MINUTES

1. Introduction.

1.1. Confidentiality and European Competition Law provisions. The participants were reminded on their commitment to comply with Confidentiality and Competition Law provisions.

1.2. Approval of the Agenda. The Agenda (Annex 1) provided an informal support to the meeting. The overall structure of the meeting was approved.

1.3. Tour de table and apologies of non-attendees. The names of the participants are presented in slide 3 of Annex 2. Three participants will join the by the teleconference at the end of the meeting.

2. Background/Context.

2.1. Feed-back on requests sent on 10 February 2009. Slides 7 and 8 of Annex 2 show the names of the representatives having volunteered to be on the Complex Refinables Task Force and the complex refinables inventories that have been received to date (since 2007). As regards the recent request, only five companies have submitted their inventory under the required format.

2.2. Resulting PM complex refinables indicative list and related Pre-SIEF situations. The list of PM complex refinables was provided to all attendees in the handouts. For most of them, no company has ticked the SIEF Formation Facilitator (SFF) box. Vale Inco has ticked the SFF box for entry 308-516-0 Slimes and sludges, precious metals refining. It was agreed for companies to go back to their pre-registrations and make sure the SFF box, if still available, is ticked, so as to ensure a link between the Consortium and the pre-SIEF, for further information/communication needs. ***The Secretariat will meet with J. Leenaers (Eurométaux EHS Manager, Secretariat of Intermediates SubGroup) in order to compare the PM Complex refinables list with the list of the other consortia***, so as to avoid overlaps.

2.3. Context/background. Slides 11 to 16 of Annex 2 provide more information on the steps that have been undertaken by the Consortium to agree on a pre-registration strategy. The Secretariat was invited to contact the Cu Consortium in order to find out how they have pre-registered copper blister without EINECS number[1]. The objective today is to determine how this pre-registration strategy needs to be adjusted in light of registration needs. The above indicative list was compiled based on submissions received as per the request sent by e-mail on 10 Feb 2009, older submissions and submissions in other formats. Not all submissions included information on composition and some refinables were hence, placed in the one or the other entry based on the name of the material.

3. Discussion.

3.1. What has been pre-registered and how? In order to lead by example, Vale Inco

[1] **Post-meeting note:** E-mail sent to K. Lacasse on 3 March 2009.

Contact Info of the Consortium
Avenue de Broqueville, 12 – BE-1150 Brussels
Tel.: +32 2 775 63 23 **Fax:** +32 2 779 05 23 **Mobile:** +32 473 52 52 73
E-mail: braibant@epmf.be **Website:** www.epmf.be

presented its list of pre-registered complex refinables in slide 14 of Annex 2. The Secretariat has received most of the .xml files for the refinables that have been pre-registered by the Members of the Consortium. ***The following have not yet been received: 310-050-8, 309-643-4, 308-526-5, 266-975-1, 308-315-8, 273-826-4.*** Most of the Members have followed the recommendations of the Consortium. In some exceptional cases, they followed the recommendation of other consortia (e.g.: Pb Consortium) or followed an alternative solution because the proposed concentration ranges or descriptions did not fit their materials adequately (although it was indicated in the pre-registration leaflet that concentration ranges were indicative only). In some other cases, due to the complex nature of their materials, they have pre-registered these as multi-constituent substances containing several refinables.

3.2. Strict control of intermediates. Most of EU MS have not yet clarified how they will enforce REACH as regards verifying strict control of intermediates. Xstrata Nickel has engaged in a voluntary dialogue with Norwegian authorities although these do not provide a clear indication on what will or not be accepted as strict control. Norddeutsche Affinerie has shared its views on strict control (mainly based on available exposure information and a reasonable worst case approach) with Germany. Strict control is mainly about minimising risk, whether there is a known threshold or not. Strict control of transported isolated intermediates is subject to the interpretation of the Competent Authorities of the Member States through which the intermediate will be transported. Additional recommendations can be found in Annex 4. The Consortium strongly urges its Members to implement the recommended measures or the necessary plans to achieve strict control of their intermediates.

