

# EUROMETAUX CHEMICALS MANAGEMENT NEWS



Enjoy the summer & please join us in September:

- 03 September: Registration Compliance Taskforce
- 04 September: Chemicals Management Steering Committee
- 24 or 25 September: Risk Management Taskforce webinar session on substitution options (tbd)
- 30 September-02 October: Chemicals Management Autumn Week (30/09-1/10 am: Regulatory Forum, 1/10 pm-2/10 : Science Forum)

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*Dear All,*

*Change in organisations is constant and driven by forces that include requests from its customers/members, changes in audience and context but also simply ‘time that passes by’ and the internal evolution of its components. Eurometaux is of course not exempted from this normal phenomenon, although I admit that in view of all the upcoming changes in staff during the second part of this year, and foreseen in 2025, I was slightly tempted to call for a status quo, a bit like in the “mad tea party” narrated in “Alice in Wonderland”. Remember the setting: Alice joins the Dormouse, the Mad Hatter and the March Hare, crowded together at one corner of a large table prepared for a huge tea party. The time seems to be blocked at 6 o’clock and hence they appear to be able to benefit continuously from the numerous delicacies on the table. But reading further, one understands from the exchanges that time won’t move because of a quarrel during the great concert held by the Queen of Hearts between the Hatter and Time (who did not stand being ‘beaten’ during the Hatter’s song.) As a result, the watches are simplified: they only need to tell the day of the month, but not what o’clock it is. But also: it is always tea-time, and the three protagonists having no time to wash up the dishes “between whiles”, they need to move round as the things put on the table get used up. “But what happens when you come back to the beginning again?” Alice ventured to ask. No reply here as March Hare interrupted her and proposed- yawning- to change the subject. Actually, right ‘on time’ to avoid being confronted with an annoying discussion on the need to break the setting to continue the story.*

*Clearly Eurometaux will embrace the time that ticks without stopping, including some changes in what may arrive on and at the table.*

*The key question that occupies me though is how to create a success and a learning phase from this period. It is common knowledge that successful change management prioritises people and that it is mainly people who fuel change and sustain its momentum. A clear, structured, proactive communication on what the changes are and how they (will) impact the persons is clearly a basic requirement. Also, that it should be associated with a safe space to express any hesitations and some fears, and be comforted.*

*But above all there should be a story, which could embark the team, so they avoid becoming tired of the changes and exchanges around the table.*

*Alice herself leaves the tea party claiming: “At any rate I’ll never go there again!” as she picked her way through the wood. “It’s the stupidest tea-party I ever was at in all my life!”*

*We can do better!*

*And with this as objective for the summer, I would like to explicitly thank our Eurometaux members and also the Chemicals Management Steering Committee for their continuous, but also explicit support to its Eurometaux staff in this (new) journey ahead. Your help allows the story to be written!!*

*Wishing you an excellent summer,*



*Violaine Verougstraete*

# EU AGENCIES

## EUROPEAN CHEMICALS AGENCY (ECHA)

### ECHA COMMITTEES

#### **RAC plenary meeting: a picnic with SEAC but also a lot of discussions**

While Brussels was wondering whether spring would finally start, Helsinki bathed in (sun)light for the RAC plenary meeting. A boost of energy to discuss some Occupational Exposure Limits (OELs), harmonised classifications and the Universal PFAS (U-PFAS) restriction directly relevant to the sector.

RAC finalised its discussion on the “boron OELs”, with -as highlights- the discussions on the assessment factors to be used for a time-extrapolation and intraspecies variability for developmental effects. On the latter, RAC supported an assessment factor of 10 to protect the offspring of workers from adverse developmental effects, because of relative sensitivity of the unborn and because women may not be aware of pregnancy. As this is a deviation from the ECHA Guidance, the Rapporteurs were asked to justify this in the opinion. Some RAC members supported an update of the guidance. RAC will recommend the 8h-TWA (Time Weighted Average) value to apply to “any compound releasing boric acid and which meets the criteria for classification as reproductive toxicant category 1A/1B according to CLP”. A Short-Term Exposure Limit (STEL) was also proposed based on local irritant effects in workers, derived as boron (B) equivalent limit values, for any substance releasing boric acid in aqueous solution. No Biological Limit Value (BLV), Biological Guidance Value (BGV) or notation was proposed. Martin Wieske (WVM) accompanied Eurometaux as industry expert and made interventions, based also on his experience in the Working Party Chemicals. Once the opinion is finalised, it will be sent to Commission to go through the next steps of the OEL process. Also, the derivations of health-based value for bisphenol A and butadiene were of high interest, because the discussions touched on questions on assessment factors again and how to consider endocrine disrupting effects and possible (non-)thresholds in the CMRD.

Regarding CLH, Eurometaux was accompanied by an expert for the talc debate. The plenary discussion focused on lung carcinogenicity. The Rapporteurs explained their assessment of the animal and human data as well as their review of the lung overload mechanism (also discussed while reviewing the STOT-RE proposal in March). They concluded that the observed increase in tumour incidence in lungs of chronically exposed female rats cannot be conclusively (and solely) attributed to particle/dust-related lung overload and subsequent (complete) impairment of lung clearance, although a prolonged retention of talc particles in the lungs was demonstrated. Initial (pre-neoplastic) effects were already observed at early time points and low test concentrations without reaching ‘onset of overload conditions’. It was stressed that similar effects were observed in humans upon occupational/accidental talc exposure. The mechanism of action is considered plausible and relevant for humans, even if the lack of tumours in male rats remains unclear. RAC supported the Rapporteur’s analysis but no conclusion was drawn on the classification as other data still needed to be discussed (on pheochromocytomas and ovarian cancer). The increased incidences of pheochromocytomas in the rat were not considered as supporting data for classification purposes, and the mode of action (i.e., being secondary to hypoxia) was estimated as uncertain. The data on ovarian cancer will be discussed at the next CLH Working group.

