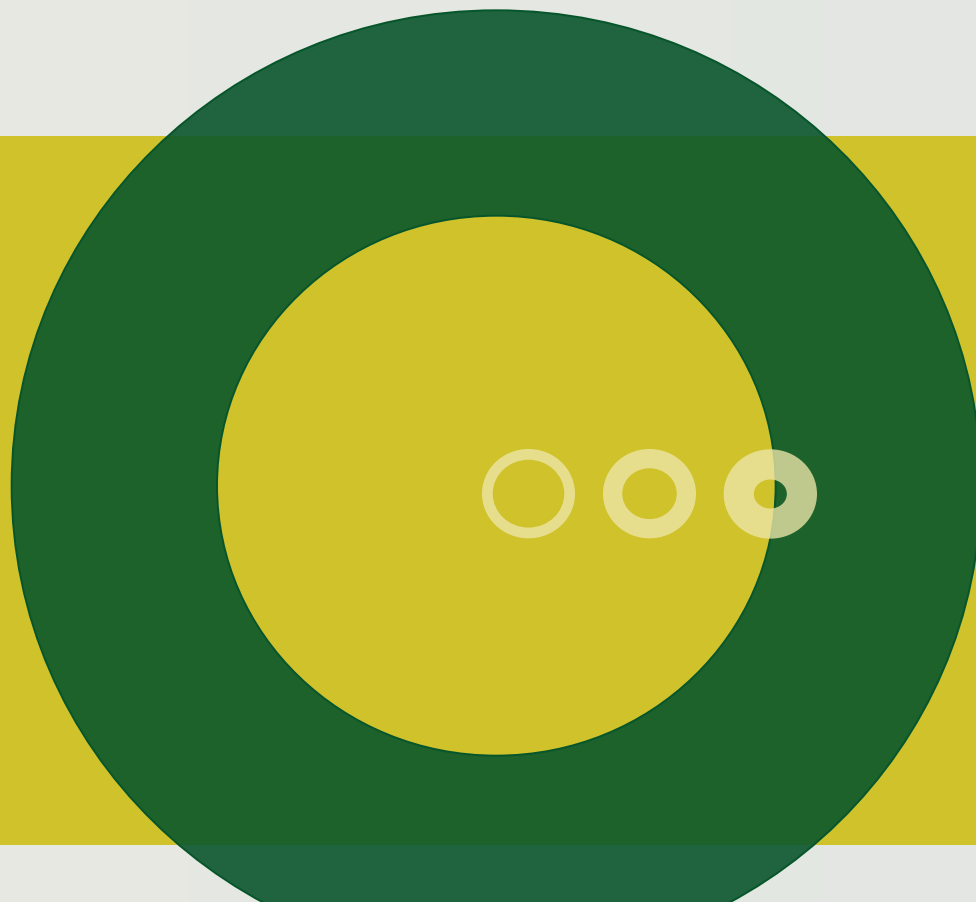




The Precautionary Principle (PP)

Dealing with uncertainty

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PP: Origin and legal status

- RIO-Declaration
- Convention of biological bio-diversity
- EC Treaty
 - EU Institutions are legally bound by the principle
 - What about the Member States?
 - When they formulate rules?
 - When authorities make decisions?

PP: Origin and legal status

- If the principle is mentioned in the secondary legislation, there is no doubt that it should be applied by the Member States
- It is mentioned in the Water Framework Directive
 - ... prudent and rational utilisation of natural resources, and to be based on the precautionary principle...
 - In identifying priority hazardous substances, account should be taken of the precautionary principle, relying in particular on the determination of any potentially adverse effects of the product and on a scientific assessment of the risk

PP: Conditions

There should be an uncertainty about a risk

○ Uncertainty may occur in 3 forms:

1) Uncertainty due to lack of data

2) Ignorance - because nature is diverse and complex

3) incomprehensible - which is not a question of data gaps, or models which are not good enough, but that we simply do not have data, parameters or models

PP: Purpose

- Ensures the conditions in doubt are scientifically informed, in order to make political well-founded decisions
- Ensures objectivity in decision-making and prevents arbitrary rulings
- Clarifying the limits of what science can / should say, and where the values of agricultural, environmental or other social aspects is affecting the risk assessment

PP: Purpose

- A tool that helps systematize and connect:
 - 1) The conditions facts: Uncertainty about a risk
 - 2) The legal consequences: Permission may not be given – unless risks are minimized
 - 3) The requirements: A *risk assessment* and a *risk management* with its sub-elements

PP: Content

- Risk assessment
- Risk management
- Risk communication
- Revising requirements

- Risk assessment

- An identification of potentially negative effects should take place
 - Important that not only the prevailing debate and research is taking into account
 - The decisions-makers should build their identification on a pluralistic, open and transparent approach
- The acceptable level of risk should be defined
 - The decisions-makers must determine what they deem unacceptable to society
- Evaluation of existing scientific data
- Evaluation of the extent of scientific uncertainty
 - Do we need some more data? Should further scientific studies be undertaken before the information available are qualified enough to decide upon?

- Risk management

- The statutory powers to intervene must be there
- The decision must not contravene with
 - *the principle of proportionality,*
 - *the principle of equal treatment*
 - *the principle of legitimate expectations*
- And the obligation to give reasons should not be disregarded

Follow up

- Risk communication
- Revising requirements

Done! Dealt with the uncertainty

- Going through the sub-elements of the precautionary principle
 - the decisions-makers make a legally correct decision
 - dealing with and balancing the uncertainty