



## EUROMETAUX CHEMICALS MANAGEMENT NEWS



Please join us in November:

- 07: Li CLH Taskforce
- 09: CARACAL Taskforce meeting
- 13: Registration Compliance Taskforce meeting

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Dear All,

*It is not a secret: I am a fan of chocolate and all possible R&D activities associated with it. Eurometaux's tradition of making mignonettes available for every possible energy dip or frustrating moment (and there may be some) has confirmed my dependance to the cocoa mass over the last decade. And although I know I am not the only individual showing a weakness for it, I am regularly puzzled not to be among those contacted to provide their opinion on new chocolate trends and developments. Not as an expert, but as an interested and active chocolate soulmate.*

*Yesterday, again, I read in the press that a study conducted on a sample of 1057 people concluded that the best dark chocolate lays on the shelves of a discounter, labelled with a rather unknown brand. Exit the thought-through (and more costly) chocolate artisans!*

*Besides my surprise at not being among those who received the questionnaire (= 1 frustration ventilated with 1 mignonette), the conclusions of this study immediately triggered some questions about the representativity of the surveyed population! Who were these 1057 persons (not including me! Ok, 1 mignonette again)?*

*I have learnt that a representative sample should be an unbiased reflection of what the population is like. In other words, a sample from a larger group that accurately represents the characteristics of a larger population. A sample is considered representative because the answers obtained from it accurately reflect the results one would achieve by interviewing the entire population. The opposite of a representative sample is a random one. Random sampling is considered as a simplified sampling approach as it entails less research at the start to choose the representative characteristics that researchers believe best meet their research goals. But this approach comes with a higher risk of sampling error which can potentially lead to incorrect results or strategies. Random sampling can indeed choose its components completely at random, such as choosing names haphazardly from a list.*

*So what is the situation here? I wondered whether I could have access to the characteristics of these 1057 participants, to evaluate the representativeness of the sample before endorsing the conclusions? There are indeed many ways of doing so, by assessing gender, age, socioeconomic status, profession, education, personality, pet ownership or, even, attendance of the Eurometaux coffee breaks. But then, knowing that I am a devoted researcher, I will search for that chocolate and do a comparative study to draw my own conclusions. So maybe not worth the hassle, nor bothering the authors with a letter to the editor?*

*Moving to something less 'futile' than this chocolate story: when it comes to essential feedback, for example on the functioning/assets/working points of an association, it is key to ensure that the findings are representative for its whole membership.*

*As announced during Eurometaux's last General Assembly, there will be a strategic review of Eurometaux's structure, priorities, added value for the membership, and growth areas for the next EU policy cycle and beyond. This review should allow Eurometaux to define a renewed forward-looking strategy for 2025-2030.*

*Aha... there is the link with the start of this editorial!*

*Consultants will contact all the Eurometaux members in the coming weeks and we would like to be certain that the range of interests and possible concerns is addressed to avoid the aspects of 'representative or random sample' of the feedback. So, as YOU will receive this survey, please be one of the 1057 and share your thoughts. I am sure I can make a plea to have some chocolate recognition!*

Violaine Verougstraete



# COMMISSION

## Commission work programme for 2024: REACH delay confirmed

The Commission Work Programme for 2024, which lists the priority files that will be released in the upcoming year, still expresses a **strong commitment to the delivery of the Green Deal**, but it is combined with the Commission's intentions to reduce burdens on industry and citizens. The Commission also points that the main focus will now be on implementation and will give more attention to enforcement.

According to the Commission, it has delivered on over 90% of the commitments made in the 2019 Political Guidelines of President von der Leyen. As a result, only 3 new initiatives under the Green Deal are to be expected for 2024:

- European wind power package (non-legislative, Q4 2023)
- 2040 climate target (non-legislative, Q1 2024)
- Initiative for water resilience (non-legislative, Q1 2024)

It does not come as a surprise that **REACH is not on the list**, especially after the comments from several Commission officials in the run-up to the publication of the 2024 programme.

On the industrial policy side there is an interesting initiative on **Advanced materials for industrial leadership** (non-legislative, Q1 2024). Together with the Member States, this new initiative aims to accelerate the development of safe, sustainable and circular advanced materials, and their industrial uptake for the benefit of the green and digital transition. This could be a follow-up from the [AMi2030](#) initiative that we have been following within the team.

There is also a section on Evaluations and fitness checks for 2024, which includes the following regulations to be reviewed in light of their contribution to the Green Deal, and more specifically ambitions under its policies such as the Zero Pollution Action Plan:

- Fitness check of how the polluter pays principle is applied to the environment, for which [consultations](#) have been ongoing.
- Evaluation of the Directive on Waste Electrical and Electronic Equipment (WEEE). This seems to follow the schedule in the Directive to review the WEEE by 2025 and fits with the placeholder for “WEEE activity” in the ECHA Management Board papers. We could expect an alignment with the restriction procedure in REACH to increase efficiency and coherence.
- Evaluation of the Nitrates Directive, relevant in terms of permitting for our industry and something to keep in the radar in terms of its alignment with water policies.
- Evaluation of the Marine Strategy Framework Directive, relevant given the lower PNECs of some metals in the marine environment and potential emissions of metals companies to sea water.

