

**Response to comments document (RCOM)**

on the Annex XV dossier

proposing restriction on

**Chrysotile**

**Responses by subject**

**Non-confidential**

**ECHA/RAC/RES-O-0000005787-59-01/F**

ECHA/SEAC/[reference code to be added after the adoption of the SEAC opinion]

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| Substance name | EC number | CAS number |
| Chrysotile | - | 12001-29-5,  132207-32-0- |

### 27 November 2014

General Comments

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| **Ref.** | **Date/type/Org./**  **Related to section** | | **Comments** | |
| **373** | **Date:** 2014/04/28 15:17  **Type:** MemberState  **MS name:** Denmark  **Company name confidential:** No  **Attachment confidential:** No | | **Comment:**  The Danish Working Environment Authority has a few remarks to the suggested wording of the proposal of the restriction.  Please find the Danish suggestions in the attached file. | |
| **Dossier submitter response:**  Thank you for the suggested rewording. We do not intend to update the wording in our proposal as the Commission will in any case decide on the final legal entry. Just to note that para 2 in our proposal is new so the old para 2 becomes para 3 etc. | |
| **RAC Rapporteurs comments:**  Noted. | |
| **SEAC Rapporteurs comments:**  Agree. Also, there are some minor editorial changes in the new BD. | |
| **856** | | **Date:** 2014/05/27 14:56  **Type:** MemberState  **MS name:** Sweden  **Related to:** The proposal (A)  **Company name confidential:** **No** | | **Comment:**  **Specific comment:**  Swedish Chemicals Agency comments on Annex XV restriction report on Chrysotile  Sweden would like to thank ECHA for preparing this restriction report and wish to make the following comments.  Firstly, the reformulated derogation now explicitly also covers the “placing on the market and use of chrysotile fibers used exclusively for the purpose of including such fibers in diaphragms, to electrolysis installations”. This is not stated in the current version of entry 6 but has been implied and applied that way by some Member States and the Commission.  Secondly, according to the formulation of entry 6 paragraph 2 in fine the derogation is subject to cases where a Member State have granted exemptions in accordance with the restriction as initially codified by the REACH regulation.  Hence, according to the report which the Commission adopted in compliance with the current provisions of entry 6, until 2011 four Member States have used the possibility to exempt use of diaphragms containing chrysotile for electrolysis installations. Today such facilities exist only in Germany and Sweden (one in each country). The condition relating to granted exemptions by a Member State, is however somewhat unclear. The Swedish CA takes the view that the formulation theoretically could induce a possibility for other parties in addition to the two companies Dow and AAK to freely use diaphragms containing chrysotile until 2025. For this reason the derogation should be slightly reformulated. A suggestion is that only those uses of diaphragms containing chrysotile that were in use for electrolysis installations in 2013 and by that date had been given an exemption by a Member State that still was valid could take advantage of the exemption.  Finally, concerning the last subparagraph of paragraph 2, the Swedish CA considers that this possibility of reporting the need for further extensions of the exemption in time in principle is contrary to the spirit of the entry 6 and therefore should be deleted. According to the ECHA report “both pressure from the regulation and the changing business environment are causing companies to replace chrysotile where possible” (report, page 8). As a result, many companies in the EU have undertaking the work of substituting chrysotile in their production. It would thus in a sense be unfair to give the two companies Dow and AAK the possibility of relying further on the derogation when their competitors in the EU already have finished using chrysotile. 31 December 2025 should therefore be the sunset date for the derogation and further extensions of the derogation after this date should not be allowed. | |
| **Dossier submitter response:**  Thank you for the comments. On the first point the Commission has given ECHA (and the Committees) an interpretation of the current entry that included that import of fibres for the purposes of maintaining diaphragms was allowed and thus the proposal of ECHA was purely to codify that interpretation. On the second point, the proposal clearly states that derogations can only be given to electrolysis installations in use on 17 January 2013, which is the 2 installations that are the subject of the report. It is also clear in the rest of the report that the proposed derogation should only be given to the relevant 2 companies and if necessary the Commission can amend the wording of the proposal further. Finally, the possibility of a renewed exemption after 31 December 2025 is necessary if it becomes apparent that the substitutes currently under evaluation prove not to be suitable. Suitability of the alternatives was a condition of ending the original derogation and this principle continues to be reflected in ECHA’s proposal; if the alternative currently being evaluated by DOW is not suitable the derogation may need to be continued. | |
| **RAC Rapporteurs comments:**  Noted. | |
| **SEAC Rapporteurs comments:**  Agree. | |
| **863** | | **Date:** 2014/05/28 14:33  **Type:** BehalfOfAnOrganisation  **Org. type:** Trade union  **Org. name:** European Trade Union Confederation  **Org. country:** Belgium  **Related to:** The proposal (A), Information on hazard and risk (B), Available information on alternatives (C), Why a restriction is the most appropriate Community-wide measure (E)  **Company name confidential:** **No**  **Attachment confidential:** **No** | | **Comment:**  The European Trade Union Confederation (ETUC) believes that the period of adjustment provided for by the original Directive 1999/77/EC and extended when the derogation was taken over into REACH must now end. We call on the Commission and the Member States who together will have the final decision on the amendments to the asbestos restriction in REACH Annex XVII to comply with the criterion laid down in the Directive that the derogation must end when “suitable asbestos-free substitutes become available”.  Fifteen years later, there is no doubt that suitable substitutes are available on the market. Some are technically feasible and economically viable for the two last companies who still use asbestos diaphragms processes (recognized as non-Best Available Technique) in Europe. Given the legislative time before entry into force of the total ban of asbestos in the EU, these two companies will have a few years extra time to switch to their preferred substitute. The end of the asbestos derogation will also be in line with the EU’s commitment on a global ban on asbestos and the resolution on asbestos adopted in 2013 by the European Parliament. | |
| **Dossier submitter response:**  Thank you for the comments. ECHA has clearly explained why it has assessed that the derogation is justified but that a defined end date is necessary to provide more clarity and closure, given the overall objective to phase out the use of chrysotile. On the specific comments in  the attachment: On the first point (Scope of the derogation) the Commission has given ECHA (and the Committees) an interpretation of the current entry that included that import of fibres for the purposes of maintaining diaphragms was allowed and thus the proposal of ECHA was purely to codify that interpretation. This point will be further considered by the Commission when deciding on their proposal to amend Annex XVII. On the second point (Risks to human health) it is not the intention that the risk assessment under REACH to cover the life-cycle stages that occur outside the Union; this has been clarified a number of time during the Committee meetings. On the third point (Available information on alternatives), as mentioned in the ETUC comments, Dow considers the available alternatives are described in the ETUC comments as not being economically viable and this is due, as stated in the dossier, to the proprietary diaphragm technology they have designed and are still using, so a unique solution was necessary. On the final point (Justification why the proposed restriction is the most appropriate Union-wide measure) that identifies option 4 as the preferred risk management option of the ETUC, cannot be justified given the minimisation of risks and the time needed to phase in the potential alternative. The implementation of option 4 would mean closure of the plant (according to a study carried out on behalf of Dow) and this cannot be justified on economic grounds. | |
| **RAC Rapporteurs comments:**  DS states that: "Dow considers the available alternatives as not economically viable and this is due, as stated in the dossier, to the proprietary diaphragm technology they have designed", but information received since the dossier was written indicate that DOW will be able to switch to another substance by 2025. We refer to additional information received from DOW (comment #1032), and to the video made by DOW that was [published online](https://www.openpetition.de/petition/online/zukunftssicherung-des-dow-chemical-werk-stade-nds) in connection with the public consultation. Also all supportive comments from the Stade area indicate this. We urge the DS to reconsider the availability of alternatives. | |
| **SEAC Rapporteurs comments:**  DS should provide more detailed responses here. | |
| **883** | | **Date:** 2014/06/04 16:54  **Type:** MemberState  **MS name:** Belgium  **Related to:** The proposal (A), Available information on alternatives (C), Justification for action on a Community-wide basis (D), Socio-economic Assessment of Proposed Restriction (F), Stakeholder consultation (G), Other information (H)  **Company name confidential:** **No**  **Attachment confidential:** **No** | | **Comment:**  Belgian comment on the Asbestos Chrysotile Annex XV restriction dossier regarding the derogation review including: legal perspective; considerations on availability of alternatives and the proposed timeframe and Closings sections. See attached files (BE comment and BE MSCA communication to Commission) | |
| **Dossier submitter response:**  Thank you for the comments and position paper. Related to the specific comments raised: On the first point the Commission has given ECHA (and the Committees) an interpretation of the current entry that included that import of fibres for the purposes of maintaining diaphragms was allowed and thus the proposal of ECHA was purely to codify that interpretation. This point will be further considered by the Commission when deciding on their proposal to amend Annex XVII. On the second point, Dow considers the available alternatives as not economically viable and this is due, as stated in the dossier, to the proprietary diaphragm technology they have designed. On the last point, the review for a further exemption may be required if the alternative being investigated by Dow turns out not to be suitable; this cannot be totally excluded at the time of the discussions in the Committees but could be considered later in the REACH Committee. | |
| **RAC Rapporteurs comments:**  The Commissions interpretation of the current entry is noted. For the other part of the comment we refer to our comment to ref. # 863 above. | |
| **SEAC Rapporteurs comments:**  Agree | |
| **891** | | **Date:** 2014/06/05 08:57  **Type:** Individual  **Company name confidential:** **No** | | **Comment:**  Chrysotile is known to be a carcinogen and should be banned in products that are sold to the public, as it is non-essential and there are many substitutes available. | |
| **Dossier submitter response:**  Thank you for the comments. The use of chrysotile being reviewed is not related to a use in consumer products. | |
| **RAC Rapporteurs comments:**  Noted. | |
| **SEAC Rapporteurs comments:**  The derogation is only for industrial use of chrysotile under certain conditions. According to the new proposal, there will be an end date in 2025. | |
| **End of eRCOMs** | | | | | |
| **996** | | **Date:** 2014/07/25 10:39  **Type:** BehalfOfAnOrganisation  **Org. type:** Industry or trade association  **Org. name:** Industrie- und Handelskammer Stade für den Elbe-Weser-Raum  **Org. country:** Germany  **Company name confidential:** **No**  **Attachment confidential:** **No** | | **Comment:**  Please see our comment in attached pdf-file | |
| **Dossier submitter response:**  Thank you for the supportive comments. | |
| **RAC Rapporteurs comments:**  Noted. | |
| **SEAC Rapporteurs comments:**  Agree. | |
| **1005** | | **Date:** 2014/07/30 21:33  **Type:** BehalfOfAnOrganisation  **Org. type:** Regional or local authority  **Org. name:** Landkreis Stade  **Org. country:** Germany  **Related to:** The proposal (A)  **Company name confidential:** **No** | | **Comment:**  As the regional administrative entity in the area of one of the two concerned industrial plants, we 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 personell 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 personell nor the Environment can get into contact with the dangerous material.  **Specific comment:**  We 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 personell 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 responsability 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. | |
| **Dossier submitter response:**  Thank you for the supportive comments | |
| **RAC Rapporteurs comments:**  Noted. | |
| **SEAC Rapporteurs comments:**  Agree. | |
| **1012** | | **Date:** 2014/08/04 16:19  **Type:** MemberState  **MS name:** Germany  **Company name confidential:** **No** | | **Comment:**  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 useat DOW Stade. We have visted the asbestos handling unitx serveral times an d are deeply impressed about the high Level of safety Standards demonstrated by DOW Operation facilities.  DOW in Stade always grants a transparent cooperation with the 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 and Region DOW ist known as a trustful employer and also as an Innovator driving new Technologies. GIven the history 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 DOWs commitment to stop any asbestos imports after 2017 paired with the unlikely event of any asbstos fibres emission we also support the Option number 2 (ending the 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 an dcapital 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 producktion at the DOW factory will also be essential to secure the economical future and enable further grows for our Region, and maintain the innovation and growth potential of a global technology Company. | |
| **Dossier submitter response:**  Thank you for the supportive comments. | |
| **RAC Rapporteurs comments:**  Noted. | |
| **SEAC Rapporteurs comments:**  Agree. | |
| **1014** | | **Date:** 2014/08/05 17:48  **Type:** BehalfOfAnOrganisation  **Org. type:** Trade union  **Org. name:** ETUC/ETUI  **Org. country:** Belgium  **Related to:** The proposal (A), Information on hazard and risk (B), Available information on alternatives (C), Justification for action on a Community-wide basis (D), Why a restriction is the most appropriate Community-wide measure (E)  **Company name confidential:** **No**  **Attachment confidential:** **No** | | **Comment:**  **Specific comment:** | |
| **Dossier submitter response:**  Please see previous response to comment number 863. | |
| **RAC Rapporteurs comments:**  We note that identical comments from ETUC were submitted three times in the public consultation; as early comments (# 863) and late comments (# 1014 and 1015), but with an additional request for information in ref. # 1015. We refer to our response to # 863 and # 1015. | |
| **SEAC Rapporteurs comments:**  We refer to our response to #863. | |
| **1015** | | **Date:** 2014/08/05 17:56  **Type:** BehalfOfAnOrganisation  **Org. type:** Trade union  **Org. name:** ETUC/ETUI  **Org. country:** Belgium  **Related to:** The proposal (A), Information on hazard and risk (B), Available information on alternatives (C), Justification for action on a Community-wide basis (D), Why a restriction is the most appropriate Community-wide measure (E)  **Company name confidential:** **No**  **Attachment confidential:** **No** | | **Comment:**  **Specific comment:** | |
| **Dossier submitter response:**  Please see previous response to comment number 863; in addition the list of requests contained in the response has been forwarded onto DOW for their attention. | |
