



Grenfell Tower Inquiry

Day 93

February 18, 2021

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Thursday, 18 February 2021

1
2 (10.00 am)
3 SIR MARTIN MOORE—BICK: Good morning, everyone. Welcome to
4 today's hearing. We're going to continue hearing from
5 Mr Schmidt of Arconic today.
6 I'm here, of course, with my fellow panel members,
7 Ms Istephan and Mr Akbor.
8 MS ISTEPHAN: Good morning.
9 MR AKBOR: Good morning, everyone.
10 SIR MARTIN MOORE—BICK: Now, before we go to Mr Schmidt,
11 I think I had better check that our interpreters are
12 with us and able to hear and see whatever's necessary.
13 MS KENNEDY: We're both with you and we can see and hear
14 you, thank you very much.
15 SIR MARTIN MOORE—BICK: Lovely, thank you very much.
16 In that case, I will see if Mr Schmidt is there and
17 ready to speak to us. Are you there, Mr Schmidt?
18 MR CLAUDE SCHMIDT (continued)
19 (Evidence via interpreter)
20 THE WITNESS: (Interpreted): Yes, I'm there.
21 SIR MARTIN MOORE—BICK: Good morning. I assume you can see
22 me and hear me without difficulty?
23 THE WITNESS: (Interpreted): Yes.
24 SIR MARTIN MOORE—BICK: Good, thank you very much.
25 Now, before we resume your evidence, I think I had

1

1 better go through the usual questions with you.
2 Can you confirm, please, that you're alone in the
3 room from which you're giving evidence?
4 THE WITNESS: (Interpreted): Yes.
5 SIR MARTIN MOORE—BICK: Thank you.
6 Can you confirm also that you have no documents or
7 other materials with you?
8 THE WITNESS: (Interpreted): Yes, I confirm.
9 SIR MARTIN MOORE—BICK: Thank you very much.
10 Can you confirm that your mobile phone is in another
11 room and that you have no electronic device with you in
12 the room which is capable of receiving messages?
13 THE WITNESS: (Interpreted): Yes, I confirm.
14 SIR MARTIN MOORE—BICK: Thank you very much.
15 Is there anything you would like to raise or bring
16 to my attention before you resume giving your evidence?
17 THE WITNESS: (Interpreted): No.
18 Merci.
19 SIR MARTIN MOORE—BICK: Good, thank you.
20 Well, the arrangements today will be the same as
21 they were yesterday. We will have a break during the
22 morning and during the afternoon.
23 At that point I'm going to invite Mr Millett to put
24 some more questions to you.
25 Yes, Mr Millett.

2

1 Questions from COUNSEL TO THE INQUIRY (continued)
2 MR MILLETT: Thank you, Mr Chairman.
3 Good morning, Mr Chairman. Good morning, members of
4 the panel. Good morning, Mr Schmidt.
5 A. (Interpreted): Good morning.
6 Q. I want to ask you first this morning, please, some
7 questions about ISO accreditation.
8 First, can you tell me when Arconic, or AAP—SAS, was
9 accredited under ISO 9001?
10 A. (Interpreted): In 1993.
11 Q. And is it still accredited under ISO 9001?
12 A. (Interpreted): Yes.
13 Q. Who was responsible from 2005, for example, for ensuring
14 that AAP—SAS complied with its obligations under
15 ISO 9001?
16 A. (Interpreted): We had somebody within quality assurance
17 who was responsible, and as well the whole of the staff,
18 and there were external audits that took place over
19 a number of days once a year.
20 Q. When you took over as managing director in August 2007,
21 did you become responsible for ensuring that AAP—SAS
22 complied with its obligations under ISO 9001?
23 A. (Interpreted): Yes.
24 Q. Am I right in thinking that documents that were critical
25 to AAP—SAS's business would be the subject of audit?

3

1 A. (Interpreted): Yes, I believe so.
2 Q. Would such business critical documents include test
3 results and classifications, fire classifications, for
4 AAP—SAS's products?
5 A. (Interpreted): As far as the structure of ISO is
6 concerned, there are a number of processes that are
7 defined, and that would have probably appeared under the
8 commercial structure or heading, and the commercial
9 process was audited.
10 Q. Were —
11 A. (Interpreted): With regard to all the activities that
12 could affect the process.
13 Q. Were the test results and classifications for
14 Reynobond 55 the subject of internal audit?
15 A. (Interpreted): I can't say. One could imagine, yes, but
16 I can't say.
17 Q. Were the test results and classifications for
18 Reynobond 55 the subject of external audit?
19 A. (Interpreted): Potentially, yes.
20 Q. Do you know?
21 A. (Interpreted): No, I don't know if there was one
22 specifically, but when there is an external audit, we
23 absolutely don't sort of pilot the audit and the
24 auditors will decide which areas they want to be able to
25 audit.

4

1 Q. Was the BBA certificate for Reynobond 55 the subject of
 2 either an internal or an external audit under ISO 9001?
 3 A. (Interpreted): I don't know.
 4 Q. Can you explain why you don't know?
 5 A. (Interpreted): Because I don't have the proof that it
 6 was audited. If it had been audited then there should
 7 be — then that should appear in documents. There
 8 should be documents demonstrating that that audit had
 9 taken place, in other words, in the reports — audit
 10 reports.
 11 Q. How frequently were these audit reports produced?
 12 A. (Interpreted): For external audits there was one a year.
 13 There were audits that used to take place over a week
 14 generally, with a number of auditors even. There were
 15 two or three, depending on the year. And as far as
 16 internal audits were concerned, we used to ensure to be
 17 able to evaluate each process at least once a year. And
 18 generally there were about 15 processes that were
 19 evaluated, and the commercial section was part of one of
 20 those processes.
 21 Q. On what you know about the internal auditing system,
 22 Mr Schmidt, do you know whether the internal auditors
 23 examined the BBA certificate and what material was sent
 24 to the BBA for them to produce that certificate?
 25 A. (Interpreted): So there your question is specifically

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1 relating to the origin in 2007?
 2 Q. Well, we went yesterday through what material was sent
 3 to the BBA. What I want to know, please, on your
 4 knowledge of the internal auditing system, my question
 5 is: did the internal auditors examine the
 6 BBA certificate and also what material was sent to the
 7 BBA for them to produce that certificate?
 8 A. (Interpreted): I don't know if it was audited, but the
 9 quality assurance services were also involved in the
 10 audit and the visits to BBA, so one would imagine that
 11 they were involved.
 12 Q. Can you explain, therefore, why test 5B for Reynobond 55
 13 PE cassette, test 5B, was not sent to the BBA as part of
 14 the application for the BBA certificate?
 15 A. (Interpreted): No.
 16 Q. Can you explain why the internal audit — well, let me
 17 ask you: do you know whether the internal audit picked
 18 up the fact that the test, test 5B for Reynobond 55
 19 cassette, was not sent to the BBA as part of the
 20 application?
 21 A. (Interpreted): No, I don't know.
 22 Q. Can you explain why the external audits — well, do you
 23 know whether the external audits picked up the fact that
 24 test 5B was never sent to the BBA as part of the
 25 application?

6

1 A. (Interpreted): No, I don't know.
 2 Q. Do you know whether, since the Grenfell Tower fire,
 3 there has been any investigation within AAP—SAS to check
 4 whether either the internal audit or the external audits
 5 did pick up the fact that test 5B was never sent to the
 6 BBA as part of the application?
 7 A. (Interpreted): Not to my knowledge, no.
 8 Q. Why is that, please?
 9 A. (Interpreted): I don't know. I can't answer this
 10 question.
 11 Q. Has there been any internal discussion within AAP—SAS
 12 about whether there should be an investigation of
 13 whether the internal or external audit procedures under
 14 ISO 2001(sic) were properly followed in relation to how
 15 Reynobond 55 PE was certified and marketed?
 16 A. (Interpreted): Not to my knowledge, no.
 17 Q. Right.
 18 I'm going to turn to something different.
 19 Now, Mr Schmidt, you'll remember from two days ago
 20 that we discussed the English Warringtonfire tests on
 21 PE 160 in 1997. Do you remember that you gave some
 22 evidence about that? Yes?
 23 A. (Interpreted): Yes.
 24 Q. Now, I want to show you a document which is in the
 25 public domain, which isn't part of the disclosure, but

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1 will be provided on the documents platform to core
 2 participants. I'll explain in a moment.
 3 Can we please have up an affidavit from the
 4 litigation brought by the estate of Kristen Behrens
 5 against Arconic Incorporated in the United States
 6 District Court for the Eastern District of Pennsylvania.
 7 This document is to be found on the DocketBird platform.
 8 I'm going to explain what this is and then give it
 9 a number. This is the affidavit of a gentleman called
 10 Kevin Juedeman, and it was filed on 29 August 2019 in
 11 that litigation. It will be provided on the Relativity
 12 platform to core participants under the number
 13 {INQ00014554}.
 14 Now, I'd like you to look at the first page, please.
 15 This is a declaration, which is like an affidavit, of
 16 Kevin Juedeman, and at paragraph 1 — if
 17 Madam Translator can translate it off the screen, if she
 18 has it, after I've read it in English — he says:
 19 "My name is Kevin Juedeman. I am currently the
 20 National Sales Manager at Arconic Architectural Products
 21 LLC's ('AAP LLC's') manufacturing plant in Eastman,
 22 Georgia. I have personal knowledge of and would testify
 23 under oath to the following ..."
 24 Can we please turn to paragraph 9, which can be
 25 found at the bottom of page 2 {INQ00014554/2}.

8

1 I'll read that in English, and it goes over to the
 2 top of page 3, and, Madam Translator, if you would
 3 please translate it to the witness. He says:
 4 "Reynolds Metals Company first designed
 5 architectural Reynobond PE in the late 1980s in
 6 Richmond, Virginia, where Reynolds Metals Company was
 7 headquartered. Reynobond PE from its Eastman,
 8 manufacturing and selling Reynobond PE from its Eastman,
 9 Georgia plant in the early 1990s. Its affiliate
 10 Reynolds Aluminium France S.A. began manufacturing and
 11 selling Reynobond PE from its Merxheim, France plant in
 12 1999. Arconic Inc. (previously named Alcoa Inc.)
 13 acquired Reynolds Metals Company and Reynolds Aluminium
 14 France S.A. in May 2000."
 15 Madam Translator, if you would translate that
 16 paragraph, please.
 17 (Pause for translation)
 18 Now, I'm going to show you — well, first of all, do
 19 you agree with what Mr Juedeman says there in
 20 paragraph 9?
 21 A. (Interpreted): Yes. May I just add a detail? Alcoa
 22 bought back the whole of the company which was called
 23 Reynolds Metals Company. What I mean is that here one
 24 could get the impression that they bought a factory here
 25 or there, but basically I want to say that they bought

9

1 the whole company.
 2 Q. Okay.
 3 Can we then look at paragraph 11 of the same
 4 declaration {INQ00014554/3}. Now, this paragraph is
 5 quite long, so I'm going to break halfway through and
 6 have the first half translated to you, and then read the
 7 second half and have that translated to you. All right?
 8 He says:
 9 "Because of differing supply chains, the formulation
 10 used for the architectural Reynobond PE products
 11 manufactured in Eastman, Georgia and sold by AAP LLC
 12 (and before that Reynolds Metals Company) has not been
 13 the same as the formulation for the architectural
 14 Reynobond PE manufactured in Merxheim, France and sold
 15 by AAP SAS. While the Reynobond PE sold by both
 16 companies consists of two aluminium sheets with
 17 a polyethylene core, the polyethylene specification has
 18 been different."
 19 I'm going to pause there and ask for the
 20 translation, please.
 21 (Pause for translation)
 22 Then he goes on:
 23 "For example, since at least the late 2000s, AAP LLC
 24 (and before that Reynolds Metals Company) has used LLDPE
 25 (linear low density polyethylene) while AAP SAS has used

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1 LDPE (low density polyethylene). Also, in roughly 2015,
 2 AAP SAS began manufacturing and selling Reynobond PE
 3 with a black polyethylene core. AAP LLC does not
 4 manufacture or sell Reynobond PE with a black
 5 polyethylene core."
 6 Madam Translator, if you would translate.
 7 (Pause for translation)
 8 Now, my question is: I've shown you the whole of
 9 paragraph 11; do you agree with it?
 10 A. (Interpreted): Yes.
 11 Q. Yes, thank you very much.
 12 I'm going to turn now to a different topic, which is
 13 your second witness statement at page 14
 14 {MET00053187/14}, please, where you deal with the FR at
 15 PE cost topic. If you can go to your second witness
 16 statement in English, please, at page 14, and in the
 17 French at page 18 {MET00048331/18}. In both —
 18 THE INTERPRETER: Excuse me, I interrupted you.
 19 MR MILLETT: Let's start again.
 20 I'm going to ask you about Arconic's project,
 21 "FR @ PE cost". I'd like, please, to have up your
 22 French witness statement, {MET00048331/18}, and the
 23 English version, please, at {MET00053187/14}, in both
 24 cases paragraph 40.
 25 I'll read the English aloud, and as usual, please,

11

1 if you could read the French to yourself. You say:
 2 "Over time, market demand in various jurisdictions
 3 shifted from PE to FR across a number of jurisdictions.
 4 It was important for the AAP SAS business to reflect
 5 this change and remain competitive, and so we started
 6 'Project FR @ PE cost' in 2008, which had the aim of
 7 reducing the cost of producing Reynobond FR to bring it
 8 in line with the costs of Reynobond PE. Exhibited at
 9 pages 214 and 220 is an email dated 29 June 2009
 10 attaching a presentation about the project. Exhibited
 11 at pages 221 is an email dated 30 May 2014 relating to
 12 a visit from Prefa (one of AAP SAS's customers), which
 13 refers to a competitor (Alucobond) offering its FR
 14 product at a PE price. This reflected the company's
 15 understanding of the way in which the market was
 16 moving."
 17 If we go down, please, to the second paragraph down
 18 from that, paragraph 42, you see you say:
 19 "By 2015, the price of Reynobond FR and Reynobond PE
 20 was nearly the same, with the average price of the FR
 21 product being EUR 26,71 per sqm, and of the PE product
 22 EUR 26,06 per sqm."
 23 First, Mr Schmidt, can you explain where you got
 24 that data from, those prices from?
 25 A. (Interpreted): I believe I calculated that on the

12

1 amount — the total amount of sales for Reynobond
 2 architecture products over that year.
 3 Q. I think we saw earlier that the price difference between
 4 PE and FR was about £2 sterling, PE being £26 per
 5 square metre and FR being £28 per square metre. Was
 6 that before 2015?
 7 A. (Interpreted): I think first that I was probably talking
 8 about euros and not pounds in my statement, but
 9 progressively it's true that the price of the FR product
 10 got closer to the PE product. But I don't believe that
 11 it went the way you're describing, that, for example, in
 12 2014 there was a differential of €2 and then in 2015
 13 hardly anything. I think it was progressive through the
 14 years.
 15 Q. What was the differential in 2014 between FR and PE, do
 16 you remember?
 17 A. (Interpreted): No.
 18 Q. It wouldn't be more than €2 or so, would it, or would
 19 it?
 20 A. (Interpreted): No, I believe it was certainly less than
 21 €2.
 22 Q. If that's right and the price difference was so small,
 23 even in 2014, what was the point of selling PE at all?
 24 Why not simply sell FR?
 25 A. (Interpreted): For me, we had these two products that

13

1 were available and we reacted — we responded to market
 2 demands, and I think that in the PE products there were
 3 some advantages, particularly for transformation,
 4 fabrication.
 5 Q. What were those advantages?
 6 A. (Interpreted): I believe — I mean, according to my
 7 knowledge — that the manufacturing of the PE product
 8 was easier than the FR product, and I think that
 9 fraissage [I think it's the drilling], the drilling was
 10 easier for PE, I think.
 11 THE INTERPRETER: I'm sorry, I'm not sure about the
 12 translation of "fraisage".
 13 THE WITNESS: (In English): I think it —
 14 THE INTERPRETER: It's "tooling", I think. It might be
 15 "tooling", is it? We need a few seconds, I'm sorry.
 16 SIR MARTIN MOORE-BICK: Can I interrupt and suggest he may
 17 have in mind the English word "routing"?
 18 A. Oui, c'est ça.
 19 THE INTERPRETER: Thank you, sir.
 20 So "the routing was easier", and I do apologise.
 21 MR MILLETT: Right.
 22 That would be an advantage for the fabricator; yes?
 23 A. (Interpreted): Yes.
 24 Q. Not an advantage for the customer, the end user.
 25 A. (Interpreted): No, I don't think so, no, no.

