



Published on 1 March 2009 by **Jean-Luc Soulier**, Member of the Paris Bar

[jl.soulier@soulier-avocats.com](mailto:jl.soulier@soulier-avocats.com)

Tel.: +33 (0)1 40 54 29 29, + 33 (0)4 72 82 20 80

[Read this post online](#)

## The lega saga of relay base stations And the maximum fear effect

**Following the path traced by the Versailles Court of Appeals, whose decision was commented in our [February 2009 e-newsletter](#), the Carpentras and Angers First Instance Courts have ordered the dismantling of mobile phone relay base stations. These decisions concerned three different mobile phone operators: Bouygues, SFR and Orange. Several proceedings have been initiated across France, at the initiative of associations whose members are often the same persons who have been conducting for years a fierce battle against the chemical, agrochemical and nuclear industries.**

This unexpected phenomenon has been judged sufficiently alarming for the Prime Minister himself to speak up. Unfortunately, the announcement of the organization of a round table on phone relay antenna - presumably to clam people down - deprived the firmness showed by the government of any tangible effect. On March 4, 2009, the French National Academy of Medicine issued a press release that quite virulently denounced the scientific errors of the aforementioned decisions and the misuse of the precautionary principle. This release, however, has received little media coverage.

The courts' "subjective interpretation of the precautionary principle" (as said by the French National Academy of Medicine) is particularly worrisome. First, the courts de facto discredited official control bodies since they nullified valid authorizations and excluded applicable standards on the strength of informal scientific studies which they, however, specified "*can be criticized, if not ignored, due to a lack of rigor in their research*". They also encouraged those who spread medieval fears to pursue they crusade even more radically, since, according to the Versailles Court of Appeals, the "nuisance" that the dismantling of the relay base station is supposed to remove results from the "*anxiety caused and suffered*" by neighbors. The demonization of the high technology industries that, according to radical ecologists, benefit from the support of powerful lobbies to which our



governmental agencies and administrative authorities could not allegedly resist, has eventually succeeded. There is, therefore, every reason to disconcert independent experts of official control bodies whose voice is no longer heard and whose reputation is permanently tarnished. This might also keep away from our territory R&D activities since all industry sectors are targeted one after the other. The weakness of the State's reaction in response to the media vociferations and manipulations of fear merchants show that it has not yet assessed the true scale of the damage – not to mention the economic consequences – that the ideologists of the de-growth concept are likely to cause to our society.

**SoulieR Avocats** is an independent full-service law firm that offers key players in the economic, industrial and financial world comprehensive legal services.

We advise and defend our French and foreign clients on any and all legal and tax issues that may arise in connection with their day-to-day operations, specific transactions and strategic decisions.

Our clients, whatever their size, nationality and business sector, benefit from customized services that are tailored to their specific needs.

For more information, please visit us at [www.soulieR-avocats.com](http://www.soulieR-avocats.com).

This material has been prepared for informational purposes only and is not intended to be, and should not be construed as, legal advice. The addressee is solely liable for any use of the information contained herein.