

EUROMETAUX CHEMICALS MANAGEMENT NEWS



Please join us in November:

- **10: Human Health Taskforce**
- **14: CARACAL Taskforce**
- **23: MeClas Steering Committee**
- **24: Risk Management Taskforce**

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Dear All,

This autumn in Brussels, when it comes to the temperatures, has been quite complaisant until now, rendering the recommendations to decrease the heating in the buildings and the bath water by at least one degree quite bearable. The sweaters and socks I had prepared to work resiliently in front of the computer seem to be gathering dust and I feel perfectly aligned with my conscience when emerging -ok with a grimace! - from a colder shower in the morning. For now...

I am (still) wondering how the words 'resilience', 'austerity' or 'rigour', used in the communications on the current crises to describe the efforts we need to make, (will) impact the dreams and the projects of the (much) younger ones. In French, by excellence a language of compromises, the word 'sobriety' nicely circumvents the authoritative connotation of 'austerity' and in doing so, the resulting tensions of a 'before and after imposed by someone'. 'Sobriety' describes a decrease in quantity but also an increase in quality. A principle that promises somehow, by applying it, finding a new and better balance.

There are of course some conditions associated to this positive outcome: it should apply to all, without distinction between e.g., social groups, but it also necessitates accepting a change in our usual drive that pushes us to go beyond our limits. On this one, the philosopher -and mathematician- Olivier Rey¹ refers to a difference in trait between the ancient Greeks who were spontaneously attracted to excess ('hubris') and hence brought in moderation ('metron') to ensure harmony and balance of the contradictory inclinations, and the 'Europeans' who initially had a more placid and sober temperament. Populations need to fight against their original and dominant 'trait' to avoid it becoming detrimental. Therefore, while the Greek philosophers were promoting temperance, it seems that 'Europeans' who tended to fall into routine, procrastination, and moderation, encouraged themselves to be more active and surpass their boundaries, to avoid mediocrity by all means.

Clearly, this had a lot of beneficial effects for the growth of the European culture and welfare, but the question now is how to bring back the 'metron' in the 'exceeded boundaries' we are facing.

Can sobriety appear as something that makes sense, be an accomplishment and pleasurable?

Looking at my kids and their friends, I note that they have integrated some realism about this in their vision and endeavours.

I definitively cherish my chance of having grown up in a country of abundance and peace, which allowed me to choose, buy, consume without reflecting too much. However, it may also be that those years and habits now make me see sobriety as 'privation' or at least as not providing the most comfortable conditions to stimulate human's faculties at best.

The model may now be different. It may be that the younger ones may appreciate better what is at hand and achieve living in better intelligence with what the world has to offer.

Provided again, that we give them a chance and the means to catch the opportunities of a renewed "art de vivre" that can be joyful and desirable 'in itself'.

Violaine Verougstraete



¹ O. Rey, Une question de taille' Stock 2014

COMMISSION

Commission programme out: *REACH postponed to Q4 2023*

The Commission has issued its work program for 2023: https://ec.europa.eu/info/publications/2023-commission-work-programme-key-documents_en.

Of key importance for the sector are the:

- European critical raw materials act (legislative and non-legislative actions, including impact assessment, planned for Q1 2023)
- Under the new initiatives: Soils Initiative on protecting, sustainably managing and restoring EU soils (legislative, incl. impact assessment, Article 192(1) TFEU, for Q2 2023)
- The REFIT initiatives mentioning the targeted amendments of the REACH legal text and the revision of the EU rules to improve access to and availability, sharing and re-use of chemical data for the purpose of chemical safety assessments data access, both tabled for Q4 2023.

More specifically, on REACH, the postponement to Q4 2023 raises the question whether it will still be possible to have the discussions on the revised legislative text with this EU Commission and Parliament, considering the elections planned for 2024. To facilitate the discussions, it may be that the changes in the legislative text are kept to a minimum, with further proposals coming via Delegated Acts, Staff Working Documents, Communications and Guidance, which will mean different advocacy routes and the need to keep an eye on coherence (more information: Violaine Verougstraete).

CARACAL: *ad hoc meeting on the CLP Delegated Act and response to the Public Consultation on 18.10*

In September, Commission had launched a consultation on the draft Delegated Act for introducing new hazard endpoints in the CLP with as deadline 18 October. The Delegated Act focuses on the following endpoints:

- Endocrine Disrupting properties
- Persistent, Bioaccumulative and Toxic (PBT) or Very Persistent, Very Bioaccumulative (vPvB) properties
- Persistent, Mobile and Toxic (PMT) or Very Persistent, Very Mobile (vPvM) properties

With regard to the PBT and PMT endpoints, the text confirmed that these hazard classes shall apply to all organic substances, including organo-metals, leaving inorganics out.

On endocrine disrupting (EDs) properties, the sector prepared a set of comments that was both submitted to CARACAL in follow-up of a dedicated CARACAL meeting held by Commission on 10 October and to the Have your Say website. Comments submitted over the last two years to the CARACAL Expert Group on EDs were a good starting point, complemented with input from the commodities, e.g., on essentiality.

Eurometaux recalled the importance of the alignment with the UN GHS work to avoid unnecessary inconsistencies in the packaging, labelling, and shipping along the metals supply chain and the benefits to remain aligned with the WHO definitions. A plea was made to make the language related to the hazard classes concise and unambiguous and reconsider the relevance of a Category 2.