14

1 Q. And if it was easier to route the PE version than it was
 2 to route the FR version, did that have a cost
 3 implication for the fabricator?
 4 A. (Interpreted): I don't have any details, I don't have
 5 any specific figures either, but I believe that the
 6 transformation of the FR products took longer and was
 7 also tougher on the tools and wore them out faster.
 8 Q. This belief that you have, what was the source of that
 9 belief or information that you have just described?
 10 A. (Interpreted): It's from the technical team or the
 11 commercial team at Merxheim.
 12 Q. Did you ever have any conversations with fabricators
 13 such as CEP about whether it was easier and less
 14 time-consuming for them to route PE as opposed to FR?
 15 A. (Interpreted): No, I think what happened is that at the
 16 time in France I met some customer that was doing the
 17 same thing, the same work as CEP, but anyway, in any
 18 case, at the time in France most of the market was PE
 19 and I'd never had a specific discussion about it.
 20 Q. Would you say that the market in the UK for PE was based
 21 solely on price difference or solely on the ease of
 22 manufacture for fabricators, or perhaps a combination of
 23 the two?
 24 A. (Interpreted): I'd like to listen to the question again.
 25 Q. I'll break it up.

15

1 Would you say that the market in the United Kingdom
 2 for PE was based solely on price difference?
 3 A. (Interpreted): No, I couldn't answer the question. What
 4 I mean is that I don't know the reasons or the trends
 5 that pushed the market to go in that direction,
 6 specifically for England as an example.
 7 Q. Debbie French told us that the UK market was seen as
 8 a PE market. Can you confirm that? Do you agree with
 9 that?
 10 A. (Interpreted): I believe that since most of the orders
 11 were for PE, that's the conclusion she drew. And
 12 I think it was also the case for the French market for
 13 a while, but it was no longer the case for other markets
 14 in Europe — for some other markets in Europe.
 15 Q. Why was the UK market seen as a PE market?
 16 A. (Interpreted): Because the demand emanating from
 17 customers was for PE.
 18 Q. When you say "customers", do you mean fabricators or do
 19 you mean end users?
 20 A. (Interpreted): I mean, for us the customer is the
 21 order-giver, and in most cases it's the transformer —
 22 the fabricator.
 23 Q. Why in the UK were the fabricators demanding PE?
 24 A. (Interpreted): I don't know, I can't put myself in their
 25 place.

16

1 Q. As a matter of policy, did Arconic give fabricators
2 a choice between a PE panel and an FR panel and then let
3 them decide, or did Arconic decide who should have PE
4 and who should have FR?

5 A. (Interpreted): No, we responded to what the client
6 demanded. If they ordered FR, that's what they were
7 delivered; if they ordered a PE product, that's what we
8 would deliver.

9 Q. Now, going back to your statement, please, at
10 paragraph 40 {MET00053187/14} {MET00048331/18}, I just
11 want to look at the first sentence of that paragraph
12 specifically. You say there:
13 "Over time, market demand in various jurisdictions
14 shifted from PE to FR across a number of jurisdictions."
15 Why was that?

16 A. (Interpreted): Well, it's very difficult to know what
17 steered the market in this or that direction, but our
18 understanding is, particularly in 2008, when we started
19 developing the FR at a cheaper price, we noted and we
20 understood that gradually in most markets the weight of
21 PE was going to reduce and the importance of FR was
22 going to increase, and also the A2 product was going to
23 represent a larger part.

24 Q. In that last answer, when you refer to the weight of PE,
25 do you mean the importance of PE or its physical weight?

17

1 THE INTERPRETER: No, sir, I think it's a translation
2 problem. I used the word "weight", but the idea was
3 "the importance".

4 MR MILLETT: Okay, I see.
5 Why was the importance of PE reducing in those
6 jurisdictions?

7 A. (Interpreted): The regulations were evolving, changing.

8 Q. So can we say that the market demand in various
9 jurisdictions shifting over time was due to changes in
10 regulation relating to fire performance?

11 A. (Interpreted): Yes.

12 Q. Which jurisdictions? Can you be specific?

13 A. (Interpreted): No, I mean, I couldn't explain in great
14 detail what happened, but we could observe an evolution,
15 changes in the market over several years, and in very
16 general terms, I mean, for all the markets, but I'm
17 thinking mostly about the European market, what we
18 observed over time is that in some European countries
19 gradually they would abandon the PE product to go
20 entirely towards an FR product. And I think it's
21 something I mentioned on Tuesday, that, for example, for
22 the Russian market, all that happened before 2004, 2005,
23 2006, and practically the PE product was abandoned from
24 one year to the next, and our sales switched totally
25 from PE to FR for that market.

18

1 And from memory, but I'm not absolutely certain
2 about the country — I'm going to say it's Kazakhstan,
3 but I'm not too sure — but they had forbidden the use
4 of composite panels.

5 Q. Was that after a fire there, do you remember?

6 A. (Interpreted): I don't think so. I can't establish
7 a connection, a link.

8 Q. Very well.
9 Is the reason why the UK remained a PE market that
10 the UK regulations permitted the sale of PE, whereas
11 gradually other markets, other jurisdictions, began to
12 restrict it?

13 A. (Interpreted): Yes, I think so.

14 Q. Were Arconic's competitors able to sell their FR
15 products at PE prices, do you know?

16 A. (Interpreted): I mean, it's a bit difficult to say,
17 because as a general rule that type of information comes
18 to us through our customers, and of course our customers
19 are going to try to get the best price.

20 Q. Was Arconic's ultimate objective to sell FR core as
21 standard, even in the UK?

22 A. (Interpreted): I mean, I don't think it was a question
23 of specific objective, but if we can say it's that the
24 objective for us was to be competitive in the market and
25 we knew that gradually the trend for the market was to

19

1 go towards FR.

2 Q. Was that because Arconic contemplated that even in the
3 UK, eventually regulators would restrict PE on
4 fire safety grounds?

5 A. (Interpreted): I'd like to go back to the previous
6 question and then I'll answer that question. Because
7 for me, even at the time when we could become aware of
8 that gradual trend, nonetheless the PE still had a role
9 to play in the market. That answered something
10 connected to your previous question.

11 Q. What was the role that PE would still have to play,
12 notwithstanding the trend towards regulatory restriction
13 of PE?

14 A. (Interpreted): For some specific usage. I mean, for
15 different things, for example for the sort of partial
16 cladding of a building, for a very low-height building
17 or for interior usage.

18 Q. Were you aware that in 2016 there was an instruction to
19 the French sales team to specify only FR for buildings
20 regardless of height?

21 A. (Interpreted): Yes, I saw that email.

22 Q. Are you able to explain why no such similar instruction
23 was ever given to the UK sales market?

24 A. (Interpreted): I believe that it was because we were
25 better acquainted with French regulation, and I think

20

1 there was a kind of misunderstanding, because the French
2 regulation said M1, and the parallel with the European
3 Standard.

4 But I think the instruction given wasn't to say
5 "We're only going to be selling FR", but we'd ask the
6 client to evaluate FR as being the product of choice.

7 Q. And why wasn't that done in the UK?

8 A. (Interpreted): I don't know.

9 Q. Help me with this: is one of the reasons that Arconic
10 saw the UK market as a market in which you could sell
11 PE-cored ACM for use at height, whereas in other markets
12 it was more difficult to do that?

13 A. (Interpreted): Honestly I don't think so.

14 Q. Right. Well, we may come back to this later.

15 Can I then turn to a different topic, looking at the
16 period 2009/2010, and your knowledge of cladding fires.

17 I'd like to start, please, with your second witness
18 statement in the French at {MET00048331/14},
19 paragraph 29, and in the English version
20 {MET00053187/10}, paragraph 29 likewise.

21 Above paragraph 29, there is a heading which says
22 "Other fires". We haven't got the French version of the
23 heading on the screen, I think you may need to scroll
24 back to the page before in the French, please, to the
25 bottom of page 13. It's become separated.

21

1 Do you see that?

2 A. (Interpreted): Yes.

3 Q. If we could read paragraph 29 together, and the usual
4 approach: I'll read the English out and you look at the
5 French, please. You say:

6 "AAP SAS had been aware of fires in high rise
7 residential blocks in previous years, but that only one
8 of those had involved Reynobond PE, that is, a fire at
9 Taplow Tower in London in 2012. I now understand that
10 the cladding system used at that building involved the
11 insulation product Rockwool, although I do not recall
12 being aware of that fire at the time it occurred, and
13 only became aware of it after the Grenfell Tower fire.
14 I now understand that the fire had been contained and
15 there had been no loss of life. I would also note that
16 Reynobond 55 PE is very similar to other ACM products
17 made by other manufacturers and there would be very
18 little difference in the way that these products would
19 react to fire."

20 I want to focus with you on the last three lines,
21 please.

22 When you say "previous years", do you mean before
23 the Grenfell Tower fire?

24 A. (Interpreted): Where is the "previous years"?

25 Q. At the beginning of the paragraph:

22

1 "AAP SAS had been aware of fires in high rise
2 residential blocks in previous years ..."

3 A. (Interpreted): Yes.

4 Q. Now, you say in the last three lines that you know that
5 Reynobond 55 PE would perform similarly to other ACM
6 products in a fire. How do you know that?

7 A. (Interpreted): Well, because PE is a product — I'm not
8 quite sure how to express it — it's a basic product, in
9 other words it's got no adjuvants, there's no recipe,
10 there's no mixture, so therefore it's likely to respond
11 in the same way as the others.

12 Q. So this is an inference or assumption that you're
13 making; it's not an observation based on empirical
14 evidence?

15 A. (Interpreted): Yes.

16 Q. Now, you mention the Taplow House fire — you called it
17 Taplow Tower, it's Taplow House — did you know that
18 that fire involved Reynobond PE in rivet-fix, not
19 cassette-fix?

20 A. (Interpreted): No, I didn't know that.

21 Q. You didn't? It would follow, wouldn't it, therefore,
22 that that fire in 2012 would not have been a reliable
23 guide to how PE in cassette form would behave in a fire,
24 would it?

25 A. (Interpreted): Yes.

23

1 Q. Would it follow that unless Arconic told people about
2 the different fire performances as between the
3 cassette-fix version and the rivet-fix version, people
4 might think that Reynobond 55 PE would perform in the
5 way that it did at Taplow House?

6 A. (Interpreted): Well, no, I don't think so. It's
7 a parallel that I don't accept. One has to consider the
8 system as a whole. I don't know Taplow, but there would
9 have been insulation, there would have been a system for
10 attachment, the windows would have been treated —
11 the surrounds of the windows would have been treated in
12 a certain way, there would have been a firebreak. It's
13 much more complicated — it's a much more complicated
14 [FT] *** subject matter and I do not claim to be able
15 to draw a comparison. ***

16 Q. Indeed, but just looking at the differences in fire
17 performance of the product itself, Reynobond 55 PE, do
18 you accept that the way it behaved at Taplow House, in
19 that fire, would be no guide at all to the way
20 a cassette-fix variant would behave in a fire because of
21 the differences in the test performance of each product?
22 I mean each fixing, not each product.

23 A. (Interpreted): It's clear that we wouldn't have known
24 what would have happened on that building if it had been
25 in cassette form.

24

1 Q. Now, you mention a few fires that you were personally
2 aware of in your witness statement. I want to look in
3 particular, first, please, at a fire in Bucharest in
4 2009. You mention this fire in your witness statement
5 at paragraph 30.2 {MET00053187/11} {MET00048331/14}. We
6 don't need to see it, it's there. Take it from me that
7 that was a fire in what was called the Millennium
8 Business Centre in Bucharest in July 2009.
9 Mr Chairman, I'm just looking at the time. Before
10 I embark on the documents I wanted to show the witness,
11 this topic is quite lengthy, relatively so, so it's
12 probably a convenient moment for a break now.
13 SIR MARTIN MOORE-BICK: Well, I was just kicking myself for
14 not having intervened before you started on this
15 particular question, but having failed to do so, I was
16 going to wait and see what happened. But I do agree
17 with you, I think it would be sensible to have the break
18 now.
19 So, Mr Schmidt, we are going to take our break now.
20 We will resume, please, at 11.30, and again, I have to
21 ask you not to talk to anyone about your evidence during
22 the break.
23 THE WITNESS: Oui.
24 SIR MARTIN MOORE-BICK: See you at 11.30.
25 (11.15 am)

25

1 (A short break)
2 (11.30 am)
3 SIR MARTIN MOORE-BICK: Welcome back, everyone. We're going
4 to continue hearing evidence from Mr Schmidt, but as
5 usual I'm just going to check that the interpreters can
6 see and hear all that they should be able to.
7 Interpreters?
8 MS DELAS-REISZ: We can hear you, we can see you, so
9 everything is fine.
10 SIR MARTIN MOORE-BICK: Good, thank you.
11 Mr Schmidt, are you there?
12 THE WITNESS: (Interpreted): Yes, I can hear you, sir.
13 SIR MARTIN MOORE-BICK: And can you see me as well?
14 THE WITNESS: (Interpreted): Yes.
15 SIR MARTIN MOORE-BICK: Thank you very much indeed. And
16 you're ready, I hope, to continue?
17 THE WITNESS: (Interpreted): Yes.
18 SIR MARTIN MOORE-BICK: Thank you very much.
19 Then, Mr Millett, you carry on when you're ready.
20 MR MILLETT: Thank you, Mr Chairman.
21 Mr Schmidt, I want to show you Claude Wehrle's
22 exhibit part 10 at page 122, English version
23 {MET00053158_P10/122}, French version
24 {MET00053158_P10/121}. It's the same exhibit, the page
25 before, please, but I want to be able to show him them

26

1 at the same time. Yes, thank you very much.
2 Now, I'm going to look at the English, but you look
3 at the French, please.
4 This is an email from Claude Wehrle to you, as well
5 as to Guy Sheidecker and Robert Quattrocchi, dated
6 17 July 2009, and the subject is "PE in
7 architecture ..."
8 Madam Translator, you don't need to translate the
9 English; we have the French on the screen. If,
10 Mr Schmidt, you could just read the text of the email in
11 its entirety, please, while I read it out in the
12 English:
13 "Hello,
14 "Here are some pictures to show you how dangerous
15 'PE' can be when it comes to architecture...
16 "This is an incident that took place in Bucharest
17 (Romania).
18 "Figure 1 shows the starting point (short circuit
19 due to overhead power lines).
20 "The others show the spread of the fire along the
21 façade made up of PE composite panels."
22 If we go down to page 123 {MET00053158_P10/123},
23 please, we can see the picture. This is a near shot of
24 the damage done by the fire.
25 You can see, can't you, that the cladding is smooth

27

1 and doesn't seem to have rivets. Do you know or can you
2 tell us whether that is the cassette or rivet—fix?
3 A. (Interpreted): No, I couldn't tell you.
4 Q. Would you have expected Claude Wehrle to have
5 investigated what type of cladding, what type of fixing
6 that was, whether it was cassette, whether it was rivet,
7 what make?
8 A. (Interpreted): Possibly, if you have access to the
9 information, yes.
10 Q. Can we go down to page 124 {MET00053158_P10/124},
11 please. Now, this is a picture. We don't need
12 a translation. Just look at that, would you? You can
13 see damage up the entire building. Do you see that?
14 A. Oui.
15 Q. At page 125 {MET00053158_P10/125}, a similar image.
16 Again, damage up the entire side of the building.
17 Did you see these photographs at the time when you
18 were sent them?
19 A. (Interpreted): Certainly.
20 Q. Can we go down, please, to page 129
21 {MET00053158_P10/129}, where the conversation continues.
22 That's in the English version. The French version is at
23 127 {MET00053158_P10/127}. Can we have the two next to
24 each other, thank you very much.
25 At the second email from the top in the English, and

