

**Committee for Socio-economic Analysis (SEAC)**

**Response to comments on the SEAC draft**

**Opinion**

**on the Annex XV dossier proposing**

**restrictions on**

**Chrysotile**

**EC number: -**

**CAS number: 12001-29-5; 132207-32-0**

**9 March 2015**

Comments on the SEAC draft opinion and specific information requests

## Specific information requests

1. In the restriction report by ECHA, specific mention is made to the import of asbestos fibres for the maintenance of diaphragms for electrolysis plants as part of the amended derogation. During the discussions on the SEAC draft opinion, it became clear that due to a voluntary agreement with the German authorities, Dow had committed itself to no longer importing fibres ( as well as diaphragms) after 2017. Therefore it is a possible option to draft the Annex XVII entry to enshrine this commitment:

By way of derogation, paragraph 1 shall not apply until 31 December 2025 regarding the placing on the market and use of diaphragms containing chrysotile (point (f)), and paragraph 1 shall not apply until 31 December 2017 regarding placing on the market and use of chrysotile fibres used exclusively for the purpose of including such fibres in diaphragms, to electrolysis installations in use on 17 January 2013, if placing on the market or use were exempted by a Member State in accordance with the restriction on asbestos fibres as initially codified by Regulation (EC) No 1907/2006 of 18 December 2006 (OJ L 396, 30.12.2006).

Therefore comments on this proposed change are solicited as well as any relevant justification for SEAC to take into account in agreeing its final opinion.

1. In the restriction report by ECHA, specific mention is made of a requirement for the exempted companies if they assess that their current efforts will not lead to substitution by 2025, they need to indicate this to the European Commission by 2020. During the discussions on the SEAC draft opinion, it was put forward that this reporting requirement was not strictly needed as the Commission can ask ECHA to prepare an Annex XV restriction dossier at any time to once again to amend the derogation. However, this reporting requirement would allow ECHA and the Committees to assess any future need for an extension in the most cost-effective way. Therefore it has been put forward as an option to remove the following requirement from the proposal:

If a party granted an exemption concludes that the exemption needs to be extended because the relevant electrolysis installation has not reached the end of its service life and technically or economically viable asbestos-free substitutes are not yet available, they shall submit a report by 31 December 2020 to the Member State they are located in and the European Commission. The report shall include a risk assessment, including any relevant Exposure Scenarios describing the measures to minimise the risks, an Analysis of Alternatives, and any information relevant for a socio-economic analysis related to the need for a further derogation.

Therefore comments on this proposed change are solicited as well as any relevant justification for SEAC to take into account in agreeing its final opinion.

