

Judgement given against the installation by Orange SA of relay antennas in the name of the precautionary principle, illegal nuisance and the health risk for nearby residents

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On 11 August the District Court of Créteil issued an injunction against the Société Anonyme (limited company) Orange, along with a fine of 5000€ per observed infraction and per day from the commission of the infraction.

It's ironic that Créteil (in the Val-de-Marne) is home to the company headquarters of Orange SA, who were planning to install a pair of relay antennas on the roof of the [hotel Ibis](#) at 15b avenue d'Italie in the 13th *arrondissement* of Paris. However they had not reckoned with the pugnacity of two residents, aged 71 and 83, living in the block of flats opposite (La Tour Antoine et Cléopâtre) at number 17 in the same street, who were supported in their urgent complaint to the courts by the association of co-owners of the flats.

This new base station would have been less than 15 metres away from, and almost directly opposite, the bedroom of Mr and Mme Jean-Claude Puybaret, one of the plaintiffs (adding to the artificial HF microwave radiation from the Wi-fi installed in the 58 bedrooms of the hotel!).

The Créteil Court did not only pass judgement in the name of the precautionary principle, but it explicitly cited a risk to health in order to "prevent imminent harm" and in addition, "to put an end to an obviously illegal nuisance".

[\[PDF: The Court judgement -Fr\]](#)

In giving the grounds for this decision the health issues are presented in these terms: "*It is clear from the numerous scientific studies cited in the dossier that there exists at the least a risk to the health of people living nearby from the propagation of radiation emitted by these antennas.*"

"Even if present scientific knowledge does not enable us to determine precisely the impact of electromagnetic radiation when it penetrates the communal parts of the building, there exists a risk that cannot be ignored of repercussions from this radiation on the state of health of the residents who live in it."

In essence the Judges of the Créteil Court consider, while accepting the arguments of the plaintiffs, that Orange SA, in taking "the risk of causing damage to the health of the plaintiffs, aged respectively 71 and 83, persons who are particularly vulnerable, as well as to all the occupants of the apartment block, ... are contravening their duty to act prudently and the precautionary principle, both of which should be upheld in this matter."



Hotel Ibis and the Antoine et Cléopâtre apartment block



From his 7th-floor bedroom Jean-Claude Puybaret points out the roof where Orange were planning to install its relay antennas

In order to avoid any ambiguity the Judge specified: *"In contrast to the claims of Orange SA, it is the duty of the presiding judge to ensure the due regard of the precautionary principle, as part of the obligation of prudence with regard to third parties which is an essential part of the rule of law."*

Maître Laurent Frölich, counsel for the plaintiffs, declared: *"They had the good sense to take immediate action, so we were able to lodge the complaint against Orange before the building work started. It was lucky, it's so much easier to get an injunction to prevent the work starting than to get an already existing antenna dismantled."*

He added: *"It is a particularly severe judgement which I find exemplary and which may well set a precedent."*

If this recent decision is not in itself exceptional, it is the first time that the precautionary principle has been applied as a preventive measure for the sake of adults and when there is no school nearby.

In March 2009, [The District Court of Angers](#) upheld the precautionary principle by forbidding the installation of antennas close to a school.



Maître Laurent Frölich

Obviously this decision by the Court of Créteil could set a legal precedent and engender a great many more court cases.

Right away Orange, following their well-practised ritual, said they were surprised by this decision by the Court of Créteil, declaring that they were not contravening "any legally binding regulation". They declared that they are going to appeal against this decision, but the market was not fooled because after the announcement France Telecom shares fell more than 0.4%, increasing the drop of 5.22% observed since the beginning of the year.

Editor's note: For a very long time Orange SA has ignored the most elementary precautions, which it promoted itself through its propaganda organisation called AFOM (Association Française Opérateurs Mobiles), notably by claiming that relay antennas are installed on high points in order to avoid irradiating people directly, which is exactly the opposite what they were planning for the BST on the Hôtel Ibis roof.

Worse still, it looks as if all the directors and technical staff of Orange need to go back to the classroom, because if it's a blunder to put up an antenna in the middle of the city on a mid-level point, how much worse is it to put it on a roof made of zinc! This is insane, considering the effects of the passive repeat emission of the artificial HF microwave radiation from this type of base-station, which the AFOM said a long time ago was to be installed only in the countryside!

It's obvious from all this that Orange and the other phone companies have still not realised that they have gone too far in taking the general public for second-grade and ill-informed fools.

As for Orange itself, this company still justifies its course of action by referring to the WHO and its one-time champion crook and fixer, [M. Repacholi](#).