

OPUS2

Grenfell Tower Inquiry

Day 94

February 22, 2021

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1 Monday, 22 February 2021

2 (10.00 am)

3 SIR MARTIN MOORE—BICK: Good morning, everyone. Welcome to

4 today's hearing. As always, I'm here with my fellow

5 panel members, Ms Thouria Istephan and Mr Ali Akbor.

6 MS ISTEPHAN: Good morning.

7 MR AKBOR: Good morning, everyone.

8 SIR MARTIN MOORE—BICK: Now, today we're going to continue

9 hearing evidence from Mr Schmidt of Arconic, so the

10 first task is to make sure that our interpreters are

11 with us and can see and hear what they need to.

12 So, interpreters, are you there?

13 MS KENNEDY: We're both here and we can both see and hear

14 you.

15 SIR MARTIN MOORE—BICK: Thank you very much, good. Good

16 morning.

17 MS KENNEDY: Good morning.

18 SIR MARTIN MOORE—BICK: Next, of course, I have to make sure

19 that Mr Schmidt is there, and he can hear us and see us.

20 MR CLAUDE SCHMIDT (continued)

21 (Evidence via interpreter)

22 SIR MARTIN MOORE—BICK: Hello, good morning, Mr Schmidt.

23 THE WITNESS: (Interpreted): Good morning. I can hear and

24 see you.

25 SIR MARTIN MOORE—BICK: Good, thank you very much.

1

1 Now, essentially we shall carry on in the way that

2 we were taking your evidence last week, but I think

3 probably the first thing I ought to do is just run

4 through the usual housekeeping matters with you.

5 So would you mind confirming, please, that you're

6 alone in the room from which you're giving evidence?

7 THE WITNESS: (Interpreted): Yes, I confirm.

8 SIR MARTIN MOORE—BICK: Thank you.

9 Can you confirm that you have no documents or other

10 materials with you?

11 THE WITNESS: (Interpreted): Yes, I confirm.

12 SIR MARTIN MOORE—BICK: Thank you very much.

13 Can you also confirm that your mobile phone is in

14 another room, and that you don't have any other

15 electronic device with you which is capable of receiving

16 messages?

17 THE WITNESS: (Interpreted): Yes, I confirm.

18 SIR MARTIN MOORE—BICK: Good, thank you very much.

19 Well, as I said, the procedure will be the same as

20 it was last week. We shall have a break during the

21 morning at around about 11.15, and in the afternoon.

22 Is there anything you would like to raise with me or

23 ask before we carry on with your evidence?

24 THE WITNESS: (Interpreted): No.

25 SIR MARTIN MOORE—BICK: Good, thank you very much.

2

1 In that case, I will invite Mr Millett to continue

2 putting some questions to you.

3 When you're ready, Mr Millett.

4 Questions from COUNSEL TO THE INQUIRY (continued)

5 MR MILLETT: Good morning, Mr Chairman, good morning,

6 members of the panel, and good morning, Mr Schmidt.

7 On Thursday, I asked you about a meeting between

8 Claude Wehrle and Frank Ritter, 3A, Alucobond, in

9 Freiburg in June 2011. You told us that you were not

10 aware that Claude Wehrle was having that discussion.

11 That was {Day93/81:16–20}.

12 Can we please go to {MET00053158_P04/27} in the

13 English -- this is Claude Wehrle's exhibit, part 4,

14 page 27 -- and in the French, please,

15 {MET00053158_P04/24}.

16 Please follow in the French, while I read the

17 English. This is an email of 30 June 2011 at 9.20 from

18 Claude Wehrle to Guy Scheidecker. He says:

19 "Guy,

20 "We should be able to meet as soon as possible for

21 a half-hour meeting about the fire tests carried out on

22 the Reynobond PE in cassettes.

23 "In 2008, at a meeting, I stated that PE was in

24 danger of becoming 'or' for architecture in

25 Western Europe.

3

1 "In 2011... we're not there yet, but almost there!

2 "The classification obtained for the Reynobond PE

3 cassettes is the same as that of the competitors, i.e.

4 'F', and therefore not suitable for use on building

5 facades (M4 in France for example)...

6 "A meeting before Tuesday, if possible, would be

7 good because that's the day I see F. RITTER in Fribourg

8 to talk about it."

9 My question, having shown you that document,

10 Mr Schmidt, is: if Guy Scheidecker was informed that

11 Claude Wehrle was meeting with 3A, do you agree that it

12 is likely that you would have known about that meeting

13 as well?

14 A. (Interpreted): No, not necessarily.

15 Q. Can we go to {MET00053158_P04/34}, please. This is

16 Claude Wehrle's exhibit, but there is no French version

17 of this. The original is in German, and that, for those

18 who want to see it, is at page 31 {MET00053158_P04/31},

19 but I don't want to go to it. English, please, and I'll

20 ask Madam Translator, please, to translate.

21 This is an email from Claude Wehrle to

22 Peter Froehlich, as you can see, on 8 July 2011,

23 subject, "Visit -- CE marking Freiburg", and he says:

24 "Peter,

25 "I need to show that to GSc/CS and RQ on Tuesday.

4

1 "Can you please send me your comments?
 2 "Thanks,
 3 "Claude."
 4 At the next page, if we go down to page 35
 5 {MET00053158_P04/35} -- I'm sorry, I'll stop there and
 6 get it translated.
 7 (Pause for translation)
 8 If you look at the attachments, you can see that
 9 there is a visit report. Please go to the next page,
 10 page 35, where we can see what's attached. There it is.
 11 That's the visit report we looked at last week.
 12 Can we go back to the previous page and the email,
 13 please {MET00053158_P04/34}, where Claude Wehrle says:
 14 "I need to show that to GSc/CS and RQ on Tuesday."
 15 Can I ask you: is GSc Guy Scheidecker?
 16 A. (Interpreted): Yes.
 17 Q. CS is you, Claude Schmidt?
 18 A. (Interpreted): Yes.
 19 Q. And LQ, is that Laure Quiquerez?
 20 THE INTERPRETER: It's written RQ on the email, not L.
 21 A. (Interpreted): It's Robert Quattrocchi.
 22 MR MILLETT: My mistake, and thank you.
 23 Does this email tell us that the visit report of the
 24 meeting in Freiburg was shown to you?
 25 A. (Interpreted): No. Anyway, I don't remember it.

5

1 Q. Now, you told us on Thursday that you believe that
 2 products with the French classification M1 could be used
 3 on a façade; yes?
 4 A. (Interpreted): Yes.
 5 Q. Just for our note, that's {Day93/82:23-24}. That's for
 6 our purposes.
 7 We saw in the email just now -- and we can go back
 8 to it if you like. Perhaps we should: in the French
 9 {MET00053158/24} -- sorry, this is the same email run as
 10 we were in, this one here that we have on the screen
 11 coming up. Looking at the paragraph that starts in the
 12 middle, "The classification obtained", or in French, "Le
 13 classement obtenu" -- do you see that? -- it says
 14 {MET00053158/27}:
 15 "The classification obtained for the Reynobond PE
 16 cassettes is the same as that of the competitors, i.e.
 17 'F', and therefore not suitable for use on building
 18 facades (M4 in France for example)..."
 19 How can you account for that?
 20 A. (Interpreted): I can't explain it. Well, Reynobond
 21 PE 55 was classified M1 throughout its existence, at
 22 least to my knowledge.
 23 Q. Would you agree that you were wrong when you said or if
 24 you said that a class E or F product could be used on
 25 building façades?

6

1 A. (Interpreted): I don't believe that I said that.
 2 Q. Would you agree with me, to be clear, then, that
 3 a class E or F product could not be used on a building
 4 façade?
 5 A. (Interpreted): No, I don't know.
 6 Q. Do you agree that the 2011 European classification test
 7 for Reynobond PE cassette demonstrated that Reynobond
 8 55 PE in cassette form was unsuitable for use on façades
 9 of high-rise buildings?
 10 A. (Interpreted): No, I don't confirm that either. I think
 11 it depended on the regulations and, as I don't know all
 12 the regulations, I can't confirm that.
 13 Q. How could Reynobond PE in cassette form, which obtained
 14 an F classification in the European tests, be safe for
 15 use on any façade?
 16 A. (Interpreted): The risk control can be carried out in
 17 different ways on a façade, I already mentioned that
 18 last week, depending on the products used and the
 19 system. Different countries in Europe address the risk
 20 in different ways.
 21 Q. Do you agree with me that Reynobond PE in cassette form
 22 should never be used or should never have been promoted
 23 by Arconic for use on façades of high-rise buildings,
 24 whether or not the European standards, 13501, applied in
 25 a particular country?

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1 A. (Interpreted): Could I hear the question once again?
 2 Q. Do you agree with me that Reynobond PE in cassette form
 3 should never have been used or promoted for use by
 4 Arconic on façades of high-rise buildings, whether or
 5 not the European standards, 13501, applied in
 6 a particular country?
 7 A. (Interpreted): I'm sorry, I still don't understand the
 8 question.
 9 Q. Let me try it a different way, much more simply.
 10 If Reynobond 55 PE in cassette form gets a European
 11 F, how would it be safe to use at height anywhere?
 12 A. (Interpreted): I'm not a specialist in façades or façade
 13 systems, but once again, I think controlling risks and
 14 choosing the right materials, even this kind of product
 15 could be used.
 16 Q. Can we go back to the email, please, in the French
 17 {MET00053158_P04/24} {MET00053158/27} and look at the
 18 penultimate paragraph that I was showing you.
 19 Claude Wehrle is telling Mr Scheidecker that the
 20 classification F for Reynobond PE in cassette form is
 21 "therefore not suitable for use on building facades",
 22 without qualification.
 23 Do you agree?
 24 A. (Interpreted): I don't have an answer.
 25 Q. Well, do you agree or do you disagree?

8

1 A. (Interpreted): I don't agree.
 2 Q. Why don't you agree?
 3 A. (Interpreted): Because I'm not sure what Claude Wehrle
 4 is writing in his email here.
 5 Q. Well, if Claude Wehrle is correct that, because
 6 Reynobond PE in cassette form obtained a European F, it
 7 could not be suitable for use on building façades, then
 8 why was Arconic continuing to sell Reynobond 55 PE in
 9 cassette form for use in building façades after
 10 June 2011?
 11 A. (Interpreted): I don't know whether Claude Wehrle was
 12 right in saying that.
 13 Q. But if he was, which is the premise of my question, why
 14 was Arconic continuing to sell Reynobond 55 PE in
 15 cassette form for use in building façades from June 2011
 16 onwards?
 17 A. (Interpreted): Because, for example, the product in
 18 France was M1 and the French legislation accepted to use
 19 M1 products for façades.
 20 Q. But he says it's M4.
 21 THE INTERPRETER: Sorry, I didn't hear you.
 22 MR MILLETT: He says in his email that it's M4.
 23 A. (Interpreted): But he's the one that establishes that
 24 link.
 25 Q. Was there any discussion that you can recall within

9

1 Arconic at this time, June 2011, about whether or not
 2 Reynobond 55 with a PE core, having obtained a European
 3 class F, should any longer be sold for use in façades?
 4 A. (Interpreted): No, I don't remember.
 5 Q. Looking back at the email — I'm sorry.
 6 A. (Interpreted): [FT] *** So we're talking about a
 7 competitive environment, we're looking to see also what
 8 the competitors are doing, and later on, having looked
 9 at French technical opinions, there are some competitors
 10 who were saying that PE, FR, A2, could have M1 or M0
 11 classification, without taking into consideration
 12 European fire classification until 2017. So I'm
 13 thinking in particular of a document that was a 2017
 14 document. ***
 15 Q. Looking back at the email, there is a reference to
 16 a meeting in 2008, if you look in the second paragraph.
 17 Do you see that?
 18 A. (Interpreted): Yes.
 19 Q. Do you recall being present at such a meeting?
 20 A. (Interpreted): No, I don't recall.
 21 Q. I'm going to turn to a fire in Dubai in November 2012.
 22 Before I do, I ought to give a trigger warning: in this
 23 next section again we're going to be showing pictures of
 24 a fire in a tall building, so for those watching who
 25 don't want to see that, they should look away from the

10

1 images, please.
 2 Can we please go to your exhibit 10, page 32 at
 3 {MET00053157/32}, and in the French it's page 28 of the
 4 same exhibit run {MET00053157/28}.
 5 In the English, it's the bottom of the page; in the
 6 French, it's the middle of the page. We see an email
 7 from Robert Quattrocchi on 27 November 2012 to
 8 Alain Flacon, Claude Wehrle and others.
 9 It's right, isn't it, I think, that Alain Flacon had
 10 become sales and marketing director on 1 August 2012;
 11 yes?
 12 A. (Interpreted): Yes.
 13 Q. Now, I'm going to show you these emails, and you will
 14 see from the French original that you are copied in on
 15 all of them. Your name doesn't appear as copyee on the
 16 English, but it's important that people understand you
 17 are copied in on these emails.
 18 The email subject is, "TR: Cladding Blamed in
 19 Skyscraper Fire — Sounds like something our customers
 20 make. FYI".
 21 The text says, and if you follow in the French,
 22 please, I'll read the English:
 23 "For your information. ACM façade caught fire in
 24 UAE. Read the article. There is a link to BBC photos.
 25 There is a protective film, but there is no way to see

11

1 the brand.
 2 "I think it is worth digging into."
 3 If you look at the very bottom of the page, there is
 4 an article embedded, and it says in English on both
 5 sides of the screen:
 6 "Cladding Blamed in Skyscraper Fire.
 7 "Monday, November 26, 2012."
 8 Do you see that?
 9 If we turn the page, please, on to page 23 in the
 10 English {MET00053157/23}, 29 in the French
 11 {MET00053157/29}, you can see there is an embedded
 12 video, which we can't play because that's an image, and
 13 I want to look at the English text below, please, under
 14 the caption, and if Madam Translator could translate the
 15 English, please — I'll start actually at the top:
 16 "Exterior cladding may be responsible for
 17 accelerating a fire that ravaged portions of
 18 a 34-[storey] residential building in Dubai, according
 19 to reports."
 20 Underneath the image, if you translate, please, for
 21 the witness, it says:
 22 "The fire at Tamweel Tower started near the top of
 23 the building and moved down, raining down flaming pieces
 24 of the building onto the ground."
 25 If you look under the header "Fireballs Fall to

12

1 Ground", it says:
 2 "There were no reports of injuries . However, as the
 3 flames — which started near the top of the building —
 4 scaled down the structure, they sent huge chunks of the
 5 building and debris to the ground."
 6 Then if you look at the next heading down, it says,
 7 "Building Cladding as Fuel":
 8 "While the cause of the blaze was under
 9 investigation , initial reports indicated the building's
 10 exterior cladding may have been the culprit behind the
 11 blaze's fierce spread."
 12 Now, we've seen that this article was sent
 13 internally in Arconic, including to you.
 14 Although it's in English, would you have read it at
 15 the time, do you think?
 16 A. (Interpreted): Yes, probably.
 17 Q. Do you actually recall reading it at the time, do you
 18 think?
 19 A. (Interpreted): Probably, yes. I may not have read it in
 20 detail , but I certainly read it over quickly.
 21 Q. You would have understood the basic event and the cause
 22 of the fire from this article , wouldn't you?
 23 A. (Interpreted): The cause of the fire , no, but what
 24 happened, yes.
 25 Q. Now, can we go to page 32 of this exhibit in the English

1 {MET00053157/32} and 28 in the French {MET00053157/28}.
 2 We can see Claude Wehrle's response. In the French, you
 3 can see that Claude Wehrle responds to
 4 Robert Quattrocchi and Alain Flacon, I don't think to
 5 you, you're not on the email, but he says:
 6 "Hello,
 7 "This has to do with Gutbond PE — Knowing that all
 8 PE composites react in the same way...."
 9 We can see that Robert Quattrocchi and Alain Flacon
 10 receive it .
 11 Robert Quattrocchi was the plant manager, wasn't he?
 12 A. (Interpreted): Yes.
 13 Q. So can we take it from this that at a senior level
 14 within Arconic, within AAP—SAS, it was known that PE
 15 composites will burn like the Tamweel Tower fire?
 16 A. (Interpreted): Yes.
 17 Q. Now, you say in your witness statement at paragraph 30.3
 18 {MET00053187/11} — I'm not going to take you to it —
 19 that it may be possible that these emails were discussed
 20 at a meeting but you cannot recall such a discussion nor
 21 seeing the emails before.
 22 A. (Interpreted): Yes, I — no, I didn't remember, but
 23 I can see that I'm copied in, so at least I must have
 24 seen them.
 25 Q. Can we take it that you don't remember Arconic doing

