

## EUROMETAUX CHEMICALS MANAGEMENT NEWS



Please join us in December:

- **06-07: Environmental Classification Workshop**
- **19: Risk Management Taskforce**
- **20: Chemicals Management Steering Committee**

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Dear All,

*In Belgium, on 6 December, Sinterklaas (in Flemish, Saint-Nicolas in French), brings presents to well-behaved children.*

*The ritual is the following: on 5 December in the evening, young (and less young) children will leave a shoe in the living room and the next morning – provided they have been good throughout the year –they will wake up to presents, speculoos, marzipan and chocolate coins. Sinterklaas is a jovial old man dressed in red and he has been described as a ‘more serious version of Santa Claus’ (most probably because his clothes look like a bishop’s uniform and not a pyjama to cross the sky on a sleigh with reindeers).*

*You will meet him in shops, schools, parties, and this ubiquitous presence, associated with some differences in his appearance, will inevitably trigger some questions from the kids: whether he is real, unique, with some kind of copyright? Or whether this is all fake news?*

*I remember the discussions we had with other parents when my kids were young(er); some willing to preserve the magic of the season and hence building detailed stories on how Sinterklaas would pass down the chimney to drop the gifts; others stressing that they were struggling to tell what they considered “lies” to their children. Because - I hope I do not reveal a secret here- the real helpers of Sinterklaas are the parents, who empty the glass of beer/wine and the carrot left by the kids the evening before and arrange the presents while the house is sleeping.*

*There have been studies done on whether the Sinterklaas (or Santa Claus) “tales” (and the subsequent revelation) have a detrimental effect on children, with researchers concluding there is nothing wrong with stories around a figure who brings joy and comfort at the end of the year. For children between the ages of about 5 and 8, magical thinking is a normal part of everyday life and believing in things that grown-ups don’t is part of childhood, from fairies in the garden to monsters under the bed. Research has suggested that children do not start to develop adult notions of logic, cause and effect, the difference between fantasy and reality, until later. Most children seem to figure it out for themselves (or are helped by a classmate) once they are ready.*

*Voices also highlight the educational assets of the Sinterklaas stories: first, it is not true that adults always tell the truth and having kids finding out the verity allows them not only to reflect critically, but also to learn that they need to think twice when an adult tells a story. Sinterklaas’ visit is also an opportunity to talk about good and bad, about behaviour(s) and if used appropriately, lead to the conclusion that there are no ‘mean kids’, giving a kind of compass. The whole ritual learns to anticipate, be (im)patient and stimulates the imagination (and it is well known that ‘humans need fantasy to be human’, Sir T. Pratchett). The story illustrates the complex social dynamics a child needs to get acquainted to (the same author said: ‘you have to start out learning to believe the little lies...so as to believe the big ones’).*

*And if the disclosure of the parents’ role comes as a disappointment, this is also part of the brain development. A step towards adulthood.*

*Right. In some ways, the magical thinking never goes away completely. Many of us have magical beliefs, and some of those are quite convenient to confront the cold and the darkness of these autumn weeks, or the pre-election period.*

*We prepare and send letters asking for gifts, explaining how well we behaved despite the difficulties. We start predicting and anticipating, with variable patience; we develop our social interactions and skills in coping with ‘revelations’ and leaked essential uses promises (see below). We believe in the one or the other ‘promising’ or ‘doomed’ scenario.*

*We foresee some heartwarming gifts like festive lights and socks to stretch until June, cups of hot chocolate to counter some disappointments... we will further grow up in 2024.*

*And in the meantime, whether or not Sinterklaas visits your house, enjoy the magic of this season. However old you might be.*

Violaine Verougstraete

# COMMISSION

## **CARACAL: 50<sup>th</sup> CARACAL meeting**

The last CARACAL meeting of the year took place on 16-17 November and focused mainly on REACH-related issues. Despite the postponement of the REACH revision proposal (not expected for end-2023 nor included in the 2024 Work Plan), the Commission is still discussing whether to release some of the REACH changes such as new information requirements or MAF before the end of the mandate (those requiring comitology), as well as the ECHA basic regulation. Several Member States asked the Commission to move forward with changes in the annexes and not to wait for the next Commission. Regarding other initiatives linked to the Chemicals Strategy for Sustainability (CSS), the two legal proposals under one substance, one assessment (OSOA), those on the reallocation of tasks between agencies and those on data, are expected to be published at the end of 2023 or beginning of 2024. Other CSS-related updates included the discussion of a revised Draft Restrictions Roadmap and an update on the Framework for Chemicals Indicators. The Austrian Ministry of Climate delivered a presentation on the ESPR/REACH interface and requested the Commission to keep a close eye on this topic, calling for a CARACAL sub-group to discuss the challenges that could arise from the increasing interlinkages in products and chemicals legislations.

