



Grenfell Tower Inquiry

Day 106

March 15, 2021

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Monday, 15 March 2021

(10.00 am)

SIR MARTIN MOORE—BICK: Good morning, everyone. Welcome to today's hearing. Today we're going to hear evidence from another person who was involved in examining the Arconic application on behalf of the British Board of Agrément.

So, as usual, I'm joined by my fellow panel members, Ms Thouria Istephan and Mr Ali Akbor.

MS ISTEPHAN: Good morning.

MR AKBOR: Good morning, everyone.

SIR MARTIN MOORE—BICK: Now I think we can meet today's witness, who is Ms Valentina Amoroso.

MS VALENTINA AMOROSO (called)

SIR MARTIN MOORE—BICK: Are you there, Ms Amoroso?

THE WITNESS: Yes, good morning.

SIR MARTIN MOORE—BICK: Good morning. You can see me, can you, and hear me clearly?

THE WITNESS: Yes.

SIR MARTIN MOORE—BICK: Very good, thank you very much. Now, I think you are going to make the affirmation which appears on the screen in front of you. Is that right?

THE WITNESS: Yes.

SIR MARTIN MOORE—BICK: Good, thank you. So could I ask you

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to read the words from the screen, please.

(Witness affirmed)

SIR MARTIN MOORE—BICK: Very good, thank you very much indeed.

We have one or two things just to clarify before we go any further.

First of all, can you confirm that you are alone in the room from which you're giving evidence?

THE WITNESS: Yes.

SIR MARTIN MOORE—BICK: Thank you.

Can you confirm that you have no documents or other materials with you?

THE WITNESS: Correct, yes.

SIR MARTIN MOORE—BICK: Thank you.

Finally, can you confirm that your mobile phone is in another room and that you don't have any other electronic device with you which is capable of receiving messages?

THE WITNESS: That's the case.

SIR MARTIN MOORE—BICK: Very good, thank you very much. I hope we shan't have problems with sound or vision; if we do, we'll have a short break while the technical people iron them out. All right?

THE WITNESS: Yes.

SIR MARTIN MOORE—BICK: We shall have a break in the course

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of the morning, probably around about 11.15, and if you're still going, again in the middle of the afternoon at around 3.15. But if you need an additional break at any time, will you just indicate that and we'll try and accommodate you, all right?

THE WITNESS: Thank you.

SIR MARTIN MOORE—BICK: Okay.

Is there anything you would like to ask me or any points you would like to make before we start?

THE WITNESS: No.

SIR MARTIN MOORE—BICK: Ready to go, then? All right, thank you very much.

In that case, I will invite Mr Millett to ask you some questions.

Yes, Mr Millett.

Questions from COUNSEL TO THE INQUIRY

MR MILLETT: Thank you, Mr Chairman, and good morning, and good morning to the panel. Good morning also, Ms Amoroso.

Can I thank you, first, for attending this Inquiry and giving your evidence. We are extremely grateful to you.

If you have any difficulties in understanding my questions, or need me to put a question another way or to repeat it, then I am very happy to do that.

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Can I also please ask you to keep your voice up, so that the transcriber, who is also on this call, can get down exactly what you say. Also, if you nod or shake your head, that doesn't go onto the transcript, so you have to say "yes" or "no" as the case may be.

If you feel a break at any time, as the Chairman has said, then please just let us know. We will take scheduled breaks, but if you need a break at a different time, then let us know and we can take a short break if need be.

Finally, can I just ask you to confirm that you can see and hear me clearly?

A. Yes.

Q. Thank you.

Now, can we start by looking at your witness statement for the Inquiry. It's at {BBA00010797}. It should come up on the screen in front of you. That's the first page of the statement, dated 10 January 2020, and it's 21 pages long.

Can I ask you to go to page 21, please. Is that your signature above the date?

A. Yes, it is.

Q. Have you read this statement recently?

A. Yeah.

Q. Can you go to page 9 {BBA00010797/9}, please. You will

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1 see on page 9, paragraph 48. It answers a question:
 2 "What information (including certificates and
 3 reports) did you consider in your review?"
 4 You explain what you reviewed there, including "the
 5 Certificate holder technical data as detailed at
 6 paragraph 48 below".
 7 What did you mean there? We weren't able to find
 8 what it was you were referring to. Can you help us?
 9 A. Yes, I think if you go to perhaps the next page, you
 10 should find the list of the documents that I reviewed.
 11 Q. Perhaps we will come to that in due course. It's not
 12 exactly clear to us what that is.
 13 Other than that, can you confirm that the contents
 14 of this witness statement are true?
 15 A. Yes.
 16 Q. Have you discussed your statement or the evidence that
 17 you're going to give today with anybody before coming on
 18 to this call?
 19 A. No.
 20 Q. Now, when you were working at the BBA, did you know the
 21 entity known as Alcoa?
 22 A. Yes.
 23 Q. And that later became Arconic, didn't it, I think?
 24 A. Yes.
 25 Q. I'm going to refer to that entity as Arconic, except

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1 where the name Alcoa appears in the documents.
 2 Now, I'm going to start by asking you some questions
 3 about your background and training.
 4 Can we look at your statement, please, at page 2
 5 {BBA00010797/2}, and I would like you to go, please, to
 6 paragraph 4. You say there that you graduated in 2012
 7 with a materials engineering MSc (Hons) at the
 8 University of Naples. Then you say in paragraph 5:
 9 "After that, I worked for one year and a half as
 10 an R&D engineer in a Centre for Research on Materials
 11 (CSM s.p.a) in Italy where I focussed my efforts in the
 12 research on new methods of manufacturing titanium alloy
 13 components for the aircraft industry."
 14 You began, I think, work at the BBA in
 15 November 2014.
 16 A. Yeah. September.
 17 Q. September 2014. That's paragraph 6.
 18 You say in that paragraph that your first position
 19 at the BBA was in the materials department, currently
 20 construction products:
 21 "... but I was quickly reallocated to the
 22 Engineering department following an internal
 23 restructuring programme."
 24 Do I understand correctly that there were at least
 25 two departments, materials and engineering?

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1 A. Yeah.
 2 Q. And is it right materials became the construction
 3 products department?
 4 A. Yeah.
 5 Q. But you were moved, I think — is this right? — to the
 6 engineering department?
 7 A. That's correct.
 8 Q. Now, at paragraph 7, if we just look on down the screen,
 9 you say:
 10 "I started to work in the 'cladding' team around
 11 beginning of November 2014 and, as a new starter, I was
 12 assigned 'simpler' jobs like reviews and reissues of
 13 existing Certificates. That's when I started to work on
 14 the Reynobond Certificate."
 15 You refer to a; cladding team there. Was that in
 16 the engineering department?
 17 A. Yes.
 18 Q. Can you explain why cladding would be in the engineering
 19 department and not in the materials department?
 20 A. Because the cladding used to be assessed as a system, so
 21 it's structural properties, and therefore couldn't be
 22 part of the materials department only. So, in essence,
 23 the key difference is that whilst in the materials
 24 department products used to be assessed primarily for
 25 physical durability properties, in the engineering

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1 department there used to be assessment for structural
 2 properties as well.
 3 Q. Right. Does that tell us that when you arrived in the
 4 department and started working on the Reynobond
 5 certificate, the emphasis was on how the panels worked
 6 within a structure, or as part of a structure, as
 7 opposed to examining the material make-up of the panel
 8 itself?
 9 A. It was both.
 10 Q. It was both, I see.
 11 Now, is it right that at some point there was a new
 12 construction products department created within the BBA?
 13 A. Yes.
 14 Q. And was the cladding team in that department?
 15 A. No.
 16 Q. I see. So the cladding team, as it were, remained
 17 within the engineering department?
 18 A. Yes.
 19 Q. Can you just tell us when the new construction products
 20 department was created, from your memory?
 21 A. It was around probably October, shortly after I joined
 22 BBA.
 23 Q. Right, I see.
 24 Now, we heard from Hamo Gregorian that there was
 25 a decision only to certify the flat material, the panel

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1 itself , and not the system in which it was fixed. If
 2 that's right , and if the Reynobond certificate was about
 3 the panel itself , the product, why would that not have
 4 been within the remit of the materials team, the
 5 materials department?
 6 A. Because a cladding panel will still need to have
 7 structural properties that have to be assessed, even if
 8 it's just face-fixed, it's applied on a building, and so
 9 those structural properties have to be assessed.
 10 Q. Right.
 11 Did anybody from the materials department within the
 12 BBA have any input into the Reynobond certificate
 13 itself , or was it left all to the structural department?
 14 A. Well, at the time, at the time I was working on that
 15 certificate , that certificate was already in place, so
 16 the assessment — the original assessment had already
 17 been done, so I cannot speak for what happened
 18 previously.
 19 Q. No, that's fair . But when you were involved, did
 20 anybody from the engineering department, which I meant
 21 by "materials department", have any input into the
 22 reviews in which you were involved relating to that
 23 certificate ?
 24 A. Yes, of course, because I was a new starter, I was
 25 always referring to my superiors.

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1 Q. Yes.
 2 Now, going back to your education and training, was
 3 any of your education on fire engineering?
 4 A. Not at the time, but following — in the following
 5 months, yes.
 6 Q. You say in the following months; in the following
 7 months, did you actually get any training on
 8 fire engineering?
 9 A. Yeah, it was primarily training on the job, reading
 10 standards, and then attending — following, attending
 11 conferences and attending full-scale fire tests.
 12 Q. Right. Well, I'll come back to —
 13 A. That was as I was specialising on the subject.
 14 Q. Yes, I see. I'll come back to that in a moment.
 15 At the time you joined, looking at your education up
 16 to that point, had you had any training on cladding
 17 design, for example?
 18 A. No.
 19 Q. And what about fire safety and fire behaviour?
 20 A. No, I was learning everything at the time.
 21 Q. So before you joined the BBA, do I take it that you had
 22 no prior knowledge or experience of the
 23 British Standards 476 suite of tests or the European
 24 fire safety classification tests?
 25 A. No.

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1 Q. When you joined the BBA, did you have any knowledge of
 2 the UK Building Regulations?
 3 A. Not before joining the BBA, no.
 4 Q. Right.
 5 Had you heard of Approved Document B, or seen a copy
 6 of it , at that point when you joined?
 7 A. No, no, no.
 8 Q. Now, when you arrived, you, I think, reported to a team
 9 manager; is that right?
 10 A. Yes.
 11 Q. We understand, I think, that from 5 January 2015 that
 12 became Prayer Nkomo?
 13 A. Correct.
 14 Q. Do you recall who your team manager was before
 15 Prayer Nkomo?
 16 A. I had a team manager when I joined the materials
 17 department, and then that person left BBA, so in the
 18 months between October and January I didn't have a team
 19 manager, and I was reporting directly to the head of
 20 approvals.
 21 Q. Who was that?
 22 A. Brian Chamberlain.
 23 Q. Brian Chamberlain, I see. Did he report to a section
 24 head?
 25 A. Correct.

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1 Q. Who was that?
 2 A. He was reporting directly to the operations manager.
 3 Q. At that time, that was Brian Moore, was it?
 4 A. Correct.
 5 Q. So before Prayer Nkomo joined, we have the structure
 6 that you report to Brian Chamberlain, and he reported to
 7 Brian Moore, and is it right that after Prayer Nkomo
 8 came in as team manager, you reported to him and he
 9 reported to Brian Moore? Have I got that right?
 10 A. He reported to Brian Chamberlain, who reported to
 11 Brian Moore.
 12 Q. I see. I see, right .
 13 A. So Brian Chamberlain was head of the engineering
 14 department.
 15 Q. I'm sorry, could you say that again? I think
 16 I overspoke.
 17 A. Brian Chamberlain was the head of the engineering
 18 department, so he was overseeing the work of the team
 19 managers and the project managers.
 20 Q. Yes, I see.
 21 Now, going back to your training, you told us that
 22 everything was new when you joined. I paraphrase.
 23 Did there come a time during your role within the
 24 cladding team from November 2014 that you came to learn
 25 about the UK testing regime and BS 476?

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1 A. Yes.
 2 Q. When do you think that was?
 3 A. Well, I think it was straightaway when I started work on
 4 the first cladding projects, because as part of the
 5 review, I was reviewing the regulations, and so I was
 6 starting to ask questions about which standards we were
 7 referring to and why.
 8 Q. Who was answering those questions?
 9 A. It was primarily my team manager, that was also my
 10 mentor.
 11 Q. And that was Brian Chamberlain, was it?
 12 A. In the first couple of months, yes, and then
 13 Prayer Nkomo after —
 14 Q. I see.
 15 In those few months, did you have any formal
 16 training from them or was it all informal, on-the-job
 17 training?
 18 A. What do you mean by formal training?
 19 Q. Classroom, desktop, sidoshows, presentation materials?
 20 A. No, it was never formal.
 21 Q. No, I see.
 22 So when you arrived — I'm just trying to get
 23 a picture of how this training worked — did
 24 Brian Chamberlain give you the British Standards and
 25 tell you what to look at, or did he take you through

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1 them? Explain to us how that worked.
 2 A. It was more of a proactive type of training whereby
 3 I would be — for example, in this specific case I would
 4 be going through the certificate and I would go through
 5 all the standards referenced in those, and ask questions
 6 about why would we be referring to one standard as
 7 opposed to another, or why would we be referring to
 8 certain parts of the building regs as opposed others,
 9 and then I would go through the building regs and try to
 10 read through those clauses that we were referring to.
 11 Q. I follow.
 12 In that answer, when you say, "I would be going
 13 through the certificate", is that describing generally
 14 what would happen or is that describing what you did in
 15 relation to the Reynobond certificate in particular?
 16 A. That was generally what would happen.
 17 Q. I follow. So you would sit there, would you, with the
 18 certificate, any certificate, and the Building
 19 Regulations and the standards referred to; is that
 20 right?
 21 A. Yes.
 22 Q. But you would have to teach yourself about what those
 23 meant — is this right? — rather than actually being
 24 taken through them and having it all explained to you?
 25 A. Yes, that was primarily as a first attempt, yes.

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1 Q. Do you remember having any particular questions about
 2 either the Building Regulations and what they meant or
 3 how the British Standards worked or what the tests
 4 involved?
 5 A. Well, yeah, at the beginning, as a new starter, the
 6 questions were many. I think reading standards and
 7 trying to understand the testing methodologies wasn't
 8 the most difficult thing to catch up. It was primarily
 9 trying to interpret the building regs that was a bit
 10 trickier.
 11 Q. Yes, I see.
 12 Do you remember particularly, casting your mind
 13 back, what particular aspect of the Building Regulations
 14 you found tricky?
 15 A. Just trying to understand why we were referring to
 16 certain clauses as opposed to others. To me it was all
 17 new, so I had to ask why we were referring to certain
 18 parts as opposed to others. And also, by that time, as
 19 part of the review, I would be reviewing senior(?)
 20 certificates and I would be asking why we were referring
 21 to some clauses and some others in another.
 22 Q. I see, and who would answer those questions generally in
 23 those first few months?
 24 A. Well, Prayer Nkomo, even though he wasn't appointed as
 25 a team manager yet, was a technical expert on the

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1 subject, so I would still be referring to him where
 2 possible, even though he wasn't my formal manager.
 3 MR MILLETT: I see.
 4 Mr Chairman, sorry to interrupt myself, but I'm just
 5 noting that the transcript has a lost connection on it.
 6 It has for me; I don't know whether yours does.
 7 SIR MARTIN MOORE-BICK: You're quite right, it does.
 8 I'm afraid I wasn't really concentrating on the
 9 transcript. Perhaps I should have been.
 10 MR MILLETT: I'm told by Ms Grange, who has messaged me,
 11 that hers has as well.
 12 SIR MARTIN MOORE-BICK: I think we had better pause while
 13 the connection is restored.
 14 Ms Amoroso, I'm sorry about this. Having said that
 15 I hoped we wouldn't have a problem with the technology,
 16 here we are with one.
 17 We will have a short break now and I hope we can
 18 return to you with a working transcript for the rest of
 19 us before very long. All right?
 20 MR MILLETT: Mr Chairman, I'm told that it's now back, and
 21 I think you can probably see that it is. That was
 22 a very temporary blip.
 23 SIR MARTIN MOORE-BICK: Well, there you are. That was
 24 quickly resolved, wasn't it?
 25 MR MILLETT: I'm glad. I'm hoping that's the only one.

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1 SIR MARTIN MOORE-BICK: Thank you for picking that up, and
 2 I think you can go on.
 3 MR MILLETT: Yes.
 4 Ms Amoroso, you say that Prayer Nkomo was — is this
 5 right — an expert in matters of fire regulation?
 6 A. No, I was saying that —
 7 Q. Is that what you say, you perceived him —
 8 A. No, I said that he was the expert in the cladding area,
 9 so he was my main point of reference —
 10 Q. Right.
 11 A. — for certificates, but not specifically for fire.
 12 Q. I see.
 13 Was there any other point of reference specifically
 14 in relation to fire that you would draw upon when having
 15 your questions answered?
 16 A. Yes. I mean, primarily I would refer to John Albon as
 17 the technical lead, but in time I also started to have
 18 conversations with BRE.
 19 Q. You had conversations with the BRE yourself, did you?
 20 A. Yes.
 21 Q. Can you tell us who you had those conversations with?
 22 A. Primarily Stephen Howard.
 23 Q. Stephen Howard.
 24 Do you remember when you were having those
 25 conversations? Was this in the early part of your time

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1 there or —
 2 A. I can't recall. I remember that I attended a conference
 3 at the BRE that was related to cladding and fire
 4 specifically, and then I started to reach out to him
 5 from that point onwards.
 6 Q. How regularly would you reach out to Stephen Howard?
 7 A. When and if required. He wasn't a regular expert that
 8 would involve.
 9 Q. Yes. Can you give us a feel for the frequency?
 10 For example, in your first review that you started in
 11 December 2014 and which finished in the spring of 2015,
 12 do you remember roughly how many times, if at all, you
 13 would have contacted Stephen Howard?
 14 A. No, no, I never contacted him at that point.
 15 Q. What were the arrangements under which you would speak
 16 to him, by which I mean formal arrangements, was there
 17 a contract or a consultancy agreement or anything like
 18 that?
 19 A. No, no, it was informal. I would contact him primarily
 20 to ask his opinion on some things that I couldn't
 21 understand clearly, but it was probably two or three
 22 times overall.
 23 Q. Right.
 24 A. We met a few times during testing, when I was there for
 25 testing, but I wouldn't use him as a consultant.

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1 Q. Did anybody at the BBA tell you that you could or should
 2 speak to the BRE if you had any questions, or was this
 3 something you did of your own initiative?
 4 A. It was of my own initiative.
 5 Q. Did you report that fact to your seniors at the BBA?
 6 A. I can't recall.
 7 Q. Did you record advice that Stephen Howard gave you from
 8 time to time?
 9 A. As I said, it was informal so there was no recording.
 10 Q. Did you or did the BBA pay the BRE for that advice?
 11 A. Absolutely not.
 12 Q. So was it as simple as you just picking up the phone to
 13 him?
 14 A. Yes.
 15 Q. Did you ever send him any emails?
 16 A. Not that I recall, no. If I ever sent him emails, they
 17 were specifically for a project where they were carrying
 18 out tests, so there was a formal arrangement.
 19 Q. I see.
 20 What about Exova? Do you remember there being
 21 a consultancy agreement with Exova, a formal consultancy
 22 agreement?
 23 A. No.
 24 Q. Did nobody ever tell you that?
 25 A. No, not that I was aware of. I think at some point

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1 someone mentioned it to me, but I never had the chance
 2 to use this agreement.
 3 Q. Do I take it from that you never spoke to anyone at
 4 Exova and asked for their advice?
 5 A. No.
 6 Q. Only the BRE?
 7 A. Yes, as I said, in an informal way.
 8 Q. Do you remember when you first contacted Stephen Howard
 9 about anything on which you wanted his advice?
 10 A. No, I cannot recall that.
 11 Q. Do you remember whether you spoke to Mr Howard
 12 specifically about anything in relation to the Reynobond
 13 certificate?
 14 A. No, I don't think I've ever spoken to him about that
 15 specifically.
 16 Q. Right.
 17 Going back to expertise, was there a time when you
 18 became aware that there were two parallel regimes for
 19 fire testing, the national class and the European class?
 20 A. When?
 21 Q. Yes, when?
 22 A. I cannot recall exactly when, but when I started to work
 23 on more than one certificate, it became apparent that,
 24 yeah, in some certificates we were referring to the
 25 European Standard and in some others to the

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1 British Standard, and, yeah, all the consequences with
2 that.
3 Q. Did you become aware at any time that there was
4 a difference between the testing regimes as between the
5 national British Standards on the one hand and the
6 European testing regime on the other?
7 A. Yeah, it must have been within the first year that I was
8 working at BBA.
9 Q. Right.
10 Did you become aware that under the
11 British Standard 476, parts 6 and 7, you test a flat
12 specimen, whereas under the European tests, or at least
13 one of the European tests required under the European
14 system, you have to test the product in a fabricated
15 form, that's the single burning item test?
16 A. Yes, that is of course depending on the classification
17 you want to go for.
18 Q. Right.
19 Now, when do you think you first became aware of
20 that distinction, the distinction in the testing
21 methodologies?
22 A. As I said, I can't place it exactly in any point in
23 time, but it must have been in the first year that I was
24 working for the cladding team.
25 Q. Right.

21

1 You say the first year; that takes you beyond the
2 date you finished the review, your first review, that
3 you did in relation to the Reynobond certificate. Do
4 you think it was before that or after that you became
5 aware of this distinction?
6 A. I cannot really tell if it was within those months or
7 afterwards. It's something that you pick up with time.
8 Q. Now, going back to Approved Document B, again, that was
9 something you would look at, as you told us before,
10 during the course of your reviews of the certificates.
11 Can we look at Approved Document B. We will find it
12 at {CLG00000224}. This is volume 2. This is the
13 version current as at 2013, and this would have been the
14 version current at the time you started at the BBA in
15 late 2014.
16 Can I take it that you recognise this document?
17 A. Yes.
18 Q. Did you understand, when you first came across it, that
19 it was guidance on how to comply with the
20 Building Regulations?
21 A. Yes.
22 Q. Did you understand that if a designer follows the
23 guidance set out in the approved documents, such as
24 Approved Document B, then they will be compliant with
25 the Building Regulations?

22

1 A. Yes, that was the understanding.
2 Q. Again, do I take it that you never had any formal
3 training on this document?
4 A. There was a formal training on Building Regulations in
5 the time I was at BBA, but I can't remember when. It
6 must have been definitely after I started to work on the
7 Reynobond certificate.
8 Q. I see. I think there is a formal presentation in 2016.
9 Does that ring a bell with you?
10 A. Yeah, sounds about right.
11 Q. We're going to look at it with some other witnesses and
12 we can see it with you if we need to.
13 But before 2016, do you remember getting any formal
14 training on Approved Document B?
15 A. No.
16 Q. Can we look at page 97 {CLG00000224/97}. This is
17 something called diagram 40. Does this ring a bell with
18 you?
19 A. Yes.
20 Q. If you look at the diagram at the bottom left, you can
21 see that it's a building of a height 18 metres or more,
22 and that's any building, but the boundary is less than
23 1,000 millimetres from the foot of the building. It's
24 all shaded in a dark shade, and under "e. ANY BUILDING",
25 that's another building above 18 metres where the

23

1 boundary is more than 1,000 millimetres from the foot of
2 the building, and you can see that the top part is
3 shaded.
4 If you look at the key on the right—hand side, you
5 can see that the shaded colour second from the top says:
6 "Class 0 (national class) or class B—s3, d2 or
7 better (European class)."
8 When you began in the first few months in the
9 cladding department at the BBA, did you become familiar
10 with that requirement for buildings over 18 metres?
11 A. Yes.
12 Q. If we look at the notes at the bottom, it says:
13 "The national classifications do not automatically
14 equate with the equivalent European classifications,
15 therefore, products cannot typically assume a European
16 class unless they have been tested accordingly."
17 During your time working with Arconic on the BBA
18 certification of Reynobond 55, did you appreciate that
19 this document says that you cannot automatically equate
20 a European result with a British national class result?
21 A. Yes.
22 Q. What did that mean to you?
23 A. It means to me that there were two different testing
24 regimes, as you mentioned earlier, the one to the
25 British Standard that allowed you to get a class 0, and

24

1 a European testing regime that would allow you to get
 2 classification as A, B, C, D, et cetera, and that the
 3 two were not strictly equivalent.
 4 Q. Right.
 5 A. But both are valid(?).
 6 Q. Now, let's go back to your witness statement at page 2
 7 {BBA00010797/2}, please. I would like to look with you
 8 at paragraph 5. You say there that you had had an
 9 engineering background, and at paragraph 7 you say:
 10 "I started to work in the 'cladding' team around
 11 beginning of November 2014 and, as a new starter, I was
 12 assigned 'simpler' jobs like reviews and reissues of
 13 existing Certificates. That's when I started to work on
 14 the Reynobond Certificate."
 15 Now, against that background, and by "review", was
 16 that the process of checking an issued certificate, one
 17 which had already been issued, in order to see if the
 18 statements made it were still valid and correct?
 19 A. Yes. Reviews were carried out on existing certificates.
 20 The aim of the review was to check primarily that the
 21 content of the certificate was reflecting the marketing
 22 strategy, if you like, of the company as well as
 23 manufacturing data, yeah, and the published data.
 24 Q. Just examining that answer a bit more, you say:
 25 "The aim of the review was to check primarily that

25

1 the content of the certificate was reflecting the
 2 marketing strategy ..."
 3 Can you just explain what you mean there?
 4 A. It means that, first and foremost, the aim was to verify
 5 that what the manufacturer was selling was exactly what
 6 was certified, and that the logo used — the BBA logo
 7 used on the products was used on the right products. So
 8 one of the first things to be checked were the marketing
 9 data to verify that there was no false claim for the
 10 product.
 11 Q. False claim for the product made in, what, the marketing
 12 data or in the certificate?
 13 A. In both. So there has to be a direct relationship
 14 between what is marketed and what is in the certificate.
 15 For example, there shouldn't be a use of the BBA logo on
 16 products that are not covered by the certificate.
 17 Likewise, if the BBA logo is used, there needs to be
 18 a clear reference to the certificate number so that the
 19 final user, the buyer, can relate that product to the
 20 certified product.
 21 Q. It sounds from that answer — and please correct me if
 22 I'm wrong — that what you're saying is that, primarily,
 23 you were trying to make sure that the manufacturer
 24 wasn't using the BBA logo to sell products that were not
 25 covered by a BBA certificate; have I got that right?

