



SVHC Roadmap Work Group meeting

Draft minutes, Brussels, 13 March 2018 (13:30-15:30)

Chair: Mike Shepherd (VALE, United Kingdom)

ACTIONS	Who ?	When?	Status
Send to the new Chair and Co-Chair the mandate of the WG chairs	FC	March 2018	DONE
Circulate the ILA package to the SVHC WG	FC	March 2018	DONE
Circulate the CARACAL document on impurities	FC	March 2018	DONE
Prepare comments for the Pb consultation	FC/JM	30 March 2018	
Comment on the Pb consultation comments	PMC members	15 April 2018	
Submission of the PMC comments	FC/JM	23 April 2018	
Circulate the publication on "proper control" prepared by Mayer Brown when available	FC	When available	
Check the functional aspect of Co impurity in Stainless Steel	FC	March 2018	

1. Welcome and Introduction

Mike Shepherd welcomed the participants reminding the anti-trust and competition law guidelines. The meeting started by a tour de table (see list of participants in annex 1).

The agenda of the meeting has been approved. The actions (see slide 6) of previous meeting (17 October 2017) have been reviewed and the draft minutes have been approved.

Vale will terminate its PMC membership in June 2018. A new chair of the SVHC WG must be elected to replace Mike Shepherd. Dorothea Steiger (Heraeus) has been elected as Chair of the SVHC Roadmap WG and Paul Ylioja (Johnson Matthey) has been elected as Co-Chair of the SVHC Roadmap WG.

The secretariat thanked Mike Shepherd for his contribution to the SVHC WG but also his continuous support as PMC member.

ACTION: send to the new Chair and Co-Chair the mandate of the WG chairs (FC, March 2018)



2. REACH Authorisation PMC

1. Pb public consultation for inclusion into the Candidate List

France Capon updated the WG on the public consultation launched on Pb for inclusion into the Candidate list (see slides 9-11). ILA prepared a communication package to be used in preparation of the public consultation which started on 8th March and will end on 23rd April 2018. The Secretariat launched a data gathering exercise to confirm the uses of Pb in PM refining and related tonnages. The outcome of this exercise has been presented (see slides 14-16). However, the disclosure of a CARACAL document approved during a closed session of the CARACAL in November 2017 could influence the conclusions regarding the uses of Pb in PM refining. Indeed, the document aims at clarifying the Authorisation duties related to impurities in recovered substances on their own or in mixtures. In summary, the document suggests to address the asymmetry created by a different applicability of Authorisation for “substance in mixtures” or “substance in substance” by two options:

1. Including in annex XIV both the substance and its constituent (e.g. « substance X containing substance Y ») along with a separate entry for substance Y on its own
2. Including in annex XIV an entry referring to « substance Y on its own or as a constituents of other substances » - group entry - substance in substance approach

Whatever option is chosen, this will have an important impact on the PM refining (but not only) since Pb (and PbO) is always present as a (minor) constituent in UVCBs (in input or output materials).

The following scenario will have to be reviewed, concluding to the use of Pb (PbO) due to its presence in a UVCB:

1/ Pb as carrier metal

- Always added as UVCB constituent
- Pb added to Pb refining process or transformed to PbO and removed via slag

The WG agreed on the following way forward:

- Prepare comments to the public consultation on the existing basis (not acknowledging the CARACAL interpretation of substance in substance) and exchange with ILA. The metals' wheel and ongoing SEA for precious metals can be used as basis for the comments.
- Continue in collaboration with other associations (Eurometaux, Concawe, Cefic etc.) to fight the proposed interpretation of “substance in substance”
- In parallel, assess the impact on the CARACAL document on PM refining (use of Pb, PbO and refinables) and try to find mitigation measures (cf. discussions on Risk Management for Impurities).

The CARACAL document will have an impact on the RMM of PMC refinables but the ongoing work at the refinables WG level need to continue and will be even more important (especially the risk assessment and the identification of the source of exposure).

