



Sustainability Briefing

REACH Chromates - recommended external LTTs

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Background

The Aerospace and Defence Chromates Reauthorisation (ADCR) Consortium submitted 21 applications to the European Chemicals Agency (ECHA) between November 2022 and February 2023. These comprised 11 Review Reports (RR), where existing authorisation holders/applicants continue to support necessary chromate uses, where there are not yet viable alternatives, and 10 new Applications for Authorisation (AfA), where new upstream Authorisation applicants are needed to ensure supply chain continuity.

Continued production and use of some of these chromates for certain applications (3 priority applications) requires renewal of authorisations before 21 Sep 2024, triggered by the fact that the applicant (i.e. chemical supplier) changed. 18 other applications for authorisation that will expire or are to be decided on 21 Sep 2024 remain valid until a decision for renewal of the authorisation is taken; however, these pending decisions create uncertainty and exacerbate confusion in the supply chain, resulting in suppliers contemplating stopping chromate-related production.

What is the industry asking for?

1. Urgent decisions on the priority applications in the REACH Committee¹ (planned on 20th September)

Since the new Applications for Authorisation do not benefit from transitional measures to allow use whilst decisions are pending, it is critical that the aerospace industry has authorisation decisions prior to the 21st September expiry date to avoid supply chain disruptions for the following applications:

- **Chemical conversion coating:** for a use of chromium trioxide, sodium dichromate and potassium dichromate :
 - ADCR-327-01 CT / ADCR-327-02 PDC / ADCR-327-03 SD
- **Passivation metallic coatings:** for a use of chromium trioxide, sodium dichromate and potassium dichromate.
 - ADCR-332-01 CT / ADCR-332-02 PDC / ADCR-332-03 SD
- **Stainless steel passivation:** for a use of chromium trioxide and sodium dichromate.
 - ADCR-334-01 CT / ADCR-334-02 SD

¹The European Commission's REACH Committee is one of the 'comitology committees', which can assist in making, adopting and implementing the REACH Regulation. It is composed of representatives from all EU countries, who provide a formal opinion, usually in the form of a vote, on the Commission's proposed measures.

Whilst these are the absolute minimum 3 priority applications, we welcome as many of the 21 ADCR applications to be decided upon before the 21st September expiry date, to send the clearest message to the supply chain, who have difficulties in distinguishing between new applications (no transitional measures for business continuity) and Review Reports (benefiting from those measures). Consequently, even if those 3 priority applications would secure the business continuity from REACH authorisation process perspective, some suppliers might not understand a partial decision in September.

The “ask” is therefore that the representatives from the EU countries that are in the REACH Committee - that votes on the authorisations - approve, **at a minimum, the 3 priority applications** and that the Commission’s **decisions are published in the EU’s Official Journal** as a matter of urgency, given the 21 September expiry date.

2. Authority to pronounce production continuity between the REACH Committee decision and the publication in the Official Journal

Due to the 3 to 6 week lead time between the decision being made in the REACH Committee and the publication in the EU’s Official Journal (which gives it legal effect), if the Commission’s decisions will not be published in the EU’s Official Journal, as a matter of urgency, by 21 September, **we ask the Commission and national authorities to provide clarity to chromates users** (OEMs, MROs, suppliers and other downstream users ...) and that **applicants are provided with the authorisation numbers** to continue production in the interim.

3. Urgent clarity from the European Commission to the supply chain through a Q&A communication to avoid major disruptions.

We request the Commission’s Q&A document is urgently revised by August 2024, supported by webinars, to make it crystal clear to the entire supply chain of the authorisation situation :

- A simple message that suppliers can continue production for all 21 applications after the 21st September (subject to a positive decision on the 3 priority AfA’s)
- What is the timeline foreseen for the decision on ADCR dossiers (review reports and new applications)?
- What happens after the 21st of September, based on the Commission proposed timeline?
- Will there be any action needed from the RR including applicants to justify?
- After approval of the Authorisation decision for new AfAs, how long will it take to be published in the Official Journal?
- Update on the expected restriction timeline?

Why are these actions critical for the industry?

Currently the A&D value chain is unable to fully understand the regulatory rules and status surrounding the use of chrome VI, and this is leading to questions and abrupt business decisions. Experience shows that medium-size or small Surface Treatment suppliers have difficulties understanding the REACH authorisation process and to analyse the future upstream Authorisation coverage for the chemical products they use, including the difference between an authorisation covered by a Review Report vs a new Application for Authorisation.

As an example, some major surface treatment suppliers have already stopped/announced that they intend to stop using chrome VI in the coming months. This impacts all common processes in the Aerospace and Defence sector, including chemical conversion coating, electroplating and anodising for example, and affects major programs for OEMs, component suppliers and MRO (Maintenance, Repair and Overhaul) of existing products in service.

Therefore it is essential to give clarification, visibility, and stability in order to secure the whole Aerospace and Defence sector.