



OFFERYNNAU STATUDOL
CYMRU

WELSH STATUTORY
INSTRUMENTS

2019 Rhif 460 (Cy. 110)

2019 No. 460 (W. 110)

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

**EXITING THE EUROPEAN
UNION, ENGLAND AND
WALES**

AMAETHYDDIAETH, CYMRU

AGRICULTURE, WALES

**DIOGELU'R ARFORDIR,
CYMRU**

COAST PROTECTION, WALES

**DIOGELU'R AMGYLCHEDD,
CYMRU**

**ENVIRONMENTAL
PROTECTION, WALES**

**RHEOLI PERYGL
LLIFOGYDD, CYMRU**

**FLOOD RISK MANAGEMENT,
WALES**

DŴR, CYMRU A LLOEGR

**WATER, ENGLAND AND
WALES**

Rheoliadau Llifogydd a Dŵr
(Diwygio) (Cymru a Lloegr)
(Ymadael â'r UE) 2019

The Flood and Water
(Amendments) (England and
Wales) (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 ym mharagraff 1(1) o Atodlen 2 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 is-ddeddfwriaeth ym maes diogelu'r amgylchedd, dŵr a llifogydd.

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 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 secondary legislation in the field of environmental protection, water and flood.

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

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.

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*Gofynion sifftio wedi eu
bodloni* 21 Ionawr 2019

Sift requirements satisfied 21 January 2019

Gwnaed 5 Mawrth 2019

Made 5 March 2019

*Gosodwyd gerbron Cynulliad Cenedlaethol
Cymru* 6 Mawrth 2019

*Laid before the National Assembly
for Wales* 6 March 2019

Yn dod i rym yn unol â rheoliad 1(1)

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

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

The Welsh Ministers make these Regulations in exercise of the powers conferred by paragraph 1(1) of Schedule 2 to, the European Union (Withdrawal) Act 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 chymhwyso

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

(2) Mae i ddiwygiad a wneir gan y Rheoliadau hyn yr un rhychwant a chymhwysiad â'r ddarpariaeth sy'n cael ei diwygio.

Diwygio Rheoliadau Tir Halogedig (Cymru) 2006

2. Yn rheoliad 3 o Reoliadau Tir Halogedig (Cymru) 2006(1)—

- (a) ailrifer y paragraff presennol yn baragraff (1) o'r rheoliad hwnnw;
- (b) yn is-baragraff (b)(ii) o baragraff (1) (fel y'i hailrifwyd), yn lle'r geiriau o "ardaloedd gwarchoddedig" hyd at y diwedd (ond nid y "neu" terfynol), rhodder "ardaloedd gwarchoddedig dyfroedd pysgod cregyn neu ddyfroedd ymdrochi, nid yw'r dyfroedd hynny yn bodloni'r amcanion amgylcheddol sy'n gymwys iddynt fel y nodir yn y cynllun rheoli basn afon perthnasol o dan Ran 6 o Reoliadau'r Amgylchedd Dŵr (Y Gyfarwyddeb Fframwaith Dŵr) (Cymru a Lloegr) 2017(2)".
- (c) ar ôl paragraff (1) (fel y'i hailrifwyd), mewnosoder—

“(2) Yn y rheoliad hwn—

- (a) mae i "dŵr ymdrochi" yr un ystyr ag a roddir i "bathing water" yn Rheoliadau Dyfroedd Ymdrochi 2013(3);
- (b) ystyr "ardal warchoddedig dyfroedd pysgod cregyn" yw crynafa ddŵr a ddynodir o dan reoliad 9 o Reoliadau'r Amgylchedd Dŵr (Y Gyfarwyddeb Fframwaith Dŵr) (Cymru a Lloegr) 2017."

(1) O.S. 2006/2989 (Cy. 278), a ddiwygiwyd gan O.S. 2012/283 (Cy. 47). Mae offerynnau diwygio eraill ond nid oes yr un ohonynt yn berthnasol.

(2) O.S. 2017/407.

