



Precious Metals & Rhenium Consortium Management Committee

27 OCTOBER 2015





Welcome and introduction

Competition law and confidentiality



DO	DON'T
Application of competition law	
Art. 101 and 102 TFEU may be applicable to the conclusion of any preliminary agreement and activities of any preliminary phase.	Don't assume that conflicts with competition law are excluded simply by the fact that the Agreement complies with the provisions of the REACH Regulation.
Consultation in Matters of Competition Law	
Consult an in-house legal expert or the compliance officer of your company or an external lawyer whenever there are uncertainties respecting compliance with competition law. Stop all meetings/discussions which are not in compliance with these Compliance Guidelines until a legal expert has been involved.	Don't assume that these Compliance Guidelines deal with all competition law issues exhaustively. Basically, compliance with Art. 101 and 102 TFEU can be determined only on the basis of market impact in each individual case. These Compliance Guidelines may therefore be regarded only as a means of providing general conduct recommendations.
Activities in any preliminary phase and at any other stage of operation of the Consortium	
Restrict cooperation within the scope of the preliminary phase to the initially defined goals and purposes of the cooperation.	Pursuant to Art. 101 and 102 TFEU, activities which have the object or the effect of preventing, restricting and/or distorting competition are prohibited within the scope of this Agreement, including: <ul style="list-style-type: none"> - Coming to agreement, including arrangements or collusions, about prices, markets and customers (see Art. 101 paragraph 1 a)-e) TFEU); - Joint boycotting of other companies; - The unjustified unequal treatment of trade partners; - The abusive exploitation of a dominating market position.
Exchange of Confidential Information	
Involve a Trustee for the exchange of Confidential Information.	The exchange of Information concerning market behaviour and having the object or the effect of preventing, restricting and/or distorting competition is inadmissible; in particular, this relates to : <ul style="list-style-type: none"> - Production capacities; - Productions or sales volumes; - Import volumes; - Market shares; - Price policy; - Distribution and marketing terms; - Marketing strategies; - Information regarding the relationship with suppliers.
Documentation on Cooperation	
Keep minutes of all meetings which detail the subject of the meeting. In case of uncertainty, have the contents of the minutes reviewed by an external legal expert prior to sending them to all parties of the Agreement. Stop all meetings which are not in compliance with these Guidelines until a legal expert has been involved.	



Tour de table and apologies

List of Participants

- By phone
 - Juha Parkinen (Norilsk, Finland)
- In person
 - Francisco Boo (Metalor, Switzerland)
 - Jörn Mühlenfeld (Aurubis, Germany)
 - Nissanka Rajapakse (Johnson Matthey, UK)
 - Heinz-Günter Schenzel, C. Hafner (Germany)
 - Markus Willeke, Heraeus (Germany)
 - Holger Zitt (Germany)

Secretariat

- France Capon (EPMF, Belgium)
- Audrey Rondepierre (EPMF, Belgium)

Apologies

Guy Ethier, Umicore, Belgium
Michael Herman (Ames, United States)

Quorum is reached



Approval of the agenda

- Welcome and introduction
- Recruitment process: status
- Chairmanship of WG
- 2015 Budget: status
- 2016-2020 Workplan
- Cost Sharing formula
- Withdrawal of Cs members and rules in case of joining again the Cs later
- Contracts: approval process
- A.O.B., next conf call and closing remarks
 - TSCA notification
 - Date for General Assembly in December 2016 in Brussels and in June 2017 in Pforzheim
 - PMC logo

Approval?



Minutes and actions (15/09/09)

Actions	Who?	By When?	Status
Update the minutes of the previous meeting adding the names of the substance under point 4 of the proposal including under section 2	FC	ASAP	DONE
Send to HG Schenzel CVs and assessment in preparation of 2 nd round of interviews for the position of Sc. Manager	FC	ASAP	DONE
Present the cash flow situation in 2015	FC	27 October 2015	DONE
Present the distribution of the costs between salary, projects (labs etc.), administration and consultants (EBRC, WCA and ARCHE).	FC	27 October 2015	DONE
Review the approval procedure for the contracts: request the approval by mail to the Chair of the relevant WG and signature only by the Secretary General. Procedure needs to be further investigated.	FC	27 October 2015	DONE
Withdrawal and rejoining of same company: check with legal counsel if the proposal is legally acceptable and not in breach with articles 3.5.3. and 9.4. of the agreement.	FC	27 October 2015	DONE
Withdrawal and rejoining of same company: Ask the lawyer to draft a contract summarizing the proposal	FC	27 October 2015	DONE



