Eurometaux
European Association of Metals

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EUROMETAUX REACH PROGRAMME

Dear REACH Forum member,

'Compromise' is most probably the verb that has mainly been underlying July's discussions and struggles, and not only at Eurometaux level. No one likes to compromise: why should we? At first sight, a compromise means that two parties need to exchange 'something' but they cannot easily come to an agreement. But when both parties want things to work out in their favour; then compromising describes a way forward in which parties lose more than they gain. A bit of etymological searching has taught me that "compromise is a word of Roman origin, designating a reciprocal promise (co-promise) to solve a dispute by abiding by the decision of an impartial third party, a compromissarius. It was a verbal contract meant primarily to avoid the hassle of a formalized court of justice and for this reason, it was rather popular …'[1]

It also seems that starting from the sixteenth century, the usages of the word compromise showed a striking discrepancy between England and continental Europe: continental authors consistently used 'compromise' in negative contexts while British writers (including Shakespeare, Swift and Burnet) used it in a positive (as a virtue, only alternative to open violence) or at least neutral context. Whilst those differences have attenuated over the years, they may still be discernible.

Depending on the perspective, one may therefore look at a predisposition to compromise as a sign of weakness or a sell-out, while others will see it as give and take for the sake of reaching mutual agreement, in the initial sense of co-promise.

It has also been said that 'If politics is the art of the possible, then compromise is the artistry of democracy. '[2]

The reference to "art" does not seem too bold as it requires indeed a strong set of creative skills to assess the interests at stake, figure out what to give, where to hold on firmly and how to achieve goals in the process, and then be able to communicate without damaging morale and image. This art is not a simple one and appears as a full-time job or even a way of life for those who deal with legislators and members (you, me…) on a daily basis, inclusive emotions and headaches. But it seems that a clear recommendation from all these last days 'readings was that the first move in compromising is to step back, to be clear in your own mind about what you want before you start talking. Therefore I will try to use the holiday break to 'practice': and is there any better place than a family to compromise on the compromises, without losing the game?

Violaine Verougstraete, EHS director Eurometaux

ECHA REACH activities: hot topics

MSC

Review of Stakeholder's representation in MSC: Eurometaux completed submission for Regular STO

More and more industry and NGO stakeholder organisations are interested in observing the MSC activities given the key role this ECHA Committee plays in several REACH programmes (like Evaluation, Testing proposals, Candidate Listing and Authorisation list opinions). MSC has therefore sharpened up its criteria and requirements for Stakeholder Observers' representation in MSC, distinguishing between Regular and Occasional Stakeholder representatives. As regards Regular STO, MSC expects them to show a demonstrable interest in all REACH programmes debated by MSC, participate dynamically and respond to MSC requests. They are also expected to actively inform industry about programmes' development and learning lessons from MSC. This requires a broad substance representation and in principle attending all MSC meetings. Eurometaux submitted a request for Regular STO recognition and completed a questionnaire/justification document to allow MSC to reply with a positive evaluation to this request (more information: Hugo Waeterschoot and Violaine Verougstraete).

[1] Fumurescu, Compromise: A Political and Philosophical History, Cambridge University Press
[2] Gutmann and Thompson, The Spirit of Compromise, 2013

AUTHORISATION

6th Authorisation list: ECHA opinion in line with expectations and recognizing industry request for longer LADs

In follow-up of the MSC opinion, ECHA published early July its opinion on the 6th priority list for Authorisation. ECHA recommends that Commission goes forward with putting the Phthalates, Coal Tar Pitch High Temperature and Borates on the draft list but should set the Pb compounds aside. This recommendation was expected and therefore leaves Commission with more time to sort out the OSH/REACH authorisation interaction (article 58 (2)). While the MSC and ECHA did not propose exemptions for these substances, they recognized that Borates need an extended LAD along the one granted to the Chromium compounds. The latter conclusion is a follow-up of the comments raised by IMA and Eurometaux during the MSC deliberations. The Commission will consider ECHA's opinion together with the outcome of the socio-economic information on these substances provided during the Public Consultation last year. The Commission will not start working on an update of Annex XIV immediately as it is waiting for the recommendation of the simplification / streamlining Taskforce. The Borates case will require this Taskforce to pick-up on "bio-essential uses" and "process chemicals" but it is presently unclear when and how this activity will start (more information: Hugo Waeterschoot).

