

19 March 2012

The European Chemicals Agency (ECHA) has included **Chromic acid** in the candidate list of Substances of Very High Concern (SVHC). It is therefore necessary to check whether there is a duty of notification for products according to article 33 of Directive 1907/2006/EC.

It is expected to be formally listed as an SVHC in Early 2013 and a transition period is expected to end in 2016. At that time authorisation will be needed to use it.

That authorisation is being sought by the major importers and users within a SIEF (Substance Information Exchange Forum). Attached to this Information sheet is a circular from the SIEF laying out who should join the consortium and approximate costs.

Applications to join the consortium closed on 15th March 2012 but there is an option to purchase access at a later date at a defined cost.

Assuming that Authorisation is given by ECHA for a particular use of Chromic acid (e.g. Hard Chrome plating) then it is our understanding that if it is purchased from an Authorised source then that authorisation passes down the supply chain to the ultimate user with all its requirements on safety and environmental control.

If ECHA decide that they will not authorise it's use for Hexavalent Bright Chrome plating (which it is unlikely to allow as trivalent Bright Chrome is considered as a best available technique) then it will be illegal to use it for that purpose after the "sunset day " which will be announced, expected to be 2016 .



Dear Sirs

In the last few weeks partly contradictorily information has been distributed by different sources regarding the so-called authorisation of chromium trioxide ("chromic acid") under REACH. As representatives in the first phase of the formation of the European Consortium for the Authorisation of Chromium Trioxide we would like to outline the situation.

What does "Authorisation" imply ?

The European Chemicals Law REACH requires, that to continue using a substance listed on Annex XIV of the law, an authorisation has to be granted to at least one member of the respective supply chain, which correctly and in detail describes

- how the substance can be used in an acceptably safe way,
- if there are any alternative technologies, and that
- the benefit of using the substance is bigger than the risk.

Every member in the supply chain, after a transition period, will have to comply with the requirements outlined in the authorisation for his area of responsibility.

Chromium Trioxide ("chromic acid") will be included in Annex XIV, most likely in early 2013. The transition period is expected to end in 2016.

If all importers would be granted a general authorization, no other company would need to do something. Because of this, importers and/or suppliers are preparing to file applications for authorisation.

But: We as an importer have no competence to describe the way of application and evaluate alternative technologies in enough detail to give the authorisation a chance to be granted.

We can help moderate to find out, what is acceptably safe, based on our chemical knowledge and experience from registration. For all the rest, we intend to put into the application document what the surface treatment industry can describe as the biggest common denominator.

A general authorization of today status quo will not be granted by the European Chemicals Agency ECHA.

Why the need for ONE European Consortium ?

REACH is a European law, decisions are taken on European level. Various companies and associations from the surface treatment industry may have different opinions, what is best available technology for performance or safety. There is only one transparent way to find a significant compromise, which is to have all surface treatment companies around the same table, committing to and participating in a European consortium for the authorisation of chromium trioxide.

Where compromise is not easy to find, decision will be by vote of the members, making it the responsibility of the surface treatment industry that their application is correctly described.

There will be companies, who will not be covered by the compromise found. Either because the requirements seem too harsh for them to implement, or because they feel to be so far advanced, that they do not want to be grouped within the compromise. For those companies, applying for their own authorisation may become an alternative to being covered by their supplier.

What are the objectives of the European consortium for the authorization of Chromium Trioxide ?

- ⇒ Create one common authorisation application dossier for Chromium Trioxide for the Importers/Suppliers to file, which will cover the majority of surface treatment sectors, so the application fee does not need to be paid by every single company
- ⇒ Distribute the authorisation application dossier to all members, so that those that are not covered by the common authorisation can file their own application with the best available documents at the lowest costs.
- ⇒ Communicate with the authorities in a way that compromises found can be converted into planning safety for the surface treatment industry as soon as possible.

Collecting the necessary background data and creating the application dossier will consume time and money. But the costs will only be created while the authorisation process carries on, and will be lower the better the cooperation within the consortium works.

If 200 companies sign the consortium contract, the costs for a small sized company (10 - 50 employees) are expected to be in the range of 5.000 to 10.000 €, distributed over four years. The fee to be paid by such a company to the authorities for filing an application alone would be 25.000 €, and would become necessary, if the importers/distributors would not be involved in the consortium.

Who should become a member of the European Consortium for the Authorisation of Chromium Trioxide and why ?

- ⇒ **Importers** or **Formulators** of chromium trioxide who want to file an application for authorization to stand in for their customers.
- ⇒ **Surface treatment companies** of any size using chromium trioxide in standard processes who want to make sure the conditions and risk measures they apply will be covered in the common dossier by their supplier.
- ⇒ **Surface treatment companies** of any size who feel they have a non-standard use, and want to make sure, that it is considered to be covered in the common dossier.
- ⇒ **Surface treatment companies** of any size, who know that they have a non-standard process and want access to the dossier and its background, so they can use it for their own application.
- ⇒ **Surface treatment companies** who have the size to afford a regulatory affairs/safety specialist, who needs to be competent on questions of REACH Authorisation and Registration.
- ⇒ **Surface treatment companies** who expect to face authorisation for additional substances they are handling and want to be ahead of the game.
- ⇒ **Catalyst manufacturers** and supplier of **Laboratory Chemicals** who are dealing with chromium trioxide.

The consortium contract has been developed and negotiated by the consortium manager and consortium members, that is importers, formulators and surface treatment companies from Belgium, France, Germany, Great Britain, Italy, the Netherlands, and Slovakia in phase one (September to December 2011)

Application to membership to the consortium is by signature until **15.03.2012**. Latecomers are not accepted. There is an option to resign from membership before 15.06.2012, in which case only a share of the costs to this point would have to be paid. Membership can be terminated at the end of every year.

The European Consortium for Authorisation of Chromium Trioxide is managed by McKenna, Long & Aldridge at Brussels. The consortium will have full membership meetings for information and voting decisions at least twice a year.

There is the possibility to delegate and cumulate representation and voting in the membership meetings. Collaboration in one of the technical working groups is encouraged.

Copies of the Dossier will be sold after completion to interested non-members including a risk surcharge, remunerating the members.