EUROPEAN COMMITTEE OF SOCIAL RIGHTS
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Case Document No.3

Client Earth v. Belgium
Complaint No. 266/2026

RESPONSE FROM CLIENT EARTH TO THE GOVERNMENT'S OBSERVATIONS ON ADMISSIBILITY AND REQUEST FOR IMMEDIATE MEASURES

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ClientEarth v. Belgium

Complaint No. 266/2026

RESPONSE TO THE GOVERNMENT'S OBSERVATIONS ON ADMISSIBILITY AND REQUEST FOR IMMEDIATE MEASURES

ClientEarth is an environmental law charity, a company limited by guarantee, registered in England and Wales, company number 02863827, registered charity number 1053988, registered office The Joinery, 34 Drayton Park. London, England, N5 1PB a registered international non-profit organisation in Belgium, ClientEarth AISBL, enterprise number 0714.925.038, a non-profit limited liability company in Germany, ClientEarth gGmbH, HRB 202487 B, a registered foundation in Poland, Fundacja "ClientEarth Prawnicy dla Ziemi" , KRS 0000364218, NIP 7010254208, a registered delegation in Spain, Fundación ClientEarth Delegación en España, NIF W0170741C, a registered 501(c)(3) organisation in the US, ClientEarth US, EIN 81-0722756, a branch office in China, ClientEarth Beijing Representative Office, Registration No. G1110000MA0095H836, a registered subsidiary in Japan, Ippan Shadan Hojin ClientEarth, corporate number 6010405022079, a registered subsidiary and company limited by guarantee

ClientEarth

I. PRELIMINARY REMARKS

1. ClientEarth Ltd. (hereinafter: “ClientEarth” or “the Complainant”) submits the following response to the Belgian Government’s (hereinafter: “the Belgian Government” or “Belgium” or “the Government”) observations on the admissibility and the request for immediate measures of ClientEarth v. Belgium, Complaint No. 266/2026 (hereinafter: “the Complaint”).

II. ADMISSIBILITY

2. The Belgian Government has submitted that there is an evidentiary gap concerning the authority of the CEO to sign the collective complaint. Rule 23 of the Rules of Procedure of the European Committee of Social Rights requires that complaints be "signed by the person(s) with the competence to represent the complainant organisation." Therefore, ClientEarth submits the following documents: ClientEarth's Articles of Association; ClientEarth's Delegated Authorities Policy (Version 4.0, September 2025); Board Resolution appointing Laura Clarke as Chief Executive Officer; Notarised and apostilled Declaration of Mr Howard John Covington, then Chair of the Board of Trustees, dated 12 October 2023; and Companies House certificate relating to ClientEarth (see the attachments to this document).
3. These documents, read together, establish that Ms Laura Clarke is duly authorised to represent ClientEarth and to act on its behalf in these proceedings, as required by Rule 23 of the Rules of Procedure of the European Committee of Social Rights. In particular:

- Articles 5.2 and 5.3 of the Articles of Association empower ClientEarth to provide legal representation, institute and conduct legal proceedings, and participate in dispute-resolution procedures.
- Article 12 provides that the Trustees manage ClientEarth’s affairs and may exercise all of its powers.
- Articles 15 and 16 permit the Trustees to delegate powers and responsibility for day-to-day management.
- Principle 1 of the Delegated Authorities Policy delegates general day-to-day decision-making authority to the Chief Executive Officer, subject to matters expressly reserved to the Board. It also authorises the Chief Executive Officer to execute documents on ClientEarth’s behalf and to delegate authority within the organisation where necessary and appropriate.
- The Board Resolution records Ms Clarke’s appointment by the Board of Trustees as Chief Executive Officer with effect from 5 September 2022.
- The notarised and apostilled declaration of Mr Howard John Covington, then Chair of the Board of Trustees, confirms that Ms Clarke was duly appointed as Chief Executive Officer and is authorised, acting individually in that capacity, to represent ClientEarth.