1 anything in response to this fire ?
 2 A. (Interpreted): In response to this fire specifically ,
 3 no, probably no.
 4 Q. We have seen no evidence in the record that Arconic did
 5 anything in response to this fire . Is that correct?
 6 A. (Interpreted): Certainly.
 7 Q. Why did Arconic not do anything in response to this
 8 fire ?
 9 A. (Interpreted): Well, I think that at the time we may
 10 have had some questions regarding the PE panels. It's
 11 difficult to explain, but we had certain perceptions of
 12 the different legislation and it wasn't always very
 13 clear , and it's something that I've already mentioned,
 14 we had competitors who carried on selling PE, and on the
 15 [FT] *** specific tower, on this tower, even if the
 16 product was known for being flammable and we were
 17 becoming aware of that fact, the fire remained limited
 18 to the outside of the building. ***
 19 Q. Did you conduct an internal investigation at Arconic
 20 into whether Reynobond 55 PE, in either cassette or
 21 rivet , might perform in the same way as we saw the ACM
 22 performed in the Tamweel Tower fire?
 23 A. (Interpreted): No, I don't think so.
 24 Q. Why not?
 25 A. (Interpreted): Because the product was known as being

1 flammable.
 2 Q. Was it known as being that flammable?
 3 (Pause)
 4 A. (Interpreted): Well, in any case that's what the fire on
 5 the Dubai tower seems to suggest.
 6 Q. So why not do an internal investigation to see if
 7 Reynobond 55 PE might perform in the same way?
 8 A. (Interpreted): But it's because I think that was in any
 9 case written by Claude Wehrle in a previous email, all
 10 PE components behaved in the same way.
 11 Q. Yes. So if all PE components behave in the same way,
 12 Arconic therefore realised , didn't it, that Reynobond
 13 55 PE would perform in the same way as the Tamweel Tower
 14 fire ?
 15 A. (Interpreted): Yes.
 16 Q. So why did you continue to sell it after November 2012,
 17 after you had seen the images and text of this article ?
 18 A. (Interpreted): Because this product could still be sold
 19 for usage on buildings.
 20 Q. Why did you continue to sell this product after
 21 November 2012, having seen these images, for use at
 22 height?
 23 A. (Interpreted): Because first the fire was confined on
 24 the outside of the building. Therefore, you may think
 25 that the way the façade had been designed was able to

1 contain the risk .
 2 Q. I see.
 3 Let's move to 2013. There was another cladding fire
 4 in the UAE in April 2013 at the Al Hafeet Tower in
 5 Sharjah.
 6 Now, I want to go, please, to your exhibit 10 at
 7 page 48, {MET00053157/48}. This is a long email on
 8 9 May 2013, it's all in English, and you can see that
 9 Richard Geater of 3A Composites wrote to Barrie Wingrove
 10 on that date, 9 May, "Hi Barrie", and I'm going to read
 11 in English parts of it, and ask the translator to
 12 translate to you.
 13 It starts :
 14 "Hi Barrie,
 15 "You may or may not have seen the recent press
 16 coverage of a building fire in Dubai clad in ACM?"
 17 Then he links a BBC website, and then says:
 18 "Having taken the time to investigate with my
 19 colleague responsible for this market he has responded
 20 as follows ..."
 21 Then he says in the second paragraph, in italics ,
 22 and I will read it to you, and then I'll ask the
 23 translator to translate it to you:
 24 "The trouble is that the cladding system here in
 25 particular but all over in general, using PE, is like

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1 a chimney which transports the fire from bottom to top
 2 or vice versa within shortest time. However, since most
 3 sprinkling units are never being tested, they for sure
 4 do not work when they are needed. If you buy a new car
 5 and only turn the key after 5 years, you will be
 6 surprised how little your vehicle will move. Here the
 7 same."
 8 Then the next paragraph, he says:
 9 "The worst of all: in our field of composite panels:
 10 YOU DO NOT GET WHAT YOU SEE!! The Mulk Holding
 11 ALUBOND[sic] people are responsible for the huge damage
 12 in this part of the world. They, since a very long time
 13 promote fire 'rated' composite panels with a white core
 14 which when being tested turns out to be
 15 recycled PE core burning like paper. Half of the
 16 country is full of this rubbish due to price. We have
 17 taken random samples and done a live test in Bangkok in
 18 front of architects, they almost fainted. Indeed, this
 19 panel is a whole cheat and burns fiercely."
 20 Three paragraphs from the bottom, Richard Geater
 21 adds this:
 22 "Again the perils of using cheap ACM alternatives
 23 have been exposed. As you are aware our standard core
 24 is the PLUS FR mineral core achieving Class B, s1, d0,
 25 according to EN 13501-1, unlike other ACM producers."

18

1 Now, let's go up to page 47 {MET00053157/47},
 2 please, and again, I'm afraid there is no French
 3 translation for this, Mr Schmidt. Here we can see that,
 4 in the third email down, Deborah French sends this email
 5 on -- do you see? -- to you, to Peter Froehlich,
 6 Claude Wehrle, and Alain Flacon. Do you see that? She
 7 says:
 8 "Just to make you aware I sent this link over to
 9 Claude W last week concerning a BBC report covering
 10 a fire in UAE using ACM.
 11 "Richard Geater -- Alucobond Rep in the UK is
 12 emailing all fabricators explaining that Alucobond is
 13 now using a fire core only as [standard]."
 14 Then she embeds a BBC item, and then continues:
 15 "Would welcome any comments/statement we have ref
 16 the fire and our [standards] so I can communicate this
 17 to our relevant customers."
 18 Now, Mr Schmidt, I've shown you that in some detail
 19 so far. My question is: do you remember receiving this
 20 email?
 21 A. (Interpreted): Yes.
 22 Q. Did you read the email she was forwarding, the one from
 23 Richard Geater?
 24 A. (Interpreted): Yes.
 25 Q. What did you think? What were your thoughts when you

19

1 saw the email from Richard Geater which Deborah French
 2 was sending to you?
 3 A. (Interpreted): My first reaction was I think to check
 4 what the person was saying, because I -- through
 5 experience, and also through comments emanating from the
 6 market, I knew that Alucobond was still selling a lot of
 7 PE on the market. I mean, here, for example, Alucobond,
 8 what's written is that for a commercial -- with
 9 a commercial intention, they put forward the fact that
 10 the standard product is a fire retardant product, but as
 11 I said before, they carried on selling PE.
 12 Q. Now, Deborah French told us -- we don't need the
 13 reference, but it's {Day89/49:22} to {Day89/50:3}, we
 14 don't need to translate the reference -- that she had
 15 had conversations with people at Merxheim that Arconic
 16 was going to continue to sell PE. Do you know, can you
 17 remember, whether Deborah French did have conversations
 18 like that with anybody at Merxheim?
 19 A. (Interpreted): No. No, I mean, it's not a question of
 20 recalling it, but I don't think she had a direct
 21 discussion of this with me and I don't think she talked
 22 to other people about it. And I don't know -- I don't
 23 know whether she talked with others.
 24 Q. You have said before, you just told us, that Alucobond
 25 carried on selling PE. The question I have is this: it

20

1 looks from the email that Alucobond were now selling FR
 2 as standard. My question is: did Arconic discuss
 3 switching to selling FR as standard?
 4 A. (Interpreted): So first we're not sure on the basis of
 5 that email that Alucobond decided to sell FR as their
 6 standard product, and I think that starting from the [FT]
 7 *** beginning of 2014, we officially informed all
 8 our salespeople, all *** the commercial people, to
 9 communicate on the performances of PE and the fire
 10 performances of PE.
 11 Q. Why did Arconic not start offering Reynobond 55 in FR as
 12 standard from April 2013 onwards?
 13 A. (Interpreted): Because it implied carrying out a more
 14 global reflection on the subject and understanding how
 15 the market was evolving.
 16 Q. And why didn't you do that?
 17 A. (Interpreted): Because we needed time to think about it,
 18 I imagine.
 19 Q. Deborah French told us that commercial reasons were at
 20 least part of the reason why Arconic did not proceed
 21 after this fire to offer FR as standard. Do you agree?
 22 A. (Interpreted): No.
 23 Q. How much time did you need to think about whether
 24 starting to offer FR as standard?
 25 A. (Interpreted): On one hand, and I repeat, we don't know

21

1 if Alucobond offered it as standard, and we always tried
 2 to respond to the needs of the client.
 3 Q. Let's look at Debbie French's 13 May 2013 email.
 4 {CEP00049717}. Now, I'm sorry to say there is no French
 5 translation of this email, so I'm going to ask
 6 Madam Translator to read the text in French to you, but
 7 I'll tell you what it is. It's an email from
 8 Deborah French, 13 May 2013, to CEP, Neil Wilson,
 9 Geof Blades and Roy Fewster. Subject, "BBC Report ...
 10 ACM in UAE".
 11 Before I ask for the translation of the text, I'll
 12 just tell you that other copies of exactly the same text
 13 went to other fabricators in the UK. I should tell you,
 14 just in case you didn't know, that CEP was a fabricator
 15 and in fact fabricated the ACM for Grenfell Tower.
 16 Madam Translator, if you would please translate the
 17 text of the email.
 18 (Pause for translation)
 19 My first question is: did you read this email in
 20 draft form before it was sent by Deborah French?
 21 A. (Interpreted): No.
 22 Q. Were you involved in any discussion about the principles
 23 reflected in this email?
 24 A. (Interpreted): No.
 25 Q. Were you aware of this email at the time?

22

1 A. (Interpreted): No.
 2 Q. Do you know from whom Deborah French -- well, let me put
 3 it a different way: do you know whether Deborah French
 4 needed authorisation to send this email?
 5 A. (Interpreted): No. No, I don't know.
 6 Q. Just --
 7 A. (Interpreted): Go ahead.
 8 Q. Just focusing on the penultimate paragraph, she says:
 9 "At this stage we will continue to offer both PE &
 10 FR core and continue the close working relationship we
 11 have with our Approved Fabricators to make sure the
 12 right technical support, Reynobond Specification and
 13 Materials are being used and installed on Reynobond
 14 Projects."
 15 Now, if we could leave that on the screen, please,
 16 Mr Schmidt, can we please go to your witness statement
 17 at paragraph 92, in the English {MET00053187/29}, and
 18 I'll read it in the English and then I'll show you the
 19 French as we can't have three documents on the screen at
 20 once.
 21 THE INTERPRETER: Would you like me to interpret just the
 22 previous section?
 23 MR MILLETT: No, that's okay, I want to show people
 24 paragraph 92, and I'm going to read the sentence or
 25 passage I want to put to him from paragraph 92. I think

23

1 we need over the page, please, at page 30
 2 {MET00053187/30}. In the last part of the last
 3 sentence, it says:
 4 "... AAP SAS is simply a supplier of one component
 5 product which may be used in the façade of a building."
 6 If I could show him the French of that, please, the
 7 French original at page 13, paragraph 92, last half of
 8 the last sentence in that paragraph, {MET00048338/13}.
 9 There it is. I want to ask him to look, please, at the
 10 French version. It is actually a full sentence in this
 11 French version, "AAP SAS est simplement ..."
 12 A. (Interpreted): Where is it exactly? I found it. The
 13 last sentence, in other words?
 14 MR MILLETT: Thank you.
 15 THE INTERPRETER: The very last sentence, right?
 16 MR MILLETT: The very last sentence, yes.
 17 A. (Interpreted): Yes, I can see it.
 18 Q. Now, I've shown you that, and I've shown you the
 19 paragraph in the email.
 20 Going back to the email, please {CEP00049717}, is
 21 what Deborah French says in the email, in the paragraph
 22 I read out to you which starts "At this stage", correct?
 23 Was that Arconic's policy at the time?
 24 A. (Interpreted): No, it was never our policy. In fact,
 25 very simply we didn't have the competency internally to

24

1 be able to advise the clients on the types of cores.
 2 Nobody in the technical team could have taken into
 3 consideration the whole of the façade system in order to
 4 be able to advise on the appropriate product.
 5 Q. Can you explain, if you're right, why Deborah French
 6 said what she said in that paragraph, if it wasn't true?
 7 A. (Interpreted): No, I can't explain.
 8 Q. Now, we have seen from the record that Deborah French
 9 sent this message in identical terms at least to two
 10 fabricators: CEP, which is this one, and Simco.
 11 We can also see that this message does not
 12 communicate anything about the dangers of PE evidenced
 13 by the fire in the UAE.
 14 My question is: why? Why did her message not say
 15 anything here about the dangers of using PE core?
 16 A. (Interpreted): I don't know.
 17 Q. Do you know why this message did not tell fabricators
 18 that, in its cassette variant, Reynobond 55 PE had
 19 achieved a Euroclass E in a test in 2011?
 20 A. (Interpreted): No.
 21 Q. Did Arconic continue to intend to sell Reynobond 55 with
 22 a PE core in cassette variant for use at height, even
 23 after this fire in April 2013?
 24 A. (Interpreted): Well, I don't believe the question was
 25 asked. I think one can say that Arconic wanted to carry

25

1 on selling ACM PE, but one must remember that, from
 2 a general point of view, there are very few cases that
 3 we're aware of the final destination with regard to the
 4 usage of the product.
 5 Q. Why not simply attach a health warning when selling
 6 Reynobond 55 PE, at least in cassette variant, after
 7 this time?
 8 A. (Interpreted): I can't answer. Well, I don't believe
 9 that our competitors did it. Ten years later it is
 10 a legitimate question to raise, but at the time it
 11 wasn't so obvious.
 12 Q. Why wasn't the fact that Reynobond PE 55 with a cassette
 13 variant had achieved a class E in a European fire test
 14 sufficient to make it obvious, Mr Schmidt?
 15 A. (Interpreted): I don't have an answer.
 16 MR MILLETT: Is that a convenient moment, Mr Chairman?
 17 SIR MARTIN MOORE-BICK: Yes, I think it is, Mr Millett.
 18 Thank you.
 19 Well, Mr Schmidt, I think it's time we had a short
 20 break, so we'll take that now. We'll resume, please, at
 21 11.35 our time.
 22 As before, I must ask you, please, not to talk about
 23 your evidence or anything relating to it during the
 24 break. All right?
 25 Thank you very much, we will see you at 11.35.

26

1 Thank you.
 2 (11.20 am)
 3 (A short break)
 4 (11.35 am)
 5 SIR MARTIN MOORE-BICK: Welcome back, everyone. We are
 6 ready to continue with Mr Schmidt's evidence, but first
 7 I'd better just check that the interpreters are with us.
 8 Are you there, interpreters?
 9 MS DELAS-REISZ: Yes, the interpreters are with you, sir.
 10 We can see you and hear you.
 11 SIR MARTIN MOORE-BICK: Thank you.
 12 Mr Schmidt, are you there?
 13 THE WITNESS: (Interpreted): I can see you and I can hear
 14 you.
 15 SIR MARTIN MOORE-BICK: Thank you very much. And you're
 16 ready to go on, I hope?
 17 THE WITNESS: (Interpreted): Yes.
 18 SIR MARTIN MOORE-BICK: Thank you.
 19 Then, Mr Millett, when you're ready, thank you.
 20 MR MILLETT: Thank you, Mr Chairman.
 21 Can we go, please, to {MET00064988/122} in the
 22 English; at the same time, please, to French page 119
 23 {MET00064988/119}, same exhibit.
 24 If we go to the bottom of page 122 in the English,
 25 top of page 119 in the French, we can see an email from

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1 Isabel Moyses again, this time 25 April 2013. Can you
 2 see that?
 3 It says:
 4 "Claude,
 5 "Can you confirm for me that:
 6 "Under EN13501
 7 "PE riveted system = B-s2, d0.
 8 "Cassette: F.
 9 "FR riveted system or cassettes: B-s1, d0.
 10 "Thanks Isabel."
 11 A. (Interpreted): Yes.
 12 Q. Now, we can see the reply from Claude Wehrle at the
 13 bottom of page 121 in the English {MET00064988/121} and
 14 118 in the French {MET00064988/118}, please. We can see
 15 Claude Wehrle comes back to her at the bottom of
 16 page 121. Leave the French on the screen, because you
 17 can see that there, and in the English, please scroll to
 18 page 122 at the top {MET00064988/122}. He says:
 19 "Under EN 13501:
 20 "Reynobond PE is classified as 'E'.
 21 "Reynobond FR is classified as 'B-s1, d0'.
 22 "We do indeed have a historical report classifying
 23 the Reynobond PE riveted system as B-s2, d0.
 24 "But we no longer wish to use it on the market.
 25 "It should be noted that the class 'E' for the PE

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1 composite has become the market standard.
 2 "For the national classification systems our
 3 competitors talk about PE as being 'M1', for example.
 4 "Thanks
 5 "Claude."
 6 Then if we go up to English page 121
 7 {MET00064988/121}, and little bit further at the top of
 8 the screen on 118 in the French, we can see
 9 Isabel Moyses goes back to Claude Wehrle on Thursday,
 10 25 April 2013, and she asks him the question — and in
 11 the French it's "Mais la classification ", and in English
 12 it's:
 13 "But is the B-s2, d0 classification for riveted
 14 valid or not?"
 15 That's her question.
 16 If we go above that, still on page 121 in the
 17 English, still on page 118 in the French, Claude Wehrle
 18 tells her by response:
 19 "It's valid because it's contained in an official
 20 report.
 21 "However the tests that we conducted are not really
 22 reflective of the riveted system in general.
 23 "So, Alcoa aligns with the 'market' classification
 24 and does not use it any more, preferring a class 'E'
 25 regardless of the system."

