MINUTES

1. **Introduction** The Chairman welcomed all participants to the meeting and wished them all a Happy New Year, which will be a challenging one.

   1.1. Confidentiality and European Competition Law provisions. All attendees have committed to respect Confidentiality and Competition Law.

   1.2. Tour de table. The list of participants is available in Annex 1 and on slide 4 of Annex 2. Paul Whitehead (WCA environment) and Hugo Waeterschoot (HW Consult) introduced themselves to the participants.
   PW: industrial regulatory toxicologist, has followed REACH developments since 2001, his previous experience is with the paper and the lubricants industries, has worked closely with CEFIC. WCA is providing CRO services for all PMC projects (Ag, Au, PM CN-, PGM and Re) which may provide useful information to the PM refinables project.
   HW: marine biologist with extensive experience in classification and risk assessment of metals (since 1986 and 1993, respectively), his previous experience is with Umicore, Eurométaux and Nickel Institute.
   Both experts will provide expertise to the PM Refinables project.

   1.3. Co-Chairpersonship: Daniela Cholakova (Aurubis) was elected as co-chairperson of the PM Refiners WG.

   1.4. Pending actions and approval of the minutes of the 26 Oct 2009 meeting. The actions agreed at the last meeting have all been accomplished or are in progress (see slide 6 of Annex 2). The ID Cards have been approved, the Lead Registrants have been identified, the scope of the PM Refinables project has been defined (refinable 11 has been removed from the scope as it constitutes a (special) preparation), and support experts have been selected (WCA and HW Consult). Other pending actions are addressed in more detail below.
   The proposed Lead Registrants have been elected by the PM Refiners WG (Annex 3). The names of the LR have been added to the ID Cards (Annex 4) which will be circulated to the pre-SIEFs in early February, indicating that the descriptions will be refined and that the classification recommendations will be confirmed in Q2 2010. **AP1, AP2, AP3.**
   One correction was made to the minutes of the meeting; under section 3.2 in the sentence "*It was agreed to circulate the ID Cards as approved and to refine these down to a less detailed description for further steps*" the word "*description*" was replaced by "*format*".

   1.5. Approval of the Agenda. The Agenda was approved (Annex 1). Time did not allow to present phases 6 to 8 of the PM Refiners project (items 3.5 to 3.8 below) in detail but these will be addressed during future meetings. **AP4**

2. **Presentation of PMC Refiners project**

   2.1. Strategy document: background, precious metal refining process flow, strictly controlled conditions – *slides 8-13 of Annex 2 and Annex 2.1*. The set-up of the PM Refinables project is documented in the attached strategy document (Annex 5). Since 2008 the PM Refiners WG efforts aimed at identifying their PM containing UVCB materials, providing composition information for each one of these, and defining groups of similar refinables. Today, these groups need to be prepared for registration, which will be achieved with the support of WCA and HW Consult as indicated above. In light of the confidentiality terms under which both consultancies have committed to work, the PM Refiners WG agreed to share any relevant information and data on their refinables with both of them.
   All refinables declared by the Members have been assumed to be handled under strictly controlled conditions (SCC), which "*should be seen as a combination of technical measures that are underpinned by management systems*" (ECHA guidance on intermediates, Feb 2008).

Although several guidance documents on SCC exist (including Eurométaux' provided in Annex 6) some of them have been recently challenged by authorities who aim at ensuring a legitimate use of the lighter information requirements that apply to isolated intermediates under REACH. As a result of this, ECHA's guidance will be reviewed to cover additional examples to demonstrate the meaning of strict control from one sector to another. One issue which may raise concern is the expectation that the new guidance may include some ruling for manufacturers that export intermediates to countries outside the EU.
For the metals sector a "metal matte" has been proposed as example. The matte is a UVCB material manufactured and imported in high volumes and for which a reasonable amount of information exists; moreover "matte" is a representative type of material which occurs in several metal refining streams. This example will hence become a practical reference to assist metal refiners in their in-house documentation and demonstration of strict control.
Meanwhile the ECHA guidance is updated, Members are recommended to send the Eurométaux guidance to their customers and downstream users and request an acknowledgement (as for an SDS). It was furthermore requested that Eurometaux should update and further detail its SCC guidance as soon as the (spirit of the) ECHA guidance becomes available. One of the issues to consider in this respect is the export of intermediates. Should the ECHA and/or Eurometaux guidance be updated, PMC Members will be informed.