28

1 also in the French, we can see that there is an email
 2 from Claude Wehrle to Guy Sheidecker on 24 July 2009.
 3 A. (Interpreted): Yes.
 4 Q. If you look at the French, and I'll read the English
 5 out, he says:
 6 "Guy,
 7 "These are photos taken by Razwan.
 8 "It's a building in Bucharest with a product whose
 9 name I don't know.
 10 "These are PE composite panels."
 11 Then if you look up at the top of the email run at
 12 the top of the page, there is an email from
 13 Guy Sheidecker to Claude Wehrle on 26 July in French,
 14 and 27 July in the English version — there may be
 15 a time difference between the two — and it says in the
 16 English, and you read along in the French, please:
 17 "Claude
 18 "Thank you for the information.
 19 "It was clear it was ACM in PE.
 20 "But I wanted to know if it was about RB ... or
 21 something else."
 22 Now, do you know, either at the time or since,
 23 whether this was an Arconic product on this building?
 24 A. (Interpreted): No, I don't think it was an Arconic
 25 product because we never got feedback or any information

29

1 back.
 2 Q. Do you know why Claude Wehrle sent this email to his
 3 line manager, Guy Sheidecker, and to you?
 4 A. (Interpreted): To make us aware of the possible
 5 behaviour of PE faced with a fire.
 6 Q. Yes. And presumably Mr Wehrle brought it to your
 7 attention as the most senior person at Merxheim because
 8 this was an important matter requiring your attention;
 9 yes?
 10 A. (Interpreted): Yes.
 11 Q. Let's see what you say about this in your witness
 12 statement.
 13 Can we go to your second witness statement, please,
 14 at page 11 in the English {MET00053187/11} and 14 in the
 15 French {MET00048331/14}, in both cases paragraph 30.2.
 16 I referred to this paragraph very briefly before; let's
 17 look at it now.
 18 You say there, French on the right, English on the
 19 left:
 20 "Exhibited at pages 17 and 18 are emails relating to
 21 a fire in Bucharest in 2009 (the emails are dated 17 and
 22 26 July 2009). Reference is made to the panels on the
 23 building being PE composite, but not manufactured by
 24 AAP SAS. I do not recall these emails, nor do I recall
 25 having any discussions with Claude Wehrle in relation to

30

1 these emails."
 2 Is it right that you have no independent
 3 recollection of this fire or these emails or any
 4 discussion that you might have had about this incident?
 5 A. (Interpreted): Yes.
 6 Q. Was this not a very important event for Arconic?
 7 A. (Interpreted): It was an important event for the whole
 8 profession, certainly.
 9 Q. Yes.
 10 As we've seen in Mr Wehrle's email to you, he said
 11 it showed how dangerous PE can be when it comes to
 12 architecture; we can go back to the email if you like,
 13 but what did you understand Mr Wehrle meant by that
 14 phrase?
 15 A. (Interpreted): I mean, I don't know, I don't know what
 16 he meant there, but he probably expressed that on the
 17 façade and on the outside face of the building, I mean,
 18 it's gone.
 19 Q. When you say that it was an important event for the
 20 whole profession, which profession are you referring to
 21 there?
 22 A. (Interpreted): For the manufacturers of composite panels
 23 and all the people who used those panels.
 24 Q. As a result of being told about this matter which was
 25 important for the whole profession, did you establish

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1 any education or training systems within Arconic about
 2 the uses and dangers of PE on high-rise buildings?
 3 A. (Interpreted): No, not as far as I know.
 4 Q. Did Arconic do anything internally by way of response to
 5 or reaction to this event?
 6 A. (Interpreted): No, I don't think so.
 7 Q. Given the importance of —
 8 A. (Interpreted): I don't know, I mean, maybe we could go
 9 back to the presentations that were made for commercial
 10 meetings, and maybe during one of those commercial
 11 meetings Claude might have talked about it or presented
 12 it, but I don't know.
 13 Q. Given the importance of this event, as you say, to the
 14 whole profession, why were no steps taken within Arconic
 15 at the time to make sure that Reynobond would not be
 16 implicated in a similar event in the future?
 17 (Pause)
 18 A. (Interpreted): I think that in fact if you look at the
 19 photograph, I mean, it's only the outside of the façade
 20 that's gone, so that's the first thing. And, second, as
 21 far as we knew, there had been no injury. And we also
 22 knew that the product was used very widely and very
 23 generally, on the market, and besides, I mean, we didn't
 24 see on the market that the position of our competitors
 25 had changed.

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1 Q. So that I'm clear, is the reason why Arconic took no
2 steps to do anything internally with Reynobond 55 PE
3 because it only affected the outside of this building,
4 there was no loss of life, or no injury, and it was
5 a widely used product? Have I got your evidence clear
6 about that?

7 A. (Interpreted): Yes.

8 Q. Had Claude Wehrle or others at Merxheim told you or
9 tried to tell you about the dangers of PE core before
10 this event?

11 A. (Interpreted): I don't think so.

12 Q. At this time, did you have any discussions yourself with
13 Claude Wehrle or Guy Sheidecker or anybody else at
14 Merxheim about the combustibility of PE-cored ACM that
15 you were shown?

16 A. (Interpreted): I do not remember.

17 Q. Did Arconic put out any customer information about the
18 dangers of using PE-cored ACM?

19 (Pause)

20 A. (Interpreted): I would say no, but I'm not certain.

21 Q. We've not seen any, Mr Schmidt, so your "no" is likely
22 to be correct.

23 Can you explain why not? Why didn't Arconic,
24 AAP-SAS, put out customer information warning about the
25 dangers of using PE-cored ACM?

33

1 (Pause)

2 A. (Interpreted): I don't know.

3 Q. Do you know whether AAP told its salesforces to warn
4 customers about the dangers of PE-cored ACM and to check
5 the local regulations carefully?

6 A. (Interpreted): No, I don't know. I believe that
7 an information — a form of information of that type was
8 distributed throughout the commercial team, but I don't
9 know if there was specific instructions — a specific
10 instruction given.

11 Q. What is the source of your belief that information of
12 that type was distributed throughout the commercial
13 team?

14 A. (Interpreted): It's because this commercial team, they
15 would meet regularly. I mean, there were about 15
16 people in the team and they would exchange regularly on
17 lots of subjects, and it's something we mentioned
18 yesterday, I mean, they would meet at least once or
19 twice a year in Merxheim.

20 Q. Have you seen any document, either at the time or since,
21 up to today, which told salespeople, as a result of this
22 fire in Bucharest in 2009, to warn customers about the
23 dangers of PE-cored ACM and to check the local
24 regulations carefully?

25 A. (Interpreted): No.

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1 Q. Now can we go to your second witness statement, please,
2 French {MET00048331/15}, paragraph 31, English version,
3 page 12 {MET00053187/12}, paragraph 31. I'm going to
4 read the English version aloud, and again, Mr Schmidt,
5 if you would read paragraph 31 to yourself in the
6 French. You say this:

7 "Before the Grenfell fire, I do not believe I knew
8 of any case where there had been any fatalities amongst
9 the residents of a building in which ACM panels with
10 a PE core had been part of the cladding system where
11 there had been a fire. I therefore did not believe that
12 end users, including in the UK, were using Reynobond PE
13 improperly or not in conformance with local regulations.
14 The combination of all of this meant that until the
15 Grenfell Tower fire, AAP SAS reasonably believed that
16 its product was being used safely and appropriately, and
17 that no specific steps therefore needed to be taken to
18 inform or educate staff, certifying bodies or customers
19 or potential customers in respect of those fires."

20 Now, is what you say in that paragraph an Arconic
21 corporate view and approach, or merely your own personal
22 view and approach?

23 (Pause)

24 A. (Interpreted): It's the point of view — the position of
25 Arconic but it's also mine.

35

1 Q. So was it really your and Arconic's view that PE should
2 be judged to be fire safe if nobody actually dies?

3 A. (Interpreted): I mean, in the text we're not talking
4 about death necessarily.

5 Q. Well, look at the first two sentences, please. Are you
6 not telling us that your and Arconic's belief was that
7 because there had been no fatalities you knew of amongst
8 residents of a building in which ACM panels with a PE
9 core had been part of the cladding system, you didn't
10 believe that end users were using Reynobond PE
11 improperly or not in conformance with local regulations?

12 A. (Interpreted): Well, I think this might be a problem in
13 translation, because "victim" doesn't mean fatal,
14 a fatal death or death.

15 Q. All right. Injury, then.

16 A. (Interpreted): So what is your question, sir?

17 Q. My question is whether it's really the case that human
18 mortality was the appropriate measure used by Arconic by
19 which the fire safety of PE-cored ACM should be judged?

20 A. (Interpreted): No.

21 SIR MARTIN MOORE-BICK: Mr Millett, I'm sorry to intervene,
22 but I think your question did rather assume that
23 "victims" in the French means death or a fatality.

24 MR MILLETT: Yes, Mr Chairman.

25 SIR MARTIN MOORE-BICK: Mr Schmidt did make it clear in his

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1 previous answer that he did not understand that to be
 2 the meaning of "victimes", so perhaps your question
 3 should be rephrased in a way which does not suggest
 4 that.
 5 MR MILLETT: Yes, Mr Chairman, I can certainly do that.
 6 I should just say that we are working from a DLA Piper
 7 translation, and it hasn't been rechecked by the Inquiry
 8 against the French original, so we were going by the
 9 English, which does use the word "fatalities". But
 10 I shall certainly ask the question on the basis of the
 11 French, "victimes".
 12 Let's go to the French version of paragraph 31
 13 {MET00048331/15}. When you use the words "des victimes
 14 parmi les résidents d'un bâtiments" in the second line
 15 of paragraph 31, what did you mean?
 16 A. (Interpreted): That there could be people that would be
 17 injured.
 18 Q. So I'm going to rephrase my question.
 19 Is personal injury, human injury, really
 20 an appropriate measure by which the fire safety of
 21 PE-cored ACM should be judged?
 22 A. (Interpreted): It is one of the elements with regard to
 23 the evaluation, yes.
 24 Q. So, as a consequence of that, did you think it was
 25 appropriate for Arconic to wait and see if anybody was

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1 injured before doing anything at all to mitigate the
 2 risk of fire from use of PE-cored ACM?
 3 A. (Interpreted): No, I didn't say that. I did say that it
 4 was one of the elements for response. [FT] *** Once
 5 again, for me, PE did give rise to certain risks, but
 6 there are also other products that are still used today
 7 within the building industry *** that also give rise to
 8 certain risks, but if the risks are contained or if the
 9 risks are mastered then it shouldn't lead to people
 10 being injured or affected.
 11 Q. You said earlier that this fire was of importance for
 12 the profession as a whole, and you include fabricators
 13 in that. Do you recall whether, as a result of this
 14 fire, there were discussions in the profession or
 15 professions about this fire and the dangers of PE-cored
 16 ACM?
 17 A. (Interpreted): No, I don't know.
 18 Q. Did Arconic not seek to instigate discussions with
 19 competitors, other participants in the PE ACM market, to
 20 try to get to the bottom of what the true dangers of
 21 using PE-cored ACM were in the light of this fire?
 22 A. (Interpreted): Well, I believe that directly after the
 23 fire maybe not, [FT] *** but in my opinion it was
 24 discussed with colleagues — *** maybe one would have to
 25 ask Claude Wehrle, and I think that within the EAA it

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1 would have also been discussed. And I also saw in the
 2 documents that there was an exchange between
 3 Claude Wehrle and one of his colleagues in 2011.
 4 MR MILLETT: In the last interpretation, on the transcript,
 5 you said, Madam Translator, "Then Mr Schmidt didn't
 6 finish his sentence".
 7 THE INTERPRETER: Yes.
 8 MR MILLETT: We just need to be clear about what he did say
 9 and what he didn't say. I'm so sorry, you're not adding
 10 something that he didn't say?
 11 THE INTERPRETER: Not at all.
 12 MR MILLETT: Now, the absence of personal injury you have
 13 told us was one of a number of factors for Arconic's
 14 inaction as a result of seeing this event, being told
 15 about this event. Just so that I'm absolutely clear, is
 16 that correct?
 17 A. (Interpreted): Yes.
 18 Q. Now, staying with paragraph 31, please, and can we have
 19 that back up with the French original {MET00053187/12}
 20 {MET00048331/15}, you say in the last sentence:
 21 "The combination of all of this meant that until the
 22 Grenfell Tower fire, AAP SAS reasonably believed [and
 23 the French is 'raisonnablement estimé'] that its product
 24 was being used safely and appropriately, and that no
 25 specific steps therefore needed to be taken to inform or

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1 educate staff, certifying bodies or customers or
 2 potential customers in respect of those fires."
 3 I want to know about your reasonable belief or, in
 4 the French, raisonnablement estimé.
 5 What was the basis of that reasonable belief?
 6 Sorry, I should just qualify: did you check that
 7 belief against others in the market?
 8 A. (Interpreted): Yes. I can refer to the meeting that
 9 Claude Wehrle had with one of his colleagues in 2011.
 10 I must also say that there was no professional
 11 association that gathered together all players involved
 12 with ACM.
 13 Q. Did you have any discussions about the dangers of using
 14 PE ACM with your fabricators, such as CEP or any others?
 15 A. (Interpreted): Me personally, no, and I can't answer on
 16 behalf of everyone.
 17 Q. I'd like to look now at some marketing literature for
 18 the period. Can we go to {CEP00061423}. There is no
 19 French language version of this document.
 20 As far as we can see, this was designed and drafted
 21 for use in the UK market, and it's called "Discover new
 22 perspectives", as you can see, and we can date this to
 23 2008. Can we go to the bottom of page 16
 24 {CEP00061423/16}, just to check that. Bottom of
 25 page 16, please, and the left-hand side. At the very

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1 bottom it says "BARC—RBAR—GB08".
 2 Can you tell us and confirm for us whether this
 3 document dates from 2008?
 4 A. (Interpreted): No, I don't know.
 5 Q. Can we go to page 13 {CEP00061423/13}, please. The
 6 table at the top of the page on the right—hand side says
 7 "Certification", and, Madam Translator, if you could
 8 interpret this as I go.
 9 It says, "Certification". Underneath that it says,
 10 "Fire Certification Europe". The first line in the box
 11 says:
 12 "Europe.
 13 "Reynobond: PE.
 14 "Certification Class: B—s2, d0.
 15 "Certification Number: RA05—0005a [I think that's
 16 a 5]. CSTB."
 17 And then underneath that:
 18 "Europe. FR. B—s1, d0. RA07—0177. CSTB."
 19 Do you see that?
 20 A. (Interpreted): Yes.
 21 Q. Just while we're on that document, you'll note that
 22 there is no certification number relating to cassette,
 23 only for the rivet, which is certification RA05—0005a or
 24 6a. I think that's 5a.
 25 Below that we can see the UK entries. Class 0 is

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1 claimed for both PE and FR. Can you see that?
 2 A. (Interpreted): Yes.
 3 Q. Can you see that the certificate numbers show that the
 4 claim for class 0 for both PE and FR is based on the
 5 BS 476 tests, parts 6 and 7, under certification numbers
 6 70707 and 70708, and test 132316 and 132317, in each
 7 case carried out at Warrington Fire Research in the UK.
 8 Before we leave that document, can you explain why
 9 there is no reference there to the fire performance of
 10 Reynobond 55 PE in cassette—fix version?
 11 A. (Interpreted): I don't know.
 12 Q. Can we go to another version of the document at
 13 {ARC00000449}, please. Again, there is no French
 14 language equivalent.
 15 This is another "Discover new perspectives"
 16 brochure, and if we can go to page 16 {ARC00000449/16},
 17 bottom right—hand corner — and it's written bottom—up,
 18 I'm afraid, and it will have to be expanded, and if we
 19 can go to the right—hand side — there it is, actually:
 20 "BARC—RBAR—GB10". It looks to us as if this was the
 21 2010 version of this document. Are you able to help us
 22 with that?
 23 A. (Interpreted): No, I don't know.
 24 Q. Can you help us with what the initials mean,
 25 "BARC—RBAR"?

