



Interim Chairman: *Guy Ethier* (Umicore)
Co-Chairman: *Mark Raffray* (Johnson Matthey)

17 June 2011, 10:00 - 17:00
Hotel Doubletree by Hilton - Granta Suite
Granta Place, Cambridge, UK - CB2 1RT

Minutes

AP refers to Action Points listed at the end of the document

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 8th 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. The slides presented at the meeting are available in Annex 3. **AP1**
- 1.3. **Actions agreed and approval of the minutes of the last meeting (Brussels, 12 Jan 2011).** All actions are ongoing or have been performed **AP2-4**. The minutes of the 12 January 2011 Assembly meeting were approved.

2. PMC organisation

- 2.1. **PMC chairmanship - extension of G. Ethier's mandate till Dec 2011.** The Members approved the extension of the mandate of the current interim Chairman until the next Assembly meeting.
- 2.2. **Volunteers for (Co-)Chairmanship(s) - nominations by 1 Nov 2011.** Members were requested to volunteer for (Co-)Chairmanship by 1 November 2011. **AP5-6** The names of the nominees will be circulated to the Management Committee (MC) whose members shall elect a Chairperson and a co-chairperson who shall be presented to the Assembly for approval at the December Assembly meeting.
- 2.3. **Resources at PMC secretariat.** Sincere thanks were expressed to A. Rondepierre and K. Rothenbacher for their effort and dedication over the past year(s) and more particularly during C. Braibant's maternity leave.
The internal PMC resources to date include: one secretariat and trustee, one science manager, and one office assistant. As regards the external PMC resources, a new accountant has been designated and one *ad hoc* consultant (Hugo Waeterschoot) provides technical support. The experience gathered in 2010 in particular revealed the need to strengthen the PMC secretariat by potentially adding another (part-time) manager. **AP7**
As regards the PM Refinables project in particular, a CV has been received from ARCHE who is in a position of providing dedicated support to the PM Refinables project on a part-time basis. The Assembly agreed to leave the selection of the candidate in the hands of the PM Refinables WG and the settling of contractual/financial conditions with CB and the MC.
- 2.4. **Internal rules.** A set of internal rules is being put together to cover all aspects of the EPMF/PMC's daily management which are not covered (at all or in enough detail) in the EPMF's Articles of Association and the PMC's Agreement. After it has been reviewed by the EPMF Board and the MC, the document will be presented and made available upon request to the EPMF and PMC members. **AP8**

3. Cost-sharing, expenses and budget forecasts

- 3.1. **PMC cost-sharing formula - new Guidance, adjusted scopes, adjusted cost-sharing.** In



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light of the new ECHA Guidance on intermediates the Members were invited to review their Substance and tonnage band declaration and indicate whether their intermediates comply or not with the latest interpretation of strict control (scc). Following the receipt of the updated declarations (AP2), the PMC inventories were consolidated (AP3) and the cost-sharing had to be reviewed to cover all possible substance and intermediate scenario. An addendum was prepared to this effect (Annex 4) which includes an interim solution to address a fair and transparent cost-sharing for scc and non-scc intermediates.

The addendum was approved. Members however requested PMC secretariat to remain vigilant on the possible re-opening of the debate around scc and be ready to furthermore adapt the cost-sharing formula of the PMC in particular as regards PM Refinables (complex intermediates) in due course. AP9

3.2. Final 2010 accounts. Following the registration of the EPMF as an independent legal entity under Belgian law, and the change of accountant, the final 2010 accounts underwent a voluntary audit by Callens, Pirenne, Theunissen & Co (Belgium) in spring 2011 in order to validate the numbers and the structure of the EPMF/PMC accounting.

Although the formal report has not been received yet, a preliminary feed-back from the auditors indicate that the accounts are ok (Balance of 3 872 525,68 € and a "Reserve" of 3 737 010,98 €) but that a clearer structure is required for budget presentation purposes. As a result of this, PMC's budget will as from now be presented as part of the overall EPMF budget (EPMF being the legal entity under which PMC operates).

The 2010 accounts were approved. It was made clear that the "Reserve" by 31 December 2010 is no longer up to date (e.g.: the LoA incomes for instance, have been credited from the first 2011 invoices and the cost of the samples provided by the sample providers for the CLP testing programme has not yet been reimbursed AP10).

