

February 22nd 2009

To: Members of the Pre-SIEF for

Proposal to Act as Lead Registrant and SIEF Formation Facilitator for Flue dusts, copper refining

Through this letter, KGHM would like to advise all SIEF members that it is prepared to undertake the obligations of Lead Registrant and to act as the SIEF Formation Facilitator for Flue dusts, copper refining for the purposes of preparing and submitting the Registration Dossier, pursuant to REACH Article 11.

Duties of SIEF Formation Facilitator/Lead Registrant

To maximise efficiency, the Lead Registrant and SIEF Formation Facilitator should be the same company. Its role is to undertake a wide range of tasks in order to effectively achieve joint submission of the Registration Dossier. The most important involves organising the acquisition and, where not available, the generation of the necessary technical data.

Other important duties include establishing mechanisms for cooperation among the participants in the SIEF, organising the exchange of data, facilitating agreement on the Classification and Labelling of Flue dusts, copper refining, channelling communications with other SIEFs (for read across), ensuring the smooth absorption of new entrants into the SIEF, and taking responsibility for the joint submission of the Registration Dossier to ECHA.

The Lead Registrant must also act as the primary point of contact with ECHA in regard to the Registration Dossier.

KGHM's Role in Registration

KGHM is an important producer of Flue dusts, copper refining and has a strong interest in ensuring proper registration based on the best available science. KGHM is a member of the REACH Copper Consortium, managed by the European Copper Institute. This Consortium includes Flue dusts, copper refining in its scope.

KGHM has already dedicated substantial human and financial resources to this and has participated in the first phases of developing the data for the Registration Dossier.

KGHM is committed to submit the Registration Dossier for Flue dusts, copper refining before the >1,000 T Registration deadline of December 1st 2010.

REACH Copper Consortium

The REACH Copper Consortium, managed by the European Copper Institute, was formed on February 26th 2008 for the sole purpose of assisting industry to comply with REACH. Its Members include major EU manufacturers, non-EU manufacturers (or their Only Representatives), plus EU importers and their respective Affiliates.

The Consortium is committed to compiling and assessing all relevant existing studies and data necessary to prepare the Registration Dossier for Copper and the various by-products arising out of the smelting and refining of copper, including Flue dusts, copper refining. ECI will assist KGHM in collecting information from the SIEF members, as well as sources outside the SIEF. One of the Consortium's primary sources of scientific data will be the Voluntary Risk Assessment for copper metal. This comprehensive project, also managed by the European Copper Institute, was carried out between 2000 and April 2008.

In addition, the Consortium has already conducted a gap analysis on the data required to complete the registration dossier for Flue dusts, copper refining as a UVCB* substance, handled under the Strictly Controlled Conditions (SCC)**, allowed for transported isolated Intermediates.

* UVCB substances are of Unknown or Variable composition, Complex reaction products or Biological materials

** To be demonstrated by each Registrant

The Consortium is also working to develop hazard Classification and Labelling proposals, as well as the REACH Annex VII data required to complete the registration dossier for this as a high tonnage intermediate.

Consortium Members are providing funding and human resources to pay for, and guide, these efforts. Finally, the Consortium has been involved in developing best practices to help manage SIEF obligations in as efficient and cost effective manner as possible.

It is worth highlighting that the Consortium's activities properly reflect Competition law concerns. Any individual company data required is for the exclusive use of the independent Secretariat, with only consolidated data used in subsequent decision making.

Access to the Registration Dossier

KGHM will submit the Registration Dossier for Flue dusts, copper refining to ECHA by the first tonnage deadline (December 1st 2010). Through its membership in the ECI Consortium, KGHM is committed to make available, to all Flue dusts, copper refining SIEF members, access to the Registration Dossier on fair and non-discriminatory terms. Interested companies will have two options to obtain the necessary access.

