

Notice:

All data and information contained in this document shall be treated by the receiving party (i) in full confidence with the adequate respect of any confidential and/or proprietary nature of such information and (ii) only in the framework of the agreed purpose (the 'Purpose').

The receiving party (and any representative) shall not be allowed to use or circulate any or all pages of this document for any other purpose than the Purpose, without the prior written consent of the Precious Metals and Rhenium Consortium.

The information and its content provided in this document are given for the Purpose and as such, no guarantee or warranty whatsoever (expressed or implied) is given as to its accuracy, completeness, merchantability or fitness for any particular purpose which the receiving party may have. In any case, any use by the receiving party would be made at its sole risk and liability.

European Precious Metals Federation, all rights reserved, including any intellectual property rights.



**Under the auspices of the
European Precious Metals Federation (EPMF)
~ A member of Eurométaux ~**



**Precious Metals and Rhenium Consortium for the
Registration, Evaluation and Authorization of Chemicals (REACH)**

INTERIM¹ ADDENDUM TO THE CONSORTIUM AGREEMENT

Dated: 7th of July, 2011

¹ Considering the ongoing advocacy programme put in place by Eurométaux towards ECHA, the Commission and Member States (which aims at arriving at a more realistic interpretation of strictly controlled conditions and at a more pragmatic manner to comply with REACH information requirements for UVCB such as PM Refinables), it was agreed to keep Article 5 of Appendix 9 relative to the cost-sharing formula applied to the PM Refinables project unchanged until the advocacy programme delivers firmer recommendations, and as decided by the Refiners Work Group, the Management Committee and the Assembly of the Consortium.



As per the decision taken by the Assembly of the Precious Metals and Rhenium Consortium at its 2011 Plenary Meeting celebrated on the 17th of June in Cambridge, the following clause shall be considered as an addendum to the Consortium Agreement (version 3 dated 3rd of November 2010).

The below modifications as approved by the Assembly in accordance with the provisions of the Consortium Agreement shall come in force as from the date of such Assembly's approval, and shall be considered as an integral part of the Consortium Agreement. Formal modifications shall be incorporated in the next coordinated version of the Consortium Agreement without any further vote).

CLAUSE

1. Whereas Intermediates handled under "strictly controlled conditions" have, in accordance to Articles 17 and 18 of the REACH regulation, lighter information requirements than Intermediates not handled under "strictly controlled conditions";
2. Whereas the interpretation of the meaning of "strict controlled conditions" applicable to Intermediates was revised by ECHA in its "December 2010 Guidance on Intermediates";
3. Whereas Members have updated their Substance and tonnage band declarations in order to inform the Consortium's Secretariat and Trustee on whether or not their Intermediates, on a case-by-case basis, are deemed to be handled under strictly controlled conditions according to the above December 2010 Guidance on Intermediates, or not;
4. Whereas, as a result of the above, a same Intermediate can in some cases be handled under strictly controlled conditions, and in other cases, not;
5. Whereas the Consortium's mandate is to prepare Registration Dossiers covering the highest information requirements applicable to at least one Member of the Consortium;
6. Whereas the information requirements applicable to an Intermediate which is not handled under strictly controlled conditions are equivalent to the above highest information requirements;
7. Whereas Members contribute to the Metal-specific Costs of the Consortium in a manner that is fair, transparent and non-discriminatory, and proportionate to their respective information needs, in accordance to the information laid in their Substance and tonnage band declaration;
8. Whereas the cost-sharing formula of the Consortium as per Appendix 9 of the Consortium Agreement only addresses the situation where an Intermediate is handled under strictly controlled conditions;
9. Whereas Intermediates which are handled under strictly controlled conditions must be considered distinctly than those which are not handled under strictly controlled conditions;

Therefore, the Assembly agrees to make the following modifications to Articles 3.2, 3.3, 4.1, and 4.3 of Appendix 9 of the Consortium Agreement (Article 5 of Appendix 9 relative to the cost-sharing formula applied for the PM Refinables project remains unchanged until decided otherwise by the Refiners Work Group, the Management Committee and the Assembly of the Consortium):



Article 3.2

Whilst Article 3.2 a) and b) (i.) to (iii.) remain unchanged, the paragraph as from the word 'Where' including the points 1 to 7 (inclusive) is modified and replaced by the following text:

Quote

"Where:

