Consumer, health and environment protection: recourse to the precautionary principle

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PURPOSE : to present a communication on the precautionary principle. CONTENT : the issue of when and how to use the precautionary principle, both within the European Union and internationally, is giving rise to much debate, and to mixed, and sometimes contradictory views. Thus, decision-makers are constantly faced with the dilemma of balancing the freedom and the rights of individual, industry and organisations with the need to reduce the risk of adverse effects to the environment, human, animal or plant health. Therefore, finding the correct balance so that the proportionate, non-discriminatory, transparent and coherent actions can be taken, requires a structured decision-making process with detailed scientific and other objective information. This communication's fourfold aims are to: - outline the Commission's approach to using the precautionary principle; - establish Commission guidelines for applying it; - build a common understanding of how to assess, appraise, manage and communicate risks that science is not yet able to evaluate fully, and; - avoid unwarranted recourse to the precautionary principle, as a disguised form of protectionism. It also seeks to provide an input to the onging debate on this issue, both within the Community and internationally. The precautionary principle is not defined in the Treaty, which prescribes it only once - to protect the environment. But, in practice, its scope is much wider, and specifically where preliminary objective scientific evaluation indicates that there are reasonable grounds for concern that the potentially dangerous effects on the environment, human, animal or plant health may be inconsistent with the high level of protection chosen for the Community. The Commission considers that the Community, like other WTO members, has the right to establish the level of protection - particularly with respect to the environment, human, animal and plant health, - that it deems appropriate. Applying the precautionary principle is a key tenet of its policy, and the choices it makes to this end will continue to affect the views it defends internationally, on how this principle should be applied. Furthermore, the precautionary principle should be considered within a structured approach to the analysis of risk which comprises three elements: risk assessment, risk management, risk communication. The precautionary principle is particularly relevant to the management of risk. The precautionary principle, which is essentially used by decision-makers in the management of risk, should not be confused with the element of caution that scientists apply in their assessment of scientific data. Recourse to the precautionary principle presupposes that potentially dangerous effects deriving from a phenomenon, product or process have been identified, and that scientific evaluation does nt allow the risk to be determined with sufficient certainty. The implementation of an approach based on the precautionary principle should start with a scientific evaluation, ascomplete as possible, and, where possible, identifying at each stage the degree of scientific uncertainty. Decision-makers need to be aware of the degree of uncertainty attached to the results of the evaluation of the available scientific information. Judging what is an 'acceptable' level of risk for society is an eminently political responsibility. Decision-makers faced with an unacceptable risk, scientific uncertainty and public concerns have a duty to find answers. All these factors, therefore, have to be taken into consideration. the decision-making procedure should be transparent and should involve as early as possible and to the extent reasonably possible all interested parties. Where action is deemed necessary, measures based on the precautionary principle should be, inter alia: - proportional to the chosen level of protection, - non-discriminatory in their application, - consistent with similar measures already taken, - based on an examination of the poential benefits and costs of action (including, where appropriate and feasible, an economic cos/benefit analysis), - subject to review, in the light of new scientific data, - capable of assigning responsibility for producing the scientific evidence necessary for a more comprehensive risk assessment. All of these attributes are defined and discussed in greater detail in the Communication. In conclusion, the Commission wishes to stress that this Communication is not meant to be the last word; rather, that it should be seen as the point of departure for a broader study of the conditions in which risks should be assessed, appraised, managed and communicated.