



Brussels, 14.4.2020
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COMMISSION IMPLEMENTING DECISION

of 14.4.2020

**partially granting an authorisation for certain uses of sodium dichromate under
Regulation (EC) No 1907/2006 of the European Parliament and of the Council
(Brenntag UK Ltd and others)**

(ONLY THE ENGLISH TEXT IS AUTHENTIC)

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(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, in conjunction with Article 131 of the Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community,

Whereas:

- (1) Sodium dichromate is listed in Annex XIV to Regulation (EC) No 1907/2006 and therefore subject to the authorisation requirement laid down in Article 56(1)(a) of that Regulation.
- (2) On 4 December 2015, Brenntag UK Ltd., Henkel AG & Co. KGaA and AD International BV ('the applicants') submitted, in accordance with Article 62 of Regulation (EC) No 1907/2006, an application for authorisation for the use of sodium dichromate in the formulation of mixtures ('use 1'), for surface treatment of metals such as aluminium, steel, zinc, magnesium, titanium, alloys, composites and sealings of anodic films ('use 2') and for electrolytic passivation of tin plated steel for the packaging industry ('use 3'). With regards to use 2, as the composites and anodic films may include non-metallic areas, the use should be referred to as "surface treatment of metals (such as aluminium, steel, zinc, magnesium, titanium, alloys), composites and sealings of anodic films".
- (3) On 13 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 ("the Agency") on the application, pursuant to the second subparagraph of Article 64(5) of Regulation (EC) No 1907/2006.

¹ OJ L 396, 30.12.2006, p. 1.

² <https://echa.europa.eu/documents/10162/b8d2bbc5-2446-7796-982d-8e65828c82d6>
<https://echa.europa.eu/documents/10162/658d42f4-93ac-b472-c721-ad5f0c22823c>
<https://echa.europa.eu/documents/10162/a5f155f8-4bc9-65f0-9f9a-f55003a4ec8e>

- (4) In its opinions, 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 that therefore sodium dichromate is a substance for which it is not possible to determine a threshold for the purposes of Article 60(3)(a) of that Regulation. Pursuant to Article 60(3)(a), Article 60(2) of Regulation (EC) No 1907/2006 does not apply to that substance, and therefore an authorisation may only be granted in accordance with Article 60(4) of that Regulation.
- (5) In its opinions on uses 1 and 2, RAC concluded that the risk management measures and operational conditions as described in the application are not appropriate and effective in limiting the risks to workers. RAC concluded that there are significant uncertainties regarding worker exposure due to limited availability of measured exposure data. According to RAC there was a lack of a clear link between the operational conditions and risk management measures described in the application and the claimed exposure levels for specific tasks and sites, preventing RAC from further evaluation. The difficulty to determine the claimed exposure levels associated to the different tasks is particularly relevant as regards use 2 where, in addition to bath immersion, different activities including spraying, rolling, brushing, 'penstick' application and machining operations are covered and the applicants have not been able to fully assess the combined exposure related to all of them. RAC therefore proposed to use the applicants estimate of a maximum combined individual worker exposure level as the basis of further analyses by SEAC.
- (6) Concerning uses 1 and 2, RAC further concluded that there are uncertainties in the assessment of exposure of the general population to sodium dichromate via the environment at the local scale, particularly regarding emission of chromium (VI) via wastewater. This is particularly relevant as regards oral exposure via drinking water. However, RAC considered that the provided assessment of risks to man via the environment was sufficient for further analysis by SEAC, noting that the approach by the applicants is based on assumptions that are likely to overestimate the risks to the general population. Regional exposure, although estimated by the applicants, was not considered relevant by RAC due to transformation of chromium (VI) to non-carcinogenic chromium (III) that will occur rapidly under most environmental conditions.
- (7) Due to the uncertainties in the assessment of risks to workers and to man via the environment, RAC recommended additional conditions and monitoring arrangements as regards uses 1 and 2. The Commission, having evaluated the RAC assessment, concurs with its conclusions and recommendations.
- (8) In its opinion on use 3, RAC concluded that the risk management measures and operational conditions, as described in the application and further detailed by the applicants, are appropriate and effective in limiting the risks to workers and the members of general population that could potentially be exposed via the environment.
- (9) However, as regards use 3, RAC concluded that there is a lack of specific data for the nine sites concerned and that uncertainties exist in the assessment of exposure of the general population to sodium dichromate via the environment at the local scale, particularly regarding emission of chromium (VI) via wastewater and related oral exposure via drinking water. Nonetheless, RAC considered the assessment of risks to man via the environment to be sufficient for further analysis by SEAC, noting that the approach by the applicants was based on assumptions that were likely to overestimate

