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COMMISSION IMPLEMENTING DECISION

of 8.2.2017

**granting an authorisation for use of chromium trioxide under Regulation (EC) No
1907/2006 of the European Parliament and of the Council (Grohe AG)**

(Text with EEA relevance)

(ONLY THE TEXT IN ENGLISH 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/EC¹, and in particular Article 64(8) thereof,

Whereas:

- (1) Chromium trioxide is listed in Annex XIV to Regulation (EC) No 1907/2006 and is therefore subject to the authorisation requirement referred to in Article 56(1)(a) of that Regulation.
- (2) On 7 October 2015 Grohe AG ('the applicant') submitted, in accordance with Article 62 of Regulation (EC) No 1907/2006, an application for authorisation for the use of chromium trioxide for electroplating of different types of substrates with the purpose to create a long-lasting high durability surface with bright (shiny) or matte look (functional electroplating with decorative character) ('use one') and for the use of chromium trioxide for a pre-treatment step (etching) in the electroplating process ('use two').
- (3) On 18 April 2016, the Commission received the the opinions of the Committee for Risk Assessment ('RAC') and the Committee for Socio-economic Analysis ('SEAC') of the European Chemicals Agency ('the Agency')² on the application.
- (4) In its opinion the RAC confirmed 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 therefore that chromium trioxide is a non-threshold substance. In accordance with Article 60(3)(a) of Regulation (EC) No 1907/2006, Article 60(2) of that Regulation do

¹ OJ L 396, 30.12.2006, p. 1.

² <http://ec.europa.eu/DocsRoom/documents/16530/attachments/1/translations/en/renditions/native>
<http://ec.europa.eu/DocsRoom/documents/16531/attachments/1/translations/en/renditions/native>

not apply to that substance, and therefore an authorisation may only be granted on the basis of Article 60(4) of that Regulation.

- (5) In its opinion the RAC concluded that the risk management measures and operational conditions as described in the application are appropriate and effective in limiting the risk to workers and to the general population that could be potentially exposed via the environment.
- (6) In its opinion, due to the uncertainties related to the data on worker exposure and on indirect exposure of man via the environment, the RAC recommended additional monitoring arrangements. It is therefore appropriate to require the authorisation holder to conduct regular occupational exposure measurements and environmental emissions measurements related to the authorised use of chromium trioxide, to use those results to review the risk management measures and operational conditions and to include them in the case of a review report to be submitted in accordance with Article 61(1) of Regulation (EC) No 1907/2006.
- (7) In its opinion the SEAC concluded that the overall socio-economic benefits arising from each of the two uses applied for outweigh the risks to human health and the environment arising from those uses and that there are no suitable alternative substances or technologies in terms of their technical and economic feasibility for the applicant.
- (8) Based on the RAC and the SEAC opinions, and in accordance with Article 60(4) of Regulation (EC) No 1907/2006, it is appropriate to authorise the uses applied for, provided that the risk management measures and operational conditions described in the application and in particular in the chemical safety report³ are fully applied.
- (9) In its opinion, the SEAC recommended the review period referred to in Article 60(9)(e) of Regulation (EC) No 1907/2006 to be set at twelve years for use one and at ten years for use two. The recommended review periods take into account the negligible costs associated with the continued use, the lack of suitable alternatives in terms of their technical and economic feasibility, the fact that substitution would be impossible within shorter timelines given the applicant's previous and ongoing research and development efforts to substitute chromium trioxide without success so far, the time necessary to implement an alternative if one becomes available in the future, the superior performance of products plated using chromium trioxide, the dominance of such products on the market for decades and the continued possibility to import such products, as well as the fact that the benefits of continued use outweigh the risks by a very significant margin. With regard to use two, the applicant's ten-year research and development programme to substitute to an alternative technology if demonstrated to be industrially viable was also taken into account. Therefore, as regards the uses of chromium trioxide applied for, the review periods should be set at twelve years for use one and at ten years for use two, as from the sunset date set out in Annex XIV to Regulation (EC) No 1907/2006 for chromium trioxide.
- (10) The language used for the description of the risk management measures and operational conditions included in the application for authorisation may be different from the official language of the Member State where the uses take place. Therefore, in order to facilitate the enforcement of the authorisation, it is appropriate to include a monitoring arrangement requiring the holder of the authorisation to submit, upon

³ <http://ec.europa.eu/DocsRoom/documents/16530/attachments/1/translations/en/renditions/native>

request, a succinct summary of those risk management measures and operational conditions in an official language of the Member State concerned.