4. ClientEarth therefore respectfully submits that the requirement under Rule 23 is satisfied and that no issue arises as to Laura Clarke's authority to lodge and pursue the complaint on ClientEarth's behalf.

III. IMMEDIATE MEASURES

5. ClientEarth submits the following observations in response to Belgium's observations concerning the request for immediate measures. They follow the format of the Government's observations.

A. Belgium's First Ground Fails: there is a tangible and imminent risk of irreparable harm from PFAS in Belgium

6. Belgium itself acknowledges the seriousness of PFAS contamination (Belgium Observations, § 8, p. 3), accepts that PFAS exposure may pose risks to human health (Belgium Observations, § 11, p. 4 and § 16, p. 6), and relies on evidence from the ECHA Risk Assessment Committee (RAC) recognising that PFAS concentrations accumulate over time and may reach critical levels where releases continue (Belgium Observations, § 16, p. 7).

7. At the same time, Belgium's first ground of opposition is that the Complaint does not establish an imminent risk of irreparable injury or harm within the meaning of Rule 36, because the risk is "diffuse, cumulative and long-term" rather than "current, tangible and imminent" (Belgium Observations, §§ 7-19, p. 3-8). Belgium argues that the Complaint does not establish "imminent adverse health effects" (§ 15, p. 6), refers to the absence of evidence of "acute health effects" indicating an "immediate health threat" (§ 15, p. 6), and characterises the relevant risks as inherently long-term (§ 16, p. 8). Its submissions therefore proceed on the basis that the absence of acute or immediately manifesting effects is a reason for declining immediate measures.

8. That interpretation is inconsistent with the Committee's case law and with the preventive dimension of Article 11 (see the recent factsheet on the European Social Charter and the Environment). Characterising the risk as "diffuse, cumulative and long-term" does not undermine a finding of imminence. Nor are those characteristics incompatible with a risk that is current and tangible. To the contrary, they describe the very features of a harm that warrants preventive intervention before irreversible consequences (continue to) materialise. A diffuse risk is one that is widespread and difficult for affected individuals to avoid or control. A cumulative risk is one that increases with continuing exposure. A long-term risk is one whose consequences may persist or become irreversible over time. Where exposure is ongoing, each additional release contributes to a growing body burden and increases the likelihood of harm. The fact that adverse effects may not manifest immediately, or may not be visible yet due to insufficient medical follow-up, does not make the risk less imminent; it only makes early intervention more necessary.

9. At the same time, Belgium seeks to characterise the Complaint as concerning only "future, speculative or purely programmatic concern" (Belgium Observations, § 10, p. 4). However, the Complaint concerns contamination and exposure that have already occurred and continue to occur on a daily basis. PFAS are already present in Belgian drinking water, soils, groundwater, food chains and human populations, oftentimes at levels considered as high. The existence of contamination and exposure is not disputed.

10. Scientific evidence presented in the Complaint shows that a range of serious health diseases are linked to PFAS exposure. Indeed, Belgium accepts that "it is clear that certain well-studied PFAS could pose a health risk" but that it is "much less clear at what quantities and time of exposure such effects would occur". The precautionary principle, applied by the Committee in its case-law (Statement of interpretation on the right to protection of health in times of pandemic (adopted 21 April 2020)), requires urgent preventive action exactly in situations like this when there is sufficient scientific concern but no absolute scientific certainty.

11. Against the submissions of Belgium under § 15 and following, ClientEarth wishes to emphasise that, given the vast number of substances within the PFAS family, it is neither realistic nor necessary to require complete scientific certainty regarding the precise risks posed by every individual PFAS, or every possible combination of PFAS and other chemicals. The structural similarities shared by PFAS, in particular their shared persistency, which have led regulators to increasingly address them as a group, mean that evidence of serious adverse effects associated with well-studied PFAS provides a compelling basis for concern regarding other, less-studied members of the group. To insist upon comprehensive evidence, including proof of causal link to harm, for each individual PFAS before taking action would create an impossible evidentiary burden and allow harm to continue unabated simply because scientific research has not yet caught up with industrial production and use. Such certainty is unlikely ever to be attainable.