More metal specific comments were also included addressing essentiality but also secondary non-specific endocrine outcomes that may result from exposure to metals and that would warrant an assessment framework that considers multiple outcome pathways and their interactions, identifies secondary non-specific endocrine outcomes, and distinguishes between endocrine disruption and normal endocrine modulation. The reversibility of effects was raised as well (more information: Lorenzo Zullo).

Call for evidence on ECHA Basic Regulation: *thanks for your input!*

The Commission had issued a Call for Evidence on a proposal for a basic regulation of ECHA and more specifically on “*ECHA’s governance and its adaptation to its future role and streamlining the working methods of ECHA bodies and make their financing more sustainable*”.

Eurometaux submitted its contribution by 10 October, starting with a series of generic principles aiming in particular to improve both the efficiency and the added value of ECHA in line with the conclusions of the 2017 report that reviewed ECHA’s functioning. It also suggested a series of improvements allowing the following aspects: 1. Fit for purpose prioritisation and assignment of work, 2. Streamlining of activities to increase effectiveness and predictability, 3. Transparency, clear communication, and open collaboration with all stakeholders, 4. Addition of value to the overall EU chemicals management framework.

We believed it was important to provide a detailed contribution as there will be no specific impact assessment or public consultation. Targeted consultations of Member State authorities EU agencies will be carried out, through surveys, meetings and interviews. Also, the Expert Group on One Substance, One Assessment will be consulted. Many thanks to

all the members who helped us to draft this submission. Eurometaux's input can be found here: https://ec.europa.eu/info/law/better-regulation/have-your-say/initiatives/13554-European-Chemicals-Agency-proposal-for-a-basic-regulation/F3348174_en (more information: Violaine Verougstraete).

CHEM4EU: workshop on critical chemicals & innovations

DG GROW has commissioned Steinbeis Europa Zentrum (DE), TNO (NL) and 4CF (PL) to work on a Foresight for Chemicals study, Chem4EU. The study, to be conducted between January and December 2022, aims to identify the critical chemicals and innovations needed to accelerate the green and digital transition in Europe and increase Europe's economy's autonomy and resilience. The project will generate demand forecasts for critical chemicals, and also create roadmaps for four strategic value chains that support the twin transition: hydrogen technology; clean, connected and autonomous vehicles; microelectronics; batteries.

Two foresight workshops took place earlier in 2022 to help identify a set of potential critical chemicals and future innovations using them. Two surveys were used to narrow down the list of chemicals and innovations and to assess the future production capacities needed for chemicals. A list of 20 critical chemicals resulted, 16 of which are metals (Be, Pt, rare earths, Ni, Mg, Ti, Ru, Cu, Ir, Mn, Li (salts), Rh, U / Pu, Au, Sn, Co).

The third and final Chem4EU workshop took place on 27 October. Outside of DG GROW and the groups working on the study, there were very few participants. In addition to non-ferrous metals, industry sectors represented included batteries, graphite and semiconductors. The objectives of the workshop were to discuss and modify the four roadmaps generated, and to attempt to prioritise the many actions and investment needs that have so far been identified.

Eurometaux enquired about any data gaps for metals. One that still exists is demand forecasts arising from green technologies. The study team was not aware of the recent study by KU Leuven so this was promoted, and very positively received. Another intervention made was on an action in all of the four roadmaps, which was to identify regulatory barriers to innovation (starting in 2030). The point was made that regulatory alignment is wider than just innovation and also should start now, and include the REACH revision and the Critical Raw Materials Act (for example). The need for chemicals management to be risk-based was emphasised, using lithium salts as the example (a risk-based approach is already written into all four strategic value chain roadmaps). This regulatory action was re-titled as "identify regulatory barriers to innovation and investment" and brought forward in time to start very soon.

Other important issues that were discussed were: the need to keep valuable resources (e.g., spent batteries) inside the EU and not export them; the importance of developing new, low cost recycling methods at scale for many different strategic chemicals; and the value of greater industrial integration (symbiosis) to enable greater circularity (more information: Simon Cook).

EU AGENCIES

EUROPEAN CHEMICALS AGENCY (ECHA)

ECHA COMMITTEES

RAC-63-CLH Working Group meeting: launching the Cu environmental classification review

In preparation of the plenary RAC session of end of November, the RAC CLH Working Group reviewed the Cu metal classification proposal submitted by Sweden. This proposal foresees a split classification entry for the massive form and the finer forms by introducing a new concept based on weighted surface. Overall, industry agrees with the approach followed by Sweden in the Annex XV, except with the rejection by Sweden of the Rapid Removal concept and data.

The CLH Working Group discussions focussed on the justification for a split classification between the massive and finer forms, the relevancy of a pH-banded classification in view of the data-rich ecotox database, the clear understanding of the bioavailability influencing factors, and the assessment of the potential particle releases during normal handling and use. The Rapporteur also indicated the importance of the essential nature of Cu for organisms to prevent overly conservative approaches. The discussions in general supported the Dossier Submitter's and Rapporteurs' proposals. Although, some RAC members tried to raise critical issues for a better alignment with the lead case in which a much worst case-based classification was applied.

