

PACKAGING & DECORATIVE CONFERENCE

REACH AUTHORISATION OF CHROMIUM TRIOXIDE – UPDATE

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AGENDA

- 01** Introduction Ramboll
- 02** REACH Authorisation basics
- 03** Status Chromium Trioxide Supply Chain Applications
- 04** Lessons learned with upstream applications

RAMBOLL IN BRIEF

- Independent engineering and consulting group operating in multiple fields such as buildings, design, management, environment, among others
- Founded 1945 in Denmark
- 15,000 experts
- Close to 300 offices in 35 countries
- Particularly strong presence in the Nordics, the UK, North America, Continental Europe, Middle East and Asia Pacific
- Owned by Rambøll Fonden – The Ramboll Foundation

ENVIRONMENT & HEALTH

FTE (Jan '19): 2,443

Global services

- Air Quality
 - Compliance Assurance & Performance
 - Ecological Services
 - Environmental & Community Risk Assessment
 - Impact Assessment
 - Occupational Health & Safety
 - **Product Safety & Stewardship**
 - Waste & Resource Management
 - Site Solutions
 - Sustainability
 - Transactional Due Diligence
- Trusted by clients to manage their most challenging environmental, health and social issues
 - Leading environmental consulting and design expertise
 - Consultants with professional credentials
 - Private and public clients around the world
 - **Vast experience with REACH and the authorisation process (more than 60 applications submitted)**

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REACH AUTHORISATION BASICS









CHAPTER 1

Authorisation requirement

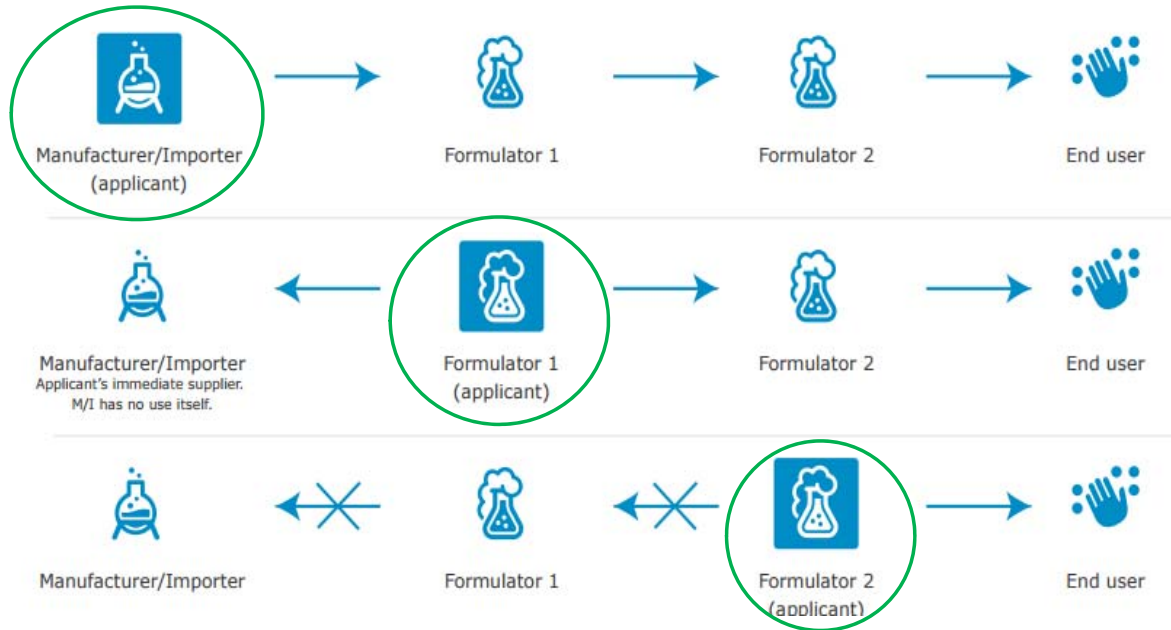
Article 55

Aim of authorisation and considerations for substitution

The aim of this Title is to ensure the good functioning of the internal market while assuring that the risks from substances of very high concern are properly controlled and that **these substances are progressively replaced** by suitable alternative substances or technologies where these are economically and technically viable. To this end all manufacturers, importers and downstream users applying for authorisations shall analyse the availability of alternatives and consider their risks, and the technical and economic feasibility of substitution.

Substance name 	EC No. 	CAS No. 	Entry No. 	Latest application date 	Sunset Date 	
Chromium trioxide <small>expand / collapse</small>	215-607-8	1333-82-0	16	21/03/2016	21/09/2017	

