

Agenda – Y Pwyllgor Deddfwriaeth, Cyfiawnder a'r Cyfansoddiad

Lleoliad: I gael rhagor o wybodaeth cysylltwch a:
Fideogynhadledd drwy Zoom Gareth Williams
Dyddiad: Dydd Llun, 1 Mawrth 2021 Clerc y Pwyllgor
Amser: 09.30 0300 200 6565
SeneddDCC@senedd.cymru

Yn unol â Rheol Sefydlog 34.19, dywedodd y Cadeirydd ei fod wedi penderfynu gwahardd y cyhoedd o gyfarfod y Pwyllgor er mwyn diogelu iechyd y cyhoedd. Bydd y cyfarfod hwn yn cael ei ddarlledu'n fyw ar www.Senedd.TV

Rhag-gyfarfod anffurfiol (09.00 – 09.30)

- 1 Cyflwyniad, ymddiheuriadau, dirprwyon a datgan buddiannau
09.30
- 2 Gwaith craffu cyffredinol ar Ddiwedd y Pumed Senedd – sesiwn
dystiolaeth gyda'r Cwnsler Cyffredinol.
09.30–10.30 (Tudalennau 1 – 37)
Jeremy Miles AS, y Cwnsler Cyffredinol

CLA(5)–07–21 – Papur briffio

CLA(5)–07–21 – Papur 1 – Llythyr gan Ysgrifennydd Gwladol Cymru, 16
Chwefror 2021

CLA(5)–07–21 – Papur 2 – Llythyr at Ysgrifennydd Gwladol Cymru, 21 Ionawr
2021



3 Offerynnau sy'n cynnwys materion i gyflwyno adroddiad arnynt i'r Senedd o dan Reol Sefydlog 21.2 neu 21.3

10.30–10.40

Offerynnau'r Weithdrefn Penderfyniad Negyddol

3.1 SL(5)750 – Gorchymyn Senedd Cymru (Breinlythyrau a Phroclamsiynau) 2021

(Tudalennau 38 – 49)

CLA(5)–07–21 – Papur 3 – Adroddiad

CLA(5)–07–21 – Papur 4 – Rheoliadau

CLA(5)–07–21 – Papur 5 – Memorandwm Esboniadol

3.2 SL(5)751 – Rheoliadau Diogelu Iechyd (Coronafeirws, Teithio Rhyngwladol) (Cymru) (Diwygio) (Rhif 3) 2021

(Tudalennau 50 – 99)

CLA(5)–07–21 – Papur 6 – Adroddiad

CLA(5)–07–21 – Papur 7 – Rheoliadau

CLA(5)–07–21 – Papur 8 – Memorandwm Esboniadol

CLA(5)–07–21 – Papur 9 – Llythyr gan y Gweinidog Iechyd a Gwasanaethau Cymdeithasol, 13 Chwefror 2021

CLA(5)–07–21 – Papur 10 – Datganiad ysgrifenedig, 13 Chwefror 2021

3.3 SL(5)753 – Rheoliadau Diogelu Iechyd (Coronafeirws, Atebolrwydd Gweithredwyr a Gwybodaeth Iechyd i Deithwyr) (Cymru) (Diwygio) 2021

(Tudalennau 100 – 119)

CLA(5)–07–21 – Papur 11 – Adroddiad

CLA(5)–07–21 – Papur 12 – Rheoliadau

CLA(5)–07–21 – Papur 13 – Memorandwm Esboniadol

CLA(5)–07–21 – Papur 14 – Llythyr gan y Gweinidog Cyllid a'r Trefnydd, 19 Chwefror 2021

CLA(5)–07–21 – Papur 15 – Datganiad ysgrifenedig, 19 Chwefror 2021

Offerynnau'r Weithdrefn Penderfyniad Cadarnhaol

**3.4 SL(5)744 – Rheoliadau Deddf Llywodraeth Leol ac Etholiadau (Cymru) 2021
(Diwygiadau Canlyniadol) 2021**

(Tudalennau 120 – 135)

CLA(5)–07–21 – Papur 16 – Adroddiad

CLA(5)–07–21 – Papur 17 – Rheoliadau

CLA(5)–07–21 – Papur 18 – Memorandwm Esboniadol

**3.5 SL(5)745 – Rheoliadau Deddf Cydraddoldeb 2010 (Awdurdodau sy'n
ddarostyngedig i ddyletswydd ynghylch Anghydraddoldebau Economaidd–
gymdeithasol) (Cymru) 2021**

(Tudalennau 136 – 200)

CLA(5)–07–21 – Papur 19 – Adroddiad

CLA(5)–07–21 – Papur 20 – Rheoliadau

CLA(5)–07–21 – Papur 21 – Memorandwm Esboniadol

CLA(5)–07–21 – Papur 22 – Datganiad ysgrifenedig, 9 Chwefror 2021

CLA(5)–07–21 – Papur 23 – Canllawiau Statudol

**3.6 SL(5)746 – Rheoliadau Newid yn yr Hinsawdd (Targedau Allyriadau Interim)
(Cymru) (Diwygio) 2021**

(Tudalennau 201 – 250)

CLA(5)–07–21 – Papur 24 – Adroddiad

CLA(5)–07–21 – Papur 25 – Rheoliadau

CLA(5)–07–21 – Papur 26 – Memorandwm Esboniadol

CLA(5)–07–21 – Papur 27 – Datganiad ysgrifenedig, 9 Chwefror 2021

**3.7 SL(5)747 – Rheoliadau Newid yn yr Hinsawdd (Cyllidebau Carbon) (Cymru)
(Diwygio) 2021**

(Tudalennau 251 – 297)

CLA(5)–07–21 – Papur 28 – Adroddiad

CLA(5)–07–21 – Papur 29 – Rheoliadau

CLA(5)–07–21 – Papur 30 – Memorandwm Esboniadol

3.8 SL(5)748 – Rheoliadau Newid yn yr Hinsawdd (Terfyn Credyd Cyfrif Allyriadau Net Cymru) (Cymru) 2021.

(Tudalennau 298 – 344)

CLA(5)–07–21 – Papur 31 – Adroddiad

CLA(5)–07–21 – Papur 32 – Rheoliadau

CLA(5)–07–21 – Papur 33 – Memorandwm Esboniadol

3.9 SL(5)749 – Rheoliadau Deddf yr Amgylchedd (Cymru) 2016 (Diwygio Targed Allyriadau 2050) 2021

(Tudalennau 345 – 391)

CLA(5)–07–21 – Papur 34 – Adroddiad

CLA(5)–07–21 – Papur 35 – Rheoliadau

CLA(5)–07–21 – Papur 36 – Memorandwm Esboniadol

Offerynnau'r Weithdrefn Penderfyniad Gwneud Cadarnhaol

3.10 SL(5)754 – Rheoliadau Diogelu Iechyd (Cyfyngiadau Coronafeirws) (Rhif 5) (Cymru) (Diwygio) (Rhif 3) 2021

(Tudalennau 392 – 408)

CLA(5)–07–21 – Papur 37 – Adroddiad

CLA(5)–07–21 – Papur 38 – Rheoliadau

CLA(5)–07–21 – Papur 39 – Memorandwm Esboniadol

CLA(5)–07–21 – Papur 40 – Llythyr gan y Prif Weinidog, 19 Chwefror 2021

CLA(5)–07–21 – Papur 41 – Datganiad ysgrifenedig, 19 Chwefror 2021

4 Papurau i'w nodi

10.40–10.45

4.1 Llythyr gan Weinidog yr Amgylchedd, Ynni a Materion Gwledig: Rheoliadau Rhestrau Gwledydd Cymeradwy (Anifeiliaid a Chynhyrchion Anifeiliaid) (Diwygio) 2021

(Tudalennau 409 – 410)

CLA(5)–07–21 – Papur 42 – Llythyr gan Weinidog yr Amgylchedd, Ynni a Materion Gwledig, 22 Chwefror 2021

4.2 Llythyrau gan y Gweinidog Addysg: Bil Cwricwlwm ac Asesu (Cymru)

(Tudalennau 411 – 417)

CLA(5)–07–21 – Papur 43 – Llythyr gan y Gweinidog Addysg at Gadeirydd y Pwyllgor Cyllid, 23 Chwefror 2021

CLA(5)–07–21 – Papur 44 – Llythyr gan y Gweinidog Addysg at Gadeirydd y Pwyllgor Plant, Pobl Ifanc ac Addysg, 23 Chwefror 2021

4.3 Llythyr gan y Gweinidog Tai a Llywodraeth Leol: Cyfarfod Gweinidogol y Cyngor Prydeinig–Gwyddelig ar y Cyd rhwng Tai a Chynllunio Gofodol

(Tudalen 418)

CLA(5)–07–21 – Papur 45 – Llythyr gan y Gweinidog Tai a Llywodraeth Leol, 24 Chwefror 2021

5 Cynnig o dan Reol Sefydlog 17.42 i benderfynu gwahardd y cyhoedd o weddill y cyfarfod

10.45

6 Gwaith craffu cyffredinol ar Ddiwedd y Pumed Senedd – trafod y dystiolaeth

10.45–11.15

Dyddiad y cyfarfod nesaf – 8 Mawrth 2021

Mae cyfyngiadau ar y ddogfen hon

Ref: 020MISC21

T: 0292 092 4216
E: Correspondence@ukgovwales.gov.uk

Mick Antoniw MS

Chair of the Legislation, Justice and Constitution Committee
Senedd Cymru
Cardiff Bay
Cardiff
CF99 1SN
Email: seneddLJC@senedd.wales

16 February 2021

Dear Mick,

The Sewel Convention

Thank you for your letter of 21 January regarding the application of the Sewel Convention to the United Kingdom Internal Market Bill (the Bill).

As set out in the Minister of State for Small Business, Consumers and Labour Markets' written statement of 17 December 2020, it was the UK Government's intention from the very outset of the process to legislate for the Bill with the consent of all devolved legislatures. As with every UK Government Bill that engages the legislative consent process, we followed the associated practices and procedures for seeking consent from the devolved administrations. We therefore wrote to all three devolved administrations in advance of introduction of the Bill seeking consent.

In this respect I disagree with your assertion that the 'not normal' circumstances of the Bill meant that the Sewel Convention did not apply. The convention applies in all circumstances where Parliament seeks to legislate on devolved matters and the UK government seeks consent on this basis. The convention recognises however that there are circumstances in which it may be necessary for Parliament to legislate irrespective of whether or not consent is obtained. The inclusion of the words 'not normal' within the convention acknowledges that Parliament is sovereign and therefore it is ultimately for Parliament whether to use its power to legislate in any such circumstances.

Our work with the Welsh Government alongside the Bill's parliamentary passage sought to clarify the concerns that they had raised with us with the hope of reaching a point at which the Welsh Government could recommend that the Senedd granted consent to the Bill. I was pleased that as a result of this engagement we were able to bring forward amendments to the Bill to directly address a number of issues.

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This included providing a mechanism that would enable divergence under Common Frameworks to be excluded from the Market Access Principles where there is agreement between all four parts of the UK, as well as ensuring that the Secretary of State is obliged to seek the consent of the devolved administrations when panel appointments are made to the Office of the Internal Market. The UK Government deeply regrets that, despite efforts to find common ground, both the Senedd and the Scottish Parliament refused consent for the Bill. However, we sought consent in good faith and are confident that the legislation is more robust and more attuned to Welsh Government concerns in particular as a result.

The Bill, now Act, is vital in ensuring that businesses in Wales and across the UK can continue to trade freely within our internal market now that the Transition Period has ended. Our consultation highlighted the real concerns that businesses, including those in Wales, had about the potential for regulatory divergence between parts of the UK to create new internal barriers to trade. It is the Government's view that legislation of this kind must be in place across the whole UK in order to provide businesses and consumers from all parts of our country with the same legal protections and advantages. Taking all of this into account, we made the difficult decision at the end of the process that it was necessary to proceed with the Bill without consent and to bring key parts of the Act into force before the end of the Transition Period on 31 December 2020. This is not a decision that was taken lightly, however as I have made clear, it was in line with the convention.

The Government remains firmly committed to the Sewel Convention and its associated practices. The convention continues to work well and it remains the case that the vast majority of UK Parliamentary Bills that intersect with devolved competence are passed with the consent of the devolved legislatures. This has enabled provisions to be made in parliamentary primary legislation which are of great benefit to Wales and ensured that the Senedd has the necessary time and capacity to deliver its distinct programme of legislation. The information provided in explanatory notes which accompany UK primary legislation provide transparency on the provisions for which consent is being sought.

It is a matter for Parliament to consider the role that it should play in respect of the Sewel Convention. I am sure that your Committee will be aware of the implementation of a new procedure in the House of Lords, proposed by the Procedure and Privileges Committee and which the UK Government adopted for the first time in the course of the UKIM Bill's passage. Under this procedure the UK Government is expected to provide peers with a statement to the House outlining the reasons why legislative consent has been refused or not yet granted by the relevant devolved legislatures prior to the commencement of Third Reading.

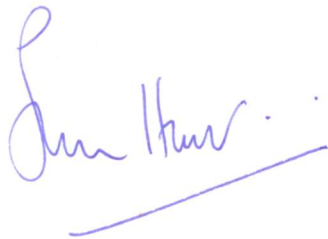
Ref: 020MISC21

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Letters from the Clerks of each of the relevant devolved legislatures detailing the outcome of LCMs are also made available on the Parliament website. The UK Government will engage constructively with Parliament and its committees on any ongoing improvements to the legislative consent process.

I am copying this letter to the Secretary of State for Business, Energy and Industrial Strategy, the Minister for Small Business, Consumers and Labour Markets, the Minister of State for the Constitution and Devolution, the Chairs of the External Affairs and Additional Legislation Committee, Finance and Constitution Committee, Committee for the Executive Office, the Welsh Affairs Committee, the Public Administration and Constitutional Affairs Committee, and the Lords Constitution Committee.

Yours sincerely,



Rt Hon Simon Hart MP
Secretary of State for Wales
Ysgrifennydd Gwladol Cymru

Y Gwir Anrhydeddus Simon Hart AS,
Ysgrifennydd Gwladol Cymru

21 Ionawr 2021

Annwyl Simon

Confensiwn Sewel

Fel y gwyddoch, rydym yn cynnal ymchwiliad i'r Newid yng Nghyfansoddiad Cymru. Wrth inni ddod â'n hymchwiliad i ben, hoffem ystyried cymhwyso Confensiwn Sewel i Fil Marchnad Fewnol y Deyrnas Unedig ("y Bil").

Fe ysgrifennon ni atoch chi ar **18 Medi 2020** yn gofyn a fyddai Llywodraeth y DU yn ceisio pasio'r Bil heb gydsyniad y Senedd. Byddwch yn ymwybodol y gofynnwyd y cwestiwn hwn yng nghyd-destun y dystiolaeth a roesoch i'r Pwyllgor ar **9 Mawrth 2020** mewn perthynas â Bil yr Undeb Ewropeaidd (Cytundeb Ymadael), pan ddywedasoch yn yr achos penodol hwn, fod 'ddim yn normal' wedi dod i'r amlwg fel thema wrth iddi ddod yn fwy amlwg na fyddai'r LCM yn mynd drwy'r Senedd.

Fe wnaethoch chi ymateb ar **3 Hydref 2020** gan nodi bod Llywodraeth y DU yn parhau i fod yn gwbl ymrwymedig i'r confensiwn ar gydsyniad deddfwriaethol. Dywedasoch hefyd fod nodiadau esboniadol y Bil yn nodi'n glir eich bod yn ceisio cydsyniad mewn perthynas â phob rhan o'r Bil a bod gweinidogion llywodraeth y DU sy'n gyfrifol am y Bil wedi ysgrifennu cyn cyflwyno'r Bil i nodi'r sefyllfa yn fanwl.

Cyn i'r Bil ddod yn Ddeddf, gwnaeth Gweinidog Llundain ac Is-Ysgrifennydd Gwladol Seneddol, Paul Scully AS **ddatganiad** ar 17 Rhagfyr 2020. Dywedodd y canlynol:

The Sewel Convention envisages situations where the UK Parliament may need to legislate for the whole country [...] The exceptional circumstances of our departure from the EU, and the need to provide a UK-wide legal underpinning for the internal market, is clearly one such situation.

Rydym yn rhannu barn Pwyllgor Materion Allanol a Deddfwriaeth Ychwanegol y Senedd, a fynegodd yn ei adroddiad **Bil Marchnad Fewnol y DU Cydsyniad Deddfwriaethol**, fod yr amgylchiadau sy'n ymwneud â marchnad fewnol y DU yn sylfaenol wahanol i amgylchiadau gadael yr Undeb Ewropeaidd.



Senedd Cymru

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Ni ddylai'r Bil, yn ein barn ni, fod wedi cynnwys agwedd "ddim yn normal" Confensiwn Sewel ac fe ddylai Llywodraeth y DU fod wedi parchu bod y Senedd wedi gwrthod rhoi cydsyniad. Mae ein safbwynt ni, sef mai Bil ledled y DU fel y'i drafftwyd oedd y cam gweithredu yr oedd Llywodraeth y DU yn ei ffafrio, ac nad oedd yn ofynnol, yn cael ei ategu gan gydnabyddiaeth Llywodraeth y DU ei hun yn Hysbysiad y Cydbwyllgor Gweinidogion ym mis Hydref 2017 y gallai marchnad fewnol y DU gael ei darparu trwy fframweithiau cyffredin deddfwriaethol ac anneddfwriaethol. Mae hyn yn rhywbeth y gwnaethom dynnu sylw ato yn ein hadroddiad Memorandwm Cydsyniad Deddfwriaethol Llywodraeth Cymru ar Fil Marchnad Fewnol y Deyrnas Unedig.

Roedd ein hadroddiad yn nodi hefyd, ar yr un pryd ag yr oedd pedair llywodraeth y DU yn cydweithredu ar fframweithiau cyffredin, fod Llywodraeth Cymru (ynghyd â llywodraethau datganoledig eraill) wedi'u heithrio rhag cymryd rhan yn y gwaith o ddatblygu'r Bil cyn ei gyflwyno i Senedd y DU. Roeddem yn synnu felly o weld Llywodraeth y DU yn dweud yn y datganiad, ei bod, ar bob cam, wedi dilyn ysbryd a llythrennol setliad datganoli ac wedi gweithio'n galed i sicrhau cydsyniad deddfwriaethol. Rydym o'r farn bod cydweithredu ac ymgysylltu â Llywodraeth Cymru cyn cyflwyno Bil cyfansoddiadol sy'n effeithio ar gymhwysedd deddfwriaethol y Senedd yn rhan hanfodol o'r broses cydsyniad deddfwriaethol. Byddai dull o'r fath yn unol â chanllawiau Llywodraeth y DU ei hun yn y Devolution Guidance Note: Parliamentary and Assembly Primary Legislation Affecting Wales.

Yng ngoleuni ein harsylwadau, byddem yn ddiolchgar am eich ymatebion i'r cwestiynau canlynol:

1. Pam na wnaeth Llywodraeth y DU gynnwys Llywodraeth Cymru wrth baratoi'r Bil cyn ei gyflwyno?
2. Mae eich ymateb ar 3 Hydref 2020 yn cyfeirio at y Nodiadau Esboniadol i'r Bil (fel y'u cyflwynwyd i Dŷ'r Cyffredin), sy'n nodi:

87 There is a convention that the UK Government will not normally legislate with regard to matters that affect or are within the legislative competence of the Scottish Parliament, the National Assembly for Wales or the Northern Ireland Assembly without the consent of the legislature concerned.

88 The Government has therefore sought legislative consent for the clauses contained in this Bill.

Os nad oedd amgylchiadau'r Bil "yn normal", gan olygu nad oedd Confensiwn Sewel yn berthnasol, pam bod Llywodraeth y DU wedi gofyn am gydsyniad yn y lle cyntaf?

3. Pryd y penderfynodd Llywodraeth y DU nad oedd amgylchiadau'r Bil "yn normal" at ddibenion Confensiwn Sewel?
4. A wnaeth Llywodraeth y DU ei phenderfyniad terfynol ar ôl i'r Senedd wrthod cydsyniad?
5. Beth, os unrhyw beth, a wnaethoch yn wahanol wrth geisio cydsyniad ar gyfer y Bil o'i gymharu â'r broses a ddilynwyd gennych ar gyfer Bil yr UE (Cytundeb Ymadael), y gwrthododd y Senedd roi cydsyniad ar ei gyfer hefyd?
6. Pa rôl y mae Llywodraeth y DU yn ystyried y dylai Senedd y DU ei chwarae yng Nghonfensiwn Sewel mewn perthynas â phob Bil y DU y gofynnir am gydsyniad ar ei gyfer gan y Senedd Cymru?



7. Sut y gellid gwella'r prosesau sy'n ymwneud â Chonfensiwn Sewel fel ei fod yn gweithredu'n glir ac yn fwy effeithiol?

Edrychaf ymlaen at glywed gennych erbyn 17 Chwefror 2021.

Yn gywir,



Mick Antoniw AS

Cadeirydd Y Pwyllgor Deddfwriaeth, Cyfiawnder a'r Cyfansoddiad

Croesewir gohebiaeth yn Gymraeg neu Saesneg.
We welcome correspondence in Welsh or English.

copi:

Y Gwir Anrhydeddus Kwasi Quarteng AS, Ysgrifennydd Gwladol dros Fusnes, Ynni a Strategaeth
Ddiwydiannol

Paul Scully AS, Gweinidog Llundain ac Is-Ysgrifennydd Gwladol Seneddol (y Gweinidog Busnesau Bach,
Defnyddwyr a Marchnadoedd Llafur)

David Rees AS, Cadeirydd y Pwyllgor Materion Allanol a Deddfwriaeth Ychwanegol, Senedd Cymru

Bruce Crawford ASA, Cynullydd, Pwyllgor Cyllid a Chyfansoddiad Senedd yr Alban

Colin McGrath MLA, Cadeirydd Pwyllgor y Swyddfa Weithredol, Cynulliad Gogledd Iwerddon

Y Gwir Anrhydeddus Stephen Crabb AS, Pwyllgor Materion Cymru, Tŷ'r Cyffredin

William Wragg AS, Pwyllgor Gweinyddiaeth Gyhoeddus a Materion Cyfansoddiadol, Tŷ'r Cyffredin

Y Gwir Anrhydeddus y Farwnes Taylor o Bolton, Cadeirydd Pwyllgor Cyfansoddiad Tŷ'r Arglwyddi



Eitem 3.1

SL(5)750 – Gorchymyn Senedd Cymru (Breinlythyrau a Phroclamsiynau) 2021

Cefndir a diben

Mae Gorchymyn Senedd Cymru (Breinlythyrau a Phroclamsiynau) 2021 (“y Gorchymyn”) yn ymwneud â’r Breinlythyrau sy’n rhoi Cydsyniad Ei Mawrhydi i Fil a basiwyd gan Senedd Cymru. Mae’r Gorchymyn yn diwygio enw’r Senedd yn y Breinlythyrau yn unol â darpariaethau Deddf Senedd ac Etholiadau (Cymru) 2020 (“y Ddeddf Senedd ac Etholiadau”). At hynny, mae’r Gorchymyn yn diwygio pwy sy’n gyfrifol am gyflwyno Biliau er Cydsyniad Brenhinol, gan ei newid o Glerc y Senedd i’r Llywydd.

Mae’r Gorchymyn yn cynnwys y geiriad ar gyfer cyhoeddiadau brenhinol sy’n berthnasol i bŵer y system o dan adran 4 o Ddeddf Llywodraeth Cymru 2006 (“Deddf Llywodraeth Cymru”) a dyletswydd y Llywydd o dan adran 5 o Ddeddf Llywodraeth Cymru. Mae Adran 4 o Ddeddf Llywodraeth Cymru yn rhoi pŵer i’r Llywydd gynnig y dylid amrywio dyddiad y bleidlais ar gyfer etholiad cyffredinol cyffredin y Senedd gan hyd at fis o’r dydd lau cyntaf ym mis Mai yn y bumed flwyddyn yn dilyn yr etholiad blaenorol. Mae adran 5 o Ddeddf Llywodraeth Cymru yn gosod dyletswydd ar y Llywydd i gynnig dyddiad ar gyfer etholiad cyffredinol eithriadol ar gyfer y Senedd, o dan amgylchiadau penodol. Yn dilyn cynnig o dan naill ai adran 4 neu adran 5 o Ddeddf Llywodraeth Cymru, gall Ei Mawrhydi, drwy broclamsiwn, ddiddymu’r Senedd a phennu dyddiad ar gyfer yr etholiad.

Gweithdrefn

Negyddol.

Gwnaed y Gorchymyn gan Weinidogion Cymru cyn iddo gael ei osod gerbron y Senedd.

Gall y Senedd ddirymu’r Gorchymyn cyn pen 40 diwrnod (ac eithrio unrhyw ddiwrnodau pan fydd y Senedd: (i) wedi’i diddymu, neu (ii) ar doriad sy’n fwy na phedwar diwrnod) o’r dyddiad y cafodd ei osod gerbron y Senedd.

Materion technegol: craffu

Ni nodir unrhyw bwyntiau ar gyfer adrodd o dan Reol Sefydlog 21.2 mewn perthynas â’r offeryn hwn.

Rhinweddau: craffu

Nodwyd y tri phwynt a ganlyn i gyflwyno adroddiad arnynt o dan Reol Sefydlog 21.3 mewn perthynas â’r offeryn hwn.

1. Rheol Sefydlog 21.3(ii) – ei fod o bwysigrwydd gwleidyddol neu gyfreithiol neu ei fod yn codi materion polisi cyhoeddus sy’n debyg o fod o ddiddordeb i’r Senedd.



Mae Erthygl 2 o'r Gorchymyn yn darparu ffurf ar eiriau ar gyfer y Breinlythyrau a phroclamasynau fel y'u nodir yn yr Atodlen i'r Gorchymyn, ond mae'n nodi bod ffurf o'r fath ar eiriau fel a ganlyn:

yn ddarostyngedig yn unig i unrhyw amrywiadau sy'n angenrheidiol o dan yr amgylchiadau.

Gofynnir i Lywodraeth Cymru ddarparu rhagor o wybodaeth o ran:-

- a) pam mae'r ffurf hwn ar eiriau yn angenrheidiol; a
- b) pa amrywiadau a ragwelir gan y ffurf hwn ar eiriau.

Yn benodol, yng nghyd-destun y geiriad ar gyfer proclamsiwn brenhinol o dan adran 4(2)(a) o Ddeddf Llywodraeth Cymru, lle mae'r Senedd eisoes wedi'i diddymu, a fyddai'r geiriad a ddyfynnir uchod yn caniatáu hepgor y geiriau sy'n diddymu'r Senedd o'r proclamsiwn brenhinol, a thrwy hynny ganiatáu i'r Llywydd gynnig newid i ddyddiad etholiad yr holl ffordd hyd at y diwrnod cyn yr etholiad hwnnw? Os felly, sut mae hynny'n cyd-fynd ag adran 4(2)(a) o Ddeddf Llywodraeth Cymru sy'n darparu'n benodol y bydd y proclamsiwn brenhinol yn diddymu'r Senedd?

2. Rheol Sefydlog 21.3(ii) – ei fod o bwysigrwydd gwleidyddol neu gyfreithiol neu ei fod yn codi materion polisi cyhoeddus sy'n debyg o fod o ddiddordeb i'r Senedd.

Mae adran 4(2)(c) o Ddeddf Llywodraeth Cymru yn darparu bod yn rhaid i gyhoeddiad i amrywio dyddiad yr etholiad fynnu bod cyfarfod cyntaf y Senedd yn cael ei gynnal cyn pen 7 diwrnod ar ôl yr etholiad (er bod adran 39 o'r Ddeddf Senedd ac Etholiadau yn ymestyn y cyfnod hwn i 14 diwrnod ac yn dod i rym ar y diwrnod pleidleisio ar gyfer yr etholiad cyntaf i gael ei gynnal ar ôl 5 Ebrill 2021).

Fodd bynnag, nid yw'r ffurf ar eiriau ar gyfer proclamsiwn i'w wneud o dan adran 4(2) o Ddeddf Llywodraeth Cymru, fel y'i nodir yn Rhan 2 o'r Atodlen i'r Gorchymyn, yn cyfeirio at yr amserlen ar gyfer cynnal cyfarfod o'r Senedd am y tro cyntaf yn dilyn etholiad a gynhelir ar ôl proclamsiwn o'r fath.

Nodir bod adran 4(2)(c) o Ddeddf Llywodraeth Cymru wedi'i datgymhwyso at ddibenion etholiad 2021 yn unig gan Fil Etholiadau Cymru (Coronafeirws) ("y Bil"), a basiwyd gan y Senedd ar 10 Chwefror 2021 (ar adeg ysgrifennu nid yw'r Cydsyniad Brenhinol wedi'i roi, hyd yn hyn) ar gyfer y Bil. O dan adran 5 o'r Bil, rhaid i'r Senedd gyfarfod cyn pen 21 diwrnod o etholiad 2021, ni waeth pryd y cynhelir etholiad o'r fath (heb fod yn hwyrach na 5 Tachwedd 2021 o dan ddarpariaethau'r Bil).

Gofynnir i Lywodraeth Cymru gadarnhau pa gamau y mae'n bwriadu eu cymryd i wneud yn siŵr bod y Gorchymyn yn cydymffurfio ag adran 4(2)(c) o Ddeddf Llywodraeth Cymru.

3. Rheol Sefydlog 21.3(ii) – ei fod o bwysigrwydd gwleidyddol neu gyfreithiol neu ei fod yn codi materion polisi cyhoeddus sy'n debyg o fod o ddiddordeb i'r Senedd.



Mae adran 5(4)(c) o Ddeddf Llywodraeth Cymru yn darparu bod yn rhaid i broclamsiwn sy'n datgan bod etholiad eithriadol i'r Senedd, ei wneud yn ofynnol bod cyfarfod cyntaf y Senedd yn cael ei gynnal cyn pen 7 diwrnod ar ôl yr etholiad. Mae'r Ddeddf Senedd ac Etholiadau yn ymestyn y cyfnod hwn i 14 diwrnod ar gyfer yr etholiad cyntaf i gael ei gynnal ar ôl 5 Ebrill 2021. Gofynnir i Lywodraeth Cymru gadarnhau pa gamau y mae'n bwriadu eu cymryd yn y dyfodol i wneud yn siŵr bod y Gorchymyn yn cydymffurfio ag adran 5(4)(c) o Ddeddf Llywodraeth Cymru fel y'i diwygiwyd.

Ymateb Llywodraeth Cymru

Mae angen ymateb oddi wrth Lywodraeth Cymru.

Cynghorwyr Cyfreithiol

Y Pwyllgor Deddfwriaeth, Cyfiawnder a'r Cyfansoddiad

23 Chwefror 2021



Senedd Cymru

Pwyllgor Deddfwriaeth, Cyfiawnder a'r Cyfansoddiad

—

Welsh Parliament

Legislation, Justice and Constitution Committee

Tudalen y pecyn 40

2021 Rhif

Y GYFRAITH GYFANSODDIADOL

DATGANOLI, CYMRU

**Gorchymyn Senedd Cymru (Breinlythyrau a Phroclamsiynau)
2021**

<i>Gwnaed</i> - - - -	<i>10fed Chwefror 2021</i>
<i>Gosodwyd gerbron Senedd Cymru</i>	<i>11eg Chwefror 2021</i>
<i>Yn dod i rym</i> - -	<i>4ydd Mawrth 2021</i>

Yn y Llys yng Nghastell Windsor, ar y 10fed dydd o Chwefror 2021

Yn bresennol,

Ei Hardderchocaf Fawrhydi'r Frenhines yn y Cyfrin Gyngor

Mae'n bleser gan Ei Mawrhydi, drwy arfer y pwerau a roddir Iddi gan adran 116(3) o Ddeddf Llywodraeth Cymru 2006(a), yn ôl cyngor a chyda chyngor Ei Chyfrin Gyngor, orchymyn fel a ganlyn:

Enwi, cychwyn a dehongli

1.—(1) Enw'r Gorchymyn hwn yw Gorchymyn Senedd Cymru (Breinlythyrau a Phroclamsiynau) 2021 a daw i rym ar 4ydd Mawrth 2021.

(2) Yn y Gorchymyn hwn—

- (a) ystyr “Deddf 2006” yw Deddf Llywodraeth Cymru 2006;
- (b) ystyr “Breinlythyrau” yw Breinlythyrau a lofnodwyd gan Ei Mawrhydi â'i llaw Ei hunan i ddynodi Ei Chydsyniad i Fil a basiwyd gan Senedd Cymru;
- (c) ystyr “proclamsiynau” yw proclamsiynau brenhinol o dan adrannau 4(2) a 5(4) o Ddeddf 2006.

Ffurf ar Freinlythyrau a phroclamsiynau

2. Y ffurf ar eiriau sydd i'w defnyddio—

- (a) mewn Breinlythyrau yw'r ffurf honno a nodir yn Rhan 1 o'r Atodlen i'r Gorchymyn hwn,

(a) 2006 p. 32. Mae adran 116 fel y'i diwygiwyd gan Atodlen 6 i Ddeddf Cymru 2017 (p. 4) bellach yn cynnwys y pŵer i wneud darpariaeth o ran ffurf, dull llunio, a chyhoeddi pob proclamsiwn brenhinol o dan adrannau 4(2) a 5(4) o Ddeddf Llywodraeth Cymru 2006. Diwygiwyd adran 116 hefyd gan Atodlen 1 i Ddeddf Senedd ac Etholiadau (Cymru) 2020 (dccc 1) i roi effaith i'r newid o ran ailenwi Cynulliad Cenedlaethol Cymru yn Senedd Cymru.

- (b) mewn proclamsiynau o dan adran 4(2) o Ddeddf 2006 yw'r ffurf honno a nodir yn Rhan 2 o'r Atodlen honno, ac
- (c) mewn proclamsiynau o dan adran 5(4) o Ddeddf 2006 yw'r ffurf honno a nodir yn Rhan 3 o'r Atodlen honno,

yn ddarostyngedig yn unig i unrhyw amrywiadau sy'n angenrheidiol o dan yr amgylchiadau.

Llunio Breinlythyrau a phroclamsiynau

3. Caniateir llunio Breinlythyrau a phroclamsiynau mewn print neu mewn ysgrifen, neu'n rhannol mewn print ac yn rhannol mewn ysgrifen, a chaniateir eu llunio naill ai ar bapur neu ar femrwn.

Cyhoeddi Breinlythyrau a phroclamsiynau

4.—(1) Cyn gynted ag y bo'n rhesymol ymarferol wedi i Freinlythyrau o dan y Sêl Gymreig gael eu hysbysu i Glerc y Senedd, rhaid i Geidwad y Sêl Gymreig drefnu ar gyfer cyhoeddi'r Breinlythyrau yn The London Gazette, The Edinburgh Gazette a The Belfast Gazette.

(2) Rhaid i broclamsiynau gael eu cyhoeddi yn The London Gazette, The Edinburgh Gazette a The Belfast Gazette.

Dirymu Gorchymyn Cynulliad Cenedlaethol Cymru (Breinlythyrau) 2011

5. Mae Gorchymyn Cynulliad Cenedlaethol Cymru (Breinlythyrau) 2011(a) wedi ei ddirymu.

Richard Tilbrook
Clerc y Cyfrin Gyngor

(a) O.S. 2011/752.

YR ATODLEN

Erthygl 2

Ffur ar ddogfennau

RHAN 1

Breinlythyrau

“ELISABETH YR AIL drwy Ras Duw Brenhines Teyrnas Unedig Prydain Fawr a Gogledd Iwerddon a'n Teyrnasoedd a'n Tiriogaethau eraill Pennaeth y Gymanwlad Amddiffynnydd y Ffydd At Ein Ffyddlon ac anwylaf Aelodau o'r Senedd CYFARCHION:

YN GYMAINT Â BOD un neu ragor o Filiau, y nodir eu henwau byr yn yr Atodlen i hyn, wedi eu pasio gan Senedd Cymru ac wedi eu cyflwyno i Ni ar gyfer Ein Cydsyniad Brenhinol gan Lywydd Senedd Cymru yn unol â Deddf Llywodraeth Cymru 2006, ond na ddaw'r Biliau hynny, yn rhinwedd Deddf Llywodraeth Cymru 2006, yn Ddeddfau Senedd Cymru ac na fydd iddynt effaith Gyfreithiol heb Ein Cydsyniad Brenhinol a ddynodir drwy Freinlythyrau o dan Ein Sêl Gymreig a'n llofnod Ein Hunain, yr Ydym felly wedi peri gwneud y rhain, Ein Breinlythyrau ac wedi eu llofnodi, a thrwyddynt rhoddwn Ein Cydsyniad Brenhinol i'r Biliau hynny sydd i'w cymryd a'u derbyn fel Ddeddfau da a pherffhaith y Senedd a'u rhoi ar waith yn briodol yn unol â hynny GAN ORCHYMYN HEFYD Geidwad Ein Sêl Gymreig i selio'r rhain, Ein Llythyrau â'r Sêl honno.

YN DYSTIOLAETH O HYNNY yr Ydym wedi peri gwneud y rhain, Ein Llythyrau yn Agored

TYSTIED Ein Hunain yn . . . ar . . . o'n Teyrnasiad

Llofnodwyd gan y Frenhines Ei Hunan â'i Llaw Ei Hunan.”

RHAN 2

Proclamsiynau o dan adran 4(2) o Ddeddf 2006

“PROCLAMASIWN GAN Y FRENHINES

SY'N DIDDYMU SENEDD CYMRU AC SY'N PENNU DYDDIAD Y BLEIDLAIS YN YR ETHOLIAD CYFFREDINOL ARFEROL WEDI HYNNY.

Gan fod Gennym, o dan adran 4(2) o Ddeddf Llywodraeth Cymru 2006, os yw Llywydd Senedd Cymru yn cynnig diwrnod i Ni ar gyfer cynnal y bleidlais mewn etholiad cyffredinol arferol i fod yn Aelod o'r Senedd nad yw'n fwy nag un mis cyn, nac yn fwy nag un mis ar ôl, y dydd Iau cyntaf ym mis Mai yn y bumed flwyddyn galendr yn dilyn y flwyddyn honno y cynhaliwyd yr etholiad cyffredinol arferol blaenorol ynddi, bŵer drwy broclamsiwn o dan Ein Sêl Gymreig i ddiddymu Senedd Cymru ac i'w gwneud yn ofynnol i'r bleidlais yn yr etholiad cyffredinol arferol i fod yn Aelod o'r Senedd gael ei chynnal ar y diwrnod a gynnigir:

A Chan fod y dywededig Lywydd, yn unol â'r ddywededig adran 4(2), wedi cynnig [*mewnoder y diwrnod a gynnigir gan y Lywydd*] fel diwrnod ar gyfer cynnal y bleidlais:

Yr Ydym, felly, yn unol â'r ddywededig adran 4(2) a phob pŵer arall sy'n Ein galluogi yn y cyswllt hwnnw yn datgan, yn cyfarwyddo ac yn ordeinio drwy hyn fel a ganlyn—

1. Mae Senedd Cymru drwy hyn wedi ei diddymu.

2. Cynhelir y bleidlais yn yr etholiad cyffredinol arferol i fod yn Aelod o'r Senedd ar [*mewnosoder y diwrnod a gynigir gan y Llywydd*].

3. Gorchmynnir i Geidwad Ein Sêl Gymreig selio'r proclamsiwn hwn â'n Sêl Gymreig.

Rhodddwyd yn Ein Llys ... ar ... ym mlwyddyn ein Harglwydd ... ac ... o'n Teyrnasiad.”

RHAN 3

Proclamsiynau o dan adran 5(4) o Ddeddf 2006

“PROCLAMASIWN GAN Y FRENHINES

SY’N DIDDYMU SENEDD CYMRU, SY’N EI GWNEUD YN OFYNNOL CYNNAL ETHOLIAD CYFFREDINOL EITHRIADOL, SY’N PENNU DYDDIAD Y BLEIDLAIS YN YR ETHOLIAD HWWNW AC SY’N EI GWNEUD YN OFYNNOL I’R SENEDD YMGYNNULL O FEWN SAITH NIWRNOD AR ÔL Y BLEIDLAIS HONNO.

Gan fod Gennym, o dan adran 5(4) o Ddeddf Llywodraeth Cymru 2006, os yw Llywydd Senedd Cymru yn cynnig diwrnod i Ni ar gyfer cynnal pleidlais o dan yr amgylchiadau a nodir yn adran 5(2) a (3) o'r Ddeddf honno, bŵer drwy broclamsiwn o dan Ein Sêl Gymreig i ddiddymu Senedd Cymru, i'w gwneud yn ofynnol i etholiad cyffredinol eithriadol i fod yn Aelod o'r Senedd gael ei gynnal, i'w gwneud yn ofynnol i'r bleidlais yn yr etholiad gael ei chynnal ar y diwrnod a gynigir, ac i'w gwneud yn ofynnol i'r Senedd ymgynnull o fewn y cyfnod o saith niwrnod sy'n dechrau yn union ar ôl diwrnod y bleidlais:

A Chan fod y dywededig Lywydd, yn unol ag adran 5(1) o'r Ddeddf honno, wedi cynnig [*mewnosoder y diwrnod a gynigir gan y Llywydd*] fel diwrnod ar gyfer cynnal y bleidlais:

Yr Ydym, felly, yn unol â'r ddywededig adran 5(4) a phob pŵer arall sy'n Ein galluogi yn y cyswllt hwnnw yn datgan, yn cyfarwyddo ac yn ordeinio drwy hyn fel a ganlyn—

1. Mae Senedd Cymru drwy hyn wedi ei diddymu.

2. Cynhelir etholiad cyffredinol eithriadol i fod yn Aelod o'r Senedd.

3. Cynhelir y bleidlais yn yr etholiad hwnnw ar [*mewnosoder y diwrnod a gynigir gan y Llywydd*].

4. Rhaid i'r Senedd ymgynnull o fewn y cyfnod o saith niwrnod sy'n dechrau yn union ar ôl y dyddiad hwnnw.

5. Gorchmynnir i Geidwad Ein Sêl Gymreig selio'r proclamsiwn hwn â'n Sêl Gymreig.

Rhodddwyd yn Ein Llys ... ar ... ym mlwyddyn ein Harglwydd ... ac ... o'n Teyrnasiad.”

NODYN ESBONIADOL

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

Mae adran 107(2) o Ddeddf Llywodraeth Cymru 2006 (p. 32) ("Deddf 2006") yn darparu bod Bil a gaiff ei basio gan Senedd Cymru yn dod yn Ddeddf pan gaiff y Cydsyniad Brenhinol.

Mae adran 115(4) o Ddeddf 2006 yn darparu bod Bil o'r fath yn cael y Cydsyniad Brenhinol pan hysbysir Clerc y Senedd fod Breinlythyrau o dan y Sêl Gymreig wedi eu llofnodi gan Ei Mawrhydi â'i llaw Ei hunan i ddynodi Ei Chydsyniad.

Mae adrannau 4(2) a 5(4) o Ddeddf 2006 hefyd yn rhoi pŵer i'w Mawrhydi i wneud proclamsiwn o dan y Sêl Gymreig mewn amgylchiadau pan fo'r Llywydd wedi arfer y pŵer yn adran 4(1) neu 5(1) o Ddeddf 2006.

Mae'r Gorchymyn hwn yn rhagnodi'r ffurf ar eiriau i'w defnyddio mewn Breinlythyrau sy'n dynodi'r Cydsyniad Brenhinol i Filiau a gaiff eu pasio gan Senedd Cymru ac mewn proclamsiynau brenhinol a wneir o dan adrannau 4(2) a 5(4) o Ddeddf 2006. Mae hefyd yn gwneud darpariaeth o ran llunio a chyhoeddi'r dogfennau hynny.

Mae'r Gorchymyn hwn yn dirymu'r Gorchymyn blaenorol a wnaed yn 2011.

Memorandwm Esboniadol ar gyfer Gorchymyn Senedd Cymru (Breinlythyrau a Phroclamsiynau) 2021

Lluniwyd y Memorandwm Esboniadol hwn gan Swyddfa'r Prif Weinidog ac fe'i gosodir gerbron Senedd Cymru ar y cyd â'r is-ddeddfwriaeth uchod ac yn unol â Rheol Sefydlog 27.1

Datganiad y Gweinidog

Yn fy marn i, mae'r Memorandwm Esboniadol hwn yn rhoi darlun teg a rhesymol o effaith ddisgwyliedig Gorchymyn Senedd Cymru (Breinlythyrau a Phroclamsiynau) 2021

Mark Drakeford AS
Prif Weinidog Cymru
11 Chwefror 2021

RHAN 1

Disgrifiad

1. Mae Gorchymyn Senedd Cymru (Breinlythyrau a Phroclamsiynau) 2021 yn ymwneud â'r Breinlythyrau sy'n rhoi Cydsyniad Ei Mawrhydi i Fil a basiwyd gan Senedd Cymru. Mae'r Gorchymyn yn bwriadu diwygio enw'r Senedd i gyd-fynd â Deddf Senedd ac Etholiadau (Cymru) 2020 yn ogystal â diwygio y sawl sy'n gyfrifol am gyflwyno Biliau i gael y Cydsyniad Brenhinol. Mae hefyd yn cynnwys geiriad y proclamsiynau brenhinol sy'n berthnasol i swyddogaethau'r Llywydd o dan adrannau 4 a 5 o Ddeddf Llywodraeth Cymru 2006, fel y'i diwygiwyd gan Ddeddf Cymru 2017.

Materion o ddiddordeb arbennig i'r Pwyllgor Deddfwriaeth, Cyfiawnder a'r Cyfansoddiad

2. Dim

Y cefndir deddfwriaethol

3. Mae Adran 116 o Ddeddf Llywodraeth Cymru 2006¹ yn cyfeirio at y "Letters Patent" sy'n golygu'r Breinlythyrau a lofnodwyd gan Ei Mawrhydi â'i llaw Ei hunan i ddangos Ei Chydsyniad i Fil a basiwyd gan Senedd Cymru yn ogystal â'r holl broclamsiynau brenhinol o dan adrannau 4(2) a 5(2) o Ddeddf Llywodraeth Cymru 2006, sydd wedi eu pasio o dan y Sêl Gymreig.
4. Caiff gorchymynion a wneir o dan yr adran hon eu gwneud gan y Frenhines yn y Cyfrin Gyngor ac wedi hynny maent yn ddarostyngedig i'r weithdrefn negyddol yn y Senedd.
5. Gwnaed y Gorchymyn hwn gan Ei Mawrhydi yn y Cyfrin Gyngor ar 10 Chwefror 2021.
6. Daw'r Gorchymyn i rym ar 4 Mawrth 2021.

Diben y ddeddfwriaeth a'r effaith y bwriedir iddi ei chael

7. Mae Adran 116 o Ddeddf Llywodraeth Cymru 2006 yn darparu y gall Ei Mawrhydi, trwy Orchymyn yn y Cyfrin Gyngor, wneud darpariaeth ar gyfer ffurf a'r modd o lunio a chyhoeddi breintlythyrau a phroclamsiynau.
8. Nid yw Gorchymyn Cynulliad Cenedlaethol Cymru (Breinlythyrau) 2011 a wnaed yn flaenorol o dan yr adran hon yn adlewyrchu'r ddeddfwriaeth bresennol o ganlyniad i ddiwygiadau a wnaed i Ddeddf Llywodraeth Cymru 2006 gan Ddeddf Cymru 2017 a Deddf Senedd ac Etholiadau (Cymru) 2020.

¹ <https://www.legislation.gov.uk/cy/ukpga/2006/32/section/116>

9. Bydd Gorchymyn Senedd Cymru (Breinlythyrau a Phroclamsiynau) 2021 yn dirymu ac yn disodli Gorchymyn Cynulliad Cenedlaethol Cymru (Breinlythyrau) 2011.

10. Diben y Gorchymyn hwn felly yw:

- a) Ymdrin â'r newid enw yn Neddf Senedd ac Etholiadau (Cymru) o Gynulliad Cenedlaethol Cymru i Senedd Cymru, a
- b) Darparu ar gyfer ffurf y geiriau i'w defnyddio ar gyfer proclamsiynau brenhinol o dan aa.4(2) a 5(2), a basiwyd o dan y Sêl Gymreig. Mae hwn yn ofyniad newydd, a fewnosodwyd gan Ddeddf Cymru 2017, sy'n berthnasol i swyddogaethau'r Llywydd o dan aa.4² a 5³ o Ddeddf Llywodraeth Cymru 2006, mewn perthynas â chynnal y bleidlais ar gyfer etholiadau'r Senedd ar ddiwrnodau ar wahân i'r hyn a bennir yn adran 3 o'r Ddeddf honno.

11. Mae'r Gorchymyn hefyd yn cydnabod y newid a wnaed i'r weithdrefn ar gyfer cyflwyno Biliau i gael y Cydsyniad Brenhinol a wnaed gan Ddeddf Cymru 2017. Yn flaenorol, cyfrifoldeb Clercod y Senedd oedd gwneud hyn ond y Llywydd⁴ fydd yn gyfrifol am hynny yn awr.

Ymgynghori

12. Daeth y diwygiadau deddfwriaethol gofynnol y mae Gorchymyn Senedd Cymru (Breinlythyrau a Phroclamsiynau) 2021 yn ymdrin â hwy i effaith yn Neddf Senedd ac Etholiadau (Cymru) 2020 a Deddf Cymru 2017.

13. O ganlyniad, ystyriwyd nad oedd angen ymgynghori er mwyn gwneud y Gorchymyn hwn.

Asesiad Effaith Rheoleiddiol

14. Ystyriwyd Cod Ymarfer Gweinidogion Cymru ar gynnal Asesiadau Effaith Rheoleiddiol mewn perthynas â'r Gorchymyn hwn. O ganlyniad, ystyriwyd nad oedd yn angenrheidiol cynnal asesiad effaith rheoleiddiol o gostau a manteision tebygol cydymffurfio â'r Gorchymyn gan fod Gorchymyn Senedd Cymru (Breinlythyrau a Phroclamsiynau) 2021 yn dod o fewn yr eithriad a geir yn y Cod lle mae angen diwygiadau technegol neu ddiwygiadau ffeithiol rheolaidd i ddiweddarau rheoliadau.

15. Nid yw'r Gorchymyn hwn yn cael unrhyw effaith ar ddyletswyddau statudol Gweinidogion Cymru sy'n ymwneud â chyfle cyfartal (adran 77 o Ddeddf Llywodraeth Cymru 2006), yr iaith Gymraeg (adran 78 o Ddeddf Llywodraeth Cymru 2006), na datblygu cynaliadwy (adran 79 o Ddeddf Llywodraeth Cymru 2006), ac ni fydd yn cael unrhyw effaith ar lywodraeth

² <https://www.legislation.gov.uk/cy/ukpga/2006/32/section/4>

³ <https://www.legislation.gov.uk/cy/ukpga/2006/32/section/5>

⁴ Adran 115(1) o Ddeddf Llywodraeth Cymru 2006 fel y'i diwygiwyd gan Ddeddf Cymru 2017

leol, y sector gwirfoddol na chynlluniau busnes o dan adran 73, 74 a 75 o Ddeddf Llywodraeth Cymru 2006 yn y drefn honno.

Eitem 3.2

SL(5)751 – Rheoliadau Diogelu Iechyd (Coronafeirws, Teithio Rhyngwladol) (Cymru) (Diwygio) (Rhif 3) 2021

Cefndir a Diben

Mae Rheoliadau Diogelu Iechyd (Coronafeirws, Teithio Rhyngwladol) (Cymru) (Diwygio) (Rhif 3) 2021 ("y Rheoliadau") wedi eu gwneud wrth ddibynnu ar y pwerau yn adrannau 45B, 45F(2) a 45P(2) o Ddeddf Iechyd y Cyhoedd (Rheoli Clefydau) 1984.

Mae'r Rheoliadau yn diwygio Rheoliadau Diogelu Iechyd (Coronafeirws, Teithio Rhyngwladol) (Cymru) 2020 (O.S. 2020/574 (Cy. 162)) (y "Rheoliadau Teithio Rhyngwladol").

Mae'r Rheoliadau Teithio Rhyngwladol yn ei gwneud yn ofynnol i'r holl deithwyr sy'n cyrraedd sy'n cyrraedd Cymru o'r tu allan i'r Ardal Deithio Gyffredin (h.y. yr ardal ffiniau agored sy'n cynnwys y Deyrnas Unedig, Ynysoedd y Sianel, Ynys Manaw a Gweriniaeth Iwerddon) roi eu manylion cyswllt a gwybodaeth teithio, ac ynysu am gyfnod o 10 diwrnod. Mae eithriad o'r gofyniad ynysu i deithwyr sy'n cyrraedd o wledydd a thiriogaethau penodol, a elwir yn "wledydd esempt".

Ar sail y cyngor iechyd cyhoeddus presennol, mae mesurau pellach wedi'u cyflwyno o dan y Rheoliadau sy'n gosod system brofi newydd ar gyfer pobl 5 oed neu'n hŷn sy'n cyrraedd Cymru (yn amodol ar nifer cyfyngedig o eithriadau), sy'n ei gwneud yn ofynnol iddynt drefnu a chael profion ar ddiwrnod 2 ac 8 o'u cyfnod ynysu ac i dalu amdanynt. Bydd methu â gwneud hynny yn drosedd, ac yn eu gadael yn agored i ddirwy. Bydd methu â chael y ddau brawf hefyd yn golygu bod y cyfnod hunanynysu yn cael ei ymestyn i 14 diwrnod. Mae'r Rheoliadau hefyd yn gosod gofynion uwch ar deithwyr o ran gwybodaeth.

Cymerir mesurau pellach mewn perthynas â gwledydd a restrir yn Atodlen 3A o'r Rheoliadau Teithio Rhyngwladol sydd eisoes wedi'u nodi fel rhai risg uwch oherwydd cysylltiadau ag amrywolion o'r coronafeirws, er mwyn diogelu ymhellach rhag y risg o drosglwyddo gwahanol amrywolion yn y gymuned. Yn ogystal â'r gwaharddiad presennol ar hediadau uniongyrchol a llongau o'r gwledydd a restrir, ni fydd unrhyw un sydd wedi bod yn un o'r gwledydd hynny yn ystod y 10 diwrnod diwethaf yn cael dod i mewn i Gymru o 4am ar 15 Chwefror. Bydd methu â chydymffurfio â'r cyfyngiad hwn yn drosedd, a bydd yr unigolyn dan sylw yn agored i ddirwy.

Mae Rhan 5 o'r Rheoliadau yn diwygio Atodlen 2 (personau esempt) i'r Rheoliadau Teithio Rhyngwladol, sy'n eithrio rhai categorïau o weithwyr rhag gorfod ynysu, neu mewn rhai amgylchiadau, darparu gwybodaeth teithiwr. Mae Rhan 1 o Atodlen 2 yn cael ei diwygio i fewnosod darpariaeth sy'n eithrio'r rhai sy'n teithio drwy'r Deyrnas Unedig o'r gofyniad i ynysu ac i ddarparu gwybodaeth teithiwr.

Mae Rhan 6 o'r Rheoliadau yn creu eithriadau newydd o'r gofynion i ynysu yn unol â rheoliadau 7 ac 8 o'r Rheoliadau Teithio Rhyngwladol. Mae'r Rheoliadau'n mewnosod



Atodlen 5 newydd i'r Rheoliadau Teithio Rhyngwladol sy'n ymwneud ag eithriadau sectoraidd, ac maent yn diwygio rheoliad 10(4) o'r Rheoliadau Teithio Rhyngwladol (gofynion ynysu: esemptiadau) mewn dwy ffordd. Yn gyntaf, i ganiatáu i bobl adael eu mangre ynysu at ddibenion cael prawf am y coronafeirws. Yn ail, i ddarparu bod y categorïau o weithwyr a restrir yn yr Atodlen 5 newydd yn cael gadael eu mangre ynysu er mwyn cyflawni eu gwaith lle na allant wneud hynny o'u cartref.

Mae rheoliad 20 yn diwygio Atodlen 4 i'r Rheoliadau Teithio Rhyngwladol (digwyddiadau chwaraeon penodedig), gan ddisodli'r rhestr bresennol o ddigwyddiadau chwaraeon gyda rhestr wedi'i diweddarau.

Mae'r Rheoliadau hefyd yn gwneud amryw newidiadau canlyniadol a darpariaethau trosiannol.

Daeth y mesurau rheoli ychwanegol ar gyfer gofynion ynysu i rym ar gyfer teithwyr sy'n cyrraedd Cymru am 4am ar 15 Chwefror. Fodd bynnag, nid yw'r diwygiadau i'r Rheoliadau Teithio Rhyngwladol yn effeithio ar y gofynion o dan y Rheoliadau hynny ar gyfer pobl sy'n cyrraedd Cymru cyn i'r diwygiadau hyn ddod i rym.

Gweithdrefn

Negyddol.

Gwnaed y Rheoliadau hyn gan Weinidogion Cymru cyn iddynt gael eu gosod gerbron y Senedd. Gall y Senedd ddirymu'r Rheoliadau o fewn 40 diwrnod (ac eithrio unrhyw ddyddiau pan fo'r Senedd: (i) wedi'i diddymu neu (ii) mewn cyfnod o doriad am fwy na phedwar diwrnod) i'r dyddiad y'u gosodwyd gerbron y Senedd.

Materion technegol: craffu

Nodwyd y pwynt a ganlyn i gyflwyno adroddiad arno o dan Reol Sefydlog 21.2 mewn perthynas â'r offeryn hwn:

1. Rheol Sefydlog 22(2)(vi) – ei bod yn ymddangos bod y gwaith drafftio yn ddiffygiol neu ei fod yn methu â bodloni gofynion statudol

Mae'r Rheoliadau'n cynnwys amryw gyfeiriadau anghywir a hepgoriadau fel a ganlyn:

- Mae'r cyfeiriad at 'reoliadau 2 i 12' yn rheoliad 2 o'r Rheoliadau yn anghywir. Y cyfeiriad cywir yw rheoliadau 2 i 20.
- Mae rheoliad 11(b) o'r Rheoliadau yn hepgor y rhif adran perthnasol yn Neddf Anudon 1919, sef adran 5.
- Mae'r cyfeiriad at 'baragraff 24 o Atodlen' yn rheoliad 17(3) o'r Rheoliadau yn anghywir. Y cyfeiriad cywir yw paragraff 14 o Atodlen 5.
- Mae'r cyfeiriad at 'baragraff 31(2)(a) o Atodlen 5' yn rheoliad 19(2) o'r Rheoliadau yn anghywir. Y cyfeiriad cywir yw 21(2)(a) o Atodlen 5.



- Mae'r cyfeiriad at 'baragraff 31(2)(a) o Atodlen 5' yn rheoliad 19(3) o'r Rheoliadau yn anghywir. Y cyfeiriad cywir yw 21(2)(b) o Atodlen 5.

Rhinweddau: craffu

Nodwyd saith pwynt a ganlyn i gyflwyno adroddiad arnynt o dan Reol Sefydlog 21.3 mewn perthynas â'r offeryn hwn.

1. Rheol Sefydlog 21.3(ii) – ei fod o bwysigrwydd gwleidyddol neu gyfreithiol neu ei fod yn codi materion polisi cyhoeddus sy'n debyg o fod o ddiddordeb i'r Senedd

Nodwn y torrir y rheol 21 diwrnod (h.y. y rheol y dylai 21 diwrnod fod rhwng y dyddiad y gosodir offeryn "gwneud negyddol" gerbron y Senedd a'r dyddiad y daw'r offeryn i rym), a'r esboniad am dorri'r rheol a ddarparwyd gan Vaughan Gething AS, y Gweinidog Iechyd a Gwasanaethau Cymdeithasol, mewn llythyr at y Llywydd, dyddiedig 13 Chwefror 2021.

Yn benodol, rydym yn nodi'r hyn y mae'r llythyr yn ei ddweud ynghylch yr angen i'r Rheoliadau fynd i'r afael ar frys â'r risgiau diweddaraf sy'n gysylltiedig â theithio rhyngwladol:

"Mae'r mesurau ychwanegol hyn yn cynnwys system brofi newydd ar gyfer pobl 5 oed neu hŷn sy'n cyrraedd Cymru (yn amodol ar nifer cyfyngedig o eithriadau), sy'n ei gwneud yn ofynnol iddynt drefnu a chael profion ar ddiwrnod 2 ac 8 eu cyfnod o hunanynysu. Bydd methu â gwneud hynny yn drosedd, ac yn eu gadael yn agored i ddirwy. Bydd methu â chael y ddau brawf hefyd yn golygu bod y cyfnod hunanynysu yn cael ei ymestyn i 14 diwrnod.

At hynny, mae mesurau pellach yn cael eu cymryd mewn perthynas â gwledydd sydd eisoes wedi'u nodi fel rhai risg uwch oherwydd cysylltiadau ag amrywiolion o'r coronafeirws ("gwledydd rhestr goch") er mwyn diogelu ymhellach rhag y risg o drosglwyddo gwahanol amrywiolion yn y gymuned.

Trwy beidio â chydymffurfio â'r confensiwn 21 diwrnod a dod â hwy i rym cyn iddynt gael eu gosod, yn caniatáu i'r Rheoliadau hyn ddod i rym cyn gynted ag y bo modd; a pharhau â'r ymagwedd pedair gwlad tuag at deithio rhyngwladol, o ystyried newid yn y dystiolaeth ar risg mewn cysylltiad â'r clefyd hwn, ystyrir bod hyn yn angenrheidiol ac yn gyfiawn yn yr achos hwn."

2. Rheol Sefydlog 21.3(ii) – ei fod o bwysigrwydd gwleidyddol neu gyfreithiol neu ei fod yn codi materion polisi cyhoeddus sy'n debyg o fod o ddiddordeb i'r Senedd

Mae'r Rheoliadau'n gosod gofynion newydd cymhleth ar gyfer profi, ynysu, adrodd, ac mewn perthynas ag amryw esemptiadau iddynt. Gall methu â chydymffurfio â'r gofynion newydd arwain at gosbau troseddol. Gan gadw'r lefel o gymhlethdod mewn golwg, ynghyd â'r gosb ddifrifol am dorri'r rheolau, mae'n bwysig bod y dinesydd yn gallu cyrchu a deall yn llawn y gyfraith berthnasol sy'n cael ei chyflwyno gan y Rheoliadau.

Er y derbynnir bod deddfwriaeth o'r natur hon o reidrwydd yn gymhleth ar adegau, nodwn y lefel uchel o gymhlethdod a gyflwynwyd gan reoliadau newydd 6B i 6J (fel y'u



mewnosodwyd gan reoliad 3 o'r Rheoliadau), a 6D yn enwedig. Nid yw'n ymddangos bod y Nodyn Esboniadol na'r Memorandwm Esboniadol yn rhoi digon o ganllawiau i roi dealltwriaeth lawn o'r rhwymedigaethau cyfreithiol manwl y mae'r darpariaethau hyn yn eu gosod ar y dinesydd ac, o'r herwydd, mae canllawiau ychwanegol yn ddymunol. Nodwn yn benodol y byddai natur y darpariaethau hyn yn addas ar gyfer esboniad drwy siart lif.

3. Rheol Sefydlog 21.3(ii) – ei fod o bwysigrwydd gwleidyddol neu gyfreithiol neu ei fod yn codi materion polisi cyhoeddus sy'n debyg o fod o ddiddordeb i'r Senedd

Mae'r Nodyn Esboniadol i'r Rheoliadau yn cynnwys cyfeiriadau at reoliadau sy'n diwygio darpariaethau penodol yn y Rheoliadau Teithio Rhyngwladol. Er bod yr effaith wedi'i disgrifio'n gywir ym mhob achos, mae rhai o'r rheoliadau diwygio y cyfeirir atynt wedi eu rhifo'n anghywir. Dyma'r rhifau cywir:

- Mae'r cyfeiriad at 'Reoliad 14' yn seithfed paragraff y Nodyn Esboniadol yn anghywir. Y cyfeiriad cywir yw rheoliad 13.
- Mae'r cyfeiriad at 'Reoliad 15' yn wythfed paragraff y Nodyn Esboniadol yn anghywir. Y cyfeiriad cywir yw rheoliad 14.
- Mae'r cyfeiriad at 'Reoliad 4' yn wythfed paragraff y Nodyn Esboniadol yn anghywir. Y cyfeiriad cywir yw rheoliad 15.
- Mae'r cyfeiriad at 'Reoliad 9' yn negfed paragraff y Nodyn Esboniadol yn anghywir. Y cyfeiriad cywir yw rheoliad 20.

4. Rheol Sefydlog 21.3(ii) – ei fod o bwysigrwydd gwleidyddol neu gyfreithiol neu ei fod yn codi materion polisi cyhoeddus sy'n debyg o fod o ddiddordeb i'r Senedd

Nodwn gyfiawnhad Llywodraeth Cymru dros unrhyw ymyrraeth bosibl â hawliau dynol. Yn benodol, nodwn y paragraff a ganlyn yn y Memorandwm Esboniadol:

"Nid yw'r diwygiadau yn y Rheoliadau hyn yn newid y ffaith fod y Rheoliadau Teithio Rhyngwladol yn cyffwrdd â hawliau unigol o dan Ddeddf Hawliau Dynol 1998 a'r Confensiwn Ewropeaidd ar Hawliau Dynol; mae'r Llywodraeth o'r farn y gellir eu cyfiawnhau at ddiben atal lledaeniad clefydau heintus a/neu y caniateir ymyriad ar y sail ei fod yn anelu at gyflawni nod dilys, sef diogelu iechyd y cyhoedd. Mae'r Llywodraeth o'r farn hefyd eu bod yn gymesur."

5. Rheol Sefydlog 21.3(ii) – ei fod o bwysigrwydd gwleidyddol neu gyfreithiol neu ei fod yn codi materion polisi cyhoeddus sy'n debyg o fod o ddiddordeb i'r Senedd

Nodwn na fu unrhyw ymgynghori ffurfiol ar y Rheoliadau hyn. Yn benodol, nodwn y paragraffau a ganlyn yn y Memorandwm Esboniadol:

"Oherwydd y bygythiad difrifol ac uniongyrchol sy'n deillio o'r coronafeirws a'r angen am ymateb iechyd y cyhoedd brys, ni chynhaliwyd unrhyw ymgynghoriad cyhoeddus mewn perthynas â'r Rheoliadau hyn."



6. Rheol Sefydlog 21.3(ii) – ei fod o bwysigrwydd gwleidyddol neu gyfreithiol neu ei fod yn codi materion polisi cyhoeddus sy'n debyg o fod o ddiddordeb i'r Senedd

Nodwn na chafodd asesiad effaith rheoleiddiol ffurfiol ei wneud mewn perthynas â'r Rheoliadau hyn. Yn benodol, nodwn y paragraffau a ganlyn yn y Memorandwm Esboniadol:

"Ni chynhaliwyd unrhyw asesiad effaith rheoleiddiol mewn perthynas â'r Rheoliadau hyn oherwydd yr angen i'w rhoi ar waith ar fyrder i ymdrin â bygythiad difrifol ac uniongyrchol i iechyd y cyhoedd."

7. Rheol Sefydlog 21.3 (i) – ei fod yn codi tâl ar Gronfa Gyfunol Cymru neu ei fod yn cynnwys darpariaethau sy'n ei gwneud yn ofynnol i daliadau gael eu gwneud i'r Gronfa honno neu i unrhyw ran o'r llywodraeth neu awdurdod lleol neu gyhoeddus er mwyn cydnabod unrhyw drwydded, cydsyniad neu unrhyw wasanaethau sydd i'w rhoi, neu ei fod yn rhagnodi swm unrhyw dâl neu daliad o'r fath

Nodwn fod Rheol Sefydlog 21.3(i) yn gymwys i reoliad 6J newydd, fel y'i mewnosodwyd gan reoliad 3 o'r Rheoliadau, gan ei fod yn darparu ar gyfer gorfodi, cyhoeddi ac adennill taliadau gan Weinidogion Cymru ar gyfer profion diwrnod 2 a diwrnod 8.

Ymateb Llywodraeth Cymru

Mae angen ymateb Llywodraeth Cymru mewn perthynas â'r pwynt technegol yn ogystal â phwyntiau rhinweddau 2 a 3.

Cynghorwyr Cyfreithiol

Y Pwyllgor Deddfwriaeth, Cyfiawnder a'r Cyfansoddiad
24 Chwefror 2021



OFFERYNNAU STATUDOL
CYMRU

2021 Rhif 154 (Cy. 38)

**IECHYD Y CYHOEDD,
CYMRU**

**Rheoliadau Diogelu Iechyd
(Coronafeirws, Teithio
Rhyngwladol) (Cymru) (Diwygio)
(Rhif 3) 2021**

NODYN ESBONIADOL

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

Mae'r Rheoliadau hyn yn diwygio Rheoliadau Diogelu Iechyd (Coronafeirws, Teithio Rhyngwladol) (Cymru) 2020 (O.S. 2020/574 (Cy. 132)) (y "Rheoliadau Teithio Rhyngwladol").

Mae'r Rheoliadau Teithio Rhyngwladol yn gosod gofynion ar bersonau sy'n dod i Gymru ar ôl bod dramor. Maent yn cynnwys gofyniad i bersonau sy'n cyrraedd Cymru ynysu am gyfnod a bennir yn unol â'r Rheoliadau hynny.

Mae'r gofynion a osodir gan y Rheoliadau Teithio Rhyngwladol yn ddarostyngedig i eithriadau, ac mae categorïau penodol o berson wedi eu hesemptio rhag gorfod cydymffurfio.

Mae Rhan 2 o'r Rheoliadau hyn yn cyflwyno gofynion profi mandadol mewn cysylltiad â'r coronafeirws ar gyfer pob teithiwr i Gymru o wledydd neu diriogaethau nad ydynt yn esempt. Mae rheoliad 2 yn mewnosod Rhan 2B newydd y mae rheoliad 6B ohoni yn ei gwneud yn ofynnol i bobl sy'n cyrraedd o wledydd a thiriogaethau nad ydynt yn esempt archebu a thalu am brofion sydd i'w cymryd ar ddiwrnod 2 a diwrnod 8 ar ôl cyrraedd Cymru. Mae rheoliad 6C yn ei gwneud yn ofynnol i brofion gael eu cymryd ar ddiwrnod 2 a diwrnod 8 ar ôl cyrraedd Cymru ac os methir â chymryd prawf mae rheoliad 6D yn ei gwneud yn ofynnol i deithwyr ynysu am 14 o ddiwrnodau. Mae rheoliad 6E yn darparu ar gyfer y cyfnod ynysu os ceir canlyniad prawf positif. Mae Rhan 2A yn cyflwyno Atodlen 1B (gwybodaeth archebu) sy'n amlinellu'r wybodaeth archebu y mae'n ofynnol i deithwyr ei rhoi fel rhan o'r darpariaethau

trefnu prawf yn rheoliad 6B. Mae Atodlen 1C (profi mandadol ar ôl cyrraedd Cymru) hefyd yn cael ei mewnosod er mwyn gwneud darpariaeth ar gyfer gofynion a safonau technegol y prawf diwrnod 2 a'r prawf diwrnod 8.

Mae Rhan 3 o'r Rheoliadau hyn yn gwneud diwygiadau amrywiol i'r Rheoliadau Teithio Rhyngwladol sy'n gosod mesurau ychwanegol yn ymwneud â chyrraedd o wlad neu diriogaeth a restrir yn Atodlen 3A. Mae rheoliad 12E wedi ei ddiwygio er mwyn gwneud darpariaeth i wahardd personau nad ydynt yn esempt sydd wedi bod mewn gwlad Atodlen 3A o fewn 10 niwrnod o gyrraedd, rhag dod i Gymru.

Mae Rhan 4 o'r Rheoliadau hyn yn gwneud diwygiadau amrywiol i'r Rheoliadau Teithio Rhyngwladol sy'n deillio o'r diwygiadau a wneir gan Rannau 2 a 3 o'r Rheoliadau hyn. Mae rheoliad 14 wedi ei ddiwygio i wneud darpariaeth ar gyfer troseddau o dorri gofynion y Rheoliadau hyn. Mae rheoliad 16 wedi ei ddiwygio i bennu gwerthoedd hysbysiadau cosb benodedig am droseddau o ddarparu gwybodaeth ffug/gamarweiniol mewn perthynas â theithio o wlad neu diriogaeth a restrir yn Atodlen 3, am fethu â bod wedi archebu prawf wrth gyrraedd, am fethu â chymryd prawf mandadol ac am dorri'r gofyniad yn rheoliad 12E. Mae rheoliad 17 o'r Rheoliadau Teithio Rhyngwladol, sy'n ymwneud â defnyddio a datgelu gwybodaeth, wedi ei ddiwygio er mwyn gwneud darpariaeth bellach ynghylch ystyr "Gwybodaeth am Deithiwr o Gymru" mewn perthynas â'r rheini y mae'n ofynnol iddynt ynysu. Mae rheoliad 18 ynghylch 'hunanargyhuddo' wedi ei ddiwygio er mwyn darparu ar gyfer troseddau o dan Ddeddf Twyll 2006 a Deddf Twyll a Ffugio 1981 mewn perthynas â darparu'r wybodaeth hon o dan y Rheoliadau Teithio Rhyngwladol.

Mae Rhan 5 o'r Rheoliadau hyn yn diwygio Atodlen 2 (personau esempt) i'r Rheoliadau Teithio Rhyngwladol, sy'n esemptio categorïau penodol o weithiwr rhag gorfod ynysu, neu o dan amgylchiadau penodol, rhag gorfod darparu gwybodaeth am deithiwr. Mae rheoliad 14 yn diwygio Rhan 1 o Atodlen 2 er mwyn mewnosod darpariaeth sy'n esemptio'r rheini sy'n tramwyo drwy'r Deyrnas Unedig rhag y gofyniad i ynysu yn ogystal â rhag y gofyniad i ddarparu gwybodaeth am deithiwr. Mae hefyd yn diwygio Rhan 2 o Atodlen 2 er mwyn hepgor paragraffau 5, 12, 17 i 35, 38 a 39 o Atodlen 2 i'r Rheoliadau Teithio Rhyngwladol.

Mae Rhan 6 o'r Rheoliadau hyn yn creu eithriadau newydd rhag y gofynion i ynysu yn unol â rheoliadau 7 ac 8 o'r Rheoliadau Teithio Rhyngwladol. Mae rheoliad 15 yn mewnosod Atodlen 5 newydd yn y Rheoliadau Teithio Rhyngwladol (eithriadau sectorol). Mae rheoliad 4 yn diwygio rheoliad 10(4) o'r

Rheoliadau Teithio Rhyngwladol (gofynion ynysu: eithriadau) mewn dwy ffordd. Yn gyntaf, er mwyn caniatáu i bobl ymadael â'u mangre ynysu at ddiben cael prawf am y coronafeirws. Yn ail, er mwyn darparu y caniateir i'r categorïau o weithwyr a restrir yn yr Atodlen 5 newydd ymadael â'u mangre ynysu er mwyn gwneud eu gwaith pan na fo modd iddynt wneud hynny o'u cartref.

Mae Rhan 7 o'r Rheoliadau hyn yn gwneud diwygiadau canlyniadol amrywiol i'r Rheoliadau Teithio Rhyngwladol mewn perthynas â hepgor gweithwyr Twannel y Sianel o restr Atodlen 2 o bersonau esempt ac yn gwneud mân newidiadau i Atodlen 5 i'r Rheoliadau hynny.

Mae Rhan 8 o'r Rheoliadau hyn yn diwygio Atodlen 4 i'r Rheoliadau Teithio Rhyngwladol (digwyddiadau chwaraeon penodedig). Mae rheoliad 9 yn rhoi rhestr wedi ei diweddarau yn lle'r rhestr bresennol o ddigwyddiadau chwaraeon.

Mae Rhan 9 o'r Rheoliadau hyn yn gwneud darpariaeth drosiannol mewn perthynas â'r Rheoliadau hyn.

Ystyriwyd Cod Ymarfer Gweinidogion Cymru ar gynnal Aseidiadau Effaith Rheoleiddiol mewn perthynas â'r Rheoliadau hyn. O ganlyniad, ni luniwyd asesiad effaith rheoleiddiol o'r costau a'r manteision sy'n debygol o ddeillio o gydymffurfio â'r Rheoliadau hyn.

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2021 Rhif 154 (Cy. 38)

**IECHYD Y CYHOEDD,
CYMRU**

Rheoliadau Diogelu Iechyd
(Coronafeirws, Teithio
Rhyngwladol) (Cymru) (Diwygio)
(Rhif 3) 2021

Gwnaed 13 Chwefror 2021

*Yn dod i rym am 4.00 a.m. ar 15 Chwefror
2021*

*Gosodwyd gerbron Senedd
Cymru am 2.00 p.m. ar 15 Chwefror 2021*

Mae Gweinidogion Cymru, drwy arfer y pwerau a roddir iddynt gan adrannau 45B, 45F(2) a 45P(2) o Ddeddf Iechyd y Cyhoedd (Rheoli Clefydau) 1984(1), yn gwneud y Rheoliadau a ganlyn.

RHAN 1

Cyffredinol

Enwi, dod i rym a dehongli

1.—(1) Enw'r Rheoliadau hyn yw Rheoliadau Diogelu Iechyd (Coronafeirws, Teithio Rhyngwladol) (Cymru) (Diwygio) (Rhif 3) 2021.

(2) Daw'r Rheoliadau hyn i rym am 4.00 a.m. ar 15 Chwefror 2021.

(1) 1984 p. 22. Mewnosodwyd Rhan 2A gan adran 129 o Ddeddf Iechyd a Gofal Cymdeithasol 2008 (p. 14). Mae'r swyddogaeth o wneud rheoliadau o dan Ran 2A wedi ei rhoi i "the appropriate Minister". O dan adran 45T(6) o Ddeddf 1984 y Gweinidog priodol, o ran Cymru, yw Gweinidogion Cymru.

(3) Yn y Rheoliadau hyn, ystyr y “Rheoliadau Teithio Rhyngwladol” yw Rheoliadau Diogelu Iechyd (Coronafeirws, Teithio Rhyngwladol) (Cymru) 2020(1).

RHAN 2

Diwygio’r Rheoliadau Teithio Rhyngwladol
mewn perthynas â chyrraedd o wledydd a
thiriogaethau nad ydynt yn esempt

Diwygio’r Rheoliadau Teithio Rhyngwladol

2. Mae’r Rheoliadau Teithio Rhyngwladol wedi eu diwygio yn unol â rheoliadau 2 i 12.

Mewnosod Rhan 2B yn y Rheoliadau Teithio Rhyngwladol

3. Ar ôl Rhan 2A (hysbysiad o ganlyniad prawf negyddol etc.) o’r Rheoliadau Teithio Rhyngwladol mewnosoder—

“Rhan 2B

Gofynion profi mandadol

Gofyniad i drefnu profion cyn cyrraedd Cymru

6B.—(1) Mae’r rheoliad hwn a rheoliad 6C yn gymwys i berson (“P”) 5 oed neu drosodd sy’n ddarostyngedig i ofyniad ynysu o dan reoliad 7 (gofyniad i ynysu: cyrraedd o’r tu allan i’r Deyrnas Unedig) neu 8 (gofyniad i ynysu: cyrraedd o ran arall o’r Deyrnas Unedig).

(2) Yn y Rhan hon—

(1) O.S. 2020/574 (Cy. 132), a ddiwygiwyd gan O.S. 2020/595 (Cy. 136), O.S. 2020/714 (Cy. 160), O.S. 2020/726 (Cy. 163), O.S. 2020/804 (Cy. 177), O.S. 2020/817 (Cy. 179), O.S. 2020/840 (Cy. 185), O.S. 2020/868 (Cy. 190), O.S. 2020/886 (Cy. 196), O.S. 2020/917 (Cy. 205), O.S. 2020/942, O.S. 2020/944 (Cy. 210), O.S. 2020/962 (Cy. 216), O.S. 2020/981 (Cy. 220), O.S. 2020/1015 (Cy. 226), O.S. 2020/1042 (Cy. 231), O.S. 2020/1080 (Cy. 243), O.S. 2020/1098 (Cy. 249), O.S. 2020/1133 (Cy. 258), O.S. 2020/1165 (Cy. 263), O.S. 2020/1191 (Cy. 269), O.S. 2020/1223 (Cy. 277), O.S. 2020/1232 (Cy. 278), O.S. 2020/1237 (Cy. 279), O.S. 2020/1288 (Cy. 286), O.S. 2020/1329 (Cy. 295), O.S. 2020/1362 (Cy. 301), O.S. 2020/1477 (Cy. 316), O.S. 2020/1521 (Cy. 325), O.S. 2020/1602 (Cy. 332), O.S. 2020/1645 (Cy. 345), O.S. 2021/20 (Cy. 7), O.S. 2021/24 (Cy. 8), O.S. 2021/46 (Cy. 10), O.S. 2021/48 (Cy. 11), O.S. 2021/50 (Cy. 12), O.S. 2021/66 (Cy. 15) ac O.S. 2021/95 (Cy. 26).

- (a) “prawf diwrnod 2” yw prawf sy’n cydymffurfio â pharagraff 1 o Atodlen 1C;
 - (b) “prawf diwrnod 8” yw prawf sy’n cydymffurfio â pharagraff 2 o Atodlen 1C;
 - (c) “darparwr prawf cyhoeddus” yw person sy’n darparu neu’n gweinyddu prawf gan arfer pwerau o dan Ddeddf y Gwasanaeth Iechyd Gwladol (Cymru) 2006(1), Deddf y Gwasanaeth Iechyd Gwladol 2006(2), Deddf y Gwasanaeth Iechyd Gwladol (Yr Alban) 1978(3), neu Orchymyn Iechyd a Gwasanaethau Cymdeithasol Personol (Gogledd Iwerddon) 1972(4).
- (3) Cyn cyrraedd Cymru, rhaid i P drefnu â darparwr prawf cyhoeddus i gymryd—
- (a) prawf diwrnod 2, a
 - (b) prawf diwrnod 8,
- ar ôl i P gyrraedd Cymru.
- (4) Ond nid yw’n ofynnol i P gydymffurfio â pharagraff (3) os yw person arall wedi trefnu’r profion ar ran P cyn i P gyrraedd Cymru.
- (5) Pan fo P yn blentyn sy’n cyrraedd Cymru gyda pherson (“C”) sydd â chyfrifoldeb dros P—
- (a) (oni bai bod paragraff (4) yn gymwys i P) rhaid i C drefnu profion yn unol â pharagraff (3) ar ran P, a
 - (b) nid yw’n ofynnol i P gydymffurfio â pharagraff (3).
- (6) Nid yw prawf i’w drin fel pe bai wedi ei drefnu yn unol â’r rheoliad hwn oni bai—
- (a) bod y person sy’n trefnu’r prawf wedi hysbysu’r darparwr prawf cyhoeddus bod y profion yn cael eu trefnu at ddibenion y rheoliad hwn, a
 - (b) bod yr wybodaeth a bennir yn Atodlen 1B wedi ei darparu i’r darparwr prawf cyhoeddus mewn perthynas â P.
- (7) Pan drefnir y profion, rhaid i’r darparwr prawf cyhoeddus ddarparu cyfeirnod prawf—
- (a) i P, a
 - (b) i unrhyw berson sy’n trefnu profion ar ran P.

(1) 2006 p. 42.

(2) 2006 p. 41.

(3) 1978 p. 29.

(4) O.S. 1972/1265 (G.I. 14).

(8) Os gofynnir iddo wneud hynny gan swyddog mewn fudo rhaid i P, neu C os yw P yn blentyn, ddarparu cyfeirnod y prawf neu dystiolaeth arall i'r swyddog fod y profion wedi eu trefnu ar ran P.

Gofyniad i gymryd profion

6C.—(1) Wrth gyrraedd Cymru, rhaid i P gymryd—

- (a) prawf diwrnod 2, a weinyddir gan ddarparwr prawf cyhoeddus, heb fod yn hwyrach na diwedd yr ail ddiwrnod ar ôl y diwrnod y mae P yn cyrraedd Cymru, a
- (b) prawf diwrnod 8, a weinyddir gan ddarparwr prawf cyhoeddus, heb fod yn gynharach na diwedd y seithfed diwrnod ar ôl y diwrnod y mae P yn cyrraedd Cymru.

(2) Ond nid yw paragraff (1)(b) yn gymwys pan fo prawf diwrnod 2 P yn cynhyrchu canlyniad positif.

(3) Pan fo P yn blentyn, rhaid i unrhyw berson sydd â chyfrifoldeb dros P sicrhau, i'r graddau y bo'n rhesymol ymarferol, fod P yn cydymffurfio â pharagraff (1).

(4) Pan na fo P yn cymryd prawf diwrnod 2 fel sy'n ofynnol gan y rheoliad hwn am fod ganddo esgus rhesymol, rhaid i P, cyn gynted ag y bo'n ymarferol pan na fydd y materion sy'n arwain at yr esgus rhesymol yn gymwys mwyach, gymryd prawf arall sy'n cydymffurfio â gofynion prawf diwrnod 2.

(5) Pan gymerir prawf arall yn lle prawf diwrnod 2, mae P i'w drin fel pe bai P wedi cymryd prawf diwrnod 2 yn unol â'r rheoliad hwn.

Gofyniad i ynysu o fethu â chymryd profion

6D.—(1) Mae'r rheoliad hwn yn gymwys pan fo person ("P")—

- (a) yn methu â chymryd prawf diwrnod 2 yn unol â rheoliad 6C(1)(a) ac yn methu â chymryd prawf diwrnod 8 yn unol â rheoliad 6C(1)(b), neu
- (b) yn cymryd prawf diwrnod 2 yn unol â rheoliad 6C(1)(a) (sy'n negyddol neu'n amhendant) ond yn methu â chymryd prawf diwrnod 8 yn unol â rheoliad 6C(1)(b).

(2) Diwrnod ynysu olaf P o dan reoliad 7 neu 8 yw diwrnod olaf y cyfnod o 14 o ddiwrnodau

sy'n dechrau â'r diwrnod ar ôl y diwrnod yr oedd P mewn gwlad neu diriogaeth nad yw'n esempt ddiwethaf (ac nid yw rheoliad 12 yn gymwys at ddibenion pennu diwrnod ynysu olaf P).

(3) Ond pan fo P yn cymryd prawf y mae paragraff (4) yn gymwys iddo a—

- (a) bod y canlyniad yn bositif, mae rheoliad 6E yn gymwys fel pe bai'r prawf wedi ei gymryd yn unol â rheoliad 6C;
- (b) bod y canlyniad yn negyddol, mae rheoliad 6G yn gymwys fel pe bai—
 - (i) P wedi cymryd prawf diwrnod 2 a phrawf diwrnod 8 yn unol â rheoliad 6C(1), a
 - (ii) bod y ddau brawf yn negyddol.

(4) Mae'r paragraff hwn yn gymwys i brawf diwrnod 8 a gymerir—

- (a) cyn diwedd cyfnod ynysu P fel y byddai wedi ei bennu o dan reoliad 12 pe na bai paragraff (1) yn gymwys, ond
- (b) cyn diwedd y seithfed diwrnod ar ôl y diwrnod y mae P yn cyrraedd Cymru.

Goblygiadau canlyniad prawf positif

6E. Pan fo prawf a gymerir gan berson ("P") yn unol â rheoliad 6C yn bositif—

- (a) nid yw rheoliad 10(3) (gofyniad i ynysu yn peidio â bod yn gymwys i P pan fydd P yn gadael Cymru), a, yn ddarostyngedig i reoliad 6I, rheoliad 6 neu 7, fel y bo'n briodol, o Reoliadau Diogelu Iechyd (Cyfyngiadau Coronafeirws) (Rhif 5) (Cymru) 2020(1) yn gymwys mewn perthynas â P, a
- (b) diwrnod ynysu olaf P o dan reoliad 7 neu 8 yw diwrnod olaf y cyfnod o 10 niwrnod sy'n dechrau â'r diwrnod y cymerodd P y prawf (ac nid yw rheoliad 12 yn gymwys at ddibenion pennu diwrnod ynysu olaf P).

Goblygiadau canlyniad positif i berson sy'n preswyllo yn yr un fangre

6F.—(1) Mae'r rheoliad hwn yn gymwys pan fo prawf a gymerir gan berson ("P") yn unol â

(1) O.S. 2020/1609 (Cy. 335).

rheoliad 6C yn bositif a bod P yn preswyllo gyda pherson arall (“A”)—

- (a) sydd o dan ofyniad i ynysu o dan reoliad 7 neu 8, a
- (b) y byddai ei ddiwrnod ynysu olaf, oni bai am y rheoliad hwn, yn cael ei bennu yn unol â rheoliad 12.

(2) Diwrnod ynysu olaf A o dan reoliad 7 neu 8 yw diwrnod olaf y cyfnod o 10 niwrnod sy'n dechrau â'r diwrnod y cymerodd P y prawf (ac nid yw rheoliad 12 yn gymwys at ddibenion pennu diwrnod ynysu olaf A).

(3) Ond nid yw hyn yn gymwys pan fo—

- (a) y prawf positif y cyfeirir ato ym mharagraff (1)(b) yn brawf diwrnod 8 a gymerwyd gan P yn unol â rheoliad 6C(1)(b), a
- (b) A wedi cael canlyniad positif i brawf diwrnod 2 a gymerodd A yn unol â rheoliad 6C(1)(a).

Goblygiadau peidio â chael canlyniad prawf diwrnod 8 cyn diwedd y cyfnod ynysu

6G.—(1) Mae'r rheoliad hwn yn gymwys pan fo person (“P”)—

- (a) yn cymryd prawf diwrnod 2 a phrawf diwrnod 8 yn unol â rheoliad 6C(1),
- (b) yn cael canlyniad negyddol i'r prawf diwrnod 2, ac
- (c) heb gael canlyniad y prawf diwrnod 8 cyn diwedd diwrnod ynysu olaf P o dan reoliad 7 neu 8 (fel y'i pennir o dan reoliad 12).

(2) Os yw canlyniad prawf diwrnod 8 P yn negyddol, diwrnod ynysu olaf P o dan reoliad 7 neu 8 yw'r diwrnod y mae P yn cael canlyniad y prawf diwrnod 8 (ac nid yw rheoliad 12 yn gymwys at ddibenion pennu diwrnod ynysu olaf P).

Goblygiadau cael canlyniad prawf amhendant

6H.—(1) Pan fo canlyniad prawf y mae person (“P”) yn ei gymryd yn unol â rheoliad 6C yn amhendant, pennir diwrnod ynysu olaf P o dan reoliad 7 neu 8 yn unol â pharagraff (2) (ac nid yw rheoliad 12 yn gymwys at ddibenion pennu diwrnod ynysu olaf P).

(2) Diwrnod ynysu olaf P yw—

- (a) diwrnod olaf y cyfnod o 10 niwrnod sy'n dechrau â'r diwrnod y cymerodd P y prawf, neu
 - (b) pan fo P yn cymryd prawf y mae paragraff (4) yn gymwys iddo a bod canlyniad y prawf yn negyddol, y diweddaraf o'r canlynol—
 - (i) diwrnod olaf y cyfnod o 10 niwrnod sy'n dechrau â'r diwrnod ar ôl y diwrnod yr oedd P mewn gwlad neu diriogaeth nad yw'n esempt ddiwethaf, neu
 - (ii) y diwrnod y mae P yn cael y canlyniad negyddol, neu
 - (c) pan fo P yn cymryd prawf y mae paragraff (4) yn gymwys iddo a bod canlyniad y prawf yn bositif, diwrnod olaf y cyfnod o 10 niwrnod sy'n dechrau â'r diwrnod y cymerodd P y prawf.
- (3) Pan fo paragraff (2)(c) yn gymwys, nid yw'n ofynnol i P gymryd y prawf diwrnod 8 yn unol â rheoliad 6C.
- (4) Mae'r paragraff hwn yn gymwys i—
- (a) prawf diwrnod 8 a gymerir yn unol â rheoliad 6C(1)(b);
 - (b) prawf diwrnod 8 a gymerir—
 - (i) cyn diwedd cyfnod ynysu P fel y byddai wedi ei bennu o dan rheoliad 12 pe na bai paragraff (1) yn gymwys, ond
 - (ii) cyn diwedd y seithfed diwrnod ar ôl y diwrnod y mae P yn cyrraedd Cymru.

Profion ac eithrio yn unol â'r Rheoliadau hyn

6I.—(1) Mae'r rheoliad hwn yn gymwys pan fo—

- (a) P yn cymryd prawf diwrnod 2 sy'n negyddol,
 - (b) tra bo P yn ynysu yn unol â rheoliad 7 neu 8, mae P yna'n cymryd prawf ac eithrio yn unol â'r Rheoliadau hyn, ac
 - (c) hysbysir P bod y prawf yn bositif.
- (2) Mae'n peidio â bod yn ofynnol i P ynysu yn unol â'r Rheoliadau hyn, ac mae rheoliad 6 neu 7, fel y bo'n briodol, o Reoliadau Diogelu Iechyd (Cyfyngiadau Coronafeirws) (Rhif 5) (Cymru) 2020 yn gymwys mewn perthynas â P.

Codi tâl am brofion

6J.—(1) Caiff Gweinidogion Cymru neu berson a ddynodir gan Weinidogion Cymru osod tâl mewn cysylltiad â phrofion diwrnod 2 neu brofion diwrnod 8.

(2) O ran Gweinidogion Cymru—

- (a) rhaid iddynt gyhoeddi manylion y taliadau mewn ffordd y maent yn ystyried ei bod yn briodol, a
- (b) cânt adennill unrhyw swm sy'n ddyledus gan berson yn unol â thâl fel dyled.”

Mewnosod Atodlenni 1B ac 1C

4. Ar ôl Atodlen 1A (profi cyn cyrraedd Cymru) i'r Rheoliadau Teithio Rhyngwladol mewnosoder—

“Atodlen 1B Rheoliad 6B Gwybodaeth archebu

Gwybodaeth archebu

1. Manylion personol—

- (a) enw llawn;
- (b) rhyw;
- (c) tras ethnig;
- (d) dyddiad geni;
- (e) rhif pasbort, neu gyfeirnod dogfen deithio (fel y bo'n briodol);
- (f) rhif GIG (os yw'n hysbys ac yn gymwys);
- (g) rhif ffôn;
- (h) cyfeiriad cartref;
- (i) cyfeiriad e-bost.

2. Manylion y daith—

- (a) cyfeiriad y fangre addas y mae P yn bwriadu preswyllo ynddi fel sy'n ofynnol gan reoliad 7 neu 8;
- (b) dyddiad cyrraedd y Deyrnas Unedig;
- (c) rhif coets;
- (d) rhif hediad neu enw llestr;
- (e) y dyddiad yr oedd P mewn gwlad neu diriogaeth nad yw'n esempt ddiwethaf;
- (f) y wlad neu'r diriogaeth y bydd P yn teithio ohoni pan fydd P yn cyrraedd y Deyrnas Unedig, ac unrhyw wlad neu

diriogaeth y bydd P wedi bod ynnddi fel rhan o'r daith honno.

Atodlen 1C Rheoliad 6B

Profi mandadol ar ôl cyrraedd Cymru

Gofynion prawf diwrnod 2

1. Mae prawf diwrnod 2 yn cydymffurfio â'r paragraff hwn—

- (a) pan fo'n brawf lled-feintiol ar gyfer canfod y coronafeirws—
 - (i) sy'n targedu o leiaf ddau enyn SARS-CoV-2 y gellir gwahaniaethu rhyngddynt ac eithrio'r genyn S a rheolaethau cyfeirio perfformiad,
 - (ii) sy'n cynnwys rheolwaith sicrwydd in silico yn erbyn pob amrywiolyn sy'n destun pryder, a
 - (iii) sy'n cynhyrchu toddiant prawf sy'n darparu asid niwclëig a echdynnwyd sy'n addas ar gyfer dilyniannu genom cyfan gan ddefnyddio dull penodedig,
- (b) pan fo gweithgynhyrhydd unrhyw ddyfais a ddefnyddir at ddibenion y prawf yn datgan—
 - (i) bod y ddyfais yn defnyddio dull sefydledig o ganfod moleciwlau,
 - (ii) bod gan y ddyfais benodolrwydd a sensitifrwydd sy'n fwy na 99% (a chyfwng hyder dwyochrog o 95% sydd uwchben 97% yn llwyr),
 - (iii) bod gan y ddyfais derfyn canfod o lai na 1000 copi SARS-CoV-2 y mililitr, neu gyfwerth â hynny, a
 - (iv) bod y ddyfais yn addas ar gyfer canfod pob amrywiolyn sy'n destun pryder, ac
- (c) pan fo unrhyw ddyfais a ddefnyddir at ddibenion y prawf—
 - (i) yn gallu cael ei defnyddio yn unol â Rhan 4 o Reoliadau Dyfeisiau Meddygol 2002⁽¹⁾, ac eithrio yn rhinwedd rheoliad 39(2) o'r Rheoliadau hynny yn unig, a

(1) O.S. 2002/618.

- (ii) wedi ei dilysu ddim mwy na 18 mis cyn gweinyddu neu ddarparu'r prawf i P.

Gofynion prawf diwrnod 8

2. Mae prawf diwrnod 8 yn cydymffurfio â'r paragraff hwn—

- (a) pan fo'n brawf lled-feintiol ar gyfer canfod y coronafeirws sy'n targedu o leiaf ddau enyn SARS-CoV-2 y gellir gwahaniaethu rhyngddynt ac eithrio'r genyn S a rheolaethau cyfeirio perfformiad,
- (b) pan fo gweithgynhyrhydd unrhyw ddyfais a ddefnyddir at ddibenion y prawf yn datgan—
 - (i) bod y ddyfais yn defnyddio dull echdynnu moleciwlau,
 - (ii) bod gan y ddyfais benodolrwydd a sensitifrwydd sy'n fwy na 95% (a chyfwng hyder dwyochrog o 95% sydd uwchben 90% yn llwyr), a
 - (iii) bod gan y ddyfais derfyn canfod o lai na 1000 copi SARS-CoV-2 y mililitr, neu gyfwerth â hynny, a
- (c) pan fo unrhyw ddyfais a ddefnyddir at ddibenion y prawf—
 - (i) yn gallu cael ei defnyddio yn unol â Rhan 4 o Reoliadau Dyfeisiau Meddygol 2002, ac eithrio yn rhinwedd rheoliad 39(2) o'r Rheoliadau hynny yn unig, a
 - (ii) wedi ei dilysu ddim mwy na 18 mis cyn gweinyddu'r prawf neu ei ddarparu i P.

Dehongli

3. Yn yr Atodlen hon—

- (a) ystyr “dull penodedig” yw dull dilyniant wedi ei dargedu sy'n benodol i SARS-CoV-2 neu—
 - (i) dull amplicon cyfatebol, neu
 - (ii) dull cipio abwyd dilyniant cyfatebol;
- (b) ystyr “wedi ei dilysu”, mewn perthynas â dyfais, yw y cadarnhawyd bod gan y ddyfais sensitifrwydd o 97% o leiaf a phenodolrwydd o 99% o leiaf ar gyfer o leiaf 150 o samplau positif a 250 o samplau negyddol, gan—
 - (i) Gweinidogion Cymru,

- (ii) y Sefydliad Cenedlaethol dros Ragoriaeth mewn Iechyd a Gofal, neu
 - (iii) labordy sydd wedi ei achredu gan Wasanaeth Achredu'r Deyrnas Unedig ("UKAS") i safon ISO 15189 neu safon ISO/IEC 17025, ac eithrio labordy sy'n prosesu profion a ddarperir gan ddarparwr y prawf at ddibenion yr Atodlen hon, neu sy'n eiddo i ddarparwr y prawf;
- (c) ystyr "amrywiolyn sy'n destun pryder" yw amrywiolyn SARS-CoV-2 a nodwyd mewn dynodiad a wnaed gan y Grŵp arbenigol perthnasol yn y DU (NERVTAG ar hyn o bryd) at ddibenion y Rheoliadau hyn ac a gyhoeddir mewn ffordd y mae Gweinidogion Cymru yn ystyried ei bod yn briodol."

RHAN 3

Diwygiadau i'r Rheoliadau Teithio
Rhyngwladol yn ymwneud â chyrraedd o wlad
neu diriogaeth a restrir yn Atodlen 3A i'r
Rheoliadau Teithio Rhyngwladol

Diwygio rheoliad 9

5. Yn rheoliad 9(2) (gofynion ynysu: esemptiadau) o'r Rheoliadau Teithio Rhyngwladol, ar ôl is-baragraff (b) mewnosoder—

- “(c) person a ddisgrifir yn rheoliad 12E(2) (mesurau ychwanegol sy'n gymwys i bersonau sy'n teithio o wlad neu diriogaeth a restrir yn Atodlen 3A).”

Diwygio rheoliad 12E

6.—(1) Mae rheoliad 12E (mesurau ychwanegol sy'n gymwys i bersonau sy'n teithio o wlad neu diriogaeth a restrir yn Atodlen 3A) o'r Rheoliadau Teithio Rhyngwladol wedi ei ddiwygio fel a ganlyn.

(2) Yn lle paragraffau (1) i (9) rhodder—

“(1) Ni chaiff person (“P”) ddod i Gymru os yw P wedi bod mewn gwlad neu diriogaeth a restrir yn Atodlen 3A ar unrhyw adeg yn ystod y cyfnod sy'n dechrau â'r degfed diwrnod cyn y dyddiad y mae P yn cyrraedd Cymru.

(2) Ond nid yw paragraff (1) yn gymwys pan fo P—

- (a) yn berson a ddisgrifir ym mharagraff 1(1)(a) i (h) neu (k) o Atodlen 2 neu'n aelod o'r teulu sy'n ffurfio rhan o'i aelwyd;
 - (b) yn berson a ddisgrifir ym mharagraff 1(1)(i) neu (j) o Atodlen 2 pan fo'r amodau ym mharagraff (3) wedi eu bodloni;
 - (c) yn aelod o'r teulu sy'n ffurfio rhan o aelwyd person y mae is-baragraff (b) yn gymwys iddo—
 - (i) pan fo'r amodau ym mharagraff (3) wedi eu bodloni mewn perthynas â'r person hwnnw,
 - (ii) pan fo'r Swyddfa Dramor, y Gymanwlad a Datblygu wedi ei hysbysu bod P yn cyrraedd, a
 - (iii) pan fo'r Swyddfa Dramor, y Gymanwlad a Datblygu wedi cadarnhau na ddylai paragraff (1) fod yn gymwys i P;
 - (d) yn berson a ddisgrifir yn y paragraffau a ganlyn o Atodlen 2—
 - (i) paragraffau 2 i 5;
 - (ii) paragraff 6 oni bai bod P, ar unrhyw adeg yn ystod y cyfnod sy'n dechrau â'r degfed diwrnod cyn y dyddiad y mae P yn cyrraedd Cymru, wedi bod mewn gwlad neu diriogaeth a restrir yn Atodlen 3A ar wahân i ynysydd Açores, Madeira neu Bortiwgal;
 - (iii) paragraff 13 neu 13A;
 - (iv) paragraff 15 neu 16.
- (3) Yr amodau a bennir yn y paragraff hwn yw bod, cyn i P ymadael i'r Deyrnas Unedig—
- (a) pennaeth perthnasol y genhadaeth, y swydd gonsylaidd neu'r swyddfa sy'n cynrychioli tiriogaeth dramor yn y Deyrnas Unedig, neu Lywodraethwr tiriogaeth dramor Brydeinig (yn ôl y digwydd), neu berson sy'n gweithredu ar ei awdurdod, yn cadarnhau yn ysgrifenedig i'r Swyddfa Dramor, y Gymanwlad a Datblygu ei bod yn ofynnol i P ymgymryd â gwaith sy'n hanfodol i'r wlad dramor a gynrychiolir gan y genhadaeth neu'r swydd gonsylaidd, y diriogaeth dramor a gynrychiolir gan y swyddfa neu'r diriogaeth dramor Brydeinig, a
 - (b) y Swyddfa Dramor, y Gymanwlad a Datblygu yna wedi cadarnhau yn

ysgrifenedig i'r person sy'n rhoi'r cadarnhad y cyfeirir ato yn is-baragraff (a)—

- (i) ei fod wedi cael y cadarnhad hwnnw, a
- (ii) bod P yn teithio i'r Deyrnas Unedig i gynnal busnes swyddogol gyda'r Deyrnas Unedig ac nad yw'n ofynnol iddo gydymffurfio â pharagraff (1).

(4) Pan fo gair neu ymadrodd wedi ei ddiffinio at ddibenion Atodlen 2 ac yn cael ei ddefnyddio yn y rheoliad hwn, mae'r un diffiniad yn gymwys at ddibenion y rheoliad hwn.”

Diwygio rheoliad 12F

7. Yn rheoliad 12F(2) (gwahardd awyrennau a llestrau sy'n teithio'n uniongyrchol o wlad neu diriogaeth a restrir yn Atodlen 3A rhag cyrraedd) o'r Rheoliadau Teithio Rhyngwladol, mewnosoder y canlynol ar ôl is-baragraff (c)—

“(d) awyren neu lestr a weithredir gan wlad neu diriogaeth dramor neu i'w chefnogi pan fo, cyn iddi neu iddo gyrraedd Cymru, Adran o'r Llywodraeth wedi darparu cadarnhad ysgrifenedig i'r gweithredwr bod yr awyren neu'r llestr yn cludo teithwyr sy'n teithio i gynnal busnes swyddogol gyda'r Deyrnas Unedig.”

RHAN 4

Diwygiadau amrywiol i'r Rheoliadau Teithio Rhyngwladol yn ymwneud â Rhannau 2 a 3 o'r Rheoliadau hyn

Diwygio rheoliad 14

8. Mae rheoliad 14 (troseddau) wedi ei ddiwygio fel a ganlyn—

- (a) ym mharagraff (1)—
 - (i) yn is-baragraff (f), hepgorer “neu”;
 - (ii) yn is-baragraff (g), yn lle “12D(1)” rhodder “12E”;
 - (iii) ar ôl is-baragraff (g) mewnosoder—
 - “(h) 6B a 6C, neu
 - (i) 6D.”;
- (b) ar ôl paragraff (1A) mewnosoder—

“(1B) Ond nid yw person yn cyflawni trosedd os oes ganddo esgus rhesymol dros dorri rheoliad 6B neu 6C.

(1C) At ddibenion rheoliad 6B mae esgus rhesymol yn cynnwys, yn benodol—

- (a) pan nad oedd yn rhesymol ymarferol i berson archebu prawf oherwydd anabledd;
- (b) pan oedd person yn ystyried yn rhesymol cyn cyrraedd Cymru na fyddai wedi bod yn rhesymol ymarferol i'r person (neu, yn ôl y digwydd, y plentyn y mae gan y person gyfrifoldeb drosto) ddarparu sampl ar gyfer prawf oherwydd anabledd;
- (c) pan oedd angen triniaeth feddygol ar berson â'r fath frys fel nad oedd archebu prawf yn rhesymol ymarferol;
- (d) pan oedd person yn gydymaith i berson a ddisgrifir yn is-baragraff (a) neu (c), er mwyn darparu cymorth iddo, boed yn feddygol neu fel arall, ac nad oedd yn rhesymol ymarferol i'r person a oedd yn gydymaith archebu prawf;
- (e) pan ddechreuodd person ei daith i Gymru mewn gwlad neu diriogaeth nad oedd gan y person fynediad rhesymol ynddi i'r cyfleusterau neu'r gwasanaethau sy'n ofynnol i archebu prawf, gyda thâl neu'n ddi-dâl, ac nad oedd cyfleusterau neu wasanaethau o'r fath yn rhesymol hygyrch yn ei bwynt ymadael olaf os oedd hwnnw'n wahanol i'r lle y dechreuodd ei daith.

(1D) At ddibenion rheoliad 6C, mae esgus rhesymol yn cynnwys, yn benodol—

- (a) pan na fo'n rhesymol ymarferol i P gymryd prawf oherwydd anabledd;
- (b) pan fo angen triniaeth feddygol ar P â'r fath frys fel nad yw cymryd prawf yn rhesymol ymarferol;
- (c) pan fo prawf yn cael ei ganslo am resymau y tu hwnt i reolaeth P.”

Diwygio rheoliad 16

9. Yn rheoliad 16 (hysbysiadau cosb benodedig)—

- (a) ar ôl paragraff (6)(aa) mewnosoder—
 - “(ab) o dorri gofyniad a osodir gan reoliad 6D,”;
- (b) ar ôl paragraff (6A) mewnosoder—
 - “(6AA) Pan ddyroddir yr hysbysiad cosb benodedig i berson mewn cysylltiad â throsedd

a ddisgrifir yn rheoliad 14(1)(g), rhaid i'r swm a bennir o dan baragraff (5)(c) fod yn £10,000.

(6AB) Pan ddyroddir yr hysbysiad cosb benodedig i berson mewn cysylltiad â throsedd a ddisgrifir yn rheoliad 14(1)(h), rhaid i'r swm a bennir o dan baragraff (5)(c) fod—

- (a) yn achos hysbysiad cosb benodedig a ddyroddir mewn cysylltiad â methiant i drefnu profion yn unol â rheoliad 6B(3) neu (5), yn £1,000;
 - (b) yn achos yr hysbysiad cosb benodedig cyntaf a ddyroddir mewn cysylltiad â methiant i gymryd prawf yn unol â rheoliad 6C(1) neu (3), yn £1,000;
 - (c) yn achos yr ail hysbysiad cosb benodedig a ddyroddir mewn cysylltiad â methiant i gymryd prawf yn unol â rheoliad 6C(1) neu (3), yn £2,000.”;
- (c) ym mharagraff (7), ar y dechrau mewnosoder “Yn ddarostyngedig i baragraff (7A),”;
- (d) ar ôl paragraff (7) mewnosoder—
- “(7A) Pan ddyroddir hysbysiad cosb benodedig i berson mewn cysylltiad â throsedd—
- (a) o dan reoliad 14(2), a
 - (b) sy'n ymwneud â hanes teithio person i wlad neu diriogaeth a restrir yn Atodlen 3A,
- rhaid i'r swm a bennir o dan baragraff (5)(c) fod yn £10,000.”

Diwygio rheoliad 17

10. Yn rheoliad 17 (defnyddio a datgelu gwybodaeth)—

- (a) ym mharagraff (2), ar ol is-baragraff (a)(ii) mewnosoder—
 - “(iii) pan fo person yn trefnu prawf o dan reoliad 6B neu'n cymryd prawf o dan reoliad 6C—
 - (aa) gwybodaeth a gynhyrchir pan fo'r person yn trefnu prawf, neu'n cymryd prawf;
 - (bb) gwybodaeth a gafwyd gan ddarparwr prawf cyhoeddus (o fewn yr ystyr a roddir gan reoliad 6B(2)(c)) o dan reoliad 6B(6);
 - (cc) canlyniad prawf;
 - (dd) gwybodaeth a gofnodwyd gan ddarparwr prawf cyhoeddus wrth weinyddu

prawf a gymerwyd yn unol â rheoliad 6C (gan gynnwys cadarnhad bod y prawf wedi ei gymryd, manylion o ran pryd ac ymhle y'i cymerwyd, unrhyw resymau dros beidio â chymryd prawf a manylion unrhyw brawf sydd i'w gymryd yn ei le);

- (iv) gwybodaeth a roddwyd i swyddog mewnfudo yn unol â rheoliad 6B(8);
 - (v) pan fo sampl a gymerwyd mewn cysylltiad â phrawf diwrnod 2 o dan reoliad 6C wedi ei dilyniannu, y ffeil BAM wedi ei didoli sy'n ymwneud â'r sampl honno sy'n cynnwys yr holl ddarlleniadau sy'n alinio i'r genom cyfeirio SARS-CoV-2 gyda'r darlleniadau heb eu halinio a dynol wedi eu heggor;"
- (b) ym mharagraff (3), ar ôl is-baragraff (b) mewnosoder—
- “(c) darparwr prawf cyhoeddus;
 - (d) swyddog mewnfudo.”

Diwygio rheoliad 18

11. Mae rheoliad 18 (hunanargyhuddo) wedi ei ddiwygio fel a ganlyn—

- (a) ym mharagraff (2), ar ôl “mewn” mewnosoder “unrhyw”;
- (b) hepgorer “ac eithrio ar gyfer trosedd o dan y Rheoliadau hyn neu adran 5 o Ddeddf Anudon 1911 (datganiadau anwir a wneir ac eithrio ar lw)”;
- (c) ar ôl paragraff (2) mewnosoder—
 - “(2A) Nid yw paragraff (2) yn gymwys os yw'r achos ar gyfer—
 - (a) trosedd o dan y Rheoliadau hyn,
 - (b) trosedd o dan adran 5 o Ddeddf Anudon 1911(1) (datganiadau anwir a wneir ac eithrio ar lw),
 - (c) trosedd o dan adran 1 o Ddeddf Twyll 2006(2) (twyll), neu

(1) 1911 p. 6. Diwygiwyd adran 5 gan adran 1(2) o Ddeddf Cyfiawnder Troseddol 1948 (p. 58).

(2) 2006 p. 35

- (d) trosedd o dan adran 2 neu 3 o Ddeddf Twyll a Ffugio 1981(1) (trosedd o gopïo neu ddefnyddio offeryn ffug).”

Diwygio Atodlen 1

12. Yn Atodlen 1 (gwybodaeth am deithiwr), ar ôl paragraff 2 mewnosoder—

“**3.** Pan fo rheoliad 6B yn ei gwneud yn ofynnol i brawf diwrnod 2 a phrawf diwrnod 8 gael eu trefnu—

- (a) enw darparwr y profion, a
(b) cyfeirnod y profion a ddarparwyd iddynt gan ddarparwr y prawf yn unol â rheoliad 6B(7).”

RHAN 5

Diwygiadau i Atodlen 2 i'r Rheoliadau Teithio Rhyngwladol

Diwygiadau i Atodlen 2 (personau esempt)

13.—(1) Mae Atodlen 2 i'r Rheoliadau Teithio Rhyngwladol (personau esempt) wedi ei diwygio fel a ganlyn.

(2) Yn Rhan 1 o Atodlen 2, ar ôl paragraff 4 mewnosoder—

“**5.** Person sydd, ar ôl cyrraedd y Deyrnas Unedig, yn pasio drwodd i wlad neu diriogaeth arall heb ddod i'r Deyrnas Unedig.”

(3) Yn Rhan 2 o Atodlen 2, hepgorer paragraffau 5, 12, 17 i 35, 38 a 39.

(4) Ym mharagraff 36 o Atodlen 2, ar ôl is-baragraff (b) mewnosoder “pan na ellir ymgymryd â'r gweithgaredd hwnnw yn rhesymol yn y cartref.”

RHAN 6

Mewnosod Atodlen 5 newydd yn y Rheoliadau Teithio Rhyngwladol a diwygiadau i reoliad 10 o'r Rheoliadau Teithio Rhyngwladol

Mewnosod Atodlen 5 yn y Rheoliadau Teithio Rhyngwladol (eithriadau sectorol)

14. Ar ôl Atodlen 4 i'r Rheoliadau Teithio Rhyngwladol (digwyddiadau chwaraeon penodedig) mewnosoder—

(1) 1981 p. 45.

“ATODLEN 5 Rheoliad 10(4)(m)

Eithriadau sectorol

1.—(1) Gweithiwr sy'n ymgymryd â gwaith hanfodol neu waith brys—

- (a) sy'n gysylltiedig â chyflenwadau dŵr a gwasanaethau carthffosiaeth, a
- (b) a gyflawnir gan ymgymwrwr dŵr, ymgymwrwr carthffosiaeth, trwyddedai cyflenwi dŵr, trwyddedai carthffosiaeth neu awdurdod lleol, neu ar ei ran,

pan fo'r gweithiwr wedi teithio i'r Deyrnas Unedig yng nghwrs y gwaith.

(2) At ddibenion is-baragraff (1)—

- (a) mae “gwaith hanfodol neu waith brys” yn cynnwys—
 - (i) archwiliadau, gwaith cynnal a chadw, atgyweiriadau a gweithgareddau amnewid asedau;
 - (ii) monitro, samplu a dadansoddi cyflenwadau dŵr o dan Reoliadau Cyflenwadau Dŵr Preifat (Cymru) 2017(1), Rheoliadau Cyflenwad Dŵr (Ansawdd Dŵr) 2018(2), Rheoliadau Cyflenwadau Dŵr Preifat (Lloegr) 2016(3) neu Reoliadau Cyflenwad Dŵr (Ansawdd Dŵr) 2016(4);
- (b) ystyr “trwyddedai carthffosiaeth” yw person sy'n ddeiliad trwydded garthffosiaeth o dan adran 17BA o Ddeddf y Diwydiant Dŵr 1991(5);
- (c) mae i “gwasanaethau carthffosiaeth” yr ystyr a roddir i “sewerage services” yn adran 219(1) o Ddeddf y Diwydiant Dŵr 1991(6);
- (d) ystyr “ymgymerwr carthffosiaeth” yw cwmni a benodwyd yn ymgymwrwr

(1) O.S. 2017/1041 (Cy. 270); a ddiwygiwyd gan O.S. 2018/647 (Cy. 121), O.S. 2019/460 (Cy. 110) ac O.S. 2019/463 (Cy. 111).

