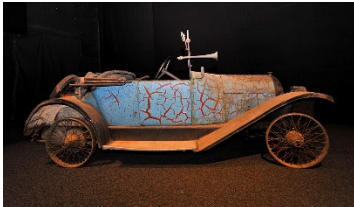


# EUROMETAUX CHEMICALS MANAGEMENT NEWS



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## Please join us in September

- 08: AAQD: coordination call
- 18-21: Chemicals Management Autumn Week
- 19: Endocrine Disruptor Human Health Workshop
- 25: ZPAP Project Group
- 28: Risk Management Taskforce

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*Dear All,*

*Some like to read books starting by the end.*

*I am among those ones. It is a way to avoid being caught by the plot to the extent that I would not be able to drop the book before getting to the last pages. Which would be quite embarrassing as besides reading I also need to, for example, work and sleep.*

*The compromise I apply is the following: I read the first pages -usually between 20 and 50 maximum- to get acquainted with the characters and the scene-setting and then I jump to the last chapter, go through it, pause a second... and then I can go back to the 2<sup>1st</sup> or 5<sup>1st</sup> page. This allows me to enjoy the developments of the story, the language, evolution of the protagonists, the build-up of the climax ..and all the efforts consented by the author to take the reader on a journey. Without this approach, I feel like a hop-on hop-off tourist, flicking through the lines and pages, remaining on the surface.*

*This way of treating books often upsets readers in my immediate surroundings (as well as my teachers several years ago) and they accuse me of spoiling, impatience, being more interested in conclusions than actions, too sensitive to the characters (and afraid to get too attached along the book, at risk of losing them). They have beautiful logical minds, happy to follow a trail. My arguments of 'feeling no pressure, freed from the intrigue do not work very well. Hence, when there are people around, I sometimes find myself hiding, to quickly scan the final section and then reappear, faking the inner calm of the respectful reader.*

*As the summer is a good time to try things out, I wanted to check if this 'approach' would also function in other situations. For example, in an art museum I had planned to visit, and in which the works were intentionally displayed in chronological manner, building on each other, aiming at illustrating the evolution from cubism to zero and pop art, minimalism to conceptual work. I sneaked in through the exit of the exhibition, looked at the last works and then re-entered via the entrance. It does not function of course: there is no endpoint to art and each work has a plot of its own. And I spare you here the reactions of my entourage.*

*Back now from holidays. Although it is tempting to prolong the summer feeling & activities, I must accept -without testing- that this way of proceeding will not serve in advocacy. Imagine though... you would be able to become familiar with the heroes and the scene where discussions will take place and then zap...you could jump to the conclusion to have a look, go back and enjoy all in-between attempts, obstacles, the evolution of the temperaments, the wording and the surprises hidden behind each page. Does this sound attractive?*

*The "Logical you" would reply: "sure, if the culminating and closing part is a success, a 'happy end'".*

*But if this is not the case...Imagine a disappointment as 'grand finale' (this may happen in our jobs 😊), would the knowledge of the intrigue give us that same feeling of freedom, making us more resistant to the pressure as we would already know the outcome? Or to the contrary? Demotivate us to move forward, render the in-between chapters pointless?*

*Maybe... unless we can focus our attention and learnings on the beauty of the developments, injecting the same curiosity and energy in the actions (and reactions) rather than (only) on the results?*

