



## The strength of the electric field from a high-voltage line on land that had been built on did not attain the minimum threshold required to constitute a risk

In its decision in the case of [Calancea and Others v. the Republic of Moldova](#) (application no. 23225/05) the European Court of Human Rights has unanimously declared the application inadmissible. The decision is final.

The case concerns the presence of a high-voltage power line crossing the land of Mr and Mrs Calancea and their neighbour, Mr Cocieru.

The Court considered, firstly, that it had not been demonstrated that the strength of the electromagnetic field from the high-voltage line had reached a level capable of having a damaging effect on the applicants' private and family sphere. Secondly, it found no appearance of a violation of the right to a fair hearing. Lastly, it observed that the applicants must have been aware of the presence of the high-voltage line when they had purchased the land and subsequently built their houses on it.

### Principal facts

The applicants, Mrs Sofia Calancea and Mr Petru Calancea, a married couple, and Mr Serghei Cocieru, are Moldovan nationals who were born in 1960, 1957 and 1971 respectively and live in Codru.

The Calanceas' house was built in 1999 and Mr Cocieru's was built in 2001. Both are located about ten metres from a high-voltage power line that began operating in the 1960s. Planning permission for both houses was obtained in 1989. Mrs Calancea suffers from a heart condition. Mr Calancea was diagnosed with cancer in 1998, and also suffers from high blood pressure and hypertensive heart disease.

In April 2004 the applicants brought an action against the electricity network operator and the Codru municipal authority seeking to have the high-voltage line moved far enough away to conform to technical and health standards.

The Rîșcani District Court dismissed their action as unfounded. It noted that the houses had been built after the high-voltage line had come into operation and without the agreement of the network operator. That judgment was upheld by the Court of Appeal and the Supreme Court of Justice.

### Complaints, procedure and composition of the Court

The application was lodged with the European Court of Human Rights on 10 June 2005.

Relying on Article 6 § 1 (right to a fair hearing), the applicants complained of the District Court's refusal to order an expert report, of the fact that their case had been examined by the Court of Appeal in the absence of their lawyer and of a lack of reasons for the domestic courts' decisions. Under Article 8 (right to respect for private and family life and the home), they alleged that the State authorities had failed to fulfil their positive obligations. Lastly, relying on Article 1 of Protocol No. 1 (protection of property), they contended that the presence of a high-voltage line above their land infringed their right to the peaceful enjoyment of their possessions.

The decision was given by a Chamber of seven judges, composed as follows:

Robert **Spano** (Iceland), *President*,  
Paul **Lemmens** (Belgium),  
Ledi **Bianku** (Albania),  
Işıl **Karakaş** (Turkey),  
Nebojša **Vučinić** (Montenegro),  
Valeriu **Griţco** (the Republic of Moldova),  
Stéphanie **Mourou-Vikström** (Monaco), *Judges*,

and also Stanley **Naismith**, *Section Registrar*.

## Decision of the Court

### Article 8

The Court noted that the local authorities had granted permission to build the houses inside the twenty-metre protection zone surrounding high-voltage lines, apparently in breach of the technical regulations in force in Moldova. However, this fact in itself was not sufficient in order to find a violation of Article 8. In the Court's view, the applicants had not demonstrated that the strength of the electric field recorded on their land had been such as to pose a real risk to their health. It also observed that all the readings recorded were well below the limit of 5kV/m recommended by the WHO.

With regard to Mr and Mrs Calancea's health problems, the Court observed that Mrs Calancea's heart condition and her husband's cancer had been diagnosed before the building work on their house had been completed. It was unable to conclude that there was a causal link between the presence of the high-voltage line and the illnesses in question. As to Mr Calancea's high blood pressure and hypertensive heart disease, the Court took the view that the evidence before it was insufficient to establish to what extent they had been caused or aggravated by the presence of the power line. Mr Cocieru, for his part, had never contended that his health had been adversely affected in any way by the presence of the high-voltage line.

The Court therefore considered that it had not been demonstrated that the strength of the electromagnetic field created by the high-voltage line had attained a level capable of having a harmful effect on the applicants' private and family sphere. It held that the minimum threshold of severity required in order to find a violation of Article 8 of the Convention had not been attained.

### Other articles

With regard to Article 6 § 1, the Court found no appearance of a violation of the rights and freedoms guaranteed by that provision.

As to Article 1 of Protocol No. 1, the Court observed that the applicants must have been aware of the presence of the high-voltage line, and had purchased the building land and built their houses in full knowledge of the situation.

*The decision is available only in French.*

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