OFFERYNNAU STATUDOL CYMRU

WELSH STATUTORY INSTRUMENTS

# 2025 Rhif 1361 (Cy. 223)

# CAFFAEL CYHOEDDUS, CYMRU

## Rheoliadau Deddf Caffael 2023 (Cytundebau Rhyngwladol Penodedig) (Diwygio) (Cymru) 2025

# 2025 No. 1361 (W. 223)

# PUBLIC PROCUREMENT, WALES

## The Procurement Act 2023 (Specified International Agreements) (Amendment) (Wales) Regulations 2025

### NODYN ESBONIADOL

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

Mae'r Rheoliadau hyn yn gwneud diwygiadau i Atodlen 9 (cyflenwyr gwladwriaeth gytuniad (cytundebau rhyngwladol penodedig)) i Ddeddf Caffael 2023 ("Deddf 2023") er mwyn gweithredu penodau caffael dau gytundeb rhyngwladol yr ymrwymwyd iddynt gan y Deyrnas Unedig. Y cytundebau hyn yw'r Cytundeb ar Bartneriaeth a Chydweithredu rhwng Llywodraeth Teyrnas Unedig Prydain Fawr a Gogledd Iwerddon a Llywodraeth Gweriniaeth Irac a lofnodwyd yn Llundain ar 14 Ionawr 2025 a'r Cytundeb Partneriaeth a Chydweithredu Strategol rhwng Teyrnas Unedig Prydain Fawr a Gogledd Iwerddon a Gweriniaeth Kazakhstan a lofnodwyd yn Astana ar 24 Ebrill 2024.

Yn flaenorol, llywodraethid perthynas fasnachu'r Deyrnas Unedig â Gweriniaeth Irac gan y Cytundeb Partneriaeth a Chydweithredu rhwng yr Undeb Ewropeaidd ac Irac ("CPCh yr UE ac Irac"). Yn flaenorol, llywodraethid perthynas fasnachu'r Deyrnas Unedig â Gweriniaeth Kazakhstan gan y Cytundeb Partneriaeth a Chydweithredu Ehangach ("CPChE") rhwng yr Undeb Ewropeaidd a Gweriniaeth Kazakhstan. Peidiodd CPCh yr UE ac Irac a'r CPChE rhwng yr Undeb Ewropeaidd a Gweriniaeth Kazakhstan â bod yn gymwys i'r Deyrnas Unedig ar ymadawiad y Deyrnas Unedig â'r Undeb Ewropeaidd.

### EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations make amendments to Schedule 9 (treaty state suppliers (specified international agreements)) to the Procurement Act 2023 ("the 2023 Act") in order to implement the procurement chapters of two international agreements entered into by the United Kingdom. These agreements are the Agreement on Partnership and Cooperation between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the Republic of Iraq signed at London on 14 January 2025 and the Strategic Partnership and Cooperation Agreement between the United Kingdom of Great Britain and Northern Ireland and the Republic of Kazakhstan signed at Astana on 24 April 2024.

The United Kingdom's trading relationship with the Republic of Iraq was previously governed by the Partnership and Cooperation Agreement between the European Union and Iraq ("The EU-Iraq PCA"). The United Kingdom's trading relationship with the Republic of Kazakhstan was previously governed by the Enhanced Partnership and Cooperation Agreement ("EPCA") between the European Union and the Republic of Kazakhstan. The EU-Iraq PCA and the EPCA between the European Union and the Republic of Kazakhstan ceased to apply to the United Kingdom upon the United Kingdoms's exit from the European Union.

Mae Atodlen 9 i Ddeddf 2023 yn rhestru cytundebau rhyngwladol y mae'r Deyrnas Unedig yn barti iddynt ac sy'n cynnwys rhwymedigaethau caffael y mae rhaid rhoi effaith iddynt yn y Deyrnas Unedig. Mae rheoliad 3 o'r Rheoliadau hyn yn diwygio Atodlen 9 i Ddeddf 2023 er mwyn adlewyrchu'r cytundebau â Gweriniaeth Irac a Gweriniaeth Kazakhstan yr ymrwymwyd iddynt gan y Deyrnas Unedig.