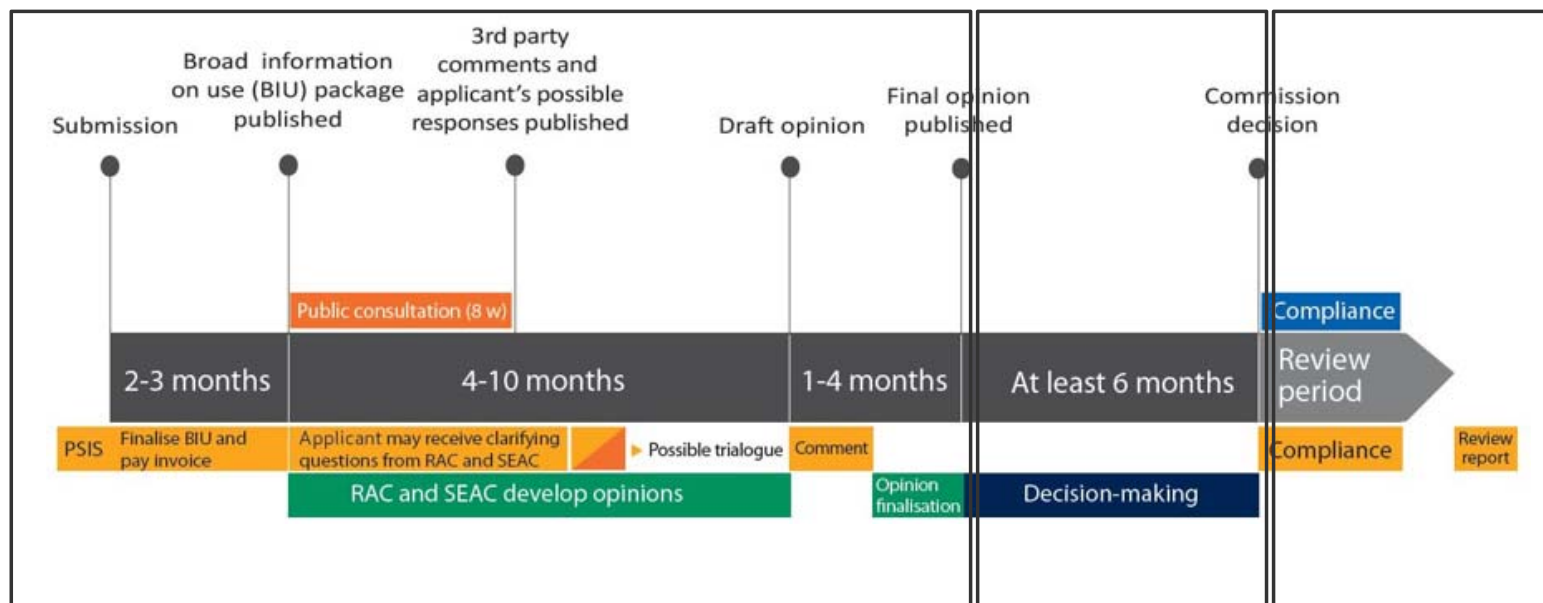
WHO CAN APPLY FOR AUTHORISATION?



- A manufacturer
- An importer
- An user
- An „only representative“
- A combination of the above

- The use of the substance is a prerequisite for being an authorisation holder unless you import or manufacture the substance
- A distributor cannot apply for authorisation
- An authorisation can cover the supply chain top down but not bottom up!

AUTHORISATION - EVALUATION & DECISION MAKING



ECHA and RAC/SEAC
(members nominated by MS)

EU Commission and REACH
committee
(representatives of MS)

Local enforcement
authorities

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STATUS CTAC – NOVEMBER 2019

IDEA: Industry consortium (> 150 members) for authorisation of different uses of chromium trioxide. Supply chain application submitted by importers/ formulators.

- **May 2015:** Lanxess et al. submitted application for authorisation
- **August 2015:** Start public consultation
- **June 2016:** Draft RAC/SEAC opinions
- **September 2016:** Final RAC/SEAC opinions recommending 7-year review period for functional chrome plating (97 pages)
- **Between September 2016 and February 2019:** Several discussions in REACH Committee
- **15 February 2019:** REACH Committee drafted implementing Decision (vote 24:4): Decision on **7-year** review period for **functional chrome plating** (until 21 September 2024)

STATUS CTAC – ADDITIONAL EVENTS AFFECTING THE DECISION

- **7 March:** Court Judgement on lead chromates. Kingdom of Sweden v. European Commission (T-837/16).
 - **21 March:** Green Group was successful in the Environment Committee of the European Parliament to obtain a motion that the Commission should reject the CTACSub authorisation.
 - This vote is not legally binding on the Commission
- **EC legal department is changing the wording of the draft decision to avoid a law suit; new vote by REACH committee required.**
- **CTAC was not discussed in the September meeting and is not on the agenda for the one in November**
- **Final outcome of CTAC unclear – Decision expected for February 2020 (not confirmed)**
- **Broad Supply Chain AfAs are heavily under attack by NGOs**

STATUS HAPOC – NOVEMBER 2019

- **September 2015:** HAPOC submitted application for authorisation
- **April 2016:** Start public consultation
- **May 2018:** Draft RAC/SEAC opinions (prolonged timeline due to translation)
- **September 2018:** Final RAC/SEAC opinions recommending 4-year review period
- **Next step:** Draft implementing act by EC and discussion in REACH committee
- No information available on timelines but the use of chrome plating related to the gravure industry is **not on the agenda of the meeting in November 2019.**

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LESSONS LEARNED WITH UPSTREAM APPLICATIONS

- Clear defined scope!
- Avoid uncertainties!
- Robust AoA required (court decision)!

Representativeness of data is key → Survey with downstream users



High participation rate needed!

THANK YOU!

QUESTIONS?

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