*Which in all scenarios might prove to be a way to remain...reading?*

*Violaine Verougstraete*

# COMMISSION

## **CARACAL: comments on new information requirements submitted on 30 August**

During the spring CARACAL meeting, Commission presented an overview of the planned amendments to the standard information requirements included in the REACH Annexes VII – X, with the aim to a) obtain more information on low tonnage substances and b) to require New Approach Methodology (NAM)-based information instead of animal tests where this is possible. They also proposed deleting some existing information requirements to reduce animal testing. A CARACAL sub-group on information requirements (CASG-IR) was set up to advise the Commission and ECHA on how to amend the REACH annexes, including for the information requirements on endocrine disrupting properties (previously discussed in another CARACAL sub-group CASG-ED). Stijn Baken (ICA) and David Clerkin (JM) kindly attended the first meeting of the CASG-IR (5 July) and their minutes were circulated to the Registration-, Environment- and Human Health Taskforces on 7 July. Comments could be sent to CARACAL by 30 August. Eurometaux submitted comments highlighting the importance of clearly defining the purpose of the proposed approaches and the kind of data needed to fulfil the information requirement (vs. listing one or more assays) and indicating whether additional data on the discussed endpoints is mandatory or “optional/nice to have”, to provide legal certainty. Overall, if good and reliable *in vivo* data is available/has been generated for an endpoint, it should be further used, and generating additional NAM or *in vitro* information should not become mandatory. Also, as some of the assays currently proposed by Commission are not applicable to all types of materials, or validation is lacking for certain types of materials like inorganics, Eurometaux asks that column 2 of the annexes outlines the derogations and/or waiving possibilities in case there is e.g., an issue with the applicability domain of some of the tests or e.g., in case the analytics required in some of the *in vitro* assays cannot be generated in a satisfactory way (e.g., low solubility and/or complex substances like UVCBs). Guidance should be developed to support these new requirements, clearly detailing the types of test/biological effects to be used (with examples) and how to perform a transparent weight-of-evidence approach for the ED endpoints. These generic comments were followed by some metal-specific comments. The submitted comments were circulated to the Taskforces on 30 August. A big thank you to those who helped us to prepare them! The discussions in the CASG-IR will be closely monitored as they will impact all registrations (more information: Ainhoa González Pérez and Violaine Verougstraete).

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## EU AGENCIES

### EUROPEAN CHEMICALS AGENCY (ECHA)

#### ECHA COMMITTEES

##### **RAC Restriction Working Group: PFAS... forever?**

On 23-24 August, ECHA's Risk Assessment Committee Restrictions Working Group had a first in-depth discussion on the per- and polyfluoroalkyl substances (PFAS) restriction proposal, prepared by the Danish, German, Dutch, Norwegian and Swedish authorities. In March, RAC-65 discussed key recommendations and the Rapporteurs have issued a first draft opinion early July for comments by the RAC members. Providing a state of play, the RAC chair mentioned that close to 3.000 comments have been received in the Public Consultation (PC) up to now. This Public Consultation will close on 25 September.

The 1,5-day discussion was structured to debate successively on the scope of the restriction and the first part of the hazard assessment, emissions from food contact/packaging materials, and to the restriction of PFAS in the food packaging/contact materials. A limited number of stakeholder experts (both for NGOs and industry) were invited to make brief, technical, scientific contributions. The Working Group only made provisional conclusions considering that the comments of the PC still need to be evaluated. On the scope for example, while the Working Group agreed that persistence is the main concern, further work is still needed on the balance between the grouping approach and exclusions of some groups of PFAS. Regarding the hazard assessment, 'persistence' was discussed in-depth as well as human health effects. Further information/confirmation on bioaccumulation is asked for to be submitted in the Public Consultation.

The proposed restriction is very broad and impacted uses, which are very different, were grouped in 14 “sectors” by the Dossier Submitters in the Annex XV dossier. All 14 sectors contain sub-uses. To assess

lifecycle and emission, the Rapporteurs agreed to trial a sector-by-sector approach for evaluating the restriction proposal. ‘Food Contact Materials and packaging’ is used to test this approach and assess benefits or shortcomings. It was acknowledged that some conclusions may only be achievable once all sectors have been discussed. Alongside the debate on emissions, further data needs were identified to refine the granularity of the assessment and stakeholders were strongly encouraged to submit such data before 25 September. Monitoring data, existing operational conditions and risk management measures, regulatory risk management in place for this sector were discussed as well.

The next day, the Working Group specifically discussed the restriction proposal for this sector, including its justification (EU-wide risk), e.g., that a restriction is the best risk management option and existing alternatives.

The outcomes of the Working Group meeting will be discussed in RAC plenary the week of 11 September. The learnings lessons of principle and methodological nature will be evoked during the next Risk Management Taskforce meeting (28 September) as although it is an organic substance (as such not falling under Eurometaux’s mandate), several members have PFAS in e.g., their equipment and may be impacted by this restriction (more information: Hugo Waeterschoot and Violaine Verougstraete).