| **RAC Rapporteurs comments:**  We note that identical comments from ETUC were submitted three times in the public consultation; as early comments (# 863) and late comments (# 1014 and 1015), but with an additional request for information in ref. # 1015. We refer to our response to # 863 and # 1015.  We ask for a response to the request for information from the DS. | |
| **SEAC Rapporteurs comments:**  We refer to our response to #863. | |
| **1025** | | **Date:** 2014/08/19 16:10  **Type:** BehalfOfAnOrganisation  **Org. type:** National Authority  **Org. name:** Allgemeine Unfallversicherungsanstalt  **Org. country:** Austria  **Company name confidential:** **No** | | **Comment:**  In the report possible substitutes are cited that according to Dow lead to higher costs. Nevertheless Axiall and De Nora produce and market their products (page 31).  Directive 2004/37/EC on the protection of workers from the risks related to exposure to carcinogens or mutagens at work demands in Art 4:”The employer shall reduce the use of a carcinogen or mutagen at the place of work, IN PARTICULAR BY REPLACING IT, IN SO FAR AS IS TECHNICALLY POSSIBLE, by a substance, preparation or process which, under its conditions of use, is not dangerous or is less dangerous to workers' health or safety, as the case may be.  Directive 2004/37/EC does not intend higher costs as a reasonable factor of still using a carcinogene.  We support the intended restriction. | |
| **Dossier submitter response:**  Thank you for the comments but the proposal being discussed is to continue the existing derogation with a defined end date. | |
| **RAC Rapporteurs comments:**  Noted. | |
| **SEAC Rapporteurs comments:**  Agree. | |
| **1032** | | **Date:** 2014/08/26 12:17  **Type:** BehalfOfAnOrganisation  **Org. type:** Company  **Org. name:** Dow Deutschland Anlagengesellschaft mbH, Werk Stade  **Org. country:** Germany  **Company name confidential:** **No**  **Attachment confidential:** **No** | | **Comment:**  We would like to take the opportunity to provide additional information and aspects on the latest developments, status of the asbestos diaphragms usage/handling and transition to asbestos free diaphragm technology – see uploaded attachment.  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 | |
| **Dossier submitter response:**  Thank you for the clarifying comments. | |
| **RAC Rapporteurs comments:**  Noted. We refer to our comment to # 863. | |
| **SEAC Rapporteurs comments:**  Agree. These information could be used to answer the ETUC comments. | |
| **1042** | | **Date:** 2014/08/29 10:40  **Type:** BehalfOfAnOrganisation  **Org. type:** Other contributor  **Org. name:** […]  **Org. country:** Germany  **Related to:** Other information (H)  **Company name confidential:** **Yes**  **Attachment confidential:** **Yes (available from confidential version of table)** | | **Comment:**  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)  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 | |
| **Dossier submitter response:**  Thank you for the supportive comments. | |
| **RAC Rapporteurs comments:**  Noted. | |
| **SEAC Rapporteurs comments:**  Agree. | |
| **1061** | | **Date:** 2014/09/08 12:51  **Type:** BehalfOfAnOrganisation  **Org. type:** Other contributor  **Org. name:** Works councis Dow Chemical Site Stade, Germany  **Org. country:** Germany  **Related to:** Other information (H)  **Company name confidential:** **No**  **Attachment confidential:** **Yes (available from confidential version of table)** | | **Comment:**  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)  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 | |
| **Dossier submitter response:**  Thank you for the supportive comments. | |
| **RAC Rapporteurs comments:**  Noted. | |
| **SEAC Rapporteurs comments:**  Agree. | |
| **1067** | | **Date:** 2014/09/09 21:56  **Type:** BehalfOfAnOrganisation  **Org. type:** Trade union  **Org. name:** IG BCE Hamburg/Harburg  **Org. country:** Germany  **Related to:** Socio-economic Assessment of Proposed Restriction (F)  **Company name confidential:** **No**  **Attachment confidential:** **No** | | **Comment:**  Im Sinne einer nachhaltigen Gestaltung der noch vorhandenen industriellen Kerne Europas, und damit der Arbeitsplätze und der sozioökonomischen Entwicklung einer gesamten Region, ist eine Ausnahmegenehmigung der asbesthaltigen Diaphragmen für das Unternehmen Dow Chemical, Stade, unter schärfsten technischen Bedingungen bis zur vollständigen Substitution bis spätestens 2015 unabdingbar.  Dow Chemical, Stade, bildet das Herzstück einer großen Verbundchemie in Norddeutschland an der Elbe. Eine vorzeitige Schließung der Anlage wäre sozioökonomisch für die Menschen in der Region fatal.  Wir möchten die europäische Kommission und deren REACH-Behörde (ECHA) bitten, unsere Bedenken bei ihrer Entscheidung zu berücksichtigen. | |
| **Dossier submitter response:**  Thank you for the supportive comments. | |
| **RAC Rapporteurs comments:**  Noted. | |
| **SEAC Rapporteurs comments:**  This comment is not provided in English. Without the official English translation, we cannot make SEAC rapps comments. We took note of the DS response. | |
| **1087** | | **Date:** 2014/09/14 12:16  **Type:** Individual  **Company name confidential:** **No** | | **Comment:**  I am strongly opposed to the extension of the use of asbestos diaphragms until 2025 and calls on the Commission and the Member States to immediately end the asbestos derogation. The main reason is that this derogation is unfair to all other EU companies who already switched to asbestos-free technologies. Suitable asbestos-free electrolysis methods are indeed available now, including for both AAK and Dow. The derogation is also in contradiction with the EU’s demands for a worldwide ban on asbestos. Given the legislative time before entry into force of the total ban of asbestos in the EU, these two companies will have a 3-4 years extra time to switch to their preferred substitute. | |
| **Dossier submitter response:**  Thank you for the comments. Dow considers that the available alternatives are not economically viable for them and this is due, as stated in the dossier, to the proprietary diaphragm technology they have designed. This means the requirement for have an economically feasible alternative is not met and additional time to substitute is required. This will be done by prolonging the existing derogation but giving an end-date to facilitate the phasing out of the substance. | |
| **RAC Rapporteurs comments:**  We note that very similar comments were made several in the public consultation, and note the response from the DS. We also refer to our response to comment # 863. | |
| **SEAC Rapporteurs comments:**  Agree | |
| **1088** | | **Date:** 2014/09/14 12:51  **Type:** BehalfOfAnOrganisation  **Org. type:** Trade union  **Org. name:** SIPTU  **Org. country:** Ireland  **Company name confidential:** **No** | | **Comment:**  SIPTU is opposed to the extension of the use of asbestos diaphragms until 2025 and calls on the Commission and the Member States to immediately end the asbestos derogation. The main reason is that this derogation is unfair to all other EU companies who already switched to asbestos-free technologies. Suitable asbestos-free electrolysis methods are indeed available now, including for both AAK and Dow. The derogation is also in contradiction with the EU’s demands for a worldwide ban on asbestos. Given the legislative time before entry into force of the total ban of asbestos in the EU, these two companies will have a 3-4 years extra time to switch to their preferred substitute. | |
| **Dossier submitter response:**  Thank you for the comments. Dow considers that the available alternatives are not economically viable for them and this is due, as stated in the dossier, to the proprietary diaphragm technology they have designed. This means the requirement for have an economically feasible alternative is not met and additional time to substitute is required. This will be done by prolonging the existing derogation but giving an end-date to facilitate the phasing out of the substance. | |
| **RAC Rapporteurs comments:**  Please see our response to ref. # 1087 above. | |
| **SEAC Rapporteurs comments:**  Agree | |
| **1092** | | **Date:** 2014/09/15 12:55  **Type:** BehalfOfAnOrganisation  **Org. type:** Trade union  **Org. name:** National Union of Rail Maritime and Transport Workers  **Org. country:** United Kingdom  **Company name confidential:** **No** | | **Comment:**  RMT is opposed to the extension of the use of asbestos diaphragms until 2025 and calls on the Commission and the Member States to immediately end the asbestos derogation. There should be no asbestos being imported into Europe and this derogation is unfair to all other EU companies who already switched to asbestos-free technologies. Suitable asbestos-free electrolysis methods are indeed available now, including for both AAK and Dow. The derogation is also in contradiction with the EU’s demands for a worldwide ban on asbestos. Given the legislative time before entry into force of the total ban of asbestos in the EU, these two companies will have a 3-4 years extra time to switch to their preferred substitute. | |
| **Dossier submitter response:**  Thank you for the comments. Dow considers that the available alternatives are not economically viable for them and this is due, as stated in the dossier, to the proprietary diaphragm technology they have designed. This means the requirement for have an economically feasible alternative is not met and additional time to substitute is required. This will be done by prolonging the existing derogation but giving an end-date to facilitate the phasing out of the substance. | |
| **RAC Rapporteurs comments:**  Please see our response to ref. # 1087 above. | |
| **SEAC Rapporteurs comments:**  Agree | |
| **1093** | | **Date:** 2014/09/15 13:09  **Type:** BehalfOfAnOrganisation  **Org. type:** Other contributor  **Org. name:** SARAG-South Yorkshire Asbestos Victims Support Group  **Org. country:** United Kingdom  **Company name confidential:** **No** | | **Comment:**  South Yorkshire Asbestos Victims Support Group is opposed to the extension of the use of asbestos diaphragms until 2025 and calls on the Commission and the Member States to immediately end the asbestos derogation. There should be no asbestos being imported into Europe and this derogation is unfair to all other EU companies who already switched to asbestos-free technologies. Suitable asbestos-free electrolysis methods are indeed available now, including for both AAK and Dow. The derogation is also in contradiction with the EU’s demands for a worldwide ban on asbestos. Given the legislative time before entry into force of the total ban of asbestos in the EU, these two companies will have a 3-4 years extra time to switch to their preferred substitute. | |
| **Dossier submitter response:**  Thank you for the comments. Dow considers that the available alternatives are not economically viable for them and this is due, as stated in the dossier, to the proprietary diaphragm technology they have designed. This means the requirement for have an economically feasible alternative is not met and additional time to substitute is required. This will be done by prolonging the existing derogation but giving an end-date to facilitate the phasing out of the substance. | |
| **RAC Rapporteurs comments:**  Please see our response to ref. # 1087 above. | |
| **SEAC Rapporteurs comments:**  Agree | |
| **1094** | | **Date:** 2014/09/15 13:44  **Type:** BehalfOfAnOrganisation  **Org. type:** Trade union  **Org. name:** UCATT  **Org. country:** United Kingdom  **Company name confidential:** **No** | | **Comment:**  UCATT is opposed to the extension of the use of asbestos diaphragms until 2025 and calls on the Commission and the Member States to immediately end the asbestos derogation. There should be no asbestos being imported into Europe and this derogation is unfair to all other EU companies who already switched to asbestos-free technologies. Suitable asbestos-free electrolysis methods are indeed available now, including for both AAK and Dow. The derogation is also in contradiction with the EU’s demands for a worldwide ban on asbestos. Given the legislative time before entry into force of the total ban of asbestos in the EU, these two companies will have a 3-4 years extra time to switch to their preferred substitute. | |
| **Dossier submitter response:**  Thank you for the comments. Dow considers that the available alternatives are not economically viable for them and this is due, as stated in the dossier, to the proprietary diaphragm technology they have designed. This means the requirement for have an economically feasible alternative is not met and additional time to substitute is required. This will be done by prolonging the existing derogation but giving an end-date to facilitate the phasing out of the substance. | |
| **RAC Rapporteurs comments:**  Please see our response to ref. # 1087 above. | |
| **SEAC Rapporteurs comments:**  Agree | |
| **1095** | | **Date:** 2014/09/15 14:09  **Type:** BehalfOfAnOrganisation  **Org. type:** Trade union  **Org. name:** University & College Union (UCU)  **Org. country:** United Kingdom  **Company name confidential:** **No** | | **Comment:**  The University and College Union, (UCU) is opposed to the extension of the use of asbestos diaphragms until 2025 and calls on the Commission and the Member States to immediately end the asbestos derogation. There should be no asbestos being imported into Europe and this derogation is unfair to all other EU companies who already switched to asbestos-free technologies. Suitable asbestos-free electrolysis methods are indeed available now, including for both AAK and Dow. The derogation is also in contradiction with the EU’s demands for a worldwide ban on asbestos. Given the legislative time before entry into force of the total ban of asbestos in the EU, these two companies will have a 3-4 years extra time to switch to their preferred substitute. | |
| **Dossier submitter response:**  Thank you for the comments. Dow considers that the available alternatives are not economically viable for them and this is due, as stated in the dossier, to the proprietary diaphragm technology they have designed. This means the requirement for have an economically feasible alternative is not met and additional time to substitute is required. This will be done by prolonging the existing derogation but giving an end-date to facilitate the phasing out of the substance. | |
| **RAC Rapporteurs comments:**  Please see our response to ref. # 1087 above. | |
| **SEAC Rapporteurs comments:**  Agree | |
| **1096** | | **Date:** 2014/09/15 14:07  **Type:** BehalfOfAnOrganisation  **Org. type:** Trade union  **Org. name:** UNITE the UNION  **Org. country:** United Kingdom  **Related to:** The proposal (A), Information on hazard and risk (B), Available information on alternatives (C), Justification for action on a Community-wide basis (D), Why a restriction is the most appropriate Community-wide measure (E), Socio-economic Assessment of Proposed Restriction (F), Stakeholder consultation (G), Other information (H)  **Company name confidential:** **No** | | **Comment:**  UNITE the UNION is opposed to the extension of the use of asbestos diaphragms until 2025 and calls on the Commission and the Member States to immediately end the asbestos derogation. There should be no asbestos being imported into Europe and this derogation is unfair to all other EU companies who already switched to asbestos-free technologies. Suitable asbestos-free electrolysis methods are indeed available now, including for both AAK and DOW. The derogation is also in contradiction with the EU's demands for a worldwide ban on asbestos. Given the legislative before entry into force of the total ban of asbestos in the EU, these two companies will have a 3-4 years extra time to switch to their preferred substitute.  **Specific comment:**  It is widely known and has been known for years that ASBESTOS can and does cause CANCERS, hence the reason that it should have a WORLD WIDE BAN. | |
| **Dossier submitter response:**  Thank you for the comments. Dow considers that the available alternatives are not economically viable for them and this is due, as stated in the dossier, to the proprietary diaphragm technology they have designed. This means the requirement for have an economically feasible alternative is not met and additional time to substitute is required. This will be done by prolonging the existing derogation but giving an end-date to facilitate the phasing out of the substance. | |
