



Chairmen: *Dr Andrew Griffiths* (Umicore) & *Guy Ethier* (Umicore)
Co-Chairman: *Dr Mark Raffray* (Johnson Matthey)

12 January 2011, 10:00 - 17:00
Metals Conference Centre
Rue du Duc 100, B-1150 Brussels

Minutes

AP refers to actions listed at the end of the Minutes

1. Welcome and introduction

- 1.1. **Confidentiality and Competition Law.** Participants (Annex 1) were reminded on their obligation to comply with Confidentiality and Competition Law. Attendees were welcomed to the 7th Assembly meeting of the PMC. 33 Members out of 48 are present or represented at the meeting, therefore reaching a quorum of 69% and validating all meeting decisions.
- 1.2. **Approval of the Agenda.** The Agenda (Annex 2) was approved.
- 1.3. **Actions agreed and approval of the minutes of the last meeting (Hamburg, 19 Jun 2010).** All actions have been finalised or are addressed during the meeting. The minutes were approved.
Participants were reminded on additional pending actions (**AP1**, **AP2**) and informed on additional actions which will be launched as a result of this Assembly meeting (**AP3**, **AP4**).

2. Management Committee, Membership and PMC secretariat

- 2.1. **Election of Management Committee and interim Chairman.** The list of nominees is available on slide 8 of Annex 3. All nominees were elected with no Member dissenting (**AP5**). Sincere thanks were expressed to Dr Andrew Griffiths for the time invested in his role as Chairman since December 2007. Guy Ethier was elected interim Chairman of the Mgmt Cttee for the period of January -June 2011, following which a permanent Chairman should be elected (**AP6**). G. Ethier was welcomed by PMC Members and invited to chair the remainder of the Assembly meeting.
- 2.2. **Membership:**
 - 2.2.1. **New Member: Uralinteh.** Uralinteh' membership request was approved by all Members with no Member dissenting. Uralinteh was welcomed to PMC.
 - 2.2.2. **Excluded Member: SEKOM.** SEKOM's exclusion was approved by all Members with no Member dissenting. **AP7**
 - 2.2.3. **Commitment of Members having submitted all relevant PM Registrations in 2010.** Cf. slides 12-13 of Annex 3. All 48 Members of the Consortium were reminded on the principle of solidarity which governs the organisation and *modus operandi* of the PMC.
- 2.3. **Re-organisation of PMC secretariat.** Cf. slides 14-16 of Annex 3. PMC projects were prioritised in line with the applicable REACH deadline, their complexity, and resources available at PMC secretariat level during the first 2011 semester. Although the Ag, PGM and Refinables projects will be priority 1, the Au, PM CN- and Re projects will continue to progress in parallel, in a steady manner.

3. Feed-back/Update on 2010 Registrations and CLP notifications

- 3.1. **Overview of lessons learned during first Registrations (Ag and Refinables) and CLP notifications.** Cf. slide 18 of Annex 3. PMC Members also requested that for future registrations or registration updates Members should be given more time to review the joint registration file before it is submitted by the Lead Registrant. Sincere thanks were



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expressed from PMC Secretariat to PMC Members and Lead Registrants in particular for their input and collaboration through this first registration experience and to PMC secretariat for the time and dedication invested in ensuring a successful registration of the three substance and fourteen intermediate registration files.

3.2. Post-registration requirements:

- **Follow-up of REACH review process and update of classifications (3rd GHS).** *Cf. slide 19 of Annex 3.* Both registration updates and future registrations shall take account of the obligations which may arise from the review of the REACH legislation and the update of GHS/CLP requirements. If updates are necessary, they should be taken as an opportunity to revise/improve the overall quality of the dossier.
- **Ag.** *Cf. slides 20-32 of Annex 3.* Slide 23 summarises the work that needs to be launched to properly update the three silver registrations that were submitted in 2010. All Members approved the proposals submitted by PMC secretariat with no Member dissenting:
 - Aquatic monitoring data will be published with K. Rothenbacher acting as co-author on behalf of PMC (outline available in handouts, first draft expected in mid February 2011)
 - Additional soil research work will be launched to complete and validate the almost finalised soil test programme launched at AECOM (rationale available in handouts) ([AP8](#))
 - Additional T/D work will be conducted on silver to resolve outstanding questions on non-classification of massive silver metal ([AP9](#))
 - Whether or not to include nanosilver in the update of the Ag registration file will be reconsidered following the release of the revised ECHA guidance on substance identification (not before Summer 2011) ([AP10](#))

The submission of the updated silver files is programmed for 2013 unless one or several of the above work streams is delayed.