12. Belgium accurately reminds the Committee (§ 16, p. 7) of the fact that the ECHA RAC noted that not all PFAS present similar toxicological properties, however, it fails to add that the RAC eventually supported a broad restriction of the group as a whole – irrespective of distinctive properties. That is because despite a lack of data for many PFAS, the entire PFAS family is suspected of posing a grave risk to the public health throughout Europe.[1] Moreover, PFAS-related harm is not merely hypothetical or prospective. As documented

[1] RAC. Opinion, 2 March 2026 (p. 20): "*Although RAC recognises that there is variability in the environmental and human health hazards of different PFAS, their very persistent properties combined with difficult and costly remediation, have a potential to generate an irreversible stock of pollution, which may result in the exceedance of (eco)toxicologically critical concentrations and environmental or human health risks. Such risks have been demonstrated for some PFAS arrowhead compounds but remain largely uncharacterised for the whole group due to the large number of PFAS included.*" Furthermore, p. 17: "*RAC agrees with the Dossier Submitter that a restriction on manufacturing, placing on the market and use of PFAS, and articles and mixtures containing PFAS is the most appropriate way to limit the risks to human health and the environment and to avoid regrettable substitution.*" Available at : https://echa.europa.eu/documents/10162/df5f4b5e-e39e-94b7-031e-5a353d34f230.

in the Complaint, biomonitoring studies have demonstrated significant PFAS exposure among the Belgian population, including children, and PFAS are already present in the bodies of affected individuals (Complaint, Part 3.4.2, *Key results from PFAS biomonitoring studies in Belgium*, pp. 71-76; Part 3.4.3, *Results of biomonitoring on children in Belgium*, pp. 76-78). The Complaint further details evidence concerning the adverse health effects associated with PFAS exposure, including developmental and immune-system impacts and the heightened vulnerability of children to those effects (Complaint, Part 2.4.3, *Increased adverse effects on the health of children*, pp. 41-45). Given the persistent and bioaccumulative nature of PFAS, the relevant risk is not confined to future exposure. It is the continuation, combined exposure and accumulation of harm in populations that have already been exposed. This is particularly concerning for children, for whom exposure occurs during a narrow and irreplaceable period of development and may have lifelong consequences.

13. PFAS-related health harm is not just imminent, it has already materialised in Belgium in many forms. For instance, Belgium records a paediatric cancer incidence above the European average, with hundreds of children developing leukaemia and other malignant tumours every year (Complaint, § 315, p. 79). Scientific evidence has consistently identified cancer, in particular kidney and liver cancer among other pathologies, such as chronic lymphocytic leukaemia, as one of the most serious adverse health impacts associated with PFAS exposure (Complaint, §§ 125-130, p 35).

14. Belgium also places considerable weight on the fact that many PFAS-related harms arise over time (Belgium Observations, §§ 13 and 16). That point strengthens rather than weakens the justification for immediate measures. As the Committee has repeatedly recognised, Charter rights must be "practical and effective" rather than merely theoretical (*International Commission of Jurists v. Portugal*, Complaint No. 1/1998, § 32; *Autism-Europe v. France*, Complaint No. 13/2002, § 53). Where contamination accumulates over time and exposure during childhood may have lifelong consequences, delay itself risks rendering protection ineffective.

15. The Complaint details evidence concerning children's heightened vulnerability to PFAS exposure, including irreversible developmental impacts, immune-system effects and evidence concerning serious long-term health outcomes. Exposure occurring during pregnancy, infancy and childhood cannot subsequently be undone. The Committee has consistently emphasised that Charter rights must be secured in practice, particularly for vulnerable groups (*Autism-Europe v. France*, Complaint No. 13/2002, § 53).