1. On-site Isolated Intermediates handled under strictly controlled conditions* in any tonnage band (1 (1 (one) to 10 (ten) tonnes per year), 2 (10 (ten) to 100 (one hundred) tonnes per year), 3 (100 (one hundred) to 1000 (one thousand) tonnes per year, or 4 (more than 1000 (one thousand) tonnes per year) will be weighted with a factor of 1 (one);
2. On-site Isolated Intermediates **not** handled under strictly controlled conditions* in tonnage band 1, 2, 3 and 4 will be weighted with a factor of 5 (five), 20 (twenty), 100 (one hundred), and 1000 (one thousand), respectively;
3. Transported Isolated Intermediates handled under strictly controlled conditions* in tonnage band 1, 2, and 3 will be weighted with a factor of 1 (one);
4. Transported Isolated Intermediates **not** handled under strictly controlled conditions* in tonnage band 1, 2, and 3 will be weighted with a factor of 5 (five), 20 (twenty), and 100 (one hundred), respectively;
5. Transported Isolated Intermediates handled under strictly controlled conditions* in tonnage band 4 will be weighted with a factor of 5 (five);
6. Transported Isolated Intermediates **not** handled under strictly controlled conditions* in tonnage band 4 will be weighted with a factor of 1000 (one thousand);
7. Substances in tonnage band 1 will be weighted with a factor of 5 (five);
8. Substances in tonnage band 2 will be weighted with a factor of 20 (twenty);
9. Substances in tonnage band 3 will be weighted with a factor of 100 (one hundred); and
10. Substances in tonnage band 4 will be weighted with a factor of 1000 (one thousand).

* In accordance to the ECHA's December 2010 Guidance on Intermediates."

Unquote

The last paragraph of Article 3.2 "*For any avoidance of doubt,(etc)*" is kept unchanged and valid.



Article 3.3

Article 3.3 is modified and replaced by the following text:

Quote

"The mathematical description of the cost-sharing formula of the Precious Metals and Rhenium Consortium is the following:

$$C_i = A_i + B_i$$

$$A_i = \frac{G}{n}$$

$$B_i = \frac{M}{2} \cdot \left(\frac{x_i}{\sum_{i=1}^n x_i} \right) + \frac{M}{2} \cdot \left(\frac{y_i}{\sum_{i=1}^n y_i} \right)$$

$$y_i = 1x_{i(1)} + 5x_{i(5)} + 20x_{i(20)} + 100x_{i(100)} + 1000x_{i(1000)}$$

Where the symbols have the following meaning:

C_i is the share of the total Consortium costs borne by Member "i"

A_i is the share of the Generic costs borne by Member "i"

B_i is the share of the Metal-specific costs borne by Member "i"

G is the total Generic costs of the Consortium

n is the total number of Members of the Consortium

M is the total Metal-specific costs of the Consortium

x_i is: the total number of Substances in any tonnage band for Member "i" in the Precious Metals or Rhenium group to which the Metal-specific costs "M" refer

y_i is the tonnage factor for Member "i"

$x_{i(1)}$ is the number of On-site Isolated Intermediates handled under strictly controlled conditions* in any tonnage band and/or Transported Isolated Intermediates in tonnage band 1, 2, and 3 for Member "i"

$x_{i(5)}$ is the number of Substances and/or On-site and/or Transported Isolated Intermediates **not** handled under strictly controlled conditions* in tonnage band 1, and/or the number of Transported Isolated Intermediates handled under strictly controlled conditions* in tonnage band 4 for Member "i"

$x_{i(20)}$ is the number of Substances and/or On-site and/or Transported Isolated Intermediates **not** handled under strictly controlled conditions* in tonnage band 2 for Member "i"

$x_{i(100)}$ is the number of Substances and/or On-site and/or Transported Isolated Intermediates **not** handled under strictly controlled conditions* in tonnage band 3 for Member "i"

$x_{i(1000)}$ is the number of Substances and/or On-site and/or Transported Isolated Intermediates **not** handled under strictly controlled conditions* in tonnage band 4 for Member "i"

* In accordance to the ECHA's December 2010 Guidance on Intermediates."

Unquote



Article 4.1

Article 4.1 is modified and replaced by the following text:

Quote

“Should one same material be registered both as a Substance and as an Isolated Intermediate handled under strictly controlled conditions in accordance to the ECHA's December 2010 Guidance on Intermediates by the Member, the material will only be counted once in the calculation of the share of Metal-specific costs due by the Member. The tonnage band to be considered for the purpose of calculating this share is the tonnage band applicable to the Substance declared by the Member in its Substance and tonnage band declaration at the time of signature of this Agreement, or otherwise updated to the Trustee.

Should one same material be registered both as a Substance and as an Isolated Intermediate not handled under strictly controlled conditions in accordance to the ECHA's December 2010 Guidance on Intermediates by the Member, the material will only be counted once in the calculation of the share of Metal-specific costs due by the Member. The tonnage band to be considered for the purpose of calculating this share is the highest tonnage band declared by the Member in its Substance and tonnage band declaration at the time of signature of this Agreement, or otherwise updated to the Trustee.”

Unquote



Article 4.3

Article 4.3 is modified and replaced by the following text:

Quote

“The highest tonnage band in which each Substance, Transported Isolated Intermediate or any Isolated Intermediate not handled under strictly controlled conditions in accordance to the ECHA’s December 2010 Guidance on Intermediates is manufactured and/or imported by the Member or by one or more of its concerned Affiliates.”

Unquote

