

OPUS2

Grenfell Tower Inquiry

Day 92

February 17, 2021

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1 Wednesday, 17 February 2021
 2 (10.00 am)
 3 SIR MARTIN MOORE—BICK: Good morning, everyone. Welcome to
 4 today's hearing. As usual, I'm here with my fellow
 5 panel members, Ms Istephan and Mr Akbor.
 6 MS ISTEPHAN: Good morning.
 7 MR AKBOR: Good morning, everyone.
 8 SIR MARTIN MOORE—BICK: Today we're going to continue
 9 hearing evidence from Mr Schmidt, the president of
 10 Arconic.
 11 The first thing I need to do is to ensure that our
 12 interpreters are online, so to speak, and can hear and
 13 see everything that's necessary.
 14 MS KENNEDY: We are both online and we can both see and hear
 15 you.
 16 SIR MARTIN MOORE—BICK: Thank you very much indeed.
 17 So the next thing we do is to check that Mr Schmidt
 18 is there, and that he's able to see me and hear me
 19 clearly.
 20 Mr Schmidt, are you there?
 21 MR CLAUDE SCHMIDT (continued)
 22 (Evidence via interpreter)
 23 THE WITNESS: (Interpreted): Yes, and good morning to
 24 everyone.
 25 SIR MARTIN MOORE—BICK: Thank you, and good morning to you.

1

1 We are going to resume your evidence in just
 2 a moment, but I think we had better go through the usual
 3 procedure. So I'm going to ask you to begin by
 4 confirming that you are alone in the room from which
 5 you're giving evidence.
 6 THE WITNESS: (Interpreted): I can confirm that.
 7 SIR MARTIN MOORE—BICK: Can you confirm that you have no
 8 documents or other materials in the room with you?
 9 THE WITNESS: (Interpreted): I can confirm that also.
 10 SIR MARTIN MOORE—BICK: Thank you.
 11 Can you confirm, please, that your mobile phone is
 12 in another room and that you have no other electronic
 13 device with you which is capable of receiving messages?
 14 THE WITNESS: (Interpreted): I can confirm that.
 15 SIR MARTIN MOORE—BICK: Good, thank you very much.
 16 Well, the procedure will be the same as it was
 17 yesterday. We shall have a break during the morning at
 18 round about 11.15, but if you feel you need a break at
 19 any other time, please indicate that.
 20 THE WITNESS: (Interpreted): Thank you.
 21 SIR MARTIN MOORE—BICK: Is there anything you would like to
 22 raise or to ask me before we carry on?
 23 THE WITNESS: (Interpreted): No, not at all.
 24 SIR MARTIN MOORE—BICK: Thank you.
 25 Well, in that case, I'll invite Mr Millett to

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1 continue his questioning.
 2 Yes, Mr Millett.
 3 Questions from COUNSEL TO THE INQUIRY (continued)
 4 MR MILLETT: Mr Chairman. Good morning, Mr Chairman, good
 5 morning, members of the panel, and good morning,
 6 Mr Schmidt.
 7 Mr Schmidt, I would like to begin this morning by
 8 asking you about one further European Standard fire test
 9 in 2006. This is the 2006 Reynobond FR rivet test.
 10 Can we please go to {BBA00008288}. In the French,
 11 that is {ARC_T000017}. If we can have both of those up,
 12 thank you very much. You will see the English on the
 13 left and the French on the right.
 14 This is the reaction to fire classification report
 15 number RA06—0372 under European Standard NF EN 13501—1.
 16 If you look at that first page there, you can see that
 17 the commercial brand tested was Reynobond FR, the date
 18 of issue was 19 October 2006, and the report was valid
 19 for five years from that date.
 20 Can we go to page 2, please, in both versions
 21 {BBA00008288/2} {ARC_T000017/2}. You can see there,
 22 under "Product description":
 23 "Composite panel consisting of two precoated
 24 aluminium sheets thermally bonded on either side of
 25 a polyethylene core.

3

1 "Tested system: riveted on metal substructure."
 2 Then you go on to see that it says that the
 3 finishing coat was Duragloss 5000, 35 microns, and the
 4 colour was "gold—coloured". Do you see that?
 5 If you go to page 4, please, in both versions
 6 {BBA00008288/4} {ARC_T000017/4}, and look at the bottom
 7 of the page, you will see two signatures of the
 8 officials at the CSTB with a date above it, 19 October
 9 2006, and if you go a little bit higher up the page on
 10 each version, if the operator could just scroll upwards,
 11 we can see the classifications there under paragraph 4.2
 12 in the box:
 13 "Fire behaviour: B.
 14 "Smoke production: s1.
 15 "Flaming droplets or debris: d0.
 16 " Classification : B—s1, d0."
 17 Do you see that?
 18 A. (Interpreted): Yes.
 19 Q. Thank you.
 20 Then under section 4.3, "Field of application", it
 21 says:
 22 "This classification is valid for the following
 23 product parameters."
 24 They're there set out.
 25 Then underneath that:

4

1 "This classification is valid for the following
2 end use conditions."
3 Then please see it says:
4 "Riveted system on metal substructure."
5 Do you see that?
6 A. (Interpreted): Yes.
7 Q. "With a minimum air gap of 20 mm."
8 Now, I've shown you this certificate or report of
9 classification ; did you see this document at the time,
10 or once you became managing director in 2007?
11 A. (Interpreted): No, I don't think so.
12 Q. Have you ever seen it before today, when I'm showing it
13 to you?
14 A. (Interpreted): I believe I never saw it before.
15 Q. So do we take it that when you were preparing your
16 witness statements you were not shown this test report?
17 A. (Interpreted): No, I don't think so, no.
18 Q. Now, as far as we, the Inquiry, has been able to tell
19 from the records, Arconic did not do another test on PE
20 core, but instead chose to perform a test on FR core,
21 and this is the report.
22 My question is: do you know why Arconic did not do
23 another test on PE core but only FR core?
24 A. (Interpreted): I don't think that was the question --
25 was there a direct question in this?

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1 Q. There was. I'll put it: do you know why Arconic did not
2 do another test on PE core but only on FR core?
3 A. (Interpreted): No.
4 Q. Now, this test, as you can see, was rivet-fix; do you
5 know whether Arconic performed a test on Reynobond FR in
6 cassette-fix?
7 A. (Interpreted): No.
8 Q. You can see that this test was set up with an air gap of
9 20 millimetres. We saw yesterday that the air gap in
10 test 5A for PE core was 50 millimetres. Do you know why
11 there was a difference?
12 A. (Interpreted): I mean, what I've just seen on this
13 document you've just showed me is that the gap, the air
14 gap, is a minimum of 20 millimetres, so I don't know if
15 the air gap was effectively 20 millimetres or something
16 else. And if they had decided to stick to an air gap of
17 20 millimetres, I don't know at all why.
18 Q. I'm now going to turn to a different topic, which is the
19 decision to obtain a BBA certificate for the UK market.
20 It's specifically for Reynobond 55.
21 Can we start by looking at Mr Wehrle's statement,
22 please, English {MET00053190/22}, paragraph 72, in the
23 French, {MET00048342/28}, paragraph 72 again. I want
24 just to put to you, show you, the first sentence of that
25 paragraph.

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1 If you read that in the French, I'll read it out in
2 the English. He says:
3 "Many of the certifications, like the
4 BBA certificate are largely obtained for marketing
5 purposes, and hence I am reliant on colleagues in the
6 overseas sales teams to decide why (if any)
7 certifications they wish to be obtained in order to be
8 better able to sell the products."
9 A. (Interpreted): Yes.
10 Q. To the best of your understanding, was that the purpose
11 of the BBA certificates?
12 A. (Interpreted): Yes.
13 Q. Is it right that a salesperson in a particular region
14 would usually propose that Arconic should get specific
15 certifications?
16 A. (Interpreted): Yes.
17 Q. And is the reason for that that the specific
18 certifications would help that salesperson sell the
19 product in that particular region?
20 A. (Interpreted): Yes.
21 Q. So does that mean that, in the UK, Arconic was dependent
22 upon the UK sales team for being told what
23 certifications were necessary to assist sales in the UK?
24 A. (Interpreted): Yes, I think so.
25 Q. And is it right that before the end of 2007 that was

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1 Colin Southgate, and then after that Deborah French, and
2 then after her, Vince Meakins, for Reynobond 55?
3 A. (Interpreted): Yes.
4 Q. Now, it's right, is it not -- and if you don't know,
5 tell me -- that Arconic had a BBA certificate for
6 Reynolux in about 1987?
7 A. (Interpreted): I'm sorry, sir, did you say 1987 or 1997?
8 Q. 1987.
9 A. (Interpreted): Yes.
10 Q. In your role involved in the production of Reynolux in
11 the late 1990s, you were aware of the existence and role
12 of the BBA; yes?
13 A. (Interpreted): Yes.
14 Q. Can we take it that you were broadly aware of what
15 a BBA certificate was?
16 A. (Interpreted): Yes.
17 Q. And you were broadly aware of why Arconic might want
18 a BBA certificate for one of its products?
19 A. (Interpreted): Yes.
20 Q. Am I right in thinking that you thought that the BBA,
21 when preparing their certificate, would be painstaking
22 and thorough?
23 A. (Interpreted): Yes.
24 Q. And that you thought the BBA would be diligent in
25 assessing Arconic's products for certification?

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1 A. (Interpreted): Yes.
 2 Q. Now, I want to ask you, against that background, about
 3 Arconic's BBA application in August 2006. So this is
 4 a year before you became managing director at Merxheim.
 5 My first question is a general one: were you
 6 involved at all at the time -- August 2006 -- in
 7 Arconic's decision to submit an application form to the
 8 BBA?
 9 A. (Interpreted): No.
 10 Well, as I said yesterday, in 2005/2006 I was busy
 11 preparing an MBA, so I used to spend a lot of time
 12 outside the company, but when I was there, in parallel,
 13 I was responsible for the launch of a new plant in
 14 China.
 15 Q. I understand.
 16 Well, I'm going to show you a document, and if you
 17 can't help me with it, then we can take it quickly.
 18 Can you please go to the application form which
 19 Claude Wehrle has exhibited, and I just want to start
 20 with {MET00053158_P13/167}, English version, French
 21 version, please, {ARC_T000022/1}. Thank you.
 22 Now, this is the cover page of the application. Is
 23 this a document that you have ever seen before, do you
 24 think?
 25 A. (Interpreted): I believe I saw it on Monday, when you

1 put the document online. But I'd never seen it before.
 2 Q. Right.
 3 Now, I'm going to ask you one or two questions about
 4 it in some detail and see if you can help us with it.
 5 Can we please go to page 169 in the English
 6 {MET00053158_P13/169}, page 4 in the French
 7 {ARC_T000022/3}.
 8 Now, it says here under section 1, you can see it:
 9 "Product name: REYNOBOND 55."
 10 Do you see that?
 11 A. Oui.
 12 Q. "Description of proposed use:
 13 "REYNOBOND is used in architecture for: Ventilated
 14 facades, Infill for curtain walls, Cladding, roof
 15 construction and rims."
 16 Then underneath that it says, paragraph 1.3:
 17 "Description of claimed performance level ...
 18 "Fire classification : BS 476 Part 6: Fire
 19 propagation index = 1.0 – BS 476 Part 7: class 1
 20 (Warrington fire research reports 132316 and 132317)."
 21 A. (Interpreted): Yes.
 22 Q. Those reports, I think I showed you yesterday, the ones
 23 dated 12 September 2003, were for Reynobond 55 FR; do
 24 you remember that?
 25 A. (Interpreted): Yes.

1 Q. Just so that everybody can check, the references to
 2 those are {BBA00000053} and {BBA00000050}, and for those
 3 in the French, just in case it's necessary to check
 4 them, {ARC_T000016} and {ARC_T000015}. I've given you
 5 those references.
 6 Can we go to page 171 in the English
 7 {MET00053158_P13/171} and page 5 in the French
 8 {ARC_T000022/5}. Here you can see under section 2.1 it
 9 says:
 10 "Please describe your Product and Product range."
 11 Then it says, please follow in the French:
 12 "REYNOBOND is a composite panel made out of two
 13 aluminium sheets (thickness 0.5mm) pre-coated and
 14 thermally bonded to each side of a polyethylene core.
 15 Please see attached literature and drawings for this
 16 description.
 17 "As you can see, there are different thicknesses: 3,
 18 4, and 6 mm and two different cores PE and FR
 19 (Fire Retardant)."
 20 Let's look at page 173, then, in the English
 21 {MET00053158_P13/173}, page 7 in the French
 22 {ARC_T000022/7}. Here is a list of certificates, and in
 23 the penultimate box you can see under the list there is
 24 a test for fire propagation, and there are the same
 25 Warrington Fire Research tests, 132316 and 132317, that

1 were referred to before, which are FR. Do you see that?
 2 Then if we go to page 176 in the English
 3 {MET00053158_P13/176} and page 10 in the French
 4 {ARC_T000022/10}, we can see that here is the signature
 5 page. Claude Wehrle signs it on behalf of AAP, as the
 6 technical manager for Reynobond, and the date is
 7 9 March 2004.
 8 I don't think you'll be able to help us with the
 9 date, but the Inquiry's inference is that that's
 10 hangover date from an earlier application form that was
 11 filled in in 2004 by Mr Wehrle, but was then halted, he
 12 said, for commercial reasons, and he has explained that
 13 in his witness statement. So that explains the date.
 14 My questions for you are: I've shown you the
 15 application form in part; on what I've shown you, do you
 16 accept that it's made very clearly on the basis that
 17 Reynobond can have either a PE core or an FR core?
 18 A. (Interpreted): Yes.
 19 Q. But, as we've seen, do you accept, just on this
 20 document, that the fire performance claimed in this
 21 application is only as to the FR core?
 22 A. (Interpreted): Yes.
 23 Q. Are you able to explain why that is?
 24 A. (Interpreted): No.
 25 Q. Are you able to explain why this application form does

1 not spell out clearly to the BBA the fact that the fire
 2 performance identified is only for FR core?
 3 A. (Interpreted): No.
 4 Q. Do you agree with me that this application form
 5 contained or identified no class 0 test or PE—core
 6 Reynobond 55 at all?
 7 A. (Interpreted): Yes, if the references correspond to the
 8 tests that you showed me yesterday, then that's what
 9 I can note.
 10 Q. So do you agree with me that, at least at this stage,
 11 August 2006, the BBA was given no evidence that
 12 Reynobond 55 PE core had been subjected to and passed
 13 a British Standard test leading to a class 0
 14 classification ?
 15 A. (Interpreted): But you're talking about a document of
 16 2004.
 17 Q. Well, this document was re—compiled in 2006.
 18 A. (Interpreted): Was it identical to this one?
 19 Q. Well, I'm asking you. I think you're not familiar with
 20 it. I'm putting to you what this document shows, and
 21 I'm just inviting you to agree — I'll try it one more
 22 time — that this document made no reference and
 23 provided no evidence that Reynobond 55 PE core had been
 24 subjected to and passed a British Standard test leading
 25 to a class 0 classification .