16. The Government acknowledges that there is no validated medical treatment capable of removing PFAS from the human body (§ 9, p. 22). This acknowledgement is highly significant. It means that, once exposure has occurred, the resulting contamination cannot readily be reversed through medical intervention. The absence of an effective treatment therefore increases, rather than diminishes, the importance of preventive measures aimed

at identifying exposure pathways, reducing exposure, and preventing further contamination. It also reinforces the urgency of the measures requested by the Complainant, particularly in respect of children, who are especially vulnerable to the long-term consequences of PFAS exposure.

17. Therefore, if the Government accepts that PFAS pollution is diffuse (§ 27, p. 37) and, in many cases, bioaccumulative (§ 16, p. 7), it therefore implicitly acknowledges the seriousness and immediacy of the risk. Because PFAS accumulate and persist in the human body, and because no validated treatment exists to remove them, exposure may result in irreversible harm. This is particularly significant for children, who are more vulnerable to PFAS exposure, including at lower levels, and who may suffer lifelong developmental impacts during the narrow and irreplaceable window of childhood. The combination of ongoing exposure, the persistence and bioaccumulative nature of many of the PFAS found in the Belgian environment, the absence of any effective treatment, and children's heightened vulnerability creates a genuinely imminent risk of irreparable harm and makes the need for immediate protective measures particularly urgent. The diffuse character means that potentially very large groups of people are exposed, which renders some of the requested measures particularly urgent (e.g. access to medical screening for children).

18. Belgium relies on the availability of domestic judicial remedies as an additional reason for refusing immediate measures (Belgium Observations, § 18, p. 31). However, such remedies do not eliminate the present risk of irreparable harm. Compensation awarded after exposure has occurred cannot remove PFAS already accumulated in human bodies, reverse exposure during critical developmental periods, or restore a contamination-free environment. The existence of litigation relating to PFAS contamination confirms that harm is not hypothetical. It does not establish that further harm should be permitted to accumulate while the proceedings remain pending.

19. Additionally, the availability of domestic litigation cannot be treated as a substitute for preventive action by the State. Many exposed persons will never be able to access the courts, notably if they lack the resources, information, standing or practical ability to pursue litigation, and even successful claimants may not obtain timely protection in practice. Experience with PFAS litigation in Belgium demonstrates that court-ordered measures themselves (e.g. remediation of private gardens by 3M in Zwijndrecht) have not been enforced, allowing exposure and contamination to persist despite judicial intervention. Belgium may have “assumed their responsibility to contain PFAS contamination, prevent further dissemination and bring PFAS-related activities under control” (§ 11), but without effective remediation of the places where people live, residents in the 3M vicinity continue to be exposed to high levels of PFAS, on a daily basis. The availability of domestic remedies can therefore not justify withholding immediate measures where ongoing exposure risks causing irreversible harm.

B. Belgium's Second Ground Fails: existing measures do not sufficiently mitigate the continuing risk identified in the Complaint

1. Belgium's measures demonstrate recognition of the PFAS problem, not its resolution

20. Belgium's second ground is that immediate measures are unnecessary because extensive measures have already been adopted at the federal and regional level (Belgium Observations, §§ 3-5, p. 12-13). However, the relevant question is whether they effectively stop exposure and the resulting risk of serious and irreversible harm, particularly for children.

21. First of all, the effectiveness of the measures must be assessed by reference to their outcomes rather than their number. Belgium acknowledges that PFAS are highly persistent substances whose accumulation in the environment is a time-dependent process and that, where releases continue, concentrations may "gradually increase and may reach critical levels over time" (Belgium's Observations, § 16, p. 7). Moreover, Belgium's own evidence shows that targeted biomonitoring in Walloon overexposure zones found that between 18% and 48% of tested residents exceeded the health threshold established by the Independent Scientific Council (Belgium's Observations, § 9, p. 23). Recent research commissioned by the Greens-EFA Group[2], found high levels of trifluoroacetic acid (TFA) in the population, including the participants from Belgium, and concluded that further monitoring and regulatory action are warranted. Far from supporting a wait-and-see approach, these findings reinforce the need for urgent measures to reduce ongoing exposure. Further, the 'structured dialogue' was signed between the EU Commission and Belgium in October 2026 to accelerate progress in protecting waters - including from PFAS.[3] It is therefore apparent that the tangible risk of serious and irreversible harm connected with PFAS has not been sufficiently reduced over the past 20 years. On the contrary, PFAS contamination continues to persist, spread, and manifest itself through new forms of exposure, and potentially related harm, underscoring the need for stronger and more immediate protective measures.

