

ASSESSMENT OF THE ELABORATION PROCESS OF THE EUROPEAN ECONOMIC AND SOCIAL COMMITTEE (EESC) OPINION ON ELECTROMAGNETIC HYPERSENSIBILITY (EHS). An EESC Failure: conflicts of interests block the rights of people with EHS-functional impairment.

The European associations defending EHS people's rights and European associations fighting against electromagnetic pollution, WANT TO HIGHLIGHT THE SERIOUS CONFLICT OF INTERESTS AND THE IRREGULARITIES that arose in the EESC plenary session of the Counter-Opinion's on EHS approval that took place on 21 January 2015. Likewise, we want to MANIFEST OUR DISAGREEMENT on its content.

Background

On 10 July 2014, the EESC plenary session approved that the section TEN had to elaborate a proposal Opinion on Electromagnetic Hypersensitivity.

Later on, the section TEN creates a Working Group on EHS as a first step for the Opinion elaboration. See the explanatory memorandum [1].

1. Working Group on EHS of the EESC's TEN Section:

- On 4th November 2014, the public audience [2] on EHS in Brussels was attended by, among others, Dr Isaac Jamieson (member of the stakeholders' group on electromagnetic fields for DG SANCO), Olle Johansson (Ass. professor of Neuroscience, from the Experimental Dermatology Unit at the Karolinska Institute, Stockholm, Sweden), and Marc Cendrier (Robin des Toits, French National Association for Health Security in wireless technologies). See Programme [3] and documents [4].

The EHS' European associations were not invited to this hearing and learned their announcement only five days before. Without delay and working together, we wrote the "Letter of associations defending the rights of EHS people of the countries of the EU to the EESC" [5], signed by the European EHS's associations and the European associations fighting against electromagnetic pollution, and delivered to the Rapporteur Bernardo Hernández Bataller.

This letter, which includes the EHS's people claims and basic needs and also highlights the conflict of interests there are within the SCENIHR (Scientific Committee on Emerging and Newly Identified Health Risks), was read by Marc Cendrier (Robin des Toits) during the Public Audience and was taken into account for the Draft of the Opinion's redaction elaborated by the Rapporteur of that Working Group.

- On 5 December 2014, the meeting of the Working Group on EHS discussed the resulting document [6] elaborated by the Rapporteur (Bernardo Hernández Bataller) after the collection and study of a large compilation of scientific information from the European affected groups, covering different perspectives.

After the inclusion of some modifications and enhancements (as recommending wired connections to internet in schools and enabling "white zones" as an emergency measure for those that are most affected by EHS) a proposed draft opinion was adopted. [7]

2. EESC's TEN Section's Meeting on 7th January, 2015:

Before this meeting, affected European groups, as well as other groups concerned about the health and environmental risks linked to this kind of pollution, facilitated further scientific and technical information that strongly justified an affirmative vote (see, for example, Why vote yes? [8]) to every member of the EESC's TEN Section. That information contrasted with the amendments to the Draft Opinion that were presented by the Dutch businessman Jan Simons (following the line of the Telecommunication Companies' interests and trying to undermine and render meaningless the Draft-Opinion).

We received a letter from a TEN Section's British member, Mr. Richard Adams, discrediting the scientific validity of the arguments we presented, for them not being "conclusive", and British organizations and doctors explained him briefly that the ample current scientific evidence is enough to act now. ["A demand for scientific proof is always a formula for inaction and delay and usually the first reaction of the guilty ... in fact scientific proof has never been, is not and should not be the basis for political and legal action" An example of (private) candour from a scientist at the tobacco company BAT 1. (S J Green 1980)' quoted by WHO (2000) [WHO (2000), Tobacco Explained: The truth about the tobacco industry ...in its own words [19]].

- The Draft-Opinion of the Working Group on EHS [7] was voted upon together with the amendments presented by Jan Simons [9]:

The Draft-Opinion was approved [10], including several amendments with the following result: 50 votes in favour, 39 votes against, and 9 abstentions.

During this meeting, Mr. Richard Adams publicly declared his intention to elaborate a counter-opinion to vote in the plenary session of 21st January 2015. Richard Adams, who apparently is an advocate of the environment and the "excluded", argued -however- against the precautionary principle and used denialist arguments modelled on Telecommunication lobbies' ones, which surprised us greatly. The debate was intense and situations of verbal aggression (the discussion of the draft opinion lasted almost five hours when in normal other cases it lasts about an hour). The result of the voting was very tight and included the approval of amendments trying to neglect the core content of the Opinion.

The inappropriate stance and behaviour of Mr. Adams aroused suspicion of industry bias.

