O F F E R Y N N A U S T A T U D O L C Y M R U

2026 Rhif 71

Rheoliadau Gofynion Gwahanu Gwastraff (Cymru) (Diwygio) 2026

Gwnaed	*4 Mawrth 2026*
Yn dod i rym	*6 Ebrill 2026*

W E L S H S T A T U T O R Y I N S T R U M E N T S

2026 No. 71

The Waste Separation Requirements (Wales) (Amendment) Regulations 2026

Made	*4 March 2026*
Coming into force	*6 April 2026*

£8.90

O F F E R Y N N A U S T A T U D O L C Y M R U

2026 Rhif 71

DIOGELU'R AMGYLCHEDD, CYMRU

Rheoliadau Gofynion Gwahanu Gwastraff (Cymru) (Diwygio) 2026

NODYN ESBONIADOL

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

Mae'r Rheoliadau hyn yn diwygio Rheoliadau Gofynion Gwahanu Gwastraff (Cymru) 2023 ("Rheoliadau 2023").

Mae rheoliad 2(2) a (4)(b) yn diwygio'r ffrwd wastraff ailgylchadwy "offer trydanol ac electronig gwastraff bach nas gwerthwyd" yn Rheoliadau 2023 fel na fydd, o 6 Ebrill 2026 ymlaen, y ddyletswydd o ran gofynion gwahanu yn rheoliad 3(1) o Reoliadau 2023 yn cael ei chyfyngu mwyach i offer trydanol ac electronig gwastraff bach "nas gwerthwyd" yn unig. Ymhellach, mae'r eithriad gwastraff peryglus ar gyfer offer trydanol ac electronig gwastraff bach yn Atodlen 1 i Reoliadau 2023 wedi ei ddiwygio fel ei fod yn gyson â'r eithriadau gwastraff peryglus ar gyfer y ffrydiau gwastraff ailgylchadwy eraill yn yr Atodlen honno.

Mae rheoliad 3(3)(a) o Reoliadau 2023 yn darparu bod ysbytai wedi eu hesemptio rhag y ddyletswydd i gyflwyno pob ffrwd wastraff ailgylchadwy ar wahân er mwyn ei chasglu yn rheoliad 3(1) o Reoliadau 2023 tan 6 Ebrill 2026. Mae rheoliad 2(3) yn hepgor rheoliad 3(3)(a), a'r diffiniad o "ysbyty" yn rheoliad 3(4), o Reoliadau 2023 oherwydd bod yr esemptiad hwn yn dod i ben ar y diwrnod y daw'r Rheoliadau hyn i rym ac ni fydd y darpariaethau hyn yn berthnasol mwyach.

Mae rheoliad 2(4)(a) yn diwygio Atodlen 1 i Reoliadau 2023 er mwyn dileu pecynwaith plastig polypropylen wedi ei ehangu o'r rhestr o is-ffracsiynau gwastraff o fewn y ffrwd wastraff ailgylchadwy "Plastig".

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 ac ar wefan Llywodraeth Cymru ar www.llyw.cymru.

2026 Rhif 71

DIOGELU'R AMGYLCHEDD, CYMRU

Rheoliadau Gofynion Gwahanu Gwastraff (Cymru) (Diwygio) 2026

Gwnaed	*4 Mawrth 2026*
Yn dod i rym	*6 Ebrill 2026*

Mae Gweinidogion Cymru yn gwneud y Rheoliadau hyn drwy arfer y pwerau a roddir gan adran 45AA(6), (7), (10) ac (11) o Ddeddf Diogelu'r Amgylchedd 1990(**1**) ("Deddf 1990"), adran 2 o Ddeddf Atal a Rheoli Llygredd 1999(**2**) ("Deddf 1999") ac adrannau 36(2), 39, 42, 45 a 52 i 55 o Ddeddf Gorfodi Rheoleiddiol a Sancsiynau 2008(**3**) ("Deddf 2008").

Mae Gweinidogion Cymru wedi ymgynghori yn unol ag adran 2(4) o Ddeddf 1999 ac adrannau 59(3) a 60 o Ddeddf 2008(**4**).

Yn unol ag adran 66 o Ddeddf 2008, mae Gweinidogion Cymru wedi eu bodloni y bydd Cyfoeth Naturiol Cymru (sef y rheoleiddiwr at ddiben y Rheoliadau hyn) yn gweithredu yn unol â'r egwyddorion y cyfeirir atynt yn adran 5(2) o'r Ddeddf honno wrth arfer pŵer a roddir gan y Rheoliadau hyn.

