



# Authorisation Working Group

---

BRUSSELS, 13 OCTOBER 2015

1:30-4:30 PM (CET)





# Welcome and introduction

---

# Competition law and confidentiality



DO	DON'T
<b>Application of competition law</b>	
Art. 101 and 102 TFEU may be applicable to the conclusion of any preliminary agreement and activities of any preliminary phase.	Don't assume that conflicts with competition law are excluded simply by the fact that the Agreement complies with the provisions of the REACH Regulation.
<b>Consultation in Matters of Competition Law</b>	
Consult an in-house legal expert or the compliance officer of your company or an external lawyer whenever there are uncertainties respecting compliance with competition law. Stop all meetings/discussions which are not in compliance with these Compliance Guidelines until a legal expert has been involved.	Don't assume that these Compliance Guidelines deal with all competition law issues exhaustively. Basically, compliance with Art. 101 and 102 TFEU can be determined only on the basis of market impact in each individual case. These Compliance Guidelines may therefore be regarded only as a means of providing general conduct recommendations.
<b>Activities in any preliminary phase and at any other stage of operation of the Consortium</b>	
Restrict cooperation within the scope of the preliminary phase to the initially defined goals and purposes of the cooperation.	Pursuant to Art. 101 and 102 TFEU, activities which have the object or the effect of preventing, restricting and/or distorting competition are prohibited within the scope of this Agreement, including: <ul style="list-style-type: none"> <li>- Coming to agreement, including arrangements or collusions, about prices, markets and customers (see Art. 101 paragraph 1 a)-e) TFEU);</li> <li>- Joint boycotting of other companies;</li> <li>- The unjustified unequal treatment of trade partners;</li> <li>- The abusive exploitation of a dominating market position.</li> </ul>
<b>Exchange of Confidential Information</b>	
Involve a Trustee for the exchange of Confidential Information.	The exchange of Information concerning market behaviour and having the object or the effect of preventing, restricting and/or distorting competition is inadmissible; in particular, this relates to : <ul style="list-style-type: none"> <li>- Production capacities;</li> <li>- Productions or sales volumes;</li> <li>- Import volumes;</li> <li>- Market shares;</li> <li>- Price policy;</li> <li>- Distribution and marketing terms;</li> <li>- Marketing strategies;</li> <li>- Information regarding the relationship with suppliers.</li> </ul>
<b>Documentation on Cooperation</b>	
Keep minutes of all meetings which detail the subject of the meeting. In case of uncertainty, have the contents of the minutes reviewed by an external legal expert prior to sending them to all parties of the Agreement. Stop all meetings which are not in compliance with these Guidelines until a legal expert has been involved.	



# Tour de table and apologies

## List of Participants

Angela Alderman	Johnson Matthey	United Kingdom	
Juergen Hanich	Ferro	Germany	
Katie Hill	Johnson Matthey	UK	
Michael Huber	C. Hafner	Germany	
Marie-Laure Ledrich	Consultant for Traxys	Luxembourg	By teleconference
Alexandra Levesque	PX Group	Switzerland	
Agnieszka Piechota	KGHM Polska	Poland	
Manfred Probst	C. Hafner	Germany	
Marc Simon	Traxys	Luxembourg	By teleconference
Christoph Roelich	Heraeus	Germany	
Mike Shepherd	Vale	UK	
Michael Thiel	BASF	Germany	By teleconference

## Secretariat

- France Capon (EPMF, Belgium)

## Apologies

- Barbara Badiello PAMP Switzerland
- Francisco Boo Metalor Switzerland
- Mark Hosford Johnson Matthey United Kingdom



# Approval of the Agenda

---

## **Welcome and Introduction**

- 1.1 Confidentiality and Competition Law
- 1.2 Tour de table, quorum and apologies
- 1.3 Approval of the agenda
- 1.4 Review of the mandate of the WG