3. EESC's Plenary Session of the 21 January

Previously to that meeting, the European EHS-electrosmog organizations had sent information (see, for example, Why vote yes? [8]) from each country to all the EESC members.

We received some very aggressive answers from some of the members of the EESC's TEN Section, like the one from Mr. Richard Adams, in which we clearly found the denial arguments usually advanced by the industry. Thinking that, given his alleged social curriculum, undoubtedly, he could be misinformed, we struck up a conversation with him with the intention of showing him the aspects we thought he was mistakenly omitting. In these conversations, Mr. Adams insulted, highly-respected and credited scientists and experts who are senior researchers (as validated by their scientific research and publications) in the international arena. The extreme vehemence of his arguments made us suspect they were directly aligned against our rights and needs: recognition of disability, restoring health, and

basic human rights. See mails and open letters [11] in which, among others, scientists like Dr Lennart Hardell and Dr Michael Carlberg [12], and the BioInitiative Working Group [13] participated.

Submitted documents to be voted (only the Counter-Opinion was voted):

- **Draft Opinion TEN Section [10], with its memorandum [14]**

- **Mr. Adams's Counter-Opinion [15]** supported by 17 "colleagues" (the vast majority of which belong to economic, commercial or industrial sectors) and as presented only the day before the vote.

-**Some amendments were also presented**, in good time and in an appropriate manner, in both ways either in favour of the interests of electricity and telecommunications companies or in favour of the rights of the EHS people. As with the draft opinion, they were finally not voted on.

FINALLY, THE COUNTER-OPINION WAS APPROVED [15]: with 136 votes in favour, 110 votes against and 19 abstentions.

In a very poor but intense debate, **denialists' arguments were presented by Mr. Adams** and his business and commerce colleagues, sometimes in a rude and contemptuous tone in relation to EHS people, marring and ignoring the current scientific evidence, human rights, disempowering and violating a large group of citizens and ignoring the potential long-term benefits of low EMF environments and technologies to both European citizens and the telecommunications industry itself. On the other side, the defence of the draft Opinion missed the opportunity to remind participants of the expert advice of the European Environmental Agency, insurance industry concerns about EMFs, the abundant scientific knowledge on potentially negative effects, and the great number of research papers on EHS (with a double blind design) that find a relationship between electromagnetic fields exposure and biological response, as well as the various denouncements of conflict of interests that have tarnished different agencies' prestige such as WHO, ICNIRP, SCENHIR in which the counter-opinion intends to rely on (hear it on the Plenary Session's audio [16]). The fact that well over 40% of the world's population live in countries where there are already exposure guidelines substantially more rigorous than ICNIRP's also failed to be mentioned. Furthermore, some irregularities against the own EESC's rules were committed regarding participation and voting (uses of speaking turns and times, voting order, public presentation of the counter-opinion after the stipulated deadline), something different organizations are currently denouncing through the proper channels.

Notwithstanding, it is really remarkable and impressive that in an institution within which the industry has direct representation, **while those affected by EHS or their groups have no chance of being represented nor voice in decision-making, there were 110 votes in favour of the original Opinion. We believe this is due to the compelling nature of the ethical and moral issue and the selfless approach of all those members who appreciated and appropriately acted upon the information provided.**

Mr. Adams' Counter-opinion converts on "wet paper" the opinion initially drafted by the study Working Group of the TEN's Section, which spent several stages of review. Ultimately, he won a counter-opinion that was presented for the EESC members' knowledge and understanding with just one day before the vote session, and most likely with a previous call-

up to vote within certain interests and circles of influence. The industry has won, putting over their (short-term) interests and at the expense of the fundamental rights of an everyday increasing number of people whose health is affected and disabled by EHS-functional impairment.

ASSESSMENT

The Counter-Opinion: [15]

It denies the physiological existence of the Syndrome EHS. It is founded in an industry vision of the current scientific evidence, according to the tenets of the unchanging status quo of non-recognition of the health problems associated with EMF within the limits set by the ICNIRP, relying for it on scientific committees' resolutions which are abundantly questioned for their conflict of interests, such as SCENHIR. It also fails to acknowledge that many individuals who are not diagnosed as EHS have been shown in peer-reviewed research to be detrimentally effected by environmental exposures to EMFs, that plants and animals can also be adversely affected, and that the majority of scientific studies indicate biological effects as a result of exposures.

It does not propose any kind of measure for the attention nor the protection of the affected people. It ignores the fact that there is a breach of basic human rights.

It postpones the adoption of measures with the old familiar-trick, often used by industries involved in environmental and health problems of "not enough evidence yet", ignoring the evidence in which they are not interested in (as it was the case with asbestos, benzene, PCBs, smoking, lead in gasoline...). It thereby incorrectly leaves the burden of irrefutable proof of damage on the affected citizens which is particularly serious since the exposure is involuntary, increasing at a fast rate and also increasingly unavoidable.

