Chairperson: *Angela Alderman (Johnson Matthey)*

2 March 2009 (15:00 CET)
Please dial + 32 2 600 78 84 to join

DRAFT MINUTES

Action points are highlighted in **bold green**

1. Introduction and welcome to Consortium.

1.1. Confidentiality and Competition Law. The participants (slide 3 of Annex 2) were reminded on their commitment to comply with Confidentiality and Competition Law provisions.

1.2. Revision of pending action points and approval of minutes of last meeting (4 Dec 2008). Completed and pending action points identified at the last meeting are presented in slide 5 of Annex 2. Some of the pending actions will be addressed during today's teleconference whilst others will be added to the Agenda for the next face-to-face meeting. The minutes were approved.

1.3. Approval of the Agenda. The Agenda (Annex 1) was approved.

2. Pre-SIEF experiences.

2.1. Adjustment of Rhenium inventory. Participants received the latest update of the rhenium indicative list (Annex 3). Calcium perrhenate has been removed from the list as it is a non-isolated intermediate.

2.2. Pre-SIEF: sizes, SIEF Formation Facilitator (SFF), proposed Lead Registrants. The Secretariat has appointed eleven Consortium rapporteur companies from the 42 companies membership of the Consortium. Each rapporteur has been designated to download and return to the Secretariat, the .xml file of specific Pre-SIEFs. Each .xml was then assessed by the Secretariat in order to complete the three last columns (in light orange) of each indicative list. For each substance and intermediate of the rhenium indicative, the size of the Pre-SIEF and the name of the company having ticked the SFF box are provided. This is non-confidential information that allows the Re WG to agree on a communication strategy with the Pre-SIEF (see item 2.5 below).
When the pre-registration leaflet was released in early Nov 2008, it had been requested to pre-registering Consortium members to tick the SFF box when this was available. However, three of the six Re materials in scope have no SFF. This could mean that the box is still available for one or several Consortium members to tick them, or that it is no longer available and that nobody can volunteer for this role any longer. It was agreed **for the Consortium Secretariat to contact those companies being interested in those three remaining substances in order to see if they could tick the remaining boxes**, if these are still available[1]. It was noted that in some cases, due to confidentiality, some companies may wish to remain discrete in the Pre-SIEF and hence, decide not to volunteer for SFF.
Considering that the Consortium is not a potential registrant and could as such, not pre-register directly in order to ensure a direct link with each relevant Pre-SIEF, it was clarified that ticking the SFF box should not mean anything more than acting as a legitimate interface between the Consortium and the Pre-SIEF. The SFF is then entitled

[1] **Post-meeting note:** Request was sent on 2 March 2008. SFF boxes were still available and Johnson Matthey ticked those for Perrhenic acid and Dirhenium heptaoxide. Still pending: Dirhenium heptasulphide.

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 **Website:** www.epmf.be

to post key messages on the Pre-SIEF webpage (which could facilitate communication) and legitimately nominate the Consortium Secretariat as a kind of representing agent, entitled to intervene in the Pre-SIEF on behalf of the SFF. The proposed message that SFF are invited to post is: "*The preparation of registration for this substance is being addressed by the Rhenium Work Group of the Precious Metals and Rhenium Consortium. For further information, please contact the Secretariat & Trustee of the Consortium at braibant@epmf.be*".

Following the last meeting (4 Dec 2008), it had also been agreed for Re WG participants to volunteer as Lead Registrant(s) for the substance(s) of their interest. So far only one company has volunteered. It was agreed **for the Consortium to adjust the document prepared by the Ni consortia (Annex 4)** in order to make it clear for the Members what support can and cannot be expected from the Consortium Secretariat and the consultants, where applicable, before requesting Members to volunteer. Comments on Annex 4 are due by 9th of March.

