

Procedure file

| Basic information | |
|--|---------------------------------------|
| COD - Ordinary legislative procedure (ex-codecision procedure) Directive | 1996/0112(COD) Procedure completed |
| Cocoa and chocolate products intended for human consumption Amended by 2012/0075(COD) | |
| Subject 3.10.06.10 Tropical plants 3.10.10 Foodstuffs, foodstuffs legislation | |

| Key players | | | |
|---|--|---|------------|
| European Parliament | Committee responsible | Rapporteur | Appointed |
| | ENVI Environment, Public Health, Consumer Policy | V LANNOYE Paul A.A.J.G. | 27/06/1996 |
| | Former committee responsible | | |
| | ENVI Environment, Public Health and Consumer Protection | V LANNOYE Paul A.A.J.G. | 27/06/1996 |
| | Former committee for opinion | | |
| | AGRI Agriculture and Rural Development | PSE HAPPART José H.G. | 17/06/1996 |
| | JURI Legal Affairs, Citizens' Rights | GUE/NGL SIERRA GONZÁLEZ Angela del Carmen | 04/06/1996 |
| DEVE Development and Cooperation | PPE MAIJ-WEGGEN Hanja | 30/05/1996 | |
| Council of the European Union | Council configuration | Meeting | Date |
| | Competitiveness (Internal Market, Industry, Research and Space) 2265 | | 25/05/2000 |
| | Competitiveness (Internal Market, Industry, Research and Space) 2210 | | 28/10/1999 |
| | Competitiveness (Internal Market, Industry, Research and Space) 2193 | | 21/06/1999 |
| | Competitiveness (Internal Market, Industry, Research and Space) 2130 | | 09/11/1998 |
| | Competitiveness (Internal Market, Industry, Research and Space) 2094 | | 18/05/1998 |
| | Competitiveness (Internal Market, Industry, Research and Space) 2051 | | 27/11/1997 |

| Key events | | | |
|------------|--|---|---------|
| 17/04/1996 | Legislative proposal published | COM(1995)0722 | Summary |
| 21/06/1996 | Committee referral announced in Parliament, 1st reading | | |
| 08/10/1997 | Vote in committee, 1st reading | | Summary |
| 08/10/1997 | Committee report tabled for plenary, 1st reading | A4-0310/1997 | |
| 23/10/1997 | Decision by Parliament, 1st reading | T4-0505/1997 | Summary |
| 27/11/1997 | Debate in Council | 2051 | |
| 03/03/1998 | Modified legislative proposal published | COM(1997)0682 | Summary |
| 18/05/1998 | Debate in Council | 2094 | |
| 09/11/1998 | Debate in Council | 2130 | |
| 21/06/1999 | Debate in Council | 2193 | |
| 28/10/1999 | Council position published | 09947/1/1999 | Summary |
| 19/11/1999 | Committee referral announced in Parliament, 2nd reading | | |
| 23/02/2000 | Vote in committee, 2nd reading | | Summary |
| 23/02/2000 | Committee recommendation tabled for plenary, 2nd reading | A5-0047/2000 | |
| 14/03/2000 | Debate in Parliament |  | |
| 15/03/2000 | Decision by Parliament, 2nd reading | T5-0098/2000 | Summary |
| 25/05/2000 | Act approved by Council, 2nd reading | | |
| 23/06/2000 | Final act signed | | |
| 23/06/2000 | End of procedure in Parliament | | |
| 03/08/2000 | Final act published in Official Journal | | |

| Technical information | |
|----------------------------|--|
| Procedure reference | 1996/0112(COD) |
| Procedure type | COD - Ordinary legislative procedure (ex-codecision procedure) |
| Procedure subtype | Legislation |
| Legislative instrument | Directive |
| | Amended by 2012/0075(COD) |
| Legal basis | EC Treaty (after Amsterdam) EC 095 |
| Stage reached in procedure | Procedure completed |
| Committee dossier | ENVI/5/12198 |

