Rheoliadau drafft a osodwyd gerbron Senedd Cymru yn unol â gweithdrefn gymeradwyo'r Senedd o dan adran 122(10)(i) o Ddeddf Caffael 2023.

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

2026 Rhif

Rheoliadau Deddf Caffael 2023 (Cytundebau Rhyngwladol Penodedig) (Diwygio) (Cymru) 2026

Gwnaed	*****
Yn dod i rym	*31 Mawrth 2026*

Draft Regulations laid before Senedd Cymru in accordance with the Senedd approval procedure under section 122(10)(i) of the Procurement Act 2023.

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

2026 No.

The Procurement Act 2023 (Specified International Agreements) (Amendment) (Wales) Regulations 2026

Made	*****
Coming into force	*31 March 2026*

Rheoliadau drafft a osodwyd gerbron Senedd Cymru yn unol â gweithdrefn gymeradwyo'r Senedd o dan adran 122(10)(i) o Ddeddf Caffael 2023.

OFFERYNNAU STATUDOL CYMRU DRAFFT

2026 Rhif

CAFFAEL CYHOEDDUS, CYMRU

Rheoliadau Deddf Caffael 2023 (Cytundebau Rhyngwladol Penodedig) (Diwygio) (Cymru) 2026

NODYN ESBONIADOL

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

Mae'r Rheoliadau hyn yn diwygio Atodlen 9 (cyflenwyr gwladwriaeth gytuniad (cytundebau rhyngwladol penodedig)) i Ddeddf Caffael 2023 ("Deddf 2023") er mwyn gweithredu pennod caffael y Cytundeb Economaidd a Masnach Cynhwysfawr rhwng Llywodraeth Teyrnas Unedig Prydain Fawr a Gogledd Iwerddon a Llywodraeth Gweriniaeth India ("CEMC y DU ac India") a lofnodwyd yn Swydd Buckingham ar 24 Gorffennaf 2025.

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 2 o'r Rheoliadau hyn yn diwygio Atodlen 9 i Ddeddf 2023 er mwyn adlewyrchu darpariaethau CEMC y DU ac India.

Mae rheoliad 3 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 CEMC y DU ac India, pan fo'r caffaeliad wedi dechrau cyn y diwrnod y daw'r cytundeb hwnnw i rym.

Mae rheoliad 4 o'r Rheoliadau hyn yn diwygio rheoliad 4(1) o Reoliadau Deddf Caffael 2023 (Cytundebau Rhyngwladol Penodedig) (Diwygio) (Cymru) 2025 (O.S. 2025/1361 (Cy. 223)) drwy fewnosod diffiniad yn y ddarpariaeth.

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.

Rheoliadau drafft a osodwyd gerbron Senedd Cymru yn unol â gweithdrefn gymeradwyo'r Senedd o dan adran 122(10)(i) o Ddeddf Caffael 2023.

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

2026 Rhif

CAFFAEL CYHOEDDUS, CYMRU

Rheoliadau Deddf Caffael 2023 (Cytundebau Rhyngwladol Penodedig) (Diwygio) (Cymru) 2026

Gwnaed	***
Yn dod i rym	*31 Mawrth 2026*

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 â gweithdrefn gymeradwyo'r Senedd a gymhwysir gan adran 122(10)(i) o Ddeddf Caffael 2023 gosodwyd drafft o'r offeryn statudol Cymreig hwn gerbron Senedd Cymru ac fe'i cymeradwywyd ganddi drwy benderfyniad.

Enwi, dod i rym a dehongli

1.—(1) Enw'r Rheoliadau hyn yw Rheoliadau Deddf Caffael 2023 (Cytundebau Rhyngwladol Penodedig) (Diwygio) (Cymru) 2026.

(2) Daw'r Rheoliadau hyn i rym ar 31 Mawrth 2026.

(3) Yn y Rheoliadau hyn—

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

ystyr "Rheoliadau 2025" ("*the 2025 Regulations*") yw Rheoliadau Deddf Caffael 2023 (Cytundebau Rhyngwladol Penodedig) (Diwygio) (Cymru) 2025(**3**).