2.3. Nickel alloy scrap:

The concerned participants to the teleconference confirmed that Ni alloy scrap:

- ✓ Can be considered as a waste in DE and FR but is currently being placed on the market as a non-waste in the UK and Austria.
- ✓ Should be registered as a multi-constituent transported isolated intermediate, manufactured and imported in quantities of less than 1000 tonnes per year, and handled under strictly controlled conditions:
  - It has been pre-registered following two routes: multi-constituent substance and preparation. The preferred one is the multi-constituent substance one. Ni alloy scrap should hence be considered as a reaction mass of Al, Co, Cr, Hf, Fe, Mo, Ni, Ta, Ti, W and Re. Depending on the number and order of the constituents that were indicated during pre-registration, some of the Member may have fallen in two separate Pre-SIEFs. The Secretariat will use the received .xml file to cross-check whether the concerned Members are participants of the same pre-SIEF for this reaction mass. The preparations route shall be considered in case a fall-back plan is needed.
  - It is chemically transformed in order to extract the individual constituents in stepwise approach; it can hence be considered as an intermediate.
  - It is manufactured on the EU and imported from outside the EU; it can be transported from one site to another in order to undergo the above chemical transformation. It can thus be considered as a transported isolated intermediate.
  - It is transported in drums and handled in a manner which minimises exposure to workers and emissions to the environment; it is thus handled under strictly controlled conditions (Annex 5).
  - It is not manufactured or imported by any Member of the Consortium in quantities of 1000 tonnes per year or more.
- ✓ Can be described as a material resulting from the processing of Ni-based super-alloys, containing usually Al, Co, Cr, Hf, Fe, Mo, Ni, Ta, W and Re, and minor quantities of Ti, as presented in the attached ID card (Annex 6). **Participants shall provide comments on the attached ID card to the Secretariat and send any existing information on Ni alloy scrap to the Scientific Manager by the 9th of March at the latest.**

The Secretariat reminded the concerned Members that it is the registrant's

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responsibility to ensure strict control. Strict control must be fully documented in case the Competent Authority of the Member State verifies or challenges the registration made for the material. Strict control must be ensured, as a minimum, up until the moment in the manufacturing stream where the Ni alloy scrap becomes another substance, i.e. up until it undergoes its first chemical modification. Following modifications need to be covered by separate registrations, made by the entities undertaking such manufacture.
The Secretariat will inform WCA/BIBRA on the need to consider this additional substance in the Re project after the ID card has been approved and all existing data on Ni alloy scrap has been submitted to the Scientific Manager.

2.4. Priority rhenium substances (for grouping and read-across). Compared to other substance families, rhenium tends to be quite data-poor. It is therefore unlikely that any data useful for read-across may be available on other rhenium substances, that WCA has not yet identified in Phase I of the Re project. However, it was agreed **for the participants to screen the list of rhenium pre-registered substances (Annex 7) and contact their rhenium substances customers and suppliers in order to identify which substance(s) should be considered as a priority substance(s)** in light of potential grouping and read-across possibilities. Responses are due by 16th of March.

2.5. Collaboration with non-Consortium SIEF colleagues:

2.5.1. Presentation of the Consortium and alternatives (membership, letter of access, licence to use). Considering the small sizes of the Re Pre-SIEFs, it was agreed to submit an open invitation to join the Consortium to the members of the Pre-SIEFs for the substances in scope. **Participants are invited to provide their comments on the attached presentation letter** (Annex 8) so as to make it more tailored to Re Pre-SIEF features, where and as necessary. Comments are due by 9th of March. Once a final letter is approved, and the REACHsuite tool is fully operational, **the Secretariat will circulate this letter to the pre-registrants of each relevant Pre-SIEF**. Following this formal introduction, the same tool will be used to send ad hoc surveys in order to obtain pre-registrants' participation in the substance sameness and lead registrant discussions.

2.5.2. Standard response letter to SFF. Some entities having or not ticked the SIEF Formation Facilitator (SFF) box are voluntarily endorsing, as such, the role of SFF without any formal confirmation/support from other pre-registrants. These SFF state to be providing a broad range of services for subscribers, and requesting pre-SIEF participants to complete and return surveys. ECHA has circulated a communication on this issue to clarify the actual role of the SFF (Annex 9). It was recommended not to respond to these surveys and to wait for the standard response that is being prepared by the consortia managers/secretariats to be finalised (by 6th of March) in order to respond in a harmonised manner.

3. <u>Update on Rhenium project/work programme.</u>

3.1. List of references on Rhenium. WCA submitted the list of reference on Re they have found to date. It was clarified that any in-house data could be of use for compiling the registration dossier, no matter whether it has been published or not. KGHM Ecoren has

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kindly provided the Scientific Manager with an example of in-house analysis that they perform on their rhenium materials and it seems to be of value, as the method that was implemented seems to be properly described. In order to perform a fuller evaluation, **the report will be translated from Polish to English and in the meantime, E. Zygnerszka (KGHM Ecoren) agreed to summarise the key results in a tabular manner**. Other **participants are invited to check (again) if they have any in-house information on physicochemical, toxicological or eco-toxicological endpoint** that may be useful to the Consortium and to submit those before the 9th of March. Non-GLP in-house analysis results may be of use as well. Any submitted information will be evaluated for relevance and reliability by WCA/BIBRA. Annex VII information requirements are provided in Annex 10.

