



A Commission-sponsored report out this week encourages the EU to go full steam ahead with a concept known as the innovation principle | Siska Gremmelprez/AFP via Getty Images

Brussels eyes boost for industry-friendly approach to EU policy

Critics fear a concept pushed by major companies in the oil and chemicals sectors could gain greater influence.

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Brussels has a new strategy to put an industry-friendly approach to environmental and consumer protections squarely into EU law — but critics accuse the European Commission of not playing fair.

A Commission-sponsored [report](#) out this week encourages the EU to go full steam ahead with a concept known as the innovation principle, which has been [pushed](#)

[for years by major companies](#) in the oil and chemicals sectors and seeks to grant companies more latitude in bringing products onto the market because of their significance as a scientific advance.

From artificial intelligence to genome editing or lab-grown meats, the principle could move European policy closer to the forefront of technological discoveries, improving its “quality and future-proof nature,” according to the report.

To turn EU rules toward innovation, the report backs “significant changes” to the Commission’s approach. That includes clarifying “in official documents that the innovation principle does not entail a de-regulatory approach, and is not incompatible with the precautionary principle,” and ensuring its “prominence” in Horizon Europe, the bloc’s €94-billion research and innovation program beginning in 2021.

But consumer groups say that the innovation principle does compete with the EU’s hallowed “precautionary principle,” which demands that policymakers err on the side of caution where doubts exist about the long term impacts on public health or environmental damage.

“We remain unconvinced by the usefulness of this concept,” said Monique Goyens, the director of the European consumer group, BEUC. “The precautionary principle does not need to be ‘complemented’.”

Meanwhile, concerns are being raised about links between the think tank that conducted the report — the Centre for European Policy Studies (CEPS) — and companies that stand to benefit from the principle. CEPS has up to 14 companies on its corporate members’ list that have directly or indirectly lobbied in favor of the adoption of the innovation principle by the EU.

Geert Van Calster, a professor at the University of Leuven who co-authored a paper on the dangers of the innovation principle, described the Commission’s decision to use CEPS for such a politically sensitive report as “incredibly naive.”

The Commission declined to comment on why it chose to award the contract for the study to CEPS, which was done without a public tender.

The authors of the report said the think tank’s members have no influence over any of the material produced.

Change in tone

To date, reference to the innovation principle has been limited to some EU strategy papers and to a legislative proposal laying out the rules and scope for Horizon Europe, where it was included in the accompanying recitals.

Commission officials have previously [argued the innovation principle does not have the same legal weight](#) as the precautionary principle, which is included in the [Treaty of the Functioning of the EU](#), and therefore won't replace the older concept. They've also argued the Horizon Europe proposal does not incorporate the innovation principle into EU law because it is only in the legislation's recitals.

European Research Commissioner Carlos Moedas on Monday [hailed](#) the report's confirmation that "the innovation principle in EU policy-making is essential in addressing key challenges, such as climate change and cancer."

The report argues that, "Innovation and precaution, particularly taking precautionary measures when scientific evidence is uncertain, can co-exist in legislative design and reinforce each other. The Commission should clarify in official documents that the innovation principle does not entail a de-regulatory approach, as has sometimes been misunderstood."

Some see this turn toward promoting the two principles together as a "greenwash" sales patter that will in practice result in the deregulation [long sought by industry groups](#).

"The CEPS report states that it is not the intention of the proposed innovation principle to act as a deregulatory tool. Yet, the following 54 pages focus on how the EU can use a non-existing innovation 'principle' to remove 'prescriptive and inflexible' regulations — for prescriptive and inflexible regulation read environmental, public health and consumer standards," said Kathleen Garnett, a researcher on the legal governance of innovation at Wageningen University.

Lobby links

The innovation principle was first proposed in 2013 by the European Risk Forum (ERF), a business [coalition](#), as an [equal counterweight](#) to the [precautionary principle](#).

One of the ERF's [board members](#), Bayer, is a corporate member of [CEPS](#). Four other fossil fuel firms — Shell, Total, ExxonMobil and Repsol — were represented at the [ERF](#) by their trade association Fuels Europe until last month.

Another CEPS member, [BusinessEurope](#), also advocates for the innovation rule, while Apple, Google, Huawei, Hitachi, Mastercard, Microsoft, Mitsubishi and Samsung have lobbied to introduce the innovation principle into Horizon Europe [through their trade representative, Digital Europe](#).

Gina Dowding, the Green group's shadow rapporteur on the Horizon Europe file in Parliament, said "there absolutely are questions to answer," about the study.

"This is about buying access, influencing those who make decisions," she said. "It is actually quite a significant threat at this point in time to the integrity of the Horizon Europe project."

Nina Holland, a spokeswoman for the campaign group Corporate Europe Observatory (CEO), said: "This presents such an obvious conflict of interest that it is incomprehensible why the Commission has chosen CEPS to carry out an 'independent evaluation' of the innovation principle."

FuelsEurope, DigitalEurope and the European Risk Forum all said they had not attempted to influence the report. BusinessEurope and FuelsEurope additionally said they saw the innovation and precautionary principles as being "complementary."

The CEPS [website](#) is clear that corporate members "do not influence our research outcomes, our projects or our governance structure," and its [integrity statement](#) insists that funders respect the independence and impartiality of its research.

Asked if any of the CEPS members had tried to influence the report, Andrea Renda, the paper's co-author, was categorical: "Absolutely not," he said. "They were not consulted."

"People like me would probably not work at CEPS if we had interference from our members," he said. "The moment someone comes to bother me to write something in a report, I'm gone already."

Law professor Van Calster said any suggestion that CEPS' corporate members could have an input into its work would inevitably give rise to "the whiff of suspicion."

“At the very least, the Commission should have put this study out to tender, and should have allowed CEPS to show in its methodology how it would safeguard its independence,” he said.