## ECHA OTHER ACTIVITIES

### ***New: battery team established at ECHA: Eurometaux proposes broad stakeholder involvement***

The EU Battery regulation entered into force on 17 August, whereby ECHA was mandated with two specific executive tasks: i) by the end of 2027 prepare the report on substances of concern (SoC) contained in batteries or used in their manufacturing and; ii) if requested by the Commission, develop restriction proposals on substances used in the manufacturing of batteries or present in batteries when they are placed on the market, in the case where Commission considers that *“the substance used to manufacture batteries, present in batteries on the market or during recycling and waste stages poses an EU-wide risk to human health or the environment that is not adequately controlled”*. Eurometaux responded to the press release issued by ECHA, indicating that risk-based impact assessment -and not only effect assessment- should be considered for the prioritisation. Moreover, this important regulation will require a shift in mindset, given that climate, circularity and chemicals considerations will have to be balanced to safeguard the safety and well-being of citizens, workers and the environment while ensuring that the EU meets its climate and circularity objectives. Finally, Eurometaux called for “the set-up of a collective forum of the metals, battery and recycling sectors with ECHA, to allow ECHA to follow these technology trends whilst ensuring the sustainability of the use of metals in batteries along their lifecycle”. In complement, Eurometaux started a series of contacts at ECHA level to understand how ECHA intends to organise these new tasks and who would be involved (more information: Guy Thiran, Violaine Verougstraete or Hugo Waeterschoot).

### ***ECHA pushing the grouping concept: to streamline risk management purposes***

ECHA recently released 2 important reports in which grouping approaches were used to define the need for risk management under REACH. The first one relates to an evaluation of the tin metal registration file, where ECHA used evidence on salts to define what concern could be applicable to tin metal and what crucial information is lacking in the file. Besides the need for some further higher tier gap filling, the report also recommended, to establish a proposal for a harmonised environmental classification. This case demonstrates how ECHA is using grouping for risk management, but also that ECHA has now shifted its efforts towards data needed for risk management, rather than focusing on completion of dossiers (and in this case, the ecotoxicity data on tin).

The second report concerns a Substance Evaluation conclusion on Coal, Tar, Pitch (CTP) whereby Germany (the evaluating country) concluded that it would be relevant to develop a scoping study to define the terms for a potential future restriction for PAH (Polycyclic Aromatic Hydrocarbons)-releasing substances. This report was stimulated by the lack of authorisation applications by the CTP-HT (High Temperature) sector who switched to another CTP-compound without fully considering all aspects of the alternative (more information: Hugo Waeterschoot).

# EUROMETAUX CHEMICALS MANAGEMENT

## **Chemicals Management Steering Committee: *an interesting summer meeting***

The Committee started by discussing some changes to the structure of the CM department and its related taskforces, to ensure making the best use of the resources of members and staff but also the technical advocacy needs. For example, a new Air Quality Taskforce will be set up. Some changes for the Registration & Evaluation Taskforces are explained here below.

The post-2024 period was next discussed as then there will be some changes in the Eurometaux staff that may lead to some possible gaps in expertise (e.g., in socio-economic assessment). In this context, the representation of Eurometaux chemicals management staff in the ECHA Committees is being discussed internally and with ECHA to enable a fair workload & the best use of expertise for different members of staff. Overall, the 2024 changes may also be an opportunity to review Eurometaux's mandate and coverage, considering the focus of the regulatory activities on 'supply chains' and the changes also in some companies' activities and portfolios. The possibility of setting up such a review -which concerns not only the CM department- will be further discussed with the Eurometaux Management Committee on 21 September.

Simon followed with an update on the Transition Pathway (TP) work (see more below), with Diana intervening on the skills aspect, which will also have to be included in the TP. Simon also gave a short status update on the Zero Pollution Roadmap and the proposed collaboration with TNO.

The timelines for REACH 2.0 and CLP were provided with a short state of play.

A discussion took place on the changes brought by the new Batteries Regulation (see above) and how this can be tackled in the sector. Follow-up discussions will take place with the batteries associations.

To end the meeting came the updates: i) on the Soil Health Law that became the Soil Monitoring Law); ii) the organisation of the work on new hazard endpoints in CLP; and iii) the update on the Metals Academy (read more below). Members stressed the importance of the PFAS issue – which will be further addressed in the Risk Management Taskforce. The draft minutes will be circulated soon (more information: Violaine Verougstraete and Ailsa Lee).

## **Changes in Eurometaux Chemicals Management structure: *merge of the Evaluation and the Registration Maintenance Taskforces!***

During the 31 August Chemicals Management Steering Committee meeting, the Chemicals Management staff proposed some changes in the Taskforces' structure to make the best of the staff and members' resources and also consider the recent and expected developments, e.g., on REACH (in particular the registration and evaluation activities). The Registration Maintenance - and the Evaluation Taskforces will be merged into one Registration Compliance Taskforce, dealing with information requirements, updates, data-sharing, TCC, IUCLID developments, dossier and substance evaluation.

Noömi Lombaert (IZA) who has been co-chairing the Evaluation Taskforce, will add her toxicological expertise to the brilliant chairwomanship of Registration Compliance Taskforce, making it a radiant trio.



