



OFFERYNNAU STATUDOL
CYMRU

WELSH STATUTORY
INSTRUMENTS

2023 Rhif 1294 (Cy. 230)

2023 No. 1294 (W. 230)

**CYMWYSTERAU
PROFFESIYNOL, CYMRU**

**PROFESSIONAL
QUALIFICATIONS, WALES**

Rheoliadau Cydnabod
Cymwysterau Proffesiynol a
Gweithredu Cytundebau Cydnabod
Rhyngwladol (Cymru) (Diwygio
etc.) 2023

The Recognition of Professional
Qualifications and Implementation
of International Recognition
Agreements (Wales) (Amendment
etc.) Regulations 2023

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) ("Deddf 2022") er mwyn gweithredu o ran Cymru ddarpariaethau sy'n ymwneud â chydabod cymwysterau proffesiynol sydd wedi eu cynnwys yn y 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 ("cytundeb masnach rydd yr AEE EFTA").

Mae adran 3(1) o Ddeddf 2022 yn rhoi'r pŵer i'r awdurdod cenedlaethol priodol drwy reoliadau i wneud unrhyw ddarpariaeth y mae'r awdurdod yn ystyried ei bod yn briodol at ddiben gweithredu unrhyw gytundeb cydnabod rhyngwladol y mae'r Deyrnas Unedig yn barti iddo, neu mewn cysylltiad â gweithredu unrhyw gytundeb o'r fath. Defnyddiodd yr Ysgrifennydd Gwladol y pŵer hwn, ymhlith eraill, i wneud Rheoliadau Cydnabod Cymwysterau Proffesiynol a Gweithredu Cytundebau Cydnabod Rhyngwladol (Diwygio) 2023 (O.S. 2023/1286) ("Rheoliadau 2023 y DU") i weithredu cytundeb masnach rydd yr AEE EFTA ledled y DU.

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) ("the 2022 Act") to implement in relation to Wales provisions relating to the recognition of professional qualifications contained in 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 8th July 2021 ("the EEA EFTA free trade agreement").

Section 3(1) of the 2022 Act gives the appropriate national authority the power by regulations to make such provision as the authority considers appropriate for the purpose of, or in connection with, implementing any international recognition agreement to which the United Kingdom is a party. The Secretary of State used this power, amongst others, to make the Recognition of Professional Qualifications and Implementation of International Recognition Agreements (Amendment) Regulations 2023 (S.I. 2023/1286) ("the UK 2023 Regulations") to implement the EEA EFTA free trade agreement across the UK.

Mae paragraff 10 (materion tramor etc.) o Atodlen 7A (materion a gedwir yn ôl) i Ddeddf Llywodraeth Cymru 2006 (p. 32) yn darparu nad yw cadw at rwymedigaethau rhyngwladol a'u gweithredu yn fater a gedwir yn ôl.

Mae Rheoliadau 2023 y DU yn cynnwys darpariaeth i weithredu cytundeb masnach rydd yr AEE EFTA mewn perthynas â meysydd pwnc sydd wedi eu datganoli i Gymru ac maent yn gosod dyletswyddau statudol ar reoleiddwyr y mae gan y Senedd y cymhwysedd deddfwriaethol i'w gwneud.

Mae'r Rheoliadau hyn yn diwygio Rheoliadau 2023 y DU i ddarparu nad ydynt yn gymwys i reoleiddwyr y proffesiynau rheoleiddiedig a restrir yn Atodlen 1 y mae gan y Senedd gymhwysedd deddfwriaethol mewn cysylltiad â hwy, a ddiffinnir fel "proffesiynau rheoleiddiedig Cymreig". Mae'r Rheoliadau hyn hefyd yn gwneud darpariaeth i weithredu cytundeb masnach rydd yr AEE EFTA mewn perthynas â'r proffesiynau rheoleiddiedig Cymreig.

Mae Atodlen 3 yn cynnwys diwygiadau i ddeddfwriaeth sectorol at ddiben gweithredu darpariaethau sy'n ymwneud â chydabod cymwysterau proffesiynol yng nghytundeb masnach rydd yr AEE EFTA, ac mewn cysylltiad â gweithredu'r darpariaethau hynny.

Mae Atodlen 4 yn cynnwys diwygiadau i ddeddfwriaeth sectorol sy'n ganlyniadol ar adran 5(1) o Ddeddf 2022 yn dod i rym ac ar ddirymu Rheoliadau'r Undeb Ewropeaidd (Cydnabod Cymwysterau Proffesiynol) 2015 (O.S. 2015/2059) a oedd yn darparu system gydnabod gyffredinol ar gyfer cymwysterau o'r Awdal Economaidd Ewropeaidd a'r Swistir. Yn dilyn diwedd y cyfnod pontio ar gyfer ymadael â'r UE, cadwyd y system hon yn y cyfamser, gan alluogi'r rhai sy'n dal cymwysterau'r AEE a'r Swistir i gael eu cymwysterau wedi eu cydnabod yn y DU. Mae Deddf 2022 yn dirymu'r system hon ac yn sefydlu dull gweithredu newydd sy'n seiliedig ar ymreolaeth y rheoleiddiwr ac ar weithredu cytundebau rhyngwladol.

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.

Paragraph 10 (foreign affairs etc.) of Schedule 7A (reserved matters) to the Government of Wales Act 2006 (c. 32) provides that observing and implementing international obligations is not a reserved matter.

The UK 2023 Regulations include provision to implement the EEA EFTA free trade agreement in relation to subject areas which are devolved to Wales and impose statutory duties on regulators which the Senedd has the legislative competence to make.

These Regulations amend the UK 2023 Regulations to provide that they do not apply to the regulators of the regulated professions listed in Schedule 1 in respect of which the Senedd has legislative competence, defined as "Welsh regulated professions". These Regulations also make provision to implement the EEA EFTA free trade agreement in relation to the Welsh regulated professions.

Schedule 3 contains amendments to sectoral legislation for the purpose of, and in connection with, implementing provisions relating to the recognition of professional qualifications in the EEA EFTA free trade agreement.

Schedule 4 contains amendments to sectoral legislation consequent upon the coming into force of section 5(1) of the 2022 Act and the revocation of the European Union (Recognition of Professional Qualifications) Regulations 2015 (S.I. 2015/2059) which provided a general system of recognition for qualifications from the European Economic Area and Switzerland. Following the end of the EU exit transition period, this system had been retained in the interim, enabling those holding EEA and Swiss qualifications to have their qualifications recognised in the UK. The 2022 Act revokes this system and establishes a new approach based on regulator autonomy and implementation of international agreements.

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, Cathays Park, Cardiff, CF10 3NQ.

2023 Rhif 1294 (Cy. 230)

**CYMWYSTERAU
PROFFESIYNOL, CYMRU**

**Rheoliadau Cydnabod
Cymwysterau Proffesiynol a
Gweithredu Cytundebau Cydnabod
Rhyngwladol (Cymru) (Diwygio
etc.) 2023**

Gwnaed am 2.10 p.m. ar 30 Tachwedd 2023

*Gosodwyd gerbron Senedd
Cymru am 4.50 p.m. ar 30 Tachwedd 2023*

Yn dod i rym 1 Rhagfyr 2023

Mae Gweinidogion Cymru, drwy arfer y pwerau a roddir gan adrannau 3(1), 5(2) 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.

2023 No. 1294 (W. 230)

**PROFESSIONAL
QUALIFICATIONS, WALES**

**The Recognition of Professional
Qualifications and Implementation
of International Recognition
Agreements (Wales) (Amendment
etc.) Regulations 2023**

Made at 2.10 p.m. on 30 November 2023

*Laid before Senedd
Cymru at 4.50 p.m. on 30 November 2023*

Coming into force 1 December 2023

The Welsh Ministers, in exercise of the powers conferred by sections 3(1), 5(2) 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.

Cynhaliwyd ymgynghoriad hefyd fel sy'n ofynnol gan Erthygl 9 o Reoliad (EC) Rhif 178/2002(1) Senedd Ewrop a'r Cyngor dyddiedig 28 Ionawr 2002 sy'n gosod egwyddorion a gofynion cyffredinol cyfraith bwyd, yn sefydlu Awdurdod Diogelwch Bwyd Ewrop ac yn gosod gweithdrefnau o ran materion diogelwch bwyd.