Mae rheoliad 4 o'r Rheoliadau hyn yn gwneud darpariaeth ar gyfer trefniadau trosiannol, fel na fydd y Rheoliadau hyn yn effeithio ar unrhyw gaffaeliad o dan Ddeddf 2023 sy'n ymwneud â'r cytundebau â Gweriniaeth Irac a Gweriniaeth Kazakhstan yr ymrwymwyd iddynt gan y Deyrnas Unedig, pan fo'r caffaeliad wedi dechrau cyn y diwrnod y daw'r cytundeb perthnasol i rym.

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 Y Gyfarwyddiaeth Caffael a Masnachol, Llywodraeth Cymru, Parc Cathays, Caerdydd, CF10 3NQ.

Schedule 9 to the 2023 Act lists international agreements to which the United Kingdom is a party and which contain procurement obligations to which effect must be given in the United Kingdom. Regulation 3 of these Regulations amends Schedule 9 to the 2023 Act to reflect the agreements with the Republic of Iraq and the Republic of Kazakhstan entered into by the United Kingdom.

Regulation 4 of these Regulations makes provision for transitional arrangements, so that these Regulations will not affect any procurement under the 2023 Act which relates to the agreements with the Republic of Iraq and the Republic of Kazakhstan entered into by the United Kingdom, where the procurement has commenced before the day on which the relevant agreement enters into force.

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 Commercial and Procurement Directorate, Welsh Government, Cathays Park, Cardiff, CF10 3NQ.

# 2025 Rhif 1361 (Cy. 223)

# CAFFAEL CYHOEDDUS, CYMRU

## Rheoliadau Deddf Caffael 2023 (Cytundebau Rhyngwladol Penodedig) (Diwygio) (Cymru) 2025

| | |
|---|---|
| *Gwnaed* | *17 Rhagfyr 2025* |
| *Yn dod i rym* | *31 Rhagfyr 2025* |

Mae Gweinidogion Cymru(**1**) yn gwneud y Rheoliadau a ganlyn drwy arfer y pwerau a roddir iddynt gan adrannau 89(3)(a) a 122(3)(b) a (d) o Ddeddf Caffael 2023(**2**).

Yn unol ag adran 122(10)(i) o'r Ddeddf honno, gosodwyd drafft o'r Rheoliadau hyn gerbron Senedd Cymru ac fe'i cymeradwywyd ganddi drwy benderfyniad.

**Enwi a dod i rym**

**1.**—(1) Enw'r Rheoliadau hyn yw Rheoliadau Deddf Caffael 2023 (Cytundebau Rhyngwladol Penodedig) (Diwygio) (Cymru) 2025.

(2) Daw'r Rheoliadau hyn i rym ar 31 Rhagfyr 2025.

**Dehongli**

**2.** Yn y Rheoliadau hyn—

ystyr "Deddf 2023" ("*the 2023 Act*") yw Deddf Caffael 2023.

(**1**) Gweinidogion Cymru yw'r "awdurdod priodol" fel y diffinnir "appropriate authority" yn adran 123(1) o Ddeddf Caffael 2023, yn ddarostyngedig i'r cyfyngiadau a nodir yn adran 111(1) o'r Ddeddf honno.

(**2**) 2023 p. 54.



# 2025 No. 1361 (W. 223)

# PUBLIC PROCUREMENT, WALES

## The Procurement Act 2023 (Specified International Agreements) (Amendment) (Wales) Regulations 2025

| | |
|---|---|
| *Made* | *17 December 2025* |
| *Coming into force* | *31 December 2025* |

The Welsh Ministers(**1**) make the following Regulations in exercise of the powers conferred on them by sections 89(3)(a) and 122(3)(b) and (d) of the Procurement Act 2023(**2**).

In accordance with section 122(10)(i) of that Act, a draft of these Regulations has been laid before, and approved by a resolution of, Senedd Cymru.

**Title and coming into force**

**1.**—(1) The title of these Regulations is the Procurement Act 2023 (Specified International Agreements) (Amendment) (Wales) Regulations 2025.