Diwygio Atodlen 9 i Ddeddf 2023

2.—(1) Mae Atodlen 9 i Ddeddf 2023(**4**) (cyflenwyr gwladwriaeth gytuniad (cytundebau rhyngwladol penodedig)) wedi ei diwygio fel a ganlyn.

(2) Hepgorer paragraff C1 a'r penawdau italig o'i flaen ac ar ei ôl.

(**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.
(**3**) O.S. 2025/1361 (Cy. 223).
(**4**) Diwygiwyd Atodlen 9 gan O.S. 2025/163, O.S. 2025/181 (Cy. 38), O.S. 2025/1337, O.S. 2025/1361 (Cy. 223) ac O.S. 2026/XXX.

(3) Ym mharagraff 28, yn lle "In any case other than a procurement regulated by the Welsh Ministers, the" rhodder "The".

Darpariaethau trosiannol

3.—(1) Nid yw'r diwygiadau a wneir gan reoliad 2 yn effeithio ar unrhyw gaffaeliad sydd wedi ei ddechrau cyn y diwrnod perthnasol 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) neu wedi ei ddarparu yn unol ag adran 40(1) i (3) o Ddeddf 2023 (hysbysiadau marchnad ddynamig cyfleustodau cymhwysol: dim dyletswydd i gyhoeddi hysbysiad tendro),

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

(c) mewn cysylltiad â chontract sydd i'w ddyfarnu yn unol â fframwaith nad yw (a) na (b) yn gymwys iddo, yw awdurdod contractio wedi cysylltu â chyflenwr er mwyn dechrau dyfarniad y contract hwnnw,

(d) yw hysbysiad tendro sydd o dan y trothwy wedi ei gyhoeddi yn unol ag adran 87(1)(**5**) o Ddeddf 2023 (contractau rheoleiddiedig sydd o dan y trothwy: hysbysiadau), neu

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

(2) Yn y rheoliad hwn—

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

mae i "contract sydd o dan y trothwy" yr ystyr a roddir i "below-threshold contract" gan adran 5(5) o Ddeddf 2023;

ystyr "diwrnod perthnasol" ("*relevant day*") yw'r diwrnod y daw'r Cytundeb Economaidd a Masnach Cynhwysfawr rhwng Llywodraeth Teyrnas Unedig Prydain Fawr a Gogledd Iwerddon a Llywodraeth Gweriniaeth India(**6**) i rym yn unol ag erthygl 30.6 o'r Cytundeb hwnnw.

Diwygio Rheoliadau 2025

4. Yn rheoliad 4(1) o Reoliadau 2025 (darpariaethau trosiannol), yn y lle priodol mewnosoder—

> "mae i "contract sydd o dan y trothwy" yr ystyr a roddir i "below-threshold contract" gan adran 5(5) o Ddeddf 2023;".

(**5**) Diwygiwyd adran 87 gan O.S. 2024/782 (Cy. 121).
(**6**) Llofnodwyd yn Swydd Buckingham ar 24 Gorffennaf 2025. Cyhoeddwyd copi digidol o'r cytundeb drafft fel Papur Gorchymyn heb ei rifo, sydd ar gael ar https://www.gov.uk/government/collections/comprehensive-economic-and-trade-agreement-between-the-united-kingdom-of-great-britain-and-northern-ireland-and-india. Ar ôl i'r cytundeb ddod i rym, bydd ar gael i'w weld yng Nghasgliad y Gyfres Cytuniadau o Bapurau Gorchymyn.

Enw
Ysgrifennydd y Cabinet dros Gyllid a'r Gymraeg, un o Weinidogion Cymru
Dyddiad

Draft Regulations laid before Senedd Cymru in accordance with the Senedd approval procedure under section 122(10)(i) of the Procurement Act 2023.

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

2026 No.

PUBLIC PROCUREMENT, WALES

The Procurement Act 2023 (Specified International Agreements) (Amendment) (Wales) Regulations 2026

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 chapter of the Comprehensive Economic and Trade Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the Republic of India ("the UK-India CETA") signed at Buckinghamshire on 24 July 2025.

