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“Smart” utility meters: The European Human Rights Court rejected the Norwegian complaint

The European Court of Human Rights (ECtHR) in Strasbourg, France, recently rejected the application from eight Norwegian electro-hypersensitive persons, delivered before the Court in July. The applicants complained about flaws experienced with the national judicial process during their claim for the right not to have a “smart” utility meter producing wireless radiation installed in their homes, nor any meter producing “dirty electricity” – technical jargon for electrical pulses, or “noise”, in the wiring.

The ECtHR’s decision marks the end of a five year long crowd funded initiative to get adverse health effects from microwave transmitters in general, and wireless utility smart meters in particular, recognised through the Norwegian national judiciary system – with a particularly low burden of proof:

In short, the plaintiffs’ health objections against having new utility meters installed, needed to be “clearly unfounded” for them not to win their case. However, the District Court refused the use of expert co-judges, neglected the testimonies given by international experts in court and simply accepted the National Radiation Protection Agency’s view – which was precisely the view challenged by the plaintiffs. Next, the Appeal Court just quoted and copied the view of the District Court, also neglecting the international expert witnesses heard in court as well as the masses of scientific and other documentation submitted. After the Norwegian High Court refused to handle a further appeal, the plaintiffs appealed to the European Court of Human Rights.

The complainants’ lawyer, Hugo P. Matre, partner in one of Norway’s most respected law firms, had the following comment to the refusal from the ECtHR:

“The pre-trial judge at the Human Rights Court (ECtHR) has rejected the appeal using a standard text without any assessments specific to the case. It is therefore not clear from the decision what she has given weight.”

“The EMD routinely rejects cases which do not meet all formal requirements. There is no reference to any formal requirements in the decision. It may therefore be assumed that the appeal meets the formal requirements. Contrary to the view of the applicants, the pre-trial judge considers that there is no violation of the Convention on Human Rights (ECHR). The expression "The Court finds" shows that this is the personal assessment of the judge preparing the case. However, she gives no explanation as to why she thinks so.”

“What has been most disappointing along this process, is that the courts did not make their own evaluation of the principal issue – the evidence for adverse health effects.”

Needless to say, the plaintiffs and their lawyer feel deceived after this process through the judicial system. The total legal costs since the start in 2018 amounts to around 8,013,138 NOK, i.e. around 712,000 Euros, crowd funded by contributions from more than 2,000 people. These expenses comprise all legal costs, including those of the defendant, Norway’s largest electricity network provider, as the courts also decided these costs had to be carried by the plaintiffs.

Around 25 million Europeans are now electro-hypersensitive, and the numbers seem to rise with rising exposure from digital equipment. Similar acute symptoms of ill-health (headaches, tinnitus, brain fog, joint pains, heart arrhythmias and more) are seen in all countries when utility “smart” meters are rolled out. As present exposure standards are shaped to protect against heat created from the absorption of excessive energy, they are simply of very little relevance as to such biological effects from the extra low frequency pulses emitted by digital electronics and embedded in digital microwave communication.

However, the judicial process also brought some positive results: The Appeal Court's decision is now applicable law in Norway. It states unequivocally the right to be exempted for health reasons both from the "smart" meter's microwave transmitters as well as from "dirty electricity" produced from it, provided a doctor's certificate states that the patient's symptoms conform with those attributed to "what is in common language termed 'electro-hypersensitivity'". The Court's decision also states the medical doctors' right to issue such certificates and the network companies' obligation to cater for such emission free solutions. So far, however, the network providers do not respect the obligation to provide "dirty electricity" free installations.

Although "dirty electricity" is a problem on the rise with digital technologies and well known as a serious technical problem of electromagnetic compatibility (EMC), it is largely unknown as a biological cause for ill-health. The contribution from each "smart" meter separately seems minimal, but for those particularly sensitive, and in cases where "constructive interference" between several sources take place, the installation of a "smart" meter, in continuous activity all day every day of the year, may be a serious health issue. (Various technical solutions exist which might reduce the problem.)

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Relevant material

Photo of Lorraine Schembri Orland from Malta, judge at the European Court of Human Rights who assessed the Norwegian plaintiffs' application and decided, on behalf of the Court, that the case would not be heard: <https://einarflydal.com/wp-content/uploads/2023/09/Lorraine-Schembri-Orland-EMD-Malta-.png>

Application from eight Norwegians to the European Court of Human Rights (ECtHR) regarding health issues from microwaves and from dirty electricity arising from electricity smart meters (July 2023). Info pages, application, Letter of Support, Annexes. PDF. 81 Mb. <https://bit.ly/3ErEP3t>, or long link: <https://einarflydal.com/the-documents-for-the-smartmeter-health-complaint-to-the-european-human-rights-court/>

The decision of the European Court of Human Rights (ECtHR) (with covering letter in Norwegian only): https://einarflydal.com/wp-content/uploads/2023/09/2023.09.21-EMD.-Avslag-pa-klage-Andersen-Others-v.-Norway_sladdet.pdf

Two downloadable PDF-books translated from Norwegian with numerous explanations and references to scientific and other sources on biological reactions to electromagnetic fields, exposure standards, smart meters, dirty electricity and more:

Einar Flydal & Else Nordhagen: *Smart meters, dirty electricity, pulses and health*, book, 242 pages. ISBN 978-82-692792-2-1 (PDF, <https://bit.ly/45fKV3c>, or full

link: https://einarflydal.com/sdm_downloads/download-smartmeters-dirty-electricity-pulses-and-health-pdf/)

Einar Flydal and Law Firm Erling Grimstad AS: *Smart Meters, the Law and Health*, book, 210 pages. ISBN 978-82-692792-3-8. PDF, <https://bit.ly/3Mely96>, or full link: https://einarflydal.com/sdm_downloads/download-smart-meters-the-law-and-health-pdf/