



PARTICIPANTS

<i>Angela Alderman</i>	Johnson Matthey	(United Kingdom)	Chair
<i>Caroline Braibant</i>	European Precious Metals Federation	(Belgium)	Secretariat & Trustee
<i>Peter Godfrey</i>	Cambridge Environmental Assessments	(United Kingdom)	Representing Lipmann Walton & Co.
<i>Michael Husakiewicz</i>	Lipmann Walton & Co.	(United Kingdom)	
<i>Michael Kabs</i>	W. C. Heraeus	(Germany)	Temporary representative of W. C. Heraeus
<i>Jean-François Lartigue</i>	Eurotungstene	(France)	
<i>Anthony Lipmann</i>	Lipmann Walton & Co.	(United Kingdom)	
<i>Lawrence Matthews</i>	Johnson Matthey	(United Kingdom)	
<i>András Szép</i>	SEKOM	(Austria)	
<i>Aad van Meerkerk</i>	Climax Molybdenum	(The Netherlands)	
<i>Gary Van Riper</i>	Climax Molybdenum	(United States)	
<i>Ewa Zygnerska</i>	KGHM Ecoren	(Poland)	

MINUTES

1. Introduction and welcome to Consortium.

An official welcoming letter from the Chair of the Consortium is attached (cf. Annex 1). Should any of the new Members of the Consortium have any questions, they are free to contact the Secretariat or the Chair. Welcome on board!

1.1. **Confidentiality and Competition Law.** The attendees were reminded on their commitment to comply with Confidentiality and Competition Law provisions.

1.2. **Commitments of the Members.** The attendees were invited to read the Consortium Agreement in the event they had not yet done so, in order to get acquainted with the data-sharing and financial contribution engagements.

1.3. **Approval of the Agenda.** The Agenda was approved (cf. Annex 2). In order to facilitate the teleconference, a power point presentation was prepared and circulated in advance (cf. Annex 3).

2. Rhenium Work Group.

2.1. **List of current proposed representatives.** All participants agreed to be included in the Re WG mailing list. It was clarified that each Member is free to appoint zero, one or more representatives on the Re WG in order to provide the necessary commercial and technical input to the discussions. As requested, Mark Raffray (Johnson Matthey) and Kamil Kozub (KGHM Ecoren) will be added to the Re WG list.

2.2. **Chairpersonship of the Rhenium Work Group.** Angela Alderman volunteered to be the Chair of the Re WG and no participant dissented. Johnson Matthey is well placed to provide the necessary technical expertise as well as the link with PGM matters which might be helpful to the Re WG. The Co-Chair will be identified in a later stage, as appropriate.

- o Representation at Management Committee level. Angela Alderman will be added to the mailing list of the Consortium's Management Committee. In line with the



provisions of the Consortium Agreement, her election will be put to a vote by the Assembly as soon as possible.

3. Rhenium inventory.

3.1. **Confirmation of Rhenium inventory.** All company Members are well represented in the current Re indicative list. Besides Ammonium Perrhenate (APR), which was declared in the 10-100 tonnes/year, all Re materials are listed in the lowest tonnage band (1-10 tonnes/year). Participants were invited to make sure that they had calculated their tonnages properly. Some of the listed materials might not be yet manufactured in volumes of 1 tonne/year or more but will be registered as a commercial strategy.

Should any substance be added to the Re indicative list after the project has been commenced, the decision tree of Appendix 4 of the Consortium Agreement will be applied in order to verify whether there are any read-across possibilities, budget or timeline impacts, or any other motive to accept or reject the inclusion of this substance.

For instance, Potassium Perrhenate (PPR) has not been declared by any of the Consortium Members in their Substance and tonnage band declaration, although it will most probably be registered by someone who has not (yet) joined the Consortium. It was considered as a wise step to include PPR within the scope, especially since read-across between PPR and other perrhenates is likely to be feasible. However, the Secretariat clarified that for the substance to be included in the Re indicative list, it should be declared by at least one Member, who will then contribute to the Re project budget proportionately with an additional substance.

An attempt will be made to contact the PPR manufacturers and importers to inform them on the existence and aims of the Consortium. Should any of them wish to join, it would still be able to declare PPR so it is included in the indicative list and the consultants of the Re project can also include it in their scope of work.

3.2. **Overview on REACH definitions and confirmation of proposed categories.** The REACH definitions of "Substance", "Preparation", "Article" and "Intermediate" and their associated categories were presented and discussed during the teleconference.

