

EUROMETAUX CHEMICALS MANAGEMENT NEWS



Please join us in April:

- 04: CSS Project Group
- 05: Li CLH Taskforce
- 06: Registration & Maintenance Taskforce
- 18: MEED Workshop (sponsors only)
- 24: Evaluation Taskforce

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Dear All,

Spring has begun, and the agendas are full of meetings in variable formats, emails to reply to and virtual piles of new regulatory initiatives to read 'whenever possible'. Jumping from one topic to another, most of us seem to function in "automatic cruise mode", still able to be actively present and take quick decisions. Often crossing our fingers that these are also the correct ones.

This busy context, which pushes our brains to process large amounts of information and make many choices within a limited amount of time forces us to optimise between efficiency and accuracy, also going for acceptable trade-offs.

It is described, that when some information is missing, or an immediate decision is necessary, we typically (most of us at least!) use mental 'shortcuts' ('rules of thumb') that are expected to guide our behaviour down the most efficient pathway. These shortcuts are called "heuristics" and defined as simple strategies that humans, animals and organisations use to quickly form judgments, make decisions, and find solutions. Heuristics can help individuals save time and mental energy, by freeing up cognitive resources for more complex planning and problem-solving endeavours.

Do such strategies work? Usually yes. Most of the time, we do not even think too much about them: several of our daily decisions depend on heuristics, e.g., which seat you will take in a conference room, which transport option to use to go from A to B. But probably also some of our judgments, the way we make interventions in meetings or even regulatory choices.

The "availability heuristic" is a shortcut that relies "on immediate examples that come to a given person's mind when evaluating a specific topic, concept, method, or decision. It is operating on the notion that, if something can be remembered, it must be important, or at least more important than alternative solutions not as readily recalled, and hence it is inherently biased toward 'easy to access information'.

To illustrate it, the following example is provided on <https://kenthendricks.com/availability-heuristic/>: when there is a shark attack, people avoid the beach and stay out of the water, even though they are no more or less likely to be attacked by a shark. It only seems like it. Being attacked by a shark brings up vivid and scary images, and this perspective influences our decision not to go to the beach or at least to stay out of the water once we get there. However, there may be other dangers lurking whilst lying on the sand, for example coconuts. It seems that we are twice as likely to be killed by a coconut on the beach than by a shark. Not only coconuts are more dangerous than sharks, but they also strike at random. While you can see a shark coming, it's impossible to predict when a coconut might fall. You might perform an action that will provoke a shark and trigger a response. But you can hardly provoke a coconut that will attack you with rage. As it's easier and scarier to imagine being killed by a shark than by a coconut, death-by-shark comes to mind more easily than death-by-coconut, so it's more likely to affect our behaviour (avoiding the water).



The issue of the availability heuristic is that it confuses 'easy with true' when we make a decision, as we rely on the ease with which something comes to mind instead of the content of what comes to mind. Hence there is the risk of making bad decisions, miscalculating and overreacting to hazards, having inaccurate perceptions and end up behaving in ways that are not in our best interest. It seems that such shortcuts can cause the most harm when one is required to make judgments or predictions for low probability, extreme outcomes. Certain conditions have been reported as favouring reliance on ease of recall like when one is multitasking instead of being focused, is a novice instead of an expert, is in a position of leadership etc.

Does this ring a bell? Do you see sharks and coconuts around you now?

Due to its 'intrinsic properties', it seems complicated to completely overcome the availability heuristic. However, it is possible to attenuate its effects by being aware of it (and avoiding the conditions that make us more prompt to use it) but also by refocusing on content, checking data and e.g., counting the events involving sharks and coconuts. Using a quantitative mindset...it is with this in mind that I started to draft the minutes of the interesting presentation we had during the Chemicals Management Week on Artificial Intelligence (Karel Viaene Artificial Intelligence: to replace risk assessors?)..but then I had a thought: is a machine exempt from 'easy to recall' shortcuts?

Violaine Verougstraete

COMMISSION

CARACAL-48/1st Day: *new insights into REACH 2.0*

The last CARACAL-48 took place on 28-29 March and brought new insights into what the future REACH could look like.

The first day of CARACAL was devoted to REACH, in particular to its revision process. The Commission provided very detailed presentations on their progress so far, resulting in extensive discussions. The presentations clarified the direction that new information requirements, Authorisation and Restriction, Generic Approach to Risk Management (GRA) and Essential Uses could take. The Mixture Assessment Factor (MAF), now Mixture Allocation Factor, could be a tool for risk management rather than assessment, and be fixed at 5. Broader restrictions under GRA (Art. 68(2)) could see further grouping and generic risk considerations for the most harmful substances (including new hazard classes and some professional uses), while only essential uses could be derogated. Normal restrictions (Art. 68(1)) could be awarded derogations as usual, with essentiality being considered complementary criteria. Authorisations will also be able to profit from essential use derogations from scope.

Some of the amendments needed will be adopted through the Ordinary Legislative Procedure, while the annexes will be amended through implementing acts, following comitology procedures. The Commission does not plan to engage in further consultations and is focused on the legal drafting, meaning that they prefer to receive written comments only on some aspects where they expressly requested input. The proposal is still expected for Q4 2023 (but Commission does not rule out finalising it earlier).

