

Commission Communication on the Precautionary Principle

UNICE STATEMENT

UNICE has taken note of the Commission Communication on the precautionary principle with great interest. It welcomes the Commission's efforts to provide guidance for application of the principle, which may contribute to consistent and harmonised application of the precautionary approach across the European Union, preserving the integrity of the internal market, and allowing the Union to address the issue constructively at an international level. In view of the Commission Communication, UNICE wishes to make the following observations:

- ?? UNICE supports the use of a precautionary approach as a tool to manage serious risks in situations of scientific uncertainty. It also believes that a prudent approach will foster creation of safe and innovative products. UNICE wishes to stress that, since there is rarely a risk-free option, the precautionary approach should not aim at zero risk.
- ?? Arbitrary and incorrect application of the precautionary principle will hinder innovation, stifle economic growth and create unnecessary obstacles to the free movement of goods in the internal market and international trade. The principle should serve as a guiding tool for decision-makers only.
- ?? Application of the precautionary principle should be based on a structured approach to risk assessment and management. Application should start with a scientific evaluation which should be as complete as possible. Risk assessment must be functionally separate from risk management to guarantee the integrity of sound scientific assessment. Only reputable scientific information should be taken into account. Stakeholders should not be required to prove the impossible.
- ?? A transparent cost-benefit analysis must be carried out prior to measures based on the principle being adopted. The measures must be proportionate in law to the chosen level of protection.
- ?? It should be determined clearly when and under what conditions the precautionary principle may lead to adoption of restrictive measures. Recourse to the principle should remain the exception; the principle should be applied only when there is a sufficient likelihood that serious or irreversible damage might occur to the environment, human, animal or plant health which cannot reasonably be avoided or mitigated by applying less stringent measures. Broadening the application of the principle beyond this limit, and especially permitting divergent application criteria to be used by decision-makers at different levels, could cause serious barriers to trade and lead to conflicting product requirements for industry.
- ?? Measures based on the precautionary principle should be provisional and subject to further research and regular review.
- ?? To ensure transparency, the decision-making process should involve stakeholders. Additionally, UNICE would welcome involvement of the Community's Scientific Committees. Relevant findings should be open to discussion.
- ?? The motive and the scope of measures based on the precautionary principle should be reasoned. Legal, scientific and factual reasons for the decision should be provided.
- ?? Appropriate possibilities for legal redress should be available in order to test decisions that are not proportionate and/or based on inadequate analysis.

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