OFFERYNNAU STATUDOL CYMRU

WELSH STATUTORY INSTRUMENTS

2024 Rhif 1183 (Cy. 194)

2024 No. 1183 (W. 194)

CYMWYSTERAU PROFFESIYNOL, CYMRU

PROFESSIONAL QUALIFICATIONS, WALES

Rheoliadau Cydnabod Cymwysterau Proffesiynol a Gweithredu Cytundebau Cydnabod Rhyngwladol (Diwygio) (Estyn i'r Swistir a Darpariaethau Amrywiol) (Cymru) 2024

The Recognition of Professional Qualifications and Implementation of International Recognition Agreements (Amendment) (Extension to Switzerland and Miscellaneous Provisions) (Wales) Regulations 2024

NODYN ESBONIADOL

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

Mae'r Rheoliadau hyn yn gwneud darpariaeth o dan adran 3(1) o Ddeddf Cymwysterau Proffesiynol 2022 (p. 20) i weithredu o ran Cymru ddarpariaethau yn ymwneud â'r Cytundeb rhwng Teyrnas Unedig Prydain Fawr a Gogledd Iwerddon a Chydffederasiwn y Swistir ar Gydnabod Cymwysterau Proffesiynol a wnaed yn Llundain ar 14 Mehefin 2023 ("Cytundeb y Swistir").

Mae'r Rheoliadau hyn yn diwygio Rheoliadau Cydnabod Cymwysterau Proffesiynol a Gweithredu Cytundebau Cydnabod Rhyngwladol (Cymru) (Diwygio etc.) 2023 (O.S. 2023/1294 (Cy. 230)) ("Rheoliadau 2023"), a weithredodd Bennod 12 o'r cytundeb masnach rydd rhwng Gwlad yr Iâ, Tywysogaeth Liechtenstein a Theyrnas Norwy a Theyrnas Unedig Prydain Fawr a Gogledd Iwerddon a wnaed yn Llundain ar 8 Gorffennaf 2021.

Mae'r diwygiadau yn Rhan 2 yn estyn cymhwysiad Rheoliadau 2023 i Gydffederasiwn y Swistir ac yn diwygio Rheoliadau 2023 at ddiben gweithredu Cytundeb y Swistir mewn perthynas â'r proffesiynau rheoleiddiedig Cymreig, fel y'u diffinnir gan Reoliadau 2023, ac mewn cysylltiad â hynny. Mae Rhan 2 hefyd yn cynnwys darpariaethau i gywiro mân wallau yn Rheoliadau 2023.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make provision under section 3(1) of the Professional Qualifications Act 2022 (c. 20) to implement in relation to Wales provisions relating to the Agreement between the United Kingdom of Great Britain and Northern Ireland and the Swiss Confederation on Recognition of Professional Qualifications done at London on 14 June 2023 ("the Swiss Agreement").

These Regulations amend the Recognition of Professional Qualifications and Implementation of International Recognition Agreements (Wales) (Amendment etc.) Regulations 2023 (S.I. 2023/1294 (W. 230)) ("the 2023 Regulations"), which implemented Chapter 12 of the free trade agreement between Iceland, the Principality of Liechtenstein and the Kingdom of Norway and the United Kingdom of Great Britain and Northern Ireland done at London on 8 July 2021.

The amendments in Part 2 extend the application of the 2023 Regulations to the Swiss Confederation and amend the 2023 Regulations for the purpose of, and in connection with, implementing the Swiss Agreement in relation to the Welsh regulated professions, as defined by the 2023 Regulations. Part 2 also contains provisions to correct minor errors in the 2023 Regulations.

Mae Rhan 3 yn cynnwys diwygiadau i ddeddfwriaeth sectorol mewn perthynas â phroffesiynau trin nwyon wedi eu fflworineiddio at ddiben gweithredu Cytundeb y Swistir, ac mewn cysylltiad â hynny.

Part 3 contains amendments to sectoral legislation in relation to F-gas handler professions for the purpose of, and in connection with, implementing the Swiss Agreement.

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 mae wedi ei gyhoeddi ar www.llyw.cymru.

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 Welsh Government, Cathays Park, Cardiff, CF10 3NQ and is published on www.gov.wales.