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1 A. (Interpreted): No, not at all.
 2 Q. Can we go to page 13 {ARC00000449/13}, please.
 3 Mr Schmidt, here again we see a similar table on the
 4 right—hand side under "Certification". Do you see that?
 5 A. (Interpreted): Yes.
 6 Q. We can see that the printed table is the same as the
 7 2008 version, but this time somebody has annotated this
 8 document to indicate what appear to be amendments.
 9 A. (Interpreted): Yes. I can see it.
 10 Q. You can see that the European PE result is completely
 11 crossed out; yes?
 12 A. (Interpreted): Yes.
 13 Q. The UK result for PE is also crossed out, with the
 14 amendment "FR" inserted in red instead.
 15 A. (Interpreted): Yes.
 16 Q. All of the certification references are deleted in
 17 manuscript as well.
 18 A. Mm—hm.
 19 Q. Do you agree, just looking at this document now, that
 20 somebody, after this 2010 brochure was printed, thought
 21 that they should amend the claims that it was making, as
 22 indicated by the amendments?
 23 A. (Interpreted): Yes, that is what it suggests there.
 24 Q. Yes, and do you know who did that?
 25 A. (Interpreted): No, I have no idea.

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1 Q. Do you know when these amendments were made?
 2 A. (Interpreted): No, I have no idea.
 3 Q. Were you involved in any kind of discussion or do you
 4 know whether Mr Wehrle was involved in any kind of
 5 discussion about amending the claims that were being
 6 made to the UK market about the fire classification of
 7 Reynobond 55?
 8 A. (Interpreted): This document comes from the marketing
 9 department, and I think that the information with
 10 regards to classification comes from Claude Wehrle's
 11 team.
 12 Q. So is that another way of telling us that you can't
 13 answer but Claude Wehrle or someone in his team could?
 14 A. (Interpreted): Yes.
 15 Q. Do you accept, looking at the document, that somebody,
 16 Claude Wehrle or his team, thought that the claims being
 17 made in the printed version of this document were wrong
 18 or had become outdated and needed to be changed?
 19 A. (Interpreted): Well, it's difficult for me to accept.
 20 I mean, it does — that's what it could allow you to
 21 think, but I don't want to say definitively yes.
 22 Q. You see, the reason I'm asking you, Mr Schmidt, is you
 23 were in charge at Merxheim in and after 2010 and you
 24 might be able to provide us with the answer.
 25 Is there any reason why you can't provide us with

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1 the answer, given your position at the time?
 2 A. (Interpreted): I wasn't involved in all aspects relating
 3 to sales and marketing.
 4 Q. Did you have any kind of general oversight of what the
 5 various marketing initiatives were in different
 6 countries and what the marketing department was doing?
 7 A. (Interpreted): From a very general point of view, yes,
 8 but I wasn't at all involved in the details, and I'm not
 9 100% sure, but I think at the time we used an external
 10 organisation for marketing — sorry, a consultant.
 11 Q. And who was that?
 12 (Pause)
 13 A. (Interpreted): A German company, but I no longer
 14 remember the name.
 15 Q. Did this German company have a role to play in advising
 16 Arconic about what it should or shouldn't tell its
 17 customers in its marketing —
 18 A. Non —
 19 Q. What's the answer to my question in English? Do you
 20 understand my question in English?
 21 A. (Interpreted): Yes, I'm sorry that I interrupted you.
 22 No, that organisation defined our marketing strategy
 23 and our design strategy, but the technical part that we
 24 actually looked at before, that would have been the
 25 sales team and Claude Wehrle that would have looked at

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1 that.
 2 Q. If Claude Wehrle and the sales team had decided that
 3 they should be making changes to the claims made in
 4 relation to the fire testing and classification of
 5 products such as Reynobond 55, would that not have come
 6 up to you for you at least to know about?
 7 A. (Interpreted): No. No, it would have gone to the sales
 8 department.
 9 Q. That's Guy Sheidecker, is it?
 10 A. (Interpreted): In 2010 ... yes, I think so.
 11 Q. And would he not have brought these questions up to you
 12 or would he just have dealt with these himself without
 13 coming to you?
 14 A. (Interpreted): I had very few exchanges with regard to
 15 the marketing documents.
 16 Q. What kind of exchanges would you have in relation to the
 17 content of marketing documents?
 18 A. (Interpreted): One would show me documents once they had
 19 been finalised, and in fact already printed as well.
 20 Q. I see.
 21 A. (Interpreted): But just for information.
 22 Q. Do I understand from that answer that all finalised
 23 marketing documents would come to you for information?
 24 A. (Interpreted): No.
 25 Q. Then help me, which documents would come to you once

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1 finalised and printed and which wouldn't? What kinds of
 2 documents would come to you once finalised and printed?
 3 A. (Interpreted): Well, no, I mean, it wasn't systematic
 4 and it wasn't specific either, but the person in charge
 5 of marketing, when a document was finalised, sometimes
 6 they would show it to me, but I would be totally unable
 7 to tell you now how many I did see and how many I did
 8 not see.
 9 Q. I appreciate it wasn't systematic, but can you give us
 10 a feeling for what kinds of marketing documents in their
 11 final form you would see and what kinds of such
 12 a document you would not see?
 13 A. (Interpreted): No, I think, once again, it was
 14 spontaneous and there were no specific rules that
 15 applied.
 16 Q. But I think we can take it that this document that
 17 I have been showing you with the amendments on it was
 18 not one that you saw or even discussed?
 19 A. (Interpreted): No, and it wouldn't have been the normal
 20 process for me to see them.
 21 Q. If it wasn't normal for you to see documents such as
 22 this, what would trigger you seeing such a document in
 23 the cases where you did?
 24 A. (Interpreted): Well, I simply think that what happened
 25 is that when somebody in marketing felt they were

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1 pleased with their work, they'd done a good job, I mean,
 2 they would like to show it to me.
 3 Q. I see.
 4 Can we go to {MET00064988/125}, please. That's the
 5 English. The French is at {MET00064988/123}. Can we
 6 please display both at the same time. The French
 7 document is the bottom of the page.
 8 This is an email run from March 2010, so the same
 9 year, it seems, in which the printed version of the
 10 marketing document we saw earlier was produced.
 11 The email I want to show you, please, is at the
 12 bottom of the page at page 123 in the French, and 125 in
 13 the English. It's 15 March 2010, from Isabel Moyses to
 14 Guy Sheidecker and Frederic Mignon, and you can just see
 15 at the bottom of the screen in the English, but very
 16 clearly in the French, "Market info. for Spain: Larson".
 17 I'm going to read the whole of the email to you in
 18 English, and you can read it in French.
 19 We can see her email, as I say, is to
 20 Guy Sheidecker, and Claude Wehrle is copied, and she
 21 says:
 22 "For your information.
 23 "Román has confirmed to me that Larson are obliged
 24 to recommend and install FR for architectural use in
 25 Spain, since with their PE product they don't have the

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1 minimum B—s3,d2 classification required under Spanish
 2 law.
 3 "At the moment Romgom have the opportunity to
 4 recommend PE as a counter—offer given that the Reynobond
 5 PE classification is B—s2,d0 but if we recommend using
 6 FR our prices are no longer in line with market trends.
 7 "Note: it's the same for Alpolic.
 8 "What's more, the last offer made for the Portuguese
 9 market has been in RB FR since the project is proposed
 10 in Larson FR. This market trend needs to be looked at
 11 very carefully."
 12 Her signature is on the next page in the English,
 13 but it's there on the French. I don't need to go to it
 14 in the English.
 15 Can we then look, please, at Claude Wehrle's
 16 response to Isabel Moyses and Guy Sheidecker and
 17 Frederic Mignon the next day, 16 March, at the top.
 18 A. (Interpreted): Yes.
 19 Q. Claude Wehrle says to Isabel Moyses:
 20 "Hello,
 21 "I think Larson have based themselves on the test
 22 conducted on products in cassette form.
 23 "Contrariwise to what might be expected, the above
 24 type of test is much less favourable for the composite
 25 than for riveted products.

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1 "And Reynobond PE in cassette form doesn't obtain
 2 level 'B' either!
 3 "Having said that, this shortfall in relevance to
 4 this standard is something that we have to keep as VERY
 5 CONFIDENTIAL!!!!"
 6 Now, we've already seen that Arconic, according to
 7 Claude Wehrle, had no reason to suspect that the result
 8 of test 5B on cassette was anything other than a rogue;
 9 you remember that?
 10 A. (Interpreted): Yes.
 11 Q. My question is: if Arconic, Claude Wehrle for this
 12 purpose, genuinely believed that the result of test 5B
 13 was a rogue, or aberrant, he would have said so in this
 14 message, would he not? Do you accept that?
 15 A. (Interpreted): Yes.
 16 Q. So does that tell us, perhaps, that in fact he knew very
 17 well that test 5B was not a rogue?
 18 A. (Interpreted): Yes, except if he had carried out another
 19 test in the meantime, but something I know nothing
 20 about.
 21 Q. Do you accept that if Arconic genuinely believed that
 22 cassette was safer rivet, Claude Wehrle would have said
 23 so?
 24 A. (Interpreted): Do you mean he would have said it in this
 25 email?

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1 Q. Yes.
 2 A. (Interpreted): Yes.
 3 Q. If Arconic was right about test 5B and thought it was
 4 a rogue, there would be no need for such a high degree
 5 of confidentiality that Mr Wehrle insists on, would
 6 there?
 7 A. (Interpreted): Yes.
 8 Q. Do you know, is Claude Wehrle right when he says that
 9 Arconic — well, let me try it again.
 10 Is Claude Wehrle correct to say that Arconic knew
 11 that cassette—fix was not really a class B?
 12 A. (Interpreted): Could you repeat your question, sir,
 13 please?
 14 Q. Arconic knew, didn't it, at this time, that cassette—fix
 15 was not really a class B?
 16 A. (Interpreted): Reading this email, yes.
 17 Q. And reading this email, that was something that
 18 Mr Wehrle wanted to keep very confidential.
 19 A. (Interpreted): Yes, that's what's expressed there.
 20 Q. Can you explain why Mr Wehrle wanted to keep the fact
 21 that cassette—fix was not a class B very confidential?
 22 A. (Interpreted): No.
 23 Q. Do you accept that customers who bought Reynobond 55 in
 24 PE in cassette form were being misled into thinking that
 25 it had a class B Euroclass when it didn't?

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1 A. (Interpreted): But customers wouldn't buy a cassette
 2 form with us.
 3 Q. I don't understand that answer. I'm going to try it
 4 another way.
 5 A. (Interpreted): You asked me whether the customer — what
 6 happened to the customer when he bought PE product
 7 cassette variation, but that's not what happens; the
 8 customer doesn't buy a cassette form product from us,
 9 they buy a flat panel from us.
 10 Q. Any architect or designer or building professional would
 11 think that Reynobond 55 PE, fabricated into cassette,
 12 had a class B, when in fact, as we've established from
 13 this email at least, it didn't.
 14 A. (Interpreted): Yes.
 15 Q. Do you accept that Arconic, through Mr Wehrle, knew that
 16 such people — architects, designers, construction
 17 professionals — were being misled by the claimed fire
 18 certification for cassette?
 19 A. (Interpreted): Yes.
 20 Q. And looking at this email, that's now something,
 21 March 2010, that Arconic knows, isn't it? It knows the
 22 shortfall between the claim for cassette and the actual
 23 classification.
 24 A. (Interpreted): Yes.
 25 Q. Arconic was thereby deliberately — I'm so sorry, do you

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1 want to finish or qualify your answer?
 2 A. (Interpreted): No, I can't deny what this email says, so
 3 I can only observe — accept what is said there.
 4 Q. Do you accept that Arconic was deliberately and
 5 dishonestly misleading its customers about the claimed
 6 fire certification for cassette variant for Reynobond
 7 55 PE?
 8 (Pause)
 9 A. (Interpreted): Well, in any case, regarding the B
 10 classification, I mean, according to the Euronorm, yes.
 11 Q. And that explains why Mr Wehrle wanted to keep the
 12 shortfall between the truth and the claim very
 13 confidential.
 14 A. (Interpreted): Probably.
 15 Q. Can you explain how this deception was being practised
 16 on your watch, in other words while you were president
 17 of —
 18 A. (Interpreted): No.
 19 Q. Can we scroll up to the top email, please, on page 125
 20 {MET00064988/125}, page 123 in the French
 21 {MET00064988/12}. Thank you.
 22 Now, Mr Schmidt, this is an email sent many years
 23 later — and I'm just looking at the French and
 24 wondering whether that's true. The date in the French
 25 is in March 2010, it's the same day, 16 March 2010; in

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1 the English it seems to have become either transposed or
 2 translated as sent in March 2016 from Guy Sheidecker to
 3 Claude Wehrle. I don't know whether you can help with
 4 that issue.
 5 Do you happen to know whether this is sent on the
 6 same day from Guy Sheidecker to Claude Wehrle?
 7 A. (Interpreted): No, I can't help you.
 8 Q. I'm not surprised about that.
 9 SIR MARTIN MOORE—BICK: I'm sorry to interrupt you,
 10 Mr Millett.
 11 Mr Schmidt, can you just remind us, was
 12 Guy Sheidecker still commercial director in March 2016?
 13 A. (Interpreted): No, and no longer for AAP—SAS Merxheim.
 14 No, I'm not sure, but that's something that I think, but
 15 that's something that needs to be checked. He was no
 16 longer the head of marketing for Merxheim, but he may
 17 have been reintegrated into the marketing for AAP in the
 18 US and other European sites.
 19 SIR MARTIN MOORE—BICK: Good. Thank you very much.
 20 Yes, Mr Millett.
 21 MR MILLETT: Yes.
 22 I think in fact it was Alain Flacon, isn't it, who
 23 took over Guy Sheidecker's role as sales and marketing
 24 director in 2013, and he had that role until 2016?
 25 That's correct, I think, isn't it?

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1 A. (Interpreted): I think he arrived in 2012.
 2 Q. At any rate, 2016, Guy Sheidecker was not in that
 3 department, so I'm going to proceed on the basis that
 4 this email was sent to Claude Wehrle by Guy Sheidecker
 5 on 16 March 2010.
 6 My question is: look at the text, please, and he
 7 says in the English — and let's have the French up as
 8 well. Look at the French on the right, English on the
 9 left. Guy Sheidecker says to Claude Wehrle:
 10 "This shouldn't even have been mentioned."
 11 Do you see that?
 12 Do you accept that this email shows us that even the
 13 senior team was not surprised to know about the
 14 shortfall in relation to Reynobond PE in cassette?
 15 A. (Interpreted): Once again, I don't know exactly what
 16 Guy Sheidecker was trying to say there, but it does
 17 suggest that.
 18 Q. It looks as if Arconic was simply keen to stop this
 19 information getting out; do you accept that?
 20 (Pause)
 21 A. (Interpreted): Yes. Yes, it seems to say that.
 22 Q. Did Guy Sheidecker report to you at this time?
 23 A. (Interpreted): Yes.
 24 Q. Did he mention this to you?
 25 A. (Interpreted): No. I don't think so, no.

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1 Q. You don't think so. You would have remembered, wouldn't
 2 you, if Arconic was perpetrating a deceit on its
 3 customers? You would remember Guy Sheidecker telling
 4 you something like that, wouldn't you?
 5 A. (Interpreted): In theory, yes.
 6 Q. Can you account for how Guy Sheidecker was in on this
 7 secret but you weren't?
 8 A. (Interpreted): No.
 9 Q. Does that tell us that there was some kind of failure in
 10 the reporting structure or the information flows within
 11 Arconic at the time?
 12 A. (Interpreted): Well, in all cases I could never be aware
 13 of absolutely everything that went on within the
 14 organisation, but in this specific case, yes, we're
 15 talking about information that should have gone back up
 16 to me.
 17 Q. When was the first time you saw these emails,
 18 Mr Schmidt?
 19 A. (Interpreted): I don't think I saw them before today.
 20 And I'm not even sure that I might have seen them after
 21 Grenfell.
 22 MR MILLETT: I see.
 23 Mr Chairman, it's 12.59. I'm going to turn to
 24 a different topic, and indeed a different year, 2011, so
 25 this might be a very convenient moment.

