



European Precious Metals
Federation

European Precious Metals Federation

Pb & PbO platform

12 February 2019 | Brussels, Belgium



Welcome & Introduction

Confidentiality and competition law

DO	DON'T
¶	
Application of competition law	
Art. 101 and 102 TFEU may be applicable to the conclusion of any preliminary agreement and activities of any preliminary phase. ☒	Don't assume that conflicts with competition law are excluded simply by the fact that the Association's Articles of Association and Internal Rules comply with the provisions of the REACH Regulation. ☒
¶	
Consultation in Matters of Competition Law	
Consult an in-house legal expert or the compliance officer of your company/association or an external lawyer whenever there are uncertainties respecting compliance with competition law. ¶ Stop all meetings/discussions which are not in compliance with these Compliance Guidelines until a legal expert has been involved. ☒	Don't assume that these Compliance Guidelines deal with all competition law issues exhaustively. Basically, compliance with Art. 101 and 102 TFEU can be determined only on the basis of market impact in each individual case. These Compliance Guidelines may therefore be regarded only as a means of providing general conduct recommendations. ☒
¶	
Activities in any preliminary phase and at any other stage of operation of the Association	
Restrict cooperation within the scope of the preliminary phase to the initially defined goals and purposes of the cooperation. ¶ ☒	Pursuant to Art. 101 and 102 TFEU, activities which have the object or effect of preventing, restricting and/or distorting competition are prohibited within the scope of the Association's Articles of Association and Internal Rules, including: ¶ --> Coming to agreement, including arrangements or collusions, about prices, markets and customers (see Art. 101 paragraph 1 a)-e) TFEU); ¶ --> Joint boycotting of other companies; ¶ --> The unjustified unequal treatment of trade partners; ¶ --> The abusive exploitation of a dominating market position. ☒
¶	
Exchange of Confidential Information	
Involve a Trustee for the exchange of Confidential Information. ☒	The exchange of Information concerning market behaviour and having the object or the effect of preventing, restricting and/or distorting competition is inadmissible; in particular, this relates to: ¶ --> Production capacities; ¶ --> Productions or sales volumes; ¶ --> Import volumes; ¶ --> Market shares; ¶ --> Price policy; ¶ --> Distribution and marketing terms; ¶ --> Marketing strategies; ¶ --> Information regarding the relationship with suppliers. ☒
¶	
Documentation on Cooperation	
Keep minutes of all meetings which detail the subject of the meeting. ¶ In case of uncertainty, have the contents of the minutes reviewed by an external legal expert prior to sending them to all Members. ¶ Stop all meetings which are not in compliance with these Guidelines until a legal expert has been involved. ☒	



Attendance list

- Daniela CHOLAKOVA, Aurubis (Belgium)
- Sylvaine DUARRI D'HAENE, Umicore (Belgium)
- Wouter GHYOOT, Umicore (Belgium)
- Michael HUBER, C. Hafner (Germany)
- Jelle MERTENS, EPMF (Belgium)
- Mika TOIVOLA, Boliden (Finland)
- Michel VANDER STRAETEN, Consultant to EPMF (Belgium)
- Paul YLIOJA, Johnson Matthey (United-Kingdom)

Apologies

- Francisco BOO, Metalor (Switzerland)



Agenda

- Welcome and Introduction
 - Confidentiality and Competition Law
 - Tour de table and apologies
 - Approval of the agenda
 - Review of the actions and approval of the minutes of previous meeting (12 December 2018)
- ILA and Eurometaux activities: status
- EPMF Action plan
- Scope of authorization (SIS, SIM, intermediates) – status and input
- Mass flow analysis with exposure occurrence – status and input
- Analysis of alternatives – status and input
- OELs data gathering approach, principles and timing
- SEA data gathering approach, principles and timing
- Conclusions

FOR APPROVAL



Actions & minutes (12/12/18)

- Summary of the current draft strategy document in a two-pager and shared with ILA, EPMF Secretariat, December 2018 - **DONE**

FOR APPROVAL





ILA and EM activities

Status

ILA status

- **Pb metal:**
 - Public consultation still scheduled September 2019
 - Recommendation: H1 2019 – planning and data gathering
 - Advocacy only feasible after ECHA opinion

- **Pb compounds:**
 - Annex XIV listing on hold
 - RAC mandate to review OELs – June 2019?
 - New OEL and BLV expected not before 2022 (socio-economic impact and technical feasibility included)