INTERMEDIATES

Intermediates workshop 2-3 July: *open and constructive discussions helping the Downstream Users to define the best motivated intermediate status*

One of MSC recommendations with regard to the 6th list was the need to clarify the status of intermediates uses for the substances of concern. This was thus the motivator for Eurometaux to launch the organization of an informal workshop on 2-3 July with consortia and main downstream user groups, aiming at clarifying *the intermediate status of raw materials of metals/inorganics in matrix mixture materials*. The workshop -co-organised with Cefic- was actively attended by ECHA and the Commission. Several key downstream user groups presented their reasoning and motivation for intermediate status of certain uses of (potentially future) SVHC substances (including: Coal Tar Pitch, Pb compounds, Borates …). ECHA and Eurometaux indicated where the motivation could potentially be further improved. The presentations were often the result of a long preparatory process of alignment of user application groups helping to streamline their interpretation and motivation. ECHA and Commission welcomed the presentations and clarification and hope for a follow-up in the months to come. The project indeed foresees further steps, including the drafting of technical summary papers and examples. It was clear to the participants that the clarifications provided on technical ground were as relevant for ECHA/Commission, Member States and enforcement authorities, as they are for industry. As a next step, downstream users and consortia are invited to turn the motivation for intermediate status into technical summary papers by the end of September (more information: France Capon, Aggie Kotze and Hugo Waeterschoot).

PEG AND UPDATE ECHA GUIDANCES

R16, R15, R14: *circulation of drafts and comments*

There are still a number of consultations ongoing on the updates of the ECHA Guidance on Information Requirements and Chemical Safety Assessment Guidance documents. ECHA has just circulated an updated version of the Use Description document (R12) to the ECHA Committees after commenting by the PEG. Revisions aimed at clarifying some aspects and terminology: e.g. 'Professional uses' have been renamed into 'Widespread uses by professional workers' to clarify the fact that these uses are considered as widespread from the environmental point of view, names and explanations of the ERCs have also been adapted to clarify their applicability. There is a new PROC for cleaning and maintenance (PROC28) and a new ERC to cover the use of articles at industrial sites with low release. As PEG member, Frederik Verdonck has also submitted comments on the Revised R16 (Environmental Exposure Assessment) and Daniel Vetter (EBRC) has already provided input on measured data during the redrafting by ECHA. The revised R15 on consumer exposure estimation has just been released for comments by mid-August (more information: Daniel Vetter, Maren Bode, Frederik Verdonck and Violaine Verougstraete).

ENES AND CSR/ES ROADMAP

Updated second implementation plan of the CSR/ES Roadmap published on the CSR/ES Roadmap web site: *progress made*

The CSR/ES Roadmap is a cross-stakeholder plan of actions aiming at improving and supporting good quality information on the safe use of chemicals in the REACH chemical safety report (CSR) and the extended safety data sheet (eSDS). The initiative was launched in 2013. Earlier this year, the CSR/ES Roadmap-ENES Coordination Group reviewed progress on the Roadmap and the second implementation plan. A revised document has recently been posted on the ECHA website: (http://echa.europa.eu/documents/10162/15669641/updated_csr_es_second_implementation_plan_en.pdf). It extends the period covered by the second implementation plan to Q1/2016 to reflect on the progress of individual actions and highlights

progress in 2014. Areas and actions that are actively followed by the Eurometaux Exposure Scenarios Taskforce are the standard phrases, SPERCs activities, the ECHA guidance updates including on descriptors, occupational and environmental exposure as well as the volume/use information and the IT tools. The next ENES meeting will take place in Brussels on 5-6 November and present a range of updates on the different actions of the roadmap as well as their interlinkage (more information: Federica Iaccino and Violaine Verougstraete).

COMMISSION REACH activities: hot topics/issues

CARACAL

Follow-up of CARACAL 18: ***comments submitted on the draft Implementing Act on Data-Sharing and on the Results of the public consultation on socio-economic elements related to ECHA's 6th Priority List***

In follow-up of the 18th CARACAL meeting, Eurometaux -on behalf of the REACH Alliance- prepared and submitted comments on several CARACAL papers. The most important comment on the draft Implementing Act on Data-Sharing related to the retroactivity that was embedded in the Act, which not only appears to be illegal, but also impractical and disproportionate to implement and enforce, and hence contrary to the Commission's objective of better regulation. A joint industry comment was submitted with CEFIC and CONCAWE on the draft Act, which will now be revised by the Commission for discussion and vote (?) by the REACH Committee meeting in September. As regards the public consultation on socio-economic elements related to ECHA's 6th Priority List, Eurometaux submitted, on the one side, specific clarifications prepared by the borates, lead and aluminium sectors; and on the other side, more general statements aimed at continuing this practice and improving it over time (e.g. more tailored questions, clarification on the purpose of summarizing the information submitted in the consultation, etc.). ECI furthermore submitted comments on the environmental classification of copper compounds included in the 9th ATP to CLP. The last CARACAL document open to comment (by mid-August) is entitled "*OSOR principle: Implementation in REACH-IT*" (more information: Caroline Braibant).