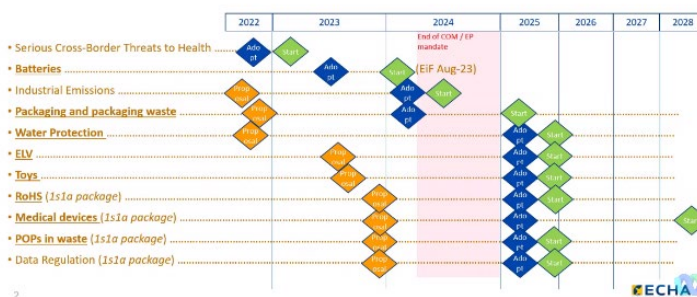
On U-PFAS, RAC continued its discussions on hazards, emissions (waste stage), consumer mixtures, cosmetics, ski wax and metal plating/manufacturing of metal products. The generic debate started with a confirmation of the substances in scope and RAC confirmed the focus of the restriction on the very persistent property supported by other properties of concern including (eco)toxicity, mobility, bioaccumulation, long-range transport and global warming potential. While RAC acknowledges that these properties vary between the different PFAS, they considered that the very persistent properties combined with the difficult and costly remediation have generated an irreversible stock of pollution, which may result in the exceedance of (eco)toxicologically critical concentrations and environmental or human health risks. Regarding emissions, PFAS are considered as non-threshold substances and their emissions can serve as a proxy for risk. For the waste stage, a general approach is used to assess related emissions; considering four main waste treatment options i.e., incineration (including energy recovery), wastewater treatment, landfilling and recycling. The approach works with Tiers depending on the availability of data. In case of no data, generic values/defaults are used (e.g., generic assumptions for the distribution of waste streams for

all solid waste in Europe ( Eurostat 2020). On metal plating and manufacturing, like for the other sectors, it was recalled that Rapporteurs need to start from the available data and from the Dossier Submitter's proposal. However, only limited information was available to the Dossier Submitter regarding some of the identified uses in the sector, which means that those uses have not been fully considered in the quantitative assessment of emissions. Some lifecycle stages have not been fully covered due to limited data. Still RAC needs, based on the data they have at hand, to estimate risks, the risks of alternatives, the effectiveness of the proposed risk management options (full ban, or ban with derogation) as well as the derogations. While the Rapporteurs acknowledged the uncertainties, the conclusions may have a significant impact on the possible uses of PFAS in our sectors. This was further reported and discussed during the Risk Management Taskforce.

Also, Commission presented an update on their Roadmap for non-animal testing. This roadmap is a policy document that will likely take the form of a communication and can be expected by end of the year. It will list actions and milestones necessary to reach the goal of phasing out animal study. A first workshop was held in December 2023 and will have a follow-up event on 25 October. The presentation triggered a lively discussion where several aspects were raised by the RAC members like the validation of the methods, the need to provide more incentives as well as funding, and the exchange with the regulatory and research communities to identify the needs. An ECHA Legal Advisor also provided an overview of the learnings from recent court cases regarding classifications and restrictions. It was recalled that the court primarily assesses on errors of law and not the scientific content. Finally, ECHA made a presentation on the new tasks for the RAC/SEAC Committees regarding the following series of legislative initiatives. This was the opportunity for Eurometaux to highlight the importance of capacity-building and reflexion on the resources (more information: Violaine Verougstraete).

### New tasks - timeline view

Of direct relevance to RAC and/or SEAC



### SEAC-63: PFAS on plating and metals and SAGA as main headliners

The June SEAC meeting was an important one for the sector given SEAC reviewed and formed an opinion on which plating sub-sectors or sectors manufacturing metals (Cu, Al, Ni, PM, Zn, ...) -all using PFAS compounds- would be granted a derogation or fall under the general phase out timing of 18 months after the entry into force of the restriction. Only the dossier of the hard chrome plating was felt to be sufficiently robust and motivated to justify a derogation of an additional 5 years. However, RAC did not agree on this given plating causes additional emissions. To note is that SEAC did not fully close the door on all other metal related sectors stating that at this stage they could not conclude on the efficiency and impact of a ban. In this way, they keep the door open for relevant information to be submitted under the second Public Consultation expected for later in 2025.

At the same meeting the Commission representative indicated they are working on (S)AGA guidance which is critical to industry given when a (Safer) Alternative Generally Available is concluded for the use or Application for Authorisation (AfA) under consideration, the substance under consideration will have to be substituted asap and further delay by a derogation or an authorisation Review Period will not be granted. The SAGA concept was introduced by Commission as a follow-up on the court challenge introduced by the European Parliament to the Commission on the CrVI upstream application of CTAC. The draft guidance will be up for SEAC discussion in September, while the updated/new large upstream Cr plating application review (CTAC-sub2) is scheduled for the December meeting. Both dossiers are being closely followed by Eurometaux and reported to the Risk Management taskforce given the impact they will have on metals risk management in general (more information: Hugo Waeterschoot).