- **Refinables.** *Cf. slides 33-38 of Annex 3.* Following the release of a revised version of the ECHA Guidance on intermediates in December 2010, it became evident that most of the complex intermediates registrations submitted in 2010 as part of the Refinables project of the PMC would need to be updated to full registrations. This was confirmed with a preliminary survey on compliance with strict control. Although all fourteen materials still fulfil the definition of 'intermediate', they may no longer be considered to be handled under 'strictly controlled conditions' in most cases and would therefore have to be registered with a full REACH dataset (i.e. REACH Annexes VII-X, as applicable, and CSA/CSR). A strategy was prepared by PMC secretariat and discussed with the PM Refiners WG on 11 Jan 2011 (Annex 4). The strategy was presented to the Assembly who supported the approach. The submission of the updated Refinable files is programmed for end 2012 unless more time is granted by ECHA, in which case the additional time will be used to improve the reliability and quality of the submitted dataset (in particular the exposure and emission dataset and assessment). The project will be supervised by C. Braibant with significant support from H. Waeterschoot (especially during Q1 and Q2 2011). An *ad hoc* Project Manager will furthermore be assigned to this project to coordinate the execution phase as from Summer 2011. The budget required to successfully update all Refinables registration dossiers was discussed under item 5.3 below. Several PMC Members made a plea that PMC should not passively accept the December 2010 ECHA Guidance on intermediates - which is not legally binding - but should continue to defend the metals industry



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position ([AP6](#)).

- **Review of Ag and Refinables LoA costs.** No slides were prepared on this topic; however it was raised as a legitimate question. The LoA costs as calculated in Q2 2010 did include some contingency for update/maintenance work and possible inflation but this is lower than the amounts which have recently been budgeted recently for the Ag and Refinables projects, for example. The new Mgmt Cttee in place will therefore consider how best to review the LoA cost and make these reviewed values effective as soon as possible ([AP6](#)). All other LoA costs will be reviewed in due course, and announced when registration files are closer to be finalised and LoA are proposed to non-Members in order to join the joint submission.

4. Status and progress of other PMC Projects

- 4.1. **Ag.** *Cf. slides 41-47 of Annex 3.* In light of the release of the recent ECHA Guidance on intermediates, Members are requested to confirm whether or not the materials they have declared as intermediates are still: intermediates and handled under strict control (Annex 5) by end January 2011 ([AP3](#)).

Five silver compounds (two substances and three intermediates) remain to be registered before 2018. Members were invited to decide on whether to register these immediately or whether to await the work described under item 3.2 Ag above to be finalised to submit complete files to ECHA instead. Members agreed to submit the two substance files as soon as possible (Summer 2011) and the intermediate files later in due course.

The 2011-2012 Ag project work programme aims at completing the work streams described in item 3.2 Ag above and the submission of the silver carbonate and sulphate registration files. The project will be supervised by K. Rothenbacher.

- 4.2. **Au and PM CN-.** *Cf. slides 48-53 of Annex 3.* In light of the release of the recent ECHA Guidance on intermediates, Members are requested to confirm whether or not the materials they have declared as intermediates are still: intermediates and handled under strict control (Annex 5) by end January 2011 ([AP3](#)).

The 2011-2012 Au and PM CN- projects work programmes include finalising the Integrated Testing Programme design of both projects and launching, as possible, a first tier of tests that may be required to fulfil REACH requirements. The testing programme of these two projects is likely to be light since all substances and intermediates in scope are in low tonnages, may hence benefit from the Annex III exemption, or because read-across can be applied in a considerable manner (e.g.: from CN- to PM CN-). The need for CSR work will be considered after all hazard data has been gathered/generated. The data generated as part of the REACH testing programme will be used to produce updated classifications that will be submitted to ECHA as part of the REACH Registration files for each substance and intermediate. These projects will be supervised by C. Braibant.

- 4.3. **PGM.** *Cf. slides 54-59 of Annex 3.* In light of the release of the recent ECHA Guidance on intermediates, Members are requested to confirm whether or not the materials they have declared as intermediates are still: intermediates and handled under strict control (Annex 5) by end January 2011 ([AP3](#)).

