

derogations from EC standards for products needed by certain Member States will continue to operate. If derogations are no longer permitted, this would have an adverse impact on certain Canadian exports such as seed potatoes and soybean seeds.

2. Harmonization of Food Legislation

Scope

Efforts to harmonize EC food legislation in the past showed that Member States appear to be able to agree on the general principles (horizontal legislation), but find it difficult to agree on the detailed composition of individual foodstuffs. Therefore, the Commission introduced a new strategy designed to speed up the process, which was based on mutual acceptance of national standards within an overall framework of Community principles. This new approach finds support in the case law of the European Court of Justice (ECJ), in particular in the ruling in the Cassis de Dijon case in which the "principle of proportionality" was emphasized, i.e., legal measures must not go further than is genuinely necessary to achieve the desired objective (see page 3).

In practical terms, it means that, considering that national food legislation is similar in all Member States, future Community legislation on foodstuffs should be limited to provisions justified by the need to:

- protect public health
- provide consumers with information and protection in matters other than health
- ensure fair trading
- provide for the necessary public controls.

Accordingly, the Commission published in 1985 a plan of Community legislation to achieve a single market in foodstuffs. Community action would consist of "horizontal" directives, which would be implemented by the Commission through a simplified procedure as regards further technical details. This procedure involves granting the Commission decision-making power, after consulting the "Standing Committee on Foodstuffs". This Committee is composed of representatives of the Member States and makes decisions by qualified majority voting instead of unanimity.