

## EUROMETAUX CHEMICALS MANAGEMENT NEWS



*Hang on for a busy September .....*

Please join us on:

- 15 September: Li CLH Taskforce
- 19-22 September: Chemicals Management Autumn Week
- 20 September: Industrial Emissions Taskforce
- 21 September: MEED Workshop
- 28 September: Risk Management Taskforce
- 29 September: CSS Project Group
- 30 September: Environment Taskforce

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Dear All,

Here we are again, on top of the to do list. The sunny weather is giving the 'back-to-work' this year a touch of recklessness: summery clothes are still in, Brussels is full of bikes with parents & kids swinging in & out of the traffic and music is bursting out from the cars. A bit of a scent of 'a new dawn, a new day, with dragonflies out in the sun and butterflies all havin' fun,' still perceptible, fed by the holiday energy that we want to prolong...a bit longer, a bit more...

Most probably a sign of ageing, I have stopped believing that I will be able to hold on to the good resolutions that structured (working) days allow to implement once September is back: getting enough sleep, managing stress, selecting healthy combinations of fruits and whole grains over sweets, including sports as an agenda item.

Although I am convinced that these resolutions are well founded (and work), I know I will screw up any conceivable efforts before mid-September by filling the weekends with "it is still-summer parties" and my outlook with calls and meetings. And forget even more quickly that I have included 20 minutes of yoga in my daily routine.

Any existing alternative to these self-promises to remain energised?

Another tip that's given by well-intentioned people to preserve the benefits of holiday is to place a reminder of your time off in your direct working environment. Making it clear enough to prompt your memory that time off work is good without rendering you nostalgic.

Giving it 30 seconds of thought: what would you use as 'hint'?

- Covering the floor of your office with sand? (leaving out the crabs)?
- Dropping a pair of tongs under the desk to wear as soon as you are not in meetings? (with the risk you may forget to switch)
- Having a tune inspired by the 2022 summer hit activated when you switch on your computer? (although often in September we wonder why and how some songs became hits)
- Hanging on the 'interactive board' a picture of you... tanned and fit? (although this is at high risk to generate nostalgia)
- A couple of stones picked up 'abroad' and piled up in a kind of 'zen construction'? (and that will regularly fall)
- Cocktail recipes to share with your colleagues? (finding a solution for ice-blocks in the Tervueren building)
- Screensaver pictures that may make your same colleagues curious and trigger questions? (maybe after the cocktails)
- A series of jokes to use in meetings...(requires cross-checking who heard which ones already)
- Singing 'freedom' when entering (and leaving) the office building? (I tried, the concierge is now looking at me with a slightly worried look)
- ...

Let me know what your personal formula is!

In the end, the beauty of the time we get (holidays or work) is also that possibility to string beads of meaningful moments and experiences, mixing flowery and blue-sky souvenirs with the daily purpose-oriented ones? Making it an own very special awareness tool that living is quite unique?

Take care all

Violaine Verougstraete

# COMMISSION

## CARACAL

### **Intermediates: industry aligned to stress that no change of the conditions in the guidance is allowed**

At the last CARACAL meeting the Commission presented proposals to change the guidance and the legal text where relevant on intermediates and intermediate uses. This is a very sensitive issue for industry. Amongst defining the level of information requirements, the legal text also defines the potential to be covered or exempted from critical REACH management tools like Authorisation or Restrictions. Stakeholders were able to react until the end of August on a new provision to link an exemption from Restriction and Authorisation to Strictly Controlled Conditions (SCC). The Commission justified this by stating that its proposals “clarified the acrylamide court case outcome while those would not impact the present status of intermediates”. Industry’s reaction was “unisono” (Eurometaux, Cefic, REACH-Alliance, FuelsEurope, ...), stressing that the acrylamide court case outcome stated clearly that no additional conditions could be added to those referred to in the legal (REACH) text. Moreover, industry contested the fact that these changes would not impact the present status of intermediates. To the contrary, the SCC provisions could affect the recycling of metals (cf. intermediate UVCB materials of the sector) and probably many other intermediate metal salts too.

To demonstrate their alignment, Cefic and Eurometaux submitted common comments and called for an urgent meeting with Commission to express concerns and clarify the underlying (real) intentions (more info: Hugo Waeterschoot, France Capon, Klaus Kamps and Violaine Verougstraete).

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## EUROMETAUX CHEMICALS MANAGEMENT

### CHEMICALS STRATEGY FOR SUSTAINABILITY

#### **Transition Pathway for the Chemicals Industry: 2<sup>nd</sup> draft released for comment by European Commission**

This Commission workstream was born out of the updated EU Industrial Strategy 2020, and was precipitated by the global Covid pandemic and the effect it had on disrupting global supply chains. The current geopolitical situation in Russia / Ukraine reinforces the need to complete the work.

