



13 March 2008, 11:30 - 12:30

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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).

2. CONSORTIUM AGREEMENT (Annex 2)

2.1. **Update on proposals to include intermediates in the cost-sharing formula**

The CWG discussed four cost-sharing proposals during a teleconference held on the 18th of February 2008; proposal D was selected as being the most suitable proposal. It consists in a slightly amended version of the cost-sharing formula included in the original Consortium Agreement (dated 6th of July 2007) in that it only adds transported isolated intermediates in the highest tonnage band to the original cost-sharing formula; transported isolated intermediates in the > 1000 tonnes/year tonnage band are given an weight which is equivalent to the one assigned to substances in the lowest tonnage band (same requirements under REACH).

When testing the implementation of proposal D, the following concerns were identified:

- How to charge “intermediates only-companies” (IOC) wishing to join the Consortium? These companies should be given an estimate which would enable them to confirm or not their interest in joining the Consortium.
- How to ensure that Registration Dossiers for intermediates which are currently prepared “for free” do not end up being co-owned by all Members of the Consortium? In the current Agreement, Members co-own what they pay for and ultimately, all Members should equally co-own what nobody in the Consortium pays for.

Considering the above concerns, it was agreed to:

- (a) Not to amend the decision taken by the CWG and to keep the amended cost-sharing formula (proposal D) unchanged;
- (b) To calculate the cost of the production of a Registration Dossier for an intermediate in order to give IOC a predicted cost for their Membership;
- (c) To include a provision in the Consortium Agreement stipulating that those Registration Dossiers produced “for free” by the Consortium would only be owned by those Members submitting the Dossier to the Agency (being actual registrants of the Intermediates).

Moreover, in order to further clarify the scope of application of the cost-sharing formula, it was agreed:

- (a) To review the definitions of “Substance” and “Intermediate” given in the Consortium Agreement in order to distinguish between strict Substances and Substances which are Intermediates;
- (b) To review the limitations of the right to own, use and/or refer to the information which is produced by the Consortium by its Members in each Sub-Assembly according to what they have declared in their Substance and tonnage band declaration.

In addition to the cost-sharing formula, participants to the MC, LWG and CWG are invited to review the amendments proposed in the Agreement and suggest content, clarity, language and editorial improvements, e.g.: Article 7.2.1. R. Coleman (Johnson Matthey) agreed to propose a more complete wording for Article 5.2.1 with the Secretariat.



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2.2. **Deadlines: new version should be available for signature by mid-April**

A MC, LWG and CWG teleconference will be held on the 26th of March in order to review the entirety of the Agreement before it is circulated to the Assembly for final approval. Focus should be given on Appendix 9 during the teleconference.

3. **BUDGET**

3.1. **Clarification on invoices for 2007 and 2008(I) : changes and invoicing information**

Some Members have been surprised to observe increases or diminishment in their cost-shares for 2007 and 2008(I), while the Secretariat had predicted diminishment only during the Assembly meeting in Brussels (13th December 2007). The reasons of these changes are given in the letter accompanying each invoice; should any Member wish to have further explanations, it should contact the Secretariat. The Secretariat will anyhow justify the changes to the entire Assembly in Toledo (20th June 2008) and make sure that the changes made to Substance and tonnage band declarations are from now on done following a specific procedure, as laid down in the most recent version of the Consortium Agreement.

3.2. **Predictions for 2008(II): available but subject to change**

Due to company internal budget exigencies, some Members have asked the Secretariat to predict the amount they are likely to be paying for the second 2008 semester. A spreadsheet predicting the 2008(II) costs per Member is attached (Annex 3); these shares are however subject to variation as the cost-sharing formula which will be used to calculate the 2008(II) shares will be adjusted.

3.3. **Costing of Precious Metals Cyanides: as part of Gold work programme? Separate costing?**

The Silver work programme has been launched already and silver cyanides were not included in the scope of such programme considering that PM cyanides might end up being covered by the CN⁺ consortium. Acknowledging that the CN⁺ Consortium will not cover more than Na, K and H CN⁻, and following the principle of inclusivity which is implicit in Appendix 4 of the Consortium Agreement, PM cyanides should be kept within the scope of activity of the Consortium. By doing so, two proposals were made:

- Add the two silver cyanides to the Gold programme, already including two gold cyanide compounds; or
- Have a separate PM cyanides work programme, including two silver cyanide compounds and two gold cyanide compounds.

Choosing between both options depends on the following parameters:

- Costs linked to the production of Registration Dossiers for PM cyanides;
- Number of companies who are declaring gold substances but no cyanide and number of companies who are declaring cyanides but no gold substance.

