

**EUROPEAN COMMITTEE OF SOCIAL RIGHTS
COMITE EUROPEEN DES DROITS SOCIAUX**



17 September 2026

Case Document No. 2

ClientEarth v. Belgium
Complaint No. 266/2026

OBSERVATIONS BY THE GOVERNMENT ON THE REQUEST FOR IMMEDIATE MEASURES AND ON ADMISSIBILITY

Registered at the Secretariat on 14 September 2026

Observations sur la recevabilité de la réclamation et sur la demande de mesures immédiates
Réclamation collective n° 266/2026 – ClientEarth c. Belgique

1. CONCERNING THE ADMISSIBILITY OF THE COLLECTIVE COMPLAINT

1. The Collective Complaint submitted by the complainant organisation addresses the conditions of admissibility set out in Articles 1 to 4 of the Additional Protocol to the European Social Charter Providing for a System of Collective Complaints (hereafter: the “**Protocol**”). Belgium does not see and therefore does not raise any substantive objection to the admissibility of the Collective Complaint, and defers to the Committee’s assessment in this regard. Belgium wishes, however, to draw the Committee’s attention to one procedural point.

2. Concerning the application of Rule 23 of the Rules of Procedure¹, which requires that a complaint be signed by a duly authorised representative, Belgium observes the following. The complaint states that it was “*signed by the complainant organisation’s Chief Executive Officer, who is duly authorised to act on its behalf pursuant to its Articles of Association and internal governance rules (including a Delegated Authorities Policy)*” (Collective Complaint, p. 18, §73). It is apparent from the Articles of Association (Article 16 et seq.) and the complainant organisation’s own statement regarding the authority of the CEO that a dedicated internal instrument, the Delegated Authorities Policy, must have been adopted in order to confer signing authority on the CEO. Belgium has, however, not been provided with a copy of that Policy, nor with any board resolution evidencing the scope of the delegation conferred on the CEO. The Committee’s case law holds that “*the complainant organisation must prove that the signatory has been duly empowered to submit a complaint, otherwise the complaint will be inadmissible*”. Belgium therefore notes that there appears to be an evidentiary gap concerning the authority of the CEO to sign the Collective Complaint, and respectfully invites the Committee to request that the complainant organisation produce the Delegated Authorities Policy, or the relevant board resolution, so that the signing authority may be verified.

In light of the foregoing, Belgium respectfully submits that the Committee may wish to satisfy itself, in the exercise of its assessment of admissibility under Article 6 of the Protocol, that the requirement of Rule 23 has been met. Belgium leaves this question to the Committee’s appreciation.

2. CONCERNING THE REQUEST FOR IMMEDIATE MEASURES

2.1. Request made by the complainant organisation

3. The complainant organisation maintains in its Collective Complaint that Belgium currently faces a “*growing risk of serious and irreparable harm*”, on the basis that (1) there is widespread PFAS contamination in the environment and among the population, and these substances are persistent, bioaccumulative and therefore irreversible; and (2) PFAS contamination is linked to various adverse health effects, with the risk of “*irreparable long-*

¹ ECSR, “Rules of the European Committee of Social Rights”, 11 September 2024.

term harm” manifesting itself particularly in children (Collective Complaint, p. 111, §§ 498 and 499).

The complainant organisation also states that the Belgian authorities have acknowledged “the widespread presence of PFAS in the environment” and “also in human bodies” in all three Regions (Collective Complaint, p. 111, §498). It maintains that the existing measures are, in its view, inadequate to prevent further risk of irreparable injury or harm, and submits that, in light of scientific evidence, human biomonitoring data, the precautionary principle and the preventive obligations under Article 11 of the Charter, individuals in Belgium are exposed to a tangible and ever-increasing risk of serious and irreparable harm (Collective Complaint, p. 111, §499).

The complainant organisation requests that the ECSR indicate to Belgium that it adopts immediate measures to “avoid serious and irreparable harm arising from PFAS pollution” (Collective Complaint, p. 15).

4. As required by the Rules of Procedure, the Collective Complaint also sets out, albeit only summarily, the risks and consequences if no immediate measures are taken. The complainant organisation (only) states that “PFAS contamination will continue to accumulate in the environment and in human bodies, leading to further long-term exposure, increasing disease burden on the healthcare system in Belgium, and irreversible health impacts for children. Given the persistence of these substances, future remediation efforts will not eliminate past exposure or its health consequences. Delay in action would therefore undermine the preventive function of Article 11 of the Charter and render future protection less effective and more costly” (Collective Complaint, p. 112, §502).

2.2. Observations on the requests for immediate measures

2.2.1. Legal framework

5. Rule 36 of the Rules of Procedure sets out the possibility for a complainant organisation to request that the Committee indicate immediate measures. The relevant provision reads as follows:

“Rule 36: Immediate measures

1. At any stage of proceedings, the Committee may, at the request of a party, or on its own initiative, indicate to the parties any immediate measure, the adoption of which is necessary to avoid irreparable injury or harm to the persons concerned.

2. In case of a request for immediate measures made by a complainant organisation, the request shall specify the reasons therefore, the possible consequences if it is not granted, and the measures requested. A copy of the request shall forthwith be transmitted to the respondent State. The President shall fix a date for the respondent State to make written submissions on the request of immediate measures.

3. The Committee's decision on immediate measures shall be accompanied by reasons and be signed by the President, the Rapporteur and the Executive Secretary. It shall be notified to the parties. In the decision, the Committee shall fix a deadline for the respondent State to provide comprehensive information on the implementation of the immediate measures." (own emphasis)

6. The Committee has underlined the exceptional character of immediate measures in its case law.² A request for immediate measures must establish a tangible situation in which the persons concerned by the complaint face a risk of serious, irreparable injury or harm.³

There must accordingly be evidence in the collective complaint of a current, tangible and concrete risk to the persons affected by the alleged violation, sufficiently urgent that the indication of immediate measures is required to avert any risk of irreparable injury or harm.

2.2.2. Analysis and observations on the immediate measures

7. Belgium considers that the request for immediate measures should be rejected, for the reasons set out below.

8. As a preliminary and overarching remark, Belgium wishes to emphasise that it fully acknowledges the seriousness of PFAS contamination and the legitimate concerns it raises. It is precisely because Belgium recognises this issue, that it treats this as a priority in her policy. Belgium also recognises the need for coordinated action at EU level to address PFAS contamination effectively, and actively supports and contributes to such efforts together with other likeminded EU Member States.

9. The Belgian State nonetheless maintains that the legitimate concerns surrounding the PFAS contamination in Belgium does not warrant an intervention by ECSR under Rule 36 of the Rules of Procedure. In particular, three considerations underpin Belgium's position that no immediate measures are warranted. First, the scientific data available to date does not demonstrate that PFAS exposure in Belgium has reached a level at which the risk of irreparable injury or harm is imminent. The available scientific evidence does not support the conclusion that PFAS exposure in Belgium currently gives rise to a risk to public health of such imminence and severity as to warrant the indication of immediate measures under Rule 36 (Ground n° 1). Secondly, the Belgian authorities have taken and are taking, within their respective competences, a wide range of preventive, remedial and monitoring measures in order to maintain the protection of the environment and the general public from the potential adverse effects of PFAS contamination. Its regulatory, monitoring and remediation measures (Annex B) are grounded in the available scientific evidence and are proportionate to the state of knowledge as it stands today; these measures already substantially address the underlying concerns of the urgent measures requested by the complainant organisation (Ground n° 2). Thirdly, Belgium observes that the debate the complainant organisation seeks to have before

² European Roma Rights Centre v. Belgium, Complaint No. 185/2019, decision on the admissibility and on immediate measures of 14 May 2020 §12.

³ European Roma Rights Centre v. Belgium, Complaint No. 185/2019, decision on the admissibility and on immediate measures of 14 May 2020 §12.

the Committee is essentially a scientific one. The scientific data on PFAS contaminants are rapidly evolving, and the Belgian authorities, each acting within their respective competences, have consistently based their policies on a well-reasoned analysis of the most recent available scientific evidence. As the highest European courts have acknowledged, national authorities enjoy broad discretion in assessing complex scientific and technical facts and dispose of a wide margin of appreciation to implement the measures they consider appropriate in light of the latest scientific research, provided they do not disregard relevant elements that could alter the overall assessment and that they ground their policies in the current state of scientific knowledge.⁴ It is precisely Belgium's reliance on evolving scientific evidence that has guided its progressive response to PFAS contamination (Ground n° 3).

2.2.2.1. Ground n° 1: Absence of an imminent risk of irreparable injury or harm

10. The risk of irreparable injury or harm alleged by the complainant organisation is not (sufficiently) imminent to justify intervention under Rule 36. As set out above, the exceptional character of indicating immediate measures means that a request for immediate measures must establish a current, tangible, concrete risk of serious and irreparable harm to the persons concerned by the complaint. Following from the Committee's case law, a demonstrable, current situation of risk, not a future, speculative or purely programmatic concern, must be shown to exist. In its *Decision on admissibility and on immediate measures: International Commission of Jurists (ICJ) and European Council for Refugees and Exiles (ECRE) v. Greece*, Complaint No.173/2018, the Committee stressed that immediate measures would be indicated only where there was a tangible situation of risk of such harm. Where the evidence shows only a diffuse, long-term risk without an imminent trigger, the Committee may decline to act under Rule 36, reserving the matter for examination on the merits.

11. The Belgian State observes that while scientific data available to date reveal that PFAS exposure may entail a risk to human health, there is no concluding evidence that such risk is imminent. Indeed, the complainant organisation fails to establish that the alleged health risk is current, tangible and concrete enough to be imminent, and therefore to warrant the indication of immediate measures rather than awaiting the examination on the merits. Moreover, the complainant organisation does not cite any additional evidence or scientific study that is not known to the authorities and would demonstrate the existence of such imminent risk. Although health risks are addressed in the studies relied upon, their imminent character is not. This does not mean that the Belgian authorities have refrained from taking far-reaching measures to manage PFAS contamination and prevent further spread. In particular for example, the measures taken in relation to the 3M site in Zwijndrecht demonstrate that the authorities have assumed their responsibility to contain PFAS contamination, prevent further dissemination and bring PFAS-related activities under control with a view to halting ongoing emissions.

⁴ See, to that effect, ECJ Joined Cases C-71/23 P and C-82/23 P, *France and Commission v CWS Powder Coatings and Others*, judgment of 1 August 2025; Cases T-579/22 and T-583/22, *ClientEarth v Commission and Fédération environnement durable v Commission*, judgments of 10 September 2025; Case 616/17, *Blaise and Others*, judgement of 1 October 2019; and ECtHR, *Tătar v. Romania* (Application no. 67021/01, judgment of 27 January 2009, §§ 107 and 120 and *Cannavacciuolo and Others v. Italy* (Application no. 51127/17, judgment of 30 January 2025),

12. In what follows, the Belgian State will first demonstrate that the complainant organisation itself acknowledges in its Collective Complaint that the risk is not imminent (point A). In addition, it will be shown that the complainant organisation does not substantiate that the indication of immediate measures is warranted in respect of Belgium specifically (point B).

2.2.2.1.1. The complainant organisation's own Collective Complaint demonstrates that there is no imminent risk necessitating the adoption of immediate measures

13. The complainant organisation's own characterisation of the harm it seeks to prevent itself already demonstrates that the science-evidenced risks posed by PFAS are not current, tangible and concrete and that there is therefore no imminent risk. In its Collective Complaint, the complainant organisation repeatedly frames the risk in long-term terms: it refers to a *"growing risk of serious and irreparable harm"* and specifically to a risk of *"irreparable long-term harm"* manifesting itself in children (Collective Complaint, p. 111, §§498-499). Likewise, the immediate measures requested under heading (B) of the Collective Complaint are expressly described as measures to *"protect children living with long-term exposure to PFAS"*, and the stated consequence of inaction is that contamination will *"continue to accumulate"* over time, leading to an *"increasing disease burden"* (Collective Complaint, p. 111-112, §6.1). A complaint which consistently describes the risk in terms of cumulative, long-term and future exposure is, on its own terms, describing a diffuse and gradually evolving risk rather than a current, tangible and imminent one of the kind Rule 36 is designed to address. If the harm the complainant organisation relies on materialises only over years of continued exposure, it is unclear what has changed in the immediate term to render Committee intervention necessary now, as opposed to at any previous point during the decades-long presence of PFAS in the environment (see the complainant organisation's own Annex F *"Timeline of the PFAS-related events established by ClientEarth"*), or at any point during the ordinary merits procedure.

This is particularly so given that, according to its own Collective Complaint, the complainant organisation has extensive experience concerning PFAS and its regulation efforts at European level.⁵ Witnessing that the complainant organisation has been involved with the proposal for a universal PFAS restriction under REACH⁶ since 2023, the Belgian State observes that it would have expected the complainant organisation to have taken action much earlier, especially if the risks posed by PFAS are indeed of such a concrete, tangible and imminent nature, to necessitate immediate measures.