- The **difference between a constituent, a component or an impurity** was discussed by the participants. Indeed, when some ingredients are intentionally added to facilitate the manufacture of a certain substance, and these ingredients are not removed after the manufacturing process, they appear to be part of the composition of the material. Several questions may arise: (1) are these remaining ingredients part of a substance? (2) Are they part of a preparation? (3) Should they be considered as impurities? (4) Should they be (pre-)registered?
- The **80% rule** for a substance to be categorised as a mono-constituent was understood to be a reference rule; borderline cases (e.g. 73%) with similar physico-chemical, toxicological and eco-toxicological behaviours can still be claimed to be mono-constituent substances. Moreover, it was clarified that the 80% rule (1) did not refer to the metal content of the substance but to the compound content (E.g.: 99,96 % APR containing ~60% of Re is a mono-constituent substance, it contains more than 80% of APR), and (2) does not consider the solvent, when a solvent is present¹.

¹ As per the definition of "substance" in the REACH Regulation, solvents are excluded from the identity and composition of a substance.



- It was clarified that a material can be considered as an intermediate if it undergoes a chemical modification and it is handled under strictly controlled conditions. A translation of these “strictly controlled conditions” (SCC) applied to inorganics and metals has been drafted by a Eurométaux subgroup of experts. The Guidance is attached (cf. Annex 4). It was clarified that these SCC: (1) need to be guaranteed throughout the entire supply chain of the intermediate on the EEA by the registrant, (2) would require customers committing to ensure strict control, and (3) could vary from one Member State to the other, depending on the interpretation of this REACH provision (Article 18(4) of the Regulation) by each Competent Authority on the EEA². The aim of the Guidance is to provide all the metal industry with a structured, logic, reasonable and defensible set of arguments to prove strictly controlled conditions.
- Considering some of the difficulties a company may face in guarantying its intermediates are handled under strictly controlled conditions throughout the entire supply chain, another option was considered. Indeed, as long as a material is located within the 1-10 tonnes/year tonnage band, it may become less burdensome to register it as a substance than as an intermediate. A cost calculation will be made in order to compare both alternatives.

3.3. Clarifications on “complex” materials: Re-containing Ni based Superalloy scrap (Ni alloy scrap). Several companies have approached the Secretariat with similar questions on Ni Alloy Scrap (NAS). A brainstorming exercise allowed to organise the possible scenario as follows.

- It was clarified that there are two kinds of Ni Alloys:
 - a) The fresh/new/virgin Ni alloy which is used by downstream users such as Rolls Royce, and
 - b) The old/spent Ni alloy from which valuable ingredients are refined and recovered.
- The material in a) is a melted alloy and is, as such, a special preparation under REACH. According to France Capon, from the Nickel consortia, the companies manufacturing or importing this material should (pre-)register each individual component of the Ni Alloy which reaches the 1 tonne/year threshold. For instance, a company importing 1 tonne of new Ni Alloy containing 3 % of Re, among other components, should not (pre-)register the Re or the Ni since in total, none of these two materials are imported in volumes of 1 tonne/year or more. In a second case, where a company imports 100 tonnes of Ni Alloy with the same composition as above, this company should (pre-)register Re in the 1-10 tonnes/year tonnage band as it imports, per year, three tonnes of Re into the EEA. Should this same company also import Re pellets and powder, one unique Registration should be submitted by this company for the total volume of Re which is placed on the EEA.
- The material in b) may sometimes be considered as a waste (i) or it may otherwise fall under REACH (ii):

² This happens because REACH is implemented by registering companies and the ECHA staff, but it is enforced by each Member State Competent Authority. As an example, in the UK, the Department for Food, Environment and Rural Affairs (DEFRA) is responsible for REACH enforcement).