(3) O.S. 2013/1675, a ddiwygiwyd gan O.S. 2018/575. Mae offerynnau diwygio eraill ond nid oes yr un ohonynt yn berthnasol.

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 application

1.—(1) The title of these Regulations is the Flood and Water (Amendments) (England and Wales) (EU Exit) Regulations 2019 and they come into force on exit day.

(2) An amendment made by these Regulations has the same extent and application as the provision amended.

Amendment of the Contaminated Land (Wales) Regulations 2006

2. In regulation 3 of the Contaminated Land (Wales) Regulations 2006(1)—

- (a) the existing paragraph is renumbered as paragraph (1) of that regulation;
- (b) in sub-paragraph (b)(ii) of paragraph (1) (as renumbered), for the words from "protected areas" to the end (but not the final "or") substitute "shellfish water protected areas or bathing waters, those waters do not meet the environmental objectives that apply to them as set out in the relevant river basin management plan under Part 6 of the Water Environment (Water Framework Directive) (England and Wales) Regulations 2017(2)".
- (c) after paragraph (1) (as renumbered), insert—

“(2) In this regulation—

- (a) "bathing water" has the same meaning as in the Bathing Water Regulations 2013(3);
- (b) "shellfish water protected area" means a body of water designated under regulation 9 of the Water Environment (Water Framework Directive) (England and Wales) Regulations 2017."

(1) S.I. 2006/2989 (W. 278), amended by S.I. 2012/283 (W. 47). There are other amending instruments but none is relevant.

(2) S.I. 2017/407.

(3) S.I. 2013/1675, amended by S.I. 2018/575. There are other amending instruments but none is relevant.

Diwygio Rheoliadau Adnoddau Dŵr (Rheoli Llygredd) (Silwair, Slyri ac Olew Tanwydd Amaethyddol) (Cymru) 2010

3. Yn rheoliad 2(3) o Reoliadau Adnoddau Dŵr (Rheoli Llygredd) (Silwair, Slyri ac Olew Tanwydd Amaethyddol) (Cymru) 2010(1), hepgorer y geiriau o “ac sy’n cael ei chydabod” hyd at y diwedd.

Gorchymyn Llifogydd ac Erydu Arfordirol Atodol (Cymru) 2011

4. Yn erthygl 3 o Orchymyn Llifogydd ac Erydu Arfordirol Atodol (Cymru) 2011(2)—

- (a) ym mharagraff (3), yn lle “alluogi’r Deyrnas Unedig i gydymffurfio â’i rhwymedigaethau o dan y canlynol” rhodder “alluogi cydymffurfiaeth â’r ddeddfwriaeth(3) a weithredai”;
- (b) yn lle paragraff (4)(a) rhodder—
 - “(a) mae i “amcanion amgylcheddol” yr un ystyr ag a roddir i “environmental objectives” yn Rheoliadau’r Amgylchedd Dŵr (Y Gyfarwyddeb Fframwaith Dŵr) (Cymru a Lloegr) 2017;”.

Diwygio Rheoliadau Atal Llygredd Nitradau (Cymru) 2013

5.—(1) Mae Rheoliadau Atal Llygredd Nitradau (Cymru) 2013(4) wedi eu diwygio fel a ganlyn.

(2) Yn rheoliad 6—

- (a) ailrifer y paragraff presennol yn baragraff (1) o’r rheoliad hwnnw;
- (b) ar ôl paragraff (1) (fel y’i hailrifwyd), mewnosoder—
 - “(2) Ym mharagraff (1), yn y diffiniad o “rhanddirymiad” (“*derogation*”) mae’r cyfeiriad at baragraff 2(b) o Atodiad 3 i Gyfarwyddeb y Cyngor 91/676/EEC(5) i’w ddarllen fel pe bai’r trydydd is-baragraff wedi ei hepgor.

Amendment of the Water Resources (Control of Pollution) (Silage, Slurry and Agricultural Fuel Oil) (Wales) Regulations 2010

3. In regulation 2(3) of the Water Resources (Control of Pollution) (Silage, Slurry and Agricultural Fuel Oil) (Wales) Regulations 2010(1), omit the words from “and is recognised” to the end.

