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COMMISSION IMPLEMENTING DECISION

of 14.2.2025

granting an authorisation under Regulation (EC) No 1907/2006 of the European Parliament and of the Council to ASO Cromsteel S.A. and FDF S.r.l. for a use of chromium trioxide

(Only the Italian and Romanian texts are 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 uses of that substance are subject to the authorisation requirement in Article 56(1), point (a), of that Regulation.
- (2) On 21 November 2022, ASO Cromsteel S.A. and FDF S.r.l. ('the applicants') submitted an application in accordance with Article 62 of Regulation (EC) No 1907/2006 for authorisation for a use of chromium trioxide. The use for which authorisation was sought is the functional chrome plating of semi-finished steel products (bars, cylinder tubes and linear shafts) for the manufacture of hydraulic and pneumatic components.
- (3) The European Chemicals Agency sent the opinions² on the application adopted by its Committee for Risk Assessment ('RAC') and its Committee for Socio-economic Analysis ('SEAC') to the Commission pursuant to Article 64(5), second subparagraph, of Regulation (EC) No 1907/2006. On 27 March 2024, the Commission received the opinions.
- (4) In its opinion, RAC concluded that it is not possible to determine a derived no-effect level for the carcinogenic and mutagenic properties of chromium trioxide in accordance with Section 1.4 of Annex I to Regulation (EC) No 1907/2006 and that therefore chromium trioxide is a substance for which it is not possible to determine a threshold for the purposes of Article 60(3), point (a), of that Regulation. As a result, Article 60(2) of Regulation (EC) No 1907/2006 does not apply to chromium trioxide

¹ OJ L 396, 30.12.2006, p. 1, ELI: <http://data.europa.eu/eli/reg/2006/1907/oj>

² <https://www.echa.europa.eu/documents/10162/a1f34f73-1c4b-fadd-9e6d-b33930898ac2>

and an authorisation may therefore only be granted with respect to that substance under paragraph 4 of that Article.

- (5) The chemical safety report provided in the application includes only one exposure scenario. However, since the risk management measures and operational conditions differ at the two sites where the use of chromium trioxide described in the application takes place, for the sake of legal clarity, it is appropriate to reflect that differentiation by providing two exposure scenarios to be covered by this Decision. Therefore, the site of ASO Cromsteel S.A. should be referred to as exposure scenario 1 ('ES1') and the site of FDF S.r.l. as exposure scenario 2 ('ES2').
- (6) In its opinion, RAC concluded that the risk management measures and operational conditions described in the application are appropriate and effective in limiting the risk to human health posed by the use of chromium trioxide described in the application. However, as regards occupational exposure, RAC expressed some moderate concerns regarding the manual sampling at both sites and the absence of a continuous control system for the correct functioning of the local exhaust ventilation systems in ES1. Consequently, in order to minimise occupational exposure to hexavalent chromium (Cr(VI)), the toxic component of chromium trioxide, RAC recommended imposing additional conditions for authorisation. Moreover, RAC recommended imposing additional monitoring arrangements for both the occupational exposure to Cr(VI) and the releases to the environment of Cr(VI), with the aim of addressing moderate shortcomings in exposure and emissions estimates and to corroborate the appropriateness and effectiveness of the risk management measures and operational conditions in place.
- (7) Having evaluated RAC's assessment, the Commission agrees with its conclusion and recommendations. Nevertheless, the Commission notes that the estimated excess cancer risk values for workers and the general population, exposed via the environment, are higher than as regards other comparable applications for authorisation for the use of Cr(VI) substances. Although the Commission acknowledges that those values are conservative estimates of the most likely excess risk values taken for the purpose of carrying out a risk-benefit analysis, it considers it appropriate to set out the measures concerning occupational exposure and environmental emissions, recommended by RAC as monitoring arrangements, as conditions for authorisation for both exposure scenarios.
- (8) In its opinion, SEAC concluded that the societal costs of not granting an authorisation are higher than the monetised risk to human health arising from the use of chromium trioxide. The Commission, having evaluated SEAC's assessment, concurs with that conclusion and considers that the applicants have demonstrated that the benefits of the continued use outweigh the risk to human health arising from that use.
- (9) For an alternative to be suitable it needs to be safer, available, and technically and economically feasible. Where suitable alternatives are available in the Union, but not technically or economically feasible for the applicant or the downstream users, the applicant is required by Article 62(4), point (f), of Regulation (EC) No 1907/2006 to submit a substitution plan.
- (10) An alternative that provides the functionality and level of technical performance necessary for the use for which authorisation is sought should be considered to be technically feasible. Certain potential alternatives may provide the functionality, but at some loss of performance or in a manner that involves technical compromises that would impair the functionality. In such cases, unless justified by particular