At this stage, it is unclear how the RAC Plenary will react to the recommendations of the Working Group, given that it is attended by more health-oriented experts who may apply a more conservative view on classification proposals, especially on the split between the massive and finer forms. Industry appreciated the quality of the Rapporteurs' assessment and indicated good support for most points. However, industry expressed disagreement with the rejection of the Rapid Removal properties of copper and the request to include the pH 5.5 Transformation/Dissolution Protocol (T/Dp) assessment (more information: Stijn Baken and Hugo Waeterschoot).

MSC-79 (10-11 October): Antimony in written procedure and silence before the storm

Some years ago, antimony was part of the "COLLA" evaluation project whereby ECHA and the Member States checked how missing standard information requirements and additional concerns could be addressed in a collaborative industry-authorities way. The sector was therefore surprised to receive Compliance Check (CCH) proposals for antimony whilst still within the period to conduct the German substance evaluation (SE) testing requirements.

The CCHs were/are aimed at evaluating aspects on antimony trioxide that could help clarify the concerns for the whole group of antimony compounds.

In the logic of the COLLA approach, it seems obvious that the CCH should be postponed until the submission deadline for the Substance Evaluation (SE) was reached, as this would provide a better read-across justification and hence less testing needs and a quicker progression. Surprisingly ECHA followed by the MSC, progressed -even in written procedure- with the CCH, independently from the SE and justified this by stating that these are two different processes.

Eurometaux supported i2a in contesting this approach towards ECHA-MS and suggested that the consortia should maintain a more pragmatic view by first completing the SE, learning from it how to improve the read-across before considering further testing needs.

The rest of the MSC agenda was unusually 'light', contrary to what can be expected for the next meeting that includes the updated CoRAP and the 11th Priority List. The MSC secretariat therefore decided to favour a face-to-face meeting (more information: Tom Griffiths and Hugo Waeterschoot).

ECHA OTHER ACTIVITIES

ECHA-Industry update call: Brexit update and relocation process - transfer of registrations from UK to EU must be completed before end of March 2023

During the last informal exchange call with industry, ECHA provided interesting figures on the ongoing Brexit-related process of transferring thousands of REACH registrations from UK to the EU. This transfer has been initiated or completed for more than ten thousand registration dossiers. However, to complete the transfer the EU "successors" must accept it from the UK registrant, pay the fee, update the registration dossiers accordingly, and nominate a new lead registrant if needed. There are currently 1.700 registrations for which the transfer was initiated but not completed yet; if this is not done before the 31st of March 2023, the transfer will be cancelled. ECHA is closely monitoring the process.

ECHA underlined that UK companies should not pay registration fees anymore since ECHA is not allowed to receive payments from the UK.

ECHA stated that out of 2.900 registrations which haven't been transferred, 268 substances were registered only in the UK and are now considered as no longer registered (more information: Lorenzo Zullo and Federica Iaccino)

ECHA using the TCC tool to restrict market access for nano-forms: a (new and) very disruptive way of working

IZA was recently challenged with a double Technical Completeness Check (TCC) rejection of the Zn-oxide registration update in follow-up of a substance evaluation outcome. What was most surprising was the quote in the second rejection that the "consequence of the rejection of the dossier is that the existing registration does not cover the nanoforms of the substance" which in essence could mean a Restriction for market access. Eurometaux supported IZA and wrote a formal reply to ECHA questioning this approach given "the nano-forms of ZnO existed long before and were always covered and included in the registration file by the description of the physico-chemical boundaries and the update related to non-standard information requirements resulting from a substance evaluation". The sent letter resulted from a discussion with the Evaluation Taskforce and a webinar held with other nanomaterials (TiO₂, cobalt, ...) who all confirmed the importance of challenging such a conclusion given the aim of the TCC is just completeness and not compliance. We were informed that ECHA's legal services will soon react but are sticking to their original opinion that a TCC second failure can restrict market access for nano forms. If so, this would be an important and principle point for discussion within industry (Eurometaux, Cefic, ...) and policy makers given it provides too much power to the TCC that was originally aimed to be a tool that would help industry with the registration updates (more information: Christine Spirlet, Noömi Lombaert and Hugo Waeterschoot).

ECHA Workshop on implications of use of trivalent chromium in functional plating with decorative character: a potential example of a regrettable substitute

Recent Applications for Authorisation (AfA) raised relevant concerns on the generic trend to push for substituting Cr(VI) by Cr(III) exclusively based on the hazard profile of the substance. The focus of authorities is on the use of Cr(VI) functional plating for decorative plating, being considered more and more as a SAGA (Substance Alternative Generally Available), which raises the bar for an AfA and has been driving RAC to recommend over-conservative conditions like closing plating lines even when exposure levels are 50 times below the Occupational Exposure Limit (OEL).

To clarify these concerns, ECHA and industry (Eurometaux and Apeiron) set up a workshop on 10 October. The workshop was extremely well attended (> 400 participants), and included presentations on the supply chain, technologies, materials used and Cr and borate emissions by experts from the sector. The workshop was chaired by the RAC Chair and Eurometaux was invited to provide the introductory presentation to set the scene and aspects that need to be considered when checking for a potential regrettable substitution of Cr(VI).