⁵ For ClientEarth's work on PFAS regulation, including the proposed EU-wide restriction under REACH, the application of the polluter-pays principle to PFAS contamination, and the organisation's analysis of relevant legislative and regulatory developments, see: ClientEarth, *Contribution of ClientEarth to the Public Consultation on the Proposal to Restrict PFAS under REACH* (2023); ClientEarth *Emission Control vs Restriction: Which best regulatory tool for effective PFAS risk prevention?* (2025); ClientEarth, *How to Apply the Polluter-Pays Principle to the PFAS Pollution Crisis?* (2026).

⁶ REACH stands for the Registration, Evaluation, Authorisation and Restriction of Chemicals, and refers to Regulation (EC) No 1907/2006 of the European Parliament and of the Council of 18 December 2006 concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH), establishing a European Chemicals Agency, amending Directive 1999/45/EC and repealing Council Regulation (EEC) No 793/93 and Commission Regulation (EC) No 1488/94 as well as Council Directive 76/769/EEC and Commission Directives 91/155/EEC, 93/67/EEC, 93/105/EC and 2000/21/EC (Text with EEA relevance). The REACH regulation would be revised to ban the manufacture, placing on the market and use of all PFAS unless proven essential for society.

14. Conclusion: The alleged risk of irreparable harm or injury relied upon by the complainant organisation is, on the complaint's own terms, a diffuse, cumulative and long-term risk rather than a current, tangible and imminent one of the kind Rule 36 is designed to address. Therefore there is no need to indicate immediate measures.

2.2.2.1.2. The complainant organisation does not demonstrate the existence of an imminent risk of irreparable injury or harm caused by PFAS (in Belgium)

15. As a preliminary observation, the Belgian State notes that several references and statements in the complaint would benefit from further nuance and contextualisation (see also **Annex A** for a more extensive overview). A number of observations can be made regarding the manner in which the complainant organisation relies on scientific studies to substantiate its complaint. In summary, the studies invoked by the complainant organisation do not serve to establish an imminent risk of irreparable injury or harm, for the following reasons.

First, the scientific evidence as it stands today does not establish a causal link between PFAS exposure and the imminent adverse health effects alleged by the complainant organisation. There is currently no evidence in the scientific literature of acute health effects that would indicate an immediate health threat or imminent risk requiring urgent intervention. Moreover, the complainant organisation extrapolates findings from studies on specific PFAS (such as PFOA, PFOS or GenX) to PFAS as a whole, disregarding the considerable differences within this group in terms of mobility, bioaccumulation potential and toxicity (see hereafter, point I);

Second, the complainant organisation fails to demonstrate that an imminent risk of irreparable injury or harm exists in Belgium. Certain key sources relied upon by the complainant organisation to support the claim that Belgium has the highest pollution, such as the Forever Pollution project, are journalistic and NGO initiatives that do not constitute harmonised, Europe-wide scientific assessments. As the authors themselves acknowledge, the data reflect the intensity of national monitoring efforts rather than objective contamination levels, so that Belgium's higher reported figures may well be a consequence of its more extensive monitoring rather than of comparatively higher contamination. Moreover, the available data do not show that Belgium has a higher level of pollution than its European neighbouring countries, nor a problematic level of contamination that necessitates the indication of immediate measures (see hereafter, point II).

- (I) The studies relied upon by the complainant organisation cannot serve to establish an imminent risk caused by PFAS: there is not necessarily a causal (direct) link between PFAS exposure and the impact on human health invoked by the complainant organisation

16. The scientific evidence on PFAS as it stands today shows that the causality between PFAS and health issues is not as certain and established as the complainant organisation postulates in the collective complaint, such evidence is lacking for the large majority of PFAS

compounds. While it is clear that certain well-studied PFAS could pose a health risk, it is much less clear at what quantities and time of exposure such effects would occur, which also depends on the type of PFAS (see *infra*). A causal link between exposure to specific PFAS and imminent adverse health effects is therefore unestablished.

The Risk Assessment Committee (hereafter “**RAC**”) of the European Chemicals Agency (hereafter “**ECHA**”) wrote in that regard the following in its opinion on the potential European restriction on all PFAS (also referred to as the “universal PFAS restriction”) ⁷:

*“Overall, RAC agrees with the Dossier Submitter that there is a justified concern that many PFAS are bioaccumulative. However, **uncertainties remain** due to a lack of data for a large proportion of PFAS. In addition, it is recognised that there is **variability in the bioaccumulation potential** of individual PFAS with some short carbon chain PFAS showing low bioaccumulation potential. RAC also notes that high molecular weight fluoropolymers and perfluoropolyethers are unlikely to bioaccumulate unless they break down into smaller oligomers or micro-/nanosized particles able to cross biological membranes. (...)”*

RAC considers that the high persistence of mobile PFAS can be a more critical aspect than any low bioaccumulation potential when evaluating the accumulation of a PFAS in the environment and in biota. This is also in line with a similar approach taken on its opinion on the microplastics restriction (ECHA, 2020b).

***The main point is that accumulation in environmental media is a time-dependent process that depends on the rate of input** (release, transport from other compartments, uptake in case of biota) **and rate of removal** (degradation, transport to other compartments and elimination in case of biota). Assuming a continuous release rate of a substance, the ultimate steady-state concentration reached in a given environmental compartment is a balance of these parameters. If the substance is mobile and has a high persistence, the **levels of that substance gradually increase and may reach critical levels over time.**”* (own emphasis)

In addition, RAC also mentions in its section 3.1.1, first bullet: “RAC agrees with the Dossier Submitter on the approach focusing on the very persistent property of PFAS, supported by other hazards. Other properties of concern include **mobility, (eco)toxicity, bioaccumulation, long-range transport** and global warming potential. These properties **vary between different PFAS.**” (own emphasis)

It follows from this assessment by ECHA’s Risk Assessment Committee that the scientific evidence does not support the proposition that all PFAS are equally bioaccumulative or that they pose a uniform and immediate risk to human health. To the contrary, RAC expressly acknowledges that significant uncertainties remain due to a lack of data for a large proportion of PFAS. This confirms that adverse effects, to the extent they arise, depend on the type of

⁷ See p.36 of the opinion on <https://echa.europa.eu/nl/registry-of-restriction-intentions/-/dislist/details/0b0236e18663449b>

substance, the quantity and the duration of exposure - factors that are inherently long-term and incompatible with a finding of imminence under Rule 36.

17. In addition, in the context of the complainant's failure to demonstrate causality, the Belgian State observes that the complainant organisation presents, in a number of instances⁸, findings derived from studies on specific PFAS substances (such as PFOA, PFOS, or GenX) as being applicable to PFAS as a whole. As is also apparent from the assessment by ECHA's Risk Assessment Committee mentioned above, there are however considerable differences within this broad and diverse group of substances. It is important to keep in mind that PFAS vary substantially with regard to mobility and bioaccumulation potential. For example, short-chain PFAS are often mobile, can travel long distances and accumulate less compared to long-chain PFAS.⁹ Likewise, fluoropolymers behave differently from non-polymeric PFAS. Consequently, broad statements implying that all PFAS are equally mobile or bioaccumulative or toxic¹⁰ are not correct. It is in this context important to stress that conclusions drawn from studies on individual compounds cannot necessarily be extrapolated to all PFAS.

18. Conclusion: The studies relied upon by the complainant organisation do not establish a causal link between PFAS exposure and the imminent adverse health effects alleged in the Collective Complaint. Moreover, the complainant organisation incorrectly treats PFAS as a homogeneous group, disregarding the considerable differences within this broad category in terms of bioaccumulation potential and toxicity. The scientific evidence therefore does not support the proposition that PFAS exposure gives rise to an imminent risk of irreparable injury or harm requiring urgent intervention by the Committee. The complainant organisation also fails to demonstrate this.

(II) The complainant organisation does not demonstrate the existence of an imminent risk of irreparable injury or harm in Belgium

19. Furthermore, the complainant organisation does not demonstrate the existence of an imminent risk of irreparable injury or harm in Belgium. First, it should be noted that the complainant organisation incorrectly maintains that Belgium has "*the highest level of PFAS pollution in Europe*". (Collective Complaint §46) In support of this claim, the complainant organisation relies on an article by Euractiv, which in turn is based on the Forever Pollution project.¹¹ While this (journalistic) project has contributed to raising awareness of PFAS contamination across Europe, it does not constitute a Europe-wide scientific assessment using a harmonised methodology from all potentially contaminated sites. Consequently, the data collected may not necessarily be comparable. More importantly, data from certain

⁸ See for example paragraphs 114; 115 & 150 and footnotes 113 and 122 of the complaint.

⁹ Lee, Y., Moon, G., Cha, H. Lee, J. & Kwon, E. (2026). Perfluoroalkyl chain-length-dependent environmental fate and treatment outcomes of PFAS in water. *Npj Clean Water*, 9(35). doi: <https://doi.org/10.1038/s41545-026-00568-5>

¹⁰ See for example paragraph 78 and 96 of the complaint or ECHA's RAC opinion (section 3.1.1, first bullet) on the universal PFAS restriction proposal: "RAC agrees with the Dossier Submitter on the approach focusing on the very persistent property of PFAS, supported by other hazards. Other properties of concern include **mobility, (eco)toxicity, bioaccumulation, long-range transport** and global warming potential. These properties **vary between different PFAS**."

¹¹ See footnote 17 of the Collective Complaint. See for other references to this Forever Pollution Project for example paragraph 187; 191; 193 and footnote 236; 240; 245.

countries or regions (e.g. Eastern European countries) may have been limited, leading to skewed results. The higher levels of PFAS pollution reported in Belgium may well be a result of Belgian monitoring efforts rather than an objectively higher level of contamination relative to all European countries. Although this literature is valuable, these sources may therefore be subject to methodological limitations that should be considered when interpreting and comparing data.¹²

Journalists from Le Monde themselves - who were the main drivers behind the Forever Pollution project – acknowledge this in their own article¹³ from February 2023 (in French):

*“Les plus de 17 000 points de notre carte ne donnent qu’une image très sous-estimée de l’ampleur de la contamination réelle en Europe, puisque **les efforts de prélèvement divergent fortement selon les régions.**”*

And

*“Cette carte **reflète des informations recueillies** au mieux de nos compétences et de nos ressources journalistiques. **En raison de l’absence de prélèvements généralisés** pour détecter les PFAS dans l’environnement, l’ampleur réelle de la contamination est largement sous-représentée. Le nombre de sites identifiés dans chaque pays et chaque région **reflète la quantité de tests effectués** par les autorités ou par des scientifiques, ainsi que l’amplitude de la contamination par les PFAS. Pour certaines localisations, que des données de prélèvement ont identifiées comme contaminées, l’origine de la pollution n’est pas connue. **Si certains pays ou certaines régions semblent comporter de nombreux sites contaminés, c’est parce que des initiatives de prélèvements exhaustifs y ont été déployées pour identifier la pollution et y remédier.** A l’inverse, si des pays ou des régions comportent peu de sites contaminés, c’est probablement parce que moins de prélèvements y ont été réalisés et qu’ils ignorent l’existence d’autres sites pollués. Enfin, certaines localisations peuvent présenter des données incomplètes ou manquantes en raison d’un déficit d’information accessible au public. Par conséquent, certains des sites présumés contaminés qui figurent sur la carte ne sont pas pollués par des PFAS, et des lieux qui le sont n’y apparaissent pas.”* (own emphasis)

The same article also mentions the relatively higher monitoring efforts from certain European countries including Flanders for sites polluted by firefighting foams: *“En Flandre (Belgique) et en Suède, les **autorités ont inventorié tous les incidents liés à l’usage de ces mousses**, et voilà pas moins de 11 000 points supplémentaires sur notre carte. A cela s’ajoutent un millier de centres d’entraînement à la lutte contre les incendies dans ces pays et en Norvège.”*

¹² As regards the Brussels-Capital Region, it should be noted that the data on the Forever Pollution Project map were erroneous. The CNRS (Centre national de la recherche scientifique) in France treated detection limits as actually measured concentrations. For example, where an analysis indicated “< 100ng/kg” (“0.1 µg/kg”), the Forever Pollution project omitted the “<” sign and retained only the value of 100 ng/kg (0.1 µg/kg). The data relating to the Brussels-Capital Region shown on this map therefore cannot be considered representative of actual contamination.

¹³ See: https://www.lemonde.fr/les-decodeurs/article/2023/02/23/polluants-eternels-comment-le-monde-a-sui-vi-la-trace-des-pfas-a-travers-l-europe_6162944_4355770.html

Based on the aforementioned contextualisation, the Belgian State therefore holds that it cannot simply be stated that it has the highest level of PFAS pollution in Europe.

20. Moreover, the complainant organisation's claim that Belgium has the highest level of PFAS pollution in Europe is not supported by the available evidence. There is a lack of comparison made in the collective complaint between the observed PFAS levels in Belgium and those from other countries. The Collective Complaint does not substantiate why the situation is more urgent in Belgium than in other European Member States. While it is true that significant levels of PFAS contamination have been detected in certain parts of Belgium, as is the case in for example the Netherlands, Italy and Germany, the existence of localised hotspots does not support the conclusion that Belgium as a whole is the most PFAS-contaminated country in Europe.

