



## MINUTES

Action points are highlighted in *italic blue*

### 1. Welcome and introduction (slides 3 to 7 of Annex 3).

1.1. **Confidentiality and European Competition Law provisions.** All attendees (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 25 out of 42 Members were represented at the Assembly (~ 60%, i.e. > 50% + 1 of the Members are represented). Decisions related to Agenda items 2.2 and 6.1 shall be taken by a qualified majority of 2/3 (two-thirds) of the Members. *A confirmation will hence be requested for these Agenda items, to non-represented Members, by written decision as per Article 4.1.6.2 of the PM & Re Consortium Agreement.*

1.2. **Approval of the Agenda.** The Agenda was approved (Annex 2).

1.3. **Approval of the Minutes of the last meeting (20/06/08).** The Minutes were approved.

1.4. **Presentation of new operational structure of the Consortium (and introduction of Scientific Manager).** A Re WG and a Scientific Manager have been added to the operational structure of the Consortium. Zuzana Hugonin, Scientific Manager of the Consortium as from 1 September 2008, introduced herself to the Assembly. Her main role is to act as the interface between the Members of the Consortium and the TAP and WG, and the consultants. She is in charge of ensuring the time- and cost-efficiency of the PM and Re projects. It was clarified that Caroline Braibant had to be Cc. on any communication addressed to Z. Hugonin. Although C. Braibant remains the only Trustee of the Consortium, the Professional Liability Insurance coverage was extended to include Z. Hugonin as well, in order to protect her and the Consortium in case of involuntary error or omission in her position as Scientific Manager.

### 2. Membership of the Consortium (slides 8 to 17 of Annex 3).

2.1. **Presentation of new Members (already approved by the Assembly): Valcambi, Chimet, and SAFT Batteries.** All three new Members are present at the meeting. They were warmly welcomed.

2.2. **Vote on new membership application(s) (i.e. Tanaka Kikinzoku Kogyo).** TKK, represented by Hitoshi Kosai, submitted a complete membership application to the Secretariat on 19 November 2008. Following an evaluation by the Secretariat, it was confirmed that TKK meets all the requirements for membership. The Assembly was invited to vote on TKK’s membership application. None of the members present or represented at the Assembly meeting dissented. As indicated in item 1.1 above, *absent Members will be invited to vote on this application by written decision.* TKK was warmly welcomed as the 42<sup>nd</sup> Member of the Consortium.



- 2.3. Commitment of the Members (reminder) - importance of data-sharing.** Members were reminded on their commitment when joining the Consortium. Particular attention was brought to the importance of data-sharing as one of the underlying principles of the Consortium. *It was agreed for the data requests sent by the Secretariat (and Scientific Manager) to be preceded by a TAP verification*, in order to ensure a higher level of completeness and clarity before they are more widely circulated.
- 3. Clarification on legal terms of the Consortium Agreement (slides 18 to 23 of Annex 3).** The complete PM & Re Consortium Agreement includes: PM & Re Consortium Agreement dated 6<sup>th</sup> of May 2008 + excel tables of Appendix 2, and the three documents described below:
- 3.1. Recap on recent addendum to the Consortium Agreement.** Attendees were reminded of the addendum to the Consortium Agreement, which was approved at the Toledo meeting and which comprises three clauses. To date, none of the Members having contributed with samples for the technical projects of the Consortium have yet invoiced the Consortium (Clause 2). *C. Braibant will invite the concerned Members to invoice the Consortium accordingly.*
- 3.2. Clarification on “change” of membership.** A change in a company’s internal organisation does not constitute a change in membership. It must be notified to C. Braibant but it does not require a vote by the Assembly.
- 3.3. Letter to “big tonnages”.** Since some legal entities (e.g.: banks) have pre-registered in high tonnage bands as a precaution (in order to better adapt to changes in the market), the Consortium advises companies who wish to join the Consortium that they would have to commit to cover any additional expenses that are triggered by these higher tonnage bands.
- 4. Status and progress of technical programmes.**
- 4.1. Report of Technical Advisory Panel (slides 25 to 31 of Annex 3).** TAP and Work Groups participants have dedicated more than 750 hours to meetings in 2008, excluding the time invested in preparing the meetings, following-up on the agreed action points, and travel time. The 2008 TAP Agenda included: identifying suitable consultants, managing the technical projects of the Consortium, review and interpretation of consultant proposals and reports; defining testing paths including reference sample designation and method harmonisation; performing preliminary substance sameness evaluations; gathering and evaluating technical specifications and other existing data; and pre-registration preparation and steering (for both “simple” and “complex” substances such as refinables). The support provided by the TAP allowed keeping costs down and each technical project on schedule. Sincere thanks were expressed to all Members having contributed to the technical work. Key attention will be put on SIEF management and resolution of technical issues at precious metals-wide level as from early 2009.