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1 SIR MARTIN MOORE—BICK: I think it would be a very
2 appropriate moment, Mr Millett.
3 Mr Schmidt, we'll have a break now so we can all
4 have some lunch. We will resume at 2 o'clock UK time,
5 please. Again, please remember not to speak to anyone
6 about your evidence during the break.
7 So 2 o'clock, then, please. Thank you very much.
8 (1.00 pm)
9 (The short adjournment)
10 (2.00 pm)
11 SIR MARTIN MOORE—BICK: Good afternoon, everyone. Welcome
12 back.
13 I'm going to start by checking that our interpreters
14 are with us and can see and hear clearly?
15 MS KENNEDY: We are with you and we can see and hear you.
16 SIR MARTIN MOORE—BICK: Thank you very much.
17 Next, Mr Schmidt, are you there?
18 THE WITNESS: (Interpreted): I can hear you and I can see
19 you.
20 SIR MARTIN MOORE—BICK: Good, thank you very much.
21 Now, Mr Schmidt, we're going to continue taking your
22 evidence, but before we do, can I just run through the
23 housekeeping again. In particular, can you confirm that
24 you don't have any device in the room with you that is
25 capable of receiving a message?

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1 THE WITNESS: (Interpreted): No.
2 SIR MARTIN MOORE—BICK: And that you don't have any other
3 documents or materials with you?
4 THE WITNESS: (Interpreted): No.
5 SIR MARTIN MOORE—BICK: Thank you very much. And I take it
6 you are on your own in the room?
7 THE WITNESS: (Interpreted): Yes.
8 SIR MARTIN MOORE—BICK: Very good. Well, are you ready to
9 carry on?
10 THE WITNESS: (Interpreted): Yes.
11 SIR MARTIN MOORE—BICK: Thank you very much. Then I'll
12 invite Mr Millett to ask some more questions.
13 So when you're ready, Mr Millett.
14 MR MILLETT: Thank you, Mr Chairman.
15 Mr Schmidt, I would now like to further a little
16 further into the year 2010 and look at a particular line
17 of communication between Arconic and one of its
18 customers. Can you please go to Claude Wehrle's
19 exhibit, part 4, page 3, that's {MET00053158_P04/3}.
20 Now, the communication here is between Isabel Moyses
21 and Mr Costa, a gentleman called Mr Costa, and they're
22 talking about a project in July 2010, and we have this
23 email run here running up the screen.
24 In fact, I don't think we have the French version at
25 all, so we'll have the English version up and then it

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1 can be read to you, translated into French. So bear
2 with me in the English.
3 On page 3 we can see Isabel Moyses sending Mr Costa
4 a certification on 1 July 2010 by email. That's the
5 email at the very foot of the page, if you just see
6 that. Can you see that?
7 A. (Interpreted): Yes.
8 Q. If you look at the email immediately above that,
9 Bruno Costa comes back to her on the same day and says:
10 "Isabel sent the riveted system, we need the
11 cassette system."
12 A. (Interpreted): Yes.
13 Q. Isabel Moyses was a sales executive at Arconic at the
14 time, wasn't she?
15 A. (Interpreted): Yes.
16 Q. If we go to the bottom of page 2 {MET00053158_P04/2},
17 scrolling up to the bottom of page 2, we can see
18 Isabel Moyses' reply to Mr Costa the same day at 11.08.
19 She says:
20 "Bruno,
21 "This is the only one we have. The Euronorm is
22 based on the system but it's not great, soon the
23 cassette system will be better.
24 "Kind regards,
25 "Isabel."

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1 Now, we haven't seen the attachments to these
2 emails, but would you agree with me, looking at it, it
3 looks as if Isabel Moyses sent the classification report
4 for test 5A?
5 A. (Interpreted): Yes.
6 Q. Can you explain on what basis Isabel Moyses told
7 Mr Costa that "soon the cassette system will be better"?
8 What was the basis for that statement, do you know?
9 A. (Interpreted): No, I have no idea.
10 Q. The next email up is from Bruno Costa to Isabel Moyses,
11 again the same day, 1 July 2010. Bruno Costa says to
12 her:
13 "Isabel,
14 "I think that's best, but if I present this solution
15 it's like not presenting anything.
16 "So the system is going to be a cassette system. Do
17 you not have the cassette system that's certified for
18 fire? Even if it's out of date?
19 "Kind regards,
20 "Bruno."
21 If you scroll up a little bit further to the second
22 email from the top, please, you can see that
23 Isabel Moyses goes to Claude Wehrle a few days later, on
24 Monday, 5 July 2010, and she says this:
25 "Claude,

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1 "Bruno (absolutely) wants the certificate. Fire for
2 the PE for the cassette system. We forwarded the
3 Euronorm (riveted system) and mentioned that since it is
4 the most unfavourable system, it is also acceptable for
5 the cassette system. Unfortunately that's not enough...
6 he wants a document... can you please take care of it?
7 Thank you for your help.
8 "If you have any questions, do let me know."
9 Now, just before I go to his response, I just want
10 to ask you: you can see there — I'm sorry, can I ask
11 you to translate, please, Madam Translator.
12 THE INTERPRETER: Of course.
13 (Pause for translation)
14 MR MILLETT: Now, I want to ask you, before I show you
15 Claude Wehrle's response, in the second line there you
16 can see that Isabel Moyses tells Claude Wehrle that she
17 has told the customer that "since it is the most
18 unfavourable system, it is also acceptable for the
19 cassette system". That's her understanding of what she
20 says. My question for you is: was that statement that
21 she had made to the customer Arconic policy?
22 A. (Interpreted): No.
23 Q. Can you explain why it is that a sales representative
24 such as Isabel Moyses is telling a customer that the
25 riveted system is the most unfavourable system and

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1 therefore the Euronorm would be acceptable for the
2 cassette system in circumstances where Arconic knew that
3 that was not true?
4 A. (Interpreted): No, I can imagine that there was still
5 this understanding that the rivet system was worse than
6 the cassette system, but that's simply
7 an interpretation.
8 Q. An interpretation of yours?
9 A. (Interpreted): Yes.
10 Q. Sitting there today and not an understanding at the time
11 of this document; yes?
12 A. (Interpreted): I don't understand your question.
13 Q. An interpretation you make today, not —
14 A. (Interpreted): Yes, yes.
15 Q. Let's look at Mr Wehrle's response, then, to
16 Isabel Moyses three minutes later. Can we go above the
17 email we've just been looking at to the next one up.
18 Claude Wehrle says to Isabel Moyses on 5 July 2010
19 at 10.55:
20 "Isa,
21 "It's hard to make a note about this... Because
22 we're not 'clean' ...
23 "I'll call Bruno to discuss the situation with him,
24 and I'll let you know the outcome."
25 My question is: what does Claude Wehrle mean when he

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1 says, "we're not 'clean'"?
2 A. (Interpreted): I don't know.
3 Q. Did you know that Arconic was unclear at the time in any
4 sense?
5 THE INTERPRETER: Sorry, could you repeat your question? It
6 broke up a bit.
7 MR MILLETT: Did you know that Arconic was not clean at this
8 time in any sense?
9 A. (Interpreted): No.
10 Q. Can we go to page 4 in this email string, please, which
11 is at {MET00053158_P04/4}. Here is an email which we
12 can see is sent by Claude Wehrle to Bruno Costa, copied
13 to Isabel Moyses, on 5 July 2010, where he says:
14 "Bruno,
15 "As discussed, I send you in attachment the document
16 concerning the system we choose for the Reynobond PE
17 fire certification.
18 "Regards,
19 "Claude."
20 If you can translate that, please.
21 (Pause for translation)
22 Immediately below this email is the document that is
23 sent, page 5 {MET00053158_P04/5}. Again, it's in
24 English, I'm afraid we have no French translation of it,
25 but I'll ask Madam Translator to translate for you.

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1 It's a letter on Reynobond headed notepaper, sent to
2 Mr Bruno Costa from Merxheim on 5 July 2010, and it says
3 this:
4 "Mr COSTA,
5 "Reynobond PE, is classified B—s2, d0 in accordance
6 with the European standard EN 13501.
7 "This test was done on the riveted system, which
8 expose the core of the material to the flame contrary to
9 the cassette system where the core is protected by the
10 returns.
11 "Alcoa decided to check the behaviour of its
12 composite panels in this worst case of system (exposed
13 fasteners on flat panels) and to use it for all the
14 other systems.
15 "Claude Wehrle."
16 Would you translate, please.
17 (Pause for translation)
18 My question is: when Mr Wehrle said that the rivet
19 system was the worst case of system, that was false,
20 wasn't it?
21 A. (Interpreted): No.
22 Q. Well, Mr Schmidt, we've spent a lot of time yesterday
23 looking at test 5A and test 5B. What test was there, to
24 your knowledge, that showed that the cassette—fix
25 variant of Reynobond 55 PE performed better than rivet

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1 in a fire test?
 2 A. (Interpreted): To my knowledge, there wasn't one.
 3 Q. No. On the contrary, test 5B showed that Reynobond 55
 4 PE in cassette variant performed a great deal worse in
 5 a fire test than rivet, didn't it?
 6 A. (Interpreted): Yes.
 7 Q. And you know of no other test between 2005 and 2010
 8 which might show that cassette performed better than
 9 rivet, do you?
 10 A. (Interpreted): No, I don't believe so.
 11 Q. And therefore, when Claude Wehrle told Mr Costa that
 12 this was a "worst case of system", referring to the
 13 rivet system, that was false?
 14 A. (Interpreted): Yes, that's what I also understand, yes.
 15 Q. And from the documents I have been showing you, you must
 16 accept, I suggest to you, that Mr Wehrle knew that this
 17 was false?
 18 A. (Interpreted): What is difficult — well, I believe that
 19 if I interpret it, yes, but it's also for Claude Wehrle
 20 to explain it. And I imagine that that's part of his
 21 witness statement, I don't know.
 22 Q. Well, I'm afraid, Mr Schmidt, we won't get the
 23 opportunity to ask Mr Wehrle about it, as you know, so
 24 I'm asking you about it.
 25 Do you accept that in telling Mr Costa that rivet

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1 was worse than cassette for the purposes of fire
 2 performance, Mr Wehrle lied to him?
 3 A. (Interpreted): Yes.
 4 Q. Did you know that Mr Wehrle was lying to customers like
 5 Mr Costa?
 6 A. (Interpreted): No.
 7 Q. Did Guy Scheidecker know that Mr Wehrle was lying to
 8 customers like Mr Costa?
 9 (Pause)
 10 THE INTERPRETER: Sorry, so the answer to: did
 11 Guy Scheidecker know that Mr Wehrle was lying to
 12 customers like Mr Costa, Mr Schmidt answered he didn't
 13 know. Sorry, it was inaudible the first time round.
 14 MR MILLETT: Thank you very much.
 15 Are you able to account for how Mr Wehrle
 16 perpetrated a deception on Mr Costa on your watch, in
 17 other words at a time when you were president of this
 18 organisation?
 19 A. (Interpreted): No.
 20 Q. Let's go to 2011.
 21 Now, did you know that in 2011, six years after the
 22 initial tests 5A and 5B we looked at before, Arconic
 23 then performed two further European classification tests
 24 on Reynobond 55 PE?
 25 A. (Interpreted): Yes.

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1 Q. Let's look at the first of those tests for PE rivet,
 2 shall we? This is at {ARC00000383} in the English, and
 3 there is a French translation for you at {ARC_T000028}.
 4 Can we please have both of those up at the same time.
 5 Thank you very much.
 6 Mr Schmidt, again English version on the left,
 7 French version on the right. For the record, this, as
 8 you can see, is test RA11—0032, and this is a fire
 9 classification report under European norm EN 13501—1.
 10 You can see the number, RA11—0032, there.
 11 If you go down the page, please, you can see that
 12 the date of issue at the bottom of the page is
 13 9 February 2011; do you see that?
 14 A. Oui.
 15 Q. Halfway down the page, just above the date, it says:
 16 "Commercial brand(s): REYNOBOND 55 PE.
 17 "Riveted system."
 18 Do you see that?
 19 A. (Interpreted): Yes.
 20 Q. Now, if we go to page 4 {ARC00000383/4} {ARC_T000028/4},
 21 please, in this document, in both versions, we see the
 22 classification itself under paragraph 4, and under
 23 paragraph 4.2, "Classification", if that could just be
 24 pointed out, please. Thank you:
 25 "Fire behaviour: B.

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1 "Smoke production: s1.
 2 "Flaming droplets or debris: d0."
 3 And fire classification, in the big box, B—s1, d0.
 4 Do you see that?
 5 Just by way of reminder to you, the 2005 test 5A
 6 in fact produced a fire classification of B—s2, d0, so
 7 this one is in fact better, isn't it?
 8 A. (Interpreted): Yes. Yes, smoke production, with regards
 9 smoke production.
 10 Q. Indeed, the smoke production in 2005 was s2, and now, at
 11 the end of 2010, it is s1.
 12 Now let's look at the CSTB test for PE cassette. If
 13 we can go to the exhibit for that, first of all, we can
 14 see that there was a test in 2011 on the Reynobond PE
 15 cassette.
 16 My first question is: do you know why Arconic waited
 17 six years before instructing CSTB to perform another
 18 test on Reynobond 55 PE cassette?
 19 A. (Interpreted): No.
 20 Q. In fact — and Mr Wehrle makes this set of statements in
 21 his witness statement, and I'm summarising — in
 22 March 2011 he sent test 5B to the CSTB and asked what
 23 the best classification was, and didn't actually ask for
 24 a further test. Did you know that?
 25 A. (Interpreted): No.

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1 Q. So you can't explain why he simply asked the CSTB about
2 whether he could use test 5B to get a class D
3 classification ?
4 A. (Interpreted): No.
5 Q. Let's look at his exhibit, {MET00053158/172}, and in the
6 French it's {MET00053158/170}, just two pages before.
7 It's an email. You have the French on the right, and
8 it's an email, second from the top, from Maxime Bauer of
9 the CSTB on 29 June 2011 to Claude Wehrle, and the title
10 is "Reaction to fire tests", and there is a project
11 number. Can you see that?
12 A. (Interpreted): Yes.
13 Q. I'll show you the full text of the email and then if you
14 read along in the French, please. Maxime Bauer says:
15 "Hello Mr Wehrle,
16 "We have performed a test on your reference
17 'REYNOBOND PE'. Unfortunately, we stopped the test
18 before the end of the test.
19 "Note: Fall of large pieces of the small wing,
20 widespread fire on the surface, reaching critical values
21 resulting in the termination of the ongoing test
22 (350 kw).
23 "Therefore, we cannot provide you with a
24 classification for the cassette version.
25 "I propose that this project be concluded for an

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1 amount of EUR 2297 (SBI test + cleaning costs + main
2 burner repair).
3 "Sincerely,
4 "Maxime BAUER."
5 So, looking at that, it looks as if the test for PE
6 cassette was stopped because of its fire performance
7 before the test had been concluded; do you agree?
8 A. (Interpreted): Yes.
9 Q. Then if we look at the top of page 172 in the English
10 and 170 in the French, we can see Mr Wehrle's reaction,
11 or perhaps resistance. He says:
12 "Hello,
13 "Is this far from a 'D' classification ?"
14 Are you able to explain why Mr Wehrle would have
15 asked that question?
16 A. (Interpreted): No.
17 Q. If we go down then to page 171 in the English
18 {MET00053158/171}, in the French page 169
19 {MET00053158/169}, we can see the response from
20 Maxime Bauer of the CSTB the same day. I think it's
21 she, forgive me, says — and, Mr Schmidt, if you could
22 read along in French on the right:
23 "Since we have not completed the test, we cannot
24 give a classification to the product. The only possible
25 classification is a classification without a test, which