## **2. SVHC – status of Candidate List: identification of substances of interest for PMC**

## **3. Prioritization for Authorisation: status of 5th, 6th and 7th lists**

- 3.1 Introduction
- 3.2 Borates
- 3.3 Pb
- 3.4 Hydrazine
- 3.5 RCF

## **4. Review of ongoing EM project on Risk Management Strategy**

## **5. Hydrazine Task force activities**

## **6. AOB, next meetings/calls and closing remarks**



# Authorisation WG: mandate

---

- Monitor activities related to SVHC Roadmap
- Contribute to public consultations for critical substances for the PM industry
- Contribute to advocacy activities related to SVHC Roadmap (e.g.: RMO, recycling...) to help preventing and mitigating Autorisation impact on PM industry

N.B.: PM substances potential impacted by SVHC Roadmap are excluded (e.g.: chloroplatinates are handled under the PMG/Pt project)

Approval by Authorisation WG?



# SVHC –Candidate listing

---

STATUS



# Candidate List

---

- 163 substances are currently on the CL (<http://echa.europa.eu/web/guest/candidate-list-table>)
- Substances of concerns for PMC:
  - Borates
  - Pb compounds
  - Hydrazine
  - RCFs
  - Others? To be checked?



# Candidate List

- A public consultation is currently ongoing (until 15/10/2015) on 7 additional substances – relevancy for PMC?

Name	EC Number	CAS Number	Proposing authority	Reason for proposing	Date of publication	Deadline for commenting	
1,3-propanesultone	214-317-9	1120-71-4	ECHA	Carcinogenic (Article 57 a)	31/08/2015	15/10/2015	<a href="#">Details</a>
2,4-di-tert-butyl-6-(5-chlorobenzotriazol-2-yl)phenol (UV-327)	223-383-8	3864-99-1	Germany	vPvB (Article 57 e)	31/08/2015	15/10/2015	<a href="#">Details</a>
2-(2H-benzotriazol-2-yl)-4-(tert-butyl)-6-(sec-butyl)phenol (UV-350)	253-037-1	36437-37-3	Germany	vPvB (Article 57 e)	31/08/2015	15/10/2015	<a href="#">Details</a>
Dicyclohexyl phthalate	201-545-9	84-61-7	Sweden	Toxic for reproduction (Article 57 c); Equivalent level of concern having probable serious effects to human health and the environment (Article 57 f)	31/08/2015	15/10/2015	<a href="#">Details</a>
hexamethylene diacrylate (hexane-1,6-diol diacrylate)	235-921-9	13048-33-4	Sweden	Equivalent level of concern having probable serious effects to human health (Article 57 f)	31/08/2015	15/10/2015	<a href="#">Details</a>
Nitrobenzene	202-716-0	98-95-3	Austria	Toxic for reproduction (Article 57 c)	31/08/2015	15/10/2015	<a href="#">Details</a>
Perfluorononan-1-oic acid (2,2,3,3,4,4,5,5,6,6,7,7,8,8,9,9,9-heptafluorononanoic acid and its sodium and ammonium salts)	206-801-3	375-95-1 21049-39-8 4149-60-4	Sweden	Toxic for reproduction (Article 57 c); PBT (Article 57 d)	31/08/2015	15/10/2015	<a href="#">Details</a>



# Prioritization for Authorisation

---

STATUS (ACKNOWLEDGEMENT TO EM  
AUTORISATION/RESTRICTION PLATFORM – H.  
WAETERSCHOOT)

# 6<sup>th</sup> prioritisation list

---



As a reminder:

- **Substances of relevance** for the PM sector:

- *Borates, Pb compounds and CTP*



Is it relevant for PM?

- **MSC** opinion listed all 22 substances in June:

- Recognised need for selection (workload reasons)
- Recognised questions on the Interpretation of art 58 § 2 (alternative RMMs in place)
- Some intermediates' interpretation corrected
- Recognition of the need for LADs longer than 18 or even 24 months for Pb compounds and Borates



# 6<sup>th</sup> prioritisation list

---

ECHA opinion PUBLISHED ON JULY 1 !