3.3. Status of 2011 expenses. Members were updated on the status of the PMC expenses by 31 May 2011. For each budget item a justification was provided as to why each given amount was spent. Although so far only 10% of the 2011 budget has been spent, much testing work is likely to occur in the second half of the year, which will trigger significant costs. A review of the "Reserves" will therefore be necessary later in 2011 to obtain a more up to date figure. AP11-12

3.4. Update on LoA costs. In order to avoid over- or under-charging to non-PMC Members, LoA costs will be calculated only when the Registration Dossier is (close to being) finalised. AP13

3.5. 2012 & 2013 budget forecasts. PMC Members had requested budget forecasts to be prepared in order to predict future membership costs and the consumption of PMC Reserves. Forecasts were prepared with the support of the Accountant and on the basis of service proposals from the several service providers working for/with the PMC. An explanation note is available in Annex 5. It was made clear that the budget forecasts need to be reviewed later in the year when the monies available in the "Reserves" are updated on the basis of the 2011 expenses. The 2012 budget will be presented at the 6 Dec 2011 Assembly meeting for approval (AP14) and the 2013 budget will not be approved before winter 2012.

4. Recent developments on REACH & CLP

4.1. Some generic learning lessons from Helsinki. The continuous exchanges taking place between Eurométaux and other industry associations and ECHA has allowed to build a channel that is used for information, science-sharing and advocacy purposes. This channel is particularly useful to better foresee ECHA's expectations in relation to Substance



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Classification, Substance Dossier Registration and Evaluation, and Substance Authorisation and Restriction as well as to inform ECHA on metal-specificities and metal-specific approaches prepared by Eurométaux with the support of several NFM commodity associations and consortia including PMC. This is an ongoing exercise involving regular and a continuous participation of Eurométaux ('s members) representatives at ECHA Committees' meetings and events. The impact of this participation goes beyond EU as ECHA's knowledge and experience is shared and becomes reference for several other institutions such as OECD. One important message from ECHA relates to strictly controlled conditions (scc, see below) and Dossier Evaluation. Notwithstanding the Metals Industry' openness and input and although Guidance is in principle not legally binding, ECHA seems to carefully look at and challenge all Registrations which have not scrupulously followed ECHA Guidance. Since most of ECHA Guidance was conceived for non-metallic substances, and metal-specific approaches have not always been integrated to ECHA Guidance, Registration Dossiers of metallic substances and intermediates may be questioned by ECHA just because alternatives to ECHA's recommendations were used to comply with REACH requirements. If this is the case, a solid justification must be provided so it can be considered (and accepted?) by ECHA.

Alternative approaches (e.g.: use of ECETOC Assessment Factors, use of MEASE and other metal-specific models, etc.) must therefore be developed in such a way that as much arguments and examples as possible are provided to ECHA to demonstrate the usefulness and validity of these approaches and special attention must be paid to ensure all such alternative approaches are properly documented and justified in all submitted and ongoing Registrations.

4.2. REACH Review. The ongoing REACH review aims at exploring where and how the regulation may require adjustments following the first years of implementation. The review will be performed by external consultants as well as by Commission in-house delegates such as JRC. Nanomaterials, combined exposure as well as items of more political or competitiveness nature will be considered during the review. Eurométaux has put together a task force who is looking at all aspects of the REACH regulation which should be improved from either an Industry or an NGO or MS viewpoint, in order to better prepare future advocacy needs.

4.3. Strictly controlled conditions: status of Eurométaux advocacy programme. Eurométaux, CEFIC and others have developed a strong advocacy programme which aims at:

- (i) re-opening the discussions on the content of the Dec 2010 ECHA Guidance on intermediates and more particularly the stricter interpretation of strict control, and
- (ii) ensuring authorities recognise the uselessness of performing all/several REACH Annex VII-X tests on very complex UVCB materials (such as PMC's PM Refinables) and propose non-testing/read-across approaches instead.

Meanwhile the above objectives are progressed with, feed-back from ECHA confirms the need to prepare Appendix 2 and Appendix 3 data to demonstrate strict control and prepare Dossier updates as soon as possible no matter whether the Guidance is reviewed or not.

AP15

4.4. Authorisation: Borax and Hydrazine. Although no PM substance has yet been listed on the Candidate List or prioritised for authorisation, two substances which are used in PM refining are/will soon be on the Candidate List: Hydrazine and Sodium borate (Borax).

Hydrazine. Hydrazine is used in small volumes and very contained manner as a reducing agent in PM refining. However, it also has more dispersive uses (e.g.: water treatment) where it is used in much larger quantities. It appears that EU COM identified it as one of their priority Candidate List SVHC (as a Carcinogen 1B under CLP/GHS), at least partly based on the higher volume and dispersive uses.