The Incidental Flooding and Coastal Erosion (Wales) Order 2011

4. In article 3 of the Incidental Flooding and Coastal Erosion (Wales) Order 2011(2)—

- (a) in paragraph (3), for “the United Kingdom to comply with its obligations under” substitute “compliance with the legislation(3) which implemented”;
- (b) for paragraph (4)(a) substitute—
 - “(a) “*environmental objectives*” has the same meaning as in the Water Environment (Water Framework Directive) (England and Wales) Regulations 2017;”.

Amendment of the Nitrate Pollution Prevention (Wales) Regulations 2013

5.—(1) The Nitrate Pollution Prevention (Wales) Regulations 2013(4) are amended as follows.

(2) In regulation 6—

- (a) the existing paragraph is renumbered as paragraph (1) of that regulation;
- (b) after paragraph (1) (as renumbered), insert—
 - “(2) In paragraph (1), in the definition of “*derogation*” (“*rhanddirymiad*”), the reference to paragraph 2(b) of Annex 3 to Council Directive 91/676/EEC(5) is to be read as if the third subparagraph were omitted.

(1) O.S. 2010/1493 (Cy. 136), y mae diwygiadau iddo nad ydynt yn berthnasol i’r Rheoliadau hyn.
(2) O.S. 2011/2829 (Cy. 302), yr offerynnau diwygio perthnasol yw O.S. 2013/755 (Cy. 90) a 2018/1216 (Cy. 249).
(3) Mae’r ddeddfwriaeth a weithredai’r Gyfarwyddeb Cynefinoedd yn cynnwys O.S. 2017/1012. Mae’r ddeddfwriaeth a weithredai’r Gyfarwyddeb Adar Gwyllt yn cynnwys Deddf Bywyd Gwyllt a Chefn Gwlad 1981 (p. 69) ac O.S. 2017/1012. Mae’r ddeddfwriaeth a weithredai’r Gyfarwyddeb Fframwaith Dŵr yn cynnwys O.S. 2003/3245, 2004/99 a 2017/407.
(4) O.S. 2013/2506 (Cy. 245), yr offerynnau diwygio perthnasol yw O.S. 2015/2020 (Cy. 308) a 2018/1216 (Cy. 249).
(5) OJ Rhif L 375, 31.12.1991, t.1, fel y’i diwygiwyd ddiwethaf gan Reoliad (EC) Rhif 1137/2008 (OJ Rhif L 311, 21.11.2008, t. 1).

(1) S.I. 2010/1493 (W. 136), to which there are amendments not relevant to these Regulations.
(2) S.I. 2011/2829 (W. 302), relevant amending instruments are S.I. 2013/755 (W. 90), 2018/1216 (W. 249).
(3) The legislation which implemented the Habitats Directive includes S.I. 2017/1012. The legislation which implemented the Wild Birds Directive includes the Wildlife and Countryside Act 1981 (c. 69) and S.I. 2017/1012. The legislation which implemented the Water Framework Directive includes S.I. 2003/3245, 2004/99, 2017/407.
(4) S.I. 2013/2506 (W. 245), relevant amending instruments are S.I. 2015/2020 (W. 308) and 2018/1216 (W. 249).
(5) OJ No L 375, 31.12.1991, p 1, as last amended by Regulation (EC) No 1137/2008 (OJ No L 311, 21.11.2008, p 1).

(3) At ddibenion y Rheoliadau hyn, mae cyfeiriad at Gyfarwyddeb yr UE i'w ddarllen fel pe bai unrhyw gyfeiriad yn y Gyfarwyddeb honno at aelod-wladwriaeth mewn darpariaeth sy'n gosod rhwymedigaeth ar aelod-wladwriaeth, neu sy'n rhoi disgrisiwn iddi, yn gyfeiriad at yr awdurdod a oedd, yn union cyn y diwrnod ymadael, yn gyfrifol am gydymffurfiaeth â'r rhwymedigaeth honno, neu am arfer y disgrisiwn hwnnw, yng Nghymru.