### **MSC-86: some evaluation cases set some precedents**

MSC is continuing to reach consensus on the different evaluation cases (Substance Compliance Checks, Dossier Checks) in written procedure and only raise cases at MSC when an agreement could not be reached. This thus reduces the transparency of the MSC activities, which is more and more of a concern for Cefic and Eurometaux, for governance reasons but also to report learnings to the members. Evidently, some debates in MSC remain relevant for the metals sector including: building experience with level 2 and 3 testing requirements for Endocrine Disruptors (EDs), legal clarity (from the Board of Appeal) when volume increases or decreases, or closures would result in the non-applicability of the information requested by the MSC; and an interesting case on when (very) late (non-EU, high quality) information was still considered by MSC.

A small but potential impacting new point is that now the *Hyalella* test is agreed in OECD, MSCAs and Commission will ask for this test instead of the OECD 305 fish accumulation test. This may be a concern for the metals sector given the often extreme sensitivity of this species for metals.

ECHA also informed MSC on the outcome of the Public Consultation on the 12<sup>th</sup> priority list for authorisation and the comments received. The fact that most sources of melamine are not in the scope of REACH and result from diffuse sources, got attention and questioned the relevance for listing melamine on Annex XIV.

The impact of these MSC decisions is reported and debated at the Eurometaux Registration and Compliance Taskforce, while the interesting learnings on the Substances of Very High Concern (SVHC) and prioritisation for authorisation is reported and discussed in the Risk Management Taskforce (more information: Hugo Waeterschoot).

### **MB-74: what was lacking on the agenda was more important!**

Industry noted at previous ECHA Management Board (MB) meetings that ECHA's workplan was oriented too much towards an inward looking exercise to deliver timely on the legal mandate, hence resulting in quantitative Key Performance Indicators (KPIs) that were almost all numbers of dossiers to be grouped under the expected Assessment of Regulatory Needs (ARNs), Threshold of Toxicological Concern (TTCs), Dossier Evaluations (DEs) opened, etc.. This is important given ECHA keeps its activities strictly aligned to those KPIs and hence does not engage in activities that go beyond the KPIs. Industry, supported by some Member States and DG GROW, called for more qualitative indicators that would investigate the quality and relevance of the delivered work like *relevant* ARNs and *quality and efficiency indicators* for Compliance Checks (e.g., is a 2<sup>nd</sup> PNDT needed and relevant?). The MB Chair had promised a working session during the summer to prepare the next years' rolling 3-years KPIs workplan. However, this planning was changed, and industry was informed that a review of the KPIs would be conducted in parallel with the drafting of next year's workplan, hence reducing industry's input, despite us being an important stakeholder/audience in this respect. A second point we asked to be raised by the industry representative in the MB (Marco Mensink (Director General Cefic)) was the need for appropriate resources and capacity building on expertise needed to cover ECHA's new tasks. At the moment of this News, we have not yet received any feedback from the industry representative (more information: Guy Thiran and Hugo Waeterschoot).

## **ECHA OTHER ACTIVITIES**

### **ECHA-Industry: face-to-face meeting in Helsinki (17-18.06)**

Mid-June, Cefic, Concawe, and Eurometaux participated in live ECHA-Industry meetings. Several topics were discussed concerning REACH Tools, including the latest IUCLID updates and upcoming changes, CHESAR updates and the future CHESAR Platform, REACH-IT and its future in the Submission Portal, ongoing activities on the new ECHA Dissemination page, and specific industry concerns linked to dissemination of possibly confidential information. There were also exchanges on Board of Appeal cases, the OECD grouping project, and industry's understanding, concerns, and questions regarding ECHA's ARN activities. The two-day meetings facilitated easy interaction and exchanges with ECHA experts. A summary has been shared with the Registration Compliance Taskforce (more information: Federica Iaccino).

### **ECHA Webinar: Chromium VI Restriction Planning learnings from comments and extension of the scope**

ECHA launched a first call for evidence end of last year/early 2024, collecting information relevant to the scoping of a restriction for 2 CrVI compounds presently listed on Annex XIV with an emphasis on decorative plating. The response to this questionnaire was very large and much appreciated by ECHA and

the Commission. When reviewing the input, Commission and ECHA identified the need and relevance of extending the scope of a potential restriction to all CrVI compounds because of potential intersubstitutability and growing evidence for an Occupational Safety Health (OSH) and Industrial Emissions - based risk management solution. ECHA organised a webinar on 6 June summarising the evidence collected during the first questionnaire as well as the ground and need for the second call. There are 2 surveys that can now be completed in this respect: one on alternatives and one of the uses of the substances, both important aspects in a restriction. In particular ECHA would like to know under which conditions a substitute would work and the cost of such substitutes; alternative(s) providers, innovation institutes and companies who have substituted Cr(VI) are encouraged to respond. Eurometaux recommends to take note of the recorded webinar on [Events - ECHA \(europa.eu\)](#) and to react to the second consultation round by 15 August (more information: Violaine Verougstraete and Hugo Waeterschoot).

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## EUROMETAUX CHEMICALS MANAGEMENT

### **Chemicals Management Steering Committee: *thanks for the support***

The CMSC met end of June to take stock before the summer on a series of key topics related to policy or internal functioning developments. The participants were provided with a status update on the preparation for the upcoming changes at chemicals management and Eurometaux level and the definition for a longer-term vision for the association. The new ECHA activities and their planning/timings were discussed as those have a direct impact on the resources needed at sector level to monitor, anticipate and provide input in the ECHA Committees and projects. Further to the question posed by the Committee in March, a more precise plan of the support activities on the new CLP endpoints but also environmental issues was presented.

