



## MINUTES

### 1. Welcome and introduction.

- 1.1. **Confidentiality and European Competition Law provisions.** All attendees (cf. Annex 1) have committed to be bound by "Confidentiality, non-Disclosure and Non-Use Agreement" and to respect and act in compliance with EU Competition Law by signing the attendance list. A total of 20 out of 26 members were represented at the Assembly. Five of the 12 companies applying for membership were represented at the meeting. In the end 25 of the 38 members of the Consortium were represented (~ 66% or 2/3 of the Members).
- 1.2. **Approval of the Agenda.** The Agenda was approved (cf. Annex 2).
- 1.3. **Approval of the Minutes of the last meeting (13/12/2007).** The Minutes were approved.
- 1.4. **A word from the Chairman** (and other introductory remarks). In order to preserve confidential information among attendees (whether they are Members of the Consortium or Guests), authorised representatives have received a sealed envelope containing information which is for their individual interest only. Aiming at finalising the Plenary Meeting on time, some of the slides (marked with "FYI") have been included in the handouts but have not been presented in detail.

### 2. Status and progress of the Consortium.

- 2.1. **Adjusted Consortium Agreement: main changes** (cf. slides 8-24 of Annex 3). In light of the scope extension to Rhenium and the clarification of the status of intermediates, the Consortium Agreement dated 6<sup>th</sup> of July 2007, including the original cost-sharing formula, was adjusted. The adjusted Consortium Agreement, dated 6<sup>th</sup> of May 2008, has been approved by written decision by the Assembly, with no Member dissenting. None of the original principles of the Consortium has been changed. It was clarified that the new version does not need to be completed and signed again by the existing members. No questions were raised. Some clarifications could not be included in the adjusted Agreement (it needed to be circulated as soon as possible considering the number of companies which were waiting to join the Consortium) and were put to vote during the Assembly meeting. The decision taken was unanimous as none of the members present or represented at the Assembly meeting opposed the proposal. The addendum (cf. Annex 4) shall be considered as a full part of the Agreement and will be integrated to the Agreement in the event it requires any further adjustment.
- 2.2. **Membership: interested companies and potential members** (cf. slides 25-32 of Annex 3). Twelve precious metals and rhenium potential registrants have submitted an application to become Members of the Consortium. Lipmann Walton & Co. Ltd. had prepared a presentation about the company (cf. Annex 5) but it was not possible to run it due to time constraints. The Assembly agreed to vote on all the applications through one vote. None of the Members opposed any of the applications; all twelve applications were accepted and the concerned companies were welcomed to the Consortium. All Members were reminded on their commitments, and on the contributions the Consortium is entitled to invoice them



for. Moreover, it was clarified that the new Members could already participate to the votes taking place from this moment of the meeting on. Those companies having not yet joined the Consortium can still do so but must be aware that:

- If submitted long before the next Assembly meeting or shortly after the last one, their application would need to be put to vote by written decision of the Assembly, meaning that the response to the applicant can take more than one month;
- Past costs will be charged to them in addition to the interest rate (corresponding to the annual LIBOR) applicable per year of past expenses;
- Their entry to the Consortium depends on the scope and advancement of the work programme which has been launched by the Consortium prior to their entry.

**2.3. Internal structure and Scientific Manager position** (cf. slides 33-35 of Annex 3). The inclusion of Rhenium into the scope of activity of the Consortium has also adjusted the working structure of the Consortium. Moreover, in order to support the Consortium's technical work, a job advertisement has been posted in order to identify a suitable person to become the Scientific Manager of the Consortium. Five applications out of fifteen have been retained. The applicants will be interviewed in early summer and it is expected for the person to start working for the Consortium by September 2008.

#### **2.4. Work Groups:**

**2.4.1. Technical Advisory Panel** (cf. slides 37-45 of Annex 3). The technical segment of the meeting was opened through a high-level introduction of the technical works performed by the Consortium in the first quarter of 2008. Key achievements are the identification of suitable consultants for the gold, PGM and rhenium projects and the setting-up of a strategy to address complex refinable intermediates under REACH in an harmonised manner (cf. Annex 6).

**2.4.2. Silver Work Group** (cf. slides 46-54 of Annex 3). The silver project of the Consortium has faced a series of administrative obstacles with consultant projects which have caused a delay of three months. At this juncture, the Consortium is on track to achieve the first registration deadline of 2010 though some of the time reserve has been eroded. Pre-registration can be actioned already by all Members; all silver compounds listed in the indicative list are mono-constituent substances with an EINECS number.

