

TACD

TRANS ATLANTIC
CONSUMER DIALOGUE

DIALOGUE TRANSATLANTIQUE
DES CONSOMMATEURS

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PRECAUTIONARY PRINCIPLE

(SEE RESOLUTION FOOD-9-99)

Definition:

The Precautionary Principle should apply in cases when the scientific evidence is not conclusive enough to determine a level of protection but there is a necessity to take measures for the purposes of protecting public health, safety, or the environment.

Application:

Implementation of the principle, requires the adoption of a precautionary approach throughout the risk analysis process. This has to be based on:

- two-way risk communication throughout the process;
- openness and transparency.

Ultimately the decision about whether the costs of taking action are proportionate to the risks involved will lie with risk managers. The TACD considers that all stakeholders should be involved in this decision to study the various management options. Consumers must be considered as major stakeholders.

Although wherever possible decisions should be based on robust scientific evidence, in many cases, there will be scientific uncertainty highlighted during the risk assessment. Judgements will therefore have to be made about how and when to apply the precautionary principle. It is therefore essential that consumers are involved when these judgements are made. For the process to be truly participatory, decision-making has to be open and transparent.

The TACD therefore calls on the governments of the US and the EU to incorporate the precautionary principle in regulatory decisions involved in consumer health and safety and the environment and to continue to develop international work on risk analysis that ensures that the process is open and transparent and that consumers can be effectively involved throughout the process beginning with the initial development of a risk assessment policy by risk managers.

Codex Alimentarius Commission:

In this context, the TACD calls on the Codex Alimentarius Commission to set a clear policy that recognises the importance of the precautionary principle.

Codex must also acknowledge the limitations of over-reliance on a purely scientific approach. The inevitable judgements that will be made when there is uncertainty must be openly acknowledged and Codex must develop criteria for the application of "Other Legitimate Factors" to be taken into account by risk managers (ie. the Codex committees). These include social and ethical factors, animal welfare and environmental protection.

Agreement on Sanitary and Phytosanitary Measures (SPS):

More specifically, in relation to the application of the precautionary principle within the framework of the World Trade Organization Agreement on Sanitary and Phytosanitary Standards (SPS Agreement), the TACD is concerned that it may not always be possible to resolve the scientific uncertainties within a specified period of time. The TACD therefore urges deletion of the word "provisional" in the first sentence of Article 5.7 of the SPS Agreement and calls upon the US and EU to seek to strengthen this article.

In addition, we urge reconsideration of the current rules relating to the burden of proof to demonstrate that a product is safe.