

Agenda – Y Pwyllgor Materion Allanol a Deddfwriaeth Ychwanegol

Lleoliad: I gael rhagor o wybodaeth cysylltwch a:
Ystafell Bwyllgora 2 – Y Senedd **Alun Davidson**
Dyddiad: Dydd Llun, 15 Hydref 2018 Clerc y Pwyllgor
Amser: 09.30 0300 200 6565
SeneddMADY@cynulliad.cymru

Private pre-meeting

(09.30–09.45)

1 Cyflwyniad, ymddiheuriadau, dirprwyon a datgan buddiannau (09.45)

2 Polisi masnach y DU ar ôl gadael yr Undeb Ewropeaidd – sesiwn dystiolaeth

(09.45–10.45)

(Tudalennau 1 – 31)

George Hollingbery, y Gweinidog Gwladol dros Bolisi Masnach

Leonie Lambert, Yr Adran Masnach Ryngwladol

Robin Healey, Swyddfa Cymru

3 Papurau i'w nodi

(10.45–10.50)

3.1 Papur 1 i'w nodi – Gohebiaeth gan Gadeirydd y Pwyllgor Materion Cyfansoddiadol a Deddfwriaethol ynghylch y cytundeb cysylltiadau rhyng- sefydliadol rhwng Cynulliad Cenedlaethol Cymru a Llywodraeth Cymru – 8 Hydref 2018

(Tudalennau 32 – 36)



- 3.2 Papur 2 i'w nodi – Gohebiaeth gan Gadeirydd y Pwyllgor Materion
Cyfansoddiadol a Deddfwriaethol at Ysgrifennydd y Cabinet dros yr Economi
a Thrafnidiaeth ynghylch craffu ar reoliadau a wnaed o dan y Bil Masnach – 8
Hydref 2018**
- (Tudalennau 37 – 38)
- 3.3 Papur 3 i'w nodi – Hawlenni cludo nwyddau ar ôl Brexit, Cymdeithas Cludo
Nwyddau – 9 Hydref 2018**
- (Tudalennau 39 – 41)
- 4 Cynnig o dan Reol Sefydlog 17.42 (vi) i benderfynu gwahardd y
cyhoedd o weddill y cyfarfod**
(10.50)
- 5 Polisi masnach y DU ar ôl gadael yr Undeb Ewropeaidd – trafod y
dystiolaeth**
(10.50–11.05)
- 6 Monitro Negodiadau'r UE**
(11.05–11.20) (Tudalennau 42 – 56)
- 7 Blaenraglen Waith**
(11.20–11.30)

Mae cyfyngiadau ar y ddogfen hon

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David Rees AC
Cadeirydd y Pwyllgor Materion Allanol a
Deddfwriaeth Ychwanegol

8 Hydref 2018

Annwyl David

Cytundeb cysylltiadau rhyng-sefydliadol rhwng Cynulliad Cenedlaethol Cymru a Llywodraeth Cymru

Diolch am eich llythyr dyddiedig 20 Gorffennaf 2018 yn holi ynghylch 'Cyfraith yr UE yng Nghymru: Beth sy'n digwydd yn ystod cyfnod pontio Brexit?'

Fel y gwyddoch, yn dilyn yr ymchwiliad i **Llywodraethiant yn y DU ar ôl gadael yr Undeb Ewropeaidd**, mae'r Pwyllgor Materion Cyfansoddiadol a Deddfwriaethol wedi bod yn arwain y gwaith o ddatblygu'r trefniadau y bydd angen eu rhoi ar waith i alluogi'r Cynulliad Cenedlaethol i oruchwylio gwaith rhyng-lywodraethol, gan gynnwys y trefniadau a fydd yn deillio o benderfyniad i DU i adael yr Undeb Ewropeaidd.

Bydd y Cytundeb Cysylltiadau Rhyng-sefydliadol yn ceisio sicrhau bod egwyddorion atebolrwydd Llywodraeth Cymru i Gynulliad Cenedlaethol Cymru, a thryloywder y berthynas honno, wedi'u cynnwys mewn unrhyw drefniadau rhynglywodraethol diwygiedig.

Bydd y Cytundeb yn berthnasol i gyfranogiad Gweinidogion Cymru mewn strwythurau rhyng-lywodraethol ffurfiol. Y bwriad yw hybu gallu'r Cynulliad Cenedlaethol i graffu ar waith Llywodraeth Cymru a dwyn Gweinidogion Cymru i gyfrif mewn meysydd rhyng-lywodraethol.

