

## ASI Complaints Mechanism

### Status of Complaints

ASI aspires to ensure transparency of the ASI Complaints Mechanism in terms of its processes and outcomes. Reporting of some information may be limited by ASI where needed to protect the identity of parties who may wish to remain anonymous and to seek to minimise the risk of retaliation against stakeholders.

Complaint reference	Respondent	Complainant	Country/origin	Status	Date filed	Date completed
ASI/2023/2	Aluminium Duffel BV	Mr Dieter Swinnen	Belgium	Discussion between parties	27.10.22	On-going

### Complaint Background

Complaint Reference	ASI/2023/2
Status	Complaint on-going
Respondent	Aluminium Duffel BV (member of ASI)
Complainant	Mr Dieter Swinnen
Date complaint submitted	27 October 2022
Date complaint closed	On-going
Membership class	Production and Transformation
Certification status	Full certification (initially 2018)
Last audit undertaken	Re-certified 31 July 2022 Performance Standard V2 with surveillance audit on 31 January 2023
ASI Accredited Auditor	Bureau Veritas Certification
Country of complaint	Belgium
City/region/district/province	Duffel

### Summary of the Complaint

The Complainant is a neighbour of the Respondent's rolling mill site and complained about emissions from the site adversely impacting the Complainant over a number of years. He claimed that airborne particles of aluminium and soot

escaping the plant caused property damage to neighbours' motor vehicles ("pearly spots") and residences. The Complainant fears that these particles have potential health impacts on himself and residents' families. High noise levels, including random loud noises at night were also claimed. According to him, poor air quality and chemical odour emissions would result from the site (including carbon) and impact neighbours. The site had apparently tried various measures to fix this in vain and the exchange of information and cooperation between the site and the neighbours was unsatisfactory. The Complainant stated he had raised the concerns with the Respondent over a period of at least 5 years (during which there have been changes of ownership) and with regulatory authorities. At least one meeting was held in March 2022 between company representatives and the Complainant and 4 other neighbours, which apparently failed to result in any meaningful improvements.

### **Position by the Respondent**

The Respondent provided information on its emissions (noise, odour, particles) and numbers of community complaints. The Respondent denied being the source of the airborne substances which led to the "pearly spot" damages to motor vehicles in the vicinity of the plant. The Respondent states that several scientific studies have proved the spots result from Fe particles which are not emitted by Aluminium Duffel. As litigation had been commenced by neighbours to the plant, the Respondent was also limited based on legal advice as to what information it could provide to ASI. Generally, the Respondent claimed that its mitigation and community engagement measures were plentiful and largely successful resulting a drop in number of claims. Some issues such as noise and the particles would have to be studied more. Meanwhile, several noise reducing measures have been adopted or are in the process of being installed. The Respondent claims that preliminary studies point to a beneficial result. Odour complaints have decreased over the last year.

### **Process and Timing**

During and outside the ASI Complaints process, the Department of Environment sent a letter in April 2023 demanding that Aluminium Duffel, by 5 June 2023, demonstrate with concrete science-based studies that Aluminium Duffel cannot be the source of the pearly flecks. On 9 May 2023, Aluminium Duffel issued

proceedings against the Flemish Government in respect of the matter. While the case is ongoing, the Flemish Government indicated, according to the Respondent, that new studies satisfy their demand for further research.

A few neighbours, including the Complainant, initiated civil litigation against Aluminium Duffel, concerning the alleged damages with respect to noise, odour and the 'pearly spots'. The proceedings are ongoing. A compensation fund seems to be discussed as potential remedy for the damage caused by the "pearly spots", without acknowledgement of liability by the Respondent.

The auditor, at its surveillance audit in January 2023, after being made aware of the Complaint, reviewed the Respondent's performance against applicable ASI Standards and was satisfied with the conformance of the Respondent.

### **Outcome**

The Complainant and ASI consider the matter to be unresolved, at least until there is more clarity on the responsibility for the airborne particles leading to the "pearly spots". Legal and regulatory action are more likely to end the dispute than any action which ASI could take.

### **Next Steps**

All issues which remain unresolved from the perspective of the Complainant have been notified to the auditor for review at the next audit of the Respondent, in particular the status of complaints in respect of various emissions, the effectiveness of the community engagement process and any resolution of the "pearly spots" issues.