13

1 A. (Interpreted): Yes, but I again don't understand,[FT
 2] *** because there was a document that was drawn up in
 3 2004 and there was no follow—up and then another
 4 document was probably drawn up in 2006. ***
 5 Q. And I think you can't help us with any of that, can you?
 6 A. (Interpreted): For sure, I wasn't involved at all .
 7 Q. So that would be Mr Wehrle who would have to answer
 8 those questions, is it?
 9 A. (Interpreted): Probably.
 10 Q. Let's then look on a little bit later in 2006 and look
 11 into Mr Wehrle's witness statement, English version
 12 {MET00053190/46}, paragraph 166, French version
 13 {MET00048329/21}, paragraph 166.
 14 He refers at paragraph 166 to a meeting in
 15 November 2006, and he sets out his reasons here about
 16 why Arconic wanted the product and not the system
 17 certified by the BBA. This meeting, I'm assuming, is
 18 one that you were not at. It was a meeting in Watford
 19 in the UK with the BBA.
 20 A. (Interpreted): Then for sure I wasn't — I didn't attend
 21 it .
 22 Q. No. I'm just going to ask you a general point about
 23 what he says about it.
 24 He says:
 25 "At the 2 November 2006 meeting, a discussion also

14

1 took place regarding the scope of the BBA certificate
 2 for Reynobond. AAP SAS's view was that the material
 3 (i.e. the Reynobond product) should be validated rather
 4 than the system into which the product would be
 5 integrated. This was the only basis on which AAP SAS
 6 could work, as it would not know in which type of system
 7 its product would be used, what materials it would be
 8 used with, etc ... ”
 9 (Pause for translation)
 10 Yes, I just wanted him to follow the French.
 11 THE INTERPRETER: Sorry, I apologise.
 12 MR MILLETT: Okay. What I'm going to do is read out the
 13 English, and he can follow in the French.
 14 Now, my questions, having shown you this paragraph
 15 of Mr Wehrle's witness statement, Mr Schmidt, are these:
 16 first, do you agree that Arconic knew that Reynobond 55
 17 could only be used if fabricated?
 18 A. (Interpreted): What do you mean by if fabricated,
 19 transformed?
 20 Q. Fabricated, shaped.
 21 A. (Interpreted): Transformed, then?
 22 Q. Do you agree?
 23 A. (Interpreted): Yes.
 24 Q. Therefore do you agree that Arconic knew that customers
 25 would buy Reynobond 55 to fix either in rivet form or in

15

1 cassette form?
 2 A. (Interpreted): Yes.
 3 Q. Now, we saw yesterday test 5B on the cassette form of
 4 Reynobond 55 PE variant. Do you know why Arconic
 5 thought it was appropriate for the BBA to certify the
 6 product when you knew, or Arconic knew, that in one of
 7 the two forms in which it would be fabricated and used,
 8 namely cassette, it had performed so disastrously that
 9 it could not be classified under the European norm?
 10 A. (Interpreted): And the basic question is: do I know why?
 11 No.
 12 Q. Do you accept that any certificate that allowed the
 13 reader to believe that the product performed the same in
 14 a fire whether it was rivet—fix or cassette—fix would be
 15 misleading?
 16 (Pause)
 17 A. (Interpreted): Yes.
 18 Q. Yes, thank you.
 19 Do you agree that Mr Wehrle's explanation for asking
 20 the BBA to certify the material, namely that Arconic
 21 would not know into which type of system its product
 22 would be used, was unfounded?
 23 (Pause)
 24 A. (Interpreted): No, let's say what I imagine at the time
 25 in 2006, the need for the English market was to have

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1 a class 0 product and that was sufficient information to
 2 be able to use it on a façade. I also take into
 3 consideration the other variants on the façade.
 4 Q. Do you agree that not knowing what overall system the
 5 panels would be used for does not excuse concealing the
 6 fire differences, the differences in fire performance,
 7 as between rivet and cassette?
 8 A. (Interpreted): No, I don't accept that. I can't really
 9 answer that question, but I don't think there was
 10 a desire to hide anything whatsoever. And once again,
 11 I wasn't involved, so I have difficulty in answering
 12 that type of question.
 13 Q. Mr Schmidt, in your last answer you said you don't think
 14 there was a desire to hide anything whatsoever. If that
 15 is so, please explain to me why the BBA certificate does
 16 not draw a distinction in fire performance between rivet
 17 and cassette.
 18 A. (Interpreted): No.
 19 Q. No, what? No, you won't explain or no, you can't
 20 explain?
 21 A. (Interpreted): No, I can't.
 22 Q. Can I look now into March 2007, and again, to be fair to
 23 you, this is a number of months before you took over as
 24 managing director at Merxheim. I want to look at the
 25 BBA contract, the contract between the BBA and Arconic.

17

1 Can we please have in the English version
 2 {BBA00008042}, please, and in the French {ARC_T000004}.
 3 We have both on the screen, the English on the left, the
 4 French on the right.
 5 Again, can I ask you, Mr Schmidt, is this a document
 6 that you saw at the time, maybe, March 2007?
 7 A. (Interpreted): No, I don't believe so.
 8 Q. Have you ever seen this document before today?
 9 A. (Interpreted): Yes, on Monday.
 10 In fact, I think that the previous document which
 11 was dated 2004 relating to BBA, I think that actually
 12 that document I had never seen.
 13 Q. Very well. So do we take it that you hadn't seen either
 14 that document or this document, the certificate
 15 contract, when you did your witness statement?
 16 A. (Interpreted): No.
 17 Q. Did you not want, when you were doing your witness
 18 statement, to know what the formal legal relationship
 19 was between Arconic and the BBA?
 20 A. (Interpreted): No, when I prepared my witness statement
 21 I answered specific questions and I gathered together
 22 all the documents that related to those questions.
 23 Q. You didn't trouble yourself to ask yourself, even, let
 24 alone your lawyers, what the precise legal relationship
 25 was between Arconic and the BBA; is that right?

18

1 A. (Interpreted): I didn't ask my lawyers the question.
 2 Q. Now, this is in the BBA technical file forming part of
 3 the Inquiry's documentation and the disclosure. Do you
 4 know whether anybody at board level in Arconic
 5 authorised the entry into this contract?
 6 A. (Interpreted): When you're talking about board level, do
 7 you mean Alcoa's board, right at the top?
 8 Q. Well, the board or directorial level at AAP-SAS.
 9 A. (Interpreted): Well, I think that document was signed
 10 by -- I think I can see, in fact, the initials of CR,
 11 Claude Ritter, who was assistant managing director at
 12 the time.
 13 Q. Okay, Claude Ritter?
 14 A. Oui.
 15 (Interpreted): R-I-T-T-E-R.
 16 Q. I see. And he was assistant managing director at the
 17 time; who was he assisting?
 18 A. (Interpreted): Claude Brichet, who was the managing
 19 director.
 20 Q. Would you please spell his name?
 21 A. (Interpreted): B-R-I-C-H-E-T.
 22 Q. Thank you.
 23 Was Claude Brichet your predecessor in the role of
 24 managing director?
 25 A. (Interpreted): Yes.

19

1 Q. When you took over your role as managing director from
 2 Claude Brichet in August 2007, do you remember whether
 3 he gave you any formal or even informal handover?
 4 A. (Interpreted): It lasted approximately one week during
 5 July, because I was involved in the project in China
 6 until the end of June. I remember the month of June
 7 very clearly because I presented the project to the
 8 Alcoa management, and the project was aborted, so that's
 9 why I remember it clearly.
 10 Q. Right.
 11 When you had this week of discussions, did
 12 Mr Brichet introduce you to the products that were being
 13 manufactured at and sold from Merxheim?
 14 A. (Interpreted): No.
 15 Q. So, to be clear, he never gave you any introduction to
 16 Reynobond 55?
 17 A. (Interpreted): No, not specifically. But I had been at
 18 Merxheim since the beginning of the production, so
 19 I didn't think it was necessary.
 20 Q. Did Mr Brichet give you a package of up-to-date
 21 documents relating to Reynobond 55?
 22 A. (Interpreted): No.
 23 Q. Did Mr Brichet tell you that Arconic had entered into
 24 a formal legal contract with the BBA?
 25 A. (Interpreted): No. I don't believe so. I don't think

20

1 so.
 2 Q. Did Mr Brichet tell you that Arconic had been talking to
 3 the BBA about obtaining a BBA certification for
 4 Reynobond 55?
 5 A. (Interpreted): No, I don't believe so. No, I think that
 6 they considered that as being part of the current
 7 affairs and normal current developments.
 8 Q. Did Mr Brichet leave you behind a set of files or
 9 documents, whether electronic or in paper form, so that
 10 you could take on where he left off?
 11 A. (Interpreted): I don't remember. I don't believe so.
 12 Maybe. Maybe one or two documents, but it was really
 13 very restricted. I think that he believed that the
 14 handover should be as short as possible, so that there
 15 wouldn't be two people having the same role at the same
 16 time with different management ideas.
 17 Q. When you say two people having the same role at the same
 18 time, do we understand from that that you and Mr Brichet
 19 shared the role of managing director for a period?
 20 A. (Interpreted): No. No, officially he finished at the
 21 end of July and I began at the beginning of August.
 22 Q. So how could you have two people having the same role at
 23 the same time?
 24 A. (Interpreted): That's not what I wanted to express,
 25 that's not what I wanted to say.

21

1 Q. What did you want to say?
 2 A. (Interpreted): Well, when people are replaced in
 3 a company, sometimes some companies choose to have them
 4 double up over a number of months, but in this case the
 5 announcement that I was going to take over took place
 6 between 1 and 15 July, and then I took over in August.
 7 Q. Now, looking at the document, page 1 {BBA00008042/1}
 8 {ARC_T000004/1}, if we can just go back to that, please,
 9 it says "Certificate contract", and we can see
 10 a reference number at the very top of the page,
 11 "Reference No S3/41014".
 12 A. (Interpreted): Yes.
 13 Q. Dated 22 August 2006, but it looks like it was signed in
 14 2007. We can see a price, do you see, of — I think you
 15 can see a price a little bit lower down, we have to
 16 go ... if you go to the bottom of the page, the price
 17 there is £16,527 sterling; do you see that?
 18 A. (Interpreted): Yes.
 19 Q. And the specified use, immediately above that, do you
 20 see, it says:
 21 "As defined in Clause 1.3 'Use' of Assessment
 22 Specification S3/41014 dated 22 August 2006."
 23 A. (Interpreted): Yes.
 24 Q. We saw that before, the application form.
 25 Now if we go to section II, please, above that,

22

1 a third of the way down the page, "The Subject", do you
 2 see? It says:
 3 "Nature of product or process:
 4 Aluminium/polyethylene composite wall cladding ..."
 5 Then "system" was typed in, crossed out, and
 6 somebody has written in manuscript "panels". Are you
 7 able to explain why the word "system" was deleted and
 8 "panels" substituted?
 9 A. (Interpreted): No.
 10 Q. Now, you identified, I think, the signatures. Apart
 11 from Mr Ritter, are there any other signatures or
 12 initials on this page that you can help us with?
 13 A. (Interpreted): No, I don't know them. I can see that
 14 there's twice the same signature, but I don't really
 15 know it, and there is a signature by the word "panels",
 16 but I can't identify it either. They could also be
 17 signatures from people from BBA also.
 18 Q. Okay.
 19 You mentioned Claude Ritter. Just point out on the
 20 page where you see his signature or initial. Is that it
 21 at the bottom?
 22 A. (Interpreted): No, I can't see his signature, all I see
 23 is his initials, CR.
 24 Q. And that's Claude Ritter, is it, to be clear?
 25 A. (Interpreted): Yes, I think it means Claude Ritter, and

23

1 I think it may be his handwriting.
 2 Q. Thank you.
 3 Can we go to page 2, please, in the English
 4 {BBA00008042/2}, page 2 in the French also
 5 {ARC_T000004/2}. Here we see the certificate terms and
 6 conditions.
 7 If we scroll to the bottom of the page, please, in
 8 the English, and indeed the French, we see again the
 9 initials CR as well.
 10 If we go to page 4, please, in both versions
 11 {BBA00008042/4} {ARC_T000004/4}, we can see that this
 12 contract or these conditions have been signed and
 13 scratched on 21 February 2007. You see that?
 14 A. Oui.
 15 Q. Can you identify the signature in the signature box next
 16 to the words "Signed on behalf of the Applicant"?
 17 A. (Interpreted): That's Claude Ritter, indeed.
 18 Q. Thank you.
 19 Now, let's see page 3, please, in both versions
 20 {BBA00008042/3} {ARC_T000004/3}. I'm going to look
 21 a little bit more closely with you, Mr Schmidt, at one
 22 or two of the terms and conditions of this contract.
 23 All right?
 24 A. (Interpreted): Yes.
 25 Q. If you look on the left-hand side of the page in each

24

1 case, the left —hand column, you will see clause 7 or
 2 section 7, which in English reads "Other obligations of
 3 the applicant"; do you see that?
 4 A. (Interpreted): Yes, I can see that.
 5 Q. It says, "The Applicant shall", and then I want to show
 6 you two subsections here, (a) and (g).
 7 (a) says — and if you follow in the French, I'll
 8 read it in the English:
 9 "(a) disclose to the BBA full particulars of and
 10 relating to the Subject including (but without prejudice
 11 to the generality of the foregoing) particulars of its
 12 physical or chemical composition, of any process or
 13 method of manufacture thereof, of the control of the
 14 quality of the composition or manufacture thereof, of
 15 any test data already available and of the test
 16 procedures used to obtain the same provided that the BBA
 17 will not include in the Certificate, any details of the
 18 composition or method of manufacture of the Subject save
 19 such as shall be mutually agreed between the Applicant
 20 and the BBA."
 21 Before I leave that subparagraph, I just want to
 22 focus your eyes on the words "of any test data already
 23 available". Do you see that there?
 24 A. (Interpreted): Yes.
 25 Q. Then if we look at (g) together, which is towards the

25

1 bottom of the page in each case — and again, I will
 2 read out the English and please read to yourself in
 3 French — it says:
 4 "(g) immediately notify the BBA of any change in the
 5 particulars supplied to the BBA or any third parties and
 6 also of any new or additional information concerning the
 7 Subject or its suitability for the Specified Use
 8 including, without limitation to the generality of the
 9 foregoing, details of claims by users of the Subject
 10 that it is or may be unsatisfactory for the Specified
 11 Use ..."
 12 I just pick up with you the definition of "Specified
 13 Use", please, on page 2 of this document {BBA00008042/2}
 14 {ARC_T000004/2}, which you will see on this page, on the
 15 left —hand side, and it may have to be blown up so that
 16 you can see it under paragraph 1(d) under the
 17 definitions clause. Also if one could enlarge the
 18 French too. Thank you.
 19 It says under 1(d):
 20 "'Specified Use' — the use specified on the front
 21 page in respect of which (but of no other) the Subject
 22 will be assessed by the BBA hereunder."
 23 Then if we go to the foot of page 3 {BBA00008042/3}
 24 {ARC_T000004/3}, we can see clause 12, please,
 25 right—hand column at the foot of the page. Let's read

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1 aloud in English, to yourself in French, please:
 2 "Expiry of the Certificate .
 3 "The Certificate will expire on the Expiry Date if:
 4 "(a) the Applicant has not entered into a contract
 5 with the BBA for a review of the Subject and paid the
 6 Fee required under that contract on or before the Expiry
 7 Date; or
 8 "(b) the BBA has not, in writing, extended the
 9 validity of the Certificate ."
 10 Then if we go up to page 2 of this document
 11 {BBA00008042/2} {ARC_T000004/2}, the definition of
 12 "Expiry Date" under clause 1(l), please:
 13 "... the date specified in the Appendix for the
 14 Review of the Certificate or, if no such date is
 15 specified, three years from the date of issue of the
 16 Certificate or, if an extension of validity has been
 17 granted, the date specified by the BBA."
 18 Now, I've shown you quite a lot of this contract,
 19 Mr Schmidt. I have a number of questions for you, and
 20 again, if you can help me, very good, and if you can't
 21 because you don't know, please say so.
 22 Now, before I ask my first question, I just want to
 23 put back in front of you clause 7(a) and just remind you
 24 again of the words in there I want to ask you about.
 25 Page 3 {BBA00008042/3} {ARC_T000004/3}. It's the words

