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COMMISSION IMPLEMENTING DECISION

of 29.1.2018

granting an authorisation for certain uses of sodium dichromate under Regulation (EC) No 1907/2006 of the European Parliament and of the Council (Akzo-Nobel Pulp and Performance Chemicals AB)

(ONLY THE ENGLISH TEXT IS AUTHENTIC)

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THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EC) No 1907/2006 of the European Parliament and of the Council of 18 December 2006 concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH), establishing a European Chemicals Agency, amending Directive 1999/45/EC and repealing Council Regulation (EEC) No 793/93 and Commission Regulation (EC) No 1488/94 as well as Council Directive 76/769/EEC and Commission Directives 91/155/EEC, 93/67/EEC, 93/105/EC and 2000/21/EC[1], and in particular Article 64(8) thereof,

Whereas:

(1) Sodium dichromate is listed in Annex XIV to Regulation (EC) No 1907/2006 and is therefore subject to the authorisation requirement referred to in Article 56(1)(a) of that Regulation.

(2) On 13 November 2015, Akzo-Nobel Pulp and Performance Chemicals AB, Akzo-Nobel Pulp and Performance Chemicals Oy and Akzo-Nobel Pulp and Performance Chemicals S.A.S ('the applicants') submitted, in accordance with Article 62 of Regulation (EC) No 1907/2006, an application for authorisation for the use of sodium dichromate as an additive for suppressing parasitic reactions and oxygen evolution, pH buffering and cathode corrosion protection in the electrolytic manufacture of sodium chlorate with or without subsequent production of chlorine dioxide ('Use 1'). On the same date Akzo-Nobel Pulp and Performance Chemicals AB also submitted an application for authorisation for the use of sodium dichromate as an additive for suppressing parasitic reactions and oxygen evolution, pH buffering and cathode corrosion protection in the electrolytic manufacture of potassium chlorate ('Use 2').

(3) On 14 December 2016, the Commission received the opinions of the Committee for Risk Assessment (RAC) and the Committee for Socio-economic Analysis (SEAC) of the European Chemicals Agency[2] on the application pursuant to the second subparagraph of Article 64(5) of Regulation (EC) No 1907/2006.

(4) In its opinions, the RAC confirmed that it is not possible to determine a derived no-effect level (DNEL) for the carcinogenic properties of sodium dichromate in

[1] OJ L 396, 30.12.2006, p. 1.

[2] https://echa.europa.eu/documents/10162/2631c558-9165-7a8c-8a64-b972ecba50b8 https://echa.europa.eu/documents/10162/3ac9f758-f560-4be4-211f-fcb1bfa0e063

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accordance with Section 6.4 of Annex I to Regulation (EC) No 1907/2006 and therefore sodium dichromate is a non-threshold substance. In accordance with Article 60(3)(a) of that Regulation, Article 60(2) of that Regulation does not apply to that substance, and therefore an authorisation may only be granted on the basis of Article 60(4) of that Regulation.

(5) In its opinions, the RAC concluded that the risk management measures and operational conditions as described in the applications are appropriate and effective in limiting the risk to workers and the general population that could potentially be exposed via the environment.

(6) In its opinions, the SEAC concluded that the overall socio-economic benefits arising from the uses applied for outweigh the risks to human health and the environment arising from those uses and that there are no suitable alternative substances or technologies before the sunset date in terms of their technical and economic feasibility for the applicant, their risk reduction capacity, as well as their capacity to eliminate the exposure to chromium (VI). The Commission, having evaluated the SEAC assessment, concurs with this conclusion.

(7) Based on the RAC and SEAC opinions, and in accordance with Article 60(4) of Regulation (EC) No 1907/2006, it is therefore appropriate to authorise the uses of sodium dichromate applied for, provided that the risk management measures and operational conditions described in the applications and in particular in the chemical safety reports[3], are fully applied.

