

REACH Committee Favourable Vote on AfAs 0032-05/06 and 0043-03 regarding Authorisation for Electrolytic Tin Plate (ETP) and Electrolytic Chrome Coated Steel (ECCS)

APEAL – the Association of European Producers of steel for packaging – whose members are downstream users covered by the Applications for Authorisation of Lanxess et al. (for chromium trioxide; 0032-05, 0032-06; CTAC-Sub) and Brenntag et al. (for sodium dichromate; 0043-03, CCST), requests that Member States **support the Commission implementing decisions granting Authorisation** for certain uses of these hexavalent chromium substances, notably for use in the passivation of Electrolytic Tin Plate (ETP) and Electrolytic Chrome Coated Steel (ECCS).

The draft decision (D060095-03) on chromium trioxide, as proposed by the Commission, and which has previously received a **favourable vote** from the REACH Committee on February 15th and for which the European Parliament did not object to its granting, has taken several years to reach this point of agreement.

Due to issues of Brexit and the ruling from the Court of Justice of the European Union on an unrelated Authorisation Decision (T-837/16, Sweden -v- Commission), however, APEAL members and their supply chains once again find themselves in a situation beyond their control.

Should the Decision be unduly delayed by the abovementioned issues, it will likely have 2 major knock-on impacts:

1. There will be renewed and **increased uncertainty** within supply chains;
2. The risk management measures proposed to control any risks from the hazard in the draft will not be legally binding.

In terms of Steel for Packaging, it would be unreasonable not to proceed quickly with a favourable re-vote for the Authorisation of chromium trioxide – as well as positive votes on subsequent applications for Authorisation covering our members – given that the European Chemicals Agency Risk Assessment Committee (RAC), in its opinion on **uses** of chromium trioxide *in our sector*, concluded that the **risk management measures and operational conditions are appropriate and effective** in limiting the risks to workers and the general population that could potentially be exposed via the environment. **Hexavalent chrome is also not present in or on the surface of the steel for packaging** material and is used globally in the steel for packaging industry.

It has also been clearly demonstrated that no suitable alternatives are currently available to our sector for these uses. In addition, the uses of these substances and process descriptions (ETP and ECCS) are described in detail in their respective use groups in these applications. There should be, consequently, **no uncertainty regarding the scope** of the Authorisation.

Furthermore, **our sector is planning to phase out these uses in the coming years once the alternatives**, that APEAL members themselves are developing, **have been qualified** by the supply chain in terms of **continued product performance and consumer safety**.

APEAL's membership accounts for 95% of the total European production of steel for packaging. In total, the four companies that comprise the APEAL member companies employ 200,000 people in Europe, with an estimated 15,000 workers directly in steel for packaging activities. The main sites for steel for packaging are located in France, Germany, Belgium, Slovakia, Spain, Italy, the Netherlands and the UK. This is supplemented by the approximately 70,000 employees, in 300 factories, in 23 European countries across the EU that are reliant on the constant and stable supply of high technical quality, as well as consumer safe, steel for packaging material supplied by APEAL members to its supply chain.

In conclusion, APEAL and its members **ask that Member States and the European Commission to proceed quickly with the final Decision on the CTAC-Sub Authorisation** application confirming, for the second time, the REACH Committee support, and we also ask for this **support** for the prompt adoption of a **favourable Decision on CCST** consortium application when this is voted upon in the coming months.