



22 November 2007

MINUTES

Participants: R. Binney, C. Braibant, G. Gutekunst, A. Griffiths, M. Kabs, M. Raffray, L. Ryng.
P. Charlesworth and L. Ryng were excused.

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't's is available on request to the Secretariat.*
- 1.2. **Approval of the Agenda.** The Agenda was approved (cf. Annex 1).

2. New members: Recylex, Reischauer, Chimet – membership and status.

- 2.1. **Recylex.** Recylex GmbH has completed, signed and submitted Appendix 1, 2 and Page 49 of the Consortium Agreement on 13/11/07. The MC supported Recylex' membership (not as a Founding Member). The final approval is subject to vote by the Assembly (13/12/07). **Post-meeting note:** Following a brief presentation on Recylex GmbH by Mrs Christiane Wickel (authorised representative), the Assembly voted in favour of Recylex GmbH' membership.
- 2.2. **Reischauer.** Following internal discussions by the representatives of Reischauer with Dr G. Gutekunst (Wieland Dental & Technik, Germany), Reischauer concluded that they are downstream users under REACH and that they do not have a direct interest in joining the Consortium.
- 2.3. **Chimet.** Mr. G. Prelazzi (Chimet) has received a copy of the Consortium Agreement and has confirmed their intention to join the Consortium. A formal response is expected in early 2008.

3. Revision of Annex IV and V & UBS proposal: status of massive PM (cf. Annex 5).

M. Raffray updated the attendees on the status of massive precious metals under REACH. Some criteria of Annex V allowed thinking that massive precious metals could be exempted from some Titles of REACH; unfortunately, revision of Annex V is not likely to allow for anything but clarifications and verification of consistency with Annex IV.

As regards Annex IV, requests for inclusion are so burdensome, subject to such rigour, aggressive deadline and low probabilities of success, that it is safer to comply with REACH requirements as it was originally envisaged.

M. Kabs kindly facilitated a copy of the opinion on the applicability of REACH on certain precious metals commissioned by UBS Bank to Houston Consulting Europe. The opinion addresses the possibility of gold and platinum to be exempted of Registration under Annex V § 7 & 8 because they occur naturally and are not chemically modified. This will be discussed further at a teleconference (10/12/07). **Post-meeting note:** Most participants of the teleconference considered the opinion flawed and concluded that all precious metals should be pre-registered and prepared for registration. The PM Consortium commissioned McDermott to analyse Houston Consulting Europe's opinion; their conclusion is consistent with the Consortium's one.

4. Trustee: Safeguarding confidential information + Insurance

The Trustee prepared internal guidelines to handle, store and safeguard confidential and proprietary information within the Consortium. The draft document was shared with other consortia and it was sent to Alain Palmers (chair of LWG) and to Monique Jones (Back-up Trustee) for comments. A new version will become available and will be used when discussing the Insurance conditions for



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the Trustee. This document should enable anyone replacing the Trustee to refer to previous activities of the Consortium as well as to apply compatible practices as necessary.

As regards the Insurance, Eurométaux is currently engaging discussions with its Insurance company to make sure the activities embedded in the new dimension imposed by environmental legislations, such as REACH, are covered. The specific role and risks of the Trustee of the PM Consortium, an employee of Eurométaux under Belgian law, adds a new profile to be considered in the discussions.

Post-meeting note: Alain Palmers and Caroline Braibant were invited to participate at a meeting between Eurométaux and AXA (Insurance) on 10/12/07. For the sake of clarity, two parallel insurances should be considered: one for Eurométaux, excluding the Trustee; and one for Eurométaux, considering the specificities of the Trustee. This provides additional flexibility in the event the EPMF becomes a legal entity separate from Eurométaux. A. Palmers and C. Braibant will prepare a detailed description of the role of the Trustee for the Insurer to better seize the risks at stake. Formal proposals should be submitted to Eurométaux in early January.

5. Intermediates: BASF Catalysts Germany.

The situation of BASF Catalysts Germany, likely to register only intermediates under REACH, has triggered the need to revisit the cost-sharing formula of the Consortium. It was therefore agreed for MC to action the revision of the cost-sharing formula in order to give intermediates a determinate place/weight. This will be announced to the Assembly on the 13/12/07. Invoices for 2008 will follow the original cost-sharing formula for the first half of 2008 and the “adjusted” one for the second half.

6. Assembly meeting: Approval of the draft Agenda and preparation of reading material.

The Agenda for the Assembly meeting was approved. M. Raffray updated the attendees on the progress and resources of the PM work groups and on the Silver project. Great progress has been achieved with the assistance of the chairs. It has been difficult to get volunteers to prepare the substance profiles and Members’ feed-back is rather poor or incomplete. A buddy system has been implemented in order to assign one responsible company and a “buddy” per profile. The need to assign volunteers coupled with the retirement of Karl-Heinz Krebs and the departure of Wilhelmus Pastoors (BASF Catalysts Germany) confirms the need to hire an external independent expert to support the technical efforts of the Consortium. It was agreed to identify potential candidates, to include a place-holder in the 2008 budget and to recommend the Assembly to support this proposal.

As regards the Silver project, EBRC and Euras have submitted quotations for Phase IIa and Phase IIb. Phase IIa engages the consultants to perform a second literature review, based on an expanded silver substances list. Phase IIb constitutes a series of tests which results can confirm the potential for read-across based on sound scientific data. Both quotations have been evaluated and re-scoped by the TAP. Letters indicated EBRC and Euras to move ahead with the second literature review and the enabling studies will be released soon.

As regards gold and PGM’s, suitable consultants are being identified by the TAP. Currently RCC-Safepharma and WCC have been approached. Dr Knöll will be approached by S. Hottenroth (Umicore). Formal meetings should take place in January 2008 in order to launch Au and PGM’s work programmes.

Participants to the teleconference were also informed on the organisation of a PM refiners meeting on the 12/12/07. The original invitation was sent to PGM registrants only by mistake and will be re-circulated to all PM registrants.

7. KODAK: data-sharing exercise.



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KODAK holds a series of studies performed on silver compounds which can be of use to the PM Consortium and, in particular, to the second literature search performed by EBRC & Euras.

8. Report on participation to LBMA Conference, SUA Annual meeting & IPA Annual meeting.

A late confirmation from Mr S. Murray (LBMA) did not allow anyone from the PM Consortium to prepare or to attend the LBMA 2007 Conference in India. However, a 4-pages flyer was sent to Mr Murray in order to be distributed to the attendees of the Conference.

Following an invitation from Mr Ron Davies, Mr Miller (SUA) dedicated one hour of the SUA Fall meeting' Agenda to REACH and the PM Consortium. C. Braibant presented the main activities of REACH and made sure all the attendees would contact their customers in Europe and make sure REACH is known by them.

B. Binney and C. Braibant attended the IPA Annual meeting in Johannesburg and had the opportunity to update the members of the IPA on the PM Consortium. Representatives from non-member companies were interested in verifying whether they had any need to join the Consortium. Additionally, a representative from BASF indicated that they might need to join the Consortium for substances and not only for intermediates.

9. Next meeting.

C. Braibant will propose a date to hold the next teleconference in early February 2008.

10. AOB and conclusions.

The Chairman expressed thanks to the attendees for their participation and input.