Eurometaux's summary record was circulated to the CARACAL Taskforce on 3 April. The Chemicals Management team will now start digesting the information in the different Taskforces (more information: Violaine Verougstraete and Ainhoa Gonzáles Pérez).

CARACAL-48/2nd Day: *CLP-related items*

On its second day, CARACAL discussed more specifically the CLP-related items. Commission provided a status update on their proposal to the UN GHS (Global Harmonised System of classification and labelling of chemicals) to develop new hazard classes for EDs, PBTs/vPvBs and PMTs/vPvMs. Further to their submission end 2022, an informal correspondence group has been set up, to discuss among experts the level of science available and the possibility of developing the criteria within the group or the need to mandate the OECD to develop science and/or criteria. A workplan -including a possible mandate for the OECD - will be discussed at the UN GHS sub-committee GHS in July. If approved, work on Endocrine Disruptors (EDs) could start. To define the next hazards the Correspondence Group should work on, the EU has launched a survey among the UN GHS delegations and observers. They are currently analysing the results that will be discussed with the Correspondence Group.

Commission announced the publication of the Delegated Act on the new hazard classes, and stated that no objections were received from the Council or the Parliament.

Key for our sector were the discussions on the Adaptation to Technical Progress (ATPs). The Commission started by announcing that this would not be the last discussion as the TBT/WTO consultation is still ongoing until 21 May. They envisage having a short ad hoc meeting after 21 May. The three Li salts have been taken out from the 21st ATP. Commission explained that an additional epidemiological study -used by the UK authorities in their own assessment- was brought to the Commission's attention and as it has some bearing on development toxicity, they consider it appropriate that RAC would consider this information in a revised opinion. No details were provided on the actual mandate of the 77(3) process, i.e., whether RAC will be asked to only assess this additional study or also review other endpoints for which there are strong disagreements. This announcement triggered some concerned reactions from HEAL (Health and Environment Alliance) (who also published a paper in Euronews ([Europe's raw materials rush does not justify keeping workers in the dark about lithium's dangers | Euronews](#))) and some Member States).

ILA and Eurometaux were allowed to make a short presentation on the lead environmental classification, and more specifically on the rules to follow when having a data-rich substance. The CLP guidance clearly states that in such a case, toxicity and dissolution should be compared at the same pH, which was not done for lead. Also the pH considered for dissolution is very low, too low actually for the sensitive species be able to reproduce and survive. These two elements have a significant impact for lead massive, which, with an appropriate application of the classification rules would merit a classification as aquatic chronic 2. Commission has invited CARACAL to submit comments on what should be considered for determination

on whether a substance has an extensive dataset and why is it inappropriate to extrapolate snail data obtained at pH 7.0-7.5 to pH 5.5 (and implications for classification).

Commission also presented the list of entries for the 22nd ATP, which will include copper and silver. Eurometaux made short statements to announce the written comments that should be sent in by 26 April. The detailed CARACAL notes were circulated on 3 April (more information: Ainhoa González Pérez and Violaine Verougstraete).

CSS: Essential Use report

The Commission has finally published the WSP consultancy report (available [here](#)) which should support them in further defining the Essential Use concept and associated criteria. These are not the final criteria but will be used as a basis for Commission's work (expected for Q2 in a Commission Communication).

The report looks at how the Essential Use Concept (EUC) could be implemented in EU legislation overall. For REACH specifically, they have identified sub-options which could apply within the options for the reform of authorisation and restriction, and they provide a qualitative assessment of expected impacts from the introduction of the concept.

The report's proposals do not come as a surprise since they are the reflection of the discussions that took place in the workshops throughout 2022. According to the report, the EUC should only apply to the uses of the most harmful chemicals as referred to in the CSS (chemicals that cause cancers, gene mutations, affect the reproductive or the endocrine system, or are persistent and bio-accumulative, as well as chemicals affecting the immune, neurological or respiratory systems and chemicals toxic to a specific organ). Specific uses of one of the most harmful chemicals within any sector could be essential or non-essential for society, therefore a case-by-case assessment is needed. Applying the concept in a sweeping fashion could have negative consequences. They conclude that criteria should be retained as set out in the CSS (necessary for health, safety AND/OR critical for the functioning of society AND there are no alternatives that are acceptable from the standpoint of environment and health) and that horizontal and legislation-specific guidance should bring further definition and consistency. According to WSP, the essential use criteria are intended to be applicable horizontally across relevant EU legislation. For REACH, it will depend on the preferred option for the reform of authorisation and restriction.

WSP concludes that economic costs to industry from lost production of substances for non-essential uses could be substantial, although where alternatives are available, these costs would be shifted to profits to providers of safer alternatives (more information: Simon Cook and Ainhoa González Pérez).

