



EUROMETAUX CHEMICALS MANAGEMENT NEWS



Please join us in April:

- 10: IED Taskforce
- 19: MEED Workshop (Sponsors only)
- 29: Human Health Taskforce

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In the heart of the wild global world, lies the small hamlet of the EU that has fallen prey to regulators. New regulations targeting 'heavy metals' are drafted every night by certain of its inhabitants, who have become Regulators-Lycanthropes because of a mysterious phenomenon (aftermath of the Zero Pollution Ambition?) The inhabitants, and particularly those representing the 'heavy metals' must pull themselves together to resist this scourge emanating from the depths of time, to ensure that the hamlet does not lose its last industries.

This was the start of a game compiled for the first Metals Academy, whose aim was to stimulate the group dynamics. I did not imagine at that time that 2 years later the game would still be relevant. It is available in the EM offices if you would like to give it a try.

How does it work?

The plot is easy: each night, while the EU hamlet sleeps, regulators draft a new Regulation affecting one metal industry, which is devoured (eliminated from the game). But during the day, the regulators try to hide their nocturnal identity to escape popular condemnation. Each morning, the surviving inhabitants of the hamlet gather and try to notice any signs from the other players that would betray their nocturnal identity as regulators. After discussions, they all vote to ban the person they see a suspect, who will then be sent to UNEP.

Who are the characters in the play?

- *The Regulators are the EU inhabitants who every night at 23:59, turn into Lycanthropes whilst the hamlet sleeps. They work in silence, quickly consulting each other to designate a victim (so called 'in scope'). Important to note is that under no circumstances can a regulator devour a regulator.*



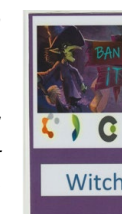
- *Among the other inhabitants of the EU hamlet, you will find:*
 - o *The 'simple' inhabitants: they all belong to different metal industries, committed to their work, and with as only skills the capacity to analyse behaviours in order to identify the regulators and their strength of conviction to prevent the execution of their industry.*
 - o *The little girl (Chemical Watch) can -by half-opening her eyes- spy on the regulators during the night. If she is discovered by one of the regulators she dies immediately*
 - o *The Seer (Eurometaux) who will discover every night the true personality of a player of his/her choice. The Seer must help the other inhabitants but remain discreet so as not to be unmasked by the regulators.*
 - o *The witch (NGOs) knows how to concoct potions: one is a critical raw material potion to resuscitate the player killed by regulators and a poisoning potion to eliminate a player.*



- o *The witch can use the potions for her benefit and thus heal herself if she has been attacked by regulators (never happens...)*
- o *Cupid (up to you to define who it could be): has the power to make two people fall in love forever. If one of the lovers is eliminated, the other one dies of grief immediately. A lover should never vote against his/her loved one. It becomes interesting if one of the two lovers is a regulator and the other an industry, the goal of the game for them is to eliminate all other regulators and industries to become MEPs.*



You need an animator (UVdL) to put the village to sleep, who will call the different characters in an announced & reproducible sequence (i.e., the EU transparency) but who will also direct the debates in the morning to ensure the inhabitants take a decision, point their attention to a suspicious behaviour etc.



Who wins the game? Industry if it manages to identify in due time the regulators and bring them back to their senses... Regulators if they manage to eliminate the 'heavy metal' industries.

Give it more than one try. It can take some time for the inhabitants to organise themselves collectively, putting the multi-industry interest at the forefront, acquiring information from the little girl and who knows... making allies from a witch!



Violaine Verougstraete

COMMISSION

CARACAL-51: light agenda, more to come beginning of July

On 20-21 March Eurometaux attended the CARACAL (51st) meeting. With a light agenda compared to previous occasions, Member States authorities, regulators and stakeholders discussed topics related to CLP such as UN GHS updates (including new hazard classes), the 22nd and 23rd Adaptation to Technical Progress (ATPs) for harmonised classifications, and the update of CLP guidance; as well as REACH-related topics such as the ECHA Basic Regulation, an update of the Restrictions Roadmap and the chromium VI (CrVI) restriction.

Regarding the 22nd ATP, which includes harmonised classifications for Cu and Ag, the Commission will follow the RAC opinion for all substances and will now proceed with the adoption of the act, expected before the summer. Eurometaux reiterated the request to add the descriptor “fine forms” to the copper entry, but the Commission prefers to have a broader discussion in the next CARACAL (1-2 July) on the Specific Surface Area (SSA) approach.

With respect to the update of the CLP guidance, the main priority will be providing assistance on the application of the new CLP criteria, for which the Commission expects to consult CARACAL for final comments in the summer and agreement after (Q3 2024). ECHA asked for thoughts on the CLP guidance scope and comments in writing can be submitted until 25 April.

During the REACH closed session ECHA reported on the status on recovered aggregates in REACH, to be brought back in the discussion during the next CARACAL. During the open session, the Commission noted that they are still discussing internally the ECHA Basic Regulation, and the Interservice Consultation (ISC) has not been launched yet, but they clarified that they are trying to come up with proposal as soon as possible. Regarding the CrVI Restriction, ECHA is progressing and keeping Commission informed. Taking into account regrettable substitution, the initial assessment is that there will be the need to address more than the two substances initially targeted- possibly all, thus potentially delaying the timeline by 6 months (publication of proposal April 2025, with an opinion expected by Q4 2026). Suggestions can still be made until 25 April.

The next CARACAL meeting is scheduled for 1-2 July (more information: Ainhoa González Pérez).

Commission Substitution Workshop: start of a study to promote substitution for targeted hazardous chemicals

The Commission (DG Grow) organised on the 1st of March a workshop to kick off an extensive study that aims at finding better and more efficient ways to promote substitution for targeted hazardous chemicals, starting from the assumption that the use of hazardous chemicals is still needed for societal priorities like the Twin Transition, but also that a transition to safer alternatives should be possible over time. The workshop was physically attended by almost hundred attendees complemented by as many via remote. A core group of 36, including Eurometaux, was given the possibility to discuss in 6 subsequent working sessions precise questions on the theme.