| Documentation gateway | | | |
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|---|--|---|------------|-----|---------|
| Legislative proposal | | COM(1995)0722 | 17/04/1996 | EC | Summary |
| Economic and Social Committee: opinion, report | | CES1259/1996 OJ C 056 24.02.1997, p. 0020 | 31/10/1996 | ESC | Summary |
| Committee report tabled for plenary, 1st reading/single reading | | A4-0310/1997 OJ C 339 10.11.1997, p. 0007 | 08/10/1997 | EP | |
| Text adopted by Parliament, 1st reading/single reading | | T4-0505/1997 OJ C 339 10.11.1997, p. 0089-0128 | 23/10/1997 | EP | Summary |
| Modified legislative proposal | | COM(1997)0682 OJ C 118 17.04.1998, p. 0010 | 03/03/1998 | EC | Summary |
| Council position | | 09947/1/1999 OJ C 010 13.01.2000, p. 0001 | 28/10/1999 | CSL | Summary |
| Commission communication on Council's position | | SEC(1999)1912 | 18/11/1999 | EC | Summary |
| Committee recommendation tabled for plenary, 2nd reading | | A5-0047/2000 OJ C 346 04.12.2000, p. 0005 | 23/02/2000 | EP | |
| Text adopted by Parliament, 2nd reading | | T5-0098/2000 OJ C 377 29.12.2000, p. 0045-0145 | 15/03/2000 | EP | Summary |
| Commission opinion on Parliament's position at 2nd reading | | COM(2000)0286 | 15/05/2000 | EC | Summary |
| Follow-up document | | COM(2019)0435 | 27/09/2019 | EC | Summary |

Additional information

European Commission

[EUR-Lex](#)

Final act

[Directive 2000/36](#)
[OJ L 197 03.08.2000, p. 0019](#) Summary

Final legislative act with provisions for delegated acts

Cocoa and chocolate products intended for human consumption

OBJECTIVE: pursuant to the undertakings given by the Community, simplify certain vertical directives on food in order to take account only of the essential requirements which the products covered by those directives must meet so that they can move freely within the internal market.

SUBSTANCE: the proposal for a European Parliament and Council directive simplifies the list of 28 cocoa and chocolate products defined in Directive 73/241/EEC. The operative part includes provisions on the scope of the directive, labelling and the committee procedure. The annex contains the definitions and designations of the products and details of their composition. The proposal contains the following provisions: - the definitions of the raw materials and intermediate products have been deleted, since they primarily concern relations between manufacturers and are not essential requirements. - particular consideration was given to the issue of the use of vegetable fats other than cocoa butter in chocolate production. In keeping with the subsidiarity principle, the Member States may decide whether or not to use vegetable fats other than cocoa butter in their national production, provided the following conditions are observed: . the added fats must be limited to 5% by weight of the end-product; . the other cocoa butter and dry cocoa contents specified in the directive may not be reduced. - in order to preserve the unity of the internal market, all chocolate products falling within the scope of the directive must be allowed to move freely throughout the EC under the trade names provided for in the annex to the directive; - in the interests of providing clear information to consumers and avoiding possible confusion regarding product composition, the directive stipulates the listing of the ingredients used in the manufacture of the product; - consumer information is strengthened in respect of chocolate products containing vegetable fats other than cocoa butter: the labelling must give a clear, neutral and objective indication of the presence of such substances. Producers and distributors of chocolate not containing vegetable fats may include a reference on the labelling to the fact that vegetable fats have not been used in the manufacture of their products as long as this does not mislead the purchaser; - as regards compliance with the composition criteria laid down by the directive, the Commission will ensure correct implementation of the Community directives on the official control of foodstuffs. Furthermore, it will implement a programme to develop methods of analysis allowing verification of compliance with the composition criteria. ?

Cocoa and chocolate products intended for human consumption

Adopting the report by Mr Paul LANNOYE (Green Group, B) the European Parliament confirmed the position adopted by the Committee on the Environment, Public Health and Consumer Protection and amended the proposal for a directive by the Commission. The amendments relate mainly to labelling. Parliament wants chocolate products containing vegetable fats other than cocoa butter to be marketable in all Member States provided that the following prominent and clearly legible statement: 'contains vegetable fats other than cocoa butter' is included above, and separately from, the list of ingredients, on the top of the package. Other amendments stipulate that: - for chocolate products containing vegetable fats other than cocoa butter the quantities thereof must be indicated on the list of ingredients; - vegetable fats (such as shea butter produced in countries such as Mali or Burkina Faso) other than cocoa butter must be limited to tropical fats not obtained using enzymatic processes. Parliament is also opposed to the entry into force of the directive before a method has been established for detecting quantities of vegetable fats other than cocoa butter in chocolate products. It calls on the Commission before 1 January 2002 to carry out a study into the impact of this directive on the export of cocoa by the developing countries and to inform Parliament. Finally, Parliament has amended the proposed definition of 'gianduaia' (an Italian mixture of chocolate and hazel nuts) and removed the derogation enabling the United Kingdom and Ireland to authorize the use in their territory of the name 'milk chocolate' to designate chocolate with a high milk content. ?