| **RAC Rapporteurs comments:**  Please see our response to ref. # 1087 above. | |
| **SEAC Rapporteurs comments:**  Agree | |
| **1097** | | **Date:** 2014/09/15 15:05  **Type:** BehalfOfAnOrganisation  **Org. type:** Trade union  **Org. name:** ASLEF  **Org. country:** United Kingdom  **Company name confidential:** **No** | | **Comment:**  ASLEF is opposed to the extension of the use of asbestos diaphragms until 2025 and calls on the Commission and the Member States to immediately end the asbestos derogation. There should be no asbestos being imported into Europe and this derogation is unfair to all other EU companies who already switched to asbestos-free technologies. Suitable asbestos-free electrolysis methods are indeed available now, including for both AAK and Dow. The derogation is also in contradiction with the EU’s demands for a worldwide ban on asbestos. Given the legislative time before entry into force of the total ban of asbestos in the EU, these two companies will have a 3-4 years extra time to switch to their preferred substitute. | |
| **Dossier submitter response:**  Thank you for the comments. Dow considers that the available alternatives are not economically viable for them and this is due, as stated in the dossier, to the proprietary diaphragm technology they have designed. This means the requirement for have an economically feasible alternative is not met and additional time to substitute is required. This will be done by prolonging the existing derogation but giving an end-date to facilitate the phasing out of the substance. | |
| **RAC Rapporteurs comments:**  Please see our response to ref. # 1087 above. | |
| **SEAC Rapporteurs comments:**  Agree | |
| **1098** | | **Date:** 2014/09/15 15:32  **Type:** Individual  **Related to:** Justification for action on a Community-wide basis (D), Why a restriction is the most appropriate Community-wide measure (E)  **Company name confidential:** **No** | | **Comment:**  I am opposed to the extension of the use of asbestos diaphragms until 2025 and call on the Commission and the Member States to immediately end the asbestos derogation. There should be no asbestos being imported into Europe and this derogation is unfair to all other EU companies who already switched to asbestos-free technologies. Suitable asbestos-free electrolysis methods are now available for these companies to use.    The derogation is also in contradiction of the EU’s demands for a worldwide ban on asbestos. | |
| **Dossier submitter response:**  Thank you for the comments. Dow considers that the available alternatives are not economically viable for them and this is due, as stated in the dossier, to the proprietary diaphragm technology they have designed. This means the requirement for have an economically feasible alternative is not met and additional time to substitute is required. This will be done by prolonging the existing derogation but giving an end-date to facilitate the phasing out of the substance. | |
| **RAC Rapporteurs comments:**  Please see our response to ref. # 1087 above. | |
| **SEAC Rapporteurs comments:**  Agree | |
| **1099** | | **Date:** 2014/09/15 15:35  **Type:** Individual  **Company name confidential:** **No** | | **Comment:**  I am opposed to the extension of the use of asbestos diaphragms until 2025 and call on the Commission and the Member States to immediately end the asbestos derogation. There should be no asbestos being imported into Europe and this derogation is unfair to all other EU companies who already switched to asbestos-free technologies. Suitable asbestos-free electrolysis methods are now available for these companies to use.    The derogation is also in contradiction of the EU’s demands for a worldwide ban on asbestos. | |
| **Dossier submitter response:**  Thank you for the comments. Dow considers that the available alternatives are not economically viable for them and this is due, as stated in the dossier, to the proprietary diaphragm technology they have designed. This means the requirement for have an economically feasible alternative is not met and additional time to substitute is required. This will be done by prolonging the existing derogation but giving an end-date to facilitate the phasing out of the substance. | |
| **RAC Rapporteurs comments:**  Please see our response to ref. # 1087 above. | |
| **SEAC Rapporteurs comments:**  Agree | |
| **1101** | | **Date:** 2014/09/15 15:55  **Type:** Individual  **Company name confidential:** **No** | | **Comment:**  I am opposed to the extension of the use of asbestos diaphragms until 2025 and call on the Commission and the Member States to immediately end the asbestos derogation. There should be no asbestos being imported into Europe and this derogation is unfair to all other EU companies who already switched to asbestos-free technologies. Suitable asbestos-free electrolysis methods are now available for these companies to use.    The derogation is also in contradiction of the EU’s demands for a worldwide ban on asbestos. | |
| **Dossier submitter response:**  Thank you for the comments. Dow considers that the available alternatives are not economically viable for them and this is due, as stated in the dossier, to the proprietary diaphragm technology they have designed. This means the requirement for have an economically feasible alternative is not met and additional time to substitute is required. This will be done by prolonging the existing derogation but giving an end-date to facilitate the phasing out of the substance. | |
| **RAC Rapporteurs comments:**  Please see our response to ref. # 1087 above. | |
| **SEAC Rapporteurs comments:**  Agree | |
| **1102** | | **Date:** 2014/09/15 16:18  **Type:** Individual  **Company name confidential:** **No** | | **Comment:**  I am opposed to the extension of the use of asbestos diaphragms until 2025 and call on the Commission and the Member States to immediately end the asbestos derogation. There should be no asbestos being imported into Europe and this derogation is unfair to all other EU companies who already switched to asbestos-free technologies. Suitable asbestos-free electrolysis methods are now available for these companies to use.    The derogation is also in contradiction of the EU’s demands for a worldwide ban on asbestos | |
| **Dossier submitter response:**  Thank you for the comments. Dow considers that the available alternatives are not economically viable for them and this is due, as stated in the dossier, to the proprietary diaphragm technology they have designed. This means the requirement for have an economically feasible alternative is not met and additional time to substitute is required. This will be done by prolonging the existing derogation but giving an end-date to facilitate the phasing out of the substance. | |
| **RAC Rapporteurs comments:**  Please see our response to ref. # 1087 above. | |
| **SEAC Rapporteurs comments:**  Agree | |
| **1103** | | **Date:** 2014/09/15 16:18  **Type:** Individual  **Company name confidential:** **No** | | **Comment:**  I am opposed to the extension of the use of asbestos diaphragms until 2025 and call on the Commission and the Member States to immediately end the asbestos derogation. There should be no asbestos being imported into Europe and this derogation is unfair to all other EU companies who already switched to asbestos-free technologies. Suitable asbestos-free electrolysis methods are now available for these companies to use.    The derogation is also in contradiction of the EU’s demands for a worldwide ban on asbestos. | |
| **Dossier submitter response:**  Thank you for the comments. Dow considers that the available alternatives are not economically viable for them and this is due, as stated in the dossier, to the proprietary diaphragm technology they have designed. This means the requirement for have an economically feasible alternative is not met and additional time to substitute is required. This will be done by prolonging the existing derogation but giving an end-date to facilitate the phasing out of the substance. | |
| **RAC Rapporteurs comments:**  Please see our response to ref. # 1087 above. | |
| **SEAC Rapporteurs comments:**  Agree | |
| **1104** | | **Date:** 2014/09/15 16:24  **Type:** Individual  **Company name confidential:** **No** | | **Comment:**  I am opposed to the extension of the use of asbestos diaphragms until 2025 and call on the Commission and the Member States to immediately end the asbestos derogation. There should be no asbestos being imported into Europe and this derogation is unfair to all other EU companies who already switched to asbestos-free technologies. Suitable asbestos-free electrolysis methods are now available for these companies to use.    The derogation is also in contradiction of the EU’s demands for a worldwide ban on asbestos. | |
| **Dossier submitter response:**  Thank you for the comments. Dow considers that the available alternatives are not economically viable for them and this is due, as stated in the dossier, to the proprietary diaphragm technology they have designed. This means the requirement for have an economically feasible alternative is not met and additional time to substitute is required. This will be done by prolonging the existing derogation but giving an end-date to facilitate phasing out of the substance. | |
| **RAC Rapporteurs comments:**  Please see our response to ref. # 1087 above. | |
| **SEAC Rapporteurs comments:**  Agree | |
| **1105** | | **Date:** 2014/09/15 16:29  **Type:** Individual  **Company name confidential:** **No** | | **Comment:**  I am opposed to the extension of the use of asbestos diaphragms until 2025 and call on the Commission and the Member States to immediately end the asbestos derogation. There should be no asbestos being imported into Europe and this derogation is unfair to all other EU companies who already switched to asbestos-free technologies. Suitable asbestos-free electrolysis methods are now available for these companies to use.    The derogation is also in contradiction of the EU’s demands for a worldwide ban on asbestos. | |
| **Dossier submitter response:**  Thank you for the comments. Dow considers that the available alternatives are not economically viable for them and this is due, as stated in the dossier, to the proprietary diaphragm technology they have designed. This means the requirement for have an economically feasible alternative is not met and additional time to substitute is required. This will be done by prolonging the existing derogation but giving an end-date to facilitate the phasing out of the substance. | |
| **RAC Rapporteurs comments:**  Please see our response to ref. # 1087 above. | |
| **SEAC Rapporteurs comments:**  Agree | |
| **1106** | | **Date:** 2014/09/15 16:40  **Type:** Individual  **Related to:** The proposal (A), Information on hazard and risk (B), Available information on alternatives (C), Justification for action on a Community-wide basis (D), Stakeholder consultation (G)  **Company name confidential:** **No** | | **Comment:**  I am opposed to the extension of the use of asbestos diaphragms until 2025 and call on the Commission and the Member States to immediately end the asbestos derogation. There should be no asbestos being imported into Europe and this derogation is unfair to all other EU companies who already switched to asbestos-free technologies. Suitable asbestos-free electrolysis methods are now available for these companies to use.    The derogation is also in contradiction of the EU’s demands for a worldwide ban on asbestos. | |
| **Dossier submitter response:**  Thank you for the comments. Dow considers that the available alternatives are not economically viable for them and this is due, as stated in the dossier, to the proprietary diaphragm technology they have designed. This means the requirement for have an economically feasible alternative is not met and additional time to substitute is required. This will be done by prolonging the existing derogation but giving an end-date to facilitate the phasing out of the substance. | |
| **RAC Rapporteurs comments:**  Please see our response to ref. # 1087 above. | |
| **SEAC Rapporteurs comments:**  Agree | |
| **1107** | | **Date:** 2014/09/15 16:43  **Type:** Individual  **Company name confidential:** **No** | | **Comment:**  I am opposed to the extension of the use of asbestos diaphragms until 2025 and call on the Commission and the Member States to immediately end the asbestos derogation. There should be no asbestos being imported into Europe and this derogation is unfair to all other EU companies who already switched to asbestos-free technologies. Suitable asbestos-free electrolysis methods are now available for these companies to use.    The derogation is also in contradiction of the EU’s demands for a worldwide ban on asbestos. | |
| **Dossier submitter response:**  Thank you for the comments. Dow considers that the available alternatives are not economically viable for them and this is due, as stated in the dossier, to the proprietary diaphragm technology they have designed. This means the requirement for have an economically feasible alternative is not met and additional time to substitute is required. This will be done by prolonging the existing derogation but giving an end-date to facilitate the phasing out of the substance. | |
| **RAC Rapporteurs comments:**  Please see our response to ref. # 1087 above. | |
| **SEAC Rapporteurs comments:**  Agree | |
| **1108** | | **Date:** 2014/09/15 16:43  **Type:** BehalfOfAnOrganisation  **Org. type:** Trade union  **Org. name:** Union of Shop Distributive and Allied Workers  **Org. country:** United Kingdom  **Company name confidential:** **No** | | **Comment:**  The Union of Shop Distributive and Allied Workers is opposed to the extension of the use of asbestos diaphragms until 2025 and calls on the Commission and the Member States to immediately end the asbestos derogation. There should be no asbestos being imported into Europe and this derogation is unfair to all other EU companies who already switched to asbestos-free technologies. Suitable asbestos-free electrolysis methods are indeed available now, including for both AAK and Dow. The derogation is also in contradiction with the EU’s demands for a worldwide ban on asbestos. Given the legislative time before entry into force of the total ban of asbestos in the EU, these two companies will have a 3-4 years extra time to switch to their preferred substitute. | |
| **Dossier submitter response:**  Thank you for the comments. Dow considers that the available alternatives are not economically viable for them and this is due, as stated in the dossier, to the proprietary diaphragm technology they have designed. This means the requirement for have an economically feasible alternative is not met and additional time to substitute is required. This will be done by prolonging the existing derogation but giving an end-date to facilitate the phasing out of the substance. | |
| **RAC Rapporteurs comments:**  Please see our response to ref. # 1087 above. | |
| **SEAC Rapporteurs comments:**  Agree | |
| **1109** | | **Date:** 2014/09/15 16:44  **Type:** Individual  **Company name confidential:** **No** | | **Comment:**  My father died as a result of minimal exposure to Asbestos fibres. There is no minimum safe level of exposure above zero. The importation of this deadly poison must be stopped for our childrens' sake.    I am opposed to the extension of the use of asbestos diaphragms until 2025 and call on the Commission and the Member States to immediately end the asbestos derogation. There should be no asbestos being imported into Europe and this derogation is unfair to all other EU companies who already switched to asbestos-free technologies. Suitable asbestos-free electrolysis methods are now available for these companies to use.    The derogation is also in contradiction of the EU’s demands for a worldwide ban on asbestos. | |
| **Dossier submitter response:**  Thank you for the comments. Dow considers that the available alternatives are not economically viable for them and this is due, as stated in the dossier, to the proprietary diaphragm technology they have designed. This means the requirement for have an economically feasible alternative is not met and additional time to substitute is required. This will be done by prolonging the existing derogation but giving an end-date to facilitate the phasing out of the substance. | |
| **RAC Rapporteurs comments:**  Regarding the comment on no minimum safe level: No threshold for the carcinogenic effect of asbestos has been identified. The risk is assumed to be linear and thus never to reach zero when any exposure occurs.  For the rest of the comment please see our response to ref. # 1087 above. | |
