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[Home](#) > The Dismantling of the German Federal Health Agency

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Report
EU
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The Dismantling of the German Federal Health Agency

A CASE OF (FAILED) INSTITUTIONAL PRECAUTION

Les notes de l'IEI, n° 7

European Precautionary Practice
Les pratiques européennes de précaution

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Recording of the international workshop, Paris, 14 December 2002
Actes de l'atelier international, Paris, 14 décembre 2002

[1]

The precautionary principle is one of the guiding principles of European environmental policy. Looking at Germany's scandal of AIDS contaminated blood bottles, the author examines the failure of the German Federal Health Agency in the fight against AIDS. He identifies potential conflicts looming in the implementation of the precautionary principle and requirements for a suitable institutional framework.

In 1994 the German government dismantled the until then highly reputable Federal Health Agency (Bundesgesundheitsamt, BGA). Since 1985, 373 persons had been infected with the HI virus by blood transfusions. The BGA had known about infections, but failed to react. As a consequence, the BGA as the superior German health authority was broken up. Its component institutes became independent agencies accountable directly to the Ministry of Health. The reform, the competent Minister of Health proclaimed, removed central structures in order to enhance the flow of information and improve the flexibility of the different institutes.

According to the parliamentary inquiry committee, however, reasons for the failure of the BGA were more diverse than just

deficits in the flow of information. Obviously the BGA had focused on the supply of blood products while neglecting quality treatment and safety. The protection of non-profit producers seemed to have played a major role. Failures of the BGA were attributed to the incompetence and weakness of the staff and a management probably too much concerned with outside, more lucrative activities. Also, the board identified private and political interest group pressure. At the same time, the board found, the Ministry of Health had ignored the necessity of beefing up resources in the fight against AIDS. Moreover, it had failed to take action recommended by the BGA.

The inquiry board named, what, maybe, can be considered as general institutional preconditions for the successful implementation of precaution: An independent management, strong enough to protect staff and institution against economic and political pressure, was considered a key for securing the quality of decisions. The head of the agency should be a reputable scientist and, at the same time, a good administrator. In addition, patients were recommended to be involved in decisions as a counterweight to private interest group influence. Finally, the establishment of a parliamentary body was suggested to safeguard the independence of the agencies' evaluations.

Main Link

Report: The Dismantling of the German Federal Health Agency: A Case of (Failed) Institutional Precaution [pdf, 110 KB, English]

Citation

Conrads, Axel 2004: "The Dismantling of the German Federal Health Agency: A Case of (Failed) Institutional Precaution", in: Konrad von Moltke and Claire Weill (eds.): European Precautionary Practice, Les pratiques européennes de précaution. [Les actes de l'Iddri 1]. Paris, 53-57.

Language

English

Author(s)

Axel Conrads

Publisher

- Institute for Sustainable Development and International Relations (IDDRI), France

Year

2004

Published In

European Precautionary Practice. Les pratiques européennes de précaution

Dimension

4 pp.

Table of Contents

1. Prologue: Dismantling of a Dysfunctional Agency
2. Findings of the Inquiry Board
 - 2.1 Failures within the Agency
 - 2.2 Involvement of the Ministry of Health
 - 2.3 Structural Deficits
3. Approaches to an Explanation
 - 3.1 Accountability
 - 3.2 Regulatory Capture
 - 3.3 Scientific Independence
 - 3.4 Participation and Pluralistic Bodies
4. Lessons to be Learned: Institutional Criteria for Precaution

Keywords

precautionary, principle, health, AIDS, institutional, precaution, structural, deficit, accountability, participation,

Source URL (modified on 08/22/2018 - 23:00): <https://www.ecologic.eu/1214>

Links

[1] https://www.ecologic.eu/sites/files/presentation/2015/cover-european-precautionary-practice_0.jpg