a first UK owner is to be treated as “supplying” any packaging which—

(i) has not been supplied, within the meaning of these Regulations, before coming into the ownership of the first UK owner, and

(ii) is discarded by the first UK owner in the United Kingdom;

(b) an importer is to be treated as “supplying” packaging or packaging materials which the importer imports into and discards in the United Kingdom.”;

(b) omit paragraph (3).

Diwygio rheoliad 11 (y meini prawf trothwy ar gyfer cynhyrchwyr mawr a bach)

12. Yn rheoliad 11(12), yn y diffiniad o “blwyddyn rwymedigaeth”, yn lle “ofynion casglu data neu ofynion casglu ac adrodd am ddata” rhodder “rwymedigaethau casglu data yn unig, neu rwymedigaethau casglu data a rhwymedigaethau adrodd am ddata fel ei gilydd”.

Diwygio rheoliad 12 (pecynwaith esempt)

13. Yn rheoliad 12—

(a) ym mharagraff (2), yn lle is-baragraff (e) rhodder—

“(e) pecynwaith sy’n eitem ernes at ddibenion cynllun ernes perthnasol, ac at y dibenion hyn, mae “eitem ernes” yn cynnwys pecynwaith sy’n eitem cynllun o dan Reoliadau Cynllun Ernes a Dychwelyd yr Alban 2020(1), neu becynwaith y gellir ei ddychwelyd fel y darperir ar ei gyfer mewn rheoliadau a wnaed o dan adran 84 o Ddeddf Newid Hinsawdd (Yr Alban) 2009(2).”;

(b) yn lle paragraff (4) rhodder—

“(4) Ym mharagraff (2)(e), ystyr “cynllun ernes perthnasol” yw cynllun ernes sydd—

(a) wedi ei sefydlu—

(i) yn Rheoliadau Cynllun Ernes a Dychwelyd yr Alban 2020, neu

(ii) mewn rheoliadau a wnaed o dan Atodlen 8 i Ddeddf yr Amgylchedd 2021(3), neu o dan adran 84 o Ddeddf Newid Hinsawdd (Yr Alban) 2009, a

(b) yn weithredol mewn unrhyw ran o’r Deyrnas Unedig.”;

(c) hepgorer paragraff (5).

Diwygio rheoliad 15 (rhwymedigaethau cynhyrchwyr)

14. Yn rheoliad 15(1), yn lle “fel y’i diffinnir o dan reoliad 8(1)” rhodder “sydd wedi ymsefydlu yng Nghymru”.

Amendment of regulation 11 (threshold criteria for large and small producers)

12. In regulation 11(12), in the definition of “obligation year”, for “data collection requirements or data collecting and reporting requirements”, substitute “data collection obligations alone, or both data collection obligations and data reporting obligations”.

Amendment of regulation 12 (exempt packaging)

13. In regulation 12—

(a) in paragraph (2), for sub-paragraph (e), substitute—

“(e) packaging which is a deposit item for the purposes of a relevant deposit scheme, and for these purposes, “deposit item” includes packaging which is a scheme article under the Deposit and Return Scheme for Scotland Regulations 2020(1), or returnable packaging as provided for in regulations made under section 84 of the Climate Change (Scotland) Act 2009(2).”;

(b) for paragraph (4), substitute—

“(4) In paragraph (2)(e), a “relevant deposit scheme” is a deposit scheme which—

(a) has been established in—

(i) the Deposit and Return Scheme for Scotland Regulations 2020, or

(ii) regulations made under Schedule 8 to the Environment Act 2021(3), or under section 84 of the Climate Change (Scotland) Act 2009, and

(b) is in operation in any part of the United Kingdom.”;

(c) omit paragraph (5).

Amendment of regulation 15 (producer obligations)

14. In regulation 15(1), for “as defined under regulation 8(1)”, substitute “who is established in Wales”.

(1) O.S.A. 2020/154, a ddiwygiwyd gan O.S.A. 2022/76, 2023/201 a 2023/334. Mae i “eitem cynllun” yr ystyr a roddir i “scheme article” gan reoliad 3(2) o O.S.A. 2020/154.

(2) 2009 dsa 12.

(3) 2021 p. 30.

(1) S.S.I. 2020/154, amended by S.S.I. 2022/76, 2023/201 and 2023/334. “Scheme article” has the meaning given by regulation 3(2) of S.S.I. 2020/154.

(2) 2009 asp 12.

(3) 2021 c. 30.