Cocoa and chocolate products intended for human consumption

The amended proposal of the Commission incorporated in whole or in part three amendments adopted by the European Parliament concerning: - the reference to Community rules on additives used in foodstuffs; - the clearer definition of 'gianduaia' and of 'gianduaia' milk chocolate; - indication on the labelling of the use of vegetable fats other than cocoa butter, in addition to the list of ingredients and on the same side of the packaging as the sales name. However, the position on the labelling must be left freely to the discretion of the manufacturer. The Commission rejected the amendments concerning: - taking into account the Community's international obligations, in particular under the International Cocoa Agreement; - deletion of the wording concerning adaptation of the Directive on chocolate to technological progress and changes in consumer tastes; - the development of reliable methods of analysis before the proposal for a Directive enters into force; - taking into account the interests of ACP countries and the conclusion of long-term contracts with them; - the restriction of vegetable fats other than cocoa butter to tropical fats not obtained using enzymatic production processes; - deletion of the derogation concerning the designation 'milk chocolate' in the United Kingdom and Ireland; - the delegation of powers to the Commission to define methods of analysis for precise detection of vegetable fats; - assessment of the Directive's impact on exports from ACP countries; - indication of the quantity of vegetable fats other than cocoa butter in the list of ingredients; - the ban on indications or wording on the labelling relating to quality criteria for chocolate products derived exclusively from cocoa; - the reference to chocolate as a natural product and the use of natural manufacturing processes. ?

Cocoa and chocolate products intended for human consumption

The Council believes that to a large extent the common position meets the substance of the wishes expressed by the European Parliament, especially as regards the restriction on vegetable fats other than cocoa butter and the question of double labelling. With regard to vegetable fats other than cocoa butter, it believes that it has gone even further than the European Parliament by defining these fats as equivalents to cocoa butter and drawing up a list containing six specific fats of tropical origin (new Annex II), which are defined according to scientific and technical criteria. Furthermore, any enzyme treatment is prohibited. A seventh fat - coconut oil - is allowed only for the manufacture of ice-creams and similar frozen products. The Council has followed the Commission in accepting the principle of double labelling vegetable fats other than cocoa butter; it has laid down a specific statement which must appear on the wrapper, in addition to the list of ingredients. With regard to the positioning of this statement on the wrapping, it has provided that three elements, namely the statement that vegetable fats are included, the name under which the product is sold, and the list of ingredients, must feature in the same field of vision, but each clearly distinct from the other. The Council has introduced a new paragraph, as it judged it appropriate to make provision for the application of the co-decision procedure for any future amendments to the list of vegetable fats set out in Annex II. By the introduction of this new paragraph, the Council has fixed a deadline (66 months after the Directive comes into force) before which the Commission submits a proposal to amend the list of vegetable fats. This proposal will eventually take account of the results of a study to be carried out by the Commission on the Directive's impact on the economies of countries producing cocoa and other vegetable fats. Finally, with regard to comitology, the Council replaced the consultation procedure proposed by the Commission by the regulatory procedure. ?

Cocoa and chocolate products intended for human consumption

The Commission considers that, to a large extent, the common position adopted by the Council meets the substance of the wishes expressed by the European Parliament, particularly on the restriction of the use of vegetable fats other than cocoa butter and information for consumers. As regards fats, the Commission considers that the common position is a balanced compromise between the interests at stake and goes further than requested by the European Parliament by defining these fats and establishing a list of six specific fats of tropical origin. In addition, the common position ensures full labelling to keep consumers well informed and will ensure proper functioning of the internal market in cocoa and chocolate products. By way of conclusion, the Commission supports the common position adopted by the Council which, to a very large extent, is in spirit of the amendments proposed by the European Parliament in its first reading. ?

Cocoa and chocolate products intended for human consumption

The committee adopted the recommendation for second reading (codecision procedure) by Paul LANNOYE (Greens/EFA, B) approving the Council's common position with only two amendments. The committee called for a ban on the use of genetic engineering in cocoa and chocolate products in view of consumers' distrust of such methods. It also asked the Commission to consider how the interests of the producing countries could best be defended, for example by promoting "fair trade", given that cocoa, cocoa butter and vegetable fats used in the manufacture of chocolate were mainly produced in third world countries. ?

