



EUROPEAN COMMISSION
DIRECTORATE-GENERAL FOR INTERNAL MARKET, INDUSTRY, ENTREPRENEURSHIP
AND SMES
DIRECTORATE-GENERAL FOR ENVIRONMENT
Directors

Brussels
GROW.F.1. [REDACTED]
grow.f.1(2024)3466363

**NOTE FOR THE ATTENTION OF
DR S. MCGUINNESS, EXECUTIVE DIRECTOR ECHA**

Subject: Amendment complementing the request of 27 September 2023 to the European Chemicals Agency to prepare an Annex XV restriction dossier on certain chromium(VI) substances

1. BACKGROUND

On 27 September 2023, the Commission sent a request to ECHA ⁽¹⁾ to prepare an Annex XV restriction dossier in view of a possible restriction of at least two Cr(VI) substances, chromium trioxide and chromic acids, currently listed in entries 16 and 17 of Annex XIV to REACH, respectively.

As indicated in point 2 of that request, the Commission asked ECHA to assess, as part of the dossier preparation, the potential risk of regrettable substitution with other Cr(VI) substances that would not be subject to the restriction, with a view of expanding the scope of the Annex XV restriction dossier to those substances, should the risk of regrettable substitution be confirmed.

2. OUTCOME OF ECHA PRELIMINARY ANALYSIS ON THE POTENTIAL RISK OF REGRETTABLE SUBSTITUTION

Cr(VI) substances in REACH Annex XIV

In March 2024, ECHA informed the Commission of the preliminary findings of its analysis of the potential risk of regrettable substitution of chromium trioxide and chromic acids with other Cr(VI) substances listed in Annex XIV:

1. The use of several other Cr(VI) substances listed in REACH Annex XIV is widespread and has resulted in either large applications for authorisation submitted by operators up the supply chain, and/or a number of individual downstream user applications for authorisation. Some of these uses overlap with current uses of

⁽¹⁾ [Commission's request to ECHA \(27/9/2023\)](#)

chromium trioxide and chromic acids. This implies that, in case the scope of the Cr(VI) restriction would be limited to chromium trioxide and chromic acids, operators could avoid the restriction by using substances that remain in the authorisation regime. Consequently, this may result in a continued workload exceeding the capacity of the current authorisation system with the consequent undermining of the protection of human health and the environment and in lack of consistency of regulatory measures applied.

2. For most of the other Cr(VI) substances listed in REACH Annex XIV, ECHA reported that they have the potential to be used as a substitute for either chromium trioxide or chromic acids, and/or as a substitute for each other. Exceptions to this conclusion are the three lead chromates, of which the technical function (pigment) is different than that of the other Cr(VI) substances listed in REACH Annex XIV. Moreover, for the three listed lead chromates, either authorisations have been rejected, or authorised uses are expired or about to expire in August 2024, and ECHA has received no new applications for authorisation or review reports.
3. Furthermore, ECHA observed that, for implementation and enforcement purposes, it may be beneficial to include other Cr(VI) substances in the scope of the restriction dossier and, potentially, in the scope of a possible restriction.

Cr(VI) substances not in REACH Annex XIV

ECHA also informed the Commission that there may be at least one (barium chromate) and possibly several Cr(VI) substances not listed in Annex XIV, but with use and hazard profiles that could lead to regrettable substitution and risks for workers and the general population.

3. AMENDMENT OF THE MANDATE

Based on the ECHA findings, the Commission hereby asks ECHA to include all other Annex XIV Cr(VI) substances (entries 18, 19, 20, 21, 22, 28, 29, 30, 31) ⁽²⁾, except the lead chromates (entries 10, 11, 12), in the scope of the Annex XV restriction dossier in view of a possible restriction covering these substances in addition to chromium trioxide and chromic acids.

As part of the restriction dossier, ECHA is requested to investigate and report in more detail on the issue of regrettable substitution for each of the additional 9 selected Cr(VI) substances and on other aspects relevant to consider how the risk from Cr(VI) substances in entries 16, 17, 18, 19, 20, 21, 22, 28, 29, 30, 31 is better addressed if they are restricted together. This and other information assessed within the restriction dossier, together with aspects related to workload and therefore timing of authorisation decisions, are relevant, among other things, to consider a ‘de-listing’ of those substances from Annex XIV of REACH and to conclude whether it is ensured that there is no loosening of human health and environmental protection.

The Commission hereby also asks ECHA to include Cr(VI) substances not listed in Annex XIV but with the potential to lead to regrettable substitution, in particular barium chromate, in the scope of the Annex XV restriction dossier.

⁽²⁾ 18: sodium dichromate, 19: potassium dichromate, 20: ammonium dichromate, 21: potassium dichromate, 22: sodium chromate, 28: dichromium tris(chromate), 29: strontium chromate, 30: potassium hydroxyocta-oxodizincate-dichromate, 31: pentazinc chromate octahydroxide

Acknowledging the additional work required to expand the scope of the Annex XV restriction dossier to nine additional Cr(VI) substances listed in Annex XIV, as well as to one or several Cr(VI) substances not listed in Annex XIV, the Commission hereby considers justified to extend the time for completing the Annex XV restriction dossier from 12 to 18 months. The Commission therefore expects ECHA to submit the Annex XV dossier on 11 April 2025³.

We thank ECHA for having kept the Commission regularly informed on the progress of the work on the Annex XV Cr(VI) restriction dossier and look forward to continuing this constructive approach. We also would appreciate receiving a confirmatory letter that the above requests have been received.

(e-signed)
Kristin SCHREIBER
DG Internal Market, Industry,
Entrepreneurship and SMEs

(e-signed)
Aurel CIOBANU-DORDEA
DG Environment

³ <https://echa.europa.eu/web/guest/support/restriction>