- Companies, who wish to provide resources and expertise to the definition of the scope and the development of the Registration Dossier for Flue dusts, copper refining, as well as to participate in meetings and technical working groups, can join the Consortium. Details on how to do so, and the costs involved, can be found at - <http://www.eurocopper.org/copper/reach.html>
- For reference, the minimum fee for Consortium membership for Flue dusts, copper refining is 18,000 euro, with more detailed information available in the Consortium Agreement.
- SIEF members, who do not want to undertake the obligations associated with Consortium membership, or whose tonnages only require registration during the period December 2010 to June 2018, will be able to obtain the Registration Dossier via a Letter of Access. SIEF members choosing this option will only get a Letter of Access to the registration file. They will not get access, or ownership, to study reports, the risk assessment or the Chemical Safety Report.
- Letters of Access will be available at a discount to full Consortium membership. The fees, which will depend on the registration tonnage band, will be announced, early in 2010, once a more accurate cost for the Registration Dossier is known.

Future Communications

The size of the pre-SIEF for Flue dusts, copper refining is relatively small (+/- 123 pre-registrations). It is therefore intended that future communications will be via direct email from ECI and/or KGHM. Of particular near term importance, is the need to agree on the definition of Flue dusts, copper refining - see next page for the current definition. Ultimately, this may require you to modify your pre-SIEF registration.

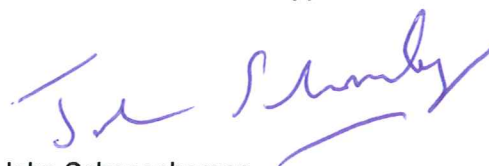
In order to assist with this, your cooperation in completing the attached questionnaire would be appreciated.

ECI's website also provides contact details for further information on the Copper Consortium.

Yours sincerely,



Herbert Wirth
First Vice President
For the Lead Registrant



John Schonenberger
Chief Executive, European Copper Institute
For the Copper Consortium

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The definition of Flue dusts, copper refining in the ECI managed REACH Consortium is described here. The Consortium will claim "sameness of substances" for the substances listed below:

Intermediate B11 – Flue dusts, copper refining			
Flue dusts, copper refining is a "Product recovered from exhaust gas streams found in furnaces, flues and setting chambers as a result of roasting, smelting and converting operations from Copper refining processes. Constituents found as end products are dependent upon the materials used during the various operations."			
The following materials are grouped under this registration:			
EC names* (or recognised name)	Substance covered	EC Number/ EINECS No.	CAS No.
Flue dust, copper refining		266-966-2	67711-90-4
Wastes, copper-manuf., calcium hydroxide-treated		302-676-5	94114-41-7
Slimes and sludges, copper conc. Roasting off gas scrubbing, lead-mercury-selenium-contg.	Off gas scrubbing	310-062-3	102110-61-2
Slimes and sludges, copper-lead ore roasting off gas scrubbing, arsenic-contg.	Off gas scrubbing	310-063-9	102110-62-3

* These names are official names, taken from the EINECS inventory

REACH Copper Consortium - Questionnaire

To help ECI best support your potential registration, please take a few minutes to complete and return this (non-binding) and free of charge reply form. Please return by email to reach@eurocopper.org, before March 31st, 2009.

THIS DATA WILL ONLY BE SEEN BY THE FULLY INDEPENDENT ECI SECRETARIAT

What is your legal entity name as pre-registered in SIEF?	
What is your Pre-registration number provided by ECHA?	
Email address for follow up by ECI Secretariat	

	<u>YES</u>	<u>NO</u>
Are you an EU producer of Flue dusts, copper refining?		
Are you a legal importer of Flue dusts, copper refining into the EU?		
Are you an Only Representative of Flue dusts, copper refining?		
What material have you pre-registered? - tick all that apply from above definitions*		
<ul style="list-style-type: none"> • Flue dust, copper refining • Wastes, copper-manuf., calcium hydroxide-treated • Slimes and sludges, copper conc. Roasting off gas scrubbing, lead-mercury-selenium-contg. • Slimes and sludges, copper-lead ore roasting off gas scrubbing, arsenic-contg. 		
In which tonnage band (X tonne/year) is your business?		
<ul style="list-style-type: none"> • $X \geq 1,000$ • $100 \leq X < 1,000$ • $1 \leq X < 100$ 		
Are you interested in becoming a full member of the Copper Consortium?		
Are you interested in a simple Letter of Access for a discounted fee?		
Based on your knowledge of REACH and your business interest, are you currently planning to register Flue dusts, copper refining, as defined above?		