EUROPEAN
COMMISSION

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COMMISSION IMPLEMENTING DECISION

of 18.12.2020

partially granting an authorisation for certain uses of chromium trioxide under Regulation (EC) No 1907/2006 of the European Parliament and of the Council (Chemservice GmbH and others)

(ONLY THE ENGLISH TEXT IS AUTHENTIC)

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THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EC) No 1907/2006 of the European Parliament and of the Council of 18 December 2006 concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH), establishing a European Chemicals Agency, amending Directive 1999/45/EC and repealing Council Regulation (EEC) No 793/93 and Commission Regulation (EC) No 1488/94 as well as Council Directive 76/769/EEC and Commission Directives 91/155/EEC, 93/67/EEC, 93/105/EC and 2000/21/EC[1], and in particular Article 64(8) thereof, in conjunction with Article 131 of the Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community,

Whereas:

(1) Chromium trioxide is listed in Annex XIV to Regulation (EC) No 1907/2006 and uses of that substance are subject to the authorisation requirement in Article 56(1)(a) of that Regulation.

(2) On 11 May 2015, LANXESS Deutschland GmbH (acting as only representative of LANXESS CISA (Pty) Ltd), Atotech Deutschland GmbH, Aviall Services Inc[2], Enthone GmbH[3], BONDEX TRADING LTD (acting as only representative of Aktyubinsk Chromium Chemicals Plant), CROMITAL S.P.A. (acting as only representative of Soda Sanayii A.S.) and Elementis Chromium LLP (acting as only representative of Elementis Chromium Inc) (‘the applicants’) submitted an application in accordance with Article 62 of Regulation (EC) No 1907/2006 for authorisation for the uses of chromium trioxide in the formulation of mixtures (‘use 1’); in functional chrome plating (‘use 2’); in functional chrome plating with decorative character (‘use 3’); in surface treatment for applications in the aeronautics and aerospace industries (unrelated to functional chrome plating or functional chrome plating with decorative character) (‘use 4’); in surface treatment (except passivation of tin-plated steel (electrolytic tin plating - ETP)) for applications in various industry sectors, namelyarchitectural, automotive, metal manufacturing and finishing, and general engineering (unrelated to functional chrome plating or functional chrome plating with decorative character) ('use 5’); and in passivation of tin-plated steel (ETP) (‘use 6’).

[1] OJ L 396, 30.12.2006, p. 1.

[2] Aviall Services Inc. subsequently changed its name to Boeing Distribution Inc.

[3] Enthone GmbH subsequently changed its name to MacDermid Enthone GmbH.

(3) On 30 September 2016, the Commission received the opinions on the application adopted by the Committee for Risk Assessment (RAC) and the Committee for Socio-economic Analysis (SEAC) of the European Chemicals Agency[4] ('the Agency') and sent to it pursuant to the second subparagraph of Article 64(5) of Regulation (EC) No 1907/2006.

(4) On 21 March 2018 the Agency received a notification that the application had been transferred from the original applicant BONDEX TRADING LTD to Prospere Logistic Baltic OÜ. On 14 October 2019 the Agency received notification that the application had been further transferred to Prospere Chemical Logistic OÜ. In its assessment, the Agency concluded that the notified changes had no implications for the RAC and SEAC opinions. The Commission agrees with that conclusion.

(5) On 27 March 2019, the European Parliament adopted a resolution[5] concerning the draft of this Decision for a use of chromium trioxide. The Commission took note of that resolution.

(6) On 28 February 2020 the Agency received a notification that the application had been transferred from the original applicant LANXESS Deutschland GmbH to Chemservice GmbH. In its assessment, the Agency concluded that the notified change had no implications for the RAC and SEAC opinions. The Commission agrees with that conclusion.

(7) The Commission's assessment of use 3 is ongoing and this should not delay the adoption of a decision concerning the other uses applied for. As a consequence, this Decision only covers uses 2, 4, 5 and 6, as well as use 1 in relation to the formulation of mixtures for uses 2, 4, 5 and 6.

(8) RAC concluded in its opinions that it is not possible to determine a derived no-effect level (DNEL) for the carcinogenic properties of chromium trioxide in accordance with Section 6.4 of Annex I to Regulation (EC) No 1907/2006 and that therefore chromium trioxide is a substance for which it is not possible to determine a threshold for the purposes of Article 60(3)(a) of that Regulation. As a result, paragraph 2 of Article 60 of Regulation (EC) No 1907/2006 does not apply to that substance and an authorisation may therefore only be granted with respect to that substance under paragraph 4 of that Article.

(9) In its opinions on uses 1, 2, 4 and 5, RAC concluded that the risk management measures and operational conditions as described in the application are not appropriate and effective in limiting the risks to workers.