(4) Ym mharagraff (3), ystyr yr "awdurdod" yw Corff Adnoddau Naturiol Cymru neu Weinidogion Cymru."

(3) Yn rheoliad 11—

(a) ym mharagraff (2)(b), yn lle "Cyfarwyddeb y Cyngor 98/83/EC ar ansawdd dŵr a fwriedir ar gyfer ei yfed gan bobl", rhodder "Reoliadau Cyflenwadau Dŵr Preifat (Cymru) 2017(1) a Rheoliadau Cyflenwi Dŵr (Ansawdd Dŵr) 2018(2)";

(b) ar ôl paragraff (3) mewnosoder—

"(4) Ym mharagraff (3)(a), mae'r cyfeiriad at Atodiad 1 i Gyfarwyddeb y Cyngor 91/676/EEC i'w ddarllen fel pe bai—

(a) pob cyfeiriad ynddo at Erthygl 5 o'r Gyfarwyddeb honno yn gyfeiriadau at reoliadau 12, 13 a 14 i 46 o'r Rheoliadau hyn;

(b) ym mhwynt A, paragraff 1, "a concentration of nitrates greater than 50mg/l" wedi ei roi yn lle'r geiriau o "more than" hyd at "Directive 75/440/EEC"."

(4) Yn rheoliad 47, ar ôl paragraff (3) mewnosoder—

"(4) Fel rhan o'r adolygiad a gynhelir o dan y rheoliad hwn, rhaid i Weinidogion Cymru adolygu sefyllfa gyffredinol rhanddirymidiadau a roddir o dan reoliad 13A yn erbyn—

(a) meini prawf gwrthrychol, gan gynnwys—

(i) presenoldeb, mewn parthau perygl nitradau dynodedig—

(aa) tymhorau tyfu hir,

(bb) cnydau sy'n amsugno lefel uchel o nitrogen, a

(3) For the purposes of these Regulations, a reference to an EU Directive is to be read as if any reference in that Directive to a member State in a provision imposing an obligation on, or providing a discretion to, a member State were to the authority which, immediately before exit day, was responsible for compliance with that obligation, or exercise of that discretion, in Wales.

(4) In paragraph (3), the "authority" means the Natural Resources Body for Wales or the Welsh Ministers."

(3) In regulation 11—

(a) in paragraph (2)(b), for "Council Directive 98/83/EC on the quality of water intended for human consumption", substitute "the Private Water Supplies (Wales) Regulations 2017(1) and the Water Supply (Water Quality) Regulations 2018(2)";

(b) after paragraph (3) insert—

"(4) In paragraph (3)(a), the reference to Annex 1 to Council Directive 91/676/EEC is to be read as if—

(a) each reference in it to Article 5 of that Directive were to regulations 12, 13 and 14 to 46 of these Regulations;

(b) in point A, paragraph 1, for the words from "more than" to "Directive 75/440/EEC" there were substituted "a concentration of nitrates greater than 50mg/l"."

(4) In regulation 47, after paragraph (3) insert—

"(4) As part of the review conducted under this regulation, the Welsh Ministers must review the overall position of derogations granted under regulation 13A against—

(a) objective criteria, including—

(i) the existence, in designated nitrate vulnerable zones, of—

(aa) long growing seasons,

(bb) crops with high nitrogen uptake, and

(1) O.S. 2017/1041 (Cy. 270), a ddiwygiwyd gan O.S. 2018/647 (Cy. 121).

(2) O.S. 2018/647 (Cy. 121).

(1) S.I. 2017/1041 (W. 270), amended by S.I. 2018/647 (W. 121).

(2) S.I. 2018/647 (W. 121).

