

The Meaning of the Precautionary Principle

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Summary

The precautionary principle emerged and has been developed in European environmental policy sectors. But the concept of the principle hasn't well defined. The question whether the principle has become a rule of customary international law or not is controversial and judicial precedents seem to hesitate to recognize its normative status. EU invoked the precautionary principle to the area of food safety policy in the later 1990s, and consequently EU positions on the principle which are outlined in European Commission Communication (2000) appears to have shifted in favor of a science-based US approach under the influence of WTO, Codex, and OECD. However, the difference of the approach between EU and US has remained and the precautionary principle has certainly become a principle by which decision makers and courts may be affected in the interpretation and application of treaties, or rules of customary law in the area of the environmental and food safety policy. It also should be noticed that the precautionary principle will be applied in a different way between these two policy sectors.