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1 is 'F'.
2 "With the current configuration of the product, it
3 seems very difficult to me to obtain a 'D'
4 classification ."
5 Then above that, on both pages, we can see
6 Claude Wehrle responding to Maxime Bauer on the same
7 day, 29 June 2011, and he says:
8 "Okay, let's stop the tests now.
9 "May I ask you to write an 'F' classification '
10 report?"
11 A. (Interpreted): No, in fact it's a man, Maxime Bauer is
12 a man.
13 Q. Do you know him?
14 A. (Interpreted): No. Not at all. But he signs as
15 a "technicien", I—E—N, at the end, so he is a man.
16 Q. Ah, as opposed to "technicienne". Very good.
17 Now, we can see the response, as I've shown you.
18 Let's go to the top of page 171, top of page 169,
19 where Maxime Bauer says this:
20 "Hello,
21 "I propose that you carry out the ignition tests
22 (Standard EN ISO 11925—2) on your reference. If they
23 are satisfactory, we will give you an 'E' classification
24 on your product.
25 "Sincerely,

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1 "Maxime BAUER."
2 Then at the top of the page in both cases we can see
3 Claude Wehrle saying to Maxime Bauer:
4 "Very good idea indeed, let's proceed this way.
5 "Thank you."
6 That's the email 29 June 2011.
7 A. (Interpreted): Yes.
8 Q. Now, Mr Wehrle explains this test in his witness
9 statement at some length at page 18 {MET00053190/18}.
10 I don't need to go to it, because I'm not sure that you
11 would be able to answer questions on his statement in
12 this case.
13 My question is a general one: do you accept, looking
14 at this email chain, that this test on PE cassette at
15 this time again performed significantly worse than the
16 test on PE rivet form?
17 A. (Interpreted): Yes.
18 Q. Do you accept that even if there was any shred, any
19 small piece, of a view remaining within Arconic that the
20 test 5B from 2005 was rogue, aberrant, then this 2011
21 test dispelled that?
22 A. (Interpreted): Yes.
23 Q. Do you remember whether Mr Wehrle told you or, to your
24 recollection, anybody else at Arconic that this test
25 demonstrated that, with cassette, the core doesn't

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1 simply drip out of the panel, but collects in the return
 2 and continues to increase in temperature until it
 3 reaches the point of autoignition?
 4 A. (Interpreted): I think he mentioned it in 2012.
 5 Q. In what context did he mention it in 2012?
 6 A. (Interpreted): In my view he tried to contact me in 2012
 7 to talk to me about those tests, and at the time there
 8 was no one specifically in charge of the commercial side
 9 of things, it was the time of the transition between
 10 Guy Scheidecker and Alain Flacon. So he wanted to
 11 organise a meeting with me, but that meeting never took
 12 place. I think it was connected to these famous tests.
 13 Q. What makes you think that it was connected to these
 14 famous tests?
 15 A. (Interpreted): I told him I didn't accept his meeting,
 16 because I didn't know what he wanted to talk about. So
 17 he sent me another mail saying, "There are two things
 18 I want to talk to you about: a complaint regarding some
 19 inox product, stainless steel product, and some
 20 fire test results".
 21 Q. Was this in May 2012?
 22 A. (Interpreted): May or June.
 23 Q. You say you didn't have that meeting; is that right?
 24 A. (Interpreted): Yes, because at the time when the meeting
 25 was supposed to take place, I wasn't on site. And,

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1 in fact, at the time there was nobody in charge of the
 2 commercial wing, there was no commercial head, and
 3 therefore I was doing part of the work, I would go and
 4 visit clients, I was very often travelling, and my
 5 timetable was extremely heavy.
 6 Q. We will come back to documents which we can see about
 7 that request for a meeting later in your evidence,
 8 Mr Schmidt.
 9 My question at this stage, which is 2011, the year
 10 before, is: I'm assuming that Mr Wehrle did not tell you
 11 at that stage that PE in cassette form had behaved so
 12 badly in a fire test conducted by the CSTB that it
 13 produced an autoignition event?
 14 A. (Interpreted): No, I don't think so.
 15 Q. Did there come a time after 2012, after the failed
 16 meeting, when you did come to learn that Reynobond 55 PE
 17 in cassette variant had performed in the way in which
 18 Mr Wehrle describes, namely so badly that it led to
 19 an autoignition event?
 20 A. (Interpreted): No, I don't think so, and — but I think
 21 it's likely that in 2012 we did have a discussion on the
 22 subject, but for me the detail of the conversation, the
 23 way you describe it, I certainly didn't have that. What
 24 he did tell me was that it was a classification E or
 25 a classification F.

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1 Q. I see. So you learnt in 2012, did you, Mr Schmidt, that
 2 Reynobond 55 PE in cassette variant had obtained an E or
 3 F? Is that right?
 4 A. (Interpreted): I'm not certain, but it's possible that
 5 some time in June, at the time when that meeting in fact
 6 didn't take place, he did talk to me about it.
 7 Q. Did he tell you not only about the classifications that
 8 you said he told you it had obtained, but actually how
 9 cassette had performed in the fire, namely autoignited?
 10 A. (Interpreted): No, and even now I didn't know about it.
 11 Q. Let's look and see how Claude Wehrle dealt with it
 12 internally at the time.
 13 Can we go, please, to Claude Wehrle's exhibits,
 14 part 4, {MET00053158_P04/14}, and in the French
 15 {MET00053158_P04/13}. This is an email from
 16 Claude Wehrle to others in Arconic. We have the French
 17 on the right and the English on the left. It's an email
 18 that he sends on 29 June to Bertrand Koenig and
 19 Laure Quiquerez, if I pronounce that correctly, I don't
 20 know.
 21 Am I right in thinking that Bertrand Koenig was
 22 project manager at the time?
 23 A. (Interpreted): I don't know his exact title, but it's
 24 true that he was within Claude Wehrle's organisation or
 25 team.

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1 Q. Laure Quiquerez appears to us to have been a research
 2 and development and product quality project manager;
 3 again, do you —
 4 A. (Interpreted): She was partly involved in research and
 5 development and partly involved in production support,
 6 and she was part of what we called the lab.
 7 Q. The lab, okay.
 8 Now, we can see the text of the email that Mr Wehrle
 9 sends. He says:
 10 "Oops...
 11 "The classification of PE in cassettes following the
 12 test this morning is... 'F'!!!"
 13 Now, I know you didn't write this email, but I have
 14 to ask you about it.
 15 The use of the word "oops" or "oups" there — it may
 16 depend on how you pronounce it — are you surprised that
 17 Claude Wehrle introduced this news with that word there?
 18 A. (Interpreted): I wouldn't say it's a very refined way of
 19 expressing himself. I mean, it's more the way we talk
 20 than the way we write.
 21 Q. Maybe. One way of reading it, though, do you agree, is
 22 that he was making light of this news?
 23 A. (Interpreted): That may be an interpretation, but I'm
 24 not certain, no.
 25 Q. I know you didn't write this email, we're interpreting

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1 it together, Mr Schmidt, obviously, but do we take it
 2 from the triple exclamation mark at the end of the
 3 sentence that Mr Wehrle regarded the news he was
 4 imparting as something of an announcement to be made
 5 loudly?
 6 A. (Interpreted): Yes.
 7 Q. Now, let's look at the test report itself for this test.
 8 It's at {ARC00000538} in the English and
 9 {MET00053158/173} in the French. We have the English on
 10 the left — hand side.
 11 Now, you can see — just read with me in the French,
 12 and I'll identify the English — it says:
 13 "Reaction to fire test report No. RA11—0244
 14 according to the European Standard NF ISO 11925—2."
 15 Now, just pausing there, did you know — and I'm
 16 going to put this to you — that this is only a report
 17 on ISO 11925—2, namely the single source of flame test?
 18 A. (Interpreted): Yes.
 19 Q. If we go down, please, in the report to page 3 in the
 20 English {ARC00000538/3} and also in the French
 21 {MET00053158/3}, we can see the date of the test,
 22 7 July 2011. Can you see that?
 23 A. (Interpreted): Yes.
 24 Q. And the commercial brand being tested is Reynobond 55 PE
 25 cassette system; yes?

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1 A. (Interpreted): Yes.
 2 Q. In relation to the date, that's only a little bit after
 3 the exchange we saw with Maxime Bauer where he told
 4 Mr Wehrle that Arconic should submit the product for
 5 an ignition test. If you go down to page 3, the date of
 6 the report is 12 October 2011.
 7 If you go to page 4 {ARC00000538/4} {MET00053158/4},
 8 please, we can see the summary description, and it
 9 says — and these words are perhaps now familiar to you:
 10 "Composite panel consisting of a low density
 11 polyethylene core surfaced on both sides with
 12 a precoated aluminium sheet thermally bonded with
 13 polyethylene films.
 14 "Provided system: Cassette.
 15 "Finish: Duragloss 5000 35 [microns].
 16 "Overall nominal thickness: 4 mm.
 17 "Nominal thickness of the aluminium sheets: 0.5 mm."
 18 Et cetera. Then:
 19 "Colour: various."
 20 Do you see, "Colour: various"?
 21 A. (Interpreted): Yes.
 22 Q. Now, I've shown you this test report in a little detail
 23 now. Have you ever seen it before, before today?
 24 A. (Interpreted): No.
 25 Q. When it says "Colour: various", would that indicate that

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1 all colours of Reynobond 55 PE in cassette form were
 2 covered by this test report?
 3 A. (Interpreted): Yes, that's what I understand, yes.
 4 Q. Did that include the smoke silver cassette—fix for
 5 Reynobond 55 PE used on Grenfell Tower?
 6 A. (Interpreted): That's an interpretation one could make.
 7 Q. Can we go to the classification report. That's at
 8 {ARC00000386} in the English, and in the French it's
 9 {ARC_T000029}. English on the left, French on the right
 10 again:
 11 "Reaction to fire classification report No.
 12 RA11—0244 according to the European Standard NF
 13 EN 13501—1."
 14 And the date of issue there is 12 October 2011,
 15 "Commercial brand", middle of the page, "Reynobond
 16 ARCHITECTURE PE cassette system". Do you see that? Do
 17 you see all of that?
 18 A. (Interpreted): Yes.
 19 Q. If we can go to page 3, please, of this classification
 20 report {ARC00000386/3} {ARC_T000029/3}, we will see the
 21 classification. There it is, under paragraph 4.2:
 22 "Fire behaviour: E.
 23 "Smoke production: Not applicable.
 24 "Flaming droplets or debris: Not applicable.
 25 "Classification: E [in the box]."

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1 Do you see that?
 2 In "Field of application" under 4.3, it refers to
 3 "Various colours" at the very bottom there. Can you see
 4 that?
 5 A. (Interpreted): Yes, do "various" and "plusieurs" mean
 6 the same thing? Because I would have potentially wanted
 7 to write "several" rather than "various", but maybe
 8 that's not really what's at hand at the moment.
 9 Q. You may want to, but that's not how it's written.
 10 This is a difficult question, I suppose, to get
 11 right in English and in French, but does "plusieurs"
 12 translate or can it translate as "various"?
 13 THE INTERPRETER: Yes, I can.
 14 MR MILLETT: I'm asking Mr Schmidt.
 15 THE INTERPRETER: Oh, sorry.
 16 MR MILLETT: I'm going to stop the question there, I think
 17 the answer would be worthless. I'm going to try it
 18 differently.
 19 Using the French, please, Mr Schmidt, would that
 20 description potentially cover smoke silver cassette —
 21 A. (Interpreted): Yes.
 22 Q. I'm now going to turn to a meeting which took place with
 23 3A, who make Alucobond, I believe, in Freiburg in
 24 July 2011. So this is a little bit earlier than this
 25 document.

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1 Can I ask you, please, to go to {MET00053158_P04/35}
 2 for the English, French version {ARC_T000020/1}. This
 3 is a visit report — English version on the left, French
 4 version on the right of the screen — of a meeting with
 5 a gentleman called Frank Ritter at 3A. The report was
 6 written by Claude Wehrle, as you can see, on the
 7 right-hand side there. The date of the visit was
 8 5 July 2011, and the copy of this visit report would go
 9 to GSC. Is that Guy Scheidecker?
 10 A. (Interpreted): Yes.
 11 Q. And PFR, who we understand to be Peter Froehlich; is
 12 that right?
 13 A. (Interpreted): Yes.
 14 Q. Now, can we look at item 1, please, in the main box
 15 under the heading "Discussed points". The reason for
 16 visit there is "Changes in ACM use for Architecture",
 17 can you see that?
 18 Before I look at the body of the text here, can
 19 I ask you whether you were aware that Claude Wehrle was
 20 having this discussion at around this time in Freiburg
 21 with 3A?
 22 A. (Interpreted): No.
 23 Q. Let's look at the body of the text.
 24 Under "European fire regulation" it says "Remind",
 25 or "Rappel" in the French.

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1 Read along in the French, I'll read the English:
 2 "The European fire reaction classification norm
 3 EN 13501 is testing the product in his installation
 4 conditions.
 5 "After the tests we did, the classifications for
 6 Reynobond in cassettes and riveted/screwed system
 7 are ..."
 8 Then they're set out:
 9 "Product: Reynobond 55 PE. Riveted/screwed.
 10 B—s1, d0.
 11 "Reynobond 55 PE. Cassettes. E.
 12 "Reynobond 55 FR. Riveted/screwed. B—s1, d0.
 13 "Reynobond 55 FR. Cassettes. B—s1, d0."
 14 If we look below that, it says:
 15 "A 'B class' is the minimum required for a façade in
 16 Europe."
 17 So just pausing there, it's clear from this
 18 document, isn't it, that Mr Wehrle knew that an E class
 19 was not permitted for use in a façade in Europe; yes?
 20 A. (Interpreted): No, as you express it, yes, but I don't
 21 agree with that at all, because that implies that one
 22 would need a class B for any façade in Europe. Or else
 23 I still don't understand the regulation today.
 24 Just an example once again, for example products
 25 that were classified M1 in France I think could be

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1 attached to a façade.
 2 Q. Well, let's look and see what's on the right-hand side
 3 here, because Mr Wehrle has a note, and he says:
 4 "Analyse how we could have a 'D' call with PE
 5 cassettes — max class possible and usable in some small
 6 buildings."
 7 Do you see that?
 8 A. (Interpreted): Yes.
 9 Q. Then if we go back to the main body of the text under
 10 "Next steps", the note says:
 11 "For the moment, even if we know that PE material in
 12 cassette has a bad behaviour exposed to fire, we can
 13 still work with national regulations who are not as
 14 restrictive.
 15 "Some countries (Spain...) are already working with
 16 EN13501 standards, and the PE in cassettes is no more
 17 usable there.
 18 "The evolution of fire regulation will put the PE
 19 out of the market in the coming month. It's difficult
 20 to give a dead line ..."
 21 Now, it's right, isn't it, and Claude Wehrle was
 22 right, when this note says that PE cassettes have bad
 23 behaviour in fire?
 24 A. (Interpreted): Yes.
 25 Q. It looks from this note that Claude Wehrle was

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1 advocating, suggesting, that Arconic could still sell
 2 cassettes provided the national regulations don't
 3 restrict it.
 4 A. (Interpreted): I'd just like to specify something.
 5 Q. Can you just —
 6 A. (Interpreted): AAP don't sell cassettes, or Arconic or
 7 Merxheim don't sell cassettes.
 8 Q. Well, never mind who sells it. I'll ask my question
 9 again. I'll try it differently, because it may have
 10 been in my question. Let me ask it differently.
 11 Claude Wehrle is saying that Arconic could still
 12 work manufacturing and selling PE material for use in
 13 a cassette form provided national regulations in the
 14 places it was being sold did not restrict it; do you
 15 agree?
 16 A. (Interpreted): Yes.
 17 Q. Did Arconic decide at this point or as a result of this
 18 discussion that it could continue to sell PE-cored ACM
 19 for fabrication and use in cassette form in those places
 20 where the national regulations did not prohibit it or
 21 restrict it?
 22 A. (Interpreted): I don't think we made a decision to carry
 23 on selling PE in countries where it was still allowed,
 24 but we carried on responding to the needs of the
 25 clients.

