



13. März 2015

Geschäftsstelle KI, Parallelstraße 50, 66125 Saarbrücken-Dudweiler, Tel. 06897-766176

Ms Emily O'Reilly
European Ombudsman
1 Avenue du Président Robert Schuman
CS 30403
F-67001 Strasbourg Cedex

COMPLAINT ON PROCEDURES OF THE EESC ON 21/01/2015

Dear Ms O'Reilly,

The signers, the Kompetenzinitiative e.V., Germany, (and Leendert Vriens, from www.stopumts.nl) would like to draw your attention to processes regarding the EESC plenary session on 21/01/2015.

On 10/07/2014 the EESC plenary session approved the TEN Section elaborating a draft opinion on electromagnetic hypersensitivity (EHS). After forming a study group and receiving an input as a result of an Open Letter that was written by European EHS groups, a public audience took place in Brussels on 04/11/2014 with the participation of Dr. Isaac Jamieson and Professor Olle Johansson as scientific experts and Mark Cendrier who represented Robin des Toits (a French EHS association). Next a study group meeting was held on 5/12/2014 to discuss, modify and enhance the EESC's first draft opinion. The TEN Section itself adopted the draft opinion with some amendments on 07/01/2015. The Rapporteur was Bernardo Hernandez Bataller.

This draft opinion acknowledged the existence of EHS as a consequence of the increasing exposure to manmade electromagnetic radiation, and proposed measures to reduce such risk and protect and support EHS sufferers and vulnerable individuals, such as children, elderly and the sick.

It described the clinical picture with documented symptoms and also provided information on sources of manmade electromagnetic fields (EMF). It enumerated the restrictions affected people are experiencing in their daily lives (with regard to health, mobility, social life and professional activities) and highlighted the present breach of their fundamental human rights caused by electromagnetic pollution. It proposed a range of measures to protect EHS people like establishing radiation-free public space (e. g. schools, hospitals, libraries, administration buildings) and „white zones“ to protect those affected worst. Additionally, the precautionary principle was presented as a necessary instrument to prevent a further increase in EHS prevalence. All these procedures were executed in accordance with the EESC Rules. It was planned to put the draft opinion to the vote during the 504th plenary session on 21/01/2015. <http://www.stopumts.nl/pdf/EESC-2014-05117-00-00-PA-TRA-EN.pdf>

One day before the decisive session a counter-opinion was lodged by Sir Richard Adams from the UK. <http://www.stopumts.nl/pdf/EESC-2014-05117-01-01-AMP-TRA-EN-counter%20opinion.pdf>

In his draft Adams denied the role of EMF as a cause of EMF related symptoms and of the development of EHS and invoked to WHO and SCENIHR publications. In contrast to the EESC's original aim, the new opinion did not offer any concrete support for affected people but recommended cognitive behavioural therapy and further psychological/psychiatric methods by referral to COST. After a debate in which Richard Adams was confronted with having hidden the single conflict of interest of his that was known at that time, the counter-opinion was adopted with 136:110:19 votes.

More details about the elaboration process

http://www.peccem.org/DocumentacionDescarga/Campanas/EHS-CESE/ASSESSMENT_ON_THE_EESC_EHS_PROCESS_EN.pdf

Our statement *One step forward, two steps back*

<http://kompetenzinitiative.net/KIT/KIT/one-step-forward-two-steps-back/>

Failure with regard to the declaration of interests

As it is well-known, all EESC members are obliged to declare their interests. Adams who had himself classified into Group III (Different interests) of the EESC members was introduced as a „Consultant in social, environmental and ethical business and project development“. He failed, however, to declare those of his interests out of which any potential conflicts of interest might arise. First, there is evidence that he is a member of the Corporate Responsibility Stakeholder Council at German RWE AG, one of Europe's five biggest electricity and gas utilities.

<http://www.powerwatch.org.uk/news/2015-01-20-eesc-final-opinion.asp>

And second, he is a trustee of UK Charity Sustainability First, a charity that is funded by a series of electrical companies and that is promoting smart meters and smart grids (digital EMF emitting devices) in the name of sustainability.