Recruitment process: status



Status

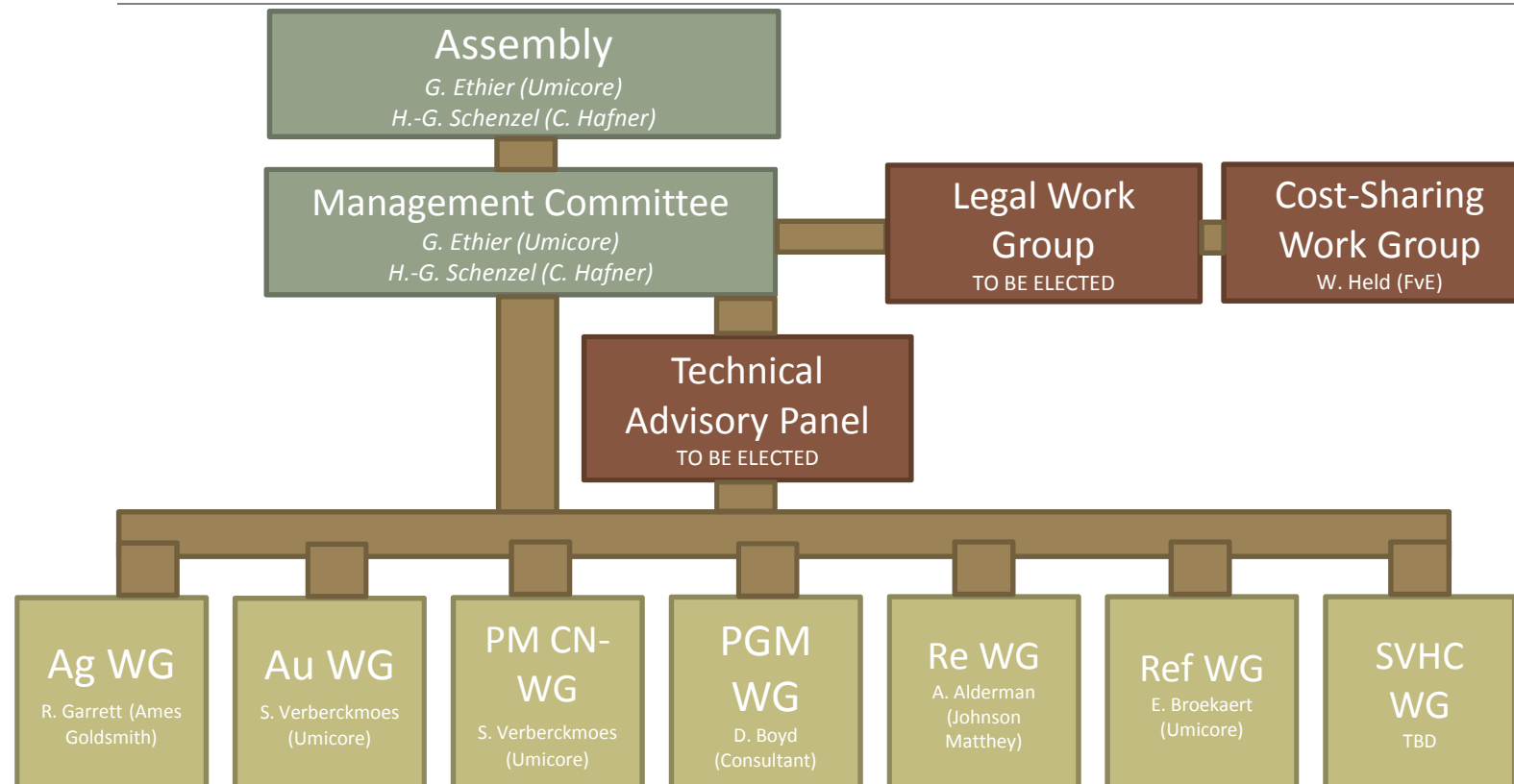
- EPMF Scientific Manager: Jelle Mertens -- 1st January 2016
- EPMF Regulatory Affairs Manager:
 - 2nd round of interviews (3 candidates): 28 October 2015
 - Panel: HG Schenzel and Marleen Van Den Berg
 - Final decision: early November
 - Target starting date: 1 January 2016
- Administrative support for Audrey Rondepierre:
 - Service agreement with IZA for 6 months (October 2015-March 2016)
 - Reassessment of the situation in March 2016



