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COMMISSION IMPLEMENTING DECISION

of 9.2.2018

**granting an authorisation for use of chromium trioxide under Regulation (EC) No
1907/2006 of the European Parliament and of the Council (Hoogovens Court Roll
Surface Technologies V.O.F.)**

(ONLY THE ENGLISH TEXT IS AUTHENTIC)

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granting an authorisation for use of chromium trioxide under Regulation (EC) No 1907/2006 of the European Parliament and of the Council (Hoogovens Court Roll Surface Technologies V.O.F.)

(ONLY THE ENGLISH TEXT IS AUTHENTIC)

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 17 February 2016, an application for authorisation was submitted by Hoogovens Court Roll Surface Technologies V.O.F., WAVEC GmbH, Trattamento Cilindri Laminazione S.r.l., Walzen-Service-Center GmbH, NORD CHROME SAS, RHENAROLL SA, Texturing Technology Limited and NC POLAND Sp.z o.o. ('the applicants') in accordance with Article 62 of Regulation (EC) No 1907/2006 for the use of chromium trioxide in functional chrome plating of work rolls used in the steel and aluminium industry.
- (3) On 15 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, 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 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.

¹ OJ L 396, 30.12.2006, p. 1.

² <https://echa.europa.eu/documents/10162/6c846435-bbbd-21aa-8d25-f23227e85f95>

- (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 the general population exposed via environment.
- (6) In its opinion, due to uncertainties in the worker exposure assessment, including the effectiveness of the technical measures and the inconsistencies in the risk management measures between sites, the RAC recommended additional monitoring arrangements.
- (7) In its opinion, the 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 applicants before the sunset date. The Commission, having evaluated the SEAC assessment, concurs with this conclusion.
- (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 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.
- (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. The recommended review period takes into account the RAC assessment of the risk of the continued use of the substance, that the socio-economic benefits of continued use clearly outweigh the risks, the non-availability of suitable alternatives before the sunset date, the likelihood that this will not change within a shorter period, as well as the potentially long timelines and high costs required for implementing an alternative at the sites of the final customers (large scale installations in the steel and the aluminium industry), should a suitable one become available.
- (10) In view of the RAC and the 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 should be set at twelve years as from the sunset date set out in Annex XIV to Regulation (EC) No 1907/2006.
- (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/20641>

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) Since the United Kingdom notified on 29 March 2017 its intention to leave the Union, pursuant to Article 50 of the Treaty on European Union, the Treaties will cease to apply to the United Kingdom from the date of entry into force of the withdrawal agreement or, failing that, two years after the notification, unless the European Council, in agreement with the United Kingdom, decides to extend that period. As a consequence, and without prejudice to any provisions of the withdrawal agreement, this Decision, as far as it addresses a legal entity established in the United Kingdom, only applies until the United Kingdom ceases to be a Member State.

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).

(15) 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 chromium trioxide (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, as well as the monitoring arrangements set out in Article 3 of this Decision are fully applied:

Authorisation number	Authorisation holder	Authorised use
REACH/17/X/0	Hoogovens Court Roll Surface Technologies V.O.F	Use of chromium trioxide in functional chrome plating of work rolls used in the steel and aluminium industry
REACH/17/X/1	Wavec GmbH	
REACH/17/X/2	Trattamento Cilindri Laminazione S.r.l.	
REACH/17/X/3	Walzen-Service-Center GmbH	
REACH/17/X/4	Nord Chrome SAS	
REACH/17/X/5	Rhenaroll SA	
REACH/17/X/6	Texturing Technology Limited	
REACH/17/X/7	NC Poland Sp.z. o.o.	

Article 2

As regards the authorised use 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.

Article 3

The following monitoring arrangements shall apply:

- (a) 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;
- (b) the authorisation holders shall conduct regular occupational measurements related to the use described in Article 1. Those measurements shall:
 - (i) take place at least annually;

- (ii) be undertaken according to standard sampling and analytical methods, where appropriate;
 - (iii) comprise both personal and stationary inhalation exposure sampling;
 - (iv) be representative of the full range of tasks undertaken at each site with possible exposure to chromium (VI) (including maintenance) and of the total number of workers that are potentially exposed;
- (c) the authorisation holders shall review the consistency of the current risk management measures across all sites to ensure adequate protection of workers. Site specific variations should be justified or assessed in separate worker contributing scenarios;
- (d) the authorisation holders shall revise as soon as possible the current practice at the sites regarding ventilation and organisation at the workplace. This must include:
- (i) the evaluation of the feasibility of implementing general mechanical ventilation in the workplaces where there is only natural ventilation and in workplaces where, even with local exhaust ventilation (LEV), chromium (VI) is handled;
 - (ii) the evaluation of the organisation of the workplaces to ensure the consistency of access control and segregation of other activities from chromium (VI) emission sources, in line with the hierarchy of control principles;
- (e) the information gathered via the measurements required by point (b) and actions taken under points (c) and (d) shall be documented and used to regularly review the effectiveness of the risk management measures and operational conditions, to validate the exposure estimates presented in the chemical safety report and introduce measures to reduce exposure;
- (f) the effectiveness of the current LEV equipment should be ensured by implementing appropriate preventative maintenance programmes in all sites;
- (g) the results and the contextual information of the measurements, as described in point (b), as well as the outcome and conclusions of the review and any actions taken, as described in paragraph (e), shall be documented and included in the review report referred to in Article 61(1) of Regulation (EC) No 1907/2006 and, upon request, be submitted to the competent authority of the Member State where the authorised uses take place.

Article 4

This Decision is addressed to:

1. Hoogovens Court Roll Surface Technologies V.O.F., Wenckenbachstraat 1, 1951JZ Velsen-Noord, Netherlands;
2. Wavec GmbH, Werkstrasse 17 Nr.2, 15890 Eisenhüttenstadt, Germany;
3. Trattamento Cilindri Laminazione S.r.l., Boscomarengo 1/D, 15067 Novi Ligure, Piemonte, Italy;
4. Walzen-Service-Center GmbH, Essener Str. 259, via Knappenstrasse, 46047 Oberhausen, Germany;
5. Nord Chrome SAS, 1 route de Spycker, 59760 Grande-Synthe, France;
6. Rhenaroll SA, Zone Industrielle de Biesheim, 68600 Biesheim, France;

7. Texturing Technology Limited, PO Box 22, SA13 2YJ Port Talbot, West Glamorgan, United Kingdom;
 8. NC Poland Sp.z. o.o., Al. Niepodlegosci 106, 02-585 Warszawa, Poland.
- Done at Brussels, 9.2.2018

For the Commission
Elżbieta BIEŃKOWSKA
Member of the Commission