Alongside the work programme, the Commission has adopted several additional proposals and initiatives to rationalise reporting requirements, for example on the **Seveso III Directive** simplifying reporting obligations for Member States.

Finally, the Commission will initiate a series of green dialogues to fully and directly engage with citizens, as well as clean transition dialogues with industry and social partners (more information: Ainhoa González Pérez).

## CARACAL meetings: next meetings mid November

The next CARACAL (50<sup>th</sup>) meeting is scheduled for 16-17 November. The latest version of the agenda includes relevant discussions for the sector, including an update on the Revision of REACH and on the ECHA Basic Regulation, as well as discussions on the PFAS restriction, the restriction on Chromium (VI) substances and the Restrictions Roadmap. There will also be an update on the investigation report CMRs in childcare articles, and discussions on the Roadmap towards ultimately phasing out animal testing for chemical safety assessments and the ongoing intersession work on new hazard classes. A long spot has been reserved to discuss the interlinkages between REACH and ESPR, including a presentation by the Austrian ministry for environment as well as a NGO report on the SCIP database. Finally, on harmonised classifications, a discussion is envisaged on amendments of Annex VI draft Delegated Regulation for 2022 RAC opinions (including Cu & Ag).

In order to prepare for the 50th CARACAL, a CARACAL Taskforce call will take place on Thursday 09 November 2023, 15:30-17:00 CET (more information: Ainhoa González Pérez).

# EU AGENCIES

## ECHA COMMITTEES

### **SEAC - AfA trilogues: *availability of alternatives, potential for regrettable substitution gets more attention***

Eurometaux attended a remote “Application for Authorisation” Trilogue session on a specific (confidential) chromate use. During such trilogues, the SEAC rapporteurs can pose clarification and content questions to applicants, but also to providers who would have indicated that suitable alternatives are available. In this specific case, a North American third party mentioned that they had an available, suitable and certified alternative for a military application, hence meeting the definition of “suitable alternative”. This would mean in principle that no authorisation could be granted. The Rapporteur investigated the proposed alternative in great detail for its technical suitability, availability and certification, and concluded that the case was not as clear as claimed by the alternative provider. Eurometaux complemented this by indicating that the alternative seems to use a critical raw material (CRM) and may thus result in a potentially regrettable substitution. It will therefore be most interesting to see how this case will be presented and concluded in the SEAC plenary meeting, as it brings together the issues of availability, criticality and potential regrettable substitution, therefore setting a precedent (more information: Hugo Waeterschoot).

### **MSC-83: *a challenging and large Testing Proposal on Co metal and compounds agreed on in written procedure***

The long-expected decision on the Testing Proposal Evaluation (TPE) of cobalt metal and cobalt compounds was scheduled for discussion at MSC-83, in October 2023. Surprisingly, this testing proposal, probably one of the most complex and largest MSC has ever had, was completely agreed on in a written procedure, meaning that no discussion on the decision took place at MSC-83. This is most remarkable as the TPE also included -besides standard data completion proposals on oral toxicity, reprotoxicity, mutagenicity and long-term inhalation toxicity- an oral carcinogenicity study aiming at assessing the relevance of this exposure route (to refine the CLP entry). Also, while ECHA and the MSCAs generally agreed on the TPEs, they disagreed with the read-across applied for the chronic toxicity endpoint, which means falling back on the default standard information requirements and requesting chronic inhalation toxicity studies for all cobalt compounds part of the contested group.

Eurometaux did not appreciate this MSC way of working that reduces the transparency of MSCs decision process to “nihil”, even on contested aspects. ECHA agreed to provide a post factum presentation on its reasoning, zooming in on the rejected part. The Cobalt Institute expert was permitted to attend this presentation that allowed to better understand the concerns, which are mainly related to the need for a better justification of the read-across and the bridging.

The MSC outcomes were carefully analysed by the Cobalt Institute and Eurometaux, with the suggestion to the sector to strengthen the read-across rather than embarking on large testing to fulfil the default information requirements (more information: Vanessa Viegas and Hugo Waeterschoot).

### **MSC-83: *a first glimpse of the 12<sup>th</sup> priority list for authorisation, next CoRAP, new endpoint Testing Strategies***

The priority scoring table and grouping approach used by ECHA to define the priority substances for authorisation in this list does not seem to have selected metals. This is due to the fact that PBT and ED hazards receive a much higher scoring (there is no automatic regulatory follow-up contrary to what happens for CMRs, until now) and there is an increasing number of such substances being proposed by Member States. If MSC follows this proposal for the 12<sup>th</sup> list, it may mean that Cd and Cd compounds would further escape prioritisation for authorisation. During the meeting, Eurometaux posed the question why ECHA proceeded with this 12<sup>th</sup> list, given it is known that the Commission wanted to change this working practice under the CSS. ECHA replied they will continue their legal duty until REACH 2.0 is adopted.

MSC also appointed the Rapporteurs for the CoRAP review, which means that the Member States agreed on the substances and the concerns to be reviewed for Substance Evaluation in the next 3 years. However, the list of substances has not been released yet and is expected for mid-November.

