



Management Committee meeting

Minutes

1. Welcome and Introduction

Heinz-Günter Schenzel welcomed the participants on behalf of Guy Ethier (who apologized). The meeting started by reminding confidentiality and competition rules.

Heinz-Günter Schenzel warmly welcomed the two new members of the Management Committee: Markus Willeke (Heraeus) and Holger Zitt (BASF SE).

After a tour de table, the quorum was checked and reached.

The agenda of the meeting has been approved.

France Capon reviewed the actions of the previous conference call organized on 9 September 2015 and the minutes were approved.

2. Recruitment process: status

France Capon presented the status of the recruitment process. The new Scientific Manager, Jelle Mertens, will start on 1st January 2016. The recruitment process of the Regulatory Affairs Manager is ongoing and should be finalized early November. In addition, a service agreement has been signed with International Zinc Association (IZA) to support Audrey Rondepierre in administrative tasks (0,2 FTE) for six months. The situation will be assessed again within 6 months.

3. Chairmanship of WG

New Chairmen have been elected:

- Michael Thiel (BASF SE) for the PGM WG
- Heinz-Günter Schenzel (C. Hafner) for the Cost Sharing WG
- Mike Shepherd (Vale) for the Authorisation/SVHD WG

The chairmanship of the Legal WG is still vacant. A replacement for Edwin Broekaert as Chair of the Refinables WG should be envisaged.

The Technical Advisory Panel is not active anymore since most of the technical discussions happen now at WG level. It is therefore recommended to remove this Panel from the organisation of the PMC. Heinz-Günter Schenzel suggested that we reflect next year on a more in depth involvement of Management Committee in WG activities.

ACTION: companies are invited to propose candidates for the Refinables WG chairmanship.

4. 2015 Budget

France Capon presented the status of the Q3 2015 accounts (see presentation slides 13-14). Markus Willeke asked why there is a huge difference between the forecast and budget 2015. The main reason is the recent change in the scope of the consortium (increase of tonnage band and inclusion of Karstedt).



Heinz-Günter Schenzel asked about the overrun of the generic costs. It was clarified that the overrun is due to the salary of the Secretary General, the bonus of the employees and the leave of Renaud Nicolay.

As a follow-up of the previous conference call of the Management Committee, the Secretariat prepared an overview of the costs related to consultants, labs, HR etc. (see presentation slides 15-16).

It was agreed that after the registration deadline and based on the new EPMF team, the use of the different consultants will be reviewed and streamlined. Until then, mitigation of costs will be ensured avoiding duplication of tasks.

The Management Committee highlighted that ARCHE provided and still provides very good value for money.

France Capon presented the available cash flow (see presentation slide 17). No major concern at this stage.

ACTION: organize on 28 October a conference call between HG Schenzel and the accountant to review wording of slide 17 - DONE

5. 2016-2020 Workplan and budget

France Capon presented the workplan for 2016 (see presentation slides 20-25) and related budget (see presentation slides 26-29). The nano issue raised some concerns amongst the Management Committee. The WG recommended to include a budget (200.000€) for the inclusion of nano Rh in the Rh metal dossier. The Management Committee agreed that this budget can be included but requested a one-pager from the PGM WG on the need to include now this information, the current justifications (only one testing result) are too weak and must be strengthened. A company came lately with the request to include RuO₂ nano in the RuO₂ dossier: the scope of the PMC has been closed in June 2015 and there is no nano for RuO₂ and the issue has not been discussed by the PGM WG. Under these conditions, the Management Committee does not support the proposal to include the related budget in the 2016 workplan. Further discussions will be needed within the company and with the PGM WG.

In general, the inclusion of nanos in registration dossier must be done carefully and a in depth reflection must be conducted based on robust data before making a final decision. Learning lessons from silver must be taken into account.

Regarding the submission timeline, Nissanka Rajapakse reminded that Pd and Pd compounds (to be registered Q3 2016) are skin sensitizers with adverse effects, which could justify that these substances are identified as relevant SVHC (as substance of “equivalent concerns”). This issue was not discussed at the WG but needs to be considered again. The finalisation of the dossiers can be done as foreseen in Q3 2016 but the submission can be postponed at a later stage. The Management Committee recommended to raise the issue with the PGM WG.

ACTIONS:

- **One-pager justifying the inclusion of Rh nano in the Rh metal dossier (strong analytical data, use description etc.), PGM WG, before starting testing program - DONE**
- **Discuss RuO₂ with the company and the PGM WG (ASAP- FC/KR) - DONE**
- **Discussion Pd and Pd compounds submission with PGM WG under the light of the SVHC Roadmap (KR – ASAP) – DONE**

The Management Committee approved the new presentation of the budget and welcomed the forecast presented for 2017-2018, as the chapters in the WP related to the duties after 2018.

The Management Committee recommends to the GA:



- to approve the 2016 WP including budget (3.866.851€) and HR (5,3 FTE)
- allow to the Re Sub-Assembly a payment holiday for 2016.

6. Cost Sharing formula

France Capon presented the following recommendations of the cost sharing WG:

6.1 Refinables

The refinables are now treated as all the other substances allowing cost sharing based on substance or intermediate under SCC. The dedicated paragraph on refinables in Appendix 9 has been removed.

6.2 PGMs project

The PGMs project must be divided into 5 projects corresponding to each substance family: Pt and compounds; Pd and compounds; Ir and compounds; Ru and compounds and Rh and compounds.

6.3 Cost sharing of SVHC/Authorisation WG

It is recommended to share the costs related to this new project between all the Sub-Assemblies (except Re Sub-Assembly) on an equal basis. The costs will be shared equally between the companies.