| **SEAC Rapporteurs comments:**  Agree | |
| **1110** | | **Date:** 2014/09/15 17:04  **Type:** BehalfOfAnOrganisation  **Org. type:** Trade union  **Org. name:** UIL  **Org. country:** Italy  **Company name confidential:** **No** | | **Comment:**  UIL is opposed to the extension of the use of asbestos diaphragms until 2025 and calls on the Commission and the Member States to immediately end the asbestos derogation. The main reason is that this derogation is unfair to all other EU companies who already switched to asbestos-free technologies. Suitable asbestos-free electrolysis methods are indeed available now, including for both AAK and Dow. The derogation is also in contradiction with the EU’s demands for a worldwide ban on asbestos. Given the legislative time before entry into force of the total ban of asbestos in the EU, these two companies will have a 3-4 years extra time to switch to their preferred substitute. | |
| **Dossier submitter response:**  Thank you for the comments. Dow considers that the available alternatives are not economically viable for them and this is due, as stated in the dossier, to the proprietary diaphragm technology they have designed. This means the requirement for have an economically feasible alternative is not met and additional time to substitute is required. This will be done by prolonging the existing derogation but giving an end-date to facilitate the phasing out of the substance. | |
| **RAC Rapporteurs comments:**  Please see our response to ref. # 1087 above. | |
| **SEAC Rapporteurs comments:**  Agree | |
| **1111** | | **Date:** 2014/09/15 17:29  **Type:** Individual  **Related to:** The proposal (A), Justification for action on a Community-wide basis (D), Why a restriction is the most appropriate Community-wide measure (E), Other information (H)  **Company name confidential:** **No** | | **Comment:**  I am opposed to the extension of the use of asbestos diaphragms until 2025 and call on the Commission and the Member States to immediately end the asbestos derogation. There should be no asbestos being imported into Europe and this derogation is unfair to all other EU companies who already switched to asbestos-free technologies. Suitable asbestos-free electrolysis methods are now available for these companies to use.    The derogation is also in contradiction of the EU’s demands for a worldwide ban on asbestos.    **Specific comment:**  I was forced to work with asbestos from the age of sixteen--from 1987--when I worked in engineering. Various companies said it was legal and if it was bad then it would be banned. Many have died and continue to because of slack legislation designed to protect interests that cannot be ethically justified. | |
| **Dossier submitter response:**  Thank you for the comments. Dow considers that the available alternatives are not economically viable for them and this is due, as stated in the dossier, to the proprietary diaphragm technology they have designed. This means the requirement for have an economically feasible alternative is not met and additional time to substitute is required. This will be done by prolonging the existing derogation but giving an end-date to facilitate the phasing out of the substance. The risk from the use of the substance by Dow is minimised and the derogation condition will continue to ensure this is the case. | |
| **RAC Rapporteurs comments:**  Please see our response to ref. # 1087 above. | |
| **SEAC Rapporteurs comments:**  Agree | |
| **1112** | | **Date:** 2014/09/15 17:39  **Type:** Individual  **Related to:** Available information on alternatives (C), Why a restriction is the most appropriate Community-wide measure (E)  **Company name confidential:** **No** | | **Comment:**  I am opposed to the extension of the use of asbestos diaphragms until 2025 and call on the Commission and the Member States to immediately end the asbestos derogation. There should be no asbestos being imported into Europe and this derogation is unfair to all other EU companies who already switched to asbestos-free technologies. Suitable asbestos-free electrolysis methods are now available for these companies to use.  The derogation is also in contradiction of the EU’s demands for a worldwide ban on asbestos. | |
| **Dossier submitter response:**  Thank you for the comments. The risk from the use of the substance by Dow is minimised and the derogation condition will continue to ensure this is the case. The derogation is also designed so only the 2 companies currently using the derogation will be able to continue until 2025 and no further companies can make use of it. | |
| **RAC Rapporteurs comments:**  Please see our response to ref. # 1087 above. | |
| **SEAC Rapporteurs comments:**  Agree | |
| **1113** | | **Date:** 2014/09/15 17:44  **Type:** Individual  **Related to:** The proposal (A), Information on hazard and risk (B)  **Company name confidential:** **No** | | **Comment:**  I am totally against any exemptions for the import or use of asbestos in the work place. the risk is always there . once you give permission for one company to carry on using it that will set a precedence for others.  I am shocked that it is even being considered. the safety of man is paramount surely. there is not such a thing as no risk if it is still there. the assessment of minimal risk should not be there, as the risk will be created by the import of more Crysotile in the E.U. that is going backwards.  The companies need to change manufacturing methods,like the rest of the E.U have. | |
| **Dossier submitter response:**  Thank you for the comments. The risk from the use of the substance by Dow is minimised and the derogation condition will continue to ensure this is the case. The derogation is also designed so only the 2 companies currently using the derogation will be able to continue until 2025 and no further companies can make use of it. | |
| **RAC Rapporteurs comments:**  Noted. | |
| **SEAC Rapporteurs comments:**  Agree | |
| **1114** | | **Date:** 2014/09/15 17:56  **Type:** BehalfOfAnOrganisation  **Org. type:** Trade union  **Org. name:** […]  **Org. country:** United Kingdom  **Company name confidential:** **Yes** | | **Comment:**  The […] is opposed to the extension of the use of asbestos diaphragms until 2025 and calls on the Commission and the Member States to immediately end the asbestos derogation. There should be no asbestos being imported into Europe and this derogation is unfair to all other EU companies who already switched to asbestos-free technologies. Suitable asbestos-free electrolysis methods are indeed available now, including for both AAK and Dow. The derogation is also in contradiction with the EU’s demands for a worldwide ban on asbestos. Given the legislative time before entry into force of the total ban of asbestos in the EU, these two companies will have a 3-4 years extra time to switch to their preferred substitute | |
| **Dossier submitter response:**  Thank you for the comments. Dow considers that the available alternatives are not economically viable for them and this is due, as stated in the dossier, to the proprietary diaphragm technology they have designed. This means the requirement for have an economically feasible alternative is not met and additional time to substitute is required. This will be done by prolonging the existing derogation but giving an end-date to facilitate the phasing out of the substance. | |
| **RAC Rapporteurs comments:**  Please see our response to ref. # 1087 above. | |
| **SEAC Rapporteurs comments:**  Agree | |
| **1115** | | **Date:** 2014/09/15 18:09  **Type:** Individual  **Company name confidential:** **No** | | **Comment:**  I am opposed to the extension of the use of asbestos diaphragms until 2025 and call on the Commission and the Member States to immediately end the asbestos derogation. There should be no asbestos being imported into Europe and this derogation is unfair to all other EU companies who already switched to asbestos-free technologies. Suitable asbestos-free electrolysis methods are now available for these companies to use. | |
| **Dossier submitter response:**  Thank you for the comments. Dow considers that the available alternatives are not economically viable for them and this is due, as stated in the dossier, to the proprietary diaphragm technology they have designed. This means the requirement for have an economically feasible alternative is not met and additional time to substitute is required. This will be done by prolonging the existing derogation but giving an end-date to facilitate the phasing out of the substance. | |
| **RAC Rapporteurs comments:**  Please see our response to ref. # 1087 above. | |
| **SEAC Rapporteurs comments:**  Agree | |
| **1116** | | **Date:** 2014/09/15 18:54  **Type:** BehalfOfAnOrganisation  **Org. type:** Trade union  **Org. name:** Unite the union  **Org. country:** United Kingdom  **Company name confidential:** **No** | | **Comment:**  Unite the union is opposed to the extension of the use of asbestos diaphragms until 2025 and calls on the Commission and the Member States to end immediately the asbestos derogation. No asbestos should be being imported into Europe and this derogation is unfair to all other EU companies who already switched to asbestos-free technologies. Suitable asbestos-free electrolysis methods are indeed available now, including for both AAK and Dow. The derogation is also in contradiction with the EU’s demands for a worldwide ban on asbestos. Given the legislative time before entry into force of the total ban of asbestos in the EU, these two companies will have a 3-4 years extra time to switch to their preferred substitute. | |
| **Dossier submitter response:**  Thank you for the comments. Dow considers that the available alternatives are not economically viable for them and this is due, as stated in the dossier, to the proprietary diaphragm technology they have designed. This means the requirement for have an economically feasible alternative is not met and additional time to substitute is required. This will be done by prolonging the existing derogation but giving an end-date to facilitate the phasing out of the substance. | |
| **RAC Rapporteurs comments:**  Please see our response to ref. # 1087 above. | |
| **SEAC Rapporteurs comments:**  Agree | |
| **1119** | | **Date:** 2014/09/16 00:07  **Type:** BehalfOfAnOrganisation  **Org. type:** Trade union  **Org. name:** FORUM  **Org. country:** Malta  **Company name confidential:** **No** | | **Comment:**  Confederation FORUM is opposing to the extension of the use of asbestos diaphragms until 2025 and calls on the Commission and the Member States to immediately end the asbestos derogation. The main reason is that this derogation is unfair to all other EU companies who already switched to asbestos-free technologies. Suitable asbestos-free electrolysis methods are indeed available now, including for both AAK and Dow. The derogation is also in contradiction with the EU’s demands for a worldwide ban on asbestos. Given the legislative time before entry into force of the total ban of asbestos in the EU, these two companies will have a 3-4 years extra time to switch to their preferred substitute. | |
| **Dossier submitter response:**  Thank you for the comments. Dow considers that the available alternatives are not economically viable for them and this is due, as stated in the dossier, to the proprietary diaphragm technology they have designed. This means the requirement for have an economically feasible alternative is not met and additional time to substitute is required. This will be done by prolonging the existing derogation but giving an end-date to facilitate the phasing out of the substance. | |
| **RAC Rapporteurs comments:**  Please see our response to ref. # 1087 above. | |
| **SEAC Rapporteurs comments:**  Agree | |
| **1120** | | **Date:** 2014/09/16 10:34  **Type:** BehalfOfAnOrganisation  **Org. type:** Other contributor  **Org. name:** Derbyshire Asbestos Support Team  **Org. country:** United Kingdom  **Company name confidential:** **No** | | **Comment:**  Derbyshire Asbestos Support Team is opposed to the extension of the use of asbestos diaphragms until 2025 and calls on the Commission and the Member States to immediately end the asbestos derogation. There should be no asbestos being imported into Europe and this derogation is unfair to all other EU companies who already switched to asbestos-free technologies. Suitable asbestos-free electrolysis methods are indeed available now, including for both AAK and Dow. The derogation is also in contradiction with the EU’s demands for a worldwide ban on asbestos. Given the legislative time before entry into force of the total ban of asbestos in the EU, these two companies will have a 3-4 years extra time to switch to their preferred substitute. | |
| **Dossier submitter response:**  Thank you for the comments. Dow considers that the available alternatives are not economically viable for them and this is due, as stated in the dossier, to the proprietary diaphragm technology they have designed. This means the requirement for have an economically feasible alternative is not met and additional time to substitute is required. This will be done by prolonging the existing derogation but giving an end-date to facilitate the phasing out of the substance. | |
| **RAC Rapporteurs comments:**  Please see our response to ref. # 1087 above. | |
| **SEAC Rapporteurs comments:**  Agree | |
| **1122** | | **Date:** 2014/09/16 11:13  **Type:** MemberState  **MS name:** Germany  **Company name confidential:** **No** | | **Comment:**  The German CA agrees upon the restriction proposal recommending an amendment to the existing restriction entry 6 in Annex XVII of the REACH legislation by implementing an explicit time limit for the derogation until 2025 and specific reporting requirements for the companies’ utilising the derogation. | |
| **Dossier submitter response:**  Thank you for the supportive comments. | |
| **RAC Rapporteurs comments:**  Noted. | |
| **SEAC Rapporteurs comments:**  Agree | |
| **1123** | | **Date:** 2014/09/16 13:06  **Type:** BehalfOfAnOrganisation  **Org. type:** Other contributor  **Org. name:** British Occupational Hygiene Society  **Org. country:** United Kingdom  **Company name confidential:** **No** | | **Comment:**  BOHS (The British Occupational Hygiene Society) is opposed to the extension of the use of asbestos diaphragms until 2025 and calls on the Commission and the Member States to immediately end the asbestos derogation. There should be no asbestos being imported into Europe and this derogation is unfair to all other EU companies who already switched to asbestos-free technologies. Suitable asbestos-free electrolysis methods are indeed available now, including for both AAK and Dow. The derogation is also in contradiction with the EU’s demands for a worldwide ban on asbestos. Given the legislative time before entry into force of the total ban of asbestos in the EU, these two companies will have a 3-4 years extra time to switch to their preferred substitute. | |
| **Dossier submitter response:**  Thank you for the comments. Dow considers that the available alternatives are not economically viable for them and this is due, as stated in the dossier, to the proprietary diaphragm technology they have designed. This means the requirement for have an economically feasible alternative is not met and additional time to substitute is required. This will be done by prolonging the existing derogation but giving an end-date to facilitate the phasing out of the substance. | |
| **RAC Rapporteurs comments:**  Please see our response to ref. # 1087 above. | |
| **SEAC Rapporteurs comments:**  Agree | |
| **1124** | | **Date:** 2014/09/16 13:19  **Type:** Individual  **Company name confidential:** **No** | | **Comment:**  I am opposed to the extension of the use of asbestos diaphragms until 2025 and call on the Commission and the Member States to immediately end the asbestos derogation. There should be no asbestos being imported into Europe and this derogation is unfair to all other EU companies who already switched to asbestos-free technologies. Suitable asbestos-free electrolysis methods are indeed available now, including for both AAK and Dow. The derogation is also in contradiction with the EU’s demands for a worldwide ban on asbestos. Given the legislative time before entry into force of the total ban of asbestos in the EU, these two companies will have a 3-4 years extra time to switch to their preferred substitute. | |
