



Chairperson: *Dr Andrew Griffiths* (Umicore)

3 December 2009, 10h30 - 16h30
Copper & Aluminium Room - Metals Conference Centre
Rue du Duc 100, 1150 Brussels (Belgium)

MINUTES

AP refer to the Action Points listed at the end of the document
Post-meeting notes are provided in footnotes

1. Welcome and Introduction

- 1.1. **Confidentiality and European Competition Law and decision-making provisions.** The participants (Annex 1) were reminded on their commitment to comply with Confidentiality and Competition Law provisions. 31 Members out of 46 are present or represented at the meeting, therefore reaching a quorum of 67% and validating the meeting. The working structure and decision-making of the Consortium (PMC) was presented and made available to the attendees in their handouts (Annex 2). Attendees were welcomed to the 5th Assembly meeting of the PMC.
- 1.2. **Membership: Welcome to DuPont + vote on Traxys' membership request.** The participants welcomed their 46th Member, DuPont, represented by Adam Troll. Members voted unanimously on Traxys's membership application, which is the PMC's 47th Member. MEMBERSHIP APPROVED.¹ It was reminded that although the PMC remains open to additional membership applications, a larger membership could render future meetings difficult to organise as they may not reach the minimum quorum required. Alternatives to joint submission must therefore be considered sooner rather than later (e.g.: letters of access).
- 1.3. **Approval of the Agenda.** The Agenda (Annex 2) was approved. The slides presented at the meeting are available in Annex 3.
- 1.4. **Approval of the Minutes of the Last Meeting (19/06/2009).** The minutes were approved.

2. Status and Progress of Technical Programmes

- 2.1. **Achievements and major challenges (slides 9-16 of Annex 3):** Registration readiness. An outline of the PMC's progress over 2009 indicated that all projects are on track but that there is no reserve time left for the silver and the refinables project. Key milestones of each project will be Phase IV and Phases II and V, respectively. Efficient project management was presented as an essential feature for 2010 PMC activities. **AP1**
Sarah Hottenroth stood down as Co-chair of TAP. A round of applause thanked Sarah Hottenroth (Umicore) for her dedication to the PMC since 2007. Guy Ethier (Umicore) was elected as the new Co-Chairman of the TAP. PROPOSAL APPROVED.
- 2.2. **Generic topics (slides 17-30 of Annex 3):**
 - 2.2.1. **Substance identification and substance sameness.** A silver ID Card was presented to the attendees as a basis to address substance identification and substance sameness. For mono-constituent substances, two parameters are usually considered to confirm

¹ **Post-meeting note:** Ferro GmbH has been accepted as the 48th Member of the PMC, as per a written decision of the Assembly (e-mail)



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sameness:

- **Form:** it was proposed to consider nanoforms to be different from larger forms. The arguments supporting this approach for the nanosilver example are provided in Annex 4. It was clarified that this proposal is a provisional one and that will be developed and adjusted as needed, in accordance with the interpretation and guidance provided by the ECHA and the EU authorities and OECD experts. The proposal was supported by all but one Member present or represented at the meeting. PROPOSAL APPROVED.
- **Purity:** it was proposed to use the 80% rule provided in the ECHA Guidance on substance identification to determine the minimum purity of each substance and intermediate included in the scope of work of the PMC. The typical composition will however be closer to the standard LBMA, LPPM and MMTA purity levels and will be used as a reference to select test samples, derive classification, etc. in each relevant project. The proposal was supported by all but two Members present or represented at the meeting. PROPOSAL APPROVED.

Members were invited to prepare themselves for substance identification requirements, for which the ECHA and Member States seem to expect more analytical work. Although it was originally understood that only the test substances (usually provided by the (potential) Lead Registrants) required a detailed identification and characterisation, it seems as this may become a requirement applicable to each substance, implying that each company would require fully identifying and characterising each one of its materials individually. It was clarified that this interpretation would be discussed with the other metal consortia in order to agree on a consistent strategy.² **AP2**