**Recommendation of the European Chemicals Agency  
of 1 July 2015  
for the inclusion of substances in Annex XIV to REACH  
(List of Substances subject to Authorisation)**



# 6<sup>th</sup> prioritisation list

15 substances selected

Pb compounds **not withhold**:

- Based on lower score
- Based on workload

Recommendation		
#	Substance name	EC
1	1-bromopropane (n-propyl bromide)	203-445-0
2	Diisopentylphthalate	210-088-4
3	1,2-Benzenedicarboxylic acid, di-C6-8-branched alkyl esters, C7-rich	276-158-1
4	1,2-Benzenedicarboxylic acid, di-C7-11-branched and linear alkyl esters	271-084-6
5	1,2-Benzenedicarboxylic acid, dipentylester, branched and linear	284-032-2
6	Bis(2-methoxyethyl) phthalate	204-212-6
7	Dipentyl phthalate (DPP)	205-017-9
8	N-pentyl-isopentylphthalate	-
9	Anthracene oil	292-602-7
10	Pitch, coal tar, high temp.	266-028-2
11	4-Nonylphenol, branched and linear, ethoxylated [substances with a linear and/or branched alkyl chain with a carbon number of 9 covalently bound in position 4 to phenol, ethoxylated covering UVCB- and well-defined substances, polymers and homologues, which include any of the individual isomers and/or combinations thereof]	-
12	Boric acid	233-139-2, 234-343-4
13	Disodium tetraborate, anhydrous	215-540-4
14	Diboron trioxide	215-125-8
15	Tetraboron disodium heptaoxide, hydrate	235-541-3



# CTP (HT)

Draft Annex XIV entries									
#	Substance	EC number	CAS Number	SVHC-relevant intrinsic properties*	Latest application date pursuant to REACH Art. 58 (1) (c) (ii)**	Sunset date	Review periods	Exempted uses or categories of uses	Exemptions for PPORD
10	Pitch, coal tar, high temp.	266-028-2	65996-93-2	Carcinogenic (category 1B), PBT, vPvB	Date of inclusion in Annex XIV plus 21 months <sup>3)</sup>	Latest application date plus 18 months	None	None	None

- No changes compared to the original proposal
- Standard LAD and SSD (18 months)
- High probability that the substance will be taken forward by the Commission



# Borates

#	Substance	EC number	CAS Number	Draft Annex XIV entries					
				SVHC-relevant intrinsic properties <sup>*</sup>	Latest application date pursuant to REACH Art. 58 (1) (c) (ii) <sup>**</sup>	Sunset date	Review periods	Exempted uses or categories of uses	Exemptions for PPORD
12	Boric acid	233-139-2, 234-343-4	10043-35-3, 11113-50-1	Toxic for Reproduction (category 1B)	Date of inclusion in Annex XIV plus 27 months <sup>5)</sup>	Latest application date plus 18 months	None	None	None
13	Disodium tetraborate, anhydrous	215-540-4	1330-43-4, 12179-04-3, 1303-96-4	Toxic for Reproduction (category 1B)	Date of inclusion in Annex XIV plus 27 months <sup>5)</sup>	Latest application date plus 18 months	None	None	None
14	Diboron trioxide	215-125-8	1303-86-2	Toxic for Reproduction (category 1B)	Date of inclusion in Annex XIV plus 27 months <sup>5)</sup>	Latest application date plus 18 months	None	None	None
15	Tetraboron disodium heptaoxide, hydrate	235-541-3	12267-73-1	Toxic for Reproduction (category 1B)	Date of inclusion in Annex XIV plus 27 months <sup>5)</sup>	Latest application date plus 18 months	None	None	None

- Selected in line with the original proposal
- Compromise on the LAD (27 months instead of standard 18 but less than the MSC suggestion of 35 months)
- Unclear whether Commission will select the Borate substances given issues with bio-essential applications and large intermediate volumes

# 7<sup>th</sup> prioritisation list



**Indicative time plan** for ECHA opinion on 7<sup>th</sup> priority list adopted BUT

## **Process starts early 2015**

- **Feb 2015** scoring of all new substances (incl. new Borates and Cd compounds)
- Allowing all to **update Registration file until March**
- In **MAY** the release of “*the first integrated scoring list*”
- MSC Discussion on **draft prioritisation results in June**
- Discussion on draft **7th recommendation in MSC-44, 26-30 October 2015**
- **Public Consultation November-Dec 2015 ?**
- SVHC's included in Dec.'14 and June '15 will be assessed in the 8th round ?
- **Adoption** 7<sup>th</sup> list June 2016 ?