Chairmanship of WG

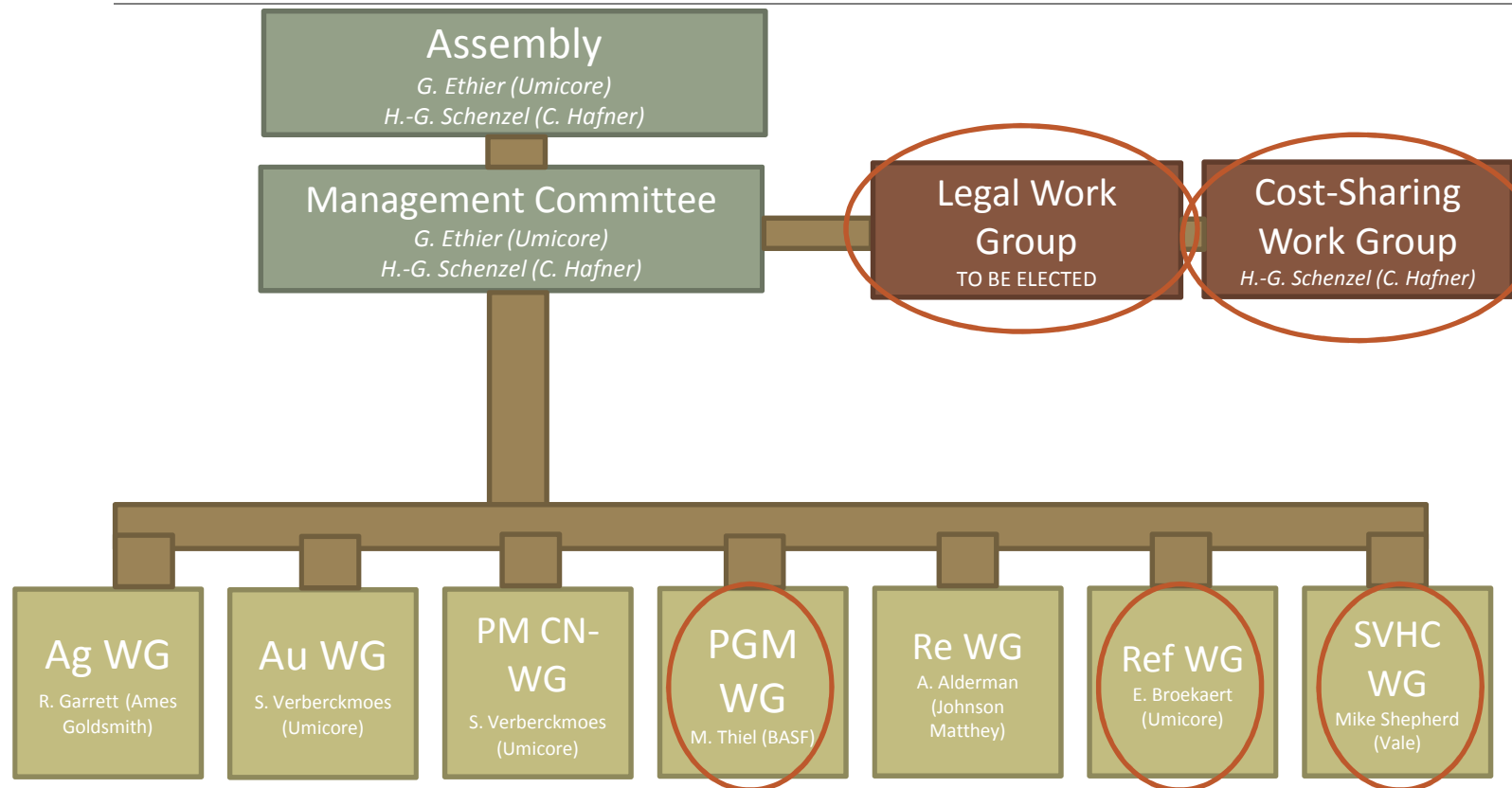


Current status





New proposal





2015 budget and finance



Q3 2015: actuals

		2015 Budget	Expenses by 30/09/2015	Difference
2.1	Generic costs	€ 789.928	512.754 €	€ 277.174
2.2	Ag-specific costs	€ 241.415	105.119 €	€ 136.296
2.3	Au-specific costs	€ 56.650	51.085 €	€ 5.565
2.4	PM CN- -specific costs	€ 193.900	158.214 €	€ 35.686
2.5	PGM-specific costs	€ 1.168.010	425.832 €	€ 742.178
2.6	Re-specific costs	€ 9.450	3.615 €	€ 5.835
2.7	Refinables-specific costs	€ 365.824	17.015 €	€ 348.809
2.8	Hydrazine-specific costs	€ 78.000	45.693 €	€ 32.307
	TOTAL	€ 2.903.177	€ 1.319.327	€ 1.583.850