The 2011-2012 PGM project work programme will mainly include finalising the Integrated Testing Strategy design and launching a cost-efficient yet scientifically robust testing programme. The testing programme of this project is likely to be complex and hence involved consultants were requested to carefully explore Annex III derogation possibilities, read-across and tiered testing approaches supported by enabling tests (e.g.: bio-accessibility and dustiness). Contrary to what is done in the Ag or Re projects, read-across can only be applied in a case-by-case basis in the PGM project. Following the experience



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gathered in Phase II (data gap analysis, preliminary read-across category set-up and testing recommendations) an *ad hoc* PGM Expert Group has been formed to provide regular input on PGM chemistry and (eco-)toxicology to the consultants.

The number of CSR that will be required will depend on the number of > 10 t/a substances and non-scc intermediates for which hazards will have been identified during the testing programme.

The data generated as part of the REACH testing programme will be used to produce updated classifications that will be submitted to ECHA as part of the REACH Registration files for each substance and intermediate.

The project will be supervised by K. Rothenbacher.

- 4.4. **Re.** *Cf. slides 60-65 of Annex 3.* In light of the release of the recent ECHA Guidance on intermediates, Members are requested to confirm whether or not the materials they have declared as intermediates are still: intermediates and handled under strict control (Annex 5) by end January 2011 (**AP3**).

The 2011-2012 Re project work programme will mainly include finalising the Testing Programme (only mammalian toxicity data gaps remain to be filled) which should run from March till December 2011 (if all administrative formalities can be arranged in a steady manner).

Whether a CSR is required for Ammonium perrhenate (APR) or not will depend on whether any mammalian toxicity hazards are identified for this compound during the testing programme (no hazards were identified during the ecotoxicity programme).

Although so far read-across is applied from APR to all other Re substances and intermediates, this may be adjusted depending on the results of the mammalian toxicity testing programme.

In the event a CSR is needed, the Re WG will consider whether registration should occur in a grouped or sequential manner; i.e. whether all files should be submitted after the CSR for APR is finalised or whether some files should be submitted before that.

The data generated as part of the REACH testing programme will be used to produce updated classifications that will be submitted to ECHA as part of the REACH Registration files for each substance and intermediate.

The project will be supervised by C. Braibant.

5. **Overview of 2010 budget and expenses and 2011 budget proposal.** Slide 67 of Annex 3 show a recap of the amounts that were invoiced to and received from Members, and spent from 2007 till 30 Nov 2010. This slide furthermore provides an indication of the reserve that is currently available for each PMC budget item/project. Generally speaking, it was recognised that:

- PMC has kept expenses within the budget
- Some projects have not progressed as originally planned (and hence, invoiced amounts have not been spent as expected) due to a regular re-organisation of PMC priority projects in accordance with applicable REACH deadlines and available PMC secretariat and Members' resources

- 5.1. **2010 expenses.** *Cf. slide 68 of Annex 3.* 2010 expenses were kept within budget. Since the CLP testing programme started later than expected (late arrival of samples) it was not finalised until mid January 2011. Harlan has therefore not been able to finalise the sample trail and PMC secretariat has been unable to determine how much of the budgeted amount would actually be required to reimburse sample providers. An updated status of 2010 expenses will be presented at the next Plenary Meeting. **AP11**

- 5.2. **2010 incomes.** *Cf. slide 69 of Annex 3.* 2010 incomes include the amount invoiced to PMC Members in July 2011 (all Members but SEKOM have paid their invoices; second 2010 invoices were sent in December 2010 and are due for payment in March 2011) and the



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amounts invoiced to non-Members who purchased Ag and/or Refinable Letters of Access from PMC. The LoA amounts will be deducted from the first 2011 invoices (reimbursement to Members will hence be done applying the PMC cost-sharing formula) and will not be added to the existing reserves.

- 5.3. 2011 budget proposal.** *Cf. slide 70 of Annex 3.* The 2011 budget proposal takes account of the amounts budgeted/spent in 2010, the 2011 work programme foreseen for each project (including the work required for registrations' updates) and the revised budget proposals received by WCA where relevant. The 2011 budget is lower than the 2010 budget as the 2011 testing programme is generally lower than in 2010 during which CLP tests were performed. As regards the Refinables project, the Assembly requested an additional 150 000 € to be allocated to the budget in order to finance an additional full time project manager resource to the project. The revised 2011 budget was approved by the Assembly with no Member dissenting.