ACTIONS:

- **Circulate the ILA package to the SVHC WG (FC, March 2018)**



- Circulate the CARACAL document on impurities (FC, March 2018)
- Prepare comments for the Pb consultation (FC/JM, by 30th March 2018)
- Comment on the Pb consultation comments (Companies, by 15th April 2018)
- Submission of the PMC comments by 23rd April 2018.

2. Article 58 (2) – legal review and advocacy planning

France Capon presented the final conclusions of the legal review of article 58 (2) requested by PMC, ILA, NI and EM (see slides 17-20). The overall conclusions are:

- Very wide margin of discretion to the EC to grant an exemption
- Be difficult to successfully challenge before European Courts a decision by EC that would be based on the opposite view
- Potential angles of attack: manner in which the EC adopted and justified

So far, there is no exemption granted yet using Art 58(2). The next steps and advocacy to be discussed at the A&R platform on 20 March 2018.

ACTION: Circulate the publication on “proper control” prepared by Mayer Brown when available (FC)

3. Status of Prioritisation lists

France Capon presented the status of the:

- Candidate list: see Pb discussion
- 8th prioritisation list: only NMP could be of interest but it is very unlikely that EC prioritize this substance.
- 9th prioritisation list: first draft will be available end of April 2018.

The timing of the 7th list (including PbO) is still very unclear and there were some delays due to the internal discussions at EC level on article 58(2). PMC is closely monitoring the issue.

4. Impurities management: status of EM work

France Capon presented the status of the EM project on Risk Management of Impurities. This project was initiated due to the increase of activities related to impurities at MS level (e.g. proposal of Tricobalt tetraoxide containing $\geq 0.1\%$ w/w nickel oxides: nickel monoxide (EC No. 215-215-7); nickel oxide (EC No. 234-323-5) on the Candidate List by NL).

EM met already the Dutch authorities in February 2018 to present an overview of the impact of RMM of impurities on the metals industry but also some proposal on how to mitigate the impact conciliating REACH and Circular Economy targets.

This presentation (see a summary in slides 26-34) will also be given to ECHA on 15th March. The different scenarios and proposals must be reviewed to address the broader issue of Substance in Substance raised into the CARACAL paper.

ACTION: check the functional aspect of Co impurity in stainless steel (FC, March 2018)



3. Workplan and budget

The budget for 2019 has been presented focusing on the monitoring tool and the HR needed for the horizontal SVHC issues. It is worth to note that if specific activities should arise from the listing of Pb or PbO, these activities will need to be handled under a specific dedicated platform financed by the interested parties (like the hydrazine platform). The available reserves of 62.000€ can be used in case of legal advice or other activities should be conducted in 2019.

The WG supports the draft budget of 17.300€ for the SVHC Roadmap WG in 2019.

4. AOB, next meeting, closing remarks

Mike Shepherd closed the meeting summarizing the main decisions and actions (listed in the recap table above).



Annex 1: Participants

Angela ALDERMAN, Johnson Matthey (United Kingdom) – *by conference call*

Bodo BERKNER, Ferro (Germany) – *by conference call*

Francisco BOO, Metalor Technologies (Switzerland)

Roland BRASCH, Heraeus (Germany)

France CAPON, EPMF (Belgium)

Jan DRYZMALLA, Aurubis (Germany) – *by conference call*

Herbert FUCHS, Heraeus (Germany)

Michael HUBER, C. Hafner (Germany)

Jelle MERTENS, EPMF (Belgium)

Nissanka RAJAPAKSE, Johnson Matthey (United-Kingdom)

Christoph RÖHLICH, Heraeus Deutschland (Germany)

Michael SHEPHERD, Vale (United-Kingdom)

Dorothea STEIGER, Heraeus (Germany)

Hege STUBBERUD, Glencore (Norway)

Michael THIEL, BASF (Germany) - *by conference call*

Steven VERBERCKMOES, Umicore (Belgium)

Paul YLIOJA, Johnson Matthey (United-Kingdom)