

Europe *Italy*

Mobile phones and exposure to EMF: stay tuned for more information, soon

Ongoing discussion has been rekindled in Italy over the potential risks of exposure to electromagnetic fields (“EMF”).

In a decision handed down on 15 January 2019, the Regional Administrative Court of Lazio (“TAR Lazio”) ordered the Ministry of Environment, the Ministry of Health and the Ministry of Education, Universities and Research (the “Ministries”) to launch a campaign providing information to the public on “any short or long-term health risks due to the use of mobile phones”.

The facts

Before the order by tar lazio, the ministries had previously been sued by a citizens group, the association for the prevention of and fight against electrosmog (“a.P.P.L.E”). This group describes itself as “promoting protection of health and integrity of human beings and environment from the exposure to electromagnetic fields.”

A.P.P.L.E’s action was based on the provisions of law no. 36/2001 (The “law”). This sets out the basic principles for protecting workers and members of the general public from the effects of overexposure to electric, magnetic and electromagnetic fields. It also covers the promotion of research into potential effects of exposure, and environmental and landscape protection via the promotion of emf-minimising technology.

Referring to article 10 of the law in particular, the claimant argued that the ministries should have promoted information and environmental education campaigns. Their inactivity in that respect was unjustified, according to the claimant.

To support its claim and highlight the need for education campaigns, a.P.P.L.E filed some scientific studies in court. These, it claimed, showed that use of mobile and cordless phones could have harmful effects on human health due to exposure to emfs, especially for children whose psychophysical development may be negatively affected by these fields.

The decision

Tar lazio’s decision acknowledged the existence of a note issued by the ministry of health¹ in 2012, in response to a previous request submitted by a.P.P.L.E. The note informed a.P.P.L.E that an information campaign was being prepared by the ministry of health, and specified that

- The issue of possible health risks arising from the use of mobile phones was already under its scrutiny, particularly following the classification – by the international agency for cancer research – of electromagnetic fields as possibly carcinogenic to humans (category 2b) and
- In 2011, the higher health council (consiglio superiore di sanità) had recommended an information campaign to promote safe and responsible use of mobile phones, especially with children coming into contact with these devices at an increasingly early age. It maintained that the hypothesis of a causal relationship cannot be completely excluded in connection with frequent use of mobile phones, although there is no scientific certainty about possible causation between exposure to radio frequencies and cancer.

Because the information campaign first announced in 2011 has yet to be implemented, tar lazio ordered the government to launch a similar campaign within six months from the service of its decision. This would provide advice to the public on the availability of information dealing with the use of mobile and cordless phones, as well as any potential health and environmental risks associated with their use.

¹ http://www.salute.gov.it/portale/news/p3_2_4_1_1.jsp?lingua=italiano&menu=salastampa&p=comunicatistamp&id=3439

Comment

The tar lazio decision, which received significant media coverage, is likely to reignite debate in Italy around electromagnetic exposure and mobile phones. This is a live issue that the Italian courts have been faced with before. In 2017, the court of Ivrea and the court of Florence found that damage had been caused by the extensive work-related use of mobile phones and ordered the national insurance provider (“Inail”) to compensate the affected workers with a lifelong payment. These courts were apparently following in the footsteps of the Italian Supreme Court which, in a landmark 2012 case brought by a worker against Inail, ruled that a causal link exists between mobile phone use and cancer. The Supreme Court held that the benign tumour developed by the plaintiff on the left side of his face (allegedly due to using a mobile phone for around 5-6 hours a day) entitled him to an 80% disability pension.²

With this information campaign likely to be launched in the next six months, mobile and cordless phone manufacturers should monitor developments and respond as necessary.



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² See also Christian Di Mauro and Mauro Teresi, “Mobile phones and cancer: Italian courts follow path set out by Supreme Court”, *International Product Liability Review*, 68 (September 2017), p.6