29

1 Above that, you can just see that Isabel Moyses
 2 comes back to Claude Wehrle, same day, 25 April, or the
 3 date is cut off on the French, and she says:
 4 "Is this official , as we are still talking about
 5 B-s2, d0?"
 6 At the top of page 121, and in the French at the
 7 bottom of page 117 {MET00064988/117}, you can see that
 8 Claude Wehrle responds at 17.57 — the top of page 121,
 9 bottom of page 117 — he says:
 10 "No, we have not communicated B-s2, d0 from the
 11 beginning of the year at the request of CS."
 12 In the French, just look at it together, if,
 13 Madam Translator, you could just read the French text
 14 out.
 15 (Pause for translation)
 16 Now, just pausing there, is CS you?
 17 A. (Interpreted): Yes.
 18 Q. Did you request that B-s2, d0 should not be communicated
 19 from the beginning of 2013, Mr Schmidt?
 20 A. (Interpreted): I do not remember. We're in 2013 and
 21 I think it follows an exchange of mail that took place
 22 in 2012 in which Claude Wehrle was trying to meet me,
 23 and, well, I know — I don't know whether an exchange
 24 took place, but I know that I didn't meet him. That
 25 I know. There was no meeting.

30

1 Q. Are you saying that this request, so far as you can
 2 recall it, was the logical conclusion of the discussions
 3 in the middle — and the failed meeting in May 2012?
 4 A. (Interpreted): I'm not certain, but that might be
 5 a possibility .
 6 Q. Can you help us why you asked that Arconic not even
 7 communicate the fact that rivet had a class B? Maybe
 8 not cassette, but rivet had a class B.
 9 A. (Interpreted): No.
 10 Q. Can we go back to the email run, please, back where we
 11 left off, and if we go to the bottom of page 120 in the
 12 English {MET00064988/120} and bottom of page 117 in the
 13 French {MET00064988/117}, we that at the bottom in the
 14 English, Isabel Moyses says to Claude Wehrle:
 15 "But that's not what Miguel gets told, is that
 16 right????"
 17 And you can see the French equivalent on the right.
 18 Above that, Claude Wehrle comes back at 18.01 and he
 19 says:
 20 "Yes it is. I even told him about that before
 21 everyone else when I was in Spain.
 22 "The thing is that the DIT still includes B-s2, d0
 23 for PE, so he makes use of that."
 24 Then above that in the English, and just read along
 25 in the French on the right, Isabel Moyses comes back to

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1 Claude Wehrle and says:
 2 "Yet we still won't stop proposing the riveted
 3 product in PE????"
 4 And the English response from Claude Wehrle to
 5 Isabel Moyses:
 6 "Yes, that's the thing
 7 "It's a gap in the certification that we continue to
 8 make use of."
 9 The email exchange I think runs out at this point
 10 where she says, and you can just see the French on the
 11 right—hand side, I'm afraid it's been cut off a bit, but
 12 if we can move across to look at the full English, as it
 13 were, she says to him:
 14 "So I cannot say otherwise."
 15 THE INTERPRETER: There is a word missing actually.
 16 MR MILLETT: Right.
 17 Well, my question is, having shown you the entirety
 18 of the email run: were you aware that, at the start of
 19 2013, the tests being carried out did not reflect the
 20 riveted system in general?
 21 A. (Interpreted): Not at all.
 22 Q. It looks from the email run that Claude Wehrle was
 23 exploiting or continuing to make use of a gap in the
 24 certification . Can you explain that?
 25 A. (Interpreted): I don't understand the whole chain of the

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1 email, but I think we're talking about Spain or Portugal
 2 maybe here, and what I understand is that the DIT, which
 3 is probably some accreditation system in one of these
 4 countries, published something saying that PE got the
 5 classification B in the rivet form, and I imagine that
 6 Miguel is probably a client, Miguel relies on that DIT
 7 for the riveted system.
 8 Q. Do you know why Arconic was permitting the sale of PE
 9 rivet as if it was a class B in light of your request,
 10 as we've seen, that Arconic not even communicate that
 11 rivet—fix PE had a Euroclass B?
 12 A. (Interpreted): But I don't think there is any
 13 communication taking place in that chain of emails.
 14 Q. From memory, can you tell us the answer to my question?
 15 THE INTERPRETER: Sorry, sir, I couldn't hear your question.
 16 There was a weird sound.
 17 MR MILLETT: From your own recollection, are you able to
 18 answer my question?
 19 I'll ask it again: from your own recollection, do
 20 you know why Arconic was permitting the sale of PE rivet
 21 as if it was class B in light of the request we had seen
 22 earlier from you not to say that it had a class B?
 23 (Pause)
 24 SIR MARTIN MOORE—BICK: Hello, interpreter, did you hear
 25 that last answer?

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1 MS KENNEDY: Yes, I'll take over, I think there might have
 2 been a technical issue.
 3 A. (Interpreted): I would just like to say that we don't
 4 sell the product in a riveted form, we sell it in a flat
 5 form.
 6 SIR MARTIN MOORE—BICK: Carry on, Mr Schmidt.
 7 A. (Interpreted): And I don't believe once again that in
 8 that email the B—s2, d0 is promoted for Reynobond PE.
 9 MR MILLETT: Just at [draft] line 7 there, the witness said
 10 "flat form" not "platform", just to be clear.
 11 THE INTERPRETER: Yes, that's right.
 12 MR MILLETT: Moving on, Mr Wehrle says in his witness
 13 statement at paragraph 65 {MET00053190/19} — there is
 14 no need to go to it — that, by early 2013, he wanted to
 15 have a low classification for Reynobond PE, namely
 16 a class D for both rivet and cassette. He says that he
 17 wanted to do that in order to differentiate more clearly
 18 between the FR product and the PE product to be able
 19 better to market the FR product.
 20 My question is: were you aware of that testing
 21 strategy as described by Claude Wehrle?
 22 A. (Interpreted): No. I believe that if it was discussed
 23 with management, it would have been discussed with the
 24 commercial management.
 25 Q. Do you know why the policy was not followed quite simply

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1 to tell customers the real classifications for Reynobond
 2 55 PE, namely cassette was an E and rivet wasn't really
 3 a B?
 4 A. (Interpreted): The rivet test showed a classification —
 5 a B classification over the years.
 6 Q. So why were you so reluctant to market it as having a B
 7 classification?
 8 A. (Interpreted): I think in 2013 certainly Claude wanted
 9 to show a clearer differentiation between PE and FR, and
 10 in the end when exactly [he didn't finish the
 11 sentence] — I don't know when he actually received the
 12 classification or obtained classification with regard to
 13 PE. And I wanted to add also officially.
 14 Q. Was the idea to stop referring to class B for Reynobond
 15 PE so that people would no longer start asking difficult
 16 questions about whether the cassette variant was truly
 17 a B?
 18 A. (Interpreted): No, I don't believe so.
 19 Q. Why not just market FR on the basis that it was safer
 20 than PE?
 21 A. (Interpreted): Because there was a request for — there
 22 was a demand for PE and a demand for FR.
 23 Q. But they weren't the same, they didn't have the same
 24 safety, so why not just market FR as the safer option?
 25 (Pause)

35

1 A. (Interpreted): Well, I think that this development took
 2 place even beginning of 2014.
 3 Q. We will come to that.
 4 I want to turn to another test on the PE cassette in
 5 2013, Mr Schmidt. Can we please go to
 6 {MET00053158_P02/38}, and at page 36 in the French
 7 {MET00053158_P02/36}. Same exhibit run, two separate
 8 pages. If we look at the English version at the bottom
 9 of page 38 and the French version at the bottom of
 10 page 36 at the same time, please.
 11 Now, we see here an email from Benoit Forest of CSTB
 12 on 7 November 2013 to Philippe Vonthron, who I think is
 13 a technician, isn't he, at Arconic? Yes?
 14 A. (Interpreted): He works in Claude Wehrle's team.
 15 Q. Yes, and if you just follow in the French while I show
 16 the English, he says:
 17 "Hello Mr VONTHRON,
 18 "The first SBI tests on the product 'REYNOBOND PE'
 19 have been completed."
 20 Then he sets them out in the box you can see on the
 21 right in the French, and if we turn the page to page 39
 22 in the English {MET00053158_P02/39}, we can see the
 23 equivalent in English. We can see the SBI test there,
 24 and the table at the top there in the English, bottom of
 25 the page in the French, is the results of the rivet—fix

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1 PE.
 2 Underneath the SBI test we see "Behaviour". Can you
 3 see -- and you will need to flip the page in the French
 4 {MET00053158_P02/37} to the "Comportement" there at the
 5 top of the page, "Behaviour: C--s2, d0 on a test". And
 6 that's the riveted system, as you can see; yes?
 7 A. (Interpreted): Yes.
 8 Q. So it's clear that at that stage, under the single
 9 burning item test, Reynobond 55 PE with rivet--fix has
 10 obtained a class C; yes?
 11 A. (Interpreted): Yes.
 12 Q. Were you aware that, from November 2013, rivet--fix had
 13 tested as a C class product, not a B?
 14 A. (Interpreted): No. I don't know whether we asked for
 15 class C or whether it was the result of a test that made
 16 it C.
 17 Q. You can see the results of a test set out on the page
 18 here, can't you? Have you any reason to believe that
 19 the C--s2, d0 is not the result of a test?
 20 A. (Interpreted): Well, very simply, at this time,
 21 Claude Wehrle I think wanted to obtain a more -- how can
 22 I say it? [FT] *** -- a more negative result than B,
 23 but I don't know if it relates specifically to that
 24 test. ***
 25 Q. Did you have a discussion at the time with Claude Wehrle

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1 about seeking a more negative result?
 2 A. (Interpreted): No.
 3 Q. Underneath the C2 behaviour result, we see another box,
 4 "Reynobond PE 'Cassette system'", and it says in the
 5 long rectangular box on the right of that, underneath
 6 the FIGRA, THR and SMOGRA figures:
 7 "Stopping the test at 800s out of 1260s for
 8 widespread ignition. Best possible classification : E
 9 (ignition test)."
 10 Then you see underneath that, Benoit Forest says:
 11 "Following these results, can you tell me what you
 12 want to do?"
 13 If you could read the text underneath the box there,
 14 Mr Schmidt, to yourself in the French. He says:
 15 "You have the possibility to continue with the
 16 ignition test in order to envisage an E classification
 17 for both systems or to continue with SBI but only in
 18 order to obtain a C classification for the 'riveted'
 19 system since 'cassette' does not pass. Lastly, you can
 20 also decide to stop.
 21 "We remain at your disposal for any further
 22 information and await your decision."
 23 Were you aware at this time that, for the third time
 24 now -- we saw it in 2005, we saw it in 2011 -- the
 25 cassette test was stopped for widespread ignition? Were

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1 you aware of that at the time?
 2 A. (Interpreted): I can't be affirmative. I can't
 3 remember.
 4 Q. Did you know that Arconic in fact decided to proceed
 5 with that ignition test and obtained an E
 6 classification?
 7 A. (Interpreted): No.
 8 Q. Now, take it from me that the C classification was not
 9 recorded in any final classification report at the time,
 10 as opposed to the test report, the results of which we
 11 have here.
 12 What looks to the Inquiry to have happened on the
 13 records is that, at this point, Arconic decided to
 14 classify all PE--cored Reynobond, whether rivet or
 15 cassette, as class E.
 16 My question to you is: is that correct? Is it
 17 correct that Arconic decided to classify all PE--cored
 18 Reynobond, rivet or cassette, as class E?
 19 A. (Interpreted): Once again, it's a decision that was
 20 taken at a commercial level, but I think it is right.
 21 Q. You say you think I am correct in what I'm putting to
 22 you factually?
 23 A. (Interpreted): Yes, I think so.
 24 Q. Let's turn to January 2014 now, and we go to
 25 Claude Wehrle's exhibit, part 4, at page 135,

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1 {MET00053158_P04/135}, that's the English, and if we
 2 could also have up at the same time the French version
 3 at 140 {MET00053158_P04/140}. Same exhibit number,
 4 different page, page 140.
 5 We can see -- English on the left, French on the
 6 right -- that here is a certificate, RA13--0333, to
 7 European Standard EN 13501, and if you look down to the
 8 text, you can see the commercial brand, Reynobond 55 PE,
 9 without identifying whether it's rivet or cassette. Can
 10 you see that?
 11 A. (Interpreted): Yes.
 12 Q. Look at the date, "Date of issue: January 31st, 2014",
 13 can you see that?
 14 A. (Interpreted): Yes.
 15 Q. Go to the bottom of the page. You will have to scroll
 16 up a little bit on the French version because it's cut
 17 off on the screen at the moment. I'll read the English,
 18 if you follow along, please, in the French, Mr Schmidt.
 19 It says:
 20 "The document RA13--0333 dated January 31st, 2014
 21 cancels and replaces the document RA11--0032 dated
 22 February 09th, 2011 and the document RA05--0005A dated
 23 January 07th, 2005."
 24 That last reference is of course the reference to
 25 test 5A from January 2005 on the riveted system.

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1 If we scroll down to the next page in the English,
 2 page 136 {MET00053158_P04/136}, and in the French
 3 page 141 {MET00053158_P04/141}, please, we can see the
 4 product description, and it says, just follow along with
 5 me:
 6 "Composite panel consisting of a low density
 7 polyethylene core covered on both sides with a thermally
 8 bonded precoated aluminium sheet.
 9 "Systems: riveted or cassette."
 10 Can you see that?
 11 A. (Interpreted): Yes.
 12 Q. If you scroll down to the next page, please, page 137 in
 13 the English {MET00053158_P04/137}, page 142 in the
 14 French {MET00053158_P04/142}, we can see the
 15 classification under section 4.2, and it says:
 16 "Fire behaviour: E.
 17 "Smoke production: Not applicable.
 18 "Flaming droplets or debris: Not applicable."
 19 Then the large box:
 20 "Classification : E."
 21 Then underneath that it says:
 22 "This classification is valid for the following
 23 product parameters."
 24 Then underneath that we can see "the following
 25 end use conditions". Underneath that, the first bullet

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1 point there says:
 2 "Riveted or screwed system and cassette system on
 3 metal substructure."
 4 Now, I've shown you this classification report. My
 5 question is: do you agree that the effect of this
 6 classification report is that, from 31 January 2014,
 7 Arconic had a formal classification report stating that
 8 all Reynobond PE, whether rivet or cassette, was
 9 classified as an E according to the European Standard?
 10 A. (Interpreted): Yes.
 11 Q. Did you see this classification report at the time?
 12 A. (Interpreted): I do not remember.
 13 Q. Did anybody tell you at the time, January 2014, that
 14 Reynobond 55 PE was now classed as an E according to the
 15 European Standard?
 16 A. (Interpreted): No.
 17 Q. Is that something that you would have expected at the
 18 time to have been told?
 19 A. (Interpreted): So my answer is not necessarily. What
 20 I understand is that there was a desire from the
 21 commercial management to make it known that PE had that
 22 E class for both systems, so I believe that is something
 23 that emanates from Merxheim, from the Merxheim
 24 management.
 25 Q. At this time, end of January 2014, Mr Schmidt, it's

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1 right, isn't it, that the BBA certificate 08/4510 for
 2 Reynobond 55 was still in circulation; yes?
 3 A. (Interpreted): Yes.
 4 Q. And it's right that that certificate still represented
 5 that all Reynobond PE achieved class B in the European
 6 tests?
 7 A. (Interpreted): I believe that the certificate was still
 8 reminding of the original test in 2005.
 9 Q. Yes, and my question is: why? Why was it not updated to
 10 state now that Reynobond 55 in PE had a class E?
 11 A. (Interpreted): I find it difficult to answer. I don't
 12 believe that there was a desire to hide anything.
 13 I think it's just something that was forgotten and
 14 nobody thought of establishing a link with the
 15 BBA certificate.
 16 Q. Have you yourself conducted any kind of investigation
 17 within Arconic to seek to understand how it could have
 18 been the case that, notwithstanding the classification E
 19 from January 2014, the BBA certificate remained
 20 unamended?
 21 A. (Interpreted): No.
 22 Q. Why is that?
 23 A. (Interpreted): Because we didn't establish — we didn't
 24 express a link between the two things, in my view.
 25 Q. I don't understand how there could have been no link

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1 between the BBA certificate stating that Reynobond 55 PE
 2 had a class B on the one hand, and your knowledge on the
 3 other, Arconic's knowledge on the other, that it didn't,
 4 but instead had a class E. Clearly there is a link
 5 between the two, isn't there?
 6 A. (Interpreted): That question of link is not exactly what
 7 I meant, but I believe that on one side Arconic and the
 8 commercial team wanted to inform about the PE having [FT]
 9 *** a class E, but on the other end I think that no
 10 one thought of making the change at BBA level. ***
 11 And besides, I think it's something that would have
 12 been very easy to update during a BBA audit on that
 13 sort of question.
 14 Q. Mr Schmidt, was it not Arconic's responsibility to make
 15 sure that the BBA certificate remained up to date and
 16 accurate?
 17 A. (Interpreted): Yes, according to the sales condition
 18 that we talked about last week.
 19 Q. So please explain to us how it was that the
 20 BBA certificate was allowed to become inaccurate, out of
 21 date and, as a result, I suggest to you, fundamentally
 22 misleading, in the sense that it would lead the reader
 23 into serious error?
 24 A. (Interpreted): Well, I mean, there are two things
 25 I would like to say: first, I don't think that there was

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1 any desire to do what you're saying; and, secondly, in
 2 the case of -- in the BBA certificate, there's a number
 3 of sentences that remind the reader that whatever fire
 4 certification the product has got, people still have to
 5 carry out various checks and controls.
 6 Q. Let's move on then to 2014, a few days later,
 7 February 2014.
 8 Can we go, please, to Claude Wehrle's exhibit,
 9 part 4, page 134 at {MET00053158_P04/134}. There is no
 10 French equivalent of this, I'm afraid, so I'll take this
 11 slowly.
 12 You can see that this is an email from Claude Wehrle
 13 on 3 February 2014, and it's sent to the RAF liste
 14 commerciale externe, the liste commerciale interne, and
 15 also to the RAF liste commerciale Reynobond. Do you see
 16 that? The subject is, "New fire European fire class for
 17 Reynobond PE".
 18 The email says:
 19 "Dear colleagues,
 20 "[In bold] Please find enclosed the new fire
 21 reaction test report for Reynobond Architecture PE in
 22 accordance with EN 13 501 Norm. The fire achieved
 23 classification is 'E'."
 24 Then he continues:
 25 "The previous 'B' class report done for Reynobond PE

1 in riveted system can no more be used from now.
 2 "Indeed, this new report cancel all the previous
 3 reports."
 4 He says at the end:
 5 "I stay at your disposal if you have any further
 6 question."
 7 We can see the email has two attachments, and one is
 8 the test in English and one is the test in French. To
 9 be clear, the test is the certificate dated
 10 31 January 2014 which we've just seen and which says
 11 that all Reynobond 55 PE is classified as an E.
 12 My question for you is: would you have expected
 13 Deborah French, as Arconic's UK sales representative at
 14 the time, to have known that that certificate was
 15 relevant to her market?
 16 A. (Interpreted): I think that, from a general point of
 17 view, I would have waited for all the commercial team to
 18 start discussing that with their customers, because it
 19 was public and our desire was, through the sales
 20 representative, to inform the market.
 21 Q. So does that tell us that you expected Deborah French at
 22 the time to communicate this message to her UK
 23 customers?
 24 A. (Interpreted): Certainly.
 25 Q. Are you able to explain why she didn't?