Enwi a dod i rym

1. Enw'r Rheoliadau hyn yw Rheoliadau Cydnabod Cymwysterau Proffesiynol a Gweithredu Cytundebau Cydnabod Rhyngwladol (Cymru) (Diwygio etc.) 2023 a deuant i rym ar 1 Rhagfyr 2023.

Dehongli

2. Yn y Rheoliadau hyn—

ystyr “cais” (“*application*”) yw cais gan geisydd i reoleiddiwr Cymreig am gydnabyddiaeth o'i gymwysterau proffesiynol yng Nghymru;

ystyr “ceisydd” (“*applicant*”) yw proffesiynolyn gwladwriaeth benodedig—

(a) sy'n dymuno cael mynediad i broffesiwn rheoleiddiedig Cymreig y mae'n ofynnol meddu ar gymwysterau proffesiynol ar ei gyfer, ac sy'n dymuno dilyn proffesiwn o'r fath,

(b) sy'n meddu ar gymwysterau proffesiynol ar gyfer yr un proffesiwn mewn gwladwriaeth benodedig, ac

(c) sy'n gwneud cais;

ystyr “cyfnod ymaddasu” (“*adaptation period*”) yw cyfnod 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;

mae i “cymhwyster” yr ystyr a roddir i “qualification” yn adran 19 o Ddeddf 2022;

mae “cymwysterau proffesiynol” (“*professional qualifications*”) yn cynnwys cymwysterau neu brofiad proffesiynol;

ystyr “cytundeb masnach rydd yr AEE EFTA” (“*EEA EFTA free trade agreement*”) yw'r cytundeb masnach rydd rhwng Gwlad yr Iâ, Tywysogaeth Liechtenstein a Theyrnas Norwy a

There has also been consultation as required by Article 9 of Regulation (EC) No 178/2002(1) of the European Parliament and of the Council of 28 January 2002 laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety.

Title and coming into force

1. The title of these Regulations is the Recognition of Professional Qualifications and Implementation of International Recognition Agreements (Wales) (Amendment etc.) Regulations 2023 and they come into force on 1 December 2023.

Interpretation

2. In these Regulations—

“the 2022 Act” (“*Deddf 2022*”) means the Professional Qualifications Act 2022;

“the 2023 UK Regulations” (“*Rheoliadau 2023 y DU*”) means the Recognition of Professional Qualifications and Implementation of International Recognition Agreements (Amendment) Regulations 2023(2);

“adaptation period” (“*cyfnod ymaddasu*”) means 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;

“any other part of the United Kingdom” (“*unrhyw ran arall o'r Deyrnas Unedig*”) means England, Northern Ireland or Scotland;

“applicant” (“*ceisydd*”) means a specified state professional who—

(a) wishes to access and pursue a Welsh regulated profession for which the possession of professional qualifications is required,

(b) possesses professional qualifications for the same profession in a specified state, and

(c) makes an application;

“application” (“*cais*”) means an application by an applicant to a Welsh regulator for recognition of their professional qualifications in Wales;

“aptitude test” (“*prawf gallu*”) means a test limited to the professional knowledge of a specified state

(1) EUR 2002/178, a ddiwygiwyd gan O.S. 2019/641; mae offerynnau diwygio eraill ond nid yw'r un ohonynt yn berthnasol. Diwygiwyd O.S. 2019/641 gan O.S. 2020/1504.

(1) EUR 2002/178, amended by S.I. 2019/641; there are other amending instruments but none is relevant. S.I. 2019/641 was amended by S.I. 2020/1504.

(2) S.I. 2023/1286.

Theyrnas Unedig Prydain Fawr a Gogledd Iwerddon a wnaed yn Llundain ar 8 Gorffennaf 2021(1);

ystyr “Deddf 2022” (“*the 2022 Act*”) yw Deddf Cymwysterau Proffesiynol 2022;

ystyr “gweithgaredd proffesiynol” (“*professional activity*”) yw gweithgaredd sy’n ffurfio rhan o broffesiwn rheoleiddiedig Cymreig;

ystyr “gwladwriaeth benodedig” (“*specified state*”) yw gwladwriaeth a bennir yn Atodlen 2;

ystyr “penodedig” (“*specified*”) yw wedi ei bennu mewn rheoliadau;

ystyr “prawf gallu” (“*aptitude test*”) yw prawf sydd wedi ei gyfyngu i’r wybodaeth broffesiynol sydd gan broffesiynolyn gwladwriaeth benodedig, a wneir gan y rheoleiddiwr Cymreig gyda’r nod o asesu gallu’r proffesiynolyn i ddilyn proffesiwn rheoleiddiedig Cymreig;

ystyr “profiad proffesiynol” (“*professional experience*”) yw ymarfer cyfreithlon ac effeithiol o’r proffesiwn rheoleiddiedig Cymreig perthnasol; mae i “proffesiwn” yr ystyr a roddir i “profession” yn adran 19 o Ddeddf 2022;

ystyr “proffesiwn rheoleiddiedig Cymreig” (“*Welsh regulated profession*”) yw unrhyw un neu ragor o’r proffesiynau a restrir yn Atodlen 1;

ystyr “proffesiynolyn gwladwriaeth benodedig” (“*specified state professional*”) yw person naturiol sydd wedi cael cymwysterau proffesiynol mewn gwladwriaeth benodedig;

ystyr “rheoleiddiwr Cymreig” (“*Welsh regulator*”), mewn perthynas â phroffesiwn rheoleiddiedig Cymreig, yw person a chanddo swyddogaethau, o dan ddeddfwriaeth, sy’n ymwneud â rheoleiddio’r proffesiwn yng Nghymru;

ystyr “Rheoliadau 2023 y DU” (“*the 2023 UK Regulations*”) yw Rheoliadau Cydnabod Cymwysterau Proffesiynol a Gweithredu Cytundebau Cydnabod Rhyngwladol (Diwygio) 2023(2);

ystyr “unrhyw ran arall o’r Deyrnas Unedig” (“*any other part of the United Kingdom*”) yw Lloegr, Gogledd Iwerddon neu’r Alban.

professional, made by the Welsh regulator with the aim of assessing the ability of the professional to pursue a Welsh regulated profession;

“EEA EFTA free trade agreement” (“*cytundeb masnach rydd yr AEE EFTA*”) means 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 8th July 2021(1);

“profession” (“*proffesiwn*”) has the meaning given in section 19 of the 2022 Act;

“professional activity” (“*gweithgaredd proffesiynol*”) means an activity which forms part of a Welsh regulated profession;

“professional experience” (“*profiad proffesiynol*”) means the lawful and effective practice of the relevant Welsh regulated profession;

“professional qualifications” (“*cymwysterau proffesiynol*”) includes qualifications or professional experience;

“qualification” (“*cymhwyster*”) has the meaning given in section 19 of the 2022 Act;

“specified” (“*penodedig*”) means specified in regulations;

“specified state” (“*gwladwriaeth benodedig*”) means a state specified in Schedule 2;

“specified state professional” (“*proffesiynolyn gwladwriaeth benodedig*”) means a natural person who has obtained professional qualifications in a specified state;

“Welsh regulated profession” (“*proffesiwn rheoleiddiedig Cymreig*”) means any of the professions listed in Schedule 1;

“Welsh regulator” (“*rheoleiddiwr Cymreig*”), in relation to a Welsh regulated profession, means a person having functions under legislation that relate to the regulation of the profession in Wales.

(1) Cyfres Amrywiol Rhif 3 (2021); CP 496, a wnaed yn Llundain ar 8 Gorffennaf 2021.

(2) O.S. 2023/1286.

(1) Miscellaneous Series No.3 (2021); CP 496, done at London on 8th July 2021.

Diwygiadau i ddeddfwriaeth at ddiben cytundeb masnach rydd yr AEE EFTA, ac mewn cysylltiad â'r cytundeb hwnnw

3. Mae Atodlen 3 yn cynnwys diwygiadau i ddeddfwriaeth at ddiben gweithredu Pennod 12 o gytundeb masnach rydd yr AEE EFTA (cydnabod cymwysterau proffesiynol), ac mewn cysylltiad â gweithredu'r Bennod honno.

Diwygiadau i ddeddfwriaeth sy'n ganlyniadol ar adran 5(1) o Ddeddf Cymwysterau Proffesiynol 2022 yn dod i rym

4. Mae Atodlen 4 yn cynnwys diwygiadau i ddeddfwriaeth sy'n ganlyniadol ar adran 5(1) o Ddeddf Cymwysterau Proffesiynol 2022 (dirymu system gyffredinol yr UE o gydnabod cymwysterau tramor) yn dod i rym.