This workshop is the first one in a series of two that aims at helping consultants define the scope and questions to be evaluated in the study. The discussions in the working sessions were open and frank and did not push aside aspects like regrettable substitution, the need for coherence with other EU environmental objectives (e.g., climate or circularity), the sustainability of substitution, the lack of Downstream User involvement or interest in responding to substitution questions, etc .

The consultants will now use the output of the workshop to define several “improvement options” to boost the efficiency of the substitution program. Those options will be debated at a workshop in autumn of this year. Finally, it is important to underline that Commission wants an approach that is relevant to many regulatory areas where “substitution of targeted hazardous chemicals is requested”, hence broader than REACH, or OSH, or RoHS (more information: France Capon and Hugo Waeterschoot).

EU AGENCIES

EUROPEAN CHEMICALS AGENCY (ECHA)

ECHA COMMITTEES

RAC-Restriction Working Group: *Universal PFAS on 4 March*

The RAC Restriction Working Group spent a whole day discussing the U-PFAS Restriction, and more specifically substance scope and hazard, emissions from cosmetics, consumer mixtures and ski waxes. The aim of the meeting was to recommend either final or provisional conclusions on these issues for the RAC plenary meeting (the week after). As the Working Group and plenary meetings were back-to-back, some of the discussions simply continued over the two meetings and no change was made to the opinion in between the meetings. The RAC secretariat also announced that in total 5.642 comments were received during the Public Consultation. The comments are considered by the Dossier Submitters who have now completed a third update of the Background Document.

Interesting elements regarding scope and hazards include among others: the request to differentiate appropriately what is linked to “persistence” and what is “true toxicity” to also be able to consider potency (rejected as persistence is a new endpoint under CLP), the now clearer distinction between ‘PFAS’ and in particular the group of fluoropolymers in the discussions (but not that much in the hazard conclusions due to concerns related to the release of bioavailable non-polymeric PFAS during their manufacturing, processing and end of life that can result in ecotoxicological effects) and the difficulties to make the case for non-grouping. To exclude a persistence concern and disregard the stability of the C-F bond, RAC requests sufficient evidence (ready biodegradation data, data on degradation rates/half-lives), which should be available for all environmental compartments (water, water-sediment and soil) for relevant conditions. For the uses of PFAS in the 3 sectors mentioned above, the Rapporteurs have analysed the volumes and emissions; performed a risk characterisation and looked at the risk of alternatives. They have subsequently looked at the effectiveness in reducing the identified risk, made some first conclusions on specific sector/use specific derogations and considered practicality, including enforceability. The use in cosmetics was not a use initially proposed for restriction by the Dossier Submitter but is now assessed and the data collected -even if still incomplete as data on waste is missing- shows decreasing volumes. Important to recall is that the sector-by-sector approach taken by RAC is a practical way to organise the restriction that was built for all uses but clearly, the limits between sectors may not be fully clear due to overlapping/related uses and lead to a misrepresentation of overall volumes and emissions. This is considered in the summary of the uncertainties in the assessment presented at the end of each section/sector (more information: Violaine Verougstraete).

RAC-68 Plenary Meeting: *Li, PFAS, OEL for boron/borates*

RAC had a busy Spring week, dealing with classifications, OELs, the U-PFAS restriction and applications for authorisation, ending with a joint session with the RAC Working Group on Drinking Water. The RAC secretariat started the meeting by presenting an analysis of their activities in 2023, showing a significant increase in working days and a decrease in number of regular RAC members. RAC has launched a call for co-opted members (see e.g., [\(27\) Post | LinkedIn](#)).

On the three Li salts, RAC has finalised its revision of the 2021 opinion and confirmed its classification as Repro 1A and the read-across to the hydroxide. This time though the RAC has carried out a thorough assessment, analysing not only the Boyle et al. 2016 study but also a meta-analysis by Fornaro et al. that appeared during the Public Consultation in the Article 77(3) (c) process. The recent industry publication (Smith and Payne, 2024) that evaluated the impact of confounding factors on the association between lithium exposure during pregnancy and the cardiac malformation in available epidemiological studies was looked as well.

On OELs, of interest for our sector was the first discussion on 'boron and its compounds'. The concerns are the reprotoxic effects and it is recognised that the substances are used in several sectors from industrial uses, fertilisers, ceramics etc. Following the request by Commission to evaluate these substances, ECHA has prepared a scientific report with a call for evidence last summer and a consultation on their report between 31 October 2023 and 12 January 2024. A first discussion of interest was on the scope, as the intent is to have an OEL including all boron compounds that release boric acid and that meet the criteria for classification as Repro 1A/1B (although classification is 1B). Metallic boron should not be part of the scope. Key issues included the value of the assessment factor (AF) for exposure duration to convert the sub-acute study into a sub-chronic study for fertility and the value of the assessment factor for intra-species for developmental effects. It was proposed to use an AF of 10 as used for the general population while for workers, an AF of 5 is used according to the ECHA Guidance R8. This approach is justified because the very young (i.e. offsprings) are not covered by workers' assessment factors. Another important issue is the STEL for which a value is proposed that is lower than the OEL. Discussions will continue in June.

On PFAS, the plenary meeting continued the discussions started in the RAC Working Group and confirmed its preliminary decisions on scope and hazard (up to ecotoxicity properties). Human Health properties, long range transport and global warming potential were discussed as well. RAC recognises that due to the very large number of PFAS covered by the assessment, the hazards are not homogeneous and there will always be a degree of uncertainty regarding the hazardous properties of the entire group. However, considering the very high persistence of PFAS, their increasing environmental concentrations, ubiquity, and available (although limited) evidence on adverse effects of different PFAS, RAC concluded that uses of PFAS that result in releases to the environment are not adequately controlled and pose a potential health or environmental risk that needs to be addressed. The discussion will be continued in June as there were several requests to clarify some parts of the draft opinion. The use of PFAS in cosmetics (i.e., manufacturing of cosmetic ingredients and end-use of PFAS in cosmetic products), consumer mixtures and ski waxes were further discussed as well. Of key interest are the discussions on what is in scope and the uncertainties in the assessment. But overall, when less hazardous alternatives were considered available, no derogations were supported, in line with the Dossier Submitter's proposal. Some clarifications were provided on the timing of the next discussions: in June RAC will continue to discuss scope and hazards but also use of PFAS in metal plating and manufacture of metal products. In September: uses of PFAS in TULAC (textiles, upholstery, leather, apparel, carpets), food contact materials & packaging, petroleum and mining will be addressed. Eurometaux will further explore what is exactly meant by 'manufacture of metal products' before the next meeting (more information: Violaine Verougstraete).