| **Dossier submitter response:**  Thank you for the comments. Dow considers that the available alternatives are not economically viable for them and this is due, as stated in the dossier, to the proprietary diaphragm technology they have designed. This means the requirement for have an economically feasible alternative is not met and additional time to substitute is required. This will be done by prolonging the existing derogation but giving an end-date to facilitate the phasing out of the substance. | |
| **RAC Rapporteurs comments:**  Please see our response to ref. # 1087 above. | |
| **SEAC Rapporteurs comments:**  Agree | |
| **1126** | | **Date:** 2014/09/16 15:11  **Type:** Individual  **Related to:** Why a restriction is the most appropriate Community-wide measure (E)  **Company name confidential:** **No** | | **Comment:**  The consultation is subject to data privacy rules (see http://echa.europa.eu/disclaimer\_en.asp). Comments provided in section ‘III. Comments’ of this web-form will be made available to the public. It is the interested parties’ responsibility to ensure that no confidential information is included in section III (including the name of your organisation). Confidential information must be submitted in form of a confidential attachment (see section ‘V. Confidential attachment’ below), which will only be made available to ECHA, including its Committees, to the Member State competent authority submitting the dossier and to the Commission.  Nevertheless in case you were planning to submit information only via attachment (either confidential or non-confidential) we would kindly request you to insert a non-confidential summary of the content in the general comments field.  Please provide your comments in the fields below. You can give general and/or specific comments. In the latter case please indicate to which part(s) of the restriction report your comment refers to. | |
| **Dossier submitter response:**  No comment required | |
| **RAC Rapporteurs comments:**  Agree. | |
| **SEAC Rapporteurs comments:**  Agree. | |
| **1127** | | **Date:** 2014/09/16 17:16  **Type:** Individual  **Company name confidential:** **No** | | **Comment:**  I am opposed to the extension of the use of asbestos diaphragms until 2025 and call on the Commission and the Member States to immediately end the asbestos derogation. There should be no asbestos being imported into Europe and this derogation is unfair to all other EU companies who already switched to asbestos-free technologies. Suitable asbestos-free electrolysis methods are now available for these companies to use.    The derogation is also in contradiction of the EU’s demands for a worldwide ban on asbestos. | |
| **Dossier submitter response:**  Thank you for the comments. Dow considers that the available alternatives are not economically viable for them and this is due, as stated in the dossier, to the proprietary diaphragm technology they have designed. This means the requirement for have an economically feasible alternative is not met and additional time to substitute is required. This will be done by prolonging the existing derogation but giving an end-date to facilitate the phasing out of the substance. | |
| **RAC Rapporteurs comments:**  Please see our response to ref. # 1087 above. | |
| **SEAC Rapporteurs comments:**  Agree | |
| **1128** | | **Date:** 2014/09/16 17:26  **Type:** BehalfOfAnOrganisation  **Org. type:** International NGO  **Org. name:** International Ban Asbestos Secretariat  **Org. country:** United Kingdom  **Company name confidential:** **No** | | **Comment:**  The International Ban Asbestos Secretariat is opposed to the extension of the use of asbestos diaphragms until 2025 and calls on the Commission and the Member States to immediately end the asbestos derogation. There should be no asbestos being imported into Europe and this derogation is unfair to all other EU companies who already switched to asbestos-free technologies. Suitable asbestos-free electrolysis methods are indeed available now, including for both AAK and Dow. The derogation is also in contradiction with the EU’s demands for a worldwide ban on asbestos. Given the legislative time before entry into force of the total ban of asbestos in the EU, these two companies will have a 3-4 years extra time to switch to their preferred substitute.  The profit-driven demands of two companies are not a valid reason to jeopardize the health and rights of EU citizens. In July 2014 the European Court of Human Rights ruled that asbestos exposures which took place in Malta contravened the rights of Maltese workers; in 2014, there can be no excuse to allow asbestos use to persist in Europe. Failure to end this derogation will not only lead to more avoidable disease and deaths but may well result in legal action by groups representing European stakeholders. | |
| **Dossier submitter response:**  Thank you for the comments. Dow considers that the available alternatives are not economically viable for them and this is due, as stated in the dossier, to the proprietary diaphragm technology they have designed. This means the requirement for have an economically feasible alternative is not met and additional time to substitute is required. This will be done by extending the existing derogation but giving an end-date to facilitate the phasing out of the substance. It is our view that the court case mentioned does not affect directly the restriction proposal. | |
| **RAC Rapporteurs comments:**  Please see our response to ref. # 1087 above.  The issue about the European Court of Human Rights we leave to the lawyers at ECHA to investigate. | |
| **SEAC Rapporteurs comments:**  Agree | |
| **1129** | | **Date:** 2014/09/16 18:07  **Type:** BehalfOfAnOrganisation  **Org. type:** Trade union  **Org. name:** ANMIL Onlus  **Org. country:** Italy  **Company name confidential:** **No** | | **Comment:**  ANMIL Onlus is opposed to the extension of the use of asbestos diaphragms until 2025 and calls on the Commission and the Member States to immediately end the asbestos derogation. The main reason is that this derogation is unfair to all other EU companies who already switched to asbestos-free technologies. Suitable asbestos-free electrolysis methods are indeed available now, including for both AAK and Dow. The derogation is also in contradiction with the EU’s demands for a worldwide ban on asbestos. Given the legislative time before entry into force of the total ban of asbestos in the EU, these two companies will have a 3-4 years extra time to switch to their preferred substitute. | |
| **Dossier submitter response:**  Thank you for the comments. Dow considers that the available alternatives are not economically viable for them and this is due, as stated in the dossier, to the proprietary diaphragm technology they have designed. This means the requirement for have an economically feasible alternative is not met and additional time to substitute is required. This will be done by prolonging the existing derogation but giving an end-date to facilitate the phasing out of the substance. | |
| **RAC Rapporteurs comments:**  Please see our response to ref. # 1087 above. | |
| **SEAC Rapporteurs comments:**  Agree | |
| **1130** | | **Date:** 2014/09/17 13:08  **Type:** BehalfOfAnOrganisation  **Org. type:** Trade union  **Org. name:** The Fire Brigades Union  **Org. country:** United Kingdom  **Company name confidential:** **No** | | **Comment:**  The FBU is opposed to the extension of the use of asbestos diaphragms until 2025 and calls on the Commission and the Member States to immediately end the asbestos derogation. There should be no asbestos being imported into Europe and this derogation is unfair to all other EU companies who already switched to asbestos-free technologies. Suitable asbestos-free electrolysis methods are indeed available now, including for both AAK and Dow. The derogation is also in contradiction with the EU’s demands for a worldwide ban on asbestos. Given the legislative time before entry into force of the total ban of asbestos in the EU, these two companies will have a 3-4 years extra time to switch to their preferred substitute. | |
| **Dossier submitter response:**  Thank you for the comments. Dow considers that the available alternatives are not economically viable for them and this is due, as stated in the dossier, to the proprietary diaphragm technology they have designed. This means the requirement for have an economically feasible alternative is not met and additional time to substitute is required. This will be done by prolonging the existing derogation but giving an end-date to facilitate the phasing out of the substance. | |
| **RAC Rapporteurs comments:**  Please see our response to ref. # 1087 above. | |
| **SEAC Rapporteurs comments:**  Agree | |
| **1131** | | **Date:** 2014/09/17 15:00  **Type:** Individual  **Company name confidential:** **No** | | **Comment:**  I am opposed to the extension of the use of asbestos diaphragms until 2025 and call on the Commission and the Member States to immediately end the asbestos derogation. There should be no asbestos being imported into Europe and this derogation is unfair to all other EU companies who already switched to asbestos-free technologies. Suitable asbestos-free electrolysis methods are now available for these companies to use. | |
| **Dossier submitter response:**  Thank you for the comments. Dow considers that the available alternatives are not economically viable for them and this is due, as stated in the dossier, to the proprietary diaphragm technology they have designed. This means the requirement for have an economically feasible alternative is not met and additional time to substitute is required. This will be done by prolonging the existing derogation but giving an end-date to facilitate the phasing out of the substance. | |
| **RAC Rapporteurs comments:**  Please see our response to ref. # 1087 above. | |
| **SEAC Rapporteurs comments:**  Agree | |
| **1132** | | **Date:** 2014/09/18 11:13  **Type:** BehalfOfAnOrganisation  **Org. type:** Trade union  **Org. name:** NSZZ "Solidarność"  **Org. country:** Poland  **Company name confidential:** **No** | | **Comment:**  NSZZ "Solidarność" is opposed to the extension of the use of asbestos diaphragms until 2025 and calls on the Commission and the Member States to immediately end the asbestos derogation. The main reason is that this derogation is unfair to all other EU companies who already switched to asbestos-free technologies. Suitable asbestos-free electrolysis methods are indeed available now, including for both AAK and Dow. The derogation is also in contradiction with the EU’s demands for a worldwide ban on asbestos. Given the legislative time before entry into force of the total ban of asbestos in the EU, these two companies will have a 3-4 years extra time to switch to their preferred substitute. | |
| **Dossier submitter response:**  Thank you for the comments. Dow considers that the available alternatives are not economically viable for them and this is due, as stated in the dossier, to the proprietary diaphragm technology they have designed. This means the requirement for have an economically feasible alternative is not met and additional time to substitute is required. This will be done by prolonging the existing derogation but giving an end-date to facilitate the phasing out of the substance. | |
| **RAC Rapporteurs comments:**  Please see our response to ref. # 1087 above. | |
| **SEAC Rapporteurs comments:**  Agree | |
| **1134** | | **Date:** 2014/09/18 13:38  **Type:** BehalfOfAnOrganisation  **Org. type:** Trade union  **Org. name:** Fire Brigades Union  **Org. country:** United Kingdom  **Company name confidential:** **No** | | **Comment:**  The FBU is opposed to the extension of the use of asbestos diaphragms until 2025 and calls on the Commission and the Member States to immediately end the asbestos derogation. There should be no asbestos being imported into Europe and this derogation is unfair to all other EU companies who already switched to asbestos-free technologies. Suitable asbestos-free electrolysis methods are indeed available now, including for both AAK and Dow. The derogation is also in contradiction with the EU’s demands for a worldwide ban on asbestos. Given the legislative time before entry into force of the total ban of asbestos in the EU, these two companies will have a 3-4 years extra time to switch to their preferred substitute. | |
| **Dossier submitter response:**  Thank you for the comments. Dow considers that the available alternatives are not economically viable for them and this is due, as stated in the dossier, to the proprietary diaphragm technology they have designed. This means the requirement for have an economically feasible alternative is not met and additional time to substitute is required. This will be done by prolonging the existing derogation but giving an end-date to facilitate the phasing out of the substance. | |
| **RAC Rapporteurs comments:**  Please see our response to ref. # 1087 above. | |
| **SEAC Rapporteurs comments:**  Agree | |
| **1135** | | **Date:** 2014/09/18 14:02  **Type:** BehalfOfAnOrganisation  **Org. type:** Trade union  **Org. name:** GMB Nortrhern  **Org. country:** United Kingdom  **Company name confidential:** **No** | | **Comment:**  GMB Northern is opposed to the extension of the use of asbestos diaphragms until 2025 and calls on the Commission and the Member States to immediately end the asbestos derogation. There should be no asbestos being imported into Europe and this derogation is unfair to all other EU companies who already switched to asbestos-free technologies. Suitable asbestos-free electrolysis methods are indeed available now, including for both AAK and Dow. The derogation is also in contradiction with the EU’s demands for a worldwide ban on asbestos. Given the legislative time before entry into force of the total ban of asbestos in the EU, these two companies will have a 3-4 years extra time to switch to their preferred substitute. | |
| **Dossier submitter response:**  Thank you for the comments. Dow considers that the available alternatives are not economically viable for them and this is due, as stated in the dossier, to the proprietary diaphragm technology they have designed. This means the requirement for have an economically feasible alternative is not met and additional time to substitute is required. This will be done by prolonging the existing derogation but giving an end-date to facilitate the phasing out of the substance. | |
| **RAC Rapporteurs comments:**  Please see our response to ref. # 1087 above. | |
| **SEAC Rapporteurs comments:**  Agree | |
| **1138** | | **Date:** 2014/09/18 14:29  **Type:** BehalfOfAnOrganisation  **Org. type:** Trade union  **Org. name:** […]  **Org. country:** Hungary  **Related to:** Information on hazard and risk (B), Available information on alternatives (C)  **Company name confidential:** **Yes** | | **Comment:**  […] is opposed to the extension of the use of asbestos diaphragms until 2025 and calls on the Commission and the Member States to immediately end the asbestos derogation. The main reason is that this derogation is unfair to all other EU companies who already switched to asbestos-free technologies. Suitable asbestos-free electrolysis methods are indeed available now, including for both AAK and Dow. The derogation is also in contradiction with the EU’s demands for a worldwide ban on asbestos. Given the legislative time before entry into force of the total ban of asbestos in the EU, these two companies will have a 3-4 years extra time to switch to their preferred substitute. | |
| **Dossier submitter response:**  Thank you for the comments. Dow considers that the available alternatives are not economically viable for them and this is due, as stated in the dossier, to the proprietary diaphragm technology they have designed. This means the requirement for have an economically feasible alternative is not met and additional time to substitute is required. This will be done by prolonging the existing derogation but giving an end-date to facilitate the phasing out of the substance. | |
| **RAC Rapporteurs comments:**  Please see our response to ref. # 1087 above. | |
| **SEAC Rapporteurs comments:**  Agree | |
| **1139** | | **Date:** 2014/09/18 15:03  **Type:** BehalfOfAnOrganisation  **Org. type:** Trade union  **Org. name:** Unitetheunion  **Org. country:** United Kingdom  **Related to:** Information on hazard and risk (B), Available information on alternatives (C), Justification for action on a Community-wide basis (D)  **Company name confidential:** **No** | | **Comment:**  Unitetheunion and its members exposed;is opposed to the extension of the use of asbestos diaphragms until 2025 and calls on the Commission and the Member States to immediately end the asbestos derogation. There should be no asbestos being imported into Europe and this derogation is unfair to all other EU companies who already switched to asbestos-free technologies. Suitable asbestos-free electrolysis methods are indeed available now, including for both AAK and Dow. The derogation is also in contradiction with the EU’s demands for a worldwide ban on asbestos. Given the legislative time before entry into force of the total ban of asbestos in the EU, these two companies will have a 3-4 years extra time to switch to their preferred substitute. | |