(10) Concerning uses 1, 2, 4 and 5, RAC further concluded that there are significant uncertainties regarding worker exposure due to limited availability of measured exposure data. RAC further concluded that a prevalent lack of contextual information has made it difficult to establish a link between the operational conditions and risk management measures described in the application and the claimed exposure levels for specific tasks and sites, thereby preventing RAC from further evaluation. Those uncertainties concern the reliability and representativeness of the exposure data and

[4] https://echa.europa.eu/documents/10162/a43a86ab-fcea-4e2b-87d1-78a26cde8f80
https://echa.europa.eu/documents/10162/dc9ea416-266e-4f49-88cb-35576f574f4a
https://echa.europa.eu/documents/10162/fab6fe18-3d69-483b-8618-f781d18d472e
https://echa.europa.eu/documents/10162/0f5571f8-d3aa-4031-9454-843cd7f765a8
https://echa.europa.eu/documents/10162/6ee57573-de19-43b5-9153-dad5d9de3c1e
https://echa.europa.eu/documents/10162/ab92f048-a4df-4d06-a538-1329f666727a

[5] https://www.europarl.europa.eu/doceo/document/TA-8-2019-0317_EN.html

how it relates to the specific risk management measures in place, particularly for use 4 where, in addition to bath immersion, different activities including spraying, rolling, brushing and machining operations are covered by the application and the applicants have not been able to fully assess the combined exposure related to all those tasks. Nevertheless the Commission notes that those uncertainties did not prevent SEAC from further analysing the application.

(11) Concerning uses 1, 2, 4 and 5, RAC further concluded that uncertainties also exist in the assessment of exposure of the general population to the substance, via the environment, at the local scale, particularly regarding emission of chromium (VI) via wastewater. This is particularly relevant as regards oral exposure via drinking water. However, RAC considered the provided assessment of risks to the general population via the environment to be sufficient for further analysis by SEAC, noting that the approach by the applicants is based on assumptions that are likely to overestimate the risks to the general population. Regional exposure, although estimated by the applicants, was not considered relevant by RAC due to transformation of chromium (VI) to non-carcinogenic chromium (III) that occurs rapidly under most environmental conditions.

(12) In its opinions on uses 1, 2, 4 and 5, due to the uncertainties in the assessment of risks to workers and to the general population via the environment, RAC recommended imposing additional conditions and monitoring arrangements. The Commission, having evaluated RAC's assessment, concurs with that conclusion.

(13) In its opinion on use 6, RAC concluded that the risk management measures and operational conditions as described in the application, as further detailed by the applicants at the request of RAC, are appropriate and effective in limiting the risks to workers and the general population that could potentially be exposed via the environment. However, RAC concluded that there is a lack of specific data for the nine sites concerned and that uncertainties exist in the assessment of exposure of the general population to the substance, via the environment, at the local scale, particularly regarding emission of chromium (VI) via wastewater and related oral exposure via drinking water. Nonetheless, RAC considered the assessment to be sufficient for further analysis by SEAC, noting that the approach by the applicants was based on assumptions that were likely to overestimate the risks to the general population. Regional exposure, although estimated by the applicants, was not considered relevant by RAC due to transformation of chromium (VI) to non-carcinogenic chromium (III) that occurs rapidly under most environmental conditions. RAC further concluded that the description of contributing scenarios and the exposure assessment in the application would have benefitted from a more specific assessment for use 6 and that there are some uncertainties related to the frequency and combination of tasks performed by individual workers but the impact of those uncertainties on total exposure were considered to be low.

(14) In its opinion on use 6, due to the uncertainties concerning the combination and frequency of tasks performed by individual workers, in order to address the variability of the operational conditions and risk management measures implemented among different sites and due to the limited representativeness of the data supporting the assessment of the exposure of the general population via the environment, RAC recommended imposing additional conditions and monitoring arrangements. The Commission, having evaluated RAC's assessment, concurs with that conclusion.

(15) In its opinions as regards uses 1, 2, 4, 5 and 6 of chromium trioxide as described in the application SEAC concluded that the overall socio-economic benefits arising from each of those uses outweigh the risk to human health arising from those uses. Concerning use 1, SEAC noted that the socio-economic benefits arising from the use of the substance, based on the expected social costs due to job losses alone, clearly outweigh the monetised human health impacts, which are calculated on a worst case scenario basis. Other benefits, based on the avoided negative impacts due to disruptions in the supply chain, further strengthen that conclusion. Concerning uses 2, 4, 5 and 6, SEAC noted that the socio-economic benefits arising from the use of the substance, based on the expected profit losses or the social costs due to job losses alone, clearly outweigh the monetised human health impacts, which are calculated on a worst case scenario basis. Other benefits, based on the avoided significant negative impacts due to disruptions in the supply chain for a number of affected industry sectors, further strengthen this conclusion. The Commission, having evaluated SEAC's assessment, concurs with those conclusions for uses 2, 4, 5 and 6, as well as for use 1 in relation to the formulation of mixtures for uses 2, 4, 5 and 6.