An update of the spaghetti slides and of Eurometaux's understanding of the Essential Uses concept as outlined in the recent Commission communication was shared, followed by discussions on the chemicals management parts of the Transition Pathway for metals, but also how the MEED outcomes could be used and whether further work should be injected in the update of the available exposure data to be able to demonstrate risk control.

Lara presented efficient updates on Soil and Drinking Water. Implications of U-PFAS restriction for our sector and the related challenges were debated as well, stressing the lack of awareness and the difficulty to find expertise regarding the PFAS uses. The meeting was concluded with short presentations on ECaBaM and the Metals Academy. The draft minutes will follow soon (more information: Violaine Verougstraete and Ailsa Lee).

### **CARACAL Taskforce: *preparations for the summer meeting***

The CARACAL Taskforce meeting took place on 26 June to prepare for the 1-2 July 52<sup>nd</sup> CARACAL. The agenda for the 52<sup>nd</sup> CARACAL included key topics for the Chemicals Management department, including the treatment of Recovered aggregates, Chromium VI, the updated Restrictions roadmap, ECHA's Joint Evaluation Roadmap and the Integrated Regulatory Strategy (IRS), the interface between REACH/CLP and ESPR, advanced materials, and the new CLP guidance. Taskforce members were briefed on the agenda as well as the documents readily available ahead of the meeting, and proposed comments and actions on the relevant points. These included comments for the CLP guidance on new hazard classes, the update of the Restrictions Roadmap, and ECHA's Integrated Regulatory Strategy as well as a review of the actions on the Joint Evaluation Action Plan. More information on the outcome of this CARACAL will be shared in the next edition of the CM News.

The next CARACAL meeting will take place on 20-21 November 2024, for which a Taskforce meeting will be organised in due time (more information: Ainhoa González Pérez).

## ECABAM

### **Ramboll questionnaire: *feedback is crucial***

In the context of ECHA's activities on the Batteries Regulation and the 1<sup>st</sup> workshop of ECaBaM, Ramboll launched a [survey](#) some weeks ago asking industry experts to respond by the 5<sup>th</sup> of July. Based on the first feedback received, Ramboll has acknowledged that the information request might require significant efforts

from industry's side and that the time frame might not be sufficient for some stakeholders to provide relevant information. However, as they work along a timeline and schedule set by ECHA and the EC, they **need to submit a first report based on the collected information at the beginning of September**. As feedback from industry side is crucial, they would like to give participants the possibility to hand in relevant information also after the deadline. Therefore, in case stakeholders intend to **reply to the survey after the deadline**, they should warn Ramboll (indicating by when submission is intended) by email to [batteries\\_survey@ramboll.com](mailto:batteries_survey@ramboll.com) by 5<sup>th</sup> July. This will allow them to plan in consideration of the feedback that will still be able to be incorporated in the next version of the report to ECHA (more information: Ainhoa González Pérez).

## RISK MANAGEMENT

### *Taskforce meeting: a busy webinar with a lot of attention for ongoing risk management initiatives of ECHA (U-PFAS, CrVI, ...)*

The Taskforce meeting of 18 June handled a packed and loaded agenda covering reporting and learnings of several running Risk Management programs and ECHA and Commission's projects.

The U-PFAS case got pivotal attention, and learnings of the plating and metals manufacturing sector cases were exchanged. The Taskforce agreed to hold a further and specific U-PFAS workshop on 13 November, to take stock of sectors reviewed and provide support for those upcoming, like on construction, electronics, energy and others.

The extension of the scoping of the future CrVI restriction to substitute for the CrVI authorisation listing was also explained as was the outcome and first reaction on the Essential Use communication from Commission.

The Risk Management Taskforce took further note of the Commission's projects on Substitution policy guidance with a key workshop coming up on 1 October to review "options" and the guidance Commission is developing on Alternatives Generally Available (AGA), that would halt the postponement of the banning of concerned substances. The Taskforce will align its next meeting date along the draft reporting in these projects to allow the membership to remain informed and engaged in the commenting.

Finally, the attendees were informed on the status of the ECaBaM project, the finishing of the IND-RMOa guidance update (see next paragraph) and the new future tasks of ECHA on Risk Management of Chemicals like ELV, RoHS, EQS and others. On this, the Taskforce agreed to prepare -by the end of the year- a workplan to define which ones to focus on and to define an anticipative communication policy for further discussions with ECHA (more information: Klaus Kamps, Violaine Verougstraete and Hugo Waeterschoot).

### *Industry-RMOa guidance update published: including focus on critical and strategic materials and uses*

Eurometaux developed some years ago an industry guidance on Risk Management Option assessment. The aim was to anticipate regulatory risk management selection and identify which key information is missing to promote the best risk management option for each selected use. The guidance has been updated several times to include and integrate Climate and Circularity in addition to Chemicals into a "3C" RMOa assessment.

The most recent update, published in June, now includes a 4<sup>th</sup> C: the Criticality of substances or uses to drive the twin transition under the Green Deal. Different than for the first 3 Cs that are integrated to define the best trade-off, this one is a complementary assessment carried out after the best 3C RMOs have been defined, mainly because of its use-specific approach and the potential changing status in terms of 'criticality' over the years. The guidance was agreed at the Risk Management Taskforce on 18 June (see above) and published on the REACH Metals Gateway for free non-commercial use [RMOa Guidance - REACH Metals Gateway \(reach-metals.eu\)](https://reach-metals.eu). Metal sectors are encouraged to use and promote the Guidance to achieve greater consistency and robustness in RMO analysis and to share experiences on pilot cases with the new updated section of the Guidance on critical substances and/or uses (more information: Michel Vander Straeten and Hugo Waeterschoot).

