



Brussels, 5 August 2024

Version 1

Questions & Answers

Applications For Authorisation And Review Reports For Uses Of Hexavalen Chromium In The Aerospace And Defence Sector (ADCR Consortium)

1. How is the opinion- and decision-making process developing on such files? Which is the tentative timeline for discussion/vote in the REACH Committee and potential adoption of the decisions?

The Commission presented preliminary draft decisions to the REACH Committee based on the draft opinions by the ECHA scientific committees. Constructive discussions took place at the REACH Committee meetings of June and July 2024.

After the submission of comments by the applicants on the draft version of the opinions, the adoption of the final opinions by the ECHA scientific committees is scheduled in their respective plenary meetings on 16-17 September 2024. The Commission intends to discuss and vote all files in the REACH Committee meetings of 20 September and 14 October. After a positive vote at the meeting, the adoption process (a formal administrative procedure) takes around 4 to 6 weeks, before the notification of the decision to the applicants.

1. What happens after 21 September 2024?

This date is relevant in two main cases, covering different categories/situations as follows:

- i) 21/9/2024 is the expiry date of the ‘Chemservice’ decision C(2020)8797. However, since that decision was annulled, such date is no longer applicable. Therefore, **if a company is covered by the initial ‘Chemservice’ application, it will be allowed to continue the use of chromium trioxide** (see Q&A No 1, question 6).
- ii) 21/9/2024 is the expiry date of several other decisions, for uses of chromium trioxide but also for uses of other Cr(VI) substances.
 - a) Most of the current authorisation holders *did* submit, *timely*, a review report. **If a company is covered by any of such review reports, it will be allowed**

to use the substance (with no additional actions required in that case), since those reports were submitted before the deadline and therefore benefit from the transitional arrangements, i.e. right to use the substance until a decision on the review report is taken.

- b) Some of the authorisation holders did not submit a review report and, as a result, are not allowed to continue supplying the Cr(VI) substances after 21 September 2024. The Commission understands that some of the downstream users, currently or previously customers of an authorisation holder that did not submit a review report, intend to be covered by the following new applications for authorisation: 327-ADCR_Chemical_conversion_coating, 332-ADCR_Passivation_metallic_coatings and 334-ADCR_Stainless_steel_passivation.

If a company intends to be covered by any of those applications, it would need **to wait for the adoption of the decision on the relevant application**. However, the Commission, to limit uncertainties, intends to process these three files as soon as possible, with the **vote at the REACH Committee scheduled for the 20 September 2024** (pending the adoption by the ECHA Committees) **and a swift adoption process in the weeks following the REACH Committee meeting**.

For the purpose of facilitating a swift implementation of the provisions set out in the decisions and to limit uncertainties, the Commission intends to swiftly inform the applicants about the outcome and transmit the final version of the draft as voted, including the identified authorisation numbers. In any case, as per practice, decisions are formally sent to the authorisation holder once adopted by the Commission.