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OPEN LETTER TO THE EUROPEAN ECONOMIC AND SOCIAL COMMITTEE (EESC) TO REPAIR THE DAMAGES CAUSED BY THE CONFLICTS OF INTEREST AND PROCEDURAL IRREGULARITIES IN ITS MIDST ARISING FROM THE ADOPTION OF THE "COUNTER-OPINION" ON ELECTROMAGNETIC HYPERSENSITIVITY (EHS) ON 22 JANUARY 2015

The **Recommendation of the European Ombudsman** on 19 September 2016 ⁽¹⁾ determines and verifies our complaints about mismanagement of the EESC in the process of submission and approval of a "counter-opinion" on electromagnetic hypersensitivity, by allowing the conflict of interest of an EESC member presenting the "counter-opinion" and vote without sufficient time to examine it.

We (*), the European associations defending EHS people's rights and the European associations working to protect all people in Europe against harmful electromagnetic pollution, expose and request the following:

Explanation:

- About the Opinion on electromagnetic hypersensitivity adopted by the Section for Transport, Energy, Infrastructure and the Information Society (TEN) of the European Economic and Social Committee (EESC) on 7 January 2015 (2):

The opinion is the result of a working group of the TEN specialized section, who previously held a public hearing in Brussels analysing the different aspects of this environmental problem, and also compiled extensive information and contacted health agencies, scientists and associations for people affected by electromagnetic hypersensitivity.

The opinion adopted by the TEN section, after being widely debated and amended, continued the line of caution as initiated by other European institutions [European Parliament resolutions in 2008 ⁽³⁾ and 2009 ⁽⁴⁾, Resolution 1815 of the Parliamentary Assembly of the Council Europe in 2011 ⁽⁵⁾, recommendations and appeals of the European Environment Agency since 2007 ⁽⁶⁾] and health agencies in various EU countries.

The opinion advocates the application of the precautionary principle in order to minimize the risk of exposure to electromagnetic fields (EMF) in general and the social costs, by reducing exposure levels based on the non-thermal biological effects (not covered by the current limits.). The opinion calls for a comprehensive recognition (health, labour and social) of electromagnetic hypersensitivity syndrome in relation to EMF, including enabling "white areas" as well as making recommendations to minimize risks of exposure with protective measures specific to the most vulnerable groups.

We consider that this opinion recognizes the complex issues in relation to EHS people's fundamental human rights, 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.

- About the Counter-opinion adopted at the 504th plenary meeting of the EESC on 21 de January 2015:

Instead of voting on the Opinion prepared and approved by the TEN section, a counter-opinion was launched, voted upon and approved ⁽⁷⁾. This counter-opinion was presented the day before the voting by Mr Richard Adams, a member of the group III as a "consultant on ethical, social and environmental issues" which fails to disclose obvious conflicts of interest in the 'Declaration of Interests' previously submitted to the EESC.

The **Recommendation of the European Ombudsman concerning the alleged failure by the European Economic and Social Committee to ensure that a member declared all relevant interests** (19 September 2016) confirms the following complaints espoused by the undersigned organizations:

1. An "extremely short period of time" (the day before the vote) for EESC members themselves to examine all relevant information of a "counter-opinion":

"The Ombudsman observes that a counter-opinion is not a simple or partial amendment. It is, on the contrary, an amendment that sets out «a generally divergent view to the section opinion» ... In fact, providing members with only one day, or even less time, to examine not just one or more proposed amendments, but a counter-opinion that goes against an opinion already discussed and agreed at section level, carries the inherent risk that the members may not always have sufficient time to look at all the relevant information"... "She is therefore of the view that the EESC should see to it that, in the future, the EESC members are always provided with enough time to examine documents on which they will be asked to vote".

As far as we understand it, this action by a member of the EESC (Mr. Richard Adams) and the lack of guarantees from the EESC, limit or invalidate the ability of members to discern and contrast all relevant information.

2. The EESC's legitimacy, as a body representing diverse interests in EU society, is undermined for two reasons:

○ **The action of an EESC member of Group III («various Interests»), who did not make public before the vote, his connections ⁽⁸⁾ with specific industrial interests (companies linked to electromagnetic fields), interests that are proper of the Group I («employers»).** "The reason members are appointed to the EESC is because they represent diverse sectorial interests, including those of industry. EESC members can thus have connections to specific industrial interests (including to telecommunications companies). However, it is important that EESC members declare all the interests they represent. If such information is not made public, the procedure for the adoption of EESC opinions would not be transparent. Thus, the EESC's legitimacy, as a body representing diverse interests in EU society, would be undermined."

As far as we understand it, there is also aggravating circumstance to consider the following: this EESC member (Mr Richard Adams) was recognized in the Group III of the EESC in the category of "consumers and the environment" as a "consultant ethical, social and environmental issues". In other words, other EESC members could be misled as to the real interests it represented.

○ **“The EESC was unwilling to take any action or assume any responsibility as regards this matter.** This appears to contradict the EESC’s statement that it must ensure that the different interests of its members are public and widely known”. “The Ombudsman thus considers that the EESC’s position in this case fell short of the obligation to have in place measures that **ensure, in all cases,** that the work of its members and of its sections is actually carried out openly and transparently.”

As far as we understand, this is a serious case of dereliction of their obligations to ensure representativeness and transparency.

- Our conclusions of the EESC process:

The promotion of the short-term economic interests of industry led by a person with serious conflict of interests has crushed the fundamental social and human rights of people with real names and faces who have an acquired disability due to this environmental exposure. This has exacerbated their social exclusion and increasingly adversely affected national health, wellbeing and productivity.

Continuing to promote the “business as usual” approach increases the potential liabilities of an industry that 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.