- 2.2.2. **Lead Registrants.** Aurubis was proposed as Lead Registrant for silver; and Ames Goldsmith was proposed as Lead Registrant silver nitrate and disilver oxide. The proposal was supported by all Members present or represented at the meeting. PROPOSAL APPROVED. The Lead Registrants elected by PMC (by e-mail) for the Rhenium materials were presented to the attendees. All Lead Registrants were thanked for their commitment and attendees were reminded on the number of orphan substances and intermediates (close to 80) for which a Lead Registrant has not yet been found. The next priority is to identify Lead Registrants for each refinable subject to registration by 1 Dec 2010.³ **AP3**

2.3. Silver (slides 31-51 of Annex 3):

- **Chairmanship:** H. Roth was proposed as Co-Chairman of the Ag WG. The proposal was supported by all Members present or represented at the meeting. PROPOSAL APPROVED.
- **Scope:** Although the scope of the PMC was closed in September 2009, several Members have adjusted their registration intentions once more. The key change in the scope of the Ag project is the decrease of the tonnage of disilver oxide from 100-1000 to 10-100.⁴
- **Progress of testing programme and data gathering:** The testing programme is progressing well. A test on oxidation properties was performed on silver nitrate while it was already

² **Post-meeting note:** Eurométaux agreed at its last REACH Forum meeting (18 Dec 2009) to produce a multi-metallic document to be used by all metal consortia.

³ **Post-meeting note:** A Lead Registrant has been identified and elected for each Refinable.

⁴ **Post-meeting note:** The registration deadline for disilver oxide is therefore no longer 1 Dec 2010. However, because all work is done in parallel on silver, silver nitrate and disilver oxide, consultants will continue working as per the original plan and deliver the disilver oxide on time for the 1 Dec 2010 deadline.



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classified for that endpoint. Meanwhile, the results obtained with this test do not confirm the current classification and must be repeated. The sensitisation test on silver sulphate provided inconclusive results and must hence be repeated.⁵

Although the oxidiser test that was unnecessarily commissioned had been presented to the Ag WG and the TAP for discussion or approval, no objections were raised at that time and the test was hence commissioned in an *ad hoc* confirmation letter signed by the Chairman of the Management Committee. The classification was overlooked by the Consultants, the PMC and the TAP and Ag WG; and some Members felt that the decision to commission this test was not taken in a sufficiently transparent manner. A flow-chart outlining the decision-making of the PMC was provided to the participants. **AP4**

Companies involved in the preparation of dossiers for the Biocides Directive have been contacted with the aim of evaluating the information generated by these companies and use such information as relevant for the Ag project.⁶

- **Preparation of ES, CSA and CSR (including BLM/SSD/aquatic monitoring work and GEMAS):** Questionnaires have been circulated, all responses are being collated (some have been submitted in a format different to the questionnaire which makes the overall compilation more cumbersome), and EBRC and WCA are progressing with the building of ES. An *ad hoc* meeting to agree on the approach to build the first ES is foreseen on 16 December. A draft list of those uses having been identified in the responses received so far is provided for information to the Members. Should any major use be missing from the current list, Tim Hird shall be informed asap.

As regards the dedicated projects that are being conducted jointly with the UK EA, these aim at deriving the required PEC and PNEC to better characterise the environmental risk of our silver materials. All these projects are on track and carefully followed up as their deliverables are due very close to the 1 Dec 2010 deadline.

- **IUCLID 5 files preparation:** A slideset summarising the progress made by EBRC and WCA in collating the silver, silver nitrate and disilver oxide IUCLID 5 files was provided in the handouts for information.
- **Overall project plan:** An Ag project plan was provided in the handouts and will be kept up to date by Tim Hird. This project is on track but cannot afford any major delays as there is no reserve time left.

2.4. Gold and Precious Metals Cyanides (slides 52-59 of Annex 3):

- **Chairmanship:** A round of applause thanked Sarah Hottenroth (Umicore) for her dedication to the PMC since 2007. Guy Ethier (Umicore) was elected as Chairman of the Au and PM CN-WG. PROPOSAL APPROVED.
- **Scope:** An intermediate was added to the scope of work of the Au project. The position paper that describes how Good Delivery bars of gold fulfil the definition of article under REACH (Annex 5), is finalised and ready to undergo a legal review before it is used in the public

⁵ **Post-meeting note:** An inquiry was sent to the ECHA on 10 February 2010 in order to obtain clarification on the best method to use to repeat this test.

