



OFFERYNNAU STATUDOL
CYMRU

WELSH STATUTORY
INSTRUMENTS

2019 Rhif 390 (Cy. 95)

2019 No. 390 (W. 95)

**YMADAEL Â'R UNDEB
EWROPEAIDD, CYMRU**

**EXITING THE EUROPEAN
UNION, WALES**

**DIOGELU'R AMGYLCHEDD,
CYMRU**

**ENVIRONMENTAL
PROTECTION, WALES**

Rheoliadau Safonau Ansawdd Aer
(Cymru) (Diwygio) (Ymadael â'r
UE) 2019

The Air Quality Standards (Wales)
(Amendment) (EU Exit)
Regulations 2019

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(b) 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 yng nghyfraith yr UE a ddargedwir sy'n deillio o ymadawiad y Deyrnas Unedig â'r Undeb Ewropeaidd.

Mae'r Rheoliadau hyn yn diwygio Rheoliadau Safonau Ansawdd Aer (Cymru) 2010.

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.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations are made in exercise of the powers in paragraph 1(1) of Schedule 2 and paragraph 21(b) 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 in retained EU law arising from the withdrawal of the United Kingdom from the European Union.

These Regulations make amendments to the Air Quality Standards (Wales) Regulations 2010.

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.

2019 Rhif 390 (Cy. 95)

**YMADAEL Â'R UNDEB
EWROPEAIDD, CYMRU**

**DIOGELU'R AMGYLCHEDD,
CYMRU**

**Rheoliadau Safonau Ansawdd Aer
(Cymru) (Diwygio) (Ymadael â'r
UE) 2019**

*Gofynion sifftio wedi eu bodloni 18 Chwefror
2019*

Gwnaed 26 Chwefror 2019

*Gosodwyd gerbron Cynulliad Cenedlaethol
Cymru 28 Chwefror 2019*

Yn dod i rym yn unol â rheoliad 1(1)

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

Mae gofynion paragraff 4(2) o Atodlen 7 i'r Ddeddf honno (sy'n ymwneud â gweithdrefn graffu briodol Cynulliad Cenedlaethol Cymru ar gyfer y Rheoliadau hyn) wedi eu bodloni.

Enwi, cychwyn a dehongli

1.—(1) Enw'r Rheoliadau hyn yw Rheoliadau Safonau Ansawdd Aer (Cymru) (Diwygio) (Ymadael â'r UE) 2019 a deuant i rym ar y diwrnod ymadael.

2019 No. 390 (W. 95)

**EXITING THE EUROPEAN
UNION, WALES**

**ENVIRONMENTAL
PROTECTION, WALES**

**The Air Quality Standards (Wales)
(Amendment) (EU Exit)
Regulations 2019**

Sift requirements satisfied 18 February 2019

Made 26 February 2019

*Laid before the National Assembly for Wales
28 February 2019*

*Coming into force in accordance with
regulation 1(1)*

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

The requirements of paragraph 4(2) of Schedule 7 to that Act (relating to the appropriate National Assembly for Wales scrutiny procedure for these Regulations) have been satisfied.

Title, commencement and interpretation

1.—(1) The title of these Regulations is as the Air Quality Standards (Wales) (Amendment) (EU Exit) Regulations 2019 and they come into force on exit day.

(2) Yn y Rheoliadau hyn ystyr “Rheoliadau 2010” (“*the 2010 Regulations*”) yw Rheoliadau Safonau Ansawdd Aer (Cymru) 2010(1).

Diwygio Rheoliadau 2010

2.—(1) Mae Rheoliadau 2010 wedi eu diwygio fel a ganlyn.

(2) Yn rheoliad 2, hepgorer paragraff (2).

(3) Ar ôl rheoliad 2 mewnosoder—

“Dehongli

2A.—(1) Wrth ddehongli Cyfarwydddeb 2008/50/EC at ddibenion y Rheoliadau hyn—

(a) mae Erthygl 3(f) i’w darllen fel pe bai “Member States” wedi ei roi yn lle “other Member States”;

(b) yn Atodiad 1—

(i) yn adran A, mae troednodyn (1) i’w ddarllen fel pe bai—

(aa) “the Welsh Ministers” wedi ei roi yn lle “Member States”;

(bb) y geiriau “to the Commission” wedi eu hepgor;

(ii) mae adran C i’w darllen fel pe bai—

(aa) “designated” wedi ei roi yn lle “harmonised” ym mhob lle y mae’r gair hwnnw digwydd;

(bb) ym mhwynt (i), y mae’r geiriau “pursuant to Article 6 and 9” wedi eu hepgor;

(cc) ym mhwynt (iii), y mae’r geiriau o “and that institutions” hyd at y diwedd wedi eu hepgor;

(dd) ym mhwynt (iv), yn y frawddeg gyntaf, y mae’r geiriau o “by the appropriate” hyd at “Article 3” wedi eu hepgor;

(2) In these regulations “the 2010 Regulations” means the Air Quality Standards (Wales) Regulations 2010(1).

