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WELSH STATUTORY  
INSTRUMENTS

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**2019 Rhif 247 (Cy. 61)**

**2019 No. 247 (W. 61)**

**YMADAEL Â'R UNDEB  
EWROPEAIDD**

**EXITING THE EUROPEAN  
UNION**

**DIOGELU'R AMGYLCHEDD,  
CYMRU**

**ENVIRONMENTAL  
PROTECTION, WALES**

Rheoliadau Sŵn Amgylcheddol  
(Cymru) (Diwygio) (Ymadael â'r  
UE) 2019

The Environmental Noise (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 i, Ddeddf yr Undeb Ewropeaidd (Ymadael) 2018 (p. 16) er mwyn ymdrin ag unrhyw fethiant yng nghyfraith yr UE a ddargedwir i weithredu'n effeithiol a diffygion eraill sy'n deillio o ymadawiad y Deyrnas Unedig â'r Undeb Ewropeaidd.

Mae'r Rheoliadau hyn yn diwygio Rheoliadau Sŵn Amgylcheddol (Cymru) 2006.

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 conferred by 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 arising from the withdrawal of the United Kingdom from the European Union.

These Regulations make amendments to the Environmental Noise (Wales) Regulations 2006.

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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**Rheoliadau Sŵn Amgylcheddol  
(Cymru) (Diwygio) (Ymadael â'r  
UE) 2019**

**The Environmental Noise (Wales)  
(Amendment) (EU Exit)  
Regulations 2019**

*Gofynion sifftio wedi eu bodloni* 7 Ionawr 2019

*Sift requirements satisfied* 7 January 2019

*Gwnaed* 11 Chwefror 2019

*Made* 11 February 2019

*Gosodwyd gerbron Cynulliad Cenedlaethol  
Cymru* 13 Chwefror 2019

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

*Yn dod i rym yn unol â rheoliad 1*

*Coming into force in accordance with  
regulation 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.

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.

**Enwi a chychwyn**

**1.** Enw'r Rheoliadau hyn yw Rheoliadau Sŵn Amgylcheddol (Cymru) (Diwygio) (Ymadael â'r UE) 2019 a deuant i rym ar y diwrnod ymadael.

**Title and commencement**

**1.** The title of these Regulations is the Environmental Noise (Wales) (Amendment) (EU Exit) Regulations 2019 and they come into force on exit day.

## Diwygio Rheoliadau Sŵn Amgylcheddol (Cymru) 2006

2.—(1) Mae Rheoliadau Sŵn Amgylcheddol (Cymru) 2006(1) wedi eu diwygio fel a ganlyn.

(2) Yn rheoliad 2—

(a) ym mharagraff (2), yn y diffiniad o “Cyfarwyddeb”, yn lle “ac fel y’i diwygiwyd ddiwethaf gan Gyfarwyddeb y Comisiwn (EU) 2015/996;” rhodder “, fel yr oedd yn cael effaith yn union cyn y diwrnod ymadael”; a

(b) ar ôl paragraff (2) mewnosoder—

“(3) At ddibenion y Rheoliadau hyn, mae’r Gyfarwyddeb i’w ddarllen fel pe bai unrhyw gyfeiriad at un neu ragor o Aelod-wladwriaethau yn gyfeiriad at Weinidogion Cymru.”

(3) Yn rheoliad 4, ar ôl paragraff (6) mewnosoder—

“(7) At ddibenion paragraff (2)(a), mae cyfeiriad at Atodiad I i’r Gyfarwyddeb i’w ddarllen fel pe bai, ym mharagraff 1, yn y pedwerydd mewniad sydd yn cychwyn “the day is 12 hours”, y geiriau o “The Member States” hyd at y diwedd wedi eu hepgor.”

(4) Yn lle rheoliad 15(1)(a) rhodder—

“(a) amcanu i atal a lleihau sŵn amgylcheddol pan fo’n angenrheidiol ac yn benodol pan fo lefelau bod o fewn clyw sŵn yn gallu achosi effeithiau niweidiol ar iechyd dynol;

(aa) amcanu i ddiogelu ansawdd sŵn amgylcheddol pan fo’n dda;”

(5) Yn rheoliad 22—

(a) ym mharagraff (2)(b), yn lle “y Gyfarwyddeb” rhodder “gyfraith berthnasol yr UE a ddargedwir(2)”; a

(b) ym mharagraff (3), yn lle “Erthygl 4 o’r Gyfarwyddeb” rhodder “cyfraith berthnasol yr UE a ddargedwir;”.

(6) Yn rheoliad 26(4)(b) —

(a) ym mharagraff (i) hepgorer “neu”; a

(b) hepgorer paragraff (ii).

## Amendment of the Environmental Noise (Wales) Regulations 2006

2.—(1) The Environmental Noise (Wales) Regulations 2006(1) are amended as follows.