- (cc) priddoedd sydd â gallu eithriadol o uchel i ddadnitreiddio, a
 - (ii) y dŵr glaw net mewn parthau perygl nitradau dynodedig;
 - (b) yr amcanion a ganlyn—
 - (i) lleihau llygredd dŵr a achosir neu a ysgogir gan nitradau o ffynonellau amaethyddol, a
 - (ii) atal llygredd pellach o'r fath."
- (5) Ar ôl rheoliad 48, mewnosoder—

“Adroddiad gweithredu

48A.—(1) Rhaid i Weinidogion Cymru lunio adroddiad ar weithredu'r Rheoliadau hyn ar gyfer pob cyfnod perthnasol.

(2) Rhaid i adroddiad o dan baragraff (1) gynnwys—

- (a) manylion unrhyw gamau a gymerwyd i hybu arfer amaethyddol da;
- (b) y map a adnewwyd o dan reoliad 7(2), gyda datganiad sy'n rhoi manylion natur unrhyw ddiwygiadau i'r parth perygl nitradau dynodedig ers diwedd y cyfnod adrodd blaenorol, a'r rhesymau dros y diwygiadau hynny;
- (c) crynodeb o'r canlyniadau monitro o dan reoliad 11;
- (d) crynodeb o'r adolygiad diweddaraf a gynhaliwyd o dan reoliad 47.

(3) Rhaid cyhoeddi unrhyw adroddiad o dan baragraff (1)—

- (a) mewn unrhyw fodd y mae Gweinidogion Cymru yn ystyried ei fod yn briodol;
- (b) erbyn diwrnod olaf y cyfnod o chwe mis sy'n dechrau â'r diwrnod y daw'r cyfnod perthnasol i ben.

(4) Yn y rheoliad hwn, ystyr “cyfnod perthnasol” yw'r cyfnod o bedair blynedd sy'n dechrau ag 1 Ionawr 2016 a phob cyfnod dilynol o bedair blynedd.”

- (cc) soils with exceptionally high denitrification capacity, and
 - (ii) the net rainfall in designated nitrate vulnerable zones;
 - (b) the following objectives—
 - (i) reducing water pollution caused or induced by nitrates from agricultural sources, and
 - (ii) preventing further such pollution.”
- (5) After regulation 48, insert—

“Implementation report

48A.—(1) The Welsh Ministers must prepare a report on the implementation of these Regulations for each relevant period.

(2) A report under paragraph (1) must contain—

- (a) details of any steps taken to promote good agricultural practice;
- (b) the map deposited under regulation 7(2), accompanied by a statement detailing the nature of, and reasons for, any revisions to the designated nitrate vulnerable zone since the end of the previous reporting period;
- (c) a summary of the monitoring results under regulation 11;
- (d) a summary of the most recent review conducted under regulation 47.

(3) A report under paragraph (1) must be published—

- (a) in such manner as the Welsh Ministers consider appropriate;
- (b) by the last day of the six month period beginning with the day on which the relevant period ends.

(4) In this regulation, “relevant period” means the period of four years beginning with 1st January 2016 and each successive period of four years.”

Diwygio Rheoliadau Cyflenwadau Dŵr Preifat (Cymru) 2017

6.—(1) Mae Rheoliadau Cyflenwadau Dŵr Preifat (Cymru) 2017(1) wedi eu diwygio fel a ganlyn.

(2) Yn rheoliad 2—

- (a) ailrifer y paragraff presennol yn baragraff (1) o'r rheoliad hwnnw;
- (b) ar ôl paragraff (1) (fel y'i hailrifwyd), mewnosoder—

“(2) Yn y Rheoliadau hyn, mae cyfeiriad at Gyfarwyddeb yr UE neu Gyfarwyddeb Euratom i'w ddarllen fel pe bai unrhyw gyfeiriad yn y Gyfarwyddeb honno at aelod-wladwriaeth mewn darpariaeth sy'n gosod rhwymedigaeth ar aelod-wladwriaeth, neu sy'n rhoi disgresiwn iddi, yn gyfeiriad naill ai at Weinidogion Cymru neu at yr awdurdod lleol gan ddbynnu ar ba un oedd, yn union cyn y diwrnod ymadael, yn gyfrifol am gydymffurfiaeth â'r rhwymedigaeth honno, neu am arfer y disgresiwn hwnnw, o ran Cymru.”