The pathway draws together some objectives from the CSS, the Green Deal, and the updated Industrial Strategy. The objective is to map out a route to realise the twin transitions (green + digital) in several important industrial ecosystems more rapidly, but in a resilient manner. The chemicals industry is one of the ecosystems chosen and is in a cluster with other energy intensive ecosystems (which also include plastics, fertilisers, iron and steel, paper, and cement etc.).

The 2<sup>nd</sup> draft of the pathway was released in June, inviting written comments by 22 August. Eurometaux provided the following general points (together with more detailed comments and an annotated version of the draft):

1. Inorganic minerals and metals are different and distinct from organics and plastics, and must be regarded as such. The chemicals sector, non-ferrous metals sector, and steel sector are all producing “chemicals” registered under the REACH regulation. The pathway must have a clearly defined scope and address all the organic and inorganic chemicals placed on the European market - not just the subset of organic chemicals produced by the chemicals sector.
2. There is a lack of coherence between the high level objectives of the Green Deal, the Chemicals Strategy for Sustainability (CSS), and the updated EU Industrial Strategy, that is also evident in the 2<sup>nd</sup> draft of the pathway. The draft covers quite well the objectives of the Green Deal (realising the twin transition) and to a lesser extent the updated EU Industrial Strategy (strengthened resilience and strategic autonomy). However it fails to incorporate adequately the aspirations of the CSS with respect to the management of hazardous substances needed for the transition e.g., to enable strategic value chains. The new CSS concepts (e.g., Substances of Concern) can have a very significant impact on the uses and recycling of metals in EU (many of which have hazardous properties but are used safely) – conflicting with the climate and circularity objectives in the Green Deal. Furthermore, any negative impact on the EU’s ability to produce, use and recycle metals will by default make it more dependent on imports from other regions – which conflicts with the Industrial Strategy goals of improved resilience and strategic autonomy.
3. The interdependencies between the chemicals and metals industry and other energy intensive industries are hidden to an extent by the "ecosystem" approach used - and this should be acknowledged as there are a small number of key value chains that will be relevant for many different ecosystems (e.g., batteries). Therefore, the

EU will require much greater volumes of metals moving forward. The strategic importance of these value chains is perhaps underestimated - they are enabled by a number of different metals, some “critical” and some not, which can have hazardous properties and which are often sourced from outside the EU.

4. Points 2 and 3 have a “double effect” on metals because: i) the negative impact on metals of the hazard-based chemicals management approach proposed in the CSS is neglected, hindering the EU’s ability to deliver the twin transition together with strengthened resilience and strategic autonomy; and ii) the importance of metals in delivering the twin transition across ecosystems is underestimated.
5. The “Safe and Sustainable-by-Design” (SSbD) concept introduced in the CSS does not work for / excludes metals due to the hazard-based approach that is used.

The next meeting of the stakeholder group to discuss the Transition Pathway will take place on Wednesday 21 September 2022 – Eurometaux will participate. The subject is also the chosen discussion topic for the 4<sup>th</sup> meeting of the CSS High Level Roundtable (HLRT), which will take place in the final quarter of 2022. (Note: there will be no joint report produced on the topic, which is a different approach to previous HLRT meetings) (more information: Simon Cook).

### **REACH Review: *defining priorities for the sector***

To facilitate the preparation for the upcoming REACH 2.0 advocacy discussions and alignment, Eurometaux prepared a note identifying a series of key, high-level priorities for Eurometaux to defend in the REACH Review. They are based on the input coming from the members and Eurometaux staff. The priorities of the sector are organised along the following 4 key principles: 1. Start with an integrated priority setting system to “focus on what really matters, 2. Bring all intentions, planning and progress together in a single workplan to ensure transparency and predictability, 3. Select a proportional risk management of chemicals to ensure efficiency and effectiveness, 4. Ensure that any extension of REACH information requirements should be proportionate to the potential for risk (low volume, Mixture Assessment Factor (MAF), ...).

Besides that, we flagged the importance of ensuring that metals specificities are correctly considered in aspects like the MAF or the PMT criteria setting. We also ask for a correct application of the Precautionary Principle (PP), with clear boundaries (in terms of missing data or uncertainties). These key priorities will be complemented with more practical and metal specific suggestions by theme (e.g., Risk Management, Evaluation, Registration ...) and will be regularly updated to ensure they remain fitting with the policy developments. The paper was presented to the CMSC (1 September) and the themes will be further elaborated with the respective Taskforces (more information: France Capon, Violaine Verougstraete and Hugo Waeterschoot).

