



PMC Management Committee

Minutes, Conference call, 17 January 2017 (10:00-12:00)

Chair: Guy Ethier (Umicore, Belgium)

Actions	Who?	When?	Status
Amend the slides with correct title of Co-chair	FC	17/01/2017	DONE
Review wording of the sub-licensing letter to be signed by PMC members	FC/K&L Gates	31/01/2017	
K-REACH data sharing proposal for each request	FC	7/02/2017	
Amendment of Cs agreement - request approval of the Assembly and put in place Ag EQS sub-Assembly	FC	February 2017	
Conference call between PMC and IPA	FC	18/01/2017	
Amended agreement between IPA/PMC	FC	15/03/2017	
Draft agenda and introductory slides in preparation of the EPMF/PMC meeting of 9th February	FC	End of January 2017	

1. Welcome and Introduction

France Capon welcomed the participants of the conference call and reminded the confidentiality rules and competition law. The conference call started with the review of the quorum which has been reached (see Annex 1). The agenda has been reviewed and approved including under A.O.B. an update on the Karstedt-Reconsile issues.

Nissanka Rajapakse requested some clarifications regarding the change in staff and the replacement plan. France Capon explained that despite some good job done on some dossiers, Marie Gorkem did not demonstrated enough communication skills nor enough analytical and concise thinking to properly



fulfil her main responsibilities. Therefore, for sake of efficiency and to ensure the best use of the PMC resources, we decided with the Chair and Co-Chair to cease her contract. It is not planned to replace her at this stage, the work will be prioritized and split amongst the existing staff mainly Jelle Mertens, Maxime Eliat and France Capon. An assessment of resources and expertise will be done as soon as the future of PMC will be determined. Guy Ethier and Heinz-Günter Schenzel confirmed this and clarified that several managerial steps had been taken to address the issue during her performance assessment but that Marie was not up to the expectations. The Chairs also confirmed that this was the right timing to take this decision taking into account that Marie was not involved in the registration process and the ongoing discussions on the future of PMC.

Nissanka Rajapakse questioned the communication made to the PMC members and the lack of clarity around the process. Guy Ethier clarified that the decision to communicate neutrally was taken to make things less difficult.

France Capon reviewed the actions of the previous conference call (21 November 2016). All have been conducted and the minutes of previous conference call have been approved.

2. Election of the Chair and Vice-Chair

The Management Committee has been elected for 2017-2019 by the Assembly in December 2016. Following article 4.2.1.2. of the Consortium agreement, “the members of the Management Committee shall elect between themselves a Chairperson and a Co-chairperson for a period of 2 (two) years”.

The Management Committee elected Guy Ethier (Umicore, Belgium) as Chairperson and Heinz-Günter Schenzel (C. Hafner, Germany) as Co-chairperson.

ACTION: amend the slides with correct title (FC, 17/01/2017)

3. Review of the data sharing issues (cf. Preparatory document 1)

1. Data ownership of existing studies

Rudolf Eller consulted Heraeus legal department on the letter to be signed by the PMC members to grant to PMC sub-licensing of existing studies included into registration dossiers. He will keep the Management Committee posted.

Nissanka Rajapakse asked some clarification about the scope of the sub-licensing agreement. France Capon confirmed that the sub-licensing authorisation is only for the studies used in PMC registration dossiers and the related LoA. There is no possibility for PMC Secretariat to sub-license the studies in another context (e.g.: read-across of other substances).

The Management Committee agreed with the suggested way forward regarding data sharing issues: PMC members will be invited to sign the sub-licensing agreement and the 3rd parties owning data used in PMC registration dossiers will be contacted individually.



ACTION: review wording of the sub-licensing letter to be signed by PMC members (FC/K&L Gates, 31/01/2017)

2. K-REACH

The Management Committee agreed to:

- Favour the negotiation and the selling of the data to a trustable partner (being the central contact point)
- Foresee a mechanism to protect the data against misuse and ensure the inclusion of a reporting mechanism but also some extra costs to take into account the level of risk associated to the distance and partner.
- Ensure that PMC members who need to register in Korea are not double paying the studies (e.g. including a specific clause in the data sharing agreement)
- Adapt the data shared to the relationship (depending on the level of trust) with the partners
- Pay attention to the use of the data and the way of assessing them. In this context, it is important to highlight that the rules are different in the EU and in Korea. Indeed, in the EU companies are fully responsible of the data gathering, derivation of classification and risk assessment while in Korea, the companies are only responsible of the data gathering. The other tasks are conducted by the authorities. This issue was discussed with the other commodities and some actions have already been taken to raise awareness at Korean authorities level. PMC will ensure that the correct information is available regarding read-across to ensure a proper assessment by the authorities. Companies who are also involved in Korea could support the effort.

