



Presidenza del Consiglio dei Ministri

NATIONAL BIOETHICS COMMITTEE

THE PRECAUTIONARY PRINCIPLE: BIOETHICAL PHILOSOPHICAL AND LEGAL ASPECTS

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abstract

In today's society, scientific and technological progress is accompanied by the increase of the degree of scientific uncertainty concerning the possible risks to the environment, human, animal and plant health.

The NBC, after pointing out the factors contributing to determine the concept of "risk society", considers how modern technical and scientific research perceives risk in the sphere of its implementation to man's activities and how it reacts when faced with the impossibility to determine it with sufficient certainty. The NBC goes on to examine the social instruments (philosophical, juridical and organisational) through which contemporary society reacts when confronted with the risks concerning the human activities taken into consideration.

On the basis of the statement "precautionary approach" or "precautionary method", implemented in certain circumstances, and the virtue of prudence in taking actual decisions, the NBC draws attention to the principle of responsibility, and above all, the need to unite this principle, generally attributed to governing bodies, to a common social sentiment in order to determine a new "governance" of society and science. Therefore, the requests made by citizens to be informed in advance and to participate in the decisions concerning technical and scientific development, is in line with the need to determine a point of convergence between will and actions among a number of fundamental components of society: the decision-making authorities, scientific experts, "informed" public opinion, and economic operators.

The concept of "uncertainty in scientific knowledge", above all, in the sector of the sciences relating to life, the environment and biotechnology, and the rapidity of implementation in industry and, consequently, to the market, generates strong ambivalence towards science and the safety of the implementation of new technologies and the efficiency of relevant public controls. The Committee emphasizes that recourse to the precautionary principle should not be interpreted as a limit; on the contrary, it should be a stimulus to carry out further scientific research, in order to reduce to a minimum the conditions of risk, and, as a result, promote scientific clarification concerning controversial subjects. Concisely, the NBC hopes for a balanced and reasonable utilization of the precautionary principle, so that, it may stimulate scientific research and even enhance safety when implemented in industry.

Lastly, as regards the "juridical value" of the "precautionary principle", the Committee specifies that it originates from International Environmental Law; the NBC refers to the Communication of the European Commission of the 2nd February 2000 and Community regulations for genetically modified food and animal feed. On the basis of this, the NBC emphasizes the possible evolution that could take place concerning the juridical effect of the precautionary principle even within national laws.