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| **Ref.** | **Date/Name/Org.** | **Comments** |
| 135 | **Date/Time:** 2015/01/09 12:35  **Type:** Industry or trade association  **Organization name:**  Work Council and the Trade Union IG BCE  **Country:** Germany  **Name confidential: No**  **Attachment:** | **Comments on the SEAC draft opinion:**  Planning a controlled phase-out of asbestos in Dow Stade till 2025 – The Dow Stade Work Council opinion --  First of all - as representative of 1600 Dow employees at the Dow Stade site the Stade work council is in full agreement with the suggested option 2 - ending the derogation in 2025 – as described and worked out in the ECHA restriction report!  In this context, the Work council from Stade would like to present their interpretation of the scope of the current derogation.  1.0 Monitoring process  The legitimate interests of the employer - to process personal safety/data is necessary for the normal development of the employment relationship and the business operation - justify certain limitations to the privacy of individuals at the workplace. However, these interests cannot take precedence over the principles of co-operation with the local work council, including the requirement for transparency, fair and lawful processing and the need to ensure that any encroachment on an employee's safety/privacy is fair and proportionate. A worker can always object to processing on the grounds that it is causing or likely to cause substantial damage or distress to an individual. We have several working agreements in force working for the increases and possibility to innervate and change there working environment. This process is strongly controlled by all appropriate authorities (work council/management). In this process we have assisted safeguard jobs like the EH&S Coordinator (see Attachment 5 and c. EH&S Coordinator) in every department. In our agreement, see attachment, we have a check do act process of regulating and to appoint a safe working environment.  The aim of our Work Council is to provide employees with improved protection to avoid uncertainty and insecurity about the terms their employment relationship and to create greater transparency including all work relative matters. This includes agreed principles, of framework provisions with the local work council.  We would like to mention two key agreements:  a. Safety and health agreement and the employee safety talk (Attachment 1and 2)  b. Restructuring a new organization (People success program- Two Layer) (Attachment 3) | |
| **Specific information 1:**  a. Safety and health agreement  There are two major laws we took under consideration for our agreement building up a proper monitoring evaluation:  - Labor Protection Act (Arbeitschutzgesetz).  - Workplace Ordinance (Arbeitsstättenverordnung).  - EH&S Coordinator  In addition, the Accident Prevention & Insurance Associations (Berufsgenossenschaften) also provide for accident prevention rules (Unfallverhütungsvorschriften) which substantiate the employer's legal duties to maintain safety. Special accident prevention rules have been passed for all workers. Finally, the Ordinance on Operational Safety (Betriebsicherheitsverordnung) and the Equipment Safety Act (Gerätesicherheitsgesetz) will become relevant with regard to the safety of the equipment which is used in the performance of the work. Health and safety issues are primarily dealt with through the works council and a works council subcommittee. There is a joint employee/employer health and safety committee and individual employees with a particular health and safety tasks – employees enjoying the confidence of their colleagues. Furthermore in the Stade plant asbestos is used in closed systems in the diaphragm chlor-alkali electrolysis. No employee has contact with asbestos.  These agreements helps us in the following points (monitoring system):  • Worker participation in the Health Committee  • A better risk assessment – control of standards  • Developed together proposals with the necessary action plans  b. Restructuring a new organization (People success program—Two Layer)  The People Success System is an agreement with the German work council referring his job description states that every employee must be provided with a document containing information on the essential elements of his contract or employment relationship. The place of work is specified, and has the initial basic pay and other remuneration. The job description of the work, working times, leave entitlements and the arrangements for either side to give notice. Furthermore all responsibilities referring his/her safety and health issues. Every individual must also be notified of any changes in the working conditions specified in the written document. This document goes into a co-determination process with the local work council. Employees required to work in other countries have the same procedure. We develop a better organization of work, based on skill, trust, quality and a high level of worker involvement (Attachment 2). We ensure that every employee can make a valuable contribution to his/her working organization. The employee responsibilities for the operate the plant/do maintenance/coach are enclosed.    c. EH&S Coordinator  Under the direction of the department Leader, Allied Health and Safety, plans, organizes and coordinates the operation and administration of the Allied Health and Safety programs. Performs a wide variety of complex, specialized and responsible administrative and clerical functions, many of which are of a confidential nature. Provides work direction to assigned personnel.  Responsibilities  • Implementing safety programs across an assigned area to ensure compliance with all safety regulations  • Conducting site audits to ensure site compliance with the organization's safety programs  • Evaluating hazardous conditions, unsafe acts, and near hits, and making adjustments to improve the safety of the work environment  • Providing site-specific safety training and ensuring proper documentation and records of completed training  • Integrating all safety programs into new site start-ups to ensure a safe and healthy work environment upon service delivery  • Working with Site Safety Coordinators to ensure safety objectives at the sites are met  • Communicating with customer safety contacts to ensure alignment and to address any compliance issues  2.0 The Situation on the Labour Market  Referring to our Region and Dow Stade, the strong development of wages adjustment process supports competitive¬ness and reduces current account deficits. It is essentially an region success oriented growth strategy that is being promoted as a way out of the crisis in Europe.  Dow Stade is a key Manufacturing motor and improves the life standards in our region. More than 7400 workers with families depend on a good functioning process (Attachment 4).  3.0. The Dow Stade worker education program.  a. The Apprenticeship Program or Dual System  b. FizWeb (European Solidarity Fund) (Attachment 4)  c. EH&S Coordinator  The Apprenticeship Program or Dual System, which is a combination of apprenticeship with part-time vocational schooling. This system requires a joint effort of business, government, unions, and chambers (Handwerkskammer and Industrie¬und Handleskammer), which are employers' organizations. The Apprenticeship Program is recognized as the true source of a skilled workforce which sustains Dow Stade international competitiveness. We have 140 Apprentice and 7 in a Dual System. Giving up this opportunity would have a significant aftermath in the Stade region. The unemployment rate would rise among young workers under 25 years of age.  b. FizWeb  The FizWeb project was started 2 years ago and ends in 2015. Working with social partners the ESF project is promoting worker skills development and training, in particular for transferable competences such as digital skills and entrepreneurship. This ESF project schemes to help workers acquire the skills and especially even in the upper management level.  Vocational education providers and internal assistance are helping to align the demands of the labor market, encouraging more apprenticeships and company trainee schemes. To enhance worker mobility, quality assurance schemes for vocational education are being aligned with European standards. And the Union and the employee’s federation is helping open flexible pathways through the education and training systems.  4.0. Wages & salaries and Benefits  Permanent employment is a very important issue for the Stade Work Council. We do not support any precarious jobs through outsourcing, use of employment agencies, and inappropriate classification of workers as “short-term” or “independent contractors.” We have a strong model of sustainable social develop¬ment in our company with various local agreements, led by salaries and demand, designed to guarantee real salaries and to make the fullest possible use of the margin of man oeuvre of¬fered by productivity.  5.0. Public support on Dow’s proposed transition plan until 2025 (Petition)  The open petition was raised and established by the local work council in Stade with the intention to support the ECHA proposal “option 2” and to demonstrate that Dow employees as well as the Stade community stand behind the Dow Stade asbestos phase out plan until 2025.  .  https://www.openpetition.de/petition/online/zukunftssicherung-des-dow-chemical-werk-stade-nds  This support from all employee’s, the community and Lower Saxony is for us overwhelming - until now 12000 supporters have signed the petition!  • Asbestos is handled safely with no risk to humans and to the environment  • Dow in Stade has a strong monitoring program to protect employees and people in the community  • 7400 jobs depend on the production facilities of the Dow Stade site  • Dow Employees and the community support the option 2 - ending the derogation in 2025 | |
| **SEAC Rapporteurs response:**  Thank you for the supportive comments. | |
| 136 | **Date/Time:** 2015/01/16 11:23  **Type:** Industry or trade association  **Organization name:**  Industrie- und Handelskammer Stade für den Elbe-Weser-Raum  **Country:** Germany  **Name confidential: No** | **Comments on the SEAC draft opinion:**  As already stated in our comment from 25.7.2014 on the chrysotile restriction report. We strongly support Dow’s conversion plan to asbestos free diaphragms until 2025. Therefore we completely agree with the analysis conducted by RAC & SEAC.  Dow has recently demonstrated to be committed to replace asbestos diaphragms in their chlor alkali production unit due to conversion of a complete series in October 2014.  In this light we would like to reemphasize our statement provided in July 2014 again - see below –and we appreciate that RAC and SEAC have taken our comments into consideration.    Statement on chrysotile restriction report from “Chamber of Industry and Commerce Stade” July 2014:  The Chamber of Industry and Commerce Stade as the representative of the industry in the Elbe-Weser-Region would like to comment on this report as follows:  It is completely understood that asbestos fibres are banned in the EU. We have to differentiate between use of asbestos in products/air and in closed systems however.  Dow Stade is one of the largest employers in our region and has since the beginning of their operations in 1972 on numerous occasions proven that it cares about environment and health. The number of environmental, health and safety incidents at Dow is far below average in the German chemical industry.  We observe a high level of care and responsibility for the workers and the environment here. All plants and units use state of the art technology, are well maintained and operated by highly professional personnel.  Dow is a key company in vocational training for technical jobs and well renowned for the quality of their apprenticeship program.  Dow in Stade also displays a strong commitment to the Responsible Care principles, specifically in handling of hazardous materials and protection of human health.  Right now Dow has a closed systems in place that prohibits any asbestos fibre release to the atmosphere. This system will stay fully functional during the process implemented by Dow to change the production processes to the use of an asbestos-free diaphragm. We are certain, that employees as well as residents and the environment are well protected now and will be in the future. We are also convinced, that this transition will help save millions of tons of carbon dioxide in comparison to any other electrolysis technology.  To archive this, it is vital for Dow to be provided with enough time to complete the transition. Thus we strongly support option 2 of the ECHA restriction report, which will provide Dow a conversion period to non-asbestos diaphragms until **2025**. Due to the high investment involved, it is economically required to grant the requested transition period. From a technological perspective this will allow a reliable operation of all downstream production plants as well as a safe and structured replacement of diaphragm material including the safe disposal of the asbestos fibres.  This option will also strongly contribute to the safeguarding of approximately 7,000 jobs in the Stade region. | |
| **Specific information 2:**  From our point of view we would like to recommend to **keep** this reporting requirement. In case of the need to extend the exemption it provides a clear and transparent picture of the process. The information content is defined at this point of time including a corresponding due date, which was set with 31.12.2020 well before the 2025 deadline. We completely understood that this would allow the ECHA and the involved Committees to assess the need of an extension in the most cost-effective way. | |
| **SEAC Rapporteurs response:**  Thank you for the supportive comments and answers. | |
| 138 | **Date/Time:** 2015/01/20 16:32  **Type:** Company-Manufacturer  **Organization name:**  Dow Deutschland Anlagengesellschaft mbH, Werk Stade  **Country:** Germany  **Name confidential: No**  **Attachment:** | **Comments on the SEAC draft opinion:**  We would like to take the opportunity to provide comments on the SEAC opinion and information on the status of the transition to asbestos free diaphragm technology – see uploaded attachment and also comment on question #2 below.  Jörg Renken  Associate Service Director, M&E  phone + 49 4146 91 2778  mobile + 49 175 2680016  fax + 49 4146 91 3566  jrrenken@dow.com  Dow Deutschland Anlagengesellschaft mbH  Werk Stade  Bützflether Sand  D- 21683 Stade  Sitz der Gesellschaft: Stade, Amtsgericht Tostedt HRB 200098  Geschäftsführer: Dr. Willem Huisman, Heiko Dahms, Dieter Schnepel, Yue Tutt, Dr. Jürgen Völker | |
| **Specific information 2:**  We have started the transformation process to asbestos free diaphragms with initial positive experience, but as already mentioned this process is paired with residual risks in particular regarding the lifetime of the new asbestos-free substitutes. Therefore it will be consistent to keep this requirement in the amendment with setting a due date for a report well before the ending of the derogation in 2025. We also understood that the requirement of the proposal will also contribute as stated by ECHA to a cost-effective assessment for ECHA and the related committees. | |
| **SEAC Rapporteurs response:**  Thank you for the supportive comments and answers. | |
| 139 | **Date/Time:** 2015/01/21 15:08  **Name confidential: No** | **Comments on the SEAC draft opinion:**  Prof L. Mutti strongly disagrees with the SEAC draft opinion supporting the extension of the use of asbestos diaphragms until 2025 and calls on the Commission and Member States to immediately end the asbestos derogation.  All other EU companies have already switched to asbestos-free electrolysis technologies and there is no reason to grant AAK and Dow a competitive advantage over other EU companies which have already invested in alternative technologies to meet the requirements of the existing restriction. Suitable asbestos-free electrolysis methods are available for both AAK and Dow and they have already started the process of replacement. Putting an immediate end to the asbestos derogation in REACH Annex XVII can only speed up their transition to asbestos-free alternatives.  Moreover, asbestos diaphragm processes are excluded from the Best Available Techniques (BAT) and maintaining the derogation would be in contradiction with the Integrated Pollution Prevention and Control Directive which requires the use of BAT. The derogation is also at odds with the EU’s demands for a worldwide ban on asbestos and the protection of workers and citizens’ health in non EU-countries where asbestos is still produced. Given the legislative time before entry into force of the total ban of asbestos in the EU, these two companies will have enough time to switch to their preferred substitute. | |
| **Specific information 1:**  Prof Mutti believes that the commitment made by Dow to stop importing asbestos fibers and asbestos-containing diaphragms after 2017 is an additional argument to put an immediate end to the asbestos derogation | |
| **Specific information 2:**  Prof Muttti is of the opinion that it would be nonsense to open the door for a further extension of the derogation to use asbestos-containing diaphragms in REACH Annex XVII. It would be contrary to the overall aim of a total EU asbestos ban and a clear disincentive for a timely switch to asbestos-free alternatives in AAK and Dow. | |
| **SEAC Rapporteurs response:**  Thank you for the comments. The opinion has been developed based on the available information.  The opinion and its justification as well as the background document further clarify the reasons for assessing the derogation to be justified. Previously available alternatives are considered not suitable due to the proprietary diaphragm technology in use. The current company-tested alternative is already partly in use, however, an adjustment time is needed to phase in the alternative. The reporting requirement will most efficiently provide information about the process given any future administrative needs. The reporting requirement does not insinuate any further extension. | |
