



18 March 2013 (14:30 - 15:30 CET)

Chairman: *Guy Ethier, Umicore*
Co-Chairman: *Mark Raffray, Johnson Matthey*

PMC call-in details provided in separate document (PIN code: 36389671#)

Minutes

AP refer to Action Points listed at the end of this document

1. Welcome and introduction

- The list of participants and apologies is available in Annex 1.
- The minutes of the last meeting (4 October 2012) were approved.
- The status of the actions agreed at the meeting will be reported at the next Mgmt Cttee meeting in preparation of the 2013 PMC Plenary Meeting.

2. Non-ferrous metals sector effort on RMO analysis and its significance for PM sector

- REACH Authorisation & Restriction procedures when applied in an incorrect manner have the potential to be damaging and costly (current precious metals case of Hydrazine, but also cobalt and others). Currently a major NFM sector effort (together with Chemicals Industry) has been launched around advocating Risk Management Options (RMO) review as part of initial dossier review of substances (before deciding upon listing any substance on the registry of intentions for inclusion in the SVHC or Candidate List). The aim is to address DG ENV and ENT's backdrop clearly stating public target of 1000+ designated SVHC by 2020 that they consider to be the only rational way to proceed to meet REACH goals. More information can be found on: <http://register.consilium.europa.eu/pdf/en/13/st05/st05867.en13.pdf>.
- Many MS (except Germany and the Nordic countries) disagree with this systematic listing promoted by the COM and instead support industry's message to favour RMO review upfront rather than after listing. NFM sector is hence promoting early RMO review and for RMO review to extend beyond Authorisation and Restriction (also considering possibility of applying harmonised classification and labelling, OEL reviews, adaptation of other Directives or national legislation to properly control the substance).
- Industry hopes to know whether early/extended RMO review is accepted within two months (May 2013?) and whether functionally is formally adopted by end 2013.
- As users of many potentially listed substances PMC Members may be affected by incorrect use of Authorisation and Restriction and need to be involved in the sector's initiative. Moreover, if attention is shifted to substances of equivalent concern like endocrine disruptors, sensitisers, etc. on the basis of REACH Article 57(f), chloroplatinates (sensitiser 1A) may be an obvious future target affecting precious metals as manufacturers. If a proper RMO review is performed before listing chloroplatinates on the SVHC, balance probability for these is that they would be expected to be set aside given occupational relevance only. If the RMO identified concerns, then focused control, e.g. tighten OEL, etc. would be logical instead of Authorisation. If no early RMO is performed, chloroplatinates may be listed for SVHC/Authorisation with no added-value to society and significant burden on industry.
- Given the significance of the efforts/risks involved and limited timing associated to listing and prioritisation activities, PMC needs to continue scanning the horizon for threats. Two options were envisaged:
 - Option 1: immediately commence defence project similar to that on Hydrazine by customising existing advocacy on chloroplatinates already assembled by International PGM Association (IPA) for Pt defence at US EPA and SCOEL; or
 - Option 2: await developments on RMO before making decision on what/when to action sector's efforts
- The Mgmt Cttee agreed to follow option 2 while the acceptability of the early/extended RMO review is confirmed and to re-discuss the possible options at the PMC Assembly meeting on 14 Jun 2013 (AP1).



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3. Collaboration Agreement AGFA-Gevaert

- Aim is to resolve non PMC Member LR-ship and use of Ag dataset to register an out of scope Ag substance separately from PMC. The collaboration agreement aims at building a legal bridge between the PMC Agreement (that only Members can sign) and the Letter of Access Agreement (which Agfa has signed as non-Member).
- The proposed agreement has reviewed by A. Palmers (Umicore, Chairman of PMC Legal WG) and Agfa before circulation to the Mgmt Cttee.
- Mgmt Cttee approved the collaboration agreement on the condition that reference to specific individuals is removed from the legal text (e.g. Article 2) (AP2).

4. Data-sharing with NFM consortia for UVCB dossier upgrades

- Article 17 & 18 dossiers for UVCB are being updated into Article 10 dossiers following release of Dec 2010 ECHA Guidance on intermediates. This is done by using information on constituents to hazard, exposure and risk assess UVCB; it hence requires an exchange of data on constituents across consortia.
- PMC Members have the right to use any PMC generated data for other purposes free of charge; PMC cannot charge for PMC data to other consortia having common Members.
- Mgmt Cttee confirmed the interpretation and approved proposal to negotiate free exchange of data with other consortia in preparation of Article 10 dossiers for UVCB and ensure a smooth and pragmatic way forward (AP3).

5. TSCA 8e) notifications

- Original proposal was that preparation of content of the notification would be done by PMC and submission of the notification by IPMI. IPMI's legal counsels reverted with a number of administrative/legal questions which are incompatible with PMC's confidentiality rules among others and would be difficult to resolve quickly.
- Updated proposal is for PMC to prepare and submit notifications on behalf of all PM industry (including IPMI if they are willing to be covered); after checking legal, resource and liability implications there does not seem to be any reason to hesitate on or object to this updated proposal.
- The Mgmt Cttee approved the updated proposal and proposed way forward (AP4).

6. Review of Klaus Rothenbacher's consultancy fees (and contract)

- For professional reasons PMC Scientific Manager not a full employee but working with consultancy contract since 2009. Since signature of consultancy contract, K. Rothenbacher's daily fee only increased to follow Belgian index, performance related increase never addressed as such. Today, taxes on one-person-consultancy firms have increased in Belgium so that net salary of K. Rothenbacher is lower than in 2009
- K. Rothenbacher has hence requested a review of his daily fee to keep same level of earning as in 2009. 5,5 % granted in response to his request (5% foreseen in 2013 budget approved by PMC Members).
- The Mgmt Cttee agreed to ensure PMC officers are granted competitive fees and salaries to ensure their motivation and retain these throughout the whole PMC project. It was agreed to review K. Rothenbacher's contract to update to latest working rules and include



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systematic daily fee review as well as to make sure that the review of fees and salaries is included in budget preparation (AP5).

