



27 September 2007
Metals Conference Centre – GOLD Room
100 Rue du Duc, 1150 Brussels

MINUTES

Participants: R. Binney, C. Braibant, P. Charlesworth, G. Gutekunst, A. Griffiths, S. Macy, M. Mistry, A. Normand, M. Raffray (by teleconference), L. Ryng.

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. *A list of Do's & Don'ts is available on request to the Secretariat.*

1.2. **Approval of the Agenda.** The Agenda was approved (cf. Annex 1).

2. Update on Eurométaux' REACH organisation and PM-related hot topics (cf. Annex 2).

- 2.1. The new REACH organisation of Eurométaux was presented. The following action points were retained:
- Eurométaux REACH structure: *ensure a proper representation of PM in the different WG of Eurométaux' REACH working structure (Cf. Annex 3);*
 - Strict control of intermediates¹;
 - Pre-registration and registration of intermediates as a mixture of intermediates:
 - o *compile a list of complex materials fulfilling the definition of isolated intermediate in each substance indicative list (non-waste refinables/ recoverables will also need to be identified and tracked as a distinct category of materials);*
 - o *bear this specific approach in mind when discussing the routes to be followed for pre-registration and registration of complex intermediates.*
 - Revision of Annex IV and V:
 - o *Annex V²: Prepare a proposal requesting the exemption of specific precious metals in massive form*
 - o *Annex IV: The submission of proposals to be considered during the revision of Annex IV must follow a specific template and set of criteria³.*
 - Global generic substance ID's for ores and ore concentrates⁴.
 - Consortia exchanges: *Caroline Braibant will participate to any initiative of Eurométaux to establish a platform for consortia to exchange practical experiences and data on substances (first meeting: 11/10/07).*

When coupling the eventual exemption from registration for recovered metals (cf. Article 2(7)d) with the proposed exemption of massive pm from registration, the final tonnage bands to be registered as well as the associated testing costs could significantly decrease. Since both routes have not yet been legally confirmed, *it is advised to the members to pre-register full tonnages and to the Trustee to operate the technical discussions accordingly (including budget preparation).*

2.2. **Orphan metals: Rhenium.** Following an open question, four members of the Consortium showed an interest in having Rhenium in the scope of activity of the Consortium. Additionally, five

¹ **Post-meeting note:** A Guidance on strict control of intermediates in the non-ferrous metals industry will be drafted by several representatives of the NFM Industry (EPMF, Umicore and CVRD Inco included). The document should be finalised by end of November 2007.

² **Post-meeting note:** Cf. Annex 4. This proposal for exemption was sent to Mrs Klemme (BDI) to be submitted to the CASG through the German authorities.

³ **Post-meeting note:** The template and the criteria were received on the 26/09/07 and discussed by Industry representatives on 27/09/07: one detailed inclusion proposal must be prepared and submitted per substance before the 30/11/07. This discourages Industry to request inclusions to Annex IV. The TAP will discuss the way forward.

⁴ **Post-meeting note:** Under the Interpretation/Implementation REACH SubGroup, Eurométaux has launched an exercise aiming at compiling a list of complex NFM-bearing materials (so-called "concentrates") in order to identify, name, group and classify them in an harmonised manner. Extract of meeting minutes will be forwarded to WG when they are published by Eurométaux' Secretariat.



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non-member companies have shown an interest in this compound⁵. Five compounds seem to be of interest: Rhenium, Perrhenic acid, Ammonium perrhenate, Ammonium tetraoxyrrhenate, Hydroxotrioxirhenium. The Consortium's cost-sharing formula enables a Rhenium Metal-specific cost blocks to be added without being detrimental to the other members, and increasing the number of members sharing the Generic costs of the Consortium. The Management Committee supported the suggestion of having Rhenium included in the scope of activity of the Consortium. *The Secretariat together with the TAP shall prepare a formal proposal based on the requirements of Appendix 4 of the Consortium Agreement to be presented to the Assembly on 13/12/07 for approval.*

- 2.3. **IUCLID 5 Guidance Workshop.** Eurométaux has commissioned Altran to produce a Guidance document focussing on those IUCLID 5 issues which are of relevance to the Metals Industry. The Guidance document will be discussed at an upcoming workshop in Brussels (31/10/07). *To be discussed at workshop: security setting in IUCLID 5.*

3. **Update on the progress and status of activity of the PM Consortium** (cf. Annex 5).

