



The Government of Cantabria will breach the law if it authorizes an extension to Solvay

The Belgian company would have avoided the damage that now argues to request an extension if he acted within the legal term as the rest of the European sector has done

On 28 April, the Government of Cantabria approved a proposal for a resolution revising and amending the Integrated Environmental Authorization ("AAI" Autorización Ambiental Integrada in Spanish) given to the Solvay chlorine production plant in Torrelavega, to which grants an extension of 24 months, counting from the date in which the resolution is notified, to close said plant.

In the event that the Government of Cantabria finally makes this proposal definitive would be in contravention with the European and Spanish regulation, which establishes a legal deadline, which expires on December 11, 2017, to stop the production of chlorine with mercury technology. This deadline is non-extendable and identical for all European manufacturers.

Electroquímica de Hernani, S.A.; Electroquímica Onubense, S.L.; Ercros, S.A, and Química del Cinca, SL, chlor-alkali manufacturers in Spain, which operate with membrane technology, accepted as the best available technology ("BAT"), or are in the process of implementing such technology, state that if this decision is taken the Cantabrian authorities would contravene the law and warn that, in such a case, they will exercise all the relevant actions in order to combat such manifest illegality.

The European Commission's Directorate-General for the Environment, in response to a request from the Generalitat de Catalunya, is categorical in stating that "In the case where BAT conclusions contain statements which indicate when certain techniques cannot be considered BAT under any circumstances, such as the use of mercury cells, competent authorities must ensure that such technique is no longer used within four years following the date of publication of those conclusions"

The European chlorine manufacturers own association, Euro Chlor, also recalls on its website that "within the framework of the Industrial Emissions Directive, the BAT conclusions are legally binding. National authorities have had to reconsider permit conditions and take into account the conclusions on BAT, which means that, by 11 December 2017, four years after the publication of these BAT conclusions, production based on mercury must terminate. Consequently, European chlor-alkali producers using mercury technology must convert or dismantle these production plants".

In its application for the extension of its chlorine production plant with mercury technology, the Belgian company Solvay argues that it has not yet obtained the relevant administrative authorizations and that during the transitional period of conversion and adaptation it is necessary to maintain active the facilities to avoid temporary employment regulation and deterioration in equipment to be reused with the new membrane technology. All the reasons that would have been avoided if the aforementioned company had adopted, in the same way



as other manufacturers concerned, the decision to proceed with the restructuring of its plant and had previously initiated the processing of administrative authorizations.

The third argument put forward by Solvay, alleging that the lack of chlorine production could affect an essential and compulsory public service such as the supply of drinking water, the company forgets that there are other producers in Spain and in Europe that on December 11, 2017 will have culminated the change of technology in its plants and, therefore, will be in a position to supply to the market all the chlorine that it demands.

The granting of this extension would enter into clear conflict with the public environmental interest. In the last 20 years, the European chlorine sector has been carrying out actions and signed agreements with the administrations aimed to the progressive reduction of the use of mercury, and its replacement by a cleaner and more energy efficient technology.

This decision would also lead to a serious distortion of the competition conditions on the market, since operators who comply with the law are facing the corresponding industrial restructuring processes with the economic, technological, occupational and social sacrifices that this entails, while those that do not comply will benefit from the lower investment costs associated with maintaining the old mercury plants.

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