6.4 Reimbursement principle

It is recommended to include a reimbursement principle in the Appendix 9. This principle must be based on the recommendations of the Data Sharing Implementing Act. It is necessary to make a reference to the mandate of the Management Committee regarding reimbursement decisions.

6.5 Generic Costs

The Generic costs are composed of administrative (Sec Gen, Secretariat, Regulatory Affairs Manager, meetings, travels etc.) and scientific costs (HR – 3 scientific managers). The scientific costs must be part of the projects and not of the generic costs and will be allocated directly to the relevant projects. The Generic costs will become therefore mainly administrative costs. It is recommended to allocate the Administrative costs to the different projects using HR estimation as the allocation key. These costs will be shared equally between the companies within a project. The rest of the project costs will be shared based on the existing cost sharing formula (50% following the number of substances and 50% following the requirements).

6.6 Silver Evaluation

Only three options were remaining:

1. Payment of the costs related to the Evaluation of nanosilver by the companies producing nanos, on the basis of equal share
2. Payment of the costs related to the Evaluation of nanosilver by all the companies of the Ag Sub-Assembly based on the usual cost sharing
3. Payment of the costs related to the Evaluation of nanosilver by all the companies of the Ag Sub-Assembly based on a specific cost sharing formula introducing a weighting factor of 5000 for the companies producing nanosilver.

The Cost Sharing WG unanimously recommends the option 3 which is the best compromise to be fair and non-discriminatory but also to stay within the spirit of the consortium and the basic principle that cost sharing is based on requirements (e.g.: tonnage, SCC etc.).



6.7 Letter of Access

It is recommended:

- to use the same cost sharing formula than for the Consortium
- to use the costs related to Registration, Dossier maintenance and Evaluation BUT not the costs related to Authorisation
- The LoA fee will be based on historical costs and the budget of the ongoing year. It will be reviewed on an annual basis.
- A reimbursement principle must be included

The Management Committee recommends to the General Assembly to approve the cost sharing WG recommendations related to the cost sharing formula and the fees of the Letter of Access.

The Management Committee recommends to the Silver Sub-Assembly to approve the ad-hoc cost-sharing formula for 2016 and to review it on a yearly basis.

ACTION: to update the Cs agreement accordingly and to prepare the simulation for 2016 budget based on the new cost sharing formula in preparation of the GA (to be circulated to the GA on 17th November) – Legal counsel/FC/AR - DONE

7. Withdrawal of Cs members and rules in case of joining again the Cs later

Two companies requested to leave PMC as of 2016 but to join again before the registration deadline. To discourage such a type of behaviour the Management Committee recommended to propose to these companies to sign a contract engaging themselves to join again in 2018 and leave to a Third Party as a guarantee the equivalent of 2016-2017 PMC fees. The draft agreement has been reviewed by the Management Committee and is approved under the conditions that the following comments are integrated:

- In section 1.1 a deadline should be inserted, until when the payment of the “two years membership fees” has to be made.
- A description of the formal and practical PMC services a company has to be expected during its temporarily non membership (e.g. no voting rights, ...)
- Based on previous legal advice, is the 10% admin charge defensible? Should it not be based on exact costs of effort required to put in place the contract?

ACTIONS:

- **Update the agreement (Legal counsel/FC) November 2015 - DONE**
- **Communicate officially to the two companies the MC proposal (FC) December 2015 - DONE**

8. Contracts: approval process

The Management Committee recommends that the chairs of the WG are involved in the approval process of the consultants/labs contracts. They will have to approve the signature by the Secretary General by email within a strict timeline to avoid postponing projects.

ACTION: communicate to the Chairs of the WG the Management Committee decision (FC/ASAP) - DONE



9. AOB, next meetings/calls and closing remarks

9.1 TSCA notification

So far, PMC was preparing and submitted the TSCA notification on behalf of PMC members. However, due to legal uncertainties related to the validity of notification by party outside the US and by precaution, the Management Committee recommends in the future that TSCA notifications are drafted by PMC Secretariat but are submitted by companies based on the US.

ACTION: communication to PMC members Management Committee decision regarding TSCA - DONE

9.2 Date for General Assembly in December 2016 in Brussels and in June 2017 in Pforzheim

Next GA will be organized:

- 1 June PM and 2 June AM 2016 in Wroclaw (Poland)
- 6 December PM and 7 December AM 2016 in Brussels
- 31 May PM and 1 June AM 2017 in Pforzheim (Germany)

In December 2017, a special event will be organized in Brussels to celebrate the finalisation of the registration phase.

9.3 PMC logo

The current logo used on slides are not the property of PMC, to avoid any issue during presentation, consultation process, etc., the Secretariat proposed to create a new logo owned by PMC:



The Management Committee welcomed the proposal and approved the proposed logo. Slides and position papers will be revamped accordingly.

The meeting was closed at 16h00.



Management Committee meeting

List of (confirmed) Participants

1.	France Capon	EPMF	Belgium
2.	Francisco Boo	Metalor	Switzerland
3.	Jorn Mühlenfeld	Aurubis	Germany
4.	Nissanka Rajapakse	Johnson Matthey	United Kingdom
5.	Audrey Rondepierre	EPMF	Belgium
6.	Heinz-Günter Schenzel	C. Hafner	Germany
7.	Markus Willeke	Heraeus	Germany
8.	Holger Zitt	BASF	Germany

Apologies

Guy Ethier	Umicore	Belgium
Michael Herman	Ames Goldsmith	US
Juha Parkinen	Norilsk	Finland