18 October 2013 (14:30 – 15:30 CET)

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

List of confirmed participants

C. Braibant (EPMF, Belgium)
R. Brasch (Heraeus, Germany): replacement for M. Hannakam
G. Ethier (Umicore, Belgium)
R. Garrett (Ames, UK)
R. Nicolay (EPMF, Belgium)
N. Plint (Anglo, South Africa)
M. Raffray (Johnson Matthey, United Kingdom)
A. Rondepierre (EPMF, Belgium)
K. Rothenbacher (EPMF, Belgium)
H-G Schenzel (C. Hafner, Germany)
T. Wenger (Metalor, Switzerland)

Minutes

Additions to Annotated Agenda made in blue
AP refers to Action Points tabulated at the end of these minutes

1. Welcome and introduction

a. **Reminder on confidentiality and Competition Law.** Participants were reminded on their obligation to comply with confidentiality and Competion Law.
b. **Tour de table and apologies.** The list of participants is available above.
c. **Approval of the Agenda.** The Agenda was approved. Items 10 and 11 were postponed to the next Mgmt Cttee conference call.
d. **Approval of the minutes and status of the actions agreed at the last conference call (22 April 2013):**
   - Sub-Actions 1 done, now liaising with IPA to anticipate possible increased attention by EPA on PGM following PMC notifications;
   - Actions 2, 3, 4, 5, 6, 7, and 10 done;
   - Actions 8 and 9 addressed under item 11 below.

The minutes were approved and the status of the actions agreed.

2. PGM sameness discussions: Update

After long and thorough discussions, sameness discussions on the PGM nitrates have been completed at a meeting on 20 Aug. Not all registrants provided spectra despite several reminders so the sameness discussion was based on spectra and data received by three companies. The outcome of the discussions will enable the next steps of the genotoxicity testing programme. A face-to-face meeting on 7 November has been scheduled with the relevant experts to review the testing strategy and to agree on a way forward. This is another example of items where individual contribution and participation conditions the overall PMC success. For those who did not contribute to the sameness exercise, they remain responsible for checking whether PMC's risk assessment covers their specific substance profiles.

3. TSCA 8e: Update on notifications (submitted and anticipated)

Three TSCA 8e notifications have been submitted to date. PMC Secretariat is working with RSA to prepare the draft letters, then the relevant WG and TAP are invited to review the content, following which approval by Mgmt Cttee is requested. As the PGM testing programme proceeds, we cannot exclude that more notifications will have to be filed. TAP will remain to be involved to allow expert toxicologists to corroborate whether the information meets the reportability criteria to ensure that the notification exercise remains pragmatic and workable.

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

4. RIVM meeting: Update on outcome of the 'informal meeting' of 20 Sep 2013

PMC Secretariat was invited to an informal meeting with The NL on 20 Sep. Five representatives of the Ag project participated in the meeting. The meeting was held in a good atmosphere and a constructive discussion took place. This allowed understanding the Substance Evaluation process and gave PMC an opportunity to present the content of the dossier. A second informal meeting may be organised in spring 2014 (when The NL have had a detailed look at the dossier) and until then The NL requested to be kept informed on the submission of the dossier update as well as of any Ag research engaged by PMC. The NL seem to be particularly concerned by consumer products claiming to contain (nano)Ag. PMC has contacted NIA to clarify the relevance of this use as none of PMC members have declared any consumer use of nanoAg. PMC is exploring three avenues: 1) nanoAg imported into consumer products/articles on EU market from non-EU manufacturers with no registration obligations, 2) nanoAg produced out of Ag compounds (e.g. AgNO3) manufactured by PMC Members, and 3) nanoAg produced out of metallic Ag manufactured by PMC Members. In the absence of a consumer use ES in PMC's Ag Registration Dossier may lead to a) RIVM producing its own ES with available data (and possibly very stringent risk management measures), or b) consumer use of (nano)Ag in (imported) articles subject to a restriction.

5. Ag dataset: CoCAM now or later?

In agreement with The NL and Eurométaux, the Ag dataset will not be submitted under the current form of CoCAM but possibly under its future form, after it has been reviewed by The NL.

