

SCHEDULE 3

Regulation 3

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”.

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(3) 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)—

(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.

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

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- (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”.

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(4) 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(5) 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 Operators(6) 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.”

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

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

(6) 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.

(c) after paragraph (c), insert—

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

- (i) Norway,
- (ii) Iceland, or
- (iii) Liechtenstein.”

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⁽⁷⁾ 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”;
 - (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⁽⁸⁾ 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.”

⁽⁷⁾ S.I. 2013/479 (W. 55), amended by S.I. 2020/1581 (W. 331); there are other amending instruments but none is relevant.

⁽⁸⁾ EUR 2005/1, as amended by S.I. 2019/802. There are other amending instruments but none is relevant.

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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⁽⁹⁾ 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.”

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⁽¹⁰⁾ 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.”

⁽⁹⁾ EUR 2009/1099, as amended by S.I. 2019/802. There are other amending instruments but none is relevant.

⁽¹⁰⁾ S.I. 2014/951 (W. 92), as amended by S.I. 2019/684 (W. 131). There are other amending instruments but none is relevant.