7. Retirement of PGM WG Chairman/PGM science expert and proposed way forward

- D. Boyd (Johnson Matthey) acting as PGM science expert and PGM WG Chairman for PMC is soon retiring. PMC is interested in retaining D. Boyd's expertise and leadership and D. Boyd is interested in continuing working with PMC post-retirement on a consultancy basis.
- A draft contract prepared on the basis of other contracts established between PMC and dedicated experts (e.g. David Kirkland) was reviewed by A. Palmers and D. Boyd and circulated to the Mgmt Cttee.
- The Mgmt Cttee approved the consultancy services agreement and requested PMC Secretariat to identify a co-chairperson for the PGM WG that could replace D. Boyd when he fully ceases to work with PMC (AP6).

8. Consortium Manager candidates

- In June 2012 EPMF Board and PMC Mgmt Cttee agreed that additional resources were needed to address the increasing REACH and non-REACH workload as well as to secure a sustainable management of the association and the Consortium. A job description was prepared, approved and posted on various websites after which EPMF expressed reservation as to the right time and approach to increase the available resources. Meanwhile applications have been received, filtered, and potential candidates have been selected and interviewed; the summary of C. Braibant's appreciation was circulated to Mgmt Cttee for information/opinion.
- Based on informal feed-back (to be confirmed at 4 April EPMF Board meeting) EPMF does not envisage increasing its staff in 2013 or 2014. Whether or not EPMF wishes to increase its resources, PMC should however consider the increasing workload coming up with Evaluation and Authorisation phases of REACH, as well as the need to secure a sustainable management.
- The Mgmt Cttee agreed to add a PMC Consortium Manager to the PMC team and to present this recommendation for discussion and vote by the PMC Assembly in June 2013, on the basis of a duly justified and illustrated organogramme and budget scenario. Meanwhile, it was agreed for selected candidates to be interviewed by M. Raffray in order to identify the best candidate for the position following PMC Assembly's decision (AP7).

9. 2014 Budget proposal

- In light of the recommendation of the Mgmt Cttee to adjust the PMC staff, an updated 2014 budget proposal will be circulated (AP8).

10. AOB and closing remarks

- The possibility to adjust the PMC cost-sharing formula to reduce the contribution of Re only Members after dossier submission (and assuming only basic maintenance work will be required) was not supported by the Mgmt Cttee who is concerned that it may set a precedent which is not sustainable on the long-term for PMC. It was agreed to defend the principles laid down in the Consortium Agreement, which all Members have signed in full awareness. C. Braibant will produce financial scenarios demonstrating the impact/pros



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and cons of a reduced contribution for some Members if these were granted on the basis of objective criteria applied in a fair, transparent and non-discriminatory manner (AP9).

- The Mgmt Cttee was informed about the situation regarding the preparation of a response to comments from NL on Testing Proposals for Silver compounds which opposes Lead Registrant and nanoAg registrants and the potential need for Mgmt Cttee to arbitrate. **Post-meeting note:** *consensus was reached and no arbitration by Mgmt Cttee is needed.*
- The Mgmt Cttee was informed that invitations for the 2013 PMC Plenary Meeting in June will be circulated by 22 March 2013.
- The next conference call of the Mgmt Cttee will take place on 22 April 2013 at 4 pm CET.

Annexes:

1. Annotated Agenda and list of participants
2. Updated Collaboration Agreement with Agfa-Gevaert

Table 1. Actions agreed at PMC Mgmt Cttee conference call on 18 March 2013

	What?	Who?	When?
1.	Monitor developments on acceptance and implementation of early/extended RMO review and inform Mgmt Cttee	PMC Secretariat/All	On-going
2.	Update the Collaboration Agreement with Agfa and send to Agfa-Gevaert for approval and signature	CB	Done
3.	Progress with formalising data-sharing conditions among consortia ensuring smooth and pragmatic way forward	CB	ASAP
4.	a. Inform IPMI and other associations in PlatforM about PMC's acceptance to proceed with drafting and submission of notifications b. Confirm with associations in PlatforM who wishes to co-sign PMC's notification c. List chemicals for which studies are currently underway with results anticipated in 2013	CB CB CB+KR	Done In progress Jun 2013
5.	Review K. Rothenbacher's contract Include Salary/Fees review as part of budget planning	CB+KR CB+GE+MR	ASAP On-going
6.	Agree on date of entry into force of Agreement between D. Boyd and PMC and sign Agreement	CB+D. Boyd	ASAP
7.	a. Prepare an updated organogramme and 2014 budget scenario illustrating PMC's resource situation with the addition of a full time Consortium Manager and C. Braibant decreasing her working schedule from 5 to 4 days per week for discussion at the next Mgmt Cttee conference call before presentation to the Assembly b. Inform candidates about selection situation c. Organise second interview between M. Raffray and the selected candidates	CB CB CB+MR	Mid-Apr 2013 Done W/c 20 May 2013
8.	Produce financial scenarios demonstrating the impact/pros and cons of a reduced contribution for some Members if these were granted on the basis of objective criteria applied in a fair, transparent and non-discriminatory manner	CB	Mid-Apr 2013
9.	Hold Mgmt Cttee follow-up conference call in preparation of 2013 PMC Assembly meeting and address: <ul style="list-style-type: none"> • Status of pending actions at Mgmt Cttee and Assembly • Updated organogramme and 2014 budget proposal • Financial scenario if cost-sharing formula was changed for 'lower profile' Members 	All	22 Apr 2013 at 4 pm CET