Conclusions of the teleconference based information session on applications for authorisation of hexavalent chromium in electroplating

The information session was held on 15 February 2023 with about 260 participants. The purpose of was to gain understanding of specific technical, procedural and regulatory issues when preparing and submitting an application for authorisation (AfA) for the use of hexavalent chromium (Cr(VI) in electroplating. The Commission and ECHA responded to the questions posed by participant before the session. At the end a general discussion was held.

The conclusions of the session were:

1. ECHA and the Commission are aware of the market uncertainties and tensions that exist as the decisions on CTAC use 3 (functional chrome plating with decorative character) and the European Court of Justice (ECJ) judgment on the *European Parliament vs. Commission* on other CTAC uses are pending.

2. The Commission needs to wait for the ECJ judgment on CTAC. Should it annul the Commission decision there would be no immediate practical consequences. The use of Cr(VI) would continue with the conditions of the annulled decision until the Commission issues a new one if the Court maintains the effects of the decision, as it is expected. If the effects are not maintained, the users will benefit from the transitional arrangements since the application was submitted before the Latest Application Date.

3. ECHA and the Commission do their best to issue consistent opinions and decisions in a timely manner. Discussions are ongoing to identify a possible way forward concerning the upcoming wave of Cr(VI) applications and the subsequent significant backlog caused.

4. One (upstream) manufacturer or importer (Hapoc) seems to submit a review report or an application for the use functional chrome plating with decorative character.

5. CTAC use 3 draft decision is about to undergo the inter-service consultation within the Commission, so there is not yet an official proposal. However, the draft is scheduled for first discussion in REACH Committee of June 2023. Should it be a refusal of authorisation, the views of Member States are not known and there is uncertainty on whether the qualified majority of them would support that proposal. No transitional arrangements are foreseen in that case.

6. Companies should submit their own applications if they are not covered by upstream actors.

7. Joint applications are likely to have a smoother decision-making process as long as the uses applied for are not too broad and are homogeneous in terms of OCs/RMMs and substitution profiles.

8. Applicants need to be transparent and clear regarding the steps in the Substitution Plans. The timelines of the Substitution Plan are among the main elements for the Commission's decision on the Review Period.

9. The applicants should not be over conservative in exposure assessment for workers and for humans via the environment.

10. The quality of the applications is important. Experience tells us that well prepared applications have had a much smoother decision-making process than others. It should contain a clear scope of the use and the description of the workplace. The exposure assessment should be robust and representative. The analysis of alternatives and substitution timelines are the key elements in setting the review period. The need of certain functionalities and performance should be duly justified, as well as the reasons why a potential loss of performance caused by the alternative cannot be accepted. Socio-economic analysis needs to provide the evidence on benefits vs. risks.

11. As RAC may suggest additional Risk Management Measures it would be helpful for the applicants to have included the costs of such measures or at least be prepared to give such information.

12. The substitution or development plan is a key element to demonstrate what the applicant intends to do to move away from the use of Cr(VI) along with improving the risk control for the period the applicant is still using the substance. Furthermore, the plan should carefully assess all steps of the supply chain and risk control, to prevent regrettable substitution.