1 A. (Interpreted): No, I can't explain, but, I mean, I did
 2 see a document, I believe it might be something that was
 3 a joint document to -- something from Claude Wehrle, it
 4 was an email, I think, that was sent to
 5 Taylor Maxwell --
 6 THE INTERPRETER: Sorry, the interpreter made a mistake.
 7 A. (Interpreted): It's a document you find in
 8 Claude Wehrle's witness statement, and I believe it's
 9 an email that was sent to Taylor Maxwell explaining the
 10 new class, and I think, therefore, there was some [FT]
 11 *** information that was passed on to the market in
 12 England, *** even if only partially .
 13 I believe that the attachment to that email was that
 14 fire test you've just shown previously.
 15 MR MILLETT: Now, Deborah French told us in her evidence
 16 that she did not appreciate the relevance of this
 17 information to her market and carried on using the
 18 BBA certificate because that was what she had understood
 19 the message from Merxheim to be. That's what she told
 20 us at {Day88/140:22} to {Day88/141:16}.
 21 My question is: to the best of your recollection ,
 22 was Deborah French told by Merxheim to continue to use
 23 the BBA certificate in and after February 2014?
 24 A. (Interpreted): I wouldn't be informed in detail about
 25 all of this, but I find it really difficult to

1 understand how on the one side the commercial management
 2 would inform that the product has got
 3 a classification E, and in the same time the same
 4 commercial management would ask one of the salespeople
 5 to carry on using a document that pretends it's --
 6 THE INTERPRETER: Sorry.
 7 A. (Interpreted): -- to knowingly carry on using
 8 a BBA certificate that gives a classification B.
 9 MR MILLETT: So can you account for why it was that
 10 Deborah French was not told expressly not to put forward
 11 the BBA certificate anymore?
 12 A. (Interpreted): No.
 13 Q. Now, we know from many documents seen in the Inquiry and
 14 from Ms French's evidence that, on 23 April 2014,
 15 Deborah French sent the Reynobond BBA certificate to the
 16 cladding subcontractors, Harley, working on the
 17 Grenfell Tower project.
 18 My question is: would you have expected that at that
 19 point Deborah French would have noticed the claim that
 20 Reynobond 55 PE had a class B?
 21 A. (Interpreted): Yes, it's probable.
 22 Q. Would you have expected Deborah French to have told her
 23 customers that, although the certificate said class B,
 24 in fact the product now had a class E?
 25 A. (Interpreted): Yes.

1 Q. What system did Arconic have in place for ensuring that
 2 all sales representatives knew and understood that the
 3 European classification for this product had been
 4 significantly downgraded from a B?
 5 A. (Interpreted): Well, we had the Claude Wehrle mail that
 6 sends a message to the whole sales team saying that it
 7 had a class E and that he was available for further
 8 information. And I believe the management, the
 9 management of the sales team, was also available in
 10 order to be able to answer any questions.
 11 Q. What system was in place for catching up and keeping up
 12 with sales representatives so as to make sure that they
 13 understood that the European classification for this
 14 product had been downgraded?
 15 A. (Interpreted): I don't think there was a system, but
 16 I think that Claude's mail saying that we had a B and
 17 then it was downgraded to E was sufficiently explicit.
 18 Q. You see, it wasn't enough simply to tell Deborah French
 19 the results of this test; why not also tell her not any
 20 longer to use the BBA certificate?
 21 A. (Interpreted): I don't know.
 22 Q. I want to move forward in time to October 2014, because
 23 we can see that the designation for all Reynobond as PE
 24 did not last for the whole of that year. Just
 25 translate.

1 (Pause for translation)
 2 Can I show you what Claude Wehrle says in his
 3 witness statement, please, {MET00053190/21},
 4 paragraph 70, in the French version of his statement at
 5 page 26 {MET00048342/26}. Paragraph 70 in both cases,
 6 please.
 7 Let's just look at the very start of that paragraph
 8 together, you in the French, I'll read the English.
 9 It says:
 10 "The next EN 13501 testing that I organised on
 11 Reynobond 55 PE was later in 2014. It had become clear
 12 from discussions within AAP SAS and the wider market
 13 that, there was a desire to again have separate
 14 classification reports for the PE rivet and cassette
 15 variants to more accurately reflect the classifications
 16 that each had in practice obtained."
 17 I just want to ask you about that sentence or two
 18 sentences.
 19 First question: who in the wider market had a desire
 20 for a separate classification of rivet and cassette PE
 21 respectively?
 22 A. (Interpreted): I don't know.
 23 Q. Did Arconic have the same desire to separate out again
 24 the classifications as between cassette and rivet, do
 25 you know?

1 A. (Interpreted): No, I don't know.
 2 Q. Were you involved in this decision at all? I'm sorry,
 3 discussions. I will rephrase the question.
 4 A. (Interpreted): No. I don't believe so. Absolutely.
 5 Q. Do you know whether the classification of rivet PE as
 6 class E was affecting sales?
 7 A. (Interpreted): I have no idea. I never saw the link.
 8 Q. Let's look at the classification report, please. The
 9 English is at {ARC00000397} and the French is at
 10 {ARC_T000013}.
 11 We can see on the first page that it's
 12 classification RA14-0339 to the European Standard, and
 13 if you look at the bottom of that page, it has the date
 14 of issue: December 4, 2014. Can you see that?
 15 The test report that forms the basis of this
 16 classification report is at {MET00053158_P05/155} and
 17 {MET00053158_P05/146} respectively in the English and
 18 French. There is no need to go to those, for our
 19 reference purposes.
 20 If you look at page 4 in this document, please, in
 21 both languages {ARC00000397/4} {ARC_T000013/4}.
 22 Before you leave the document, I should have pointed
 23 out "Commercial brand(s)", it says "REYNOBOND 55 PE
 24 (riveted system)", can you see that?
 25 Now, if you go to page 4, please, in this document,

1 you will see the classification. Under paragraph 4.2,
 2 "Classification", there is the box:
 3 "Fire behaviour: C.
 4 "Smoke production: s2.
 5 "Flaming droplets or debris: d0."
 6 And underneath that:
 7 "Classification: C-s2, d0."
 8 And then underneath that, 4.3, "Field of
 9 application":
 10 "This classification is valid for the following
 11 product parameters ..."
 12 If you look at the last bullet point, do you see
 13 there it says, "Various colours"? Again, "plusieurs
 14 couleurs" in the French, so it could be various colours,
 15 some colours; do you see that?
 16 A. (Interpreted): Yes.
 17 Q. Under the second.
 18 Beheader, end use conditions, it says:
 19 "This classification is valid for the following
 20 end use conditions:
 21 "- Riveted or screwed system on metal substructure."
 22 Now, again, did you see this classification report
 23 at the time, do you think?
 24 A. (Interpreted): No, I don't believe so.
 25 Q. Would you accept that what this would mean for the UK

1 market at the time is that neither cassette nor rivet
 2 would meet the European classification requirement for
 3 surface spread of flame, namely class B?
 4 A. (Interpreted): Yes.
 5 Q. Do you know why the classification result was not
 6 immediately disseminated to the UK market?
 7 A. (Interpreted): No.
 8 Q. There was also a further test on PE cassette alone in
 9 2014, and we can go to the test report. It's at
 10 {MET00053158_P02/119} in the English, and in the French
 11 page 113 of the same exhibit {MET00053158_P02/113}.
 12 You can see that this is a fire reaction test
 13 report, also dated 4 December, and you can see at the
 14 very bottom of the page, it says:
 15 "Modification of the document for elimination of the
 16 riveted system. Document RA13-0333 of 04 December 2014
 17 cancels and replaces document RA13-0333 of
 18 31 January 2014."
 19 Can we go to page 121, please, in the English
 20 {MET00053158_P02/121}, and 115 in the French
 21 {MET00053158_P02/115}. We can see there that there's
 22 a reference to the November 2013 test on the cassette
 23 system. Do you see that?
 24 It appears to be a re-issue of a 2013 class E test
 25 report for cassette, but this time to state that it only

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1 applies to the cassette—fix. Do you accept that?
 2 A. (Interpreted): Yes.
 3 Q. Can we look at the classification report now for
 4 completeness at {MET00053158_P02/105}. It's the same
 5 exhibit run, page 105 in the English and page 109 in the
 6 French {MET00053158_P02/109}. On the left-hand side
 7 English, right-hand side French. Just follow along in
 8 the French, please.
 9 We can see here is the report number, RA13-0333, and
 10 the date, towards the bottom of the screen there, again
 11 is 4 December 2014. "Cassette system", it says in the
 12 middle of the page, "Commercial brand(s): REYNOBOND
 13 55 PE (cassette system)". Can you --
 14 A. (Interpreted): Yes.
 15 Q. Go to page 107 in the English {MET00053158_P02/107}, 111
 16 in the French {MET00053158_P02/111}, we can see the
 17 classification again under paragraph 4.2,
 18 "Classification". In the box:
 19 "Fire behaviour: E.
 20 "Smoke production: Not applicable.
 21 "Flaming droplets or debris: Not applicable.
 22 "Classification : E."
 23 Do you see that?
 24 A. (Interpreted): Yes.
 25 Q. Now, we don't see any record, any document, to show that

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1 this classification test or the test data was provided
 2 to Deborah French, but she left in December 2014 and
 3 wasn't effectively replaced until 2015.
 4 Peter Froehlich, I think, operated in her role during
 5 that period.
 6 Do you know from your own knowledge whether this
 7 classification report was sent to the UK marketing team?
 8 A. (Interpreted): No, I don't know.
 9 Q. Do you know --
 10 A. (Interpreted): But I'm not sure if it would have been
 11 sent if the previous test had already given rise to
 12 a class E.
 13 Q. Well, can you help me, what was the point, do you
 14 know -- and if you don't know, you don't know -- of
 15 separating out the two classifications for rivet and
 16 cassette respectively and then not sending the new
 17 classification reports for each product out to your
 18 sales teams?
 19 A. (Interpreted): No, I don't know.
 20 Q. Now, I want to look with you at the documents in
 21 circulation in the Grenfell supply chain in the early
 22 part of 2015 now.
 23 Can we go to {CEP00053374}. This is an email from
 24 Neil Wilson of CEP, who was the fabricator of the
 25 cassette panels for application on the façade at

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1 Grenfell Tower. He sends this email to Mark Stapley of
 2 Harley, the subcontractors, on 7 January 2015. You can
 3 see that there are some attachments, and do you see that
 4 as the third attachment it says, "Reynobond BBA"? Do
 5 you see that?
 6 A. (Interpreted): Yes.
 7 Q. The text of the email says:
 8 "Please find attached details of the KH35 cassette
 9 system we use and all the other info we have for
 10 Reynobond."
 11 The attachments that he sends -- we can see this
 12 from a document reference I shall give you, but we can
 13 see that it is still the same 2008 original
 14 BBA certificate, take that from me, and that's
 15 {CEP00053377}. There is no need to go to it.
 16 My question is: can you explain why the original
 17 BBA certificate which says that Reynobond 55 PE had
 18 European class B was still circulating in the market as
 19 late as January 2015?
 20 A. (Interpreted): No.
 21 Q. Can we look at another of the attachments which he
 22 sends, which is the Reynobond brochure. This is at
 23 {CEP00053376}, please. This is the "Discover new
 24 perspectives" brochure, which doesn't have a French
 25 translation. We have already seen a copy of this,

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1 Mr Schmidt. It is the 2008 version, and we see that
 2 from page 16 {CEP00053376/16}. If we could just go down
 3 to page 16 to confirm that. It's written vertically on
 4 the right-hand side. It says, "BARC-RBAR-GB08."
 5 If we go back to page 13 {CEP00053376/13} now,
 6 please, of the document and look at the right-hand side
 7 of the page, and blow that up so everybody can see that,
 8 we can see that at the top under "Certification" -- and
 9 again, Mr Schmidt, this is a document we saw last
 10 week -- it says that Reynobond PE obtains a B-s2, d0
 11 classification pursuant to certificate RA05-0005A, which
 12 is the 2005 5A rivet test.
 13 Do you agree with me -- here is my question -- that
 14 claims made in this document for European classification
 15 for PE as class B were, by January 2015, substantially
 16 out of date?
 17 A. (Interpreted): Yes, as the document dates from 2008.
 18 Q. Can you explain why your customers are still using this
 19 ancient piece of marketing literature that is not only
 20 substantially out of date, as you have agreed, but now
 21 materially wrong?
 22 A. (Interpreted): No, I didn't think that document was [FT
 23] *** still available somewhere in house. ***
 24 Q. Do you mean by that answer that you didn't know that
 25 substantially out of date and materially wrong marketing

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1 literature was still in circulation in the UK market?
 2 A. (Interpreted): I don't know at what time that literature
 3 was given to CEP, in that specific case, but I can't
 4 believe that this -- I can't believe that it was given
 5 at that time to CEP, when CEP sent it to its client, to
 6 Harley, Harley Façades.
 7 MR MILLETT: Well, Mr Chairman, it's now just gone
 8 1 o'clock. There are a few more questions on this topic
 9 to pursue with this witness, but I'm not going to finish
 10 that in a reasonable time before the necessary break.
 11 SIR MARTIN MOORE-BICK: Should we stop there, then,
 12 Mr Millett?
 13 Mr Schmidt, we will have a break now so we can all
 14 have some lunch. We will come back at 2 o'clock,
 15 please, our time, and please don't talk to anyone about
 16 your evidence over the break.
 17 See you at 2 o'clock. Thank you.
 18 THE WITNESS: (Interpreted): Thank you.
 19 (1.03 pm)
 20 (The short adjournment)
 21 (2.00 pm)
 22 SIR MARTIN MOORE-BICK: Welcome back, everyone. We're going
 23 to continue hearing evidence from Mr Schmidt this
 24 afternoon.
 25 First, of course, I must check that the interpreters

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1 are with us.
 2 MS DELAS-REISZ: We're with you.
 3 SIR MARTIN MOORE-BICK: Very good, thank you very much.
 4 I can see Mr Schmidt in the thumbnail, so I hope he
 5 can see me and hear me properly?
 6 THE WITNESS: (Interpreted): I can hear you and see you.
 7 SIR MARTIN MOORE-BICK: Very good, thank you very much.
 8 So, Mr Millett, when you're ready, I think you can
 9 continue.
 10 MR MILLETT: Mr Chairman, thank you very much.
 11 Mr Schmidt, I'm going to take a short detour to
 12 cover something that needs to be corrected.
 13 Now, if Madam Translator could translate as I go,
 14 let me tell you what I want to do.
 15 We have been informed by Arconic's lawyers that in
 16 some places in your evidence the interpreters did not
 17 translate the word "misleading" correctly. That is
 18 a matter of debate, but we need to be clear to avoid any
 19 dispute about the record of your evidence.
 20 In order that we can be as clear as possible about
 21 what I intended by that word in the context of the
 22 questions, I'm going to put the questions again. There
 23 are three examples or three exchanges I want to go
 24 through with you, please.
 25 What I'm going to do is to show you the transcript

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1 in English, and your original French, or the original
 2 French will be read back to you, taken from the audio,
 3 and the question will be retranslated so that where the
 4 word "misleading" appears, it will be translated as
 5 "wrong such as to lead a person into error".
 6 Now, I'm going to show you the first of these
 7 exchanges. Can we please have the transcript for
 8 {Day92/16}. This corresponds with the video and audio
 9 of your evidence on Day 92, part 1 of 2, at 1.01.14.
 10 I would like you to look, please, at the English at
 11 lines 12 to 17. I will read the English and you will be
 12 read the French version of the question and answer.
 13 Question at line 12:
 14 "Question: Do you accept that any certificate that
 15 allowed the reader to believe that the product performed
 16 the same in a fire whether it was rivet-fix or
 17 cassette-fix would be misleading?
 18 "(Pause)
 19 "Answer: (Interpreted): Yes."
 20 I want to ask the interpreters to translate my
 21 question using the new French word for "misleading" in
 22 the sense in which I intended it. Could you please do
 23 that?
 24 THE INTERPRETER: It's been done, Mr Millett.
 25 MR MILLETT: With my question retranslated with the new

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1 phrase for "misleading" --

2 THE INTERPRETER: Yes.

3 MR MILLETT: -- is your answer the same?

4 (Pause for translation)

5 THE INTERPRETER: So Mr Schmidt would like to hear the

6 question asked again, and he would also like -- or I'm

7 to clarify the interpretation of "misleading".