circumstances, the Commission should not consider a potential alternative to be technically feasible for the applicant where the applicant has demonstrated that it or the downstream users are not able to accommodate such losses of performance or technical compromises by applying a reasonable additional effort, taking into account the circumstances of the case.

- (11) In its opinion, SEAC concluded that there were no technically feasible alternative substances or technologies available for the applicants but that there were technically or economically feasible alternatives in the Union at the time of adoption of the opinion. The Commission, having evaluated SEAC's assessment and the relevant information available, notes that there are technically and economically feasible alternatives which are commercially available in the Union, providing the overall functionality of the substance for the use for which authorisation is sought, but that additional research is needed to improve and adapt the most promising alternatives in order to eliminate technical limitations and to minimise the loss of performance in terms of hardness, microcracking and adhesion properties. Thus, the Commission considers that the applicants have demonstrated that they are not yet able to accommodate such loss of performance and would need more time to develop and implement the most promising alternatives to make them technically feasible. Therefore, the Commission agrees with SEAC's conclusion and considers that, although suitable alternatives are available in the Union, they are not yet technically feasible for the applicants.
- (12) The applicants considered that there are no suitable alternatives in the Union and therefore submitted a research and development plan, instead of a substitution plan. In its opinion, SEAC concluded that the research and development plan submitted provides all the necessary elements and information required, including factors affecting substitution, actions, milestones, timetable, and monitoring, for it to be considered as a substitution plan. The Commission agrees that the research and development plan submitted by the applicants should be considered as a substitution plan provided for in Article 62(4), point (f), of Regulation (EC) No 1907/2006.
- (13) In its opinion, SEAC concluded that the substitution plan submitted by the applicants is credible and consistent with the analysis of alternatives and socio-economic analysis. The Commission, having evaluated SEAC's assessment, concurs with that conclusion and considers, taking into account the availability of suitable alternatives in the Union for the use for which an authorisation is sought and the substitution plan submitted by the applicants, that the applicants have discharged their burden of proof in demonstrating the absence of suitable alternative substances or technologies.
- (14) 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 chromium trioxide described in the application, provided that the risk management measures described in the chemical safety report are applied, and that the operational conditions described therein, as well as the conditions set out in this Decision, are fulfilled.
- (15) The Commission has based its assessment on all relevant scientific evidence available, as assessed by RAC and SEAC, and, after having carried out a detailed examination, has concluded on the basis of a sufficient amount of material and reliable information. Nevertheless, additional scientific evidence would allow the Commission to perform its assessment on a more robust or broad evidentiary basis in the future. Hence, it is appropriate to require the authorisation holders to generate and include additional information about exposure and emissions in the review report.

