

NFTC and Washington Legal Foundation Paper Examines EU Strategy to Legitimize Precaution

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Cautions that EU attempt to globally employ the precautionary principle jeopardizes international trade and development

Washington, DC – Scattered over numerous forums and obfuscated by public product safety anxiety, a growing attempt to limit trade through the use of technical barriers has largely been overlooked. However, a white paper authored by the National Foreign Trade Council and published by the Washington Legal Foundation presents compelling evidence of a deliberate strategy to protect ailing EU industries. The paper, *EU Regulations, Standardization and the Precautionary Principle: The Art of Crafting a Three-Dimensional Trade Strategy That Ignores Sound Science*, offers powerful evidence of the EU's attempt to define and employ the precautionary principle globally.

“It's easy to overlook the long term implications of a negotiation over a specific trade initiative or industry sector. It would be naive, however, to assume a broader strategy does not exist,” said NFTC President Bill Reinsch. “This paper details the EU's attempts to elevate the status of the precautionary principle from a limited WTO exception to a norm of international law.”

A paper released by NFTC in May, *Looking Behind the Curtain*, presented numerous examples of the EU's use of precaution to block trade in a wide variety of products ranging from beef to computers. This most recent work goes a step further and clearly shows how the EU has sought to inject the precautionary principle within:

- The WTO system through creative interpretation of the SPS and TBT Agreements and through obligations assumed under multilateral environmental agreements;
- International standards through participation in the standards development process;
- Bilateral and regional free trade and aid agreements.

Reinsch urged U.S. industries and the various agencies engaged in advocating for free trade to come together in their opposition to these trade-restricting practices. “If the role of objective science in the WTO agreements is to be preserved, the U.S. must adopt a long-term view as it responds to the EU's complex challenge.” He went on to caution against being lulled into a false sense of security by the EU's apparent slowness in achieving its goal of establishing precaution in international law. “Changing international law takes time, but that doesn't mean there isn't a great deal at risk now. This is more than a disagreement between two large economies. The loss of sound science as the benchmark for international trade regulation will have tremendous economic and social consequences for developing countries as well.”

For a copy of the NFTC paper, please see the URL below or click on the hyperlinks above
<http://nftc.org/default/white%20paper/WLFFinaldocumentIII.pdf>.