



Brussels, 14.12.2018  
C(2018) 8564 final

**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 (Circuit Foil Luxembourg SARL)**

(ONLY THE ENGLISH TEXT IS AUTHENTIC)

## 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 (Circuit Foil Luxembourg SARL)**

(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/EC<sup>1</sup>, 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 7 December 2015, Circuit Foil Luxembourg SARL ('the applicant') submitted, in accordance with Article 62 of Regulation (EC) No 1907/2006, an application for authorisation for the industrial use of chromium trioxide for the treatment of copper foil used in the manufacture of printed circuit board. In order to align the wording of the use with the terminology of Regulation (EC) No 1907/2006, the use should be referred to as "industrial use of chromium trioxide for the treatment of copper foil used in the production of printed circuit board".
- (3) On 31 March 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 Agency on the application<sup>2</sup>, 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 that 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.

---

<sup>1</sup> OJ L 396, 30.12.2006, p. 1.

<sup>2</sup> <https://echa.europa.eu/documents/10162/d459d9e1-a04b-dfc8-072f-ca9296937f87>

- (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 to the general population that could be potentially exposed via the environment. However, in order to address uncertainties in the emission and exposure assessment, RAC recommended monitoring arrangements.
- (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 arising from that use and there are no suitable alternative substances or technologies for the applicant before the sunset date. However, SEAC recommended that the applicant should further elaborate the assessment of alternatives by including any potential additional alternatives resulting from its research and development activities. The Commission, having evaluated SEAC's assessment, concurs with these conclusions, acknowledging the importance of including information in a possible review report about the results of the applicant's relevant research and development activities, pursuant to Article 61(1) of Regulation (EC) No 1907/2006.
- (7) Taking into account RAC and SEAC's opinion, 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 report<sup>3</sup> 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 RAC's and SEAC's assessments, and in particular RAC's assessment of the risk of the continued use of the substance, the fact that the socio-economic benefits of continued use significantly outweigh the risk to human health associated to that use, the demonstrably long investment cycle of some of the applicant's customers, but also the uncertainties about when suitable alternatives will become available and about the expected time needed by the applicant's customers for the technical approval of the products and for the replacement of chromium trioxide, should an alternative become available. The Commission concurs with SEAC's recommendation.
- (9) In view of RAC's and SEAC's opinions, 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 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 language 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 holder of the authorisation 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 authorised 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

---

<sup>3</sup> <http://ec.europa.eu/DocsRoom/documents/22401>

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 Council<sup>4</sup>, 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 law in the area of health and safety at work, in particular Council Directive 89/391/EEC<sup>5</sup>, Council Directive 98/24/EC<sup>6</sup>, Directive 2004/37/EC, Council Directive 92/85/EEC<sup>7</sup> and Council Directive 94/33/EC<sup>8</sup>.

- (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 Council<sup>9</sup> and Directive 2008/50/EC of the European Parliament and of the Council<sup>10</sup>, 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 Council<sup>11</sup> and by Member States in accordance with Directive 2000/60/EC of the European Parliament and of the Council<sup>12</sup>. 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-

---

<sup>4</sup> 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).

<sup>5</sup> 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, 29.6.1989, p. 1).

<sup>6</sup> 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, 5.5.1998, p. 11).

<sup>7</sup> 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).

<sup>8</sup> Council Directive 94/33/EC of 22 June 1994 on the protection of young people at work (OJ L 216, 20.8.1994, p. 12).

<sup>9</sup> 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).

<sup>10</sup> 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).

<sup>11</sup> 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).

<sup>12</sup> 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).

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/18/17/0	Industrial use for the treatment of copper foil used in the production of printed circuit board

#### *Article 2*

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 REACH/18/17/0 shall cease to be valid on 21 September 2024 in case the review report referred to in Article 61(1) of Regulation (EC) No 1907/2006 has not been submitted by 21 April 2023, unless a decision to withdraw the authorisation is adopted earlier in application of Article 61(2) and (3) of that Regulation.

#### *Article 3*

The following monitoring arrangements shall apply:

- (a) the authorisation holder shall conduct regular occupational exposure measurements of chromium (VI) related to the use described in Article 1. Those measurements shall:
  - (i) take place at least annually;
  - (ii) be based on relevant standard methodologies or protocols and ensure a sufficiently low detection limit;
  - (iii) comprise both personal and static (where appropriate) inhalation exposure sampling;
  - (iv) include contextual information about and be representative of the range of tasks with possible exposure to chromium (VI) and of all the workers that are potentially exposed;
- (b) the authorisation holder shall regularly (at least annually) measure the emissions of chromium (VI) into the air related to the use referred to in Article 1. Those measurements shall:
  - (i) be undertaken according to standard sampling and analytical methods;
  - (ii) ensure a sufficiently low detection limit, where appropriate;
- (c) the authorisation holder shall use the information gathered by performing the measurements referred to in points (a) and (b) to regularly review the effectiveness of the risk management measures and operational conditions and to take action, as appropriate, in order to further reduce workers' exposure to chromium (VI) and its emissions into the air;
- (d) the results of the measurements referred to in points (a) and (b), as well as the outcome and conclusions of the review and any actions taken in accordance with

point (c) shall be documented, submitted upon request to the competent authority of the Member State where the authorised use takes place and included in the review report referred to in Article 61(1) of Regulation (EC) No 1907/2006.

*Article 4*

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 5*

This Decision is addressed to Circuit Foil Luxembourg SARL, Zone industrielle C. SALZBAACH, 9559 WILTZ, Luxembourg.

Done at Brussels, 14.12.2018

*For the Commission*  
*Elzbieta BIENKOWSKA*  
*Member of the Commission*