the risks to the general population. Regional exposure, although estimated by the applicants, was not considered relevant by RAC due to transformation of chromium (VI) to non-carcinogenic chromium (III) that would occur rapidly under most environmental conditions. RAC further acknowledged that the description of contributing exposure scenarios and the exposure assessment in the application could be more specific to use 3 and that there are some uncertainties related to the frequency and combination of tasks performed by individual workers, but considered the impact of those uncertainties on total exposure to be low.

- (10) Due to the uncertainties in the combination and frequency of tasks performed by individual workers to address the variability between sites of the operational conditions and risk management measures implemented and due to the limited representativeness of the data supporting the assessment of the exposure of man via the environment, RAC recommended additional conditions and monitoring arrangements as regards use 3. The Commission, having evaluated RAC's assessment, concurs with its conclusions and recommendations.
- (11) RAC considered the risk assessment documented in the chemical safety report submitted by the applicant to be sufficient for assessing whether the socio-economic benefits outweigh the risk to human health pursuant to Article 60(4) of Regulation (EC) No 1907/2006.
- (12) In its opinions on the three uses covered by the application, SEAC concluded that the overall socio-economic benefits outweigh the risk to human health arising from those uses. Although SEAC identified uncertainties in the applicants' assessment of use 2, it considered the information provided by the applicants sufficient to make a conclusion.
- (13) Despite the uncertainties identified by RAC and SEAC and on the basis of their opinions, the Commission concludes that socio-economic benefits from the three uses outweigh the risk to human health.
- (14) An alternative should be able to provide the level of technical performance functionally necessary for the use applied for to be considered technically feasible. Some potential alternatives may provide this functionality but at some loss to performance or in a manner that involves technical compromises. The Commission considers that, given the economic and other incentives towards substitution that already arise from inclusion in the authorisation system, and in the light of the objective of progressive substitution, as a starting point, the Commission should not consider a potential alternative technically viable where such losses to performance or technical compromises are not minor. Nevertheless, the Commission considers it must be possible to depart from this approach where justified by particular circumstances, including the specific function of the substance for the use applied for, the public interests at stake, or a low net balance of the socio-economic benefits and the risk to human health or the environment. The Commission also considers that no particular factors justify less strict technical feasibility requirements in this case. Where the Commission is able to conclude on lack of technically feasible alternatives to the substance, it is unnecessary to consider economic feasibility of substitution.
- (15) In its opinion on use 1, considering that sodium dichromate has no independent function at the stage of formulation and consequently an assessment of the feasibility of alternatives for that use is irrelevant, SEAC concluded that there are no suitable alternative substances or technologies. Since the sole purpose of use 1 is to allow for the formulation of the mixtures required for use 2 and use 3, SEAC considered

necessary to limit the use accordingly. The Commission, having evaluated SEAC's assessment, concurs with that conclusion.

- (16) In its opinion on use 2, SEAC concluded that there are no suitable alternative substances or technologies. In order to address possible uncertainties due to the broadly defined scope of the use, SEAC considered necessary to limit the description of the use by linking it to certain surface treatment processes in which certain key functionalities are required in the aerospace sector. The Commission, having evaluated SEAC's assessment, considers that the applicants discharged their burden of proof in demonstrating the absence of suitable alternatives only with regard to such limited scope of the use.
- (17) In its opinion on use 3, SEAC concluded that there are no suitable alternative substances or technologies. The Commission, having evaluated SEAC's assessment, concurs with that conclusion.
- (18) As regards all uses, the Commission considers that the applicants have demonstrated that no potential alternatives provide the level of technical performance functionally necessary for the uses applied for.
- (19) Therefore, having regard to the conditions laid down in Article 60(4) of Regulation (EC) No 1907/2006, it is appropriate to authorise the three uses of sodium dichromate as limited in this Decision, provided that the risk management measures and operational conditions described in the chemical safety report referred to in Article 62(4)(d) of Regulation (EC) No 1907/2006, as well as the conditions set out in this Decision, are fully applied. The authorisation should not be granted for the part of use 2 where the specified key functionalities are not required for a particular surface treatment process.
- (20) The Commission has based its assessment on all relevant scientific evidence currently available, as assessed by RAC, and based its conclusions on the existence of a sufficient weight of evidence allowing it to conclude. Nevertheless, additional scientific evidence would allow the Commission to perform its assessments on a more robust or broad evidentiary base in the future. Hence, it is appropriate to require the generation of additional exposure and emission information.
- (21) Furthermore, in order to facilitate the enforcement of this Decision, the Commission considers necessary to require the authorisation holders' downstream users to include in the notification sent to the Agency pursuant to Article 66(1) of Regulation (EC) No 1907/2006, an explanation of the key functionalities listed in the Annex which are required for their use, including a justification why such key functionalities are necessary for that use (e.g. parts covered by safety certification and/or standards).
- (22) 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 seven years for uses 1 and 2 and at four years for use 3. The Commission takes into account the relevant elements from RAC's and SEAC's assessments and, in particular, the conclusion that sodium dichromate has no independent function at the stage of formulation and that any substitution for use 1 is linked to the substitution of uses 2 and 3. With regard to use 2, the Commission takes into account in particular the concerns related to the appropriateness and effectiveness of the risk management measures and operational conditions and the recommended additional conditions and monitoring arrangements to address those concerns, the likelihood that substitution would not be possible within a shorter timeframe despite the research and development activities, the time necessary to