## **ZERO POLLUTION ACTION PLAN**

### **Zero Pollution/Harm/Net Zero Harm: *reflecting on a Roadmap***

Eurometaux’s Executive Committee endorsed in April the proposal to develop a roadmap, which would demonstrate the sector’s achievements and plans to respond to European Union’s Zero Pollution Ambition. A small Roadmap Working Group was set up and had two meetings (13 June, 30 August), to reflect about the direction of travel, the scope of such a roadmap and what it could entail, in terms of commitment and actions.

The very interesting discussions have shown the importance of reaching a common understanding on the objective, the feasibility and of the starting point (baseline).

The proposal is to build further on the KUL study, which documents the metal needs for the transitions, and describes our intention to contribute (further) to the protection of environment and health, by demonstrating that the metals needed for these transitions will not result in harmful or problematic emissions.

This proposal will be articulated in a one-pager to be presented to Eurometaux’s Executive Committee mid-October. Importantly, it will also stress the need to discuss coherence to address the Green Deal objectives (more information: Guy Thiran, Chris Heron and Violaine Verougstraete).

### **EU Soil Health Law: *Commission consults citizens and stakeholders***

The [EU Soil Strategy for 2030](#) sets the vision to have all soils in healthy condition by 2050 and to make protection, sustainable use and restoration of soils the norm and also announces that the Commission will table a new legislative proposal on soil health providing a comprehensive legal framework for soil protection granting it the same level of protection that exists for water, the marine environment and air in the EU. This proposal will complement the Nature Restoration Law and ensure synergies with climate change mitigation and adaptation actions.

The European Commission has now launched an [online public consultation](#) on the development of a possible EU Soil Health Law and all stakeholders are invited to share their views (deadline 24 October 2022). Eurometaux, with input from the Soil sub-group will participate in this Public Consultation.

If you wish to read more about what Commissioner (for the Environment, Oceans and Fisheries) Sinkevičius said about how the way we use land is decisive, or learn more about the background, the full press release can be read [here](#) (more information: Koen Oorts, Chris Cooper, Daniel Quantz and Violaine Verougstraete)

## CLASSIFICATION

### **Lead environmental classification: *Member States are taking position***

In follow-up of the last CARACAL meeting, Member States are taking positions on the two options offered by the Commission in respect to the classification of lead in massive form (either no distinct entries for classification of the powder and massive forms (option 1) or a distinctive classification (option 2)).

Industry's contacts resulted in favourable and well-motivated comments in support of option 2 from Cyprus, Greece, Italy, Bulgaria and others. On the other hand, some Member States supported the RAC opinion (France, Belgium, Spain, ...) without any further motivation or justification. Industry therefore encouraged relaunching advocacy activities in these countries to raise awareness and understanding for the precedent-setting nature and mistakes RAC made in their assessment. Indeed, when applying the metals CLP ruling correctly (as done for other metals), RAC should have concluded a chronic 2 classification at most, thus a difference of 3 orders of magnitude with the current conclusion, which has a huge impact on the conditions for Seveso, permits and transport. Especially in France, thanks to A3M, the discussion was reopened confirming once again how some Member States may take decisions not realising that they are in breach with guidance and their own previous assessments on other metals (more information: Violaine Verougstraete and Hugo Waeterschoot).

### **Li classification: *comments submitted to CARACAL***

At the CARACAL meeting early July, industry requested for a reassessment by RAC of its opinion to consider the Boyle et al. 2016 study that may shed light on the association between Li exposure and the cardiac malformation (justifying the category 1A classification proposal).

In follow-up, industry prepared a set of comments that were submitted by the commenting deadline of 31 August. Some Member States have been filing comments as well.

Further discussions are also taking place in parallel on possible advocacy and communication actions that would encourage such a reassessment, to ensure the scientific basis for the classification is as robust as possible.

The next Li CLH Taskforce call is scheduled for 15 September, 13:30 CEST (more information: Francesco Gattiglio, Chris Heron and Violaine Verougstraete).

## REACH REGISTRATIONS

### **EU Commission initiative to improve access to chemicals data for safety assessments: *Eurometaux's response to call for evidence***

Eurometaux responded to the call for evidence launched by the European Commission as first step to the recently announced initiative to improve access to chemicals data for safety assessments. We supported the intention to generate a common scientific base to be used for risk assessment across various regulatory frameworks as this is in line with the One Substance One Assessment (OSOA) principle. When responding to the call, we took the opportunity to draw the attention on the need to protect data owners' rights, ensure data quality, as well as avoiding deviation from existing and well-established data formats (i.e., IUCLID).