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1 Q. From this point on, did Arconic warn its clients that
2 where its clients were buying Reynobond 55 PE for
3 fabrication and use in cassette form, the fire
4 performance was very poor and nothing like the fire
5 performance in rivet form?
6 A. (Interpreted): Well, I don't know, and once again, for
7 countries such as France that needed an M1 standard, the
8 question didn't arise.
9 Q. Looking at the note — back to the note, please, page 2
10 in the French {ARC_T000020/2}, page 36 in the English
11 {MET00053158_P04/36} — under "New information", at the
12 top of the page there:
13 "New information — Big fire test:
14 "A new 'real fire test', erected as a façade is done
15 on a project, will be included in fire regulation. The
16 fire is done with 400kg wood.
17 "This will approximately be the same as in Russia
18 for K0.
19 "We already did this kind of tests, even in Austria,
20 and passed it with our Reynobond FR. But it's
21 impossible to run it with Reynobond PE.
22 "We are already asked for such kind of test for
23 Dubai, with a test in accordance with BS 8414 standard,
24 but this will be very difficult to pass [due] to the
25 temperature of the test who is higher than 660°C

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1 (aluminium fusion [temperature])."
2 Do we take it from that, Mr Schmidt, that
3 Claude Wehrle considered that it would be very difficult
4 for Reynobond 55 PE, as opposed to FR, to pass a BS 8414
5 test?
6 A. (Interpreted): That's what he's written here, yes.
7 Q. And you have no reason to disagree with the view at the
8 time, I take it?
9 A. (Interpreted): No, I agree.
10 Q. Can we then turn to the 2011 audit by the BBA.
11 SIR MARTIN MOORE—BICK: Now, Mr Millett, we have got beyond
12 our usual stopping point. Will this be an inconvenient
13 place to stop?
14 MR MILLETT: It's entirely my fault, Mr Chairman, for not
15 spotting the time. It's a very convenient moment.
16 SIR MARTIN MOORE—BICK: All right.
17 Well, Mr Schmidt, we will have the short break for
18 the afternoon now. We will come back, please, at 3.35
19 UK time, and again, please don't talk to anyone about
20 your evidence while you're out on the break. All right?
21 We will see you at 3.35.
22 THE WITNESS: (Interpreted): Thank you.
23 SIR MARTIN MOORE—BICK: Thank you, see you then.
24 (3.19 pm)
25 (A short break)

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1 (3.35 pm)
2 SIR MARTIN MOORE—BICK: Well, welcome back, everyone. We
3 are ready to continue with Mr Schmidt's evidence.
4 I just need to check that our interpreters are there and
5 in contact with us.
6 MS DELAS—REISZ: We're there and we can see you and hear
7 you.
8 SIR MARTIN MOORE—BICK: Very good, thank you very much.
9 Then that Mr Schmidt also is there and ready to go
10 on.
11 THE WITNESS: (Interpreted): I can see you, I can hear you,
12 and I'm ready.
13 SIR MARTIN MOORE—BICK: Good, thank you very much indeed.
14 Then I will just invite Mr Millett to put some more
15 questions to you.
16 Yes, Mr Millett.
17 MR MILLETT: Thank you, Mr Chairman.
18 Mr Schmidt, do you accept as a matter of fact that
19 at no point did Claude Wehrle or anybody else at Arconic
20 tell the BBA about the 2011 fire test or classification
21 on PE cassette?
22 A. (Interpreted): No, I don't know.
23 Q. Mr Wehrle says in his witness statement — and just for
24 the reference, it's paragraph 59, in the English at
25 page 17 {MET00053190/17}, French page 21

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1 {MET00048342/21} — that it did not occur to him that it
2 would be necessary to provide to the BBA any further
3 testing information such as the result of the 2011
4 European Standard tests on the cassette variant.
5 My question is: given that he didn't do so, can you
6 explain why he didn't do so in light of the obligation
7 to do so we saw under clause 7(a) of the contract
8 between Arconic and the BBA?
9 A. (Interpreted): No.
10 Q. The first BBA certification, test 5B, was withheld from
11 Arconic(sic) because Arconic decided it could ignore it
12 as a rogue; now in 2011 we have confirmation that
13 cassette PE was class E, why did Arconic not make that
14 position clear to the BBA at that time and tell them
15 that cassette variant had obtained a class E?
16 A. (Interpreted): I don't know.
17 Q. Do you accept that given that the BBA certificate used
18 the class B European result for saying that Reynobond
19 55 PE may be regarded as having class 0, it was
20 important for the BBA to know that Reynobond 55 in
21 cassette version didn't(sic) have class E, so that they
22 could reconsider whether a class 0 — whether or not it
23 could be regarded as class 0 in that variant?
24 SIR MARTIN MOORE—BICK: I'm sorry to interrupt you, but did
25 you mean class E? I think you meant class B in that

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1 question, didn't you?
 2 MR MILLETT: No, class E. It's a long question. I'm going
 3 to try and — Mr Chairman, before the witness answers,
 4 it's a long question —
 5 SIR MARTIN MOORE—BICK: Before you do, just read the
 6 question on the transcript, because you asked whether it
 7 was important for the BBA to know that the Reynobond 55
 8 in cassette version did not have class E.
 9 MR MILLETT: Yes, I think I said "had class E", but that may
 10 have gone down wrong, or I —
 11 SIR MARTIN MOORE—BICK: Something's gone wrong in the
 12 transcript and I don't know whether it was translated —
 13 THE INTERPRETER: It was also translated wrong, because the
 14 transcript is a lot of help for us.
 15 MR MILLETT: Let me try it shortly: Mr Schmidt, given that
 16 the BBA used the European class B to say that
 17 Reynobond 55 PE may be regarded as having class 0, was
 18 it not essential for the BBA to know that in cassette
 19 variant it had obtained a class E, because that might
 20 affect whether cassette variant might be regarded as
 21 class 0?
 22 A. (Interpreted): Could you ask your question once again,
 23 because I'm not sure that I've understood it.
 24 Q. Even shorter this time: given that the BBA used the
 25 European test result B to say that Reynobond 55 PE may

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1 be regarded as having class 0, was it not essential for
 2 the BBA to know that in cassette variant it had obtained
 3 a class E, because that might affect whether the
 4 cassette variant may be regarded as having class 0?
 5 A. (Interpreted): Yes.
 6 MR MILLETT: I'd now like to turn to 2012 and look at some
 7 fires in 2001.
 8 Before I go to the next document, I should give
 9 a trigger warning. In this next section we may be
 10 showing pictures of fires on tall buildings,
 11 Mr Chairman, so those who are watching this and feel
 12 that they cannot see that as an image could just be
 13 warned that we are going to look at some documents that
 14 show that.
 15 SIR MARTIN MOORE—BICK: Yes, thank you, Mr Millett.
 16 MR MILLETT: Now, we're going to start with a fire in
 17 France, in Roubaix, in a building called the
 18 Mermoz Tower on 14 May 2012.
 19 You say in your witness statement — there is no
 20 need to go to it, the reference is paragraph 30.1
 21 {MET00053187/10} {MET00048331/14} — that you are aware
 22 of this fire but you are not sure if you knew of it
 23 until after the Grenfell Tower fire. Is that —
 24 A. (Interpreted): Yes.
 25 Q. Can we go to Claude Wehrle's exhibit, part 6, page 171,

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1 English version {MET00053158_P06/171}. There is no
 2 French translation for this, I'm afraid.
 3 This is a document called "On going technical key
 4 actions", and if we scroll down to the next page,
 5 please, {MET00053158_P06/172}, we can see a date at the
 6 bottom left—hand corner, 3 September 2019, which may be
 7 the date it was printed, but I'm going to suggest to
 8 you, Mr Schmidt, that this document was presented some
 9 time in 2012 as we go through the document, but if
 10 there's anything that you see in the document which
 11 tells you that it's a different date, let me know.
 12 A. (Interpreted): Fine, okay.
 13 Q. It's Reynobond/Reynolux, and there are three topics,
 14 "Technical department statistics 1st half 2012", and
 15 then two other topics; do you see?
 16 Do you think you might have seen this document
 17 yourself before?
 18 A. (Interpreted): It's difficult to say, I don't remember.
 19 Q. Does it look like a presentation that Claude Wehrle
 20 would have given at an annual sales meeting or
 21 twice—yearly sales meeting, do you think?
 22 A. (Interpreted): Is there the front page somewhere?
 23 Q. If we can go to the page before, please
 24 {MET00053158_P06/171}. Does that help you?
 25 A. (Interpreted): No, not really.

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1 Q. Let's go to page 189 {MET00053158_P06/189}. This is
 2 a page where we see the heading:
 3 "4) News about certification.
 4 "Fire issues — 'Incendie Roubaix' — New changes
 5 coming in the building rules."
 6 A. (Interpreted): Yes.
 7 Q. Now, it looks from this that this fire in Roubaix was
 8 significant enough for it to be discussed in some kind
 9 of presentation by Mr Wehrle. Do you agree?
 10 A. (Interpreted): Yes.
 11 Q. Do you recall any discussion about this time, 2012,
 12 about this fire at Roubaix?
 13 A. (Interpreted): No.
 14 Q. This slide seems to suggest that the fire at Roubaix
 15 might have been related to or caused, perhaps, new
 16 changes coming in the building rules.
 17 Are you able to help us about how that fire was
 18 connected, if at all, with any new changes coming in
 19 building rules?
 20 A. (Interpreted): No, I don't know.
 21 Q. Now, you tell us in your statement that this tower was
 22 not clad in Reynobond, but you do believe it was clad in
 23 an ACM with a PE core; is that correct?
 24 A. (Interpreted): Yes.
 25 Q. If so, did it not occur to you, or somebody in Arconic,

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1 that it would perform exactly as Reynobond PE would
 2 perform in a fire?
 3 A. (Interpreted): Yes.
 4 Q. So can we take it that this fire in Roubaix in May 2012
 5 was another warning about how ACM with a PE core might
 6 behave in the event of a fire?
 7 A. (Interpreted): Yes, but without [then the sentence
 8 wasn't finished] — but I suppose that in 2012 the
 9 analysis of the causes of the fire hadn't been carried
 10 out yet.
 11 Q. Did, to your knowledge, anything happen within Arconic
 12 to examine again the fire safety of ACM with a PE core
 13 in the light of this fire?
 14 A. (Interpreted): Whether it's directly at the light of
 15 this fire, I mean, I couldn't say, but very clearly
 16 there was a greater awareness which started within the
 17 commercial team and starting around that time.
 18 MR MILLETT: I think he said "2013", actually, in his
 19 answer.
 20 THE INTERPRETER: Yes, the witness did say 2013, the
 21 interpreter apologises.
 22 MR MILLETT: So, just to be clear, are you saying that the
 23 awareness within Arconic started with this fire or
 24 wasn't really something within Arconic until 2013, which
 25 is the following year? Could you just help me with

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1 that?
 2 A. (Interpreted): I'm not sure it was this particular fire
 3 that triggered the reflection that was carried out
 4 within Arconic, but there are a mass — a group of
 5 elements that in a general way led us to become aware
 6 that we were not really in the right direction with the
 7 PE core.
 8 Q. Was it this fire, on 14 May 2012, that prompted
 9 Claude Wehrle to seek to have a meeting with you, as he
 10 did later that month, about Reynobond PE and its fire
 11 classification?
 12 A. (Interpreted): I don't know.
 13 Q. Now, you referred earlier to the meeting which never
 14 took place in May 2012 about the fire classification for
 15 Reynobond 55 PE. Can we just look very briefly,
 16 perhaps, at one or two of the documents about that
 17 meeting.
 18 Can we go to your exhibit at page 287,
 19 {MET00053157/287}. It's an email to you, Mr Schmidt, on
 20 29 May 2012, sent to you from Claude Wehrle, and it's
 21 sent in English to you, with no French translation. So
 22 do I take it that you could read it and understand it in
 23 English?
 24 A. (Interpreted): Yes.
 25 Q. It's also sent to Peter Froehlich. What language did

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1 Peter Froehlich speak? What was his primary tongue?
 2 A. (Interpreted): German.
 3 Q. Can you explain why Claude Wehrle chose to write to you
 4 in English, given that it is neither your nor
 5 Peter Froehlich's mother tongue?
 6 A. (Interpreted): Because Peter didn't speak French, or
 7 very poorly.
 8 Q. And presumably Claude Wehrle had insufficient German, or
 9 you wouldn't be able to understand him in German?
 10 A. (Interpreted): I believe that Claude Wehrle would have
 11 had quite strong German, certainly stronger than mine.
 12 Q. Did you often communicate with Claude Wehrle in English,
 13 or he with you in English?
 14 A. (Interpreted): I believe that the single reason for
 15 using English here is because Peter Froehlich was
 16 involved.
 17 Q. Very well. In which case, let's look at the document
 18 and we can have it translated to you as we go. It says:
 19 "Dear Claude and Peter,
 20 "I'd like to have a discussion with both of you
 21 concerning the fire class for Reynobond PE when tested
 22 in accordance with Euronorms EN 13501.
 23 "We have to take a decision for the class we are
 24 giving to the market for this product.
 25 "Can we meet half an hour this week — timing up to

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1 you?"
 2 If we down to page 290 {MET00053157/290}. Now we do
 3 have a translation, French version {MET00053157/289},
 4 and we can see the French translation, have that up at
 5 the same time. If you follow in the French, please,
 6 Mr Schmidt, I'll read the English. At the bottom you
 7 say to Claude Wehrle:
 8 "Claude,
 9 "Please specify the subject.
 10 "I don't accept meetings without knowing what it
 11 will be about.
 12 "Thank you.
 13 "CS."
 14 He responds to you in the email above that on
 15 15 June:
 16 "Sorry Claude, I thought the subject matter was
 17 sufficiently clear.
 18 "Two issues must be considered:
 19 "1— The complaint in England regarding stainless
 20 steel ..."
 21 Then 2, it's the second one I want to examine with
 22 you:
 23 "2— Reynobond PE and its fire classification is
 24 a serious issue in Europe, and we would like to hear
 25 your opinion on the position to be held on the market."

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1 Just pausing there, is it right that at this time —
 2 I think you did say this in your evidence earlier —
 3 there was nobody occupying the post of director of sales
 4 and marketing because Mr Scheidecker had left that post
 5 and Mr Flacon had not yet taken it up?
 6 A. (Interpreted): Yes, I believe that Guy Scheidecker left
 7 at the end of the first quarter and that Alain Flacon
 8 came in August, beginning of August.
 9 Q. So were you acting in the role of Claude Wehrle's direct
 10 line manager when you received this email?
 11 A. (Interpreted): No, not directly because I'd in fact
 12 asked Peter Froehlich to take the lead, as it were, of
 13 Reynobond because it was far too much for me to be able
 14 to deal with the whole matter.
 15 Q. I see.
 16 You told us earlier that this meeting he wanted
 17 never took place. Given what he was telling you at
 18 paragraph 2 in his email to you about what he wanted to
 19 talk to you about, did you not regard it as sufficiently
 20 important for you to be able to find a little bit of
 21 time and sit down and talk to Claude Wehrle about it?
 22 A. (Interpreted): All I can say once again is that I was
 23 travelling a great deal, I spent very little time on the
 24 site and so it was very difficult for me to be able to
 25 deal with all these problems that one had to deal with.