2.2. **PMC project: usual phases, change of focus, and proposed way forward, bottle necks and timeline – *slides 14-19 of Annex 2*.** Considering the data-poorness, UVCB and intermediate status of PM Refinables, it is proposed to structure the registration strategy in such a way that maximum efforts are put in minimising testing and preparing a sound classification notification. Eight phases are recommended for this project instead of the five phases usually followed in the other PMC projects. In order to be ready on time for the 1 Dec 2010 dossier submission deadline, phases 1 to 4 should be strived for in the first quarter of 2010 and the latest early Q2. Key bottle necks for step 1 to 3 are sample selection, preparation and shipping, and test house capacity; it is therefore agreed to select the samples in a reasonably detailed but pragmatic manner, focussing on classification requirements.

3. Phases and steps of the project

3.1. **Identification & analytical work – *slides 21-25 of Annex 2*.** A minimum chemical and mineralogical characterisation (so-called "speciation") of PM refinables is required to support the grouping and sameness approach as well as the classification notification. In some cases, the variability in each group is wide enough to require that several samples are characterised; in other cases, the classification of some of the constituents is so unequivocal that classification recommendations can be derived on the basis of chemical (elemental) composition, base physic-chemical characteristics (pH, ...) and process-related information only. Based on these two scenario, it was agreed to proceed with speciation (Annex 7 and **AP5**):

- *On seven samples:* one doré (impure); two mattes, precious metal refining (fresh and aged); three slags, precious metal refining (borate-type, phosphate-type, and silicate-type); and one speiss leaching residue. Samples will be prepared in-house in order to minimise the amount of sample required and each sample provider will be required to store a reserve amount of each sample in-house for a minimum of two years.
- *At Outotec:* Outotec (Pori, Finland; contact name: Jussi Liipo) has already gained experience with the Ni, Cu and Pb consortia in conducting such characterisation on similar UVCB, by applying XRD, optical microscopy and ICP. **Post-meeting note:** Mineral Liberation Analysis has also been suggested as a useful tool to evaluate the percentage in which each form is present in a Refinable. Au and Platinum Group Elements (PGE) will not be speciated due to technical unfeasibility but the influence of these species in the final classification should minimum given the overruling health hazard categories of the other metal compounds contained in the refinables.
- *Between end Feb and end Mar 2010:* Members indicated that the preparation and sending

of the sample may take up to a month. Outotec has confirmed that once samples are received the tests and reports can be finalised in a month. Considering that samples will not be ready before the end of Feb 2010, reports are unlikely to be available before the end of Mar 2010 – BOTTLE NECK!

An adequate identification of a substance or intermediate under REACH is required as part of a complete registration dossier. A mono-constituent substance or intermediate is likely to be more easily analysed and characterised than a UVCB substance or intermediate, which composition is more variable.

In order to make sure that all NFM consortia provide the same type of "minimum identification" recommendation to their Members, Eurométaux will draft a generic paper outlining the minimum number and type of analysis that must be performed by each registrant on its material(s). The results of these analysis must be attached to a registrant's registration dossier (cannot be submitted jointly) and may be requested by authorities in the event of a REACH audit or control.

3.2. **Preliminary classification – *slides 26-29 of Annex 2*.** According to Article 4 of the CLP directive a classification notification must be submitted for all substances (and intermediates) before these are placed on the market. Where a substance (or intermediate) is not placed on the market but is subject to a registration obligation under REACH, a classification must also be submitted. This means that all substances and intermediates (including PM Refinables) to be registered by the Members of the PMC require to be classified. In the registration dossier, the classification notification is done in Section 2 of IUCLID 5.