| **Dossier submitter response:**  Thank you for the comments. Dow considers that the available alternatives are not economically viable for them and this is due, as stated in the dossier, to the proprietary diaphragm technology they have designed. This means the requirement for have an economically feasible alternative is not met and additional time to substitute is required. This will be done by prolonging the existing derogation but giving an end-date to facilitate the phasing out of the substance. | |
| **RAC Rapporteurs comments:**  Please see our response to ref. # 1087 above. | |
| **SEAC Rapporteurs comments:**  Agree | |
| **1140** | | **Date:** 2014/09/18 15:19  **Type:** BehalfOfAnOrganisation  **Org. type:** Other contributor  **Org. name:** Hartlepool Trades Union Council  **Org. country:** United Kingdom  **Related to:** Stakeholder consultation (G)  **Company name confidential:** **No** | | **Comment:**  Hartlepool Trades Union Council is opposed to the extension of the use of asbestos diaphragms until 2025 and calls on the Commission and the Member States to immediately end the asbestos derogation. There should be no asbestos being imported into Europe and this derogation is unfair to all other EU companies who already switched to asbestos-free technologies. Suitable asbestos-free electrolysis methods are indeed available now, including for both AAK and Dow. The derogation is also in contradiction with the EU’s demands for a worldwide ban on asbestos. Given the legislative time before entry into force of the total ban of asbestos in the EU, these two companies will have a 3-4 years extra time to switch to their preferred substitute. | |
| **Dossier submitter response:**  Thank you for the comments. Dow considers that the available alternatives are not economically viable for them and this is due, as stated in the dossier, to the proprietary diaphragm technology they have designed. This means the requirement for have an economically feasible alternative is not met and additional time to substitute is required. This will be done by prolonging the existing derogation but giving an end-date to facilitate the phasing out of the substance. | |
| **RAC Rapporteurs comments:**  Please see our response to ref. # 1087 above. | |
| **SEAC Rapporteurs comments:**  Agree | |
| **1141** | | **Date:** 2014/09/18 15:25  **Type:** BehalfOfAnOrganisation  **Org. type:** Other contributor  **Org. name:** Northern TUC Hea;th & Safety Forum  **Org. country:** United Kingdom  **Related to:** Stakeholder consultation (G)  **Company name confidential:** **No** | | **Comment:**  Northern TUC Health & Safety Forum is opposed to the extension of the use of asbestos diaphragms until 2025 and calls on the Commission and the Member States to immediately end the asbestos derogation. There should be no asbestos being imported into Europe and this derogation is unfair to all other EU companies who already switched to asbestos-free technologies. Suitable asbestos-free electrolysis methods are indeed available now, including for both AAK and Dow. The derogation is also in contradiction with the EU’s demands for a worldwide ban on asbestos. Given the legislative time before entry into force of the total ban of asbestos in the EU, these two companies will have a 3-4 years extra time to switch to their preferred substitute. | |
| **Dossier submitter response:**  Thank you for the comments. Dow considers that the available alternatives are not economically viable for them and this is due, as stated in the dossier, to the proprietary diaphragm technology they have designed. This means the requirement for have an economically feasible alternative is not met and additional time to substitute is required. This will be done by prolonging the existing derogation but giving an end-date to facilitate the phasing out of the substance. | |
| **RAC Rapporteurs comments:**  Please see our response to ref. # 1087 above. | |
| **SEAC Rapporteurs comments:**  Agree | |
| **1142** | | **Date:** 2014/09/18 16:17  **Type:** BehalfOfAnOrganisation  **Org. type:** Trade union  **Org. name:** Unite NE/GEO/29 Branch  **Org. country:** United Kingdom  **Company name confidential:** **No** | | **Comment:**  Unite NE/GEO/29 Branchis opposed to the extension of the use of asbestos diaphragms until 2025 and calls on the Commission and the Member States to immediately end the asbestos derogation. There should be no asbestos being imported into Europe and this derogation is unfair to all other EU companies who already switched to asbestos-free technologies. Suitable asbestos-free electrolysis methods are indeed available now, including for both AAK and Dow. The derogation is also in contradiction with the EU’s demands for a worldwide ban on asbestos. Given the legislative time before entry into force of the total ban of asbestos in the EU, these two companies will have a 3-4 years extra time to switch to their preferred substitute. | |
| **Dossier submitter response:**  Thank you for the comments. Dow considers that the available alternatives are not economically viable for them and this is due, as stated in the dossier, to the proprietary diaphragm technology they have designed. This means the requirement for have an economically feasible alternative is not met and additional time to substitute is required. This will be done by prolonging the existing derogation but giving an end-date to facilitate the phasing out of the substance. | |
| **RAC Rapporteurs comments:**  Please see our response to ref. # 1087 above. | |
| **SEAC Rapporteurs comments:**  Agree | |
| **1144** | | **Date:** 2014/09/18 16:35  **Type:** BehalfOfAnOrganisation  **Org. type:** Trade union  **Org. name:** Czech-Moravian Confederation of Trade Unions  **Org. country:** Czech Republic  **Company name confidential:** **No** | | **Comment:**  Czech-Moravian Confederation of Trade Unions is also opposed to the extension of the use of asbestos diaphragms until 2025 and calls on the Commission and the Member States to immediately end the asbestos derogation. The main reason is that this derogation is unfair to all other EU companies who already switched to asbestos-free technologies. Suitable asbestos-free electrolysis methods are indeed available now, including for both AAK and Dow. The derogation is also in contradiction with the EU’s demands for a worldwide ban on asbestos. Given the legislative time before entry into force of the total ban of asbestos in the EU, these two companies will have a 3-4 years extra time to switch to their preferred substitute. | |
| **Dossier submitter response:**  Thank you for the comments. Dow considers that the available alternatives are not economically viable for them and this is due, as stated in the dossier, to the proprietary diaphragm technology they have designed. This means the requirement for have an economically feasible alternative is not met and additional time to substitute is required. This will be done by prolonging the existing derogation but giving an end-date to facilitate the phasing out of the substance. | |
| **RAC Rapporteurs comments:**  Please see our response to ref. # 1087 above. | |
| **SEAC Rapporteurs comments:**  Agree | |
| **1145** | | **Date:** 2014/09/18 17:53  **Type:** BehalfOfAnOrganisation  **Org. type:** Trade union  **Org. name:** Nautilus International  **Org. country:** United Kingdom  **Company name confidential:** **No** | | **Comment:**  Nautilus International is opposed to the extension of the use of asbestos diaphragms until 2025 and calls on the Commission and the Member States to immediately end the asbestos derogation. There should be no asbestos being imported into Europe and this derogation is unfair to all other EU companies who already switched to asbestos-free technologies. Suitable asbestos-free electrolysis methods are indeed available now, including for both AAK and Dow. The derogation is also in contradiction with the EU’s demands for a worldwide ban on asbestos. Given the legislative time before entry into force of the total ban of asbestos in the EU, these two companies will have a 3-4 years extra time to switch to their preferred substitute. | |
| **Dossier submitter response:**  Thank you for the comments. Dow considers that the available alternatives are not economically viable for them and this is due, as stated in the dossier, to the proprietary diaphragm technology they have designed. This means the requirement for have an economically feasible alternative is not met and additional time to substitute is required. This will be done by prolonging the existing derogation but giving an end-date to facilitate the phasing out of the substance. | |
| **RAC Rapporteurs comments:**  Please see our response to ref. # 1087 above. | |
| **SEAC Rapporteurs comments:**  Agree | |
| **1146** | | **Date:** 2014/09/18 18:04  **Type:** Individual  **Company name confidential:** **No** | | **Comment:**  I am opposed to the extension of the use of asbestos diaphragms until 2025 and calls on the Commission and the Member States to immediately end the asbestos derogation. There should be no asbestos being imported into Europe and this derogation is unfair to all other EU companies who already switched to asbestos-free technologies. Suitable asbestos-free electrolysis methods are indeed available now, including for both AAK and Dow. The derogation is also in contradiction with the EU’s demands for a worldwide ban on asbestos. Given the legislative time before entry into force of the total ban of asbestos in the EU, these two companies will have a 3-4 years extra time to switch to their preferred substitute. | |
| **Dossier submitter response:**  Thank you for the comments. Dow considers that the available alternatives are not economically viable for them and this is due, as stated in the dossier, to the proprietary diaphragm technology they have designed. This means the requirement for have an economically feasible alternative is not met and additional time to substitute is required. This will be done by prolonging the existing derogation but giving an end-date to facilitate the phasing out of the substance. | |
| **RAC Rapporteurs comments:**  Please see our response to ref. # 1087 above. | |
| **SEAC Rapporteurs comments:**  Agree | |
| **1147** | | **Date:** 2014/09/18 20:08  **Type:** Individual  **Company name confidential:** **No** | | **Comment:**  I am opposed to the extension of the use of asbestos diaphragms until 2025 and calls on the Commission and the Member States to immediately end the asbestos derogation. There should be no asbestos being imported into Europe and this derogation is unfair to all other EU companies who already switched to asbestos-free technologies. Suitable asbestos-free electrolysis methods are indeed available now, including for both AAK and Dow. The derogation is also in contradiction with the EU’s demands for a worldwide ban on asbestos. Given the legislative time before entry into force of the total ban of asbestos in the EU, these two companies will have a 3-4 years extra time to switch to their preferred substitute. | |
| **Dossier submitter response:**  Thank you for the comments. Dow considers that the available alternatives are not economically viable for them and this is due, as stated in the dossier, to the proprietary diaphragm technology they have designed. This means the requirement for have an economically feasible alternative is not met and additional time to substitute is required. This will be done by prolonging the existing derogation but giving an end-date to facilitate the phasing out of the substance. | |
| **RAC Rapporteurs comments:**  Please see our response to ref. # 1087 above. | |
| **SEAC Rapporteurs comments:**  Agree | |
| **1149** | | **Date:** 2014/09/18 22:38  **Type:** BehalfOfAnOrganisation  **Org. type:** Trade union  **Org. name:** Unite the Union  **Org. country:** United Kingdom  **Company name confidential:** **No** | | **Comment:**  Unite the Union is opposed to the extension of the use of asbestos diaphragms until 2025 and calls on the Commission and the Member States to immediately end the asbestos derogation. There should be no asbestos being imported into Europe and this derogation is unfair to all other EU companies who already switched to asbestos-free technologies. Suitable asbestos-free electrolysis methods are indeed available now, including for both AAK and Dow. The derogation is also in contradiction with the EU’s demands for a worldwide ban on asbestos. Given the legislative time before entry into force of the total ban of asbestos in the EU, these two companies will have a 3-4 years extra time to switch to their preferred substitute. | |
| **Dossier submitter response:**  Thank you for the comments. Dow considers that the available alternatives are not economically viable for them and this is due, as stated in the dossier, to the proprietary diaphragm technology they have designed. This means the requirement for have an economically feasible alternative is not met and additional time to substitute is required. This will be done by prolonging the existing derogation but giving an end-date to facilitate the phasing out of the substance. | |
| **RAC Rapporteurs comments:**  Please see our response to ref. # 1087 above. | |
| **SEAC Rapporteurs comments:**  Agree | |
| **1151** | | **Date:** 2014/09/19 10:57  **Type:** BehalfOfAnOrganisation  **Org. type:** Trade union  **Org. name:** NASUWT  **Org. country:** United Kingdom  **Company name confidential:** **No** | | **Comment:**  The NASUWT is opposed to the extension of the use of asbestos diaphragms until 2025 and calls on the Commission and the Member States to immediately end the asbestos derogation. There should be no asbestos being imported into Europe and this derogation is unfair to all other EU companies who already switched to asbestos-free technologies. Suitable asbestos-free electrolysis methods are indeed available now, including for both AAK and Dow. The derogation is also in contradiction with the EU’s demands for a worldwide ban on asbestos. Given the legislative time before entry into force of the total ban of asbestos in the EU, these two companies will have a 3-4 years extra time to switch to their preferred substitute | |
| **Dossier submitter response:**  Thank you for the comments. Dow considers that the available alternatives are not economically viable for them and this is due, as stated in the dossier, to the proprietary diaphragm technology they have designed. This means the requirement for have an economically feasible alternative is not met and additional time to substitute is required. This will be done by prolonging the existing derogation but giving an end-date to facilitate the phasing out of the substance. | |
| **RAC Rapporteurs comments:**  Please see our response to ref. # 1087 above. | |
| **SEAC Rapporteurs comments:**  Agree | |
| **1153** | | **Date:** 2014/09/19 12:31  **Type:** BehalfOfAnOrganisation  **Org. type:** Company  **Org. name:** Leigh Day  **Org. country:** United Kingdom  **Company name confidential:** **No** | | **Comment:**  Leigh Day is opposed to the extension of the use of asbestos diaphragms until 2025 and calls on the Commission and the Member States to immediately end the asbestos derogation. There should be no asbestos being imported into Europe and this derogation is unfair to all other EU companies who already switched to asbestos-free technologies. Suitable asbestos-free electrolysis methods are indeed available now, including for both AAK and Dow. The derogation is also in contradiction with the EU’s demands for a worldwide ban on asbestos. Given the legislative time before entry into force of the total ban of asbestos in the EU, these two companies will have a 3-4 years extra time to switch to their preferred substitute. | |
| **Dossier submitter response:**  Thank you for the comments. Dow considers that the available alternatives are not economically viable for them and this is due, as stated in the dossier, to the proprietary diaphragm technology they have designed. This means the requirement for have an economically feasible alternative is not met and additional time to substitute is required. This will be done by prolonging the existing derogation but giving an end-date to facilitate the phasing out of the substance. | |