CRM Act: some reference to chemicals policy

The long-awaited Critical Raw Materials (CRM) Act published on 16 March has been analysed in detail by Eurometaux as it can 'be a real paradigm shift for Europe's raw materials policy if implemented (too) quickly'. To note is that there is some recognition that EU classification and REACH decisions are important for critical raw materials, with reference to the Chemicals Strategy for Sustainability and that the uses of critical raw materials "in many cases" fall under the category of "essential to society". This reference to chemicals management is very welcome as it will allow to have further discussions (and propose solutions) to ensure the chemicals context provides more enabling conditions than hurdles to meet EU's raw materials objectives and the Green and Digital Transition. The interlink between the CRM Act and the REACH Review was further discussed during the Chemicals Management week Regulatory Forum (see below) (more information: Chris Heron and Violaine Verougstraete).

EU AGENCIES

EUROPEAN CHEMICALS AGENCY (ECHA)

ECHA COMMITTEES

RAC 64: plenary in remote, announcing intense discussions in June

RAC held its plenary spring meeting in remote, with no metals directly listed on its classification and restriction agendas but still a number of important discussions on new processes, the first part of the conformity check of the Universal Per- and polyfluoroalkyl substances (PFAS) restriction and some authorisation applications of interest for the membership.

With regard to processes, ECHA provided a status update on the Drinking Water Directive activities, explaining that the ad hoc RAC Working Group that will issue opinions on applications will meet for the first time on 1-2 June. This new Working Group will, like the other RAC sub-groups on classification/authorisation/restriction report to the RAC plenary on its discussions and proposals. Also in June, ECHA will host the regular session of the Scientific Committee on Consumer Safety (SCCS), in parallel with RAC. ECHA will arrange social and scientific exchanges.

The Universal PFAS restriction proposal has been submitted by a group of Member States, with the view to restrict them as a group. PFAS are defined as any substance that contains at least one fully fluorinated methyl (CF₃-) or methylene (-CF₂-) carbon atom (without any H/Cl/Br/I attached to it). The main concern for the group of chemicals is the high persistence in combination with supporting concerns such as bioaccumulation, mobility and toxicity. Exposure to PFAS has also been associated with health effects in humans (on behaviour, growth, reproduction, metabolism, organs & immune system). PFASs are manufactured, imported and used in the EU and this is a global market with growing volumes. The Member States are concerned by the large variety of emission sources (across lifecycle stages) and their ubiquitous presence and increasing levels in environmental media.

The effectiveness of the proposed restriction is based on the effectiveness of emission reduction. Hence, two options are proposed: full ban with transition period of 18 months or a ban with use-specific derogations (with different transition periods). The number of PFAS falling under this group restriction is huge as well as the list of uses/concerned sectors (which include electronics and semi-conductors, metal plating etc.). To assess the conformity of the Annex XV, the conformity check process was adjusted: at this meeting the submitting Member States made a presentation of their dossier and the RAC Rapporteurs have provided their view on overall conformity. At the next discussion in June, the Rapporteurs will present detailed recommendations to the Dossier Submitter. Interesting to note are the uncertainties highlighted both by the Dossier Submitter and the Rapporteurs: not all PFAS of the group are assessed, meaning that impacts associated with (unknown) uses are not assessed in detail, there are uses where the substitution potential is unclear (resulting in a limited understanding of costs), there is only limited available information on some use volumes & emissions associated with some derogations etc.

On Authorisation, a horizontal issue that was raised and will come back in further discussions is the quality of the air supply in the control room and what can be proposed by RAC in the conditions to ensure fresh, uncontaminated air is supplied, and not coming directly from the production hall.

Finally ECHA's lawyers provided an overview of the learnings on several court cases, restrictions and classification. With regard to the latter, the outcomes of the TiO₂ court case were presented in detail, raising issues like the definition of intrinsic properties and form, but also the use of the Precautionary Principle in view of the quality of the studies and the dataset expected for such a widely used substance (more information: Violaine Verougstraete)

SEAC-58: lots on PFAS

Fire Fighting Foams (FFF) for industrial sites often contain PFAS compounds, potentially also in our sector. SEAC discussed the restriction for PFAS in FFF, challenged to carefully balance the benefits of effectively addressing fire hazards in Seveso sites versus potential water and soil pollution. SEAC seemed to be prepared to exclude Seveso sites in view of the assessment of costs and benefits in such situations.

A group of 5 EU countries (NL, SE, NO, DK) has submitted a restriction for the use of all PFAS compounds not yet falling under other restrictions, unless their use is necessary and not substitutable. This is a very broad restriction proposal considering the range of the uses, including some uses in batteries, membranes with precious metals for fuel cells, manufacturing of semiconductors, metal plating etc. Hence this restriction is also of relevance for metal companies and technologies for the Green Deal.

As for RAC, SEAC did not have a detailed discussion as the dossier is still going through the conformity check phase. The dossier was considered as in conformity but like in RAC, key issues/questions will be further debated at the plenary meeting in June. One crucial element will be to identify in which articles and processes PFAS are used. The Risk Management Taskforce will be informed about the generic aspects of this restriction in a specific session mid-May (more information: Hugo Waeterschoot).

ECHA MB: March SPI and MB-69 meetings: the next Programming Document requires a strategic debate to review the CSS and REACH 2.0 challenges and a more partnership attitude with industry.