**4.2. Report on Silver project (slides 32 to 39 of Annex 3).** Phase I and II of the silver project have been performed to date (total cost so far < 200 000 €). The outcomes of the latest tests (dustiness and bio-accessibility) showed unexpected results which may impact on the grouping/read-across strategy and the overall testing design (early preparation of Phase III). Some of the tests that were originally recommended by the consultants may be deferred until testing proposal is assessed and accepted by ECHA (not before 2011). Many simple and complex silver compounds have been pre-registered; these are not all in scope of the silver project but may be useful for read-across and data-sharing. The Agenda for the first of 2009 will focus on the organisation of the silver compounds SIEFs, the way forward for Phase III, and the collection of emissions and exposure data (in order to improve the PNEC value obtained with the available data). The latter requires the preparation of a data collection template or questionnaire, which will be built with the input of TAP and the consultants.

**4.3. Report on Gold project (slides 40 to 48 of Annex 3).** Phase I of the gold project has been launched; the report is expected in January 2009 (total cost so far 9000 €). Grouping may be not applicable for the four substances in scope of the gold project; this will be confirmed as part of Phase II of the gold project. As regards the registration deadline, some pre-registrants have indicated 2010 as registration deadline for gold (this deadline is not necessarily associated to a > 1000 tonnes/year tonnage band). One of the objectives of the TAP and the Au WG for the first quarter of 2009 will be to confirm the registration deadline and associated tonnage band information requirements in order to achieve a successful joint preparation of the registration dossier. This involves organising the gold compounds SIEFs, continuing the data gathering exercise, and collecting the available emissions and exposure data on gold.

The LBMA has recently abandoned its intention to prepare a statement describing the article status of gold bars although some recognition has been gained amongst some of the authorities (UK and ECHA Helpdesk). The TAP and Au WG will discuss whether or not the initiative should be continued by the Consortium (this involves evaluating the impact of each option on the operation of the Consortium, should all the banks decide to join/not join and participate or not to the joint registration).

**4.4. Report on Precious metals cyanides project (slides 50 to 55 of Annex 3).** Phase I of the precious metals cyanides project has been launched; the report is expected in January 2009 (total cost so far 9000 €). Grouping is likely to take place in light of cyanide's role as counter-ion; however the effect of Ag and Au on dissociation and solubility (in specific pH conditions) should not be neglected in the assessment. Significant testing is unlikely to be required considering the amount of available information on the "free" counter-ion. This will be further confirmed in Phase II of the precious metals cyanides project (key conclusions should ideally be shared with other cyanides SIEFs for consistency). The Assembly agreed to consider the precious metals cyanides project as a separate project, represented as a separate metal-specific cost block (in addition to Ag, Au, PGM and Re), with separate accountancy, and therefore allowing a more transparent



follow-up.

