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CBO: BE6734022376895-BIC: KREDDEBB

BV Studie Schepkens Van den Berghe
CBO: 0823.116.957
VAT: 823.116.957

Office open from Mon to Fri from 8:30am to 12:00pm.

Reference requester : 277928 HG
Reference client : [redacted]
Our reference : **FA59660**

[STAMP:] ORIGINAL

SERVICE OF A NOTICE OF DEFAULT

the year two thousand and twenty-one, on September seventh

at the request of:

FLEMISH REGION, represented by the Flemish Government, represented by its Minister of Justice and Enforcement, Environment, Energy and Tourism of the Flemish Government, with its cabinet located in 1210 Sint-Joost-ten-Node, Koning Albert II-laan 7,

Electing domicile at my office

I, the undersigned, **Dominique COURBOIN**, bailiff in 2018 Antwerp, Broederminstraat, 40,

have **SERVED** and left a copy with:

- 1) **the Public Company 3MBELGIUM**, registered with the CBO under number 0402.683.721, with its registered office in 1831 Diegem, Hermes laan, 7, and with its operating office in 2070 Zwijndrecht, Canadastraat 11,
- being at its registered office in 1831 Diegem, Hermes laan 7, and speaking with

BY SEPARATE WRIT

Thus declared, who does not sign my original,

O since the writ could not be served in accordance with article 35 of the Judicial Code, I have served the copy by the issue thereof in a sealed envelope according to art. 44 of the Judicial Code, at hours and minutes, in accordance with art. 38(1) Judicial Code.

- *Being at its operating office in 2070 Zwijndrecht, Canadastraat, 11, and speaking with*

[hw:] D.L. Van Bornel [illegible], [illegible] supervisor

Thus declared, who does not sign my original,

O since the writ could not be served in accordance with article 35 of the Judicial Code, I have served the copy by the issue thereof in a sealed envelope according to art. 44 of the Judicial Code, at hours and minutes, in accordance with art. 38(1) Judicial Code.

- 2) **Mr. BRANDS Heinrich**, who has elected domicile in 1831 Diegem, Hermes laan, 7,

BY SEPARATE WRIT

bvba COL EX sprl
Gerechtsdeurwaarderskantoor
Etude d'Huissiers de Justice
Broederminstraat 40 - B-2018 ANTWERPEN
Tel: 03/238.07.28 - Fax: 03/238.35.51
info@colen.be - BE 0842.443.419

- 3) Mr. KARTHAUS Jörg, who has elected domicile in Belgium in 1831 Diegem, Hermeslaan, 7,

BY SEPARATE WRIT

- 4) Mr. LANGHE Dirk, who has elected domicile in Belgium in 1831 Diegem, Hermeslaan, 7,

BY SEPARATE WRIT

- 5) Mrs. Christiane GRUEN, who has elected domicile in Belgium in 1831 Diegem, Hermeslaan, 7,

BY SEPARATE WRIT

- 6) Mrs. MOLLEMANS Maria, residing in 266553 Singapore, 5 Victoria Park Close, for her being in 1831 Diegem, Hermesslaan, 7,

BY SEPARATE WRIT

VR* 34,66
RLG* 18,20
RINL* 8,16

Of a notice of default by the Minister of Justice and Enforcement, the Environment, Energy and Tourism of the Flemish Region to the abovementioned parties,

this service is performed for information, guidance and for such purposes under the law;

CFR/EBTW 61,02
*21%BTW 12,81
CFR/BTWI 73,83

VR* 103,97
VACB* 12,50
RINL* 8,22
RS* 11,10
U.VAC* 170,44
REG 50,00

And so that the served party(ies) would be unknowing, as stated before I have left a copy with her/him/them of the current writ and, if necessary, in a sealed envelope, in accordance with the law.

WHEREOF DEED: With all reservations.

Fee: four hundred ninety-four euros and thirty-seven cents, possibly to be increased with the postage.

