
CTACSub2¹

Press Release

February 27, 2024

CTACSub2, a subgroup of companies who are members of the CTACSub Consortium, is pleased to announce that it has filed on February 19, 2024 a new application for REACH authorization of certain essential uses (see list at the end of this document) of chromium trioxide ('AfA') for a group of 299 downstream user ('DU') companies.

This AfA is a follow-up to the large upstream AfA submitted to ECHA in 2015 (so-called CTACSub), that received authorization for 5 out of 6 uses from the European Commission in 2020. Under the 2020 authorization, to continue the uses, CTACSub had to file a Review Report latest during the submission window February 2023, which CTACSub2 did.² That Review Report remains pending at ECHA.

Subsequent to the submission of the Review Report in February 2023, the European Court of Justice ('ECJ') (case C-144/21) in April 2023³ annulled the 2020 authorization (except for one use). As a matter of law, therefore, the 2015 original AfA remains pending for the Uses for which authorization was annulled by the ECJ or not yet decided by the European Commission.⁴

We point out that CTACSub2 in its 2023 Review Report noted that in as far as the ECJ would annul the 2020 authorization with effect on the Review Report, the Review Report should be considered as a new AfA.

That said, since the ECJ in its April 2023 decision set new legal standards for the granularity of AfAs as well as key functionalities and their justifications, requiring changes to the Review Report, and ECHA did not allow for these changes to be made subsequent to the submission of the Review Report, CTACSub2, upon recommendation of the European Commission and ECHA, decided to file this new AfA.

For this new AfA, the applicants, thus, have taken on board the developing case law / guidance of RAC/SEAC, the European Commission and the ECJ over the last 9 years. They decided that the data collection for this new AfA should be organized in such a way that information on the covered supply chain is 100%, thereby significantly reducing the previously perceived uncertainties.

All DU legal entities ('LE') of CTACSub2 (to be covered by this AfA) had to sign up and acknowledge in writing that they accept the obligation to provide comprehensive data sets for all required dossier parts (Analysis of Alternatives ('AoA') incl. Substitution Plan ('SP'), Socio-Economic Analysis ('SEA') and Chemical Safety Report ('CSR')). LEs who did not comply with the obligation to provide complete data sets have been excluded during the data collection procedure and are not covered by this AfA. Participating DUs also had to attest that they always have to comply with the existing authorisation decision and applicable law. By these mechanisms and instruments, accuracy, comprehensiveness and granularity of the data are ensured whilst still allowing one AfA for multiple

¹ Chemservice GmbH in its legal capacity as Only Representative of Brother CISA (Pty) Ltd.; CROMITAL S.P.A. in its legal capacity as Only Representative of Türkiye Şişe ve Cam Fabrikaları A.Ş.; Polychrome Holding B.V. as Only Representative of American Chrome & Chemicals Inc.; MacDermid Enthone GmbH; Prospere Chemical Logistic OÜ as Only Representative of Aktyubinsk Chromium Chemicals Plant, Kazakhstan.

² See press release CTACSub2 of February 21, 2023.

³ See CTACSub Q&A and press release on ECJ judgment.

⁴ See European Commission Q&A October 2023.

companies as foreseen by the REACH Regulation. In its main parts (AoA/SP, CSR, SEA), the AfA neutralizes and aggregates the data received from the participating companies.

This AfA also includes USE- and LE-specific so-called company sheets that describe key information on AoA/SP, SEA and CSR for each LE, thus providing utmost clarity on the data basis used for the assessments.

All LEs (including sites) covered by CTACSub2 are, therefore, known and can be verified by ECHA and national enforcement authorities. LE names are made public in this AfA.

In order to address comments related to the AoA, highlighted in the ECJ judgment which annulled the previous CTACSub authorization decision, CTACSub2 collected detailed information from the DUs on the required level of performance for key functionalities provided by chromium trioxide for all USES in the current AfA. In addition, information related to justify the selection of key functionalities was gathered.

For a graphical overview on the USE structure of CTACSub2 please refer to [Figure 1](#). The list of USES is set out below Figure 1.

CTACSub2 is convinced that its approach to create this supply chain AfA guarantees the highest possible visibility regarding the covered companies (all known and published) and processes. The data records collected from the covered DUs are similar in scope to those of an individual application. The risk assessments are based on a comprehensive monitoring dataset containing measurement data for each site. For the key functional criteria used to evaluate alternatives, the necessary performance is presented and supported by evidence.

For any questions, please contact Ursula Schliessner (Consortium Manager) at uschliessner@jonesday.com or call +32-2-6451460.