(2) O.S. 2018/647 (Cy. 121), a ddiwygiwyd gan O.S. 2019/463 (Cy. 111).

(3) O.S. 2016/618; offerynnau diwygio perthnasol yw O.S. 2017/506, O.S. 2018/707 ac O.S. 2019/558.

(4) O.S. 2016/614; offerynnau diwygio perthnasol yw O.S. 2017/506, O.S. 2018/706, O.S. 2018/378, O.S. 2019/526 ac O.S. 2019/558.

(5) 1991 p. 56. Mewnosodwyd adran 17BA(6) gan adran 4(1) o Ddeddf Dŵr 2014 (p. 21). Mewnosodwyd y cyfeiriad at “sewerage licensee” yn adran 219(1) gan baragraff 120(2)(f) o Atodlen 7 i Ddeddf Dŵr 2014.

(6) 1991 p. 56. Diwygiwyd y diffiniad o “sewerage services” gan baragraff 120 o Atodlen 7 i Ddeddf Dŵr 2014.

carthffosiaeth o dan adran 6 o Ddeddf y Diwydiant Dŵr 1991(1);

- (e) mae i “trwyddedai cyflenwi dŵr” yr ystyr a roddir i “water supply licensee” yn adrannau 17A(7) a 219(1) o Ddeddf y Diwydiant Dŵr 1991(2);
- (f) ystyr “ymgymerwr dŵr” yw cwmni a benodwyd yn ymgymerwr dŵr o dan adran 6 o Ddeddf y Diwydiant Dŵr 1991.

2.—(1) Gweithiwr sy’n ymgymryd â gwaith hanfodol neu waith brys sy’n gysylltiedig â rheoli’r risg o lifogydd ac erydu arfordirol ar ran—

- (a) Asiantaeth yr Amgylchedd(3);
- (b) Cyfoeth Naturiol Cymru(4);
- (c) awdurdod llifogydd lleol arweiniol yng Nghymru;
- (d) awdurdod llifogydd lleol arweiniol yn Lloegr.

(2) Yn is-baragraff (1), mae i “rheoli’r risg o lifogydd ac erydu arfordirol” ac “awdurdod llifogydd lleol arweiniol” yr ystyron a roddir i “flood and coastal erosion risk management” a “lead local flood authority” gan Ddeddf Rheoli Llifogydd a Dŵr 2010(5).

3. Gweithiwr sy’n ymgymryd â gwaith hanfodol neu waith brys sy’n ymwneud â gweithrediadau mwyngloddio sydd ar waith ar hyn o bryd neu a fu gynt ar waith ar ran—

- (a) yr Awdurdod Glo(6);
- (b) cyngor sir neu gyngor bwrdeistref sirol yng Nghymru;
- (c) Cyfoeth Naturiol Cymru.

4.—(1) Gweithiwr sy’n ymgymryd â gwaith hanfodol neu waith brys—

- (a) sy’n gysylltiedig—
 - (i) â gorsaf gynhyrchu,
 - (ii) â chydgyssylltydd trydan,

(1) Diwygiwyd adran 6 gan adran 36(2) o Ddeddf Dŵr 2003 (p. 37) ac Atodlen 8 iddi, Atodlen 23 i Ddeddf Dadreoleiddio 2015 (p. 20), ac Atodlen 7 i Ddeddf Dŵr 2014.

(2) Mewnosodwyd adran 17A gan adran 1 o Ddeddf Dŵr 2014.

(3) Mae Asiantaeth yr Amgylchedd yn gorff corfforedig a sefydlwyd o dan adran 1 o Ddeddf yr Amgylchedd 1995 (p. 25).

(4) Mae Adnoddau Naturiol Cymru yn gorff corfforedig a sefydlwyd o dan erthygl 3 o Orchymyn Corff Adnoddau Naturiol Cymru (Sefydlu) 2012 (O.S. 2012/1903 (Cy. 230)).

(5) 2010 p. 29.

(6) Mae’r Awdurdod Glo yn gorff corfforedig a sefydlwyd o dan adran 1 o Ddeddf y Diwydiant Glo 1994 (p. 21).

- (iii) â rhwydwaith gwres ardal fel y diffinnir “district heat network” yn rheoliad 2 o Reoliadau Rhwydweithiau Gwres (Mesuryddion a Bilio) 2014⁽¹⁾,
- (iv) â gwresogi cymunedol fel y diffinnir “communal heating” yn rheoliad 2 o Reoliadau Rhwydweithiau Gwres (Mesuryddion a Bilio) 2014,
- (v) â systemau glanhau awtomataidd ar falast a systemau ailosod traciau ar rwydwaith, neu
- (vi) â chomisiynu, cynnal a chadw ac atgyweirio peiriannau diwydiannol i’w defnyddio ar rwydwaith, neu
- (b) a gyflawnir gan, ar gyfer, neu ar ran—
 - (i) gweithredwr y system genedlaethol,
 - (ii) person sydd â thrwydded drawsyrro,
 - (iii) person sydd â thrwydded ddosbarthu,
 - (iv) person sydd â thrwydded o dan adrannau 7 a 7ZA o Ddeddf Nwy 1986⁽²⁾,
 - (v) cyfleuster mewnfario neu allfario nwy naturiol hylifedig fel y diffinnir “LNG import or export facility” yn adran 48 o Ddeddf Nwy 1986⁽³⁾, neu
 - (vi) person sydd â thrwydded rwydwaith o dan adran 8 o Ddeddf Rheilffyrdd 1993⁽⁴⁾,

pan fo’r teithiwr wedi teithio i’r Deyrnas Unedig at ddibenion y gwaith.

(2) At ddibenion is-baragraff (1)—

- (a) ystyr “trwydded ddosbarthu” yw trwydded a roddwyd o dan adran 6(1)(c) o Ddeddf Trydan 1989⁽⁵⁾;
- (b) mae “gwaith hanfodol neu waith brys” yn cynnwys comisiynu, archwiliadau, gwaith cynnal a chadw, atgyweiriadau a gweithgareddau amnewid asedau;

(1) O.S. 2014/3120. Nid oes unrhyw offerynnau diwygio perthnasol.
 (2) 1986 p. 44. Mewnosodwyd adran 7ZA gan adran 149(6) o Ddeddf Ynni 2004.
 (3) Mewnosodwyd y diffiniad gan O.S. 2011/2704.
 (4) 1993 p. 43.
 (5) 1989 p. 29.

- (c) ystyr “gweithredwr y system genedlaethol” yw’r person sy’n gweithredu system drawsyrro genedlaethol Prydain Fawr;
- (d) mae i “rhwydwaith” yr ystyr a roddir i “network” yn adran 83(1) o Ddeddf Rheilffyrdd 1993(1);
- (e) ystyr “trwydded drawsyrro” yw trwydded a roddwyd o dan adran 6(1)(b) o Ddeddf Trydan 1989;
- (f) mae i “cydgysylltydd trydan”, “gorsaf gynhyrchu” a “system drawsyrro” yr ystyron a roddir i “electricity interconnector”, “generating station” a “transmission system” yn adran 64(1) o Ddeddf Trydan 1989(2).

5.—(1) Person sydd—

- (a) yn bersonél niwclear, ac sy’n hanfodol i weithrediad safle a diogel safle y rhoddwyd trwydded safle niwclear mewn cysylltiad ag ef,
- (b) yn ymatebydd argyfwng niwclear, neu
- (c) yn arolygydd asiantaeth,

pan fo’r person wedi teithio i’r Deyrnas Unedig yng nghwrs ei waith.

(2) At ddibenion is-baragraff (1)—

- (a) mae i “arolygydd asiantaeth” yr ystyr a roddir i “agency inspector” yn adran 1(1) o Ddeddf Diogelwch Niwclear 2000(3);
- (b) ystyr “ymatebydd argyfwng niwclear” yw person sy’n rhoi cymorth i’r Deyrnas Unedig yn unol â’r Confensiwn ar Gymorth yn Achos Damwain Niwclear neu Argyfwng Radiolegol a wnaed yn Fienna ar 26 Medi 1986, sydd wedi ei hysbysu’n briodol i’r Deyrnas Unedig ac wedi ei dderbyn ganddi, pan fo’r Deyrnas Unedig wedi gofyn am gymorth o dan y Confensiwn hwnnw;
- (d) ystyr “personél niwclear” yw—
 - (i) gweithiwr a gyflogir i gyflawni gwaith ar safle neu mewn perthynas â safle y rhoddwyd

(1) Mae diwygiadau i adran 83(1) ond nid yw’r un ohonynt yn berthnasol.

(2) Mewnosodwyd y diffiniad o “electricity interconnector” gan adran 147(7) o Ddeddf Ynni 2004. Amnewidiwyd y diffiniad o “transmission system” gan baragraff 15 o Atodlen 19 i Ddeddf 2004.

(3) 2000 p. 5.

trwydded safle niwclear mewn
cysylltiad ag ef, neu

- (ii) cyflogai i'r Awdurdod
Datgomisiynu Niwclear(1);
- (e) mae i "trwydded safle niwclear" yr
ystyr a roddir i "nuclear site licence"
yn adran 1 o Ddeddf Safleoedd
Niwclear 1965(2).

6. Arolygydd o'r Sefydliad Gwahardd Arfau
Cemegol, o fewn yr ystyr a roddir i "inspector"
gan adran 24(e) o Ddeddf Arfau Cemegol
1996(3), sydd wedi teithio i'r Deyrnas Unedig
at ddibenion arolygiad.

7.—(1) Person sydd—

- (a) yn cyflawni swyddogaeth hanfodol ar
safle gofod,
- (b) yn rheolwr llongau gofod sy'n gyfrifol
am lywio a rheoli cerbyd lansio neu
long ofod ar gyfer gweithrediadau
enwol, osgoi gwrthdrawiadau neu
anomaleddau, neu
- (c) a gyflogir gan berson sy'n gweithredu
neu'n cynnal galluoedd
ymwybyddiaeth o sefyllfa'r gofod, neu
sydd o dan gontract i ddarparu
gwasanaethau i'r person hwnnw,

pan fo'r person wedi teithio i'r Deyrnas Unedig
yng nghwrs y gwaith.

(2) At ddibenion is-baragraff (1)—

- (a) mae i "safle gofod" yr ystyr a roddir i
"space site" ym mharagraff 5(3) o
Atodlen 4 i Ddeddf y Diwydiant Gofod
2018(4);
- (b) ystyr "galluoedd ymwybyddiaeth o
sefyllfa'r gofod" yw'r synwryddion, y
systemau a'r gwasanaethau dadansoddi
y mae eu hangen i roi rhybuddion sy'n
sensitif o ran amser ynglŷn â
digwyddiadau tywydd yn y gofod,
gwrthdrawiadau orbitol, drylliadau
orbitol neu ailfyndiad gwrthrychau a
wnaed gan bobl o'u horbit;

(1) Sefydlwyd yr Awdurdod Datgomisiynu Niwclear gan adran 1 o
Ddeddf Ynni 2004.
(2) 1965 p. 57. Amnewidiwyd adran 1 gan baragraff 17 o Atodlen 2 i
Ddeddf Ynni 2013 (p. 32); yn rhinwedd adran 1(2), cyfeirir at
drwydded a ddisgrifir yn adran 1(1) fel "nuclear site licence".
(3) 1996 p. 6.
(4) 2018 p. 5.

- (c) mae i “llog ofod” yr ystyr a roddir i “spacecraft” yn adran 2(6) o Ddeddf y Diwydiant Gofod 2018;
- (d) ystyr “rheolwr llog ofod” yw person sy’n gymwys, sydd wedi ei awdurdodi ac sy’n gyfrifol am gynnal gweithrediad saff a diogel llog ofod drwy fonitro statws llog ofod, rhoi gorchmynion llywio neu reoli agweddau eraill ar y llog ofod sy’n dylanwadu ar ei hymddygiad gan gynnwys ei symudiadau yn y gofod.

8.—(1) Peiriannydd awyrofod arbenigol, neu weithiwr awyrofod arbenigol, pan fo’r peiriannydd neu’r gweithiwr wedi teithio i’r Deyrnas Unedig yng nghwrs ei waith.

(2) At ddibenion is-baragraff (1)—

- (a) ystyr “peiriannydd awyrofod arbenigol” yw person sydd wedi ei gyflogi neu wedi ei gymryd ymlaen fel arall i ddarparu gwasanaethau peiriannyddol at ddiben sicrhau bod gweithgareddau hedfan yn parhau i weithredu (gan gynnwys darparu gwasanaethau cynnal a chadw ac atgyweirio ar gyfer llinellau cynhyrchu, cydrannau hedfan, awyrennau ar y ddaear ac awyrennau newydd, ond heb ei gyfyngu i hynny);
- (b) ystyr “gweithiwr awyrofod arbenigol” yw person sydd wedi ei gyflogi neu wedi ei gymryd ymlaen fel arall i ddarparu gwasanaethau at ddiben sicrhau bod diogelwch yn cael ei reoli a bod ansawdd yn cael ei sicrhau fel sy’n ofynnol gan y safonau, y canllawiau a’r cyhoeddiadau perthnasol ar ddiogelwch hedfan a gynhyrchir gan yr Awdurdod Hedfan Sifil neu Asiantaeth Diogelwch Hedfan yr Undeb Ewropeaidd⁽¹⁾.

(1) Sefydlwyd yr Awdurdod Hedfan Sifil o dan adran 1(1) o Ddeddf Hedfan Sifil 1971 (p. 75). Disodlwyd y Ddeddf honno gan statud cydgrynhoi, Deddf Hedfan Sifil 1982 (p. 16), y mae adran 2(1) ohoni yn darparu ar gyfer parhad yr Awdurdod Hedfan Sifil. Mae diwygiadau i adran 2 ond nid yw’r un ohonynt yn berthnasol. Sefydlwyd Asiantaeth Diogelwch Hedfan yr Undeb Ewropeaidd gan Reoliad (EU) 2018/1139 Senedd Ewrop a’r Cyngor dyddiedig 4 Gorffennaf 2018 ar reolau cyffredin ym maes hedfan sifil a sefydlu Asiantaeth Diogelwch Hedfan yr Undeb Ewropeaidd, a Rheoliadau diwygio (EC) Rhif 2111/2005, (EC) Rhif 1008/2008, (EU) Rhif 996/2010, (EU) Rhif 376/2014 a Chyfarwydddebau 2014/30/EU a 2014/53/EU Senedd Ewrop a’r Cyngor, ac sy’n diddymu Rheoliadau (EC) Rhif 552/2004 ac (EC) Rhif 216/2008 Senedd Ewrop a’r Cyngor a Rheoliad y Cyngor (EEC) Rhif 3922/91.

9.—(1) Person sy'n ymgymryd â gweithgareddau gweithredu, cynnal a chadw neu ddiogelwch cyfleuster yn y sector olew is sydd â chapasiti o fwy nag 20,000 o dunelli—

- (a) pan fo'r cyfleuster yn y sector olew is yn ymgymryd â gweithgaredd penodedig a gyflawnir yn y Deyrnas Unedig yng nghwrs busnes, ac yn cyfrannu (yn uniongyrchol neu'n anuniongyrchol) at gyflenwi tanwyddau sy'n seiliedig ar olew crai i ddefnyddwyr yn y Deyrnas Unedig neu bersonau sy'n cynnal busnes yn y Deyrnas Unedig, a
- (b) pan fo angen y gweithgareddau er mwyn sicrhau bod y cyfleuster yn parhau i weithredu'n ddiogel,

pan fo'r person wedi teithio i'r Deyrnas Unedig yng nghwrs ei waith.

(2) At ddibenion is-baragraff (1)—

- (a) mae gan gyfleuster gapasiti o fwy nag 20,000 o dunelli ar unrhyw adeg os cafodd ei ddefnyddio yn y flwyddyn galendr flaenorol at ddibenion gweithgareddau'r sector olew is mewn perthynas â mwy na'r nifer hwnnw o dunelli o olew;
- (b) “gweithgareddau penodedig” yw—
 - (i) storio olew;
 - (ii) trafod olew;
 - (iii) cludo olew ar y môr neu ar ddŵr mewndirol;
 - (iv) cludo olew drwy bibellau;
 - (v) puro olew neu ei brosesu fel arall.

10.—(1) Gweithiwr y mae'n ofynnol iddo ymgymryd â'r canlynol neu y mae'n ofynnol iddo gychwyn y canlynol o fewn y cyfnod y byddai, oni bai am y paragraff hwn, wedi bod yn ddarostyngedig i ofyniad i ynysu (o fewn ystyr rheoliad 10(2) o'r Rheoliadau hyn)—

- (a) gweithgareddau ar osodiad alltraeth neu mewn perthynas ag ef,
- (b) gweithgareddau ar seilwaith y sector petrolewm uwch neu mewn perthynas ag ef,
- (c) gwaith diogelwch critigol ar osodiad neu ffynnon alltraeth sy'n cael ei ddatgomiynu neu ei datgomiynu neu ei gadw neu ei chadw hyd nes y caiff ei ddymchwel neu ei dymchwel neu ei aildefnyddio neu ei haildefnyddio, neu

- (d) gweithgareddau i ddarparu gweithwyr, nwyddau, deunyddiau neu gyfarpar neu wasanaethau hanfodol eraill y mae eu hangen i gefnogi gweithrediad diogel y gweithgareddau y cyfeirir atynt ym mharagraffau (a) i (c),

pan fo wedi teithio i'r Deyrnas Unedig yng nghwrs ei waith.

(2) At ddibenion is-baragraff (1)—

- (a) mae i “gosodiad alltraeth” yr ystyr a roddir i “offshore installation” yn adran 44 o Ddeddf Petrolewm 1998(1);
- (b) mae i “seilwaith y sector petrolewm uwch” yr ystyr a roddir i “upstream petroleum infrastructure” yn adran 9H o Ddeddf Petrolewm 1998(2);
- (c) mae i “ffynnon” yr ystyr a roddir i “well” yn adran 45A(10) o Ddeddf Petrolewm 1998(3).

11. Gweithredydd post, fel y diffinnir “postal operator” yn adran 27(3) o Ddeddf Gwasanaethau Post 2011(4), pan fo'r gweithredydd wedi teithio i'r Deyrnas Unedig yng nghwrs ei waith.

12. Gweithiwr sydd â sgiliau technegol arbenigol, pan fo angen y sgiliau technegol arbenigol hynny ar gyfer gwaith neu wasanaethau hanfodol neu frys (gan gynnwys comisiynu, cynnal a chadw, atgyweirio a gwiriadau diogelwch) i sicrhau y parheir i gynhyrchu, cyflenwi, symud, gweithgynhyrchu, storio neu gadw nwyddau, pan fo'r gweithiwr wedi teithio i'r Deyrnas Unedig yng nghwrs ei waith neu fel arall i ddechrau neu aildechrau gweithio.

13. Gweithiwr sydd â sgiliau technegol arbenigol, pan fo angen y sgiliau technegol arbenigol hynny ar gyfer gwaith hanfodol neu waith brys (gan gynnwys adeiladu, comisiynu, gosod, cynnal a chadw, atgyweirio a gwiriadau diogelwch) neu i gyflawni rhwymedigaethau contract neu fanylebau gwarantiaid mewn cyfleusterau rheoli gwastraff a ddefnyddir ar gyfer rheoli, didoli, trin, adfer neu waredu gwastraff (gan gynnwys ynni o wastraff), neu

(1) 1998 p. 17. Diwygiwyd adran 44 gan baragraff 11 o Atodlen 1 i Ddeddf Ynni 2008 (p. 32).
 (2) Amnewidiwyd adran 9H gan adran 74(2) o Ddeddf Ynni 2016 (p. 20).
 (3) Amnewidiwyd adran 45A gan adran 75(1) o Ddeddf Ynni 2008. Mae diwygiadau i adran 45A(10) ond nid yw'r un ohonynt yn berthnasol.
 (4) 2011 p. 5.

mewn cysylltiad â hynny, pan fo'r gweithiwr wedi teithio i'r Deyrnas Unedig yng nghwrs ei waith.

14.—(1) Person sydd wedi teithio i'r Deyrnas Unedig at ddiben cludo deunydd a ffurfir o gelloedd dynol neu waed, neu sy'n cynnwys hynny, ac sydd i'w ddefnyddio er mwyn darparu gwasanaeth iechyd gan ddarparwr gwasanaethau iechyd.

(2) At ddibenion is-baragraff (1)—

- (a) mae "gwaed" yn cynnwys cydrannau gwaed;
- (b) mae i "gwasanaeth iechyd" yr ystyr a roddir gan reoliad 10(8).

15. Person sy'n "arolygydd" o fewn yr ystyr a roddir i "inspector" yn rheoliad 8(1) o Reoliadau Meddyginiaethau Dynol 2012(1) sydd wedi teithio i'r Deyrnas Unedig i ymgymryd â gweithgareddau mewn perthynas â'i rôl fel person o'r fath.

16.—(1) Person sydd—

- (a) wedi teithio i'r Deyrnas Unedig—
 - (i) i gynnal treial clinigol o fewn ystyr "conducting a clinical trial" yn rheoliad 2(1) o Reoliadau Meddyginiaethau i'w Defnyddio gan Bobl (Treialon Clinigol) 2004(2),
 - (ii) i ymgymryd ag unrhyw weithgareddau sy'n angenrheidiol neu'n hwylus i baratoi at gynnal treial clinigol, neu
 - (iii) i gyflawni unrhyw weithgarwch cydymffurfio angenrheidiol mewn perthynas â threial clinigol na ellir ei gynnal o bell,
- (b) yn berson cymwys o fewn yr ystyr a roddir i "qualified person" yn rheoliad 43 o'r Rheoliadau hynny, pan fo wedi teithio i'r Deyrnas Unedig er mwyn ymgymryd â gweithgareddau mewn perthynas â'i rôl fel person o'r fath, neu
- (c) yn noddwr treial clinigol o fewn yr ystyr a roddir i "sponsor" yn rheoliad 2(1) o'r Rheoliadau hynny, neu'n cyflawni swyddogaethau neu ddyletswyddau noddwr o'r fath, ac

(1) O.S. 2012/1916.

(2) O.S. 2004/1031, y mae diwygiadau iddo nad ydynt yn berthnasol i'r Rheoliadau hyn.

sydd wedi teithio i'r Deyrnas Unedig i ymgymryd â gweithgareddau mewn perthynas â'r treial clinigol.

(2) At ddibenion is-baragraff (1), mae i “treial clinigol” yr ystyr a roddir i “clinical trial” yn rheoliad 2(1) o Reoliadau Meddyginiaethau i'w Defnyddio gan Bobl (Treialon Clinigol) 2004.

17. Person sydd wedi teithio i'r Deyrnas Unedig i gynnal ymchwiliad clinigol o fewn yr ystyr a roddir i “clinical investigation” yn Rheoliadau Dyfeisiau Meddygol 2002(1), neu i ymgymryd ag unrhyw weithgareddau sy'n angenrheidiol neu'n hwylus i baratoi at gynnal ymchwiliad clinigol neu i gyflawni unrhyw weithgarwch cydymffurfio angenrheidiol arall mewn perthynas ag ymchwiliad clinigol na ellir ei gynnal o bell.

18.—(1) Person sydd—

- (a) yn berson cymwys o fewn yr ystyr a roddir i “qualified person” yn rheoliad 41(2) o Reoliadau Meddyginiaethau Dynol 2012(2),
- (b) yn berson cyfrifol o fewn yr ystyr a roddir i “responsible person” yn rheoliad 45(1) o'r Rheoliadau hynny, neu
- (c) yn berson â chymwysterau priodol sy'n gyfrifol am wylidwriaeth ffarmacolegol o fewn yr ystyr a roddir i “an appropriately qualified person responsible for pharmacovigilance” yn rheoliad 182(2)(a) o'r Rheoliadau hynny,

pan fo'r person wedi teithio i'r Deyrnas Unedig er mwyn ymgymryd â gweithgareddau mewn perthynas â'i rôl fel person o'r fath.

19.—(1) Person sydd wedi teithio i'r Deyrnas Unedig at ddibenion ei waith mewn diwydiannau seilwaith hanfodol gan gynnwys—

- (a) person sy'n ymwneud â gwaith cynnal a chadw ac atgyweirio hanfodol ar seilwaith data y mae ei angen i leihau a datrys diffoddiadau, neu â darparu nwyddau a gwasanaethau i gefnogi'r gweithgareddau hyn, a
- (b) gweithiwr proffesiynol technoleg gwybodaeth neu delathrebu (gan gynnwys ymgynghorydd technoleg gwybodaeth, dadansoddwr ansawdd,

(1) O.S. 2002/618.

(2) O.S. 2012/1916.

profwr meddalwedd, profwr systemau, a chynllunydd telathrebu), y mae angen ei arbenigedd er mwyn—

- (i) darparu ymateb hanfodol neu frys i fygythiadau a digwyddiadau sy'n ymwneud â diogelwch unrhyw system rhwydwaith a gwybodaeth, a
- (ii) sicrhau bod unrhyw system rhwydwaith a gwybodaeth yn parhau i weithredu.

(2) At ddibenion is-baragraff (1), mae i “system rhwydwaith a gwybodaeth” yr ystyr a roddir i “network and information system” yn rheoliad 1(2) o Reoliadau Systemau Rhwydwaith a Gwybodaeth 2018(1).

20. Person sy'n ymgymryd â gwaith brys neu waith hanfodol—

- (a) sy'n angenrheidiol er mwyn parhau i weithredu—
 - (i) rhwydweithiau a gwasanaethau cyfathrebu electronig fel y diffinnir “electronic communications network” ac “electronic communications service” yn adran 32 o Ddeddf Cyfathrebiadau 2003(2), neu
 - (ii) rhwydwaith a gwasanaethau trawsyrru darllediadau'r BBC,
- (b) mewn cwmnïau yn y gadwyn gyflenwi sy'n cynnal cyfrinachedd, cyflawnder ac argaeledd y rhwydweithiau a'r gwasanaethau cyfathrebu electronig a rhwydwaith a gwasanaethau trawsyrru'r BBC,

pan fo'r person wedi teithio i'r Deyrnas Unedig yng nghwrs ei waith.

21.—(1) Person sy'n preswyllo fel arfer yn y Deyrnas Unedig—

- (a) sy'n athletwr elît a fu'n cymryd rhan mewn cystadleuaeth elît dramor,
- (b) a fu'n darparu hyfforddiant neu gymorth arall i athletwr elît mewn cystadleuaeth elît dramor,
- (c) a fu'n gwasanaethu fel swyddog mewn cystadleuaeth elît dramor, neu a fu'n ymwneud â'i rhedeg,

(1) O.S. 2018/506.

(2) 2003 p. 21. Diwygiwyd y diffiniad o “electronic communications network” gan O.S. 2011/1210.

- (d) sy'n athletwr elît a fu'n mynychu rhaglen hyfforddi dramor at ddiben hyfforddi neu baratoi i gymryd rhan mewn cystadleuaeth elît,
- (e) a fu'n darparu hyfforddiant neu gymorth arall i athletwr elît mewn rhaglen hyfforddi dramor at ddiben hyfforddi neu baratoi'r athletwr elît hwnnw i gymryd rhan mewn cystadleuaeth elît,

pan fo'r person wedi teithio i'r Deyrnas Unedig er mwyn dychwelyd o'r gystadleuaeth elît dramor neu'r rhaglen hyfforddi dramor.

(2) At ddibenion is-baragraff (1)—

- (a) ystyr "athletwr elît" yw person—
 - (i) sy'n ennill bywoliaeth o gystadlu mewn camp,
 - (ii) sydd wedi ei ddynodi felly at ddibenion y Rheoliadau hyn gan Gyngor Chwaraeon Cymru,
 - (iii) sydd wedi ei ddynodi felly at ddibenion Rheoliadau Diogelu Iechyd (Cyfyngiadau Coronafeirws) (Rhif 2) (Cymru) 2020 (er bod y Rheoliadau hynny wedi eu dirymu), neu
 - (iv) nad yw'n dod o fewn is-baragraff (i), (ii) na (iii) sy'n cymryd rhan yng nghynghrair Pencampwyr UEFA neu yng nghynghrair Europa UEFA;
- (b) ystyr "cystadleuaeth elît" yw cystadleuaeth chwaraeon y mae unrhyw un neu ragor o'r cyfranogwyr yn cystadlu ynddi—
 - (i) i ennill bywoliaeth, neu
 - (ii) i gymhwyso ar gyfer y Gemau Olympaidd, y Gemau Paralympaidd neu Gemau'r Gymanwlad, neu fel rhan o'r broses ddethol ar gyfer y Gemau Olympaidd, y Gemau Paralympaidd neu Gemau'r Gymanwlad;
- (c) ystyr "cystadleuaeth elît dramor" yw cystadleuaeth elît sy'n cael ei chynnal y tu allan i'r Deyrnas Unedig; ac mae person i'w drin fel pe bai wedi dychwelyd o gystadleuaeth o'r fath os yw'r person, o fewn y cyfnod o 10 niwrnod sy'n dod i ben â diwrnod ynysu olaf y person, wedi bod mewn

gwlad neu diriogaeth nad yw'n esempt at ddibenion cystadleuaeth o'r fath.

22. Person—

- (a) sy'n ymgymryd â gosod, cynnal a chadw neu atgyweirio seilwaith telathrebu ffeibr optig tanfor,
- (b) y mae ei rôl yn cefnogi yn uniongyrchol y gwaith o osod, cynnal a chadw neu atgyweirio seilwaith telathrebu ffeibr optig tanfor,

pan fo wedi teithio i'r Deyrnas Unedig yng nghwrs ei waith.”

Diwygiad i reoliad 10 o'r Rheoliadau Teithio Rhyngwladol (gofynion ynysu: eithriadau)

15.—(1) Mae rheoliad 10 o'r Rheoliadau Teithio Rhyngwladol (gofynion ynysu: eithriadau) wedi ei ddiwygio fel a ganlyn.

(2) Yn rheoliad 10(4), ar ôl is-baragraff (k) mewnosoder—

- “(l) at ddiben cael prawf am y coronafeirws a ddarperir neu a weinyddir o dan Ddeddf y Gwasanaeth Iechyd Gwladol (Cymru) 2006;
- (m) pan fo P yn berson sy'n dod o fewn unrhyw un neu ragor o'r paragraffau yn Atodlen 5, er mwyn teithio yn uniongyrchol i unrhyw fan neu o unrhyw fan lle y mae presenoldeb P yn ofynnol at ddibenion gwaith P, neu at ddibenion gweithgaredd y mae'r paragraff perthnasol yn Atodlen 5 yn ymwneud ag ef (yn ôl y digwydd), a phan fo P yn bresennol yn y man hwnnw.”

RHAN 7

Diwygiadau amrywiol i'r Rheoliadau Teithio Rhyngwladol ynghylch hepgor darpariaethau o Atodlen 2 ac ychwanegu Atodlen 5

Diwygiadau i'r Rheoliadau Teithio Rhyngwladol ynghylch hepgor darpariaethau penodol o Atodlen 2 ac ychwanegu Atodlen 5

16. Yn rheoliad 3, hepgorer paragraffau (2)(b) a (3)(f).

17.—(1) Mae rheoliad 6A wedi ei ddiwygio fel a ganlyn.

(2) Ym mharagraff (4)(a)—

- (a) hepgorer “12 neu 28”;
 - (b) ar ôl “10,” mewnosoder “neu”.
- (3) Ar ôl paragraff (4)(c) mewnosoder—
- “(d) person a ddisgrifir ym mharagraff 24 o Atodlen 5.”

18. Yn rheoliad 9(2)(b), yn lle “mharagraffau 2 i 39 o Atodlen 2” rhodder “mharagraffau 2 i 16 ac 36 o Atodlen 2”.

19.—(1) Mae rheoliad 10(8) wedi ei ddiwygio fel a ganlyn.

(2) Yn y diffiniad o “athletwr elît”, yn lle “mharagraff 38(2)(a) o Atodlen 2” rhodder “mharagraff 31(2)(a) o Atodlen 5”.

(3) Yn y diffiniad o “cystadleuaeth elît”, yn lle “mharagraff 38(2)(b) o Atodlen 2” rhodder “mharagraff 31(2)(b) o Atodlen 5”.

RHAN 8

Diwygiadau i’r rhestr o ddigwyddiadau chwaraeon yn Atodlen 4 i’r Rheoliadau Teithio Rhyngwladol

Diwygiadau i’r rhestr o ddigwyddiadau chwaraeon penodedig

20.—(1) Mae Atodlen 4 (digwyddiadau chwaraeon penodedig) i’r Rheoliadau Teithio Rhyngwladol wedi ei diwygio fel a ganlyn.

(2) Yn lle paragraffau 1 i 25 rhodder—

“Gornestau Rygbi’r Gynghrair Super League Betfred,

Gornestau Criced Rhyngwladol Bwrdd Criced Cymru a Lloegr,

Gornestau Clybiau Rygbi Proffesiynol Ewrop,

Gornestau Hoci FIH Pro League,

Gornestau Rhyngwladol y Gymdeithas Bêldroed,

Gornestau Rygbi’r Undeb Guinness PRO14, Matchroom – Gemau Pencampwriaeth Bocsio,

Digwyddiadau rhagbrofol y Gemau Olympaidd, y Gemau Paralympaidd a Gemau’r Gymanwlad,

Y Gorfforaeth Ddartiau Broffesiynol – Pencampwriaeth y Chwaraewyr,

Gornestau Rhyngwladol Rygbi’r Undeb,

Cwpan Her Rygbi’r Gynghrair,

Gornestau Cynghrair Pencampwyr UEFA a Chynghrair Europa UEFA,
Taith Snwcer y Byd – Shoot Out,
Cyfres “The Trilogy” Cage Warriors,
Bwrdd Criced Cymru a Lloegr – y T20 Blast,
Bwrdd Criced Cymru a Lloegr – Cwpan Rachael Heyhoe Flint,
Matchroom – Twrnamaint Snwcer Cynghrair y Bencampwriaeth,
Pencampwriaeth Bocsio Rhyngwladol – Queensberry Promotions,
Motorsport UK – Pencampwriaeth Ceir Gwyllt Prydain,
Gemau Pencampwriaeth Bocsio Rhyngwladol – MTK Promotions,
Pencampwriaethau Badminton Agored Lloegr Gyfan Yonex,
Noson Ymladd Taekwondo Prydain Fawr I – Digwyddiad Rhyngwladol Taekwondo, Para Taekwondo a Karate,
Noson Ymladd Taekwondo Prydain Fawr II – Digwyddiad Rhyngwladol Taekwondo, Para Taekwondo a Karate,
Uwch-gyfres Cwrlo Ewrop,
Matchroom – Pencampwriaeth Pŵl y Byd,
Hennessy Sports – Gemau Pencampwriaeth Bocsio Rhyngwladol,
British Judo – Cystadleuaeth Wahodd Gaeedig Hŷn Prydain,
Cyfarfod Rhyngwladol British Swimming,
Motorsport UK – Pencampwriaeth Rali Groes Prydain a’r Bencampwriaeth Gefnogi,
Y Gorfforaeth Ddartiau Broffesiynol – Meistri Ladbrokes,
Y Gorfforaeth Ddartiau Broffesiynol – Uwch-gynghrair Unibet,
Taith Snwcer y Byd – Meistri’r Almaen,
Taith Snwcer y Byd – Pencampwriaeth y Chwaraewyr,
Taith Snwcer y Byd - Pencampwriaeth Agored Cymru,
Rasio ceffylau - Betfair Ascot Chase Day,
Rasio ceffylau - Betfair Hurdle Day,
Gemau ail gyfle Cwpan Billie Jean King gan BNP Paribas – Prydain Fawr v Mecsico,

Digwyddiadau Tennis Cadair Olwyn Dan
Do Bolton ITF,
Cwpan y Byd Gymnasteg FIG,
Gemau Prawf Olympaidd a Pharalympaidd
Taekwondo Prydain Fawr,
Rasio ceffylau - Grand National Trial Day,
Rasio ceffylau - Cyfarfod yr Imperial Cup,
Rasio ceffylau - Cyfarfod y Lincoln
Handicap,
Matchroom – Cynghrair Pencampwriaeth
Pŵl,
Matchroom – Sêr Gymnasteg,
Matchroom - Meistri Ping Pong y Byd,
Rasio ceffylau - Cyfarfod y Midlands
National,
Digwyddiad Prawf y Pentathlon Modern,
Cwpan y Byd Codi Pwysau Para,
Y Gorfforaeth Ddartiau Broffesiynol –
Taith Her,
Y Gorfforaeth Ddartiau Broffesiynol –
Taith Ddatblygu,
Y Gorfforaeth Ddartiau Broffesiynol –
Cystadleuaeth Agored y DU,
Pencampwriaeth Rygbi'r Gynghrair
Betfred,
Rasio ceffylau - The Festival at
Cheltenham,
Pencampwriaeth y Pedair Gwlad Rygbi
Cadair Olwyn,
Twrnaint Pêl-droed Wahodd Ryngwladol
y Menywod (o dan ofal y Gymdeithas Bêl-
droed),
Taith Snwcer y Byd – Cyfres Pro Tour,
Taith Snwcer y Byd – Cystadleuaeth
Agored Gibraltar,
Taith Snwcer y Byd – Pencampwriaeth y
Daith,
Y Gorfforaeth Ddartiau Broffesiynol – yr
Ysgol Gymhwyso,
Bocsio Rhyngwladol - Dennis Hobson
Promotions,
Super League Triathlon Arena Games
Llundain,
Rowndiau rhagbrofol cyfres Winter Classic
British Showjumping,
British Dressage - Cystadleuaeth
Ryngwladol Keysoe,

Digwyddiadau Llwybr Elit British Eventing,
Cystadleuaeth Sboncen Agored Manceinion 2021,
Boxing Road to Tokyo,
Cwpan y Cenhedloedd Seiclo ar y Trac,
Cage Warriors 120,
Vitality Big Half,
Taith Snwcer y Byd – Pencampwriaeth y Byd Betfred (gan gynnwys y rowndiau rhagbrofol),
Matchroom - Meistri Pŵl y Byd,
Rasio ceffylau - All-Weather Finals Day,
Rasio ceffylau - Challenger Series Finals Day,
Rasio ceffylau – Cyfarfod Aintree Grand National,
Rasio ceffylau – Cyfarfod Craven,
Rasio ceffylau – Cyfarfod Ebrill Cheltenham,
Rasio ceffylau – Cyfarfod Cenedlaethol yr Alban,
Rasio ceffylau – Cyfarfod Greenham,
Rasio ceffylau - Classic Trial Day a'r Jumps Finale Day,
Ras Ryngwladol Burnham Market.”

RHAN 9

Darpariaeth Drosiannol

Darpariaeth drosiannol

21. Nid oes dim yn y Rheoliadau hyn yn gymwys mewn perthynas â pherson a gyrhaeddodd Gymru cyn 15 Chwefror 2021.

Vaughan Gething

Y Gweinidog Iechyd a Gwasanaethau Cymdeithasol,
un o Weinidogion Cymru
13 Chwefror 2021

Memorandwm Esboniadol ar gyfer Rheoliadau Diogelu Iechyd (Coronafeirws, Teithio Rhyngwladol) (Cymru) (Diwygio) (Rhif 3) 2021

Lluniwyd y Memorandwm Esboniadol hwn gan Lywodraeth Cymru ac fe'i gosodir gerbron Senedd Cymru ar y cyd â'r is-ddeddfwriaeth uchod ac yn unol â Rheol Sefydlog 27.1.

Datganiad y Gweinidog

Yn fy marn i, mae'r Memorandwm Esboniadol hwn yn rhoi darlun teg a rhesymol o effaith ddisgwyliedig Rheoliadau Diogelu Iechyd (Coronafeirws, Teithio Rhyngwladol) (Cymru) (Diwygio) (Rhif 3) 2021.

Vaughan Gething
Y Gweinidog Iechyd a Gwasanaethau Cymdeithasol

15 Chwefror 2021

1. Disgrifiad

Yn ddarostyngedig i esemptiadau penodedig, tan 10 Gorffennaf 2020, roedd Rheoliadau Diogelu Iechyd (Coronafeirws, Teithio Rhyngwladol) (Cymru) 2020 ("Y Rheoliadau Teithio Rhyngwladol") yn ei gwneud yn ofynnol i bob teithiwr sy'n cyrraedd Cymru o'r tu allan i'r Ardal Deithio Gyffredin (h.y. yr ardal ffiniau agored sy'n cynnwys y Deyrnas Unedig, Ynysoedd y Sianel, Ynys Manaw a Gweriniaeth Iwerddon) ddarparu ei fanylion cyswllt a gwybodaeth am ei daith – ac ynysu am gyfnod o 14 o ddiwrnodau. Ar 10 Rhagfyr 2020, gostyngwyd y cyfnod ynysu i 10 diwrnod.

Diwygiwyd y Rheoliadau Teithio Rhyngwladol gan Reoliadau Diogelu Iechyd (Coronafeirws, Teithio Rhyngwladol a Gwybodaeth Iechyd y Cyhoedd i Deithwyr) (Cymru) (Diwygio) 2020 er mwyn (ymhlith pethau eraill) cyflwyno esemptiad rhag y gofyniad i ynysu ar gyfer teithwyr sy'n cyrraedd o wledydd a thiriogaethau penodedig, a elwir yn "wledydd esempt".

Mae'r Rheoliadau hyn yn diwygio'r Rheoliadau Teithio Rhyngwladol i ymateb i'r risg a achosir ac anawsterau wrth asesu'r risg o fathau o amrywiolion a fewnforiwyd o SARS-COV-2 ("coronafeirws"), sy'n angenrheidiol er mwyn diogelu iechyd y cyhoedd.

2. Materion o ddiddordeb arbennig i'r Pwyllgor Deddfwriaeth, Cyfiawnder a'r Cyfansoddiad

Yn dod i rym

Yn unol ag adrannau 4(1) ac 11A(4) o Ddeddf Offerynnau Statudol 1946, hysbyswyd y Llywydd fod y Rheoliadau wedi dod i rym cyn iddynt gael eu gosod, ac nad ydynt yn cydymffurfio â'r confensiwn 21 o ddiwrnodau. Roedd hyn yn angenrheidiol oherwydd y risg a achosir mewn perthynas â coronafeirws ac yn enwedig mathau amrywiolyn o'r un peth, gan deithwyr sy'n teithio i'r DU. Mae natur y mesurau ychwanegol newydd hyn yn gofyn am ymagwedd gyffredin ar draws y pedair gwlad, ac mae angen eu cyflwyno ar y cyd gyda Lloegr a'r gwledydd eraill.

Y Confensiwn Ewropeaidd ar Hawliau Dynol

Nid yw'r diwygiadau yn y Rheoliadau hyn yn newid y ffaith fod y Rheoliadau Teithio Rhyngwladol yn cyffwrdd â hawliau unigol o dan Ddeddf Hawliau Dynol 1998 a'r Confensiwn Ewropeaidd ar Hawliau Dynol; mae'r Llywodraeth o'r farn y gellir eu cyfiawnhau at ddiben atal lledaeniad clefydau heintus a/neu y caniateir ymyriad ar y sail ei fod yn anelu at gyflawni nod dilys, sef diogelu iechyd y cyhoedd. Mae'r Llywodraeth o'r farn hefyd eu bod yn gymesur.

3. Y cefndir deddfwriaethol

Mae Deddf Iechyd y Cyhoedd (Rheoli Clefydau) 1984 ("Deddf 1984"), a rheoliadau a wnaed oddi tani, yn darparu fframwaith deddfwriaethol ar gyfer diogelu iechyd yng Nghymru a Lloegr. Gwneir y Rheoliadau drwy ddibynnu ar y pwerau yn adrannau

45B, 45F(2) a 45P(2) o Ddeddf 1984. Mae'r Memorandwm Esboniadol ar gyfer y Rheoliadau Teithio Rhyngwladol yn rhoi rhagor o wybodaeth am y pwerau hyn.

4. Diben y ddeddfwriaeth a'r effaith y bwriedir iddi ei chael

Gwnaed y Rheoliadau Teithio Rhyngwladol ar 5 Mehefin 2020 a daethant i rym ar 8 Mehefin 2020 mewn ymateb i'r bygythiad difrifol ac uniongyrchol i iechyd y cyhoedd a berir gan fynychder a lledaeniad syndrom anadlol aciwt difrifol coronafeirws 2 (SARS-CoV-2).

Mae'r Rheoliadau Teithio Rhyngwladol yn cael eu hadolygu'n rheolaidd, ac ar 18 Ionawr fe gafodd y coridorau teithio eu hatal. Nid yw'r trefniadau presennol ar gyfer teithio o fewn yr Ardal Deithio Gyffredin (y DU, Iwerddon, Ynys Manaw ac Ynysoedd y Sianel) wedi newid, felly caniateir teithio heb ynysu o hyd.

Mae cyngor sydd bellach wedi dod i law gan y Gydganolfan Biaddiogelwch yn dangos ei bod yn anodd asesu'n llawn y risg i iechyd y cyhoedd a achosir gan nifer yr achosion o amrywiolion o coronafeirws a'u lledaeniad. Ar sail y cyngor hwn, ac er mwyn cymryd ymagwedd gyffredin ar draws y pedair gwlad mewn perthynas â theithio rhyngwladol, mae Llywodraeth Cymru o'r farn bod angen cyflwyno mesurau ychwanegol i'r rheoliadau.

Bydd hyn yn golygu bod system brofi newydd ar gyfer pobl 5 oed neu hŷn sy'n cyrraedd Cymru (yn amodol ar nifer cyfyngedig o eithriadau), sy'n ei gwneud yn ofynnol iddynt drefnu a chael profion ar ddiwrnod 2 ac 8 eu cyfnod o hunanynysu. Bydd methu â gwneud hynny yn drosedd, ac yn eu gadael yn agored i ddirwy. Bydd methu â chael y ddau brawf hefyd yn golygu bod y cyfnod hunanynysu yn cael ei ymestyn i 14 diwrnod.

At hynny, mae mesurau pellach yn cael eu cymryd mewn perthynas â gwledydd sydd eisoes wedi'u nodi fel rhai risg uwch oherwydd cysylltiadau ag amrywiolion o'r coronafeirws ("gwledydd rhestr goch") er mwyn diogelu ymhellach rhag y risg o drosglwyddo gwahanol amrywiolion yn y gymuned. Yn ogystal â'r gwaharddiad presennol ar hediadau a llongau uniongyrchol o wledydd sydd ar y rhestr goch, ni fydd unrhyw berson sydd wedi bod mewn gwlad sydd ar y rhestr goch yn ystod y 10 diwrnod diwethaf yn cael dod i Gymru o 4am ar 15 Chwefror. Bydd methu â chydymffurfio â'r cyfyngiad hwn yn drosedd, ac yn eu gadael yn agored i ddirwy. Os bydd teithwyr o'r fath yn cyrraedd porth dynodedig yn Lloegr neu'r Alban, bydd yn ofynnol iddynt ymrwymo i gyfnod cwarantîn rheoledig yn unol â'r rheoliadau sydd mewn grym yno.

Ar gyfer y rhai sy'n cyrraedd o "wledydd rhestr oren" mae eithriadau sectoraidd yn berthnasol ar gyfer categorïau penodol o weithwyr lle nad oes rhaid iddynt hunanynysu. Mae'r rhain yn cael eu gwneud yn fwy cyfyngol a byddant yn cael eu diwygio i fod yn eithriadau sectoraidd sy'n golygu bod angen hunanynysu ond y gall person adael am gyfnod cyfyngedig at ddibenion gwaith.

Daeth y mesurau rheoli ychwanegol ar gyfer y gofynion ynysu i rym ar gyfer teithwyr sy'n cyrraedd Cymru o 4.00am heddiw, dydd Llun 15 Chwefror.

Nid yw'r diwygiadau hyn i'r Rheoliadau Teithio Rhyngwladol yn effeithio ar y gofynion o dan y Rheoliadau hynny ar gyfer personau sy'n dod i Gymru cyn i'r diwygiadau hyn ddod i rym.

Mae Gweinidogion Cymru o'r farn fod y diwygiadau yma yn gymesur â'r hyn y maent yn ceisio ei gyflawni, sef ymateb i fygythiad difrifol ac uniongyrchol i iechyd y cyhoedd.

5. Ymgynghori

Oherwydd y bygythiad difrifol ac uniongyrchol sy'n deillio o'r coronafeirws a'r angen am ymateb iechyd y cyhoedd brys, ni chynhaliwyd unrhyw ymgynghoriad cyhoeddus mewn perthynas â'r Rheoliadau hyn.

6. Aseiad Effaith Rheoleiddiol

Ni chynhaliwyd unrhyw aseiad effaith rheoleiddiol mewn perthynas â'r Rheoliadau hyn oherwydd yr angen i'w rhoi ar waith ar fyrder i ymdrin â bygythiad difrifol ac uniongyrchol i iechyd y cyhoedd.



Ein cyf/Our ref MA/VG/0538/21

Elin Jones AS
Llywydd
Senedd Cymru
Bae Caerdydd
CF99 1SN

13 Chwefror 2021

Annwyl Elin,

Rheoliadau Diogelu Iechyd (Coronafeirws, Teithio Rhyngwladol) (Cymru) (Diwygio) (Rhif 3) 2021

Yn unol ag adrannau 4(1) ac 11A(4) o Ddeddf Offerynnau Statudol 1946 rwy'n eich hysbysu y bydd yr Offeryn Statudol hwn heb gydymffurfio a'r confensiwn 21 diwrnod a bydd yn dod i rym cyn iddo gael ei osod. Amgaeaf gopi o'r offeryn statudol a bwriadaf osod hwn a Memorandwm Esboniadol cysylltiedig ar Ddydd Llun 15 Chwefror 2021.

Mae'r offeryn statudol hwn yn cyflwyno mesurau ychwanegol i Reoliadau Diogelu Iechyd (Coronafeirws, Teithio Rhyngwladol) (Cymru) 2020 i fynd i'r afael â'r risg i iechyd y cyhoedd a achosir gan amlder a lledaeniad amrywiolion o'r coronafeirws.

Mae'r mesurau ychwanegol hyn yn cynnwys system brofi newydd ar gyfer pobl 5 oed neu hŷn sy'n cyrraedd Cymru (yn amodol ar nifer cyfyngedig o eithriadau), sy'n ei gwneud yn ofynnol iddynt drefnu a chael profion ar ddiwrnod 2 ac 8 eu cyfnod o hunanynysu. Bydd methu â gwneud hynny yn drosedd, ac yn eu gadael yn agored i ddirwy. Bydd methu â chael y ddau brawf hefyd yn golygu bod y cyfnod hunanynysu yn cael ei ymestyn i 14 diwrnod.

At hynny, mae mesurau pellach yn cael eu cymryd mewn perthynas â gwledydd sydd eisoes wedi'u nodi fel rhai risg uwch oherwydd cysylltiadau ag amrywiolion y coronafeirws ("gwledydd rhestr goch") er mwyn diogelu ymhellach rhag y risg o drosglwyddo gwahanol amrywiolion yn y gymuned. Mae hyn yn cynnwys gwahardd person sydd wedi bod mewn gwlad sydd ar y rhestr goch yn ystod y 10 diwrnod diwethaf rhag dod i Gymru o 4am ar 15 Chwefror 2021, a bydd methu â chydymffurfio â'r cyfyngiad hwn yn drosedd, ac yn eu gadael yn agored i ddirwy. Os bydd teithwyr o'r fath yn cyrraedd porth dynodedig yn Lloegr neu'r Alban, bydd yn ofynnol iddynt ymrwymo i gyfnod cwarantîn rheoledig yn unol â'r rheoliadau a ddaw i rym yno ddydd Llun 15 Chwefror 2021.

Trwy beidio â chydymffurfio â'r confensiwn 21 diwrnod a dod â hwy i rym cyn iddynt gael eu gosod, yn caniatáu i'r Rheoliadau hyn ddod i rym cyn gynted ag y bo modd; a pharhau â'r

Canolfan Cyswllt Cyntaf / First Point of Contact Centre:
0300 0604400

Bae Caerdydd • Cardiff Bay
Caerdydd • Cardiff
CF99 1SN

Gohebiaeth.Vaughan.Gething@llyw.cymru
Correspondence.Vaughan.Gething@gov.wales

Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

Tudalen y pecyn 96
We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

ymagwedd pedair gwlad tuag at deithio rhyngwladol, o ystyried newid yn y dystiolaeth ar risg mewn cysylltiad â'r clefyd hwn, ystyrir bod hyn yn angenrheidiol ac yn gyfiawn yn yr achos hwn.

Oherwydd natur frys y Rheoliadau, ni chynhaliwyd ymgynghoriad.

Rwy'n anfon copi o'r llythyr hwn at y Gweinidog Cyllid a'r Trefnydd, Mick Antoniw AS, Cadeirydd y Pwyllgor Deddfwriaeth, Cyfiawnder a'r Cyfansoddiad, Siwan Davies, Cyfarwyddwr Busnes y Senedd, Sian Wilkins, Pennaeth Gwasanaethau'r Siambr a Phwyllgorau a Julian Luke, Pennaeth Gwasanaeth y Pwyllgorau Polisi a Deddfwriaeth.

Yn gywir,

A handwritten signature in black ink that reads "Vaughan Gething". The signature is written in a cursive, flowing style.

Vaughan Gething AS/MS

Y Gweinidog Iechyd a Gwasanaethau Cymdeithasol
Minister for Health and Social Services



Llywodraeth Cymru
Welsh Government

DATGANIAD YSGRIFENEDIG

GAN

LYWODRAETH CYMRU

TEITL Diwygio Rheoliadau Diogelu Iechyd (Coronafeirws, Teithio Rhyngwladol) (Cymru) 2020

DYDDIAD 13 Chwefror 2021

GAN Vaughan Gething, y Gweinidog Iechyd a Gwasanaethau Cymdeithasol

Bydd yr Aelodau'n ymwybodol bod Llywodraeth Cymru wedi gwneud darpariaeth yn Rheoliadau Diogelu Iechyd (Coronafeirws, Teithio Rhyngwladol) (Cymru) 2020 i sicrhau bod teithwyr sy'n cyrraedd Cymru o wledydd a thiriogaethau tramor yn gorfod hunanynysu am 10 diwrnod, a darparu gwybodaeth amdanynt eu hunain fel teithwyr, er mwyn atal y coronafeirws rhag lledaenu ymhellach. Daeth y cyfyngiadau hyn i rym ar 8 Mehefin 2020.

Mae cyngor sydd bellach wedi dod i law gan y Gyd-ganolfan Bioddiogelwch yn dangos ei bod yn anodd asesu'n llawn y risg sy'n codi i iechyd y cyhoedd yn sgil nifer yr achosion o amrywiolion y coronafeirws a'u lledaeniad. Ar sail y cyngor hwn, ac er mwyn cymryd ymagwedd gyffredin ar draws y pedair gwlad mewn perthynas â theithio rhyngwladol, rwyf wedi penderfynu bod angen cyflwyno mesurau ychwanegol i reoli'r risgiau hynny.

Mae'r mesurau ychwanegol hyn yn cynnwys system brofi newydd ar gyfer pobl 5 oed neu hŷn sy'n cyrraedd Cymru (yn amodol ar nifer cyfyngedig o eithriadau), sy'n ei gwneud yn ofynnol iddynt drefnu a chael profion ar ddiwrnod 2 ac 8 eu cyfnod o hunanynysu. Bydd methu â gwneud hynny yn drosedd, ac yn eu gadael yn agored i ddirwy. Bydd methu â chael y ddau brawf hefyd yn golygu bod y cyfnod hunanynysu yn cael ei ymestyn i 14 diwrnod.

At hynny, mae mesurau pellach yn cael eu cymryd mewn perthynas â gwledydd sydd eisoes wedi'u nodi fel rhai risg uwch oherwydd cysylltiadau ag amrywiolion o'r coronafeirws ("gwledydd rhestr goch") er mwyn diogelu ymhellach rhag y risg o drosglwyddo gwahanol amrywiolion yn y gymuned. Mae hyn yn cynnwys gwahardd person sydd wedi bod mewn gwlad sydd ar y rhestr goch yn ystod y 10 diwrnod diwethaf rhag dod i Gymru o 4am ar 15 Chwefror. Bydd methu â chydymffurfio â'r cyfyngiad hwn yn drosedd, ac yn eu gadael yn agored i ddirwy. Os bydd teithwyr o'r fath yn cyrraedd porth dynodedig yn Lloegr neu'r Alban bydd yn ofynnol iddynt ymrwymo i

gyfnod cwarantín rheoledig yn unol â'r rheoliadau a ddaw i rym yno ddydd Llun 15 Chwefror 2021.

Ar gyfer y rhai sy'n cyrraedd o "wledydd rhestr oren" mae eithriadau sectoraidd yn berthnasol ar gyfer categorïau penodol o weithwyr lle nad oes rhaid iddynt hunanynysu. Mae'r rhain yn cael eu gwneud yn fwy cyfyngol a byddant yn cael eu diwygio i fod yn eithriadau sectoraidd sy'n golygu bod angen hunanynysu ond y gall person adael am gyfnod cyfyngedig at ddibenion gwaith.

Mae diwygiadau hefyd yn cael eu gwneud i'r rhestr o ddigwyddiadau chwaraeon i ddileu'r rhai sydd wedi bod ac ychwanegu'r rhai sydd wedi'u trefnu dros y misoedd nesaf.

Daw'r rheoliadau angenrheidiol i rym am 04:00 ddydd Llun 15 Chwefror.

Eitem 3.3

SL(5)753 – Rheoliadau Diogelu Iechyd (Coronafeirws, Atebolrwydd Gweithredwyr a Gwybodaeth Iechyd i Deithwyr) (Cymru) (Diwygio) 2021

Cefndir a Diben

Mae'r rheoliadau hyn yn diwygio'r Rheoliadau Diogelu Iechyd (Coronafeirws, Gwybodaeth Iechyd y Cyhoedd ar gyfer Personau sy'n Teithio i Gymru etc.) 2020 ("y Rheoliadau Gwybodaeth Iechyd y Cyhoedd"); a'r Rheoliadau Diogelu Iechyd (Coronafeirws, Teithio Rhyngwladol, Profion cyn Ymadael ac Atebolrwydd Gweithredwyr) (Cymru) (Diwygio) 2021 ("y Rheoliadau Atebolrwydd Gweithredwyr") drwy osod dyletswyddau cyfatebol ac ategol ar weithredwyr o ganlyniad i'r cyfyngiadau ychwanegol a osodwyd ar deithwyr gan y Rheoliadau Diogelu Iechyd (Coronafeirws, Teithio Rhyngwladol) (Cymru) 2020 ("y Rheoliadau Teithio Rhyngwladol").

Yn benodol, mae'r Rheoliadau hyn yn gwneud y canlynol:

- diwygio Rheoliadau Gwybodaeth Iechyd y Cyhoedd er mwyn ei gwneud yn ofynnol i weithredwyr hysbysu teithwyr am y ddyletswydd newydd i drefnu profion ar ôl cyrraedd yn unol â'r Rheoliadau Teithio Rhyngwladol; a
- diwygio'r Rheoliadau Atebolrwydd Gweithredwyr fel y bydd:
 - (a) yn ofynnol i weithredwyr wirio bod personau sy'n cyrraedd Cymru o'r tu allan i'r ardal deithio gyffredin ar wasanaeth trafndiaeth masnachol drwy borthladd môr, hofrenfa neu faes awyr yng Nghymru, wedi gwneud trefniadau, cyn iddynt gyrraedd Cymru, i gael profion am y coronafeirws ar ddiwrnod 2 a diwrnod 8 ar ôl iddynt gyrraedd Cymru; ac
 - (b) yn ofynnol i weithredwyr gymryd camau rhesymol i sicrhau nad yw personau, nad ydynt yn bersonau esempt, yn cyrraedd porthladd yng Nghymru ar wasanaeth trafndiaeth, o fan sydd y tu allan i'r ardal deithio gyffredin os ydynt wedi bod yn un o'r gwledydd ar y rhestr goch yn ystod y 10 diwrnod diwethaf.

Gweithdrefn

Negyddol.

Gwnaed y Rheoliadau hyn gan Weinidogion Cymru cyn iddynt gael eu gosod gerbron y Senedd. Gall y Senedd ddirymu'r Rheoliadau o fewn 40 diwrnod (ac eithrio unrhyw ddyddiau pan fo'r Senedd: (i) wedi'i diddymu neu (ii) mewn cyfnod o doriad am fwy na phedwar diwrnod) i'r dyddiad y'u gosodwyd gerbron y Senedd.



Materion technegol: craffu

Ni nodir unrhyw bwyntiau i gyflwyno adroddiad arnynt o dan Reol Sefydlog 21.2 mewn perthynas â'r offeryn hwn.

Rhinweddau: craffu

Nodwyd y pwyntiau a ganlyn i gyflwyno adroddiad arnynt o dan Reol Sefydlog 21.3 mewn perthynas â'r offeryn hwn:

1. Rheol Sefydlog 21.3(ii) – ei fod o bwysigrwydd gwleidyddol neu gyfreithiol neu ei fod yn codi materion polisi cyhoeddus sy'n debyg o fod o ddiddordeb i'r Senedd

Nodwn y torrir y rheol 21 diwrnod (h.y. y rheol y dylai 21 diwrnod fod rhwng y dyddiad y gosodir offeryn "gwneud negyddol" gerbron y Senedd a'r dyddiad y daw'r offeryn i rym), a'r esboniad am dorri'r rheol a ddarparwyd gan Rebecca Evans AS, y Gweinidog Cyllid a'r Trefnydd, mewn [llythyr](#) at y Llywydd, dyddiedig 19 Chwefror 2020.

Yn benodol, nodwn yr hyn a ganlyn yn y llythyr:

"Mae peidio â chadw at y confensiwn 21 diwrnod yn galluogi'r Rheoliadau hyn i ddod i rym cyn gynted â phosibl. Roedd hyn yn angenrheidiol o ystyried yr angen i weithredu'n gyflym ac ar sail pedair gwlad er mwyn cefnogi'r mesurau diogelwch pellach a gyflwynwyd yn yr ymdrech i atal perygl i iechyd y cyhoedd gan bobl sy'n teithio i Gymru o'r tu allan i'r ardal deithio gyffredin."

2. Rheol Sefydlog 21.3(ii) – ei fod o bwysigrwydd gwleidyddol neu gyfreithiol neu ei fod yn codi materion polisi cyhoeddus sy'n debyg o fod o ddiddordeb i'r Senedd

Nodwn gyfiawnhad Llywodraeth Cymru dros unrhyw ymyrraeth bosibl â hawliau dynol. Yn benodol, nodwn y paragraff a ganlyn yn y Memorandwm Esboniadol:

"Nid yw'r diwygiadau yn y Rheoliadau hyn yn newid y ffaith bod y Rheoliadau Gwybodaeth Iechyd y Cyhoedd a'r Rheoliadau Atebolrwydd Gweithredwyr yn cyffwrdd â hawliau unigol o dan Ddeddf Hawliau Dynol 1998 a'r Confensiwn Ewropeaidd ar Hawliau Dynol. Mae'r Llywodraeth o'r farn y gellir cyfiawnhau'r diwygiadau yn y Rheoliadau hynny er mwyn atal clefydau heintus rhag lledaenu a/neu y caniateir yr ymyriad ar y sail ei fod yn anelu at gyflawni nod dilys, sef diogelu iechyd y cyhoedd. Mae'r Llywodraeth o'r farn hefyd eu bod yn gymesur."

3. Rheol Sefydlog 21.3(ii) – ei fod o bwysigrwydd gwleidyddol neu gyfreithiol neu ei fod yn codi materion polisi cyhoeddus sy'n debyg o fod o ddiddordeb i'r Senedd

Nodwn na fu unrhyw ymgynghori ffurfiol ar y Rheoliadau hyn. Yn benodol, nodwn y paragraff a ganlyn yn y Memorandwm Esboniadol:



“Oherwydd y bygythiad difrifol ac uniongyrchol sy’n deillio o’r coronafeirws a’r angen am ymateb iechyd y cyhoedd ar fyrder, ni chynhaliwyd unrhyw ymgynghoriad cyhoeddus mewn perthynas â’r Rheoliadau hyn.”

4. Rheol Sefydlog 21.3(ii) – ei fod o bwysigrwydd gwleidyddol neu gyfreithiol neu ei fod yn codi materion polisi cyhoeddus sy’n debyg o fod o ddiddordeb i’r Senedd

Nodwn na chafodd asesiad effaith rheoleiddiol ffurfiol ei wneud mewn perthynas â’r Rheoliadau hyn. Yn benodol, nodwn y paragraffau a ganlyn yn y Memorandwm Esboniadol:

“Ni chynhaliwyd unrhyw asesiad effaith rheoleiddiol mewn perthynas â’r Rheoliadau hyn oherwydd yr angen i’w rhoi ar waith ar fyrder i ymdrin â bygythiad difrifol ac uniongyrchol i iechyd y cyhoedd.”

Ymateb Llywodraeth Cymru

Nid oes angen ymateb gan Lywodraeth Cymru.

Cynghorwyr Cyfreithiol

Y Pwyllgor Deddfwriaeth, Cyfiawnder a’r Cyfansoddiad

24 Chwefror 2021



OFFERYNNAU STATUDOL
CYMRU

2021 Rhif 171 (Cy. 39)

**IECHYD Y CYHOEDD,
CYMRU**

**Rheoliadau Diogelu Iechyd
(Coronafeirws, Atebolrwydd
Gweithredwyr a Gwybodaeth
Iechyd y Cyhoedd i Deithwyr)
(Cymru) (Diwygio) 2021**

NODYN ESBONIADOL

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

Mae Rheoliadau Diogelu Iechyd (Coronafeirws, Gwybodaeth Iechyd y Cyhoedd ar gyfer Personau sy'n Teithio i Gymru etc.) 2020 (O.S. 2020/595 (Cy. 136)) (“y Rheoliadau Gwybodaeth Iechyd y Cyhoedd”) yn gosod gofynion ar weithredwyr gwasanaethau teithwyr rhyngwladol sy'n dod o'r tu allan i'r ardal deithio gyffredin i faes awyr, maes hofrenyddion neu borthladd môr yng Nghymru (“gweithredwyr”) i ddarparu gwybodaeth iechyd y cyhoedd benodol i deithwyr.

Mae'r Rheoliadau hyn yn diwygio'r Rheoliadau Gwybodaeth Iechyd y Cyhoedd er mwyn diweddarau'r wybodaeth y mae'n ofynnol i weithredwyr ei darparu i deithwyr sy'n cyrraedd Cymru. Mae'r wybodaeth wedi ei diweddarau y mae'n ofynnol i weithredwyr ei darparu yn cynnwys gwybodaeth am y gofyniad o dan reoliad 6B o Reoliadau Diogelu Iechyd (Coronafeirws, Teithio Rhyngwladol) (Cymru) 2020 (O.S. 2020/574 (Cy. 132)) (“y Rheoliadau Teithio Rhyngwladol”), i drefnu profion ar ôl cyrraedd (rheoliad 2).

Mae'r Rheoliadau hyn hefyd yn diwygio Rheoliadau Diogelu Iechyd (Coronafeirws, Teithio Rhyngwladol, Profion cyn Ymadael ac Atebolrwydd Gweithredwyr) (Cymru) (Diwygio) 2021 (O.S. 2021/48 (Cy. 11)) (“y Rheoliadau Atebolrwydd Gweithredwyr”) o ganlyniad i ddiwygiadau a wnaed i'r Rheoliadau Teithio Rhyngwladol ar 15 Chwefror 2021.

Mae rheoliad 3 yn diwygio'r Rheoliadau Atebolrwydd Gweithredwyr er mwyn—

- (a) ei gwneud yn ofynnol i weithredwyr sicrhau bod teithwyr sy'n cyrraedd Cymru o'r tu allan i'r ardal deithio gyffredin ar wasanaethau teithwyr rhyngwladol wedi gwneud trefniadau ar gyfer profion ar ôl cyrraedd yn unol â rheoliad 6B o'r Rheoliadau Teithio Rhyngwladol;
- (b) ei gwneud yn ofynnol i bersonau sy'n gweithredu gwasanaethau trafnidiaeth (sy'n cynnwys hediadau ar awyrennau preifat) ar gyfer teithwyr sy'n teithio i Gymru o'r tu allan i'r ardal deithio gyffredin gymryd camau rhesymol i sicrhau nad yw teithwyr sydd wedi bod mewn gwlad neu diriogaeth a restrir yn Atodlen 3A i'r Rheoliadau Teithio Rhyngwladol (y cyfeirir atynt yn gyffredin fel y gwledydd ar y rhestr goch) yn cyrraedd porthladd yng Nghymru oni bai eu bod yn bersonau y mae rheoliad 12E(2) a (3) o'r Rheoliadau hynny yn gymwys iddynt (h.y. personau esempt);
- (c) creu troseddau am dorri'r gofynion hynny; a
- (d) gwneud diwygiadau canlyniadol.

Ystyriwyd Cod Ymarfer Gweinidogion Cymru ar gynnal Aseidiadau Effaith Rheoleiddiol mewn perthynas â'r Rheoliadau hyn. O ganlyniad, ni luniwyd asesiad effaith rheoleiddiol o'r costau a'r manteision sy'n debygol o ddeillio o gydymffurfio â'r Rheoliadau hyn.

OFFERYNNAU STATUDOL
CYMRU

2021 Rhif 171 (Cy. 39)

**IECHYD Y CYHOEDD,
CYMRU**

Rheoliadau Diogelu Iechyd
(Coronafeirws, Atebolrwydd
Gweithredwyr a Gwybodaeth
Iechyd y Cyhoedd i Deithwyr)
(Cymru) (Diwygio) 2021

Gwnaed am 2.55 p.m. ar 19 Chwefror 2021

Gosodwyd gerbron *Senedd*
Cymru am 5.30 p.m. ar 19 Chwefror 2021

Yn *dod*
i rym am 4.00 a.m. ar 20 Chwefror 2021

Mae Gweinidogion Cymru yn gwneud y Rheoliadau a ganlyn drwy arfer y pwerau a roddir iddynt gan adrannau 45B, 45F(2) a 45P(2) o Ddeddf Iechyd y Cyhoedd (Rheoli Clefydau) 1984(1).

Enwi, dod i rym a dehongli

1.—(1) Enw'r Rheoliadau hyn yw Rheoliadau Diogelu Iechyd (Coronafeirws, Atebolrwydd Gweithredwyr a Gwybodaeth Iechyd y Cyhoedd i Deithwyr) (Cymru) (Diwygio) 2021.

(2) Daw'r Rheoliadau hyn i rym am 4.00 a.m. ar 20 Chwefror 2021.

(3) Yn y Rheoliadau hyn—

ystyr “y Rheoliadau Atebolrwydd Gweithredwyr” (“*the Operator Liability Regulations*”) yw Rheoliadau Diogelu Iechyd (Coronafeirws, Teithio Rhyngwladol, Profion cyn Ymadael ac

(1) 1984 p. 22. Mewnosodwyd Rhan 2A gan adran 129 o Ddeddf Iechyd a Gofal Cymdeithasol 2008 (p. 14). Mae'r swyddogaeth o wneud rheoliadau o dan Ran 2A wedi ei rhoi i “the appropriate Minister”. O dan adran 45T(6) o Ddeddf 1984 y Gweinidog priodol, o ran Cymru, yw Gweinidogion Cymru.

Atebolrwydd Gweithredwyr) (Cymru) (Diwygio) 2021(1);

“ystyr “y Rheoliadau Gwybodaeth Iechyd y Cyhoedd” (*“the Public Health Information Regulations”*) yw Rheoliadau Diogelu Iechyd (Coronafeirws, Gwybodaeth Iechyd y Cyhoedd ar gyfer Personau sy’n Teithio i Gymru etc.) 2020(2).

Diwygio’r Rheoliadau Gwybodaeth Iechyd y Cyhoedd

2.—(1) Mae’r Rheoliadau Gwybodaeth Iechyd y Cyhoedd wedi eu diwygio fel a ganlyn.

(2) Yn rheoliad 3 (darparu gwybodaeth cyn archebu ac wrth gofrestru)—

- (a) ym mharagraff (2)(a)(v), hepgorer “ac”;
- (b) ym mharagraff (2)(a)(vi), yn lle “;” rhodder “, a”;
- (c) ar ôl is-baragraff (2)(a)(vi) mewnosoder—
 - “(vii) www.gov.uk/travel-quarantine-and-testing (y cyfeirir ati yn Rhan 1 o’r Atodlen);”;
- (d) ym mharagraff (2)(b)(v), hepgorer “ac”;
- (e) ym mharagraff (2)(b)(vi), yn lle “;” rhodder “, a”;
- (f) ar ôl paragraff (2)(b)(vi) mewnosoder—
 - “(vii) www.gov.uk/travel-quarantine-and-testing (y cyfeirir ati yn Rhan 1 o’r Atodlen);”;
- (g) ym mharagraff (2)(c)(ii)(bb), hepgorer “ac”;
- (h) yn lle paragraff (2)(c)(ii)(cc) rhodder—
 - “(cc) y gofyniad i drefnu profion cyn cyrraedd Cymru yn unol â rheoliad 6B o’r Rheoliadau Teithio Rhyngwladol, a
 - (dd) y gofyniad i ynysu;”.

(3) Yn rheoliad 3A (darparu gwybodaeth cyn i daith ymadael)—

- (a) ym mharagraff (4)(a)(iv), hepgorer “ac”;
- (b) ym mharagraff (4)(a)(v), yn lle “;” rhodder “, a”;
- (c) ar ôl paragraff (4)(a)(v), mewnosoder—
 - “(vi) yn hysbysu P am y gofyniad i drefnu profion cyn cyrraedd

(1) O.S. 2021/48 (Cy. 11) a ddiwygiwyd gan O.S. 2021/72 (Cy. 18).

(2) O.S. 2020/595 (Cy. 136) a ddiwygiwyd gan O.S. 2020/714 (Cy.160), O.S. 2020/1118 (Cy.253), O.S. 2020/1521 (Cy. 325) ac O.S. 2021/72 (Cy.18).

Cymru yn unol â rheoliad 6B o'r
Rheoliadau Teithio
Rhyngwladol;”;

- (d) ym mharagraff (4)(b)(v), hepgorer “ac”;
- (e) ym mharagraff (4)(b)(vi), yn lle “;” rhodder “, a”;
- (f) ar ôl paragraff (4)(b)(vi) mewnosoder—
 - “(vii) www.gov.uk/travel-quarantine-and-testing (y cyfeirir ati yn Rhan 1 o'r Atodlen);”

(4) Yn Rhan 1 o'r Atodlen (yr wybodaeth sydd i'w darparu at ddibenion rheoliadau 3(2)(a)(i), (3)(2)(b)(i), 3(2)(c)(i), 3A(4)(b)(i) a 3A(4)(c))—

- (a) yn lle “3) All arrivals must self-isolate for 10 days unless exempt. Check the list of exempt countries immediately before travel and the list of work-related exemptions if travelling for work.” rhodder—

“3) All arrivals must quarantine for 10 days unless exempt. If you have travelled through a red list country in the last 10 days, you must have a valid Managed Quarantine Facility booked prior to departure. For information please visit: www.gov.uk/travel-quarantine-and-testing. Check the list of exempt countries immediately before travel and the list of work-related exemptions if travelling for work.

4) Everyone is required to take a coronavirus test on days 2 and 8 of their quarantine. You must have this booked prior to departure. For information please visit: <https://gov.wales/coronavirus-covid-19-testing-people-travelling-wales>.”;

- (b) yn lle “4) It” rhodder “5) It”;
- (c) yn lle “5) If you self-isolate” rhodder “5) If you quarantine”.

(5) Yn Rhan 2 o'r Atodlen (y datganiad sydd i'w ddarparu at ddibenion rheoliad 4)—

- (a) ym mharagraff (a) (fersiwn Gymraeg), yn lle'r geiriau o “Cyn cael mynediad i'r Deyrnas Unedig” hyd “Ewch i gov.uk i gael rhagor o wybodaeth.” rhodder—

“Cyn dod i'r DU, rhaid ichi lenwi ffurflen lleoli teithwyr ar lein, ni waeth o ble yr ydych yn cyrraedd. Rhaid ichi hefyd fynd i gwarantyn am y 10 niwrnod cyntaf ar ôl ichi gyrraedd, oni bai eich bod mewn categori esempt. Mae hyn er mwyn

eich gwarchod chi ac eraill. Mae hyn yn cynnwys archebu cwarantín mewn gwesty os ydych wedi teithio drwy wlad sydd ar y rhestr goch yn ystod y 10 niwrnod diwethaf, neu archebu profion cwarantín yn y cartref os ydych wedi teithio mewn unrhyw wlad arall.

Ewch i gov.uk/coronavirus i gael rhagor o wybodaeth.”;

- (b) ym mharagraff (b) (fersiwn Saesneg), yn lle’r geiriau o “Before entering the UK” hyd “Visit gov.uk for more information.” rhodder—

“Before entering the UK, you must complete a passenger locator form online, regardless of where you are arriving from. You must also quarantine for the first 10 days after you arrive, unless you are in an exempt category. This is to protect yourself and others. This includes booking hotel quarantine if you have travelled through a red list country in the last 10 days, or booking home quarantine tests if you have travelled in any other country.

Visit gov.uk/coronavirus for more information.”

Diwygio’r Rheoliadau Atebolrwydd Gweithredwyr

3.—(1) Mae Rhan 3 o’r Rheoliadau Atebolrwydd Gweithredwyr (atebolrwydd gweithredwyr mewn cysylltiad â chyrraedd) wedi ei diwygio fel a ganlyn.

(2) Yn rheoliad 4 (dehongli),

- (a) yn y diffiniad o “person awdurdodedig”, yn lle “yw” rhodder “, ac eithrio yn rheoliad 5B, yw”;
- (b) yn y lle priodol, mewnosoder “ystyr “hysbysu am drefniadau profion ar ôl cyrraedd” (“*notification of post arrival testing arrangements*”) yw hysbysu am y trefniadau a wnaed yn unol â rheoliad 6B o’r Rheoliadau Teithio Rhyngwladol i deithiwr gymryd profion ar gyfer canfod y coronafeirws”;
- (c) yn y diffiniad o “gweithredwr”, yn lle “yw” rhodder “, ac eithrio yn rheoliad 5B, yw”;
- (d) yn lle’r diffiniad o “teithiwr perthnasol”, rhodder—
“ystyr “teithiwr perthnasol” (“*relevant passenger*”) yw—
- (a) teithiwr sy’n methu, heb esgus rhesymol—

- (i) â dangos hysbysiad dilys o ganlyniad negyddol i brawf cymhwysol pan ofynnir iddo wneud hynny gan swyddog mewnfudo yn unol â rheoliad 6A(2) o'r Rheoliadau Teithio Rhyngwladol, neu
 - (ii) â darparu cyfeirnod prawf neu dystiolaeth arall bod profion ar gyfer canfod y coronafeirws wedi eu trefnu mewn cysylltiad â'r teithiwr i swyddog mewnfudo yn unol â rheoliad 6B(8) o'r Rheoliadau Teithio Rhyngwladol, neu
- (b) teithiwr sy'n cyrraedd porthladd yng Nghymru yn groes i reoliad 12E(1) o'r Rheoliadau Teithio Rhyngwladol;”.
- (3) Ar ôl rheoliad 5 (gofyniad i sicrhau bod teithwyr yn meddu ar hysbysiad o ganlyniad prawf negyddol), mewnosoder—

“Gofyniad i sicrhau bod teithwyr yn meddu ar hysbysiad o drefniadau profi ar ôl cyrraedd

5A.—(1) Rhaid i weithredwr sicrhau bod teithiwr sy'n cyrraedd Cymru ar wasanaeth teithwyr rhyngwladol yn meddu ar hysbysiad o drefniadau profi ar ôl cyrraedd.

(2) Nid yw paragraff (1) yn gymwys mewn perthynas â theithiwr—

- (a) y mae'r gweithredwr, neu berson sy'n gweithredu ar ran y gweithredwr, yn credu'n rhesymol nad yw'n ofynnol iddo gydymffurfio â'r gofyniad yn rheoliad 6B o'r Rheoliadau Teithio Rhyngwladol (gofyniad i drefnu profion cyn cyrraedd Cymru) neu bod ganddo esgus rhesymol dros fethu â chydymffurfio â'r gofyniad hwnnw; neu
- (b) sy'n blentyn, yn teithio heb unigolyn cyfrifol.

Gofyniad i sicrhau nad yw teithwyr penodol yn cyrraedd porthladdoedd yng Nghymru

5B.—(1) Rhaid i weithredwr gymryd pob cam rhesymol i sicrhau nad yw teithiwr Atodlen 3A yn cyrraedd porthladd yng Nghymru ar wasanaeth trafndiaeth perthnasol.

(2) Nid yw paragraff (1) yn gymwys—

- (a) pan fo'n angenrheidiol i beilot sydd â rheolaeth o awyren lanio'r awyren sy'n

darparu'r gwasanaeth trafndiaeth yng Nghymru er mwyn sicrhau—

- (i) diogelwch yr awyren, neu
- (ii) diogelwch unrhyw berson sydd ar yr awyren;
- (b) pan fo awyren yn ambiwlans awyr ac yn glanio yng Nghymru at ddibenion cludo person i gael triniaeth feddygol;
- (c) pan fo'r peilot sydd â rheolaeth o awyren yn cael cyfarwyddyd gan berson awdurdodedig i lanio'r awyren yng Nghymru.

(3) Yn y rheoliad hwn—

ystyr “gwasanaeth trafndiaeth” (“*transport service*”) yw—

- (a) gwasanaeth teithwyr rhyngwladol,
- (b) gwasanaeth (ac eithrio gwasanaeth teithwyr rhyngwladol)—
 - (i) sy'n cludo teithwyr sy'n teithio i Gymru o'r tu allan i'r ardal deithio gyffredin (boed am daliad neu gydnabyddiaeth brisiadwy neu fel arall), a
 - (ii) a ddarperir gan awyren (ac eithrio awyren breifat), neu
- (c) hediad —
 - (i) sy'n cludo teithwyr sy'n teithio i Gymru o'r tu allan i'r ardal deithio gyffredin (boed am daliad neu gydnabyddiaeth brisiadwy neu fel arall), a
 - (ii) a ddarperir gan awyren breifat;

ystyr “gwasanaeth trafndiaeth perthnasol” (“*relevant transport service*”), mewn perthynas â gweithredwr, yw gwasanaeth trafndiaeth a ddarperir gan y gweithredwr hwnnw neu ar ei ran;

mae i “gweithredwr”, mewn perthynas â gwasanaeth trafndiaeth a ddarperir gan awyren, yr ystyr a roddir i “operator” yn erthygl 4 o Orchymyn Llywio Awyr 2016;

mae i “peilot sydd â rheolaeth” ac “awyren breifat” yr ystyron a roddir i “pilot in command” a “private aircraft” yng Ngorchymyn Llywio Awyr 2016 (gweler Atodlen 1 i'r Gorchymyn hwnnw);

ystyr “person awdurdodedig” (“*authorised person*”) yw—

- (a) cwnstabl,
- (b) yr Awdurdod Hedfan Sifil,
- (c) yr Ysgrifennydd Gwladol, neu

- (d) person a awdurdodwyd gan yr Awdurdod Hedfan Sifil neu'r Ysgrifennydd Gwladol o dan Orchymyn Llywio Awyr 2016(1);

ystyr "teithiwr Atodlen 3A" ("*Schedule 3A passenger*") yw person sydd wedi bod mewn gwlad neu diriogaeth a restrir yn Atodlen 3A i'r Rheoliadau Teithio Rhyngwladol ac nad yw'n berson y mae rheoliad 12E(2) a (3) o'r rheoliadau hynny yn gymwys iddo.

- (4) Yn rheoliad 6 (troseddau),—

- (a) yn lle paragraff (1), rhodder—

"(1) Mae gweithredwr sy'n methu â chydymffurfio â gofyniad yn—

- (a) rheoliad 5(1),

- (b) rheoliad 5A(1), neu

- (c) rheoliad 5B(1),

yn cyflawni trosedd.”;

- (b) ym mharagraff (3), yn lle "(1)" rhodder "(1)(a)";

- (c) ar ôl paragraff (3), mewnosoder—

"(4) Mewn perthynas â throedd ym mharagraff (1)(b), mae'n amddiffyniad i weithredwr ddangos na ellid yn rhesymol fod wedi disgwyl i'r gweithredwr, neu berson sy'n gweithredu ar ran y gweithredwr, wybod bod hysbysiad o drefniadau profi ar ôl cyrraedd a ddarparwyd mewn cysylltiad â theithiwr perthnasol yn ffug neu'n anghywir mewn unrhyw fodd.

(5) Mewn perthynas â throedd ym mharagraff (1)(c), mae'n amddiffyniad i weithredwr ddangos na ellid yn rhesymol fod wedi disgwyl i'r gweithredwr, neu berson sy'n gweithredu ar ran y gweithredwr, wybod bod teithiwr perthnasol yn deithiwr Atodlen 3A.”

- (5) Yn rheoliad 9 (pŵer i ddefnyddio ac i ddatgelu gwybodaeth), ym mharagraff (2)(a), yn lle "6A" rhodder "6A, 6B neu 12E(1)".

- (6) Yn rheoliad 10 (adolygu), yn lle "reoliad 5" rhodder "reoliadau 5, 5A a 5B".

Vaughan Gething

(1) O.S. 2016/765; y mae diwygiadau iddo nad ydynt yn berthnasol i'r Rheoliadau hyn.

Y Gweinidog Iechyd a Gwasanaethau Cymdeithasol,
un o Weinidogion Cymru
Am 2.55 p.m. ar 19 Chwefror 2021

Memorandwm Esboniadol ar gyfer Rheoliadau Diogelu Iechyd (Coronafeirws, Atebolrwydd Gweithredwyr a Gwybodaeth Iechyd y Cyhoedd i Deithwyr) (Cymru) (Diwygio) 2021

Paratowyd y Memorandwm Esboniadol hwn gan Lywodraeth Cymru ac fe'i gosodir gerbron Senedd Cymru ar y cyd â'r is-ddeddfwriaeth uchod ac yn unol â Rheol Sefydlog 27.1.

Datganiad y Gweinidog

Yn fy marn i, mae'r Memorandwm Esboniadol hwn yn rhoi darlun teg a rhesymol o effaith ddisgwyliedig Rheoliadau Diogelu Iechyd (Coronafeirws, Atebolrwydd Gweithredwyr a Gwybodaeth Iechyd y Cyhoedd i Deithwyr) (Cymru) (Diwygio) 2021

Vaughan Gething

Y Gweinidog Iechyd a Gwasanaethau Cymdeithasol

19 Chwefror 2021

1. Disgrifiad

Mae'r Rheoliadau hyn yn diwygio:

- Rheoliadau Diogelu Iechyd (Coronafeirws, Gwybodaeth Iechyd y Cyhoedd i Bersonau sy'n Teithio i Gymru etc.) 2020 ("y Rheoliadau Gwybodaeth Iechyd y Cyhoedd"); a
- Rheoliadau Diogelu Iechyd (Coronafeirws, Teithio Rhyngwladol, Profion Cyn Ymadael ac Atebolrwydd Gweithredwyr) (Cymru) (Diwygio) 2021 ("y Rheoliadau Profion Cyn Ymadael").

2. Materion o ddiddordeb arbennig i'r Pwyllgor Deddfwriaeth, Cyfiawnder a'r Cyfansoddiad

Dod i rym

Yn unol ag adran 11A(4) o Ddeddf Offerynnau Statudol 1946, hysbyswyd y Llywydd y bydd y Rheoliadau yn dod i rym lai na 21 o ddiwrnodau ar ôl i'r offeryn gael ei osod. Roedd hyn yn angenrheidiol oherwydd yr angen i weithredu'n gyflym ac ar sail pedair gwlad er mwyn cefnogi'r amddiffyniadau pellach sydd wedi'u cyflwyno yn yr ymdrech i atal perygl i iechyd y cyhoedd oddi wrth bersonau sy'n teithio i Gymru o'r tu allan i'r ardal deithio gyffredin.

Nid yw'r diwygiadau yn y Rheoliadau hyn yn newid y ffaith bod y Rheoliadau Gwybodaeth Iechyd y Cyhoedd a'r Rheoliadau Atebolrwydd Gweithredwyr yn cyffwrdd â hawliau unigol o dan Ddeddf Hawliau Dynol 1998 a'r Confensiwn Ewropeaidd ar Hawliau Dynol. Mae'r Llywodraeth o'r farn y gellir cyfiawnhau'r diwygiadau yn y Rheoliadau hynny er mwyn atal clefydau heintus rhag lledaenu a/neu y caniateir yr ymyriad ar y sail ei fod yn anelu at gyflawni nod dilys, sef diogelu iechyd y cyhoedd. Mae'r Llywodraeth o'r farn hefyd eu bod yn gymesur.

3. Y cefndir deddfwriaethol

Mae Deddf Iechyd y Cyhoedd (Rheoli Clefydau) 1984 ("Deddf 1984"), a rheoliadau a wnaed oddi tani, yn darparu fframwaith deddfwriaethol ar gyfer diogelu iechyd yng Nghymru a Lloegr. Gwneir y Rheoliadau hyn drwy ddibynnu ar y pwerau yn adrannau 45B, 45F(2) a 45P(2) o Ddeddf 1984. Mae'r Memorandwm Esboniadol i'r Rheoliadau Gwybodaeth Iechyd y Cyhoedd yn rhoi rhagor o wybodaeth am y pwerau hyn.

Mae angen y rheoliadau o ganlyniad i Rheoliadau Diogelu Iechyd (Coronafeirws, Teithio Rhyngwladol) (Diwygio) (Rhif 3) (Cymru) 2021 a gafodd eu gwneud ar 13 Chwefror 2021 ac a ddaeth i rym ar 15 Chwefror 2021. Cafodd y rheoliadau hynny eu gwneud gan y Gweinidog Iechyd a Gwasanethau Cyhoeddus ac roeddent yn diwygio Rheoliadau Diogelu Iechyd (Coronafeirws, Teithio Rhyngwladol) (Cymru) 2020 ("y Rheoliadau Teithio Rhyngwladol") er mwyn, ymhlith pethau eraill;

- a) ei gwneud yn ofynnol i deithwyr archebu a thalu am brofion coronafeirws i'w cynnal ar ddiwrnod 2 a diwrnod 8 ar ôl cyrraedd Cymru, os ydynt wedi

teithio i Gymru o wledydd nad ydynt yn esempt sydd y tu allan i'r ardal teithio gyffredin; a,

- b) gwahardd personau rhag dod i mewn o Gymru o'r tu allan i'r ardal deithio gyffredin drwy borthladd yng Nghymru os ydynt wedi bod mewn gwlad sydd ar y rhestr goch (h.y. gwlad neu diriogaeth a restrir yn Atodlen 3A i'r Rheoliadau Teithio Rhyngwladol) yn ystod y 10 diwrnod diwethaf, oni bai eu bod yn bersonau esempt fel y rhagnodir yn y Rheoliadau Teithio Rhyngwladol.

4. Diben y ddeddfwriaeth a'r effaith y bwriedir iddi ei chael

Diben y Rheoliadau hyn yw diwygio:

- Rheoliadau Gwybodaeth Iechyd y Cyhoedd a wnaed ar 15 Mehefin 2020 ac a ddaeth i rym ar 17 Mehefin 2020; a'r
- Rheoliadau Atebolrwydd Gweithredwyr a wnaed ar 15 Ionawr 2021 ac a ddaeth i rym ar 18 Chwefror 2021.

Mae angen diwygio'r Rheoliadau Gwybodaeth Iechyd y Cyhoedd a'r Rheoliadau Atebolrwydd Gweithredwyr er mwyn gosod dyletswyddau cyfatebol a chydategol ar weithredwyr o ganlyniad i'r cyfyngiadau ychwanegol a osodwyd ar deithwyr yn y Rheoliadau Teithio Rhyngwladol (fel y'u diwygiwyd).

Rheoliadau Gwybodaeth Iechyd y Cyhoedd

Mae'r rheoliadau hyn yn diwygio Rheoliadau Gwybodaeth Iechyd y Cyhoedd er mwyn ei gwneud yn ofynnol i weithredwyr hysbysu teithwyr am y ddyletswydd newydd i drefnu profion ar ôl cyrraedd yn unol â'r Rheoliadau Teithio Rhyngwladol. Rhaid iddynt wneud hynny cyn i'r teithwyr ymadael, sef wrth i'r teithwyr archebu, wrth iddynt gofrestru ar gyfer y daith, a 24 i 48 awr cyn teithio. Yn unol â'r diwygiadau, bydd gweithredwyr hefyd yn darparu gwybodaeth am y gofynion o ran Cwarantin wedi'i Reoli sy'n gymwys mewn rhannau eraill o'r DU¹. Yn olaf, mae'r Rheoliadau'n diwygio'r cyhoeddiad sy'n cael ei wneud yn ystod teithiau sy'n cyrraedd Cymru o'r tu allan i'r ardal deithio gyffredin fel y bo teithwyr yn cael gwybodaeth gyffredol am y cyfyngiadau iechyd cyhoeddus sy'n gymwys yng Nghymru.

¹ Roedd y Health Protection (Coronavirus, International Travel) (England) (Amendment) (No. 7) Regulations 2021 yn diwygio'r Health Protection (Coronavirus, International Travel) (England) Regulations 2020 er mwyn gosod gofyniad cwarantin wedi'i reoli ar gyfer teithwyr sy'n cyrraedd Lloegr o wledydd a restrir yn Atodlen B1 (a elwir yn gyffredin yn wledydd ar y rhestr goch). O dan y gofyniad hwn, mae'n ofynnol i deithwyr o'r fath gael pecyn cwarantin sy'n cynnwys archebu am gyfnod o 10 diwrnod lety a ddynodwyd gan yr Ysgrifennydd Gwladol, cludiant i'r llety a phroffion am y coronafeirws ar ddiwrnod 2 a diwrnod 8 ar ôl i'r teithiwr gyrraedd Lloegr. Nid oes cwarantin wedi'i reoli yng Nghymru ar hyn o bryd gan fod teithwyr sydd wedi bod mewn gwledydd ar y rhestr goch yn ystod y 10 diwrnod blaenorol yn cael eu gwahardd ar hyn o bryd rhag dod i mewn i Gymru drwy borthladd yng Nghymru.

Rheoliadau Atebolrwydd Gweithredwyr

Mae'r Rheoliadau Atebolrwydd Gweithredwyr yn cael eu diwygio fel y bydd:

1. Yn ofynnol i weithredwyr wirio bod personau sy'n cyrraedd Cymru o'r tu allan i'r ardal deithio gyffredin ar wasanaeth trafndiaeth masnachol drwy borthladd môr, hofrenfa neu faes awyr yng Nghymru, wedi gwneud trefniadau, cyn iddynt gyrraedd Cymru, i gael profion am y coronafeirws ar ddiwrnod 2 a diwrnod 8 ar ôl iddynt gyrraedd Cymru.
2. Yn ofynnol i weithredwyr gymryd camau rhesymol i sicrhau nad yw personau, nad ydynt yn bersonau esempt, yn cyrraedd porthladd yng Nghymru ar wasanaeth trafndiaeth, o fan sydd y tu allan i'r ardal deithio gyffredin os ydynt wedi bod yn un o'r gwledydd ar y rhestr goch yn ystod y 10 diwrnod diwethaf. At ddiben y rhwymedigaeth hon, mae gwasanaethau trafndiaeth yn cynnwys nid yn unig wasanaethau trafndiaeth masnachol ond hefyd hediadau preifat.

Bydd yn drosedd i weithredwr dorri'r naill neu'r llall o'r rhwymedigaethau newydd hyn oni bai bod ganddynt amddiffyniad fel y nodir yn Rheoliadau Atebolrwydd Gweithredwyr. Ceir cynnig hysbysiad cosb benodedig am y troseddau hyn yn lle erlyn, a swm yr hysbysiad cosb benodedig fydd £1,000 ar gyfer pob trosedd unigol.

Dod i rym

Bydd y newidiadau sy'n cael eu gwneud gan y Rheoliadau hyn yn dod i rym am 4.00am ar 20 Chwefror 2021.

Ni fydd unrhyw un neu rai o'r diwygiadau a wneir gan y Rheoliadau hyn yn effeithio ar y gofynion o dan y Rheoliadau sy'n cael eu diwygio, ar gyfer personau a fydd yn cyrraedd yr ardal deithio gyffredin cyn i'r diwygiadau hyn ddod i rym.

Mae Gweindiogion Cymru o'r farn bod y diwygiadau hyn yn gymesur o ran yr hyn y maent yn ceisio'i gyflawni, sef ymateb i fygythiad difrifol ac uniongyrcghol i iechyd y cyhoedd.

5. Ymgynghori

Oherwydd y bygythiad difrifol ac uniongyrchol sy'n deillio o'r coronafeirws a'r angen am ymateb iechyd y cyhoedd ar fyrder, ni chynhaliwyd unrhyw ymgynghoriad cyhoeddus mewn perthynas â'r Rheoliadau hyn.

6. Aseiad Effaith Rheoleiddiol

Ni chynhaliwyd unrhyw aseiad effaith rheoleiddiol mewn perthynas â'r Rheoliadau hyn oherwydd yr angen i'w rhoi ar waith ar fyrder er mwyn ymdrin â bygythiad difrifol ac uniongyrchol i iechyd y cyhoedd.



Ein cyf/Our ref: MA-VG-0755-21

Elin Jones, AS
Llywydd
Senedd Cymru

19 Chwefror 2021

Annwyl Lywydd,

Rheoliadau Diogelu Iechyd (Coronafeirws, Atebolrwydd Gweithredwyr a Gwybodaeth Iechyd i Deithwyr) (Cymru) (Diwygio) 2021

Yn unol ag adran 11A(4) o Ddeddf Offerynnau Statudol 1946 rwy'n eich hysbysu y bydd yr Offeryn Statudol hwn yn dod i rym lai na 21 diwrnod ar ôl iddo gael ei osod. Amgaeir y Memorandwm Esboniadol sy'n cyd-fynd â'r Rheoliadau er gwybodaeth ichi.

Mae'r Rheoliadau a wneir heddiw yn diwygio Rheoliadau Diogelu Iechyd (Coronafeirws, Gwybodaeth Iechyd y Cyhoedd ar gyfer Personau sy'n Teithio i Gymru etc.) 2020 ac Rheoliadau Diogelu Iechyd (Coronafeirws, Teithio Rhyngwladol, Profion cyn Ymadael ac Atebolrwydd Gweithredwyr) (Cymru) (Diwygio) 2021.

Mae peidio â chadw at y confensiwn 21 diwrnod yn galluogi'r Rheoliadau hyn i ddod i rym cyn gynted â phosibl. Roedd hyn yn angenrheidiol o ystyried yr angen i weithredu'n gyflym ac ar sail pedair gwlad er mwyn cefnogi'r mesurau diogelwch pellach a gyflwynwyd yn yr ymdrech i atal perygl i iechyd y cyhoedd gan bobl sy'n teithio i Gymru o'r tu allan i'r ardal deithio gyffredin.

Oherwydd natur frys y Rheoliadau, ni chynhaliwyd ymgynghoriad.

Rwy'n anfon copi o'r llythyr hwn at Mick Antoniw AS fel Cadeirydd y Pwyllgor Deddfwriaeth, Cyfiawnder a'r Cyfansoddiad, Siwan Davies, Cyfarwyddwr Busnes y Senedd, Sian Wilkins, Pennaeth Gwasanaethau'r Siambr a'r Pwyllgorau, a Julian Luke, Pennaeth Gwasanaeth y Pwyllgorau Polisi a Deddfwriaeth.

Yn gywir,

Rebecca Evans AS/MS
Y Gweinidog Cyllid a'r Trefnydd
Minister for Finance and Trefnydd

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Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.



Llywodraeth Cymru
Welsh Government

DATGANIAD YSGRIFENEDIG

GAN

LYWODRAETH CYMRU

TEITL	Rheoliadau Diogelu Iechyd (Coronafeirws, Atebolrwydd Gweithredwyr a Gwybodaeth Iechyd y Cyhoedd i Deithwyr) (Cymru) (Diwygio) 2021
DYDDIAD	19 Chwefror 2021
GAN	Vaughan Gething, y Gweinidog Iechyd a Gwasanaethau Cymdeithasol

Rheoliadau yn gysylltiedig â Theithio Rhyngwladol

Bydd yr Aelodau'n ymwybodol bod Llywodraeth Cymru wedi gwneud darpariaeth yn y Rheoliadau Diogelu Iechyd (Coronafeirws, Atebolrwydd Gweithredwyr a Gwybodaeth Iechyd y Cyhoedd i Deithwyr) (Cymru) (Diwygio) (Rhif 3) 2021 a oedd yn diwygio Rheoliadau Diogelu Iechyd (Coronafeirws, Teithio Rhyngwladol) (Cymru) 2020 ("y Rheoliadau Teithio Rhyngwladol").

Mae'r newidiadau i'r Rheoliadau Teithio Rhyngwladol yn golygu ei bod bellach yn ofynnol i deithwyr archebu a thalu am brofion coronafeirws ar ddiwrnod 2 a diwrnod 8 ar ôl cyrraedd Cymru, os ydynt wedi teithio o wledydd nad ydynt wedi'u heithrio sydd y tu allan i'r ardal deithio gyffredin. Mae pobl hefyd bellach yn cael eu gwahardd rhag dod i mewn i Gymru o'r tu allan i'r ardal deithio gyffredin os ydynt wedi ymweld â gwlad rhestr goch yn ystod y 10 diwrnod diwethaf, oni bai eu bod yn bersonau eithriedig fel y nodir yn y Rheoliadau Teithio Rhyngwladol. Daeth y cyfyngiadau ychwanegol hyn i rym ar 15 Chwefror 2021.

Heddiw, rwyf wedi gosod Rheoliadau Diogelu Iechyd (Coronafeirws, Atebolrwydd Gweithredwyr a Gwybodaeth Iechyd y Cyhoedd i Deithwyr) (Cymru) (Diwygio) 2021. Mae'n ofynnol i'r Rheoliadau hyn weithredu dyletswyddau cyfatebol ar weithredwyr. Byddant yn diwygio'r Rheoliadau Diogelu Iechyd (Coronafeirws, Gwybodaeth Iechyd y Cyhoedd i Bobl sy'n Teithio i Gymru ac ati) 2020 a Rheoliadau Diogelu Iechyd (Coronafeirws, Teithio Rhyngwladol, Profion Cyn Gadael ac Atebolrwydd Gweithredwyr) (Cymru) (Diwygio).

Rheoliadau ar gyfer Gwybodaeth Iechyd y Cyhoedd

Mae Rheoliadau Diogelu Iechyd (Coronafeirws, Gwybodaeth Iechyd y Cyhoedd i Bobl sy'n Teithio i Gymru ac ati) 2020 ("Rheoliadau Gwybodaeth Iechyd y Cyhoedd") yn ei gwneud yn ofynnol i weithredwyr gwasanaethau teithwyr rhyngwladol sy'n dod o'r tu allan i'r ardal deithio gyffredin i faes awyr, heliport neu borthladd yng Nghymru ddarparu gwybodaeth ragnodedig am iechyd y cyhoedd i deithwyr sy'n defnyddio'r gwasanaethau hynny. Mae'r wybodaeth hon yn ymwneud â mesurau sy'n cael eu cymryd yn y Deyrnas Unedig mewn ymateb i amllder a lledaeniad coronafeirws, gan gynnwys y mesurau sy'n ofynnol gan y Rheoliadau Teithio Rhyngwladol.

Mae'r Rheoliadau a osodir heddiw yn diwygio Rheoliadau Gwybodaeth Iechyd y Cyhoedd i'w gwneud yn ofynnol i gwmnïau hysbysu teithwyr cyn iddynt deithio o'r ddyletswydd newydd i drefnu profion ar ôl cyrraedd yn unol â'r Rheoliadau Teithio Rhyngwladol. Yn unol â'r diwygiadau, bydd gweithredwyr hefyd yn darparu gwybodaeth mewn perthynas â'r gofynion Cwarantîn a Reolir sy'n gymwys mewn mannau eraill yn y DU. Bydd yr wybodaeth ychwanegol hon wedi'i rhoi i deithwyr pan fyddant yn archebu lle, pan fyddant yn cyrraedd/"*check-in*" a 24 i 48 awr cyn teithio. Mae'r rheoliadau a osodwyd heddiw hefyd yn diwygio'r cyhoeddiad a wneir yn ystod teithiau i Gymru fel bod teithwyr yn cael yr wybodaeth ddiweddaraf am y cyfyngiadau iechyd cyhoeddus sy'n gymwys yng Nghymru.

Y Rheoliadau Atebolrwydd Gweithredwyr

Ar hyn o bryd, mae Rheoliadau Diogelu Iechyd (Coronafeirws, Teithio Rhyngwladol, Profion Cyn Gadael ac Atebolrwydd Gweithredwyr) (Cymru) (Diwygio) 2021 yn gosod rhwymedigaeth ar weithredwyr gwasanaethau teithwyr rhyngwladol sy'n dod i Gymru o'r tu allan i'r ardal deithio gyffredin i sicrhau bod teithwyr sy'n teithio ar y gwasanaethau hynny yn meddu ar ganlyniad negyddol i brofion coronafeirws.

Mae'r Rheoliadau a osodir heddiw yn diwygio'r Rheoliadau Atebolrwydd Gweithredwyr drwy osod rhwymedigaethau ychwanegol ar weithredwyr. Bydd hefyd yn ofynnol i weithredwyr sicrhau bod pobl sy'n cyrraedd Cymru o'r tu allan i'r Ardal Deithio Gyffredin ar wasanaeth trafndiaeth fasnachol drwy borthladd môr, heliport neu faes awyr yng Nghymru, cyn iddynt gyrraedd Cymru, wedi gwneud trefniadau i gymeryd profion coronafeirws ar ddiwrnodau 2 ac 8 ar ôl iddynt gyrraedd Cymru.

Bydd hefyd yn ofynnol yn awr i weithredwyr gymryd camau rhesymol i sicrhau nad yw personau, nad ydynt yn bersonau sydd wedi'u heithrio, yn cyrraedd ar wasanaeth trafndiaeth i borthladd yng Nghymru o'r tu allan i'r ardal deithio gyffredin os ydynt wedi bod mewn gwlad rhestr goch yn ystod y 10 diwrnod diwethaf. Gwlad neu diriogaeth a restrir yn Atodlen 3A i'r Rheoliadau Teithio Rhyngwladol yw gwlad rhestr goch. At ddibenion y rhwymedigaeth hon, mae gwasanaethau trafndiaeth yn cynnwys nid yn unig wasanaethau teithwyr rhyngwladol ond hefyd deithiau hedfan preifat.

Bydd yn drosedd i weithredwr dorri'r naill neu'r llall o'r rhwymedigaethau newydd hyn oni bai bod ganddo amddiffyniad fel y nodir yn y rheoliadau. Gellir cynnig hysbysiad cosb benodedig yn lle erlyniad am y troseddau hyn, a gosodir swm yr hysbysiad cosb benodedig ar £1,000 ar gyfer pob trosedd ar wahân.

Daw'r diwygiadau sy'n cael eu gwneud gan y Rheoliadau sy'n cael eu gosod heddiw i rym am 4.00am ar 20 Chwefror 2021.

Eitem 3.4

SL(5)744 - Rheoliadau Deddf Llywodraeth Leol ac Etholiadau (Cymru) 2021 (Diwygiadau Canlyniadol) 2021

Cefndir a Diben

Mae'r Rheoliadau hyn yn gwneud diwygiadau canlyniadol i ddeddfwriaeth sylfaenol ac is-ddeddfwriaeth sy'n codi o gychwyn, ar 1 Ebrill 2021, y darpariaethau ym Mhennod 1 o Ran 6 o Ddeddf Llywodraeth Leol ac Etholiadau (Cymru) 2021 ("Deddf 2021"), sy'n ymwneud â pherfformiad prif gynghorau a'u llywodraethu (a ddiffinnir yn adran 171 o Ddeddf 2021 fel cyngor ar gyfer sir yng Nghymru neu gyngor ar gyfer bwrdeistref sirol yng Nghymru), ac o ddatgymhwyso Mesur Llywodraeth Leol (Cymru) 2009 ("Mesur 2009 ") mewn perthynas â phrif gynghorau ac awdurdodau Parciau Cenedlaethol ar gyfer Parc Cenedlaethol yng Nghymru. Mae'r diwygiadau yn y Rheoliadau hyn hefyd yn hwyluso diddymu Mesur 2009 yn y dyfodol, y darperir ar ei gyfer gan adran 170 o Ddeddf 2021.

O dan Fesur 2009, cyfeiriwyd at brif gynghorau (y cyfeirir atynt ym Mesur 2009 fel cynghorau sir a chynghorau bwrdeistref sirol), awdurdodau Parciau Cenedlaethol ac awdurdodau tân ac achub fel "awdurdodau gwella Cymreig". Defnyddiwyd y term hwnnw wedi hynny mewn peth deddfwriaeth fel ffordd o gyfeirio at yr awdurdodau hyn.

Mae Mesur 2009 yn cael ei ddatgymhwyso i brif gynghorau gan adran 113 ac i awdurdodau Parciau Cenedlaethol gan adran 169 o Ddeddf 2021, a ddygir i rym, fel y nota'r Memorandwm Esboniadol i'r Rheoliadau, ar 1 Ebrill 2021 gan Orchymyn Deddf Llywodraeth Leol ac Etholiadau (Cymru) 2021 (Cychwyn Rhif 2 a Darpariaethau Arbedion) 2021.

Mae Pennod 1 o Ran 6 o Ddeddf 2021 yn sefydlu cyfundrefn newydd ar gyfer asesu perfformiad a llywodraethiant prif gynghorau yng Nghymru, gan ddisodli'r drefn a oedd yn gymwys i'r cynghorau hynny o dan Ran 1 o Fesur 2009. Nid yw'r drefn ym Mhennod 1 o Ran 6 o Ddeddf 2021 yn gymwys i awdurdodau tân ac achub nac awdurdodau Parciau Cenedlaethol.

Mae'r diwygiadau a gynhwysir yn y rheoliadau hyn yn angenrheidiol o ganlyniad i Bennod 1 o Ran 6 ac adran 169 o Ddeddf 2021, ac er mwyn rhoi effaith lawn iddynt. Mae angen y diwygiadau hyn hefyd er mwyn paratoi'r ffordd ar gyfer diddymu Mesur 2009 fel y darperir ar ei gyfer yn adran 170 o Ddeddf 2021.

Mae'r diwygiadau yn y Rheoliadau hyn yn:

- a) diwygio deddfiadau sy'n dibynnu ar weithredu Mesur 2009;
- b) diwygio deddfiadau i ddileu cyfeiriadau at Ran 1 o Fesur 2009 ac, mewn rhai achosion, eu disodli gan gyfeirio at Ran 6 o Ddeddf 2021;



- c) diwygio deddfiadau i ddileu cyfeiriad at "awdurdod gwella Cymreig" ac, mewn rhai achosion, rhoi cyfeiriad at brif gynghorau a/neu awdurdodau tân ac achub a/neu awdurdodau Parciau Cenedlaethol yn lle'r cyfeiriadau hynny.

Gweithdrefn

Cadarnhaol Drafft.

Mae Gweinidogion Cymru wedi gosod drafft o'r Rheoliadau gerbron y Senedd. Ni all Gweinidogion Cymru wneud y Rheoliadau oni bai bod y Senedd yn cymeradwyo'r Rheoliadau drafft.

Materion technegol: craffu

Ni nodir unrhyw bwyntiau i gyflwyno adroddiad arnynt o dan Reol Sefydlog 21.2 mewn perthynas â'r offeryn hwn.

Rhinweddau: craffu

Nodir y ddau bwynt a ganlyn ar gyfer adrodd o dan Reol Sefydlog 21.3 mewn perthynas â'r offeryn hwn.

1. Rheol Sefydlog 21.3(ii) – ei fod o bwysigrwydd gwleidyddol neu gyfreithiol neu ei fod yn codi materion polisi cyhoeddus sy'n debyg o fod o ddiddordeb i'r Senedd

Mae rheoliad 4(3) yn mewnosod geiriau yn adran 33(3)(b) o Ddeddf Llywodraeth Leol 1999 a fydd, ymhlith pethau eraill, yn caniatáu i Weinidogion Cymru roi grantiau i Swyddfa Archwilio Cymru mewn perthynas â gwariant yr aed iddo neu yr eir iddo gan Archwilydd Cyffredinol Cymru o dan Bennod 3 o Ran 6 o Ddeddf 2021. Nid yw Pennod 3 o Ran 6 o Ddeddf 2021 mewn grym eto. Mae'r Memorandwm Esboniadol i'r Rheoliadau yn cyfeirio at Bennod 1 o Ran 6 yn unig yn cael ei dwyn i rym ar 1 Ebrill 2021 gan Ddeddf Llywodraeth Leol ac Etholiadau (Cymru) 2021 (Cychwyn Rhif 2 a Darpariaethau Arbed) 2021 ("Gorchymyn 2021"). Er mwyn cadarnhau effaith rheoliad 4(3), gofynnir i Lywodraeth Cymru gadarnhau pryd a sut y dygir Pennod 3 o Ran 6 o Ddeddf 2021 i rym.

2. Rheol Sefydlog 21.3(ii) – ei fod o bwysigrwydd gwleidyddol neu gyfreithiol neu ei fod yn codi materion polisi cyhoeddus sy'n debyg o fod o ddiddordeb i'r Senedd

Mae'r Memorandwm Esboniadol i'r Rheoliadau yn cyfeirio at Orchymyn 2021 sydd i ddwyn i rym Pennod 1 o Ran 6 o Ddeddf 2021 (perfformiad a llywodraethiant prif gynghorau) ac adran 169 o Ddeddf 2021 (gan ddatgymhwyso Mesur 2009 i Awdurdodau Parciau Cenedlaethol). Mae'r Pwyllgor yn nodi nad yw Gorchymyn 2021 wedi'i wneud ar adeg ysgrifennu hwn ac mae'n gwahodd Llywodraeth Cymru i gadarnhau pryd y disgwylir i hyn ddigwydd.



Ymateb Llywodraeth Cymru

Mae angen ymateb oddi wrth Lywodraeth Cymru.

Cynghorwyr Cyfreithiol

Y Pwyllgor Deddfwriaeth, Cyfiawnder a'r Cyfansoddiad

23 Chwefror 2021



Senedd Cymru

Pwyllgor Deddfwriaeth, Cyfiawnder a'r Cyfansoddiad

—

Welsh Parliament

Tudalen y pecyn 122

Legislation, Justice and Constitution Committee

Rheoliadau drafft a osodwyd gerbron Senedd Cymru o dan adran 174 o Ddeddf Llywodraeth Leol ac Etholiadau (Cymru) 2021, i'w cymeradwyo drwy benderfyniad gan Senedd Cymru.

OFFERYNNAU STATUDOL
CYMRU DRAFFT

2021 Rhif (Cy.)

**LLYWODRAETH LEOL,
CYMRU**

**Rheoliadau Deddf Llywodraeth
Leol ac Etholiadau (Cymru) 2021
(Diwygiadau Canlyniadol) 2021**

NODYN ESBONIADOL

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

Mae'r Rheoliadau hyn yn gwneud diwygiadau sy'n ganlyniadol ar Bennod 1 o Ran 6 o Ddeddf Llywodraeth Leol ac Etholiadau (Cymru) 2021 (dsc 1) ("Deddf 2021") ac ar ddatgymhwyso a diddymu Mesur Llywodraeth Leol (Cymru) 2009 (mccc 2) ("Mesur 2009") gan Ddeddf 2021.

