

Judgment (Belgium): A recent legal decision refers explicitly to the health hazards posed by radiation from mobile phone antennas

On 18 May 2009 the district court of Ghent gave a judgment banning the installation of a 28-metre phone mast in Drogenen, where construction work had already started and was recently halted. As often happens, the phone companies [Belgacom](#), Proximus, etc, decided to install this new phone mast for the SNCB (Belgian national railways) in a very busy place: an urban area with a primary school, and a hall for local youth groups.

That was one of the reasons why the local residents took their case to court. [[Reportage aff. SNCB à Drogenen 09 /2006](#) - Fr]

Following events in [la France](#), it's the first time that a Belgian court has cited health hazards as a factor justifying its decision.

The authorities will be directly affected, since the court decided that the health risk cited by the plaintiffs in their objection to the planning application was a legitimate ground for complaint. In other words the usual criteria for planning consent and the impact on the urban context are no longer adequate; **disturbance and pollution of the environment are a new ecological parameter that must now be taken into account.**

The court considered that *"Until it has been scientifically proven that radiation from relay antennas is without danger to human health, it should be admitted that it probably is dangerous."*

In a joint [Press release](#) (NL) the Belgian environment action groups that fight against pollution from artificial electromagnetic HF microwave radiation declared: *"This verdict from the court in Ghent is a leap forward in the recognition by the Belgian courts of the potential threat to public health posed by relay antennas, and is a legal first in Belgium.... The court also took into account the fact that the mast would have a negative visual impact, and would cause a depreciation in the value of nearby properties."*

According to Jan Allein, the group's spokesman "[Beperk de Straling](#)" and one of the plaintiffs who brought the case: *"The place where they planned to put the mast was not well chosen – it is close to a residential area, a primary school, and a hall for the local scouts and other youth groups."*

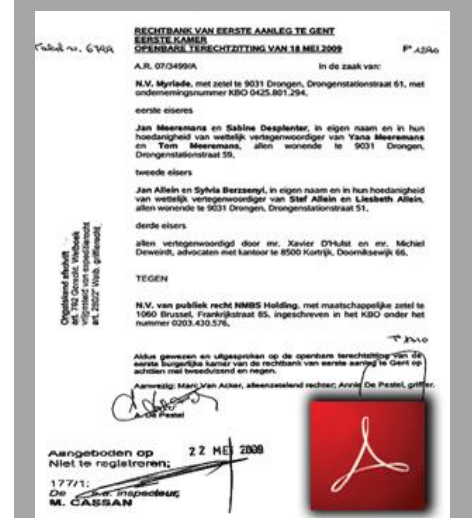
"The court has now clearly decreed that the authorities have to take account of health hazards and environmental issues, and not only of the visual criteria, when they make a decision about a planning application."

In its judgment, the court recalled a decision taken by a Justice of the Peace in 2000, who declared: *"As long as it has not been scientifically proven that radiation is without danger, it should be considered that it is probably dangerous."*

The action group hopes also that this verdict will set a legal precedent.



Belgacom planning notice Drogenen [ZOOM](#)



The original PDF of the judgment [NL]



Jan Allein [ZOOM](#)