- 4.5. Report on PGM project (slides 56 to 60 of Annex 3).** Phase I of the PGM project has been finalised, reported and adjusted (total cost so far 34 000 €). Data-gathering was not as efficient as expected as some of the data requests from the Consortium were not sufficiently clear and followed-up/reminded by the Secretariat. In addition, some contributions arrived very late, after several “personalised” requests had been sent. After gathering available data on PGMs, the consultants are now working on a Phase II pilot project, using two candidate PGM substances (Hexachloroplatinic acid or CPA, and Palladium metal), in order to develop experience with reference substances for grouping purposes, and to refine the cost predictions that were made in the original PGM project quotation. This will also allow TAP to evaluate the grouping strategy proposed by the consultants (taking into account bio-availability, oxidation state, presence of typical chemical groups, etc.). Z. Hugonin organised the received technical specifications in individual spreadsheets (one for CPA and one for Pd), which were sent to the consultants, together with the available studies on CPA and Pd. Some PGM pre-registrants have indicated 2010 as registration deadline although this deadline can not be associated to a > 1000 tonnes/year tonnage band. TAP and the PGM WG will confirm the registration deadline and associated tonnage band information requirements in order to achieve a successful joint preparation of the registration dossiers. Emission and exposure data on PGM will be collected once a format has been agreed by TAP and the consultants.
- 4.6. Report on complex refinables initiatives (slides 61 to 68 of Annex 3).** Complex refinables have not yet been assigned to a specific REACH project, as the other precious metals and rhenium have. It is not yet sure which consultant(s) should take this potential project over. It has been challenging to gather compositional data on complex refinables, group complex materials into similar streams, and prepare a pre-registration strategy for these materials (phase-in status not always straightforward). It was agreed to consider these as UVCB transported isolated intermediates due to the variation in composition and their chemical modification in further refining steps. Pre-registration recommendations were provided in line with the above principle and the outcomes of several months of discussion amongst experts in the field of precious metals refining. Intra- and inter-SIEF dialogues will be essential in order to confirm substance sameness and SIEF formation before a registration dossier can be prepared. The Consortium aims at proposing a harmonised way forward to non-Consortium pre-registrants. TAP and refining experts will explore this way forward in early 2009.
- 4.7. Report on Rhenium project (slides 69 to 75 of Annex 3).** Phase I of the rhenium project has been finalised, reported and adjusted (total cost so far 1500 €). As expected, many data gaps were identified as rhenium and rhenium compounds are known to be data-poor materials. Small tonnages should however keep information requirements to a minimum. Grouping possibilities will be explored as part of Phase II of the rhenium project. The Re WG is meeting on 4 December to discuss the next steps of the rhenium project. One rhenium containing-complex material will require particular attention: Nickel Alloy scrap. Several



routes have been followed for pre-registration (multi-constituent substance and preparation route); these shall be discussed again and only one route should be selected and prepared for registration.

- 4.8. **Key action points** (*slides 76 to 82 of Annex 3*). A summary of technical action points for the first quarter of 2009 was presented to the Assembly. Intra- and inter-SIEF organisation is likely to be a priority as it may impact on current Consortium plans (substances in scope, registration deadlines, information requirements, testing costs, etc.). Members were invited to respond promptly to upcoming Consortium requests (e.g.: emissions and exposure data), which will enable the Consortium to present strong and pro-active proposals to non-Consortium pre-registrants. It was appreciated by all that the first quarter of 2009 will be challenging but achievable, with everyone's collaboration. TAP and PM WG will meet in early February 2009 in order to discuss and prepare the Consortium's contribution to the practical organisation of SIEF and the successful preparation of the joint registration dossiers.

5. **Consortium and SIEFs** (*slides 85 to 112 of Annex 3*).