Cydnabod cymwysterau proffesiynol

5.—(1) Yn ddarostyngedig i reoliad 6, pan fo rheoleiddiwr Cymreig yn cael cais, rhaid i'r rheoleiddiwr Cymreig gydnabod cymwysterau proffesiynol y ceisydd yng Nghymru pan fo'r cymwysterau proffesiynol hynny yn gymaradwy â'r cymwysterau proffesiynol sy'n ofynnol i gael mynediad i'r un proffesiwn, ac i'w ddilyn, yng Nghymru.

(2) Rhaid i reoleiddiwr Cymreig sy'n cydnabod cymwysterau proffesiynol ceisydd o dan y rheoliad hwn—

- (a) galluogi'r person hwnnw i gael mynediad i'r proffesiwn rheoleiddiedig Cymreig ac i ddilyn y proffesiwn hwnnw;
- (b) at ddiben mynediad i'r proffesiwn rheoleiddiedig Cymreig a'i ddilyn, trin y ceisydd fel pe bai wedi cael ei gymwysterau proffesiynol yng Nghymru neu mewn unrhyw ran arall o'r Deyrnas Unedig y rheoleiddir y proffesiwn ynddi.

Gwrthod cydnabod cymwysterau proffesiynol

6.—(1) Caiff rheoleiddiwr Cymreig wrthod cydnabod cymwysterau proffesiynol ceisydd os bodlonir un neu ragor o Amodau 1, 2, 3 neu 4.

(2) Mae Amod 1 wedi ei fodloni—

- (a) pan fo gwahaniaeth sylweddol rhwng cymwysterau proffesiynol y ceisydd a'r wybodaeth neu'r sgiliau hanfodol sy'n ofynnol er mwyn ymarfer y proffesiwn rheoleiddiedig Cymreig, a

Amendments to legislation for the purpose of, and in connection with, the EEA EFTA free trade agreement

3. Schedule 3 contains amendments to legislation for the purpose of, and in connection with, implementing Chapter 12 of the EEA EFTA free trade agreement (recognition of professional qualifications).

Amendments to legislation consequent upon the coming into force of section 5(1) of the Professional Qualifications Act 2022

4. Schedule 4 contains amendments to legislation consequent upon the coming into force of section 5(1) of the Professional Qualifications Act 2022 (revocation of general EU system of recognition of overseas qualifications).

Recognition of professional qualifications

5.—(1) Subject to regulation 6, where a Welsh regulator receives an application, the Welsh regulator must recognise the applicant's professional qualifications in Wales where those professional qualifications are comparable to the professional qualifications required to access and pursue the same profession in Wales.

(2) A Welsh regulator that recognises an applicant's professional qualifications under this regulation must—

- (a) enable that person to access and pursue the Welsh regulated profession;
- (b) for the purpose of access to and pursuit of the Welsh regulated profession, treat the applicant as if they had obtained their professional qualifications in Wales or any other part of the United Kingdom in which the profession is regulated.

Refusal to recognise professional qualifications

6.—(1) A Welsh regulator may refuse to recognise an applicant's professional qualifications if one or more of Conditions 1, 2, 3 or 4 is met.

(2) Condition 1 is met where—

- (a) there exists a substantial difference between the applicant's professional qualifications and the essential knowledge or skills required to practise the Welsh regulated profession, and

- (b) pan fo'r ceisydd yn methu â phasio prawf gallu neu'n gwrthod ei sefyll, neu'n methu â chwblhau neu'n gwrthod cwblhau cyfnod ymaddasu a osodwyd yn unol â rheoliad 7 (profion gallu a chyfnodau ymaddasu).

(3) Mae Amod 2 wedi ei fodloni—

- (a) pan fo'r proffesiwn rheoleiddiedig Cymreig yn cynnwys un neu ragor o weithgareddau proffesiynol sy'n cwmpasu materion sy'n sylweddol wahanol i'r rhai a gwmpesir gan gymwysterau proffesiynol y ceisydd, a
- (b) pan fo'r ceisydd yn methu â phasio prawf gallu neu'n gwrthod ei sefyll, neu'n methu â chwblhau neu'n gwrthod cwblhau cyfnod ymaddasu a osodwyd yn unol â rheoliad 7 (profion gallu a chyfnodau ymaddasu).

(4) Mae Amod 3 wedi ei fodloni pan fyddai ei gwneud yn ofynnol i'r ceisydd sefyll prawf gallu neu gwblhau cyfnod ymaddasu yn unol â rheoliad 7 (profion gallu a chyfnodau ymaddasu) yn gyfystyr â'i gwneud yn ofynnol i'r ceisydd gaffael y cymwysterau proffesiynol sy'n ofynnol er mwyn ymarfer y proffesiwn rheoleiddiedig Cymreig.

(5) Mae Amod 4 wedi ei fodloni pan fo person a gafodd ei gymwysterau proffesiynol yng Nghymru neu mewn unrhyw ran arall o'r Deyrnas Unedig yn cael mynediad i broffesiwn rheoleiddiedig Cymreig, ac yn cael dilyn proffesiwn o'r fath, yn ddarostyngedig i amodau heblaw meddu ar gymwysterau proffesiynol penodol, a bo'r ceisydd yn methu â bodloni'r amodau hynny.

Profion gallu a chyfnodau ymaddasu

7.—(1) Caiff rheoleiddiwr Cymreig ei gwneud yn ofynnol i geisydd sefyll prawf gallu, wedi ei safoni neu fel arall, neu gwblhau cyfnod ymaddasu—

- (a) pan fo gwahaniaeth sylweddol rhwng cymwysterau proffesiynol y ceisydd a'r wybodaeth neu'r sgiliau hanfodol sy'n ofynnol er mwyn ymarfer y proffesiwn rheoleiddiedig Cymreig, neu
- (b) pan fo'r proffesiwn rheoleiddiedig Cymreig yn cynnwys un neu ragor o weithgareddau proffesiynol sy'n cwmpasu materion sy'n sylweddol wahanol i'r rhai a gwmpesir gan gymwysterau proffesiynol y ceisydd.

(2) Rhaid i reoleiddiwr Cymreig ystyried a yw unrhyw ofyniad i sefyll prawf gallu neu i gwblhau cyfnod ymaddasu yn gymesur â'r gwahaniaeth y ceisir ei ddatrys.

- (b) the applicant fails to pass, or refuses to take, an aptitude test or fails, or refuses, to complete, an adaptation period imposed in accordance with regulation 7 (aptitude tests and adaptation periods).

(3) Condition 2 is met where—

- (a) the Welsh regulated profession comprises one or more professional activities that cover substantially different matters from those covered by the applicant's professional qualifications, and
- (b) the applicant fails to pass, or refuses to take, an aptitude test or fails, or refuses to complete, an adaptation period imposed in accordance with regulation 7 (aptitude tests and adaptation periods).

(4) Condition 3 is met where requiring the applicant to take an aptitude test or to complete an adaptation period in accordance with regulation 7 (aptitude tests and adaptation periods) would amount to requiring the applicant to acquire the professional qualifications required to practise the Welsh regulated profession.

(5) Condition 4 is met where access to and pursuit of a Welsh regulated profession by a person whose professional qualifications were obtained in Wales or any other part of the United Kingdom is subject to conditions other than the possession of specific professional qualifications and the applicant fails to meet those conditions.

Aptitude tests and adaptation periods

7.—(1) A Welsh regulator may require an applicant to take an aptitude test, standardised or otherwise, or to complete an adaptation period where—

- (a) there exists a substantial difference between the applicant's professional qualifications and the essential knowledge or skills required to practise the Welsh regulated profession, or
- (b) the Welsh regulated profession comprises one or more professional activities that cover substantially different matters from those covered by the applicant's professional qualifications.

(2) A Welsh regulator must consider whether any requirement to take an aptitude test or to complete an adaptation period is proportionate to the difference sought to be addressed.

(3) Os yw ceisydd yn gofyn iddo wneud hynny, rhaid i reoleiddiwr Cymreig, i'r graddau y bo'n bosibl, ddarparu ei resymau yn ysgrifenedig dros ei gwneud yn ofynnol i'r ceisydd sefyll prawf gallu neu i gwblhau cyfnod ymaddasu.