Diwygio rheoliad 16 (rhwymedigaethau casglu data)

15. Yn rheoliad 16—

- (a) ym mharagraff (2)(b)(ii), yn lle “22(1) a (3)” rhodder “22(1) i (4)”;
- (b) ym mharagraff (3)(b)(ii), yn lle “22(1) a (3)” rhodder “22(1) i (4)”.

Diwygio rheoliad 17 (rhwymedigaethau adrodd am ddata)

16. Yn rheoliad 17(1)—

- (a) yn is-baragraff (b)—
 - (i) ar ôl “fewnforiwr” mewnosoder “, yn berchennog cyntaf yn y DU”;
 - (ii) yn lle “mharagraffau 10(3) a 22” rhodder “mharagraffau 11 i 13, 15, 16 a 22”;
- (b) yn is-baragraff (c), yn lle “10 i 16 a 22” rhodder “11 i 13, 15, 16 a 22”.

Mewnosod rheoliad newydd 17A (data ailgylchu)

17. Ar ôl rheoliad 17 (rhwymedigaethau adrodd am ddata), mewnosoder—

“Data ailgylchu

17A.—(1) Pan fo gwybodaeth mewn adroddiad a gyflwynir gan gynhyrhydd mawr (“CM”) o dan reoliad 17 mewn perthynas â chyfnod o chwe mis sy’n dod i ben ar neu ar ôl 30 Mehefin 2024 (“adroddiad rheoliad 17”) yn ymwneud â phecyntwaith sydd eisoes wedi bod yn ddarostyngedig i rwymedigaeth ailgylchu o dan reoliad 4(4)(b) o Reoliadau 2007 ac Atodlen 2 iddynt (“pecynwaith perthnasol”), caiff CM ddewis cyflwyno adroddiad o dan baragraff (2) o’r rheoliad hwn (“adroddiad rheoliad 17A”).

(2) Rhaid i adroddiad rheoliad 17A ddatgan cyfran y pecynwaith perthnasol y bu’n ofynnol i CM ei ailgylchu o dan Reoliadau 2007 (“P”), a gyfrifir fel a ganlyn—

$$P = CP \times SP$$

pan—

- (a) “CP” yw’r swm mewn cilogramau o becynwaith perthnasol sydd wedi ei ystyried yn flaenorol i gyfrifo rhwymedigaethau ailgylchu cynhyrhydd o dan Reoliadau 2007;

Amendment of regulation 16 (data collection obligations)

15. In regulation 16—

- (a) in paragraph (2)(b)(ii), for “22(1) and (3)”, substitute “22(1) to (4)”;
- (b) in paragraph (3)(b)(ii), for “22(1) and (3)” substitute “22(1) to (4)”.

Amendment of regulation 17 (data reporting obligations)

16. In regulation 17(1)—

- (a) in sub-paragraph (b)—
 - (i) after “importer”, insert “, first UK owner”;
 - (ii) for “paragraphs 10(3) and 22”, substitute “paragraphs 11 to 13, 15, 16 and 22”;
- (b) in sub-paragraph (c), for “10 to 16 and 22”, substitute “11 to 13, 15, 16 and 22”.

Insertion of new regulation 17A (recycling data)

17. After regulation 17 (data reporting obligations), insert—

“Recycling data

17A.—(1) Where information in a report submitted by a large producer (“LP”) under regulation 17 in relation to a period of six months ending on or after 30 June 2024 (“regulation 17 report”) concerns packaging which has already been the subject of a recycling obligation under regulation 4(4)(b) of, and Schedule 2 to, the 2007 Regulations (“relevant packaging”), LP may choose to submit a report under paragraph (2) of this regulation (a “regulation 17A report”).

(2) A regulation 17A report must state the proportion of relevant packaging which LP has been required to recycle under the 2007 Regulations (“P”), calculated as follows—

$$P = AP \times SP$$

where—

- (a) “AP” is the amount in kilograms of relevant packaging which has previously been taken into account to calculate the recycling obligations of a producer under the 2007 Regulations;

(b) “SP” yw swm canrannau’r pecynwaith hwnnw y mae wedi bod yn ofynnol i unrhyw ddsbarth o gynhyrchydd ei ailgylchu o dan Rheoliadau 2007, fel y’i nodir ym mharagraff 4 o Atodlen 2 i’r Rheoliadau hynny.