- 5.1. **Comments on pre-registration leaflet (feed-back on questionnaire circulated at the beginning of the meeting, including remarks on Consortium's organisation and deliverables)**. All comments received on the content of the pre-registration leaflet were positive. Next deliverable should ideally be made available earlier in time to allow a better use of it by the Members. Only 11 responses to the questionnaire were received, although at least 25 were expected, i.e. < 45% (one per represented Member). The average scores and general comments are provided in Annex 4.
- 5.2. **List of pre-registered substances: impact on scope, budget and timeline of PM & Re Consortium projects**. Z. Hugonin evaluated the two interim lists of pre-registered substances. The third list should be published in January 2009 and should be final. In some cases, very early registration deadlines have been pre-registered for low tonnage substances (e.g.: 2010 for Pt, Pd, Ir, Rh and Re). This may be due to incorrect selections in the scroll down menus during pre-registration, to an incorrect classification of the substance, to an intentional early registration (not necessarily associated to a high tonnage band, assuming that the registration dossier can be finalised before 2010, as suggested by the Consortium), amongst others. In addition, precautionary pre-registrations made by some entities in light of potential future commercial activities, should be distinguished from future (confirmed) registrations. Although the Consortium membership is representative of a majority of precious metal and rhenium manufacturers and importers in Europe, many other precious metal and rhenium substances have been pre-registered, which are not in scope of the Consortium's projects. The Chairpersons of TAP and the WG will be invited to screen the lists of pre-registered substances in order to identify which of these out-of-scope materials will require attention (for grouping, read-across and data-sharing



purposes). Initial focus should be put on 2010 and 2013 registration deadlines<sup>1</sup>.

- 5.3. Membership of PM & Re Consortium vs. membership of SIEF: how to work together?** TAP, the Legal WG and the Cost-sharing WG of the Consortium will be invited to propose alternatives to membership (e.g.: letter of access, licence to use, etc.) in order to ensure a cost-effective operation of the Consortium in compliance with REACH obligations and Competition Law. Pre-registrants meeting the requirements laid down in the PM & Re Consortium Agreement will be invited to participate to the joint preparation of the registration dossier by becoming a Member of the Consortium or by obtaining a legitimate access to such registration dossier. In light of the uncertainties ahead, assigning a cost to the proposed alternatives may be difficult.
- 5.4. Options to ensure link of PM & Re Consortium Secretariat with each “priority” SIEF.** The Assembly supported the proposal for the Consortium to act proactively within the SIEFs, so as to reduce potential time-loss. For this, Consortium rapporteurs will be identified per substance and required to keep C. Braibant and Z. Hugonin informed on the activities of the SIEF.
- 5.5. Proposals for PM & Re Consortium operation:**
- 5.5.1. Communication and data-management tool: EPMF website, REACHsief, REACHSuite, other(s)?** REACHSuite (Annex 5) seems to be the most promising tool to manage Consortium and SIEF operations in a cost-efficient manner. A meeting will be organised with Mike Penmann (Baytouch) in order to agree on necessary features and associated costs. A place-holder for this tool has already been included in the budget for 2009 (proposed under item 6 below).
- 5.5.2. “Minimum voting rules”: quorum, number of votes per SIEF member (legal entity/corporate), majority, and voting timing?** Voting rules will be discussed and agreed as necessary, and depending on the outcomes of the first initiatives of the Consortium within the different SIEFs during January and February 2009. The Management Committee may be invited to agree on proposed rules as needed.
- 5.5.3. Substance sameness: expected information requirements (e.g.: complex intermediates).** Agreeing on substance sameness can only be done when compositional and technical specifications of substances pre-registered under the same EC entry have been compared. The Consortium constitutes a neutral support for such comparison to be performed and shall therefore provide each SIEF with “master specifications” or general “substance ID cards” in order to allow other pre-registrants to compare their substance with the proposed “profiles”. Purity of simple substances may be a key driver in substance sameness discussions. Complex substances may be more difficult to compare and group into similar profiles. Once sameness is confirmed, the SIEF is

<sup>1</sup> **Post-meeting note:** A first assessment has already been performed in mid-December 2008 for silver, gold and precious metal cyanides.



formed and the registration dossier can be prepared.

**5.5.4. Lead Registrant.** The Consortium's Secretariat and Scientific Manager can provide a cost-efficient and neutral support to the Lead Registrant, when preparing the registration dossier; the Lead Registrant in each SIEF should therefore ideally be a Member of the Consortium. A strategy to appoint and elect Lead Registrant per substance will be agreed upon in the first quarter of 2009, in order to elect all the Lead Registrants for the substances in scope amongst the Consortium Members and inform SIEF members on the Consortium's suggested Lead Registrants.

