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Translation HC

Residents living near
telephone relay antennas

vs.

The mobile telephone
operating company
SFR
(Société SFR CEGETEL)



In front of the Court House in Carpentras, Maître Siegfried Bielle, representing the plaintiffs, is confident about the future.

French Republic



[\[ORIGINAL\]](#)

TRIBUNAL DE GRANDE INSTANCE
of CARPENTRAS - FRANCE
(District Court)

EXTRACT

JUDGEMENT

given 16 February 2009

Grounds for the decision and sentence:

Extract from page 10:

" In the light of the current uncertainty over the supposed harmlessness of exposure to the radiation emitted by relay antennas, structures that emit electromagnetic fields, such as the antenna installed by SFR close to the home of Mr and Mrs Xxxx in Châteauneuf-du-Pape, there exists a well-founded doubt concerning the potential danger presented by this type of installation, a risk that can be considered entirely plausible, even probable, although its manifestation (which could be disastrous) has not yet come about."

"Every resident can claim, by virtue of this principle, that the exposure to radiation should be as low as reasonably possible.

"In this case Mr and Mrs Xxxx have thus proved that their apprehension is pertinent and entirely understandable, though without reversing the responsibility for the burden of proof.

"At present they cannot be guaranteed by the mobile telephone company, in the matter of safety and security, the absence of any health risk generated by the relay antennas installed very close to their home."

Extract from page 11:

"Whatever the mobile telephone company may say, this is a clear instance of an exceptional nuisance to one's neighbour, to which an end should be made forthwith.

In order for the two exceptional nuisances to one's neighbour detailed hereunder and noted by the Court to be remedied, the operating company must proceed with the demolition (that is to say the dismantlement) of the pylon in question, in accordance with the principal request of Mr and Mrs Xxxx."

Extract from page 12:

"Considering the very negative impact of keeping the relay antennas in question in place in proximity to the dwelling of Mr and Mrs Xxxx, it is important to maximise the effectiveness of the obligation to demolish the structure imposed on the mobile telephone operating company named Société Française du Radiotéléphone (SFR) by adding to this obligation a penalty of 400 euros per day of delay after the period of four months counting from the day on which this obligation is validated by a decision that has the force of a matter that has been adjudged."

Dit n'y avoir lieu à assortir d'office la présente décision de l'exécution provisoire ;

Condamne La Société Française du Radiotéléphone (SFR) aux entiers dépens.

Jugement signé par [REDACTED] [REDACTED], vice président et [REDACTED] [REDACTED], greffier présent lors du prononcé.

LE GREFFIER

[REDACTED]

LE PRESIDENT

[REDACTED]

RÉPUBLIQUE FRANÇAISE - AU NOM DU PEUPLE FRANÇAIS
En conséquence, la République Française mande et Ordonne à tous Huissiers de Justice sur ce requis de mettre la présente décision à exécution, aux Procureurs Généraux et aux Procureurs de la République près les Tribunaux de Grande Instance d'y tenir la main. A tous Commandants et Officiers de la Force Publique de prêter main forte lorsqu'ils en seront légalement requis.
POUR GROSSE CERTIFIÉE CONFORME délivrée par Nous,
Greffier du Tribunal de Grande Instance de CARPENTRAS

[REDACTED]