| 140 | **Date/Time:** 2015/01/22 10:49  **Name confidential: No** | **Comments on the SEAC draft opinion:**  The Derbyshire Asbestos Support Team strongly disagrees with the SEAC draft opinion supporting the extension of the use of asbestos diaphragms until 2025 and calls on the Commission and Member States to immediately end the asbestos derogation.  All other EU companies have already switched to asbestos-free electrolysis technologies and there is no reason to grant AAK and Dow a competitive advantage over other EU companies which have already invested in alternative technologies to meet the requirements of the existing restriction. Suitable asbestos-free electrolysis methods are available for both AAK and Dow and they have already started the process of replacement. Putting an immediate end to the asbestos derogation in REACH Annex XVII can only speed up their transition to asbestos-free alternatives.  Moreover, asbestos diaphragm processes are excluded from the Best Available Techniques (BAT) and maintaining the derogation would be in contradiction with the Integrated Pollution Prevention and Control Directive which requires the use of BAT. The derogation is also at odds with the EU’s demands for a worldwide ban on asbestos and the protection of workers and citizens’ health in non EU-countries where asbestos is still produced. Given the legislative time before entry into force of the total ban of asbestos in the EU, these two companies will have enough time to switch to their preferred substitute. | |
| **Specific information 1:**  The Derbyshire Asbestos Support Team believes that the commitment made by Dow to stop importing asbestos fibers and asbestos-containing diaphragms after 2017 is an additional argument to put an immediate end to the asbestos derogation. | |
| **Specific information 2:**  Derbyshire Asbestos Support Team is of the opinion that it would be nonsense to open the door for a further extension of the derogation to use asbestos-containing diaphragms in REACH Annex XVII. It would be contrary to the overall aim of a total EU asbestos ban and a clear disincentive for a timely switch to asbestos-free alternatives in AAK and Dow. | |
| **SEAC Rapporteurs response:**  Thank you for the comments. The opinion has been developed based on the available information.  The opinion and its justification as well as the background document further clarify the reasons for assessing the derogation to be justified. Previously available alternatives are considered not suitable due to the proprietary diaphragm technology in use. The current company-tested alternative is already partly in use, however, an adjustment time is needed to phase in the alternative. The reporting requirement will most efficiently provide information about the process given any future administrative needs. The reporting requirement does not insinuate any further extension. | |
| 141 | **Date/Time:** 2015/01/22 11:54  **Type:** Industry or trade association  **Organization name:**  Merseyside Asbestos Victims Support Group (registered charity 1033724)  **Country:** United Kingdom  **Name confidential: No** | **Comments on the SEAC draft opinion:**  The Merseyside Asbestos Victims Support Group strongly disagrees with the SEAC draft opinion supporting the extension of the use of asbestos diaphragms until 2025 and calls on the Commission and Member States to immediately end the asbestos derogation.  All other EU companies have already switched to asbestos-free electrolysis technologies and there is no reason to grant AAK and Dow a competitive advantage over other EU companies which have already invested in alternative technologies to meet the requirements of the existing restriction. Suitable asbestos-free electrolysis methods are available for both AAK and Dow and they have already started the process of replacement. Putting an immediate end to the asbestos derogation in REACH Annex XVII can only speed up their transition to asbestos-free alternatives.  Moreover, asbestos diaphragm processes are excluded from the Best Available Techniques (BAT) and maintaining the derogation would be in contradiction with the Integrated Pollution Prevention and Control Directive which requires the use of BAT. The derogation is also at odds with the EU’s demands for a worldwide ban on asbestos and the protection of workers and citizens’ health in non EU-countries where asbestos is still produced. Given the legislative time before entry into force of the total ban of asbestos in the EU, these two companies will have enough time to switch to their preferred substitute | |
| **Specific information 1:**  The Merseyside Asbestos Victims Support Group believes that the commitment made by Dow to stop importing asbestos fibers and asbestos-containing diaphragms after 2017 is an additional argument to put an immediate end to the asbestos derogation. | |
| **Specific information 2:**  Merseyside Asbestos Victims Support Group is of the opinion that it would be nonsense to open the door for a further extension of the derogation to use asbestos-containing diaphragms in REACH Annex XVII. It would be contrary to the overall aim of a total EU asbestos ban and a clear disincentive for a timely switch to asbestos-free alternatives in AAK and Dow. | |
| **SEAC Rapporteurs response:**  Thank you for the comments. The opinion has been developed based on the available information.  The opinion and its justification as well as the background document further clarify the reasons for assessing the derogation to be justified. Previously available alternatives are considered not suitable due to the proprietary diaphragm technology in use. The current company-tested alternative is already partly in use, however, an adjustment time is needed to phase in the alternative. The reporting requirement will most efficiently provide information about the process given any future administrative needs. The reporting requirement does not insinuate any further extension. | |
| 143 | **Date/Time:** 2015/01/22 17:45  **Type:** International NGO  **Organization name:**  […]  **Country:** United Kingdom  **Name confidential:** Yes | **Comments on the SEAC draft opinion:**  The […] strongly disagrees with the SEAC draft opinion supporting the extension of the use of asbestos diaphragms until 2025 and calls on the Commission and Member States to immediately end the asbestos derogation.  All other EU companies have already switched to asbestos-free electrolysis technologies and there is no reason to grant AAK and Dow a competitive advantage over other EU companies which have already invested in alternative technologies to meet the requirements of the existing restriction. Suitable asbestos-free electrolysis methods are available for both AAK and Dow and they have already started the process of replacement. Putting an immediate end to the asbestos derogation in REACH Annex XVII can only speed up their transition to asbestos-free alternatives.  Moreover, asbestos diaphragm processes are excluded from the Best Available Techniques (BAT) and maintaining the derogation would be in contradiction with the Integrated Pollution Prevention and Control Directive which requires the use of BAT. The derogation is also at odds with the EU’s demands for a worldwide ban on asbestos and the protection of workers and citizens’ health in non EU-countries where asbestos is still produced. Given the legislative time before entry into force of the total ban of asbestos in the EU, these two companies will have enough time to switch to their preferred substitute. | |
| **Specific information 1:**  The […] believes that the commitment made by Dow to stop importing asbestos fibers and asbestos-containing diaphragms after 2017 is an additional argument to put an immediate end to the asbestos derogation. | |
| **Specific information 2:**  The […] is of the opinion that it would be dangerous to open the door for a further extension of the derogation to use asbestos-containing diaphragms in REACH Annex XVII. It would be contrary to the overall aim of a total EU asbestos ban and a clear disincentive for a timely switch to asbestos-free alternatives in AAK and Dow. | |
| **SEAC Rapporteurs response:**  Thank you for the comments. The opinion has been developed based on the available information.  The opinion and its justification as well as the background document further clarify the reasons for assessing the derogation to be justified. Previously available alternatives are considered not suitable due to the proprietary diaphragm technology in use. The current company-tested alternative is already partly in use, however, an adjustment time is needed to phase in the alternative. The reporting requirement will most efficiently provide information about the process given any future administrative needs. The reporting requirement does not insinuate any further extension. | |
| 144 | **Date/Time:** 2015/01/23 18:56  **Name confidential: No** | **Comments on the SEAC draft opinion:**  I strongly disagree with the SEAC draft opinion supporting the extension of the use of asbestos diaphragms until 2025 and calls on the Commission and Member States to immediately end the asbestos derogation.  All other EU companies have already switched to asbestos-free electrolysis technologies and there is no reason to grant AAK and Dow a competitive advantage over other EU companies which have already invested in alternative technologies to meet the requirements of the existing restriction. Suitable asbestos-free electrolysis methods are available for both AAK and Dow and they have already started the process of replacement. Putting an immediate end to the asbestos derogation in REACH Annex XVII can only speed up their transition to asbestos-free alternatives.  Moreover, asbestos diaphragm processes are excluded from the Best Available Techniques (BAT) and maintaining the derogation would be in contradiction with the Integrated Pollution Prevention and Control Directive which requires the use of BAT. The derogation is also at odds with the EU’s demands for a worldwide ban on asbestos and the protection of workers and citizens’ health in non EU-countries where asbestos is still produced. Given the legislative time before entry into force of the total ban of asbestos in the EU, these two companies will have enough time to switch to their preferred substitute. | |
| **Specific information 1:**  I believe that the commitment made by Dow to stop importing asbestos fibers and asbestos-containing diaphragms after 2017 is an additional argument to put an immediate end to the asbestos derogation. | |
| **Specific information 2:**  I am pf the opinion that it would be nonsense to open the door for a further extension of the derogation to use asbestos-containing diaphragms in REACH Annex XVII. It would be contrary to the overall aim of a total EU asbestos ban and a clear disincentive for a timely switch to asbestos-free alternatives in AAK and Dow. | |
| **SEAC Rapporteurs response:**  Thank you for the comments. The opinion has been developed based on the available information.  The opinion and its justification as well as the background document further clarify the reasons for assessing the derogation to be justified. Previously available alternatives are considered not suitable due to the proprietary diaphragm technology in use. The current company-tested alternative is already partly in use, however, an adjustment time is needed to phase in the alternative. The reporting requirement will most efficiently provide information about the process given any future administrative needs. The reporting requirement does not insinuate any further extension. | |
| 145 | **Date/Time:** 2015/01/24 17:18  **Name confidential: No** | **Comments on the SEAC draft opinion:**  I strongly disagrees with the SEAC draft opinion supporting the extension of the use of asbestos diaphragms until 2025 and calls on the Commission and Member States to immediately end the asbestos derogation.  All other EU companies have already switched to asbestos-free electrolysis technologies and there is no reason to grant AAK and Dow a competitive advantage over other EU companies which have already invested in alternative technologies to meet the requirements of the existing restriction. Suitable asbestos-free electrolysis methods are available for both AAK and Dow and they have already started the process of replacement. Putting an immediate end to the asbestos derogation in REACH Annex XVII can only speed up their transition to asbestos-free alternatives.  Moreover, asbestos diaphragm processes are excluded from the Best Available Techniques (BAT) and maintaining the derogation would be in contradiction with the Integrated Pollution Prevention and Control Directive which requires the use of BAT. The derogation is also at odds with the EU’s demands for a worldwide ban on asbestos and the protection of workers and citizens’ health in non EU-countries where asbestos is still produced. Given the legislative time before entry into force of the total ban of asbestos in the EU, these two companies will have enough time to switch to their preferred substitute. | |
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| 146 | **Date/Time:** 2015/01/24 23:47  **Type:** National NGO  **Organization name:**  AREA Fund (Asbestos-related Research, Education & Advocacy Fund)  **Country:** Canada  **Name confidential: No** | **Comments on the SEAC draft opinion:**  AREA Fund strongly disagrees with the SEAC draft opinion supporting the extension of the use of asbestos diaphragms until 2025 and calls on the Commission and Member States to immediately end the asbestos derogation.  All other EU companies have already switched to asbestos-free electrolysis technologies and there is no reason to grant AAK and Dow a competitive advantage over other EU companies which have already invested in alternative technologies to meet the requirements of the existing restriction. Suitable asbestos-free electrolysis methods are available for both AAK and Dow and they have already started the process of replacement. Putting an immediate end to the asbestos derogation in REACH Annex XVII can only speed up their transition to asbestos-free alternatives.  Moreover, asbestos diaphragm processes are excluded from the Best Available Techniques (BAT) and maintaining the derogation would be in contradiction with the Integrated Pollution Prevention and Control Directive which requires the use of BAT. The derogation is also at odds with the EU’s demands for a worldwide ban on asbestos and the protection of workers and citizens’ health in non EU-countries where asbestos is still produced. Given the legislative time before entry into force of the total ban of asbestos in the EU, these two companies will have enough time to switch to their preferred substitute. | |
| **Specific information 1:**  AREA Fund believes that the commitment made by Dow to stop importing asbestos fibers and asbestos-containing diaphragms after 2017 is an additional argument to put an immediate end to the asbestos derogation. | |
| **Specific information 2:**  AREA Fund is of the opinion that it would be nonsense to open the door for a further extension of the derogation to use asbestos-containing diaphragms in REACH Annex XVII. It would be contrary to the overall aim of a total EU asbestos ban and a clear disincentive for a timely switch to asbestos-free alternatives in AAK and Dow. | |
| **SEAC Rapporteurs response:**  Thank you for the comments. The opinion has been developed based on the available information.  The opinion and its justification as well as the background document further clarify the reasons for assessing the derogation to be justified. Previously available alternatives are considered not suitable due to the proprietary diaphragm technology in use. The current company-tested alternative is already partly in use, however, an adjustment time is needed to phase in the alternative. The reporting requirement will most efficiently provide information about the process given any future administrative needs. The reporting requirement does not insinuate any further extension. | |
| 147 | **Date/Time:** 2015/01/25 16:02  **Type:** National NGO  **Organization name:**  EKOPOT  **Country:** Bosnia and Herzegovina  **Name confidential: No** | **Comments on the SEAC draft opinion:**  EKOPOT strongly disagrees with the SEAC draft opinion supporting the extension of the use of asbestos diaphragms until 2025 and calls on the Commission and Member States to immediately end the asbestos derogation.  All other EU companies have already switched to asbestos-free electrolysis technologies and there is no reason to grant AAK and Dow a competitive advantage over other EU companies which have already invested in alternative technologies to meet the requirements of the existing restriction. Suitable asbestos-free electrolysis methods are available for both AAK and Dow and they have already started the process of replacement. Putting an immediate end to the asbestos derogation in REACH Annex XVII can only speed up their transition to asbestos-free alternatives.  Moreover, asbestos diaphragm processes are excluded from the Best Available Techniques (BAT) and maintaining the derogation would be in contradiction with the Integrated Pollution Prevention and Control Directive which requires the use of BAT. The derogation is also at odds with the EU’s demands for a worldwide ban on asbestos and the protection of workers and citizens’ health in non EU-countries where asbestos is still produced. Given the legislative time before entry into force of the total ban of asbestos in the EU, these two companies will have enough time to switch to their preferred substitute. | |