ACTION:

- **K-REACH data sharing proposal for each request (FC, 1st week of February 2017)**

4. Proposal related to Ag WFD project (cf. Preparatory document 2)

The Management Committee recommends the Assembly to approve the proposal to amend the PMC agreement to the minimum extend at this stage, as proposed in the amended agreement (annex 2).

It is confirmed that we can use the current structure (existing Ag WG, Management Committee and Sub-Assembly) to handle the issue. This way of working is similar to the one of the SVHC sub-Assembly.

ACTION: request approval of the Assembly and put in place Ag EQS sub-Assembly (FC, February 2017)



5. Collaboration with IPA and existing data sharing agreement (cf. Preparatory document 3)

France Capon introduced the topic highlighting the terms of the existing agreement between STF IPA and PMC. The Management Committee confirmed that:

- A right level of collaboration with the sister associations is needed
- The collaboration agreement must be fair taking into account that all the IPA members are not members of PMC. The use of data must be protected by a strong NDA to avoid misuse of the data.
- An amended collaboration/data sharing agreement must be discussed to
 - Focus on collaboration with the IPA Secretariat to provide necessary scientific information for advocacy in the regulatory fields in the IPA mandate
 - Allow co-sponsorship of studies

ACTIONS:

- **Conference call between PMC and IPA (FC, 18/01/2017)**
- **Amended agreement between IPA/PMC (FC, 15/03/2017)**

6. Preparation of the meeting between EPMF Board and PMC Chairs

The Assembly requested that PMC chairs and EPMF Board meet to discuss the Ag issue but also the future of PMC. The meeting must be guided by the decision of the Assembly and also by the discussion and recommendation made by the Management Committee regarding the Ag WFD issue. Currently, PMC is focused on REACH registration – the key question to EPMF, as federation in charge of advocacy, will be how to better maximise the existing information in the advocacy conducted by EPMF. As with IPA, discussions must also be conducted with other associations like JRC to ensure a better coordination and efficiency of the advocacy work in the interest of the precious metals industry. As company, it is also needed to discuss internally with EPMF representatives to align position before this meeting. PMC developed a strong position in chemicals management of precious metals based on data but also on staff and this must be better used for further advocacy activities by the relevant body.

ACTION: draft agenda and introductory slides in preparation of the EPMF/PMC meeting of 9th February (FC, end of January 2017)

7. A.O.B. and closure of the call

France Capon updated the Management committee on the Karstedt issue. As agreed by the Assembly, the Karstedt dossier is ready to be submitted to ensure compliance with Reconcile deadline of March 2017. An update of the dossier could be needed before summer depending on the final outcome of the OECD 422. Reconcile finally accepted a meeting (requested end of November to discuss the workplan) but no dates are feasible before February 2017. They want to discuss technical questions related to the



dossier but also data sharing since they questioned the cost sharing formula. The PMC co-registrants and the Chair of the PGM WG will be invited to the meeting as soon as dates will be selected by Reconcile. The Management Committee agreed that this does not change the workplan and that the Karstedt dossier must be submitted in January 2017 as approved by the Assembly.

Next meeting: 15 March 2017, in Brussels.

List of annexes:

Annex 1: Participants list

Annex 2: Preparatory documents

Annex 3: Slides presented at the call



Annex 1: Participants

France Capon, EPMF (Belgium)
Patrice Corbiau, K&L Gates (Belgium)
Rudolf Eller, Heraeus (Germany)
Guy Ethier, Umicore (Belgium)
Jorn Muehlenfeld, Aurubis (Germany)
Nissanka Rajapakse, Johnson Matthey (UK)
Audrey Rondepierre, EPMF (Belgium)
Heinz-Günter Schenzel, C. Hafner (Germany)
Holger Zitt, BASF (Germany)

Apologies: Francisco Boo, Metalor (Switzerland)