Eleven conclusions were drawn that confirmed that Cr(VI) and borates are always part of the Cr(III) supply chain and plating process, and hence there is a need to clarify exposures to ensure the replacement of Cr(VI) in the classical plating technology by Cr(III) isn't regrettable or even worse. The report as well as all presentations are now posted on the ECHA website [All Events - ECHA \(europa.eu\)](https://echa.europa.eu). Eurometaux will now consider how this clear example of potential regrettable substitution can be used to raise more awareness for a broader supply chain reflection before ECHA or Commission defines what are safer alternatives (more information: Elke Van Asbroeck (Apeiron) and Hugo Waeterschoot).

NeRSAP 10: the first network session after Covid was highly successful and discussed a broad spectrum of issues

NeRSAP, the network of experts on socio-economic and alternative assessors was created a decade ago by ECHA, Eurometaux and some Member States to allow capacity building and an exchange of thoughts on Socio-Economic and Assessment of Alternatives (AoA) related aspects for chemicals management purposes. Cefic hosted this 10th NeRSAP network meeting in Brussels on 4 and 5 October that was attended by more than 35 experts covering ECHA, Commission, Member States, consultants and industry.

Besides discussions and reviews, NeRSAP allows for excellent networking opportunities, that otherwise would not be feasible. And this year's focus was on an exchange on status and experience with specific tools and experiences in respect to the upcoming REACH reform. Aspects that were debated included: the different perspectives on the Essential Use Concept (EUC) and the difficulties that may arise with its introduction, ECHA's study on the "Effectiveness of Authorisation on Annex XIV materials volumes on the EU market", the question whether there is still a future for group and supply chain applications under the Authorisation scheme", etc.

Eurometaux chaired the second day, which included further metals contribution with an Eftec presentation on learnings on how the Risk Management Option analysis (RMOa) tool can be effective in defining the pros and cons of different chemicals risk management tools including attentiveness for other EU Green Deal policies like Climate and Circularity. The presentation was based on recent and ongoing experience with cobalt and silver and certainly drew some attention. Cefic provided a dinner presentation on the challenges associated with the EUC concept stating that it is in first instance important to restrain Generic Restriction Approach (GRA) restrictions to consumer uses of substances and mixtures and that the benefits of introducing the scheme have not been demonstrated yet. The program and slides from the NeRSAP 10 workshop and previous meetings can be consulted on the ECHA webpages under [Network of REACH SEA and Analysis of Alternatives practitioners \(NeRSAP\) - ECHA \(europa.eu\)](https://echa.europa.eu) (more information: France Capon and Hugo Waeterschoot).

EUROMETAUX CHEMICALS MANAGEMENT

Evaluation Taskforce meeting (20 October): a first in a series....

It was originally aimed to hold a face-to-face meeting covering the full spectrum of REACH related Evaluation activities, but given that several important nano-related workshops and the REACH reform ideas related to the improvement of the Evaluation section were not available at the time of the meeting, it was proposed to split the Evaluation Taskforce meeting into 3 parts: i) on 20 October, a webinar on status reporting; ii) a face to face meeting on nano-related Evaluation learnings on 20 December and; iii) another face to face meeting end of January or later as soon as there is more clarity on the evaluation process changes under the REACH reform.

The 20 October webinar got nevertheless fully loaded with information and experience exchanges amongst others on: the new ECHA evaluation organisational structure and new heads of units and MSC Chair, confirmation of the timing for the CCH discussions on nanoforms including TiO₂ and SAS (MSC-81 in February), a confirmation that the mutagenicity

testing strategy for the *in vivo* endpoint was -as expected- to phase out the chromosomal aberration test in favour of a combination of the micronucleus and Comet assay and a short update on the status of the Extended One-Generation Reproductive Toxicity Study (EOGRTS) review project.

The webinar allowed for a couple of more detailed discussions on aspects of general interest due to their precedent setting nature. The first one related to the antimony metal CCH draft decision in overlap with an ongoing Substance Evaluation and how the industry is struggling with this (more details above in MSC-79). The Evaluation Taskforce provided some recommendations to i2A in aspects to consider in the follow-up. A second case related to the challenges of the Zn-nano registration update to meet the TCC requirements (see further in this newsletter) and finally a review of a recent Board of Appeal Case (no new timelines to be set in follow-up decisions) and ECHA's approach on taking into account information until the adoption of Evaluation decisions. All potentially relevant situations for the sector (more information: Noömi Lombaert, Kai-Sebastian Melzer and Hugo Waeterschoot).

ZERO POLLUTION ACTION PLAN

Air Quality: Commission's new legislative proposals

On 26 October, within the context of the Zero Pollution Action Plan, the European Commission published a set of new legislative proposals including the new Ambient Air Quality Directives Proposal.

https://environment.ec.europa.eu/publications/revision-eu-ambient-air-quality-legislation_en