Each year, ECHA publishes its Rolling Programming Document (PD) in which the agency explains its working plans, priorities and required budgets and FTE needs for the coming 4 years. The last PD agreed in December covered the period 2023-2026. However, it did not anticipate the CSS nor the REACH 2.0 changes

and new responsibilities. Industry represented by Guy Thiran in the ECHA Strategy, Programming and Implementation Management Board sub-group (SPI) therefore requested that for the next PD, *sufficient time should be foreseen to debate the new challenges and needs, such as the recognition of other EU relevant policies (Climate, Circular Economy, ...), new responsibilities for ECHA (Environmental Quality Standards (EQS), ...) and improvements of the Risk Management scheme.*

In preparation of the SPI and Management Board (MB) meetings, the ECHA secretariat came forward with “a light process suggestion, focussed on using existing information (only) and an internal review process”. Industry insisted on a much more strategic way forward including receiving support from an external party to promote and streamline stakeholders’ input. This input should be broad and well organised given this is once in a decade opportunity to improve ECHA’s management. Some representatives of the Commission supported this view. While the outcome of the MB is not yet known on this important strategic challenge at the moment of the publication of this Newsletter, Member States do not seem too pleased with by such open and strategic process. Eurometaux, who is meeting the new Executive Director (Dr Sharon McGuinness) on 21 April will therefore use this opportunity to raise the need for a much better collaboration with industry for the next PD period (more information: Guy Thiran and Hugo Waeterschoot).

ECHA OTHER ACTIVITIES

Implications of Russia sanctions on REACH dossier updates: ECHA advises to refer national enforcement authorities

The discussion on how to handle dossier updates when companies subject to Russian sanctions are part of the joint submission is proceeding but a clear solution has not been identified yet.

A second call with ECHA, Commission and various industry associations was organised on the 28 March. ECHA provided an overview of their process of freezing registration, which is done in close cooperation with the Commission and National Authorities. Unfortunately, this process does not take into account information that might be received from lead registrants. Instead, lead registrants are advised to inform National Authorities when companies that should be excluded from the joint submission due to sanctions are identified. ECHA can be added in cc in this communication and will record such information, however, it will not trigger any further actions on their part. According to ECHA, questions on how to handle dossier updates, while companies subject to sanctions are not excluded, should be addressed to National Authorities. We stressed the importance of some guidelines from Commission to ensure there is an agreed procedure and a coordinated approach in responding and reacting to REACH dossier updates enquiries. Next steps will be discussed in the Eurometaux Registration Taskforce on 6 April (more information: Lorenzo Zullo and Federica Iaccino).

EUROMETAUX CHEMICALS MANAGEMENT

Chemicals Management Steering Committee: 1st 2023 meeting with new chair

The first Steering Committee of the year started by addressing a pending action point, namely clarifying the “do’s and don’ts” of Eurometaux’s support to members on items such as classification, risk management etc. The rules agreed with the CMSC will be written out and made available to members. Another ongoing action relates to the mapping of possible overlaps and synergies between EM’s and ICMM’s activities. A template listing the activities by theme and to be completed by both associations was presented to the Committee.

A first key item on the agenda related to the Zero Pollution Ambition (ZPA) and other related pieces of legislations: after a brief recap of the timings known to date for the review of the CLP and REACH, the secretariat presented a series of slides showing the interlinkages (or not) between policies & initiatives stemming from the Green Deal (GD), the updated Industrial Policy and Critical Raw Materials (CRM) Act, the aforementioned REACH and CLP revisions, Circular Economy, etc. It was suggested that these complicated schemes could be shown in advocacy to demonstrate the complexity of/between all these topics.

The update on the Critical Raw Materials Act released on 16 March, which sets clear objectives for building up supply chains for many metals in Europe by 2030 (extraction, refining, recycling stages) referred to the work of the Communication Committee and the Chemicals Management department to continue advocating for coherence between material demand and chemicals management policies in general.

An update was provided on Safe & Sustainable by Design (SSbD), with the recommendation adopted end 2022 and a 2-year testing phase that has now started, for industry, Member States, academia, research & technology organisations – to use the framework & report back to the Joint Research Centre (JRC). The Committee noted that the SSbD is not implementable for our industry in its proposed format and it was recommended to go to the OECD that handles more compatible definitions in their Safer and Sustainable Innovation Approach (SSIA).

The Ecodesign for Sustainable Products Regulation (ESPR) is a very important piece of future EU Product legislation that will set the ecodesign requirements. For the ongoing Public Consultation and discussions at the European Parliament, the Sustainability and Chemicals Management departments will work on some possible amendments & concrete examples to be submitted.

The question had been posed how the reviews of the IED- and Water Framework Directives, the Soil legislation fit in with the Zero Pollution Ambition and our current industry realities/boundaries. While the CRM Act is a big opportunity for the sector, it also comes with problematic concepts such as the Zero Pollution Action Plan (ZPAP) for which discussions tend to be over-simplified in the European Parliament (EP) and also a lack of consistency between the ZPAP and the GD initiatives.