Eurometaux is now drafting a response to a new online questionnaire (deadline 25.9.2022) that has been launched to support a study carried out by Ecorys in partnership with Ramboll, Öko-Institut and VITO. The study is intended to support the Commission in the preparation of the legislative proposal by identifying options to i) streamline chemicals related data flows and increase data interoperability, dissemination and re-use, ii) improve the implementation of legal requirements to consider all available data in a chemical safety assessment and iii) establish a mechanism to enable monitoring and data generation for the purpose of chemical safety assessments in the context of the European chemicals legislation framework.

Eurometaux's draft response to the questionnaire will be soon circulated to the Registration Taskforce for comments (more information: Federica Iaccino, Lorenzo Zullo).

## INDUSTRIAL EMISSIONS

### **Air Quality: working with defaults?**

In August, the Air Quality Project started using default data (following consultations with members). The increasing political pressure on industrial emissions pushes us to demonstrate via evidence-based data and credible advocacy work that our sector has a negligible impact. But time is running out on the advocacy clock: the adoption of the legislative proposal is expected by the end of 2022, whilst Council discussions are expected to take place early 2023. The Commission's 'Clear Air Outlook Report' is expected by the end of 2022.

Furthermore, Eurometaux already allocated a budget for this project that should be used to avoid reports to a next budgetary exercise. For all these reasons, the Air Quality Project will be launched using default data (with awareness of the shortcomings of using a conservative methodology, this approach can be improved at a later stage, according to data provided by members).

The Air Quality Project will be an important resource to help us in our advocacy activities (more information: Lorenzo Marotti).

### **Industrial Emissions : Committee of the Regions**

On 29 August, the Committee of the Regions invited Eurometaux to join a stakeholder's consultation on the new IED (Industrial Emissions Directive) Proposal. Among the stakeholders, there were industry representatives, NGOs, and also the European Environmental Agency. The whole group discussed key items. At the end of the meeting, Eurometaux managed to exchange views with the Committee of the Regions (CoR) Rapporteur, the experts and the Secretariat. Eurometaux shared with them our position paper on the new IED and our proposed amendments table. They appreciated EM's proactive approach and further discussions may take place.

In parallel, Eurometaux has started its advocacy towards Parliament (outreach to MEPs from ENVI & ITRE) with the aim to table meetings (see [Calendar](#) for dates) and discuss our views on the new IED to influence the legislative process (more information: Lighea Speziale, Lorenzo Ceccherini, Lorenzo Marotti).

## METALS ENVIRONMENT EXPOSURE DATA PROGRAM (MEED)

### **MEED program: the design of the test program on metals mixtures is gaining momentum!**

The literature assessment phases of the metal mixture and metals organics mixture projects were finalised after the May-June MEED sponsors workshops, hence the program is stepping up for the next and challenging phase: *the design of the test program*. Based on an in-depth assessment of appearing metal mixtures in the extensive EU water data set for metals of interest (Inorganic-Priority Contributing Substances (I-PCS) metals) ARCHE suggests a series of metal mixtures to conduct toxicity testing. I-PCS metals were defined in a previous project of the MEED program as being the Inorganic Priority Contributing Substances that would potentially drive the mixtures metals stress in EU environmental compartments (water and soil). The MEED Steering Team that helps in guiding the science direction and quality of the work, reviewed this concept and concluded that *"it is a very comprehensive and robust approach to define the most optimal metal mixtures based on existing information"*.

In parallel Eurometaux collected additional inputs from companies, consortia and key downstream user sectors on actual occurring metal combinations in their emissions to check if they are included or covered by either the testing program, or by existing knowledge. ARCHE is presently updating this work which will be presented and discussed in a summary form at the next MEED sponsors workshop scheduled for 21 September as part of the Eurometaux Science and Regulatory Forum meetings held that week. A similar trajectory will be developed later this year for the metals-organics part of the MEED program, a key step to define if metals mixtures can be assessed separately from organics when checking compliance with the unintentional mixtures requirement in the upcoming REACH Review (more information: Marnix Vangheluwe, Violaine Verougstraete, Diana Dobre and Hugo Waeterschoot).

# OUTREACH

## OTHERS

### ***ETAP: focussed on the theme of long term impact of climate change on metals effects and exposure***

The ETAP panel, a core group of world class scientists from around the globe, met physically in the last week of August, for the first time after Covid.

ETAP scientists aim at raising new emerging issues of potential relevance for the metals sector and provides independent scientific advice on key questions posed to them by industry.