6. ETAP: Participation of PMC?

ETAP is a panel of independent high-level experts on various aspects of ecotoxicology. The main advantage of ETAP is that it identifies areas of leveraged research, and gives access to panel of top experts. ETAP activities are complementary to Eurometaux activities, so no overlap. A more detailed description of ETAP is given in annex 1.
Depending on the level of PMC's involvement, resources of 10-20 man-days/ year will be needed. As ETAP discussions are of technical nature, PMC should ideally be represented by its Scientific Manager.
Feedback from other metal consortia indicates that participating in ETAP is a good return on investment, given the rather modest participation fee of ca. 5000 $/year and the high-level input offered.
Assuming the scientific workload of the Ag project will decrease in 2014 and only require ad hoc input from the Scientific Manager, the Scientific Manager will be able to take on board this representation/participation role.
PMC recommends joining ETAP as from 2014. The Mgmt Cttee approved the proposal under the following conditions: a) Scientific Manager's involvement does not exceed 5 days per year (excluding days needed to follow-up on specific ETAP projects of direct relevance to the PMC projects), b) Yearly review of benefit of ETAP membership before refreshing commitment (**AP1** and **2**).

7. Renaud Nicolay: Job description and title

R. Nicolay joined the team on 2 Sep. He took over the two PMC Authorisation projects (RCF and Hydrazine), two registration projects (Au and PM CN-), and one general project manager role. Since the original job description was based on the assumption that C. Braibant would move to non-REACH work, the actual job description has been reviewed and a new title proposed (cf. annex 2). The Mgmt Cttee approved the proposed job role and title.

8. RCF: New PMC TF?

On 24 June (Zirconia-)Alumino Silicate Refractory Ceramic Fibres have been (draft-)recommended by ECHA for prioritisation on the REACH Authorisation List. A preliminary survey conducted among our members confirmed that PM sector is using Zr/Al-RCF in its production process or embedded in its products. Hence, a provisional PMC RCF Task Force was set up to express the voice of the PM sector in the on-going public consultation process. As a first outcome, EPMF submitted to the attention of ECHA a PM-

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

specific response on these draft recommendations, underlining some divergences on the prioritisation scoring, describing their uses and their importance for our sector considering the current absence of feasible alternatives. EPMF also joined a collaborative metallic response prepared under the initiative of Eurométaux. It is proposed to formalise the set-up of the TF at an official kick-off meeting to be organised around end-Nov with as objective to pro-actively prepare for the authorisation next steps and discuss its draft roadmap (cf. annex 3).
Following recent changes on the overall role of the PM sector in the actual use of RCF, the Mgmt Cttee agreed to setting-up a monitoring platform provisionally called RCF TF. Since its mandate is limited to monitoring so far, there is no need to identify chairpersons at this time. PMC Secretariat/R. Nicolay will lead and coordinate all the 'monitoring' work until/if the RCF TF's mandate evolves and needs company steering (probably not before end 2013). This will be communicated to the members of the RCF TF meeting on 18 November 2013 (**AP3**).

9. TTIP TF: Co-sponsoring?

IPMI and EPMF have joined forces to request a number of items under the EU and US trade agreement (Transatlantic Trade and Investment Partnership (TTIP)). One of these items refers to the simplified movement of PM containing materials, which require long pre-notice periods when the material is shipped as hazardous/amber waste. Since this is both REACH (most of the concerned materials are PMC's Refinables) and non-REACH related, it is proposed for PMC to co-sponsor 25 % of the costs of Bergeson & Campbell (legal counsel/trustee) supporting the IPMI and EPMF for this work. The remainder of the costs would be co-sponsored by EPMF (25 %) and IPMI (50 %). 25% of the costs represent 5000 $/month from Jul 2013 till Jul 2014, i.e. 60.000 $ or 45.000 €. This amount is not yet included in the 2013 or 2014 budgets.
The Mgmt Cttee did not agree for this budget item to be a REACH item; it should instead be covered by the non-REACH budget of the EPMF, who will anyway be sponsored by the relevant PMC Members (**AP4**).