Although it has not yet been prioritised for Authorisation, if/once it is prioritised concerned



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manufacturers and users will only have three months to request an exemption from Authorisation (with possibly a few months prior warning ahead of any official consultation period). The other alternative would be to pursue an Authorisation to continue using Hydrazine for applications of interest to the sector.

Although Exemption and Authorisation requests must be filed on a legal entity basis, and notwithstanding Competition Law, it was agreed to form a Hydrazine Task Force under the umbrella of the PMC to develop a strategy to prepare the above requests in a harmonised and consistent manner for the PM sector. **AP16** One of the first steps would be to legally review the reasons which triggered the addition of Hydrazine to the Candidate List and the likelihood of it being prioritised for Authorisation. Next steps will include preparing an analysis of alternatives and an impact assessment would Hydrazine become subject to Authorisation.

Borax. Borax is used in PM refining as a flux which promotes melting. Although it is not yet on the Candidate List, it will very likely be added to the next Candidate List and will hence become subject to Authorisation. In due course, and following some preliminary experience from the Hydrazine Task Force, a similar Borax Task Force may be formed at PMC level, unless a wider Task Force is formed at Eurométaux level. **AP17**

- 4.5. Registration Dossier updates: how to involve all co-registrants?** Registration Dossiers may require to be updated if new endpoints become required, ongoing testing results become available and/or ECHA requests additional information to be provided. Eurométaux has informed ECHA that there is a need to identify a mechanism by which Dossier update is not left entirely in the hands and on the shoulders of the Lead Registrant and by which all co-registrants are obliged to share the cost of any information being required for the update of the common part of the joint submission. Although ECHA has not yet reverted with a solution, the message has been raised and will be followed-up by Eurométaux and other Industry associations.
- 4.6. Update of CLP notifications.** CLP has and will be updated regularly as new endpoints become relevant and validated at UN level (e.g.: Specific Target Organ Toxicity (STOT) and Chronic Environmental Ecotoxicity). This requires PMC to remain vigilant and prepare notification updates as and when needed. In addition, as per Article 15(1) of CLP, any time new or refined scientific or technical information becomes available, it must be validated, the existing classification must be evaluated and updated without undue delay. Since new information has become available for several substances which classification notifications were submitted in 2010, a strategy to update the concerned classifications will be discussed and agreed upon by each relevant PMC Work Group. **AP18-19**
- 4.7. Remaining questions on OECD programme.** Eurométaux provided responses to all outstanding questions PMC Members had on the OECD High Production Volume (HPV) voluntary programme. The programme was recognised as being a platform where metal-specific approaches and specific metals' effects data would be evaluated and validated in order to become reference data sets for all OECD countries and those countries having signed the Mutual Acceptance of Data (MAD) Agreement. PMC Members have confirmed their intention of participating in the programme next to Cu, Zn, Ni and Co. **AP20**

5. Status and progress of PMC Projects

5.1. Ag:

- **Scope:** Silver chloride's tonnage band increased from 1-10 to 100-1000 t/a. This increase of tonnage band added to the environmental classification resulting from the CLP work now means silver chloride requires immediate registration. None of the



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intermediates of the Ag project are handled under strictly controlled conditions (scc); they require full intermediate registration (as opposed to the “light” registration applicable to scc intermediates).

- **Remaining registrations:** The carbonate and sulphate will be registered before the end of Sep 2011, together with silver chloride. The bromide and sulphide will be registered in 2013, when the results of all ongoing research become available and are validated to proceed to an update of the already registered silver substances and intermediates
- **2011 work:** 2011 work will include continuation of the soil work, finalisation of the BLM feasibility study, follow-up on the classification of silver (T/D, UWM, etc.) and preparation of the next registrations (as described above).
- **Nanosilver:** The recommendations and conclusions available in the advisory report prepared by JRC for RIP-oN1 are quite flexible. Nothing in the advisory report indicates that the silver registration dossier should have included nanosilver or not. From a scope point of view, until further guidance becomes available, the silver registration dossier can remain as submitted.
- **Timeline:** The Ag project will continue until 2013 at least. If the ECHA reverts with a request to proceed with the 90d toxicity study in 2012, this timeline may be extended till 2014.