2024 Rhif 1183 (Cy. 194)

CYMWYSTERAU PROFFESIYNOL, CYMRU

Rheoliadau Cydnabod Cymwysterau Proffesiynol a Gweithredu Cytundebau Cydnabod Rhyngwladol (Diwygio) (Estyn i'r Swistir a Darpariaethau Amrywiol) (Cymru) 2024

Gwnaed *18 Tachwedd 2024*

Gosodwyd gerbron Senedd Cymru *20 Tachwedd 2024*

Yn dod i rym *1 Ionawr 2025*

Mae Gweinidogion Cymru, drwy arfer y pwerau a roddir gan adrannau 3(1) a 13(1) o Ddeddf Cymwysterau Proffesiynol 2022(**1**) ("Deddf 2022"), yn gwneud y Rheoliadau a ganlyn.

Yn unol ag adran 14 o Ddeddf 2022, mae Gweinidogion Cymru wedi eu bodloni nad yw'r Rheoliadau yn dileu gallu unrhyw reoleiddiwr Cymreig ar broffesiwn rheoleiddiedig Cymreig i atal unigolion sy'n anaddas i ymarfer y proffesiwn rhag gwneud hynny, ac na fydd y Rheoliadau yn cael effaith andwyol sylweddol ar unrhyw broffesiwn rheoleiddiedig Cymreig o ran gwybodaeth, sgiliau neu brofiad yr unigolion sy'n ei ymarfer.

Yn unol ag adran 15 o Ddeddf 2022, mae Gweinidogion Cymru wedi ymgynghori â'r rheoleiddwyr Cymreig hynny ar broffesiynau rheoleiddiedig Cymreig y mae Gweinidogion Cymru yn ystyried ei bod yn debygol y bydd y Rheoliadau hyn yn effeithio arnynt neu ei bod fel arall yn briodol ymgynghori â hwy.

(**1**) 2022 p. 20.

2024 No. 1183 (W. 194)

PROFESSIONAL QUALIFICATIONS, WALES

The Recognition of Professional Qualifications and Implementation of International Recognition Agreements (Amendment) (Extension to Switzerland and Miscellaneous Provisions) (Wales) Regulations 2024

Made *18 November 2024*

Laid before Senedd Cymru *20 November 2024*

Coming into force *1 January 2025*

The Welsh Ministers, in exercise of the powers conferred by sections 3(1) and 13(1) of the Professional Qualifications Act 2022(**1**) ("the 2022 Act"), make the following Regulations.

In accordance with section 14 of the 2022 Act, the Welsh Ministers are satisfied that the Regulations do not remove the ability of any Welsh regulator of a Welsh regulated profession to prevent individuals who are unfit to practise the profession from doing so, and that the Regulations will not have a material adverse effect on any Welsh regulated profession in terms of the knowledge, skills or experience of the individuals practising it.

In accordance with section 15 of the 2022 Act, the Welsh Ministers have consulted with such Welsh regulators of Welsh regulated professions as the Welsh Ministers consider are likely to be affected by these Regulations or it is otherwise appropriate to consult.

(**1**) 2022 c. 20.

RHAN 1

Darpariaethau cyffredinol

Enwi a dod i rym

1. Enw'r Rheoliadau hyn yw Rheoliadau Cydnabod Cymwysterau Proffesiynol a Gweithredu Cytundebau Cydnabod Rhyngwladol (Diwygio) (Estyn i'r Swistir a Darpariaethau Amrywiol) (Cymru) 2024 a deuant i rym ar 1 Ionawr 2025.

Dehongli

2. Yn y Rheoliadau hyn—

ystyr "Cytundeb y Swistir" ("*the Swiss Agreement*") yw'r Cytundeb rhwng Teyrnas Unedig Prydain Fawr a Gogledd Iwerddon a Chydffederasiwn y Swistir ar Gydnabod Cymwysterau Proffesiynol a wnaed yn Llundain ar 14 Mehefin 2023(**1**);

ystyr "Rheoliadau 2023" ("*the 2023 Regulations*") yw Rheoliadau Cydnabod Cymwysterau Proffesiynol a Gweithredu Cytundebau Cydnabod Rhyngwladol (Cymru) (Diwygio etc.) 2023(**2**).

RHAN 2

Diwygio Rheoliadau 2023

Diwygio rheoliad 2 o Reoliadau 2023

3.—(1) Mae rheoliad 2 (dehongli) o Reoliadau 2023 wedi ei ddiwygio fel a ganlyn.

(**1**) Cyhoeddwyd ar 20 Mehefin 2023, ISBN 978-1-5286-4245-3, C.P. 869, y mae copi electronig ohono ar gael ar https://www.gov.uk/government/publications/agreement-between-the-swiss-confederation-switzerland-and-the-uk-on-the-recognition-of-professional-qualifications. Gellir cael copi caled yn rhad ac am ddim ar gais drwy ffonio'r Adran Busnes a Masnach ar 020 4551 0011 neu gellir edrych arno yn rhad ac am ddim yn Hen Adeilad y Morlys, Admiralty Place, Llundain, SW1A 2DY.

