

<http://www.inquit.com/using-trade-barriers-to-safeguard-values>

From : Peter Gallagher <peter@inquit.com>
Sent : Tuesday, October 11, 2005 7:27 AM
To : **lkogan@itssd.org**
Subject : **Re: [Peter Gallagher] comment received: Using trade barriers to safeguard 'values'**

Hello Lawrence,

Thanks for your email. I've taken a quick look at your paper and your correspondence with the Commission.

The Precautionary Principle is a fascinating but difficult problem that, driven by public dread in matters such as food safety, influenza and climate change, has distorted governments' activities everywhere at one time or another.

If you click [here](http://www.petergallagher.com.au/index.php?s=search&q=quarantine) (<http://www.petergallagher.com.au/index.php?s=search&q=quarantine>) you'll find that I've been very concerned that Australia's quarantine system is sometimes merely protectionist under the guise of an inappropriate level of protection.

The difficulty, as your Commission correspondent suggests, is that it's not always possible to do the sort of 'cost/benefit' analysis needed to show how much protection is necessary and how much is excessive.

But I do agree with you that the Community's 'precautionary principle' sometimes seems to entirely dispense not only with C/B analysis but also any idea of proportionality between risk and remedy.

Please keep me in touch with your continuing work in this area.

Best wishes,

Peter

On 09/10/2005, at 10:39 PM, Peter Gallagher wrote:

greeting Peter Gallagher,

A comment on your post "Using trade barriers to safeguard 'values'" was recorded.
<http://www.inquit.com/354/using-trade-barriers-to-safeguard-values>

Name: Lawrence A. Kogan, Esq.

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Comment: Dear Mr. Gallagher:

Mr. Lamy's attempt to justify the imposition of new 'social' trade barriers (i.e., disguised protectionism) premised on the notion of cultural preference will most certainly contribute to the impairment of international trade flows as well as permit one nation's or region's value systems to be imposed on other nations and regions.

Europe's penchant for promulgating and then exporting overly strict environment, health and safety regulations premised on the precautionary principle serves as but one clear example.

The Institute for Trade, Standards and Sustainable Development (ITSSD) has evaluated how Europe's cultural preference towards precaution, forms the central tenet in Europe's attempt to persuade the world of the legitimacy of its interpretation of sustainable development. However, far from constituting an enlightened form of environmentalism and humanity, rather, the precautionary principle (a cultural preference) is being employed by the European Commission and European industry as a disguised protectionist device, which is being targeted primarily against America.

Please see the ITSSD's recently released study entitled, "Precautionary Preference: How Europe's New Regulatory Protectionism Imperils American Free Enterprise"(c). It is accessible at:

<http://www.itssd.org/White%20Papers/PrecautionaryPreference-EURegProtectionism-FULLVERSION.pdf>.

Interestingly, a senior Adviser to the Biotechnology Division of the EU Commission Research Directorate-General, has agreed with the study's findings. See his comments at: [http://www.itssd.org/References/Government/EUCommission-ResearchDirectorate-G\[1\]...pdf](http://www.itssd.org/References/Government/EUCommission-ResearchDirectorate-G[1]...pdf).

The study has also been discussed in a recent Brussels Business Journal article. See: <http://www.itssd.org/References/BrusselsBusinessJournal8-15-05Koganreference.pdf>.

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