Different than in previous years, this years' industry questions were all centralised around the theme of long-term climate impacts on the effects and exposure of metals. These effects have 2 very different drivers: a volume and a use driver. This is related to the increased use of metals caused by the decarbonisation (globally) and digitalisation of the economy and the direct impact of climate changes on the releases of metals and their impact on ecosystems. It was nice to note that the researchers had picked up the Eurometaux KUL study as one of the key studies to predict increased volumes whereby the scientists do not seem to expect major changes in metal concentrations in the environment due to proper risk control. To keep in mind though, is that the direct climate impact may be small but in some cases very drastic given for example dryer river beds leading to oxidation of sediments hence significant potential for releases.

ETAP Industry sponsors appreciated the extensive advice received and will now consider how to further progress science data development to close this knowledge gap. Eurometaux invited David Boyle to provide his main learnings from this ETAP session at the Science Forum meeting later this month (more information: Hugo Waeterschoot, Chris Cooper, Stijn Baken, Jelle Mertens and David Boyle).

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## COMMUNICATION

### ***Metals Academy: looking towards a bright future for 2023***

Following our successful Metals Academy 2022 and the request to pursue this adventure in 2023 (2024), the Organising Committee has met several times. The first was to draw some learning lessons, that were mostly to keep the same kind of structure & venue, but to try and focus more on a global vision (to include participants from outside the EU).

We then sent a survey requesting members' to choose if they would prefer a "repeat" of the Basics course or to go for a more Advanced version.

We thank all our members who replied and their eagerness for both of the above proposals for 2023. It was therefore decided to hold, in parallel, both a Basics & an Advanced Metals Academy 2023 (the courses would be held separately and all social gatherings would be held as one group).

The Organising Committee is currently working on updating (slightly) the Basics programme and elaborating an Advanced one.

More information will be circulated as soon as possible, but we have already decided that this event will take place in a green location (still top secret 😊), from 02-05 May 2023 (please save the dates).

If you have any further questions, or wish to be added to the list of "potentially interested" participants, please send an e-mail to Ailsa at [lee@eurometaux.be](mailto:lee@eurometaux.be) (more information: Ailsa Lee, Violaine Verougstraete).

# CALENDAR

Please find here below a non-exhaustive list of the meetings that are planned for Q3 & Q4 2022.

## For meetings at Eurometaux

Most of our meetings will now be held as hybrid meetings, and **our members will be informed ahead of the meetings** (links to join will be sent ahead of the meetings).

**For meetings at ECHA:** this information is published on ECHA's [website](#)

- 05-09 September: SEAC-56
- 12-16 September: ECHA RAC-62 Plenary & SEAC-56
- 15 September: Li CLH Taskforce (online only)
- 15 September: OECD PRTR Working Group
- 19-22 September: Chemicals Management Autumn Week
- 20 September: Industrial Emissions Taskforce (morning)
- OECD Workshop on Mass Flow applied to BATs: 13 October
- 21 September: MEED Workshop (Sponsors only, items to be defined)
- 22 September: LVIC BREF Working Group (10:00-12:00 CEST)
- 26 September: Chemical Watch conference with Eurometaux contribution on CSS [Event Listing | Regulatory Summit Europe 2022 | Events & Training \(chemicalwatch.com\)](#)
- 29-30 September: ECHA MB
- 28 September: Risk Management Taskforce
- 29 September: CSS Project Group
- 30 September: Environment Taskforce
- 04 October: Industrial Emissions Alliance
- 05-06 October: Working Group Chemicals Meeting (hybrid)
- 14 October: Registration Taskforce
- 10-14 October: ECHA RAC-63 AfA WG
- 10-14 October: ECHA MSC-79
- 24-28 October: LVIC BREF Kick off Meeting
- 24-28 October: ECHA RAC-63 CLH WG
- 26 October: Commission: Discussion on the Integrated Water Management
- 27 October: Strategic Coordination Group Meeting
- 3-4 November: ECHA RAC-63 REST WG
- 16-17 November: CARACAL Meeting (TBC)
- 22 November: MEED Workshop (Sponsors only)
- 28 November – 02 December: ECHA RAC-63 Plenary & SEAC-57
- 05-09 December: ECHA SEAC-57
- 06 December: Chemicals Management Steering Committee
- 12-16 December: ECHA MSC-80
- 15-16 December: ECHA MB
- 20 December: Risk Management Taskforce



## GENERAL INFORMATION & ACRONYMS

Follow the logo and check out our Metals Gateway website.



This website is a one stop information source for regulators & risk assessors dealing with metals/metal compounds and is tailored to the specific needs of the metals industry sector.

**A continuously updated** list of acronyms is available under the Reach Metals Gateway (RMG)

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