(3) Yn rheoliad 6, ar ôl paragraff (5) mewnosoder—

“(6) At ddibenion paragraff (4)(c), mae cyfeiriad at Erthyglau 7(1) ac 8 o Gyfarwyddeb 2000/60/EC(2) i'w ddarllen yn unol â'r addasiadau a ganlyn—

- (a) fel pe bai unrhyw gyfeiriad at Atodiad 5 o'r Gyfarwyddeb honno yn gyfeiriad at yr Atodiad hwnnw fel y'i diwygiwyd gan Ran 1 o Atodlen 5 i Reoliadau'r Amgylchedd Dŵr (Y Gyfarwyddeb Fframwaith Dŵr) (Cymru a Lloegr) 2017(3);
- (b) yn Erthygl 8, fel pe bai—
 - (i) ym mharagraff 1, y mewnnoliad olaf wedi ei hepgor;
 - (ii) ym mharagraff 2, y frawddeg gyntaf wedi ei hepgor;
 - (iii) paragraff 3 wedi ei hepgor.”

(4) Yn lle rheoliad 12(6), rhodder —

“(6) Rhaid i Weinidogion Cymru gyhoeddi, mewn unrhyw fodd y maent yn ystyried ei fod yn briodol, sail unrhyw benderfyniad o dan baragraff (3) a'r ddogfennaeth a ddarperir o dan baragraff (5) sy'n ategu'r penderfyniad.”

Amendment of the Private Water Supplies (Wales) Regulations 2017

6.—(1) The Private Water Supplies (Wales) Regulations 2017(1) are amended as follows.

(2) In regulation 2—

- (a) the existing paragraph is renumbered as paragraph (1) of that regulation;
- (b) after paragraph (1) (as renumbered), insert—

“(2) In these Regulations, a reference to an EU or Euratom Directive is to be read as if any reference in that Directive to a member State in a provision imposing an obligation on, or providing a discretion to, a member State were to either the Welsh Ministers or local authority depending on which, immediately before exit day, was responsible for compliance with that obligation, or exercise of that discretion, in respect of Wales.”

(3) In regulation 6, after paragraph (5) insert—

“(6) For the purposes of paragraph (4)(c), a reference to Articles 7(1) and 8 of Directive 2000/60/EC(2) is to be read with the following modifications—

- (a) as if any reference to Annex 5 of that Directive were a reference to that Annex as modified by Part 1 of Schedule 5 to the Water Environment (Water Framework Directive) (England and Wales) Regulations 2017(3);
- (b) in Article 8, as if—
 - (i) in paragraph 1, the final indent were omitted;
 - (ii) in paragraph 2, the first sentence were omitted;
 - (iii) paragraph 3 were omitted.”

(4) For regulation 12(6), substitute—

“(6) The Welsh Ministers must publish, in such a manner as they consider appropriate, the grounds for a decision under paragraph (3) and the documentation provided under paragraph (5) supporting the decision.”

(1) O.S. 2017/1041 (Cy. 270), y mae diwygiadau iddo nad ydynt yn berthnasol i'r Rheoliadau hyn.

(2) O.J. Rhif L 327, 22.12.2000, t. 1, fel y'i diwygiwyd ddiwethaf gan Gyfarwyddeb y Comisiwn 2014/101/EU (OJ Rhif L 311, 31.10.2014, t.32).

(3) O.S. 2017/407, a ddiwygiwyd gan O.S. 2018/942.

(1) S.I. 2017/1041 (W. 270), to which there are amendments not relevant to these Regulations.

(2) O.J. No L 327, 22.12.2000, p 1, as last amended by Commission Directive 2014/101/EU (OJ No L 311, 31.10.2014, p 32).

(3) S.I. 2017/407, amended by S.I. 2018/942.

(5) Ar ôl rheoliad 23, mewnosoder—

“Cyflwyno Adroddiad

23A.—(1) Rhaid i Weinidogion Cymru lunio a chyhoeddi adroddiad ar ansawdd dŵr a fwriedir ar gyfer ei yfed gan bobl, gyda’r nod o hysbysu defnyddwyr.

