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Atotech Customer Information on REACH – Atotech joined consortium

Chromium-(VI) substances proposed for authorization under REACH

Dear Customer,

Atotech has joined the industry consortium which is led by the law firm McKenna Long & Aldridge in order to prepare the authorization of chromium trioxide. Atotech believes that it is important to support, together with our customers, applications of chromium trioxide that are without alternative at present.

Atotech underlines that it is the aim of REACH to assure that the risks from substances of very high concern are properly controlled and that these substances are progressively replaced by suitable alternative substances.

We have and are investing strongly in extensive research programs to develop chromium-(VI)-free solutions. Currently we can offer the following high-performance solutions for decorative and corrosion resistant coatings:

- TriChrome® production proven processes providing a range of bright and satin finishes, fulfilling OEM specifications

- Chromium-(VI)-free passivates, sealers and top coats for corrosion protection coatings with transparent, blue, iridescent or black finishes on zinc and zinc-alloy coatings.

You will find more details on the authorization on the following pages. If you have further questions or require support, please do not hesitate to contact your personal Atotech Sales Representative.

Best regards,

Atotech Deutschland GmbH

The European Chemicals Agency (ECHA) recommended in December 2011 chromium trioxide, chromic acid and several chromium-(VI) salts for authorization under REACH. Based on this recommendation the decision of the European Commission on whether these compounds will effectively become subject to authorization is expected in 2012.

What are the implications of the authorization in general?

If authorization is required it is specific to a substance and its application(s). This means that each application of a substance requires its own authorization. In the case of chromium trioxide e.g. decorative and functional chrome plating are different applications and so each require their own specific authorization.

Please note that ECHA states that there shall be no exemptions from authorization granted for any application. This implies that any use of chromium trioxide will very likely be subject to authorization.

After the so called 'sunset date' a use of a substance for a non-authorized application is restricted. The currently expected sunset date for chromium trioxide is May 2016.

What are the next steps of the process?

ECHA has finalized its recommendation on which substances shall be subject to authorization under REACH, which is now provided to the European Commission. The European Commission will take its decision based on ECHA´s recommendation sometime in 2012. This decision, with all details on authorization requirements, will be published in an updated Annex XIV to REACH. Currently the publication of the Annex is expected for February 2013.

What is the expected timeline for the process?

February 2013	Publication of the revised Annex XIV
November 2014	Latest date to apply for authorization
May 2016	Sunset date, no use after this date without authorization

What is the validity of the granted authorization?

At this current time this is not foreseeable. ECHA recommends no fixed dates for updating the authorization. In any case it should be noted that the European Commission holds the right to grant or cancel the authorization dossiers and to ask for updates.

REACH defines the authorization process as a means to control the risk of Substances of Very High Concern (SVHC) by progressively replacing these by suitable alternative substances or technologies where these are economically and technically viable. Consequently authorization will be granted only for a transitional period.

How can users assure the use of chromium trioxide for their application after the sunset date?

Basically each user needs to be authorized to use chromium trioxide for their own application. However authorization for a use can be shared throughout the supply chain, top down. For example if the importer of chromium trioxide applies for, and is granted, authorization for the electroplating of hard chrome, although this is not for the importer's own use, then each hard chrome plating shop

using material from this very importer is compliant with authorization requirements without having the authorization itself.

Please note that at present it is not clear if further detailing into specific applications of one technology is required. For example it may be necessary to specify the sector, where hard chrome plating is used, e.g. aerospace applications.

How to enter the authorization process?

As the process of authorization is very complex, costly and time consuming the industry is advised to collaborate along the supply chain. Close and well organized cooperation of all concerned users of chromium trioxide, importers, formulators and platers is the key to achieve sound application documents and consistent information.

A consortium was launched in order to prepare the authorization process of chromium trioxide. The aim of this consortium is the preparation of all necessary documentation to allow for application of authorization for a number of different applications.

Interested parties will be able to purchase letters of access to parts of dossiers relevant to their application in 2014.

For further information on the consortium, please contact Ms Ursula Schliessner, McKenna Long & Aldridge LLP tel. 0032-2-2781224 or uschliessner@mckennalong.com.

What will Atotech do?

At present there are no alternatives for chromium-(VI) in hard chrome plating, some decorative plating applications or the pretreatment (etch) of plastics prior to plating. We expect that these applications will be granted authorization unless equivalent substitutes are available on the market.

Atotech has joined the authorization consortium for the following applications:

- formulation of preparations,
- functional chrome plating,
- decorative plating (including plastic etch).

Atotech will inform you about important developments and news regarding this topic in due time.

Atotech´s dedicated REACH team closely monitors developments at the ECHA and European Commission level as well as through its close cooperation with industry associations all over Europe.