Amendment of the 2010 Regulations

2.—(1) The 2010 Regulations are amended as follows.

(2) In regulation 2, paragraph (2) is omitted.

(3) After regulation 2 insert the following—

“Interpretation

2A.—(1) When interpreting Directive 2008/50/EC for the purposes of these Regulations—

(a) Article 3(f) is to be read as if for “other Member States” there were substituted “Member States”;

(b) in Annex 1—

(i) in section A, footnote (1), is to be read as if—

(aa) for “Member States” there were substituted “the Welsh Ministers”;

(bb) the words “to the Commission” were omitted;

(ii) section C is to be read as if—

(aa) at each place it occurs, for “harmonised” there were substituted “designated”;

(bb) in point (i), the words “pursuant to Article 6 and 9” were omitted;

(cc) in point (iii), the words from “and that institutions” to the end were omitted;

(dd) in point (iv), in the first sentence, the words from “by the appropriate” to “Article 3” were omitted;

(1) O.S. 2010/1433 (Cy. 126), y mae diwygiadau iddo nad ydynt yn berthnasol i’r Rheoliadau hyn.

(1) S.I. 2010/1433 (W. 126), to which there are amendments not relevant to these Regulations.

- (ee) ym mhwynt (iv), yn y frawddeg gyntaf, y mae'r geiriau o "the reference to" hyd at "the European Union" wedi eu hepgor;
 - (ff) ym mhwynt (iv), yn yr ail frawddeg, y mae'r geiriau o "for the coordination" hyd at "be responsible" wedi eu hepgor;
 - (gg) pwyntiau (v) a (vi) wedi eu hepgor;
 - (hh) ym mharagraff 2, bod "All data" wedi ei roi yn lle "All reported data under Article 27";
- (ee) in point (iv), in the first sentence, the words from "the reference to" to "the European Union" were omitted;
 - (ff) in point (iv), in the second sentence, the words from "for the coordination" to "be responsible" were omitted;
 - (gg) points (v) and (vi) were omitted;
 - (hh) in paragraph 2, for "All reported data under Article 27" there were substituted "All data";
- (c) yn Atodiad 2, yn adran B, mae'r ail isbaragraff i'w ddarllen fel pe bai "the Welsh Ministers" wedi ei roi yn lle "Member States";
 - (d) yn Atodiad 3, yn adran A, mae paragraff (2)(b) i'w ddarllen fel pe bai'r geiriau "in accordance with Article 2(1)" wedi eu hepgor;
 - (e) yn Atodiad 5, yn adran A, mae troednodiau (1) a (2) i'r tabl i'w darllen fel pe bai "the United Kingdom" wedi ei roi yn lle "a Member State" ym mhob lle y mae'r geiriau hynny'n digwydd;
 - (f) yn Atodiad 6, mae adran B i'w darllen fel pe bai—
 - (i) ym mhwynt 1—
 - (aa) "The Welsh Ministers" wedi ei roi yn lle "A Member State";
 - (bb) "they" wedi ei roi yn lle "it";
 - (cc) "the Welsh Ministers" wedi ei roi yn lle "the Member State concerned";
 - (ii) pwyntiau 2, 3 a 4 wedi eu hepgor;
 - (g) yn Atodiad 8, yn adran A, mae'r paragraff ar ôl y tabl i'w ddarllen fel pe bai "in so far as it forms part of retained EU law" wedi ei fewnosod ar ôl y geiriau "in the Community".
- (c) in Annex 2, in Section B, the second subparagraph is to be read as if for "Member States" there were substituted "the Welsh Ministers";
 - (d) in Annex 3, in Section A, paragraph (2)(b) is to be read as if the words "in accordance with Article 2(1)" were omitted;
 - (e) in Annex 5, in Section A, footnotes (1) and (2) to the table are to be read as if for "a Member State" in each place where the words occur, there were substituted "the United Kingdom";
 - (f) in Annex 6, Section B is to be read as if—
 - (i) in point 1—
 - (aa) for "A Member State" there were substituted "The Welsh Ministers";
 - (bb) for "it" there were substituted "they";
 - (cc) for "the Member State concerned" there were substituted "the Welsh Ministers";
 - (ii) points 2, 3 and 4 were omitted;
 - (g) in Annex 8, in Section A, the paragraph after the table is to be read as if after the words "in the Community" there were inserted "in so far as it forms part of retained EU law".

