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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

<sup>M1</sup>These Regulations, which extend to Scotland, implement Directive [2000/36/EC](#) of the European Parliament and the Council relating to cocoa and chocolate products intended for human consumption . They revoke and replace the Cocoa and Chocolate Products (Scotland) Regulations 1976, as amended.

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 particular 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, prescribe the manner of marking or labelling and apply specified provisions of the Food Labelling Regulations 1996 (regulations 6 and 7);
- (f) <sup>M2</sup>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 , a defence in relation to exports (regulations 8 and 9);
- (g) provide for a transitional period (regulation 10);
- (h) apply various provisions of the Food Safety Act 1990 (regulation 11); and
- (i) revoke the previous Regulations and make consequential amendments (regulation 12).

A Regulatory Impact Assessment, which includes a compliance cost assessment of the effect that these Regulations would have on business costs, has been prepared and placed in the Scottish Parliament Information Centre. Copies may be obtained from the Food Standards Agency, 6th Floor, St Magnus House, 25 Guild Street, Aberdeen, AB11 6NJ.

**Changes to legislation:**

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