Air pollution remains the greatest environmental threat to health and a leading cause of chronic diseases, including stroke, cancer and diabetes. It is unavoidable for all Europeans and disproportionately affects sensitive and vulnerable social groups. Polluted air also harms the environment causing acidification, eutrophication and damage to forests, ecosystems and crops. The Commission highlights that air pollution is responsible for 300,000 premature deaths each year in Europe, and that the proposed new rules aim at reducing deaths resulting from fine particulate matter (PM2.5) by more than 75% in ten years (the annual limit value for PM2.5 is proposed to be reduced by more than half). The Commission proposes to both tighten allowed levels of pollutants and to improve implementation to ensure pollution reduction goals are more often reached in practice. The proposed revision of the Ambient Air Quality Directives will set interim 2030 EU air quality standards, aligned more closely with World Health Organization guidelines. A regular review of the air quality standards is also proposed, with the aim to reassess values in line with latest scientific evidence as well as societal and technological developments. The proposal aims at bringing more clarity on access to justice (e.g., right to be compensated in the case of a violation of EU air quality rules, including the right to be represented by non-governmental organisations through collective actions for damage compensation), effective penalties, and better public information on air quality. The legislation aims at better supporting local authorities by strengthening the provisions on air quality monitoring, modelling, and improved air quality plans. The proposal will now be considered by the European Parliament and the Council in the ordinary legislative procedure. Once adopted, they will take effect progressively, with different targets for 2030, 2040, and 2050 – giving Industry and Authorities time to adapt and invest where necessary. A detailed technical analysis of the Air Quality Directives will be circulated shortly, together with the preliminary results of our Air Quality Project in collaboration with ARCHE (more information: Lorenzo Marotti).

CLASSIFICATION

Li CLH Taskforce meeting: getting together before CARACAL mid-November

The latest call, held on 26 October, was supposed to address the draft 21st Adaptation to Technical Progress (ATP) to be discussed at the next CARACAL meeting, but it has not been made available yet by the Commission. Still, the call allowed to take stock on what is known to date, the different discussions held since mid-September with Commission, the UK authorities and France, where ANSES has announced the launch of a RMOa.

Key question is whether the next 21st ATP will include Li entries or whether Commission will ask to have a re-examination by RAC of the 'evidence not included in the current opinion, i.e., the Boyle et al. 2016 study. If the classification is included in the ATP, it will be very difficult to have it changed along the EP and Council scrutiny processes and hence we will need to prepare more in depth for the consequences of the severe classification. If the classification is not included in the ATP, and goes back to RAC, we will need to carefully analyse the reasons for re-assessment and prepare for new scientific discussions.

The group also discussed the inconsistency between Commission's raw materials programme and chemicals management, and the resulting lack of predictability. Several important actions were identified for the members of the Li Taskforce and the draft minutes were circulated on 27 October (more information: Francesco Gattiglio, Ailsa Lee and Violaine Verougstraete).

Pb metal ENV CLH : *the upcoming CARACAL debate is probably the final one*

ILA and Eurometaux organised a 6th debrief workshop on recent progress and further steps related to the Pb metal environmental classification proposal. Attendees were informed that several countries had reacted on the Commission's invitation to support a proposal with either a single entry for all forms or a double (split) classification entry for the massive and powder forms. The latter seems to get broader support thanks to the very helpful advocacy at national level. Some contacts are still further planned.

However, all participants agreed that a split classification alone would not be enough to reflect the difference in ecotoxicity of the massive and powder form with extensive consequences on the transport, Seveso, permits for the massive form. Limiting the release assessment to pH 6-8.5 as done for all other previous metal cases and using a pH banded classification approach (considering that Pb is data-rich and allows for this) are additional crucial and necessary improvements of the classification proposed by RAC. All these can be supported by solid science and evidence.

The recently launched Cu environmental classification discussions in the RAC CLH Working Group and the approach followed also support this (see above). This strengthens industry's view that Commission should ideally postpone the environmental classification of Pb until the Ag and Cu opinions are available to prevent Pb being treated unfairly. The next step is to raise these arguments at the dedicated CARACAL meeting on the 21st Adaptation to Technical Progress (ATP) Commission will organise soon (more information: Steve Binks and Hugo Waeterschoot).

REACH REGISTRATIONS

Registration Taskforce meeting: *a lot to catch up, from SDS update deadlines, to international sanctions and new EU initiative on chemical data*

The second 2022 meeting of the Registration Taskforce was organised in a hybrid format on the 14 October. The agenda was intense and gave the opportunity to catch up on multiple activities directly or indirectly impacting REACH registration activities, such as the revision of **Letter of Access (LoA) fees** in consideration of the **12-year data compensation rule** or how to integrate **impurities assessment** in the dossiers.

Attention was drawn on the December deadline to update Safety Data Sheets (SDS) according to the **Regulation No. 878/2020**. It was a good opportunity to share experiences and good practices to get ready for it.

The Taskforce also discussed the new EU initiative on **better access to chemicals data** for safety assessments, which will require close monitoring in the coming months considering the variety of "legislative shapes" it could take.

Another important topic was the impact of Russian sanctions on REACH consortia activities, as presented by the law firm McDermott Will & Emery. Identifying companies subject to Russia's sanctions is not a straightforward exercise and it is not clear yet how dossier update activities and cost sharing should be handled while remaining compliant with the law. Eurometaux is currently in contact with other industry associations to seek guidance from ECHA and the Commission.

Members of the Taskforce expressed gratitude for the work conducted by Kerstin Heitmann (Com4Chem - Se/Te) and Sandra Carey (IMoA) as co-chairs and for their availability in extending their mandate for the next two years. Kerstin and Sandra were thus confirmed as co-chairs of the Taskforce for the next 2 years.

The next meeting will be held around the end of March 2023. The exact date will be communicated in due time (more information: Federica Iaccino, Lorenzo Zullo).