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1 A. That was one of the aims, yes.
 2 Q. Right. I see. But you also say, in an earlier answer,
 3 that you were making sure, you were verifying, that what
 4 the manufacturer was selling was exactly what was
 5 certified. Is that right?
 6 A. Yes.
 7 Q. Does that mean that you would check to see what was
 8 being sold as against the claims being made in respect
 9 of that product in the certificate?
 10 A. Yes.
 11 Q. Would that mean that you would have to see the
 12 underlying test data and classification reports for what
 13 was being sold?
 14 A. That was assumed to have been done already in the
 15 initial assessment.
 16 Q. Right. Well, we'll come back to that, then, later on.
 17 The question I asked gets ahead a little bit, but I note
 18 that answer. We'll come back to it.
 19 Can we just go back to what you call in paragraph 7
 20 the "simpler" jobs. Simpler in comparison with what?
 21 A. With a brand new assessment.
 22 Q. I see. The reason I pointed you to paragraph 5 is that
 23 I was wondering whether you were comparing simpler with
 24 the expertise you had had from your degree and your
 25 previous experience. Did you regard this as a simple

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1 job?
 2 A. No, it was referred to primarily the comparison between
 3 the complexity of a review or a re-issue of an existing
 4 certificate as opposed to carrying out a brand new
 5 assessment for a new product.
 6 Q. What was simpler about a review as opposed to a brand
 7 new assessment?
 8 A. Well, for a start there was no assessment of test
 9 reports, right? So the review was structured in a way
 10 that you had to go through the review of the checking of
 11 data, as I mentioned earlier, review of manufacturing
 12 records, and review of the wording of the certificate
 13 and correctness of references to Building Regulations
 14 and standards.
 15 Q. If you got sent a new test report or a new
 16 classification report, presumably you would have to
 17 examine that for the purposes of your review in the same
 18 way that you would have to do on a brand new issue?
 19 A. Yes, with the difference that there would be
 20 a distinction between a review and a technical review.
 21 Or, rather, the review would alight(?), whether there is
 22 a need for a technical re-assessment or not and that
 23 would be done following the review in a technical issue.
 24 So the review itself would not touch on those.
 25 Q. But during a review, if you had a new test report or

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1 classification report, wouldn't you have to scrutinise
 2 that and understand it in exactly the same way that you
 3 would do if you were doing a brand new issue?
 4 A. As I said, that would be dealt within the realm of
 5 a technical re-issue. So you would alight(?) as
 6 an outcome of the review that there is a test data for
 7 that certificate, for that product, and that assessment
 8 would be covered as part of the technical re-issue.
 9 Q. Would you do the technical review as part of the review
 10 process of an old certificate?
 11 A. That is hypothetical, right?
 12 Q. Well, I'm asking you. Well, is it hypothetical? In
 13 your time when you were doing reviews, did there never
 14 come a time when you were sent brand new test data?
 15 A. Not at that specific time. So when I joined this team
 16 the first jobs that I was doing were not dealing with
 17 the technical aspects. It was only with time that I was
 18 given more technical jobs.
 19 Q. Hypothetically, then, supposing in this period, late
 20 2014, November/December, Arconic had, let's say, sent
 21 you a brand new piece of test data or brand new
 22 classification report, what would you have done with it?
 23 A. I would have raised it as part of the review, that there
 24 was this new test data, and I would have mentioned that
 25 the assessment of that test data would form part of the

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1 following technical re-issue and then we would have
 2 decided who would deal with that technical re-issue.
 3 Q. And who would have done?
 4 A. The technical managers, so that would be the team
 5 manager and the head of approvals would assign that new
 6 project to someone. That could be me or someone else.
 7 Q. Right, I see.
 8 Now, it's right, isn't it, that a review would
 9 happen every three years, or at least every three years?
 10 A. That's correct.
 11 Q. By a re-issue as opposed to a review, does that mean
 12 an update and re-publication of a certificate?
 13 A. Yes, that is the ultimate outcome.
 14 Q. Now, you say at paragraph 46 of your statement on page 9
 15 {BBA00010797/9} — I don't think we need to see it —
 16 that by the time you joined the BBA, Arconic was on the
 17 annual maintenance fee; is that right?
 18 A. Yeah.
 19 Q. Would that mean that there was an automatic annual
 20 review without a fresh review contract?
 21 A. Every three years.
 22 Q. Triannual, then, review?
 23 A. Yeah.
 24 Q. I see.
 25 A. Yes.

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1 Q. Is it right that for a re-issue, as opposed to
 2 a triannual review, there was a need for a separate
 3 contract to be entered?
 4 A. Yes, there was a separate maintenance scheme that was
 5 covering that, but Arconic was not under that scheme.
 6 Q. Go back to paragraph 7 {BBA00010797/2}. You refer to
 7 reviews and re-issues alike as simpler jobs. Is it not
 8 correct, though, that as part of a review or a re-issue,
 9 you would need to consider the technical statements made
 10 in the certificate?
 11 A. Yes.
 12 Q. And you would have to have a deep understanding of all
 13 the technical statements made in the certificate; yes?
 14 A. Yes.
 15 Q. And reviewing a certificate wasn't any simpler, was it,
 16 than examining those statements at first issue or on
 17 re-issue?
 18 A. Well, at first issue, it's not just about examining the
 19 statements, but assigning the statements themselves.
 20 Q. What do you mean by assigning the statements?
 21 A. It means that in a first brand new assessment, you need
 22 to assess the test data and then you need to write those
 23 statements, so you need to have, if you like, an even
 24 deeper knowledge.
 25 Q. What do you mean by assigning the statements? You said

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1 a moment ago that, "at first issue, it's not just about
 2 examining the statements, but assigning the statements".
 3 A. Yes.
 4 Q. What do you mean by that?
 5 A. That means that you're writing a brand new certificate
 6 and you're writing, for example, the fire statement on
 7 the basis of the test data, and that statement that
 8 you're writing for the fire test data is brand new, so
 9 it's not just a re-affirmation of something that has
 10 been assessed and written already, it's a brand new
 11 statement.
 12 Q. But isn't the purpose of a review to check the
 13 statement, the original statement in the certificate,
 14 against the up-to-date test data and classification
 15 material to make sure that it's still valid and
 16 accurate?
 17 A. Unless the certificate holder is supplying new test data
 18 or they're changing something in a manufacturing
 19 process, there is no need to assess new test data when
 20 a review comes up.
 21 Q. You say unless the certificate holder is supplying you
 22 with new test data.
 23 A. Correct.
 24 Q. But what if the manufacturer has new test data? You
 25 would have to know what that was, wouldn't you?

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1 A. Yes.
 2 Q. And you would have to ask for it, wouldn't you?
 3 A. Well, as I mentioned, if the manufacturer, the
 4 certificate holder, is supplying it, then you don't need
 5 to ask for it, technically.
 6 Q. True. Would you trust the manufacturer to supply it to
 7 you, or would you ask them, as a matter of routine?
 8 A. No, you wouldn't ask if they have brand new test data.
 9 What you would ask as part of the review is if there has
 10 been any change in the manufacturing process or in the
 11 formulation.
 12 Q. Can we agree, at least at this stage, that if the
 13 manufacturer had new test data or new classification,
 14 that it was essential that you saw that so as to enable
 15 you to perform the review or re-issue properly?
 16 A. Yes. But I wouldn't know unless they told me.
 17 Q. Now, you started in the cladding team in November 2014,
 18 and we know that your first correspondence in relation
 19 to the Reynobond product was in December 2014. We're
 20 going to come to that.
 21 Is it right that the review on the Reynobond 55
 22 certificate was one of the first cladding certificates
 23 that you worked on at the BBA?
 24 A. That's correct.
 25 Q. Did your team manager at the time check the work you

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1 were doing on that certificate?
 2 A. Yes, when I started to work on it, yes.
 3 Q. Were you told how to go about doing a review?
 4 A. Yes.
 5 Q. Who gave you that instruction?
 6 A. So the training I received on the procedures was done
 7 when I was in the other department previously.
 8 Q. I see.
 9 In relation to this particular review, did you get
 10 any particular instruction from your team manager as to
 11 how to go about the Reynobond certificate review?
 12 A. No, there wasn't any reason to believe that there would
 13 be a different procedure.
 14 Q. I see.
 15 Can you give us an idea of how many review or
 16 re-issue or assessment jobs you would be doing at any
 17 one time?
 18 A. I couldn't — I can't recall.
 19 Q. Did you have targets to meet?
 20 A. Yes.
 21 Q. Can you explain how those targets were calculated? What
 22 were they?
 23 A. So there was a minimum number of project hours that
 24 I would need to book per month and per year, and they
 25 were set based on the experience. So a new starter

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1 would have a lower target than an experienced project
 2 manager.
 3 Q. I see.
 4 What was, in the period November 2014 to April 2015,
 5 your minimum project hours target, do you remember?
 6 A. I cannot recall. I remember that I wasn't assigned
 7 a target for a long time because of the transfer between
 8 departments and the fact that I didn't have a formal
 9 team manager at the time, so it was a few months until
 10 I received my — I got my targets set.
 11 Q. Do you remember roughly when your targets were set?
 12 A. No, unfortunately I don't remember.
 13 Q. Would there be an incentive, personal incentive, to you
 14 to meet those targets?
 15 A. No, not really. It was part of the job.
 16 Q. You say part of the job; what happened if you failed to
 17 meet your targets?
 18 A. Erm ... I never — that never happened, so ...
 19 Q. Did anybody tell you what would happen if you didn't
 20 meet your targets?
 21 A. Well, you'd need to meet them and make up for those
 22 targets somehow, so there was a time where we were asked
 23 to do some overtime to cover for the additional hours
 24 that were not covered.
 25 Q. What I'm really getting at is: was there a career

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1 incentive to meet the targets?
 2 A. Not explicitly, no.
 3 Q. Right, not explicitly. Was there a financial incentive
 4 to meet the targets?
 5 A. No, there wasn't a bonus.
 6 Q. Was there an increase in your salary if you met the
 7 targets?
 8 A. No, not beyond just doing your job.
 9 Q. Now, I just want to ask you one or two questions about
 10 the difference between surveillance and reviews.
 11 Am I right in thinking that surveillance would
 12 typically occur twice a year by a technical assessor
 13 visiting a factory?
 14 A. That's correct.
 15 Q. And the technical assessor would look at factory
 16 production and factory production (inaudible)
 17 specifically; yes?
 18 A. Yes.
 19 Q. Does that mean that they would monitor production
 20 against an agreed quality plan?
 21 A. Correct.
 22 Q. Is that different from a periodic review of the
 23 certificate itself?
 24 A. Yes, it's the ongoing maintenance.
 25 Q. Yes.

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1 As part of surveillance or review, whose job would
 2 it be to examine current fire performance data in
 3 respect of the given product?
 4 A. The project manager.
 5 Q. The project manager, not the technical assessor?
 6 A. No.
 7 Q. Now, I'm going to go to the BBA certificate with you.
 8 This is at {BBA00000047}, please. I just want to show
 9 you what it says. I'm not going to read it all out
 10 aloud to you, because there is quite a lot of text, but
 11 I'm just going to ask you to look at it to see whether
 12 it's something you remember.
 13 This is agrément certificate number 08/4510, and in
 14 the dark blue banner you can see:
 15 "Product sheet 1 — Reynobond architecture wall
 16 cladding panels."
 17 If you go to the bottom of the screen, first page,
 18 you can see that it's signed off on 14 January 2008, and
 19 just above that, still on the screen, you can see "Key
 20 factors assessed", third item down, "Behaviour in
 21 relation to fire":
 22 "In relation to the Building Regulations for
 23 reaction to fire, the panels may be regarded as having
 24 a Class 0 surface in England and Wales, and a 'low risk'
 25 material in Scotland (see section 6)."

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1 If you look at page 3 {BBA00000047/3}, there is
 2 a blue header, "Technical Specification", in the middle
 3 of the screen there, and you can see "Description":
 4 "The Reynobond Architecture Wall Cladding Panels
 5 comprise two 0.5 mm thick aluminium alloy sheets ...
 6 bonded to either side of a core of low-density
 7 polyethylene (LDPE). The panels are available either
 8 plain edged (riveted system) or flanged (cassette
 9 system) to suit architectural requirements (see
 10 Figure 1). A Duragloss or PVDF coating available in
 11 various colours protects the exposed face. A polyester
 12 primer protects the unexposed face. The products are
 13 also available in a fire-retardant grade (FR)."
 14 If you look below, at the very bottom of the screen,
 15 you can see figure 1. Can we have the whole of figure 1
 16 on the screen, please. You can see, there it is,
 17 "Reynobond Architecture panels and typical fixing
 18 systems". On the left you have the riveted system, on
 19 the right you've got the cassette system.
 20 Then if we turn to page 5 {BBA00000047/5}, you will
 21 see section 6, to which reference is made on the first
 22 page, and under "Behaviour in relation to fire", there
 23 is a large grey block of text comprising six
 24 subsections. I'll just show you the first three in
 25 particular:

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1 "6.1. A standard sample of the product, with
 2 a grey/green Duragloss 5000 coating, when tested for
 3 reaction to fire, achieved a classification of B-s2, d0
 4 in accordance with EN 13501-1:2002. A fire retardant
 5 sample of the product, with a gold-coloured Duragloss
 6 finish, when tested for reaction to fire, achieved
 7 a classification B-s1, d0 in accordance with
 8 EN 13501:2002.
 9 "6.2. A fire retardant sample of the product, with
 10 a metallic grey PVDF finish, when tested in accordance
 11 with BS 476-6:1989, achieved a fire propagation index
 12 (I) of 0 and, when tested in accordance with
 13 BS 476-7:1997, achieved a Class 1 surface spread of
 14 flame.
 15 "6.3. As a consequence of sections 6.1 and 6.2, the
 16 products may be regarded as having a Class 0 surface in
 17 relation to the Approved Document B of The Building
 18 Regulations 2000 (as amended) (England and Wales) and
 19 Technical Booklet E of The Building Regulations
 20 (Northern Ireland) 2000 (as amended) a 'low risk'
 21 material as defined in Annex 2C and Annex 2E of The
 22 Building (Scotland) Regulations 2004 (as amended). The
 23 unexposed side of the products may also be regarded as
 24 having a class 0 surface."
 25 Then 6.4 deals with colours, 6.5 deals with

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1 resistance to fire, and 6.6 deals with cavity barriers.
 2 Now, I'm showing you all of that. There is more
 3 obviously in it than just these passages I've shown you,
 4 but my overall question is: would you have read this in
 5 detail when you started your work in your review of this
 6 certificate?
 7 A. I would have read it. I would have probably not had the
 8 knowledge to recognise the shortfalls in these
 9 statements.
 10 Q. All right. Well, we'll come back to that as well
 11 perhaps a little bit later when we do come to your
 12 review.
 13 Can we take a run-up, as it were, to this by looking
 14 at the previous reviews that had happened in relation to
 15 this certificate before you arrived.
 16 Do you remember that there had been a review in
 17 2011?
 18 A. Yes.
 19 Q. And that the project manager at the time who conducted
 20 that review was Alpheo Mlotha; is that right?
 21 A. Correct, to the best of my remem — yeah, that's
 22 (inaudible).
 23 Q. Can we look at your witness statement, then, please,
 24 page 6 {BBA00010797/6}, paragraph 33. The question
 25 above that is:

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1 "At each review:
 2 "a. What use does the Project Manager make of the
 3 technical dossier that is compiled at the first issue of
 4 the certificate?"
 5 Your answer is:
 6 "Where necessary, the Project Manager would review
 7 the original assessment data for comparison against the
 8 data supplied as part of the review. This is
 9 particularly relevant when a change in the manufacturing
 10 procedure is found that would require partial/full
 11 reassessment. Also, if changes in the standards
 12 referenced in the Certificate are highlighted, the PM
 13 would check the standard version against which the
 14 product was originally tested before updating the
 15 references in the certificate."
 16 Do I take it from that that you would have had
 17 access to the technical file compiled at original issue
 18 when doing your review?
 19 A. Yes, that was available.
 20 Q. Do I take it that you would only review that file where
 21 necessary, as you say at the very beginning of this
 22 paragraph?
 23 A. Yeah.
 24 Q. You say that that would be particularly so where there
 25 had been a change in manufacturing procedure or change

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1 in the standards highlighted; yes?
 2 A. Yes.
 3 Q. Would that mean that, for example, if the
 4 Building Regulations had changed, or fire safety
 5 standards had changed, you would go back and look at the
 6 technical file?
 7 A. Yes, and likewise if the British or European standards
 8 that are used for testing had changed.
 9 Q. Was it necessary, to use your word, to look at the
 10 technical dossier or technical file in any other
 11 situation?
 12 A. Well, as you mentioned earlier, if a manufacturer was to
 13 supply new data, new testing data, then you would have
 14 to refer to the original assessment to compare the two.
 15 Q. Can we then go to look at paragraph b in bold underneath
 16 paragraph 33, where the question is asked by
 17 the Inquiry:
 18 "What use does the Project Manager make of
 19 information gathered in previous reviews, such as
 20 documentation provided by the Certificate Holder and BBA
 21 reports?"
 22 And at paragraph 34 you say:
 23 "The PM would normally review the findings of the
 24 previous review and check that any
 25 inconsistency/irregularities are not re-emerging as part

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1 of the current review. Previous reviews are generally
 2 useful to understand if there is any specific trend the
 3 PM should watch out for as part of the review."
 4 Do I understand from that that you would look at the
 5 file for the previous review?
 6 A. Yes.
 7 Q. And in this case, in November/December 2014, that would
 8 be Mr Mlotha's 2011 review?
 9 A. Yes.
 10 Q. Can you explain what you mean in paragraph 34, then, by
 11 checking that inconsistencies and irregularities are not
 12 emerging?
 13 A. What used to happen sometimes is that there were issues
 14 in the manufacturing, for example, I don't know, some
 15 records not being available at the time the surveillance
 16 was done, and if that was happening regularly, then that
 17 was something that had to be actioned on.
 18 Q. So are you referring there to inconsistencies or
 19 irregularities that would come out of the technical
 20 surveillance at the factory against the quality plan?
 21 A. That could be one of the cases, or it could be
 22 a consistent mistake, if you want, in the marketing
 23 data, or it could be something that the certificate
 24 holder would do consistently against the guidelines of
 25 BBA.

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1 Q. Do you have any independent recollection, as you sit
 2 there today, of looking at any particular documents from
 3 the 2011 review?
 4 A. No, I don't remember.
 5 Q. Let's look at the technical file for that review. It's
 6 at {BBA00008044/35}, please. This is a letter, page 35,
 7 dated 16 February 2011 and it's from Alpheo Mlotha, who
 8 was the project manager doing the 2011 review, to
 9 Brigitte Gross at Alcoa, and he makes a request. He
 10 says, let's look at it together:
 11 "This refers to BBA contract number S1/46895. In
 12 order to progress the current review of the above
 13 Certificate [you can see the certificate in the heading
 14 of the letter], I would be grateful if could provide the
 15 following information:
 16 "1. A list of 15 UK contacts ...
 17 "2. Regarding factory production control, please
 18 provide a letter of confirmation from CSTB with full
 19 details of any or no changes to the following relating
 20 to:
 21 "(a) Raw materials.
 22 "(b) The manufacturing process.
 23 "(c) Quality Control procedure.
 24 "3. A copy of your most recent technical
 25 literature/brochure in the UK.

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1 "4. A list of customer complaints (if any) relating
2 to product quality for the projects in the UK and the
3 action taken to resolve them.
4 "5. An estimate of the volume of production
5 per annum (for each product/system) for the UK market.
6 "6. Recent copies of completed quality control
7 sheets for the manufacture of the product.
8 "7. Copies of any licence documents relevant to the
9 products or production locations (BS EN ISO 9000 series
10 certificates)."
11 Would that have been a standard form letter that
12 a project manager would send out to the manufacturer as
13 part of a review?
14 A. More or less, meaning that points 6 and 7 might be
15 omitted in light of the fact that they would be checked
16 by the assessor in the factory.
17 Q. Go to page 33 {BBA00008044/33}. If we go there, you can
18 see her response on 11 April 2011. She sends back
19 various things, and you can see a list of UK customers,
20 letter and certificate from the CSTB, Reynobond
21 brochure, list of customer complaints, copies of
22 certificates and estimate of volume of production.
23 It looks from that that Ms Gross has responded
24 exactly as Mr Mlotha had asked her; yes?
25 A. Yeah, broadly.

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1 Q. Yes.
2 Now, let's look at the review report that was issued
3 for this report. That's at {BBA00010810}. You can see
4 at the footer at the bottom that this is the review
5 document, it's the review report, with a reference, and
6 you can see the signatures there on the page:
7 Alpheo Mlotha prepares it as project manager, and it's
8 signed off by Brian Chamberlain, dated 23 and 24 June
9 respectively.
10 In the grey box above it you can see there is
11 a summary:
12 "Agrément Certificate 08/4510 remains valid.
13 "Action required by client.
14 "None.
15 "The next scheduled Review date is 15 January 2014.
16 "Recommendations.
17 "Amendments indicated in section 3 (iii) need to be
18 incorporated in the next Reissue."
19 Now, when you came to do your review in late 2014,
20 Ms Amoroso, did you notice that — well, did you see
21 this document, first of all?
22 A. Yes.
23 Q. You did. Did you notice that date, 15 January 2014, was
24 the next scheduled review date?
25 A. Yeah.

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1 Q. Did that mean that the next review had to be completed
2 by that date or started by that date?
3 A. That should have been started by that date.
4 Q. That's a start date, is it? Right, I see. So when you
5 came to your review, does that mean that you or the BBA
6 was about 11 months late?
7 A. Yes, as I stated in my witness statement.
8 Q. Yes. Did you enquire why that was the case?
9 A. Yes.
10 Q. What was the reason?
11 A. The previous project manager had picked up the review
12 and had tried to reach out to the certificate holder on
13 several occasions with no success. Then this project
14 manager left, there were rearrangements in the BBA until
15 the project then came to me. So that's why the delay.
16 Q. If it was started in late 2014, when should it have been
17 completed by?
18 A. At the time, the reviews — I mean, the review for
19 Arconic was still following the same procedure that was
20 used for the review that we have on screen now. So that
21 was carrying out the review within six months.
22 Q. Six months. So if it had been started on 15 January
23 2014, it should have been finished mid-June 2014?
24 A. Correct.
25 Q. So in fact you were about six months behind?

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1 A. Yeah.
2 Q. I see.
3 Now, the previous person at the BBA with
4 responsibility for this was, I think, Maria Barbeito; is
5 that right?
6 A. Yeah.
7 Q. I see.
8 Now, let's look and see what happened to this
9 review.
10 Is it right that it's review number S1/53729? Does
11 that number ring a bell?
12 A. I don't remember the exact number.
13 Q. Let's run through the documents.
14 Can we go first, please, to {BBA00008089}. This is
15 an email from Maria Barbeito to Claude Schmidt at
16 Alcoa/Arconic, relating to review S1/53729, review of
17 certificate 08/4510. Do you see that? She says:
18 "Dear Mr Schmidt,
19 "The review of your Agrément Certificate 08/4510 is
20 now due and I am pleased to inform you that I have been
21 assigned as the Project Manager. Please find attached
22 an initial letter with relevant information and a Draft
23 Quality Plan for you to complete (further explanations
24 are given in the initial letter)."
25 Now, just pausing there, first of all, is this

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1 a document that you would have seen or did see when you
 2 started work on your review of this certificate in the
 3 November or December of 2014, more than a year later?
 4 A. If it was saved in the project folder, I would have seen
 5 it.
 6 Q. Casting your mind back, do you recall reviewing the
 7 correspondence in the project folder at the time you
 8 started your review?
 9 A. Yes.
 10 Q. Good.
 11 Now, you can see from this email that she's attached
 12 something, a BBA project letter, and a draft quality
 13 plan.
 14 Let's go to the letter. That's at {BBA00008090}.
 15 Now, you can see from that it's dated 8 October, it's
 16 actually sent on the 9th in fact by the email we've just
 17 seen, and the subject is:
 18 "Assessment S153729 — Review of BBA Agrément
 19 Certificate 08/4510 Reynobond Architecture Wall Cladding
 20 Panels.
 21 "I am pleased to inform you that I have been
 22 assigned as Project Manager for the review of your
 23 Agrément Certificate 08/4510. Preliminary work on the
 24 above is about to commence and I wish to provide you
 25 with:

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1 "■ the relevant contact information
 2 "■ confirmation of your contact details, and
 3 "■ any information/data that you need to submit."
 4 Then she goes on to say, a little bit lower down, if
 5 we could have the full screen, "Roles and
 6 responsibilities", and she explains who those are or
 7 what that is.
 8 Then if we go to page 2 {BBA00008090/2}, halfway
 9 down page 2, we can see towards the bottom she asks for
 10 submission of data, and she says there, under that
 11 heading:
 12 "It is necessary for the BBA to be supplied with the
 13 following information in order to carry out the Review
 14 of your Agrément Certificate 08/4510:
 15 "1. It is our normal practice to conduct a written
 16 survey of users of the product. Could you therefore
 17 please provide details of a minimum of ten major
 18 installers and ten major users of Stonelite Cladding
 19 Panels who can be contacted to establish the
 20 practicability of installation and performance in use."
 21 Then underneath that, item 2:
 22 "2. Written confirmation that there have been no
 23 changes in the design, specification, context of use or
 24 other details that would invalidate the Certificate.
 25 Alternatively, specify any changes.

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1 "3. Regarding factory production control please
 2 supply full details of any changes to:
 3 (a) Raw materials.
 4 (b) The manufacturing process.
 5 (c) Quality Control procedure.
 6 "4. Copies of your current UK technical literature
 7 and installation instructions relating to the product.
 8 "5. A list of customer complaints ...
 9 "6. An estimate of the annual volume of
 10 production ...
 11 "7. Recent copies of typical production/quality
 12 control records ..."
 13 So that's what she sends to Claude Schmidt at
 14 Arconic.
 15 Can we then go to {BBA00008085}.
 16 I should just say, Ms Amoroso, I'm going to take you
 17 through a run of documents before we come to some
 18 questions.
 19 This is an email from Maria Barbeito to Céline Antal
 20 at Arconic, now 21 October 2013:
 21 "Dear Ms Antal
 22 "I sent the below email to Mr Schmidt regarding the
 23 Review of your Agreement Certificate 08/4510 for
 24 Reynobond Architectural Panels and I got no response.
 25 "Would you please be able to forward it to the

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1 relevant person in the company?"
 2 Can we now go next to {BBA00008092/2}, second email
 3 down, timed at 06.58 from Céline Erny, that's
 4 Céline Antal's married name, so it's the same person,
 5 and she says:
 6 "Hello Maria Barbeito.
 7 "I forward your request to Claude Wehrle, the
 8 Technical contact."
 9 You can see that Claude Wehrle is actually copied to
 10 Céline Erny's email there, 23 October, so two days
 11 later.
 12 Then if we scroll up to the bottom of page 1
 13 {BBA00008092/1}, there is an email at the bottom of that
 14 page from Maria Barbeito to Claude Wehrle,
 15 29 November now, so the end of the following month,
 16 2013:
 17 "Dear Mr Wehrle
 18 "Regarding the emails below which refer to the
 19 Review of your BBA Certificate 08/4510, when do you
 20 think you'll be able to provide the requested
 21 information?
 22 "Please do not hesitate to contact me if you have
 23 any queries."
 24 Then if we scroll up to the top of the page, we now
 25 get, two weeks later, Maria Barbeito, 13 December 2013,

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1 to Céline Erny at Arconic:
 2 "Dear Celine
 3 "I have tried to contact Mr Wehrle (see email below)
 4 but I'm not getting any answer. We really need to
 5 progress the review of your certificate now. Do you
 6 think you can provide me with another contact or
 7 a telephone number for Mr Wehrle so I can call him
 8 directly?
 9 "Thanks in advance for your help.
 10 "Kind regards,
 11 "Maria Barbeito."
 12 Then if we go to {BBA00008075}, at the top of that
 13 page, we can see an email from Ms Barbeito to
 14 Claude Wehrle, now dated 10 February 2014:
 15 "Dear Mr Wehrle
 16 "I hope you have already received the initial letter
 17 attached with the required information for the review of
 18 your Certificate (see my previous emails below). I have
 19 tried to call you as well but I understand you are away
 20 from the office for a few days. Please contact me on
 21 your return as soon as possible so we can discuss the
 22 information requested.
 23 "Kind regards,
 24 "Maria Barbeito."
 25 Then we go next to {BBA00008095}. This is an email

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1 sent 18 days later by Maria Barbeito to Claude Wehrle,
 2 28 February 2014. You can see the email I've just read
 3 you at the bottom of the page. At the top of the page
 4 we can see a further email:
 5 "Dear Mr Wehrle
 6 "I have tried to call you again today but you were
 7 not available. Would you please confirm that you are
 8 receiving my emails and if you have time please give me
 9 a call back.
 10 "Thank you very much in advance."
 11 Now, when you came into this project and conducted
 12 your review, in late 2014, did you read this email
 13 string or set of emails that I've shown you on the
 14 technical file?
 15 A. Yes.
 16 Q. Did you notice that Ms Barbeito had, by the end of
 17 February 2014, chased Arconic no fewer than five times
 18 following the first request on 9 October 2013 to get the
 19 information required for the certificate review?
 20 A. Yeah.
 21 Q. What did you make of that?
 22 A. Well, I could only assume that we either had the wrong
 23 contact person or someone on the other side didn't want
 24 to engage with us, which wasn't uncommon when we were
 25 doing reviews.

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1 Q. Right. So you suspected at that stage, at least as part
 2 of your thinking, that Arconic didn't want to engage
 3 with you; is that right?
 4 A. That was one of the possibilities.
 5 Q. Did you have a reason at that stage for thinking why
 6 that would be?
 7 A. It just happened with a few certificate holders that
 8 they wouldn't take the reviews very seriously, or maybe
 9 that sometimes the contact person that we had wasn't
 10 really aware of the processes of BBA and therefore
 11 wasn't very responsive. There could have been several
 12 reasons why we wouldn't receive a response.
 13 MR MILLETT: Okay.
 14 Mr Chairman, it's shortly before 11.15. I've got
 15 about five minutes' more questions on this line before
 16 turning to a different topic. I'm in your hands as to
 17 whether we stop now or whether we continue to a more
 18 convenient point.
 19 SIR MARTIN MOORE—BICK: Well, is this an inconvenient point
 20 from your perspective?
 21 MR MILLETT: It would be more convenient for me to continue
 22 for five minutes.
 23 SIR MARTIN MOORE—BICK: I think we can manage another
 24 five minutes.
 25 MR MILLETT: Yes, thank you, Mr Chairman.