MSC also reviewed two endpoint testing strategies. Regarding the update of the mutagenicity *in vivo* testing strategy, ECHA claimed it was amended according to the new standard information requirements, but MSC disagreed and asked ECHA why they had already implemented this in ongoing Compliance Checks (CCHs). The second strategy relates to adding and integrating a Learning and Memory (L&M) test to the Extended One Generation Reproductive Toxicity study/developmental neurotoxicity cohort to anticipate the upcoming neurotox endpoint under CLP. ECHA and MSC debated this endpoint in a closed session before listening to an industry/Contract Research Organisation (CRO) presentation that clearly demonstrated that this L&M test cannot be integrated in the DNT cohort study, both for practicality and relevance reasons. It is currently unclear how ECHA will proceed with this additional testing requirement,

especially because the Board of Appeal annulled the demand for such a test under a CCH. These items will be discussed at the upcoming Registration Compliance Taskforce on 13 November (more information: Hugo Waeterschoot).

**ECHA-Management Board: *strategy statement and draft 2024-2025 workplan up for comments before a formal proposal will be launched.***

ECHA's Management Board will review shortly a draft Strategy Statement prepared by ECHA, which covers the mission, vision and long-term goals for the agency and the associated workplan for 2024- 2025. Cefic, Eurometaux and SME United reviewed and commented on the draft proposals, noting a welcomed increased attention for the stakeholders' concerns but also a total lack of attention for considering other Green Deal environmental policy objectives (climate, circularity and criticality) in the draft workplan. The workplan is, in general, a "business as usual scenario", considering new tasks like the compilation of the Drinking Water - and Batteries Regulation materials lists, as completely independent and isolated tasks. This goes against the direction given by the CSS and the One Substance One Assessment (OSOA) principle, which pointed to a more integrative framework and a more holistic view to achieve the Green Deal environmental objectives. Eurometaux provided extensive comments and suggestions in this respect, which were supported by the industry partners and submitted to the Management Board secretariat (more information: Guy Thiran and Hugo Waeterschoot).

**ECHA evaluation unit: *launching more and more ARNs (Grouping approaches)***

After the "Assessments of Regulatory Needs" (ARNs) on Mn and V and their simple compounds, ECHA released end of October its ARN on Zn metal and simple Zn compounds, in total covering 31 compounds. The lack of a clear timeline for the publication of the ARNs prevents industry to plan the updates that could provide relevant information for these ARN assessments. Content wise, the Zn ARN confirms the general hazard-driven focus of the ARNs and of the proposed regulatory actions. This may – generally- leave in the cold some regulatory actions on the risk/exposure side, e.g., like restriction that could address inappropriate uses with high releases (more information: Violaine Verougstraete and Hugo Waeterschoot).

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## EUROMETAUX CHEMICALS MANAGEMENT

### CHEMICALS STRATEGY FOR SUSTAINABILITY

**Chemicals Strategy for Sustainability Project Group (CSS PG): *to be repurposed to a REACH & CLP 2.0 advocacy Project Group***

In view of the implementation status of the Chemicals Strategy for Sustainability (CSS) and the progress in the REACH and CLP revision files, the Chemicals Management team will repurpose the existing Project Group to focus on preparing, supporting and coordinating the advocacy at the EU parliament and EU Council level related to the revisions of REACH and CLP 2.0. The scope of the activities of this group would differ from those of the existing Risk Management, Evaluation and Registration Taskforces, in so that these taskforces would deal with the more technical aspects of these revisions, whilst advocacy activities and strategy, messaging and ensuring overall coherence would sit within the REACH & CLP advocacy group (more information: Ainhoa Gonzáles Pérez and Simon Cook).

**CLP revision : *state of play***

On 4 October, the European Parliament's Plenary adopted the report prepared by the rapporteur MEP Maria Spyrali (GR, EPP) on the proposed CLP revision with a broad majority. The Council adopted its General Approach in June 2023, meaning that trilogues can start soon.

The Council's position was fairly sober compared to the EP position, with few additions to the Commission's text and supporting most Commission proposals (except for the provisions on MOCs, 'more than one constituent substance' ). The Parliament, for its part, has added a few new ideas, such as the access to justice or the deadlines for the CLH process. Both institutions support the grouping of chemicals (but the EP asks for it to be based on clear scientific criteria), both seek the deletion of the definition of MOCs/mixtures (with nuances), and do not oppose empowering the Commission to initiate CLH processes. Moreover, both the EP and Council seek to further support the increased use of NAMs and the promotion of the new hazard classes in the UN GHS. Nevertheless, the EP goes further and asks the Commission to work on criteria for immunotoxic and neurotoxic substances as well as alternative test methods, including NAMs at the level of the UN to address existing and emerging hazard classes. The EP's position elaborates more on specific proposals that go further than the Commission's proposal, such as calling for more ECHA resources, proposing deadlines to speed up

Adaptation to Technical Progress (ATPs) on CLH, asking the Commission to assess the introduction of hazard criteria for immunotoxicity and neurotoxicity by 31 December 2025, introducing the right for any citizen or association to request action from authorities on hazard classification and access to justice, or prohibiting green claims for substances and mixtures classified as hazardous. The Council, for its part, mentions metal form/physical state differences in its General Approach.