The recently delivered report of Phase IIa Environment from Euras indicates that the silver industry might be obliged to work under an aggressively low PNEC value (aquatic freshwater compartment), or otherwise establish a better dataset to permit reassessment of the PNEC to a more tolerable level. Members will be invited to submit silver exposure data in support of this effort. In the meantime, it is recommended to start organising the collection of, or collecting, any available information on silver emissions.

In addition, Members of the Silver Sub-Assembly are requested to comment and/or approve the suggested approach for the identification of reference samples as described in the minutes of 8<sup>th</sup> of January and 11<sup>th</sup> of February 2008 meetings (Annexes 7 and 8, respectively) before the 20<sup>th</sup> of July 2008. The same strategy is likely to be used for the other materials in scope.



- 2.4.3. **Gold Work Group** (cf. slides 55-65 of Annex 3). A suitable consultant has been identified by the Consortium to conduct the Gold work programme. Following exploratory discussions with the LBMA, it was understood that the current gold programme (aiming at registration deadline 2018) might be affected by the arrival of very large gold bullion importers to the Consortium (bringing the registration deadline to 2010). It could be that such importers are actually importing through separate legal entities, thereby decreasing the tonnage band per entity. In the event this is not confirmed, the Consortium should work with the LBMA to agree on a way forward for gold bullion registration. The three gold compounds listed on the gold indicative list can be pre-registered; they are all mono-constituent substances with an EINECS number. As regards precious metal cyanides, two options were proposed to the Assembly. The preferred option is to have precious metal cyanides as part of the gold project until the next Assembly meeting, when it will be possible to compare both alternatives from a budget point of view (cf. option 1 in slide 62). In the event gold and precious metals cyanides should be part of the two separate projects, with two separate budgets, the work programme will be adapted accordingly.
- 2.4.4. **PGM Work Group** (cf. slides 66-75 of Annex 3). A suitable consultant has been identified by the Consortium to conduct the PGM work programme. The project is scheduled to start on the 15<sup>th</sup> of July 2008, as soon as the indicative list has been adjusted and completed and the contract service finalised. In order to achieve this, as well as to finalise the pre-registration recommendations for PGM (so far none of the attendees declared to have pre-registered any PGM already), Members are invited to respond to the information requests that have been circulated since February 2008. A key element of this set of requests is the listing of available study data and other key references. Clarifications on these requests will be circulated again to all concerned Members. For those Members who do not send their information in time, the responsibility to check the applicability of the conclusions of the PGM Work Group and the pre-registration recommendations given by the Consortium will be entirely left to them.
- 2.4.5. **Rhenium Work Group** (cf. slides 76-81 of Annex 3). A first exploratory meeting among several companies being interested in Rhenium took place in Brussels on the 11<sup>th</sup> of February 2008. The actions that were agreed at that meeting could not be executed until the Consortium Agreement had been revised, adjusted, approved and circulated for signature. Now that the interested companies have become Members of the Consortium and that the necessary legal framework is operational, the Members of the Rhenium Sub-Assembly will be able to launch their work. The consultant who has been appointed for the PGM project has been appointed for the Rhenium project too, considering some of the similarities PGM and Rhenium share under REACH (tonnages, uses, etc.). It was confirmed that APR is indeed manufactured/imported in the 10-100 tonnes per year tonnage band by at least one Member of the Consortium.
- 2.5. **Accounts and budget** (cf. slides 82-88 of Annex 3). The budget that was approved for 2008 at the last Assembly meeting (13<sup>th</sup> of December 2008) has been adjusted based on the real expenses incurred by the Consortium during the first half of 2008 and the quotations received from the consultants. The invoices for 2008 (II) have been calculated and included in each Authorised Representative's confidential



envelope. The amounts calculated to date do not include the contributions to be made by new Members to past costs, the applicable LIBOR and the final reimbursement of these amounts to existing Members (as per the cost-sharing formula). Some of the materials included which are in scope are not yet considered since no expenses have been made for these. Members are invited to check their substance and tonnage band declarations and inform the Secretariat on any eventual update before the 15<sup>th</sup> of July 2008, before the confirmed amounts can be invoiced to each Member. It was acknowledged that the Consortium is still well below the 2006 "worst-case" cost predictions of the Commission (cf. slide 87).

