
STATUTORY INSTRUMENTS

2023 No. 959

**The Windsor Framework (Retail Movement Scheme:
Public Health, Marketing and Organic Product Standards
and Miscellaneous Provisions) Regulations 2023**

PART 2

Application of public health, marketing and organic product standards

Scope

3.—(1) This Part applies in respect of consignments of retail goods entering into Northern Ireland from other parts of the United Kingdom in accordance with the Retail Movement Scheme established under regulation 3(1) of the Windsor Framework (Retail Movement Scheme) Regulations 2023⁽¹⁾.

(2) This Part applies to the extent that any provision listed in Annex 1 to the SPS Regulation does not apply to that consignment of retail goods by virtue of Article 1(2) and Chapter 2 of the SPS Regulation.

Application of public health and marketing standards

4. Where this Part applies in respect of a consignment of retail goods by virtue of regulation 3(2)

- (a) the provisions of the instruments listed in Column 2 of Schedule 1 are to be treated as applying in respect of that consignment to the extent that the corresponding EU instrument in Column 1 of Schedule 1 does not apply by virtue of Article 1(2) and Chapter 2 of the SPS Regulation, subject to the modifications specified in Column 3 of Schedule 1 and such further modifications as are necessary, including those which reflect the exceptional application of such provisions in Northern Ireland in respect of a specific category of goods;
- (b) the provisions of the instruments listed in Column 2 of Schedule 2 are to be treated as applying in place of the corresponding legislation applicable in Northern Ireland in respect of that consignment to the extent that the corresponding EU instrument in Column 1 of Schedule 2 does not apply by virtue of Article 1(2) and Chapter 2 of the SPS Regulation, subject to the modifications specified in Column 3 of Schedule 2 and such further modifications as are necessary, including those which reflect the exceptional application of such provisions in Northern Ireland in respect of a specific category of goods.

Application of retained delegated and implementing acts

5.—(1) Where the provisions of the instruments listed in Column 2 of Schedule 1 and Column 2 of Schedule 2 are to be treated as applying in respect of a consignment of retail goods by virtue of regulation 4, the retained direct EU legislation applicable in Great Britain which supplements or

(1) [S.I. 2023/896](#).

implements those instruments is to be treated as also applying in relation to that consignment with such modifications as are necessary, including those which reflect the exceptional application of such provisions in Northern Ireland in respect of a specific category of goods.

(2) In respect of food for total diet replacement for weight control within a consignment of retail goods, paragraph (1) does not apply and the Foods Intended for Use in Energy Restricted Diets for Weight Reduction Regulations 1997⁽²⁾ are to be treated as applying in relation to those products with such modifications as are necessary, including those which reflect the exceptional application of such provisions in Northern Ireland in respect of a specific category of goods.

Application of organic product standards

6. Where this Part applies in respect of a consignment of retail goods by virtue of regulation 3(2), the provisions of the instruments listed in Column 2 of Schedule 3 are to be treated as applying in respect of that consignment to the extent that the EU instrument listed in Column 1 of Schedule 3 does not apply by virtue of Article 1(2) and Chapter 2 of the SPS Regulation, subject to the modifications specified in Column 3 of Schedule 3 and such modifications as are necessary, including those which reflect the exceptional application of such provisions in Northern Ireland in respect of a specific category of goods.

No power to make subordinate legislation

7. Nothing in regulation 4, 5 or 6 confers power on any person to make subordinate legislation in respect of Northern Ireland.

Parallel texts

8. Where legislation which extends to Great Britain is treated as applying in Northern Ireland under this Part and there are differences between the versions of that legislation applicable in England, Scotland and Wales, the version of the legislation applicable in respect of a particular retail good within a consignment is the version applicable in the part of Great Britain which the retail good was produced in or imported into.

(2) S.I. 1997/2182, amended by (as regards England) S.I. 2005/2626, 2007/2591, 2014/1855, 2016/688, 2020/43; (as regards Scotland) S.S.I. 2005/616, 2007/424, 2015/410, 2016/190, 2018/392; (as regards Wales) S.I. 2005/3254, 2007/2753, 2014/2303, 2016/639, 2018/806.