ILA status

- **Outcome of the ILA survey:**
 - 45 responses from wide-range sectors
 - Ten core areas have been identified including
 - Solar panels
 - Aerospace and defence
 - Consumer goods
 - Circular Economy & recycling
 - Cabling
 - Machinery and machine engines
- **Development of four packages for advocacy – April 2019**
 - Context report
 - Messaging document
 - Case studies
 - Resilience document (incl. Q&A)



ILA status

- **Media package (visuals, infographics etc.) – June 2019**
- **SOCRATES network collaboration (<https://etn-socrates.eu>)**
 - European Training Network for the sustainable, zero-waste valorisation of critical-metal-containing industrial process residue
 - One pager available on the importance of Pb as a key enabler
 - Meeting under schedule to seek for additional support from this academic network



EM status

Impurities TF – kick off (31/01/19)

- Objectives:
 - Clarify the terminology (minor constituent, impurities etc.)
 - Present a responsible strategy to manage the risks of impurities/minor constituents along the 5 following axes:
 - Knowledge on occurrence and flow
 - Understanding of hazards and risks
 - Defining risk management approach
 - Assessing monitoring trends
 - Communication needs to ensure acceptance of the strategy
 - Communicating the strategy
 - Advocacy needs?





EPMF Action plan

Reminder

Highlights

When?	What?	Status
Q4 2018	Concept of mass flow analysis with exposure occurrence (with EM)	Done
Q4 2018	Overview of existing available alternatives to refine/recycle precious metals	Ongoing
Q4 2018	Develop a detailed WP for each data gathering project	Done
Q1 2019	Scoping of Authorisation: exemptions, SIS and SIM – data sheets	Ongoing
Q1 2019	Develop mass flow analysis with exposure occurrence in precious metals refining and recycling	Ongoing
Q1 2019	Collect existing data on Pb monitoring	
Q1 2019	SEA: concept of scenarios and prioritisation of data needed for the public consultation	
Q1 2019	Assess the need of an occupational monitoring campaign to gather air and biomonitoring data	
Q2-Q3 2019	SEA: data gathering for the public consultation	
Q2-Q3 2019	AoA: review of the overview and peer review	
Q3 2019	Public consultation	
Q3-Q4 2019	Potential occupation monitoring campaign	
Q4 2019	Advocacy on OEL process and after Pb consultation	





Scope of Authorisation

Status and Input

Scope of Authorisation: What's in and what's out?

Reasons to remain vigilant: ongoing discussions on possible widening of scope for authorisation, cf. CARACAL document CA/98/2017:

“wide interpretation of the scope of REACH Authorisation for materials that contain substances on Annex XIV as part of another substance (SiS) or a mixture (SiM). CARACAL’s opinion would appear to be that Authorisation would be required even if Pb metal were only present as an impurity in a mixture at or above the relevant concentration limits (i.e. 0.3% in massive form)” (REACHLaw).

With REACHLaw’s legal review, Eurometaux to reopen discussions with Member States and EU Commission given impacts and consequences (cf. also EPMF workshop in December)

Hence also the proposal to check and update the existing EPMF interpretation document on intermediates with UVCB containing Pb.

Data sheet per UVCB

- Potential interpretation issues
- Presence of Pb in the substance
- Role Pb plays
- Fate of the material and of Pb.



Timeline

Item	Who	2019										2020
		MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	
Scope	EPMF	Draft data sheets		Updated data sheets, to be reviewed if need arises				Public Consultation				
	Cies		Review									





Mass flow analysis with exposure occurrence

Status and Input

Mass Balance to strengthen the Circular Economy Argument

Principle: Reducing the **resources used**, and the **waste** and **'leakages'** created, conserves resources useful for the economy, whilst reducing environmental pollution/human exposure

- ⇒ Basic life-cycle indications in terms of tonnages of Pb used and ,lost' in PM refining/recycling.
- ⇒ Part of the life-cycle of Pb in society, will help present the significance of Pb in the PM industry. Tonnages can be placed in perspective vs. value brought to the EU by the PM industry.
- ⇒ Will help if issues arise for the refinables (cf. scope of authorisation)

Challenges (for discussion):

- Interpretation of terminology (cf. input material)
- CBI
- How to present Pb in refinables and connect with the data sheets mentioned in Scope?