22. Importantly, Belgium further relies on the proposed EU-wide PFAS restriction under REACH and on the ongoing legislative process at EU level (Belgium Observations, § 7, p.

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[2] Available at : https://extranet.greens-efa-service.eu/public/media/file/1/9337. The study concludes: "O*f the ultrashort chain PFAS, TFA and PFPrA were detected in 100% and 23% of the participants, respectively. Notably, the TFA levels were 4-5 times higher than that of the sum of EFSA-4 PFAS on a mass base. No clear trends in TFA were found with known and suspected predictors of PFAS exposure, based on the information that was provided by the participants (e.g. sex, diet). A very preliminary, worst-case risk assessment suggests that current intake levels of TFA may approach the acceptable daily intake of TFA 16 that was derived by EFSA. This warrants close monitoring of TFA levels, considering the rapidly rising levels of TFA in the environment, including in drinking water and crops for consumption. Additional studies are highly needed to better understand the sources of TFA and its levels in humans as well as to reduce uncertainties regarding human health impact.*"

[3] Structured Dialogue on Water in Belgium. Available at : https://ec.europa.eu/commission/presscorner/detail/en/speech_26_2198.

20). ClientEarth welcomes those developments. However, Belgium cannot defer compliance with its present Charter obligations pending completion of an EU legislative process. The practical effectiveness of Charter rights cannot depend on the timing of future EU measures. Exposure continues while the REACH process remains ongoing.

2. The measures in place are not fit for purpose – hence the risk continues to exist

23. Belgium's action on PFAS demonstrate incomplete monitoring, insufficient biomonitoring, delayed remediation, insufficient restriction on the use of contaminated soil and water, and overall, a piecemeal legislative and regulatory action to curb PFAS emissions.

24. ClientEarth will not comment on all policies listed by Belgium as this would be done at the merits stage. Instead, ClientEarth will provide a few examples showing the lack of effectiveness of some of the main legal frameworks in place, focusing on critical areas requiring immediate measures such as contaminated soil and water, monitoring and biomonitoring, and remediation, especially aiming at protecting children living with long-term exposure to PFAS. The examples below illustrate that, notwithstanding the measures relied upon by Belgium, PFAS contamination remains an active and unresolved problem and affected populations continue to face a risk of adverse health effects.

25. As a preliminary observation, most of the measures Belgium relies on are fragmented, prospective, or not yet fully operational. They primarily seek to manage the consequences of PFAS contamination rather than prevent ongoing and future exposure. As such, they do not alter the fact that many individuals continue to face PFAS contamination and its associated health and environmental risks today. A notable example concerns the limit values relied upon by Belgium. While certain PFAS thresholds exist, they cover only a narrow subset of exposure sources. For instance, in relation to food, one of the main pathways of human exposure, binding PFAS limits apply only to a limited range of products, while the vast majority of foodstuffs and consumer products remain unregulated. Likewise, there are currently no legally binding PFAS thresholds for groundwater, surface water, soil, or air. Belgium's reliance on these standards therefore largely overstates the level of protection currently afforded to the population.

26. ClientEarth maintains that Belgium has not demonstrated why immediate measures are unnecessary, nor has it shown that the existing framework is sufficient to prevent further exposure and harm pending the Committee's determination of the merits.