| **Specific information 1:**  EKOPOT believes that the commitment made by Dow to stop importing asbestos fibers and asbestos-containing diaphragms after 2017 is an additional argument to put an immediate end to the asbestos derogation. | |
| **Specific information 2:**  EKOPOT is of the opinion that it would be nonsense to open the door for a further extension of the derogation to use asbestos-containing diaphragms in REACH Annex XVII. It would be contrary to the overall aim of a total EU asbestos ban and a clear disincentive for a timely switch to asbestos-free alternatives in AAK and Dow. | |
| **SEAC Rapporteurs response:**  Thank you for the comments. The opinion has been developed based on the available information.  The opinion and its justification as well as the background document further clarify the reasons for assessing the derogation to be justified. Previously available alternatives are considered not suitable due to the proprietary diaphragm technology in use. The current company-tested alternative is already partly in use, however, an adjustment time is needed to phase in the alternative. The reporting requirement will most efficiently provide information about the process given any future administrative needs. The reporting requirement does not insinuate any further extension. | |
| 148 | **Date/Time:** 2015/01/25 22:01  **Type:** National NGO  **Organization name:**  RightOnCanada.ca  **Country:** Canada  **Name confidential: No** | **Comments on the SEAC draft opinion:**  RightOnCanada.ca strongly disagrees with the SEAC draft opinion supporting the extension of the use of asbestos diaphragms until 2025 and calls on the Commission and Member States to immediately end the asbestos derogation.  All other EU companies have already switched to asbestos-free electrolysis technologies and there is no reason to grant AAK and Dow a competitive advantage over other EU companies which have already invested in alternative technologies to meet the requirements of the existing restriction. Suitable asbestos-free electrolysis methods are available for both AAK and Dow and they have already started the process of replacement. Putting an immediate end to the asbestos derogation in REACH Annex XVII can only speed up their transition to asbestos-free alternatives.  Moreover, asbestos diaphragm processes are excluded from the Best Available Techniques (BAT) and maintaining the derogation would be in contradiction with the Integrated Pollution Prevention and Control Directive which requires the use of BAT. The derogation is also at odds with the EU’s demands for a worldwide ban on asbestos and the protection of workers and citizens’ health in non EU-countries where asbestos is still produced. Given the legislative time before entry into force of the total ban of asbestos in the EU, these two companies will have enough time to switch to their preferred substitute. | |
| **Specific information 1:**  RightOnCanada.ca believes that the commitment made by Dow to stop importing asbestos fibers and asbestos-containing diaphragms after 2017 is an additional argument to put an immediate end to the asbestos derogation. | |
| **Specific information 2:**  RightOnCanada.ca is of the opinion that it would be nonsense to open the door for a further extension of the derogation to use asbestos-containing diaphragms in REACH Annex XVII. It would be contrary to the overall aim of a total EU asbestos ban and a clear disincentive for a timely switch to asbestos-free alternatives in AAK and Dow. | |
| **SEAC Rapporteurs response:**  Thank you for the comments. The opinion has been developed based on the available information.  The opinion and its justification as well as the background document further clarify the reasons for assessing the derogation to be justified. Previously available alternatives are considered not suitable due to the proprietary diaphragm technology in use. The current company-tested alternative is already partly in use, however, an adjustment time is needed to phase in the alternative. The reporting requirement will most efficiently provide information about the process given any future administrative needs. The reporting requirement does not insinuate any further extension. | |
| 149 | **Date/Time:** 2015/01/26 02:14  **Name confidential: No** | **Comments on the SEAC draft opinion:**  I, Deidre vanGerven strongly disagres with the SEAC draft opinion supporting the extension of the use of asbestos diaphragms until 2025 and calls on the Commission and Member States to immediately end the asbestos derogation.  All other EU companies have already switched to asbestos-free electrolysis technologies and there is no reason to grant AAK and Dow a competitive advantage over other EU companies which have already invested in alternative technologies to meet the requirements of the existing restriction. Suitable asbestos-free electrolysis methods are available for both AAK and Dow and they have already started the process of replacement. Putting an immediate end to the asbestos derogation in REACH Annex XVII can only speed up their transition to asbestos-free alternatives.  Moreover, asbestos diaphragm processes are excluded from the Best Available Techniques (BAT) and maintaining the derogation would be in contradiction with the Integrated Pollution Prevention and Control Directive which requires the use of BAT. The derogation is also at odds with the EU’s demands for a worldwide ban on asbestos and the protection of workers and citizens’ health in non EU-countries where asbestos is still produced. Given the legislative time before entry into force of the total ban of asbestos in the EU, these two companies will have enough time to switch to their preferred substitute. | |
| **Specific information 1:**  I Deidre vanGerven believs that the commitment made by Dow to stop importing asbestos fibers and asbestos-containing diaphragms after 2017 is an additional argument to put an immediate end to the asbestos derogation. | |
| **Specific information 2:**  I Deidre vanGerven is of the opinion that it would be nonsense to open the door for a further extension of the derogation to use asbestos-containing diaphragms in REACH Annex XVII. It would be contrary to the overall aim of a total EU asbestos ban and a clear disincentive for a timely switch to asbestos-free alternatives in AAK and Dow. | |
| **SEAC Rapporteurs response:**  Thank you for the comments. The opinion has been developed based on the available information.  The opinion and its justification as well as the background document further clarify the reasons for assessing the derogation to be justified. Previously available alternatives are considered not suitable due to the proprietary diaphragm technology in use. The current company-tested alternative is already partly in use, however, an adjustment time is needed to phase in the alternative. The reporting requirement will most efficiently provide information about the process given any future administrative needs. The reporting requirement does not insinuate any further extension. | |
| 150 | **Date/Time:** 2015/01/26 11:19  **Type:** Industry or trade association  **Organization name:**  Oliver & Co. Solicitors t/a Asbestos Justice  **Country:** United Kingdom  **Name confidential: No** | **Comments on the SEAC draft opinion:**  Asbestos Justice strongly disagrees with the SEAC draft opinion supporting the extension of the use of asbestos diaphragms until 2025 and calls on the Commission and Member States to immediately end the asbestos derogation.  All other EU companies have already switched to asbestos-free electrolysis technologies and there is no reason to grant AAK and Dow a competitive advantage over other EU companies which have already invested in alternative technologies to meet the requirements of the existing restriction. Suitable asbestos-free electrolysis methods are available for both AAK and Dow and they have already started the process of replacement. Putting an immediate end to the asbestos derogation in REACH Annex XVII can only speed up their transition to asbestos-free alternatives.  Moreover, asbestos diaphragm processes are excluded from the Best Available Techniques (BAT) and maintaining the derogation would be in contradiction with the Integrated Pollution Prevention and Control Directive which requires the use of BAT. The derogation is also at odds with the EU’s demands for a worldwide ban on asbestos and the protection of workers and citizens’ health in non EU-countries where asbestos is still produced. Given the legislative time before entry into force of the total ban of asbestos in the EU, these two companies will have enough time to switch to their preferred substitute. | |
| **Specific information 1:**  Asbestos Justice believes that the commitment made by Dow to stop importing asbestos fibres and asbestos-containing diaphragms after 2017 is an additional argument to put an immediate end to the asbestos derogation. | |
| **Specific information 2:**  Asbestos Justice is of the opinion that it would be nonsense to open the door for a further extension of the derogation to use asbestos-containing diaphragms in REACH Annex XVII. It would be contrary to the overall aim of a total EU asbestos ban and a clear disincentive for a timely switch to asbestos-free alternatives in AAK and Dow. | |
| **SEAC Rapporteurs response:**  Thank you for the comments. The opinion has been developed based on the available information.  The opinion and its justification as well as the background document further clarify the reasons for assessing the derogation to be justified. Previously available alternatives are considered not suitable due to the proprietary diaphragm technology in use. The current company-tested alternative is already partly in use, however, an adjustment time is needed to phase in the alternative. The reporting requirement will most efficiently provide information about the process given any future administrative needs. The reporting requirement does not insinuate any further extension. | |
| 151 | **Date/Time:** 2015/01/26 13:42  **Type:** National Authority  **Organization name:**  Ministry of Economy  **Country:** Poland  **Name confidential: No** | **Comments on the SEAC draft opinion:**  Ministry of Economy (Poland) strongly disagrees with the SEAC draft opinion supporting the extension of the use of asbestos diaphragms until 2025 and calls on the Commission and Member States to immediately end the asbestos derogation.  All other EU companies have already switched to asbestos-free electrolysis technologies and there is no reason to grant AAK and Dow a competitive advantage over other EU companies which have already invested in alternative technologies to meet the requirements of the existing restriction. Suitable asbestos-free electrolysis methods are available for both AAK and Dow and they have already started the process of replacement. Putting an immediate end to the asbestos derogation in REACH Annex XVII can only speed up their transition to asbestos-free alternatives.  Moreover, asbestos diaphragm processes are excluded from the Best Available Techniques (BAT) and maintaining the derogation would be in contradiction with the Integrated Pollution Prevention and Control Directive which requires the use of BAT. The derogation is also at odds with the EU’s demands for a worldwide ban on asbestos and the protection of workers and citizens’ health in non EU-countries where asbestos is still produced. Given the legislative time before entry into force of the total ban of asbestos in the EU, these two companies will have enough time to switch to their preferred substitute. | |
| **Specific information 1:**  Ministry of Economy (Poland) believes that the commitment made by Dow to stop importing asbestos fibers and asbestos-containing diaphragms after 2017 is an additional argument to put an immediate end to the asbestos derogation. | |
| **Specific information 2:**  Ministry of Economy (Poland) is of the opinion that it would be nonsense to open the door for a further extension of the derogation to use asbestos-containing diaphragms in REACH Annex XVII. It would be contrary to the overall aim of a total EU asbestos ban and a clear disincentive for a timely switch to asbestos-free alternatives in AAK and Dow. | |
| **SEAC Rapporteurs response:**  Thank you for the comments. The opinion has been developed based on the available information.  The opinion and its justification as well as the background document further clarify the reasons for assessing the derogation to be justified. Previously available alternatives are considered not suitable due to the proprietary diaphragm technology in use. The current company-tested alternative is already partly in use, however, an adjustment time is needed to phase in the alternative. The reporting requirement will most efficiently provide information about the process given any future administrative needs. The reporting requirement does not insinuate any further extension. | |
| 153 | **Date/Time:** 2015/01/26 19:43  **Name confidential: No** | **Comments on the SEAC draft opinion:**  I agree with the restriction on Chrysotile proposed on SEAC draft. The asbesto's fibers impact on public health is recognised by Italian and European legislation. | |
| **Specific information 1:**  To my opinion, as for the other utilisation of Chrysotile (and/or other asbesto mineral fibers), the ban should be immediate. First the industrial utilisation of asbesto's fibers produce higly pollutant waste; second the ban will promote research for alternative industrial solutions for electrolysis plants, improving our ecological technologies and thus making our economy more sustenaible and competitive. | |
| **Specific information 2:**  The derogation will only benefith the industry there is not benefith for the public health and the environment. The derogation, in terms of socio-economic effects will charge the public administration with maily costs (health and environment) and the benefit for using an obsolete and pollutant technology will be only for the industry. | |
| **SEAC Rapporteurs response:**  Thank you for the comments. The opinion has been developed based on the available information.  The opinion and its justification as well as the background document further clarify the reasons for assessing the derogation to be justified. Previously available alternatives are considered not suitable due to the proprietary diaphragm technology in use. The current company-tested alternative is already partly in use, however, an adjustment time is needed to phase in the alternative. The reporting requirement will most efficiently provide information about the process given any future administrative needs. The reporting requirement does not insinuate any further extension. | |
| 154 | **Date/Time:** 2015/01/27 12:05  **Name confidential: No** | **Comments on the SEAC draft opinion:**  Metoda Dodič Fikfak as representative of the Clinical institute of Occupational, Traffic and Sports Medicine, Ljubljana, Slovenia strongly disagrees with the SEAC draft opinion supporting the extension of the use of asbestos diaphragms until 2025 and calls on the Commission and Member States to immediately end the asbestos derogation.  All other EU companies have already switched to asbestos-free electrolysis technologies and there is no reason to grant AAK and Dow a competitive advantage over other EU companies which have already invested in alternative technologies to meet the requirements of the existing restriction. Suitable asbestos-free electrolysis methods are available for both AAK and Dow and they have already started the process of replacement. Putting an immediate end to the asbestos derogation in REACH Annex XVII can only speed up their transition to asbestos-free alternatives.  Moreover, asbestos diaphragm processes are excluded from the Best Available Techniques (BAT) and maintaining the derogation would be in contradiction with the Integrated Pollution Prevention and Control Directive which requires the use of BAT. The derogation is also at odds with the EU’s demands for a worldwide ban on asbestos and the protection of workers and citizens’ health in non EU-countries where asbestos is still produced. Given the legislative time before entry into force of the total ban of asbestos in the EU, these two companies will have enough time to switch to their preferred substitute. | |
| **Specific information 1:**  Metoda Dodič Fikfak as representative of the Clinical institute of Occupational, Traffic and Sports Medicine, Ljubljana, Slovenia believes that the commitment made by Dow to stop importing asbestos fibers and asbestos-containing diaphragms after 2017 is an additional argument to put an immediate end to the asbestos derogation. | |
| **Specific information 2:**  Metoda Dodič Fikfak as representative of the Clinical institute of Occupational, Traffic and Sports Medicine, Ljubljana, Slovenia is of the opinion that it would be nonsense to open the door for a further extension of the derogation to use asbestos-containing diaphragms in REACH Annex XVII. It would be contrary to the overall aim of a total EU asbestos ban and a clear disincentive for a timely switch to asbestos-free alternatives in AAK and Dow. | |
| **SEAC Rapporteurs response:**  Thank you for the comments. The opinion has been developed based on the available information.  The opinion and its justification as well as the background document further clarify the reasons for assessing the derogation to be justified. Previously available alternatives are considered not suitable due to the proprietary diaphragm technology in use. The current company-tested alternative is already partly in use, however, an adjustment time is needed to phase in the alternative. The reporting requirement will most efficiently provide information about the process given any future administrative needs. The reporting requirement does not insinuate any further extension. | |