(16) An authorisation may be granted under Article 60(4) of Regulation (EC) No 1907/2006 if there are no suitable alternative substances or technologies. In order to be considered technically feasible, an alternative to the substance should be capable of providing the level of technical performance functionally necessary for the use applied for. Some potential alternatives may provide this functionality but at some loss to performance or in a manner that involves technical compromises. The Commission considers that, given the economic and other incentives towards substitution that already arise from inclusion in the authorisation system, and in the light of the objective of progressive substitution, as a starting point, the Commission should not consider a potential alternative to be technically viable where such losses to performance or technical compromises are not minor. Nevertheless, the Commission considers that it must be possible to depart from this approach where justified by particular circumstances, including the specific function of the substance for the use applied for, the public interests at stake, or a low net difference between the socio-economic benefits and the risk to human health or the environment. The Commission considers that no particular factors justify less strict technical feasibility requirements in this case as regards uses 1, 2, 4, 5 and 6. Where the Commission is able to conclude on lack of technically feasible alternatives to the substance, it is unnecessary to consider economic feasibility of substitution.

(17) In its opinion on use 1, considering that chromium trioxide has no independent function at the stage of formulation and consequently an assessment of the feasibility of alternatives for that use is irrelevant, SEAC concluded that there are no suitable alternative substances or technologies. The Commission, having evaluated SEAC's assessment, concurs with that conclusion as regards the formulation of mixtures for uses 2, 4, 5 and 6.

(18) In its opinions on uses 2, 4 and 5, SEAC concluded that there are no suitable alternative substances or technologies. However, due to the very broad scope of the uses applied for, SEAC could not exclude possible uncertainty with regard to the technical feasibility of alternatives for a limited number of specific applications that are covered by the description of those uses. The Commission concurs with SEAC's conclusion.

(19) In order to ensure that the authorisation covers only those uses for which no suitable alternatives are available, it is necessary to further specify the description of uses 2, 4

and 5 by aligning it with the conclusions of the analysis of alternatives as presented in the application and as assessed by SEAC. The Commission considers that the applicants have discharged their burden of proof in demonstrating the absence of suitable alternatives as regards uses 2, 4 and 5, only with regard to such limited scope of the uses.

(20) Therefore, the description of uses 2, 4 and 5 should be further specified by referring to uses where any of the following key functionalities is necessary for the intended use: wear resistance, hardness, layer thickness, corrosion resistance, coefficient of friction, and effect on surface morphology concerning use 2; corrosion resistance/active corrosion inhibition, chemical resistance, hardness, adhesion promotion (adhesion to subsequent coating or paint), temperature resistance, resistance to embrittlement, wear resistance, surface properties impeding deposition of organisms, layer thickness, flexibility, and resistivity concerning use 4; corrosion resistance/active corrosion inhibition, layer thickness, humidity resistance, adhesion promotion (adhesion to subsequent coating or paint), resistivity, chemical resistance, wear resistance, electrical conductivity, compatibility with substrate, (thermo) optical properties (visual appearance), heat resistance, food safety, coating tension, electric insulation, and deposition speed concerning use 5.

(21) Concerning use 4, the application refers to the 'inhibition of biological organisms, biostatic properties' as key functionalities for achievement of which the use of chromium trioxide is necessary. Such a reference in the description of use may be understood to cover the use of chromium trioxide as a biocidal product as defined in Article 3(1)(a) of Regulation (EU) No 528/2012 of the European Parliament and of the Council[6]. In accordance with Article 17(1) of Regulation (EU) No 528/2012, chromium trioxide cannot be placed on the market, nor used as a biocidal product as it has not been authorised under that Regulation. In addition, in accordance with Article 56(4)(b) of Regulation (EC) No 1907/2006, uses of substances in biocidal products are not to be authorised under that Regulation. To avoid that uses of chromium trioxide as a biocidal product are understood to be covered by this authorisation and to reflect the factual situation, the reference to 'inhibition of biological organisms, biostatic properties' should be replaced by 'surface properties impeding deposition of organisms' in the description of use 4 as authorised by this Decision.

(22) In addition, the Commission took note of the complexity of the supply chains concerned by the uses applied for, the time and investment necessary to implement a potential alternative, as well as the time necessary for its industrialisation and for the qualification of the resulting products in the supply chains. The Commission, having evaluated SEAC's assessment, and taking the above considerations into account, agrees with the conclusion that there are no suitable alternative substances or technologies for uses 2, 4 and 5.

(23) In its opinion on use 6, SEAC concluded that there are no suitable alternative substances or technologies. The Commission, having evaluated SEAC's assessment, concurs with that conclusion.

(24) Concerning use 5, in order to ensure that the general public is not exposed to residual chromium (VI) in the concerned articles, it is appropriate to impose a condition excluding the presence of chromium (VI) in articles for supply to the general public.

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[6] Regulation (EU) No 528/2012 of the European Parliament and of the Council of 22 May 2012 concerning the making available on the market and use of biocidal products (OJ L 167, 27.6.2012, p. 1).

