
WELSH STATUTORY INSTRUMENTS

2003 No. 3037 (W.285)

FOOD, WALES

The Cocoa and Chocolate Products (Wales) Regulations 2003

Made - - - - 26th November 2003

Coming into force - - 28th November 2003

The National Assembly for Wales, in exercise of the powers conferred by sections 16(1)(e), 17(1), 26(1) and (3) and 48(1) of the Food Safety Act 1990 ^{F1} and now vested in it ^{F2}, having had regard, in accordance with section 48(4A) of that Act, to relevant advice given by the Food Standards Agency and after consultation both as required by Article 9 of Regulation (EC) No. 178/2002 of the European Parliament and of the Council ^{F3} 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, and in accordance with section 48(4) and (4B) of that Act, hereby makes the following Regulations:

F1 1990 c. 16.

F2 Functions formerly exercisable by the Secretary of State under the Food Safety Act 1990, so far as exercisable in relation to Wales, were transferred to the National Assembly for Wales by the [National Assembly for Wales \(Transfer of Functions\) Order 1999 \(S.I. 1999/672\)](#).

F3 OJ No. L31, 1.2.2002, p.1.

Title, commencement and application

1. These Regulations may be cited as the Cocoa and Chocolate Products (Wales) Regulations 2003, shall come into force on 28th November 2003 and shall apply to Wales only.

Interpretation

2.—(1) In these Regulations —

“the Act” (“*y Ddeddf*”) means the Food Safety Act 1990;

“catering establishment” (“*sefydliad arlwyo*”) means a restaurant, canteen, club, public house, school, hospital or similar establishment (including a vehicle or a fixed or mobile stall) where, in the course of a business, food is prepared for delivery to the ultimate consumer and is ready for consumption without further preparation;

“designated product” (“*cynnyrch dynodedig*”) means any cocoa or chocolate product specified in column 2 of Schedule 1, as read with any Note to that Schedule and any provision of regulation 3 and Schedule 2 relating to that product; and “designated chocolate

product” (“*cynnyrch siocled dynodedig*”) and “designated cocoa product” (“*chynnyrch coco dynodedig*”) mean any such product which is respectively a chocolate product or a cocoa product;

F4

...

“food authority” (“*awdurdod bwyd*”) has the same meaning as in section 5(1A) and (3)(a) and (b) of the Food Safety Act 1990;

F5

...

“other edible substances” (“*sylweddau bwyadwy eraill*”) does not include vegetable fats referred to in regulation 3 or the filling of any product specified in column 2 of item 7 or of item 10(a) of Schedule 1;

“preparation” (“*paratoi*”) includes manufacture and any form of processing or treatment;

[^{F6}“Regulation (EU) No 1169/2011” (“*Rheoliad (EU) Rhif 1169/2011*”) means Regulation (EU) No 1169/2011 of the European Parliament and of the Council on the provision of food information to consumers, amending Regulations (EC) No 1924/2006 and (EC) No 1925/2006 of the European Parliament and of the Council, and repealing Commission Directive 87/250/EEC, Council Directive 90/496/EEC, Commission Directive 1999/10/EC, Directive 2000/13/EC of the European Parliament and of the Council, Commission Directives 2002/67/EC and 2008/5/EC and Commission Regulation (EC) No 608/2004^{F7};

“reserved description” (“*disgrifiad neilltuedig*”), as respects any designated product, means any description specified in relation to that product in column 1 of Schedule 1;

“sell” (“*gwerthu*”) includes offer or expose for sale or have in possession for sale, and “sale” (“*gwerthiant*”) shall be construed accordingly; and

“ultimate consumer” (“*defnyddiwr olaf*”) means any person who buys otherwise than —

- (a) for the purpose of resale,
- (b) for the purposes of a catering establishment, or
- (c) for the purposes of a manufacturing business.

(2) Any reference in these Regulations to a numbered regulation or Schedule shall be construed as a reference to the regulation or Schedule bearing that number in these Regulations.

