



VGB PowerTech e.V. P. O. Box 10 39 32 · D-45039 Essen

To the producers of FGD Gypsum in Europe

Your reference:
Your letter of:
Our reference: vB/IM/b6603
In charge: Dr.-Ing. Wolfgang vom Berg
Phone: +49 (02 01) 81 28-275
Fax: +49 (02 01) 81 28-364
E-mail: wolfgang.vomberg@vgb.org
Internet: <http://www.vgb.org>
Date: September 12, 2006

Registration of FGD Gypsum according to the future European Directive concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH Directive)

Dear Madam, dear Sir

As a producer of FGD gypsum you will be obliged according to the European Directive concerning Registration, Evaluation, Authorisation and Restriction of Chemicals – which is currently being prepared – to apply for a registration of FGD gypsum at the European Chemicals Agency. Manufacturers, who do not follow this obligation are not allowed to put their products on the market any longer after the deadline had passed. We would like to invite you to participate in a consortium for the registration of FGD gypsum. We would like to describe the issue in detail:

After a political agreement between the Parliament and the Council of the European Union it is expected that the European REACH Directive will come into force in the first half of the year 2007. Power plant by-products such as FGD gypsum, fly ash and boiler slag, which are placed on the market are covered by the REACH Directive. The manufacturers have to register their produced substances within the period of three years after the directive came into force. With the registration at the European Chemicals Agency extensive data concerning the chemical-physical properties as well as the human and ecological toxicity of these substances are required. According to the directive every manufacturer and importer is obliged to apply for registration. However, the regulation allows that a group of or that all manufacturers of a certain substance can establish a consortium and submit the demanded information together in order to minimize the costs (for example for necessary research).

C:\Dokumente und Einstellungen\Veenhues\N\Desktop\b6603_englisch.doc

VGB PowerTech e.V.
Klinkestraße 27 - 31
D-45136 Essen
Germany

Phone
+49 (02 01) 81 28-0

Chairman:
Dr. Gerd Jäger
Executive Managing Director:
Dr. Karl A. Theis

Postbank Essen
Sparkasse Essen
Sparkasse Essen IBAN
Dresdner Bank
Tax Id.
Tax Reference

No. 53 320-438 BLZ 360 100 43
No. 216 101 BLZ 360 501 05
DE38 3605 0105 0000 2161 01
No. 4 061 044 BLZ 360 800 80
No. DE119822789
No. 112/5739/1174

The Joint Working Panel "Waste Management" of VGB and VDEW as well as the Federal Association of the German Gypsum Industry (BV Gips), the German Federal Association of Power Plant By-products (BVK), the European Gypsum Federation (EUROGYPSUM) and the European Coal Combustion Products Association (ECOBA) took the initiative to organize a consortium for the registration of natural and FGD gypsum in order to minimize the costs for each individual manufacturer. For that very purpose, the above mentioned associations established a Project Group "REACH Registration for FGD Gypsum" in order to prepare the registration documents. First of all, the necessary information about natural and FGD gypsum has to be collected for the so called pre-registration (to be performed within 18 months after the REACH Directive comes into force) as well as for the ensuing registration (to be finalized within three years after the REACH Directive comes into force). In case the European Chemicals Agency demands additional information so that additional research becomes necessary (for example ecologic or human toxicity testing) costs shall be paid by the members of the consortium. Thus, these costs can be shared by the consortium members.

Details of the registration procedures are not determined as the REACH Directive has not been passed and as the European Chemicals Agency has not been established, yet. It is not known yet if there are any costs regarding the registration. The preparatory works of the associations will not be charged for the participants of the consortium. It is intended to sign a contract.

We would like to ask you to inform us – without obligation – whether or not you are interested in a participation in the Consortium "REACH Registration for Natural Gypsum and FGD Gypsum" by October 15, 2006. Please use the attached answering form. If you are interested to join the consortium we will keep you informed about the further development and will present a consortium agreement in due course.

If applicable, we will submit you similar suggestions regarding other power plant by-products as boiler slag, bottom ash and hard coal fly ash in the near future.

Please provide this letter to other FGD Gypsum producers in your country who might be interested.

Yours sincerely,

On behalf of the Project Group "REACH Registration for Gypsum"

VGB PowerTech e.V.

Environmental and General Issues

Signed Wolfgang vom Berg

Enclosure