

# The Role of the Precautionary Principle in EU Risk Regulation

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Master's Thesis from the year 2013 in the subject Law - Civil / Private / Trade / Anti Trust Law / Business Law, grade: 360 of 400 credits "very good", University of St. Gallen, course: European and International Business Law, language: English, abstract: The Precautionary Principle (hereinafter PP) provides a justification to act where scientific uncertainty about the nature and extent of detected indications of harm would otherwise possibly impede regulatory

interventions. The PP is considered to be one of the most controversial principles and attracted much scholarly attention. Despite the vast array of books and shorter articles about the topic, less documents are available that are not limited to a single aspect of the principle or minus; if discussing several aspects minus; do not fill a whole book. While the present thesis will also not be able to cover all aspects on a limited amount of pages, it nevertheless should allow readers to gain an overview of all essential points linked with the role of the PP in the framework of risk regulation in the European Union (EU). To begin with the most important, the principle is introduced by describing its main characteristics. As these are heavily dependent on those who breathe life into the principle, the characteristics the EU assigned to it shall form the centerpiece of the first part of this paper. Based on this clarification, allegations brought against the PP are critically assessed. In the second part of the thesis, the focus is shifted to the actual application of the PP in EU risk regulation. After shedding light on the origins of the principle in EU risk regulation, three case studies from the agrochemical, pharmaceutical and food packaging sector reflect current applications as well as the relevant institutional and procedural framework. Insights from the theoretical part and the case studies are melted in the final discussion section that also includes recommendations for EU risk regulators. The thesis concludes with a general summary of main findings. The established systematic approach as applied in the case studies would allow to be extended to further cases or could be adapted to other countries or international settings. However, in this paper international aspects are only treated to a limited extend and not all sectors where the PP is applied can be presented.