The lists of participants of the two Taskforces have been merged in Eurometaux's database, please let us know if you would like to be added/removed from the list (more information: Diana Dobre, Ailsa Lee and Violaine Verougstraete).

## **CHEMICALS STRATEGY FOR SUSTAINABILITY**

### **CSS: *Transition Pathway for the Metals Industry***

Eurometaux and Eurofer have agreed with the European Commission (DG GROW) to develop a “transition pathway” for the combined metals sector – non-ferrous and ferrous. The pathway will combine objectives from the Chemicals Strategy for Sustainability (CSS), the Green Deal, and the updated Industrial Strategy. The project was launched internally in Eurometaux in July, with invitations to the membership to join a new Taskforce to help shape the sector input. A first briefing session was held for this group mid-July, and was well-attended. A similar process has also happened within Eurofer.

The European Commission (DG GROW) has created a sub-group of the High-Level Expert Group on Energy Intensive Industries (EIIs), to facilitate discussion on the pathway amongst a range of stakeholders – industry groups, NGOs, trade unions, Member States, Commission services other than DG GROW. Invitations for nominations to participate in the sub-group were sent out in July. The first meeting of the

sub-group will take place on 7 September. Eurometaux and Eurofer will jointly present their plans for the pathway, including:

- How the metals sector supports high-level EU objectives through strategic metals-enabled value chains; metals specificities compared to other materials – and sector characteristics in the EU and global context
- The proposed path forward – scope, objectives, timing, structure of the pathway, work done so far, input requested from stakeholders
- An introduction to some of the key challenges that the sector will face going forward, to deliver the Green Deal twin transition and at the same time, improve resilience and EU strategic autonomy. To overcome these will require investments which will in turn require supportive conditions and policy framework

The drafting of the transition pathway will start after the sub-group kick-off meeting (more information: Simon Cook).

## ZERO POLLUTION ACTION PLAN

### **Ambient Air Quality Directive: *summer summary***

The Ambient Air Quality Directives define common methods to monitor, assess and inform on ambient air quality in the European Union, and establish objectives for ambient air quality to avoid, prevent or reduce harmful effects on human health and the environment as a whole. A Fitness Check published in November 2019 showed that these Directives had only been partially effective in improving air quality, as EU air quality standards allowed higher air pollutant concentrations than is scientifically advisable. The Fitness Check also found that there was scope for further improvements to the legislative framework (for example, in relation to penalties, and public information) and to better support local authorities in achieving cleaner air through the strengthening of air quality monitoring, modelling and plans.

The proposed revision of the Ambient Air Quality Directives aims to improve the overall EU legislation for clean air, by setting interim 2030 EU air quality standards, aligned more closely with the World Health Organization guidelines. The proposal puts the EU on a trajectory to achieve zero pollution for air at the latest by 2050, by proposing a regular review of the air quality standards to reassess them in line with the latest scientific evidence as well as societal and technological developments. This revision also aims to ensure that people suffering from health damages due to air pollution have the right to be compensated in the case of a violation of EU air quality rules and will bring more clarity on access to justice, effective penalties, and better public information on air quality. This revision was included in the 'Zero Pollution Package' of the 2022 Work Programme by the Commission and was adopted on 26 October 2022.

The file was referred to the ENVI Committee, who appointed Rapporteur Javi López (S&D, Spain) as Rapporteur. His draft report welcomed the merging of the AAQ Directives into one to clarify and simplify the rules, as well as the introduction of a regular review mechanism and the creation of monitoring supersites to control emerging pollutants. Furthermore, he proposed a full alignment of EU limit values with the 2021 WHO Air Quality Guidelines by 2030 and raised the need to further protect sensitive and vulnerable groups, while increasing public awareness on the impact of air pollution. The report also suggested introducing a definition of “Preparatory Air Quality Plan (AQP)”, as well as an earlier transposition date for the provisions on the adoption of Preparatory AQPs. The report was adopted on 27 June in EP ENVI and set stricter 2030 limit and target values for several pollutants including particulate matter (PM<sub>2.5</sub>, PM<sub>10</sub>), NO<sub>2</sub> (nitrogen dioxide), SO<sub>2</sub> (sulphur dioxide) and O<sub>3</sub> (ozone).

