EUROPEAN
COMMISSION

Brussels, 17.6.2025
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COMMISSION IMPLEMENTING DECISION

of 17.6.2025

granting an authorisation under Regulation (EC) No 1907/2006 of the European Parliament and of the Council to Lynred, for a use of potassium dichromate in the context of a review and repealing Implementing Decision C(2017) 3910

(Only the French 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/EC[1], and in particular Article 64(8) thereof,

Whereas:

(1) Potassium dichromate 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 13 June 2017, the Commission, in Commission Implementing Decision C(2017) 3910[2], granted an authorisation to Sofradir, for certain uses of potassium dichromate. For the use of potassium dichromate-based mixtures during the steps of initial and final etching of CZT layers during the production of opto-electronic components gathering a readout and an infrared detecting circuit with the MCT technology, Sofradir was assigned authorisation number REACH/17/14/0. The expiry of the review period referred to in Article 60(9), point (e), of Regulation (EC) No 1907/2006 for that authorised use of potassium dichromate was set at 21 September 2024.

(3) On 9 March 2022, the European Chemicals Agency (‘the Agency’) received a notification that Lynred had succeeded to the rights and obligations of Sofradir. In its assessment, the Agency concluded that the notified change had no implications for the relevant Committee for Risk Assessment (‘RAC’) and Committee for Socio-economic Analysis (‘SEAC’) opinions referred to in Commission Implementing Decision C(2017) 3910. The Commission accepts that conclusion.

(4) On 14 March 2023, Lynred (‘the applicant’) submitted a review report in accordance with Article 61(1) of Regulation (EC) No 1907/2006 for authorisation for a use of

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

[2] Commission Implementing Decision of 13 June 2017 granting an authorisation for a use of potassium dichromate under Regulation (EC) No 1907/2006 of the European Parliament and of the Council (Sofradir). https://ec.europa.eu/docsroom/documents/24149?locale=en

potassium dichromate. The use for which authorisation was sought is the use of potassium dichromate-based mixtures during the step of final etching of Cadmium-Zinc-Telluride ('CZT') layers during the production of opto-electronic components gathering a readout and an infrared detecting circuit with the Mercury-Cadmium-Telluride ('MCT') technology.

(5) The Agency sent the opinions[3] on the application adopted by RAC and SEAC to the Commission pursuant to Article 64(5), second subparagraph, of Regulation (EC) No 1907/2006. On 5 December 2024, the Commission received the opinions.

(6) In its opinion, RAC concluded that it is not possible to determine a derived no-effect level for the carcinogenic and mutagenic properties of potassium dichromate in accordance with Section 1.4 of Annex I to Regulation (EC) No 1907/2006 and that therefore potassium dichromate 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 potassium dichromate and an authorisation may therefore only be granted with respect to that substance under paragraph 4 of that Article.

(7) In its opinion, RAC concluded that the risk management measures and operational conditions described in the review report are appropriate and effective in limiting the risk to human health posed by the use of potassium dichromate described in the review report. Moreover, in order to address minor shortcomings in exposure and emissions estimates and to corroborate the appropriateness and effectiveness of the risk management measures and operational conditions in place, RAC recommended imposing additional monitoring arrangements for both occupational exposure to hexavalent chromium (Cr(VI)), the toxic component of potassium dichromate, and environmental release of it, as specified in the monitoring arrangements. Having evaluated RAC's assessment, the Commission agrees with its conclusion and recommendations.

(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 described in the review report. The Commission, having evaluated SEAC's assessment, concurs with that conclusion and considers that the applicant has demonstrated that the benefits of the continued use described in the review report 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 its 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.

(11) In its opinion, SEAC concluded that there were no technically feasible alternative substances or technologies available for the applicant and in the Union at the time of

[3] https://echa.europa.eu/documents/10162/f377d0f2-dc7f-3d0c-4f04-3f397c715123

adoption of the opinion. The Commission, having evaluated SEAC's assessment and the relevant information available, considers that more research is needed on the potential alternatives to meet the necessary quality and performance of the devices produced by the applicant, including qualification and validation of the products based on matrix size, pixel pitch and wavelength range. Thus, the Commission considers that the applicant has demonstrated that it is not yet able to accommodate such loss of quality and would need more time for the development of the most promising alternatives. The Commission therefore agrees with SEAC's conclusion that there are no suitable alternatives for the applicant and in the Union.