(25) Therefore, having regard to the conditions laid down in Article 60(4) of Regulation (EC) No 1907/2006, it is appropriate to authorise use 6 of chromium trioxide as applied for, and uses 1, 2, 4, 5 of chromium trioxide as limited in this Decision, provided that the risk management measures and operational conditions described in the chemical safety report, as well as the conditions set out in this Decision, are fully applied. The authorisation should not be granted for the part of uses 2, 4, 5 where the specified key functionalities are not necessary for the use.

(26) The Commission has based its assessment on all relevant scientific evidence currently available, as assessed by RAC, and based its conclusions on the existence of a sufficient weight of evidence allowing it to conclude. Nevertheless, additional scientific evidence would allow the Commission to perform its assessment on a more robust or broad evidentiary base in the future. Hence, it is appropriate to require the generation of additional exposure and emission information.

(27) Furthermore, in order to facilitate the enforcement of this Decision, with regard to uses 2, 4 and 5, it is necessary to require the authorisation holders' downstream users to include in the notification sent to the Agency pursuant to Article 66(1) of Regulation (EC) No 1907/2006, an explanation of the key functionalities listed in Article 1(1) of this Decision which are necessary for their use, including a justification why they are necessary for that use for that use.

(28) In its opinions, SEAC recommended the review period referred to in Article 60(9)(e) of Regulation (EC) No 1907/2006 to be set at seven years for uses 1, 2 and 4 and at four years for uses 5 and 6. The Commission concurs with that recommendation, taking into account the relevant elements from RAC's and SEAC's assessments. Concerning use 1, the Commission takes into account in particular the concerns related to the appropriateness and effectiveness of the risk management measures and operational conditions, the additional conditions and monitoring arrangements imposed by this Decision to address those concerns, the fact that chromium trioxide has no independent function at the stage of formulation and, consequently, that any substitution for use 1 is interlinked with the substitution of the subsequent uses of the formulated mixtures, the expected social costs due to unemployment and the expected negative economic consequences in the supply chain in case an authorisation is not granted. Concerning uses 2, 4 and 5, the Commission takes into account in particular the concerns related to the appropriateness and effectiveness of the the risk management measures and operational conditions, the additional conditions and monitoring arrangements imposed by this Decision to address those concerns, the time necessary to implement and industrialise alternatives should they become available, the uncertainties arising from the broad scope of the uses applied for, the expected social costs due to unemployment and the expected significant negative economic consequences in the supply chain in case the authorisation is not granted. Concerning use 6, the Commission takes into account in particular the concerns related to the appropriateness and effectiveness of the the risk management measures and operational conditions, the time necessary to implement and industrialise alternatives should they become available, the uncertainties arising from the broad scope of the uses applied for, the expected social costs due to unemployment and the expected significant negative economic consequences in the supply chain in case an authorisation is not granted.

(29) It is appropriate that the review period be set at seven years as from the sunset date set out in Annex XIV to Regulation (EC) No 1907/2006 as regards uses 1, 2 and 4.

(30) Considering that the review report referred to in Article 61(1) of Regulation (EC) No 1907/2006 must be submitted at least 18 months before the expiry of the review period, and in view of the conditions of the authorisation and the time-limits for compliance with such conditions established by this Decision, the review period recommended by the SEAC for uses 5 and 6 would make it practically impossible for the authorisation holders to submit a review report within the time-limits in the present case. Therefore, for those uses, it is appropriate to provide for a review period of four years from the date of adoption of this Decision, in order to provide the authorisation holders an adequate period of time to prepare a review report. Nevertheless, taking into account the delay in adopting this Decision, it is also appropriate to align the expiration date of the review period of uses 5 and 6 to the one set out for uses 1, 2 and 4.

(31) The language used to describe the risk management measures and operational conditions included in the application for authorisation may be different from the official languages of the Member States where the uses take place. Therefore, in order to facilitate the enforcement of the authorisation, it is appropriate to require the authorisation holders to submit, upon request, a succinct summary of those risk management measures and operational conditions in an official language of the Member States concerned.

(32) This Decision does not affect the obligation of the authorisation holders to ensure that the use of a substance does not adversely affect human health or the environment, having regard to the principle set out in Article 1(3) of Regulation (EC) No 1907/2006. Furthermore, this Decision does not affect the obligation of the authorisation holders under Article 60(10) of that Regulation to ensure that the exposure is reduced to as low a level as is technically and practically possible or the obligation of the employer under Articles 4(1) and 5 of Directive 2004/37/EC of the European Parliament and of the Council[7] to reduce the use of a carcinogen or mutagen at the place of work, in particular by replacing it, in so far as is technically possible, and to prevent workers' exposure to a risk to their health or safety. This Decision does not affect the application of Union law in the area of health and safety at work, in particular Council Directives 89/391/EEC[8], 92/85/EEC[9], 94/33/EC[10], 98/24/EC[11] and Directive 2004/37/EC, nor does it affect any national binding occupational limit values which may be stricter than the applicable Union limit values.