(4) Pan fo rheoleiddiwr Cymreig yn ei gwneud yn ofynnol i geiswyr ymgymryd â phrawf gallu, rhaid i'r rheoleiddiwr Cymreig amserlennu profion ag amlder rhesymol ac o leiaf unwaith y flwyddyn, pan fo'n gymwys.

Y weithdrefn sydd i'w dilyn wrth wneud cais am gydnabyddiaeth

8.—(1) Rhaid i reoleiddiwr Cymreig—

- (a) cydnabod ei fod wedi cael y cais o fewn un mis i'w gael a rhoi gwybod i'r ceisydd os oes unrhyw ddogfen ar goll o'r cais;
- (b) rhoi digon o amser i'r ceisydd i gwblhau gofynion a gweithdrefnau'r broses o wneud cais;
- (c) ymdrin â'r cais yn brydlon a hysbysu'r ceisydd am ei benderfyniad yn ysgrifenedig cyn diwedd y cyfnod o bedwar mis sy'n dechrau â thrannoeth y diwrnod y cyflwynwyd y cais cyflawn.

(2) Caiff rheoleiddiwr Cymreig ei gwneud yn ofynnol i geisydd ddarparu tystiolaeth o'i gymwysterau proffesiynol.

(3) Ni chaiff y dystiolaeth y caiff rheoleiddiwr Cymreig ei gwneud yn ofynnol ei darparu o dan baragraff (2) fod yn ddim mwy nag sy'n angenrheidiol i ddangos bod y ceisydd yn dal cymwysterau proffesiynol sy'n gymaradwy â'r cymwysterau proffesiynol sy'n ofynnol i gael mynediad i'r proffesiwn rheoleiddiedig Cymreig a'i ddilyn.

(4) Pan fo person a gafodd ei gymwysterau proffesiynol yng Nghymru neu mewn unrhyw ran arall o'r Deyrnas Unedig yn cael mynediad i broffesiwn rheoleiddiedig Cymreig, ac yn cael dilyn proffesiwn o'r fath, yn ddarostyngedig i amodau heblaw meddu ar gymwysterau proffesiynol penodol, caiff rheoleiddiwr Cymreig ei gwneud yn ofynnol i'r ceisydd ddarparu tystiolaeth i ddangos ei fod yn bodloni'r amodau hynny.

(5) Ni chaiff y dystiolaeth y caiff rheoleiddiwr Cymreig ei gwneud yn ofynnol ei darparu o dan baragraff (4) fod yn ddim mwy nag sy'n angenrheidiol i ddangos bod y ceisydd yn bodloni'r amodau hynny.

(6) Rhaid i reoleiddiwr Cymreig dderbyn copïau o ddogfennau a ddilyswyd yn unol â chyfraith y Deyrnas Unedig yn lle'r rhai gwreiddiol oni bai bod dogfennau gwreiddiol yn ofynnol ganddo i ddiogelu uniondeb y broses gydnabod.

(3) If requested to do so by an applicant, a Welsh regulator must, to the extent possible, provide its reasons in writing for requiring the applicant to take an aptitude test or to complete an adaptation period.

(4) Where a Welsh regulator requires applicants to undertake an aptitude test, the Welsh regulator must schedule tests with reasonable frequency and at least once a year, where applicable.

Procedure to be followed on application for recognition

8.—(1) A Welsh regulator must—

- (a) acknowledge receipt of the application within one month of receipt and inform the applicant if any document is missing from the application;
- (b) give the applicant adequate time to complete the requirements and procedures of the application process;
- (c) deal promptly with the application and notify the applicant of its decision in writing before the end of the period of four months beginning with the day after the day on which the complete application was submitted.

(2) A Welsh regulator may require an applicant to provide evidence of their professional qualifications.

(3) The evidence a Welsh regulator may require under paragraph (2) must be no more than is necessary to demonstrate that the applicant holds professional qualifications that are comparable to the professional qualifications required to access and pursue the Welsh regulated profession.

(4) Where access to, and pursuit of, a Welsh regulated profession by a person whose professional qualifications were obtained in Wales or any other part of the United Kingdom is subject to conditions other than the possession of specific professional qualifications, a Welsh regulator may require the applicant to provide evidence to demonstrate that they satisfy those conditions.

(5) The evidence a Welsh regulator may require under paragraph (4) must be no more than is necessary to demonstrate that the applicant satisfies those conditions.

(6) A Welsh regulator must accept copies of documents authenticated in accordance with the law of the United Kingdom in place of originals unless it requires original documents to protect the integrity of the recognition process.

Gwybodaeth am iaith

9.—(1) Caiff rheoleiddiwr Cymreig ei gwneud yn ofynnol i geisydd ddangos ei fod yn meddu ar y sgiliau iaith sy'n angenrheidiol ar gyfer ymarfer proffesiwn rheoleiddiedig Cymreig.

(2) Os yw rheoleiddiwr Cymreig yn ei gwneud yn ofynnol i geisydd ymgymryd â phrawf iaith, rhaid i'r prawf fod yn gymesur â'r gweithgaredd sydd i'w ddilyn.

Apelau

10. Rhaid i reoleiddiwr Cymreig ddarparu hawl i geisydd apelio yn erbyn—

- (a) ei benderfyniad i wrthod cydnabod cymwysterau proffesiynol ceisydd, a
- (b) ei fethiant i hysbysu'r ceisydd am ei benderfyniad mewn cysylltiad â chais o fewn y cyfnod amser y cyfeirir ato yn rheoliad 8(1)(c).

Ffioedd

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

(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,
- (b) bod yn dryloyw, ac wedi eu cyhoeddi ymlaen llaw, ac
- (c) bod yn daladwy drwy ddulliau electronig drwy wefan y rheoleiddiwr Cymreig.

Darparu gwybodaeth

12. Rhaid i reoleiddiwr Cymreig roi ar gael i broffesiynolion gwladwriaeth benodedig wybodaeth ynghylch—

- (a) y cymwysterau proffesiynol sy'n ofynnol ac unrhyw amodau eraill sy'n gymwys er mwyn ymarfer proffesiwn rheoleiddiedig Cymreig,
- (b) y deddfau perthnasol sydd i'w cymhwyso ynghylch camau disgyblu, cyfrifoldeb neu atebolrwydd ariannol ac unrhyw faterion perthnasol eraill,
- (c) egwyddorion disgyblaeth a gorfodi safonau proffesiynol, gan gynnwys awdurdodaeth ddisgyblu ac effeithiau canlyniadol ar ymarfer proffesiwn rheoleiddiedig Cymreig,

Knowledge of language

9.—(1) A Welsh regulator may require that an applicant demonstrates they possess the language skills necessary for practice of a Welsh regulated profession.

(2) If a Welsh regulator requires an applicant to undertake a language test, the test must be proportionate to the activity to be pursued.

Appeals

10. A Welsh regulator must provide a right of appeal for an applicant against its—

- (a) decision to refuse to recognise an applicant's professional qualifications, and
- (b) failure to notify the applicant of its decision in respect of an application within the time period referred to in regulation 8(1)(c).

Fees

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

(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,
- (b) transparent, and made public in advance, and
- (c) payable by electronic means through the Welsh regulator's website.

Provision of information

12. A Welsh regulator must make available to specified state professionals information about—

- (a) the professional qualifications required and any other conditions that apply to practise a Welsh regulated profession,
- (b) the relevant laws to be applied regarding disciplinary action, financial responsibility or liability and any other relevant matters,
- (c) the principles of discipline and enforcement of professional standards, including disciplinary jurisdiction and consequential effects on practising a Welsh regulated profession,

- (d) y prosesau a'r gweithdrefnau ar gyfer gwirhau cymhwysedd yn barhaus,
- (e) y meini prawf ar gyfer dirymu cofrestriad a'r gweithdrefnau sy'n ymwneud â'i ddirymu,
- (f) y ddogfennaeth sy'n ofynnol oddi wrth broffesiynolion ac ar ba ffurf y dylid ei chyflwyno, ac
- (g) derbyn dogfennau a thystysgrifau a ddyroddwyd mewn perthynas â chymwysterau proffesiynol ac amodau eraill sy'n gymwys i ymarfer proffesiwn rheoleiddiedig Cymreig.

- (d) the processes and procedures for the ongoing verification of competence,
- (e) the criteria for, and procedures relating to, revocation of registration,
- (f) the documentation required of professionals and the form in which it should be presented, and
- (g) the acceptance of documents and certificates issued in relation to professional qualifications and other conditions that apply to the practice of a Welsh regulated profession.

