

PRESS RELEASE

17 march 2023

UNTRUE AND MISLEADING INFORMATION PUBLISHED IN THE PRESS RELEASE OF CONCRETE CANVAS OF 13 MARCH 2023

On 13 March 2022 Concrete Canvas Ltd published in the Geosynthetic News Alerts newsletter a press release (the “Note”), containing untrue and misleading information about Eurobent sp. z o.o. and its product Tiltex.

The Note referred to the litigation between Concrete Canvas Ltd and Concrete Canvas US Inc. against Inland Tarp & Liner, LLC. to which Eurobent was not a party. Eurobent is not aware of Concrete Canvas’ arguments in that case, could not defend itself against those arguments, and is not bound by a judgment rendered in legal process between third parties. It is grossly misleading to suggest that Eurobent should change its market practices in connection with “the Texas case”, since in truth there is no connection between that case and Eurobent. Moreover, we see that even in the Note Concrete Canvas refers to that judgment as a “consent judgment”. We therefore understand that no objective fact-finding body validated Concrete Canvas’ allegations in that case, but Inland Tarp & Liner agreed with Concrete Canvas’ arguments, and their entire argumentation in the Note is based on that admission by a private third party, which Concrete Canvas misleadingly tries to pass off as objectively verified.

Eurobent categorically denies supplying any false or misleading data to Inland Tarp & Liner, and does not promote Tiltex using any false or misleading data. In particular, it is neither false nor misleading to market Tiltex other than by reference to the ASTM D8364 specification. Eurobent is an EU company, tests the parameters of its products against European standards and norms and has no obligation at all to use ASTM D8364. Tiltex as a European product is certified by renowned independent certification bodies in Europe, in accordance with the following harmonized technical specifications:

1. EN 13253:2016 - Geotextiles and geotextile-related products - Characteristics required for use in erosion control (bank protection and shore protection)
2. EN 13254:2016 - Geotextiles and geotextile-related products - Characteristics required for products used in the construction of reservoirs and dams
3. EN 13255:2016 - Geotextiles and geotextile-related products - Characteristics required for use in the construction of canals
4. EN 13256:2016 - Geotextiles and geotextile-related products - Characteristics required for use in liquid waste containment
5. EN 13257:2016 - Geotextiles and geotextile-related products - Characteristics required for use in solid waste disposal

PN/EN12467:2016-08 is a technical norm which was applicable at the time when Tiltex was put on the market, and Tiltex was tested against it. It was updated by way of the norm PN-EN 12467+A2:2018-06, and not “withdrawn” as Concrete Canvas incorrectly puts it. Similarly, the norm PN EN 196-1 “Methods of testing cement” is a currently-applicable norm for testing of

cement products. Eurobent has never represented that the parameters achieved in the tests pursuant to the PN/ EN12467:2016-08 or PN-EN 12467+A2:2018-06 are the same as, better, or worse in relation to the tests conducted in accordance with ASTM D8364.

As regards the alleged “instructions” to a laboratory which conducted its tests for Inland Tarp & Liner, Eurobent responded to questions from the laboratory by informing it of the typical level of hydration which Tiltex would be subject to in the course of its typical use. It was not as high as ASTM D8364 envisages, so based on this information, the laboratory modified its tests by adjusting the values to the real conditions during installation. Eurobent again did nothing wrong, but provided accurate information in response to queries and the TRI Laboratory included these modifications in the report. If anything, this further undermines the assumption of Concrete Canvas that ASTM D8364 should be the only norm applicable to products such as Tiltex, taking into account the different hydration methods and amounts of water recommended for the different types of GCCM products by their manufacturers.

Finally, it is again grossly misleading to mention the patent litigation before Polish courts in the context of the Note, and even more so in such shortened, manipulated form. Concrete Canvas itself admits that this litigation is unconnected with other issues set out in the Note. Secondly, Concrete Canvas fails to discuss the material issues connected with such litigation and writes only about the preliminary injunction proceedings, which were finally closed in September 2021. However, that preliminary injunction was connected to the main proceedings concerning patent infringement, which Concrete Canvas convincingly lost in the first instance - after 4 years of legal process, during which the court explored the merits of the dispute in exceptional detail, read 6 opinions of Polish and international experts appointed by it (not counting the opinions of experts retained by the parties) and listened to the extensive testimonies of 6 witnesses of fact and party representatives. The injunction itself was also quashed by the court. Concrete Canvas similarly fails to mention its two lost cases concerning the same European Patent in German courts in Dusseldorf, as well as one more Polish case from which it decided to withdraw two days before the main hearing date. Finally, Concrete Canvas omits the fact that the EUR 1 million penalty amount is repayable once the second instance court confirms the first instance judgment, so the favourable outcome of the preliminary injunction case may well turn out to be only temporary.