Yn unol â gweithdrefn gymeradwyo'r Senedd a gymhwysir gan adran 160A(2) a (5) o Ddeddf 1990(**5**), adran 2(8) o Ddeddf 1999(**6**) ac adran 61(2) o Ddeddf 2008(**7**) gosodwyd

(**1**) 1990 p. 43. Mewnosodwyd adran 45AA gan adran 65 o Ddeddf yr Amgylchedd (Cymru) 2016 (dccc 3).

(**2**) 1999 p. 24. Diwygiwyd adran 2 gan O.S. 2013/755 (Cy. 90); mae offerynnau diwygio eraill ond nid yw'r un ohonynt yn berthnasol. Trosglwyddwyd swyddogaethau'r Ysgrifennydd Gwladol, i'r graddau y maent yn arferadwy o ran Cymru, i Gynulliad Cenedlaethol Cymru, ac eithrio mewn perthynas â chwilio am olew a nwy alltraeth ac elwa arnynt, yn rhinwedd erthygl 3(1) o Orchymyn Cynulliad Cenedlaethol Cymru (Trosglwyddo Swyddogaethau) 2005 (O.S. 2005/1958). Trosglwyddwyd swyddogaethau Cynulliad Cenedlaethol Cymru i Weinidogion Cymru gan baragraff 30 o Atodlen 11 i Ddeddf Llywodraeth Cymru 2006 (p. 32).

(**3**) 2008 p. 13. Diwygiwyd adran 36(2) gan adran 21(2)(f) o Ddeddf Menter 2016 (p. 12); diwygiwyd adrannau 39 a 42 gan baragraff 12 o Atodlen 5 i O.S. 2015/664. Diffinnir "prescribed" yn adran 71(1) o Ddeddf 2008. Caniateir arfer y pŵer i wneud gorchmynion o dan Ran 3 o Ddeddf 2008 er mwyn gwneud rheoliadau yn rhinwedd adran 39 o Ddeddf Deddfwriaeth (Cymru) 2019 (dccc 4).

(**4**) Mae adran 71(1) o Ddeddf 2008 yn darparu mai ystyr "relevant authority", mewn perthynas â darpariaeth a wneir o dan Ran 3 neu yn rhinwedd y Rhan honno gan Weinidogion Cymru, yw Gweinidogion Cymru.

(**5**) Mewnosodwyd adran 160A gan adran 63(2) o Ddeddf yr Amgylchedd 2021 (p. 30). Diwygiwyd adran 160A gan Ddeddf yr Amgylchedd 2021, gan Ddeddf Cyfraith yr UE a Ddargedwir (Dirymu a Diwygio) 2023 (p. 28) a chan O.S. 2023/1424; mae offerynnau diwygio eraill ond nid yw'r un ohonynt yn berthnasol.

(**6**) Mae'r cyfeiriad yn adran 2(8) o Ddeddf 1999 at gymeradwyaeth dau Dŷ Senedd y Deyrnas Unedig yn cael effaith mewn perthynas ag arfer swyddogaethau gan Weinidogion Cymru fel pe bai'n gyfeiriad at gymeradwyaeth Senedd Cymru, yn rhinwedd adran 150A(2) o Ddeddf Llywodraeth Cymru 2006 a pharagraff 33 o Atodlen 11 iddi.

(**7**) Mae'r cyfeiriad yn adran 61(2) o Ddeddf 2008 at Gynulliad Cenedlaethol Cymru bellach yn cael effaith fel cyfeiriad at Senedd Cymru, yn rhinwedd adran 150A(2) o Ddeddf Llywodraeth Cymru 2006.

drafft o'r offeryn statudol Cymreig hwn gerbron Senedd Cymru ac fe'i cymeradwywyd ganddi drwy benderfyniad.

Enwi, dod i rym a chymhwyso

1.—(1) Enw'r Rheoliadau hyn yw Rheoliadau Gofynion Gwahanu Gwastraff (Cymru) (Diwygio) 2026.

(2) Daw'r Rheoliadau hyn i rym ar 6 Ebrill 2026.

(3) Mae'r Rheoliadau hyn yn gymwys o ran Cymru.

Diwygio Rheoliadau Gofynion Gwahanu Gwastraff (Cymru) 2023

2.—(1) Mae Rheoliadau Gofynion Gwahanu Gwastraff (Cymru) 2023(**8**) wedi eu diwygio fel a ganlyn.

