

Science and precaution: an evaluation of the Commission's Communication on the precautionary principleⁱ

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The Commission's Communication on the precautionary principle, published in February 2000, marked a significant step forward in the recognition that decisions aimed at upholding a high level of protection for the environment and human health commonly need to be made in the face of substantial scientific uncertainties and unknowns. Importantly, it reaffirmed precaution as a science-based principle, not a subjective instrument to be applied arbitrarily as a barrier to progress or as 'disguised protectionism'. There is a danger, however, that the fear of avoiding unwarranted recourse to precaution will remain paramount, greatly limiting its application in practice and thereby threatening the very goals it is intended to protect. For example, in establishing a highly restrictive and programmatic set of conditions under which precaution may be applied within the EU, the Communication may be inadvertently inhibiting precautionary action precisely where it is most needed, i.e. where both information and time are limited, consistency and proportionality are at their most difficult to evaluate and the consequences of underestimating the nature and scale of risks are most severe. More than simply a tool for risk management, precaution needs to be viewed as a way of thinking, planning and evaluating scientific information for the purpose of health and environmental protection. This paper will explore the positive and negative aspects of the Commission's Communication in more detail and offer some perspectives on the future role of precaution in Europe.

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