STU/EBTW 356,23
*21%BTW 64,31
STU/BTWI 420,54

[signature]

TOT/EBTW 417,25
*21%BTW 77,12
TOT/BTWI 494,37

The Bailiff

ART38* 1,21

TOT/EBTW 418,46
*21%BTW 77,37
TOT/BTWI 495,83

Registration fees – Application of article 8bis of the Court Fees Act
Registration fee: EUR 50.00

[BARCODE]
C637-21_17014_73

To:

The Executive Board
of 3M Belgium BV
Hermeslaan 7
1831 Machelen

The Executive Board
of 3M Company

By airmail

As well as to its registered office:

Canadastraat 11
2070 Zwijndrecht

As well as in person to the attention of its directors:

Mr. Heinrich Brands
Mr. Jörg Karthaus
Mr. Dirk Langhe
Mrs. Christiane Gruen
With elected domicile at Hermeslaan 7, 1831 Machelen

Mrs. Mary Elisabeth Mollemans

Address: Avenue de 'aviation 8, 1150 Sint-Pieters-Woluwe,

Issue by bailiff's writ

NOTICE OF DEFAULT

Dear Sir, Madam,

I address this letter to you in my capacity of Minister of Justice and Enforcement, the Environment, Energy and Tourism of the Flemish Government, I representation of the Flemish Region.

1. 3M Belgium has been located in Zwijndrecht, province of Antwerp, since 1993. There it produced among other things perfluoro octane sulphate – abbreviated as PFOS – from the PFAS-group and this during the period from 1976 to 2002. 3M Belgium is affiliated with 3M Company (which, directly or indirectly, is its main shareholder). Worldwide, 3M group is the largest PFOS producer and an important producer of other PFAS.

In 2000, 3M Belgium announced it would cease its PFOS production with as official reason the implementation of product innovations and (later) that it has been determined that fluoride chemicals such

as PFOS do not break down in nature. 3M Belgium did not say a word about potential health hazards associated with PFOS or other PFAS. According to its own information, the PFOS production was shut down in 2002.

After shut down of the production, 3M Belgium continued to emit PFOS (as well as other hazardous PFAS, cf. *infra*).

In 2010, the former public prosecutor Lori Swanson initiated legal proceedings in the American state of Minnesota against the local factory of 3M. It accused the company among other things of the pollution of water with PFAS (including PFOS) east of Minneapolis and Saint Paul. In 2018, these legal proceedings were concluded with an amicable settlement between 3M and the state of Minnesota, whereby 3M paid an amount of \$850M, to be used among other things for projects to improve the water quality.

It was recently shown that around the factory premises of 3M Belgium there are significantly increased concentrations of PFOS and other PFAS, including PFOA, in the soil.

In addition, 3M Belgium was warned several times and was ultimately penalized due to the non-cleaned discharge of rainwater polluted with PFOS, as well as the exceedance of the discharge standard imposed by the environmental permit. The non-cleaned discharge contaminates the surface water and subsequently the groundwater, leading to an extensive spreading of PFOS particles. PFAS particles spread relatively fast over large surfaces via water, soil and air and are also not or hardly degradable. They are highly soluble in water and thus very mobile. They can easily spread via water and migrate from the soil to the groundwater. A recent study by Professor Schoeters shows that in muscle structures of flounder, caught in the Westerschelde, concentrations were found up to 80.12ng PFBSA/g ww, being 10 to 100 times higher than reference samples from Canada.

Due to the fast spreading of PFAS particles (via soil, water and air), it thus appears that the wide surroundings of 3M Belgium are severely polluted with PFOS and other PFAS.

It also recently came to light that 3M Belgium among other things discharged the hazardous substances MeFBSA (in-Methylperfluoride-1-butane sulfonamide) and the MeFBSAA (perfluoride-1-butane sulfonamide methyl acetate), as well as PFBSA in its industrial wastewater, without the government authorities being informed thereof in the context with the permitting procedure. The reporting of these hazardous substances was required, however, based on the environmental care obligation. On August 27, 2021, a safety measure was imposed on 3M Belgium to stop these discharges with immediate effect. 3M Belgium did not dispute this safety measure in court.

2. Recent international and national studies and researches unambiguously point to the serious risks associated with PFOS (and more in general all variants of the PFAS family, thus also the substances MeFBSA, MeFBSAA and PFBSA).