The classification provided in the ID Cards (versions of 22 Jan 2010 and before) constitute indicative (TIER 0) classifications derived by applying the additivity rule (adding up the individual concentrations of the constituents of each refinable, for a given (eco-)toxicity endpoint) classification. These were used to predict the likely CMR or R50-53 classification of the refinables and the registration deadline associated to this classification but do not cover all endpoints or constitute a classification recommendation yet. Such a TIER 1 recommendation or proposal will be derived using the ARCHE and Cu Consortium classification matrix tool and a refined description of the refinables' composition. **AP6**

3.3. **Evaluation of available information – *slides 30-32 of Annex 2*.** Information on PM refinables is unlikely to exist in open or scientific literature and publications (except perhaps for slags, where some exposure-related information may exist); information on most of the constituents will however be available. In the third phase of the PM refinables project all information that exists on the PM refinables, their constituents, and similar refinables in other NFM streams must be captured and evaluated. A summary of the type of information available on the PM refinables is available in Annex 8. **AP7**

3.4. **Read-across possibilities/potential – *slides 33-35 of Annex 2*.** The outcomes of phases 1, 2 and 3 above will be used to identify endpoints that can be waived, for which information can be read-across from existing information, and for which testing will be required. In addition, manufacturers have the right to correct for the combined effect (of the different constituents in the refinable) if relevant information can be provided. This also includes an evaluation of the likely/relevant classification(s) applicable to each refinable and the need to conduct T/D (24 h screening or full) tests to refine or confirm such classifications. As in some cases the composition and process-related information was sufficient, 24 screening T/D tests have already been agreed (Annex 9):

- *For eleven samples:* two dorés (pure and impure); two mattes, precious metal refining (fresh and aged); three slags, precious metal refining (borate-type, phosphate-type, and silicate-type); and four materials for reclaim, PM with or without support (without support, with ceramic-based support, with carbon-based support, and with metallic-based support). Samples will be prepared in-house in order to minimise the amount of sample required and each sample provider will be required to store a reserve amount of each sample in-house for a minimum of two years. **Post-meeting note:** *One "material for reclaim, PM without support" may be added to the scope of this work.*

- *To be conducted at ECTX Consult:* ECTX Consult (Hasselt, Belgium; contact name: Tony Brouwers) has already performed some work for the Cu and Zn consortia and is therefore familiar with UVCB materials.
- *Between end Feb and end Mar 2010*: Members indicated that the preparation and sending of the sample may take up to a month. ECTX Consult has confirmed its interest in working with the PMC. Considering that samples will not be ready before the end of Feb 2010, reports are unlikely to be available before the end of Mar 2010 – BOTTLE NECK!

The outcomes of phases 1, 2, 3 and of the 24 h screening T/D tests will be discussed by the PM Refiners WG, WCA, HW, Outotec, and ARCHE at an *ad hoc* meeting – BOTTLE NECK! **AP8**

3.5. **Testing programme (Annex VII and classification) – *slides 36-41 of Annex 2.*** Although REACH requirements for intermediates handled under strictly controlled conditions are limited to "any existing available information", CLP requirements for any substance (including materials) include an obligation to perform a minimum of physico-chemical tests (article 8(2) of CLP Directive or Directive EC 1272/2008). Moreover, for transported isolated intermediates that are manufactured and/or imported in volumes of 1000 tonnes per year or more, additional Annex VII information requirements apply.
As a result of phase 4 a testing strategy will be defined for all refinables (consistent with the approach taken by other NFM consortia), on a reduced number of reference samples, based on the outcomes of the speciation and 24 h screening T/D test. In cases where a representative (and final) reference sample has been identified for a refinable, phys-chem (and other Annex VII) testing can run in parallel with phase 1. **AP9**
Amongst the phys-chem tests one must be performed by each individual registrant: granulometry on substances that are manufactured and/or placed on the market (materials with a diameter of one millimetre or more are considered as "massives"). PMC will provide its Members with a testing guideline. **AP10**