- (16) In its opinion, SEAC recommended that the review period referred to in Article 60(9), point (e), of Regulation (EC) No 1907/2006 be set at 12 years. The Commission agrees with that recommendation, considering the relevant elements from RAC's and SEAC's assessments and, in particular, RAC's conclusion on the appropriateness of the risk management measures and operational conditions, SEAC's conclusions on the socio-economic benefits and costs of the continued use of the substance, as well as SEAC's conclusion on the substitution plan.
- (17) The language used to describe the risk management measures and operational conditions 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 supervision and enforcement of compliance with the authorisation, it is appropriate to require the authorisation holders to submit, upon request, a brief summary of those risk management measures and operational conditions to the competent authority of that Member State in an official language of that Member State.
- (18) This Decision does not affect the obligation of the authorisation holders to ensure that a use of a substance 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, this Decision does not affect the obligation of the authorisation holders under Article 60(10) of that Regulation to ensure that the exposure is reduced to as low a level as is technically and practically possible or the obligation of the employer under Article 4(1) and Article 5 of Directive 2004/37/EC of the European Parliament and of the Council³ to reduce the use of carcinogens, mutagens or reprotoxic substances at the place of work, in particular by replacing those substances, in so far as is technically possible, and to prevent workers' exposure to a risk to their health or safety. 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 98/24/EC⁷ and Directive 2004/37/EC, or any national binding occupational limit values which may be stricter than the applicable limit values under Union law.

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, mutagens or reprotoxic substances 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, ELI: <http://data.europa.eu/eli/dir/2004/37/oj>).

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, ELI: <http://data.europa.eu/eli/dir/1989/391/oj>).

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, ELI: <http://data.europa.eu/eli/dir/1992/85/oj>).

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, ELI: <http://data.europa.eu/eli/dir/1994/33/oj>).

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, ELI: <http://data.europa.eu/eli/dir/1998/24/oj>).

- (19) This Decision does not affect any obligation to comply with emission limit values or other requirements set in accordance with Directive 2008/50/EC⁸ or Directive 2010/75/EU⁹ of the European Parliament and of the Council, nor any obligation to comply 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 the environmental quality standards 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 any emission limit values or environmental quality standards under any other provisions of Union law, which may include further or more onerous requirements.
- (20) The measures provided for in this Decision are in accordance with the opinion of the Committee established by Article 133 of Regulation (EC) No 1907/2006,

HAS ADOPTED THIS DECISION:

Article 1

An authorisation is hereby granted in accordance with Article 60(4) of Regulation (EC) No 1907/2006 to the following persons for the following use of chromium trioxide (EC No 215-607-8; CAS No 1333-82-0):

Authorisation number	Authorisation holder	Authorised use
REACH/25/11/0	ASO Cromsteel S.A.	Chromium trioxide based functional chrome plating of semi-finished steel products (bars, cylinder tubes and linear shafts) for the manufacture of hydraulic and pneumatic components
REACH/25/11/1	FDF S.r.l.	

The authorisation is granted subject to the risk management measures and operational conditions described in the chemical safety report¹², and to the conditions set out in Article 2.

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, ELI: <http://data.europa.eu/eli/dir/2008/50/oj>).

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, ELI: <http://data.europa.eu/eli/dir/2010/75/oj>).

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, ELI: <http://data.europa.eu/eli/dir/2000/60/oj>).

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, ELI: <http://data.europa.eu/eli/dir/2008/105/oj>).

¹² <https://ec.europa.eu/docsroom/documents/58774>

Article 2

1. The authorisation is subject to the conditions set out in paragraphs 2 to 8.
2. By 14 February 2026, and afterwards each time that new relevant information becomes available, the authorisation holders shall carry out a study to assess the feasibility of the installation of a closed or automated system to perform bath sampling tasks, where exposure to Cr(VI) is expected.

The authorisation holders shall act in accordance with the outcome of that study.

3. As regards the authorisation bearing number REACH/25/11/0, the authorisation holder shall by 14 February 2026, and afterwards each time that new relevant information becomes available, carry out a study to assess the feasibility of the installation of a system that continuously controls the local exhaust ventilation and automatically triggers an alarm in case the local exhaust ventilation is not functioning properly and the implementation of appropriate and effective measures to reduce the exposure of workers to Cr(VI) in case the local exhaust ventilation is not functioning properly.

The authorisation holder shall act in accordance with the outcome of that study.