Ymholiadau sy'n ymwneud â chymwysterau proffesiynol ac amodau ymarfer eraill

13. Rhaid i reoleiddiwr Cymreig ymdrin yn brydlon ag ymholiadau gan broffesiynolion gwladwriaeth benodedig ynghylch—

- (a) y cymwysterau proffesiynol sy'n ofynnol er mwyn ymarfer y proffesiwn rheoleiddiedig Cymreig, a
- (b) yr amodau sy'n gymwys i ymarfer y proffesiwn rheoleiddiedig Cymreig.

Enquiries relating to professional qualifications and other conditions of practice

13. A Welsh regulator must deal promptly with enquiries from specified state professionals about—

- (a) the professional qualifications required to practise the Welsh regulated profession, and
- (b) the conditions that apply to the practice of the Welsh regulated profession.

Diwygiadau i Reoliadau 2023 y DU

14.—(1) Mae Rheoliadau 2023 y DU wedi eu diwygio fel a ganlyn.

(2) Yn rheoliad 2 (rhychwant a chymhwyso)—

- (a) ym mharagraff (1), ar ôl “paragraph (2)”, mewnosoder “and (3)”;
- (b) ar ôl paragraff (2) mewnosoder—

“(3) Paragraphs 1, 2, 6 and 7 of Schedule 3 do not apply in relation to Wales.”

(3) Yn rheoliad 3(2) (dehongli), ar ôl “Schedule 2” mewnosoder—

“or a “Welsh regulator” as defined by the Recognition of Professional Qualifications and Implementation of International Recognition Agreements (Wales) (Amendment etc.) Regulations 2023”.

Amendments to the 2023 UK Regulations

14.—(1) The 2023 UK Regulations are amended as follows.

(2) In regulation 2 (extent and application)—

- (a) in paragraph (1), after “paragraph (2)”, insert “and (3)”;
- (b) after paragraph (2) insert—

“(3) Paragraphs 1, 2, 6 and 7 of Schedule 3 do not apply in relation to Wales.”

(3) In regulation 3(2) (interpretation), after “Schedule 2” insert—

“or a “Welsh regulator” as defined by the Recognition of Professional Qualifications and Implementation of International Recognition Agreements (Wales) (Amendment etc.) Regulations 2023”.

Jeremy Miles

Gweinidog y Gymraeg ac Addysg, un o Weinidogion Cymru
Am 2.10 p.m. ar 30 Tachwedd 2023

Minister for Education and Welsh Language, one of the Welsh Ministers
At 2.10 p.m. on 30 November 2023

ATODLEN 1 Rheoliad 2

Y proffesiynau rheoleiddiedig Cymreig y cyfeirir atynt yn rheoliad 2 (dehongli)

1. Dadansoddwr amaethyddol
2. Dadansoddwr bwyd
3. Archwilydd bwyd
4. Gyrrwr a chynorthwydd proffesiynol sy'n ymgymryd â chludo da byw, ceffylau a dofednod
5. Dadansoddwr cyhoeddus
6. Athro neu athrawes ysgol
7. Cigyddwr
8. Rheolwr gofal cymdeithasol
9. Gweithiwr cymdeithasol
10. Gweithiwr gofal cymdeithasol mewn—
 - (a) gwasanaeth cartref gofal
 - (b) gwasanaeth cymorth cartref
 - (c) gwasanaeth canolfan breswyl i deuluoedd
 - (d) gwasanaeth llety diogel
11. Gweithiwr cymorth ieuencid
12. Gweithiwr ieuencid

ATODLEN 2 Rheoliad 2

Y gwladwriaethau penodedig

1. Gwlad yr Iâ
2. Teyrnas Norwy
3. Tywysogaeth Liechtenstein

SCHEDULE 1 Regulation 2

The Welsh regulated professions referred to in regulation 2 (interpretation)

1. Agricultural analyst
2. Food analyst
3. Food examiner
4. Professional driver and attendant engaged in the transport of livestock, equines and poultry
5. Public analyst
6. School teacher
7. Slaughterer
8. Social care manager
9. Social worker
10. Social care worker in a—
 - (a) care home service
 - (b) domiciliary support service
 - (c) residential family centre service
 - (d) secure accommodation service
11. Youth support worker
12. Youth worker

SCHEDULE 2 Regulation 2

The specified states

1. Iceland
2. The Kingdom of Norway
3. The Principality of Liechtenstein

Diwygiadau at ddiben gweithredu
cytundeb masnach rydd yr AEE EFTA
ac mewn cysylltiad â gweithredu'r
cytundeb hwnnw

RHAN 1

Diwygiadau mewn perthynas â phroffesiynau
addysg

**Diwygiadau i Reoliadau Cymwysterau Athrawon
Ysgol (Cymru) 2012**

1.—(1) Mae Rheoliadau Cymwysterau Athrawon
Ysgol (Cymru) 2012(1) wedi eu diwygio fel a ganlyn.

(2) Yn Atodlen 2 (gofynion statws athro
cymwysedig), ar ôl paragraff 4A mewnosoder—

“4B. Personau sydd â'r hawlogaeth, mewn
perthynas â phroffesiwn athro neu athrawes
ysgol, i ymarfer yn unol â Rheoliadau
Cydnabod Cymwysterau Proffesiynol a
Gweithredu Cytundebau Cydnabod
Rhyngwladol (Cymru) (Diwygio etc.) 2023.”

**Diwygiadau i Reoliadau Addysg (Trefniadau
Sefydli ar gyfer Athrawon Ysgol) (Cymru) 2015**

2.—(1) Mae Rheoliadau Addysg (Trefniadau
Sefydli ar gyfer Athrawon Ysgol) (Cymru) 2015(2)
wedi eu diwygio fel a ganlyn.

(2) Ym mharagraff 8 o Atodlen 2 (achosion pan geir
cyflogi person fel athro neu athrawes mewn ysgol
berthnasol pan nad yw wedi cwblhau cyfnod sefydli
yn foddhaol), yn lle “baragraff 4 neu 4A” rhodder
“baragraff 4, 4A neu 4B”.

Amendments for the purpose of, and in
connection with, implementing the EEA
EFTA free trade agreement

PART 1

Amendments in relation to education
professions

**Amendments to the School Teachers' Qualifications
(Wales) Regulations 2012**

1.—(1) The School Teachers' Qualifications (Wales)
Regulations 2012(1) are amended as follows.

(2) In Schedule 2 (qualified teacher status
requirements), after paragraph 4A insert—

“4B. Persons who are, as respects the
profession of school teacher, entitled to practise
pursuant to the Recognition of Professional
Qualifications and Implementation of
International Recognition Agreements (Wales)
(Amendment etc.) Regulations 2023.”

**Amendments to the Education (Induction
Arrangements for School Teachers) (Wales)
Regulations 2015**

2.—(1) The Education (Induction Arrangements for
School Teachers) (Wales) Regulations 2015(2) are
amended as follows.

(2) In paragraph 8 of Schedule 2 (cases in which a
person may be employed as a teacher in a relevant
school without having satisfactorily completed an
induction period), for “paragraph 4 or 4A” substitute
“paragraph 4, 4A or 4B”.

(1) O.S. 2012/724 (Cy. 96); mewnosodwyd paragraff 4A o Atodlen 2 gan O.S. 2019/444 (Cy. 107). Mae offerynnau diwygio eraill ond nid yw'r un ohonynt yn berthnasol.

(2) O.S. 2015/484 (Cy. 41); amnewidiwyd paragraff 8 o Atodlen 2 gan O.S. 2019/444 (Cy. 107). Mae offerynnau diwygio eraill ond nid yw'r un ohonynt yn berthnasol.

(1) S.I. 2012/724 (W. 96); paragraph 4A of Schedule 2 was inserted by S.I. 2019/444 (W. 107). There are other amending instruments but none is relevant.

(2) S.I. 2015/484 (W. 41); paragraph 8 of Schedule 2 was substituted by S.I. 2019/444 (W. 107). There are other amending instruments but none is relevant.

Diwygiadau i Orchymyn Cyngor y Gweithlu Addysg (Cofrestru Gweithwyr Ieuentid, Gweithwyr Cymorth Ieuentid ac Ymarferwyr Dysgu Seiliedig ar Waith) 2016

3.—(1) Mae Gorchymyn Cyngor y Gweithlu Addysg (Cofrestru Gweithwyr Ieuentid, Gweithwyr Cymorth Ieuentid ac Ymarferwyr Dysgu Seiliedig ar Waith) 2016(1) wedi ei ddiwygio fel a ganlyn.