21. Human biomonitoring research conducted under the European HBM4EU project further showed that exposure to PFOS among Flemish adolescents is comparable to that in other EU Member States with a similar human-biomonitoring programme.¹⁴¹⁵ The area surrounding the 3M site in Zwijndrecht, for instance, is indeed one of the locations with the highest recorded PFAS concentrations, but this site-specific finding cannot be extrapolated to the country as a whole:

- A large-scale PFAS monitoring programme carried out by the VMM¹⁶ in 2022 on wastewater, surface water, water sediment, biota and groundwater, the results of which were compiled in the report "Oriënterend onderzoek naar de verspreiding van PFAS in Vlaanderen"¹⁷ ("Orientation research into the spread of PFAS in Flanders") shows that the PFAS concentrations observed in Flanders are of the same order of magnitude as those in the neighbouring countries when compared with heavily industrialised or urbanised areas;
- Furthermore, concerning PFAS in food, the European Food Safety Authority's (hereafter: "EFSA") 2020 opinion provides the EU-wide harmonised reference values for chronic dietary exposure to the sum of PFOA, PFOS, PFHxS and PFNA – the four substances on which the Tolerable Weekly Intake (hereafter: "TWI") is based – given that food is the general population's main exposure route to these substances in non-hot spot areas. Based on lower-bound mean exposure estimates, Belgian values fall within, or below, the ranges observed across the EU for every age group considered (adolescents, adults, the elderly, the very elderly, other children, and toddlers). Belgium is therefore not among the Member States with the highest dietary exposure levels¹⁸;

¹⁴ European Human Biomonitoring Dashboard chart on PFOS concentration in blood, see Annex A.

¹⁵ <https://www.eea.europa.eu/en/european-zero-pollution-dashboards/indicators/risk-of-pfas-in-humans>

¹⁶ Vlaamse Milieumaatschappij ("Flanders Environment Agency").

¹⁷ Vlaeminck K, Briels N, Viaene K, Vangheluwe M, Verdonck F. (2023), Oriënterend onderzoek naar verspreiding van PFAS in Vlaanderen: Afvalwater, oppervlaktewater, waterbodembiota & grondwater. Rapport ARCHE Consulting, Gent, D/2023/3241/110.

¹⁸ EFSA CONTAM Panel (EFSA Panel on Contaminants in the Food Chain), Schrenk D, Bignami M, Bodin L, Chipman JK, del Mazo J, Grasl-Kraupp B, Hogstrand C, Hoogenboom LR, Leblanc J-C, Nebbia CS, Nielsen E, Ntzani E, Petersen A, Sand S, Vleminckx C, Wallace H, Barregård L, Ceccatelli S, Cravedi J-P, Halldorsson TI, Haug LS, Johansson N, Knutsen HK, Rose M, Roudot A-C, Van Loveren H, Vollmer G, Mackay K, Riolo F and Schwerdtle T, 2020. Scientific Opinion on the risk to human health related to the presence of perfluoroalkyl

- For a minority of types of PFAS, reports exist on how much an individual can take in or can be exposed to without presenting an appreciable risk to health. For these (groups of) PFAS, target safety measures have been recommended. Several studies which have been conducted on PFAS in food and water, show that the current exposure to PFAS and PFAS related composites in Belgium remain generally within the established safety norms, therefore vitiating the idea that the risk is “imminent” and immediate measures are necessary:
 - o For example, the European Food Safety Authority (EFSA) recently published a scientific report¹⁹ on consumer health-based guidance values for trifluoroacetic acid (TFA), an ultrashort-chain PFAS which is present in the Belgian environment²⁰. EFSA recommends an acceptable daily intake (ADI)²¹ of 0.014 mg TFA/kg body weight (bw) per day and an acute reference dose (ARfD)²² of 0.07 mg TFA/kg bw.

A recent Flemish study measured an average TFA concentration of 4 µg/L in surface waters, with a maximum concentration of 105 µg/L. In drinking water, the highest average concentration observed across Flemish supply zones was 6.6 µg/L, and the highest measured concentration was 8 µg/L. These concentrations are far below the EFSA acceptable daily intake threshold when modelled against realistic drinking water consumption..²³

The highest measured TFA concentrations in drinking water of Brussels²⁴ and Wallonia²⁵ are in similar orders of magnitude.

substances in food. EFSA Journal 2020;18(9):6223, 391 pp. <https://doi.org/10.2903/j.efsa.2020.6223>, <https://efsa.onlinelibrary.wiley.com/doi/10.2903/j.efsa.2020.6223>;

¹⁹EFSA (European Food Safety Authority), Cavelier, A., Coja, T., Gall, A., Hernández-Jerez, A., Vleminckx, C., Bergsma, E., Binaglia, M., Crivellente, F., Colas, M., Lanzoni, A., Louisse, J., De Jesus, R. R., Grillo, A., Mangas, I., & Parra Morte, J. M. (2026). Scientific Report on consumer health-based guidance values for trifluoroacetic acid. EFSA Journal, 24(7), e10227. <https://doi.org/10.2903/j.efsa.2026.10227> <https://efsa.onlinelibrary.wiley.com/doi/10.2903/j.efsa.2026.10227>

²⁰ VMM, Arche Consulting, K. Vlaeminck, N. Briels, K. Viaene, M. Vangheluwe F. Verdonck (22 januari 2026), VERKENNENDE STUDIE NAAR ULTRAKORTEKETEN PFAS IN VLAANDEREN, <https://vmm.vlaanderen.be/publicaties/verkennde-studie-naar-ultrakorteketen-pfas-in-vlaanderen>

²¹ An acceptable daily intake means an estimate of the amount of a substance in food or drinking water that can be consumed daily over a lifetime without presenting an appreciable risk to health.

²² An acute reference dose means an estimate of the amount of a substance in food that can be ingested in a period of 24 hours or less without an appreciable health risk to the consumer.

²³ In this regard, it should be noted that this remark is only intended to provide an indication, as in practice the exposure will not concern a single PFAS substance.

²⁴ <https://www.vivaqua.be/fr/durete-de-leau/> ; <https://www.vivaqua.be/fr/faq-pfas/> “FAQ l’eau de distribution est-elle potable en Région bruxelloise ? »

²⁵ Wallonie Service Public (SPW), Le TFA dans les eaux de distribution en Wallonie, Juin 2026, <https://environnement.wallonie.be/files/eDocs%20Environnement/Milieus/Eau/Eau%20de%20distribution/Monitoring%20TFA/4.%20Monitoring%20TFA%20-%203eme%20rapport%20-%20Juin%202026.pdf> ; The highest value measured in Wallonia for tap water is 5.1 µg. Only 36 of the 642 distribution areas exceed 1.5 µg/L.

- Furthermore, there are also European safety norms and limits for foodstuffs²⁶ (e.g. for eggs, meat and fish). During an inspection carried out in 2023, only 4 out of 370 samples²⁷ were non-compliant with these limits.
- Also regarding foodstuff, the FLUOREX report²⁸ commissioned by the Belgian Federal Public Service for Health, Food Chain Safety and Environment, shows average dietary exposure to the sum of PFOA, PFOS, PFNA and PFHxS between 0.93 and 1.7 ng/kg bw/week depending on age group - 3 to 6 times lower than EFSA's 2020 estimates for the Belgian population - with the EFSA tolerable weekly intake of 4.4 ng/kg bw/week not exceeded for adolescents or adults, nor for 98% of the child population.

22. Conclusion: The question therefore remains why the situation in Belgium is supposedly so imminent that immediate measures are required. The complainant organisation does not demonstrate the existence of an imminent risk of irreparable injury or harm in Belgium.

Moreover, as will be demonstrated below in Ground 2, Belgium has already taken sufficient measures to ensure that the measures adopted effectively prevent a risk of irreparable injury or harm from arising in the first place.

2.2.2.2. Ground n° 2: necessary measures already taken to prevent irreparable injury or harm²⁹

3. In recent years, Belgium has – in accordance with evolving scientific evidence – acknowledged the risk of long-term PFAS exposure and has taken, and continues to take, the necessary remedial measures within its margin of appreciation to address and mitigate the risks posed by exposure to PFAS. As the Committee has held, when a respondent State has already adopted measures to such a degree that the urgency of the risk of irreparable harm is significantly reduced, it is unnecessary to indicate further immediate measures³⁰.

By analogy, it is clear that the current Belgian regulatory, monitoring, or remediation frameworks (e.g. PFAS action plans, drinking water standards, biomonitoring programmes) already provide adequate protection, obviating the need for Committee-ordered immediate measures.

4. The complaint's own statement of facts (Collective Complaint, p. 10, §21) sets out region-specific measures which Belgium can rely on directly and acknowledges that the immediate measures it requests are "in many cases already partially implemented" (Collective

²⁶ <https://favv-afscs.be/nl/pfas-veel-gestelde-vragen>

²⁷ FAVV, Resultaten FAVV-analyses op PFAS in 2023 zijn gestuststellen: slechts 4 niet-conforme stalen op een total van 307, 31 januari 2024, <https://favv-afscs.be/nl/publication/resultaten-favv-analyses-op-pfas-2023-zijn-geruststellend-slechts-4-niet-conforme-stalen-op-een>

²⁸ DG Animals, Plants and Food, Sciensano, "Exposure assessment of peffluoroalkul substances as follow-up on th concerns raised in the recent opinion of EFSA, RT 21/6350, FLUOREX, https://www.health.belgium.be/sites/default/files/media/files/2025-10/fluorex_public_report.pdf

²⁹ See Annex B – regulatory framework and initiatives on PFAS prevention and remediation.

³⁰ Decision on admissibility and immediate measures: European Roma Rights Centre v. Belgium, Complaint No. 195/2020.

Complaint, p. 112, §501). In what follows, the Belgian State will demonstrate that all of the requested immediate measures are in fact already implemented. Belgium is already taking appropriate preventive measures, with policy focused on limiting further exposure and preventing long-term health risks through source control, emission reduction, monitoring and follow-up. It is therefore not necessary for the Committee to indicate immediate measures.

5. PFAS regulation varies across policy areas, but both at the federal level and the regional level, specific measures have been taken to address PFAS in the areas of water, air, soil, food safety and pesticides. Both remediating and preventive measures have been taken, as well as monitoring measures and information campaigns. In what follows, it will first be set out per requested measure that these have already been implemented in Belgium, whereby it will also be demonstrated that there is already a demonstrable impact as a result of these measures taken (point A). It will then be concluded that there is no need to impose the requested immediate measures (point B).

- a. The requested measures have already been taken and are therefore not necessary

(A) Immediate measures to prevent further exposure to PFAS

(A)(1) urgently adopt coordinated measures to restrict the use of contaminated soil and groundwater:

6. It is not necessary to impose an immediate measure on Belgium with regard to the use of contaminated soil and groundwater, as sufficient measures are already in force across the entire territory:

- o In **Flanders** the discharge of PFAS-containing water into groundwater is already restricted under VLAREM. VLAREM II requires any water introduced into groundwater (via indirect discharge, dewatering, or artificial recharge under classification categories 52, 53.2/53.5 and 54) to meet a cascading standard – groundwater Environmental Quality Standards (hereafter: “EQS”) first, then the VLAREBO guideline value, then (for hazardous substances lacking either) the analytical reporting limit, meaning there is no regulatory gap even when a PFAS-specific groundwater EQS is absent. Physico-chemical injection conditions (conductivity, chloride, temperature, pH) apply in parallel, and stricter future values get an 18-month grace period for existing permitted operations. Equivalent regimes exist for indirect groundwater discharge and both temporary and permanent dewatering.

Flanders’ soil contamination regime – dating to 1995/1996 and modernised in 2006/2007 (the Soil Decree and VLAREBO) – already fully applies to PFAS. It combines: mandatory risk-based investigation and remediation by accredited experts; a graduated toolkit of enforcement powers (safety measures, precautionary measures, use restrictions, and immediate measures under Articles 69, 70, 72 and 74–82 of the Soil Decree) letting OVAM act swiftly wherever concrete risks are found. It also includes a public transparency regime (land information register, soil certificates, and a public contamination explorer), and a dedicated earthworks/soil-reuse regime preventing the spread of contamination through excavated or dredged material.

Concerning the use of contaminated soil, a ministerial circular has been developed (see “How do I deal with PFAS in earthworks”).³¹ Through this circular, the Flemish Government provides guidelines for assessing the conditions for the use of PFAS-containing soil materials in accordance with the provisions of VLAREBO, Chapter 13 (including the assessment of technical reports and applications for earthworks authorisation). This approach was chosen because of the rapid developments in knowledge regarding the management of PFAS contamination. Soils containing excessive levels of PFAS are not eligible for reuse and must be removed in accordance with the provisions on waste management. These substances remain non-standardised parameters, meaning that no soil remediation standards or free-use values are laid down for them in VLAREBO. For every technical report drawn up in the context of earthworks, at least 25% of the samples must also be analysed for PFAS. As part of the ongoing revision of the Soil Decree and the subsequent amendment to VLAREBO, it is planned to include regulatory values in VLAREBO.