(**2**) O.S. 2023/1294 (Cy. 230); diwygiwyd gan O.S. 2024/613 (Cy. 87) erthygl 14(a) a 14(b).

PART 1

General provisions

Title and coming into force

1. The title of these Regulations is the Recognition of Professional Qualifications and Implementation of International Recognition Agreements (Amendment) (Extension to Switzerland and Miscellaneous Provisions) (Wales) Regulations 2024 and they come into force on 1 January 2025.

Interpretation

2. In these Regulations—

"the 2023 Regulations" ("*Rheoliadau 2023*") means the Recognition of Professional Qualifications and Implementation of International Recognition Agreements (Wales) (Amendment etc.) Regulations 2023(**1**);

"the Swiss Agreement" ("*Cytundeb y Swistir*") means the Agreement between the United Kingdom of Great Britain and Northern Ireland and the Swiss Confederation on Recognition of Professional Qualifications done at London on 14 June 2023(**2**).

PART 2

Amendments to the 2023 Regulations

Amendments to regulation 2 of the 2023 Regulations

3.—(1) Regulation 2 (interpretation) of the 2023 Regulations is amended as follows.

(**1**) S.I. 2023/1294 (W. 230); amended by S.I. 2024/613 (W. 87) art. 14(a) and 14(b).

(**2**) Published on 20th June 2023, ISBN 978-1-5286-4245-3, C.P. 869, a copy of which is available electronically at https://www.gov.uk/government/publications/agreement-between-the-swiss-confederation-switzerland-and-the-uk-on-the-recognition-of-professional-qualifications. A hard copy can be obtained free of charge on request by calling the Department for Business and Trade on 020 4551 0011 or may be inspected free of charge at Old Admiralty Building, Admiralty Place, London, SW1A 2DY.

(2) Yn lle'r diffiniad o "cyfnod ymaddasu" rhodder—

"ystyr "cyfnod ymaddasu" ("*adaptation period*") yw—

(a) yn achos ceisydd sy'n gwneud cais(**1**) gan ddibynnu ar ddal cymwysterau proffesiynol(**2**) a gafwyd yn y Swistir, gyfnod o ymarfer o dan oruchwyliaeth, yn ddarostyngedig i asesiad ac y gall addysg bellach neu hyfforddiant pellach ddod gydag ef, mewn proffesiwn rheoleiddiedig Cymreig(**3**) o dan gyfrifoldeb aelod cymwysedig o'r proffesiwn hwnnw;

(b) yn achos ceisydd sy'n gwneud cais gan ddibynnu ar ddal cymwysterau proffesiynol a gafwyd ac eithrio yn y Swistir, gyfnod o ymarfer o dan oruchwyliaeth, yn ddarostyngedig i asesiad ac y gall hyfforddiant pellach ddod gydag ef, mewn proffesiwn rheoleiddiedig Cymreig o dan gyfrifoldeb aelod cymwysedig o'r proffesiwn hwnnw;".

(3) Hepgorer ""ystyr "penodedig" ("*specified*") yw wedi ei bennu mewn rheoliadau;".

(2) For the definition of "adaptation period" substitute—

""adaptation period" ("*cyfnod ymaddasu*") means—

(a) in the case of an applicant who makes an application(**1**) in reliance on the holding of professional qualifications(**2**) obtained in Switzerland, a period of supervised practice, subject to an assessment and which may be accompanied by further education or training, in a Welsh regulated profession(**3**) under the responsibility of a qualified member of that profession;

(b) in the case of an applicant who makes an application in reliance on the holding of professional qualifications obtained otherwise than in Switzerland, a period of supervised practice, subject to an assessment and which may be accompanied by further training, in a Welsh regulated profession under the responsibility of a qualified member of that profession;".

(3) Omit ""specified" ("*penodedig*") means specified in regulations;".

Diwygio rheoliad 8 o Reoliadau 2023

4. Ym mharagraff (6) o reoliad 8 (y weithdrefn sydd i'w dilyn wrth wneud cais am gydnabyddiaeth) o Reoliadau 2023, yn lle "y Deyrnas Unedig" rhodder "Cymru a Lloegr, yr Alban neu Ogledd Iwerddon".

Amendment to regulation 8 of the 2023 Regulations

4. In paragraph (6) of regulation 8 (procedure to be followed on application for recognition) of the 2023 Regulations, for "the United Kingdom", substitute "England and Wales, Scotland or Northern Ireland".

