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COMMISSION IMPLEMENTING DECISION

of 12.6.2019

granting an authorisation for a use of sodium dichromate under Regulation (EC) No 1907/2006 of the European Parliament and of the Council (H&R Ölwerke Schindler GmbH and H&R Chemisch-Pharmazeutische Spezialitäten 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 is therefore subject to the authorisation requirement laid down in Article 56(1)(a) of that Regulation.
- (2) On 20 November 2017, H&R Ölwerke Schindler GmbH and H&R Chemisch-Pharmazeutische Spezialitäten GmbH ('the applicants') submitted, in accordance with Article 62 of Regulation (EC) No 1907/2006, an application for authorisation for the use of sodium dichromate as corrosion inhibitor in ammonia absorption deep cooling systems, applied for the dewaxing and deoiling process steps of petroleum raffinate.
- (3) On 3 August 2018, 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 sent 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 substance for which it is not possible to determine a threshold. Pursuant to 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 in accordance with Article 60(4) of Regulation (EC) 1907/2006.
- (5) RAC concluded that the risk management measures and operational conditions described in the application are appropriate and effective in limiting the risk to

¹ OJ L 396, 30.12.2006, p. 1.

² <https://echa.europa.eu/documents/10162/4d74ab3e-cd76-a2c6-c329-24a571a58d52>

workers and to members of the general population who could be potentially exposed via the environment. However RAC specified that an exposure assessment for at least planned maintenance, should be provided to better describe the potential exposure. The Commission, having evaluated RAC's assessment, concurs with that conclusion.

- (6) In its opinion, SEAC concluded that the overall socio-economic benefits arising from the use of sodium dichromate covered by the application outweigh the risk to human health arising from that use and that there were no suitable alternative substances or technologies for the applicants at the sunset date. The Commission, having evaluated the SEAC's assessment, concurs with that conclusion.
- (7) Therefore, having regard to the conditions laid down in 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 12 years. The Commission takes into account the relevant elements from the assessments of RAC and SEAC and, in particular, that the risk management measures and operational conditions are appropriate and effective in limiting the risk, the conclusion that the benefits of continued use outweigh the risk by several orders of magnitude and that this situation is unlikely to change over the next decade, the time needed for the identification and implementation of potential alternatives, but also the uncertainties regarding the timeframe for substitution provided by the applicants, should a suitable alternative become available, the long and capital-intensive investment cycle of the applicants, as well as the fact that the continued use prevents the negative environmental impacts that might be associated with a premature decommissioning and replacement of a fully functional cooling system. The Commission concurs with SEAC's recommendation.
- (9) Taking into account the opinions of RAC and SEAC, it is therefore appropriate, as regards the use of sodium dichromate applied for, to set the review period at 12 years. 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.
- (10) In their opinions, 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 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.
- (12) 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 having regard to the principle set out in Article 1(3) of Regulation (EC) No 1907/2006. Furthermore, it

³ <https://ec.europa.eu/docsroom/documents/31367>

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. This Decision also does not affect the application of the Union law in the area of health and safety at work, in particular Council Directives 89/391/EEC⁵, 92/85/EEC⁶, 94/33/EC⁷, 98/24/EC⁸ and Directive 2004/37/EC.

- (13) This Decision does not affect any obligation to comply with emission limit values set in accordance with Directive 2008/50/EC⁹ or Directive 2010/75/EU¹⁰ of the European Parliament and of the Council, nor with emission limit values set to achieve compliance with the environmental quality standards established by Member States in accordance with Directive 2000/60/EC of the European Parliament and of the Council¹¹ or established in Directive 2008/105/EC of the European Parliament and of the Council¹². Compliance with the provisions of this Decision does not necessarily imply compliance with emission limit values or environmental quality standards under Union law, as those may include further 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 and CAS No 10588-01-9 (anhydrous); CAS No 7789-12-0 (dihydrate)), provided that the risk management

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, 29.6.1989, p. 1).

⁶ 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).

⁷ 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).

⁸ 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).

⁹ 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).

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 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).

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).

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/19/18/0	H&R Ölwerke Schindler GmbH	Use of sodium dichromate as corrosion inhibitor in ammonia absorption deep cooling systems, applied for the dewaxing and deoiling process steps of petroleum raffinate
REACH/19/18/1	H&R Chemisch- Pharmazeutische Spezialitäten GmbH	

Article 2

1. 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 12 June 2031.
2. The authorisations shall cease to be valid on 12 June 2031 in case the review report referred to in Article 61(1) of Regulation (EC) No 1907/2006 has not been submitted by 12 December 2029, unless a decision to withdraw the authorisation is adopted earlier in accordance with Article 61(2) and (3) of that Regulation.

Article 3

In the event that a review report as referred to in Article 61(1) of Regulation (EC) No 1907/2006 is submitted, it shall also include an exposure assessment for planned maintenance.

Article 4

Upon request, the authorisation holders shall submit a succinct summary of the applicable risk management measures and operational conditions described in the chemical safety report to the competent authority of the Member State where the authorised use takes place in an official language of that Member State.

Article 5

This Decision is addressed to:

- (1) H&R Ölwerke Schindler GmbH, Neuhöfer Brückenstr., 127-152, 21107, Hamburg, Germany;
- (2) H&R Chemisch-Pharmazeutische Spezialitäten GmbH, Neuenkirchener Strasse 8, 48499, Salzbergen, Germany.

Done at Brussels, 12.6.2019

For the Commission
Elżbieta BIEŃKOWSKA
Member of the Commission