Mae Pennod 1 o Ran 6 o Ddeddf 2021 yn sefydlu system newydd ar gyfer asesu perfformiad a llywodraethiant cynghorau sir a chynghorau bwrdeistref sirol yng Nghymru, gan ddisodli'r system a oedd yn gymwys i'r cynghorau hynny o dan Ran 1 o Fesur 2009. Roedd y system yn Rhan 1 o Fesur 2009 hefyd yn gymwys i awdurdodau Parciau Cenedlaethol yng Nghymru ac i awdurdodau tân ac achub yng Nghymru (a bydd yn parhau i fod yn gymwys i awdurdodau tân ac achub hyd nes y bydd y darpariaethau yn Neddf 2021 sy'n ei datgymhwyso mewn perthynas â'r awdurdodau hynny yn dod i rym). Nid yw'r system ym Mhennod 1 o Ran 6 o Ddeddf 2021 yn gymwys i awdurdodau tân ac achub nac i awdurdodau Parciau Cenedlaethol.

O dan Fesur 2009, cyfeiriwyd at gynghorau sir a chynghorau bwrdeistref sirol, awdurdodau Parciau Cenedlaethol ac awdurdodau tân ac achub fel "awdurdodau gwella Cymreig". Defnyddiwyd y term hwnnw wedi hynny mewn peth deddfwriaeth fel ffordd o gyfeirio at gynghorau sir, cynghorau bwrdeistref

sirol, awdurdodau Parciau Cenedlaethol ac awdurdodau tân ac achub.

Datgymhwysir Mesur 2009 mewn perthynas â chynghorau sir a chynghorau bwrdeistref sirol gan adran 113 o Ddeddf 2021. Fe'i datgymhwysir mewn perthynas ag awdurdodau tân ac achub gan adran 168 o'r Ddeddf honno. Fe'i datgymhwysir mewn perthynas ag awdurdodau Parciau Cenedlaethol gan adran 169 o'r Ddeddf honno. Diddymir Mesur 2009 yn llawn gan adran 170 o'r Ddeddf honno.

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.

Rheoliadau drafft a osodwyd gerbron Senedd Cymru o dan adran 174 o Ddeddf Llywodraeth Leol ac Etholiadau (Cymru) 2021, i'w cymeradwyo drwy benderfyniad gan Senedd Cymru.

OFFERYNNAU STATUDOL
CYMRU DRAFFT

2021 Rhif (Cy.)

**LLYWODRAETH LEOL,
CYMRU**

**Rheoliadau Deddf Llywodraeth
Leol ac Etholiadau (Cymru) 2021
(Diwygiadau Canlyniadol) 2021**

Gwnaed

Yn dod i rym

1 Ebrill 2021

Mae Gweinidogion Cymru, drwy arfer y pwerau a roddir gan adran 173 o Ddeddf Llywodraeth Leol ac Etholiadau (Cymru) 2021(1), yn gwneud y Rheoliadau a ganlyn.

Cymeradwywyd drafft o'r Rheoliadau hyn drwy benderfyniad gan Senedd Cymru yn unol ag adran 174(4) a (5)(t) o'r Ddeddf honno.

Enwi a chychwyn

1.—(1) Enw'r Rheoliadau hyn yw Rheoliadau Deddf Llywodraeth Leol ac Etholiadau (Cymru) 2021 (Diwygiadau Canlyniadol) 2021.

(2) Daw'r Rheoliadau hyn i rym ar 1 Ebrill 2021.

Deddf Llywodraeth Leol, Cynllunio a Thir 1980

2. Yn Neddf Llywodraeth Leol, Cynllunio a Thir 1980(2), yn adran 2 (dyletswydd ar awdurdodau i gyhoeddi gwybodaeth), yn is-adran (1)—

(a) ar ôl paragraff (h) mewnosoder—

(1) 2021 dsc 1.
(2) 1980 p. 65.

“(ha) a National Park authority for a National Park in Wales;”;

- (b) hepgorer “or a Welsh improvement authority for the purposes of Part 1 of the Local Government (Wales) Measure 2009”(1).

Deddf Gweinyddu Nawdd Cymdeithasol 1992

3.—(1) Mae Deddf Gweinyddu Nawdd Cymdeithasol 1992(2) wedi ei diwygio yn unol â pharagraffau (2) i (4).

(2) Yn adran 139A (personau i adrodd ar weinyddu budd-dal tai), yn is-adran (2), ym mharagraff (b) yn lle “or Part 1 of the Local Government (Wales) Measure 2009”(3) rhodder “or the performance requirements set out in section 89 of the Local Government and Elections (Wales) Act 2021”.

(3) Yn adran 139C (adroddiadau), yn is-adran (1), ym mharagraff (b) yn lle “or Part 1 of the Local Government (Wales) Measure 2009”(4) rhodder “or the performance requirements set out in section 89 of the Local Government and Elections (Wales) Act 2021”.

(4) Yn adran 139D (cyfarwyddydau), yn is-adran (1), yn lle paragraff (ca)(5) rhodder—

“(ca) a copy of a report has been sent to a local authority under section 95(7)(b)(i) of the Local Government and Elections (Wales) Act 2021 and to the Secretary of State under subsection (9) of that section.”

(5) Mae paragraffau (1) i (4) yn peidio â chael effaith pan fydd y ddarpariaeth yn Rhan 1 o Atodlen 14 i Ddeddf Diwygio Lles 2012(6) (diddymiadau sy'n ymwneud â diddymu budd-daliadau a ddisodlir gan y credyd cynhwysol) sy'n diddymu adrannau 139A,

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- (1) Mewnosodwyd y geiriau sydd i'w hepgor gan baragraff 2 o Atodlen 1 i Fesur Llywodraeth Leol (Cymru) 2009 (mccc 2) (“Mesur 2009”). Mae diwygiadau eraill i'r is-adran nad ydynt yn berthnasol i'r diwygiad hwn.
- (2) 1992 p. 5.
- (3) Mewnosodwyd y geiriau sydd i'w hepgor gan baragraff 4 o Atodlen 1 i Fesur 2009. Mae diwygiadau eraill i'r is-adran nad ydynt yn berthnasol i'r diwygiad hwn.
- (4) Mewnosodwyd y geiriau sydd i'w hepgor gan baragraff 5 o Atodlen 1 i Fesur 2009. Mae diwygiadau eraill i'r is-adran nad ydynt yn berthnasol i'r diwygiad hwn.
- (5) Mewnosodwyd paragraff (ca) yn wreiddiol gan adran 39(3) o Ddeddf Diwygio Lles 2007 (p. 5) ac fe'i hamnewidiwyd gan baragraff 6 o Atodlen 1 i Fesur 2009.
- (6) 2012 p. 5. Cafodd y ddarpariaeth yn Rhan 1 o Atodlen 14 i Ddeddf Diwygio Lles 2012 sy'n diddymu adrannau 138 i 140G o Ddeddf Gweinyddu Nawdd Cymdeithasol 1992, i'r graddau y mae'r ddarpariaeth ddiddymu honno yn ymwneud â diddymu budd-dal y dreth gyngor, ei dwyn i rym ar 1 Ebrill 2013 gan erthygl 8(c) o Orchymyn Deddf Diwygio Lles 2012 (Cychwyn Rhif 8 ac Arbedion a Darpariaethau Trosiannol) 2013 (O.S. 2013/358) ac Atodlen 4 iddi.

139C a 139D o Ddeddf Gweinyddu Nawdd Cymdeithasol 1992 yn dod i rym yn llawn.

Deddf Llywodraeth Leol 1999

4.—(1) Mae Deddf Llywodraeth Leol 1999(1) wedi ei diwygio fel a ganlyn.

(2) Yn adran 19(2) (contractau: eithrio ystyriaethau anfasnachol), yn is-adran (5)—

(a) yn lle paragraff (aa)(3) rhodder—

“(aa) a county council or county borough council in Wales,”;

(b) ar ôl paragraff (aa) mewnosoder—

“(ab) a National Park authority for a National Park in Wales,

(ac) a fire and rescue authority in Wales, constituted by a scheme under section 2 of the Fire and Rescue Services Act 2004 or a scheme to which section 4 of that Act applies.”.

(3) Yn adran 33 (cyllid), yn is-adran (3)(4), ym mharagraff (b), ar y diwedd mewnosoder “or Chapter 1 or 3 of Part 6 of the Local Government and Elections (Wales) Act 2021”.

Deddf Llywodraeth Leol 2003

5.—(1) Mae Deddf Llywodraeth Leol 2003(5) wedi ei diwygio fel a ganlyn.

(2) Yn adran 36 (grantiau mewn cysylltiad â dynodi ar gyfer rhagoriaeth mewn gwasanaeth)—

(a) yn is-adran (1) yn lle “or to a Welsh improvement authority within the meaning of section 1 of the Local Government (Wales) Measure 2009”(6) rhodder “or to a relevant Welsh authority”;

(b) ar ôl is-adran (3) mewnosoder—

(1) 1999 p. 27.

(2) Gosodwyd adran 19 o dan groesbennawd newydd “Exclusion of non-commercial considerations” gan baragraff 2 o Atodlen 7 i Ddeddf Llywodraeth Leol a Chynnwys y Cyhoedd mewn Iechyd 2007 (p. 28), a wnaeth hefyd fewnosod is-adran (5) yn adran 19.

(3) Mewnosodwyd paragraff (aa) gan baragraff 18 o Atodlen 1 i Fesur 2009.

(4) Diwygiwyd is-adran (3) gan baragraff 17 o Atodlen 1 i Ddeddf Archwilio Cyhoeddus (Cymru) 2004 (p. 23) ac adran 36 o Fesur 2009. Amnewidiwyd paragraff (b) o is-adran (3) gan baragraff 16 o Atodlen 4 i Ddeddf Archwilio Cyhoeddus (Cymru) 2013 (dccc 3). Mae diwygiadau eraill i'r is-adran nad ydynt yn berthnasol i'r Rheoliadau hyn.

(5) 2003 p. 26.

(6) Mewnosodwyd y geiriau sydd i'w hepgor gan baragraff 24 o Atodlen 1 i Fesur 2009. Mae diwygiadau eraill i is-adran (1) nad ydynt yn berthnasol i'r Rheoliadau hyn.

“(4) In subsection (1) “relevant Welsh authority” means—

- (a) a county council or county borough council in Wales;
- (b) a National Park authority for a National Park in Wales;
- (c) a fire and rescue authority in Wales, constituted by a scheme under section 2 of the Fire and Rescue Services Act 2004 or a scheme to which section 4 of that Act applies.”

(3) Yn adran 36A(1) (grantiau gan Weinidogion y Goron mewn cysylltiad ag awdurdodau gwerth gorau etc.)—

- (a) yn is-adran (1) yn lle “or a Welsh improvement authority or Welsh improvement authorities”(2) rhodder “or a relevant Welsh authority or relevant Welsh authorities”;
- (b) yn is-adran (2), ym mharagraff (b), yn lle “Welsh improvement authority”(3) rhodder “relevant Welsh authority”;
- (c) yn is-adran (3) yn lle “or a Welsh improvement authority”(4) rhodder “or a relevant Welsh authority”;
- (d) yn is-adran (7) yn lle’r diffiniad o “Welsh improvement authority”(5) rhodder—

““relevant Welsh authority” means—

- (a) a county council or county borough council in Wales;
- (b) a National Park authority for a National Park in Wales;
- (c) a fire and rescue authority in Wales, constituted by a scheme under section 2 of the Fire and Rescue Services Act 2004 or a scheme to which section 4 of that Act applies.”

(4) Yn adran 36B(6) (grantiau gan Weinidogion Cymru mewn cysylltiad ag awdurdodau gwerth gorau Cymru)—

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- (1) Ychwanegwyd adran 36A gan adran 143(1) o Ddeddf Llywodraeth Leol a Chynnwys y Cyhoedd mewn Iechyd 2007.
 - (2) Mewnosodwyd y geiriau sydd i’w hepgor gan baragraff 25(a) o Atodlen 1 i Fesur 2009.
 - (3) Mewnosodwyd y geiriau sydd i’w hepgor gan baragraff 25(b) o Atodlen 1 i Fesur 2009.
 - (4) Mewnosodwyd y geiriau sydd i’w hepgor gan baragraff 25(c) o Atodlen 1 i Fesur 2009.
 - (5) Mewnosodwyd y diffiniad o “Welsh improvement authority” gan baragraff 25(d) o Atodlen 1 i Fesur 2009.
 - (6) Mewnosodwyd adran 36B gan adran 143(1) o Ddeddf Llywodraeth Leol a Chynnwys y Cyhoedd mewn Iechyd 2007.

- (a) yn is-adran (1) yn lle'r geiriau o “compliance by a Welsh improvement authority” hyd at y diwedd(1) rhodder “compliance by a Welsh principal council or Welsh principal councils with the performance requirements set out in section 89 of the Local Government and Elections (Wales) Act 2021 or the requirements of, or any requirements imposed under, Chapter 1 of Part 6 of that Act”;
- (b) yn is-adran (2) yn lle “or Welsh improvement authority”(2) rhodder “or Welsh principal council”;
- (c) yn is-adran (6) yn lle'r diffiniad o “Welsh improvement authority”(3) rhodder—
 - ““Welsh principal council” means a county council or county borough council in Wales.”;
- (d) yn y pennawd, yn lle “best value authorities” rhodder “principal councils”.

(5) Yn adran 95 (pŵer i fasnachu mewn gweithgareddau sy'n gysylltiedig â swyddogaethau drwy gwmni), yn is-adran (7), yn y diffiniad o “relevant authority”—

- (a) yn lle paragraff (aa)(4) rhodder—
 - “(aa) a county council or county borough council in Wales;”;
- (b) ar ôl paragraff (ac)(5) mewnosoder—
 - “(ad) a fire and rescue authority in Wales, constituted by a scheme under section 2 of the Fire and Rescue Services Act 2004 or a scheme to which section 4 of that Act applies;
 - (ae) a National Park authority for a National Park in Wales;”.

(6) Yn adran 97 (pŵer i addasu deddfiadau mewn cysylltiad â chodi tâl neu fasnachu), yn is-adran (11), yn y diffiniad o “relevant authority”(6), yn lle paragraff (b) rhodder—

- “(b) in relation to Wales—
 - (i) a county council or county borough council in Wales;

(1) Mewnosodwyd y geiriau sydd i'w hepgor gan baragraff 26(a) o Atodlen 1 i Fesur 2009.

(2) Mewnosodwyd y geiriau sydd i'w hepgor gan baragraff 26(b) o Atodlen 1 i Fesur 2009.

(3) Mewnosodwyd y diffiniad o “Welsh improvement authority” gan baragraff 26(c) o Atodlen 1 i Fesur 2009.

(4) Mewnosodwyd paragraff (aa) gan baragraff 28 o Atodlen 1 i Fesur 2009.

(5) Mewnosodwyd paragraff (ac) gan baragraff 83(4) o Atodlen 1 i Ddeddf Plismona a Throsedd 2017 (p. 3).

(6) Amnewidiwyd y diffiniad o “relevant authority” gan erthygl 40(2)(g)(ii) o Orchymyn Gweinidogion Cymru (Trosglwyddo Swyddogaethau) 2018 (O.S. 2018/644).

- (ii) a community council;
- (iii) a National Park authority for a National Park in Wales;
- (iv) a fire and rescue authority in Wales, constituted by a scheme under section 2 of the Fire and Rescue Services Act 2004 or a scheme to which section 4 of that Act applies.”

(7) Yn adran 101 (materion trosglwyddo staff: cyffredinol)—

- (a) hepgorer is-adran (5A)(1);
- (b) yn is-adran (7A)(2)—
 - (i) yn lle paragraff (aa)(3) rhodder—

“(aa) a county council or county borough council in Wales;”;
 - (ii) ar ôl paragraff (aa) mewnosoder—

“(ab) a National Park authority for a National Park in Wales;
 - (ac) a fire and rescue authority in Wales, constituted by a scheme under section 2 of the Fire and Rescue Services Act 2004 or a scheme to which section 4 of that Act applies;”.

(8) Yn adran 124 (dehongli cyffredinol) hepgorer y diffiniad o “Welsh improvement authority”(4).

Deddf Archwilio Cyhoeddus (Cymru) 2004

6.—(1) Mae Deddf Archwilio Cyhoeddus (Cymru) 2004(5) wedi ei diwygio fel a ganlyn.

(2) Yn adran 41 (astudiaethau i wella darbodaeth etc. mewn gwasanaethau), yn is-adran (1), ym mharagraff (a)(6) yn lle “local government bodies in Wales that are Welsh improvement authorities for the purposes of Part 1 of the Local Government (Wales) Measure 2009” rhodder “—

- (i) county councils and county borough councils in Wales;

(1) Mewnosodwyd is-adran (5A) gan baragraff 30(a) o Atodlen 1 i Fesur 2009.

(2) Mewnosodwyd is-adran (7A) gan baragraff 3(9)(c) o Atodlen 7 i Ddeddf Llywodraeth Leol a Chynnwys y Cyhoedd mewn Iechyd 2007.

(3) Mewnosodwyd paragraff (aa) gan baragraff 30(b) o Atodlen 1 i Fesur 2009.

(4) Mewnosodwyd y diffiniad o “Welsh improvement authority” gan baragraff 31 o Atodlen 1 i Fesur 2009.

(5) 2004 p. 23.

(6) Diwygiwyd paragraff (a) gan baragraff 27(2) o Atodlen 8 i Ddeddf Llywodraeth Leol a Chynnwys y Cyhoedd mewn Iechyd 2007, paragraff 35 o Atodlen 1 i Fesur 2009 a pharagraff 46 o Atodlen 4 i Ddeddf Archwilio Cyhoeddus (Cymru) 2013.

- (ii) fire and rescue authorities in Wales constituted by a scheme under section 2 of the Fire and Rescue Services Act 2004 or a scheme to which section 4 of that Act applies;
- (iii) National Park authorities for National Parks in Wales;”.

(3) Yn adran 54 (cyfyngiad ar ddatgelu gwybodaeth)—

- (a) yn is-adran (1)(1)—
 - (i) ym mharagraff (aa)(2) ar ôl “pursuant to” mewnosoder “a provision of Chapter 1 of Part 6 or”;
 - (ii) ym mharagraff (b)(3) ar ôl “Local Government (Wales) Measure 2009” mewnosoder “or Chapter 1 of Part 6 of the Local Government and Elections (Wales) Act 2021”;
- (b) yn is-adran (2)(4), ym mharagraff (b)(5), ar ôl “Local Government (Wales) Measure 2009” mewnosoder “or Chapter 1 of Part 6 of the Local Government and Elections (Wales) Act 2021”.

Ddeddf Llywodraeth Leol a Chynnwys y Cyhoedd mewn Iechyd 2007

7. Yn Ndeddf Llywodraeth Leol a Chynnwys y Cyhoedd mewn Iechyd 2007(6), yn Atodlen 8 (gwerth gorau: mân ddiwygiadau a diwygiadau canlyniadol) hepgorer paragraff 27.

Mesur Addysg (Cymru) 2011

8. Ym Mesur Addysg (Cymru) 2011(7), yn adran 3 (dyletswydd corff addysg i gydlafurio), yn is-adran (4) hepgorer paragraff (c).

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- (1) Diwygiwyd is-adran (1) gan baragraff 55 o Atodlen 4 i Ddeddf Archwilio Cyhoeddus (Cymru) 2013.
 - (2) Mewnosodwyd paragraff (aa) gan baragraff (a) o adran 160 o Ddeddf Llywodraeth Leol ac Etholiadau (Cymru) 2021.
 - (3) Diwygiwyd paragraff (b) gan baragraff 36 o Atodlen 1 i Fesur 2009 a pharagraff 55 o Atodlen 4 i Ddeddf Archwilio Cyhoeddus (Cymru) 2013.
 - (4) Mewnosodwyd paragraffau (ba) a (bb) yn is-adran (2) gan baragraff (b) o adran 160 o Ddeddf Llywodraeth Leol ac Etholiadau (Cymru) 2021.
 - (5) Diwygiwyd paragraff (b) gan baragraff 36 o Atodlen 1 i Fesur 2009 a pharagraff 55 o Atodlen 4 i Ddeddf Archwilio Cyhoeddus (Cymru) 2013.
 - (6) 2007 p. 28.
 - (7) 2011 mecc 7.

Deddf Gwasanaethau Cymdeithasol a Llesiant (Cymru) 2014

9. Yn Neddf Gwasanaethau Cymdeithasol a Llesiant (Cymru) 2014(1), yn adran 10 (awdurdodau lleol a'r cod) hepgorer is-adran (2).

Deddf Cyfiawnder Troseddol a'r Llysoedd 2015

10. Yn Neddf Cyfiawnder Troseddol a'r Llysoedd 2015(2), yn adran 22 (trosedd gan ddarparwr gofal: darparwyr gofal a eithrir), yn is-adran (5), ym mharagraff (a) yn lle'r geiriau o "section 29(6)(a)" hyd at y diwedd rhodder "section 107 of the Local Government and Elections (Wales) Act 2021 (dsc 1) (direction that a function be performed by the Welsh Ministers or their nominee)".

Rheoliadau Cyllido Ysgolion (Cymru) 2010

11. Yn Rheoliadau Cyllido Ysgolion (Cymru) 2010(3), yn Atodlen 1, ym mharagraff 20 yn lle is-baragraff (c) rhodder—

“(c) swyddogaethau'r awdurdod o dan Bennod 1 o Ran 6 o Ddeddf Llywodraeth Leol ac Etholiadau (Cymru) 2021 (perfformiad cynghorau sir a chynghorau bwrdeistref sirol a'u llywodraethu), a darparu cyngor i gynorthwyo cyrff llywodraethu i gaffael nwyddau a gwasanaethau;”.

Enw

Y Gweinidog Tai a Llywodraeth Leol, un o
Weinidogion Cymru
Dyddiad

(1) 2014 dccc 4.
(2) 2015 p. 2.
(3) O.S. 2010/824.

Memorandwm Esboniadol i Reoliadau Deddf Llywodraeth Leol ac Etholiadau (Cymru) 2021 (Diwygiadau Canlyniadol) 2021

Lluniwyd y Memorandwm Esboniadol hwn gan Adran Llywodraeth Leol, Llywodraeth Cymru ac fe'i gosodir gerbron Senedd Cymru ar y cyd â'r rheoliadau uchod ac yn unol â Rheol Sefydlog 27.1.

Datganiad y Gweinidog

Yn fy marn i, mae'r Memorandwm Esboniadol hwn yn rhoi barn deg a rhesymol am effaith ddisgwyliedig Rheoliadau Deddf Llywodraeth Leol ac Etholiadau (Cymru) 2021 (Diwygiadau Canlyniadol) 2021.

Julie James AS

Y Gweinidog Tai a Llywodraeth Leol

9 Chwefror 2021

1. Disgrifiad

Mae Rheoliadau Deddf Llywodraeth Leol ac Etholiadau (Cymru) 2021 (Diwygiadau Canlyniadol) 2021 (“y Rheoliadau”) yn gwneud diwygiadau angenrheidiol i ddeddfwriaeth sylfaenol ac is-ddeddfwriaeth o ganlyniad i ddechrau darpariaethau ym Mhennod 1 o Ran 6 (perfformiad a llywodraethiant prif gynghorau) a darpariaethau sy'n datgymhwyso Mesur Llywodraeth Leol (Cymru) 2009 (“Mesur 2009”) i brif gynghorau ac awdurdodau Parciau Cenedlaethol.

Mae'r darpariaethau hynny i'w cychwyn ar 1 Ebrill 2021, drwy Orchymyn Deddf Llywodraeth Leol ac Etholiadau (Cymru) 2021 (Cychwyn Rhif 2 a Darpariaethau Arbedion) 2021.

2. Materion sydd o ddiddordeb arbennig i'r Pwyllgor Deddfwriaeth, Cyfiawnder a'r Cyfansoddiad

Ni nodwyd unrhyw faterion penodol.

3. Y cefndir deddfwriaethol

Mae'r pwerau sy'n galluogi'r Rheoliadau hyn i gael eu gwneud wedi'u cynnwys yn adran 173 o Ddeddf Llywodraeth Leol ac Etholiadau (Cymru) 2021 (“Deddf 2021”) sy'n rhoi pŵer i Weinidogion Cymru wneud rheoliadau sy'n cynnwys darpariaethau atodol, cysylltiedig neu ganlyniadol at ddibenion, o ganlyniad i, neu ar gyfer rhoi effaith lwyr i unrhyw ddarpariaeth yn y Ddeddf honno. Mae adran 173(2) yn darparu y caiff rheoliadau o'r fath ddiwygio, addasu, diddymu neu ddirymu unrhyw ddeddfiad.

Gan fod y Rheoliadau'n diwygio deddfwriaeth sylfaenol, mae adran 174(4) a (5)(t) o Ddeddf 2021 yn pennu na ellir eu gwneud oni bai eu bod wedi'u gosod ar ffurf drafft gerbron Senedd Cymru a'u cymeradwyo drwy benderfyniad ganddi.

Yn amodol ar gymeradwyaeth y Senedd, bydd y Rheoliadau'n cael eu gwneud gan y Gweinidog Tai a Llywodraeth Leol a deuant i rym ar 1 Ebrill 2021.

4. Diben y ddeddfwriaeth a'r effaith y bwriedir iddi ei chael

Mae'r Rheoliadau yn gwneud diwygiadau canlyniadol i ddeddfwriaeth sylfaenol ac is-ddeddfwriaeth sy'n deillio o gychwyn y darpariaethau ym Mhennod 1 o Ran 6, sy'n ymwneud â pherfformiad a llywodraethiant prif gynghorau (a ddiffinnir yn adran 171 o Ddeddf 2021 fel cyngor ar gyfer sir yng Nghymru neu gyngor ar gyfer bwrdeistref sirol yng Nghymru), ac o ddatgymhwyso Mesur 2009 i brif gynghorau ac awdurdodau Parciau Cenedlaethol ar gyfer Parc Cenedlaethol yng Nghymru. Mae'r diwygiadau yn y Rheoliadau hyn hefyd yn hwyluso diddymu Mesur 2009 yn y dyfodol, y darperir ar ei gyfer gan adran 170 o Ddeddf 2021.

O dan Fesur 2009, gelwir prif gynghorau (y cyfeirir atynt ym Mesur 2009 fel cynghorau sir a chynghorau bwrdeistref sirol), awdurdodau Parciau Cenedlaethol ac awdurdodau tân ac achub yn “awdurdodau gwella Cymreig”. Defnyddiwyd y term hwnnw wedyn mewn rhyw ddeddfwriaeth fel ffordd o gyfeirio at yr awdurdodau hyn.

Mae Mesur 2009 yn cael ei ddatgymhwyso i brif gynghorau gan adran 113 ac i awdurdodau Parciau Cenedlaethol gan adran 169 o Ddeddf 2021, a ddygir i rym ar 1 Ebrill 2021 gan Orchymyn Deddf Llywodraeth Leol ac Etholiadau (Cymru) 2021 (Cychwyn Rhif 2 a Darpariaethau Arbedion) 2021.

Mae Pennod 1 o Ran 6 o Ddeddf 2021 yn sefydlu cyfundrefn newydd ar gyfer asesu perfformiad a llywodraethiant prif gynghorau yng Nghymru, gan ddisodli'r drefn a oedd yn gymwys i'r cynghorau hynny o dan Ran 1 o Fesur 2009. Nid yw'r drefn ym Mhennod 1 o Ran 6 o Ddeddf 2021 yn gymwys i awdurdodau tân ac achub nac awdurdodau Parciau Cenedlaethol.

Mae'r diwygiadau a gynhwysir yn y rheoliadau hyn yn angenrheidiol o ganlyniad i Bennod 1 o Ran 6 ac adran 169 o Ddeddf 2021, ac er mwyn rhoi effaith lawn iddynt. Mae angen y diwygiadau hyn hefyd er mwyn paratoi'r ffordd ar gyfer diddymu Mesur 2009 fel y darperir ar ei gyfer yn adran 170 o Ddeddf 2021.

Mae'r diwygiadau yn y Rheoliadau hyn yn:

- (a) diwygio deddfiadau sy'n dibynnu ar weithredu Mesur 2009;
- (b) diwygio deddfiadau i ddileu cyfeiriadau at Ran 1 o Fesur 2009 ac, mewn rhai achosion, eu disodli gan gyfeirio at Ran 6 o Ddeddf 2021;
- (c) diwygio deddfiadau i ddileu cyfeiriad at "awdurdod gwella Cymreig" ac, mewn rhai achosion, rhoi cyfeiriad at brif gynghorau a/neu awdurdodau tân ac achub a/neu awdurdodau Parciau Cenedlaethol yn lle'r cyfeiriadau hynny.

5. Ymgynghori

Nid oes ymgynghoriad ffurfiol wedi'i gynnal gan mai dim ond diwygiadau technegol canlyniadol a wneir gan y Rheoliadau.

6. Asesiad Effaith Rheoleiddiol

Ni pharatowyd asesiad effaith rheoleiddiol mewn perthynas â'r rheoliadau diwygio canlyniadol hyn gan eu bod yn gwneud diwygiadau i statud yn unig ac nid ydynt yn gosod nac yn lleihau costau i fusnesau, elusennau na chyrrff gwirfoddol na'r sector cyhoeddus.

Eitem 3.5

SL(5)745 - Rheoliadau Deddf Cydraddoldeb 2010 (Awdurdodau sy'n ddarostyngedig i ddyletswydd ynghylch Anghydraddoldebau Economaidd-gymdeithasol) (Cymru) 2021

Cefndir a Diben

Mae Rhan 1 o Ddeddf Cydraddoldeb 2010 ("Deddf 2010") yn darparu bod yn rhaid i awdurdod perthnasol, wrth wneud penderfyniadau o natur strategol ynghylch sut i arfer ei swyddogaethau, roi sylw dyledus i ba mor ddymunol fyddai eu harfer mewn ffordd sydd wedi'i dylunio i leihau anghydraddoldebau o ran canlyniadau a achosir gan anfantais economaidd-gymdeithasol ("y Ddyletswydd").

Disgwylir i'r Ddyletswydd ddod i rym yng Nghymru ar 31 Mawrth 2021 drwy orchymyn cychwyn. Bydd y Rheoliadau hyn, os cânt eu cymeradwyo, yn dod i rym ar 30 Mawrth 2021. Caiff y Ddyletswydd ei chefnogi gan ganllawiau statudol sydd hefyd wedi'u gosod gerbron y Senedd ac a fydd yn cael eu cyhoeddi ochr yn ochr â chychwyn y Ddyletswydd.

Bydd adran 1(3) o Ddeddf 2010 yn rhestru'r awdurdodau perthnasol yng Nghymru y bydd y Ddyletswydd yn gymwys iddynt, sydd ar hyn o bryd yn cynnwys Gweinidogion y Goron ac adrannau'r Llywodraeth. Mae adran 2(4)(a) o Ddeddf 2010 yn caniatáu i Weinidogion Cymru wneud Rheoliadau i ychwanegu awdurdodau perthnasol yng Nghymru at y rhestr yn adran 1. Mae'r Rheoliadau hyn yn ychwanegu'r canlynol at y rhestr o awdurdodau perthnasol yng Nghymru y bydd y Rheoliadau hyn yn gymwys iddynt:

- Gweinidogion Cymru;
- cyngor sir neu gyngor bwrdeistref sirol yng Nghymru;
- Bwrdd Iechyd Lleol a sefydlwyd o dan adran 11 o Ddeddf y Gwasanaeth Iechyd Gwladol (Cymru) 2006;
- Ymddiriedolaeth GIG a sefydlwyd o dan adran 18 o Ddeddf y Gwasanaeth Iechyd Gwladol (Cymru) 2006;
- Awdurdod Iechyd Arbennig a sefydlwyd o dan adran 22 o Ddeddf y Gwasanaeth Iechyd Gwladol (Cymru) 2006 ar wahân i Awdurdod Iechyd Arbennig trawsffiniol (o fewn ystyr adran 8A(5)() o Ddeddf y Gwasanaeth Iechyd Gwladol (Cymru) 2006);
- awdurdod tân ac achub yng Nghymru a gyfansoddwyd gan gynllun o dan adran 2 o Ddeddf Gwasanaethau Tân ac Achub 2004 (p.21) neu gynllun y mae adran 4 o'r Ddeddf honno yn gymwys iddo;
- awdurdod Parc Cenedlaethol a sefydlwyd drwy orchymyn o dan adran 63 o Ddeddf yr Amgylchedd 1995 ar gyfer ardal yng Nghymru;



- Awdurdod Refeniw Cymru.

Gweithdrefn

Cadarnhaol drafft

Mae Gweinidogion Cymru wedi gosod drafft o'r Rheoliadau gerbron y Senedd. Ni all Gweinidogion Cymru wneud y Rheoliadau oni bai bod y Senedd yn cymeradwyo'r Rheoliadau drafft.

Materion technegol: craffu

Ni nodir unrhyw bwyntiau i gyflwyno adroddiad arnynt o dan Reol Sefydlog 21.2 mewn perthynas â'r offeryn hwn.

Rhinweddau: craffu

Nodir y ddau bwynt a ganlyn ar gyfer adrodd o dan Reol Sefydlog 21.3 mewn perthynas â'r offeryn hwn.

1. Rheol Sefydlog 21.3(ii) – ei fod o bwysigrwydd gwleidyddol neu gyfreithiol neu ei fod yn codi materion polisi cyhoeddus sy'n debyg o fod o ddiddordeb i'r Senedd

Nodwn nad oes asesiad o'r effaith ar gydraddoldeb ar gyfer y Rheoliadau hyn a gofynnwn i Lywodraeth Cymru esbonio pa drefniadau y mae wedi eu gwneud, mewn perthynas â'r Rheoliadau hyn, i gyhoeddi adroddiadau o'r asesiadau o'r effaith ar gydraddoldeb yn unol â rheoliad 8(1)(d) o Reoliadau Deddf Cydraddoldeb 2010 (Dyletswyddau Statudol) (Cymru) 2011.

2. Rheol Sefydlog 21.3(ii) – ei fod o bwysigrwydd gwleidyddol neu gyfreithiol neu ei fod yn codi materion polisi cyhoeddus sy'n debyg o fod o ddiddordeb i'r Senedd

Mewn perthynas ag adolygiad ôl-weithredu o'r Rheoliadau, mae'r Pwyllgor yn nodi bod paragraff 10.4 o'r Asesiad Effaith Rheoleiddiol yn nodi:

Ac ystyried y lluo o ganlyniadau a ragwelir o ganlyniad i'r Ddyletswydd, bydd rhaglen o weithgareddau i fonitro ac i werthuso'r uchod yn cael ei datblygu i gyd-fynd â gweithgareddau allweddol, a bydd ystod o ddulliau ymchwil a gwerthuso'n cael eu hystyried, yn dibynnu ar natur y data sydd eu hangen.

Ymateb Llywodraeth Cymru

Mae angen ymateb gan Lywodraeth Cymru o ran y pwynt adrodd cyntaf yn unig.

Cynghorwyr Cyfreithiol

Y Pwyllgor Deddfwriaeth, Cyfiawnder a'r Cyfansoddiad

23 Chwefror 2021



Rheoliadau drafft a osodwyd gerbron Senedd Cymru o dan adran 209(2), (3)(a) a (6) o Ddeddf Cydraddoldeb 2010, i'w cymeradwyo drwy benderfyniad gan Senedd Cymru.

OFFERYNNAU STATUDOL
CYMRU DRAFFT

2021 Rhif (Cy.)

CYDRADDOLDEB, CYMRU

**Rheoliadau Deddf Cydraddoldeb
2010 (Awdurdodau sy'n
ddarostyngedig i ddyletswydd
ynghylch Anghydraddoldebau
Economaidd-gymdeithasol)
(Cymru) 2021**

NODYN ESBONIADOL

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

Mae'r Rheoliadau hyn yn diwygio adran 1 o Ddeddf Cydraddoldeb 2010 ("y Ddeddf") er mwyn ychwanegu awdurdodau at y rhestr o awdurdodau sy'n ddarostyngedig i ddyletswydd sector cyhoeddus ynghylch anghydraddoldebau economaidd-gymdeithasol o dan adran 1(1) o'r Ddeddf honno.

Mae'r rhestr o awdurdodau Cymreig a bennir yn adran 1(3A) o'r Ddeddf yn awdurdodau sy'n bodloni'r prawf yn adran 2(6) o'r Ddeddf, hynny yw, maent yn awdurdodau Cymreig datganoledig (o fewn yr ystyr a roddir i "devolved Welsh authority" yn adran 157A o Ddeddf Llywodraeth Cymru 2006), y mae eu swyddogaethau'n cyfateb i swyddogaethau awdurdod a bennir am y tro yn is-adran (3) o adran 1 neu y cyfeirir ato yn is-adran (4) o'r adran honno, neu y mae eu swyddogaethau'n debyg i swyddogaethau awdurdod o'r fath.

Ystyriwyd Cod Ymarfer Gweinidogion Cymru ar gynnal Aseidiadau Effaith Rheoleiddiol mewn perthynas â'r Rheoliadau hyn. O ganlyniad, lluniwyd aseiad effaith rheoleiddiol o'r costau a'r manteision sy'n debygol o ddeillio o gydymffurfio â'r Rheoliadau hyn. Gellir cael copi oddi wrth: Y Grŵp Addysg a Gwasanaethau Cyhoeddus, Llywodraeth Cymru, Parc Cathays, Caerdydd CF10 3NQ.

Rheoliadau drafft a osodwyd gerbron Senedd Cymru o dan adran 209(2), (3)(a) a (6) o Ddeddf Cydraddoldeb 2010, i'w cymeradwyo drwy benderfyniad gan Senedd Cymru.

OFFERYNNAU STATUDOL
CYMRU DRAFFT

2021 Rhif. (Cy.)

CYDRADDOLDEB, CYMRU

**Rheoliadau Deddf Cydraddoldeb
2010 (Awdurdodau sy'n
ddarostyngedig i ddyletswydd
ynghylch Anghydraddoldebau
Economaidd-gymdeithasol)
(Cymru) 2021**

Gwnaed

Yn dod i rym

30 Mawrth 2021

Mae Gweinidogion Cymru yn gwneud y Rheoliadau a ganlyn drwy arfer y pŵer a roddir iddynt gan adran 2(4)(a) o Ddeddf Cydraddoldeb 2010(1).

Yn unol ag adran 209(2), (3)(a) a (6) o'r Ddeddf honno, gosodwyd drafft o'r Rheoliadau hyn gerbron Senedd Cymru, ac fe'i cymeradwywyd ganddi drwy benderfyniad.

(1) 2010 p. 15. Mae adran 2(4) yn galluogi Gweinidogion Cymru i ddiwygio adran 1 o Ddeddf 2010 er mwyn, ymhlith pethau eraill, ychwanegu awdurdod perthnasol at yr awdurdodau sy'n ddarostyngedig i'r ddyletswydd o dan adran 1. Mae "relevant authority" wedi ei ddiffinio yn adran 2(6). Diwygiwyd adran 2(6) gan baragraff 83(1) a (2) o Atodlen 6 i Ddeddf Cymru 2017 (p. 4) ("Deddf 2017"). Hefgorwyd is-adrannau (7), (9) a (10) o adran 2 gan adran 45(3) o Ddeddf 2017 a hepgorwyd paragraff (b) o is-adran (11) gan baragraff 83(3) o Atodlen 6 i Ddeddf 2017. Mae diwygiadau eraill i adran 2 ond nid yw'r un ohonynt yn berthnasol i'r Rheoliadau hyn.

Enwi a chychwyn

1. Enw'r Rheoliadau hyn yw Rheoliadau Deddf Cydraddoldeb 2010 (Awdurdodau sy'n ddarostyngedig i ddyletswydd ynghylch Anghydraddoldebau Economaidd-gymdeithasol) (Cymru) 2021 a deuant i rym ar 30 Mawrth 2021.

Diwygio adran 1 o Ddeddf Cydraddoldeb 2010

2. Yn adran 1 o Ddeddf Cydraddoldeb 2010 (y ddyletswydd sector cyhoeddus ynghylch anghydraddoldebau economaidd-gymdeithasol), ar ôl is-adran (3)(1), mewnosoder—

“(3A) This section also applies to the following authorities—

- (a) the Welsh Ministers;
- (b) a county council or county borough council in Wales;
- (c) a Local Health Board established under section 11 of the National Health Service (Wales) Act 2006⁽²⁾;
- (d) an NHS Trust established under section 18 of the National Health Service (Wales) Act 2006;
- (e) a Special Health Authority established under section 22⁽³⁾ of the National Health Service (Wales) Act 2006 other than a cross-border Special Health Authority (within the meaning of section 8A(5)⁽⁴⁾ of the National Health Service (Wales) Act 2006);
- (f) a fire and rescue authority constituted by a scheme under section 2 of the Fire and Rescue Services Act 2004, or a scheme to which section 4 of that Act applies, for an area in Wales;
- (g) a National Park authority established by an order under section 63 of the Environment Act 1995⁽⁵⁾ for an area in Wales;
- (h) the Welsh Revenue Authority or Awdurdod Cyllid Cymru.”

(1) Hefgorwyd paragraffau (h) ac (i) o adran 1(3) gan baragraff 181(a) a (b) o Atodlen 5 i Ddeddf Iechyd a Gofal Cymdeithasol 2012 (p. 7) (“Deddf 2012”). Diddymwyd adran 1(3)(j) gan baragraff 1 o Atodlen 6 i Ddeddf Cyrff Cyhoeddus 2011 (p. 24). Mae diwygiadau eraill i adran 1 ond nid yw'r un ohonynt yn berthnasol i'r Rheoliadau hyn.

(2) 2006 p. 42.

(3) Hefgorwyd adran 22(6) gan baragraff 18 o Atodlen 21 i Ddeddf 2012.

(4) Mewnosodwyd adran 8A gan baragraff 14 o Atodlen 21 i Ddeddf 2012.

(5) 1995 p. 25.

Enw

Y Dirprwy Weinidog a'r Prif Chwip, o dan awdurdod

Gweinidogion Cymru

Dyddiad

Memorandwm Esboniadol i Rheoliadau Deddf Cydraddoldeb 2010 (Awdurdodau sy'n ddarostyngedig i ddyletswydd ynghylch Anghydraddoldebau Economaidd-gymdeithasol) (Cymru) 2021

Lluniwyd y Memorandwm Esboniadol hwn gan y Gyfarwyddiaeth Cymunedau a Threchu Tlodi ac fe'i gosodir gerbron Senedd Cymru ar y cyd â'r is-ddeddfwriaeth uchod ac yn unol â Rheol Sefydlog 27.1

Datganiad yr Aelod

Yn fy marn i, mae'r Memorandwm Esboniadol hwn yn rhoi darlun teg a rhesymol o effaith ddisgwyliedig Rheoliadau Deddf Cydraddoldeb 2010 (Awdurdodau sy'n ddarostyngedig i ddyletswydd ynghylch Anghydraddoldebau Economaidd-gymdeithasol) (Cymru) 2021. Rwyf wedi fy modloni bod y manteision yn cyfiawnhau'r costau tebygol.

Jane Hutt

Dirprwy Weinidog a Phrif Chwip

9 Chwefror 2021

Tudalen gynnwys

Rhestr o'r byrfoddau Tudalen 4

RHAN 1 – MEMORANDWM ESBONIADOL

1. Disgrifiad Tudalen 5

2. Materion o ddiddordeb arbennig i'r Pwyllgor Deddfwriaeth,
Cyfiawnder a'r Cyfansoddiad Tudalen 5

3. Y Cefndir Deddfwriaethol Tudalen 6

4. Diben y ddeddfwriaeth a'r effaith y bwriedir iddi ei chael Tudalen 7

5. Ymgynghori Tudalen 15

RHAN 2 – ASESIAID EFFAITH RHEOLEIDDIOL

6. Opsiynau Tudalen 17

7. Costau a manteision Tudalen 17

8. Ymgynghori Tudalen 33

9. Asesiad o'r Gystadleuaeth Tudalen 33

10. Adolygiad ar Ôl Gweithredu Tudalen 34

Rhestr o'r byrfoddau

Deddf 2010	Deddf Cydraddoldeb 2010
Y Ddyletswydd	Y Ddyletswydd Economaidd-gymdeithasol
Y Rheoliadau	Rheoliadau Deddf Cydraddoldeb 2010 (Awdurdodau sy'n ddarostyngedig i ddyletswydd ynghylch Anghydraddoldebau Economaidd-gymdeithasol) (Cymru) 2021
Cyrff cyhoeddus perthnasol	<p>Bydd yr awdurdodau cyhoeddus canlynol yng Nghymru yn cael eu cynnwys yn y Dyletswydd, gan eu bod yn diwallu'r prawf 'awdurdod perthnasol' a nodir yn adran 2(6) o Ddeddf 2010:</p> <ul style="list-style-type: none">• Gweinidogion Cymru;• Byrddau Iechyd Lleol;• Ymddiriedolaethau'r GIG;• Awdurdodau Iechyd Arbennig (sy'n gweithredu yng Nghymru yn unig);• Unrhyw gyngor sir neu gyngor bwrdeistref sirol.• Awdurdod Cyllid Cymru;• Awdurdodau Tân ac Achub; ac• Awdurdodau Parciau Cenedlaethol.

RHAN 1 – MEMORANDWM ESBONIADOL

1. Disgrifiad

- 1.1 Er mwyn i'r Ddyletswydd Anghydraddoldeb Economaidd-gymdeithasol ddod i rym yng Nghymru, mae angen cychwyn Rhan 1 o Ddeddf 2010.¹ Mae Adran 1 yn nodi'r Ddyletswydd ei hun, ac ar ôl ei chychwyn, bydd yn berthnasol i'r cyrff cyhoeddus yng Nghymru sydd wedi cael eu rhestru yn adran 1(3) o Ddeddf 2010¹. Mae Adran 2(4) o Ddeddf 2010² yn rhoi'r pŵer i Weinidogion Cymru wneud rheoliadau, a fydd yn ychwanegu at y rhestr yn adran 1(3) o Ddeddf 2010¹, gan bennu'r cyrff perthnasol y bydd y Ddyletswydd yn berthnasol iddynt yng Nghymru. Cafodd Adran 2 o Ddeddf 2010² ei chychwyn ym mis Tachwedd 2019 cyn yr ymgynghoriad. Ar 31 Mawrth 2021, y dyddiad y bwriedir i'r Ddeddf ddod i rym, bydd gweddill Rhan 1 o Ddeddf 2010¹, adrannau 1 a 3 yn cael eu cychwyn gan Orchymyn pellach.
- 1.2 Mae'r Memorandwm Esboniadol hwn, gan gynnwys yr Asesiad Effaith Rheoleiddiol, yn rhoi sylw i effaith deddfu'r Ddyletswydd ar y cyrff cyhoeddus hynny a restrir yn y Rheoliadau.
- 1.3 Mae'r Rheoliadau'n fecanwaith deddfwriaethol a luniwyd i helpu i fynd i'r afael ag anghydraddoldebau yng Nghymru. Bydd y Rheoliadau, ynghyd â'r Gorchymynion Cychwyn³ (mae un ohonynt eisoes wedi cael eu wneud, a bydd y llall yn cychwyn y Ddyletswydd ei hun o dan adran 1 o Ddeddf 2010¹) yn adeiladu ar waith da cyrff cyhoeddus yng Nghymru o ran mynd i'r afael ag anghydraddoldebau ac yn adeiladu ar ddarpariaethau Deddf Llesiant Cenedlaethau'r Dyfodol (Cymru) 2015⁴ i greu 'Cymru sy'n fwy cyfartal'.
- 1.4 Bydd y Rheoliadau'n rhestru'r cyrff cyhoeddus perthnasol, a fydd o dan ddyletswydd statudol, wrth wneud penderfyniadau strategol, fel penderfynu ar flaenoriaethau a gosod amcanion, i ystyried sut gallai eu penderfyniadau helpu i leihau'r anghydraddoldebau sy'n gysylltiedig ag anfantais economaidd-gymdeithasol.
- 1.5 Yn gryno, bydd y Rheoliadau hyn yn diwygio adran 1(3) o Ddeddf 2010¹ drwy ychwanegu awdurdodau cyhoeddus perthnasol yng Nghymru at y rhestr, felly pan fydd adran 1 o Ddeddf 2010¹ yn cael ei chychwyn, bydd y Ddyletswydd yn berthnasol i'r cyrff Cymreig hynny a restrir.

2. Materion o ddiddordeb arbennig i'r Pwyllgor Deddfwriaeth, Cyfiawnder a'r Cyfansoddiad

- 2.1 Dim.

1 <https://www.legislation.gov.uk/ukpga/2010/15/part/1>

2 <https://www.legislation.gov.uk/ukpga/2010/15/section/2>

3 Gorchymyn Deddf Cydraddoldeb 2010 (Cychwyn Rhif 14) (Cymru) 2019; Gorchymyn Cychwyn - Gorchymyn Deddf Cydraddoldeb 2010 (Cychwyn Rhif 15) (Cymru) 2021

4 <http://www.legislation.gov.uk/anaw/2015/2/contents/enacted>

3. Y cefndir deddfwriaethol

- 3.1 Mae 'cyfle cyfartal' yn fater a gedwir yn ôl yn unol â Rhan 1, Atodlen 7A o Ddeddf Llywodraeth Cymru 2006⁵. Fodd bynnag, mae gan Weinidogion Cymru bwerau penodol yn Neddf 2010⁶, sy'n cynnwys y pŵer i gychwyn Rhan 1 o Ddeddf 2010¹ (y Ddyletswydd Anghydraddoldeb Economaidd-gymdeithasol).
- 3.2 Dan Ran 1 o Ddeddf 2010¹ 'fel y'i deddfwyd', roedd yn rhaid i Weinidogion Cymru ymgynghori ag un o Weinidogion y Goron cyn gwneud rheoliadau ac roedd yn rhaid iddynt ystyried canllawiau a gyhoeddwyd gan un o Weinidogion y Goron. Roedd Adran 45 o Ddeddf Cymru 2017⁷ yn diwygio Deddf 2010⁶ fel a ganlyn:
- drwy dynnu'r gofyniad i Weinidogion Cymru ymgynghori ag un o Weinidogion y Goron cyn gwneud rheoliadau dan adran 2 o Ddeddf 2010²;
 - drwy ddarparu mecanwaith i Weinidogion Cymru gychwyn Rhan 1 o Ddeddf 2010¹ ar gyfer cyrff cyhoeddus perthnasol yng Nghymru;;
 - drwy ddarparu ei bod yn rhaid i gyrff cyhoeddus sy'n ymarfer y ddyletswydd yng nghyswllt swyddogaethau datganoledig ystyried canllawiau a gyhoeddir gan Weinidogion Cymru.
- 3.3 Mae adran 2(4) o Ddeddf 2010² yn rhoi'r pŵer i Weinidogion Cymru wneud rheoliadau i ddiwygio adran 1 o Ddeddf 2010¹. Mae'r Rheoliadau hyn yn ychwanegu cyrff cyhoeddus Cymreig perthnasol at y rhestr gyfredol o gyrff yn adran 1(3) o Ddeddf 2010.¹ Mae adran 2(6) o Ddeddf 2010 yn diffinio 'awdurdod perthnasol' at ddiben y pŵer gwneud rheoliadau yn adran 2(4) o Ddeddf 2010².
- 3.4 Pan fydd y Rheoliadau mewn grym, bydd y cyrff Cymreig perthnasol yn cael eu rhestru yn adran 1(3) o Ddeddf 2010.¹
- 3.4 Yn unol ag adrannau 209(2), (3)(a) a (6) o Ddeddf 2010⁶, mae drafft o'r Rheoliadau hyn wedi'i osod gerbron y Senedd i gael ei gymeradwyo, gan ddilyn y weithdrefn gadarnhaol.
- 3.5 Dylid darllen y Rheoliadau hyn ar y cyd â Gorchymyn Deddf Cydraddoldeb 2010 (Cychwyn Rhif 14) (Cymru) 2019³ ("Gorchymyn 2019") a Gorchymyn Deddf Cydraddoldeb 2010 (Cychwyn Rhif 15) (Cymru) 2021 ("Gorchymyn 2021"). Daeth Gorchymyn 2019³ i rym ar 22 Tachwedd 2019. Roedd Gorchymyn 2019 yn cychwyn adran 2 o Ddeddf 2010² a oedd yn rhoi'r pŵer i Weinidogion Cymru wneud rheoliadau, i ddiwygio adran 1 o Ddeddf 2010¹ (y Rheoliadau hyn). Cafodd adran 2 o Ddeddf 2010² ei chychwyn cyn lansio'r ymgynghoriad – Cymru Fwy Cyfartal – Cychwyn y Ddyletswydd Economaidd-gymdeithasol⁸.

5 <http://www.legislation.gov.uk/ukpga/2006/32/contents>

6 <https://www.legislation.gov.uk/ukpga/2010/15/contents>

7 <https://www.legislation.gov.uk/ukpga/2017/4/section/45>

8 <https://llyw.cymru/deddf-cydraddoldeb-2010-cychwyn-y-ddyletswydd-economaidd-gymdeithasol>

- 3.9 Bydd yn rhaid cael offeryn statudol ar wahân, Gorchymyn 2021 er mwyn cychwyn y Ddyletswydd ei hun dan adran 1(1) o Ddeddf 2010. Daw'r Gorchymyn hwn i rym ar 31 Mawrth 2021.
- 3.10 Daw'r Rheoliadau hyn i rym ar 30 Mawrth 2021, er mwyn i'r cyrff cyhoeddus perthnasol yng Nghymru sy'n dod dan y Ddyletswydd gael eu rhestru yn adran 1(3) o Ddeddf 2010¹ cyn i'r Ddyletswydd ddod i rym ar 31 Mawrth 2021.

4. Diben y ddeddfwriaeth a'r effaith y bwriedir iddi ei chael

Polisi ac amcanion cyffredinol

- 4.1 Pan gafodd Deddf 2010⁶ ei deddfu, roedd y Ddyletswydd yn segur ar y llyfr statud, gan fod Llywodraeth y DU wedi dewis peidio â'i chychwyn. Roedd Deddf Cymru 2017⁹ yn deddfu ar gyfer model newydd o ddatganoli yng Nghymru, a oedd yn cynnwys y pŵer i Weinidogion Cymru gychwyn y Ddyletswydd yng Nghymru.
- 4.2 Yn ei fanifesto¹⁰ ym mis Tachwedd 2018 roedd y Prif Weinidog wedi ymrwmo i ddefnyddio'r pwerau hyn i gychwyn y Ddyletswydd. Yn dilyn hynny, ym mis Mehefin 2019, drwy Ddatganiad Llafar yn y Cyfarfod Llawn¹¹, cadarnhaodd y Dirprwy Weinidog a'r Prif Chwip y byddai'r gwaith hwn yn dechrau, ochr yn ochr â gweithgareddau eraill i gryfhau ac i hyrwyddo cydraddoldeb a hawliau dynol yng Nghymru.
- 4.3 Mae'r Llywodraeth hon yn ymdrechu i greu gwlad lle nad oes anghydraddoldebau. Mae bod yn aelod o'r UE ers degawdau wedi arwain at lu o fanteision yng Nghymru, sy'n berthnasol i nifer o agweddau ar fywyd bob dydd. Mae enghreifftiau'n cynnwys hawliau cyflogaeth, hawliau amgylcheddol a rheoliadau iechyd a diogelwch. Fodd bynnag, mae ymadael â'r UE yn creu ansicrwydd mawr a bydd yn debygol o gynyddu'r anghydraddoldebau sy'n bodoli ar hyn o bryd (paragraffau 4.13 – 4.25).
- 4.4 Ar wahân, mae Covid-19 yn cynyddu'r anghydraddoldebau sydd yng Nghymru ar hyn o bryd¹², ac mae'r dystiolaeth yn dangos bod cysylltiad pendant rhwng anghydraddoldeb ac anfantais economaidd-gymdeithasol¹³ (rydym yn defnyddio'r term anfantais economaidd-gymdeithasol i olygu byw mewn amgylchiadau cymdeithasol ac economaidd llai ffafriol na phobl eraill yn yr un gymdeithas¹⁴).
- 4.5 Drwy gydol yr argyfwng mae'r Prif Weinidog wedi bod yn glir bod Llywodraeth Cymru yn rhoi ystyriaethau cydraddoldeb a hawliau dynol wrth galon yr ymateb

9 <http://www.legislation.gov.uk/ukpga/2017/4/contents/enacted>

10 <https://skwawkbox.org/wp-content/uploads/2018/11/manifesto-english-print.pdf>

11 <http://www.senedd.tv/Meeting/Archive/5c2ba93f-74fa-45bd-93be-89a7eda08c49?autostart=True#>

12 <https://llyw.cymru/dyletswydd-economaidd-gymdeithasol-enghreifftiau-o-anghydraddoldebau-canlyniad>

13 <https://www.futuregenerations.wales/wp-content/uploads/2020/06/IC-W-Intro-to-Ch3.pdf> - Tudalen 9

14 <https://llyw.cymru/sites/default/files/publications/2020-07/cychwyn-y-ddyletswydd-economaidd-gymdeithasol-taflen-ffeithiau.pdf>

i'r pandemig a'r adferiad yng Nghymru.

- 4.6 Roedd Llywodraeth Cymru wedi cyhoeddi'r dull gweithredu mae wedi'i ddilyn i asesu pryd fydd modd llacio'r cyfyngiadau symud penodol yn '*Arwain Cymru allan o'r pandemig coronafeirws: fframwaith ar gyfer adferiad*'¹⁵ ar 24 Ebrill a '*Llacio'r cyfyngiadau ar ein cymdeithas a'n heconomi: dal i drafod*'¹⁶ ar 15 Mai. Mae'r naill ddogfen a'r llall, a mesurau eraill a roddwyd ar waith i reoli lledaeniad Covid-19, fel y cyfnod atal byr, yn ymgorffori ymrwymiad Llywodraeth Cymru i sicrhau bod penderfyniadau'n ceisio sicrhau 'effaith gadarnhaol iawn ar gydraddoldeb'.
- 4.7 Ar ben hynny, yn '*Ail-greu ar ôl y coronafeirws: yr heriau a'r blaenoriaethau*'¹⁷ mae Llywodraeth Cymru yn nodi ei phrif ddulliau ar gyfer ail-greu. Ar draws yr wyth blaenoriaeth sydd wedi'u rhestru, ceir ymrwymiad i ganolbwyntio ymdrechion ar gefnogi'r rheini y mae argyfwng Covid-19 wedi cael yr effaith fwyaf niweidiol arnynt. Mae'r rhain yn cynnwys plant a phobl ifanc, menywod, y rheini mewn swyddi cyflog isel ac ansicr, pobl Ddu, Asiaidd a Lleidiafrifoedd Ethnig (BAME) a phobl anabl.
- 4.8 Bydd cychwyn y Ddyletswydd felly'n cyfrannu at gyflawni'r ymrwymadau hyn drwy helpu i ddileu anghydraddoldebau yng Nghymru, gan dargedu'r rheini sy'n wynebu anfantais economaidd-gymdeithasol.

Y sefyllfa ddeddfwriaethol bresennol:

- 4.9 Mae cydraddoldeb yn fater sy'n ymwneud â phawb. Mae awdurdodau cyhoeddus yn gwneud penderfyniadau bob dydd ac mae'n bosibl i bob un o'r rhain gael effaith fawr ar fywydau pobl. Wrth wneud y penderfyniadau hyn, rhaid i awdurdodau cyhoeddus gydymffurfio â nifer o ddyletswyddau statudol.
- 4.10 Roedd Adran 149 o Ddeddf 2010¹⁸ yn cyflwyno un Ddyletswydd Cydraddoldeb Sector Cyhoeddus, neu "ddyletswydd gyffredinol", a oedd yn mynnu bod awdurdodau cyhoeddus a chyrrff eraill a oedd yn cyflawni swyddogaethau cyhoeddus, yn ystyried yr angen i:
- ddileu gwahaniaethu, aflonyddu, erlid ac unrhyw ymddygiad arall sydd wedi'i wahardd gan neu o dan y Ddeddf;
 - hyrwyddo cyfle cyfartal rhwng pobl sy'n rhannu nodwedd warchoddedig berthnasol a'r rheini nad ydynt yn ei rhannu; a
 - meithrin perthynas dda rhwng pobl sy'n rhannu nodwedd warchoddedig berthnasol a'r rheini nad ydynt yn ei rhannu.
- 4.11 Er bod y 'ddyletswydd gyffredinol' yn llywio penderfyniadau cadarn yng nghyswllt cydraddoldeb, mae'n canolbwyntio ar nodweddion gwarchoddedig perthnasol a nodir yn Adran 149(7) o Ddeddf 2010¹⁸. Nid yw'n mynnu bod cyrrff cyhoeddus yn ystyried effaith y penderfyniadau hyn ar yr unigolion hynny sy'n

15 <https://llyw.cymru/arwain-cymru-allan-or-pandemig-coronafeirws-html>

16 <https://llyw.cymru/llacio-cyfyngiadau-ar-ein-cymdeithas-heconomi-dal-i-drafod>

17 <https://llyw.cymru/ail-greu-ar-ol-y-coronafeirws-yr-heriau-ar-blaenoriaethau>

18 <https://www.legislation.gov.uk/ukpga/2010/15/section/149>

wynebu anfantais economaidd-gymdeithasol. Yn lle hynny, mae'n annog cyrff cyhoeddus i ddeall sut y bydd eu gweithgareddau'n effeithio ar wahanol grwpiau o bobl sydd â nodweddion gwarchoddedig, er mwyn i'r gwaith o ddylunio a chyflawni polisïau a gwasanaethau ystyried anghenion y grwpiau hynny. Mae hyn yn golygu bod unigolion sy'n wynebu anfantais economaidd-gymdeithasol yn aml yn cael eu hanwybyddu pan fydd cyrff cyhoeddus yn gwneud penderfyniadau strategol.

- 4.12 Mae Mesur Plant a Theuluoedd (Cymru) 2010¹⁹ yn rhoi dyletswydd ar Weinidogion Cymru a chyrff cyhoeddus a enwir i osod amcanion i fynd i'r afael â thlodi plant a rhoi gwybod am y camau maent yn eu cymryd i helpu i gyflawni eu hamcanion. Nod y ddeddfwriaeth yw gwella bywydau'r rheini sydd fwyaf agored i niwed drwy gefnogi canlyniadau economaidd gwell i deuluoedd a mynd i'r afael â'r anghydraddoldebau sy'n gysylltiedig â thlodi.
- 4.13 Ar ben hynny, cafodd camau i alluogi pobl i gyflawni eu potensial llawn, ni waeth beth oedd eu cefndir a'u hamgylchiadau economaidd-gymdeithasol eu cryfhau drwy Ddeddf Llesiant Cenedlaethau'r Dyfodol 2015⁴, yn enwedig y nod 'Cymru sy'n fwy cyfartal' a'r nod "Cymru o gymunedau cydlynus". Mae'r Ddeddf yn ceisio arwain ymarfer a swyddogaethau cyrff cyhoeddus i ystyried sut maent yn diwallu anghenion cenedlaethau presennol heb beryglu gallu cenedlaethau'r dyfodol i ddiwallu eu hanghenion eu hunain, ac i fynd i'r afael â heriau hirdymor yn well fel anghydraddoldebau canlyniadau wrth wneud penderfyniadau, mae'n darparu ar gyfer un egwyddor ('yr egwyddor datblygu cynaliadwy'). Mae'r Ddyletswydd Economaidd-gymdeithasol yn ategu ac yn gwella'r egwyddor hon.
- 4.14 Er ei bod yn rhaid i awdurdodau cyhoeddus yng Nghymru gydymffurfio â nifer o ddyletswyddau statudol, gan gynnwys rhai sy'n ceisio gwreiddio ystyriaethau cydraddoldeb drwyddi draw, mae angen gwneud mwy i ddileu anghydraddoldebau canlyniadau sy'n gysylltiedig ag anfantais economaidd-gymdeithasol.
- 4.15 Ar ôl cychwyn y Ddyletswydd yn adran 1 o Ddeddf 2010¹, bydd yn cyflwyno dyletswydd statudol newydd sy'n golygu ei bod yn rhaid i gyrff perthnasol, wrth wneud penderfyniadau strategol, roi sylw dyledus i'r angen i leihau anghydraddoldebau canlyniadau sy'n deillio o anfantais economaidd-gymdeithasol.
- 4.16 Mae'r nodiadau esboniadol²⁰ a ddaw gyda Deddf 2010⁶ yn disgrifio bod anghydraddoldebau canlyniadau yng nghyswllt y Ddeddf yn golygu:

Gallai anghydraddoldebau o'r fath gynnwys anghydraddoldebau ym maes addysg, iechyd, tai, cyfraddau trosedd, neu faterion eraill sy'n gysylltiedig ag anfantais economaidd-gymdeithasol. Y cyrff cyhoeddus a ddaw dan y Ddyletswydd fydd yn penderfynu pa anghydraddoldebau economaidd-gymdeithasol y maent mewn sefyllfa i ddylanwadu arnynt.

19 https://www.legislation.gov.uk/mwa/2010/1/pdfs/mwa_20100001_en.pdf

20 <https://www.legislation.gov.uk/ukpga/2010/15/notes/division/3/1/1>

- 4.17 Ni fydd cychwyn y Ddyletswydd yn disodli nac yn cystadlu â dyletswyddau eraill fel Dyletswydd Cydraddoldeb y Sector Cyhoeddus,²¹ deddfwriaeth tlodi plant²² a'r Ddyletswydd Llesiant dan Ddeddf Llesiant Cenedlaethau'r Dyfodol⁴. Bwriedir iddi ategu'r dyletswyddau hyn drwy gyfrannu ymhellach at nodau llesiant hirdymor Cymru. Y nod felly yw y bydd y Ddyletswydd yn fecanwaith arall i gefnogi'r bobl fwyaf agored i niwed yn ein cymdeithas. Bydd mynnu bod cyrff cyhoeddus perthnasol yn gwneud penderfyniadau gwell – penderfyniadau sy'n ystyried anghydraddoldeb canlyniadau sy'n deillio o anfantais economaidd-gymdeithasol wrth eu calon – yn helpu i fynd i'r afael ag ansicrwydd ymadael â'r UE a'n hadferiad o Covid-19. Bydd hyn yn caniatáu inni symud tuag at adeiladu Cymru decach a mwy ffyniannus.
- 4.18 Drwy ei gweithredu, bydd y Ddyletswydd yn ceisio helpu cyrff cyhoeddus i gynyddu eu cyfraniad at fynd i'r afael ag anghydraddoldebau o'r fath, a diwallu eu rhwymedigaethau dan Ddeddf Hawliau Dynol 1998²³ a chyfraith hawliau dynol ryngwladol pan fydd hynny'n berthnasol. Mae cytuniadau rhyngwladol sydd â hawliau economaidd a chymdeithasol yn cynnwys:
- Cyfamod Rhyngwladol ar Hawliau Economaidd, Cymdeithasol a Diwylliannol²⁴;
 - Cyfamod Rhyngwladol ar Hawliau Sifil a Gwleidyddol²⁵;
 - Confensiwn y Cenhedloedd Unedig ar Hawliau'r Plentyn²⁶;
 - Confensiwn y Cenhedloedd Unedig ar Hawliau Pobl ag Anableddau²⁷;
 - Confensiwn y Cenhedloedd Unedig ar Ddiddymu Pob Math o Wahaniaethu yn erbyn Menywod²⁸;
 - Confensiwn y Cenhedloedd Unedig ar Ddiddymu Pob Math o Wahaniaethu Hiliol²⁹; a
 - Confensiwn y Cenhedloedd Unedig yn erbyn Artaith a Thriniaeth neu Gosb Greulon, Annynol neu Israddol Arall³⁰
- 4.19 Mae hi'n bwysig bod cyrff cyhoeddus Cymru yn arwain drwy esiampl, ac yn gwneud y penderfyniadau gorau posibl yng nghyd-destun cydraddoldebau. Nod y Ddyletswydd felly yw sicrhau bod penderfyniadau gwell a mwy cyflawn yn cael eu gwneud, a fydd yn ystyried effaith penderfyniadau strategol ar y rheini

21 <https://www.gov.uk/government/publications/public-sector-equality-duty>

22 https://www.legislation.gov.uk/mwa/2010/1/pdfs/mwa_20100001_en.pdf

23 <https://www.legislation.gov.uk/ukpga/1998/42/contents>

24 <https://www.ohchr.org/en/professionalinterest/pages/cescr.aspx>

25 <https://www.ohchr.org/EN/ProfessionalInterest/Pages/CCPR.aspx>

26 <https://www.ohchr.org/en/professionalinterest/pages/crc.aspx>

27 https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-15&chapter=4&clang=_en

28 <https://www.ohchr.org/EN/ProfessionalInterest/Pages/CEDAW.aspx>

29 <https://www.ohchr.org/EN/ProfessionalInterest/Pages/CERD.aspx>

30 <https://humanrightstracker.com/cy/un-treaty/cat/>

sy'n wynebu anfantais economaidd-gymdeithasol, gan arwain at ganlyniadau mwy cyfartal mewn cymdeithas.

Y broblem sy'n cael sylw

- 4.20 Ni fu erioed adeg mwy perthnasol i weithredu. Haf diwethaf gwelsom brotestiadau "Black Lives Matter" a dynnodd sylw at hiliaeth systemig a strwythurol yn ein cymdeithas.
- 4.21 Mae Covid-19 hefyd wedi dod â heriau enfawr i'n cymunedau. Mae wedi dod yn amlwg y bu fwy o effaith ar rai grwpiau nag eraill – er enghraifft, pobl Ddu, Asiaidd a Lleafrifoedd Ethnig (BAME), pobl anabl, menywod a phobl ifanc.
- 4.22 Bydd effaith cau ysgolion ar addysg plant, ac effeithiau'r dirwasgiad dyfnaf mewn hanes ar ragolygon swyddi a chyflog i bobl ifanc sy'n ymuno â'r farchnad lafur eleni yn siŵr o fod yn niweidiol, yn barhaol ac yn fwy dwys o lawer i'r rheini sydd eisoes yn wynebu anfantais gymdeithasol-economaidd hy mae gweithwyr ar gyflogau is dair gwaith yn fwy tebygol o fod wedi colli eu swydd neu wedi cael eu rhoi ar ffyrlo na gweithwyr ar gyflogau uchel, a ddwywaith yn fwy tebygol o fod mewn swyddi sy'n golygu eu bod yn dod ar draws peryglon iechyd³¹.
- 4.23 Mae ystadegau diweddar yn dangos bod anfantais economaidd-gymdeithasol yn parhau yng Nghymru. Er enghraifft, mae Data Cartrefi Islaw'r Incwm Cyfartalog³² a gyhoeddwyd ym mis Mawrth 2020 yn dangos:
- Roedd bron i chwarter yr holl bobl yng Nghymru (23 y cant) yn byw mewn tlogi incwm cymharol (ar ôl costau tai) rhwng 2016-17 a 2018-19.
 - Plant yw'r grŵp oedran sydd fwyaf tebygol o fod mewn tlogi cymharol; 28 y cant o blant o'i gymharu â 19 y cant o bensiynwyr.
- 4.24 Ar ben hynny, mae Adroddiad Llesiant Cymru 2018-19³³ yn nodi:
- Roedd dros ddwy ran o bump (42 y cant) o'r rheini a oedd yn rhieni sengl mewn amddifadedd materol yn 2018-19 a dywedodd 3 y cant o aelwydydd eu bod wedi cael bwyd gan fanc bwyd yn ystod y 12 mis diwethaf.
 - Amcangyfrifwyd bod 12 y cant o aelwydydd yn byw mewn tlogi tanwydd yn 2018.
 - Roedd cyfran y bobl a oedd â salwch cyfyngus hirdymor neu anabledde a oedd mewn aelwyd mewn amddifadedd materol yn 2018-19 wedi aros

31 <https://www.resolutionfoundation.org/publications/a-new-settlement-for-the-low-paid/>

32 <https://www.gov.uk/government/statistics/households-below-average-income-199495-to-201819>

33 <https://llyw.cymru/sites/default/files/statistics-and-research/2019-11/llesiant-cymru-2019.pdf>

ddwywaith yn uwch (21 y cant) nag ar gyfer y rheini nad oeddent yn anabl (10 y cant).

- Yn 2018-19 roedd canran uwch o fenywod (15 y cant) yn wynebu amddifadedd materol (hynny yw, ddim yn gallu fforddio pethau penodol fel cadw'r tŷ'n ddigon cynnes) wrth gymharu â dynion (12 y cant).
- Mewn blynyddoedd diweddar (2013-14 i 2017-18), roedd pobl mewn aelwydydd lle'r oedd pennaeth yr aelwyd yn dod o grŵp ethnig nad oedd yn Wyn yn fwy tebygol o fod mewn tlodi incwm cymharol (31 y cant) wrth gymharu â'r rheini lle'r oedd pennaeth yr aelwyd o grŵp ethnig Gwyn (23 y cant).
- Yn 2018-19, roedd cyfran is o oedolion a nododd eu bod yn heterorywiol mewn amddifadedd materol (13 y cant) wrth gymharu â'r rheini nad oeddent yn heterorywiol (20 y cant).

- 4.25 Roedd adroddiad diweddar y Comisiwn Cydraddoldeb a Hawliau Dynol 'A yw Cymru'n Decach (2018)'³⁴ yn tynnu sylw at brofiadau a chyfleoedd pobl o wahanol gefndiroedd economaidd-gymdeithasol. Roedd rhagair yr adroddiad yn nodi:

"Mae mwy o dlodi yng Nghymru yn arwain at hyd yn oed mwy o fwllch ym mhrofiadau a chyfleoedd pobl sy'n cael eu geni o gefndiroedd economaidd-gymdeithasol gwahanol. Mae ein canfyddiadau'n dangos bod y bwllch hwn wedi ehangu'n benodol i fenywod, i bobl anabl ac i rai grwpiau lleiafrifoedd ethnig. Mae gan ddynion sydd wedi'u geni yn ardaloedd mwyaf difreintiedig Cymru fwy na wyth mlynedd yn llai o ddisgwyliad oes na'r sawl a anwyd yn yr ardaloedd lleiaf breintiedig, mae pobl anabl yn wynebu bwllch cyrhaeddiad addysgol, ac mae lefelau uchel o hiliaeth a thrais yn erbyn menywod yn realiti i lawer o bobl yn byw yng Nghymru heddiw. Oni bai i ni fynd i'r afael â'r anghydraddoldeb hwn yn awr, gallai'r anfantais y mae gormod o bobl yng Nghymru'n eu hwynebu galedu am genedlaethau i ddod.

- 4.26 Roedd adroddiad 'Cyflwr y Genedl' 2020³⁵ Chwarae Teg yn cadarnhau bod menywod mewn mwy o berygl o dlodi na dynion. Mae'r ffactorau sy'n dylanwadu ar hyn yn cynnwys y ffaith bod menywod yn fwy tebygol o ennill yr ail gyflog uchaf yn yr aelwyd ac yn fwy tebygol o fod yn gweithio'n rhan-amser ac yn fwy tebygol o weithio mewn sectorau sy'n talu cyflogau isel. Efallai fod rhagor o fenywod mewn perygl uwch o dlodi hefyd o ganlyniad i dor-perthynas oherwydd bod incwm annibynnol menywod yn is. Mae hyn yn gallu arwain at effeithiau canlyniadol ar eu plant gan fod 90 y cant o rieni sengl yn fenywod.

- 4.27 Mae adroddiad Comisiynydd Cenedlaethau'r Dyfodol 'Adroddiad Cenedlaethau'r Dyfodol 2020; Pennod Tri: Cynnydd yn erbyn y nodau llesiant'³⁶ yn rhoi manylion y cyswllt rhwng tlodi ac anfantais economaidd-gymdeithasol

34 <https://www.equalityhumanrights.com/cy/publication-download/yw-cymru%E2%80%99n-decach-2018>

35 <https://chwaraeteg.com/wp-content/uploads/2020/01/Cyflwr-y-Genedl-2020-1.pdf>

36 <https://www.futuregenerations.wales/wp-content/uploads/2020/06/IC-W-Chap-3-Equal-.pdf>

ac yn egluro sut gall cyrff cyhoeddus helpu i ddileu'r anghydraddoldebau hyn. Mae'n datgan:

“Er y bu cynnydd sylweddol mewn rhai meysydd o fywyd dros y degawdau diwethaf, erys y ffaith bod ein cymdeithas yn yr 21ain ganrif yn llawer llai cyfartal nag y dylai fod.

Mae angen mwy o waith i gyrrff cyhoeddus gymhwysu lens cydraddoldeb i'w hamcanion llesiant a'u halinio â'u hamcanion cydraddoldeb

Mae anghydraddoldeb o ran statws economaidd-gymdeithasol yn ogystal â hil, rhywedd, anabledd, oedran, cyfeiriadedd rhywiol, crefydd a chred (a ddisgrifir yn aml fel y rhai â nodweddion gwarchoddedig) yn croestorri ar draws pob un o'n nodau llesiant cenedlaethol.”

O'r herwydd mae'r adroddiad yn cynnwys nifer o argymhellion i Lywodraeth Cymru er mwyn sicrhau ei bod yn cyd-fynd â gofynion Deddf Llesiant Cenedlaethau'r Dyfodol (Cymru) 2015⁴ drwy weithredu'r Ddyletswydd, gan gynnwys argymhelliad 190:

“Sicrhau fod [Llywodraeth Cymru] yn defnyddio ysgogiadau fel Dyletswydd Cydraddoldeb y Sector Cyhoeddus; dyletswydd economaidd-gymdeithasol a Bil Partneriaethau Cymdeithasol (Cymru), mewn ffyrdd sy'n cyd-fynd â gofynion Deddf Llesiant Cenedlaethau'r Dyfodol (Cymru) 2015 - yn enwedig gosod, cyflawni ac adrodd ar amcanion llesiant.”³⁷

- 4.28 Roedd 'Adroddiad yr Is-grŵp Economaidd-gymdeithasol BAME ar COVID-19'³⁸, y Prif Weinidog a gyhoeddwyd ym mis Mehefin 2020, yn gosod anghydraddoldeb hil yng Nghymru yng nghyd-destun Covid-19 ac anfantais economaidd-gymdeithasol. Mae crynodeb gweithredol yr adroddiad yn datgan:

“Er bod pandemig y coronafeirws wedi codi ofn ar bobl mewn cymunedau ledled Cymru a thu hwnt, ac wedi peryglu bywydau a bywoliaeth unigolion, mae'r effeithiau ar grwpiau Pobl Dduon ac Asiaidd a Lleiafrifoedd Ethnig (BAME) wedi bod yn arbennig o sylweddol. Mae aelodau cymunedau BAME yn dal clefyd COVID-19 ac yn marw ohono i raddau anghymesur mae'r ystadegau sydd ar gael yn awgrymu bod grwpiau BAME ym Mhrydain hyd at ddwywaith yn fwy tebygol o farw o'r clefyd na phobl wyn ym Mhrydain.”

- 4.29 Mae'r adroddiad yn canolbwyntio ar nifer o feysydd lle mae effaith anghydraddoldeb hil yn arbennig o amlwg. Mae'r rhain yn cynnwys iechyd a gofal cymdeithasol, sicrwydd cyflogaeth ac incwm, tai ac addysg. Mae'r adroddiad yn canfod mai'r thema gyffredinol sy'n rhedeg drwy'r meysydd hyn yw effaith yr anfantais a'r hiliaeth hirsefydlog a'r diffyg cynrychiolaeth BAME

³⁷ <https://www.futuregenerations.wales/wp-content/uploads/2020/06/WELSH-WG-All-Recommendations.pdf>

³⁸ <https://llyw.cymru/adroddiad-grwp-economaidd-gymdeithasol-covid-19-pobl-dduon-asiadd-lleiafrifoedd-ethnig>

yn y broses o wneud penderfyniadau er mwyn sicrhau canlyniadau economaidd-gymdeithasol gwell. Mae'r adroddiad yn gwneud argymhellion ar gyfer mynd i'r afael â phob un o'r ffactorau a nodwyd sy'n gosod pryderon cydraddoldeb hiliol wrth galon penderfyniadau yn y llywodraeth, ac mae'n cydnabod y Ddyletswydd fel ffordd o helpu i leihau anghydraddoldebau sy'n gysylltiedig ag anfantais economaidd-gymdeithasol wrth wneud penderfyniadau strategol.

- 4.30 Yn fwyaf diweddar, ym mis Awst 2020, cyhoeddodd Pwyllgor Cydraddoldeb, Llywodraeth Leol a Chymunedau Senedd Cymru adroddiad "*Amlygu'r materion: anghydraddoldeb a'r pandemig*"³⁹. Mae'r adroddiad yn datgan:

"Yn ystod y pandemig, mae ein tebygolrwydd o farw, colli swydd neu fynd ar ei hôl hi ym maes addysg wedi cael ei benderfynu'n rhannol gan ein hoedran, hil, rhyw, anabledd, incwm a ble rydyn ni'n byw. Mae'r feirws a'r ymateb iddo yn ehangu'r anghydraddoldebau presennol, a hynny drwy leihau incwm a chynyddu risgiau yn anghymesur i rai grwpiau o bobl."

- 4.31 Ymysg 44 o argymhellion yr adroddiad oedd un (argymhelliad 8) a oedd wedi'i anelu'n benodol at weithredu'r Ddyletswydd Economaidd-gymdeithasol:

"Argymhelliad 8

Dylai Llywodraeth Cymru gadw at ysbryd a bwriad y ddyletswydd economaidd-gymdeithasol yn ei holl benderfyniadau nes ei chychwyn ym mis Mawrth 2021, a dylai ddatblygu trefniadau dros dro i fonitro sut mae'n cyflawni ysbryd y ddyletswydd cyn ei chychwyn yn llawn."

- 4.32 Yn wyneb yr heriau a nodwyd uchod o ran ymadael â'r UE a Covid-19, mae'r dystiolaeth uchod yn dangos bod angen rhagor o gynnydd i greu cymdeithas sy'n galluogi pobl i gyflawni eu potensial ni waeth beth yw eu cefndir neu eu hamgylchiadau.
- 4.33 Oni bai yr eir i'r afael â'r anghydraddoldebau hyn nawr, gallai'r anfantais sydd eisoes yn wynebu nifer o bobl yng Nghymru fwrw gwreiddiau am genedlaethau, felly mewn ymateb i hynny, mae cychwyn y ddyletswydd yn flaenoriaeth i'r Llywodraeth hon.

Sut bydd yr is-ddeddfwriaeth yn gwella'r sefyllfa bresennol

- 4.34 Er mwyn mynd i'r afael â'r uchod, bydd Gweinidogion Cymru yn defnyddio eu pwerau i roi dyletswydd statudol ar gyff cyhoeddus perthnasol i sicrhau eu bod, wrth wneud penderfyniadau strategol fel penderfynu ar flaenoriaethau a gosod amcanion, yn rhoi sylw dyledus i'r angen i leihau anghydraddoldebau canlyniadau sy'n deillio o anfantais economaidd-gymdeithasol.
- 4.35 Bydd cychwyn y Ddyletswydd yn gam allweddol i sicrhau ymrwymiad polisi Llywodraeth Cymru i gryfhau ac i hyrwyddo hawliau dynol, oherwydd bydd yn

³⁹ <https://senedd.wales/laid%20documents/cr-ld13403/cr-ld13403-w.pdf>

mynd i'r afael â chanlyniadau anghyfartal. Bydd yn adeiladu ar Ddeddf Llesiant Cenedlaethau'r Dyfodol 2015⁴ drwy roi cyfle i Gymru wneud pethau'n wahanol. Bydd mynd i'r afael ag anghydraddoldeb wrth galon gwneud penderfyniadau strategol ar gyfer cyrff cyhoeddus perthnasol. Bydd defnyddio'r Ddyletswydd yn helpu i gyflawni'r nodau llesiant cenedlaethol a nodir yn Neddf Llesiant Cenedlaethau'r Dyfodol 2015⁴.

- 4.36 Bydd y Ddyletswydd yn rhan o fframwaith sy'n ceisio adeiladu ar y camau cadarnhaol sydd eisoes wedi'u cymryd gan gyrff cyhoeddus i fynd i'r afael ag anghydraddoldeb, gan gynnwys mesurau i hyrwyddo llesiant cenedlaethau'r dyfodol drwy ddatblygu cynaliadwy, a chynlluniau i gryfhau trefniadau partneriaeth gymdeithasol⁴⁰ a hyrwyddo uchelgeisiau gwaith teg.
- 4.37 Mae rhagor o wybodaeth fanwl ar y manteision disgwylidig yn Opsiwn 2 yn Rhan 2 - yr Aseiad Effaith Rheoleiddiol ar dudalen 19.

Pwy fydd y ddeddfwriaeth yn effeithio arnynt

- 4.38 Bydd y Ddyletswydd yn berthnasol i gyrff cyhoeddus sydd â swyddogaethau strategol, ac sy'n perthyn i'r diffiniad o 'Awdurdod perthnasol' yn adran 2(6) o Ddeddf Cydraddoldeb 2010². Mae paragraff 4.10 yn crynhoi pwrpas y ddyletswydd, gyda'r Aseiad Effaith Rheoleiddiol yn cynnwys manylion yr effaith ddisgwylidig.
- 4.39 Bydd effaith ar y Comisiwn Cydraddoldeb a Hawliau Dynol hefyd fel rheoleidiwr Deddf 2010⁶. Mewn perthynas â'r Ddyletswydd, mae'r pŵer gan y Comisiwn Cydraddoldeb a Hawliau Dynol i hyrwyddo ac i ddarparu cyngor ac arweiniad, a chyhoeddi ymchwil. Hefyd, os bydd corff cyhoeddus perthnasol yn methu â chyflawni'r ddyletswydd, mae'n bosibl i unigolyn neu grŵp y mae penderfyniad y corff cyhoeddus hwnnw'n effeithio'n niweidiol ar ei fuddiannau, ddwyn hawliad am adolygiad barnwrol yn erbyn yr awdurdod hwnnw – gall y Comisiwn gefnogi unrhyw her o'r fath, neu gyflwyno her o'r fath ei hun.
- 4.40 Mae effaith hefyd ar Lywodraeth Cymru o ran cefnogi'r cyrff cyhoeddus hynny sydd wedi'u cynnwys yn y Ddyletswydd a helpu Gweinidogion Cymru i gyflawni eu dyletswydd. Mae effaith hefyd ar fudiadau'r trydydd sector, a fydd, o fewn y canllawiau statudol a gynhyrchwyd i gefnogi'r Ddyletswydd, yn chwarae rhan allweddol fel rhanddeiliaid i helpu i ddylanwadu ar gyrff cyhoeddus perthnasol.
- 4.40 Yn bwysicaf oll, mae disgwyl i'r effaith gadarnhaol fwyaf fod ar y rheini mewn cymdeithas sy'n wynebu anfantais economaidd-gymdeithasol.

Y risgiau os na chaiff yr is-ddeddfwriaeth hon ei gwneud

- 4.41 Os na chyflwynir y Ddyletswydd, bydd yr anghydraddoldeb a welir yng Nghymru (fel y disgrifir uchod ym mharagraffau 4.20-4.33) yn parhau a bydd yn debygol o waethygu gan achosi anghydraddoldeb ar gyfer cenedlaethau i ddod. Fel yr eglurwyd, mae ymadael â'r UE ac effeithiau pandemig Covid-19 yn parhau i

⁴⁰ <https://llyw.cymru/datganiad-ysgrifenedig-cymru-fwy-cyfartal-atgyfnerthu-partneriaeth-gymdeithasol>

achosi ansicrwydd mawr o ran cydraddoldeb a hawliau dynol. Felly, bydd y Ddyletswydd yn helpu i leihau effaith niweidiol y digwyddiadau hyn ar gydraddoldeb a hawliau dynol.

- 4.42 Os na chaiff y Ddyletswydd ei chychwyn, bydd y rôl a'r diwylliant arwain mewn cyrff cyhoeddus perthnasol sy'n ymwneud ag anfantais economaidd-gymdeithasol yn aros yr un fath a bydd cyfle pwysig yn cael ei golli i greu newid cyfanwerthol yn y prosesau gwneud penderfyniadau presennol. Ni fydd unrhyw fecanwaith i sicrhau bod cyrff cyhoeddus perthnasol yn gwneud penderfyniadau gwell drwy ystyried yr anghydraddoldebau canlyniadau sy'n gysylltiedig ag anfantais economaidd-gymdeithasol.
- 4.43 Byddai peidio â chychwyn y Ddyletswydd yn lleihau'r cyfle i sicrhau bod ymgysylltu â'r union bobl hynny y mae penderfyniadau'n effeithio arnynt, y rheini sy'n dioddef anfantais economaidd-gymdeithasol, wrth galon y broses o wneud penderfyniadau. Byddai'n golygu anwybyddu cyfle i newid diwylliant y ffordd y ceir tystiolaeth ar gyfer penderfyniadau strategol, a sicrhau eu bod yn cael eu gwneud mewn ffordd dryloyw a'u bod yn cael eu herio'n agored. Yn bwysicaf oll, collir y cyfle i wireddu'r gwahaniaeth y mae'r Llywodraeth hon am ei wneud i fywydau pobl yng Nghymru nawr ac yn y dyfodol, gan ei gwneud yn anoddach cyflawni nodau Deddf Llesiant Cenedlaethau'r Dyfodol 2015⁴.
- 4.44 Mae rhagor o wybodaeth am anfanteision disgwylidig peidio â chynhyrchu'r Rheoliadau yn Opsiwn 1 yn Rhan 2 o'r Asesiad Effaith Rheoleiddiol ar dudalen 17.

5. Ymgynghori

- 5.1 Cynhaliwyd ymgynghoriad wyth wythnos o hyd rhwng 22 Tachwedd 2019 a 17 Ionawr 2020 ar y cynigion drafft a'r Asesiad Effaith Rheoleiddiol drafft cysylltiedig yn Rhan 2.
- 5.2 Darparwyd fersiwn hawdd ei darllen ar wahân o'r ymgynghoriad a'r ffurflen ymateb i'r ymgynghoriad.
- 5.3 Cynhaliwyd chwe digwyddiad ymgynghori ledled Cymru rhwng 12 Rhagfyr a 14 Ionawr, gyda 140 o bobl yn bresennol.

Digwyddiadau Ymgynghori	Nifer a oedd yn bresennol
Caerdydd - 12 Rhagfyr 2019 - Canolfan yr Holl Genhedloedd Caerdydd	36
Abertawe - 16 Rhagfyr 2019 - Stadiwm Liberty Abertawe	27
Merthyr Tudful - 18 Rhagfyr 2019 - Canolfan Orbit Merthyr	26
Conwy - 7 Ionawr 2020 - Canolfan Fusnes Conwy	39

Llandrindod - 9 Ionawr 2020 – Adeiladau Llywodraeth Cymru	12
Casnewydd – 14 Ionawr 2020 – Canolfan Ddinesig Casnewydd	10
Cyfanswm	140

5.4 Tynnwyd sylw cynulleidfa eang o randdeiliaid allweddol at yr ymgynghoriad. Cafwyd 98 o ymatebion i'r ymgynghoriad:

- Roedd 63 o sefydliadau wedi ymateb drwy lenwi'r ffurflen ymateb;
- Daeth 35 o ymatebion drwy'r porth ar-lein, roedd 14 ohonynt yn gyflawn a 21 ohonynt wedi cael eu cwblhau'n rhannol.

5.5 Ar ben hynny, mae nodiadau a wnaed ym mhob un o'r digwyddiadau ymgynghori â rhanddeiliaid ledled Cymru, lle'r oedd 140 o unigolion yn bresennol, wedi cael eu bwydo i'r dadansoddiad.

5.6 Ar y cyfan, roedd yr adborth a gafwyd yn gadarnhaol ac roedd yr ymatebwyr yn croesawu'r Ddyletswydd. Roedd y drafodaeth yn canolbwyntio ar weithredu'r Ddyletswydd a phrif elfennau'r canllawiau statudol hy beth sydd yn benderfyniad strategol a pha anghydraddoldebau canlyniadau bydd y Ddyletswydd yn ceisio eu lleihau.

5.7 Bydd yr ymatebion i'r ymgynghoriad nawr yn cael eu defnyddio fel sail i'r canllawiau i sicrhau bod y Ddyletswydd Economaidd-gymdeithasol yn gweithio i'r cyrff cyhoeddus perthnasol hynny y mae'n berthnasol iddynt ac sy'n darparu ar gyfer pobl Cymru.

5.8 Mae crynodeb o'r ymatebion wedi cael ei gyhoeddi⁴¹.

RHAN 2 – ASESIAID EFFAITH RHEOLEIDDIOL

6.1 Mae Aseiad Effaith Rheoleiddiol wedi cael ei gynnal ar gyfer y Rheoliadau, ac mae'n dilyn isod.

6.3 Mae'r aseiad costau a manteision yn canolbwyntio ar y cyfnod o dair blynedd rhwng 2020-21 a 2022-23. Os caiff y Rheoliadau eu gwneud, byddant yn rhestru'r cyrff cyhoeddus hynny y bydd y Ddyletswydd yn berthnasol iddynt o 31 Mawrth 2021 ymlaen. Mae cyfnod arfarnu o dair blynedd wedi cael ei ddewis, gan fod disgwyl i'r costau a'r manteision gyrraedd cyflwr sefydlog yn gyflym. Mae'r costau wedi cael eu talgrynnu i'r £100 agosaf, felly mae'n bosibl na fydd rhai o'r cyfansymiau yn y tabl yn dod i union swm oherwydd y talgrynnu.

⁴¹ <https://llyw.cymru/deddf-cydraddoldeb-2010-cychwyn-y-ddyletswydd-economaidd-gymdeithasol>

- 6.4 Mae'r Asesiad Effaith Rheoleiddiol yn rhoi'r amcangyfrif gorau o gostau a manteision y Rheoliadau ar sail y dystiolaeth sydd ar gael. Mae'r dadansoddiad wedi cael ei lywio gan waith ymgysylltu â chynrychiolwyr rhanddeiliaid allweddol o gyrrff cyhoeddus perthnasol. Er hynny, bu'n rhaid gwneud cyfres o ragdybiaethau er mwyn cwblhau'r cyfrifiadau. Mae unrhyw ragdybiaethau a wneir yn cael eu hesbonio yn y naratif.
- 6.5 Fel y mae paragraff 5.1 yn sôn, cynhaliwyd ymgynghoriad wyth wythnos rhwng Rhagfyr 2019 ac Ionawr 2020 yn gofyn am sylwadau ar y cynigion drafft a'r Asesiad Effaith Rheoleiddiol drafft cysylltiedig⁴². Roedd yr ymatebion a ddaeth i law yn dangos bod y rhan fwyaf o'r ymatebwyr yn cytuno â'r amcangyfrifon a ddarparwyd yn yr Asesiad Effaith Rheoleiddiol drafft, ond roedd pryderon wedi codi bod rhai costau wedi cael eu tanamcangyfrif ar gyfer cyrrff cyhoeddus mawr. Yn anffodus, ni awgrymwyd data ychwanegol nac amgen i helpu i lywio'r asesiad terfynol o gostau.

6. Opsiynau

- 6.6 Mae dau opsiwn wedi cael ei nodi a'i ystyried:

Opsiwn 1: Gwneud dim byd – cadw'r sefyllfa bresennol; ac

Opsiwn 2: Cyflwyno'r Ddyletswydd ar gyfer y cyrrff cyhoeddus hynny sydd wedi'u rhestru yn y Rheoliadau, sy'n mynnu bod y cyrrff hynny – wrth wneud penderfyniadau strategol, fel penderfynu ar flaenoriaethau a gosod amcanion – yn ystyried sut gallai eu penderfyniadau helpu i leihau'r anghydraddoldebau sy'n gysylltiedig ag anfantais economaidd-gymdeithasol.

7. Costau a manteision

OPSIWN 1: GWNEUD DIM BYD – CADW'R SEFYLLFA BRESENNOL

Disgrifiad

- 7.1 Byddai'r opsiwn hwn yn golygu cadw pethau fel y maen nhw, hy, peidio â gweithredu Rhan 1, Adran 1 o Ddeddf 2010¹ yng Nghymru. Byddai hyn yn golygu mai'r polisiau a'r mesurau presennol fyddai'r sbardun o hyd i helpu i leihau anghydraddoldebau yng Nghymru, gan gynnwys Deddf Llesiant Cenedlaethau'r Dyfodol (Cymru) 2015⁴, Deddf 2010 - Dyletswydd Cydraddoldeb y Sector Cyhoeddus¹⁸, Rheoliadau Deddf Cydraddoldeb 2010 (Dyletswyddau Statudol) (Cymru) 2011⁴³, Mesur Hawliau Plant a Phobl Ifanc (Cymru) 2011⁴⁴, Mesur Plant a Theuluoedd (Cymru) 2010⁴⁵ a Deddf Hawliau Dynol 1998²³. Fodd bynnag, fel y mae paragraff 4.11 yn egluro, byddai hyn yn golygu nad oes dyletswydd benodol sy'n mynnu bod cyrrff cyhoeddus yn ystyried effaith eu

42 <https://llyw.cymru/deddf-cydraddoldeb-2010-cychwyn-y-ddyletswydd-economaidd-gymdeithasol>

43 <https://www.legislation.gov.uk/cy/wsi/2011/1064/contents/made>

44 <https://www.legislation.gov.uk/cy/mwa/2011/2/contents>

45 https://www.legislation.gov.uk/mwa/2010/1/pdfs/mwa_20100001_we.pdf

penderfyniadau ar yr unigolion hynny sydd o dan anfantais economaidd-gymdeithasol.

- 7.2 Er ei bod yn rhaid i gyrff cyhoeddus yng Nghymru gydymffurfio â nifer o ddyletswyddau statudol, gan gynnwys rhai sy'n ceisio gwreiddio ystyriaeth o gydraddoldeb ym mhob rhan o'u proses o wneud penderfyniadau, fel sy'n cael ei egluro isod mae angen gwneud mwy i ddileu anghydraddoldebau canlyniadau sy'n gysylltiedig ag anfantais economaidd-gymdeithasol.

Costau

- 7.3 Er nad yw'r opsiwn hwn yn cynnig newidiadau i'r fframwaith deddfwriaethol, mae effeithiau a chostau posibl yn gysylltiedig â chadw'r sefyllfa bresennol os na fydd anghydraddoldeb economaidd-gymdeithasol yn cael sylw effeithiol.
- 7.4 Mae'r ffactorau sy'n dylanwadu ar anfantais economaidd-gymdeithasol yn gymhleth ac yn aml yn gysylltiedig â'i gilydd. Er enghraifft, mae canlyniadau iechyd yn mynd yn waeth ac yn waeth ar draws y graddiant economaidd-gymdeithasol⁴⁶⁴⁷; mae dim cyfoeth/lefel isel o gyfoeth yn golygu dim mynediad/mynediad cyfyngedig ymysg aelwydydd at nwyddau a gwasanaethau sylfaenol fel trafnidiaeth, addysg a gwasanaethau gofal iechyd; diffyg symudedd cymdeithasol o ran addysg uwch a rhagolygon gyrfa; ac mae rhai unigolion sydd â nodweddion gwarchoddedig yn wynebu gwahaniaethu⁴⁸.
- 7.5 Felly, ystyrir nad oes modd mesur y costau sy'n gysylltiedig â chynnal y sefyllfa bresennol, felly ni ddarparwyd amcangyfrif gan y byddai mor eang fel na fyddai o werth, a byddai'n gamarweiniol. Er enghraifft, gellir mesur cymorth i rai o'r rheini sy'n wynebu anfantais economaidd drwy gostau pecynnau budd-daliadau.
- 7.6 Mae'r adroddiad gan Sefydliad Bevan: *'A Welsh Benefit System, and how it can help solve poverty'*⁴⁹, tudalen 4, yn rhoi manylion am gostau'r budd-daliadau a ddarperir gan Lywodraeth Cymru, sy'n fwy na £400m bob blwyddyn. Yn 2018/19, gwariodd yr Adran Gwaith a Phensiynau dros £5 biliwn ar daliadau budd-daliadau lles (heb gynnwys pensiwn y wladwriaeth) a oedd yn cael eu hawlio gan bobl yng Nghymru⁵⁰.
- 7.7 Mewn adroddiad a gyhoeddwyd gan y Comisiwn Cydraddoldeb a Hawliau Dynol: Effaith cronol diwygiadau treth a lles, mae'r dystiolaeth yn dangos y rhagwelir y bydd tlodi plant cymharol yng Nghymru yn cynyddu, ac

46 [https://www.health.org.uk/funding-and-partnerships/our-partnerships/health-equity-in-england-the-marmot-review-10-years-](https://www.health.org.uk/funding-and-partnerships/our-partnerships/health-equity-in-england-the-marmot-review-10-years-on?utm_source=google&utm_medium=cpc&utm_campaign=marmot2020&gclid=EAIaIQobChMlg-7JzYzN6glVxevtCh3PlgNHEAAAYASAAEgLrwfD_BwE)

on?utm_source=google&utm_medium=cpc&utm_campaign=marmot2020&gclid=EAIaIQobChMlg-7JzYzN6glVxevtCh3PlgNHEAAAYASAAEgLrwfD_BwE

47 <http://www.arsyllfaiechydycyhoedduscymru.wales.nhs.uk/anghydraddoldeb-ac-annhegwch>

48 <https://www.gov.uk/government/publications/social-mobility-in-great-britain-state-of-the-nation-2018-to-2019>

49 <https://www.bevanfoundation.org/wp-content/uploads/2020/09/Welsh-Benefits-System-Final-Report-1.pdf>

50 <https://www.gov.uk/government/publications/benefit-expenditure-and-caseload-tables-2019>

amcangyfrifir y bydd diwygiadau treth a lles Llywodraeth y DU yn gwthio 50,000 yn rhagor o blant i dlodi erbyn 2021-22 (tua 8 pwynt canran o gynnydd)⁵¹.

- 7.8 Yn ei adroddiad diweddaraf am gyflwr y wlad, Tlodi yng Nghymru 2020, mae Sefydliad Joseph Rowntree⁵² yn dweud y canlynol:

mae cyfuniad o gyflogau isel, tai anfforddiadwy a diffyg gofal plant yn golygu bod 700,000 o bobl yn methu dianc rhag tlodi. Mae hynny'n cynnwys 180,000 o blant, gyda 140,000 ohonynt yn byw mewn teuluoedd sydd eisoes yn derbyn budd-daliadau sy'n seiliedig ar incwm – mae'r system nawdd cymdeithasol yn methu helpu llawer o deuluoedd i gadw eu pen uwchlaw'r dŵr.

Dywedodd hefyd;

Cyn y coronafeirws, roedd bron i chwarter pobl Cymru yn byw mewn tlodi. Ar ôl degawd o ddiffyg cynnydd cyson, heb unrhyw newid bron yn y gyfran honno, mae Cymru nawr yn wynebu cynnydd mewn lefelau tlodi wrth i'r dirwasgiad yn sgil Covid gyflymu. Mae'r pandemig wedi cael effaith fawr ar weithwyr yng Nghymru sy'n cael cyflog isel: mewn diwydiannau sydd â chyfran fawr o swyddi sy'n talu cyflog isel, fel y sector Llety, Bwyd a Diod, mae 78% o swyddi wedi cael eu rhoi ar ffyrlo. Yr un sectorau hynny sydd fwyaf tebygol o weld swyddi'n diflannu ar raddfa eang, ac mewn rhai ardaloedd mae dros 40% o'r swyddi yn y diwydiannau risg uchel hyn, sy'n talu cyflogau isel.

- 7.9 Fodd bynnag, mae'n bwysig cydnabod bod anfantais economaidd-gymdeithasol yn llawer ehangach na dim ond tlodi. Dyma'r diffiniad o anfantais economaidd-gymdeithasol yn y canllawiau statudol, a fydd yn cael eu cyhoeddi pan ddaw'r Ddyletswydd i rym:

Byw mewn amgylchiadau cymdeithasol ac economaidd llai ffafriol nag eraill yn yr un gymdeithas, sy'n gallu bod yn anghymesur mewn cymunedau buddiant, (grwpiau o bobl sy'n rhannu buddiant), a chymunedau lle, (pobl sydd wedi'u cysylltu â'i gilydd oherwydd lleoliad daearyddol).

Felly, nid yw'r uchod ond yn rhoi syniad o'r costau posibl o gynnal y sefyllfa bresennol (Opsiwn 1).

Manteision Opsiwn 1

- 7.10 Mae'r dystiolaeth yn dangos nad yw gweithio'n unol â'r fframwaith polisi a deddfwriaethol presennol (hy, peidio â chyflwyno'r Ddyletswydd) yn cael yr effaith a ddymunir, sef sicrhau bod anfantais economaidd-gymdeithasol wrth galon penderfyniadau strategol mewn cyrff cyhoeddus perthnasol. Fodd bynnag, mae'r opsiwn hwn yn cynnig budd bach, sef sicrwydd i'r cyrff cyhoeddus perthnasol y bydd y sefyllfa bresennol yn parhau.

⁵¹ <https://www.equalityhumanrights.com/cy/node/8756>

⁵² <https://www.jrf.org.uk/press/wales-faces-rising-tide-poverty-after-coronavirus>

OPSIWN 2: CYFLWYNO'R DDYLETSWYDD AR GYFER Y CYRFF CYHOEDDUS HYNNY SYDD WEDI'U RHESTRU YN Y RHEOLIADAU, SY'N MYNNU BOD Y CYRFF HYNNY – WRTH WNEUD PENDERFYNIADAU STRATEGOL, FEL PENDERFYNU AR FLAENORIAETHAU A GOSOD AMCANION – YN YSTYRIED SUT GALLAI EU PENDERFYNIADAU HELPU I LEIHOU'R ANGHYDRADDOLDEBAU SY'N GYSYLLTIEDIG AG ANFANTAIS ECONOMAIDD-GYMDEITHASOL.

Disgrifiad

- 7.11 Byddai'r opsiwn hwn yn rhoi Dyletswydd gyffredinol ar gyrrff cyhoeddus perthnasol i ystyried sut mae eu penderfyniadau strategol yn helpu i leihau'r anghydraddoldebau canlyniadau sy'n gysylltiedig ag anfantais economaidd-gymdeithasol.
- 7.12 Bydd y Ddyletswydd newydd yn mynnu bod cyrrff cyhoeddus perthnasol, wrth wneud penderfyniadau strategol fel penderfynu ar flaenoriaethau a gosod amcanion, yn rhoi sylw dyledus i'r angen i leihau anghydraddoldebau canlyniadau sy'n deillio o anfantais economaidd-gymdeithasol.
- 7.13 Bydd ystyried anfantais economaidd-gymdeithasol yn dod yn rhan annatod o'u penderfyniadau strategol.
- 7.14 Nid oes bwriad i'r Ddyletswydd newydd sicrhau canlyniad penodol na lefel benodol o wasanaeth; bwriad yr opsiwn hwn yw bod cyrrff cyhoeddus perthnasol yn mynd ati i ystyried, wrth wneud penderfyniadau strategol, sut gellir gwneud penderfyniadau mewn ffordd sy'n manteisio i'r eithaf ar allu'r corff hwnnw i leihau anghydraddoldebau canlyniadau.

Costau

Paratoi at y Ddyletswydd

- 7.15 Mae rhoi cyrrff cyhoeddus perthnasol mewn sefyllfa lle maen nhw'n canolbwyntio'n fwy rheolaidd a brwd ar leihau anfantais economaidd-gymdeithasol, yn debygol o olygu cyfuniad o newidiadau o ran arweinyddiaeth, diwylliant ac ymddygiad. Rhwng 1 Ebrill 2020 a 31 Mawrth 2021, mae nifer o gamau wedi cael eu cymryd i ddarparu amrywiaeth o adnoddau ategol, gan gynnwys:
- canllawiau anstatudol;
 - taflen ffeithiau;
 - dogfen 'cwestiynau cyffredin';
 - fframwaith craffu i helpu'r rheini sy'n gwneud penderfyniadau i gyflawni eu dyletswydd i roi 'sylw dyledus' i'r Ddyletswydd;
 - trosolwg o'r anghydraddoldebau canlyniadau sy'n deillio o anfantais economaidd-gymdeithasol, a sut mae'r rhain wedi cynyddu ymhellach o ganlyniad i Covid-19;
 - canllawiau i helpu cyrrff cyhoeddus i ystyried cyfleoedd i ddefnyddio'r Ddyletswydd Economaidd-gymdeithasol, Dyletswydd Cydraddoldeb y

Sector Cyhoeddus **Error! Bookmark not defined.** a dyletswyddau Llesiant Cenedlaethau'r Dyfodol⁴ mewn ffordd gyson;

- cyflwyniad i helpu i godi ymwybyddiaeth o'r Ddyletswydd;
- Film fer ar gyfer uwch arweinwyr yn y sector cyhoeddus a'r rheini sy'n rhan o'r broses o wneud penderfyniadau strategol allweddol, fel Prif Weithredwyr, Cadeiryddion, Aelodau Etholedig, Aelodau Bwrdd ac Arweinwyr Llywodraethu;
- dwy weminar ar gyfer uwch arweinwyr mewn cyrff cyhoeddus perthnasol;
- ffilm sy'n dangos profiadau go iawn; a
- Chanllawiau Statudol.

7.16 Wrth baratoi at y Ddyletswydd, bydd rhai costau sy'n berthnasol i 2020-2021, y flwyddyn ariannol gyfredol, wedi codi'n barod ac ni ellir eu hadennill hyd yn oed os na fydd y Senedd yn pasio'r ddeddfwriaeth.

7.17 Mae Tabl 1a isod yn cyfeirio at 'secondai' a drefnwyd gan Lywodraeth Cymru am gyfnod penodol, o 1 Ebrill 2020 tan 31 Mawrth 2021, i arwain fel rheolwr gweithredu i ddarparu'r adnoddau uchod, ochr yn ochr â Staff Llywodraeth Cymru. Cost flynyddol y rôl secondiad yma oedd £54,000.

7.18 Mae'r holl gostau yn ystod y cyfnod rhwng 1 Ebrill 2020 a 31 Mawrth 2021 wedi cael eu hamsugno. Mae'r costau hyn yn adlewyrchu cost cyfle i wneud gwaith arall os na chaiff y Ddyletswydd ei chychwyn.

7.19 Nid oedd unrhyw gostau'n gysylltiedig â dosbarthu'r adnoddau ategol, gan mai dim ond fersiynau electronig sydd ar gael ar [wefan](#) Llywodraeth Cymru. Cafodd yr [holl](#) gyhoeddiadau eu cyhoeddi mewn HTML, a ddefnyddir fwyaf gan dechnolegau cynorthwyol, fel darllenwyr sgrin, a'u defnyddio gan feddalwedd llais-i-weithredu, neu mewn fformat PDF wedi'i optimeiddio i fodloni safonau hygrychedd.

Tabl 1a – Costau Cyfle – Llywodraeth Cymru – Costau staff sy'n gysylltiedig â datblygu adnoddau ategol ar gyfer 2020/21

Gweithgaredd	Gradd	Amser	Cost
Cost Cyfle – datblygu adnoddau ategol	Dirprwy Gyfarwyddwr – Uwch Wasanaeth Sifil 1*	0.1	£11,500
Cost Cyfle – datblygu adnoddau ategol	Band Gweithredol 2 (Gradd 7)*	0.2	£16,200
Cost Cyfle – datblygu adnoddau ategol	Secondai	0.8	£43,200
Cost cyfle – Arweinydd Cyfathrebu	Band Rheoli 2 (Swyddog Gweithredol Uwch)*	0.2	£9,800
Cost cyfle – Dylunio a chysodi adnoddau ategol**	Band Rheoli 3 (Swyddog Gweithredol)*	32 diwrnod	£5,500
Cost Cyfle – cyfieithu adnoddau ategol***	Band Rheoli 2 (Swyddog Gweithredol Uwch)*	9 diwrnod	£2,000

Cyfanswm	£88,200
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* Mae costau staff Llywodraeth Cymru yn seiliedig ar gostau staff cyfartalog ar gyfer bandiau cyflog staff sifil nad ydynt yn staff uwch yn 2019/20⁵³. Mae'r rhain yn cynnwys argostau cyflogaeth (pensiynau, yswiriant gwladol, ac ati).

**Yn seiliedig ar gostau a ddarparwyd yn yr Asesiad Effaith Rheoleiddiol i gefnogi'r Ddeddf Iechyd a Gofal Cymdeithasol (Ansawdd ac Ymgysylltu) (Cymru)⁵⁴, tabl 19, tudalen 77, am waith dylunio a chysodi un adnodd dros bedwar diwrnod gan Swyddog Gweithredol – wedi'u lluosu ag 8 ar gyfer yr adnoddau a nodir ym mharagraff 7.15.

***Yn seiliedig ar gostau a ddarparwyd yn yr Asesiad Effaith Rheoleiddiol i gefnogi'r Ddeddf Iechyd a Gofal Cymdeithasol (Ansawdd ac Ymgysylltu) (Cymru)⁵⁵, tabl 16, tudalen 76, am y gwaith o gyfieithu un adnodd, 2,000 y diwrnod, gan Uwch Swyddog Gweithredol – tua 18,000 o eiriau (wedi talgrynnu i'r fil agosaf).

***Yn seiliedig ar gostau a ddarparwyd yn yr Asesiad Effaith Rheoleiddiol i gefnogi'r Ddeddf Iechyd a Gofal Cymdeithasol (Ansawdd ac Ymgysylltu) (Cymru)⁵⁶, tabl 16, tudalen 76, am y gwaith o gyfieithu un adnodd, 2,000 y diwrnod, gan Uwch Swyddog Gweithredol – tua 18,000 o eiriau (wedi talgrynnu i'r fil agosaf).

Tabl 1b – Costau Refeniw – Llywodraeth Cymru – costau sy'n gysylltiedig â datblygu adnoddau ategol ar gyfer 2020/21

Gweithgaredd	Cost
Cost refeniw – Datblygu cyfres o fideos byr yn dangos straeon mewn bywyd go iawn	£20,000
Cost refeniw – Datblygu animeiddiad esboniadol	£15,000
Costau refeniw – Datblygu gweminarau	£5,000
Cyfanswm	£40,000

7.20 I helpu i ddatblygu'r adnoddau uchod, cafwyd cyngor yn ystod 2020/21 gan grŵp o gynrychiolwyr o'r cyrff cyhoeddus perthnasol a'r trydydd sector. Mae'r grŵp hwn wedi cael ei ddi-ddymu ers hynny.

Tabl 2 – Costau cyfle – Staff y Grŵp Arweiniad ar gyfer 2020/21

Gweithgaredd	Enillion cyfartalog (canolrifol) yn y sector cyhoeddus, 2018*	Nifer y cynrychiolwyr	Amser**	Cost***
Cost Cyfle – Awdurdodau Lleol	£64,500	3	2 ddiwrnod	£1,800
Cost Cyfle – Bwrdd Iechyd Lleol	£64,500	3	2 ddiwrnod	£1,800
Cost Cyfle – Awdurdod Tân ac Achub	£64,500	2	2 ddiwrnod	£1,200
Cost Cyfle – Awdurdod	£64,500	1	2 ddiwrnod	£600

53 <https://wales365uk.sharepoint.com/sites/Intranet-Money/SitePages/Average-Pay-Costs.aspx>

54 <https://senedd.wales/laid%20documents/pri-ld12572-em/pri-ld12572-em-w.pdf>

55 <https://senedd.wales/laid%20documents/pri-ld12572-em/pri-ld12572-em-w.pdf>

56 <https://senedd.wales/laid%20documents/pri-ld12572-em/pri-ld12572-em-w.pdf>

Parciau Cenedlaethol				
Cost Cyfle – TUC Cymru	£64,500	1	2 ddiwrnod	£600
Cost Cyfle – CLILC	£64,500	1	2 ddiwrnod	£600
Cost Cyfle – Y Trydydd Sector	£64,500	2	2 ddiwrnod	£1,200
Cyfanswm				£7,800

*Yn seiliedig ar ddata diweddaraf yr ASHE,⁵⁷ enillion gros canolrifol yr awr ar gyfer 'Prif Weithredwyr ac uwch swyddogion' (Cod Galwedigaethau 111) yng Nghymru yn 2018. Mae 30% o gynnydd wedi cael ei ychwanegu i adlewyrchu argostau. Nid oes data ar gael ar gyfer cyflog cyfartalog gweithiwr yn y sector cyhoeddus yng Nghymru. Felly, nid ydym yn gallu cyfrifo costau'r cynrychiolwyr uchod gydag unrhyw sicrwydd mawr. Mae gennym ddata ar y costau ar gyfer Prif Weithredwyr/Uwch Reolwyr, ac rydym yn defnyddio hyn i geisio rhoi'r amcangyfrif gorau. Fodd bynnag, rydym yn cydnabod y bydd y gost wirioneddol yn sylweddol is.