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 2 of these Regulations amends Schedule 9 to the 2023 Act to reflect the provisions of the UK-India CETA.

Regulation 3 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 UK-India CETA, where the procurement has commenced before the day on which that agreement enters into force.

Regulation 4 of these Regulations makes an amendment to regulation 4(1) of the Procurement Act 2023 (Specified International Agreements) (Amendment) (Wales) Regulations 2025 (S.I. 2025/1361 (W. 223)) by inserting a definition into the provision.

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.

Draft Regulations laid before Senedd Cymru in accordance with the Senedd approval procedure under section 122(10)(i) of the Procurement Act 2023.

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

2026 No.

PUBLIC PROCUREMENT, WALES

The Procurement Act 2023 (Specified International Agreements) (Amendment) (Wales) Regulations 2026

Made	***
Coming into force	*31 March 2026*

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 the Senedd approval procedure applied by section 122(10)(i) of the Procurement Act 2023 a draft of this Welsh statutory instrument was laid before, and approved by resolution of, Senedd Cymru.

Title, coming into force and interpretation

1.—(1) The title of these Regulations is the Procurement Act 2023 (Specified International Agreements) (Amendment) (Wales) Regulations 2026.

(2) These Regulations come into force on 31 March 2026.

(3) In these Regulations—

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

"the 2025 Regulations" ("*Rheoliadau 2025*") means the Procurement Act 2023 (Specified International Agreements) (Amendment) (Wales) Regulations 2025(**3**).

Amendments to Schedule 9 to the 2023 Act

2.—(1) Schedule 9 to the 2023 Act(**4**) (treaty state suppliers (specified international agreements)) is amended as follows.

(2) Omit paragraph C1 and the italic headings before and after it.

(**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.
(**3**) S.I. 2025/1361 (W. 223).
(**4**) Schedule 9 was amended by S.I. 2025/163, S.I. 2025/181 (W. 38), S.I. 2025/1337, S.I. 2025/1361 (W. 223) and S.I. 2026/XXX.

(3) In paragraph 28, for "In any case other than a procurement regulated by the Welsh Ministers, the" substitute "The".

Transitional provisions

3.—(1) The amendments made by regulation 2 do not affect any procurement commenced before the relevant day 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) or provided in accordance with section 40(1) to (3) of the 2023 Act (qualifying utilities dynamic market notices: no duty to publish a tender notice),

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

(c) in respect of a contract to be awarded in accordance with a framework to which neither (a) nor (b) applies, a contracting authority has contacted a supplier in order to commence the award of that contract,

(d) a below-threshold tender notice has been published in accordance with section 87(1)(**5**) of the 2023 Act (regulated below-threshold contracts: notices), or

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

(2) In this regulation—

"below-threshold contract" ("*contract sydd o dan y trothwy*") has the meaning given by section 5(5) of the 2023 Act;

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

"relevant day" ("*diwrnod perthnasol*") means the day on which the Comprehensive Economic and Trade Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the Republic of India(**6**) enters into force in accordance with article 30.6 of that Agreement.

Amendment to the 2025 Regulations

4. In regulation 4(1) of the 2025 Regulations (transitional provisions), in the appropriate place insert—

""below-threshold contract" ("*contract sydd o dan y trothwy*") has the meaning given by section 5(5) of the 2023 Act;".

Name
The Cabinet Secretary for Finance and the Welsh Language, one of the Welsh Ministers
Date

(**5**) Section 87 was amended by S.I. 2024/782 (W. 121).
(**6**) Signed at Buckinghamshire on 24 July 2025. A digital copy of the draft agreement was published as an unnumbered Command Paper, available on https://www.gov.uk/government/collections/comprehensive-economic-and-trade-agreement-between-the-united-kingdom-of-great-britain-and-northern-ireland-and-india. After the agreement is in force it will be available to view in the Treaty Series Collection of Command Papers.