RISK MANAGEMENT

Articulation "Raw Materials and REACH Risk Management": *a paper and discussion with Commission*

Both the EU Critical Materials Act and the REACH revision are planned for 2023, which provides an opportunity to work for more consistency between their respective objectives.

Metals will make up most of the "critical chemicals" being newly defined under the European Commission's forthcoming Chem4EU foresight analysis, due to their increased demand in the energy and digital transitions. However, a majority have direct or indirect hazardous properties, which are (to be) risk managed.

Currently the Commission -outside of REACH- does not have effective oversight on the critical chemicals that get prioritised for risk management. There is no legal reference to a methodology that would allow it to identify up-front which specific risk management measures would be the most appropriate for each situation ('RMOa-like'). This means that strategic metals in the EU can get caught up in long regulatory processes which remove certainty for investors and bear the threat of having disproportionate bans or control measures not faced elsewhere in the world. The case of the Li salts for which a severe classification may constitute a severe risk for its supply is an example of such siloed discussion.

The REACH Revision is an opportunity for the European Commission to take earlier control of its chemicals regulatory processes and their links with other Green Deal priorities, by reflecting collectively about the best direction for risk management before strategic materials are pushed down a specific route.

Eurometaux drafted a paper outlining some concrete proposals to discuss the coherence between the Green Deal objectives/strategic autonomy/Industrial Strategy and submitted it to Commission. Important to note is that the proposals do not focus only on the chemicals management side: the Critical Raw Materials package should also confirm the need for coherent and effective chemicals legislation (more information: Chris Heron and Violaine Verougstraete).

Exchange with DG GROW: on the considered changes for intermediates and Risk Management

Since the publication of REACH, intermediates are exempted from Restrictions and Authorisation under REACH. This has motivated some Member States to reduce the scope of intermediate uses, to safeguard the potential for risk management under REACH (e.g., see also intermediates used in articles, recent discussion on additional conditions for intermediates). At the CARACAL meeting last July, Commission confirmed that they are considering amending the definition of intermediates in the new REACH version to cope with the acrylamide court case outcomes. This was to some extent expected but industry has still some concerns on the proposals. Commission also stated that they consider applying the exemption from Authorisation/Restriction for intermediates **only to those proven to fulfil the SCC** (Strictly Controlled Conditions).

We reported this to the Risk Management Taskforce in August and indicated that Eurometaux and Cefic had asked for a meeting with DG GROW. This meeting took place in September allowing to brief DG GROW on how extensive the impact would be on intermediates given certainly in the inorganic sector almost none of the intermediates are compliant with SCC. Moreover, given intermediates only occur at the workplace, Occupational Safety & Health (OSH) would be more effective given substitution is not an aim for intermediates. It was agreed to clarify this (by examples?). Commission further invited us to obtain Member States awareness about this given they were driving this proposal in respect to the REACH reform. They further suggested developing some clear examples that could illustrate the impact (more information: France Capon, Violaine Verougstraete and Hugo Waeterschoot).

INDUSTRIAL EMISSIONS

Industrial Emissions Directive: busy second half of October

On 4 October, Eurometaux attended the plenary meeting of the Industrial Emissions Alliance (IEA) hosted at FuelsEurope's offices (hybrid meeting). The scope of the Alliance is to exchange information and find alignment on major issues/latest developments relative to industrial emissions policy. The discussions focused on sharing views and updates on advocacy regarding the new IED Proposal. Eurometaux agreed to take part in the IEA sub-group steering on messaging and advocacy strategies. The sub-group sits weekly, with a rotating chair from the participating Associations, and reports to the wider Alliance on a monthly basis. The next IEA meeting will be hosted by Glass For Europe on 7 November.

On 13 October, Eurometaux followed the Mass Flow IED Workshop organised by the Austrian Environment Agency and the European Commission (DG ENV) on mass flow approaches set in national legislation, permits and Best Available Techniques (BAT) conclusions. Commission (DG ENV, JRC) explored the approaches of mass flow in permitting and in BAT conclusions, while Member States, provided an overview on the approaches to implement BAT conclusions in each country. Industry and environmental NGOs provided their perspectives.

On 14 October, Eurometaux attended Business Europe's Environmental Working Group meeting. The agenda focused on the new IED Proposal and present in the room were MEP Tomas Tobe's assistant Malin Nilsson (ITRE), Jana Dabbelt (Policy Adviser for ENVI) and Lisa Laumen (Policy Adviser for ITRE). An exchange with them on the most critical aspects of the new Proposal followed.

On 18 October, Eurometaux met with MEP Benoit Lutgen (AGRI) and his assistant Maarten Clayes. This meeting was organised in the context of the Industrial Emissions Alliance as a joint meeting with a delegation from Industry including FuelsEurope, Eurometaux, Eurofer and Cefic. This was an example of collaboration sharing the burden of advocacy among different industrial associations and presenting a united, cohesive and strong industry perspective to the European Parliament (more information: Lighea Speziale, Lorenzo Ceccherini and Lorenzo Marotti).

LVIC BREF (Large Volume Inorganic Chemicals): KoM in Seville

On 17 October, Eurometaux participated in a broad industry alignment call hosted by Cefic on the topic of the LVIC BREF. More exchanges followed in order to prepare for the LVIC BREF Kick-off Meeting (KoM) in Seville, Spain.