4. The authorisation holders shall carry out a monitoring programme measuring occupational exposure to Cr(VI). The programme shall include measurements which shall:

- (a) take place at least annually, or more frequently if a significant increase of chromium trioxide consumption takes place on site, and shall be sufficiently frequent to capture any potential increase in exposure of workers to Cr(VI);
- (b) be based on relevant standard methodologies or protocols;
- (c) ensure a sufficiently low limit of quantification;
- (d) comprise personal or static inhalation exposure sampling;
- (e) be representative of all the tasks with possible exposure to Cr(VI), including maintenance tasks, of the operational conditions and risk management measures for each of those tasks, and of the total number of workers that are potentially exposed;
- (f) be recorded so as to include contextual information about the tasks performed during exposure sampling.

5. The authorisation holders shall conduct a biomonitoring programme for all workers potentially exposed to Cr(VI).

6. The authorisation holders shall carry out a monitoring programme measuring the environmental releases of Cr(VI) to the air. The programme shall include measurements which shall:

- (a) take place at least annually, or more frequently if a significant increase of chromium trioxide consumption takes place on site, and shall be sufficiently frequent to capture any potential increase in emission of Cr(VI);
- (b) be based on relevant standard methodologies or protocols;
- (c) ensure a sufficiently low limit of quantification;
- (d) be representative of the operational conditions and risk management measures used at the sites where the authorised use takes place;

- (e) be recorded so as to include contextual information associated with each set of measurements.
7. The authorisation holders shall use the information gathered by way of the measurements referred to in paragraphs 4, 5 and 6 to review, at least annually, the appropriateness and effectiveness of the risk management measures and operational conditions in place. While doing so, the authorisation holders shall also review and, if needed, update their assessment of the combined exposure for the different groups of workers and their assessment of the exposure of the general population via the environment. If needed, based on the outcome of these reviews, the authorisation holders shall introduce measures to further reduce to a level as low as technically and practically possible occupational exposure to Cr(VI) and Cr(VI) emissions to the environment. Measures introduced to reduce occupational exposure shall follow the hierarchy of control principles set out in Article 5 of Directive 2004/37/EC.
8. The authorisation holders shall document and maintain the information from the monitoring programmes referred to in paragraphs 4, 5 and 6, including the contextual information associated with each set of measurements, as well as, if applicable, the information on the outcome and conclusions of the studies and reviews and on any measure taken in accordance with paragraphs 2, 3 and 7, and shall make that information available, including pseudonymised or aggregated biomonitoring results, upon request, to the competent authority of the Member State where the authorised use takes place.

Article 3

The review period shall expire on 21 November 2034.

The authorisation shall cease to be valid on 21 November 2034 in relation to any authorisation holder who has not submitted the review report in accordance with Article 61(1) of Regulation (EC) No 1907/2006 by 21 May 2033.

Article 4

The following monitoring arrangement shall apply: the authorisation holders shall document the steps taken to substitute chromium trioxide in accordance with the substitution plan, including information on the efforts to convince the authorisation holders' customers to accept alternative Cr(VI)-free solutions and justification in case their customers do not accept alternative Cr(VI)-free solutions. Any deviations from the initial substitution plan and information on contingency measures taken shall also be documented by the authorisation holders. The authorisation holders shall make such documentation available, upon request, to the competent authority of the Member States where the authorised use takes place.

Article 5

If a review report is submitted, it shall include the information referred to in Article 2(8) and Article 4.

Article 6

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 uses take place. The brief summary shall be drafted in an official language of that Member State.

Article 7

This Decision is addressed to:

- (1) ASO Cromsteel S.A., Str. Laminorului 16, 130089 Targoviste Dâmbovița, Romania;
- (2) FDF S.r.l., Via Flero 46, 25125 Brescia, Italy.

Done at Brussels, 14.2.2025

For the Commission
Stéphane SÉJOURNÉ
Executive Vice-President