8 MR MILLETT: I'm not going to do that. I'm going to pursue

9 my course, Mr Schmidt. I'm going to put the question

10 I put to you on Day 92 again, and I'm going to ask for

11 the translator to translate the word "misleading" in the

12 way she translated it before, and we will see how we go.

13 Now, the question is -- can we have the transcript

14 back, please -- line 12:

15 "Question: Do you accept that any certificate that

16 allowed the reader to believe that the product performed

17 the same in a fire whether it was rivet-fix or

18 cassette-fix would be misleading?"

19 (Pause)

20 A. (Interpreted): Yes.

21 Q. {Day92/46:20-24}, the same process again, Mr Schmidt,

22 please. The question at line 20, in English, was:

23 "Question: Do you accept that in presenting the

24 rivet test 5A only to the BBA as representative of the

25 fire performance of Reynobond 55 PE, Arconic was telling

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1 the BBA a misleading half truth?"

2 If the translation could be given again using the

3 more appropriate word, please.

4 (Pause for translation)

5 The answer was, "Yes, you can see it like that".

6 With the new translation of the question, Mr Schmidt, is

7 your answer the same?

8 A. (Interpreted): And what was the previous interpretation?

9 MR MILLETT: Well, Madam Interpreter, can you assist?

10 MS KENNEDY: Sadly not. I think maybe this was "induire en

11 erreur" was used this time.

12 MS DELAS-REISZ: I think it was.

13 MS KENNEDY: My colleague is confirming --

14 SIR MARTIN MOORE-BICK: I'm sorry to interrupt. I think

15 this is becoming quite confusing for Mr Schmidt, because

16 he is trying to understand the words that were used last

17 time and what's used this time.

18 I wonder whether it would be sensible simply to

19 translate the question using the new formulation and see

20 what his answer is.

21 MR MILLETT: Thank you, Mr Chairman, but he had asked to be

22 shown the earlier word.

23 SIR MARTIN MOORE-BICK: I'll explain to him.

24 Mr Schmidt, I think the way this is being put to you

25 is a little confusing. So what I'm going to do is to

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1 ask Mr Millett to identify the questions with which he's

2 concerned, I'm going to ask the interpreter to translate

3 them for you, and you just answer them again, without

4 worrying how they were translated last time. All right?

5 THE WITNESS: (Interpreted): Yes.

6 SIR MARTIN MOORE-BICK: Good. Thank you.

7 Mr Millett.

8 MR MILLETT: Can we go back to the transcript, please.

9 Question in English:

10 "Question: Do you accept that in presenting the

11 rivet test 5A only to the BBA as representative of the

12 fire performance of Reynobond 55 PE, Arconic was telling

13 the BBA a misleading half truth?

14 "Answer: (Interpreted): Yes, you can see it like

15 that."

16 That was the question. Your answer before was,

17 "Yes, you can see it like that".

18 With the new translation, is your answer the same?

19 A. (Interpreted): Yes, the only thing for me is that it

20 wasn't done consciously, because there was a doubt with

21 regard to the fire certificate 5B.

22 Q. Thank you.

23 Now, I'm going to show you the last passage, which

24 is quite long, {Day92/74:3-25}, and also {Day92/75:17}.

25 Let's start with the beginning of those two, please,

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1 line 3 at page 74. Follow the same process, please,

2 Mr Schmidt, if we can, and I'll stop after each

3 exchange.

4 Question in English:

5 "Question: Can you explain why the certificate does

6 not state that the test result, Euroclass B-s2, d0 was

7 achieved for PE only in the rivet form but not in the

8 cassette form?"

9 Your answer was "No". I don't need that to be

10 retranslated.

11 We now come to the question:

12 "Question: Do you accept that that omission made

13 the certificate thoroughly misleading?"

14 Your answer was "Yes". Is your answer still the

15 same with the new translation?

16 A. (Interpreted): Yes, but with the same comment that was

17 made previously.

18 Q. Continuing --

19 SIR MARTIN MOORE-BICK: Mr Millett, I wonder whether we need

20 to continue, because the witness has said that his

21 answer would be the same with the gloss that he's just

22 put on it. In other words, as I understand his

23 evidence, he did not misunderstand the thrust of the

24 previous questions.

25 MR MILLETT: Well, Mr Chairman, I'm more than content to

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1 rest on that basis, with the exchange. I should just
 2 draw to your and the public's attention the fact that
 3 this exchange continues over a number of pages, and the
 4 word "misleading" or "very misleading" occurs again in
 5 the transcript, but I think we have the thrust of it.
 6 I think the witness has understood the point.
 7 SIR MARTIN MOORE—BICK: Unless you think that the context is
 8 such that it requires a re-evaluation of the translation
 9 of the word "misleading", I think we've got the picture
 10 pretty clear.
 11 MR MILLETT: I think that is right.
 12 SIR MARTIN MOORE—BICK: Mr Schmidt, I should just explain
 13 for your benefit my intervention. It seemed to me from
 14 the answers you gave to the last three questions that
 15 your understanding of the word "misleading", however
 16 translated from English into French, was pretty clear.
 17 A. (Interpreted): I believe there are two levels. Firstly,
 18 I said "no" to one question, which said do you know why
 19 test B wasn't mentioned. I believe, and this is just
 20 a belief, it's not based on facts, but I don't think it
 21 was at all deliberate not to mention it, but that there
 22 was a misunderstanding or bad understanding with regard
 23 to the results of the test. But at the same time, the
 24 certificate can mislead, especially if you look at the
 25 results of the test, the part relating to the results of

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1 the test, without reading the rest.
 2 SIR MARTIN MOORE—BICK: All right, that's very helpful,
 3 thank you very much.
 4 Mr Millett, it seems to me that, insofar as there's
 5 concern over the translation of the word "misleading",
 6 the witness has not indicated that he would give
 7 a different answer to the different use of the French
 8 word. Whether it's important to explore the question
 9 whether any misleading was deliberate or just fortuitous
 10 is a different matter which doesn't turn on the word
 11 "misleading", and I'm not sure you need to follow that
 12 up any further than you have already.
 13 MR MILLETT: Mr Chairman, I'm very grateful. I agree.
 14 So can I then go back to where I left off at the
 15 lunch break.
 16 Mr Schmidt, you will remember that at the lunch
 17 break we were discussing what had happened in early 2015
 18 and why it was that the 2008 sales brochure for
 19 Reynobond was still in circulation among customers.
 20 That was the context.
 21 A. (Interpreted): Yes.
 22 Q. Do you agree that as soon as or within a reasonable time
 23 after the fire classifications for Reynobond RB 55 PE in
 24 both rivet and cassette were achieved, at the end of
 25 2014, those should have been communicated immediately or

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1 as soon as reasonably possible to the customers?
 2 A. (Interpreted): Yes, at the end of 2014?
 3 Q. Yes.
 4 A. (Interpreted): But we'd already done the necessary at
 5 the beginning of 2014 within the sales team.
 6 Q. Do you accept that, as a result of the early December
 7 classifications for rivet and cassette, Arconic should
 8 have immediately updated its customer-facing literature
 9 and told the sales teams to distribute it?
 10 A. (Interpreted): No, I don't think that was the practice.
 11 Q. It may not have been the practice, but would it not have
 12 been best practice at the very lowest?
 13 A. (Interpreted): It would certainly have been a best
 14 practice, yes. But I'm assuming that the documentation
 15 on the site must have been up to date.
 16 Q. What site?
 17 A. (Interpreted): On Arconic Merxheim's internet site.
 18 Q. Do you accept that Arconic should have taken positive
 19 steps to withdraw its marketing literature that stated
 20 the wrong fire performance and classification?
 21 A. (Interpreted): No, I think it's impossible to do.
 22 Q. Do you not accept that Arconic should have withdrawn all
 23 out-of-date and inaccurate marketing literature as soon
 24 as it discovered that the fire performance and
 25 classification was different for Reynobond 55 PE from

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1 the performance or classification represented to the
 2 market?
 3 A. (Interpreted): But I think that anyway this update was
 4 made in the inventories, but I don't think we
 5 necessarily have traceability for marketing documents
 6 for current clients or potential clients.
 7 Q. No, Mr Schmidt. I understand that. But you should have
 8 done, is what I'm suggesting.
 9 Let me be clear: I'm suggesting to you that Arconic
 10 should have had a system in place whereby all of its
 11 sales representatives ensured that their marketing
 12 literature that was in circulation in their markets was
 13 up to date and accurate. Do you accept that?
 14 A. (Interpreted): It's difficult.
 15 (Pause)
 16 No, I don't accept that.
 17 Q. Are you telling us that you were prepared to accept
 18 a situation where your marketing and sales forces selling
 19 Reynobond 55 were allowing out-of-date and inaccurate
 20 marketing material to circulate within those markets
 21 without correcting them?
 22 A. (Interpreted): These documents were completely available
 23 on request and I think that the up-to-date documents
 24 were available on our internet site. If since 2008
 25 there had been a few iterations, nevertheless the

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1 up-to-date documents were on our site.
 2 Q. Could we then go, moving on, please, to your exhibit 10
 3 at page 260. This is {MET00053157/260}.
 4 Now, this is an email from Diana Perreiah on
 5 24 June 2014 to you. It's in English, Mr Schmidt, and
 6 there's no (inaudible) French original.
 7 A. (Interpreted): It's 2015.
 8 Q. You're quite right. 2015. Do you see that?
 9 A. (Interpreted): Yes.
 10 Q. There is no French version of this. It didn't come to
 11 you in the French version, it came in English to you.
 12 Did you read and understand it when it came to you, do
 13 you think, looking at it?
 14 A. (Interpreted): Yes.
 15 Q. It says -- and I'll read it in English, but just because
 16 I'm asking you questions about it, it will be translated
 17 into French:
 18 "Nick and Claude,
 19 "Could I impose on you both to send me your
 20 definitions of PE, FR, A1 and A2? I want to make sure
 21 I have them correct if comes up next day or two
 22 regarding investments and work on low cost FR core.
 23 I am also not certain if the definitions are regionally
 24 based on universal.
 25 "Thank you.

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1 "Diana."
 2 If we go up to page 259 {MET00053157/259}, please,
 3 we can see your response, in English, Diana Perreiah,
 4 same day, 24 June 2015, and you say:
 5 "I've asked Claude Wehrle, sales technical support,
 6 to prepare you an answer. The definitions will be the
 7 same. The only difference will be the suitability of
 8 the fire rated products to country laws.
 9 "CS."
 10 I'll not have that translated back into French
 11 because that's risky. You replied in English and
 12 I shall leave it there.
 13 If we go up to the email second from the top dated
 14 24 June 2015 again, this is from Claude Wehrle to you,
 15 and it's also in the French, and we have that at
 16 page 257 in the same exhibit {MET00053157/257}, if we
 17 can have those up side by side. You can see that
 18 Claude Wehrle says to you:
 19 "Claude, Robert,
 20 "I propose the attached table in answer to Diana's
 21 question."
 22 You can see that on the right-hand side in the
 23 French as well.
 24 Then above that, Claude Wehrle follows up, again
 25 asking you if you have any questions. He says to you,

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1 Mr Schmidt:
 2 "Claude,
 3 "We have just reread the document together with
 4 Robert and are proposing this last version to you.
 5 "We are at your disposal if you have any questions."
 6 You can see the French version on the right --
 7 A. (Interpreted): Yes.
 8 Q. -- of the screen.
 9 Then if we go to page 261 {MET00053157/261} we can
 10 see the attachment that he sent you. Again, this is
 11 only in English.
 12 When you received this attachment from Mr Wehrle,
 13 did you read it, do you think?
 14 A. (Interpreted): Yes, certainly, yes.
 15 Q. And are you certain about it now because this was
 16 something your American senior or boss, perhaps, was
 17 asking you about?
 18 A. (Interpreted): Yes.
 19 Q. Now, let's look at the attachment. As I say, it's only
 20 in English, we don't have a French version.
 21 At the top left of the table, we can see that this
 22 is about "AAP Product", we see that in the top left-hand
 23 of the column there. If we look at the top row the
 24 headers are, "Other equivalent products", "Fire class
 25 according", "Criteria", "Typical application".

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1 Then if we look at the bottom two rows, it says,
 2 "Reynobond B1 (Called FR)", and in the third column it
 3 says:
 4 "Very limited contribution to fire .
 5 " ■ B (Euro class EN13501) B1 DIN4102 Germany)."
 6 Do you see that?
 7 Then in the right-hand column it says:
 8 "Maximal building height of 28m to 35m depending the
 9 country."
 10 Then in the very bottom row it says:
 11 "Reynobond B2 (Called PE).
 12 "Plastic based insulation products."
 13 Then fire class was:
 14 "Flammable.
 15 " ■ C to E (Euro class EN13501 B2 ...)"
 16 With the German classification too. Criteria :
 17 "Limitations given by the smoke production and
 18 flaming droplets."
 19 Typical application, do you see this:
 20 "Maximal building height of 8m to 12m depending the
 21 country."
 22 A. (Interpreted): Yes.
 23 Q. Can we take it from your receiving this document that
 24 you knew at this time, mid-2014, as a matter of
 25 principle, that PE should not be used on buildings

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1 higher than 12 metres?
 2 A. (Interpreted): Well, to give you the position of this
 3 document, it's something that Diana needed and she
 4 says — it's clear in her original mail, she explained
 5 that she needs it. She became the head of that
 6 division, I think, around that period or maybe a few
 7 months earlier, and she wanted to have the main ideas,
 8 the main axis(?), the main orientations for the various
 9 products and their application. But it's not very [FT
 10] *** specific, and it just gives a general overview of
 11 the different products. ***
 12 Q. Who produced this document, was it Arconic in-house?
 13 A. (Interpreted): I think it's Claude Wehrle that produced
 14 it, yes.
 15 Q. So, Mr Schmidt, however general or non-specific you
 16 think now this document might be, this document was
 17 telling you, wasn't it, that for PE, its application was
 18 limited to buildings that did not exceed a certain
 19 height? Now, you knew that from this document, didn't
 20 you?
 21 A. (Interpreted): Yes, I think that we — I'm not sure
 22 whether it's really in this period, but it must be
 23 around that time, I believe that we also changed our
 24 marketing documentation to reflect these general rules.
 25 Q. Sitting there today, can you remember a single piece of

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1 marketing literature which told customers in the UK that
 2 Reynobond 55 PE should not be used above 18 metres?
 3 A. (Interpreted): I don't know exactly when that document
 4 was distributed, but I know that at some point we had
 5 a marketing document where you could see a drawing, the
 6 picture of a building. I mean — so it wasn't specific
 7 in fact to the British market, this document, but it
 8 showed clearly that there were two levels, that a PE
 9 product could be used up to a certain level and an FR
 10 product could be used to a certain level again, and
 11 beyond a certain height you had to use an A2 product.
 12 And I remember the drawing.
 13 Q. Let's see if I can put my finger on the document, to
 14 give you a fair chance to identify it rather than us
 15 guessing.
 16 Could you please be shown {ARC00000465}. The French
 17 version of this document, I think we've got it at
 18 {ARC_T000001}.
 19 Now, take a moment to look at that document. If it
 20 can be expanded a little bit, we can work with the
 21 French and the English, I think, and expand them, so
 22 that we can look at the text.
 23 If you turn to the next page {ARC00000465/2}
 24 {ARC_T000001/2}, I think you see the little building in
 25 the document. Is this the document that you're

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1 referring to, do you think?
 2 A. (Interpreted): Yes. Yes, that's what came to my mind.
 3 Q. This document is dated December 2016, and we can see
 4 that if you — I'm afraid it's too small on my screen to
 5 be able to see that, but I think it's at the top. If
 6 you go to page 1 {ARC00000465/1} {ARC_T000001/1} and go
 7 to the middle of the page — it's not that easy to see.
 8 It's very difficult to see. But it's in the middle. If
 9 you zoom into the top right-hand of the page, there is
 10 some print going up, and I just want to quickly show you
 11 where the date is. I don't know if that could be
 12 expanded at all.
 13 Let me ask you: do you remember seeing this document
 14 before December 2016?
 15 A. (Interpreted): No, I've absolutely no historical or
 16 specific reference.
 17 Q. Right. I'm afraid it is actually very difficult to see
 18 it, but take it from me that it is the last set of
 19 digits on the run of tiny text running up from the
 20 bottom to the top of the page below the blue mark that
 21 says "Arconic". I'm afraid I can't show it to you.
 22 You'll have to take it from me, I'm afraid, and if
 23 that's wrong, we will have to work on the basis that
 24 that's wrong, but the document shows it to be
 25 December 2016.