(3) Pan fo CM yn dewis cyflwyno adroddiad rheoliad 17A, rhaid i CM gyflwyno’r adroddiad—

(a) ar unrhyw ffurf a gyfarwyddir gan CNC;

(b) ar y dyddiad y mae CM yn cyflwyno adroddiad rheoliad 17 neu unrhyw ddyddiad arall y caiff CNC ei gyfarwyddo.

(4) Pan na chyflwynir adroddiad rheoliad 17A ar yr un dyddiad â’r adroddiad rheoliad 17, rhaid i’r adroddiad rheoliad 17A nodi hefyd y cyfnod casglu data y mae’n ymwneud ag ef.

(5) Yn y rheoliad hwn, ystyr “Rheoliadau 2007” yw Rheoliadau Rhwymedigaethau Cyfrifoldeb Cynhyrchwyr (Gwastraff Pecynwaith) 2007(1).”

(b) “SP” is the sum of the percentages of that packaging which any class of producer has been required to recycle under the 2007 Regulations, as set out in paragraph 4 of Schedule 2 to those Regulations.

(3) Where LP chooses to submit a regulation 17A report, LP must submit the report—

(a) in such form as NRW may direct;

(b) on the date on which LP submits a regulation 17 report or such other date as NRW may direct.

(4) Where a regulation 17A report is not submitted on the same date as the regulation 17 report, the regulation 17A report must also identify the data collection period it relates to.

(5) In this regulation, “the 2007 Regulations” means the Producer Responsibility Obligations (Packaging Waste) Regulations 2007(1).”

Diwygio rheoliad 20 (cynlluniau: darpariaethau cyffredinol)

18. Yn rheoliad 20, ar ôl paragraff (2), mewnosoder—

“(3) Rhaid i GC fonitro cywirdeb gwybodaeth a ddarperir gan gynhyrchydd i’r cynllun at ddibenion y rheoliad hwn er mwyn sicrhau bod yr wybodaeth yn cydymffurfio â’r gofynion yn rheoliad 19(2)(b)(iii).”

Mewnosod rheoliad newydd 22A (cyhoeddi rhestr o gynhyrchwyr mawr)

19. Ar ôl rheoliad 22 (cyhoeddi eitemau a ailgylchir gan awdurdodau perthnasol), mewnosoder—

“Cyhoeddi rhestr o gynhyrchwyr mawr

22A.—(1) Rhaid i CNC gyhoeddi ar wefan restr o’r holl gynhyrchwyr mawr (“y rhestr”) sydd wedi adrodd am wybodaeth i CNC o dan rheoliad 17 (rhwymedigaethau adrodd am ddata).

Amendment of regulation 20 (schemes: general provisions)

18. In regulation 20, after paragraph (2), insert—

“(3) OS must monitor the accuracy of information provided by a producer to the scheme for the purposes of this regulation to ensure that the information complies with the requirements in regulation 19(2)(b)(iii).”

Insertion of new regulation 22A (publication of list of large producers)

19. After regulation 22 (publication of items recycled by relevant authorities), insert—

“Publication of list of large producers

22A.—(1) NRW must publish on a website a list of all large producers (“the list”) who have reported information to NRW under regulation 17 (data reporting obligations).

(1) O.S. 2007/871, a ddiwygiwyd gan O.S. 2007/3538; 2010/675, 2849; O.S.A. 2012/360; O.S. 2013/1821, 755 (Cy. 90); 2016/241, 696, 738; 2018/721; 2019/188; O.S.A. 2020/387, O.S. 2020/904, 1390 (Cy. 308).

(1) S.I. 2007/871, amended by S.I. 2007/3538; 2010/675, 2849; S.S.I. 2012/360; S.I. 2013/1821, 755 (W. 90); 2016/241, 696, 738; 2018/721; 2019/188; S.S.I. 2020/387, S.I. 2020/904, 1390 (W. 308).

(2) Rhaid i gofnod ar gyfer cynhyrchydd mawr ar y rhestr gynnwys—

- (a) enw'r cynhyrchydd mawr;
- (b) enw busnes y cynhyrchydd mawr os yw'n wahanol i'r enw y cyfeirir ato yn is-baragraff (a);
- (c) enw a chyfeiriad swyddfa gofrestredig y cynhyrchydd mawr, neu os nad cwmni ydyw, ei brif swyddfa neu ei brif fan busnes.

(3) Rhaid i'r rhestr gael ei threfnu a'i mynegeo fel y gall aelod o'r cyhoedd chwilio ynddi.

(4) Rhaid i CNC roi gwybodaeth ar y rhestr cyn gynted ag y bo'n ymarferol ar ôl i CNC gael yr wybodaeth."

