

II

(Non-legislative acts)

DECISIONS

COMMISSION IMPLEMENTING DECISION (EU) 2021/1828

of 7 October 2021

on the request for registration of the European citizens' initiative entitled 'Stop (((5G))) – Stay Connected but Protected' pursuant to Regulation (EU) 2019/788 of the European Parliament and of the Council

(notified under document C(2021) 7293)

(Only the English text is authentic)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EU) 2019/788 of the European Parliament and of the Council of 17 April 2019 on the European citizens' initiative ⁽¹⁾, and in particular Article 6(2) and (3) thereof,

Whereas:

- (1) A request for registration of a European citizens' initiative entitled 'Stop (((5G))) – Stay Connected but Protected' was submitted to the Commission on 12 August 2021.
- (2) The objectives of the initiative as expressed by the organisers are: '5G deployment is putting our rights to a healthy environment, freedom and privacy at stake. We call on the Commission to propose legislation to protect citizens and the environment from these threats:
 - (a) Humans, fauna and flora are being harmed by radiation. Current exposure limits provide insufficient protection – especially for vulnerable people (like children, pregnant women, patients, the elderly), animals, pollinating insects and plants – Enact regulation to protect all life from radio frequency and microwave radiation;
 - (b) With 5G the amount of connected electronic devices, antennas and satellites will explode. Unsustainable energy consumption, radiation emissions, harmful mining and pollution will follow, which will endanger biodiversity and natural habitats – Enact stronger regulation to protect the environment from all the impacts of 5G and digitalization.
 - (c) 5G enables massive data collection and surveillance by connected objects. This will increase the risk of cybercrime, data leak, theft, resale and misuse of artificial intelligence – Enact effective data protection to safeguard our privacy, security and freedom'.
- (3) An annex provides further details on the subject matter and the objectives of the initiative, listing 23 calls for action, referred to as 'proposals to be implemented in Union law'. Further information on the 23 calls for action is provided in a document submitted as 'draft legal act'. The group of organisers also provided translations of the objectives in a number of Union languages as 'additional information'.

⁽¹⁾ OJ L 130, 17.5.2019, p. 55.

(4) As regards the first objective, the initiative lists the following ten calls for action:

1. Enact radiofrequency electromagnetic fields (RF EMF) exposure limits based on all health and biological effects, not only those related to temperature, to protect humans and to apply the precautionary principle;
2. Update Recommendation 1999/519/EC and Directive 2013/35/EU, which should be regularly reviewed and reassessed;
3. Base Recommendation 1999/519/EC and Workplace Directive 2013/35/EU on the best available scientific data, with limits set to the most protective among all scientific and empirical guidelines available;
4. Ensure additional exposure guidelines are made by scientists who have biomedical expertise and who are free from conflicts of interest and to appoint a new panel or expand activities of the Scientific Committee on Health, Environmental and Emerging Risks (SCHEER) to assess RF EMF's bioactive parameters;
5. Ensure the testing of wireless devices, antennas and their operation assesses all biologically active parameters of RF EMF;
6. Replace wireless connections with cables and to do so immediately in places such as hospitals, kindergartens, schools, retirement homes, all public buildings;
7. Educate the public on the hazards associated with wireless connections and how to minimize exposure (e.g. using cables);
8. Advise member states to provide low/no radiation zones in municipalities. Declare all nature reserves and parks low/no radiation zones;
9. In order to protect human health and bio-integrity, ask EU citizens for informed consent before exposing them to RF EMF;
10. On the basis of the precautionary principle, enact a directive regarding RF EMF exposure limits for the protection of fauna and flora.'

(5) As regards the second objective, the initiative lists the following eight calls for action:

11. Update Directive 2011/92/EU to include 5G deployment and all telecommunication as projects in Annex 1 [of that Directive] to ensure that such projects are made subject to environmental assessment or a screening as prescribed by the directive;
12. Reduce the massive electricity consumption caused by digital communication technology by prioritising wired and low energy solutions in the action plan for the European Green Deal;
13. Include "Waste from Electrical and Electronical Equipment" (WEEE), other waste products, and the environmental impacts of mining for rare earth minerals and metals used in electronical equipment in the "Zero pollution action plan";
14. Update Directive 2009/125/EC establishing a framework for the setting of ecodesign requirements for energy-related products (Ecodesign Directive), by setting tight limits to resource and energy waste of all connected devices including antennas and satellites;
15. Recognise all biologically harmful parameters of RF EMF as a pollutant and to include these in all relevant EU policies and directives;
16. Include monitoring of all biological harmful parameters of RF EMF in "Environmental monitoring programmes, Biodiversity Strategy 2030, EU Nature restoration targets, Habitats and Birds Directives and Natura 2000";
17. Call for an immediate moratorium on 5G satellites mega-constellations worldwide until the environmental adverse effects are resolved;
18. Make an environmental impact assessment of all space projects a priority within the European Space Policy.'