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|-----------|---|
| F4 | Words in reg. 2(1) omitted (26.7.2018) by virtue of The Food and Feed (Miscellaneous Amendments and Revocations) (Wales) Regulations 2018 (S.I. 2018/806) , regs. 1(3), 7(2) |
| F5 | Words in reg. 2(1) omitted (13.12.2014) by virtue of The Food Information (Wales) Regulations 2014 (S.I. 2014/2303) , reg. 1(3), Sch. 7 para. 29(a) |
| F6 | Words in reg. 2(1) inserted (13.12.2014) by The Food Information (Wales) Regulations 2014 (S.I. 2014/2303) , reg. 1(3), Sch. 7 para. 29(b) |
| F7 | OJ No L 304, 22.11.2011, p 18, last amended by Commission Delegated Regulation (EU) No 78/2014 (OJ No L 27, 30.1.2014, p 7). |

Vegetable fats in chocolate products

3.—(1) Subject to paragraph (2) below, the vegetable fats, other than cocoa butter, specified in Schedule 2 may be added to those designated chocolate products specified in column 2 of items 3, 4, 5, 6, 8 and 9 of Schedule 1.

(2) An addition in accordance with paragraph (1) may not exceed 5 per cent of the finished product, after deduction of the total weight of any other edible substances used in accordance with the Note 1 to Schedule 1, without reducing the minimum content of cocoa butter or total dry cocoa solids.

Scope of Regulations

4. These Regulations apply to designated products intended for human consumption and ready for delivery to the ultimate consumer or to a catering establishment.

Reserved descriptions

5. No person shall sell any food with a label, whether or not attached to or printed on the wrapper or container, which bears, comprises or includes any reserved description or any derivative thereof or any word or description substantially similar thereto unless —

- (a) such food is the designated product to which the reserved description relates;
- [^{F8}(b) such description, derivative or word is used in such a context as to indicate explicitly or by clear implication that the substance to which it relates is only an ingredient of that food;
- (c) such description, derivative or word is used in such a context as to indicate explicitly or by clear implication that such food is not and does not contain a designated product; or
- (d) the use of such description, derivative or word to designate the food is in accordance with the customs applicable in the United Kingdom and the food cannot be confused with a product listed in column 1 of Schedule 1.]

F8 Reg. 5(b)-(d) substituted for reg. 5(b)(c) (13.12.2014) by [The Food Information \(Wales\) Regulations 2014 \(S.I. 2014/2303\)](#), reg. 1(3), [Sch. 7 para. 30](#)

Labelling and description of designated products

6.—(1) Without prejudice to the generality of [^{F9}Regulation (EU) No 1169/2011], no person shall sell any designated product unless it is marked or labelled with the following particulars —

- (a) subject to paragraphs (2)(a) and (3) below, a reserved description of the product;
- (b) subject to paragraph (2) of regulation 7, in the case of a designated chocolate product which, pursuant to regulation 3, contains vegetable fats other than cocoa butter, the conspicuous and clearly legible statement “contains vegetable fats in addition to cocoa butter”;
- (c) where the words “milk chocolate” are used as the reserved description or a qualification of the reserved description of a designated chocolate product, an accompanying indication of the dry milk solids content in the form “milk solids: ... % minimum”, provided that —
 - (i) as regards a designated chocolate product specified in column 2 of item 4(a) of Schedule 1, the dry milk solids content indicated is not less than 14 per cent; and
 - (ii) as regards a designated chocolate product specified in column 2 of item 5 of Schedule 1, the dry milk solids content indicated is not less than 20 per cent;
- (d) subject to paragraph (4) below, in the case of a designated product specified in column 2 of item 2(c), 2(d), 2(e), 3, 4, 5, 8 or 9 of Schedule 1, an indication of the total dry cocoa solids content in the form “cocoa solids... % minimum”;
- (e) in the case of a designated cocoa product specified in column 2 of item 2(b) or 2(e), an indication of the cocoa butter content.