**Conclusion: process takes 1,5 y** (6 months overlap) release/year.

and **the 5<sup>th</sup> list** ...(incl. RCFs) not on the radar screen but not buried neither!

# Commission reaction to PC comments

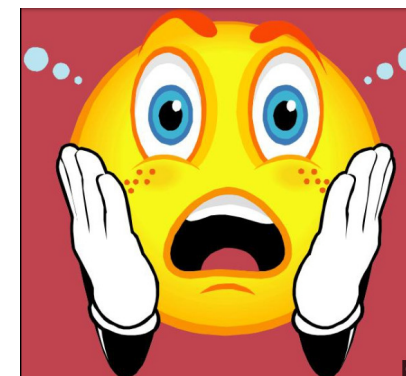
---



COMMISSION organised parallel Public Consultation in Q3 2014

Initial assessment presented to Caracal in June:

**Generic conclusion: *no new evidence presented under the Public Consultation that would change the ECHA opinion....***





# BUT...

---

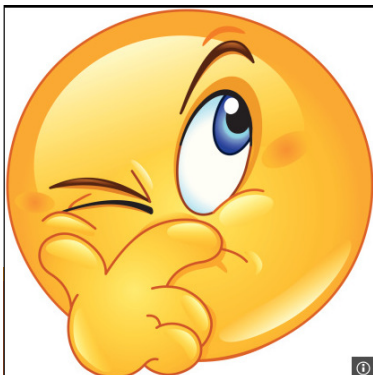
**BUT**  
**Still some**  
**uncertainty**

## Commission:

Intends to combine 5th – 6th list and may be even the 7th list and substances “left asside”.

Balance OSH (OEL) versus REACH legislation

We will know more by the end of the year





# What does it mean for substances of interest for PMC?

---

- Borates:
  - Under discussion at EC level: could be added on Annex XIV in 2016
  - Industry performed a shadow RMOA – outcome is that a Restriction via an harmonized DNEL is the best approach
  - ⇒ Advocacy activities ongoing but is it really the best option?
  - Process chemicals for PMC: can we benefit of ongoing discussions on simplification of Authorisation for Process chemicals?
- Pb compounds:
  - Probably included in 7th list
  - Advocacy still ongoing regarding Article 58(2) exemption (risk already addressed via OHS regulation)
  - Need to support ongoing advocacy



# What does it mean for substances of interest for PMC?

---

- Hydrazine:
  - Probably included in 7th list
  - Prepare for the Public consultation (cf. discussion on Occupational exposure assessment)
  - Need advocacy strategy for non-prioritisation (low risk) and for mitigation of Authorisation impact if further processed (simplification of AfA for process chemicals)
- RCFs:
  - 5th list still pending
  - Advocacy still ongoing on OHS versus Authorisation
  - Need to support generic advocacy activities (e.g.: Cross Industry Initiative on OHS and Authorisation)