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1 My question for you is: do you have a recollection
 2 that you saw this document any earlier than December
 3 2016?
 4 A. (Interpreted): No, I mean, I couldn't say specifically
 5 once again. I mean, I know that the document existed,
 6 but I couldn't tell you very specifically, very
 7 precisely, when it was launched.
 8 Q. No, quite.
 9 Could we just go back, please, to the attachment to
 10 Mr Wehrle's email to you which had the table in it
 11 {MET00053157/261}. If you just look at that, my
 12 question there, getting the document back for you again,
 13 is: do you know whether that table was sent to
 14 Diana Perreiah?
 15 A. (Interpreted): Well, it's a bit difficult to be 100%
 16 certain of anything, but I'm practically sure that it
 17 was done.
 18 Q. Yes.
 19 Now, I want to move forward a few days in June 2015,
 20 Mr Schmidt. Can we please have {MET00053158_P05/14}.
 21 In the French, it's at page 12 {MET00053158_P05/12}. At
 22 the very bottom of page 14 — if we can have the French
 23 up as well, please, at page 12, same exhibit run. Yes,
 24 it is actually the same email — no, it's not. Right.
 25 What I want is the very bottom of page 14, which you

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1 will see is an email from Hervé Marichez, 29 June 2015,
 2 to Claude Wehrle. I think you will need page 13 for the
 3 French. No, that's not correct. If we could just
 4 scroll back up, please, in the French and go a little
 5 bit higher up page 12. Yes. There it is.
 6 So what we need, I think, is the email at the top of
 7 page 15 {MET00053158_P05/15}, and in the French stay on
 8 page 12. That's what I want. If you go to the bottom
 9 of page 12 — yes, there we are. Sorry, it's my fault
 10 for getting the geography wrong here.
 11 This is an email from Hervé Marichez on Monday,
 12 29 June 2015 at 14.11 to Claude Wehrle, copied, as you
 13 can see, among others, to Lionel Marconnet. He says,
 14 and if you follow in the French, I'll read the English:
 15 "Claude,
 16 "In the official Technical Data Sheet (attached), it
 17 is stipulated that PE & FR are M1, but since PE is now
 18 C-s2, d0 (riveted & screwed), it should be M2!
 19 "We need to [respond] quickly — am I right?"
 20 A. (Interpreted): Yes.
 21 Q. Now, at this point, just correct me, I think
 22 Lionel Marconnet was not yet the director of sales and
 23 marketing; it was still Alain Flacon, wasn't it,
 24 June 2015?
 25 A. (Interpreted): I'm not certain. I don't know.

1 Q. If we go up in the English to page 14
 2 {MET00053158_P05/14}, please, and I want to look at the
 3 third email from the top. In the French it's page 11
 4 {MET00053158_P05/11}. You will see an email on the same
 5 day from Jean-Philippe Baillon to Hervé Marichez and
 6 Claude Wehrle, copied to Patrice Audureau and
 7 Lionel Marconnet, "RE: Fire classification", and you can
 8 see the French on the right at the bottom of page 11,
 9 and in the English he says:
 10 "Claude.
 11 "I just had the SUNCLEAR agency in Paris (perhaps
 12 following Hervé's exchanges with GAYET) asking me the
 13 same question.
 14 "GAYET asks for the variant in FR as referred to in
 15 the equivalence table attached to this e-mail.
 16 "SUNCLEAR is looking forward to our response... They
 17 are using PE = M1 on all their com and sales tools!"
 18 You can see the email response from Claude Wehrle
 19 the same day, copying Lionel Marconnet. He starts,
 20 "Salut messieurs", do you see that, at the top of the
 21 page in the French, "Hello gentlemen" in the English.
 22 He says:
 23 "Hello gentlemen,
 24 "As I have already mentioned on several occasions,
 25 Reynobond PE is classified as M2 or M4 (European Norm

1 equivalent).... I was told that, for the time being, in
 2 France, it is the French standard that is required
 3 (therefore NFP 92 — M1)... and that it would be
 4 excessive to communicate on the subject.
 5 "My Opinion:
 6 "PE is DANGEROUS on façades, and everything should
 7 be transferred to FR as a matter of urgency.
 8 "The NFP92 standard should have been discontinued
 9 over 10 years ago!
 10 "This Opinion is technical and anti-commercial, it
 11 seems [smiley face]."
 12 Now, the view that Claude Wehrle expresses in this
 13 email on 29 June 2015, which we can see there, is that
 14 a view that he expressed openly within Arconic to the
 15 best of your recollection?
 16 A. (Interpreted): Yes, I think so.
 17 Q. Did you know that that was his view before the date of
 18 this email?
 19 A. (Interpreted): Before the date of this email?
 20 Q. (inaudible) specifically, but before June 2015.
 21 A. (Interpreted): He'd already mentioned and expressed the
 22 fact that PE could be dangerous.
 23 Q. If it was dangerous, why were you still selling it?
 24 A. (Interpreted): Well, I go back to something I've already
 25 said, and I go back to the same reply: there are lots of

1 products that are on sale and that are sold every day,
 2 and — in a very general way, and these products may
 3 entail dangers or risks, and these risks and dangers can
 4 be controlled in various ways, in various manners.
 5 Q. But, Mr Schmidt, here is Mr Wehrle expressing his
 6 opinion, which is that PE is dangerous on façades and
 7 everything should have been transferred to FR as
 8 a matter of urgency.
 9 My question is: what business does Arconic have in
 10 selling products that it knows to be dangerous?
 11 A. (Interpreted): I can't say any more than what I have
 12 already said on this subject.
 13 Q. Very well.
 14 Going a little bit higher up the email in the second
 15 paragraph he says:
 16 "I was told that, for the time being, in France, it
 17 is the French standard that is required (therefore
 18 NFP 92 — M1)... and that it would be excessive to
 19 communicate on the subject."
 20 Do you know who told Mr Wehrle that it would be
 21 excessive to communicate on the subject?
 22 A. (Interpreted): No.
 23 Q. When he says, "This Opinion is technical and
 24 anti-commercial, it seems", was Claude Wehrle told that
 25 his opinion was technical and anti-commercial?

1 A. (Interpreted): No.
 2 Q. As a matter of fact, did the senior management team at
 3 Merxheim oppose discontinuing the sale of PE on
 4 commercial grounds?
 5 A. (Interpreted): No. I don't think that it's that sort of
 6 reflection that took place, but there was still part of
 7 the market for which PE products were perfectly adapted
 8 and I think that was the position of the management.
 9 There were possibilities of selling PE products, and
 10 they wouldn't push PE rather than something else, but
 11 there were still parts of the market where PE was
 12 perfectly well adapted and they were not going to stop
 13 all that part of the market.
 14 Q. Did the management of Arconic choose simply to ignore
 15 Mr Wehrle's warning that PE is dangerous in façades and
 16 substitute his view for something more commercial?
 17 A. (Interpreted): No.
 18 Q. Did you dismiss Mr Wehrle's warning on the basis that he
 19 was a prophet without honour in his own land?
 20 A. (Interpreted): I don't really understand that saying.
 21 Q. Well, let me try and ask you to interpret his smiley
 22 face then. What's that about?
 23 "This Opinion is technical and anti-commercial, it
 24 seems [smiley face]."
 25 I know you didn't put the smiley face there or see

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1 it at the time, Mr Schmidt, to be fair to you, but are
 2 you able to explain why Claude Wehrle thought it was
 3 appropriate to add a smiley face at the end of the
 4 sentence, "This Opinion is technical and
 5 anti-commercial"?
 6 A. (Interpreted): No, I can't say.
 7 Q. Was it that Mr Wehrle was a lone voice in Arconic who,
 8 by this time, was trying to tell senior management that
 9 the use of PE on façades was dangerous, but he was being
 10 ignored for commercial reasons? Is that what was
 11 happening?
 12 A. (Interpreted): No.
 13 Q. Well, isn't the truth here that Arconic knew that PE was
 14 dangerous in façades but continued to sell it in those
 15 markets where it could?
 16 A. (Interpreted): No.
 17 Q. Now, just a brief question about the communications
 18 between Arconic and the BBA between October 2013 and the
 19 spring of 2015.
 20 Just in general terms, would you have expected
 21 Arconic's executives, when asked by the BBA for
 22 information, to have been responsive?
 23 A. (Interpreted): Yes.
 24 Q. Would you have expected Arconic to provide all the
 25 information to the BBA that the BBA asked for?

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1 A. (Interpreted): Yes.
 2 Q. Would you have expected Arconic's people to point out
 3 any information that they thought might be of relevance
 4 or interest to the BBA?
 5 A. (Interpreted): Yes.
 6 Q. If Arconic wasn't sure if information was relevant or of
 7 interest, do you agree that Arconic should have offered
 8 it to the BBA and let the BBA decide for itself?
 9 A. (Interpreted): According to the level of information,
 10 yes.
 11 Q. Now, moving on, then, into 2016, let's go to exhibit 10,
 12 please, of your exhibits at page 267 {MET00053157/267},
 13 and in the French it's at page 265 {MET00053157/265}.
 14 This is an email from Alain Flacon of 3 May 2016. The
 15 French is on the right, and you can see that there are
 16 a number of people it's sent to. If you just follow the
 17 French and I'll read the English:
 18 "Good morning all,
 19 "As you know, the fire classifications of Reynobond
 20 products for Architecture in France present a distortion
 21 between the NF P92-501 classification and its equivalent
 22 according to EN 13501."
 23 Then it sets out:
 24 "Reynobond PE.
 25 " ■ Riveted ...

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1 "NF P92-501 M1 ...
 2 EN13501 C-s2, d0 ... (M2 by equivalence).
 3 " ■ Cassette system.
 4 "NF P92-501 M1 classification.
 5 "EN 13501 E classification (M4 by equivalence)."
 6 " ■ Reynobond FR.
 7 " ■ All systems."
 8 And then the classifications are set out there.
 9 Then he goes on to say:
 10 "This ambiguous situation is open to interpretation
 11 and in particular gives control offices the possibility
 12 to check the M classification as a priority, as the
 13 European classification is more complex to understand
 14 and to use.
 15 "In your missions, either you or your customers
 16 regularly specify our Reynobond products on large-scale
 17 architectural projects. As such, Alcoa Architectural
 18 Products clearly positions itself as a 'knowledgeable'
 19 entity and therefore assumes its responsibility and
 20 image as a specialist."
 21 If we could turn the page, please {MET00053157/268}
 22 {MET00053157/266}, he goes on:
 23 "As a result, since we are aware of the very
 24 significant difference in the heating capacities of
 25 Reynobond FR vs. Reynobond PE and the associated

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1 consequences, we have taken the proactive habit of
 2 favouring FR as the only solution in our specifications .
 3 As from today, [and this is in bold] I ask you to go
 4 even further and to systematically confirm in writing
 5 the requirement in FR for all projects on which a
 6 Reynobond specification is involved, regardless of the
 7 nature and size of the project for Architecture.
 8 "If you have any questions about the application of
 9 these instructions, please contact Claude who will give
 10 you all the necessary information to justify this choice
 11 and advise the specifiers as best as possible towards
 12 this solution, which is by far the most secure.
 13 "I am counting on your active cooperation on this
 14 matter."
 15 This is 3 May 2016.
 16 Now, it looks from this, do you agree, that there
 17 was ambiguity at the very least in France about
 18 understanding the two fire performance systems, the
 19 national system and the European system?
 20 A. (Interpreted): Yes.
 21 Q. Can you explain why, although this policy was adopted or
 22 at least recommended in France, it wasn't adopted or
 23 recommended in the United Kingdom?
 24 A. (Interpreted): No, I can't explain it. One of the
 25 explanations could be that the French legislation was

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1 better known than the English legislation or other
 2 legislations in Europe.
 3 Q. But aren't the circumstances which pertained in France
 4 equally applicable to the situation in the UK, namely
 5 this ambiguity or mismatch, perhaps, as between the
 6 European system and the domestic system?
 7 A. (Interpreted): With the knowledge I have now, for sure,
 8 but I don't know whether that was the way of thinking at
 9 the time.
 10 Q. What accounts for that difference? What accounts for
 11 the difference between the way of thinking at the time
 12 and what you know now?
 13 A. (Interpreted): I was not at all -- I didn't know at all
 14 the English legislation at the time.
 15 Q. No, but you knew that there was a difference at least
 16 between the French legislation and the European
 17 legislation. Why did Arconic not ever consider the
 18 position of each country where Reynobond 55 was sold and
 19 consider the relative positions as between the domestic
 20 legislation there and the European legislation?
 21 A. (Interpreted): I don't know.
 22 Q. Did anybody think, do you know, whether they should have
 23 another look at the BBA certificate, and the statement
 24 in it that because Reynobond 55 PE had a Euroclass B, it
 25 may be regarded as class 0 for the purposes of England

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1 and Wales regulation, and think to amend it or revise it
 2 or withdraw it?
 3 A. (Interpreted): No.
 4 Q. Do you accept that that ought to have been done?
 5 A. (Interpreted): Yes.
 6 MR MILLETT: Mr Chairman, it's now 3.15. It might be
 7 an appropriate moment for the afternoon break.
 8 SIR MARTIN MOORE-BICK: Yes. Very well.
 9 Well, I expect you would like a short break now,
 10 Mr Schmidt, so we'll take a break. We will resume at
 11 3.30, please. As usual, don't discuss your evidence
 12 with anyone else over the break, please.
 13 Good, see you at 3.30. Thank you.
 14 (3.15 pm)
 15 (A short break)
 16 (3.30 pm)
 17 SIR MARTIN MOORE-BICK: Welcome back, everyone. We are
 18 going back to Mr Schmidt in just a moment, but first
 19 I'll check that the interpreters are with us.
 20 Hello, interpreters.
 21 MS DELAS-REISZ: Hello, sir, we're here, we're with you, and
 22 we can hear you.
 23 SIR MARTIN MOORE-BICK: Very good, thank you very much.
 24 Then we had better check that Mr Schmidt is back
 25 with us.