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1 Can we go to {BBA00008971}. This is an email from
 2 Maria Barbeito to Claude Wehrle dated 7 May 2014. If we
 3 go to the top of the page there, you can see she says:
 4 "Dear Mr Wehrle
 5 "Have you been able to collect any of the
 6 information requested in previous emails for the review
 7 of your Certificate?
 8 "Would you please contact me and give me an
 9 approximate date when you'll be able to provide this
 10 information?
 11 "As you know the three-yearly review is
 12 a requirement for the continuity of the validity of the
 13 BBA certificate."
 14 Then if we go on to {BBA00008954} we see another
 15 email, again from Maria Barbeito to Claude Wehrle, dated
 16 now 18 July 2014, so we're now some eight or nine months
 17 on from her original request in October 2013. She
 18 attaches a draft quality plan, and she says:
 19 "Dear Claude
 20 "It was nice speaking to you. As discussed over the
 21 phone I will liaise with my colleague who is dealing
 22 with Certificate 08/1964 and we will try to combine the
 23 factory visit for both Certificates into one."
 24 Do you know what that certificate was about?
 25 A. I presume it was about the Reynolux coating, so if

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1 I remember correctly it was either the coating itself or
 2 the coated sheet of aluminium.
 3 Q. I see.
 4 Lower down the email, she says:
 5 "Also I will need the following information to
 6 progress the review of the Certificate :
 7 "1. Details of ... [the] ten major installers ... "
 8 Again, that was a repeat of the request she had made
 9 in the October of the previous year:
 10 "2. Written confirmation that there have been no
 11 changes in the design, specification, context of use or
 12 other details that would invalidate the Certificate .
 13 Alternatively, please specify any changes."
 14 Just note that.
 15 "3. Copies of your current UK technical literature
 16 and installation instructions relating to the product."
 17 Now, I want you to bear in mind very closely those
 18 three requests, but particularly the one made at
 19 paragraph 2, because we'll come back to it in due
 20 course.
 21 Again, when you did your review of the
 22 correspondence, when you conducted your review and you
 23 came to it later in that year, did you notice that these
 24 requests had been made in these terms of Mr Wehrle by
 25 Ms Barbeito?

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1 A. Yes.
 2 Q. Now, we know there was a surveillance visit on
 3 10 September 2014, a couple of months later, and we
 4 perhaps don't need to see that but just note the date.
 5 Perhaps I should just show you one thing from it.
 6 {BBA00010873}. On that page, we see the first page of
 7 the review, and you can see the date, 10 September 2014.
 8 If we turn the page to page 2 {BBA00010873/2}, we can
 9 see a comment, "Inspectors Comments". You can see five
 10 paragraphs down it says:
 11 "The client stated today ..."
 12 Can you see that?
 13 A. Yes.
 14 Q. "The client stated today that they have tried to
 15 communicate several times with BBA to discuss the
 16 upcoming review, but as yet have had no acknowledgement
 17 or communication from their BBA Project Manager. The
 18 client, in particular, Claude Wehrle — Technical Manager
 19 would like the relevant BBA Project Manager to contact
 20 him ASAP regarding the issue of this certificate, his
 21 contact details are as follows."
 22 When you came into the review, did you see this
 23 inspection report and note that comment?
 24 A. I don't remember right now.
 25 MR MILLETT: You don't remember.

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1 Mr Chairman, that might be a convenient moment.
 2 SIR MARTIN MOORE—BICK: Yes. Very well.
 3 Well, Ms Amoroso, we'll have a short break now.
 4 We'll resume at 11.35, please. I have to ask you,
 5 please, now and on future occasions when we have breaks,
 6 please don't talk about your evidence or anything to do
 7 with it to anyone else during the break. All right?
 8 Very good, we will see you in 15 minutes, then.
 9 Thank you.
 10 (11.20 am)
 11 (A short break)
 12 (11.35 am)
 13 SIR MARTIN MOORE—BICK: Welcome back, everyone. We're now
 14 ready to continue hearing from Ms Amoroso. I'll just
 15 check that she is there and can see me and hear me
 16 clearly.
 17 Hello, Ms Amoroso, are you there?
 18 THE WITNESS: Yes.
 19 SIR MARTIN MOORE—BICK: Very good, thank you very much. Are
 20 you ready to carry on?
 21 THE WITNESS: Yes.
 22 SIR MARTIN MOORE—BICK: Very good, thank you.
 23 Then I'll ask Mr Millett to put some more questions
 24 to you.
 25 When you're ready, Mr Millett.

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1 MR MILLETT: Thank you, Mr Chairman.
 2 Ms Amoroso, when you first started working on this
 3 review in early December 2014, were you aware of the
 4 volume of correspondence from the BBA to Arconic chasing
 5 up on the questions Ms Barbeito had asked?
 6 A. Yes.
 7 Q. In your admittedly limited experience at that time, was
 8 that sort of amount of chasing usual or unusual?
 9 A. It wasn't really usual.
 10 Q. Did you ask your line manager about it?
 11 A. Yes.
 12 Q. What did he say?
 13 A. That I should try again or otherwise we would try to
 14 find an alternative way to understand who was the right
 15 person to contact.
 16 Q. Right.
 17 Now, as we've established before the break, by the
 18 time you picked up the project of reviewing this
 19 certificate, that project was essentially six months
 20 behind. You have told us you were aware of that fact.
 21 My question is: was there any discussion within the
 22 BBA about the significance of it being six months
 23 behind?
 24 A. Not on this specific project, but there were discussions
 25 about how long the reviews were taking at the time.

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1 Q. Right.
 2 Was there any discussion or consideration that you
 3 were involved with about suspending the certificate
 4 because the questions had not been answered?
 5 A. No, not that I remember, no.
 6 Q. Right.
 7 Now, let's go to your introduction to this review.
 8 Can we start by looking, please, together at
 9 {BBA00010550}. This is an email chain on 1 and
 10 2 December 2014 between and you Prayer Nkomo.
 11 If we go to the bottom of page 2 {BBA00010550/2}, we
 12 can see that there is an email from you to Prayer Nkomo,
 13 1 December 2014. Do you see? You say:
 14 "Hi Prayer,
 15 "This is the contact person for Alcoa Architectural
 16 Products SAS (Job S1/53729)."
 17 That's the job number.
 18 "Claude Wehrle — Technical Manager."
 19 Then you set out his email address and some other
 20 contact details:
 21 "Sorry for leaving you in the position of contacting
 22 them ..."
 23 Then there is an unsmiley face.
 24 At that stage, had you been appointed as project
 25 manager for the Reynobond certificate?

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1 A. Yes.
 2 Q. Your line manager on that project formally I think
 3 wasn't Prayer Nkomo —
 4 A. No.
 5 Q. — but informally was?
 6 A. I don't believe at the time he had been appointed yet,
 7 but ...
 8 Q. Right.
 9 Prayer Nkomo at that stage was another project
 10 manager, wasn't he?
 11 A. Yes.
 12 Q. So he was essentially in parallel with you in terms of
 13 seniority; is that right?
 14 A. Well, he had more experience within BBA than me for
 15 sure.
 16 Q. It looks as if he had agreed to call Claude Wehrle at
 17 Arconic; is that correct?
 18 A. Yes.
 19 Q. Do you know why Prayer Nkomo called Claude Wehrle and
 20 not you?
 21 A. I believe — I don't remember exactly what brought us to
 22 this email chain, but I believe I either tried to
 23 contact unsuccessfully the client, or we decided to do
 24 the first contact by a more experienced person like him,
 25 in light of the previous emails that were unresponded.

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1 Q. Can we go to {MET00053158_P18/4}. This is
 2 Claude Wehrle's exhibit, part 18, page 4, and it's
 3 an email from Prayer Nkomo to Claude Wehrle dated
 4 2 December 2014, copied to you, Ms Amoroso.
 5 He says:
 6 "Dear Claude Wehrle,
 7 "Thank you for taking my call earlier this
 8 afternoon. I note the following issues we
 9 discussed ... "
 10 Then the first is "Factory visits", and then the
 11 second, under paragraph 2 is this, and he says:
 12 "Outstanding information for the review of BBA
 13 certificate 08/4510 under contract 51/53729 — My
 14 colleague Maria Barbeito had asked for the information
 15 a number of times. You indicated you provided
 16 information to the inspector who visited the factory and
 17 therefore did not respond to Maria's emails as you
 18 considered Maria's request addressed. Unfortunately the
 19 information provided to the inspectors during their
 20 factory audits is different to the one required for the
 21 Review of the certificate as requested by Maria. Thank
 22 you that you have agreed to send this information if we
 23 can send you the list again. My colleague
 24 Valentina Amoroso (who took over the Review job S1/53729
 25 after Maria left the BBA) will send you an email with

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1 a reminder of what information we require. This will
 2 enable her to complete the review of your certificate
 3 08/4510.
 4 "If you have any queries please do not hesitate to
 5 contact Valentina who will email you shortly."
 6 Now, let's go to {BBA00008098}. This is your email
 7 the same day, a little bit later on that day at 16.17,
 8 to Claude Wehrle. You say, "Dear Mr Wehrle", and then
 9 you set out the project number and the certificate
 10 number:
 11 "My name is Valentina Amoroso and I have been
 12 designated as the new Project Manager responsible for
 13 coordinating the review of your BBA Certificate 08/4510.
 14 "Following on from your conversation with my
 15 colleague Prayer Nkomo, please find the list of
 16 information required to complete the Review Report ..."
 17 Then you set out a number of details in numbered
 18 paragraphs.
 19 Under item 2 you say:
 20 "2. Written confirmation that there have been no
 21 changes in the design, specification, context of use or
 22 other details that would invalidate the Certificate.
 23 Alternatively, please specify any changes.
 24 "3. Regarding factory production control please
 25 supply full details of any changes to:

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1 "(a) Raw materials.
2 "(b) The manufacturing process.
3 "(c) Quality Control procedure.
4 "4. Copies of your current UK technical literature
5 and installation instructions relating to the product."
6 So it looks as if this was a response to Mr Nkomo
7 telling you to re—send the request; is that right?
8 A. Yes. We — as far as I remember, we agreed that we
9 would follow up with a reminder to the client of the
10 exact information that we required.
11 Q. Where did you get that wording from that formed the
12 request that we can see you sent to Mr Wehrle?
13 A. There was a — pretty much a pro forma that everyone
14 used at BBA.
15 Q. Right. Was it a pro forma on a system or did you take
16 that directly from the email that Ms Barbeito had sent
17 in, most latterly, July 2014 that we saw at
18 {BBA00008954}?
19 A. There wasn't a typical — as far as I remember, there
20 wasn't a template for it, but everyone was using the
21 same wording, more or less, with fewer(?) changes to the
22 wording.
23 Q. Let's go to paragraph 51 of your statement, please, on
24 page 10 {BBA00010797/10}. You say under the question at
25 d — you give your answer at paragraph 51. The question

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1 at d is:
2 "It appears that in December 2014, you noticed there
3 had been no communication from the Centre Scientifique
4 du Bâtiment ('CSTB') on their surveillance.
5 "i. How did you discover this?"
6 You say:
7 "As part of my Review work, I started to look for
8 the latest inspection reports for Certificate 08/4510
9 and, since I couldn't find anything in any of the
10 project folders for that Certificate, I asked our
11 Inspection Team for their (separate) records (if any).
12 I did find out that there was no record of CSTB
13 surveillance reports in our system and we decided to set
14 up our own surveillances from that moment onwards.
15 Please refer to email chain between myself and
16 Alexandra Hughes dated 08.12.2014."
17 Now, we saw earlier that there had been a one—off
18 surveillance visit by Shaun O'Neill on
19 10 September 2014. Was that surveillance visit set up
20 just for this review, or was that happening anyway?
21 A. It was part of the review.
22 Q. Do you remember that it was at about this time,
23 December 2014, that you queried the arrangements with
24 the CSTB internally within the BBA?
25 A. Yes.

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1 Q. Is it right that, as far as you could see, the BBA
2 hadn't heard from the CSTB about this product between
3 2008 and September 2014?
4 A. Yes, I couldn't find records of it.
5 Q. Did it strike you at the time that that had left a big
6 gap in the BBA's knowledge?
7 A. Yes.
8 Q. What did you do about that?
9 A. Well, as I stated in my statement, I did try to set up
10 our own surveillances with a new quality plan in place.
11 Q. Did you discuss that gap with Mr Nkomo or
12 Mr Chamberlain?
13 A. Yes.
14 Q. What did either of them tell you?
15 A. They told me that that was the approach we should have
16 taken.
17 Q. I see.
18 Did either of them say to you that you should go
19 back to Arconic and press them for whether they'd done
20 any new tests on the material or products covered by the
21 certificate, or had any new classification reports?
22 A. No, that wasn't a standard request.
23 Q. Now, summarising the documents without me going to them,
24 do you agree that, between early December 2014 and early
25 January 2015, you communicated with Arconic,

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1 particularly Claude Wehrle and Lilia Kosciuk, about the
2 quality plan?
3 A. Yes.
4 Q. And you got an agreed and signed quality plan.
5 A. Yes, after the Christmas break, yeah.
6 Q. Is it right that, as you recall it, none of the contents
7 of the quality plan that was signed off and agreed
8 related to fire test data?
9 A. No.
10 Q. So you agree with me that it didn't?
11 A. Yes, it didn't.
12 Q. Yes, I understand.
13 Did the fact that you got a signed quality plan back
14 from Arconic influence how hard thereafter you pressed
15 Arconic on outstanding requests for data?
16 A. Yes.
17 Q. In what way?
18 A. Well, I don't remember the exact exchange of emails, but
19 I remember that there had to be a few back and forth to
20 try to nail down what had to go in the quality plan and
21 what was beyond the scope of the certificate.
22 Q. Yes.
23 Did the fact that you had a signed quality plan mean
24 that you then made less effort to get fire test data or
25 other raw data out of Arconic thereafter?

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1 A. Yes. Fire test data were not part of the surveillances ,
 2 so it wasn't part of the quality plan itself . But
 3 generally having a quality plan in place would allow us
 4 to have the control on the manufacturing, in essence,
 5 and so to have a view on whether there was or not any
 6 change in the manufacturing process.
 7 Q. Did anybody guide you or tell you at the BBA that even
 8 though you had a quality plan now agreed with Arconic,
 9 you still had to push as hard as you had been pushing
 10 for all other data, test reports, test data,
 11 particularly relating to fire safety?
 12 A. There wasn't, as part of the review, a specific request
 13 to ask for test data. The only occasion where we would
 14 receive test data is where the client wanted to send
 15 newer test reports, or whether after the review, we had
 16 to ask for new test data for linked changes in the
 17 manufacturing.
 18 Q. I see.
 19 Now, at the same time as the quality plan was being
 20 agreed, you sent other emails about the other
 21 information that Arconic was supposed to send you.
 22 A. Yes.
 23 Q. Can we go to {BBA00008079/3}, please. At page 3 of that
 24 email run, which is what this is, you see there's
 25 an email from you to Lilia Kosciuk on 18 December 2014 at

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1 9.47, and you say:
 2 "Hi Lilia ,
 3 "This is the email I was talking about on the phone.
 4 "I wait forward to hear from you soon.
 5 "Best wishes for Christmas and for the new year to
 6 come."
 7 Then if we go down to page 4 {BBA00008079/4} we can
 8 see that it's your 2 December request for information
 9 that we saw earlier that you had sent following
 10 Mr Nkomo's conversation with Mr Wehrle that afternoon;
 11 yes?
 12 A. Yes.
 13 Q. Yes.
 14 Now, let's go up to the first email on page 3 of
 15 this email run {BBA00008079/3}. We saw that there was
 16 an email from you before Christmas, 18 December; this is
 17 an email of 7 January 2015 now, also to Lilia Kosciuk,
 18 copied to Claude Wehrle, and you say:
 19 "Hi Lilia ,
 20 "Thank you for the wishes and for having sent me the
 21 signed copy of the AGP promptly."
 22 The AGP, is that the quality performance?
 23 A. The agreed quality plan.
 24 Q. The agreed quality plan.
 25 "I just wanted to remind you that we are still

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1 waiting for the missing information to close the review
 2 of your certificate . I enclosed in the following the
 3 emails that I sent to you and Mr Wehrle last year.
 4 I would be very appreciative if you could send the
 5 required information by the 21st of January, so that
 6 I can work on closing this job.
 7 "I wait forward to hear from you soon."
 8 You can see that you imposed a deadline of
 9 21 January. Was that deadline something that you
 10 yourself had thought of or was that a deadline that had
 11 been given to you by one of your seniors at the BBA?
 12 A. I cannot recall this particularly .
 13 Q. Right. Do you remember why you imposed a deadline of
 14 21 January?
 15 A. Well, the — as you mentioned earlier, the review had
 16 been going on for quite a long time, so we had to close
 17 it at some point.
 18 Q. Going back, if I can, to page 4 of the same email run
 19 {BBA00008079/4}, just to pick this up and re—remind you
 20 of it, really, one of the classes of information that
 21 you were pressing for at that time, under paragraph 2,
 22 was, and I'll read it again:
 23 "Written confirmation that there have been no
 24 changes in the design, specification, context of use or
 25 other details that would invalidate the Certificate .

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1 Alternatively, please specify any changes."
 2 So that is something, is it right, that at this
 3 point, 7 January 2015, you want an answer to by
 4 21 January?
 5 A. Yeah.
 6 Q. Yes.
 7 Now, let's go back up to page 2 {BBA00008079/2},
 8 second email on that page, please. We can see at the
 9 bottom of the screen there is an email from you on
 10 12 January 2015 to Lilia Kosciuk:
 11 "Hi Lilia ,
 12 "As for the previous emails, we are still waiting
 13 for the missing info to close the Review. Could you
 14 please provide them by the 20th of this month?"
 15 Now, it looks from that as if you chased them in the
 16 middle of this period and then brought your own deadline
 17 forward a day. Why was that?
 18 A. It might have been because January 21 was happening in
 19 a weekend, I don't know.
 20 Q. Was it you who had another think about it and brought it
 21 forward or was there a discussion within the BBA that
 22 led to you sending this email with a revised deadline?
 23 A. No, I don't think there was a discussion.
 24 Q. Had matters become urgent?
 25 A. Well, it was urgent because it had been a year and we

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1 had been working on this review without finalising it .
 2 Q. Yes.
 3 Now, this time Lilia Koscuk does respond. If you go
 4 up to the first email on the page, you can see that the
 5 same day she comes back to you, 12 January 2015, copied
 6 to Claude Wehrle and somebody else, and she says:
 7 "Hi Valentina,
 8 As requested, please find here below the information
 9 needed:
 10 "Primary Marketing Contact:
 11 Name: Céline Erny.
 12 "Primary Technical Contact and Accounts/Finance dpt
 13 "Name: Claude Wherlé[sic]."
 14 Now, that wasn't what you were after, was it?
 15 A. No.
 16 Q. You had asked for detailed information, not just the
 17 contact. You already knew these contacts, didn't you?
 18 A. Yes, both of them.
 19 Q. Yes. What did you think when you got this response from
 20 Lilia Koscuk?
 21 A. I assumed she wanted me to re-direct the queries to
 22 these people.
 23 Q. But Claude Wehrle had already had those queries, hadn't
 24 he?
 25 A. Yes.

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1 Q. Because he was copied in on your emails previously,
 2 including the one of 7 January.
 3 A. Yes.
 4 Q. So why did you think that she wanted you to make contact
 5 with those people when you had already done so?
 6 A. Well, maybe she didn't know I had already contacted
 7 these people.
 8 Q. Did you get the impression that they were stonewalling
 9 you?
 10 A. Perhaps.
 11 Q. I've put that to you in a leading way, but let me ask it
 12 slightly differently, perhaps.
 13 Did you have any suspicions about why Arconic
 14 weren't simply giving you the information, rather than
 15 giving you the information that you already knew?
 16 A. Yeah, I didn't have an answer as to why they were not
 17 answering to our emails. As I said earlier, it wasn't
 18 completely uncommon that a certificate holder wouldn't
 19 be very responsive during a review, because they thought
 20 once the assessment was done and the certificate was
 21 issued, then the review was secondary, of a secondary
 22 importance.
 23 Q. Did it strike you at the time that this wasn't just
 24 a lack of interest or engagement, this was now giving
 25 you positively answers that you were not asking for, or

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1 information that you weren't after, as opposed to
 2 information that you were after and had been after for
 3 a very long time?
 4 A. Yeah.
 5 Q. Now, we know Lilia Koscuk did send a follow-up. It's at
 6 the bottom of page 1 in this email run {BBA00008079/1},
 7 13 January 2015, and she said:
 8 "Good morning Valentina,
 9 "There are 2 mistakes in my previous mail. I've
 10 wrongly written Claude's name: it's Claude Wehrle and
 11 his position is: Reynobond technical service manager.
 12 "Kind regards,
 13 "Lilia."
 14 What did you think when you got that email?
 15 A. I thought it wasn't really helpful.
 16 Q. Now, at this point there is still a week to go before
 17 your revised deadline of 20 January. At this point, did
 18 you think about taking the problem to your team manager
 19 so that Arconic could be dealt with at a more senior
 20 level?
 21 A. I did consider it. However, I had to wait for the
 22 agreed deadline before taking any action.
 23 Q. I see.
 24 Now, we can see your next communication at the top
 25 of this document, the top email on page 1. It's your

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1 email to Lilia Koscuk, copied to Claude Wehrle and
 2 Céline Erny on 22 January 2015:
 3 "Hi Lilia,
 4 "Sorry for the late reply.
 5 "Unfortunately in the last year we have experienced
 6 several problems in getting in touch with you and
 7 receive the required info to progress our job, this
 8 leading to severe delays in closing this Review job.
 9 For this reason BBA has decided to go ahead with the
 10 information already in hands.
 11 "I drafted a copy of the Review Report and I am
 12 waiting for approval from my Team Manager. After that
 13 you will receive it for your personal record."
 14 Now, by "information already in hands", what did you
 15 mean?
 16 A. Information that were publicly available. That means
 17 that, referring to the list of information that were
 18 requested, we were waiving on the request for contact
 19 details for the surveys, the user survey information
 20 regarding the production were supposed to be covered
 21 under the review surveillance that we did, and for what
 22 is concerning review of the literature, instead of
 23 waiting for them to send them to us, we reviewed what
 24 was on their website.
 25 Q. We've seen — and I've shown you this a number of

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1 times — paragraph 2, both of Maria Barbeito's earlier
 2 requests and your word—for—word repeat of that request
 3 in December and again in January, "Written confirmation
 4 that there have been no changes in the design,
 5 specification, context of use or other details that
 6 would invalidate the Certificate", and a request for any
 7 changes.

8 Do you agree that, by going with the information
 9 already in hand, you were going without that
 10 information?

11 A. Yes.

12 Q. And that information was something that you couldn't get
 13 from a public source, is it?

14 A. No. The only reliable source was the existence and
 15 validity of the CSTB certificate.

16 Q. And the CSTB certificate on your own technical file?

17 A. The one that was publicly available at the time.

18 Q. On the CSTB's website?

19 A. Yeah.

20 Q. Yes.

21 Was it not risky, or did you see it as risky at the
 22 time, to proceed with your review without all the data
 23 that the BBA had been seeking repeatedly at least since
 24 early December of the previous year by you, and which
 25 had been sought by your predecessor, Ms Barbeito, since

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1 October 2013, 16 months previously?

2 A. Yes.

3 Q. Was that a risk that you discussed with anybody else
 4 within the BBA?

5 A. Well, I did raise the matter in its totality with my
 6 managers, and we proceed according to what was the BBA
 7 procedure at the time.

8 Q. So let's just examine that a little bit more closely.

9 When you say in your email that the BBA has decided
 10 to go ahead with the information already in hands, when
 11 was that decision made?

12 A. Before sending that email.

13 Q. How was it made?

14 A. It was discussed — the situation was discussed with my
 15 manager, and we agreed that there was a shortfall in the
 16 fact that we didn't have records from CSTB, but having
 17 managed to do a surveillance for the review and having
 18 put in place a quality plan, we had some confidence that
 19 we had the control on the manufacturing, and from that
 20 point onwards we could check whether there was any
 21 change or not.

22 Q. Who did you have that discussion with?

23 A. It was with my manager.

24 Q. Who was that?

25 A. Prayer Nkomo.

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1 Q. Prayer Nkomo?

2 A. Mm.

3 Q. Anybody else?

4 A. I believe that the head of approval was involved at the
 5 time we decided this, but I can't remember if there was
 6 any formal communication about that.

7 Q. That would have been Brian Chamberlain at the time?

8 A. Yes.

9 Q. You say you can't remember whether there was any formal
 10 communication about that; do you remember being
 11 involved, speaking to him, or him being involved in this
 12 decision informally?

13 A. I don't remember.

14 Q. Right.

15 Can you tell us what the basis, the rationale, for
 16 proceeding with the review without that information was?

17 A. The rationale was that we had — the key concern was
 18 around the manufacturing and we had managed to bring
 19 that under control. There wasn't a reason to believe
 20 there had been any changes, because we would have been
 21 notified by the CSTB if there had been any changes.

22 Q. You say you would have been notified by the CSTB if
 23 there had been any changes. Let me just understand
 24 that.

25 Were you expecting the CSTB to send you underlying

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1 test data unilaterally themselves?

2 A. We would have expected, because the certificate, as you
 3 well know, was issued as a confirmation certificate of
 4 a CSTB certificate initially. We expected that CSTB
 5 would have notified us of any changes to the
 6 certificate, the — its use or validity, or anything
 7 that had to do with the manufacturing, if that happened.
 8 And with that, the agreement was that they would have
 9 sent us copies of their surveillance reports in the
 10 factory, which in essence we never received.

11 Q. You say, "We expected that CSTB would have notified us
 12 of any changes to the certificate ... use or validity",
 13 et cetera. What was the basis on which you understood
 14 the CSTB would do that?

15 A. It was a usual agreement within notified bodies across
 16 Europe whereby a confirmation certificate could be
 17 issued on the basis of one certificate issued by another
 18 body, as long as there was this mutual agreement by
 19 which the notified body that was issuing the certificate
 20 would have notified the other body, in this case BBA, of
 21 any changes to the certificate.

22 Q. Given that seven years had elapsed between

23 14 January 2008, when the certificate was issued, and
 24 22 January 2015, when you decided to go ahead with the
 25 information already in hands, if this arrangement

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1 existed as you say, why did you not think of contacting
 2 the CSTB themselves and just seeking confirmation of the
 3 up-to-date position in relation to any test data for the
 4 Reynobond 55 panels?
 5 A. At the time, we had not received any report, as I said,
 6 and from the experience that I had on other projects,
 7 and from the experience of some of my other colleagues,
 8 it was very difficult to reach out to CSTB and receive
 9 a response. So at that point we decided to just set up
 10 our own surveillances without relying anymore on those
 11 sent by CSTB, because clearly it wasn't working.
 12 Q. Given that you had had, despite numerous requests for
 13 detailed data, absolute silence from Arconic, why did
 14 you not think it necessary or appropriate to contact the
 15 CSTB and at least try to get the data from them?
 16 A. It wasn't something that I was advised to do.
 17 Q. Right.
 18 Going back to an earlier answer —
 19 SIR MARTIN MOORE—BICK: Sorry, Mr Millett, can I just ask
 20 a question of Ms Amoroso?
 21 Ms Amoroso, one possible course of action which at
 22 least occurs to me is that you could have written to
 23 Arconic saying that, "Unless we get the information
 24 we've asked for, we shall not be issuing a review
 25 certificate".

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1 Did anyone discuss that, do you know?
 2 A. At the time, the only occasions where this would happen
 3 were in the cases where the certificate holder would
 4 deny access to the factory, in effect, making it
 5 impossible to access the factory and do surveillance
 6 visit, but because in this specific case we were not set
 7 up to do surveillances, we didn't have any reason to
 8 believe that they wouldn't allow us to the factory.
 9 Therefore, that one reason that would have led us to
 10 suspend the certificate was not in place.
 11 SIR MARTIN MOORE—BICK: But you were asking them for certain
 12 information which they had not provided; was there any
 13 discussion about whether you should suspend the
 14 certificate unless and until they provided that
 15 information?
 16 A. I don't remember if there was any specific discussion on
 17 this point, but, as I say, the common practice was that
 18 suspension would only happen where there was an active
 19 denial from the certificate holder to allow for factory
 20 visits.
 21 SIR MARTIN MOORE—BICK: Do you know why that was?
 22 A. The procedure, you mean why the procedure was like that?
 23 SIR MARTIN MOORE—BICK: Yes.
 24 A. I don't know why it was like that.
 25 SIR MARTIN MOORE—BICK: All right, thank you very much.