3.2. Next steps:

3.2.1. Phase II pilot project. WCA is currently conducting a pilot project in order to determine the best manner of grouping substances to maximise read-across and minimise testing and hence, provide the Consortium with firmer cost predictions. The report for this pilot project is due by mid March and **will be addressed at the next meeting**.

3.2.2. Data on uses, exposure and emissions. In order to perform a Chemical Safety Assessment, information on uses, exposure and emissions is required. Where no CSA is required (for intermediates, and for substances to be registered in the 1-10 tonnes/year), uses information must be provided in the registration. In light of this, participants were invited to complete a uses questionnaire and to submit their responses to the Scientific Manager for compilation. The participants indicated that the proposed uses did not reflect rhenium applications and that it was hence, very difficult to respond to such questionnaire. It was hence agreed for the **participants to adjust the list of proposed uses in order to remove those applications that are not relevant for rhenium, and to add those that are missing**. Moreover, for each use, each participant shall provide the volume of the substance that is associated to that use (for future mass flow calculations) (Annex 11). Responses due by 16th of March.

3.3. Material Safety Data Sheets: common (English) template, up to each company, EU Member State-dependant? One of the members of the Re WG proposed for the Re project deliverables to include a template SDS in English in order to ensure a harmonised description of each material on the market. Considering that some manufacturers already work with specific software tools to produce such SDS and that an English SDS can only be used in English-speaking countries, it was agreed not to prepare such template but instead, to agree on the content of the SDS that will be used for each substance by each potential registrant.

4. <u>Any other business, 2009 meetings schedule and closing remarks.</u>

4.1. How to calculate a tonnage band in order to estimate the need for a later pre-registration? Slides 18-20 of Annex 2 provide support information to clarify to this question. In the event of verification by a Competent Authority, it was recommended for any registrant to clearly document annual manufactured and imported figures as

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well as the method that was used to calculate each relevant REACH tonnage band.

4.2. How to communicate with suppliers and downstream users on REACH compliance? It was clarified that there is currently no legal obligation to provide supplier and downstream users/customers with the pre-registration number, although some request it as a demonstration of REACH compliance. It is up to each company to decide on what demonstration should be provided to the supplier or downstream user. When deciding, the company shall ideally bare in mind that communication up and down the supply chain in order to gather relevant (uses, exposure and emissions) data is mandatory; it is therefore recommended to keep an open and trusty relationship with the entities of the supply chain.

4.3. Next meetings: Although the management plan for the Re project will be prepared once the Consortium is equipped with the necessary software tool (i.e. REACHsuite), the 2009 meeting schedule was agreed:

4.3.1. Brussels (Metals Conference Centre – Gold room), 17 April 2009, from 10h30 till 15h30 CET. J.-F. Lartigue (Eurotungstene) will not be available.

4.3.2. London (Minor Metals Traders Association[2]), 15 June 2009, from 11h00 till 15h30 GMT.

4.3.3. Brussels (Metals Conference Centre – Gold room), 22 September 2009, from 10h30 till 15h30 CET.

4.3.4. Brussels (Metals Conference Centre – Gold room), 4 December 2009, from 10h30 till 15h30 CET (back-to-back with winter PM & Re Consortium Assembly meeting).

Annexes:

1. Agenda
2. Slide set
3. Rhenium indicative list dated 3 March 2009
4. Duties and liabilities of Lead Registrant **– for comment by 9 March**
5. Eurométaux guidance on strictly controlled conditions
6. Ni alloy ID card **– for comment by 9 March**
7. List of rhenium pre-registered substances **– for action by 16 March**
8. Presentation letter **– for comment by 9 March**
9. ECHA communication on SFF
10. Annex VII information requirements
11. Uses and volumes of rhenium applications **– for action by 16 March**

[2] **Post-meeting note:** Roland Chavasse confirmed to M. Husakiewicz that we could use a meeting room in the MMTA building in order to hold our Re WG meeting in London. The address is: 326A City Road, Angel Gate (Unit 26) – London EC1V 2PT (United Kingdom). The meeting will start at 11:00 am GMT.

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