SEAC-62: a series of historical breakthroughs on substitution and review periods in AfAs

Despite the agenda not being very tempting at first instance, the opinion-making on Authorisation cases led to most interesting breakthroughs in the reasoning and argumentation of SEAC. In advance of the Application for Authorisation (AfA) discussions, SEAC has indeed revised its policy guidance paper on Review Periods (RP) (i.e., defining when an application needs to be resubmitted). Completely novel was the attention for other environmental objectives like climate and circularity as well as the prevention of regrettable substitution that were all considered, in defining how much time an applicant got to deliver on an alternative or resubmit its application. This was put into practice with several AfA cases being debated by SEAC, and resulted in a recommendation to an applicant who had requested an RP of 12 instead of 7 years to allow for the development of an alternative to CrVI without the need for the use of borates and Ni-plated underlayer. In another case, a suggested alternative (tungsten) was considered as non-relevant due to concerns on criticality (i.e., substances listed on the Critical and Strategic Raw Materials lists) and circularity.

The meeting was furthermore precedent-setting in providing a positive opinion on a large upstream application by the aerospace and defence sector. Contrary to previous upstream applications, SEAC felt that the granularity of uses and the number of users who responded was of sufficient detail to define a positive opinion. Moreover, the issue of the certification of materials use and the interlinkages of the different steps and users was fully recognised resulting in an 'overall' long Review Period rather than a sub-use by sub-use specified Review Period (more information: Hugo Waeterschoot).

SEAC-62: the start of the sector-by-sector review on the Universal-PFAS restriction

After agreeing on the methodology on how to define and agree on derogations at its last meeting, SEAC started with the review of the first sectors that use PFAS in consumer mixtures, cosmetics and ski waxes. Those sectors were prioritised for review, due to the limited number of comments received during the

Public Consultation and the potential availability of feasible alternatives, hence expected to be “easy cases”. To conduct the impact assessment and assessment of the proportionality/sector, the Rapporteurs presented and applied a rather visual and qualitative assessment framework for the costs, benefits and proportionality to define which combinations would lead to a “proportionate”, a “likely proportionate” or “not proportionate” conclusion. As expected for each of these 3 consumer related sectors, the conclusion was that “*the proposed restriction is proportionate without derogations*”. Hence, the critical aspect on how and on what evidence base the derogations would be acceptable, could not be tested in these cases.

ECHA also presented what sectors would be revised during the next SEAC meetings, with metal plating and the manufacturing of metal products being the main agenda items for the June session. The battery sector requested clarifications on why they were not selected for an early review to provide investors with the predictability they need. ECHA replied that they could not schedule the battery, electronics and energy sector yet, given the Dossier Submitting (5) countries have not yet reviewed these parts of the restriction dossier, probably because these attracted the largest number of contributions (more information: Hugo Waeterschoot).

Drinking Water Directive: Working Group meeting

The last RAC Drinking Water (DW) Working Group meeting was held in Helsinki on 14 and 15 March.

The first day of the meeting took place during the RAC Plenary and consisted mainly of representatives of the German (DE) authorities presenting step-by-step how a substance is added to the 4 MSi (the four Member States initiative) for two specific cases, one for an organic substance and one for a metallic substance (a considered lead 'free' alloy).

During the second day, ECHA compared the steps taken by the DE authorities with the new EU system requirements (i.e., how ECHA will deal with substances from the notification of intention to apply up to their inclusion in the European positive lists (EUPLs) of substances that can come into contact with drinking water). For the alloy case presented, although there is some missing information between the 4MSi process and the new EU system, the application dossier would be receivable and would pass the steps to be included in the EU positive lists.

The case of the organic substance that was presented and thought to be added to the 4MSi, would in fact not meet the criteria to be added to the EUPLs (dossier would be too incomplete).

An important point to consider, especially for future applicants:

The DE authorities were asked how many substance dossiers they handle per year and how long it takes them to reach a conclusion (on whether the substances should be included in the 4MSi or not). The answer was between 10 and 20 cases per year and, that for simple cases it takes between 1.5 and 2 years to close a dossier.

Knowing this and the fact that:

- ECHA expects to receive hundreds of applications per year and is aiming for 40-100 cases per year to be analysed by the RAC;
- there is currently only one accredited laboratory to carry out some of the tests that ECHA requires for new substances;
- some of the required tests take 6 months.

One can expect that the process of adding a new alloy to the EUPL will be very extensive and long, with foreseeable delays. This means that applicants need to plan well in advance.

Also, the need for applicants (from smelters to downstream users) to **apply as a group** for individual substances will be very important. In addition, the ECHA requirements to be added to the EUPLs are quite extensive, more than what is now required to be added to the 4MSi.

Regarding the guidance documents developed to support the legal acts ([published in January 2023](#)) implementing Article 11 of the Drinking Water Directive (DWD):

Volumes I (*Methodologies for testing starting substances, compositions and constituents for use in the manufacture of materials or products in contact with water intended for human consumption*) and II (*Methodologies for accepting starting substances, compositions and constituents for use in the manufacture of materials or products in contact with water intended for human consumption*) are still in progress and will be made available for a second round of comments before the summer. The aim is to publish them early 2025.

Meanwhile, ECHA has also started work on Volumes III (guidance to clarify the scope of DWD applications) and IV (to explain the content of the Notification of Intention under DWD). The Joint Research Centre

(JRC) is drafting guidance (Volume V) on calibrants (guidance on how to submit samples to the JRC) (more information: Lara Van de Merckt).

Management Board (MB)73: *formal adoption of the Annual Report and the launch of a self-evaluation*

The ECHA MB-73 took place in remote on 21 March with the approval of the Annual Report as main decision point.

To note, comments raised by Eurometaux (Guy Thiran) in the preparatory Strategy, Planning and Implementation (SPI) sub-group meeting and in written follow-up were taken into account. For example, the Chair's introductory note now makes reference to the need for more cooperation with industry, and the Management Board's recommendations include the need for extending the ECHA committees' levels of expertise.