On Friday 17, there was a short discussion on the harmonised classifications of silver and copper, with limited comments from participants. The Commission will now draft the 22<sup>nd</sup> ATP based on the input received and will hold an Ad hoc Caracal in January or February 2024 to present the proposal, to be adopted afterwards.

Comments on the topics presented and discussed can be submitted until 15 December. The next CARACAL meeting is scheduled to take place on 20 – 21 March 2024 (more information: Ainhoa González Pérez).

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## EUROPEAN CHEMICALS AGENCY (ECHA)

### ECHA COMMITTEES

#### **RAC-67: Plenary meeting on PFAS and other items**

RAC met in snowy Helsinki between 27 and 30 November with the restriction on PFAS (U-PFAS) as one of the key items (see below). The agenda included many other interesting topics, like the harmonised classification of tea tree oil, alternative approaches to define specific concentration limits, the setting of exposure limits for nitrosamines, and applications for authorisation. Regarding nitrosamines, RAC agreed with the non-threshold approach to derive the OEL and that the resulting Exposure-Risk Relationship (ERR) shall be based on animal data as the human data do not allow to derive an ERR quantitatively. Four nitrosamines are in the focus of the RAC work, and, considering that nitrosamines are present typically as mixtures of different compounds in workplaces, RAC proposed to base the cancer ERR on the most potent nitrosamine to define the additive effects. However, the Rapporteurs proposed that this ERR would not apply to N-Nitrosodiethanoamine (2,2'-(Nitrosoimino)bisethanol) (EC number 214-237-4; CAS RN 1116-54-7) or NDELA, which seems to occur only in the metal processing industry and often without exposure to other nitrosamines. RAC agreed with this.

ECHA also provided RAC with a status update on the Drinking Water work, reporting on the Working Group meeting held in October and on the comments received on the draft guidance. What seems to remain a difficulty for RAC is to divert its focus from the hazard of substances included in the DWD materials to the “migration” of, for example, metal ions from these materials. A complicating factor in this context is that the DWD approval system is based on long-existing EN standards for testing migration and that these standards are not freely accessible.

Regarding Applications for Authorisation, RAC discussed whether they would set “hard conditions” or request “a feasibility study” (regarding e.g., the implementation of a closed/automated system, shutdown of baths) for a future use of chromates, in a future site. As it is a future use, no data is available and the applicant based its assessment on current uses, erring on the conservative side. Some participants expressed the view that going for hard conditions for future uses, regardless of the level of concern, would create a precedent. However, RAC concluded that the key message to provide here is that the new facility should have state-of-the-art practices and that recommending ‘hard conditions’ would be more appropriate. The reasoning followed by RAC will be explained in detail in the opinion so that Commission can come to a well-informed conclusion (more information: Violaine Verougstraete).

### ***SEAC AfAs: increasing number of AfAs on chromates raises concerns on substitution feasibility***

SEAC processed a large number of Applications for Authorisation (AfAs), given that the points of attention and review conclusions are more and more standard.

SEAC starts to raise more and more concerns and questions on the potential substitution of CrVI by CrIII due to the use of borates or Ni-plated underlayers or challenging the relevance of the replacement by a critical raw material like tantalum. What is lacking, however, is a RAC view on the “safer use” of these potential alternatives - hence limiting SEAC’s possibility to quantify the costs and relevance of potentially regrettable substitutions. The discussion on the review period remains a key point where opinions of SEAC and industry are clearly opposite. This is partly caused by the lack of guidance on what evidence is required for longer Review Report (permitted) periods, hence SEAC agreed to develop guidance on this for discussion in February. Eurometaux’s contribution in this respect is to ensure a fair and equal treatment of the different applicants, while ensuring that technical feasibility recognises the Critical Raw Materials Act and prevents regrettable substitution options (more information: Hugo Waeterschoot).

### ***SEAC/RAC: Reporting on U-PFAS public consultation outcome, without further inside and sectorial review planning***

The RAC and SEAC stakeholders (STOs) -including Eurometaux- were briefed on the progress made since September with the Universal PFAS restriction case. We had expected an overview of the main comments submitted under the Public Consultation (PC) as well as a workplan for the different uses/sectors but the information session remained limited to some visuals on the number of comments, their source and the use categories covered. The main reason was the large number of submissions received (> 5000) as well as the extensive information included in them, which did not allow for anything more than preparing an overview. ECHA hopes to extract some valuable information from the submissions on the economic and technical feasibility (or lack thereof) of the proposed substitution, given that this would be critical to define the relevancy and justification for derogations. The Rapporteurs confirmed that despite the large number of sectorial comments received they will prepare a Response to Comments document (RCOM) summarizing all of the reported (non-confidential) information and questions collected from the PC.