EP TRAN was appointed as the Committee for Opinion. The opinion focused on the need to shift to zero-emission technologies, vehicles, and fuels, in order to reduce transport-induced emissions and air pollutant concentrations, notably in urban areas and in ports. It also proposed to strengthen the transport-related elements that would be part of the information included in Member States' air quality plans, while improving the functioning of the sampling points for air pollutants, compelling the Member States to report all air pollution abatement measures stemming from the reduction of emissions from road, maritime, and air transport and implementing a claim compensation system for citizens affected by air pollution.

A policy debate was organised on the file in the Environment Council on 20 June. Delegations welcomed the Commission's proposal and supported the alignment of the new air quality standards with the WHO guidelines. However, several Member States expressed concerns about the increased stringency of the standards and the proposed timeframe to achieve them. As such, they called for a more flexible approach as regards the new provisions on the monitoring and assessment of air quality. They also urged the Commission to make the revised Directive consistent with other relevant source legislation and called for a joint responsibility clause to be added to the proposed Directive. A general approach is expected to be adopted on 18 December 2023.

Despite significant reductions in harmful air pollutant emissions over the past three decades, the latest estimates still point to around 400.000 premature deaths each year due to air pollution in Europe. Air pollution particularly affects the health of vulnerable groups, notably children, pregnant women, and elderly citizens and those already suffering from pre-existing conditions. Air pollutants, such as ozone, ammonia, and nitrogen oxides, also have negative impacts on biodiversity, as they can highly damage terrestrial and aquatic ecosystems, through eutrophication and acidification.

#### **Next Steps:**

European Parliament Plenary Vote: 12 September 2023

The Council of the European Union: General Approach on 18 December 2023.

## **ENVIRONMENT**

### ***ETAP: annual meeting in Ghent***

ETAP is a panel of distinguished external environmental scientists who met this year in Ghent on 28 and 29 of August. This panel advises the metals sector on specific issues of concern that require high-level input to define if further research is needed. This year's items covered 3 topics: *i) understanding estuarine environments from a regulatory perspective* (most relevant given many smelters are located near streams close to the seaside; *ii) deep sea mining: a critical review and characterisation of impacts* (a hot issue with the Critical Raw Materials act in mind and the potential importance for the supply of Co, Ni and Mn); and *iii) uncertainty quantification from Ecotox testing to Threshold setting* (a key issue for the setting of threshold values like Environmental Quality Standards (EQS)). All inputs were much appreciated and allowed industry to define if they would qualify for further work.

A second task of the ETAP panel is advising industry on emerging issues, a task that they always treat with care, noting they predicted more than a decade ago that for instance Endocrine Disruptors (EDs) and combined toxicity would become important scientific and regulatory challenges. Finally, after a long history of 20 year, the ETAP sponsors reflected about potential future changes to the panel, a review that was kicked off by Stijn in preparation of this ETAP session. The attendance of the panel members in Belgium inspired the MEED secretariat to organise their session back-to-back to encourage cross fertilisation of scientific knowledge and ideas (more information: Jelle Mertens, Stijn Baken and Hugo Waeterschoot).

## **REACH REGISTRATIONS**

### ***REACH dossier updates vs Russia sanctions: REACH consortia to contact National Authorities while waiting to receive guidance from the European Commission***

Since several months Eurometaux has exchanged with ECHA and the Commission to receive clear instructions on how to handle REACH Registration Dossiers updates in case companies subject to Russia sanctions are present in the consortium. A letter was also sent to National Authorities before the summer. Today it is still unclear what a consortium must do in order to fulfil its duties to update REACH dossiers, while remaining in compliance with Russia sanctions.

Eurometaux is currently in contact with ECHA, the Commission and other industry associations to ensure that consortia receive clear guidance as soon as possible, hopefully by the next CARACAL meeting scheduled in November.

Meanwhile, we recommend consortia who have doubts on how to proceed with their registration dossier updates to ask their respective Member States national enforcement authorities for guidance. This should help raise the attention of the issue. More details have been/will be provided to the members of the Registration Taskforce (more information: Federica Iaccino and Lorenzo Zullo).

### **iUVCBs: update**

Following the MISA workshop(s) and several meetings (with ECHA) dedicated to iUVCB, Eurometaux and the involved consortia have devoted important resources to adapt, update and overall improve the dossiers' reporting to provide a transparent explanation on the complex risk assessment strategy developed for inorganic UVCBs. All these exchanges led ECHA to summarise the key steps of the iUVCB assessment in a scheme that has been included in the dossiers. We are glad to share that during the summer, despite the new IUCLID 6.7 release and the unexpected bugs, the first dossier updates were successfully submitted. Currently consortia and consultants are finetuning pending updates in order to finalise the submissions in the following months (more information: Federica Iaccino).