Forecast 2015

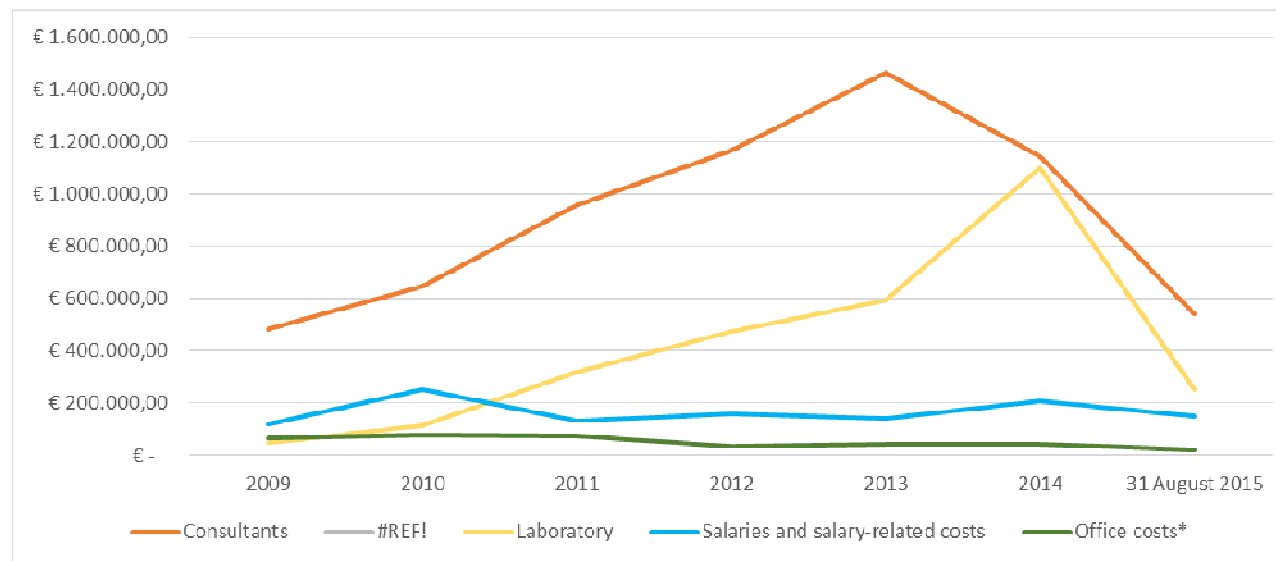
		2015 Budget	2015 Forecast (30/06/2015)	Expenses by 30/09/2015	Committed by 30/09/2015	Remaining available budget (2015 budget- Committed)
2.1	Generic costs	€ 789.928	€ 902.105	512.754 €	€ 361.254	€ 428.674
2.2	Ag-specific costs	€ 241.415	€ 280.415	105.119 €	€ 134.639	€ 106.776
2.3	Au-specific costs	€ 56.650	€ 124.792	51.085 €	€ 52.264	€ 4.386
2.4	PM CN- -specific costs	€ 193.900	€ 322.790	158.214 €	€ 332.493	€ -138.593
2.5	PGM-specific costs	€ 1.168.010	€ 2.120.010	425.832 €	€ 1.803.617	€ -635.607
2.6	Re-specific costs	€ 9.450	€ 9.450	3.615 €	€ 0	€ 9.450
2.7	Refinables-specific costs	€ 365.824	€ 365.824	17.015 €	€ 179.248	€ 186.576
2.8	Hydrazine-specific costs	€ 78.000	€ 100.000	45.693 €	€ 54.307	€ 23.693
	TOTAL	€ 2.903.177	€ 4.225.386	€ 1.319.327	€ 2.917.823	€ -14.646



Overview: spending consultants, labs, etc.

	2009	2010	2011	2012	2013	2014	31 August 2015	TOTAL
Consultants	€ 482.960,99	€ 647.333,00	€ 955.616,02	€ 1.164.261,97	€ 1.463.002,21	€ 1.144.402,83	€ 540.958,52	€ 6.398.535,54
Laboratory	€ 46.671,80	€ 113.585,55	€ 317.308,26	€ 473.577,81	€ 594.722,91	€ 1.097.480,32	€ 254.365,42	€ 2.897.712,07
Salaries and salary-related costs	€ 117.792,84	€ 251.884,32	€ 132.770,34	€ 159.169,54	€ 142.736,70	€ 210.207,27	€ 152.590,55	€ 1.167.151,56
Office costs*	€ 68.204,80	€ 78.527,80	€ 74.138,82	€ 34.513,15	€ 45.672,29	€ 44.462,35	€ 23.765,58	€ 369.284,79

* incl. travel costs till 2011





Overview: spending consultants, labs, etc.