(33) This Decision does not affect any obligation to comply with emission limit values set in accordance with Directive 2008/50/EC of the European Parliament and of the

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7 Directive 2004/37/EC of the European Parliament and of the Council of 29 April 2004 on the protection of workers from the risks related to exposure to carcinogens or mutagens at work (Sixth individual Directive within the meaning of Article 16(1) of Council Directive 89/391/EEC) (OJ L 158, 30.4.2004, p. 50).

8 Council Directive 89/391/EEC of 12 June 1989 on the introduction of measures to encourage improvements in the safety and health of workers at work (OJ L 183, 29.6.1989, p. 1).

9 Council Directive 92/85/EEC of 19 October 1992 on the introduction of measures to encourage improvements in the safety and health at work of pregnant workers and workers who have recently given birth or are breastfeeding (tenth individual Directive within the meaning of Article 16 (1) of Directive 89/391/EEC) (OJ L 348, 28.11.1992, p. 1).

10 Council Directive 94/33/EC of 22 June 1994 on the protection of young people at work (OJ L 216, 20.8.1994, p. 12).

11 Council Directive 98/24/EC of 7 April 1998 on the protection of the health and safety of workers from the risks related to chemical agents at work (fourteenth individual Directive within the meaning of Article 16(1) of Directive 89/391/EEC) (OJ L 131, 5.5.1998, p. 11).

Council[12] or Directive 2010/75/EU of the European Parliament and of the Council[13] nor any obligation to comply with emission limit values set to achieve compliance with the environmental quality standards established by Member States in accordance with Directive 2000/60/EC of the European Parliament and of the Council[14] or the environmental quality standards established in Directive 2008/105/EC of the European Parliament and of the Council[15]. Compliance with the provisions of this Decision should not necessarily imply compliance with emission limit values or environmental quality standards under any other provisions of Union law, which may include further or more onerous requirements.

(34) Pursuant to Article 127(1) of the Withdrawal Agreement, Union law is applicable to and in the United Kingdom during the transition period unless otherwise provided in that Agreement. Under Article 126 of the Agreement, the transition period ends on 31 December 2020. It may, however, be extended for up to 1 or 2 years through a single decision adopted in accordance with Article 132 of the Withdrawal Agreement.

(35) One of the adressees of this Decision is a legal entity established in the United Kingdom. Regardless of the period of validity pursuant to this Decision, the Decision can therefore only apply for the duration of that transition period.

(36) The measures provided for in this Decision are in accordance with the opinion of the Committee established under Article 133 of Regulation (EC) No 1907/2006,

HAS ADOPTED THIS DECISION:

Article 1

1. An authorisation is hereby granted in accordance with Article 60(4) of Regulation (EC) No 1907/2006 to the following persons for the following uses of chromium trioxide (EC No 215-607-8; CAS No 1333-82-0):

Authorisation number	Authorisation holder	Authorised use
REACH/20/18/0	Chemservice GmbH	Formulation of mixtures exclusively for uses REACH/20/18/7 to REACH/20/18/34
REACH/20/18/1	Atotech Deutschland GmbH	
REACH/20/18/2	Boeing Distribution Inc.	
REACH/20/18/3	Prospere Chemical Logistic OÜ	

[12] Directive 2008/50/EC of the European Parliament and of the Council of 21 May 2008 on ambient air quality and cleaner air for Europe (OJ L 152, 11.6.2008, p. 1).

[13] Directive 2010/75/EU of the European Parliament and of the Council of 24 November 2010 on industrial emissions (integrated pollution prevention and control) (OJ L 334, 17.12.2010, p. 17).

[14] Directive 2000/60/EC of the European Parliament and of the Council of 23 October 2000 establishing a framework for Community action in the field of water policy (OJ L 327, 22.12.2000, p. 1).

[15] Directive 2008/105/EC of the European Parliament and of the Council of 16 December 2008 on environmental quality standards in the field of water policy, amending and subsequently repealing Council Directives 82/176/EEC, 83/513/EEC, 84/156/EEC, 84/491/EEC, 86/280/EEC and amending Directive 2000/60/EC of the European Parliament and of the Council (OJ L 348, 24.12.2008, p. 84).