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1 THE WITNESS: (Interpreted): I'm with you, I can hear you
 2 and see you.
 3 SIR MARTIN MOORE-BICK: Thank you very much, Mr Schmidt.
 4 Anything you want to raise before we carry on?
 5 THE WITNESS: (Interpreted): No.
 6 SIR MARTIN MOORE-BICK: Right. Thank you very much. Then
 7 I'll invite Mr Millett to continue.
 8 Yes, Mr Millett.
 9 MR MILLETT: Thank you very much, Mr Chairman.
 10 Mr Schmidt, I want to ask you some questions now
 11 about the period after the Grenfell Tower fire on
 12 14 June 2017. Can we start with your witness statement,
 13 please, at paragraph 27, in the English at page 9
 14 {MET00053187/9}, in the French at page 13
 15 {MET00048331/13}.
 16 If you follow in the French, the whole of
 17 paragraph 27 is on the screen in front of you. We will
 18 need to flip to the next page in the English when we get
 19 to it.
 20 Starting at the beginning of paragraph 27, if I may,
 21 you say this:
 22 "As from 26 June 2017, AAP SAS made the decision to
 23 stop supplying Reynobond 55 with a PE core for
 24 architectural use in high-rise applications (a copy of
 25 the template letter used to inform its customers of this

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1 is exhibited at page 6 and a press release confirming
 2 the position is at page 9). This decision was effected
 3 by AAP SAS ceasing to manufacture Reynobond 55 PE at
 4 Merxheim (this was not a product of which stock was
 5 retained as it was always manufactured to order). Such
 6 decision was not made because AAP SAS believed Reynobond
 7 PE to be inherently dangerous, nor because there was any
 8 prohibition on its sale for use on buildings above
 9 a certain height. It does, however, have certain
 10 characteristics which, if it is used incorrectly, can
 11 increase the risk of fire spread. That is, the core is
 12 made of polyethylene, which is a plastic. If that is
 13 exposed to a heat source, it will burn. Incorrect use
 14 (for example in a poorly carried out refurbishment where
 15 its use in combination with other materials has not been
 16 properly assessed) can therefore mean that in the event
 17 of a fire, the risk of that fire spreading is increased.
 18 The company's assessment, made very quickly after the
 19 Grenfell Tower fire, was that its product had been used
 20 incorrectly. As such, the trust and confidence which
 21 AAP SAS had previously had that the supply chain was
 22 complying with relevant regulatory regimes, so that its
 23 product was being used in a way which was safe, was
 24 lost. As AAP SAS is a component part product
 25 manufacturer that does not exercise control on its

1 ultimate use, including what other materials it may be
 2 used in combination with, the most expeditious way for
 3 AAP SAS to prevent future misuse was to stop supply."
 4 I've read that to you in its entirety.
 5 You go on to say at the beginning of paragraph 28
 6 {MET00053187/10}, if we just look at the bottom of the
 7 page in the French:
 8 "In addition to ceasing to manufacture Reynobond
 9 55 PE at Merxheim, in the wake of the Grenfell Tower
 10 fire, AAP SAS started to request additional information
 11 from customers as a prerequisite for any order/product
 12 delivery of Reynobond."
 13 And you give an example.
 14 What was incorrect, as you call it, about how
 15 Reynobond 55 PE cassette had been used at
 16 Grenfell Tower?
 17 A. (Interpreted): We've learned very quickly that it had
 18 been combined with an insulating product that was
 19 flammable, inflammable, and I think at the time that's
 20 the essence of our reflection.
 21 Q. Did you ever, or did Arconic ever market Reynobond 55 PE
 22 with a warning that those customers buying it and
 23 installing it had to take very careful account of what
 24 insulation product they were using it with?
 25 A. (Interpreted): No, I don't think so.

1 Q. No.
 2 Did Reynobond 55 PE cassette not perform exactly at
 3 Grenfell Tower as the CSTB European tests on cassette
 4 had repeatedly shown for the previous 12 years?
 5 A. (Interpreted): Well, maybe, yes, but nonetheless it
 6 didn't explain why the fire didn't remain contained on
 7 the outside of the building.
 8 Q. I'm not asking you about the fire penetration within the
 9 building. When we're looking at external fire spread,
 10 I want you to tell me and confirm that PE 55 in cassette
 11 form performed exactly as the CSTB European tests showed
 12 it would.
 13 A. (Interpreted): I wouldn't say exactly the same, but in
 14 a similar way, probably.
 15 Q. What investigations did Arconic do in the 12 days
 16 between the fire on 14 June 2017 and 26 June 2017 to
 17 discover what you call the incorrect use of
 18 Reynobond PE 55 cassette at Grenfell Tower?
 19 A. (Interpreted): I can't describe it in a very precise
 20 way.
 21 Q. Did you have an expert's report or some technical
 22 investigation with a report to tell you that the
 23 external fire spread at Grenfell Tower was as a result
 24 of incorrect use?
 25 A. (Interpreted): No, I would say no, I don't think so, and

1 most of the assessments were based on public information
 2 that was published day by day.
 3 Q. Isn't the reality that Grenfell, so far as the use of
 4 Reynobond 55 PE in cassette was concerned, was
 5 an accident waiting to happen and, once it happened,
 6 only then did you withdraw it from the market?
 7 A. (Interpreted): Maybe yes, but again, I mean, we were
 8 among the only ones to withdraw the products from the
 9 market, if we consider what our competitors were doing
 10 at the time, and it's because we felt we couldn't [FT]
 11 *** control, and we didn't have the necessary resources
 12 and means to control the whole chain. ***
 13 Q. If you couldn't control the whole of the supply chain,
 14 wasn't that all the more reason not to continue to sell
 15 PE, which all the tests told you was a dangerous
 16 product?
 17 A. (Interpreted): I didn't understand your question, sir.
 18 Q. You said in your answer that you felt you couldn't
 19 control the whole of the supply chain. Isn't that fact,
 20 the fact that you couldn't control the whole of the
 21 supply chain, a good reason to stop selling
 22 Reynobond PE 55, at least in cassette form?
 23 A. (Interpreted): Yes.
 24 Q. Now, did you know that just shortly before the fire, the
 25 BBA project manager had decided to remove the reference

1 to the cassette—fix from the BBA certificate? Did you
 2 know that?
 3 A. (Interpreted): Just before, no, but I certainly don't
 4 remember.
 5 Q. Are you able to tell us why the BBA did not decide to
 6 remove the reference to the cassette—fix variant of
 7 Reynobond 55 PE at any earlier time?
 8 A. (Interpreted): No.
 9 Q. Now, do you remember that in July 2017, a month after
 10 the Grenfell Tower fire, you had communications with the
 11 BBA?
 12 A. (Interpreted): Yes.
 13 Q. Let's go to {MET00053157/397}. This is a letter dated
 14 17 July 2017 to Simon Wroe at the BBA. If you turn to
 15 page 398 {MET00053157/398}, we can see a signature.
 16 That's your signature there, isn't it?
 17 A. (Interpreted): Yes.
 18 Q. Did you write this letter?
 19 A. (Interpreted): No.
 20 Q. Who did?
 21 A. (Interpreted): Our advisers.
 22 Q. Which advisers?
 23 A. (Interpreted): Our lawyers.
 24 Q. When you signed it, did you read it first?
 25 A. (Interpreted): Yes.

1 Q. Did you read it in English or was a French translation
 2 provided to you before you signed it?
 3 A. (Interpreted): I read it in English and I don't believe
 4 there exists a French translation.
 5 Q. No. Can we proceed, then, with this letter, on the
 6 basis that you understand the text in it well enough to
 7 answer questions on the text?
 8 A. (Interpreted): Yes.
 9 Q. Now, we can see the date of the letter, and let's start
 10 on the second page of the letter at page 398, please.
 11 You say in the second paragraph there:
 12 "We are not discontinuing the production and sale of
 13 Reynobond PE, however, because it has non—high—rise and
 14 other uses. We will continue to supply the product for
 15 those applications."
 16 Now, my question is: is that when and the manner in
 17 which Arconic told the BBA that it was going to continue
 18 to sell Reynobond PE?
 19 A. (Interpreted): Yes, we still had orders on our order
 20 book, and also [FT] *** we started sending our clients
 21 questionnaires to carry out extra checks on the use of
 22 PE because it was not yet clear whether we were going to
 23 entirely stop PE production. ***
 24 Q. Can we go to the same exhibit run at page 389
 25 {MET00053157/389}, please. This is an email from

1 Claude Wehrle to Simon Wroe on 20 July 2017 at 13.23.
 2 If you look at the text, he says:
 3 "Dear Simon,
 4 "Please find below the answer sent on behalf of
 5 M Claude Schmidt, our General Manager, out of the office
 6 today."
 7 If you look at the text immediately below that, it
 8 says, "Dear Mr Wroe", and if you scroll down to the very
 9 bottom of that page, page 389, you will see there is
 10 a printed signature, which is yours there,
 11 "Claude Schmidt, General Manager".
 12 My question is: before Mr Wehrle sent this email to
 13 Mr Wroe, did you approve this text?
 14 A. (Interpreted): Yes.
 15 Q. Did you do so in English or, again, was there a French
 16 translation?
 17 A. (Interpreted): I think it was only in English —
 18 Q. Let's look at it.
 19 A. (Interpreted): — there again.
 20 Q. Again, if I ask you questions about this without having
 21 it translated into French, I am assuming — is this
 22 right? — that you will be able to understand your own
 23 text in English; yes?
 24 A. (Interpreted): Yes, I hope so.
 25 Q. If you're having trouble, of course, please say and we

1 can have it translated.
 2 You say in the second paragraph:
 3 "Your intention to alter the certification process
 4 so that it no longer aligns with the operation of the
 5 building codes may indicate to the general public and
 6 industry in general that use of ACM PE above 18 m is not
 7 allowed under the current UK building codes. As you
 8 know, under those current codes, the product can be used
 9 over 18 m, provided that the cladding system achieves
 10 BRE 135 or desk top study compliance is achieved. We
 11 think this is important because there are a number of
 12 high rise buildings that we understand to have been
 13 reviewed by others and found to be compliant with the
 14 code using ACM PE as a component of their cladding
 15 system.
 16 "For Arconic, this distinction is irrelevant
 17 because, as noted in our July 17 letter, we have
 18 nevertheless decided to discontinue supply of ACM PE for
 19 high rise applications. Our decision was taken out of
 20 an abundance of caution, due to the inconsistency of
 21 building codes across the world and the fact that the
 22 Company does not control the ultimate design and
 23 installation of final cladding systems. (As requested,
 24 please find attached our customer letter setting forth
 25 this decision.)

1 "Given this decision, we only need to retain our
2 certification for PE use below 18m. To that end, we
3 will forward the requested sketch under separate cover."
4 Now, did you write that text yourself?
5 A. (Interpreted): No.
6 Q. Who did, please?
7 A. (Interpreted): Our lawyers.
8 Q. Now, it went out under your signature. Is it right that
9 at this point you had a very detailed understanding, or
10 at least a detailed understanding, of the UK
11 Building Regulations, because you refer to, for example,
12 BRE 135?
13 A. (Interpreted): For me, whether I had detailed
14 understanding, no, but Claude Wehrle and his team had
15 been much more into details as far as the British
16 legislation is concerned, and I will attest that it was
17 also carried out with the support of our lawyers.
18 Q. Maybe.
19 Are you aware, or were you aware at the time, of any
20 successful full system tests under BS 8414 to the
21 BRE 135 criteria involving Reynobond 55 PE in cassette
22 form?
23 A. (Interpreted): BS 8414, no.
24 Q. We saw earlier that Claude Wehrle thought back in 2011
25 at the Freiburg meeting that Reynobond PE could not pass

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1 a BS 8414 test, didn't we?
2 A. (Interpreted): Well, if we saw it before, yes.
3 Q. So what was the point of your referring here to the
4 cladding system achieving compliance with BRE 135 or
5 a desktop study if in fact it had never been tested
6 under a British Standard test in order to achieve the
7 criteria under BRE 135?
8 A. (Interpreted): What I understand is that there are
9 various ways of obtaining the validation of a given
10 product for a given façade, and the BS 8414 is one of
11 the possible tests. But it concerns a whole system and,
12 as far as I know, we never carried it out at Merxheim.
13 Q. No. And never carried it out before the fire at
14 Grenfell and never carried it out either afterwards, did
15 you?
16 A. (Interpreted): No, I don't think so, no.
17 Q. Let's trace through the story of the new certificate.
18 Can we please turn to page 399 in this run
19 {MET00053157/399}. This is an email from
20 Denise Flitton-Weinstein to Nicolas Remy, and she
21 attaches a draft of the new certificate which we can see
22 at page 400; I'll come to that in a moment. Just on
23 this email, she says, you will note, that the
24 certificate specifies a height limit of 18 metres for
25 the installation of the product. Can you see that?

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1 A. (Interpreted): Yes.
2 Q. If you go down to page 400 {MET00053157/400}, first of
3 all, there is the certificate she attaches. If you go
4 down to page 411 {MET00053157/411}, we can see that on
5 25 July 2017, Claude Wehrle responds to
6 Denise Flitton-Weinstein, copying you in, as well as
7 Simon Wroe. Do you see that?
8 Did you read this email at the time, do you think?
9 A. (Interpreted): For sure.
10 Q. If we scroll down to the bottom of the page, please, we
11 can see a list -- and there is no French version of
12 this, I'll have it translated for you into French -- and
13 there are five numbered comments. Can you see? Or five
14 changes that Mr Wehrle suggests.
15 A. (Interpreted): Yes.
16 Q. Yes.
17 Did you, at the time, think that Claude Wehrle had
18 read the draft certificate that was being sent carefully
19 so that he was able to make these suggestions?
20 A. (Interpreted): Yes, I believe so.
21 Q. Let's look at the certificate, then, that was issued in
22 August 2017, a few weeks later. {BBA00000046}, please,
23 that's the English version. French version at
24 {ARC_T000002}, please. If it could be expanded a little
25 bit on the screen, we can see that on page 1 we now have

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1 a rather shorter building than the original building,
2 and if you look down to "Key factors assessed" below the
3 picture -- in the French it's "Facteurs clés évalués" --
4 do you see two down it says, "Behaviour in relation to
5 fire", "Comportement par rapport au feu"? Do you see
6 that?
7 A. Oui.
8 Q. Read in the French, I'll read the English aloud. It
9 says:
10 "Behaviour in relation to fire -- the panels have
11 a B-s2, d0 or a B-s1, d0 reaction to fire classification
12 to BS EN 13501-1:2007 depending on the grade chosen.
13 The use of both panel grades is restricted to buildings
14 up to 18 metres in height, unless specific conditions
15 are met (see section 7)."
16 Do you see that?
17 A. (Interpreted): Yes.
18 Q. At the bottom of page 3 {BBA00000046/3} {ARC_T000002/4},
19 if we can turn to that, please, I'll just show you
20 a little bit more of the certificate so that you have it
21 mostly in mind.
22 It says, at paragraph 1.3, under "Technical
23 Specification", right at the bottom of page 3, but in
24 the French I think it's page 4:
25 "The panels are mechanically fastened to the

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1 aluminium sub-frame using aluminium rivets forming
 2 an open-jointed cladding system. Details of panel
 3 mountings are shown in Figure 1.”
 4 Then if you go over the page, please {BBA00000046/4}
 5 {ARC_T000002/5}, to paragraph 1.4, we can see it says:
 6 “The flat panels can be formed into cassettes with
 7 different flange widths and fixed to the aluminium
 8 subframe by means of T-slots fitting onto pins.”
 9 Do you see that?
 10 If you look at footnote 1 underneath that, it says:
 11 “The manufacturing and the use of cassettes, the
 12 sub-frame and its attachment to the substrate wall are
 13 not covered by this Certificate.”
 14 We now see that the diagram is only for rivet-fix.
 15 The diagram for cassette-fix has now gone. Yes?
 16 A. (Interpreted): Yes.
 17 Q. If you turn, then, to page 6 {BBA00000046/6} and look at
 18 section 7 in the English, at the bottom of the page, and
 19 in the French I think you will need to go to page 7
 20 {ARC_T000002/7}, it says, 7.1, under “Behaviour in
 21 relation to fire”:
 22 “Classifications for some colours of the Reynobond
 23 Architecture Wall Cladding Panels in accordance with
 24 BS EN 13501-1:2007 or as defined in the national
 25 Building Regulations are shown in Table 3. These

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1 performances may not be achieved by all colours of the
 2 panels, and the classification of a particular colour
 3 should be confirmed by assessment or testing by
 4 a UKAS-accredited laboratory.”
 5 If you turn the page {BBA00000046/7} {ARC_T000002/8}
 6 we see a list of results in table 3 which separate out,
 7 as you can see, European fire classification and
 8 national class. Can you see that there?
 9 A. (Interpreted): Yes.
 10 Q. You can see:
 11 “ST [standard] with grey/green Duragloss 5000
 12 coating.
 13 “Fire classification : B-s2, d0.”
 14 And nothing for “Standard or national Building
 15 Regulation”. Then the two FR underneath it.
 16 Now, that reference there to standard with
 17 a grey/green Duragloss 5000 coating, B-s2, d0, that was
 18 wrong, wasn't it?
 19 A. (Interpreted): Yes, but I think at that time we'd
 20 already decided not to sell any more PE.
 21 Q. Maybe, Mr Schmidt, but do you agree with me that the
 22 reason it's wrong is since at least December 2014,
 23 almost four years before, PE rivet was classified as
 24 C-s2, d0; that's right, isn't it?
 25 A. (Interpreted): Yes.