| 155 | **Date/Time:** 2015/01/28 15:33  **Type:** Industry or trade association  **Organization name:**  Poole Alcock LLP  **Country:** United Kingdom  **Name confidential: No** | **Comments on the SEAC draft opinion:**  Poole Alcock LLP strongly disagrees with the SEAC draft opinion supporting the extension of the use of asbestos diaphragms until 2025 and calls on the Commission and Member States to immediately end the asbestos derogation.  All other EU companies have already switched to asbestos-free electrolysis technologies and there is no reason to grant AAK and Dow a competitive advantage over other EU companies which have already invested in alternative technologies to meet the requirements of the existing restriction. Suitable asbestos-free electrolysis methods are available for both AAK and Dow and they have already started the process of replacement. Putting an immediate end to the asbestos derogation in REACH Annex XVII can only speed up their transition to asbestos-free alternatives.  Moreover, asbestos diaphragm processes are excluded from the Best Available Techniques (BAT) and maintaining the derogation would be in contradiction with the Integrated Pollution Prevention and Control Directive which requires the use of BAT. The derogation is also at odds with the EU’s demands for a worldwide ban on asbestos and the protection of workers and citizens’ health in non EU-countries where asbestos is still produced. Given the legislative time before entry into force of the total ban of asbestos in the EU, these two companies will have enough time to switch to their preferred substitute. | |
| **Specific information 1:**  Poole Alcock LLP believes that the commitment made by Dow to stop importing asbestos fibers and asbestos-containing diaphragms after 2017 is an additional argument to put an immediate end to the asbestos derogation. | |
| **Specific information 2:**  Poole Alcock LLP is of the opinion that it would be nonsense to open the door for a further extension of the derogation to use asbestos-containing diaphragms in REACH Annex XVII. It would be contrary to the overall aim of a total EU asbestos ban and a clear disincentive for a timely switch to asbestos-free alternatives in AAK and Dow. | |
| **SEAC Rapporteurs response:**  Thank you for the comments. The opinion has been developed based on the available information.  The opinion and its justification as well as the background document further clarify the reasons for assessing the derogation to be justified. Previously available alternatives are considered not suitable due to the proprietary diaphragm technology in use. The current company-tested alternative is already partly in use, however, an adjustment time is needed to phase in the alternative. The reporting requirement will most efficiently provide information about the process given any future administrative needs. The reporting requirement does not insinuate any further extension. | |
| 156 | **Date/Time:** 2015/01/29 21:54  **Type:** International NGO  **Organization name:**  […]  **Country:** Germany  **Name confidential:** Yes | **Comments on the SEAC draft opinion:**  […] strongly disagrees with the SEAC draft opinion supporting the extension of the use of asbestos diaphragms until 2025 and calls on the Commission and Member States to immediately end the asbestos derogation.  All other EU companies have already switched to asbestos-free electrolysis technologies and there is no reason to grant AAK and Dow a competitive advantage over other EU companies which have already invested in alternative technologies to meet the requirements of the existing restriction. Suitable asbestos-free electrolysis methods are available for both AAK and Dow and they have already started the process of replacement. Putting an immediate end to the asbestos derogation in REACH Annex XVII can only speed up their transition to asbestos-free alternatives.  Moreover, asbestos diaphragm processes are excluded from the Best Available Techniques (BAT) and maintaining the derogation would be in contradiction with the Integrated Pollution Prevention and Control Directive which requires the use of BAT. The derogation is also at odds with the EU’s demands for a worldwide ban on asbestos and the protection of workers and citizens’ health in non EU-countries where asbestos is still produced. Given the legislative time before entry into force of the total ban of asbestos in the EU, these two companies will have enough time to switch to their preferred substitute. | |
| **Specific information 1:**  […] believes that the commitment made by Dow to stop importing asbestos fibers and asbestos-containing diaphragms after 2017 is an additional argument to put an immediate end to the asbestos derogation. | |
| **Specific information 2:**  […] is of the opinion that it would be nonsense to open the door for a further extension of the derogation to use asbestos-containing diaphragms in REACH Annex XVII. It would be contrary to the overall aim of a total EU asbestos ban and a clear disincentive for a timely switch to asbestos-free alternatives in AAK and Dow. | |
| **SEAC Rapporteurs response:**  Thank you for the comments. The opinion has been developed based on the available information.  The opinion and its justification as well as the background document further clarify the reasons for assessing the derogation to be justified. Previously available alternatives are considered not suitable due to the proprietary diaphragm technology in use. The current company-tested alternative is already partly in use, however, an adjustment time is needed to phase in the alternative. The reporting requirement will most efficiently provide information about the process given any future administrative needs. The reporting requirement does not insinuate any further extension. | |
| 160 | **Date/Time:** 2015/02/03 11:42  **Type:** Industry or trade association  **Organization name:**  Unite the union  **Country:** United Kingdom  **Name confidential: No** | **Comments on the SEAC draft opinion:**  Unite strongly disagrees with the SEAC draft opinion supporting the extension of the use of asbestos diaphragms until 2025 and calls on the Commission and Member States to immediately end the asbestos derogation.  All other EU companies have already switched to asbestos-free electrolysis technologies and there is no reason to grant AAK and Dow a competitive advantage over other EU companies which have already invested in alternative technologies to meet the requirements of the existing restriction. Suitable asbestos-free electrolysis methods are available for both AAK and Dow and they have already started the process of replacement. Putting an immediate end to the asbestos derogation in REACH Annex XVII can only speed up their transition to asbestos-free alternatives.  Moreover, asbestos diaphragm processes are excluded from the Best Available Techniques (BAT) and maintaining the derogation would be in contradiction with the Integrated Pollution Prevention and Control Directive which requires the use of BAT. The derogation is also at odds with the EU’s demands for a worldwide ban on asbestos and the protection of workers and citizens’ health in non EU-countries where asbestos is still produced. Given the legislative time before entry into force of the total ban of asbestos in the EU, these two companies will have enough time to switch to their preferred substitute. | |
| **Specific information 1:**  Unite believes that the commitment made by Dow to stop importing asbestos fibres and asbestos-containing diaphragms after 2017 is an additional argument to put an immediate end to the asbestos derogation. | |
| **Specific information 2:**  Unite believes that it would be nonsense to open the door for a further extension of the derogation to use asbestos-containing diaphragms in REACH Annex XVII. It would be contrary to the overall aim of a total EU asbestos ban and a clear disincentive for a timely switch to asbestos-free alternatives in AAK and Dow. | |
| **SEAC Rapporteurs response:**  Thank you for the comments. The opinion has been developed based on the available information.  The opinion and its justification as well as the background document further clarify the reasons for assessing the derogation to be justified. Previously available alternatives are considered not suitable due to the proprietary diaphragm technology in use. The current company-tested alternative is already partly in use, however, an adjustment time is needed to phase in the alternative. The reporting requirement will most efficiently provide information about the process given any future administrative needs. The reporting requirement does not insinuate any further extension. | |
| 161 | **Date/Time:** 2015/02/03 14:25  **Type:** National NGO  **Organization name:**  Federation of Building, Construction and Woodworkers' Unions  **Country:** Denmark  **Name confidential: No** | **Comments on the SEAC draft opinion:**  Federation of Building, Construction and Woodworkers' Unions strongly disagrees with the SEAC draft opinion supporting the extension of the use of asbestos diaphragms until 2025 and calls on the Commission and Member States to immediately end the asbestos derogation.  Suitable asbestos-free electrolysis methods are available for both AAK and Dow and they have already started the process of replacement. Putting an immediate end to the asbestos derogation in REACH Annex XVII can only speed up their transition to asbestos-free alternatives.  The derogation is also at odds with the EU’s demands for a worldwide ban on asbestos and the protection of workers and citizens’ health in non EU-countries where asbestos is still produced. Given the legislative time before entry into force of the total ban of asbestos in the EU, these two companies will have enough time to switch to their preferred substitute. | |
| **Specific information 2:**  Federation of Building, Construction and Woodworkers' Unions is of the opinion that it would be nonsense to open the door for a further extension of the derogation to use asbestos-containing diaphragms in REACH Annex XVII. It would be contrary to the overall aim of a total EU asbestos ban and a clear disincentive for a timely switch to asbestos-free alternatives in AAK and Dow.  Moreover, it is an unfortunate global signal to send that the EU does not have a total ban on asbestos. | |
| **SEAC Rapporteurs response:**  Thank you for the comments. The opinion has been developed based on the available information.  The opinion and its justification as well as the background document further clarify the reasons for assessing the derogation to be justified. Previously available alternatives are considered not suitable due to the proprietary diaphragm technology in use. The current company-tested alternative is already partly in use, however, an adjustment time is needed to phase in the alternative. The reporting requirement will most efficiently provide information about the process given any future administrative needs. The reporting requirement does not insinuate any further extension. | |
| 163 | **Date/Time:** 2015/02/03 17:24  **Name confidential: No** | **Comments on the SEAC draft opinion:**  I, David Trigg, strongly disagree with the SEAC draft opinion supporting the extension of the use of asbestos diaphragms until 2025, and I call on the Commission and Member States to immediately end the asbestos derogation.  All other EU companies have already switched to asbestos-free electrolysis technologies and there is no reason to grant AAK and Dow a competitive advantage over other EU companies which have already invested in alternative technologies to meet the requirements of the existing restriction. Suitable asbestos-free electrolysis methods are available for both AAK and Dow and they have already started the process of replacement. Putting an immediate end to the asbestos derogation in REACH Annex XVII can only speed up their transition to asbestos-free alternatives.    Moreover, asbestos diaphragm processes are excluded from the Best Available Techniques (BAT) and maintaining the derogation would be in contradiction with the Integrated Pollution Prevention and Control Directive which requires the use of BAT. The derogation is also at odds with the EU’s demands for a worldwide ban on asbestos and the protection of workers and citizens’ health in non EU-countries where asbestos is still produced. Given the legislative time before entry into force of the total ban of asbestos in the EU, these two companies will have enough time to switch to their preferred substitute. | |
| **Specific information 1:**  I believe that the commitment made by Dow to stop importing asbestos fibres and asbestos-containing diaphragms after 2017 is an additional argument to put an immediate end to the asbestos derogation. | |
| **Specific information 2:**  I am of the opinion that it would be nonsense to open the door for a further extension of the derogation to use asbestos-containing diaphragms in REACH Annex XVII. It would be contrary to the overall aim of a total EU asbestos ban and a clear disincentive for a timely switch to asbestos-free alternatives in AAK and Dow. | |
| **SEAC Rapporteurs response:**  Thank you for the comments. The opinion has been developed based on the available information.  The opinion and its justification as well as the background document further clarify the reasons for assessing the derogation to be justified. Previously available alternatives are considered not suitable due to the proprietary diaphragm technology in use. The current company-tested alternative is already partly in use, however, an adjustment time is needed to phase in the alternative. The reporting requirement will most efficiently provide information about the process given any future administrative needs. The reporting requirement does not insinuate any further extension. | |
| 165 | **Date/Time:** 2015/02/03 22:58  **Type:** National NGO  **Organization name:**  Industriegewerkschaft Bergbau, Chemie, Energie  **Country:** Germany  **Name confidential: No**  **Attachment:** | **Comments on the SEAC draft opinion:**  Die Industriegewerkschaft Bergbau, Chemie, Energie, Bezirk Hamburg/Harburg (IG BCE) ist bestrebt hochwertige Arbeitsplätze mit guter tariflichen und sozialen Sicherung in der Region zu halten. Davon profitieren die Beschäftigten und deren Familien. Deshalb unterstützen wir Industrieunternehmen, die unsere Region nicht nur direkt sondern auch indirekt durch Zulieferindustrie und Dienstleistungsbetriebe Beschäftigung und Einkommen sichern.  Nach unseren Berechnungen, die von der Industrie- und Handelskammer Stade gestützt werden, hängen von dem Werk Dow Chemical, Stade, bis zu 7.500 Arbeitsplätze direkt und indirekt ab. Aus diesem Grunde spielt dieses Chemiewerk eine zentrale Rolle für die sozioökonomische Entwicklung der Region und ist gegenwärtig, wie auch in Zukunft, ohne Alternative.  Die Produktion des Werks Dow Chemical, Stade, entspricht sowohl wirtschaftlich, wie auch in den verschiedenen Aspekten des Umwelt-, Gesundheits- und Arbeitsschutzes, höchsten Ansprüchen und allen Regeln der Gesetzgebung.  Es macht uns deshalb Sorge, dass die Grundproduktion des Chlors derzeit noch nach dem sogenannten Diaphragma-Verfahren mit Asbest durchgeführt wird. Diese Produktion ist im Verbund Ausgangspunkt für alle weiteren Produktionsbetriebe im Werk und damit nicht ersetzbar. Aus dem Blickwinkel der Energieeffizienz ist das angewendete Diaphragma-Verfahren immer noch führend in der Chlorproduktion. Das ist wichtig bei der ökologischen Betrachtung, da die Chlorproduktion an sich zu den größten Energieverbrauchern zählt. | |
| **Specific information 1:**  Auch wir als IG BCE sind der Überzeugung, dass der Einsatz von Asbest schnellst gehend abgestellt und ersetzt werden muss. In der Produktion bei Dow Chemical, Stade, konnten wir uns davon überzeugen, dass Asbest weder mit den Beschäftigten, noch mit der Umwelt, zu irgendeinem Zeitpunkt des Verfahrens in Kontakt kommen kann. Wir sehen aber trotzdem den weiteren Abbau, sowie die Entsorgung des Stoffes mit den heutigen Gesundheits- und Umweltanforderungen als problematisch an und für die Zukunft nicht mehr zu verantworten.  Bei Dow Chemical, Stade, wird derzeit die Substitution von Asbest durch andere Stoffe vorgenommen, um den geregelten Ausstieg aus der Verwendung von Asbest-Diaphragmen abzuschließen. Diese Umstellung dauert aufgrund der technisch langen Austauschzeiten der einzelnen Asbestteile noch mehr als 10 Jahre. Die Umstellung wird schnellstmöglich vorgenommen, ohne dass es dabei zu einem Verlust der gesamten Chlorproduktion kommen kann.  Ein Aus- und Umstiegsfahrplan bis 2025 ist nur möglich, wenn die Ausnahmegenehmigung für das Werk zur Anwendung von Asbest über die bisherige Genehmigung bis 2017 hinaus verlängert wird. Wir fordern aber auch eine Verpflichtung von Dow Chemical, den Umbau bis spätestens 2025, am besten aber schneller, vorzunehmen. | |
| **Specific information 2:**  Bei sofortiger Schließung der Chlorproduktion - was beim Verbot des Einsatzes von Asbest im Verfahren der Fall wäre - und damit des gesamten Chemiewerks mit allen Produktionsprozessen, würden die sozialen und wirtschaftlichen Folgen für die Region um Stade unabsehbar. Damit wären auch die mittelfristigen ökologischen Folgen nicht mehr vermittelbar. Die Region fußt zu einem wesentlichen Teil auf diesem Werk mit alleine 1.500 Arbeitsplätzen unmittelbar in den einzelnen Chemiebereichen.  Im Sinne der nachhaltigen Gestaltung der noch vorhandenen industriellen Kerne Europas ist aus diesem Grunde die Ausnahmegenehmigung der asbesthaltigen Diaphragmen unter schärfsten technischen Bedingungen bis zur vollständigen Substitution unabdingbar.  Dow Chemical, Stade, bildet das Herzstück einer großen Verbundchemie. Eine vorzeitige Schließung wäre fatal. Neben dem Verlust von bis zu 7.500 Arbeitsplätze wird zudem eine Region ihre industrielle Basis verlieren. Neue Unternehmen werden nur noch schwerlich anzusiedeln sein. Schon vielfach mussten wir das Absterben von Industrieregionen in Europa aufgrund der Schließung des Kernunternehmens mit ansehen müssen. Die Auswirkungen für die Bevölkerung der ganzen Region – hier bis zu 360.000 Menschen – werden sozioökonomisch sehr negativ sein mit vermutlich keiner guten Zukunftsprognose. | |