Mass balance

ASSAYING		
Input materials (Tons of Pb contained, expressed as Pb metal)	Pb lost during process (Tons of Pb contained, expressed as Pb metal)	Destination of remaining Pb (Tons of Pb contained, expressed as Pb metal)
Pb from primary source: 2	Lost to emissions (air, water): 1 (no T)	Re-use for assaying: 1
Pb from recycled source:	If other losses of Pb (lost into the environment or lost for the economy (waste) or recovered, please specify) 1	Used further in the PM production process: 1

First data collection

Number of contributions:

4 sites one of which doing only assaying

PM refining/ recycling		
Input materials (Tons of Pb contained, expressed as Pb metal)	Pb lost during process (Tons of Pb contained, expressed as Pb metal)	Destination of Pb that is not lost (Tons of Pb contained, expressed as Pb metal)
Pb in primary materials (concentrates e.g.): Pb in materials originating from other processing industries/companies (slimes, sludges e.g.): 1 Pb in secondary raw materials (electronic scrap e.g.): 1 1 global	Pb lost to emissions (air, water): 3 Pb lost for further use as metal (final slags): <input type="checkbox"/> % of final slags going to final disposal: <input type="checkbox"/> % of slags with alternative use (roadworks, etc.): 1	Re-used in PM production process (either internally or externally): 1 Production of Pb (either internally or by other manufacturer): 1 + 1 global



Timeline

Item	Who	2019										2020
		MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	
Mass Balance	EPMF		Generic overview					Public Consultation				
	Cies	Further data input										





Analysis of Alternatives

Status and Input

Analysis of Alternatives

- Relevance of discussion on alternatives:

Authorisation

- *Prioritisation*: part of the Commission questionnaire (currently available or under development, in the EU or outside) => COM wants to have an indication of the type of challenges
- *Authorisation applications*: In-depth discussion

OEL

- *Commission impact assessment*: cost of substitution vs. abatement as response to new OEL value
- *Individual company approach*: substitution – as highest in hierarchy of measures - must have been assessed before other measures are implemented



Analysis of Alternatives

- At this stage: **generic considerations**

Fire assay

- New developments in quantitative chemical analysis methods since replies to PbO questionnaire in 2017?
- Technical determinants and constraints (Au, Ag, PGMs) and economic/commercial reasons
- Generic description of alternative metals (Bi, Sn, NiS) or methods

Output: comparative table?

Refining/recycling

- Constraints linked to input material types and diversity
- Specific constraints linked to value of materials (overall recovery efficiency % is paramount = a resource consideration)
- The main routes: Pyrometallurgy (Pb and Cu) / Hydrometallurgy
- Pb-free routes?

Output: comparative table with pros and cons?



Timeline

Item	Who	2019										2020
		MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	
AoA	EPMF	1st draft Working Doc (15/3)		Refined Working Doc (*) (17/5)				Public Consultation				
	Cies		Review (12/4)									

(*) Working document will be regularly checked and updated if new information becomes available. Companies will be invited to review the updated working document.



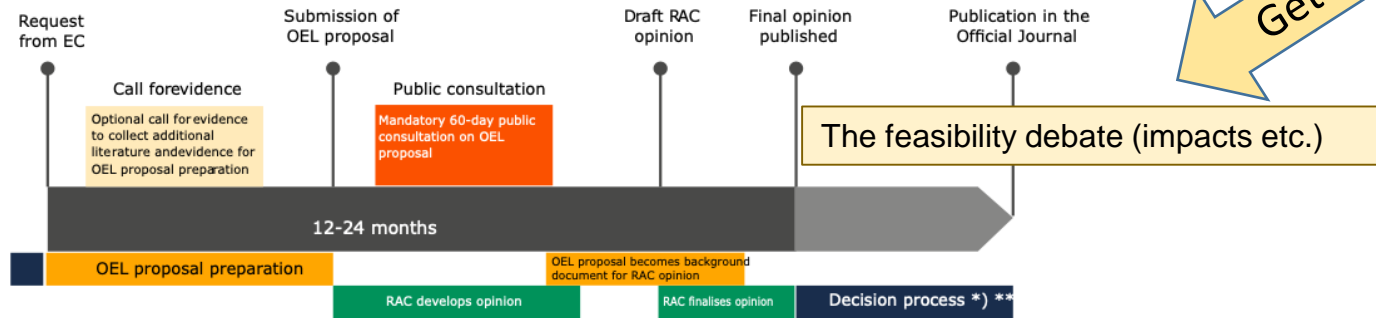


OELs data gathering

Approach, principles and timing

OEL

- Possibility that by end-2019, RAC will submit a proposal for an OEL value.