## INDUSTRIAL EMISSIONS

### *OECD BAT meeting: in a nutshell*

On 13 June, Eurometaux attended the OECD Best Available Technique (BAT) Expert Group Meeting. Key points on the Agenda regarded Activity 7 (Cross-country analysis of BREFs on Iron & Steel, Paper & Pulp

and Municipal Solid Waste Incineration) and Activity 9 (Identifying emerging techniques for BAT determination). A discussion on innovation focused on the role of INCITE in the EU BREF-making process, and the need to clarify the meaning of 'deep transformation', 'available technique', 'emerging techniques', etc. PFAS and Decarbonisation seem to be the main topic of interest in identifying emerging techniques.

- The European Commission (DG ENV, Benoit Zerger) provided an update on the Industrial Emissions Directive (IED) revision: to inform the group on the "major achievements" of the new IED.
- JRC (Georgios Chronopoulos) on INCITE: general introduction on INCITE. Notes regarding 'flexible permitting', consisting of derogation for e.g., cases of deep industrial transformation i.e., drastic changes in the plant/process/installation to reach improvements in terms of impacts/emissions reduction.
- Finland (Kaj Forsius) made an intervention regarding the battery supply chain and a collaboration exercise done with the Nordic countries. Concerns on the speeding up of the permitting process (not possible to disregard environmental concerns just because Critical Raw Materials are needed). Also, socio-cultural aspects of acceptance are important when setting a plant/mining site and should be duly considered.
- OECD Presentation of Studies, including: a study on hydrogen production and use in view of substitution of fossil fuels sources; one on batteries manufacturing and associated waste streams and recovery; and one on the monitoring of methodologies used for BAT-AELs (Associated Emission Levels), including use of Artificial Intelligence (AI) in measured data to monitor effectiveness of implementation of policies.

### **LVIC BREF Progress**

On 26 June, the LVIC BREF WG had its meeting to discuss the documents shared, including the draft paper on the BAYQIK system published by UBA in BATIS and Eurometaux's position paper on the subject, which included an explanation of BAYQIK technology and applicability restrictions and the 10-heading template proposed by UBA with additional comments (in track changes). In order to finalise the document and publish it in BATIS before mid-July 2024 members were asked to send comments by 10 July 2024.

### **Next Steps:**

Next virtual or in person meeting will be organised in October 2024 (TBD). A refined data analysis according to the feedback received at the last meeting will be presented.

(more information: Lorenzo Ceccherini, Lighea Speziale, Lorenzo Marotti and Violaine Verougstraete).

### **EUSEW and IED: *Eurometaux invited to participate in a panel***

The European Sustainable Energy Week (EUSEW) is an annual event dedicated to renewables and efficient energy use in Europe, organised by the European Climate, Infrastructure and Environment Executive Agency (CINEA) and the Directorate-General for Energy. Eurometaux was invited to participate in a panel '*Transformation on an industrial scale: the role of the Industrial Emissions Directive towards Net-Zero*'. The aim of this panel session was to explore how the implementation of the revised IED could contribute to the transformation of industry towards zero pollution and carbon neutrality, in particular in the most energy-intensive industrial sectors. Eurometaux highlighted in its interventions the underlying challenges and opportunities of the industrial transformation (e.g., the high operational costs, the critical & significant capital investment required to improve energy efficiency and the need for an adequate energy infrastructure, but also several opportunities provided by IED 2.0. The importance of coherence and efficiency between the different policies was stressed using the 'spaghetti slides'. The other panelists were Veronica Manfredi (DG ENV), Radan Kanev (EP), Mikel Landabaso (JRC); Luc Radowski (Thyssenkrupp Polysius) (more information: Violaine Verougstraete and Lorenzo Marotti).

## **WATER**

### **Revision of the Water Framework Directive: *update***

Following the publication of the EU [Commission's proposal](#) to amend the Water Framework Directive (WFD) and the List of Priority Substances (PS) in October 2022, the European Parliament (EP) published its [opinion](#) in September 2023. Most recently, the EU Council has voted on its [general approach](#) to the file (19 June 2024).

With these trilogue mandates in order, the trilogue negotiations will take place under the Hungarian Presidency in autumn 2024.



While the European Commission's proposal and the European Parliament's position were very ambitious, with some unrealistic, non-scientifically discussed thresholds and some dangerous proposals (e.g., the deletion of Articles 16 & 17 of the WFD, the shift of the River Basin Specific Pollutants (RBSP) from the ecological to the chemical status definition, the introduction of the Delegated Act (DA) procedure to amend the PS list,...), the General Approach (GA) prepared by the Council of the EU is more pragmatic. The ambition to protect EU waters is of course unchanged, but several of the EC's unrealistic proposals are not part of the GA (the deletion of Articles 16 & 17 and the DAs are not kept in the Council version). There are also some interesting changes in relation to the non-deterioration principle, but also regarding the phasing out of Priority Hazardous Substances (PHS). In the current WFD, PHS are to be phased out after 20 years of being listed, which is impossible to achieve for naturally occurring substances such as cadmium. To address this issue, the GA introduces an addition to Article 16 stating that phasing out should only take place where/when relevant and feasible.

It should be noted that as far as the European Parliament's position is concerned, which is even more ambitious and often unrealistic, the ENVI (= Committee on the Environment, Public Health and Food Safety) Rapporteur in charge of the dossier, as well as most of the shadow rapporteurs for this dossier, have not been re-elected.