NANOMATERIALS

3rd JRC report on definition available: ***JRC recommends to keep the scope unchanged but to avoid unintended inclusion of materials under the definition by considering additional criterion***

As announced in the previous edition, the last of three reports prepared by JRC to assist the Commission with the decision on whether and how to review the currently recommended definition of nanomaterial, was released. The full assessment of JRC is composed of three parts: 1. Compilation of information concerning the experience with the definition; 2. Assessment of collected information concerning the experience with the definition; and 3. Scientific-technical evaluation of options to clarify the definition and to facilitate its implementation. JRC recommends among others to clarify a number of terms used in the definition (such as "particle", "particle size", "constituent particle", "(minimum/one or more) external dimension", "containing/mainly consisting of", "unbound", etc.); to retain the 1-100 nm boundaries in the definition; to clarify the application of the 50% or less threshold; to clarify the role of surface area in the definition; and not to tailor the definition to specific applications. Though JRC recommends to keep the scope of the definition unchanged (and keep natural, incidental and manufactured nanomaterials in), it also recommends to consider an additional criterion to be used to prove that a material is not a nanomaterial, and/or to avoid the unintended inclusion of some materials under the definition. JRC recommendations can be implemented by a combination of changes in the definition on the one side, and the development of implementing guidance on the other. Whether the Commission decides to review the definition and/or to develop guidance, Eurometaux will monitor the activities and keep members informed. However, no major deliverables are expected before autumn 2015 (more information: Caroline Braibant).

EUROMETAUX REACH activities: hot topics/issues

REACH FORUM

Risk Management strategy & projects discussed on 8 July: ***approval from the Forum***

The aim of the extraordinary meeting of the REACH Forum held on 8 July was to obtain the commitment, engagement, and approval from the REACH Forum on the overall Risk Management Strategy and the four projects proposed: 1. Registration dossier information check, 2. Risk Management Options Analysis (RMOA) template, 3. Socio-economic analysis/Social Impact

Assessment (SEA/SIA) capacity-building and 4. Authorisation & Waste/Recycling. The tasks, responsibilities and resources for each of the four projects were presented and followed by a short discussion. None of the comments challenged the need for any of these projects and instead, they involved questions of clarification and plans for execution. The strategy and its four projects were unanimously approved. One member summarised this success with the following statement: "*EM has hit the nail on the head with the portfolio of projects proposed, which are easy to justify to the members of the consortia*". Consortia and company representatives should now ensure a relevant and active participation in the Exposure Scenario Taskforce, Authorisation/Restriction Platform and in the new SEA pool which will guide each project (more information: Caroline Braibant).

RECYCLING AND AUTHORISATION

Recycling and Authorisation study: *project evolves well and "identifies areas of concern"*
The project of the Eurometaux Authorisation and Restriction Platform on Recycling and Authorisation is progressing well with some site visits already conducted and others in the planning for the weeks to come. The first assessments identified that the recycling sector is hit, as equally as the primary, by potential authorisation needs for process chemicals they use. Additionally several potential issues of specific concern for the recycling sector were identified, like separate mixing steps aiming for obtaining specific alloy compositions and properties. The study will continue in the months to come, delivering 4 specific SEA cases allowing to identify where and how authorisation could impact and subsequently recommend mitigation measures to either prevent or reduce the impact of authorisation. The timing of the study was revised in function of the scheduled ECHA-Commission workshop on the authorisation simplification project planned for 23 November (tbc) and the DG GROW ESPG meeting, where Eurometaux would like to present its findings and the need for mitigation measures. An internal industry workshop will be organized early November to discuss the outcome of the four SEA studies, learning lessons and define suggested prevention and mitigation measures (more information: Michel Vander Straeten and Hugo Waeterschoot).