(2) Wrth ddehongli Cyfarwydddeb 2004/107/EC at ddibenion y Rheoliadau hyn—

- (a) yn Atodiad 2, yn adran 2, mae'r ail baragraff i'w ddarllen fel pe bai "the Welsh Ministers" wedi ei roi yn lle "Member States";
- (b) yn Atodiad 3, yn adran 4, mae pwynt (b) i'w ddarllen fel pe bai'r geiriau "as defined by Article 2(11) of Directive 96/61/EC" wedi eu hepgor; ac
- (c) yn Atodiad 4, mae adran 1 i'w darllen fel pe bai "the Welsh Ministers" wedi ei roi yn lle "Member State" ym mhob lle y mae'r geiriau hynny'n digwydd;
- (d) mae Atodiad 5 i'w ddarllen fel pe bai—
 - (i) yn adran 1, yn yr ail baragraff, "The Welsh Ministers" wedi ei roi yn lle "A Member State";
 - (ii) yn adran 2—
 - (aa) yn y paragraff cyntaf, "the Welsh Ministers may" wedi ei roi yn lle "Member States are allowed to";
 - (bb) yn yr ail baragraff, "The Welsh Ministers" wedi ei roi yn lle "A Member State";
 - (iii) yn adran 3, yn yr ail baragraff, "The Welsh Ministers" wedi ei roi yn lle "A Member State";
 - (iv) Adran 5 wedi ei hepgor."

(4) Yn lle rheoliad 13(4) rhodder —

"(4) Pan fo Gweinidogion Cymru yn ystyried bod gwerth terfyn wedi ei groesi am reswm sydd i'w briodoli i ffynonellau naturiol, ni ystyrir bod y gwerth terfyn hwnnw wedi ei groesi at ddibenion y Rheoliadau hyn.

(5) Pan fo Gweinidogion Cymru yn ystyried bod gwerth terfyn wedi ei groesi am reswm sydd i'w briodoli i ffynonellau naturiol yn unol â pharagraff (4), rhaid i Weinidogion Cymru gyhoeddi gwybodaeth, ar gyfer y parthau a'r crynadau perthnasol, sy'n dangos y gellir priodoli'r gormodiannau i ffynonellau naturiol."

(2) When interpreting Directive 2004/107/EC for the purposes of these Regulations—

- (a) in Annex 2, in Section 2, the second paragraph is to be read as if for "Member States" there were substituted "the Welsh Ministers";
- (b) in Annex 3, in Section 4, point (b) is to be read as if the words "as defined by Article 2(11) of Directive 96/61/EC" were omitted; and
- (c) in Annex 4, Section 1 is to be read as if for "Member State", in each place the words occur, there were substituted "the Welsh Ministers";
- (d) Annex 5 is to be read as if—
 - (i) in Section 1, in the second paragraph, for "A Member State" there were substituted "The Welsh Ministers";
 - (ii) in Section 2—
 - (aa) in the first paragraph, for "Member States are allowed to" there were substituted "the Welsh Ministers may";
 - (bb) in the second paragraph, for "A Member State" there were substituted "The Welsh Ministers";
 - (iii) in Section 3, in the second paragraph for "A Member State" there were substituted "The Welsh Ministers";
 - (iv) Section 5 were omitted."

(4) For regulation 13(4) substitute—

"(4) Where the Welsh Ministers consider that a limit value has been exceeded for a reason attributable to natural sources, that limit value will not be considered to be exceeded for the purposes of these Regulations.

(5) Where the Welsh Ministers consider that a limit value has been exceeded for a reason attributable to natural sources in accordance with paragraph (4), the Welsh Ministers must publish information, for the relevant zones and agglomerations, demonstrating that the exceedances are attributable to natural sources."