**6. 2008 Expenses, 2009 budget and 2009(I) Members' cost-shares (slides 113 to 125 of Annex 3).**

**6.1. Presentation and approval of 2008 expenses, 2009 budget and 2009(I) Members' cost-shares.**

A projection of 2008 expenses based on expenses accounted up to 31 October 2008 was made available in the handouts. All expenses were kept within the limits of the agreed 2008 budget and because several of the technical projects commenced later than expected, some of the funds were not spent at all. No objection was raised on the 2008 expenses. The Assembly was invited to vote on whether the 2008 remaining funds should be kept as reserves (option 1), fully reimbursed to the Members (by deducing them from 2009 budget - option 2), or partially (50%) reimbursed to the Members (option 2a). One Member voted in favour of option 2a whilst 8 supported option 1, 16 abstained. It was agreed to keep the remaining funds as reserves.

As regards the 2009 budget and the 2009(I) Members' cost-shares (Annex 7), it was agreed for these to be circulated and be put to a vote by written decision, in order to enable all Members to evaluate the budget before casting a vote on this (financial matters requiring decision such as annual budgets shall from now on always be circulated in advance to the meeting). *All Members are therefore invited to comment/approve the budget.* It was also requested *for the Secretariat and the chairs of the WG, to prepare budget estimations for 2010 and 2011* based on current best/worst case probabilities and testing predictions.

**6.2. Detail of REACH projects (under the umbrella of Eurométaux).**

Eurométaux proposes to manage several non-ferrous metals REACH projects on behalf of all non-ferrous metals consortia (Annex 7). This is proposed as a package, which covers all priority issues for REACH implementation. Some projects provide direct benefits to PM & Re, other provide indirect benefits. In general, it improves the overall dataset on metal-specific arguments under REACH. For the PM & Re Consortium to benefit from the outcomes of these ten projects, a budget place-holder of ~15 000 € is proposed (likely to decrease to 10 000 € in 2010). *The Assembly is invited to comment/approve this place-holder as part of the 2009 budget.*



**7. Next Assembly meeting (slides 126 to 128 of Annex 3).**

**7.1. Next Assembly meeting: 19 June 2009, Lugano - Switzerland.** The ASFCM will be hosting these events in the Grand Hotel Eden Lugano ([www.edenlugano.ch](http://www.edenlugano.ch)). *A programme will be prepared and circulated in due course* in order to allow interested participants to confirm their participation. The Assembly meeting should in principle start at 9:30 am and finish at 4:30 pm to the latest (the exact time will be confirmed in the programme when circulated). The meeting may be followed by a cocktail dinner (to be confirmed later). A city-tour will be organised on the 20 June 2009.

**8. AOB (slide 129 of Annex 3).**

C. Braibant will be on maternity leave for three months as from mid-March and back-up measures should be carefully planned and agreed. *Key action points shall be resolved before mid-March* and workload will be temporarily reduced until C. Braibant returns to the office by mid-June.

In the event her leave is extended, *a fall-back/emergency plan will also be drafted*. Anne Heymans (Eurométaux), Séverine Delhove (Eurométaux) and Z. Hugonin will be responsible for administrative, organisational and scientific/technical issues of the Consortium/EPMF, respectively, in the absence of C. Braibant.

**9. Closing remarks (slides 130 to 131 of Annex 3).**

All participants were thanked for their presence and participation to the meeting. Special thanks were given to the Chairpersons and personnel of the Consortium who, in return, wished all Members peaceful holidays and a prosperous 2009.

**Annexes:**

1. Attendance List
2. Agenda
3. Slides presented at the meeting
4. Questionnaire and average feed-back
5. REACHsuite
6. 2009 budget and Members' shares
7. Eurométaux REACH projects package