implement and industrialise possible alternatives, should they become available, including the time necessary for their qualification and their regulatory certification in relation to safety and airworthiness as well as the expected negative social and economic consequences in case of refusal to grant the authorisation. With regard to use 3, the Commission takes into account in particular the conclusion that the risk management measures and operational conditions are appropriate and effective in limiting the risk, the recommended additional conditions and monitoring arrangements, the time necessary to industrialise a possible alternative, as well as the expected social costs due to unemployment and the expected negative economic consequences down the supply chain in case of refusal to grant the authorisation. Based on the above, the Commission concurs with SEAC's recommendation.

- (23) It is therefore appropriate, as regards uses 1 and 2, to set the review period at seven years from the sunset date set out in Annex XIV to Regulation (EC) No 1907/2006. As regards use 3, considering that the review report referred to in Article 61(1) of Regulation (EC) No 1907/2006 must be submitted at least 18 months before the expiry of the review period, and in view of the conditions and the time-limits for compliance with such conditions established by this Decision, the starting date of the review period as recommended by the SEAC would not allow the authorisation holders sufficient time to submit a review report within the time-limit in the present case. For use 3, it is therefore appropriate to provide for the review period of four years from the date of adoption of this Decision.
- (24) 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 require 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 concerned.
- (25) 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 having regard to the principle set out in Article 1(3) of Regulation (EC) No 1907/2006. Furthermore, it does not affect the obligation of the authorisation holders 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 and 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 Council³, or to prevent and reduce exposure in accordance with Article 5 of that Directive. This Decision does not affect the application of Union law in the area of health and safety at work, in particular Council Directives 89/391/EEC⁴, 92/85/EEC⁵, 94/33/EC⁶ and

³ 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).

⁴ 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).

⁵ 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).

98/24/EC⁷, and Directive 2004/37/EC, as well as any national binding occupational limit values which may be stricter than the applicable Union limit values.

- (26) This Decision does not affect any obligation to comply with emission limit values set in accordance with Directive 2008/50/EC⁸ or Directive 2010/75/EU⁹ 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 Council¹⁰ or established in Directive 2008/105/EC of the European Parliament and of the Council¹¹. Compliance with the provisions of this Decision does not necessarily imply compliance with other emission limit values or environmental quality standards under Union legislation, as those may include separate or more onerous requirements.
- (27) Pursuant to Article 127(1) of the Withdrawal Agreement, Union law is applicable to and in the United Kingdom during the transition period unless otherwise provided in that Agreement. Under Article 126 of the Agreement, the transition period ends on 31 December 2020. It may, however, be extended for up to 1 or 2 years through a single decision adopted in accordance with Article 132 of the Withdrawal Agreement.
- (28) One of the addressees of this Decision is a legal entity established in the United Kingdom. Regardless of the period of validity pursuant to this Decision, the Decision can therefore only apply in respect of that addressee for the duration of that transition period.
- (29) 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 sodium dichromate (EC No 234-190-3; CAS No 10588-01-9, 7789-12-0):

Authorisation number	Authorisation holder	Authorised use
REACH/20/5/0	Brenntag UK Ltd	Use in formulation of mixtures intended exclusively for uses REACH/20/5/3, REACH/20/5/4, REACH/20/5/5,
REACH/20/5/1	Henkel AG & Co. KGaA	

⁶ 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).

