



13 February 2008, 10h30 Brussels time
To join the teleconference, please dial + 32 2 600 78 84 (no pin code required)

ATTENDANCE

Bob Binney	Johnson Matthey	
Caroline Braibant	EPMF	(Secretariat)
Ron Davies	Ames Goldsmith	
Andrew Griffiths	Umicore	(Chair)
Jeff Levison	Vale INCO	(Co-Chair)
Aur�lie Normand	Metalor	

MINUTES

1. Introduction.

- 1.1. **Confidentiality and European Competition Law provisions.** The attendees were reminded on their commitment to comply with Confidentiality and Competition Law provisions.
- 1.2. **Approval of the Agenda.** The Agenda was approved (Annex 1).
- 1.3. **Co-chairmanship.** Dr Jeff Levison, Manager IEL Regulatory Affairs (Vale Inco), was elected co-chair of the Management Committee (MC). He accepted the nomination.

2. Membership: new challenges ahead.

- 2.1. **Rhenium registrants.** Nine representatives of potential Rhenium and/or Rhenium compounds registrants under REACH participated in an exploratory meeting on Rhenium on the 11th of February 2008. It was agreed for all representatives to list their rhenium containing substances and intermediates and to nominate an official representative to launch the activities of the work group. It was acknowledged that the rhenium work programme would most probably be a satellite project of the PGMs work programme. This was supported by attendees. Attendees were informed on the update of the Consortium Agreement and are expecting the latest draft to be circulated as soon as possible to join the Consortium.
- 2.2. **Banks (LBMA): precious metals ingots are substances.** Due to the unclear interpretation of the definitions of "substance" and "article" to precious metals ingots/bars under REACH, the question was posed to the European Chemicals Agency (ECHA). The ECHA replied that precious metals ingots must be considered as substances, without specifying what could be considered an ingot or bar, or which interpretation/rationale lead to this answer. *It was agreed to work with the TAP and entities such as the LBMA in order to prepare a complete question to the ECHA, presenting our understanding and requesting a clear rationale.*

3. Consortium Agreement.

- 3.1. **Main adjustments in the legal text: Rhenium, EEA, improved procedures.** The current draft of the revised Agreement includes adjustments to include Rhenium in all applicable provisions of the Agreement. The opportunity was also taken in order to extend the definition of EU to EEA and to improve some of the data-gathering, invoicing, etc. procedures. All adjustments were supported by the MC and some of them need to be revised by native English speakers/legal experts to make sure they are clear and sound.



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- 3.2. **Update on proposals to include intermediates in cost-sharing formula.** The Cost-sharing work group will hold a meeting on the 18th of February in order to discuss several proposed cost-sharing formulas. The objective is to keep the formula fair, transparent and non-discriminatory and to ensure it remains simple and close to the original one.
- 3.3. **Deadlines: the revised version should be circulated to the Assembly for approval by the end of March.** In order to give potential Consortium Members one month and a half to read and sign the Agreement and be able to attend the next Plenary Meeting (Toledo, 20th June 2008) as Members:
 - *the final revised Agreement should be sent to the Assembly for approval by the end of March;*
 - *the approved version should be circulated to the potential Consortium Members in early May.*

4. 2007 & 2008 (I) Invoicing.

- 4.1. **Updated substance and tonnage band declarations: include protocol.** In order to avoid sporadic updates of the substance and tonnage band declarations, which modify each Member's share and invoice, *the Trustee will include a protocol in the 'Important Notice' box of Appendix 2 of the Agreement.*
- 4.2. **Trustee's insurance.** The Trustee's insurance has been confirmed by AXA Insurance Group. The annual fee is 5600 € (lower than expected), covering a maximum of 2 500 000 € per incident per year. The contract has been revised by Eurométaux and by Alain Palmers (Umicore), chair of the Legal Work Group of the Consortium. The MC approved this proposal.
- 4.3. **Accountant's account closure.** The Accountant can unfortunately not close the 2007 Accounts of the Consortium before the end of February. *Invoices will be delayed and sent in late February or early March by the Secretariat.*

5. Report on 11th & 12th February face-to-face meetings.

- 5.1. **Substance indicative lists.** These lists have been updated by the Trustee, further to the updated substance and tonnage band declarations she has received from some Members. Some entries are coded for confidentiality reasons. Non-confidential versions of the lists are used with external consultants in order to enable them to prepare full quotations.
- 5.2. **Technical specifications and substance profiles.** Technical specifications on silver and silver compounds have been received. As regards gold, technical specifications have no longer been requested until more clarity is obtained on the future consultancy work. As regards PGMs, Members have been requested to produce Particle Size Distribution (PSD) data for those PGMs < 100 µm and spectra for those solid PGMs having a purity < 99,95 %. PSD will be required to identify the necessary tests and spectra will be used to confirm substance sameness among PGMs. Spectra might be difficult to obtain for solutions. *A Feasibility study will be launched to identify the best method.*
- 5.3. **Status of Silver work programme: Phase II.** EBRC and Euras should be able to report on Phase IIa (in depth data gap analysis) by May 2008. As regards Phase IIb, reference silver and silver compounds have been identified among all existing samples based on objective criteria. A nanosize silver has been identified and might be studied as well; it will not be referenced as a worst case sample. Relevant Members will be invited to collect all necessary data for their samples

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(following specific request received from EBRC and Euras) before they are officially considered as reference samples providers. *EBRC and Euras should confirm Phase IIb timeline once all samples have been received.*

5.3.1. KODAK data-sharing proposal. KODAK holds three studies on silver chloride which could be used for Phase II. KODAK agreed to have these studies evaluated by neutral consultants (i.e. EBRC) before the Consortium confirms its interest in the studies. Should these studies be considered to be of use for the purpose of the Silver work programme, KODAK requests the payment to be equivalent to the replacement cost of the studies, of around 20 000 US \$. *The MC agreed to have the studies sent to EBRC for evaluation; KODAK's payment expectations however exceed the provisions laid down in RIP 3.4 on pre-registration and data-sharing and should therefore be further discussed.*

5.4. Consultants for remaining work programmes. To date, two consultancies have been met with: WCA/BIBRA and RCC/SafePharm. The outcomes of the exploratory meeting held with WCA/BIBRA were quite motivating and their quotation was received on time (further detail has been requested). Doubts remain on the suitability of RCC/SafePharm to conduct work for the Consortium, although it remains a significant player in REACH testing. A third exploratory meeting will be held with Dr Knoell Consult/Forim on the 5th of March (Hanau, hosted by Umicore). *A TAP meeting will be organised after this in order to select the most appropriate consultants.*

5.5. Recommendations for pre-registration. *Substance Pre-registration Reference Sheets will be prepared for each substance and intermediate to be pre-registered by the Members of the Consortium as currently listed on the indicative lists. Before preparing these sheets, additional information will be obtained from Eurométaux and the ECHA in order to better seize how these sheets should be compiled (.doc? .xml?) in a way which will facilitate the pre-registration exercise and align all pre-registrants on the relevant SIEF list. The meeting in Toledo should be used to share the recommendations with the entire Consortium.*

6. Next meeting, AOB and conclusion.

6.1. Next meeting. The next meeting is scheduled for 3rd of April at 10h30 a.m. CET. Attendees should dial + 32 2 600 78 84 to join the teleconference.

6.2. AOB:

- Dave Boyd (Johnson Matthey) has been assigned as Chairman of the PGMs Work Group.
- *The Secretariat will find out which was the reply received by Eurométaux on the existing SIEF IT tool being proposed by CEFIC/the REACH Centrum (Post-meeting note: cf. Annex 2).*