



STEEL FOR PACKAGING – REACH COMPLIANT AND IN TRANSITION TO CHROME-VI FREE PASSIVATION

1. WHAT IS THIS Q&A ABOUT?

APEAL members and its value chain have taken proactively the initiative to ensure Steel for Packaging availability in Europe in response to REACH legislation.

Last updated: 22/04/2020

2. WHAT IS REACH?

REACH stands for Registration, Evaluation, Authorisation (and Restriction) of Chemicals. It is a wide ranging and far reaching EU chemicals regulation that aims to ensure the protection of human health and the environment from the use of chemicals, while ensuring good functioning of the EU internal market.

Last updated: 22/04/2020

3. WHY DO I NEED TO KNOW ABOUT REACH?

One of the processes under REACH is the Authorisation process. This deals with the use of Substances of Very High Concern (SVHC).

A number of chromium VI compounds were added to the REACH Annex XIV that lists substances subject to Authorisation in Europe, with a Sunset Date of 21 September 2017.

Some of these substances are global standards for use in the passivation of tinplated steel (ETP) and in electrolytic chrome coated steel (ECCS) and are used for this purpose all over the world.

Last updated: 22/04/2020

4. WHAT IS AUTHORISATION?

As noted above, Authorisation is one of the processes under REACH that deals with SVHC.

In this process, the EU aims to, after a specific date, ensure that uses of these SVHC substances in Europe is prevented, unless the use has been approved/authorised by the European Commission and the Member States. Practically, the use of chromium VI is thenceforward limited to specifically authorised uses in Europe.

Last updated: 22/04/2020

5. A HAZARDOUS SUBSTANCE IS USED IN MAKING THE STEEL for PACKAGING, IS THERE ANY REMAINING ON THE PRODUCT?

There is no chromium VI on the surface of the final tinplate product or steel cans.

Indeed, in nature chromium exists in the vast majority of cases in other forms, like chromium III (trivalent chrome) or chromium 0, which do not have the same properties, or cause the same health issues, as chromium VI.



Chromium VI is used under specific conditions and according to the highest safety and environmental standards in European Steel for Packaging production plants which means that chromium VI is converted to other forms of chromium, like chromium III.

Last updated: 22/04/2020

6. HOW DOES THE AUTHORISATION PROCESS WORK?

An application for continued use of an SVHC substance is prepared either individually or jointly by the manufacturers, importers (upstream) or users (downstream) of the substance. This is then submitted to the European Chemicals Agency (ECHA) who analyse the application and provide an Opinion based on scientific evidence.

Two large, upstream Authorisation dossiers were submitted for the use of chromium VI substances (1 for chromium trioxide and 1 for sodium dichromate), covering uses in a multitude of different and diverse industries, like aerospace, defence, decorative coatings, etc. covering many hundreds of companies. Some of the uses in these applications are specific to Steel for Packaging.

In the Opinion from ECHA¹ they agreed with the information provided in the dossier, and recommended to the Commission that the requested Authorisation be granted for the Steel for Packaging uses. The review period sought was 4 years and this was reflected in the ECHA Opinion.

This Opinion was then passed onto the European Commission who had to prepare a Decision based on ECHA's work and their own analysis. This draft Decision then needed approval from the Member States in a committee called the REACH Committee.

Once the Member States vote, and agree with the Commission, then the Commission takes the Decision and publishes it as law in the EU.

Last updated: 22/04/2020

7. YOU SAID THE SUNSET (BAN) DATE WAS THE 21ST OF SEPTEMBER 2017. HOW CAN YOU CONTINUE USING THIS IN THE STEEL for PACKAGING PROCESS?

There is a mechanism within the REACH Authorisation process (Transitional Arrangements) that allows the continued use of an SVHC substance after the Sunset Date. APEAL members are, consequently, allowed to continue to use chromium VI until a Decision has been made by the European Commission and agreed by the Member States.

Decisions, once made, then become EU law and the users of the SVHC substance must abide by any conditions set-out in the Authorisation Decision.

Last updated: 22/04/2020

¹ <https://echa.europa.eu/documents/10162/ab92f048-a4df-4d06-a538-1329f666727a> and <https://echa.europa.eu/documents/10162/a5f155f8-4bc9-65f0-9f9a-f55003a4ec8e>



8. SO APEAL MEMBERS WILL BE NAMED ON THIS APPLICATION?

No. APEAL members are downstream users of the hexavalent chromium substances in these applications. Only the names of the companies that actually applied will be listed in the Decision.

Last updated: 12/01/2021

9. WHAT IS THE CURRENT SITUATION WITH THE DECISION?

The draft Decision from the European Commission agreed with the Opinion of ECHA in that it suggested the granting a 4-years review period. Due to delays incurred during the decision-making process, this meant allowing their use in Steel for Packaging processes until 2024.

Throughout the course of the Decision-making process, APEAL and its members were in contact with the Commission regularly for updates. In these updates, the Commission repeatedly noted that the Steel for Packaging uses are accepted by all stakeholders as strong cases and would be granted Authorisation.