In response to the recent observations at 3M Belgium, it came to light that both 3M Company and 3M Belgium already knew for decades that serious environmental and health risks were associated with the production and spreading of PFOS and other PFAS. Documents that have become public in response to the proceedings that were conducted in America among other things mention studies by 3M Company from the 1950s, and specifically of blood tests among the employees of 3M Belgium in the 1980s. These studies showed high PFOS values in the blood, which should have moved 3M Belgium and 3M Company to take action, in any case based on the principle of due diligence.

3M Belgium neglected to inform the competent authorities, its own employees, as well as the residents who live near the factory about the results of these studies and the advancing insights regarding the dangers of PFOS and other PFAS for men, animal and nature.

It continued (according to its own information) to produce PFOS until 2002 and after that also continued to discharge PFOS in the surface water, whereby it exceeded the standard imposed on it in the environmental permit and neglected to build the requested purification system. This resulted in the contamination of both the soil and the groundwater.

It was also shown from a review of the control data which 3M Belgium keeps itself, that it was already aware from 2010 of detectable levels MeFBS, MeFBSAA and PFBSA in the discharged wastewater. Despite this knowledge, 3M Belgium neglected to report this in the context of the permitting procedure.

It can only be decided globally that both 3M Belgium and 3M Company have systematically neglected to inform the government authorities about risks that were known to them, as well as to take adequate measures.

The damage to the living environment, as well as the damage as a result of the potential health hazards, the potential losses of value and other indirect costs and losses due to the PFAS spread by 3M Belgium are expected to be high. 3M Belgium and 3M Company have neglected to take responsibility in a timely manner to act diligent with regard to the own production or with regard to the permitting or regulatory authorities. During the years, 3M Belgium continued to produce and emit PFOS and other PFAS, knowing that these were associated with serious hazards for the environment and for the health. It also, among other things, but not exclusively, continued to discharge MeFBSA, MeFBSAA and PFBS in its wastewater, knowing that serious risks are associated with these substances as well. Therefore, it is legitimate to ask the question what other substances were discharged in the same manner in the past.

Due to 3M Belgium's behavior, both the soil and the surface and groundwater were contaminated well beyond the boundaries of its terrains and the health of both its employees and the surrounding residents were put in jeopardy.

The reprehensible behavior of 3M Belgium both jeopardizes civil law and criminal liability and gives rise to serious questions with regard to the application of the principle of due diligence, apart from administrative compulsory measures the Flemish Region may and will take in time.

Without being able to and being willing to be limitative, it is pointed out that:

- 3M Belgium is liable for the pollution originating from its terrains and the spreading thereof, as custodian of a defective item (art. 1384(1) (old) DCC);
- 3M Belgium is liable for the disruption of the balance between adjacent plots based on article 3:101 new DCC (previously art. 544 (old) DCC);
- the hiding of information, the minimization of the risks and subsequently, the hindering/delaying of taking policy-related and regulating initiatives, both the general duty of care contained in the articles 1382 and 1383 (old) DCC) as more specific environmental regulations (such as the obligation to each time take appropriate precautionary measures and to limit damages, laid down in the articles 3.7.1(1); 5.4.8(2) of the decree containing general provisions regarding environmental policy and 15.2.1 et seq. of the decree containing general provisions regarding environmental policy and art. 12(3) Material Decree), neglect by 3M Belgium and 3M Company;

- by the non-cleaned discharge of rainwater polluted with PFOS or the exceedance of the PFOS standard imposed by permit, as well as the discharge of other hazardous PFAS in the wastewater. 3M Belgium and 3M Company disregard not only their general duty of care ex articles 1382 and 1383 (old) DCC, but also the Environmental Hygiene Act including VLAREM II and III.

In addition to specific environmental offenses (in accordance with the decree containing general provisions regarding environmental policy, title XVI), 3M Belgium and 3M Company can be prosecuted, among other things due to the offense unintentional impacts and injuries, given the health damage they have created.

The Flemish Region understands (at the complaint of some neighboring residents) there is currently also a criminal investigation pending against 3M Belgium.