⁷ 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).

⁸ 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).

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 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).

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).

REACH/20/5/2	AD International BV	REACH/20/5/6, REACH/20/5/7 and REACH/20/5/8
REACH/20/5/3	Brenntag UK Ltd	Use for surface treatment of metals (such as aluminium, steel, zinc, magnesium, titanium, alloys), composites and sealings of anodic films for the aerospace sector in surface treatment processes in which any of the key functionalities listed in the Annex is required
REACH/20/5/4	Henkel AG & Co. KGaA	
REACH/20/5/5	AD International BV	
REACH/20/5/6	Brenntag UK Ltd.	Use for electrolytic passivation of tin plated steel for the packaging industry
REACH/20/5/7	Henkel AG & Co. KGaA	
REACH/20/5/8	AD International BV	

An authorisation for the use of sodium dichromate is not granted for surface treatment of metals, composites and sealings of anodic films for the aerospace sector where none of the key functionalities listed in the Annex is required for a particular surface treatment process.

The authorisation is granted subject to the full application of the risk management measures and operational conditions described in the chemical safety report¹² as well as to the conditions laid down in Articles 2 and 4.

In addition, as regards authorisation numbers REACH/20/5/0 to REACH/20/5/5, from 14 July 2020, the authorisation shall be subject to the risk management measures and operational conditions described in the specific exposure scenarios to be developed pursuant to Article 2.

Article 2

1. The authorisations bearing numbers REACH/20/5/0 to REACH/20/5/5 shall be subject to the conditions set out in paragraphs 2 to 13.
2. The authorisation holders shall develop, within the time frame set out in paragraph 3, specific exposure scenarios for representative processes, operations and individual tasks (including, for example, automatic versus manual systems and open versus closed systems and combinations thereof), describing risk management measures and operational conditions applied in all sites where the authorised uses take place and which are used to control worker exposure to chromium (VI) and its emissions to the environment in each of the specific scenarios.

The exposure scenarios shall contain information on the exposure levels resulting from the implementation of the risk management measures and operational conditions.

The authorisation holders shall select the risk management measures for the exposure scenarios in accordance with Article 5 of Directive 2004/37/EC. The selection shall be duly documented and justified and upon request made available to the competent authorities.

¹² <https://ec.europa.eu/docsroom/documents/20623/attachments/1/translations/en/renditions/native>
<https://ec.europa.eu/docsroom/documents/20625/attachments/1/translations/en/renditions/native>

3. These specific exposure scenarios shall be made available to the downstream users to whom this Decision applies by virtue of Article 56(2) of Regulation (EC) No 1907/2006 (the 'downstream users'), in an updated safety data sheet, at the latest on 14 July 2020.
4. The authorisation holders shall validate and verify the specific exposure scenarios at the latest on 14 October 2021 by making an analysis of tasks, using exposure and emission data measured by downstream users and related contextual information and by means of representative programmes of occupational exposure and environmental releases measurements referred to in paragraph 9, as regards all the processes related to the authorised uses. The validated and verified exposure scenarios shall be immediately made available to the downstream users.
5. The specific exposure scenarios to be made available to downstream users shall include detailed guidance on how to select and apply risk management measures. That information shall be submitted, upon request, to the competent authorities of the Member States where an authorised use takes place.
6. The downstream users shall implement best practices to reduce workplace exposure to sodium dichromate and its emissions to the environment to as low a level as technically and practically feasible, including by using closed systems and automation, when possible. Closed systems and automation shall, where possible, be used for tasks involving decanting and weighing of solids, corresponding to worker contributing scenario 3 in the chemical safety report as regards the uses bearing authorisation numbers REACH/20/5/3 to REACH/20/5/5.

Where use of closed systems and automation is not possible, the authorisation holders and the downstream users shall use local exhaust ventilation (LEV) systems that are designed, dimensioned, located and maintained to capture and remove sodium dichromate. Where closed systems and automation are not used, the authorisation holders and the downstream users shall be permitted not to use LEV only exceptionally, where its use is technically impossible and subject to the provision of appropriate justification. Information on LEV systems put in place in the installations where the authorised uses take place, as well as on their maintenance, shall be made available to the competent authority of the Member State where the authorised uses take place.