Consultants	2009	2010	2011	2012	2013	2014	31 August 2015	TOTAL
WCA	246.064,65	278.173,59	461.463,35	439.379,36	501.598,98	342.519,66	163.906,65	€ 2.483.106,24
EBRC	73.757,04	123.590,54	91.625,33	215.109,72	393.378,72	420.077,12	98.310,74	€ 1.415.949,21
Rothenbacher/Red River	58.043,85	85.769,97	118.459,96	125.059,31	132.440,07	130.406,77	73.950,00	€ 724.129,93
ARCHE		90.250,00	76.893,88	109.127,26	96.845,35	94.989,85	93.948,00	€ 502.094,84
CSIRO				242.627,08	200.510,21			€ 443.137,29
ECTX		78.798,91	181.450,81	17.699,00	17.452,99			€ 295.401,71
RSA				1.679,69	44.097,42	78.746,95	28.411,26	€ 152.975,32
BIBRA					21.431,36	31.737,54	45.387,98	€ 98.556,88
Arcadis	€ 80.718,07							€ 80.718,07
HW CONSULT		29.646,48	15.065,67					€ 44.712,15
BOYD					7.151,04	40.381,66	15.714,26	€ 63.246,96
RPA					45.588,18	5.543,28		€ 51.131,46
KNOEL	21.072,82	3.760,00						€ 24.832,82
HydroQual		16.280,07	3.560,26					€ 19.840,33
MARK							14.329,63	€ 14.329,63
MUTCH				11.979,24	1.553,20			€ 13.532,44
KIRKLAND			6.935,38	1.601,31				€ 8.536,69
MVANDERSTR							7.000,00	7.000,00
DR PCH Mitchell	3.304,56							€ 3.304,56
Johnson Matthey		1.083,44						€ 1.083,44
VEROUGSTRA					800			€ 800,00
OFFICE INT					214,69			€ 214,69
ACTON			161,38					€ 161,38
Consultants	€ 482.960,99	€ 647.333,00	€ 955.616,02	€ 1.164.261,97	€ 1.463.002,21	€ 1.144.402,83	€ 540.958,52	€ 6.398.535,54



Cash flow status

N.B.:

- A company has not yet paid 2015 invoice: KCM. A registered letter has been sent by the Secretariat on 6th October 2015.
- Several companies have still to pay the 2015 extra invoice (as agreed by the GA in June 2015)

The cash flow is **sufficient** at this stage and **particular attention** must be paid for the **next invoicing in March 2016** to ensure that there will be no issue with 2016 projects and payments.

ACC	YEAR	31/08/2015
	Budgeted incomes	
	EPMF	149.004
	PMC	2.903.178
	Consolidated	3.052.182
	Budgeted expenses	
	EPMF	149.004
	PMC	2.903.178
	Consolidated	3.052.182
	Real incomes	
	EPMF	149.004
	PMC	1.054.314
	Consolidated	1.203.318
	Real expenses	
	EPMF	129.206
	PMC	1.054.314
	Consolidated	1.183.520
	Delta	
	EPMF	-19.798
	PMC	0
	Consolidated	-19.798
	Produits à reporter	
	EPMF	48.229
	PMC	3.866.751
	Consolidated	3.914.980
54/58	Cash at bank	
	EPMF	n/a
	PMC	n/a
	Consolidated	3.870.588
40	Cash to receive from members	
	EPMF	
	PMC	
	Consolidated	37.608
41	Cash to receive VAT	
	EPMF	n/a
	PMC	n/a
	Consolidated	92.087
42/48	Cash to pay	
	EPMF	
	PMC	
	Consolidated	89.590
490/1	Costs to postpone	
	EPMF	
	PMC	
	Consolidated	886
20/28	Fixed Assets	
	EPMF	
	PMC	
	Consolidated	3.397



Discussion and recommendation of the MC



2016-2020 PMC Workplan



Introduction

- Aims of the workplan
 - Provide the MC and the Assembly with an overview of the projects including clear scope of the Cs (cf. list of substances)
 - Present in an integrated way the budget, HR and timeline of the PMC
 - Highlight the risks related to HR or timeline
 - Provide an outlook for the 5 coming years (to be developed)

- WP will be updated every year and approved by the Assembly in December of each year



DRAFT 2016 WP



Ag project

- Substance Evaluation
- CLH under biocides
- Maintenance of the dossiers: literature review

Au project

- Registration: submission of the dossiers (Q1 and Q3 2016)

CN project

- Registration: submission of 2 dossiers
- Registration: testing of potassium dicyanoargentate (Q3 2017 for registration)



DRAFT 2016 WP

PGM



Pt project

- Registration: Envi and HH testing + IUCLID completion + exposure assessment
- chloroplatinates: DNELs derivation.

Pd project

- Registration: finalisation and submission of the dossiers

Rh project



- Registration: Envi and HH testing + IUCLID completion + exposure assessment + nano inclusion



DRAFT 2016 WP

PGM

Ru project

- Registration: Envi and HH testing on Ruthenium trichloride + IUCLID completion + exposure assessment