Taking the two large, upstream Authorisation dossiers mentioned in Q6 above; 1 for sodium dichromate and 1 for chromium trioxide covering uses specific to Steel for Packaging, separately:

Sodium Dichromate:

- For the application covering sodium dichromate, there was a positive vote in the REACH Committee in September 2019. The corresponding Decision was published on the 21st of April 2020 and states that the **Review Period** (length of additional time authorised for the use of sodium dichromate) **runs until 14th of April 2024**² for the steel for packaging use (ETP).

Chromium Trioxide:

- Following several years of discussions within the European Chemicals Agency, the Commission, and among Member States, the issues surrounding the granting of the Authorisation for Chromium Trioxide have now been addressed.

Consequently, the Decision was published in the Official Journal of the European Union on the 23rd of December 2020 specifying a **Review Period** for the use of Chromium Trioxide in Steel for Packaging uses (ETP and ECCS) until **21st September 2024**.³

Consequently, APEAL members will still legally use chromium VI compounds in their processes until the alternative – CFPA – has been qualified for use. As a result, there should be no interruption in the supply of Steel for Packaging material.

² <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A52020XC0421%2803%29&qid=1610442968311>

³ [https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52020XC1223\(01\)&qid=1610371981902&from=EN](https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52020XC1223(01)&qid=1610371981902&from=EN)



The European Steel for Packaging industry will regularly update its customers on developments.

Last updated: 12/01/2021

10. SO, WE CAN CONTINUE AS BEFORE?

No.

REACH Authorisation is difficult to achieve and is always time-limited.

The aim of the Regulation is to ensure that the use of ALL SVHC substances is eventually stopped in the EU. The Authorisation process is designed to allow time for industries to transition to an alternative.

That is why APEAL members have invested heavily in developing an alternative process to the use of chromium VI on tinfoil passivation.

The alternative to the current industry standard is a chrome-free passivation technology. This new technology is called **CFPA: Chromium-Free Passivation Alternative**. CFPA will be used by APEAL members in the future for tinfoil passivation.

The Steel for Packaging and can-making industries are committed to only introduce fully qualified material to the market. The four years review period granted by the EU Commission, should be used for that purpose. All necessary resources have been allocated by APEAL members to avoid market disruption and achieve a smooth transition to the alternative CFPA technology.

It is, therefore, incumbent on all stakeholders in the Steel for Packaging value chain to fully engage and ensure a seamless transition to the new, innovative technology.

Last updated: 22/04/2020

11. BUT WHAT IF WE ARE NOT IN A POSITION TO MOVE ALL OUR PRODUCTION AWAY FROM 300/311 BY THE END OF 2024

In consultation with our value chains, APEAL members are aware of the need to perform pack testing that can last for up to 5 years for some food fillings. In addition, there may be a need to reformulate some coating systems that are currently in use such that they perform in an equivalent way with CFPA material.

Consequently, **ALL APEAL members** will apply for their own Authorisations with a Review Period until the end of 2027 for ETP in a Wave 2 Authorisation. Given the circumstances around the use of the substances, and the conclusion from the Authorities that the risks from the hazard are controlled at APEAL members' sites, we are highly confident that this "Wave 2" will succeed.

Applications for this Wave 2 are made individually by APEAL members, with several members having already done this in-line with individual APEAL member company application strategies. Consequently, these applications are at slightly different stages in the Wave 2 process.

**APEAL –
The Association of European Producers of Steel for Packaging**

Avenue Ariane 5
1200 Brussels
Belgium



The review period requested in those Applications for Authorisation corresponds to the estimated time, at the time of its submission, sufficient for the whole substitution process to complete at all levels of the supply chain, taking into account needs for lacquers reformulation for a limited number of applications. This timeline supposes active engagement of all involved actors during the whole qualification and substitution process. It is very unlikely that EU authorities would be favourable to reconduct, for the third time, a full scope authorisation beyond the validity of Wave 2.

Last updated: 12/01/2021

12. APEAL MEMBERS ARE IN POSITION TO OFFER CHROMIUM FREE ALTERNATIVE

All APEAL tin mills with tinning lines operating in the European Union are able to produce the chromium free alternative material.

https://www.apeal.org/wp-content/uploads/2020/09/APEAL-CHROME-FREE-PASSIVATION-ALTERNATIVE_FINAL-VERSION_PBP_JULY-2020_FINAL.pdf

In response to steel packaging customers' demand for equivalent surface qualities across the industry, APEAL's members' tin mills will continue to cooperate and share their CFPA-related technical work. APEAL members are also integrating CFPA into the relevant Euronorm for tinfoil.

Last updated: 12/01/2021

13. THE CHROMIUM FREE ALTERNATIVE (CFPA) IS FOOD CONTACT-COMPLIANT

Compliance of CFPA with food contact regulations for human food in Europe is confirmed in Mercosur and China. We have also obtained FDA Food Contact Notification for human food and dry infant formula to cover USA.

For more information, please contact the APEAL secretariat.

Last updated: 22/04/2020