7. Where respiratory protective equipment (RPE) is needed to control exposure to sodium dichromate, the authorisation holders and downstream users shall use it in accordance with standard procedures for use and maintenance, including procedures for fit testing of RPE masks, applied in accordance with relevant standards.
8. The authorisation holders and the downstream users shall develop and implement standard operating procedures to minimise release of dust into the air during the preparation, transfer and storage of empty bags, filters and other process waste in accordance with the hierarchy of control provisions set out in Article 5 of Directive 2004/37/EC. When technically and practically possible, and given the obligation to provide a justification for not using LEV set out in the second subparagraph of paragraph 6, waste management activities, corresponding to worker contributing scenarios 11 and 27 in the chemical safety report referred to in Article 1, shall be conducted under a LEV.
9. The authorisation holders and the downstream users shall implement the following monitoring programmes for chromium (VI):

- (a) air monitoring programmes on occupational exposure to chromium (VI). The first measurements shall be performed without delay and at the latest on 14 October 2020. Those programmes shall:
 - take place annually;
 - be based on relevant standard methodologies or protocols;
 - be representative of the range of tasks undertaken where exposure to chromium (VI) is possible, including tasks involving process, maintenance and machining operations, of the operational conditions and risk management measures typical for each of these tasks, and of the number of workers potentially exposed;
 - (b) monitoring programmes for chromium (VI) emissions to wastewater and air from LEV. Those programmes shall be based on relevant standard methodologies or protocols and be representative of the operational conditions and risk management measures (such as waste water treatment systems, gaseous emission abatement techniques) used at the individual sites where measurements are carried out.
10. The authorisation holders and downstream users shall use the information gathered via the measurements referred to in paragraph 9 and related contextual information, to regularly review the effectiveness of the risk management measures and operational conditions in place and to introduce measures to further reduce exposure and emissions. The authorisation holders and the downstream users shall document the results of those measurements as well as of any action taken following the review and shall make them available, upon request, to the competent authorities of the Member States where the authorised uses take place.
11. The authorisation holder shall draw up recommendations and guidelines to assist downstream users in conducting the monitoring programmes measurements referred to in paragraph 9 and shall develop a report template for submission of monitoring data by downstream users according to paragraph 12. The report template shall be supplied to the downstream users together with the updated safety data sheet referred to in paragraph 3.
12. The downstream users shall make available to the Agency the information collected in accordance with paragraph 9, including the contextual information related to each set of measurements, in the format of the template referred in paragraph 11, for the first time by 14 April 2021, for transmission to the authorisation holders for the purpose of validating the specific exposure scenarios and for preparing the review report.
13. Having implemented the risk management measures and operational conditions described in the specific exposure scenarios, the downstream users may reduce the frequency of measurements referred to in paragraph 9, once they can demonstrate to the competent authority of the Member State where the use takes place that exposure of humans and releases to the environment have been reduced to as low a level as technically and practically possible and that the risk management measures and operational conditions correspond to the specific exposure scenarios and function appropriately.

Article 3

The downstream users shall include in the notification to the Agency pursuant to Article 66(1) an explanation of the key functionalities of sodium dichromate listed in the Annex which are required for their use, including a justification why such key functionalities are necessary for that use.

Article 4

1. The authorisation referred to in Article 1 bearing authorisation numbers REACH/20/5/6 to REACH/20/5/8 shall be subject to the conditions set out in paragraphs 2 to 4.
2. The downstream users shall implement best practices to reduce workplace exposure to sodium dichromate and emissions to the environment to as low a level as technically and practically feasible, including the use of closed systems and automation, when possible.

Where use of closed systems and automation is not possible, downstream users shall use LEV systems that are designed, dimensioned, located and maintained to capture and remove sodium dichromate. Where closed systems and automation are not used, the downstream users shall be permitted not to use LEV only exceptionally, where its use is technically impossible and subject to the provision of appropriate justification. Information on LEV systems put in place in the installations where the authorised uses take place, as well as of their maintenance, shall be made available to the competent authority of the Member State.

3. Where RPE is needed to control exposure to sodium dichromate, downstream users shall use it in accordance with standard procedures for use and maintenance, including procedures for fit testing of RPE masks, applied in accordance with relevant standards.
4. The downstream users shall comply with Article 5 of Directive 2004/37/EC when selecting the risk management measures described in the exposure scenarios. The downstream users shall duly document and justify the selection and shall make it available to the competent authority of the Member State where the authorised use takes place upon request.