| **RAC Rapporteurs comments:**  Please see our response to ref. # 1087 above. | |
| **SEAC Rapporteurs comments:**  Agree | |
| **1156** | | **Date:** 2014/09/19 13:57  **Type:** BehalfOfAnOrganisation  **Org. type:** Trade union  **Org. name:** PCS  **Org. country:** United Kingdom  **Company name confidential:** **No** | | **Comment:**  PCS is opposed to the extension of the use of asbestos diaphragms until 2025 and calls on the Commission and the Member States to immediately end the asbestos derogation. There should be no asbestos being imported into Europe and this derogation is unfair to all other EU companies who already switched to asbestos-free technologies. Suitable asbestos-free electrolysis methods are indeed available now, including for both AAK and Dow. The derogation is also in contradiction with the EU’s demands for a worldwide ban on asbestos. Given the legislative time before entry into force of the total ban of asbestos in the EU, these two companies will have a 3-4 years extra time to switch to their preferred substitute. | |
| **Dossier submitter response:**  Thank you for the comments. Dow considers that the available alternatives are not economically viable for them and this is due, as stated in the dossier, to the proprietary diaphragm technology they have designed. This means the requirement for have an economically feasible alternative is not met and additional time to substitute is required. This will be done by prolonging the existing derogation but giving an end-date to facilitate the phasing out of the substance. | |
| **RAC Rapporteurs comments:**  Please see our response to ref. # 1087 above. | |
| **SEAC Rapporteurs comments:**  Agree | |
| **1157** | | **Date:** 2014/09/19 14:48  **Type:** BehalfOfAnOrganisation  **Org. type:** Trade union  **Org. name:** GMB  **Org. country:** United Kingdom  **Related to:** Justification for action on a Community-wide basis (D)  **Company name confidential:** **No** | | **Comment:**  GMB are opposed to the extensive use of asbestos diaphragms until 2025 and calls on the Commission and the member states to immediately end the asbestos derogation.There should be no asbestos being imported into Europe and this derogation is unfair to all other EU companies who have already switched to asbestos free technologies, Suitable asbestos free electrolysis methods are now including for both AAK and Dow. This derogation is also in contradiction to the EU demands for a worldwide ban on asbestos. Given the legislative time before entery into force of the total ban on asbestos within the EU those two companies will have 3-4 years extra time to switch to their preferred substitute. | |
| **Dossier submitter response:**  Thank you for the comments. Dow considers that the available alternatives are not economically viable for them and this is due, as stated in the dossier, to the proprietary diaphragm technology they have designed. This means the requirement for have an economically feasible alternative is not met and additional time to substitute is required. This will be done by prolonging the existing derogation but giving an end-date to facilitate the phasing out of the substance. | |
| **RAC Rapporteurs comments:**  Please see our response to ref. # 1087 above. | |
| **SEAC Rapporteurs comments:**  Agree | |
| **1158** | | **Date:** 2014/09/19 15:16  **Type:** BehalfOfAnOrganisation  **Org. type:** Trade union  **Org. name:** […]  **Org. country:** Hungary  **Company name confidential:** **Yes** | | **Comment:**  The manufacture, marketing and use of asbestos have been banned in Europe since 1st January 2005. But EU law allowed one exception for imported diaphragms incorporating chrysotile asbestos fibres for existing electrolysis cells. This highly specific let-out was included so that a German chlorine production plant (Dow) and a Swedish hydrogen production plant (AAK) could continue operating "until they reach the end of their service life, or until suitable asbestos-free substitutes become available, whichever is the sooner".  Ten years on, under pressure from the multinational Dow Chemical, the European Commission and the body in charge of REACH implementation, the European Chemicals Agency (ECHA), are thinking of extending the let-out up to 2025 or after. Furthermore, the proposed amendments available on the ECHA website indicate that this derogation introduced in Annex XVII of REACH would be extended to allow not only diaphragms containing asbestos fibres, but also the asbestos fibres needed to maintain them to be imported into Europe.  Both the Commission and ECHA are defending their proposal by claiming that the current legal text can be interpreted in an extensive way (import of free asbestos fibres would be legal) and that risks to workers in European firms are fully controlled.  The European Trade Union Confederation (ETUC) disagrees with the Commission‘s interpretation of the text and argues that according to a recent decision of the. European Court of Justice, the derogations laid down in REACH should be interpreted very narrowly.  ETUC is also opposed to the extension of the use of asbestos diaphragms until 2025 and calls on the Commission and the Member States to immediately end the asbestos derogation. The main reasons are that this derogation is in contradiction with the EU’s demands for a worldwide ban on asbestos and suitable asbestos-free electrolysis methods are available now, including for both AAK and Dow.    1. Scope of the derogation  We have analysed the Commission letter of April 2014 on the interpretation of the derogation in paragraph 1 of entry 6 (asbestos fibres) of REACH Annex XVII and we strongly disagree with the Commission services’ view that, on top of the diaphragms containing chrysotile fibres, the scope of the current derogation is also covering the import and use of the chrysotile fibres themselves. Hereunder, we provide our analysis of the original legal text and its amendments over time.  Situation in 1999 (original text):  According to Directive 1999/77/EC adapting to technical progress for the sixth time Annex I to Council Directive 76/769/EEC, the placing on the market and use of all types of asbestos fibres have been banned in Europe since 1 January 2005. However, Directive 1999/77/EC allowed a single derogation for imported diaphragms containing chrysotile asbestos fibres for existing electrolysis cells.  The wording was as follows:  “6.1. The placing on the market and use of these fibres (i.e. crocidolite, amosite, anthophyllite asbestos, actinolite asbestos and tremolite asbestos) and of products containing those fibres shall be prohibited.  6.2. The placing on the market and use of this fiber (i.e. chrysotile) and of products containing this fibre shall be prohibited. However, Member States may except diaphragms for existing electrolysis installations until they reach the end of their service life, or until suitable asbestos-free substitutes become available, whichever is the sooner. The Commission will review this derogation before 1 January 2008.”(emphasis added)  The wording of paragraph 6.2 is clear that the derogation is only for the diaphragms containing chrysotile fibres and not for the chrysotile fibres themselves. If the legislator had wanted to except also the placing on the market and use of chrysotile fibres, it would have been explicitly mentioned in the text.  Situation in 2006:  When REACH was adopted by the Parliament and the Council in 2006, the restriction on asbestos was taken over into entry 6 of Annex XVII to REACH. The possibility to grant exemption on diaphragms provided to Member States was rephrased to replace the word “products” by “articles”, to add the words “added intentionally” for the fibres contained in articles and to clarify that the derogation concerns the placing on the market and use of diaphragms.  The wording was as follow:  “1. The placing on the market and use of these fibres and of articles containing this fibres added intentionally shall be prohibited.  However, Member States may except the placing on the market and use of diaphragms containing chrysotile (point (f)) for existing electrolysis installations until they reach the end of their service life, or until suitable asbestos-free substitutes become available, whichever is the sooner. The Commission will review this derogation before 1 January 2008.” (emphasis added)  Again, the wording of paragraph 6.1 is clear that the derogation is not on the fibres but on the diaphragms containing the fibres. If the legislator had wanted to except also the placing on the market and use of chrysotile fibres in the REACH regulation, it would have been explicitly mentioned in the text.  Situation since 2009:  From 1 June 2009, REACH Regulation repealed and replaced Directive 76/769/EEC and Annex XVII of REACH replaced Annex I to Directive 76/769/EEC. The terminology for the different entries in Annex XVII had to be harmonised and made coherent with REACH definitions and some clarifications had to be made to allow operators and enforcement authorities to apply all Annex XVII restrictions correctly. Those technical amendments of Annex XVII have been introduced through Commission Regulation (EC) No 552/2009 which gives the latest version for the asbestos derogation in Annex XVII.  The wording is as follow:  “1. The manufacture, placing on the market and use of these fibres and of articles containing these fibres added intentionally is prohibited.  However, Member States may exempt the placing on the market and use of diaphragms containing chrysotile (point (f)) for existing electrolysis installations until they reach the end of their service life, or until suitable asbestos-free substitutes become available, whichever is the sooner.  By 1 June 2011 Member States making use of this exemption shall provide a report to the Commission on the availability of asbestos free substitutes for electrolysis installations and the efforts undertaken to develop such alternatives, on the protection of the health of workers in the installations, on the source and quantities of chrysotile, on the source and quantities of diaphragms containing chrysotile, and the envisaged date of the end of the exemption. The Commission shall make this information publicly available.  Following receipt of those reports, the Commission shall request the Agency to prepare a dossier in accordance with Article 69 with a view to prohibit the placing on the market and use of diaphragms containing chrysotile.”(emphasis added)  Again, the second sub-paragraph of paragraph 1 (wording identical to the text adopted in 2006 by the Parliament and the Council) is clear that the derogation is only for the diaphragms containing chrysotile fibres and not for the chrysotile fibres themselves.  The fact that the reporting obligation in the 3rd sub-paragraph of paragraph 1 covers “[on] the source and quantities of chrysotile, [on] the source and quantities of diaphragm containing chrysotile” cannot be interpreted in the sense that the import and use of asbestos fibres is allowed. If this would be the case, it would have been mentioned clearly and explicitly in the second sub-paragraph of paragraph 1 describing the scope of the derogation.  This is corroborated by the European Court of Justice judgment of 7 March 2013 (case C-358/11) which says: that “ …derogation from restrictions under REACH are exceptional and must be interpreted strictly”  The ECHA’s proposal (see Annex XV report) to extend the scope of the asbestos derogation in REACH Annex XVII to the chrysotile fibres themselves is therefore not in line both with the current text of the derogation and all the previous wordings of that exemption (i.e. Directive 1999/77/EC, REACH text adopted by the Parliament and Council in 2006)  Moreover, extending the scope of the derogation to allow the import of the chrysotile fibres is not necessary according to the following information in the ECHA’s Annex XV report (see pages 35 & 36):  a) For AAK:  “Projected use  AAK uses chrysotile in hydrogen production. Based on previous experience, it would need to refurbish its equipment and import cells with diaphragms containing chrysotile again in 2020/21. However, as a result of increasing maintenance and reliability issues, AAK has decided to replace its electrolysis-based hydrogen production with a chrysotile-free hydrogen production method. The two existing electrolysis units containing chrysotile will be used until the new production method is in place, by 2025 at the latest. There is no need for further imports of chrysotile” (emphasis added)  b) For Dow:  “Projected use  Dow uses chrysotile in the production of chlorine, which in turn is used as feed stock/raw material in an integrated production system at the site. The total stock of chrysotile contained within the Dow electrolysis installation is about 270 tonnes. Each year, Dow replaces about 10% of the diaphragms, containing about 21 tonnes of chrysotile, and uses about 50 tonnes of chrysotile fibres for maintenance of the diaphragms. Both chrysotile and the diaphragms containing chrysotile are imported. Dow has recently purchased a large stock of chrysotile fibres and has (at the time of writing of this report) about 540 tonnes stored at the Stade site. With current use, this stock would permit the maintenance of the existing diaphragms for over 10 years.” (emphasis added)  In conclusion, extending the scope of the asbestos derogation (entry 6 of REACH Annex XVII) to also allow the placing on the market of chrysotile fibres is far from being a minor modification to the existing restriction. If that amendment is adopted, it will make legal the import of asbestos fibres which is currently illegal in the REACH regulation. In addition, that extension is not necessary since AKK does not need to import chrysotile fibres and Dow Stade has already imported enough chrysotile fibres to permit over 10 years functioning of its diaphragms.  2. Risks to human health  In the ECHA’s annex XV report, the estimation of the risks associated with the exposure of workers to asbestos fibres in the context of the amendment of the existing restriction is not comprehensive. The exposure and the cancer risk levels are estimated for the workers operating the electrolysis installations in Sweden and in Germany. However, the estimation of the risks associated with the exposure of workers to asbestos in the production/mining phase of the chrysotile fibres, in the manufacture of the diaphragms containing the chrysotile fibres and their transport are missing. These are important elements to be taken into account. According to the Guidance for the preparation of an Annex XV dossier for restriction, the report is supposed to “Document the available information on manufacture, import, export and uses of the substance on its own, in preparation or in articles. Describe all stages of the life-cycle of the substance resulting from the manufacture and uses.”  3. Available information on alternatives  The industrial-scale production of chlorine and caustic soda is carried out by means of one the following different electrolysis processes: membrane electrolysis, amalgam electrolysis or diaphragm electrolysis. The latter two technologies are outdated and no longer used in new plants due to their high energy consumption and for environmental reasons.  The membrane process is the state-of-the-art technology for chlor-alkali production. The process is not just energy-efficient, it is environment-friendly and extremely safe. The great majority of firms in the chlor-alkali sector have already taken steps to modify their technology and to use electrolysis cells operating with membranes.  In the early 90’s, non-asbestos diaphragms have become available for relatively simple replacement in asbestos diaphragm cell plants. The diaphragms can still be used, replacing the asbestos with other substances like Polyramix®or Tephram®. PPG industries (a major producer of chlorine in the US) have been leader in the development of non-asbestos “Tephram” diaphragm. In 2010, PPG industries have replaced non-asbestos Tephram diaphragms in all their asbestos diaphragm-cell units .  Today, De Nora (former Eltech company) is marketing Polyramix PMX®, a non-asbestos technology for replacement of asbestos in diaphragms . This solution is claimed to provide many benefits in diaphragm cells (non-polluting and non-hazardous, long operating commercial lives (over 11 years), requires only minor modification to existing diaphragm)  However, the general industry trends, is towards replacing diaphragm with membrane electrolysis cells . De Nora is also one of the firms proposing that technology  According to the ECHA’s Annex XV report (section C), Dow considers all these alternative production methodologies technically feasible but unprofitable (not economically feasible) in Dow’s facility. Two main reasons are mentioned: the high investment costs and higher energy consuming processes if the alternatives were to be implemented.  