The package for the MB also included a good overview of recurring MB topics and a rolling workplan, which will be of great help to brief the next Eurometaux Director General (after Guy Thiran's retirement), as Eurometaux hosts the post in the SPI sub-group that prepares the strategic actions for the ECHA-MB.

As part of its multi-year program, the MB will also soon launch an extensive self-evaluation exercise, covering -besides effectiveness and collaboration- also themes such as strategic direction and priorities, monitoring performance and value and behaviour.

Cefic and Eurometaux agreed to anticipate and prepare the input for Marco Mensink (Executive Director Cefic) who represents industry in the ECHA-MB. Not discussed but circulated as an information note, the MB members were informed about ECHA's updated external communication strategy for the next 5 years in which was stressed the need to pay more attention to the collaboration with industry. We of course hope this will be implemented as such (more information: Guy Thiran and Hugo Waeterschoot).

ECHA OTHER ACTIVITIES

ECHA IRS Workshop: presentations on experience with current IRS and what an IRS 2.0 could look like

Eurometaux attended the workshop organised by ECHA to take stock of the current Integrated Regulatory Strategy (IRS) but also consider its evolution in view of the widening of ECHA's mandate, the resource constraints, the changes in regulatory landscape and the requirement for increased transparency and predictability. ECHA's Strategy Statement (2024-2028) provided the context for the discussion. The announced aims of the workshop were the following: a) reach a common understanding on optimal approaches for selection and prioritisation of (groups) of substances for regulatory work over the next years and b) discuss possibilities to further improve coordination and cooperation of authorities (ECHA, the Commission and Member States) with the aim to increase transparency and predictability of the work and support a more strategic approach for regulatory risk management. Industry and NGOs were only invited to the first day of the two-days discussion but were able to present their experience and issues with the current IRS and suggestions for an IRS 2.0. The discussions in break-outs -chaired by ECHA- also allowed to raise several issues related for example to the interface Assessment of Regulatory Needs (ARNs) and Regulatory Risk Management and its lack of transparency, the need for a robust grouping when moving from ARNs to risk management and CLH, the limited consideration of other legislations when designing risk management, the still unsolved long-pending issues with the IRS database (e.g., free riders), etc. In industry's view, the IRS 2.0 should lead to a plan stating which chemicals and uses can be regulated to increase predictability and the plan should go through the whole regulatory toolbox. It was claimed by all actors that data uses/exposure should be improved (for example to confirm the risk control). The current REACH approach: bringing everything together in registration files does not seem to work to collect sufficient information on uses/exposure. The industry participants suggested having targeted data collection across all actors, with user-friendly tools to have more appropriate assessments. It seems that the second day of the workshop (closed session) has built on the open session and we hope to have more information on the outcomes at some point (more information: Violaine Verougstraete).

EUROMETAUX CHEMICALS MANAGEMENT

Chemicals Management Spring Week: *Regulatory Forum*

The Regulatory Forum of the Chemicals Management Spring Week was held on 18-19 March and it covered the latest developments on several topics:

One Substance One Assessment: Andrej Kobe (European Commission, DG ENV) discussed the new data platform aimed at consolidating chemical data from various sources, addressing the integration of data generated under different frameworks to support dissemination of information and regulatory actions on chemicals. He highlighted that the data platform will help overcome the challenges stemming from the scattered nature of chemicals legislation and assessments by centralising data access and facilitating the sharing of information among regulatory bodies, industry stakeholders, and the public.

INCITE and Innovation: Simón Gutiérrez Alonso (JRC European Commission, Joint Research Centre Sevilla) presented the Innovation Centre for Industrial Transformation and Emissions (INCITE)'s role in aiding industries with pollution reduction under the new IED. Discussion emphasised the need for management of conflicts of interest and confidential business information. As part of a broader effort to meet the EU's 2050 zero pollution ambition, circular economy, and decarbonisation aims, operators will be required to develop Transformation Plans for their sites by 2030 or 2034.

From Regulation to Implementation: Salvatore Ricci (European Copper Institute (*post-meeting: has now become the International Copper Association Europe (ICA Europe)*)) provided a critical overview of secondary legislation in the EU and how Delegated Acts/Implementing Acts work, and how to influence the process to be up to speed for the implementation phase of most of the already agreed legislation.

PARC Initiative: Violaine Verougstraete (Eurometaux) provided a comprehensive overview of the Partnership for the Assessment of Risks from Chemicals (PARC), a flagship EU initiative aiming to unify and enhance the methodologies used in hazard identification, exposure assessment, and risk characterisation, contributing to more robust and science-based regulatory decisions regarding chemical safety

The Blue Deal for Europe: Pernille Weiss (MEP, EPP Denmark) who exposed the proposal to have "The Blue Deal for Europe," aimed at safeguarding Europe's water resources through enhanced conservation, sustainable use, and innovative management practices, emphasising the critical role of water-intensive industries in achieving these objectives. Questions focused on the possible overlap with the Water Framework Directive and exploring the role of water-intensive industries within this initiative.

Advanced Materials for Industrial Leadership: Jürgen Tiedje (European Commission, DG RTD) talked about the recently published 'Advanced Materials for Industrial Leadership' Communication. He explained that the Commission aims to support innovative EU companies, mobilising research and innovation investments at the EU, national and regional levels to develop safe, sustainable and circular advanced materials in the context of the increase in the demand of advanced materials for the green and digital transitions, also considering the balance between innovation and the substitution of critical raw materials.

ECHA's Future Direction: Violaine Verougstraete and Lorenzo Marotti (Eurometaux) outlined ECHA's revised regulatory strategy and future direction, following insights from the recent IRS workshops, ECHA Strategy Statement and the 'Shaping Tomorrow' Conference. The presentation concluded on a note that stressed the necessity for ECHA to continue evolving its strategies and operational frameworks to address the dynamic landscape of chemical safety and regulation within the EU. This evolution includes addressing data management challenges, enhancing stakeholder engagement, and fostering innovation in regulatory practices.