(2) Yn rheoliad 2 (dehongli), yn y diffiniad o "ffrydiau gwastraff ailgylchadwy", ym mharagraff (e) o'r diffiniad hwnnw, hepgorer "nas gwerthwyd".

(3) Yn rheoliad 3—

(a) ym mharagraff (3), hepgorer is-baragraff (a), a

(b) ym mharagraff (4), hepgorer y diffiniad o "ysbyty".

(4) Yn Atodlen 1 (is-ffracsiynau gwastraff sy'n ffurfio pob ffrwd wastraff ailgylchadwy)—

(a) yn y ffrwd wastraff ailgylchadwy "Plastig", yn yr ail baragraff, hepgorer "a pholypropylen wedi ei ehangu";

(b) yn y ffrwd wastraff ailgylchadwy "Offer trydanol ac electronig gwastraff bach nas gwerthwyd"—

(i) yn y teitl, hepgorer "nas gwerthwyd";

(ii) ar ôl y teitl, yn lle'r paragraff rhodder—

"Pob offer trydanol ac electronig gwastraff bach (gweler y diffiniad o "offer trydanol ac electronig gwastraff bach" yn rheoliad 2), ond gan eithrio unrhyw wastraff sydd wedi ei gategoreiddio'n wastraff peryglus o dan reoliad 6 o Reoliadau Gwastraff Peryglus (Cymru) 2005 neu sy'n cynnwys gweddillion gwastraff neu sylweddau sydd wedi eu categoreiddio'n wastraff neu sylweddau peryglus o dan reoliad 6 o'r Rheoliadau hynny, neu unrhyw wastraff sydd wedi ei halogi gan wastraff neu sylweddau o'r fath".

Huw Irranca-Davies
Y Dirprwy Brif Weinidog ac Ysgrifennydd y Cabinet dros Newid Hinsawdd a Materion Gwledig, un o Weinidogion Cymru
4 Mawrth 2026

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Argraffwyd a chyhoeddwyd yn y DU gan Y Llyfrfa Cyf dan awdurdod a goruchwyliaeth Saul Nassé, Rheolwr Llyfrfa Ei Fawrhydi ac Argraffydd y Brenin ar gyfer Cymru.

(**8**) O.S. 2023/1290 (Cy. 228).

WELSH STATUTORY INSTRUMENTS

2026 No. 71

ENVIRONMENTAL PROTECTION, WALES

The Waste Separation Requirements (Wales) (Amendment) Regulations 2026

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Waste Separation Requirements (Wales) Regulations 2023 ("the 2023 Regulations").

Regulation 2(2) and (4)(b) amend the recyclable waste stream "unsold small waste electrical and electronic equipment" in the 2023 Regulations so that, from 6 April 2026, the separation requirements duty in regulation 3(1) of the 2023 Regulations will no longer be limited to just "unsold" small waste electrical and electronic equipment. Further, the hazardous waste exclusion for small waste electrical and electronic equipment in Schedule 1 to the 2023 Regulations is amended so it is consistent with the hazardous waste exclusions for the other recyclable waste streams in that Schedule.

Regulation 3(3)(a) of the 2023 Regulations provides that hospitals are exempt from the duty to separately present each recyclable waste stream for collection in regulation 3(1) of the 2023 Regulations until 6 April 2026. Regulation 2(3) omits regulation 3(3)(a), and the definition of "hospital" in regulation 3(4), from the 2023 Regulations because this exemption expires on the day these Regulations come into force and these provisions will no longer be relevant.

Regulation 2(4)(a) amends Schedule 1 to the 2023 Regulations to remove expanded polypropylene plastic packaging from the list of waste sub-fractions within the recyclable waste stream "Plastic".

The Welsh Ministers' Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to these Regulations. As a result, a regulatory impact assessment has been prepared as to the likely costs and benefits of complying with these Regulations. A copy can be obtained from the Welsh Government at Cathays Park, Cardiff CF10 3NQ and on the Welsh Government website at www.gov.wales.

2026 No. 71

ENVIRONMENTAL PROTECTION, WALES

The Waste Separation Requirements (Wales) (Amendment) Regulations 2026

Made	*4 March 2026*
Coming into force	*6 April 2026*

The Welsh Ministers make these Regulations in exercise of the powers conferred by section 45AA(6), (7), (10) and (11) of the Environmental Protection Act 1990(**1**) ("the 1990 Act"), section 2 of the Pollution Prevention and Control Act 1999(**2**) ("the 1999 Act") and sections 36(2), 39, 42, 45 and 52 to 55 of the Regulatory Enforcement and Sanctions Act 2008(**3**) ("the 2008 Act").