The meeting closed with a series of updates: a) the learning lessons from the 11th recommendation for Authorisation, b) an explanation of points of interests of the Partnership for the Assessment of Risk from Chemicals (PARC) project, c) an update on the Pb classification to be discussed in CARACAL (see above), the upcoming Metals Academy 2 in April and in AOB the search for a metals representative in BIAC. The detailed minutes were circulated to the Steering Committee on 29 March (more information: Violaine Verougstraete).

Chemicals Management Spring Week: 2 days of Science Forum

The Science Forum started with Jelle Mertens (EPMF) presenting the learnings from the silver classification case, and more specifically on the use of nanos data in concluding on the human health hazards as well as in the read-across hypothesis. Professor Kees Van Leeuwen (Utrecht University) gave a thought-provoking presentation on a recent paper “Is the EU chemicals strategy for sustainability a green deal?” of which he is a co-author, wondering whether a hazard focused CSS will be able to address the sustainability challenges we are facing. Kate Heim (Nipera) and Violaine Verougstraete (Eurometaux) gave a status update on the revision of the metals section of the OECD guidance on grouping chemicals, which should help to ensure a robust, transparent and scientific grouping allowing to perform read-across as a next step. A Science Forum meeting is not one, without Martin Wieske’s (WVM) update and tour of the Occupational Exposure Limits (OELs) and the Occupational Safety Health (OSH), with what is at stake and what is to be learned. This first day ended with Sam Buxton (NiPERA) providing an overall picture of the New Approach Methodologies (NAMs) issue, encouraging the metals to engage and follow this work to ensure we do not end as a square peg in a round hole.

Karel Viaene (ARCHE) kicked off the second day of the Science Forum with a presentation on the hot topic of Artificial Intelligence (AI) and what potential role it could play in environmental science, in particular on handling complex data sets and reporting. Next Sander Arnout, who presented Inspyro’s simulation services on identification and analysis of complex metal containing materials and software aimed at optimising the design & management of industrial process especially in the field of metals being at the heart of the transition towards a low-carbon society and the development of more sustainable technologies. Rodger Battersby (EBRC) followed with a most interesting overview of poorly soluble particles of toxicity (PSLT) hazard identification and how to better focus, in terms of classification, on this other hot topic. Olivier Jolliet (DTU) came next on Usetox and its status and its relation to SSbD, PEF, ... and future directions and research needs based on possible collaboration. The meeting participants agreed that an effort should be done to include the REACH registration data on Human Health in Usetox as was done some years ago for environmental Predicted No-Effect Concentration (PNECs). Patrick Van Sprang (ARCHE) & Hugo Waeterschoot (Eurometaux) proposed a follow-up of the successful PNECs Workshop that focussed on derivation techniques and the data that was used. The next step will be having an Ecotoxicity Reference Value (ERV) workshop in the near future.

Both days of the SF proved most interesting and we hereby thank all the speakers and the participants for the interesting presentations and discussions that followed. The presentations and minutes for both days will be sent to the Forum members in April (more information: Violaine Verougstraete, Hugo Waeterschoot and Lara Van den Merckt).

Chemicals Management Spring Week: Regulatory Forum

The first day of the Regulatory Forum brought together representatives from the Commission's Directorates for Environment and Industry, EUROFER, and the EEA. Algreit Dume (DG GROW) opened the session presenting the Transition Pathway for Chemicals, the facilitator or "compass" for guiding the chemicals industry towards the implementation of the Green Deal and its initiatives such as the CSS. Discussions focused on the fitness of the pathway for the metals sector and its challenges, as well as exploring the co-implementation of the plan. The panel was followed by Aleksandra Malyska's (DG ENV) presentation of the recently published Safe and Sustainable by Design framework. Ms Malyska reported on the learnings from case studies and clarified the non-regulatory nature of the framework, which is intended for the stimulation of innovation. Members inquired into the fitness for purpose of the framework and its implementability, given the shortcomings of the tool with regards to its hazard "cut-off" in step 1. The framework is now under a testing phase and will be adapted according to stakeholder input. The second part of the afternoon focused on the new Industrial Emission Portal (IEP), with Alexis Thuau (EUROFER) presenting the industry view and Juan Calero (EEA) explaining the role of the EEA. The IEP proposal aims at upgrading the existing register to a more comprehensive and integrated industrial emissions portal, enabling more accurate monitoring of the environmental performance of large industrial activities. The sessions focused on the challenges for the non-ferrous metals sector regarding the emissions data.

The last day of the Chemicals Management Spring week, 2nd day of the Regulatory Forum, saw presentations by DG ENV, DG GROW, ECHA and a national association. Enrique Garcia John (DG ENV) provided very interesting insights into Waste Classification from the EU and Basel Perspectives. Discussions focused on the complex interface between substance classifications and waste classification, and the potential consequences for the generation, movement and management of hazardous and other wastes, as well as the future changes to the status quo. Maria Nyberg (DG GROW) outlined the key attributes of the Critical Raw Materials Act and how it relates to REACH. Members tried to understand the links and asked for a coherence between their objectives, trying to align on how the CRM Act and the REACH review could provide better predictability on future risk management for strategic and critical metals.

