

Caroline Braibant

From: Caroline Braibant
Sent: 20 January 2011 18:51
To: Caroline Braibant
Subject: FW: information on SCC as requested

-----Original Message-----

From: Violaine Verougstraete
Sent: 14 January 2011 14:37
To: 'Byrdziak Helena'
Cc: Piechota Agnieszka; Glowacki Daniel - BZ; Guy Thiran; Annick Carpentier; Joeri Leenaers; Caroline Braibant
Subject: RE: information on SCC as requested

Dear Helena,

You are welcome.

To clarify: there have been only two TECHNICAL meetings at ECHA last year: on May 27 and on September 21. I attended both meetings and I sent you the ECHA minutes from those two meetings I believe in my email yesterday. The other meetings (CARACAL, etc) in 2010 discussed not the SCC but the intermediates DEFINITION. Joeri attended those discussions, reported to the REAH Forum and you can of course ask him for minutes and reports .

The technical document Guidance on SCC was -as I tried to explain in my email- drafted by ECHA based on input from the PEG (the opposite views from Member States and industry). RAC and the Member States Committee also provided comments on the November version, that went into the direction of the Member States. But the guidance was indeed finally approved by CARACAL by written procedure. There it would be worthwhile to check -as you proposed- if the Polish representative expressed an opinion and/or made comments.

And no, the different versions of the guidance -I also attached in the email of yesterday- were not confidential and were circulated to the Eurometaux membership (REACH Forum) in my emails of April, September and then after the workshop end of November.

And of course I agree that action is required. But that again, and as correctly identified by you at the EPMF meeting, should also be done with and by the companies now at national level. Caroline forwarded us some clear actions to be carried out with Eurometaux and we will of course follow that up!

Have an excellent afternoon,

Violaine

-----Original Message-----

From: Byrdziak Helena [mailto:H.Byrdziak@kghm.pl]
Sent: 14 January 2011 13:34
To: Violaine Verougstraete
Cc: Piechota Agnieszka; Glowacki Daniel - BZ
Subject: RE: information on SCC as requested

Dear Violaine,

Thank you for all the papers.

I got the minutes of 21 September with the list of participants. What about other meetings in this issue arranged last year?

Do you have the minutes and did anybody from Eurometaux attend them?

Who finally approved the final version? – The PEG group or CARACAL?

As I was informed on 29th November Eurometaux had each version, but it was confidential. Is it true? Information is not enough. What about action?

Kind regards,
Helena

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From: Violaine Verougstraete [mailto:verougstraete@eurometaux.be]

Sent: Thursday, January 13, 2011 5:08 PM

To: Byrdziak Helena; Piechota Agnieszka

Cc: Annick Carpentier; Guy Thiran; Joeri Leenaers; Hugo Waeterschoot; fcaapon@euronickel.org; Katia LACASSE; Caroline Braibant; Violaine Verougstraete

Subject: information on SCC as requested

Dear Helena and Agnieszka,

Thanks again for passing by yesterday and devoting some time to further discussion of the intermediates guidance and strictly controlled conditions.

Please find attached the various documents you requested. To avoid any further misunderstanding, I have also cc France, Caroline and Katia. I hope you won't mind.

With your permission, I would like to re-iterate some key aspects of our discussion yesterday:

- Hugo and I have been involved in the technical discussions concerning the update of the ECHA guidance on Intermediates (and Strictly Controlled Conditions); consequently, the feedback I can give you is limited to that specific area. The political and technical discussion on the definition of an intermediate is a separate track, to be discussed ideally with Joeri.
- As said, participation to the ECHA guidance drafting group is a 'voluntary' activity. Experts from stakeholders (Member States, industry) are invited nominatum to offer their 'services'. The ECHA database of experts was constituted in 2009, and includes people who were interested in following a number of issues who had nominated themselves for inclusion in this database. Depending on the topic of the guidance, the relevant experts (those who expressed interest in this topic) will be invited to attend and participate actively in the guidance discussions. Eurometaux does not have access to that ECHA database; consequently, I do not know whether any Polish experts are included. Given we have

not seen one in the technical groups, it seems plausible that this is not the case.

- You can easily imagine that experts from industry have a mandate (i.e. to defend their industry)... and it should also be recognised that a German expert very often has a 'German mandate'. It is difficult to table on independency and neutrality in these meetings...for all sides!
- In 2009, we drew up an example of how a metal intermediate is handled at the request of the consultants contracted by ECHA to provide real-life examples and to make the guidance more lively and easier to understand. Why was the matte chosen?? Because the matte was an example with a high level of control (so a positive example), the Ni sector agreed to devote a great amount of time to the drafting of this example, because there were no other volunteers... and also because what was important at the end of the day was NOT to discuss nickel, but everything already in place that complied with SCC at the plants. The plant that helped us to develop the example agreed to explain which data had been collected, to share training procedures, to highlight the metal specificities, etc... and we "anonymised" it at the end (as examples should not be too specific in the guidance). Moreover, this plant was audited by local national authorities which checked the conditions and left them compliant. As stated, it was an **example, but honestly probably the best we could find ...**
- The example was in a first round felt relevant but as soon as the member states got involved via their experts they started to reject more and more examples provided by all industry sectors until only a couple of examples of the organic industry remained.
- Clearly there is some political agenda behind the increasing severity in the possibility to comply with strictly controlled conditions. We may not have been lobbying enough, or we may not have reached the right agencies to be able to control this agenda somewhat. We were expecting that we would be able to find some compromises at the guidance drafting level.
- Moreover, as enforcement is *in fine* at national level, we -as Eurometaux- are not always the best placed to start discussions / a reality check of the interpretations. This is now a crucial thing to be done, as you raised at the EPMF meeting!!
- Whether the membership has been sufficiently informed about what was ongoing remains subject to interpretation. I realise we do not agree on this. However, I would like to stress here that slides on this issue were presented at the following REACH forum meetings (25 March 2010, June 17 2010, September 23 2010..), at the EHS Management Committee of Eurometaux and at SAGE... The fact that information was provided is also reflected in the minutes of the meetings. Warning emails have been sent for example to the REACH Forum and REACH I&I group on e.g. April 30 2010, September 13 2010. Notes summarising the situation were also circulated by email (for example a policy document titled Intermediates: the sword of Damocles, urging companies and associations to interact with the national level (June 2010), a communication note on 28/09/2010, guidance note November 3 etc. I think we should never lose sight of just how overstretched and overloaded we all were over the Summer & Fall: this may explain why some information may have been missed...I can of course provide you copies of these notes and slides etc if need so.

Please do not hesitate to re-contact me if I can be of any help,

Have an excellent evening and thanks again!

Violaine

PS the attached documents enclose:

- draft update V01 (April 2010), draft update V02 (August 2010), draft update V03 (October 2010), draft update V04 (November 2010)
- matte example as sent to ECHA
- ECHA minutes of the two PEG meetings: May 27, 2010 and September 21, 2010