27. Firstly, Belgium insists that it has **sufficient monitoring activities in place** (Belgium Observations, §§ 24-25). However, in reality these monitoring programmes are sporadic, i.e. usually targeted at a narrow set of selective hot spots – rather than all suspected contaminated sites (see Complaint §§ 189-221). Further, they have been implemented reactively rather than proactively (see Complaint § 342), and lack comprehensiveness (e.g. in Brussels, monitoring has largely focused on water testing instead of all environmental

compartments). Therefore, these monitoring activities fail to deliver on the very objective of monitoring. The purpose of continuous monitoring is to understand very precisely the extent of the pollution on a given territory: it aims to identify PFAS pollution sources, and measure the extent of the contamination in the environment (air, soil, water and food chains). Without comprehensive and proactive monitoring, there can be no clear understanding of the full extent of contamination, and hence no appropriate measures to prevent exposure.

28. Second, Belgium does not implement targeted or systematic **biomonitoring**, in particular for children. Notably, the Brussels region has not conducted biomonitoring; residents in highly contaminated Flemish communes had to organise biomonitoring themselves after their authorities refused to conduct testing, e.g. in Ronse (see Complaint § 303, p. 77). Also, as explained in the Complaint (sections 3.3.1 and 3.3.2), where biomonitoring demonstrated high levels of PFAS in blood, no medical follow-up was adopted to monitor and prevent health effects. This situation leaves tested inhabitants with significant anxiety and uncertainty.

29. The statement that declining levels in parts of the population have been observed (Belgium submissions, § 12, p. 27) does not suffice to prove that the exposure to PFAS has been reduced to a level that is now considered acceptable. Importantly, declining exposure is not the same as acceptable exposure:

- PFAS remain present in the environment, and in blood for years, so past contamination continues to create health risks even after releases are reduced.
- As PFAS continue to be emitted every day, the population is exposed on a continuous basis.
- Without systematic biomonitoring and health follow-up, Belgium cannot demonstrate that remaining exposure levels are safe, particularly for vulnerable groups such as children who are sensitive to even low levels of PFAS exposure.

30. Belgium even accepts that "extending biomonitoring to further PFAS-contaminated areas is not currently a priority, since blood testing cannot establish exposure causes, health consequences or treatment" (Belgium Observations, § 9, p. 24). This is a very worrying position. The fact that blood testing cannot establish exposure causes, health consequences or treatment is not a reason to deprioritise biomonitoring. On the contrary, biomonitoring should be extended to all PFAS-contaminated areas.

31. Biomonitoring is one of the principal means by which exposed populations can be identified. Belgium's position therefore amounts to an acknowledgement that populations living in PFAS-contaminated areas may continue to be denied access to monitoring measures available elsewhere, notwithstanding the considerable risk of health impacts. In circumstances where PFAS contamination is acknowledged to be persistent and bioaccumulative, and where no validated treatment exists capable of removing PFAS from the human body, the appropriate response would be to expand, rather than curtail, efforts

to identify and monitor contamination. This position reinforces the need for the immediate measures requested by the Complainant, including the extension of biomonitoring to all PFAS-contaminated areas, especially with respect to children.

32. Third, with respect to **restrictions on the use of contaminated soil and groundwater**, ClientEarth acknowledges the measures identified by Belgium but disputes their practical effectiveness. For example, while PFAS testing in soil is mandatory in certain contexts in Brussels, including land transactions and high-risk activities, residents who wish to test their own soil must generally bear the cost themselves, as well as any follow-up expert assessments if contamination is found (Complaint, p. 69). This creates a significant disincentive to testing and increases the likelihood that people will continue living on contaminated land without being aware of the risks.

33. Further, ClientEarth highlights that despite court decisions to annul or suspend permits involving soil works, in particular with a view to restrict movement of contaminated soil, the Flemish authorities have continued to issue new permits or re-issue suspended ones, often with only minor adjustments, allowing soil works and project phases to proceed despite ongoing legal uncertainty, including in PFAS-contaminated areas (the Complaint, p. 64). Such decisions completely defeat the purpose of having restrictions in the first place.