- **Wallonia:** Concerning soil, the Walloon soil contamination regime is set out in the Decree of 1 March 2018 on soil management and remediation, together with the Walloon Government Order of 6 December 2018 (Article 91), which together provide the legal framework for characterising and remediating contaminated or potentially contaminated land. This framework fixes soil standards for a range of common parameters (heavy metals, hydrocarbons, etc.) For parameters not otherwise covered this framework allows the administration to set standards on the advice of the Institut Scientifique de Service Public (ISSeP) and the Société Publique d'Aide à la Qualité de l'Environnement (SPAQuE). On this basis, limit values have already been established for a series of PFAS, taking into account both human health and groundwater protection. Work is currently underway to convert these limit values into formal threshold values for approval by the Walloon Government, covering consolidation of toxicological and physico-chemical parameters, definition of Walloon soil background levels, validation of analytical methods and the list of PFAS to be tested, and factoring in leaching risk.

Furthermore, it is established that PFAS must already be investigated wherever a site under review is linked to a PFAS-risk activity, since accredited soil experts are required to assess all pollutants relevant to the site being studied. Since July 2021, certified soil experts have been required to include PFAS in investigations conducted in application to the decree of March 1, 2018, on soil management and remediation when the site in question involves an activity posing a PFAS risk. PFAS-specific guideline values have been published and regularly updated since 2020 on the Wallonia Environment Portal. Separately, a ministerial circular regulates permissible PFAS thresholds in sewage sludge intended for agricultural reuse, addressing the wastewater-to-land pathway alongside the direct soil contamination regime.

³¹ Omzendbrief over de onderbouwing van toetsingswaarden voor het gebruik van PFAS-houdende bodemmateriële ‘Omsendbrief’ VR20252006/MED.0250, 16 juli 2025, <https://ovam.vlaanderen.be/documents/177281/0/25-3227+omzendbrief.pdf/93a27ea0-3f78-bb92-4369-9293fcc7a7de?t=1753694294743>

For groundwater, Wallonia pre-empted the EU's 0.1 µg/l PFAS-20 standard and set a stricter 0.004 µg/L target for the four most concerning PFAS, backed by ongoing groundwater/surface water source studies since 2023.

Furthermore the river basin management plans remain the central instrument for planning and monitoring water quality, including for PFAS: they combine monitoring, quality standards and measures to limit emissions at source. The new Directive (EU) 2026/805 will further sharpen this framework from the end of 2027 by including additional substances, with varying target dates (2033 and 2039 depending on the substance) for achieving good chemical water status. See also Annex B.

For soil and groundwater, Wallonia also has preventive tools as a result of the environmental permitting system (Decree of March 11, 1999, on Environmental Permits). Activities that may give rise to PFAS emissions may be subject to specific conditions imposing, for example, discharge limits, monitoring programs, environmental investigations, and control measures designed to prevent any contamination of soil and groundwater. These conditions may be imposed both at the time the permit is issued and during its implementation when new risks are identified. This mechanism allows the authority to intervene directly with operators to reduce emissions at the source, prevent the worsening of existing contamination, and provide long-term protection for soil and groundwater resources.

- In the **Brussels Capital Region**, a comprehensive legal framework for the management of contaminated soils has been in place since 2004, requiring soil investigations and remediation in the context of real estate transactions, start-up, transfer or cessation of risk activities. It also obliges the person responsible for an accidental pollution incident to take measures.

Since 2022, certified soil experts must analyse PFAS during investigations of potentially contaminated sites, supported by a dedicated Code of Good Practice (2022) and regulatory PFAS standards for soils and groundwater (in force since 2024).

During remediation works, attention is paid to residual concentrations in soils and groundwater. Pumped groundwater and excavated soil must also comply with applicable standards before discharge, disposal or reuse. Furthermore, the 2023 Code of Good Practice requires PFAS analyses prior to soil reuse or disposal. Where standards cannot be achieved, land-use restrictions may be imposed to ensure long-term protection of human health and the environment, as has been provided for since 2004.

(A)(2) immediately mandate continuous monitoring of water, air, soil and food chains to identify and halt PFAS pollution sources:

7. It is not necessary to impose an immediate measure on Belgium with regard to the monitoring of water, air, soil and food chains. As will be demonstrated below, it is established that sufficient monitoring is already being carried out in Belgium:

- **Flanders** has an extensive PFAS monitoring programme and plan (and an Enhanced Environmental Inspectorate monitoring of PFAS emissions/discharges incl. PFOA-foam inventory, data-sharing, measurement-method development), with transparent public reporting of results. It operates extensive, multi-year PFAS/TFA monitoring across groundwater (42+ substances, ~470-520 wells), surface water/wastewater/sediment/biota (49 substances, exceeding EU Water Framework Directive scope), and drinking water (trend-based, risk-prioritised), backed by scientific background-value studies (VITO 2021, Arcadis 2024) and enforcement sampling of industrial discharges. In parallel, OVAM has systematically inventoried and is investigating (at ~40 new sites/month since July 2021) over 4,000 potentially PFAS-contaminated soil sites, with firefighting-foam locations and sites near housing/drinking water sources prioritised.

Flanders has developed a comprehensive framework to monitor, assess and control PFAS emissions to air. In recent years, standardised measurement methods have been developed for the determination of PFAS emissions from industrial sources. Four accredited laboratories are currently recognised in Flanders for carrying out PFAS emission measurements, ensuring the availability of reliable analytical capacity for regulatory and compliance purposes.

In addition, Flanders has developed dedicated monitoring methods for measuring PFAS in ambient air and atmospheric deposition. These methods allow the determination of more than fifty PFAS compounds and support the identification of emission sources, the assessment of environmental impacts and the evaluation of deposition pathways. To support environmental assessment and permitting decisions, several scientific studies have been carried out to derive assessment values for PFAS concentrations in ambient air and atmospheric deposition.³² These assessment frameworks have been made publicly available and are used by competent authorities and environmental experts when evaluating monitoring results and the potential impact of PFAS emissions on the surrounding environment.

Furthermore, Flanders has developed a dedicated Best Available Techniques (BAT) study addressing PFAS emissions to air.³³ This study supports environmental permitting procedures and provides guidance on the technically feasible measures that can be applied to prevent or reduce PFAS emissions from industrial activities. Within

³² <https://www.vlaanderen.be/pfas-vervuiling/pfas-normenkader>

<https://vmm.vlaanderen.be/publicaties/bepaling-toetsingswaarden-voor-pfas-in-omgevingslucht-en-depositie-depositie-pfoa-en-tfa>

<https://vmm.vlaanderen.be/publicaties/bepalen-toetsingswaarden-voor-pfas-in-depositie>

<https://vmm.vlaanderen.be/publicaties/studie-naar-pfas-in-lucht-en-deposities-in-de-omgeving-van-3m-en-zwijndrecht/studie-naar-pfas-in-lucht-en-deposities-in-de-omgeving-van-3m-en-zwijndrecht-1>

<https://vmm.vlaanderen.be/publicaties/bepaling-toetsingswaarden-voor-pfas-in-omgevingslucht-en-depositie-omgevingslucht-pfhxa-pfda-en-tfa>

<https://vmm.vlaanderen.be/publicaties/bepalen-toetsingswaarden-voor-pfas-in-omgevingslucht-en-in-depositie-omgevingslucht>

<https://www.vlaanderen.be/publicaties/relatie-tussen-atmosferische-depositie-en-bodem-of-grondwaterconcentraties-voor-pfas>

³³ <https://emis.vito.be/nl/bbt/publicaties/bbtref-en-andere-publicaties/pfas-emissies-lucht>

environmental permitting procedures, potential PFAS emissions are systematically assessed whenever activities are identified that may give rise to such emissions. Where relevant, independent accredited experts must evaluate the potential environmental and health impacts of PFAS releases. Where there is a risk of significant impact on the surrounding environment, operators can be required to carry out ambient air and deposition monitoring programmes in the vicinity of their installations. The results of these investigations are used to determine whether additional emission reduction measures or permit conditions are required. In parallel, the Flemish authorities have carried out targeted monitoring campaigns across Flanders focusing on industrial sectors and activities that may give rise to PFAS emissions. These campaigns have included, amongst others, facilities involved in waste treatment and waste management activities, textile manufacturing and other industrial sectors where PFAS-containing substances may be used or released. The objective of these campaigns is to improve the understanding of emission sources, assess their contribution to local and regional PFAS contamination, and support further regulatory and permitting actions where necessary. This approach demonstrates that Flemish policy is not limited to monitoring PFAS contamination, but also focuses on source identification, impact assessment, the application of Best Available Techniques, and the prevention and reduction of PFAS emissions to air wherever necessary.

- Similarly, **Wallonia** has pursued an integrated PFAS strategy combining source identification, site mapping, environmental/biomonitoring, progressive regulatory tightening and EU engagement. In terms of monitoring specifically, Wallonia has been monitoring surface water for up to 20-25 PFAS since 2019 at the 54 SPW-ARNE surface water monitoring stations, expanding its monitoring efforts under the revised EQS Directive with binding 2033/2039 deadlines. For groundwater 20 PFAS are already being tracked since August 2023 ahead of any legal obligation, with binding standards entering into force via Directive (EU) 2026/805 by 2033/2039, and for drinking water SWDE³⁴ has coordinated regional monitoring since 2023, until 2025. Wallonia has also launched dedicated monitoring of trifluoroacetic acid (TFA) in drinking water via SWDE since June 2024, with a first report approved by the Walloon Government in October 2024 and an action plan set out in a December 2024 ministerial circular, with €2 million released in December 2025 to support water suppliers.

Monitoring now continues via water suppliers' annual statutory control programmes, with results published on the Walloon Environment-Health website. The monitoring of water is complemented by soil monitoring, including background-value studies, hundreds of active Soil Decree PFAS files and investigations into risk-based Priority Investigation Zones. Environmental recognition perimeters identify potential pollution sources, characterise soil/groundwater conditions, clarify exposure pathways, and determine management/prevention measures, illustrating a targeted, risk-based investigation framework linked to Soil Decree tools. In addition, in Wallonia, hundreds of at-risk sites (chiefly firefighting-foam sites and waste facilities) have undergone Soil Decree investigations since July 2021, prioritising the protection of residential wells, agricultural

³⁴ Société wallonne des eaux.

land and drinking water catchments. For food monitoring, a new home-produced-egg contamination study was approved by the Walloon government (Ovo-diagnostic, sampling of 150 sites, 2026-2028). Air monitoring efforts are also being undertaken (Action II-4-4 of the ENVieS portfolio, atmospheric deposition studies, and Belgian/ISSeP participation in the emerging CEN standardisation process) despite the acknowledged absence of any EU standardised method or regulatory limit values for PFAS in air.³⁵ Industrial permits also already impose PFOA/PFOS monitoring conditions even without formal BAT conclusions on PFAS.

- Finally, the **Brussels Capital Region** demonstrates a comprehensive, operational PFAS framework across water, soil and permitting. There is continuous, strengthened monitoring of surface water and groundwater feeding into source identification and emission-reduction measures. PFOS monitoring in Brussels surface waters dates to 2014 (following its 2013 EU priority-substance listing). Brussels proactively broadened this from 2023, ahead of Directive (EU) 2026/805's new mandatory PFAS surface-water monitoring regime. Of the 25 PFAS now covered by that directive, 17 are measured monthly, with several additional compounds tracked outside the formal requirement. The programme extends itself beyond water to biota (PFOS and related compounds, since June 2022) and river sediment (20 PFAS compounds, since November 2023), supporting identification of pollution sources and emission-reduction measures. All monitoring data are publicly available via Brussels Environment's BruWater platform.

Brussels began exploratory PFAS groundwater monitoring in 2016 (5 compounds in one aquifer), extended it region-wide in 2018, and has steadily scaled up analysis – 12 compounds by 2021, 32 from 2023 (anticipating the EU Directive 2026/805 requirements³⁶), plus additional PFAS drawn from Brussels Environment's excavated-soil code of good practice, and TFA since 2024. Between 2023–2024, over 3,000 analyses were run across 37 monitoring sites using the accredited WAC/IV/A/025 analysis method, aimed at assessing chemical status, tracking trends, and catching emerging pollutants.

