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COMMISSION IMPLEMENTING DECISION

of 11.1.2018

**granting an authorisation for certain uses of chromium trioxide under Regulation (EC)
No 1907/2006 of the European Parliament and of the Council (Abloy Oy)**

(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/EC¹, and in particular Article 64(8) thereof,

Whereas:

- (1) Chromium trioxide is listed in Annex XIV to Regulation (EC) No 1907/2006 and therefore subject to the authorisation requirement referred to in Article 56(1)(a) of that Regulation.
- (2) On 12 February 2016, an application for authorisation was submitted by Abloy Oy ('the applicant') in accordance with Article 62 of Regulation (EC) No 1907/2006 for the use of chromium trioxide in electroplating of mechanical and electromechanical cylinders, cam locks and padlocks, electromechanical lock cases and architectural hardware.
- (3) On 17 November 2016, the Commission received the opinions of the Committee for Risk Assessment ('RAC') and the Committee for Socio-economic Analysis ('SEAC') of the European Chemicals Agency² on the application, pursuant to the second subparagraph of Article 64(5) of Regulation (EC) No 1907/2006.
- (4) In its opinion, 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 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 does 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, 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 of the applicant's company and the general population that could

¹ OJ L 396, 30.12.2006, p. 1.

² <https://echa.europa.eu/documents/10162/31afbff8-6ace-4463-8815-ff5886bdd7a6>

potentially be exposed via the environment. RAC noted, however, that no monitoring information (air measurements and biomonitoring data) was available for outsourced workers which carry-out maintenance of ventilation and hoisting systems in the plant. Therefore it could not assess whether for those the risk management measures and operational conditions are appropriate and effective for those workers. RAC reported that the applicant indicated that all requirements, conditions and measures related to personal protection apply also to those workers and that it would explore the possibility of including those outsourced workers in its monitoring programme. Given the importance of ensuring the appropriate control of risks to all workers in the plant, future monitoring programmes should include outsourced workers as well. Due to these uncertainties and because, as indicated by the the applicant, a 5-10 % annual increase in the tonnage of the chromium trioxide used is foreseen, leading to the doubling of the initial tonnage by 2028, RAC recommended to continue careful monitoring of workplace exposure with a view to assess any change also including outsourced workers, and if needed, to take further action to minimise the exposure. Those activities should be carried out and included in a review report referred to in Article 61(1) of Regulation (EC) No 1907/2006.

- (6) In its opinion, SEAC concluded that the overall socio-economic benefits arising from the use of chromium trioxide applied for outweigh the risks to human health or the environment arising from that use and that there are no suitable alternative substances or technologies for the applicant before the sunset date. Furthermore, the timelines required to implement an alternative differ for the specific product categories covered by the use applied for. For a category of products used indoor and comprising interior door handles, office furniture locks and plates for interior door ('category 1'), the SEAC accepted that the applicant can implement a technically suitable alternative of chromium trioxide in electroplating by the end of 2019. SEAC also accepted that the category covering the remaining products produced by the applicant ('category 2') is characterised by high quality and security requirements and thereby substitution will require a longer period of time. SEAC therefore recommended that as from 1 January 2020 the authorisation should not apply to category 1 products and should continue to apply only to category 2 products. The Commission, having evaluated the SEAC assessment, concurs with these conclusions.
- (7) Based on the RAC and SEAC opinions, and in accordance with Article 60(4) of Regulation (EC) No 1907/2006, it is appropriate to authorise the use of chromium trioxide applied for, provided that the risk management measures and operational conditions described in the application and in particular in the chemical safety report³, as well as the monitoring arrangements set out in this Decision, are fully applied.
- (8) 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. The recommended review period takes into account RAC's assessment of the risk of the continued use of the substance, the fact that the benefits of continued use clearly outweigh the risks, the non-availability of suitable alternatives before the sunset date, the availability by 2020 of a suitable alternative to replace chromium trioxide in products with lower performance requirements ('category 1' products), the longer timelines needed for the identification of alternatives for the remaining products with higher performance requirements ('category 2' products), as well as the timelines required for the field tests and the qualification of the new products.