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

As you may be aware, numerous health problems (including increased incidents of EHS) are being reported worldwide as a result of smart meter rollouts. For example, refer to Lamech (2014).

<http://www.ncbi.nlm.nih.gov/pubmed/25478801>

As Adams did not reveal his industrial involvement to the EESC members he appeared at first glance to represent an environmental and socially responsible position. Notwithstanding his denial that any influence from industry affected his attitude, he actually strongly supported the electronic industry producing and promoting smart meters by means of his counter-opinion. Thus he is taking the risk to damage the rights and health of EHS people and of those citizens who may be harmed in the future. His non-declaration appears immoral and incompatible with good administrative behaviour.

Failure with regard to Adams' referral to SCENIHR, because of administrative errors in SCENIHR groups

In his counter-opinion Adams refers to the SCENIHR Opinion on Electromagnetic Fields (EMF). As the final opinion of SCENIHR has not been published yet, he had to refer to the preliminary opinion of 29/11/2013.

http://ec.europa.eu/health/scientific_committees/emerging/docs/scenihr_o_041.pdf

Additionally, it is rather unlikely that the other EESC members were able to get sufficient information about the SCENIHR Opinion, and its limitations, because the time remaining to the vote was so short.

Due to the fact that the SCENIHR groups do not have a balanced composition with respect to their members' independency from industry (as mentioned in our letter to the European Ombudsman Ms O'Reilly dated 18/08/2014), there is resultant inappropriate decision-making and evaluation of scientific studies. Several organisations and individuals working at the EMF issue have criticised the draft as misleading, biased and mistaken. For example, refer to: Bioinitiative Working Group (2014), Sage, C.,

Carpenter, D.O.: Letter to Stefan Schreck, Mr. Ladislav Miko, Mr. Robert Vanhoorde, Mr. Michael Walsh, SANCO.DDG2.03, 16. April 2014, 1-4.

<http://www.bioinitiative.org/potential-health-effects-emf/>

Examining the EESC members` declarations of interest, it is worth noting that nearly all the members of the Working Group have ties to the cellular phone industry and therefore have potential conflicts of interest, and that members of the Scientific Group (whilst also having connections to industry) are not specialised in cellular phone technology. This is a crucial point to acknowledge, since those who are not aware of both the benefits and the risks of this technology cannot make appropriate decisions. As an example of inappropriate action, mention is made of the recent studies from Hardell and Mild showing a significant increase of brain tumours being excluded from review. For further details on SCENIHR refer to our previous letter to the Ombudsman we prepared on behalf of the Kompetenzinitiative, Germany. [See Beschwerde No. 1485/2014/PMC. at the European Ombudsman].

Summarizing:

Sir Richard Adams did not only fail to disclose his severe potential conflicts of interest, but his counter-opinion is based on an incorrect assessment, because he refers to the preliminary SCENIHR Opinion that has proven to be flawed, due to the unbalanced composition of the SCENIHR groups involved.

Failure with regard to the standard course of procedures

It has to be noted that the primary purpose of the EESC`s own-initiative opinion was to provide support and facilitations for EHS sufferers. By the EESC adoption of the counter-opinion, just the opposite has arisen and the plight of those affected has been made worse. It is questionable whether, in such a case, the Presidium/ President might have been obliged to refer the opinion back to the study group, thus avoiding an instant vote and providing another possibility for enhancements. See Rules of Procedure, Art. 51, 7.

Summarizing:

Given that the course of procedures does not comply with the Rules, a revision of the EESC decision is required. The present negative outcome of the procedures strengthens the status quo that leaves the EHS people in a condition of frail or even seriously ill health, disability, helplessness, and social exclusion.

Conclusion:

In the points mentioned above, we recognise a serious violation of good administrative behaviour that may have severe consequences on affected citizens and detrimentally impact the long-term economic future and well-being of the Europe. Therefore we ask you urgently to take appropriate action in order to change this situation of deadlock. Thank you for your interest. We look forward to your response.

Respectfully,

Dr. med. Christine Aschermann
Neurologist, Psychotherapist
Kompetenzinitiative, International Relations

Dr. phil. Peter Ludwig
Kompetenzinitiative, Executive Director

and

Dr. Leendert Vriens,
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