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**COMMISSION IMPLEMENTING DECISION**

**of 8.2.2017**

**granting an authorisation for certain uses of sodium chromate under Regulation (EC)  
No 1907/2006 of the European Parliament and of the Council (Dometic GmbH)**

(Text with EEA relevance)

(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<sup>1</sup>, and in particular Article 64(8) thereof,

Whereas:

- (1) Sodium chromate 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 19 May 2015, Dometic GmbH and Dometic Hűtőgépgyártó és Kereskedelmi Zrt. ('the applicants') submitted, in accordance with Article 62 of Regulation (EC) No 1907/2006, an application for authorisation for the use of sodium chromate as an anticorrosion agent of the carbon steel cooling system in absorption refrigerators up to 0,75% by weight (Cr(VI)+) in the cooling solution. The application concerned the use of sodium chromate in two types of products, namely 'low boiler temperature products' (minibars) and 'high boiler temperature products' (recreational vehicles refrigerators and medical cold equipment).
- (3) On 2 February 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 on the application<sup>2</sup>.
- (4) In its opinion, the RAC confirmed that it is not possible to determine a derived no-effect level (DNEL) for the carcinogenic properties of sodium chromate in accordance with Section 6.4 of Annex I to Regulation (EC) No 1907/2006 and therefore that sodium chromate 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

<sup>1</sup> OJ L 396, 30.12.2006, p. 1.

<sup>2</sup> <http://echa.europa.eu/documents/10162/5a39678c-4e9a-42bc-878c-8997c74caeba>

therefore an authorisation may only be granted on the basis of Article 60(4) of that Regulation.

- (5) In its opinion, the RAC concluded that the risk management measures and operational conditions as described in the application are appropriate and effective in limiting the risk to the general population. However, the RAC concluded that they are not appropriate and effective in limiting the risk to workers, in particular in relation to emptying of malfunctioning cooling units. In relation to that worker contributing scenario, the RAC noted that the applicant is already designing and testing new equipment to enclose and semi-automate the process in order to further decrease the exposure of workers to sodium chromate. Furthermore, the RAC considered that due to the shortcomings in the exposure assessment, its reliability should be increased, in particular regarding the strategy of monitoring of exposure and number measurements of exposure.
- (6) In its opinions, the RAC recommended additional conditions and monitoring arrangements for the authorisation. It is therefore appropriate to require the authorisation holders to conduct regular occupational exposure measurements related to the authorised uses of sodium chromate and to implement appropriate new equipment to enclose and semi-automate the process as described in the application. The outcomes and conclusions of those actions should be documented and used in the case of a review report to be submitted in accordance with Article 61(1) of Regulation (EC) No 1907/2006.
- (7) In its opinion, the SEAC concluded that the overall socio-economic benefits arising from the use applied for outweigh the risks to human health and the environment arising from that use and that there are no suitable alternative substances or technologies in terms of their technical and economic feasibility for the applicant. However, the SEAC accepted that the applicant has been able to identify a technically and economically feasible substitute that could replace sodium chromate in 2018-2019 in a part of the product range of so-called “low boiler temperature products” and by 2029 in the range of “high boiler temperature products”.
- (8) Based on the RAC and the 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 chromate applied for, provided that the risk management measures and operational conditions described in the application and in particular in the chemical safety report<sup>3</sup>, as well as the additional conditions and monitoring arrangements set out in this Decision, are fully applied.
- (9) In its opinion, the SEAC recommended the review period referred to in Article 60(9)(e) of Regulation (EC) No 1907/2006 to be set at twelve years. The recommended review period takes into account that the socio-economic benefits of continued use outweigh significantly the costs associated with risks for human health or the environment, the research and development efforts already made and foreseen to identify applicable alternatives depending on the product range, the unlikely availability of an alternative in all product ranges until 2029 as well as the need for sufficient time for the applicant to test the performance of the possible alternative for specific product categories, including the field tests. The SEAC further recommended the authorisation of the use of sodium chromate after the end of 2019 to be limited to the high boiler temperature product range only.

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<sup>3</sup> <http://ec.europa.eu/DocsRoom/documents/15924/attachments/1/translations/en/renditions/native>

- (10) Therefore, as regards the uses of sodium chromate applied for, the review period referred to in Article 60(9)(e) of Regulation (EC) No 1907/2006 should expire on 21 September 2029 for the “high boiler temperature product” range and on 31 December 2019 for the “low boiler temperature product” range.
- (11) The language used for description of the risk management measures and operational conditions included in the application for authorisation may be different from the official language of the Member States where the uses 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, upon request, a succinct summary of those risk management measures and operational conditions in an official language of those Member States.
- (12) This Decision is without prejudice to any obligation to comply with Directive 2011/65/EU of the European Parliament and of the Council<sup>4</sup> and Directive 2000/53/EC of the European Parliament and of the Council<sup>5</sup> which both contain specific provisions concerning hexavalent chromium (including sodium chromate) as an anticorrosion agent of the carbon steel cooling system in absorption refrigerators. Any authorisation decision should be in line with the restrictions of the uses of hexavalent chromium (including sodium chromate) in those Directives.
- (13) This Decision does not affect either the obligation of the holder of the authorisation 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 Regulation (EC) No 1907/2006 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/EC of the European Parliament and of the Council<sup>6</sup>, or to prevent and reduce exposure in accordance with Article 5 of that Directive.
- (14) 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<sup>7</sup> and Directive 2008/50/EC of the European Parliament and of the Council<sup>8</sup>, 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<sup>9</sup> and by Member States in accordance with

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<sup>4</sup> Directive 2011/65/EU of the European Parliament and of the Council of 8 June 2011 on the restriction of the use of certain hazardous substances in electrical and electronic equipment (OJ L 174, 1.7.2011, p. 88).