| **SEAC Rapporteurs response:**  Thank you for your comments and answers. | |
| 166 | **Date/Time:** 2015/02/04 18:09  **Type:** National NGO  **Organization name:**  UIL Sindacato Confederale  **Country:** Italy  **Name confidential: No** | **Comments on the SEAC draft opinion:**  UIL strongly disagrees with the SEAC draft opinion supporting the extension of the use of asbestos diaphragms until 2025 and calls on the Commission and Member States to immediately end the asbestos derogation.    All other EU companies have already switched to asbestos-free electrolysis technologies and there is no reason to grant AAK and Dow a competitive advantage over other EU companies which have already invested in alternative technologies to meet the requirements of the existing restriction. Suitable asbestos-free electrolysis methods are available for both AAK and Dow and they have already started the process of replacement. Putting an immediate end to the asbestos derogation in REACH Annex XVII can only speed up their transition to asbestos-free alternatives.    Moreover, asbestos diaphragm processes are excluded from the Best Available Techniques (BAT) and maintaining the derogation would be in contradiction with the Integrated Pollution Prevention and Control Directive which requires the use of BAT. The derogation is also at odds with the EU’s demands for a worldwide ban on asbestos and the protection of workers and citizens’ health in non EU-countries where asbestos is still produced. Given the legislative time before entry into force of the total ban of asbestos in the EU, these two companies will have enough time to switch to their preferred substitute. | |
| **Specific information 1:**  UIL believes that the commitment made by Dow to stop importing asbestos fibers and asbestos-containing diaphragms after 2017 is an additional argument to put an immediate end to the asbestos derogation. | |
| **Specific information 2:**  UIL is of the opinion that it would be nonsense to open the door for a further extension of the derogation to use asbestos-containing diaphragms in REACH Annex XVII. It would be contrary to the overall aim of a total EU asbestos ban and a clear disincentive for a timely switch to asbestos-free alternatives in AAK and Dow. | |
| **SEAC Rapporteurs response:**  Thank you for the comments. The opinion has been developed based on the available information.  The opinion and its justification as well as the background document further clarify the reasons for assessing the derogation to be justified. Previously available alternatives are considered not suitable due to the proprietary diaphragm technology in use. The current company-tested alternative is already partly in use, however, an adjustment time is needed to phase in the alternative. The reporting requirement will most efficiently provide information about the process given any future administrative needs. The reporting requirement does not insinuate any further extension. | |
| 167 | **Date/Time:** 2015/02/04 21:03  **Type:** Industry or trade association  **Organization name:**  SIPTU  **Country:** Ireland  **Name confidential: No** | **Comments on the SEAC draft opinion:**  SIPTU strongly disagrees with the SEAC draft opinion supporting the extension of the use of asbestos diaphragms until 2025 and calls on the Commission and Member States to immediately end the asbestos derogation.    All other EU companies have already switched to asbestos-free electrolysis technologies and there is no reason to grant AAK and Dow a competitive advantage over other EU companies which have already invested in alternative technologies to meet the requirements of the existing restriction. Suitable asbestos-free electrolysis methods are available for both AAK and Dow and they have already started the process of replacement. Putting an immediate end to the asbestos derogation in REACH Annex XVII can only speed up their transition to asbestos-free alternatives.    Moreover, asbestos diaphragm processes are excluded from the Best Available Techniques (BAT) and maintaining the derogation would be in contradiction with the Integrated Pollution Prevention and Control Directive which requires the use of BAT. The derogation is also at odds with the EU’s demands for a worldwide ban on asbestos and the protection of workers and citizens’ health in non EU-countries where asbestos is still produced. Given the legislative time before entry into force of the total ban of asbestos in the EU, these two companies will have enough time to switch to their preferred substitute. | |
| **Specific information 1:**  SIPTU believes that the commitment made by Dow to stop importing asbestos fibers and asbestos-containing diaphragms after 2017 is an additional argument to put an immediate end to the asbestos derogation. | |
| **Specific information 2:**  SIPTU is of the opinion that it would be nonsense to open the door for a further extension of the derogation to use asbestos-containing diaphragms in REACH Annex XVII. It would be contrary to the overall aim of a total EU asbestos ban and a clear disincentive for a timely switch to asbestos-free alternatives in AAK and Dow. | |
| **SEAC Rapporteurs response:**  Thank you for the comments. The opinion has been developed based on the available information.  The opinion and its justification as well as the background document further clarify the reasons for assessing the derogation to be justified. Previously available alternatives are considered not suitable due to the proprietary diaphragm technology in use. The current company-tested alternative is already partly in use, however, an adjustment time is needed to phase in the alternative. The reporting requirement will most efficiently provide information about the process given any future administrative needs. The reporting requirement does not insinuate any further extension. | |
| 168 | **Date/Time:** 2015/02/05 09:31  **Type:** Industry or trade association  **Organization name:**  ZSSS, Zveza svobodnih sindikatov Slovenije (Association of Free Trade uninons of Slovenia  **Country:** Slovenia  **Name confidential: No** | **Comments on the SEAC draft opinion:**  ZSSS strongly disagrees with the SEAC draft opinion supporting the extension of the use of asbestos diaphragms until 2025 and calls on the Commission and Member States to immediately end the asbestos derogation.    All other EU companies have already switched to asbestos-free electrolysis technologies and there is no reason to grant AAK and Dow a competitive advantage over other EU companies which have already invested in alternative technologies to meet the requirements of the existing restriction. Suitable asbestos-free electrolysis methods are available for both AAK and Dow and they have already started the process of replacement. Putting an immediate end to the asbestos derogation in REACH Annex XVII can only speed up their transition to asbestos-free alternatives.    Moreover, asbestos diaphragm processes are excluded from the Best Available Techniques (BAT) and maintaining the derogation would be in contradiction with the Integrated Pollution Prevention and Control Directive which requires the use of BAT. The derogation is also at odds with the EU’s demands for a worldwide ban on asbestos and the protection of workers and citizens’ health in non EU-countries where asbestos is still produced. Given the legislative time before entry into force of the total ban of asbestos in the EU, these two companies will have enough time to switch to their preferred substitute. | |
| **Specific information 1:**  ZSSS believes that the commitment made by Dow to stop importing asbestos fibers and asbestos-containing diaphragms after 2017 is an additional argument to put an immediate end to the asbestos derogation. | |
| **Specific information 2:**  ZSSS is of the opinion that it would be nonsense to open the door for a further extension of the derogation to use asbestos-containing diaphragms in REACH Annex XVII. It would be contrary to the overall aim of a total EU asbestos ban and a clear disincentive for a timely switch to asbestos-free alternatives in AAK and Dow. | |
| **SEAC Rapporteurs response:**  Thank you for the comments. The opinion has been developed based on the available information.  The opinion and its justification as well as the background document further clarify the reasons for assessing the derogation to be justified. Previously available alternatives are considered not suitable due to the proprietary diaphragm technology in use. The current company-tested alternative is already partly in use, however, an adjustment time is needed to phase in the alternative. The reporting requirement will most efficiently provide information about the process given any future administrative needs. The reporting requirement does not insinuate any further extension. | |
| 169 | **Date/Time:** 2015/02/05 09:47  **Type:** Regional or local authority  **Organization name:**  Landkreis Stade  **Country:** Germany  **Name confidential: No** | **Comments on the SEAC draft opinion:**  In General, I would like to point out that we continue to support the ECHA proposal “ending the derogation in 2025” as already stated in my comment sent to you in July 2014.  With that I also agree with the SEAC draft opinion and would like to use the opportunity to highlight and to point again to my provided comments from July 2014:  As the regional administrative entity in the area of one of the two concerned industrial plants, I would like to state the following: we never experienced any negative effects by chrysotile (in German "Asbest") use at the Dow industrial plant in Stade. I personally have visited the asbestos handling unit and was informed about the technological processes and the safety measures displayed by the operation facilities. In Addition, this is totally in line with our overall perception of the Dow safety culture and security standards. For decades, the Dow plant and Dow personnel is known as extremely sensitive concerning safety standards. Processes and safety measures in place for the chrysotile handling are deeply impressing, in particular the fact that neither the personnel nor the environment can get into contact with the dangerous material.  I strongly support the preferred option 2 (ending the derogation in 2025) of the ECHA report. That will provide Dow a conversation period to non-asbestos diaphragms until the year 2025. This seems to be a sustainable compromise that does not give any danger to the personnel or the Environment. From a socio-economic perspective the Dow industrial plant in Stade is one of the largest employer in Landkreis Stade Region. Dow plays a crucial role in technical innovation, social responsibility etc. In order to achieve the European Union´s objectives of growth, innovation and socio-economic stability, maintaining Europe as a location of industry is of significant importance.  As we do not see any negative impact we support the recommended conversion period. | |
| **Specific information 1:**  no relevant commment to be made | |
| **Specific information 2:**  From my perspective the reporting requirement set with the due date of 31.12. 2020 should remain. The paragraph on the reporting requirement defines the path forward  in case of a future assessment and it is as mentioned by ECHA also the most cost effective way. This are reasons enough to demand such a paragraph. | |
| **SEAC Rapporteurs response:**  Thank you for your supporting comments. | |
| 170 | **Date/Time:** 2015/02/05 09:56  **Name confidential: No** | **Comments on the SEAC draft opinion:**  I strongly disagrees with the SEAC draft opinion supporting the extension of the use of asbestos diaphragms until 2025 and calls on the Commission and Member States to immediately end the asbestos derogation.  All other EU companies have already switched to asbestos-free electrolysis technologies and there is no reason to grant AAK and Dow a competitive advantage over other EU companies which have already invested in alternative technologies to meet the requirements of the existing restriction. Suitable asbestos-free electrolysis methods are available for both AAK and Dow and they have already started the process of replacement. Putting an immediate end to the asbestos derogation in REACH Annex XVII can only speed up their transition to asbestos-free alternatives.  Moreover, asbestos diaphragm processes are excluded from the Best Available Techniques (BAT) and maintaining the derogation would be in contradiction with the Integrated Pollution Prevention and Control Directive which requires the use of BAT. The derogation is also at odds with the EU’s demands for a worldwide ban on asbestos and the protection of workers and citizens’ health in non EU-countries where asbestos is still produced. Given the legislative time before entry into force of the total ban of asbestos in the EU, these two companies will have enough time to switch to their preferred substitute. | |
| **Specific information 1:**  I believe that the commitment made by Dow to stop importing asbestos fibers and asbestos-containing diaphragms after 2017 is an additional argument to put an immediate end to the asbestos derogation. | |
| **Specific information 2:**  I am of the opinion that it would be nonsense to open the door for a further extension of the derogation to use asbestos-containing diaphragms in REACH Annex XVII. It would be contrary to the overall aim of a total EU asbestos ban and a clear disincentive for a timely switch to asbestos-free alternatives in AAK and Dow. | |
| **SEAC Rapporteurs response:**  Thank you for the comments. The opinion has been developed based on the available information.  The opinion and its justification as well as the background document further clarify the reasons for assessing the derogation to be justified. Previously available alternatives are considered not suitable due to the proprietary diaphragm technology in use. The current company-tested alternative is already partly in use, however, an adjustment time is needed to phase in the alternative. The reporting requirement will most efficiently provide information about the process given any future administrative needs. The reporting requirement does not insinuate any further extension. | |
| 172 | **Date/Time:** 2015/02/05 14:35  **Type:** Industry or trade association  **Organization name:**  Svenska Byggnadsarbetareförbundet (Byggnads)  **Country:** Sweden  **Name confidential: No** | **Comments on the SEAC draft opinion:**  Byggnads strongly disagrees with the SEAC draft opinion supporting the extension of the use of asbestos diaphragms until 2025 and cal/s on the Commission and M ember States to immediately end the asbestos derogation.  All other EU companies have already switched to asbestos-free electrolysis technologies and there is no reason to grant AAK and Dow a competitive advantage over other EU companies which have already invested in alternative technologies to meet the requirements of the existing restriction. Suitable asbestos-free electrolysis methods are available for both AAK and Dow and they have already started the process of replacement. Putting an immediate end to the asbestos derogation in REACH Annex XV II can only speed up their transition to asbestos-free alternatives.  M oreover, asbestos diaphragm processes are excluded from the Best Available Techniques {BAT) and maintaining the derogation would be in contradiction with the lntegrated Pollution Prevention and Control Directive which requires the use of BAT. The derogation is also at odds with the EU's demands for a worldwide ban on asbestos and the protection of workers and citizens' health in non EU-countries where asbestos is still produced. Given the legislative time before entry intoforce of the total ban of asbestos in the EU, these two companies will have enough time to switch to their preferred substitute. | |
| **Specific information 1:**  Byggnads believes that the commitment made by Dow to stop importing asbestos fibers and asbestos-containing diaphragms after 2017 is an additional argument to put an immediate end to the asbestos derogation. | |
| **Specific information 2:**  Byggnads is of the opinion that it would be nonsense to open the door for a further extension of the derogation to use asbestos-containing diaphragms in REACH Annex XV II. It would be contrary to the overall aim of a total EU asbestos ban and a clear disincentive for a timely switch to asbestos-free alternatives in AAK and Dow. | |
| **SEAC Rapporteurs response:**  Thank you for the comments. The opinion has been developed based on the available information.  The opinion and its justification as well as the background document further clarify the reasons for assessing the derogation to be justified. Previously available alternatives are considered not suitable due to the proprietary diaphragm technology in use. The current company-tested alternative is already partly in use, however, an adjustment time is needed to phase in the alternative. The reporting requirement will most efficiently provide information about the process given any future administrative needs. The reporting requirement does not insinuate any further extension. | |