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1 Q. And even before that, Arconic knew that PE rivet was at
 2 best a class C; yes?
 3 A. (Interpreted): Yes.
 4 Q. So when it says “[Standard] with grey/green
 5 Duragloss 5000 coating, Fire classification : B-s2, d0”,
 6 do you agree with me that that is a very significant and
 7 obvious misstatement?
 8 A. (Interpreted): I think it's a mistake. I think it's
 9 very simply a mistake.
 10 Q. How can you account for that mistake?
 11 A. (Interpreted): We stopped the production of PE so there
 12 was absolutely no reason for that line to even — that
 13 sentence to even appear. Once again, there was no will
 14 to sort of misinform, because we'd decided to stop with
 15 PE anyway.
 16 Q. Was it not important to Arconic, in particular in the
 17 aftermath of the Grenfell Tower fire, to make absolutely
 18 sure that this new BBA certificate stated the fire
 19 performance classification of its products, particularly
 20 standard, correctly?
 21 A. (Interpreted): Once again, we were no longer selling
 22 them.
 23 Q. But, Mr Schmidt, that's not a very complete answer, is
 24 it? What about somebody who wanted to know whether the
 25 Reynobond 55 that they'd already put on their building

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1 above 18 metres complied with the European regulatory
 2 regime, and they looked at this certificate? Do you
 3 accept that that person, reading the certificate, would
 4 be misled into believing that standard PE with
 5 a grey/green Duragloss 5000 coating had a class B when
 6 in fact it didn't?
 7 A. (Interpreted): Yes.
 8 Q. Have you any explanation for why this certificate
 9 continued to represent standard PE as having a class B
 10 when Arconic knew for a fact that it didn't?
 11 A. (Interpreted): No, but I've never seen it before. It's
 12 the first time I'm seeing it on the screen today.
 13 THE INTERPRETER: “Here”, sorry. Not “today”; “here”.
 14 MR MILLETT: Can you account for why Claude Wehrle, who
 15 clearly studied this document and made amendments to it,
 16 did not amend that part of the certificate I've shown
 17 you which stated that standard PE had a class B?
 18 A. (Interpreted): No.
 19 Q. Can we go to {META00000021}, please. This is an email
 20 in English from Claude Wehrle to Shaun O'Neill at BBA,
 21 copied to you, Mr Schmidt. Did you read this at the
 22 time, do you think? It's dated 8 September 2017.
 23 A. (Interpreted): Yes. I think so.
 24 Q. Very good.
 25 If you look at the second paragraph, Claude Wehrle

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1 says to the BBA:
 2 "In preparation for your visit , we would like to
 3 share our intent to align our BBA certification with our
 4 recently updated sales practices . Since we are no
 5 longer selling PE in the UK for architectural
 6 applications, [then it says in bold] we will remove PE
 7 from our current BBA certification."
 8 Now, perhaps that could be translated to the
 9 witness, please.
 10 (Pause for translation)
 11 If we go to the certificate as amended, this is at
 12 {BBA00000049}, and the French version {ARC_T000003}.
 13 You can see that the date at the bottom is still August,
 14 4 August 2017.
 15 If we can go to page 7, please, in each version
 16 {BBA00000049/7} {ARC_T000003/7}, we have the table again
 17 under "Behaviour in relation to fire", and we now see
 18 that only the FR standards are referred to and the PE
 19 has now been completely removed.
 20 Now, my question is: had Arconic by that time
 21 decided to withdraw all PE from the market, not only for
 22 use on tall buildings?
 23 A. (Interpreted): Yes.
 24 Q. Why was that?
 25 (Pause)

1 A. (Interpreted): Because we no longer wanted to confuse
 2 the market and we wanted to standardise production here
 3 in Merxheim.
 4 Q. When you say, "We no longer wanted to confuse the
 5 market", what confusion are you referring to?
 6 A. (Interpreted): I don't know if that was the right word.
 7 Q. Well, let me ask the question again: why did Arconic
 8 decide to withdraw PE from the market altogether, as
 9 opposed to only from the above-18-metre market?
 10 (Pause)
 11 A. (Interpreted): To standardise the product.
 12 Q. Is it because you realised that all PE was dangerous, as
 13 Mr Wehrle had been telling you?
 14 A. (Interpreted): No.
 15 Q. Now, I want to ask you one or two questions about 2018
 16 and your dealings with the BBA.
 17 Can we go to your exhibit 10, please, at
 18 {MET00053157/440}. This is an email to Brian Moore at
 19 the BBA, copied to your solicitor, I think. It's in
 20 English. We don't have a French version. Again, your
 21 text in English, you can see your signature at the
 22 bottom, or your name at least. Again, was this drafted
 23 in English by your solicitors or was this one you
 24 drafted yourself?
 25 A. (Interpreted): It was drawn up by the lawyers.

1 Q. Again, did you sign it only having read the English, or
 2 was it translated to you in French before you signed off
 3 on this email?
 4 A. (Interpreted): I don't think it was translated.
 5 Q. Very well.
 6 Let's look at the text. It says:
 7 "Dear Brian
 8 "Thank you for your email. The CSTB does indeed
 9 have a number of classification reports for Reynobond
 10 PE, which have been made publicly available on the CSTB
 11 website. When the BBA carried out its last audit
 12 on site in September 2017, we provided binders with
 13 those classification reports and underlying tests data
 14 (for both Reynobond PE and FR) to the auditor who
 15 indicated to us that for the purposes of his audit, he
 16 was not interested in them. Those documents were kept
 17 in-house at our Merxheim facility and would have been
 18 available to the BBA during prior audits. I am happy to
 19 send those documents to you now if you would like.
 20 "As for your other questions, I want to make sure
 21 that we are being as transparent as we can be and
 22 I would normally have no problem answering any questions
 23 you had. Given the ongoing public inquiry and other
 24 investigations in the UK, however, I want to make sure
 25 I am not breaching any confidentiality or other

1 obligations that I or AAP-SAS may have. To avoid any
 2 problems, I therefore think it would be best for you to
 3 speak with our lawyer, Teresa Hitchcock, at the law firm
 4 DLA Piper (cc'd here). She will be in a better position
 5 to answer any questions that you have."
 6 Now, we can see that you promised to provide the
 7 certificates to Brian Moore. Can we go back to --
 8 A. (Interpreted): Yes.
 9 Q. Thank you.
 10 Can we go back to page 470 in the same exhibit 10.
 11 That's at {MET00053157/470}, the same exhibit run.
 12 Here is Brian Moore coming back to you a few days
 13 later, thanking you for the email. In the middle
 14 paragraph he says, and this may need to be translated to
 15 you:
 16 "As you have kindly offered, please can you send me
 17 the information you say was in the files shown to the
 18 Auditor. Please can you let me know which members of
 19 your staff showed these files to the Auditor and what
 20 was said to the Auditor about the significance of them.
 21 From this, I am assuming that you have not been
 22 previously formally corresponded with the BBA notifying
 23 us of changes to the fire rating in respect of the PE
 24 and FR products.
 25 "Please can you confirm that this is the position."

1 Now, do you need that translated to you, Mr Schmidt,
2 or are you happy working from the English?
3 A. (Interpreted): We will progress.
4 Q. It is right, isn't it, that as a matter of fact, Arconic
5 did not provide these documents to Mr Moore at this
6 time?
7 A. (Interpreted): I don't know.
8 Q. What did you do yourself in order to make sure that, as
9 you had promised Mr Moore, Arconic would send the BBA
10 the relevant certificates?
11 A. (Interpreted): I asked the advice of my lawyers, and
12 I believe that's why Brian Moore made an appointment
13 with Teresa.
14 Q. Did you know that, although Arconic did provide the
15 documents relating to the FR-cored tests, it never
16 provided any documents relating to the testing and
17 classification of PE in cassette form to the BBA? Did
18 you know that?
19 A. (Interpreted): Yes. Yes, because I think that at the
20 time the certificate was only an FR certificate.
21 Q. Yes. But what Mr Moore wanted was a little bit of the
22 history, didn't he? He wanted to see the certificates
23 that you had promised him.
24 Given that you had promised him these certificates,
25 why didn't you candidly just give him all the

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1 certificates and the classifications relating to both PE
2 and FR?
3 A. (Interpreted): Because I simply wanted to have the
4 opinion of my lawyers, of my advisers.
5 Q. So is your evidence — and I don't want to know the
6 content of the legal advice, I just want to know the
7 evidence — that you didn't provide the documents that
8 you had promised to provide to Mr Moore on legal advice?
9 A. (Interpreted): May we see the mail?
10 Q. Yes, of course. It's at page 440 {MET00053157/440}.
11 You say in the first paragraph there — and we've
12 read it before — you're talking about "binders with ...
13 classification reports and underlying tests data (for
14 both Reynobond PE and FR)".
15 You say in the last two sentences:
16 "Those documents were kept in-house at our Merxheim
17 facility and would have been available to the BBA during
18 prior audits. I am happy to send those documents to you
19 now if you would like."
20 That's what you told Mr Moore.
21 A. (Interpreted): Yes.
22 Q. Is your evidence that in fact you didn't send him all
23 those documents on legal advice?
24 A. (Interpreted): Yes. Yes, I believe so.
25 Q. Do you accept, do you know, that the way the BBA

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1 discovered all the PE cassette tests was through
2 Dr Barbara Lane's supplementary report to this Inquiry?
3 Did you know that?
4 A. (Interpreted): No, I didn't know that.
5 Q. Do you accept that for the 12 years or so before the
6 Grenfell Tower fire, and for the 11 years or so before
7 the fire that the BBA had a contract with Arconic,
8 Arconic never told the BBA about any of the European
9 tests on PE cassette at all?
10 A. (Interpreted): Yes.
11 Q. Then if we look ahead in time to March 2019, please go
12 to page 530 of this same exhibit run {MET00053157/530},
13 and this is a letter from the BBA to Mr Wehrle,
14 1 March 2019, in English.
15 A. (Interpreted): Yes.
16 Q. Did you see this letter at the time, do you think?
17 A. (Interpreted): No, I don't think that letter ever
18 reached Merxheim.
19 Q. Look at the first paragraph, and it will have to be
20 translated into French for you as we go. Mr Moore of
21 the BBA tells Mr Wehrle:
22 "I write to inform you that the above Certificate
23 [that's 08/4510] has been withdrawn from the date of
24 this letter, as we still have not received the key
25 technical data that we requested."

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1 Do you accept that, even by 1 March 2019, the BBA
2 had not received the key technical data that it had
3 requested?
4 A. (Interpreted): Yes, but I don't know what they asked
5 for.
6 Q. Did Mr Wehrle share this letter with you at the time?
7 A. (Interpreted): Well, I don't know exactly what's the
8 logical — the logic behind the various dates, but if
9 that letter was sent by post, through ordinary post,
10 well, it never reached Merxheim.
11 Q. Did you tell Mr Wehrle not to send the documents that
12 the BBA had asked for?
13 A. (Interpreted): Well, no, because in any case, I mean,
14 after Grenfell, we asked systematically the opinion of
15 our lawyers. And, once again, I don't know what this
16 letter exactly is and what address it was sent to. It
17 seems to reach some address in Austria, but I don't know
18 much about it.
19 Q. Did Mr Wehrle tell you that the reason the BBA had
20 withdrawn the certificate altogether was because they
21 had not received the key technical data that they'd
22 asked for?
23 (Pause)
24 A. (Interpreted): Well, I don't understand, because I'm
25 asked questions about some mail that never reached us in

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1 Merxheim.
 2 Q. Never mind the mail for the moment and the Austrian
 3 address. The question is a simple one: did Mr Wehrle
 4 tell you that the BBA had withdrawn certificate 08/4510
 5 because they had still not received the technical data
 6 that they had asked for? Did he tell you that?
 7 A. (Interpreted): Yes, I think so.
 8 Q. Again, what was the reason why the BBA was not provided
 9 with the key technical data that they'd asked for?
 10 A. (Interpreted): I don't know.
 11 MR MILLETT: You don't know.
 12 Thank you very much.
 13 Mr Chairman, I've come to the end of my questions.
 14 There may be one or two that, on reflection, I may want
 15 to revisit, and there may be questions from others who
 16 are observing this and have assisted in putting
 17 questions to us.
 18 Can I ask for the break now at this point?
 19 SIR MARTIN MOORE-BICK: Yes, I'll just explain to
 20 Mr Schmidt.
 21 Mr Schmidt, Mr Millett thinks he has got to the end
 22 of his questions, but it's necessary to have a short
 23 break now, both to enable Mr Millett to check that he
 24 has asked all the questions he needs to, and to enable
 25 others who are observing the hearing to propose other

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1 questions that should be asked. So we have to have
 2 a little break for that purpose now.
 3 So I'm sorry to prolong the afternoon, but I'm going
 4 to ask you to come back at 4.50, that's just over
 5 ten minutes' time, and then we will see if there are any
 6 more questions. All right?
 7 THE WITNESS: Okay.
 8 SIR MARTIN MOORE-BICK: Good. Thank you very much indeed.
 9 4.50, then, please.
 10 (4.38 pm)
 11 (A short break)
 12 (4.50 pm)
 13 SIR MARTIN MOORE-BICK: Welcome back, everyone. We'll now
 14 find out whether there are more questions for
 15 Mr Schmidt, but before that I'd better check that the
 16 interpreters are with us.
 17 MS KENNEDY: Yes, we are, we can see you and hear you, thank
 18 you very much for asking.
 19 SIR MARTIN MOORE-BICK: Thank you very much.
 20 Mr Schmidt, are you there?
 21 THE WITNESS: (Interpreted): Yes, I'm there.
 22 SIR MARTIN MOORE-BICK: Good, thank you very much.
 23 Well, we'll now discover whether Mr Millett has any
 24 more questions for you.
 25 So, Mr Millett, are you there?

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1 MR MILLETT: Mr Chairman, I'm here.
 2 SIR MARTIN MOORE-BICK: Thank you.
 3 Well, now, do you have more questions for
 4 Mr Schmidt?
 5 MR MILLETT: I do, Mr Chairman, but they are quite short.
 6 Mr Schmidt, you told us in your evidence at a much
 7 earlier stage that you reported first to Mr Belnap and
 8 then to Glen Morrison, who were employed by
 9 Arconic Global. Yes?
 10 A. (Interpreted): Yes.
 11 Q. At any time when you reported to them, did either of
 12 them ever give you any direction in matters of the
 13 fire safety of products produced at Merxheim?
 14 A. (Interpreted): No.
 15 Q. Did AAP-SAS ever take any direction in matters of
 16 fire safety of products produced at Merxheim from
 17 Arconic Global?
 18 A. (Interpreted): Before Grenfell, no. After Grenfell
 19 of course there were discussions, mainly between Diana
 20 and myself, on the subject matter. In particular,
 21 whether PE was going to be continued or not.
 22 Q. You told us that you reported to Diana Perreiah in the
 23 United States between 2016 and 2017. Did you sit on any
 24 Arconic Global boards?
 25 A. (Interpreted): No.

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1 Q. What was your role within Arconic Global?
 2 A. (Interpreted): I never had a role within Arconic Global.
 3 Q. So do I take it from that that you were never employed
 4 by Arconic Global and had no sphere of operation within
 5 Arconic Global at all?
 6 A. (Interpreted): I don't understand what you mean by
 7 Arconic Global. Well, for me Arconic Global at the time
 8 was a company of 30,000 to 40,000 people and I was not
 9 at all -- I didn't have a high level within
 10 Arconic Global at all.
 11 Q. Very well.
 12 My final question for you, Mr Schmidt, and it's
 13 a question we ask witnesses sometimes who have had
 14 a particular role or responsibility for an area of
 15 operation: we have spent the last four days going
 16 through a lot of history and a lot of documents, and you
 17 have answered a lot of my questions; looking at it in
 18 the round and looking at the whole of the history of
 19 your involvement at AAP-SAS with Reynobond 55 PE, is
 20 there anything that, looking back on it, you would have
 21 done differently?
 22 A. (Interpreted): I believe that I possibly didn't
 23 sufficiently well master technical support in the course
 24 of sales, and it is a criticism that I make of myself.
 25 Probably sales technical support should have been in two

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1 parts, two sections, and the part which was really
 2 associated with fire tests, et cetera, I think it should
 3 have been really placed within technical services in
 4 order to make sure that the tasks were more clearly
 5 attributed. That's something that I did, I believe,
 6 a few months after Grenfell. And I believe that
 7 I simply didn't have the presence of mind to realise
 8 that this service was based upon two very different axes
 9 and that they could be separated.
 10 There.
 11 MR MILLETT: Thank you very much, Mr Schmidt.
 12 That concludes my questions, Mr Chairman.
 13 It only remains for me to thank you, Mr Schmidt,
 14 very much for coming to the Inquiry and assisting us
 15 with our investigations. We are extremely grateful to
 16 you. We are also extremely grateful to the interpreters
 17 who have assisted us for the last four days.
 18 SIR MARTIN MOORE-BICK: Well, thank you very much,
 19 Mr Millett.
 20 It's right, Mr Schmidt, that I too should thank you
 21 very much for coming to give your evidence. I'm sorry
 22 that it's taken longer than you were led to expect, and
 23 I'm sure that caused you a certain amount of
 24 inconvenience, but sometimes these things happen and
 25 there it is. I should like you to know that it's been

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1 very helpful to us to hear what you have to tell us, and
 2 I can thank you on behalf of the whole of the panel, my
 3 colleagues as well as myself, for making yourself
 4 available and telling us what you know.
 5 So your evidence is now at an end, and you can go
 6 and go back to normal life. Thank you again.
 7 THE WITNESS: (Interpreted): Thank you.
 8 SIR MARTIN MOORE-BICK: Thank you.
 9 Madam Interpreters, thank you both very much indeed
 10 for all the support you have given us over the last week
 11 or so. I imagine it's been quite a challenging exercise
 12 and we couldn't have managed, of course, without you.
 13 So thank you very much indeed, both of you.
 14 MS KENNEDY: Not at all.
 15 SIR MARTIN MOORE-BICK: Well, that concludes our hearings
 16 for today. We will finish there, and we will start
 17 again tomorrow morning with a different witness at
 18 10 o'clock.
 19 So thank you all very much. 10 o'clock tomorrow,
 20 please.
 21 (5.02 pm)
 22 (The hearing adjourned until 10 am
 23 on Tuesday, 23 February 2021)
 24
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