- 3.1. **Comment on and signatories of the Consortium Agreement.** The attendees were updated on some of the suggestions and questions which have been received from several members of the Consortium intending to clarify the Agreement and the operation of the Consortium. To date, 25 companies have signed the Agreement and three additional ones have confirmed their interest in joining the Consortium⁶. It was agreed for the 12/12/07 to become the ultimate deadline for joining the Consortium in 2007, bearing in mind that the approved TAP + PM WG management plan should not be significantly disturbed by new comers and that the latter might be requested to disburse an additional fee to compensate any financial burden their late entry causes to the Consortium. The status of these new comers -Founding Members or regular ones- will be discussed by the Management Committee.

Some companies of the PM Industry, such as BASF Catalysts Germany, claim to place only articles and (strictly controlled?) intermediates on the EU market. The status of intermediates in the Consortium depends on:

- ✓ The interpretation on “any available information”: would this mean information available in the company and, to the most, in the public domain, the registration of intermediates would indeed constitute a so-called “light” one. Would the scope of availability expand, these companies might have a clear interest in joining the Consortium, in order to: share the costs of information and ensure a “legitimate possession” of such information⁷.
- ✓ The eventual adaptation of the cost-sharing formula: intermediates have not been assigned a specific weight factor in the cost-sharing formula. Companies who only manufacture/import PM intermediates can therefore not foresee their financial obligations by joining the Consortium. *BASF will be requested to address a formal letter to raise this issue to the MC.* The final status of the BASF in the PM Consortium can also have a considerable impact on the workload of the TAP + PM WG (cf. item 3.3).

- 3.2. **Trustee Liability Insurance.** Caroline Braibant and Alain Palmers (Umicore, Chairman of the Legal Work Group) have met with Mr Chris Staes (Gerling Konzern Belgium). When describing

⁵ **Post-meeting note:** Peter Godfrey indicated that around 40 companies are interested in Rhenium (mainly minor metal traders and downstream users who are Importers under REACH). A copy of the PM Consortium Agreement (dated 06/07/07) was sent to Mr Godfrey enabling him to seize the membership criteria as well as the legal and financial obligations. These companies will meet on 05/10/07 and Mr Godfrey will revert to the Secretariat accordingly. Eramet and IMoA have also contacted the Secretariat. A small paragraph will be posted on the REACH Metals Gateway to inform any other potential interested companies.

⁶ **Post-meeting note:** TKK will not join the Consortium this year. Varinor only produces articles and will therefore not join either.

⁷ **Post-meeting note:** According to the last meeting on strict control of intermediates, there is no formal legal interpretation of “available information” yet. The Commission has however stated that “available information” does not necessarily imply “freely available”...



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the obligations and responsibilities of the Trustee (copies of Article 4.6 and 8.3.3 and Appendix 7 of the Consortium Agreement were used), Mr Staes concluded that an Errors and Omissions Insurance would be fit the needs of the PM Consortium. An Insurance contract model (in French, cf. Annex 6) was received on 25/09/07. *Clarifications on Articles 20, 21, 23 and 25 as well as on the potential annual cost for such an insurance contract will be discussed with Mr Staes⁸. Comments on the contract are welcomed.*

