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News in October 2005

In our [August News](#) we reported the white paper of the ITSSD (**Institute for Trade, Standards and Sustainable Development**) on Precautionary principle. We should add to the view of **Mark Cantley** his letter to Lawrence A. Kogan, Esq. the author of the white paper: "Many thanks, Lawrence, for your considered reply. Let me just say that ***I agree with so much of what you have written, that I might have difficulty arguing against it.*** We in the Research Directorate-General have in general fought for **science-based regulation - or indeed no regulation, where the cost-benefit balance does not seem to warrant it** - but we have lost many battles over the years, particularly in the area of biotechnology, which I've been following since late 1979. ***Your efforts are much appreciated; keep fighting.***"

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News in August 2005

Home

Up

Česky

English

...Publications

The **ITSSD (Institute for Trade, Standards and Sustainable Development)** recently posted an important new white paper on its website. *Precautionary Preference – How Europe`s New Regulatory Protectionism Imperils American Free Enterprise*. By **Lawrence A. Kogan, Esq.**

The Full Version is accessible at:

[http://www.itssd.org/White Papers/PrecautionaryPreference-EURegProtectionism-FULLVERSION.pdf](http://www.itssd.org/White%20Papers/PrecautionaryPreference-EURegProtectionism-FULLVERSION.pdf)

The Executive Summary is accessible at:

[http://www.itssd.org/White Papers/PrecautionaryPreference-EURegProtectionism-EXECSUMM.pdf](http://www.itssd.org/White%20Papers/PrecautionaryPreference-EURegProtectionism-EXECSUMM.pdf)

The white paper documents how Europe is attempting to inject the precautionary principle within the U.S. for the purpose of changing U.S. law and business practices. The white paper also discusses how this effort threatens the American legal and free enterprise systems that serve as the cornerstone of the U.S. national economy and America's comparative advantage in international trade. It focuses on a number of regulated areas, including biotechnology.

In comment to this white paper Mark Cantley, Adviser, Biotechnology, Agriculture and Food Research Directorate-General European Commission referred to the the European Commission's communication on the precautionary principle, reference COM(2000)1. ???This engaged the efforts of over 20 staff from many services of the Commission during more than a year, and it was not by accident that it received the first reference number of the new millennium - we saw it as a communication of outstanding importance, given the growing pressure from the political side for more explicit attention to the precautionary principle, within Europe and in international instruments such as the Cartagena Protocol on BioSafety."

In the Summary of the communication, paragraph 6 provides this résumé of the key points, discussed in more detail elsewhere in the Summary, and more fully in the body of the paper: "Where action is deemed necessary, measures based on the precautionary principle should be, inter alia:

- proportional to the chosen level of protection,
- non-discriminatory in their application,
- consistent with similar measures already taken,
- based on an examination of the potential benefits and costs of action or lack of action (including, where appropriate and feasible, an economic cost/benefit analysis),
- subject to review, in the light of new scientific data, and
- capable of assigning responsibility for producing the scientific evidence necessary for a more comprehensive risk assessment."

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