(8) In its opinions, the SEAC recommended the review periods referred to in Article 60(9)(e) of Regulation (EC) No 1907/2006 to be set at twelve years for both uses applied for. The Commission takes into account the relevant elements from the RAC and the SEAC assessments, and in particular that the risk management measures and operational conditions are appropriate and effective in limiting the risks, the lack of suitable alternatives before the sunset date, the likelihood that substitution would not be possible within shorter timelines, the time necessary to implement a viable alternative if one becomes available in the future, the applicant's very long investment cycle and the considerable socio-economic benefits of continued use of the substance. The Commission concurs with the SEAC recommendation.

(9) Therefore, the Commission considers appropriate that, as regards the two uses of sodium dichromate applied for, the review period referred to in Article 60(9)(e) of Regulation (EC) No 1907/2006 is set at twelve years as from the sunset date set out in Annex XIV to Regulation (EC) No 1907/2006.

(10) In their opinions, the RAC and the SEAC recommended additional occupational exposure measurements to be carried out for the purpose of a review report referred to in Article 61(1) of Regulation (EC) No 1907/2006 to determine that the risk management measures and operational conditions are still appropriate and effective in limiting the risks.

(11) The language used for the description of the risk management measures and operational conditions included in the applications for authorisation is different from the official language of the Member States where the uses applied for take place. Therefore, in order to facilitate the enforcement of the authorisation, it is appropriate to include a monitoring arrangement requiring the authorisation holders to submit,

[3] http://ec.europa.eu/DocsRoom/documents/20631
http://ec.europa.eu/DocsRoom/documents/20632

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upon request, a succinct summary of those risk management measures and operational conditions in an official language of the Member States concerned.

(12) This Decision does not affect the obligation of the authorisation holder to ensure that the use does not adversely affect human health or the environment pursuant to Article 1(3) of Regulation (EC) No 1907/2006. Furthermore, it does not affect either the obligation of the authorisation holder to ensure that the exposure to the substance is reduced to as low a level as is technically and practically possible pursuant to Article 60(10) of that Regulation or the obligation of the employer to reduce the use of a carcinogen or mutagen at the place of work, in particular by replacing it, in so far as is technically possible in accordance with Article 4(1) of Directive 2004/37 of the European Parliament and of the Council[4] or to prevent and reduce exposure in accordance with Article 5 of that Directive. Furthermore, this Decision is without prejudice to the application of the EU Directives in the area of health and safety at work, in particular Council Directive 89/391/EEC[5], Council Directive 98/24[6], Directive 2004/37 of the European Parliament and of the Council[7], Council Directive 92/85/EEC[8] and Council Directive 94/33/EC[9].

(13) This Decision is without prejudice to any obligation to comply with emission limit values set in accordance with Directive 2010/75/EU of the European Parliament and of the Council[10] and Directive 2008/50/EC of the European Parliament and of the Council[11], as well as with emission limit values set to achieve compliance with the environmental quality standards established both in Directive 2008/105/EC of the European Parliament and of the Council[12] and by Member States in accordance with Directive 2000/60/EC of the European Parliament and of the Council[13]. Compliance with the provisions of this Decision should not necessarily result in compliance with emission limit values or environmental quality standards under other Union legislation, which may include separate or more onerous requirements.

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4 OJ L 158, 30.4.2004, p. 50.

5 Council Directive 89/391/EEC of 12 June 1989 on the introduction of measures to encourage improvements in the safety and health of workers at work (OJ L 183, 29.06.1989, p. 1).

6 Council Directive 98/24/EC of 7 April 1998 on the protection of the health and safety of workers from the risks related to chemical agents at work (fourteenth individual Directive within the meaning of Article 16(1) of Directive 89/391/EEC) (OJ L 131, 05.05.1998, p. 11).

7 Directive 2004/37/EC of the European Parliament and of the Council of 29 April 2004 on the protection of workers from the risks related to exposure to carcinogens or mutagens at work (Sixth individual Directive within the meaning of Article 16(1) of Council Directive 89/391/EEC) (OJ L 158, 30.04.2004).

8 Council Directive 92/85/EEC of 19 October 1992 on the introduction of measures to encourage improvements in the safety and health at work of pregnant workers and workers who have recently given birth or are breastfeeding (tenth individual Directive within the meaning of Article 16 (1) of Directive 89/ 391 / EEC) (OJ L 348, 28.11.1992, p. 1).