(2) Where designated chocolate products specified in column 2 of items 3, 4, 5, 6, 7 and 10 of Schedule 1 are sold in an assortment —

- (a) the reserved description may be replaced by “assorted chocolates” or “assorted filled chocolates” or a similar name; and

- (b) the list of ingredients with which food is required by [^{F10}Article 9(1)(b) of Regulation (EU) No 1169/2011] to be marked or labelled may be a single list of ingredients for all the products in the assortment.
- (3) The reserved descriptions “chocolate”, “milk chocolate” and “couverture chocolate” may be supplemented by information or descriptions relating to quality criteria provided that the product contains —
- (a) in the case of the reserved description “chocolate”, not less than 43 per cent total dry cocoa solids, including not less than 26 per cent cocoa butter;
 - (b) in the case of the reserved description “milk chocolate”, not less than 30 per cent total dry cocoa solids and not less than 18 per cent dry milk solids obtained by partly or wholly dehydrating whole milk, semi-skimmed or skimmed milk, cream, or from partly or wholly dehydrated cream, butter or milk fat, including not less than 4.5 per cent milk fat;
 - (c) in the case of the reserved description “couverture chocolate”, not less than 16 per cent dry non-fat cocoa solids.
- (4) The total dry cocoa solids content with which a designated product is required by paragraph (1)(d) above to be marked or labelled shall be calculated after deduction of the weight of other edible substances provided for in Note 1 to Schedule 1 but not the weight of any ingredient specified in column 2 of Schedule 1 as an ingredient of that product or of any vegetable fat added in accordance with regulation 3.

- F9** Words in reg. 6(1) substituted (13.12.2014) by [The Food Information \(Wales\) Regulations 2014 \(S.I. 2014/2303\)](#), [reg. 1\(3\)](#), [Sch. 7 para. 31\(a\)](#)
- F10** Words in reg. 6(2)(b) substituted (13.12.2014) by [The Food Information \(Wales\) Regulations 2014 \(S.I. 2014/2303\)](#), [reg. 1\(3\)](#), [Sch. 7 para. 31\(b\)](#)

Manner of marking or labelling

7.—^{F11}(1)

- (2) The information with which a designated chocolate product is required to be marked or labelled by paragraph (1)(b) of regulation 6 shall be —
- (a) in the same field of vision as the list of ingredients with which the product is required by [^{F12}Article 9(1)(b) of Regulation (EU) No 1169/2011]^{F13} to be marked or labelled;
 - (b) clearly separated from that list;
 - (c) in bold lettering no less large than that of the list; and
 - (d) located near the reserved description, which may also appear elsewhere on the marking or labelling.

- F11** Reg. 7(1) revoked (13.12.2014) by [The Food Information \(Wales\) Regulations 2014 \(S.I. 2014/2303\)](#), [Sch. 6 Pt. 1](#)
- F12** Words in reg. 7(2)(a) substituted (26.7.2018) by [The Food and Feed \(Miscellaneous Amendments and Revocations\) \(Wales\) Regulations 2018 \(S.I. 2018/806\)](#), [regs. 1\(3\)](#), [7\(3\)](#)
- F13** OJ No L 304, 22.11.2011, p. 18, as last amended by Regulation (EU) 2015/2283 of the European Parliament and of the Council (OJ No L 327, 11.12.2015, p. 1) and as corrected by the Corrigenda set out in OJ No L 247, 13.9.2012, p. 17 and OJ No L 266, 30.9.2016, p. 7.

Penalties and enforcement

8.—(1) Any person who contravenes or fails to comply with any provision of regulation 5 or 6 shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale.

(2) Each food authority shall enforce and execute these Regulations in its area.

Defence in relation to exports

^{F14}9.

F14 Reg. 9 revoked (1.1.2006) by [The Official Feed and Food Controls \(Wales\) Regulations 2005 \(S.I. 2005/3254\)](#), reg. 1, [Sch. 6 Pt. 2](#)

Application of various provisions of the Food Safety Act 1990

10. The following provisions of the Act shall apply for the purposes of these Regulations with the modification that any reference in those provisions to the Act or Part thereof shall be construed for the purposes of these Regulations as a reference to these Regulations —

- (a) section 2 (extended meaning of sale etc.);
- (b) section 3 (presumptions that food is intended for human consumption);
- (c) section 20 (offences due to fault of another person);
- (d) section 21 (defence of due diligence) as it applies for the purposes of section 8, 14 or 15 of the Act;
- (e) section 22 (defence of publication in the course of business);
- (f) section 30(8) (which relates to documentary evidence);
- (g) section 33(1) (obstruction etc. of officers);
- (h) section 33(2), with the modification that the reference to “any such requirement as is mentioned in subsection (1)(b) above” shall be deemed to be a reference to any such requirement as is mentioned in that subsection as applied by sub-paragraph (g) above;
- (i) section 35(1) (punishment of offences) in so far as it relates to offences under section 33(1) as applied by sub-paragraph (g) above;
- (j) section 35(2) and (3) in so far as it relates to offences under section 33(2) as applied by sub-paragraph (h) above;
- (k) section 36 (offences by bodies corporate); and
- (l) section 44 (protection of officers acting in good faith).