(12) 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 potassium dichromate described in the review report, provided that the risk management measures described in the chemical safety report are applied, and that the operational conditions described therein are fulfilled.

(13) 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.

(14) 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 until the end of 2027. The Commission agrees with that recommendation, taking into account the relevant elements from RAC's and SEAC's assessments and, in particular, RAC's conclusion that the risk management measures are appropriate and effective in limiting the risk, and SEAC's conclusions on the socio-economic benefits and costs of the continued use of the substance.

(15) 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 States 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.

(16) This Decision does not affect the obligation of the authorisation holders to ensure that the 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 Council[4] to reduce the use of carcinogens,

[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, mutagens or reprotoxic substances at work

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/EEC[5], 92/85/EEC[6], 94/33/EC[7], 98/24/EC[8] and Directive 2004/37/EC, or any national binding occupational limit values which may be stricter than the applicable limit values under Union law.

(17) This Decision does not affect any obligation to comply with emission limit values or other requirements set in accordance with Directive 2008/50/EC[9] or Directive 2010/75/EU[10] 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 Council[11] or the environmental quality standards established in Directive 2008/105/EC of the European Parliament and of the Council[12]. 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.

(18) The authorisation should be granted in the context of the review referred to in Article 61(1) of Regulation (EC) No 1907/2006. For reasons of clarity and legal certainty, Implementing Decision C(2017) 3910 should be replaced by this Decision.

(19) 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,

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(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).

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

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

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

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

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

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

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

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

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 potassium dichromate (EC No 231-906-6; CAS No 7778-50-9):

Authorisation number	Authorisation holder	Authorised use
REACH/25/36/0/R1	Lynred	Industrial use of potassium dichromate-based mixtures during the step of final etching of cadmium-zinc-telluride layers during the production of opto-electronic components gathering a readout and an infrared detecting circuit with the mercury-cadmium-telluride technology

The authorisation is granted subject to the risk management measures and operational conditions described in the chemical safety report[13].

Article 2

The review period shall expire on 31 December of 2027.

The authorisation shall cease to be valid on 31 December 2027 in relation to any authorisation holder who has not submitted a review report in accordance with Article 61(1) of Regulation (EC) No 1907/2006 by 30 June 2026.

Article 3

1. The monitoring arrangements set out in paragraphs 2 to 6 apply.

2. The authorisation holder shall carry out a monitoring programme measuring occupational exposure to hexavalent chromium (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;

[13] https://ec.europa.eu/docsroom/documents/63914

(f) be recorded so as to include contextual information about the tasks performed during exposure sampling.

3. The authorisation holder shall conduct a biomonitoring programme for a representative number of workers potentially exposed to Cr(VI).

4. The authorisation holder 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 and protocols;

(c) ensure a sufficiently low limit of quantification;

(d) be representative of the operational conditions and risk management measures used at the site where the authorised use takes place;

(e) be recorded so as to include contextual information associated with each set of measurements.

5. The authorisation holder shall use the information gathered by way of the measurements referred to in paragraphs 2, 3 and 4 to review, at least annually, the appropriateness and effectiveness of the risk management measures and operational conditions in place. While doing so, the authorisation holder shall also review and, if needed, update its assessment of the combined exposure for the different groups of workers and its assessment of the exposure of the general population via the environment. If needed, based on the outcome of those reviews, the authorisation holder 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.

6. The authorisation holder shall document and maintain the information from the monitoring programmes referred to in paragraphs 2, 3 and 4, including the contextual information associated with each set of measurements, as well as the information on the outcome and conclusions of the reviews and on any measure taken in accordance with paragraph 5, 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 4

If a review report is submitted, it shall include the information referred to in Article 3(6).

Article 5

Upon request, the authorisation holder 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. The brief summary shall be drafted in an official language of that Member State.

Article 6

Implementing Decision C(2017) 3910 is repealed.

Article 7

This Decision is addressed to:

Lynred, Avenue de la Vauve, 91120 Palaiseau, France.

Done at Brussels, 17.6.2025

For the Commission
Stéphane SÉJOURNÉ
Executive Vice-President