Drwy'r Cytundeb, bydd Llywodraeth Cymru yn rhoi hysbysiad ysgrifenedig i'r Pwyllgor Materion Cyfansoddiadol a Deddfwriaethol, a phwyllgorau perthnasol eraill y Cynulliad Cenedlaethol, a hynny o leiaf fis cyn cynnal y cyfarfodydd



perthnasol, cyn belled ag y bo hynny'n ymarferol. Os na fydd modd rhoi hysbysiad fis ymlaen llaw bydd y pwyllgorau'n cael gwybod am y cyfarfodydd cyn gynted â phosibl wedi iddynt gael eu trefnu. Bydd hyn yn galluogi'r Pwyllgor(au) i fynegi barn ar y pwnc ac, os bydd hynny'n briodol, gallant wahodd y Gweinidog perthnasol i ddod i gwrdd â'r pwyllgor cyn y cyfarfod rhynglywodraethol.

Yn ein cyfarfod ar 24 Medi, cytunodd y Pwyllgor y dylid rhannu fersiwn ddrafft o'r Cytundeb â chi er gwybodaeth (amgaeedig). Rydym yn rhagweld y bydd cytundeb ffurfiol yn fuan. Yna, rwy'n bwriadu tynnu sylw holl Aelodau'r Cynulliad at y Cytundeb yn ystod trafodaeth yn y Cyfarfod Llawn.

Yn gywir



Mick Antoniw AC

Cadeirydd

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

Amgaeedig - Cyfyngiadau'r Cynulliad



Mae cyfyngiadau ar y ddogfen hon

Ken Skates AC
Ysgrifennydd y Cabinet dros yr Economi a
Thrafnidiaeth

8 Hydref 2018

Annwyl Ken

Craffu ar reoliadau a wnaed o dan y Bil Masnach

Diolch eto am ddarparu tystiolaeth ar 12 Chwefror i'r Pwyllgor Materion Cyfansoddiadol a Deddfwriaethol a'r Pwyllgor Materion Allanol a Deddfwriaeth Ychwanegol mewn perthynas â Bil Masnach Llywodraeth y DU. Fe wnaeth eich tystiolaeth ein cynorthwyo i ddatblygu ein **hadroddiad** ar Femorandwm Cydsyniad Deddfwriaethol Llywodraeth Cymru ar y Bil Masnach.

Yn yr adroddiad hwnnw, fe wnaethom gadarnhau ein bwriad i adrodd ar wahân ar y gwaith o graffu ar reoliadau a wnaed o dan y Bil Masnach. Rydym wedi bod yn monitro cynnydd y Bil Masnach drwy Senedd y DU a, chyn y cyfnod pwyllgor yn Nhŷ'r Arglwyddi, rydym bellach wedi cwblhau'r adroddiad ar wahân hwnnw.

Mae'n bleser gen i atodi ein Hadroddiad ar y Craffu ar reoliadau a wnaed o dan y Bil Masnach. Gosodwyd yr adroddiad yn y Cynulliad y prynhawn yma.

Rwyf wedi ysgrifennu ar wahân at George Hollingbery AS, y Gweinidog dros Bolisi Masnach, y Gwir Anrhydeddus Alun Cairns AS, Ysgrifennydd Gwladol Cymru, a'r Gwir Anrhydeddus David Lidington AS, Canghellor Caerhirfryn a'r Gweinidog Gwladol.

Mae'r llythyr hwn yn cael ei gopïo i'r Gwir Anrhydeddus Carwyn Jones AC, Prif Weinidog Cymru, Julie James AC, Arweinydd y Tŷ a'r Prif Chwip, Mark Drakeford AC, Ysgrifennydd y Cabinet dros Gyllid, David Rees AC, Cadeirydd y Pwyllgor Materion Allanol a Deddfwriaeth Ychwanegol, a Russell George AC, Cadeirydd y Pwyllgor Economi, Seilwaith a Sgiliau.



Yn gywir

A handwritten signature in black ink that reads "Mick Antoniw". The signature is written in a cursive style with a horizontal line underneath the name.

Mick Antoniw AC

Cadeirydd

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



ROAD HAULAGE PERMITS POST-BREXIT

In a no deal scenario, UK-issued Community licences will no longer be recognised in the EU and will not be sufficient to operate there. Access to the EU road haulage market will require permits. What type(s) of permits will be available will depend on the outcome of negotiations with the EU and with Member States.

In a pure no-deal scenario, i.e. in the absence of any new EU-wide or bilateral agreements, the only available system will be ECMT permits. Depending on the outcome of negotiations with the EU and with Member States, ECMT permits may or may not be complemented with EU-wide permits or other multi-country permits.

1. ECMT permits (European Conference of Ministers of Transport)

ECMT permits is a system of multilateral permits for international transport between 43 participating countries¹. It is currently the only readily available default solution for lorries between the UK and EU27 countries if the UK and the EU27 do not reach a more advantageous bilateral agreement before exit day. It is currently used by UK operators for places outside the EU where there is no bilateral agreement in place. However, the volumes would bear no comparison if the system had to be used for transport between the UK and its main European trading partners.

What transport operations would be concerned by ECMT permits?