3.3. What is a complex refinable?

3.3.1. Waste vs. non-waste. Although some refinables can be considered as waste in some Member States, it is generally assumed that the materials listed in the PM complex refinables indicative list are non-waste. One of the EINECS entries that were used for pre-registration (308-526-5) however, includes the word "waste" in the EC name (Waste solids, precious metals refining). This entry was used for (spent) catalysts for PGM recovery and PGM carbon residues. In order to identify another route for registration, and avoid the reference to a "waste" entry, the ***Scientific Manager will contact the European Catalyst Manufacturers Association (ECMA) and understand how their members have addressed REACH compliance for catalysts***[2].

3.3.2. Sameness. A preliminary sameness assessment has been performed for half of the entries of the PM complex refinables indicative list. One of the entries which must probably be divided into several groups is entry 308-516-0 Slimes and sludges, precious metals refining. The method to proceed to such division will be addressed at a later stage but it seems as new entries will need to be proposed to the ECHA for some of the materials. This also applies to entry 305-506-6 Precious metal matte, where bullions need to be removed from the current entry. The need for speciation data

[2] **Post-meeting note:** E-mail sent on 2 March 2009.

in order to confirm substance sameness and propose classification will be addressed at a later stage. Wherever possible, the final entries shall remain reasonably flexible.

3.3.3. Grouping possibilities/approaches. Several slags entries can probably be grouped under one entry, depending on the individual compositions that have been declared by the Consortium Members (cluster analysis may be used to support grouping). When grouping materials that can be considered as being the same, attention should be paid on the need to obtain a representative sample, in the event testing becomes necessary.

4. Next steps.

4.1. Key actions:

4.1.1. Election of Co-Chairperson. Considering the upcoming retirement of J. Levison (Vale Inco), *a Co-Chairperson should be identified at the next meeting* in order to follow-up after Jeff's retirement.

PM Complex refinables indicative list. This list needs to be refined in light of substance sameness needs. An initial refinement was done by evaluating the name and the descriptor of each entry, and the materials that have been listed under each one. Should any entry be amended or created for a specific subgroup of materials, this shall be done in line with the ECHA guidance on identification and naming of substances. The next step involves the evaluation of the compositional ranges (and the need for speciation data to differentiate metallic from non-metallic forms), in order to come up with a classification proposal. Such exercise can be performed by distinguishing precious from non-precious metals, classified from non-classified constituents, amongst other approaches (Annex 5). *The remainder of the list not considered at the meeting will be considered during the next teleconference. Participants were requested to consider ways of tackling substance sameness for the range of substances in Slimes and Sludges, Precious Metals Refining. It was noted that many apparently similar lead-containing materials were spread across several Pre-SIEFs; the Secretariat was requested to provide an anonymous list of the individual compositions of these substances as supplied by Consortium members to allow sameness to be assessed independently of their selected Pre-SIEFs.*

4.1.2. Neutral expert. Due to confidentiality and competition law, the evaluation of the PM complex refinables indicative list can only be done in a partial manner, by the members of the Task Force. In future, the need for an independent expert, with expertise/experience in precious metal refining, should be considered.

4.2. Next meeting/teleconference:

- 16 March, 10-11h30 am CET (teleconference)
- 3 April, 10-11h30 am CET (teleconference)

5. AOB and Conclusion.

Annexes:

26th of February 2009, 10h30 – 16h30

Chair: J. Levison (Vale Inco)

1. Agenda
2. Slide set
3. PM Complex refinables indicative list
4. Eurométaux guidance on strictly controlled conditions
5. Possible approach for precious metals categorisation

Contact Info of the Consortium
Avenue de Broqueville, 12 – BE-1150 Brussels
Tel.: +32 2 775 63 23 **Fax:** +32 2 779 05 23 **Mobile:** +32 473 52 52 73
E-mail: braibant@epmf.be **Website:** www.epmf.be