Naturally, the personal (criminal and civil law) liability of the current and former directors of 3M Belgium is also jeopardized. After all, with regard to injured third parties (such as the Flemish Region), they are externally liable for the unlawful acts they (have) committed, even if these fall within their management tasks. Among other things the exceedance of the discharge standards for PFOS (and/or other PFAS), the late execution of the imposed conditions in the context of the soil remediation project, not taking the necessary preventive measures, the non-compliance with the information obligation after the creation of environmental damage, the disregard of the duty of the environmental care in the context of permits by holding back information and the minimization of health and environmental risks create personal liability of the directors in a civil law and criminal area. Also remarkable in this context is the statement of CEO Peter Vermeulen of 3M Belgium that a resent study of bloodwork from employees in Zwijndrecht would show that there is no problem with the blood values, while the permitted standards for PFOS and PFAS appear to be manifestly exceeded, as well as the silence of among others Rebecca Teeters (Vice President of Environmental Strategies at 3M Company) upon questioning by the Parliamentary Research Committee on Friday, September 3, 2021.

Given the new connection between 3M Company and 3M Belgium (100% subsidiary), 3M Belgium can also be held liable under American law for the errors of 3M Belgium. In any case, under American law the corporate veil between 3M Belgium and 3M Company can be broken in case of fraud, malperformance and injustice towards third parties. In this case there is sufficient evidence of a connection between both companies and control and knowledge of the 3M Company to hold it (co-) liable. Without being able to and being willing to already be limitative, claims can be brought against 3M Company under (i) liability from unlawful act (liability in tort), product liability due to the negligence to point out a known risk, negligence, nuisance, intentional assault due to fear of a threatening harm, unwanted exposure to poisonous chemicals, violations of soil regulations, tresses to land, and punitive damages. The Alien Tort Statue allows for such actions if 3M has acted in violation of international law or international treaties. In this case, the relation with 3M Company is a fact based on its control and superior toxicological knowledge.

3. Now that there can be no discussion about the fact that the PFAS pollution that was observed in the wide surroundings of Zwijndrecht and Antwerp originates form 3M Belgium and various errors by 3M Belgium have led to that this pollution and all associated costs (regarding remediation, security, information...) and damages that could have been created for the Flemish Region and any third parties, both in the area of the living environment and health (damage which threatens to run quite high), and the no-fault liability of 3M Belgium is in jeopardy, I, in my capacity as Minister of Justice and Enforcement, Environment, Energy and Tourism of the Flemish Government, **formally put** 3M Belgium and 3M Company **on notice** on behalf of the Flemish Region, to:

- (i) with insistence and immediately cease any further violation of the Environmental Act;
- (ii) take all possible initiatives to remediate any form of PFOS pollution – or of other polluting substances, among other things from the PFAS group, including MeFBSA and MeFBSAA – in the soil and in the surface water and groundwater. Obviously, this also implies, but is not limited to, a strict and timely compliance with any current or future soil remediation obligations by 3M Belgium.
- (iii) provide all information that is current in the possession of 3M Belgium and 3M Company and which shows the possible hazards in the area of the living environment and the health due to the presence of PFOS or other PFAS to the Flemish Region;
- (iv) to indemnify the Flemish Region for any costs it has had to incur, currently incurs and has yet to incur to remediate the pollution caused by 3M Belgium, as well as any other damage the Flemish Region may incur due to the PFOS pollution caused by 3M Belgium or incurs due the pollution by other PFAS or which would be recovered from the Flemish Region by third parties.

3M Belgium is put on notice to submit and explain a clear plan of approach no later than on October 1, 2021, to the Cabinet, in which it outlines and guarantees in what way and within what period of time it will comply with all the above-mentioned matters.

In the absence thereof, the Flemish Region will not hesitate to take any further steps that are necessary against 3M Belgium and 3M Company, albeit in the context of the current criminal investigation or in a civil law or administrative law area.

This letter is addressed to you under reservation of all further claims and without acknowledgement of any right.

A copy of this notice of default will also be served to the international head office of 3M.