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1 Yes, Mr Millett.
 2 MR MILLETT: Yes.
 3 Was there a process in place at the BBA which
 4 allowed the BBA to proceed with the review with the
 5 information in hand despite there being no response to
 6 specific requests for data from the client?
 7 A. Yes. As I said, as long as you could review at least
 8 the information publicly available, which are technical
 9 datasheets, marketing brochures, installation brochures,
 10 which are effectively what a buyer would read, and as
 11 long as you could justify that the product hadn't
 12 changed in performance by doing surveillances, then that
 13 would be enough to proceed with the review.
 14 Q. I see. So does it come to this: that the certificate,
 15 the review of the certificate, would only be as good as
 16 the claims made in the technical datasheets, marketing
 17 brochures and installation brochures that the buyer
 18 would read?
 19 A. As I said, the key was reviewing the factory data. So
 20 the quality plan was written in a way that you would
 21 have full control on the incoming products, on the
 22 in-house testing, and testing before releasing the
 23 product, the labelling, all the quality procedures in
 24 the factory.
 25 So if that was in place and it was correctly

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1 executed, then that would give BBA the confidence that
 2 the manufacturing was under control, and therefore there
 3 wouldn't be any change in the formulation that would
 4 trigger changes in the performance.
 5 Q. But I think, as you confirmed before, the surveillance
 6 and the resulting quality plan against which
 7 surveillance would take place wouldn't tell you anything
 8 about fire safety and wouldn't reveal any data about
 9 fire safety, would it?
 10 A. No. The underlying assumption is that if — that is
 11 generally, if a product has been assessed, and it has
 12 been assessed with a certain formulation that can
 13 achieve a certain fire performance, if that formulation
 14 doesn't change then there is no reason to believe that
 15 the fire performance changes, fire or any other
 16 performance.
 17 Q. Well, let me put to you that one reason to suspect that
 18 it might have done or that your client might have new
 19 information is when they don't respond to a request for
 20 it. Do you agree?
 21 A. Yes.
 22 Q. Can we look at your witness statement at page 12
 23 {BBA00010797/12}, paragraph 63. At letter g on that
 24 page, just above paragraph 63, you can see the question
 25 that was asked:

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1 "A decision was made to close Review A153729 and
 2 proceed with the information already in hand because of
 3 problems contacting the Certificate Holder:
 4 "i. Who made that decision?
 5 "I cannot recall exactly but it would have normally
 6 been a collective decision of the PM, the TM and the
 7 HoA."
 8 I think we've covered this, but the HoA, just to be
 9 clear, was Brian Chamberlain, was it?
 10 A. Yes, he is the head of approvals.
 11 Q. Was John Albon involved in this decision at the time,
 12 can you recall?
 13 A. No, because he was head of approval of the other
 14 department.
 15 Q. I see.
 16 Now, Prayer Nkomo I think we know became team leader
 17 on 5 January 2015, and you have told us that he was
 18 involved in this decision.
 19 Did he make this decision or give in part this
 20 decision to you in the capacity of team leader?
 21 A. I don't remember if it was just him or it was a — as
 22 I said, a collective decision with — involving also the
 23 head of approval.
 24 Q. Do I take it that because we haven't seen any emails in
 25 relation to this decision, it was made orally during the

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1 course of conversations between you and Mr Nkomo and
 2 possibly Mr Chamberlain?
 3 A. Yes.
 4 Q. Yes.
 5 If we go back to your statement, the question you're
 6 asked next is, "Why?", and you say:
 7 "The review had been going on for almost one and
 8 a half year. We had reviewed the content of the
 9 Certificate and the technical documentation publicly
 10 available for the product. We had finally managed to
 11 put in place a QP, carry out one factory visit and set
 12 up surveillances for the future. This was deemed
 13 sufficient at the time to close the review."
 14 Was the fact that the request for information had
 15 been going on for a long time relevant to the decision?
 16 A. That was also one of the reasons.
 17 Q. Was it not the case that if the client was being
 18 unresponsive over such a long time, was that not
 19 a warning that you shouldn't go further without full
 20 information?
 21 A. Perhaps.
 22 Q. Can we then go back to your statement at page 12
 23 {BBA00010797/12}, and look at Inquiry question iii
 24 towards the bottom of the screen:
 25 "Is it the usual course of the BBA to continue to

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1 certify a product in the absence of a full response from
 2 the Certificate Holder at review? If not, why was it
 3 done on this occasion?"
 4 Your response, we can see together, is at
 5 paragraph 65 and you say:
 6 "Very often the Certificate holder would reply
 7 supplying information publicly available so the
 8 intervention of the Certificate holder in the Review has
 9 somehow, in my opinion, become redundant especially
 10 since user surveys and complaints history reviews are no
 11 longer carried out (the complaints review is, however,
 12 still part of the surveillance visit). When the
 13 response of the Certificate Holder is absolutely
 14 necessary, the matter is escalated and the TM or the HoA
 15 intervene. If no answer is received the HoA could take
 16 action and decide to suspend and then withdraw the
 17 Certificate."
 18 Why was it not absolutely necessary for Arconic to
 19 respond in this case given the nature of the material
 20 which the BBA had sought and which had been outstanding
 21 for so long by this point?
 22 A. The key reason I believe was because we didn't get
 23 a response regarding the factory visits, which was our
 24 key concern. But there wasn't any indication that there
 25 was bad faith from the client side to hide things from

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1 BBA.
 2 Q. Again, I repeat the question. You say there wasn't any
 3 indication that there was bad faith from the client's
 4 side to hide things from the BBA. Did it not occur to
 5 you at the time that that in fact Arconic, by not
 6 answering request item 2 and other requests for so long
 7 despite repeated requests, were up to something?
 8 A. As I said, it wasn't unusual that a certificate holder
 9 would just ignore the emails that we sent during the
 10 reviews, considering that not important for them.
 11 Q. Would you normally proceed to close a review despite
 12 repeated requests for information?
 13 A. It depends, depending on whether you had other worrying
 14 issues that you had to deal with. For example, in this
 15 case, if we were not able to do any factory visit, if
 16 we're not able to put in place a quality plan, that
 17 could have probably been one case where we would have
 18 suspended the certificate.
 19 Q. Did it not worry you that you had not had an answer to
 20 the question or set of alternative questions and
 21 requests for confirmation contained in paragraph 2 of
 22 your own emails?
 23 A. Yes, it would.
 24 Q. If that was worrying, why did this case not form
 25 an exception so that you didn't close the review without

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1 those answers?
 2 A. As I said, the final decision wasn't down to me.
 3 Q. Now, can we go to {BBA00008073}. This is an email of
 4 10 April 2015 from Prayer Nkomo to you relating to the
 5 review. He says:
 6 "Valentina,
 7 "Find attached the above Review report with my
 8 comments. I have tracked the changes so you can just
 9 accept if you agree and the report will be as good as
 10 finished. I had a few questions on the surveillance
 11 visit Table as shown.
 12 "I will have all your 6 reports commented on by
 13 Monday so we have them closed by next Friday at the
 14 latest. I hate losing and the other teams are creeping
 15 up the 'closed Reviews' leader board as can be seen on
 16 the board behind Rakesh!! Once you have the report
 17 ready bring me hard copies of both the report and
 18 request log for sign off. Thanks.
 19 "Kind regards,
 20 "Prayer Nkomo."
 21 Was there a physical leader board hanging in the
 22 office showing closed reviews?
 23 A. No, it was just a running joke.
 24 Q. Who is Rakesh?
 25 A. He was the former employee at BBA, also a team manager.

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1 Q. Right. You say it was a joke; this looks pretty
 2 specific, "as can be seen on the board behind Rakesh".
 3 If it's a joke, can you bring me in on it?
 4 A. I don't remember specifically seeing any board with
 5 numbers on it.
 6 Q. Was there actually a board?
 7 A. There was a board for general communication, I just
 8 don't remember if there were numbers on closed reviews
 9 on it.
 10 Q. Where was this board kept?
 11 A. It was hung on the wall.
 12 Q. In the office?
 13 A. Yeah.
 14 Q. Right. So there was a board in the office with a public
 15 display of who had closed what reviews; is that right?
 16 A. No, I said that that was meant to be for public
 17 communications and I don't recall seeing the numbers of
 18 reviews on that board.
 19 Q. What was on the board?
 20 A. I don't remember. It was general communications.
 21 Q. Was there an internal rivalry as to which team could
 22 close the most reviews?
 23 A. I don't remember that.
 24 Q. Were you or your colleagues within the BBA incentivised
 25 to close reviews as fast as possible?

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1 A. The incentive was to close them within the six months
 2 allocated time.
 3 Q. Yes, but was there a rivalry? Was there a race between
 4 you and your colleagues as to the speed with which you
 5 could close a review?
 6 A. I don't remember having taken part to any race or speed
 7 race.
 8 Q. Was the competition to which this email alludes on its
 9 face at least a factor in the decision to close this
 10 review on the Arconic certificate?
 11 A. There was a drive to close as many projects as possible
 12 before the financial year, that's for sure, but I don't
 13 remember being — there being any competition between
 14 employees, or at least I wasn't part of it.
 15 Q. When was the end of the financial year?
 16 A. March.
 17 Q. Right. So this one missed it, simply?
 18 A. Yes.
 19 Q. Can we then go to your witness statement at page 7
 20 {BBA00010797/7}, paragraph 37, please. Let's look
 21 together at Inquiry question e on that page:
 22 "Prior to the fire at Grenfell Tower, did the
 23 Project Manager or any other person at the BBA ask for
 24 any and all fire performance information, including:
 25 "i. Reports and/or data of fire performance tests to

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1 BS 476—6 and BS476—7; and EU fire performance tests to
 2 NF EU 13823 and NF ISO 11925—2?"
 3 You have an answer at paragraph 37:
 4 "Either set of tests were deemed acceptable in line
 5 with the ADB that was current at the time. However new
 6 fire tests reports were not requested as part of each
 7 review unless there had been a change in the formulation
 8 that would trigger the request. It must be noted that
 9 the QP and Reviews places an onus on the Certificate
 10 holder that the BBA are advised of any changes that
 11 could affect performance of the product."
 12 Examining what you say there a little bit more
 13 closely, if we can, is it right that if the client had
 14 done a fresh test and obtained a fresh classification
 15 which downgraded the classification that had been stated
 16 in the BBA report when first issued, are you saying here
 17 that it was BBA policy not expressly to ask for that new
 18 data unless the product had changed physically?
 19 A. What I'm saying here is that unless we would be supplied
 20 with that test data, we would not know that that test
 21 data existed, and of course if we were supplied with
 22 that test data, we would assess it accordingly.
 23 Q. Is it right that you would not routinely ask for new
 24 fire test reports even though, if they existed, it might
 25 show that the certificate had become wrong in some way?

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1 A. As I mentioned earlier, the request for new fire test
 2 reports was not part of the review, so we wouldn't
 3 specifically ask if there was -- if there were new test
 4 data. However, if the client was to submit new test
 5 data because they had done tests and they wanted those
 6 tests to be reflected in the certificate, then we would
 7 assess them. But unless they were to tell us that those
 8 tests existed, there was no way for us to know it.
 9 Q. I see. So basically what you're saying here is that the
 10 onus lay on the client in all cases to provide you with
 11 new fire test data or reports?
 12 A. Yeah.
 13 Q. At the time, did you have any thoughts about whether the
 14 client understood that well enough? The client being
 15 Arconic in this particular case.
 16 A. That they had an onus to provide new test data? I think
 17 that was made clear when they signed the original
 18 contract.
 19 Q. Yes, and the original contract goes back to 2007, as we
 20 know, in this case. Given that some seven or
 21 eight years had elapsed between the original contract
 22 and this review, although there had been an intervening
 23 review in 2011, did it occur to you to spell out to the
 24 client that the onus lay on them specifically to give
 25 you any new test data or classification reports?

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1 A. No, I did not spell it out to them.
 2 Q. Did you think you should have done? Or, rather, at the
 3 time, did it occur to you to do so?
 4 A. No, at the time I didn't think I would have needed to do
 5 that, because it's not my job to make them aware of what
 6 their onus is.
 7 Q. Did you have any thoughts at the time about whether new
 8 fire test data or new classification reports fell within
 9 the scope of paragraph 2 of your request for data that
 10 you'd sent in December and again in January, and that
 11 Ms Barbeito had sent in the October of 2013 and the July
 12 of 2014?
 13 A. That could have formed part of the information supplied,
 14 but not necessarily.
 15 Q. You say it could have but not necessarily; do I take it
 16 from that that any new fire test data or classification
 17 reports were actually being asked for within
 18 paragraph 2, or at least a confirmation that there
 19 weren't any that were relevant?
 20 A. Yes, that is part of the request, to confirm that there
 21 has been no changes.
 22 Q. Therefore, receiving no answer to that would be, I would
 23 suggest to you, extremely unsatisfactory, because you
 24 wouldn't know one way or the other whether there were or
 25 were not any such new test reports?

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1 A. Yes.
 2 Q. And therefore I come back to my question: why did you
 3 not press Arconic, before closing this review, for
 4 a confirmation at the very least that there was no new
 5 fire test data or classification reports?
 6 A. It wasn't a specific request formally in that letter to
 7 provide test data. The request was to confirm or not
 8 whether there had been any changes to the formulation --
 9 Q. Is there any -- sorry, go ahead.
 10 A. -- which we did not receive, clearly, and ... yeah. It
 11 wasn't the policy at the time to enforce it.
 12 Q. It wasn't the policy at the time to enforce it?
 13 A. Yeah.
 14 Q. Are you saying that it wasn't the policy at the time to
 15 enforce the contractual obligation to provide new test
 16 data that Arconic had undertaken in its original
 17 contract with the BBA back in 2007?
 18 A. So it wasn't a contractual obligation for them to
 19 provide new test data as such, but to provide
 20 information whether there has been or not been changes
 21 in the formulation. At the time, when I started to work
 22 at BBA, there wasn't a specific procedure that would
 23 tell you to stop the review or to withdraw a certificate
 24 if you did not receive that specific confirmation.
 25 Q. I'm sorry to interrupt this flow, but I've just noticed

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1 that in the transcript the transcriber has transcribed
 2 your answer as, "It wasn't a contractual obligation".
 3 I heard you as saying that there was a contractual
 4 obligation. Could you clarify?
 5 A. I said there wasn't a contractual obligation for them to
 6 supply new test data, but there was a contractual
 7 obligation to provide confirmation that there had been
 8 any change. Okay? So it's slightly different. They
 9 had to confirm that there wasn't any change, but they
 10 didn't have an obligation to provide test data
 11 straightaway.
 12 Q. Right.
 13 Did you yourself ever actually review the contract
 14 with the BBA that Arconic had?
 15 A. No, not the original contract, no. There wasn't --
 16 Q. Did anybody give you any instruction, at least in
 17 outline, about what Arconic's basic obligations were
 18 under that contract?
 19 A. Yes.
 20 Q. What did they tell you about new test data?
 21 A. They said that they had to inform us if there had been
 22 any changes in the manufacturing process or in the
 23 formulation. If there had been changes to that
 24 manufacturing process or formulation, then we could
 25 raise a technical re-issue, which would request new test

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1 data, depending on what the change was.
 2 Q. But nobody ever told you that there was an obligation to
 3 provide new test data?
 4 A. No, not straightaway.
 5 Q. Right. I see.
 6 Did you ever, at this time, January 2015 to
 7 April 2015, think to go back and look at the contract to
 8 see what it was you could force Arconic to do by way of
 9 answering your question or questions?
 10 A. It did not occur to me. I had only been at BBA for
 11 three months at the time, so I wasn't really aware of
 12 all these procedures.
 13 Q. I understand that, but my question was whether it
 14 occurred to you to look at the contract to see what it
 15 was that Arconic was contractually obliged to give you?
 16 A. No, I did not look at the contract.
 17 Q. Did it occur to you to investigate perhaps with your
 18 seniors how you could enforce the request for data that
 19 you'd put in your emails to Arconic?
 20 A. No, I did make them aware that there were these issues
 21 and I was advised to proceed as I did.
 22 Q. Can we go back to your statement at page 13
 23 {BBA00010797/13}, please, and we'll look at the question
 24 asked at item iv on that page, at the top of the screen:
 25 "Did you/the BBA consider suspending or withdrawing

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1 Certificate 08/4510? If so, why was action not taken?"
 2 Answer:
 3 "There was no reason to believe such an action would
 4 be required at the time."
 5 You have already answered some questions from
 6 the Chairman on this, but I have a further question: why
 7 was not receiving any data at all in response to
 8 a series of repeated requests to the client over
 9 16 months not itself reason enough to believe that
 10 suspension or withdrawal was justified?
 11 A. As I said, the procedure at the time was that that was
 12 not a reason to suspend the certificate.
 13 Q. Can we go to a fire test report that was on the original
 14 technical file, and it's test 5A. You will find this at
 15 {ARC00000358}.
 16 This is, as you can see, the first page of a CSTB
 17 reaction to fire classification report under EN 13501—1.
 18 You can see the date of issue at the bottom of the
 19 screen is 7 January 2005, and it relates, as you can
 20 see, in the middle of the screen, to "Commercial
 21 brand(s): REYNOBOND 55 PE riveted system".
 22 Above that, you can see the name Alcoa, and above
 23 that, do you see it says, "Valid 5 years as from
 24 January 7th, 2005"?
 25 A. Yes.

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1 Q. Now, this was on the technical file.
 2 When you reviewed the technical file for the
 3 purposes of doing your review of the certificate, did
 4 you see this document?
 5 A. I did not review the original assessment as part of the
 6 review. I was only reviewing the technical information
 7 that were available, publicly available, on the website,
 8 so what was on the Alcoa website.
 9 Q. Did you not look into the technical file and look at
 10 this document?
 11 A. I did not look at the technical dossier from the
 12 original assessment. That was not part of the scope of
 13 the review.
 14 Q. Right. So are you saying that in any review you do of
 15 a certificate, you don't go back and look at the
 16 original technical file?
 17 A. You don't, unless there is a reason to do that, like
 18 a change in formulation that would trigger
 19 a re-assessment.
 20 Q. I see.
 21 In general terms — and you can see that the expiry
 22 date would be January 2010 — did you know that fire
 23 classifications under EN 13501 are valid for a maximum
 24 of five years?
 25 A. I did not know at the time.

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1 Q. Right. When did you learn that, do you think?
 2 A. Later on, much later on.
 3 Q. Much later on while you were still at the BBA, or after
 4 you'd left the BBA?
 5 A. While I was still at the BBA.
 6 Q. Right.
 7 A. But that time limitation was not applied on all test
 8 reports.
 9 Q. Right.
 10 Did it occur to you, given that seven years had
 11 elapsed between the issue of the certificate in
 12 January 2008 and your review in the January of 2015,
 13 that the age of the certificate — well, that since the
 14 certificate was issued, Arconic must have done further
 15 testing or else be relying on a very out of date
 16 classification?
 17 A. It did not occur to me at the time, because I did not
 18 see this report at the time.
 19 Q. I see.
 20 Now, can I just show you something that Mr Albon
 21 says in his second statement. This is at
 22 {BBA00010723/34}, please. On page 34, I would like to
 23 look at paragraph 139. The question is posed at
 24 question 31 at the top of the screen:
 25 "In circumstances where no response was received to

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1 the letters referred to at paragraphs 48, 49, 50, 51
2 [that's in his statement] what action did the BBA take
3 in response? Why did the BBA not take steps to follow
4 up on these requests and/or to withdraw the certificate?
5 Was this in accordance with relevant procedures? In
6 what circumstances would the BBA withdraw
7 a certificate?"

8 And at paragraph 139 Mr Albon says:
9 "BBA procedures do allow sanctions to be taken, for
10 example where there is a lack of co-operation by
11 Certificate holders and this could lead to suspension or
12 withdrawal of a Certificate. However, on my review of
13 the documents, in this case, I can see no reason to
14 believe that there was any additional information
15 conflicting with that given in the Certificate. In
16 addition, the Certificate holder was continuing to
17 co-operate in other ways, such as maintaining the
18 surveillance operated over the manufacturing process.
19 It seems to have been considered at the time that
20 withdrawing the Certificate would be a disproportionate
21 response to the lack of communication from the
22 Certificate holder during the Review process."

23 My question is: did you yourself know at the time
24 that BBA procedures did allow suspension or withdrawal
25 of a certificate in response to a lack of co-operation

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1 by a certificate holder?

2 A. Yes, and that is what I was referring to earlier, saying
3 that suspension would be considered if the certificate
4 holder would not allow you to visit the factory. That
5 was the key reason why you would suspend the
6 certificate.
7 Q. Now, I want to look at some of the testing that Arconic
8 was doing the time, and I am going to give you a short
9 timeline, if I may, about Arconic's testing, and then
10 ask you some questions about it. So a little bit like
11 before, I showed you a run of documents and then came to
12 a question, I'm going to do the same again, so bear with
13 me.

14 We start with the 2011 review which closed in
15 June 2011. Now, in February 2011, Arconic had done
16 further European tests of Reynobond PE in rivet form and
17 had achieved a B-s1, d0. That's February 2011. Then
18 October 2011, Arconic did another European test of
19 Reynobond PE in cassette form, and this time the CSTB
20 issued a classification report saying the cassette form
21 was class E. That's October 2011. Cassette, class E.

22 There were more tests done at the end of 2013, and
23 on 31 January 2014 the CSTB issued a classification
24 report that Reynobond in either form, cassette or rivet,
25 was class E. Now, that's January 2014, that's at a time

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1 when Maria Barbeito was asking for information from
2 Arconic.

3 That E classification for rivet and cassette equally
4 for Reynobond 55 PE lasted for the whole of the rest of
5 2014 until 4 December 2014, two days after you started
6 your review. On that date, 4 December 2014, at
7 Arconic's request, the CSTB issued a new classification
8 set of reports: rivet goes down from B to C, becomes
9 C-s2, d0, and cassette is still classified at E. There
10 were also numerous changes to the recipe for the FR core
11 of Reynobond and tests on those cores.

12 Now, in the light of that rather long little speech
13 I've given about the chronology of testing at the time,
14 is it safe to say that when this review closed in
15 April 2015, you yourself had no idea about any of that?
16 A. That's correct.

17 Q. Are you able to explain why neither you nor anybody else
18 so far as we can see at the BBA had any idea of that?

19 A. Because, as I mentioned, requesting new test data was
20 not part of the formal request for a review, so we did
21 not ask formally the client to supply the test data, and
22 likewise the client did not willingly supply those test
23 data to us, so there was no way for us to know that
24 there were any new test data, effectively.

25 Q. Did you expect that Arconic would tell you of these new

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1 tests, the new test data and the new classification
2 reports that I've just referred to?

3 A. Yes.

4 Q. And did you expect that, by asking for confirmation that
5 there were no changes, Arconic would come back with
6 changes such as these that had happened?

7 A. I would have expected Arconic to come back to us and say
8 that there had been a change in the formulation if that
9 was the case, and we would have requested testing data
10 to prove the performance of this new formulation.

11 Q. Leaving aside formulation, doesn't the approach that you
12 have been describing during the second part of this
13 morning that BBA was taking mean that Arconic was
14 essentially free to keep for itself all these new tests
15 and re-classifications of the product covered by the
16 certificate, and not tell you about it?

17 A. I believe that is what happened.

18 Q. It's what happened, but I'm suggesting to you that the
19 reason it happened was because you didn't follow up and
20 press for the information that you had been asking for
21 repeatedly for months, contained specifically in
22 paragraph 2 of your own emails.

23 A. As I mentioned, that sentence was referred primarily to
24 the changes in the manufacturing process, not
25 specifically to test data. Test data would be

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1 a consequence of those changes, and it would be
 2 something that we would ask in response to those
 3 changes.
 4 Q. Why would test data be a consequence of those changes,
 5 as opposed simply to a desire by the manufacturer to
 6 re-test without any such changes?
 7 A. If they decided to re-test, they had the freedom to
 8 share those tests with us, but it wouldn't be a request
 9 for us for them to re-test if there wasn't any
 10 necessity.
 11 Q. No, indeed, but what I'm really putting to you is that
 12 where a client decides to subject its existing product
 13 covered by a certificate to a new fire classification
 14 test or new set of fire tests and a further
 15 classification, you weren't going to pick that up unless
 16 you specifically demanded it as a condition of the
 17 review.
 18 A. Yes.
 19 Q. Do you accept that that is a major gap in the
 20 information being sought by the BBA?
 21 A. Yes.
 22 Q. And that proceeding with the information in hand, as
 23 opposed to proceeding only once you had had a clear
 24 answer to the question contained at paragraph 2 of your
 25 email, meant that this test data would not form part of

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1 your review?
 2 A. Even if they had replied to that request, they could
 3 have not sent the report. The answer to that question
 4 was, "Have you changed or not something in your
 5 manufacturing process that would trigger the
 6 re-assessment of your product?", essentially. So the
 7 answer to that question was: yes or no, we've changed
 8 something, and we would have as a consequence asked for
 9 new test data.
 10 Q. Well, let's go back to your own email, just to see.
 11 If we go to your 2 December email, {BBA00008098} —
 12 we looked at it earlier, Ms Amoroso, I think we may need
 13 to look at it again — this is your email of 2 December,
 14 following your conversation with Mr Nkomo earlier that
 15 day, and look at paragraph 2 to Claude Wehrle. You're
 16 asking for:
 17 "Written confirmation that there have been no
 18 changes in the design, specification, context of use or
 19 other details that would invalidate the Certificate.
 20 Alternatively, please specify any changes."
 21 Why wouldn't the fact that Reynobond PE in cassette
 22 form had received an E, or the fact that in rivet form
 23 it was now a C as opposed to a B which was stated in the
 24 certificate, be an "other detail that would invalidate
 25 the certificate"?

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1 A. Yes, that would have been a detail, but it would have
 2 been a consequence of something that had been done to
 3 change that performance, but we would have sought in the
 4 first place to understand what caused that change.
 5 Q. But, with respect, this request is much wider than that,
 6 is it not? You're asking for confirmation in writing
 7 that there have been no changes in, as you can see,
 8 design, specification, context of use, or other details.
 9 Why isn't a re-classification down from B to C in
 10 respect of rivet a change in the details that would
 11 invalidate the certificate in that respect?
 12 A. Yes. We would have expected that if there was a new
 13 test data from the client, they would have supplied that
 14 to us.
 15 Q. Regardless, I'm putting to you, of whether there had
 16 been a change in the manufacturing process or the
 17 ingredients of the product.
 18 A. No, it is not regardless, it's connected to that.
 19 Q. It may be, it may not be connected to that, but the
 20 question doesn't connect it to that, does it? The
 21 question is much broader than that.
 22 A. Yes, we're asking to confirm there has been no change to
 23 the product.
 24 Q. And at the time, did you understand it to be as broad as
 25 that?

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1 A. Yes.
 2 Q. Now, can we agree that those new classifications that
 3 I've just taken you through in 2011, 2013, 2014, meant
 4 that the certificate was or it had become materially
 5 wrong?
 6 A. Yes, if the product that was tested was exactly the same
 7 that was certified, yes.
 8 Q. Let me be very clear with you about what I mean by
 9 "materially wrong".
 10 Do you agree that the first respect in which it was
 11 materially wrong was that it said that the PE-cored
 12 Reynobond standard was Euroclass B, when in fact, by the
 13 time this review was closed, it was Euroclass C; yes?
 14 A. Yes, based on the test data that you referred to.
 15 Q. Yes.
 16 The second respect in which it was materially wrong
 17 is that it omitted any statement that PE cassette was
 18 class E; yes?
 19 A. Yes.
 20 Q. Yes.
 21 Now, on those classifications, do you accept that
 22 Reynobond PE did not meet the European Standard set out
 23 and required by diagram 40 of Approved Document B?
 24 A. Yes, based on the test data that you mentioned, yes.
 25 Q. And can we agree that that is a critically important

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1 piece of information?
 2 A. Of course, yeah.
 3 Q. Yes. Had you had that information, can we agree that
 4 you would have put it in the certificate ?
 5 A. Of course, yes.
 6 Q. How do you think you would have recorded it in the
 7 certificate , as a result of your review, had you known
 8 that information?
 9 A. Well, as a first step I would have carried out
 10 a re—assessment of the certificate to try to understand
 11 what had triggered that change in performance, and then
 12 after satisfactory assessment, I would have updated the
 13 certificate to reflect these changes, which means
 14 I would have put, as we did afterwards, a height
 15 limitation on the use of that product.
 16 Q. Would you have asked your seniors, perhaps, that the
 17 certificate should be suspended until those changes were
 18 made?
 19 A. That was not the procedure at the time. So the
 20 certificate would be still valid while the changes were
 21 being made.
 22 Q. Would you have put an update on the BBA website about
 23 the changes that you were proposing to make?
 24 A. Are you asking what I would have done if I was empowered
 25 to do something or what was happening at the time?