The Drinking Water Directive had a spot in the Regulatory Forum, with a presentation from Panos Zarogiannis (ECHA) on its revision and the expected role of ECHA in the positive lists. Questions addressed during the session included how ECHA could consider the specificities of drinking water in the context of greater harmonisation efforts as well as the potential evolution of the list in the future. To close the 'marathonian' week, Sekhar Lahiri (Metaal Nederland, Dutch Non-Ferrous Metals Industry Federation) explored issues regarding national implementation such as timelines, administrative costs, and impact/compliance of SMEs, as well as specific case studies that have posed challenges in their national activities. The minutes for both days will be sent out in April. (more information: Ainhoa González Pérez and Lorenzo Marotti).

CHEMICALS STRATEGY FOR SUSTAINABILITY

CSS Cross-Industry Team: REACH Revision

The CSS Cross-Industry Team met on 27 March in order to coordinate for the CARACAL meeting and exchange on the REACH revision. Since the CARACAL detailed presentations were not shared in advance by the Commission, the group could not digest and discuss them ahead of the meeting.

Participants discussed, among other ideas, how to bring up the topic of safe use without triggering NGO rejection in the session and how to react on topics such as the extension of the Generic Approach to Risk Management (GRA).

Regarding the REACH revision state of play, Cefic explained their advocacy plans ahead and after the publication of the proposal, which is still expected for Q4 despite increasing pressure from MEPs and Member States for advancing it to summer. For the time being, CEFIC is coordinating with other sectors via this cross-industry platform and plans to discuss with them once the proposal is published.

Cefic also asked for volunteers to prepare practical examples of impacts of REACH/CLP revisions that could resonate with emotional/social/economic sensitivities in given Member States. IFRA, the international fragrances association, has prepared a case study on Bulgarian rose aromas that has proven a very useful advocacy tool. Several associations committed to consult with members the value of embarking in the exercise. The deadline to submit cases is 28 April (more information: Simon Cook and Ainhoa González Pérez).

CSS: Transition Pathway for the Chemicals Industry / Metals Industry

As reported in the March News, the Transition Pathway (TP) for the chemicals industry was discussed in the 4th meeting of the High Level Roundtable (HLRT) for the CSS on 1 February. The chemicals industry is a member of the Energy Intensive Industries (EII) cluster, and is currently the only member of the cluster that has a TP. Other members of the EII cluster include iron and steel, non-ferrous metals, cement, plastics, glass, ceramics, fertilisers and pulp & paper. During the HLRT meeting it was remarked and questioned that the metals sector does not have a TP.

Since this meeting, the metals industry (ferrous and non-ferrous) has been asked by DG GROW to confirm interest in creating a TP for metals (either as one block or with ferrous and non-ferrous handled separately). This is viewed positively by the sector – as an opportunity to: open doors with various stakeholders; describe clearly and succinctly the specificities of metals and how they support the twin transition and other EU objectives; articulate the need for coherence between policy areas affecting the production, sourcing, use and recycling of metals (e.g., chemicals and raw materials policies). The exercise of developing a TP would however be resource intensive and therefore needs careful consideration by Eurometaux in discussion with Eurofer (the ferrous sector).

Eurometaux has analysed the final version of the TP for chemicals to evaluate its suitability as a starting point for a TP for metals – as an alternative to starting from scratch. The TP could be used as a starting point with appropriate additions and changes (more information: Simon Cook and Ainhoa Gonzáles Pérez).

ZERO POLLUTION ACTION PLAN

Zero Pollution Action Plan (ZPAP)

On 14 March, Eurometaux participated in a ZPAP Workshop organised by the European Commission and the German Environment Agency (UBA), also involving the European Environmental Protection Agencies Network (EPA Network). The aim of this workshop was to discuss effective improvements of pollution prevention and reduction through cross-cutting approaches and to foster an integrated ‘zero pollution ambition’ for policy making and implementation. The workshop also focused on considering the various environmental challenges in an integrated, cross-cutting manner: a key question will be how water, soil and air can be comprehensively protected from the various stressors through cross-cutting approaches and what enables effective cross-cutting dialogue and cooperation. Present at the workshop, were a number of ministers from MSs environmental ministries, Commission, EU Agencies (i.e., EEA) and NGOs.

A number of thematic workshops linked to the implementation of the Zero Pollution Action Plan is foreseen in the coming months (more information: Lorenzo Marotti).