Negotiations will start as soon as possible in Q4 2023. We should not expect long trilogues on this file since both institutions have similar stances on the main changes to CLP, as well as on the main contentious point during their internal negotiations (MOCs). We can expect some disagreements on the more controversial proposals from the EP such as access to justice. Thus, negotiations could be finalised before the end of this legislature in Q2 2024. Final adoption of the text could take place under the new Parliament in Q3/Q4 2024.

### **CLP and REACH revisions: priorities of the Belgian Presidency**

The Belgian Presidency's programme's latest version -through its priorities- shows a focus on chemicals policy. Between January and June 2024, the Presidency will be guided by four main priority blocks for their work on environment: *Just Transition, Circular economy, Adaptation and resilience*, and an *Overarching theme «Positive Europe»* (to date, we have no indication of what this last priority may imply). The Presidency envisages the organisation of different high-level events throughout their Presidency along the lines of these priorities. In terms of chemicals policy, the Belgian Presidency does not envisage a high-level conference on the topic, but they highlight the following files as priority that they expect to work on: CLP and REACH revisions, ECHA Basic or Founding Regulation, and Proposal for a Regulation on better access to chemicals data for safety assessments. Of these files, only the CLP proposal has been published so far, with uncertain timings for the publication of REACH and OSOA-related proposals. Thus, their ability to progress on these files will depend on the Commission's work (more information: Ainhoa González Pérez and Simon Cook).

### **Transition Pathway for the Metals Industry: Taskforce meeting**

The Eurometaux Taskforce established to support the drafting of the Transition Pathway (TP) for metals held its first meeting since the briefing session in July. This was a well-attended hybrid meeting which covered: updates since July; a discussion on overall objectives and deliverables of the TP work; a debate on content and a suitable structure to be used; and agreement on next steps. Eurofer attended the meeting in person to give the ferrous sector perspective.

The main outcomes were:

- Circularity (recyclability) of metals is a key differentiator compared to other classes of material, and the structure of the pathway should be modified to properly reflect this. Options for doing so should be looked at, and discussed with the Commission (DG GROW) staff who are supporting the drafting process.
- The importance of the digital transition for the sector, and what it looks like, should be reflected.
- The role of (inorganic) metal compounds should be clarified – and the fact that they are in scope.
- To involve key downstream user sectors (e.g., automotive, construction, batteries) in the discussion would be advisable, and options for achieving this should be explored.

The next meeting of the sub-group of the High-level Expert Group on Energy Intensive Industries (EII), established by the Commission to facilitate discussion on the pathway amongst a range of stakeholders, is likely to be held early December. The drafting of the transition pathway continues, in collaboration with Eurofer (more information: Simon Cook).

## **CLASSIFICATION**

### **21<sup>st</sup> ATP: published!**

On 19 October the Commission sent the final Delegated Act containing the 21<sup>st</sup> Adaptation to Technical Progress (ATP) to the Regulation on the classification, labelling and packaging of substances and mixtures (CLP) to co-legislators for their scrutiny. The Delegated Act is similar to the draft proposal that was previously shared in CIRCABC back in June 2023.

With regards to Li, the Commission states that new scientific information requires further assessment by RAC and thus Li should not be subject to harmonised classification and labelling at this stage.

With regards to Pb, the Commission wants to amend the existing aquatic toxicity classification for lead powder with regard to the M-factor and to introduce a different aquatic toxicity classification for lead massive, keeping its proposal for a split entry in Annex VI to CLP for aquatic toxicity between lead massive ( $\geq 1$  mm) and lead powder ( $< 1$  mm), with

massive being Aquatic Chronic 1 (H410) with M-factor=10. Efforts to apply the pH banding to the Pb case did not resonate with the Commission and were not taken up.

In terms of timeline, following the Commission's recent adoption of the Delegated Act, the European Parliament and Council have a two-month scrutiny period. If they raise no objections during this time, and a further two-month scrutiny period is not requested, the delegated regulation will be published in the Official Journal and enter into force (Q1 2024). An 18-month transition period is foreseen after the entry into force (more information: Ainhoa González Pérez).

## INDUSTRIAL EMISSIONS

### **Industrial Emissions: status update**

On 5 October, Eurometaux hosted in its offices the Industrial Emissions Alliance (IEA) Plenary Meeting. The IEA serves as a platform for Industry to share information, produce joint statements, papers, engage in advocacy actions, and overall align on strategy related to industrial emissions-related policy/legislation. Discussions focused on the IED/ Industrial Emissions Portal (IEP) review status, the Best available technology Reference document (BREFs) review status, PFAS emissions, the Ambient Air Quality Directive (AAQD), the Water Framework Directive (WFD), the Soil Directive, and more.

On 10 October, Eurometaux met with the Commission (Stefan Leiner, IED Unit, DG ENV) to discuss the status of the discussions in trilogues. This was an occasion to state once again our position on our priorities for the IED and at the same time to gather intelligence related to the latest developments in the negotiations.