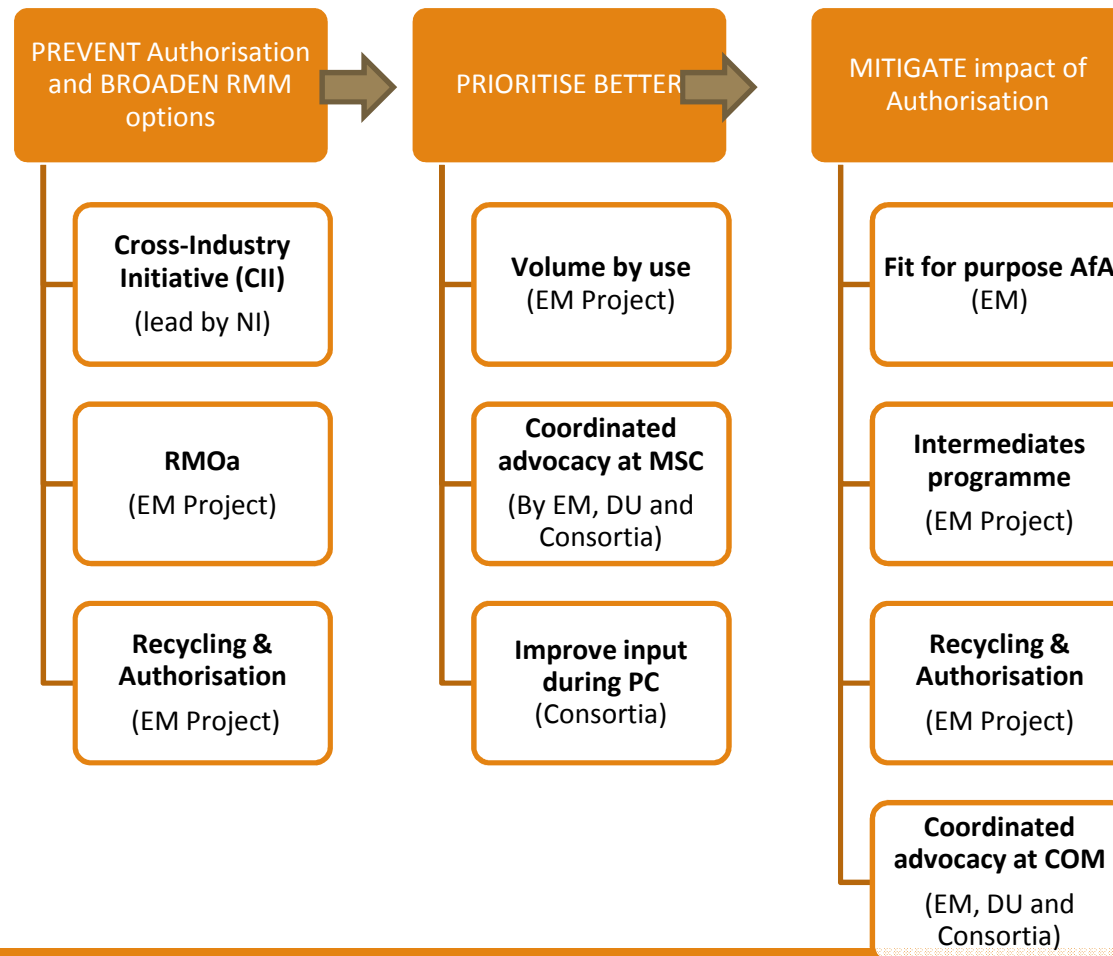
# Eurometaux RMM strategy

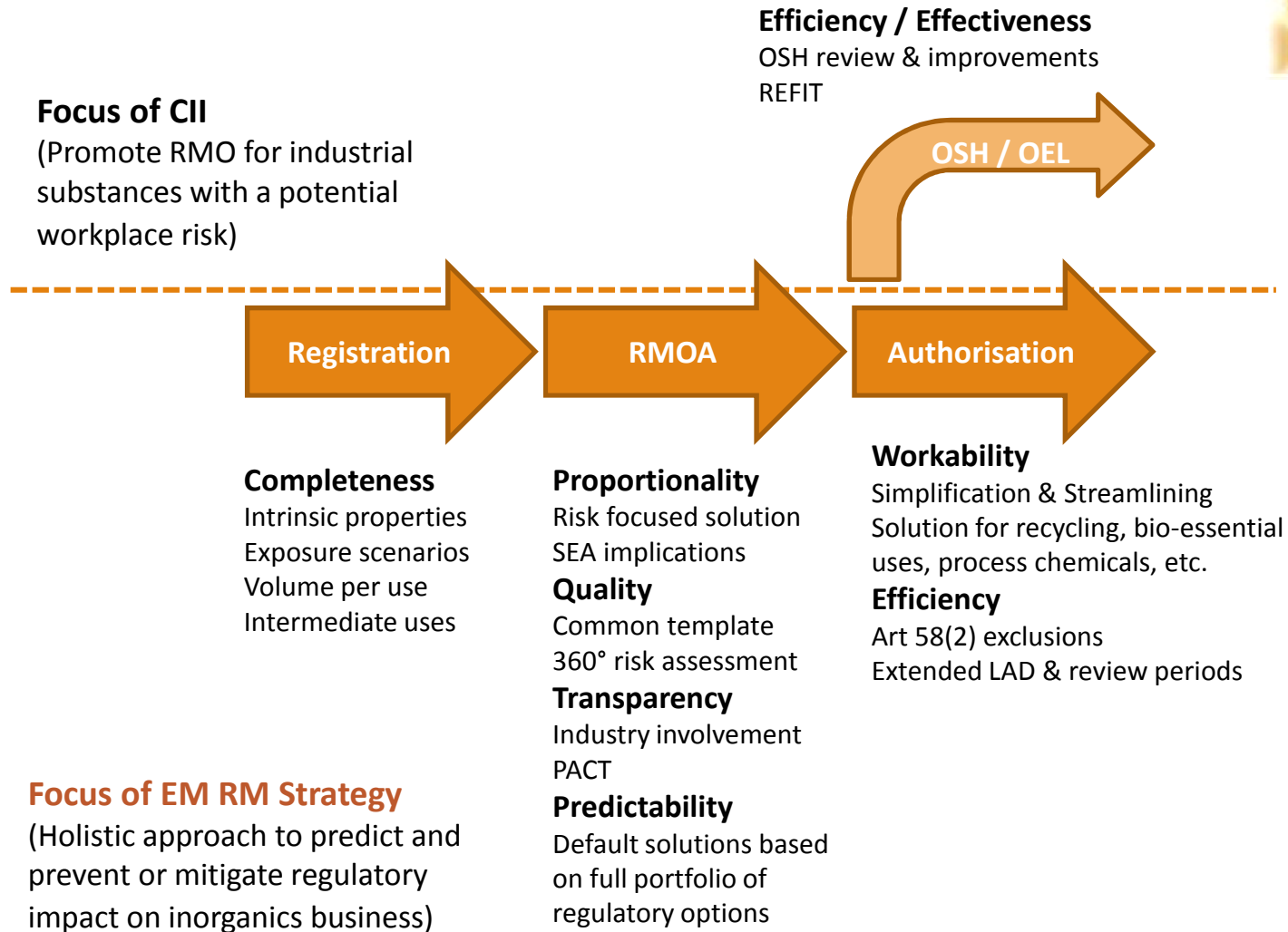
---

ACKNOWLEDGEMENT H. WAETERSCHOOT AND K.  
KAMPS



# Eurometaux RMM strategy overview







# Hydrazine Task Force

---

## ACTIVITIES SUMMARY



# Outcome of the Assessment of Occupational exposure to hydrazine

---

In Summary:

- Hydrazine is well-controlled (below the proposed limit of 0,0022mg/m<sup>3</sup>, 8 hr TWA) during manufacturing and laboratory processes with the use of dry-break couplings, fume cupboards and appropriate PPE. Most of the hydrazine in use is a dilute hydrazine hydrate between 5-24%.
- Regular inspection and maintenance of the engineering controls is recommended to ensure that they continue to be fit for purpose.
- Wherever possible, the use of open or partially open vessels should be engineered out of the processes. Where it is not an option, it should be ensured that the vessel is under extraction and that any openings are reduced as far as possible.



# Outcome of the Assessment of Occupational exposure to hydrazine

---

Next steps (after approval by companies by end of October):

- Communicate outcome to the LR to refine existing ES
- Use the data in the PC for the 7th prioritisation list (if hydrazine included).



# Initiative of the Energy industry

---

- Hydrazine is a strategic substance for the nuclear industry
- Initiated a survey to gather:
  - More details on all uses of hydrazine
  - Information on potential alternatives available
  - Information on sectoral strategy regarding the inclusion of hydrazine in Annex XIV
- HTF suggested:
  - To fill in the questionnaire and circulate to HTF
  - To assess the possibility to collaborate but more at suppliers level or with other DUs



# Conclusions, A.O.B., next meeting

---



# Next meetings

---

- 19 April 2016 (PM)
- 4 October 2016 (PM)