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1 Q. Where was Peter Froehlich based?
 2 A. (Interpreted): In Merxheim.
 3 Q. Did you take any steps to make sure that Peter Froehlich
 4 had the meeting with Claude Wehrle and the discussion
 5 Claude Wehrle wanted?
 6 A. (Interpreted): No, not to my knowledge.
 7 Q. Why did you not take those steps?
 8 A. (Interpreted): All this is supposition, but
 9 Claude Wehrle and Peter had a good working relationship,
 10 they spoke to each other very often and they met up
 11 often.
 12 Q. Mr Schmidt, why didn't you take steps to make sure
 13 Peter Froehlich had the meeting, had the discussion with
 14 Claude Wehrle, and then reported back to you on the
 15 outcome?
 16 A. (Interpreted): Once again I can't answer. I was
 17 overloaded with work and I didn't think of it.
 18 Q. Can we have the email back again, please, 15 June email,
 19 top of the page, item 2. Claude Wehrle tells you that:
 20 "Reynobond PE and its fire classification is
 21 a serious issue in Europe, and we would like to hear
 22 your opinion on the position to be held on the market."
 23 Here is Mr Wehrle seeking your opinion — you were
 24 president — on a serious issue about fire
 25 classification in Europe. Why was this issue not so

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1 serious that even if you couldn't handle it directly
 2 yourself, you could at least give your opinion through
 3 Peter Froehlich?
 4 A. (Interpreted): Once again I can't answer. It was in
 5 2012.
 6 Q. Did you ever give your opinion on the position to be
 7 held on the market in relation to this serious issue?
 8 A. (Interpreted): No, not at that time anyway.
 9 Q. Why is that?
 10 A. (Interpreted): Because I didn't have all the
 11 information.
 12 Q. Why didn't you ask for all the information?
 13 A. (Interpreted): I don't know.
 14 Q. Now, to be fair to you, Claude Wehrle has, at least
 15 according to his statement, some recollection of what
 16 happened. I should show you what he says and just ask
 17 you about it. In his statement, {MET00053190/28},
 18 paragraph 96, please, he deals with that subject. In
 19 the French it's {MET00048342/35}, paragraph 96.
 20 In the English, what I want to show you is five
 21 lines down from the top, and in the French it's
 22 six lines down from the top, which starts "Je ne me
 23 souviens", and in the English:
 24 "I do not recall actually meeting with
 25 Claude Schmidt but had a brief discussion early the

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1 following week when it was agreed between us that the
 2 reference to EN Class B in the marketing documents
 3 should be removed as it was no longer a wholly accurate
 4 reflection of the position."
 5 Do you remember having a meeting with Claude Wehrle
 6 and making that agreement?
 7 A. (Interpreted): No, I don't remember, no.
 8 Q. Do you deny that it happened or do you simply not
 9 remember?
 10 A. (Interpreted): I don't remember.
 11 Q. Do you not remember at all Claude Wehrle coming to you
 12 and telling you that class B was no longer appropriate
 13 or applicable to Reynobond 55 PE?
 14 A. (Interpreted): No. Once again, I certainly don't want
 15 to say that it didn't happen.
 16 SIR MARTIN MOORE-BICK: Mr Schmidt, can I just ask you this:
 17 what Mr Wehrle says — I'm sorry, we need to have the
 18 documents up on the screen, please — he says in the
 19 English, and this is about six lines down in the French:
 20 "I do not recall actually meeting with
 21 Claude Schmidt but had a brief discussion ..."
 22 That suggests that he may have spoken to you on the
 23 telephone or in some way without actually meeting you
 24 face-to-face. Does that ring any bells with you?
 25 A. (Interpreted): No.

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1 SIR MARTIN MOORE-BICK: All right. Thank you very much.
 2 Yes, Mr Millett.
 3 MR MILLETT: Thank you, Mr Chairman.
 4 Leaving the statement on the screen, please, just
 5 for a little bit longer, where you see that Mr Wehrle
 6 says that you had agreed that the reference to European
 7 class B should be removed "as it was no longer a wholly
 8 accurate reflection of the position", I know you can't
 9 remember, but if that was the reason, then it was
 10 a disingenuous reason because cassette version of
 11 Reynobond 55 PE had never had a class B. Do you accept
 12 that?
 13 A. (Interpreted): No, class B in cassette form. Maybe that
 14 was too long.
 15 Q. When he says that "it was no longer a wholly accurate
 16 reflection of the position", the truth is, isn't it,
 17 that it was never wholly accurate, was it, because
 18 cassette had never achieved a B?
 19 A. (Interpreted): Yes.
 20 Q. Yes, you agree with me?
 21 A. (Interpreted): Yes.
 22 Q. Now, we saw in the evidence of Deborah French that about
 23 this time there was an update in the marketing
 24 literature, and I want to show you that, please.
 25 Can we please have up side by side {ARC00000378} and

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1 {ARC00000388}. Mr Schmidt, this is multilingual, so we
 2 don't need a translation for this purpose.
 3 We have here, on the left—hand side, the
 4 certifications in English and French, and then across
 5 the page you can see it goes into other languages as
 6 well, Spanish, Italian and Russian, it appears.
 7 Now, if you look at page 1 {ARC00000378/1} and
 8 page 3 {ARC00000388/3} at the same time, we can compare
 9 some documents. Those are the comparable pages I want
 10 to show you, and you can see they have both English and
 11 French. So if you look at the French version in the
 12 middle column, I'll read out the English in the
 13 left—hand column.
 14 We believe that the document on the left was
 15 produced in 2010 and the document on the right was
 16 produced in 2012.
 17 Now, can we go to page 3 of the left—hand side
 18 document {ARC00000388/3} and page 5 of the right—hand
 19 side document {ARC00000378/5} to look at a comparison of
 20 lists of fire certifications.
 21 On the 2010 version on the left, can you see that
 22 the table below it lists both PE and FR core and says
 23 that PE core is B—s2, d0? Do you see that?
 24 Do you see that? Are you following me so far? Yes?
 25 A. (Interpreted): Yes.

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1 Q. Thank you.
 2 Now, on the 2012 version on the right, we see that
 3 the reference with the European fire certification to PE
 4 has disappeared and now we only see the FR fire
 5 certification.
 6 A. (Interpreted): Yes.
 7 Q. So it looks on the document as if what has changed is
 8 the removal of any statement about the Reynobond 55 PE
 9 core being class B.
 10 A. (Interpreted): Yes.
 11 Q. There's no statement that PE core in cassette form was
 12 class E, was there?
 13 A. (Interpreted): Yes.
 14 Q. First of all, did you see these documents at the time
 15 they were produced, 2010, 2012, do you think?
 16 A. (Interpreted): I don't know, I may have seen them.
 17 Q. And how would you have seen them, in a meeting or would
 18 they have just been sent to you by email or during
 19 a presentation of some kind? How?
 20 A. (Interpreted): Well, it's difficult to say. As for all
 21 marketing documents, there were some that I saw, others
 22 that I didn't see. There were no rules.
 23 Q. There were no rules.
 24 Looking at them now, sitting here today, do these
 25 trigger any recollection, having seen them?

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1 A. (Interpreted): These precise documents, I can't say
 2 whether I saw these documents in 2010 and 2012.
 3 Q. Do you recall any internal discussions or briefings
 4 about removing the reference to Reynobond 55 with a PE
 5 core's European classification from its certification
 6 documents such as these?
 7 A. (Interpreted): No.
 8 Q. Can you explain why? Maybe you can't, but can you
 9 explain at all why the reference to the European fire
 10 classifications for Reynobond 55 in PE rivet or cassette
 11 were simply removed?
 12 A. (Interpreted): I'm not sure of the explanation but it
 13 could be the result of a discussion that I had with
 14 Claude Wehrle at that time.
 15 Q. You remember a discussion —
 16 A. (Interpreted): One could establish a link between the
 17 two.
 18 Q. Right. Just explain the nature of that link, please.
 19 THE INTERPRETER: Sorry, can I just change something, sorry.
 20 He said "that I may have had with Claude Wehrle at the
 21 time", not, "that I had with Claude Wehrle at the time".
 22 MR MILLETT: To be clear, your answer was at line 16 of
 23 transcript:
 24 "I'm not sure of the explanation but it could be the
 25 result of a discussion that I had with Claude Wehrle at

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1 the time."
 2 Was that mistranslated?
 3 THE INTERPRETER: Yes, I think he said, "I may have had".
 4 Yes, I was just correcting it, exactly.
 5 MR MILLETT: I see. That stands corrected.
 6 Do you remember even vaguely having a discussion
 7 with Claude Wehrle at the time about removing the
 8 (inaudible) fire classifications for Reynobond 55 PE
 9 from this document?
 10 A. (Interpreted): No.
 11 Q. Can we go to Claude Wehrle's statement, please, at
 12 page 28 {MET00053190/28}, paragraph 96. Earlier, and
 13 I just want to go back to it — it's at page 28 in the
 14 English, 35 in the French {MET00048342/35}, and we have
 15 it there on the screen.
 16 In the English eight lines down, and in the French
 17 ten lines down, he goes on to say — and please follow
 18 me — after the words "no longer a wholly accurate
 19 reflection of the position":
 20 "It was agreed that the sales team for each
 21 jurisdiction should be told of the EN E classification
 22 so that they could take this into account as relevant to
 23 their jurisdiction (and not all jurisdictions allowed
 24 the sale of PE in any event). The intention was for
 25 customers to be informed of the position when asking

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1 about the fire performance of the cassette variant of
 2 the product and that the classification was available on
 3 the CSTB website. All of this was actioned. I do not
 4 know exactly how this was done; it could have been by
 5 discussion, or by sending customers the updated
 6 marketing material. With respect to the communication
 7 to the sales team, I believe that the result would have
 8 been placed in the toolbox for their use."
 9 Now, when he says "It was agreed that the sales team
 10 for each jurisdiction should be told of the EN E
 11 classification", was that an agreement that he reached
 12 with you, do you remember?
 13 A. (Interpreted): I don't know.
 14 Q. Do you recall any discussion with Mr Wehrle along the
 15 lines that he describes in this part of his witness
 16 statement I've just read out to you?
 17 A. (Interpreted): No. I'm not sure, I don't remember.
 18 Q. Now, we've found no evidence of any emails at this time
 19 to the UK sales team or to either of the group emails,
 20 RAF liste commerciale interne or RAF liste commerciale
 21 externe. Are you able to explain why not?
 22 A. (Interpreted): No, I don't know, but maybe he took
 23 advantage of the sales meeting and maybe he made
 24 a presentation, he made a presentation, the one that you
 25 showed previously.

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1 Q. Do you know that or are you just speculating?
 2 A. (Interpreted): I am speculating. Well, I am speculating
 3 because we're talking now about the end of May, end of
 4 June, and the presentation you showed before talked
 5 about the presentation of first half results, so maybe
 6 we're talking about July and August.
 7 Q. I'm seeking to get what you know from your own
 8 recollection.
 9 A. Okay.
 10 Q. You have confirmed you're speculating.
 11 You see, we have seen no mention in the sales team
 12 presentations at this time, including the one I've just
 13 shown you about 2012 results, about Reynobond PE being
 14 a class E. Can you explain why there is no such
 15 document, or at least no such document that's been
 16 produced to the Inquiry?
 17 A. (Interpreted): I don't understand. What document?
 18 Q. Maybe it wasn't translated to you. I'll put the
 19 question again. It doesn't seem to have come out on the
 20 [draft] transcript either.
 21 We see no mention of the sales team presentations at
 22 this time, including the one we've just looked at, about
 23 Reynobond PE being class E. Can you explain why not?
 24 A. (Interpreted): No.
 25 MR MILLETT: Mr Chairman, it's 4.30. I have probably got

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1 another eight minutes left and I can really finish not
 2 only this topic but a fair chunk of this wider topic.
 3 SIR MARTIN MOORE-BICK: So ten minutes would be plenty,
 4 would it, Mr Millett?
 5 MR MILLETT: Yes, exactly.
 6 SIR MARTIN MOORE-BICK: Mr Schmidt, I do understand it's
 7 been a long day. Could you bear to do another
 8 ten minutes?
 9 THE WITNESS: (Interpreted): Yes, let's go.
 10 SIR MARTIN MOORE-BICK: Thank you very much.
 11 All right, Mr Millett, no more than ten minutes,
 12 please.
 13 MR MILLETT: Thank you, Mr Chairman, and thank you,
 14 Mr Schmidt.
 15 Now, Peter Froehlich does not mention this actioning
 16 at all and Deborah French does not recall being told
 17 about the class E for the cassette version. Just for
 18 our purposes, the reference in the transcript is
 19 {Day88/31:15} and also {Day88/34:19–22}.
 20 My question is: is Claude Wehrle mistaken that it
 21 was agreed at this time, in late May 2012, that the
 22 sales teams would be told about the PE core having
 23 class E, certainly for cassette?
 24 A. (Interpreted): I do not know.
 25 Q. It looks from the documents that we've seen that the

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1 sales teams, and certainly the UK sales team, was told
 2 nothing about this classification change at this time at
 3 all. Can you comment on that?
 4 A. (Interpreted): No.
 5 Q. Now, going back into paragraph 96 of Claude Wehrle's
 6 witness statement, please, {MET00053190/28}
 7 {MET00048342/35}, I just want to focus you on something
 8 he says in the English 10 lines down and in the French
 9 12 lines down, where he says:
 10 "The intention was for customers ..."
 11 A. (Interpreted): Yes.
 12 Q. Thank you, and he says:
 13 "The intention was for customers to be informed of
 14 the position when asking about the fire performance of
 15 the cassette variant of the product and that the
 16 classification was available on the CSTB website."
 17 It looks from that as if Claude Wehrle is saying
 18 Arconic's intention was to tell customers about the
 19 performance of PE, the classification of PE, only if
 20 they asked. Is that correct?
 21 A. (Interpreted): That's what is written there.
 22 Q. Was that Arconic's strategy, that a customer would only
 23 find out about the European E classification if they
 24 asked about fire performance but not otherwise?
 25 A. (Interpreted): No, not specifically.

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1 Q. How do you explain, therefore, why Claude Wehrle says
 2 that the intention was for the customers to be informed
 3 of the position when asking about the fire performance?
 4 A. (Interpreted): I can't explain it.
 5 Q. Do you agree that the E classification was significant
 6 and important information for customers to know?
 7 A. (Interpreted): Yes.
 8 Q. Given that customers had previously been told that all
 9 Reynobond PE 55 had Euroclass B, do you agree that they
 10 should proactively have been told that that was wrong
 11 and it was now class E?
 12 A. (Interpreted): With the distance that I have today, yes.
 13 Q. What changed between 2012 and today, in your
 14 understanding of the importance of positively telling
 15 customers that this product was no longer class B but
 16 was now class E?
 17 A. (Interpreted): Because I understood after Grenfell that
 18 we could have been more specific in our communication.
 19 Q. Why was the fact that cassette had a Euroclass E not
 20 broadcast as widely as possible so that customers from
 21 that point onwards would not carry on using Reynobond
 22 55 PE in cassette mistakenly thinking it had class B?
 23 A. (Interpreted): I think that one of the explanations is
 24 that probably the Euronorm wasn't necessarily the
 25 standard norm in every country in Europe, and in some

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1 countries they still carried on applying national and
 2 specific rules that were specific to that country.
 3 SIR MARTIN MOORE-BICK: Well, now, Mr Millett, is that
 4 a convenient point?
 5 MR MILLETT: Just one more question, Mr Chairman.
 6 SIR MARTIN MOORE-BICK: There is always one. All right,
 7 one.
 8 MR MILLETT: Mr Schmidt, do you accept that it was
 9 a dangerous practice to leave it to the customer to find
 10 out that the cassette variant had a class E, rather than
 11 volunteering to them that it had a class E?
 12 A. (Interpreted): It was risky.
 13 SIR MARTIN MOORE-BICK: Right. Well, I think at that point,
 14 Mr Millett, we should break for the day. It's been
 15 a long day.
 16 Thank you for sitting a bit longer than usual,
 17 Mr Schmidt. I'm sure it has been quite tiring for you.
 18 Now, I'm sorry to have to tell you, though I think
 19 you have been warned of this, that we will have to ask
 20 you to come back on Monday to answer a few more
 21 questions. I'm sorry about that, because I think we had
 22 certainly hoped to finish your evidence today, but you
 23 can never be very certain about that sort of thing.
 24 So I'm going to ask you to make yourself available
 25 again at 10 o'clock UK time on Monday, and I'm going to

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1 remind you, as I have before, not to talk to anyone
 2 about your evidence or anything relating to it over the
 3 weekend — maybe you'll welcome that anyway — and we'll
 4 look forward to seeing you again on Monday.
 5 THE WITNESS: (Interpreted): I'll be there on Monday.
 6 SIR MARTIN MOORE-BICK: Thank you very much indeed.
 7 10 o'clock on Monday, then, thank you.
 8 MR MILLETT: I'm grateful to the Chairman and to the witness
 9 for allowing us to carry on for another 10 or 15 minutes
 10 or so this evening.
 11 SIR MARTIN MOORE-BICK: Very well. Thank you.
 12 (4.45 pm)
 13 (The hearing adjourned until 10 am
 14 on Monday, 22 February 2021)
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