On 13 October, Eurometaux held its latest Industrial Emissions Update Call with members, to discuss in detail the latest developments on IED, including our meeting with Stefan Leiner and the outstanding issues in Trilogues discussions. Documents and slides with more information were shared with members.

Finally, on 31 October, Eurometaux provided feedback to the European Commission (DG Environment) on the strategy for the Chemical BREFs series review cycle. The Commission launched an open call with a consultant who is currently reviewing the available evidence to inform on the development of options for the review strategy. These will be set out in a draft strategy document that will be shared in a report early next year. The consultant asked key stakeholders to contribute by submitting a response to key questions. Eurometaux collected members input and submitted it in written feedback. Ad-hoc interviews with selected stakeholders may take place at a later stage (more information: Lorenzo Marotti).

### **LVIC BREF: October activities**

On 9 October, Eurometaux Large Volume Inorganic Chemicals (LVIC) BREF Working Group (WG) met in hybrid form to discuss the third draft of the LVIC BREF Questionnaire for the data collection; to prepare for the EIPPCB Workshop on questionnaire finalisation and the list of well-performing plants for the data collection. The group agreed on a set of comments which will be submitted to the TWG by 3 November. Eurometaux is also in touch with the EIPPCB and Member States for the finalisation of the well-performing plants list.

On 18 and 19 October, Eurometaux participated in the EIPPCB Workshop on the draft questionnaire, providing comments on the main issues identified during the EM LVIC BREF WG meeting.

On 24 and 25 October, Eurometaux attended the following plant sites visits with other members of the TWG:

- Molymet (for their production of sulphuric acid in an NFM plant)
- Kronos (for production of TiO<sub>2</sub>)
- Tessenderlo Chemie Ham (for production of sulphuric acid, potassium sulphate and calcium chloride)
- Umicore (for their production of sulphuric acid and nitric acid in an NFM plant).

Next Steps: the EIPPCB plans to finalise the questionnaire by mid-November and to start the data collection beginning of December. The data collection phase should last throughout Q1 2024 (more information: Lighea Speciale, Lorenzo Ceccherini, Lorenzo Marotti).

## AIR

### **Ambient Air Quality Directive: *actions ahead of the Council General Approach***

On 11 and 24 October, Eurometaux held update calls with Members in the Ambient Air Quality Taskforce, to agree on key messages and a common strategy for action ahead of the Council General Approach (tentatively expected for 18 December). A draft paper with our position and proposed key amendments was circulated to members for approval.

On 24 October, Eurometaux coordinated its strategy and actions with other sectors during an update call with the IEA subgroup on AAQD.

On 31 October, our finalised paper with key messages and amendments was shared with members. This was shared with Member States Perm. Reps, and at the same time we called for Eurometaux Members to use our position in their advocacy and communication activities with their contacts at national-level (more information: Lorenzo Marotti).

## WATER

### **Water Framework Directive (WFD); Environmental Quality Standards Directive(EQSD) and Groundwater Directive (GWD): *state of play***

Recent discussions in the Environment Working Party on 27/09 focused on the horizontal aspects of the proposal and the revision of the Water Framework Directive (WFD). Key issues included the definition of priority substances, priority hazardous substances (PHSs), Environmental Quality Standards (EQSs), River Basin Specific Pollutants (RBSPs), monitoring and reporting requirements, status classification, the proposed move of RBSPs to chemical status, the deletion of the 20-year timeline for phasing-out PHS emissions, transboundary cooperation following pollution incidents, and compliance deadlines/exemptions.

Upcoming Council Environment Working Party meetings:

- 22 November: Revision of the EQS Directive
- 11 December (tbc): WFD/GWD/EQSD discussion and possible ES Presidency proposal.

Eurometaux has been actively engaged at EU Council level, submitting a position paper, proposed amendments and meeting requests to Member State Permanent Representations. The meetings held and planned cover horizontal and metal specific aspects (e.g., Ag, Ni EQS, bioavailability) and the non-deterioration principle.

### **Strategic Coordination Group (SCG) and Working Group (WG) Chemicals meetings: *outcomes***

The SCG meeting was held on 13 October, while the WG on chemicals was held on 17 and 18 October. From both meetings, Member States (MS) (BE and ES) gave the information that the general approach on the EU Commission's proposal for the revision of the WFD/EQSD/GWD would probably not be reached during the Spanish Presidency, whilst the trilogues would probably not take place during the Belgian Presidency but might be postponed to the Hungarian Presidency after the elections. At both meetings, the Commission also presented a slide on the position of the European Parliament (EP) on the revision of the WFD/EQSD/GWD, stating that the EP was against the introduction of delegated acts. This is most likely a mistake as there are no amendments in the EP position reflecting this statement.

