

FILE NAME: Eternit (ETER)

DATE: 2005

DOC#: ETER057

DOCUMENT DESCRIPTION: Internet Article - Legal Breakthrough in Asbestos Case

international.sp.nl

Legal breakthrough in asbestos case

November 25th, 2005 • Today for the first time a case has been won by a victim of a disease provoked by private use of asbestos products produced by leading asbestos cement corporation Eternit. Eternit was declared to be in the wrong in refusing to pay an advance against compensatory damages for which the guilty party is liable. (Advances are routinely paid against future damages, in recognition of the grim fact that the victim may well not live long enough to see a court case completed and a final amount set.) To date, this has occurred only in work-related cases and those involving soil contamination brought about by the use of asbestos waste, distributed by the company, to pave roads, paths and yards. In addition to its breakthrough ruling, the High Council made an important declaration to the effect that Eternit was by 1971 already aware of the dangers of asbestos and knowingly kept them quiet. This is of great significance for Secretary of State Van Geel, who has stated that he did not believe that the state would be in a strong position were it to take legal action against Eternit (in favour of which the SP has long brought pressure to bear on successive governments) on the precise grounds that the company would not before 1975 have known of the health dangers.

The case was won by surviving relatives of a woman who in 1971 was exposed to asbestos dust, when a shed was built in the yard of the house where she lived. Asbestos cement plates made by Eternit were used. In 2002 the woman became ill as a result of inhaled fibres and eventually died from mesothelioma.

SP Member of Parliament Krista Van Velzen sees the declaration as confirmation of Eternit's responsibility. "I have for a long time told the Secretary of State for the Environment that he is in a strong position to begin a general procedure against Eternit. Eternit has up to now lost every single case. What is the Secretary of State waiting for?"

In the High Council's declaration it was judged that Eternit knew that there were health dangers connected to working with asbestos and that these risks were also present for people who happened to find themselves in the direct vicinity of any such work. Moreover, Eternit traded in an illegal and blameworthy fashion, because the firm must be esteemed to have admitted in 1971 that there were health dangers connected to working with asbestos.

Related links:

- Asbestos related articles on this site