It leaves affected people in their actual situation, which is one of blatant lack of protection and exclusion: health, medical, social, economic, labour and VITAL exclusion. This fact has been confirmed by the initial study group, which sought to mitigate it by means of the original opinion.

The original Opinion [10]

Respect for the electromagnetic hypersensitivity

It acknowledges:

- **Its existence, finding sufficient scientific grounds to accept the relationship between EMF exposure and the syndrome developing.**
- **Its progressively increasing prevalence.**
- **The complexity there is in relation to EHS people's fundamental human rights,** even listing the rights at issue within an exercise of **a remarkable and praiseworthy equanimity.** On the one side, the lost rights of EHS people (dignity, physical integrity, freedom, security, labour and professional freedom, non-discrimination and health protection. On the other side, reflecting on other issues like the users freedom of communication, and free enterprise in the industry concerned.
- **Recognition of the illness in various sectors, namely:**

- **health sector:** recognition of the illness of electromagnetic hypersensitivity as an EMF intolerance syndrome;
- **employment sector:** recognition of hypersensitivity as an illness and adaptation measures;
- **social sector:** recognition of the functional disability.

It asks for

- **Support and protection to people affected.**
- Methods for **prevention, early detection, diagnosis and treatment** in order to minimize the social and labour costs, as well as to curb the rise of people affected.
- "Requirement for spatial planning tools to include public and private EMF-free zones (i.e. "white" zones, which would have to include housing, and public spaces that were free of electromagnetic pollution, such as health centres, hospitals, libraries, workspaces, etc.)". Further including "the **creation of white zones as an emergency measures** for people worst affected by this syndrome".

Protection for Children and General Population

It proposes the following recommendations to minimize the risks:

- In general, "**reducing and mitigating human exposure** to electromagnetic fields, commensurate with the points made in this opinion, concerning labelling, insurance, advertising, improvements regarding occupational risks, product registration, disclosure and information on risks, as well as spatial planning and environmental matters" as well as the obligation of consumers' information, with tips to reduce exposure as the use "hands-free" devices and the limiting the number and length of calls.

Measures of protection for groups that might be more vulnerable as the following:

- **Restrict advertising messages** and ban adverts for mobile phones that feature **young people or minors**;
- **Prohibit all publicity**, irrespective of the medium used, that is directly intended to market or make mobile telephones available **to under fourteens**;
- Prohibit free toys or gadgets for under fourteens that resemble mobile telephones;
- **Restrict the use of wireless technologies in educational establishments** (Wi-Fi, mobile phones, DECT, etc.) via steps such as cable internet connections and banning the use of mobile phones during lessons and in any areas designated by each establishment;
- **Require each mobile phone sold to come with an accessory that protects the user's head** from exposure to electromagnetic emissions during calls.

Others

- The problematic of **conflicts of interest in the various "scientific" bodies is recognized.**
- It **advocates the application of the precautionary principle** and the general reduction in exposure levels based on the non-thermal biological effects of EMFs.
- It advocates the **inclusion of health risks within Telecommunications' insurance policies.**

In short, this proposal of Opinion opened the possibility that affected people could regain their health and workplaces together with a long list of currently violated fundamental

human rights. It also assumed a higher degree of protection and prevention for children and general population than the currently existing – a measure that is already in place in a number of countries worldwide.

CONFLICT OF INTEREST OF MR. RICHARD ADAMS

We note that Mr Adams is a Trustee of UK Charity Sustainability First [17] which promotes the Smart Grid and Smart Meters (which use RF/microwaves to transmit data). The Charity is sponsored by BEAMA (which represents 300 electrotechnology firms and claims to have significant influence over UK and international political, standardisation and commercial policy), Cable & Wireless, Consumer Futures, British Gas, EDF Energy, Elexon E-Meter (Siemens), EON UK, National Grid, Northern Powergrid, Ofgem (the UK electricity industry Regulator), Scottish Power Energy Networks, and UK Power Networks. He is also a member of the Corporate Responsibility Stakeholder Council at RWE AG (one of Europe's five biggest electricity and gas utilities).

Mr Adams also appears to be a member of the Stakeholder Council which advises the RWE AG [18] Executive Board on matters related to Corporate Responsibility, and which may serve RWE in structuring and formulating its strategy, policy, business operations and stakeholder communications. RWE AG is one of Europe's five leading electricity and gas companies. This company is also promoting the Smart Grid and Smart Meters (which uses RF to transmit data).