Zero Pollution Action Plan: Veronica Manfredi (European Commission, DG ENV) examined the achievements and future steps of the Zero Pollution Action Plan, emphasising its role in Europe's broader environmental objectives and the need for industry's engagement. Most initiatives announced by the ZPAP have been delivered, so now the focus will be on delivering the water-related initiatives, which will be at the top of the agenda.

Ambient Air Quality Directive: Margherita Tolotto (European Environment Bureau) provided an EEB perspective on air quality, discussing strategies for reducing air pollution and the interplay between air quality standards and other EU legislations. Central to her presentation was the importance of integrating air quality management with other environmental and public health policies. Dr Tolotto emphasised the need for a multi-faceted approach that includes cleaner transportation options, sustainable urban planning, and stricter emissions standards for industrial activities.

TNO Study on Metals: Hugo Waeterschoot and Simon Cook (Eurometaux) presented a study assessing the impact of increased metal use under the EU Green Deal, aiming to address environmental concerns without hindering market access. The study is an essential part of the Transition Pathway for metals, with a structure based on eight building blocks covering various aspects of industrial transformation. It particularly contributes to the social dimension by addressing impacts on the workforce, consumers, and the environment

The minutes of our Chemicals Management Week reflecting our discussions in detail will be shared in due time (more information: Ainhoa González Pérez, Lorenzo Marotti and Lara Van de Merckt).

Chemicals Management Spring Week: *Science Forum*

The Science Forum meetings took place on Wednesday 20 & Thursday 21 March, with Irene Cañas Sierra (Vanadium Consortium) and David Boyle (Cobalt Institute) chairing the discussions very efficiently. The first Science Day began with Emily Garman (NiPERA) giving an in-depth overview of the Ecotoxicity Technical Advisory Panel (ETAP) activities, recalling its history, activities and achievements. ETAP's mission is to identify and address issues of strategic importance for the metals industry related to environmental exposure and effects and seek recommendations for solutions to the critical issues from a panel of established scientists with expertise in environmental toxicology, chemistry, and risk assessment. She invited the participants to join the future discussions as there will be challenges enough (e.g., EDs, biodiversity, climate change etc.).

Hugo Waeterschoot (Eurometaux) recalled the key aspects of the MEED (Metals Environmental Exposure Data) program, and provided a state of play of what we know already and what we still need to investigate regarding combined effects of metals. He also mentioned the MEED project 3 on ecorelevance, which aims at developing a **toolbox** that companies can use to assess and measure the local and regional additional impact of metal/unintentional mixtures on biodiversity and ecosystem functioning. He concluded by explaining how MEED, the TNO study, the Transition Pathway for metals and scientific communication fit nicely together.

The topic of biodiversity was further addressed by Emily Garman (NiPERA) and Nika Galic (Syngenta, on behalf of the ECETOC Taskforce on Biodiversity) who explained that concerns about biodiversity have been accelerating with increased attention on corporate environmental, social and governance (ESG) principles and that emerging frameworks are helping to standardise biodiversity definitions, targets, indicators, and metrics. Emily focused on existing initiatives and discussions in the mining/metal/global world while Nika highlighted that the ECETOC Taskforce aims at providing a) an overview of the new EU strategic initiatives on biodiversity and of how biodiversity is considered in the current chemicals regulations, b) an overview of ongoing research activities in the biodiversity space (EU-focus) and the definitions/metrics/assessment methods and c) a broader exploration of academic literature to extract definitions, metrics and methods/tools of assessment.

Martin Wieske (WVMetalle) then gave his traditional -very recent- update on OELs, stressing key developments on Pb, Co, Cr, borates but also the activities of the Working Party Chemicals on endocrine disruptors and combined toxicity. The meeting ended with Rodger Battersby (EBRC) presenting the aspects of STOT-RE classification for inert particles of low intrinsic toxicity. He stressed among others, going back to both the CLP criteria and the available studies, that findings judged as non-adverse, adaptive or having physiological responses should be regarded as effects not supporting a classification for STOT-RE and that the effects judged as being adverse in nature need to be evaluated fully whether they fulfil the criteria for a STOT-RE classification.

Day 2 was mostly taken up by the passionate presentations by Stijn Baken (ICA), Sylvia Jacobi (SJ Consult), Francesca Tencalla (Toxminds), Chloe Eastbrook (Enviresearch), Dagobert Heijerick (ARCHE Consulting); Emily Richmond (Exponent) and Jelle Mertens (EPMF) on how to apply the (current) ECHA Endocrine Disruptor (ED) guidance. The session started with a state of play and summary of the key points for metals, followed by how to apply the guidance in practice for both Human Health and Environment, for substances and mixtures. Considering the tight timelines for the implementation of this new CLP endpoint but also experience that still needs to be built up, the Forum recommended that Eurometaux further facilitate exchanges on the topic (via the Taskforces) and also organise a workshop in about 18 months.

The last session of the Science Forum related to transport. Mari Järvikivi (Nornickel) recalled and summarised the main Regulations and provisions, using examples to illustrate how responsibilities are shared but also to help participants understand the different packing and labelling provisions.

Steve Binks (ILA) reminded the participants that impacts on transport were raised as a significant concern during the Pb environmental classifications debates. He explained that lead metal is currently not a dangerous good entry listed in Chapter 3.2 of UN Model Regulation and Table A of Chapter 3.2 of ADR 2021 and hence it is the responsibility of the consigner to assess whether the good being transported meet any of the criteria for classification as dangerous as described in Chapter 2.2 of ADR. Lead metal has however an extensive acute and chronic dataset that can be used to assess whether the shipped substance meets the criteria for UN 3077 (rather than the harmonised classification). Also it is important to keep in mind that the Regulation applies to the goods to be shipped and hence the metal ingot is the form of the substance that needs to be assessed as to whether it meets criteria for being considered a dangerous good. The Critical Surface Area can be calculated for ingots and used in the transport classification. The draft minutes will be circulated as soon as possible (more information: Violaine Verougstraete, Hugo Waeterschoot and Lara Van de Merckt).

CHEMICALS STRATEGY FOR SUSTAINABILITY

One Substance One Assessment: *debate*

The ENVI committee of the European Parliament met on 19 March 2024 for the first discussion on the One Substance One Assessment (OSOA) package since its publication in December 2023.