The future discussion in RAC and SEAC will be organised on a sector-by-sector basis, whereby industry made a strong plea to keep sufficient granularity in the sector identification, which was confirmed. The Committees took note of the demand of sectors like the battery, energy- and electronics sector to ensure that they would be reviewed in a timely manner to prevent that investments scheduled to achieve the Green Deal objectives would be hampered.

Given the large number of comments received, ECHA will not be capable of delivering the opinion on time and has already raised this with the Commission which has indicated that this will not be a (legal) issue.

Finally, ECHA clarified the STO representation rules when the sectorial parts will be discussed. Regular STOs will be able to attend all discussions in person (in Helsinki), while occasional STOs representing sectors will only be invited for remote attendance, when their sector or related sectors are discussed in the Committees (more information: Violaine Verougstraete and Hugo Waeterschoot).

### ***Restriction on plating using Cr: Eurometaux invited to support the contacts with involved sectors***

ECHA received the mandate from the Commission to develop a restriction on the use of chromates in industry. This request is driven by the concern that the authorisation scheme causes far too much work for applicants, ECHA Committees, the Commission and the Member States, while ensure the opinions agreed (if any) lead to safer alternatives that are sustainable. Eurometaux has, for many years, promoted that EU workplace legislation is a much better tool than authorisation given that exposure control is key, and less so substitution - especially when this could lead to regrettable substitution. Given that the restriction may affect the entire plating sector, ECHA consulted Eurometaux in preparation of a Call for Evidence (to be expected by mid-December). In follow-up Eurometaux organised a briefing session with CETS to ensure the best and most relevant evidence can be collected during this call for evidence. The engagement of Eurometaux is, besides representation, also driven by the attention for other metals (Cd, Ni, borates) and the use of chromates (as intermediates) by some of its members (more information: Hugo Waeterschoot).

### ***MSC: no metals to appear on 12<sup>th</sup> list and ARNs***

MSC will debate in December the 12<sup>th</sup> priority list for substances proposed for authorisation. As it looks now, there are no metals (except probably some borates to prevent intersubstitutability for borates previously listed) to appear given the large number of high-volume chemicals with PBT or PMT properties. They score higher due to these hazard properties not being risk managed under present EU chemicals regulation, contrary to the CMR hazard endpoints(s) which are usually driving the metals concern and prioritisation. It is therefore not expected that Cd and Cd compounds would be prioritised for authorisation (and would probably never be). This is confirmed by several ARNs recently published on organic chemical groups confirming that several may be selected in the future as SVHCs.

Recent metal ARNs like those on Zn or Mo and simple inorganic compounds either confirm no risk to be handled for most uses, or a focussed concern such as reproductive toxicity or handing the outcome of the substance evaluation on the nano concerns on ZnOx. In general, we noted that most consortia/associations, while challenging some of the technical assumptions made in the ARNs, appreciate the transparency and longer term view these documents provide to the sectors, which allows them to focus on the listed upcoming needs for harmonised classification, information requirements or potential restrictions. Eurometaux noted that while the aim of the ARNs is to “identify the potential risks of groups of structurally related chemicals/substances”, the absolute lack of attention on potential exposures and exposure pathways means that the ARNs are focussed on hazard instead of on risk (more information: Hugo Waeterschoot).

## ECHA OTHERS

### **Management Board: *meeting on strategic planning***

Guy Thiran attended on 21 November a ECHA Management Board subgroup meeting dealing with the strategic planning of the agency. ECHA is presently preparing its strategic multiyear plans for the next 3-4 years. A review by industry of the circulated draft confirmed that ECHA had not considered some of the key comments made by industry asking for attention for EU criticality, circularity and climate objectives in the chemicals policy implementation plans. In addition, Eurometaux requested more attention for an appropriate expertise base to ensure that ECHA can implement its new tasks (such as the Battery Regulation and the Drinking Water Directive). Shifting of ECHA staff from other units to these new themes would not assure the new expertise needed (e.g., material science) to progress these new tasks adequately. Industry will carefully check if these generic comments are included in the updated strategic plans when they will be presented for adoption to the ECHA management Board in December (more information: Guy Thiran and Hugo Waeterschoot).

