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DIRECTORATE-GENERAL FOR INTERNAL MARKET, INDUSTRY, ENTREPRENEURSHIP  
AND SMES

DIRECTORATE-GENERAL FOR ENVIRONMENT

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## Questions & Answers

### Applications For Authorisation For Uses Of Cr(VI) Substances In Functional Chrome Plating <sup>(1)</sup> With Decorative Character Or In Plating With Decorative Purpose Only

#### 1. How is the decision-making process developing on such files?

The Commission has received a large number of ECHA opinions on applications for the use of hexavalent chromium (Cr(VI)) substances for plating. The Commission and the Member States extensively discussed these applications at several meetings of the REACH Committee. From these discussions, it emerged that for applications concerning decorative plating (functional uses with decorative character and uses with a purely decorative character) it was difficult to get the necessary support from Member States to grant the authorisations. Among others, the need emerged for a **stronger push for substitution for those uses** compared to purely functional uses of hexavalent chromium (Cr(VI)) substances.

To take into account the outcome of those discussions and within its discretionary powers, the Commission has introduced **new additional measures** in the decisions related to the decorative plating use of Cr(VI) substances. These new provisions aim to encourage substitution, acknowledging the elapsed time since the sunset date for the use of Cr(VI) substances set in Annex XIV of REACH, and taking into account the specific substitution strategy of each applicant. This has allowed progressing on many applications, with the adoption of the relevant decisions. The justifications for the specific additional measures have been provided in the recitals of each decision, where relevant.

As a general rule, however, it needs to be recalled that all decisions are based on the individual applications and the corresponding ECHA opinions, and measures need to be set out on a case-by-case basis. The Commission is also committed to ensure equal treatment and a level playing field, taking into account the differences and similarities between applications.

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<sup>(1)</sup> Plating is understood to include the preparatory steps in which hexavalent chromium substances are used for etching.

## 2. What are the new additional measures introduced by the Commission so far?

Without prejudice to the case-by-case assessment of each application, for those files where SEAC recommended a review period beyond 2028, the Commission has set in the decisions the **obligation to significantly reduce the volume of the substance used** during the review period compared with the volume used at the time of submission of the application.

This reduction obligation is **based on annual Cr(VI)-consumption figures**. Such figures are taken from the application for authorisation (usually, the substitution plan) or, alternatively, provided by the applicant upon the Commission's request. **If those figures are not available, or not sufficiently ambitious** (indicatively, achieving at least a 50% of reduction), the Commission is likely to set **a review period shorter than that recommended by SEAC** (in general, the review period granted would be until the end of 2028) <sup>(2)</sup>.

To facilitate and speed up the decision making, **applicants are encouraged to provide in their applications for the use of Cr(VI) substances in decorative plating** (e.g. together with the substitution plan) or during the ECHA opinion-making process, **annual volume reduction figures**, even though the submission of this information is not mandatory under REACH. Such reduction figures should be linked to the applicants' substitution strategy and provided in the form of reduction percentages compared to the volume used at the time of submission of the application for each year until the end of the review period requested. In recent decisions, the Commission has set out the requirement to submit such figures in a potential review report.

## 3. What is happening with the Chemservice application for chromium trioxide in functional chrome plating with decorative character (use 3)?

The Commission has not yet taken a decision on the application for use 3 (and use 1 as regards the formulation of mixtures for use 3). Following the judgment of the General Court in Case T-837/16, the Commission invited Chemservice to submit a substitution plan because there were indications that suitable alternatives are available in the Union. Chemservice submitted this substitution plan, which was assessed by SEAC that concluded it was not credible. The Commission received the related addendum to the opinion in July 2021.

Until a decision is taken on that application, all downstream users covered by the Chemservice use 3 application can continue to use chromium trioxide as the application is covered by the transitional arrangements as set out in Article 56(1)(d) of REACH.

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<sup>(2)</sup> In any case, it needs to be recalled that the required level of volume reduction, the concrete percentages set as condition and the review period, depend on the specificities of the case at stake, notwithstanding this general approach.