(2) In regulation 2—

(a) in paragraph (2), in the definition of “Directive”, for “as last amended by Commission Directive (EU) 2015/996” substitute “, as it had effect immediately before exit day”; and

(b) after paragraph (2) insert—

“(3) For the purposes of these Regulations, the Directive is to be read as if a reference to one or more member States were a reference to the Welsh Ministers.”

(3) In regulation 4, after paragraph (6) insert—

“(7) For the purposes of paragraph (2)(a), a reference to Annex I to the Directive is to be read as if, in paragraph 1, in the fourth indent that begins “the day is 12 hours”, the words from “The Member States” to the end were omitted.”

(4) For regulation 15(1)(a) substitute—

“(a) aim to prevent and reduce environmental noise where necessary and particularly where exposure levels can induce harmful effects on human health;

(aa) aim to preserve environmental noise quality where it is good;”

(5) In regulation 22—

(a) in paragraph (2)(b), for “the Directive” substitute “relevant retained EU law(2)”; and

(b) in paragraph (3), for “Article 4 of the Directive” substitute “the relevant retained EU law”.

(6) In regulation 26(4)(b)—

(a) in paragraph (i) omit “or”; and

(b) omit paragraph (ii).

(1) O.S. 2006/2629 (Cy. 225), a ddiwygiwyd gan O.S. 2009/47 (Cy. 15).

(2) Mae cyfraith berthnasol yr UE a ddargedwir yn cynnwys Rheoliadau Sŵn Amgylcheddol (Lloegr) 2006 (O.S. 2006/2629), Rheoliadau Sŵn Amgylcheddol (yr Alban) 2006 (O.S.A. 2006/465) a Rheoliadau Sŵn Amgylcheddol (Gogledd Iwerddon) 2006 (Rh.S. 2006, Rhif 387).

(1) S.I. 2006/2629 (W. 225), amended by S.I. 2009/47 (W. 15).

(2) Relevant retained EU law includes the Environmental Noise (England) Regulations 2006 (S.I. 2006/2629), the Environmental Noise (Scotland) Regulations 2006 (S.S.I. 2006/465) and the Environmental Noise Regulations (Northern Ireland) 2006 (S.R. 2006 No. 387).

(7) Yn Atodlen 1—

(a) ym mharagraff 1—

- (i) ailrifer y testun presennol yn is-baragraff (1); a
- (ii) ar ôl yr is-baragraff (1) newydd mewnosoder—

“(2) At ddibenion is-baragraff (1), mae’r cyfeiriad at baragraffau 1.5, 1.6 a 2.6 o Atodiad VI i’r Gyfarwyddeb i’w ddarllen yn unol â’r addasiadau a ganlyn—

- (a) ym mharagraff 1.5, fel pe bai’r cyfeiriad yn y paragraff hwnnw at “major roads”, “major railways” a “major airports” fel y’u diffinnir yn Erthygl 3 o’r Gyfarwyddeb yn gyfeiriad at “major road” (“prif ffordd”), “major railway” (“prif reilffordd”) a “major airport” (“prif faes awyr”) fel y’u diffinnir yn rheoliad 2(2) o’r Rheoliadau hyn; a
- (b) ym mharagraffau 1.6 a 2.6, fel pe bai’r geiriau o “These data” hyd at y diwedd wedi eu hepgor.”;

(b) ym mharagraff 2, ar ôl is-baragraff (2) mewnosoder—

“(3) At ddibenion is-baragraff (1)(a), mae cyfeiriad at Atodiad IV i’r Gyfarwyddeb i’w ddarllen fel pe bai’r canlynol wedi eu hepgor—

- (a) ym mharagraff 4, y mewnoliad cyntaf;
- (b) ym mharagraff 5, y geiriau o “concerning” hyd at “Commission”; ac
- (c) paragraff 9”.

(7) In Schedule 1—

(a) in paragraph 1—

- (i) the existing text is renumbered as sub-paragraph (1); and
- (ii) after the new sub-paragraph (1), insert—

“(2) For the purposes of sub-paragraph (1), the reference to paragraphs 1.5, 1.6 and 2.6 of Annex VI of the Directive is to be read with the following modifications—

- (a) in paragraph 1.5, as if the reference in that paragraph to “major roads”, “major railways” and “major airports” as defined in Article 3 of the Directive was to “major road” (“prif ffordd”), “major railway” (“prif reilffordd”) and “major airport” (“prif faes awyr”) as defined in regulation 2(2) of these Regulations; and
- (b) in paragraphs 1.6 and 2.6, as if the words from “These data” to the end were omitted.”;

(b) in paragraph 2, after sub-paragraph (2) insert—

“(3) For the purposes of sub-paragraph (1)(a), a reference to Annex IV of the Directive is to be read as if the following were omitted—

- (a) in paragraph 4, the first indent;
- (b) in paragraph 5, the words from “concerning” to “Commission”; and
- (c) paragraph 9.”

*Lesley Griffiths*

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

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

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