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COMMISSION IMPLEMENTING DECISION

of 14.12.2018

granting an authorisation for a use of chromium trioxide under Regulation (EC) No 1907/2006 of the European Parliament and of the Council (Euro Cryospace France)

(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 21 March 2016, Euro Cryospace France ('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 the surface preparation of aluminium alloy cryogenic tanks used in the Ariane 5 launcher.
- (3) On 8 June 2017, 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 and the general population that could potentially be exposed via the environment. However, due to overreliance of risk management measures on

¹ OJ L 396, 30.12.2006, p. 1.

² <https://echa.europa.eu/documents/10162/b9567d5d-1ec8-41db-7e28-b74a617e418e>

respiratory protective equipment during weighing and decanting of chromium (VI) flakes and powder, RAC recommended additional condition for the authorisation.

- (6) In its opinion, SEAC concluded that the overall socio-economic benefits arising from the use of chromium trioxide applied for outweigh the risk 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. The Commission, having evaluated the SEAC assessment, concurs with those conclusions.
- (7) Based on RAC and SEAC's 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 condition set out in this Decision, 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 seven years. The Commission takes into account the relevant elements from the RAC and SEAC assessments, and in particular RAC's conclusion that the risk management measures and operational conditions as described in the application are appropriate and effective in limiting the risk, the fact that the benefits of continued use outweigh the risk by several orders of magnitude, that replacement of the current Ariane 5 launcher is foreseen by mid-2020s by the new Ariane 6 which would not require the substance applied for, and that there are no major uncertainties identified in the applicant's assessment. The Commission concurs with the SEAC recommendations.
- (9) Therefore, 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 is set at seven years as from the sunset date set out in Annex XIV to Regulation (EC) No 1907/2006.
- (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

³ <http://ec.europa.eu/docsroom/documents/24101>

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).

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 98/24/EC⁶, Directive 2004/37/EC, 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 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 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 condition set out in this Decision, are fully applied:

Authorisation number	Authorised use
REACH/18/18/0	Use of chromium trioxide for the surface preparation of aluminium alloy cryogenic tanks used in the Ariane 5 launcher

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 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).

¹² 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).

Article 2

The authorisation referred to in Article 1 shall be subject to the following condition:

- the authorisation holder shall review without undue delay, and at the latest by 14 June 2019, the risk management measures and operational conditions and introduce technical measures to reduce exposure of workers during weighing and decanting of chromium (VI) flakes and powder. The authorisation holder shall further implement engineering controls proposed in the application or eliminate the emission source during these activities. To select the appropriate risk management measures and operational conditions, hierarchy of control principles shall be followed.

Article 3

1. 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 2024.
2. The authorisation shall cease to be valid on 21 September 2024 in case the review report referred to in Article 61(1) has not been submitted by 21 March 2023, unless a decision to withdraw the authorisation is adopted earlier in application of paragraphs 2 and 3 of Article 61 of Regulation (EC) No 1907/2006.

Article 4

The following monitoring arrangements shall apply:

- (a) the authorisation holder shall conduct regular occupational exposure measurements. Those measurements shall:
 - (i) take place at least annually;
 - (ii) be based on relevant standard reference methodologies and protocols;
 - (iii) ensure a sufficiently low detection limit;
 - (iv) be appropriate to the duration of the tasks and be representative of the range of tasks undertaken, with possible exposure to chromium (VI) and of the total number of workers potentially exposed;
 - (v) include contextual information about the tasks with possible exposure to chromium trioxide;
- (b) the information gathered in the measurements referred to in points (a) shall be used to regularly review the appropriateness and effectiveness of the risk management measures and operational conditions and to take action, as appropriate, to further reduce exposure of workers;
- (c) the authorisation holder shall conduct regular (at least annually) measurements of emissions of chromium (VI) to air, according to standard sampling and analytical methods;
- (d) the results of the measurements referred to in points (a) and (c), as well as the outcome and conclusions of the review and any action taken in accordance with point (b), shall be documented, submitted upon request to the competent authority of the Member State where the authorised use take place and included in the review report referred to in Article 61(1) of Regulation (EC) No 1907/2006.

Article 5

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

Article 6

This Decision is addressed to Euro Cryospace France, 51-61 Route de Verneuil, 78133 Les Mureaux Cedex, France.

Done at Brussels, 14.12.2018

For the Commission
Elżbieta BIENKOWSKA
Member of the Commission