5.2. Au and PM CN-:

- **Scope:** The tonnage band of tetrachloroauric acid was increased from 1-10 t/a to 10-100 t/a. The Lead Registrant confirmed Balsams is a non-scc intermediate which hence requires full intermediate registration. The PM CN- project scope remains unchanged. [AP22](#)
- **ITS development:** An Au + PM CN- WG meeting took place with WCA in Brussels on 7 Jun 2011. The ITS proposals from WCA were discussed and a first tier was agreed:
 - o **Au:** various physico-chemical and eco-toxicity tests, and bio-accessibility testing on gold metal and tetrachloroauric acid
 - o **PM CN-:** various physico-chemical tests, a few eco-toxicity tests, and set-up of an expert group to tackle the need to develop a model which allows predicting which CN- species is available in solution (both in environmentally and physiologically relevant waters)
- **Timeline:** The testing/modelling programme is expected to be finalised by mid 2012 at the latest. If hazards are identified, CSA/CSR will be needed. Although the legal registration deadline is 2018, registration may be possible by 2013.

5.3. PGM:

- **Scope:** Tonnage bands have been adjusted and most of the intermediates are non-scc. The PGM project scope is composed of 66 substances and intermediates.
- **ITS development:** The development of an integrated testing strategy is absolutely key to design the most cost-effective testing programme. REACH compliance is ensured by exploring all testing and non-testing possibilities including the application of REACH Annex III, waivers and derogations, read-across, expert judgement, etc. For the PGM project this required several months of intensive exchanges between PGM experts and PMC consultants and peer reviewers.
- **Testing programme:** A tiered testing programme with iterative reviews has been agreed by the PGM Expert Group (PEG). The first tier includes both enabling tests such as water solubility, pH, dustiness, bio-accessibility and T/D tests; and a series of in vitro tests which can run in parallel with the enabling tests. The next tier will include toxicity and eco-toxicity tests.
- **Timeline:** The first tier of the testing programme will run in 2011. The second tier will be agreed upon towards the end of 2011, on the basis of the results of the first tier, and conducted in 2012. CSA/CSR will be prepared in the course of 2012 and 2013. Two PGM



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scc intermediates require registration (with “light” information requirements) by May 2013 (due to their tonnage). The remaining registrations are due by 2018 but will be prepared as soon as possible as from 2013 too. In line with the PMC’s principle of reporting all available existing information (and not only filling tonnage band-related information requirements), if additional information becomes available after the submission of the two PGM scc intermediates Dossiers, these will be updated as needed.

- **AOB.** D. Boyd (Johnson Matthey, Chairman of the PGM WG), M. Raffray (Johnson Matthey, Chairman of the Technical Advisory Panel) and K. Rothenbacher (EPMF, Scientific Manager) were thanked for the effort and dedication invested in developing the ITS of the PGM project.

5.4. Re:

- **Scope:** The scope of the Re project remains unchanged with the exception that Potassium perrhenate is now as non-scc intermediate.
- **Testing programme:** The physico-chemical and ecotoxicity endpoints have been fulfilled, with no hazard being identified. The toxicity testing programme was agreed in winter 2010-2011 and launched in spring.
- **Timeline:** The testing programme should be finalised in late autumn 2011, following which the results will be evaluated and the need to review the read-across strategy and/or the need for CSR will be considered. Although not required before 2018, registration should be possible in 2013.

5.5. PM Refinables:

- **Scope:** the scope remains unchanged but for the exception that all PM Refinables are now deemed to be non-scc as per the Dec 2010 ECHA Guidance on intermediates. This results from a preliminary survey circulated by the PMC secretariat to all concerned Members and according to which for each Refinable at least one Member cannot confirm scc.
- **Updated strategy & timeline for dossier update:** The strategy approved in January 2011 included performing additional T/D and bio-accessibility tests among others. Since the advocacy from Eurométaux and other industry associations and Member States continues, it is hoped that (i) the ECHA guidance on intermediates will be reviewed and reverted back to the October 2010 version and/or (ii) ECHA accepts the minimum testing approach proposed to fill in all information requirements for UVCB. The strategy has therefore been adjusted in that only exposure and emission data generation and collection will be performed this year (needed to demonstrate scc as well as to fulfil registration requirements for non-scc intermediates). The strategy will be reviewed again later this year if any further developments arise.
In addition to the generation and collection of exposure and emission data, the classifications which were originally derived with MeClas will be reviewed in order to result in (i) a clearer set of classification triggers, and/or (ii) be completed with a few examples reflecting the classification of typical examples of each stream. In general, any new information which becomes available will also be considered when reviewing and updating the classifications notified in 2010.
- **Project manager:** The job description was circulated to Belgium-based consultancies in order to identify a Belgium-based candidate for the position. Unfortunately, no candidate fulfils the proposed profile 100% and alternative solutions must be found instead. ARCHE has proposed one candidate who is currently working at SETAC and has a technical background and an environmental risk assessment experience. The Assembly agreed to trust the judgement of the PM Refiners WG in selecting the proper person responsible for the daily management of the PM Refinables project together with H. Waeterschoot, WCA, EBRC and WCA (C. Braibant remains the PMC secretariat contact for this project).



