

The Brussels shock wave

The suit of the phone companies and the federal government has been dismissed and the Brussels standards validated; a definite step forward in protecting health from radiation.

Three volts per metre: that's now the only valid standard for exposure to electromagnetic microwaves in force. In its decision published this Thursday the Constitutional Court confirmed this statutory limit, due to come into force in the Brussels Region on 15th March next.

The outcome was by no means a foregone conclusion for the Brussels government. In their appeal to have the motion brought by the MP Dominique Braeckman (Ecologist) quashed, the phone companies Belgacom, Mobistar and Base, as well as the federal government, considered that only the federal authority had the power to legislate on standards aimed ultimately at protecting human health.



The Constitutional Court swept aside these arguments and judged *a contrario* that "the Regions have the authority to prevent and to combat different types of environmental pollution, and that this authority confers the right to take measures to prevent and to limit risks (...), including limiting people's exposure to the risks from these types of radiation."

The Court goes even further and judges that on the basis of its redefined competence, "the federal authority no longer has the power to set statutory exposure levels. (...) The choice made by the regional legislature (...) to apply the principle of precaution falls within the right of this legislative body to make its own assessment and cannot be rejected simply because there are no stricter international standards in force."

And what about freedom for business and industry? "This cannot be held to be total freedom," the Court declared. "The plaintiffs have not demonstrated that it is technically or financially impossible to meet the standards set out in the motion."

Needless to say the Brussels Environment Minister Evelyne Huytebroeck (Ecologist) is delighted: "The Region has just won a fundamental battle to preserve the quality of life of the population in spite of the appeals by the federal minister at the time (Ed: Rudy Demotte, Socialist, now the Walloon minister-president) and by the phone companies," she said. "In the absence of a scientific consensus, the principle of precaution dictates that we should take measures to avoid the risk of irreversible damage to the environment and to health."

The office of the federal Minister of Health Laurette Onkelinx (Socialist) prefers to remain silent on the subject. At the end of 2008 Laurette Onkelinx had made it known that she would follow the recommendation of the Higher Council of Health, which has always favoured the 3 V/m limit, even while the federal standard remained 20.6 V/m.

By coincidence, the Committee for Federal-Regional Concertation is due to consider the question this coming Friday. In view of the content of the Court's decision, it's unlikely that the reluctance of the Minister of the Economy Vincent van Quickenborne (Walloon Liberal Democrats) with regard to the 3 V/m level will have much influence.

In the Walloon region the Minister for Regional Development, André Antoine (Humanist Democratic Centre), sent out a circular to the local authorities at the beginning of the week, which also imposes the 3 V/m: "The decision of the Constitutional Court is good news and closes the file on the subject," said the minister. "So much so that, with my colleague of the Environment Benoît Lutgen, I am presenting a bill to confirm the 3 V/m standard. It will be voted during this term."

Less enthusiasm on the Brussels side, where the Walloon standard is seen to be less exacting. "The circular sent to the *local authorities* is less restrictive than the Brussels one," the minister Evelyne Huytebroeck pointed out. "Its application does not cover the installations already in place or the antennas which do not have any visual impact on the countryside or in town. It covers the exposure level near the antenna in question whereas in Brussels the 3 V/m limit covers the whole area."

As for the consumer action groups, they welcome the decision while recognising that the 3 V/m level is still not low enough, if one takes into account the conclusions of certain scientific reports.

So the Brussels shock wave has an ongoing ripple effect . . .

The Court sets the principle of precaution in stone

Comment

Clear, courageous and historic: the decision of the Constitutional Court has put an end to years of political spinelessness on the issue of electromagnetic radiation.

By validating the more restrictive Brussels standards, while at the same time divesting the federal authority of competence in the matter, the highest authority whose duty it is to confirm the legality of new laws has now enshrined the principle of precaution.

Often referred to, inscribed in law, but not necessarily applied, this principle is the object of varying interpretations. And with good reason: it is based for the most part on the concept of uncertainty. However, where radiation is concerned, doubt, cleverly maintained by the industry, is no longer admissible.

A large number of scientific studies bear witness to the potential risks linked to long-term exposure to "electromagnetic smog". Thus it is incumbent upon those with the power to do so to "protect the various aspects of the human environment, primarily in order to protect public health," observes the Court.

If the field is now open for the Flanders and Walloon Regions, who are expected to adopt standards similar to those decided by Brussels, the "war of the waves" is far from over. The economic stake is enormous and it is unlikely that the industry will lay down its arms in the face of calls for greater strictness.

For those who uphold the principle of precaution in the absolute, now is the moment to recall that it cannot excuse taking an arbitrary decision; and that appealing to it can take the form of a decision to act, or not to act, in an emergency ...

CHRISTOPHE SCHOUNE

**Taking effective action
is making mobile phones compatible with human health,
it's getting the BioInitiative standard
[0.6V/m, why ? \(click\)](#)**