34. Fourth, while Belgium emphasises that each region has a framework in place for the **remediation of PFAS contamination**, the reality on the ground tells a different story. The continued lack of remediation at major contaminated sites, such as those surrounding the 3M facility, and the ongoing identification of new contaminated areas requiring remediation, demonstrate that PFAS contamination remains widespread and insufficiently addressed. The existence of a remediation framework cannot, by itself, be equated with effective remediation in practice. For example, the €571 million remediation agreement concluded with 3M has still not been enforced (e.g. residential garden remediation, initially planned for 2023 has been repeatedly postponed; the Complaint, p. 61).

35. Fifth, Belgium argues that the requested measure **concerning access to uncontaminated drinking water and safe food** is unnecessary because publicly distributed drinking water complies with applicable PFAS standards and food placed on the market complies with existing regulatory requirements. This argument is unpersuasive. First, many of the limit values relied upon by Belgium are either evolving, non-binding (Complaint, p. 86), or contested. Notably, several jurisdictions have adopted, or are considering, significantly more stringent standards for PFAS in drinking water than those currently applied in Belgium. The mere fact that a given level complies with the applicable standard therefore does not demonstrate that exposure at that level provides sufficient protection, especially knowing that for PFAS, there are health risks associated with low levels of exposure.

36. More fundamentally, the requested measure is not limited to public drinking water distribution networks or food products placed on the market. The Complaint documents

continuing exposure through contaminated soil, groundwater, private wells and locally produced food in PFAS-contaminated areas. Compliance with drinking water standards does not eliminate these exposure pathways, nor does it ensure that affected populations have practical access to uncontaminated water and food where contamination is known to exist. Nor does compliance with existing regulatory or guidance values, in itself, establish that exposure is safe. PFAS standards and guideline values continue to evolve in light of developing scientific knowledge, and some applicable values are non-binding guidance thresholds rather than enforceable limits. Moreover, such standards apply only to specific categories of water and food products and do not address all sources and pathways through which residents in contaminated areas may be exposed to PFAS.

37. Lastly, Belgium relies on various initiatives aimed at providing **accessible information to children**. It refers, for example, to the illustrated book *"Kijk Uit!/Ouvre l'œil!"* available free of charge to families and schools by the FPS Public Health. Designed for children aged 6 to 9, the book explains the risks associated with household chemicals and teaches children how to prevent accidents by reading product labels and hazard symbols carefully (Belgium Observations, § 9, p. 22). While this may be a useful general educational resource, it does not address the risk at issue in the Complaint: children's ongoing exposure to persistent PFAS through contaminated soil, water and other elements of the environment. Such exposure cannot generally be avoided by reading labels or recognising hazard symbols. The initiative therefore does not substitute for PFAS-specific information aimed at warning of exposure, reducing contamination and protecting children from continuing harm.

C. Belgium's Third Ground Fails: the requested measures are proportionate and fall within the Committee's role

38. Belgium's third ground is that the requested measures fall outside the Committee's competence, interfere with Belgium's margin of appreciation and are disproportionate.

39. ClientEarth does not dispute that States enjoy discretion regarding the precise means by which Charter obligations are implemented. However, as the Committee recognised in *Marangopoulos Foundation for Human Rights v. Greece* (Complaint No. 30/2005, decision on admissibility, § 14), States remain responsible for securing Charter rights within their jurisdiction and may incur responsibility in their capacity as regulators. The Committee further held in the merits decision that Article 11 requires States to adopt measures designed to prevent disease and threats to health arising from environmental hazards (*Marangopoulos Foundation for Human Rights v. Greece*, Complaint No. 30/2005, decision merits, §§ 195-203).

40. The Committee is not being asked to determine the merits of the Complaint in advance. The requested measures are temporary protective measures designed to preserve the practical effectiveness of Article 11 pending determination of the merits.