- I. The acceptability of the waste route will depend on the national waste legislations of the concerned Member State. What is a waste in some Member States is not a waste in others. It is however highly recommended to remain consistent and to avoid changing the status of the material from waste to REACH or vice-versa without the proper approval of the Competent Authority. If it is done without consultation, the Competent Authority might question the change of status and challenge the entire Registration/Waste procedure. A material which is a waste should follow the Waste legislation; its shipment may be difficult, limited or forbidden. Should the waste route be accepted, the NAS would not need to be (pre-)registered. However, the substances that are recovered from the NAS in volumes of one tonne/year or more would have to be (pre-)registered unless the establishment making the recovery can fulfil with the provisions of Article 2(7)d of the REACH Regulation.
- II. Should it not be a waste, it may be a substance (i) or a preparation (ii):
 - i) If it is a substance, it would most probably be a **UVCB substance** as the composition of NAS is highly variable. If strict control can be ensured, it can be considered as a UVCB transported isolated intermediate.
If it is a UVCB substance, the full Ni Alloy tonnage should be (pre-)registered by each concerned legal entity and, depending on the (pre-)registered tonnage band, the registration Dossier would have to compile Annex VII, VIII, IX and X information requirements. This means that any relevant or applicable testing requirement would need to be done on a reference sample of this UVCB, which is very difficult to select from such a wide compositional range, and is unlikely to faithfully represent the rest of NAS to be registered within the same Registration Dossier.
If it is a UVCB transported isolated intermediate registered in the 1-10, 10-100, or 100-1000 tonnes/year bands, any available existing information on that UVCB shall be collected to prepare the Registration Dossier. If it is a UVCB transported isolated intermediate registered in the > 1000 tonnes/year band, the information requirements will include: any available existing information + Annex VII.
 - ii) If it is a **preparation**, each individual component of the NAS which is imported/manufactured by the legal entity in volumes of one tonne/year or more should be (pre-)registered. There will be no Registration Dossier for the NAS but one for each one of the components of the NAS. Each one of these Dossiers should cover, in the chemical safety assessment, the entire life-cycle of these components, thereby including the NAS life-stage.

4. Rhenium project/work programme.

4.1. **Selected consultants.** The consultancy partnership who has been selected to conduct the PGM and the Re project is WCA/BIBRA. The initial quotation for the Re project (based on draft Re inventory) and information on the consultants is attached (cf. Annex 5). Dr Mark Crane will be the project manager. WCA will contribute with the eco-toxicology expertise whereas BIBRA will contribute with the toxicology support. In light of the young experience of all consortia in REACH activities, the contractual terms and conditions are being carefully revised.



- 4.2. **Envisaged timeline.** The timeline is available in the quotation. WCA are ready to commence Phase I of the Re project by mid-July:
- Phase I - data gap analysis: start in mid-July 2008, completion expected in November 2008.
 - Phase II - test derogation assessment: start by end of 2008, completion expected by end of 2009.
 - Phase III - test programme: start in early 2010, completion expected by mid-2010.
 - Phase IV - chemical safety assessment: only required for APR, start by mid-2010, completion expected by the end of 2010.
 - Phase V - Registration Dossier compilation: IUCLID 5 files will be compiled as soon as there is data to fill the data requirements, compilation should be completed by mid-2011.

Although the official deadline to register Re and Re compounds is 2018, it is preferred by all Members to launch the Re project in parallel with the PGM one and to be able to register earlier than later. The timeline proposed by the consultants reflects this preference appropriately.

- 4.3. **Upcoming actions (including data gathering).** All participants were invited to gather any available data on Re and to send it to the Secretariat and Trustee together with any useful reference. Johnson Matthey and Lipmann Walton & Co. have already started looking for available information and will send it to the Trustee before the end of the month for further circulation to WCA.

5. Any other business.

- 5.1. **Overview on rhenium pre-registration.** Although the first guess categorised all materials listed on the rhenium indicative list as mono-constituent substances, the applicable categories will be discussed again at the next meeting with sufficient time to provide Members with updated recommendations for pre-registration.
- 5.2. **Other rhenium material potential registrants.** Several other Re entities have not joined the Consortium. Some have indicated the need to address high tonnages before addressing smaller ones. Others have not yet fully defined their REACH strategy. The participants are free to provide the Secretariat & Trustee with the contact details of potentially interested companies (who fulfil the membership criteria as per the Consortium Agreement) so she can try to contact them and inform them on the existence and the activities of the Consortium.

6. Conclusion and next meetings.

- A specific Task Force composed of Eurotungstene, Johnson Matthey, KGHM Ecoren, Lipmann Walton & Co., and SEKOM will meet in Brussels in September 2008 in order to further discuss the NAS case. A representative from the Ni consortia will be invited to make sure REACH initiatives on new and old Ni Alloy are consistent.
- The next Assembly meeting will take place as a full-day session on the 3rd of December 2008 in Brussels.

List of annexes:

1. Welcome letter
2. Agenda
3. Power point presentation
4. Guidance on strict control
5. Consultants' quotation on rhenium