

The changing dynamics of precaution in the United States in Europe: A European view

Ragnar Löfstedt PhD

Professor and Director

King's Centre for Risk Management

King's College London

Presented at:

Risk Management in a Complex World: The Fourth Transatlantic
Dialogue on Precaution

Duke University, 21st September 2004

Where are we going with precaution? (politics)

New European Commission right of centre, eg:

DG Environment:

Stavros Dimas – Commissioner

61 year old lawyer

Centre right New Democracy Party

Virtually polar opposite to Margot Wallstrom

Some DG Environment members predict “five years of holiday”

Daniel Cohn-Bendit, joint leader of the Greens:

Commission is “far more unbalanced politically than any other”

Example of precautionary legislation-new directions?

REACH-is it dead?

Dimas:

We will “work very closely with Gunter Verheugen” to make sure the plan
“protects and contributes to sustainable economic development”

Lauren Jan Brinkhorst wants to use the Competitiveness Council to improve
REACH

New head of the Env Committee in Parliament is Karl Heinz Florenz
German MEP and an EPP

Yet, industry cannot get their numbers right.

Their RIAs are seen as lobby documents and generally poor

Testing Commission’s patience

Is the Lisbon agenda compatible with sustainable development?

SD was long seen as one of three pillars of the Lisbon agenda

Operationalising of the Porter hypothesis

Greens pushing this issue this fall in parliament

But

UNICE and European Round table

Accuses EU for undermining industry competitiveness by over regulating

Sustainable Development is seen as a partial cause for over-regulating

And...

Commission to put forward a proposal on greening

Lisbon process by mid 2005

So are the rational economists winning the regulatory debate in the Commission?

Italian, Irish and Dutch presidencies of Council pushing it

More and more RIAs being done (not just CBA but also social and environmental values)

	<u>Preliminary I.A.</u>	<u>Extended I.A.</u>
2003	200+	43
2004	(Expected) 75+	(expected) 46

More and more reviews of these RIAs

Generally seen to be of mixed quality

Concern in the Commission that too much attention on RIAs will undermine Better Regulation

Move back to precaution?

Where will the precautionary principle still be used?

Is seen as a useful “political” tool.

AFFSA (French Food Agency example)

Trade barriers (ground nuts)

Left of centre politicians do not want to drop it.

Knee jerk reactions by distrusted politicians

Ban on multi-use surgical instruments for tonsil removals

National levels (country's pet risks)

Sweden: chemicals

Ban flame retardants

Denmark and Austria: Nuclear power

Declare nuclear free zones

UK and Italy: mobile telephone base stations

Difficulty to get mobile base stations sited

International

In EC law but will be used less and less

WHO is in the process of doing a major study
on it

Potential workshop on pp over the next
6 months

Possible transatlantic connections

Stakeholders are trying to import precaution from
Europe to the United States

REACH has been touted on Capital Hill and in
certain states

CA and mobile telephones

Conclusions

New Commission has moved significantly to the right

Precautionary principle will be one of the first casualties

REACH

Better regulation and competitiveness are the in terms at present

Is SD compatible with Lisbon?

PP will remain on national agendas

Useful political tool

Popularity of pp is in decline but RIA may not be on the increase for long