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1 "any test data already available" which I wanted you to
 2 focus on, just to remind you there that the applicant
 3 shall disclose any test data already available.
 4 Now, I want to show you what Mr Wehrle says in his
 5 witness statement, English version {MET00053190/17} at
 6 paragraph 59, French version {MET00048342/21},
 7 paragraph 59, if we could please have those. Let's look
 8 and see what he says.
 9 Halfway through the paragraph in English he says
 10 "I am not aware of the detail". If you could read that
 11 paragraph from there to the end of the paragraph to
 12 yourself. I'll read it out in English. He says:
 13 "I am not aware of the detail of the contracts
 14 between AAP SAS and the BBA. Over time,
 15 Colin Southgate, myself and Nicolas Remy have received
 16 BBA contract documentation, but as I organised the
 17 certifications in numerous countries I did not know all
 18 the contractual details relating to such. I rely on the
 19 relevant certification body to let me know what
 20 information it requires in order to undertake its
 21 assessment process. I also have every confidence in the
 22 on—going audit processes that the certification bodies
 23 conduct."
 24 Now —
 25 THE INTERPRETER: Sorry, sir, the bottom of the text is not

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1 presented. Thank you.
 2 (Pause)
 3 A. (Interpreted): Yes.
 4 MR MILLETT: Right.
 5 Now, my first question for you, Mr Schmidt, is: was
 6 it not Claude Wehrle's responsibility to understand what
 7 Arconic's contractual obligations to the BBA were?
 8 A. (Interpreted): Yes, I think in that case, yes.
 9 Q. And do you agree that it was Claude Wehrle's job to make
 10 sure that Arconic complied with its obligations to the
 11 BBA?
 12 A. (Interpreted): Yes, him directly or his team.
 13 Q. And that would include, wouldn't it, the obligation to
 14 give all particulars of all test data available to the
 15 BBA; yes?
 16 A. (Interpreted): Yes.
 17 MR MILLETT: Thank you.
 18 Mr Chairman, is that a convenient moment? We've
 19 come to a fairly naturally break, but it's as good
 20 a time as any.
 21 SIR MARTIN MOORE—BICK: If it suits you. I wasn't going to
 22 interrupt you in case you had a run of questions that
 23 all really hang together, but if it suits you to stop at
 24 that point, I think it would be sensible to do so.
 25 Right, well, as you heard from that exchange,

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1 Mr Schmidt, we are going to have a short break now. We
 2 shall resume your evidence, please, at 11.35. Please
 3 remember not to talk to anyone about your evidence.
 4 All right?
 5 Good, thank you. 11.35, then.
 6 (11.17 am)
 7 (A short break)
 8 (11.35 am)
 9 SIR MARTIN MOORE—BICK: Welcome back, everyone. We are now
 10 ready to resume taking Mr Schmidt's evidence. I'll just
 11 begin by checking that the interpreters are with us?
 12 MS KENNEDY: Yes, we are with you.
 13 SIR MARTIN MOORE—BICK: Good, thank you very much, and check
 14 that Mr Schmidt is there and he can hear me and see me
 15 well?
 16 THE WITNESS: (Interpreted): Yes, I'm there.
 17 SIR MARTIN MOORE—BICK: Good. Hello, Mr Schmidt, again.
 18 If you're ready, I'm going to invite Mr Millett to
 19 put some more questions to you.
 20 Yes, Mr Millett.
 21 MR MILLETT: Thank you, Mr Chairman.
 22 Mr Schmidt, I now want to turn to the information
 23 that Arconic sent to the BBA to support its application
 24 for certification.
 25 Now, let's go, please, to the subject of the test

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1 reports. We've seen before, and do you accept, that
 2 Arconic provided the British Standard 476–6 and 7 tests
 3 for the FR core from 2003 to the BBA?
 4 A. (Interpreted): Yes.
 5 Q. Now, we've seen no evidence from the records that
 6 Arconic provided the BBA with either the 1997 test
 7 certificates or report on Reynobond PE 160, or any of
 8 the 2006 reports on the Reynobond 33 signage product.
 9 My question is: have you seen any evidence that
 10 Arconic provided those certificates or reports to the
 11 BBA?
 12 A. (Interpreted): No. Not to my knowledge. I don't know.
 13 Q. I would suggest to you that the reason why none of those
 14 reports were provided to the BBA is because they were
 15 not relevant. Do you agree?
 16 A. (Interpreted): As far as the 2006 RB 33, yes, but
 17 I think that the 1997 report could have been submitted.
 18 But it's true that production took place in the
 19 United States.
 20 Q. Yes.
 21 Now, we know that the BBA was provided with the
 22 classification report under EN 13501 for the PE in
 23 riveted form relating to test 5A; we know that. We also
 24 know that the BBA was provided with the classification
 25 report under EN 13501 for the Reynobond 55 with FR core;

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1 we know that.
 2 Now, Arconic did not provide the BBA with any
 3 documents relating to test 5B, the test conducted in
 4 December 2004 on the cassette—fix variant of
 5 Reynobond 55 PE. Do you know why not?
 6 A. (Interpreted): No.
 7 Q. Do you agree that the BBA should have been sent the
 8 documents pertaining to test 5B?
 9 (Pause)
 10 A. (Interpreted): Yes.
 11 Q. Thank you.
 12 Mr Wehrle, in his witness statement, provides
 13 a number of reasons why test 5B was not provided to the
 14 BBA, and I want to examine them with you and see if you
 15 agree with them.
 16 Can we begin, please, with Mr Wehrle's witness
 17 statement at page 48 in the English {MET00053190/48},
 18 paragraph 177, and page 24 in the French, please,
 19 {MET00048329/24}, again, paragraph 177. That isn't the
 20 right page, it's coming up, I think.
 21 Now, I'll read it in English aloud, and I'd like you
 22 to read, please, in the French to yourself, Mr Schmidt.
 23 I'm going to read the whole paragraph to you, but what
 24 I want you to focus on in this paragraph is the last
 25 six lines. He says:

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1 "As referred to at paragraph 54 above, an update was
 2 received from the BBA on 15 May 2007 noting that good
 3 progress had been made in the assessment of Reynobond
 4 Architecture Cladding Panels, and that some further
 5 information was needed in order to complete the
 6 assessment. This included reaction to fire test data
 7 for the 'standard PE panel', as the BBA informed AAP SAS
 8 that the French classification as described in the Avis
 9 Technique was not recognised in the UK (this would have
 10 been a reference to the M classification system referred
 11 to in paragraphs 42 and 45 above). In response to this,
 12 on 25 May 2007, I provided the CSTB EN13501-1
 13 classification report (reference number RA05-0005A)
 14 which related to the grey/green colour rivet testing
 15 (and in the field of application section of this report
 16 it confirms it is only valid for the rivet system) and
 17 sought confirmation from the BBA whether that was OK for
 18 their purposes, which they confirmed to be the case
 19 (exhibited at P2391). I do not recall the BBA ever
 20 requesting any additional fire test reports. I did not
 21 provide the test report for the cassette variant
 22 (RA05-0005B) as this was a single sample test report and
 23 not a valid classification report."

24 Now, we saw earlier, before the break, together that
 25 the terms and conditions of Arconic's contract with the

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1 BBA required Arconic to provide any test data available.
 2 Do you remember that? Do you accept that, is my
 3 question?
 4 SIR MARTIN MOORE-BICK: Well, let the interpreter just
 5 interpret your run-up to the question, please.
 6 MR MILLETT: I'll put it again, Mr Chairman, so she can
 7 translate it.
 8 We saw, before the break, that the terms and
 9 conditions of Arconic's contract with the BBA required
 10 Arconic to provide any test data available. Do you
 11 remember that?
 12 A. (Interpreted): Yes.
 13 Q. Do you accept that test 5B was test data in relation to
 14 the cassette system?
 15 A. (Interpreted): Yes.
 16 Q. Would it follow that Arconic was legally obliged to
 17 provide the available test data, test 5B, to the BBA?
 18 A. (Interpreted): Yes, probably.
 19 Q. Now, the BBA technical file is very large. We have seen
 20 no evidence in there that anybody at Arconic mentioned
 21 the existence of test 5B on cassette to the BBA. If
 22 we're right about that, do you know why not?
 23 A. (Interpreted): No.
 24 Q. We found no evidence that anyone in Arconic told the BBA
 25 that the fire performance of the cassette variant of

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1 Reynobond 55 PE was different from the fire performance
 2 established by the test for rivet, test 5A. If we're
 3 right about that, do you know why not?
 4 A. (Interpreted): No.
 5 Q. Do you know, from your own knowledge, on the documents
 6 that you have seen, whether Arconic did tell the BBA
 7 that the cassette—fix variant of Reynobond 55 PE had
 8 been tested under the European test system for fire
 9 separately from the rivet—fix variant?
 10 A. (Interpreted): No.
 11 Q. Do you accept that the BBA could not have known about
 12 either the existence of test 5B or the fact that the
 13 cassette variant of Reynobond 55 PE performed so
 14 differently from rivet in a fire, unless Arconic had
 15 told the BBA?
 16 A. (Interpreted): No, I don't accept that because I think
 17 that the BBA was in — communicated with CSTB on
 18 a regular basis.
 19 Q. So is your evidence that Arconic would not provide
 20 relevant test data to the BBA but would leave it to the
 21 BBA to ask the CSTB?
 22 A. (Interpreted): Well, no, according to the contract, as
 23 you explained previously, Arconic was supposed to inform
 24 BBA, but at the same time that information was public
 25 and so therefore that information could have been

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1 obtained differently.
 2 I would like to add that I don't know how the BBA
 3 audits were carried out on the site, but the information
 4 certainly was available and it could have been supplied
 5 if it had been requested.
 6 Q. Let's look and see what Mr Wehrle says about that. He
 7 makes rather the same point. Can we look back in his
 8 statement, please, at English version, page 16
 9 {MET00053190/16}, French version, page 19
 10 {MET00048342/19}, in both cases paragraph 54. The
 11 English and the French together, thank you. Now, 54
 12 goes over the page in the French, so when we get halfway
 13 through it, the page will have to be turned in the
 14 French.
 15 In English it reads:
 16 "As part of the application for the BBA certificate,
 17 the BBA on 15 May 2007 informed me that it required the
 18 reaction to fire test data for a standard PE panel, as
 19 they already had data for an FR panel. In reply, I sent
 20 them the relevant and relatively recent CSTB report
 21 RA05-0005A and the BBA immediately replied that this
 22 document was acceptable. I considered that the BBA
 23 would be able to identify the relevant test as having
 24 been conducted using a rivet system, and had no reason
 25 to doubt that if the BBA had felt it necessary to ask

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1 for any other system test reports they would have done
 2 so.”
 3 Did Arconic, to the best of your knowledge,
 4 Mr Schmidt, regard it as up to the BBA to ask —
 5 SIR MARTIN MOORE—BICK: Mr Millett, I'm sorry to interrupt
 6 you, because something is not working properly with your
 7 sound. We are hearing you speaking in a very disjointed
 8 and drawn-out manner. I don't know whether you are
 9 a little too far from your microphone or whether there
 10 is some other problem on the line, but that last
 11 question was pretty unintelligible, so you may have to
 12 put it again.
 13 MR MILLETT: Mr Chairman, I'm sorry about that. Can you
 14 hear me now?
 15 SIR MARTIN MOORE—BICK: I can hear you at the moment
 16 perfectly satisfactorily.
 17 MR MILLETT: Right. May we proceed, and then see how we go,
 18 and if it happens again I'll have to ask RTS to see what
 19 they can do. But I don't think I've changed anything.
 20 SIR MARTIN MOORE—BICK: All right. Try the question again.
 21 MR MILLETT: Mr Schmidt, I'm sorry about that, it seems to
 22 be a mechanical problem. Let me try again.
 23 I was reading out paragraph 54 to you of Mr Wehrle's
 24 witness statement. Can we please have that up again.
 25 I'm not going to read it out again, I'm going to assume

1 that, because it's there on the screen, the panel and
 2 members of the public have seen what Mr Wehrle says
 3 there, and you will have read the French to yourself.
 4 Can you confirm that you have read paragraph 54 to
 5 yourself in French, Mr Schmidt?
 6 A. (Interpreted): Yes, but I'd like to have the second
 7 half.
 8 Q. Right. I did ask for that to be shown to you. If that
 9 could be shown to you. Thank you. Read the second half
 10 to yourself, please.
 11 (Pause)
 12 A. (In English): Okay.
 13 Q. Now I want to just ask you to focus, please, on the last
 14 sentence of that paragraph, and particularly where
 15 Mr Wehrle says that he had no reason to doubt that if
 16 the BBA had felt it necessary to ask for any other
 17 system test reports they would have done so.
 18 Now, my question is, and I'll ask it again: did
 19 Arconic regard it as up to the BBA to ask for the right
 20 test data and certificate rather than for Arconic to
 21 volunteer it?
 22 A. (Interpreted): According to the document I saw
 23 previously, the Arconic contract should have supplied
 24 them. So, from experience, when I had the BBA audits in
 25 the 1990s on the precoated Reynolux product, the audits

1 used to take place once or twice a year, and we
 2 exchanged on — with the auditor with regard to any
 3 changes that may have taken place in the previous
 4 period. So therefore we worked jointly or together.
 5 Q. When Mr Wehrle says that "if the BBA had felt it
 6 necessary to ask for any other system test reports they
 7 would have done so", how does that reconcile, how is
 8 that consistent, with clause 7(a) of the BBA contract we
 9 saw?
 10 A. (Interpreted): No, according to the contract, you're
 11 right, it should have come from us, indeed.
 12 Q. How would the BBA know whether to ask for the separate
 13 test results for PE in cassette form if Arconic did not
 14 tell them that it had done one?
 15 A. (Interpreted): Once again, if I compare with my own
 16 experience with Reynolux, I mean, when we had a BBA
 17 audit for Reynolux products, at the end of the audit the
 18 auditors would ask us whether there had been any changes
 19 in the product, in the process, whether we had anything
 20 to add. And if we're in the situation of an audit,
 21 I would imagine that the auditor could very well have
 22 [FT] *** asked, "What are all the elements you have at
 23 your disposal regarding fire testing?" ***
 24 Q. Assuming that that was the process here, can you explain
 25 why, if that question had been asked by the BBA, Arconic

1 did not volunteer test 5B at that point?
 2 A. (Interpreted): [FT] *** I believe we would have talked
 3 about it. I believe — well — I mean, it's very
 4 difficult to talk about this ***, and I don't know
 5 really how to express it, but the first thing is that
 6 I didn't attend an audit with BBA in the years 2005 to
 7 2015, so I don't know exactly how it happened and how it
 8 worked, but I believe that if the auditors had asked
 9 questions, it would have got the answers.
 10 Q. Why would Arconic have left it to the BBA to discover
 11 the existence of test 5B through the audit process,
 12 rather than simply volunteering that test data in
 13 accordance with its contractual obligations?
 14 A. (Interpreted): Well, I can't answer this question and
 15 I can't put myself in the place of the person who was in
 16 contact with the BBA auditor.
 17 Q. And who was that?
 18 A. (Interpreted): I believe that probably was Claude Wehrle
 19 and Claude Wehrle's team, and probably somebody from
 20 quality assurance, but that person probably wouldn't be
 21 much au fait of fire testing.
 22 Q. From Arconic's point of view, Mr Schmidt, is there
 23 a reason you can think of why Arconic would have
 24 preferred to leave it to the BBA to discover the
 25 existence of test 5B rather than providing it in

1 accordance with its contractual obligations?
 2 A. (Interpreted): No.
 3 Q. So, as a matter of policy, unless Arconic told the BBA
 4 that the cassette variant of Reynobond 55 PE core
 5 performed differently in a fire from rivet, you were
 6 taking a chance, weren't you, on whether or not the BBA
 7 might eventually pick it up in an audit?
 8 THE INTERPRETER: I've mentioned the word "chance" and
 9 "risk" and there is a question as to the validity of my
 10 translation.
 11 MR MILLETT: I'll try the question again.
 12 Unless Arconic told the BBA that the cassette
 13 variant of Reynobond 55 PE core performed differently in
 14 a fire from rivet, Arconic was taking a chance on
 15 whether or not the BBA might later pick up that fact in
 16 an audit. Do you accept that Arconic was taking that
 17 chance?
 18 A. (Interpreted): Yes, I think so, yes.
 19 Q. Okay.
 20 A. (Interpreted): I have got a problem with that notion of
 21 running a risk or running — having to be exposed by
 22 chance. I mean, it may be that's not the right word,
 23 but if that's true, something had never been mentioned
 24 on the subject, it could have been found out,
 25 discovered, during an audit.

