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COMMISSION IMPLEMENTING DECISION

of 23.3.2018

granting an authorisation for a use of sodium dichromate under Regulation (EC) No 1907/2006 of the European Parliament and of the Council (Jacobs Douwe Egberts DE GmbH)

(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) Sodium dichromate 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 22 February 2016, an application for authorisation was submitted by Jacobs Douwe Egberts DE GmbH, Dr. Otto Suwelack Nachf. GmbH & Co. KG and Européene de Lyophilisation S.A. in accordance with Article 62 of Regulation (EC) No 1907/2006 for the use of sodium dichromate as corrosion inhibitor in ammonia absorption deep cooling systems as applied in the industrial production of freeze dried products such as coffee, herbs, spices and comparable products.
- (3) On 14 December 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 sodium dichromate in accordance with Section 6.4 of Annex I to Regulation (EC) No 1907/2006 and therefore sodium dichromate 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.

¹ OJ L 396, 30.12.2006, p. 1.

² <https://echa.europa.eu/documents/10162/3850ae67-1530-c881-eb0e-42660c29787a>

- (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 and the general population that could potentially be exposed via the environment.
- (6) In its opinion, SEAC concluded that the overall socio-economic benefits arising from the use of sodium dichromate applied for outweigh the risks to human health or the environment arising from that use and that, even though there is one technically feasible alternative available, it is not economically feasible, and that there are no other suitable alternative substances or technologies in terms of their technical and economic feasibility for the applicants before the sunset date. The Commission, having evaluated the SEAC assessment, concurs with this conclusion.
- (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 sodium dichromate 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.
- (8) In its opinion, 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 the RAC assessment of the risk of the continued use of the substance, the fact that the socio-economic benefits of continued use outweigh the risks by a substantial margin, the significant costs of substitution due to a long investment cycle of the applicant, the fact that the only technically feasible alternative identified so far is not economically feasible, and a very low likelihood that both technically and economically feasible alternative would be identified within a shorter timeframe.
- (9) In view of the RAC and the SEAC opinion, the Commission considers appropriate that, as regards the uses of sodium dichromate applied for, the review period referred to in Article 60(9)(e) of Regulation (EC) No 1907/2006 is set at twelve years as from the sunset date set out in Annex XIV to Regulation (EC) No 1907/2006.
- (10) In their opinions, the RAC and SEAC did not recommend any additional conditions or monitoring arrangements.
- (11) 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(s) of the Member State(s) where the use(s) take(s) place. Therefore, in order to facilitate the enforcement of the authorisation, it is appropriate to include a monitoring arrangement requiring 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 State(s) concerned.
- (12) This Decision does not affect the obligation of the authorisation holders 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

³ <http://ec.europa.eu/DocsRoom/documents/20627>

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 EU Directives in the area of health and safety at work, in particular Council Directive 89/391/EEC⁵, Council Directive 98/24⁶, Directive 2004/37 of the European Parliament and of the Council⁷, Council Directive 92/85/EEC⁸ and Council Directive 94/33/EC⁹.

- (13) 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 Council¹⁰ and Directive 2008/50/EC of the European Parliament and of the Council¹¹, 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 Council¹² and by Member States in accordance with Directive 2000/60/EC of the European Parliament and of the Council¹³. 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.
- (14) 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 use of sodium dichromate (EC No. 234-190-3; CAS No. 10588-

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 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, 30.04.2004).

⁸ 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).

⁹ 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).

¹⁰ 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).

¹¹ 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).

¹² 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).

¹³ 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).

01-9 (anhydrous) and CAS No. 7789-12-0 (dihydrate)), 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	Authorisation holder	Authorised use
REACH/17/32/0	Jacobs Douwe Egberts DE GmbH	Use of sodium dichromate as corrosion inhibitor in ammonia absorption deep cooling systems as applied in the industrial production of freeze dried products such as coffee, herbs, spices and comparable products
REACH/17/32/1	Dr. Otto Suwelack Nachf. GmbH & Co. KG	
REACH/17/32/2	Européene de Lyophilisation S.A.	

Article 2

As regards the authorised use of sodium dichromate, the review period referred to in Article 60(9)(e) of Regulation (EC) No 1907/2006 shall expire on 21 September 2029.

Article 3

The following monitoring arrangement shall apply:

- the authorisation holders shall submit, upon request, to the competent authority of the Member State where the authorised use takes place 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:

1. Jacobs Douwe Egberts DE GmbH, Weser Ems Str 1-3, 28309 Bremen, Germany;
2. Dr. Otto Suwelack Nachf. GmbH & Co.KG, Josef-Suwelack-Str., 48727 Billerbeck, Germany;

3. Européenne de Lyophilisation S.A., Rue Cafea 1, B-4460 Grace-Hollogne, Belgium.
Done at Brussels, 23.3.2018

For the Commission
Elżbieta BIENKOWSKA
Member of the Commission