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1 Q. Let me try it a different way.
 2 Would the BBA have put an update on its website if
 3 it had learnt of these changes?
 4 A. At the time there wasn't such a procedure.
 5 Q. Right.
 6 Would the BBA have required the client, Arconic in
 7 this case, to inform all of its customers to whom the
 8 certificate had been given in its originally issued form
 9 that it was now materially wrong and was about to be
 10 updated?
 11 A. That was not something that was in the power of BBA to
 12 do.
 13 Q. How could the BBA allow a certificate that was
 14 materially wrong to remain in circulation, pending
 15 amendment?
 16 A. That is not a question you should ask me, probably.
 17 Q. I think your answer is "I don't know", then; is that
 18 right?
 19 A. Yeah.
 20 Q. Right. Okay.
 21 Can you explain why, when you signed off this
 22 review, you, or your seniors perhaps, didn't qualify the
 23 certificate to say that it was based on publicly
 24 available data that may or may not be up to date?
 25 A. Do you mean that we should have made that clear on the

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1 certificate ?
 2 Q. Well, I'm just asking you why the certificate carries no
 3 qualification within it that the claims made for
 4 compliance, particularly with the Building Regulations
 5 in relation to behaviour in fire , was based on publicly
 6 available data that may or may not be up to date?
 7 A. That was not common practice at the time. That wasn't
 8 procedure.
 9 Q. When a reader of the reviewed certificate looks at it ,
 10 they would be entitled to think, wouldn't they, that the
 11 BBA had satisfied itself that the claims being made as
 12 to the fire performance of the product were true; do you
 13 agree with that?
 14 A. Yes.
 15 Q. But would it follow that if the BBA were simply basing
 16 itself on publicly available data, then that might not
 17 be true?
 18 A. Yes.
 19 Q. So my question is: why didn't the certificate say on its
 20 face that it was based only on publicly available data
 21 and that no assessment had been made of any up—to—date
 22 test data or classification ?
 23 A. Sorry, you were breaking up. It wasn't a procedure at
 24 the time to put such a statement in the certificate .
 25 Q. Can we go to page 4 of your statement {BBA00010797/4},

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1 please. We can see there, there is a question at the
 2 top of the page under c:
 3 "What documents and/or assurances would be requested
 4 from the Certificate Holder, and how these would be
 5 assessed."
 6 Underneath that, we can see, at paragraph 22, you
 7 say this:
 8 "Copies of current UK technical literature and
 9 installation instructions relating to the product.
 10 These would be reviewed against the content of the
 11 Certificate to ensure the Certificate holder would not
 12 claim incorrect performance data and would not misuse
 13 the BBA logo."
 14 When you say "current UK technical literature"
 15 there, do you mean UK national fire classifications and
 16 other national standards, or do you include European
 17 standards too?
 18 A. I include any technical literature that is made publicly
 19 available from the certificate holder to the UK market.
 20 Q. I see. So you mean technical literature circulating in
 21 the UK as opposed to UK test requirements?
 22 A. Yes.
 23 Q. I see. That answers one question on that formulation.
 24 Looking at the word "current", "Copies of current UK
 25 technical literature ", does that mean that if you don't

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1 have in hand the current technical literature, your
 2 check as part of your review would not ensure that the
 3 certificate holder would not be claiming incorrect
 4 performance?
 5 A. That statement means that you would check what is made
 6 publicly available to the UK market at that point in
 7 time, and if there are false claims on that literature,
 8 you would pick that up with the certificate holder to
 9 rectify it.
 10 Q. You wouldn't know if there were false claims in the
 11 current UK technical literature unless you had the
 12 up-to-date test data and up-to-date classification
 13 reports, though, would you?
 14 A. There would be an assessment done on the basis of what
 15 is covered in the certificate. So, for example, if
 16 Arconic was to market a system, including a subframe for
 17 the panel, that would be a false claim, because that
 18 wouldn't be covered in the certificate.
 19 Q. So as I understand the words, "Current UK technical
 20 literature", I think all you mean by that is the
 21 current, in other words up-to-date, marketing literature
 22 that Arconic put out?
 23 A. And technical (inaudible) which are also normally
 24 publicly available on the --
 25 Q. Yes, I see.

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1 A. -- website.
 2 Q. So your review would simply be, as I think you have made
 3 clear before, checking for consistency as between the
 4 current UK technical literature and installation
 5 instructions publicly available on the one hand, between
 6 the text of the publicly available certificate on the
 7 other?
 8 A. Yes, because a re-assessment is not covered in a review
 9 scope.
 10 MR MILLETT: Right.
 11 Mr Chairman, I'm not sure I should apologise for
 12 stopping three minutes early, but I have come to
 13 a natural break. The next topic will probably last
 14 a bit more than three minutes.
 15 SIR MARTIN MOORE-BICK: Then I think we should stop at that
 16 point, Mr Millett, don't you?
 17 MR MILLETT: Yes.
 18 SIR MARTIN MOORE-BICK: I don't think an apology is
 19 required.
 20 Right. Well, as you heard, Ms Amoroso, we're going
 21 to stop at this point so we can all get some lunch. We
 22 will come back at 2 o'clock, please. Please remember
 23 what I said to you earlier: not to talk to anyone about
 24 your evidence or anything relating to it over the break.
 25 All right?

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1 THE WITNESS: Yes.
 2 SIR MARTIN MOORE-BICK: Thank you very much. See you a bit
 3 later.
 4 (12.58 pm)
 5 (The short adjournment)
 6 (2.00 pm)
 7 SIR MARTIN MOORE-BICK: Good afternoon, everyone. Welcome
 8 back. We're going to continue hearing evidence from
 9 Ms Valentina Amoroso. So I'm going to begin by checking
 10 that Ms Amoroso can see me and hear me clearly.
 11 Hello, Ms Amoroso, are you there?
 12 THE WITNESS: Hi. Yes, I can see you and hear you very
 13 well.
 14 SIR MARTIN MOORE-BICK: Thank you very much. You're ready
 15 to carry on, I hope?
 16 THE WITNESS: Yes.
 17 SIR MARTIN MOORE-BICK: Good. In that case, I'll ask
 18 Mr Millett, who is somewhere about, to put some more
 19 questions to you.
 20 Yes, Mr Millett.
 21 MR MILLETT: Mr Chairman, I am here. I hope I can be seen,
 22 at least by the witness, if not by the panel.
 23 THE WITNESS: Yes, I can.
 24 SIR MARTIN MOORE-BICK: You can be seen by us now, it's just
 25 you weren't up in one of my thumbnails.

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1 MR MILLETT: Oh, right, I see.
 2 Ms Amoroso, can we please go to {BBA00010822}. Now,
 3 this is a document that was in the technical file for
 4 this review, and just for the reference for that, it's
 5 in the technical file at page 322 {BBA00010741/322}.
 6 This is a better copy.
 7 It's a brochure that you can see on the right-hand
 8 side of the screen carries the title "Aluminium
 9 composite panels and sheets: Transform - Create -
 10 Fascinate", and it's an Arconic document, as you can see
 11 from the product description, Reynobond, Reynolux.
 12 It was in the technical file, but do we take it from
 13 your answers that you wouldn't have reviewed this
 14 document?
 15 A. No, that is a document that I would have reviewed.
 16 Q. You would have reviewed it? Well, I'm grateful.
 17 We can see the date on the left, up the page. It's
 18 right in the middle of the screen, and if it can be
 19 blown up, it's about a fifth of the way down the screen.
 20 You will see it vertically written from bottom to top,
 21 but it carries the date 10/2013. If that could be blown
 22 up, you should see it. Yes, that's it. Can you see
 23 that just at the end of that small, rather blurry
 24 writing, it says "10/2013"? You may have to take it
 25 from me that that is what it says.

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1 SIR MARTIN MOORE-BICK: I think we might just have to take
 2 it from you, Mr Millett.
 3 MR MILLETT: Mr Chairman, I think that's probably right
 4 looking at what I've got as well.
 5 Do you recognise this document, do you think?
 6 A. It's a typical brochure that we would review in
 7 a review.
 8 Q. If we track to the far left of this document, at the
 9 bottom of the first page, you can see some claimed fire
 10 performances. We need to blow those up. I'm again
 11 hoping they're going to be clear enough for you to see.
 12 There is a header, "Fire certificates aluminium
 13 composite panel Reynobond Architecture". It's not
 14 brilliant, I have to accept. You can see underneath
 15 that there is a European classification.
 16 A. Yes.
 17 Q. If it was slightly smaller it might be slightly clearer
 18 for you. It's the second —
 19 A. Yeah, it's the second blue bar, yes, I can recognise
 20 B—s1, d0.
 21 Q. Thank you very much.
 22 A. I can't really read very well.
 23 Q. Now, that's the FR core result which is recorded in the
 24 BBA certificate. That's because it says so, as you can
 25 see. Just before the "B" it says "FR". Do you see

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1 that?
 2 A. Er —
 3 Q. It's not very clear, but it does say FR.
 4 A. Okay.
 5 Q. Did you notice, when you looked at this document as part
 6 of your review, that Arconic made no claim at all about
 7 Reynobond 55's PE-cored product?
 8 A. I don't recall that.
 9 Q. Even though the BBA certificate said that PE core had
 10 achieved B—s2, d0, did you not notice that when you
 11 looked at this document, the claim as being made by the
 12 current marketing literature was only for FR and it was
 13 B—s1, d0?
 14 A. It might have been something that I would have picked
 15 up, saying that there was no — ah, now I can see it
 16 better.
 17 Q. Ah, thank you, that's much better. Yes. Even though
 18 it's not particularly clear that it's F, there are bits
 19 missing, it is FR, as you can see, for Europe.
 20 My question is: even though the BBA certificate said
 21 that PE core had achieved B—s2, d0, did you notice that
 22 the marketing literature now said nothing at all about
 23 the fire classification for PE, only for FR?
 24 A. Yeah, it refers only to one product.
 25 Q. What did you make of that at the time?

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1 A. That this must be referring to only one of the two
 2 products that were certified, so it was the literature
 3 for one of the two products.
 4 Q. Did you ask yourself why it was that Arconic was now
 5 putting forward only its European fire classification
 6 for FR and nothing for PE?
 7 A. No, I didn't — I did not ask.
 8 Q. Did you notice that there was no claim at all here about
 9 the BS 476 tests or about Reynobond achieving class 0,
 10 even though the BBA certificate you were reviewing said
 11 that the panels may be considered to be class 0?
 12 A. Yes. It is not compulsory to declare all the
 13 classifications that a product has, especially because
 14 this technical datasheet refers to Europe specifically
 15 and does not make reference to UK.
 16 Q. No, but as you can see, there are references there to
 17 the national standards in France and Germany. Did you
 18 wonder to yourself: I wonder why there is no reference
 19 to the UK national test class 0 when the certificate
 20 carries a claim that the PE panels can be regarded as
 21 class 0?
 22 A. No. As I said, I must have thought that this was just
 23 referring to one of the two products.
 24 Q. And the FR panels as well, did you wonder why there was
 25 no claim that the FR panels were also classified as

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1 having class 0?
 2 A. No, it is not unusual that the technical datasheet would
 3 only declare some of the performances if they're both
 4 accepted under the regulations.
 5 Q. Right.
 6 I mean, if you were comparing, as you told us was
 7 the exercise, the certificate against the publicly
 8 available current technical data used in the UK, I'm
 9 just seeking to understand why you didn't spot the fact
 10 that although the certificate claimed class 0, or that
 11 the panels could be regarded as having class 0, and made
 12 a claim for the PE as having class B, there is nothing
 13 in this document that would support that?
 14 A. Well, I must have thought at the time that this
 15 technical literature was just referring to one of the
 16 two products that were certified, so in that case there
 17 should have been another technical datasheet for the PE
 18 core.
 19 Q. Did you look for one?
 20 A. I did. I couldn't find it.
 21 Q. Did you actually look?
 22 A. Well, these data are the result of the — what I was —
 23 managed to download from their website.
 24 Q. Did you not think to go back to Arconic and say, "Well,
 25 I can see what's being said about FR; what is the

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1 current marketing literature being used in the UK to
2 promote PE?"

3 A. No. As you have rightly noted, it was very difficult to
4 get any response from Alcoa.

5 Q. But you didn't try, did you? You didn't ask that
6 question?

7 A. I did ask for the UK technical literature in the review
8 email which clearly they didn't supply.

9 Q. Sorry, to press this point a little bit more, you didn't
10 take this document, look at it and go back to Arconic
11 and say, "I've got your UK literature current for Europe
12 for FR, can I please have your current literature being
13 used in the UK both for the European classification for
14 PE and the national classifications for both PE and FR"?

15 A. No, I did not follow up from this technical brochure.

16 Q. Why was that?

17 A. Because I had already tried to be in contact with them
18 and I didn't think they would have replied to a further
19 request.

20 Q. I see.

21 Now, there was a report for this review you did,
22 {BBA00008135}. You can see that it's dated 10 April, if
23 you look at the very bottom, 10 April 2015, and we see
24 your signature on the left, as prepared by you, and
25 authorised by Prayer Nkomo as team manager, engineering,

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1 on the right.

2 If we go a little bit above that, we can see that it
3 says the next review date will be 14 January 2017.

4 "Action required by client", you can see, again rather
5 like the last time, it says:

6 "The Certificate holder needs to enter into
7 Contract, to be prepared by the BBA, to revise and
8 reissue the Certificate as detailed in section 3(iii) of
9 this Report."

10 That's looking ahead, isn't it, to the re-issue that
11 was needed?

12 A. Yes.

13 Q. And at the very top you see, under the summary, the
14 certificate remains valid.

15 I'll come back to (iii) in just a moment. You
16 summarised it for me.

17 Did you draft this document that's on the screen?

18 A. Yes.

19 Q. Did you use a template or did you draft it from scratch?

20 A. No, there was a template for reviews, review reports.

21 Q. Now, to look at the action required by the client by
22 reference to section 3(iii) that's referred to in the
23 middle of that box, can we go to page 6 {BBA00008135/6},
24 please, of this document. It says there at the bottom
25 of the page:

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1 " Certificate .

2 "The Certificate needs to be updated to include:

3 " ■ Reference to the latest Standards and Regulations
4 as detailed in section 3(i).

5 " ■ An additional section to cover manufacturing."

6 Then over the page to page 7 {BBA00008135/7}:

7 " ■ An additional section to cover recycling and
8 reuse.

9 " ■ An update of Clauses and general wording of the
10 Certificate .

11 " ■ An update to the Conditions of Certification ."

12 It appears that no updates were required as to the
13 fire test results; that's right, isn't it?

14 A. That is correct .

15 Q. Why was that?

16 A. Because we were not aware that there were new test data
17 available that would require re-issue of this wording.

18 Q. Now, there is no deadline imposed either for these
19 updates; why was that?

20 A. There didn't used to be a deadline for that.

21 Q. If we go back to page 6 {BBA00008135/6}, a little bit
22 higher up above where we were looking, under "Technical
23 data", it says:

24 "The content of the technical literature was
25 compared to the one in the Certificate and was generally

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1 found satisfactory with the exception of the tensile
2 strength and flexural rigidity values, which are
3 slightly different from the ones in the Certificate ."

4 Did you perform that comparison exercise?

5 A. Yes, it must have been me.

6 Q. What was the technical literature that you used to make
7 your comparison?

8 A. The one that was available from their website, therefore
9 the technical datasheet.

10 Q. Did that include using the "Transform – Create –
11 Fascinate" brochure which we've just been looking at?

12 A. It must have included that. I can't recall if it was
13 the only document.

14 Q. Right. Because if you had made a comparison between
15 those two documents, that brochure on the one hand and
16 the certificate on the other, you would have seen that
17 there was quite a significant difference between them,
18 wouldn't you?

19 A. Referring to what specifically?

20 Q. Referring to the claims made for fire performance in
21 relation to the standard PE-cored Reynobond 55.

22 A. Well, there was one — as we have looked at previously,
23 there was one of the two certified products that was
24 missing in the brochure. The one that was available in
25 the brochure had the classification that was matching

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1 what was in the certificate .
 2 Q. Now, this part of the report then I think goes on to
 3 say, just halfway down that block of text:
 4 "It is recommended that the Certificate holder
 5 ensures that there is no contradiction in the technical
 6 information they use in their literature compared to
 7 what in contained in the Certificate . Should they wish
 8 to claim higher values, this information can be assessed
 9 by the BBA and the Certificate revised under Contract."
 10 What was it that you expected Arconic to do in
 11 response to that recommendation?
 12 A. To reply whether they wanted to claim different
 13 performance from what was stated in the certificate.
 14 Q. Was that the same exercise that you'd carried out?
 15 A. In which occasion?
 16 Q. Well, as part of your review.
 17 A. No, it was not part of the review, my assessment of
 18 a different performance.
 19 Q. Let me try it a different way.
 20 You were making this recommendation; what was it
 21 that you expected Arconic to do when ensuring that there
 22 was no contradiction between the technical information
 23 they use in their literature and the certificate ?
 24 A. We were expecting that if — this clause is specifically
 25 referring to the previous one, where they — where we

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1 are saying that they were declaring different structural
 2 properties of the panel, and therefore if they wanted
 3 those properties to be reflected in the certificate , we
 4 would have carried out an assessment.
 5 Q. Yes. What I'm really putting to you is: isn't this the
 6 same exercise that you yourself had carried out, namely
 7 the comparison between the technical literature and the
 8 certificate ?
 9 A. Yes. The comparison was aiming at stating that there
 10 was a difference, and then if the client wanted to
 11 incorporate that into the certificate , we would have
 12 done a re-issue, a technical re-issue. It wasn't
 13 uncommon for a certificate holder to declare higher
 14 properties in the literature than what was in the
 15 certificate , and keep the certificate more conservative.
 16 Q. Yes. To be clear, you weren't inviting or recommending,
 17 were you, to Arconic that they should perform a check of
 18 the certificate against the underlying up-to-date
 19 technical data that they had?
 20 A. I was recommending that they would cross-check their
 21 literature against our certificate .
 22 Q. Explain to me how you understood the sentence I've just
 23 read to you in that case, where you say:
 24 "It is recommended that the Certificate holder
 25 ensures that there is no contradiction in the technical

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1 information they use in their literature compared to
 2 what is contained in the Certificate ."
 3 What did you mean by "technical information they use
 4 in their literature"?
 5 A. I meant that we were inviting them to refer to the
 6 certificate wording and ensure that there was no
 7 contradiction to what they were claiming in their
 8 technical literature .
 9 Q. The technical literature being the same as you reviewed?
 10 A. Yes.
 11 Q. Yes, I see. So you're not recommending that they
 12 perform a check against the underlying technical data
 13 forming the basis of their literature , just what's said
 14 on the face of the literature itself ?
 15 A. Yes.
 16 Q. Yes.
 17 Now, we can also see from section 4 of this
 18 document, if we go down a little bit to "Conclusions",
 19 over the page {BBA00008135/7}. In the second bullet
 20 point:
 21 "The Certificate should be revised and reissued to
 22 address the points raised in section 3 (iii). The BBA
 23 will prepare a Contract for this work and forward to the
 24 Certificate [holder] once ready."
 25 Is that because the re-issue wasn't covered by the

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1 annual maintenance fee arrangement?
 2 A. That is correct .
 3 Q. We will now see what happens with that request to
 4 re-issue.
 5 Do you remember that there was a re-issue contract
 6 raised?
 7 A. After this review?
 8 Q. Yes, a little bit later in 2015.
 9 A. Yes.
 10 Q. And if we go to {BBA00010889}, we should see that.
 11 Is that the re-issue certificate contract that you
 12 generated?
 13 A. I believe so.
 14 Q. That's in blank.
 15 If we then go to {MET00053158_P18/31}, this is
 16 an email sent to Claude Wehrle by the BBA, Gary Dicker,
 17 on 5 May 2015, and you can see the attachments: the
 18 re-issue contract and the re-issue offer letter :
 19 "Hello Claude
 20 "Please find attached contract. Please sign and
 21 scan back to me to proceed."
 22 Now, the BBA's records that we've seen suggest that
 23 that offer wasn't taken up, and then lapsed a year
 24 later .
 25 I'll just show you one or two documents. Can we go

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1 first , please, to the same exhibit, but page 41
 2 {MET00053158_P18/41}, ten pages on. We can see that
 3 Claude Wehrle signs the document you generated on
 4 5 May 2015.
 5 If we go back to page 38 in the same document run
 6 {MET00053158_P18/38}, we can see that it was sent back
 7 to the BBA on 7 May 2015. If you look at the very top
 8 of the page, Claude Wehrle sends it back to Gary Dicker
 9 and says:
 10 "Hi Gary,
 11 "Please find enclosed the signed Reissue certificate
 12 contract for Reynobond."
 13 Do you know why it wasn't taken further by the BBA
 14 thereafter?
 15 A. I don't, I don't recall .
 16 Q. Would you have been monitoring whether Arconic took up
 17 this contract pursuant to the recommendation contained
 18 in the review report that you generated?
 19 A. I would have followed up on whether they had taken up
 20 a contract or not, and I would have made the head of
 21 accounts aware.
 22 Q. You say you would have followed up on whether they'd
 23 taken up the contract or not; do you remember whether
 24 you did?
 25 A. I must have given Gary a call.

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1 Q. Right. A call. You see, we've got no documents, as
 2 I say, showing that this was chased up by the BBA. Do
 3 you think that it was only done by telephone?
 4 A. I'm referring to me following up with the account
 5 manager, but it was the job of the account manager to
 6 follow up on all contracts.
 7 Q. Who was the account manager in this instance?
 8 A. In this instance it was Gary Dicker.
 9 Q. Right.
 10 Did you follow up with Gary Dicker what had happened
 11 with this re-issue contract that he had received back
 12 from Mr Wehrle?
 13 A. I might have given him a call out of courtesy, but it
 14 wasn't my job, as I said, to follow up on all the
 15 contracts prepared.
 16 Q. At some point, did you become aware that Arconic hadn't
 17 taken up this review contract in accordance with your
 18 recommendation in your review report?
 19 A. I must have been informed that the contract had lapsed.
 20 Q. Were you concerned that Arconic had not taken up that
 21 contract?
 22 A. Yes.
 23 Q. What did you do about it?
 24 A. I don't recall what specifically we did discuss, but we
 25 must have discussed that we had to request that they

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1 take — they had taken the contract.
 2 Q. You don't recall specifically that "we discussed"; did
 3 you have a discussion yourself with anybody about
 4 pushing Arconic, or pushing yourselves actually, to push
 5 this new contract forward?
 6 A. Again, these conversations were usual between the
 7 project manager, the team manager and the head of
 8 approval. When contracts were not taken up, we would
 9 follow up and perhaps prepare a new contract.
 10 Q. You see, there was no follow-up from the BBA even though
 11 you had the signed contract back that we can see in the
 12 records. Can you explain why that was?
 13 A. No.
 14 Q. Would it be normal for the BBA to let something like
 15 that lapse, having received back a signed contract from
 16 a client for a re-issue of a certificate ?
 17 A. No, usually if the contract would come back as signed we
 18 would start the work.
 19 Q. And you can't explain why in this instance the BBA
 20 didn't take up the signed contract from Mr Wehrle and
 21 move that project forward?
 22 A. I don't — I do not remember.
 23 Q. You don't remember, but can you explain? Are you able
 24 to give me a reason why it was let lapse by the BBA?
 25 A. I really don't know.

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1 Q. Now, we saw from your review report that you signed on
 2 10 April 2015 that the next review date was
 3 14 January 2017. We've just seen that.
 4 Is it right, do you remember, that the review
 5 process for the certificate started in October 2016?
 6 A. The following year?
 7 Q. 2016, yes, the following year.
 8 A. Yes, I remember there was another review that was raised
 9 automatically.
 10 Q. Can we go to {BBA00011059}, please. This is an email
 11 chain between you and Arconic in October 2016. Can we
 12 go to page 4 {BBA00011059/4}. This is an email from you
 13 to Arconic, to Mr Wehrle, and also, you will see from
 14 the header, to Claude Schmidt and Céline Antal. It's
 15 dated 12 October 2016. Can you see at the very top it
 16 says "Mercredi 12 Octobre 2016"; yes?
 17 A. Yes.
 18 Q. "Dear Claude Wehrle", it says, and you can see in the
 19 subject line that it's about the review for Reynobond
 20 certificate 08/4510, and "Importance: Haute", high.
 21 You say:
 22 "I have been designated as the Project Manager
 23 responsible for coordinating the review of your BBA
 24 Certificate 08/4510 and your name has been advised to me
 25 by as our main liaison contact for this work.

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1 "Our estimated time for the completion of this
 2 project is approximately 4 months and to initiate the
 3 work required for this review within that period, we
 4 require the following information to be provided to the
 5 BBA by Alcoa Architectural Products:
 6 "1. Written confirmation from Alcoa Architectural
 7 Products that there have been no changes to the raw
 8 materials, manufacturing process or quality control
 9 procedure, other than those already notified to the BBA.
 10 "2. A copy of the current UK technical literature,
 11 CE Marking (if applicable) and installation instructions
 12 relating to the Certificated product.
 13 "3. A list of customer complaints (if any) relating
 14 to product quality for the projects in the UK and the
 15 action taken to resolve them.
 16 "4. Recent copies of completed quality control
 17 sheets for the manufacture of the product.
 18 "As part of this Review, a report will be issued in
 19 the form of a letter at the end of the job.
 20 "In order that there are no delays in completing the
 21 review, I would be grateful if you would reply with the
 22 relevant information in regard to points 1 to 4 by
 23 11th of November 2016."
 24 Was this a standard form letter or notification?
 25 A. Yes.

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1 Q. Did you take it from a template on your system, do you
 2 think?
 3 A. I don't remember, as I said — I don't remember if there
 4 was a template but the form of the letter was the same
 5 for all the reviews.
 6 Q. Right. I'm sorry to ask you to have to do this, but
 7 would you please repeat that answer because your sound
 8 dropped?
 9 A. Yes, sorry, I was hearing an echo.
 10 I was saying I don't remember if there was
 11 a template pro forma for these sort of letters, but the
 12 content of the letter was the same on all reviews.
 13 Q. The same ...?
 14 A. Was the same on all reviews.
 15 Q. I see.
 16 Now, I would like to compare this one, the one I'm
 17 looking at at the moment, with the one that you sent in
 18 2014 and early 2015.
 19 Could we keep this one on the screen, please, and
 20 also have up at the same time {BBA00008090/2}. In the
 21 previous review cycle, if you look at the right-hand —
 22 that's not the right reference. Let's try a different
 23 reference, just bear with me.
 24 (Pause)
 25 If you could go, please, to {BBA00008098}, which is

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1 your email that you sent on 2 December 2014.
 2 (Pause)
 3 SIR MARTIN MOORE-BICK: Well, you have got that on the left
 4 at the moment, Mr Millett.
 5 MR MILLETT: So I have.
 6 In fact, I'm being urged actually to show you what's
 7 on the right-hand side of the screen anyway, which we
 8 can do.
 9 If you look at submission of data on the right-hand
 10 side, you can see that the data requested there was,
 11 looking at paragraph 2, as we saw in your emails I was
 12 trying to show you:
 13 "Written confirmation that there have been no
 14 changes in the design, specification, context of use or
 15 other details that would invalidate the Certificate.
 16 Alternatively, please specify any changes."
 17 Then you can see below that:
 18 "3. ... factory production control please supply
 19 full details of any changes to:
 20 "(a) Raw materials ..."
 21 Looking across to the left-hand side, we can see
 22 that there is no equivalent in your — this has gone
 23 wrong, I can see what's happened.
 24 I'm very sorry, can we please go back — forgive me
 25 for this, I can see what's happened now — to

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1 {BBA00011059/4}. I apologise, Ms Amoroso. I'm showing
 2 you two documents which don't compare. Thank you.
 3 Now, can we have that one on the left-hand side.
 4 Keep that there. This is your email to Arconic of
 5 12 October 2016, which I've shown you. Can we keep
 6 that, please, up on the screen, and — that's it.
 7 Now, I want to compare items 1, 2, 3 and 4 in your
 8 2016 email with the submission of data requirement in
 9 the 2013 and 2014 requests.
 10 Under "Submission of data" you can see on the
 11 right-hand side {BBA00008090/2} paragraphs 1, 2, 3,
 12 et cetera, which are the same language you and
 13 Ms Barbeito had used in your requests for the 2014 to
 14 2015 review; yes?
 15 A. Yes.
 16 Q. Now, if we look at your email on the left-hand side
 17 {BBA00011059/4}, we can see that that's changed, do you
 18 see? Instead of paragraph 2, "Written confirmation that
 19 there had been no changes in the design, specification,
 20 context of use or other details", et cetera, we've now
 21 got something completely different. Under 1 we have:
 22 "1. Written confirmation from Alcoa ... that there
 23 have been no changes to the raw materials, manufacturing
 24 process or quality control procedure, other than those
 25 already notified to the BBA.