³ <http://ec.europa.eu/DocsRoom/documents/20584>

- (9) In view of the RAC and SEAC opinion, the Commission considers appropriate that, as regards the use of chromium trioxide applied for, the review period referred to in Article 60(9)(e) of Regulation (EC) No 1907/2006 expires on 31 December 2019 for the 'category 1' product range and on 21 September 2029 for the 'category 2' product range.
- (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 languages of the Member State where the use takes place. Therefore, in order to facilitate the enforcement of the authorisation, it is appropriate to include a monitoring arrangement requiring the authorisation holder to submit, upon 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 the obligation of the authorisation holder to ensure that the use does not adversely affect human health or the environment pursuant to Article 1(3) of Regulation (EC) No 1907/2006. Furthermore, it does not affect either the obligation of the authorisation holder 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. Furthermore, this Decision is without prejudice to the application of the Union Directives in the area of health and safety at work, in particular Council Directive 89/391/EEC⁵, Council Directive 98/24⁶, Directive 2004/37, Council Directive 92/85/EEC⁷ and Council Directive 94/33/EC⁸.
- (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 Council⁹ and Directive 2008/50/EC of the European Parliament and of the Council¹⁰, 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 Council¹¹ and by Member States in accordance with

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 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, 29.06.1989, p. 1).

⁶ 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, 05.05.1998, p. 11).

⁷ 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).

⁸ Council Directive 94/33/EC of 22 June 1994 on the protection of young people at work (OJ L 216, 20.08.1994, p. 12).

⁹ 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).

¹⁰ 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).

¹¹ 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

Directive 2000/60/EC of the European Parliament and of the Council¹². 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 215-607-8 and 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/17/29/0	Use of chromium trioxide in electroplating of mechanical and electromechanical cylinders, cam locks and padlocks, electromechanical lock cases and architectural hardware. This use does not cover electroplating of interior door handles, office furniture locks and plates for interior doors.
REACH/17/29/1	Use of chromium trioxide in electroplating of interior door handles, office furniture locks and plates for interior doors.

Article 2

1. As regards the authorised uses of chromium trioxide, the review period referred to in Article 60(9)(e) of Regulation (EC) No 1907/2006 shall expire on 21 September 2029 for the use with authorisation number REACH/17/29/0 and on 31 December 2019 for the use with authorisation number REACH/17/29/1.
2. The authorisation REACH/17/29/1 shall cease to be valid on 1 January 2020 in case the review report referred to in Article 61(1) has not been submitted by 30 June 2018, unless a decision to withdraw the authorisation is adopted earlier in application of Article 61(2) and (3) of Regulation (EC) No 1907/2006.

Article 3

The following monitoring arrangements shall apply:

- (a) the authorisation holder shall submit, upon request, to the competent authority of the Member State where the authorised use takes place a succinct summary of the

¹² 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).
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).

applicable risk management measures and operational conditions described in the chemical safety report in an official language of that Member State;

- (b) the authorisation holder shall conduct regular occupational exposure measurements, based on relevant standard reference methodologies and protocols, representative of the range of tasks undertaken, where exposure to Cr(VI) is possible and of the total number of workers potentially exposed on each site, including outsourced workers;
- (c) the information gathered in the measurements referred to in point (b) shall be used to regularly review the effectiveness of the risk management measures and operational conditions, giving particular consideration to the envisaged increase in the amounts of chromium trioxide used and to take action, as appropriate, to further reduce workers' exposure to Cr(VI). Information on measurements as well as the results of this review shall be documented and made available upon request to the national enforcement authorities of the Member State(s) where the authorised uses take place;
- (d) the results of the measurements referred to in point (b), as well as the outcome and conclusions of the review and any actions taken in accordance with point (c), shall be included in the review report referred to in Article 61(1) of Regulation (EC) No 1907/2006 and, upon request, shall be submitted to the competent authority of the Member State where the authorised use takes place.

Article 4

This Decision is addressed to Abloy Oy, Wahlforssinkatu 20, 80100 Joensuu, Finland.

Done at Brussels, 11.1.2018

For the Commission
Elżbieta BIEŃKOWSKA
Member of the Commission