3.3. TAP + PM WG. The TAP + PM WG management plan for the upcoming months mainly focuses on the immediate deliverables:

- ✓ Completing the substance indicative lists according to the recently received Substance and tonnage band declarations. New place holders have been included. (cf. Annexes 7, 8 and 9) As regards those substances which depend on the operation of other consortia (e.g. cyanides), *the Secretariat will follow the formation of the relevant consortia⁹.*
- ✓ Collecting additional technical specifications, especially on granulometry and spectral data. The nature of confidentiality of these technical specifications was questioned: are the technical specifications confidential or is the link between the data and its author (the company) confidential? Would it be the first option, the assessment could not be organised within the WG but it should instead, be done by an external technical expert, hereby probably increasing the costs of the Consortium. *It was agreed for the Secretariat to verify the nature of confidentiality with the authors¹⁰.*
- ✓ It was agreed that together with an additional request for technical specifications, members should be requested to submit any available data on precious metals and precious metals compounds, hereby complying with Article 3.2.2 (c) of the Precious Metals Consortium Agreement. *A letter will be drafted by the Secretariat and sent to all members by mid October (cf. Annex 10). The Chairman expressed thanks to the representatives of Ames Goldsmith for their proactive attitude in data-sharing. KODAK, which is not a member of the Consortium (downstream user), has shared three study summaries of interest with the Consortium. The full studies will be requested to KODAK¹¹.*
- ✓ Prepare substance profiles. A draft template for compiling all relevant information per substance was presented. *This template will be used by each WG and one substance profile will be prepared for each substance of the substance indicative lists. This action point will be presented as a deliverable for the next Assembly meeting.*

The workload associated to the management plan of the TAP + PM WG will significantly increase after the retirement of Karl-Heinz Krebs (Umicore), which represents an invaluable loss in expertise and knowledge on PM. It was envisaged to engage Karl-Heinz Krebs as an 2d/week attached consultant to the PM Consortium¹². The individual workload can also be impacted if BASF decides not to join the Consortium, implying the loss of Wilhelmus Pastoors (BASF) as Chairperson of the PGM WG and Co-chairperson of the Ag WG.

⁸ **Post-meeting note:** The meeting is scheduled to take place on the 30/10/07. Two additional names of insurance companies have been requested to IAOIA and will be contacted accordingly.

⁹ **Post-meeting note:** According to CyPlus, the Cyanides Consortium potential members will meet on 18-19 October to agree on a legal agreement template. It seems that they do not see enough similarity between PM cyanides and e.g. Sodium, Potassium or HCN. The way forward will be discussed at a *separate teleconference with the CN representatives* after the 19 October. Arsenic, Tellurium and Selenium consortia might also be candidates for inter-consortia cooperation.

¹⁰ **Post-meeting note:** All companies but one agreed that only the link between the technical specifications and the company is confidential. *The technical specifications will be anonymised and sent to the chairpersons of each WG to prepare the substance profiles.*

¹¹ **Post-meeting note:** An informal request was sent by e-mail to Caroline English (Cc. Ian Barford) on 03/10/07.

¹² **Post-meeting note:** Because of previous contractual commitments, Karl-Heinz Krebs can unfortunately not accept this invitation.



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Considering the above concerns, *the Secretariat will liaise back with the chairpersons of the TAP and the PM WG to prepare a longer-term management plan and timeline* in order to better project the budget needs of the technical operation of the PM Consortium.

- 3.4. Silver Project Phase II.** EBRC and EURAS have replied to the itemised quotation request on the 14/09/07. Although two quotations were submitted, they can be integrated into one single quotation after discussion and approval. The general conclusion is that Silver Project should be followed with EBRC and EURAS. Other conclusions up for discussion¹³ are:

<u>Conclusion from quotation</u>	<u>Post-meeting note</u>	<u>To be discussed</u>
Scope: expanded from three to 12 Silver compounds (substances and intermediates). Literature search and gap analysis needs to be expanded before defining a testing strategy.	Management Committee: must all 12 substances be ready by the earliest registration deadline (2010)?	<ul style="list-style-type: none"> ✓ Possibility of narrowing down the scope of the 2nd literature survey (based on updated silver indicative list); ✓ Need to focus on substance more than on intermediates; ✓ Possibility of focussing on substances subject to earliest registration deadline.
Timeline: padded, too close to 2010 registration deadline.	Secretariat: might be related to the preparation of the IUCLID 5 files.	✓ Push for reduced timeline giving Consortium members some flexibility when approaching the registration deadline.
Testing strategy: Not much coverage of ITS / read-across at this stage.	None.	✓ Re-emphasize ITS, read-across expectations.
Costs: REACH study menu costs provided by consultant.	Secretariat: absence of monitoring costs is weakening the budget projection.	<ul style="list-style-type: none"> ✓ Need for a monitoring budget; ✓ Possibility of cost savings using IUCLID 4 to IUCLID 5 path; ✓ Possibility of cost discount for “study package”.