CLASSIFICATION

Pb Classification: *debrief call to prepare for CARACAL input*

As stated above under the CARACAL meeting item, the committee was requested to provide an opinion on the Commission proposal to include a split environmental classification in the 21st ATP to the CLP Regulation for lead metal; one for the powder form and one, somewhat less severe, for massive. It was explained in a preparatory briefing call for members that whilst the split was welcomed, the proposal was still unacceptable given the other key issue was the lack of recognition of lead being a substance with an extensive ecotoxicity data set. RAC has applied the default ruling for “data-poor metals” that is much more conservative, which industry felt was unjustified and policy inspired. Hence Members were requested to brief their national MSCAs about the need to confirm the relevancy of the split entry and the need to raise further concerns on the lack of proper recognition of the data richness of the Pb ecotoxicity database. Unlike the precautionary approach applied to data-poor substances, substances that have an extensive data set would be assessed using a pH banded comparison of ecotox and dissolution data. ILA provided a technical paper to support this for the Commission and Eurometaux complemented this with an advocacy/communication paper. National contacts took place shortly before the CARACAL meeting, resulting in positive interventions by some Member States. A follow-up debrief session is scheduled for early April to define the next steps, including confirming national positions by the CARACAL deadline of 26 April (more information: Steven Binks, Violaine Verougstraete and Hugo Waeterschoot).

INDUSTRIAL EMISSIONS

Industrial Emissions Directive (IED): *status update*

On 16 March, the Council reached a general approach on the IED. Among the key changes, the Council has reintroduced a revised version of Article 9.2 concerning energy efficiency; improved article 15.3a; introduced binding environmental performance limit values; deleted the provisions containing the “reversed burden of proof”; supported the extension of scope to battery manufacturing and mining sector activities, and more.

Over the course of the past month, Eurometaux, with the support of its members, has exchanged intensely with Perm. Reps and national experts providing key amendments and justifications during the negotiations in Council. The Council has been receptive to our messages and red lines, and overall, the text introduces positive changes.

On 28 March, the ITRE Committee voted to adopt its position on the new Industrial Emissions Directive proposal. Overall, the ITRE Opinion is positive on a number of points, such as: the environmental performance limit values; on energy efficiency requirements; transformation plans; setting Best Available Technique-Associated Emission Level (BAT-AEL) and derogation periods for testing innovative/emerging techniques. The opinion will feed into the position of the ENVI committee that leads work on the file and is expected to vote on its position on 25 May. A plenary vote is tentatively scheduled on the 10 July.

Over the course of the past month Eurometaux met with a number of MEPs in Parliament to discuss our main points on IED and the amendments proposed on the draft opinions of ENVI and ITRE and maintained its regular contacts with the respective Rapporteurs.

On 29 March, Eurometaux had its Industrial Emissions Taskforce during which the two positions were analysed and discussed in detail, together with other relevant topics (more information: Lorenzo Marotti).

LVIC BREF

On 14 March, the Large Volume Inorganic Chemicals (LVIC) Working Group had a meeting to discuss the latest development on the discussions, the draft questionnaire and about the strategy on how to present relevant data. A template with comments on the first draft of the LVIC draft questionnaire was discussed in detail.

Eurometaux coordinates with EUROFER and ESA (European Sulphuric Acid group, part of Cefic) to discuss further on our aligned position concerning several matters (e.g., energy recovery, SO₂ as a raw material, etc.). As a result, a common paper has been drafted which was sent to the JRC on 31 March, in addition to the Eurometaux's Excel sheet template for comments (more information: Lorenzo Ceccherini, Lighea Speciale and Lorenzo Marotti).

Air Quality Directive: *cross-industry discussions*

In the past month, Eurometaux engaged in discussions on the new Air Quality Directive Proposal with other industrial stakeholders. As a result, a small group of sector associations has produced a non-paper on the new Air Quality Directive proposal including common points to be used for cross-industry advocacy that could guide the advocacy of other sectors that have not yet engaged with this file. Although not directly impacting industry, the new Air Quality Directive proposal comes with a number of issues, including setting stricter values and more ambitious standards that could affect the operation of industry indirectly, via the air quality plans to mitigate air pollution set by Member States.

Article 18 of the IED, stipulates that where an environmental quality standard requires stricter conditions than those achievable by the use of BATs, additional measures shall be included in the permit with a view to reducing the specific contribution to pollution occurring in the relevant area, including additional monitoring of specific pollutants.

In March, Eurometaux had several meetings in Parliament with key MEPs in the ENVI Committee to do advocacy on some critical aspects of the new Air Quality Directive proposal and the changes suggested by MEPs in Parliament. Among others, Eurometaux met with MEP Lopez (ENVI Rapporteur). Advocacy continued at the level of Council where dialogues are ongoing with MSs.

On 14 March, Eurometaux uploaded its response to the Open Public Consultation on Air Quality. Eurometaux refined its position paper and agreed with members to attach it in the consultation and further use it for advocacy and communication activities (more information: Lorenzo Marotti).

WATER

The European Commission proposal: to amend the WFD/EQSD/GWD

The month of March has seen a lot of advocacy activity, mainly through the recently formed advocacy sub-group of the Water Taskforce.

As a reminder, the European Commission's (EC) proposal to amend the Water Framework Directive (WFD), the Environmental Quality Standards Directive (EQSD) and the Groundwater Directive (GWD) was published on 26 October. This proposal includes a revision of the list of priority substances (with the addition of silver and a change in the EQS value for nickel, for example), but also changes to the legislative characteristics of the directives themselves (e.g., change from co-decision to delegated acts to add/remove substances, deletion of Article 16 of the WFD, transfer of the work on the prioritisation process from the Joint Research Centre (JRC) to the European Chemicals Agency (ECHA),...).