3.6. **Refined classification – *slides 42-45 of Annex 2.*** Time did not allow presenting this item. Following the outcomes of phases 1, 3, 4 and 5 the preliminary classification recommended as part of phase 2 will be refined. Where the variability of composition within a refinable group is large and can be divided in sub-groups, the PMC will provide one classification for each sub-group, including the composition limits or boundaries associated to each classification. Each classification will be proposed to the PM Refiners WG, and presented to the SIEF for information/approval. The "approved" classifications will then be populated into section 2 of IUCLID 5 by WCA with a clear reference to the specific grade of the refinable to which they correspond.
Where a Member manufactures or imports a material which shows a specific composition/hazard profile that cannot be classified by any of the classification recommendations provided by the PMC, an *ad hoc* classification will be required. Members will therefore have access to ARCHE's and the Cu Consortium's classification tool, after it is updated with PM specific toxicity reference values.

3.7. **IUCLID 5 compilation – *slides 46-49 of Annex 2.*** Time did not allow presenting this item. IUCLID 5 files will be compiled by WCA; sections 1-3 will be pre-populated by WCA and PMC but will require completion by each respective company. In any case, IUCLID 5 compilation shall be done in a manner that is consistent with the approach followed by other NFM consortia for their UVCB intermediates. **AP11**

3.8. **Dossier submission – *slides 50-52 of Annex 2.*** Time did not allow presenting this item. Some questions on dossier submission must still be resolved by PMC before a guidance document can be finalised and a training session can be organised. **AP12**

4. PM Refiners project plan & immediate steps

4.1. **PM Refiners project plan.** Time did not allow presenting this item. The proposed project plan was provided in the handouts and will be adjusted with WCA and HW Consult. An updated version will be used as reference to follow-up on the progress of the project and report to the PM Refiners WG, the Mgmt Cttee and the Assembly.

4.2. **Immediate steps – *slides 53-55 of Annex 2*.** Cf. slides 53-55 and action points table below.

5. Next meetings, AOB and concluding remarks

5.1. **Next meeting: to discuss outcomes of speciation work, data gaps, read-across potential and testing programme.** The next meeting will take place on the 24 Mar and/or the 21 Apr 2010 in Brussels. As necessary a teleconference will be organised to address specific items in advance and avoid any delay in the project.

5.2. **Post-registration.** In addition to a section on strictly controlled conditions the strategy document on PM Refinables will include a section on waste implications and amongst others, scenario explaining how:

- to handle materials that could be considered as being "close to waste" but registered as substances under REACH
- to handle materials that are considered as waste by one MS and as a substance in another MS

AP13

Annexes:

1. Agenda
2. Slide set presented at the meeting
2.1. Slides on strictly controlled conditions presented by Hugo Waeterschoot
3. Inventory of refinables, including REACH strategy and LR for each
4. Final ID Cards (22 January 2010)
5. PM Refinables project strategy
6. Eurométaux guidance document on strictly controlled conditions (June 2009)
7. Agreed speciation (chemical and mineralogical characterisation) testing
8. Information available by Members on the PM Refinables
9. Agreed 24 h screening T/D (transformation/dissolution) testing

Table 1. Actions agreed at 20 January 2010 PM Refiners WG meeting with WCA and HW Consult