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1 Q. Let me try the question again, Mr Schmidt.
 2 Why would Arconic risk the BBA missing the existence
 3 of test 5B and the difference in fire performance
 4 between rivet and cassette, as opposed simply to telling
 5 the BBA?
 6 A. (Interpreted): I don't know how to answer this. I mean,
 7 I don't know why at the start that test wasn't
 8 mentioned. But it could have been found out,
 9 discovered, during an audit.
 10 Q. Can we look at the technical file at page 133, please,
 11 which is {BBA00008042/133}. Now, what I'm going to show
 12 you, Mr Schmidt, is an extract from the English and
 13 Welsh Approved Document B, forming part of the
 14 Building Regulations in force at the time of the
 15 Grenfell Tower project. This is called diagram 40 from
 16 Approved Document B.
 17 A. (Interpreted): I don't know what that document is,
 18 I don't think I've ever seen it. What is that document?
 19 Q. I'm explaining it to you, Mr Schmidt, of course. You
 20 have answered my first question, of course. But this is
 21 diagram 40, forming part of Approved Document B, which
 22 applies to buildings in England and Wales under the
 23 Building Regulations and the related approved guidance.
 24 Now, if we scroll down a little bit on the screen,
 25 I want to show you paragraph e, "Any building", and

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1 I know you have said you have never seen this before.
 2 Can I just ask you: is there anybody in Arconic
 3 responsible for selling or marketing Reynobond PE 55 who
 4 should have been familiar with this document?
 5 A. (Interpreted): No.
 6 Q. Nobody at all?
 7 A. (Interpreted): No, I don't think it would have been
 8 possible for us to understand all that. I mean,
 9 Reynobond was sold from Merxheim all over Europe, in all
 10 the European countries and in many other countries
 11 around the world, and it would have been perfectly
 12 impossible for us to understand all the legislations in
 13 the relevant countries.
 14 Q. I thought that we had agreed, you had agreed with me,
 15 that the salesforce working in any particular region
 16 would have to have at least a basic understanding of
 17 what the local regulations required which related to
 18 what they could and couldn't sell. I thought you had
 19 agreed with me this morning about that.
 20 A. (Interpreted): Yes.
 21 Q. Let's look at this document. It says under e, "Any
 22 building", and you can see a geometric shape there which
 23 says, "Any dimension over 18m", and that's the shaded
 24 part of the building. If you look at the shaded box on
 25 the right—hand side there, it says:

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1 "Class 0 (national class) or class B—s3, d2 or
 2 better (European class)."
 3 A. (Interpreted): So are you saying that this document
 4 applied in 2006 when we applied for the BBA certificate?
 5 Q. Yes.
 6 A. (Interpreted): In that format?
 7 Q. In substantially that format, so far as this page is
 8 concerned, so far as I'm told, yes.
 9 A. (In English): Okay.
 10 Q. Now, it's right, I think you've agreed, that Arconic, at
 11 the time that the BBA was assessing Reynobond for the
 12 purposes of the certificate that Arconic wanted, had
 13 test data showing that Reynobond 55 PE in cassette form
 14 did not have class B, but in fact had failed the
 15 European test completely.
 16 A. (Interpreted): Yes.
 17 Q. And therefore, is it not right that the test data from
 18 test 5B was extremely relevant to the BBA's assessment,
 19 because it showed that in cassette fabrication form, the
 20 product, Reynobond 55 PE, would fall far below the
 21 classification on this document?
 22 A. (Interpreted): But on this document there's also the
 23 class 0 that's mentioned.
 24 Q. Mr Schmidt, I'm asking you about the Euro
 25 classification. Do you accept that test 5B was

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1 an extremely relevant and important piece of information
 2 for the BBA to know because it showed that, in cassette
 3 form, Reynobond 55 PE fell very far below the European
 4 classification demanded in this document?
 5 A. (Interpreted): Yes.
 6 Q. Do you know whether there was any discussion within
 7 Arconic about making test 5B available to any
 8 certification body?
 9 A. (Interpreted): No.
 10 Q. If Arconic had genuinely believed that test 5B was, as
 11 Mr Wehrle describes it, a rogue result, an aberrant
 12 result, why not simply give that result to the BBA with
 13 the data and see whether the BBA agreed?
 14 A. (Interpreted): I don't know. I don't know, I can't
 15 answer your question.
 16 Q. Do you accept, as the voice of Arconic, that not
 17 providing test 5B to the BBA was a deliberate
 18 concealment of what Arconic knew to be the true
 19 position, namely that the cassette variant of
 20 Reynobond 55 PE performed disastrously in a fire?
 21 A. (Interpreted): No. When you say deliberate, that's too
 22 much.
 23 Q. Well, was it an accident?
 24 A. (Interpreted): I mean, I can't reply, I can't answer and
 25 I can't give a qualification. I mean, I cannot know

1 what Claude Wehrle was thinking about or reasoning at
 2 the time.
 3 Q. Maybe you can't, Mr Schmidt, but I'm asking you, as the
 4 managing director from 2007 and the president from 2009,
 5 from Arconic's point of view, do you accept as a company
 6 that the concealment of test 5B from the BBA was
 7 deliberate?
 8 A. (Interpreted): No.
 9 Q. So is this concealment of test 5B from the BBA conduct
 10 which Arconic even today condones?
 11 A. (Interpreted): No.
 12 Q. So what went wrong?
 13 A. (Interpreted): Well, first, I mean, the people who were
 14 mandated to exchange with BBA on the subject, they
 15 probably didn't give the good information, the right
 16 information, and also, during all that period there must
 17 have been numerous audits, and no questions were asked
 18 [FT] *** about that otherwise they would have
 19 appeared. ***
 20 Q. Do you accept that in presenting the rivet test 5A only
 21 to the BBA as representative of the fire performance of
 22 Reynobond 55 PE, Arconic was telling the BBA
 23 a misleading half truth?
 24 A. (Interpreted): Yes, you can see it like that.
 25 Q. Thank you.

1 Is the reason why Arconic did not provide test 5B to
 2 the BBA because it would have cast serious doubt on the
 3 fire performance of Reynobond PE?
 4 A. (Interpreted): Well, I mean, I'm not sure, really, and
 5 anyway it's after analysing other BBA certificates from
 6 competitors, and their view, some of them never gave any
 7 information on the European classification and only
 8 talked about the class 0 for the total of their
 9 products, the mass of their products. I think that if
 10 we'd really wanted to hide part of the truth, we could
 11 have simply carried out class 0 tests and mentioned the
 12 class 0 tests to the BBA.
 13 Q. Well, you say that would be hiding the truth; why didn't
 14 you carry out any class 0 tests on Reynobond 55 PE,
 15 either in rivet or in cassette, and provide those
 16 results to the BBA, Mr Schmidt?
 17 A. (Interpreted): I can't say. And for class 0 it's
 18 independent of the system's form.
 19 Q. Is the reason why those who were mandated to deal with
 20 the BBA, as you put it, concealed the existence of
 21 test 5B from them, or the difference in fire performance
 22 between cassette and rivet, that if the BBA were told
 23 about test 5B and that information got out, that could
 24 substantially affect sales of the cassette variant in
 25 the UK?

1 A. (Interpreted): May I hear the question once again?
 2 Because it's long.
 3 Q. I'll put it much more shortly: is the reason why Arconic
 4 kept test 5B from the BBA commercial?
 5 A. (Interpreted): No, I don't know.
 6 Q. Is that a "no" or is that "I don't know"?
 7 A. (Interpreted): I don't know.
 8 Q. Mr Schmidt, I'm now going to turn to the BBA certificate
 9 itself, and how it was created, if you can help me with
 10 that. We start in October 2007 with the working draft.
 11 Now, at this time you were managing director at
 12 Merxheim, and confirm for me, please, if you would, that
 13 Reynobond 55 was a product in relation to which you had
 14 responsibility; yes?
 15 A. (Interpreted): Yes.
 16 Q. Can we go to Claude Wehrle's exhibits, part 15, at
 17 {MET00053158_P15/188}. Now, I do not think we have
 18 a French version of this document. I'll be corrected
 19 about that, of course, if we do, and I'll show it to
 20 you.
 21 Let's go through it slowly. We can see here
 22 an email to Claude Wehrle from Hamo Gregorian of the BBA
 23 on Monday, 22 October 2007.
 24 What I'm going to do is read out to you and have
 25 Madam Translator translate the parts of the email I want

1 to show you.
 2 We can see in the first paragraph he says:
 3 "Dear Claude [that's Claude Wehrle]
 4 "A copy of our proposed draft Certificate is
 5 attached."
 6 Then skipping down to the fourth paragraph down, he
 7 says:
 8 "In your response, please include the following:—
 9 "— a suitable colour image for the front page, about
 10 10cm x 10cm, minimum 300dpi resolution.
 11 "— information relating to section 2 Delivery,
 12 storage and site handling.
 13 "— any additional or missing information you may
 14 feel could be helpful to the user/specifier .
 15 "— amendments to any data or statements which you
 16 may consider to be inaccurate."
 17 Now, just pausing there, it's correct, isn't it ,
 18 that those last two bullet points there are clear and
 19 specific requests to Arconic to check the draft for
 20 completeness and accuracy; yes?
 21 A. (Interpreted): Yes.
 22 Q. Would you have expected your team at Arconic to have
 23 pointed out any significant omissions or errors?
 24 A. (Interpreted): Yes.
 25 Q. Do you agree that test 5B would be helpful to the user

1 or specifier ?
 2 A. (Interpreted): Yes.
 3 Q. Do you agree that a user or specifier would not simply
 4 find test 5B useful, but in fact absolutely crucial
 5 safety information?
 6 A. (Interpreted): Yes.
 7 Q. In fact, life and death stuff, to be colloquial; do you
 8 agree?
 9 A. (Interpreted): That's too strong.
 10 Q. What's the right way of putting it?
 11 (Pause)
 12 A. (Interpreted): For matters relating to safety, as you
 13 expressed in the previous question.
 14 MR MILLETT: I'm getting a message that this is not a fair
 15 line of questioning, and I'm required to put the whole
 16 of the email to you. I'm very happy to do that.
 17 I'm going to show you the second and third
 18 paragraphs, which I didn't read to you. So, in fairness
 19 to you, we can look at it.
 20 SIR MARTIN MOORE-BICK: Mr Millett, sorry to interrupt, may
 21 I suggest you just ask the interpreter to translate the
 22 whole of the email so that the witness gets the whole
 23 picture in context?
 24 MR MILLETT: Yes, Mr Chairman, of course.
 25 Madam Interpreter, could you translate the whole of

1 the email from beginning to end, please.
 2 (Pause for translation)
 3 A. (Interpreted): Yes.
 4 Q. Now, I'm going to ask my questions again on this
 5 document.
 6 It's clear, isn't it, that the last two bullet
 7 points in the big yellow paragraph on the screen in
 8 front of you, "any additional or missing information you
 9 may feel could be helpful to the user/specifier ", are
 10 specific requests to Arconic to check the draft for
 11 completeness and accuracy; do you agree?
 12 A. (Interpreted): Yes.
 13 Q. And would you have expected your team at Arconic to have
 14 pointed out any significant omissions or errors?
 15 A. (Interpreted): Yes.
 16 Q. Do you agree that test 5B would be helpful to the user
 17 or specifier ?
 18 A. (Interpreted): Yes.
 19 Q. Do you agree that a user or specifier would not simply
 20 find test 5B useful, but in fact absolutely crucial
 21 safety information?
 22 A. (Interpreted): Yes.
 23 Q. Potentially making the difference between life and
 24 death?
 25 A. (Interpreted): No. Well, once again, I don't agree.

1 Yes, it does have an impact on the flammability, but the
 2 English regulation that you showed me in the previous
 3 document referring to class 0, it showed that the
 4 product could be used. So even if users or specifiers
 5 could use class 0 on the façade, it would depend on the
 6 system, and it would potentially be totally in agreement
 7 with the regulations.
 8 Q. Can you explain why you agree with me that test 5B would
 9 be absolutely crucial safety information, but not so
 10 crucial that it would make a difference between life and
 11 death, Mr Schmidt?
 12 A. (Interpreted): Well, when one talks about safety, one
 13 doesn't only refer to safety relating to people.
 14 Q. I see. So crucial safety information for the protection
 15 of property but not life; is that how you see it?
 16 A. (Interpreted): Yes.
 17 Q. Really?
 18 Let's look at the certificate . Let's have on
 19 screen, please, the final BBA certificate as issued.
 20 This is {BBA00000047}. We have a French translation,
 21 Mr Schmidt, for you, and that's at {ARC_T000012}.
 22 Now, on the left-hand side we have the by now
 23 familiar English version, and the, I imagine, much less
 24 familiar French translation of this. This, I should
 25 just tell you, Mr Schmidt, is an Arconic translation.

1 I would just like to ask you, first of all, some
 2 more general questions about this.
 3 You can see at the bottom the date is
 4 14 January 2008; do you see that? I'm afraid in the
 5 French you will have to go over to the second page to
 6 see that {ARC_T000012/2}. At the very top of the second
 7 page in the French and at the bottom of the first page
 8 in English. Do you see that?
 9 A. (Interpreted): Yes.
 10 Q. My question is: at this time, January 2008, did you see
 11 this certificate?
 12 A. (Interpreted): I don't know. I don't believe so.
 13 Q. When do you think, to the best of your memory, you did
 14 first see this certificate?
 15 A. (Interpreted): 2017.
 16 Q. After the Grenfell Tower fire; yes? Okay. Let's see
 17 how far we go with it, then.
 18 We can see if we go to the top of the first page
 19 that it is a certificate in relation to "Reynobond
 20 Architecture Wall Cladding Panels", we can see the dark
 21 blue band; yes?
 22 A. (Interpreted): Yes.
 23 Q. Then underneath that it says:
 24 "Product scope and summary of certificate."
 25 Do you see that?