Since all these organisations are promoting the installation of RF emitting Smart Meters and as he has strongly opposed the EHS Draft Opinion TEN Section, we see this as a potential conflict of interest that should have been declared. (It should be noted that there is a growing body of research indicating that RF/microwave emissions from smart meters can be detrimental to health).

ABOUT THE EESC:

The fact that in group III there are people like Mr. Adams, who are actually defending the interests of large companies (group I) causes an imbalance within the institution, favouring certain interests over others, **thereby negatively affecting European public interest**

We think this situation implies a grave dysfunction within the EESC that should be formally investigated, for it highlights a serious damage to the "alleged" representation of the interest of the majority of European ordinary citizens.

However, and above all, we want to thank the good work of those representatives within the EESC who work openly, honestly and transparently, defending the interests they are entitled to. And also to everyone who voted in conscience without falling into a conflict of interests' situation. Fortunately, the process has allowed us to recognise them.

CONCLUSIONS

We declare that this "counter-opinion" does not represent us because it does not represent the reality of electromagnetic hypersensitivity. The only opinion we can accept is the one

elaborated by the study group, with scientific advice, which was released in a long and painstaking process, at the end of which it obtained 110 votes in favour.

The promotion of the short-term economic interests of industry* led by a person in serious conflict of interest has crushed the fundamental social and human rights of people with real names and faces with an acquired disability by means of this environmental factor and exacerbates their social exclusion and increasingly adversely affects national health, wellbeing and productivity. [*Continuing to promote the “business as usual” approach increases the potential liabilities of an industry insurers already see as “high risk” and are unwilling to provide cover to. It is also likely to prove highly detrimental to shareholders in the long-term].

It is inconceivable that an opinion on an issue of such importance directly goes against the rights of those who are the people affected, calling into question the democratic quality and independence of the European Economic and Social Committee.

THIS "COUNTER-OPINION" WAS MADE AGAINST EHS-PEOPLE AND IT WILL ALWAYS BE FOR US THE "AGAINST (US) – for industry - OPINION".

1/ <http://toad.eesc.europa.eu/viewdoc.aspx?doc=ces/ten/ten559/es/EESC-2014-05118-00-00-NIAI-TRA-en.doc>

2/ <http://www.eesc.europa.eu/?i=portal.en.events-and-activities-electromagnetic-hypersensitivity>

3/ <http://www.eesc.europa.eu/?i=portal.en.events-and-activities-electromagnetic-hypersensitivity-programme>

4/ <http://www.eesc.europa.eu/?i=portal.en.events-and-activities-electromagnetic-hypersensitivity-documents>

5/ <http://www.iemfa.org/wp-content/pdf/EHS-Letter-to-EESC-04.11.2014-DEF.pdf>

6/ https://toad.eesc.europa.eu/ViewDoc.aspx?doc=ces%5cten%5cten559%5cES%5cEESC-2014-05117-00-00-APA-TRA_EN.doc&docid=3032748

7/ https://toad.eesc.europa.eu/ViewDoc.aspx?doc=ces%5cten%5cten559%5cES%5cEESC-2014-05117-00-00-PA-TRA_EN.doc&docid=3040363

8/ <http://www.iemfa.org/wp-content/pdf/Why-Vote-Yes.pdf>

9/ https://toad.eesc.europa.eu/ViewDoc.aspx?doc=ces%5cten%5cten559%5cFR%5cEESC-2014-05117-01-00-AMS-TRA_EN.doc&docid=3045395

10/ https://toad.eesc.europa.eu/ViewDoc.aspx?doc=ces%5cten%5cten559%5cES%5cEESC-2014-05117-00-02-AS-TRA_EN.doc&docid=3047198

11/ <http://www.radiationresearch.org/progress-report-on-build-up-to-eesc-plenary-session-on-21st-and-22nd-january>

12/ http://www.radiationresearch.org/images/rrt_articles/Adams-rebuttal-2.pdf

13/ http://www.radiationresearch.org/images/rrt_articles/BioInitiative-Report-Defended.pdf

14/ https://toad.eesc.europa.eu/ViewDoc.aspx?doc=ces%5cten%5cten559%5cES%5cEESC-2014-05118-00-00-NISP-TRA_EN.doc&docid=3045948

15/ https://toad.eesc.europa.eu/ViewDoc.aspx?doc=ces%5cten%5cten559%5cES%5cEESC-2014-05117-01-01-AMP-TRA_EN.doc&docid=3047332

16/ <https://soundcloud.com/mastvictims/eesc-ten559-plenary-ehs-opinion-discussion-and-vote>

17/ <http://www.sustainabilityfirst.org.uk/people.htm>

18/ <http://www.rwe.com/web/cms/en/8/rwe/>

19/ <http://www.who.int/tobacco/media/en/TobaccoExplained.pdf>

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