EVALUATION

Compliance Checks: *The first ECHA "letter campaign" also included some metal compounds*
At the Evaluation workshop in May, Industry, ECHA and Member States agreed for more pre-information and response possibilities through voluntary updates of the Registration dossiers to prevent that Draft Decisions on ECHA Compliance checks come as a complete surprise, thereby requiring a (too) quick reaction from industry. All parties agreed that an initial "soft measures approach" could be beneficial for all: it would allow industry to update their dossiers with more than 30 days to do so, prevent SoNCs in case of accidental non-compliance, whilst ECHA would benefit from updated registration dossiers that would reduce the CCH workload. End of June ECHA sent a first batch of 1300 letters focusing on a concern identified through a computer search for *potential exposure* (based on ERCs and PROCs) combined with *potential CMR concerns* (potentially inadequate waivers or read across motivation or parent substance data sets). The metals sector also received a couple of letters. Eurometaux provided support for the concerned consortia and helped them on a case by case basis to identify the best way to act in response to the request. Most consortia will respond by reviewing the relevance of the listed ERCs and PROCs, the read across motivation (using the recently published RAAF as a reference) and by informing the ECHA-helpdesk on the scheduled timing for this. Other consortia/companies that may have received such letters are invited to contact Eurometaux if they need support (more information: Hugo Waeterschoot and Violaine Verougstraete).

AUTHORISATION

Cross-industry initiative (CII) for better regulation in chemicals management: *Dialogue open, time for diversified outreach*
The CII has continued to grow, with currently over 50 signatories. Most importantly, major actions have been undertaken to convince policy-makers and other stakeholders that robust workplace legislation, including Occupational Exposure Limits (OELs), can represent the most adequate risk management option where exposure risks are limited to the workplace, while achieving the best level of worker protection. CII working groups have been busy preparing substantial evidence supporting the case and responding to the perceived weaknesses of the recommended approach. After a very constructive exchange of views with DG Employment officials on 2 July, the documents have now been finalized and will be shared at the end of the month with the relevant Commission units, as well as the political leadership in the Secretariat General and a few Commissioners' cabinets. These important pieces of work should contribute to the revision of the EU Occupational Safety and Health (OSH) legislation and the Better Regulation work on improved consistency between REACH and OSH. Promising contacts were also made with trade unions and environmental NGOs at a workshop organized on 1 July by Euractiv. Representing the CII at the workshop, EM's Director General Guy Thiran opened up a dialogue with the European Trade Union Institute (ETUI) and the European Environmental Bureau (EEB), which should help address some of the fears and misconceptions stakeholders

have about the CII's objectives. Follow-up meetings will be held with these stakeholders, the Commission's leadership and relevant units after the summer recess (more information: Kai-Sebastian Melzer and Caroline Braibant).

METAL-SPECIFIC REACH APPLICATION TOOLS AND CONCEPTS

Bioelution workshop: *challenging and constructive discussions*
On 14 July, industry sat together to discuss the "next steps on bioelution', starting from the list of actions identified during the expert meeting Commission facilitated end of April on ''Biological availability in the framework of CLP art. 12 (b) and mixtures". Different tracks to possible regulatory acceptance were discussed (OECD Guidance Note, EU guidance, industry guidance) and tasks were distributed to kind volunteers. Timing is an issue in all 'tracks', i.e. the pending technical issues and questions need to be addressed as much as possible over the summer to be able to pursue the discussions with Commission, OECD countries and OECD. Several alloys producers have also asked Eurometaux to reflect on what to include in the eSDS on the alloys-specific approaches and what kind of data they should have on site in case of enforcement (more information: Violaine Verougstraete).

COMMUNICATION ACTIVITIES

Overview REACH Forum activities at the Pb consortium general assembly: *key REACH trends and how we are trying to cope*
Eurometaux was invited on 9 July to provide an update on key issues handled by the Eurometaux REACH Forum in the current and forthcoming REACH landscape. This was an opportunity to recall that ECHA creates the means and tools to strive for more consistency and alignment and to work on the quality of the REACH data. The REACH Forum structure with its taskforces and platforms aims at further anticipating the challenges, building intelligence while communicating efficiently. Participants were encouraged to have a look at tools like the KnowMe database, the REACH News and attend the platform meetings, so as to be able to further broaden the multi-metallic expertise of our sector and keep a 'healthy situation' in terms of resources (more information: Aggie Kotze, Violaine Verougstraete).

Summaries prepared on SPERCs, MEASE and MeCLAS for SAICM: *implementing and updating tools*
ICMM is in the process of putting together a progress report for the 4-yearly SAICM meeting that will take place in Geneva in September. While the previous report focussed on the development of chemicals management methods by companies and associations, this time the emphasis is more towards practical implementation of methodologies and tools. Eurometaux submitted three short 'case studies' summarising the work done and further anticipated developments on SPERCs, MEASE and MeClas for the classification of alloys (more information: Ben Davies and Violaine Verougstraete).