Amendments and revocations

11.—^{F15}(1)

(2) The following entries relating to the Cocoa and Chocolate Products Regulations 1976 ^{F16} shall (in so far as the following Regulations apply to Wales) be omitted —

- (a) in the Food (Revision of Penalties) Regulations 1982 ^{F17}, in Schedule 1;
- (b) in the Food Safety Act 1990 (Consequential Modifications) (England and Wales) Order 1990 ^{F18}, in Schedule 1 Part I, Schedule 2, Schedule 3 Part I and Schedules 6 and 12;
- (c) in the Food Safety (Exports) Regulations 1991 ^{F19}, in Schedule 1 Part I;

- (d) in the Food (Forces Exemptions) (Revocations) Regulations 1992 ^{F20}, in Schedule 1 Part I;
- (e) in the Miscellaneous Food Additives Regulations 1995 ^{F21}, in Schedule 9;
- ^{F22}(f)
- (g) in the Miscellaneous Food Additives (Amendment) Regulations 1999 ^{F23}, in regulation 14(1);
- (h) in the Miscellaneous Food Additives (Amendment) (Wales) (No. 2) Regulations 2001 ^{F24}, in regulation 9(2).
- (3) In Schedule 9 to the Miscellaneous Food Additives Regulations 1995 (in so far as they apply to Wales) the entry relating to the Cocoa and Chocolate Products (Amendment) Regulations 1982 ^{F25} shall be omitted.
- (4) In so far as the Regulations in which they appear apply to Wales, there shall be substituted for the following references to Directive 73/241/EEC ^{F26}, references to Directive 2000/36/EC ^{F27} —
- (a) in the Colourings in Food Regulations 1995 ^{F28}, in Schedule 2;
- (b) in the Miscellaneous Food Additives Regulations 1995 ^{F29}, in Schedule 3 and in Schedule 7.
- (5) The Cocoa and Chocolate Products Regulations 1976 and the Cocoa and Chocolate Products (Amendment) Regulations 1982 are hereby revoked (in so far as they apply to Wales).

- F15** Reg. 11(1) revoked (13.12.2014) by [The Food Information \(Wales\) Regulations 2014 \(S.I. 2014/2303\)](#), [Sch. 6 Pt. 1](#)
- F16** [S.I. 1976/541](#); relevant amending instruments are [S.I. 1982/17](#), 1982/1727, 1990/2486, 1991/1476, 1992/2596, 1995/3187, 1995/3267, 1996/1499 and 2002/329(W.42).
- F17** [S.I. 1982/1727](#) to which there are amendments not relevant to these Regulations.
- F18** [S.I. 1990/2486](#) to which there are amendments not relevant to these Regulations.
- F19** [S.I. 1991/1476](#) to which there are amendments not relevant to these Regulations.
- F20** [S.I. 1992/2596](#) to which there are amendments not relevant to these Regulations.
- F21** [S.I. 1995/3187](#); relevant amending instruments are [S.I. 1997/1413](#), 1999/1136, 2001/1440(W.102), 2001/1787(W.128) and 2002/329(W.42).
- F22** Reg. 11(2)(f) revoked (13.12.2014) by [The Food Information \(Wales\) Regulations 2014 \(S.I. 2014/2303\)](#), [Sch. 6 Pt. 1](#)
- F23** [S.I. 1999/1136](#).
- F24** [S.I. 2002/329\(W.42\)](#).
- F25** [S.I. 1982/17](#).
- F26** OJ No. L228, 16.8.1973, p.23, as repealed with effect from 3rd August 2003 by Directive 2000/36/EC (OJ No. L197, 3.8.2000, p.19).
- F27** OJ No. L197, 3.8.2000, p.19.
- F28** [S.I. 1995/3124](#) to which there are amendments not relevant to these Regulations.
- F29** [S.I. 1995/3187](#); the relevant amending instrument is [S.I. 1999/1136](#).