(2) These Regulations come into force on 31 December 2025.

**Interpretation**

**2.** In these Regulations—

"the 2023 Act" ("*Deddf 2023*") means the Procurement Act 2023.

(**1**) The Welsh Ministers are the "appropriate authority" as defined in section 123(1) of the Procurement Act 2023, subject to the restrictions set out in section 111(1) of that Act.

(**2**) 2023 c. 54.

**Diwygio Atodlen 9 i Ddeddf 2023**

**3.**—(1) Mae Atodlen 9 i Ddeddf 2023(**1**) (cyflenwyr gwladwriaeth gytuniad (cytundebau rhyngwladol penodedig)) wedi ei diwygio fel a ganlyn.

(2) Hepgorer paragraff B1 a'r penawdau italig o'i flaen ac ar ei ôl.

(3) Ym mharagraff 26 yn lle "In any case other than a procurement regulated by the Welsh Ministers, the" rhodder "The".

(4) Ym mharagraff 27 yn lle "In any case other than a procurement regulated by the Welsh Ministers, the" rhodder "The".

**Darpariaethau trosiannol**

**4.**—(1) Yn y rheoliad hwn—

ystyr mae i "awdurdod contractio" yr ystyr a roddir i ("*contracting authority*") gan adran 2(1) o Ddeddf 2023;

"CBCh y DU ac Irac" ("*the UK-Iraq PCA*") yw'r Cytundeb ar Bartneriaeth a Chydweithredu rhwng Llywodraeth Teyrnas Unedig Prydain Fawr a Gogledd Iwerddon a Llywodraeth Gweriniaeth Irac a lofnodwyd yn Llundain ar 14 Ionawr 2025;

ystyr "CPChS y DU a Kazakhstan" ("*the UK-Kazakhstan SPCA*") yw'r Cytundeb Partneriaeth a Chydweithredu Strategol rhwng Teyrnas Unedig Prydain Fawr a Gogledd Iwerddon a Gweriniaeth Kazakhstan a lofnodwyd yn Astana ar 24 Ebrill 2024;

ystyr "cytundeb perthnasol" ("*relevant agreement*") yw, yn ôl y digwydd, CBCh y DU ac Irac neu CPChS y DU a Kazakhstan.

(2) Mae cyfeiriad at y cytundeb perthnasol yn dod i rym yn golygu, mewn cysylltiad ag—

(a) CPChS y DU a Kazakhstan, pan fo Pennod 8 (Caffael gan Lywodraethau) o Deitl III (Masnach a Busnes) yn dechrau bod yn gymwys yn unol ag erthygl 136(**2**), neu

(b) CBCh y DU ac Irac, pan ddaw'r cytundeb hwnnw i rym yn unol ag erthygl 115(**3**).

(**1**) Fel y'i diwygiwyd gan O.S. 2025/163, O.S. 2025/181 (Cy. 38), ac O.S. 2025/1337.

(**2**) Gweler hefyd erthygl 271 sy'n nodi pryd y daw'r cytundeb i rym (er gwaethaf Pennod 8). Cyhoeddwyd copi digidol o'r cytundeb yng Nghasgliad y Cyfresi Gwlad (Kazakhstan Rhif 1/2025, CP 1365), sydd ar gael ar https://www.gov.uk/government/collections/command-papers-by-country-2013.

(**3**) Cyhoeddwyd copi digidol o'r cytundeb yng Nghasgliad y Cyfresi Gwlad (Irac Rhif 1/2025, CP 1356), sydd ar gael ar https://www.gov.uk/government/collections/command-papers-by-country-2013.

**Amendments to Schedule 9 to the 2023 Act**

**3.**—(1) Schedule 9 to the 2023 Act(**1**) (treaty state suppliers (specified international agreements)) is amended as follows.

(2) Omit paragraph B1 and the italic headings before and after it.

(3) In paragraph 26 for "In any case other than a procurement regulated by the Welsh Ministers, the" substitute "The".