3. Pre-registration preparedness (cf. slides 90-122 of Annex 3). Some of the more basic questions on REACH as well as more technical issues regarding pre-registration were addressed during the second half of the meeting. Some of the slides were not presented in detail and have been included in the presentation as a source of information. Should any question arise, Members are free to address these directly to the Secretariat. The workshop which is being organised by Eurométaux might be limited to Members of Eurométaux only. It was therefore proposed for the Consortium to organise a workshop on the IT and other practical aspects of pre-registration, which would then be open to all Consortium members, including to those who are not Eurométaux members.

It was signalled to attendees that once they pre-register, the other pre-registrants for the same substance will be able to see in which tonnage band they have pre-registered. Although tonnage bands are treated as confidential information at Consortium level, it is questionable whether it will still be necessary after Pre-registration. There is naturally the possibility for pre-registrants to appoint a Third Party Representative (TPR) in the event they wish to remain anonymous to the other pre-registrants (only the Agency will know who is the actual pre-registrant behind the TPR). Up to these same pre-registrants to request a level of confidentiality on the tonnages declared to the Consortium and used in the selection of the reference samples or the preparation of the invoices, amongst other Consortium activities.

4. Key tasks, proposed timeline, next Assembly meeting and AOB (cf. slides 123-127 of Annex 3).

- A summary of the several objectives to be achieved by the Consortium before the next Assembly meeting was presented. It was acknowledged that although the Consortium's staff will increase with the arrival of a Scientific Manager, many actions depend on how well Members contribute to the several requests they receive.
- It was reminded to all that although 2018 was likely to be the applicable deadline for most of the gold, PGM and rhenium compounds, by needing to notify the Agency on the agreed classification and labelling for each substance and intermediate, and having finalised the Registration Dossier for the pure precious metals and rhenium very soon, Registration of these low tonnage materials is likely to take place before the actual deadline.
- The next Assembly meeting will take place in Brussels, Belgium, on the 3rd of December 2008. It was agreed to hold a full day meeting on REACH and the Consortium in order to be able to provide more detailed and clear presentations to the Members.
- The next Plenary meeting will take place in Lugano, Switzerland, on the 18<sup>th</sup>, 19<sup>th</sup> and 20<sup>th</sup> of June 2009. It will follow the same structure as proposed above.

*Contact Info of the Consortium*

Avenue de Broqueville, 12 - BE-1150 Brussels  
Tel.: +32 2 775 63 23 Fax: +32 2 779 05 23 Mobile: +32 473 52 52 73  
E-mail: [braibant@epmf.be](mailto:braibant@epmf.be) Website: [www.epmf.be](http://www.epmf.be)



- No other business was raised.

## 5. Conclusion.

### Specific conclusions:

- The Consortium needed from the Members:
  - a) requested data (or feedback if data was unavailable), and
  - b) active participation whenever requested, together with
  - c) willingness from Members to share their REACH experiences outside the Consortium.
- Members needed:
  - d) to pre-register all materials they thought they might wish to register, taking careful note of ongoing waste/non-waste issues,
  - e) to ensure REACH-compatible naming of their complex materials, and
  - f) to take careful note of the "how to pre-register" checklist on slide 105.
- It was stressed that all direct contact with the Consortium's appointed consultants must be made through the EPMF Secretariat.

### General Points

- There are no stupid questions in REACH. If in doubt, Members should ask the Secretariat.
- There was a need for pragmatic solutions when dealing with complex materials. These would only work if there was consistency of approach not only across the Consortium but more broadly across the non-ferrous metals industry.
- REACH was breaking down the traditional secrecy barriers across the PM industry but increased openness might be needed to facilitate getting all the pre-registration issues sorted out on time.
- Finally a plea for increased participation from Members. Whilst a non-reply might be taken as agreement, it took less than a minute to send an e-mail response and that better served the democratic process.

### List of Annexes

1. Attendance List.
2. Agenda.
3. Power point presentation of the meeting.
4. Addendum to the Consortium Agreement dated 6<sup>th</sup> of May 2008.
5. Presentation of Lipmann Walton & Co. Ltd..
6. Pre-registration strategy for complex refinable intermediates.
7. Minutes of 8<sup>th</sup> of January 2008 teleconference on silver reference samples selection criteria.
8. Minutes of 11<sup>th</sup> of February 2008 face-to-face meeting on silver reference samples selection.