(2) Yn erthygl 2 (dehongli), yn y lle priodol, mewnosoder—

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

(3) Ym mharagraff 2 (gofynion eraill) o Atodlen 1 (gweithwyr ieuentid)—

- (a) ar ddiwedd is-baragraff (a), dileer “neu”;
- (b) ar ddiwedd is-baragraff (b), yn lle “.” rhodder “.”;
- (c) ar ôl is-baragraff (b) mewnosoder—

“(c) os yw’r person hwnnw, mewn cysylltiad â phroffesiwn gweithiwr ieuentid, â hawlogaeth i ymarfer yn unol â Rheoliadau 2023, neu”.

(4) Ym mharagraff 7 (gofynion eraill) o Atodlen 2 (gweithwyr cymorth ieuentid)—

- (a) ar ddiwedd is-baragraff (a), dileer “neu”;
- (b) ar ddiwedd is-baragraff (b), yn lle “.” rhodder “.”;
- (c) ar ôl is-baragraff (b) mewnosoder—

“(c) os yw’r person hwnnw, mewn cysylltiad â phroffesiwn gweithiwr cymorth ieuentid, â hawlogaeth i ymarfer yn unol â Rheoliadau 2023, neu”.

Amendments to the Education Workforce Council (Registration of Youth Workers, Youth Support Workers and Work Based Learning Practitioners) Order 2016

3.—(1) The Education Workforce Council (Registration of Youth Workers, Youth Support Workers and Work Based Learning Practitioners) Order 2016(1) is amended as follows.

(2) In article 2 (interpretation), in the appropriate place insert—

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

(3) In paragraph 2 (alternative requirements) of Schedule 1 (youth workers)—

- (a) at the end of sub-paragraph (a), delete “or”;
- (b) at the end of sub-paragraph (b), for “.” substitute “.”;
- (c) after sub-paragraph (b) insert—

“(c) is, as respects the profession of youth worker, entitled to practise pursuant to the 2023 Regulations, or”.

(4) In paragraph 7 (alternative requirements) of Schedule 2 (youth support workers)—

- (a) at the end of sub-paragraph (a), delete “or”;
- (b) at the end of sub-paragraph (b), for “.” substitute “.”;
- (c) after sub-paragraph (b) insert—

“(c) is, as respects the profession of youth support worker, entitled to practise pursuant to the 2023 Regulations, or”.

(1) O.S. 2016/1183 (Cy. 288), y mae diwygiadau iddo nad ydynt yn berthnasol i'r Rheoliadau hyn.

(1) S.I. 2016/1183 (W. 288), to which there are amendments not relevant to these Regulations.

RHAN 2

Diwygiadau mewn perthynas â phroffesiynau
trin nwyon wedi eu fflworineiddio

**Diwygiadau i 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**

4.—(1) Mae 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(1), wedi ei ddiwygio fel
a ganlyn.

(2) Yn Erthygl 10 (hyfforddiant ac ardystio)—

(a) ym mharagraff 10, ar ôl “as amended
from time to time,” mewnosoder “or
certificates and training attestations
issued by an EEA EFTA state that are
equivalent to those issued in any part of
the United Kingdom,”;

(b) ar ôl paragraff 15, mewnosoder—

“16. For the purposes of this Article, an ‘EEA
EFTA state’ means—

- (a) Norway,
- (b) Iceland, or
- (c) Liechtenstein.”

**Diwygiadau i Reoliadau Sylweddau sy'n Teneuo'r
Osôn 2015**

5.—(1) Mae Rheoliadau Sylweddau sy'n Teneuo'r
Osôn 2015(2) wedi eu diwygio fel a ganlyn.

(2) Yn rheoliad 4 (ystyr “competent”)—

(a) ym mharagraff (a), ar ôl “column 3 of
that Table”, mewnosoder “, or has
obtained the equivalent of those
qualifications in an EEA EFTA state”;

(b) yn lle paragraff (c), rhodder—

“(c) a person is competent to carry out work
with methyl bromide if that person
has—

- (i) obtained the British Pest Control
Association Certificate of
Proficiency for Fumigation

PART 2

Amendments in relation to F-gas handler
professions

**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**

4.—(1) 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) is amended as
follows.

(2) In Article 10 (training and certification)—

(a) in paragraph 10, after “as amended from
time to time,” insert “or certificates and
training attestations issued by an EEA
EFTA state that are equivalent to those
issued in any part of the United
Kingdom,”;

(b) after paragraph 15, insert—

“16. For the purposes of this Article, an ‘EEA
EFTA state’ means—

- (a) Norway,
- (b) Iceland, or
- (c) Liechtenstein.”

**Amendments to the Ozone-Depleting Substances
Regulations 2015**

5.—(1) The Ozone-Depleting Substances
Regulations 2015(2) are amended as follows.

(2) In regulation 4 (meaning of “competent”)—

(a) in paragraph (a), after “column 3 of that
Table”, insert “, or has obtained the
equivalent of those qualifications in an
EEA EFTA state”;

(b) for paragraph (c), substitute—

“(c) a person is competent to carry out work
with methyl bromide if that person
has—

- (i) obtained the British Pest Control
Association Certificate of
Proficiency for Fumigation

(1) EUR 2014/517, fel y'i diwygiwyd gan O.S. 2019/5. Mae
offerynnau diwygio eraill ond nid yw'r un ohonynt yn berthnasol.

(2) O.S. 2015/168, y mae diwygiadau iddo nad ydynt yn berthnasol i'r
Rheoliadau hyn.

(1) EUR 2014/517, as amended by S.I. 2019/5. There are other
amending instruments but none is relevant.

(2) S.I. 2015/168, to which there are amendments not relevant to these
Regulations.

Operators(1) and successfully completed the British Pest Control Association module referred to in the list in Schedule 3 which relates to the work in question; or

(ii) obtained an equivalent certificate, and successfully completed an equivalent module, in an EEA EFTA state.”

(c) ar ôl paragraff (c), mewnosoder—

“(d) For the purposes of this regulation, an “EEA EFTA state” means—

(i) Norway,

(ii) Iceland, or

(iii) Liechtenstein.”

Operators(1) and successfully completed the British Pest Control Association module referred to in the list in Schedule 3 which relates to the work in question; or

(ii) obtained an equivalent certificate, and successfully completed an equivalent module, in an EEA EFTA state.”

(c) after paragraph (c), insert—

“(d) For the purposes of this regulation, an “EEA EFTA state” means—

(i) Norway,

(ii) Iceland, or

(iii) Liechtenstein.”

RHAN 3

Diwygiadau mewn perthynas ag archwilwyr bwyd

Diwygiadau i Reoliadau Diogelwch Bwyd (Samplu a Chymwysterau) (Cymru) 2013

6.—(1) Mae Rheoliadau Diogelwch Bwyd (Samplu a Chymwysterau) (Cymru) 2013(2) wedi eu diwygio fel a ganlyn.

(2) Yn rheoliad 2 (dehongli), yn y lle priodol mewnosoder—

“ystyr “gwladwriaeth benodedig” (“*specified state*”) yw gwladwriaeth a bennir yn Atodlen 2 i Reoliadau Cydnabod Cymwysterau Proffesiynol a Gweithredu Cytundebau Cydnabod Rhyngwladol (Cymru) (Diwygio etc.) 2023;”.

(3) Yn Atodlen 2 (cymwysterau archwilwyr bwyd)—

(a) yn Rhan 1, ym mharagraff 6, ar ôl “Aelod-wladwriaeth o’r Undeb Ewropeaidd” mewnosoder “neu mewn gwladwriaeth benodedig”;

(b) yn Rhan 2—

(i) ym mharagraff 2, ar ôl “Aelod-wladwriaeth o’r Undeb Ewropeaidd” mewnosoder “neu lywodraeth gwladwriaeth benodedig”;

PART 3

Amendments in relation to food examiners

Amendments to the Food Safety (Sampling and Qualifications) (Wales) Regulations 2013

6.—(1) The Food Safety (Sampling and Qualifications) (Wales) Regulations 2013(2) are amended as follows.

(2) In regulation 2 (interpretation), at the appropriate place insert—

““specified state” (“*gwladwriaeth benodedig*”) means a state specified in Schedule 2 to the Recognition of Professional Qualifications and the Implementation of International Recognition Agreements (Wales) (Amendment etc.) Regulations 2023;”.