(2) Rhaid i adroddiad o dan baragraff (1)—

- (a) cael ei gyhoeddi mewn unrhyw fodd y mae Gweinidogion Cymru yn ystyried ei fod yn briodol;
- (b) cynnwys, o leiaf, wybodaeth am yr holl gyflenwadau dŵr unigol sy’n—
 - (i) mwy na 1,000m³ y diwrnod ar gyfartaledd, neu
 - (ii) gwasanaethu mwy na 5,000 o bersonau;
- (c) cwmpasu cyfnod o dair blwyddyn galendr.

(3) Rhaid i’r adroddiad cyntaf o dan y rheoliad hwn gwmpasu’r blynyddoedd 2017, 2018 a 2019 a rhaid iddo gael ei gyhoeddi erbyn 31 Rhagfyr 2021.

(4) Rhaid i adroddiadau dilynol o dan y rheoliad hwn gael eu cyhoeddi fesul ysbeidiau nad ydynt yn fwy na thair blynedd.

(5) Rhaid i unrhyw adroddiad a gyhoeddir o dan baragraff (1) hefyd fod ar gael ar wefan yr Arolygiaeth Dŵr Yfed.”

Diwygio Rheoliadau Cyflenwi Dŵr (Ansawdd Dŵr) 2018

7.—(1) Mae Rheoliadau Cyflenwi Dŵr (Ansawdd Dŵr) 2018(1) wedi eu diwygio fel a ganlyn.

(2) Yn rheoliad 2, ar ôl paragraff (5) mewnosoder—

“(6) In these Regulations, a reference to an EU or Euratom Directive is to be read as if any reference in that Directive to a member State in a provision imposing an obligation on, or providing a discretion to, a member State were to either the Welsh Ministers or local authority depending on which, immediately before exit day, was responsible for compliance with that obligation, or exercise of that discretion, in respect of England or Wales.”

(5) After regulation 23, insert—

“Reporting

23A.—(1) The Welsh Ministers must prepare and publish a report on the quality of water intended for human consumption, with the objective of informing consumers.

(2) A report under paragraph (1) must—

- (a) be published in such manner as the Welsh Ministers consider appropriate;
- (b) include, as a minimum, information on all individual supplies of water that—
 - (i) exceed 1,000m³ a day as an average, or
 - (ii) serve more than 5,000 persons;
- (c) cover a period of three calendar years.

(3) The first report under this regulation must cover the years 2017, 2018 and 2019 and be published by 31st December 2021.

(4) Subsequent reports under this regulation must be published at intervals not exceeding three years.

(5) Any report published under paragraph (1) must also be made available on the Drinking Water Inspectorate’s website.”

Amendment of the Water Supply (Water Quality) Regulations 2018

7.—(1) The Water Supply (Water Quality) Regulations 2018(1) are amended as follows.

(2) In regulation 2, after paragraph (5) insert—

“(6) In these Regulations, a reference to an EU or Euratom Directive is to be read as if any reference in that Directive to a member State in a provision imposing an obligation on, or providing a discretion to, a member State were to either the Welsh Ministers or local authority depending on which, immediately before exit day, was responsible for compliance with that obligation, or exercise of that discretion, in respect of England or Wales.”

(1) O.S. 2018/647 (Cy. 121).

(1) S.I. 2018/647 (W. 121).

(3) Yn rheoliad 6(15), yn lle “communicate the grounds for the notification to the European Commission” rhodder “publish, in such manner as the Welsh Ministers consider appropriate, the grounds for the notification”.

(4) Yn rheoliad 9, ar ôl paragraff (12) mewnosoder—

“(13) For the purposes of paragraph (11)(c), a reference to Articles 7(1) and 8 of Directive 2000/60/EC is to be read with the following modifications—

- (a) as if any reference to Annex 5 of that Directive were a reference to that Annex as modified by Part 1 of Schedule 5 to the Water Environment (Water Framework Directive) (England and Wales) Regulations 2017(1);
- (b) in Article 8, as if—
 - (i) in paragraph 1, the final indent were omitted;
 - (ii) in paragraph 2, the first sentence were omitted;
 - (iii) paragraph 3 were omitted.”