## **INDUSTRIAL EMISSIONS**

### **Industrial Emissions Directive: summer summary**

The Industrial Emissions Directive (IED), adopted on 24 November 2010, is the most important EU instrument regulating the pollutant emissions of the industry sector. Around 50.000 installations are currently compliant with this Directive. National authorities are responsible for granting permits that cover the whole environmental performance of installations (including emissions to air, water and land, waste generation and use of raw materials). The emissions of Greenhouse Gases (GHG) are the only excluded pollutant in permits under the IED as these are regulated by the EU Emissions Trading System (ETS). The limit values for these pollutants are determined by the Best Available Techniques (BATs). The European Pollutant Release and Transfer Register (E-PRTR) is used to track the data reported by Member States. The Commission conducted several studies to evaluate the current IED, finding that, while it has led to a significant decrease in pollutants emissions, particularly air pollution, the IED did not deliver a similarly substantial contribution to water pollution. The points of the Directive that needed improvement were its scope, the provisions concerning permitting and enforcement and the transparency of information for civil society. Studies also identified certain sectors, currently outside of the IED, that may generate high pollution including the livestock and the mining sectors.

The Commission's proposal was published by the Commission on 5 April 2022 and was included as a priority in the 2023 Work Programme. The proposal aimed at improving the existing Industrial Emissions Directive by increasing the focus on energy, water, and material efficiency and reuse, in addition to promoting the use of safer, less toxic or non-toxic chemicals in industrial processes. As such, the revised rules aim at helping to guide the industrial investments necessary for Europe's transformation towards a zero-pollution, competitive, and climate-neutral economy by 2050. The revised Directive aims at ensuring full and consistent implementation of the IED across Member States, with tighter permit controls on air and water emissions; increasing investment in new and cleaner technologies; covering additional large-scale intensive livestock farms and industrial/extractive activities; establishing an Innovation Centre for Industrial Transformation and Emissions (INCITE) and enhancing data transparency and public access to environmental information by making permit summaries available online and by allowing public participation in the setting and review of permits. This last objective will be reached through the transformation of the European Pollutant Release and Transfer Register into an EU Industrial Emissions Portal. The new IED proposal is expected to be adopted by the end of 2023/beginning of 2024.

EP ENVI is the lead Committee on this file. In his draft report, Rapporteur Radan Kanev (EPP, Bulgaria) proposed to exclude extensive, organic, and family farming from the scope of the directive. The Rapporteur supported the extension of the scope to extraction activities but opposed the extension to large-scale battery production. The report opposed the delegation of powers to the European Commission regarding essential legislative elements and suggested including environmental performance levels for new installations whilst safeguarding the equilibrium and the organisational logic of the Sevilla process. The report was adopted on 30 November 2022.

EP ITRE and EP AGRI were appointed as the Committees for Opinion. EP ITRE called to maintain the current working method based on the Best Available Techniques and warned that the proposal put an unjustified burden on operators. The opinion opposed the deletion of energy efficiency requirements and the introduction of environmental performance limit values and expressed concerns regarding directly including the findings of the Innovation Centre for Industrial Transformation and Emissions in BREFs without a technical assessment in the Sevilla process. EP AGRI strictly rejected the extension of the scope



of the directive to the agricultural sector, as it would have many negative impacts on family-run farms and would threaten the competitiveness of the European agricultural sector.

During negotiations, the Council often stressed the potentially significant impact that the revision could have on the industrial and agricultural sector if its scope was extended to cattle farming. A majority of delegations did not support this extension, which would induce dramatic socio-economic consequences for small and medium-sized farms. As such, they proposed to exclude this type of farm from the scope of the proposal. The extension of scope towards including mining and extractive industries as well as battery manufacturing activities was welcomed, and discussions focused rather on the approach and thresholds of inclusion. Member States also stated that the setting of penalties and compensations should be left to the Member States' competence, in order to align them with the existing national legal systems. On 16 March 2023, the Swedish Presidency presented a compromise package, in order to find an agreement on a general approach to the Commission's proposal, which was approved as the Council General Approach.

On 11 July, the Parliament adopted its position for negotiations with the Council, backing the Commission's proposal to extend the IED to extractive industry installations and battery factories but opposing the extension of the scope to cattle farms. Overall, the Parliament's position positively reflected the main issues raised by stakeholders, including industry. The co-legislators have now entered trilogue negotiations on the file.

#### **Next Steps:**

Trilogues: ongoing (next trilogues on 10 October, 28 November 2023).