Action n°	What?	Who?	(By) When?
1.	Circulate names of nominated LR to Assembly for approval	CB	End Jan 2010
	Send .xml file of "Slags, doré furnace" SIEF to CB	Aurubis	15 Feb 2010
	Send .xml file of "Flue dust, precious metals refining" SIEF to CB	Umicore	15 Feb 2010
	Send .xml file "Residues, silver sludge-electrolysis zinc-pptd., precious metal-contg." SIEF to CB	Members	15 Feb 2010
	Circulate final ID Cards to pre-SIEFs	CB	15 Feb 2010
2.	Propose refined description of each Refinable for which it is appointed as LR so as to provide additional information on the process involved, to such an extent that it allows to capture a general view (from a REACH perspective), on the handling conditions under which the intermediate is manufactured and used (chemically transformed)	Lead Registrants	
	Circulate descriptions to interested Members for comment and review, before circulating to the entire PM Refiners WG for approval	CB	
3.	Review where applicable, the indicative classification of each Refinable based on speciation and new toxicity reference information	HW	After speciation results
4.	Read slides 42 – 52 of Annex 2 and provide comments and questions to CB	Members	15 Mar 2010
5.	Secure timeslot at Outotec to perform speciation test on seven PM refinables samples before the end of Mar 2010 and send relevant testing guidelines to Members	CB	End Jan 2010
	Prepare a sample protocol and a sample request indicating the amount of sample required, the packaging requirements, a general description of the sample requisites, the	CB, HW, WCA	End Jan 2010

Action n°	What?	Who?	(By) When?
	information that should accompany the sample, as well as the contract number, contact person and address of delivery of the sample.		
	Prepare and send the sample as per PMC's sampling protocol and sample request	Sample providers	End Feb 2010
6.	Send most updated version of "Refinables inventory" listing composition of each specific material allocated to each refinable group (to identify classification sub-groups in each refinable)	Members	End Jan 2010
	Send company-specific inventories to HW and WCA	CB	End Jan 2010
	Derive classification sub-groups for each refinable, based on composition of specific materials allocated to each refinable group	HW	Mid Feb 2010
7.	Send all information available on refinables to CB (including any analytical report which contains a clear reference to the analytical technique (e.g.: XRD, XRF, ICP, etc.) used. More "regular" or "informal" analytical work should not be submitted).	Members	End Jan 2010
	Evaluate all information received from PMC and found in other sources to derive draft toxicity reference values (TRV), identify data gaps and preliminary read-across possibilities.	WCA (reviewed by HW)	End Mar 2010
	Submit proposal for free exchange of TRV with other NFM consortia to PMC Mgmt Cttee	CB	End Feb 2010
8.	Secure timeslot at ECTX Consult to perform 24 h screening test on eleven PM refinables samples before the end of Mar 2010 and send relevant testing guidelines to Members	CB	End Jan 2010
	Prepare a sample protocol and a sample request indicating the amount of sample required, the packaging requirements, a general description of the sample requisites, the information that should accompany the sample, as well as the contract number, contact person and address of delivery of the sample.	CB, HW, WCA	End Jan 2010
	Prepare and send the sample as per PMC's sampling protocol and sample request	Sample providers	End Feb 2010
9.	Identify those refinables for which phys-chem can be run in parallel with speciation and/or T/D tests	HW	End Jan 2010
	Identify and evaluate information on refinables undergoing phys-chem testing in parallel with speciation and/or T/D tests	WCA	End Jan 2010
	Secure a timeslot at Harlan UK to perform phys-chem tests between end of Feb and end of Mar 2010 (and follow-up on Harlan's progress regularly to avoid any delay)	WCA	End Jan 2010
	Prepare a sample protocol and a sample request indicating the amount of sample required, the packaging requirements, a general description of the sample requisites, the information that should accompany the sample, as well as the contract number, contact person and address of delivery of the sample.	CB, HW, WCA	End Jan 2010
	Prepare and send the sample as per PMC's sampling protocol and sample request	Sample providers	End Feb 2010
10.	Confirm whether granulometry must be performed once for each reference sample or whether it should be performed by each individual registrant separately for each one of its (representative) refinables' samples	CB	End Jan 2010
11.	Circulate the conclusions of Eurométaux' IUCLID 5 working sessions to WCA	CB	End Jan 2010
12.	Obtain a clarification on the following questions related to IUCLID 5 compilation and dossier submission: □ How to register a material for which a new EINECS number is requested as result of the sameness discussions and SIEF splitting? □ How to submit a name change proposal or a new description? □ How to submit a classification notification? In the joint file or in each individual file?	CB	End Feb 2010
13.	Send any information which may be useful to CB to draft a recommendation on REACH versus waste distinction and management	Members	End Feb 2010

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