



Re: authorisation for a use of chromium trioxide (Cromomed S.A. and others)

To: Members of the REACH Committee

Brussels, 23 April 2020

Dear Madam/Sir,

We are writing to you regarding the REACH Committee meeting that will take place on 30 April. At this meeting, a discussion is planned on the **draft Commission implementing decision granting an authorisation for a use of chromium trioxide under Regulation (EC) No 1907/2006 of the European Parliament and of the Council (Cromomed S.A. and others)**.

We want to express our concerns with the European Commission's draft decision being submitted for discussion at the REACH Committee as, if approved, it would unlawfully allow the continued use of chromium trioxide, a carcinogen, since the applicant failed to provide the necessary evidence that for *each applications covered* in the authorisation, no suitable alternatives were available.

A group of 15 national, international and European NGOs already highlighted the problematic aspects of this application to the REACH Committee in a [letter](#) submitted on the 13th September 2019.

In October 2019 the **European Parliament adopted a [Resolution](#) asking the Commission to withdraw its draft implementing decision and to submit a new draft, granting the authorisation only for the uses specifically defined for which no suitable alternatives are available.**

However, **the new draft for discussion during the next REACH Committee meeting has not changed the wide and undefined scope of the authorisation as requested by the European Parliament.** Indeed, it still grants authorisation to the "use in functional chrome plating where any of the following key functionalities or properties is necessary for the intended use: wear resistance, hardness, layer thickness, corrosion resistance, coefficient of friction, and effect on surface morphology". This use description is too vague and subjective. It fails to state for which uses included in the application, alternatives were considered suitable. It makes the job of national enforcement authorities impossible.

As in the lead chromate case, this wording “is a strong indication that, at the time of the adoption of the contested decision, the Commission itself did not consider that the examination of the condition relating to the lack of availability of alternatives had been completed”.¹

As the RAC and SEAC consolidated opinion highlights:

“SEAC wishes to point out that the analysis of alternatives is not sufficiently thorough and lacks clear focus on the actual use of chromium trioxide by the applicants. The applicants presented some alternatives as promising and claimed that these be under investigation by the steel industry. However, the applicants neither presented further scrutiny of alternatives labelled as promising nor did they provide R&D plans in this regard.

While SEAC acknowledges that the applicants are small enterprises with limited resources for R&D activities, it would still have been appropriate to explain in more detail the reasons on which existing alternative coating technologies (e.g., for the coating of piston rods and other automotive parts) were dismissed. In this sense, SEAC expresses reservations about the adequateness of the analysis for the scope of this application.”²

Granting authorisation to this application would be unlawful as it has not been demonstrated that alternatives are not available for all the generic uses applied for. It will allow the continued exposure of people and the environment to chromium trioxide without adequate justification. Granting such authorisations will also hinder the use of safer alternatives developed by more progressive companies and hamper the effectiveness of the substitution objective of the Authorisation process (REACH, Article 55, Recitals 12, and 69 to 74).

Therefore, **we ask you to reject the authorisation of the Cromomed S.A. and others’ application as the applicant has not demonstrated that alternatives are not available and ask the Commission to follow the request from the European Parliament Resolution of 21 October 2019³, and prepare a draft decision that only includes, in a defined manner, the uses for which the applicant has shown that no suitable alternatives are available.**

Yours faithfully,



Tatiana Santos Otero
Policy Manager- Chemicals and nanotechnology, EEB

¹ Judgment of the General Court of 7 March 2019, [T-837/16](#), para. 97

² Page 37. Consolidated version of 9 December 2016 of the Opinion of the Committee for Risk Assessment (RAC) and Opinion of the Committee for Socio-economic Analysis (SEAC) on an Application for Authorisation for Chromium trioxide use: Functional Chrome Plating, ECHA/RAC/SEAC: Opinion N° AFA-O-0000006522-78-02/F. <https://echa.europa.eu/documents/10162/50002b75-2f4c-5010-81de-bcc01a8174fc>

³ Motion for Resolution B9-0151/2019, available at : https://www.europarl.europa.eu/doceo/document/B-9-2019-0151_EN.html.

On behalf of:

ChemSec

ClientEarth

European Environmental Bureau (EEB)

Health Care Without Harm (HCWH) Europe

Health and Environment Alliance (HEAL)

In view of the public interest in this matter, we intend to make this letter publicly available.