Council: COREPER Meeting 6 September, WPE Meeting on 27 September, COREPER discussion on 4 October, WPE Meeting on 16 November and COREPER discussion on 22 November.

Indicative adoption of the New IED: Q4 2023-Q1 2024.

## **METALS TOOLS**

### **Bioelution: *discussion on the effects of particle size on metals release***

The 'bioelution protocol', measuring the metal release from metal-containing materials in gastric fluid, is still under discussion at the OECD Testing Guidelines Group, with the hope of getting it standardised and part of the OECD Test Guidelines. Along the expert group meeting we had last autumn, the experts from The Netherlands asked us to clarify whether the particle size used in the testing would have an effect on the metal release. The submitted protocol proposes a distinction between massive and powders using the 1 mm cut-off and makes recommendations for particles < 1 mm diameter, but above 0.1 µm diameter (nanos are excluded from the scope of this protocol). The NL asked to analyse the effects of decreasing particle size on metal release, not only for pure metals but also for alloys. We first did a search for existing data but for alloys, these were limited and did not show much of an effect. Hence a testing program was launched to 'investigate the effect of differing particle size on the metal release from alloy powders. The request was to use an alloy with a wide particle size distribution or artificially reduce the size of particles even if not representative of market samples. Identifying the alloys allowing to do this, including metals of interest for the classification, sieving them in different fractions, and collecting all data (e.g., composition, release, diameter, surface area, comparison with reference pure metal, etc.) required some time and iterations, but in August, Adriana Oller was able to present the test outcomes to the Dutch experts. The results interestingly show that for alloys the particle size affects metal release of alloy powders but less than predicted based on differences in diameter, and that the matrix effect lowering release is present in all fractions. It also raised the discussion on testing the powder 'as placed on the market' (requirement in CLP/GHS) and the importance of using the same reference sample (e.g., pure cobalt metal) when testing alloys. The productive discussion with The Netherlands allowed to identify some constructive ways forward that will be further communicated to the OECD Expert Group and published. A big thanks to Adriana Oller, Kate Heim, Tony Brouwers and Cem Ozates who joined their efforts in addressing this additional bioelution challenge (more information: Violaine Verougstraete).

## METALS ENVIRONMENT EXPOSURE DATA PROGRAM (MEED)

### *MEED: a pivotal workshop presenting the first mixture testing results*

On 30 August 2023, MEED sponsors, scientists and ETAP panel members met in Ghent to review and discuss the first metals mixtures test results. The preliminary results of this smart testing program demonstrated that the Mixture Interaction Factor (MIF), a concept derived to provide a scientific robust response to the Mixture Allocation Factor (MAF) proposed by the Commission for the assessment of metals mixture, still holds. Moreover, some metal mixture combinations referred to in the literature as indicating strong synergistic effects, were repeated in high quality assessments demonstrating absence of such synergistic effect. The Smart Testing Program was designed to fill the knowledge gaps identified during the literature review conducted last year. The tests so far were all tested on algae and comparable testing on Daphnias is ongoing. Besides metal mixtures, the MEED program also includes a metals-organics testing phase. Attendees at the workshop were informed about the planning of these gap filling tests that aim to confirm if for the MAF assessments organic and metal mixtures will have to be added on, or can be treated separately. With the start of the testing program, the literature phase of MEED is now closed hence the finalisations of the different project reports will be the main aim for the coming weeks. Those reports will allow Consortia to update their registration files at an appropriate moment. Finally MEED sponsors were briefed on the Ecorelevance toolbox, that will allow sites to empirically define their impact on local biodiversity in water streams using modern techniques like DNA fingerprinting, a toolbox most relevant for permit setting as well as REACH safe local use under the mixture scenario demonstration. The toolbox is presently tested in a pilot setting (more information: Marnix Vangheluwe, Hugo Waeterschoot and Violaine Verougstraete).

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## COMMUNICATION

### *Metals Academy: update*

Over the summer a survey was sent around to gather members' views & requests for a more modular-based Metals Academy 3. We thank our members as we received over 40 marks of interest.

The following steps -that were also presented to the Chemicals Management Steering Committee- will be for the Organising Committee (meeting on the 26 September) to elaborate an interesting program founded on the survey answers & comments, then circulate it accompanied by a pre-request for attendance.

A "save the date" for **Tuesday 23 to Friday 26 April 2024** was also circulated. So if you are interested, please block these dates in your busy agendas.