This action by the EESC undermines the Precautionary Principle that is enshrined in the Maastricht Treaty as one of the pillars of environmental policies of the European Union, and it is a rejection / abandonment of the protective measures of the opinion adopted in the TEN section. These protective measures continued the line underpinned by resolutions and recommendations of the European Parliament, the Parliamentary Assembly of the Council of Europe and the European Environment Agency.

The European Ombudsman recognizes a clear case of "maladministration" by the EESC for allowing a Mr Adams misconduct, "that could compromise the transparency and legitimacy of the procedures followed by the EESC". According to this view, the democratic quality and independence are being questioned.

We, the European associations defending EHS people's rights and fighting against electromagnetic pollution, to repair this attitude of irresponsibility and institutional abandonment, consider it essential to remedy the damages caused and prevent similar future maladministration. **Consequently, we affirm that this “counter-opinion” does not represent us.**

For all these reasons, we request the following:

- The initiation of the relevant procedures to draw up a new opinion on electromagnetic hypersensitivity, naturally, with collaboration and participation of independent doctors, scientists and European civil society organisations, including European associations defending EHS people's rights so that opinions from people suffering with electrosensitivity can be heard. The defence of the rights of those suffering with EHS can help the millions of citizens at risk from EMF exposure today in the hope of offering protection for the lives of future generations. Urgent guidance is needed considering the escalating use of wireless devices and proliferation of layer upon layer of radiofrequencies. With this in mind, we respectfully request that a new opinion is initiated and acted upon with urgency.

- **The resignation of Mr Richard Adams ⁽⁹⁾ as external delegate (Category III - "Various Interests") of the Consultative Commission on Industrial Change (CCMI) of the EESC**, given his totally "inappropriate" attitude and lack of transparency within the EESC and the existence of a "conflict of interest" according to the European Ombudsman opinion.

24 October 2016

1/ Recommendation of the European Ombudsman concerning the alleged failure by the European Economic and Social Committee to ensure that a member declared all relevant interests: <http://www.ombudsman.europa.eu/en/cases/recommendation.faces/en/71366/html.bookmark>

2/ Opinion of the Section for Transport, Energy, Infrastructure and the Information Society on Electromagnetic hypersensitivity: <https://webapi.eesc.europa.eu/documentsanonymous/eesc-2014-05117-00-02-as-tra-en.doc>

3/ European Parliament resolution of September 2008 (P6_TA(2008)0410), on the mid-term review of the European Environment and Health Action Plan 2004-2010 (2007/2252(INI)). See excerpts: http://www.apdr.info/electrocontaminacion/Documentos/Instituciones_Europeas/European.Parliament.resolution.2008.pdf

4/ European Parliament resolution P6_TA(2009)0216 of 2 April 2009 on health concerns associated with electromagnetic fields [<http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+TA+P6-TA-2009-0216+0+DOC+XML+V0//EN>]

5/ Resolution 1815 (2011) of the Parliamentary Assembly of the Council of Europe (PACE) on "The potential dangers of electromagnetic fields and their effect on the environment": <http://assembly.coe.int/nw/xml/XRef/Xref-XML2HTML-en.asp?fileid=17994&lang=en>

6/ Warnings and recommendations of the **European Environment Agency (EEA)** in support the Bioinitiative Report, among others, as basis for our early warning on EMF.

- In 2007, the EEA advisory entitled "Radiation risk from everyday devices assessed" [<http://www.eea.europa.eu/highlights/radiation-risk-from-everyday-devices-assessed>].

- In 2008-2009, in the **Committee on the environment, public health and food safety of the European Parliament**.

- In 2009, in the **International Expert Conference on Cell Phones and Health: Science and Public Policy Questions**, Washington, on 15 September 2009. See "Statement on Mobile Phones" [<https://ecfsapi.fcc.gov/file/7022311538.pdf>, http://www.emrpolicy.org/files/15sep09_mcglade_statement.pdf].

- In 2011 In the **Council of Europe Hearing on EMF** in Paris on 25th February 2011 [See "Statement on Mobile Phones and the Potential Head cancer risk": <http://www.icems.eu/docs/StatementbyJMGFeb252011.pdf?f=/c/a/2009/12/15/MNHJ1B49KH.DTL>] and in the **Committee on the environment, agriculture and local and regional affairs of PACE**. See document 12608 - section B, point 4.21 – [<http://assembly.coe.int/nw/xml/XRef/Xref-XML2HTML-en.asp?fileid=13137&lang=en>].

- In 2013: The EEA publishes 'Late Lessons from Early Warnings, volume II'. See the Chapter 21 "**Mobile phone use and brain tumour risk: early warnings, early actions?**" [<http://www.eea.europa.eu/publications/late-lessons-2/late-lessons-chapters/late-lessons-ii-chapter-21/view>].

7/ The Counter-Opinion on Electromagnetic hypersensitivity (against the specialised section opinion): https://webapi.eesc.europa.eu/documentsanonymous/EESC-2014-05117-01-01-AMP-TRA_EN.doc

8/ When Mr. Richard Adams was a member of the Group III of the EESC appointed by the UK Government, It was found that he was also a Trustee of UK Charity Sustainability First 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, Exelon E-Meter (Siemens), E.ON UK, National Grid, Northern Powergrid, Ofgem (the UK electricity industry Regulator), Scottish Power Energy Networks, UK Power Networks, VODAFONE. 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 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).

9/ Mr. Richard Adams ended his term as an EESC member on 20 September 2015. The UK Government did not renew the mandate of the Mr. Richard Adams, as an EESC member, for the current period (2015-2020). However, Richard Adams is since 1 January 2016 an external delegate (category III of various activities) of the Consultative Commission on Industrial Change (CCMI) of the EESC for a period of two years, which shall be renewable.

*** Signatories (October 2016)**

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