⁶ **Post-meeting note:** A list of studies has been received from Chrysal; this list was used by WCA and EBRC to identify any potentially relevant studies. Only EBRC identified studies of potential relevance. Dr R. Battersby has evaluated such studies over 20-22 January and provided a report to PMC on 12 February 2010 for consideration by the TAP and the Ag WG.



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domain.⁷

- **Consultancy:** Following a unsatisfactory experience with Dr Knoell Consult, it is proposed to seek another consultant for the Au and PM CN- projects. The proposal was supported by all Members present or represented at the meeting. PROPOSAL APPROVED.

2.5. Platinum Group Metals (slides 60-65 of Annex 3):

- **Scope:** Although the scope of the PMC was closed in September 2009, several Members have adjusted their registration intentions once more. The key change in the scope of the PGM project is the removal of all Osmium compounds. Other changes relate more to decreases in tonnage bands or change of status from substance to intermediate.
- **Testing programme:** The testing programme will not start before Q2 2010, in order to allow the PMC WG and Officers to focus primarily on the Ag and Refinables projects. The testing programme will most probably start with T/D and water solubility tests. A fuller testing strategy will be discussed once the full Phase II report is delivered by WCA (End of February 2010).
- **Overall project plan:** A PGM project plan was provided in the handouts and will be kept up to date by Tim Hird. The PGM project is subject to a later registration deadline (2013 to the earliest) and is on track.

2.6. Rhenium (slides 66-71 of Annex 3):

- **Scope:** Dirhenium heptaoxide has been removed from the scope of the Re project as it is actually a very unstable anhydrous form of Perrhenic acid.⁸
- **Testing programme:** The testing programme started recently with a first tier including UV visible, pH, water solubility, T/D as well as other physico-chemical and ecotox tests. A second tier will be launched in Q2 2010 once the results of tier 1 have been received, discussed and agreed by the Re WG (with the support of Dr P. Mitchell from the University of Reading).
- **Overall project plan:** A Re project plan was provided in the handouts and will be kept up to date by Tim Hird. The Re project is subject to a later registration deadline (2018 to the earliest) and is evolving at a steady pace.

2.7. Refinables (slides 72-79 of Annex 3):

- **Scope:** All PM Refinables have been identified and organised into ten groups (some of which contain more than one subgroup). ID Cards for each Refinable are available; the descriptions provided in each one is subject to refinement by the PM Refiners WG and the name of the Lead Registrant will be added as soon as the candidates have been identified and elected.
- **Identification of consultancy:** Because it works with several other metals consortia and it is involved in all other PMC projects, WCA has therefore developed experience and knowledge on several precious and non-precious metals and has been selected as the best consultant to trust the PM Refinables project with. Because of the special nature of these multi-metallic UVCB it was also proposed to working with Hugo Waeterschoot as an *ad hoc* expert for this

⁷ **Post-meeting note:** The paper was reviewed by Mayer Brown and Keller & Heckmann both being known REACH legal experts. Improvements made to the document were significant to reinforce the overall interpretation. Both legal experts have agreed to co-sign the final document.

⁸ **Post-meeting note:** Meanwhile, a request has been made by one of the Re Sub-Assembly Members to add Potassium perrhenate to the scope of work. This was accepted by the Re WG and the TAP in February 2010.



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project. The proposals were supported by all Members present or represented at the meeting. PROPOSALS APPROVED.

- **Testing programme:** Some of the Refinables are Transported Isolated Intermediates in the > 1000 t/a band; which involves some Annex VII testing. Moreover, basic physico-chemical studies will be required as per the CLP Directive, in order to derive a sound classification for each Refinable. Additional tests may involve speciation (chemical and mineralogical characterisation), T/D and bio-elution tests.
- **Preparation of IUCLID 5 files:** The preparation of IUCLID 5 files for UVCB is a delicate task as the information contained in such a file must correspond to the unknown and/or variable composition in each case. Recommendations from the Eurométaux IUCLID 5 Platform will be considered by WCA to make sure all complex UVCB intermediates are registered in a consistent manner across the metals industry.
- **Overall project plan:** A PM Refinables project plan will be prepared after WCA and H. Waeterschoot have reverted with clear phases, tasks, timeline and budget. The project plan will then be kept up to date by Tim Hird. This project is on track but cannot afford any major delays as there is no reserve time left.