Concerning soil monitoring, Brussels has an evolved soil-management regime combining Brussels Environment's own-initiative investigation campaigns (2021-2023, 30+ sites), a 2022 source-activity inventory, the January 2022 Code of Good Practice on PFAS in soil/groundwater (with a preliminary-assessment and emergency-measures mechanism where health/environmental risk cannot be excluded), the May 2024 Order setting specific PFAS intervention/remediation standards under the Soil Ordinance, and a dedicated Code for food-production sites (allotments/orchards). The Region has also developed a publicly available interactive map of sites with a theoretical risk of PFAS contamination, on which all analysis results are also publicly accessible, guiding investigation efforts and ensuring full transparency of the authorities' approach. Nearly 400 sites have already been

³⁵ Directive (EU) 2024/2881 on air quality contains no PFAS-specific requirements or recommendations, and reference methods for measuring PFAS in air are still under development – notably via CEN/TC 264/WG 48, a standardisation working group launched in July 2025 in which the Walloon Region participates. On industrial emissions, Directive 2010/75/EU (as amended in 2024) remains the reference framework for best available techniques, but no PFAS-specific BAT conclusions for atmospheric emissions currently exist.

³⁶ the new Directive (EU) 2026/805 will require EU-wide quality standards and PFAS monitoring covering both the 20-substance sum and the narrower 4-substance (PFHxS/PFOS/PFOA/PFNA) group.

investigated, including virtually all sites known to have used firefighting foams, and around 134 (approximately 34%) have been or are being remediated or managed. Brussels too already possesses the tools needed to identify, assess, monitor, and manage PFAS pollution sources and has an interactive map of PFAS analysis results published by Brussels Environment.³⁷

- On the **Federal level**, PFAS in the Belgian food chain are subject to official AFSCA/FAVV (Agence Fédérale pour la sécurité de la alimentation – Federaal agentschap voedselveiligheid) controls, with food business operators additionally required, under their self-monitoring obligations, to ensure compliance with the EU maximum levels set by Regulation (EU) 2023/915 for covered food categories. In parallel, under Recommendation (EU) 2022/1431, the Federal Public Service for Public Health is funding roughly €1.8 million across several PFAS-specific research projects to gather further food-contamination data supporting future regulatory refinement: PERFOOD (2010–2013, €372,000), FLUOREX (2021–2023, €200,000), TREFCOM (2021–2024, €250,000), PFASFORWARD (2023–2027, €400,000), IMPOFAD (2024–2028, €400,000), PUR(I)SALT (2025, €110,000) and AQUA-MET-PFAS (2025, €58,000) – roughly €1.8 million in total.

Furthermore, as regards the request to “halt” PFAS pollution sources, it should be noted that – as is already apparent from the answers to the various immediate measures under Ground 2 – a range of adequate measures have already been imposed to address this issue and to prevent further pollution (see also Annex B for an overview of the legislation and measures taken in this regard). In addition, serious measures are also being imposed on, for example, companies engaged in polluting PFAS activities (for example in Flanders: the measures taken with respect to 3M). This also demonstrates that measures are already being taken to tackle PFAS at the source.

The competent authorities have also adopted general emission standards that restrict PFAS emissions to air, water and soil in respect of all environmentally harmful activities. They form an integral part of the broader regulatory framework aimed at preventing and reducing PFAS contamination at its source. Moreover, the competent authorities take PFAS activities into account when granting and reviewing environmental permits. In particular, activities that may give rise to PFAS emissions may be subject to specific permit conditions imposing, for example, emission limits, discharge restrictions, monitoring obligations and other control measures designed to prevent contamination. In practice, these permit conditions are often stricter than the generally applicable emission standards, as they are tailored to the specific circumstances of the installation and the local environmental conditions. These conditions may be imposed both at the time the permit is issued and during its implementation when new risks are identified. In this way, the competent authorities assess individual cases and impose appropriate conditions, restrictions or prohibitions through environmental permits and enforcement measures, ensuring that PFAS-related risks are addressed at the source on a case-by-case basis, taking into account their own discretionary assessment powers.

³⁷ See the interactive map of PFAS analysis results published by Brussels Environment, available at: <https://geodata.environnement.brussels/client/view/13e9e42d-6172-4255-a925-a61cbb14a695>.

In addition to the measures already taken across Belgium and its various Regions, it is also appropriate to note that the “halting” of PFAS pollution sources will be further addressed by the proposal currently under consideration at EU level for a universal restriction on all PFAS under REACH. Belgium actively supports and has advocated for the acceleration of this process, recognising that a harmonised, EU-wide restriction is the most effective instrument to address PFAS contamination at its source across all Member States.

(A)(3) immediately accelerate the clean-up and remediation of contaminated sites, including, where necessary, temporary relocation measures, with priority given to homes, schools, playgrounds and agricultural land. All remediation efforts should be carried out in accordance with the polluter-pays principle:

8. It is not necessary to impose an immediate measure on Belgium with regard to the acceleration of the clean-up and remediation of contaminated sites. As will be demonstrated below, it is established that in each region a legal framework exists within which remediation of contaminated sites is already taking place today. In this context, full reference is also made to what has extensively been set out above in relation to the first measure requested by the complainant organisation relating to contaminated soil and this for the various levels of competence.

- In **Flanders**, the general Soil Decree and legal frameworks are fully applicable on PFAS, providing for remediation based on a “polluter pays” principle. This encompasses risk-based investigation and remediation, enforcement powers for OVAM, a transparency regime and an earthworks regulation. Furthermore, an extensive package of site-specific measures was taken specifically targeted at the 3M-site (see below), to limit human and environmental exposure in the vicinity of the site³⁸.
- In **Wallonia**, the remediation and management of PFAS contamination is already taking place within the legal framework established by the Decree of 1 March 2018 on soil management and remediation and, where applicable, under the environmental liability regime implementing the “polluter-pays” principle. PFAS investigations have been integrated into soil procedures since 2021 for sites associated with PFAS-related activities. As a result, several hundreds of PFAS-related soil and groundwater files are currently being managed, covering industrial sites, waste facilities, firefighting training areas, fire stations and civil protection sites. Investigations, risk assessments, management measures and, where necessary, remediation measures are imposed on responsible operators in accordance with the applicable legislation. In parallel, Wallonia has established dedicated investigation programmes through SPAQuE and ISSeP for historical landfills and firefighting-related sites.
- The **Brussels Capital** Region addresses PFAS soil contamination through the existing Soil Ordinance framework, which already covers investigation, risk assessment, remediation (the default for single polluter contamination) and emergency measures where needed,

³⁸ <https://www.vlaanderen.be/pfas-vervuiling/pfas-zwijndrecht> .

applying the “polluter-pays” principle to identified polluters and shifting responsibility to the landowner for orphan contamination (with possible regional financial support).

(B) Immediate measures to protect children living with long-term exposure to PFAS

(B)(1) urgently establish accessible information centres so that children can obtain reliable and up-to-date information, and guarantee access to medical screening, health checks and appropriate follow-up treatment where necessary:

9. It is not necessary to impose an immediate measure on Belgium with regard to information centres for children, access to medical screening, health checks and appropriate follow-up treatment. As will be demonstrated below, it is established that these measures are already sufficiently in place.

First of all, the Belgian constitution enshrines a right to transparency of public information under Article 32. Any concerned citizen is able to ask a public entity for a copy of certain administrative documents, thereby guaranteeing access to information. The Belgian administrative courts enforce this constitutional right to information.

Furthermore in several regions the access to information for children has already been set up:

- In **Flanders**, public protection is pursued through information channels (PFAS website, leaflets, a information sheet for healthcare providers, and accessible advice via “Gezondheidsmakers” environmental health/PFAS prevention workers), complemented by detailed information from the Department of Care. In addition, the communication efforts surrounding the targeted biomonitoring campaign for youth in the vicinity of the 3M/Zwijndrecht site (see below, paragraph 27) have also served as an important channel for informing young people and their families about PFAS exposure and its health implications. Flemish HBM Campaigns are communicated at different levels and refer stakeholders to the website and dashboard of the Flemish Center of Expertise on Environment and Health.
- **Wallonia** too has held several information campaigns, informing the public about PFAS, through the dedicated PFAS Walloon Environment website and communication campaigns linked to biomonitoring (targeting participants, citizens and the medical community). Wallonia has developed a crisis communication strategy, involving in particular municipalities affected by environmental PFAS contamination. The Independent Scientific Council (CSI) has, moreover, devoted an entire chapter to risk communication and sets out detailed recommendations for tailoring information to the relevant audiences. Since 2019, the Walloon Human Biomonitoring Programme (BMH-Wal) has included children among its target populations, notably newborns, children aged 3 to 5 years and 6 to 11 years and teens aged 12 to 18 years. Participants and their families received individual results, while collective results and recommendations were made publicly available through dedicated online platforms and public information sessions.

- For the **Brussels Capital Region**, information efforts are coordinated with both the French-speaking and Flemish communities. Information on PFAS has been provided to the inhabitants of Ukkel (Sicli site). Brussels Environment pursues an active transparency policy, including dedicated webpages, guidance documents and FAQs addressed to the general public, local authorities, schools, neighbourhood associations, professionals and landowners, all regularly updated to reflect scientific and regulatory developments. Brussels Environment also regularly organizes information sessions for citizens, professionals and local authorities, and systematically addresses media inquiries to ensure reliable, scientifically substantiated information. Finally, the Soil Facilitator Service provides support to citizens, schools, community organisations and professionals, including assistance in interpreting environmental analysis reports, thereby making complex technical information more accessible.

In addition, there are also joint, nationwide campaigns or initiatives, covering all three regions:

- Targeted awareness campaigns targeting pregnant women and parents of young children under the National Action Plan on Endocrine Disruptors. This is a joint, nationwide campaign and has been running in all 3 regions. For example, in the Summer of 2026 a giant washing machine has been creating awareness on washing new clothes before wearing them in shopping centra in all 3 regions: Wijnegem, Liège, Brussels³⁹;
- There are also specific federal initiatives aimed at children, including the book “Kijk Uit!/Ouvre l'œil!” about dangerous substances for children aged 6–9 and the “Red de Emoji/Sauve l'Emoji” game (since 2017) for 10–16 year-olds;
- Moreover, health information has also been actively communicated to healthcare professionals, including general practitioners, paediatricians and gynaecologists, in order to ensure appropriate medical follow-up where necessary.

As regards the requested measure concerning access to medical screening, health checks and follow-up treatment, it should first be noted that, as confirmed by the Federal Knowledge Centre (hereafter: ‘KCE’), no validated treatment exists for elevated levels and that there is insufficient scientific evidence that such testing has predictive or clinical value.⁴⁰ In any event, it is established that standard (paediatric) healthcare continues with healthcare providers as first point of contact. In this regard, the Belgian State emphasises that its healthcare system is generally very accessible and has a low threshold for access. Moreover, it is known for its

³⁹ <https://www.health.belgium.be/en/node/2856>

⁴⁰ See <https://kce.fgov.be/en/publications/all-reports/what-is-the-clinical-utility-of-pfas-tests-focus-on-pregnant-and-breastfeeding-women-and>, p. 107.

highly specialised physicians. For these reasons, it is difficult to see how an additional measure should be imposed in this respect.

(B)(2) Implement without delay targeted and systematic biomonitoring programmes, including blood testing of children, pregnant women, and especially populations living in proximity to known contamination sources; include monitoring of relevant exposure pathways such as mother-infant transmission, and provide clear and accessible explanations of biomonitoring results and associated health implications:

In Belgium the regions already operate comprehensive, targeted biomonitoring and blood-testing programmes that substantially address the measures requested by the complainant organisation under this heading.

- Since 2002, **Flanders** has operated a structured human biomonitoring programme (FLEHS) to monitor exposure of the Flemish population to environmental pollutants and biological markers related to potential health effects. PFAS have been monitored in the Flemish population since the second FLEHS cycle (2007–2011), with PFOS and PFOA initially measured and the range of PFAS subsequently expanded in later cycles, PFAS included in the fifth cycle of its human biomonitoring programme for youth, plus a dedicated adult PFAS campaign. Also targeted biomonitoring has been performed for PFAS (a large-scale blood-testing exercise of all residents within 5 km of the 3M/Zwijndrecht site, plus a separate youth study there). Special efforts are made to communicate human biomonitoring (HBM) results and their potential health implications as clearly and understandably as possible to participants in the Flemish HBM campaigns. Particular attention is given to communicate to the adolescents, using age-appropriate and accessible communication materials.
- **Wallonia** too, operates since 2019 a comprehensive, region-wide human biomonitoring programme “programme de Biomonitoring Humain Wallon” coordinated by ISSeP⁴¹ (three phases: newborns/adolescents/adults 2019-2020; children 2020-2021 (testing 300 children aged 3-5 and 302 aged 6-11); adults 40-59, 2023) and PFAS-specific targeted biomonitoring in known overexposure zones (Chièvres, Ronquières, Nandrin, Florennes, Feeder du Hainaut) with blood/capillary sampling (for young children) across age groups. This programme found 18-48% of residents in the first four zones exceeding the 20 µg/L “NAS” health threshold set by the Independent Scientific Council (CSI), versus 5.8-8.5% in the Feeder du Hainaut zones. In addition, a free supplementary AVIQ testing campaign was held (March-June 2026) for previously untested residents and workers in these zones (age 12+).