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1 "2. A copy of the current UK technical
2 literature ..."
3 Do you know why these changes were made to this
4 wording?
5 A. Well, as I stated in my witness statement, there had —
6 at some point between these two reviews there has been
7 a change in the review process within BBA, by which some
8 information were deemed redundant and were no longer
9 asked. For example, point 1 in the document that is on
10 the right was no longer requested to the certificate
11 holder because it was deemed not necessary for reviews.
12 And likewise, the wording of the letters being sent out
13 had been reworded as part of that new process that was
14 put in place.
15 Q. Just to focus on the key change that we're interested in
16 here, just confirm that in the 2014/2015 review, the
17 request, as you can see from item 2, was for other
18 details that would invalidate the certificate, but when
19 we look at the 2016 request, that's been dropped, hasn't
20 it?
21 A. It would appear so.
22 Q. Yes. Do you know why that request was dropped?
23 A. No, as I said, it was part of a new process for reviews
24 that was put in place at the time.
25 Q. It was, and do you know the reason for that change?

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1 A. Not for that change specifically.
2 Q. Were you part of any discussions which led to that
3 change in the review process?
4 A. No. It was just an operational decision to streamline
5 the review process that were taking too long.
6 Q. And did you ever ask about the reasons for the change
7 between the 2014/15 version of the question and the 2016
8 version of the questions?
9 A. No, I did not.
10 Q. Did anybody ever explain the rationale for the change to
11 you?
12 A. No, not for the wording specifically, no.
13 Q. You say it was just an operational decision to
14 streamline the review process that was taking too long;
15 did it occur to you at the time that although in 2014/15
16 you were asking an extremely pertinent question, you
17 were asking for anything, any detail that would
18 invalidate the certificate, now you weren't?
19 A. I can see that, but at the time I did not ask for the
20 reason for that change.
21 Q. Can we go to {BBA00011059/3}. We can get rid of the
22 document on the right-hand side. This is an email on
23 18 October from Nicolas Remy at Alcoa to you, copied to
24 Claude Wehrle, and he says, "Dear Valentina AMOROSO",
25 and he introduces himself as the project manager

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1 responsible for the BBA review, and he says:
2 "First of all, we would like to inform you that
3 Alcoa Architectural Products changes its name for
4 Arconic, effective first of November. As your estimated
5 time for the completion of this project is about
6 4 months, would it be possible to consider changing the
7 name of the company and its logo on the official
8 documents during the Review process? What would it mean
9 both on your and our side?
10 "Regarding your request, please note that I will
11 come back to you with all the required documents within
12 the 11th of November."
13 If we go up to page 1 {BBA00011059/1} we can see
14 that on the next day, 19 October, Mr Remy comes back
15 after some feedback from you, and in the third paragraph
16 down he says:
17 "Regarding the modification about the name, the logo
18 and the address of the Company: It is just an
19 administrative modification. The company hasn't been
20 bought, we just change our name and logo. For the
21 address, same thing, our plant is still at Merxheim but
22 the name of the street has been changed.
23 "Regarding the requested documents:
24 "1 — We cannot provide a written confirmation that
25 there were no changes in our process. Please find

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1 enclosed to this mail a draft of our last 'Assessment
2 for Production' where I noticed every actual changes
3 (Highlighted in the document). Please let me summarize
4 it below ..."
5 Then he does so:
6 "Page 1 — We added the relevant reference number for
7 Reynolux Coated Aluminium Sheet and Coil.
8 "Page 2 — Change of the name and the address ...
9 "Page 3 — 'PVDF' becomes 'PVDF 70/30' ..."
10 Et cetera, and he sets out a whole load of changes.
11 Pausing there, it's right, I think, if we go up to
12 the top of the email, that Mr Remy attached to it a copy
13 of the quality plan. Do you see? And he says,
14 "Attachment" — you can't actually see that it is the
15 quality plan, but he does that.
16 If you look at where he then takes you through the
17 changes in the part of the email I have been referring
18 to, all of the changes that he's notifying you about are
19 about the quality plan, aren't they?
20 A. Yes.
21 Q. In fact, that is what you asked him in your request at
22 item 1: written confirmation of no changes to the raw
23 materials, manufacturing processes or quality control
24 procedure.
25 A. That's correct.

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1 Q. So this discussion was only about that; is that right?
 2 A. Yes.
 3 Q. If we go to page 4 of this email chain {BBA00011059/4},
 4 we can see your initial email which had started this off
 5 which I showed you a moment ago. Item 2 on that or
 6 paragraph 2 asks for:
 7 "A copy of the current UK technical literature,
 8 CE marking (if applicable) and installation instructions
 9 relating to the Certificated product."
 10 To see how that request progressed, let's go up to
 11 {BBA00011051/2}. We can see an email from Nicolas Remy
 12 same day, 19 October 2016, which we've just looked at,
 13 but if we go up to the bottom of page 1 {BBA00011051/1},
 14 we can see how that progresses. I'm showing you these
 15 in different documents because the email chain is split
 16 I'm afraid.
 17 But if you look at your email to Mr Remy on
 18 24 October 2016:
 19 "Hi Remy,
 20 "Thanks for your email.
 21 "Please find my comments in red below."
 22 So that's why we need to see this one.
 23 If we go to page 3 {BBA00011051/3}, we can see that
 24 Mr Remy has asked you the question under paragraph 2 in
 25 red. We can see your request, and he says:

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1 "Could you please precise what kind of specific
 2 document you are requested?"
 3 You answer in red:
 4 "Technical data sheets, commercial brochures,
 5 installation manuals that are dispensed across the UK.
 6 Also CE marking data since you state below that your
 7 product is now CE marked."
 8 Am I right in thinking that's the only technical
 9 information that you have asked for?
 10 A. That is correct.
 11 Q. Why did you not ask him for up-to-date test data?
 12 A. As I stated previously, requesting test data was not
 13 a direct task within the scope of the review.
 14 Q. Was it even an indirect task?
 15 A. Again, as I stated previously, if we would find that
 16 there was a change in the manufacturing process or raw
 17 material, then we would ask for new test data.
 18 Q. Let's go to page 1 of this document {BBA00011051/1}. We
 19 see Mr Remy's response to your red-lettered response to
 20 his request, if I can put it that way, and you say this
 21 the same day:
 22 "Hello,
 23 "Thank you for your feedback. Please find enclosed
 24 to this mail our standard documentation for the UK.
 25 "— Technical data sheets for composite panels.

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1 "— Technical data sheets for our standard finishes
 2 for building products (both PVDF 70/30 and DG 5000)
 3 "— Transformation Guide 'Step to step to a perfect
 4 cladding' — CE certificate for Reynolux products.
 5 "I think I've answered to everything for the moment,
 6 don't hesitate to come back to me if you have further
 7 needs. In the meantime, I'll be waiting for your
 8 feedback."
 9 Now, presumably the Reynolux certificate was not
 10 relevant?
 11 A. That's correct.
 12 Q. But apart from that, it's right, isn't it, that Mr Remy
 13 has given you everything you asked for?
 14 A. Yes, yes.
 15 Q. Yes.
 16 Now, let's look a little bit more closely at what he
 17 sent, because you can see that this email has some
 18 attachments to it.
 19 The first of those attachments is called "Aluminium
 20 Technical Datasheet", and we can look at that. That's
 21 at {BBA00011052}. If we go down to page 2 in that
 22 document {BBA00011052/2}, we can see the date up the
 23 side. Again, I'm afraid it's in this rather difficult
 24 date format. It's 03/2016. It's the very top of the
 25 script in the upright on the right-hand side of the

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1 document. If we can have that blown up a little bit
 2 more, I'm hoping we can see it. Yes, we can, this time.
 3 Can you just see there that, on the right-hand side
 4 of the screen, very near the top right-hand corner, it
 5 says 03/2016?
 6 A. I can see that.
 7 Q. Yes. March 2016.
 8 Do you recognise this document? Do you recall it?
 9 A. Yes, it — yeah.
 10 Q. Your report says that you reviewed it, so can we take it
 11 that you're familiar with it?
 12 A. Yes. I don't remember it specifically, but yeah, it
 13 must have been the one that I reviewed.
 14 Q. Yes, thank you.
 15 Now, can we go to the bottom of page 2, where it
 16 says under the blue header, "Fire certificates for
 17 pre-painted aluminium composite panel Reynobond", and
 18 that is I think pretty clear.
 19 Immediately under the blue banner we see:
 20 "Europe. EN 13501. FR: B-s1, d0."
 21 Again, did you notice that there was no claim being
 22 made here about European classification for PE-cored
 23 ACM?
 24 A. I can see that now. I did not question it at the time.
 25 Q. You didn't question it at the time, but did you notice

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1 it at the time?

2 A. No, because there was the "Great Britain" line that was

3 referring to the PE, which was in line with the

4 certificate content.

5 Q. Yes. Absolutely. I'll come to that in just a moment.

6 Just sticking with the European classification, did

7 you notice that the claim in the certificate that you

8 were reviewing had a claim that Reynobond 55 PE had

9 Euroclass B?

10 A. That — I don't remember what was in the certificate at

11 the time.

12 Q. Let's see if we can get this differently.

13 Can we please have up on the screen the

14 BBA certificate, which is at {BBA00000047/5}. I wanted

15 that up at the same time as the document we were looking

16 at, if we can just have the two side by side, please.

17 {BBA00011052/2}. Thank you very much. Could we blow up

18 the bottom part of the screen on the left and the middle

19 part of the screen on the right.

20 When you did your review, Ms Amoroso, did you notice

21 that under section 6.1, the certificate said:

22 "A standard sample of the product with a grey/green

23 Duragloss 5000 coating, when tested for reaction to

24 fire, achieved a classification of B—s2, d0 ..."

25 And when you — well, did you notice that, first of

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1 all?

2 A. Yes, I must have read it at the time, yeah.

3 Q. Yes. Then when you were comparing that and looking at

4 this piece of product literature, did you not notice

5 that the product literature made no reference to

6 a standard sample of the product having B—s2, d0 in

7 accordance with the European classifications, only

8 a classification in relation to FR, which was B—s1, d0?

9 A. If I noticed it, it isn't a reason for concern because

10 it was — there was also a classification to the BS

11 standard. It wouldn't —

12 Q. Would you not — sorry.

13 A. Sorry, it wasn't a requirement at the time to have all

14 test data to the European Standard.

15 Q. No, but did it not go through your mind to ask yourself

16 why it was that although the certificate had a claim for

17 standard PE having a class B, as at 2008, the marketing

18 literature as at 2016, eight years later, made no such

19 claim?

20 A. No.

21 Q. Why is that?

22 A. I must have not thought that that was a cause of

23 concern.

24 Q. Going down on the left—hand side — and let's keep the

25 certificate up — five lines down, to the data about

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1 Great Britain, you can see it says, as you have pointed

2 out already, "BS476 part 6 & 7. PE & FR: class 0".

3 Now, do you accept that the claim that PE—cored

4 Reynobond had class 0 was incorrect because it had not

5 been tested to BS 476—6 and 7?

6 A. Yes, I do accept it.

7 Q. Yes. And, indeed, the certificate at 6.1 does not

8 in fact claim that the standard sample had passed

9 class 0 or achieved class 0 —

10 A. No.

11 Q. — by passing BS 476—6 and 7.

12 A. Yes.

13 Q. Did you notice that?

14 A. Yes.

15 Q. You did notice it?

16 A. Yes.

17 Q. What did you do about it?

18 A. Well, I didn't have a reason to believe that that was

19 wrong, because it was written previously by the previous

20 assessor, so that must have been a reason why they then

21 went on in 6.3 saying that was equivalent to class 0.

22 In fact, that was a common misunderstanding in the

23 industry.

24 Q. What was the common misunderstanding?

25 A. That class B could be considered equivalent to class 0.

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1 Q. Notwithstanding the clear note in diagram — well, let

2 me take the word "clear" out of that: notwithstanding

3 the note at the foot of diagram 40?

4 A. Yes. That was a point of discussion with many clients.

5 Q. Right. Let me see if I can understand your evidence.

6 Do you accept that the certificate — if we can just

7 go back to the certificate, please {BBA00000047/5}, and

8 have it back on the screen, both of those things up at

9 once — doesn't actually make a claim that PE

10 standard—cored Reynobond 55 had actually passed tests

11 under BS 476—6 and 7 and achieved class 0?

12 A. No, it just states in 6.3 that it could be considered as

13 having class 0.

14 Q. Right. So when you made the comparison between

15 paragraphs 6.1, 2 and 3 of the certificate and the

16 marketing literature which claimed class 0 for PE, what

17 were you thinking?

18 A. I assumed that that was what the previous assessor that

19 wrote the certificate was aiming at in 6.3.

20 Q. You made that assumption. Did you check that assumption

21 with anybody within the BBA?

22 A. No, because I assumed that this had been checked already

23 at the time of the initial issue.

24 Q. Right. Did you check any of this with the BRE,

25 for example?

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1 A. No.
 2 Q. Now, let's continue with the review correspondence then.
 3 Can we next go to {BBA00011067}. This is your email of
 4 24 October 2016. It's the next thing that happens. You
 5 write to Mr Remy and you say:
 6 "Hi Remy,
 7 "Thanks for all the details provided so far, I will
 8 review them in a timely manner.
 9 "I am updating the Quality Plan with all the
 10 amendments you suggested. In order for me to finalise
 11 it I would need your input on a couple of points:
 12 "— Are you actually responsible for the fabrication
 13 of the cassette?
 14 "— Are you carrying out any tests on the final
 15 product?"
 16 Now, by tests, tests on the final product, what do
 17 you mean by tests on the product?
 18 A. It refers to a specific section of the quality plan
 19 which deals with in-house testing, and that specifically
 20 refers to the in-house testing prior to finishing the
 21 product.
 22 Q. What do you mean by the final product or finishing the
 23 product, as you say in your answer?
 24 A. Well, the product that they were manufacturing was made
 25 by lamination of aluminium sheets with a core, and they

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1 were doing, as far as I remember, testing prior to the
 2 manufacturing of these panels and then testing at the
 3 end, like mechanical testing for example.
 4 Q. Oh, I see. So when you say a test on the final product,
 5 would that be something like a T-peel test?
 6 A. Yes, that's correct.
 7 Q. Now, he responds to your two questions. Let's look at
 8 {BBA00011057}, please. This is Mr Remy's response of
 9 26 October. If we could just have that blown up
 10 a little bit, he says in answer to your question:
 11 "— Are we responsible for the fabrication of the
 12 cassettes:
 13 "— As we don't manufacture the cassettes ourselves,
 14 we take no responsibility for it."
 15 Now, my first question is: well, what prompted you
 16 to ask your question whether Arconic was responsible for
 17 the fabrication of cassettes?
 18 A. I believe it must have been because cassettes were
 19 referred to in the certificate or in the quality plan.
 20 Q. Had you not seen the fact that certificates were
 21 referred to in the certificate when you first reviewed
 22 it at the end of 2014, early 2015?
 23 A. I did not have information — enough information about
 24 the manufacturing to identify what was produced by them
 25 and what was not.

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1 Q. What was it, do you remember, that alerted you to
 2 a question about the fabrication of the cassettes?
 3 A. I believe it must have been because there was probably
 4 no reference in the quality plan to the manufacturing of
 5 the cassette. There was some — I don't remember
 6 exactly, but there was a mismatch between the
 7 certificate and the quality plan with that — in that
 8 regard.
 9 Q. Why, because the quality plan said nothing about the
 10 cassette, or what?
 11 A. Yes.
 12 Q. What was the mismatch?
 13 A. I don't remember if the certificate was quoting the
 14 cassette at the time and the quality plan was not, or
 15 vice versa. But there was a mismatch in that sense.
 16 Q. Well, let's have the certificate back up then again,
 17 please, {BBA00000047/2} this time. I think we only need
 18 the certificate on the screen. We can see at page 2
 19 we've got the various regulations set out, but at page 3
 20 {BBA00000047/3}, I think in fact is what I want, we can
 21 see:
 22 "Technical Specification.
 23 "1 Description."
 24 And you can see in the second sentence under
 25 section 1.1 it says:

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1 "The panels are available either plain edged
 2 (riveted system) or flanged (cassette system) to suit
 3 architectural requirements (see Figure 1)."
 4 If you scroll down — we saw this earlier on, so I'm
 5 assuming you're familiar with it — you can see, under
 6 figure 1, there are the two systems set out in the
 7 certificate.
 8 So when you reviewed the certificate second time
 9 around in late 2016, you would have been very much alive
 10 to the fact the certificate described two ways of fixing
 11 the panels; yes?
 12 A. Yes.
 13 Q. Rivet and cassette. Yes.
 14 Given that, given the certificate that you were
 15 reviewing says that the panels being certified can be
 16 fixed in rivet form or cassette form, did you think that
 17 Mr Remy's assertion, as we've seen in his email, that
 18 Arconic took no responsibility for fabrication rather
 19 missed the point you were making?
 20 A. Well, it was as a matter of fact answering to my
 21 question, saying they were not manufacturing cassettes
 22 and therefore they were not responsible for it.
 23 Q. When he said that Arconic took no responsibility for
 24 cassette, did you ask yourself how that could be so,
 25 given that the certificate you were reviewing showed

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1 that there were two ways of using these panels, one in
 2 a rivet system and one in a cassette system?
 3 A. Yes, this was something that I had found with other
 4 certificates, where the design of the cassette was not
 5 covered within the — design and manufacturing the
 6 cassette system was not covered within the same factory
 7 in the same certificate holder premises where the flat
 8 panels were produced and therefore they had no control
 9 on it.
 10 Q. Did it not suggest itself to you that Arconic did have
 11 responsibility for the fire performance of the panels in
 12 both forms of fixing, rivet and cassette, because the
 13 certificate claimed that the panels were class B
 14 European or deemed to be class 0 without differentiating
 15 between the two different forms of fixing?
 16 A. Yeah, the certificate was not specifying which of the
 17 two type of system were tested, but it was my belief at
 18 that point, when I received that answer, that clearly
 19 the cassette system should have not been part of the
 20 certificate in the first place.
 21 Q. Shouldn't have been part of the certificate in the first
 22 place? So are you saying that you identified
 23 an original error?
 24 A. Yes.
 25 Q. An original error that had been allowed to remain on the

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1 face of the certificate for eight years, more, almost
 2 nine?
 3 A. Yes, that is because of the different approach BBA was
 4 taking with respect to the CSTB and other European
 5 bodies, whereby if a certificate holder is not in
 6 control of the manufacturing of all the products that
 7 are covered by the certificate, then those products that
 8 are not under control, they shouldn't be included in the
 9 certificate.
 10 Q. Well, that's cassette, but what about rivet? What led
 11 you to think that rivet was any different?
 12 A. Riveted panels are a much simpler design than cassette
 13 systems. Cassette can be formed in many different ways,
 14 and if you don't have control on the design and
 15 manufacturing of the cassette, then you don't have
 16 control on the final performance of that product.
 17 Q. Was there anything you had seen to tell you that, unlike
 18 cassette, which was not manufactured by Arconic, rivet
 19 was different and was manufactured by Arconic?
 20 A. Riveted panels are just flat panels with rivets in it.
 21 So as long as you specify the type of fixings and the
 22 spacing of the fixings, then the performance of the
 23 cladding in terms of structural performance is ensured.
 24 Q. That isn't correct, is it, Ms Amoroso, because even with
 25 a rivet there is a manufacturing process, simple though

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1 it may be, which is the drilling of holes through the
 2 skin and through the core?
 3 A. Yes, that is correct.
 4 Q. So what was it that led you to think that rivet was
 5 different from cassette?
 6 A. Because riveting — as long as you can specify the
 7 spacing of the rivets, that is a much simpler and
 8 identifiable performance than cassettes.
 9 Q. But you were drawing your distinction, it seems, on what
 10 Arconic was manufacturing, in other words what left its
 11 factory. What led you to distinguish between cassette
 12 on the one hand, which as you say was not manufactured
 13 or not done by Arconic, and rivet on the other? Is
 14 there anything you saw which told you that the riveting,
 15 the puncturing with holes in the panels, was done by
 16 Arconic?
 17 A. No, but I believe in the body of the certificate we were
 18 referring to the performance of the fixings that had to
 19 be used.
 20 Q. I'm not sure I am following your answer. You're drawing
 21 a distinction, I think, as between what is covered and
 22 what isn't covered by saying what is and isn't
 23 manufactured. You exclude cassette because you say it's
 24 not manufactured by Arconic. My question is: well, why
 25 not also exclude rivet on the basis that there is

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1 nothing to tell you that that was also not manufactured
 2 by Arconic?
 3 A. As I said, riveted systems are a lot simpler than
 4 cassette systems in their behaviour, structural
 5 behaviour, so they can be assumed to be covered in the
 6 certificate as long as you comply with the guidance
 7 provided by the manufacturer on drilling the holes.
 8 Q. Well, that's a different method of differentiation,
 9 isn't it? One, cassette is out because Arconic don't
 10 manufacture it, simple or difficult or whatever. But
 11 you're saying that the rivet is covered because you just
 12 follow the instructions. I don't understand the
 13 rationale here between differentiating cassette as not
 14 covered and rivet as covered. They're not consistent,
 15 are they?
 16 A. Because the two systems are completely different, and
 17 there is a lot more that goes into the quality control
 18 of the manufacturing of cassette system that doesn't go
 19 in the control of riveted systems.
 20 Q. Now, let's go forward and look at the review checklist.
 21 If we go to {BBA00011085} we can see the checklist done
 22 for this review. It's 15 November 2016, as you can see
 23 from the document under "Checked/Approved", and there is
 24 a little signature there. Do you know whose little
 25 signature that is?

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1 A. That is Prayer Nkomo.
 2 Q. All right. It's got your name on it as the PM.
 3 If we go to page 4 {BBA00011085/4}, item 13, we can
 4 see "Certificate check — wording". This is a checklist.
 5 Can I just confirm that this document is one created
 6 by you for BBA's internal records?
 7 A. Yes.
 8 Q. If you go under "Certificate check — wording", have
 9 a look at the long paragraph there, third main paragraph
 10 down, and it says this:
 11 "A general rewording is necessary as the Certificate
 12 has never been reissued since its first issue in 2008
 13 (The only reissue job ever raised — S157262 in 2015 —
 14 was never taken up and then abandoned). Particularly,
 15 since the product has a reaction to fire classification
 16 of B, height and boundary restrictions apply and
 17 section 6 needs to be consistently revised in accordance
 18 with our latest templates. Also the client has
 19 confirmed in email dated 26.10.2016 that they don't
 20 manufacture the cassette so the 'Description' part of
 21 the Certificate needs to be revised to make clear that
 22 the client is only manufacturing flat sheets and that
 23 the use as cassette is outside the scope. Durability
 24 statement needs to be revised to reflect the difference
 25 in service life for PVDF and acrylic coating, in

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1 accordance with Certificate 87/1964 PS1 and PS4. Also
 2 9.1 needs to be revised as it is not appropriate to give
 3 a service life of 30 years based on 'historical
 4 evidences'; a thorough investigation in the initial
 5 assessment folder file [and you identify it] ... has
 6 revealed that no tests were actually assessed for the
 7 panel. The durability statement was issued on the basis
 8 of the CSTB approval and some tests data carried out of
 9 the AI coated sheet (no peel test have ever been
 10 assessed)."
 11 Can we take it from the last part of that paragraph,
 12 which I have read in full to you, that you did
 13 thoroughly review the initial assessment folder file,
 14 file S3/41014?
 15 A. For what is concerning that statement, the test of
 16 durability.
 17 Q. Right. Was that the limit of your assessment or
 18 analysis of the initial folder file?
 19 A. Yes.
 20 Q. Why did you not go back to the initial folder file, the
 21 project file, and examine why it was that cassette had
 22 been included where now it was to be excluded?
 23 A. It was evident to me at the time that cassette were
 24 included because they were part of the initial CSTB
 25 certificate, and we never checked that that was not

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1 manufactured in the same premises as the flat sheets.
 2 Q. Did you look at the initial project file to find out why
 3 cassette was covered when now you discover that it
 4 shouldn't have been, so you thought?
 5 A. I did not look in detail, I just saw that that was
 6 covered in the initial submitted CSTB file.
 7 Q. When you did your review of the initial assessment
 8 folder file, was it a general review or was it only
 9 limited to the statements relating to durability, do you
 10 think?
 11 A. Only related to the statement of durability.
 12 Q. Do we take it from that that, notwithstanding the fact
 13 that you had discovered a mistake about the coverage of
 14 the certificate, you didn't review the project file for
 15 fire performance test data?
 16 A. No, that wasn't within the scope of that review.
 17 Q. Well, it was within the scope of your review to look at
 18 that file for durability data; why not look at the whole
 19 file and examine the claims or documents in it which
 20 supported the claims for fire performances?
 21 A. Well, as I said, the certificate was claiming that there
 22 were two types of panel that were achieving class B, and
 23 that can be deemed to be equivalent to class 0, which
 24 was the same that they were claiming in the technical
 25 literature, so I did not have at the time any reason to

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1 believe that a further investigation was required in the
 2 original file.
 3 Q. During this review — and I know you looked at it only
 4 for durability, you say — did you notice that
 5 a European fire test had been done on the rivet fixing
 6 of Reynobond 55 PE?
 7 A. I did not look at the fire test data.
 8 Q. At all? Right.
 9 When you discovered this mistake as you thought it
 10 to be in relation to cassette, did you ask Arconic for
 11 any fire test data relating to cassette?
 12 A. No, because we decided to exclude that from the scope of
 13 the certificate.
 14 Q. Yes. That would of course work going forwards for the
 15 future. Were you interested to know, though, whether
 16 there was any fire test data supporting the cassette
 17 form of PE which had supported the supply of cassette PE
 18 for the previous eight or nine years?
 19 A. I did not look in the previous test data, as
 20 I mentioned.
 21 Q. Now, let's look at page 4 of the review checklist
 22 {BBA00011085/4}. You can see that, as we've seen, you
 23 proposed to exclude references to the cassette form from
 24 the certificate.
 25 A. Yes.

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1 Q. Is the reason you wanted to exclude it because you
 2 thought it was an incorrect claim, in other words there
 3 was a claim that cassette was covered by the certificate
 4 when it shouldn't have been?
 5 A. Yes, that is what I stated.
 6 Q. Did you think that if you didn't remove the reference to
 7 cassette from the coverage, users would be misled into
 8 thinking that the claims made in the certificate covered
 9 both rivet and cassette forms?
 10 A. Yes.
 11 Q. Given that you realised that the certificate had covered
 12 cassettes for some eight or nine years on an erroneous
 13 basis, did you raise that fact with anybody more senior
 14 to you at the BBA?
 15 A. That was part of me raising the fact that there hadn't
 16 been any BBA surveillance in the previous years, that is
 17 the reason why we didn't spot this earlier.
 18 Q. Right. Who did you raise that with?
 19 A. With my manager, with the head of approval, when we
 20 carried out the reviews.
 21 Q. Did you take any steps to enquire of Arconic how come
 22 the certificate had covered cassette—fix variant for
 23 eight years even though Arconic took no responsibility
 24 for it?
 25 A. As I said, I think that this was coming directly from

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1 what was covered in the CSTB certificate, which was
 2 covering the cassette, one specific design of cassette.
 3 I don't know why it was covered, but it was covering
 4 a prescriptive design of cassette.
 5 Q. Yes. My question is different: did you take any steps
 6 to ask Arconic how come the certificate had covered
 7 cassette—fix variant for almost nine years even though
 8 Arconic took no responsibility for it and never had, so
 9 they said?
 10 A. No, I did not ask them why that was there, because the
 11 answer was that that was initially included in the CSTB
 12 certificate, and it was included as a consequence in the
 13 BBA certificate.
 14 Q. Did you not think back to the question that had been
 15 asked by Maria Barbeito and indeed yourself on numerous
 16 occasions, to ask whether there were any details which
 17 would invalidate the certificate, and wonder why it was
 18 that Arconic had never told you, in the nine years the
 19 certificate was in circulation, that although it
 20 purported to cover cassettes on its face, Arconic were
 21 not responsible for cassettes?
 22 A. I believe Arconic's understanding at the time was that
 23 because that was covered in the CSTB certificate, then
 24 it was fine to be included in the BBA certificate, and
 25 for that to be included in the French certification, it

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1 was enough to have test data for it, even though you
 2 were not producing the cassette yourselves.
 3 Q. Did you suspect that Arconic had realised that the
 4 BBA certificate had made a claim for the fire safety of
 5 a product which it was now maintaining it had no
 6 responsibility for?
 7 A. Can you repeat the question?
 8 Q. Did you suspect that Arconic had realised that the
 9 BBA certificate covered something and covered fire
 10 claims for that thing for which it was now disclaiming
 11 responsibility?
 12 A. Yes.
 13 Q. Did that not disturb you?
 14 A. Yes, that is why I suggested that that should not ...
 15 part of the certificate.
 16 MR MILLETT: Now, Mr Chairman, we're going to turn to
 17 a slightly different topic.
 18 SIR MARTIN MOORE—BICK: Yes.
 19 MR MILLETT: It may be a convenient moment for the break.
 20 SIR MARTIN MOORE—BICK: Yes, very well.
 21 We'll take another short break there, Ms Amoroso.
 22 We'll resume at 3.30, please. As before, please don't
 23 talk to anyone about your evidence or anything to do
 24 with it during the break. All right?
 25 THE WITNESS: Thank you.

