

## "STRATEGIC PARTNERSHIPS" WITH UBA

The purpose of "Strategic Partnerships" is for the Member States Competent Authorities (MSCA's) to be able to complete unfinished work from current legislation while transitioning for REACH to enter into force (JM-42-2003).

We have to take a decision on "Strategic Partnerships" for a Risk Assessment with UBA (German EPA administration/technical arm) in light of an informal question posed by UBA (German EPA administration/technical arm) and the indication that UBA/BMU (Environmental Ministry – EPA policy arm), would start the process of a EU Risk Assessment, whatever the outcome of the OECD Hazard Analysis process might be.

We are considering such "Strategic Partnerships" in light of the positive collaboration with UBA with respect to the OECD Environment Hazard Analysis / Assessment, and with a view to the advantages of starting the Risk Assessment under the current – better understood – regime rather than under the new one – REACH – in which we may only have a role as a downstream user becoming involved as late as at the Authorisation rather than at the Registration step (which means that all data points, the risk assessment and risk management measures have already been decided upon and are under "control" by the manufacturer in Europe, Miteni).

The decision needs to be made and communicated to UBA before end of the year. UBA/BMU will need to make submit its application for a Strategic Partnership project to the Commission before end of January 2006 (cut-off date).

The advantages are:

Generally:

- Active participation in the development of a REACH dossier (and understanding fully all the requirement of Annex XIV of REACH from the authorities point of view)
- Understand the direction of REACH dossiers (also influence them)
- Build positive relationship / reputation as responsible industry partner with Member State Competent Authorities (MSCA)
- Cooperative attitude of UBA

In particular:

- Dossier would be reviewed based on the well know, current restrictions process (if completed within 18 months from entry into force of REACH), i.e. marketing & use restrictions are a known concept with list of restricted / banned uses rather than based on the Authorisation process involving a list of authorized uses with possible need of review every 5 years: only if completion is not accomplished within 18 months timeframe, review will be finalized under the REACH Authorization process (in addition we have a blue print based on the PFOS Marketing & Use Restriction)
- High likelihood that other EU MS refrain from acting on substance (e.g. Potential to delay the Norwegian proposal for starting the process of Classification under EU legislation until Risk Assessment is complete)
- Review process goes through ECB (known and well functioning entity) versus Chemical Agency (yet to be set up in Finland and unknown in terms of staffing, policy, functionality)
- "Escape" possible if process is not completed in 18 months.

Potential disadvantages are:

- Timing (cut-off date for BMU/UBA end Jan 2006: decision by DuPont before x-mas)
- Results from Strategic Partnership not necessarily legally binding, although it would be surprising that the Commission would not act on it (Commission decides on follow-up activities once the dossier is submitted with the consequence that the final decision on restrictions may be based on the so-called "Commitology" (REACH Art 130) procedure)

- Limited time frame to get dossier completed (but possibly also an advantage -see above)
- Manpower required not insignificant
- If we decide not to participate in Strategic partnership, this will show negative on DuPont

Ambiguities are:

- Exact scope of work/role that UBA would want us to play, therefore manpower. It will involve a number of people including Watze, Bobbie, Bob, Dave and some specialized expertise from Haskell or others with respect to risk assessment.
- Our influence can be quite positive where the science proves our point. However, the policy side of the discussion may be a little more difficult to assess at this point in time, as the government is still relatively new and the German environmental minister has no particular reputation in this field. However, with the CDU/SPD coalition the approach may be more balanced even if most of the administrative / technical staff in BMU and UBA has been indicated to not change.
- VERSP could influence the process, it shows a potential way forward in the sense of risk management measures. This means that the risk assessment step is preceded, but VERSP proposal will need to be analyzed in light of EU legislation on products and site emissions.

Strategies are:

- Start approaching key allies within industry to participate and/or prepare the ground for PlasticsEurope FAS workgroup to accept proposal from UBA. Starting with Chairperson of FAS Workgroup (Solvay), and European producer (Miteni).
- If we decide to respond positively, ask UBA to invite the PlasticsEurope FAS workgroup to join the partnership. Advantage: the industry as a whole will then have ownership of the issue and will need to share the workload. Disadvantage: we will have less control on the input, and the process will be slower to complete (with the risk to exceed the 18 months time line).
- If we decide to respond positively and FAS workgroup reacts too slowly or negatively, push Miteni to join partnership and see if other industry players are interested in joining. (Miteni has all reasons to want to join as the Strategic Partnership will simplify their work under REACH, with a good chance to avoid the Authorisation process – which is also true for us and other players that join the Strategic Partnership). Advantages: smaller group therefore easier to manage and faster in decision making. Disadvantages: Need to think if we need an independent player / "watchdog" to coordinate work or whether UBA is sufficient (competition issue) Not all industry participating.

The Fluoroproducts Manufacturing Group (FMG) is an inappropriate choice as the industry association in the Strategic Partnership with BMU/UBA as it does not include Miteni, the European manufacturer. Instead as already mentioned the PlasticsEurope FAS workgroup would be the appropriate trade association workgroup.