(3) In Schedule 2 (qualifications of food examiners)—

(a) in Part 1, in paragraph 6, after “a member State of the European Union” insert “or in a specified state”;

(b) in Part 2—

(i) in paragraph 2, after “a member State of the European Union” insert “or of a specified state”;

(1) Details can be obtained from the British Pest Control Association, 4A Mallard Way, Pride Park, Derby DE24 8GX, telephone number 01332 294288/225113; email: enquiry@bpca.org.uk.

(2) O.S. 2013/479 (Cy. 55), a ddiwygiwyd gan O.S. 2020/1581 (Cy. 331); mae offerynnau diwygio eraill ond nid yw’r un ohonynt yn berthnasol.

(1) Details can be obtained from the British Pest Control Association, 4A Mallard Way, Pride Park, Derby DE24 8GX, telephone number 01332 294288/225113; email: enquiry@bpca.org.uk.

(2) S.I. 2013/479 (W. 55), amended by S.I. 2020/1581 (W. 331); there are other amending instruments but none is relevant.

- (ii) ym mharagraff 4, ar ôl “Aelod-wladwriaeth o’r Undeb Ewropeaidd” mewnosoder “neu mewn gwladwriaeth benodedig”.

RHAN 4

Diwygiadau mewn perthynas â phroffesiynau ym maes lles anifeiliaid

Diwygiadau i Reoliad y Cyngor (EC) Rhif 1/2005 dyddiedig 22 Rhagfyr 2004 ar ddiogelu anifeiliaid wrth iddynt gael eu cludo ac yn ystod gweithrediadau cysylltiedig

7.—(1) Mae Rheoliad y Cyngor (EC) Rhif 1/2005 dyddiedig 22 Rhagfyr 2004 ar ddiogelu anifeiliaid wrth iddynt gael eu cludo ac yn ystod gweithrediadau cysylltiedig(1) wedi ei ddiwygio fel a ganlyn.

(2) Yn Atodiad 4 (hyfforddiant), ar ôl paragraff 3, mewnosoder—

“4. Where a road driver or attendant holds a qualification which, by virtue of the Recognition of Professional Qualifications and Implementation of International Recognition Agreements (Wales) (Amendment etc.) Regulations 2023, is recognised by the competent authority, the road driver or attendant (as the case may be) is to be treated as having met the requirements of paragraph 1.”

Diwygiadau i Reoliad y Cyngor (EC) Rhif 1099/2009 dyddiedig 24 Medi 2009 ar ddiogelu anifeiliaid adeg eu lladd

8.—(1) Mae Rheoliad y Cyngor (EC) Rhif 1099/2009 dyddiedig 24 Medi 2009 ar ddiogelu anifeiliaid adeg eu lladd(2) wedi ei ddiwygio fel a ganlyn.

(2) Yn Erthygl 21, ym mharagraff 1, ar ôl pwynt (c), mewnosoder—

“(d) delivering certificates of competence to persons whose qualifications have been recognised for those purposes under the Recognition of Professional Qualifications and Implementation of International Recognition Agreements (Wales) (Amendment etc.) Regulations 2023.”

- (ii) in paragraph 4, after “a member State of the European Union” insert “or of a specified state”.

PART 4

Amendments in relation to professions in animal welfare

Amendments to Council Regulation (EC) No 1/2005 of 22 December 2004 on the protection of animals during transport and related operations

7.—(1) Council Regulation (EC) No 1/2005 of 22 December 2004 on the protection of animals during transport and related operations(1) is amended as follows.

(2) In Annex 4 (training), after paragraph 3, insert—

“4. Where a road driver or attendant holds a qualification which, by virtue of the Recognition of Professional Qualifications and Implementation of International Recognition Agreements (Wales) (Amendment etc.) Regulations 2023, is recognised by the competent authority, the road driver or attendant (as the case may be) is to be treated as having met the requirements of paragraph 1.”

Amendments to Council Regulation (EC) No 1099/2009 of 24 September 2009 on the protection of animals at the time of killing

8.—(1) Council Regulation (EC) No 1099/2009 of 24 September 2009 on the protection of animals at the time of killing(2) is amended as follows.

(2) In Article 21, in paragraph 1, after point (c), insert—

“(d) delivering certificates of competence to persons whose qualifications have been recognised for those purposes under the Recognition of Professional Qualifications and Implementation of International Recognition Agreements (Wales) (Amendment etc.) Regulations 2023.”

(1) EUR 2005/1, fel y'i diwygiwyd gan O.S. 2019/802. Mae offerynnau diwygio eraill ond nid yw'r un ohonynt yn berthnasol.

(2) EUR 2009/1099, fel y'i diwygiwyd gan O.S. 2019/802. Mae offerynnau diwygio eraill ond nid yw'r un ohonynt yn berthnasol.

(1) EUR 2005/1, as amended by S.I. 2019/802. There are other amending instruments but none is relevant.

(2) EUR 2009/1099, as amended by S.I. 2019/802. There are other amending instruments but none is relevant.

Diwygiadau i Reoliadau Lles Anifeiliaid Adeg eu Lladd (Cymru) 2014

9.—(1) Mae Rheoliadau Lles Anifeiliaid Adeg eu Lladd (Cymru) 2014(1) wedi eu diwygio fel a ganlyn.

(2) Yn rheoliad 3(1) (dehongli)—

(a) yn y diffiniad o “tystiolaeth o hyfforddi ac arholi”, ar ôl is-baragraff (ab), mewnosoder—

“(ac) cymhwyster sydd wedi ei gydnabod o dan Reoliadau Cymwysterau Proffesiynol 2023 mewn perthynas â gweithrediad a bennir yn rheoliad 6,”;

(b) ar ôl y diffiniad o “Rheoliadau 1995”, mewnosoder—

“ystyr “Rheoliadau Cymwysterau Proffesiynol 2023” (“*the Professional Qualifications Regulations 2023*”) yw Rheoliadau Cydnabod Cymwysterau Proffesiynol a Gweithredu Cytundebau Cydnabod Rhyngwladol (Cymru) (Diwygio etc.) 2023;”.

(3) Yn rheoliad 22 (apelau)—

(a) ar ôl paragraff (1), mewnosoder—

“(1A) Caiff person sydd wedi gwneud cais am gydnabyddiaeth i gymhwyster o dan Reoliadau Cymwysterau Proffesiynol 2023 mewn perthynas â gweithrediad a bennir yn rheoliad 6 apelio yn erbyn penderfyniad yr awdurdod cymwys i beidio â chydabod cymhwyster y person at y dibenion hynny.”;

(b) ar ôl paragraff (4), mewnosoder—

“(5) Ym mharagraff (1A), mae’r cyfeiriad at benderfyniad gan yr awdurdod cymwys i beidio â chydabod cymhwyster person o dan Reoliadau Cymwysterau Proffesiynol 2023 i’w drin fel pe bai’n cynnwys unrhyw fethiant gan yr awdurdod cymwys i hysbysu’r ceisydd am ei benderfyniad ynghylch cais y person o fewn y cyfnod o bedwar mis sy’n dechrau â thrannoeth y diwrnod y cyflwynodd y person gais cyflawn i’r awdurdod cymwys o dan Reoliadau Cymwysterau Proffesiynol 2023.”

Amendments to the Welfare of Animals at the Time of Killing (Wales) Regulations 2014

9.—(1) The Welfare of Animals at the Time of Killing (Wales) Regulations 2014(1) are amended as follows.

(2) In regulation 3(1) (interpretation)—

(a) in the definition of “evidence of training and examination”, after sub-paragraph (ab), insert—

“(ac) a qualification which has been recognised under the Professional Qualifications Regulations 2023 in relation to an operation specified in regulation 6,”;

(b) after the definition of “local authority”, insert—

““the Professional Qualifications Regulations 2023” (“*Rheoliadau Cymwysterau Proffesiynol 2023*”) means the Recognition of Professional Qualifications and Implementation of International Recognition Agreements (Wales) (Amendment etc.) Regulations 2023;”.

