
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations, which apply to England, implement Directive [2000/36/EC](#) of the European Parliament and the Council relating to cocoa and chocolate products intended for human consumption⁽¹⁾. They revoke and replace the Cocoa and Chocolate Products Regulations 1976, as amended, in relation to England.

The Regulations—

- (a) prescribe definitions and reserved descriptions for designated cocoa and chocolate products (regulation 2 and Schedule 1);
- (b) specify the vegetable fats, other than cocoa butter, which may be added to designated chocolate products (regulation 3 and Schedule 2);
- (c) apply the Regulations to designated cocoa and chocolate products intended for human consumption and ready for delivery to the ultimate consumer or to a catering establishment (regulation 4);
- (d) restrict the use of reserved descriptions to the designated cocoa and chocolate products to which they relate (regulation 5);
- (e) require reserved descriptions and specified declarations to be applied to designated cocoa and chocolate products and prescribe the manner of marking or labelling (regulations 6 and 7);
- (f) specify a penalty, enforcement responsibilities and, in accordance with Articles 2 and 3 of Council Directive [89/397/EEC](#) on the official control of foodstuffs⁽²⁾ and the European Economic Area Agreement, a defence in relation to exports (regulations 8 and 9);
- (g) apply various provisions of the Food Safety Act 1990 (regulation 10);
- (h) remove the exemption for cocoa and chocolate products from Part II of the Food Labelling Regulations 1996, revoke the previous Cocoa and Chocolate Products Regulations and make consequential amendments and transitional provision (regulations 11 and 12).

A Regulatory Impact Assessment has been prepared and placed in the Library of each House of Parliament, together with a Transposition Note setting out how the main elements of the European legislation referred to above are transposed in these Regulations. Copies may be obtained from the Food Labelling and Standards Division of the Food Standards Agency, Aviation House, 125 Kingsway, London WC2B 6NH.

(1) OJNo. L197, 3.8.2000, p.19.

(2) OJ No. L186, 30.6.89, p. 23.