- As of the date of Brexit (or the end of the transition period if one is agreed), a Community licence issued by the competent authorities of the UK will no longer be valid in the EU27. Hire and reward operations between the UK and EU27 countries, including transit, will be subject to ECMT permits in both directions.
- In principle, own-account operations are exempt. However, 10 countries have reservations on this point, among which France (including for transit). In effect, own-account vehicles entering continental Europe via Calais would have to use a permit.
- An ECMT permit does not authorise cabotage.
- Vehicles with a total permissible laden weight no greater than 3.5t are exempt.
- Transport of spare parts and provisions for ocean-going ships and aircraft are exempt. However, 3 countries² have reservations.
- International removals are not subject to quota, but are subject to special authorisation.

How many permits are available?

The UK has a base limit of 102 annual permits, which can be converted into a higher number of permits if their use is restricted to EURO VI vehicles or if they are converted into monthly permits. A

¹ Albania, Armenia, Austria, Azerbaijan, Belarus, Belgium, Bosnia-Herzegovina, Bulgaria, Croatia, Czech-Republic, Denmark, Estonia, Finland, France, Georgia, Germany, Greece, Hungary, Ireland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, FYR Macedonia, Malta, Moldova, Montenegro, Netherlands, Norway, Poland, Portugal, Romania, Russian Federation, Serbia, Slovak Republic, Slovenia, Spain, Sweden, Switzerland, Turkey, Ukraine, UK

² Czech Republic, Germany, Russia

permit is allocated specifically to a company and can't be transferred to another company. Each permit can be used only by one vehicle at a time. It can be used by different vehicles successively as there is no mention of registration number.

The UK notified OECD of how it will distribute its quota between short-term permits and long-term permits, and between permits restricted to EURO VI vehicles and permits for EURO V vehicles. The UK will only be able to issue and allocate:

- 984 annual EURO VI ECMT permits,
- 2,592 monthly EURO VI ECMT permits,
- and 240 monthly EURO V ECMT permits.

Currently, 300 000 UK-registered powered vehicles travel from the UK to the continent every year, to which we need to add vehicles travelling to the Republic of Ireland.

Restrictions would also apply to operators registered in the EU27 going to the UK. France gets 173 annual base permits, Belgium 118, Poland 318, Germany 229, the Netherlands 150 and Ireland 90. The number of annual base permits allocated to each country could be multiplied by 12 if permits were only allocated to EURO VI vehicles

This would only cover 2% to 5% of transport needs.

Fee

A fee will be levied for each application and each permit.

(1) Item	(2) Type of permit	(3) Fee for applications	(3) Fee for granting a permit
1	Multi-country annual permit	£10	£123
2	Multi-country permit for less than one year	£10	£31 for each period
3	ECMT short-term permit	£10	£10
4	Single country annual permit	£5	£45
5	Single journey permit (single or multi-country)	£2	£6
6	Authorisation of international removals (ECMT)	N/A	£18

Validity of permits & restrictions

ECMT permits are valid for a maximum of 1 calendar year -but there are also short-term permits, and for an unlimited number of journeys with the permit being carried in the vehicle using it (one permit in one vehicle at a time). Operators are restricted to three trips³ while abroad, the fourth trip should be the return journey to the country of registration. Cabotage is not allowed.

Logbook and compliance certificates

Every permit holder will also receive a logbook. Hauliers must record each loaded journey in the logbook before the start of the journey.

A compliance certificate, concerning the technical characteristics of the vehicle, must also be kept in the vehicle.

The permit, the logbook and the compliance certificate must be kept in the vehicle until expiry date of the permit.

³ Empty runs are not taken into account

Special requirements for hired vehicles

For vehicles hired without a driver, additional documents must be carried on board the vehicle:

- Contract of hire
- Where the driver is not the person hiring the vehicle the driver's employment contract (or a certified extract indicating the name of the employer, the name of the employee, the date and duration of the employment contract or a recent payslip).

2. Allocation criteria

Draft regulations defining allocation criteria were published and must now go through Parliament.

If certain types of permits are oversubscribed, four criteria will be used to allocate permits to UK hauliers:

- intensity of use: applicants will have to indicate the number of international journeys they expect to make; data on previous international trips will be required to underpin this estimate
- industrial sector: the majority of permits will be available to those who move mixed loads or serve multiple sectors of the economy; nevertheless, this criterion will be used to ensure all sectors of the economy have access to international haulage - applicants will have to indicate if they specialise in a sector, but the permit will not be restricted to that sector
- vehicle emissions (only for ECMT permits): the EURO class of the vehicle will be used, as more ECMT permits are available if (at least) some of them are restricted to EURO VI vehicles
- existing international business: operators that specialise in, and are reliant on international haulage will be prioritised.

The allocation process will use the criteria above with an element of random selection so that, in practice, a greater number of hauliers receive permits.

Government intends to launch the application process in November. There will be a limited time-window to apply for permits.

Eitem 6

Yn rhinwedd paragraff(au) vi o Reol Sefydlog 17.42

Mae cyfyngiadau ar y ddogfen hon