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1 A. (Interpreted): Yes.
 2 Q. Under that it says:
 3 "This Certificate of Confirmation relates to
 4 Reynobond Architecture Wall Cladding Panels ..."
 5 If Mr Schmidt could read along in the French
 6 version, which starts just under the lighter blue band
 7 there.
 8 "This Certificate of Confirmation relates to
 9 Reynobond Architecture Wall Cladding Panels,
 10 aluminium/polyethylene composite panels used to provide
 11 a decorative/protective façade over the external walls
 12 of buildings."
 13 Do you see that?
 14 A little bit of the way down the page, it says, "Key
 15 factors assessed". It's towards the very bottom of your
 16 screen in the French version, and I would like, if it's
 17 possible, the French version to be raised up so that we
 18 scroll down. Do you see that? Do you see the heading
 19 "Key factors assessed"?
 20 A. (Interpreted): Yes, fine.
 21 Q. Underneath that it says, three down, "Behaviour in
 22 relation to fire". Now, it's in bold in the English,
 23 but it's not that easy to find in the French, but it
 24 starts with the word "Comportement". If you read those
 25 words after the word "Comportement", and I'll read the

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1 words "Behaviour in relation to fire", and it says in
 2 the English:
 3 "In relation to the Building Regulations for
 4 reaction to fire, the panels may be regarded as having
 5 a Class 0 surface in England and Wales, and a 'low risk'
 6 material in Scotland (see section 6)."
 7 In the French translation of that, the words "the
 8 panels may be regarded" is in the second line in that
 9 little section. If Madam Translator could just point
 10 those words out, please.
 11 (Pause for translation)
 12 Yes, thank you.
 13 A. (Interpreted): Yes.
 14 Q. Now, just to be clear, the document was issued in
 15 English and the French version is a French translation
 16 of the English, isn't it? To be clear, it was never
 17 issued in French, was it?
 18 A. (Interpreted): Yes, I don't know. If you say so.
 19 Q. You don't know, all right.
 20 If we go to page 3 {BBA00000047/3} {ARC_T000012/3},
 21 please, you can see at the bottom of this page in the
 22 English, and I'm afraid it's -- well, we can work with
 23 this.
 24 I'm so sorry, let's stick with the bottom of the
 25 French page and scroll back up in the English version,

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1 and if we go to the "Technical Specification", which is
 2 the last blue box in the French on that page, and the
 3 big blue box on the page on the left on the screen,
 4 "Technical Specification". It says, if Mr Schmidt could
 5 just read along with me:
 6 "1. Description.
 7 "1.1. The Reynobond Architecture Wall Cladding
 8 Panels comprise two 0.5 mm thick aluminium alloy
 9 sheets ... bonded to either side of a core of
 10 low-density polyethylene (LDPE). The panels are
 11 available either plain edged (riveted system) or flanged
 12 (cassette system) to suit architectural requirements
 13 (see Figure 1). A Duragloss or PVDF coating available
 14 in various colours protects the exposed face.
 15 A polyester primer protects the unexposed face. The
 16 products are also available in a fire-retardant
 17 grade ..."
 18 If you look at figure 1 below -- in the English it
 19 will have to be scrolled up a bit, and in the French
 20 version we're going to have to turn the page
 21 {ARC_T000012/4}, thank you. They're next to each other.
 22 If Mr Schmidt could look at the French while I look the
 23 English. You can see that there are diagrams of the two
 24 systems. The heading says:
 25 "Figure 1. Reynobond Architecture panels and

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1 typical fixing systems."
 2 On the left there is the riveted system, and on the
 3 right is the cassette system. Can you see that?
 4 A. (Interpreted): Yes.
 5 Q. Now, if we go to page 5 of the certificate in the
 6 English {BBA0000047/5} and 6 in the French
 7 {ARC_T000014/6}, we see section 6, "Behaviour in
 8 relation to fire". Let's look at section 6.1. If
 9 Mr Schmidt would read along in the French, I will go
 10 with the English, and in the English it says, next to
 11 6.1:
 12 "A standard sample of the product, with a grey/green
 13 Duragloss 5000 coating, when tested for reaction to
 14 fire, achieved a classification of B-s2, d0 in
 15 accordance with EN 13501-1:2002."
 16 That's the European classification. It goes on:
 17 "A fire retardant sample of the product, with
 18 a gold-coloured Duragloss finish, when tested for
 19 reaction to fire, achieved a classification B-s1, d0 in
 20 accordance with EN 13501:2002."
 21 Do you agree with me that the first reference there,
 22 the standard sample, is a reference to Reynobond 55 with
 23 a PE core?
 24 A. (Interpreted): Yes.
 25 Q. And that's a reference, isn't it, to the 2005 test A,

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1 test and classification, which related to Reynobond 55
 2 PE rivet-fix, isn't it?
 3 A. (Interpreted): Yes, probably.
 4 Q. And, as I've shown you in the second sentence of
 5 paragraph 6.1, there is a reference to the
 6 fire retardant sample of the product, with the
 7 gold-coloured Duragloss finish. That's a reference to
 8 the 2006 classification of Reynobond FR, isn't it?
 9 (Pause)
 10 Yes?
 11 A. (Interpreted): Yes.
 12 Q. Then under paragraph 6.2 -- I'll read the English if you
 13 look at the French, please -- it says:
 14 "A fire retardant sample of the product, with
 15 a metallic grey PVDF finish, when tested in accordance
 16 with BS 476-6:1989, achieved a fire propagation index
 17 (I) of 0 and, when tested in accordance with
 18 BS 476-7:1997, achieved a Class 1 surface spread of
 19 flame."
 20 A. (Interpreted): Yes.
 21 Q. Just pausing there, that's a reference, isn't it, to the
 22 2003 Warrington fire tests on Reynobond FR core, isn't
 23 it?
 24 A. (Interpreted): Yes, probably.
 25 MR MILLETT: Now, Mr Chairman, I find myself plumb in the

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1 middle of this certificate with quite a few questions to
 2 go on it, but it's now 1.01 pm. Having shown the
 3 witness 6.1 and 6.2, I need to show him the whole of
 4 section 6, particularly the section --
 5 SIR MARTIN MOORE-BICK: Well, Mr Millett, I did realise that
 6 you were probably going to find yourself in this
 7 predicament, but I think that probably it would make
 8 sense, wouldn't it, to break at that point and come back
 9 with presumably a number of questions after we've had
 10 a break?
 11 MR MILLETT: Yes. There is a logic to breaking here, and
 12 I would ask that we seize that.
 13 SIR MARTIN MOORE-BICK: Yes. Well, I'm persuaded.
 14 MR MILLETT: All right.
 15 SIR MARTIN MOORE-BICK: Mr Schmidt, I think you understood
 16 from what you heard, probably, that we're going to take
 17 a break now for some lunch.
 18 We will come back, please, at 2 o'clock UK time, and
 19 again I have to remind you, please, not to talk about
 20 your evidence over the break, to anyone at all.
 21 All right?
 22 See you at 2 o'clock, then. Thank you very much.
 23 (1.03 pm)
 24 (The short adjournment)
 25 (2.00 pm)

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1 SIR MARTIN MOORE-BICK: Welcome back, everyone. We are now
 2 ready to continue hearing evidence from Mr Schmidt, but,
 3 as always, I'll just begin by checking that the
 4 interpreters are with us and that they can hear clearly.
 5 MS DELAS-REISZ: We can hear you clearly and we are with
 6 you.
 7 SIR MARTIN MOORE-BICK: Thank you very much indeed.
 8 Now, Mr Schmidt, you're back with us, I hope, are
 9 you?
 10 THE WITNESS: (Interpreted): Yes, and I can hear you.
 11 SIR MARTIN MOORE-BICK: Hello, Mr Schmidt. And you're ready
 12 to carry on, I hope?
 13 THE WITNESS: (Interpreted): Yes.
 14 SIR MARTIN MOORE-BICK: Good. Thank you very much.
 15 Yes, Mr Millett.
 16 MR MILLETT: Thank you, Mr Chairman.
 17 Mr Schmidt, we were looking together at the
 18 BBA certificate for Reynobond 55, if we can please go
 19 back to that document, and I'd shown you some of this
 20 document already and clauses 6.1 and 6.2 within
 21 section 6, "Behaviour in relation to fire".
 22 Can we now look at section 6.3 together, and it says
 23 this, and I'll read the English, if you can read along
 24 in the French:
 25 "As a consequence of sections 6.1 and 6.2, the

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1 products may be regarded as having a Class 0 surface in
 2 relation to the Approved Document B of The Building
 3 Regulations 2000 (as amended) (England and Wales) and
 4 Technical Booklet E of The Building Regulations
 5 (Northern Ireland) 2000 (as amended) and a 'low risk'
 6 material is defined in Annex 2C and Annex 2E of
 7 The Building (Scotland) Regulations 2004 (as amended).
 8 The unexposed side of the products may also be regarded
 9 as having a class 0 surface."

10 Just pausing there, do you remember -- maybe you
 11 don't -- that the statement about the unexposed side was
 12 a conclusion drawn from the Reynolux certificate? Do
 13 you know that?

14 A. (Interpreted): No, not at all.

15 Q. Looking at 6.4, it says:

16 "These performances may not be achieved by other
 17 colours of the product and the designations of
 18 a particular colour should be confirmed by:

19 "England and Wales -- Test or assessment in
 20 accordance with Approved Document B, Appendix A,
 21 Clause 1."

22 Then there are further test standards referred to in
 23 relation to Scotland and Northern Ireland I don't think
 24 I need to read it to you.

25 Still on page 5 of the English version, and we're on

1 the right page of the French version, 6.5, it says:

2 "For resistance to fire, the performance of a wall
 3 incorporating the product, can only be determined by
 4 tests from a suitably accredited laboratory, and is not
 5 covered by this Certificate."

6 6.6:

7 "Cavity barriers should be incorporated behind the
 8 cladding, as required by the national Building
 9 Regulations, but should not block essential ventilation
 10 pathways. Particular attention should be paid to
 11 preventing the spread of fire from within a building
 12 breaching the cladding system through window and door
 13 openings."

14 A. (Interpreted): Yes.

15 Q. Now, I've taken you through the principal sections of
 16 the certificate so that you have it fresh in your mind,
 17 including, before the break, 6.1 and 6.2, Mr Schmidt.

18 I want now to show you -- so you have the text in
 19 your mind -- what Mr Wehrle says about this certificate.
 20 Just so that you know where I'm going with the
 21 questions, what I want to know is how some of the
 22 statements that I've shown you came to be on this
 23 certificate. Right?

24 A. (Interpreted): Yes.

25 Q. Let's go to Claude Wehrle's witness statement, English

1 page 16 {MET00053190/16}, French page 20
 2 {MET00048342/20}, please, in both cases paragraph 55.
 3 He says at paragraph 55:

4 "I cannot recall whether or to what extent I read
 5 through the content of the BBA certificate, but I was
 6 not aware until after the Grenfell Tower fire of the
 7 precise detail of its content."

8 I want to ask you about that.

9 First, Mr Schmidt, was it not Claude Wehrle's job to
 10 know what was in the BBA certificate?

11 A. (Interpreted): Yes, it was for him or his team, yes.

12 Q. Was it his job to read through it, make sure every
 13 detail was correct, and approve it?

14 A. (Interpreted): Well, if you think about a job
 15 description, I don't think we would go that far into
 16 details, but if you think about his task in general, his
 17 job in general, yes, I think it was for him to do it.

18 Q. His English was good enough to do that, was it?

19 A. (Interpreted): Yes.

20 Q. All right.

21 Now, let's look, then, at some of the
 22 correspondence. Let's go to some of the correspondence
 23 at the time, and I want to show you an exhibit,
 24 exhibit 16 from Mr Wehrle's witness statement,
 25 {MET00053158_P16/15}.

1 Now, I should tell you while the document is being
 2 retrieved that there is no French translation of this.
 3 Therefore, I will ask the translator to translate the
 4 whole of the email to you, please.

5 (Pause for translation)

6 Now, I want just to read out the relevant part in
 7 English, but let me introduce the document in English.
 8 It's an email from Mandy Osman to Claude Wehrle on
 9 Thursday, 22 November 2007, and this email, the second
 10 one down on the page, is to Mr Wehrle from GG Lines,
 11 in fact, and the first line of the email under the
 12 heading "Reynobond Architecture Wall Cladding Panels"
 13 says:

14 "We enclose a copy of the proposed Certificate for
 15 the above product and would appreciate your written
 16 approval of the draft."

17 And you have already translated the whole of it.

18 If we go to page 17 {MET00053158_P16/17}, please, we
 19 can see draft 1 of the BBA certificate was attached, and
 20 there it is.

21 We can then go to Claude Wehrle's response to this
 22 email. Can we please have the bottom of page 35
 23 {MET00053158_P16/35} and the top of page 36 of this
 24 email. It's the email at the bottom of page 35, on to
 25 page 36. I'm going to read it in English first aloud

1 and then I'm going to ask you to translate the whole of
 2 the email into French for the witness, please.
 3 THE INTERPRETER: Absolutely.
 4 MR MILLETT: It's from Claude Wehrle to Mandy Osman on
 5 23 November 2007, copied to Hamo Gregorian, and it says:
 6 "Hello,
 7 "I've some remarks:
 8 "On 1. Description:
 9 "After (see Figure 1), instead of 'A duragloss
 10 coating ... a PVDF coating' can you write [and then in
 11 red] 'a Duragloss or PvdF coating protects the exposed
 12 face in many different colors to outside exposure. The
 13 unexposed face is protected with a polyester primer.'"
 14 Then in green someone has written, we can see in the
 15 later email:
 16 "Text will be amended as advised."
 17 Then under 1.3:
 18 "Can you add the 2 dimensions 2000 x 3000 and 2000 x
 19 4000."
 20 Then in green underneath that:
 21 "Text will be amended as advised."
 22 Then on 6.1, which we saw in total in its final
 23 form:
 24 "Can you add the results of our fire certification
 25 for Reynobond FR (B-s1, d0)

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1 "Test report send to Hamo some month ago."
 2 In green:
 3 "I do not appear to have received this report.
 4 Please resend."
 5 THE INTERPRETER: Sir, shall I translate this?
 6 MR MILLETT: Yes, please.
 7 THE INTERPRETER: Yes? Okay.
 8 (Pause for translation)
 9 MR MILLETT: Now, if we go to the next email up on the
 10 left —hand side in the English, Hamo Gregorian to
 11 Claude Wehrle on Friday, 23 November 2007, in green he
 12 says:
 13 "Claude
 14 "Please find my response below (in green).
 15 "Regards
 16 "Hamo."
 17 Then above that, Claude Wehrle responds to
 18 Hamo Gregorian the same day:
 19 "Hello Hamo,
 20 "Please find enclosed the document for our Reynobond
 21 FR certification .
 22 "Regards,
 23 "Claude."
 24 Then the next email up from Hamo Gregorian to
 25 Claude Wehrle, again the same day, 23 November 2007:

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1 "Claude
 2 "The report is fine .
 3 "I'll add appropriate statement to section 6.1.
 4 "Regards
 5 "Hamo."
 6 Then at the very top of page 35 in the English we
 7 see an email from Claude Wehrle back to Hamo Gregorian,
 8 again on 23 November 2007:
 9 "Thank you very much for your help.
 10 "Just a quick last question:
 11 "On page 3 of 8, § General:
 12 "'This Certificate is a Confirmation French
 13 Agreements 2/04–1081 and ...'
 14 "Can you write 'This Certificate is a Confirmation
 15 French Agreements 2/07–1244 and ...' ?
 16 "In fact our 'Avis Technique' has a new number since
 17 it has been review on April this year.
 18 "You can find it in attachment (sorry I only have it
 19 in French).
 20 "Regards,
 21 "Claude."
 22 (Pause for translation)
 23 Now, that's an email run I've shown you in late
 24 November 2007.
 25 Can I now show you another email run in