It is therefore possible that the attitude of the EP with regard to its position will be different. In addition, some amendments proposed by the EP were supported by Eurometaux, in particular two amendments concerning the need to use bioavailability modelling when setting environmental thresholds for metals. Unfortunately, neither the EP nor the Council of the EU proposed amendments concerning the change of the RBSPs from ecological to chemical status or the environmental quality standards (EQS) values for silver and nickel (as well as the change from PS to PHS for lead).

#### **Taskforce meeting: update and Eurometaux's advocacy plan**

The last meeting of the Water Taskforce was held on 20 June. An update and analysis of the current legislative process as well as the consequences of the recent elections were given.

The aim of the meeting was to discuss EM's advocacy plan and actions for the coming months regarding the revision of the Water Framework Directive, with a special focus on the non-deterioration issues.

It was also an opportunity to discuss the future of water policy. During this part of the meeting, items on Effect Based Methods (EBMs) for metals and the derivation of EQS for lithium were presented. The Taskforce was also provided with feedback from recent meetings with the Commission, which gave some indication of what would be on the next Commission's agenda in relation to water policy. Finally, the meeting concluded with the information that the water perspective would be added to the metals transition pathway (more information: Lara Van de Merckt).

## **SOIL**

### **Update**

Following the European Commission's (EC) proposal for a new Soil Monitoring Directive in July 2023, the European Parliament (EP) published its opinion on 10 April and the Council of the EU has now voted on its General Approach (GA) on 17 June.

The GA significantly improves the EC text and addresses some of the issues highlighted by Eurometaux, including the exclusion of the "one out all out" principle to assess soil health, the consideration of natural background concentrations of metals, a risk-based approach taking into account site specificities and land use to assess soil health and contamination.

The trilogues are scheduled for autumn 2024 under the Hungarian Presidency. The dedicated EM sub-group met on 19 June to receive an update on the legislative process and to discuss the advocacy plan for the coming months (more information: Lara Van de Merckt and Koen Oorts).

# OUTREACH

## OTHERS

### **Chemical Watch (Enhesa): *balance access to raw materials and risk management***

Eurometaux was invited by Enhesa (Chemical Watch) to participate in their Expo 2024. The Expo consisted of an exhibition of around 20 booths and 5 streams of workshops through the two days. Eurometaux made a presentation in the EU Regulations stream on the following topic: “Achieving the Green Deal objectives requires raw materials and risk control: how can risk management work hand in hand with resources initiatives?”. Hugo Waeterschoot and Violaine Verougstraete discussed in duet -after some scene setting slides on the increasing demand for metals and associated needs- questions like: knowing that the use of raw materials will increase significantly, what can we expect regarding their footprint? Can we predict the potential for risk associated with the material increases (over the whole lifecycle)? Can we define priorities and best risk management options across environmental objectives and legislations? And finally: can a Transition Pathway for Metals smoothen the process? The interactive formula allowed to present in a dynamic mode the work done by the sector (e.g., MEED, TNO study, materials flows, industry RMOa guidance, etc.) while eliciting questions from the audience. The presentation is available on request (more information: Hugo Waeterschoot and Violaine Verougstraete).

### **5<sup>th</sup> ESA REACH Workshop, 19 June: *highly affected by risk management measures***

The European Space Agency (ESA) and the Space, Aviation and Defence sectors are hard hit by EU chemicals risk management measures like authorisation and restriction, due to their wide and diverse portfolio of substances, mixtures and articles (including highly complex products) they use, also including metals, metal compounds and alloys. Timelines for the product development, manufacturing and exploitation are typically spanning over several decades, which is a clear mismatch to the shorter timetables of introducing and implementing new restrictions initiatives. While they may make extensive use of substances and mixtures classified as hazardous, the sectors are known for their risk control, long qualification and certification processes and for the Space Sector – very small volumes of chemicals used and the end of life in outer space. Any small change in a composition e.g., due to a substitution leads to a long testing and approval process that does not promote quick substitution even if available. But while certain sectorial exclusions recognising these specificities are included in some pieces of EU legislation (e.g., RoHS and the Batteries Regulation), they are not sufficiently considered in the REACH scheme and others like Persistent Organic Pollutants (POPs). Eurometaux participated in a workshop and contributed to a panel debate with a large delegation of sector representatives. It is clear that REACH 2.0 should try to focus better on what matters whereby exposure considerations and derogations, should play a key role. The workshop was well organised and attended actively by ECHA and Commission (more information: Tim Becker (REACHLaw) and Hugo Waeterschoot).

### **NeRSAP, Antwerp 24 & 25 June: *Sustainable substitution – a clearer picture on what should be in, but still a long way to go***

NeRSAP the Network of REACH Socio-Economic and Alternative Practitioners held its 12<sup>th</sup> meeting in Antwerp on 24 and 25<sup>th</sup> of June. The network consists of experts from the EU (ECHA and Commission) and national regulatory community, Industry, NGOs and risk management consultants, discussing and acting under Chatham house rules to enhance knowledge and experience with SEA and alternatives/substitution related aspects. This year’s theme was in line with the policy discussions on substitution, and in particular *on how substitution could be made more sustainable*. Prof. Jan Beye from the Antwerp Business School emphasised the need for a structural consideration of sustainability parameters relevant to substituting chemicals, including social factors. There were contributions from the OECD on safer alternatives, NGOs (ClientEarth) on Essential Uses and consultants on better collaboration in the supply chain and the IND-RMOa as a tool to broaden the attention to other parameters than hazard and risk, as well as a panel on learnings from the Chromates authorisation cases.