The European Commission, represented by DG ENV Director Aurel Ciobanu Dordea, presented the three OSOA proposals on the re-attribution of scientific and technical tasks to ECHA, on the re-attribution of scientific and technical tasks and improving cooperation among Union agencies, and on the common data platform on chemicals, establishing a monitoring and outlook framework for chemicals.

The presentation was followed by a MEP debate, opened by Rapporteur Maria Spyraiki (EL, EPP), who supports the proposals, but defended that an adequate transition is needed to ensure that industries can manage changes, that a mechanism to check the robustness of data is missing, and that the protection of data needs to be guaranteed.

Despite this first exchange, work on the file will have to stop due to the upcoming Parliamentary elections, after which the setting of the Parliament's position on the files can resume in Q3 2024. Work at Council level will continue throughout Q2 2024.

During the last CARACAL the Commission noted that they are still discussing internally the ECHA Basic Regulation, the only OSOA proposal missing from the package, and the Interservice Consultation (ISC) has not been launched yet, but clarified they are trying to come up with proposal as soon as possible (more information: Ainhoa González Pérez).

CLP Revision: *final vote*

The final vote on the CLP Revision with a view to adoption is planned for the European Parliament Plenary Session taking place on 23 April 2024 (more information: Ainhoa González Pérez).

Chemicals Strategy for Sustainability: *IAM4EU – Innovative Advanced Materials for Europe*

This is part of the Commission's ongoing activities on innovation in materials, which Eurometaux has been following in recent months as it is linked to the CSS Strategic Research & Innovation Plan (SRIP) for Safe & Sustainable Chemicals & Materials. On 27 February the Commission released a communication on Advanced Materials for Industrial Leadership, which was followed by an online information session on the proposed new EU partnership under Horizon Europe on Innovative Advanced Materials for Europe (IAM4EU). The Commission acknowledges that advanced materials are key enablers for the Green Deal twin transition, and will be used in many application areas across sectors e.g., clean energy technologies. Increasing demand is expected for these materials and it is important that the EU has a strong position with respect to innovation and development.

The main objective of IAM4EU is to speed up innovation on materials by addressing the current fragmentation within the EU and hence keep the EU in a leadership position, safeguard resilience and sustainability of materials value chains. Other stated objectives include substitution of critical raw materials (CRMs) and implementation of Safe and Sustainable-by-Design (SSbD) as an innovation approach.

From the point of view of metals, these goals appear conflicting – faster innovation towards the twin transition and greater resilience (which will require metals in various technologies), and at the same time substitution of CRMs and hazardous substances (through application of SSbD). How the Commission sees

the relative importance of these goals – faster innovation vs. substitution – is not very clear (more information: Simon Cook).

CLASSIFICATION

Li CLH Taskforce: call on 21 March

The Taskforce was informed on the latest RAC outcomes (see above) before discussing the possible next steps (analysis of the final opinion, assess the relevance of EU/international advocacy, experts round table, mapping of consequences). A status update was also provided on the Industry Risk Management Option analysis, key now to prepare the regulatory risk management actions. It is noted that there is an increasing interest across the EU to address Li in the context of the Water Framework Directive, either through the Watch List or even as a candidate for the next round of prioritisation. Hence it is crucial to have a robust PNEC derived in view of these discussions and the Li consortium explained the ongoing work. Draft minutes were circulated on 22 March (more information: Violaine Verougstraete).

REACH REGISTRATIONS

Registration Compliance: insights from the Taskforce meeting: from common Data Platforms to Nanoform Evaluations

The Eurometaux Registration Compliance Taskforce convened in a hybrid meeting on 26 March 2024, blending in-person and virtual participation to discuss pivotal topics within the chemicals registration and compliance landscape.

The first part of the meeting was dedicated to registration-related subjects. A primary focus was given to the review of the Eurometaux's response to the Public Consultation on a **common data platform for chemicals**, as part of the EU Commission initiative One Substance One Assessment (OSOA). This initiative seeks to streamline chemical safety assessments through a unified data platform, marking a significant step towards regulatory efficiency and data accessibility.

Attention then shifted to the **challenges and advancements related to IUCLID**, the software central to chemical data submission in the EU. An update on collaborative efforts with the European Chemicals Agency (ECHA) and stakeholders provided insights into overcoming technical hurdles and facilitating smoother software transitions. This was also a good opportunity to underline the recently published ECHA Strategic Vision 2024-2028 and its Key Areas of Regulatory Challenge.

The meeting also addressed the complications arising from **Russian sanctions** on dossier updates, underscoring the Taskforce's engagement with the Commission and ECHA to navigate these challenges and identify viable solutions for impacted consortia.

The second part of the Taskforce meeting was exclusively focussed on the nano Substance Evaluation the ZnO sector recently received from Germany (BAuA), the Substance Evaluation triggering country. Contrary to what was expected, BAuA did not conclude on the previous Substance Evaluation on the substance and triggered a new Substance Evaluation for the Human Health part. In the new draft decision, they focus on reprotoxicity, learning and memory (as an expression of neurotoxicity) and cardiac impacts for ZnO nano forms. While industry had hoped that BAuA would have recognised the soluble form as being the worst-case situation on which negative repro information is available, BAuA still seems to believe that there could be undetected nano-effects for some or all nano-forms. And not taking into account the generated negative reprotoxicity information on 2 selected nano-forms as requested in the first draft decision, this resulted in a proposed draft decision covering a non-proportionate testing request covering 9 EOGRTS, Learning and Memory tests and additional work on endpoints relevant to heart toxicity impact. Eurometaux explained and demonstrated the precedent-setting nature of this demand by DE for any metal nano-materials to be assessed in the future. This brought on a strong reaction at MSC and other levels (more information: Noömi Lombaert, Christine Spirlet, Federica Iaccino, Hugo Waeterschoot, Lorenzo Zullo).

INDUSTRIAL EMISSIONS

Industrial Emissions Directive: update

On 12 March, the European Parliament adopted the outcome of the trilogues with Council on the revision of the Industrial Emissions Directive (IED) with 393 votes in favour, 173 against and 49 abstentions, and the new Regulation on the Industrial Emissions Portal with 506 votes in favour, 85 against and 25 abstentions.