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1 December 2007 at the same exhibit, page 155
 2 {MET00053158_P16/155}. Again, I'm afraid there is no
 3 French translation of this.
 4 This is an email — and I'll read it in the English
 5 and then, Madam Translator, if you could translate to
 6 the witness, please — to Claude Wehrle again from
 7 Mandy Osman at the BBA, copied to others at the BBA, and
 8 she says:
 9 "Dear Mr Wehrle,
 10 "Please find enclosed a copy of the final 'accepted'
 11 draft of the proposed Agreement Certificate for the above
 12 product and would welcome your approval of it. This is
 13 the draft we shall send to our Chief Executive for
 14 formal issue of the Certificate."
 15 Then in bold:
 16 "To request changes during or after formal issue
 17 will cause delay as well as resubmission of the draft,
 18 and may well result in further cost to your company — we
 19 recommend, therefore, that you satisfy yourself now that
 20 the draft meets your requirements in full .
 21 "If we have not heard from you by 8 January 2007 we
 22 shall assume you are satisfied with the draft and will
 23 proceed to issue. Please let me know immediately if you
 24 wish us to continue before this date.
 25 "We cannot enter into discussions concerning the

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1 Certificate but you should satisfy yourself that
 2 publication can proceed. As this is the final stage
 3 before publication, we would advise you to check the
 4 sample thoroughly. Though we exercise a rigorous check
 5 at all stages, as with all complex documents, there may
 6 be a few occasions when problems remain undetected. As
 7 is normal with publishing/printing, the responsibility
 8 for final checking rests with you the client.
 9 "For your information, once the Certificate is
 10 formally issued we will confirm this to you, and enclose
 11 a copy of the issued Certificate (for information only)
 12 just before we send the Certificate to our printer."
 13 If we --
 14 THE INTERPRETER: I'll translate, if you allow me.
 15 (Pause for translation)
 16 MR MILLETT: Thank you.
 17 Now, if we go down to page 157
 18 {MET00053158_P16/157}, we can see the document that was
 19 attached to Mandy Osman's email on this date, and we
 20 know from other documents, which I'll show you briefly,
 21 that this certificate in draft, draft 3, was sent to
 22 Colin Southgate and Deborah French in early
 23 January 2008.
 24 Can we go to page 165 {MET00053158_P16/165},
 25 for example, in this email run. You can see the second

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1 email down in that email run is from Claude Wehrle to
 2 Colin Southgate and Deborah French on 2 January 2008,
 3 and it says -- I'll read it in English and then it can
 4 be translated to you in French:
 5 "Hello,
 6 "At first HAPPY NEW YEAR 2008!!
 7 "Can I ask you to read the attached document and to
 8 send me any comment ASAP?
 9 "Regards,
 10 "Claude."
 11 (Pause for translation)
 12 Now I've shown you details of emails in November and
 13 December 2007 and early 2008, do you accept that
 14 Claude Wehrle was involved in the detailed drafting and
 15 approval of the BBA certificate?
 16 A. (Interpreted): Yes.
 17 Q. So when Claude Wehrle says, as I've shown you, at
 18 paragraph 55 of his witness statement that he was not
 19 aware until after the Grenfell Tower fire of the precise
 20 detail of its content, that is wrong, isn't it?
 21 A. (Interpreted): I mean, yes, you're right, but, I mean,
 22 we mustn't forget ten years elapsed in between, and,
 23 yes, I mean, that's my opinion.
 24 Q. Indeed.
 25 Are you able to explain how it is that Mr Wehrle was

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1 able to assert in his witness statement that he was not
 2 aware until after the Grenfell Tower fire of the precise
 3 detail of the content of the BBA certificate?
 4 A. (Interpreted): No.
 5 Q. Can I ask you to be shown the transcript at
 6 {Day91/6:25}, which was yesterday. I'm going to read it
 7 in English and then, Madam Translator, if you could
 8 translate into French. There will have been a French
 9 version of this in the record, but I'm afraid I can't
 10 lay my hands on it because it will be an audio
 11 recording, but if you could translate it, please.
 12 You told us yesterday this, line 25:
 13 "Answer: I believe, having discussed this with
 14 Claude Wehrle after the fire at Grenfell, that we were
 15 not aware of what was written within the fire test --
 16 what was written within the BBA certificate with regard
 17 to fire tests, European fire tests."
 18 Question at line 5 {Day91/7:5}:
 19 "Question: I don't understand. What was it that
 20 you were not aware of?"
 21 This is your answer, Mr Schmidt:
 22 "Answer: So the BBA certificate, after discussing
 23 with Claude Wehrle after the Grenfell fire,
 24 Claude Wehrle was not aware of the fire references made
 25 within the BBA certificate."

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1 At line 11 {Day91/7:11}:
 2 "Question: Are you telling the Inquiry that
 3 Claude Wehrle told you that he did not know of the
 4 references to European class B in the BBA certificate?
 5 "Answer: (Interpreted): Yes, I think that at least
 6 he hadn't remembered it anyway.
 7 "Question: Are you able to explain why Arconic did
 8 not correct the false statement in its BBA certificate
 9 about Euroclass B in relation to ... until after the
 10 Grenfell Tower fire?
 11 "Answer: (Interpreted): Well, I think I already
 12 answered the question. I get the impression that we
 13 weren't aware of it."
 14 Now, my question for you, Mr Schmidt, is:
 15 remembering that conversation with Mr Wehrle after the
 16 fire, did he tell you that he was not aware of the fire
 17 references made within the BBA certificate?
 18 A. (Interpreted): Yes.
 19 Q. Do you accept, me having shown you the emails from
 20 November and December 2007 and early 2008, that what he
 21 was telling you during that conversation was wrong?
 22 A. (Interpreted): Yes. Well, I don't know if he did it
 23 deliberately. Once again, ten years had elapsed, so
 24 I don't know whether he just didn't remember what was
 25 written within that certificate.

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1 Q. Did he tell you — I'm so sorry, do continue.
 2 A. (Interpreted): Specifically .
 3 Q. Did he tell you that he was not involved in the drafting
 4 of the BBA certificate — sorry, let me put the question
 5 again.
 6 Did he tell you that he was not aware of the fire
 7 references made in the BBA certificate or that he
 8 couldn't remember what they were?
 9 A. (Interpreted): I don't know. Maybe I'm not being
 10 precise enough, but I can't confirm one way or the
 11 other.
 12 Q. Let's look, then, at the BBA certificate. Now, I've
 13 shown you quite a lot of it .
 14 Having read the certificate , as we've seen from the
 15 email exchanges in late 2007, early 2008, would you have
 16 expected that Claude Wehrle would have pointed out any
 17 errors or omissions in it , as he was asked to do?
 18 A. (Interpreted): Yes.
 19 Q. Can you explain why Mr Wehrle did not point out to the
 20 BBA that the certification Euroclass B related only to
 21 the rivet form of PE and not to the cassette form?
 22 A. (Interpreted): No.
 23 Q. Can you explain why it is that Arconic, and Mr Wehrle in
 24 particular , failed to draw the distinction between the
 25 fire performance of cassette and the fire performance of

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1 rivet in PE to the attention of the BBA?
 2 A. (Interpreted): No.
 3 Q. Can you explain why the certificate does not state that
 4 the test result , Euroclass B—s2, d0 was achieved for PE
 5 only in the rivet form but not in the cassette form?
 6 A. (Interpreted): No.
 7 Q. Do you accept that that omission made the certificate
 8 thoroughly misleading?
 9 A. (Interpreted): Yes.
 10 Q. Do you accept that it was thoroughly misleading because
 11 it pretended that the cassette—fix version of
 12 Reynobond 55 in standard PE was covered by a Euroclass B
 13 standard classification when in fact it wasn't?
 14 A. (Interpreted): Could I see the certificate again,
 15 part 6.1?
 16 Q. I think on the French version —
 17 A. (Interpreted): In English, that's all right.
 18 Q. Is it? I can show it to you in English, Mr Schmidt,
 19 {BBA00000047/5}, but I think we ought to have the French
 20 version, {ARC_T000012/6}. Look at 6.1.
 21 A. (Interpreted): So no reference is made to the system.
 22 Okay.
 23 Q. Right. Do you want to change any of your answers,
 24 having been shown this document?
 25 A. (Interpreted): No, I'd just like to come back to the

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1 question.
 2 Q. The question is really this: looking at paragraph 6.1 of
 3 the English version , if you like , or the French version,
 4 do you accept that the reason why paragraph 6.1 at the
 5 very least was very misleading was because it pretended
 6 that the cassette—fix variant of Reynobond 55 PE was
 7 covered by a Euroclass B classification when in fact it
 8 wasn't?
 9 A. (Interpreted): In 6.1 it's not clearly formulated,
 10 neither with regard to cassette or riveted system.
 11 Q. You say it's not clearly stated; I'm suggesting to you
 12 that it's positively misleading because it conceals the
 13 fact that the product which achieved B—s2, d0 was
 14 in fact the riveted variant of standard PE and not the
 15 cassette variant .
 16 A. (Interpreted): Yes, it wasn't sufficiently precise or
 17 clear .
 18 Q. Can you explain why Claude Wehrle, having been given
 19 a number of opportunities and told expressly to bring to
 20 the BBA's attention any errors or omissions, did not
 21 tell them about test 5B, or tell them that only the
 22 rivet version of Reynobond 55 PE had achieved that
 23 classification ?
 24 A. (Interpreted): I can't explain it , I would just be
 25 making suppositions.

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1 Q. You see, the question I would ask Mr Wehrle, if he was
 2 sitting where you are sitting , Mr Schmidt, is why he let
 3 this text go out, given what he knew. Can you explain
 4 that? Can you give the answer that he would give?
 5 A. (Interpreted): No.
 6 Q. No. So you're unable to tell us why this certificate at
 7 paragraph 6.1 did not simply state the truth , which was
 8 that only the PE rivet version of Reynobond 55 had
 9 obtained Euroclass B?
 10 A. (Interpreted): No.
 11 Q. I would be suggesting to Mr Wehrle that his
 12 communications with the BBA in which he did not make
 13 this clear to them was deliberate and dishonest. Can
 14 you answer that question?
 15 A. (Interpreted): No.
 16 Q. As managing director at the time this document was
 17 approved and sent out by the BBA, are you able to
 18 account for how Arconic allowed this document to be —
 19 A. (Interpreted): No.
 20 Q. Were there any systems in place within Arconic at the
 21 time — late 2007, early 2008 — to ensure that those
 22 occupying Claude Wehrle's position in the company did
 23 not make false and misleading statements to Arconic's
 24 market?
 25 A. (Interpreted): Yes, we had a quality system, we had

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1 ISO 9001, which was established since 1993, so all
 2 processes in principle had to be followed. We took --
 3 we considered that audits were something that was
 4 constructive. Companies are not necessarily perfect,
 5 can be far from perfect, we can always improve them, and
 6 so we considered audits to represent an opportunity.
 7 Q. What went wrong in this case, Mr Schmidt?
 8 A. (Interpreted): I don't know.
 9 Q. Okay.
 10 Now, I want to show you a document that is a little
 11 bit later in time -- no, let me go back to that later
 12 on. Forgive me, Mr Schmidt.
 13 I've seen a message that there may have been
 14 a translation question in the last few questions. We
 15 will look at that in the break and may have to revisit
 16 that last line if necessary.
 17 Can I then move on to section 6.5 of the
 18 BBA certificate. What I want to do first of all is to
 19 go back to the BBA certificate in both languages and go
 20 to section 6.5 {BBA00000047/5} {ARC_T000012/7}. We
 21 looked at it just after the lunch break.
 22 Just a reminder of 6.5, it says:
 23 "For resistance to fire, the performance of a wall
 24 incorporating the product, can only be determined by
 25 tests from a suitably accredited laboratory, and is not

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1 covered by this Certificate."
 2 Now, I've shown you that again.
 3 Can we go to Claude Wehrle's witness statement,
 4 please, English page 17 {MET00053190/17}, French page 21
 5 {MET00048342/21}, in both cases at paragraph 58.
 6 Okay, Mr Schmidt, if you read paragraph 58 in French
 7 to yourself, I'll read the English aloud. He says:
 8 "The BBA Certificate also makes it very clear, in
 9 paragraph 6.5, that in relation to resistance to fire,
 10 the performance of a wall incorporating the product,
 11 i.e., the performance of an actual cladding system (as
 12 opposed to a mock system under test conditions), could
 13 only be determined by tests from a suitably accredited
 14 laboratory, and would not be covered by the certificate
 15 (which related to the product and not to the method of
 16 fixing or any other feature of the system). In other
 17 words, the fact that the certificate explains that a PE
 18 sample achieved an EN B classification in a particular
 19 systems test was not a guarantee that the outcome would
 20 be the same in different systems or with different
 21 fabrications."
 22 Now, you may not be able to help me with this.
 23 I have a number of technical questions, and if you can't
 24 help me then you can't help me. I'm showing you that.
 25 Is Claude Wehrle referring there to full systems

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1 tests such as the British Standard 8414 test that we
 2 have in the UK or the LEPIR2 test in France? Is that
 3 what he means?
 4 A. (Interpreted): Well I don't know whether that's what he
 5 is saying here. That could be the case, I imagine, but
 6 I can't confirm 100%. I mean, I've heard mention made
 7 of these tests, I know roughly what they are.
 8 Q. The reason I ask is because we can find no record of any
 9 tests of a whole façade build-up in the UK incorporating
 10 Reynobond 55 PE core at any time before the
 11 Grenfell Tower fire. Are you aware of any?
 12 A. (Interpreted): No.
 13 Q. Let's go back to the certificate, then, if we may, back
 14 at {BBA00000047/5} and {ARC_T000012/7}, and look at
 15 paragraph 6.5 again for the third time, I think.
 16 You can see that it mentions resistance to fire
 17 there, doesn't it? That's not the same thing, is it, as
 18 reaction to fire?
 19 A. (Interpreted): Yes.
 20 Q. Okay. Did you appreciate the distinction between
 21 reaction to fire and resistance to fire when you did
 22 your witness statement?
 23 A. (Interpreted): No, I'm not sure. I'm not sure of
 24 differentiating.
 25 Q. Can I then go to the document I wanted to show you,

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1 which is a little bit later in the chronology,
 2 June 2010, but it's, I think, convenient to pick it up
 3 at this stage. {CEP00053378}.
 4 This is a document called "Reynobond, Fabrication
 5 guideline, Step by step to a perfect cladding", and we
 6 believe the date is June 2010, and the reason,
 7 Mr Schmidt, we believe that is because Arconic has
 8 confirmed that as the date of production of this
 9 document.
 10 My first question is: did you see this document in
 11 2010?
 12 A. (Interpreted): Can't confirm.
 13 Q. Okay. Have you ever seen this document before?
 14 A. (Interpreted): Probably.
 15 Q. Do you remember when you first saw it, do you think?
 16 A. (Interpreted): No.
 17 Q. Let's look at page 12 {CEP00053378/12}, please. This is
 18 about machining, and I am afraid I don't believe we have
 19 a French version of this document, and if we do,
 20 I apologise, I have not been able to find it, but work
 21 with me in the English.
 22 Can you see that it deals with general fabrication
 23 techniques, and if you just translate that for me,
 24 Madam Translator, on the left.
 25 (Pause for translation)

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1 I don't want to have you read out the entirety of
2 the document. If you haven't seen this document before,
3 it may be that there is a limited amount that I can ask
4 you about it.
5 Can you see in the diagram that it explains how to
6 cut through the aluminium in order to create a 90-degree
7 right angle?
8 A. (Interpreted): On the right-hand side of the document?
9 Q. You can see that there, the right angle at the bottom
10 right --
11 A. (Interpreted): Yes.
12 Q. Can you see that that exposes the PE core?
13 A. (Interpreted): Yes.
14 Q. Then on page 13 {CEP00053378/13}, we can see that there
15 are further diagrams under the heading "Fold and
16 counterfold". Again, do you see that these diagrams
17 show the opening up of the PE core to exposure?
18 A. (Interpreted): Yes.
19 Q. Just for reference purposes, I should just say that the
20 core of this material here in this document is PE, not
21 FR. That's clear from page 34 {CEP00053378/34}.
22 My question is: given the fire behaviour exhibited
23 by test 5B on Reynobond PE cassettes, why did Arconic
24 provide advice and guidance such as this we can see in
25 the diagrams on how to fabricate cassettes and expose

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1 the core without any warning as to the risks of fire?
2 A. (Interpreted): I can't answer.
3 Q. Does it mean that you can't answer this question: that
4 Arconic would have known or should have known, at the
5 least, that in recommending methodologies of fabrication
6 such as this which expose the PE core, it was
7 recommending a method of fabrication which might result
8 in an extremely dangerous system?
9 A. (Interpreted): [FT] *** I think that this document was
10 drawn up, the way that I understand it was drawn up, to
11 explain to the transformers how to transform the
12 product, but unless, and I think that it probably
13 applied to PE and FR, I don't think that we would have
14 differentiated between the two, but once again I'm not
15 totally sure and I don't know whether in this type of
16 document there would have been a link established to
17 fire resistance. ***
18 Q. Maybe I'll make it a simpler question: can you explain
19 why this document carries no warning that exposing PE
20 creates the risk of a dangerous cladding system because
21 it exposes the cladding panels to risk of fire?
22 A. (Interpreted): No.
23 Q. I'm going to change to a different topic, and that is
24 some of your evidence on the role of Arconic as opposed
25 to the role of professionals.