All contributed to a better understanding of what parameters or aspects need to be considered for a more sustainable substitution scheme. In addition to generating or brainstorming new ideas or concepts, NeRSAP also acts as a briefing forum where Commission and ECHA can reach out to a wide range of consultants and industry sectors involved in SEA and assessments of alternatives. The slides used and summary conclusions will be posted on ECHA’s NeRSAP webpage [Network of REACH SEA and Analysis of Alternatives](#)

[practitioners \(NeRSAP\) - ECHA \(europa.eu\)](#) (more information: Michel Vander Straeten, Violaine Verougstraete and Hugo Waeterschoot).

### **INCITE (European Innovation Centre for Industrial Transformation and Emissions): *launch event***

On 21 June, the INCITE launch event took place. The event aimed to support industrial transformation by connecting innovators, industry, Member States, and financial actors by building science-for-transition bridges and removing information barriers.

Please, access the agenda and watch the event recordings here: <https://innovation-centre-for-industrial-transformation.ec.europa.eu/incite-launch-event> (more information: Lorenzo Marotti).

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## **KAMILA'S SUSTAINABLE CORNER**

### **Substances of Concern (SoC): *definition goes official***

At the end of June, the final text of the Ecodesign Sustainable Products (ESPR) Regulation ((EU) 2024/1781) has been published in the EU Official Journal. It contains the definition of the Substances of Concern (SoC) in Art. 2(27) which formalises the description of SoC that was included in the 2020 Chemicals Strategy for Sustainability.

According to the ESPR, a Substance of Concern is a substance that falls into any of the four categories:

1. meets the criteria of Article 57 of REACH and is identified in accordance with its Article 59(1);
2. is classified in Annex VI to the CLP Regulation in one of hazard classes or hazard categories: e.g., carcinogenicity, endocrine disruption for human health/environment, toxic to reproduction, skin sensitisation, hazardous to aquatic environment/ozone layer and more;
3. is regulated under POPs Regulation;
4. negatively affects the reuse and recycling of materials in the product in which it is present;

Presence of SoC in products also carries information and tracking requirements. Moreover, the Commission may, where/when appropriate for the product group concerned, set thresholds for when the information requirement regarding SoC would apply (more information: Kamila Slupek).

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## **COMMUNICATION**

### **Metals Academy: *looking forward to the 4<sup>th</sup> edition***

The Organising Committee met on 13th June and we are pleased to announce that we have welcomed Howard Winbow (IZA) as one of its members, alongside Staf Laget, Frank Van Assche, Mark Mistry, Violaine & Ailsa.

Thanks to all participants and speakers who made this happen, the 2024 edition was once again a big success, therefore we reflected on the 4th edition that will likely be held (TBC) the week of 5 May 2025.

To establish a programme best suited to the number & "style" of participants a survey will be sent soon to all members and Metals Academy participants. This is also to reflect on the likely number of newcomers and if there is the demand include a first basics day for them (not to be attended by other participants). This year's edition will (also) include thematic days and a "Modules" day, which proved most successful this year.

More precise information will be available in September, after analysis of the survey results (more information: Ailsa Lee).

# CALENDAR

Please find here below a non-exhaustive list of the meetings already planned for Q3 & Q4 2024.

**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](#)

- 01-02/07: CARACAL
- 01-03/07: RAC-70 CLH Working Group
- 04-05/07: RAC-70 AfA Working Group
- 03/09: [Registration Compliance Taskforce \(online call\)](#)
- 04/09: [Chemicals Management Steering Committee](#)
- 09-10/09: RAC-70 REST Working Group
- 10-13/09 ETAP meeting in Montreal
- 16-20/09: SEAC-64
- 16-20/09: RAC-70 Plenary
- 23-27/09 OECD WP and Chemicals Management and workshop on substitution beyond safety
- 24 or 25 /09 [Risk Management Taskforce webinar session on substitution options \(tbd\)](#)
- 24-25/09: RAC-71 DWD Working Group
- 24-25/09: RAC-71 DWD Working Group
- 26-27/09: ECHA MB-75
- 26-27/09: ECHA MB-75
- 30/09-02/10: [Chemicals Management Autumn Week](#)
- 08-10/10: RAC-71 AfA Working Group
- 07-11/10: MSC-87 (TBC)
- 28-29/10: [ECaBaM workshop \(ECHA premises\)](#)
- 28-30/10: RAC-71 CLH Working Group
- 30-31/10: EPAA NAM workshop (Helsinki)
- 06-07/11: RAC-71 REST Working Group
- 13/11: [RMTF workshop on restriction of U-PFAS learnings and further anticipation](#)
- 18-19/11: [MEED Annual Workshop \(Ostend\) \(Sponsors only\)](#)
- 20-21/11: CARACAL (TBC)
- 25-29/11: RAC-71 Plenary
- 25-29/11: SEAC-65
- 2-5/12: SEAC-65
- 9-13/12: MSC-88 (TBC)

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## GENERAL INFORMATION & ACRONYMS

Follow the logo and check out our Metals Gateway website.



This website is a one stop information source for regulators & risk assessors dealing with metals/metal compounds and is tailored to the specific needs of the metals industry sector.

