ORGALIME

ACEA

EUROFER
European Confederation of Iron and Steel Industries

CEEMET
COUNCIL OF EUROPEAN EMPLOYERS OF THE METAL, ENGINEERING AND TECHNOLOGY-BASED INDUSTRIES

Mr. Geert Dancet
Executive Director
ECHA
Annankatu 18
00120 Helsinki
Finland

Brussels, 20 October 2010

Ref: Proposals to identify Substances of Very High Concern (SVHC) via submitted Annex XV reports: Chromium trioxide and the Acids generated from Chrome trioxide and their oligomers

Dear Sirs,

The European federations ORGALIME, ACEA, EUROFER, and CEEMET have members across EU Member States sharing the problems described below. Our members are particularly concerned by the intention to regulate Chromium trioxide (CAS # 1333-82-0) and the acids derived from it (CAS # 7738-94-5 and 13530-68-2) under the REACH authorization scheme.

Chromium trioxide is classified as a CMR substance (CLP Regulation (EC) No 1272/2008). Various substitution programmes, in particular a switch to trivalent Chromium plating for thin decorative finishes, have been applied for many years by the companies we represent, thus reducing the risk. This is evidenced by the major decrease in consumption of this substance in European countries.

Nevertheless, for some of the sectors represented within our memberships, there are several **essential uses** of chromium trioxide and its acids for which, to date:

- R&D has found no technically or economically feasible substitutes. These include deep, high quality chromium plating, chromate conversion layer for powder coatings of aluminium and other metals, tin plate passivation, sulfo-chromium stripping of ABS plastics, control of bi-metallic welding and ceramography, chromic acid tests of anodic layers;
- Some alternatives have been found but the industrial supply chain conversion is not totally achieved (e.g.: chromic acid anodising for aerospace applications);
- Some remaining applications of this substance are unavoidable to maintain existing equipment in operational conditions and ensure appropriate maintenance throughout its life cycle[1] .

[1] Products that could not be manufactured given the current state of knowledge include bearing surfaces, motor vehicles, and aerospace components subject to high risk of corrosion.

These uses are technically essential to our industries to provide the required high level of quality and safety and any unjustified withdrawal within the European Union would have detrimental socio-economic and safety consequences in the various stages of the industrial chains concerned.

Regulations described in the working and environmental directives strictly regulate these uses. Indeed, Chromium trioxide has already been thoroughly evaluated under Regulation 793/93 on Existing Substances (ESR) which has now been repealed and replaced by Regulation (EC) No 1907/2006 on REACH. Risk assessments and risk management measures for limiting risks have been introduced and implemented already for a long time. The United Kingdom was Rapporteur Country for the Chromium trioxide ESR review, and the resulting Commission conclusions and recommendations of 30 May 2008 were published in the Official Journal of 18 June 2008[2]. Any additional administrative measure would significantly impact our sectors already largely voluntarily mobilised to progressively but effectively eradicate the use of these substances where a viable alternative can be found. Thus, regulating Chromium trioxide under the REACH Authorisation scheme would not contribute to any improvement of environment, health and safety but only create burdensome and costly efforts with the key European industries.

We therefore would like to draw your attention to the fact that, if the substances were banned, certain of Europe's high technology sectors would need to relocate at least part of their production and/or supply chain outside the EU. This not only would impact their technological knowledge and skilled employment base but would also affect the competitiveness of their EU based production in strategic sectors. We are all the more concerned if this would be happening at a time when the EU is promoting, the introduction of an industrial policy with the aim of revitalising the EU's industry after, especially after the economic crisis.

As the European representatives of these industries, we are not convinced about the necessity to add any supplementary measures to reduce the use of the Chromium trioxide and its acids. We also question the need to put this substance under the Authorisation regime of the REACH Regulation since Chromium trioxide has already been thoroughly investigated and has undergone extensive R&D work in certain applications in order to replace it.

Yours sincerely,

Electronically Signed

Adrian Harris

Director General ORGALIME

Blvd. A. Reyers 80
B-1030 Brussels
Tel : +32 2 706 82 40
www.orgalime.org

Gordon Moffat

Director General EUROFER

Avenue Ariane, 5
B-1200 Brussels
Tel : +32 2 738 79 26
www.eurofer.be

Uwe Combüchen

Secretary General CEEMET

Blvd. A. Reyers 80
B-1030 Brussels
Tel : +32 2 706 84 67
www.ceemet.org

Ivan Hodac

Secretary General ACEA

Avenue des Nerviens 85
B-1040 Brussels
Tel: +32 2 732 55 50
www.acea.be

[2] O. J. 2008/C152/01 (http://eurlex.europa.eu/JOIndex.do?year=2008&serie=C&textfield2=152&Submit=Search&_submit=Search&ihmlang=en).

***ORGALIME**, the European Engineering Industries Association, speaks for 33 trade federations representing some 130,000 companies in the mechanical, electrical, electronic, metalworking & metal articles industries of 22 European countries. The industry employs some 10.6 million people in the EU and in 2009 accounted for some €1,427 billion of annual output. The industry not only represents more than one quarter of the output of manufactured products but also a third of the manufactured exports of the European Union.*

EUROFER, the European Confederation of Iron and Steel Industries
Represented by EUROFER, the European steel industry is a world leader in its sector with a turnover of EUR 190 billion and direct employment of 420 thousand highly skilled people, producing 200 million tonnes of steel per year. More than 500 steel production and processing sites in 23 EU member states provide direct and indirect employment and a living for millions of European citizens. EUROFER represents 100% of steel production in the EU. Its members are steel companies and national steel federations throughout the European Union (EU).The major steel companies and national steel federations in Switzerland and Turkey are associate members.

***CEEMET** represents the interests of employers' organisations in the metal, engineering and technology-based industries with a particular focus on social policy issues. We speak for 200,000 companies from 22 countries with some 12.7millions employees – www.ceemet.eu. CEEMET is registered at the Commission's Register of Interest Representatives"*

***ACEA,** the European Automobile Manufacturers Association, represents the 16 major European vehicle manufacturers. The automotive sector is an elementary part of the manufacturing industry in the EU. Europe is the world's largest vehicle producer. The auto industry provides high-skilled jobs to 2.3 million Europeans and indirectly supports another 10 million families. The ACEA members yearly invest about 5% of turnover (over € 26 billion) in R&D. The automobile industry is the largest private investor in R&D in Europe.*