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1 SIR MARTIN MOORE—BICK: Thank you very much. See you at
 2 3.30. Thank you.
 3 (3.15 pm)
 4 (A short break)
 5 (3.30 pm)
 6 SIR MARTIN MOORE—BICK: Welcome back, everyone. We are now
 7 ready to continue hearing the evidence of Ms Amoroso.
 8 So I'll just check that she can see and hear us
 9 all right.
 10 THE WITNESS: Yes.
 11 SIR MARTIN MOORE—BICK: You can? Very good, thank you very
 12 much. You're ready to go on?
 13 THE WITNESS: Yes.
 14 SIR MARTIN MOORE—BICK: Good, thank you very much.
 15 Well, when you're ready, Mr Millett.
 16 MR MILLETT: Yes.
 17 Ms Amoroso, we were on the review checklist. Can we
 18 go back to that, please, at {BBA00011085/4}, item 13.
 19 You can see in the third paragraph, four lines down, you
 20 say:
 21 "Particularly, since the product has a reaction to
 22 fire classification of B, height and boundary
 23 restrictions apply and section 6 needs to be
 24 consistently revised in accordance with our latest
 25 templates."

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1 Now, you say something about this in your statement,
 2 if we can go to it, please, at page 16 {BBA00010797/16},
 3 paragraph 88. Can we have that up, please. You say
 4 there:
 5 " ... BBA had started to introduce some
 6 clarifications regarding use restrictions of cladding
 7 products. This was in the attempt to clarify that tests
 8 to BS 476 were not sufficient to demonstrate the level
 9 of combustibility of cladding products, especially for
 10 ACMs. Also, the ADB was ambiguous in the suitability of
 11 use of cladding materials as tests to BS 476 were deemed
 12 equivalent to BS EN 13501 in justifying the use of
 13 cladding above 18m."
 14 Now, you then see that the Inquiry's question in
 15 bold is at b, "What decisions had been made?" Then we
 16 have a long set of discussion about that at
 17 paragraphs 89, 90, and 91. You say, if we can just
 18 focus on paragraph 90:
 19 "Where tests BS EN 13501 were not available, the
 20 Certificate holder had to provide test reports to this
 21 standard to demonstrate the limited combustibility.
 22 Where the Certificate holder would refuse to provide
 23 test data to BS EN 13501 and in the absence of
 24 combustibility test results a height restriction would
 25 be applied to the Certificate. Where test results in

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1 line with BRE135 were supplied instead, an exception to
 2 the height restriction would be added to the
 3 certificate."
 4 Looking at paragraph 90 there, where you say "to
 5 demonstrate the limited combustibility" in the second
 6 line, what do you mean?
 7 A. Class A2.
 8 Q. Class A2? I see. But A2 is a test under BS EN 13501,
 9 isn't it?
 10 A. Yes.
 11 Q. Yes. So can you just explain where you say, "Where
 12 tests to BS EN 13501 were not available, the Certificate
 13 holder had to provide test reports to this standard to
 14 demonstrate the limited combustibility", A2, as you say?
 15 A. Yes. That means that around the time when we were
 16 carrying out the second review, BBA has started to
 17 require that all certificates for cladding were
 18 including references to the BS EN 13501 for test data,
 19 and that supporting that, test data had to be provided
 20 to demonstrate that they were — the products were of
 21 limited combustibility, which was the wording that was
 22 in the Approved Document B at the time.
 23 Q. What if a client or certificate holder had a BS EN 13501
 24 test showing Euroclass B, what happened then?
 25 A. Well, in the first instance it was good that they had

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1 that 13501 classification as opposed to a 476, and then
 2 we would apply the height restrictions in accordance
 3 with the Approved Document B.
 4 Q. I see. So do I take it from that that in simple terms
 5 what you're saying is that the BBA by this time had come
 6 to the view that only a European A1 or A2 would do,
 7 otherwise you would have a height restriction?
 8 A. Yes.
 9 Q. Other than a pass under BS 8414 to BR 135?
 10 A. Yes.
 11 Q. So is it right that the BBA then came to prefer the
 12 European classification over the BS 476—6 and 7 tests?
 13 A. That is correct.
 14 Q. Do you know when the BBA came to that view?
 15 A. It wasn't in one particular event, but it was a gradual
 16 decision that came about in around that time.
 17 Q. You say it was gradual. I can understand that. When
 18 did this start to become the decision, as it were?
 19 A. Well, it was (inaudible) at the time of the second
 20 review that you had earlier, which was 2016, you said,
 21 2015?
 22 Q. 2016. October 2016 is what we're looking at.
 23 A. Yeah.
 24 Q. Right. So at October 2016, was the BBA starting to come
 25 to this view or had it already arrived at this view?

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1 A. It had already arrived at that view because I was making
 2 reference in the checklist to the latest template, so
 3 that wording had already been used on some other
 4 certificate at the time.
 5 Q. Do you know what had triggered the BBA to come to this
 6 view? What had persuaded it to come to this view?
 7 A. Well, a few of us, including myself, were of the opinion
 8 that the testing to BS 476 were not — could not be
 9 deemed equivalent to the 13501 because they were not
 10 addressing the combustibility aspect of the material but
 11 were only assessing the superficial spread of flame, so
 12 they were not fully representative of the level of risk
 13 of fire spread.
 14 Q. We have seen in paragraph 88 of your statement that you
 15 say that ADB was ambiguous in the suitability of
 16 cladding materials as tests to BS 476 were deemed
 17 equivalent to BS 13501 in justifying the use of cladding
 18 over 18 metres. We've seen that.
 19 Can you clarify exactly in what way the BBA
 20 considered that ADB was ambiguous?
 21 A. In the sense that for the height restrictions, the
 22 diagram 40 was allowing the use of class 0 materials as
 23 well as class B, where the two tests were not strictly
 24 equivalent, and therefore they couldn't be compared, and
 25 they shouldn't have been used in the same type of use.

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1 Q. I see.
 2 Were you involved in any discussions within the BBA
 3 about what you identify here as the ambiguity?
 4 A. Yes. That was a common discussion at the time within
 5 the engineering department.
 6 Q. When did those discussions begin, do you remember?
 7 A. It was always there. We also discussed it with other
 8 members of the industry. It was a point of debate.
 9 Everyone had a different opinion, but we decided to go
 10 for the safest approach.
 11 Q. Who did you take your lead from in going for the safest
 12 approach?
 13 A. It was our decision. What do you mean?
 14 Q. Who was the most senior person that you know about or
 15 dealt with involved in that decision?
 16 A. It was a decision of the project managers and the team
 17 managers at the time, and it was approved by the head of
 18 approval.
 19 Q. I see.
 20 To the best of your recollection, do you know
 21 whether the view to which the BBA had come was one
 22 communicated to anybody in central government,
 23 for example at the DCLG or the MCHLG as it became?
 24 A. I was not part of that discussion — those discussions.
 25 I know that the industry had tried to make the

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1 Government aware of these issues, as it was raised in
 2 some of the conferences that I attended. I know that
 3 BRE had tried to reach out to the Government, but
 4 without much luck.
 5 Q. Right. Anybody particular? Any names of anybody in
 6 Government that you can tell us about?
 7 A. No, as I said, I wasn't part — personally part of those
 8 conversations.
 9 Q. I see.
 10 You say that it was raised in some of the
 11 conferences you attended; can you give us some idea of
 12 what conferences those were and when they were?
 13 A. There had been a conference on the BRE ground one or
 14 two years earlier with various representatives of the
 15 façade industry and this was a point of discussion
 16 during that conference.
 17 Q. Do you remember who it was who was involved in those
 18 discussions, who was giving a speech or on the platform?
 19 A. I don't remember who were the speakers, but I'm sure BRE
 20 has records of that conference.
 21 Q. Right.
 22 Now, you say in your statement, as we've seen, at
 23 paragraph 90 {BBA00010797/17}, and you also say it at
 24 paragraph 91, that requiring A1/A2 was not compulsory
 25 under ADB. That's what you say.

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1 Are you saying that it was a matter of BBA policy to
 2 add a height restriction in the absence of A1/A2, but
 3 not technically required by ADB?
 4 A. Yes.
 5 Q. Yes.
 6 Am I right that because it wasn't compulsory, the
 7 BBA didn't require such a restriction to be added with
 8 any urgency?
 9 A. That's correct.
 10 Q. So it wasn't, for example, in the case of this 2016/17
 11 review, required as a condition of closing off the
 12 review?
 13 A. No. It was a change that would be applied as any(?) —
 14 when it was coming.
 15 Q. A change that would be applied when a re-issue was
 16 coming; yes?
 17 A. Yeah.
 18 Q. I see, okay.
 19 At paragraph 86 of your statement, if we could have
 20 a look back at that, please, you say — this is page 16
 21 {BBA00010797/16} — and the answer is a short one to
 22 a longer question. Summarising it, you're saying that
 23 users of a certificate would not be notified of any
 24 drafting changes or that the certificate was due to be
 25 re-issued unless they sent out a specific enquiry to the

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1 BBA.
 2 Does that tell us that you wouldn't put a notice on
 3 the website that the certificate was up for re-issue?
 4 A. That is correct.
 5 Q. Or that there were drafting changes which were requested
 6 and due but hadn't yet been made?
 7 A. That is also correct.
 8 Q. So that would mean, wouldn't it, that a user of the
 9 certificate might have no idea about the imposition of
 10 the 18-metre restriction that you were planning?
 11 A. Yes.
 12 Q. And it would have no way of knowing unless it
 13 specifically enquired of the BBA to see if there were
 14 any changes in train?
 15 A. That is correct.
 16 Q. Right.
 17 SIR MARTIN MOORE-BICK: Forgive me. I'm sorry, Mr Millett,
 18 forgive my interrupting.
 19 Ms Amoroso, I can't help noticing that you're
 20 looking down at something either on the desk or in your
 21 lap.
 22 THE WITNESS: It's just my hands.
 23 SIR MARTIN MOORE-BICK: Well, they're beautiful hands, I'm
 24 sure, but I just wanted to make sure you didn't have
 25 a mobile phone with you or anything.

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1 THE WITNESS: No, no.
 2 SIR MARTIN MOORE-BICK: Forgive my interrupting. Thank you.
 3 MR MILLETT: Can we go to paragraph 87 {BBA00010797/16},
 4 paragraph iv. The question was:
 5 "Was Certificate 08/4510 fit for purpose without
 6 redrafts? If so, please explain how."
 7 Your answer was:
 8 "The reason that this Reissue was required (in
 9 contrast to the previous) was that there was a change of
 10 name of the Certificate holder. The product (not the
 11 Certificate) was deemed still fit for purpose."
 12 Now, if we go back to the review checklist at
 13 page 5, please, {BBA00011085/5}, you can see there under
 14 paragraph 15, "Validity decision", highlighted it says,
 15 "requires technical Reissue".
 16 Is it right that you yourself considered that
 17 a technical re-issue was required?
 18 A. Yes.
 19 Q. Did you ask yourself the question at the time: how can
 20 this product be fit for purpose if it needs a statement
 21 added about the restriction on the height at which it
 22 can be used?
 23 A. Yes, I think that is why I was recommending a technical
 24 re-issue.
 25 Q. You did? You did ask yourself that question? But my

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1 question is: how could the product be fit for purpose,
 2 as you say in paragraph 87, if the certificate needed
 3 a statement adding to it limiting its use to buildings
 4 under 18 metres?
 5 A. The fitness for purpose was still in place, we just had
 6 to modify the issue.
 7 Q. With respect, it isn't, is it, because it's no longer
 8 fit for purpose on buildings above 18 metres?
 9 A. That is why we were going to amend that wording. But it
 10 was still in compliance with the regulations,
 11 technically speaking.
 12 Q. Now, at this time, this is October 2016, as we've seen,
 13 you were dealing with Arconic, and you were dealing with
 14 Nicolas Remy there. Would you say that he was being
 15 helpful and responsive to your queries?
 16 A. What I can see from the exchange of emails, yes.
 17 Q. Did you get the sense that you were being kept in the
 18 dark about anything?
 19 A. No, not particularly, no.
 20 Q. Did you have any discussions with Mr Remy other than
 21 those that we've seen in his email responses to your
 22 emails?
 23 A. Not that I can't remember.
 24 Q. Now, we know that in early 2015 Arconic changed its PE
 25 core of Reynobond 55 from translucent to black and then

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1 commissioned some more tests of that core in July 2015.
 2 The rivet re-tested got a C, C-s2, d0, and the re-tested
 3 Reynobond 55 in cassette got an E. Just for our note,
 4 that's {ARC00000402} and {ARC00000405}. There were also
 5 recipe changes.
 6 Am I right in thinking, as I think we looked at
 7 before, that you would have expected modifications to
 8 the core recipe to have been notified to the BBA; yes?
 9 A. Yes.
 10 Q. And you would have expected to have been notified of
 11 that modification — is this right? — even though the
 12 technical performance didn't change?
 13 A. Yes.
 14 Q. What if the core had not been modified but just tested
 15 differently, again would you expect that that should be
 16 notified to you?
 17 A. If there were new test data available, then yes, we
 18 would expect them to send them over to us.
 19 Q. Now, there is no record that we have that you were told
 20 about any of these tests or classifications. If you had
 21 been, do I take it you would have noted them and
 22 recorded them on the certificate?
 23 A. Yes.
 24 Q. Let's now move on in time to November 2016 and the
 25 re-issue.

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1 Summarising it, it's right, isn't it, that the BBA
 2 did re-offer a re-issue contract to Arconic and Arconic
 3 accepted that and signed a re-issue contract; yes?
 4 A. Yes.
 5 Q. Yes, let's go to {BBA00008213/2}, please. This is
 6 an email of 9 June 2017. At the very bottom of the page
 7 we can see an email from you to Mr Remy of 5 June. Then
 8 if we go up, please, to the bottom of page 1
 9 {BBA00008213/1} — what I want to show you is on the
 10 screen at the moment, but I just want to show you the
 11 start of the email at the bottom of page 1, from
 12 Nicolas Remy, 7 June 2017 to you, copied to Claude
 13 Wehrle, "Dear Valentina, thank you for your email", and
 14 then over the page at page 2 {BBA00008213/2}, under
 15 "Cassette system" about a quarter of the way down the
 16 screen, do you see, you have I think embedded in red
 17 your response to what he says in black. He says:
 18 "Cassette system: We base our calculations on the
 19 Reynobond notches/fixings resistance."
 20 Then you said this:
 21 "Since the cassette system has never been assessed
 22 by BBA and you have confirmed that you do not
 23 manufacture them (hence you are not accountable for
 24 their final performance), these will be removed from the
 25 certificate. They can be added if a proper assessment

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1 is carried out including specific testing, audit of the
 2 fabricators and submission of information related to the
 3 approval procedure for the fabricators (they need to be
 4 registered in scheme controlled by you)."

5 Was that notification there as a result of learning
 6 that cassettes weren't manufactured by the BBA in the
 7 course of your 2016 review?

8 A. Were not manufactured by Reynobond — by —
 9 Q. By Arconic?

10 A. Yes.

11 Q. I see. So there is nothing new you have learned; you
 12 have just decided that in the re-issue you're not going
 13 to cover cassettes?

14 A. That is correct.

15 Q. Because of what you learnt in the previous now closed
 16 review done in late 2015, early 2016?

17 A. Yes.

18 Q. Now, at paragraph 108 of your statement at page 20
 19 {BBA00010797/20}, please, can we just go to that, you
 20 say there:

21 "108. I can no longer recall the exact chain of
 22 events and dates but basically after the Grenfell Fire,
 23 BBA put in place a Policy by which all the ACM
 24 Certificates would be updated at the same time to
 25 reflect their classification to BS EN 13501, any height

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1 restrictions applicable, further clarifications of the
 2 interpretations of test results and BR compliance,
 3 details of any BS 8414 tests carried out. Effectively,
 4 the BBA carried out a project to bring forward the
 5 updates with the prior intention being only to update as
 6 and when the opportunity arose.

7 "109. The NHBC wording would be updated (though
 8 I don't remember exactly how) and the front pictures of
 9 the Certificates would be updated to reflect any height
 10 restrictions. I was the PM dealing with all these
 11 changes, ensuring consistency across the board and
 12 assessing any test data supplied by the manufacturers
 13 during that period."

14 Do I understand from that, both those paragraphs,
 15 that there was a decision within the BBA to re-issue all
 16 ACM certificates for which the BBA had previously issued
 17 certificates in the past, at the same time?

18 A. That is correct.

19 Q. Was that as a consequence of the fire?

20 A. Yes.

21 Q. Did the fire make that all the more urgent? When I say
 22 the fire, I mean the Grenfell Tower fire.

23 A. That is correct.

24 Q. Yes. Did the BBA thereafter require that all ACM
 25 manufacturers have their certificates updated at that

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1 time?

2 A. Yes.

3 Q. In other words, it was no longer up to the manufacturer
 4 to decide whether and when he got a re-issue; this was
 5 now mandatory?

6 A. Yes, and I don't think BBA requested the manufacturer to
 7 enter into a re-issue contract for that.

8 Q. You say in paragraph 109 that you assessed any test data
 9 supplied by the manufacturers during that period; what
 10 period are you referring to?

11 A. In the period during which BBA was carrying out this big
 12 project of re-issuing all the certificates.

13 Q. Right. We haven't seen any record of Arconic providing
 14 any further test data; did they do so?

15 A. I don't believe they did, no.

16 Q. Let's turn to look at how that re-issue certificate was
 17 created. Can we go first, please, to {BBA00008220}.

18 This is an email from the BBA to Nicolas Remy on
 19 21 July 2017 from Denise Flitton—Weinstein attaching the
 20 certificate, and she says:

21 "Please find attached a draft copy of
 22 Certificate 08/4510 for the above product.

23 "As part of an initiative to clarify behaviour in
 24 relation to fire and permissible areas of use, this
 25 re-issue specifies a height limit of 18 metres for the

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1 installation of this product.

2 "This draft Certificate is sent to you for
 3 information only and it will be issued and published
 4 shortly."

5 Noting the date, 28 July 2017, that's about
 6 five weeks after the Grenfell Tower fire on
 7 14 June 2017, isn't it?

8 A. Yes.

9 Q. Yes.

10 Did you play any part yourself in the re-issue of
 11 this certificate?

12 A. Yes, as I stated previously.

13 Q. Yes, I see.

14 At this time, did you play any particular part?

15 A. Yes, I was involved throughout.

16 Q. Did you ask Arconic at this point for any data on
 17 fire tests for the purposes of the re-issue?

18 A. I don't know if I asked specifically as part of this
 19 project of re-issuing all the certificates.

20 Q. Why not?

21 A. Because communications regarding this re-issue of the
 22 certificates following the Grenfell fire, all
 23 communication regarding that were not managed directly
 24 by me but by BBA itself.

25 Q. You say by BBA itself; do you mean somebody else within

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1 the BBA other than you?

2 A. Yes, I was just doing the redrafting work.

3 Q. I see.

4 Do you know who it was in the BBA who was

5 responsible for dealing with Arconic about their

6 underlying fire test data after the Grenfell Tower fire?

7 A. I don't remember. With Arconic, as we had already

8 an ongoing re-issue, I was dealing with them, and

9 I would have communicated with them that we were going

10 to re-issue their certificates. If there wasn't a need

11 to ask for new test data, I wouldn't have asked. The

12 other certificate holders have voluntarily submitted

13 their new test data for inclusion in the certificate.

14 Q. But Arconic hadn't, is that right?

15 A. No.

16 Q. Right.

17 Do you know what the BBA made of Arconic's

18 exceptional behaviour, as you described it?

19 A. No, I don't. I don't remember.

20 Q. Can we go to {MET00053158_P19/23}. This is Mr Wehrle's

21 exhibit, part 19, to his witness statement, page 23.

22 It's an email dated 25 July 2017 to

23 Denise Flitton-Weinstein, copied to Claude Schmidt,

24 among others. You're not copied in on it.

25 Do you think it's a document you might have seen at

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1 the time or do you think it might have been copied on to

2 you?

3 A. I really don't remember. Maybe I've seen some copies of

4 this, but —

5 Q. Right. Let's just look at the fourth paragraph down.

6 We will take it quickly if you didn't see it at the

7 time.

8 We can see from the fourth paragraph down, if we can

9 scroll up a little bit, please, on the screen, he says,

10 "As attached documents", and he makes some corrections

11 or additions or amendments to the certificate in

12 re-issue or draft re-issue that Ms Flitton-Weinstein has

13 sent him. You can see they're all set out there.

14 There's nothing there about fire performance, is there?

15 A. No.

16 Q. Do you know whether anybody within the BBA pressed

17 Arconic for precise, up-to-date details about fire

18 performance, having received this message from Mr Wehrle

19 in response to receiving the draft?

20 A. No, as far as I know, none of the manufacturers were

21 pressed for new test data at the time.

22 Q. Right.

23 Can we then go to the certificate as issued on

24 4 August, just two weeks or so later, 2017. Again,

25 we're post-fire now. This is {BBA00000046}.

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1 At the bottom of the page, we can see the date,

2 4 August 2017, signed by Brian Chamberlain and

3 Claire Curtis-Thomas. At the top we can see a building

4 that now appears to be a rather lower building than the

5 original one.

6 If we go to page 3 {BBA00000046/3}, under

7 "Description", we can see paragraph 1.1:

8 "1.1. Reynobond Architecture Wall Cladding Panels

9 are flat aluminium composite panels comprising two 0.5

10 mm thick aluminium alloy sheets ... bonded to either

11 side of a low-density polyethylene (LDPE) core. The

12 exposed face is coated with either a 28 [micron] layer

13 of polyvinylidene difluoride paint (PVDF 70/30) or a

14 35 [micron] layer of polyester paint (Duragloss 5000),

15 a polyester primer protects the unexposed face.

16 "1.2. The panels are available in two grades

17 differentiated by the composition of the panel core, ST

18 and FR with the nominal characteristics given in

19 Table 1."

20 Then table 1 is set out and you can see it there,

21 and there are the claims made for it.

22 If you go to the bottom:

23 "The panels are mechanically fastened to the

24 aluminium sub-frame using aluminium rivets forming

25 an open-jointed cladding system. Details of panel

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1 mountings are shown in Figure 1."

2 If you go over the page to page 4 {BBA00000046/4},

3 it says:

4 "The flat panels can be formed into cassettes with

5 different flange widths and fixed to the aluminium

6 subframe by means of T-slots fitting onto pins."

7 And then there is a footnote 1, which appears twice

8 in that subsection:

9 "The manufacturing and the use of the cassettes, the

10 sub-frame and its attachment to the substrate wall are

11 not covered by this Certificate."

12 Then lower down the screen, same page, you can see

13 figure 1, "Typical fixing system", and if we have that

14 scrolled down a little further, we can see that it's

15 rivet, "riveted system".

16 Now, we can see that the update you identified in

17 your 2016 review, that is removing references to the

18 cassette—fix and clarifying the scope of the

19 certificate, was what you'd identified. Am I right in

20 thinking that those recommendations had been carried

21 through to this certificate?

22 A. Yes.

23 Q. But is it right that these changes were not based on any

24 data about fire performance, were they?

25 A. No.

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1 Q. You were — I say you; this re—issue was simply sweeping
 2 up changes that you had already identified in your
 3 2015/16 review?
 4 A. Yes, correct.
 5 Q. In other words, is this right: the removal of cassette
 6 was not because it did not perform in accordance with
 7 the fire performance tests claimed for it, but because,
 8 quite simply, you learnt that Arconic didn't, as it
 9 were, manufacture cassette?
 10 A. That's correct.
 11 Q. In fact, it's right, isn't it, that even at this stage,
 12 4 August 2017, the BBA still did not know — is this
 13 right? — that the cassette had failed European
 14 fire tests repeatedly since late 2004?
 15 A. Yes, we did not know.
 16 Q. When I say cassette, I mean Reynobond 55 PE in cassette
 17 fabrication.
 18 A. Understood.
 19 Q. Now, if we go to section 7 on page 6 {BBA00000046/6}, we
 20 can see, cutting straight down, this is under "Behaviour
 21 in relation to fire" — I can scamper down, I think, to
 22 the table on the next page {BBA00000046/7}, and there it
 23 is at the top of the screen. These are the fire
 24 classifications:
 25 "[Standard] with grey/green Duragloss 5000 coating:

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1 B—s2, d0.
 2 "FR with gold Duragloss 5000 coating: B—s1, d0.
 3 "FR with a metallic grey PVDF coating: [blank].
 4 "Standard or national Building Regulation:
 5 Class 0 ..."
 6 Now, just looking at that table, can you explain
 7 why, even in August 2017, after, as you told us, the
 8 policy had been introduced at the BBA only to use
 9 European classifications, if I've got your evidence
 10 right, you see class 0 or low risk used as the fire
 11 classification for FR?
 12 A. That was because it was still allowed under the
 13 Building Regulations and therefore we couldn't remove it
 14 altogether, but we required that to be read side by side
 15 with the European classification.
 16 Q. I see. It doesn't say that, though, does it? You have
 17 a footnote, "Class 0 or 'low risk'". It simply says,
 18 class 0, "As defined in appendix A, paragraph 13(a) to
 19 the Approved Document B". How would that footnote alert
 20 the reader to the concern within the BBA that there was
 21 no equivalence between the European fire testing regime
 22 and the national classes?
 23 A. Well, it wasn't specified, but we pushed for the
 24 certificate to include the European classification.
 25 Q. Right.

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1 Why didn't you push Arconic to give you the
 2 up—to—date European classification for FR as opposed to
 3 just relying on a historical class 0?
 4 A. There is a classification for FR to the
 5 European Standard in this table.
 6 Q. The FR with the metallic grey PVDF coating is what I'm
 7 referring to.
 8 A. Ah, right. I don't know. We had one classification for
 9 the FR and that's what we put in there.
 10 Q. Now, in putting these in a table, did the BBA revisit
 11 the original data from the assessment?
 12 A. I don't remember.
 13 Q. Can I ask, did you yourself put this certificate
 14 together?
 15 A. Yes, with the help of other —
 16 Q. So when you put fire classification against standard
 17 with grey/green Duragloss 5000 coating B—s2, d0, where
 18 did you get that from?
 19 A. It must have been from the test data that we had in our
 20 possession.
 21 Q. The test data? Right. So was that the first time that
 22 you went back and looked at the test data in the
 23 technical file?
 24 A. Yes.
 25 Q. I see. So you didn't just copy it across from the

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1 certificate, the old certificate?
 2 A. I don't believe so.
 3 Q. When you looked at the test file, did you notice that
 4 the classification from the CSTB that supported standard
 5 PE's claim to be B—s2, d0 was dated 5 January 2005?
 6 A. I don't remember.
 7 Q. Did it occur to you to ask Arconic if they had more
 8 up—to—date fire performance data for standard?
 9 A. That might have happened but I don't remember.
 10 Q. Did you also get the B—s1, d0 for FR from the original
 11 technical file?
 12 A. That is possible.
 13 Q. Again, you would have noticed that that was dated
 14 September 2006, ten years ago?
 15 A. Again, (inaudible).
 16 Q. Sorry, could you say that again, please?
 17 A. I was saying again, same as before, I don't remember
 18 exactly what happened in that period.
 19 Q. Before this certificate was published, did anybody at
 20 the BBA, yourself included, actually ask Arconic whether
 21 or not these fire classifications which — from the
 22 technical file — were more than a decade old, to
 23 provide you with updated test data if they had any, both
 24 for standard and for FR in these two colours and
 25 coatings?