| 173 | **Date/Time:** 2015/02/06 10:37  **Type:** International NGO  **Organization name:**  EFBWW  **Country:** Belgium  **Name confidential: No** | **Comments on the SEAC draft opinion:**  The EFBWW (European Federation of Building and Wood Workers) is a trade union federation representing building and wood workers, and recognized partner in the European social dialogue.  The EFBWW strongly disagrees with the proposed SEAC draft opinion (see: Committee for Socio-economic Analysis (SEAC) Opinion on an Annex XV dossier proposing restrictions on Chrysotile) calling for the extension of the use of asbestos diaphragms until 2025. There are asbestos-free electrolysis methods available, making a derogation unjustified and unnecessarily drawing out the transition process. Maintaining such a derogation would also be in contradiction to the Integrated Pollution Prevention and Control Directive requiring the use of Best Available Techniques (BAT).  Although, the dangers to the health of workers and citizens in the EU are limited within closed asbestos diaphragm processes, a derogation would nonetheless require imports from non EU-countries where workers in the building material sector continue to be exposed to asbestos in mining and production. As a result the derogation is at odds with the EU’s demands for a worldwide ban on asbestos and neglects the protection of workers and citizens’ health in non EU-countries where asbestos is still produced.  In order to facilitate the transition to asbestos free technology, to promote a worldwide ban on asbestos and to discourage the exposure of workers in the construction material sector in non EU countries to the health dangers of asbestos the EFBWW calls for an immediate end to the asbestos derogation in REACH Annex XVII. | |
| **Specific information 1:**  The EFBWW believes that the companies in question had sufficient time since the EU's ban on asbestos to make the transition to the available asbestos free alternatives, accordingly the EFBWW would like to see an immediate stop to the asbestos derogation. | |
| **Specific information 2:**  The EFBWW considers another prolongation of the asbestos derogation in diaphragms as counter-productive for the timely transition to the available asbestos free alternatives, and could pose an unfair competitive advantage against companies committed to alternative technology in their products. Accordingly we agree that the possibility for further derogation should not be included in the final text. | |
| **SEAC Rapporteurs response:**  Thank you for the comments. The opinion has been developed based on the available information.  The opinion and its justification as well as the background document further clarify the reasons for assessing the derogation to be justified. Previously available alternatives are considered not suitable due to the proprietary diaphragm technology in use. The current company-tested alternative is already partly in use, however, an adjustment time is needed to phase in the alternative. The reporting requirement will most efficiently provide information about the process given any future administrative needs. The reporting requirement does not insinuate any further extension. | |
| 174 | **Date/Time:** 2015/02/06 10:48  **Name confidential: No** | **Comments on the SEAC draft opinion:**  As an affected employee of the chlor alkali facilities at the Stade site I strongly support the SEAC opinion. I feel very safe in the chlorine production units. Dow has a very high safety and environmental standard and I can confirm that I as a Dow employee, my colleagues and contractors have never been exposed by asbestos fibres. Me and my family is very concerned that I could lose my job due to an immediate asbestos ban in Stade. I was part of the team which has successfully installed the new asbestos free diaphragms series in November last year and I can directly see in the field how Dow is committed to convert to asbestos free diaphragms. I urge you to give Dow the time until 2025 to convert completely and with that to secure my job and the future for my family. | |
| **SEAC Rapporteurs response:**  Thank you for your supporting comments. | |
| 176 | **Date/Time:** 2015/02/06 11:53  **Name confidential: No** | **Comments on the SEAC draft opinion:**  As an affected employee of the chlor alkali facilities at the Stade site I strongly support the SEAC opinion. I feel very safe in the chlorine production units. Dow has a very high safety and environmental standard and I can confirm that I as a Dow employee, my colleagues and contractors have never been exposed by asbestos fibres. Me and my family is very concerned that I could lose my job due to an immediate asbestos ban in Stade. I was part of the team which has successfully installed the new asbestos free diaphragms series in November last year and I can directly see in the field how Dow is committed to convert to asbestos free diaphragms. I urge you to give Dow the time until 2025 to convert completely and with that to secure my job and the future for my family. | |
| **SEAC Rapporteurs response:**  Thank you for your supporting comments. | |
| 177 | **Date/Time:** 2015/02/06 11:55  **Name confidential: No** | **Comments on the SEAC draft opinion:**  As an affected employee of the chlor alkali facilities at the Stade site I strongly support the SEAC opinion. I feel very safe in the chlorine production units. Dow has a very high safety and environmental standard and I can confirm that I as a Dow employee, my colleagues and contractors have never been exposed by asbestos fibres. Me and my family is very concerned that I could lose my job due to an immediate asbestos ban in Stade. I was part of the team which has successfully installed the new asbestos free diaphragms series in November last year and I can directly see in the field how Dow is committed to convert to asbestos free diaphragms. I urge you to give Dow the time until 2025 to convert completely and with that to secure my job and the future for my family. | |
| **SEAC Rapporteurs response:**  Thank you for your supporting comments. | |
| 178 | **Date/Time:** 2015/02/06 11:56  **Name confidential: No** | **Comments on the SEAC draft opinion:**  As an affected employee of the chlor alkali facilities at the Stade site I strongly support the SEAC opinion. I feel very safe in the chlorine production units. Dow has a very high safety and environmental standard and I can confirm that I as a Dow employee, my colleagues and contractors have never been exposed by asbestos fibres. Me and my family is very concerned that I could lose my job due to an immediate asbestos ban in Stade. I was part of the team which has successfully installed the new asbestos free diaphragms series in November last year and I can directly see in the field how Dow is committed to convert to asbestos free diaphragms. I urge you to give Dow the time until 2025 to convert completely and with that to secure my job and the future for my family. | |
| **SEAC Rapporteurs response:**  Thank you for your supporting comments. | |
| 179 | **Date/Time:** 2015/02/06 12:03  **Name confidential: No** | **Comments on the SEAC draft opinion:**  The German CA supports the draft opinion of SEAC:  • The proposed modification of Entry 6 of REACH Annex XVII terminates the exemption for member states to allow use of chrysotile fibres for diaphragms for existing electrolysis installations. Thus the modified entry 6 defines a clearly defined end date for placing on the market and use of chrysotile fibres for diaphragms.  • The foreseen derogation until 2025 offers AKK and Dow to continue testing of alternatives and to complete substitution until 2025. Since risks from the use of chrysotile are significantly controlled at AKK and Dow production sites the benefits for workers and the environment of an immediate prohibition without derogation would by negligible. However, the derogation until 2025 would allow AKK and Dow to distribute the switching costs over a longer time period and to avoid the costs of a shutdown of production at AKK and Dow production site.  • The alternative technique being implemented is not yet fully tested in an industrial scale. The step-by-step substitution of the crysotile diaphragms allows the companies to evaluate possible problems and risks (e.g. the possibility of explosive H2-atmospheres) and find solutions before fully changing to the alternativs.  • Continuation of use of chrysotile beyond 2025, again, requires a modification of entry 6 of annex VII of REACH via a restriction dossier prepared by ECHA on behalf of the Commission. The modified entry 6 provides ongoing pressure for substitution and this pressure may slightly increase compared to the situation with granted national exemptions, because the decision for continuation of use will follow the rules of the REACH regulation for restrictions.  • In case industry wants to continue use according to the modified entry 6 a report has to be provided by industry demonstrating ongoing research and testing activities for substitution and showing that alternatives are not available or not suitable. Thus the burden of proof for continued use is shifted to the industry. This may provide some further incentives for substitution. Furthermore, it reduces the administrative burden on the side of ECHA, since entry 6 may simply be modified by adjusting the end date of the derogation. | |
| **SEAC Rapporteurs response:**  Thank you for your supporting comments. | |
| 180 | **Date/Time:** 2015/02/06 12:53  **Name confidential: No** | **Comments on the SEAC draft opinion:**  I am really pleased to see that RAC und SEAC have taken our comments (submitted on 4.8.2014) on the chrysotile restriction Report into account. We- "the City of Stade" are in full Agreement with the RAC and SEAC opinion. At this Point I would like to Highlight again our comments from August 2014, which are attachted below. The ending of the Derogation in 2025 is a reasonable and safety approach. It contributes to secure the economical future and growth in the Stade vicinity. DOW as a key employer in our Region ist committed to Substitute asbestos in their factory and has proven already this commitment due to the conversion of one production unit in October 2014.  Our comments from August 2014: As the Mayor of the City of Stade representing the Stade community and with that as direct neighbour of one of the two impacted companies I would like to state the following: we have never experienced any negative effects by chrysotile use at DOW Stade. We have visited the asbestos handling unit several times an are deeply impressed about the high level of safety standards demonstrated by DOW Operation facilities. DOW in Stade always grants a transparent cooperation with our community and their neighbours. The Company offers 1500 direct jobs in our region both, direct and indirect sum up to approximately 7000 Jobs in a City of 47.000 inhabitants as well as in its surrounding villages. Since DOW has started the first production plant in the late 60ties the very strong Focus to health, safety and Environment is also acknowledged by the community. DOWs commitment to responsible care is an example for open dialogue and ownership responsibility. For the people in the Stade vicinity an Region DOW is known as a trustful employer and also as an innovator driving new technologies. Given thehistory and the longstanding cooperation with DOW we are convinced that the conversion to the asbestos free Technology until 2025 is a very reasonable approach.In the light of DOW commitment to stop any asbestos imports after 2017 paired with the unlikely event of any asbestos fibres emission we also support the Option number 2 (ending Derogation in 2025) mentioned in the ECHA chrysotile restriction report. This is from our point of view the most reasonable and safest approach over the remaining period. We understand that it needs time, resources and capital to modify this huge production complex, Europe's largest chlorine manufacturing site, still allowing the day to day operation of the large integrated facility with all the downstream production plants.Securing the continued safe production at the DOW factory will be essentiell to secure the economical future an enable further grows for our region, and maintain the innovation and growth potential of a global technology company. | |
| **Specific information 2:**  we think it is appropriate to keep the reporting requirement an it is also a welcom approach to grant a cost effective process as stated in this question | |
| **SEAC Rapporteurs response:**  Thank you for your supporting comments. | |
| 181 | **Date/Time:** 2015/02/06 13:45  **Name confidential: No** | **Comments on the SEAC draft opinion:**  As an affected employee of the chlor alkali facilities at the Stade site I strongly support the SEAC opinion. I feel very safe in the chlorine production units. Dow has a very high safety and environmental standard and I can confirm that I as a Dow employee, my colleagues and contractors have never been exposed by asbestos fibres. Me and my family is very concerned that I could lose my job due to an immediate asbestos ban in Stade. I was part of the team which has successfully installed the new asbestos free diaphragms series in November last year and I can directly see in the field how Dow is committed to convert to asbestos free diaphragms. I urge you to give Dow the time until 2025 to convert completely and with that to secure my job and the future for my family. | |
| **SEAC Rapporteurs response:**  Thank you for your supporting comments. | |
| 182 | **Date/Time:** 2015/02/06 16:01  **Name confidential: No** | **Comments on the SEAC draft opinion:**  As an affected employee of the chlor alkali facilities at the Stade site I strongly support the SEAC opinion. I feel very safe in the chlorine production units. Dow has a very high safety and environmental standard and I can confirm that I as a Dow employee, my colleagues and contractors have never been exposed by asbestos fibres. Me and my family is very concerned that I could lose my job due to an immediate asbestos ban in Stade. I was part of the team which has successfully installed the new asbestos free diaphragms series in November last year and I can directly see in the field how Dow is committed to convert to asbestos free diaphragms. I urge you to give Dow the time until 2025 to convert completely and with that to secure my job and the future for my family. | |
| **SEAC Rapporteurs response:**  Thank you for your supporting comments. | |
| 184 | **Date/Time:** 2015/02/08 19:18  **Type:** Industry or trade association  **Organization name:**  European Trade Union Confederation  **Country:** Belgium  **Name confidential: No** | **Comments on the SEAC draft opinion:**  The European Trade Union Confederation (ETUC) would like to reiterate the opinion expressed during the previous consultation on the extension of the chrysotile derogation in REACH Annex XVII and call for the end of the current derogation without delay. The two last companies in the EU using chrysotile diaphragms in existing electrolysis installations have already been given more than 15 years to switch to asbestos free technologies since the adoption of Directive 1999/77/EC. All other companies in the European chlor-alkali sector have already complied with the requirements of the directive and have abandoned the use of asbestos technologies. Today, it cannot be denied that asbestos-free alternatives are available for chlorine, caustic soda or hydrogen production including for AAK and Dow Chemical. These two companies have finally started the process of replacement of asbestos diaphragms. This is probably due the availability of more cost-effective technologies, the international campaigns for a global ban on asbestos use and production and the increasing regulatory pressure in the EU. It is worth recalling that asbestos diaphragm processes have been recently excluded as Best Available Technologies (BAT) and that their uses should be stopped under the requirements of the Integrated Pollution Prevention and Control Directive (96/61/EC)  ETUC is therefore of the opinion that the final amendment to the existing asbestos restriction in REACH Annex XVII should aim at speeding up the ongoing substitution of these obsolete technologies in the two last EU companies using them to finally achieve a real total ban on manufacture, marketing and use of asbestos in Europe. | |
| **Specific information 1:**  ETUC is still of the opinion that the extension of the scope of the asbestos derogation to allow the placing on the market and use of chrysotile fibres themselves on top of the diaphragms containing the fibres is not in line with the current legal text of the derogation and all the previous wordings of that exemption (see ETUC legal analysis in the previous consultation). Tailor-made legislations to suit the needs of a single company in Europe shouldn’t exist and it is probably not the best use of the scarce resources existing in regulatory bodies.  However, given the voluntary agreement made by DOW chemical with the German authorities to no longer importing both asbestos fibres and diaphragms containing such fibres after 2017, ETUC believes that the text of the amended entry 6 of Annex XVII should enshrine this commitment. The final text should therefore make clear that  1) the use of diaphragms containing chrysotile in existing installations is allowed until 31 December 2025 whereas  2) the latest possible date for placing on the market diaphragms containing chrysotile is 31 December 2017  3) the latest possible date for placing on the market and use of chrysotile fibres used exclusively for the purpose of including such fibres in existing diaphragms is 31 December 2017  These provisions would be strictly in line with the commitments made by DOW Chemical and would make no difference for AAK who doesn’t need to import free fibres and who has indicated that its two existing electrolysis units containing chrysotile will be used until the new production method is in place, by 2025 at the latest. | |