### **Integrated Regulatory Strategy: *survey in view of March workshop***

ECHA has been conducting surveys to collect experiences on the implementation of ECHA’s integrated regulatory strategy (IRS) from Member States, Commission and stakeholders. The results of the survey will be presented in the IRS workshop organised by ECHA on 6-7 March for Member States, Commission and invited industry association and NGO representatives. A first survey, sent to accredited/regular stakeholders focused on internal processes, priorities and communication. A second one was targeting registrants who have registered a substance which has been subject to an Assessment of Regulatory Needs (ARN). Eurometaux’s draft input was circulated to the Chemicals Management Steering Committee and discussed with Cefic. Key aspects we highlighted included the need to evolve to an IRS 2.0 to focus on what matters, with the appropriate attention for the coherence of environmental policies to meet the EU objectives (e.g., water quality and biodiversity, circularity, access to materials for climate and recycling, etc.). This requires bringing in exposure considerations for prioritization up to the design of risk management options. We will keep you updated on the next steps (i.e., if we managed to get invited for the March workshop 😊) (more information: Hugo Waeterschoot and Violaine Verougstraete).

### **NeRSAP: *2024 meeting organised by Eurometaux***

NeRSAP - the Network of REACH socio-economic assessment (SEA) and Assessment of Alternatives (AoA) Practitioners - is an extensive informal network created some 10 years ago on the initiative of ECHA and Eurometaux/Cefic to brief and exchange experience between experts on this new item for chemicals management. NeRSAP has provided for years a neutral platform where SEA and AOA experts from governments, ECHA, Commission, SEAC, industry and consultants can meet to create a learning network on both areas. The NeRSAP Steering Team welcomed the proposal of Eurometaux to organise the 2024 session in Belgium as part of a rotational basis. Eurometaux suggested as the main theme for this session the need for broadening the scope of SEA and AOA to include broader considerations such as climate, circularity and criticality in their assessments. If agreed, we will prepare this event together with ECHA (more information: Hugo Waeterschoot).

# EUROMETAUX CHEMICALS MANAGEMENT

## CHEMICALS STRATEGY FOR SUSTAINABILITY

### Essential Uses Concept: *Leaked Commission Draft Communication*

Eurometaux had access to a **leaked non-official draft** of the Communication that introduces the 'essential use concept' (EUC), a key item of the Chemicals Strategy for Sustainability.

EUC aims at facilitating decision-making to achieve fast phase-out of Most Harmful Substances (MHS) in non-essential uses by only allowing essential ones, through a stepwise assessment to determine on a case-by-case basis when it is justified to use a MHS from societal point of view. The document defines which two criteria have to be met to be considered an essential use (1. The use is 'necessary for health or safety' OR 'critical for the functioning of society', AND 2. There are no alternatives acceptable from the standpoint of the environment and health), and what constitutes a MHS (Carcinogenicity: Cat 1A and 1B, Germ cell mutagenicity: Cat 1A and 1B, Reproductive/developmental toxicity: Cat 1A and 1B, ED: Cat 1 (Human Health and Environment), PBT, vPvB, PMT, vPvM, Respiratory sensitisation: Cat 1, STOT RE: Cat 1, including immunotoxicity and neurotoxicity, and Hazardous to ozone layer).

The draft Communication outlines criteria and principles to reach a common understanding on how to assess essentiality, but when officially published, it will not be legally binding. The implementation of the essential use concept it develops will be in various legislations, including the REACH revision and other sector-specific legislations, which will further define how the concept will apply for specific cases. The concept, as defined in the draft, still leaves ample room for interpretation, especially regarding "acceptable alternatives". There is a reference to the Critical Raw Materials Act under one of the examples given for "critical for the functioning of society" and despite metals per se not being mentioned in the draft, they could fit into other criteria for criticality.

It should be kept in mind that this is a leaked document, and its content should be taken as an indication of where the Commission's thinking is going, or as a definitive proposal. Several Commission officials have defended that the Communication should not be published separately from the postponed REACH Revision. Nevertheless, the Commission is discussing whether to publish the parts of the revision that do not require the Ordinary Legislative Procedure (which could include new information requirements or Essential Uses Communication) ahead of the end of its mandate (more information: Ainhoa González Pérez).

## ZERO POLLUTION ACTION PLAN

### Zero Pollution Stakeholder Platform: *meeting on 9 November*

On November 9, Eurometaux attended the 5th Meeting of the Zero Pollution Stakeholder Platform. Discussions focused on the future skills for the twin transition, the main challenges and opportunities in promoting green skills, which specific new skills are needed to support the Green Deal and Zero Pollution agenda over the next decade, and what are the best practices. Also, the discussion expanded on how to achieve the zero pollution agenda via innovation and research roadmaps (including Horizon Europe 2025-2027) (more information: Lara Van de Merckt and Lorenzo Marotti).