<sup>5</sup> Directive 2000/53/EC of the European Parliament and of the Council of 18 September 2000 on end-of life vehicles (OJ L 269, 21.10.2000, p.34).

<sup>6</sup> 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, 30.4.2004, p. 50).

<sup>7</sup> 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).

<sup>8</sup> 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).

<sup>9</sup> 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).

Directive 2000/60/EC of the European Parliament and of the Council<sup>10</sup>. 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.

- (15) 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 chromate (EC No. 231-889-5, CAS No. 7775-11-3) provided that the risk management measures and operational conditions described in the chemical safety report<sup>11</sup> submitted pursuant to Article 62(4)(d) of that Regulation, as well as the conditions laid down in Article 2 of this Decision, are fully applied:

Authorisation number	Authorisation holder	Authorised use
REACH/17/7/0	Dometic GmbH	Use of sodium chromate as an anticorrosion agent of the carbon steel cooling system in absorption refrigerators up to 0,75% by weight (Cr(VI)+) in the cooling solution. This covers the use in 'low boiler temperature products' (minibars).
REACH/17/7/1	Dometic Hűtőgépgyártó és Kereskedelmi Zrt.	Use of sodium chromate as an anticorrosion agent of the carbon steel cooling system in absorption refrigerators up to 0,75% by weight (Cr(VI)+) in the cooling solution. This covers the use in 'low boiler temperature products' (minibars).
REACH/17/7/2	Dometic GmbH	Use of sodium chromate as an anticorrosion agent of the carbon steel cooling system in absorption refrigerators up to 0,75% by weight (Cr(VI)+) in the cooling solution. This covers the use in 'high boiler temperature products' (recreational vehicles refrigerators and medical cold equipment).
REACH/17/7/3	Dometic Hűtőgépgyártó és Kereskedelmi Zrt.	Use of sodium chromate as an anticorrosion agent of the carbon steel cooling system in absorption refrigerators up to 0,75% by weight (Cr(VI)+) in the cooling solution. This covers the use in 'high boiler temperature products' (recreational vehicles refrigerators and medical cold equipment).

#### *Article 2*

The authorisation referred to in Article 1 shall be subject to the following conditions:

<sup>10</sup> 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).

<sup>11</sup> <http://ec.europa.eu/DocsRoom/documents/15924/attachments/1/translations/en/renditions/native>

- (a) the authorisation holders shall conduct regular occupational exposure measurements, with sampling done at least every six months, relating to the uses referred to in Article 1. Those measurements shall be based on relevant standard methodologies or protocols and shall be representative of the range of tasks undertaken where exposure to sodium chromate is possible and of the total number of workers that are potentially exposed. The results shall be documented.
- (b) the authorisation holders shall continue to investigate ways of decreasing the exposure of workers when emptying malfunctioning cooling units and shall implement, based on the ongoing testing described in the application, appropriate new equipment to enclose and semi-automate the process. The steps undergone shall be documented.

#### *Article 3*

- (1) As regards the authorised use of sodium chromate in 'low boiler temperature products' (REACH/17/7/0 and REACH/17/7/1), the review period referred to in Article 60(9)(e) of Regulation (EC) No 1907/2006 shall expire on 31 December 2019;
- (2) As regards the authorised use of sodium chromate in 'high boiler temperature products' (REACH/17/7/2 and REACH/17/7/3), the review period referred to in Article 60(9)(e) of Regulation (EC) No 1907/2006 shall expire on 21 September 2029.

#### *Article 4*

The following monitoring arrangements shall apply:

- (a) on request of the competent authorities of the Member States where the uses take place, the authorisation holders shall submit to those authorities the information obtained from the measurements required by Article 2(a) and the measures taken pursuant to Article 2(b), in an official language of those Member States;
- (b) on request of the competent authorities of the Member States where the authorised uses take place, the authorisation holders shall submit to those authorities a succinct summary of the applicable risk management measures and operational conditions described in the chemicals safety report, in an official language of those Member States;
- (c) when submitting the review report referred to in Article 61(1) of Regulation (EC) No 1907/2006 concerning the uses referred to in Article 1 of this Decision, the authorisation holders shall provide a report resulting from the measurements required by Article 2(a) of this Decision and the measures taken pursuant to Article 2(b) of this Decision.

*Article 5*

This Decision is addressed to:

- (1) Dometic GmbH, In der Steinwiese 16, 57074 Siegen, Germany;
- (2) Dometic Hűtőgépgyártó és Kereskedelmi Zrt., Necső telep 1, 5100 Jászberény, Hungary.

Done at Brussels, 8.2.2017

*For the Commission*  
*Elżbieta BIEŃKOWSKA*  
*Member of the Commission*