Diwygio rheoliad 11 o Reoliadau 2023

5. Yn lle rheoliad 11 (ffioedd) o Reoliadau 2023 rhodder—

"**Ffioedd**

11.—(1) Caiff rheoleiddiwr Cymreig(**4**) godi'r ffioedd hynny y mae'n ystyried eu bod yn briodol mewn cysylltiad â chais.

Amendment to regulation 11 of the 2023 Regulations

5. For regulation 11 (fees) of the 2023 Regulations substitute—

"Fees

11.—(1) A Welsh regulator(**4**) may charge such fees as they consider appropriate in connection with an application.

(**1**) Mae "cais" a "ceisydd" wedi eu diffinio yn rheoliad 2 o Reoliadau 2023.
(**2**) Mae "cymwysterau proffesiynol" wedi ei ddiffinio yn rheoliad 2 o Reoliadau 2023.
(**3**) Mae "proffesiwn rheoleiddiedig Cymreig" wedi ei ddiffinio yn rheoliad 2 o Reoliadau 2023.
(**4**) Mae "rheoleiddiwr Cymreig" wedi ei ddiffinio yn rheoliad 2 o Reoliadau 2023.

(**1**) "Applicant" and "application" are defined in regulation 2 of the 2023 Regulations.
(**2**) "Professional qualifications" is defined in regulation 2 of the 2023 Regulations.
(**3**) "Welsh regulated profession" is defined in regulation 2 of the 2023 Regulations.
(**4**) "Welsh regulator" is defined in regulation 2 of the 2023 Regulations.

(2) Rhaid i unrhyw ffioedd a godir gan reoleiddiwr Cymreig mewn cysylltiad â chais—

(a) bod yn rhesymol ac yn gymesur â chost y cais, a

(b) bod yn dryloyw ac wedi eu cyhoeddi ymlaen llaw.

(3) Yn achos ceisydd sy'n gwneud cais gan ddibynnu ar gymwysterau proffesiynol a gafwyd yn y Swistir, rhaid i unrhyw ffioedd fod yn daladwy drwy ddulliau electronig.

(4) Yn achos ceisydd sy'n gwneud cais gan ddibynnu ar gymwysterau proffesiynol a gafwyd yn rhywle ac eithrio yn y Swistir, rhaid i unrhyw ffioedd fod yn daladwy drwy ddulliau electronig drwy wefan y rheoleiddiwr Cymreig. "

Diwygio Atodlen 2 i Reoliadau 2023

6. Ar ôl paragraff 3 o Atodlen 2 (y gwladwriaethau penodedig) i Reoliadau 2023, mewnosoder—

"**4.** Cydffederasiwn y Swistir"

(2) Any fees charged by a Welsh regulator in connection with an application must be—

(a) reasonable and proportionate to the cost of the application, and

(b) transparent and made public in advance.

(3) In the case of an applicant who makes an application in reliance on professional qualifications obtained in Switzerland, any fees must be payable by electronic means.

(4) In the case of an applicant who makes an application in reliance on professional qualifications obtained otherwise than in Switzerland, any fees must be payable by electronic means through the Welsh regulator's website."

Amendment to Schedule 2 to the 2023 Regulations

6. After paragraph 3 of Schedule 2 (the specified states) to the 2023 Regulations, insert—

"**4.** The Swiss Confederation"

RHAN 3

Diwygiadau i ddeddfwriaeth mewn perthynas â phroffesiynau trin nwyon wedi eu fflworineiddio at ddiben gweithredu Cytundeb y Swistir, ac mewn cysylltiad â hynny

Diwygio Rheoliad (EU) Rhif 517/2014 Senedd Ewrop a'r Cyngor dyddiedig 16 Ebrill 2014 ar nwyon tŷ gwydr wedi eu fflworineiddio, ac sy'n diddymu Rheoliad (EC) Rhif 842/2006

7. Yn Erthygl 10 (hyfforddiant ac ardystio) o Reoliad (EU) Rhif 517/2014 Senedd Ewrop a'r Cyngor dyddiedig 16 Ebrill 2014 ar nwyon tŷ gwydr wedi eu fflworineiddio, ac sy'n diddymu Rheoliad (EC) Rhif 842/2006(**1**)—

(a) ym mharagraff 10, yn lle "an EEA EFTA state" rhodder "a specified state";

(b) yn lle paragraff 16 rhodder—

"**16.** For the purposes of this Article, a 'specified state' means a state specified in Schedule 2 to the Recognition of Professional Qualifications and Implementation of International Recognition Agreements (Wales) (Amendment etc.) Regulations 2023."