3. Preparation for Registration (and after)

3.1. **Communication with Pre-SIEFs: Implementation of REACHsuite (slides 81-82 of Annex 3).**

Following the decision of the Assembly REACHsuite was implemented to store any information which is relevant to document the steps taken by the PMC to achieve a successful and transparent registration of each material, as well as to communicate with pre-SIEFs. Two e-mails have been circulated already: one to present the PMC and inform the pre-registrants on our legitimacy, and one to determine the number of pre-registrants having a confirmed interest in registration and as such, in potentially purchasing a Letter of Access. The next step is to circulate the ID Cards and the names of the Lead Registrants that have been elected by the PMC.

3.2. **Preparation of classification proposals (GHS/CLP) (slides 83-84 of Annex 3).** REACH is coupled with an obligation to submit a classification notification (section 2 of IUCLID 5 file) at the time of registration or to the latest in early January 2011. Consultants are aware of this obligation and an *ad hoc* classification notification strategy will be devised with both EBRC and WCA in early Q2 2010. AP6

3.3. **Overall Consortium Project Plan: Project Progress vs. Registration Deadlines (slide 85 of Annex 3).** All projects are currently on track and all Registration deadlines should be met without any major problem.⁹ AP7

3.4. **Guidance and Training (slide 86 of Annex 3).** A IUCLID 5 guidance will be prepared by the PMC Secretariat and will be tested at a training session where “live registrations” will be made by PMC Members attending such a session.¹⁰

⁹ **Post-meeting note:** Recent discussions of Eurométaux representatives with the ECHA have clarified that ECHA will accept incomplete dossiers as long as for each lack of information a sound justification is provided. Although the PMC does not intend to “use” this possibility, it relieves the PMC Members from an unnecessary stress and allows continuing to work in such a way that only information of quality is generated and included in the dossiers.



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3.5. Preparation of Letters of Access and Licences to Use: Underlying Principles (slides 87-88 of Annex 3). The PMC Secretariat has started drafting underlying principles that shall be applied when developing a method to calculate the price of PMC's Letters of Access. The Legal and Cost-sharing WG of the PMC will be invited to discuss and elaborate these principles.¹¹

3.6. Voluntary OECD HPVC Programme (Slides 89-90 of Annex 3). The OECD is inviting Commodity associations to provide the information of the REACH Dossiers in order to become OECD-approved data sets that shall be subject to the principle of Mutual Acceptance of Data across all OECD countries. The Members were not against the proposal but invited the Secretariat to obtain further information on the overall Programme. **AP8**

4. Resources and Budget of the Consortium

4.1. Expenses for 2009 (slides 94-95 of Annex 3). By 13 October 2009 around 1 250 000 € had been spent. The reserve left is close to 1 750 000 €. It is suggested to use this reserve to lighten the 2010 invoices (cf. item 4.5 below).

4.2. IUCLID 5 Hosting Service (slides 96-98 of Annex 3). The IUCLID 5 Hosting System is a tool that enables all PMC IUCLID 5 files to be saved in a centralised web-based server. All those parties needing to work on a given IUCLID 5 file (Consultants, PMC Officers, Lead Registrants, etc.) would be able to do so through a password-protected hosting system. This removes the risk of working on different versions and of losing information from one version to the other, and minimises the need to send the IUCLID 5 files by e-mail (and hence, the risk of circulating confidential information). The Assembly supported the proposal to use this hosting system but requested the PMC Secretariat and Management Committee to clarify any open issue (e.g.: security, IT set-up, etc.) before signing any contract commissioning the implementation of this tool. PROPOSAL APPROVED WITH CONDITIONS.¹² **AP9**

4.3. Resources of the Consortium (slide 101 of Annex 3). All Members present or represented at the meeting supported the proposal to work with H. Waeterschoot in order to increase the resources available to the PMC. PROPOSAL APPROVED. H. Waeterschoot will be mandated specific missions (e.g.: Expert of the PM Refinables project, support in the preparation of ES for the Ag project) that will be properly described and integrated to a consultancy contract. The costs associated with this additional expertise will be allocated to the relevant metal-specific costs.