A [feedback consultation](#) on the Commission's proposal was launched until 14 March, to which we, as Eurometaux, submitted our comments.

The Commission proposal has been submitted to the EU Parliament and the EU Council and is already being discussed at Parliamentary level, with a vote on amendments scheduled for June 2023. We have drafted a Eurometaux position paper on the Commission proposal, together with a package of amendments, which we have shared with several Members of the EU Parliament (MEPs). An EM delegation has also met with several MEPs this month, in particular before the discussion in the Committee on the Environment, Public Health and Food Safety (ENVI Committee) - responsible for the dossier - on 23 March. We are still contacting MEPs from other committees to request a meeting before the 'final' vote in June.

At EU Council level, this dossier is not a top priority at the moment, and we will be approaching the Permanent Representatives with our position paper in the coming weeks.

Procedural concerns letter: reply from Commission

In parallel to this advocacy work, you may recall that we, together with other associations, drafted a procedural concerns letter, which we sent to the Commission in early March. This letter highlighted the main issues we faced in this prioritisation process, our concerns about the transfer of work to ECHA and made recommendations for the future.

We received a reply from the Commission on the 21 March, proposing a meeting with the Head of Unit in charge of the WFD/EQSD/GWD review. A delegation of EM members and the other co-signatories therefore met with the Commission on 3 April to discuss our letter. The discussion was generally quite positive and the EC agreed that the current revision was not perfect and that the future timeline for the prioritisation process needs to be gradual, logical and transparent. While there is no fixed date for the handover to ECHA (likely to take 1-2 years), a 'Transition to ECHA' roadmap will be prepared and shared with the members of the Working Group Chemicals as soon as it is available (more information: Lara Van de Merckt).

TOOLS

IUCLID 6.7: postponement

ECHA just announced that the IUCLID 6.7 release initially foreseen for end of April has been postponed to 22 May, which moves the new completeness check rules (TCC) initially scheduled for the 1st of May to 1st June 2023.

Note: ECHA has test versions available on their website at [Patches and test versions - ECHA \(europa.eu\)](#), which companies can install in their Test/Dev environments to provide feedback. Also, a list of updated/new features and fixes for the upcoming release have been published too: <https://iuclid6.echa.europa.eu/planned-releases> or

https://iuclid6.echa.europa.eu/documents/1387205/1809509/IUCLID_6_Release_Notes.pdf/

OUTREACH

OTHERS

Particles Platform: *kick-off meeting at Cefic*

Cefic has set up a cross-industry Particles Platform to discuss scientific and regulatory developments at EU and international level on particles and look for common long-term solutions. Background for this initiative are the regulatory scrutiny for particle substances and commonalities in issues faced by different sectors but also the need to have an exchange of views on particles science and best practices within industry. A kick-off meeting was organised on 8 March, hosted by Cefic. The meeting started with a presentation on the scientific workshop organised on 5 December to discuss particles inhalation toxicity, which was an opportunity for regulators, scientists, industry to exchange on particles issues. Afterwards, the discussion focused on technical issues like the discrepancy between CLP Regulation and OECD Guidelines, histopathological evaluations of 90-day studies but also included presentations on the TiO₂ court case implications and the IMA approach to respirable crystalline silica.

In follow-up of the meeting, a draft workplan was defined. The first step will be to agree on a proposal for the scope and criteria for the inclusion of particulate substances under the Platform, to define the aim and tasks of the Platform as well as its objectives, vision and mission. As the discussions entail both policy but also science developments, Cefic had a discussion with ECETOC and agreed to form a scientific group under this Platform, divided in two sub-groups: Experts in Toxicology and Experts in Physical Chemical Properties.

The next Platform meeting will be hosted by Eurometaux on 14 June.

Draft notes of the kick-off meeting were circulated to the Human Health Taskforce on 9 March (more information: Violaine Verougstraete).

CALENDAR

Please find here below a non-exhaustive list of the meetings that are already planned for 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](#)

- 04/04: CSS Project Group
- 05/04: Li CLH Taskforce
- 06/04: Pb environmental classification debrief session
- 06/04: Registration & Maintenance Taskforce
- 18/04: MEED Workshop on Sediments regional assessment (sponsors only)
- 24/04: Evaluation Taskforce
- 24-28/04: RAC-65 CLH Working Group
- 25-28/04: Metals Academy
- 30/4-3/5: SETAC Europe (Dublin) with presentation of MEED work
- 01-04/05: RAC-65 AfA Working Group
- 10-11/05: RAC-65 REST Working Group
- 30/05 – 02/06: MSC-82 (Tentative)
- 01-02/06: Drinking Water Directive - RAC Working Group
- 05-09/06: RAC-65 (Plenary) + SEAC-59
- 12-16/06: SEAC-59
- 14/06: Cross-Industry Particles Platform (hosted by EM)

- 21/06: Chemicals Management Steering Committee
- 22/06: Risk Management Taskforce
- 21-22/06: ECHA Management Board
- 27/06: MEED Workshop on Regional assessment updates and Metal-organics mixture testing program (sponsors only)

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)