| **Specific information 2:**  ETUC is of the opinion that the above reporting requirement is not needed and should therefore be removed. The reasons are as follow:  1) the preparation of an annual report by the exempted company is already required to inform the relevant Member States, the Commission and ECHA on the amount of chrysotile placed on the market and used in diaphragms. This will give the necessary information on the progress of the ongoing substitution of chrysotile technologies with asbestos-free processes in DOW Chemical & AAK.  2) The data requested in the eventual reporting in case the two companies granted an exemption conclude that the exemption needs to be extended further are already known to ECHA (risk assessment, relevant Exposure Scenarios describing the measures to minimise the risks, Analysis of Alternatives) and no new information are likely to be produced  3) Opening the door explicitly for a further extension of the derogation after 2025 would be at odds with the overall aim of a total ban of asbestos in the EU and would be a wrong signal sent to the mining countries.  4) It would also be a clear disincentive for DOW and AAK to make every effort to stop using asbestos technologies as soon as possible. | |
| **SEAC Rapporteurs response:**  Thank you for the comments. The opinion has been developed based on the available information.  The opinion and its justification as well as the background document further clarify the reasons for assessing the derogation to be justified. Previously available alternatives are considered not suitable due to the proprietary diaphragm technology in use. The current company-tested alternative is already partly in use, however, an adjustment time is needed to phase in the alternative. The reporting requirement will most efficiently provide information about the process given any future administrative needs. The reporting requirement does not insinuate any further extension. | |
| 186 | **Date/Time:** 2015/02/08 22:27  **Type:** National NGO  **Organization name:**  Swedish electricians union  **Country:** Sweden  **Name confidential: No** | **Comments on the SEAC draft opinion:**  The Swedish electricians union strongly disagrees with the SEAC draft opinion supporting the extension of the use of asbestos diaphragms until 2025 and calls on the Commission and Member States to immediately end the asbestos derogation.    All other EU companies have already switched to asbestos-free electrolysis technologies and there is no reason to grant AAK and Dow a competitive advantage over other EU companies which have already invested in alternative technologies to meet the requirements of the existing restriction. Suitable asbestos-free electrolysis methods are available for both AAK and Dow and they have already started the process of replacement. Putting an immediate end to the asbestos derogation in REACH Annex XVII can only speed up their transition to asbestos-free alternatives.    Moreover, asbestos diaphragm processes are excluded from the Best Available Techniques (BAT) and maintaining the derogation would be in contradiction with the Integrated Pollution Prevention and Control Directive which requires the use of BAT. The derogation is also at odds with the EU’s demands for a worldwide ban on asbestos and the protection of workers and citizens’ health in non EU-countries where asbestos is still produced. Given the legislative time before entry into force of the total ban of asbestos in the EU, these two companies will have enough time to switch to their preferred substitute. | |
| **Specific information 1:**  The Swedish electricians union believes that the commitment made by Dow to stop importing asbestos fibers and asbestos-containing diaphragms after 2017 is an additional argument to put an immediate end to the asbestos derogation. | |
| **Specific information 2:**  The Swedish electricians union is of the opinion that it would be nonsense to open the door for a further extension of the derogation to use asbestos-containing diaphragms in REACH Annex XVII. It would be contrary to the overall aim of a total EU asbestos ban and a clear disincentive for a timely switch to asbestos-free alternatives in AAK and Dow. | |
| **SEAC Rapporteurs response:**  Thank you for the comments. The opinion has been developed based on the available information.  The opinion and its justification as well as the background document further clarify the reasons for assessing the derogation to be justified. Previously available alternatives are considered not suitable due to the proprietary diaphragm technology in use. The current company-tested alternative is already partly in use, however, an adjustment time is needed to phase in the alternative. The reporting requirement will most efficiently provide information about the process given any future administrative needs. The reporting requirement does not insinuate any further extension. | |
| 187 | **Date/Time:** 2015/02/09 13:02  **Name confidential: No** | **Comments on the SEAC draft opinion:**  As an affected employee of the chlor alkali facilities at the Stade site I strongly support the SEAC opinion. I feel very safe in the chlorine production units. Dow has a very high safety and environmental standard and I can confirm that I as a Dow employee, my colleagues and contractors have never been exposed by asbestos fibres. Me and my family is very concerned that I could lose my job due to an immediate asbestos ban in Stade. I was part of the team which has successfully installed the new asbestos free diaphragms series in November last year and I can directly see in the field how Dow is committed to convert to asbestos free diaphragms. I urge you to give Dow the time until 2025 to convert completely and with that to secure my job and the future for my family. | |
| **SEAC Rapporteurs response:**  Thank you for your supporting comments. | |
| 188 | **Date/Time:** 2015/02/09 16:19  **Type:** National NGO  **Organization name:**  Bundesverband der Asbestose Selbsthilfegruppen  **Country:** Germany  **Name confidential: No** | **Comments on the SEAC draft opinion:**  The Bundesverband der Asbestose Selbsthilfegruppen strongly disagrees with the SEAC draft opinion supporting the extension of the use of asbestos diaphragms until 2025 and calls on the Commission and Member States to immediately end the asbestos derogation.  All other EU companies have already switched to asbestos-free electrolysis technologies and there is no reason to grant AAK and Dow a competitive advantage over other EU companies which have already invested in alternative technologies to meet the requirements of the existing restriction. Suitable asbestos-free electrolysis methods are available for both AAK and Dow and they have already started the process of replacement. Putting an immediate end to the asbestos derogation in REACH Annex XVII can only speed up their transition to asbestos-free alternatives.  Moreover, asbestos diaphragm processes are excluded from the Best Available Techniques (BAT) and maintaining the derogation would be in contradiction with the Integrated Pollution Prevention and Control Directive which requires the use of BAT. The derogation is also at odds with the EU’s demands for a worldwide ban on asbestos and the protection of workers and citizens’ health in non EU-countries where asbestos is still produced. Given the legislative time before entry into force of the total ban of asbestos in the EU, these two companies will have enough time to switch to their preferred substitute. | |
| **Specific information 1:**  The Bundesverband der Asbestose Selbsthilfegruppen believes that the commitment made by Dow to stop importing asbestos fibers and asbestos-containing diaphragms after 2017 is an additional argument to put an immediate end to the asbestos derogation. | |
| **Specific information 2:**  Bundesverband der Asbestose-Selbsthilfegruppen is of the opinion that it would be nonsense to open the door for a further extension of the derogation to use asbestos-containing diaphragms in REACH Annex XVII. It would be contrary to the overall aim of a total EU asbestos ban and a clear disincentive for a timely switch to asbestos-free alternatives in AAK and Dow. | |
| **SEAC Rapporteurs response:**  Thank you for the comments. The opinion has been developed based on the available information.  The opinion and its justification as well as the background document further clarify the reasons for assessing the derogation to be justified. Previously available alternatives are considered not suitable due to the proprietary diaphragm technology in use. The current company-tested alternative is already partly in use, however, an adjustment time is needed to phase in the alternative. The reporting requirement will most efficiently provide information about the process given any future administrative needs. The reporting requirement does not insinuate any further extension. | |
| 189 | **Date/Time:** 2015/02/09 16:21  **Name confidential: No** | **Comments on the SEAC draft opinion:**  We have started the transformation process to asbestos free diaphragms with initial positive experience, but as repeatedly mentioned this process is paired with residual risks in particular regarding the lifetime of the new asbestos-free substitutes. But to complete the conversion of all Diaphragm units to Abestos-free technology in a safety and eonomically responsible manner will take more time. I am personally convinced that the very high safety standard which is applied to all operational aspects of handling Asbestos Fibre Material, will ensure that no risk to people or the environment will be associated to the operation of the current technology till the end of the proposed derogation until 2025. Therefore in my mind, supporting the current version of the SEAC draft opinion is in alignment with the goals of the European Commision to protect the environment while securing attractive work places in the industry. | |
| **SEAC Rapporteurs response:**  Thank you for your supporting comments. | |
| 190 | **Date/Time:** 2015/02/09 19:24  **Type:** International NGO  **Organization name:**  Women in Europe for a Common Future  **Country:** Germany  **Name confidential: No** | **Comments on the SEAC draft opinion:**  WECF strongly disagrees with the SEAC draft opinion supporting the extension of the use of asbestos diaphragms until 2025 and calls on the Commission and Member States to immediately end the asbestos derogation.    All other EU companies have already switched to asbestos-free electrolysis technologies and there is no reason to grant AAK and Dow a competitive advantage over other EU companies which have already invested in alternative technologies to meet the requirements of the existing restriction. Suitable asbestos-free electrolysis methods are available for both AAK and Dow and they have already started the process of replacement. Putting an immediate end to the asbestos derogation in REACH Annex XVII can only speed up their transition to asbestos-free alternatives.    Moreover, asbestos diaphragm processes are excluded from the Best Available Techniques (BAT) and maintaining the derogation would be in contradiction with the Integrated Pollution Prevention and Control Directive which requires the use of BAT. The derogation is also at odds with the EU’s demands for a worldwide ban on asbestos and the protection of workers and citizens’ health in non EU-countries where asbestos is still produced. Given the legislative time before entry into force of the total ban of asbestos in the EU, these two companies will have enough time to switch to their preferred substitute. | |
| **Specific information 1:**  WECF believes that the commitment made by Dow to stop importing asbestos fibers and asbestos-containing diaphragms after 2017 is an additional argument to put an immediate end to the asbestos derogation. | |
| **Specific information 2:**  WECF is of the opinion that it would be nonsense to open the door for a further extension of the derogation to use asbestos-containing diaphragms in REACH Annex XVII. It would be contrary to the overall aim of a total EU asbestos ban and a clear disincentive for a timely switch to asbestos-free alternatives in AAK and Dow.  An exemption makes the EU undermining its own position regarding the listing of chrysotile asbestos under Annex III of the Rotterdam Convention. EU member states support the elimination of asbestos related diseases within the European Environment and Health Process coordinate by WHO. An exemption will undermine the work being done in this process, too. | |
| **SEAC Rapporteurs response:**  Thank you for the comments. The opinion has been developed based on the available information.  The opinion and its justification as well as the background document further clarify the reasons for assessing the derogation to be justified. Previously available alternatives are considered not suitable due to the proprietary diaphragm technology in use. The current company-tested alternative is already partly in use, however, an adjustment time is needed to phase in the alternative. The reporting requirement will most efficiently provide information about the process given any future administrative needs. The reporting requirement does not insinuate any further extension. | |
| 191 | **Date/Time:** 2015/02/10 00:44  **Type:** National NGO  **Organization name:**  ANDEVA (Association Nationale de défense des victimes de l'amiante, France)  **Country:** France  **Name confidential: No** | **Comments on the SEAC draft opinion:**  We strongly disagree with the proposal to grant yet another license to use asbestos to two companies (AAK in Sweden and Dow Chemicals in Germany). We call for consistency, honesty and commitment to public health from European AUthorities.  The proposal to extend for another 10 years the derogation granted in 1999 (15 years!) is absurd, not based on facts and ignorant of the terrible burden of diseases that asbestos use has brought to Europe.  It is absurd. Reliable substitute for asbestos in diaphragm have been available for around twenty years. Indeed asbestos diaphragm are excluded from the Best Available Techniques (BAT) and Control Directive which request use of BAT.  Claims that this specific use of asbestos is not hazardous are just lies for many reasons. First the implementation and disposal of the whole procedure is hazardous to the concerned workers, second the process of extracting the asbestos - admittedly outside European Community - and bringing it to the factory is clearly tainted with danger for the carriers. Hazards for the miners (Brazil or Kazakhstan or Russia), hazards for the carriers, the lorry drivers and finally for the population along this deadly trade line.  Excesses of cancer is well documented within all the asbestos trades, including diaphragm factories. Claims that risk assessment.  The argument of cost estimates are ludicrous. They  Of the two companies asking for renewal of the derogation to use poison, we will analyze only one of them (Dow Chemicals) because the other one is entirely similar. The company is being sued for billions of damages due to asbestos in the United States. Indeed Dow is the owner of the former Union Carbide, an ex-giant of asbestos in the US, which extracted, processed and manufactured asbestos for decades.  The transparent purposes of asking again and again further derogation is twofold:  1) gain a small economic advantage over concurrents which show better consideration for terrible illnesses they provoked in the past and accept public health issues as important.  2) gain an argument in US Courts : "the EC has not entirely banned asbestos, therefore why, should we stop using it"  We say small economic advantage, because the non-abestos technology is not really most costly, only the shifting of technology has a cost-impact (which wouldd be very short). Indeed, to our knowledge, all factories in France are using non asbestos technologies, including Solvay, which asked until very recently for derogation in Germany.  The European Community is making a fool of itself by accepting such arguments.  Indeed Dow uses non asbestos technology in United States, which indicates a certain level of duplicity.  When France, then Europe decided to ban for health reasons asbestos, the first reaction of the then main producer and exporter - Canada - was to ask for a derogation [procédure des différends devant l'OMC - Canada versus France et Communauté Européenne, measures affectant l'amiante et produits en contenant, 2000-2001] | |
| **Specific information 1:**  The committment - honest or not -of Dow is a clear indication that they would face NO difficulties in stopping asbestos imports in 2015. Indeed as we already mentioned the company is using non-asbestos diaphragms in its US factories.  We therefore request that the derogation should NOT be extended. | |
| **Specific information 2:**  The proposed amendment is ridiculous, offensive to the thousands of asbestos victims throughout Europe.  "Economically viable asbestos-free substitutes" ARE available. Indeed we will repeat that Dow uses asbestos-free substitute in the US, all plants in France are using asbestos-free substitutes.  Asking in 2015, sixteen years after the EC decided to ban asbestos, twenty-eight years after the US EPA decided to ban asbestos because it posed unreasonable risks to human health, for risk assessment, exposure scenario, is not serious. | |
| **SEAC Rapporteurs response:**  Thank you for the comments. The opinion has been developed based on the available information.  The opinion and its justification as well as the background document further clarify the reasons for assessing the derogation to be justified. Previously available alternatives are considered not suitable due to the proprietary diaphragm technology in use. The current company-tested alternative is already partly in use, however, an adjustment time is needed to phase in the alternative. The reporting requirement will most efficiently provide information about the process given any future administrative needs. The reporting requirement does not insinuate any further extension. | |