The Welsh Ministers have consulted in accordance with section 2(4) of the 1999 Act and sections 59(3) and 60 of the 2008 Act(**4**).

In accordance with section 66 of the 2008 Act, the Welsh Ministers are satisfied that Natural Resources Wales (who is the regulator for the purpose of these Regulations) will act in accordance with the principles referred to in section 5(2) of that Act in exercising a power conferred by these Regulations.

In accordance with the Senedd approval procedure applied by section 160A(2) and (5) of the 1990 Act(**5**), section 2(8) of the 1999 Act(**6**) and section 61(2) of the 2008 Act(**7**)

(**1**) 1990 c. 43. Section 45AA was inserted by section 65 of the Environment (Wales) Act 2016 (anaw 3).
(**2**) 1999 c. 24. Section 2 was amended by S.I. 2013/755 (W. 90); there are other amending instruments but none are relevant. Functions of the Secretary of State, so far as exercisable in relation to Wales, were transferred to the National Assembly for Wales, except in relation to offshore oil and gas exploration and exploitation, by virtue of article 3(1) of the National Assembly for Wales (Transfer of Functions) Order 2005 (S.I. 2005/1958). Functions of the National Assembly for Wales were transferred to the Welsh Ministers by paragraph 30 of Schedule 11 to the Government of Wales Act 2006 (c. 32).
(**3**) 2008 c. 13. Section 36(2) was amended by section 21(2)(f) of the Enterprise Act 2016 (c. 12); sections 39 and 42 were amended by paragraph 12 of Schedule 5 to S.I. 2015/664. "Prescribed" is defined in section 71(1) of the 2008 Act. The power to make orders under Part 3 of the 2008 Act may be exercised to make regulations by virtue of section 39 of the Legislation (Wales) Act 2019 (anaw 4).
(**4**) Section 71(1) of the 2008 Act provides that "relevant authority" means, in relation to provision made under or by virtue of Part 3 by the Welsh Ministers, the Welsh Ministers.
(**5**) Section 160A was inserted by section 63(2) of the Environment Act 2021 (c. 30). Section 160A was amended by the Environment Act 2021, the Retained EU Law (Revocation and Reform) Act 2023 (c. 28) and by S.I. 2023/1424; there are other amending instruments but none are relevant.
(**6**) The reference in section 2(8) of the 1999 Act to approval by each House of Parliament has effect in relation to the exercise of functions by the Welsh Ministers as if it were a reference to approval by Senedd Cymru, by virtue of section 150A(2) of, and paragraph 33 of Schedule 11 to, the Government of Wales Act 2006.
(**7**) The reference in section 61(2) of the 2008 Act to the National Assembly for Wales now has effect as a reference to Senedd Cymru, by virtue of section 150A(2) of the Government of Wales Act 2006.

a draft of this Welsh statutory instrument was laid before, and approved by resolution of, Senedd Cymru.

Title, coming into force and application

1.—(1) The title of these Regulations is the Waste Separation Requirements (Wales) (Amendment) Regulations 2026.

(2) These Regulations come into force on 6 April 2026.

(3) These Regulations apply in relation to Wales.

Amendments to the Waste Separation Requirements (Wales) Regulations 2023

2.—(1) The Waste Separation Requirements (Wales) Regulations 2023(**8**) are amended as follows.

(2) In regulation 2 (interpretation), in the definition of "recyclable waste streams", in paragraph (e) of that definition, omit "unsold".

(3) In regulation 3—

(a) in paragraph (3), omit sub-paragraph (a), and

(b) in paragraph (4), omit the definition of "hospital".

(4) In Schedule 1 (waste sub-fractions comprising each recyclable waste stream)—

(a) in the recyclable waste stream "Plastic", in the fifth paragraph, omit "and expanded polypropylene";

(b) in the recyclable waste stream "Unsold small waste electrical and electronic equipment"—

(i) in the title, omit "Unsold";

(ii) after the title, for the paragraph substitute—

"All small waste electrical and electronic equipment (see definition of "small waste electrical and electronic equipment" in regulation 2), but excluding any waste categorised as hazardous under regulation 6 of the Hazardous Waste (Wales) Regulations 2005 or containing residues of, or contaminated by, waste or substances categorised as hazardous under regulation 6 of those Regulations".

Huw Irranca-Davies
Deputy First Minister and Cabinet Secretary for Climate Change and Rural Affairs, one of the Welsh Ministers
4 March 2026

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(**8**) S.I. 2023/1290 (W. 228).

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