Transitional provision

^{F30}**12.**

- F30** Reg. 12 omitted (26.7.2018) by virtue of [The Food and Feed \(Miscellaneous Amendments and Revocations\) \(Wales\) Regulations 2018 \(S.I. 2018/806\)](#), regs. 1(3), **7(4)**

^{F31} Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998

D. Elis-Thomas
The Presiding Officer of the National Assembly

F31 1998 c. 38.

SCHEDULE 1

Regulations 2, 3 and 6

COCOA AND CHOCOLATE PRODUCTS AND THEIR RESERVED DESCRIPTIONS

Column 1 Reserved Descriptions	Column 2 Designated Products
1. Cocoa butter	The fat obtained from cocoa beans or parts of cocoa beans with the following characteristics: — not more than 1.75 per cent free fatty acid content (expressed as oleic acid); and for press cocoa butter, not more than 0.35 per cent unsaponifiable matter (determined using petroleum ether); or for other cocoa butter, not more than 0.5 per cent unsaponifiable matter (so determined).
2.	The product obtained by converting into powder cocoa beans which have been cleaned, shelled and roasted, and which contains not less than 20 per cent cocoa butter, calculated according to the weight of the dry matter, and not more than 9 per cent water.
(a) Cocoa powder <i>or</i> Cocoa	
(b) (b) Fat-reduced cocoa <i>or</i> Fat-reduced cocoa powder	Cocoa powder containing less than 20 per cent cocoa butter, calculated according to the weight of the dry matter.
(c) (c) Powdered chocolate <i>or</i> Chocolate in powder	The product consisting of a mixture of cocoa powder and sugars, containing not less than 32 per cent cocoa powder.
(d) (d) Drinking chocolate <i>or</i> Sweetened cocoa <i>or</i> Sweetened cocoa powder	The product consisting of a mixture of cocoa powder a sugars, containing not less than 25 per cent cocoa powder.
(e) (e) Fat-reduced drinking chocolate <i>or</i> Fat-reduced sweetened cocoa <i>or</i> Fat-reduced sweetened cocoa powder	The product consisting of a mixture of cocoa powder specified at item 2(b) and sugars, containing not less than 25 per cent of such cocoa powder.
3.	(a) (a) The product obtained from cocoa products and sugars which, subject to item 3(b), contains not less than 35 per cent total dry cocoa solids, including not less than 18 per cent cocoa butter and not less than 14 per cent of dry non-fat cocoa solids.
(a) Chocolate	
(b) (b) If “Chocolate” is supplemented by (i) “vermicelli” or “flakes”	(b) (b) (i) The product presented in the form of granules or flakes

- containing not less than 32 per cent total dry cocoa solids, including not less than 12 per cent cocoa butter and not less than 14 per cent of dry non-fat cocoa solids.
- (ii) “couverture”
- (ii) The product containing not less than 35 per cent total dry cocoa solids, including not less than 31 per cent cocoa butter and not less than 2.5 per cent of dry non-fat cocoa solids.
- (iii) “Gianduja” or one of the derivatives of “Gianduja”
- (iii) The nut chocolate product obtained (1) from chocolate having a minimum total dry cocoa solids content of 32 per cent including a minimum dry non-fat cocoa solids content of 8 per cent, and (2) from finely ground hazelnuts in such quantities that 100 grams of the product contain not less than 20 grams and not more than 40 grams of hazelnuts; and to which may have been added —
- milk or dry milk solids obtained by evaporation or both, in such proportion that the finished product does not contain more than 5 per cent dry milk solids;
 - almonds, hazelnuts and other nut varieties, either whole or broken, in such quantities that, together with the ground hazelnuts, they do not exceed 60 per cent of the total weight of the product.
- 4.
- (a) Milk chocolate
- (a) (a) The product obtained from cocoa products, sugars and milk or milk products which, subject item 4(b), contains —
- not less than 25 per cent total dry cocoa solids;
 - not less than 14 per cent dry milk solids obtained by partly or wholly dehydrating whole milk, semi-skimmed or skimmed milk, cream, or from partly or wholly dehydrated cream, butter or milk fat;
 - not less than 2.5 per cent dry non-fat cocoa solids;
 - not less than 3.5 per cent milk fat;

