

- **EU Chocolate Directive and implementation in Belgium**

Statutory provisions are in place which solely relate to specific foodstuff categories, such as the European Chocolate Directive ([Directive 2000/36/EC](#)) which was transposed into Belgian law in the [Royal Decree on Chocolate of 19 March 2004](#) (

European [Directive 2000/36/EC](#) describes the names, the composition (incl. the minimum content of cocoa and cocoa butter) and the labelling (specification of the cocoa content) of chocolate products such as chocolate, milk chocolate, cocoa powder and pralines.

The European Caobisco association has summarised the directive in an interpretation document entitled “*Caobisco lines of interpretation of the chocolate directive*”, which Choprabisco is happy to make available to its members free of charge.

Under the Directive, Member States are free – depending on the customs or the provisions applicable in their own countries – to additionally use the sales names of the Chocolate Directive to designate other foods, such as ‘chocolate wafer’, ‘chocolate mousse’, etc. However, this part of the Directive has not been harmonised.

Belgium was one of the few Member States to seize on the opportunity to include a provision on this matter in its national legislation.

Under the [Royal Decree on Chocolate of 19 March 2004](#), in Belgium the word “chocolate” is allowed to be included as part of the sales name of another food only where said food partially consists of chocolate powder or chocolate (milk, couverture, white). In the case of fat-reduced cocoa powder (< 20% cocoa butter), the word “chocolate” cannot be used in the sales name. This restriction does not apply to the words “choco” or “chocolate taste/flavour”.

The Royal Decree was amended as recently as 2018 to bring it in line with the European FIC Regulation. In doing so, the sales name “chocolate substitute” can no longer be used for foodstuffs which, by their nature, composition or external features are similar to the chocolate products listed in applicable legislation but which fail to comply with the requirements made thereof. A possible alternative is “cocoa-based confectionery”.

Even though this European chocolate legislation has been in place for over two decades now, members continue to contact us on a regular basis to raise interpretation questions, whereby Choprabisco is happy to offer advice, where necessary after prior consultation with the competent authorities.