On 24-29 October, Eurometaux attended this LVIC BREF Kick-off Meeting (KoM). Some of the members of Eurometaux's LVIC BREF Working Group (WG) officially nominated in the LVIC Technical Working Group (TWG) attended the hybrid meeting in person, thus giving support with their expertise. The aim of the meeting was to address and reach conclusions on the LVIC BREF scope, structure, the candidate Key Environmental Issues (KEI), the information, the nature and extent of the data collection, including the questionnaire and addressing confidentiality issues, the selection of plants for the collection of plant-specific data, the techniques to consider in the determination of BAT and emerging techniques and the general timeline of the work (including the specific tasks to be carried out by the TWG, especially indicating which member will deliver specific information). For the moment, discussions during the KoM remained generic (not entering into deep technical debates); positions on techniques and on whether a particular technique is considered a BAT will be discussed at a later stage as they need to be updated with the upcoming data and information collection exercise. A detailed report (including next steps and actions) was circulated to the LVIC BREF WG (more information: Lorenzo Ceccherini, Lighea Speciale and Lorenzo Marotti).

WATER

Commission proposal out: a first snapshot of changes and concerns to be followed up

On 26 October, Commission has published a [“Proposal for a Directive amending the Water Framework Directive, the Groundwater Directive and the Environmental Quality Standards Directive”](#). The proposal is part of the Zero Pollution Package, which also included the [proposal for a recast Urban Waste Water Treatment Directive](#) (UWWTD) and the [proposal for the Ambient Air Quality Revision](#). This initiative addresses two main problems highlighted during the Water Framework Directive (WFD) review process that concluded in 2019, i.e., the inadequate protection of ecosystems and human health from risks posed by ubiquitous and/or emerging pollutants and their mixtures and deficits in implementation.

A first analysis of the proposal has been circulated to the Water Taskforce: it includes among others amended and new definitions but also important changes in the Priority Substances List- and Environmental Quality Standards (EQS) setting. For example, it proposes to amend/set Priority Substances and EQS in the future via Delegated Acts, rather than via the ordinary EU legislative procedure, which will give more power to Commission. Also, the proposal suggests giving to ECHA (rather than the SCHEER and the JRC) a central role in the scientific support for the identification of Priority Substances and the JRC would be involved in the EQS derivation process in the future for scientific support. ECHA will have to produce scientific reports including RAC and SEAC Opinions and results from monitoring programmes and other data.

Regarding the update of the Priority Substances list and EQS, an additional 23 new individual substances are identified in the proposal as priority substances (including silver) and existing EQS for 16 substances are amended (including nickel).

Also, it appears that the Commission has proposed to “upgrade” lead and its compounds from Priority Substance to “Priority Hazardous Substances” in Annex V, without discussion or consultation. Once again, this raises some significant questions regarding the transparency and adequacy of the process. As the EU Commission has opened a consultation on the Priority Substance proposal until 23 December ([here](#)), the sector will submit comments and reiterate its concerns on the procedure. The non-ferrous metals sector is also liaising actively with the other affected industries.

As the next step, the Commission proposal will need to be examined and discussed by the European Parliament (ENVI and AGRI Committee) and the Council (Working Party on the Environment), which have to adopt the Directive via the EU ordinary legislative procedure.

The Water Taskforce will be closely informed on the developments (more information: Chris Cooper, Daniel Quantz, Marco Vallini and Violaine Verougstraete).

SOIL

Update: 1st meeting of the Commission Expert Group on the implementation of the EU Soil Strategy and input to Public Consultation

On 4 October 2022, the European Commission (ENV.D1. Land Use & Management) organised the first meeting of the enlarged soil expert group (ESEG) on the EU Soil Strategy for 2030. This ESEG consists of 27 Member States, 25 organisations (industry associations, soil science organisations, agricultural organisations, NGOs, ...) and 3 observers and

replaces the former EU expert group with only Member States in order to achieve a more balanced representation of stakeholders. The goal of this ESEG is to consult the Commission on EU soil policy for the coming years. The Commission will test ideas and policy options and inform about policy developments and experts can flag concerns and contribute to the implementation of EU soil policy to come to the development of a joint pool of evidence (environmental, economic, social).

The ambition of the Commission is that by 2050, soils in the EU will be healthy and resilient, which requires decisive change. This will include protection, sustainable use and restoration of soil and is linked to solutions for climate neutrality, clean circular economy, biodiversity loss, protection of human health, desertification and land degradation. One of the first milestones is the new proposal for a Soil Health Law, which is foreseen by Q2 2023. The building blocks for this Soil Health Law were discussed during this first meeting of the ESEG and Eurometaux further provided written comments after the meeting. A next meeting is planned for February 2023 (more information: Chris Cooper and Koen Oorts).

OUTREACH

OECD

OECD BAT Expert Group meeting:

On 19-20 October, Eurometaux participated in the 7th Meeting of the Expert Group on Best Available Techniques organised by the OECD. The OECD secretariat presented relevant background information and recent updates on the OECD's BAT project. Among the topics discussed, the cross-country comparison of selected BREFs and the discussion relative to its scoping proposal, including sector-specific aspects of three selected sectors: iron and steel production, paper and pulp production and waste incineration. Of relevance, the OECD secretariat presented the scoping proposal for the iron & steel production sector, sector definition, key environmental concerns (KEIs), and emissions. The European Steel Association (EUROFER) presented the activities carried out within the sector. The OECD secretariat also presented the communication activities directed towards the countries that showed interest in capacity-building workshops. The next meeting of the Expert Group on BAT will be held in June/July 2023 (more information: Lorenzo Marotti).