Changes to legislation: There are currently no known outstanding effects for the *The Cocoa and Chocolate Products (Wales) Regulations 2003*. (See end of Document for details)

- not less than 25 per cent total fat (cocoa butter and milk fat).
- (b) (b) If “Milk chocolate” is supplemented by —
- (i) “vermicelli” or “flakes”
- (ii) “couverture”
- (iii) “Gianduja” or one of the derivatives of “Gianduja”
- (c) (c) If “Milk” is replaced by —
- (i) “cream”
- (ii) “skimmed milk”
5. Family milk chocolate or Milk chocolate
- (i) The product presented in the form of granules or flakes containing not less than 20 per cent total dry cocoa solids, not less than 12 per cent dry milk solids obtained by partly or wholly dehydrating whole milk, semi-skimmed or skimmed milk, cream or from partly or wholly dehydrated cream, butter or milk fat and not less than 12 per cent total fat (cocoa butter and milk fat).
- (ii) The product containing a minimum total fat (cocoa butter and milk fat) content of 31 per cent.
- (iii) The nut milk chocolate product obtained (1) from milk chocolate having a minimum content of 10 per cent dry milk solids, obtained by partly or wholly dehydrating whole milk, semi-skimmed or skimmed milk, cream, or from partly or wholly dehydrated cream, butter or milk fat and (2) from finely ground hazelnuts in such quantities that 100 grams of the produce contain not less than 15 grams and not more than 40 grams of hazelnuts; and to which may have been added almonds, hazelnuts and other nut varieties, either whole or broken, in such quantities that, together with the ground hazelnuts, they do not exceed 60 per cent of the total weight of the product.
- (c) (c)
- (i) The product containing a minimum milk fat content of 5.5 per cent.
- (ii) The product containing a milk fat content not greater than 1 per cent.
- The product obtained from cocoa products, sugars and milk or milk products which contains —
- not less than 20 per cent total dry cocoa solids;

- not less than 20 per cent dry milk solids obtained by partly or wholly dehydrating whole milk, semi-skimmed or skimmed milk, cream, or from partly or wholly dehydrated cream, butter or milk fat;
- not less than 2.5 per cent dry non-fat cocoa solids;
- not less than 5 per cent milk fat;
- not less than 25 per cent total fat (cocoa butter and milk fat).

6. White chocolate

The product obtained from cocoa butter, milk or milk products and sugars which contains not less than 20 per cent cocoa butter and not less than 14 per cent dry milk solids obtained by partly or wholly dehydrating whole milk, semi- skimmed or skimmed milk, cream, or from partly or wholly dehydrated cream, butter or milk fat, of which not less than 3.5 per cent is milk fat.

7. Filled chocolate or Chocolate with filling or Chocolate with centre

The filled product, the outer part of which consists of a product specified in column 2 of item 3, 4, 5 or 6 of this Schedule and constitutes not less than 25 per cent of the total weight of the product, but does not include any filled product, the inside of which consists of bakery products, pastry, biscuit or edible ice.

8. Chocolate a la taza

The product obtained from cocoa products, sugars, and flour or starch from wheat, rice or maize, which contains not less than 35 per cent total dry cocoa solids, including not less than 18 per cent cocoa butter and not less than 14 per cent dry non-fat cocoa solids, and not more than 8 per cent flour or starch.

9. Chocolate familiar a la taza

The product obtained from cocoa products, sugars, and flour or starch from wheat, rice or maize, which contains not less than 30 per cent total dry cocoa solids, including not less than 18 per cent cocoa butter and not less than 12 per cent dry non-fat cocoa solids, and not more than 18 per cent flour or starch.

10. A chocolate or A praline

The product in single mouthful size, consisting of:—

- (a) the product specified in column 2 of item 7 of this Schedule; or
- (b) a single chocolate or a combination or a mixture of chocolate within the meaning of any of the definitions specified in column 2 of items 3, 4, 5 and 6 of this Schedule and any other edible substance,

provided that the chocolate constitutes not less than 25 per cent of the total weight of the product.