**1 awr bob pythefnos am y cyfnod o 220 diwrnod y flwyddyn = 15.7 awr – wedi'i dalgrynnu i 2 ddiwrnod.

*** Cyflog blynyddol cyfartalog wedi'i rannu â 220 diwrnod y flwyddyn, wedi'i luosi â nifer y diwrnodau, wedi'i luosi â nifer y cyrff.

- 7.21 Ar wahân i'r uchod, mae costau cyfle ychwanegol yn gysylltiedig â staff mewn cyrff cyhoeddus perthnasol yn ystyried deunydd ategol, a newidiadau i brosesau a systemau presennol i wreiddio'r Ddyletswydd ar ôl iddi ddechrau. Mae'r amcangyfrif o'r costau cyfle sy'n gysylltiedig â staff yn adolygu'r deunydd wedi'i gyfrifo ar sail nifer yr oriau staff a dreuliyd ar yr hyfforddiant, wedi'i luosi â chost gyfartalog fesul awr y rheini sy'n cymryd rhan yn y gwaith.
- 7.22 Byddai angen mwy o amser i drafod â chyrff cyhoeddus perthnasol, sefydliadau mawr penodedig fel Gweinidogion Cymru, Awdurdodau Lleol, Byrddau Iechyd Lleol, Ymddiriedolaethau'r GIG ac Awdurdodau Iechyd Arbennig – hyd at uchafswm o 40 diwrnod o bosibl i hyfforddi nifer o swyddogion ar draws y sefydliad, i adolygu trefniadau llywodraethu cymhleth ac i ddiweddarau dulliau gwneud penderfyniadau fel asesiadau effaith. Cytunodd y sefydliadau llai, fel yr Awdurdodau Tân ac Achub, Awdurdodau Parciau Cenedlaethol ac Awdurdod Cyllid Cymru y byddai uchafswm o 18 diwrnod yn ddigon i gyflawni tasg debyg.

Tabl 3 – Costau cyfle – Cyrff cyhoeddus perthnasol ar gyfer 2020/21

Gweithgaredd	Cyflog Cyfartalog	Amser	Nifer y cyrff cyhoeddus	Cost***
Cost Cyfle – Gweinidogion Cymru	£94,500*	40 diwrnod	12	£206,200
Cost Cyfle – Awdurdodau Lleol	£64,500**	40 diwrnod	22	£258,000
Cost Cyfle – Byrddau Iechyd Lleol	£64,500**	40 diwrnod	7	£82,100

57 <https://www.ons.gov.uk/employmentandlabourmarket/peopleinwork/earningsandworkinghours/bulletins/annualsurveyofhoursandearnings/2020>

Cost Cyfle – Ymddiriedolaethau'r GIG	£64,500**	40 diwrnod	3	£35,200
Cost Cyfle – Awdurdodau Iechyd Arbennig	£64,500**	40 diwrnod	1	£11,800
Cost Cyfle – Awdurdodau Tân ac Achub	£64,500**	18 diwrnod	3	£15,900
Cost Cyfle – Awdurdodau Parciau Cenedlaethol	£64,500**	18 diwrnod	3	£15,900
Cost Cyfle – Awdurdod Cyllid Cymru	£64,500**	18 diwrnod	1	£5,300
Cyfanswm				£630,400

*Mae'r penderfyniad ar Gyflogau a Lwfansau Aelodau⁵⁸ yn dangos mai £94,442.50 oedd cyfartaledd cyfanswm cyflog Gweinidog (£102,100) a Dirprwy Weinidog (£86,785) ar gyfer 2017-18.

*Yn seiliedig ar ddata diweddaraf yr ASHE⁵⁹, enillion gros canolrifol yr awr ar gyfer 'Prif Weithredwyr ac uwch swyddogion' (Cod Galwedigaethau 111) yng Nghymru yn 2018. Mae 30% o gynnydd wedi cael ei ychwanegu i adlewyrchu argostau. Mae'r holl ddata'n rhagdybio 220 diwrnod gwaith. Defnyddiwyd yr un fethodoleg ar gyfer cyfrifo costau ag a gafodd ei defnyddio yn yr Asesiad Effaith Rheoleiddiol o Fil Llesiant Cenedlaethau'r Dyfodol.

*** Cyflog blynyddol cyfartalog wedi'i rannu â 220 diwrnod y flwyddyn, wedi'i luosi â nifer y diwrnodau, wedi'i luosi â nifer y cyrff.

Gweithredu

7.13 Mae gweithredu'r Ddyletswydd yn cynnwys ystyried anfantais economaidd-gymdeithasol wrth wneud penderfyniadau strategol. I wneud hyn, mae cyrff cyhoeddus eisoes yn gallu cael gafael ar ystod eang o ddata meintiol ac ansoddol, a byddan nhw'n ymgysylltu'n rheolaidd â defnyddwyr gwasanaethau er mwyn casglu gwybodaeth. Felly, mae'r costau sy'n gysylltiedig â gweithredu yn ymwneud yn llwyr â'r costau cyfle sy'n gysylltiedig ag ystyried y data hyn o safbwynt anfantais economaidd-gymdeithasol.

7.24 Mae hi wedi bod yn anodd dros ben darparu amcangyfrif realistig o'r amser y bydd yn ei gymryd i weithredu'r Ddyletswydd ar draws yr amrywiaeth o gyrrff cyhoeddus perthnasol. Roedd yr asesiad effaith gwreiddiol a gynhaliwyd gan Lywodraeth y DU i gefnogi Deddf 2010⁶ yn fan cychwyn defnyddiol ar gyfer drafftio'r Asesiad Effaith Rheoleiddiol, gan ddweud y canlynol:

Mae hi'n anodd rhoi amcangyfrif o gost y ddeddfwriaeth. Tybir y bydd hynny'n golygu'r amser sydd ei angen ar awdurdodau i ymgyfarwyddo â'r ddeddfwriaeth, a'r amser sy'n cael ei dreulio ar sail barhaus i sicrhau bod data priodol yn cael eu cynnwys yn y prosesau gwneud penderfyniadau perthnasol. Rhagdybir y bydd yr elfen gyntaf, ar gyfartaledd, yn cymryd tri diwrnod (21 awr) i uwch swyddog (neu weithiwr cyfatebol), gan gynnwys hanner diwrnod i ymgyfarwyddo â'r ddeddfwriaeth ac wedyn dau ddiwrnod a hanner ar ben

58 Cynulliad Cenedlaethol Cymru. Penderfyniad ar Gyflogau Aelodau – Bwrdd Taliadau Cynulliad Cenedlaethol Cymru [Rhyngwyd]. Cynulliad Cenedlaethol Cymru, 2017. Ar gael yn: http://www.assembly.wales/Job%20Documents/Cams/Determination/Determination_Sep_17_EN.pdf

59 <https://www.ons.gov.uk/employmentandlabourmarket/peopleinwork/earningsandworkinghours/bulletins/annualsurveyofhoursandearnings/2020>

hynny i integreiddio'r broses o ystyried anfantais economaidd-gymdeithasol yn y broses polisi, pan nad yw hyn yn digwydd eisoes. Rhagdybir y bydd yn cymryd un diwrnod o waith bob blwyddyn i uwch swyddog neu ddadansoddwr gyflawni'r ail elfen.

Y rhagdybiaeth y bydd y broses gydymffurfio'n cymryd 21 awr i ddechrau, a 7 awr ar sail barhaus, yw'r cyfyngiad mwyaf ar gywirdeb yr asesiad effaith yma. Nid ydym yn gwybod faint o amser y bydd yn ei gymryd i awdurdodau ymgyswddo â'r Ddyletswydd, ac i addasu eu prosesau polisi i gyd-fynd â'r Ddyletswydd.

- 7.25 Roedd Llywodraeth Cymru wedi cynnwys yr asesiad amser cychwynol yma mewn Asesiad Effaith Rheoleiddiol drafft, sy'n destun ymgynghoriad ochr yn ochr â chychwyn y Ddyletswydd⁶⁰.
- 7.26 Dangosodd yr ymatebion i'r ymgynghoriad bod y mwyafrif yn cytuno ag amcangyfrifon cychwynol Llywodraeth Cymru, ond bod y gost wedi cael ei thanamcangyfrif ar gyfer rhai cyrff cyhoeddus. Yn benodol, teimlai awdurdodau lleol a byrddau iechyd fod cost gweithredu'r Ddyletswydd lawer yn fwy na'r amcangyfrif. Teimlai awdurdodau lleol fod angen addasu'r amserlenni er mwyn rhoi mwy o amser i baratoi, a bod rhai ffactorau – gan gynnwys yr amser mae aelodau etholedig yn ei dreulio'n craffu ar benderfyniadau – wedi cael eu hanwybyddu.
- 7.27 Roedd yr adborth a gafwyd yn awgrymu bod y mewnbwn amser yma yn rhy isel. Er enghraifft, dywedodd un awdurdod lleol:
- Mae'r costau gweithredu wedi cael eu tanamcangyfrif yn ddifrifol yn yr Asesiad Effaith Rheoleiddiol drafft. Mae'n asesu hanner diwrnod o amser uwch swyddog i integreiddio hyn yn y broses polisi. Bydd sicrhau bod data ar gael ar draws yr awdurdod, newid prosesau a gweithdrefnau, a hyfforddi'r holl staff ac aelodau perthnasol yn ystod y flwyddyn gyntaf y bydd hyn ar waith, yn waith sylweddol. Ar ôl hynny, bydd yn cymryd llawer iawn o amser i uwch swyddog (y sawl sy'n gwneud y penderfyniad/y sawl sy'n ysgrifennu'r adroddiad) fynd ati i asesu effaith y penderfyniadau'n briodol.*
- 7.28 Er bod yr ymatebwyr yn teimlo bod yr amcangyfrifon yn 'afrealistig', roedden nhw'n cael trafferth amcangyfrif pa mor hir y byddai hyn yn ei gymryd, gan ddweud:
- mae'n anodd bod yn fanwl gywir wrth ddweud pa mor hir y bydd yn ei gymryd i awdurdod ymgyswddo â'r Ddyletswydd/canllawiau, ac i addasu unrhyw bolisiâu/prosesau yn unol â hynny.*
- 7.29 Gwnaeth ymatebwyr y pwynt pellach na fydd yr holl gostau yr un fath ar gyfer pob sefydliad, gan y bydd amrywiadau o bosibl ar sail maint a chymhlethdod. Byddai nifer y penderfyniadau strategol y bydd cyrff cyhoeddus perthnasol yn eu gwneud bob blwyddyn yn gallu amrywio hefyd, hy, mae'n bosibl y bydd

⁶⁰ <https://llyw.cymru/deddf-cydraddoldeb-2010-cychwyn-y-ddyletswydd-economaidd-gymdeithasol>

Awdurdod Lleol neu Fwrdd Iechyd Lleol yn gwneud llawer mwy o benderfyniadau strategol bob blwyddyn o'u cymharu ag Awdurdod Parc Cenedlaethol neu Awdurdod Tân ac Achub.

- 7.30 Mae swyddogion Llywodraeth Cymru wedi cydweithio â swyddogion cyfatebol yn yr Alban er mwyn cael help i gael gwybod beth yw'r costau cyfle i gyrff cyhoeddus perthnasol.
- 7.31 Ar sail yr adborth a gafwyd o'r ymgynghoriad, roedd Llywodraeth Cymru wedi cynyddu'r amcangyfrifon gwreiddiol yn gyffredinol – o 21 awr yn y flwyddyn gyntaf a saith awr ar ôl hynny, i 18 diwrnod yn y flwyddyn gyntaf fel y gwelir yn nhabl 3, a 12 diwrnod ar ôl hynny. Cafodd y costau newydd hyn eu rhannu â chydweithwyr yn yr Alban er mwyn cael eu sylwadau, o ystyried eu profiad (ym mis Ebrill 2018, yr Alban oedd y wlad gyntaf yn y DU i ddechrau Rhan 1 o Ddeddf Cydraddoldeb 2010 – Dyletswydd Alban Decach⁶¹). Cafwyd yr ymateb canlynol gan gydweithwyr yn yr Alban:

mae'r amser a'r costau rydych chi'n eu hawgrymu yn edrych yn rhesymol. O'n profiad ni, mae gwahanol sefydliadau'n mynd ati mewn ffyrdd eithaf gwahanol, ac felly mae ganddyn nhw adnoddau gwahanol ar gyfer gweithredu'r FSD. Mae'n amhosibl meddwl am ffigur a fyddai'n adlewyrchu beth mae pawb yn ei wneud.

- 7.32 Gan gadw'r anawsterau hyn mewn cof, ond heb gael tystiolaeth eto i ddangos yn union beth yw'r amrywiadau, roedd Llywodraeth Cymru wedi gweithio'n agos gyda chynrychiolwyr cyrff cyhoeddus perthnasol i gytuno ar yr amcangyfrif gorau. Mae'r costau cyfle diwygiedig ar gyfer cyrff yn y sector cyhoeddus wedi'u hamcangyfrif isod. Bydd y costau hyn yn codi eto o 2021/22 ymlaen.

Tabl 4 – Cost cyfle – Amser staff mewn cyrff cyhoeddus perthnasol sy'n gysylltiedig â'r broses o roi hyn ar waith yn 2021/22 a 2022/23

Gweithgaredd	Enillion cyfartalog (canolrifol) yn y sector cyhoeddus, 2018	Amser	Nifer y cyrff cyhoeddus	Cost 2021/22***	Cost 2022/23***
Cost cyfle – Rhoi hyn ar waith – Gweinidogion Cymru	£94,500*	12 Diwrnod	12	£61,900	£61,900
Cost cyfle – Rhoi hyn ar waith – Awdurdodau Lleol	£64,500**	12 Diwrnod	22	£77,400	£77,400
Cost cyfle – Rhoi hyn ar waith – Byrddau Iechyd Lleol	£64,500**	12 Diwrnod	7	£24,700	£24,700
Cost cyfle – Rhoi hyn ar waith –	£64,500**	12 Diwrnod	3	£10,600	£10,600

61 <https://www.gov.scot/publications/fairer-scotland-duty-interim-guidance-public-bodies/>

Ymddiriedolaethau'r GIG					
Cost cyfle – Rhoi hyn ar waith – Awdurdodau Iechyd Arbennig	£64,500**	12 Diwrnod	1	£3,600	£3,600
Cost cyfle – Rhoi hyn ar waith – Awdurdodau Tân ac Achub	£64,500**	12 Diwrnod	3	£10,600	£10,600
Cost cyfle – Rhoi hyn ar waith – Awdurdodau Parciau Cenedlaethol	£64,500**	12 Diwrnod	3	£10,600	£10,600
Cost cyfle – Rhoi hyn ar waith – Awdurdod Cyllid Cymru	£64,500**	12 Diwrnod	1	£3,600	£3,600
Cyfanswm				£203,000	£203,000

*Mae'r penderfyniad ar Gyflogau a Lwfansau Aelodau⁶² yn dangos mai £94,442.50 oedd cyfartaledd cyfanswm cyflog Gweinidog (£102,100) a Dirprwy Weinidog (£86,785) ar gyfer 2017-18.

*Yn seiliedig ar ddata diweddaraf yr ASHE⁶³, enillion gros canolrifol yr awr ar gyfer 'Prif Weithredwyr ac uwch swyddogion' (Cod Galwedigaethau 111) yng Nghymru yn 2018. Mae 30% o gynnydd wedi cael ei ychwanegu i adlewyrchu argostau. Mae'r holl ddata'n rhagdybio 220 diwrnod gwaith. Defnyddiwyd yr un fethodoleg ar gyfer cyfrifo costau ag a gafodd ei defnyddio yn yr Asesiad Effaith Rheoleiddiol o Fil Llesiant Cenedlaethau'r Dyfodol.

*** Cyflog blynyddol cyfartalog wedi'i rannu â 220 diwrnod y flwyddyn, wedi'i luosi â nifer y diwrnodau, wedi'i luosi â nifer y cyrff.

Newid diwylliant

7.33 Un o effeithiau'r Ddyletswydd fydd bod cyrff cyhoeddus perthnasol yn cefnogi ymhellach y gwaith o ddatblygu diwylliant sy'n ystyried effaith anfantais economaidd-gymdeithasol. Felly, bydd y Ddyletswydd yn newid pwyslais y broses o wneud polisiau a phenderfyniadau strategol, i un sy'n rhoi pwyslais mawr ar anghydraddoldebau. Mae'n bosibl hefyd y bydd cyrff cyhoeddus yn gwneud penderfyniadau gwahanol o ganlyniad i'r Ddyletswydd hon, ac efallai y bydd goblygiadau ariannol i'r penderfyniadau hynny. Ni allwn ddarogan y costau a fydd yn gysylltiedig â'r newid hwn mewn diwylliant ac unrhyw effeithiau ariannol posibl o ganlyniad i wneud penderfyniadau gwahanol yn y dyfodol. Dydyn ni ddim yn gwybod hynny, oherwydd bydd yr amser a'r adnoddau sydd eu hangen i gyflawni hyn yn amrywio, gan ddibynnu ar lle maen nhw wedi cyrraedd ar hyd eu taith o weithio fel hyn.

Costau cyfreithiol

7.34 Mae cyflwyno'r Ddyletswydd yn creu cyfle i benderfyniadau gael eu herio'n gyfreithiol ar y sail nad ydynt yn cydymffurfio â'r Ddyletswydd. Hynny yw, os na fydd corff cyhoeddus perthnasol yn cyflawni'r Ddyletswydd, mae'n bosibl y byddai unigolyn neu grŵp y mae penderfyniad y corff cyhoeddus hwnnw'n

62 Cynulliad Cenedlaethol Cymru. Penderfyniad ar Gyflogau Aelodau – Bwrdd Taliadau Cynulliad Cenedlaethol Cymru [Rhyngwrdd]. Cynulliad Cenedlaethol Cymru, 2017. Ar gael yn: http://www.assembly.wales/Job%20Documents/Cams/Determination/Determination_Sep_17_EN.pdf

63 <https://www.ons.gov.uk/employmentandlabourmarket/peopleinwork/earningsandworkinghours/bulletins/annualsurveyofhoursandearnings/2020>

effeithio'n andwyol ar ei fuddiannau, yn gallu cyflwyno hawliad am adolygiad barnwrol yn erbyn yr awdurdod hwnnw.

- 7.35 O ran y costau a ddarperir yn yr Asesiad Effaith Rheoleiddiol i gefnogi'r Ddeddf Iechyd a Gofal Cymdeithasol (Ansawdd ac Ymgysylltu) (Cymru)⁶⁴, mae paragraff 218, tudalen 61 yn egluro:

“Er y gall methiant i gydymffurfio â'r ddyletswydd gael ei herio yn y llysoedd, bernir ei bod yn annhebygol y bydd y ddyletswydd yn gyfystyr â hawl i unigolyn gael gwasanaeth penodol. Er enghraifft, yn achos R (Dyer) v Welsh Ministers [2015] EWHC 3712 dyfarnwyd nad oedd y gyfundrefn statudol (Deddf y Gwasanaeth Iechyd Gwladol (Cymru) 2006)⁶⁵ yn addas i greu hawl i unigolyn gael darpariaeth gwasanaethau ac nad oedd dyletswyddau yn y gyfraith gyhoeddus wedi'u torri o ran casglu data ynghylch darpariaeth gwasanaethau nac wrth wneud penderfyniadau ar ddarpariaeth gwasanaethau. Gan hynny, er y gallai'r costau posibl sy'n gysylltiedig â heriau posibl drwy adolygiadau barnwrol fod yn sylweddol pe baent yn dod i'r fei, bernir nad yw hyn yn debygol iawn. Nid oes modd meintoli'r costau hyn oherwydd hyd yn oed pe bai her adolygiad barnwrol yn codi, mae costau adolygiadau barnwrol yn amrywio'n sylweddol, felly mae'r gost yn anhysbys ar hyn o bryd.”

Y Comisiwn Cydraddoldeb a Hawliau Dynol

- 7.36 Mae'n rhaid i'r Comisiwn Cydraddoldeb a Hawliau Dynol (y Comisiwn) annog a hybu dealltwriaeth o arferion da yng nghyswllt cydraddoldeb, a bydd hyn yn cynnwys y Ddyletswydd. Hefyd mae'n rhaid i'r Comisiwn, o dan adran 8(1)(e), orfodi Deddf Cydraddoldeb 2006⁶⁶. Mae dyletswyddau cyffredinol y Comisiwn o dan adrannau 11 a 12 o Ddeddf Cydraddoldeb 2006⁶⁷, a'i bwerau cyffredinol o dan adrannau 13 ac 14 o Ddeddf 2006, hefyd yn berthnasol i'r Ddyletswydd Economaidd-gymdeithasol.
- 7.37 Mae costau cyfle i'r Comisiwn wrth ddefnyddio ei staff presennol i ymgymryd â gwaith rheoleiddio ar gyfer y Ddyletswydd Economaidd-gymdeithasol. Mae'r costau hyn wedi cael eu cyfrifo, ac mae'r Comisiwn wedi cytuno arnynt. Ar sail y gweithgarwch posibl a'r cyflogau staff presennol ar gyfer y staff ar radd briodol, amcangyfrifir bod y costau hyn yn £80,200 y flwyddyn. Mae'r costau hyn wedi digwydd wrth helpu Llywodraeth Cymru i baratoi'r deunyddiau ategol yn 2020/21, a byddan nhw'n digwydd eto o 2021/22 ymlaen.
- 7.38 Yn yr un modd ag elfennau eraill ei waith, bydd y Comisiwn yn blaenoriaethu ei raglen waith ar sail gwybodaeth, ac felly fe allai'r costau hyn amrywio.

Canlyniadau:

64 <https://senedd.wales/laid%20documents/pri-ld12572-em/pri-ld12572-em-w.pdf>

65 R (Dyer) v Welsh Ministers [2015] EWHC 3712 (Admin), [2015] MHLO 109 - Mental Health Law Online [Rhynggrwyd]. Mentalhealthlaw.co.uk. 2017 [dyfynnwyd 2 Ebrill 2019]. Ar gael yn: [http://www.mentalhealthlaw.co.uk/R_\(Dyer\)_v_Welsh_Ministers_\(2015\)_EWHC_3712_\(Admin\),_\(2015\)_MHLO_109](http://www.mentalhealthlaw.co.uk/R_(Dyer)_v_Welsh_Ministers_(2015)_EWHC_3712_(Admin),_(2015)_MHLO_109)

66 <https://www.legislation.gov.uk/ukpga/2006/3/section/8#section-8-1-e>

67 <https://www.legislation.gov.uk/ukpga/2006/3/section/11>

7.39 Mae Opsiwn 1 yn nodi'r costau sy'n gysylltiedig â pheidio â chyflwyno'r Ddyletswydd. Fodd bynnag, nid yw Llywodraeth Cymru yn gallu dweud faint o arian fyddai'n cael ei arbed, os o gwbl, yn sgil cyflwyno'r Ddyletswydd. Y rheswm am hynny yw bod y ffactorau sy'n dylanwadu ar anfantais economaidd-gymdeithasol yn gymhleth, ac yn aml yn gysylltiedig â'i gilydd ac yn anodd eu dadansoddi, fel sy'n cael ei egluro yn Opsiwn 1 ac y mae paragraff 7.4 yn sôn. Ar ben hynny, dim ond i nifer cyfyngedig o gyrff cyhoeddus y bydd y Ddyletswydd yn berthnasol, a allai leihau'r angen am newid ar draws systemau. Gan hynny, ystyrir nad oes modd mesur y costau sy'n gysylltiedig ag unrhyw arbedion posibl. Felly nid oes amcangyfrif wedi cael ei ddarparu, gan y byddai mor eang fel na fyddai o werth, a byddai'n gamarweiniol.

Crynodeb o'r costau:

7.40 Mae'r tablau isod yn crynhoi'r costau a nodwyd ar gyfer datblygu a chyflwyno ymgyrch i godi ymwybyddiaeth y cyhoedd, hyfforddiant i staff, a datblygu, dosbarthu ac adolygu canllawiau statudol

Tabl 5 – Crynodeb o'r costau

	2020-21	2021-22	2022-23
Llywodraeth Cymru (tabl 1a ac 1b)	£128,200	£0	£0
Gweinidogion Cymru (tablau 2, 3 a 4)	£206,200	£61,900	£61,900
Awdurdodau Lleol (tablau 2, 3 a 4)	£259,800	£77,400	£77,400
Byrddau Iechyd Lleol (tablau 2, 3 a 4)	£83,900	£24,700	£24,700
Ymddiriedolaethau'r GIG (tablau 2, 3 a 4)	£35,200	£10,600	£10,600
Awdurdodau Iechyd Arbennig (tablau 2, 3 a 4)	£11,800	£3,600	£3,600
Awdurdodau Tân ac Achub (tablau 2, 3 a 4)	£17,100	£10,600	£10,600
Awdurdodau Parciau Cenedlaethol (tablau 2, 3 a 4)	£16,500	£10,600	£10,600
Awdurdod Cyllid Cymru (tablau 2, 3 a 4)	£5,300	£3,600	£3,600
TUC Cymru (tabl 2)	£600	£0	£0
CLILC (tabl 2)	£600	£0	£0
Y Trydydd Sector (tabl 2)	£1,200	£0	£0
Y Comisiwn Cydraddoldeb a Hawliau Dynol	£80,200	£80,200	£80,200
Cyfanswm	£846,600	£283,200	£283,200

Manteision

Llywodraeth Cymru

- 7.41 Mae'n anodd mesur yr union fanteision a ddisgwylir o ran lleihau'r anghydraddoldebau sy'n deillio o anfantais economaidd-gymdeithasol. Er enghraifft, nid yw'n bosibl amcangyfrif ar hyn o bryd i ba raddau y gallai'r Ddyletswydd leihau'r taliadau budd-dal a wneir ar hyn o bryd gan Lywodraeth Cymru a Llywodraeth y DU (edrychwch ar baragraff 7.6). Fel y nodwyd ym mharagraff 7.26 uchod, yr Alban oedd y wlad gyntaf yn y DU i ddechrau'r Ddyletswydd Economaidd-gymdeithasol – Dyletswydd Alban Decach. Fodd bynnag, mae hi wedi bod yn anodd cael tystiolaeth am yr effaith yn yr Alban. Fel y mae paragraff 7.4 yn egluro, mae anfantais economaidd-gymdeithasol yn cynnwys nifer o ffactorau sy'n gysylltiedig â'i gilydd ac y mae'n anodd eu hynysu. Felly, mae'n anodd gwybod pa effaith fesuradwy y mae'r Ddyletswydd wedi'i chael ar y cam cynnar yma. Fodd bynnag, gwelwyd enghreifftiau lle mae'r Ddyletswydd wedi dylanwadu ar y broses o wneud penderfyniadau er mwyn helpu i leihau'r effaith economaidd-gymdeithasol.
- 7.42. Byddai cyflwyno'r Ddyletswydd yn cyflawni ymrwymïadau a wnaed gan Weinidogion, fel y mae paragraff 4.2 yn sôn. Fel y soniwyd ym mharagraff 4.17, mae'n ategu dyletswyddau eraill, gan helpu i roi ffocws cliriach i gyrff cyhoeddus perthnasol er mwyn targedu anghydraddoldebau sy'n deillio o anfantais economaidd-gymdeithasol – wrth wneud hynny, mae'n diogelu'r broses hon o wneud penderfyniadau at y dyfodol. Bydd yn helpu i sicrhau bod gwahanol gyrff cyhoeddus yn cydweithio'n well tuag at nod cyffredin, gan roi mwy o ffocws ac eglurder ynghylch beth mae anfantais economaidd-gymdeithasol yn ei olygu yng Nghymru, ac yn cymryd camau cadarnhaol i ddileu'r anfantais.
- 7.43 Bydd y Ddyletswydd yn helpu i fynd i'r afael ag anghydraddoldebau canlyniadau sy'n bodoli yng Nghymru ar hyn o bryd mewn perthynas ag anfantais economaidd-gymdeithasol, fel sy'n cael ei ddisgrifio ym mharagraffau 4.20 - 4.30.
- 7.44 Yn olaf, bydd yn galluogi Cymru i ddod yn arweinydd yn y DU o ran gweithredu i fynd i'r afael ag anghydraddoldeb, gan mai'r Alban yw'r unig wlad arall yn y DU sydd wedi dechrau'r Ddyletswydd hyd yma.

Cyrff cyhoeddus perthnasol

- 7.45 Yn ei hadroddiad diweddar⁶⁸, galwodd Comisiynydd Cenedlaethau'r Dyfodol am ddull cydweithredol o weithredu'r Ddyletswydd, gan fanteisio ar y cyfle i'w hintegreiddio yn y broses bresennol.

Mae angen i ni weithio gyda'n gilydd i sicrhau bod y ddyletswydd yn cael ei gweithredu'n llwyddiannus, fel rhan o ddull strategol o ddod â thlodi i ben, gan sicrhau nad yw hyn yn gosod haen arall o broses ond yn lle hynny bod ei

⁶⁸ <https://www.futuregenerations.wales/wp-content/uploads/2020/06/IC-W-Chap-3-Equal-.pdf>

dyheadau'n cael eu hymgorffori yn y gofynion cynllunio ac adrodd sydd eisoes ar waith o dan Ddeddf Llesiant Cenedlaethau'r Dyfodol 2015.

- 7.46 Bydd y dull hwn yn helpu rhai cyrff cyhoeddus (gan nad yw Deddf Llesiant Cenedlaethau'r Dyfodol 2015⁴ yn berthnasol i'r holl gyrff a restrir o dan y Ddyletswydd) i adeiladu ar y gwaith da maent eisoes wedi'i wneud wrth weithredu'r Ddeddf, gan gryfhau yn rhagor sut caiff yr egwyddor datblygu cynaliadwy ei rhoi ar waith, sy'n sicrhau bod cyrff cyhoeddus, wrth iddynt wneud eu penderfyniadau, yn ystyried yr effaith y gallent ei chael yn y dyfodol ar bobl sy'n byw eu bywyd yng Nghymru.
- 7.47 Drwy weithredu'r Ddyletswydd, bydd cyrff cyhoeddus perthnasol yn cael eu hannog i ystyried data a thystiolaeth sy'n gysylltiedig ag anghydraddoldeb canlyniadau o ganlyniad i anfantais economaidd-gymdeithasol, er mwyn deall effaith eu penderfyniadau'n well. Bydd ymgysylltu'n uniongyrchol ag unigolion a chymunedau y mae anfantais economaidd-gymdeithasol yn effeithio arnynt yn cyfrannu at y ddealltwriaeth hon. Mae canllawiau statudol yn argymhell bod cyrff cyhoeddus yn deall lle gallant gael yr effaith fwyaf o ran lleihau anghydraddoldebau, gan gyfrannu at greu Cymru sy'n fwy teg ar gyfer cenedlaethau'r dyfodol.
- 7.48 Mae'r adolygiad o gydraddoldeb rhwng y rhywiau hefyd yn cefnogi dull integredig, gan ddatgan yn adroddiad 2019⁶⁹:
- “Rhaid dysgu gwersi i sicrhau bod dyletswyddau newydd, fel y ddyletswydd economaidd-gymdeithasol, yn cael eu datblygu a'u gweithredu gydag alinio a dyletswyddau presennol mewn cof.”*
- 7.49 Drwy gydweithio â'r Comisiwn Cydraddoldeb a Hawliau Dynol a Swyddfa Cenedlaethau'r Dyfodol, mae adnodd mapio wedi cael ei baratoi i helpu cyrff cyhoeddus i ystyried cyfleoedd i ddefnyddio'r Ddyletswydd Economaidd-gymdeithasol, Dyletswydd Cydraddoldeb y Sector Cyhoeddus a dyletswyddau Llesiant Cenedlaethau'r Dyfodol mewn ffordd gyson, gan leihau'r baich a chymryd cyfleoedd i ystyried anfantais economaidd-gymdeithasol yn y prosesau presennol. Bydd bwrw ymlaen â dull gweithredu mwy integredig yn y pen draw yn gwella sut mae sefydliad yn ystyried cydraddoldeb. Drwy wneud hyn, bydd cyrff cyhoeddus perthnasol yn deall effaith eu penderfyniadau'n well, gan gynyddu eu cyfraniad at fynd i'r afael ag anghydraddoldebau ehangach ac, o'r herwydd, nodau Dyletswydd Cydraddoldeb y Sector Cyhoeddus¹⁸, gan helpu i ddiwallu eu rhwymedigaethau o dan Ddeddf Hawliau Dynol²³ 1998 a chyfraith hawliau dynol ryngwladol.
- 7.50 Yn ei hanfod, canlyniad gweithredu'r Ddyletswydd yn y pen draw yw sicrhau canlyniadau gwell i'r rheini sy'n dioddef anfantais economaidd-gymdeithasol, ac mae dull integredig yn adlewyrchu hyn.

Cyrff cyhoeddus perthnasol a'r dinesydd

69 <https://chwaraeteg.com/wp-content/uploads/2019/09/Gwneud-Nid-Dweud-%E2%80%93-Adroddiad-Cryno.pdf>

7.51 Drwy weithredu yn yr ysbryd a fwriadwyd gan y Ddyletswydd, mae nifer o fanteision i'r cyrff cyhoeddus perthnasol eu hunain ac i'r cyhoedd.

Llywodraethu:

7.52 O fewn y canllawiau statudol, a gyhoeddir ochr yn ochr â chychwyn y Ddyletswydd, cynghorir cyrff cyhoeddus perthnasol i sicrhau eu bod yn cadw trywydd archwilio ar gyfer yr holl benderfyniadau a wneir o dan y Ddyletswydd. Yn y cyd-destun hwn, dylai 'trywydd archwilio' adlewyrchu cofnod cam wrth gam o'r dystiolaeth a gasglwyd fel sail i benderfyniad, gan gynnwys tystiolaeth:

- sy'n nodi unrhyw effeithiau tebygol a gaiff penderfyniad o'r fath mewn perthynas â'r Ddyletswydd Economaidd-gymdeithasol; a
- sut rhoddwyd sylw dyledus, gan gynnwys cofnodion o'r newidiadau i'r penderfyniad.

7.53 Bydd gallu dangos hyn yn rheolaidd mewn ffordd agored a thryloyw, yn y pen draw, yn arwain at well perfformiad a mwy o ymddiriedaeth ac ymgysylltiad â rhanddeiliaid a sefydliadau partner. Mae hyn yn cefnogi egwyddorion llywodraethu da yn y sector cyhoeddus, fel y nodir yn y 'Fframwaith Rhyngwladol'⁷⁰, yn enwedig egwyddor B:

Bod yn agored ac ymgysylltu â rhanddeiliaid yn eang – gan fod endidau yn y sector cyhoeddus yn cael eu sefydlu a'u rhedeg er budd y cyhoedd, dylai eu cyrff llywodraethu sicrhau eu bod yn agored o ran eu gweithgareddau. Dylid defnyddio sianeli cyfathrebu ac ymgynghori clir y gellir ymddiried ynddynt i ymgysylltu'n effeithiol â phob grŵp o randdeiliaid, fel dinasyddion unigol a defnyddwyr gwasanaethau, yn ogystal â rhanddeiliaid sefydliadol. Yn ogystal â'r gofynion cyffredinol ar gyfer gweithredu er budd y cyhoedd.

7.54 Drwy weithredu fel hyn, bydd cyrff cyhoeddus perthnasol yn gallu darparu tystiolaeth i'r dinasyddion hynny sy'n wynebu anfantais economaidd-gymdeithasol o sut maent wedi ystyried effaith y penderfyniad strategol arnynt. Bydd yn sicrhau bod newidiadau wedi cael eu hystyried, ac wedi cael eu gwneud pan fydd hynny'n berthnasol, i leihau effaith economaidd-gymdeithasol penderfyniad. Bydd hyn yn cyfrannu at ganlyniadau gwell i'r rheini sy'n wynebu anfantais economaidd-gymdeithasol.

7.55 Yn y pen draw, bydd gweithio yn y ffordd agored a thryloyw hon yn debygol o arwain at lai o bryderon a chwynion ynghylch sut mae cyrff cyhoeddus perthnasol yn gwneud penderfyniadau ac yn cyflawni eu cyfrifoldebau o dan y Ddyletswydd.

Ymgysylltu:

7.56 Mae'r canllawiau statudol hefyd yn argymhell y dylai cyrff cyhoeddus perthnasol ddeall lle gallant gael yr effaith gadarnhaol fwyaf o ran lleihau anghydraddoldebau canlyniadau. Ar wahân i hynny, maen nhw'n argymhell bod

⁷⁰ <https://www.cipfa.org/policy-and-guidance/standards/international-framework-good-governance-in-the-public-sector>

cyrff cyhoeddus yn ymgysylltu'n uniongyrchol ag unigolion a chymunedau y mae anfantais economaidd-gymdeithasol yn effeithio arnynt er mwyn cyfrannu at wneud penderfyniadau strategol, er enghraifft drwy ddiwyddiadau ymgynghori ac ymgysylltu.

- 7.57 Bydd ymgysylltu ag aelodau o'r cyhoedd sy'n wynebu anfantais economaidd-gymdeithasol yn rhoi budd i'r cyhoedd ac i'r cyrff cyhoeddus perthnasol fel ei gilydd. Bydd yn rhoi cyfle i unigolion gymryd rhan yn y gwaith o ddylanwadu ar benderfyniadau strategol a allai effeithio arnynt nhw. Mae'n gyfle i'r rheini sy'n wynebu anfantais economaidd-gymdeithasol sicrhau bod eu lleisiau'n cael eu clywed, gan ganiatáu mwy o dryloywder yn y broses o wneud penderfyniadau. Bydd hefyd yn rhoi gwell dealltwriaeth i ddinasyddion o sut mae cyrff cyhoeddus perthnasol yn gweithredu ar eu rhan, a sut mae cyrff cyhoeddus yn ystyried anghenion y rheini sy'n wynebu anfantais economaidd-gymdeithasol. Bydd defnyddio profiadau go iawn yn rhoi gwell dealltwriaeth i gyrff cyhoeddus perthnasol o'r anghydraddoldebau canlyniadau sy'n deillio o anfantais economaidd-gymdeithasol, gan gyfrannu at wneud penderfyniadau'n well ac arwain at ganlyniadau gwell yn y pen draw.
- 7.58 Bydd y Ddyletswydd yn newid y ffordd mae'r cyrff cyhoeddus perthnasol yn mynd i'r afael ag anfantais economaidd-gymdeithasol a'r hyn sy'n ei hachosi, gan helpu i wella llesiant economaidd, cymdeithasol ac amgylcheddol hirdymor y bobl a'r cymunedau maen nhw'n ceisio eu helpu, gan adael gwaddol gwell i genedlaethau'r dyfodol a sicrhau bod Cymru yn wlad lle gall pob dinesydd ffynnu, nid dim ond rhai dinasyddion dethol.

Y Trydydd Sector

- 7.59 Mae'r canllawiau statudol yn annog cyrff cyhoeddus perthnasol i fabwysiadu'r egwyddorion a nodir yng [nghynllun trydydd sector](#) Llywodraeth Cymru, a drwy hynny darparu manteision i gyrff cyhoeddus perthnasol ac i'r cyhoedd. Er enghraifft gall y trydydd sector helpu gyda'r canlynol:
- trawsnewid y ffordd mae gwasanaethau cyhoeddus yn bodloni gofynion nawr ac yn y dyfodol, drwy drin pobl a chymunedau fel asedau ac yn gyfartal wrth ddylunio a darparu gwasanaethau, nid dim ond eu trin fel y rheini a fydd yn derbyn gwasanaethau;
 - gwneud i adnoddau corff cyhoeddus fynd ymhellach o lawer drwy hyrwyddo eu defnyddio mewn ffyrdd gwahanol a newydd sy'n cryfhau unigolion a chymunedau; a
 - darparu partneriaethau effeithiol ar sail gwerthfawrogiad o gyfraniad neilltuol pob parti.
- 7.60 Er na fyddai'r Ddyletswydd ei hun yn gofyn i'r trydydd sector nac i awdurdodau lleol wneud dim mwy na'r hyn sy'n ofynnol yng nghynllun y trydydd sector, drwy ymgysylltu â'r trydydd sector, bydd cyrff cyhoeddus yn gallu defnyddio'r rhwydweithiau presennol i ymestyn eu cyrhaeddiad i'r bobl fwyaf agored i niwed yn ein cymdeithas a chael gwell dealltwriaeth o'r anghydraddoldebau sy'n wynebu cymunedau.

7.61 Drwy gydol argyfwng Covid-19 a llifogydd 2020, dangosodd y trydydd sector pa mor hanfodol oedd ei waith gyda chyrrff cyhoeddus i gefnogi cymunedau. Mae cydweithio â chyrrff cyhoeddus fel hyn yn sicrhau bod lleisiau pobl yn cael eu clywed a'u hystyried, gan arwain yn y pen draw at ganlyniadau gwell i'r rheini sy'n wynebu anghydraddoldebau canlyniadau.

Y dinesydd

7.62 Bydd y Ddyletswydd o fudd i ddinasyddion Cymru drwy helpu i leihau anghydraddoldeb canlyniadau drwy sicrhau bod cyrrff cyhoeddus perthnasol yn rhoi sylw dyledus i anfantais economaidd-gymdeithasol wrth wneud pob penderfyniad strategol.

7.63 Bydd hefyd o fudd i ddinasyddion Cymru drwy ddarparu lle i fyw sydd o fudd i bawb ac nid dim ond rhai.

CRYNODEB A'R OPSIWN SY'N CAEL EI FFAFRIO

7.64 Nid yw **Opsiwn 1** yn cynnig unrhyw newid i'r ffordd bresennol o weithio. Mae'n bosibl y byddai parhau fel hyn yn cynyddu anfantais economaidd-gymdeithasol, er enghraifft fel y nodwyd uchod ym mharagraffau 7.6 a 7.7 mae'r dystiolaeth yn dangos y rhagwelir y bydd tlogi'n cynyddu yng Nghymru. Mae risg yn gysylltiedig â'r opsiwn hwn felly, gan y byddai cynnal y sefyllfa bresennol yn colli'r cyfle i leihau'r anghydraddoldebau sy'n deillio o anfantais economaidd-gymdeithasol.

7.65 Mae **Opsiwn 2** yn creu Dyletswydd gyffredinol newydd sy'n mynnu bod cyrrff cyhoeddus perthnasol – wrth wneud penderfyniadau strategol, fel penderfynu ar flaenoriaethau a gosod amcanion – yn ystyried sut gallai eu penderfyniadau helpu i leihau'r anghydraddoldebau sy'n gysylltiedig ag anfantais economaidd-gymdeithasol. Mae'r opsiwn hwn yn cynnig y ffordd orau ymlaen i sicrhau bod ystyriaeth economaidd-gymdeithasol yn cael ei gwreiddio'n llwyddiannus fel egwyddor wrth galon y broses o wneud penderfyniadau mewn cyrrff cyhoeddus perthnasol. Bydd yn helpu i sicrhau bod gwahanol gyrrff cyhoeddus yn gweithio'n well gyda'i gilydd tuag at nod cyffredin, gan roi eglurder ynghylch sut beth yw anfantais economaidd-gymdeithasol yng Nghymru, ac yn galluogi gweithredu cadarnhaol i symud Cymru yn gyflymach ar ei thaith i gryfhau cydraddoldeb a hawliau dynol yng Nghymru. Bydd hefyd o fudd i ddinasyddion Cymru drwy ddarparu lle i fyw lle mae gan bawb gyfle i ffynnu, ni waeth pwy ydyn nhw nac o ble maen nhw'n dod.

7.66 Er nad yw'n bosibl amcangyfrif i ba raddau y bydd y Ddyletswydd yn lleihau'r costau sy'n gysylltiedig ag anfantais economaidd-gymdeithasol (ee taliadau lles Llywodraeth Cymru a'r DU), mae'n amlwg bod y costau sydd wedi'u nodi yn yr Aseiad Effaith Rheoleiddiol hwn ar gyfer gweithredu'r Ddyletswydd yn fach iawn o'u cymharu. Yn y cyd-destun hwn, byddai ond angen i'r Ddyletswydd arwain at ostyngiad bach mewn anfantais economaidd-gymdeithasol er mwyn i'r manteision fod yn fwy na'r costau a chyfiawnhau'r gost ychwanegol sy'n gysylltiedig ag opsiwn 2.

8. Ymgynghori

8.1 Fel y mae Adran 5 yn egluro, defnyddiwyd Asesiad Effaith Rheoleiddiol drafft fel rhan o'r dogfennau a oedd yn gysylltiedig â'r ymgynghoriad, ac mae'r sylwadau a gafwyd yn cael eu hadlewyrchu isod, fel y bo'n briodol. Mae paragraffau 7.26-7.28 yn sôn am y sylwadau a gafwyd ar yr Asesiad Effaith Rheoleiddiol drafft.

9. Asesiad o'r Gystadleuaeth

9.1 Mae asesiad o'r gystadleuaeth wedi cael ei gynnal. Nid oes unrhyw effeithiau niweidiol ar gystadleuaeth. Dyma'r canlyniadau:

Cwestiwn	Ateb ✓ neu X
C1: Yn y farchnad/marchnadoedd y bydd y rheoliad newydd yn effeithio arnynt, a oes gan unrhyw gwmni gyfran o fwy na 10% o'r farchnad?	X
C2: Yn y farchnad/marchnadoedd y bydd y rheoliad newydd yn effeithio arnynt, a oes gan unrhyw gwmni gyfran o fwy nag 20% o'r farchnad?	X
C3: Yn y farchnad/marchnadoedd y bydd y rheoliad newydd yn effeithio arnynt, a oes gan y tri chwmni mwyaf gyda'i gilydd gyfran o leiaf 50% o'r farchnad?	X
C4: A fyddai costau'r rheoliad yn effeithio'n sylweddol fwy ar rai cwmnïau nag eraill?	X
C5: Ydy'r rheoliad yn debygol o effeithio ar strwythur y farchnad, gan newid nifer neu faint cwmnïau?	X
C6: A fyddai'r rheoliad yn arwain at gostau sefydlu uwch ar gyfer darpar gyflenwyr neu gyflenwyr newydd nad oes yn rhaid i gyflenwyr presennol eu talu?	X
C7: A fyddai'r rheoliad yn arwain at gostau rheolaidd uwch ar gyfer darpar gyflenwyr neu gyflenwyr newydd nad oes yn rhaid i gyflenwyr presennol eu talu?	X
C8: Ydy newid technolegol cyflym yn nodwedd amlwg yn y sector?	X
C9: A fyddai'r rheoliad yn cyfyngu ar allu cyflenwyr i ddewis pris, ansawdd, amrywiaeth neu leoliad eu cynnyrch?	X

10. Adolygu ar ôl gweithredu

- 10.1 Fel yr eglurwyd ym mharagraff 7.4, mae'r anghydraddoldebau canlyniadau sy'n gysylltiedig ag anfantais economaidd-gymdeithasol yn gymhleth ac yn gysylltiedig â phenderfynyddion ehangach.
- 10.2 Nod y dull gweithredu a amlinellir yn yr Aseiad Effaith Rheoleiddiol yw darparu fframwaith effeithiol ar gyfer dangos canlyniadau ac effeithiau heb ormod o faich ychwanegol. Bydd y dull hwn yn sail i'r monitro a'r gwerthuso sy'n gysylltiedig â'r Ddyletswydd, gan ddefnyddio data gweinyddol ac arolwg a gesglir yn rheolaidd, ynghyd â thystiolaeth ansoddol gan randdeiliaid allweddol a'r rheini sy'n derbyn gwasanaethau.
- 10.3 Bydd y canllawiau statudol sy'n cefnogi'r Ddyletswydd yn helpu cyrff cyhoeddus drwy nodi ystod o ffyrdd y gall cyrff cyhoeddus ddeall anghydraddoldebau canlyniadau yn well a lle gallant gael yr effaith fwyaf. Er enghraifft, drwy ystod eang o ddata meintiol a thystiolaeth arall y mae ganddyn nhw fynediad ati'n barod, gan gynnwys:

- Data cyflogaeth blynyddol a gyhoeddir o dan ddyletswydd cydraddoldeb y sector cyhoeddus⁷¹
- Adroddiad y Comisiwn Cydraddoldeb a Hawliau Dynol, A yw Cymru'n Decach?⁷²
- Fframwaith mesur y Comisiwn Cydraddoldeb a Hawliau Dynol ar gyfer cydraddoldeb a hawliau dynol⁷³ i osod y dangosyddion ar gyfer A yw Cymru'n Decach?
- Adroddiad Tueddiadau'r Dyfodol gan Lywodraeth Cymru⁷⁴
- Ystadegau sydd ar gael gan StatsCymru⁷⁵ a'r Swyddfa Ystadegau Gwladol⁷⁶
- Tlodi Incwm Cymharol (Cartrefi Islaw'r Incwm Cyfartalog)⁷⁷
- Tlodi Parhaus⁷⁸
- Llesiant ac Arian, gan gynnwys Amddifadedd Materol (Arolwg Cenedlaethol Cymru)⁷⁹
- Data Incwm a Chyfoeth y Swyddfa Ystadegau Gwladol⁸⁰
- Adroddiad Llesiant Cymru gan Lywodraeth Cymru⁸¹
- Adolygiad o Gydraddoldeb Rhywiol gan Chwarae Teg⁸²
- Adroddiad Cyflwr y Genedl gan Gomisiynydd Pobl Hŷn Cymru.⁸³

71 <https://statscymru.llyw.cymru/Catalogue/Equality-and-Diversity/Public-Sector-Equality-Duty>

72 <https://www.equalityhumanrights.com/cy/publication-download/yw-cymru%E2%80%99n-decach-2018>

73 <https://www.equalityhumanrights.com/cy/measurement-framework-equality-and-human-rights>

74 https://llyw.cymru/tueddiadau-dyfodol-2017?_ga=2.241557185.239853787.1575891922-1552809866.1563181093

75 <https://statscymru.llyw.cymru/Catalogue>

76 <https://www.ons.gov.uk/>

77 <https://llyw.cymru/tlodi-incwm-cymharol>

78 <https://llyw.cymru/tlodi-parhaus>

79 <https://llyw.cymru/arolwg-cenedlaethol-cymru-llesiant-ac-arian>

80 <https://www.ons.gov.uk/peoplepopulationandcommunity/personalandhouseholdfinances/incomeandwealth>

81 <https://llyw.cymru/llesiant-cymru-2019>

82 <https://chwaraeteg.com/prosiectau/adolygiad-o-gydraddoldeb-rhywiol/#cam-dau>

83 <https://www.olderpeoplewales.com/cy/reviews/SOTN.aspx>

- Mynegai Amddifadedd Lluosog Cymru (WIMD)⁸⁴
- Amcangyfrifon lleol tlodi plant y Gynghrair Dileu Tlodi Plant⁸⁵

10.4 Ac ystyried y llu o ganlyniadau a ragwelir o ganlyniad i'r Ddyletswydd, bydd rhaglen o weithgareddau i fonitro ac i werthuso'r uchod yn cael ei datblygu i gyd-fynd â gweithgareddau allweddol, a bydd ystod o ddulliau ymchwil a gwerthuso'n cael eu hystyried, yn dibynnu ar natur y data sydd eu hangen.

⁸⁴ <https://statscymru.llyw.cymru/Catalogue/Community-Safety-and-Social-Inclusion/Welsh-Index-of-Multiple-Deprivation>

⁸⁵ <http://www.endchildpoverty.org.uk/child-poverty-in-your-area-201415-201819/>



Llywodraeth Cymru
Welsh Government

DATGANIAD YSGRIFENEDIG GAN LYWODRAETH CYMRU

TEITL	Y Ddyletswydd Economaidd-gymdeithasol – Canllawiau Statudol a osodwyd ochr yn ochr â'r Rheoliadau at ddibenion gwybodaeth
DYDDIAD	9 Chwefror 2021
GAN	Jane Hutt AS, Y Dirprwy Weinidog a'r Prif Chwip

Heddiw, mae'n bleser gennyf fod wedi gosod Rheoliadau Deddf Cydraddoldeb 2010 (Awdurdodau sy'n ddarostyngedig i ddyletswydd ynghylch Anghydraddoldebau Economaidd-gymdeithasol) (Cymru) 2021 a fydd yn cael eu trafod yn Senedd Cymru ar 9 Mawrth 2021.

Mae'r Rheoliadau yn sbardun allweddol i fynd i'r afael ag anfantais economaidd-gymdeithasol yng Nghymru.

Bydd y Rheoliadau yn diwygio adran 1(3) o [Ddeddf Cydraddoldeb 2010](#) drwy ychwanegu awdurdodau cyhoeddus perthnasol o Gymru at y rhestr. Bydd hyn yn sicrhau pan gychwynnir adran 1 o Ddeddf 2010, bydd y Ddyletswydd yn gymwys i'r cyrff Cymreig hynny sydd wedi'u rhestru.

Bydd yn ofynnol dan y Ddeddf i'r cyrff cyhoeddus a restrir, wrth wneud penderfyniadau strategol, megis penderfynu ar flaenoriaethau a phennu amcanion, ystyried sut y gall eu penderfyniadau helpu i leihau anghydraddoldebau sy'n gysylltiedig ag anfantais economaidd-gymdeithasol.

Mae Memorandwm Esboniadol, gan gynnwys Asesiad Effaith Rheoleiddiol, hefyd wedi'u cyhoeddi ochr yn ochr â'r Rheoliadau, a gellir ei weld ar [Wefan Senedd Cymru](#) ynghyd â chrynodeb o'r Asesiad Effaith Integredig i ategu'r ddyletswydd,

Roeddwn yn meddwl y byddai'n ddefnyddiol darparu copi o'r canllawiau statudol a fydd yn cael eu cyhoeddi pan gychwynnir y Ddyletswydd. Mae copi o'r canllawiau wedi'u gosod yn y Swyddfa Gyflwyno a gellir eu gweld ar [Wefan Senedd Cymru](#). Bydd y canllawiau yn cael eu cyhoeddi'n ffurfiol ar yr amod bod y Senedd yn cymeradwyo'r Rheoliadau.

Datblygwyd y canllawiau statudol hyn mewn partneriaeth â chynrychiolwyr cyrff cyhoeddus perthnasol, TUC, y Comisiwn Cydraddoldeb a Hawliau Dynol a chyrrff yn y trydydd Sector. Mae'n adeiladu ar yr hyn a ddysgwyd yn yr Alban, sydd wedi cychwyn y Ddyletswydd, a'r [canllawiau interim](#) a gyhoeddais ar 1 Ebrill 2020. Hoffwn ddiolch i bawb sydd wedi bod ynghlwm wrth y gwaith hwn.

Mae'r Canllawiau Statudol y darparu gwybodaeth ychwanegol ar faterion megis i bwy y mae'r Ddyletswydd yn berthnasol a pham, gorfodi ac adolygiad barnwrol, cyfrifoldeb am gydymffurfio â'r Ddyletswydd, a monitro/adrodd blynyddol. Mae [tudalennau gwe'r Ddyletswydd Economaidd-gymdeithasol](#) yn cynnwys adnoddau pellach a gyd-gynhyrchwyd y mae cyrff cyhoeddus wedi'u defnyddio i baratoi ar gyfer y ddyletswydd.

Er fy mod yn cydnabod bod rhai o'r farn nad yw cychwyn y ddyletswydd yn ystod pandemig byd-eang yn ddelfrydol, rwy'n meddwl bod angen y ddyletswydd hon yn awr yn fwy nag erioed gan fod Covid-19 yn gwaethygu'r anghydraddoldebau sydd eisoes yn bodoli yng Nghymru. Mae wedi dod yn amlwg bod rhai grwpiau wedi dioddef yn fwy nag eraill, er enghraifft, cymunedau lleiafrifoedd ethnig, pobl anabl, menywod a phobl ifanc. Nod y Ddyletswydd yw gwella'r sefyllfa honno i'r rhai sy'n dioddef anfantais economaidd-gymdeithasol. Drwy'r canllawiau interim a gyd-gynhyrchwyd uchod ac adnoddau cyhoeddedig, credaf fod pob mesur rhesymol wedi'i gymryd i gefnogi cyrff cyhoeddus i baratoi ar gyfer cychwyn y Ddyletswydd.



Llywodraeth Cymru
Welsh Government

Canllawiau Statudol: Deddf Cydraddoldeb 2010 (Rheoliadau Awdurdodau sy'n destun dyletswydd anghydraddoldebau Cymdeithasol-economaidd) (Cymru) 2021

ER GWYBODAETH YN UNIG

Noder: wrth aros i Reoliadau Awdurdodau sy'n destun dyletswydd anghydraddoldebau Cymdeithasol-economaidd) (Cymru) 2021 gael eu pasio ar 9 Mawrth 2021, caiff y Canllawiau Statudol eu cyhoeddi ar ddechrau'r Ddyletswydd ar 31 Mawrth 2021.

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Mae cychwyn y Ddyletswydd Economaidd-gymdeithasol (“y Ddyletswydd”) yn amlygu ymrwymiad Llywodraeth Cymru i ddiogelu cydraddoldeb a hawliau dynol.

Mae'r Ddyletswydd yn rhoi cyfle inni wneud pethau'n wahanol yng Nghymru. Mae'n rhoi mynd i'r afael ag anghydraddoldeb wrth wraidd y broses o wneud penderfyniadau, a bydd yn adeiladu ar y gwaith da y mae cyrff cyhoeddus eisoes yn ei wneud.

Ni fu erioed adeg mwy perthnasol i weithredu. Mae bod yn aelod o'r UE ers degawdau wedi esgor ar fanteision lu yng Nghymru. Mae'r manteision hyn yn cyffwrdd â nifer o agweddau ar fywyd bob dydd, gan gynnwys hawliau cyflogaeth, hawliau amgylcheddol a rheoliadau iechyd a diogelwch. Fodd bynnag, mae ymadael â'r UE yn creu ansicrwydd mawr a bydd yn debygol o gynyddu'r anghydraddoldeb sy'n bodoli ar hyn o bryd.

Ar wahân i hynny, rydym yn gwybod bod COVID-19 wedi cynyddu anghydraddoldebau yng Nghymru¹, ac mae'r dystiolaeth yn dangos nad oes unrhyw amheuaeth bod cysylltiad rhwng anghydraddoldeb ac anfantais economaidd-gymdeithasol².

Ni fydd cychwyn y Ddyletswydd yn disodli nac yn cystadlu â dyletswyddau eraill fel Deddf Cydraddoldeb 2010³, Dyletswydd Cydraddoldeb y Sector Cyhoeddus⁴, Mesur Plant a Theuluoedd (Cymru) 2010⁵ a'r Ddyletswydd Llesiant o dan Ddeddf Llesiant Cenedlaethau'r Dyfodol 2015⁶. Ein bwriad yw y bydd cychwyn y Ddyletswydd yn ategu'r dyletswyddau hyn drwy gyfrannu ymhellach at nodau llesiant hirdymor Cymru, yn enwedig “Cymru sy'n fwy cyfartal” a “Cymru o gymunedau cydlynus”. Bydd hyn yn cryfhau trefniadau partneriaethau cymdeithasol⁷ ymhellach ac yn datblygu uchelgeisiau gwaith teg.⁸

Y nod felly yw y bydd y Ddyletswydd yn fecanwaith allweddol arall i gefnogi'r bobl fwyaf agored i niwed yn ein cymdeithas. Bydd mynnu bod cyrff cyhoeddus yn gwneud penderfyniadau gwell – penderfyniadau sy'n rhoi lle canolog i ystyried anghydraddoldeb canlyniadau sy'n deillio o anfantais economaidd-gymdeithasol – yn helpu i fynd i'r afael ag ansicrwydd gadael yr UE a'n hadferiad o COVID-19, gan ganiatáu inni symud at ailgreu Cymru sy'n fwy teg a llewyrchus.

Jane Hutt

y Dirprwy Weinidog a'r Prif Chwip

1 llyw.cymru/dyletswydd-economaidd-gymdeithasol-enghreiffiau-o-anghydraddoldebau-canlyniad

2 Rydym yn defnyddio'r term anfantais economaidd-gymdeithasol i olygu byw mewn amgylchiadau cymdeithasol ac economaidd llai ffafriol na phobl eraill yn yr un gymdeithas.

3 www.legislation.gov.uk/cy/ukpga/2010/15/contents

4 www.gov.uk/government/publications/public-sector-equality-duty

5 www.legislation.gov.uk/mwa/2010/1/pdfs/mwa_20100001_we.pdf

6 www.futuregenerations.wales/cy/about-us/future-generations-act/

7 llyw.cymru/datganiad-ysgrifenedig-cymru-fwy-cyfartal-atgyfnerthu-partneriaeth-gymdeithasol

8 llyw.cymru/datganiad-ysgrifenedig-cymru-fwy-cyfartal-atgyfnerthu-partneriaeth-gymdeithasol

Cyflwyniad

Daeth y Ddyletswydd Economaidd-gymdeithasol i rym yng Nghymru ar 31 Mawrth 2021. Bydd yn arwain at benderfyniadau gwell ac yn y pen draw bydd yn cyflawni canlyniadau gwell i'r rheini sydd dan anfantais economaidd-gymdeithasol.

Mae'r canllawiau statudol hyn yn helpu'r cyrff cyhoeddus a ddaw dan y Ddyletswydd ("cyrff cyhoeddus") i gyflawni gofynion y Ddyletswydd.

Mae Llywodraeth Cymru yn cydnabod bod cyrff cyhoeddus yn gweithredu'n wahanol ac felly mae arni eisiau hybu arloesedd wrth gyflawni'r Ddyletswydd, gan groesawu gwahanol ddulliau gweithredu.

Rydym yn gwybod bod llawer o waith da eisoes yn cael ei wneud i leihau anghydraddoldeb ar draws y sector cyhoeddus a nod Llywodraeth Cymru a'r canllawiau hyn yw adeiladu ar y sylfaen gref hon.

Mae'r canllawiau hyn yn statudol ac wedi cael eu llywio gan yr adborth a gafwyd drwy'r ymgynghoriad ffurfiol a'r digwyddiadau ymgysylltu a gynhaliwyd ledled Cymru. Cafodd y canllawiau eu cydgyhychu â chynrychiolwyr o'r cyrff cyhoeddus a ddaw dan y Ddeddf, a chynrychiolwyr o'r Trydydd Sector. Rhoddwyd cyngor gan Gyngres Undebau Llafur Cymru, Cymdeithas Llywodraeth Leol Cymru, a'r Comisiwn Cydraddoldeb a Hawliau Dynol.

Mae amrywiaeth o adnoddau i gefnogi cyrff cyhoeddus, ac sy'n sail i'r canllawiau hyn, ar gael ar **dudalen we** y Ddyletswydd Economaidd-gymdeithasol.

Os oes gennych unrhyw gwestiynau am y canllawiau hyn, cysylltwch â **Socio-economicDuty@gov.wales**

Diolch i bawb sydd wedi cyfrannu.

Y cyrff cyhoeddus a ddaw dan y Ddyletswydd

Mae Rheoliadau Deddf Cydraddoldeb (Awdurdodau sy'n ddarostyngedig i'r Ddyletswydd Anghydraddoldeb Economaidd-gymdeithasol) (Cymru) 2021 yn rhestru'r cyrff cyhoeddus canlynol yng Nghymru fel rhai sy'n ddarostyngedig i'r Ddyletswydd, gan eu bod yn perthyn i'r diffiniad o 'awdurdod perthnasol' yn adran 2(6) o'r Ddeddf⁹.

- Gweinidogion Cymru;
- Cynghorau Sir neu Gynghorau Bwrdeistref Sirol;
- Byrddau Iechyd Lleol;
- Ymddiriedolaethau'r GIG;
- Awdurdodau Iechyd Arbennig (sy'n gweithredu yng Nghymru yn unig);
- Awdurdodau Tân ac Achub;
- Awdurdodau Parciau Cenedlaethol;
- Awdurdod Cyllid Cymru.

Y cyfrifoldeb dros gydymffurfio â'r Ddyletswydd

Yn y pen draw, y corff cyhoeddus unigol sy'n gyfrifol am gydymffurfio â'r Ddyletswydd, yn amodol ar ei drefniadau ar gyfer dirprwyo swyddogaethau'n fewnol i gabinetau, i fyrddau, i bwyllgorau neu i swyddogion.

Yn yr un modd ag agendâu cydraddoldeb eraill; argymhellir bod arweinwyr yn enwi uwch hyrwyddwr ar gyfer y Ddyletswydd hon.

Y cyd-destun polisi

Mae cydraddoldeb yn fater sy'n ymwneud â phawb. Mae awdurdodau cyhoeddus yn gwneud penderfyniadau bob dydd ac mae'n bosibl i bob un o'r rhain gael effaith fawr ar fywydau pobl. Wrth wneud y penderfyniadau hyn, rhaid i awdurdodau cyhoeddus gydymffurfio â nifer o ddyletswyddau statudol.

Roedd Adran 149 o Ddeddf Cydraddoldeb (2010)¹⁰ yn cyflwyno un Ddyletswydd Cydraddoldeb Sector Cyhoeddus, neu "ddyletswydd gyffredinol", a oedd yn mynnu bod awdurdodau cyhoeddus a chyrrff eraill a oedd yn cyflawni swyddogaethau cyhoeddus, yn ystyried yr angen i:

- ddileu gwahaniaethu, aflonyddu, erlid ac unrhyw ymddygiad arall sydd wedi'i wahardd gan neu o dan y Ddeddf;
- hyrwyddo cyfle cyfartal rhwng pobl sy'n rhannu nodwedd warchoddedig a'r rheini nad ydynt yn ei rhannu; a
- meithrin perthynas dda rhwng pobl sy'n rhannu nodwedd warchoddedig a'r rheini nad ydynt yn ei rhannu.

Er bod y 'ddyletswydd gyffredinol' yn llywio penderfyniadau cadarn mewn perthynas â chydraddoldeb, nid yw'n mynnu bod cyrrff cyhoeddus yn ystyried effaith y penderfyniadau hyn ar yr unigolion hynny sy'n wynebu anfantais economaidd-gymdeithasol. Yn lle hynny, mae'n annog cyrrff cyhoeddus i ddeall sut y bydd eu gweithgareddau'n effeithio ar wahanol grwpiau o bobl sydd â nodweddion gwarchoddedig penodol, er mwyn i'r gwaith o ddylunio a chyflawni polisiâu a gwasanaethau ystyried anghenion y grwpiau hynny.

Mae Deddf Llesiant Cenedlaethau'r Dyfodol (Cymru) 2015¹¹ yn rhoi diben cyffredin sy'n rhwymo'n gyfreithiol – y saith nod llesiant – ar gyfer llywodraeth genedlaethol, llywodraeth leol, byrddau iechyd lleol a chyrrff cyhoeddus penodol eraill. Mae'n rhoi manylion sut y mae'n rhaid i gyrrff cyhoeddus penodol weithio, a chydweithio i wella llesiant Cymru. Mae'r saith nod llesiant a'r pum ffordd o weithio a nodir yn y Ddeddf wedi cael eu dylunio i gefnogi ac i ddarparu gwasanaeth cyhoeddus sy'n diwallu anghenion y presennol heb amharu ar allu cenedlaethau'r dyfodol. Mae'r Ddyletswydd hefyd yn cefnogi'r diben cyffredin a'r ffordd o weithio.

Er ei bod yn rhaid i awdurdodau cyhoeddus yng Nghymru gydymffurfio â nifer o ddyletswyddau statudol, gan gynnwys rhai sy'n ceisio gwreiddio ystyriaethau cydraddoldeb drwyddi draw, mae angen gwneud mwy i ddileu anghydraddoldeb canlyniadau sy'n gysylltiedig ag anfantais economaidd-gymdeithasol.

¹⁰ www.legislation.gov.uk/cy/ukpga/2010/15/section/149

¹¹ www.futuregenerations.wales/cy/about-us/future-generation

Y cefndir deddfwriaethol

Pan gafodd Deddf 2010¹² ei deddfu, roedd y Ddyletswydd yn segur ar y llyfr statud, gan fod Llywodraeth y DU wedi dewis peidio â'i chychwyn. Roedd Deddf Cymru 2017¹³ yn deddfu ar gyfer model newydd o ddatganoli yng Nghymru, a oedd yn cynnwys y pŵer i Weinidogion Cymru gychwyn y Ddyletswydd yng Nghymru.

Mae Adran 45 o Ddeddf Cymru 2017¹⁴, yn diwygio Rhan 1 o Ddeddf Cydraddoldeb 2010¹⁵ i gyflawni hyn. Mae Gweinidogion Cymru wedi defnyddio'r pŵer hwn i gychwyn Adrannau 1 i 3 o Ddeddf 2010¹⁶ yng Nghymru – y Ddyletswydd Economaidd-gymdeithasol.

ADRAN 1

Mae'n nodi'r Ddyletswydd ei hun, sy'n mynnu bod cyrff cyhoeddus, y mae'r ddyletswydd yn berthnasol iddynt:

“ Wrth wneud penderfyniadau strategol ynghylch sut byddant yn cyflawni eu swyddogaethau, yn ystyried pa mor briodol yw eu harfer mewn ffordd sydd wedi cael ei dylunio i leihau anghydraddoldebau canlyniadau sy'n deillio o anfantais economaidd-gymdeithasol.

Mae'n rhestru'r cyrff a ddaw dan y Ddyletswydd, a gofyniad sy'n golygu, wrth benderfynu sut i gyflawni'r Ddyletswydd, bod yn rhaid i'r cyrff cyhoeddus yng Nghymru y mae'r ddyletswydd yn berthnasol iddynt ystyried canllawiau a gyhoeddir gan Weinidogion Cymru.

ADRAN 2

Mae'n rhoi pŵer i Weinidogion Cymru lunio rheoliadau i ddiwygio adran 1(3) o Ddeddf 2010¹⁷. Mae hyn yn cynnwys y pŵer i ychwanegu cyrff cyhoeddus yng Nghymru y bydd y Ddyletswydd yn berthnasol iddynt.

ADRAN 3

Mae'n egluro na fydd y Ddyletswydd yn creu unrhyw hawliau traddodadwy newydd i unigolion.

Yn gryno, mae'r Ddyletswydd yn rhoi cyfrifoldeb cyfreithiol ar gyrff pan fyddant yn gwneud penderfyniadau strategol i roi sylw dyledus i'r angen i leihau'r anghydraddoldebau canlyniadau sy'n deillio o anfantais economaidd-gymdeithasol.

Sylwch fod adran 1(6) o Ddeddf 2010¹⁸ yn datgan nad oes yn rhaid i gyrff ystyried anghydraddoldebau sy'n dod i ran pobl sy'n ddarostyngedig i reolaeth fewnfudo.

Nid oes dyletswydd adrodd ynghlwm wrth y Ddyletswydd. Fodd bynnag, mae'n ddyletswydd statudol a rhaid i gyrff allu dangos sut maent wedi'i chyflawni.

Os bydd penderfyniad corff cyhoeddus yn effeithio'n niweidiol ar fuddiannau unigolyn neu grŵp, mewn amgylchiadau lle nad oedd yr unigolyn neu'r grŵp yn teimlo y cydymffurfiwyd yn llawn â'r Ddyletswydd, mae modd cychwyn hawliad adolygiad barnwrol yn erbyn y corff hwnnw. (Gweler yr adran ar Ddangos Sylw Dyledus).

12 www.legislation.gov.uk/cy/ukpga/2010/15/contents

13 www.legislation.gov.uk/cy/ukpga/2017/4/contents/enacted

14 www.legislation.gov.uk/cy/ukpga/2017/4/section/45/enacted

15 www.legislation.gov.uk/cy/ukpga/2010/15/section/1

16 www.legislation.gov.uk/cy/ukpga/2010/15/contents

17 www.legislation.gov.uk/cy/ukpga/2010/15/section/1

18 www.legislation.gov.uk/cy/ukpga/2010/15/section/1

Diffinio'r prif dermau

Mae'r testun isod yn edrych ar y prif dermau sy'n gysylltiedig â'r Ddyletswydd.

Sef:

1. **Anfantais economaidd-gymdeithasol;**
2. **Anghydraddoldebau canlyniadau;**
3. **Penderfyniadau strategol eu natur;**
4. **Sylw dyledus.**

Mae'r diffiniadau hyn wedi cael eu datblygu o waith polisi a wnaed gan Lywodraeth Cymru, drwy drafodaethau â rhanddeiliaid allweddol a drwy ystyried canllawiau Dyletswydd Alban Decach, 2018¹⁹.

ANFANTAIS ECONOMAIDD-GYMDEITHASOL

DIFFINIAD:

Byw mewn amgylchiadau cymdeithasol ac economaidd llai ffafriol na phobl eraill yn yr un gymdeithas.

Mae **anfantais economaidd-gymdeithasol** yn gallu bod yn anghymesur mewn **cymunedau buddiant a chymunedau lle**, gan arwain at ragor o anghydraddoldeb canlyniadau, sy'n gallu bod yn waeth wrth ystyried **rhyngblethedd**.

Cymunedau buddiant

Mae'r rheini syn rhannu hunaniaeth yn cael eu disgrifio fel 'cymunedau buddiant'. Er enghraifft, efallai fod y bobl hyn yn: unig rieni; gofalwyr; y rheini sy'n rhannu iaith gyntaf; neu'r rheini sy'n rhannu un neu ragor o'r nodweddion gwarchoddedig sy'n cael eu rhestru yn Neddf Cydraddoldeb 2010²⁰. Ar ben hynny, grwpiau o bobl sy'n rhannu profiad, er enghraifft: pobl sydd wedi bod yn ddigartref; pobl sydd wedi defnyddio'r un system iechyd a gofal cymdeithasol leol; neu wasanaeth lleol. Yn unol â hynny, mae'n debyg y bydd pobl yn rhan o fwy nag un gymuned fuddiant.

Cymunedau lle

Mae'r rheini sy'n rhannu lleoliad daearyddol, yn cael eu disgrifio fel 'cymunedau lle'. Er enghraifft, gallai'r lleoliadau hyn olygu lle mae pobl yn byw, yn gweithio, yn ymweld â nhw neu'n treulio llawer iawn o'u hamser yno.

Nid yw anfantais economaidd-gymdeithasol yn parchu ffiniau trefol a gwledig, mae'r ffactorau hyn yn gallu cynyddu anfantais^{21, 22}.

Rhyngblethedd

Mae'r Adolygiad o Gydraddoldeb Rhywiol²³ yn diffinio rhyngblethedd fel hyn:

“**Cydnabod y ffordd y mae strwythurau pŵer sy'n seiliedig ar ffactorau fel rhywedd, hil, rhywioldeb, anabledd, dosbarth, oedran a ffydd yn rhyngweithio â'i gilydd ac yn creu anghydraddoldeb, gwahaniaethu a gormes. Yn hanfodol, mae'n ymwneud â deall y ffordd y mae nodweddion, fel rhywedd, hil neu ddosbarth, yn gallu rhyngweithio a chynhyrchu anfantais a phrofiadau unigryw a lluosog yn aml mewn sefyllfaoedd penodol. Ni ellir ac ni ddylid deall un math o wahaniaethu ar wahân i un arall. Mae dull cwbl rhyngblethol yn sicrhau nad yw hyn yn digwydd.**

ANGHYDRADDOLDEBAU CANLYNIADAU

DIFFINIAD:

Mae anghydraddoldeb canlyniadau yn ymwneud ag unrhyw wahaniaeth mae modd ei fesur yn y canlyniad a gaiff y rheini sydd wedi wynebu anfantais economaidd-gymdeithasol a'r canlyniad a gaiff gweddill y boblogaeth.

Dylai cyrff cyhoeddus ddeall lle gallant gael yr effaith gadarnhaol fwyaf o ran lleihau anghydraddoldebau canlyniadau.

19 www.gov.scot/publications/fairer-scotland-duty-interim-guidance-public-bodies/

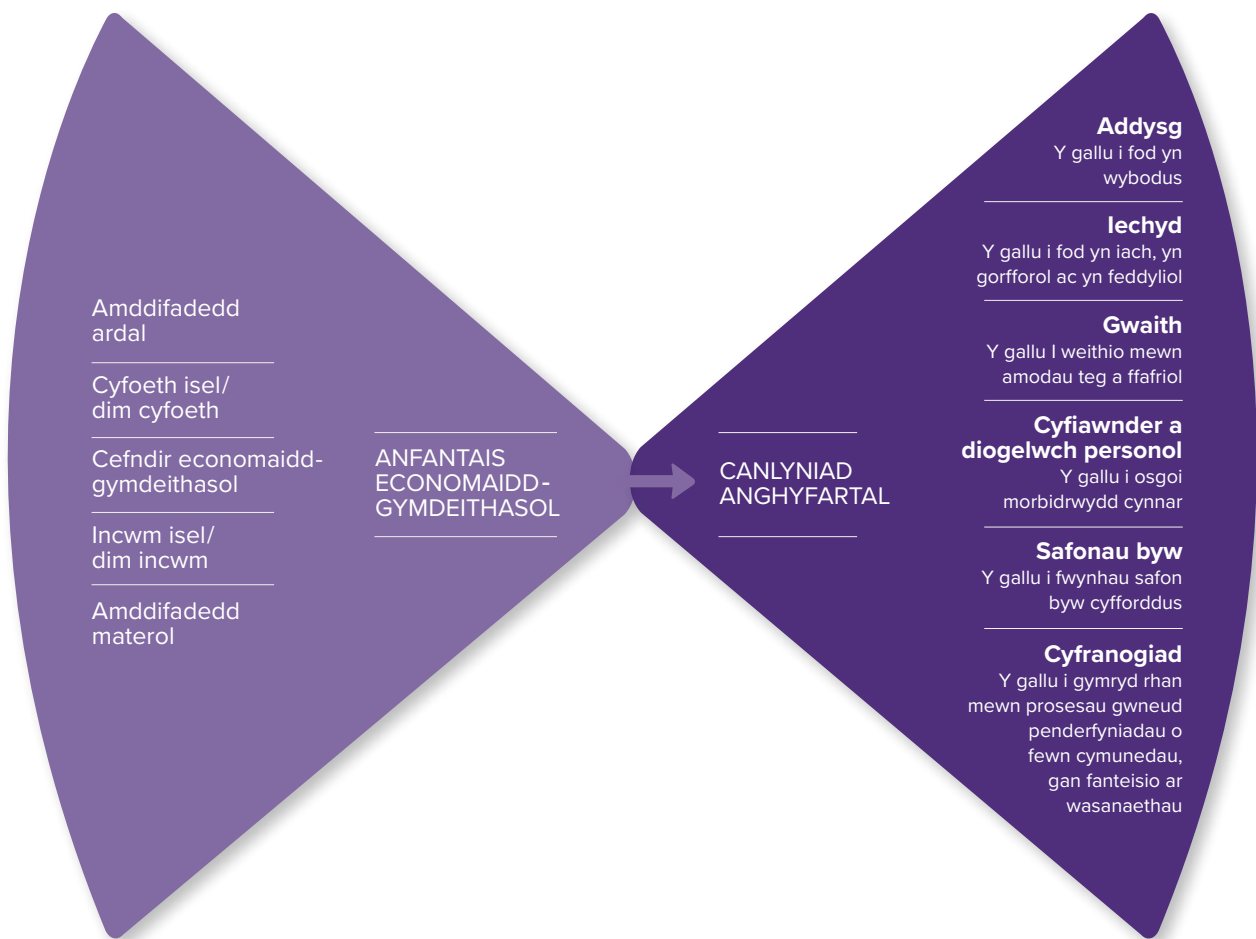
20 www.legislation.gov.uk/cy/ukpga/2010/15/contents

21 www.equalityhumanrights.com/sites/default/files/is-britain-fairer-for-women-and-girls.pdf

22 gov.wales/sites/default/files/statistics-and-research/2019-02/national-survey-wales-2017-18-poverty-deprivation.pdf

23 chwarateg.com/wp-content/uploads/2019/09/English-Digital_Summary-GER.pdf

Mae'r diagram isod yn dangos bod anfantais economaidd-gymdeithasol yn ffactor sy'n arwain at ganlyniad anghyfartal (anghydraddoldeb canlyniadau). Mae'r derminoleg a ddefnyddir yn y diagram yn adlewyrchu fframwaith mesur y Comisiwn Cydraddoldeb a Hawliau Dynol ar gyfer cydraddoldeb a hawliau dynol²⁴



Anghydraddoldeb a phandemig COVID-19

Ym mis Awst 2020, cyhoeddodd y Pwyllgor Cydraddoldeb, Llywodraeth Leol a Chymunedau adroddiad “*Amlygu'r materion: anghydraddoldeb a'r pandemig.*”²⁵ Mae'r adroddiad yn datgan:

“**Yn ystod y pandemig, mae ein tebygolrwydd o farw, colli swydd neu fynd ar ei hôl hi ym maes addysg wedi cael ei benderfynu'n rhannol gan ein hoedran, hil, rhyw, anabledd, incwm a ble rydyn ni'n byw. Mae'r feirws a'r ymateb iddo yn ehangu'r anghydraddoldebau presennol, a hynny drwy leihau incwm a chynyddu risgiau yn anghymesur i rai grwpiau o bobl.**

Mae ciplun o enghreifftiau o anghydraddoldebau canlyniadau a sut maent wedi cynyddu o ganlyniad i COVID-19 ar gael ar **dudalen we** Dyletswydd Economaidd-gymdeithasol Llywodraeth Cymru.

Cael Gafael ar Dystiolaeth

Mae amryw o ffyrdd y gall cyrff cyhoeddus ddeall anghydraddoldebau canlyniadau yn well a lle gallant gael yr effaith fwyaf ar leihau canlyniadau anghyfartal o ganlyniad i anfantais economaidd-gymdeithasol. Bydd cyrff cyhoeddus eisoes yn gallu cael gafael ar ystod eang o ddata meintiol ac ansoddol. Dyma enghreifftiau o ddata lefel uchel, sy'n cael eu diweddarau'n rheolaidd:

- **Fframwaith mesur y Comisiwn Cydraddoldeb a Hawliau Dynol ar gyfer cydraddoldeb a hawliau dynol²⁶ i osod y dangosyddion ar gyfer A yw Cymru'n Decach?**
- **Adroddiad y Comisiwn Cydraddoldeb a Hawliau Dynol A yw Cymru'n Decach?²⁷**

- **Data cyflogaeth blynyddol a gyhoeddir o dan ddyletswydd cydraddoldeb y sector cyhoeddus²⁸**
- **Adroddiad Tueddiadau'r Dyfodol Llywodraeth Cymru²⁹**
- **Adroddiad Llesiant Cymru Llywodraeth Cymru³⁰**
- **Adolygiad o Gydraddoldeb Rhywiol Chwarae Teg³¹**
- **Adroddiad Cyflwr y Genedl Comisiynydd Pobl Hŷn Cymru³²**
- **Adroddiadau Comisiynydd Plant Cymru³³**
- **Ystadegau sydd ar gael gan StatsCymru³⁴ a'r Swyddfa Ystadegau Gwladol³⁵**
- **Tlodi Incwm Cymharol (Cartrefi Islaw'r Incwm Cyfartalog)³⁶**
- **Tlodi Parhaus³⁷**
- **Llesiant ac Arian, gan gynnwys Amddifadedd Materol (Arolwg Cenedlaethol Cymru)³⁸**
- **Data Incwm a Chyfoeth y Swyddfa Ystadegau Gwladol³⁹**
- **Mynegai Amddifadedd Lluosog Cymru (WIMD)⁴⁰**
- **Cyfes Tlodi yng Nghymru Sefydliad Joseph Rowntree⁴¹**

Bydd rhai cyrff cyhoeddus yn gallu casglu tystiolaeth drwy eu haelodaeth o Fyrddau Gwasanaethau Cyhoeddus a sefydlwyd o dan Ddeddf Llesiant Cenedlaethau'r Dyfodol (Cymru) 2015⁴², sy'n cynnal asesiadau o lesiant lleol er mwyn cyfrannu at ddatblygu cynlluniau llesiant lleol.

25 senedd.wales/laid%20documents/cr-ld13403/cr-ld13403-e.pdf

26 www.equalityhumanrights.com/en/publication-download/measurement-framework-equality-and-human-rights

27 www.equalityhumanrights.com/en/publication-download/wales-fairer-2018

28 statscymru.llyw.cymru/Catalogue/Equality-and-Diversity/Public-Sector-Equality-Duty

29 llyw.cymru/tueddiadaur-dyfodol-2017

30 llyw.cymru/llesiant-cymru-2019

31 chwaratg.com/prosiectau/adolygiad-o-gydraddoldeb-rhywiol/

32 www.olderpeoplewales.com/cy/reviews/SOTN.aspx

33 www.complancymru.org.uk/categories/adroddiadau-ymchwil-a-chyhoeddiadau-erail/

34 statscymru.llyw.cymru/Catalogue

35 cy.ons.gov.uk/

36 llyw.cymru/tlodi-incwm-cymharol

37 llyw.cymru/tlodi-parhaus

38 llyw.cymru/arolwg-cenedlaethol-cymru-llesiant-ac-arian

39 cy.ons.gov.uk/peoplepopulationandcommunity/personalandhouseholdfinances/incomeandwealth?uri=peoplepopulationandcommunity/personalandhouseholdfinances/incomeandwealth

40 statscymru.llyw.cymru/Catalogue/Community-Safety-and-Social-Inclusion/Welsh-Index-of-Multiple-Deprivation

41 www.jrf.org.uk/report/poverty-wales-2020

42 www.futuregenerations.wales/cy/about-us/future-generations-act/

Mae gan rai cyrff cyhoeddus hefyd ddyletswydd dan Fesur Plant a Theuluoedd (Cymru) 2010⁴³ i osod amcanion ar gyfer mynd i'r afael â thlodi plant. Mae rhai cyrff cyhoeddus yn gallu cyflawni'r ddyletswydd hon drwy gyhoeddi eu cynllun llesiant lleol ond dim ond os yw eu strategaeth tlodi plant yn rhan annatod o'r cynllun hwnnw. Mae cyrff cyhoeddus eraill yn gallu nodi eu hamcanion tlodi plant yn eu cynllun sefydliadol neu efallai byddant yn cyhoeddi strategaeth tlodi plant ar wahân. Bydd y cyrff cyhoeddus a ddaw dan y Ddyletswydd yn gallu defnyddio tystiolaeth ynghylch yr hyn sy'n gweithio'n dda wrth fynd i'r afael â'r anghydraddoldebau hynny sy'n gysylltiedig â thlodi, yn ogystal â'r mesurau hynny sy'n helpu i atal a mynd i'r afael ag anfantais economaidd-gymdeithasol.

Ar wahân, argymhellir bod cyrff cyhoeddus yn ymgysylltu'n uniongyrchol ag unigolion a chymunedau y mae anfantais economaidd-gymdeithasol yn effeithio arnynt er mwyn cyfrannu at benderfyniadau strategol.

Gweithio gyda Phartneriaid Trydydd Sector

Drwy gydol argyfwng COVID-19 a llifogydd 2020, dangosodd y Trydydd Sector pa mor hanfodol oedd ei waith gyda chyrff cyhoeddus i gefnogi ein cymunedau. Gan adeiladu ar yr arfer da hwn, dylai cyrff cyhoeddus ymgysylltu â phartneriaid yn y Trydydd Sector wrth asesu effaith eu penderfyniadau strategol ar anghydraddoldebau canlyniadau sy'n gysylltiedig ag anfantais economaidd-gymdeithasol.

Felly, er mwyn helpu cyrff cyhoeddus i gyflawni'r Ddyletswydd, dylai cyrff cyhoeddus fabwysiadu'r egwyddorion a nodir yng **Nghynllun Trydydd Sector** Llywodraeth Cymru, er enghraifft:

- Mae'r Trydydd Sector yn gallu helpu i drawsnewid y ffordd mae gwasanaethau cyhoeddus yn bodloni gofynion nawr ac yn y dyfodol, drwy drin pobl a chymunedau fel asedau ac yn gyfartal wrth ddylunio a darparu gwasanaethau, nid dim ond eu trin fel y rheini a fydd yn derbyn gwasanaethau.
- Mae'n gwneud i adnoddau fynd ymhellach o lawer drwy eu defnyddio mewn ffyrdd gwahanol a newydd sy'n cryfhau unigolion a chymunedau.

- Rhaid i bartneriaethau effeithiol fod yn seiliedig ar werthfawrogiad o gyfraniad neilltuol pob parti.
- Mae modd cyflawni hyn drwy ymgysylltu ac ymgynghori'n gynnar â'r sector ynghylch yr effaith a chyfraniad y Trydydd Sector at y penderfyniadau polisi.

PENDERFYNIADAU STRATEGOL EU NATUR

DIFFINIAD:

Yn gyffredinol, penderfyniadau strategol fydd y rheini sy'n effeithio ar sut mae'r corff cyhoeddus yn cyflawni ei bwrpas statudol arfaethedig (ei swyddogaethau o ran y set o bwerau a dyletswyddau y mae'n eu defnyddio i gyflawni ei gylch gwaith) dros gyfnod sylweddol ac ni fyddant yn cynnwys penderfyniadau arferol 'o ddydd i ddydd'.

Efallai mai dim ond yn flynyddol y bydd penderfyniadau o'r fath yn cael eu gwneud mewn rhai cyrff cyhoeddus, ond byddant yn cael eu gwneud yn amlach mewn achosion eraill.

Bydd y Ddyletswydd yn berthnasol i **benderfyniadau strategol** newydd ac wrth adolygu penderfyniadau strategol blaenorol. Sylwer nad yw'r Ddyletswydd yn ôl-weithredol, sy'n golygu nad oes yn rhaid i gyrff cyhoeddus roi sylw dyledus i benderfyniadau sydd wedi'u gwneud cyn iddi gael ei chychwyn.

Dyma rai enghreifftiau (nid rhestr gynhwysfawr) o benderfyniadau strategol y gall cyrff cyhoeddus eu gwneud:

- ✓ Cyfarwyddeb a bwriad strategol
- ✓ Cynlluniau tymor canolig i hir (er enghraifft, cynlluniau corfforaethol, cynlluniau datblygu, cynlluniau cyflenwi gwasanaethau a chynlluniau gwella)
- ✓ Gosod amcanion (er enghraifft, amcanion llesiant, Deddf Cydraddoldeb, amcanion cydraddoldeb 2010, strategaeth iaith Gymraeg)
- ✓ Newid a datblygu gwasanaethau cyhoeddus
- ✓ Cynllunio ariannol strategol
- ✓ Penderfyniadau caffael a chomisïynu mawr
- ✓ Datblygu polisiâu strategol

- ✓ Strategaethau a ddatblygir gan Fyrddau Partneriaeth Rhanbarthol a Byrddau Gwasanaethau Cyhoeddus*

***Nid yw Byrddau Partneriaeth Rhanbarthol na Byrddau Gwasanaethau Cyhoeddus yn dod o dan y Ddyletswydd, edrychwch ar dudalen X i gael rhagor o wybodaeth am weithio mewn partneriaeth.**

SYLW DYLEDUS

DIFFINIAD:

Rhoi pwys i fater penodol sy'n gymesur â'i berthnasedd.

Mae sylw dyledus yn gysyniad cyfreithiol sefydledig mewn cyfraith cydraddoldeb a chyhoeddus. Dylai cyrff cyhoeddus ddeall y cysyniad o sylw dyledus mewn perthynas â Dyletswydd Cydraddoldeb y Sector Cyhoeddus⁴⁴. Mae'n golygu rhoi pwys i fater penodol sy'n gymesur â'i berthnasedd. Mae'r un egwyddorion yn berthnasol i'r Ddyletswydd hon – rhoi sylw dyledus i leihau anghydraddoldebau canlyniadau a achosir gan anfantais economaidd-gymdeithasol.

Dangos 'sylw dyledus'

Yn yr un modd â Dyletswydd Cydraddoldeb y Sector Cyhoeddus,⁴⁵ gall unigolyn neu grŵp ddwyn achos adolygiad barnwrol yn erbyn corff cyhoeddus a ddaw dan y Ddyletswydd os ydynt yn credu nad yw'r corff cyhoeddus wedi ystyried anfantais economaidd-gymdeithasol wrth wneud penderfyniadau strategol eu natur.

Er mwyn sicrhau bod cyrff cyhoeddus yn gallu darparu tystiolaeth ynghylch sut maent yn bodloni eu gofynion statudol o dan y Ddyletswydd, argymhellir eu bod yn cadw trywydd archwilio ar gyfer yr holl benderfyniadau perthnasol a wneir. Yn y cyd-destun hwn, dylai 'trywydd archwilio' adlewyrchu cofnod cam wrth gam o'r dystiolaeth a gasglwyd fel sail i benderfyniad, gan gynnwys:

- Tystiolaeth sy'n nodi unrhyw effeithiau tebygol a gaiff penderfyniad o'r fath mewn perthynas â'r Ddyletswydd Economaidd-gymdeithasol; a
- Thystiolaeth o sut y rhoddwyd sylw dyledus, gan gynnwys cofnodion o newidiadau a wnaed i'r penderfyniad, er mwyn lleihau anghydraddoldebau canlyniadau o ganlyniad i anfantais economaidd-gymdeithasol.

Er mwyn gwella'r ffordd y caiff yr anfantais economaidd-gymdeithasol honno ei hystyried a darparu tystiolaeth bod 'sylw dyledus' wedi'i roi, awgrymir ymgorffori hynny mewn prosesau sy'n bodoli eisoes. Gallai hyn gynnwys: asesiadau o'r effaith; systemau ar gyfer ymgysylltu a chynnwys; systemau ar gyfer asesu risg; papurau Bwrdd neu Bwyllgorau; ystyried tueddiadau yn y dyfodol a defnyddio pum ffordd o weithio Deddf Llesiant Cenedlaethau'r Dyfodol (Cymru)⁴⁶. Byddai Llywodraeth Cymru hefyd yn annog cyrff i ddod o hyd i ffyrdd newydd ac arloesol o wella i ba raddau mae anfantais gymdeithasol ac economaidd yn cael ei hystyried.

Sicrhau bod 'Sylw Dyledus' wedi'i roi i'r angen i leihau'r anghydraddoldebau canlyniadau sy'n deillio o anfantais economaidd-gymdeithasol.

Rhaid i'r rheini sy'n gwneud penderfyniadau mewn cyrff cyhoeddus fod yn fodlon bod y corff wedi deall y dystiolaeth a'r effaith debygol, ac wedi ystyried a ellir newid y polisi i leihau anghydraddoldeb canlyniadau o ganlyniad i anfantais economaidd-gymdeithasol.

Mae fframwaith craffu⁴⁷ i gefnogi'r rheini sy'n gwneud penderfyniadau i gyflawni eu Dyletswydd, gan gynnwys enghreifftiau o dystiolaeth y gallai'r rheini sy'n gwneud penderfyniadau ei chael neu ofyn amdani, ar gael ar **wefan** Dyletswydd Economaidd-gymdeithasol Llywodraeth Cymru.

44 www.equalityhumanrights.com/en/advice-and-guidance/public-sector-equality-duty-wales

45 www.legislation.gov.uk/cy/ukpga/2010/15/section/149

46 www.futuregenerations.wales/cy/about-us/future-generations-act/

47 llyw.cymru/y-ddyletswydd-economaidd-gymdeithasol-fframwaith-craffu

Rhoi'r Ddyletswydd ar waith

Mae enghraifft o sut y gallai cyrff cyhoeddus gyflawni'r Ddyletswydd yn ymarferol wedi'i nodi isod gan ddefnyddio dull pum cam:

CAM 1: CYNLLUNIO

A yw'r penderfyniad yn benderfyniad strategol?

CAM 2: TYSTIOLAETH

Pa dystiolaeth sydd gennych chi am anfantais economaidd-gymdeithasol ac anghydraddoldebau canlyniadau yng nghyswllt y penderfyniad hwn?

Ydych chi wedi ymgysylltu â'r rheini y mae'r penderfyniad yn effeithio arnynt?

Ydych chi wedi ystyried nodweddion gwarchoddedig?

Ydych chi wedi ystyried cymunedau lle a chymunedau buddiant?

CAM 3: ASESU A GWELLA

Beth yw prif effeithiau'r cynnig?

Sut gellir gwella'r cynnig er mwyn iddo leihau anghydraddoldebau canlyniadau o ganlyniad i anfantais economaidd-gymdeithasol?

CAM 4: Y RHEINI SY'N GWNEUD PENDERFYNIADAU STRATEGOL

Mae'r cam hwn yn gyfle i'r penderfynwyr gadarnhau bod sylw dyledus wedi cael ei roi, er enghraifft swyddogion gweithredol a chyfarwyddwyr anweithredol, aelodau'r bwrdd a phwyllgorau. Rhaid iddynt fod yn fodlon bod y corff wedi deall y dystiolaeth a'r effaith debygol, ac wedi ystyried a ellir newid y polisi i leihau anghydraddoldeb canlyniadau o ganlyniad i anfantais economaidd-gymdeithasol.

CAM 5:

Mae'r cam hwn yn gyfle i gyflwyno dystiolaeth a chofnodi sut mae 'sylw dyledus' wedi cael ei roi. Dylid gwneud newidiadau i'r penderfyniad a'u cofnodi yn ystod y cam hwn.

Argymhellir bod cyrff cyhoeddus yn ystyried cyfleoedd i wreiddio'r ffordd hon o weithio ym mhrosesau presennol y sefydliad, gan gynnwys y rheini a ddefnyddir i gyflawni eu gofynion deddfwriaethol presennol, gan sicrhau penderfyniadau mwy cyflawn a gwell.

Mae canllaw mapio⁴⁸ wedi cael ei baratoi i helpu cyrff cyhoeddus i ystyried cyfleoedd i ddefnyddio'r Ddyletswydd, Dyletswydd Cydraddoldeb y Sector Cyhoeddus⁴⁹ a dyletswyddau Llesiant Cenedlaethau'r Dyfodol⁵⁰ mewn ffordd gyson gan beidio â thanseilio gofynion penodol y dyletswyddau hyn a'r canlyniadau maen nhw'n ceisio eu **cyflawni**.

48 llyw.cymru/cymru-syn-fwy-cyfartal-canllaw-mapio

49 www.legislation.gov.uk/cy/ukpga/2010/15/section/149

50 www.futuregenerations.wales/cy/about-us/future-generations-act/

Hawliau Dynol

Mae cysylltiad annatod rhwng cydraddoldeb a gwahaniaethu a hawliau dynol. Mae'n bosibl i anfantais economaidd-gymdeithasol amharu ar allu rhywun i ddefnyddio ac i fwynhau'r hawliau dynol sydd ar gael iddynt yn y DU, drwy gymysgedd o gyfraith ddomestig (Deddf Hawliau Dynol 1998⁵¹), cyfraith yr UE a ddargedwir a chyfraith hawliau dynol ryngwladol. Mae anfantais o'r fath yn gallu arwain at anghydraddoldebau hirdymor mewn addysg, iechyd, bodlonrwydd ar fywyd, ffyniant a chymryd rhan mewn bywyd cyhoeddus.

Bydd mynd ati i weithredu'r Ddyletswydd Economaidd-gymdeithasol yn y ffordd iawn yn helpu cyrff cyhoeddus i gynyddu eu cyfraniad at fynd i'r afael ag anghydraddoldebau o'r fath, ac yn eu helpu i ddiwallu eu rhwymedigaethau o dan Ddeddf Hawliau Dynol 1998⁵² a chyfraith hawliau dynol ryngwladol.

Mae'n anghyfreithlon i gyrff cyhoeddus yng Nghymru weithredu mewn ffordd sy'n mynd yn groes i'r Confensiwn Ewropeaidd ar Hawliau Dynol⁵³. Mae gan gyrff cyhoeddus hefyd rwymedigaethau fel rhan o'r wladwriaeth i ystyried, i arsylwi ac i weithredu cytuniadau hawliau dynol rhyngwladol sydd wedi'u llofnodi a'u cadarnhau gan y DU. Gyda'i gilydd, mae saith o offerynnau hawliau dynol rhyngwladol wedi cael eu cadarnhau gan y DU, pob un yn berthnasol i elfennau economaidd-gymdeithasol:

- Cyfamod Rhyngwladol ar Hawliau Sifil a Gwleidyddol⁵⁴
- Cyfamod Rhyngwladol ar Hawliau Economaidd, Cymdeithasol a Diwylliannol⁵⁵
- Confensiwn ar Ddiddymu Pob Math o Wahaniaethu Hiliol⁵⁶

- Confensiwn ar Ddiddymu Pob Math o Wahaniaethu yn erbyn Menywod⁵⁷
- Confensiwn ar Hawliau'r Plentyn⁵⁸
- Confensiwn ar Hawliau Pobl ag Anableddau⁵⁹
- Confensiwn y Cenhedloedd Unedig yn erbyn Artaith a Thriniaeth neu Gosb Greulon, Annynol neu Israddol Arall⁶⁰

Mae anfantais economaidd-gymdeithasol yn torri ar draws sawl agwedd ar ein cymdeithas. Mae Adroddiad 2020 Comisiynydd Cenedlaethau'r Dyfodol Cymru⁶¹ yn nodi:

“ Mae mwy o dlodi yng Nghymru yn arwain at hyd yn oed mwy o fwch ym mhrofiadau a chyfleoedd pobl sy'n cael eu geni i gefndiroedd economaidd-gymdeithasol gwahanol. Mae ein canfyddiadau'n dangos bod y bwch hwn wedi ehangu'n benodol i fenywod, i bobl anabl ac i rai grwpiau lleiafrifoedd ethnig.

Bydd ategu elfen sylw dyledus y Ddyletswydd gyda chysylltiadau priodol â deddfwriaeth sy'n bodoli eisoes ar gydraddoldeb ac egwyddorion hawliau dynol yn helpu cyrff cyhoeddus i ddeall yn well sut mae anfantais economaidd-gymdeithasol yn rhyngweithio â nodweddion gwarchoddedig pobl ac ystyried yn well sut mae'n torri ar draws anghenion penodol a natur fregus grwpiau ymylol. Bydd hyn yn galluogi gwasanaethau cyhoeddus i ganfod yr anghydraddoldebau mwyaf enbyd yn eu hardal ac i adeiladu ar y trefniadau partneriaeth sydd eisoes yn bodoli i ddatblygu ymyriadau strategol a chyfannol.

51 www.legislation.gov.uk/cy/ukpga/1998/42/contents

52 www.legislation.gov.uk/cy/ukpga/1998/42/contents

53 www.echr.coe.int/Documents/Convention_ENG.pdf

54 www.ohchr.org/EN/ProfessionalInterest/Pages/CCPR.aspx

55 www.ohchr.org/en/professionalinterest/pages/cescr.aspx

56 www.ohchr.org/EN/ProfessionalInterest/Pages/CERD.aspx

57 www.ohchr.org/EN/HRBodies/CRPD/Pages/CRPDIndex.aspx

58 www.ohchr.org/en/professionalinterest/pages/crc.aspx

59 www.ohchr.org/EN/HRBodies/CRPD/Pages/CRPDIndex.aspx

60 www.ohchr.org/EN/ProfessionalInterest/Pages/CAT.aspx

61 www.futuregenerations.wales/wp-content/uploads/2020/06/Chap-3-Equal.pdf

Cyflawni'r Ddyletswydd wrth gomisiynu a chaffael gwasanaethau

Gan mai dim ond cyrff cyhoeddus penodol sy'n ddarostyngedig i'r Ddyletswydd, mae'r Ddyletswydd yn aros gyda'r corff hwnnw. Felly, ni chaiff y gofyniad i gyflawni'r Ddyletswydd ei drosglwyddo i drydydd parti drwy gaffael, comisiynu neu gontract allanol.

Fodd bynnag, mewn amgylchiadau pan fydd y corff cyhoeddus yn ystyried bod y gweithgaredd hwn yn ymwneud â'r Ddyletswydd, rhaid i'r corff cyhoeddus ystyried sut mae trefniadau o'r fath yn lleihau anghydraddoldebau canlyniadau a achosir gan anfantais economaidd-gymdeithasol.

Cyflawni'r Ddyletswydd wrth weithio mewn partneriaeth

Pan fydd corff cyhoeddus yn gweithio mewn partneriaeth â chyrff nad ydynt yn dod dan y Ddyletswydd, dim ond i'r corff penodol hwnnw y mae'r Ddyletswydd yn berthnasol.

Er enghraifft, mae amrywiaeth o bartneriaid yn datblygu ac yn berchen ar gynlluniau llesiant lleol, ond mae'n rhaid i'r cyrff cyhoeddus hynny sy'n ddarostyngedig i'r Ddyletswydd sicrhau eu bod yn cyflawni eu Dyletswydd drwy ystyried sut bydd yr elfennau o'r cynllun maen nhw'n gyfrifol amdanynt yn lleihau anghydraddoldebau canlyniadau a achosir gan anfantais economaidd-gymdeithasol.

Fodd bynnag, er mai dim ond y cyrff cyhoeddus hynny a nodir yn y rheoliadau fydd o dan ddyletswydd statudol i gydymffurfio ac i ystyried unrhyw ganllawiau a gyhoeddir, byddai Llywodraeth Cymru yn annog pob corff cyhoeddus arall i ystyried yr adnoddau sydd ar gael i'w cefnogi wrth iddynt wneud penderfyniadau.

Monitro a rheoleiddio

Bydd y Ddyletswydd yn gwella'r broses o wneud penderfyniadau mewn cyrff cyhoeddus, a fydd yn arwain at ganlyniadau gwell i'r rheini sy'n dioddef anfantais gymdeithasol ac economaidd. Bydd perfformiad mewn perthynas ag i ba raddau mae cyrff yn bodloni gofynion y Ddyletswydd, a pherfformiad mewn perthynas â gwella anghydraddoldebau canlyniadau o ganlyniad i anfantais economaidd-gymdeithasol yn cael eu hymgorffori yng ngwaith cyrff sy'n cyfrannu at ddeall sut mae cyrff cyhoeddus yn creu Cymru sy'n fwy cyfartal. Bydd hyn yn cael ei adolygu.

Fel yr eglurwyd, nid oes dyletswydd adrodd ynghlwm wrth y Ddyletswydd. Yn ei rôl fel rheoleiddiwr Deddf Cydraddoldeb 2010⁶², mae gan y Comisiwn Cydraddoldeb a Hawliau Dynol bwerau i hyrwyddo ac i ddarparu cyngor a chanllawiau, a chyhoeddi ymchwil ar weithredu'r Ddyletswydd. Nid yw'n defnyddio ei bwerau gorfodi llawn mewn perthynas â'r Ddyletswydd gan nad yw Deddf 2010 yn sefydlu 'gwahaniaethu economaidd-gymdeithasol', ac nid yw ychwaith yn nodi yn Neddf 2010⁶³ bod anfantais economaidd-gymdeithasol yn nodwedd warchodedig, ac felly ni fydd y Comisiwn Cydraddoldeb a Hawliau Dynol yn gorfodi'r Ddyletswydd ar sail 'gweithred anghyfreithlon'.

Codi pryderon

Os bydd penderfyniad corff cyhoeddus yn effeithio'n andwyol ar unigolyn neu grŵp, ac os yw'n ystyried na chydymffurfiwyd yn briodol â'r Ddyletswydd, gall ddatrys ei bryderon drwy weithdrefn gwyno ffurfiol y corff perthnasol. Argymhellir bod cyrff cyhoeddus yn sicrhau bod gwybodaeth am leisio pryder/cwyn ar gael yn rhwydd.

62 www.legislation.gov.uk/cy/ukpga/2010/15/contents/enacted

63 www.legislation.gov.uk/cy/ukpga/2010/15/contents/enacted

Atodiad

Bwriad yr adran ganlynol yw rhoi trosolwg byr o ddyletswyddau o dan Ddeddf Cydraddoldeb 2010⁶⁴, Deddf Llesiant Cenedlaethau'r Dyfodol (Cymru) 2015⁶⁵ a Deddf Hawliau Dynol 1998.

Diben hyn yw sicrhau bod cyrff cyhoeddus, wrth baratoi ar gyfer y Ddyletswydd, yn ymwybodol o'r dyletswyddau cydraddoldeb a llesiant eraill a fydd yn cyd-fodoli ochr yn ochr â'r Ddyletswydd.

Gall fod yn ddefnyddiol i gyrff cyhoeddus ddechrau meddwl am sut gellir arfer y dyletswyddau hyn mor effeithlon â phosibl, er enghraifft, er mwyn osgoi dyblygu gwaith mewn amgylchiadau lle mae'r dyletswyddau hyn yn gorgyffwrdd a rhoi sylw iddynt mewn ffordd integredig. Mae **canllaw mapio** wedi cael ei baratoi i helpu cyrff gyda hyn ac mae ar gael ar **wefan** y Ddyletswydd economaidd-gymdeithasol.

Yn ogystal â'r prif ddyletswyddau a nodir isod, mae'n bosibl y bydd gan gyrff cyhoeddus unigol ddyletswyddau eraill sy'n benodol iddyn nhw, y byddent yn dymuno eu hystyried yma. Dyma'r prif ddyletswyddau:

DEDDF CYDRADDOLDEB 2010

Mae Adran 149 o Ddeddf Cydraddoldeb 2010⁶⁶ yn nodi Dyletswydd Cydraddoldeb y Sector Cyhoeddus sydd, yn gryno, yn rhoi dyletswydd gyffredinol ar gyrff cyhoeddus i roi sylw dyledus wrth gyflawni eu swyddogaethau o ran yr angen i:

- **Gael gwared ar wahaniaethu, aflonyddu ac erledigaeth;**
- **Hyrwyddo cyfle cyfartal rhwng y rheini sy'n rhannu nodwedd warchoddedig a'r rheini nad ydynt yn ei rhannu; a**
- **Meithrin perthynas dda rhwng pobl sy'n rhannu nodwedd warchoddedig a'r rheini nad ydynt yn ei rhannu.**

Y nodweddion gwarchoddedig perthnasol at ddibenion Dyletswydd Cydraddoldeb y Sector Cyhoeddus yw: oedran; anabledd; ailbennu rhywedd; beichiogrwydd a mamolaeth; hil; crefydd neu gred; rhyw a chyfeiriadedd rhywiol.

Gan adeiladu ar Ddeddf 2010⁶⁷, mae rheoliadau penodol yng Nghymru⁶⁸ yn gosod dyletswyddau penodol ar gyrff cyhoeddus a enwir yng Nghymru er mwyn iddyn nhw gydymffurfio'n well â Dyletswydd Cydraddoldeb y Sector Cyhoeddus. Dan y dyletswyddau penodol hyn, rhaid i gyrff sector cyhoeddus datganoledig penodol gyhoeddi amcanion cydraddoldeb a'u hadolygu o leiaf bob pedair blynedd. Wrth adolygu'r amcanion hyn, dylai'r cyrff penodol gynnwys pobl sy'n rhannu un neu ragor o'r nodweddion gwarchoddedig perthnasol ac sydd â diddordeb yn y ffordd mae'r corff sector cyhoeddus yn cyflawni ei swyddogaethau.

Mae'r Ddyletswydd hefyd yn mynnu bod y cyrff dan sylw yn adrodd am eu cynnydd tuag at gyflawni pob un o'u hamcanion cydraddoldeb bob blwyddyn, ac asesu effaith debygol polisïau ac arferion arfaethedig ar ei allu i gydymffurfio â'r ddyletswydd gyffredinol. O bryd i'w gilydd, rhaid i gorff rhestredig gynnal asesiad o'i weithgareddau mewn perthynas â chydymffurfio â'r ddyletswydd gyffredinol, cyhoeddi adroddiad a chyhoeddi gwybodaeth am gydraddoldeb.

DEDDF LLESIANT CENEDLAETHAU'R DYFODOL (CYMRU) 2015

Mae Deddf Llesiant Cenedlaethau'r Dyfodol (Cymru) 2015⁶⁹ yn canolbwyntio ar wella llesiant cymdeithasol, economaidd, amgylcheddol a diwylliannol Cymru.

Mae'n gwneud i'r 44 corff cyhoeddus a restrir yn y Ddeddf⁷⁰ feddwl mwy am yr hirdymor, atal problemau rhag digwydd neu waethygu drwy gynnwys pobl a gweithio mewn ffordd sy'n fwy cydgysylltiedig.

Er mwyn sicrhau bod cyrff cyhoeddus i gyd yn gweithio tuag at yr un weledigaeth, mae'r Ddeddf yn sefydlu saith nod llesiant. Bydd hyn yn helpu i greu Cymru rydym i gyd am fyw ynnddi, nawr ac yn y dyfodol.

64 www.legislation.gov.uk/cy/ukpga/2010/15/contents/enacted

65 www.futuregenerations.wales/cy/about-us/future-generations-act/

66 www.legislation.gov.uk/cy/ukpga/2010/15/section/149

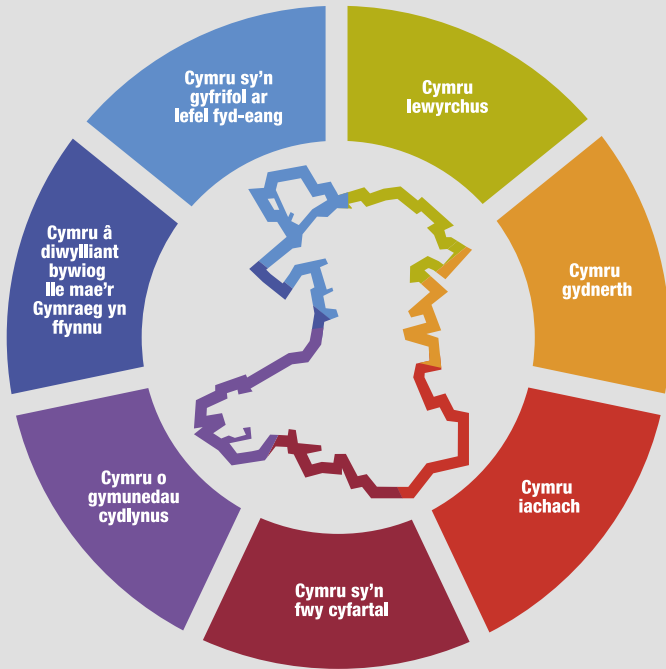
67 www.legislation.gov.uk/cy/ukpga/2010/15/contents/enacted

68 www.legislation.gov.uk/cy/wsi/2011/1064/contents/made Rheoliadau Deddf Cydraddoldeb 2010 (Dyletswyddau Statudol) (Cymru) 2011

69 www.futuregenerations.wales/cy/about-us/future-generations-act/

70 www.futuregenerations.wales/cy/about-us/future-generations-act/

Y SAITH NOD LLESIANT



Mae'r Ddyletswydd Economaidd-gymdeithasol yn cyfrannu'n bennaf at Gymru sy'n Fwy Cyfartal:

Cymdeithas sy'n galluogi pobl i gyflawni eu potensial ni waeth beth yw eu cefndir neu eu hamgylchiadau (gan gynnwys eu cefndir a'u hamgylchiadau economaidd-gymdeithasol).

Roedd Deddf 2015⁷¹ yn cyflwyno'r egwyddor datblygu cynaliadwy sy'n rhoi dyletswydd ar gyrrff cyhoeddus i wneud yn siŵr eu bod yn ystyried effaith eu penderfyniadau ar y bobl sy'n byw yng Nghymru nawr ac yn y dyfodol.

Mae pum peth mae angen i gyrrff cyhoeddus feddwl amdanyn nhw i ddangos eu bod wedi defnyddio'r egwyddor datblygu cynaliadwy, a elwir yn bum ffordd o weithio.

CYDWEITHIO



Gallai cydweithio ag unrhyw berson arall (neu wahanol adrannau yn y corff ei hun) helpu'r corff i fodloni ei amcanion llesiant.

INTEGREIDDIO



Ystyried sut gall amcanion llesiant y corff cyhoeddus effeithio ar bob un o'r nodau llesiant, ar bob un o'i amcanion eraill, neu ar amcanion cyrrff cyhoeddus eraill.

CYNNWYS



Pwysigrwydd cynnwys pobl sydd â diddordeb mewn cyflawni'r nodau llesiant, a sicrhau bod y bobl hynny'n adlewyrchu amrywiaeth yr ardal mae'r corff yn ei gwasanaethu.

HIRDY MOR



Pwysigrwydd sicrhau cydbwysedd rhwng anghenion tymor byr a'r angen i ddiogelu'r gallu i ddiwallu anghenion tymor hir hefyd.

ATAL



Sut gall gweithredu i atal problemau rhag digwydd neu waethygu helpu cyrrff cyhoeddus i gyflawni eu hamcanion.

Gyda'i gilydd, mae'r saith nod llesiant a'r pum ffordd o weithio a nodir yn y Ddeddf wedi cael eu dylunio i gefnogi ac i ddarparu gwasanaeth cyhoeddus sy'n diwallu anghenion y presennol heb amharu ar allu cenedlaethau'r dyfodol i ddiwallu eu hanghenion eu hunain.