Based on the above, **it was recommended to include PM cyanides in the Gold work programme and to put this proposal to a vote by the Assembly.**

3.4. **GEMAS: Co-funding was agreed when approval of budget on 13th of December 2007 in Brussels**

The budget which was approved by the Assembly during the Assembly meeting of the 13th of December 2007 included a place-holder to contribute to the GEMAS project at a pace of 10000 €



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per year. Violaine Verougstraete (Eurométaux), focal point of this project, has recently circulated an e-mail in which each contributing party is invited to sign a Letter of Intent. **It was agreed that the Secretariat would sign this Letter on behalf of the Chair of the Management Committee, official Representative of the Consortium and submit it to V. Verougstraete.**

3.5. Scientific Manager position: views on the suggested profiles and way forward

Two names have been recommended by the membership and two profiles have been shared by the European Nickel Industry Association. It was agreed to prepare a job advertisement in order to launch a search for candidates and have a larger range of options. The proposed job advertisement is attached (Annex 4). **The MC is invited to make comments and/or suggestions on this proposal before the end of March 2008.**

3.6. New office: from 6th to 5th floor, new furniture, approval of predicted budget (within approved budget)

Due to the re-organisation of Eurométaux' offices, the EPMF offices will be moved from the 6th to the 5th floor of the building and a second office, in light of the employment of a second person (as per item 3.5 above) has been requested. An office rental contract has been signed by C. Braibant with G. Thiran (Eurométaux) in order to officialise the agreement which was already in place between EPMF and Eurométaux as regards administrative organisation. Due to this office change, Eurométaux' office furniture (desk, closets, etc...) will need to be replaced by new furniture. **Decision needs to be made on who (EPMF or PM Consortium) should cover these expenses.**

4. INSURANCE OF CONSULTANCIES

Following recent exchanges with AXA Belgium (Trustee Insurer), it was highly recommended to Commodity associations and REACH Consortia working with third parties (lawyers, accountants, consultancy research organisations, etc...) to request certificates of insurance from these third parties before starting or continuing any works with such parties. The insurance covering the Trustee of the Consortium does not cover the eventual errors and omissions made by third parties working with the Trustee.

Euras and EBRC were kindly invited to provide such information to the Trustee. Although Euras is indeed covered by a Professional Liability Insurance, EBRC is not and does not consider necessary to have such insurance. Although the Trustee indicated EBRC that such insurances would be required from other customers of EBRC, EBRC did not acknowledge the need to purchase such an insurance to cover the activities performed in the context of the Silver Project of the PM and Rhenium Consortium and proposed to freeze Phase IIa and Phase IIb of the Silver Project until further guidance is provided from the Consortium.

It was proposed to request EBRC to continue with Phase IIa and Phase IIb. Insurance should become mandatory once experimental studies and compilation of Registration Dossiers are launched by EBRC in response to a Consortium's request.

5. NEXT MEETINGS, AOB AND CONCLUSION

5.1. Next meetings

- 26th March 2008, 15:00 CET: Teleconference to discuss the revised Appendix 9 (Management Committee and Cost-sharing Work Group members are invited to attend);
- 3rd of April 2008, 10:30 CET: Management Committee teleconference.



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5.2. General updates

5.2.1. New potential Members identified

The list of potential Members identified since the last Assembly meeting in Brussels includes:

- | <u>Precious Metals</u> | <u>Rhenium</u> |
|-------------------------------------|---|
| 1. Agnico Eagle (Finland) | 1. Climax Molybdenum (The Netherlands) |
| 2. Chimet (Italy) | 2. Eramet, represented by Eurotungestene (France) |
| 3. Ferro (Germany) | 3. KGHM Ecoren (Poland) |
| 4. Handy & Harman (France) | 4. Lipmann Walton (United Kingdom) |
| 5. HCM (Bulgaria) | 5. Powmet (United States) |
| 6. Montwerke Brixlegg (Austria) | 6. Sekom (Austria) |
| 7. Berzelius Metall (Germany) (tbc) | 7. Adams Metals (United Kingdom) (tbc) |

5.2.2. Update on Silver Project

EBRC and Euras have both confirmed to be able to report on Phase IIa of the Silver Project (in-depth data gap analysis) by May 2008. The progress of Phase IIb depends on how quick and information-rich the several silver and silver compounds samples are sent to the consultancies, and on how the discussions on the insurance evolves in the coming days (especially with EBRC). Both consultancies have proposed to draft adjusted quotations considering the new scope proposed by the TAP and the timeframe confirmed by the experimental institutes.

5.2.3. Update on PGM's discussions

Three companies have launched a Feasibility Study to test several methods to obtain spectra for PGMs solutions. The outcomes of this study should be discussed at a face-to-face meeting in Brussels (1st of April, 14:00 CET) and documented in a reference document advising on the most suitable method to evaporate and produce spectra for PGMs solutions in order to be used as a basis to discuss substance sameness for these solutions.

5.2.4. Update on meeting with WCA/BIBRA, RCC/SafePharm and Dr Knoell Consult/Forim

The TAP will hold a teleconference on the 18th of April at 11:30 CET in order to discuss the outcomes of the three exploratory meetings which were held with the three selected consultancies. The outcome of this teleconference should enable TAP to produce a proposal for consultancy which should be discussed at the next TAP + WG face-to-face meeting in Brussels (30th April 2008), before it is presented to the Management Committee for approval.