Sincerely,

Zuhal Demir

Minister of Justice and Enforcement, Environment, Energy and Tourism of the Flemish Government

On behalf of the Flemish Region,

NL	FR	DE	EN
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Branch office data

General

Company number: [0402.683.721](#)
 Status of the entity: **Active**
 Number of the branch office: 2.142.559.547
 Status of the branch office: **Active**
 Start date: January 1, 1971
 Name of the branch office: No data recorded in CBO

Address of the branch office: Canadastraat 11
 2070 Zwijndrecht
 Since January 1, 1971

Phone number: No data recorded in CBO
 Fax number: No data recorded in CBO
 Email: No data recorded in CBO
 Website address: No data recorded in CBO

Permissions

Permission registered with the Federal Agencies for the Safety of the Food Chain (FAVV)? Look [here](#)

RSZ activities Nacebel-code version 2008⁽¹⁾

Main activity: [20.140](#) – Manufacturing of other organic chemical base products
 Since January 1, 2008

[Show the activities Nacebel-code version 2003.](#)

No information recorded in CBO

⁽¹⁾ On 01/01/2008, the EU classification of the Nacebel codes has changed. Public search shows both the existing activities according to the old Nacebel code 2003, valid until 12/31/2007, and the new code (and description) 2008, valid from 01/01/2008. Thus, it concerns a purely administrative conversion and not a change of the activity of the entity or the branch office.

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[logo:] Economy
 FOD Economy, KMO, Medium Businesses and Energy

FOD Economy, KMO, Medium Businesses and Energy

Situation in the CBO database on 09/06/2021
 Version: 9.0.2-3255-05/05/2021

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New search on number	New search on name	New search on activity	New search on explanation	New search on address	
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Data of the registered entity

General

Company number: [0402.683.721](#)
 Status: **Active**
Normal situation
 Legal situation: Since March 28, 1963
 Start date: March 28, 1963
 Name: 3M Belgium
 Name in Dutch, since October 9, 2013

Address of the branch unit: Hermeslaan 7
 1831 Machelen (Brab.)
 Since September 1, 1995

Phone number: No data recorded in CBO
 Fax number: No data recorded in CBO
 Email: No data recorded in CBO
 Website address: No data recorded in CBO
 Type of entity: Legal entity
 Legal form: Private limited company (1)
 Since October 9, 2013

Number of branch offices (VE): [2 List VE – Data and activities per VE](#)

Positions

Director	BRANDS, HEINRICH	Since June 19, 2020
Director	Karthaus, Jörg	Since June 19, 2020
Director	LANGE, DIRK	Since June 19, 2020

Professional skills and basic knowledge company management
 No data recorded in CBO

Capacities

Employer RSZ
 Since January 1, 1963
 Subject to VAT
 Since January 1, 1971
 Company subject to registration
 Since November 1, 2018
 Distributor of medical devices (law 12/15/2013)
 Since February 10, 2014

Permissions

No data recorded in CBO

VAT activities in Nacebel code version 2008(2)

VAT 2008 [46.751](#) – Wholesaler in chemical products for industrial use
 Since January 1, 2008
 VAT 2008 [20.590](#) – Manufacture of other chemical products, not mentioned previously
 Since February 23, 2011

RSZ activities Nacebel code version 2008(2)

RSZ2008 [46.761](#) – Wholesaler in chemical products for industrial use
Since January 1, 2008

[Show the activities Nacebel code version 2003.](#)

Financial data

Annual meeting
End date financial year

May
December 31

Links between entities

[0416.009.343](#) (3M PHARMA) was absorbed by this entity since June 30, 2003
[0458.296.690](#) (DYNEON) was absorbed by this entity since September 11, 2003
[0429.315.169](#) (3M EUROPE) was absorbed by this entity since July 16, 2012

External links

[Publications in the Belgian Official Journal](#)
[Publications of the financial statements to the NBB](#)
[Employer report](#)

⁽¹⁾ In accordance with the Companies Code, from January 1, 2020, the term “Private limited company” must be read as Private company”.

⁽²⁾ On 01/01/2008, the EU classification of the Nacebel codes has changed. Public search shows both the existing activities according to the old Nacebelcode 2003, valid until 12/31/2007, and the new code (and description) 2008, valid from 01/01/2008. Thus, it concerns a purely administrative conversion and not a change of the activity of the entity or the branch office.

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FOD Economy, KMO, Medium Businesses and Energy

Situation in the CBO database on 09/06/2021
Version: 9.0.2-3255-05/05/2021

2021/09/07

Addressee: (ref: C637-21/DC)

Date of publication:

The N.V. 3M BELGIUM

Canadastraat, 11

2070 ZWIJNDRECHT

[hw:] 1755