10. EPMF/PMC Officer's objectives and remuneration scheme

To date all EPMF/PMC officers' remuneration was calculated and reviewed upwards *ad hoc*. With the enlargement of the team there is a need to formalise this into a remuneration scheme. The following is proposed:

- The officers under consultancy contract have their own fee review system, properly laid down in their contract with PMC
- The remuneration scheme applies to those officers having an employment contract with EPMF
- Each officer will define three to five working objectives for each calendar year, to be approved by the chairman of the Mgmt Cttee and the President of the EPMF
- If none of the objectives has been achieved, the employment contract can be finalised by decision of the Mgmt Cttee
- If less than 70 % of the objectives have been achieved, no remuneration increase will be allowed
- If 70 % of the objectives have been achieved, 50 % of the maximum remuneration increase will be applied
- If 100 % of the objectives have been achieved, the maximum remuneration increase will be applied
- When evaluating the level of achievement of each objective, items which are not the exclusive responsibility of the officer (e.g. also engages external service providers, Members, etc.) should be considered
- The maximum remuneration increase will correspond to 5 % of the gross monthly salary of the relevant officer
- All officers can be granted an annual bonus, which is left at the discretion of the chairman of the Mgmt Cttee and President of the EPMF

Generic costs in 2014 PMC budget sufficient to allow implementation of the above remuneration scheme as from Jan 2014 onwards.
Postponed to next Mgmt Cttee conference call, following bilateral discussion between G. Ethier and C. Braibant to prepare an evolved proposal (**AP5**).

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

11. 2014 Budget including justification for specific budget items

2014 budget presented in June 2013 and re-circulated for approval by the Mgmt Cttee today remains unchanged (cf. annex 4). The following adjustments may need to be done to this original budget:

- Reduction of contribution to 2014 EM REACH from 60.000 € to 50.000 €
- Clarify scope of Ag project research items
    - Change of original 276.000 € place-holder to 37.500 € for pre-BLM freshwater research. This pre-research will enable determining the influence of environmental conditions on the speciation of Ag in freshwater and check whether the current models properly predict Ag complexation in the presence of specific chemicals. This needs to be concluded before a full BLM can be developed (several years, higher budget). The outcome of this work would possibly enable to review the freshwater PECs so that they reflect the actual bio-available concentration of Ag (and would make the demonstration of safe use easier).
    - Addition of new budget line for 147.500 € to demonstrate speciation, fate, and bioavailability of Ag ion sources in soil. (Nano)Ag used in consumer products or antimicrobial agents will eventually be transferred to soil (via wastewater treatment plants, spreading of sewage sludge). It is assumed that Ag will likely be transferred to disilver sulphide (Ag2S), which is insoluble and not bioavailable. However, this needs to be demonstrated conclusively, and it should be assessed whether there is any potential for transformation of Ag2S to more soluble and bioavailable compounds. A research project is proposed with CSIRO to investigate this topic. Estimated costs are ca 400.000 AUD = 295.000 €. Though this will be discussed with the Ag WG on 19 Nov, PMC Secretariat recommends approving this research item for the purpose of finalising the budget.
- Addition of 45.000 € to the Refinables budget (cf. agenda item 9 above)?
- Other?

The amounts to be invoiced to each Member have changed following a couple of mergers and a subsequent reallocation of generic and metal-specific costs (Glencore+Xstrata and Heimerle und Meule+SEMPSA).

Postponed to next Mgmt Cttee conference call, once big budget items have been further clarified and reported in an updated budget proposal for 2014 (**AP6**).