We plan to hold the Metals Academy 3 in the same location as in 2023 (La Ramée, Jodoigne).

Any questions can be directed to Ailsa [lee@eurometaux.be](mailto:lee@eurometaux.be) (more information: Ailsa Lee and Violaine Verougstraete).

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# CALENDAR

Please find here below a non-exhaustive list of the meetings that are planned for the second semester 2023.

## 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](#)

- 04/09: Industrial Emissions Taskforce
- 04-08/09: SEAC-60
- 08/09: AAQD: Coordination Call
- 11-15/09: RAC-66 (Plenary) + SEAC-60
- 18-21/09: Chemicals Management Autumn Week
- 19/09: Endocrine Disruptor Human Health Workshop (morning during CM Week/Science Forum)
- 25/09: Zero Pollution Action Plan Project Group
- 28/09: Risk Management Taskforce
- 28-29/09: ECHA Management Board
- 09-13/10: RAC-67 AfA Working Group
- 09-13/10: MSC-83 (Tentative)
- 23-27/10: RAC-67 CLH Working Group
- 07-09/11: RAC-67 REST Working Group
- 27/11 - 01/12: RAC-67 (Plenary) + SEAC-61
- 04-08/12: SEAC-61
- 14-15/12: ECHA Management Board
- 11-15/12: MSC-84 (Tentative)
- 19/12: Risk Management Taskforce
- 20/12: Chemicals Management Steering Committee

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## 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)

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# CHEMICALS STRATEGY for ZENITUDE



## Game 1: From the Periodic Table. True or False? 😊

Answers & explanations at the end.

	<u>Question</u>	<u>True</u>	<u>False</u>
1.	Without magnesium plants would be able to carry out photosynthesis		
2.	Cobalt is biologically important as it is a part of vitamin B12		
3.	The “Rare Earths” (Lanhanides) are in fact not rare at all		
4.	Does “Molybdos” (from the Greek word) mean Molybdenum		
5.	Can silver iodide powder “make” rain?		
6.	Is it Antimony that turns into a gas (and doesn’t melt) when heated?		
7.	Tin was one of the first metals used by humans		
8.	The largest piece of natural gold ever found contained more than 60 kg of pure gold		
9.	Titanium body implants are the best		
10.	Copper is one of the few elements found pure in nature		

## Game 2: Can you find/link the correct ores for common metals? And secondly for the really strong ones, give their formula 😊

	<u>Metal</u>	<u>Common name</u>	<u>Formula?</u>
1.	Aluminium	Sphalerite	
2.	Zinc	Pyrolusite	
3.	Iron	Bauxite	
4.	Copper	Cinnabar	
5.	Lead	Chalcopyrite	
6.	Mercury	Galena	
7.	Manganese	Hematite	

**Answers Game 1:**

1: Chlorophyll converts sunlight into energy that plants need for growth (photosynthesis), at the centre of each chlorophyll molecule is a magnesium atom, so without it plants would not be able to carry out photosynthesis.  
 2: This vitamin helps prevent certain blood disorders and alloys containing cobalt are used for prosthetic body parts.  
 3: They are so named because the chemistry of their elements is in many cases similar and as a result they are difficult to separate.  
 4: No, in fact it means "lead" as miners once mistook molybdenite for an ore of lead.  
 5: Indeed, scientists can form tiny water droplets that cling to the silver iodide powder, forming artificial rain clouds.  
 6: It is Arsenic, named the "king of poisons", but nowadays mostly used for strengthening lead.  
 7: As long as 5,000 years ago, tin was mixed with copper to make bronze.  
 8: It contained 90kg of pure gold and was discovered in October 1872 in Australia.  
 9: In fact, Titanium implants are more porous than Titanium, which helps them flex like natural bones and encourages bone growth.  
 10: But most of it exists in ores such as chalcopyrite

**Answer Game 2**

	<b>Metal</b>	<b>Ore</b>	<b>Chemical name</b>	<b>Formula</b>
1.	Aluminium	Bauxite	Hydrated Aluminium Oxide	$Al_2O_3 \cdot xH_2O$
2.	Zinc	Sphalerite	Zinc Sulfide	ZnS
3.	Iron	Hematite	Iron III Oxide	$Fe_2O_3$
4.	Copper	Chalcopyrite	Copper Iron Sulfide	$CuFeS_2$
5.	Lead	Galena	Lead Sulfide	PbS
6.	Mercury	Cinnabar	Mercury Sulfide	$HgS$
7.	Manganese	Pyrolusite	Manganese Dioxide	$MnO_2$