Further outreach of REACH

OECD

Follow-up on bioavailability fact sheet: *RCOM*
In follow-up of the discussion on the "OECD draft guidance on bioavailability" at the last OECD Taskforce on Hazard Assessment meeting, ARCHE is preparing a RCOM to be distributed to the OECD countries. This is also the opportunity to clarify the objective of this guidance (reaching out to other non-EU countries and explain how to implement bioavailability in a pragmatic, data-oriented way) and include references to other guidance documents like the ones developed in the context of the EU Water Framework Directive. The MERAG updated fact sheets that served as a starting point for this draft OECD Guidance should be published by ICMM before end of this year (more information: Marnix Vangheluwe, Ben Davies, Hugo Waeterschoot and Violaine Verougstraete).

Calendar

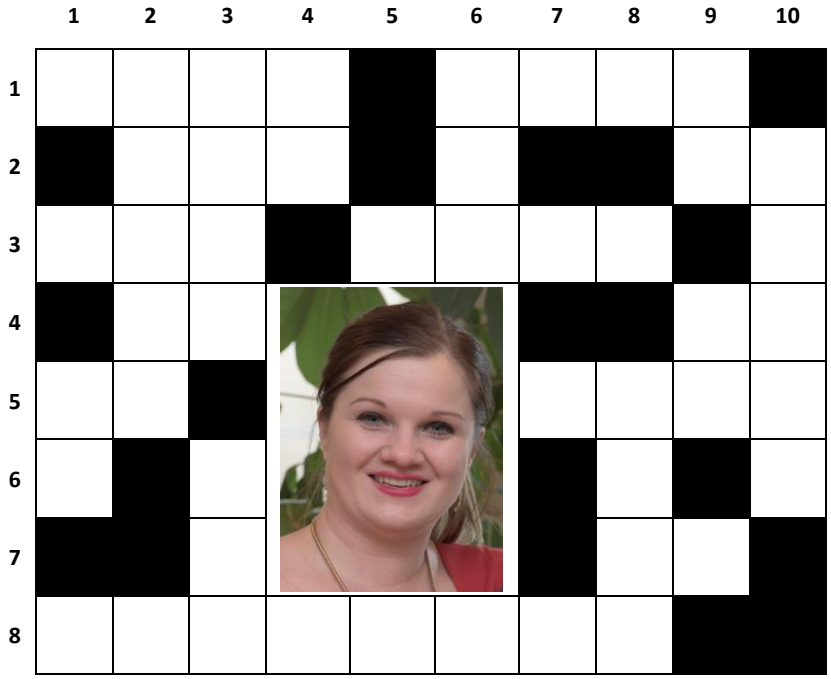
- **3 September**: Authorisation & Restriction Platform – MCC (Brussels)
- **7-11 September**: RAC 34 – ECHA (Helsinki)
- **7-11 September**: SEAC 28 – ECHA (Helsinki)
- **14-18 September**: MSC 43 – ECHA (Helsinki)
- **23 September**: REACH Forum – MCC (Brussels)
- **23 September**: EM/ECHA/Cefic/BAuA Workshop on Applications for Authorisation – Sheraton (Brussels)
- **23-24 September**: Nordic REACH Conference (Copenhagen)
- **30 September-1 October**: ASIAN CHEMWATCH summit on Chemicals Management
- **7-8 October:** ECHA/EFSA Topical Scientific Workshop on Soil Risk Assessment – ECHA (Helsinki)
- **26-30 October**: MSC 44 – ECHA (Helsinki)
- **2-6 November:** WPNM Meeting – OECD (Paris)
- **17 November**: WS on AfA simplification – ECHA/Commission
- **23-24 November:** PRTR Meeting (Madrid)
- **23-27 November**: RAC 35a – ECHA (Helsinki)
- **30 November – 4 December**: RAC 35b – ECHA (Helsinki)
- **30 November – 4 December**: SEAC 29 – ECHA (Helsinki)
- **7-11 December**: MSC 45 – ECHA (Helsinki)
- **15 December**: Evaluation Platform – MCC (Brussels)
- **16 December**: Authorisation & Restriction Platform – MCC (Brussels)
- **17 December**: REACH Forum – MCC (Brussels)