REACH/20/18/4	CROMITAL S.P.A.	
REACH/20/18/5	Elementis Chromium LLP	
REACH/20/18/6	MacDermid Enthone GmbH	
REACH/20/18/7	Chemservice GmbH	Functional chrome plating where any of the following key functionalities is necessary for the intended use: wear resistance, hardness, layer thickness, corrosion resistance, coefficient of friction, or effect on surface morphology
REACH/20/18/8	Atotech Deutschland GmbH	
REACH/20/18/9	Boeing Distribution Inc.	
REACH/20/18/10	Prospere Chemical Logistic OÜ	
REACH/20/18/11	CROMITAL S.P.A.	
REACH/20/18/12	Elementis Chromium LLP	
REACH/20/18/13	MacDermid Enthone GmbH	
REACH/20/18/14	Chemservice GmbH	Surface treatment for applications in the aeronautics and aerospace industries, unrelated to functional chrome plating or functional chrome plating with decorative character, where any of the following key functionalities is necessary for the intended use: corrosion resistance / active corrosion inhibition, chemical resistance, hardness, adhesion promotion (adhesion to subsequent coating or paint), temperature resistance, resistance to embrittlement, wear resistance, surface properties impeding deposition of organisms, layer thickness, flexibility, and resistivity
REACH/20/18/15	Atotech Deutschland GmbH	
REACH/20/18/16	Boeing Distribution Inc.	
REACH/20/18/17	Prospere Chemical Logistic OÜ	
REACH/20/18/18	CROMITAL S.P.A.	
REACH/20/18/19	Elementis Chromium LLP	
REACH/20/18/20	MacDermid Enthone GmbH	
REACH/20/18/21	Chemservice GmbH	Surface treatment (except passivation of tin-plated steel (electrolytic tin plating - ETP)) for applications in architectural, automotive, metal manufacturing and finishing, and general engineering industry sectors, unrelated to functional chrome plating or functional chrome plating with decorative character, where any of the following key functionalities is necessary for the intended use: corrosion resistance/ active corrosion inhibition, layer thickness, humidity resistance, adhesion promotion
REACH/20/18/22	Atotech Deutschland GmbH	
REACH/20/18/23	Boeing Distribution Inc.	
REACH/20/18/24	Prospere Chemical Logistic OÜ	
REACH/20/18/25	CROMITAL S.P.A.	
REACH/20/18/26	Elementis Chromium LLP	
REACH/20/18/27	MacDermid Enthone GmbH	

		(adhesion to subsequent coating or paint), resistivity, chemical resistance, wear resistance, electrical conductivity, compatibility with substrate, (thermo) optical properties (visual appearance), heat resistance, food safety, coating tension, electric insulation or deposition speed
REACH/20/18/28	Chemservice GmbH	Passivation of tin-plated steel (electrolytic tin plating - ETP)
REACH/20/18/29	Atotech Deutschland GmbH	
REACH/20/18/30	Boeing Distribution Inc.	
REACH/20/18/31	Prospere Chemical Logistic OÜ	
REACH/20/18/32	CROMITAL S.P.A.	
REACH/20/18/33	Elementis Chromium LLP	
REACH/20/18/34	MacDermid Enthone GmbH	

2. An authorisation for the use of chromium trioxide is not granted for functional chrome plating where none of the key functionalities listed in paragraph 1 regarding that use is necessary for the use.

3. An authorisation for the use of chromium trioxide is not granted for surface treatment for applications in the aeronautics and aerospace industries, unrelated to functional chrome plating or functional chrome plating with decorative character, where none of the key functionalities listed in paragraph 1 regarding that use is necessary for the use.

4. An authorisation for the use of chromium trioxide is not granted for surface treatment for applications (except passivation of tin-plated steel (electrolytic tin plating - ETP)) in architectural, automotive, metal manufacturing and finishing, and general engineering industry sectors, unrelated to functional chrome plating or functional chrome plating with decorative character, where none of the key functionalities listed in paragraph 1 regarding that use is necessary for the use.

5. The authorisation is granted subject to the risk management measures and operational conditions described in the chemical safety reports[16], and to the conditions laid down in this Decision.

Article 2

1. The conditions set out in paragraphs 2 to 9 shall apply to the authorisation bearing numbers REACH/20/18/0 to REACH/20/18/27.

[16] https://ec.europa.eu/docsroom/documents/20633
https://ec.europa.eu/docsroom/documents/20634
https://ec.europa.eu/docsroom/documents/20636
https://ec.europa.eu/docsroom/documents/20637
https://ec.europa.eu/docsroom/documents/20638

2. The authorisation holders shall develop specific exposure scenarios for representative processes, operations and individual tasks (including automatic versus manual systems and open versus closed systems and combinations thereof), describing risk management measures and operational conditions to control worker exposure to chromium (VI) and its emissions into the environment, representative for all sites at which the authorised uses take place, in each of the specific scenarios. The exposure scenarios shall contain information on the exposure levels resulting from the implementation of those risk management measures and operational conditions.

   The authorisation holders shall select the risk management measures described in the specific exposure scenarios in accordance with Article 5 of Directive 2004/37/EC. The authorisation holders shall document and justify the selection of risk management measures and shall make available the relevant documents to the competent authorities of the Member State where an authorised use takes place.upon request.

3. The authorisation holders shall make available the specific exposure scenarios to the downstream users to whom this Decision applies by virtue of Article 56(2) of Regulation (EC) No 1907/2006 (‘downstream users’), in an updated safety data sheet, at the latest on 18 March 2021. The authorisation holders and the downstream users shall apply the risk management measures and operational conditions included in the specific exposure scenarios without undue delay.