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6. **AOB, next meetings and closing remarks.** Sincere thanks were expressed to Johnson Matthey for hosting the event and to the PMC secretariat officers for the work done to progress all the projects and the presentations made at the meeting.

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

6.2. Next PMC Plenary Meeting: Antwerp (Belgium), 14-16 June 2012

6.2.1. **Re-organisation of meeting sessions.** Following the recommendation of the auditors, in order to enable EPMF to oversee and approve PMC activities and deliverables, the PMC Assembly meetings shall precede the EPMF ones in future.

Annexes

1. List of participants
2. Agenda
3. Slides presented at the meeting
4. Addendum
5. Explanation note on 2012 and 2013 budget forecasts

Actions

Table 1. Actions agreed at the 17 June 2011 PMC Plenary Meeting (Cambridge, UK)

	What?	Who?	When?
1.	Produce list of abbreviations and acronyms for Assembly meetings and make it available in the handouts and/or upon request	PMC secretariat	B4 6 Dec 2011
2.	Submit updated Substance and tonnage band declaration to A. Rondepierre	All	30 Jun 2011
3.	Prepare final PMC inventories on the basis of the Substance and tonnage band declarations received by 30 Jun 2011 and upload them onto EPMF website	AR	Jul 2011
4.	Submit signed Declaration of commitment	Aurubis	Jul 2011
5.	Volunteer for (Co-)Chairpersonship of the MC of PMC	MC members	1 Nov 2011
6.	Circulate name of nominees for (Co-)Chairpersonship to PMC	PMC secretariat	6 Nov 2011
7.	Put together a business case to justify/describe need for an additional Manager at PMC secretariat	CB + MC	B4 6 Dec 2011
8.	Finalise Internal Rules	CB + MC	B4 6 Dec 2011
9.	Follow-up the discussions and debate on the ECHA Guidance on intermediates and the interpretation of scc and propose an update to the PMC cost-sharing formula if needed	CB	Ongoing
10.	Follow-up reimbursement of sample costs to sample providers	PMC secretariat	Summer 2011
11.	Regularly review PMC Reserves and Accounts	MC	Ongoing
12.	Revise and provide an up to date figure for the PMC Reserve, to be used when calculating 2012 invoices	CB	B4 6 Dec 2011
13.	Calculate LoA costs to allow (potential) Members to	CB	B4 6 Dec 2011



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	compare the advantages and disadvantages of joining the PMC or purchasing a LoA		
14.	Submit updated 2012 budget proposal for approval by Assembly	CB + MC	B4 6 Dec 2011
15.	Prepare data to completed Appendix 2 and 3 of Dec 2010 ECHA Guidance on Intermediates	PM Refiners WG	Summer 2011
16.	Set-up Hydrazine Task Force (HTF) and schedule first conference call/meeting	CB	Summer 2011
17.	Follow-up discussions on Borax at ECHA, Eurométaux and Borax Consortium level	CB	Ongoing
18.	Agree on a strategy to update CLP notifications which were submitted in 2010 and for which new requirements apply or new information has become available	KR + CB (with each WG)	Summer 2011
19.	Prepare Guidance to update CLP notifications	CB	Summer 2011
20.	Confirm interest of PMC to participate in the OECD-HPV voluntary programme with the Silver metal dataset to Eurométaux/OECD	CB	ASAP
21.	Create in-house database to store all REACH-relevant information	PMC secretariat	B4 6 Dec 2011
22.	Volunteer for LR for the remaining PM CN-	All	ASAP
23.	Organise a MC conference call to address: <ul style="list-style-type: none"> - Identification of (Co-)Chairpersonship nominees - Review of final PMC inventories - Finalisation of Internal Rules - Discuss contractual/financial conditions of PM Refinables' Project Manager contract - Preparation of business case for additional Project Manager - Allocation of 2012 Reserves and preparation of 2012 invoices - Review progress of various projects: <ul style="list-style-type: none"> o Ag: remaining registrations o Au, PM CN-, PGM, and Re: progress of testing programmes o Ref: exposure and emission data collection o CLP updates 	PMC secretariat + MC	2 nd half Aug 2011