9 Council Directive 94/33/EC of 22 June 1994 on the protection of young people at work (OJ L 216, 20.08.1994, p. 12).

10 Directive 2010/75/EU of the European Parliament and of the Council of 24 November 2010 on industrial emissions (integrated pollution prevention and control)(OJ L 334, 17.12.2010, p. 17).

11 Directive 2008/50/EC of the European Parliament and of the Council of 21 May 2008 on ambient air quality and cleaner air for Europe (OJ L 152, 11.6.2008, p. 1).

12 Directive 2008/105/EC of the European Parliament and of the Council of 16 December 2008 on environmental quality standards in the field of water policy, amending and subsequently repealing Council Directives 82/176/EEC, 83/513/EEC, 84/156/EEC, 84/491/EEC, 86/280/EEC and amending Directive 2000/60/EC of the European Parliament and of the Council (OJ L 348, 24.12.2008, p. 84).

13 Directive 2000/60/EC of the European Parliament and of the Council of 23 October 2000 establishing a framework for Community action in the field of water policy (OJ L 327, 22.12.2000, p. 1).

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(14) The measures provided for in this Decision are in accordance with the opinion of the Committee established under Article 133 of Regulation (EC) No 1907/2006,

HAS ADOPTED THIS DECISION:

Article 1

An authorisation is granted in accordance with Article 60(4) of Regulation (EC) No 1907/2006 for the following uses of sodium dichromate (EC No. 234-190-3, CAS No. 10588-01-9/7789-12-0) provided that the risk management measures and operational conditions described in the chemical safety reports submitted pursuant to Article 62(4)(d) of that Regulation are fully applied:

Authorisation number	Authorisation holder	Authorised use
REACH/17/26/0	Akzo-Nobel Pulp and Performance Chemicals AB	Use of sodium dichromate as an additive for suppressing parasitic reactions and oxygen evolution, pH buffering and cathode corrosion protection in the electrolytic manufacture of sodium chlorate with or without subsequent production of chlorine dioxide
REACH/17/26/1	Akzo-Nobel Pulp and Performance Chemicals Oy	
REACH/17/26/2	Akzo-Nobel Pulp and Performance Chemicals SAS	
REACH/17/26/3	Akzo-Nobel Pulp and Performance Chemicals AB	Use of sodium dichromate as an additive for suppressing parasitic reactions and oxygen evolution, pH buffering and cathode corrosion protection in the electrolytic manufacture of potassium chlorate

Article 2

As regards the authorised uses of sodium dichromate, the review period referred to in Article 60(9)(e) of Regulation (EC) No 1907/2006 shall expire on 21 September 2029.

Article 3

The following monitoring arrangements shall apply:

(a) the authorisation holder shall submit, upon request, to the competent authority of the Member State where the authorised use takes place a succinct summary of the applicable risk management measures and operational conditions described in the chemical safety report in an official language of that Member State;

(b) in case of a review report referred to in Article 61(1) of Regulation (EC) No 1907/2006 concerning the use referred to in Article 1 of this Decision, the authorisation holder shall provide additional occupational exposure measurements, based on relevant standard reference methodologies and protocols, representative of

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the range of tasks undertaken, where exposure chromium (VI) is possible and of the total number of workers potentially exposed on each site.

Article 4

This Decision is addressed to:

1. Akzo-Nobel Pulp and Performance Chemicals AB, EKA Bohus, 44580, Bohus, Sweden;
2. Akzo-Nobel Pulp and Performance Chemicals Oy, Nuottasaarentie 17, 90400 Oulu, Finland;
3. Akzo-Nobel Pulp and Performance Chemicals S.A.S, Z.I. du Bec, 33810 Ambès, France.

Done at Brussels, 29.1.2018

For the Commission
Elżbieta BIEŃKOWSKA
Member of the Commission

CERTIFIED COPY
For the Secretary-General,

Jordi AYET PUIGARNAU
Director of the Registry
EUROPEAN COMMISSION

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