It was acknowledged that metal & REACH-expert consultants will become scarce. It was proposed to contact other consultants with known capacities in metal toxicology and eco-toxicology issues and to obtain quotations for the preparation of Gold and PGM's for REACH. *The consultants listed on Annex 11 will be explored by the MC in order to contact the appropriate ones with a letter template (to be prepared by the Secretariat and approved by the Management Committee).*

4. Preparation of first Assembly meeting

A draft Agenda will be circulated for comments. The invitation -including an invitation to nominate a representative to sit on the MC- will be sent by mid October.

5. Miscellaneous

- 5.1. Update on alloys.** Some of the signatories of the Consortium Agreement have been facing some difficulties in applying REACH obligations to alloys and bank products. Comments and questions will be discussed at a specific meeting on alloys and bank products interpretation issues¹⁴. The HERAG/MERAG Alloys factsheets and the Special Preparations flowcharts prepared by Eurométaux will facilitate the discussions. The date and venue for the meeting will be announced soon.

¹³ **Post-meeting note:** Teleconference meeting with TAP Tox and Ecotox experts and EBRC & EURAS representatives is scheduled for 19/10/07 at 14h00 Brussels time.

¹⁴ **Post-meeting note:** Proposed date: 14/12/07, back-to-back with Assembly meeting.



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- 5.2. **Membership: Banks and traders.** The Commerzbank is one of the members of the Consortium. Scotia Capital indicated preferring to join next year, if needed. Traders who are Importers under REACH are candidates for membership.
- 5.3. **Consortia information exchange platform.** Caroline Braibant will attend an Eurométaux launching meeting (London, 11/10/07). It is foreseen to agree on a common strategy for consortia experience- and data-sharing. Items to be discussed: a) overlap of consortia's scopes and, b) cost-efficient data-sharing for small manufacturers/importers (e.g.: alloy case: joining all consortia).
- 5.4. **Attendance to 2007 PM Conference (India, November 18-19, LBMA).** No one from the attendees will attend this conference. Mr Stewart Murray (LBMA) has not yet indicated whether REACH could be part of the Agenda for the Conference. *Caroline Braibant will try a telephone contact.*
- 5.5. **Attendance to 6th China International Silver Conference (China, October 16-18, Silver Institute).** No one from the attendees will attend this conference.
6. **AOB**
- 6.1. **Rhodium III Chloride.** Andrew Griffiths brought to the attention of the attendees that tests were currently being performed on this compound and that the results could cause a change in the classification of this compound. Since classification is a national competence (although subject to lobbying activities from certain MS) and a change in classification is subject to a hierarchy of decisions at European level, Registration of Rhodium III Chloride should be done according to the current classification, bearing in mind that an eventual update of the Registration Dossier is foreseeable. This decision seems in line with the current status of the ATP groups, who are also waiting for REACH to evolve with the Registration phase.
- 6.2. **Platinum Roundtable.** Guy Thiran has been invited to attend a Platinum Roundtable (Brussels, 12/12/07) and informed the EPMF on this non-REACH meeting. Gabriele Randlshofer (IPA) and representatives from Umicore and Johnson Matthey will be present at this meeting and will feed-back to EPMF accordingly.
- 6.3. **Political dinner.** Eurométaux is inviting MEP's officials to a political dinner on the 26/11/07. NFM representatives are invited to this event.
7. **Coming meetings**
Teleconference: 22/11/07, 14h00 Brussels time.
8. **Conclusion**
The Chairman expressed thanks to the attendees for their participation and input.