It is therefore not necessary to roll out additional systematic biomonitoring campaigns in Belgium as requested by the complainant organisation. Furthermore, it is established that the complainant organisation does not demonstrate in what way the requested measure would remove the so-called imminent risk of irreparable injury or harm. In this regard, reference should also be made to the position of the Flemish Department of Care. Having weighed the healthcare, societal, policy and scientific relevance, the Department of Care concluded that

⁴¹ Institut Scientifique de Service Public.

extending biomonitoring to further PFAS-contaminated areas is not currently a priority, since blood testing cannot establish exposure causes, health consequences or treatment.⁴² It instead prioritises environmental measurements for source identification and exposure reduction. This approach is consistent with the findings of two successive reports by the Federal Knowledge Centre for Health Care (KCE), both commissioned by the Interministerial Conference on Public Health. (see further – ground 3)

(B)(3) Urgently ensure access to uncontaminated drinking water and, where necessary, facilitate or subsidise access to safe and uncontaminated food:

10. The requested measure is not necessary, as access to safe drinking water and food is already guaranteed in Belgium.

- o In **Flanders** no exceedances of the PFAS standards set out in the Drinking Water Decree have been detected in drinking water. Flemish data on drinking water⁴³ shows that the highest monitored value of TFA is 8.3 µg/l. This concentration is far below the EFSA acceptable daily intake threshold when modelled against realistic consumption (see *supra*) Flanders sets its own regional target of 0.004 µg/L for the four substances of greatest health concern (PFOA, PFNA, PFHxS, PFOS), to be met by end-2028.

In Flanders, on 4 May 2026, the “Strategisch plan drinkwaterbevoorrading (SPW)” (Strategic Drinking Water Supply Plan for public drinking water supply) 2026-2032 was approved by the Flemish Government. This plan provides a framework for managing risks and prioritising measures within drinking water abstraction areas. The drinking water abstraction areas are systematically analysed and prioritised. This involves looking not only at the drinking water quality itself, but at the activities in these areas that may pose risks, such as agriculture, industry, discharges and the use of hazardous substances. Actions included in the plan will partly be implemented through non-regulatory initiatives (e.g. source investigation of TFA in abstraction areas for drinking water production) and partly through regulatory initiatives (e.g. possible phase-out of the use of PFAS-containing plant protection products).

For the PFAS issue, Flanders explicitly opts in this plan for a preventive approach, including:

- a phased phase-out strategy for the use and discharge of PFAS-containing pesticides when alternative substances are available, with a priority approach in drinking water

⁴² The French authorities have reached the same conclusion :

« Ainsi, à ce stade, en dehors d'un cadre de recherche scientifique, il n'est pas recommandé de pratiquer des dosages individuels de PFAS dans le sang. En effet, si le dosage permet d'évaluer l'imprégnation, il ne constitue pas un diagnostic médical et ne prédit pas les effets sur la santé. »

<https://sante.gouv.fr/sante-et-environnement/substances-chimiques/les-pfas/article/polluants-eternels-pfas-s-informer-et-reduire-son-exposition> - Faut-il proposer des dosages individuels de PFAS dans le sang ?

⁴³ <https://www.vrt.be/vrtnws/nl/2024/10/23/tfa-ultrakorte-keten-pfas-in-drinkwater/>

abstraction areas and subsequently throughout Flanders, ultimately leading to a total use ban in 2036;

- adaptation of permits and discharge conditions that take into account drinking water production;
 - additional buffer strips along watercourses and use restrictions where relevant;
 - a financing mechanism for addressing PFAS contamination.
- The same was found in the **Brussels Capital Region**. Brussels' PFAS limits for drinking water are set by the Order of the Brussels-Capital Government of 22 February 2024 (as amended on 25 November 2025), transposing recast Directive (EU) 2020/2184, which distinguishes a "sum of 20 PFAS" (0.1 µg/L) from "total PFAS" (0.5 µg/L, the latter only becoming binding once EU technical guidance exists). Brussels has gone further than the EU baseline in its Order: it applied the 0.1 µg/L sum-of-PFAS limit from 4 March 2024 (nearly two years ahead of the EU's January 2026 deadline to match Flanders and Brussels) and set its own regional target of 0.004 µg/L for the four substances of greatest health concern (PFOA, PFNA, PFHxS, PFOS), to be met by end-2028. Following the Commission's August 2024 technical guidance (Communication C/2024/4910), which flagged unresolved measurement difficulties for trifluoroacetic acid (TFA) and recommended excluding it from "total PFAS" Brussels' November 2025 amending order defined "total PFAS" via the WAC/IV/A/025 method and separately added TFA to a regional watch list (guide value 2.2 µg/L; quantification limit 0.66 µg/L).

All PFAS-20 sum analyses in the VIVAQUA distribution network between 2022 and 2025 complied with the 0.1 µg/l standard, with maximum measured concentrations of 0.036 µg/l (2023), 0.038 µg/l (2024) and 0.021 µg/l (2025). This means that they already achieved the 0.1 µg/l threshold from early 2023 (three years ahead of the 2026 deadline). TFA concentrations stayed below the 2.2 µg/L regional guide value (maxima of 1.6, 1.8 and 2.0 µg/L respectively for 2023–2025). VIVAQUA invested in additional mobile granular activated carbon (GAC) silos and adapted its plant to bring PFAS-4 levels below 0.004 µg/l while securing treatment capacity.

- In **Wallonia**, the Walloon water framework for PFAS is built on Book II of the Environment Code (the Water Code), which transposes the EU Water Framework Directive (2000/60/EC), the Groundwater Directive (2006/118/EC, as amended by 2014/80/EU), and the recast Drinking Water Directive ((EU) 2020/2184, transposed on 1 June 2023). Wallonia's Water Code already requires suppliers to suspend or restrict distribution and inform consumers if drinking water poses a health risk, and Wallonia has used corrective measures (carbon filtration, blending, closing contaminated abstraction points). No PFAS-20 value exceeding the 0.1 µg/l standard has been recorded in any of its 642 distribution zones since November 2023 – over a year before that standard even took legal effect – with periodic PFAS-20 testing now a statutory obligation for suppliers since February 2025. The most significant recent development is the Walloon Government Decree of 20 February 2025, which sets a parametric limit of 0.10 µg/L for the Sum of PFAS in drinking

water and a stricter target value of 0.004 µg/L for the sum of PFOA, PFNA, PFHxS and PFOS to be reached by 12 January 2028, informed by Commission Communication C/2024/4910. This target is already met in all but 16 zones as of end-2025, with dedicated “Schéma Régional des Ressources en Eau 3.0” (SRRE 3.0) investment funding supporting suppliers in closing that remaining gap.

Wallonia has also established a region-wide monitoring programme for trifluoroacetic acid (TFA), adopted a health-based guidance value of 2.2 µg/L for TFA in drinking water and supports the necessary investments by water suppliers to achieve this objective. In April 2026⁴⁴, the Walloon Government endorsed the progressive restriction of PFAS-containing plant protection products, with priority given to the most vulnerable drinking water catchment areas, while continuing work on the protection of groundwater resources, drinking water abstraction zones and the reduction of PFAS emissions at source. These measures are complemented by ongoing investigations of potential contamination sources, the adaptation of environmental permit conditions and the preparation of future regulatory standards.

The publicly distributed water in Belgium therefore already meets applicable health standards and no generalised emergency measures are warranted or necessary in the light of the stated aim of these measures.

- On the **federal level**, concerning food standards, food in Belgium complies with the existing maximum levels as set for PFAS under regulation 2023/915. Since 2008, more than 2,600 PFAS analyses have been carried out on foodstuffs as part of official controls. Of these, only 8 revealed non-compliance with the applicable regulatory limits. These results therefore do not indicate the existence of a widespread or urgent problem affecting the entire Belgian food chain.

Compliance with these existing maximum levels is treated as the legal definition of “safe” with non-compliant products barred from the market. Any further tightening of these standards would need to occur through the EU’s own harmonisation procedures, which balance public health protection against the functioning of the single market. The possibilities for immediately adopting divergent national measures are therefore limited in those areas.

Moreover, the AFSCA/FAVV operates as a risk manager within the food chain under Regulation (EC) 178/2002 (arts. 14–15), Regulation (EU) 2017/625 on official controls, and the Royal Decree of 14 November 2003 on mandatory notification. Since 2017, Belgium applies action limits for PFOS/PFOA in meat, eggs, fish and milk (Scientific Committee opinion 15-2017), ahead of the EU’s 2023 harmonised maximum levels under Regulation (EU) 2023/915. These limits remain in force for milk, for which no EU maximum level yet exists, and Belgium appears to be the only Member State with such an action limit. AFSCA/its Scientific Committee also developed blood-based indicative values for cattle (2.5 µg/L PFOS in plasma) to predict likely compliance of meat/offal, an approach since adopted by the Netherlands and under discussion with Denmark.

⁴⁴ <https://coppieters.wallonie.be/home/communiqués-de-presse/pesticides-contenant-des-pfas-la-wallonie-se-prononce-pour-une-interdiction-progressive-des-usages-professionnels-et-prives.html>

On food contact materials, Belgium is actively updating its regime: a new Royal Decree on food-contact paper and cardboard is being drafted, pending finalisation of a Council of Europe technical document still under stakeholder consultation, and will replace an annex to the 1992 Royal Decree. For food-contact varnishes and coatings, Belgium already has a dedicated national framework in force since the 25 September 2016 Royal Decree.

Furthermore Directive (EU) 2020/2184 was transposed for federally-competent matters by the Royal Decree of 4 February 2024 on the quality of water intended for human consumption that is bottled or used in food establishments, introducing the “PFAS-20” (0.1 µg/L) and “Total PFAS” (0.5 µg/L) parameters. The substantive PFAS obligations became applicable from 12 January 2026 under the Directive’s own transitional provisions. A modification of this Royal Decree is underway to introduce a target value of 0.004 µg/l for the sum of PFOS, PFOA, PFNA and PFHxS.

11. In addition, it is established that other measures are also being taken in Belgium, to combat and remedy PFAS contamination. An overview of such additional measures being taken in Belgium can be found in Annex B, divided per competent authority. These measures concern chemicals and pesticides, other research and monitoring, site-specific measures for hotspots and hotspot responses, and other non -regulatory public health initiatives (e.g. PFAS action plans in the three regions).

12. The adequacy and proportionality of the abovementioned measures, and the fact that they are sufficient and adequate measures to combat PFAS contamination in Belgium is further supported by the declining figures when it comes to, for example, the exposure to certain PFAS in food, soil and water:

- The FLUOREX report commissioned by the Belgian Federal Public Service for Health, Food Chain Safety and Environment, has calculated that dietary PFOS exposure (medium-bound) has fallen eightfold and PFOA exposure 3.3-fold compared with a 2012 Belgian study, reflecting the effect of the EU-wide PFOS phase-out since 2009 and the PFOA phase-out since 2020;
- Since 2008, more than 2,600 PFAS analyses have been carried out on foodstuffs as part of official controls. Compliance has only increased over the years, with compliance in 2023 being 98,9%, in 2024 99,4% and in 2025 99,8% respectively. This finding is all the more significant given that analytical performance has improved significantly. Whilst in 2021 the limits of quantification (LOQs) used for most PFAS analyses in foodstuffs were generally in the region of 5 µg/kg, the methods currently in use enable LOQs of around 0.02 µg/kg to be achieved. Laboratories are therefore now able to detect concentrations that are significantly lower than before;
- Regarding biomonitoring results, research carried out in the vicinity of the 3M site in Zwijndrecht shows a downward trend in various linear PFAS components between 2021 and 2023–2025. Among individuals who took part in both blood tests, a statistically significant decrease was observed for, amongst others, linear PFOS (L-PFOS), linear PFHxS (L-PFHxS) and PFNA. This decrease can be explained by several factors. In addition to a possible reduction in exposure, differences between laboratories (although limited for

linear components) and differences in procedures and analytical methods may also play a role;

- Between cycles 3 and 4 (2008–2017) of the Flemish human biomonitoring campaigns, there was also a downward trend for linear PFOS and for linear PFOA in blood;
- On PFOS in surface water, a comparison between the results of the third river basin management plan (SGBP3) and the fourth river basin management plan (SGBP4), which is currently being drawn up, shows that the results of SGBP4 thus indicate that the proportion of water bodies for which an actual exceedance is identified is considerably lower than in SGBP3. (see Annex B)

b. Conclusion: it is not necessary to indicate immediate measures

13. Taken together, these measures constitute an adequate and proportionate response to PFAS contamination, with the most heavily affected regions having taken correspondingly more extensive remediation measures. The existing federal and regional frameworks already address what the complainant organisation requests by way of immediate measures. In light of the domestic measures already taken, and those shortly to be implemented, it must be concluded that a formal indication of immediate measures under Rule 36 would be unnecessary and duplicative of ongoing domestic action.