The status of copper was also discussed in the WG Chemicals, as a mandate is foreseen for the Scientific Committee on Health, Environmental and Emerging Risks (SCHEER) in 2024-2025 to work on this topic. An EU-wide environmental quality standard (EQS) for Cu will be derived by the Joint Research Centre (JRC) once they have finished working on the PFAS total dossier. The purpose of this is, for now, to have an EU EQS if Member States select copper as a river basin specific pollutant (RBSP). However, the same dossier will most likely (as stated by the EU Commission) be used to establish copper as a priority substance. The EU Commission also presented its preliminary plan to harmonise all RBSP EQSs.

A discussion on bioavailability was again raised, with the disappointing finding that the EU Commission, the JRC and some Member States still do not understand it, but with the silver lining that more and more Member States actually support the use of bioavailability.

The WG Chemicals also addressed the EEA-EIONET work on antimicrobial resistance (AMR), the proposal to add lithium to the Watch List and the inclusion of the issue of the non-deterioration principle in the next work programme of the WG (more information: Lara Van de Merckt).



## SOIL

### Soil sub-group: *meeting*

As you remember, the new Soil monitoring law (directive) was published in July 2023 by the EU commission. An open public feedback consultation was launched until the 3<sup>rd</sup> of November to which Eurometaux submitted [its position](#). Our key recommendations, outlined in the paper address aspects for example the importance to consider soil properties and natural background concentrations, the need to adopt a risk-based approach for addressing soil contamination issues, incorporate considerations for soil mineral deficiencies, essentiality, and nutrient loss. We also propose to exclude industrial installations already subject to the Industrial Emissions Directive (IED) from soil monitoring requirements to prevent regulatory overlaps and ensure coherence among legislations and request that monitoring databases are accessible for all stakeholders involved in assessing soil threats. There is more to find in our position -have a look!

This new directive is following the ordinary legislative procedure (OLP) and is the hands of both the EU Council and EU parliament (EP).

#### 1) [EP](#)

The European Parliament's Environment Committee (ENVI) is mainly responsible for the Soil Monitoring and Resilience Directive, but the Agriculture Committee (AGRI) has been granted shared competence with ENVI for several elements of the text, in particular those relating to sustainable soil management (Articles 10 and 11 as well as Annex III and part of Annex IV). AGRI asked to be granted the same prerogatives as ENVI on this draft Directive, in the framework of a joint committee procedure.

ENVI rapporteur Martin Hojsík (RENEW) published his [draft report](#) (link) last week with over 200 amendments. The deadline for tabling amendments within the ENVI committee is 27/11. While the AGRI committee plans to vote and adopt its opinion on 12 February 2024.

#### 2) [EU Council](#)

The Environment Working Party (WPE) met to discuss the Soil Directive on 27 July and 6 October. The Environment Council, policy debate session, is scheduled for 18 December 2023 (more information: Lara Van de Merckt and Koen Oorts).

## TOOLS

### **MeClas Steering Committee: *updating on 2023 work & possible priorities for 2024***

The MeClas Steering Committee had a call on 23 October to discuss the achievements of 2023 and proposed priorities for 2024. These annual steering meetings are essential to ensure altogether that the tool continues to apply the best science and data for the classification and maintains the confidence of the users, including regulators.

Regarding the 2023 developments of the tool, the group discussed more in detail the addition of a Chronic 4 warning (as explanatory disclaimer) and the integration of the tool with the Multi-Metallic Database.

Several items were proposed as priorities for 2024, including for example: the addition of a molecular weight conversion; having a split for Ecotoxicity Reference Value (ERV), Rapid Environmental Transformation (RET), M factors between CLP & GHS, the consideration of the specific surface approach/critical surface approach correction for environmental self-classifications of different physical forms of metals and updating the MeClas instruction manual. The latter dates from 2018 and should be updated with for example aspects introduced in the model but not yet in the instruction manual, but also feedback from the users on its completeness and user-friendliness. It was agreed with the Steering Committee that this manual would further focus on the use of the tool, while guidance concepts would be included in the update of the MERAG fact sheet on classification. It was also noted that in view of the implementation of the new CLP endpoints, significant changes may need to be made to the tool in 2024 -2025 and that an assessment of resources should be made. To note is that several aspects will be further discussed in the Environmental Classification Workshop held on 6-7 December in the MCC.

The meeting ended with a reporting on the entry into force in Chile of a local variation of the UN GHS and a lot of interest to use MeClas for complex materials.

The MeClas sponsors are now asked to express their views on the proposed priorities (before 15 November) (more information: Frederik Verdonck, Dagobert Heijerick, Hugo Waeterschoot and Violaine Verougstraete).

### **Bioelution: still ongoing**

The OECD secretariat has reconvened the OECD Expert Group on Bioelution/Metal release to reconnect with the activities that had taken place since the last meeting, i.e., in September 2022.

At that time, the Canadian experts had thrown in a series of concerns blocking the possible finalisation of the OECD Test Guideline (TG) under discussion. For example, they questioned the relevance of developing such a method knowing that other standard methods like the ASTM 5517 and the US EPA protocols exist, but also the biological relevance of the system, the pH and fluid composition, the control of saturation etc. Some of these concerns hardly seem justified, considering the scope and purpose of the test that are clearly delineated in the draft TG, and that cannot be met by existing protocols.

