

Iceland, Ireland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Netherlands, Norway, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden and the United Kingdom. In addition, the Swiss Confederation has provisions based upon European legislation, by virtue of its association agreement with the EU.

The first European Directive on Cocoa and Chocolate Products (73/241/EEC) was adopted in 1973, although partial agreement on the use of vegetable fats other than cocoa butter was not achieved until 1980. Beyond the fundamental issue of whether or not to permit vegetable fats, there had been no suitable method of analysis to determine the presence of “cocoa butter equivalents” (CBEs) – fats that had similar properties to cocoa butter, nor could agreement be found on the use of other types of vegetable fat. The use of vegetable fats was left to Member State discretion, and thus imports were subject to importing country legislation, hence a barrier to trade.

A comprehensive review of EU compositional standards in the 1990s would lead to a solution. At this point in history, seven countries permitted vegetable fats: Austria, Denmark, Finland, Ireland, Portugal, Sweden and the United Kingdom. Five countries did not permit vegetable fats: Belgium, France, Luxembourg, Netherlands and Spain. Three countries did not permit vegetable fats but desired to do so: Germany, Greece and Italy. The breakthrough was:

- The realisation of “non-permitting” countries that they were putting their own manufacturers at an economic disadvantage compared with “permitting” countries which had been freely exporting products to the rest of the EU;
- The limitation of CBE use to a maximum of 5%, to limit any impact on African, Caribbean and Pacific cocoa-producing countries;
- The introduction of a label statement “contains vegetable fats in addition to cocoa butter” to adequately inform consumers.

After 27 years, Directive 2000/36/EC on Cocoa and Chocolate Products was finally introduced in the year 2000, the key provisions of which are included in this chapter. Six years later, on the basis of a study by the European Commission, it appeared that the revised Directive had not made a large impact on the use of vegetable fats since manufacturers in traditional “non-permitting” countries would continue not to use them.

28.3.1 Names and definitions

28.3.1.1 Cocoa butter

The fat obtained from cocoa beans or parts of cocoa beans with the following characteristics:

- Free fatty acid content (expressed as oleic acid): not more than 1.75%;
- Unsaponifiable matter (determined using petroleum ether): not more than 0.5%, except in the case of press cocoa butter, where it shall not be more than 0.35%.

28.3.1.2 Cocoa powder, cocoa

The product obtained by converting into powder cocoa beans which have been cleaned, shelled and roasted, and which contains not less than 20% cocoa butter, calculated according to the weight of the dry matter and not more than 9% water.

28.3.1.3 Fat-reduced cocoa, fat-reduced cocoa powder

Cocoa powder containing less than 20% cocoa butter, calculated according to the weight of the dry matter.

28.3.1.4 Powdered chocolate, chocolate in powder

The product consisting of a mixture of cocoa powder and sugars, containing not less than 32% cocoa powder.

28.3.1.5 Drinking chocolate, sweetened cocoa, sweetened cocoa powder

The product consisting of a mixture of cocoa powder and sugars, containing not less than 25% cocoa powder; these names shall be accompanied by the term “fat-reduced” in the case where the product is fat-reduced as defined above.

28.3.1.6 Chocolate

The product obtained from cocoa products and sugars which contains not less than 35% total dry cocoa solids, including not less than 18% cocoa butter and not less than 14% of dry non-fat cocoa solids; however, where this name is supplemented by the words:

- “Vermicelli” or “flakes”: the product presented in the form of granules or flakes must contain not less than 32% total dry cocoa solids, including not less than 12% cocoa butter and not less than 14% of dry non-fat cocoa solids;
- “Couverture”: the product must contain not less than 35% total dry cocoa solids, including not less than 31% cocoa butter and not less than 2.5% of dry non-fat cocoa solids, and where this is further supplemented by information or descriptions relating to quality criteria, not less than 16% dry non-fat cocoa solids;
- “Gianduja” (or one of the derivatives of the word “gianduja”) nut chocolate: the product must be obtained firstly from chocolate having a minimum total dry cocoa solids content of 32% including a minimum dry non-fat cocoa solids content of 8%, and secondly from finely ground hazelnuts in such quantities that 100g of the product contain not less than 20g and not more than 40g of hazelnuts. The following may be added:
 - milk and/or dry milk solids obtained by evaporation, in such proportion that the finished product does not contain more than 5% 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% of the total weight of the product.