**A continuously updated** list of acronyms is available under the Reach Metals Gateway (RMG)



# CHEMICALS STRATEGY for ZENITUDE



A. As we are going through a lot of “new”, a few quotes. Please find their correct authors.....

1.	The best way out is always through	Winston Churchill
2.	In the end, we only regret the chances we didn't take	Eleanor Roosevelt
3.	Success is not final. Failure is not fatal. It's the courage to continue that counts	Nelson Mandela
4.	Although no one can go back and make a brand-new start, anyone can start from now and make a brand-new ending	Robert Frost
5.	The future belongs to those who believe in the beauty of their dreams	Carl Bard
6.	The beginning is the most important part of the work	Lao Tzu
7.	It always seems impossible until it is done	Lewis Carroll
8.	What the caterpillar calls the end, the rest of the world calls a butterfly	Socrates
9.	The secret to change is to focus all of your energy, not on fighting the old, but on building the new	Plato

## B. Quiz time: Some history

1. What was the first non-ferrous metal to be used by humans in making objects more than 10.000 years ago?
2. Which other metals were discovered around the same time, but were made for making luxury items?
3. What came next?
4. Which Revolution brought forth great advancements in metallurgy?
5. And what other non-ferrous metals were discovered at this time?
6. In which year did Dimitri Mendeleev arrange the elements into a table according to their atomic number?
7. And how many elements were then known?
8. Who was “Old Nick” that gave its name to Nickel?
9. Which 2 metals get their name from a region in Greece?
10. Who was the first person to use science to understand the elements and who performed the 1<sup>st</sup> chemistry experiments in the 1660s?

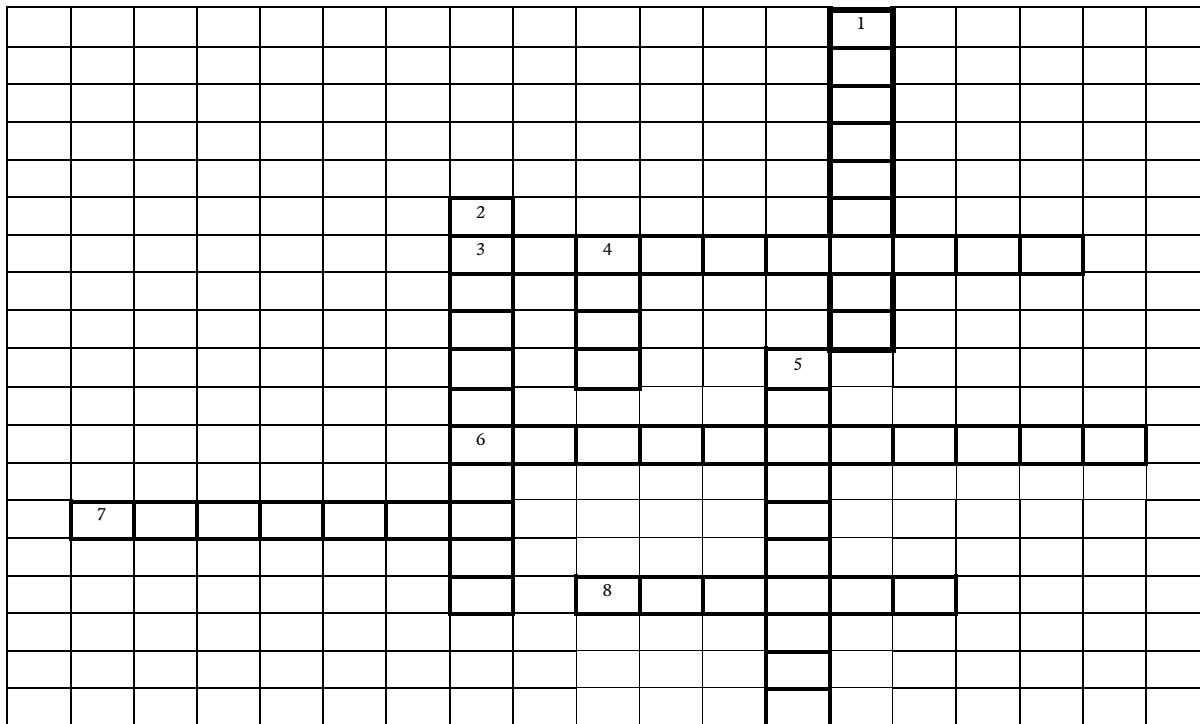
## C. Summer crossword

### Down:

1. Type of Act that gives Commission the power to adopt non-legislative acts of general application to supplement or amend certain non-essential elements of the legislative act
2. A ...and economically feasible alternative
4. Mysterious group of authorities discussing ARNs
5. Group of MSCAs
6. Best cocktail in Helsinki

### Across

3. Nice association
7. Ideal model to save the world
8. Innovation Centre for Industrial Transformation and Emissions



**Answers:**  
**A. Quotes on "new"**  
 1: Robert Frost / 2: Nelson Mandela / 3: Winston Churchill / 4: Carl Bard / 5: Eleanor Roosevelt / 6: Plato / 7: Lao Tzu / 9: Socrates  
**B. Quiz time: some history**  
 1. I: Copper (Copper Age) / 2: Gold & Silver / 3: Bronze Age (Alloy Copper & Tin) / 4: Industrial / 5: Zinc, Aluminium & Lead / 6: 1869 / 7: 63 (but he predicted more to come, and left space. There are currently 118) / 8: A demonic spirit from Christian tradition that was believed to live underground / 9: Magnesium & Manganese (from Magnesia) / 10: Robert Boyle (Irish scientist and inventor)  
**C. Summer Crossword**  
 Find out next month 😊