Several efforts were made by the EU Commission/EURL ECVAM to find a way forward with Canada over the last months, but the dynamics of the Canadians seem to suggest that there is a lack of willingness to find solutions. Unfortunately, the OECD mechanism to draft TGs requires consensus and it is sufficient for one country to express disagreement to block the entire development of a TG. The UK has now proposed to launch some mediation efforts. If these fail, the OECD work on bioelution will have to be stopped. This would really be a shame considering all the resources that have been injected into this project, but also more broadly, it raises the question whether and how the current OECD settings will be able to validate enough New Approach Methodologies (NAMs) to ensure a solid regulatory use.

On the more positive side, at that 22 September meeting, The Netherlands had requested to do some testing to describe the effect of particle size on metal release; thus over the last months, several tests were performed, the results were discussed with the Dutch experts, and the crystal clear presentation given by Adriana Oller as well as the proposed way forward was supported by the Expert Group.

But story not over yet, and we remain fighting (more information: Adriana Oller, Kate Heim and Violaine Verougstraete).

## **METALS ENVIRONMENT EXPOSURE DATA PROGRAM (MEED)**

### **MEED program: general agreement to continue the project in 2025**

As an outcome of the MEED workshop in Ghent end of August, Eurometaux circulated a questionnaire informing sponsors on the budget inflation corrections and soliciting support for extending the program in 2025. Indeed, the testing needs lacking info on combined toxicity for metal mixtures and metals-organics, as well as for the ecorelevance project, with the aim to develop a toolbox to demonstrate a lack of impact on biodiversity at the local scale, which will require more time and resources. The outcomes will be communicated to the MEED sponsors soon.

ARCHE and the UGhent have progressed well with the drafting and updating of MEED project reports that allow Eurometaux to prepare an extensive update and summary to be circulated in November. No workshop is scheduled for the moment given the project is presently in a testing execution mode. All involved researchers contributed to the drafting of abstracts for posters and presentations for the upcoming Beltox meeting on 6 and 7 December and the special session on mixture toxicity (alternatives to the MAF approach), scheduled for the SETAC 2024 meeting. A tentative timeline and budget for future publications is also being worked on (more information: Marnix Vangheluwe, Diana Dobre and Hugo Waeterschoot).

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## **OUTREACH**

### **OECD**

#### **OECD Working Party Risk Management: a global update on activities, a workshop scheduled on regrettable substitution and the launch of a Willingness to Pay project on environmental impact**

Once a year, the OECD Working Party meets in Paris to consolidate and exchange on national/regional chemicals risk management activities and to define what can be done together. This year's meeting of the WPRM took place the first week of October. It was remarkable to note how other jurisdictions are launching or progressing on risk management activities on substances handled under EU Restrictions or Authorisations. A point of high interest for the metals sector is the scheduled workshop for the September 2024 meeting on *additional attributes beyond safer for chemicals selection (prioritisation) and substitution* (aspects that could lead to regrettable substitution). Given this forms an ideal opportunity to present proposals on potential regrettable substitution due to 4 C concerns, Eurometaux will provide input by the end of November.

OECD has so far coordinated activities to define Willingness to Pay (WTP) values for 10 critical health endpoints. Such WTP values are used as standard costs in cost benefit assessments and based on a very large evidence base. The OECD recently launched such a program on environmental impact of chemicals release, probably an even more challenging endpoint and one that we as the metals sector, follow carefully (more information: Hugo Waeterschoot).

#### **OECD: drafting of a revised “guidance on grouping chemicals”**

The OECD is actively revising its Guidance on Grouping Chemicals to bring in the experience of all actors (authorities, NGOs, and industry) as well as concepts like Adverse Outcomes Pathways (AOPs) and address more in-depth materials like nanos. This cooperative effort, led by a Steering Committee, translates in a series of drafting meetings spread between September and December. The metals sector had sent in a revised section on grouping metals, which was reviewed in one of the October meetings. Comments from the Steering Group (which includes for example, US EPA, ECHA, UK, ..) were overall positive and will be addressed in an updated version to be presented in Paris on 13-14 November.

A big thanks to the metal drafters for their help. To note: there is an existing section on grouping of inorganic UVCBs, we may consider amending as well (more information: Violaine Verougstraete on behalf of a fabulous metal drafting ‘gang’).

## **OTHERS**

#### **ECETOC: meeting in Alicante**

On 25-26 October, ECETOC held a hybrid workshop named ‘Elevating exposure science in chemical safety management’ and aiming at developing recommendations for stakeholders. On the first day, stakeholders from the EU Commission, JRC, ECHA, Member States, research institutes and industry highlighted the barriers and opportunities to enhance the use of exposure information in chemical safety assessments within Europe. Breakouts were organised on the second day, around four key areas: improving access to relevant exposure information, enhancing exposure models, new needs for circularity and sustainability and capacity building. Eurometaux participated by making a presentation on “Material flows to identify and address exposure throughout the supply chain”, as a way to bring back exposure assessment in risk management often too much driven by hazard.

The workshop was very interesting, among others thanks to its set-up, which allowed for real exchanges between different types of expertise. The workshop outcomes, setting out the practical recommendations that were developed, will be documented in an ECETOC workshop report or a peer reviewed publication. Those will be discussed in the Human Health Taskforce (more information: Daniel Vetter and Violaine Verougstraete).