Rhestr o dermau

Trywydd Archwilio

Dylai 'trywydd archwilio' adlewyrchu cofnod cam wrth gam o'r dystiolaeth a gasglwyd yn sail i benderfyniad.

Cymunedau buddiant

Mae'r rheini syn rhannu hunaniaeth yn cael eu disgrifio fel 'cymunedau buddiant'. Er enghraifft, efallai fod y bobl hyn yn: unig rieni; gofawyr; y rheini sy'n rhannu iaith gyntaf; neu'r rheini sy'n rhannu un neu ragor o'r nodweddion gwarchoddedig sy'n cael eu rhestru yn Neddf Cydraddoldeb 2010⁷². Ar ben hynny, grwpiau o bobl sy'n **rhannu profiad**, er enghraifft: pobl sydd wedi bod yn ddigartref; pobl sydd wedi defnyddio'r un system iechyd a gofal cymdeithasol leol; neu wasanaeth lleol. Yn unol â hynny, mae'n debyg y bydd pobl yn rhan o fwy nag un gymuned fuddiant.

Cymunedau lle

Mae'r rheini sy'n rhannu **lleoliad daearyddol**, yn cael eu disgrifio fel 'cymunedau lle'. Er enghraifft, gallai'r lleoliadau hyn olygu lle mae pobl yn byw, yn gweithio, yn ymweld â nhw neu'n treulio llawer iawn o'u hamser yno.

Penderfyniadau o natur strategol

Y rheini sy'n effeithio ar sut mae'r corff cyhoeddus yn cyflawni ei bwrpas statudol arfaethedig (ei swyddogaethau o ran y set o bwerau a dyletswyddau y mae'n eu defnyddio i gyflawni ei gyloch gwaith) dros gyfnod sylweddol ac ni fyddant yn cynnwys penderfyniadau arferol 'o ddydd i ddydd'.

Sylw dyledus

Rhoi pwys i fater penodol sy'n gymesur â'i berthnasedd.

Hawliau Dynol

Hawliau Dynol yw'r hawliau sylfaenol sy'n perthyn i bob person yn y byd, o'i enedigaeth hyd at farwolaeth. Maen nhw'n berthnasol, ni waeth o ble rydych chi'n dod, beth rydych chi'n ei gredu neu sut rydych chi'n dewis byw eich bywyd. Ni ellir byth eu cymryd i ffwrdd, er y gellir eu cyfyngu weithiau – er enghraifft os bydd person yn torri'r gyfraith, neu er budd diogelwch gwladol. Mae'r hawliau sylfaenol hyn yn seiliedig ar werthoedd cyffredin fel urddas, tegwch, cydraddoldeb, parch ac annibyniaeth.

Adolygiad Barnwrol

Mae adolygiad barnwrol yn broses llys sydd ar gael i unigolyn neu grŵp y mae penderfyniad, gweithred neu ddiffyg gweithred gan awdurdod cyhoeddus wedi effeithio arno. Caiff yr unigolyn neu'r grŵp hwnnw wneud cais i'r Uchel Lys, er mwyn herio'r penderfyniad hwnnw. Os bydd y cais yn llwyddo, caiff y llys ddarparu rhwymedi os yw'n penderfynu bod yr awdurdod wedi gweithredu'n anghyfreithlon, yn annheg neu'n afresymol. Nid yw adolygiad barnwrol yn ymwneud â rhinweddau'r penderfyniad, ond a yw'r corff cyhoeddus wedi dilyn y gweithdrefnau cywir ac wedi gwneud y penderfyniad yn y ffordd gywir.

Anghydraddoldebau canlyniadau

Mae anghydraddoldeb canlyniadau yn ymwneud ag unrhyw wahaniaethau mae modd eu mesur rhwng y canlyniad a gaiff y rheini sydd wedi profi anfantais economaidd-gymdeithasol a'r canlyniad a gaiff gweddill y boblogaeth.

Rhyngblethedd

Cydnabod sut mae strwythurau pŵer ar sail ffactorau fel rhywedd, hil, rhywioldeb, anabledd, dosbarth, oed ran a ffydd yn rhyngweithio â'i gilydd ac yn arwain at anghydraddoldebau, gwahaniaethu a gorthrwm.

Cyrff cyhoeddus

Mae'r cyrff hynny y rhestrir eu bod yn ddarostyngedig i'r Ddyletswydd (mae eu manylion ar dudalen 6) yn cael eu galw yn gyrff cyhoeddus drwy'r ddogfen hon.

Anfantais economaidd-gymdeithasol

Byw mewn amgylchiadau cymdeithasol ac economaidd llai ffafriol na phobl eraill yn yr un gymdeithas.

Deddf Cydraddoldeb 2010

Mae Deddf Cydraddoldeb 2010⁷³ yn fframwaith cyfreithiol, sy'n ceisio cysoni a chryfhau cyfraith gwahaniaethu, gan gefnogi'r cynnydd tuag at gydraddoldeb.

Deddf Llesiant Cenedlaethau'r Dyfodol (Cymru) 2015

Mae Deddf Llesiant Cenedlaethau'r Dyfodol (Cymru) 2015⁷⁴ yn canolbwyntio ar wella llesiant cymdeithasol, economaidd, amgylcheddol a diwylliannol Cymru.

Gwybodaeth ychwanegol

Mae modd defnyddio Egwyddorion Brown hefyd i benderfynu a roddwyd sylw dyledus ai peidio. Mae Making Fair Financial Decisions⁷⁵ (y Comisiwn Cydraddoldeb a Hawliau Dynol, 2019) yn cynnwys gwybodaeth ddefnyddiol am 'Egwyddorion Brown'. Ar ben hynny, mae Canllawiau Llywodraeth Cymru Gwneud Penderfyniadau Da⁷⁶ yn cyfeirio at yr egwyddor o sylw dyledus ac yn helpu cyrff cyhoeddus i wneud penderfyniadau da sy'n gyfreithlon ac sy'n cydymffurfio â rheolau'r gyfraith.

73 www.legislation.gov.uk/cy/ukpga/2010/15/contents

74 www.futuregenerations.wales/cy/about-us/future-generations-act/

75 www.equalityhumanrights.com/en/advice-and-guidance/making-fair-financial-decisions

76 law.gov.wales/docs/lawwales/makinggooddecisionsen.pdf

SL(5)746 - Rheoliadau Newid yn yr Hinsawdd (Targedau Allyriadau Interim) (Cymru) (Diwygio) 2021

Cefndir a Diben

Mae Rhan 2 o Ddeddf yr Amgylchedd (Cymru) 2016 ("Deddf 2016") yn ei gwneud yn ofynnol i Weinidogion Cymru bennu targedau statudol ar gyfer lleihau allyriadau nwyon tŷ gwydr yng Nghymru.

Mae adran 29 o Ddeddf 2016 (fel y'i diwygiwyd gan Reoliadau Deddf yr Amgylchedd (Cymru) 2016 (Diwygio Targed Allyriadau 2050) 2021) yn ei gwneud yn ofynnol i Weinidogion Cymru sicrhau bod cyfrif net allyriadau Cymru ar gyfer y flwyddyn 2050 o leiaf 100 y cant yn is na'r waelodlin.

Mae adran 30 o Ddeddf 2016 yn ei gwneud yn ofynnol i Weinidogion Cymru wneud rheoliadau er mwyn gosod targedau allyriadau interim ar gyfer y blynyddoedd 2020, 2030 a 2040.

Mae'r Rheoliadau hyn yn diwygio Rheoliadau Newid yn yr Hinsawdd (Targedau Allyriadau Interim) (Cymru) 2018 trwy gynyddu'r targedau interim ar gyfer 2030 a 2040 o "45%" i "63%" ac o "67%" i "89%", yn y drefn honno.

Mae'r Rheoliadau hyn yn rhan o gyfres o bedwar offeryn y cyfeirir atynt gyda'i gilydd fel Rheoliadau Newid yn yr Hinsawdd (Cymru) 2021.

Gweithdrefn

Cadarnhaol Drafft.

Mae Gweinidogion Cymru wedi gosod drafft o'r Rheoliadau gerbron y Senedd. Ni all Gweinidogion Cymru wneud y Rheoliadau oni bai bod y Senedd yn cymeradwyo'r Rheoliadau drafft.

Materion technegol: craffu

Nodir y pwynt a ganlyn i gyflwyno adroddiad arno o dan Reol Sefydlog 21.2 mewn perthynas â'r offeryn hwn:

1. Rheol Sefydlog 21.2(vi) - ei bod yn ymddangos bod gwaith drafftio'r offeryn neu'r drafft yn ddiffygiol neu ei fod yn methu â bodloni gofynion statudol

Mae'r rhaglith Saesneg yn cyfeirio at ddrafft o'r rheoliadau fel a ganlyn: "laid before and approved by a resolution of *the* Senedd Cymru." [*ychwanegwyd pwyslais*]. Mae'n ymddangos mai gwall yw cynnwys y fannod, gan fod Deddf Llywodraeth Cymru 2006 yn cyfeirio at "Senedd Cymru" drwyddi draw, heb "the" o flaen yr enw.



Rhinweddau: craffu

Ni nodir unrhyw bwyntiau i gyflwyno adroddiad arnynt o dan Reol Sefydlog 21.3 mewn perthynas â'r offeryn hwn.

Ymateb Llywodraeth Cymru

Mae angen ymateb gan Lywodraeth Cymru.

Cynghorwyr Cyfreithiol

Y Pwyllgor Deddfwriaeth, Cyfiawnder a'r Cyfansoddiad

22 Chwefror 2021



Senedd Cymru

Pwyllgor Deddfwriaeth, Cyfiawnder a'r Cyfansoddiad

—

Welsh Parliament

Tudalen y pecyn 202

Legislation, Justice and Constitution Committee

Rheoliadau drafft a osodwyd gerbron Senedd Cymru o dan adran 48(3) o Ddeddf yr Amgylchedd (Cymru) 2016, i'w cymeradwyo drwy benderfyniad gan Senedd Cymru.

OFFERYNNAU STATUDOL
CYMRU DRAFFT

2021 Rhif (Cy.)

**NEWID YN YR HINSAWDD,
CYMRU**

**Rheoliadau Newid yn yr Hinsawdd
(Targedau Allyriadau Interim)
(Cymru) (Diwygio) 2021**

NODYN ESBONIADOL

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

Mae'r Rheoliadau hyn yn gwneud diwygiadau i Rheoliadau Newid yn yr Hinsawdd (Targedau Allyriadau Interim) (Cymru) 2018, sy'n gosod y targedau allyriadau interim o dan Ran 2 o Ddeddf yr Amgylchedd (Cymru) 2016 ("y Ddeddf").

Diben Rhan 2 o'r Ddeddf yw ei gwneud yn ofynnol i Weinidogion Cymru gyrraedd targedau ar gyfer lleihau allyriadau nwyon tŷ gwydr o Gymru. Mae adran 29 yn ei gwneud yn ofynnol i Weinidogion Cymru sicrhau bod cyfrif allyriadau net Cymru ar gyfer y flwyddyn 2050 o leiaf 100% yn is na'r waelodlin.

Mae adran 30 o'r Ddeddf yn ei gwneud yn ofynnol i Weinidogion Cymru wneud rheoliadau er mwyn gosod targedau allyriadau interim ar gyfer y blynyddoedd 2020, 2030 a 2040. Mae'r targedau hyn yn cael eu mynegi fel canran islaw'r waelodlin.

Mae rheoliad 2 yn diwygio Rheoliadau Newid yn yr Hinsawdd (Targedau Allyriadau Interim) (Cymru) 2018. Mae targedau 2030 a 2040 wedi eu cynyddu o "45%" i "63%" ac o "67%" i "89%", yn y drefn honno, yn is na'r waelodlin.

Yn unol ag adran 32(1)(a) o'r Ddeddf, mae Gweinidogion Cymru wedi eu bodloni bod y targedau allyriadau interim yn gyson â chyrraedd targed allyriadau 2050.

Yn unol ag adran 32 o'r Ddeddf, mae Gweinidogion Cymru wrth ddrafftio'r Rheoliadau hyn wedi rhoi sylw i'r ffactorau a restrir yn adran 32(3).

Yn unol ag adran 49 o'r Ddeddf, mae Gweinidogion Cymru wedi cael cyngor gan y corff cynghori, ac wedi ystyried y cyngor a gafwyd, cyn gosod rheoliadau drafft.

Ystyriwyd Cod Ymarfer Gweinidogion Cymru ar gynnal Aseidiadau Effaith Rheoleiddiol mewn perthynas â'r Rheoliadau hyn. O ganlyniad, lluniwyd aseiad effaith rheoleiddiol o'r costau a'r manteision sy'n debygol o ddeillio o gydymffurfio â'r Rheoliadau hyn. Gellir cael copi oddi wrth: Llywodraeth Cymru, Parc Cathays, Caerdydd, CF10 3NQ.

Rheoliadau drafft a osodwyd gerbron Senedd Cymru o dan adran 48(3) o Ddeddf yr Amgylchedd (Cymru) 2016, i'w cymeradwyo drwy benderfyniad gan Senedd Cymru.

OFFERYNNAU STATUDOL
CYMRU DRAFFT

2021 Rhif (Cy.)

**NEWID YN YR HINSAWDD,
CYMRU**

Rheoliadau Newid yn yr Hinsawdd
(Targedau Allyriadau Interim)
(Cymru) (Diwygio) 2021

Gwnaed

Yn dod i rym

12 Mawrth 2021

Yn unol ag adran 48(3) o Ddeddf yr Amgylchedd (Cymru) 2016(1) (“y Ddeddf”), gosodwyd drafft o’r offeryn hwn gerbron Senedd Cymru ac fe’i cymeradwywyd ganddi drwy benderfyniad(2).

Cyn i’r drafft gael ei osod, roedd Gweinidogion Cymru—

- (a) wedi eu bodloni bod pob targed allyriadau interim yn cael ei osod ar lefel sy’n gyson â chyrraedd targed allyriadau 2050, yn unol ag adran 32(1)(a) o’r Ddeddf,
- (b) wedi rhoi sylw i’r materion a restrir yn adran 32(3) o’r Ddeddf, ac
- (c) wedi cael cyngor gan y Pwyllgor ar Newid Hinsawdd(3), ac wedi ystyried y cyngor a gafwyd, yn unol ag adran 49(1) o’r Ddeddf.

(1) 2016 dccc 3.

(2) Mae’r cyfeiriad yn adran 48(3) o Ddeddf yr Amgylchedd (Cymru) 2016 at Gynulliad Cenedlaethol Cymru bellach yn cael effaith fel cyfeiriad at Senedd Cymru, yn rhinwedd adran 150A(2) o Ddeddf Llywodraeth Cymru 2006 (p. 32).

(3) Y Pwyllgor ar Newid Hinsawdd yw’r corff cynghori perthnasol i Weiniogion Cymru yn rhinwedd adran 44(3) o Ddeddf yr Amgylchedd (Cymru) 2016.

Mae'r Pwyllgor ar Newid Hinsawdd wedi argymhell diwygio'r targedau allyriadau interim ar gyfer 2030 a 2040.

Yn unol â hynny, mae Gweinidogion Cymru, drwy arfer y pwerau a roddir gan adran 30(1) o'r Ddeddf, ac yn unol ag adran 32(2)(b) o'r Ddeddf, yn gwneud y Rheoliadau a ganlyn.

Enwi a chychwyn

1.—(1) Enw'r Rheoliadau hyn yw Rheoliadau Newid yn yr Hinsawdd (Targedau Allyriadau Interim) (Cymru) (Diwygio) 2021.

(2) Daw'r Rheoliadau hyn i rym ar 12 Mawrth 2021.

Diwygio'r targedau allyriadau interim

2.—(1) Mae rheoliad 2 o Rheoliadau Newid yn yr Hinsawdd (Targedau Allyriadau Interim) (Cymru) 2018(1) wedi ei ddiwygio fel a ganlyn.

(2) Ym mharagraff (2), yn lle "45%" rhodder "63%".

(3) Ym mharagraff (3), yn lle "67%" rhodder "89%".

Enw

Gweinidog yr Amgylchedd, Ynni a Materion Gwledig,
un o Weinidogion Cymru
Dyddiad

(1) O.S. 2018/1304 (Cy. 258).

Explanatory Memorandum to the Climate Change (Wales) Regulations 2021

Explanatory Memorandum to:

- **The Environment (Wales) Act 2016 (Amendment of 2050 Emissions Target) Regulations 2021**
- **The Climate Change (Interim Emissions Targets) (Wales) (Amendment) Regulations 2021**
- **The Climate Change (Carbon Budgets) (Wales) (Amendment) Regulations 2021**
- **The Climate Change (Net Welsh Emissions Account Credit Limit) (Wales) Regulations 2021**

This Explanatory Memorandum has been prepared by the Economy, Skills and Natural Resources Group and is laid before Senedd Cymru in conjunction with the above subordinate legislation and in accordance with Standing Order 27.1.

Minister's Declaration

In my view, this Explanatory Memorandum gives a fair and reasonable view of the expected impact of the Climate Change (Wales) Regulations 2021:

- The Environment (Wales) Act 2016 (Amendment of 2050 Emissions Target) Regulations 2021
- The Climate Change (Interim Emissions Targets) (Wales) (Amendment) Regulations 2021
- The Climate Change (Carbon Budgets) (Wales) (Amendment) Regulations 2021
- The Climate Change (Net Welsh Emissions Account Credit Limit) (Wales) Regulations 2021

I am satisfied that the benefits justify the likely costs.

Lesley Griffiths MS
Minister for Environment, Energy and Rural Affairs

9 February 2021

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PART 1

1. Description

A suite of four regulations are covered within this Explanatory Memorandum and are referred to collectively as the Climate Change (Wales) Regulations 2021. Under Part 2 of the Environment (Wales) Act 2016 (“the Act”) Wales committed to reducing emissions of greenhouse gases from Wales by at least 80% in 2050. The Climate Change (Wales) Regulations 2018 established a system of interim emissions targets and carbon budgeting to create an emissions reduction trajectory towards the 2050 target. They also set out how the Welsh Ministers can utilise international carbon credits and set the credit (“offset”) limit for Carbon Budget 1 (CB1, 2016-20). Finally, they provided for how we will deal with emissions from international shipping and internal aviation in calculating our emissions.

The Climate Change (Wales) Regulations 2018, which supported the delivery of the Act, were namely:

- The Climate Change (Interim Emissions Targets) (Wales) Regulations 2018
- The Climate Change (Carbon Budgets) (Wales) Regulations 2018
- The Climate Change (International Aviation and International Shipping) (Wales) Regulations 2018
- The Climate Change (Net Welsh Emissions Account Credit Limit) (Wales) Regulations 2018
- The Carbon Accounting (Wales) Regulations 2018

The Climate Change (Wales) Regulations 2021 amend the 2050 target, the interim targets for 2040 and 2030, and CB2 (2021-25). They also set CB3 (2026-30) and the offset limit for CB2.

2. Matters of special interest to the Legislation, Justice and Constitution Committee

Section 31(4)(b) of the Environment (Wales) Act 2016 requires the Welsh Ministers to set CB3 in 2020, five years before the start of the budgetary period. In accordance with Section 49, before laying draft regulations the Welsh Ministers are required to request and take into account the advice of the advisory body. Under section 49(6) of the Act, if thereafter the Welsh Ministers propose making different provision from that recommended by the advisory body, they must also lay before the Senedd a statement setting out the reasons why. By virtue of no declaration being made by Welsh Ministers appointing an advisory body, Section 44 by default appoints the Climate Change Committee (CCC) to be our statutory advisory body.

In December 2019 the Minister for Environment, Energy and Rural Affairs requested advice from the CCC, including its recommendation for the level of CB3. The Minister requested the advice be published in September 2020 to allow for CB3 to be set by the end of that year. The CCC committed to this

timeline but subsequently, in June 2020, informed the Minister this would no longer be possible due to the challenges posed by the Covid-19 pandemic. The CCC moved publication of the advice to December 2020. The Minister decided it would not be manifestly unreasonable to choose to accommodate a small delay in setting CB3 in order to ensure legislation is brought forward on the basis of proper, thorough advice. The Welsh Ministers have obtained and taken into account the advice of the advisory body in relation to the Climate Change (Wales) Regulations 2021 now laid before the Senedd.

The Act does not establish a deadline for setting the offset limit for each carbon budget. The Welsh Ministers intend to set the CB3 offset limit no later than 2025.

The Carbon Accounting (Wales) Regulations 2018 utilise the UK Registry to host the Welsh credit account. Until the UK left the European Union, the UK Registry was governed by Commission Regulation (EU) 389/2013 establishing a union registry pursuant to Directive 2003/87/EC establishing a system for greenhouse gas emissions trading within the EU. Having left the EU, the UK no longer has access to the EU registries system. Officials are liaising with UK Government counterparts about a new, standalone UK Registry. Once this is established, the Welsh Ministers will need to amend the Carbon Accounting (Wales) Regulations 2018 to ensure provision for registering and keeping track of carbon units held by the Welsh Ministers. It is not expected Welsh Ministers will need to buy offsets in CB1 and it is expected the new UK Registry will be operational well in advance of the end of CB2.

3. Legislative background

The purpose of Part 2 of the Environment (Wales) Act 2016 is to require the Welsh Ministers to meet targets for reducing emissions of greenhouse gases in Wales. Part 2 puts in place a statutory emissions reduction target that requires the Welsh Ministers to ensure that net emissions of greenhouse gases in Wales, for the year 2050, are at least 80% lower than the baseline.

Part 2 also requires that the Welsh Ministers, by regulations approved by the Senedd, set interim emissions reduction targets for the years 2020, 2030 and 2040, and establish a system of 5-yearly carbon budgeting that together create an emissions reduction pathway to the 2050 target. The Climate Change (Wales) Regulations 2018 fulfilled this requirement.

The Environment (Wales) Act 2016 (Amendment of 2050 Emissions Target) Regulations 2021

- Section 29(3) allows the Welsh Ministers to amend the 2050 emissions target.
- Section 32 sets out the principles for amending the 2050 target.

The Climate Change (Interim Emissions Targets) (Wales) (Amendment) Regulations 2021

- Section 30(1) allows the Welsh Ministers to amend the interim emissions targets.

- Section 32 sets out the principles for amending the interim emissions targets.

The Climate Change (Carbon Budgets) (Wales) (Amendment) Regulations 2021

- Section 31 allows the Welsh Ministers to amend and set carbon budgets.
- Section 32 sets out the principles for amending and setting a carbon budget.

The Climate Change (Net Welsh Emissions Account Credit Limit) (Wales) Regulations 2021

- Section 33 provides that the Welsh Ministers must limit how many traded carbon units can be credited to the net Welsh emissions account in a given period. These regulations set the offset limit for Carbon Budget 2.

Section 32(2) of the Act prevents the Welsh Ministers from making regulations changing the 2050 emissions target, an interim emissions target or a carbon budget unless at least one of the following conditions is met:

- they are satisfied that it is appropriate to make the change as a result of significant developments in
 - scientific knowledge about climate change, or
 - EU or international law or policy relating to climate change;
- the change has been recommended by the advisory body;
- the change is in connection with provision made under section 35(1) or 37(2).¹

As required by the Act, the Welsh Ministers asked the CCC to provide advice to inform the development of the regulations. On 17 December 2020, following a Call for Evidence, the CCC provided their advice to the Welsh Ministers. The report, '[The path to a net zero Wales](#)', includes the CCC's recommendations on:

- The level of the 2050 target;
- The level of the 2030 and 2040 targets;
- The level of CB2 and CB3; and
- The limit for the use of offset credits in CB2.

In giving their advice on the level of the targets and budgets the CCC developed four different emissions scenarios across all sectors of the economy.² Drawing on these scenarios, the CCC then produced a fifth – the Balanced Net Zero Pathway that forms the basis of their recommendations.

¹ Section 35(1) relates to emissions from international aviation and international shipping. Section 37(2) relates to the definition of 'greenhouse gas'.

² Electricity supply, residential buildings, non-residential buildings, fuel supply, manufacturing and construction, surface transport, aviation, shipping, agriculture, land use, land use change and forestry, waste and F-gases.

The Climate Change (Wales) Regulations 2021 are brought forward in accordance with Section 32(2)(b) and follow the recommendations of the advisory body.

Section 32(3) of the Act requires the Welsh Ministers when making regulations changing the 2050 emissions target, or setting or changing an interim emissions target or a carbon budget, to have regard to the following:

- The most recent report under section 8 on the state of natural resources in relation to Wales
- The most recent future trends report under section 11 of the Well-being of Future Generations (Wales) Act 2015
- The most recent report (if any) under section 23 of that Act (Future Generations report)
- Scientific knowledge about climate change
- Technology relevant to climate change
- EU and international law and policy relating to climate change (including international agreements on measures designed to limit increases in global average temperatures)

The Climate Change (Wales) Regulations 2021 are brought forward in accordance with Section 32(3) of the Act.

Procedures for laying regulations

The regulations are subject to the approval of the Senedd via the draft affirmative procedure.

In accordance with Section 49, before laying draft regulations the Welsh Ministers are required to request and take into account the advice of the advisory body. By virtue of no declaration being made by Welsh Ministers appointing an advisory body, Section 44 by default appoints the Climate Change Committee (CCC) to be the statutory advisory body. Where regulations make different provision to the advice provided by the CCC, the Welsh Ministers must lay a statement before the Senedd setting out the reasons why.

The Climate Change (Wales) Regulations 2021 follow the advice of the advisory body.

4. Purpose and intended effect of the legislation **Environment (Wales) Act 2016 (Amendment of 2050 Emissions Target) (Wales) Regulations 2021**

Current situation

Section 29 of the Act establishes a statutory emissions reduction target that requires the Welsh Ministers to ensure that net emissions of greenhouse gases in Wales, for the year 2050, are at least 80% lower than the baseline.

Purpose

The purpose of this regulation is to increase the 2050 target to at least 100% lower than the baseline ('net zero').

Intended effect

The intended effect of this regulation is to bring Wales's 2050 target in line with the CCC's recommendation, reflecting developments in scientific knowledge, public opinion and global ambition since the original target was set in 2016.

Climate Change (Interim Emissions Targets) (Wales) (Amendment) Regulations 2021

Current situation

The Climate Change (Interim Emissions Targets) (Wales) Regulations 2018 set the interim targets that represented a pathway to the 2050 target established in the Act as follows:

- a 2020 target for an emissions reduction of 27% against the baseline
- a 2030 target for an emissions reduction of 45% against the baseline
- a 2040 target for an emissions reduction of 67% against the baseline

Purpose

The purpose of this legislation is to set targets for 2030 and 2040 that represent a pathway to the new net zero target for 2050:

- a 2030 target for an emissions reduction of 63% against the baseline
- a 2040 target for an emissions reduction of 89% against the baseline

Intended effect

The intended effect of this regulation is to establish targets for 2030 and 2040 in line with the CCC's recommendations, frontloading action in the 2020s. Reducing emissions early matters as it is global cumulative emissions that drive climate outcomes. The Welsh Ministers must set each interim emissions target at a level they are satisfied is consistent with meeting the 2050 emissions target.³

Climate Change (Carbon Budgets) (Wales) (Amendment) Regulations 2021

Current situation

A carbon budget sets a maximum limit on the total amount of Welsh emissions permitted over a 5-year budget period. The Climate Change (Carbon Budgets) (Wales) Regulations 2018 set Carbon Budgets 1 and 2 as follows:

- CB1 (2016-2020): an average of 23% below the baseline

³ Section 32(1)(a) of the Act.

- CB2 (2021-2025): an average of 33% below the baseline

Purpose

The purpose of this legislation is to set CB2 and CB3 at levels that represent a pathway to the new targets for 2030, 2040 and 2050:

- CB2 (2021-2025): an average of 37% below the baseline
- CB3 (2026-2030): an average of 58% below the baseline

Intended effect

The intended effect of this regulation is to establish carbon budgets for the 2020s in line with the CCC's recommendations. The Welsh Ministers must set each carbon budget at a level they are satisfied is consistent with meeting:

- the 2050 emissions target; and
- the interim target for any interim target year that falls within or after that budgetary period.⁴

Climate Change (Net Welsh Emissions Account Credit Limit) (Wales) Regulations 2021

Current situation

The Climate Change (Net Welsh Emissions Account Credit Limit) (Wales) Regulations 2018 set the limit on the use of carbon units for CB1.

Purpose

The Act requires Welsh Ministers to set a limit on the total amount that the Net Welsh Emissions Account can be reduced through the use of carbon units. The Carbon Accounting (Wales) Regulations 2018 defines carbon units as the international offset credits generated through Certified Emission Reduction (CER). Offset credits provide a means by which Wales can invest in emission reduction activities overseas and use the emission reductions achieved to offset domestic emissions within the Welsh targets.

The purpose of this regulation is to set the limit on the use of carbon units for CB2 (2021-2025).

Intended effect

The intended effect of this regulation is to set the offset limit for CB2 in line with the CCC's recommendation and ensure that CB2 is met solely by reducing domestic emissions. As the CCC's recommendation is to outperform CB2 on the way to more ambitious CB3 and the 2030 targets, the CCC concludes that it is not appropriate to meet CB2 with any use of carbon units i.e. the offset limit for CB2 should be set at 0%.

⁴ Section 32(1)(b) of the Act.

PART 2 – REGULATORY IMPACT ASSESSMENT

Introduction

The four regulations that make up The Climate Change (Wales) Regulations 2021 all relate to Wales's emissions reduction pathway to 2050 and are highly interdependent. This RIA therefore considers options for the pathway as a whole, rather than each regulation in turn. The pathway set in regulations represents the strategic decarbonisation framework but many individual policy measures are required to achieve the pathway. There are multiple ways to deliver the pathway and so the actual costs and benefits can only be determined once the measures to meet the carbon budgets have been agreed; policy-level impact assessments are required to conduct this analysis.

Since the Senedd passed the Climate Change (Wales) Regulations in 2018, science, technology, markets and cost assumptions have changed, showing the inherent uncertainties in modelling emission pathways and estimating costs. The Welsh Government is focussed on developing and taking the actions needed to meet the carbon budgets and targets and so is reliant on the Climate Change Committee (CCC) advice. This means there are only two options presented in this RIA, both drawing on CCC expertise.

Options

Option 1: Retain current emissions pathway ('do minimum')⁵

Option 1 fulfils the statutory duty to set CB3 and does so at a level consistent with the existing 80% pathway and the CCC's 2017 advice. It also increases the average reduction required in CB2 from the existing 33% to 37% to take account of the early closure of Aberthaw Power Station. The Welsh Government endorsed this principle when accepting the CCC's 2017 advice. Finally, this option sets the CB2 offset limit at 0%, in line with the CCC's recommendation in their 2020 advice. It leaves all the decadal targets unchanged.

- Carbon Budget 2 (2021-25): 37% average reduction with a 0% offset limit
- Carbon Budget 3 (2026-30): 43% average reduction⁶
- 2030: 45% reduction
- 2040: 67% reduction
- 2050: at least 80% reduction against the baseline

⁵ These targets are all set against the 2017 CCC advice, which was in turn based upon scientific understanding of GHG emissions at that time (1990-2015 GHG emission data are used as the basis). However, understanding of emissions has progressed since then and the latest CCC analysis is considerably revised to take account of these changes. The Option 1 pathway does not take any of these adjustments into account.

⁶ There is no statutory deadline for setting each offset limit. We will set the CB3 offset limit no later than 2025.

Option 2: Accept the CCC's recommendations in the December 2020 advice

- Carbon Budget 2 (2021-25): 37% average reduction with a 0% offset limit⁷
- Carbon Budget 3 (2026-30): 58% average reduction⁸
- 2030: 63% reduction
- 2040: 89% reduction
- 2050: at least 100% reduction against the baseline

Costs and benefits

Costs

We estimate the Present Value of resource costs of Option 2 will lead to additional resource costs of between £6bn and £10bn over the period to 2050.⁹ The best estimate, based on the Balanced Pathway that the CCC's recommendations are drawn from, is that the cost is likely to be in the upper third of this range. Upper and lower bounds are drawn from analysis of all of the CCC's scenarios in their December advice.¹⁰

Note: The resource costs of the net zero transition are not attributed as part of this analysis. Costs are likely to be shared between the Welsh and UK Governments, the private sector, investors and citizens.

	Best estimate	Lower bound	Upper bound
Option 1	£4.7bn	£3.3bn	£5.5bn
Option 2	£14.1bn	£10.1bn	£15.9bn
Additional cost of Option 2	£9.4bn	£5.9bn	£10.4bn

Table 1: Present Value of resource costs of Options 1 and 2¹¹

⁷ The CCC's recommendation for CB2 was a 37% average reduction in law with a commitment to outperform it. This is the minimum required to meet the Balanced Pathway. Our costs analysis incorporates the CCC's recommendation for CB2 with a view to meeting the 2030 recommendation and later targets.

⁸ There is no statutory deadline for setting each offset limit. We will set the CB3 offset limit no later than 2025.

⁹ Resource costs are discounted using the Social Time Preference Rate' (STPR) (3.5%) to provide the Present Value of resource costs. Additional resource costs indicate the extra spend required to provide the same goods and services but in a low-carbon way. They are calculated by annualising the capital investment costs over their lifetimes using a suitable cost of capital and subtracting in-year operating cost savings.

¹⁰ Headwinds, Widespread Engagement, Widespread Innovation, and Tailwinds – in addition to the Balanced Pathway.

¹¹ Figures may not sum due to rounding and comparisons across multiple CCC scenarios.

Comparison with the CCC estimate

Figure 1 shows that the CCC forecast the resource cost of their Balanced Pathway to be approximately £25bn.¹²

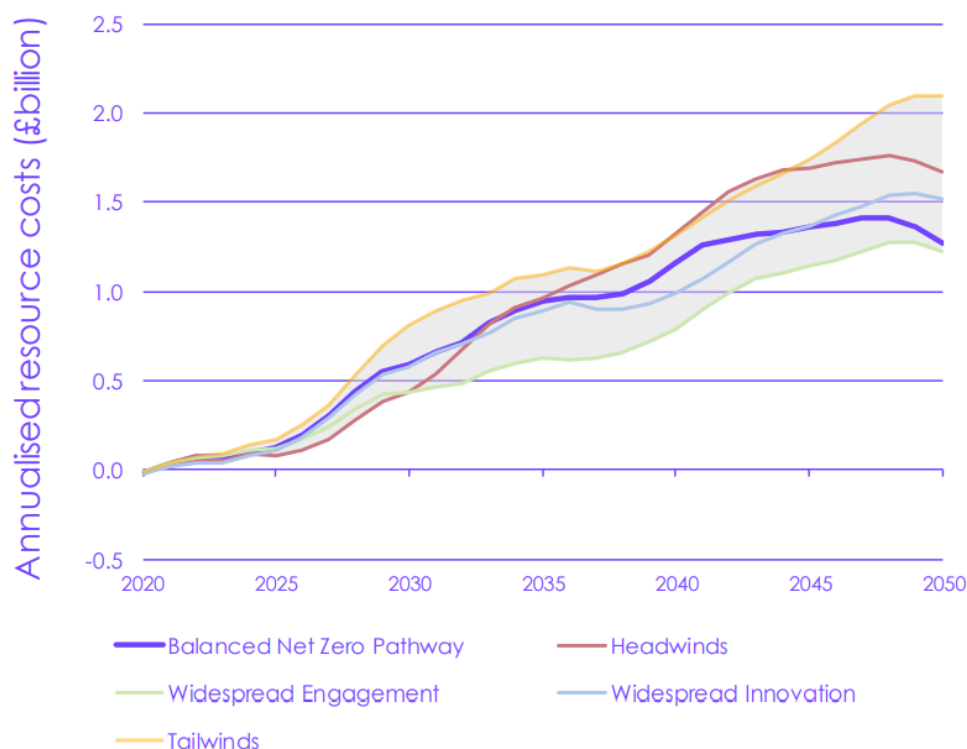


Figure 1: Annualised resource costs of the CCC’s scenarios; CCC analysis

The reasons for the difference between our estimate and the CCC’s estimate are twofold:

1. The CCC does not apply discounting to their estimates. The effect of discounting is the sole reason for the difference between their £25bn figure and the £14.1bn figure in Table 1.
2. The CCC compares the costs of achieving a net zero target with a hypothetical counterfactual¹³ of no-further climate-action from today. The counterfactual against which the costs in this RIA are compared is the existing statutory 80% target (Option 1).

Methodological approach

Note: Our cost estimates have been derived entirely from the CCC analysis and we have not undertaken our own modelling.

¹² The CCC report resource costs on an annual rather than cumulative basis. The £25 billion figure is the summation of the annual resource cost in each of the 30 years it takes to reach the net zero target. For detail on the CCC’s methodology, including assumptions, uncertainties and sensitivities, see Chapter 5 of [The Sixth Carbon Budget – The UK’s path to Net Zero](#).

¹³ The CCC’s counterfactual in the 2020 advice differs from all previous CCC publications. For more information see p.20 of [The Sixth Carbon Budget Methodology Report](#) (CCC, 2020).

The costs of both options are based on the scenarios produced by the CCC in their December advice. The costs of Option 1 are calculated by taking the annualised resource costs up to the point at which the particular scenario reaches the 80% target, whereas the costs of Option 2 take into account the whole pathway to net zero.

Figure 2 shows the cumulative annual resource costs for each scenario from 2020 onwards, up to the year where net zero emissions is reached. The point at which 80% is reached varies in the different scenarios (Table 2) and is indicated by the red dot in Figure 2. The additional costs of Option 2 are derived from the difference between the red dot and the end of the line.

The CCC’s scenarios rely to varying degrees on engineered greenhouse gas removals, such as Bioenergy with Carbon Capture and Storage (BECCS). The Balanced Pathway recommended by the CCC in their 2020 advice leads to a 96% reduction in Welsh emissions in 2050.¹⁴ The CCC advises that Wales can credibly meet net zero in the Balanced Pathway either with a 4% share (approximately 2MtCO₂e) of total UK engineered removals or through increased action in other areas, including land use and behavioural changes. However, the CCC’s analysis does not allocate a specific level of engineered removals to each UK nation. The analysis behind the figures in Table 1 includes Wales’s share of the UK costs of engineered removals in each CCC scenario up to 2050, in order to estimate the full cost of achieving net zero. Alternative ways of bridging the emissions gap would incur different costs.

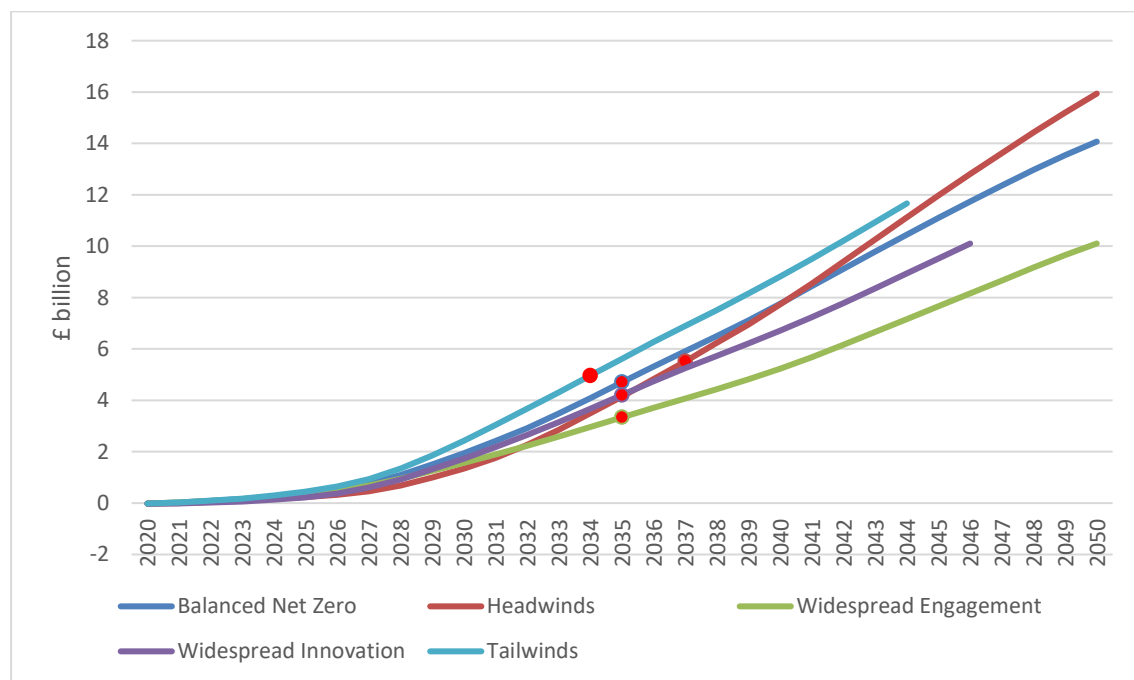


Figure 2: Cumulative Present Value of resource costs for each scenario; WG, using CCC analysis

	80%	Net zero
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¹⁴ The other CCC scenarios that do not reach net zero by 2050 are Headwinds (93%) and Widespread Engagement (99%).

Balanced Pathway	2035	2050
Headwinds	2037	2050
Widespread Engagement	2035	2050
Widespread Innovation	2035	2046
Tailwinds	2034	2044

Table 2: Years in which emission reduction targets are met under the CCC’s scenarios; WG, using CCC analysis¹⁵

We adopted this approach to estimate the costs of Option 1 because the CCC’s 2017 cost estimate of an 80% target can no longer be considered robust, due to significant falls in the costs of technology and methodological changes undertaken by the CCC.¹⁶ To illustrate the impact of these changes, Figure 3 shows the estimated resource cost of achieving an 80% target (produced in 2017) compared to the cost of achieving a net zero target (produced in 2020). This shows the uncertainty of estimating future resource costs, as they are highly sensitive to differences in behaviour change and the level of innovation in low carbon technologies.

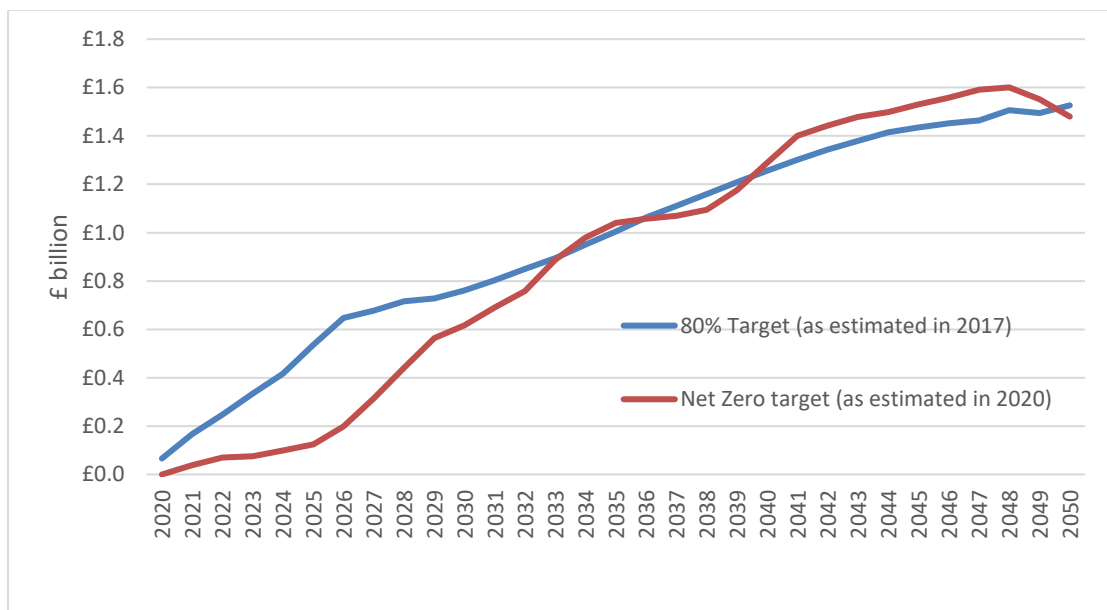


Figure 3: Annualised resource cost of Option 1 (2017) and Option 2 (2020) (£billion); WG, using CCC analysis¹⁷

¹⁵ Our analysis assumes a small amount of engineered greenhouse gas removals in the Balanced Pathway and Headwinds scenario before 2035 and 2037 respectively. This has been accounted for in the costs in Table 1. For the purposes of our analysis, the Balanced Pathway, Headwinds and Widespread Engagement Scenarios reach net zero in 2050 with varying amounts of engineered removals.

¹⁶ The changes and their implications are summarised in Box 1.2 on p.27 of [The Sixth Carbon Budget Methodology Report](#) (CCC, 2020).

¹⁷ Option 2 (Net Zero target) is based on our undiscounted cost analysis of the CCC’s Balanced Pathway and includes the costs of engineered removals required to reach net zero.

Where the costs are likely to fall

The CCC is clear that the costs should not be interpreted as being solely delivered through Welsh Government expenditure, nor as costs that only Welsh businesses and households have to bear. The extent to which costs and savings are shared across the UK – including the amount of expenditure through Welsh Government budgets – will be determined by policy at both UK and Welsh Government level. Many of the actions to reduce emissions will likely be paid for at UK level and/or socialised across the whole of the UK. The CCC provides the following examples:

- The costs associated with building new low-carbon generation will be shared across all consumers of electricity on the GB grid. The CCC has reflected this by allocating resource and investment costs for electricity supply to Wales in proportion to consumption, rather than make assumptions on where new zero-carbon generating capacity is located.¹⁸
- The costs of decarbonising industrial clusters could be met through a combination of direct financing from the UK Exchequer and/or be passed through to the end-users of low-carbon products.
- A market mechanism for greenhouse gas removals could see the UK aviation industry offsetting emissions by paying for removals, including planting trees, in all areas of the UK.

An expert advisory group convened by the CCC suggested that the private sector could deliver the majority of the investments in a transition to Net Zero.¹⁹ For this to happen, the Welsh and UK Governments will need to ensure appropriate regulatory and taxation regimes are in place. Given the CCC anticipates a small overall economic impact and assumes the private sector to finance most of the transition, the CCC expects the overall impact on public finances to 2050 to be limited.

Table 1 shows a larger total Present Value of resource costs for Option 2 than Option 1. This means that Option 2 may result in increased costs for households, at least in the short-term. However, in Option 2 households are likely to benefit from reduced operating costs over time. There is evidence to suggest that the benefits of Option 2 may outweigh the costs; the benefits are explored in further detail below.

In December 2020 HM Treasury published an interim report for its Net Zero Review.²⁰ The report recognises the implications for households arising from the structural changes required by the transition to a net zero economy but does not seek to calculate the impact of the transition on any particular group.

¹⁸ This assumption typically causes the estimate of Wales' share of UK costs to be lower than its share of UK abatement, because Wales is currently a significant net exporter of gas-fired power to the UK, but the costs of actions to decarbonise power will be shared by all electricity users in the UK.

¹⁹ For detail, see Chapter 5 of [The Sixth Carbon Budget – The UK's path to Net Zero](#).

²⁰ [Net Zero Review: Interim Report](#) (HM Treasury, December 2020)

The report acknowledges the inherent uncertainties in forecasting how the net zero transition will affect households by concluding that:

“The transition is a dynamic process that will take place over several decades, and its impact on individual households will ultimately depend on a range of factors including: the development of new low-carbon sectors in the UK; the pace of transition and policy levers chosen; the price of low-carbon alternatives to households and businesses’ current activities; and the dynamism of the labour and capital market.”

Households are exposed to the net zero transition through:

1. The goods and services they buy (household consumption). Different types of household will have different levels of exposure to the transition. For example, higher-income households consume more carbon in absolute terms, but lower-income households tend to consume more carbon relative to their income. HMT analysis suggests that the highest-income households emit around three times as much carbon as the lowest-income households, while on average their income is approximately eight times greater. Furthermore, regional analysis suggests that the average household greenhouse gas footprint in Wales is around the average, when compared to other parts of the UK.²¹
2. Labour market effects. There are likely to be large transitional labour market effects between sectors, with people in certain occupations (skilled trade, and process plant and machine workers) more likely to work in more carbon-intensive industries. People in these occupations are also disproportionately likely to have a lower level of education and to be lower income workers. HMT analysis suggests that people with lower and middle levels of education are employed in jobs with over 20% higher carbon intensity than highly educated employees, on average.
3. Changes to the value of assets. The interim report does not include analysis of this aspect. The net zero transition could affect household business profits, subsequently affecting households that own them (negatively or positively, depending on the household assets owned).

Benefits

The CCC’s December advice considers the benefits of net zero in the areas of prosperity, health and natural capital. The benefits discussed here follow the CCC’s approach of comparing a net zero pathway (Option 2) with a future of no further climate action, rather than comparing the benefits of Options 1 and 2 directly.

While it is not possible to quantitatively compare the macroeconomic, health and natural capital benefits under the options considered, it is reasonable to assume greater net benefits will accrue under Option 2 in relation to health and natural capital. This is because a net zero target will likely demand a greater policy response relevant to these areas, for example more tree planting, and this should increase the benefits flowing from these actions. Option 2 also

²¹ [Net Zero Review: Interim Report](#) (HM Treasury, December 2020, p.75)

frontloads climate action in the next 15 years, which would achieve the benefits earlier than Option 1 and result in greater cumulative benefit overall.

Prosperity and resilience

In the near term, the CCC report that GDP is likely to increase, especially as the economy rebuilds after the COVID-19 crisis. The negative economic impacts from COVID-19 mean the economy is not at full capacity and so present an opportunity for projects which are both ready to implement and which have a high fiscal multiplier effect. According to Hepburn et al (2020), green projects considered to have high multiplier values and strong climate benefits include building efficiency spending for renovations and retrofits, and natural capital investment for eco-system resilience and regeneration (such as restoration of carbon-rich habitats and climate friendly agriculture).²²

The CCC endorses this position, arguing that now is an ideal time to encourage investment, based on historically low interest rates and a potential demand shortage for cheap capital. Economic recovery from the COVID-19 pandemic necessitates stimulus, and many of the measures detailed in their advice have been shown to have high economic multipliers. However, it should be noted that other fiscal spending not linked to environmental policy may also have a high fiscal multiplier effect during periods of spare capacity. Furthermore, we cannot know for how long the economy will be at limited capacity as a result of COVID-19.

The CCC stresses that the estimates of annualised resource costs are not the same as macroeconomic impacts because resource costs are a microeconomic measure which do not account for wider dynamic interactions in the economy. For example, resource costs incorporate investment costs but do not account for the increase in GDP if that investment is made domestically. Furthermore, the shift away from fossil fuel imports is likely to have major benefits to the country's trade balance, which the resource costs also do not account for.

Macroeconomic analysis conducted in support of the CCC's advice demonstrates that despite the added resource costs involved, the net zero transition is expected to boost UK GDP by around 2% by 2030, levelling off at around a 3% increase by 2050.²³ The analysis estimates that UK net employment will be between 0.5-1% higher than the baseline of no further climate action between 2025-2050, with this employment growth largely resulting from the net zero investment programme.

The CCC reports that actions needed for the transition to net zero in Wales can stimulate economic growth, create jobs, and aid a recovery from the pandemic, as well as increasing resilience to future climate risks. Legislating the CCC's recommended targets would send a clear signal that Wales is open for low-carbon investment and take forward the commitment to "respond energetically to the climate emergency by pursuing a strong decarbonisation agenda", set

²² [Will COVID-19 fiscal recovery packages accelerate or retard progress on climate change?](#) (Hepburn et al, May 2020)

²³ [Economic impact of the Sixth Carbon Budget](#) (Cambridge Econometrics, 2020)

out in the 'COVID-19 Reconstruction: Challenges and Priorities' paper, published in October 2020.²⁴ This will also help to encourage private investment at a time when it is needed to support Wales' economic recovery from the COVID-19 crisis. It could also help Wales secure competitive positions in growing global markets for low-carbon goods and services.

Health

There is clear evidence for the health benefits of the net zero transition. Some of these come directly from changes required to achieve net zero (e.g. more active travel and dietary changes) and some indirectly from the implications of those changes (e.g. better air quality from reduced burning of fossil fuels and more liveable buildings as insulation is improved). These benefits are difficult to quantify, but the CCC states that they "unquestionably offset some, if not all, of the overall resource costs of achieving emissions targets".

The CCC's Expert Advisory Group on Health concurred strongly with the CCC's previous assessment that climate action could bring significant benefits to health. The Group identified five key areas in which action would bring benefits to public health and reduction of health inequalities while contributing to the mitigation of – and adaptation to – climate change:

1. Improved air quality delivered by a move to a cleaner energy system and moving away from fossil fuel combustion in most sectors of the UK.
2. Healthier modes of transport, particularly due to the health benefits of walking and cycling and reducing air pollution from road vehicles.
3. More comfortable and efficient homes that are low-carbon, energy efficient and designed for a changing climate.
4. Better diets with a focus on healthy and sustainable alternatives to the highest carbon foods.
5. Sustainable economic and employment models that better support health and wellbeing.

While noting the potential benefits to public health, the Group noted that the biggest driver of health outcomes in the UK remains economic inequality. A just transition is therefore an essential part of a successful climate policy and health policy.

There are also some potential health risks associated with achieving net zero. One such risk is a greater risk of airborne infection where increased energy efficiency in buildings is not accompanied by adequate ventilation.²⁵

Natural capital and well-being

Each of the CCC's scenarios for Wales include measures to improve Wales' natural capital:

²⁴ [COVID-19 Reconstruction: Challenges and Priorities](#) (WG, 2020)

²⁵ University of Leeds study quoted in 'Could Energy Efficiency Actually Increase Hospital Infection Rates?' (2013): <http://www.buildings.com/articles/30879/could-energy-efficiency-actually-increase-hospital-infection-rates>

- Provisioning services. The scenarios include an increase in renewable energy generation – particularly wind – consistent with the Welsh Government's target to generate renewable electricity equivalent to 70% of Welsh consumption by 2030.
- Regulation services. The Balanced Pathway includes the planting of between 4,500 and 7,500 hectares of trees per year, from 2025 to 2050, which will also contribute to improved air quality. Trees filter rainwater before it reaches receiving waters, thus improving water quality. Strategic planting of trees on flood plains can also regulate flooding. Trees can also reduce storm water runoff and slow storm flow. Significant areas of peatland will also be restored which – in addition to carbon sequestration – provide other vital services, such as water regulation, flood protection and habitats for wildlife.
- Cultural services. The natural environment provides a range of cultural services, such as increased amenity benefits, improved mental health, educational benefits and spiritual well-being.
- Supporting Services. In agriculture, the scenarios include soil and crop measures that aim to increase the efficiency of fertiliser use. These have benefits to water and soil quality, and biodiversity.

A just transition to Net Zero²⁶

The CCC expects the transition to bring many benefits for UK households. By 2035, in the CCC's scenarios, people's homes will be better insulated, their cars will be cheaper to drive, they will have cleaner air, quieter streets, more access to green spaces and more opportunities to improve their health. Policy should aim to share these benefits broadly across the population.

The CCC also highlights the risk of uneven costs. In the long term, energy costs and energy bills are expected to fall significantly but electricity costs are likely to rise first. Although improvements to energy efficiency could largely offset these costs, the CCC says that the additional costs should not be automatically added to energy bills, which is a regressive approach. It notes that continuing to add climate policy costs primarily to electricity prices, but not gas prices, adversely affects particular groups (those with electric heating).

New job opportunities

The opportunities for jobs growth have, to date, largely been focused on deploying renewable electricity. Research conducted by the International Labour Organisation suggests that growth in renewable energy sources leads to greater job creation than growth in non-renewable energy sources.²⁷ The CCC anticipates that the next phase of decarbonisation will go beyond renewable electricity towards electric vehicles, low-carbon hydrogen, carbon capture usage and storage (CCUS) and buildings decarbonisation. Low-carbon industrial products will be in increasing demand across the world.

²⁶ For more detail, see Chapter 6 of [The Sixth Carbon Budget – The UK's path to Net Zero](#).

²⁷ ['The transition in play: Worldwide employment trends in the electricity sector'](#), (International Labour Organization, Research Department Working Paper No. 28, G. Montt, N. Maitre, S. Amo-Agyei, 2018)

The macroeconomic analysis published alongside the CCC's advice also provides some insights into potential employment effects.²⁸ It identifies boosts in employment in the utilities sector and in manufacturing and construction, while there will likely be job losses in oil and gas production and aviation. At a UK level, the analysis estimates net employment growth of between 0.5-1% compared with the baseline of no further climate action between 2025-2050, resulting from the economic stimulus effect of the major investment programme implied by the CCC's Balanced Pathway.

Pressure on existing jobs

A transition to Net Zero will also reduce demand for certain high-carbon services and technologies, such as fossil fuel extraction, processing and distribution, aviation, fossil fuel machinery and some livestock and dairy. This could see jobs in some key sectors significantly affected, though in each area there will also be new employment opportunities.

Regional considerations

The opportunities and challenges of the low-carbon transition will vary regionally. For example areas with older, energy inefficient housing could face higher energy bills. Rural areas off the gas grid, who typically pay more for heating fuel, could have more to gain from a switch to low-carbon heating. Current and future transport infrastructure can limit the ability of the local population to walk, cycle or use public transport, and may affect the opportunity for, and costs of, running an electric vehicle. However, a transition to electric vehicles alongside an increase in active travel will lead to a decrease in local air pollution, benefitting health. A shift to healthier diets, and improved quality of housing is expected to lead to lower costs for the health service. An increase in tree-planting and urban green spaces will provide more green recreational space. Relative wealth will be important, including the ability to fund changes locally.

CCC Expert Advisory Group on the costs and benefits of a UK net-zero emissions target

In 2019, the CCC set up the Advisory Group on the Costs and Benefits of Net Zero. The Advisory Group produced a Chair's Report based on the Group's deliberations and written submissions.²⁹

The thrust of the report was that the costs and benefits of deep decarbonisation are unknowable with any precision, as they are both very uncertain in themselves and depend both on the decarbonisation policies and the timescale over which they are pursued. However, that said, the Group drew the following conclusions:

²⁸ [Economic impact of the Sixth Carbon Budget](#) (Cambridge Econometrics, 2020)

²⁹ [Report to the CCC](#) (Advisory Group on the Costs and Benefits of Net Zero, May 2019)

- The climate science suggests that there are very large potential benefits of limiting the average global temperature rise to 1.5°C rather than 2°C, which provides a justification for a Net Zero as opposed to an 80% emission reduction target;
- The costs of reducing greenhouse gas (GHG) emissions have been grossly over-estimated in the past; recent modelling suggests that costs might be around 1% of GDP, but ongoing reductions in the costs of zero-carbon technologies suggest that in the future the costs might turn negative (i.e. zero-carbon electricity may turn out to be cheaper than fossil fuel generation, even if the climate benefits are not considered);
- The costs of reaching Net Zero by a certain date (e.g. 2050) will be lower the sooner the requisite policies are put in place to achieve it, to give investors certainty about the direction of travel and to fit in with investment cycles to minimise the stranding of long-lived high carbon infrastructure;
- The health co-benefits of reducing fossil fuel use and greenhouse gas emissions could be very substantial in terms of improved air quality, active travel and healthier lower-meat diets;
- However low (or negative) the costs of Net Zero turned out to be, the transition to Net Zero would involve deep structural changes that would affect people, communities and economic sectors in very different ways. There would be winners and losers. The political acceptability of the transition would depend on it being seen to be fair, as well as this being desirable on ethical grounds;
- Achieving Net Zero by 2050 will require wide-ranging policies that are credible, consistent across government, long-term and of a stringency to transform major techno-socioeconomic systems of society (including energy, food, transport, waste and resource use). The required policy approach “includes a stable long-term direction with clear governance, regular reviews for flexibility, use of markets to find the best solutions, support for large-scale deployment of new technologies as well as research and development, and approaches that are tailored to the needs of each sector, while maintaining consistency across the system.”

Their report emphasised that the benefits (including decreased climate risk) of net zero outweigh the costs, that good policy design is vital to keep costs low and maximise benefits and that clarity around the decarbonisation pathway is a key enabler of innovation.

In April 2020 the CCC asked the Advisory Group to reflect on whether the economic circumstances consequent on and subsequent to COVID-19 are likely to have affected the Group’s conclusions in its 2019 Report, as set out above. The Group concluded that, if anything, their recommendations from 2019 have been reinforced by events since.³⁰

³⁰ [Supplementary report to the CCC](#) (Advisory Group on the Costs and Benefits of Net Zero, December 2020)

“The climate science has not changed, justifying the pursuit of a 1.5°C target [and net zero]... There is now a much greater economic rationale for substantial public investment, and the right measures to crowd in private investment, than there was [in 2019].”

Administrative costs

The administrative cost burden on the Welsh Government arises from establishing and maintaining the legislative framework for emissions reduction, developing policy, and then monitoring and reporting progress against the targets and carbon budgets. These costs are expected to be broadly similar under each of the options presented above.

Environment Act factors

Section 32(3) of the Environment (Wales) Act 2016 lists a number of reports and factors that Welsh Ministers must have regard to when changing the 2050 emissions target, or setting or changing an interim emissions target or carbon budget. The reports and factors are:

- the most recent State of Natural Resources Report;
- the most recent Future Trends Report;
- the most recent Future Generations Report;
- scientific knowledge about climate change;
- technology relevant to climate change; and
- EU and international law and policy relating to climate change (including international agreements on measures designed to limit increases in global average temperatures).

State of Natural Resources Report

In December 2020 Natural Resources Wales (NRW) published the first documents as part of the second State of Natural Resources Report (SoNaRR 2020). Among these documents are NRW’s assessments of the four aims of the Sustainable Management of Natural Resources (SMNR). In its assessment of the achievement of SMNR Aim one (Stocks of natural resources are safeguarded and enhanced), NRW finds that climate change is having a “substantial effect on biodiversity and ecosystems” through:³¹

- shifting species ranges;
- localised extinctions;
- changes to life-cycle events;
- sea level rise;
- exacerbating the increase in invasive species including disease vectors; and
- altering the abundance and distribution of biodiversity.

³¹ [SoNaRR 2020: Assessment of the Achievement of SMNR Aim 1: Stocks of Natural Resources are Safeguarded and Enhanced](#) (NRW, 2020)

The projected increase in frequency and intensity of droughts, fluvial and coastal floods and heatwaves are all likely to further reduce overall ecosystem resilience.

NRW concludes that “Overall Wales’s natural resources are not safeguarded or enhanced to the degree that we can say we are achieving sustainable management.”³² It identifies decarbonisation as one of four opportunities for action to improve performance against Aim one. NRW has also published natural resource registers showing how climate change is causing pressures and impacts on the eight ecosystems within SoNaRR.³³

Ecosystem	Key pressures			
	Changing weather patterns	Sea level rise	Increased water temperature	Ocean acidification
Coastal margins				
Enclosed farmland				
Freshwater				
Marine				
Mountains, moorlands and heaths				
Semi-natural grasslands				
Urban				
Woodlands				

Table 3: Key pressures on ecosystems caused by climate change (NRW, SoNaRR 2020)

The full chapter on how climate change is threatening ecosystem resilience and ecosystem services will be published in March 2021.

Future Trends Report

The most recent Future Trends Report dates from 2017, with the next report due in summer 2021.³⁴ The report identifies key future social, economic, environmental and cultural trends for Wales, under six themes that impact all aspects of government and public administration. Climate change is one of the themes, along with population, health, economy and infrastructure, land use and natural resources, and society and culture. The report essentially asks two questions:

1. Where might Wales be going? (Trends)
2. What could this mean? (Influencing factors)

³² [SoNaRR 2020: Assessment of the Achievement of SMNR Aim 1: Stocks of Natural Resources are Safeguarded and Enhanced](#) (NRW, 2020, p.22)

³³ [SoNaRR2020: Natural resource registers](#) (NRW, 2020)

³⁴ [Future Trends Report](#) (Welsh Government, 2017)

Trends

Population

Wales' population is projected to increase over the next 20 years, possibly by around 5%. Around half of this growth could be due to natural change (births and deaths) and half due to in-migration from the rest of the UK or internationally. The UK's exit from the European Union could lead to more controlled migration in the future and a subsequently lower population growth rate.

Over the next 20 years, the percentage of over 65s in Wales is set to increase from around 20% to around 25% of the entire population. The population aged over 75 in Wales is also projected to increase from 9% of the population in 2014 to around 13% in 2030. The number of young people (aged under 16) is projected to increase up to 2023 and then fall slightly up to 2030.

The number of households in Wales is projected to grow faster than the overall population. This would lead to smaller household sizes.

Economy and infrastructure

The global shift of economic growth away from more mature economies has meant that the UK has, over the last 50 years, slipped down global GDP leagues in terms of the overall economy size as less mature economies catch up with those that developed earlier. However, this does not mean that growth will stop in developed countries. Importantly, the overall size of a country's economy is less important for wellbeing than the income per head, and by this measure the UK displays better resilience. However, since the recession in 2008, a productivity slowdown has sharply reduced growth rates. The UK and Wales have been particularly affected.

Wales has great untapped growth potential to generate energy, including from renewable sources. There is currently significant growth in the community level low carbon energy sector in Wales.³⁵

The provision of broadband infrastructure is developing rapidly after a slower start relative to the rest of the UK. This was in part due to Wales' demographics and the high level of rural households that are harder to connect to conventional wired broadband. The rapid increase in mobile internet infrastructure looks set to continue, which should help to reach those households that cannot currently access higher speed internet.

Current trends suggest that, despite growth in rail use, private vehicles are set to remain the dominant mode of transport in Wales in the short to medium term at least. The expected advent of autonomous or driverless vehicles in the next 10 to 15 years could in turn have implications for our transport systems.

³⁵ When the Future Trends Report was published in 2017, the total number of locally-owned projects was 63,071 with a capacity of 529MWe. The latest figures, from 2019, are 68,560 projects and a capacity of 549MWe. See <https://gov.wales/energy-generation> for more detail.

Climate change

Even in the best case scenario, there are likely to be significant national as well as global impacts beyond those already observed. Global temperature increases are likely to exceed the two degree threshold, unless significant and rapid action is taken globally.

There are potentially significant impacts to Wales from exceeding the global two degrees threshold. The latest UK Climate Change Risk Assessment identified the following areas for priority action:

- Flooding and coastal change risks to communities, businesses and infrastructure.
- Risks to health, wellbeing and productivity from high temperatures.
- Risk of shortages in the public water supply, and for agriculture, energy generation and industry, with impacts on freshwater ecology.
- Risks to natural capital including terrestrial, coastal, marine and freshwater ecosystems, soils and biodiversity.

Infrastructure across Wales is already exposed to a range of climate hazards, which are projected to increase both in frequency and severity. Such infrastructure includes transport networks, underground infrastructure, energy and digital infrastructure and public water supplies. Impacts on some assets have the potential to cascade on to others as part of interdependent networks. Flooding poses the greatest long-term risk to infrastructure performance from climate change, but the growing risks from heat, water scarcity and slope instability caused by severe weather could also be significant.

Land use and natural resources

By 2050, average river flows in winter may rise by 10-15%. However, in the summer and early autumn they could reduce by over 50% and as much as 80% in some places. Droughts and flood events may become more common. Climate change may also affect the rates of groundwater recharge.

Soil carbon has been stable in improved land for 30 years. Recent increases in soil carbon in woodland until 2007 have now stabilised with no further increase detected. However, a significant decline in soil carbon in habitat land over the last 10 years has been detected and further work is needed to identify possible reasons for this.

Housing need in Wales is growing due to the number of households increasing faster than the number of available properties. In contrast, there is likely to be less suitable land available for development as flood plains and other lower lying land becomes increasingly prone to flooding.

Influencing factors

Political

The exit of the UK from the European Union may be the most immediate and potentially most disrupting factor to these identified trends. It is probable that this process will have a significant and wide ranging impact on Wales,

potentially impacting on economic growth and migration to Wales from both Europe and beyond.

There are also risks to the economic growth rate given the increasing potential for politically led 'de-globalisation'. Decreasing global trade patterns and the potential for increased protectionism could have a significant effect on both the mix and extent of various industries in Wales.

Economic

Economic growth rates could affect the amount of investment made in the research and development of new technologies, both globally and in Wales and the UK.

Social

Behavioural change among the Welsh population will be an unknown and potentially significant influence on how these trends unfold.

Technological

There is the potential for technological advances to dramatically improve the effectiveness and availability of low carbon energy. Mass production of current technologies such as solar power and energy storage may also help to dramatically increase the deployment of low carbon energy.

If the more pessimistic prediction for climate change occurs, there is a possibility that 'climate fixing' technology such as bioengineering may be employed to lower CO₂ levels in the atmosphere and levels of warming. The deployment of such technologies could have potentially significant effects and may not help to combat such effects as the acidification of the oceans.

Advances in household, transport and energy technologies could have a transformative effect on population behaviours, even over fairly short timescales.

Legislative

Ratification of the United Nations Paris Agreement has set the global legal context for climate change. The international context around climate change has now changed with a roadmap in place for global decarbonisation, setting a new long-term target for net zero global emissions in the second half of this century and key legislative requirements at all levels.

Environmental

There are a wide range of climate change scenarios and models. The next 20 years may be crucial in determining which of the various longer term warming scenarios will occur.

As the impacts from climate change become more prevalent, there may be an increasing risk of climate related disruption to global and regional economic networks. These could take the form of disruptions in crop production, or an increasing risk of flooding. The sensitivity of the climate to the rising levels of CO₂ in the atmosphere will be key to the extent to which infrastructure might be

disrupted. The more pessimistic scenarios also have the potential to impact significantly on population growth and migration levels, given the possibility of increased risk in terms of failures elsewhere in food production/ transportation and access to other resources, along with associated global conflicts.

There are some potential climate related risks that could impact negatively on health trends, not just in Wales but globally. One example is the greater risk of extreme hot weather events, the incidences of which are unpredictable. Climate change could also bring increasing risks of newly emerging infectious disease. Likewise, future air quality levels could be a major associated influencing factor. In contrast, there are also likely to be some opportunities presented by a warming trend. For example, the amount of energy required to maintain warm homes would reduce.

The level of sensitivity of Wales' biodiversity and habitats to climate change will be the key to how natural resources trends may evolve. There are risks from climate change in the frequency and the magnitude of extreme weather and wildfire events. Climate change is influencing the expansion or contraction of some species' ranges and populations, and the increasing frequency of extreme climatic events, predicted in many climate change scenarios, may have serious implications.

Future Generations Report

The most recent Future Generations Report was published in May 2020.³⁶ Chapter 5 specifically focuses on decarbonisation.

People's perception of decarbonisation

Concerns about climate change reached a record high in 2019 (85% in the UK). The Commissioner says that one of the things people have emphasised in conversations with her is the importance of having a more proactive government with stronger targets and regulation.

What future generations need

The report says we need to reduce our emissions in Wales by at least 95% by 2050, preferably sooner, to avoid catastrophic climate change. This means that in Wales we need to make an urgent transition to a low carbon economy and society.

Young people have had a significant impact on securing action on climate change in Wales. Public awareness, especially amongst the younger generation, has increased considerably in the last 12 months. Following the Fridays for Future protests, the Commissioner believes that 2019 was the year when children and young people showed politicians and decision makers across Wales and the world that they must do more to act on climate change. Young people are now demanding greater action and climate justice, calling on global leaders to take urgent action.

³⁶ [The Future Generations Report 2020](#) (Future Generations Commissioner for Wales)

The report argues that we need to address climate change because it is an equality and social justice issue and it will disproportionately affect the most vulnerable communities in Wales and across the world. Vulnerable communities are more likely to be exposed to the risks and impacts of climate change, without the ability to cope with or recover from those impacts.

Scientific knowledge about climate change

Two reports by the Intergovernmental Panel on Climate Change (IPCC) summarise the core of scientific knowledge about climate change: the Fifth Assessment Report (IPCC-AR5) and the Special Report on Global Warming of 1.5°C (IPCC-SR1.5).³⁷

Key conclusions from IPCC-AR5³⁸

- The climate is changing as a result of global greenhouse gas emissions; the IPCC concluded that it was unequivocal that humans were influencing the climate
- Many climate impacts are being detected across the world
- Further emissions will lead to further warming and change
- There is no simple threshold beyond which climate change moves from safe to dangerous
- The increase in global temperature is determined mainly by total carbon dioxide emissions over time, which must fall to near zero in order to limit warming

Summary of IPCC-SR1.5

At COP21 in Paris, the Intergovernmental Panel on Climate Change (IPCC) was invited to provide a Special Report in 2018 on the impacts of global warming of 1.5°C above pre-industrial levels and related global greenhouse gas emission pathways. The report found that:³⁹

- Human activities are estimated to have caused approximately 1.0°C of global warming above pre-industrial levels, with a likely range of 0.8°C to 1.2°C.
- Global warming is likely to reach 1.5°C between 2030 and 2052 if it continues to increase at the current rate (high confidence).
- Climate-related risks for natural and human systems are higher for global warming of 1.5°C than at present, but lower than at 2°C (high confidence). These risks depend on the magnitude and rate of warming, geographic location, levels of development and vulnerability, and on the choices and implementation of adaptation and mitigation options (high confidence).
- Climate models project robust differences in regional climate characteristics between present-day and global warming of 1.5°C, and

³⁷ [Fifth Assessment Report](#) (IPCC, 2013) and [Special Report on Global Warming of 1.5°C](#) (IPCC, 2018)

³⁸ As quoted in [The Sixth Carbon Budget – The UK's path to Net Zero](#) (CCC, December 2020, p.355)

³⁹ https://www.ipcc.ch/site/assets/uploads/sites/2/2019/06/SR15_Headline-statements.pdf

between 1.5°C and 2°C. These differences include increases in: mean temperature in most land and ocean regions (high confidence), hot extremes in most inhabited regions (high confidence), heavy precipitation in several regions (medium confidence), and the probability of drought and precipitation deficits in some regions (medium confidence).

The IPCC's projected differences between global warming of 1.5°C and 2°C include:

- Increased climate-related risks to health, livelihoods, food security, water supply, human security, and economic growth.
- Global mean sea level rise of around 0.1 metre lower by 2100 (medium confidence). A slower rate of sea level rise enables greater opportunities for adaptation in the human and ecological systems of small islands, low-lying coastal areas and deltas (medium confidence).
- Lower impacts on biodiversity and ecosystems, including species loss and extinction, and lower impacts on terrestrial, freshwater and coastal ecosystems – enabling them to retain more of their services to humans (high confidence).
- Reduced increases in ocean temperature as well as associated increases in ocean acidity and decreases in ocean oxygen levels (high confidence).
- Consequently, reduced risks to marine biodiversity, fisheries, and ecosystems, and their functions and services to humans, as illustrated by recent changes to Arctic sea ice and warm-water coral reef ecosystems (high confidence).
- Most adaptation needs will be lower (high confidence).

New observations of climate

In its December advice to the UK Government, the CCC also listed new observations of climate since its last UK Carbon Budget 5 advice in 2015:⁴⁰

- The five years since 2015 have seen the five warmest years (globally) on record.
- The global average level of human-induced warming is now in excess of 1.1°C when defined consistent with practices used by the World Meteorological Organisation and IPCC-SR1.5. Best estimates indicate that human activities are responsible for 100% of the warming observed since 1850-1900. The observed rate of increase in global temperature (~0.2°C per decade) has proceeded consistent with the near-term warming projection made by the IPCC-AR5 report (a 0.12-0.42°C per decade increase).
- Global sea levels have continued to rise, with the rate of increase over the last five years being the fastest observed to date. Global average sea levels are now estimated to be around 20 cm above levels in 1900.

⁴⁰ [The Sixth Carbon Budget – The UK's path to Net Zero](#) (CCC, December 2020, p.359)

- In the UK, the 2010–2019 decade was the second warmest cardinal decade on record after 2000–2009. In 2019, the highest ever temperature reached in the UK was recorded as well as the warmest ever recorded winter temperature. Considerably more high temperature records were set in the UK over than 2010s than low temperature records.
- Human-induced climate change has been clearly shown to increase the frequency and intensity of many (but not all) extreme weather events, with particularly clear signals in extreme heat and many heavy rainfall events.

Tipping points

While many impacts of climate change broadly reflect relatively gradual changes caused by steady increases in global average temperature, parts of Earth's system have the potential to change abruptly. Once passed, these 'tipping points' cause a dramatic shift that can be irreversible. Examples of tipping points include loss of the Amazon rainforest or the West Antarctic ice sheet.

The IPCC introduced the idea of tipping points two decades ago. At that time, these 'large-scale discontinuities' in the climate system were considered likely only if global warming exceeded 5°C above pre-industrial levels. IPCC Special Reports in 2018 and 2019 now suggest that tipping points could be exceeded even between 1 and 2 °C of warming.⁴¹

In an article in *Nature* in November 2019, Professor Tim Lenton and others report that evidence is mounting that tipping points could be “more likely than was thought, have high impacts and are interconnected across different biophysical systems, potentially committing the world to long-term irreversible changes.”⁴² In their view, if tipping points are indeed looking more likely, then the costs associated with the resulting impacts mean warming must be limited to 1.5°C. They consider several cryosphere tipping points are dangerously close, but mitigating greenhouse gas emissions could still slow down the inevitable accumulation of impacts and help us to adapt. We might already have committed future generations to living with sea-level rises of around 10 m over thousands of years but that timescale is still under our control. The rate of melting depends on the magnitude of warming above the tipping point. At 1.5°C, it could take 10,000 years to unfold; above 2°C it could take less than 1,000 years. They conclude that “both the risk and urgency of the situation are acute...we might already have lost control of whether tipping happens”. We may still have some control over the level of damage arising from tipping and therefore “the consideration of tipping points helps to define that we are in a climate emergency and strengthens [2019's] chorus of calls for urgent climate action.”

⁴¹ SR1.5°C (IPCC, 2018) and [Special Report on the Ocean and Cryosphere in a Changing Climate](#) (IPCC, 2019)

⁴² Climate tipping points – too risky to bet against, Professor Tim Lenton et al, *Nature* (November 2019), <https://www.nature.com/articles/d41586-019-03595-0>

Technology relevant to climate change

In discussing the role of technology and innovation in reaching net zero, the CCC advice considered both established and emerging technologies. It also explored the role of digitalisation.⁴³

Established technologies

In some sectors, such as power generation, technologies already exist to achieve “near-full decarbonisation”, and global trends are pushing efficiencies up and costs down. In other sectors, such as heating for buildings, technologies exist but the estimated costs are relatively high. The CCC advises that “where there is uncertainty around the costs or scale of competing low-carbon options a portfolio of options should be pursued.”

Emerging technologies

The CCC’s analysis includes several areas where solutions have been proposed but “innovation will be required to go beyond the reach of established technologies or methods”. These areas include hydrogen, heavy goods vehicles and carbon capture and storage.

Digitalisation

The CCC identifies digitalisation as “an important enabler” of the transition to net zero. It is seen as critical to the efficient production and use of energy across increasingly interconnected sectors, such as transport and buildings. The CCC anticipates that it will reduce the need for large amounts of back-up on the electricity grid by increasing the flexibility and dynamism of energy services e.g. vehicle-to-grid. It will also help reduce demands for energy, materials, food and water through predictive analysis, waste avoidance and video-conferencing.

Costs of technologies to achieve net-zero emissions

Ambitious mitigation targets in developed countries can help establish the new industries required and drive down the cost of currently more expensive technologies needed to reach net zero CO₂ emissions, including carbon capture and storage, hydrogen, low-carbon heating and technologies to remove CO₂ from the atmosphere.

EU and international law and policy relating to climate change

Paris Agreement

The Paris Agreement committed countries to keeping the increase in global average temperature to well below 2°C above pre-industrial levels and pursuing efforts to limit the increase to 1.5°C. In order to achieve this, countries agreed on the need for global emissions to peak as soon as possible and to achieve a balance between global emissions and removals (net zero) in the second half of the 21st Century, “on the basis of equity, and in the context of sustainable development and efforts to eradicate poverty”.⁴⁴ Global average temperature is

⁴³ [The Sixth Carbon Budget – The UK’s path to Net Zero](#) (CCC, December 2020, p.402-405)

⁴⁴ [Paris Agreement](#) (United Nations, 2015)

already around 1.1°C above pre-industrial levels.⁴⁵ The UK ratified the Paris Agreement in November 2016.

The Paris Agreement requires countries to produce Nationally Determined Contributions (NDCs) every five years. NDCs must reflect each country's highest possible ambition towards the global temperature goal. The UK was part of the EU's NDC agreed in 2015, which requires an average reduction across Member States of at least 40% by 2030. On 12 December 2020, ahead of the end of the Brexit transition period, the UK published its own NDC. This included a 2030 emissions reduction target of at least 68%. This figure is based on a recommendation from the CCC, which uses the same scenario as that for the CCC's recommendations for Wales (the Balanced Pathway).

Wales's contribution to the Paris Agreement and UK NDC

Countries agreed to implement the Paris Agreement in a way that would “reflect equity and the principle of common but differentiated responsibilities and respective capabilities, in the light of different national circumstances.”⁴⁶ Relative to many other countries, Wales is rich and has high historical emissions, going back centuries. Wales is now responsible for around 0.1% of global emissions each year, although since 1750 the UK has the 5th highest cumulative emissions in the world.⁴⁷

The global budget for limiting average global temperature rise to 1.5°C or 2°C can be informed by the latest climate science but the distribution of that budget between countries is a political and moral decision. There is no single agreed methodology or formula that can be used to define a country's fair contribution to mitigating climate change: it is a value judgment that must consider equality, capability and responsibility.

While there is no agreed methodology, the IPCC has summarised what the academic literature on ‘effort share’ approaches suggests regional targets should be, based on a review of 40 studies.⁴⁸ The approaches fall into three broad categories:

1. **Economically efficient:** These achieve the required abatement at least global cost (equal marginal abatement cost)
2. **Historical responsibility:** These assign emissions commitments on the basis of historic contribution to the climate emergency since 1990
3. **Forward-looking:** These assign emissions on the basis of a country's projected capability (income) or on the basis of convergence in global emissions per capita

⁴⁵ [WMO confirms 2019 as second hottest year on record](#), World Meteorological Organisation (15 January 2020)

⁴⁶ [Paris Agreement](#), Article 2.2

⁴⁷ Carbon Brief analysis: <https://twitter.com/CarbonBrief/status/1120715988532629506>

⁴⁸ [Regional GHG reduction targets based on effort sharing: a comparison of studies](#), Niklas Höhne, Michel Den Elzen & Donovan Escalante (Climate Policy, 2013)

International comparisons

Wales is a founding member of the Under2 Coalition, a global community of state and regional governments committed to ambitious climate action in line with the Paris Agreement.⁴⁹ The coalition includes more than 220 governments who represent over 1.3 billion people and 43% of the global economy.

121 states and regions disclosed their climate and environmental data as part of the Global States and Regions Annual Disclosure 2020.⁵⁰ Of these, 18 have set net zero targets, ranging from 2030 (Jämtland, Sweden) to 2045 (Scotland, California and Australian Capital Territory) to 2050 (including Catalonia and New York State). Hawaii aims to be net-negative by 2045.

Outside the Under2 Coalition, 7 countries have set net zero targets in law (for 2050, apart from Sweden for 2045). A further 7 countries have declared net zero targets in policy documents and 12 more have submitted net zero targets to the UN. Japan has recently declared its intent to achieve net zero by 2050, while China has done so for 2060. Joe Biden was elected president of the USA on a climate platform to aim for net zero emissions by 2050.⁵¹

Each government decides how to define the target, considering its formality (whether it is set in legislation or simply a policy target), scope (whether it covers all greenhouse gases or just CO₂ and whether it includes emissions from international aviation and shipping or not) and the approach to international offsetting (whether it is permitted or not).

European law and policy

In December 2019, the European Council agreed the objective of achieving a climate-neutral EU by 2050. This had previously been endorsed by the European Parliament in March 2019. The European Commission's (EC) proposed new European Climate Law would impose a legally binding target of net zero greenhouse gas emissions by 2050.⁵²

In December 2020, EU leaders agreed on a binding EU target for a net domestic reduction of at least 55% in greenhouse gas emissions by 2030, compared to 1990.⁵³ The previous target, set in 2014, was for at least a 40% reduction by 2030. The new target has been submitted to the UN as the EU's NDC.

EU climate legislation already in place includes the EU Emissions Trading System (ETS), the Effort Sharing Regulation (ESR), and the Land Use, and the Land Use Change and Forestry Regulation (LULUCF). The Renewable Energy Directive (RED II), the Energy Efficiency Directive and the Regulation on the Governance of the Energy and Climate Action also contribute in driving commitments to renewable energy. The EU acknowledges that without

⁴⁹ <https://www.under2coalition.org/>

⁵⁰ [Annual Disclosure Report](#) (Under2 Coalition, 2020)

⁵¹ [Which countries have a net zero carbon goal?](#) (Climate Change News)

⁵² https://ec.europa.eu/clima/policies/eu-climate-action/law_en

⁵³ <https://www.consilium.europa.eu/en/policies/climate-change>

enhancement these policies will fall short of the 55% target. It is therefore discussing potential policy changes, including strengthening carbon pricing in the EU through an extension of the ETS to new sectors, a carbon border adjustment mechanism to mitigate the risk of carbon leakage, and is reconsidering international aviation and shipping emissions with the ambition to include these within the EU ETS. The EC intends to make detailed legislative proposals by June 2021.⁵⁴

Integrated Impact Assessment

Having considered the regulations against our mandatory and non-mandatory impact assessments, we do not believe it is possible to quantify their impact as they simply provide the statutory framework for emissions reduction. The impact of taking action to meet the targets and carbon budgets depends on the measures and policies chosen. These policies will be set out in a report for each carbon budget period, the next being published in November 2021. Policies to deliver our carbon budgets are subject to an engagement process and impact assessments, including RIA where appropriate.

Additionally, the global nature of the climate emergency means it is not possible to determine the effect of more ambitious Welsh targets on climate-related risks in Wales, such as flooding, and the subsequent impact on the matters covered by the impact assessments, for example equality.

However, *if* Wales achieves the more ambitious targets *and* other countries make comparable effort, we increase the likelihood of limiting average global temperature rise to 1.5°C. If this temperature goal is met, we will limit Wales's exposure to climate change impacts. One such impact is heat-related mortality. We have worked with researchers at Bristol and East Anglia Universities to develop a short case study on heat-related mortality in Wales at 2°C and 1.5°C of global warming (see Annex A).

Summary

CCC advice

The CCC has concluded that a net zero target is now credible and the right target for Wales. Its December 2020 advice is a blueprint for achieving net zero and provides a detailed vision for realising this more ambitious goal.

The expected cost of achieving net zero has fallen since the CCC's 2019 advice. The estimated annualised resource cost has fallen from £3-5billion per year to significantly less than £2billion per year through to 2050. The CCC has also demonstrated that operational savings are expected to largely offset the investment costs for achieving net zero towards the middle of this century, and supporting research suggests a potential positive impact on GDP overall. The CCC's Advisory Group on the Costs and Benefits of Net Zero declared that the benefits (including decreased climate risk) of net zero outweigh the costs. In

⁵⁴ <http://europeanmemoranda.cabinetoffice.gov.uk/memorandum/communication-from-the-commission-to-the-european-parliament-the-council-the-european-economic-social-committee-1600418191>

addition to economic impacts, the CCC identified likely significant positive impacts for health and biodiversity in their Balanced Pathway.

Environment Act factors

SoNaRR highlights the substantial effect of climate change on biodiversity and ecosystems. It also identifies decarbonisation as a key opportunity to improve the sustainable management of natural resources and reduce several key pressures on all ecosystems.

The Future Trends Report considers several trends relevant to achieving climate change targets, notably an increasing, ageing population and more people living alone. Older people tend to have a higher carbon footprint than younger people and an increase in households suggests higher demand for heating and electricity. The Report also notes behaviour change as a key influencing factor on how the trends unfold; behaviour change is fundamental to achieving the CCC's Balanced Pathway. The Future Generations Report draws attention to the significant shift in public concern about climate change and increasing support for greater action, particularly among children and young people.

There is a very strong scientific basis for increased efforts to tackle climate change. IPCC-SR1.5 shows that keeping average global temperature increase to 1.5°C would reduce climate-related risks to health, livelihoods, food security, water supply, human security, and economic growth, when compared to a 2°C rise. Option 2 is more aligned to achieving 1.5°C than Option 1, which relates more closely 2°C.

Technology to support the net zero transition is well-advanced and commercially deployed in many important areas, while further innovation is required in others. “The clarity of a net-zero goal could help stimulate innovation. Under a net zero target all sectors need to decarbonise or offset their emissions. This removes uncertainty and the temptation of sectors to lobby for a larger share of the remaining 20% of emissions [under the existing 80% target]. This clarity could cut the cost of capital as well as stimulating innovation, thereby bringing down the overall cost of mitigation.”⁵⁵

There are many ways of determining Wales's fair contribution to the Paris Agreement and the UK's NDC. However, the CCC's Balanced Pathway is the only 'bottom-up' scenario available that describes *how* the targets can be met. The CCC states that its December 2020 recommendations “reflect the goals and requirements of the Paris Agreement” for the following reasons:⁵⁶

1. The Balanced Pathway has been explicitly designed to reflect Wales's 'highest possible ambition' within Wales' particular capabilities
2. It would reduce Wales's annual per-capita emissions to under 3tCO₂e per person before 2040, in line with global pathways consistent with meeting the 1.5°C goal

⁵⁵ [Report to the CCC](#) (Advisory Group on Costs and Benefits of Net Zero, 2019, p.23)

⁵⁶ [The path to a Net Zero Wales](#) (CCC, December 2020, p.57)

In the last year there has been a notable shift in global ambition on climate change; many more countries have now adopted a net zero target or ambition, or are considering one. Joining the 'net zero club' would demonstrate Wales's support for new industries and provide the best opportunity for attracting green investment and jobs. It would also align with Wales's well-being goal to be a globally responsible nation.

Having considered both the CCC advice and the Environment Act factors, Option 2 is the preferred option.

Consultation

In preparing their advice the CCC ran a public Call for Evidence to capture input from organisations and individuals on matters relevant to the regulations, as well as UK Carbon Budget 6. The Call for Evidence ran from 5 December 2019 to 5 February 2020. The Welsh Government and CCC ran two stakeholder events during the period: one in Llandudno on 20 January 2020 and one in Cardiff on 21 January 2020, with around 60 delegates attending in total.

There were four questions in the Call for Evidence with a Wales focus. These each received between 11 and 37 responses.⁵⁷ A high-level overview of the responses and a list of respondents is available in the CCC's Summary of responses document.⁵⁸

We have published our Engagement Approach for Low Carbon Delivery Plan 2 that describes how we intend to involve and collaborate with people and stakeholders throughout 2021.⁵⁹ We also continue to consult on the policies required to meet the carbon budgets and targets, for example the Electric Vehicle Charging Strategy, Building Regulations Part L and F Review, and the Agriculture (Wales) Bill.⁶⁰

⁵⁷ <https://www.theccc.org.uk/publication/sixth-carbon-budget-and-welsh-emissions-targets-call-for-evidence-summary>

⁵⁸ [Welsh emissions targets: Summary of responses to Call for Evidence](#) (CCC, 2020)

⁵⁹ See <https://gov.wales/low-carbon-delivery-plan-2-engagement-plan>

⁶⁰ See <https://gov.wales/consultations>

Competition Assessment

This impact assessment does not include a Competition Assessment because the regulations do not provide for specific policies. It is not possible, therefore, to consider the specific impacts on competition within individual markets.

The competition filter test	
Question	Answer
Q1: In the market(s) affected by the new regulation, does any firm have more than 10% market share?	
Q2: In the market(s) affected by the new regulation, does any firm have more than 20% market share?	
Q3: In the market(s) affected by the new regulation, do the largest three firms together have at least 50% market share?	
Q4: Would the costs of the regulation affect some firms substantially more than others?	
Q5: Is the regulation likely to affect the market structure, changing the number or size of businesses/organisation?	
Q6: Would the regulation lead to higher set-up costs for new or potential suppliers that existing suppliers do not have to meet?	
Q7: Would the regulation lead to higher ongoing costs for new or potential suppliers that existing suppliers do not have to meet?	
Q8: Is the sector characterised by rapid technological change?	
Q9: Would the regulation restrict the ability of suppliers to choose the price, quality, range or location of their products?	

Post implementation review

Government progress review

The Environment (Wales) Act 2016 requires Welsh Ministers to prepare and lay a statement after each budgetary period setting out whether Wales has met the budget, whether they have debited or credited any carbon units and giving details on the type and number of units. The statement must explain what the Welsh Ministers consider to be the reasons why the carbon budget for the period has, or has not, been met. In particular, it must include the Welsh Ministers' assessment of the extent to which their proposals and policies for meeting the carbon budget for the period have been carried out and have contributed to the carbon budget for the period being met or not. This statement must be laid before the end of the second year after the budgetary period, allowing time for the emissions data to be compiled, which requires 18 months from the close of year.

With regards to each interim target and the 2050 target, Welsh Ministers must also prepare and lay a statement before the Senedd. This statement must be made before the end of the second year after the relevant interim target year. This statement will provide the Welsh Government's assessment of the total amount of emissions in that year, whether the interim emissions target has been met, and the total amount of carbon credits or debits for that year. The statement must also explain what the Welsh Ministers consider to be the reasons why the target has, or has not, been met.

Independent progress review

The Act provides for the CCC to monitor and report on progress. No later than six months after the Welsh Ministers lay the final progress statement for a budgetary period, the CCC must provide a report setting out their views on:

- the way in which the carbon budget for the period was or was not met; and
- the action taken by the Welsh Ministers to reduce net Welsh emissions of greenhouse gases during the period.

Following the Welsh Government's progress reports on the 2030 and 2040 interim targets, the CCC is required to advise whether the forthcoming interim target(s) and 2050 target represent the highest achievable targets for Wales. If not, they must state what the highest achievable target is.

Annex A: Heat-related mortality in Wales at 2°C and 1.5°C of global warming

Introduction

Officials worked with academic experts on climate impacts to explore one example of how Wales might benefit from adopting and achieving a more ambitious emissions reduction pathway, if matched by other countries.⁶¹ Heat-related mortality was chosen because it is the most direct way in which climate change is expected to affect public health and there is a strong, direct correlation between summer temperatures and increased mortality.

Temperature thresholds of 2°C and 1.5°C were selected because Wales's existing legislated emissions reduction pathway is broadly aligned to a 2°C rise in global average temperature, assuming similar effort from other countries, while the CCC's new recommended pathway is more closely aligned to a rise of 1.5°C. They are also the temperature goals in the Paris Agreement.

How is Wales's exposure to extreme summer temperatures projected to change?

Overall, Wales's summer mean temperature is projected to change around 20% faster than the global mean and by 30-45% faster than the global mean during the hottest 5% of summer days.⁶² This means Wales's hottest summer days are getting hotter and more extreme relative to mean temperatures.

How is this change expected to affect heat-related mortality?

Mortality increases as temperature increases above a regionally-specific threshold.⁶³ Mortality occurs throughout the summer months, even on days that are not extreme heatwaves. As well as increasing temperature extremes, climate change means Wales will experience more warmer days and, as a result, increased heat-related mortality.

Based on current baseline mortality rates, modelling of the recent past (1990-2019) suggests, on average, 25 heat-related deaths occur per year in Wales, increasing to 48, 67, and 137 heat-related deaths under 1.5°C, 2°C and 3°C warming scenarios respectively (see Figure 1 for error bars). **Limiting**

⁶¹ Setting and achieving tighter emissions targets in Wales alone will have a negligible impact on global temperature and on Wales's climate. We are therefore reliant on the collective effort of all countries to reduce the frequency and severity of negative climate change impacts in Wales, such as heatwaves.

⁶² UK Climate Projections 2018 data:

<https://www.metoffice.gov.uk/research/approach/collaboration/ukcp/index>

⁶³ By around 1.5% for every 1°C above ~17.2°C for Wales. [Climate change effects on human health: projections of temperature-related mortality for the UK during the 2020s, 2050s and 2080s](#), Hajat et al, Journal of Epidemiology & Community Health (2014, Volume 68, Issue 7).

warming to 1.5°C would therefore avoid 29% of the additional heat-related mortality at 2°C.⁶⁴

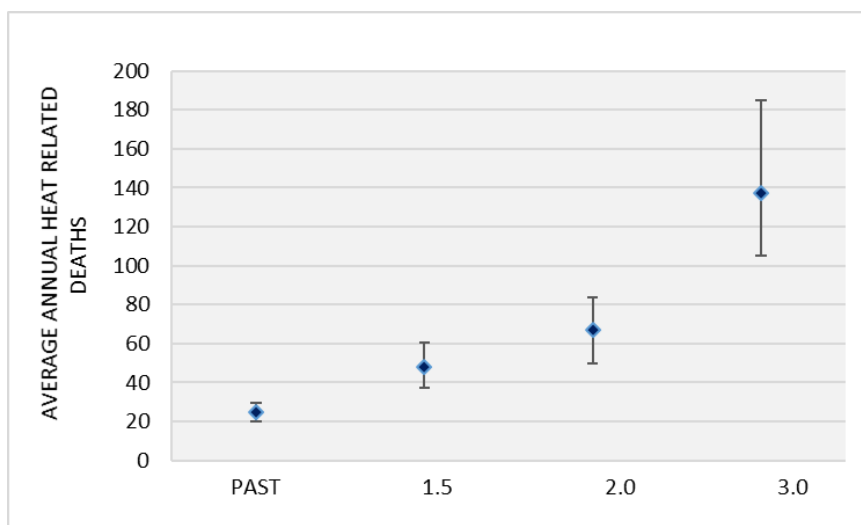


Fig. 1: Modelled average heat-related mortality per year in Wales for the past and 3 warming scenarios. Error bars signify 10-90% uncertainty in the projected climate.

Who is likely to be most affected?

Not everyone is equally vulnerable to heat-related illness. There are certain factors that increase an individual's risk during a heatwave, including:⁶⁵

- Older age: especially women over 75 years old, those living on their own, or in a care home;
- Chronic and severe illness: including heart conditions, diabetes, respiratory or renal insufficiency, Parkinson's disease or severe mental illness;
- Inability to adapt behaviour to keep cool: having Alzheimer's, a disability, being bed bound, too much alcohol, babies and the very young; and
- Environmental factors and overexposure: living in a top floor flat, being homeless, activities or jobs that are in hot places or outdoors and include high levels of physical exertion.

Which locations are likely to be most affected?

New research overlays heat-related climate hazard metrics with socio-economic factors.⁶⁶ The left-hand plot in Figure 2 shows that the locations with greatest absolute risk over the past 30 years (i.e. exposed to extreme heat hazards and at higher socio-economic levels of vulnerability and exposure) are

⁶⁴ Unpublished research (funded by the [UK Climate Resilience Program](#)) was carried out in support of this paper.

⁶⁵ [Caring for Patients Before and During a Heatwave: Advice for health and social care professionals](#), WG 2012

⁶⁶ Climate hazard metrics: Daily maximum and minimum temperature, vapour pressure (a measure of humidity), and degree days (variability of temperature extremes over a certain threshold). Socio-economic factors: population density, deprivation and proportion of population aged over 65.

in southeast and northeast Wales. The right-hand plot shows that when socio-economic factors are taken into account in combination with the projected change in climate hazards, locations at the greatest increase in risk are in Powys and across South Wales. Although these regions show the greatest increase in climate hazards, in absolute terms the southeast and northeast of Wales will still remain at the highest risk.

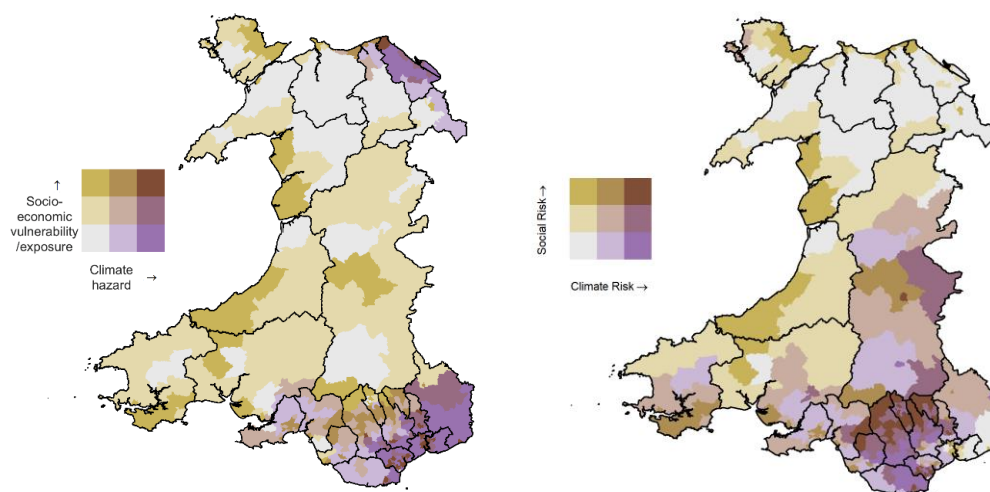


Fig.2: Left-hand plot shows current risk based on the past 30 years; right-hand plot shows the change in climate hazards between 1.5°C and 2°C of global warming – those places facing the greatest change in risk if we do not achieve 1.5°C (socio-economic factors remain stationary in time)

Can Wales expect fewer cold-related deaths?

This question has not been explored in the context of the higher targets and a comparison of 2°C and 1.5°C of global warming. However, research undertaken in 2014 suggests that by the 2080s the number of heat-related deaths may increase by around 340% and the number of cold-related deaths may reduce by around 40%. The number of heat-related deaths is not expected to surpass the numbers of cold-related deaths by the 2080s but the ratio of heat- to cold-related deaths is projected to increase from 1:35 to 1:5.⁶⁷

⁶⁷ [Climate change effects on human health: projections of temperature-related mortality for the UK during the 2020s, 2050s and 2080s](#), Hajat et al, Journal of Epidemiology & Community Health (2014, Volume 68, Issue 7). Figures quoted draw on the mean estimates.



DATGANIAD YSGRIFENEDIG GAN LYWODRAETH CYMRU

TEITL	Llwybr Cymru i gyrraedd allyriadau sero net
DYDDIAD	9 Chwefror 2021
GAN	Lesley Griffiths AS, Gweinidog yr Amgylchedd, Ynni a Materion Gwledig

Heddiw rwy'n gosod rheoliadau yn y Senedd a fydd yn ymrwymo Cymru yn ffurfiol, am y tro cyntaf, i dargedau sydd wedi'u rhwymo'n gyfreithiol i gyrraedd y nod o allyriadau sero-net. Mewn cyngor a gafodd Llywodraeth Cymru gan ein hymgyngorydd statudol, y Pwyllgor Newid Hinsawdd yn 2017 a 2019, nid oedd eu dadansoddiad annibynnol o'r farn bod nod sero-net ar gyfer economi Cymru yn gredadwy, yn ddichonadwy nac yn fforddiadwy. Erbyn hyn, ar sail tystiolaeth a dadansoddiadau pellach, mae'r farn hon wedi newid.

Yn benodol, argymhellodd y Pwyllgor Newid Hinsawdd:

- Cyllideb Garbon 2 (2021-25): gostyngiad cyfartalog o 37% gyda therfyn credyd ("gwrthbwyso") o 0%
- Cyllideb Garbon 3 (2026-30): gostyngiad cyfartalog o 58%
- Targed 2030: gostyngiad o 63%
- Targed 2040 : gostyngiad o 89%
- Targed 2050: gostyngiad o 100% (sero-net)

Rydym yn croesawu'r newid hwn mewn cyngor. Diolch i'r Pwyllgor Newid Hinsawdd a phawb sydd wedi cyfrannu at eu Galwad am Dystiolaeth bod gennym bellach y wyddoniaeth i gefnogi ein huchelgais ers amser o nod sero-net i Gymru. Dim ond drwy graffu'n annibynnol ar y Pwyllgor Newid Hinsawdd, gan weithio gyda busnesau, y byd academiaidd a chymdeithas sifil yng Nghymru, y gallwn sicrhau bod nodau hinsawdd a bennir gan y Llywodraeth yn uchelgeisiol ac yn seiliedig ar dystiolaeth, gan greu sylfaen gadarn ar gyfer adeiladu Cymru carbon isel.

Byddai'r llwybr lleihau allyriadau a argymhellir a bennwyd gan Y Pwyllgor Newid Hinsawdd yn eu cyngor yn golygu y byddai ein nodau yng Nghymru yn gyson â

chyrraedd nod Paris o 1.5°C. Bydd hyd yn oed y llwybr hwn, sy'n fwy uchelgeisiol nag unrhyw un y cytunwyd arno'n flaenorol mewn trafodaethau rhyngwladol ar yr hinsawdd, yn peri cryn risg, a byddem yn parhau i weld effaith tymheredd cynyddol, digwyddiadau tywydd dwys a phwysau eithafol ar yr amgylchedd naturiol am ddegawdau i ddod.

At hynny, mae'n dal yn wir bod ein llwybr byd-eang ymhell oddi wrth ganlyniad o'r fath, a adroddwyd yn ddiweddar gan y Cenhedloedd Unedig i fod yn fwy na 3°C – lefel a allai weld hyd yn oed mwy o dywydd dinistriol na'r hyn sydd wedi distrywio cymunedau Cymru yn ystod y 12 mis diwethaf, dadleoli cannoedd o filiynau o bobl ledled y byd, a difrod na ellir ei ddad-wneud i'r ecosystemau mwyaf eiconig a hanfodol yng Nghymru ac yn fyd-eang.

Yn natganiad Llywodraeth Cymru o argyfwng hinsawdd yn 2019, bu inni ddatgan ein safbwynt bod difrifoldeb y bygythiad i'n cymdeithas a'n planed yn golygu na allwn fforddio derbyn y cyngor a gawn fel terfyn ein huchelgais ond yn hytrach rhaid i ni ei weld fel man cychwyn y mae'n ofynnol i ni wneud pob ymdrech i ragori arno. Mae hyn yn adlewyrchu'r egwyddor o ddilyniant sydd wedi'i ymgorffori yng Nghytundeb Paris yn ogystal â'r nod o Gymru sy'n Gyfrifol yn Fyd-eang sydd wedi'i ymgorffori yn Neddf Llesiant Cenedlaethau'r Dyfodol.

Yn ei gyngor diweddaraf ym mis Rhagfyr 2020, mae'r Pwyllgor Newid Hinsawdd yn cadarnhau mai'r 2020au yw'r "ddegawd fydd yn penderfynu" a dylai ein cynllun ar gyfer yr ail gyllideb garbon a gyhoeddir yn 2021 ganolbwyntio ar yr angen i "berfformio'n well" na'r gostyngiad cyfartalog o 37% a argymhellir mewn allyriadau, gyda llwybr clir tuag at ostyngiad cyfartalog o 58% drwy'r drydedd gyllideb garbon hyd at 2030, er mwyn gosod Cymru ar y llwybr i sero-net erbyn canol y ganrif hon, fel sy'n ofynnol gan bob gwlad gyfoethocach, ddatblygedig yn ôl telerau Cytundeb Paris.

Bydd cyrraedd y targedau newydd yn hynod heriol. Mae'n rhaid i'n hymdrechion fel Llywodraeth ganolbwyntio ar wneud y newid i sero net yn newid teg, pan fydd y costau a'r manteision yn cael eu rhannu'n deg ar draws ein cymdeithas. Rydym wedi penderfynu cyflawni'r rhan fwyaf o'r camau gweithredu yn y 15 mlynedd nesaf er mwyn osgoi'r allyriadau cronnus a fydd yn cael eu hachosi wrth oedi, ac er mwyn anfon neges glir am yr angen i weithredu heddiw yn hytrach na gadael y gwaith caled i eraill. Her ganolog o ran hyn yw gweld ble y gallai swyddi gael eu colli yng Nghymru a sut y gall llywodraeth gefnogi gweithwyr, mewn partneriaeth gymdeithasol â'n hundebau llafur a busnesau, i ddod yn rhan o weithlu carbon isel newydd.

Yn ogystal â'r newid hinsawdd yn dod yn thema gyson yn y papurau y mae Gweinidogion o bob portffolio yn eu cyflwyno i'r Cabinet, rwyf wedi ailgynnull y Grŵp Gorchwyl a Gorffen Gweinidogol i ganolbwyntio ar gyflawni'r Cynllun Carbon Isel nesaf, a fydd yn galw am gynnydd uniongyrchol a sylweddol yn yr ymdrech ar lefel Cymru-gyfan.

Fel a fu yn wir yn ystod y blynyddoedd diwethaf, mae'r dadansoddiad yn awgrymu bod y posibilrwydd mwyaf o ran cyflymu y gostyngiad mewn allyriadau yng Nghymru yn seiliedig ar dystiolaeth sy'n awgrymu bod lleihad mwy yn bosibl o fewn y sectorau

diwydiant a ynni. Mae hyn yn adlewyrchu presenoldeb nifer o ffynonellau sydd ag allyriadau uchel yng Nghymru, megis gwaith dur Port Talbot.

Ac eto, wrth dynnu sylw at arwyddocâd heriau technolegol a buddsoddi, mae'r Pwyllgor Newid Hinsawdd hefyd yn sylwi mai dim ond gyda newidiadau ym mywydau pob cymuned yng Nghymru y gellir cyflawni'r newid angenrheidiol, newidiadau a all ddod â manteision i bob un o'n dinasyddion os cânt eu cyflawni'n effeithiol.

Gwnaethom gyhoeddi ein cynllun cyflawni¹ haf diwethaf yn esbonio ein dull o gydweithio a chyfranogi drwy gydol 2020 a 2021, o ran sut yr ydym yn gweld pob corff cyhoeddus, busnes a dinesydd yng Nghymru yn gallu chwarae eu rhan wrth benderfynu sut rydyn ni'n cyrraedd nodau hinsawdd mwy uchelgeisiol. Gyda'n gilydd byddwn yn llunio sut rydym yn bwriadu cyflawni ein gweledigaeth sero-net newydd yn ein Cynllun Cymru Gyfan nesaf, a fydd yn cael ei gyhoeddi cyn uwchgyhadledd hinsawdd y Cenhedloedd Unedig, COP26, sy'n cael ei chynnal yn Glasgow.

Yn y cyd-destun hwn, rydym yn croesawu'r newyddion fis diwethaf y bydd Blaenau Gwent yn cynnal Cynulliad Dinasyddion cyntaf Cymru ar yr Hinsawdd, menter sydd wedi derbyn cefnogaeth Llywodraeth Cymru fel rhan o'n hymgyrch i gefnogi creu cymunedau carbon isel enghreifftiol wrth ehangu'r ddarpariaeth o dai cymdeithasol o ansawdd uchel. Bydd cyrraedd nodau hinsawdd mwy uchelgeisiol yn gofyn am lawer mwy o fentrau lleol o'r fath, sy'n ystyrlon ac yn hygyrch i ddinasyddion, fel rhan o'n hymdrech genedlaethol.

Fel y mae ymdrechion lleol yn hanfodol fel sail i'n hymdrech ar y cyd genedlaethol yng Nghymru, mae'r camau rydyn ni'n eu cymryd yma yn rhan annatod o gyflawni allyriadau net-sero ledled y DU. Yn yr un modd ag y mae cymorth gan Lywodraeth Cymru yn galluogi gweithredu lleol o fewn ein ffiniau, mae'n hanfodol, er mwyn cyrraedd allyriadau net sero, bod y DU yn chwarae ei rhan. Heddiw, rwy'n gobeithio y bydd holl aelodau'r Senedd yn ymuno â ni wrth alw ar Lywodraeth y DU i ymateb i'r her a chymeryd y camau rydyn ni eu hangen i sicrhau newid cyflym, cyfiawn a theg tuag at ddyfodol carbon isel.

Byddwn yn annog pawb sy'n rhannu ein hymrwymiad i ymateb sy'n arwain y byd i'r argyfwng hinsawdd yng Nghymru i ystyried drostynt eu hunain gyngor y Pwyllgor Newid Hinsawdd a'r heriau brys i Gymru sydd ynddo, i weithio gyda ni i gyflymu ein camau gweithredu ar yr hinsawdd ac i weithio gyda ni i nodi'r meysydd hynny lle gallwn fynd ymhellach fyth drwy ymdrech ar y cyd.

¹ <https://llyw.cymru/cynllun-cyflawni-carbon-isel-2-cynllun-ymgysylltu>

SL(5)747 - Rheoliadau Newid yn yr Hinsawdd (Cyllidebau Carbon) (Cymru) (Diwygio) 2021

Cefndir a Diben

Mae Rhan 2 o Ddeddf yr Amgylchedd (Cymru) 2016 ("Deddf 2016") yn ei gwneud yn ofynnol i Weinidogion Cymru bennu targedau statudol ar gyfer lleihau allyriadau nwyon tŷ gwydr yng Nghymru.

Mae Adran 31(1) o Ddeddf 2016 yn ei gwneud yn ofynnol i Weinidogion Cymru osod cyllidebau carbon ar gyfer pob cyfnod cyllidebol o 5 mlynedd rhwng 2016 a 2050.

Mae'r Rheoliadau hyn:

- yn diwygio'r gyllideb garbon ar gyfer y cyfnod cyllidebol 2021 i 2025 fel ei bod wedi ei chyfyngu i gyfartaledd o 37 y cant yn is (yn lle'r ffigur blaenorol o 33 y cant yn is) na'r waelodlin;
- yn gosod y gyllideb garbon ar gyfer y cyfnod cyllidebol 2026-2030 fel ei bod yn gyfyngedig i gyfartaledd o 58 y cant yn is na'r waelodlin

Mae'r Rheoliadau hyn yn rhan o gyfres o bedwar offeryn y cyfeirir atynt gyda'i gilydd fel Rheoliadau Newid yn yr Hinsawdd (Cymru) 2021.

Gweithdrefn

Cadarnhaol Drafft.

Mae Gweinidogion Cymru wedi gosod drafft o'r Rheoliadau gerbron y Senedd. Ni all Gweinidogion Cymru wneud y Rheoliadau oni bai bod y Senedd yn cymeradwyo'r Rheoliadau drafft.

Materion technegol: craffu

Nodir y pwynt a ganlyn i gyflwyno adroddiad arno o dan Reol Sefydlog 21.2 mewn perthynas â'r offeryn hwn:

1. Rheol Sefydlog 21.2(vi) - ei bod yn ymddangos bod gwaith drafftio'r offeryn neu'r drafft yn ddiffygiol neu ei fod yn methu â bodloni gofynion statudol

Mae'r rhaglith Saesneg yn cyfeirio at ddrafft o'r rheoliadau fel a ganlyn: "laid before and approved by a resolution of *the* Senedd Cymru." [*ychwanegwyd pwyslais*]. Mae'n ymddangos mai gwall yw cynnwys y fannod, gan fod Deddf Llywodraeth Cymru 2006 yn cyfeirio at "Senedd Cymru" drwyddi draw, heb "the" o flaen yr enw.



Rhinweddau: craffu

Ni nodir unrhyw bwyntiau i gyflwyno adroddiad arnynt o dan Reol Sefydlog 21.3 mewn perthynas â'r offeryn hwn.

Ymateb Llywodraeth Cymru

Mae angen ymateb gan Lywodraeth Cymru.

Cynghorwyr Cyfreithiol

Y Pwyllgor Deddfwriaeth, Cyfiawnder a'r Cyfansoddiad

22 Chwefror 2021



Senedd Cymru

Pwyllgor Deddfwriaeth, Cyfiawnder a'r Cyfansoddiad

—

Welsh Parliament

Tudalen y pecyn 252

Legislation, Justice and Constitution Committee

Rheoliadau drafft a osodwyd gerbron Senedd Cymru o dan adran 48(3) o Ddeddf yr Amgylchedd (Cymru) 2016, i'w cymeradwyo drwy benderfyniad gan Senedd Cymru.

OFFERYNNAU STATUDOL
CYMRU DRAFFT

2021 Rhif (Cy.)

**NEWID YN YR HINSAWDD,
CYMRU**

**Rheoliadau Newid yn yr Hinsawdd
(Cyllidebau Carbon) (Cymru)
(Diwygio) 2021**

NODYN ESBONIADOL

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

Diben Rhan 2 o Ddeddf yr Amgylchedd (Cymru) 2016 ("y Ddeddf") yw ei gwneud yn ofynnol i Weinidogion Cymru gyrraedd targedau ar gyfer lleihau allyriadau net Cymru o nwyon tŷ gwydr o Gymru. Mae adran 29 yn gosod dyletswydd ar Weinidogion Cymru i sicrhau bod allyriadau net Cymru ar gyfer y flwyddyn 2050 o leiaf 100% yn is na gwaelodlin y ffigurau allyriadau.

