



The non-ferrous metals industry
experience in the stakeholder
consultation process

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Involvement of the non ferrous metals industry

- A sector with a very large number of **REACH Consortia**, some of those being in existence since 2007 : <http://www.reach-metals.eu/>
- Several non ferrous metals were proposed in June 2008 as SVHCs for inclusion in the candidate list: **5 Annex XV SVHC dossiers** submitted (out of 16) related to non ferrous metal compounds
- Companies, national, European and international federations, as well as REACH Consortia participated in the consultation processes that were launched
- ERAMET and UMICORE are both founding members of several REACH consortia

★ Identification of SVHCs for the candidate list (I)

★ Spring 2008 : the pre-selection, learning on the job

- ★ ✓ List of SVHCs to be presented before 7 June 2008:
 - ★ ✗ MS experts conducted exercise in a short time frame
 - ★ ✗ Consulting time with Industry was too limited
 - ★ ✗ Most of the European or international trade associations and/or REACH Consortia were not directly consulted

★ Identification of SVHCs for the candidate list (II)

★ Spring 2008 : the pre-selection, learning on the job

- ★ ✓ This first selection was conducted without a clear common methodology:
 - ★ ✗ Some MS elaborated their own methodology for data selection and prioritisation
 - ★ ✗ Some Member States legitimately decided to withdraw from their lists those substances that had already undergone a Risk Assessment under Regulation EEC 793/93 of 23 March 1993 on the evaluation and control of the risks of existing substances

Identification of SVHCs for the candidate list (III)

Spring 2008 : the pre-selection, learning on the job

- ✓ This exercise was conducted on the basis of information on uses, exposure data and volumes, some of which appeared not to be accurate nor up-to-date :
 - ✗ Some substances were used mainly as intermediates,
 - ✗ Inaccuracies in the lists of uses (confusion between compounds),
 - ✗ Data on workers potentially exposed seemed to be based on the data of all workers employed by an industry's sector,
 - ✗ Within a few years the CSR will be a useful source of information

★ Identification of SVHCs for the candidate list (IV)

→ Pre-selection: main recommendations

- ★ ✘ Clarify the methodology used in line with the objectives of Article 55,
- ★ ✘ Consult with industry and other interested parties prior to nominating a substance to ECHA for the candidate list
- ★ ✘ Allow a sufficient consultation period with interested parties

★ Identification of SVHCs for the candidate list (V)

★ Spring 2009: 2nd process of pre-selecting SVHCs, a coming of age

★ ✓ Developing a “source list”

- ★ ✘ From the Workshop on the Candidate List and Authorisation as Risk Management Measures, 21-22 Jan 2009

★ Core group of Member States to work on the development of a “source list”:

- ★ - towards a common approach for all Member States ?
- ★ - communication on methodology followed will be welcome
- ★ - industry should be invited to contribute during development of this list
- ★ - status of this list: should not be made publicly available to avoid confusion with the Candidate List

★ Identification of SVHCs for the candidate list (VI)

★ Spring 2009: 2nd process of pre-selecting SVHCs, a coming of age

- ★ ✓ Benefit of consulting industry and other stakeholders prior to nominating a substance for the Candidate list
 - ★ ✗ France launched a consultation process on 17 April that will last until 1st June 2009: will this be generalised to all Member States?

- ★ ✓ Need to clarify the methodology for selecting SVHC:
 - ★ ✗ Avoid the inclusion of substances with “Intermediate only” status
 - ★ ✗ Avoid the inclusion of substances already well regulated such as substances with existing risk assessment/risk reduction strategy
 - devote resources to substances meeting the article 57 criteria, but which have not been addressed under previous regulatory scheme

Setting the candidate list

2008 stakeholders consultation, learning on the job for all:

- ✓ Consultation during summer (30 June - 14 August) : not the easiest
 - ✗ For next consultations in 2009 and 2010, ECHA developed schedules where attention was paid to public holidays
- ✓ Great benefit in having already an organisation in place : an Industry Association and a REACH Consortium
 - ✗ A wide ranging exercise involving all actors along the supply chain and the members of appropriate SIEFs
 - ✗ Confidentiality and competition aspects of this data gathering exercise : commercially sensitive information to be properly handled
 - ✗ Availability of some data : volumes of import and export : Since 2007 and the change in codes, information on these data is not always easy to analyse

Communications challenges

→ **Information requirements** as a result of the Candidate List:

- ✓ A powerful tool and needs clear rules on what exactly is expected
- ✓ Requirements as a result of the Candidate List often misunderstood:
 - ✗ Downstream Users asking whether SVHC substance is **absent** in preparations or articles
 - ✗ A substance put on the candidate list **is not banned**
 - ✗ Member States should communicate to make the public, customers and DU understand real meaning of candidate list
 - ✗ The “black list” effect has been underlined in the Report issued by Okopol “Case study on “Announcement effect” in the market related to the candidate list of substances subject to authorisation” by Kerstin Heitmann and Antonia Reihlen, January 2007.

The Priority list

→ The draft priority list

- ✓ Industry participated in the data gathering process during preparation of technical reports used by ECHA for prioritisation.
- ✓ No metal compounds were prioritized from the Candidate List.

→ Public consultation on the draft priority list (Jan-April 2009)

- ✓ No metal compounds were on the draft priority list, nevertheless industry submitted comments
- ✓ Reason was to provide complementary information to the Annex XV dossiers

Conclusions

- Consult with Industry before nominating substances as SVHC with a view to gathering accurate and up-to-date information on hazard and uses
- Explain more clearly requirements for communication of information in the supply chain
- Registration dossiers with Chemical Safety Reports (including Uses, Exposures, Intermediate status) are under development



Thank you