(2) An entry for a large producer on the list must contain—

- (a) the name of the large producer;
- (b) the business name of the large producer if different from that referred to in sub-paragraph (a);
- (c) the name and address of the registered office of the large producer, or if it is not a company, its head office or principal place of business.

(3) The list must be arranged and indexed so that it is capable of being searched by a member of the public.

(4) NRW must enter information on the list as soon as practicable after the information has been received by NRW."

Diwygio Atodlen 1 (casglu ac adrodd am wybodaeth)

20. Yn Atodlen 1 (casglu ac adrodd am wybodaeth)—

- (a) ym mhennawd Rhan 3 (yr wybodaeth sy'n ofynnol gan berchnogion brand, mewnforywr, dosbarthwyr a darparwyr gwasanaethau)—
 - (i) ar ôl "berchnogion brand," mewnosoder "pacwyr/llanwyr,";
 - (ii) ar ôl "mewnforywr", mewnosoder "neu berchnogion cyntaf yn y DU";
- (b) ym mharagraff 10—
 - (i) yn is-baragraff (1)—
 - (aa) ym mharagraff (a), hepgorer y geiriau o "neu, ar gyfer" hyd at y diwedd;
 - (bb) ar ôl paragraff (a), mewnosoder—
"(aa) pacwyr/llanwyr,";
 - (cc) ym mharagraff (b), ar ôl "fewnforywr" mewnosoder "neu'n berchnogion cyntaf yn y DU";
 - (ii) ar ôl is-baragraff (1), mewnosoder—
"(1A) Ni chaiff cynhyrchydd y mae'n ofynnol gan reoliad 17 (rhwymedigaethau adrodd am ddata) iddo adrodd am wybodaeth yn y Rhan hon—
 - (a) ond adrodd am yr wybodaeth honno mewn perthynas â phecynwaith y mae'r person hwnnw'n gynhyrchydd ar ei gyfer o ddsbarth a restrir yn is-baragraff (1);

Amendments to Schedule 1 (collection and reporting of information)

20. In Schedule 1 (collection and reporting of information)—

- (a) in the heading of Part 3 (information required from brand owners, importers, distributors and service providers)—
 - (i) after "brand owners," insert "packers/fillers,";
 - (ii) after "importers", insert "or first UK owners";
- (b) in paragraph 10—
 - (i) in sub-paragraph (1)—
 - (aa) in paragraph (a), omit the words from "or, for" to the end;
 - (bb) after paragraph (a), insert—
"(aa) packers/fillers,";
 - (cc) in paragraph (b), after "importers", insert "or first UK owners";
 - (ii) after sub-paragraph (1), insert—
"(1A) A producer required by regulation 17 (data reporting obligations) to report information in this Part—
 - (a) must only report that information in relation to packaging for which that person is a producer of a class listed in sub-paragraph (1);