Mae adran 31(1) o'r Ddeddf yn ei gwneud yn ofynnol i Weinidogion Cymru osod cyllidebau carbon ar gyfer pob cyfnod cyllidebol o 5 mlynedd rhwng 2016 a 2050. Mae adran 32(1)(b) yn ei gwneud yn ofynnol i bob cyllideb garbon a osodir gan Weinidogion Cymru gael ei gosod ar lefel sy'n gyson â chyrraedd targed allyriadau 2050 a'r targed allyriadau interim ar gyfer unrhyw flwyddyn darged interim sydd o fewn y cyfnod cyllidebol hwnnw neu'n dod ar ei ôl.

Mae rheoliad 2 yn diwygio'r gyllideb garbon ar gyfer y cyfnod cyllidebol 2021-2025 fel ei bod wedi ei chyfyngu i gyfartaledd o 37% yn is na'r waelodlin.

Mae rheoliad 3 yn gosod y gyllideb garbon ar gyfer y cyfnod cyllidebol 2026-2030 fel ei bod wedi ei chyfyngu i gyfartaledd o 58% yn is na'r waelodlin.

Yn unol ag adran 32 o'r Ddeddf, mae Gweinidogion Cymru wrth ddrafftio'r Rheoliadau hyn wedi rhoi sylw i'r ffactorau a restrir yn adran 32(3).

Yn unol ag adran 49 o'r Ddeddf, mae Gweinidogion Cymru wedi cael cyngor gan y corff cynghori, ac wedi ystyried y cyngor a gafwyd, cyn gosod rheoliadau drafft.

Ystyriwyd Cod Ymarfer Gweinidogion Cymru ar gynnal Asesiadau Effaith Rheoleiddiol mewn perthynas â'r Rheoliadau hyn. O ganlyniad, lluniwyd asesiad effaith rheoleiddiol o'r costau a'r manteision sy'n debygol o ddeillio o gydymffurfio â'r Rheoliadau hyn. Gellir cael copi oddi wrth: Llywodraeth Cymru, Parc Cathays, Caerdydd, CF10 3NQ.

Rheoliadau drafft a osodwyd gerbron Senedd Cymru o dan adran 48(3) o Ddeddf yr Amgylchedd (Cymru) 2016, i'w cymeradwyo drwy benderfyniad gan Senedd Cymru.

OFFERYNNAU STATUDOL
CYMRU DRAFFT

2021 Rhif (Cy.)

**NEWID YN YR HINSAWDD,
CYMRU**

**Rheoliadau Newid yn yr Hinsawdd
(Cyllidebau Carbon) (Cymru)
(Diwygio) 2021**

Gwnaed

Yn dod i rym

12 Mawrth 2021

Yn unol ag adran 48(3) o Ddeddf yr Amgylchedd (Cymru) 2016(1) (“y Ddeddf”), gosodwyd drafft o’r offeryn hwn gerbron Senedd Cymru ac fe’i cymeradwywyd ganddi drwy benderfyniad(2).

Cyn i’r drafft gael ei osod, roedd Gweinidogion Cymru—

- (a) wedi eu bodloni bod pob cyllideb garbon yn cael ei gosod ar lefel sy’n gyson â chyrraedd targed allyriadau 2050 a’r targed allyriadau interim ar gyfer unrhyw flwyddyn darged interim sydd o fewn y cyfnod cyllidebol hwnnw neu’n dod ar ei ôl, yn unol ag adran 32(1)(b) o’r Ddeddf,
- (b) wedi rhoi sylw i’r materion a restrir yn adran 32(3) o’r Ddeddf, ac

(1) 2016 dccc 3.

(2) Mae’r cyfeiriad yn Neddf yr Amgylchedd (Cymru) 2016 at Gynulliad Cenedlaethol Cymru bellach yn cael effaith fel cyfeiriad at Senedd Cymru, yn rhinwedd adran 150A(2) o Ddeddf Llywodraeth Cymru 2006 (p. 32).

- (c) wedi cael cyngor gan y Pwyllgor ar Newid Hinsawdd(1), ac wedi ystyried y cyngor a gafwyd, yn unol ag adran 49(1) o'r Ddeddf.

Mae'r Pwyllgor ar Newid Hinsawdd wedi argymhell diwygio'r gyllideb garbon ar gyfer y cyfnod cyllidebol 2021-2025, a gosod y gyllideb garbon ar gyfer y cyfnod cyllidebol 2026-2030.

Yn unol â hynny, mae Gweinidogion Cymru, drwy arfer y pwerau a roddir gan adran 31(1) o'r Ddeddf, ac yn unol ag adran 32(2)(b) o'r Ddeddf, yn gwneud y Rheoliadau a ganlyn.

Enwi a chychwyn

1.—(1) Enw'r Rheoliadau hyn yw Rheoliadau Newid yn yr Hinsawdd (Cyllidebau Carbon) (Cymru) (Diwygio) 2021.

(2) Daw'r Rheoliadau hyn i rym ar 12 Mawrth 2021.

Diwygio'r gyllideb garbon ar gyfer y cyfnod cyllidebol 2021 i 2025

2. Yn rheoliad 2(2) o Reoliadau Newid yn yr Hinsawdd (Cyllidebau Carbon) (Cymru) 2018(2), yn lle "33%" rhodder "37%".

Y gyllideb garbon ar gyfer y cyfnod cyllidebol 2026 i 2030

3. Mae'r gyllideb garbon ar gyfer y cyfnod cyllidebol 2026-2030 wedi ei chyfyngu i gyfartaledd o 58% yn is na'r waelodlin.

Enw

Gweinidog yr Amgylchedd, Ynni a Materion Gwledig,
un o Weinidogion Cymru
Dyddiad

(1) Y Pwyllgor ar Newid Hinsawdd yw'r corff cynghori perthnasol i Weinidogion Cymru yn rhinwedd adran 44(3) o Ddeddf yr Amgylchedd (Cymru) 2016.

(2) O.S. 2018/1303 (Cy. 257).

Explanatory Memorandum to the Climate Change (Wales) Regulations 2021

Explanatory Memorandum to:

- **The Environment (Wales) Act 2016 (Amendment of 2050 Emissions Target) Regulations 2021**
- **The Climate Change (Interim Emissions Targets) (Wales) (Amendment) Regulations 2021**
- **The Climate Change (Carbon Budgets) (Wales) (Amendment) Regulations 2021**
- **The Climate Change (Net Welsh Emissions Account Credit Limit) (Wales) Regulations 2021**

This Explanatory Memorandum has been prepared by the Economy, Skills and Natural Resources Group and is laid before Senedd Cymru in conjunction with the above subordinate legislation and in accordance with Standing Order 27.1.

Minister's Declaration

In my view, this Explanatory Memorandum gives a fair and reasonable view of the expected impact of the Climate Change (Wales) Regulations 2021:

- The Environment (Wales) Act 2016 (Amendment of 2050 Emissions Target) Regulations 2021
- The Climate Change (Interim Emissions Targets) (Wales) (Amendment) Regulations 2021
- The Climate Change (Carbon Budgets) (Wales) (Amendment) Regulations 2021
- The Climate Change (Net Welsh Emissions Account Credit Limit) (Wales) Regulations 2021

I am satisfied that the benefits justify the likely costs.

Lesley Griffiths MS
Minister for Environment, Energy and Rural Affairs

9 February 2021

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PART 1

1. Description

A suite of four regulations are covered within this Explanatory Memorandum and are referred to collectively as the Climate Change (Wales) Regulations 2021. Under Part 2 of the Environment (Wales) Act 2016 (“the Act”) Wales committed to reducing emissions of greenhouse gases from Wales by at least 80% in 2050. The Climate Change (Wales) Regulations 2018 established a system of interim emissions targets and carbon budgeting to create an emissions reduction trajectory towards the 2050 target. They also set out how the Welsh Ministers can utilise international carbon credits and set the credit (“offset”) limit for Carbon Budget 1 (CB1, 2016-20). Finally, they provided for how we will deal with emissions from international shipping and internal aviation in calculating our emissions.

The Climate Change (Wales) Regulations 2018, which supported the delivery of the Act, were namely:

- The Climate Change (Interim Emissions Targets) (Wales) Regulations 2018
- The Climate Change (Carbon Budgets) (Wales) Regulations 2018
- The Climate Change (International Aviation and International Shipping) (Wales) Regulations 2018
- The Climate Change (Net Welsh Emissions Account Credit Limit) (Wales) Regulations 2018
- The Carbon Accounting (Wales) Regulations 2018

The Climate Change (Wales) Regulations 2021 amend the 2050 target, the interim targets for 2040 and 2030, and CB2 (2021-25). They also set CB3 (2026-30) and the offset limit for CB2.

2. Matters of special interest to the Legislation, Justice and Constitution Committee

Section 31(4)(b) of the Environment (Wales) Act 2016 requires the Welsh Ministers to set CB3 in 2020, five years before the start of the budgetary period. In accordance with Section 49, before laying draft regulations the Welsh Ministers are required to request and take into account the advice of the advisory body. Under section 49(6) of the Act, if thereafter the Welsh Ministers propose making different provision from that recommended by the advisory body, they must also lay before the Senedd a statement setting out the reasons why. By virtue of no declaration being made by Welsh Ministers appointing an advisory body, Section 44 by default appoints the Climate Change Committee (CCC) to be our statutory advisory body.

In December 2019 the Minister for Environment, Energy and Rural Affairs requested advice from the CCC, including its recommendation for the level of CB3. The Minister requested the advice be published in September 2020 to allow for CB3 to be set by the end of that year. The CCC committed to this

timeline but subsequently, in June 2020, informed the Minister this would no longer be possible due to the challenges posed by the Covid-19 pandemic. The CCC moved publication of the advice to December 2020. The Minister decided it would not be manifestly unreasonable to choose to accommodate a small delay in setting CB3 in order to ensure legislation is brought forward on the basis of proper, thorough advice. The Welsh Ministers have obtained and taken into account the advice of the advisory body in relation to the Climate Change (Wales) Regulations 2021 now laid before the Senedd.

The Act does not establish a deadline for setting the offset limit for each carbon budget. The Welsh Ministers intend to set the CB3 offset limit no later than 2025.

The Carbon Accounting (Wales) Regulations 2018 utilise the UK Registry to host the Welsh credit account. Until the UK left the European Union, the UK Registry was governed by Commission Regulation (EU) 389/2013 establishing a union registry pursuant to Directive 2003/87/EC establishing a system for greenhouse gas emissions trading within the EU. Having left the EU, the UK no longer has access to the EU registries system. Officials are liaising with UK Government counterparts about a new, standalone UK Registry. Once this is established, the Welsh Ministers will need to amend the Carbon Accounting (Wales) Regulations 2018 to ensure provision for registering and keeping track of carbon units held by the Welsh Ministers. It is not expected Welsh Ministers will need to buy offsets in CB1 and it is expected the new UK Registry will be operational well in advance of the end of CB2.

3. Legislative background

The purpose of Part 2 of the Environment (Wales) Act 2016 is to require the Welsh Ministers to meet targets for reducing emissions of greenhouse gases in Wales. Part 2 puts in place a statutory emissions reduction target that requires the Welsh Ministers to ensure that net emissions of greenhouse gases in Wales, for the year 2050, are at least 80% lower than the baseline.

Part 2 also requires that the Welsh Ministers, by regulations approved by the Senedd, set interim emissions reduction targets for the years 2020, 2030 and 2040, and establish a system of 5-yearly carbon budgeting that together create an emissions reduction pathway to the 2050 target. The Climate Change (Wales) Regulations 2018 fulfilled this requirement.

The Environment (Wales) Act 2016 (Amendment of 2050 Emissions Target) Regulations 2021

- Section 29(3) allows the Welsh Ministers to amend the 2050 emissions target.
- Section 32 sets out the principles for amending the 2050 target.

The Climate Change (Interim Emissions Targets) (Wales) (Amendment) Regulations 2021

- Section 30(1) allows the Welsh Ministers to amend the interim emissions targets.

- Section 32 sets out the principles for amending the interim emissions targets.

The Climate Change (Carbon Budgets) (Wales) (Amendment) Regulations 2021

- Section 31 allows the Welsh Ministers to amend and set carbon budgets.
- Section 32 sets out the principles for amending and setting a carbon budget.

The Climate Change (Net Welsh Emissions Account Credit Limit) (Wales) Regulations 2021

- Section 33 provides that the Welsh Ministers must limit how many traded carbon units can be credited to the net Welsh emissions account in a given period. These regulations set the offset limit for Carbon Budget 2.

Section 32(2) of the Act prevents the Welsh Ministers from making regulations changing the 2050 emissions target, an interim emissions target or a carbon budget unless at least one of the following conditions is met:

- they are satisfied that it is appropriate to make the change as a result of significant developments in
 - scientific knowledge about climate change, or
 - EU or international law or policy relating to climate change;
- the change has been recommended by the advisory body;
- the change is in connection with provision made under section 35(1) or 37(2).¹

As required by the Act, the Welsh Ministers asked the CCC to provide advice to inform the development of the regulations. On 17 December 2020, following a Call for Evidence, the CCC provided their advice to the Welsh Ministers. The report, '[The path to a net zero Wales](#)', includes the CCC's recommendations on:

- The level of the 2050 target;
- The level of the 2030 and 2040 targets;
- The level of CB2 and CB3; and
- The limit for the use of offset credits in CB2.

In giving their advice on the level of the targets and budgets the CCC developed four different emissions scenarios across all sectors of the economy.² Drawing on these scenarios, the CCC then produced a fifth – the Balanced Net Zero Pathway that forms the basis of their recommendations.

¹ Section 35(1) relates to emissions from international aviation and international shipping. Section 37(2) relates to the definition of 'greenhouse gas'.

² Electricity supply, residential buildings, non-residential buildings, fuel supply, manufacturing and construction, surface transport, aviation, shipping, agriculture, land use, land use change and forestry, waste and F-gases.

The Climate Change (Wales) Regulations 2021 are brought forward in accordance with Section 32(2)(b) and follow the recommendations of the advisory body.

Section 32(3) of the Act requires the Welsh Ministers when making regulations changing the 2050 emissions target, or setting or changing an interim emissions target or a carbon budget, to have regard to the following:

- The most recent report under section 8 on the state of natural resources in relation to Wales
- The most recent future trends report under section 11 of the Well-being of Future Generations (Wales) Act 2015
- The most recent report (if any) under section 23 of that Act (Future Generations report)
- Scientific knowledge about climate change
- Technology relevant to climate change
- EU and international law and policy relating to climate change (including international agreements on measures designed to limit increases in global average temperatures)

The Climate Change (Wales) Regulations 2021 are brought forward in accordance with Section 32(3) of the Act.

Procedures for laying regulations

The regulations are subject to the approval of the Senedd via the draft affirmative procedure.

In accordance with Section 49, before laying draft regulations the Welsh Ministers are required to request and take into account the advice of the advisory body. By virtue of no declaration being made by Welsh Ministers appointing an advisory body, Section 44 by default appoints the Climate Change Committee (CCC) to be the statutory advisory body. Where regulations make different provision to the advice provided by the CCC, the Welsh Ministers must lay a statement before the Senedd setting out the reasons why.

The Climate Change (Wales) Regulations 2021 follow the advice of the advisory body.

4. Purpose and intended effect of the legislation **Environment (Wales) Act 2016 (Amendment of 2050 Emissions Target) (Wales) Regulations 2021**

Current situation

Section 29 of the Act establishes a statutory emissions reduction target that requires the Welsh Ministers to ensure that net emissions of greenhouse gases in Wales, for the year 2050, are at least 80% lower than the baseline.

Purpose

The purpose of this regulation is to increase the 2050 target to at least 100% lower than the baseline ('net zero').

Intended effect

The intended effect of this regulation is to bring Wales's 2050 target in line with the CCC's recommendation, reflecting developments in scientific knowledge, public opinion and global ambition since the original target was set in 2016.

Climate Change (Interim Emissions Targets) (Wales) (Amendment) Regulations 2021

Current situation

The Climate Change (Interim Emissions Targets) (Wales) Regulations 2018 set the interim targets that represented a pathway to the 2050 target established in the Act as follows:

- a 2020 target for an emissions reduction of 27% against the baseline
- a 2030 target for an emissions reduction of 45% against the baseline
- a 2040 target for an emissions reduction of 67% against the baseline

Purpose

The purpose of this legislation is to set targets for 2030 and 2040 that represent a pathway to the new net zero target for 2050:

- a 2030 target for an emissions reduction of 63% against the baseline
- a 2040 target for an emissions reduction of 89% against the baseline

Intended effect

The intended effect of this regulation is to establish targets for 2030 and 2040 in line with the CCC's recommendations, frontloading action in the 2020s. Reducing emissions early matters as it is global cumulative emissions that drive climate outcomes. The Welsh Ministers must set each interim emissions target at a level they are satisfied is consistent with meeting the 2050 emissions target.³

Climate Change (Carbon Budgets) (Wales) (Amendment) Regulations 2021

Current situation

A carbon budget sets a maximum limit on the total amount of Welsh emissions permitted over a 5-year budget period. The Climate Change (Carbon Budgets) (Wales) Regulations 2018 set Carbon Budgets 1 and 2 as follows:

- CB1 (2016-2020): an average of 23% below the baseline

³ Section 32(1)(a) of the Act.

- CB2 (2021-2025): an average of 33% below the baseline

Purpose

The purpose of this legislation is to set CB2 and CB3 at levels that represent a pathway to the new targets for 2030, 2040 and 2050:

- CB2 (2021-2025): an average of 37% below the baseline
- CB3 (2026-2030): an average of 58% below the baseline

Intended effect

The intended effect of this regulation is to establish carbon budgets for the 2020s in line with the CCC's recommendations. The Welsh Ministers must set each carbon budget at a level they are satisfied is consistent with meeting:

- the 2050 emissions target; and
- the interim target for any interim target year that falls within or after that budgetary period.⁴

Climate Change (Net Welsh Emissions Account Credit Limit) (Wales) Regulations 2021

Current situation

The Climate Change (Net Welsh Emissions Account Credit Limit) (Wales) Regulations 2018 set the limit on the use of carbon units for CB1.

Purpose

The Act requires Welsh Ministers to set a limit on the total amount that the Net Welsh Emissions Account can be reduced through the use of carbon units. The Carbon Accounting (Wales) Regulations 2018 defines carbon units as the international offset credits generated through Certified Emission Reduction (CER). Offset credits provide a means by which Wales can invest in emission reduction activities overseas and use the emission reductions achieved to offset domestic emissions within the Welsh targets.

The purpose of this regulation is to set the limit on the use of carbon units for CB2 (2021-2025).

Intended effect

The intended effect of this regulation is to set the offset limit for CB2 in line with the CCC's recommendation and ensure that CB2 is met solely by reducing domestic emissions. As the CCC's recommendation is to outperform CB2 on the way to more ambitious CB3 and the 2030 targets, the CCC concludes that it is not appropriate to meet CB2 with any use of carbon units i.e. the offset limit for CB2 should be set at 0%.

⁴ Section 32(1)(b) of the Act.

PART 2 – REGULATORY IMPACT ASSESSMENT

Introduction

The four regulations that make up The Climate Change (Wales) Regulations 2021 all relate to Wales's emissions reduction pathway to 2050 and are highly interdependent. This RIA therefore considers options for the pathway as a whole, rather than each regulation in turn. The pathway set in regulations represents the strategic decarbonisation framework but many individual policy measures are required to achieve the pathway. There are multiple ways to deliver the pathway and so the actual costs and benefits can only be determined once the measures to meet the carbon budgets have been agreed; policy-level impact assessments are required to conduct this analysis.

Since the Senedd passed the Climate Change (Wales) Regulations in 2018, science, technology, markets and cost assumptions have changed, showing the inherent uncertainties in modelling emission pathways and estimating costs. The Welsh Government is focussed on developing and taking the actions needed to meet the carbon budgets and targets and so is reliant on the Climate Change Committee (CCC) advice. This means there are only two options presented in this RIA, both drawing on CCC expertise.

Options

Option 1: Retain current emissions pathway ('do minimum')⁵

Option 1 fulfils the statutory duty to set CB3 and does so at a level consistent with the existing 80% pathway and the CCC's 2017 advice. It also increases the average reduction required in CB2 from the existing 33% to 37% to take account of the early closure of Aberthaw Power Station. The Welsh Government endorsed this principle when accepting the CCC's 2017 advice. Finally, this option sets the CB2 offset limit at 0%, in line with the CCC's recommendation in their 2020 advice. It leaves all the decadal targets unchanged.

- Carbon Budget 2 (2021-25): 37% average reduction with a 0% offset limit
- Carbon Budget 3 (2026-30): 43% average reduction⁶
- 2030: 45% reduction
- 2040: 67% reduction
- 2050: at least 80% reduction against the baseline

⁵ These targets are all set against the 2017 CCC advice, which was in turn based upon scientific understanding of GHG emissions at that time (1990-2015 GHG emission data are used as the basis). However, understanding of emissions has progressed since then and the latest CCC analysis is considerably revised to take account of these changes. The Option 1 pathway does not take any of these adjustments into account.

⁶ There is no statutory deadline for setting each offset limit. We will set the CB3 offset limit no later than 2025.

Option 2: Accept the CCC’s recommendations in the December 2020 advice

- Carbon Budget 2 (2021-25): 37% average reduction with a 0% offset limit⁷
- Carbon Budget 3 (2026-30): 58% average reduction⁸
- 2030: 63% reduction
- 2040: 89% reduction
- 2050: at least 100% reduction against the baseline

Costs and benefits

Costs

We estimate the Present Value of resource costs of Option 2 will lead to additional resource costs of between £6bn and £10bn over the period to 2050.⁹ The best estimate, based on the Balanced Pathway that the CCC’s recommendations are drawn from, is that the cost is likely to be in the upper third of this range. Upper and lower bounds are drawn from analysis of all of the CCC’s scenarios in their December advice.¹⁰

Note: The resource costs of the net zero transition are not attributed as part of this analysis. Costs are likely to be shared between the Welsh and UK Governments, the private sector, investors and citizens.

	Best estimate	Lower bound	Upper bound
Option 1	£4.7bn	£3.3bn	£5.5bn
Option 2	£14.1bn	£10.1bn	£15.9bn
Additional cost of Option 2	£9.4bn	£5.9bn	£10.4bn

Table 1: Present Value of resource costs of Options 1 and 2¹¹

⁷ The CCC’s recommendation for CB2 was a 37% average reduction in law with a commitment to outperform it. This is the minimum required to meet the Balanced Pathway. Our costs analysis incorporates the CCC’s recommendation for CB2 with a view to meeting the 2030 recommendation and later targets.

⁸ There is no statutory deadline for setting each offset limit. We will set the CB3 offset limit no later than 2025.

⁹ Resource costs are discounted using the Social Time Preference Rate’ (STPR) (3.5%) to provide the Present Value of resource costs. Additional resource costs indicate the extra spend required to provide the same goods and services but in a low-carbon way. They are calculated by annualising the capital investment costs over their lifetimes using a suitable cost of capital and subtracting in-year operating cost savings.

¹⁰ Headwinds, Widespread Engagement, Widespread Innovation, and Tailwinds – in addition to the Balanced Pathway.

¹¹ Figures may not sum due to rounding and comparisons across multiple CCC scenarios.

Comparison with the CCC estimate

Figure 1 shows that the CCC forecast the resource cost of their Balanced Pathway to be approximately £25bn.¹²

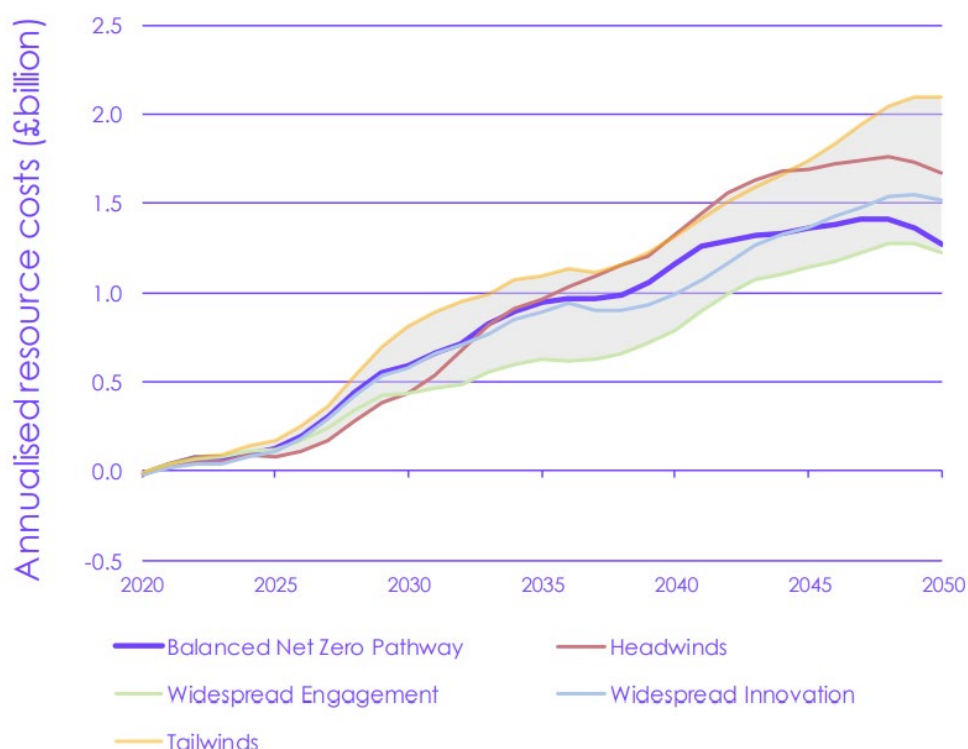


Figure 1: Annualised resource costs of the CCC’s scenarios; CCC analysis

The reasons for the difference between our estimate and the CCC’s estimate are twofold:

1. The CCC does not apply discounting to their estimates. The effect of discounting is the sole reason for the difference between their £25bn figure and the £14.1bn figure in Table 1.
2. The CCC compares the costs of achieving a net zero target with a hypothetical counterfactual¹³ of no-further climate-action from today. The counterfactual against which the costs in this RIA are compared is the existing statutory 80% target (Option 1).

Methodological approach

Note: Our cost estimates have been derived entirely from the CCC analysis and we have not undertaken our own modelling.

¹² The CCC report resource costs on an annual rather than cumulative basis. The £25 billion figure is the summation of the annual resource cost in each of the 30 years it takes to reach the net zero target. For detail on the CCC’s methodology, including assumptions, uncertainties and sensitivities, see Chapter 5 of [The Sixth Carbon Budget – The UK’s path to Net Zero](#).

¹³ The CCC’s counterfactual in the 2020 advice differs from all previous CCC publications. For more information see p.20 of [The Sixth Carbon Budget Methodology Report](#) (CCC, 2020).

The costs of both options are based on the scenarios produced by the CCC in their December advice. The costs of Option 1 are calculated by taking the annualised resource costs up to the point at which the particular scenario reaches the 80% target, whereas the costs of Option 2 take into account the whole pathway to net zero.

Figure 2 shows the cumulative annual resource costs for each scenario from 2020 onwards, up to the year where net zero emissions is reached. The point at which 80% is reached varies in the different scenarios (Table 2) and is indicated by the red dot in Figure 2. The additional costs of Option 2 are derived from the difference between the red dot and the end of the line.

The CCC’s scenarios rely to varying degrees on engineered greenhouse gas removals, such as Bioenergy with Carbon Capture and Storage (BECCS). The Balanced Pathway recommended by the CCC in their 2020 advice leads to a 96% reduction in Welsh emissions in 2050.¹⁴ The CCC advises that Wales can credibly meet net zero in the Balanced Pathway either with a 4% share (approximately 2MtCO₂e) of total UK engineered removals or through increased action in other areas, including land use and behavioural changes. However, the CCC’s analysis does not allocate a specific level of engineered removals to each UK nation. The analysis behind the figures in Table 1 includes Wales’s share of the UK costs of engineered removals in each CCC scenario up to 2050, in order to estimate the full cost of achieving net zero. Alternative ways of bridging the emissions gap would incur different costs.

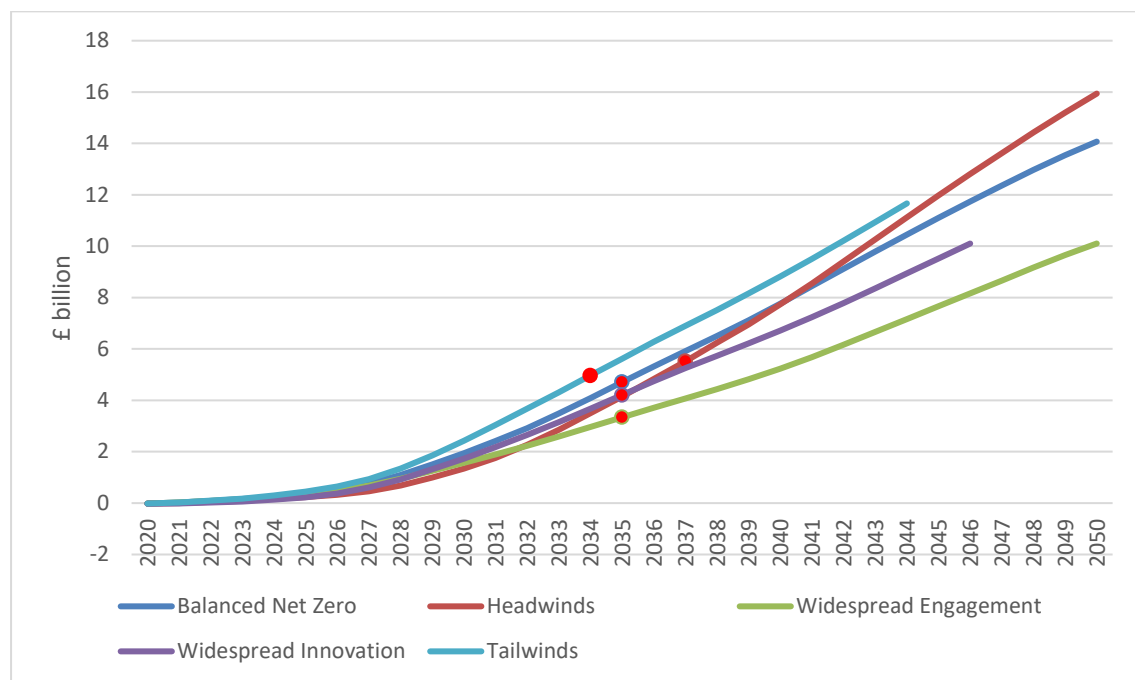


Figure 2: Cumulative Present Value of resource costs for each scenario; WG, using CCC analysis

	80%	Net zero
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¹⁴ The other CCC scenarios that do not reach net zero by 2050 are Headwinds (93%) and Widespread Engagement (99%).

Balanced Pathway	2035	2050
Headwinds	2037	2050
Widespread Engagement	2035	2050
Widespread Innovation	2035	2046
Tailwinds	2034	2044

Table 2: Years in which emission reduction targets are met under the CCC’s scenarios; WG, using CCC analysis¹⁵

We adopted this approach to estimate the costs of Option 1 because the CCC’s 2017 cost estimate of an 80% target can no longer be considered robust, due to significant falls in the costs of technology and methodological changes undertaken by the CCC.¹⁶ To illustrate the impact of these changes, Figure 3 shows the estimated resource cost of achieving an 80% target (produced in 2017) compared to the cost of achieving a net zero target (produced in 2020). This shows the uncertainty of estimating future resource costs, as they are highly sensitive to differences in behaviour change and the level of innovation in low carbon technologies.

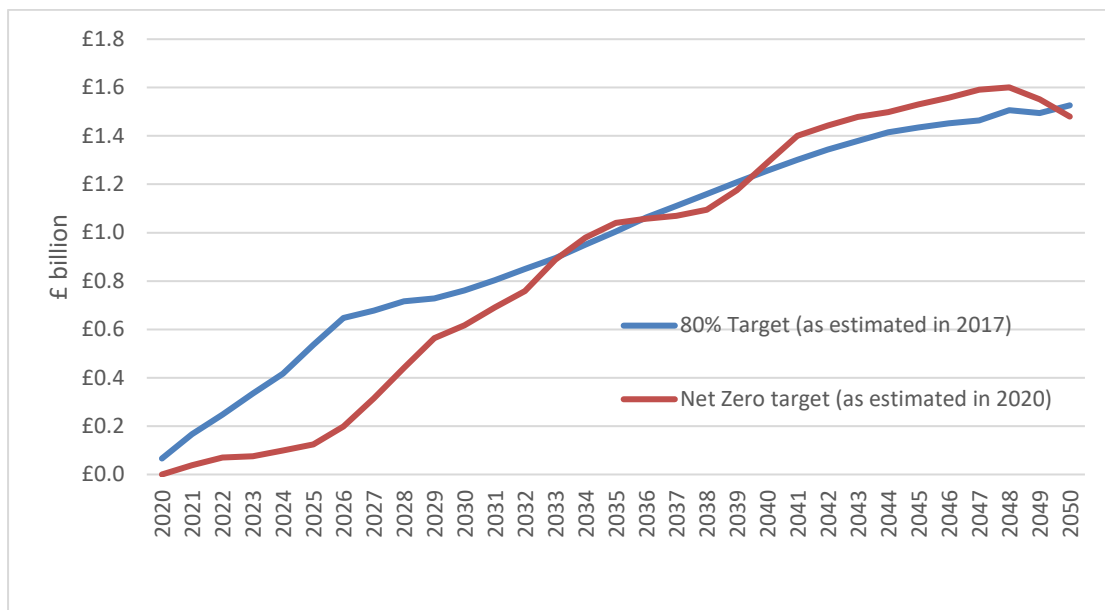


Figure 3: Annualised resource cost of Option 1 (2017) and Option 2 (2020) (£billion); WG, using CCC analysis¹⁷

¹⁵ Our analysis assumes a small amount of engineered greenhouse gas removals in the Balanced Pathway and Headwinds scenario before 2035 and 2037 respectively. This has been accounted for in the costs in Table 1. For the purposes of our analysis, the Balanced Pathway, Headwinds and Widespread Engagement Scenarios reach net zero in 2050 with varying amounts of engineered removals.

¹⁶ The changes and their implications are summarised in Box 1.2 on p.27 of [The Sixth Carbon Budget Methodology Report](#) (CCC, 2020).

¹⁷ Option 2 (Net Zero target) is based on our undiscounted cost analysis of the CCC’s Balanced Pathway and includes the costs of engineered removals required to reach net zero.

Where the costs are likely to fall

The CCC is clear that the costs should not be interpreted as being solely delivered through Welsh Government expenditure, nor as costs that only Welsh businesses and households have to bear. The extent to which costs and savings are shared across the UK – including the amount of expenditure through Welsh Government budgets – will be determined by policy at both UK and Welsh Government level. Many of the actions to reduce emissions will likely be paid for at UK level and/or socialised across the whole of the UK. The CCC provides the following examples:

- The costs associated with building new low-carbon generation will be shared across all consumers of electricity on the GB grid. The CCC has reflected this by allocating resource and investment costs for electricity supply to Wales in proportion to consumption, rather than make assumptions on where new zero-carbon generating capacity is located.¹⁸
- The costs of decarbonising industrial clusters could be met through a combination of direct financing from the UK Exchequer and/or be passed through to the end-users of low-carbon products.
- A market mechanism for greenhouse gas removals could see the UK aviation industry offsetting emissions by paying for removals, including planting trees, in all areas of the UK.

An expert advisory group convened by the CCC suggested that the private sector could deliver the majority of the investments in a transition to Net Zero.¹⁹ For this to happen, the Welsh and UK Governments will need to ensure appropriate regulatory and taxation regimes are in place. Given the CCC anticipates a small overall economic impact and assumes the private sector to finance most of the transition, the CCC expects the overall impact on public finances to 2050 to be limited.

Table 1 shows a larger total Present Value of resource costs for Option 2 than Option 1. This means that Option 2 may result in increased costs for households, at least in the short-term. However, in Option 2 households are likely to benefit from reduced operating costs over time. There is evidence to suggest that the benefits of Option 2 may outweigh the costs; the benefits are explored in further detail below.

In December 2020 HM Treasury published an interim report for its Net Zero Review.²⁰ The report recognises the implications for households arising from the structural changes required by the transition to a net zero economy but does not seek to calculate the impact of the transition on any particular group.

¹⁸ This assumption typically causes the estimate of Wales' share of UK costs to be lower than its share of UK abatement, because Wales is currently a significant net exporter of gas-fired power to the UK, but the costs of actions to decarbonise power will be shared by all electricity users in the UK.

¹⁹ For detail, see Chapter 5 of [The Sixth Carbon Budget – The UK's path to Net Zero](#).

²⁰ [Net Zero Review: Interim Report](#) (HM Treasury, December 2020)

The report acknowledges the inherent uncertainties in forecasting how the net zero transition will affect households by concluding that:

“The transition is a dynamic process that will take place over several decades, and its impact on individual households will ultimately depend on a range of factors including: the development of new low-carbon sectors in the UK; the pace of transition and policy levers chosen; the price of low-carbon alternatives to households and businesses’ current activities; and the dynamism of the labour and capital market.”

Households are exposed to the net zero transition through:

1. The goods and services they buy (household consumption). Different types of household will have different levels of exposure to the transition. For example, higher-income households consume more carbon in absolute terms, but lower-income households tend to consume more carbon relative to their income. HMT analysis suggests that the highest-income households emit around three times as much carbon as the lowest-income households, while on average their income is approximately eight times greater. Furthermore, regional analysis suggests that the average household greenhouse gas footprint in Wales is around the average, when compared to other parts of the UK.²¹
2. Labour market effects. There are likely to be large transitional labour market effects between sectors, with people in certain occupations (skilled trade, and process plant and machine workers) more likely to work in more carbon-intensive industries. People in these occupations are also disproportionately likely to have a lower level of education and to be lower income workers. HMT analysis suggests that people with lower and middle levels of education are employed in jobs with over 20% higher carbon intensity than highly educated employees, on average.
3. Changes to the value of assets. The interim report does not include analysis of this aspect. The net zero transition could affect household business profits, subsequently affecting households that own them (negatively or positively, depending on the household assets owned).

Benefits

The CCC’s December advice considers the benefits of net zero in the areas of prosperity, health and natural capital. The benefits discussed here follow the CCC’s approach of comparing a net zero pathway (Option 2) with a future of no further climate action, rather than comparing the benefits of Options 1 and 2 directly.

While it is not possible to quantitatively compare the macroeconomic, health and natural capital benefits under the options considered, it is reasonable to assume greater net benefits will accrue under Option 2 in relation to health and natural capital. This is because a net zero target will likely demand a greater policy response relevant to these areas, for example more tree planting, and this should increase the benefits flowing from these actions. Option 2 also

²¹ [Net Zero Review: Interim Report](#) (HM Treasury, December 2020, p.75)

frontloads climate action in the next 15 years, which would achieve the benefits earlier than Option 1 and result in greater cumulative benefit overall.

Prosperity and resilience

In the near term, the CCC report that GDP is likely to increase, especially as the economy rebuilds after the COVID-19 crisis. The negative economic impacts from COVID-19 mean the economy is not at full capacity and so present an opportunity for projects which are both ready to implement and which have a high fiscal multiplier effect. According to Hepburn et al (2020), green projects considered to have high multiplier values and strong climate benefits include building efficiency spending for renovations and retrofits, and natural capital investment for eco-system resilience and regeneration (such as restoration of carbon-rich habitats and climate friendly agriculture).²²

The CCC endorses this position, arguing that now is an ideal time to encourage investment, based on historically low interest rates and a potential demand shortage for cheap capital. Economic recovery from the COVID-19 pandemic necessitates stimulus, and many of the measures detailed in their advice have been shown to have high economic multipliers. However, it should be noted that other fiscal spending not linked to environmental policy may also have a high fiscal multiplier effect during periods of spare capacity. Furthermore, we cannot know for how long the economy will be at limited capacity as a result of COVID-19.

The CCC stresses that the estimates of annualised resource costs are not the same as macroeconomic impacts because resource costs are a microeconomic measure which do not account for wider dynamic interactions in the economy. For example, resource costs incorporate investment costs but do not account for the increase in GDP if that investment is made domestically. Furthermore, the shift away from fossil fuel imports is likely to have major benefits to the country's trade balance, which the resource costs also do not account for.

Macroeconomic analysis conducted in support of the CCC's advice demonstrates that despite the added resource costs involved, the net zero transition is expected to boost UK GDP by around 2% by 2030, levelling off at around a 3% increase by 2050.²³ The analysis estimates that UK net employment will be between 0.5-1% higher than the baseline of no further climate action between 2025-2050, with this employment growth largely resulting from the net zero investment programme.

The CCC reports that actions needed for the transition to net zero in Wales can stimulate economic growth, create jobs, and aid a recovery from the pandemic, as well as increasing resilience to future climate risks. Legislating the CCC's recommended targets would send a clear signal that Wales is open for low-carbon investment and take forward the commitment to "respond energetically to the climate emergency by pursuing a strong decarbonisation agenda", set

²² [Will COVID-19 fiscal recovery packages accelerate or retard progress on climate change?](#) (Hepburn et al, May 2020)

²³ [Economic impact of the Sixth Carbon Budget](#) (Cambridge Econometrics, 2020)

out in the 'COVID-19 Reconstruction: Challenges and Priorities' paper, published in October 2020.²⁴ This will also help to encourage private investment at a time when it is needed to support Wales' economic recovery from the COVID-19 crisis. It could also help Wales secure competitive positions in growing global markets for low-carbon goods and services.

Health

There is clear evidence for the health benefits of the net zero transition. Some of these come directly from changes required to achieve net zero (e.g. more active travel and dietary changes) and some indirectly from the implications of those changes (e.g. better air quality from reduced burning of fossil fuels and more liveable buildings as insulation is improved). These benefits are difficult to quantify, but the CCC states that they "unquestionably offset some, if not all, of the overall resource costs of achieving emissions targets".

The CCC's Expert Advisory Group on Health concurred strongly with the CCC's previous assessment that climate action could bring significant benefits to health. The Group identified five key areas in which action would bring benefits to public health and reduction of health inequalities while contributing to the mitigation of – and adaptation to – climate change:

1. Improved air quality delivered by a move to a cleaner energy system and moving away from fossil fuel combustion in most sectors of the UK.
2. Healthier modes of transport, particularly due to the health benefits of walking and cycling and reducing air pollution from road vehicles.
3. More comfortable and efficient homes that are low-carbon, energy efficient and designed for a changing climate.
4. Better diets with a focus on healthy and sustainable alternatives to the highest carbon foods.
5. Sustainable economic and employment models that better support health and wellbeing.

While noting the potential benefits to public health, the Group noted that the biggest driver of health outcomes in the UK remains economic inequality. A just transition is therefore an essential part of a successful climate policy and health policy.

There are also some potential health risks associated with achieving net zero. One such risk is a greater risk of airborne infection where increased energy efficiency in buildings is not accompanied by adequate ventilation.²⁵

Natural capital and well-being

Each of the CCC's scenarios for Wales include measures to improve Wales' natural capital:

²⁴ [COVID-19 Reconstruction: Challenges and Priorities](#) (WG, 2020)

²⁵ University of Leeds study quoted in 'Could Energy Efficiency Actually Increase Hospital Infection Rates?' (2013): <http://www.buildings.com/articles/30879/could-energy-efficiency-actually-increase-hospital-infection-rates>

- Provisioning services. The scenarios include an increase in renewable energy generation – particularly wind – consistent with the Welsh Government's target to generate renewable electricity equivalent to 70% of Welsh consumption by 2030.
- Regulation services. The Balanced Pathway includes the planting of between 4,500 and 7,500 hectares of trees per year, from 2025 to 2050, which will also contribute to improved air quality. Trees filter rainwater before it reaches receiving waters, thus improving water quality. Strategic planting of trees on flood plains can also regulate flooding. Trees can also reduce storm water runoff and slow storm flow. Significant areas of peatland will also be restored which – in addition to carbon sequestration – provide other vital services, such as water regulation, flood protection and habitats for wildlife.
- Cultural services. The natural environment provides a range of cultural services, such as increased amenity benefits, improved mental health, educational benefits and spiritual well-being.
- Supporting Services. In agriculture, the scenarios include soil and crop measures that aim to increase the efficiency of fertiliser use. These have benefits to water and soil quality, and biodiversity.

*A just transition to Net Zero*²⁶

The CCC expects the transition to bring many benefits for UK households. By 2035, in the CCC's scenarios, people's homes will be better insulated, their cars will be cheaper to drive, they will have cleaner air, quieter streets, more access to green spaces and more opportunities to improve their health. Policy should aim to share these benefits broadly across the population.

The CCC also highlights the risk of uneven costs. In the long term, energy costs and energy bills are expected to fall significantly but electricity costs are likely to rise first. Although improvements to energy efficiency could largely offset these costs, the CCC says that the additional costs should not be automatically added to energy bills, which is a regressive approach. It notes that continuing to add climate policy costs primarily to electricity prices, but not gas prices, adversely affects particular groups (those with electric heating).

New job opportunities

The opportunities for jobs growth have, to date, largely been focused on deploying renewable electricity. Research conducted by the International Labour Organisation suggests that growth in renewable energy sources leads to greater job creation than growth in non-renewable energy sources.²⁷ The CCC anticipates that the next phase of decarbonisation will go beyond renewable electricity towards electric vehicles, low-carbon hydrogen, carbon capture usage and storage (CCUS) and buildings decarbonisation. Low-carbon industrial products will be in increasing demand across the world.

²⁶ For more detail, see Chapter 6 of [The Sixth Carbon Budget – The UK's path to Net Zero](#).

²⁷ ['The transition in play: Worldwide employment trends in the electricity sector'](#), (International Labour Organization, Research Department Working Paper No. 28, G. Montt, N. Maitre, S. Amo-Agyei, 2018)

The macroeconomic analysis published alongside the CCC's advice also provides some insights into potential employment effects.²⁸ It identifies boosts in employment in the utilities sector and in manufacturing and construction, while there will likely be job losses in oil and gas production and aviation. At a UK level, the analysis estimates net employment growth of between 0.5-1% compared with the baseline of no further climate action between 2025-2050, resulting from the economic stimulus effect of the major investment programme implied by the CCC's Balanced Pathway.

Pressure on existing jobs

A transition to Net Zero will also reduce demand for certain high-carbon services and technologies, such as fossil fuel extraction, processing and distribution, aviation, fossil fuel machinery and some livestock and dairy. This could see jobs in some key sectors significantly affected, though in each area there will also be new employment opportunities.

Regional considerations

The opportunities and challenges of the low-carbon transition will vary regionally. For example areas with older, energy inefficient housing could face higher energy bills. Rural areas off the gas grid, who typically pay more for heating fuel, could have more to gain from a switch to low-carbon heating. Current and future transport infrastructure can limit the ability of the local population to walk, cycle or use public transport, and may affect the opportunity for, and costs of, running an electric vehicle. However, a transition to electric vehicles alongside an increase in active travel will lead to a decrease in local air pollution, benefitting health. A shift to healthier diets, and improved quality of housing is expected to lead to lower costs for the health service. An increase in tree-planting and urban green spaces will provide more green recreational space. Relative wealth will be important, including the ability to fund changes locally.

CCC Expert Advisory Group on the costs and benefits of a UK net-zero emissions target

In 2019, the CCC set up the Advisory Group on the Costs and Benefits of Net Zero. The Advisory Group produced a Chair's Report based on the Group's deliberations and written submissions.²⁹

The thrust of the report was that the costs and benefits of deep decarbonisation are unknowable with any precision, as they are both very uncertain in themselves and depend both on the decarbonisation policies and the timescale over which they are pursued. However, that said, the Group drew the following conclusions:

²⁸ [Economic impact of the Sixth Carbon Budget](#) (Cambridge Econometrics, 2020)

²⁹ [Report to the CCC](#) (Advisory Group on the Costs and Benefits of Net Zero, May 2019)

- The climate science suggests that there are very large potential benefits of limiting the average global temperature rise to 1.5°C rather than 2°C, which provides a justification for a Net Zero as opposed to an 80% emission reduction target;
- The costs of reducing greenhouse gas (GHG) emissions have been grossly over-estimated in the past; recent modelling suggests that costs might be around 1% of GDP, but ongoing reductions in the costs of zero-carbon technologies suggest that in the future the costs might turn negative (i.e. zero-carbon electricity may turn out to be cheaper than fossil fuel generation, even if the climate benefits are not considered);
- The costs of reaching Net Zero by a certain date (e.g. 2050) will be lower the sooner the requisite policies are put in place to achieve it, to give investors certainty about the direction of travel and to fit in with investment cycles to minimise the stranding of long-lived high carbon infrastructure;
- The health co-benefits of reducing fossil fuel use and greenhouse gas emissions could be very substantial in terms of improved air quality, active travel and healthier lower-meat diets;
- However low (or negative) the costs of Net Zero turned out to be, the transition to Net Zero would involve deep structural changes that would affect people, communities and economic sectors in very different ways. There would be winners and losers. The political acceptability of the transition would depend on it being seen to be fair, as well as this being desirable on ethical grounds;
- Achieving Net Zero by 2050 will require wide-ranging policies that are credible, consistent across government, long-term and of a stringency to transform major techno-socioeconomic systems of society (including energy, food, transport, waste and resource use). The required policy approach “includes a stable long-term direction with clear governance, regular reviews for flexibility, use of markets to find the best solutions, support for large-scale deployment of new technologies as well as research and development, and approaches that are tailored to the needs of each sector, while maintaining consistency across the system.”

Their report emphasised that the benefits (including decreased climate risk) of net zero outweigh the costs, that good policy design is vital to keep costs low and maximise benefits and that clarity around the decarbonisation pathway is a key enabler of innovation.

In April 2020 the CCC asked the Advisory Group to reflect on whether the economic circumstances consequent on and subsequent to COVID-19 are likely to have affected the Group’s conclusions in its 2019 Report, as set out above. The Group concluded that, if anything, their recommendations from 2019 have been reinforced by events since.³⁰

³⁰ [Supplementary report to the CCC](#) (Advisory Group on the Costs and Benefits of Net Zero, December 2020)

“The climate science has not changed, justifying the pursuit of a 1.5°C target [and net zero]...There is now a much greater economic rationale for substantial public investment, and the right measures to crowd in private investment, than there was [in 2019].”

Administrative costs

The administrative cost burden on the Welsh Government arises from establishing and maintaining the legislative framework for emissions reduction, developing policy, and then monitoring and reporting progress against the targets and carbon budgets. These costs are expected to be broadly similar under each of the options presented above.

Environment Act factors

Section 32(3) of the Environment (Wales) Act 2016 lists a number of reports and factors that Welsh Ministers must have regard to when changing the 2050 emissions target, or setting or changing an interim emissions target or carbon budget. The reports and factors are:

- the most recent State of Natural Resources Report;
- the most recent Future Trends Report;
- the most recent Future Generations Report;
- scientific knowledge about climate change;
- technology relevant to climate change; and
- EU and international law and policy relating to climate change (including international agreements on measures designed to limit increases in global average temperatures).

State of Natural Resources Report

In December 2020 Natural Resources Wales (NRW) published the first documents as part of the second State of Natural Resources Report (SoNaRR 2020). Among these documents are NRW’s assessments of the four aims of the Sustainable Management of Natural Resources (SMNR). In its assessment of the achievement of SMNR Aim one (Stocks of natural resources are safeguarded and enhanced), NRW finds that climate change is having a “substantial effect on biodiversity and ecosystems” through:³¹

- shifting species ranges;
- localised extinctions;
- changes to life-cycle events;
- sea level rise;
- exacerbating the increase in invasive species including disease vectors; and
- altering the abundance and distribution of biodiversity.

³¹ [SoNaRR 2020: Assessment of the Achievement of SMNR Aim 1: Stocks of Natural Resources are Safeguarded and Enhanced](#) (NRW, 2020)

The projected increase in frequency and intensity of droughts, fluvial and coastal floods and heatwaves are all likely to further reduce overall ecosystem resilience.

NRW concludes that “Overall Wales’s natural resources are not safeguarded or enhanced to the degree that we can say we are achieving sustainable management.”³² It identifies decarbonisation as one of four opportunities for action to improve performance against Aim one. NRW has also published natural resource registers showing how climate change is causing pressures and impacts on the eight ecosystems within SoNaRR.³³

Ecosystem	Key pressures			
	Changing weather patterns	Sea level rise	Increased water temperature	Ocean acidification
Coastal margins				
Enclosed farmland				
Freshwater				
Marine				
Mountains, moorlands and heaths				
Semi-natural grasslands				
Urban				
Woodlands				

Table 3: Key pressures on ecosystems caused by climate change (NRW, SoNaRR 2020)

The full chapter on how climate change is threatening ecosystem resilience and ecosystem services will be published in March 2021.

Future Trends Report

The most recent Future Trends Report dates from 2017, with the next report due in summer 2021.³⁴ The report identifies key future social, economic, environmental and cultural trends for Wales, under six themes that impact all aspects of government and public administration. Climate change is one of the themes, along with population, health, economy and infrastructure, land use and natural resources, and society and culture. The report essentially asks two questions:

1. Where might Wales be going? (Trends)
2. What could this mean? (Influencing factors)

³² [SoNaRR 2020: Assessment of the Achievement of SMNR Aim 1: Stocks of Natural Resources are Safeguarded and Enhanced](#) (NRW, 2020, p.22)

³³ [SoNaRR2020: Natural resource registers](#) (NRW, 2020)

³⁴ [Future Trends Report](#) (Welsh Government, 2017)

Trends

Population

Wales' population is projected to increase over the next 20 years, possibly by around 5%. Around half of this growth could be due to natural change (births and deaths) and half due to in-migration from the rest of the UK or internationally. The UK's exit from the European Union could lead to more controlled migration in the future and a subsequently lower population growth rate.

Over the next 20 years, the percentage of over 65s in Wales is set to increase from around 20% to around 25% of the entire population. The population aged over 75 in Wales is also projected to increase from 9% of the population in 2014 to around 13% in 2030. The number of young people (aged under 16) is projected to increase up to 2023 and then fall slightly up to 2030.

The number of households in Wales is projected to grow faster than the overall population. This would lead to smaller household sizes.

Economy and infrastructure

The global shift of economic growth away from more mature economies has meant that the UK has, over the last 50 years, slipped down global GDP leagues in terms of the overall economy size as less mature economies catch up with those that developed earlier. However, this does not mean that growth will stop in developed countries. Importantly, the overall size of a country's economy is less important for wellbeing than the income per head, and by this measure the UK displays better resilience. However, since the recession in 2008, a productivity slowdown has sharply reduced growth rates. The UK and Wales have been particularly affected.

Wales has great untapped growth potential to generate energy, including from renewable sources. There is currently significant growth in the community level low carbon energy sector in Wales.³⁵

The provision of broadband infrastructure is developing rapidly after a slower start relative to the rest of the UK. This was in part due to Wales' demographics and the high level of rural households that are harder to connect to conventional wired broadband. The rapid increase in mobile internet infrastructure looks set to continue, which should help to reach those households that cannot currently access higher speed internet.

Current trends suggest that, despite growth in rail use, private vehicles are set to remain the dominant mode of transport in Wales in the short to medium term at least. The expected advent of autonomous or driverless vehicles in the next 10 to 15 years could in turn have implications for our transport systems.

³⁵ When the Future Trends Report was published in 2017, the total number of locally-owned projects was 63,071 with a capacity of 529MWe. The latest figures, from 2019, are 68,560 projects and a capacity of 549MWe. See <https://gov.wales/energy-generation> for more detail.

Climate change

Even in the best case scenario, there are likely to be significant national as well as global impacts beyond those already observed. Global temperature increases are likely to exceed the two degree threshold, unless significant and rapid action is taken globally.

There are potentially significant impacts to Wales from exceeding the global two degrees threshold. The latest UK Climate Change Risk Assessment identified the following areas for priority action:

- Flooding and coastal change risks to communities, businesses and infrastructure.
- Risks to health, wellbeing and productivity from high temperatures.
- Risk of shortages in the public water supply, and for agriculture, energy generation and industry, with impacts on freshwater ecology.
- Risks to natural capital including terrestrial, coastal, marine and freshwater ecosystems, soils and biodiversity.

Infrastructure across Wales is already exposed to a range of climate hazards, which are projected to increase both in frequency and severity. Such infrastructure includes transport networks, underground infrastructure, energy and digital infrastructure and public water supplies. Impacts on some assets have the potential to cascade on to others as part of interdependent networks. Flooding poses the greatest long-term risk to infrastructure performance from climate change, but the growing risks from heat, water scarcity and slope instability caused by severe weather could also be significant.

Land use and natural resources

By 2050, average river flows in winter may rise by 10-15%. However, in the summer and early autumn they could reduce by over 50% and as much as 80% in some places. Droughts and flood events may become more common. Climate change may also affect the rates of groundwater recharge.

Soil carbon has been stable in improved land for 30 years. Recent increases in soil carbon in woodland until 2007 have now stabilised with no further increase detected. However, a significant decline in soil carbon in habitat land over the last 10 years has been detected and further work is needed to identify possible reasons for this.

Housing need in Wales is growing due to the number of households increasing faster than the number of available properties. In contrast, there is likely to be less suitable land available for development as flood plains and other lower lying land becomes increasingly prone to flooding.

Influencing factors

Political

The exit of the UK from the European Union may be the most immediate and potentially most disrupting factor to these identified trends. It is probable that this process will have a significant and wide ranging impact on Wales,

potentially impacting on economic growth and migration to Wales from both Europe and beyond.

There are also risks to the economic growth rate given the increasing potential for politically led 'de-globalisation'. Decreasing global trade patterns and the potential for increased protectionism could have a significant effect on both the mix and extent of various industries in Wales.

Economic

Economic growth rates could affect the amount of investment made in the research and development of new technologies, both globally and in Wales and the UK.

Social

Behavioural change among the Welsh population will be an unknown and potentially significant influence on how these trends unfold.

Technological

There is the potential for technological advances to dramatically improve the effectiveness and availability of low carbon energy. Mass production of current technologies such as solar power and energy storage may also help to dramatically increase the deployment of low carbon energy.

If the more pessimistic prediction for climate change occurs, there is a possibility that 'climate fixing' technology such as bioengineering may be employed to lower CO₂ levels in the atmosphere and levels of warming. The deployment of such technologies could have potentially significant effects and may not help to combat such effects as the acidification of the oceans.

Advances in household, transport and energy technologies could have a transformative effect on population behaviours, even over fairly short timescales.

Legislative

Ratification of the United Nations Paris Agreement has set the global legal context for climate change. The international context around climate change has now changed with a roadmap in place for global decarbonisation, setting a new long-term target for net zero global emissions in the second half of this century and key legislative requirements at all levels.

Environmental

There are a wide range of climate change scenarios and models. The next 20 years may be crucial in determining which of the various longer term warming scenarios will occur.

As the impacts from climate change become more prevalent, there may be an increasing risk of climate related disruption to global and regional economic networks. These could take the form of disruptions in crop production, or an increasing risk of flooding. The sensitivity of the climate to the rising levels of CO₂ in the atmosphere will be key to the extent to which infrastructure might be

disrupted. The more pessimistic scenarios also have the potential to impact significantly on population growth and migration levels, given the possibility of increased risk in terms of failures elsewhere in food production/ transportation and access to other resources, along with associated global conflicts.

There are some potential climate related risks that could impact negatively on health trends, not just in Wales but globally. One example is the greater risk of extreme hot weather events, the incidences of which are unpredictable. Climate change could also bring increasing risks of newly emerging infectious disease. Likewise, future air quality levels could be a major associated influencing factor. In contrast, there are also likely to be some opportunities presented by a warming trend. For example, the amount of energy required to maintain warm homes would reduce.

The level of sensitivity of Wales' biodiversity and habitats to climate change will be the key to how natural resources trends may evolve. There are risks from climate change in the frequency and the magnitude of extreme weather and wildfire events. Climate change is influencing the expansion or contraction of some species' ranges and populations, and the increasing frequency of extreme climatic events, predicted in many climate change scenarios, may have serious implications.

Future Generations Report

The most recent Future Generations Report was published in May 2020.³⁶ Chapter 5 specifically focuses on decarbonisation.

People's perception of decarbonisation

Concerns about climate change reached a record high in 2019 (85% in the UK). The Commissioner says that one of the things people have emphasised in conversations with her is the importance of having a more proactive government with stronger targets and regulation.

What future generations need

The report says we need to reduce our emissions in Wales by at least 95% by 2050, preferably sooner, to avoid catastrophic climate change. This means that in Wales we need to make an urgent transition to a low carbon economy and society.

Young people have had a significant impact on securing action on climate change in Wales. Public awareness, especially amongst the younger generation, has increased considerably in the last 12 months. Following the Fridays for Future protests, the Commissioner believes that 2019 was the year when children and young people showed politicians and decision makers across Wales and the world that they must do more to act on climate change. Young people are now demanding greater action and climate justice, calling on global leaders to take urgent action.

³⁶ [The Future Generations Report 2020](#) (Future Generations Commissioner for Wales)

The report argues that we need to address climate change because it is an equality and social justice issue and it will disproportionately affect the most vulnerable communities in Wales and across the world. Vulnerable communities are more likely to be exposed to the risks and impacts of climate change, without the ability to cope with or recover from those impacts.

Scientific knowledge about climate change

Two reports by the Intergovernmental Panel on Climate Change (IPCC) summarise the core of scientific knowledge about climate change: the Fifth Assessment Report (IPCC-AR5) and the Special Report on Global Warming of 1.5°C (IPCC-SR1.5).³⁷

Key conclusions from IPCC-AR5³⁸

- The climate is changing as a result of global greenhouse gas emissions; the IPCC concluded that it was unequivocal that humans were influencing the climate
- Many climate impacts are being detected across the world
- Further emissions will lead to further warming and change
- There is no simple threshold beyond which climate change moves from safe to dangerous
- The increase in global temperature is determined mainly by total carbon dioxide emissions over time, which must fall to near zero in order to limit warming

Summary of IPCC-SR1.5

At COP21 in Paris, the Intergovernmental Panel on Climate Change (IPCC) was invited to provide a Special Report in 2018 on the impacts of global warming of 1.5°C above pre-industrial levels and related global greenhouse gas emission pathways. The report found that:³⁹

- Human activities are estimated to have caused approximately 1.0°C of global warming above pre-industrial levels, with a likely range of 0.8°C to 1.2°C.
- Global warming is likely to reach 1.5°C between 2030 and 2052 if it continues to increase at the current rate (high confidence).
- Climate-related risks for natural and human systems are higher for global warming of 1.5°C than at present, but lower than at 2°C (high confidence). These risks depend on the magnitude and rate of warming, geographic location, levels of development and vulnerability, and on the choices and implementation of adaptation and mitigation options (high confidence).
- Climate models project robust differences in regional climate characteristics between present-day and global warming of 1.5°C, and

³⁷ [Fifth Assessment Report](#) (IPCC, 2013) and [Special Report on Global Warming of 1.5°C](#) (IPCC, 2018)

³⁸ As quoted in [The Sixth Carbon Budget – The UK's path to Net Zero](#) (CCC, December 2020, p.355)

³⁹ https://www.ipcc.ch/site/assets/uploads/sites/2/2019/06/SR15_Headline-statements.pdf

between 1.5°C and 2°C. These differences include increases in: mean temperature in most land and ocean regions (high confidence), hot extremes in most inhabited regions (high confidence), heavy precipitation in several regions (medium confidence), and the probability of drought and precipitation deficits in some regions (medium confidence).

The IPCC's projected differences between global warming of 1.5°C and 2°C include:

- Increased climate-related risks to health, livelihoods, food security, water supply, human security, and economic growth.
- Global mean sea level rise of around 0.1 metre lower by 2100 (medium confidence). A slower rate of sea level rise enables greater opportunities for adaptation in the human and ecological systems of small islands, low-lying coastal areas and deltas (medium confidence).
- Lower impacts on biodiversity and ecosystems, including species loss and extinction, and lower impacts on terrestrial, freshwater and coastal ecosystems – enabling them to retain more of their services to humans (high confidence).
- Reduced increases in ocean temperature as well as associated increases in ocean acidity and decreases in ocean oxygen levels (high confidence).
- Consequently, reduced risks to marine biodiversity, fisheries, and ecosystems, and their functions and services to humans, as illustrated by recent changes to Arctic sea ice and warm-water coral reef ecosystems (high confidence).
- Most adaptation needs will be lower (high confidence).

New observations of climate

In its December advice to the UK Government, the CCC also listed new observations of climate since its last UK Carbon Budget 5 advice in 2015:⁴⁰

- The five years since 2015 have seen the five warmest years (globally) on record.
- The global average level of human-induced warming is now in excess of 1.1°C when defined consistent with practices used by the World Meteorological Organisation and IPCC-SR1.5. Best estimates indicate that human activities are responsible for 100% of the warming observed since 1850-1900. The observed rate of increase in global temperature (~0.2°C per decade) has proceeded consistent with the near-term warming projection made by the IPCC-AR5 report (a 0.12-0.42°C per decade increase).
- Global sea levels have continued to rise, with the rate of increase over the last five years being the fastest observed to date. Global average sea levels are now estimated to be around 20 cm above levels in 1900.

⁴⁰ [The Sixth Carbon Budget – The UK's path to Net Zero](#) (CCC, December 2020, p.359)

- In the UK, the 2010–2019 decade was the second warmest cardinal decade on record after 2000–2009. In 2019, the highest ever temperature reached in the UK was recorded as well as the warmest ever recorded winter temperature. Considerably more high temperature records were set in the UK over than 2010s than low temperature records.
- Human-induced climate change has been clearly shown to increase the frequency and intensity of many (but not all) extreme weather events, with particularly clear signals in extreme heat and many heavy rainfall events.

Tipping points

While many impacts of climate change broadly reflect relatively gradual changes caused by steady increases in global average temperature, parts of Earth’s system have the potential to change abruptly. Once passed, these ‘tipping points’ cause a dramatic shift that can be irreversible. Examples of tipping points include loss of the Amazon rainforest or the West Antarctic ice sheet.

The IPCC introduced the idea of tipping points two decades ago. At that time, these ‘large-scale discontinuities’ in the climate system were considered likely only if global warming exceeded 5°C above pre-industrial levels. IPCC Special Reports in 2018 and 2019 now suggest that tipping points could be exceeded even between 1 and 2 °C of warming.⁴¹

In an article in *Nature* in November 2019, Professor Tim Lenton and others report that evidence is mounting that tipping points could be “more likely than was thought, have high impacts and are interconnected across different biophysical systems, potentially committing the world to long-term irreversible changes.”⁴² In their view, if tipping points are indeed looking more likely, then the costs associated with the resulting impacts mean warming must be limited to 1.5°C. They consider several cryosphere tipping points are dangerously close, but mitigating greenhouse gas emissions could still slow down the inevitable accumulation of impacts and help us to adapt. We might already have committed future generations to living with sea-level rises of around 10 m over thousands of years but that timescale is still under our control. The rate of melting depends on the magnitude of warming above the tipping point. At 1.5°C, it could take 10,000 years to unfold; above 2°C it could take less than 1,000 years. They conclude that “both the risk and urgency of the situation are acute...we might already have lost control of whether tipping happens”. We may still have some control over the level of damage arising from tipping and therefore “the consideration of tipping points helps to define that we are in a climate emergency and strengthens [2019’s] chorus of calls for urgent climate action.”

⁴¹ SR1.5°C (IPCC, 2018) and [Special Report on the Ocean and Cryosphere in a Changing Climate](#) (IPCC, 2019)

⁴² Climate tipping points – too risky to bet against, Professor Tim Lenton et al, *Nature* (November 2019), <https://www.nature.com/articles/d41586-019-03595-0>

Technology relevant to climate change

In discussing the role of technology and innovation in reaching net zero, the CCC advice considered both established and emerging technologies. It also explored the role of digitalisation.⁴³

Established technologies

In some sectors, such as power generation, technologies already exist to achieve “near-full decarbonisation”, and global trends are pushing efficiencies up and costs down. In other sectors, such as heating for buildings, technologies exist but the estimated costs are relatively high. The CCC advises that “where there is uncertainty around the costs or scale of competing low-carbon options a portfolio of options should be pursued.”

Emerging technologies

The CCC’s analysis includes several areas where solutions have been proposed but “innovation will be required to go beyond the reach of established technologies or methods”. These areas include hydrogen, heavy goods vehicles and carbon capture and storage.

Digitalisation

The CCC identifies digitalisation as “an important enabler” of the transition to net zero. It is seen as critical to the efficient production and use of energy across increasingly interconnected sectors, such as transport and buildings. The CCC anticipates that it will reduce the need for large amounts of back-up on the electricity grid by increasing the flexibility and dynamism of energy services e.g. vehicle-to-grid. It will also help reduce demands for energy, materials, food and water through predictive analysis, waste avoidance and video-conferencing.

Costs of technologies to achieve net-zero emissions

Ambitious mitigation targets in developed countries can help establish the new industries required and drive down the cost of currently more expensive technologies needed to reach net zero CO₂ emissions, including carbon capture and storage, hydrogen, low-carbon heating and technologies to remove CO₂ from the atmosphere.

EU and international law and policy relating to climate change

Paris Agreement

The Paris Agreement committed countries to keeping the increase in global average temperature to well below 2°C above pre-industrial levels and pursuing efforts to limit the increase to 1.5°C. In order to achieve this, countries agreed on the need for global emissions to peak as soon as possible and to achieve a balance between global emissions and removals (net zero) in the second half of the 21st Century, “on the basis of equity, and in the context of sustainable development and efforts to eradicate poverty”.⁴⁴ Global average temperature is

⁴³ [The Sixth Carbon Budget – The UK’s path to Net Zero](#) (CCC, December 2020, p.402-405)

⁴⁴ [Paris Agreement](#) (United Nations, 2015)

already around 1.1°C above pre-industrial levels.⁴⁵ The UK ratified the Paris Agreement in November 2016.

The Paris Agreement requires countries to produce Nationally Determined Contributions (NDCs) every five years. NDCs must reflect each country's highest possible ambition towards the global temperature goal. The UK was part of the EU's NDC agreed in 2015, which requires an average reduction across Member States of at least 40% by 2030. On 12 December 2020, ahead of the end of the Brexit transition period, the UK published its own NDC. This included a 2030 emissions reduction target of at least 68%. This figure is based on a recommendation from the CCC, which uses the same scenario as that for the CCC's recommendations for Wales (the Balanced Pathway).

Wales's contribution to the Paris Agreement and UK NDC

Countries agreed to implement the Paris Agreement in a way that would “reflect equity and the principle of common but differentiated responsibilities and respective capabilities, in the light of different national circumstances.”⁴⁶ Relative to many other countries, Wales is rich and has high historical emissions, going back centuries. Wales is now responsible for around 0.1% of global emissions each year, although since 1750 the UK has the 5th highest cumulative emissions in the world.⁴⁷

The global budget for limiting average global temperature rise to 1.5°C or 2°C can be informed by the latest climate science but the distribution of that budget between countries is a political and moral decision. There is no single agreed methodology or formula that can be used to define a country's fair contribution to mitigating climate change: it is a value judgment that must consider equality, capability and responsibility.

While there is no agreed methodology, the IPCC has summarised what the academic literature on ‘effort share’ approaches suggests regional targets should be, based on a review of 40 studies.⁴⁸ The approaches fall into three broad categories:

1. **Economically efficient:** These achieve the required abatement at least global cost (equal marginal abatement cost)
2. **Historical responsibility:** These assign emissions commitments on the basis of historic contribution to the climate emergency since 1990
3. **Forward-looking:** These assign emissions on the basis of a country's projected capability (income) or on the basis of convergence in global emissions per capita

⁴⁵ [WMO confirms 2019 as second hottest year on record](#), World Meteorological Organisation (15 January 2020)

⁴⁶ [Paris Agreement](#), Article 2.2

⁴⁷ Carbon Brief analysis: <https://twitter.com/CarbonBrief/status/1120715988532629506>

⁴⁸ [Regional GHG reduction targets based on effort sharing: a comparison of studies](#), Niklas Höhne, Michel Den Elzen & Donovan Escalante (Climate Policy, 2013)

International comparisons

Wales is a founding member of the Under2 Coalition, a global community of state and regional governments committed to ambitious climate action in line with the Paris Agreement.⁴⁹ The coalition includes more than 220 governments who represent over 1.3 billion people and 43% of the global economy.

121 states and regions disclosed their climate and environmental data as part of the Global States and Regions Annual Disclosure 2020.⁵⁰ Of these, 18 have set net zero targets, ranging from 2030 (Jämtland, Sweden) to 2045 (Scotland, California and Australian Capital Territory) to 2050 (including Catalonia and New York State). Hawaii aims to be net-negative by 2045.

Outside the Under2 Coalition, 7 countries have set net zero targets in law (for 2050, apart from Sweden for 2045). A further 7 countries have declared net zero targets in policy documents and 12 more have submitted net zero targets to the UN. Japan has recently declared its intent to achieve net zero by 2050, while China has done so for 2060. Joe Biden was elected president of the USA on a climate platform to aim for net zero emissions by 2050.⁵¹

Each government decides how to define the target, considering its formality (whether it is set in legislation or simply a policy target), scope (whether it covers all greenhouse gases or just CO₂ and whether it includes emissions from international aviation and shipping or not) and the approach to international offsetting (whether it is permitted or not).

European law and policy

In December 2019, the European Council agreed the objective of achieving a climate-neutral EU by 2050. This had previously been endorsed by the European Parliament in March 2019. The European Commission's (EC) proposed new European Climate Law would impose a legally binding target of net zero greenhouse gas emissions by 2050.⁵²

In December 2020, EU leaders agreed on a binding EU target for a net domestic reduction of at least 55% in greenhouse gas emissions by 2030, compared to 1990.⁵³ The previous target, set in 2014, was for at least a 40% reduction by 2030. The new target has been submitted to the UN as the EU's NDC.

EU climate legislation already in place includes the EU Emissions Trading System (ETS), the Effort Sharing Regulation (ESR), and the Land Use, and the Land Use Change and Forestry Regulation (LULUCF). The Renewable Energy Directive (RED II), the Energy Efficiency Directive and the Regulation on the Governance of the Energy and Climate Action also contribute in driving commitments to renewable energy. The EU acknowledges that without

⁴⁹ <https://www.under2coalition.org/>

⁵⁰ [Annual Disclosure Report](#) (Under2 Coalition, 2020)

⁵¹ [Which countries have a net zero carbon goal?](#) (Climate Change News)

⁵² https://ec.europa.eu/clima/policies/eu-climate-action/law_en

⁵³ <https://www.consilium.europa.eu/en/policies/climate-change>

enhancement these policies will fall short of the 55% target. It is therefore discussing potential policy changes, including strengthening carbon pricing in the EU through an extension of the ETS to new sectors, a carbon border adjustment mechanism to mitigate the risk of carbon leakage, and is reconsidering international aviation and shipping emissions with the ambition to include these within the EU ETS. The EC intends to make detailed legislative proposals by June 2021.⁵⁴

Integrated Impact Assessment

Having considered the regulations against our mandatory and non-mandatory impact assessments, we do not believe it is possible to quantify their impact as they simply provide the statutory framework for emissions reduction. The impact of taking action to meet the targets and carbon budgets depends on the measures and policies chosen. These policies will be set out in a report for each carbon budget period, the next being published in November 2021. Policies to deliver our carbon budgets are subject to an engagement process and impact assessments, including RIA where appropriate.

Additionally, the global nature of the climate emergency means it is not possible to determine the effect of more ambitious Welsh targets on climate-related risks in Wales, such as flooding, and the subsequent impact on the matters covered by the impact assessments, for example equality.

However, *if* Wales achieves the more ambitious targets *and* other countries make comparable effort, we increase the likelihood of limiting average global temperature rise to 1.5°C. If this temperature goal is met, we will limit Wales's exposure to climate change impacts. One such impact is heat-related mortality. We have worked with researchers at Bristol and East Anglia Universities to develop a short case study on heat-related mortality in Wales at 2°C and 1.5°C of global warming (see Annex A).

Summary

CCC advice

The CCC has concluded that a net zero target is now credible and the right target for Wales. Its December 2020 advice is a blueprint for achieving net zero and provides a detailed vision for realising this more ambitious goal.

The expected cost of achieving net zero has fallen since the CCC's 2019 advice. The estimated annualised resource cost has fallen from £3-5billion per year to significantly less than £2billion per year through to 2050. The CCC has also demonstrated that operational savings are expected to largely offset the investment costs for achieving net zero towards the middle of this century, and supporting research suggests a potential positive impact on GDP overall. The CCC's Advisory Group on the Costs and Benefits of Net Zero declared that the benefits (including decreased climate risk) of net zero outweigh the costs. In

⁵⁴ <http://europeanmemoranda.cabinetoffice.gov.uk/memorandum/communication-from-the-commission-to-the-european-parliament-the-council-the-european-economic-social-committee-1600418191>

addition to economic impacts, the CCC identified likely significant positive impacts for health and biodiversity in their Balanced Pathway.

Environment Act factors

SoNaRR highlights the substantial effect of climate change on biodiversity and ecosystems. It also identifies decarbonisation as a key opportunity to improve the sustainable management of natural resources and reduce several key pressures on all ecosystems.

The Future Trends Report considers several trends relevant to achieving climate change targets, notably an increasing, ageing population and more people living alone. Older people tend to have a higher carbon footprint than younger people and an increase in households suggests higher demand for heating and electricity. The Report also notes behaviour change as a key influencing factor on how the trends unfold; behaviour change is fundamental to achieving the CCC's Balanced Pathway. The Future Generations Report draws attention to the significant shift in public concern about climate change and increasing support for greater action, particularly among children and young people.

There is a very strong scientific basis for increased efforts to tackle climate change. IPCC-SR1.5 shows that keeping average global temperature increase to 1.5°C would reduce climate-related risks to health, livelihoods, food security, water supply, human security, and economic growth, when compared to a 2°C rise. Option 2 is more aligned to achieving 1.5°C than Option 1, which relates more closely 2°C.

Technology to support the net zero transition is well-advanced and commercially deployed in many important areas, while further innovation is required in others. “The clarity of a net-zero goal could help stimulate innovation. Under a net zero target all sectors need to decarbonise or offset their emissions. This removes uncertainty and the temptation of sectors to lobby for a larger share of the remaining 20% of emissions [under the existing 80% target]. This clarity could cut the cost of capital as well as stimulating innovation, thereby bringing down the overall cost of mitigation.”⁵⁵

There are many ways of determining Wales's fair contribution to the Paris Agreement and the UK's NDC. However, the CCC's Balanced Pathway is the only 'bottom-up' scenario available that describes *how* the targets can be met. The CCC states that its December 2020 recommendations “reflect the goals and requirements of the Paris Agreement” for the following reasons:⁵⁶

1. The Balanced Pathway has been explicitly designed to reflect Wales's 'highest possible ambition' within Wales' particular capabilities
2. It would reduce Wales's annual per-capita emissions to under 3tCO₂e per person before 2040, in line with global pathways consistent with meeting the 1.5°C goal

⁵⁵ [Report to the CCC](#) (Advisory Group on Costs and Benefits of Net Zero, 2019, p.23)

⁵⁶ [The path to a Net Zero Wales](#) (CCC, December 2020, p.57)

In the last year there has been a notable shift in global ambition on climate change; many more countries have now adopted a net zero target or ambition, or are considering one. Joining the 'net zero club' would demonstrate Wales's support for new industries and provide the best opportunity for attracting green investment and jobs. It would also align with Wales's well-being goal to be a globally responsible nation.

Having considered both the CCC advice and the Environment Act factors, Option 2 is the preferred option.

Consultation

In preparing their advice the CCC ran a public Call for Evidence to capture input from organisations and individuals on matters relevant to the regulations, as well as UK Carbon Budget 6. The Call for Evidence ran from 5 December 2019 to 5 February 2020. The Welsh Government and CCC ran two stakeholder events during the period: one in Llandudno on 20 January 2020 and one in Cardiff on 21 January 2020, with around 60 delegates attending in total.

There were four questions in the Call for Evidence with a Wales focus. These each received between 11 and 37 responses.⁵⁷ A high-level overview of the responses and a list of respondents is available in the CCC's Summary of responses document.⁵⁸

We have published our Engagement Approach for Low Carbon Delivery Plan 2 that describes how we intend to involve and collaborate with people and stakeholders throughout 2021.⁵⁹ We also continue to consult on the policies required to meet the carbon budgets and targets, for example the Electric Vehicle Charging Strategy, Building Regulations Part L and F Review, and the Agriculture (Wales) Bill.⁶⁰

⁵⁷ <https://www.theccc.org.uk/publication/sixth-carbon-budget-and-welsh-emissions-targets-call-for-evidence-summary>

⁵⁸ [Welsh emissions targets: Summary of responses to Call for Evidence](#) (CCC, 2020)

⁵⁹ See <https://gov.wales/low-carbon-delivery-plan-2-engagement-plan>

⁶⁰ See <https://gov.wales/consultations>

Competition Assessment

This impact assessment does not include a Competition Assessment because the regulations do not provide for specific policies. It is not possible, therefore, to consider the specific impacts on competition within individual markets.

The competition filter test	
Question	Answer
Q1: In the market(s) affected by the new regulation, does any firm have more than 10% market share?	
Q2: In the market(s) affected by the new regulation, does any firm have more than 20% market share?	
Q3: In the market(s) affected by the new regulation, do the largest three firms together have at least 50% market share?	
Q4: Would the costs of the regulation affect some firms substantially more than others?	
Q5: Is the regulation likely to affect the market structure, changing the number or size of businesses/organisation?	
Q6: Would the regulation lead to higher set-up costs for new or potential suppliers that existing suppliers do not have to meet?	
Q7: Would the regulation lead to higher ongoing costs for new or potential suppliers that existing suppliers do not have to meet?	
Q8: Is the sector characterised by rapid technological change?	
Q9: Would the regulation restrict the ability of suppliers to choose the price, quality, range or location of their products?	

Post implementation review

Government progress review

The Environment (Wales) Act 2016 requires Welsh Ministers to prepare and lay a statement after each budgetary period setting out whether Wales has met the budget, whether they have debited or credited any carbon units and giving details on the type and number of units. The statement must explain what the Welsh Ministers consider to be the reasons why the carbon budget for the period has, or has not, been met. In particular, it must include the Welsh Ministers' assessment of the extent to which their proposals and policies for meeting the carbon budget for the period have been carried out and have contributed to the carbon budget for the period being met or not. This statement must be laid before the end of the second year after the budgetary period, allowing time for the emissions data to be compiled, which requires 18 months from the close of year.

With regards to each interim target and the 2050 target, Welsh Ministers must also prepare and lay a statement before the Senedd. This statement must be made before the end of the second year after the relevant interim target year. This statement will provide the Welsh Government's assessment of the total amount of emissions in that year, whether the interim emissions target has been met, and the total amount of carbon credits or debits for that year. The statement must also explain what the Welsh Ministers consider to be the reasons why the target has, or has not, been met.

Independent progress review

The Act provides for the CCC to monitor and report on progress. No later than six months after the Welsh Ministers lay the final progress statement for a budgetary period, the CCC must provide a report setting out their views on:

- the way in which the carbon budget for the period was or was not met; and
- the action taken by the Welsh Ministers to reduce net Welsh emissions of greenhouse gases during the period.

Following the Welsh Government's progress reports on the 2030 and 2040 interim targets, the CCC is required to advise whether the forthcoming interim target(s) and 2050 target represent the highest achievable targets for Wales. If not, they must state what the highest achievable target is.

Annex A: Heat-related mortality in Wales at 2°C and 1.5°C of global warming

Introduction

Officials worked with academic experts on climate impacts to explore one example of how Wales might benefit from adopting and achieving a more ambitious emissions reduction pathway, if matched by other countries.⁶¹ Heat-related mortality was chosen because it is the most direct way in which climate change is expected to affect public health and there is a strong, direct correlation between summer temperatures and increased mortality.

Temperature thresholds of 2°C and 1.5°C were selected because Wales's existing legislated emissions reduction pathway is broadly aligned to a 2°C rise in global average temperature, assuming similar effort from other countries, while the CCC's new recommended pathway is more closely aligned to a rise of 1.5°C. They are also the temperature goals in the Paris Agreement.

How is Wales's exposure to extreme summer temperatures projected to change?

Overall, Wales's summer mean temperature is projected to change around 20% faster than the global mean and by 30-45% faster than the global mean during the hottest 5% of summer days.⁶² This means Wales's hottest summer days are getting hotter and more extreme relative to mean temperatures.

How is this change expected to affect heat-related mortality?

Mortality increases as temperature increases above a regionally-specific threshold.⁶³ Mortality occurs throughout the summer months, even on days that are not extreme heatwaves. As well as increasing temperature extremes, climate change means Wales will experience more warmer days and, as a result, increased heat-related mortality.

Based on current baseline mortality rates, modelling of the recent past (1990-2019) suggests, on average, 25 heat-related deaths occur per year in Wales, increasing to 48, 67, and 137 heat-related deaths under 1.5°C, 2°C and 3°C warming scenarios respectively (see Figure 1 for error bars). **Limiting**

⁶¹ Setting and achieving tighter emissions targets in Wales alone will have a negligible impact on global temperature and on Wales's climate. We are therefore reliant on the collective effort of all countries to reduce the frequency and severity of negative climate change impacts in Wales, such as heatwaves.

⁶² UK Climate Projections 2018 data:

<https://www.metoffice.gov.uk/research/approach/collaboration/ukcp/index>

⁶³ By around 1.5% for every 1°C above ~17.2°C for Wales. [Climate change effects on human health: projections of temperature-related mortality for the UK during the 2020s, 2050s and 2080s](#), Hajat et al, Journal of Epidemiology & Community Health (2014, Volume 68, Issue 7).

warming to 1.5°C would therefore avoid 29% of the additional heat-related mortality at 2°C.⁶⁴

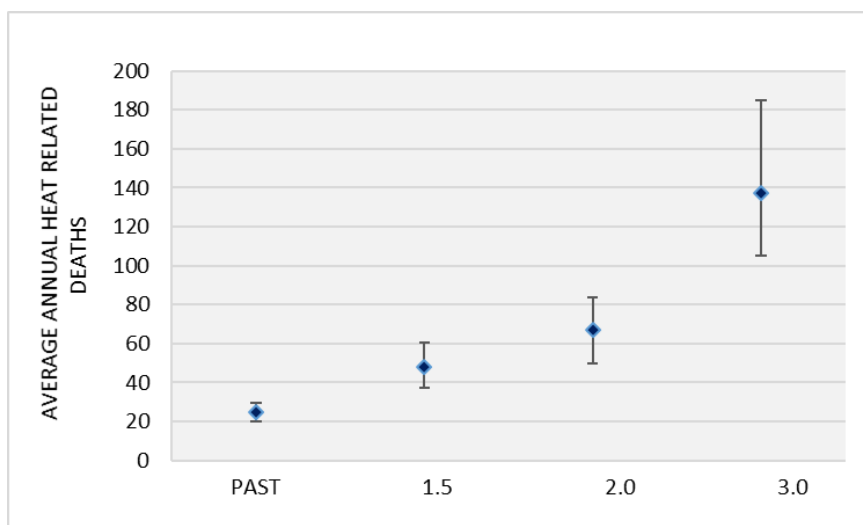


Fig. 1: Modelled average heat-related mortality per year in Wales for the past and 3 warming scenarios. Error bars signify 10-90% uncertainty in the projected climate.

Who is likely to be most affected?

Not everyone is equally vulnerable to heat-related illness. There are certain factors that increase an individual's risk during a heatwave, including:⁶⁵

- Older age: especially women over 75 years old, those living on their own, or in a care home;
- Chronic and severe illness: including heart conditions, diabetes, respiratory or renal insufficiency, Parkinson's disease or severe mental illness;
- Inability to adapt behaviour to keep cool: having Alzheimer's, a disability, being bed bound, too much alcohol, babies and the very young; and
- Environmental factors and overexposure: living in a top floor flat, being homeless, activities or jobs that are in hot places or outdoors and include high levels of physical exertion.

Which locations are likely to be most affected?

New research overlays heat-related climate hazard metrics with socio-economic factors.⁶⁶ The left-hand plot in Figure 2 shows that the locations with greatest absolute risk over the past 30 years (i.e. exposed to extreme heat hazards and at higher socio-economic levels of vulnerability and exposure) are

⁶⁴ Unpublished research (funded by the [UK Climate Resilience Program](#)) was carried out in support of this paper.

⁶⁵ [Caring for Patients Before and During a Heatwave: Advice for health and social care professionals](#), WG 2012

⁶⁶ Climate hazard metrics: Daily maximum and minimum temperature, vapour pressure (a measure of humidity), and degree days (variability of temperature extremes over a certain threshold). Socio-economic factors: population density, deprivation and proportion of population aged over 65.

in southeast and northeast Wales. The right-hand plot shows that when socio-economic factors are taken into account in combination with the projected change in climate hazards, locations at the greatest increase in risk are in Powys and across South Wales. Although these regions show the greatest increase in climate hazards, in absolute terms the southeast and northeast of Wales will still remain at the highest risk.

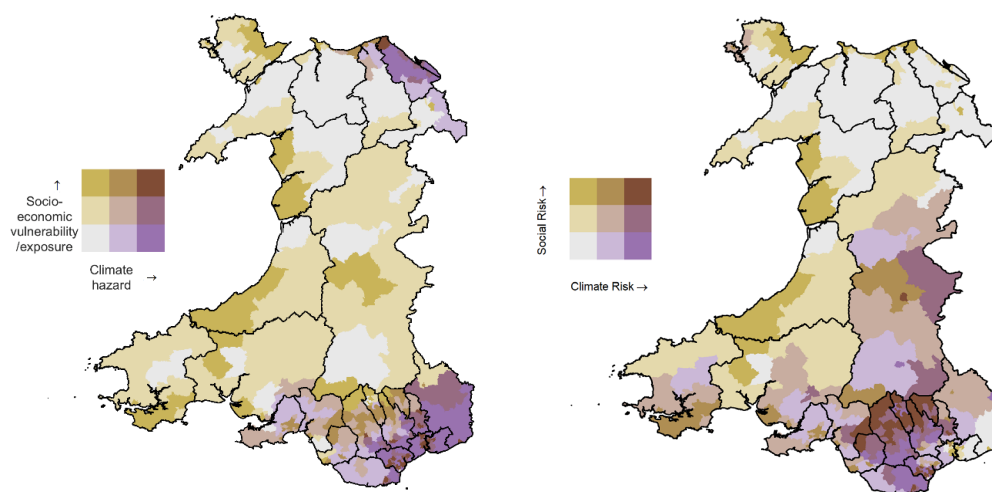


Fig.2: Left-hand plot shows current risk based on the past 30 years; right-hand plot shows the change in climate hazards between 1.5°C and 2°C of global warming – those places facing the greatest change in risk if we do not achieve 1.5°C (socio-economic factors remain stationary in time)

Can Wales expect fewer cold-related deaths?

This question has not been explored in the context of the higher targets and a comparison of 2°C and 1.5°C of global warming. However, research undertaken in 2014 suggests that by the 2080s the number of heat-related deaths may increase by around 340% and the number of cold-related deaths may reduce by around 40%. The number of heat-related deaths is not expected to surpass the numbers of cold-related deaths by the 2080s but the ratio of heat- to cold-related deaths is projected to increase from 1:35 to 1:5.⁶⁷

⁶⁷ [Climate change effects on human health: projections of temperature-related mortality for the UK during the 2020s, 2050s and 2080s](#), Hajat et al, Journal of Epidemiology & Community Health (2014, Volume 68, Issue 7). Figures quoted draw on the mean estimates.

Eitem 3.8

SL(5)748 - Rheoliadau Newid yn yr Hinsawdd (Terfyn Credyd Cyfrif Allyriadau Net Cymru) (Cymru) 2021

Cefndir a Diben

Mae Rhan 2 o Ddeddf yr Amgylchedd (Cymru) 2016 ("Deddf 2016") yn ei gwneud yn ofynnol i Weinidogion Cymru bennu targedau statudol ar gyfer lleihau allyriadau nwyon tŷ gwydr yng Nghymru.

Mae adran 33 o Ddeddf 2016 yn darparu mai cyfrif allyriadau net Cymru ar gyfer cyfnod yw swm allyriadau net Cymru o nwyon tŷ gwydr, ac ychwanegu swm yr unedau carbon a ddidynnir o'r cyfrif, a thynnu swm yr unedau carbon a gredydir i'r cyfrif am y cyfnod.

Mae adran 33(4) o Ddeddf 2016 yn ei gwneud yn ofynnol i Weinidogion Cymru osod terfyn ar swm yr unedau carbon y caniateir eu credydu i gyfrif allyriadau net Cymru ar gyfer cyfnod cyllidebol.

Mae'r Rheoliadau hyn yn gosod y terfyn ar gyfer y cyfnod cyllidebol 2021-2025 i 0 y cant o'r gyllideb garbon.

Mae'r Rheoliadau hyn yn rhan o gyfres o bedwar offeryn y cyfeirir atynt gyda'i gilydd fel Rheoliadau Newid yn yr Hinsawdd (Cymru) 2021.

Gweithdrefn

Cadarnhaol Drafft.

Mae Gweinidogion Cymru wedi gosod drafft o'r Rheoliadau gerbron y Senedd. Ni all Gweinidogion Cymru wneud y Rheoliadau oni bai bod y Senedd yn cymeradwyo'r Rheoliadau drafft.

Materion technegol: craffu

1. Rheol Sefydlog 21.2(vi) - ei bod yn ymddangos bod gwaith drafftio'r offeryn neu'r drafft yn ddiffygiol neu ei fod yn methu â bodloni gofynion statudol

Mae'r rhaglith Saesneg yn cyfeirio at ddrafft o'r rheoliadau fel a ganlyn: "laid before and approved by a resolution of *the* Senedd Cymru." [*ychwanegwyd pwyslais*]. Mae'n ymddangos mai gwall yw cynnwys y fannod, gan fod Deddf Llywodraeth Cymru 2006 yn cyfeirio at "Senedd Cymru" drwyddi draw, heb "the" o flaen yr enw.

Rhinweddau: craffu

Ni nodir unrhyw bwyntiau i gyflwyno adroddiad arnynt o dan Reol Sefydlog 21.3 mewn perthynas â'r offeryn hwn.



Ymateb Llywodraeth Cymru

Mae angen ymateb gan Lywodraeth Cymru.

Cynghorwyr Cyfreithiol

Y Pwyllgor Deddfwriaeth, Cyfiawnder a'r Cyfansoddiad

22 Chwefror 2021



Senedd Cymru

Pwyllgor Deddfwriaeth, Cyfiawnder a'r Cyfansoddiad

—

Welsh Parliament

Legislation, Justice and Constitution Committee

Tudalen y pecyn 299

Rheoliadau drafft a osodwyd gerbron Senedd Cymru o dan adran 48(3) o Ddeddf yr Amgylchedd (Cymru) 2016, i'w cymeradwyo drwy benderfyniad gan Senedd Cymru.

OFFERYNNAU STATUDOL
CYMRU DRAFFT

2021 Rhif (Cy.)

**NEWID YN YR HINSAWDD,
CYMRU**

**Rheoliadau Newid yn yr Hinsawdd
(Terfyn Credyd Cyfrif Allyriadau
Net Cymru) (Cymru) 2021**

NODYN ESBONIADOL

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

Mae'r Rheoliadau hyn yn gosod terfyn ar swm yr unedau carbon y caniateir eu credydu i gyfrif allyriadau net Cymru yn unol ag adran 33(4) o Ddeddf yr Amgylchedd (Cymru) 2016 ("y Ddeddf").

Mae adran 33 o'r Ddeddf yn darparu mai cyfrif allyriadau net Cymru ar gyfer cyfnod yw swm allyriadau net Cymru o nwyon tŷ gwydr plws unrhyw unedau carbon a ddiynnir o'r cyfrif, a minws unrhyw unedau carbon a gredydir i'r cyfrif yn ystod y cyfnod.

Mae adran 33(4) o'r Ddeddf yn ei gwneud yn ofynnol i Weinidogion Cymru osod terfyn ar swm yr unedau carbon y caniateir eu credydu i gyfrif allyriadau net Cymru am gyfnod cyllidebol.

Mae rheoliad 2 yn gosod terfyn ar nifer yr unedau carbon y caniateir eu credydu i gyfrif allyriadau net Cymru am y cyfnod cyllidebol 2021-2025, sef terfyn o 0% o'r gyllideb garbon.

Yn unol ag adran 49 o'r Ddeddf, mae Gweinidogion Cymru wedi cael cyngor gan y corff cynghori, ac wedi ystyried y cyngor a gafwyd, cyn gosod rheoliadau drafft.

Ystyriwyd Cod Ymarfer Gweinidogion Cymru ar gynnal Aseidiadau Effaith Rheoleiddiol mewn perthynas â'r Rheoliadau hyn. O ganlyniad, lluniwyd asesiad effaith rheoleiddiol o'r costau a'r manteision sy'n debygol o ddeillio o gydymffurfio â'r Rheoliadau

hyn. Gellir cael copi oddi wrth: Llywodraeth Cymru,
Parc Cathays, Caerdydd, CF10 3NQ.

Rheoliadau drafft a osodwyd gerbron Senedd Cymru o dan adran 48(3) o Ddeddf yr Amgylchedd (Cymru) 2016, i'w cymeradwyo drwy benderfyniad gan Senedd Cymru.

OFFERYNNAU STATUDOL
CYMRU DRAFFT

2021 Rhif (Cy.)

**NEWID YN YR HINSAWDD,
CYMRU**

**Rheoliadau Newid yn yr Hinsawdd
(Terfyn Credyd Cyfrif Allyriadau
Net Cymru) (Cymru) 2021**

Gwnaed

Yn dod i rym

12 Mawrth 2021

Yn unol ag adran 48(3) o Ddeddf yr Amgylchedd (Cymru) 2016(1) ("y Ddeddf"), gosodwyd drafft o'r offeryn hwn gerbron Senedd Cymru ac fe'i cymeradwywyd ganddi drwy benderfyniad(2).

Cyn i'r drafft gael ei osod, roedd Gweinidogion Cymru wedi cael cyngor gan y Pwyllgor ar Newid Hinsawdd(3), ac wedi ystyried y cyngor a gafwyd, yn unol ag adran 49(1) o'r Ddeddf.

Yn unol â hynny, mae Gweinidogion Cymru, drwy arfer y pwerau a roddir gan adran 33(4) o'r Ddeddf, yn gwneud y Rheoliadau a ganlyn.

(1) 2016 dccc 3.

(2) Mae'r cyfeiriad yn adran 48(3) o Ddeddf yr Amgylchedd (Cymru) 2016 at Gynulliad Cenedlaethol Cymru bellach yn cael effaith fel cyfeiriad at Senedd Cymru, yn rhinwedd adran 150A(2) o Ddeddf Llywodraeth Cymru 2006 (p. 32).

(3) Y Pwyllgor ar Newid Hinsawdd yw'r corff cyngori perthnasol i Weiniogion Cymru yn rhinwedd adran 44(3) o Ddeddf yr Amgylchedd (Cymru) 2016.

Enwi a chychwyn

1.—(1) Enw'r Rheoliadau hyn yw Rheoliadau Newid yn yr Hinsawdd (Terfyn Credyd Cyfrif Allyriadau Net Cymru) (Cymru) 2021.

(2) Daw'r Rheoliadau hyn i rym ar 12 Mawrth 2021.

Terfyn unedau carbon

2. Y terfyn ar swm yr unedau carbon y caniateir eu credydu i gyfrif allyriadau net Cymru am y cyfnod cyllidebol 2021-2025 yw 0% o'r gyllideb garbon.

Enw

Gweinidog yr Amgylchedd, Ynni a Materion Gwledig,
un o Weinidogion Cymru
Dyddiad

Explanatory Memorandum to the Climate Change (Wales) Regulations 2021

Explanatory Memorandum to:

- **The Environment (Wales) Act 2016 (Amendment of 2050 Emissions Target) Regulations 2021**
- **The Climate Change (Interim Emissions Targets) (Wales) (Amendment) Regulations 2021**
- **The Climate Change (Carbon Budgets) (Wales) (Amendment) Regulations 2021**
- **The Climate Change (Net Welsh Emissions Account Credit Limit) (Wales) Regulations 2021**

This Explanatory Memorandum has been prepared by the Economy, Skills and Natural Resources Group and is laid before Senedd Cymru in conjunction with the above subordinate legislation and in accordance with Standing Order 27.1.

Minister's Declaration

In my view, this Explanatory Memorandum gives a fair and reasonable view of the expected impact of the Climate Change (Wales) Regulations 2021:

- The Environment (Wales) Act 2016 (Amendment of 2050 Emissions Target) Regulations 2021
- The Climate Change (Interim Emissions Targets) (Wales) (Amendment) Regulations 2021
- The Climate Change (Carbon Budgets) (Wales) (Amendment) Regulations 2021
- The Climate Change (Net Welsh Emissions Account Credit Limit) (Wales) Regulations 2021

I am satisfied that the benefits justify the likely costs.

Lesley Griffiths MS
Minister for Environment, Energy and Rural Affairs

9 February 2021

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PART 1

1. Description

A suite of four regulations are covered within this Explanatory Memorandum and are referred to collectively as the Climate Change (Wales) Regulations 2021. Under Part 2 of the Environment (Wales) Act 2016 (“the Act”) Wales committed to reducing emissions of greenhouse gases from Wales by at least 80% in 2050. The Climate Change (Wales) Regulations 2018 established a system of interim emissions targets and carbon budgeting to create an emissions reduction trajectory towards the 2050 target. They also set out how the Welsh Ministers can utilise international carbon credits and set the credit (“offset”) limit for Carbon Budget 1 (CB1, 2016-20). Finally, they provided for how we will deal with emissions from international shipping and internal aviation in calculating our emissions.

The Climate Change (Wales) Regulations 2018, which supported the delivery of the Act, were namely:

- The Climate Change (Interim Emissions Targets) (Wales) Regulations 2018
- The Climate Change (Carbon Budgets) (Wales) Regulations 2018
- The Climate Change (International Aviation and International Shipping) (Wales) Regulations 2018
- The Climate Change (Net Welsh Emissions Account Credit Limit) (Wales) Regulations 2018
- The Carbon Accounting (Wales) Regulations 2018

The Climate Change (Wales) Regulations 2021 amend the 2050 target, the interim targets for 2040 and 2030, and CB2 (2021-25). They also set CB3 (2026-30) and the offset limit for CB2.

2. Matters of special interest to the Legislation, Justice and Constitution Committee

Section 31(4)(b) of the Environment (Wales) Act 2016 requires the Welsh Ministers to set CB3 in 2020, five years before the start of the budgetary period. In accordance with Section 49, before laying draft regulations the Welsh Ministers are required to request and take into account the advice of the advisory body. Under section 49(6) of the Act, if thereafter the Welsh Ministers propose making different provision from that recommended by the advisory body, they must also lay before the Senedd a statement setting out the reasons why. By virtue of no declaration being made by Welsh Ministers appointing an advisory body, Section 44 by default appoints the Climate Change Committee (CCC) to be our statutory advisory body.

In December 2019 the Minister for Environment, Energy and Rural Affairs requested advice from the CCC, including its recommendation for the level of CB3. The Minister requested the advice be published in September 2020 to allow for CB3 to be set by the end of that year. The CCC committed to this

timeline but subsequently, in June 2020, informed the Minister this would no longer be possible due to the challenges posed by the Covid-19 pandemic. The CCC moved publication of the advice to December 2020. The Minister decided it would not be manifestly unreasonable to choose to accommodate a small delay in setting CB3 in order to ensure legislation is brought forward on the basis of proper, thorough advice. The Welsh Ministers have obtained and taken into account the advice of the advisory body in relation to the Climate Change (Wales) Regulations 2021 now laid before the Senedd.

The Act does not establish a deadline for setting the offset limit for each carbon budget. The Welsh Ministers intend to set the CB3 offset limit no later than 2025.

The Carbon Accounting (Wales) Regulations 2018 utilise the UK Registry to host the Welsh credit account. Until the UK left the European Union, the UK Registry was governed by Commission Regulation (EU) 389/2013 establishing a union registry pursuant to Directive 2003/87/EC establishing a system for greenhouse gas emissions trading within the EU. Having left the EU, the UK no longer has access to the EU registries system. Officials are liaising with UK Government counterparts about a new, standalone UK Registry. Once this is established, the Welsh Ministers will need to amend the Carbon Accounting (Wales) Regulations 2018 to ensure provision for registering and keeping track of carbon units held by the Welsh Ministers. It is not expected Welsh Ministers will need to buy offsets in CB1 and it is expected the new UK Registry will be operational well in advance of the end of CB2.

3. Legislative background

The purpose of Part 2 of the Environment (Wales) Act 2016 is to require the Welsh Ministers to meet targets for reducing emissions of greenhouse gases in Wales. Part 2 puts in place a statutory emissions reduction target that requires the Welsh Ministers to ensure that net emissions of greenhouse gases in Wales, for the year 2050, are at least 80% lower than the baseline.

Part 2 also requires that the Welsh Ministers, by regulations approved by the Senedd, set interim emissions reduction targets for the years 2020, 2030 and 2040, and establish a system of 5-yearly carbon budgeting that together create an emissions reduction pathway to the 2050 target. The Climate Change (Wales) Regulations 2018 fulfilled this requirement.

The Environment (Wales) Act 2016 (Amendment of 2050 Emissions Target) Regulations 2021

- Section 29(3) allows the Welsh Ministers to amend the 2050 emissions target.
- Section 32 sets out the principles for amending the 2050 target.

The Climate Change (Interim Emissions Targets) (Wales) (Amendment) Regulations 2021

- Section 30(1) allows the Welsh Ministers to amend the interim emissions targets.

- Section 32 sets out the principles for amending the interim emissions targets.

The Climate Change (Carbon Budgets) (Wales) (Amendment) Regulations 2021

- Section 31 allows the Welsh Ministers to amend and set carbon budgets.
- Section 32 sets out the principles for amending and setting a carbon budget.

The Climate Change (Net Welsh Emissions Account Credit Limit) (Wales) Regulations 2021

- Section 33 provides that the Welsh Ministers must limit how many traded carbon units can be credited to the net Welsh emissions account in a given period. These regulations set the offset limit for Carbon Budget 2.

Section 32(2) of the Act prevents the Welsh Ministers from making regulations changing the 2050 emissions target, an interim emissions target or a carbon budget unless at least one of the following conditions is met:

- they are satisfied that it is appropriate to make the change as a result of significant developments in
 - scientific knowledge about climate change, or
 - EU or international law or policy relating to climate change;
- the change has been recommended by the advisory body;
- the change is in connection with provision made under section 35(1) or 37(2).¹

As required by the Act, the Welsh Ministers asked the CCC to provide advice to inform the development of the regulations. On 17 December 2020, following a Call for Evidence, the CCC provided their advice to the Welsh Ministers. The report, '[The path to a net zero Wales](#)', includes the CCC's recommendations on:

- The level of the 2050 target;
- The level of the 2030 and 2040 targets;
- The level of CB2 and CB3; and
- The limit for the use of offset credits in CB2.

In giving their advice on the level of the targets and budgets the CCC developed four different emissions scenarios across all sectors of the economy.² Drawing on these scenarios, the CCC then produced a fifth – the Balanced Net Zero Pathway that forms the basis of their recommendations.

¹ Section 35(1) relates to emissions from international aviation and international shipping. Section 37(2) relates to the definition of 'greenhouse gas'.

² Electricity supply, residential buildings, non-residential buildings, fuel supply, manufacturing and construction, surface transport, aviation, shipping, agriculture, land use, land use change and forestry, waste and F-gases.

The Climate Change (Wales) Regulations 2021 are brought forward in accordance with Section 32(2)(b) and follow the recommendations of the advisory body.

Section 32(3) of the Act requires the Welsh Ministers when making regulations changing the 2050 emissions target, or setting or changing an interim emissions target or a carbon budget, to have regard to the following:

- The most recent report under section 8 on the state of natural resources in relation to Wales
- The most recent future trends report under section 11 of the Well-being of Future Generations (Wales) Act 2015
- The most recent report (if any) under section 23 of that Act (Future Generations report)
- Scientific knowledge about climate change
- Technology relevant to climate change
- EU and international law and policy relating to climate change (including international agreements on measures designed to limit increases in global average temperatures)

The Climate Change (Wales) Regulations 2021 are brought forward in accordance with Section 32(3) of the Act.

Procedures for laying regulations

The regulations are subject to the approval of the Senedd via the draft affirmative procedure.

In accordance with Section 49, before laying draft regulations the Welsh Ministers are required to request and take into account the advice of the advisory body. By virtue of no declaration being made by Welsh Ministers appointing an advisory body, Section 44 by default appoints the Climate Change Committee (CCC) to be the statutory advisory body. Where regulations make different provision to the advice provided by the CCC, the Welsh Ministers must lay a statement before the Senedd setting out the reasons why.

The Climate Change (Wales) Regulations 2021 follow the advice of the advisory body.

4. Purpose and intended effect of the legislation **Environment (Wales) Act 2016 (Amendment of 2050 Emissions Target) (Wales) Regulations 2021**

Current situation

Section 29 of the Act establishes a statutory emissions reduction target that requires the Welsh Ministers to ensure that net emissions of greenhouse gases in Wales, for the year 2050, are at least 80% lower than the baseline.

Purpose

The purpose of this regulation is to increase the 2050 target to at least 100% lower than the baseline ('net zero').

Intended effect

The intended effect of this regulation is to bring Wales's 2050 target in line with the CCC's recommendation, reflecting developments in scientific knowledge, public opinion and global ambition since the original target was set in 2016.

Climate Change (Interim Emissions Targets) (Wales) (Amendment) Regulations 2021

Current situation

The Climate Change (Interim Emissions Targets) (Wales) Regulations 2018 set the interim targets that represented a pathway to the 2050 target established in the Act as follows:

- a 2020 target for an emissions reduction of 27% against the baseline
- a 2030 target for an emissions reduction of 45% against the baseline
- a 2040 target for an emissions reduction of 67% against the baseline

Purpose

The purpose of this legislation is to set targets for 2030 and 2040 that represent a pathway to the new net zero target for 2050:

- a 2030 target for an emissions reduction of 63% against the baseline
- a 2040 target for an emissions reduction of 89% against the baseline

Intended effect

The intended effect of this regulation is to establish targets for 2030 and 2040 in line with the CCC's recommendations, frontloading action in the 2020s. Reducing emissions early matters as it is global cumulative emissions that drive climate outcomes. The Welsh Ministers must set each interim emissions target at a level they are satisfied is consistent with meeting the 2050 emissions target.³

Climate Change (Carbon Budgets) (Wales) (Amendment) Regulations 2021

Current situation

A carbon budget sets a maximum limit on the total amount of Welsh emissions permitted over a 5-year budget period. The Climate Change (Carbon Budgets) (Wales) Regulations 2018 set Carbon Budgets 1 and 2 as follows:

- CB1 (2016-2020): an average of 23% below the baseline

³ Section 32(1)(a) of the Act.

- CB2 (2021-2025): an average of 33% below the baseline

Purpose

The purpose of this legislation is to set CB2 and CB3 at levels that represent a pathway to the new targets for 2030, 2040 and 2050:

- CB2 (2021-2025): an average of 37% below the baseline
- CB3 (2026-2030): an average of 58% below the baseline

Intended effect

The intended effect of this regulation is to establish carbon budgets for the 2020s in line with the CCC's recommendations. The Welsh Ministers must set each carbon budget at a level they are satisfied is consistent with meeting:

- the 2050 emissions target; and
- the interim target for any interim target year that falls within or after that budgetary period.⁴

Climate Change (Net Welsh Emissions Account Credit Limit) (Wales) Regulations 2021

Current situation

The Climate Change (Net Welsh Emissions Account Credit Limit) (Wales) Regulations 2018 set the limit on the use of carbon units for CB1.

Purpose

The Act requires Welsh Ministers to set a limit on the total amount that the Net Welsh Emissions Account can be reduced through the use of carbon units. The Carbon Accounting (Wales) Regulations 2018 defines carbon units as the international offset credits generated through Certified Emission Reduction (CER). Offset credits provide a means by which Wales can invest in emission reduction activities overseas and use the emission reductions achieved to offset domestic emissions within the Welsh targets.

The purpose of this regulation is to set the limit on the use of carbon units for CB2 (2021-2025).

Intended effect

The intended effect of this regulation is to set the offset limit for CB2 in line with the CCC's recommendation and ensure that CB2 is met solely by reducing domestic emissions. As the CCC's recommendation is to outperform CB2 on the way to more ambitious CB3 and the 2030 targets, the CCC concludes that it is not appropriate to meet CB2 with any use of carbon units i.e. the offset limit for CB2 should be set at 0%.

⁴ Section 32(1)(b) of the Act.

PART 2 – REGULATORY IMPACT ASSESSMENT

Introduction

The four regulations that make up The Climate Change (Wales) Regulations 2021 all relate to Wales's emissions reduction pathway to 2050 and are highly interdependent. This RIA therefore considers options for the pathway as a whole, rather than each regulation in turn. The pathway set in regulations represents the strategic decarbonisation framework but many individual policy measures are required to achieve the pathway. There are multiple ways to deliver the pathway and so the actual costs and benefits can only be determined once the measures to meet the carbon budgets have been agreed; policy-level impact assessments are required to conduct this analysis.

Since the Senedd passed the Climate Change (Wales) Regulations in 2018, science, technology, markets and cost assumptions have changed, showing the inherent uncertainties in modelling emission pathways and estimating costs. The Welsh Government is focussed on developing and taking the actions needed to meet the carbon budgets and targets and so is reliant on the Climate Change Committee (CCC) advice. This means there are only two options presented in this RIA, both drawing on CCC expertise.

Options

Option 1: Retain current emissions pathway ('do minimum')⁵

Option 1 fulfils the statutory duty to set CB3 and does so at a level consistent with the existing 80% pathway and the CCC's 2017 advice. It also increases the average reduction required in CB2 from the existing 33% to 37% to take account of the early closure of Aberthaw Power Station. The Welsh Government endorsed this principle when accepting the CCC's 2017 advice. Finally, this option sets the CB2 offset limit at 0%, in line with the CCC's recommendation in their 2020 advice. It leaves all the decadal targets unchanged.

- Carbon Budget 2 (2021-25): 37% average reduction with a 0% offset limit
- Carbon Budget 3 (2026-30): 43% average reduction⁶
- 2030: 45% reduction
- 2040: 67% reduction
- 2050: at least 80% reduction against the baseline

⁵ These targets are all set against the 2017 CCC advice, which was in turn based upon scientific understanding of GHG emissions at that time (1990-2015 GHG emission data are used as the basis). However, understanding of emissions has progressed since then and the latest CCC analysis is considerably revised to take account of these changes. The Option 1 pathway does not take any of these adjustments into account.

⁶ There is no statutory deadline for setting each offset limit. We will set the CB3 offset limit no later than 2025.

Option 2: Accept the CCC's recommendations in the December 2020 advice

- Carbon Budget 2 (2021-25): 37% average reduction with a 0% offset limit⁷
- Carbon Budget 3 (2026-30): 58% average reduction⁸
- 2030: 63% reduction
- 2040: 89% reduction
- 2050: at least 100% reduction against the baseline

Costs and benefits

Costs

We estimate the Present Value of resource costs of Option 2 will lead to additional resource costs of between £6bn and £10bn over the period to 2050.⁹ The best estimate, based on the Balanced Pathway that the CCC's recommendations are drawn from, is that the cost is likely to be in the upper third of this range. Upper and lower bounds are drawn from analysis of all of the CCC's scenarios in their December advice.¹⁰

Note: The resource costs of the net zero transition are not attributed as part of this analysis. Costs are likely to be shared between the Welsh and UK Governments, the private sector, investors and citizens.

	Best estimate	Lower bound	Upper bound
Option 1	£4.7bn	£3.3bn	£5.5bn
Option 2	£14.1bn	£10.1bn	£15.9bn
Additional cost of Option 2	£9.4bn	£5.9bn	£10.4bn

Table 1: Present Value of resource costs of Options 1 and 2¹¹

⁷ The CCC's recommendation for CB2 was a 37% average reduction in law with a commitment to outperform it. This is the minimum required to meet the Balanced Pathway. Our costs analysis incorporates the CCC's recommendation for CB2 with a view to meeting the 2030 recommendation and later targets.

⁸ There is no statutory deadline for setting each offset limit. We will set the CB3 offset limit no later than 2025.