After the vote, ENVI Rapporteur Radan Kanev (EPP, Bulgaria) stated: “Today's vote shows Parliament's commitment to the zero pollution goals of the Green Deal and the health of Europeans. It also demonstrates that those goals can be achieved without placing an additional administrative burden on businesses and especially on European farmers. The vote emphasises that MEPs understand the reasons behind the farmers' protests.” Now the law also has to be adopted by Council, before being published in the EU Official Journal and entering into force 20 days later. Member States will then have 22 months to comply with this directive. On 12 March, Eurometaux met with representatives of the Joint Research Centre (JRC) regarding the upcoming launch of the EU Innovation Centre for Industrial Transformation and Emissions (INCITE). Set to be launched in June 2024 in Seville, INCITE represents one of the novel elements of the new IED, aimed at fostering innovation in environmental techniques and processes within the industrial sector. Operated by the JRC in Seville and supported by various Commission DGs including RTD, GROW, CLIMA, ENER, and EU executive agencies such as EISMEA and CINEA, INCITE will contribute to reduce impacts and foster industrial innovation and transformation. Its primary focus will be on energy-intensive industries, driving technological innovation towards decarbonisation, resource efficiency, and the circular economy. INCITE aims to overcome information barriers and facilitate flexible permitting conditions for companies at the forefront of adopting emerging techniques by assessing the maturity of industrial technologies through an holistic approach that considers both environmental and economic aspects. The official launch event is scheduled on 21 June in Sevilla with the participation of Industry, Member States, NGOs, COM, Agencies and technology providers.

On 14-15 March, Eurometaux participated in a workshop focusing on the revised Sevilla process in light of the new Industrial Emissions Directive (IED) organised by the European Commission and UBA, the German Environment Agency. The workshop aimed at addressing the new requirements introduced (e.g., how to derive Best Available Technique-Associated Emission Levels (BAT-AELs) and the significance of the lower end of BAT-AEL ranges, the binding nature of environmental performance levels, etc.), highlighting the necessity for an updated Sevilla process. The discussions explored the learning curve experienced since the adoption of the BREF Guidance in 2012, highlighting both the advancements and areas requiring improvement in light of the revised IED requirements. Key topics such as decarbonisation, BAT-AELs, the role of Environmental Management Systems, and the interface with INCITE were also addressed. Participants included representatives from Member States, Industry, the EEB, the European Chemicals Agency, the European Environmental Agency, and the European Commission. This meeting was an opportunity for stakeholders to contribute to the evolution of the Sevilla process and, by extension, to the effectiveness of industrial emissions regulation in Europe. The outcomes of the workshop will be discussed in detail during the next meeting of Eurometaux Industrial Emissions Taskforce.

Next Steps:

- The next Article 13 Forum meeting will take place on 29-30 April. The next BREF review cycle plan/timeline will be presented – including the approach for the new sectors covered by the extended scope of the new IED.
- The next meeting of the Eurometaux Industrial Emissions Taskforce is scheduled on 10 April. The compromise agreement text will be discussed (more information: Lorenzo Marotti).

LVIC BREF: *update*

The data collection for the Large Volume Inorganic Chemicals (LVIC) BREF officially started in December 2023. The deadline for the submission of completed and quality-checked questionnaires and any associated documents will be on 3 May 2024. For the data collection, Eurometaux prepared a user manual that was circulated among members to facilitate the operators in this exercise.

During the data collection phase, the EIPPCB is focusing their work on the drafting of the LVIC BREF and the modelling of the tools (e.g., Qlik Sense) for a swift data extraction from the received questionnaires and presentation of the data in graphs and tables for further discussion with the TWG. Regarding the LVIC BREF draft, the EIPPCB already started to outline the new LVIC BREF and for this, the input from the TWG will be of utmost importance in reviewing and updating relevant sections of the existing LVIC BREF. To facilitate this activity, they published BATIS documents with the information for each LVIC production process, addressing the descriptions of both the applied processes and techniques.

The deadline to submit feedback section by section for the bulk information was the end of March 2024. Eurometaux shared with members a document regarding the sulphuric acid process to collect input and/or available supporting information.

On 21 and 22 March 2024, another round of site visits took place in the Italian districts of Ferrara and Ravenna (to visit 2 fertiliser plants and 1 black carbon plant) (more information: Eleonora Tosi, Lighea Speziale, Lorenzo Ceccherini, Lorenzo Marotti).

AIR

Update

Back on 20 February, the co-legislators reached a provisional political agreement during the fourth trilogue held on the file. The text upholds the zero pollution objective for air to be reached by 2050 and introduces stronger 2030 limits and target values for a wide range of pollutants, setting halved annual limit values for PM_{2.5} and NO₂. It also includes the possibility for the Member States to request, by 31 January 2029, an extension of the 2030 deadline by up to ten years, for specific reasons and under strict conditions. As regards EU countries exceeding target values, they are requested to implement air quality roadmaps and short-term action plans in addition to air quality plans, except if their capacity to reduce certain pollutant concentrations is severely limited by specific geographical and meteorological conditions. Furthermore, to keep the new limit values in line with the most recent scientific evidence, the co-legislators tasked the Commission to review the air quality standards by 31 December 2030 and every five years after that. They also supported provisions to enhance the comparability and accessibility of air quality indices among the MSs and ensure fair and timely access to justice for citizens and environmental NGOs who might challenge the implementation of the directive in the Member States. The text also secures a right to compensation for citizens victim of air pollution and requests national authorities to establish effective, proportionate, and dissuasive penalties for those who violate the provisions of the directive.

On 8 March, COREPER endorsed the agreement and the file will now have to be formally adopted by any Council configuration.

On 11 March, the provisional agreement was adopted in ENVI, with 49 votes in favour, 29 against and 3 abstentions.

Next Steps:

- A European Parliament Plenary Vote is scheduled for 24 April 2024.
- More details will be discussed in the next meeting of the Air Quality Task Force/Zero Pollution Working Group (date TBD) (more information: Lorenzo Marotti).

WATER

Update

The last Working Group Chemicals was held online on 14 March.

The EEA presented the 2024 Water Status Report (to be published in June 2024).