Cocoa and chocolate products intended for human consumption

The European Parliament has adopted, under the codecision procedure, the report drafted by Mr. Paul LANNOYE (GUE/EFA, Belg) for a resolution on the common position adopted by the Council with a view to adopting a European Parliament and Council Directive relating to cocoa and chocolate products intended for human consumption. One new Article was included in the report which stated that "cocoa, cocoa butter and a series of other vegetable fats used in the manufacture of chocolate are mainly produced in the developing countries; it is in the interests of people living in developing countries that agreements of as long a duration as possible should be concluded; the Commission should, therefore, consider how the Community can support this in the case of the cocoa butter and other vegetable fats (for example by promoting 'fair trade')".?

Cocoa and chocolate products intended for human consumption

The proposal seeks to simplify and replace Directive 73/241/EEC and to adapt its provisions to the Community regulations applicable to foodstuffs. It also seeks to ensure the free circulation of products by laying down rules on the addition of any vegetable fats other than cocoa butter; the Directive already in force (73/241/EEC) provides that the Member States can authorise or prohibit the addition of vegetable fats other than cocoa butter. Currently, the use of vegetable fats is authorised in 7 Member States only. The Parliament's amendment seeks to insert a recital of the common position, making provision in particular for the Commission to consider what support the Community can provide in this connection to developing countries producing cocoa and other vegetable fats. The amendment is in line with the Commission's policy and can accordingly be accepted.?

Cocoa and chocolate products intended for human consumption

PURPOSE: to establish common rules relating to cocoa and chocolate products intended for human consumption. **COMMUNITY MEASURE:** Directive 2000/36/EC of the European Parliament and the Council relating to cocoa and chocolate products intended for human consumption. **CONTENT:** Council Directive 73/241/EEC laid down definitions and common rules in respect of the composition, manufacturing specifications, packaging and labelling of cocoa and chocolate products so as to ensure their free movement within the Community. However, in light of developments in recent decades, the addition of certain vegetable fats other than cocoa butter to chocolate products, up to a maximum of 5%, should be permitted in all Member States. Those vegetable fats should be cocoa butter equivalents and therefore be defined according to technical and scientific criteria. Other main provisions of the Directive include the following: - in order to guarantee the single nature of the internal market, all chocolate products covered by this Directive must be able to move within the Community under the sales names set out in this Directive; - in the case of chocolate products in which vegetable fats other than cocoa butter have been added, consumers should be guaranteed correct, neutral and objective information in addition to the list of ingredients; - the derogation provided for in Directive 73/241/EEC allowing the United Kingdom and Ireland to authorise the use on their territory of the name 'milk chocolate' to designate 'milk chocolate with high milk content' should be maintained. However, the English name 'milk chocolate with high milk content' should be replaced with the name 'family milk chocolate'; - cocoa, cocoa butter and a series of other vegetable fats used in the manufacture of chocolate are mainly produced in developing countries. It is in the interests of people living in developing countries that agreements of as long a duration as possible should be concluded. The Commission should therefore consider how the Community can support this in the case of cocoa butter and other vegetable fats; - to avoid creating new barriers to free circulation, Member States should refrain from adopting, for the products in question, national provisions not provided for by this Directive. - Council Directive 73/241/EEC is repealed with effect from 03.08.2003. In conclusion, at the latest by 03.08.2003, the European Parliament and the Council shall re-examine, on a proposal from the Commission, with a view to possible extension, the procedure of adaptation to technical and scientific progress. **ENTRY INTO FORCE:** 03.08.2000. **TRANSPOSITION INTO NATIONAL LAW:** 03.08.2003.?

Cocoa and chocolate products intended for human consumption

The Commission presented its report on the exercise of the power to adopt delegated acts conferred on the Commission pursuant to the following Directives:

- Directive 2000/36/EC of the European Parliament and of the Council relating to cocoa and chocolate products intended for human consumption;
- Council Directive 2001/110/EC relating to honey;
- Council Directive 2001/111/EC relating to certain sugars intended for human consumption;
- Council Directive 2001/113/EC relating to fruit jams, jellies and marmalades and sweetened chestnut purée intended for human consumption.

For the above-mentioned, the Commission has not adopted any delegated acts it has not identified any need to. The Commission does not intend to use the empowerment in the near future, but it cannot be excluded that it will become necessary.

- Council Directive 2001/112/EC relating to fruit juices and certain similar products intended for human consumption: the Commission has adopted one delegated act in order to take into account technical progress: [Commission Delegated Regulation \(EU\) No 1040/2014](#). This delegated act modified provisions that regulate the authorised treatments and substances to authorise plant proteins derived from either wheat, peas or potatoes for clarification of juices. The Commission has exercised its delegated powers correctly. It cannot be excluded that the empowerments will be needed in future.

The Commission invites the European Parliament and the Council to take note of this report.