These arguments can be challenged based on the following facts. Most (non-asbestos) membrane plants operate on the same voltage as those using the asbestos diaphragm technology. Plants where a substitution has been made have experienced no significant increase in energy consumption per tonne produced. The industry organization Belgochlor cites as one of the benefits of membrane technology that the process affords “low energy consumption, akin to that of diaphragm cells” .  The evidence of information collected is that all the plants - whether diaphragm or membrane cell - in practice operate on very similar voltages varying between 3.2 and 4 volts. The differences depend not on the technology used (diaphragm or membrane) but on other factors like the saturated brine concentration (usually about 300-315 g/l), temperature (normally 85°-98°) and, as mentioned in the Annex XV report, current density. Variations in current density are not determined by the use of a particular technology. Membrane cells at Solvay’s Rheinberg facility operate at the same current density as asbestos diaphragm installations at Dow’s Stade plant. One specific feature of membrane technology is to enable lower energy consumption. Using oxygen depolarized cathodes (ODC) in chlor-alkali electrolysis can reduce cell resistance by approximately 1 volt, reflected in substantial energy savings.  Also it is worth mentioning that Dow Chemical has switched to membrane technology for chlorine production in its US facilities ’ . It can therefore be concluded that alternative technology to replace chlorine production with asbestos diaphragms is technically feasible and economically viable for Dow.  4. Justification why the proposed restriction is the most appropriate Union-wide measure  Five options have been identified in the Annex XV report to change the current regulation of chrysotile. Options 1, 2 and 3 propose to continue the current derogation for 10 years. In addition they would make explicit that the import of fibres for maintaining diaphragms is allowed. This would be an extension of the scope of the current derogation which only allows the import of the diaphragms containing the chrysotile fibres.  Given the availability of technically suitable asbestos-free alternatives on the market which are economically viable for the two last companies using outdated asbestos diaphragm technologies in Europe (i.e. AAK is ready for phasing-out and Dow uses asbestos-free membrane technologies for chlorine production in its US plants) there is no valid reason to extend the derogation for 10 years. Also extending the scope of the derogation to permit the import of asbestos fibres (a highly political issue) is not necessary for AAK (AAK only use the diaphragms containing the fibres) nor for Dow (Dow has already imported enough chrysotile fibres for 10 years operation). Therefore option 1, 2 and 3 should be redrafted to take those elements into account before being compared with the two remaining options.  On the two remaining options, option 5 would maintain the current entry in Annex XVII but require companies to apply for an authorization for continued use under the assumption that chrysotile would be added to the Authorisation list. Although this options has several advantages (burden of proof on the companies applying for substitution, strong incentive to substitute, more cost-effective option than a tailor-made restriction for 2 companies only in the EU, etc…), the main disadvantage is that the importation of diaphragms containing chrysotile would not be regulated, as the authorisation requirement does not apply to imported articles. Option 5 has therefore been abandoned by ECHA.  Option 4 would end the current derogation immediately (after the necessary legislative changes have been made) and ban all existing uses of chrysotile in diaphragms.  ETUC believes this is the best option for the following reasons:  1) This would be finally in line with the European Union's commitment to a global asbestos ban. It is indeed incoherent to ask other countries to halt their exports of asbestos while continuing to import articles containing asbestos fibres or asbestos fibres themselves.  2) This would be in line with the demands of the European Parliament outlined in the resolution adopted in March 2013 with a large majority of MEPs (558 for, 51 against, 5 abstentions). In that resolution , the EC is asked to address the unacceptable dumping of asbestos on developing countries when trade agreements are being discussed, in particular at the WTO and to exert diplomatic and financial pressure on asbestos exporting countries to shut down asbestos mining industries [….]. More specifically, the European Parliament called on the Commission to review progress on the development of chrysotile-free diaphragms used in electrolysis installations, in accordance with REACH, Annex XVII, Part 6 and to ensure that substitution takes place [….] The European Parliaments condemns European financial investment in global asbestos industries [….]  3) This would be a strong incentive to force the 2 remaining companies to speed up the substitution towards asbestos-free production systems. Given legislative time before the entry into force of a total ban of the existing uses of chrysotile, AAK and Dow would still have a few years to adapt. It is worth recalling that 15 years ago, Directive 1999/77 already provided a provisional derogation to avoid unnecessary delaying the asbestos ban and gave firms that used asbestos diaphragms in electrolysis cells an extra three years over the firms that were using asbestos in different production processes. In 2004, even before Directive 1999/77 had entered into force, chlor-alkali production in asbestos diaphragm cells had fallen to no more than 17,4% of total EU production . Most European groups –like Rhodia, BASF, Bayer, Akzo Nobel, Akerma do not use asbestos diaphragms technology.  4) There is no doubt that different technically feasible alternatives are currently available on the market and that some of them are economically viable for both AAK and Dow (i.e. Dow uses membrane technologies for chlorine production in its US plants). In addition, both companies are developing their own preferred substitutes. AAK plans to be ready to replace its current aging chrysotile-based technology in 5 years at the earliest. Dow claims to need 10 years to substitute chrysotile completely. However, as Dow recognizes that a binding regulation is the major driver of their search for a chrysotile substitute (see page 39 Annex XV report), we believe that putting an end to the asbestos derogation in REACH Annex XVII can only speed up the implementation of the alternatives under development.  5) Additionally, maintaining the derogation hampers the application of the Integrated Pollution Prevention and Control Directive 96/61/EC of 24 September 1996, which requires the use of the “best available techniques”(BAT). Asbestos diaphragm (and mercury) processes are clearly excluded as BAT .  5. Conclusions  ETUC believes that the period of adjustment provided for by the original Directive 1999/77/EC and extended when the derogation was taken over into REACH must now end. ETUC calls on the Commission and the Member States who together will have the final decision on the amendments to the asbestos restriction in REACH Annex XVII to comply with the criterion laid down in the Directive that the derogation must end when “suitable asbestos-free substitutes become available”.  Fifteen years later, there is no doubt that suitable substitutes are available on the market. Some are technically feasible and economically viable for the two last companies who still use asbestos diaphragms processes (recognized as non-Best Available Technique) in Europe. Given the legislative time before entry into force of the total ban of asbestos in the EU, these two companies will have a few years extra time to switch to their preferred substitute. The end of the asbestos derogation will also be in line with the EU’s commitment on a global ban on asbestos and the resolution on asbestos adopted in 2013 by the European Parliament.    Annex: Excerpted from Testimony of Barry Castleman, ScD, Environmental Consultant, before the U.S. Senate Committee on Environment and Public Works, June 12, 2007    Asbestos Exposure in Chlorine Manufacturing  Asbestos has long been used in the diaphragm-cell process for making chlorine. This process and the old mercury-cell process are still operated, although a newer and more environmentally and technically superior membrane-cell process has been the only type built anywhere in the world for the past 20 years. Some diaphragm and mercury cell plants have been converted to membrane cells. Power requirements are substantial for chlorine manufacture, and the membrane cell process requires 15-20% less energy than diaphragm cells.  Asbestos exposures in the chlorine industry arise from transport and storage of sacks of asbestos, typically involving tears in the sacks that must be identified and sealed, with spillage cleaned with high-efficiency vacuum filters. Cutting open and emptying sacks of asbestos and transferring asbestos into slurry mixing tanks can cause additional exposures. The empty sacks are an additional exposure source, they must be carefully gathered up, placed in sealed containers, and landfilled at approved sites. Storage and handling of partially used sacks are also sources of exposure. If the slurry is spilled, this has to be meticulously cleaned up right away, because once it dries it becomes a source of airborne asbestos exposure. Handling and storage of prepared or purchased pre-deposited asbestos diaphragms can cause additional exposures. Hydro-blasting for removal/replacement of asbestos diaphragms is another possible source of area contamination, drying, and airborne exposure. The water used for hydro-blasting has to be contained and the asbestos filtered from it. The waste asbestos from this water and the spent diaphragms have to go to a landfill that accepts asbestos.  To some degree, workers can be protected against these asbestos exposures if they wear respirators that will remove some of the asbestos from the air they breathe, and if they wear personal protective clothing such as disposable coveralls. But these safeguards are partial. The respirators must be fit-tested and properly maintained; and even the protective clothing is a hazardous waste that requires special precautions for disposal. Chlorine Institute pamphlet 137, Guidelines: Asbestos Handling for the Chlor-Alkali Industry, recommends personal protective clothing and respirators only for workers exposed in excess of the permitted limits in the OSHA standard, which is all that is legally required. But OSHA has admitted that compliance with its limits will not fully prevent deaths from asbestos. Dr. Richard Lemen and NIOSH epidemiologists estimate that exposure at OSHA’s permissible exposure limit for asbestos will still cause 5 deaths from lung cancer and 2 deaths from asbestosis in every 1000 workers exposed for a working lifetime. (L. Stayner et al., Exposure-Response Analysis of Risk of Respiratory Disease Associated with Occupational Exposure to Chrysotile Asbestos. Occ. Env. Med. 54: 646-652, 1997).  While company manuals may state that the workers are supposed to observe various precautions to minimize asbestos exposure, there is virtually no OSHA inspection of these workplaces, and the usual combination of production demands, Gulf coast heat and humidity, and carelessness will assure that things are not always done “by the book” to minimize workers’ asbestos exposure.  In the past 15-20 years, non-asbestos diaphragms have become available for relatively simple replacement in asbestos diaphragm cell plants. These are sold by Eltech/DeNora and PPG Industries in the US. The non-asbestos diaphragms cost more and last longer than asbestos. Although two-thirds of the chlorine made in the US in 2006 was from diaphragm cells, I don’t know how many of these used non-asbestos diaphragms. The technology continues to advance, however, and has had wide acceptance in Europe, where the European Union’s temporary exemption allowing asbestos use in chlorine manufacturing comes up for reconsideration next year. I understand that there are only 3 chlorine plants in Europe still using asbestos diaphragms.  PPG Industries has been a leader in the development of non-asbestos “Tephram” diaphragms, and PPG is also a major producer of chlorine in the US. I understand that PPG regularly replaces non-asbestos Tephram diaphragms in its asbestos diaphragm-cell units when they are taken down for periodic maintenance. I do not know of any technical reasons why other diaphragm-cell chlorine manufacturers could not do the same thing.    Therefore, if chlorine manufacturers want extra time to convert to non-asbestos technology, perhaps that could be allowed but with the requirement that when the equipment is shut down for maintenance overhauls, the new diaphragms used be non-asbestos. A similar several-year time frame might be allowed for diaphragm-cell units that manufacturers want to convert to membrane cells. | |
| **Dossier submitter response:**  Thank you for the comments. ECHA has clearly explained why it has assessed that the derogation is justified but that a defined end date is necessary to provide more clarity and closure, given the overall objective to phase out the use of chrysotile. On the specific comments raised: On the first point the Commission has given ECHA (and the Committees) an interpretation of the current entry that included that import of fibres for the purposes of maintaining diaphragms was allowed and thus the proposal of ECHA was purely to codify that interpretation. This point will be further considered by the Commission when deciding on their proposal to amend Annex XVII. On the second point it is not the intention that the risk assessment under REACH to cover the life-cycle stages that occur outside the Union; this has been clarified a number of time during the Committee meetings. On the third point, as mentioned in the ETUC comments, Dow considers the available alternatives as not economically viable and this is due, as stated in the dossier, to the proprietary diaphragm technology they have designed. On the final point that identifies option 4 as the preferred risk management option of the ETUC, cannot be justified given the minimisation of risks and the time needed to phase in the potential alternative. The implementation of option 4 would mean closure of the plant (according to Dow) and this cannot be justified on economic grounds. | |
| **RAC Rapporteurs comments:**  We note that the comments received are reproducing the comments from ETUC and refer to our responses to ref. # 863, 1014, and 1015. | |
| **SEAC Rapporteurs comments:**  Agree. We refer to #863. | |
| **1159** | | **Date:** 2014/09/19 16:52  **Type:** BehalfOfAnOrganisation  **Org. type:** Trade union  **Org. name:** Durham Division National Union of Teachers  **Org. country:** United Kingdom  **Company name confidential:** **No** | | **Comment:**  The Health and Safety Adviser for the Durham Division of the National Union of Teachers is opposed to the extension of the use of asbestos diaphragms until 2025 and calls on the Commission and the Member States to immediately end the asbestos derogation. There should be no asbestos being imported into Europe and this derogation is unfair to all other EU companies who already switched to asbestos-free technologies. Suitable asbestos-free electrolysis methods are indeed available now, including for both AAK and Dow. The derogation is also in contradiction with the EU’s demands for a worldwide ban on asbestos. Given the legislative time before entry into force of the total ban of asbestos in the EU, these two companies will have a 3-4 years extra time to switch to their preferred substitute. | |
| **Dossier submitter response:**  Thank you for the comments. Dow considers that the available alternatives are not economically viable for them and this is due, as stated in the dossier, to the proprietary diaphragm technology they have designed. This means the requirement for have an economically feasible alternative is not met and additional time to substitute is required. This will be done by prolonging the existing derogation but giving an end-date to facilitate the phasing out of the substance. | |
| **RAC Rapporteurs comments:**  Please see our response to ref. # 1087 above. | |
| **SEAC Rapporteurs comments:**  Agree | |