- Industry will be asked to evaluate the technical and economic feasibility of the proposed OEL, so as to inform the EU Commission, its impact assessors as well as the advisory bodies involved in the final decision such as the Advisory Committee on Safety and Health at Work (ACSH)

OEL

Challenge: How to provide **solid and consistent data** for the sector?

2 basic questions:

- What is the current exposure situation?
- Is the proposed OEL technically and economically feasible?

⇒ Current exposure data to be gathered (what is measured, periodicity, who, measured values and their evolution over time)

⇒ Technical feasibility (*irrespective of costs, as first step*): What can still be done and what would be the likely result in terms of exposure (is the OEL achievable in practice?)

⇒ Economic feasibility: Costs of measures and their meaning for the companies



OEL

Difficulty to overcome: disparity between companies

- Exposure situation
- Equipment (type and size)

=> How can consistency be achieved and work be facilitated (generic approach towards feasibility?)

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Exposure

OEL data overall

Exposure data
data assessed in
DU CSR mode

Technical
feasibility

Guidance on how to assess feasibility (technical
& costing) with support of expert knowledge of
sector

Do the exercise with 1 or more volunteer
companies and have a tool to allow extend
outcome to similar companies

S-E feasibility

Conclusion:
Impact

Aggregate costs vs
sector financial
performance data

Competitiveness
discussion etc.



OEL

Possibility to use and adapt an existing tool: “*Tool to assess OEL compliance costs for Nickel Substances*” (EBRC – NI)

Purpose of the tool: Allow companies to assess potential OEL compliance costs.

Relying on data surveyed from companies manufacturing and/or using Ni substances, it provides, for the REACH Exposure Scenario that best describes the use of the substance:

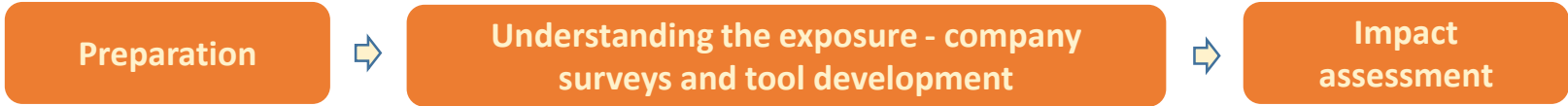
- **possible RMMs**
- **cost estimates** (investment and operating costs)

Where data are lacking, the tool extrapolates total investment and operating costs from exposure-cost relationships derived from available data.

The tool focusses on occupational exposure via the inhalation route and is **calibrated for target OEL values between 3 and 30 microgram/m³.**



Timeline



Item	Who									2020
		APR	MAY	JUN	SUMMER	SEP	OCT	NOV	DEC	JAN
OEL	EPMF / Consultant	Methodological paper & Exchange with volunteer companies for data survey		Assessment of need for monitoring campaign				Tool available for use by all companies		Impact assessment data available (sector)
	C ^{ies}	Volunteer C ^{ies} for data survey (15/4)	Inventory of existing exposure data (10/6)				Monitoring campaign (if needed)		Impact assessment data available (individual C ^{ie} level – volunteers and others)	





SEA data gathering

Approach, principles and timing

SEA data gathering

Objective: Highlight socio-economic impacts during the prioritisation debate

⇒ **Optimize input in Public Consultation** (Sept. 2019)

The Commission questions cover:

- **Uses**, including volumes, value, existing risk management measures
- **Availability of alternatives** (see specific note on AoA)
- **Market and supply chain**
- **Competitiveness** (mainly related to the cost of substitution...)
- **Innovation and business opportunities** linked to Annex XIV inclusion
- **Alternative regulatory options** one would suggest
- **Approach vs. authorisation**

Based on experience with PC input when PbO prioritisation was discussed, we propose an internal EPMF questionnaire that will mirror the Commission questionnaire and will advise an approach for each of the Commission questions.



Timeline

Item	Who	2019									2020
		MAR	APR	MAY	JUN	Summer	SEP	OCT	NOV	DEC	
SEA	EPMF	Questionnaire (25/3)		Individual iterations with C ^{ies}	Draft EPMF synthesis and contribution to PC (3/6)		Public Consultation				
	C ^{ies}		Replies (30/4)		Review						





Conclusions

Conclusions

- Actions and timelines agreed
- Next meeting





THANK YOU

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