(5) Yn rheoliad 14—

- (a) ym mharagraff (5)(b) yn lle “Chyfarwyddeb 2008/1/EC” rhodder “Rheoliadau Trwyddedu Amgylcheddol (Cymru a Lloegr) 2016(1)”;
- (b) ym mharagraff (6), yn lle “ag Erthygl 6 o Gyfarwyddeb 2001/81/EC” rhodder “â rheoliad 9 o Reoliadau Terfynau Uchaf Allyriadau Cenedlaethol 2018(2)”;
- (c) hepgorer paragraff (7).

(6) Yn rheoliad 15, mae paragraff (2) wedi ei hepgor.

(7) Yn rheoliad 20—

- (a) ym mharagraff (2), hepgorer “yn unol ag Erthygl 21 o Gyfarwyddeb 2008/50/EC,”;
- (b) yn lle paragraff (7) rhodder—
“**(7)** Pa bryd bynnag y bo’n bosibl, rhaid i gynlluniau ansawdd aer fod yn gyson ag—
 - (a) y Cynllun Cenedlaethol Trosiannol, y mae iddo’r ystyr a roddir i “Transitional National Plan” yn rheoliad 2(1) o Reoliadau Peiriannau Mewndanio Mawr (Cynllun Cenedlaethol Trosiannol) 2015(3);
 - (b) rhaglen rheoli llygredd aer genedlaethol a lunnir yn unol â rheoliad 9 o Reoliadau Terfynau Uchaf Allyriadau Cenedlaethol 2018;
 - (c) cynllun gweithredu a lunnir yn unol â Rhan 4 o Reoliadau Swm Amgylcheddol (Cymru) 2006(4).”

(8) Yn rheoliad 23(3), ar ôl “y Gymuned Ewropeaidd” mewnosoder “i’r graddau y mae wedi ei throsi i’r gyfraith sy’n gymwys yng Nghymru”.

(5) In regulation 14—

- (a) in paragraph (5)(b) for “Directive 2008/1/EC” substitute “the Environmental Permitting (England and Wales) Regulations 2016(1)”;
- (b) in paragraph (6) for “Article 6 of Directive 2001/81/EC” substitute “regulation 9 of the National Emission Ceilings Regulations 2018(2)”;
- (c) paragraph (7) is omitted.

(6) In regulation 15, paragraph (2) is omitted.

(7) In regulation 20—

- (a) in paragraph (2), omit “in accordance with Article 21 of Directive 2008/50/EC,”;
- (b) for paragraph (7) substitute—
“**(7)** Wherever possible, air quality plans must be consistent with—
 - (a) the Transitional National Plan, which has the meaning given in regulation 2(1) of the Large Combustion Plants (Transitional National Plan) Regulations 2015(3);
 - (b) a national air pollution control programme drawn up in accordance with regulation 9 of the National Emission Ceilings Regulations 2018;
 - (c) an action plan drawn up in accordance with Part 4 of the Environmental Noise (Wales) Regulations 2006(4).”

(8) In regulation 23(3), after “the European Community” insert “in so far as it has been transposed into the law that applies in Wales”.

Lesley Griffiths

Gweinidog yr Amgylchedd, Ynni a Materion Gwledig,
un o Weinidogion Cymru
26 Chwefror 2019

©© Hawlfraint y Goron 2019

Argraffwyd a chyhoeddwyd yn y Deyrnas Unedig gan The Stationery Office Limited o dan awdurdod ac arolygiaeth Jeff James, Rheolwr Gwasg Ei Mawrhydi ac Argraffydd Deddfau Seneddol y Frenhines.

Minister for Environment, Energy and Rural Affairs,
one of the Welsh Ministers
26 February 2019

© Crown copyright 2019

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

(1) O.S. 2016/1154, y mae diwygiadau iddo nad ydynt yn berthnasol i’r Rheoliadau hyn.
(2) O.S. 2018/129.
(3) O.S. 2015/1973, y mae diwygiadau iddo nad ydynt yn berthnasol i’r Rheoliadau hyn.
(4) O.S. 2006/2629 (Cy.225), fel y’i diwygiwyd gan O.S. 2018/1208 (Cy. 245).

(1) S.I. 2016/1154, to which there are amendments not relevant to these Regulations.
(2) S.I. 2018/129.
(3) S.I. 2015/1973, to which there are amendments not relevant to these Regulations.
(4) S.I. 2006/2629 (W.225), as amended by S.I. 2018/1208 (W. 245).

£6.90

W201902271039 03/2019

<http://www.legislation.gov.uk/id/wsi/2019/390>

ISBN 978-0-348-20369-1



9 780348 203691