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1 Can we go to your witness statement, please,
2 Mr Schmidt. I'd like to go to paragraph 90, page 29 of
3 the English {MET00053187/29}, and page 13 in the French,
4 and the French part of your statement is
5 {MET00048338/13}. I want to look at paragraph 90 and 92
6 with you.
7 There we have the French on the screen on the right,
8 and the English will come on the left, page 29, please,
9 in the English version of your statement.
10 It says at paragraph 90, you say --
11 THE INTERPRETER: We don't have the beginning of
12 paragraph 90.
13 MR MILLETT: If we could have the beginning of paragraph 90,
14 please.
15 I want to pick it up two-thirds of the way down the
16 English with the words "Decisions". I think that that
17 begins in the French ...
18 THE INTERPRETER: I'm looking for it ...
19 MR MILLETT: If you could find that, please.
20 THE INTERPRETER: I'm trying to.
21 (Pause)
22 SIR MARTIN MOORE-BICK: I think it's the next page down in
23 the French {MET00048338/14}.
24 THE INTERPRETER: Thank you, sir. Yes.
25 MR MILLETT: The English says -- and if Mr Schmidt could

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1 read along in the --
2 A. (Interpreted): Yes.
3 Q. "Decisions on whether or not products are suitable for
4 use in a construction or refurbishment project are for
5 professionals such as architects, engineers and building
6 designers to make. Such decisions will be made based on
7 a number of factors, including other materials, design
8 of cladding system and the project details generally, to
9 be used in the project, and AAP SAS would generally not
10 recommend the use of a product for a particular project.
11 In line with this, so far as I am aware, AAP SAS did not
12 recommend the use of Reynobond 55 (ACM PE), nor any
13 alternative products, for Grenfell Tower."
14 Then if you go on to paragraph 92, please, which you
15 can see at the bottom of the right-hand side of the
16 screen, and I think we're going to have to scroll down
17 in the English for the beginning of paragraph 92,
18 thank you, it says:
19 "Given AAP SAS's role (that is, a manufacturer and
20 supplier of unfabricated ACM panels) it would not have
21 considered whether the use of Reynobond 55 PE cassette
22 panels as part of the façade of Grenfell Tower would
23 comply with relevant building regulations or associated
24 guidance including in respect of fire safety. It would
25 not be possible for the company to consider such

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1 matters, as it would not know exactly how its product
2 was to be used including what other materials its
3 product would be used in combination with. For the same
4 reasons, neither could AAP SAS form a view as to whether
5 the design of the façade of the tower complied with
6 relevant building regulations and associated guidance,
7 so far as fire safety, or indeed any other aspects, were
8 concerned. AAP SAS did not therefore rely on any advice
9 from third parties about such issues, as they were not
10 (and would never be) within its remit to consider;
11 AAP SAS is simply a supplier of one component product
12 which may be used in the façade of a building."

13 Now, this is your evidence, Mr Schmidt, to
14 the Inquiry.

15 How would any architect or designer or construction
16 professional have all the information available to it to
17 make a proper decision if they did not know of the
18 existence of test 5B or what it showed?

19 (Pause)

20 A. (Interpreted): Well, if we go back to the
21 BBA certificate, it's exactly the same thing that is
22 said there, that any product has to be tested within its
23 system.

24 Q. The BBA certificate doesn't say, does it, "Don't use
25 Reynobond 55 PE unless you have tested it in its system

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1 in which it is going to be used", does it?
2 A. (Interpreted): Yes, that's what I understand in 6.5.
3 Q. What was the point of the representation made in 6.1 and
4 6.2, and indeed 6.3, about the fire classifications in
5 relation to Reynobond?
6 A. (Interpreted): I don't know.
7 Q. Can we try the question a different way round,
8 Mr Schmidt, so there is no confusion here.
9 Would you accept that even the most competent of UK
10 professionals -- architects, designers, construction
11 professionals -- looking at the BBA certificate closely
12 would be led to believe that Reynobond 55 PE in
13 cassette-fix had achieved a Euroclass B when it had not?
14 A. (Interpreted): In 6.1 and 6.2 there is no system that is
15 mentioned, so no.
16 Q. I don't understand the answer, I'm afraid.
17 Let's have paragraph 6.1 of the BBA certificate up
18 again. Let's have {BBA00000047/5}, which is the English
19 version, and the French version {ARC_T000012/6}. Let's
20 look at paragraph 6.1, please, and it says there:
21 "A standard sample of the product, with a grey/green
22 Duragloss 5000 coating, when tested for reaction to
23 fire, achieved a classification of B-s2, d0 in
24 accordance with EN 13501-1:2002. A fire retardant
25 sample of the product, with a gold-coloured Duragloss

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1 finish, when tested for reaction to fire, achieved a
2 classification B-s1, d0 in accordance with
3 EN 13501:2002."

4 Would you accept that even the most competent of UK
5 professionals studying what I've just read out to you
6 from this certificate, Mr Schmidt, would be led to
7 believe that Reynobond 55 standard PE in cassette-fix
8 had achieved a Euroclass B when it had not?

9 A. (Interpreted): No.

10 Q. You don't accept that?

11 A. (Interpreted): No.

12 Q. You see, I thought you had accepted that earlier in your
13 evidence. Let me just see if I can --

14 A. (Interpreted): Well, maybe -- I'm sorry, maybe I don't
15 really understand the question in its entirety, but in
16 this text here it says that a product has obtained in --
17 what it says is that at the time of a fire test
18 the product obtained such a result. That's what it
19 says, essentially.

20 I mean, at 6.5 it says the product has to be tested
21 with the whole of the system and probably to make sure
22 of the fire validity of the whole thing.

23 Q. Mr Schmidt, we're about to break, but do you understand
24 the difference between reaction to fire and resistance
25 to fire?

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1 (Pause)

2 A. (Interpreted): No, I'm not sure I do.

3 Q. I'm going to try one more time before the break.

4 Can we please go back to paragraph 6.1 of the
5 BBA certificate {BBA00000047/5} {ARC_T000012/6}.
6 Looking at paragraph 6.1, it says there that:

7 "A standard sample of the product, with a grey/green
8 Duragloss 5000 coating, when tested for reaction to
9 fire, achieved a classification of B-s2, d0 in
10 accordance with EN 13501-1:2002."

11 What would tell the competent UK building
12 professional or architect that only the rivet version
13 had obtained a classification of B-s2, d0, but not --

14 THE INTERPRETER: Forgive me, and the sound went a bit
15 funny, can you repeat what you just said?

16 MR MILLETT: What would tell the competent UK building
17 professional or architect that only the rivet version
18 had obtained a classification of B-s2, d0 but not the
19 cassette version?

20 A. (Interpreted): Well, the text says -- and that's
21 probably why I'm a bit confused and it's not very clear
22 for me -- that during a given test, fire test, the
23 product obtained a certain classification, but it seems
24 to presuppose also that the product wouldn't necessarily
25 always obtain the same classification.

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1 MR MILLETT: Mr Chairman, I'm going to ask for a break at
2 this point, I think. It's 3.15 and it's probably time
3 for a break.
4 SIR MARTIN MOORE—BICK: Yes, I think you're right,
5 Mr Millett.
6 We are going to have a short break, Mr Schmidt, and
7 come back, please, at 3.35. Please remember not to
8 speak to anyone about your evidence over the break.
9 So we will see you a bit later on. Thank you.
10 (3.20 pm)
11 (A short break)
12 (3.35 pm)
13 SIR MARTIN MOORE—BICK: Welcome back, everyone. We're ready
14 to resume hearing from Mr Schmidt, but first, as always,
15 I think I had better check that our interpreters are
16 with us.
17 MS KENNEDY: We can see and hear you, thank you.
18 SIR MARTIN MOORE—BICK: Thank you very much.
19 Then, Mr Schmidt, are you there?
20 THE WITNESS: (Interpreted): Yes, I'm here.
21 SIR MARTIN MOORE—BICK: Good. And you're ready, I hope, to
22 continue.
23 MR MILLETT: Mr Chairman, thank you very much.
24 I want to turn to a different topic, which is
25 information available to salespeople.

1 Now, we heard from Deborah French that she started
2 at Arconic in late 2007, just as the BBA certificate was
3 being finalised, so that puts her in the chronology.
4 All right?
5 A. (Interpreted): Yes.
6 Q. To the best of your recollection, after you began your
7 role as managing director at Merxheim in 2007, is it
8 right that your salesforces in different countries were
9 generally dealing with fabricators and designers and
10 architects; yes?
11 A. (Interpreted): Yes.
12 Q. What about fabricators?
13 A. (Interpreted): Yes.
14 Q. Do you agree —
15 SIR MARTIN MOORE—BICK: Can I just interrupt a moment? I'm
16 sorry to do that, Mr Millett.
17 Mr Schmidt, you look a little bit puzzled about the
18 use of the word "fabricateur". Is that not what you
19 would normally describe them as?
20 A. (Interpreted): No, that word is okay, but I thought I'd
21 heard it in a previous sentence.
22 SIR MARTIN MOORE—BICK: All right. I'm sorry to interrupt.
23 MR MILLETT: Do you agree that Arconic's salesforces would
24 need to have a grasp, an understanding, of the technical
25 characteristics of the product they were selling?

1 A. (Interpreted): Yes.
2 Q. Does Arconic require its salesforces to have experience
3 in selling building products?
4 A. (Interpreted): No, not necessarily.
5 Q. Did Arconic require their salesforces to have some
6 technical knowledge of their products?
7 A. (Interpreted): Yes, a certain amount, yes.
8 Q. Can we go to Claude Wehrle's witness statement at
9 page 36 in the English {MET00053190/36}, please, and
10 page 10 in the French {MET00048329/10}. I want to look
11 at paragraph 124.
12 I'll show what he says there. He says — and if you
13 read in the French, I'll read the English out:
14 "I have also been asked to confirm whether AAP SAS
15 provides training to its staff and contractors in
16 relation to the technical performance of its products
17 including in respect of fire performance. In relation
18 to AAP SAS employees (and external sales teams) this
19 training occurs in different forms but includes
20 information on technical matters being provided to
21 relevant employees as part of their 'on-boarding'
22 process. This is usually at least a half-day session
23 and the content will depend upon the particular role of
24 the employee, for example, if they were responsible for
25 sales into France there may be a greater focus on French

1 related technical certifications."
2 Now, in relation to the training given by Arconic
3 described there by Mr Wehrle, were salespeople trained
4 on the certification that was relevant to their
5 particular territory?
6 A. (Interpreted): I can't confirm. There was no one
7 specific on the site at Merxheim who had the specific
8 information with regard to the countries to which we
9 delivered. I think they probably had some information
10 on the necessary tests or other.
11 Q. Would that include training on the testing regimes
12 relevant, for example, to the United Kingdom, or England
13 and Wales specifically?
14 A. (Interpreted): But that's the second half of my answer
15 before. So I'd like to repeat, there is no one in
16 Merxheim who would have been able to explain the
17 regulations with regard to the countries that we
18 delivered to, to a salesman or a sales team.
19 Q. Well, that's not a repetition of your previous answer,
20 it's rather different from it. So let's just be clear.
21 Would —
22 A. (Interpreted): I just think that potentially something
23 had been missed out in the interpretation.
24 Q. Let's try again. I'll ask you just a simple question:
25 did the United Kingdom's salesforce — so Mr Southgate,

1 Ms French and then Mr Meakins — get training on the
 2 testing regimes which applied in the United Kingdom, and
 3 specifically England and Wales?
 4 A. (Interpreted): I don't know. One would need to check.
 5 When someone is taken on from outside, an external
 6 salesperson is taken on, they would come here to the
 7 site, they would come here for one week or two weeks and
 8 they would visit the factory, and so therefore they'd
 9 meet the technical teams, not only necessarily
 10 Claude Wehrle's technical teams, they would also meet
 11 people responsible for paints and laboratories. In
 12 principle there is a kind of follow-up sheet or document
 13 for each employee, after they've been taken on. So, to
 14 answer your question more precisely, it's potentially
 15 a good idea to look at those documents.
 16 Q. Have you looked at those documents?
 17 A. (Interpreted): No.
 18 Q. Why not?
 19 A. (Interpreted): I didn't think about it.
 20 Q. Why have you just thought about it now?
 21 A. (Interpreted): Because you put me on the path or you
 22 asked me the question.
 23 Q. These documents you're referring to, are these training
 24 records for sales personnel?
 25 A. (Interpreted): It's a document that exists for each

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1 employee that's taken on.
 2 Q. My question again: are they training records for each
 3 member of the salesforce?
 4 A. (Interpreted): Yes, there's a heading, then the time it
 5 was taken and also the person who gave the training.
 6 It's a document that HR would have, human resources.
 7 Q. To the best of your knowledge, did those documents
 8 reflect technical training on the products that each
 9 member of the salesforce was selling in his particular
 10 territory?
 11 A. (Interpreted): I can't answer, I don't know, no.
 12 There's probably a document of the kind, but I don't
 13 know — I don't have in mind precisely what appears in
 14 each document.
 15 Q. No. We have no such documents, Mr Schmidt. Are you
 16 able to explain why these documents were not provided by
 17 Arconic to the Inquiry?
 18 A. (Interpreted): No, I have no idea, and if they exist
 19 they should be available.
 20 Q. Would you be prepared to provide them?
 21 A. (Interpreted): Yes, of course.
 22 Q. Okay. Well, we'll have to take that up with Arconic's
 23 lawyers.
 24 Is it right that salespeople working around the
 25 world in the territories in which Arconic sold its