⁹ Resource costs are discounted using the Social Time Preference Rate' (STPR) (3.5%) to provide the Present Value of resource costs. Additional resource costs indicate the extra spend required to provide the same goods and services but in a low-carbon way. They are calculated by annualising the capital investment costs over their lifetimes using a suitable cost of capital and subtracting in-year operating cost savings.

¹⁰ Headwinds, Widespread Engagement, Widespread Innovation, and Tailwinds – in addition to the Balanced Pathway.

¹¹ Figures may not sum due to rounding and comparisons across multiple CCC scenarios.

Comparison with the CCC estimate

Figure 1 shows that the CCC forecast the resource cost of their Balanced Pathway to be approximately £25bn.¹²

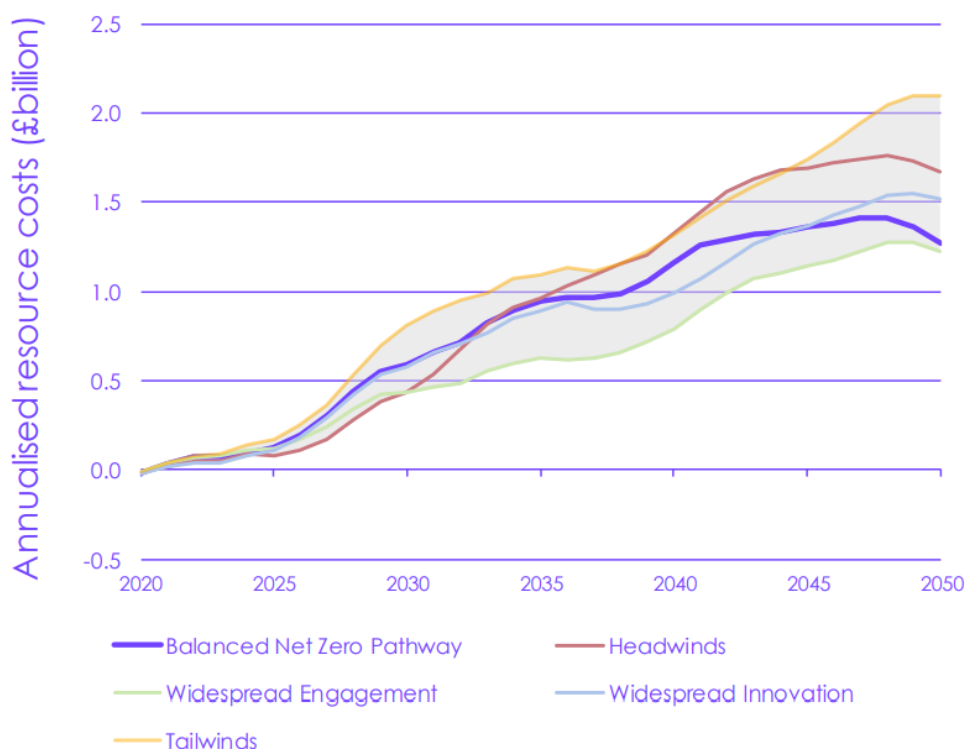


Figure 1: Annualised resource costs of the CCC’s scenarios; CCC analysis

The reasons for the difference between our estimate and the CCC’s estimate are twofold:

1. The CCC does not apply discounting to their estimates. The effect of discounting is the sole reason for the difference between their £25bn figure and the £14.1bn figure in Table 1.
2. The CCC compares the costs of achieving a net zero target with a hypothetical counterfactual¹³ of no-further climate-action from today. The counterfactual against which the costs in this RIA are compared is the existing statutory 80% target (Option 1).

Methodological approach

Note: Our cost estimates have been derived entirely from the CCC analysis and we have not undertaken our own modelling.

¹² The CCC report resource costs on an annual rather than cumulative basis. The £25 billion figure is the summation of the annual resource cost in each of the 30 years it takes to reach the net zero target. For detail on the CCC’s methodology, including assumptions, uncertainties and sensitivities, see Chapter 5 of [The Sixth Carbon Budget – The UK’s path to Net Zero](#).

¹³ The CCC’s counterfactual in the 2020 advice differs from all previous CCC publications. For more information see p.20 of [The Sixth Carbon Budget Methodology Report](#) (CCC, 2020).

The costs of both options are based on the scenarios produced by the CCC in their December advice. The costs of Option 1 are calculated by taking the annualised resource costs up to the point at which the particular scenario reaches the 80% target, whereas the costs of Option 2 take into account the whole pathway to net zero.

Figure 2 shows the cumulative annual resource costs for each scenario from 2020 onwards, up to the year where net zero emissions is reached. The point at which 80% is reached varies in the different scenarios (Table 2) and is indicated by the red dot in Figure 2. The additional costs of Option 2 are derived from the difference between the red dot and the end of the line.

The CCC’s scenarios rely to varying degrees on engineered greenhouse gas removals, such as Bioenergy with Carbon Capture and Storage (BECCS). The Balanced Pathway recommended by the CCC in their 2020 advice leads to a 96% reduction in Welsh emissions in 2050.¹⁴ The CCC advises that Wales can credibly meet net zero in the Balanced Pathway either with a 4% share (approximately 2MtCO₂e) of total UK engineered removals or through increased action in other areas, including land use and behavioural changes. However, the CCC’s analysis does not allocate a specific level of engineered removals to each UK nation. The analysis behind the figures in Table 1 includes Wales’s share of the UK costs of engineered removals in each CCC scenario up to 2050, in order to estimate the full cost of achieving net zero. Alternative ways of bridging the emissions gap would incur different costs.

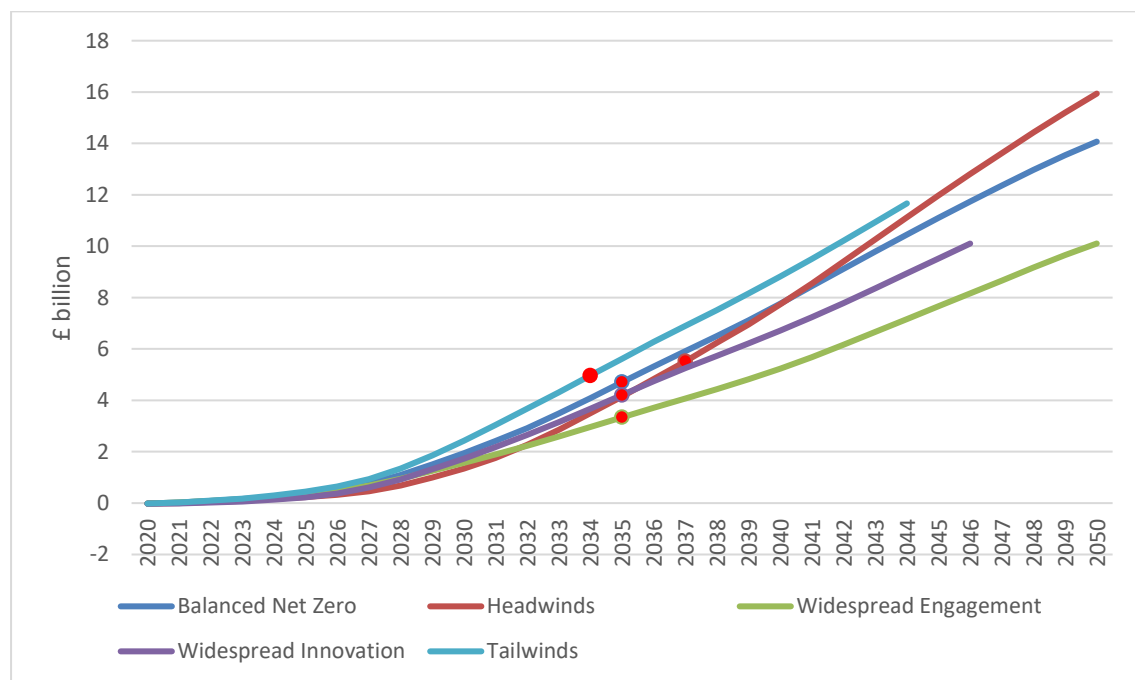


Figure 2: Cumulative Present Value of resource costs for each scenario; WG, using CCC analysis

	80%	Net zero
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¹⁴ The other CCC scenarios that do not reach net zero by 2050 are Headwinds (93%) and Widespread Engagement (99%).

Balanced Pathway	2035	2050
Headwinds	2037	2050
Widespread Engagement	2035	2050
Widespread Innovation	2035	2046
Tailwinds	2034	2044

Table 2: Years in which emission reduction targets are met under the CCC’s scenarios; WG, using CCC analysis¹⁵

We adopted this approach to estimate the costs of Option 1 because the CCC’s 2017 cost estimate of an 80% target can no longer be considered robust, due to significant falls in the costs of technology and methodological changes undertaken by the CCC.¹⁶ To illustrate the impact of these changes, Figure 3 shows the estimated resource cost of achieving an 80% target (produced in 2017) compared to the cost of achieving a net zero target (produced in 2020). This shows the uncertainty of estimating future resource costs, as they are highly sensitive to differences in behaviour change and the level of innovation in low carbon technologies.

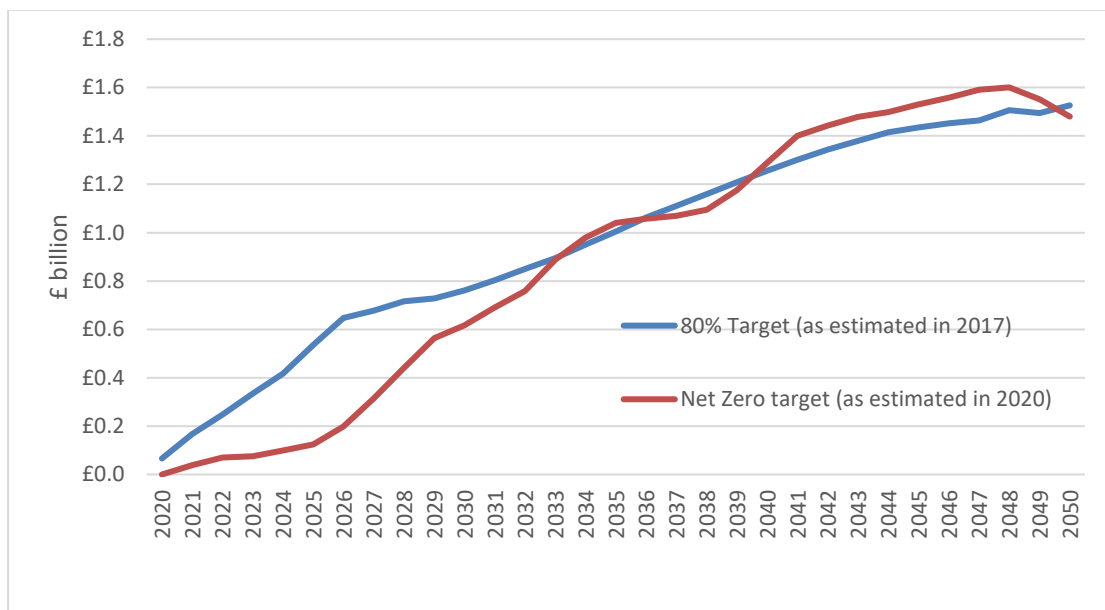


Figure 3: Annualised resource cost of Option 1 (2017) and Option 2 (2020) (£billion); WG, using CCC analysis¹⁷

¹⁵ Our analysis assumes a small amount of engineered greenhouse gas removals in the Balanced Pathway and Headwinds scenario before 2035 and 2037 respectively. This has been accounted for in the costs in Table 1. For the purposes of our analysis, the Balanced Pathway, Headwinds and Widespread Engagement Scenarios reach net zero in 2050 with varying amounts of engineered removals.

¹⁶ The changes and their implications are summarised in Box 1.2 on p.27 of [The Sixth Carbon Budget Methodology Report](#) (CCC, 2020).

¹⁷ Option 2 (Net Zero target) is based on our undiscounted cost analysis of the CCC’s Balanced Pathway and includes the costs of engineered removals required to reach net zero.

Where the costs are likely to fall

The CCC is clear that the costs should not be interpreted as being solely delivered through Welsh Government expenditure, nor as costs that only Welsh businesses and households have to bear. The extent to which costs and savings are shared across the UK – including the amount of expenditure through Welsh Government budgets – will be determined by policy at both UK and Welsh Government level. Many of the actions to reduce emissions will likely be paid for at UK level and/or socialised across the whole of the UK. The CCC provides the following examples:

- The costs associated with building new low-carbon generation will be shared across all consumers of electricity on the GB grid. The CCC has reflected this by allocating resource and investment costs for electricity supply to Wales in proportion to consumption, rather than make assumptions on where new zero-carbon generating capacity is located.¹⁸
- The costs of decarbonising industrial clusters could be met through a combination of direct financing from the UK Exchequer and/or be passed through to the end-users of low-carbon products.
- A market mechanism for greenhouse gas removals could see the UK aviation industry offsetting emissions by paying for removals, including planting trees, in all areas of the UK.

An expert advisory group convened by the CCC suggested that the private sector could deliver the majority of the investments in a transition to Net Zero.¹⁹ For this to happen, the Welsh and UK Governments will need to ensure appropriate regulatory and taxation regimes are in place. Given the CCC anticipates a small overall economic impact and assumes the private sector to finance most of the transition, the CCC expects the overall impact on public finances to 2050 to be limited.

Table 1 shows a larger total Present Value of resource costs for Option 2 than Option 1. This means that Option 2 may result in increased costs for households, at least in the short-term. However, in Option 2 households are likely to benefit from reduced operating costs over time. There is evidence to suggest that the benefits of Option 2 may outweigh the costs; the benefits are explored in further detail below.

In December 2020 HM Treasury published an interim report for its Net Zero Review.²⁰ The report recognises the implications for households arising from the structural changes required by the transition to a net zero economy but does not seek to calculate the impact of the transition on any particular group.

¹⁸ This assumption typically causes the estimate of Wales' share of UK costs to be lower than its share of UK abatement, because Wales is currently a significant net exporter of gas-fired power to the UK, but the costs of actions to decarbonise power will be shared by all electricity users in the UK.

¹⁹ For detail, see Chapter 5 of [The Sixth Carbon Budget – The UK's path to Net Zero](#).

²⁰ [Net Zero Review: Interim Report](#) (HM Treasury, December 2020)

The report acknowledges the inherent uncertainties in forecasting how the net zero transition will affect households by concluding that:

“The transition is a dynamic process that will take place over several decades, and its impact on individual households will ultimately depend on a range of factors including: the development of new low-carbon sectors in the UK; the pace of transition and policy levers chosen; the price of low-carbon alternatives to households and businesses’ current activities; and the dynamism of the labour and capital market.”

Households are exposed to the net zero transition through:

1. The goods and services they buy (household consumption). Different types of household will have different levels of exposure to the transition. For example, higher-income households consume more carbon in absolute terms, but lower-income households tend to consume more carbon relative to their income. HMT analysis suggests that the highest-income households emit around three times as much carbon as the lowest-income households, while on average their income is approximately eight times greater. Furthermore, regional analysis suggests that the average household greenhouse gas footprint in Wales is around the average, when compared to other parts of the UK.²¹
2. Labour market effects. There are likely to be large transitional labour market effects between sectors, with people in certain occupations (skilled trade, and process plant and machine workers) more likely to work in more carbon-intensive industries. People in these occupations are also disproportionately likely to have a lower level of education and to be lower income workers. HMT analysis suggests that people with lower and middle levels of education are employed in jobs with over 20% higher carbon intensity than highly educated employees, on average.
3. Changes to the value of assets. The interim report does not include analysis of this aspect. The net zero transition could affect household business profits, subsequently affecting households that own them (negatively or positively, depending on the household assets owned).

Benefits

The CCC’s December advice considers the benefits of net zero in the areas of prosperity, health and natural capital. The benefits discussed here follow the CCC’s approach of comparing a net zero pathway (Option 2) with a future of no further climate action, rather than comparing the benefits of Options 1 and 2 directly.

While it is not possible to quantitatively compare the macroeconomic, health and natural capital benefits under the options considered, it is reasonable to assume greater net benefits will accrue under Option 2 in relation to health and natural capital. This is because a net zero target will likely demand a greater policy response relevant to these areas, for example more tree planting, and this should increase the benefits flowing from these actions. Option 2 also

²¹ [Net Zero Review: Interim Report](#) (HM Treasury, December 2020, p.75)

frontloads climate action in the next 15 years, which would achieve the benefits earlier than Option 1 and result in greater cumulative benefit overall.

Prosperity and resilience

In the near term, the CCC report that GDP is likely to increase, especially as the economy rebuilds after the COVID-19 crisis. The negative economic impacts from COVID-19 mean the economy is not at full capacity and so present an opportunity for projects which are both ready to implement and which have a high fiscal multiplier effect. According to Hepburn et al (2020), green projects considered to have high multiplier values and strong climate benefits include building efficiency spending for renovations and retrofits, and natural capital investment for eco-system resilience and regeneration (such as restoration of carbon-rich habitats and climate friendly agriculture).²²

The CCC endorses this position, arguing that now is an ideal time to encourage investment, based on historically low interest rates and a potential demand shortage for cheap capital. Economic recovery from the COVID-19 pandemic necessitates stimulus, and many of the measures detailed in their advice have been shown to have high economic multipliers. However, it should be noted that other fiscal spending not linked to environmental policy may also have a high fiscal multiplier effect during periods of spare capacity. Furthermore, we cannot know for how long the economy will be at limited capacity as a result of COVID-19.

The CCC stresses that the estimates of annualised resource costs are not the same as macroeconomic impacts because resource costs are a microeconomic measure which do not account for wider dynamic interactions in the economy. For example, resource costs incorporate investment costs but do not account for the increase in GDP if that investment is made domestically. Furthermore, the shift away from fossil fuel imports is likely to have major benefits to the country's trade balance, which the resource costs also do not account for.

Macroeconomic analysis conducted in support of the CCC's advice demonstrates that despite the added resource costs involved, the net zero transition is expected to boost UK GDP by around 2% by 2030, levelling off at around a 3% increase by 2050.²³ The analysis estimates that UK net employment will be between 0.5-1% higher than the baseline of no further climate action between 2025-2050, with this employment growth largely resulting from the net zero investment programme.

The CCC reports that actions needed for the transition to net zero in Wales can stimulate economic growth, create jobs, and aid a recovery from the pandemic, as well as increasing resilience to future climate risks. Legislating the CCC's recommended targets would send a clear signal that Wales is open for low-carbon investment and take forward the commitment to "respond energetically to the climate emergency by pursuing a strong decarbonisation agenda", set

²² [Will COVID-19 fiscal recovery packages accelerate or retard progress on climate change?](#) (Hepburn et al, May 2020)

²³ [Economic impact of the Sixth Carbon Budget](#) (Cambridge Econometrics, 2020)

out in the 'COVID-19 Reconstruction: Challenges and Priorities' paper, published in October 2020.²⁴ This will also help to encourage private investment at a time when it is needed to support Wales' economic recovery from the COVID-19 crisis. It could also help Wales secure competitive positions in growing global markets for low-carbon goods and services.

Health

There is clear evidence for the health benefits of the net zero transition. Some of these come directly from changes required to achieve net zero (e.g. more active travel and dietary changes) and some indirectly from the implications of those changes (e.g. better air quality from reduced burning of fossil fuels and more liveable buildings as insulation is improved). These benefits are difficult to quantify, but the CCC states that they "unquestionably offset some, if not all, of the overall resource costs of achieving emissions targets".

The CCC's Expert Advisory Group on Health concurred strongly with the CCC's previous assessment that climate action could bring significant benefits to health. The Group identified five key areas in which action would bring benefits to public health and reduction of health inequalities while contributing to the mitigation of – and adaptation to – climate change:

1. Improved air quality delivered by a move to a cleaner energy system and moving away from fossil fuel combustion in most sectors of the UK.
2. Healthier modes of transport, particularly due to the health benefits of walking and cycling and reducing air pollution from road vehicles.
3. More comfortable and efficient homes that are low-carbon, energy efficient and designed for a changing climate.
4. Better diets with a focus on healthy and sustainable alternatives to the highest carbon foods.
5. Sustainable economic and employment models that better support health and wellbeing.

While noting the potential benefits to public health, the Group noted that the biggest driver of health outcomes in the UK remains economic inequality. A just transition is therefore an essential part of a successful climate policy and health policy.

There are also some potential health risks associated with achieving net zero. One such risk is a greater risk of airborne infection where increased energy efficiency in buildings is not accompanied by adequate ventilation.²⁵

Natural capital and well-being

Each of the CCC's scenarios for Wales include measures to improve Wales' natural capital:

²⁴ [COVID-19 Reconstruction: Challenges and Priorities](#) (WG, 2020)

²⁵ University of Leeds study quoted in 'Could Energy Efficiency Actually Increase Hospital Infection Rates?' (2013): <http://www.buildings.com/articles/30879/could-energy-efficiency-actually-increase-hospital-infection-rates>

- Provisioning services. The scenarios include an increase in renewable energy generation – particularly wind – consistent with the Welsh Government's target to generate renewable electricity equivalent to 70% of Welsh consumption by 2030.
- Regulation services. The Balanced Pathway includes the planting of between 4,500 and 7,500 hectares of trees per year, from 2025 to 2050, which will also contribute to improved air quality. Trees filter rainwater before it reaches receiving waters, thus improving water quality. Strategic planting of trees on flood plains can also regulate flooding. Trees can also reduce storm water runoff and slow storm flow. Significant areas of peatland will also be restored which – in addition to carbon sequestration – provide other vital services, such as water regulation, flood protection and habitats for wildlife.
- Cultural services. The natural environment provides a range of cultural services, such as increased amenity benefits, improved mental health, educational benefits and spiritual well-being.
- Supporting Services. In agriculture, the scenarios include soil and crop measures that aim to increase the efficiency of fertiliser use. These have benefits to water and soil quality, and biodiversity.

*A just transition to Net Zero*²⁶

The CCC expects the transition to bring many benefits for UK households. By 2035, in the CCC's scenarios, people's homes will be better insulated, their cars will be cheaper to drive, they will have cleaner air, quieter streets, more access to green spaces and more opportunities to improve their health. Policy should aim to share these benefits broadly across the population.

The CCC also highlights the risk of uneven costs. In the long term, energy costs and energy bills are expected to fall significantly but electricity costs are likely to rise first. Although improvements to energy efficiency could largely offset these costs, the CCC says that the additional costs should not be automatically added to energy bills, which is a regressive approach. It notes that continuing to add climate policy costs primarily to electricity prices, but not gas prices, adversely affects particular groups (those with electric heating).

New job opportunities

The opportunities for jobs growth have, to date, largely been focused on deploying renewable electricity. Research conducted by the International Labour Organisation suggests that growth in renewable energy sources leads to greater job creation than growth in non-renewable energy sources.²⁷ The CCC anticipates that the next phase of decarbonisation will go beyond renewable electricity towards electric vehicles, low-carbon hydrogen, carbon capture usage and storage (CCUS) and buildings decarbonisation. Low-carbon industrial products will be in increasing demand across the world.

²⁶ For more detail, see Chapter 6 of [The Sixth Carbon Budget – The UK's path to Net Zero](#).

²⁷ ['The transition in play: Worldwide employment trends in the electricity sector'](#), (International Labour Organization, Research Department Working Paper No. 28, G. Montt, N. Maitre, S. Amo-Agyei, 2018)

The macroeconomic analysis published alongside the CCC's advice also provides some insights into potential employment effects.²⁸ It identifies boosts in employment in the utilities sector and in manufacturing and construction, while there will likely be job losses in oil and gas production and aviation. At a UK level, the analysis estimates net employment growth of between 0.5-1% compared with the baseline of no further climate action between 2025-2050, resulting from the economic stimulus effect of the major investment programme implied by the CCC's Balanced Pathway.

Pressure on existing jobs

A transition to Net Zero will also reduce demand for certain high-carbon services and technologies, such as fossil fuel extraction, processing and distribution, aviation, fossil fuel machinery and some livestock and dairy. This could see jobs in some key sectors significantly affected, though in each area there will also be new employment opportunities.

Regional considerations

The opportunities and challenges of the low-carbon transition will vary regionally. For example areas with older, energy inefficient housing could face higher energy bills. Rural areas off the gas grid, who typically pay more for heating fuel, could have more to gain from a switch to low-carbon heating. Current and future transport infrastructure can limit the ability of the local population to walk, cycle or use public transport, and may affect the opportunity for, and costs of, running an electric vehicle. However, a transition to electric vehicles alongside an increase in active travel will lead to a decrease in local air pollution, benefitting health. A shift to healthier diets, and improved quality of housing is expected to lead to lower costs for the health service. An increase in tree-planting and urban green spaces will provide more green recreational space. Relative wealth will be important, including the ability to fund changes locally.

CCC Expert Advisory Group on the costs and benefits of a UK net-zero emissions target

In 2019, the CCC set up the Advisory Group on the Costs and Benefits of Net Zero. The Advisory Group produced a Chair's Report based on the Group's deliberations and written submissions.²⁹

The thrust of the report was that the costs and benefits of deep decarbonisation are unknowable with any precision, as they are both very uncertain in themselves and depend both on the decarbonisation policies and the timescale over which they are pursued. However, that said, the Group drew the following conclusions:

²⁸ [Economic impact of the Sixth Carbon Budget](#) (Cambridge Econometrics, 2020)

²⁹ [Report to the CCC](#) (Advisory Group on the Costs and Benefits of Net Zero, May 2019)

- The climate science suggests that there are very large potential benefits of limiting the average global temperature rise to 1.5°C rather than 2°C, which provides a justification for a Net Zero as opposed to an 80% emission reduction target;
- The costs of reducing greenhouse gas (GHG) emissions have been grossly over-estimated in the past; recent modelling suggests that costs might be around 1% of GDP, but ongoing reductions in the costs of zero-carbon technologies suggest that in the future the costs might turn negative (i.e. zero-carbon electricity may turn out to be cheaper than fossil fuel generation, even if the climate benefits are not considered);
- The costs of reaching Net Zero by a certain date (e.g. 2050) will be lower the sooner the requisite policies are put in place to achieve it, to give investors certainty about the direction of travel and to fit in with investment cycles to minimise the stranding of long-lived high carbon infrastructure;
- The health co-benefits of reducing fossil fuel use and greenhouse gas emissions could be very substantial in terms of improved air quality, active travel and healthier lower-meat diets;
- However low (or negative) the costs of Net Zero turned out to be, the transition to Net Zero would involve deep structural changes that would affect people, communities and economic sectors in very different ways. There would be winners and losers. The political acceptability of the transition would depend on it being seen to be fair, as well as this being desirable on ethical grounds;
- Achieving Net Zero by 2050 will require wide-ranging policies that are credible, consistent across government, long-term and of a stringency to transform major techno-socioeconomic systems of society (including energy, food, transport, waste and resource use). The required policy approach “includes a stable long-term direction with clear governance, regular reviews for flexibility, use of markets to find the best solutions, support for large-scale deployment of new technologies as well as research and development, and approaches that are tailored to the needs of each sector, while maintaining consistency across the system.”

Their report emphasised that the benefits (including decreased climate risk) of net zero outweigh the costs, that good policy design is vital to keep costs low and maximise benefits and that clarity around the decarbonisation pathway is a key enabler of innovation.

In April 2020 the CCC asked the Advisory Group to reflect on whether the economic circumstances consequent on and subsequent to COVID-19 are likely to have affected the Group’s conclusions in its 2019 Report, as set out above. The Group concluded that, if anything, their recommendations from 2019 have been reinforced by events since.³⁰

³⁰ [Supplementary report to the CCC](#) (Advisory Group on the Costs and Benefits of Net Zero, December 2020)

“The climate science has not changed, justifying the pursuit of a 1.5°C target [and net zero]... There is now a much greater economic rationale for substantial public investment, and the right measures to crowd in private investment, than there was [in 2019].”

Administrative costs

The administrative cost burden on the Welsh Government arises from establishing and maintaining the legislative framework for emissions reduction, developing policy, and then monitoring and reporting progress against the targets and carbon budgets. These costs are expected to be broadly similar under each of the options presented above.

Environment Act factors

Section 32(3) of the Environment (Wales) Act 2016 lists a number of reports and factors that Welsh Ministers must have regard to when changing the 2050 emissions target, or setting or changing an interim emissions target or carbon budget. The reports and factors are:

- the most recent State of Natural Resources Report;
- the most recent Future Trends Report;
- the most recent Future Generations Report;
- scientific knowledge about climate change;
- technology relevant to climate change; and
- EU and international law and policy relating to climate change (including international agreements on measures designed to limit increases in global average temperatures).

State of Natural Resources Report

In December 2020 Natural Resources Wales (NRW) published the first documents as part of the second State of Natural Resources Report (SoNaRR 2020). Among these documents are NRW’s assessments of the four aims of the Sustainable Management of Natural Resources (SMNR). In its assessment of the achievement of SMNR Aim one (Stocks of natural resources are safeguarded and enhanced), NRW finds that climate change is having a “substantial effect on biodiversity and ecosystems” through:³¹

- shifting species ranges;
- localised extinctions;
- changes to life-cycle events;
- sea level rise;
- exacerbating the increase in invasive species including disease vectors; and
- altering the abundance and distribution of biodiversity.

³¹ [SoNaRR 2020: Assessment of the Achievement of SMNR Aim 1: Stocks of Natural Resources are Safeguarded and Enhanced](#) (NRW, 2020)

The projected increase in frequency and intensity of droughts, fluvial and coastal floods and heatwaves are all likely to further reduce overall ecosystem resilience.

NRW concludes that “Overall Wales’s natural resources are not safeguarded or enhanced to the degree that we can say we are achieving sustainable management.”³² It identifies decarbonisation as one of four opportunities for action to improve performance against Aim one. NRW has also published natural resource registers showing how climate change is causing pressures and impacts on the eight ecosystems within SoNaRR.³³

Ecosystem	Key pressures			
	Changing weather patterns	Sea level rise	Increased water temperature	Ocean acidification
Coastal margins				
Enclosed farmland				
Freshwater				
Marine				
Mountains, moorlands and heaths				
Semi-natural grasslands				
Urban				
Woodlands				

Table 3: Key pressures on ecosystems caused by climate change (NRW, SoNaRR 2020)

The full chapter on how climate change is threatening ecosystem resilience and ecosystem services will be published in March 2021.

Future Trends Report

The most recent Future Trends Report dates from 2017, with the next report due in summer 2021.³⁴ The report identifies key future social, economic, environmental and cultural trends for Wales, under six themes that impact all aspects of government and public administration. Climate change is one of the themes, along with population, health, economy and infrastructure, land use and natural resources, and society and culture. The report essentially asks two questions:

1. Where might Wales be going? (Trends)
2. What could this mean? (Influencing factors)

³² [SoNaRR 2020: Assessment of the Achievement of SMNR Aim 1: Stocks of Natural Resources are Safeguarded and Enhanced](#) (NRW, 2020, p.22)

³³ [SoNaRR2020: Natural resource registers](#) (NRW, 2020)

³⁴ [Future Trends Report](#) (Welsh Government, 2017)

Trends

Population

Wales' population is projected to increase over the next 20 years, possibly by around 5%. Around half of this growth could be due to natural change (births and deaths) and half due to in-migration from the rest of the UK or internationally. The UK's exit from the European Union could lead to more controlled migration in the future and a subsequently lower population growth rate.

Over the next 20 years, the percentage of over 65s in Wales is set to increase from around 20% to around 25% of the entire population. The population aged over 75 in Wales is also projected to increase from 9% of the population in 2014 to around 13% in 2030. The number of young people (aged under 16) is projected to increase up to 2023 and then fall slightly up to 2030.

The number of households in Wales is projected to grow faster than the overall population. This would lead to smaller household sizes.

Economy and infrastructure

The global shift of economic growth away from more mature economies has meant that the UK has, over the last 50 years, slipped down global GDP leagues in terms of the overall economy size as less mature economies catch up with those that developed earlier. However, this does not mean that growth will stop in developed countries. Importantly, the overall size of a country's economy is less important for wellbeing than the income per head, and by this measure the UK displays better resilience. However, since the recession in 2008, a productivity slowdown has sharply reduced growth rates. The UK and Wales have been particularly affected.

Wales has great untapped growth potential to generate energy, including from renewable sources. There is currently significant growth in the community level low carbon energy sector in Wales.³⁵

The provision of broadband infrastructure is developing rapidly after a slower start relative to the rest of the UK. This was in part due to Wales' demographics and the high level of rural households that are harder to connect to conventional wired broadband. The rapid increase in mobile internet infrastructure looks set to continue, which should help to reach those households that cannot currently access higher speed internet.

Current trends suggest that, despite growth in rail use, private vehicles are set to remain the dominant mode of transport in Wales in the short to medium term at least. The expected advent of autonomous or driverless vehicles in the next 10 to 15 years could in turn have implications for our transport systems.

³⁵ When the Future Trends Report was published in 2017, the total number of locally-owned projects was 63,071 with a capacity of 529MWe. The latest figures, from 2019, are 68,560 projects and a capacity of 549MWe. See <https://gov.wales/energy-generation> for more detail.

Climate change

Even in the best case scenario, there are likely to be significant national as well as global impacts beyond those already observed. Global temperature increases are likely to exceed the two degree threshold, unless significant and rapid action is taken globally.

There are potentially significant impacts to Wales from exceeding the global two degrees threshold. The latest UK Climate Change Risk Assessment identified the following areas for priority action:

- Flooding and coastal change risks to communities, businesses and infrastructure.
- Risks to health, wellbeing and productivity from high temperatures.
- Risk of shortages in the public water supply, and for agriculture, energy generation and industry, with impacts on freshwater ecology.
- Risks to natural capital including terrestrial, coastal, marine and freshwater ecosystems, soils and biodiversity.

Infrastructure across Wales is already exposed to a range of climate hazards, which are projected to increase both in frequency and severity. Such infrastructure includes transport networks, underground infrastructure, energy and digital infrastructure and public water supplies. Impacts on some assets have the potential to cascade on to others as part of interdependent networks. Flooding poses the greatest long-term risk to infrastructure performance from climate change, but the growing risks from heat, water scarcity and slope instability caused by severe weather could also be significant.

Land use and natural resources

By 2050, average river flows in winter may rise by 10-15%. However, in the summer and early autumn they could reduce by over 50% and as much as 80% in some places. Droughts and flood events may become more common. Climate change may also affect the rates of groundwater recharge.

Soil carbon has been stable in improved land for 30 years. Recent increases in soil carbon in woodland until 2007 have now stabilised with no further increase detected. However, a significant decline in soil carbon in habitat land over the last 10 years has been detected and further work is needed to identify possible reasons for this.

Housing need in Wales is growing due to the number of households increasing faster than the number of available properties. In contrast, there is likely to be less suitable land available for development as flood plains and other lower lying land becomes increasingly prone to flooding.

Influencing factors

Political

The exit of the UK from the European Union may be the most immediate and potentially most disrupting factor to these identified trends. It is probable that this process will have a significant and wide ranging impact on Wales,

potentially impacting on economic growth and migration to Wales from both Europe and beyond.

There are also risks to the economic growth rate given the increasing potential for politically led 'de-globalisation'. Decreasing global trade patterns and the potential for increased protectionism could have a significant effect on both the mix and extent of various industries in Wales.

Economic

Economic growth rates could affect the amount of investment made in the research and development of new technologies, both globally and in Wales and the UK.

Social

Behavioural change among the Welsh population will be an unknown and potentially significant influence on how these trends unfold.

Technological

There is the potential for technological advances to dramatically improve the effectiveness and availability of low carbon energy. Mass production of current technologies such as solar power and energy storage may also help to dramatically increase the deployment of low carbon energy.

If the more pessimistic prediction for climate change occurs, there is a possibility that 'climate fixing' technology such as bioengineering may be employed to lower CO₂ levels in the atmosphere and levels of warming. The deployment of such technologies could have potentially significant effects and may not help to combat such effects as the acidification of the oceans.

Advances in household, transport and energy technologies could have a transformative effect on population behaviours, even over fairly short timescales.

Legislative

Ratification of the United Nations Paris Agreement has set the global legal context for climate change. The international context around climate change has now changed with a roadmap in place for global decarbonisation, setting a new long-term target for net zero global emissions in the second half of this century and key legislative requirements at all levels.

Environmental

There are a wide range of climate change scenarios and models. The next 20 years may be crucial in determining which of the various longer term warming scenarios will occur.

As the impacts from climate change become more prevalent, there may be an increasing risk of climate related disruption to global and regional economic networks. These could take the form of disruptions in crop production, or an increasing risk of flooding. The sensitivity of the climate to the rising levels of CO₂ in the atmosphere will be key to the extent to which infrastructure might be

disrupted. The more pessimistic scenarios also have the potential to impact significantly on population growth and migration levels, given the possibility of increased risk in terms of failures elsewhere in food production/ transportation and access to other resources, along with associated global conflicts.

There are some potential climate related risks that could impact negatively on health trends, not just in Wales but globally. One example is the greater risk of extreme hot weather events, the incidences of which are unpredictable. Climate change could also bring increasing risks of newly emerging infectious disease. Likewise, future air quality levels could be a major associated influencing factor. In contrast, there are also likely to be some opportunities presented by a warming trend. For example, the amount of energy required to maintain warm homes would reduce.

The level of sensitivity of Wales' biodiversity and habitats to climate change will be the key to how natural resources trends may evolve. There are risks from climate change in the frequency and the magnitude of extreme weather and wildfire events. Climate change is influencing the expansion or contraction of some species' ranges and populations, and the increasing frequency of extreme climatic events, predicted in many climate change scenarios, may have serious implications.

Future Generations Report

The most recent Future Generations Report was published in May 2020.³⁶ Chapter 5 specifically focuses on decarbonisation.

People's perception of decarbonisation

Concerns about climate change reached a record high in 2019 (85% in the UK). The Commissioner says that one of the things people have emphasised in conversations with her is the importance of having a more proactive government with stronger targets and regulation.

What future generations need

The report says we need to reduce our emissions in Wales by at least 95% by 2050, preferably sooner, to avoid catastrophic climate change. This means that in Wales we need to make an urgent transition to a low carbon economy and society.

Young people have had a significant impact on securing action on climate change in Wales. Public awareness, especially amongst the younger generation, has increased considerably in the last 12 months. Following the Fridays for Future protests, the Commissioner believes that 2019 was the year when children and young people showed politicians and decision makers across Wales and the world that they must do more to act on climate change. Young people are now demanding greater action and climate justice, calling on global leaders to take urgent action.

³⁶ [The Future Generations Report 2020](#) (Future Generations Commissioner for Wales)

The report argues that we need to address climate change because it is an equality and social justice issue and it will disproportionately affect the most vulnerable communities in Wales and across the world. Vulnerable communities are more likely to be exposed to the risks and impacts of climate change, without the ability to cope with or recover from those impacts.

Scientific knowledge about climate change

Two reports by the Intergovernmental Panel on Climate Change (IPCC) summarise the core of scientific knowledge about climate change: the Fifth Assessment Report (IPCC-AR5) and the Special Report on Global Warming of 1.5°C (IPCC-SR1.5).³⁷

Key conclusions from IPCC-AR5³⁸

- The climate is changing as a result of global greenhouse gas emissions; the IPCC concluded that it was unequivocal that humans were influencing the climate
- Many climate impacts are being detected across the world
- Further emissions will lead to further warming and change
- There is no simple threshold beyond which climate change moves from safe to dangerous
- The increase in global temperature is determined mainly by total carbon dioxide emissions over time, which must fall to near zero in order to limit warming

Summary of IPCC-SR1.5

At COP21 in Paris, the Intergovernmental Panel on Climate Change (IPCC) was invited to provide a Special Report in 2018 on the impacts of global warming of 1.5°C above pre-industrial levels and related global greenhouse gas emission pathways. The report found that:³⁹

- Human activities are estimated to have caused approximately 1.0°C of global warming above pre-industrial levels, with a likely range of 0.8°C to 1.2°C.
- Global warming is likely to reach 1.5°C between 2030 and 2052 if it continues to increase at the current rate (high confidence).
- Climate-related risks for natural and human systems are higher for global warming of 1.5°C than at present, but lower than at 2°C (high confidence). These risks depend on the magnitude and rate of warming, geographic location, levels of development and vulnerability, and on the choices and implementation of adaptation and mitigation options (high confidence).
- Climate models project robust differences in regional climate characteristics between present-day and global warming of 1.5°C, and

³⁷ [Fifth Assessment Report](#) (IPCC, 2013) and [Special Report on Global Warming of 1.5°C](#) (IPCC, 2018)

³⁸ As quoted in [The Sixth Carbon Budget – The UK's path to Net Zero](#) (CCC, December 2020, p.355)

³⁹ https://www.ipcc.ch/site/assets/uploads/sites/2/2019/06/SR15_Headline-statements.pdf

between 1.5°C and 2°C. These differences include increases in: mean temperature in most land and ocean regions (high confidence), hot extremes in most inhabited regions (high confidence), heavy precipitation in several regions (medium confidence), and the probability of drought and precipitation deficits in some regions (medium confidence).

The IPCC's projected differences between global warming of 1.5°C and 2°C include:

- Increased climate-related risks to health, livelihoods, food security, water supply, human security, and economic growth.
- Global mean sea level rise of around 0.1 metre lower by 2100 (medium confidence). A slower rate of sea level rise enables greater opportunities for adaptation in the human and ecological systems of small islands, low-lying coastal areas and deltas (medium confidence).
- Lower impacts on biodiversity and ecosystems, including species loss and extinction, and lower impacts on terrestrial, freshwater and coastal ecosystems – enabling them to retain more of their services to humans (high confidence).
- Reduced increases in ocean temperature as well as associated increases in ocean acidity and decreases in ocean oxygen levels (high confidence).
- Consequently, reduced risks to marine biodiversity, fisheries, and ecosystems, and their functions and services to humans, as illustrated by recent changes to Arctic sea ice and warm-water coral reef ecosystems (high confidence).
- Most adaptation needs will be lower (high confidence).

New observations of climate

In its December advice to the UK Government, the CCC also listed new observations of climate since its last UK Carbon Budget 5 advice in 2015:⁴⁰

- The five years since 2015 have seen the five warmest years (globally) on record.
- The global average level of human-induced warming is now in excess of 1.1°C when defined consistent with practices used by the World Meteorological Organisation and IPCC-SR1.5. Best estimates indicate that human activities are responsible for 100% of the warming observed since 1850-1900. The observed rate of increase in global temperature (~0.2°C per decade) has proceeded consistent with the near-term warming projection made by the IPCC-AR5 report (a 0.12-0.42°C per decade increase).
- Global sea levels have continued to rise, with the rate of increase over the last five years being the fastest observed to date. Global average sea levels are now estimated to be around 20 cm above levels in 1900.

⁴⁰ [The Sixth Carbon Budget – The UK's path to Net Zero](#) (CCC, December 2020, p.359)

- In the UK, the 2010–2019 decade was the second warmest cardinal decade on record after 2000–2009. In 2019, the highest ever temperature reached in the UK was recorded as well as the warmest ever recorded winter temperature. Considerably more high temperature records were set in the UK over than 2010s than low temperature records.
- Human-induced climate change has been clearly shown to increase the frequency and intensity of many (but not all) extreme weather events, with particularly clear signals in extreme heat and many heavy rainfall events.

Tipping points

While many impacts of climate change broadly reflect relatively gradual changes caused by steady increases in global average temperature, parts of Earth's system have the potential to change abruptly. Once passed, these 'tipping points' cause a dramatic shift that can be irreversible. Examples of tipping points include loss of the Amazon rainforest or the West Antarctic ice sheet.

The IPCC introduced the idea of tipping points two decades ago. At that time, these 'large-scale discontinuities' in the climate system were considered likely only if global warming exceeded 5°C above pre-industrial levels. IPCC Special Reports in 2018 and 2019 now suggest that tipping points could be exceeded even between 1 and 2 °C of warming.⁴¹

In an article in *Nature* in November 2019, Professor Tim Lenton and others report that evidence is mounting that tipping points could be “more likely than was thought, have high impacts and are interconnected across different biophysical systems, potentially committing the world to long-term irreversible changes.”⁴² In their view, if tipping points are indeed looking more likely, then the costs associated with the resulting impacts mean warming must be limited to 1.5°C. They consider several cryosphere tipping points are dangerously close, but mitigating greenhouse gas emissions could still slow down the inevitable accumulation of impacts and help us to adapt. We might already have committed future generations to living with sea-level rises of around 10 m over thousands of years but that timescale is still under our control. The rate of melting depends on the magnitude of warming above the tipping point. At 1.5°C, it could take 10,000 years to unfold; above 2°C it could take less than 1,000 years. They conclude that “both the risk and urgency of the situation are acute...we might already have lost control of whether tipping happens”. We may still have some control over the level of damage arising from tipping and therefore “the consideration of tipping points helps to define that we are in a climate emergency and strengthens [2019's] chorus of calls for urgent climate action.”

⁴¹ SR1.5°C (IPCC, 2018) and [Special Report on the Ocean and Cryosphere in a Changing Climate](#) (IPCC, 2019)

⁴² Climate tipping points – too risky to bet against, Professor Tim Lenton et al, *Nature* (November 2019), <https://www.nature.com/articles/d41586-019-03595-0>

Technology relevant to climate change

In discussing the role of technology and innovation in reaching net zero, the CCC advice considered both established and emerging technologies. It also explored the role of digitalisation.⁴³

Established technologies

In some sectors, such as power generation, technologies already exist to achieve “near-full decarbonisation”, and global trends are pushing efficiencies up and costs down. In other sectors, such as heating for buildings, technologies exist but the estimated costs are relatively high. The CCC advises that “where there is uncertainty around the costs or scale of competing low-carbon options a portfolio of options should be pursued.”

Emerging technologies

The CCC’s analysis includes several areas where solutions have been proposed but “innovation will be required to go beyond the reach of established technologies or methods”. These areas include hydrogen, heavy goods vehicles and carbon capture and storage.

Digitalisation

The CCC identifies digitalisation as “an important enabler” of the transition to net zero. It is seen as critical to the efficient production and use of energy across increasingly interconnected sectors, such as transport and buildings. The CCC anticipates that it will reduce the need for large amounts of back-up on the electricity grid by increasing the flexibility and dynamism of energy services e.g. vehicle-to-grid. It will also help reduce demands for energy, materials, food and water through predictive analysis, waste avoidance and video-conferencing.

Costs of technologies to achieve net-zero emissions

Ambitious mitigation targets in developed countries can help establish the new industries required and drive down the cost of currently more expensive technologies needed to reach net zero CO₂ emissions, including carbon capture and storage, hydrogen, low-carbon heating and technologies to remove CO₂ from the atmosphere.

EU and international law and policy relating to climate change

Paris Agreement

The Paris Agreement committed countries to keeping the increase in global average temperature to well below 2°C above pre-industrial levels and pursuing efforts to limit the increase to 1.5°C. In order to achieve this, countries agreed on the need for global emissions to peak as soon as possible and to achieve a balance between global emissions and removals (net zero) in the second half of the 21st Century, “on the basis of equity, and in the context of sustainable development and efforts to eradicate poverty”.⁴⁴ Global average temperature is

⁴³ [The Sixth Carbon Budget – The UK’s path to Net Zero](#) (CCC, December 2020, p.402-405)

⁴⁴ [Paris Agreement](#) (United Nations, 2015)

already around 1.1°C above pre-industrial levels.⁴⁵ The UK ratified the Paris Agreement in November 2016.

The Paris Agreement requires countries to produce Nationally Determined Contributions (NDCs) every five years. NDCs must reflect each country's highest possible ambition towards the global temperature goal. The UK was part of the EU's NDC agreed in 2015, which requires an average reduction across Member States of at least 40% by 2030. On 12 December 2020, ahead of the end of the Brexit transition period, the UK published its own NDC. This included a 2030 emissions reduction target of at least 68%. This figure is based on a recommendation from the CCC, which uses the same scenario as that for the CCC's recommendations for Wales (the Balanced Pathway).

Wales's contribution to the Paris Agreement and UK NDC

Countries agreed to implement the Paris Agreement in a way that would “reflect equity and the principle of common but differentiated responsibilities and respective capabilities, in the light of different national circumstances.”⁴⁶ Relative to many other countries, Wales is rich and has high historical emissions, going back centuries. Wales is now responsible for around 0.1% of global emissions each year, although since 1750 the UK has the 5th highest cumulative emissions in the world.⁴⁷

The global budget for limiting average global temperature rise to 1.5°C or 2°C can be informed by the latest climate science but the distribution of that budget between countries is a political and moral decision. There is no single agreed methodology or formula that can be used to define a country's fair contribution to mitigating climate change: it is a value judgment that must consider equality, capability and responsibility.

While there is no agreed methodology, the IPCC has summarised what the academic literature on ‘effort share’ approaches suggests regional targets should be, based on a review of 40 studies.⁴⁸ The approaches fall into three broad categories:

1. **Economically efficient:** These achieve the required abatement at least global cost (equal marginal abatement cost)
2. **Historical responsibility:** These assign emissions commitments on the basis of historic contribution to the climate emergency since 1990
3. **Forward-looking:** These assign emissions on the basis of a country's projected capability (income) or on the basis of convergence in global emissions per capita

⁴⁵ [WMO confirms 2019 as second hottest year on record](#), World Meteorological Organisation (15 January 2020)

⁴⁶ [Paris Agreement](#), Article 2.2

⁴⁷ Carbon Brief analysis: <https://twitter.com/CarbonBrief/status/1120715988532629506>

⁴⁸ [Regional GHG reduction targets based on effort sharing: a comparison of studies](#), Niklas Höhne, Michel Den Elzen & Donovan Escalante (Climate Policy, 2013)

International comparisons

Wales is a founding member of the Under2 Coalition, a global community of state and regional governments committed to ambitious climate action in line with the Paris Agreement.⁴⁹ The coalition includes more than 220 governments who represent over 1.3 billion people and 43% of the global economy.

121 states and regions disclosed their climate and environmental data as part of the Global States and Regions Annual Disclosure 2020.⁵⁰ Of these, 18 have set net zero targets, ranging from 2030 (Jämtland, Sweden) to 2045 (Scotland, California and Australian Capital Territory) to 2050 (including Catalonia and New York State). Hawaii aims to be net-negative by 2045.

Outside the Under2 Coalition, 7 countries have set net zero targets in law (for 2050, apart from Sweden for 2045). A further 7 countries have declared net zero targets in policy documents and 12 more have submitted net zero targets to the UN. Japan has recently declared its intent to achieve net zero by 2050, while China has done so for 2060. Joe Biden was elected president of the USA on a climate platform to aim for net zero emissions by 2050.⁵¹

Each government decides how to define the target, considering its formality (whether it is set in legislation or simply a policy target), scope (whether it covers all greenhouse gases or just CO₂ and whether it includes emissions from international aviation and shipping or not) and the approach to international offsetting (whether it is permitted or not).

European law and policy

In December 2019, the European Council agreed the objective of achieving a climate-neutral EU by 2050. This had previously been endorsed by the European Parliament in March 2019. The European Commission's (EC) proposed new European Climate Law would impose a legally binding target of net zero greenhouse gas emissions by 2050.⁵²

In December 2020, EU leaders agreed on a binding EU target for a net domestic reduction of at least 55% in greenhouse gas emissions by 2030, compared to 1990.⁵³ The previous target, set in 2014, was for at least a 40% reduction by 2030. The new target has been submitted to the UN as the EU's NDC.

EU climate legislation already in place includes the EU Emissions Trading System (ETS), the Effort Sharing Regulation (ESR), and the Land Use, and the Land Use Change and Forestry Regulation (LULUCF). The Renewable Energy Directive (RED II), the Energy Efficiency Directive and the Regulation on the Governance of the Energy and Climate Action also contribute in driving commitments to renewable energy. The EU acknowledges that without

⁴⁹ <https://www.under2coalition.org/>

⁵⁰ [Annual Disclosure Report](#) (Under2 Coalition, 2020)

⁵¹ [Which countries have a net zero carbon goal?](#) (Climate Change News)

⁵² https://ec.europa.eu/clima/policies/eu-climate-action/law_en

⁵³ <https://www.consilium.europa.eu/en/policies/climate-change>

enhancement these policies will fall short of the 55% target. It is therefore discussing potential policy changes, including strengthening carbon pricing in the EU through an extension of the ETS to new sectors, a carbon border adjustment mechanism to mitigate the risk of carbon leakage, and is reconsidering international aviation and shipping emissions with the ambition to include these within the EU ETS. The EC intends to make detailed legislative proposals by June 2021.⁵⁴

Integrated Impact Assessment

Having considered the regulations against our mandatory and non-mandatory impact assessments, we do not believe it is possible to quantify their impact as they simply provide the statutory framework for emissions reduction. The impact of taking action to meet the targets and carbon budgets depends on the measures and policies chosen. These policies will be set out in a report for each carbon budget period, the next being published in November 2021. Policies to deliver our carbon budgets are subject to an engagement process and impact assessments, including RIA where appropriate.

Additionally, the global nature of the climate emergency means it is not possible to determine the effect of more ambitious Welsh targets on climate-related risks in Wales, such as flooding, and the subsequent impact on the matters covered by the impact assessments, for example equality.

However, *if* Wales achieves the more ambitious targets *and* other countries make comparable effort, we increase the likelihood of limiting average global temperature rise to 1.5°C. If this temperature goal is met, we will limit Wales's exposure to climate change impacts. One such impact is heat-related mortality. We have worked with researchers at Bristol and East Anglia Universities to develop a short case study on heat-related mortality in Wales at 2°C and 1.5°C of global warming (see Annex A).

Summary

CCC advice

The CCC has concluded that a net zero target is now credible and the right target for Wales. Its December 2020 advice is a blueprint for achieving net zero and provides a detailed vision for realising this more ambitious goal.

The expected cost of achieving net zero has fallen since the CCC's 2019 advice. The estimated annualised resource cost has fallen from £3-5billion per year to significantly less than £2billion per year through to 2050. The CCC has also demonstrated that operational savings are expected to largely offset the investment costs for achieving net zero towards the middle of this century, and supporting research suggests a potential positive impact on GDP overall. The CCC's Advisory Group on the Costs and Benefits of Net Zero declared that the benefits (including decreased climate risk) of net zero outweigh the costs. In

⁵⁴ <http://europeanmemoranda.cabinetoffice.gov.uk/memorandum/communication-from-the-commission-to-the-european-parliament-the-council-the-european-economic-social-committee-1600418191>

addition to economic impacts, the CCC identified likely significant positive impacts for health and biodiversity in their Balanced Pathway.

Environment Act factors

SoNaRR highlights the substantial effect of climate change on biodiversity and ecosystems. It also identifies decarbonisation as a key opportunity to improve the sustainable management of natural resources and reduce several key pressures on all ecosystems.

The Future Trends Report considers several trends relevant to achieving climate change targets, notably an increasing, ageing population and more people living alone. Older people tend to have a higher carbon footprint than younger people and an increase in households suggests higher demand for heating and electricity. The Report also notes behaviour change as a key influencing factor on how the trends unfold; behaviour change is fundamental to achieving the CCC's Balanced Pathway. The Future Generations Report draws attention to the significant shift in public concern about climate change and increasing support for greater action, particularly among children and young people.

There is a very strong scientific basis for increased efforts to tackle climate change. IPCC-SR1.5 shows that keeping average global temperature increase to 1.5°C would reduce climate-related risks to health, livelihoods, food security, water supply, human security, and economic growth, when compared to a 2°C rise. Option 2 is more aligned to achieving 1.5°C than Option 1, which relates more closely 2°C.

Technology to support the net zero transition is well-advanced and commercially deployed in many important areas, while further innovation is required in others. “The clarity of a net-zero goal could help stimulate innovation. Under a net zero target all sectors need to decarbonise or offset their emissions. This removes uncertainty and the temptation of sectors to lobby for a larger share of the remaining 20% of emissions [under the existing 80% target]. This clarity could cut the cost of capital as well as stimulating innovation, thereby bringing down the overall cost of mitigation.”⁵⁵

There are many ways of determining Wales's fair contribution to the Paris Agreement and the UK's NDC. However, the CCC's Balanced Pathway is the only 'bottom-up' scenario available that describes *how* the targets can be met. The CCC states that its December 2020 recommendations “reflect the goals and requirements of the Paris Agreement” for the following reasons:⁵⁶

1. The Balanced Pathway has been explicitly designed to reflect Wales's 'highest possible ambition' within Wales' particular capabilities
2. It would reduce Wales's annual per-capita emissions to under 3tCO₂e per person before 2040, in line with global pathways consistent with meeting the 1.5°C goal

⁵⁵ [Report to the CCC](#) (Advisory Group on Costs and Benefits of Net Zero, 2019, p.23)

⁵⁶ [The path to a Net Zero Wales](#) (CCC, December 2020, p.57)

In the last year there has been a notable shift in global ambition on climate change; many more countries have now adopted a net zero target or ambition, or are considering one. Joining the 'net zero club' would demonstrate Wales's support for new industries and provide the best opportunity for attracting green investment and jobs. It would also align with Wales's well-being goal to be a globally responsible nation.

Having considered both the CCC advice and the Environment Act factors, Option 2 is the preferred option.

Consultation

In preparing their advice the CCC ran a public Call for Evidence to capture input from organisations and individuals on matters relevant to the regulations, as well as UK Carbon Budget 6. The Call for Evidence ran from 5 December 2019 to 5 February 2020. The Welsh Government and CCC ran two stakeholder events during the period: one in Llandudno on 20 January 2020 and one in Cardiff on 21 January 2020, with around 60 delegates attending in total.

There were four questions in the Call for Evidence with a Wales focus. These each received between 11 and 37 responses.⁵⁷ A high-level overview of the responses and a list of respondents is available in the CCC's Summary of responses document.⁵⁸

We have published our Engagement Approach for Low Carbon Delivery Plan 2 that describes how we intend to involve and collaborate with people and stakeholders throughout 2021.⁵⁹ We also continue to consult on the policies required to meet the carbon budgets and targets, for example the Electric Vehicle Charging Strategy, Building Regulations Part L and F Review, and the Agriculture (Wales) Bill.⁶⁰

⁵⁷ <https://www.theccc.org.uk/publication/sixth-carbon-budget-and-welsh-emissions-targets-call-for-evidence-summary>

⁵⁸ [Welsh emissions targets: Summary of responses to Call for Evidence](#) (CCC, 2020)

⁵⁹ See <https://gov.wales/low-carbon-delivery-plan-2-engagement-plan>

⁶⁰ See <https://gov.wales/consultations>

Competition Assessment

This impact assessment does not include a Competition Assessment because the regulations do not provide for specific policies. It is not possible, therefore, to consider the specific impacts on competition within individual markets.

The competition filter test	
Question	Answer
Q1: In the market(s) affected by the new regulation, does any firm have more than 10% market share?	
Q2: In the market(s) affected by the new regulation, does any firm have more than 20% market share?	
Q3: In the market(s) affected by the new regulation, do the largest three firms together have at least 50% market share?	
Q4: Would the costs of the regulation affect some firms substantially more than others?	
Q5: Is the regulation likely to affect the market structure, changing the number or size of businesses/organisation?	
Q6: Would the regulation lead to higher set-up costs for new or potential suppliers that existing suppliers do not have to meet?	
Q7: Would the regulation lead to higher ongoing costs for new or potential suppliers that existing suppliers do not have to meet?	
Q8: Is the sector characterised by rapid technological change?	
Q9: Would the regulation restrict the ability of suppliers to choose the price, quality, range or location of their products?	

Post implementation review

Government progress review

The Environment (Wales) Act 2016 requires Welsh Ministers to prepare and lay a statement after each budgetary period setting out whether Wales has met the budget, whether they have debited or credited any carbon units and giving details on the type and number of units. The statement must explain what the Welsh Ministers consider to be the reasons why the carbon budget for the period has, or has not, been met. In particular, it must include the Welsh Ministers' assessment of the extent to which their proposals and policies for meeting the carbon budget for the period have been carried out and have contributed to the carbon budget for the period being met or not. This statement must be laid before the end of the second year after the budgetary period, allowing time for the emissions data to be compiled, which requires 18 months from the close of year.

With regards to each interim target and the 2050 target, Welsh Ministers must also prepare and lay a statement before the Senedd. This statement must be made before the end of the second year after the relevant interim target year. This statement will provide the Welsh Government's assessment of the total amount of emissions in that year, whether the interim emissions target has been met, and the total amount of carbon credits or debits for that year. The statement must also explain what the Welsh Ministers consider to be the reasons why the target has, or has not, been met.

Independent progress review

The Act provides for the CCC to monitor and report on progress. No later than six months after the Welsh Ministers lay the final progress statement for a budgetary period, the CCC must provide a report setting out their views on:

- the way in which the carbon budget for the period was or was not met; and
- the action taken by the Welsh Ministers to reduce net Welsh emissions of greenhouse gases during the period.

Following the Welsh Government's progress reports on the 2030 and 2040 interim targets, the CCC is required to advise whether the forthcoming interim target(s) and 2050 target represent the highest achievable targets for Wales. If not, they must state what the highest achievable target is.

Annex A: Heat-related mortality in Wales at 2°C and 1.5°C of global warming

Introduction

Officials worked with academic experts on climate impacts to explore one example of how Wales might benefit from adopting and achieving a more ambitious emissions reduction pathway, if matched by other countries.⁶¹ Heat-related mortality was chosen because it is the most direct way in which climate change is expected to affect public health and there is a strong, direct correlation between summer temperatures and increased mortality.

Temperature thresholds of 2°C and 1.5°C were selected because Wales's existing legislated emissions reduction pathway is broadly aligned to a 2°C rise in global average temperature, assuming similar effort from other countries, while the CCC's new recommended pathway is more closely aligned to a rise of 1.5°C. They are also the temperature goals in the Paris Agreement.

How is Wales's exposure to extreme summer temperatures projected to change?

Overall, Wales's summer mean temperature is projected to change around 20% faster than the global mean and by 30-45% faster than the global mean during the hottest 5% of summer days.⁶² This means Wales's hottest summer days are getting hotter and more extreme relative to mean temperatures.

How is this change expected to affect heat-related mortality?

Mortality increases as temperature increases above a regionally-specific threshold.⁶³ Mortality occurs throughout the summer months, even on days that are not extreme heatwaves. As well as increasing temperature extremes, climate change means Wales will experience more warmer days and, as a result, increased heat-related mortality.

Based on current baseline mortality rates, modelling of the recent past (1990-2019) suggests, on average, 25 heat-related deaths occur per year in Wales, increasing to 48, 67, and 137 heat-related deaths under 1.5°C, 2°C and 3°C warming scenarios respectively (see Figure 1 for error bars). **Limiting**

⁶¹ Setting and achieving tighter emissions targets in Wales alone will have a negligible impact on global temperature and on Wales's climate. We are therefore reliant on the collective effort of all countries to reduce the frequency and severity of negative climate change impacts in Wales, such as heatwaves.

⁶² UK Climate Projections 2018 data:

<https://www.metoffice.gov.uk/research/approach/collaboration/ukcp/index>

⁶³ By around 1.5% for every 1°C above ~17.2°C for Wales. [Climate change effects on human health: projections of temperature-related mortality for the UK during the 2020s, 2050s and 2080s](#), Hajat et al, Journal of Epidemiology & Community Health (2014, Volume 68, Issue 7).

warming to 1.5°C would therefore avoid 29% of the additional heat-related mortality at 2°C.⁶⁴

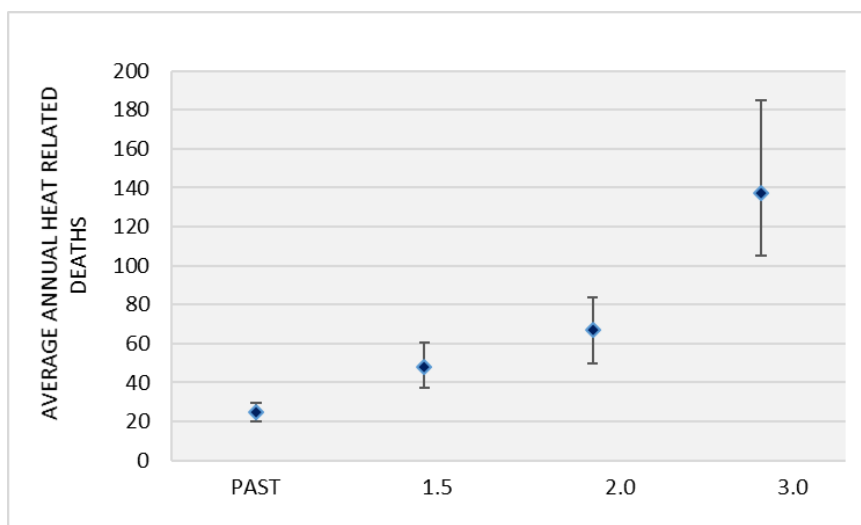


Fig. 1: Modelled average heat-related mortality per year in Wales for the past and 3 warming scenarios. Error bars signify 10-90% uncertainty in the projected climate.

Who is likely to be most affected?

Not everyone is equally vulnerable to heat-related illness. There are certain factors that increase an individual's risk during a heatwave, including:⁶⁵

- Older age: especially women over 75 years old, those living on their own, or in a care home;
- Chronic and severe illness: including heart conditions, diabetes, respiratory or renal insufficiency, Parkinson's disease or severe mental illness;
- Inability to adapt behaviour to keep cool: having Alzheimer's, a disability, being bed bound, too much alcohol, babies and the very young; and
- Environmental factors and overexposure: living in a top floor flat, being homeless, activities or jobs that are in hot places or outdoors and include high levels of physical exertion.

Which locations are likely to be most affected?

New research overlays heat-related climate hazard metrics with socio-economic factors.⁶⁶ The left-hand plot in Figure 2 shows that the locations with greatest absolute risk over the past 30 years (i.e. exposed to extreme heat hazards and at higher socio-economic levels of vulnerability and exposure) are

⁶⁴ Unpublished research (funded by the [UK Climate Resilience Program](#)) was carried out in support of this paper.

⁶⁵ [Caring for Patients Before and During a Heatwave: Advice for health and social care professionals](#), WG 2012

⁶⁶ Climate hazard metrics: Daily maximum and minimum temperature, vapour pressure (a measure of humidity), and degree days (variability of temperature extremes over a certain threshold). Socio-economic factors: population density, deprivation and proportion of population aged over 65.

in southeast and northeast Wales. The right-hand plot shows that when socio-economic factors are taken into account in combination with the projected change in climate hazards, locations at the greatest increase in risk are in Powys and across South Wales. Although these regions show the greatest increase in climate hazards, in absolute terms the southeast and northeast of Wales will still remain at the highest risk.

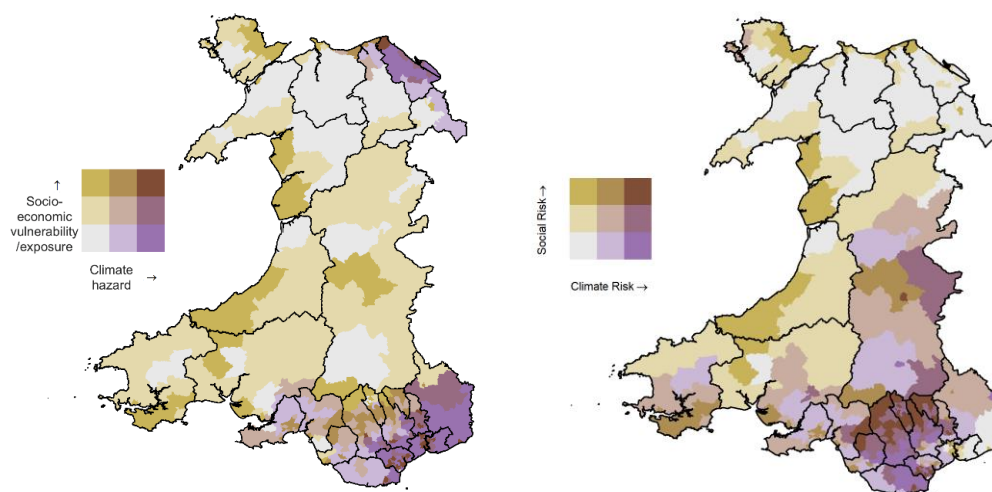


Fig.2: Left-hand plot shows current risk based on the past 30 years; right-hand plot shows the change in climate hazards between 1.5°C and 2°C of global warming – those places facing the greatest change in risk if we do not achieve 1.5°C (socio-economic factors remain stationary in time)

Can Wales expect fewer cold-related deaths?

This question has not been explored in the context of the higher targets and a comparison of 2°C and 1.5°C of global warming. However, research undertaken in 2014 suggests that by the 2080s the number of heat-related deaths may increase by around 340% and the number of cold-related deaths may reduce by around 40%. The number of heat-related deaths is not expected to surpass the numbers of cold-related deaths by the 2080s but the ratio of heat- to cold-related deaths is projected to increase from 1:35 to 1:5.⁶⁷

⁶⁷ [Climate change effects on human health: projections of temperature-related mortality for the UK during the 2020s, 2050s and 2080s](#), Hajat et al, Journal of Epidemiology & Community Health (2014, Volume 68, Issue 7). Figures quoted draw on the mean estimates.

SL(5)749 - Rheoliadau Deddf yr Amgylchedd (Cymru) 2016 (Diwygio Targed Allyriadau 2050) 2021

Cefndir a Diben

Mae Rhan 2 o Ddeddf yr Amgylchedd (Cymru) 2016 ("Deddf 2016") yn ei gwneud yn ofynnol i Weinidogion Cymru bennu targedau statudol ar gyfer lleihau allyriadau nwyon tŷ gwydr yng Nghymru.

Mae adran 29 o Ddeddf 2016 yn ei gwneud yn ofynnol i Weinidogion Cymru sicrhau bod cyfrif allyriadau net Cymru ar gyfer y flwyddyn 2050 ganran benodedig yn is na'r waelodlin.

Mae'r Rheoliadau hyn yn diwygio adran 29 o Ddeddf 2016 trwy newid y ganran yn isadran (1). Effaith y diwygiad yw bod isafswm y ganran y mae rhaid i gyfrif allyriadau net Cymru ar gyfer y flwyddyn 2050 fod yn is na'r waelodlin wedi ei gynyddu o 80 y cant i 100 y cant.

Mae'r Rheoliadau hyn yn rhan o gyfres o bedwar offeryn y cyfeirir atynt gyda'i gilydd fel Rheoliadau Newid yn yr Hinsawdd (Cymru) 2021.

Gweithdrefn

Cadarnhaol Drafft.

Mae Gweinidogion Cymru wedi gosod drafft o'r Rheoliadau gerbron y Senedd. Ni all Gweinidogion Cymru wneud y Rheoliadau oni bai bod y Senedd yn cymeradwyo'r Rheoliadau drafft.

Materion technegol: craffu

Nodir y pwynt a ganlyn i gyflwyno adroddiad arno o dan Reol Sefydlog 21.2 mewn perthynas â'r offeryn hwn:

1. Rheol Sefydlog 21.2(vi) - ei bod yn ymddangos bod gwaith drafftio'r offeryn neu'r drafft yn ddiffygiol neu ei fod yn methu â bodloni gofynion statudol

Mae'r rhaglith Saesneg yn cyfeirio at ddrafft o'r rheoliadau fel a ganlyn: "laid before and approved by a resolution of *the* Senedd Cymru." [*ychwanegwyd pwyslais*]. Mae'n ymddangos mai gwall yw cynnwys y fannod, gan fod Deddf Llywodraeth Cymru 2006 yn cyfeirio at "Senedd Cymru" drwyddi draw, heb "the" o flaen yr enw.

Rhinweddau: craffu

Ni nodir unrhyw bwyntiau i gyflwyno adroddiad arnynt o dan Reol Sefydlog 21.3 mewn perthynas â'r offeryn hwn.

Ymateb Llywodraeth Cymru

Mae angen ymateb gan Lywodraeth Cymru.



Cynghorwyr Cyfreithiol
Y Pwyllgor Deddfwriaeth, Cyfiawnder a'r Cyfansoddiad
22 Chwefror 2021



Senedd Cymru

Pwyllgor Deddfwriaeth, Cyfiawnder a'r Cyfansoddiad

—

Welsh Parliament

Tudalen y pecyn 346

Legislation, Justice and Constitution Committee

Rheoliadau drafft a osodwyd gerbron Senedd Cymru o dan adran 48(3) o Ddeddf yr Amgylchedd (Cymru) 2016, i'w cymeradwyo drwy benderfyniad gan Senedd Cymru.

OFFERYNNAU STATUDOL
CYMRU DRAFFT

2021 Rhif (Cy.)

**NEWID YN YR HINSAWDD,
CYMRU**

**Rheoliadau Deddf yr Amgylchedd
(Cymru) 2016 (Diwygio Targed
Allyriadau 2050) 2021**

NODYN ESBONIADOL

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

Diben Rhan 2 o Ddeddf yr Amgylchedd (Cymru) 2016 ("y Ddeddf") yw ei gwneud yn ofynnol i Weinidogion Cymru gyrraedd targedau ar gyfer lleihau allyriadau nwyon tŷ gwydr o Gymru. Mae adran 29 yn ei gwneud yn ofynnol i Weinidogion Cymru sicrhau bod cyfrif allyriadau net Cymru ar gyfer y flwyddyn 2050 ganran benodedig yn is na'r waelodlin.

Mae'r Rheoliadau hyn yn diwygio adran 29 o'r Ddeddf drwy newid y ganran yn is-adran (1). Mae adran 29(1) yn gosod dyletswydd ar Weinidogion Cymru o ran lefel "cyfrif allyriadau net Cymru" (swm allyriadau Cymru o nwyon tŷ gwydr am gyfnod wedi ei addasu yn ôl swm echdyniadau Cymru o'r nwyon hynny am y cyfnod hwnnw) ar gyfer y flwyddyn 2050. Y ddyletswydd yw sicrhau bod cyfrif allyriadau net Cymru isafswm canran yn is na "y waelodlin" (gwaelodlin allyriadau net Cymru o nwyon tŷ gwydr y cymhwysir y ganran yn adran 29(1) yn ei herbyn).

Effaith y diwygiad yn y Rheoliadau hyn yw bod isafswm y ganran y mae rhaid i gyfrif allyriadau net Cymru ar gyfer y flwyddyn 2050 fod yn is na'r waelodlin wedi ei gynyddu o 80% i 100%.

Yn unol ag adran 32 o'r Ddeddf, mae Gweinidogion Cymru wrth ddrafftio'r Rheoliadau hyn wedi rhoi sylw i'r ffactorau a restrir yn adran 32(3).

Yn unol ag adran 49 o'r Ddeddf, mae Gweinidogion Cymru wedi cael cyngor gan y corff cynghori, ac wedi

ystyried y cyngor a gafwyd, cyn gosod rheoliadau drafft.

Ystyriwyd Cod Ymarfer Gweinidogion Cymru ar gynnal Aseidiadau Effaith Rheoleiddiol mewn perthynas â'r Rheoliadau hyn. O ganlyniad, lluniwyd asesiad effaith rheoleiddiol o'r costau a'r manteision sy'n debygol o ddeillio o gydymffurfio â'r Rheoliadau hyn. Gellir cael copi oddi wrth: Llywodraeth Cymru, Parc Cathays, Caerdydd, CF10 3NQ.

Rheoliadau drafft a osodwyd gerbron Senedd Cymru o dan adran 48(3) o Ddeddf yr Amgylchedd (Cymru) 2016, i'w cymeradwyo drwy benderfyniad gan Senedd Cymru.

OFFERYNNAU STATUDOL
CYMRU DRAFFT

2021 Rhif (Cy.)

**NEWID YN YR HINSAWDD,
CYMRU**

**Rheoliadau Deddf yr Amgylchedd
(Cymru) 2016 (Diwygio Targed
Allyriadau 2050) 2021**

Gwnaed

Yn dod i rym

12 Mawrth 2021

Yn unol ag adran 48(3) o Ddeddf yr Amgylchedd (Cymru) 2016(1) (“y Ddeddf”), gosodwyd drafft o’r offeryn hwn gerbron Senedd Cymru ac fe’i cymeradwywyd ganddi drwy benderfyniad(2).

Cyn i’r drafft gael ei osod, roedd Gweinidogion Cymru—

- (a) wedi rhoi sylw i’r materion a restrir yn adran 32(3) o’r Ddeddf, a
- (b) wedi cael cyngor gan y Pwyllgor ar Newid Hinsawdd(3), ac wedi ystyried y cyngor a gafwyd, yn unol ag adran 49(1) o’r Ddeddf.

Mae’r Pwyllgor ar Newid Hinsawdd wedi argymhell newid targed allyriadau 2050.

(1) 2016 dccc 3.

(2) Mae’r cyfeiriad yn Neddf yr Amgylchedd (Cymru) 2016 at Gynulliad Cenedlaethol Cymru bellach yn cael effaith fel cyfeiriad at Senedd Cymru, yn rhinwedd adran 150A(2) o Ddeddf Llywodraeth Cymru 2006 (p. 32).

(3) Y Pwyllgor ar Newid Hinsawdd yw’r corff cynghori perthnasol i Weiniogion Cymru yn rhinwedd adran 44(3) o Ddeddf yr Amgylchedd (Cymru) 2016.

Yn unol â hynny, mae Gweinidogion Cymru, drwy arfer y pwerau a roddir gan adran 29(3) o'r Ddeddf, ac yn unol ag adran 32(2)(b) o'r Ddeddf, yn gwneud y Rheoliadau a ganlyn.

Enwi a chychwyn

1.—(1) Enw'r Rheoliadau hyn yw Rheoliadau Deddf yr Amgylchedd (Cymru) 2016 (Diwygio Targed Allyriadau 2050) 2021.

(2) Daw'r Rheoliadau hyn i rym ar 12 Mawrth 2021.

Diwygio targed allyriadau 2050

2. Yn adran 29(1) o Ddeddf yr Amgylchedd (Cymru) 2016, yn lle "80%" rhodder "100%".

Enw

Gweinidog yr Amgylchedd, Ynni a Materion Gwledig,
un o Weinidogion Cymru
Dyddiad

Explanatory Memorandum to the Climate Change (Wales) Regulations 2021

Explanatory Memorandum to:

- **The Environment (Wales) Act 2016 (Amendment of 2050 Emissions Target) Regulations 2021**
- **The Climate Change (Interim Emissions Targets) (Wales) (Amendment) Regulations 2021**
- **The Climate Change (Carbon Budgets) (Wales) (Amendment) Regulations 2021**
- **The Climate Change (Net Welsh Emissions Account Credit Limit) (Wales) Regulations 2021**

This Explanatory Memorandum has been prepared by the Economy, Skills and Natural Resources Group and is laid before Senedd Cymru in conjunction with the above subordinate legislation and in accordance with Standing Order 27.1.

Minister's Declaration

In my view, this Explanatory Memorandum gives a fair and reasonable view of the expected impact of the Climate Change (Wales) Regulations 2021:

- The Environment (Wales) Act 2016 (Amendment of 2050 Emissions Target) Regulations 2021
- The Climate Change (Interim Emissions Targets) (Wales) (Amendment) Regulations 2021
- The Climate Change (Carbon Budgets) (Wales) (Amendment) Regulations 2021
- The Climate Change (Net Welsh Emissions Account Credit Limit) (Wales) Regulations 2021

I am satisfied that the benefits justify the likely costs.

Lesley Griffiths MS
Minister for Environment, Energy and Rural Affairs

9 February 2021

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PART 1

1. Description

A suite of four regulations are covered within this Explanatory Memorandum and are referred to collectively as the Climate Change (Wales) Regulations 2021. Under Part 2 of the Environment (Wales) Act 2016 (“the Act”) Wales committed to reducing emissions of greenhouse gases from Wales by at least 80% in 2050. The Climate Change (Wales) Regulations 2018 established a system of interim emissions targets and carbon budgeting to create an emissions reduction trajectory towards the 2050 target. They also set out how the Welsh Ministers can utilise international carbon credits and set the credit (“offset”) limit for Carbon Budget 1 (CB1, 2016-20). Finally, they provided for how we will deal with emissions from international shipping and internal aviation in calculating our emissions.

The Climate Change (Wales) Regulations 2018, which supported the delivery of the Act, were namely:

- The Climate Change (Interim Emissions Targets) (Wales) Regulations 2018
- The Climate Change (Carbon Budgets) (Wales) Regulations 2018
- The Climate Change (International Aviation and International Shipping) (Wales) Regulations 2018
- The Climate Change (Net Welsh Emissions Account Credit Limit) (Wales) Regulations 2018
- The Carbon Accounting (Wales) Regulations 2018

The Climate Change (Wales) Regulations 2021 amend the 2050 target, the interim targets for 2040 and 2030, and CB2 (2021-25). They also set CB3 (2026-30) and the offset limit for CB2.

2. Matters of special interest to the Legislation, Justice and Constitution Committee

Section 31(4)(b) of the Environment (Wales) Act 2016 requires the Welsh Ministers to set CB3 in 2020, five years before the start of the budgetary period. In accordance with Section 49, before laying draft regulations the Welsh Ministers are required to request and take into account the advice of the advisory body. Under section 49(6) of the Act, if thereafter the Welsh Ministers propose making different provision from that recommended by the advisory body, they must also lay before the Senedd a statement setting out the reasons why. By virtue of no declaration being made by Welsh Ministers appointing an advisory body, Section 44 by default appoints the Climate Change Committee (CCC) to be our statutory advisory body.

In December 2019 the Minister for Environment, Energy and Rural Affairs requested advice from the CCC, including its recommendation for the level of CB3. The Minister requested the advice be published in September 2020 to allow for CB3 to be set by the end of that year. The CCC committed to this

timeline but subsequently, in June 2020, informed the Minister this would no longer be possible due to the challenges posed by the Covid-19 pandemic. The CCC moved publication of the advice to December 2020. The Minister decided it would not be manifestly unreasonable to choose to accommodate a small delay in setting CB3 in order to ensure legislation is brought forward on the basis of proper, thorough advice. The Welsh Ministers have obtained and taken into account the advice of the advisory body in relation to the Climate Change (Wales) Regulations 2021 now laid before the Senedd.

The Act does not establish a deadline for setting the offset limit for each carbon budget. The Welsh Ministers intend to set the CB3 offset limit no later than 2025.

The Carbon Accounting (Wales) Regulations 2018 utilise the UK Registry to host the Welsh credit account. Until the UK left the European Union, the UK Registry was governed by Commission Regulation (EU) 389/2013 establishing a union registry pursuant to Directive 2003/87/EC establishing a system for greenhouse gas emissions trading within the EU. Having left the EU, the UK no longer has access to the EU registries system. Officials are liaising with UK Government counterparts about a new, standalone UK Registry. Once this is established, the Welsh Ministers will need to amend the Carbon Accounting (Wales) Regulations 2018 to ensure provision for registering and keeping track of carbon units held by the Welsh Ministers. It is not expected Welsh Ministers will need to buy offsets in CB1 and it is expected the new UK Registry will be operational well in advance of the end of CB2.

3. Legislative background

The purpose of Part 2 of the Environment (Wales) Act 2016 is to require the Welsh Ministers to meet targets for reducing emissions of greenhouse gases in Wales. Part 2 puts in place a statutory emissions reduction target that requires the Welsh Ministers to ensure that net emissions of greenhouse gases in Wales, for the year 2050, are at least 80% lower than the baseline.

Part 2 also requires that the Welsh Ministers, by regulations approved by the Senedd, set interim emissions reduction targets for the years 2020, 2030 and 2040, and establish a system of 5-yearly carbon budgeting that together create an emissions reduction pathway to the 2050 target. The Climate Change (Wales) Regulations 2018 fulfilled this requirement.

The Environment (Wales) Act 2016 (Amendment of 2050 Emissions Target) Regulations 2021

- Section 29(3) allows the Welsh Ministers to amend the 2050 emissions target.
- Section 32 sets out the principles for amending the 2050 target.

The Climate Change (Interim Emissions Targets) (Wales) (Amendment) Regulations 2021

- Section 30(1) allows the Welsh Ministers to amend the interim emissions targets.

- Section 32 sets out the principles for amending the interim emissions targets.

The Climate Change (Carbon Budgets) (Wales) (Amendment) Regulations 2021

- Section 31 allows the Welsh Ministers to amend and set carbon budgets.
- Section 32 sets out the principles for amending and setting a carbon budget.

The Climate Change (Net Welsh Emissions Account Credit Limit) (Wales) Regulations 2021

- Section 33 provides that the Welsh Ministers must limit how many traded carbon units can be credited to the net Welsh emissions account in a given period. These regulations set the offset limit for Carbon Budget 2.

Section 32(2) of the Act prevents the Welsh Ministers from making regulations changing the 2050 emissions target, an interim emissions target or a carbon budget unless at least one of the following conditions is met:

- they are satisfied that it is appropriate to make the change as a result of significant developments in
 - scientific knowledge about climate change, or
 - EU or international law or policy relating to climate change;
- the change has been recommended by the advisory body;
- the change is in connection with provision made under section 35(1) or 37(2).¹

As required by the Act, the Welsh Ministers asked the CCC to provide advice to inform the development of the regulations. On 17 December 2020, following a Call for Evidence, the CCC provided their advice to the Welsh Ministers. The report, '[The path to a net zero Wales](#)', includes the CCC's recommendations on:

- The level of the 2050 target;
- The level of the 2030 and 2040 targets;
- The level of CB2 and CB3; and
- The limit for the use of offset credits in CB2.

In giving their advice on the level of the targets and budgets the CCC developed four different emissions scenarios across all sectors of the economy.² Drawing on these scenarios, the CCC then produced a fifth – the Balanced Net Zero Pathway that forms the basis of their recommendations.

¹ Section 35(1) relates to emissions from international aviation and international shipping. Section 37(2) relates to the definition of 'greenhouse gas'.

² Electricity supply, residential buildings, non-residential buildings, fuel supply, manufacturing and construction, surface transport, aviation, shipping, agriculture, land use, land use change and forestry, waste and F-gases.

The Climate Change (Wales) Regulations 2021 are brought forward in accordance with Section 32(2)(b) and follow the recommendations of the advisory body.

Section 32(3) of the Act requires the Welsh Ministers when making regulations changing the 2050 emissions target, or setting or changing an interim emissions target or a carbon budget, to have regard to the following:

- The most recent report under section 8 on the state of natural resources in relation to Wales
- The most recent future trends report under section 11 of the Well-being of Future Generations (Wales) Act 2015
- The most recent report (if any) under section 23 of that Act (Future Generations report)
- Scientific knowledge about climate change
- Technology relevant to climate change
- EU and international law and policy relating to climate change (including international agreements on measures designed to limit increases in global average temperatures)

The Climate Change (Wales) Regulations 2021 are brought forward in accordance with Section 32(3) of the Act.

Procedures for laying regulations

The regulations are subject to the approval of the Senedd via the draft affirmative procedure.

In accordance with Section 49, before laying draft regulations the Welsh Ministers are required to request and take into account the advice of the advisory body. By virtue of no declaration being made by Welsh Ministers appointing an advisory body, Section 44 by default appoints the Climate Change Committee (CCC) to be the statutory advisory body. Where regulations make different provision to the advice provided by the CCC, the Welsh Ministers must lay a statement before the Senedd setting out the reasons why.

The Climate Change (Wales) Regulations 2021 follow the advice of the advisory body.

4. Purpose and intended effect of the legislation **Environment (Wales) Act 2016 (Amendment of 2050 Emissions Target) (Wales) Regulations 2021**

Current situation

Section 29 of the Act establishes a statutory emissions reduction target that requires the Welsh Ministers to ensure that net emissions of greenhouse gases in Wales, for the year 2050, are at least 80% lower than the baseline.

Purpose

The purpose of this regulation is to increase the 2050 target to at least 100% lower than the baseline ('net zero').

Intended effect

The intended effect of this regulation is to bring Wales's 2050 target in line with the CCC's recommendation, reflecting developments in scientific knowledge, public opinion and global ambition since the original target was set in 2016.

Climate Change (Interim Emissions Targets) (Wales) (Amendment) Regulations 2021

Current situation

The Climate Change (Interim Emissions Targets) (Wales) Regulations 2018 set the interim targets that represented a pathway to the 2050 target established in the Act as follows:

- a 2020 target for an emissions reduction of 27% against the baseline
- a 2030 target for an emissions reduction of 45% against the baseline
- a 2040 target for an emissions reduction of 67% against the baseline

Purpose

The purpose of this legislation is to set targets for 2030 and 2040 that represent a pathway to the new net zero target for 2050:

- a 2030 target for an emissions reduction of 63% against the baseline
- a 2040 target for an emissions reduction of 89% against the baseline

Intended effect

The intended effect of this regulation is to establish targets for 2030 and 2040 in line with the CCC's recommendations, frontloading action in the 2020s. Reducing emissions early matters as it is global cumulative emissions that drive climate outcomes. The Welsh Ministers must set each interim emissions target at a level they are satisfied is consistent with meeting the 2050 emissions target.³

Climate Change (Carbon Budgets) (Wales) (Amendment) Regulations 2021

Current situation

A carbon budget sets a maximum limit on the total amount of Welsh emissions permitted over a 5-year budget period. The Climate Change (Carbon Budgets) (Wales) Regulations 2018 set Carbon Budgets 1 and 2 as follows:

- CB1 (2016-2020): an average of 23% below the baseline

³ Section 32(1)(a) of the Act.

- CB2 (2021-2025): an average of 33% below the baseline

Purpose

The purpose of this legislation is to set CB2 and CB3 at levels that represent a pathway to the new targets for 2030, 2040 and 2050:

- CB2 (2021-2025): an average of 37% below the baseline
- CB3 (2026-2030): an average of 58% below the baseline

Intended effect

The intended effect of this regulation is to establish carbon budgets for the 2020s in line with the CCC's recommendations. The Welsh Ministers must set each carbon budget at a level they are satisfied is consistent with meeting:

- the 2050 emissions target; and
- the interim target for any interim target year that falls within or after that budgetary period.⁴

Climate Change (Net Welsh Emissions Account Credit Limit) (Wales) Regulations 2021

Current situation

The Climate Change (Net Welsh Emissions Account Credit Limit) (Wales) Regulations 2018 set the limit on the use of carbon units for CB1.

Purpose

The Act requires Welsh Ministers to set a limit on the total amount that the Net Welsh Emissions Account can be reduced through the use of carbon units. The Carbon Accounting (Wales) Regulations 2018 defines carbon units as the international offset credits generated through Certified Emission Reduction (CER). Offset credits provide a means by which Wales can invest in emission reduction activities overseas and use the emission reductions achieved to offset domestic emissions within the Welsh targets.

The purpose of this regulation is to set the limit on the use of carbon units for CB2 (2021-2025).

Intended effect

The intended effect of this regulation is to set the offset limit for CB2 in line with the CCC's recommendation and ensure that CB2 is met solely by reducing domestic emissions. As the CCC's recommendation is to outperform CB2 on the way to more ambitious CB3 and the 2030 targets, the CCC concludes that it is not appropriate to meet CB2 with any use of carbon units i.e. the offset limit for CB2 should be set at 0%.

⁴ Section 32(1)(b) of the Act.

PART 2 – REGULATORY IMPACT ASSESSMENT

Introduction

The four regulations that make up The Climate Change (Wales) Regulations 2021 all relate to Wales's emissions reduction pathway to 2050 and are highly interdependent. This RIA therefore considers options for the pathway as a whole, rather than each regulation in turn. The pathway set in regulations represents the strategic decarbonisation framework but many individual policy measures are required to achieve the pathway. There are multiple ways to deliver the pathway and so the actual costs and benefits can only be determined once the measures to meet the carbon budgets have been agreed; policy-level impact assessments are required to conduct this analysis.

Since the Senedd passed the Climate Change (Wales) Regulations in 2018, science, technology, markets and cost assumptions have changed, showing the inherent uncertainties in modelling emission pathways and estimating costs. The Welsh Government is focussed on developing and taking the actions needed to meet the carbon budgets and targets and so is reliant on the Climate Change Committee (CCC) advice. This means there are only two options presented in this RIA, both drawing on CCC expertise.

Options

Option 1: Retain current emissions pathway ('do minimum')⁵

Option 1 fulfils the statutory duty to set CB3 and does so at a level consistent with the existing 80% pathway and the CCC's 2017 advice. It also increases the average reduction required in CB2 from the existing 33% to 37% to take account of the early closure of Aberthaw Power Station. The Welsh Government endorsed this principle when accepting the CCC's 2017 advice. Finally, this option sets the CB2 offset limit at 0%, in line with the CCC's recommendation in their 2020 advice. It leaves all the decadal targets unchanged.

- Carbon Budget 2 (2021-25): 37% average reduction with a 0% offset limit
- Carbon Budget 3 (2026-30): 43% average reduction⁶
- 2030: 45% reduction
- 2040: 67% reduction
- 2050: at least 80% reduction against the baseline

⁵ These targets are all set against the 2017 CCC advice, which was in turn based upon scientific understanding of GHG emissions at that time (1990-2015 GHG emission data are used as the basis). However, understanding of emissions has progressed since then and the latest CCC analysis is considerably revised to take account of these changes. The Option 1 pathway does not take any of these adjustments into account.

⁶ There is no statutory deadline for setting each offset limit. We will set the CB3 offset limit no later than 2025.

Option 2: Accept the CCC's recommendations in the December 2020 advice

- Carbon Budget 2 (2021-25): 37% average reduction with a 0% offset limit⁷
- Carbon Budget 3 (2026-30): 58% average reduction⁸
- 2030: 63% reduction
- 2040: 89% reduction
- 2050: at least 100% reduction against the baseline

Costs and benefits

Costs

We estimate the Present Value of resource costs of Option 2 will lead to additional resource costs of between £6bn and £10bn over the period to 2050.⁹ The best estimate, based on the Balanced Pathway that the CCC's recommendations are drawn from, is that the cost is likely to be in the upper third of this range. Upper and lower bounds are drawn from analysis of all of the CCC's scenarios in their December advice.¹⁰

Note: The resource costs of the net zero transition are not attributed as part of this analysis. Costs are likely to be shared between the Welsh and UK Governments, the private sector, investors and citizens.

	Best estimate	Lower bound	Upper bound
Option 1	£4.7bn	£3.3bn	£5.5bn
Option 2	£14.1bn	£10.1bn	£15.9bn
Additional cost of Option 2	£9.4bn	£5.9bn	£10.4bn

Table 1: Present Value of resource costs of Options 1 and 2¹¹

⁷ The CCC's recommendation for CB2 was a 37% average reduction in law with a commitment to outperform it. This is the minimum required to meet the Balanced Pathway. Our costs analysis incorporates the CCC's recommendation for CB2 with a view to meeting the 2030 recommendation and later targets.

⁸ There is no statutory deadline for setting each offset limit. We will set the CB3 offset limit no later than 2025.

⁹ Resource costs are discounted using the Social Time Preference Rate' (STPR) (3.5%) to provide the Present Value of resource costs. Additional resource costs indicate the extra spend required to provide the same goods and services but in a low-carbon way. They are calculated by annualising the capital investment costs over their lifetimes using a suitable cost of capital and subtracting in-year operating cost savings.

¹⁰ Headwinds, Widespread Engagement, Widespread Innovation, and Tailwinds – in addition to the Balanced Pathway.

¹¹ Figures may not sum due to rounding and comparisons across multiple CCC scenarios.

Comparison with the CCC estimate

Figure 1 shows that the CCC forecast the resource cost of their Balanced Pathway to be approximately £25bn.¹²

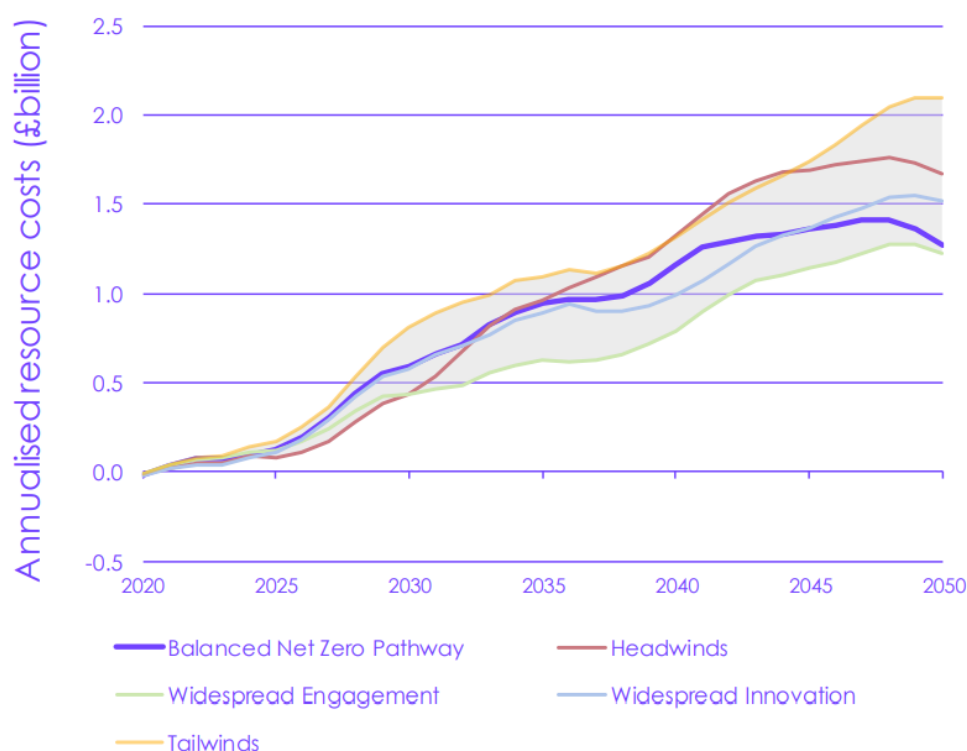


Figure 1: Annualised resource costs of the CCC’s scenarios; CCC analysis

The reasons for the difference between our estimate and the CCC’s estimate are twofold:

1. The CCC does not apply discounting to their estimates. The effect of discounting is the sole reason for the difference between their £25bn figure and the £14.1bn figure in Table 1.
2. The CCC compares the costs of achieving a net zero target with a hypothetical counterfactual¹³ of no-further climate-action from today. The counterfactual against which the costs in this RIA are compared is the existing statutory 80% target (Option 1).

Methodological approach

Note: Our cost estimates have been derived entirely from the CCC analysis and we have not undertaken our own modelling.

¹² The CCC report resource costs on an annual rather than cumulative basis. The £25 billion figure is the summation of the annual resource cost in each of the 30 years it takes to reach the net zero target. For detail on the CCC’s methodology, including assumptions, uncertainties and sensitivities, see Chapter 5 of [The Sixth Carbon Budget – The UK’s path to Net Zero](#).

¹³ The CCC’s counterfactual in the 2020 advice differs from all previous CCC publications. For more information see p.20 of [The Sixth Carbon Budget Methodology Report](#) (CCC, 2020).

The costs of both options are based on the scenarios produced by the CCC in their December advice. The costs of Option 1 are calculated by taking the annualised resource costs up to the point at which the particular scenario reaches the 80% target, whereas the costs of Option 2 take into account the whole pathway to net zero.

Figure 2 shows the cumulative annual resource costs for each scenario from 2020 onwards, up to the year where net zero emissions is reached. The point at which 80% is reached varies in the different scenarios (Table 2) and is indicated by the red dot in Figure 2. The additional costs of Option 2 are derived from the difference between the red dot and the end of the line.

The CCC’s scenarios rely to varying degrees on engineered greenhouse gas removals, such as Bioenergy with Carbon Capture and Storage (BECCS). The Balanced Pathway recommended by the CCC in their 2020 advice leads to a 96% reduction in Welsh emissions in 2050.¹⁴ The CCC advises that Wales can credibly meet net zero in the Balanced Pathway either with a 4% share (approximately 2MtCO₂e) of total UK engineered removals or through increased action in other areas, including land use and behavioural changes. However, the CCC’s analysis does not allocate a specific level of engineered removals to each UK nation. The analysis behind the figures in Table 1 includes Wales’s share of the UK costs of engineered removals in each CCC scenario up to 2050, in order to estimate the full cost of achieving net zero. Alternative ways of bridging the emissions gap would incur different costs.

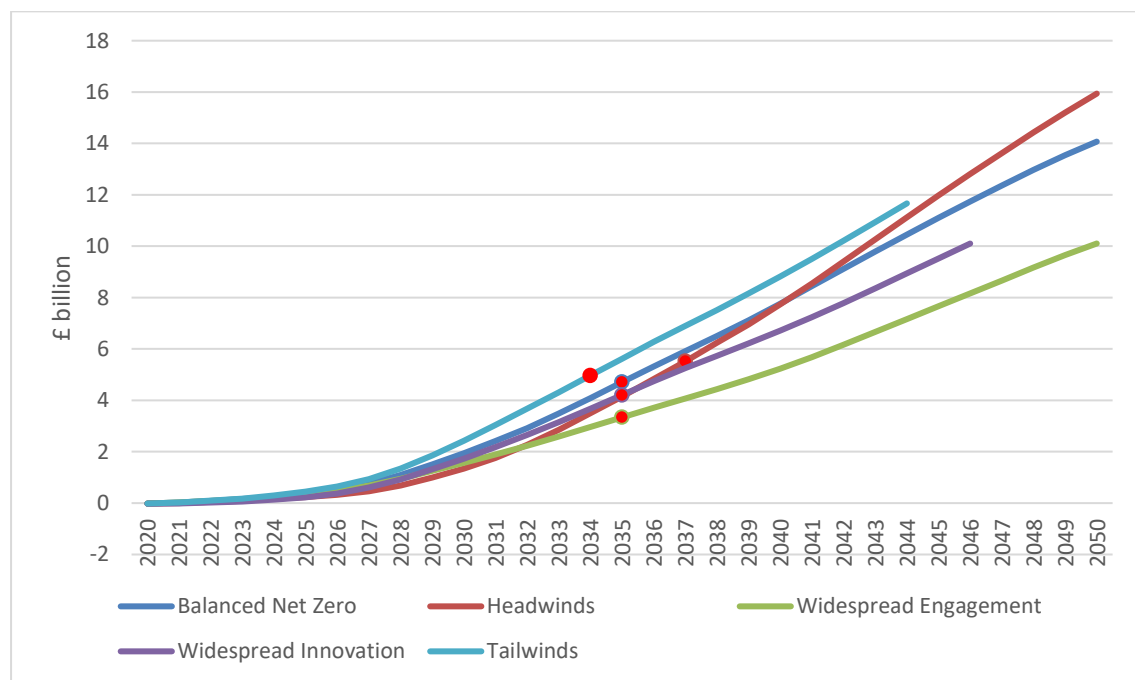


Figure 2: Cumulative Present Value of resource costs for each scenario; WG, using CCC analysis

	80%	Net zero
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¹⁴ The other CCC scenarios that do not reach net zero by 2050 are Headwinds (93%) and Widespread Engagement (99%).

Balanced Pathway	2035	2050
Headwinds	2037	2050
Widespread Engagement	2035	2050
Widespread Innovation	2035	2046
Tailwinds	2034	2044

Table 2: Years in which emission reduction targets are met under the CCC’s scenarios; WG, using CCC analysis¹⁵

We adopted this approach to estimate the costs of Option 1 because the CCC’s 2017 cost estimate of an 80% target can no longer be considered robust, due to significant falls in the costs of technology and methodological changes undertaken by the CCC.¹⁶ To illustrate the impact of these changes, Figure 3 shows the estimated resource cost of achieving an 80% target (produced in 2017) compared to the cost of achieving a net zero target (produced in 2020). This shows the uncertainty of estimating future resource costs, as they are highly sensitive to differences in behaviour change and the level of innovation in low carbon technologies.

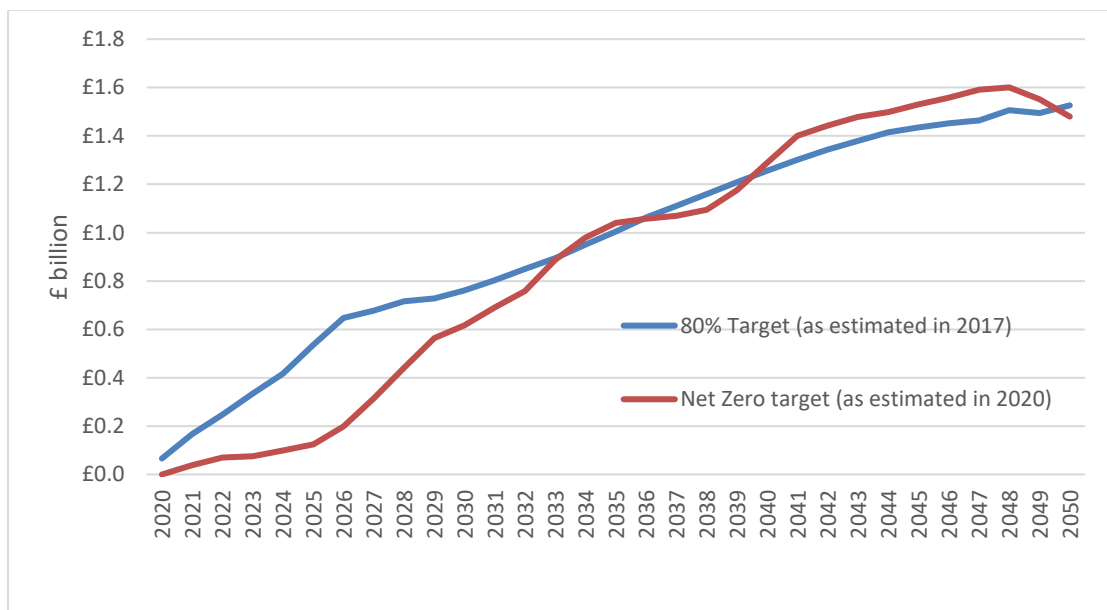


Figure 3: Annualised resource cost of Option 1 (2017) and Option 2 (2020) (£billion); WG, using CCC analysis¹⁷

¹⁵ Our analysis assumes a small amount of engineered greenhouse gas removals in the Balanced Pathway and Headwinds scenario before 2035 and 2037 respectively. This has been accounted for in the costs in Table 1. For the purposes of our analysis, the Balanced Pathway, Headwinds and Widespread Engagement Scenarios reach net zero in 2050 with varying amounts of engineered removals.

¹⁶ The changes and their implications are summarised in Box 1.2 on p.27 of [The Sixth Carbon Budget Methodology Report](#) (CCC, 2020).

¹⁷ Option 2 (Net Zero target) is based on our undiscounted cost analysis of the CCC’s Balanced Pathway and includes the costs of engineered removals required to reach net zero.

Where the costs are likely to fall

The CCC is clear that the costs should not be interpreted as being solely delivered through Welsh Government expenditure, nor as costs that only Welsh businesses and households have to bear. The extent to which costs and savings are shared across the UK – including the amount of expenditure through Welsh Government budgets – will be determined by policy at both UK and Welsh Government level. Many of the actions to reduce emissions will likely be paid for at UK level and/or socialised across the whole of the UK. The CCC provides the following examples:

- The costs associated with building new low-carbon generation will be shared across all consumers of electricity on the GB grid. The CCC has reflected this by allocating resource and investment costs for electricity supply to Wales in proportion to consumption, rather than make assumptions on where new zero-carbon generating capacity is located.¹⁸
- The costs of decarbonising industrial clusters could be met through a combination of direct financing from the UK Exchequer and/or be passed through to the end-users of low-carbon products.
- A market mechanism for greenhouse gas removals could see the UK aviation industry offsetting emissions by paying for removals, including planting trees, in all areas of the UK.

An expert advisory group convened by the CCC suggested that the private sector could deliver the majority of the investments in a transition to Net Zero.¹⁹ For this to happen, the Welsh and UK Governments will need to ensure appropriate regulatory and taxation regimes are in place. Given the CCC anticipates a small overall economic impact and assumes the private sector to finance most of the transition, the CCC expects the overall impact on public finances to 2050 to be limited.

Table 1 shows a larger total Present Value of resource costs for Option 2 than Option 1. This means that Option 2 may result in increased costs for households, at least in the short-term. However, in Option 2 households are likely to benefit from reduced operating costs over time. There is evidence to suggest that the benefits of Option 2 may outweigh the costs; the benefits are explored in further detail below.

In December 2020 HM Treasury published an interim report for its Net Zero Review.²⁰ The report recognises the implications for households arising from the structural changes required by the transition to a net zero economy but does not seek to calculate the impact of the transition on any particular group.

¹⁸ This assumption typically causes the estimate of Wales' share of UK costs to be lower than its share of UK abatement, because Wales is currently a significant net exporter of gas-fired power to the UK, but the costs of actions to decarbonise power will be shared by all electricity users in the UK.

¹⁹ For detail, see Chapter 5 of [The Sixth Carbon Budget – The UK's path to Net Zero](#).

²⁰ [Net Zero Review: Interim Report](#) (HM Treasury, December 2020)

The report acknowledges the inherent uncertainties in forecasting how the net zero transition will affect households by concluding that:

“The transition is a dynamic process that will take place over several decades, and its impact on individual households will ultimately depend on a range of factors including: the development of new low-carbon sectors in the UK; the pace of transition and policy levers chosen; the price of low-carbon alternatives to households and businesses’ current activities; and the dynamism of the labour and capital market.”

Households are exposed to the net zero transition through:

1. The goods and services they buy (household consumption). Different types of household will have different levels of exposure to the transition. For example, higher-income households consume more carbon in absolute terms, but lower-income households tend to consume more carbon relative to their income. HMT analysis suggests that the highest-income households emit around three times as much carbon as the lowest-income households, while on average their income is approximately eight times greater. Furthermore, regional analysis suggests that the average household greenhouse gas footprint in Wales is around the average, when compared to other parts of the UK.²¹
2. Labour market effects. There are likely to be large transitional labour market effects between sectors, with people in certain occupations (skilled trade, and process plant and machine workers) more likely to work in more carbon-intensive industries. People in these occupations are also disproportionately likely to have a lower level of education and to be lower income workers. HMT analysis suggests that people with lower and middle levels of education are employed in jobs with over 20% higher carbon intensity than highly educated employees, on average.
3. Changes to the value of assets. The interim report does not include analysis of this aspect. The net zero transition could affect household business profits, subsequently affecting households that own them (negatively or positively, depending on the household assets owned).

Benefits

The CCC’s December advice considers the benefits of net zero in the areas of prosperity, health and natural capital. The benefits discussed here follow the CCC’s approach of comparing a net zero pathway (Option 2) with a future of no further climate action, rather than comparing the benefits of Options 1 and 2 directly.

While it is not possible to quantitatively compare the macroeconomic, health and natural capital benefits under the options considered, it is reasonable to assume greater net benefits will accrue under Option 2 in relation to health and natural capital. This is because a net zero target will likely demand a greater policy response relevant to these areas, for example more tree planting, and this should increase the benefits flowing from these actions. Option 2 also

²¹ [Net Zero Review: Interim Report](#) (HM Treasury, December 2020, p.75)

frontloads climate action in the next 15 years, which would achieve the benefits earlier than Option 1 and result in greater cumulative benefit overall.

Prosperity and resilience

In the near term, the CCC report that GDP is likely to increase, especially as the economy rebuilds after the COVID-19 crisis. The negative economic impacts from COVID-19 mean the economy is not at full capacity and so present an opportunity for projects which are both ready to implement and which have a high fiscal multiplier effect. According to Hepburn et al (2020), green projects considered to have high multiplier values and strong climate benefits include building efficiency spending for renovations and retrofits, and natural capital investment for eco-system resilience and regeneration (such as restoration of carbon-rich habitats and climate friendly agriculture).²²

The CCC endorses this position, arguing that now is an ideal time to encourage investment, based on historically low interest rates and a potential demand shortage for cheap capital. Economic recovery from the COVID-19 pandemic necessitates stimulus, and many of the measures detailed in their advice have been shown to have high economic multipliers. However, it should be noted that other fiscal spending not linked to environmental policy may also have a high fiscal multiplier effect during periods of spare capacity. Furthermore, we cannot know for how long the economy will be at limited capacity as a result of COVID-19.

The CCC stresses that the estimates of annualised resource costs are not the same as macroeconomic impacts because resource costs are a microeconomic measure which do not account for wider dynamic interactions in the economy. For example, resource costs incorporate investment costs but do not account for the increase in GDP if that investment is made domestically. Furthermore, the shift away from fossil fuel imports is likely to have major benefits to the country's trade balance, which the resource costs also do not account for.

Macroeconomic analysis conducted in support of the CCC's advice demonstrates that despite the added resource costs involved, the net zero transition is expected to boost UK GDP by around 2% by 2030, levelling off at around a 3% increase by 2050.²³ The analysis estimates that UK net employment will be between 0.5-1% higher than the baseline of no further climate action between 2025-2050, with this employment growth largely resulting from the net zero investment programme.

The CCC reports that actions needed for the transition to net zero in Wales can stimulate economic growth, create jobs, and aid a recovery from the pandemic, as well as increasing resilience to future climate risks. Legislating the CCC's recommended targets would send a clear signal that Wales is open for low-carbon investment and take forward the commitment to "respond energetically to the climate emergency by pursuing a strong decarbonisation agenda", set

²² [Will COVID-19 fiscal recovery packages accelerate or retard progress on climate change?](#) (Hepburn et al, May 2020)

²³ [Economic impact of the Sixth Carbon Budget](#) (Cambridge Econometrics, 2020)

out in the 'COVID-19 Reconstruction: Challenges and Priorities' paper, published in October 2020.²⁴ This will also help to encourage private investment at a time when it is needed to support Wales' economic recovery from the COVID-19 crisis. It could also help Wales secure competitive positions in growing global markets for low-carbon goods and services.

Health

There is clear evidence for the health benefits of the net zero transition. Some of these come directly from changes required to achieve net zero (e.g. more active travel and dietary changes) and some indirectly from the implications of those changes (e.g. better air quality from reduced burning of fossil fuels and more liveable buildings as insulation is improved). These benefits are difficult to quantify, but the CCC states that they "unquestionably offset some, if not all, of the overall resource costs of achieving emissions targets".

The CCC's Expert Advisory Group on Health concurred strongly with the CCC's previous assessment that climate action could bring significant benefits to health. The Group identified five key areas in which action would bring benefits to public health and reduction of health inequalities while contributing to the mitigation of – and adaptation to – climate change:

1. Improved air quality delivered by a move to a cleaner energy system and moving away from fossil fuel combustion in most sectors of the UK.
2. Healthier modes of transport, particularly due to the health benefits of walking and cycling and reducing air pollution from road vehicles.
3. More comfortable and efficient homes that are low-carbon, energy efficient and designed for a changing climate.
4. Better diets with a focus on healthy and sustainable alternatives to the highest carbon foods.
5. Sustainable economic and employment models that better support health and wellbeing.

While noting the potential benefits to public health, the Group noted that the biggest driver of health outcomes in the UK remains economic inequality. A just transition is therefore an essential part of a successful climate policy and health policy.

There are also some potential health risks associated with achieving net zero. One such risk is a greater risk of airborne infection where increased energy efficiency in buildings is not accompanied by adequate ventilation.²⁵

Natural capital and well-being

Each of the CCC's scenarios for Wales include measures to improve Wales' natural capital:

²⁴ [COVID-19 Reconstruction: Challenges and Priorities](#) (WG, 2020)

²⁵ University of Leeds study quoted in 'Could Energy Efficiency Actually Increase Hospital Infection Rates?' (2013): <http://www.buildings.com/articles/30879/could-energy-efficiency-actually-increase-hospital-infection-rates>

- Provisioning services. The scenarios include an increase in renewable energy generation – particularly wind – consistent with the Welsh Government's target to generate renewable electricity equivalent to 70% of Welsh consumption by 2030.
- Regulation services. The Balanced Pathway includes the planting of between 4,500 and 7,500 hectares of trees per year, from 2025 to 2050, which will also contribute to improved air quality. Trees filter rainwater before it reaches receiving waters, thus improving water quality. Strategic planting of trees on flood plains can also regulate flooding. Trees can also reduce storm water runoff and slow storm flow. Significant areas of peatland will also be restored which – in addition to carbon sequestration – provide other vital services, such as water regulation, flood protection and habitats for wildlife.
- Cultural services. The natural environment provides a range of cultural services, such as increased amenity benefits, improved mental health, educational benefits and spiritual well-being.
- Supporting Services. In agriculture, the scenarios include soil and crop measures that aim to increase the efficiency of fertiliser use. These have benefits to water and soil quality, and biodiversity.

A just transition to Net Zero²⁶

The CCC expects the transition to bring many benefits for UK households. By 2035, in the CCC's scenarios, people's homes will be better insulated, their cars will be cheaper to drive, they will have cleaner air, quieter streets, more access to green spaces and more opportunities to improve their health. Policy should aim to share these benefits broadly across the population.

