Resolution on the draft Commission implementing decision partially granting an authorisation for a use of chromium trioxide under Regulation (EC) No 1907/2006 of the European Parliament and of the Council (Cromomed S.A. and others)

2019/2844(RSP) - 24/10/2019 - Text adopted by Parliament, single reading

The European Parliament adopted by 301 votes to 295, with 45 abstentions, a resolution objecting to the draft Commission implementing decision partially granting an authorisation for a use of chromium trioxide under Regulation (EC) No 1907/2006 of the European Parliament and of the Council (Cromomed S.A. and others).

Cromomed S.A. and four other companies have jointly submitted an application for authorisation in accordance with the REACH Regulation for the use of chromium trioxide in functional chrome plating in a broad array of applications, including general engineering and steel production.

In its resolution, Parliament recalled that chromium trioxide was added to the candidate list of substances of very high concern under the REACH Regulation in 2010 because of its classification as carcinogenic (category 1A) and mutagenic (category 1B). Chromium trioxide was included in Annex XIV to the REACH Regulation in 2013 on account of this classification, the high volumes that were in use, the high number of sites where it was used in the Union and the risk of significant exposure to workers.

Parliament argued that Article 60(4) of the REACH Regulation provides that an authorisation may only be granted if the applicant proves, inter alia, that, for each use applied for, there are no suitable alternative substances or technologies.

The General Court found that where, despite the presentation of evidence by the various actors involved in the authorisation procedure, there were still uncertainties with regard to the condition of unavailability of alternatives, it must be concluded that the applicant had not met the burden of proof and therefore the authorisation could not be granted.

However, the Commission proposed to grant the authorisation on the grounds that the alternatives available in general are not technically or economically feasible for the applicants, despite the fact that they have provided neither enough information on the economic feasibility, as noted by SEAC, nor a substitution plan, in breach the REACH Regulation.

Considering that the draft Commission implementing decision is in breach of the judgment of the General Court and of Article 60(4) and (7) of the REACH Regulation, Parliament called on the Commission:

- to withdraw its draft implementing decision and to submit a new draft granting the authorisation only for the uses specifically defined for which no suitable alternatives are available;

- to take swift decisions with regard to this application and others relating to the same substance in full compliance with the REACH Regulation.