Article 5

1. As regards the authorisation bearing numbers REACH/20/5/0 to REACH/20/5/5, the review period referred to in Article 60(9)(e) of Regulation (EC) No 1907/2006 shall expire on 21 September 2024.

The authorisation referred to in the first subparagraph shall cease to be valid on 21 September 2024 with regard to the authorisation holders who have not submitted the review report by 21 March 2023.

2. As regards the authorisation bearing numbers REACH/20/5/6 to REACH/20/5/8, the review period referred to in Article 60(9)(e) of Regulation (EC) No 1907/2006 shall expire on 14 April 2024.

The authorisation referred to in the first subparagraph shall cease to be valid on 14 April 2024 with regard to the authorisation holders who have not submitted the review report by 14 October 2022.

Article 6

1. The monitoring arrangements set out in paragraphs 2 to 6 shall apply to the authorisation bearing numbers REACH/20/5/6 to REACH/20/5/8.
2. The authorisation holders and the downstream users shall implement the following monitoring programmes for chromium (VI):
 - (a) air monitoring programmes on occupational exposure to chromium (VI) in accordance with Article 5(5)(e) of Directive 2004/37/EC. The first measurements shall be performed without delay and at the latest on 14 October 2020. Those programmes shall:
 - take place annually;
 - be based on relevant standard methodologies or protocols;
 - be representative of the range of tasks undertaken where exposure to chromium (VI) is possible, including tasks involving process, maintenance and machining operations, of the operational conditions and risk management measures typical for each of these tasks, and of the number of workers potentially exposed;
 - (b) monitoring programmes for chromium (VI) emissions to wastewater and air from LEV. Those programmes shall be based on relevant standard methodologies or protocols and be representative of the operational conditions and risk management measures (such as waste water treatment systems, gaseous emission abatement techniques) used at the individual sites where measurements are carried out.
3. The authorisation holders and downstream users shall use the information gathered via the measurements referred to in paragraph 2 and related contextual information, to regularly review the effectiveness of the risk management measures and operational conditions in place and to introduce measures to further reduce exposure and emissions. The authorisation holders and the downstream users shall document the results of those measurements as well as of any action taken following the review and shall make it available, upon request, to the competent authorities of the Member States where the authorised use takes place.
4. The authorisation holders shall draw up recommendations and guidelines to assist downstream users in conducting the monitoring programmes measurements referred to in paragraph 2 and shall develop a report template for submission of monitoring data by downstream users according to paragraph 5. The report template shall be supplied to the downstream users.
5. The downstream users shall make available to the Agency the information obtained via the monitoring programmes referred to in paragraph 2, including the contextual information related to each set of measurements, in the format of the template referred in paragraph 4, for the first time by 14 April 2021, for transmission to the authorisation holders for the purpose of preparing the review report.
6. The downstream users may reduce the frequency of measurements referred to in paragraph 2 once they can demonstrate to the competent authority of the Member State where the use takes place that exposure of humans and releases to the environment have been reduced to as low a level as technically and practically possible.

Article 7

If an authorisation holder submits a review report, it shall include the following information:

- (a) the information referred to in Article 2(2), including detailed guidance on how to select and apply risk management measures as referred to in Article 2(5) and the information referred to in Article 2(9) and (10);
- (b) a refined assessment of the exposure to chromium (VI) of humans via the environment, as well as of the resulting risks. That assessment shall be carried out using a higher-tier exposure assessment model going beyond the default assumptions of the Guidance on Information Requirements and Chemical Safety Assessment¹³ and of the European Union System for the Evaluation of Substances (EUSES) model and shall make use of site-specific emission information. All reasonably foreseeable routes of exposure of humans via the environment, including the oral route, shall be included in the assessment.

Article 8

Upon request, the authorisation holders shall submit a brief 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.

¹³ <https://echa.europa.eu/guidance-documents/guidance-on-information-requirements-and-chemical-safety-assessment>

Article 9

This Decision is addressed to:

1. Brenntag UK Ltd., Redvers Close lawnswood Business Park, LS16 6QY Leeds, United Kingdom;
2. Henkel AG & Co. KGaA, Henkelstrasse 67, 40191 Duesseldorf, North-Rhine Westfalia, Germany;
3. AD International BV, Markweg Zuid 27 4794 SN Heijningen Noord-Brabant Netherlands.

Done at Brussels, 14.4.2020

For the Commission
Thierry BRETON
Member of the Commission