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1 products would attend sales meetings once or perhaps
 2 twice a year at Merxheim?
 3 A. (Interpreted): Yes.
 4 Q. Do you remember, was it obligatory? Did they have to
 5 come?
 6 A. (Interpreted): Yes. Generally everybody came. Maybe
 7 there would be one or two people missing, but yes.
 8 Q. Do you remember whether there was usually an update from
 9 the technical sales support team?
 10 A. (Interpreted): Yes, I believe that at each sales meeting
 11 there was a presentation from the team that supported
 12 the sales, it was part of a normal schedule.
 13 Q. Would Arconic's management expect these salespeople to
 14 listen to the update relevant to their product and take
 15 on board the information given to them?
 16 A. (Interpreted): Yes.
 17 Q. So do we take it that your salesforce couldn't ignore
 18 information and decide for themselves what was relevant
 19 to them and what was irrelevant to them?
 20 A. (Interpreted): Yes. Now, let's go to your second witness
 21 statement, please, in the English at page 15
 22 {MET00053187/15} and in the French at page 20
 23 {MET00048331/20}, in both cases paragraph 48.
 24 Now, you have the whole of paragraph 48 there in the
 25 French on the screen. In the English it skips over the

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1 page. I'm going to read the English while, Mr Schmidt,
 2 please read the French to yourself.
 3 "In relation to awareness within AAP SAS of the
 4 results of fire performance testing and certification, a
 5 number of people within AAP SAS would have been aware
 6 including the sales team and the technical sales support
 7 team. Members of the sales team would be aware of
 8 results as they are made available to them through an
 9 online system referred to as the 'toolbox'.
 10 Claude Wehrle and the technical sales support team would
 11 upload to the toolbox a new or updated classification
 12 report or certification and would notify the sales team
 13 via email of any such changes. Such emails were sent to
 14 two mail distribution lists: 'RAF Liste Commercial
 15 Interne' which includes all members of the Sales and
 16 Marketing Department that are based in Merxheim
 17 including those working in 'internal sales', 'outside
 18 sales' and 'technical support' and 'RAF Liste Commercial
 19 Externe' which includes all members of the Sales and
 20 Marketing Department that are based outside of Merxheim
 21 and either employed by AAP SAS or are its agents,
 22 including for example, Deborah French and Vince Meakins.
 23 For completeness, it should be noted that in my
 24 experience the technical (research and development) team
 25 may have a general awareness of tests being carried out

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1 in the context of any product modifications and to the
 2 extent that technical information is required by the
 3 technical sales supports team as part of the testing it
 4 arranges. I would also note that information may have
 5 been presented to management on specific occasions,
 6 for example, in relation to investment decisions in
 7 respect of FR or A2 investment projects.”
 8 Now, we’ve heard some evidence about the toolbox
 9 from Deborah French and Vince Meakins. Vince Meakins
 10 told us that there was an early version of the toolbox
 11 and one that came much later in, he thinks, 2018, and he
 12 says that was the one, the later one was the toolbox
 13 that salespeople could access directly .
 14 My question is: is it right that there were at least
 15 two versions of the toolbox?
 16 A. (Interpreted): I can’t confirm, but if that’s what Vince
 17 says, then I imagine he’s probably right .
 18 Q. Let’s see if you can help us further .
 19 When you refer to the online system referred to as
 20 the toolbox, do you remember when that system was
 21 established?
 22 A. (Interpreted): No.
 23 Q. Was there a time when the original toolbox system fell
 24 out of use and wasn’t used at all?
 25 A. (Interpreted): I don’t know.

1 Q. Do you remember when the version of the toolbox that
 2 members of the salesforces could access was established?
 3 A. (Interpreted): Well, no, not exactly, but in theory,
 4 regarding that tool, it was on a server which was
 5 a sort of commercial file and all the employees within
 6 the commercial team could have access to it.
 7 Q. Did you ever visit the toolbox?
 8 A. (Interpreted): No.
 9 Q. Did you ever have anything to do with establishing the
 10 toolbox or deciding how it would work, what documents
 11 would go in it or who had access to it?
 12 A. (Interpreted): No, and I don’t know really at what time
 13 it was set up and which commercial director was in
 14 charge then.
 15 Q. What is the source of the statements that you make in
 16 your statement about the toolbox that I’ve read to you?
 17 A. (Interpreted): In fact it’s when we started searching
 18 for documents, doing research after Grenfell, that’s
 19 when I learned that that toolbox existed .
 20 Q. Who told you —
 21 A. (Interpreted): And at the time of Grenfell, I didn’t
 22 know.
 23 Q. Who told you about the toolbox?
 24 (Pause)
 25 A. (Interpreted): I’m not certain, but it might well be

1 Claude Wehrle.
 2 Q. So the statements that you have made in your witness
 3 statement about the toolbox are not statements from your
 4 own knowledge and you aren’t able to tell me exactly
 5 where you got that information from; is that correct?
 6 A. (Interpreted): I mean, they’re second-hand information,
 7 if you like .
 8 Q. Are you able to tell us from your own knowledge what
 9 kinds of documents would normally be in the toolbox in
 10 the period 2012 to 2016?
 11 A. (Interpreted): Well, between the period 2012 to 2016
 12 I couldn’t necessarily give you a very detailed list ,
 13 but as to the type of documents, I think you would find
 14 all the marketing documents, and updated, and also the
 15 fire tests would be there.
 16 Q. Is there a document or database which would identify on
 17 any particular given date what documents could be found
 18 historically in the toolbox?
 19 A. (Interpreted): I don’t know, you would have to ask the
 20 IT specialist .
 21 Q. Right.
 22 To the best of your own knowledge — and if you
 23 don’t know, then tell me — was a salesperson such as
 24 Debbie French able to access the toolbox and explore it
 25 for themselves in the period 2012 to 2016?

1 A. (Interpreted): No.
 2 Q. Do you know who was responsible for keeping the toolbox
 3 up to date?
 4 A. (Interpreted): I think there was the technical team and
 5 also the marketing team.
 6 Q. Is it your understanding — and again, if you don’t know
 7 from your own knowledge, please tell me — that each
 8 time a new classification or certification or test was
 9 uploaded to the toolbox, the technical sales support
 10 team would email both of the group lists, RAF liste
 11 externe and RAF liste interne?
 12 A. (Interpreted): Well, I saw some of these emails in the
 13 various lists of documents that went along with the
 14 [FT] *** information connected to the various
 15 statements, and it would seem logical for the updates to
 16 be systematic. ***
 17 Q. Is that your interpretation of the evidence you’ve seen,
 18 or is it your evidence of the facts at the time?
 19 A. (Interpreted): I mean, we’re not talking about facts.
 20 I mean, I didn’t check myself whether it had been done.
 21 Q. Let’s see what Mr Wehrle says. Can we please have his
 22 witness statement, please, English page 34
 23 {MET00053190/34}, French page 7 {MET00048329/7},
 24 paragraph 116.
 25 Now, I don’t want to show you the whole paragraph,

1 just one part of it , where he says, and it's four lines
 2 down in the English:
 3 "When a new or updated classification report ..."
 4 In the French, I think it's six lines down,
 5 "Lorsqu'un PV".
 6 A. (Interpreted): I can see it , thank you.
 7 Q. I'm going to read in the English, you read the French,
 8 please:
 9 "When a new or updated classification report or
 10 certification is obtained by myself or others within my
 11 team, it would be added to the 'Toolbox' by that team
 12 and sometimes an e-mail would be sent to the Sales and
 13 Marketing Department email distribution list (referred
 14 to as 'RAF Liste Interne' and 'RAF Liste Externe')
 15 confirming that changes had been made to the Toolbox or
 16 that new classification reports had been obtained."
 17 Now, I want to know about the word "sometimes".
 18 THE INTERPRETER: This is "in general".
 19 MR MILLETT: Right.
 20 "In general", then. What was the true position,
 21 Mr Schmidt: would emails always be sent, or only
 22 generally but sometimes not?
 23 A. (Interpreted): I mean, I've got no specific answer, but
 24 when you read that word, which in French means
 25 "generally", it means most of the time but there may be

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1 cases when it doesn't happen. That's how I understand
 2 it .
 3 Q. Who would decide when something should be sent in
 4 accordance with the general policy and when something
 5 shouldn't?
 6 A. (Interpreted): I don't know.
 7 Q. Did you yourself personally receive emails as part of
 8 the RAF liste commerciale interne or RAF liste commerciale
 9 externe?
 10 A. (Interpreted): No.
 11 Q. How would the recipients of emails within those lists
 12 know that any addition to the toolbox, new
 13 certification , new test data, was relevant to them?
 14 A. (Interpreted): I would imagine that in the mail it was
 15 described in more detail.
 16 Q. That's your imagining it, that's your inference or
 17 speculation?
 18 A. (Interpreted): Yes.
 19 Q. You know or you don't know?
 20 A. (Interpreted): No, that's a supposition.
 21 Q. Would you have expected Deborah French, as a salesperson
 22 working in England and Wales, to have appreciated that
 23 the European classification updates were relevant to her
 24 work?

(Pause)

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1 A. (Interpreted): It's a difficult question. It's
 2 difficult to answer because I don't know whether the
 3 regulation in England relied on European test or whether
 4 the English regulation had its own regime of tests.
 5 Q. Well, can we agree on this, Mr Schmidt: that if the
 6 European classification regime was irrelevant to the
 7 United Kingdom, the BBA certificate would not have
 8 referred to it?
 9 A. (Interpreted): Well, no, I don't think so, because after
 10 the fire I checked various products and BBA certificates
 11 from competitors, and in some of them there was
 12 absolutely no reference to the European legislation, or
 13 to the European test. The European tests were not
 14 mentioned in their certificates .
 15 Q. But would you agree, Mr Schmidt, that where the European
 16 class B had been obtained, as it had for rivet at the
 17 time, and that European classification was being used as
 18 the basis of a statement that the product could be
 19 regarded as having class 0 national standard, the
 20 European classification was highly relevant?
 21 (Pause)
 22 A. (Interpreted): Yes, I do understand, at least.
 23 Q. Do you agree?
 24 A. (Interpreted): Yes, I mean, I did see the
 25 BBA certificate, which does mention the European

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1 certification , and then in paragraph 6.2 or 6.3, I don't
 2 remember, it's deduced -- concluded that it has
 3 a class 0.
 4 Q. Thank you.
 5 So my question, coming back to it, is: assume with
 6 me for the moment that the European classification
 7 regime applies in the United Kingdom, in parallel, if
 8 you like, with the national classification ; would you
 9 have expected Deborah French to have appreciated that
 10 any update in relation to European classifications of
 11 her product, Reynobond 55, was relevant to her job?
 12 A. (Interpreted): Yes.
 13 Q. Thank you.
 14 Now, Deborah French described Arconic's approach to
 15 European classifications and updates to such
 16 classifications in respect of products like Reynobond
 17 55 PE as "very secret". Her expression was that Arconic
 18 was "very secret over stuff like that".
 19 For our record, and to be fair to you, I'm quoting
 20 from the transcript of a meeting she had after the fire
 21 in 2017 at {MET00040858/2}, around the middle of the
 22 page. That's for the transcript . Perhaps it should be
 23 translated so you can understand what I've said.

(Pause for translation)

My question for you, Mr Schmidt, is: was Arconic's

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1 general approach as Ms Deborah French describes it,
 2 namely that it was very secretive and didn't always tell
 3 its sales teams about the test results?
 4 A. (Interpreted): Yes, I mean, I can't say in detail
 5 because I don't know, but this is more or less how I see
 6 things. I mean, when Claude Wehrle realised that the
 7 fire tests that were carried out in 2011 were not at the
 8 expected level, the results were not what we were
 9 expecting, there were communications that were made in
 10 later years, and I also saw in one document that there
 11 is a mail that was sent in 2014 to Taylor Maxwell, and
 12 I'm not sure exactly in which document it was, but it's
 13 information about that sort of thing.
 14 Q. Right.
 15 Do you agree that Arconic's approach was secretive
 16 in the way Ms French described?
 17 A. (Interpreted): No.
 18 Q. Let me show you the transcript of her evidence about
 19 this discussion she had with Mr Simmons, it was, in
 20 June 2017. This is {Day89/37:20}.
 21 I'm going to read the question and then,
 22 Madam Translator, if you would translate the question
 23 into French, and then I will go to the answer, and we'll
 24 do the same.
 25 "'[They] are very secret over stuff like that.'

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1 "Do I understand correctly that Arconic did not
 2 share information with you about, for example, testing
 3 programmes?
 4 "Answer: Not until it was necessary for it to be
 5 published, no.
 6 "Question: Right. When you say not until it was
 7 necessary to be published, what would dictate whether it
 8 was necessary to be published?
 9 "Answer: I guess when they needed to update
 10 certificates.
 11 "Question: Am I right in thinking that Arconic did
 12 not share information with you about the fire
 13 performance of Reynobond?
 14 "Answer: They would have shared with me various —
 15 the certificates once anything has been — testing had
 16 been done and was — certificates need to be published,
 17 that's when they would send them to us."
 18 Just pausing there, I'm going to ask you the
 19 question, Mr Schmidt: is Ms French correct that Arconic
 20 would only send updated certificates to the salesforces
 21 once the certificates needed to be published but not
 22 before that?
 23 A. (Interpreted): I don't know, and I couldn't answer your
 24 question.
 25 Q. Right. Well, I was going to show you, just for

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1 completeness, the next question and answer. Question at
 2 line 11 {Day89/38:11}.
 3 "Question: What was it that you were referring to
 4 here in this conversation when you said, '[They] are
 5 very secret over stuff like that'? What's the 'that'?'
 6 "Answer: I think it was referring to the change in
 7 core. They wouldn't want the market to know that they
 8 were looking at a different — bringing out a new
 9 product or a different core or a new development until
 10 they were ready to do it."
 11 A. (Interpreted): That projects a different light on this
 12 for me.
 13 Q. What light does it project on it?
 14 A. (Interpreted): It's linked to all the FR products or FR
 15 cores that we carried out over the years, and for some
 16 of them, as long as a product hadn't passed the
 17 fire tests nor the qualification tests, then no
 18 information was given to the salesforce.
 19 Q. If a new or updated fire test or fire classification for
 20 a product had been received by Arconic, would you expect
 21 the salesforce in the relevant territory for that
 22 product to be told straightaway about that new test or
 23 classification?
 24 A. (Interpreted): Yes.
 25 Q. Does it follow that if there was no certificate

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1 published, such as for test 5B, but test 5B was just
 2 simply treated as a rogue, any salesperson would have no
 3 means of finding out about that test result?
 4 A. (Interpreted): Probably in 2005, yes, I don't think that
 5 the sales team was organised to that extent.
 6 Q. What about in the years between 2007 and 2017, the year
 7 you started as managing director and the year of the
 8 fire, that period?
 9 A. (Interpreted): Well, I think, once again, from
 10 2013/2014, that information circulated and was available
 11 for the teams.
 12 Q. One more question before I ask the Chairman to break:
 13 have you seen any material at all, either at the time or
 14 in your preparation to give evidence today, which
 15 suggests that any member of the UK sales team was told
 16 of the existence of test 5B?
 17 A. (Interpreted): No, I don't have the information to say
 18 so.
 19 MR MILLETT: Mr Chairman, that's a convenient moment. I'm
 20 sorry I have gone over by five minutes.
 21 SIR MARTIN MOORE-BICK: I think that would be a good point
 22 to stop.
 23 We have overrun a little bit, Mr Schmidt, I'm sorry
 24 about that, but we'll break now and we'll resume,
 25 please, at 10 o'clock UK time tomorrow morning. Please

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1 don't talk to anyone about your evidence over the break,
 2 and we'll look forward to seeing you tomorrow.
 3 Goodnight.
 4 THE WITNESS: (Interpreted): Have a good evening.
 5 SIR MARTIN MOORE-BICK: Thank you. 10 o'clock, please.
 6 (4.35 pm)
 7 (The hearing adjourned until 10 am
 8 on Thursday, 18 February 2021)
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