Notes

1.—(1) Subject to regulation 3 and paragraph (2) of this Note, other edible substances may also be added to the designated chocolate products specified in column 2 of items 3, 4, 5, 6, 8 and 9 of this Schedule:

Provided that this paragraph does not authorise the addition —

- (a) of animal fats and their preparations not deriving solely from milk; or
- (b) of flours, granular and powdered starch other than in accordance with the definitions specified in column 2 of items 8 and 9 of this Schedule; or
- (c) of other edible substances in a quantity exceeding 40 per cent of the total weight of the finished product.

(2) Only those flavourings which do not mimic the taste of chocolate or of milk fat may be added to the designated products specified in column 2 of items 2, 3, 4, 5, 6, 8 and 9 of this Schedule.

2.—(1) The minimum contents of the designated chocolate products specified in column 2 of items 3, 4, 5, 6, 8 and 9 of this Schedule shall be calculated after deduction of the weight of other edible substances provided for in Note 1 to this Schedule.

(2) In the case of the designated chocolate products specified in column 2 of items 7 and 10 of this Schedule, the minimum contents shall be calculated after deducting the weight of other edible substances provided for in Note 1 to this Schedule, as well as the weight of the filling.

(3) The chocolate contents of the designated chocolate products specified in column 2 of items 7 and 10 of this Schedule shall be calculated in relation to the total weight of the finished product, including its filling.

3. In this Schedule, “sugars” includes sugars covered by Council Directive [2001/111/EC](#)^{F32} and other sugars.

F32 OJ No. L10, 12.1.2002, p.53.

SCHEDULE 2

Regulations 2 and 3

AUTHORISED VEGETABLE FATS

1. Subject to the following paragraphs of this Schedule, the vegetable fats referred to in regulation 3 are, singly or in blends, cocoa butter equivalents and shall comply with the following criteria:—

- (a) they are non-lauric vegetable fats, which are rich in symmetrical monounsaturated triglycerides of the type POP, POST and StOST;
- (b) they are miscible in any proportion with cocoa butter, and are compatible with its physical properties (melting point and crystallisation temperatures, melting rate, need for tempering phase);
- (c) they are obtained only by the processes of refining or fractionation or both, which exclude enzymatic modification of the triglyceride structure.

2. In conformity with the criteria specified in paragraph 1 above, the following vegetable fats, obtained from the plants listed in the Table below, may be used:—

Usual name of vegetable fat	Scientific name of the plants from which the fats listed can be obtained
1. Illipe, Borneo tallow or Tengawang	Shorea spp.
2. Palm-oil	Elaeis guineensis Elaeis olifera
3. Sal	Shorea robusta
4. Shea	Burtyrospermum parkii
5. Kokum gurgi	Garcinia indica
6. Mango kernel	Mangifera indica

3. Coconut oil may be used in chocolate for the manufacture of ice cream and similar frozen products.

4. In this Schedule —

“P” means palmitic acid;

“O” means oleic acid;

“St” means stearic acid.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations, which apply to Wales, implement Directive [2000/36/EC](#) of the European Parliament and the Council relating to cocoa and chocolate products intended for human consumption (OJ No. L197, 3.8.2000, p.19). They revoke and replace the Cocoa and Chocolate Products Regulations 1976, as amended, in relation to Wales.

The Regulations —

- prescribe definitions and reserved descriptions for designated cocoa and chocolate products (regulation 2 and Schedule 1);
- specify the vegetable fats, other than cocoa butter, which may be added to designated chocolate products (regulation 3 and Schedule 2);
- 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);
- restrict the use of reserved descriptions to the designated cocoa and chocolate products to which they relate (regulation 5);
- 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);

Changes to legislation: There are currently no known outstanding effects for the *The Cocoa and Chocolate Products (Wales) Regulations 2003*. (See end of Document for details)

- (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 (OJ No. L186, 30.6.1989, p.23) 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 appraisal has been prepared pursuant to section 65 of the Government of Wales Act 1998 and placed in the Library of the National Assembly for Wales 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 Standards Agency, 11th Floor, Southgate House, Cardiff, CF10 1EW.

Changes to legislation:

There are currently no known outstanding effects for the The Cocoa and Chocolate Products (Wales) Regulations 2003.