41. Belgium further submits that the six requested measures should not be indicated because they either: (i) require legislative, regulatory or inter-federal coordination that cannot realistically be achieved within the timeframe contemplated by Rule 36; (ii) substantially overlap with measures already in force; or (iii) are not clearly capable of directly averting a risk of serious and irreparable injury or harm (Belgium Observations, § 25, p. 37)

42. That submission should be rejected. Belgium's contention that the interim measures requested by the Complainant require legislative or regulatory changes, or extensive inter-regional coordination, is misplaced. The measures sought are practical, not legislative. They consist of concrete actions that can be taken immediately under existing powers – some of them have in fact already been initiated at the region's initiatives so that it is mostly a matter of scaling them up (e.g. remediation, monitoring). While the Complainant maintains that a lasting solution to PFAS contamination may ultimately require legislative action, including a restriction on PFAS, no such measures are sought by way of immediate measures.

43. As regards the second point, the Complainant does not dispute that various administrative, regulatory and inter-governmental measures are already in place. The problem is that these measures remain insufficient to address the ongoing risk identified in the Complaint. Indeed, Belgium's own observations reveal that certain protective measures, such as biomonitoring, are not being strengthened or expanded but are instead being scaled back in scope. This is a particularly worrying development.

44. As regards the third point, Belgium adopts an unduly narrow conception of what it means to avert serious and irreparable harm. Belgium argues that monitoring across air, soil and water "has no direct impact on the presence of PFAS themselves or its impact on health" (§ 21, p. 33). However, monitoring is a necessary precondition to effective protective action. As Belgium itself acknowledges, appropriate measures require a "proportionate assessment of contamination levels, actual use, exposure pathways, vulnerable populations and source" (§ 20, p. 33). In the absence of monitoring, such assessments cannot be carried out and targeted protective measures cannot be effectively designed or implemented. Monitoring is therefore an essential means of reducing risk and preventing further harm.

45. Belgium repeatedly invokes scientific uncertainty concerning PFAS compounds (Belgium Observations, §§ 15-17, p. 6-8). However, uncertainty does not negate the State's preventive obligations under Article 11. Preventive obligations are particularly important where serious risks exist despite continuing scientific debate concerning their precise magnitude.

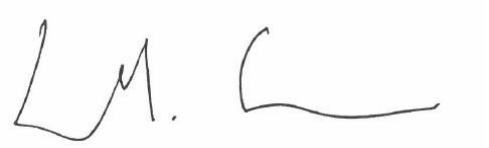
46. Belgium's support for a broad, 'universal' PFAS restriction under REACH demonstrates its recognition that PFAS contamination presents a serious and continuing problem requiring ambitious preventive regulatory intervention. Ultimately, Belgium's observations confirm the essential elements of the Complaint: PFAS contamination is serious; exposure is

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ongoing; contamination remains present in the environment and human populations; children are particularly vulnerable; remediation remains incomplete; and further regulatory intervention is required. These circumstances disclose a tangible and continuing situation capable of giving rise to serious and irreparable harm pending determination of the merits.

47. The immediate measures that ClientEarth seeks are closely linked to the risk identified in the Complaint and are directed solely towards reducing ongoing exposure to PFAS, protecting particularly vulnerable groups, including children, and preventing the further accumulation of serious and irreversible harm during the Committee's proceedings.

48. ClientEarth therefore respectfully requests the Committee to indicate the immediate measures sought in the Complaint to preserve the practical effectiveness of Article 11 and prevent the further accumulation of serious and irreversible harm pending determination of the merits.



Laura Clarke

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Attachments:

1. ClientEarth's Articles of Association;
2. ClientEarth's Delegated Authorities Policy (Version 4.0, September 2025);
3. Board Resolution appointing Laura Clarke as Chief Executive Officer;
4. Notarised and apostilled Declaration of Mr Howard John Covington, then Chair of the Board of Trustees, dated 12 October 2023;
5. Companies House certificate relating to ClientEarth.