For the remainder, it should be noted that the complainant organisation's more general criticisms of Belgian PFAS policy – namely, its observation that existing Belgian measures are reactive, delayed, fragmented and inconsistent rather than adequate (Collective Complaint, p. 10, §22) – are unrelated to the question whether it is necessary to indicate immediate measures. Those criticisms concern the question whether the measures taken fall short of Belgium's obligations under Article 11 of the Charter, which is a matter properly reserved for examination on the merits and cannot be relied upon to establish that the measures taken are insufficient for present, Rule 36 purposes.

2. Ground n° 3: The requested measures fall outside the competence of the ECSR and are disproportionate

14. A third ground of refutation relates to the nature of the requested immediate measures themselves.

15. *First*, it is important to stress that the Belgian State enjoys a wide margin of appreciation in determining the measures necessary to protect the health of the population. No harmonised European or international legal framework has been established to address PFAS contamination of the kind that has occurred in Belgium (and that also exists in other jurisdictions, as the complainant organisation itself acknowledges). It follows that State Parties to the Revised Charter enjoy a wide margin of appreciation in deciding on the types of measures necessary to protect their populations from the negative effects of such contamination, provided that the measures taken are progressive, effective and proportionate to the interests at stake. There is accordingly no established standard as to what “necessary”

measures consist of, or precisely what level of protection must be attained to avoid a risk of serious and irreparable injury or harm in the context of the protection of the right to health. By analogy with the case law of the Court of Justice of the European Union concerning pesticides (see, to that effect, judgment of 1 October 2019, *Blaise and Others*, C--616/17, EU:C:2019:800), States must take into account the most recent scientific evidence when taking decisions and adopting measures, but they dispose of a wide margin of appreciation to implement the measures they deem appropriate in light of the latest scientific research. As long as these measures are taken with due regard for the evidence, after careful consideration, and constitute a proportionate response to the issue at hand, it is not for other parties to substitute their own assessment for that of the State. Equally, the fact that a complainant party interprets scientific sources in a certain way does not mean that the State is bound by that interpretation. These considerations must be taken into account when the Committee assesses whether it is necessary to indicate immediate measures.

The complainant organisation does not demonstrate that adequate protection of the health of the Belgian population, and children in particular, would necessarily require the immediate measures sought, nor what the measurable impact of these measures would be in practice. Consequently, Belgium submits that the Committee would exceed its competence were it to indicate the specific measures sought by the complainant organisation.

16. Previous cases in which the Committee decided to indicate immediate measures to the respondent State concerned, *inter alia*, the right to housing, including protection against poverty and the reduction of homelessness. According to international standards, it is sufficiently clear that the right to housing obliges State Parties to provide shelter, in safe and adequate accommodation, to persons in vulnerable situations⁴⁵. The objective to be achieved by an indication of immediate measures in such cases is therefore sufficiently clear: to take “*all adequate measures*” to prevent vulnerable persons from becoming homeless, as required under Article 31 of the Charter.

The PFAS-related right to health context relied upon by the complainant organisation does, by contrast, not present that same degree of clarity. Unlike the binary threshold of homelessness, there is no comparable consensus, whether in the Charter, the Committee's case law, or at European or international level, on what specific measures are “necessary” or sufficient to avert irreparable harm to health from long-term environmental exposure such as PFAS contamination. The absence of any harmonised European or international standard on this point is not incidental: it is precisely because reasonable, evidence-based views can differ on the adequate regulatory, technical and budgetary response to a diffuse and evolving environmental risk, that this determination falls within Belgium's own margin of appreciation, and not within a standard the Committee could apply as it has done in the mentioned housing cases.

⁴⁵ Decision on admissibility and immediate measures: *European Roma Rights Centre (ERRC) v. Italy*, Complaint No. 244/2025.

17. The broad margin of appreciation enjoyed by States in environmental matters, such as PFAS contamination, has also been acknowledged by national courts. Reference may be made in this regard to the judgment of The Hague District Court of 11 February 2026.⁴⁶

It is therefore within the remit of the Belgian State, and its broad margin of appreciation following from the State's sovereignty, to determine the measures necessary to prevent and remediate PFAS contamination. It is equally the prerogative of the State to decide how its efforts are best deployed, including by prioritising and actively pursuing European-level action^{47,48} – as the complainant organisation itself acknowledges – precisely because the question of PFAS as a substance of concern is a transboundary challenge that requires a coordinated EU response. Belgium's commitment to addressing PFAS at EU level, including through its support for a harmonised universal PFAS restriction under REACH, reflects its recognition that effective and lasting solutions to this issue necessarily involve European-wide measures (see below). This does not mean, however, that Belgium limits itself to awaiting EU-level action. By way of example, the Flemish Government approved on 4 May 2026 the *Strategisch Plan Waterbevoorrading* (Strategic Drinking Water Supply Plan) 2026–2032, which includes, *inter alia*, a phase-out strategy for the use and discharge of PFAS-containing pesticides, starting with priority measures in drinking water abstraction areas and ultimately leading to a total use ban in 2036.⁴⁹ (see more general Annex B on the restrictions of pesticides) An indication of further immediate measures by the Committee, without a specific standard against which compliance could be verified and enforcement by the Committee of Ministers could be assessed, would be difficult to reconcile with the basic principles of State sovereignty under international law. Consequently, Belgium submits that the Committee would exceed its competence were it to indicate the specific measures sought by the complainant organisation.

Furthermore, in the context of the EU legal order, the regulation of chemical substances such as PFAS is a matter that engages the principle of subsidiarity as enshrined in Article 5(3) of the Treaty on European Union and Protocol (No 2) on the application of the principles of subsidiarity and proportionality.⁵⁰ Under EU law, chemical products are regulated on the basis of the EU's internal market competence and are governed, in the first instance, by the harmonised framework established by the REACH Regulation (Regulation (EC) No 1907/2006). The reason of a harmonised, EU-wide regulatory regime for chemicals is to avoid fragmentation of the internal market: unilateral national product bans or restrictions on

⁴⁶ The Hague District Court, C/09/665509 / HA ZA 24-374 ECLI:NL:RBDHA:2026:2175, §§ 5.86 and 5.87. <https://uitspraken.rechtspraak.nl/details?id=ECLI:NL:RBDHA:2026:2175>

⁴⁷ Council conclusions on the 8th Environmental Action Programme mid-term review, paragraph 31, adopted under the Belgian presidency of the Council of the European Union <https://data.consilium.europa.eu/doc/document/ST-11326-2024-INIT/en/pdf>

⁴⁸ AOB introduced by Belgium during the Environment Council of the European Union on 24th of October 2022 <https://data.consilium.europa.eu/doc/document/ST-13626-2022-INIT/en/pdf>

⁴⁹ Vlaamse Regering, *Strategisch Plan Waterbevoorrading openbare drinkwatervoorziening 2026–2032*, 4 mei 2026, <https://www.vlaanderen.be/vlaamse-regering/beslissingen-van-de-vlaamse-regering/strategisch-plan-waterbevoorrading-openbare-drinkwatervoorziening-2026-2032>

⁵⁰ Article 5(3) of the Treaty on European Union provides: “*Under the principle of subsidiarity, in areas which do not fall within its exclusive competence, the Union shall act only if and in so far as the objectives of the proposed action cannot be sufficiently achieved by the Member States, either at central level or at regional and local level, but can rather, by reason of the scale or effects of the proposed action, be better achieved at Union level.*”

chemical substances risk creating obstacles to the free movement of goods, one of the fundamental freedoms of the EU, and would undermine the level playing field that REACH is designed to guarantee. This is also stated in consideration 2 of REACH: *“The efficient functioning of the internal market for substances can be achieved only if requirements for substances do not differ significantly from Member State to Member State.”* In that context, it is to be noted that PFAS covers over 10,000 substances across at least 23 industrial sectors.

The proposal for a universal restriction on all PFAS under REACH was submitted in January 2023 by five EU/EEA States (Denmark, Germany, the Netherlands, Sweden and Norway) and is currently undergoing evaluation by ECHA’s scientific committees, with the RAC having adopted its final opinion on 3 March 2026 and SEAC’s final opinion expected by the end of 2026. The European Commission will subsequently prepare a formal legislative proposal to amend Annex XVII of REACH. The scale and complexity of this process – which has involved more than 5,600 stakeholder submissions – illustrates the inherently EU-wide character of the regulatory challenge and the need for a coordinated, harmonised approach.⁵¹ OBJ

18. Furthermore, as to the adequate protection of the right to health, the Belgian domestic court system offers further adequate protection by providing access to remedies in the event of a violation of the right to health as enshrined in Article 23 of the Belgian Constitution. The courts play an important role in the protection of the rights of affected communities and the environment in PFAS-related cases, as required by the principle of access to justice in environmental matters.⁵² This is demonstrated by the cases referred to by the complainant organisation in its Collective Complaint. The availability of effective domestic judicial remedies thus provides a further layer of protection for the persons concerned, alongside the regulatory and remediation measures discussed above. This constitutes an additional reason why it is not necessary for the Committee to indicate immediate measures in the present case.

19. *Secondly*, several of the immediate measures which have been requested by the complainant organisation are disproportionate, considering that they require extensive legislative and regulatory action. In addition, it could be argued that certain requested measures will not even contribute to the stated goal of preventing irreparable harm or injury to the right to health.

Applying this framework to each of the six specific measures requested, the following observations can be made:

⁵¹ <https://www.fluorocarbons.org/news/what-you-need-to-know-about-the-updated-pfas-restriction-dossier/>

⁵² Note that the Soil Decree of 27 October 2006 provides for the possibility for all interested parties to lodge an administrative appeal with the Flemish Government (by delegation, the Flemish Minister for the Environment) against decisions by OVAM concerning the conduct of soil investigations and soil remediation, and therefore also against OVAM decisions relating to PFAS soil contamination. To date, dozens of such administrative appeals have been lodged, particularly in the 3M Belgium soil case in Zwijndrecht.

See for example on food safety: RvS nr 265.974, 12 maart 2026; RvS nr 267174, 22 juni 2026.

(A) Immediate measures to prevent further exposure to PFAS

((A)(1) urgently adopt coordinated measures to restrict the use of contaminated soil and groundwater:

20. As has already been set out extensively above in the context of the second ground of refutation, this measure is not necessary, as the necessary measures to prevent a potential imminent risk of irreparable injury or harm are already in force with regard to contaminated soil and groundwater. The measure strongly overlaps with existing measures and coordination efforts, making an additional Committee-ordered measure duplicative rather than necessary and therefore not contributing to the stated goal of preventing irreparable harm.

Moreover, it should be noted that it is not clear what this immediate measure means in practice. In any event, it would require close coordination across the federal State and the three Regions, each of which holds distinct competences over soil and water management.⁵³ In that regard, Belgium observes that a coordinated approach between the competent authorities already exists (e.g. Interministerial Environment Conference (IEC⁵⁴)). The complainant organisation does not demonstrate what the added value of a further, additional coordinated approach would be. The existing challenges that the presence of PFAS poses to the authorities are adequately addressed through the competent authorities, be it on the national or regional levels. The Belgian constitutional legal order did not cause any delays or gaps in addressing the issue. Under Belgium's constitutional structure, competences are divided between the federal State, the Regions (which exercise territorial competences, including soil, water and environmental policy) and the Communities (which exercise competences linked to persons, including certain aspects of preventive health policy). The complainant organisation does not explain why the measures already taken by each authority within its own sphere of competence would be insufficient, nor what a further – cross-regional – coordination mechanism would concretely add to the existing framework. Moreover, given Belgium's federal structure, any additional inter-federal coordination instrument, should it be deemed necessary, would require time to negotiate, adopt and implement. Such instruments cannot be put in place at short notice, as they involve complex institutional procedures. The complainant organisation has failed to demonstrate what the added value of such additional coordination would be, nor has it shown that the absence thereof gives rise to an imminent risk of irreparable injury or harm.

Finally, a blanket restriction on the use of contaminated land and water, as proposed by the complainant organisation, would in any case be disproportionate. Any limitation or prohibition must follow a case-by-case, proportionate assessment of contamination level, actual use,

⁵³ See Annex B.

⁵⁴ <https://www.health.belgium.be/en/themes/environment/environmental-policy-belgium/environmental-policy-belgium>

exposure pathways, vulnerable populations, and source, so that adequate measures can be taken without unduly affecting the surrounding area and population.

(A)(2) immediately mandate continuous monitoring of water, air, soil and food chains to identify and halt PFAS pollution sources:

21. It should be noted from the outset that, as has already been set out extensively above in the context of the second ground of refutation, Belgium already operates biomonitoring, pollution mapping and water-quality monitoring programmes.⁵⁵

In addition, there are two other reasons why this measure is disproportionate. In the first place, establishing new, harmonised monitoring across all environmental media and all three Regions “immediately” would require significant additional laboratory capacity, sampling infrastructure and inter-regional data-sharing arrangements that cannot be established at short notice, rendering the measure disproportionate to what can genuinely be achieved on an urgent basis.

Furthermore, it is also clear that the monitoring of all these elements relates to fact-finding and research and therefore has no direct impact on the presence of PFAS themselves or its impact on health. This also leads to the conclusion that this measure is unnecessary and therefore also disproportionate.