Members were requested to consider whether to deduct (part of) the existing reserves from the 2011 invoices or not. One Member indicated preference for deducting half of the existing reserves from the 2011 budget but the majority of Members agreed to charge the full 2011 budget instead. All Members moreover agreed to charge the 2011 budget in two invoices:

- First half of the 2011 budget minus the 2010 LoA incomes in March 2011 (Annex 6)
- Second half of 2011 budget in September 2011

Members were invited to make sure they pay both:

- *the second 2010 invoices* sent by PMC secretariat in December 2010 and which are due for payment in March 2011, **and**
- *the first 2011 invoices* that will be sent by PMC Secretariat in March 2011 and which will be due for payment around June 2011

PMC Members requested PMC secretariat to present a more formal 2010 budget status report as well as a 2012 and 2013 budget forecasts at the next Plenary Meeting. (AP12)

6. AOB, next meeting and closing remarks

6.1. OECD programme. This will be put to a vote at the Next plenary Meeting. (AP13)

6.2. Next PMC Plenary Meeting: Cambridge, 17 June 2011, hosted by Johnson Matthey. An invitation including a provisional programme and a participation form will be sent in February 2011.

6.3. Next PMC Assembly Meeting: Brussels, 6 December 2011.

Annexes:

1. List of participants
2. Agenda
3. Slides presented at the meeting
4. Minutes 11 January 2011 meeting
- 4.1 Revised PM Refinables project update strategy
5. Intermediates survey
6. PMC 2011 budget and 1st 2011 invoices

Table 1. Actions agreed at 12 January 2011 PMC Assembly meeting

	Action	Who?	When?
1.	Return the completed and signed revised Consortium Agreement	PMC Members	ASAP
2.	Return the completed and signed Declaration of Commitment	2010 Lead Registrants	ASAP



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	Action	Who?	When?
3.	Confirm (by completing Annex 5) for all intermediates declared to the PMC: - intermediate status: on-site, transported - intermediate tonnage - whether intermediate complies with strictly controlled conditions as laid down in Dec 2010 ECHA Guidance on intermediates	PMC Members	End Jan 2011
4.	Submit all proprietary data generated over 2007-2010 (Article 3.2.2 (c) of PMC Agreement) to PMC Secretariat	PMC Members	End Jan 2011
5.	Update Management Committee mailing list	AR	Mid Jan 2011
6.	Arrange a conference call to address, amongst others: - Process to elect Mgmt Cttee's Permanent Chairman - General role of the Mgmt Cttee - Follow-up of PMC projects, associated strategies and budget - Support of PMC Secretariat - approach to ensure support during Q1+Q2 2011 - Discussion/Approval of TAP proposals regarding additional research work (e.g.: Ag soil toxicity work) - Legal notification letter to SEKOM - Letter appointing Audrey Rondepierre as standing Trustee in the absence of Caroline Braibant - Message from PMC to Eurométaux regarding new ECHA Guidance on intermediates - Review of Ag and Refinables LoA costs - 2012 and 2013 budget forecasts	Mgmt Cttee	End Jan 2011
7.	Send a formal/legal notification letter to SEKOM to inform the company on the PMC's decision and SEKOM's surviving rights and obligations	CB	End Jan 2011
8.	Discuss CSIRO proposal in terms of content, objectives, methods and materials, timeline, budget, milestones and co-authorship rights with WCA and CSIRO and revert with revised proposal for approval by Mgmt Cttee. Revised proposal should include opt out decision points enabling PMC to withdraw from the project where applicable	KR, Ag WG, and TAP	Feb 2011
9.	Launch, supervise and validate additional T/D work on silver to resolve outstanding questions on non-classification of massive silver metal	KR, Ag WG and TAP	Mar 2011
10.	Consider revising scope of silver metal registration following release of revised ECHA Guidance on substance identification	CB, Ag WG and TAP	Sep 2011
11.	Obtain updated sample trail from Harlan, agree on way forward to return/reimburse samples to sample providers	CB	17 Jun 2011
12.	Present a more formal 2010 budget status report as well as a 2012 and 2013 budget forecasts at the next Plenary Meeting	CB	17 Jun 2011
13.	Clarify remaining open questions on OECD HPV programme and add to next Plenary Meeting's Agenda for discussion: - Which other commodities have agreed to participate in this initiative? - What is its/their experience with OECD in previous and the current programme? - How faithfully is the data contained in the REACH file summarised and do owners have commenting rights? - How would new soil data be considered/added in the SIAR and when?	CB	17 June 2011