- (6) As regards the third objective, the initiative sets out the following five calls for action:
- '19. Launch an impact assessment of the effects of 5G, including connected objects and bodies, on personal data protection and evaluate compliance against current data protection laws;
 20. Protect citizens against the increasing cybercrime by applying the principle of data minimization to collection via wireless (such as medical and banking data);
 21. Ensure the European Data Protection Board fight actively and independently against discrimination and digital rights violations;
 22. Require each citizen's explicit consent in order to subject their data to any automated procedure;
 23. Organise public debates on whether or to what extent to authorise digital innovations, led by scientists with biomedical expertise and who are free from conflicts of interest: appoint a new ethics committee or expand EGE's activities.'
- (7) As regards the calls for action to implement the first objective of the initiative, to 'enact regulation to protect all life from radio frequency and microwave radiation', insofar as some of these aim at introducing measures leading to the improvement, in particular, of the working environment to protect workers' health and safety, the Commission has the power to present a proposal for a legal act under Article 153(2) of the Treaty.
- (8) As regards the calls for action to implement the first objective of the initiative that concern the European Electronic Communications Code, as laid down in Directive (EU) 2018/1972 of the European Parliament and of the Council ⁽²⁾, the Radio Equipment Directive 2014/53/EU of the European Parliament and of the Council ⁽³⁾ or proposals which aim at rules that provide for a more complete testing of wireless devices and antennas, insofar as they aim at improving the functioning of the internal market, the Commission has the power to present proposals for legal acts on the basis of Article 114 of the Treaty.
- (9) The initiative also asks for a proposal to 'replace wireless connections with cables' in view of the harmful effects for humans of RFEMF. Insofar as that proposal aims at incentive measures designed to protect and improve human health, and measures concerning monitoring, early warning of and combating serious cross-border threats to health, with the exclusion of measures to harmonise the laws and regulations of the Member States, the Commission has the power to present proposals on the basis of Article 168(5) of the Treaty.
- (10) Insofar as some of the calls for action to implement the two first objectives of the initiative aim at preserving, protecting and improving the quality of the environment, protecting human health and prudent and rational utilisation of natural resources, the Commission has the power to present a proposal for a legal act on the basis of Article 192(1) of the Treaty.
- (11) Insofar as one of the calls for action to implement the second objective of the initiative asks for an update of Directive 2009/125/EC of the European Parliament and of the Council ⁽⁴⁾, the Commission has the power to present a proposal for a legal act on the basis of Article 114 of the Treaty.
- (12) The initiative contains five calls for action in order to achieve the third initiative's objective 'to enact effective data protection to safeguard our privacy, security and freedom'. Insofar as those calls for action invite the Commission to present proposals for legal acts relating to the protection of individuals with regard to the processing of personal data by Union institutions, bodies, offices and agencies, and by the Member States when carrying out activities which fall within the scope of Union law, and the rules relating to the free movement of such data, those proposals could be based on Article 16(2) of the Treaty.

⁽²⁾ Directive (EU) 2018/1972 of the European Parliament and of the Council of 11 December 2018 establishing the European Electronic Communications Code (OJ L 321, 17.12.2018, p. 36).

⁽³⁾ Directive 2014/53/EU of the European Parliament and of the Council of 16 April 2014 on the harmonisation of the laws of the Member States relating to the making available on the market of radio equipment and repealing Directive 1999/5/EC (OJ L 153, 22.5.2014, p. 62).

⁽⁴⁾ Directive 2009/125/EC of the European Parliament and of the Council of 21 October 2009 establishing a framework for the setting of ecodesign requirements for energy-related products (OJ L 285, 31.10.2009, p. 10).

- (13) For those reasons, none of the parts of the initiative manifestly falls outside the framework of the Commission's powers to submit a proposal for a legal act of the Union for the purpose of implementing the Treaties.
- (14) This conclusion is without prejudice to the assessment of whether the concrete factual and substantive conditions required for the Commission to act, including compliance with the principles of proportionality and subsidiarity and compatibility with fundamental rights, would be met in this case.
- (15) Some of the 23 calls for action, notably the measures mentioned in numbers 4, 7, 12, 13, 17, 18 and 23, do not invite the Commission to adopt a proposal for a legal act of the Union but seem to be ancillary or preparatory to those which call for proposals for legal acts. Since the Commission is not invited to submit a proposal for a legal act of the Union in respect of any of those measures, the latter do not meet the condition laid down in Article 6(3), point (c), of Regulation (EU) 2019/788 to be registered as part of the subject matter of the initiative. Those measures thus fall outside the scope of this Decision. However, if the Commission considers it appropriate to adopt a proposal for a legal act in the areas covered by the scope of the initiative, it could also consider taking some of those elements into account in its proposal.
- (16) The group of organisers has provided appropriate evidence that it fulfils the requirements laid down in Article 5(1) and (2) of Regulation (EU) 2019/788 and has designated the contact persons in accordance with Article 5(3), first subparagraph, of that Regulation.
- (17) The initiative is not manifestly abusive, frivolous or vexatious, nor is it manifestly contrary to the values of the Union as set out in Article 2 of the Treaty on European Union and rights enshrined in the Charter of Fundamental Rights of the European Union.
- (18) The initiative entitled 'Stop (((5G))) – Stay Connected but Protected' should therefore be registered.
- (19) The conclusion that the conditions for registration under Article 6(3) of Regulation (EU) 2019/788 are fulfilled does not imply that the Commission in any way confirms the factual correctness of the content of the initiative, which is the sole responsibility of the group of organisers of the initiative. The content of the initiative only expresses the views of the group of organisers, and can in no way be taken to reflect the views of the Commission,

HAS ADOPTED THIS DECISION:

Article 1

The European citizens' initiative entitled 'Stop (((5G))) – Stay Connected but Protected' shall be registered.

Article 2

This Decision is addressed to the group of organisers of the citizens' initiative entitled 'Stop (((5G))) – Stay Connected but Protected', represented by Ms Pernille SCHRIVER and Ms Elisabeth Birgit MADSEN acting as contact persons.

Done at Brussels, 7 October 2021.

For the Commission
Věra JOUROVÁ
Vice-President