### Workshop on the Polluter Pays Principle: *preliminary findings of the study supporting the fitness check*

This second and last online workshop took place on November 20 and aimed at presenting the preliminary findings of the study supporting the Commission with the fitness check of the implementation of the 'polluter pays' principle ("PPP") in environmental policy. The work also supports the development of a guidance document for the reporting on non-energy environmentally harmful subsidies (EHS). The fitness check is a consequence of the European Court of Auditors (ECA) [special report on the polluter pays principle](#), which concluded that the principle is applied to varying degrees across environmental legislation and recommended assessment of the scope for strengthening its application.

The study was commissioned by DG Environment to RPA Europe, in collaboration with Logika, Risk & Policy Analysts (RPA), Metroeconomica and the Centre for European Policy Studies (CEPS). The workshop presented a state of play of the implementation of the PPP, according to which EU policy often incurs a cost for pollution prevention and control borne by polluters, nevertheless, costs of administrative measures are commonly borne by competent authorities and few measures address costs of environmental damage or externalities.

The report will go through the Regulatory Scrutiny Board (RSB) and on the basis of the study, the Commission will publish a recommendation in the first half of 2024, so that it feeds into the thinking of the next Commission's mandate (more information: Ainhoa González Pérez).

## CLASSIFICATION

### **Li Classification Taskforce: call to prepare the PC**

A call was held on 7 November to prepare the input to the Public Consultation organised by ECHA in the context of the re-assessment of the RAC opinion issued in 2021. The Commission mandate - instructing RAC to reevaluate its opinion - unfortunately focuses only on developmental toxicity and on the 'new' Boyle study that had not been considered by RAC at the time. Information on the read-across to the hydroxide compound was welcomed too. Industry decided to submit: i) a cover note -cosigned by several associations- stressing the importance of having robust science backing the classification and pointing to diverging opinions (UK, AUS, CAN, ARG, US); ii) an analysis of the epidemiological evidence on the effects of Li during pregnancy and the impact of confounding; iii) the assessment of developmental toxicity and fertility that industry carried out and submitted already to CARACAL; and iv) additional studies on lactation/ association between pre-existing mental health disorders and neonatal. It was proposed to the members of the Taskforce to submit input highlighting the importance of a thorough evaluation and referring to the submission discussed above. Albemarle had prepared a short guidance to help with submissions.

An update was given on the ongoing outreach towards the countries who had expressed diverging views on the proposed classification. ILiA gave a more specific update on the discussions with the UK HSE, and the possibility to have an expert round table. A sub-group of volunteers will discuss the modalities further to make a proposal to the UK HSE before the end of the year.

The group discussed the PC launched by ECHA on testing proposals for lithium chloride regarding genetic toxicity in vivo and defined actions regarding a possible Li Environmental Quality Standard (EQS). Albemarle gave an update on the Industry Risk Management Option Analysis and the meeting ended with ILiA explaining that their December magazine will include a short history of lithium & mental health. The draft minutes were circulated on 13 November (more information: Francesco Gattiglio, Chris Heron and Violaine Verougstraete).

## REACH REGISTRATIONS

### **Registration Compliance Taskforce: 1<sup>st</sup> meeting**

The Registration Compliance Taskforce created by the merging of the Registration Compliance and the Evaluation Taskforces had its first meeting on 13 November. The agenda was structured into three main blocks. The first part was dedicated to registration-related topics, discussing aspects like IUCLID migration issues and a joint industry letter to ECHA, the extension of the multi-metallic database, the impact of the Russia sanctions on REACH dossiers updates, the archiving of scientific studies and REACH IT updates. In the second part, devoted to 'Testing and Evaluation', the participants exchanged experiences regarding some specific tests (e.g., second PNDT species) and the Assessment of Regulatory Needs. The outcomes of the last Member States Committee regarding e.g., neurotoxicity and the in vivo mutagenicity testing strategy, were presented and the Cobalt Institute kindly presented its cobalt testing program. The third section was kept as a placeholder and will accommodate future discussions on relevant Board of Appeal (BoA) cases related to metals as appropriate. The initial feedback received from Eurometaux members with regards to scope and structure of the Taskforce was positive. The draft minutes will be circulated asap (more information: Federica Iaccino, Hugo Waeterschoot and Lorenzo Zullo).

### **How to handle REACH dossier updates without infringing Russia sanctions: a concerted solution at the horizon**

For more than a year, Eurometaux has been in discussions with the Commission, ECHA, and other industry associations to identify workable solutions that would allow REACH consortia to update their registration dossiers while remaining in compliance with Russia sanctions. The problem is twofold: i) identification by consortia of companies subject to Russia sanctions, and ii) how to proceed with the submission of REACH dossier updates.

While ECHA has established a screening process to withdraw REACH registrations from companies subject to sanctions, the industry did not receive clear guidance on when/how to proceed with REACH dossier updates when there is the presence in the consortia / joint submission of sanctioned companies not already targeted by the ECHA screening. A letter was also sent to ECHA, to the Commission, and to National Authorities before the summer, further raising awareness of the issue.