The CCC also highlights the risk of uneven costs. In the long term, energy costs and energy bills are expected to fall significantly but electricity costs are likely to rise first. Although improvements to energy efficiency could largely offset these costs, the CCC says that the additional costs should not be automatically added to energy bills, which is a regressive approach. It notes that continuing to add climate policy costs primarily to electricity prices, but not gas prices, adversely affects particular groups (those with electric heating).

New job opportunities

The opportunities for jobs growth have, to date, largely been focused on deploying renewable electricity. Research conducted by the International Labour Organisation suggests that growth in renewable energy sources leads to greater job creation than growth in non-renewable energy sources.²⁷ The CCC anticipates that the next phase of decarbonisation will go beyond renewable electricity towards electric vehicles, low-carbon hydrogen, carbon capture usage and storage (CCUS) and buildings decarbonisation. Low-carbon industrial products will be in increasing demand across the world.

²⁶ For more detail, see Chapter 6 of [The Sixth Carbon Budget – The UK's path to Net Zero](#).

²⁷ ['The transition in play: Worldwide employment trends in the electricity sector'](#), (International Labour Organization, Research Department Working Paper No. 28, G. Montt, N. Maitre, S. Amo-Agyei, 2018)

The macroeconomic analysis published alongside the CCC's advice also provides some insights into potential employment effects.²⁸ It identifies boosts in employment in the utilities sector and in manufacturing and construction, while there will likely be job losses in oil and gas production and aviation. At a UK level, the analysis estimates net employment growth of between 0.5-1% compared with the baseline of no further climate action between 2025-2050, resulting from the economic stimulus effect of the major investment programme implied by the CCC's Balanced Pathway.

Pressure on existing jobs

A transition to Net Zero will also reduce demand for certain high-carbon services and technologies, such as fossil fuel extraction, processing and distribution, aviation, fossil fuel machinery and some livestock and dairy. This could see jobs in some key sectors significantly affected, though in each area there will also be new employment opportunities.

Regional considerations

The opportunities and challenges of the low-carbon transition will vary regionally. For example areas with older, energy inefficient housing could face higher energy bills. Rural areas off the gas grid, who typically pay more for heating fuel, could have more to gain from a switch to low-carbon heating. Current and future transport infrastructure can limit the ability of the local population to walk, cycle or use public transport, and may affect the opportunity for, and costs of, running an electric vehicle. However, a transition to electric vehicles alongside an increase in active travel will lead to a decrease in local air pollution, benefitting health. A shift to healthier diets, and improved quality of housing is expected to lead to lower costs for the health service. An increase in tree-planting and urban green spaces will provide more green recreational space. Relative wealth will be important, including the ability to fund changes locally.

CCC Expert Advisory Group on the costs and benefits of a UK net-zero emissions target

In 2019, the CCC set up the Advisory Group on the Costs and Benefits of Net Zero. The Advisory Group produced a Chair's Report based on the Group's deliberations and written submissions.²⁹

The thrust of the report was that the costs and benefits of deep decarbonisation are unknowable with any precision, as they are both very uncertain in themselves and depend both on the decarbonisation policies and the timescale over which they are pursued. However, that said, the Group drew the following conclusions:

²⁸ [Economic impact of the Sixth Carbon Budget](#) (Cambridge Econometrics, 2020)

²⁹ [Report to the CCC](#) (Advisory Group on the Costs and Benefits of Net Zero, May 2019)

- The climate science suggests that there are very large potential benefits of limiting the average global temperature rise to 1.5°C rather than 2°C, which provides a justification for a Net Zero as opposed to an 80% emission reduction target;
- The costs of reducing greenhouse gas (GHG) emissions have been grossly over-estimated in the past; recent modelling suggests that costs might be around 1% of GDP, but ongoing reductions in the costs of zero-carbon technologies suggest that in the future the costs might turn negative (i.e. zero-carbon electricity may turn out to be cheaper than fossil fuel generation, even if the climate benefits are not considered);
- The costs of reaching Net Zero by a certain date (e.g. 2050) will be lower the sooner the requisite policies are put in place to achieve it, to give investors certainty about the direction of travel and to fit in with investment cycles to minimise the stranding of long-lived high carbon infrastructure;
- The health co-benefits of reducing fossil fuel use and greenhouse gas emissions could be very substantial in terms of improved air quality, active travel and healthier lower-meat diets;
- However low (or negative) the costs of Net Zero turned out to be, the transition to Net Zero would involve deep structural changes that would affect people, communities and economic sectors in very different ways. There would be winners and losers. The political acceptability of the transition would depend on it being seen to be fair, as well as this being desirable on ethical grounds;
- Achieving Net Zero by 2050 will require wide-ranging policies that are credible, consistent across government, long-term and of a stringency to transform major techno-socioeconomic systems of society (including energy, food, transport, waste and resource use). The required policy approach “includes a stable long-term direction with clear governance, regular reviews for flexibility, use of markets to find the best solutions, support for large-scale deployment of new technologies as well as research and development, and approaches that are tailored to the needs of each sector, while maintaining consistency across the system.”

Their report emphasised that the benefits (including decreased climate risk) of net zero outweigh the costs, that good policy design is vital to keep costs low and maximise benefits and that clarity around the decarbonisation pathway is a key enabler of innovation.

In April 2020 the CCC asked the Advisory Group to reflect on whether the economic circumstances consequent on and subsequent to COVID-19 are likely to have affected the Group’s conclusions in its 2019 Report, as set out above. The Group concluded that, if anything, their recommendations from 2019 have been reinforced by events since.³⁰

³⁰ [Supplementary report to the CCC](#) (Advisory Group on the Costs and Benefits of Net Zero, December 2020)

“The climate science has not changed, justifying the pursuit of a 1.5°C target [and net zero]... There is now a much greater economic rationale for substantial public investment, and the right measures to crowd in private investment, than there was [in 2019].”

Administrative costs

The administrative cost burden on the Welsh Government arises from establishing and maintaining the legislative framework for emissions reduction, developing policy, and then monitoring and reporting progress against the targets and carbon budgets. These costs are expected to be broadly similar under each of the options presented above.

Environment Act factors

Section 32(3) of the Environment (Wales) Act 2016 lists a number of reports and factors that Welsh Ministers must have regard to when changing the 2050 emissions target, or setting or changing an interim emissions target or carbon budget. The reports and factors are:

- the most recent State of Natural Resources Report;
- the most recent Future Trends Report;
- the most recent Future Generations Report;
- scientific knowledge about climate change;
- technology relevant to climate change; and
- EU and international law and policy relating to climate change (including international agreements on measures designed to limit increases in global average temperatures).

State of Natural Resources Report

In December 2020 Natural Resources Wales (NRW) published the first documents as part of the second State of Natural Resources Report (SoNaRR 2020). Among these documents are NRW’s assessments of the four aims of the Sustainable Management of Natural Resources (SMNR). In its assessment of the achievement of SMNR Aim one (Stocks of natural resources are safeguarded and enhanced), NRW finds that climate change is having a “substantial effect on biodiversity and ecosystems” through:³¹

- shifting species ranges;
- localised extinctions;
- changes to life-cycle events;
- sea level rise;
- exacerbating the increase in invasive species including disease vectors; and
- altering the abundance and distribution of biodiversity.

³¹ [SoNaRR 2020: Assessment of the Achievement of SMNR Aim 1: Stocks of Natural Resources are Safeguarded and Enhanced](#) (NRW, 2020)

The projected increase in frequency and intensity of droughts, fluvial and coastal floods and heatwaves are all likely to further reduce overall ecosystem resilience.

NRW concludes that “Overall Wales’s natural resources are not safeguarded or enhanced to the degree that we can say we are achieving sustainable management.”³² It identifies decarbonisation as one of four opportunities for action to improve performance against Aim one. NRW has also published natural resource registers showing how climate change is causing pressures and impacts on the eight ecosystems within SoNaRR.³³

Ecosystem	Key pressures			
	Changing weather patterns	Sea level rise	Increased water temperature	Ocean acidification
Coastal margins				
Enclosed farmland				
Freshwater				
Marine				
Mountains, moorlands and heaths				
Semi-natural grasslands				
Urban				
Woodlands				

Table 3: Key pressures on ecosystems caused by climate change (NRW, SoNaRR 2020)

The full chapter on how climate change is threatening ecosystem resilience and ecosystem services will be published in March 2021.

Future Trends Report

The most recent Future Trends Report dates from 2017, with the next report due in summer 2021.³⁴ The report identifies key future social, economic, environmental and cultural trends for Wales, under six themes that impact all aspects of government and public administration. Climate change is one of the themes, along with population, health, economy and infrastructure, land use and natural resources, and society and culture. The report essentially asks two questions:

1. Where might Wales be going? (Trends)
2. What could this mean? (Influencing factors)

³² [SoNaRR 2020: Assessment of the Achievement of SMNR Aim 1: Stocks of Natural Resources are Safeguarded and Enhanced](#) (NRW, 2020, p.22)

³³ [SoNaRR2020: Natural resource registers](#) (NRW, 2020)

³⁴ [Future Trends Report](#) (Welsh Government, 2017)

Trends

Population

Wales' population is projected to increase over the next 20 years, possibly by around 5%. Around half of this growth could be due to natural change (births and deaths) and half due to in-migration from the rest of the UK or internationally. The UK's exit from the European Union could lead to more controlled migration in the future and a subsequently lower population growth rate.

Over the next 20 years, the percentage of over 65s in Wales is set to increase from around 20% to around 25% of the entire population. The population aged over 75 in Wales is also projected to increase from 9% of the population in 2014 to around 13% in 2030. The number of young people (aged under 16) is projected to increase up to 2023 and then fall slightly up to 2030.

The number of households in Wales is projected to grow faster than the overall population. This would lead to smaller household sizes.

Economy and infrastructure

The global shift of economic growth away from more mature economies has meant that the UK has, over the last 50 years, slipped down global GDP leagues in terms of the overall economy size as less mature economies catch up with those that developed earlier. However, this does not mean that growth will stop in developed countries. Importantly, the overall size of a country's economy is less important for wellbeing than the income per head, and by this measure the UK displays better resilience. However, since the recession in 2008, a productivity slowdown has sharply reduced growth rates. The UK and Wales have been particularly affected.

Wales has great untapped growth potential to generate energy, including from renewable sources. There is currently significant growth in the community level low carbon energy sector in Wales.³⁵

The provision of broadband infrastructure is developing rapidly after a slower start relative to the rest of the UK. This was in part due to Wales' demographics and the high level of rural households that are harder to connect to conventional wired broadband. The rapid increase in mobile internet infrastructure looks set to continue, which should help to reach those households that cannot currently access higher speed internet.

Current trends suggest that, despite growth in rail use, private vehicles are set to remain the dominant mode of transport in Wales in the short to medium term at least. The expected advent of autonomous or driverless vehicles in the next 10 to 15 years could in turn have implications for our transport systems.

³⁵ When the Future Trends Report was published in 2017, the total number of locally-owned projects was 63,071 with a capacity of 529MWe. The latest figures, from 2019, are 68,560 projects and a capacity of 549MWe. See <https://gov.wales/energy-generation> for more detail.

Climate change

Even in the best case scenario, there are likely to be significant national as well as global impacts beyond those already observed. Global temperature increases are likely to exceed the two degree threshold, unless significant and rapid action is taken globally.

There are potentially significant impacts to Wales from exceeding the global two degrees threshold. The latest UK Climate Change Risk Assessment identified the following areas for priority action:

- Flooding and coastal change risks to communities, businesses and infrastructure.
- Risks to health, wellbeing and productivity from high temperatures.
- Risk of shortages in the public water supply, and for agriculture, energy generation and industry, with impacts on freshwater ecology.
- Risks to natural capital including terrestrial, coastal, marine and freshwater ecosystems, soils and biodiversity.

Infrastructure across Wales is already exposed to a range of climate hazards, which are projected to increase both in frequency and severity. Such infrastructure includes transport networks, underground infrastructure, energy and digital infrastructure and public water supplies. Impacts on some assets have the potential to cascade on to others as part of interdependent networks. Flooding poses the greatest long-term risk to infrastructure performance from climate change, but the growing risks from heat, water scarcity and slope instability caused by severe weather could also be significant.

Land use and natural resources

By 2050, average river flows in winter may rise by 10-15%. However, in the summer and early autumn they could reduce by over 50% and as much as 80% in some places. Droughts and flood events may become more common. Climate change may also affect the rates of groundwater recharge.

Soil carbon has been stable in improved land for 30 years. Recent increases in soil carbon in woodland until 2007 have now stabilised with no further increase detected. However, a significant decline in soil carbon in habitat land over the last 10 years has been detected and further work is needed to identify possible reasons for this.

Housing need in Wales is growing due to the number of households increasing faster than the number of available properties. In contrast, there is likely to be less suitable land available for development as flood plains and other lower lying land becomes increasingly prone to flooding.

Influencing factors

Political

The exit of the UK from the European Union may be the most immediate and potentially most disrupting factor to these identified trends. It is probable that this process will have a significant and wide ranging impact on Wales,

potentially impacting on economic growth and migration to Wales from both Europe and beyond.

There are also risks to the economic growth rate given the increasing potential for politically led 'de-globalisation'. Decreasing global trade patterns and the potential for increased protectionism could have a significant effect on both the mix and extent of various industries in Wales.

Economic

Economic growth rates could affect the amount of investment made in the research and development of new technologies, both globally and in Wales and the UK.

Social

Behavioural change among the Welsh population will be an unknown and potentially significant influence on how these trends unfold.

Technological

There is the potential for technological advances to dramatically improve the effectiveness and availability of low carbon energy. Mass production of current technologies such as solar power and energy storage may also help to dramatically increase the deployment of low carbon energy.

If the more pessimistic prediction for climate change occurs, there is a possibility that 'climate fixing' technology such as bioengineering may be employed to lower CO₂ levels in the atmosphere and levels of warming. The deployment of such technologies could have potentially significant effects and may not help to combat such effects as the acidification of the oceans.

Advances in household, transport and energy technologies could have a transformative effect on population behaviours, even over fairly short timescales.

Legislative

Ratification of the United Nations Paris Agreement has set the global legal context for climate change. The international context around climate change has now changed with a roadmap in place for global decarbonisation, setting a new long-term target for net zero global emissions in the second half of this century and key legislative requirements at all levels.

Environmental

There are a wide range of climate change scenarios and models. The next 20 years may be crucial in determining which of the various longer term warming scenarios will occur.

As the impacts from climate change become more prevalent, there may be an increasing risk of climate related disruption to global and regional economic networks. These could take the form of disruptions in crop production, or an increasing risk of flooding. The sensitivity of the climate to the rising levels of CO₂ in the atmosphere will be key to the extent to which infrastructure might be

disrupted. The more pessimistic scenarios also have the potential to impact significantly on population growth and migration levels, given the possibility of increased risk in terms of failures elsewhere in food production/ transportation and access to other resources, along with associated global conflicts.

There are some potential climate related risks that could impact negatively on health trends, not just in Wales but globally. One example is the greater risk of extreme hot weather events, the incidences of which are unpredictable. Climate change could also bring increasing risks of newly emerging infectious disease. Likewise, future air quality levels could be a major associated influencing factor. In contrast, there are also likely to be some opportunities presented by a warming trend. For example, the amount of energy required to maintain warm homes would reduce.

The level of sensitivity of Wales' biodiversity and habitats to climate change will be the key to how natural resources trends may evolve. There are risks from climate change in the frequency and the magnitude of extreme weather and wildfire events. Climate change is influencing the expansion or contraction of some species' ranges and populations, and the increasing frequency of extreme climatic events, predicted in many climate change scenarios, may have serious implications.

Future Generations Report

The most recent Future Generations Report was published in May 2020.³⁶ Chapter 5 specifically focuses on decarbonisation.

People's perception of decarbonisation

Concerns about climate change reached a record high in 2019 (85% in the UK). The Commissioner says that one of the things people have emphasised in conversations with her is the importance of having a more proactive government with stronger targets and regulation.

What future generations need

The report says we need to reduce our emissions in Wales by at least 95% by 2050, preferably sooner, to avoid catastrophic climate change. This means that in Wales we need to make an urgent transition to a low carbon economy and society.

Young people have had a significant impact on securing action on climate change in Wales. Public awareness, especially amongst the younger generation, has increased considerably in the last 12 months. Following the Fridays for Future protests, the Commissioner believes that 2019 was the year when children and young people showed politicians and decision makers across Wales and the world that they must do more to act on climate change. Young people are now demanding greater action and climate justice, calling on global leaders to take urgent action.

³⁶ [The Future Generations Report 2020](#) (Future Generations Commissioner for Wales)

The report argues that we need to address climate change because it is an equality and social justice issue and it will disproportionately affect the most vulnerable communities in Wales and across the world. Vulnerable communities are more likely to be exposed to the risks and impacts of climate change, without the ability to cope with or recover from those impacts.

Scientific knowledge about climate change

Two reports by the Intergovernmental Panel on Climate Change (IPCC) summarise the core of scientific knowledge about climate change: the Fifth Assessment Report (IPCC-AR5) and the Special Report on Global Warming of 1.5°C (IPCC-SR1.5).³⁷

*Key conclusions from IPCC-AR5*³⁸

- The climate is changing as a result of global greenhouse gas emissions; the IPCC concluded that it was unequivocal that humans were influencing the climate
- Many climate impacts are being detected across the world
- Further emissions will lead to further warming and change
- There is no simple threshold beyond which climate change moves from safe to dangerous
- The increase in global temperature is determined mainly by total carbon dioxide emissions over time, which must fall to near zero in order to limit warming

Summary of IPCC-SR1.5

At COP21 in Paris, the Intergovernmental Panel on Climate Change (IPCC) was invited to provide a Special Report in 2018 on the impacts of global warming of 1.5°C above pre-industrial levels and related global greenhouse gas emission pathways. The report found that:³⁹

- Human activities are estimated to have caused approximately 1.0°C of global warming above pre-industrial levels, with a likely range of 0.8°C to 1.2°C.
- Global warming is likely to reach 1.5°C between 2030 and 2052 if it continues to increase at the current rate (high confidence).
- Climate-related risks for natural and human systems are higher for global warming of 1.5°C than at present, but lower than at 2°C (high confidence). These risks depend on the magnitude and rate of warming, geographic location, levels of development and vulnerability, and on the choices and implementation of adaptation and mitigation options (high confidence).
- Climate models project robust differences in regional climate characteristics between present-day and global warming of 1.5°C, and

³⁷ [Fifth Assessment Report](#) (IPCC, 2013) and [Special Report on Global Warming of 1.5°C](#) (IPCC, 2018)

³⁸ As quoted in [The Sixth Carbon Budget – The UK's path to Net Zero](#) (CCC, December 2020, p.355)

³⁹ https://www.ipcc.ch/site/assets/uploads/sites/2/2019/06/SR15_Headline-statements.pdf

between 1.5°C and 2°C. These differences include increases in: mean temperature in most land and ocean regions (high confidence), hot extremes in most inhabited regions (high confidence), heavy precipitation in several regions (medium confidence), and the probability of drought and precipitation deficits in some regions (medium confidence).

The IPCC's projected differences between global warming of 1.5°C and 2°C include:

- Increased climate-related risks to health, livelihoods, food security, water supply, human security, and economic growth.
- Global mean sea level rise of around 0.1 metre lower by 2100 (medium confidence). A slower rate of sea level rise enables greater opportunities for adaptation in the human and ecological systems of small islands, low-lying coastal areas and deltas (medium confidence).
- Lower impacts on biodiversity and ecosystems, including species loss and extinction, and lower impacts on terrestrial, freshwater and coastal ecosystems – enabling them to retain more of their services to humans (high confidence).
- Reduced increases in ocean temperature as well as associated increases in ocean acidity and decreases in ocean oxygen levels (high confidence).
- Consequently, reduced risks to marine biodiversity, fisheries, and ecosystems, and their functions and services to humans, as illustrated by recent changes to Arctic sea ice and warm-water coral reef ecosystems (high confidence).
- Most adaptation needs will be lower (high confidence).

New observations of climate

In its December advice to the UK Government, the CCC also listed new observations of climate since its last UK Carbon Budget 5 advice in 2015:⁴⁰

- The five years since 2015 have seen the five warmest years (globally) on record.
- The global average level of human-induced warming is now in excess of 1.1°C when defined consistent with practices used by the World Metrological Organisation and IPCC-SR1.5. Best estimates indicate that human activities are responsible for 100% of the warming observed since 1850-1900. The observed rate of increase in global temperature (~0.2°C per decade) has proceeded consistent with the near-term warming projection made by the IPCC-AR5 report (a 0.12-0.42°C per decade increase).
- Global sea levels have continued to rise, with the rate of increase over the last five years being the fastest observed to date. Global average sea levels are now estimated to be around 20 cm above levels in 1900.

⁴⁰ [The Sixth Carbon Budget – The UK's path to Net Zero](#) (CCC, December 2020, p.359)

- In the UK, the 2010–2019 decade was the second warmest cardinal decade on record after 2000–2009. In 2019, the highest ever temperature reached in the UK was recorded as well as the warmest ever recorded winter temperature. Considerably more high temperature records were set in the UK over than 2010s than low temperature records.
- Human-induced climate change has been clearly shown to increase the frequency and intensity of many (but not all) extreme weather events, with particularly clear signals in extreme heat and many heavy rainfall events.

Tipping points

While many impacts of climate change broadly reflect relatively gradual changes caused by steady increases in global average temperature, parts of Earth's system have the potential to change abruptly. Once passed, these 'tipping points' cause a dramatic shift that can be irreversible. Examples of tipping points include loss of the Amazon rainforest or the West Antarctic ice sheet.

The IPCC introduced the idea of tipping points two decades ago. At that time, these 'large-scale discontinuities' in the climate system were considered likely only if global warming exceeded 5°C above pre-industrial levels. IPCC Special Reports in 2018 and 2019 now suggest that tipping points could be exceeded even between 1 and 2 °C of warming.⁴¹

In an article in *Nature* in November 2019, Professor Tim Lenton and others report that evidence is mounting that tipping points could be “more likely than was thought, have high impacts and are interconnected across different biophysical systems, potentially committing the world to long-term irreversible changes.”⁴² In their view, if tipping points are indeed looking more likely, then the costs associated with the resulting impacts mean warming must be limited to 1.5°C. They consider several cryosphere tipping points are dangerously close, but mitigating greenhouse gas emissions could still slow down the inevitable accumulation of impacts and help us to adapt. We might already have committed future generations to living with sea-level rises of around 10 m over thousands of years but that timescale is still under our control. The rate of melting depends on the magnitude of warming above the tipping point. At 1.5°C, it could take 10,000 years to unfold; above 2°C it could take less than 1,000 years. They conclude that “both the risk and urgency of the situation are acute...we might already have lost control of whether tipping happens”. We may still have some control over the level of damage arising from tipping and therefore “the consideration of tipping points helps to define that we are in a climate emergency and strengthens [2019's] chorus of calls for urgent climate action.”

⁴¹ SR1.5°C (IPCC, 2018) and [Special Report on the Ocean and Cryosphere in a Changing Climate](#) (IPCC, 2019)

⁴² Climate tipping points – too risky to bet against, Professor Tim Lenton et al, *Nature* (November 2019), <https://www.nature.com/articles/d41586-019-03595-0>

Technology relevant to climate change

In discussing the role of technology and innovation in reaching net zero, the CCC advice considered both established and emerging technologies. It also explored the role of digitalisation.⁴³

Established technologies

In some sectors, such as power generation, technologies already exist to achieve “near-full decarbonisation”, and global trends are pushing efficiencies up and costs down. In other sectors, such as heating for buildings, technologies exist but the estimated costs are relatively high. The CCC advises that “where there is uncertainty around the costs or scale of competing low-carbon options a portfolio of options should be pursued.”

Emerging technologies

The CCC’s analysis includes several areas where solutions have been proposed but “innovation will be required to go beyond the reach of established technologies or methods”. These areas include hydrogen, heavy goods vehicles and carbon capture and storage.

Digitalisation

The CCC identifies digitalisation as “an important enabler” of the transition to net zero. It is seen as critical to the efficient production and use of energy across increasingly interconnected sectors, such as transport and buildings. The CCC anticipates that it will reduce the need for large amounts of back-up on the electricity grid by increasing the flexibility and dynamism of energy services e.g. vehicle-to-grid. It will also help reduce demands for energy, materials, food and water through predictive analysis, waste avoidance and video-conferencing.

Costs of technologies to achieve net-zero emissions

Ambitious mitigation targets in developed countries can help establish the new industries required and drive down the cost of currently more expensive technologies needed to reach net zero CO₂ emissions, including carbon capture and storage, hydrogen, low-carbon heating and technologies to remove CO₂ from the atmosphere.

EU and international law and policy relating to climate change

Paris Agreement

The Paris Agreement committed countries to keeping the increase in global average temperature to well below 2°C above pre-industrial levels and pursuing efforts to limit the increase to 1.5°C. In order to achieve this, countries agreed on the need for global emissions to peak as soon as possible and to achieve a balance between global emissions and removals (net zero) in the second half of the 21st Century, “on the basis of equity, and in the context of sustainable development and efforts to eradicate poverty”.⁴⁴ Global average temperature is

⁴³ [The Sixth Carbon Budget – The UK’s path to Net Zero](#) (CCC, December 2020, p.402-405)

⁴⁴ [Paris Agreement](#) (United Nations, 2015)

already around 1.1°C above pre-industrial levels.⁴⁵ The UK ratified the Paris Agreement in November 2016.

The Paris Agreement requires countries to produce Nationally Determined Contributions (NDCs) every five years. NDCs must reflect each country's highest possible ambition towards the global temperature goal. The UK was part of the EU's NDC agreed in 2015, which requires an average reduction across Member States of at least 40% by 2030. On 12 December 2020, ahead of the end of the Brexit transition period, the UK published its own NDC. This included a 2030 emissions reduction target of at least 68%. This figure is based on a recommendation from the CCC, which uses the same scenario as that for the CCC's recommendations for Wales (the Balanced Pathway).

Wales's contribution to the Paris Agreement and UK NDC

Countries agreed to implement the Paris Agreement in a way that would “reflect equity and the principle of common but differentiated responsibilities and respective capabilities, in the light of different national circumstances.”⁴⁶ Relative to many other countries, Wales is rich and has high historical emissions, going back centuries. Wales is now responsible for around 0.1% of global emissions each year, although since 1750 the UK has the 5th highest cumulative emissions in the world.⁴⁷

The global budget for limiting average global temperature rise to 1.5°C or 2°C can be informed by the latest climate science but the distribution of that budget between countries is a political and moral decision. There is no single agreed methodology or formula that can be used to define a country's fair contribution to mitigating climate change: it is a value judgment that must consider equality, capability and responsibility.

While there is no agreed methodology, the IPCC has summarised what the academic literature on ‘effort share’ approaches suggests regional targets should be, based on a review of 40 studies.⁴⁸ The approaches fall into three broad categories:

1. **Economically efficient:** These achieve the required abatement at least global cost (equal marginal abatement cost)
2. **Historical responsibility:** These assign emissions commitments on the basis of historic contribution to the climate emergency since 1990
3. **Forward-looking:** These assign emissions on the basis of a country's projected capability (income) or on the basis of convergence in global emissions per capita

⁴⁵ [WMO confirms 2019 as second hottest year on record](#), World Meteorological Organisation (15 January 2020)

⁴⁶ [Paris Agreement](#), Article 2.2

⁴⁷ Carbon Brief analysis: <https://twitter.com/CarbonBrief/status/1120715988532629506>

⁴⁸ [Regional GHG reduction targets based on effort sharing: a comparison of studies](#), Niklas Höhne, Michel Den Elzen & Donovan Escalante (Climate Policy, 2013)

International comparisons

Wales is a founding member of the Under2 Coalition, a global community of state and regional governments committed to ambitious climate action in line with the Paris Agreement.⁴⁹ The coalition includes more than 220 governments who represent over 1.3 billion people and 43% of the global economy.

121 states and regions disclosed their climate and environmental data as part of the Global States and Regions Annual Disclosure 2020.⁵⁰ Of these, 18 have set net zero targets, ranging from 2030 (Jämtland, Sweden) to 2045 (Scotland, California and Australian Capital Territory) to 2050 (including Catalonia and New York State). Hawaii aims to be net-negative by 2045.

Outside the Under2 Coalition, 7 countries have set net zero targets in law (for 2050, apart from Sweden for 2045). A further 7 countries have declared net zero targets in policy documents and 12 more have submitted net zero targets to the UN. Japan has recently declared its intent to achieve net zero by 2050, while China has done so for 2060. Joe Biden was elected president of the USA on a climate platform to aim for net zero emissions by 2050.⁵¹

Each government decides how to define the target, considering its formality (whether it is set in legislation or simply a policy target), scope (whether it covers all greenhouse gases or just CO₂ and whether it includes emissions from international aviation and shipping or not) and the approach to international offsetting (whether it is permitted or not).

European law and policy

In December 2019, the European Council agreed the objective of achieving a climate-neutral EU by 2050. This had previously been endorsed by the European Parliament in March 2019. The European Commission's (EC) proposed new European Climate Law would impose a legally binding target of net zero greenhouse gas emissions by 2050.⁵²

In December 2020, EU leaders agreed on a binding EU target for a net domestic reduction of at least 55% in greenhouse gas emissions by 2030, compared to 1990.⁵³ The previous target, set in 2014, was for at least a 40% reduction by 2030. The new target has been submitted to the UN as the EU's NDC.

EU climate legislation already in place includes the EU Emissions Trading System (ETS), the Effort Sharing Regulation (ESR), and the Land Use, and the Land Use Change and Forestry Regulation (LULUCF). The Renewable Energy Directive (RED II), the Energy Efficiency Directive and the Regulation on the Governance of the Energy and Climate Action also contribute in driving commitments to renewable energy. The EU acknowledges that without

⁴⁹ <https://www.under2coalition.org/>

⁵⁰ [Annual Disclosure Report](#) (Under2 Coalition, 2020)

⁵¹ [Which countries have a net zero carbon goal?](#) (Climate Change News)

⁵² https://ec.europa.eu/clima/policies/eu-climate-action/law_en

⁵³ <https://www.consilium.europa.eu/en/policies/climate-change>

enhancement these policies will fall short of the 55% target. It is therefore discussing potential policy changes, including strengthening carbon pricing in the EU through an extension of the ETS to new sectors, a carbon border adjustment mechanism to mitigate the risk of carbon leakage, and is reconsidering international aviation and shipping emissions with the ambition to include these within the EU ETS. The EC intends to make detailed legislative proposals by June 2021.⁵⁴

Integrated Impact Assessment

Having considered the regulations against our mandatory and non-mandatory impact assessments, we do not believe it is possible to quantify their impact as they simply provide the statutory framework for emissions reduction. The impact of taking action to meet the targets and carbon budgets depends on the measures and policies chosen. These policies will be set out in a report for each carbon budget period, the next being published in November 2021. Policies to deliver our carbon budgets are subject to an engagement process and impact assessments, including RIA where appropriate.

Additionally, the global nature of the climate emergency means it is not possible to determine the effect of more ambitious Welsh targets on climate-related risks in Wales, such as flooding, and the subsequent impact on the matters covered by the impact assessments, for example equality.

However, *if* Wales achieves the more ambitious targets *and* other countries make comparable effort, we increase the likelihood of limiting average global temperature rise to 1.5°C. If this temperature goal is met, we will limit Wales's exposure to climate change impacts. One such impact is heat-related mortality. We have worked with researchers at Bristol and East Anglia Universities to develop a short case study on heat-related mortality in Wales at 2°C and 1.5°C of global warming (see Annex A).

Summary

CCC advice

The CCC has concluded that a net zero target is now credible and the right target for Wales. Its December 2020 advice is a blueprint for achieving net zero and provides a detailed vision for realising this more ambitious goal.

The expected cost of achieving net zero has fallen since the CCC's 2019 advice. The estimated annualised resource cost has fallen from £3-5billion per year to significantly less than £2billion per year through to 2050. The CCC has also demonstrated that operational savings are expected to largely offset the investment costs for achieving net zero towards the middle of this century, and supporting research suggests a potential positive impact on GDP overall. The CCC's Advisory Group on the Costs and Benefits of Net Zero declared that the benefits (including decreased climate risk) of net zero outweigh the costs. In

⁵⁴ <http://europeanmemoranda.cabinetoffice.gov.uk/memorandum/communication-from-the-commission-to-the-european-parliament-the-council-the-european-economic-social-committee-1600418191>

addition to economic impacts, the CCC identified likely significant positive impacts for health and biodiversity in their Balanced Pathway.

Environment Act factors

SoNaRR highlights the substantial effect of climate change on biodiversity and ecosystems. It also identifies decarbonisation as a key opportunity to improve the sustainable management of natural resources and reduce several key pressures on all ecosystems.

The Future Trends Report considers several trends relevant to achieving climate change targets, notably an increasing, ageing population and more people living alone. Older people tend to have a higher carbon footprint than younger people and an increase in households suggests higher demand for heating and electricity. The Report also notes behaviour change as a key influencing factor on how the trends unfold; behaviour change is fundamental to achieving the CCC's Balanced Pathway. The Future Generations Report draws attention to the significant shift in public concern about climate change and increasing support for greater action, particularly among children and young people.

There is a very strong scientific basis for increased efforts to tackle climate change. IPCC-SR1.5 shows that keeping average global temperature increase to 1.5°C would reduce climate-related risks to health, livelihoods, food security, water supply, human security, and economic growth, when compared to a 2°C rise. Option 2 is more aligned to achieving 1.5°C than Option 1, which relates more closely 2°C.

Technology to support the net zero transition is well-advanced and commercially deployed in many important areas, while further innovation is required in others. “The clarity of a net-zero goal could help stimulate innovation. Under a net zero target all sectors need to decarbonise or offset their emissions. This removes uncertainty and the temptation of sectors to lobby for a larger share of the remaining 20% of emissions [under the existing 80% target]. This clarity could cut the cost of capital as well as stimulating innovation, thereby bringing down the overall cost of mitigation.”⁵⁵

There are many ways of determining Wales's fair contribution to the Paris Agreement and the UK's NDC. However, the CCC's Balanced Pathway is the only 'bottom-up' scenario available that describes *how* the targets can be met. The CCC states that its December 2020 recommendations “reflect the goals and requirements of the Paris Agreement” for the following reasons:⁵⁶

1. The Balanced Pathway has been explicitly designed to reflect Wales's 'highest possible ambition' within Wales' particular capabilities
2. It would reduce Wales's annual per-capita emissions to under 3tCO₂e per person before 2040, in line with global pathways consistent with meeting the 1.5°C goal

⁵⁵ [Report to the CCC](#) (Advisory Group on Costs and Benefits of Net Zero, 2019, p.23)

⁵⁶ [The path to a Net Zero Wales](#) (CCC, December 2020, p.57)

In the last year there has been a notable shift in global ambition on climate change; many more countries have now adopted a net zero target or ambition, or are considering one. Joining the 'net zero club' would demonstrate Wales's support for new industries and provide the best opportunity for attracting green investment and jobs. It would also align with Wales's well-being goal to be a globally responsible nation.

Having considered both the CCC advice and the Environment Act factors, Option 2 is the preferred option.

Consultation

In preparing their advice the CCC ran a public Call for Evidence to capture input from organisations and individuals on matters relevant to the regulations, as well as UK Carbon Budget 6. The Call for Evidence ran from 5 December 2019 to 5 February 2020. The Welsh Government and CCC ran two stakeholder events during the period: one in Llandudno on 20 January 2020 and one in Cardiff on 21 January 2020, with around 60 delegates attending in total.

There were four questions in the Call for Evidence with a Wales focus. These each received between 11 and 37 responses.⁵⁷ A high-level overview of the responses and a list of respondents is available in the CCC's Summary of responses document.⁵⁸

We have published our Engagement Approach for Low Carbon Delivery Plan 2 that describes how we intend to involve and collaborate with people and stakeholders throughout 2021.⁵⁹ We also continue to consult on the policies required to meet the carbon budgets and targets, for example the Electric Vehicle Charging Strategy, Building Regulations Part L and F Review, and the Agriculture (Wales) Bill.⁶⁰

⁵⁷ <https://www.theccc.org.uk/publication/sixth-carbon-budget-and-welsh-emissions-targets-call-for-evidence-summary>

⁵⁸ [Welsh emissions targets: Summary of responses to Call for Evidence](#) (CCC, 2020)

⁵⁹ See <https://gov.wales/low-carbon-delivery-plan-2-engagement-plan>

⁶⁰ See <https://gov.wales/consultations>

Competition Assessment

This impact assessment does not include a Competition Assessment because the regulations do not provide for specific policies. It is not possible, therefore, to consider the specific impacts on competition within individual markets.

The competition filter test	
Question	Answer
Q1: In the market(s) affected by the new regulation, does any firm have more than 10% market share?	
Q2: In the market(s) affected by the new regulation, does any firm have more than 20% market share?	
Q3: In the market(s) affected by the new regulation, do the largest three firms together have at least 50% market share?	
Q4: Would the costs of the regulation affect some firms substantially more than others?	
Q5: Is the regulation likely to affect the market structure, changing the number or size of businesses/organisation?	
Q6: Would the regulation lead to higher set-up costs for new or potential suppliers that existing suppliers do not have to meet?	
Q7: Would the regulation lead to higher ongoing costs for new or potential suppliers that existing suppliers do not have to meet?	
Q8: Is the sector characterised by rapid technological change?	
Q9: Would the regulation restrict the ability of suppliers to choose the price, quality, range or location of their products?	

Post implementation review

Government progress review

The Environment (Wales) Act 2016 requires Welsh Ministers to prepare and lay a statement after each budgetary period setting out whether Wales has met the budget, whether they have debited or credited any carbon units and giving details on the type and number of units. The statement must explain what the Welsh Ministers consider to be the reasons why the carbon budget for the period has, or has not, been met. In particular, it must include the Welsh Ministers' assessment of the extent to which their proposals and policies for meeting the carbon budget for the period have been carried out and have contributed to the carbon budget for the period being met or not. This statement must be laid before the end of the second year after the budgetary period, allowing time for the emissions data to be compiled, which requires 18 months from the close of year.

With regards to each interim target and the 2050 target, Welsh Ministers must also prepare and lay a statement before the Senedd. This statement must be made before the end of the second year after the relevant interim target year. This statement will provide the Welsh Government's assessment of the total amount of emissions in that year, whether the interim emissions target has been met, and the total amount of carbon credits or debits for that year. The statement must also explain what the Welsh Ministers consider to be the reasons why the target has, or has not, been met.

Independent progress review

The Act provides for the CCC to monitor and report on progress. No later than six months after the Welsh Ministers lay the final progress statement for a budgetary period, the CCC must provide a report setting out their views on:

- the way in which the carbon budget for the period was or was not met; and
- the action taken by the Welsh Ministers to reduce net Welsh emissions of greenhouse gases during the period.

Following the Welsh Government's progress reports on the 2030 and 2040 interim targets, the CCC is required to advise whether the forthcoming interim target(s) and 2050 target represent the highest achievable targets for Wales. If not, they must state what the highest achievable target is.

Annex A: Heat-related mortality in Wales at 2°C and 1.5°C of global warming

Introduction

Officials worked with academic experts on climate impacts to explore one example of how Wales might benefit from adopting and achieving a more ambitious emissions reduction pathway, if matched by other countries.⁶¹ Heat-related mortality was chosen because it is the most direct way in which climate change is expected to affect public health and there is a strong, direct correlation between summer temperatures and increased mortality.

Temperature thresholds of 2°C and 1.5°C were selected because Wales's existing legislated emissions reduction pathway is broadly aligned to a 2°C rise in global average temperature, assuming similar effort from other countries, while the CCC's new recommended pathway is more closely aligned to a rise of 1.5°C. They are also the temperature goals in the Paris Agreement.

How is Wales's exposure to extreme summer temperatures projected to change?

Overall, Wales's summer mean temperature is projected to change around 20% faster than the global mean and by 30-45% faster than the global mean during the hottest 5% of summer days.⁶² This means Wales's hottest summer days are getting hotter and more extreme relative to mean temperatures.

How is this change expected to affect heat-related mortality?

Mortality increases as temperature increases above a regionally-specific threshold.⁶³ Mortality occurs throughout the summer months, even on days that are not extreme heatwaves. As well as increasing temperature extremes, climate change means Wales will experience more warmer days and, as a result, increased heat-related mortality.

Based on current baseline mortality rates, modelling of the recent past (1990-2019) suggests, on average, 25 heat-related deaths occur per year in Wales, increasing to 48, 67, and 137 heat-related deaths under 1.5°C, 2°C and 3°C warming scenarios respectively (see Figure 1 for error bars). **Limiting**

⁶¹ Setting and achieving tighter emissions targets in Wales alone will have a negligible impact on global temperature and on Wales's climate. We are therefore reliant on the collective effort of all countries to reduce the frequency and severity of negative climate change impacts in Wales, such as heatwaves.

⁶² UK Climate Projections 2018 data:

<https://www.metoffice.gov.uk/research/approach/collaboration/ukcp/index>

⁶³ By around 1.5% for every 1°C above ~17.2°C for Wales. [Climate change effects on human health: projections of temperature-related mortality for the UK during the 2020s, 2050s and 2080s](#), Hajat et al, Journal of Epidemiology & Community Health (2014, Volume 68, Issue 7).

warming to 1.5°C would therefore avoid 29% of the additional heat-related mortality at 2°C.⁶⁴

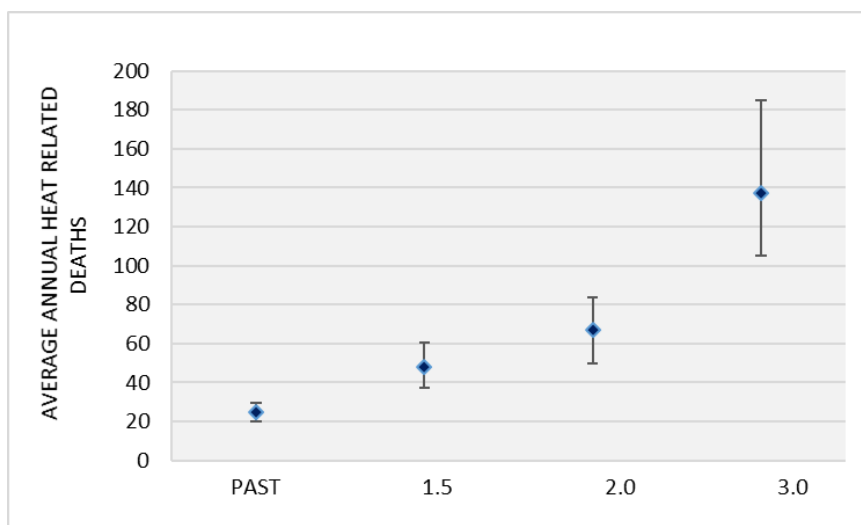


Fig. 1: Modelled average heat-related mortality per year in Wales for the past and 3 warming scenarios. Error bars signify 10-90% uncertainty in the projected climate.

Who is likely to be most affected?

Not everyone is equally vulnerable to heat-related illness. There are certain factors that increase an individual's risk during a heatwave, including:⁶⁵

- Older age: especially women over 75 years old, those living on their own, or in a care home;
- Chronic and severe illness: including heart conditions, diabetes, respiratory or renal insufficiency, Parkinson's disease or severe mental illness;
- Inability to adapt behaviour to keep cool: having Alzheimer's, a disability, being bed bound, too much alcohol, babies and the very young; and
- Environmental factors and overexposure: living in a top floor flat, being homeless, activities or jobs that are in hot places or outdoors and include high levels of physical exertion.

Which locations are likely to be most affected?

New research overlays heat-related climate hazard metrics with socio-economic factors.⁶⁶ The left-hand plot in Figure 2 shows that the locations with greatest absolute risk over the past 30 years (i.e. exposed to extreme heat hazards and at higher socio-economic levels of vulnerability and exposure) are

⁶⁴ Unpublished research (funded by the [UK Climate Resilience Program](#)) was carried out in support of this paper.

⁶⁵ [Caring for Patients Before and During a Heatwave: Advice for health and social care professionals](#), WG 2012

⁶⁶ Climate hazard metrics: Daily maximum and minimum temperature, vapour pressure (a measure of humidity), and degree days (variability of temperature extremes over a certain threshold). Socio-economic factors: population density, deprivation and proportion of population aged over 65.

in southeast and northeast Wales. The right-hand plot shows that when socio-economic factors are taken into account in combination with the projected change in climate hazards, locations at the greatest increase in risk are in Powys and across South Wales. Although these regions show the greatest increase in climate hazards, in absolute terms the southeast and northeast of Wales will still remain at the highest risk.

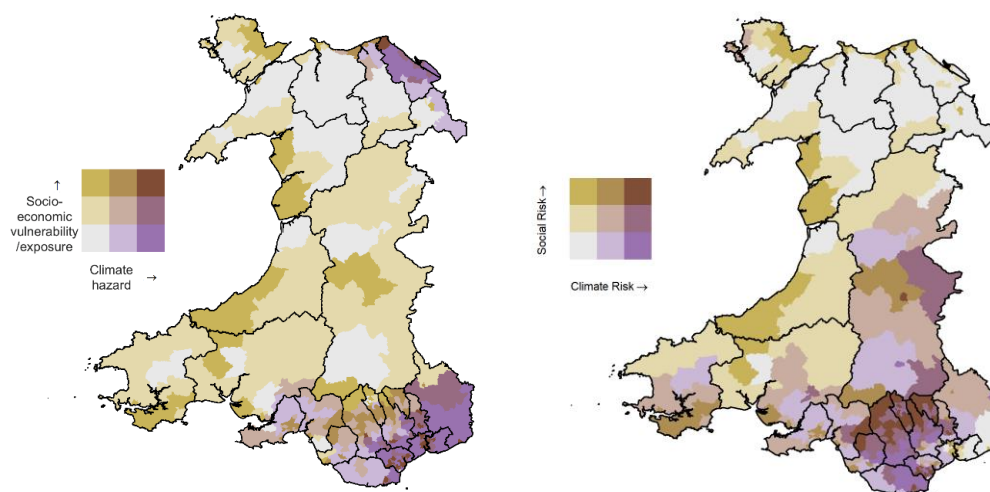


Fig.2: Left-hand plot shows current risk based on the past 30 years; right-hand plot shows the change in climate hazards between 1.5°C and 2°C of global warming – those places facing the greatest change in risk if we do not achieve 1.5°C (socio-economic factors remain stationary in time)

Can Wales expect fewer cold-related deaths?

This question has not been explored in the context of the higher targets and a comparison of 2°C and 1.5°C of global warming. However, research undertaken in 2014 suggests that by the 2080s the number of heat-related deaths may increase by around 340% and the number of cold-related deaths may reduce by around 40%. The number of heat-related deaths is not expected to surpass the numbers of cold-related deaths by the 2080s but the ratio of heat- to cold-related deaths is projected to increase from 1:35 to 1:5.⁶⁷

⁶⁷ [Climate change effects on human health: projections of temperature-related mortality for the UK during the 2020s, 2050s and 2080s](#), Hajat et al, Journal of Epidemiology & Community Health (2014, Volume 68, Issue 7). Figures quoted draw on the mean estimates.

Eitem 3.10

SL(5)754 - Rheoliadau Diogelu Iechyd (Cyfyngiadau Coronafeirws) (Rhif 5) (Cymru) (Diwygio) (Rhif 3) 2021

Cefndir a Diben

Mae'r Rheoliadau hyn yn diwygio Rheoliadau Diogelu Iechyd (Cyfyngiadau Coronafeirws) (Rhif 5) (Cymru) 2020 (y "prif Reoliadau") fel a ganlyn -

- (i) Caniateir i berchenogion ysgolion ganiatáu i ddisgyblion ym Mlwyddyn 2 ac is ddychwelyd i'r ysgol;
- (ii) Caniateir i berchenogion sefydliadau addysg bellach ganiatáu i fyfyrwyr ddychwelyd i'r sefydliad os ydynt yn astudio amaethyddiaeth, adeiladu, arlwy, peirianeg neu letygarwch a bod angen iddynt fynd i'r sefydliad i gwblhau eu cyrsiau; ac
- (iii) Yn ystod y cyfnod rhwng 20 Chwefror 2021 a 12 Mawrth 2021 (ond nid fel arall) gall hyd at 4 o bobl o 2 aelwyd wahanol ymarfer corff gyda'i gilydd yn yr awyr agored.

Gweithdrefn

Gwneud Cadarnhaol

Gwnaed y Rheoliadau hyn gan Weinidogion Cymru cyn iddynt gael eu gosod gerbron y Senedd. Mae'n rhaid i'r Senedd gymeradwyo'r Rheoliadau o fewn 28 diwrnod (ac eithrio diwrnodau pan fo'r Senedd wedi'i diddymu neu ar doriad am fwy na phedwar diwrnod) i'r dyddiad y'u gwnaed er mwyn iddynt barhau i gael effaith.

Materion technegol: craffu

Ni nodir unrhyw bwyntiau i gyflwyno adroddiad arnynt o dan Reol Sefydlog 21.2 mewn perthynas â'r offeryn hwn.

Rhinweddau: craffu

Nodwyd y pwyntiau a ganlyn i gyflwyno adroddiad arnynt o dan Reol Sefydlog 21.3 mewn perthynas â'r offeryn hwn.

1. Rheol Sefydlog 21.3(ii) – ei fod o bwysigrwydd gwleidyddol neu gyfreithiol neu ei fod yn codi materion polisi cyhoeddus sy'n debyg o fod o ddiddordeb i'r Senedd

Mae'r Nodyn Esboniadol yn nodi y cyflawnir effaith benodol drwy ddiwygio Rheoliad 4(8) o'r prif Reoliadau. Caiff yr effaith ei disgrifio'n gywir ond mae'r cyfeiriad at Reoliad 4(8) yn anghywir. Cyflawnir yr effaith a ddisgrifir, mewn gwirionedd, drwy ychwanegu Rheoliad 4(6A) newydd at y prif Reoliadau.



2. Rheol Sefydlog 21.3(ii) – ei fod o bwysigrwydd gwleidyddol neu gyfreithiol neu ei fod yn codi materion polisi cyhoeddus sy'n debyg o fod o ddiddordeb i'r Senedd

Rydym yn nodi cyfiawnhad Llywodraeth Cymru dros unrhyw ymyrraeth bosibl â hawliau dynol. Yn benodol, nodwn y paragraffau a ganlyn yn y Memorandwm Esboniadol:

"Er bod y prif Reoliadau, fel y'u diwygir gan y Rheoliadau hyn, yn cyffwrdd â hawliau unigol o dan Ddeddf Hawliau Dynol 1998 a'r Confensiwn Ewropeaidd ar Hawliau Dynol, mae'r Llywodraeth o'r farn bod modd eu cyfiawnhau er mwyn atal lledaenu clefydau heintus a/neu fod hawl i wneud yr ymyriad ar y sail ei fod yn ceisio cyflawni nod dilys, sef diogelu iechyd y cyhoedd. Mae'r Llywodraeth o'r farn hefyd eu bod yn gymesur."

Mae Erthygl 5 (yr hawl i ryddid), Erthygl 8 (yr hawl i barch at fywyd preifat a theuluol), Erthygl 9 (rhyddid meddwl, cydwybod a chrefydd), Erthygl 11 (rhyddid i ymgynnull a chymdeithasu) ac Erthygl 1 o'r Protocol Cyntaf (diogelu eiddo) yn cael eu cyffwrdd gan y prif Reoliadau.

Mae pob un o'r rhain yn hawliau amodol, sy'n caniatáu i Weinidogion Cymru ymyrryd ag arfer yr hawliau os oes angen gwneud hynny mewn cymdeithas ddemocrataidd er budd diogelwch y cyhoedd neu er mwyn diogelu iechyd. Rhaid cyfiawnhau'r holl gyfyngiadau a gofynion o'r fath ar y sail mai eu bwriad yw cyflawni nod cyfreithlon, sef diogelu iechyd y cyhoedd a'u bod yn gymesur. Hefyd, mae angen cydbwysu unrhyw ymyrraeth â'r hawliau hyn â rhwymedigaethau cadarnhaol y Wladwriaeth o dan Erthygl 2 (yr hawl i fywyd). Mae addasu'r cyfyngiadau a'r gofynion o dan y prif Reoliadau drwy'r Rheoliadau hyn yn ymateb cymesur i ledaeniad y coronafeirws. Mae'n cydbwysu'r angen i gynnal ymateb priodol i'r bygythiad a berir gan y coronafeirws yn erbyn hawliau unigolion a busnesau, mewn modd sy'n parhau'n gymesur â'r angen i leihau cyfradd trosglwyddo'r coronafeirws, gan ystyried y dystiolaeth wyddonol."

3. Rheol Sefydlog 21.3(ii) – ei fod o bwysigrwydd gwleidyddol neu gyfreithiol neu ei fod yn codi materion polisi cyhoeddus sy'n debyg o fod o ddiddordeb i'r Senedd

Nodwn na fu unrhyw ymgynghori ffurfiol ar y Rheoliadau hyn. Yn benodol, nodwn y paragraffau a ganlyn yn y Memorandwm Esboniadol:

"O ystyried y bygythiad difrifol ac uniongyrchol sy'n deillio o'r coronafeirws a'r angen am ymateb iechyd cyhoeddus brys, nid oes ymgynghoriad cyhoeddus wedi'i gynnal mewn perthynas â'r Rheoliadau hyn."

4. Rheol Sefydlog 21.3(ii) – ei fod o bwysigrwydd gwleidyddol neu gyfreithiol neu ei fod yn codi materion polisi cyhoeddus sy'n debyg o fod o ddiddordeb i'r Senedd

Mae'r Memorandwm Esboniadol yn darparu na chynhaliwyd unrhyw asesiad effaith rheoleiddiol mewn perthynas â'r Rheoliadau hyn oherwydd yr angen i'w rhoi ar waith ar fyrder i ymdrin â bygythiad difrifol ac uniongyrchol i iechyd y cyhoedd.

Ymateb Llywodraeth Cymru

Mae angen ymateb oddi wrth Llywodraeth Cymru mewn perthynas â phwynt 1.



Cynghorwyr Cyfreithiol
Y Pwyllgor Deddfwriaeth, Cyfiawnder a'r Cyfansoddiad
23 Chwefror 2021



Senedd Cymru

Pwyllgor Deddfwriaeth, Cyfiawnder a'r Cyfansoddiad

—

Welsh Parliament

Tudalen y pecyn 394

Legislation, Justice and Constitution Committee

Rheoliadau a wnaed gan Weinidogion Cymru, a osodwyd gerbron Senedd Cymru o dan adran 45R o Ddeddf Iechyd y Cyhoedd (Rheoli Clefydau) 1984 (p. 22), i'w cymeradwyo drwy benderfyniad gan Senedd Cymru o fewn wyth niwrnod ar hugain gan ddechrau â'r diwrnod y gwneir yr offeryn, yn ddarostyngedig i'w estyn dros gyfnodau o ddiddymu neu doriad am fwy na phedwar diwrnod.

OFFERYNNAU STATUDOL
CYMRU

2021 Rhif 172 (Cy. 40)

**IECHYD Y CYHOEDD,
CYMRU**

**Rheoliadau Diogelu Iechyd
(Cyfyngiadau Coronafeirws) (Rhif
5) (Cymru) (Diwygio) (Rhif 3)
2021**

NODYN ESBONIADOL

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

Mae Rhan 2A o Ddeddf Iechyd y Cyhoedd (Rheoli Clefydau) 1984 yn galluogi Gweinidogion Cymru, drwy reoliadau, i wneud darpariaeth at ddiben atal, diogelu rhag, rheoli neu ddarparu ymateb iechyd y cyhoedd i fynychder neu ledaeniad haint neu halogiad yng Nghymru.

Mae'r Rheoliadau hyn wedi eu gwneud mewn ymateb i'r bygythiad difrifol ac uniongyrchol i iechyd y cyhoedd a berir gan fynychder a lledaeniad coronafeirws syndrom anadlol aciwt difrifol 2 (SARS-CoV-2) yng Nghymru.

Mae'r Rheoliadau hyn yn diwygio Rheoliadau Diogelu Iechyd (Cyfyngiadau Coronafeirws) (Rhif 5) (Cymru) 2020 (O.S. 2020/1609 (Cy. 335)) ("y prif Reoliadau").

Mae'r prif Reoliadau wedi eu diwygio i wneud addasiadau dros dro i'r cyfyngiadau a'r gofynion sy'n gymwys i ardal Lefel Rhybudd 4 o dan Atodlen 4 i'r prif Reoliadau. Mae'r darpariaethau dros dro yn caniatáu i hyd at 4 o bobl o 2 aelwyd wahanol wneud ymarfer corff gyda'i gilydd yn yr awyr agored (er bod

rhaid o hyd i'r ymarfer corff ddechrau o'r man lle y mae'r bobl yn byw a gorffen yno).

Er mwyn darparu ar gyfer addasiadau dros dro o'r fath, mae diwygiad cyfatebol wedi ei wneud i reoliad 4(8). Effaith hyn yw bod y cyfyngiadau a'r gofynion ar gyfer pob lefel rhybudd (fel y'u nodir yn Atodlenni 1 i 4) yn gymwys i ardal yn ddarostyngedig i unrhyw addasiadau dros dro a bennir mewn perthynas â'r ardal honno yn Atodlen 5. Felly yn ogystal ag edrych ar Atodlen 5 i benderfynu pa un o Atodlenni 1 i 4 sy'n gymwys i ardal, rhaid ichi hefyd ystyried sut y gall yr Atodlen berthnasol fod wedi ei haddasu gan Atodlen 5.

Mae Rhan 3A o Atodlen 4 i'r prif Reoliadau yn gwahardd perchnogion ysgolion yng Nghymru mewn ardal Lefel Rhybudd 4 rhag caniatáu i ddisgyblion fynd i fangreoedd ysgolion. Mae hefyd yn gwahardd perchnogion sefydliadau addysg bellach rhag caniatáu i fyfyrwyr fynd i'r sefydliadau hynny. Mae hyn yn ddarostyngedig i eithriadau penodol yn y ddau achos.

Mae'r Rheoliadau hyn yn diwygio Rhan 3A o Atodlen 4 i'r prif Reoliadau fel nad yw'r gwaharddiad ar berchnogion ysgolion yn gymwys ond mewn perthynas â disgyblion ym mlwyddyn 3 neu'n uwch. Mae hefyd yn diwygio'r Rhan honno fel nad yw'r gwaharddiad ar berchnogion sefydliadau addysg bellach yn gymwys os yw'r myfyriwr yn ymgymryd â chwrs mewn peirianeg, adeiladu, lletygarwch, arlwyo neu amaethyddiaeth a bod angen iddo fynd i'r sefydliad i gwblhau ei gwrs.

Mae'r Rheoliadau hyn hefyd yn gwneud mân ddiwygiadau pellach i Atodlen 4 i'r prif Reoliadau.

Ystyriwyd Cod Ymarfer Gweinidogion Cymru ar gynnal Aseidiadau Effaith Rheoleiddiol mewn perthynas â'r Rheoliadau hyn. O ganlyniad, ni luniwyd asesiad effaith rheoleiddiol o'r costau a'r manteision sy'n debygol o ddeillio o gydymffurfio â'r Rheoliadau hyn.

Rheoliadau a wnaed gan Weinidogion Cymru, a osodwyd gerbron Senedd Cymru o dan adran 45R o Ddeddf Iechyd y Cyhoedd (Rheoli Clefydau) 1984 (p. 22), i'w cymeradwyo drwy benderfyniad gan Senedd Cymru o fewn wyth niwrnod ar hugain gan ddechrau â'r diwrnod y gwneir yr offeryn, yn ddarostyngedig i'w estyn dros gyfnodau o ddiddymu neu doriad am fwy na phedwar diwrnod.

OFFERYNNAU STATUDOL
CYMRU

2021 Rhif 172 (Cy. 40)

**IECHYD Y CYHOEDD,
CYMRU**

**Rheoliadau Diogelu Iechyd
(Cyfyngiadau Coronafeirws) (Rhif
5) (Cymru) (Diwygio) (Rhif 3)
2021**

Gwnaed am 3.06 p.m. ar 19 Chwefror 2021

*Gosodwyd gerbron Senedd
Cymru am 5.45 p.m. ar 19 Chwefror 2021*

Yn dod i rym 20 Chwefror 2021

Mae Gweinidogion Cymru yn gwneud y Rheoliadau a ganlyn drwy arfer y pwerau a roddir gan adrannau 45C(1) a (3)(c), 45F(2) a 45P(2) o Ddeddf Iechyd y Cyhoedd (Rheoli Clefydau) 1984(1).

Mae'r Rheoliadau hyn wedi eu gwneud mewn ymateb i'r bygythiad difrifol ac uniongyrchol i iechyd y cyhoedd a berir gan fynychder a lledaeniad coronafeirws syndrom anadlol aciwt difrifol 2 (SARS-CoV-2) yng Nghymru.

(1) 1984 p. 22. Mewnosodwyd adrannau 45C, 45F a 45P gan adran 129 o Ddeddf Iechyd a Gofal Cymdeithasol 2008 (p. 14). Mae'r swyddogaethau o dan yr adrannau hyn wedi eu rhoi i "the appropriate Minister" ("y Gweinidog priodol"). O dan adran 45T(6) o Ddeddf 1984, y Gweinidog priodol, o ran Cymru, yw Gweinidogion Cymru.

Mae Gweinidogion Cymru yn ystyried bod y cyfyngiadau a'r gofynion a osodir gan y Rheoliadau hyn yn gymesur â'r hyn y maent yn ceisio ei gyflawni, sef ymateb iechyd y cyhoedd i'r bygythiad hwnnw.

Yn unol ag adran 45R o'r Ddeddf honno, oherwydd brys, mae Gweinidogion Cymru o'r farn ei bod yn angenrheidiol gwneud yr offeryn hwn heb fod drafft wedi ei osod gerbron Senedd Cymru ac wedi ei gymeradwyo ganddi drwy benderfyniad.

Enwi a dod i rym

1.—(1) Enw'r Rheoliadau hyn yw Rheoliadau Diogelu Iechyd (Cyfyngiadau Coronafeirws) (Rhif 5) (Cymru) (Diwygio) (Rhif 3) 2021.

(2) Daw'r Rheoliadau hyn i rym ar 20 Chwefror 2021.

Diwygio Rheoliadau Diogelu Iechyd (Cyfyngiadau Coronafeirws) (Rhif 5) (Cymru) 2020

2.—(1) Mae Rheoliadau Diogelu Iechyd (Cyfyngiadau Coronafeirws) (Rhif 5) (Cymru) 2020(1) wedi eu diwygio fel a ganlyn.

(2) Ar ôl rheoliad 4(6) mewnosoder—

“(6A) Mae'r cyfyngiadau a'r gofynion a nodir yn un o Atodlenni 1 i 4 yn gymwys i ardal yn ddarostyngedig i'r addasiadau dros dro a bennir mewn perthynas â'r ardal honno yn Atodlen 5.”

(3) Yn rheoliad 57(1), yn lle is-baragraff (h) rhodder—

“(h) ystyr “athletwr elît” yw unigolyn—

- (i) sy'n ennill bywoliaeth o gystadlu mewn camp,
- (ii) sydd wedi ei ddynodi'n athletwr elît gan Gyngor Chwaraeon Cymru at ddibenion—
 - (aa) y Rheoliadau hyn,
 - (bb) Rheoliadau Diogelu Iechyd (Cyfyngiadau Coronafeirws) (Cymru) 2020,
 - (cc) Rheoliadau Diogelu Iechyd (Cyfyngiadau Coronafeirws) (Rhif 2) (Cymru) 2020,

(1) O.S. 2020/1609 (Cy. 335) fel y'i diwygiwyd gan O.S. 2020/1610 (Cy. 336), O.S. 2020/1623 (Cy. 340), O.S. 2020/1645 (Cy. 345), O.S. 2021/20 (Cy. 7), O.S. 2021/46 (Cy. 10), O.S. 2021/57 (Cy. 13), O.S. 2021/66 (Cy. 15), O.S. 2021/95 (Cy. 26) ac O.S. 2021/103 (Cy. 28).

- (dd) Rheoliadau Diogelu Iechyd (Cyfyngiadau Coronafeirws) (Rhif 3) (Cymru) 2020, neu
- (ee) Rheoliadau Diogelu Iechyd (Cyfyngiadau Coronafeirws) (Rhif 4) (Cymru) 2020,

(iii) sy'n "mabolgampwr elît" o fewn yr ystyr a roddir i "elite sportsperson" gan reoliad 2(1) o Reoliadau Diogelu Iechyd (Coronafeirws, Cyfyngiadau) (Pob Haen) (Lloegr) 2020(1),

(iv) sy'n "mabolgampwr proffesiynol" o fewn yr ystyr a roddir i "professional sportsperson" gan reoliad 2(1) o Reoliadau Diogelu Iechyd (Coronafeirws) (Cyfyngiadau a Gofynion) (Lefelau Lleol) (Yr Alban) 2020(2), neu

(v) sy'n "athletwr elît" o fewn yr ystyr a roddir i "elite athlete" gan baragraff 39(2) o Atodlen 2 i Reoliadau Diogelu Iechyd (Coronafeirws, Teithio Rhyngwladol) (Gogledd Iwerddon) 2020(3);

(4) Ym mharagraff 1 o Atodlen 4, yn is-baragraff (4)(f)—

- (a) ar ôl is-baragraff (ii), mewnosoder "neu";
- (b) hepgorer is-baragraff (iv) a'r "neu" yn union o'i flaen.

(5) Ym mharagraff 2 o Atodlen 4, yn is-baragraff (4)(i), hepgorer is-baragraff (ii) a'r "neu" yn union o'i flaen.

(6) Ym mharagraff 6A o Atodlen 4—

- (a) yn is-baragraff (1), ar ôl "ddisgybl" mewnosoder "dynodedig";

(1) O.S. 2020/1374, fel y'i diwygiwyd gan O.S. 2020/1518, O.S. 2020/1533, O.S. 2020/1572, O.S. 2020/1611, O.S. 2020/1646, O.S. 2020/1654, O.S. 2021/8, O.S. 2021/53 ac O.S. 2021/97.

(2) O.S.A. 2020/344, fel y'i diwygiwyd gan O.S.A. 2020/347, O.S.A. 2020/374, O.S.A. 2020/389, O.S.A. 2020/392, O.S.A. 2020/400, O.S.A. 2020/415, O.S.A. 2020/427, O.S.A. 2020/439, O.S.A. 2020/452, O.S.A. 2020/471, O.S.A. 2021/1, O.S.A. 2021/3, O.S.A. 2021/17, O.S.A. 2021/25, O.S.A. 2021/35, O.S.A. 2021/49, O.S.A. 2021/54 ac O.S.A. 2021/86.

(3) Rh.S. 2020 Rhif 90, fel y'i diwygiwyd gan Reolau Statudol 2020 Rhifau 138, 140, 154, 155, 163, 168, 179, 185, 189, 193, 194, 200, 203, 212, 216, 223, 228, 234, 241, 243, 244, 254, 275, 278, 289, 326, 344, a 355 a Rheolau Statudol 2021 Rhifau 4, 5, 6, 9, 10, 13, 17 a 32.

(b) ar ôl is-baragraff (1) mewnosoder—

“(1A) Yn y paragraff hwn, ystyr “disgybl dynodedig” yw disgybl ym mlwyddyn 3 neu’n uwch.”;

(c) yn is-baragraff (2)—

(i) ym mharagraff (a), ar ôl “ddisgybl” mewnosoder “dynodedig”;

(ii) ym mharagraff (b), yn lle “disgybl rhag mynd” rhodder “i ddisgybl dynodedig fynd”;

(iii) ym mharagraff (c), yn lle “disgybl rhag mynd” rhodder “i ddisgybl dynodedig fynd”;

(iv) ym mharagraff (d), yn lle “disgybl rhag mynd” rhodder “i ddisgybl dynodedig fynd”;

(v) ym mharagraff (e), yn lle “disgybl sy’n ddisgybl preswyl rhag preswyl” rhodder “i ddisgybl dynodedig sy’n ddisgybl preswyl breswyl”.

(7) Ym mharagraff 6B o Atodlen 4, yn lle is-baragraff (2)(a) rhodder—

“(a) sefydliad addysg bellach—

(i) i sefyll arholiad neu wneud asesiad arall, neu

(ii) i wneud cwrs mewn peirianeg, adeiladu, lletygarwch, arlwyo neu amaethyddiaeth, pan fo presenoldeb yn y sefydliad yn angenrheidiol er mwyn galluogi’r myfyriwr i gwblhau elfen ofynnol o’r cwrs;”.

(8) Ym mharagraff 6D o Atodlen 4, ar y diwedd mewnosoder—

“(m) mae i “blwyddyn ysgol” yr un ystyr â “school year” yn adran 579(1) o Ddeddf 1996;

(n) ystyr “blwyddyn 3” yw grŵp blwyddyn y bydd mwyafrif y plant, yn ystod y flwyddyn ysgol, yn cyrraedd 8 oed;

(o) ystyr “grŵp blwyddyn” yw grŵp o blant mewn ysgol y bydd y mwyafrif ohonynt, mewn blwyddyn ysgol benodol, yn cyrraedd yr un oedran.”

(9) Yn Atodlen 5, ar ôl y tabl mewnosoder—

“Addasiadau dros dro

2. Mewn perthynas ag ardal Lefel Rhybudd 4, am y cyfnod o ddechrau’r diwrnod ar 20 Chwefror 2021 tan ddiwedd y diwrnod ar 12 Mawrth 2021—

- (a) mae paragraff 1(4)(f) o Atodlen 4 i'w ddarllen—
- (i) fel pe bai'r "neu" ar ôl is-baragraff
 - (ii) wedi ei hepgor, a
 - (ii) fel pe bai wedi ei fewnosod ar ôl paragraff (iii) "neu
 - (iv) mewn grŵp o ddim mwy na 4 o bersonau o ddim mwy na 2 aelwyd, ond caiff y grŵp hefyd gynnwys unrhyw ofalwr i berson yn y grŵp ac unrhyw blant o'r naill aelwyd neu'r llall sydd o dan 11 oed.”;
- (b) mae paragraff 2(4)(i) o Atodlen 4 i'w ddarllen fel pe bai wedi ei fewnosod ar ôl paragraff (i) "neu
 - (ii) mewn grŵp o ddim mwy na 4 o bersonau o ddim mwy na 2 aelwyd, ond caiff y grŵp hefyd gynnwys unrhyw blant o'r naill aelwyd neu'r llall sydd o dan 11 oed.”.

Mark Drakeford

Y Prif Weinidog, un o Weinidogion Cymru
Am 3.06 p.m. ar 19 Chwefror 2021

Memorandwm Esboniadol ar gyfer Rheoliadau Diogelu Iechyd (Cyfyngiadau Coronafeirws) (Rhif 5) (Cymru) (Diwygio) (Rhif 3) 2021

Lluniwyd y Memorandwm Esboniadol hwn gan Lywodraeth Cymru ac fe'i gosodir gerbron Senedd Cymru ar y cyd â'r is-ddeddfwriaeth uchod ac yn unol â Rheol Sefydlog 27.1.

Datganiad y Gweinidog

Yn fy marn i, mae'r Memorandwm Esboniadol hwn yn rhoi darlun teg a rhesymol o effaith ddisgwyliedig Rheoliadau Diogelu Iechyd (Cyfyngiadau Coronafeirws) (Rhif 5) (Cymru) (Diwygio) (Rhif 3) 2021.

Mark Drakeford
Y Prif Weinidog

19 Chwefror 2021

1. Disgrifiad

Mae'r Rheoliadau hyn yn diwygio Rheoliadau Diogelu Iechyd (Cyfyngiadau Coronafeirws) (Rhif 5) (Cymru) 2020 ("y prif Reoliadau").

2. Materion o ddiddordeb arbennig i'r Pwyllgor Deddfwriaeth, Cyfiawnder a'r Cyfansoddiad

Gwneir y Rheoliadau hyn o dan y weithdrefn frys a amlinellir yn adran 45R o Ddeddf Iechyd y Cyhoedd (Rheoli Clefydau) 1984 (p. 22) ("Deddf 1984"). Caiff y Rheoliadau eu gwneud heb fod drafft wedi'i osod gerbron y Senedd a'i gymeradwyo ganddi. Mae Gweinidogion Cymru o'r farn, oherwydd brys, ei bod yn angenrheidiol gwneud y Rheoliadau heb i drafft gael ei osod a'i gymeradwyo fel y gellir gweithredu mesurau iechyd y cyhoedd er mwyn ymateb yn gyflym i'r bygythiad a berir i iechyd pobl gan y coronafeirws. Mae Gweinidogion Cymru o'r farn bod y cyfyngiadau a'r gofynion sydd wedi'u nodi yn y prif Reoliadau, fel y'u diwygir gan y Rheoliadau hyn, yn angenrheidiol ac yn gymesur fel ymateb iechyd y cyhoedd i'r bygythiad presennol a berir gan y coronafeirws.

Y Confensiwn Ewropeaidd ar Hawliau Dynol

Er bod y prif Reoliadau, fel y'u diwygir gan y Rheoliadau hyn, yn cyffwrdd â hawliau unigol o dan Ddeddf Hawliau Dynol 1998 a'r Confensiwn Ewropeaidd ar Hawliau Dynol, mae'r Llywodraeth o'r farn bod modd eu cyfiawnhau er mwyn atal lledaenu clefydau heintus a/neu fod hawl i wneud yr ymyriad ar y sail ei fod yn ceisio cyflawni nod dilys, sef diogelu iechyd y cyhoedd. Mae'r Llywodraeth o'r farn hefyd eu bod yn gymesur.

Mae Erthygl 5 (yr hawl i ryddid), Erthygl 8 (yr hawl i barch at fywyd preifat a theuluol), Erthygl 9 (rhyddid meddwl, cydwybod a chrefydd), Erthygl 11 (rhyddid i ymgynnull a chymdeithasu) ac Erthygl 1 o'r Protocol Cyntaf (diogelu eiddo) yn cael eu cyffwrdd gan y prif Reoliadau.

Mae pob un o'r rhain yn hawliau amodol, sy'n caniatáu i Weinidogion Cymru ymyrryd ag arfer yr hawliau os oes angen gwneud hynny mewn cymdeithas ddemocrataidd er budd diogelwch y cyhoedd neu er mwyn diogelu iechyd. Rhaid cyfiawnhau'r holl gyfyngiadau a gofynion o'r fath ar y sail mai eu bwriad yw cyflawni nod cyfreithlon, sef diogelu iechyd y cyhoedd a'u bod yn gymesur. Hefyd, mae angen cydbwysu unrhyw ymyrraeth â'r hawliau hyn â rhwymedigaethau cadarnhaol y Wladwriaeth o dan Erthygl 2 (yr hawl i fywyd). Mae addasu'r cyfyngiadau a'r gofynion o dan y prif Reoliadau drwy'r Rheoliadau hyn yn ymateb cymesur i ledaeniad y coronafeirws. Mae'n cydbwysu'r angen i gynnal ymateb priodol i'r bygythiad a berir gan y coronafeirws yn erbyn hawliau unigolion a busnesau, mewn modd sy'n parhau'n gymesur â'r angen i leihau cyfradd trosglwyddo'r coronafeirws, gan ystyried y dystiolaeth wyddonol.

Mae'r Rheoliadau diwygio hyn yn lleihau ymyrraeth y cyfyngiadau a'r gofynion o dan y prif Reoliadau â'r hawliau unigol hynny. I'r graddau y mae'r Rheoliadau'n darparu

ar gyfer dychwelyd i ddysgu wyneb yn wyneb fesul cam, maent yn gydnaws ag Erthygl 2 o'r Protocol Cyntaf (hawl i addysg).

3. Y cefndir deddfwriaethol

Mae Deddf 1984, a rheoliadau a wneir oddi tani, yn darparu fframwaith deddfwriaethol ar gyfer diogelu iechyd yng Nghymru a Lloegr. Mae'r Rheoliadau hyn yn cael eu gwneud o dan adrannau 45C(1) a (3), 45F(2) a 45P(2) o Ddeddf 1984. Caiff rhagor o wybodaeth am y pwerau hyn eu hamlinellu yn y Memorandwm Esboniadol i'r prif Reoliadau.

4. Diben y ddeddfwriaeth a'r effaith y bwriedir iddi ei chael

Mae'r Rheoliadau hyn yn cael eu gwneud mewn ymateb i'r bygythiad difrifol ac uniongyrchol i iechyd y cyhoedd a berir gan nifer achosion a lledaeniad y coronafeirws syndrom anadlol aciwt difrifol 2 (SARS-CoV-2) sy'n achosi'r clefyd a elwir yn COVID-19.

Roedd y prif Reoliadau a wnaed ar 18 Rhagfyr 2020 yn amlinellu cyfyngiadau a gofynion a fydd yn berthnasol i bedair gwahanol Lefel Rhybudd a chaiff y Lefelau Rhybudd eu hamlinellu yn y fersiwn fwyaf diweddar o'r [Cynllun Rheoli Coronafeirws](#). Mae Cymru wedi bod o dan Lefel Rhybudd 4 ers dechrau'r dydd ar 20 Rhagfyr 2020.

Adolygwyd y prif Reoliadau ar 19 Chwefror 2021, yn unol â rheoliad 2(b) o'r Rheoliadau hynny, a chytunodd Gweinidogion Cymru y dylai'r lefel bresennol o gyfyngiadau (Lefel Rhybudd 4) barhau. Fodd bynnag, gwneir y newidiadau canlynol i'r prif Reoliadau:

- a. Caniatáu i adeiladau ysgolion a Sefydliadau Addysg Bellach ailagor ar gyfer dychwelyd plant yn y cyfnod sylfaen a rhai dysgwyr galwedigaethol.

Yn Lefel Rhybydd 4, mae holl safleoedd ysgolion a cholegau ar gau i'r rhan fwyaf o blant a phobl ifanc, ar wahân i blant gweithwyr hanfodol neu blant sy'n agored i niwed. Bydd y Rheoliadau nawr yn caniatáu dychwelyd yn rheolaidd ac yn hyblyg i ddysgu wyneb yn wyneb ar gyfer plant cyfnod sylfaen (y rhai rhwng tair a saith oed) ynghyd â rhai dysgwyr hŷn ar gyrsiau galwedigaethol lle mae angen iddynt sefyll arholiad neu asesiad arall, neu lle mae angen presenoldeb i alluogi myfyrwyr i gwblhau elfen ofynnol o'u cwrs (os yw hynny mewn peirianeg, adeiladu, lletygarwch, arlwy, neu amaethyddiaeth).

- b. Caniatáu dros dro i bedwar o bobl o ddwy aelwyd adael y lle y maent yn byw i wneud ymarfer corff.

Ar hyn o bryd, gall person sy'n byw mewn ardal Lefel Rhybydd 4 (sef Cymru gyfan ar hyn o bryd) adael y man lle mae'n byw at ddibenion ymarfer corff, os yw'n cynnal yr ymarfer hwnnw (a) ar ei ben ei hun; (b) gydag aelod arall o'i aelwyd; (c) gyda'u gofalwr; neu (ch) gydag un person arall ac unrhyw blant o dan 11 oed sy'n aelodau o aelwyd y naill berson neu'r llall.

Mae'r prif Reoliadau bellach wedi eu diwygio i wneud addasiadau dros dro i'r cyfyngiadau a'r gofynion sy'n gymwys i ardal Lefel Rhybudd 4 er mwyn caniatáu i grwpiau o hyd at 4 o bobl o 2 aelwyd wahanol ymarfer corff gyda'i gilydd yn yr awyr agored (er bod yn rhaid i'r ymarfer barhau i ddechrau a gorffen o'r man lle mae'r bobl yn byw). Caiff grwp o'r fath gynnwys unrhyw blant o dan 11 oed o'r aelwydydd hynny.

Bydd yr addasiad dros dro hwn (sydd ar waith i'r pwynt adolygu 21 diwrnod nesaf) yn helpu i leddfu unigrwydd ac arwahanrwydd ac yn cefnogi lles yn ehangach drwy ymarfer corff cynyddol.

- c. Er mwyn sicrhau y gall athletwyr sydd â statws elitaidd o dan Reoliadau sy'n gysylltiedig â choronafeirws sy'n gwneud cais mewn mannau eraill yn y Deyrnas Unedig gystadlu yng Nghymru (heb ddynodiad pellach gan Chwaraeon Cymru).

Yn ogystal, mae'r Rheoliadau hyn hefyd yn gwneud mân ddiwygiadau a diwygiadau canlyniadol i'r prif Reoliadau.

5. Ymgynghori

O ystyried y bygythiad difrifol ac uniongyrchol sy'n deillio o'r coronafeirws a'r angen am ymateb iechyd cyhoeddus brys, nid oes ymgynghoriad cyhoeddus wedi'i gynnal mewn perthynas â'r Rheoliadau hyn.

6. Asesiad Effaith Rheoleiddiol ac asesiadau effaith eraill

Nid oes asesiad effaith rheoleiddiol wedi'i lunio mewn perthynas â'r Rheoliadau hyn oherwydd bod angen eu rhoi ar waith ar fyrder i fynd i'r afael â'r bygythiad difrifol ac uniongyrchol i iechyd y cyhoedd.



Elin Jones AS
Llywydd
Senedd Cymru
Bae Caerdydd
CF99 1SN

19 Chwefror 2021

Annwyl Lywydd

**Rheoliadau Diogelu Iechyd (Cyfyngiadau Coronafeirws) (Rhif 5) (Cymru) (Diwygio)
(Rhif 3) 2021**

Heddiw, rwyf wedi gwneud y Rheoliadau yma o dan adrannau 45B, 45C(1) a (3)(c), 45F(2) a 45P(2) o Ddeddf Iechyd y Cyhoedd (Rheoli Clefydau) 1984. Daw'r Rheoliadau hyn i rym ar 20 Chwefror 2021. Rwy'n amgáu copi o'r offeryn statudol ac yr wyf yn bwriadu gosod yr offeryn a'r memorandwm esboniadol cysylltiedig pan fydd yr offeryn statudol wedi'i gofrestru.

Yn unol â'r weithdrefn frys a nodwyd yn adran 45R o Ddeddf Iechyd y Cyhoedd (Rheoli Clefydau) 1984, mae'n rhaid i'r Senedd gymeradwyo'r offeryn hwn erbyn 21 Mawrth 2021 er mwyn iddo barhau i fod mewn grym. Yn yr amgylchiadau hyn, rwy'n deall bod rheol sefydlog 21.4A yn berthnasol ac y caiff y Pwyllgor Busnes sefydlu a chyhoeddi amserlen i'r pwyllgor neu'r pwyllgorau perthnasol adrodd arno. Rwy'n bwriadu trefnu i'r Rheoliadau hyn gael eu trafod yn y Cyfarfod Llawn ar 2 Mawrth 2021.

Rwy'n anfon copi o'r llythyr hwn at y Gweinidog Cyllid a'r Trefnydd, Mick Antoniw AS fel Cadeirydd y Pwyllgor Deddfwriaeth, Cyfiawnder a'r Cyfansoddiad, Siwan Davies, Cyfarwyddwr Busnes y Senedd, Sian Wilkins, Pennaeth Gwasanaethau'r Siambr a'r Pwyllgorau, a Julian Luke, Pennaeth Gwasanaeth y Pwyllgorau Polisi a Deddfwriaeth.

Yn gywir

MARK DRAKEFORD



DATGANIAD YSGRIFENEDIG GAN LYWODRAETH CYMRU

TEITL	Rheoliadau Diogelu Iechyd (Cyfyngiadau Coronafeirws) (Rhif 5) (Cymru) 2020
DYDDIAD	19 Chwefror 2021
GAN	Mark Drakeford AS, Y Prif Weinidog

Mae Rheoliadau Diogelu Iechyd (Cyfyngiadau Coronafeirws) (Rhif 5) (Cymru) 2020 yn darparu ar gyfer system o lefelau rhybudd yng Nghymru, fel y nodir yng *Nghynllun Rheoli Coronafeirws* diweddaraf Llywodraeth Cymru. Mae'r rheoliadau'n ei gwneud yn ofynnol inni adolygu'r cyfyngiadau bob tair wythnos.

Cwblhawyd yr adolygiad diweddaraf ar 18 Chwefror a daeth i'r casgliad y dylai Cymru gyfan aros ar Lefel Rhybudd 4. Golyga hyn fod rhaid i bawb aros gartref a gweithio gartref lle bynnag y bo modd. Rhaid i bob lleoliad manwerthu nad yw'n hanfodol, pob lleoliad lletygarwch, safleoedd trwyddedig a chyfleusterau hamdden aros ar gau.

Ers yr adolygiad diwethaf, mae achosion coronafeirws yn parhau i ostwng ym mhob rhan o Gymru ac mae'r pwysau ar y GIG yn lleihau. Mae nifer y bobl sy'n profi'n bositif yn uchel o hyd ac mae gormod o bobl yn dal i fod yn ddifrifol sâl ac yn yr ysbyty. Gallwn i gyd fod yn falch o gynnydd rhagorol y rhaglen frechu yng Nghymru, ond mae cryn dipyn o waith i'w wneud eto. Rhaid inni beidio â gadael i'r feirws ailsefydlu ei hun drwy symud i lefel rhybudd is yn rhy fuan.

Ers inni gyhoeddi *Cynllun Rheoli'r Coronafeirws: lefelau rhybudd yng Nghymru*, mae amrywiolynnau newydd wedi dod i'r amlwg, a allai olygu bod mwy o risg o salwch difrifol, cyfradd heintio uwch neu leihad posibl yn effeithiolrwydd y brechlynnau presennol. Golyga hyn fod angen inni fod yn ofalus wrth lacio'r cyfyngiadau symud a heddiw rwy'n cyhoeddi diweddariad pellach i Gynllun Rheoli'r Coronafeirws¹ i nodi sut ydym yn ymateb i'r heriau newydd hyn.

¹ Mae'r diweddariad i'r Cynllun Rheoli Coronafeirws ar gael yma: <https://llyw.cymru/cynllun-rheolir-coronafeirws-lefelau-rhybudd-yng-nghymru-llacio-cyfyngiadau-raddol>

Yn ystod yr adolygiad diwethaf o'r cyfyngiadau, pwysleisiais mai addysg oedd ein prif flaenoriaeth o hyd. Nodais y byddem am weld disgyblion y cyfnod sylfaen a dysgwyr sydd yn y grŵp blaenoriaeth ar gyfer sefyll arholiadau am gymwysterau galwedigaethol yn dychwelyd fesul cam ac mewn modd hyblyg o 22 Chwefror ymlaen pe bai'r sefyllfa yn parhau i wella. Byddwn yn cyflwyno newidiadau i'r rheoliadau i weithredu hyn.

Os byddwn yn parhau i weld gwelliannau, fy mwriad fydd i weddill y dysgwyr cynradd, yn ogystal â dysgwyr ym Mlynnyddoedd 11 a 13 mewn ysgolion uwchradd a'r rhai sy'n sefyll cymwysterau cyfatebol mewn colegau, ddychwelyd o 15 Mawrth mewn ffordd hyblyg i alluogi rhywfaint o hyblygrwydd o ran dysgwyr eraill. Fy mwriad fydd galluogi hyblygrwydd hefyd o ran dysgwyr eraill fel Blwyddyn 12 a'r rhai ym Mlwyddyn 10 sydd o bosibl hefyd wedi'u cofrestru ar gyfer cymwysterau yr haf hwn

Byddwn hefyd yn cyflwyno diwygiadau i'r rheoliadau i ganiatáu i uchafswm o bedwar person o ddwy aelwyd wahanol wneud ymarfer corff gyda'i gilydd, er dylent gymryd pob gofal i gadw pellter. Rhaid i bobl ddechrau a gorffen yr ymarfer corff yn eu cartrefi oni bai bod angen i berson deithio oherwydd rhesymau'n ymwneud ag anabledd neu iechyd. Golyga hyn, am y tro, os yw pobl yn cwrdd, bod rhaid iddynt fod yn byw yn agos i'w gilydd gan na chaniateir teithio yn gyffredinol at ddibenion ymarfer corff.

Yn olaf, bydd y dynodiad chwaraeon elít yn y rheoliadau yn cael ei ddiwygio i gydnabod pobl sy'n ennill bywoliaeth o chwaraeon a dynodiadau a wneir gan gyrff chwaraeon mewn rhannau eraill o'r DU.



Mick Antoniw AS
Cadeirydd
Y Pwyllgor Deddfwriaeth, Cyfiawnder a'r Cyfansoddiad

22 Chwefror 2021

Annwyl Mick,

Rheoliadau Rhestrau Gwledydd Cymeradwy (Anifeiliaid a Chynhyrchion Anifeiliaid) (Diwygio) 2021

Mae'r Offeryn Statudol a enwir uchod yn diwygio sawl darn o gyfraith yr UE a ddargedwir, gan ddefnyddio pwerau yn Rheoliadau Masnach mewn Anifeiliaid a Chynhyrchion Anifeiliaid (Swyddogaethau Deddfwriaethol) a Milfeddygon (Diwygio) (Ymadael â'r UE) 2019 (OS 2019/1225). Mae'n cywiro diffygion sy'n bresennol yng nghyfraith yr Undeb Ewropeaidd ac a ddargedwid drwy Ddeddf yr Undeb Ewropeaidd (Ymadael) 2018.

Mae'r diwygiadau'n gwneud darpariaeth fel y gall Gwlad yr Iâ allforio cynhyrchion anifeiliaid i Brydain Fawr er mwyn sicrhau y gall masnach o Wlad yr Iâ barhau heb fawr o darfu o 1 Ebrill 2021 pan fydd angen Tystysgrifau Iechyd Allforio (EHCs) ar gyfer Cynhyrchion sy'n Deillio o Anifeiliaid (POAO). Os nad yw Gwlad yr Iâ wedi'i rhestru fel gwlad sydd wedi'i chymeradwyo i allforio POAO erbyn 1 Ebrill, mae'n debygol y bydd tarfu ar fasnach mewn cynhyrchion pysgodfeydd a dyframaeth o Wlad yr Iâ. Bydd deddfwriaeth mewnforio'r Undeb Ewropeaidd yn parhau'n berthnasol i Ogledd Iwerddon o dan Brotocol Gogledd Iwerddon.

Ysgrifennaf atoch i roi gwybod i chi fy mod yn rhoi fy nghysyniad i'r Ysgrifennydd Gwladol wneud yr Offeryn Statudol hwn mewn perthynas â Chymru. Rwy'n deall y bydd yr Offeryn Statudol yn cael ei osod gerbron Dau Dŷ'r Senedd ar 3 Mawrth ac y bydd yn dod i rym ar 28 Mawrth. Bydd yr Offeryn Statudol yn ddarostyngedig i'r weithdrefn negyddol.

O dan yr amgylchiadau eithriadol hyn pan fydd yn ofynnol i ni ystyried a chywiro swm digynsail o ddeddfwriaeth o fewn amserlen dynn a chydag adnoddau cyfyngedig, egwyddor gyffredinol Llywodraeth Cymru yw ei bod yn briodol ein bod yn gofyn i Lywodraeth y DU ddeddfu ar ein rhan mewn nifer fawr o offerynnau statudol. Pe bai cydsyniad yn cael ei ddal yn ôl, bydd angen gwneud y cywiriadau hyn drwy ddeddfwriaeth a wneir gan Lywodraeth Cymru. Nid oes digon o amser ac adnoddau i allu drafftio a gosod rheoliadau o'r fath i ddod i rym cyn diwedd 2021.

Bae Caerdydd • Cardiff Bay
Caerdydd • Cardiff
CF99 1SN

Canolfan Cyswllt Cyntaf / First Point of Contact Centre:
0300 0604400

Gohebiaeth.Lesley.Griffiths@llyw.cymru
Correspondence.Lesley.Griffiths@gov.wales

Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

Rwy'n anfon copi o'r llythyr hwn at y Cwnsler Cyffredinol a'r Gweinidog Pontio Ewropeaidd, y Gweinidog Cyllid a'r Trefnydd a Chadeirydd y Pwyllgor Deddfwriaeth, Cyfiawnder a Chyfansoddiad.

Cofion,

A handwritten signature in black ink that reads "Lesley Griffiths". The signature is written in a cursive style with a large, sweeping flourish at the end of the name.

Lesley Griffiths AS/MS

Gweinidog yr Amgylchedd, Ynni a Materion Gwledig
Minister for Environment, Energy and Rural Affairs



Llyr Gruffydd AS
Cadeirydd y Pwyllgor Cyllid
Senedd Cymru
Tŷ Hywel
Bae Caerdydd
CF99 1SN

23 Chwefror 2021

Annwyl Llŷr,

Heddiw rwyf wedi gosod fersiwn wedi'i diweddaru o Femorandwm Esboniadol Bil Cwricwlwm ac Asesu (Cymru). Mewn ymateb i'r argymhellion a wnaed gan y Pwyllgor Cyllid yn yr adroddiad ar ddiwedd Cyfnod 1, mae'r diwygiadau i'r Asesiad Effaith Rheoleiddiol wedi'u hamlinellu isod.

Derbyn neu dderbyn yn rhannol argymhellion y Pwyllgor Cyllid:

Bod Llywodraeth Cymru yn nodi sut y bydd yn diffinio ac yn gwerthuso llwyddiant y Cwricwlwm newydd ac yn amlinellu hyn mewn Asesiad Effaith Rheoleiddiol diwygiedig.

Mae Pennod 11 o'r Asesiad Effaith Rheoleiddiol wedi'i diweddaru i egluro sut y caiff diffiniadau a dangosyddion llwyddiant eu datblygu fel rhan o'r astudiaeth gwmpasu gwerthuso yn 2021. Mae rhai enghreifftiau, a gymerwyd o Gynllun Gweithredu'r Cwricwlwm, ac amserlen ddangosol hefyd wedi'u cynnwys.

Bod Llywodraeth Cymru yn gwneud gwaith pellach i asesu'r costau i ysgolion ac yn ymgysylltu ag ysgolion heblaw Ysgolion Braenaru ynghylch y costau sydd wedi'u cynnwys yn yr Asesiad Effaith Rheoleiddiol. Dylai'r wybodaeth a gesglir gael ei chyflwyno mewn Asesiad Effaith Rheoleiddiol diwygiedig.

Ni fu modd gwneud gwaith pellach i amcangyfrif y costau oherwydd yr amharu a achoswyd gan bandemig COVID-19. Mae'r Asesiad Effaith Rheoleiddiol wedi'i ddiweddaru gyda manylion ymchwil ac ymgysylltu ag ystod eang o ysgolion sydd wedi'u cynllunio ar gyfer 2021, gan gynnwys asesiad o barodrwydd a gwaith datblygu ar y cyd gydag ysgolion drwy

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Gohebiaeth.Kirsty.Williams@llyw.cymru
Correspondence.Kirsty.Williams@gov.wales

Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

Rwydwaith Cenedlaethol. Caiff yr wybodaeth hon ei defnyddio i ddiweddarau'r amcangyfrifon o'r costau, a fydd yn cael eu rhannu â'r Senedd yn ddiweddarach yn 2021.

Bod Llywodraeth Cymru yn gwneud rhagor o waith i ddiffinio ac amcangyfrif y costau ar gyfer 'addysg heblaw yn yr ysgol' a chostau trefniadau asesu mewn ymgynghoriad â rhanddeiliaid. Dylai'r wybodaeth hon gael ei chyflwyno mewn Asesiad Effaith Rheoleiddiol diwygiedig.

Fel y nodwyd uchod, ni fu modd gwneud gwaith pellach i amcangyfrif y costau oherwydd yr amharu a achoswyd gan bandemig COVID-19. Yn y cyfamser, mae'r Asesiad Effaith Rheoleiddiol wedi'i ddiweddarau gyda manylion ymchwil ac ymgysylltu ag ystod eang o ysgolion a lleoliadau sydd wedi'u cynllunio ar gyfer 2021, gan gynnwys asesiad o barodrwydd a gwaith datblygu ar y cyd gydag ysgolion a lleoliadau drwy Rwydwaith Cenedlaethol. Caiff yr wybodaeth hon ei defnyddio i ddiweddarau'r amcangyfrifon o'r costau, a fydd yn cael eu rhannu â'r Senedd yn ddiweddarach yn 2021.

Bod Llywodraeth Cymru yn rhoi'r manylion am yr holl gostau suddedig sy'n ymwneud â'r Bil yn yr un rhan o'r Asesiad Effaith Rheoleiddiol diwygiedig.

Mae'r holl gostau suddedig wedi'u nodi yn yr un rhan o'r Asesiad Effaith Rheoleiddiol diwygiedig.

Dylai Llywodraeth Cymru ddarparu manylion am ei thrafodaethau â rhanddeiliaid ynghylch y costau posibl i'r system addysg ôl-16 a chyhoeddi unrhyw fanylion am y goblygiadau ariannol.

Mae'r Asesiad Effaith Rheoleiddiol wedi'i ddiweddarau i gynnwys yr wybodaeth hon, sy'n adlewyrchu'r wybodaeth a nodwyd yn fy llythyr atoch ar 20 Tachwedd 2020 (sydd wedi'i atodi yn **Atodiad A** er gwybodaeth).

Bod Llywodraeth Cymru yn darparu manylion ynghylch sut y bydd yn adolygu'r costau a ddarperir gan rhanddeiliaid (ac yn rhoi gwybod i'r Senedd am y costau hynny) a'r amserlenni gweithredu.

Yn dilyn fy llythyr atoch ar 20 Tachwedd 2020, mae'r Asesiad Effaith Rheoleiddiol wedi'i ddiweddarau i adlewyrchu'r adborth gan rhanddeiliaid yn yr adran ar gostau.

Hefyd, i chi fod yn ymwybodol, nododd yr Asesiad Effaith Rheoleiddiol gwreiddiol y gost weinyddol i Lywodraeth Cymru dros y cyfnod arfarnu deng mlynedd (2021-22 i 2030-31), sef tua £175m. Rhwng 2021-22 a 2025-26, y gost y flwyddyn fydd £25m - £26m cyn gostwng i tua £10m y flwyddyn o 2026-27 ymlaen.

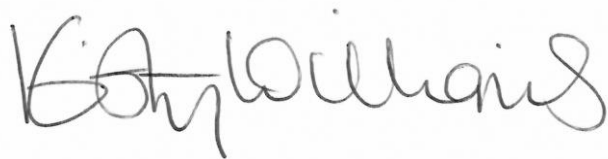
Mae'r Asesiad Effaith Rheoleiddiol diwygiedig yn cynnwys proffil diwygiedig o gostau Cymwysterau Cymru, a amcangyfrifwyd fel y cyngorwyd gan Gymwysterau Cymru oherwydd bod y gwariant/gweithgarwch yn y flwyddyn ariannol gyfredol yn is na'r disgwyl pan ysgrifennwyd yr Asesiad Effaith Rheoleiddiol gwreiddiol. Canlyniad hyn yw bod mwy o gostau Cymwysterau Cymru wedi'u gwthio i gyfnod arfarnu 2021-22 i 2030-21. Mae'r £1.350m ar gyfer 2021-22 yn unol â'r cyllid a ddyrannwyd i Gymwysterau Cymru ar gyfer diwygio'r cwricwlwm.

Ceir gostyngiad yn y gost ychwanegol amcangyfrifedig ar gyfer darparu adnoddau Cymraeg/dwyieithog – cafodd amcangyfrif o £3.17m y flwyddyn ei gynnwys yn yr Asesiad Effaith Rheoleiddiol gwreiddiol ond mae hyn wedi'i ddiwygio i lawr i £1m yn 2021-22 a £2m ym mhob un o'r blynyddoedd sy'n weddill yn y cyfnod arfarnu.

O ran y prif gostau yn yr Asesiad Effaith Rheoleiddiol, effaith net y newidiadau hyn fu lleihau cost amcangyfrifedig y Bil. Mae'r Asesiad Effaith Rheoleiddiol diwygiedig bellach yn nodi mai tua £163m fydd y gost weinyddol i Lywodraeth Cymru dros y cyfnod arfarnu deng mlynedd (2021-22 i 2030-31). Yn 2021-22, mae'r gost amcangyfrifedig wedi'i diwygio i £23.4m (£25.6m gynt), gan gynyddu i £24m rhwng 2022-23 a 2025-26 (£25-26m gynt), cyn gostwng i tua £9m y flwyddyn (£10m gynt) o 2026-27 ymlaen.

Anfonwyd copi o'r llythyr hwn at Gadeirydd y Pwyllgor Plant, Pobl Ifanc ac Addysg a Chadeirydd y Pwyllgor Deddfwriaeth, Cyfiawnder a'r Cyfansoddiad.

Yn gywir

A handwritten signature in black ink, appearing to read 'Kirsty Williams'.

Kirsty Williams AS/MS
Y Gweinidog Addysg
Minister for Education



Eich cyf/Your ref
Ein cyf/Our ref

Llyr Gruffydd AS
Cadeirydd y Pwyllgor Cyllid

20 Tachwedd 2020

Annwyl Llyr

Ceir isod ddiweddariad ar yr Aseiad Effaith Rheoleiddiol ar gyfer Bil Cwricwlwm ac Aseu (Cymru), yn dilyn fy sesiwn dystiolaeth yng nghyfarfod y Pwyllgor Cyllid ar 21 Medi a'm llythyr dyddiedig 5 Tachwedd at Lynne Neagle AS, Cadeirydd y Pwyllgor Plant, Pobl Ifanc ac Addysg.

Ym mis Gorffennaf, gwahoddwyd nifer o randdeiliaid allweddol i gyflwyno tystiolaeth ychwanegol i Lywodraeth Cymru er mwyn llywio'r costau a nodwyd yn yr Aseiad Effaith Rheoleiddiol. Roedd y rhain yn cynnwys CLILC, Cymdeithas Cyfarwyddwr Addysg Cymru, Consortia Rhanbarthol, darparwyr Addysg Gychwynnol i Athrawon, Estyn, Gwasanaeth Addysg yr Eglwys Gatholig, Cymdeithas CYSAGau Cymru, yr Eglwys yng Nghymru, a Colegau Cymru.

Dywedodd Cymdeithas CYSAGau Cymru na fydd costau ychwanegol yn ymwneud â'u sefydliad nhw, ac mae Estyn wedi dweud y byddant yn talu unrhyw gostau sy'n gysylltiedig â'r cwricwlwm newydd o'u dyraniad cyllid craidd.

Cyfarfu swyddogion â chynrychiolwyr o'r sector addysg bellach (AB) ym mis Awst 2020 a rannodd safbwyntiau ar yr effaith bosibl ar y system addysg ôl-16. Gellir grwpio'r rhain fel a ganlyn:

- goblygiadau ariannol i ddysgu a datblygu proffesiynol yn y sector ôl-16;
- yr angen posibl am oriau addysgu ychwanegol mewn rhai pynciau os na cheir meysydd penodol o wybodaeth o'r cwricwlwm gorfodol newydd;
- yr angen i fuddsoddi yn y gwaith o ddatblygu sgiliau Cymraeg yn y sector AB. Er enghraifft, mae'n bosibl y bydd angen cwblhau gweithgareddau pontio ymhellach er mwyn sicrhau y caiff dysgwyr eu paratoi'n effeithiol i ddilyn cyrsiau ôl-16 ar gyfer pynciau penodol.

Mae Colegau Cymru yn cydnabod nad yw'r materion hyn o reidrwydd yn rhan o gwmpas ariannol y Bil sy'n canolbwyntio ar y cwricwlwm gorfodol, ond maent o'r farn y bydd angen

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ystyried y costau hyn er mwyn sicrhau bod y cwricwlwm newydd yn llwyddo i gyflawni ei nodau.

Bydd Llywodraeth Cymru'n parhau i gydweithio â Colegau Cymru i sicrhau eu bod yn barod ar gyfer y grŵp cyntaf o ddysgwyr yn 2027, gan fwydo i'r Cynllun Gweithredu Dysgu Proffesiynol a'r Fframwaith Dysgu Proffesiynol ar gyfer staff yn y sector ôl-16 fel y bo'n briodol. Bydd y goblygiadau ariannol yn cael eu bodloni o'r cyllidebau a neilltuwyd i gyflwyno'r cwricwlwm newydd, gan adeiladu ar y cyllid gwerth £124,000 a ddyrannwyd ar gyfer AB rhwng 2018-19 a 2020-21 i gefnogi'r cwricwlwm newydd. Mae'r gwariant hwn wedi'i gynnwys yn y llinellau 'Prosiect Diwygio'r Cwricwlwm' yn nhablau 2 a 3 (tudalennau 78 a 79) yr Asesiad Effaith Rheoleiddiol.

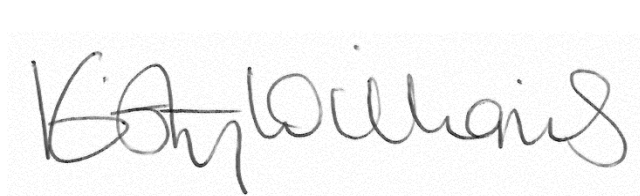
Fel y nodais yn fy llythyr dyddiedig 5 Tachwedd, mae gwaith yn mynd rhagddo i nodi costau posibl i gyrff dyfarnu a fydd yn deillio o newid cymwysterau, a sut y gallai'r rhain effeithio ar ganolfannau arholi. Mae'r sefyllfa bresennol o ran arholiadau a achoswyd gan y pandemig yn golygu bod yr ymarfer hwn yn parhau'n heriol iawn. Mae Cymwysterau Cymru'n bwriadu cynnal ymgynghoriad pellach ar gymwysterau ar gyfer y cwricwlwm newydd yn y Flwyddyn Newydd yn 2021. Wrth i'w gwaith ar y cymwysterau fynd rhagddo, bydd y cynigion yn destun Asesiad Effaith Rheoleiddiol ar wahân a chaiff unrhyw gostau i gyrff dyfarnu, ysgolion a rhannau eraill o'r sector sy'n gysylltiedig â'r cymwysterau newydd eu hystyried yn fanwl a'u cyhoeddi ar yr adeg briodol.

Rydym wedi cytuno ar gyllid i'r Eglwys yng Nghymru a Gwasanaeth Addysg yr Eglwys Gatholig, a hynny o'r cyllidebau presennol, i'w galluogi i ddatblygu canllawiau i gefnogi'r broses o gyflwyno'r cwricwlwm newydd. Bydd y canllawiau hyn hefyd yn helpu ysgolion i ddatblygu cwricwlwm sy'n bodloni gofynion ehangach y fframwaith ynghyd â bodloni eu gofynion fel ysgolion â chymeriad crefyddol. Mae'r Eglwys yng Nghymru a Gwasanaeth Addysg yr Eglwys Gatholig yn honni y byddai'r gofynion iddynt gyflwyno Addysg Crefydd, Gwerthoedd a Moeseg y maes llafur cytunedig ac Addysg Crefydd, Gwerthoedd a Moeseg enwadol yn golygu costau ac adnoddau ychwanegol i'w hysgolion. Mae gwaith ar y mater hwn yn parhau er mwyn sicrhau bod y gofynion i ysgolion â chymeriad crefyddol gyflwyno pob un o'r ddau faes llafur gofynnol yn briodol. Caiff unrhyw gostau ariannol eu talu o gyllidebau sydd wedi'u neilltuo i gyflwyno'r cwricwlwm newydd.

Rwy'n gobeithio bod yr ateb hwn yn rhoi gwybodaeth ddigonol am ein cynnydd mewn perthynas â goblygiadau ariannol Bil Cwricwlwm ac Asesu (Cymru) i randdeiliaid allweddol. Caiff yr Asesiad Effaith Rheoleiddiol ei ddiweddarau cyn Cyfnod 3 i gynnwys yr wybodaeth ychwanegol angenrheidiol.

Os bydd gennych unrhyw ymholiadau, cysylltwch â'm swyddfa i drefnu sgwrs bellach.

Yn gywir



Kirsty Williams AS/MS
Y Gweinidog Addysg
Minister for Education



Lynne Neagle AS
Cadeirydd y Pwyllgor Plant, Pobl Ifanc ac Addysg
Senedd Cymru
Tŷ Hywel
Bae Caerdydd
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23 Chwefror 2021

Annwyl Lynne,

Heddiw rwyf wedi gosod fersiwn wedi'i diweddaru o Femorandwm Esboniadol Bil Cwricwlwm ac Asesu (Cymru).

Mae'r newidiadau i'r Memorandwm Esboniadol yn ymwneud yn bennaf â diwygio, dileu neu fewnosod darpariaethau gan welliannau Cyfnod 2. Fodd bynnag, rydym wedi gwneud mân newidiadau i'r geiriad mewn manau er mwyn rhoi eglurhad ychwanegol lle y bo'n briodol.

Pennod 1

Er bod y disgrifiad o ddiben y Bil wedi'i ddiweddaru i adlewyrchu'r diwygiadau, mae swyddogion hefyd wedi manteisio ar y cyfle i aildrefnu'r rhestr o ddibenion i adlewyrchu trefn y darpariaethau yn y Bil.

Pennod 3

Mae'r bennod hon wedi'i diweddaru i adlewyrchu y bydd Saesneg yn orfodol o 7 oed (yn hytrach na 3 oed), ac i ddileu'r darpariaethau sydd bellach yn ddiangen, a fyddai wedi galluogi ysgolion a lleoliadau i ddatgymhwyso Saesneg i blant 3 i 7 oed.

Mae hefyd yn adlewyrchu'r diwygiadau a wnaed i'r gofynion yn ymwneud â chynllunio a gweithredu Crefydd, Gwerthoedd a Moeseg mewn ysgolion gwirfoddol a gynorthwyr. Mae llinellau ychwanegol wedi'u cynnwys i helpu i egluro'r diben a'r bwriad y tu ôl i strwythur y ddarpariaeth ar gyfer Crefydd, Gwerthoedd a Moeseg yn y Bil. Dylai hyn helpu i dawelu meddwl partneriaid allweddol ymhellach, gan gynnwys yr Eglwys yng Nghymru a'r Gwasanaeth Addysg Gatholig.

Gwnaed diwygiadau i bennod 3 i gyfeirio at y ddyletswydd ar Weinidogion Cymru i hyrwyddo mynediad at gyrsiau astudio a addysgir drwy gyfrwng y Gymraeg, ac argaeledd y

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cyrsiau hynny; ac i gymryd i ystyriaeth y diwygiadau i'r gofynion yn ymwneud â chyfansoddiad Cynghorau Ymgynghorol Sefydlog a Chynadleddau Maes Llafur Cytûn, sy'n gyfrifol am ddatblygu a mabwysiadu maes llafur cytûn ar gyfer Crefydd, Gwerthoedd a Moeseg.

Ychwanegwyd adran at bennod 3 sy'n nodi'r darpariaethau sydd wedi'u cynnwys yn y Bil i gefnogi iechyd meddwl. Mae hyn yn cynnwys manylion y ddyletswydd (a ychwanegwyd yng Nghyfnod 2) ar bersonau a restrir i roi sylw i iechyd meddwl a lles emosiynol dysgwyr wrth arfer eu swyddogaethau o dan y Bil.

Pennod 4

Mae Pennod 4 wedi'i diweddarau i adlewyrchu'r arolwg ychwanegol a gynhaliwyd yn ystod Cyfnod 1 o safbwyntiau rhanddeiliaid ynghylch y cynnig i ddiwygio oedran gorfodol Saesneg.

Pennod 5

Mae'r bennod hon wedi'i diwygio i adlewyrchu'r pwerau a'r dyletswyddau wedi'u diweddarau i wneud is-ddeddfwriaeth o dan y Bil.

Asesiad Effaith Rheoleiddiol

Nid yw gwelliannau Cyfnod 2 y Llywodraeth, er eu bod yn arwyddocaol o ran polisi, yn rhoi baich ychwanegol ar ymarferwyr neu randdeiliaid gan fod gwaith ar y meysydd hyn eisoes yn mynd rhagddo o ran y cwricwlwm newydd, ond maent bellach yn fwy eglur ar wyneb y Bil. Felly, maent eisoes wedi'u cynnwys yn yr amcangyfrif cyffredinol o gostau ar gyfer y cwricwlwm newydd.

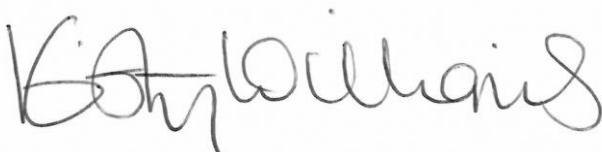
Mae'r Asesiad Effaith Rheoleiddiol wedi'i ddiweddarau gyda'r wybodaeth a ddarparwyd gan randdeiliaid allweddol a gafodd eu hoedi rhag cwblhau eu gwaith oherwydd pandemig COVID-19. Mae Cymwysterau Cymru hefyd wedi darparu gwybodaeth wedi'i diweddarau am eu proffil costau yr effeithiwyd arno gan y pandemig. Mae'r llithriant yn 2020-21 wedi'i ail-broffilio ar draws y blynyddoedd i ddod, ac fe'i adlewyrchir yn yr Asesiad Effaith Rheoleiddiol.

Diweddarwyd yr Asesiad Effaith Rheoleiddiol hefyd mewn ymateb i'r argymhellion a wnaed gan y Pwyllgor Cyllid yng Nghyfnod 1. Amlinellir y rhain yn y llythyr at Gadeirydd y Pwyllgor Cyllid, yr wyf wedi anfon copi ohono atoch.

Hoffwn hefyd fanteisio ar y cyfle hwn i'ch sicrhau chi a'r Pwyllgor y bydd yr adnoddau ariannol sydd eu hangen i weithredu Bil Cwricwlwm ac Asesu (Cymru) yn cael eu darparu i alluogi ysgolion a lleoliadau i wneud y diwygiadau hyn. Bydd costau, gan gynnwys costau dysgu proffesiynol, yn parhau i gael eu llywio drwy weithio'n barhaus mewn partneriaeth, rhaglen werthuso gadarn a'r rhwydwaith cenedlaethol.

Anfonwyd copi o'r llythyr hwn at Gadeirydd y Pwyllgor Cyllid a Chadeirydd y Pwyllgor Deddfwriaeth, Cyfiawnder a'r Cyfansoddiad.

Yn gywir



Kirsty Williams AS/MS
Y Gweinidog Addysg
Minister for Education



Llywodraeth Cymru
Welsh Government

Ein cyf: DC-JJ-00371-21

Mick Antoniw AS - Cadeirydd
Y Pwyllgor Deddfwriaeth, Cyfiawnder a'r Cyfansoddiad
Senedd Cymru

SeneddDCC@senedd.cymru

24 Chwefror 2021

Annwyl Mick,

Rwy'n ysgrifennu yn unol â'r cytundeb cysylltiadau rhyng-sefydliadol i roi gwybod i chi y bydd Cyfarfod Gweinidogol y Cyngor Prydeinig-Gwyddelig (BIC) ar y Cyd rhwng Tai a Chynllunio Gofodol yn cael ei gynnal yfory ddydd Iau 25 Chwefror. Mae'r Gweinyddiaethau Aelodedig wedi cytuno i gynnal cyfarfod rhithwir a gynhelir gan Weithrediaeth Gogledd Iwerddon. Fel y Gweinidog sy'n gyfrifol am dai a chynllunio, byddaf yn cynrychioli Llywodraeth Cymru.

Mae'r cyfarfod yn gyfle i Aelod-weinyddwyr y BIC drafod goblygiadau demograffeg newidiol y gweinyddiaethau a'r effaith bosibl y bydd hyn yn ei chael ar y sectorau cynllunio gofodol a thai. Bydd hefyd yn galluogi trafodaeth ar sut y gallwn weithio i ddatrys y materion hyn ar y cyd.

Bydd y cyfarfod yn rhoi cyfle i Weinidogion fyfyrion ar waith ar y cyd rhwng y sectorau gwaith Tai a Chynllunio Gofodol, tra hefyd yn cytuno ar Waith Blaengynllunio ar gyfer y ddau sector gwaith.

Bydd y cyngor yn cytuno ar hysbysiad yn y cyfarfod a byddaf yn rhoi'r wybodaeth ddiweddaraf i'r Pwyllgor am ei gyhoeddi a chanlyniad y cyfarfod, maes o law.

Rwyf wedi ysgrifennu mewn termau tebyg at gadeiryddion y Pwyllgor Cydraddoldeb, Llywodraeth Leol a Chymunedau, John Griffiths AS a'r Pwyllgor Newid Hinsawdd, Amgylchedd a Materion Gwledig, Mike Hedges AS.

Yn gywir,

Julie James AS/MS
Y Gweinidog Tai a Llywodraeth Leol
Minister for Housing and Local Government

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