4. The authorisation holders shall verify and validate the specific exposure scenarios referred to in paragraph 2 at the latest on 18 June 2022 by making an analysis of tasks, using exposure and emission data measured by downstream users and related contextual information and by means of monitoring programmes of occupational exposure and environmental releases measurements, relating to all processes described for the authorised uses. The validated and verified exposure scenarios shall immediately be made available to the downstream users.

5. The information to be made available to downstream users as referred to in paragraphs 3 and 4 shall include detailed guidance on how to select and apply risk management measures. The authorisation holders and the downstream users shall submit that information to the competent authorities of the Member States where the authorised uses take place upon request.

6. The authorisation holders and the downstream users shall implement the following monitoring programmes for chromium (VI):

   (a) At least annual air monitoring programmes on occupational exposure to chromium (VI) in accordance with Article 5(5)(e) of Directive 2004/37/EC. The first measurements shall be performed without delay and at the latest on 18 June 2021. Those programmes shall be based on relevant standard methodologies or protocols and be representative of:

      (i) the range of tasks undertaken where exposure to chromium is possible, including tasks involving process and maintenance workers;

      (ii) the operational conditions and risk management measures typical for each of those tasks:

      (iii) the number of workers potentially exposed;

(b) At least annual monitoring programmes for chromium (VI) emissions into wastewater and air from local exhaust ventilation. Those programmes shall be based on relevant standard methodologies or protocols and be representative of the operational conditions and risk management measures (such as waste water treatment systems, gaseous emission abatement techniques) used at the individual sites where relevant measurements are carried out.

7. The authorisation holders and the downstream users shall use the information gathered via the measurements referred to in paragraph 6 and related contextual information to regularly review the appropriateness and effectiveness of the risk management measures and operational conditions in place and to introduce measures to further reduce exposure and emissions. The authorisation holders and the downstream users shall document the results of those measurements and of any action taken following the review and shall make them available, upon request, to the competent authorities of the Member State where the authorised uses take place.

8. The authorisation holders shall draw up recommendations and guidelines to assist downstream users in carrying out the monitoring programmes referred to in paragraph 6 and shall develop a report template for submission of monitoring data by downstream users in accordance with paragraph 9. The authorisation holders shall provide the report template to the downstream users together with the updated safety data sheet referred to in paragraph 3.

9. The downstream users shall make available to the Agency the information collected from the monitoring programmes referred to in paragraph 6, including the contextual information related to each set of measurements, in the format of the template referred in paragraph 8, for the first time by 18 December 2021, for transmission to the authorisation holders for the purpose of verifying and validating the exposure scenarios as referred to in paragraph 4 and for the preparation of the review report.

Article 3

The authorisation bearing numbers REACH/20/18/14 to REACH/20/18/27 shall be subject to the following condition: as regards spraying operations, the downstream users shall apply the risk management measures and operational conditions set out in the Annex. The area in which spraying operations take place shall be restricted either physically by means of barriers and signalling or through the implementation of strict procedures during the activity, which shall continue being applied for a specified time after the spray application has ceased. Workers shall not remove the respiratory protective equipment (RPE) used in spraying operations until they have left the area of application.

Article 4

The authorisation bearing numbers REACH/20/18/21 to REACH/20/18/27 shall be subject to the condition that the authorisation holders and the downstream users ensure that there is no chromium (VI) above the detectable level present in articles for supply to the general public.

Article 5

As regards authorisation bearing numbers REACH/20/18/7 to REACH/20/18/27, the downstream users shall include in the notification to the Agency pursuant to Article 66(1) of Regulation (EC) No 1907/2006 an explanation of the key functionalities of chromium trioxide

listed in the Article 1(1) which are necessary for their use, including a justification why such key functionalities are necessary for that use.

Article 6

1. The conditions set out in paragraphs 2 to 4 shall apply to the authorisation bearing numbers REACH/20/18/28 to REACH/20/18/34.

2. The downstream users shall implement best practices to reduce workplace exposure to chromium trioxide and emissions into the environment to as low a level as technically and practically feasible, including the use of closed systems and automation, whenever possible. Where it is not possible to use closed systems and automation, the downstream users shall use local exhaust ventilation (LEV) systems that are appropriately designed, dimensioned, located and maintained to capture and remove chromium trioxide. Where closed systems and automation are not used, the non-use of LEV systems can only be justified in exceptional circumstances where use of LEV systems is technically impossible. The downstream users shall be able to provide a justification when not using the LEV systems. The downstream users shall make available the information on LEV systems put in place in the installations where the authorised uses are taking place and on their maintenance to the competent authorities of the Member States.

3. Where RPE is needed to control exposure to chromium trioxide, it shall be used in accordance with standard procedures for use and maintenance. Those procedures shall include procedures for fit testing of RPE masks, applied in accordance with relevant standards, shall ensure training and medical fitness checking and supervision of the wearer and maintenance of the RPE.