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1 A. No. It wasn't a common procedure from BBA to ask for
2 new test data every now and then.
3 Q. But why not? There had been a fatal fire only
4 a few weeks before. My question is: why didn't you
5 insist, or anybody else at the BBA insist on either
6 seeing Arconic's up-to-date fire tests for both PE and
7 FR, or at least insist on a confirmation that you had
8 all relevant and up-to-date test data in your hands?
9 A. That is not the question for me. I was just doing what
10 I was asked to do at the time.
11 Q. It's a question for you because I'm asking you to answer
12 it: why did you not insist, you personally, or ask your
13 superiors to insist on seeing Arconic's up-to-date
14 fire test data for both these kinds of panels or else
15 say, "We're not going to re-issue it"?
16 A. At the time these events were happening, I wasn't even
17 aware of which products were involved in the fire,
18 so ...
19 Q. You say that you were just doing what you were asked to
20 do at the time; who asked you to do this?
21 A. The operations manager, the head of approval, they've
22 asked me to update all the certificates.
23 Q. Right. Who was in charge at the time of extracting from
24 Arconic the up-to-date fire test data and
25 classifications?

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1 A. At the time, when we were re-issuing the certificate, it
2 would have been me to go through the old file.
3 Q. Right.
4 A. (inaudible) other people.
5 Q. Okay, but who was in charge of getting what wasn't on
6 the file out of Arconic by way of up-to-date material?
7 A. It wasn't something that we were asked to do.
8 Q. Okay. Let me try it differently: who was the contact
9 person at the BBA in contact with Arconic on the subject
10 of what was needed to produce this re-issue?
11 A. That would have been me prior to the fire, and following
12 from the fire it would have been the admin team.
13 Q. Who was it in the admin team?
14 A. I don't remember. There were letters sent out to all
15 the manufacturers of ACM panels to communicate that
16 these re-issues were going to happen.
17 Q. Right.
18 A. But we did not ask specifically for latest test data at
19 the time. We were just re-issuing the certificate on
20 the basis of what we had on our records.
21 Q. You say it was you before the before; what happened
22 after the fire? Did somebody come to tell you that they
23 were taking away from you your role as contact point
24 with Arconic and taking it on themselves?
25 A. No, I was dealing with Arconic for the previous re-issue

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1 that we have been discussing during this hearing, and
2 then following from the fire, that re-issue became part
3 of the wider and bigger project of re-issuing all the
4 certificates for ACM panels, so all communication
5 related to that were dealt by the admin team.
6 Q. It's right, I think, coming back to the point, that even
7 at this point, a number of weeks only after the
8 Grenfell Tower fire, your statement of fire
9 classification of Arconic's PE panels as class B were
10 based on a test done in late 2004 and classified in
11 early 2005?
12 A. Yes, that is true.
13 Q. Without any investigation from Arconic of whether there
14 was an up-to-date test?
15 A. Yes, yes.
16 Q. Can we go back to the certificate and look at
17 paragraph 7.3 {BBA00000046/7}:
18 "The products are not classified as being
19 'non-combustible' or of 'limited combustibility' ... and
20 so their use is restricted to 18 metres in height unless
21 a full scale fire test to either BS 8414-1:2015 or
22 BS 8414-2:2015 has been conducted for the specific wall
23 construction under consideration, and the other
24 requirements of BRE Report BR 135:2013 have been met."
25 Now, that section 7.3 is — is this right? — the

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1 new statement? In other words, that's where we find the
2 imposition of the 18-metre restriction?
3 A. Yes, yes.
4 Q. Was that the primary reason for re-issuing the
5 certificate?
6 A. This specific certificate (inaudible) re-issue before
7 the fire, but yes, this was one of the updates that we
8 were going to incorporate.
9 Q. Yes.
10 We can see, as we've just seen from table 3, there
11 is reference to class 0. We don't see anywhere in this
12 statement the phrase, "the panels may be regarded as
13 class 0", do we?
14 A. Yes, that is correct.
15 Q. Was any decision made or discussion had about removing
16 that phrase, that description, from this certificate?
17 A. I don't remember.
18 Q. If we can go to the front, page 1 {BBA00000046/1}, we
19 can see — both here, indeed, and on page 1 — that
20 "Behaviour in relation to fire" is described as:
21 "The panels have a B-s2, d0 or a B-s1, d0 reaction
22 to fire classification to BS EN 13501-1:2007, depending
23 on the grade chosen."
24 That's now only the European classification, no
25 reference to national classification there.

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1 Was that in line with the BBA policy as it had
 2 evolved by this time that you described earlier ?
 3 A. Yes.
 4 Q. Was there any discussion at all at this time about the
 5 expression "may be regarded as having class 0" which was
 6 in the original certificates but removed in this
 7 re-issue?
 8 A. As I stated, I don't remember a specific discussion
 9 around that wording.
 10 Q. Now, we know that UKAS did an assessment of the BBA in
 11 July 2017 and had an extra visit in August 2017. Do
 12 I take it that you were involved in those visits ?
 13 A. Yes, that is correct.
 14 Q. Now, let's look briefly, then, at the UKAS assessment
 15 report. This is at {BBA00008620/8}. This is the report
 16 from the first visit and it's dated 12 July 2017. This
 17 is the executive summary on page 8, third paragraph
 18 down. It says:
 19 "A discussion about the most recent reviews
 20 undertaken was held with Project Manager
 21 Valentina Amoroso."
 22 Do you see that?
 23 A. Yes.
 24 Q. Then in the next paragraph it says you gave an account
 25 of the review and you described the review checklist and

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1 a follow-up by the BBA with the manufacturers. There is
 2 a description about the decision to remove the cassette
 3 system from the next version of the certificate. I'm
 4 summarising.
 5 Then it goes on in the next paragraph:
 6 "It was noted that Valentina Amoroso had
 7 an awareness of the fire performance of the certificated
 8 products during the UKAS assessment. This included the
 9 routes to establish the suitability of a cladding system
 10 for use on a tall building. Valentina was asked during
 11 the discussion relating to the review of the certificate
 12 if she questioned the tests required by the client and
 13 she replied positively. In this case the product is
 14 being sold in the UK market and the manufacturer's
 15 literature contains photographs depicting buildings that
 16 are over 18m in height ..."
 17 Where it says "Valentina was asked during the
 18 discussion relating to the review of the certificate if
 19 she questioned the tests required by the client and she
 20 replied positively", does that mean that you were asked
 21 by the UKAS inspectors if you had actually questioned
 22 the fire performance tests that went into the
 23 certificate ?
 24 A. Yes, I believe this was referred to the period of the
 25 review where I raised the fact that we had to include

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1 a height restriction in the certificate .
 2 Q. Right.
 3 Now, it looks from this that you told UKAS
 4 positively that you did question the tests required by
 5 the client. Did you do that? Did you tell them that?
 6 A. I don't remember exactly what this sentence is referring
 7 to in relation to that UKAS assessment.
 8 Q. We haven't seen any evidence — and we have been through
 9 a lot today, I appreciate, Ms Amoroso — that you ever
 10 actually looked at the underlying fire performance data
 11 to support the claims made in the original certificate
 12 or indeed, with one exception, in this certificate .
 13 Is it completely true that you did, as you appear to
 14 have told UKAS, that you questioned the tests?
 15 A. Yes, I did question why we were using the tests that
 16 were — why in the first place we were (inaudible)
 17 class 0 classification on the basis of tests that were
 18 not the British Standard tests, and then I believe I did
 19 assess the original files during the final re-issue
 20 after the fire. But I don't remember if the UKAS
 21 assessment was before or after that review.
 22 Q. This one is from the July 2017 review and inspection,
 23 because this report is dated 12 July 2017, so that's
 24 when it is said in this report that you said it. So
 25 this is before re-issue on 4 August but after the fire,

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1 it's between the two dates. So does that help you in
 2 your answer?
 3 A. Yes. During that period I did review the original
 4 files, and that is (inaudible) in the last re-issue.
 5 Q. By this point, this is 12 July 2017, had you actually
 6 before that questioned the tests as part of your review
 7 that you had done thus far?
 8 A. I did question those tests as part of the work of
 9 re-issue that I was doing across the board, all the ACM
 10 panels. Until that point, I wasn't asked to review the
 11 original test data from the original dossier.
 12 Q. Now, we know that in September 2017 Arconic decided no
 13 longer to sell PE-cored Reynobond for tall buildings,
 14 and then decided to withdraw PE Reynobond completely.
 15 Do you remember that on 21 September 2017, Mr Wehrle
 16 told you that Arconic were no longer selling PE in the
 17 UK for architectural purposes and he wanted references
 18 to PE in the certificate to be removed? Do you remember
 19 that?
 20 A. Yes.
 21 Q. Yes. Let's just go to the re-issued certificate. It's
 22 {BBA00000049}. At page 1 we can see there is a new date
 23 at the bottom, a re-issue date, do you see?
 24 4 August 2017 is the date of second issue, and then
 25 "Certificate amended on 22 September 2017 to remove ST

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1 panel". ST means PE core, doesn't it?
 2 A. Yeah.
 3 Q. If we go to page 7 {BBA00000049/7}, we see there are no
 4 references to the PE core anymore. They've gone. Do
 5 you see that?
 6 A. Yeah.
 7 Q. That was just an edit, wasn't it?
 8 A. Yes.
 9 Q. You didn't at that point ask for any further
 10 information?
 11 A. No, because it was outside the scope of the certificate
 12 at that point.
 13 Q. Did you wonder why Arconic was withdrawing PE-cored ACM
 14 from the UK market for architecture completely?
 15 A. Yes, I remember that Arconic stated at the time that
 16 because they did not have control on how the market
 17 would be using their products and because the
 18 legislation in the UK was not particularly clear, they
 19 didn't want to take any responsibility related to future
 20 accidents.
 21 Q. Do you remember in February 2018 a BBC correspondent by
 22 the name of Tom Symonds got in touch with the BBA about
 23 information that Arconic had made changes to the PE core
 24 in 2015?
 25 A. I remember that that was the case, yeah.

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1 Q. Yes.
 2 Now, let's just look at one email string here. This
 3 is at {BBA00009586/4}. At the bottom of page 4 and over
 4 on to page 5, we can see at the very bottom of page 4
 5 an email from Brian Moore on 6 February 2018. If we go
 6 to the top of page 5 {BBA00009586/5}, he says this, and
 7 it's to Claude Wehrle:
 8 "Dear Mr Wehrle
 9 "The BBA has been contacted by BBC Television about
 10 a programme they are planning to broadcast in respect of
 11 the fatal fire at Grenfell Tower in London in June 2017.
 12 "The BBC has informed us that in 2015, Arconic may
 13 have made some changes to the PE material in the core of
 14 the Reynobond PE product and which may not have been
 15 communicated to the BBA.
 16 "We have not commented on this to the BBC, but we
 17 would like to understand whether or not any changes to
 18 the core of the PE product occurred in 2015 and whether
 19 or not you say that this was communicated to the BBA.
 20 "I would be grateful for your response by the close
 21 of business on Monday 12th February 2018, please."
 22 If we scroll up to page 3 {BBA00009586/3}, we can
 23 see that you are joined in on this chain.
 24 A. Yes, in the —
 25 Q. There it is. Do you see that?

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1 A. Yeah.
 2 Q. You say:
 3 "I have reviewed once more the technical file for
 4 Reynobond and I am afraid I have to confirm we don't
 5 have the 2014 test report.
 6 "The only fire tests to EN 13501 are in the attached
 7 PDF summary."
 8 Then you set them out: the PE riveted B—s2, d0,
 9 that's test 5A from early 2005; and the Reynobond FR
 10 riveted, B—s1, d0, that should say.
 11 Then if you skip to the bottom, you say:
 12 "Please note that all technical info for this
 13 Certificate are only available in the original
 14 assessment file S341014, nothing else was ever provided
 15 to us after that."
 16 Now, if we skip to the bottom of page 1 of this
 17 email run {BBA00009586/1}, this is an email to you, also
 18 on 19 February 2018, copied to John Albon:
 19 "Valentina
 20 "By coincidence whilst we were discussing this
 21 matter in the corridor, M Wehrle rang. He will email me
 22 to say that the change from translucent to black core
 23 occurred in May 2015 because the 'market' asked for
 24 black (where edges were visible, the black was a nicer
 25 look, aesthetically). The fire properties of both were

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1 identical. The BBA was not told of this for that
 2 reason. He also said that the auditor did not comment
 3 on the black core during a 2015 audit visit.
 4 "In respect of the 'change' from b to d, he said
 5 that nothing has changed and the values pertain to
 6 whether the cladding is flat or in cassette.
 7 "I have also asked him to comment to me about
 8 whether Arconic is going to provide any information to
 9 the BBC. He thinks not but will confirm."
 10 Pausing there, according to Brian Moore,
 11 Claude Wehrle said that nothing had changed and the
 12 values pertained to whether the cladding is flat or in
 13 cassette.
 14 Doing your best, what did you understand that to
 15 mean?
 16 A. That the change to the colour of the core would not
 17 imply a change in the performance whether that was
 18 a flat panel or a cassette system.
 19 Q. And the change from b to d, what did that mean?
 20 A. I believe that refers to the classification for fire —
 21 the fire test that the BBC correspondent had sent to us.
 22 Q. I see.
 23 What about a reference to d, where did that come
 24 from?
 25 A. The d classification was again one of the tests that the

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1 BBC correspondent had sent to us.
 2 Q. If we go to the top of page 1 {BBA00009586/1}, you
 3 respond the same day, a little bit later in the morning,
 4 also copied to John Albon:
 5 "Thanks Brian.
 6 "This is interesting ... If any of you has access to
 7 the 2014 report I would like to see it.
 8 "We are not covering the cassette anyway and the
 9 report we have on file is for flat panels only."
 10 Now, it's right, isn't it, as we've seen, that the
 11 certificate did cover cassette for many years, indeed
 12 from January 2008 until 2017?
 13 A. Yes.
 14 Q. Are you saying here that it didn't matter what the
 15 cassette classification was historically because the
 16 certificate as at February 2018 did not cover cassette?
 17 A. I was saying that for the purpose of those re-issues
 18 that we were doing, we shouldn't have included that test
 19 report and therefore we shouldn't, yeah, look for it.
 20 SIR MARTIN MOORE-BICK: Ms Amoroso, can I trouble you to
 21 keep your voice up a bit, please, because I think
 22 sometimes towards the end of the sentence you drop it
 23 and the transcribers can't hear you too clearly. Do you
 24 mind? Thank you very much.
 25 MR MILLETT: You don't seem to say to Brian Moore that

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1 historically this actually creates a problem. The
 2 impression given by your email is that you don't cover
 3 cassettes anyway, and the report you have got on file is
 4 for flat panels only.
 5 Was it not a concern of yours at the time that
 6 historically, for all these years, before cassette was
 7 dropped in the August of 2017, the certificate had
 8 covered it?
 9 A. It was — everyone was aware of that. It wasn't just
 10 myself.
 11 Q. Now, there is further email correspondence which may be
 12 better covered with other witnesses, but can I just look
 13 at one more. This is {BBA00009087}, also in the same
 14 sequence and on the same topic.
 15 If we go to page 3 {BBA00009087/3}, we can see the
 16 email we've just looked at — well, actually, it's
 17 a slightly different email, but we can see that there is
 18 an email that Brian Moore sends you, copied to
 19 John Albon:
 20 "V, another coincidence: BBC just forwarded all of
 21 these. There would seem to be quite a few that we are
 22 unaware of."
 23 Then if we go to page 4 {BBA00009087/4}, we can see
 24 your email in response — I'm sorry, this is actually
 25 the wrong way round. What happens is that Tom Symonds

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1 sends Brian Moore a set of classification reports that
 2 the BBC have uncovered. Then if we scroll up, we can
 3 see that he sends it to you.
 4 Then if we go a little bit further up still
 5 {BBA00009087/2}, we see you go back to Brian Moore and
 6 say:
 7 "Hi Brian,
 8 "Thanks a lot.
 9 "Interesting reading ...
 10 "So the client said the core of the PE version of
 11 the panel was originally translucent and then a black
 12 was introduced for commercial reasons.
 13 "None of the reports until 2015 [underlined]
 14 mentions the colour of the core."
 15 Then you see below that that you conduct some kind
 16 of analysis of these reports that you had been sent by
 17 Mr Moore which he had got from Tom Symonds. Is that
 18 right?
 19 A. Yes.
 20 Q. Could you see from the reports that Mr Symonds had sent
 21 Mr Moore and Mr Moore was sending on to you that rivet
 22 and cassette had achieved quite different
 23 classifications?
 24 A. Yes.
 25 Q. On looking at those reports, did it occur to you that

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1 before the fire at Grenfell Tower, the BBA certificate
 2 for Reynobond had materially incorrect information about
 3 the classification of PE-cored ACM?
 4 A. That might have been the case, but ... yeah.
 5 Q. In particular, that it failed to distinguish between the
 6 cassette and rivet-fixing variants?
 7 A. Yes.
 8 Q. And also that the best class it could claim from 2014 at
 9 the latest was class C?
 10 A. Yes, that is what I'm (inaudible).
 11 Q. And — yes.
 12 And in cassette, E? Class E?
 13 A. Yes, I believe that was the finding from this analysis.
 14 Q. Yes, and neither class C nor class E would have met the
 15 requirements of diagram 40 in ADB at the time, would
 16 they?
 17 A. Yeah.
 18 Q. Was this the first time you had discovered these facts?
 19 A. Yes, yes.
 20 Q. Can you account for why this is the first time you
 21 discovered these facts?
 22 A. I believe it was because in none of the reviews that we
 23 had carried out we checked the original test reports,
 24 because that was not the procedure the BBA would use.
 25 Q. Can you account for how it was left to a BBC journalist

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1 to uncover these facts and that the BBA had for so many
 2 years failed to do so?
 3 A. I cannot account for that, no.
 4 Q. Do you accept that you should have been much more
 5 proactive and assertive in pressing Arconic for all
 6 up-to-date and relevant fire test data for Reynobond 55
 7 since your first involvement with it in December 2014?
 8 A. I believe BBA procedures should have been different.
 9 MR MILLETT: Mr Chairman, I've come to the end of my
 10 prepared questions, and it is 4.30.
 11 SIR MARTIN MOORE-BICK: Yes.
 12 MR MILLETT: But there remains the usual break to see if
 13 there are any follow-up questions.
 14 SIR MARTIN MOORE-BICK: Yes, quite.
 15 MR MILLETT: I detect that only about ten minutes is
 16 probably needed.
 17 SIR MARTIN MOORE-BICK: We will see how we go, shall we?
 18 MR MILLETT: Yes.
 19 SIR MARTIN MOORE-BICK: All right.
 20 Well, Ms Amoroso, Mr Millett has got to the end of
 21 his questions, but we need to have a short break for him
 22 to check that he has not left anything out, and also to
 23 enable others who are watching these proceedings and may
 24 have other questions to put them to us.
 25 So we will have a break now, I think we will say for

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1 ten minutes, until 4.40. It may turn out to be a little
 2 longer if people tell us they need more time, but we
 3 will get back as soon as we can, and please don't talk
 4 to anyone about your evidence during the break.
 5 All right?
 6 Thank you very much indeed.
 7 (4.30 pm)
 8 (A short break)
 9 (4.40 pm)
 10 SIR MARTIN MOORE-BICK: Welcome back, everyone. We will now
 11 see whether Mr Millett has any more questions to put to
 12 Ms Amoroso.
 13 So, the first thing is to check that Ms Amoroso can
 14 see and hear me all right? Can you see and hear me?
 15 THE WITNESS: Yes.
 16 SIR MARTIN MOORE-BICK: Very good, thank you very much.
 17 Well, now we will see if Mr Millett has any more
 18 questions to put to you.
 19 There you are, Mr Millett, any more questions?
 20 MR MILLETT: Yes, Mr Chairman, just one topic, really.
 21 Ms Amoroso, could you please be shown today's
 22 transcript at page 79. I would like to show you the
 23 exchange that you and I had from line 22 onwards.
 24 At line 22: {Day106/79:22}
 25 "Question: You say you would have been notified by

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1 the CSTB if there had been any changes. Let me just
 2 understand that.
 3 "Were you expecting the CSTB to send you underlying
 4 test data unilaterally themselves?
 5 "Answer: We would have expected, because the
 6 certificate, as you well know, was issued as
 7 a confirmation certificate of a CSTB certificate
 8 initially. We expected that CSTB would have notified us
 9 of any changes to the certificate, the — its use or
 10 validity, or anything that had to do with the
 11 manufacturing, if that happened. And with that, the
 12 agreement was that they would have sent us copies of
 13 their surveillance reports in the factory, which in
 14 essence we never received.
 15 "Question: You say, 'We expected that CSTB would
 16 have notified us of any changes to the certificate ...
 17 use or validity', et cetera. What was the basis on
 18 which you understood the CSTB would do that?
 19 "Answer: It was a usual agreement within notified
 20 bodies across Europe whereby a confirmation certificate
 21 could be issued on the basis of one certificate issued
 22 by another body, as long as there was this mutual
 23 agreement by which the notified body that was issuing
 24 the certificate would have notified the other body, in
 25 this case BBA, of any changes to the certificate."

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1 Now, I want just to focus on any tests, fire tests
 2 and any classification reports, reaction to fire
 3 classification reports, issued by the CSTB after the
 4 date of the confirmation certificate you're referring
 5 to.
 6 What was the basis on which you understood that the
 7 CSTB would provide those updated, new fire test reports
 8 or classification reports to the BBA?
 9 A. What was the basis?
 10 Q. Yes.
 11 A. It was on the basis that there was this mutual agreement
 12 between BBA and CSTB to notify each other if there was
 13 any relevant change to the certified products.
 14 Q. Change to the certified products. What about change in
 15 the classification of the products for the purposes of
 16 reaction to fire?
 17 A. That would have included that.
 18 Q. What was the basis of your understanding that the CSTB
 19 would send you new test reports or new classification
 20 reports, as I think you say, after the date of the issue
 21 of the certificate?
 22 A. Because the BBA certificate existence was relying on the
 23 test data issued by the CSTB, so if the CSTB had carried
 24 out new tests on the product, they should have notified
 25 BBA of those changes.

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1 Q. What I want to know is where you got that understanding
 2 from?
 3 A. That was on the basis of the training that I received
 4 when I joined BBA.
 5 Q. Did somebody tell you when you joined the BBA that if
 6 the CSTB are asked to perform a new fire test on
 7 Reynobond 55, you would receive a notification that
 8 a new fire test had been carried out and the results of
 9 that fire test?
 10 A. It wasn't described so much in detail, but, yes, that
 11 was the underlying assumption between — on having
 12 a certification and a confirmation certificate.
 13 Q. To what extent did you understand that that was linked
 14 to the surveillance process?
 15 A. It was part of the same process.
 16 Q. If the CSTB surveillance process did not involve new
 17 fire test data and new classifications done other than
 18 as a result of a change to the product, why did you
 19 expect to be notified of those by the CSTB?
 20 A. Well, in that case, I wouldn't have expected CSTB to be
 21 in possession of those test reports.
 22 Q. If the CSTB had conducted the test reports, though, they
 23 would, wouldn't they?
 24 A. Yeah.
 25 Q. Are you saying that, just to be clear, although you

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1 would expect those to be done if picked up as part of
 2 the surveillance exercise, you wouldn't expect to be
 3 notified of such test reports and test data and
 4 classifications if they were not done as part of the
 5 surveillance process?
 6 A. No, they would equally have to be notified to BBA
 7 because they were affecting the content of the
 8 certificate.
 9 SIR MARTIN MOORE—BICK: Well, I think we need to be clear
 10 about this, if we can. Just let's assume that, for
 11 reasons unconnected with a surveillance visit, Arconic
 12 submitted a panel to CSTB for further testing and got
 13 a test report which was inconsistent with an existing
 14 BBA certificate. Was it your understanding that CSTB
 15 would inform the BBA of the results of the test and send
 16 them the test certificate?
 17 A. Yeah, that was my understanding.
 18 SIR MARTIN MOORE—BICK: Okay. Thank you very much.
 19 Yes, Mr Millett.
 20 MR MILLETT: Who told you that that is what would happen?
 21 A. As I said, it was part of the training that I received
 22 by my colleagues when I joined BBA.
 23 Q. Right. I see.
 24 Just looking a little further at your answer, you
 25 I think were saying that you would expect to receive

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1 a test report which was inconsistent with the existing
 2 BBA certificate.
 3 How would the CSTB know what was in your
 4 BBA certificate?
 5 A. Because the BBA certificate was issued as a confirmation
 6 of the French one, and therefore it was replicating what
 7 the French certificate was saying. If the CSTB had
 8 carried out new test data, there is a reason to believe
 9 they would have updated that — their certification,
 10 therefore they would have notified BBA of those changes
 11 in their certificate so that those changes could be
 12 incorporated in the BBA certificate.
 13 Q. So is your evidence that you were told when you started
 14 in December 2014, when coming into cladding and looking
 15 at the old BBA certificate for Reynobond 55, that if
 16 there were any new tests for fire or new classifications
 17 for fire done by the CSTB, those would be notified to
 18 the BBA?
 19 A. So long as this confirmation certificate was in place,
 20 yes, that was my understanding.
 21 Q. Right. Did you ever see any materials, any documents,
 22 any contracts, any kind of written materials to explain
 23 to you how that worked?
 24 A. No. I did not see any contracts between BBA and CSTB.
 25 Q. And who was it precisely within the BBA that led you to

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1 believe that the CSTB would send all or any updated
 2 fire test data and classification reports to the BBA in
 3 order to ensure that the BBA could keep their
 4 certificate accurate and up to date?
 5 A. It wasn't anyone in particular, it was the training that
 6 we received when we joined BBA.
 7 Q. Right.
 8 A. There wasn't any one person.
 9 Q. And was that training in a document?
 10 A. No, it wasn't documented, it was an informal training,
 11 if that is what you meant.
 12 Q. I would like to get a name, if I can. Who precisely was
 13 responsible for leading you to believe this?
 14 A. As I said, it wasn't one person. That was what I was
 15 told when I joined —
 16 Q. Right.
 17 A. — by several colleagues.
 18 Q. Do you remember who gave you that training?
 19 A. No.
 20 Q. Do you remember ever sending the BBA certificate to the
 21 CSTB to get them to verify that it was accurate as
 22 against what test data they had?
 23 A. No. If that happened, that would have happened in the
 24 original certification, not in the following re—issues
 25 and reviews.

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1	Q. Why would that not happen as part of a re—issue?	1	INDEX	
2	A. It wasn't part of the BBA procedure at the time.	2		PAGE
3	Q. Given what you have told us about what you would have	3	MS VALENTINA AMOROSO (affirmed)	1
4	expected, why didn't you send the draft re—issue of the	4		
5	certificate to the CSTB and ask them to verify its	5	Questions from COUNSEL TO THE INQUIRY	3
6	claims in relation to fire performance against the	6		
7	records that it had?	7		
8	A. What are you referring to specifically here?	8		
9	Q. Yes, 2017, August 2017, when the certificate was	9		
10	re—issued.	10		
11	My question again: why didn't you send the draft of	11		
12	that re—issued certificate in that year to the CSTB and	12		
13	ask them to verify its claims in relation to fire	13		
14	performance against the records that the CSTB had?	14		
15	A. It was an unprecedented circumstance and none of us	15		
16	thought of doing that.	16		
17	MR MILLETT: Right, thank you very much.	17		
18	Mr Chairman, I have come to the end of these extra	18		
19	questions.	19		
20	SIR MARTIN MOORE—BICK: Yes, thank you very much.	20		
21	MR MILLETT: I just wanted to say thank you to the	21		
22	witness —	22		
23	SIR MARTIN MOORE—BICK: And so you should.	23		
24	MR MILLETT: — for coming to give her evidence.	24		
25	Ms Amoroso, thank you very much, I've come to the	25		
	213		215	
1	end of all of my questions, and it only remains for me		216	
2	to thank you very much for your assistance.			
3	Mr Chairman.			
4	SIR MARTIN MOORE—BICK: Yes.			
5	Well, thank you very much again, Ms Amoroso. I have			
6	to thank you on behalf of myself and the panel for			
7	making yourself available for the whole day to answer			
8	questions. It's been very useful to hear from you, and			
9	we're very grateful to you for coming along.			
10	So thank you very much, and you're now finished and			
11	free to go.			
12	THE WITNESS: Thank you.			
13	SIR MARTIN MOORE—BICK: Thank you very much.			
14	(The witness withdrew)			
15	SIR MARTIN MOORE—BICK: And that's all we're going to do			
16	today. We're going to break now for the end of the			
17	afternoon, and we shall resume at 10 o'clock tomorrow as			
18	usual.			
19	So, thank you very much. 10 o'clock tomorrow.			
20	MR MILLETT: Thank you.			
21	(4.52 pm)			
22	(The hearing adjourned until 10 am			
23	on Tuesday, 16 March 2021)			
24				
25				
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