



22 January 2015 (16:00 - 17:00 CET)

Secretariat: *Katrien Arijs, France Capon, Klaus Rothenbacher*

Minutes

1. Welcome and introduction

- a. **Reminder on confidentiality and Competition Law.** Participants were reminded on their obligation to comply with confidentiality and Competition Law.
- b. **Tour de table and apologies.** The list of participants is available in Appendix 1.
- c. **Approval of the Agenda.** The Agenda (Presentation slide 2, send with the minutes as **annex 1**) was approved.

2. Background

Presentation of the background summarizing the different actions taken by PMC and Reconsile since 2011 on Karstedt.

Cf. presentation slides 3-5.

Comments and discussion

Umicore highlighted the fact that the MoU (Memorandum of Understanding) and the Cooperation agreement are the same document.

Dave Boyd clarified that the work he did in September 2014 on sameness was done under an NDA that he signed on an individual basis with PFA since he was not aware of the NDA signed between PMC and Reconsile (which lists him as a representative of PMC).

3. Review of the remaining concerns of the PMC members related to the MoU

Cf. presentation slide 6.

4. Suggested way forward

Presentation of the suggested way forward (see presentation slide 7).

Comments and discussion

Alain Palmers (in his role of legal counsel of PMC) confirmed that the existing NDA is sufficient to protect confidential data and undergo the work needed to assess sameness of the substance between PMC and Reconsile. He highlighted the fact that the NDA is valid until 2022 (+ 5 years) for data protection.

Heraeus confirmed that the suggested way forward is acceptable: working first on the sameness of the substance under the NDA and signing the MoU (or Cooperation agreement) only if sameness is demonstrated.

Umicore highlighted the fact that the sameness check must be done as soon as possible taking into account the risk to be obliged to include this work in PMC workplan if the substance is different from the substance to be registered by Reconsile.

Heraeus requested some clarifications about the members of the Experts group on sameness: the Secretariat confirmed that company representatives are welcome since the data can be anonymized and a procedure already exists and will be applied.

It was confirmed that 4 companies in the Reconsile consortium are interested in the SID of Karstedt. The number of companies in the SIEF is unknown. (*Post-meeting note: There are 72 pre-registrants.*)

Several options were discussed to report the individual tonnages of Karstedt concentrate (e.g., based on Pt content, based on the concentrate, based on the further diluted solution). The actual option used will be up for the sameness expert group to decide. As it is important that all PMC members use the same base for reporting, it was agreed to base the reported tonnage bands on the concentrate for the time being. Heraeus position paper (see **annex 2**) will be circulated to support the companies to define tonnage band.

Companies approved the suggested way forward.

5. Next steps

Presentation of the next steps (see presentation slide 9)



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Table 1. Actions agreed at 22 January 2015

	What?	Who?	When?
1-	Confirm tonnage band to PMC Secretariat	Companies	26 Jan 2015
2-	Send with the minutes, Heraeus position paper on Karstedt substance identity	F. Capon	23 Jan 2015
3-	Organize a meeting with Reconsile to discuss the suggested way forward	F. Capon	ASAP
4-	Send to Reconsile PMC tonnage band	K. Arijs	26 Jan 2015
5-	Create Experts group and organize meeting	PMC/Reconsile	February 2015
6-	Finalize sameness discussion	Experts group	Before Summer 2015
7-	Finalize the MoU/Cooperation agreement	PMC/Reconsile	Before Summer 2015



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Appendix 1: list of participants

Angela Alderman
Markus Binder
David Boyd
Roland Brasch
Heike Kinz
Alain Palmers
Marleen Van Den Bergh
Markus Willeke
Klaus Zimmermann

Johnson Matthey
Heraeus
Consultant
Heraeus
Umicore
Umicore
Umicore
Heraeus
Umicore

Apologies:

Mark Raffray

Johnson Matthey