From the preliminary results presented we can say that (please note that several water bodies are still missing, including many lakes from the Nordic countries, and their inclusion in the updated version of the report might change the results significantly):

- Zn and Cu EQS exceedances have decreased, Ag exceedances have slightly increased and Co exceedances have increased.
- Ni and Cd EQS exceedances increased slightly and Pb exceedances increased.
- Whether or not 'bioavailability' was used in the EQS assessment is not reported in this high-level report, but Member States should report this (as highlighted in the reporting guidance).

Presentation of the 5th Watch List (WL) report:

The JRC presented its fifth draft Watch List (WL) report. In this report, no metals are listed for inclusion on the WL, although lithium (Li) is mentioned but not shortlisted due to a lack of confidence in the PNEC (predicted no effect concentration) and the data behind it. In the discussion following the JRC presentation, the Netherlands (NL) representatives expressed their concerns about lithium, stating that it could become a problem with the opening of mines and the overall energy transition ahead, and that NL would like to see it on the WL. This was also supported by Austria.

From this discussion we can say that lithium is attracting interest across the EU, either through the WL or even as a candidate for the next round of prioritisation (Li Environmental Quality Standards (EQS) are being

derived in several Member States), lithium will most likely be assessed by the EU Commission through JRC/ECHA in the coming years.

Progress of negotiations on the legislative proposal, oral update by the EU commission:

- Since the last WG Chemicals, there have been three meetings of the EU Council Working Party on the Environment (WPE), which will now be held on a monthly basis (since February).
- Discussions have focused on reporting requirements and the legal process for setting EQSs and listing priority substances (PS). Discussions on the EQS Directive are expected in April.
- It is hoped that the EU Council will reach a common position soon (June) and that trilogues will be held in the autumn, but this is not guaranteed.

Feedback from the WG Chemicals on River Basin Specific Pollutants (RBSPs):

A paper on how to prioritise RBSPs for EQS harmonisation was published by the EU Commission for feedback at the last WG Chemicals in October. However, the process was very unclear, and the notes of the meeting were only shared before this March meeting of the WG Chemicals. As a result, very little feedback was received (Germany's feedback was shared, the Netherlands also sent feedback, but the EC has not yet shared it with the WG Chemicals members). In recognition of these shortcomings, members can provide feedback on the EC paper and the German feedback.

Harmonisation of EQS for RBSPs is an important issue for our sector and we need to ensure that these are derived using bioavailability modelling if it moves forward. It was mentioned that a workshop will be set up to discuss this in the future.

The next meeting of the Working Group Chemicals will be held online on either the 15 or 16 May 2024 (more information: Lara Van de Merckt)

SOIL Update

The European Parliament's (EP) Committee on the Environment, Public Health and Food Safety (ENVI) has voted on its position on the Soil Monitoring Directive.

- All 14 compromise amendments (which can be found [here](#)) were adopted.
- All other ENVI amendments that were part of the vote were rejected (see [voting list](#) for more information).
- The only AGRI amendment put to the vote, AM 61, was adopted (see AGRI opinion [here](#)).

The ENVI Committee has published its final [opinion](#), but another [amendment](#) (proposed by Euromines) has since been tabled by RENEW. The Parliament will vote in Plenary on 10 April (more information: Lara Van de Merckt).

KAMILA'S SUSTAINABLE CORNER

Sustainability: *preparing for the e-waste Directive review*

E-waste are expected to be a priority for the next European Commission not only because they are evaluated as one of the fastest growing waste streams in the EU but also because they contain many valuable materials such as precious metals, copper, aluminium or silicon connecting to the EU raw materials agenda. The applicable 2012 WEEE Directive is currently undergoing evaluation that will be finalised by autumn this year. Based on that, a decision will be taken whether to review the Directive or not. However, from our perspective, the answer cannot be no other than "yes".

Positioning the metals industry as an active stakeholder, we invited the European Commission (DG ENV) to the Sustainability Committee meeting (13/03) and highlighted the challenges and proposed the way forward on the issues like e-waste collection, high-quality recycling and coherence with the other EU legislation following the path of chemicals, products, waste interface.

In particular on the management of chemicals in the electronic and electrical equipment (EEE), we stressed two aspects:

1. the need for risk-based management and safe recycling of hazardous substances contained in e-waste;
2. keeping the RoHS Directive for substance evaluation in EEE under the condition of using the best data for substance assessment (i.e. REACH data) (more information: Kamila Slupek).

COMMUNICATION

Metals Academy: update

The 3rd edition of the Metals Academy is fast approaching!

The Organising Committee is putting the final touches to the agenda and the general organisation is ongoing. Participants will receive further information beginning of next week and we look forward to seeing them on the 23rd April for another exciting & interesting event (more information: Ailsa Lee and Violaine Verougstraete).

CALENDAR

Please find here below a non-exhaustive list of the meetings that are already planned for Q2 & Q3 2024.

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](#)

- 10/04: IED Taskforce
- 10-11/04: [Helsinki Chemicals Forum](#)
- 16-17/04: Batteries Workshop
- 19/04: MEED Workshop (sponsors only)
- 23-25/04: RAC-69 CLH Working Group
- 23-26/04: Metals Academy 3
- 29/04: Human Health Taskforce
- 05-09/05: [SETAC 2024](#)
- 07-08/05: RAC-69 AfA Working Group
- 21-22/05 RAC-69 DWD Working Group
- 27-28/05: RAC-69 REST Working Group
- 03-07/06: RAC-69 Plenary
- 03-07/06: SEAC-63
- 10-14/06: SEAC-63
- 10 -14/06: MSC-86 (TBC)
- 18-19/06: ECHA MB-74
- 18/06: Risk Management Taskforce
- 24-25/06: NeRSAP
- 27/06: Chemicals Management Steering Committee
- 01-02/07: CARACAL
- 01-03/07: RAC-70 CLH Working Group
- 04-05/07: RAC-70 AfA Working Group
- 04/09: Chemicals Management Steering Committee
- 09-10/09: RAC-70 REST Working Group
- 9-13/09: SEAC-64
- 16-20/09: SEAC-64
- 16-20/09: RAC-70 Plenary
- 24-25/09: RAC-71 DWD Working Group
- 26-27/09: ECHA MB-75

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)