It seems we are now getting closer to a solution. The EU Commission has been working on Frequently Asked Questions (FAQs), currently under review (but not yet received by the industry). We expect that the Commission will convene a meeting involving REACH enforcement authorities, ECHA, and industry representatives to ensure full alignment and provide additional clarifications on responsibilities and procedures to be followed (more information: Federica Iaccino, Lorenzo Zullo).

## INDUSTRIAL EMISSIONS

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

On 8-9 November, Eurometaux attended the OECD BAT Expert Meeting and provided written input to the BAT project: Activity 9 - Draft Survey on Identifying Emerging Techniques for potential BAT determination.

On 13 November the Council had a Working Party on the Environment Meeting on the new IED. This was followed by a meeting in COREPER on 22 November.

On 28 November, during their last political trilogue, the Council and the Parliament reached an agreement on the Industrial Emissions Directive (and the IEP, former E-PRTR) following negotiations that ran into the night on Tuesday. The new IED text will be available in the coming weeks following technical and legal adjustments.

The next meeting of the Industrial Emissions Taskforce is scheduled for December 5. During the meeting the main changes introduced in the new IED will be presented as discussed (more information: Lorenzo Marotti).

### **LVIC BREF: status update**

Early in November Eurometaux exchanged with EIPPCB (the European Integrated Pollution Prevention and Control Bureau) on the specific issues related to sulphuric acid production from non-ferrous metal activities. The third draft questionnaire was preliminarily tested with real data provided by a Eurometaux member. This exercise was very helpful for the EIPPCB to make some adjustments to the questionnaire.

On 27 November 2023, the JRC published on BATIS the semi-final version of the questionnaire to collect plant-specific data for the drafting of the LVIC BREF, accompanied by the revised draft User's Manual. The EIPPCB expects to have feedback on this version by 11 December 2023 and in particular on some filled-in questionnaires that are covering several LVIC production processes so as to test their data extraction software. Eurometaux will test the questionnaire in one plant and deliver it to the EIPPCB with comments.

Regarding the next steps, Eurometaux will go through the ultimate version of the questionnaire and, if needed, circulate the Excel template for additional feedback. The EIPPCB plans to start the data collection by mid-December throughout the first quarter of 2024 (more information: Lighea Speciale, Lorenzo Ceccherini and Lorenzo Marotti).

## AIR

### **Ambient Air Quality Directive: Status update**

On November 9, the Council agreed on a General Approach on the Ambient Air Quality Directive (AAQD). The General Approach gives Council the negotiating mandate to start trilogue discussions with the European Parliament. The leaked draft General Approach was shared with the Eurometaux Air Quality Taskforce. The relevant changes agreed by the Council regarded strengthening air quality standards for sulphur dioxide (SO<sub>2</sub>), benzene, arsenic, lead and nickel, amongst others. Also, the annual limit values for the pollutants with the highest documented impact on human health (i.e., PM<sub>2.5</sub> and NO<sub>2</sub>) would be reduced from 25 µg/m<sup>3</sup> to 10 µg/m<sup>3</sup> and from 40 µg/m<sup>3</sup> to 20 µg/m<sup>3</sup> respectively (WHO guideline values: 5 µg/m<sup>3</sup> for PM<sub>2.5</sub> and 10 µg/m<sup>3</sup> for NO<sub>2</sub>). For metals, target values were reinstated: "to address the concerns of some delegations, the Presidency suggests maintaining the values for benzo(a)pyrene and arsenic, cadmium and nickel as target values instead of limit values until 2030" and a table was inserted accordingly to reflect the Council position. Regarding Sulphur Dioxide (SO<sub>2</sub>), the original exceedance proposed in Annex 1, Section 1, was changed into: "1 hour - 350 ng/m<sup>3</sup> - not to be exceeded more than 3 times per calendar year" (to be attained by January 2030), while we asked for 12 times. Other relevant changes refer for example to site-specific aspects, monitoring of supersites, Air Quality Plans, Access to Justice and right to compensation and review frequency. A detailed update was sent to the Air Quality Taskforce on 9 November.

The Council has started negotiations with the European Parliament to agree on the final shape of the legislation.

On 16 November, the first trilogue between Council and Parliament took place. This was followed by a Council's Working Party on the Environment meeting on November 22 and 24 (COREPER).

