Press Release
(25.10.2016)

The EU Ombudsman recognizes for the first time a conflict of interest with telecommunication companies in a European consultative institution aiming to avoid prevention and comprehensive recognition of electrohypersensitivity (EHS).

The more than 40 undersigned (*) EU platforms and associations defending the EHS people's rights of electrohypersensitive people (EHS) and fighting against electromagnetic pollution, welcome the fact that the EU Ombudsman (1) recognizes and seeks to remedy the conflicts of interest and the irregularities permitted by the European Economic and Social committee (EESC). This mismanagement has prevented the vote and the approval of the provided Opinion on electromagnetic hypersensitivity to electromagnetic fields exposure in the plenary session on 21 January 2015. After Emily O'Reilly's recommendation, we consider null and void the negationist counter-opinion approved instead.

The non-voted Opinion in the EESC plenary

The EESC's Section for Transports, Energy, Infrastructures and Society of Information (TEN) adopted a previous Opinion on 7 January 2015 (2) after a laborious process (6 months of consultations and discussions, including a public hearing (3)) led by one of its members, Bernardo Hernández Bataller (General Secretary of the Spanish Association of Communication Users). That opinion, which followed the line of caution initiated by other European institutions (4) and health agencies of several Union countries, warned of the potential danger of electromagnetic radiation and recognized electrosensitivity together with the rights of the people who are suffering it:

- It calls for the precautionary principle, aiming to minimize the risks of exposure to electromagnetic fields (EMF) in general and their social costs, by reducing exposure levels considering non-thermal biological effects (not covered by the current limits).

- It claims for a comprehensive recognition (health, labour and social) of electromagnetic hypersensitivity syndrome in relation to EMF, including enabling "white areas" (places free of radiation).

- It recommends minimizing the risks linked to the exposure to artificial electromagnetic radiation by implementing specific protection measures for the most vulnerable groups, such as giving priority to the wired internet connection instead of Wi-Fi in education.

We consider that the original TEN Opinion achieved a commendable balance between the rights at issue: the right to health protection of the general population (with emphasis on the most vulnerable sectors), the lost Fundamental Human Rights of EHS people. On the other side, reflecting on other issues like the users freedom of communication, and free enterprise in the industry concerned.

EESC's maladministration and the lobbies' acting in the voting process

At the EESC plenary session of 21 January 2015 it was narrowly approved a complete amendment (5) irregularly presented (just a day before the vote), by the negationist Richard Adams. Adams was a British member of the group III (which represents social organizations at the EESC) within the category "consumers and the environment". He presented the "counter-opinion" in his capacity as "consultant on ethical, social and environmental issues" hiding his obvious conflict of interest (6) to the EESC. The English charity that he ran was participating in projects funded by a conglomerate of industries of electricity and telephony (eg Vodafone), while advising one of the five more important power and gas companies in Europe, involved in the development and implementation of smart grids and smart meters using radio frequencies for data transmission.

The European Ombudsman recognizes maladministration in the EESC

The UE Ombudsman recommendation of 19 September 2016 (1), nine months after the complaint of the signatory organizations, recognizes maladministration in the EESC:

- **Because:** "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

- **Because:** by allowing an undeclared conflict of interest affecting the "transparency" of the process, **it undermines** "the EESC's legitimacy, as a body representing diverse interests in EU society, would be undermined the legitimacy of the EESC as a body representing various interests of the society of the Union".

- **Because**: by allowing the vote of a counter-opinion "unwilling to take any action or assume any responsibility as regards this matter" when it should "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".

The Social Organizations' request to the EESC to act accordingly

Considering the overwhelming evidence of lack of sufficient safeguards and transparency of evidence of the lack of guarantees and transparency, confirmed by the European Ombudsman, Emily O'Reilly, in the process where the fundamental rights of EHS people are at stake. We consider that the content of the counter opinion is invalid.

The undersigning European citizens' organizations declare that the irregularly presented and voted "counter-opinion" is not our Opinion, being sufficiently evidenced the lack of guarantees and transparency required in the process.

For this reason, we request the Economic and Social Committee:

3- The resignation of Mr Richard Adams [(7)] 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 EU Ombudsman opinion.

2- The urgent start of the relevant work for a new Opinion on electromagnetic hypersensitivity with the cooperation and participation of independent physicians, scientists and European social organizations, including European associations defending EHS people's rights to ensure the voice of people suffering with electrosensitivity can be heard.

25 October 2016

Press contacts in [name of the country]:

- On behalf of the more than 40 signatory EU platforms and associations of the "Open letter to the European Economic and Social Committee (EESC)"

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- **The Rapporteur of the opinion of the EESC's Section for Transport, Energy, Infrastructure and the Information Society (TEN) on Electromagnetic hypersensitivity adopted on 7 January 2015:**
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Download the Annex I: "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)": http://www.peccem.org/DocumentacionDescarga/Campanas/EHS-CESE/Letter_to_EESC.2016-en-Final.pdf

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/ EESC Public Hearing on electromagnetic hypersensitivity on 4 November 2014: http://www.eesc.europa.eu/?i=portal.en.events-and-activities-electromagnetic-hypersensitivity

4/ - The EU Parliament resolution of September 2008 (P6_TA(2008)0410). See excerpts: http://www.apdr.info/electrocontaminacion/Documentos/Institucions_Europeas/European.Parliament.resolution.2008.pdf

- The EU Parliament resolution P6_TA(2009)0216 of 2 April 2009: http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+TA+P6-TA-2009-0216+0+DOC+XML+V0//EN

- The Resolution 1815 (2011) of the Parliamentary Assembly of the Council of Europe (PACE): http://assembly.coe.int/nw/xml/XRef/Xref-XML2HTML-en.asp?fileid=17994&lang=en

- 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 [http://www.eea.europa.eu/highlights/radiation-risk-from-everyday-devices-assessed], 2009 [https://ecfsapi.fcc.gov/file/7022311538.pdf, http://www.emrpolicy.org/files/15sep09_mcglade_statement.pdf], 2011 [http://www.icems.eu/docs/StatementbyJMGFeb252011.pdf?f=/c/a/2009/12/15/MNHJ1B49KH.DTL and document 12608 - section B, point 4.21: http://assembly.coe.int/nw/xml/XRef/Xref-XML2HTML-en.asp?fileid=13137&lang=en] and 2013 [http://www.eea.europa.eu/publications/late-lessons-2/late-lessons-chapters/late-lessons-ii-chapter-21/view].

5/ 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

6/ 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, Elexon 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).

7/ 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. These interests are again in direct conflict with the objectives and functions of group III within the EESC. The interests of organized groups of civil society (Group III) does not represent the interests of workers (Group II) or employers (Group I), for that reason, the declaration of the European Ombudsman denounces the situation of maladministration of the EESC by this conflict of interest.

✱ Signatories (October 2016)

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