12. Draft Agenda 4 Dec PMC Assembly meeting and key messages/speakers

The following Agenda is proposed:

1. Welcome and introduction
2. PMC Membership news:
    a. Presentation of new colleague R. Nicolay, Project Manager
    b. Nominations for the PMC Management Committee 2014-2016
    c. New Members List
    d. LoA sold in 2013
3. Preparing for Evaluation of Ag:
    a. Evaluation process
    b. Joint dossier update
    c. Individual dossier updates
4. Update on other PMC Registration Projects: Au, PM CN-, PGM, and Re
5. PMC & Authorisation:
    a. Authorisation Process
    b. Hydrazine
    c. RCF
    d. Other?
6. Financial items:
    a. 2013 expenses by 30 Sep
    b. 2014 budget and invoices
7. AOB, next meetings, and closing remarks

The Agenda was approved. The discussion on the cost-sharing formula of the PMC may be added to item 2 of the proposed Agenda depending on the outcome of the next Mgmt Cttee conference call. Invitations

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

for the Assembly meeting will be circulated ASAP (**AP7**).

13. **AOB, next meetings/calls, and closing remarks** *(G. Ethier)*

AOB 1: Status of 2013 invoices

Unpaid dues include:

- < 2013 invoices:
  - Handy & Harman: total of 23.908,63 € remain due for a number of invoices since 2010; many reminders + follow-up calls but delay continues – PROPOSAL: Add LIBOR on late payment and ask for payment by end Oct 2013; if payment is not received by end Oct consider exclusion from PMC at 4 Dec Assembly meeting. The Mgmt Cttee decided to send a formal Mgmt Cttee letter to H&H to inform them on the ultimate payment deadline and the possible consequences of non-payment by this deadline (**AP8**).
  - Pemco Euroinks: 24.201,81 € remain due for 2012 and 2013 invoices; bankruptcy since 21 Jul 2013; dues notified by EPMF to Italian Services in charge – PROPOSAL: Add as a loss in EPMF's 2013 P&L statement, reduce the reserves for the Generic costs and metal-specific costs Pemco was contributing to. The Mgmt Cttee approved this proposal (**AP9**).

- 2013 invoices:
  - 2*23.319,71 € + 37.374,50 € + 19.303,74 € remain unpaid to date – PROPOSAL: Send reminder to pay by end Oct 2013. If payment not received add LIBOR on late payment and ask for payment by end Nov 2013. The Mgmt Cttee approved this proposal (**AP10**).

AOB 2: Revision of the cost-sharing formula

A PMC Member has requested the Mgmt Cttee to review PMC's cost-sharing formula so as to reflect on whether the principles of transparency, fairness, and non-discrimination were still applicable to Members participating only in 'closed projects'. This request will be reviewed by A. Palmers, chairman of PMC's Legal Work Group, and C. Braibant, in order to formulate a number of scenario/proposals to be discussed by the Mgmt Cttee (**AP11**).

The next meeting/conference call of the Mgmt Cttee will take place on 30 Oct 2013 at 5 pm CET (**AP12**).

Table 1. Actions agreed at 18 Oct 2013 Mgmt Cttee conference call.

	What?	Who?	When?
1.	Inform ETAP on approved PMC Membership	KR	ASAP
2.	Add ETAP + related travel contingency to 2014 Budget proposal	CB	W/c 21 Oct
3.	Set-up monitoring mandate and next steps of RCF TF under leadership/coordination of PMC Secretariat	RN	18 Nov
4.	Remove TTIP item from Refinables budget and discuss sponsoring with EPMF Board	CB	ASAP
5.	Evolve remuneration scheme and present to Mgmt Cttee for approval	GE+CB	30 Oct
6.	Update 2014 budget proposal and re-circulate to Mgmt Cttee for discussion/approval	CB	23 Oct
7.	Update PMC Assembly meeting agenda and circulate with formal invitation	AR	W/c 21 Oct
8.	Send Mgmt Cttee letter to H&H	AR	ASAP
9.	Inform accountant on PMC loss due to Pemco's bankruptcy and record loss in respective reserves	CB+Accountant	ASAP
10.	Send final reminder to companies who have not yet paid their 2013 invoices with information on next steps (interest rate, risk of exclusion, etc.)	AR	ASAP
11.	Review cost-sharing formula and devise alternative formulas for discussion by the Mgmt Cttee	AP+CB	30 Oct
12.	Organise/Participate in 30 Oct Mgmt Cttee meeting in Brussels	All	30 Oct

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