- (b) adrodd am unrhyw wybodaeth mewn perthynas ag unrhyw becynwaith nad yw'r cynhyrchydd ond yn cyflawni swyddogaeth gwerthwr neu weithredwr marchnadle ar-lein mewn perthynas ag ef.”;
- (iii) yn is-baragraff (3)(b), yn lle “yr wybodaeth honno” rhodder “yr wybodaeth a nodir ym mharagraffau 11 i 13, 15, 16 a 22”;
- (c) ym mharagraff 13—
- (i) hepgorer is-baragraff (2);
- (ii) yn lle is-baragraff (3) rhodder—
- “(3) Nid yw is-baragraff (1) yn gymwys mewn perthynas â phecynwaith y trinnir mewnoforiwr neu berchennog cyntaf yn y DU fel pe bai'n ei gyflenwi o fewn ystyr rheoliad 10(2);”;
- (d) ym mharagraff 16(2)(a), yn lle “, papur a gwellt” rhodder “a phapur”;
- (e) ym mharagraff 17, yn is-baragraffau (a) a (b), ar ôl “a 19” mewnosoder “ar gyfer yr holl becynwaith y maent yn gynhyrchydd mewn cysylltiad ag ef o dan reoliad 8(10)”;
- (f) ym mharagraffau 18 a 19, yn lle “gan y cynhyrchydd” rhodder “drwy farchnadle ar-lein a weithredir gan y cynhyrchydd”;
- (g) ym mharagraff 20—
- (i) ar ddiwedd y geiriau agoriadol mewnosoder “ar gyfer yr holl becynwaith y maent yn gynhyrchydd mewn cysylltiad ag ef, neu, ar gyfer yr wybodaeth ym mharagraff 21, yn gynhyrchydd o ddsbarth a bennir yn y paragraff hwnnw”;
- (ii) ar ddiwedd is-baragraff (a) mewnosoder “pan fo'n gymwys”;
- (iii) yn lle is-baragraffau (b) ac (c) rhodder—
- “(b) i gynhyrchwyr mawr, yr wybodaeth ym mharagraffau 21 a 22, pan fo'n gymwys;”;
- (iv) yn is-baragraff (d), yn lle “22(3)” rhodder “22(2) a (3)”;
- (h) ym mharagraff 21—
- (i) yn is-baragraff (1)(b), ar ôl “becynwaith a” mewnosoder “fewnforir ac yna a”;
- (b) must not report any information in relation to any packaging in relation to which the producer only performs the function of a seller or an on-line marketplace operator.”;
- (iii) in sub-paragraph (3)(b), for “that information”, substitute “the information set out in paragraphs 11 to 13, 15, 16 and 22”;
- (c) in paragraph 13—
- (i) omit sub-paragraph (2);
- (ii) for sub-paragraph (3), substitute—
- “(3) Sub-paragraph (1) does not apply in relation to packaging which an importer or first UK owner is treated as supplying within the meaning of regulation 10(2);”;
- (d) in paragraph 16(2)(a) for “, paper and straws”, substitute “and paper”;
- (e) in paragraph 17, in sub-paragraphs (a) and (b) after “and 19” insert “for all packaging in respect of which they are a producer under regulation 8(10)”;
- (f) in paragraphs 18 and 19, for “the producer has supplied”, substitute “supplied through an online marketplace operated by the producer”;
- (g) in paragraph 20—
- (i) at the end of the opening words, insert “for all packaging in respect of which they are a producer, or, for the information in paragraph 21, a producer of a class specified in that paragraph”;
- (ii) at the end of sub-paragraph (a), insert “where applicable”;
- (iii) for sub-paragraphs (b) and (c) substitute—
- “(b) for large producers, the information in paragraphs 21 and 22, where applicable;”;
- (iv) in sub-paragraph (d), for “22(3)”, substitute “22(2) and (3)”;
- (h) in paragraph 21—
- (i) in sub-paragraph (1)(b), after “the producer” the first time it is referred to, insert “imports and then”;

- (ii) ar ôl is-baragraff (1)(b), mewnosoder—
“(c)yr holl becynwaith y mae’r perchennog yn cymryd perchnogaeth ohono ac wedyn yn ei waredu, pan fydd y cynhyrchydd yn gynhyrchydd cyntaf yn y DU;”;
- (iii) yn is-baragraff (2)(b), ar ôl “becynwaith trydyddol” mewnosoder “ac sy’n berchnogion cyntaf yn y DU sy’n cael eu trin fel pe baent yn cyflenwi pecynwaith eilaidd neu becynwaith trydyddol”.

- (ii) after sub-paragraph (1)(b), insert—
“(c)all packaging the producer takes ownership of and then discards, when the producer is a first UK owner;”;
- (iii) in sub-paragraph (2)(b), after “tertiary packaging” insert “and first UK owners who are treated as supplying secondary or tertiary packaging”.

Diwygio Atodlen 2 (trwyddedwyr a busnesau gweithredu tafarn)

21. Ym mharagraff 2(2)(b) o Atodlen 2, yn lle “3 a 4” rhodder “5 a 7”.

Amendment to Schedule 2 (licensors and pub operating businesses)

21. In paragraph 2(2)(b) of Schedule 2, for “3 and 4”, substitute “5 and 7”.

Julie James

Y Gweinidog Newid Hinsawdd, un o Weinidogion
Cymru
20 Mawrth 2024

Minister for Climate Change, one of the Welsh
Ministers
20 March 2024

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Argraffwyd a chyhoeddwyd yn y DU gan Y Llyfrfa Cyf dan awdurdod a goruchwyliaeth Jeff James, Rheolwr Llyfrfa Ei Fawrhydi ac Argraffydd Deddfau Senedd y Brenin.

Printed and published in the UK by The Stationery Office Limited under the authority and superintendence of Jeff James, Controller of His Majesty’s Stationery Office and King’s Printer of Acts of Parliament.

£8.14

<http://www.legislation.gov.uk/id/wsi/2024/400>

ISBN 978-0-348-39557-0



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