4.4. Presentation and Approval of 2010 Budget (slides 102-107 of Annex 3). A 2010 budget was presented to the Assembly (Annex 6); however, no budget was provided for the Refinables project (pending quotes from WCA and H. Waeterschoot). The budget was approved. PROPOSAL

¹⁰ **Post-meeting note:** The IUCLID 5 training session will take place in Brussels on 21 April 2010. An invitation will be sent together with the draft guidance document, in due course.

¹¹ **Post-meeting note:** This meeting took place on 2 February 2010; a method of calculation for deriving the price of a LoA was supported and prepared for the Management Committee meeting scheduled on 24 February 2010. The final proposal will be presented at the next Assembly meeting.

¹² **Post-meeting note:** All questions have been sent to WCA and have been responded to. The Management Committee will discuss these responses at their 24 February 2010 meeting and if they are all satisfactory, the PMC Secretariat will be mandated to sign the relevant contract with WCA.



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APPROVED. Nonetheless, although it was proposed to lighten the 2010 invoices by using the available reserve (see item 4.1 above), this was not supported by the PMC Members. PROPOSAL REJECTED.¹³

4.5. **Invoicing in 2010 (slides 109-110 of Annex 3).** PMC Members rejected the proposal to send only one invoice in early 2010 (and a second one in mid 2010 in the event a budget increase became necessary). PROPOSAL REJECTED. Instead, two invoices will be sent in 2010, each one for one half of the total budget. One invoice will be sent in mid 2010 and the second towards the end of 2010.

4.6. **Predictions for Next Years (slides 111-112 of Annex 3).** The predictions for the next years of operation of the PMC will be presented at the next Assembly meeting.¹⁴

5. AOB, Next Assembly Meeting and Closing Remarks

5.1. **Next Plenary Meeting: 18 June 2010, Hamburg - Germany**

5.2. **Next Assembly Meeting: 2 December 2010, Brussels - Belgium**

Annexes:

1. List of participants
2. Agenda of the meeting
3. Slides presented at the meeting
4. PMC provisional position on nanosilver
5. Final paper on Au Good Delivery bars
6. Proposed 2010 PMC Budget

¹³ **Post-meeting note:** An adjusted budget, based on the final accounting report for 2009, will be proposed at the next Plenary Meeting on 18 June 2010.

¹⁴ **Post-meeting note:** Predictions have been made in order to calculate the price of PMC Letters of Access. These will be evaluated and discussed by the Management Committee on 24 February 2010 and circulate to the Assembly subsequently, in preparation of the 18 June 2010 meeting.



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Table 1. Actions agreed at PMC Assembly meeting of 3 December 2009

	Action	Who?	When?
1.	Identify the risks involved in not meeting the registration deadline with a complete Dossier	C. Braibant	Feb 2010
2.	Circulate guidance document to Members as soon as it becomes available	C. Braibant	Feb 2010?
3.	Contact potential candidates to identify a potential Lead Registrant for all substances in scope	C. Braibant	Jun 2010
4.	Clarify and strengthen Appendix 5 of the Consortium Agreement	C. Braibant	Jun 2010
5.	Circulate an updated list of uses covered by the Ag project	T. Hird	Mar 2010
6.	Devise a classification notification strategy with EBRC and WCA	C. Braibant	Early Q2 2010
7.	Add column for budget tracking in all project plans	T. Hird	Mar 2010
8.	Obtain clarification on the following aspects of the OECD Programme: <ul style="list-style-type: none"><input type="checkbox"/> How would confidentiality and ownership rights apply in the event a Commodity shares (part of the content of) its Registration Dossiers with the OECD countries?<input type="checkbox"/> Are all Dossiers concerned or only the Ag metal one (only High Production Volume)?<input type="checkbox"/> Are Intermediates Dossiers of interest to the OECD Programme?<input type="checkbox"/> Will extracts of the Registration Dossier be required or a full version of it?<input type="checkbox"/> When are Commodities expected to provide the required information?<input type="checkbox"/> What is the timeline to confirm interest in this Programme?	T. Hird	Mar 2010
9.	Clarify any open issue (e.g.: security, IT set-up, etc.) before signing any contract commissioning the implementation of WCA's IUCLID 5 Hosting System	C. Braibant + MC	Feb 2010