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**COMMISSION IMPLEMENTING DECISION**

**of 14.2.2019**

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

(ONLY THE ENGLISH TEXT IS AUTHENTIC)

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

(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 is therefore subject to the authorisation requirement referred to in Article 56(1)(a) of that Regulation.
- (2) On 15 November 2016, Hansgrohe SE ('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 electroplating of different types of substrates with the purpose to create a long-lasting high durability surface with bright (shiny) or matte look (functional electroplating with decorative character) ('use 1') and for a pre-treatment step (etching) in the electroplating process ('use 2').
- (3) On 29 August 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<sup>2</sup> on the application pursuant to the second subparagraph of Article 64(5) of Regulation (EC) No 1907/2006.
- (4) In its opinions, 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 for the purposes of Article 60(3)(a) of that Regulation. In accordance with that Article, 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 Regulation (EC) No 1907/2006.

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

<sup>2</sup> <https://echa.europa.eu/documents/10162/d3611bfa-03df-32e7-ad1f-e25c6f024e0a>  
<https://echa.europa.eu/documents/10162/ec7a69a6-2bf8-d1c2-50b2-0c7f528940d5>

- (5) In its opinions, RAC concluded, for both uses, 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, due to the lack of sufficient measurements of emissions to air, RAC recommended additional monitoring arrangements. The Commission, having evaluated the RAC assessments, concurs with this conclusion.
- (6) In its opinions, SEAC concluded that the overall socio-economic benefits arising from the two uses of chromium trioxide applied for outweigh the risk to human health or the environment arising from those uses and that there are no suitable alternative substances or technologies for the applicant before the sunset date. The Commission, having evaluated the SEAC assessments, concurs with this conclusion.
- (7) Therefore, in accordance with Article 60(4) of Regulation (EC) No 1907/2006, it is appropriate to authorise the two uses 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 opinions, SEAC recommended the review period referred to in Article 60(9)(e) of Regulation (EC) No 1907/2006 to be set at 12 years for both uses applied for. The Commission takes into account the relevant elements from the RAC and SEAC assessments, and in particular that the risk management measures and operational conditions are appropriate and effective in limiting the risk, that the applicant's past and continuous research and development activities to develop an alternative with comparable performance have proven unsuccessful to date, the time necessary to implement a suitable alternative if one becomes available in the future, the likelihood that substitution would not be possible within shorter timelines, the fact that the socio-economic benefits outweigh the risk by a considerable degree, the dominance of chromium (VI) plated products since decades in terms of performance and price, alongside the continued availability of imports produced using chromium (VI), as well as the applicant's significant investment plan to expand its production capacity in the Union. The Commission concurs with the SEAC recommendations.
- (9) Given that the applicant submitted its application for authorisation after the latest application date referred to in Article 58(1)(c)(ii) of Regulation (EC) No 1907/2006 and that the sunset date set out in Annex XIV to that Regulation has already passed at the time of the adoption of this Decision, it is appropriate to set the starting point for the review period as from the adoption of this Decision. Therefore, it is appropriate that, as regards the two uses of chromium trioxide applied for, the review period be set at 12 years as from the adoption of this Decision.
- (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 any of the uses take 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 uses do 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

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<sup>3</sup> <http://ec.europa.eu/docsroom/documents/25162>

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 Council<sup>4</sup>, or to prevent and reduce exposure in accordance with Article 5 of that Directive. In addition, this Decision is without prejudice to the application of the Union law in the area of health and safety at work, in particular Council Directives 89/391/EEC<sup>5</sup>, 92/85/EEC<sup>6</sup>, 94/33/EC<sup>7</sup> and 98/24/EC<sup>8</sup> and Directive 2004/37/EC.

- (12) This Decision is without prejudice to any obligation to comply with emission limit values set in accordance with Directives 2008/50/EC<sup>9</sup> and 2010/75/EU<sup>10</sup> of the European Parliament and of the Council as well as with emission limit values set to achieve compliance with the environmental quality standards established both by Member States in accordance with Directive 2000/60/EC of the European Parliament and of the Council<sup>11</sup> and in Directive 2008/105/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 uses of chromium trioxide (EC No: 215-607-8; CAS No: 1333-

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<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 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>7</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>8</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>9</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>10</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>11</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).

<sup>12</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).

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/19/2/0	Use for electroplating of different types of substrates with the purpose to create a long-lasting high durability surface with bright (shiny) or matte look (functional electroplating with decorative character)
REACH/19/2/1	Use for a pre-treatment step (etching) in the electroplating process

#### *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 14 February 2031.
2. The authorisations referred to in Article 1 shall cease to be valid on 14 February 2031 in case a review report referred to in Article 61(1) of Regulation (EC) No 1907/2006 has not been submitted by 14 August 2029, unless a decision to withdraw the authorisation is adopted earlier pursuant to paragraphs 2 and 3 of Article 61 of that Regulation.

#### *Article 3*

The following monitoring arrangement shall apply: the authorisation holder shall regularly measure the emissions of chromium (VI) to air at the sites where the authorised uses take place, according to standard methodologies or protocols and use analytical methods with the lowest detection limit. Information gathered from the measurements 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 emissions of chromium (VI) to the environment.

The results of the measurements referred to in the previous paragraph shall be documented and submitted upon request to the competent authority of the Member State where any of the authorised uses take 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 an 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 Hansgrohe SE, Auestr. 5-9, 77761, Schiltach, Germany.

Done at Brussels, 14.2.2019

*For the Commission*  
*Elżbieta BIEŃKOWSKA*  
*Member of the Commission*

