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Splits Over the 'Precautionary Principle'

The United States and the European Union continue to disagree strongly over how loose interpretations of the so-called "precautionary principle" – practiced on both sides of the Atlantic – should be addressed (WTD, 3/19/03).

There has been no complaints about the US use of its own precautionary principle – when it comes to drug and food safety – said a senior US trade official yesterday. And he does not think it should be a topic of discussion in the ongoing Doha Development Agenda round of trade talks – much less reopen the Uruguay Round's Sanitary and Phytosanitary Agreement.

On the other hand, the European Union has come under stiff challenge – including complaints in the WTO – for its less than scientific reliance on the precautionary principle to assure its public that food and other imports are safe. An EU official urged a full-blown discussion in the ongoing round of negotiations.

Both officials addressed the issue at a forum sponsored by the National Foreign Trade Council.

Where there are disputes, they should be settled on an ad hoc basis, according to the US official. If enough arise to point to common problems across sectors, then perhaps some type of broader discussion may be justified. But they should not be at the politically charged level of the WTO.

Even the specialized Codex Alimentarius has had difficulty in addressing the issue, the official noted.

Brussels – which takes more of a "common sense" approach to protecting its public than the US "scientific" basis for action – wants the issue aired in the DDA. There is a wide gap between perceptions – and that should be the basis for discussion, the EU official insisted.

A Questionable Hormone

The United States won a case in the WTO against the EU for its ban on a half-dozen types of growth hormones commonly used in the beef industry in the United States (WTD, 3/6/03). The WTO found that the EU action was not scientifically based and authorized US retaliation which remains in place.

Yet the EU never challenged the United States when it banned all beef imports from Britain following an outbreak of BSE – Mad Cow – there. At the time American and European scientists were convinced that the animal disease could not be transferred to humans. They were subsequently proved wrong.

The EU official said that a recent study has given strong evidence that one of those "illegally" banned US hormones – 17 beta estradiol – indeed poses a danger to consumers. Brussels is now debating whether to send that scientific report to Geneva and plead to get the US retaliation overturned.

Mexico's reliance on its own version of the "precautionary principle" has little to do with public safety, commented an embassy official at the same forum. It uses the principle to keep out imports of GMO products that may weaken biodiversity there. Mexico, he noted, still grows the original strain of corn. Even accidentally mixing strains could have devastating results.

Brazil has barred some agricultural imports from Costa Rica for similar reasons. And Argentina maintains a similar philosophy. The official predicted a proliferation of such actions.

The Mexican official opposed the US ad hoc stance on the issue, saying that in bilateral discussions with the US giant on almost everything – including "precautionary" regulations – developing countries inevitably lose.