(**1**) EUR 2014/517, fel y'i diwygiwyd gan O.S. 2019/583, O.S. 2020/1616, O.S. 2023/1286 ac O.S. 2023/1294 (Cy. 230).

PART 3

Amendments to legislation in relation to F-gas handler professions for the purpose of, and in connection with, implementing the Swiss Agreement

Amendments to Regulation (EU) No 517/2014 of the European Parliament and of the Council of 16 April 2014 on fluorinated greenhouse gases and repealing Regulation (EC) No 842/2006

7. In Article 10 (training and certification) of Regulation (EU) No 517/2014 of the European Parliament and of the Council of 16 April 2014 on fluorinated greenhouse gases and repealing Regulation (EC) No 842/2006(**1**)—

(a) in paragraph 10, for "an EEA EFTA state", substitute "a specified state";

(b) for paragraph 16 substitute—

"**16.** For the purposes of this Article, a 'specified state' means a state specified in Schedule 2 to the Recognition of Professional Qualifications and Implementation of International Recognition Agreements (Wales) (Amendment etc.) Regulations 2023."

(**1**) EUR 2014/517, as amended by S.I. 2019/583, S.I. 2020/1616, S.I. 2023/1286 and S.I. 2023/1294 (W. 230).

Diwygio Rheoliadau Sylweddau sy'n Teneuo'r Osôn 2015

8.—(1) Mae Rheoliadau Sylweddau sy'n Teneuo'r Osôn 2015(**1**) wedi eu diwygio fel a ganlyn.

(2) Ailrifer rheoliad 4 (ystyr "competent") yn baragraff (1) o'r rheoliad hwnnw.

(3) Yn rheoliad 4(1) (fel y'i hailrifwyd gan baragraff (2))—

(a) yn is-baragraffau (a) ac (c)(ii), yn lle "an EEA EFTA state" rhodder "a specified state";

(b) hepgorer is-baragraff (d);

(c) mewnosoder paragraff newydd (2)—

"(2) For the purposes of this regulation, a "specified state" means a state specified in Schedule 2 to the Recognition of Professional Qualifications and Implementation of International Recognition Agreements (Wales) (Amendment etc.) Regulations 2023."

(4) Yn rheoliad 6 (cymwysterau a goruchwyliaeth)—

(a) ym mharagraff (5)(b)(i), yn lle "4(a)" rhodder "4(1)(a)";

(b) ym mharagraff (6)(a)(i), yn lle "4(c)" rhodder "4(1)(c)".

(5) Yn y nodyn cwr tudalen i Atodlen 2, yn lle "4(a)" rhodder "4(1)(a)".

(6) Yn y nodyn cwr tudalen i Atodlen 3, yn lle "4(c)" rhodder "4(1)(c)".

Amendments to the Ozone-Depleting Substances Regulations 2015

8.—(1) The Ozone-Depleting Substances Regulations 2015(**1**) are amended as follows.

(2) Regulation 4 (meaning of "competent") is renumbered as paragraph (1) of that regulation.

(3) In regulation 4(1) (as renumbered by paragraph (2))—

(a) in sub-paragraphs (a) and (c)(ii), for "an EEA EFTA state", substitute "a specified state";

(b) omit sub-paragraph (d);

(c) insert a new paragraph (2)—

"(2) For the purposes of this regulation, a "specified state" means a state specified in Schedule 2 to the Recognition of Professional Qualifications and Implementation of International Recognition Agreements (Wales) (Amendment etc.) Regulations 2023."

(4) In regulation 6 (qualifications and supervision)—

(a) in paragraph (5)(b)(i), for "4(a)" substitute "4(1)(a)";

(b) in paragraph (6)(a)(i), for "4(c)" substitute "4(1)(c)".

(5) In the shoulder note to Schedule 2, for "4(a)" substitute "4(1)(a)".

(6) In the shoulder note to Schedule 3, for "4(c)" substitute "4(1)(c)".

Jack Sargeant

Y Gweinidog Diwylliant, Sgiliau a Phartneriaeth Gymdeithasol, o dan awdurdod Ysgrifennydd y Cabinet dros yr Economi, Ynni a Chynllunio, un o Weinidogion Cymru
18 Tachwedd 2024

Minister for Culture, Skills and Social Partnership, under the authority of the Cabinet Secretary for Economy, Energy and Planning, one of the Welsh Ministers
18 November 2024

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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**) O.S. 2015/168, fel y'i diwygiwyd gan O.S. 2023/1294 (Cy. 230), O.S. 2019/583 ac O.S. 2023/1286.

(**1**) S.I. 2015/168, as amended by S.I. 2023/1294 (W. 230), S.I. 2019/583 and S.I. 2023/1286.

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