Acronyms

CARACAL: Competent Authorities for REACH & CLP	**MERAG: Metals Environmental Risk Assessment Guide**
CCH: Compliance Checks	**MSC: ECHA Member States Committee**
CII: Cross Industry Initiative	**OECD: Organisation of Economic Cooperation and Development**
CLP: Classification, Labelling and Packaging Regulation	**OEL: Occupational Exposure Limit**
CSR: Chemical Safety Report	**OSH: Occupational Safety & Health**
CTP: Coal Tar Pitch	**PEG: Partner Expert Group**
EEB: European Environmental Bureau	**PROCs: Process Codes**
ENES: Exchange Network on Exposure Scenarios	**RAAF: Read-Across Assessment Framework**
ERC: Environmental Release Category	**RCOM: Response to Comments**
eSDS: extended Safety Data Sheets	**RMOA: Risk Management Option Analysis**
ES: Exposure Scenarios	**SAICM: Strategic Approach to International Chemicals Management**
ESPG: Enterprise and SME Policies Group	**SEA: Socio-Economic Assessment**
JRC: Joint Research Centre	**SEAC: ECHA Socio-Economic Assessment Committee**
LAD: Latest Application Date	**SIA: Socio-Impact Assessment**
MEASE: Occupational Exposure Assessment Tool for REACH	**SPERCs: Specific Environmental Release Category**
MeCLAS: Metals Classification Tool	**STO: Stakeholder**
	SONC: Statement of Non-Compliance
	SVHC: Substance of Very-High Concern

REACH on the BEACH

FIND THE WAY TO AGGIE……..



Horizontally	Vertically
1. Holiday place in Helsinki –Aggie's favourite metal 2. Sweetie pies get it when Aggie comes in – Hi upside down 3. Lady's "accessoire": trendy ones match it with shoes –Aggie's boss 4. Vowels of 'bio' –Germany 5. Acronym for Authorisation & Restriction - Aggie's one is so amazing that the word got reversed 6. / 7. Gold in French (with an British accent) 8. One of Aggie's most striking characteristics	1. Acronym for Authorisation and Restriction (yes, again) 2. Function Aggie has brilliantly fulfilled in EM's REACH activities 3. Aggie's favourite EM staff member -She fights against the one of lead with energy 4. Another precious metal 5. / 6. Half of the town she is ready to leave 7. / 8. Non-respected OSOR principle 9. Divine Idol – Music note 10. Other intrinsic property of Aggie (hazard or risk? At feet level)

FIND THE WORD ……THEY ARE ALL IN THE REACH NEWS

1. **OSRCIPEOMM :** _____
2. **EKSDOHTRALE :** _____
3. **SIISNUOSMB :** _____
4. **VLAAUINOTE :** _____
5. **UNISRYTD :** _____
6. **OITARNSTOAUHI :** _____

7. **EITEATMRDSINE :**

8. **GNICUEDA :**

9. **IIEPONMENTMLAT :**

10. **ECHAR :**

11. **AODMAPR :**

12. **LAARCAC :**

13. **UMUEAREXTO :**

14. **IRSK :**

15. **LCCGEINYR :**

16. **RTEGIANUOL :**

17. **SSICMMOOIN :**

18. **ECAH :**

19. **LEIUOIBNTO :**

20. **ODEC :**

21. **EASCLM :**

22. **LSATEM :**

23. **CIAITOILAFNSSC :**

24. **OTNTSECIRIR :**

ENJOY THE REST OF YOUR HOLIDAY



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FIND THE WAY TO AGGIE: *Horizontally:* *1. ECHA – LEAD / 2. HUG – IH / 3. BAG – ANDY / 4. IO – DE / 5. AR – KOOL / 7. OR / 8. GENEROUS*
Vertically: *1. AR / 2. CHAIR / 3. HUGO – BAN / 4. AG / 6. LON / 8. OROS / 9. DI – DO / 10. HEELS*

FIND THE WORD: *1. COMPROMISE / 2. STAKEHOLDER / 3. SUBMISSION / 4. EVALUATION / 5. INDUSTRY / 6. AUTHORISATION / 7. INTERMEDIATES / 8. GUIDANCE / 9. IMPLEMENTATION / 10. REACH / 11. ROADMAP / 12. CARACAL / 13. EUROMETAUX / 14. RISK / 15. RECYCLING / 16. REGULATION / 17. COMMISSION / 18. ECHA / 19. BIOELUTION / 20. OECD / 21. MECLAS / 22. METALS / 23. CLASSIFICATION / 24. RESTRICTION*