



CONFERENCE PFAS 17 JUIN 2025

*The PFAS-crisis in
Belgium: any lesson ?*

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*Origin(s), crisis, (lack of) regulation
: towards sound management, in a
secured regulatory framework?*



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The origin(s) of the crisis

From the sounds of silence...

- Unseen and unheard signals:

Dark waters unseen, continental alarms unheard

- A crisis waiting to happen...

- **Flemish Region:**

- Triggered: **mid-2021**
- Construction of the northwestern part of the ringroad around Antwerp
- Excavation of (diffusely) contaminated soils – roadworks around the 3M-facility located in Zwijndrecht (part of the (petro)chemical cluster in the Antwerp port area)



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The origin(s) of the crisis

From the sounds of silence...

- **Walloon Region:**
 - Triggered: **2023**
 - Contamination of underground water used for the production of drinking water (by an intermunicipal company in the Hainaut Province)
 - Potential cause: use of fire-fighting foams at a US air base (Chièvres - SHAPE)



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The Crisis

To a genuine cacophony...

- **Political turmoil** (with *i.a.* special inquiries organised by the regional parliaments in both the Flemish and Walloon Regions)
- **Raising technical and social awareness & questioning**
 - PFAS are used and emitted everywhere
 - PFAS appear to raise environmental and human health issues
 - PFAS are (legally!) fed in the upstream value chains but are (illegally?) concentrated in the downstream materials (waste/excavated soils)



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The Crisis

To a genuine cacophony...

- **Substantial legal developments – in the absence of specific legislation on PFAS**
 - **Out of court-settlement (“deal-making”)** – Agreement between the Flemish Region and 3M (at least 571 millions EUR to be paid, *i.a.* for costs of remediation)
 - **Case-law** – Various types of pending litigation :
 - Administrative law (especially with respect to the Flemish regulation on the management of excavated land)
 - Civil liability law (various significant judgements (in first instance – appeal procedures pending): liability of *Flemish authorities* (lack of information of stakeholders impacted by known contaminations with PFAS); *3M* (neighbourhood disturbance – health impact); *firefighting services* (causing soil pollution when intervening))
 - Criminal law (ongoing inquiries)



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Lesson learnt? Specific regulation!

And the unisono call for a regulatory symphony...

- Biggest challenge for society:
 - Legal security, desperately needed by practitioners (especially those dealing with the downstream issues...)

However: how to soundly regulate?

- undoubtedly a major issue: Regulatory Impact Assessment!
- a major challenge in terms of sustainability (three pillars!)



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The crisis. Operational Impacts: the challenges for the circular economy



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Panel



**Andy
Heurckmans**
Grondbank



**Isabelle
Laurent**
Walterre



**Andres
Van Brecht**
Indaver



**Dieter
Grimmelprez**
Vanheede
Environment



Towards a regulatory framework?



Said El Fadili
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Bruxelles Environnement



Werner Annaert
Flemish Region
OVAM



Philippe Raucq
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