As regards the complainant organisation’s request that Belgium “halt” PFAS pollution sources, Belgium observes that not all sources of PFAS contamination are within the direct control of the authorities. PFAS enter the environment through multiple diffuse pathways, including atmospheric deposition and waterborne transport, which by their nature cannot simply be “stopped”. In addition, these pathways can be transboundary. What the authorities can and do control is the regulatory framework governing permissible emissions, discharges and uses of PFAS. Within that framework, the competent authorities assess individual cases and impose appropriate conditions, restrictions or prohibitions through environmental permits and enforcement measures. It is within the discretionary power of the authorities to determine, on a case-by-case basis, which measures are necessary and proportionate in light of the specific contamination situation. The complainant organisation’s framing of the requested measure as requiring the immediate “halting” of all PFAS pollution sources therefore mischaracterises both the nature of environmental contamination and the scope of the authorities’ regulatory instruments.

(A)(3) immediately accelerate the clean-up and remediation of contaminated sites, including, where necessary, temporary relocation measures, with priority given to homes, schools, playgrounds and agricultural land. All remediation efforts should be carried out in accordance with the polluter-pays principle:

22. Remediation of contaminated sites is, by its nature, a multi-year technical undertaking requiring soil investigation, technical design, public procurement and, in many cases, prior

⁵⁵ See also Annex B.

administrative authorisation and the need to establish legal liability for the contamination. Ordering this to be “immediately” accelerated as an immediate measure would not, by itself, shorten the technical timelines involved, and risks conflating a merits-stage remediation obligation with a short-term protective measure. In this regard, it should also be stressed that regional soil legislation does not permit remediation simply because contamination exists. Obligations to investigate and remediate are triggered by specific legal events, such as property transfers, the cessation of activities, or the granting of permits. Outside those triggering events, the mere presence of contamination does not, in itself, give rise to a legal obligation to remediate. Moreover, any remediation decision must take into account the level of contamination and the risks posed to the environment and the public, the identification of the liable party, the polluter-pays principle, technical feasibility, and proportionality in light of the actual risks posed by the contamination. A blanket obligation to remediate all contaminated sites, without regard to these legal requirements, would jeopardise the existing soil frameworks in the different regions. Requiring immediate acceleration would, in effect, substitute the regional legislatures’ assessment regarding the balance between health, environment, feasibility, legal certainty and resource allocation for that of the Committee. The mere existence of contamination is therefore not, in itself, sufficient to justify the immediate imposition of remediation measures. Temporary relocation, in particular, is a highly intrusive measure with significant practical and budgetary implications, and its blanket imposition (“where necessary”) without specifying affected sites or population groups makes it difficult to assess as a proportionate, targeted response. Case law of the Belgian Council of State is in any case also very strict as to relocation of PFAS-contaminated soil. Such an order by the Committee would therefore jeopardise decisions by an independent court of law.

In addition, it should be noted in the context of this requested measure that any area-specific measures applying to the vicinity of contaminated sites are always based on the specific local contamination situation and the resulting exposure risks. These measures cannot therefore simply be generalised to Belgium as a whole. In this connection, it must also be emphasised that the objective of PFAS soil policy should not be to ensure that every instance of contamination is fully removed. Contamination may lawfully remain in place where the associated risks can be adequately controlled. The proper objective is effective risk management, not the systematic remediation of all contaminated land. Requiring full remediation in every case would constitute a disproportionate expenditure of resources, which could be deployed more effectively in the broader effort to combat PFAS contamination, for example through source reduction, emission control, and targeted monitoring. As set out above, every region applies a risk-based assessment of the sites concerned, in order to limit the risks by appropriate means of reducing PFAS emissions and further diminishing human and environmental exposure. It is precisely because an effective response requires such a site-specific, tailored approach that the general and immediate measure requested by the complainant organisation is unsuitable as an instrument under Rule 36: a blanket obligation would disregard the necessary differentiation by site and by region and would accordingly be disproportionate in relation to the objective pursued.

This consideration is particularly relevant in the Brussels-Capital Region, where a substantial proportion of identified soil contamination consists of so-called “orphan pollution”, that is, contamination for which no liable polluter can be identified or held legally responsible. In such

situations, the regional legislature has deliberately not adopted a system based on mandatory remediation in all cases. Instead, the applicable legal framework prioritises a risk-management approach that seeks to ensure the protection of human health and the environment through measures proportionate to the actual risks presented by a site.

Furthermore, as set out above under the second ground of refutation the Regions are already taking proportionate measures in relation to the remediation of contaminated sites.

B) Immediate measures to protect children living with long-term exposure to PFAS

(B)(1) urgently establish accessible information centres so that children can obtain reliable and up-to-date information, and guarantee access to medical screening, health checks and appropriate follow-up treatment where necessary:

23. As has already been set out above, there is already sufficient distribution of information on PFAS, and access to healthcare in Belgium is also well established.

In addition, the requested measure is also shown to be disproportionate. The creation of dedicated information centres carries a risk of causing unnecessary anxiety among children and their parents, without a demonstrated causal link between the existence of such centres and a reduction in the risk of irreparable harm. Belgium already provides health advisories and access to healthcare. A further, generalised obligation to establish new dedicated infrastructure appears only tenuously connected to averting irreparable harm. Insofar as the existing Belgian measures already provide for controlled and scientifically substantiated communication on the risks, an additional information obligation specifically targeted at children is neither necessary nor proportionate, and risks being counterproductive. Communicating the existing, risk-targeted measures is more appropriate than creating new generic information centres. Moreover, the question whether communication, screening and follow-up mechanisms should be improved is properly a matter to be examined at the merits stage.

(B)(2) Implement without delay targeted and systematic biomonitoring programmes, including blood testing of children, pregnant women, and especially populations living in proximity to known contamination sources; include monitoring of relevant exposure pathways such as mother-infant transmission, and provide clear and accessible explanations of biomonitoring results and associated health implications:

24. As stated under ground 2, the regions already operate comprehensive, targeted biomonitoring and blood-testing programmes that substantially address the measures requested by the complainant organisation under this heading.

It is therefore not necessary to roll out additional systematic biomonitoring campaigns as requested by the complainant organisation. At the same time, Belgium welcomes the initiatives to establish a European human biomonitoring programme in the context of the One Substance, One Assessment (OSOA) approach and intends to play an active role in its further development and implementation. Furthermore, it is established that the complainant organisation does not demonstrate in what way the requested measure would remove the so-

called imminent risk of irreparable injury or harm. In this regard, reference should be made to the position of the Flemish Department of Care. Having weighed the healthcare, societal, policy and scientific relevance, the Department of Care concluded that extending biomonitoring to further PFAS-contaminated areas is not currently a priority, since blood testing cannot establish exposure causes, health consequences or treatment. It instead prioritises environmental measurements for source identification and exposure reduction. This approach is consistent with the findings of two successive reports by the Federal Knowledge Centre for Health Care (KCE), both commissioned by the Interministerial Conference on Public Health. The first report – cited by the complainant organisation itself in paragraph 275 of the complaint – already advised against individual blood screening for PFAS outside of scientific biomonitoring programmes, given the cost of individual tests and the continuing uncertainty over links between PFAS and specific health conditions. A second, more recent report focused specifically on pregnant and breastfeeding women and occupationally exposed individuals⁵⁶ – two of these groups are targeted by the complainant organisation's requested measure. It confirms that there is currently no standard method for measuring PFAS in blood in clinical practice, no consensus on which PFAS should be measured, and concludes that *"PFAS blood testing does not alter clinical management, indicating no clinical utility"*, since routine care pathways (e.g. antenatal care) already provide adequate follow-up. The KCE notes that individual testing only has a legitimate role within research or population-level biomonitoring. Together, these two reports from an independent expert body confirm that individual PFAS blood testing has no demonstrated clinical value even for the most vulnerable groups, so that the imposition of such a measure is also not necessary. The measure is oriented towards detection and monitoring of exposure rather than towards directly avoiding further irreparable injury or harm, which makes its necessity under Rule 36 unestablished. Individual blood testing would neither improve medical care nor change the existing "No Regret" risk-reduction policy, since no scientific link currently exists between a given blood concentration at a point in time and individual short- or long-term health effects. Consequently, the immediate measure requested by the complainant organisation under this heading would not improve health outcomes.

In addition, this measure would require significant additional laboratory and medical capacity, ethical and data-protection safeguards for the biomonitoring of children and pregnant women specifically, and coordinated protocols across affected regions. Programmes of this kind typically require authorisation (e.g. ethical commission), data processing agreements (particularly given the sensitive personal health data involved), etc. and cannot reasonably be implemented "without delay".

(B)(3) Urgently ensure access to uncontaminated drinking water and, where necessary, facilitate or subsidise access to safe and uncontaminated food:

25. As set out above under the second ground of refutation, the requested measure is not necessary, as access to safe drinking water and food is already guaranteed. The publicly distributed drinking water in Belgium already meets applicable health standards and no generalised emergency measures are warranted or necessary in the light of the stated aim of

⁵⁶ <https://kce.fgov.be/en/publications/all-reports/what-is-the-clinical-utility-of-pfas-tests-focus-on-pregnant-and-breastfeeding-women-and>

these measures. Taking the requested immediate measure would therefore be disproportionate in light of the objective it seeks to achieve.

Concerning food standards, as set out under the second ground of refutation, food in Belgium complies with the existing maximum levels as set for PFAS under regulation 2023/915. Any further tightening of these standards would need to occur through the EU's own harmonisation procedures, which balance public health protection against the functioning of the single market. The possibilities for immediately adopting divergent national measures are therefore limited in those areas.

Furthermore, weighing the limited risk reduction this measure would achieve against the budgetary, legislative and technical action it would require, it is clear that this measure would also be disproportionate in the strict sense. To the extent it would necessitate new infrastructure (e.g. alternative water supply networks) or a subsidy scheme for food, it would require budgetary allocation and, in many cases, legislative authorisation for public expenditure, which cannot be achieved "urgently". Where existing regional drinking water standards and monitoring already apply and food safety is guaranteed, an additional blanket obligation risks being both duplicative of measures already in place and disproportionate to the incremental risk reduction it would achieve.

Conclusion: In summary, each of the six requested measures either (i) requires legislative, regulatory or inter-federal coordination that cannot realistically be achieved within the timeframe an immediate measure implies, (ii) substantially overlaps with measures already in force, or (iii) is, at first sight, not clearly capable of directly averting a risk of serious and irreparable injury or harm.

CONCLUSION

26. In light of the foregoing reasons and observations, Belgium submits that no immediate measures should be indicated.

27. The risk of irreparable harm or injury relied upon by the complainant organisation is, on the Collective Complaint's own terms, a diffuse, cumulative and long-term risk rather than a current, tangible and imminent one of the kind Rule 36 is designed to address. The factual and scientific evidence does not establish a causal link between PFAS exposure and imminent health effects of the kind that would indicate an imminent risk of irreparable injury or harm.

28. Secondly, the current legal and regulatory framework, together with the measures already implemented at federal and regional level, substantially reduces, if not eliminates, any residual urgency, such that a formal indication of immediate measures under Rule 36 would be unnecessary and duplicative of ongoing domestic action.

29. Furthermore, each of the six specific measures requested is either disproportionate or unnecessary, given their stated aim of averting irreparable harm. As shown above, several of the requested measures would in practice require inter-federal coordination, new legislative

or regulatory authorisation, or substantial technical lead time that cannot realistically be achieved on the urgent basis Rule 36 envisages, while others overlap materially with measures already in force or are not clearly capable of directly averting the harm alleged.

CONCERNING THE NECESSITY OF A HEARING

30. The Belgian State respectfully requests the Committee to reject the request made by the complainant organisation to hold a hearing on the matter of immediate measures. The Belgian State is of the opinion that conducting a hearing would be inappropriate in the current stage of the proceedings, for the following reasons. First, the procedure before the Committee is a written procedure, and hearings are the exception. The written format is particularly well-suited to the present matter, which raises highly technical and complex scientific questions concerning PFAS contamination, environmental monitoring, toxicological evidence and risk assessment. These are issues that can be more thoroughly and accurately addressed through detailed written submissions, supported by scientific annexes and references, than through oral arguments.

Second, a hearing would at this stage of the proceedings be premature. As is apparent from the observations set out above, the question whether immediate measures are warranted is linked to the assessment of the scientific evidence on PFAS, the adequacy of Belgium's existing regulatory and remediation framework, and the nature and imminence of the alleged risk.

Third, the Belgian State points out that the complainant organisation's own request to organise a hearing demonstrates that its request for immediate measures is not of such an urgency that, without such measures, there is an imminent risk of irreparable injury or harm.

In light of the foregoing, the Belgian State respectfully requests that the Committee:

- Declares the complaint inadmissible, in so far as no evidence of a correct signature is produced;
- Finds it unnecessary to grant priority examination to the present complaint;
- Rejects the request to indicate the immediate measures set out above;
- Rejects the request to hold a hearing on the admissibility and immediate measures.



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