Ir project

- Maintenance of the dossiers: will start in 2017



DRAFT 2016 WP

Re project

- Maintenance of the dossiers: litterature review

PM refinables project

- Maintenance of the dossiers: identity check, improvement of ES

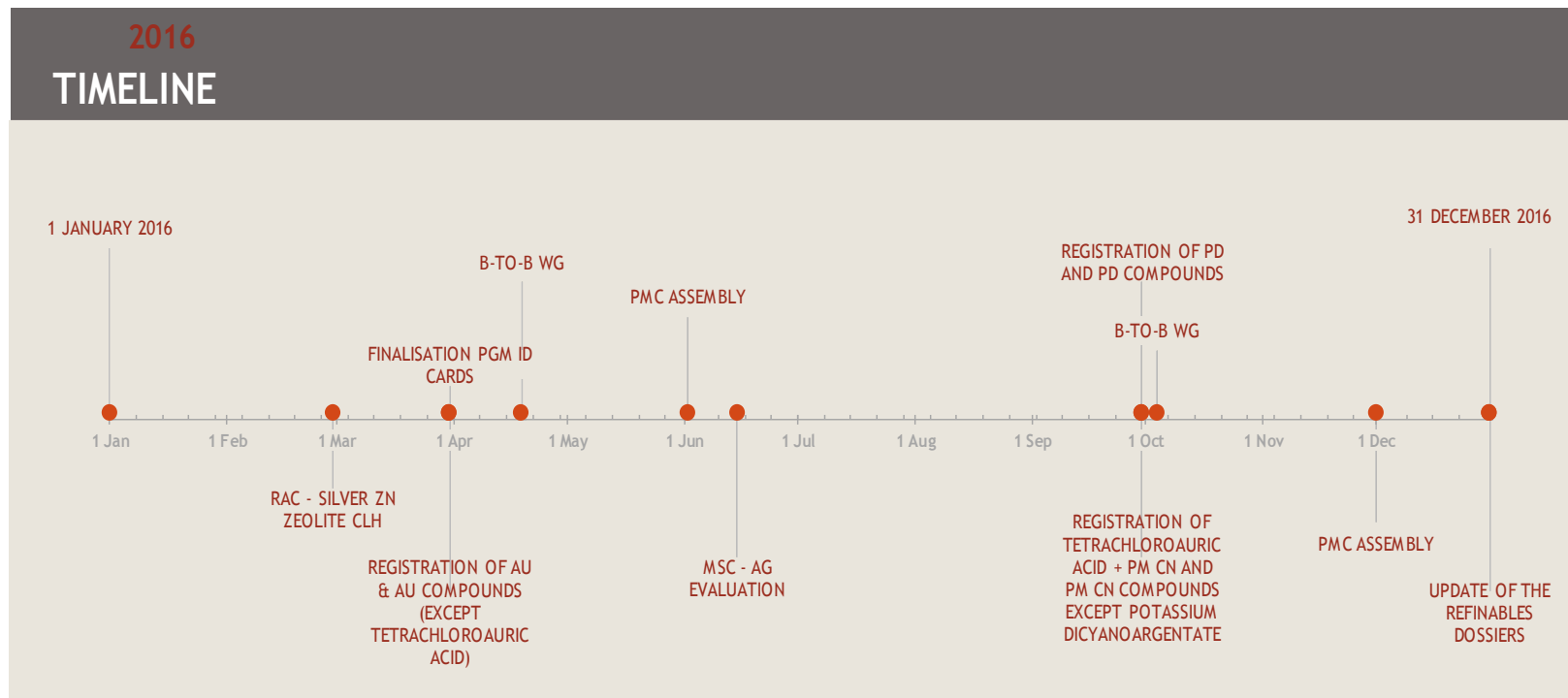
SVHC project



- Monitoring of EU and EM activities related to SVHC Roadmap and RMM



DRAFT 2016 Timeline





Draft 2016 budget and HR

	PMC 2016 Budget to be spent	PMC 2016 Budget to be invoiced	PMC 2016 HR
2.1Generic costs	1.017.600 €	1.017.600 €	1,5
2.2Ag-specific costs	593.500 €	602.152 €	0,8
2.2.1Ag REACH registration	0 €	0 €	
2.2.2Ag REACH dossier maintenance	52.250 €	52.250 €	
2.2.3Ag REACH evaluation	491.250 €	491.250 €	
2.2.3.1Dossier evaluation	4.500 €	4.500 €	
2.2.3.2Substance evaluation	486.750 €	486.750 €	
2.2.4Ag REACH classification & labelling	50.000 €	50.000 €	
Building reserves		8.652 €	
2.3Au-specific costs	87.200 €	57.350 €	0,2
2.3.1Au REACH registration	87.200 €	57.350 €	
2.4PM CN- -specific costs	337.900 €	266.000 €	0,2
2.4.1PM CN- REACH registration	337.900 €	266.000 €	
2.5.APlatinum-specific costs	992.575 €	494.827 €	0,5
2.5.A.1Pt REACH registration	942.575 €	366.775 €	
2.5.A.5Pt REACH authorisation	50.000 €	50.000 €	
Building reserves		78.052 €	
2.5.BPalladium-specific costs	498.625 €	571.898 €	0,7
2.5.B.1Pd REACH registration	498.625 €	498.625 €	
Building reserves		73.273 €	
2.5.CRhodium-specific costs	313.500 €	320.942 €	0,4
2.5.C.1Rh REACH registration	313.500 €	313.500 €	
Building reserves		7.442 €	
2.5.DRuthenium-specific costs	509.450 €	295.681 €	0,3
2.5.D.1Ru REACH registration	509.450 €	246.850 €	
Building reserves		48.831 €	
2.5.Elridium-specific costs	1.000 €	1.000 €	0,1
2.5.E.2Ir REACH dossier maintenance	1.000 €	1.000 €	
2.6Re-specific costs	11.400 €	11.400 €	0,02
2.6.2Re REACH dossier maintenance	11.400 €	11.400 €	
2.7Refinables-specific costs	495.300 €	207.300 €	0,4
2.7.2Refinables REACH dossier maintenance	495.300 €	207.300 €	
2.8SVHC project (RMM, RMO, SVHC Roadmap...)	20.000 €	20.000 €	0,2
TOTAL	4.878.050 €	3.866.151 €	5,32