(4) In paragraph 27 for "In any case other than a procurement regulated by the Welsh Ministers, the" substitute "The".

**Transitional provisions**

**4.**—(1) In this regulation—

"contracting authority" ("*awdurdod contractio*") has the meaning given by section 2(1) of the 2023 Act;

"relevant agreement" ("*cytundeb perthnasol*") means, as the case may be, the UK-Iraq PCA or the UK-Kazakhstan SPCA;

"the UK-Iraq PCA" ("*CBCh y DU ac Irac*") means the Agreement on Partnership and Cooperation between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the Republic of Iraq signed at London on 14 January 2025;

"the UK-Kazakhstan SPCA" ("*CPChS y DU a Kazakhstan*") means the Strategic Partnership and Cooperation Agreement between the United Kingdom of Great Britain and Northern Ireland and the Republic of Kazakhstan signed at Astana on 24 April 2024.

(2) A reference to the relevant agreement entering into force means, in respect of—

(a) the UK-Kazakhstan SPCA, when Chapter 8 (Government Procurement) of Title III (Trade and Business) starts to apply in accordance with article 136(**2**), or

(b) the UK-Iraq PCA, when that agreement enters into force in accordance with article 115(**3**).

(**1**) As amended by S.I. 2025/163, S.I. 2025/181 (W. 38), and S.I. 2025/1337.

(**2**) See also article 271 which sets out when the agreement enters into force (notwithstanding Chapter 8). A digital copy of the agreement was published in the Country Series Collection (Kazakhstan No. 1/2025, CP 1365), available on https://www.gov.uk/government/collections/command-papers-by-country-2013.

(**3**) A digital copy of the agreement was published in the Country Series Collection (Iraq No. 1/2025, CP 1356), available on https://www.gov.uk/government/collections/command-papers-by-country-2013.

(3) Nid yw'r diwygiadau a wneir gan reoliad 3 yn effeithio ar unrhyw gaffaeliad sydd wedi ei ddechrau cyn y diwrnod y daw'r cytundeb perthnasol i rym os, cyn y diwrnod hwnnw—

(a) yw hysbysiad tendro wedi ei gyhoeddi yn unol ag adran 21(1) o Ddeddf 2023 (hysbysiadau tendro a dogfennau tendro cysylltiedig),

(b) yw hysbysiad tryloywder wedi ei gyhoeddi yn unol ag adran 44(1) o Ddeddf 2023 (hysbysiadau tryloywder),

(c) yw hysbysiad tendro sydd o dan y trothwy wedi ei gyhoeddi yn unol ag adran 87(1)(**1**) o Ddeddf 2023 (contractau rheoleiddiedig sydd o dan y trothwy: hysbysiadau), neu

(d) mewn cysylltiad â chontract sydd o dan y trothwy nad yw is-baragraff (c) yn gymwys iddo, yw awdurdod contractio wedi cysylltu â chyflenwr er mwyn dechrau dyfarniad y contract hwnnw.

(3) The amendments made by regulation 3 do not affect any procurement commenced before the day on which the relevant agreement enters into force if before that day—

(a) a tender notice has been published in accordance with section 21(1) of the 2023 Act (tender notices and associated tender documents),

(b) a transparency notice has been published in accordance with section 44(1) of the 2023 Act (transparency notices),

(c) a below-threshold tender notice has been published in accordance with section 87(1)(**1**) of the 2023 Act (regulated below-threshold contracts: notices), or

(d) in respect of a below-threshold contract to which sub-paragraph (c) does not apply, a contracting authority has contacted a supplier in order to commence the award of that contract.

*Mark Drakeford*

Ysgrifennydd y Cabinet dros Gyllid a'r Gymraeg, un o Weinidogion Cymru
17 Rhagfyr 2025

The Cabinet Secretary for Finance and Welsh Language, one of the Welsh Ministers
17 December 2025

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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 Deddfau Senedd y Brenin.

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(**1**) Diwygiwyd adran 87 gan O.S. 2024/782 ac O.S. 2024/959.

(**1**) Section 87 was amended by S.I. 2024/782 and S.I. 2024/959.

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