#### **REACH & Raw Materials Dialogue: held on Tuesday 17 October**

On 17 October Eurometaux held the “REACH & Raw Materials Dialogue” to discuss how to achieve both investment security for Strategic and Critical Raw Materials (CRM) value chains while ensuring high environmental and health protection under new chemicals management rules.

The dialogue included discussions on policy coherence, competitiveness, and waste between Aurel Ciobanu-Dordea, European Commission Director in DG Environment; Wouter Ghyoot, Vice President, Umicore & President, EPMF; Adly Manseri, Counsellor for Environment at the Belgian Permanent Representation; and H  l  ne Duguy, Lawyer at ClientEarth. Participants discussed how to be faster, more targeted, in a more collaborative way when it comes to the chemicals management of CRM.

The event provided interesting material for further reflections on how to improve coherence between the different initiatives (more information: Ainhoa Gonz  lez P  rez).

#### **RECHARGE: high-level conference**

RECHARGE, the association for advanced rechargeable and lithium batteries, organised a high-level policy conference on 26 October to celebrate its 25<sup>th</sup> Anniversary. Under the title ‘A Thriving European Batteries Ecosystem: Learning from the Past, Building a Sustainable and Competitive Future’ the conference brought together industry leaders, policymakers and national ministries for high-level policy discussions centred around shaping a sustainable and competitive future for European batteries.

The exchange between European Commission Director General Kerstin Jorna and representatives from Forsee Power, Northvolt, Blue Solutions & VARTA AG included interesting insights into how to scale up the European batteries value chain and the needs of the industry. This included competitiveness, skills, innovation, level playing field and operational policies. In the second session, a representative from the European Court of Auditors presented their [study](#) and recommendations on ‘The EU’s industrial policy on batteries’, according to which new strategic impetus is needed. Key recommendations include: (1) Updating the strategic action plan for batteries, securing access to raw materials, (2)

Updating monitoring data, (3) Improving the overview of EU funding, better coordinating and steering EU funding, and (4) Establishing a level-playing field also in accessing public financial support. According to the audit, battery production in the EU is projected to increase rapidly until 2030 but faces a looming shortage of raw materials.

Despite the main focus of the conference on batteries, investment and competitiveness, chemicals management considerations were also raised during the sessions (more information: Ainhoa González Pérez).

## KAMILA'S SUSTAINABLE CORNER



### **Sustainability: requirements and substances**

Various files under the Sustainability Committee portfolio include increasing links with the management of substances throughout the product's full lifecycle. The legislative developments consider the legislative proposals of the ESPR (Ecodesign for Sustainable Product Regulation) proposal and suggested definition of Substances of Concern (SoCs) and the End-of-Life Vehicles (ELV) that include restrictions on the uses of lead, mercury, cadmium and hexavalent chromium in vehicles and includes provisions to deal with Substances of Concern.

In addition to that, metals are also subjected to the rules included in the new Battery Regulation (2023/1542). In this dossier Eurometaux and its members will particularly have to look at the provision mandating ECHA to prepare a report listing Substances of Concern found in batteries along their lifecycle or used in their manufacturing. The report will need to be ready by end 2027, and the drafting will start in 2024. Once ready, it will be shared with the European Parliament and the Council, paving the way for preparing future restrictions of substances in batteries. To that end first discussions took place on 13 October under the leadership of the Chemicals Management Steering Committee, also involving the Sustainability department. We advise that you stay tuned on the next steps.

In the next editions of the sustainability corner, you will be informed about where the legislative developments of ESPR, ELV or other waste legislation connect with the substances management (more information: Kamila Slupek).

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## COMMUNICATION

### **Visit to Umicore: interesting!**

On 19 October, Eurometaux visited the Umicore site in Hoboken. Umicore runs here the largest and most complex precious metals recycling operation in the world, which processes more than 200 different types of raw materials to produce and refine at least 17 different metals. More than 500.000 tonnes of materials are processed every year following world class environmental and quality standards. The visit gave us the occasion to discuss the key peculiarities of the site, the main challenges related to industrial emissions and the strategies in place to reduce the environmental and community impact of the site.

Thanks to our hosts Kristien De Pauw, Jeroen Janse, Violaine Sironval, Steven Verberckmoes and Michiel Ceulemans!



# CALENDAR

Please find here below a non-exhaustive list of the meetings that are already planned for the end of year 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).

- 07/11: Li CLH Taskforce
- 09/11: CARACAL Taskforce
- 13/11: Registration Compliance Taskforce
- 16-17/11: CARACAL
- 27/11 - 01/12: RAC-67 (Plenary) + SEAC-61
- 04-08/12: SEAC-61
- 06-07/12: Environmental Classification Workshop
- 14-15/12: ECHA Management Board
- 11-15/12: MSC-84 (Tentative)
- 19/12: Risk Management Taskforce
- 20/12: Chemicals Management Steering Committee

**For meetings at ECHA:** this information is published on ECHA's [website](#)

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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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