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## **The “innovation principle” is a regulatory Trojan horse from the industry**

### **How a group of industries with problematic products are trying to weaken the precautionary principle**

Few words carry a more positive image than “innovation”: solving humanities’ problems, bringing comfort, relief and fun. So why the hell are the Greens/EFA in the European Parliament opposing the introduction of the so-called “innovation principle” in the Horizon Europe Regulation, which will be setting the terms for the next 160 billion euro EU research funding programme? Is this a Luddite reflex of politicians opposed to progress and wishing to come back to the proverbial candlelight?

#### **Innovation, yes, but not for the worst**

What is Innovation? It means to bring or create something new, but new is not necessarily good. It all depends on what it does, what impact it has on our health, on the environment, on our economy and on our societies. It also depends on who benefits from it. This lesson was learned the hard way, through terrible health scandal: asbestos and the mad cow disease are the most well known example, but are numerous other ones.

In each case, we find the same elements: insufficient risk assessment before putting a product on the market, a strong commercial interest for a product to stay on the market, and a terrible inertia of the authorities when the proofs of harm were accumulating. Those crisis, which led to deaths, illness and disabilities showed us that it is important to evaluate the risks before letting a product on the market and that we should not wait for the hazard to be proven (when people or the environment are already affected negatively by it), as some damages are not reversible. These cases are at the origin of the precautionary principle[\[1\]](#).

This means that yes, indeed, EU regulations sometimes limit or even ban certain types of innovations because they are potentially harmful and it was decided collectively that the risks were higher than the benefits. But it also opens wide the road for other innovations which do not present these risks. The precautionary principle does not stop “Innovation” with a capital “I” - it just helps us make a wise selection.

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## The “innovation principle”, an industry tool against the precautionary principle

Obviously, the industrial sectors producing dangerous or potentially dangerous products are no big fans of the precautionary principle, and are investing a lot of time and money to try to weaken it. That is where the European Risk Forum (ERF) enters the scene.

The ERF was initially a working group of the European Policy Centre with a strong involvement of British American Tobacco (BAT), and which was fighting against smoking bans<sup>[2]</sup>. ERF has counted British American Tobacco, Philip Morris<sup>[3]</sup>, Dow, BASF, Bayer/Monsanto, and Chevron among its members. The ERF is also known to have reimbursed travel costs of a group of scientists trying to undermine the EU's work on the scientific identification of endocrine disruptors. But, since 2013 and [a letter to then President of the EU Commission José Manuel Barroso](#), they have also started to attack globally EU environmental and social safeguards<sup>[4]</sup>. This letter pushed the adoption by the EU of the “innovation

principle”, which was first created by another ERF member, German chemical industry lobby group VCI (Verband der Chemischen Industrie).

*“Whenever legislation is under consideration its impact on innovation should be assessed and addressed”*

This principle is meant to be used as a screening tool - any EU draft legislation would be checked for its respect of the innovation principle and modified accordingly.

### **The innovation principle is so vague it would harm social and environmental EU safeguards**

Interestingly, while it is clear in this letter that the aim of the innovation principle is to “balance the precautionary principle” and its alleged negative impacts on innovation, ERF and the industry claim now that it is functioning within the precautionary principle. But this affirmation makes no sense whatsoever: innovation happens all the time - that is what humans do. It should be supported by the EU when it does answers our citizens’ needs and does not present a too high risk of harm. And it is, actually, supported by the EU: limits or ban of techniques or products only happens when they are potentially problematic, after a scientific assessment and a political debate.

On the other hand, the vagueness of the word “innovation” in the innovation principle means, especially if this principle is applied before a draft text even arrives on the table of the Council and the European Parliament, that all measures taken in favour of environmental, health or social protection might be hindered or suppressed from the start in order to make way for any “innovation”[\[5\]](#). The European Trade Union Confederation (ETUC) [clearly denounced](#) the risk that the implementation of this principle could have for workers’ rights.

### **A successful campaign**

Since 2013, the innovation principle has made its way within the EU Commission, thanks to numerous events, letters and emails by the ERF and other pressure groups. It made its first appearance in a staff working document of DG Research in 2015. An internal strategic note proposes in June 2016 a legal basis for the “innovation principle”, while failing to make any reference to the industry origin of this “principle”.

In July 2017, an “Innovation Principle Taskforce” set up by DG Research developed a “Research & Innovation Tool” (published in July 2017), which contains many elements from the industry position paper including the need for flexibility, cost of compliance, alternatives – effectively delivering the impact assessment tool which industry had been asking for. This tool is meant to screen “future initiatives to identify those where the innovation principle could be implemented.”

None of this was ever the subject of a debate in the Council nor in the European Parliament - they never had a word to say on the implementation of a tool which is effectively weakening the precautionary principle. But this might soon change, as the “innovation principle” just made an apparition in the draft Horizon Europe Regulation.

At a time where the current EU assessment and authorisation system for pesticides has been denounced as insufficiently protective of human health and the environment by civil society organisations and a European Citizen Initiative which gathered more than 1 400 000 signatures, the support that the EU Commission seems to be giving to this industry stunt is incomprehensible. Would the proposals made recently by the European parliament special committee on EU authorisation procedure for pesticides to tighten this system fly in an EU led by the innovation principle? Probably not.

This is why civil society organisations have been trying to alert of the danger of letting this innovation principle enter the EU regulation. A platform has been set up to allow citizens to send an email to their MEPs on the issue. Greens/EFA members of the Parliaments will defend the integrity of the precautionary principle against this industry sneaky attempt to weaken it.

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[1] See [EEA Report “Late lessons from early warnings”](#)

[2] [Katherine E. Smith et al., “Working the System”—British American Tobacco's Influence on the European Union Treaty and Its Implications for Policy: An Analysis of Internal Tobacco Industry Documents, January 12, 2010](#)

[3] British American Tobacco and Philip Morris were removed from the membership list on the ERF web page a few weeks ago. The tobacco industry is effectively hindered from lobbying by the UN Tobacco Framework Convention, Art. 5.3

[4] see very complete article by Corporate Europe Observatory [“The Innovation principle trap”](#)

[5] See [Van Calster et al., ‘On a need to have basis: The innovation principle, the rule of law and EU Regulation of new technologies – A research agenda’, 2018](#)

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