(3) In regulation 22 (appeals)—

(a) after paragraph (1), insert—

“(1A) A person who has applied for recognition of a qualification under the Professional Qualifications Regulations 2023 in relation to an operation specified in regulation 6 may appeal against a decision of the competent authority not to recognise the person’s qualification for those purposes.”;

(b) after paragraph (4), insert—

“(5) In paragraph (1A), the reference to a decision of the competent authority not to recognise a person’s qualification under the Professional Qualifications Regulations 2023 is to be treated as including any failure by the competent authority to notify the applicant of its decision concerning the person’s application within the period of four months beginning with the day after the day on which the person submitted a complete application to the competent authority under the Professional Qualifications Regulations 2023.”

(1) O.S. 2014/951 (Cy. 92), fel y’i diwygiwyd gan O.S. 2019/684 (Cy. 131). Mae offerynnau diwygio eraill ond nid yw’r un ohonynt yn berthnasol.

(1) S.I. 2014/951 (W. 92), as amended by S.I. 2019/684 (W. 131). There are other amending instruments but none is relevant.

Diwygiadau sy'n ganlyniadol ar adran
5(1) o Ddeddf Cymwysterau
Proffesiynol 2022 yn dod i rym

RHAN 1

Diwygiadau mewn perthynas â phroffesiynau
addysg

**Diwygiadau i Reoliadau Cymwysterau Athrawon
Ysgol (Cymru) 2012**

1.—(1) Mae Rheoliadau Cymwysterau Athrawon
Ysgol (Cymru) 2012(1) wedi eu diwygio fel a ganlyn.

(2) Ym mharagraff 4 o Atodlen 2 (gofynion statws
athro cymwysedig)—

- (a) ar ddiwedd is-baragraff (b), hepgorer
“neu”;
- (b) ar ddiwedd is-baragraff (c), yn lle “.”
rhodder “; neu”;
- (c) ar ôl is-baragraff (c), mewnosoder—
- (d) penderfyniad neu ddyfarniad a wneir o
dan Reoliadau'r Undeb Ewropeaidd
2015 yn unol â pharagraffau 1, 2(2) a
(3) o Atodlen 1 i Reoliadau Deddf
Cymwysterau Proffesiynol 2022
(Cychwyn Rhif 3) 2023(2).”

**Diwygiadau i Orchymyn Cyngor y Gweithlu
Addysg (Cofrestru Gweithwyr Ieuentid,
Gweithwyr Cymorth Ieuentid ac Ymarferwyr
Dysgu Seiliedig ar Waith) 2016**

2.—(1) Mae Gorchymyn Cyngor y Gweithlu Addysg
(Cofrestru Gweithwyr Ieuentid, Gweithwyr Cymorth
Ieuentid ac Ymarferwyr Dysgu Seiliedig ar Waith)
2016(3) wedi ei ddiwygio fel a ganlyn.

(1) O.S. 2012/724 (Cy. 96); amnewidiwyd paragraff 4 o Atodlen 2 gan
O.S. 2019/444 (Cy. 107). Mae offerynnau diwygio eraill ond nid
yw'r un ohonynt yn berthnasol.
(2) O.S. 2023/1081.
(3) O.S. 2016/1183 (Cy. 288), y mae diwygiadau iddo nad ydynt yn
berthnasol i'r Rheoliadau hyn.

Amendments consequent upon the
coming into force of section 5(1) of the
Professional Qualifications Act 2022

PART 1

Amendments in relation to education
professions

**Amendments to the School Teachers' Qualifications
(Wales) Regulations 2012**

1.—(1) The School Teachers' Qualifications (Wales)
Regulations 2012(1) are amended as follows.

(2) In paragraph 4 of Schedule 2 (qualified teacher
status requirements)—

- (a) at the end of sub-paragraph (b), omit
“or”;
- (b) at the end of sub-paragraph (c), for “.”
substitute “; or”;
- (c) after sub-paragraph (c), insert—
- “(d) a decision taken or determination made
under the 2015 European Union
Regulations in accordance with
paragraphs 1, 2(2) and (3) of Schedule
1 to the Professional Qualifications Act
2022 (Commencement No. 3)
Regulations 2023(2).”

**Amendments to the Education Workforce Council
(Registration of Youth Workers, Youth Support
Workers and Work Based Learning Practitioners)
Order 2016**

2.—(1) The Education Workforce Council
(Registration of Youth Workers, Youth Support
Workers and Work Based Learning Practitioners)
Order 2016(3) is amended as follows.

(1) S.I. 2012/724 (W. 96); paragraph 4 of Schedule 2 was substituted
by S.I. 2019/444 (W. 107). There are other amending instruments
but none is relevant.
(2) S.I. 2023/1081.
(3) S.I. 2016/1183 (W. 288), to which there are amendments not
relevant to these Regulations.

(2) Yn erthygl 2 (dehongli), yn y lle priodol mewnosoder—

“ystyr “Rheoliadau Cychwyn 2023” (“*the 2023 Commencement Regulations*”) yw Rheoliadau Deddf Cymwysterau Proffesiynol 2022 (Cychwyn Rhif 3) 2023(1).”

(3) Ym mharagraff 2 (gofynion eraill) o Atodlen 1 (gweithwyr ieuenctid), ar ôl is-baragraff (c) mewnosoder—

“(d) os yw’r person hwnnw wedi ei awdurdodi i ymarfer fel gweithiwr ieuenctid yn rhinwedd penderfyniad neu ddyfarniad a wneir o dan Reoliadau 2015 yn unol â pharagraffau 1, 2(2) a (3) o Atodlen 1 i Reoliadau Cychwyn 2023.”

(4) Ym mharagraff 7 (gofynion eraill) o Atodlen 2 (gweithwyr cymorth ieuenctid), ar ôl is-baragraff (c) mewnosoder—

“(d) os yw’r person hwnnw wedi ei awdurdodi i ymarfer fel gweithiwr cymorth ieuenctid yn rhinwedd penderfyniad neu ddyfarniad a wneir o dan Reoliadau 2015 yn unol â pharagraffau 1, 2(2) a (3) o Atodlen 1 i Reoliadau Cychwyn 2023.”

(2) In article 2 (interpretation), in the appropriate place insert—

““the 2023 Commencement Regulations” (“*Rheoliadau Cychwyn 2023*”) means the Professional Qualifications Act 2022 (Commencement No. 3) Regulations 2023(1);”.

(3) In paragraph 2 (alternative requirements) of Schedule 1 (youth workers), after sub-paragraph (c) insert—

“(d) is authorised to practice as a youth worker by virtue of a decision taken or determination made under the 2015 Regulations in accordance with paragraphs 1, 2(2) and (3) of Schedule 1 to the 2023 Commencement Regulations.”

(4) In paragraph 7 (alternative requirements) of Schedule 2 (youth support workers), after sub-paragraph (c) insert—

“(d) is authorised to practice as a youth support worker by virtue of a decision taken or determination made under the 2015 Regulations in accordance with paragraphs 1, 2(2) and (3) of Schedule 1 to the 2023 Commencement Regulations.”

RHAN 2

Diwygiadau mewn perthynas â phroffesiynau
gofal cymdeithasol

Diwygiad i Reoliadau Rheoleiddio ac Arolygu Gofal Cymdeithasol (Cymwysterau) (Cymru) (Diwygio) (Ymadael â’r UE) 2019

3.—(1) Mae Rheoliadau Rheoleiddio ac Arolygu Gofal Cymdeithasol (Cymwysterau) (Cymru) (Diwygio) (Ymadael â’r UE) 2019(2) wedi eu diwygio fel a ganlyn.

(2) Hefgorer rheoliad 15C.

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Argraffwyd a chyhoeddwyd yn y DU gan Y Llyfrfa Cyf dan awdurdod a goruchwyliaeth Jeff James, Rheolwr Llyfrfa Ei Fawrhydi ac Argraffydd Deddfau Senedd y Brenin.

(1) O.S. 2023/1081.

(2) O.S. 2019/761 (Cy. 144), fel y’i diwygiwyd gan O.S. 2020/1626 (Cy. 341).

PART 2

Amendments in relation to social care
professions

Amendment to Regulation and Inspection of Social Care (Qualifications) (Wales) (Amendment) (EU Exit) Regulations 2019

3.—(1) The Regulation and Inspection of Social Care (Qualifications) (Wales) (Amendment) (EU Exit) Regulations 2019(2) are amended as follows.

(2) Omit regulation 15C.

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(1) S.I. 2023/1081.

(2) S.I. 2019/761 (W. 144), as amended by S.I. 2020/1626 (W. 341).

£8.14

<http://www.legislation.gov.uk/id/wsi/2023/1294>

ISBN 978-0-348-39503-7



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