On 23 and 24 November 2023, the 4th EU Clean Air Forum was held in Rotterdam, the Netherlands. The Forum brings together decision-makers, stakeholders and experts from across the EU to focus on how to further reduce and prevent air pollution. Particular attention was paid to the ongoing revision of the AAQD. The participants joining the event in person and online represented civil society, business and industry, academia, research as well as public authorities, including policymakers at the European, national, regional and local levels. At the Forum, the European Environment Agency (EEA) published an updated assessment of air quality and its impacts on human health. Ahead of the Forum, the European Commission's Joint Research Centre (JRC) released the 2023 edition of the Urban PM<sub>2.5</sub> Atlas. The Atlas pinpoints the sources of air pollution, such as fine particulate matter, by sector, for 150 cities in the EU. The data will



help cities to design air quality plans, ensuring that measures are targeted at the highest polluting activities. This aimed at underlining the importance and urgency of taking both city-specific measures and European level policy action. Among the speakers, Maroš Šefčovič, Executive Vice-President of the European Commission, and Vivianne Heijnen, Minister of the Environment of the Netherlands, opened the proceedings. Virginijus Sinkevičius, Commissioner for the Environment, Oceans and Fisheries, and Ahmed Aboutaleb, Mayor of Rotterdam, delivered keynote speeches on the second day of the Forum (more information: Lorenzo Marotti).

## SOIL

### Status update

Discussions are ongoing at the EU parliament level and the EU Council regarding the European commission [proposal](#) for the first EU Soil monitoring law.

#### 1) European Parliament

*Remember:*

The Committee on the Environment, Public Health and Food Safety (ENVI) is responsible for the dossier, sharing some of its responsibilities with the Committee on Agriculture and Rural Development (AGRI).

The draft report of the ENVI committee, available [here](#), is quite ambitious, aiming to make the legislative proposal a "real soil health law" and is not just on soil monitoring. It introduces concepts such as legally binding and intermediate targets for soil health. The rapporteur also proposes a tiered approach (5 classes of soils from high soil ecological status to critically degraded soils) to assess soil health, as opposed to the current binary proposal from the Commission. This gradual proposal is very similar to what already exists in the Water Framework Directive (WFD) but is proposed without a clear framework or definitions. A debate was held in the ENVI committee and amendments were tabled. The ENVI committee plans to vote on its opinion on 9 March 2024.

The draft report of the AGRI Committee is available [here](#), it is similar in ambition to the one proposed by the ENVI Committee. A debate has been held and amendments have already been tabled. The AGRI committee plans to vote on its opinion on 12/02/2024. The vote in plenary is tentatively scheduled for April 2024.

#### 2) EU Council

Since the end of the summer, there have been several meetings of the Working Party on the Environment (WPE) on the Soil Monitoring Directive, which seems to be of great interest to the Member States (MS). An Environment Council policy debate is scheduled for 18 December. The EU Council is tentatively planning to adopt a general approach around June 2024.

Looking at this timeline, the trialogues are not foreseen before the next legislative term with the new Parliament and the upcoming Hungarian EU Presidency (more information: Lara Van de Merckt and Koen Oorts)

## METALS ENVIRONMENT EXPOSURE DATA PROGRAM (MEED)

### MEED reporting: posters and special session abstracts prepared for BELTOX and SETAC Europe

MEED is progressing well and several projects of this extensive industry research program on Metals Environmental Exposure Data collection are, after 2 years, nearing completion. It is one of the objectives of the metals sector that, besides producing reports for the sponsors to allow updating of registration files and anticipation of upcoming REACH challenges like the introduction of the Mixture Allocation factor, the main outcomes and concepts will also be published. Congresses organised by reputable scientific organisations like Beltox and especially SETAC Europe 2024 are key opportunities to present the new concepts (e.g., on mixture assessment for metals) and discuss the outcomes of the different projects with academic, regulatory and industry scientists. The overall aim is to build recognition and support for the concepts and new approaches so that Consortia can implement them in the future. Almost 10 posters and 2 special session contribution abstracts were prepared and submitted in November in a concerted action from the MEED external scientists of the University of Ghent, ARCHE and Eurometaux staff (more information: Violaine Verougstraete, Diana Dobre and Hugo Waeterschoot).

# OUTREACH

## OECD

### OECD: “guidance on grouping chemicals” updated version presented in Paris

The OECD secretariat has set up several ‘drafting sessions’ to make progress with the revision of the Guidance on Grouping Chemicals. Most of these sessions take place remotely, as they involve experts from the US, ECHA, EU and Japan but on 13-14 November, the ‘drafters’ were invited to Paris. The group went through the revised chapters, under the lead of an external consultant, to reach agreements and ensure the best possible readability of the guidance text. In view of this meeting, the metals section was revised to consider some (minor) comments made by the group but also harmonise the terminology throughout the Guidance document (e.g., on NAMs, similarity, data matrix etc.). The aim is to have a final draft for broader circulation by the end of January. There is a section on inorganic UVCBs that deserves an update as the information included dates back from 2014 and is not totally aligned (e.g., on substance identity, sameness) with what has been done on UVCBs under REACH, and on ores and concentrates under GHS. A draft will be prepared by Eurometaux asap and circulated to the Human Health/Environment Taskforces/UVCB platform (more information: Violaine Verougstraete).

