

EUROPEAN COMMISSION
ENTERPRISE AND INDUSTRY DIRECTORATE-GENERAL
ENVIRONMENT DIRECTORATE-GENERAL

The Directors-General

Brussels, **18 JAN. 2013**
ENTR/F1/EGJ/ap Ares (2012)

European Chemicals Agency
Attn. Mr. Geert Dancet
Executive Director
Annankatu 18, P.O. Box 400
F-00121 Helsinki, Finland

Subject: Request to ECHA to prepare an Annex XV dossier with a view to prohibit the placing on the market and use of diaphragms containing chrysotile under entry 6 of Annex XVII to Regulation (EC) No 1907/2006 (REACH)

Dear Mr. Dancet,

The derogation described in paragraph 1 of entry 6 of Annex XVII to REACH allows Member States to exempt the placing on the market and use of diaphragms containing chrysotile (a fibrous mineral known as "white asbestos", listed in entry 6 as one of the six restricted types of asbestos fibres) 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.

During 2011 the Commission received reports from Member States making use of this exemption, informing about the availability of asbestos-free substitutes for electrolysis installations and the efforts undertaken to develop such alternatives. The reports also covered 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 use of the exemption.

The information included in these reports indicates that three electrolysis installations in Europe rely on this exemption and keep on using chrysotile-containing diaphragms. More specifically two chlor-alkali installations, one in Germany and one in Poland, use imported chrysotile fibres to manufacture and maintain their diaphragms, whereas a hydrogen production facility in Sweden was granted an exemption to import cell blocks including chrysotile containing diaphragms.

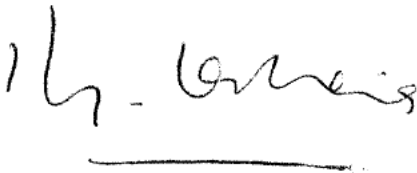
In compliance with the provision in paragraph 1, fourth subparagraph of the second column of entry 6 of Annex XVII to REACH, on the basis of Article 69, the Commission requests ECHA to prepare a dossier conforming with the requirements of Annex XV with a view to prohibit the placing on the market and use of diaphragms containing chrysotile. In preparing such a dossier ECHA shall examine, in particular, the following aspects:

- The risks to human health and to the environment associated to the specific use of chrysotile in diaphragms in the specified plants. This will include the possible risk from imported chrysotile fibres used to maintain or produce diaphragms on site.
- The availability of alternatives to chrysotile for the diaphragms used in the 3 installations, taking into account the specificities of each plant.
- The socio-economic impact in view of a prohibition of placing on the market and use of chrysotile to manufacture or maintain diaphragms as well as the prohibition of diaphragms containing chrysotile.

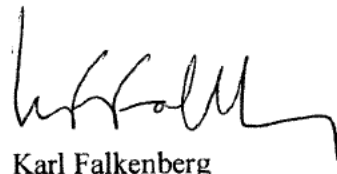
The Commission will provide ECHA with all documents obtained from Member States.

According to Article 69(3) of REACH, within 12 months of the receipt of this request from the Commission and if the dossier demonstrates that action on an EU-wide basis is necessary, beyond any measures already in place, the Agency shall suggest restrictions on chrysotile for diaphragms, with a view to initiating the restrictions process.

Yours sincerely,



Daniel Calleja
DG Enterprise and Industry



Karl Falkenberg
DG Environment