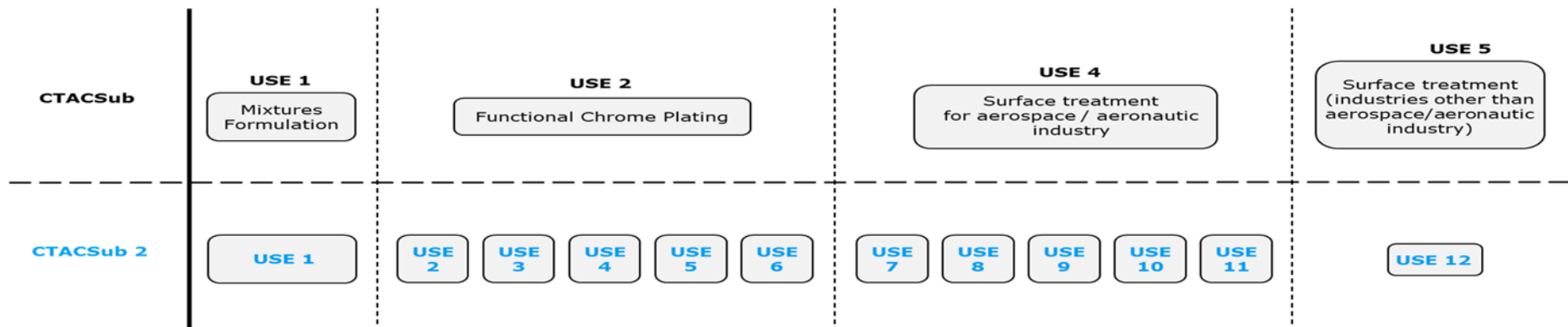


FIGURE 1: USE STRUCTURE FOR CTACSub2 AFA

List of Uses

<u>USE</u>	<u>Definition</u>
<u>1</u>	Formulation of mixtures (containing chromium trioxide)
<u>2</u>	Chromium trioxide based functional chrome plating of components which through their function in the respective application contribute to the overall safety of the (public) transportation industry (aerospace/aeronautic, automotive, marine and rail) and are bound to sector-specific approval procedures
<u>3</u>	Chromium trioxide based functional chrome plating of components which in their application must be completely inert (no transfer of coating or substrate material to contact material) due to contact with products such as chemicals, medicine, food, etc. and are therefore strictly regulated and bound to sector-specific approval procedures
<u>4</u>	Chromium trioxide based functional chrome plating of axially/rotationally symmetrical components with simple surface geometry which in their application must withstand harsh environmental conditions (mechanical and/or thermal loads and/or aggressive chemical environment) and are bound to sector-specific approval procedures (which are NOT falling under USE 2 and USE 3)
<u>5</u>	Chromium trioxide based functional chrome plating of complex shaped components (incl. 3 dimensional/complex shaped components having no axis of symmetry and components with one axis of symmetry but complex surface geometry) with various dimensions (length x width x height; weight) which require the application of (individually manufactured) auxiliary anodes/cathodes to achieve homogenous chrome coating on surface to be plated (which are NOT falling under USE 2 and USE 3)

<u>6</u>	<i>Chromium trioxide based functional chrome plating of components with various dimensions and simple geometries the surfaces of which can be coated with a homogenous chrome coating applying a basic combination of main anode and cathode (no auxiliary anode required) (and which are NOT falling under USE 2, USE 3, USE 4 and USE 5)</i>
<u>7</u>	<i>Chromium trioxide-based pre-treatment covering functional cleaning, pickling/etching, deoxidising, desmutting and stripping (inorganic/organic coatings) of components applied in the aeronautics and aerospace industries</i>
<u>8</u>	<i>Chromium trioxide-based main treatment covering chemical conversion coating (CCC) (also referred to as chromating, chromate conversion and alodining) and passivation (of stainless steel) of components applied in the aeronautics and aerospace industries</i>
<u>9</u>	<i>Chromium trioxide-based main treatment covering chromic acid anodizing (CAA) of components applied in the aeronautics and aerospace industries</i>
<u>10</u>	<i>Chromium trioxide-based main treatment covering slurry coating (sacrificial coatings and slurry (diffusion) coatings) (also referred to as paint or primer coatings) of components applied in the aeronautics and aerospace industries</i>
<u>11</u>	<i>Chromium trioxide-based post treatment covering sealing after anodizing, passivation of (non-Al) metallic coatings on steel (such as cadmium coatings, zinc coatings, zinc-nickel coatings, etc.) and rinsing after phosphating of components applied in the aeronautics and aerospace industries</i>
<u>12</u>	<i>Chromium trioxide-based surface treatment (except passivation of tin-plated steel (electrolytic tin plating - ETP)) for applications in building, automotive, metal manufacturing and finishing, and general engineering industry sectors, unrelated to functional chrome plating</i>