Draft 2016 budget and HR

Highlights - Format

- Reserves to be invoiced are listed under each project in a separate line
- Two columns are now available:
 - One with the requested budget for 2016
 - One with the money to be spent in 2016 including amounts committed in 2015 and which needs to be paid in 2016 because projects are continuing or will be finished but not invoiced before the closure of the 2015 accounts. This column will be reviewed and adapted by end of 2015 to ensure that this will take into account the latest expected invoices.
- **PGM:** this project has been split in 5 sub-projects to reflect the new allocation of the costs and respect the recommendation of the draft implementing act on Data Sharing



Draft 2016 budget and HR

Highlights content:

- **Salaries:** it will be possible to refine this estimation after the appointment of the new Regulatory Affairs Manager.
- **Fixed external resources** cover the costs related to ARCHE (Katrien Arijs) and Red River Consulting (Klaus Rothenbacher) as the small fee related to the IZA service contract in support of Audrey Rondepierre.
- **Ir, Pt, Pd, Ru:** the budget for inclusion in the registration dossiers of **nanoforms has been removed**
 - ⇒ Based on outcome of collective exercise conducted by the Secretariat
 - ⇒ Still uncertainties regarding one company
 - ⇒ Consequence on budget: 200.000€ per nanoform/substance!
- **Refinables:** the amount of 235.000€ to be spent will be spent only in case if a validation study is requested by ECHA.
- **The overall budget:** an increase of 200.000€ was foreseen based on the discussions with the WG (WP sent to the MC = 3.650.351€; updated WP to be presented to MC = **3.866.851€**). Most of the changes are related to PGMs (refinements of testing strategies including the review of the costs related to nanos - 200.000€ for Rh nano blacks) and to Ag (increase of the budget related to CLH).





Overview of reserves proposal

		Building reserves in 2016 (to be invoiced)	Total reserves after 2014 audit	Mimimun reserves to be retained in- house to be agreed GA Dec 2015	Minimum reserves to be retained in- house agreed GA Dec 2014	SIMULATION TOTAL RESERVES END 2015
1.2.1	Generic costs	€ 0,00	€ 158.118,03	€ 320.445,78	€ 167.412,00	€ 153.159,23
1.2.2	Ag-specific costs	€ 8.652,13	€ -3.180,85	€ 210.000,00	€ 208.607,00	€ 201.347,87
1.2.3	Au-specific costs	€ 0,00	€ 38.693,76	€ 30.000,00	€ 26.604,00	€ 80.263,37
1.2.4	PM CN- -specific costs	€ 0,00	€ 133.028,47	€ 40.000,00	€ 37.468,00	€ 197.571,82
1.2.5	PGM-specific costs	-	€ 1.103.390,47	-	€ 234.431,00	€ 347.790,47
1.2.5a	Pt-specific costs	€ 78.052,38	€ 275.847,62	€ 165.000,00	-	€ 86.947,62
1.2.5b	Pd-specific costs	€ 73.273,34	€ 386.186,66	€ 195.000,00	-	€ 121.726,66
1.2.5c	Rh-specific costs	€ 7.441,91	€ 220.678,09	€ 77.000,00	-	€ 69.558,09
1.2.5d	Ru-specific costs	€ 48.831,43	€ 165.508,57	€ 101.000,00	-	€ 52.168,57
1.2.5e	Ir-specific costs	€ 0,00	€ 55.169,52	€ 0,00	-	€ 17.389,52
1.2.6	Re-specific costs	€ 0,00	€ 168.626,86	€ 22.000,00	€ 21.490,00	€ 159.176,86
1.2.7	Refinables-specific costs	€ 0,00	€ 293.263,94	€ 115.000,00	€ 112.587,00	€ 293.263,94
1.2.8	Hydrazine	€ 0,00	€ 54.456,74	€ 2.600,00	€ 2.591,00	€ 32.456,74
1.2.9	SVHC-specific costs	€ 0,00	-	-	-	-
	TOTAL	€ 216.251,18	€ 3.049.787,89	€ 1.278.045,78	€ 811.190,00	€ 1.812.820,77



For recommendation of the MC to the GA:

- **On budget format**
- **2016 estimation (financial and HR)**
- **Payment holiday for Re Sub-Assembly**



Trends 2016-2018

YEAR	2016			2017			2018		
DRAFT WORK PLAN 2016-2018									
	PMC 2016 Budget to be spent	PMC 2016 Budget to be invoiced	PMC 2016 HR	PMC 2017 Budget to be spent	PMC 2017 Budget to be invoiced	PMC 2017 HR	PMC 2018 Budget to be spent	PMC 2018 Budget to be invoiced	PMC 2018 HR
2.1 Generic costs	1.017.600 €	1.017.600 €	1,5	1.051.284 €	1.051.284 €	1,4	1.083.919 €	1.083.919 €	1,3
2.2 Ag-specific costs	593.500 €	602.152 €	0,8	669.250 €	669.250 €	1	1.382.250 €	1.382.250 €	0,8
2.3 Au-specific costs	87.200 €	57.350 €	0,2	10.000 €	10.000 €	0,1	140.000 €	140.000 €	0,1
2.4 PM CN- -specific costs	337.900 €	266.000 €	0,2	13.500 €	13.500 €	0,1	96.250 €	96.250 €	0,4
2.5.A Platinum-specific costs	992.575 €	494.827 €	0,5	118.025 €	118.025 €	0,6	153.875 €	153.875 €	0,5
2.5.B Palladium-specific costs	498.625 €	571.898 €	0,7	5.000 €	5.000 €	0,1	81.875 €	81.875 €	0,5
2.5.C Rhodium-specific costs	313.500 €	320.942 €	0,4	99.650 €	99.650 €	0,7	79.250 €	79.250 €	0,5
2.5.D Ruthenium-specific costs	509.450 €	295.681 €	0,3	123.800 €	123.800 €	0,7	79.250 €	79.250 €	0,5
2.5.E Iridium-specific costs	1.000 €	1.000 €	0,1	5.000 €	5.000 €	0,1	5.000 €	5.000 €	0,1
2.6 Re-specific costs	11.400 €	11.400 €	0,02	11.400 €	11.400 €	0,02	11.400 €	11.400 €	0,02
2.7 Refinables-specific costs	495.300 €	207.300 €	0,4	375.500 €	53.000 €	0,2	288.000 €	53.000 €	0,3
2.8 SVHC project (RMM, RMO, SVHC Roadmap...)	20.000 €	20.000 €	0,2	30.000 €	30.000 €	0,3	30.000 €	30.000 €	0,3
TOTAL	4.878.050 €	3.866.151 €	5,32	2.512.409 €	2.189.909 €	5,32	3.431.069 €	3.196.069 €	5,32



Cost sharing formula



Proposals

- **Refinables** are now treated as all the other substances allowing cost sharing based on substance or intermediate under SCC
- **Generic costs:**
 - Allocation by project based on HR allocation key
 - Reality check performed at the end of the year
 - Admin costs related to projects will be shared equally within the projects
 - Scientific costs (HR – scientific managers) will be integrated in the costs of projects and share based on the cost sharing formula (50-50%)
 - Appendix 9 will be adapted accordingly
- **PGMs:** split of cost per « substance family »: Pt, Pd, Ir, Ru and Rh
- **Cost sharing of SVHC/Authorisation :** proposal to share between all Sub-Assemblies (except Re Sub-Assembly) and this based on equal share.
- **Reimbursement principle** must be included in the Appendix 9 and reference on principle and to the mandate of the Management Committee.
- **Silver Evaluation:**
 - Apply a weighting factor of 5000 in 2016 by decision of the Assembly
 - Review the situation on a yearly basis
- **LoA:**
 - Use same cost sharing formula than for Cs, keeping only costs related to Registration, Maintenance and Evaluation.
 - Fee will be reviewed on a yearly basis based on the actual costs and budget of the year.
 - Need to include reimbursement mechanism



For recommendation of the MC to the GA:

- **On PMC cost sharing formula**
- **On LoA**



Withdrawal and rejoining of Cs member



Proposal

- Draft agreement to be signed by Dragsvetmet and IUT
- Following comments have been received:
 - 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?

**For approval and formal communication to
the companies**



Contracts: approval process



Approval process

- Signature of contracts by a manager despite having received a « no go » from MC
- How to ensure that this will not happen in the future?
- Proposal of the MC (cf. conference call 9 September 2015)
 - Contracts to be signed by Chair of the WG AND Sec Gen
 - In practice,
 - Approved by email by the Chair of the WG (set a deadline to avoid delay in projects?)
 - Signed by Sec Gen

For discussion and approval of the MC



A.O.B., conclusions, next meeting



A.O.B.

* TSCA notifications by PMC

* Date for General Assembly in December 2017 in Brussels and in June 2017 in Pforzheim



A.O.B.

* PMC logo



Precious Metals
Consortium