(5) Yn rheoliad 23—

- (a) ym mharagraff (7) yn lle “further departure” rhodder “further two departures”;
- (b) hepgorer paragraffau (9) a (10).

(6) Yn rheoliad 31—

- (a) hepgorer paragraff 2(a);
- (b) ym mharagraff (2)(b), hepgorer “of an EEA state or Turkey”;
- (c) hepgorer paragraff (3)(b);
- (d) hepgorer paragraff (15).

(7) Yn rheoliad 39(1)(h), hepgorer “and (9) respectively”.

(8) Ar ôl rheoliad 39 mewnosoder—

“Reporting

39A.—(1) The Welsh Ministers must publish a report on the quality of water intended for human consumption, with the objective of informing consumers.

(2) A report under paragraph (1) must—

- (a) be published in such manner as the Welsh Ministers consider appropriate;
- (b) include, as a minimum, information on all individual supplies of water that—

(3) In regulation 6(15), for “communicate the grounds for the notification to the European Commission” substitute “publish, in such manner as the Welsh Ministers consider appropriate, the grounds for the notification”.

(4) In regulation 9, after paragraph (12) insert—

“(13) For the purposes of paragraph (11)(c), a reference to Articles 7(1) and 8 of Directive 2000/60/EC is to be read with the following modifications—

- (a) as if any reference to Annex 5 of that Directive were a reference to that Annex as modified by Part 1 of Schedule 5 to the Water Environment (Water Framework Directive) (England and Wales) Regulations 2017(1);
- (b) in Article 8, as if—
 - (i) in paragraph 1, the final indent were omitted;
 - (ii) in paragraph 2, the first sentence were omitted;
 - (iii) paragraph 3 were omitted.”

(5) In regulation 23—

- (a) in paragraph (7) for “further departure” substitute “further two departures”;
- (b) omit paragraphs (9) and (10).

(6) In regulation 31—

- (a) omit paragraph (2)(a);
- (b) in paragraph (2)(b), omit “of an EEA state or Turkey”;
- (c) omit paragraph (3)(b);
- (d) omit paragraph (15).

(7) In regulation 39(1)(h), omit “and (9) respectively”.

(8) After regulation 39 insert—

“Reporting

39A.—(1) The Welsh Ministers must publish a report on the quality of water intended for human consumption, with the objective of informing consumers.

(2) A report under paragraph (1) must—

- (a) be published in such manner as the Welsh Ministers consider appropriate;
- (b) include, as a minimum, information on all individual supplies of water that—

(1) O.S. 2017/407, a ddiwygiwyd gan O.S. 2018/942.

(1) S.I. 2017/407, amended by S.I. 2018/942.

- (i) exceed 1,000m³ a day as an average, or
 - (ii) serve more than 5,000 persons;
 - (c) cover a period of three calendar years.
- (4) The first report under this regulation must cover the years 2017, 2018 and 2019 and be published by 31st December 2021.
- (5) Subsequent reports under this regulation must be published at intervals not exceeding three years.
- (6) Any report published under paragraph (1) must also be made available on the Drinking Water Inspectorate's website."

- (i) exceed 1,000m³ a day as an average, or
 - (ii) serve more than 5,000 persons;
 - (c) cover a period of three calendar years.
- (4) The first report under this regulation must cover the years 2017, 2018 and 2019 and be published by 31st December 2021.
- (5) Subsequent reports under this regulation must be published at intervals not exceeding three years.
- (6) Any report published under paragraph (1) must also be made available on the Drinking Water Inspectorate's website."

Lesley Griffiths

Gweinidog yr Amgylchedd, Ynni a Materion Gwledig,
un o Weinidogion Cymru
5 Mawrth 2019

Minister for Environment, Energy and Rural Affairs,
One of the Welsh Ministers
5 March 2019

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