- (11) This Decision does not affect either the obligation of the holder of the authorisation to ensure that the exposure to the substance is reduced to as low a level as is technically and practically possible pursuant to Article 60(10) of Regulation (EC) No 1907/2006 or the obligation of the employer 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 in accordance with Article 4(1) of Directive 2004/37/EC of the European Parliament and of the Council⁴, or to prevent and reduce exposure in accordance with Article 5 of that Directive.
- (12) This Decision is without prejudice to any obligation to comply with emission limit values set in accordance with Directive 2010/75/EU of the European Parliament and of the Council⁵ and Directive 2008/50/EC of the European Parliament and of the Council⁶, as well as with emission limit values set to achieve compliance with the environmental quality standards established both in Directive 2008/105/EC of the European Parliament and of the Council⁷ and by Member States in accordance with Directive 2000/60/EC of the European Parliament and of the Council⁸. Compliance with the provisions of this Decision should not necessarily result in compliance with emission limit values or environmental quality standards under other Union legislation, which may include separate or more onerous requirements.
- (13) 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

An authorisation is granted in accordance with Article 60(4) of Regulation (EC) No 1907/2006 for the following uses of chromium trioxide (EC No. EC No: 215-607-8 CAS No: 1333-82-0), provided that the risk management measures and operational conditions described in the chemical safety report submitted pursuant to Article 62(4)(d) of that Regulation are fully applied:

Authorisation number	Authorised use
REACH/17/5/0	Use for electroplating of different types of substrates with the purpose to create a long-lasting high durability surface with bright (shiny) or matte look (functional electroplating

⁴ 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).

⁵ 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).

⁶ 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).

⁷ 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).

⁸ 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).

with decorative character)

REACH/17/5/1

Use for a pre-treatment step (etching) in the electroplating process

Article 2

- (1) As regards the authorised use of chromium trioxide REACH/17/5/0, the review period referred to in Article 60(9)(e) of Regulation (EC) No 1907/2006 shall expire on 21 September 2029.
- (2) As regards the authorised use of chromium trioxide REACH/17/5/1, the review period referred to in Article 60(9)(e) of Regulation (EC) No 1907/2006 shall expire on 21 September 2027.

Article 3

The following monitoring arrangements shall apply:

- (a) the authorisation holder shall conduct regular occupational exposure measurements relating to the uses described in Article 1. This monitoring shall:
 - (i) take place at least annually;
 - (ii) be comparable for all sites;
 - (iii) be based on relevant standard methodologies or protocols;
 - (iv) ensure a sufficiently low detection limit;
 - (v) comprise both static and personal inhalation exposure sampling;
 - (vi) be representative of the range of tasks with possible exposure to chromium VI and of the total number of workers that are potentially exposed;
- (b) the authorisation holder shall measure at least annually emissions of chromium VI to wastewater and air relating to the uses referred to in Article 1 at all sites. Measurement campaigns shall be undertaken according to standard sampling and analytical methods, where appropriate;
- (c) the information gathered in the measurements required by points (a) and (b) shall be used by the authorisation holder to regularly review the effectiveness of the risk management measures and operational conditions and to take action as appropriate;
- (d) the results of the measurements as described in paragraphs (a) and (b), as well as the outcomes and conclusions of the review referred to in point (c), including any action taken shall be documented and included in the review report referred to in Article 61(1) of Regulation (EC) No 1907/2006 and, upon request, submitted to the competent authority of the Member State where the authorised use takes place;
- (e) on request of the competent authority of the Member State where an authorised uses take place, the authorisation holder shall submit to that authority a succinct summary of the applicable risk management measures and operational conditions described in the chemical safety report in an official language of that Member State.

Article 4

This Decision is addressed to Grohe AG, Industriepark Edelburg, 58675 Hemer, Germany.

Done at Brussels, 8.2.2017

For the Commission
Elzbieta BIENKOWSKA
Member of the Commission