OTHERS

ESA REACH Workshop: *Risk management in space !*

On 18 October, the European Space Agency (ESA) organised its 4th REACH workshop inviting key speakers from ECHA, Commission, the sector and associations to speak about the REACH key issues. This year's workshop was focussed on ongoing REACH activities relevant to the space sector, the REACH revision and managing substitution and obsolescence. Eurometaux attended the workshop and presented its view on the Chemicals Risk Management challenges for the sector from the present to the new system (REACH 2.0). Eurometaux suggested that the sector should support a more Restriction and OSH-oriented Risk Management under the new REACH, as it would be more relevant and efficient than Authorisation. It was surprising to note how much attention the sector spends on substitution efforts for substances listed on the Candidate List, including lead, for which the sector had rolled out a specific program (more information: Hugo Waeterschoot).

International Study Groups: *speaking about transition and metals*

The International Lead and Zinc Study Groups (ILZSG), intergovernmental organisations established within the framework of the United Nations had their meetings mid-October in Lisbon. The main role of the study groups is to ensure transparency in the markets for the respective metals worldwide: this is achieved by producing a continuous flow of information to the marketplace on supply and demand developments in lead, zinc, copper or nickel through the publication of high-quality statistics, in-depth market research and specifically targeted economic studies. They also organised international sessions and special conferences bringing together industry and governments to discuss matters of concern in the metal sectors. A joint seminar with the International Nickel and Copper Study Groups was organised on the "Role of Metals in the Transition to Green Energy" with interesting interventions from governments, asking for a more global collaboration and the Commission presenting the KUL study in detail.

Eurometaux was invited to participate in the Economic & Environment Committee meeting on 21 October to make a presentation on the "Implications of Current EU Regulations and Zero Pollution Ambition for the Metals Sector". In this same session, Andrew Green (IZA), Andy Bush (ILA) and Murray Cook (EGGA), also made very interesting presentations

on market developments and the regulatory horizon for zinc, lead and galvanised metals. There was also a thought-provoking presentation given by Thomas Lauridsen, Ministry of mineral resources and justice about the potential of mining & metals in Greenland (more information: Violaine Verougstraete).

ChemWatch Summit: presentation in Amsterdam

This “Product Sustainability Summit” is a new conference for 2022 that focuses on the most recent developments around sustainability for the chemical industry and its downstream users, in the context of the European Green Deal. Eurometaux attended to present the sector’s “Sustainable Metals Concept”, as a development of the “3Cs” model that was introduced in the October 2021 Chemical Watch event on “The CSS – One Year On”. The main topics of the conference were: corporate, product, chemical and practising sustainability.

The main takeaways relating to chemicals all relate to organics and plastics, and pollution in the environment. Aside from Eurometaux’s presentation, metals were not part of the discussion. The concerns highlighted in the context of “sustainability” were: i) persistent chemicals already in the environment (PFAS); ii) (micro)plastics getting into the environment in increasing amounts; and iii) low recycling rates for plastics. The proposed solution to i) is to ban certain hazard classes of chemicals unless “essential” as is already in progress in EU (but with US “not there yet”). The solution to both ii) and iii) is to increase the recycling rates of plastics, which are currently rather low. However – it was very clear from several presentations that there are many significant practical, technical and economic barriers to recycling of plastics, which will not be easy to overcome in the short to medium term. These include: degradation in performance even in the first repeat product cycle; the use of a diverse range of materials such as complex “layered” films e.g., food packaging; the need for detailed information on polymer additives like flame retardants – which are often present in very small quantities that cannot easily be analysed but which will influence behaviour in recycling; the complete lack of any composition information for “old” recyclates. It is expected that the forthcoming Digital Product Passport will help to overcome some of these many barriers in the longer term, and facilitate greater circularity for plastics and organics (more information: Simon Cook).

COMMUNICATION

Site visits

The Eurometaux staff had the possibility to visit two sites in October, i.e. the site of Aurubis in Beerse (Belgium) and Atlantic Copper in Huelva (Spain).

Such site visits enable the staff, and in particular the newcomers, to gain better insights into how our plants function and deal with the EU legislations.

A big thank you for the warm welcome & taking the time to show us around these great facilities.



Aurubis – Beerse



Atlantic Copper - Huelva

CALENDAR

Please find here below a non-exhaustive list of the meetings that are planned for 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](#)

- 3-4 November: ECHA RAC-63 REST WG
- 10 November: Human Health Taskforce
- 14 November CARACAL Taskforce
- 16-17 November: CARACAL Meeting
- **Cancelled 22 November:** MEED WS (Sponsors only) will be held instead on 31/01 & 01/02 2023
- 23 November: MeClas Steering Committee
- 24 November: Risk Management Taskforce (replacing 20 December meeting)
- 28 November – 01 December: ECHA RAC-63 Plenary & SEAC-57
- 05-09 December: ECHA SEAC-57
- 06 December: Chemicals Management Steering Committee
- 07-09 December: ECHA RAC-63 Plenary (reserve)
- 12-16 December: ECHA MSC-80
- 15-16 December: ECHA MB
- 20 December: Evaluation 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)