4. The downstream users shall select the risk management measures described in the exposure scenarios in accordance with Article 5 of Directive 2004/37/EC. The selection shall be duly documented and justified and made available to the competent authorities upon request.

Article 7

The review period referred to in Article 60(9)(e) of Regulation (EC) No 1907/2006 shall expire on 21 September 2024.

The authorisation shall cease to be valid on 21 September 2024 with regard to the authorisation holders who have not submitted the review report referred to in Article 61(1) of Regulation (EC) No 1907/2006 by 21 March 2023.

Article 8

1. The monitoring arrangements set out in paragraphs 2 to 5 shall apply to the authorisation bearing numbers REACH/20/18/28 to REACH/20/18/34.

2. The authorisation holders and the downstream users shall implement at least annual air monitoring programmes on occupational exposure for chromium (VI) in accordance with Article 5(5)(e) of Directive 2004/37/EC. The first measurements shall be performed without delay and at the latest on 18 June 2021. Those programmes shall be based on relevant standard methodologies or protocols and be representative of:

(i) the range of tasks undertaken where exposure to chromium is possible, including tasks involving process and maintenance workers;

(ii) the operational conditions and risk management measures typical for each of those tasks;

(iii) the number of workers potentially exposed.

3. The authorisation holders and the downstream users shall implement monitoring programmes for chromium (VI) emissions into wastewater and air from local exhaust ventilation. Those programmes shall be based on relevant standard methodologies or protocols and be representative of the operational conditions and risk management measures (such as waste water treatment systems, gaseous emission abatement techniques) used at the sites where relevant measurements are carried out.

4. The authorisation holders and their downstream users shall use the information gathered via the measurements referred to in paragraphs 2 and 3 and related contextual information to regularly review the appropriateness and effectiveness of the risk management measures and operational conditions in place and to introduce measures to further reduce exposure and emissions.

5. The downstream users shall make available to the Agency the information collected from the monitoring programmes referred to in paragraph 2 and 3, including the contextual information associated to each set of measurements, for the first time by 18 December 2021, for transmission to the authorisation holder for the preparation of the review report referred to in Article 61(1) of Regulation (EC) No 1907/2006. That information shall also be maintained and be made available by the authorisation holders and the downstream users, upon request, to the competent authorities of the Member States where an authorised use takes place.

Article 9

Where the authorisation holders submit a review report, it shall include the following information:

(a) as regards authorisation bearing numbers REACH/20/18/0 to REACH/20/18/27, the specific exposure scenarios and the documents related to the selection of the risk management measures referred to in Article 2(2), the verified and validated exposure scenarios referred to in Article 2(4), detailed guidance on how to select and apply risk management measures as referred to in Article 2(5), the information gathered via the measurements referred to in Article 2(6) and related contextual information and the documents on the action taken following each review referred to in Article 2(7);

(b) as regards authorisation bearing numbers REACH/20/18/28 to REACH/20/18/34, the information gathered via the measurements and contextual information referred to in Article 8(2) and (3);

(c) a refined assessment of the exposure of the general population to chromium (VI) via the environment, as well as of the resulting risks. The assessment shall be carried out using a higher-tier exposure assessment model going beyond the default assumptions of the Guidance on Information Requirements and

Chemical Safety Assessment[17] and those in the European Union System for the Evaluation of Substances (EUSES) model and shall make use of specific emission information. All reasonably foreseeable routes of exposure of members of the general population via the environment, including the oral route, shall be included in the assessment.

Article 10

Upon request, the authorisation holders shall submit a brief summary of the applicable risk management measures and operational conditions described in the chemical safety report to the competent authority of the Member State where the authorised use takes place in an official language of that Member State.

Article 11

This Decision is addressed to:

1. Chemservice GmbH, Herrnsheimer Hauptstrasse 1b 67550 Worms, Germany;
2. Atotech Deutschland GmbH, Erasmusstraße 20, 10553, Berlin, Germany;
3. Boeing Distribution Inc., Schillingweg 40, 2153PL, Nieuw-Vennep, Noord-Holland, Netherlands;
4. Prospere Chemical Logistic OÜ, Lao 21, 74114 Maardu, Estonia;
5. CROMITAL S.P.A., Strada Quattro, Pal. A7, 20090, Assago (MI), Italia;
6. Elementis Chromium LLP, Eaglescliffe, TS16 0QG, Stockton on Tees, United Kingdom;
7. MacDermid Enthone GmbH, Elisabeth-Selbert-Str. 4, 40764, Langenfeld, Germany.

Done at Brussels, 18.12.2020

For the Commission
Thierry BRETON
Member of the Commission

CERTIFIED COPY
For the Secretary-General

Martine DEPREZ
Director
Decision-making & Collegiality
EUROPEAN COMMISSION

[17] https://echa.europa.eu/guidance-documents/guidance-on-information-requirements-and-chemical-safety-assessment