## OTHERS

### Raw Materials Week

On 13-17 November, Eurometaux attended the European Raw Materials Week in Brussels, Belgium. The 2023 edition of the Raw Materials Week focused on the European Critical Raw Materials Act and included on 15 November the 10th annual High-Level Conference of the European Innovation Partnership (EIP) on raw materials, co-organised with Eumicon. The scope of The Raw Materials Week is to gather a wide range of stakeholders to discuss EU policies and projects on raw materials, including Members States and geological survey representatives, ministers, MEPs from the EU Parliament, Commission, academia, NGOs and industry representatives. During the high-level conference, many speakers such as Maroš Šefčovič (Executive Vice-President of the European Commission), Radan Kanev (MEP Rapporteur for the Industrial Emissions Directive), Peter Handley (European Commission Executive Vice-President for the European Green Deal) and Thierry Breton (Commissioner for Internal Market of the European Union) all delivered important messages on how to secure the materials needed for the twin transition in a safe, sustainable and strategic way.

Several side events took place:

- The presentation of the documentary titled ‘Made in Europe’ by KU Leuven Professor Peter Tom Jones (<https://vimeo.com/884346837>)
- A partnership with Kazakhstan for access to raw materials was publicly announced and a signatory ceremony followed.
- Eurometaux members Rio Tinto and Anglo-American held a session on the drivers of social acceptance for mining in the EU and various other members held satellite events on Raw Materials.
- Kamila Slupek (Eurometaux Director for Sustainability) moderated a panel by AISiCal (a project to develop an innovative technology for the sustainable production of alumina, silica and calcium carbonate from currently unexploited aluminosilicate resources), covering topics such as EU vs global competition, environmental aspects, social acceptance, the EU regulatory framework and more.

It was highlighted that access to raw materials should not be achieved at the expense of people's health or with unacceptable environmental impacts, highlighting the central role of chemicals management and permitting. Other issues/themes discussed were: the shortage of skills, the NIMBY (Not In My Backyard) and how to respect indigenous rights in EU mining projects.

During the same week, the Parliament and Council found an agreement and sealed a deal on the Critical Raw Materials Act (more information on this part: Ainhua Gonzalez and Lorenzo Marotti).



## ***Substances of Concern (SoC) definition gets a formal shape!***

Some legislative developments are moving at a very high speed as the purpose is to finalize discussions under the current European Parliament term. One of those dossiers is the ESPR (Ecodesign for Sustainable Products Regulation) on which the trilogue discussions started this summer and for which the provisional political agreement has now been reached, only after three rounds of inter-institutional talks.

This file is extremely important for the future generation of the products that will be put on the EU single market, but also because it contains the formal definition of the Substances of Concern (SoCs) that, so far, was only generally outlined in the Chemicals Strategy for Sustainability (CSS) with a non-legally binding nature.

The SoCs definition under the ESPR has a very wide scope covering substances falling under REACH Articles 57 and 59.1, substances classified under CLP in the various hazard classes and categories, or substances that negatively affect the re-use and recycling of materials in the product in which they are present.

In addition, it will be necessary to inform about and disclose the presence of SoCs in products.

The proposed ESPR framework will aim to progressively cover all substances of concern in the products that will get to the ESPR Working Plans for preparing their specific sustainability criteria.

It will still take a few months before the ESPR enters into force as some elements must be still completed at the technical level and then the Parliament and the Council need to formally adopt the text. This could be expected for Q1 2024 (more information: Kamila Slupek).

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## COMMUNICATION

### ***Metals Academy 3: looking good!***

Pre-registrations are showing a marked interest in the 3<sup>rd</sup> edition of the Metals Academy that will be held from 23 to 26 April 2024.

The Organising Committee is currently working on a finalised version of the programme & allocating the various speakers to best fit the needs.

This more fine-tuned programme will be sent out beginning 2024, with also a registration form and a request for firm commitment based on a first come, first served basis and maintaining an equitable number of participants per association/company/consortia. In the meantime the [link to pre-register](#) will remain open until mid-December (more information: Ailsa Lee and Violaine Verougstraete).

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## CALENDAR

**Please find here below a non-exhaustive list of the meetings that are already planned for the end of year 2023.  
A list of foreseen 2024 meetings will be posted in the next edition.**

### **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).

- 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](#)

## 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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