

**Question for written answer E-002834/2022
to the Commission**
Rule 138
Cindy Franssen (PPE)

Subject: Chromium (VI) and interpretation of what constitutes hazardous waste

The European Chemicals Agency (ECHA) classifies chromium (VI) as both carcinogenic and mutagenic and likely to be harmful to reproduction. ECHRA regards it as what is termed a substance of very high concern, which means that there are strict rules about its use.

Directive 2008/98/EC on waste lays down what waste must be classified as hazardous waste and treated accordingly. Since chromium (VI) displays one or more of the hazardous properties listed in Annex III to that directive, waste containing chromium (VI) should be classified as hazardous.

According to Section 1.4.6. of Annex 1 to the Technical Guidance¹ in connection with the directive, however, metal containing paint that contains chromium may be classified as non-hazardous waste even if concentrations of chromium (VI) in the paint are higher than what is permitted in Annex III to Directive 2008/98/EC.

1. How did the Commission arrive at that interpretation?
2. Does the Commission agree that that interpretation means additional exposure to chromium (VI) and therefore runs counter to public health?
3. Will the Commission take steps to ensure that the interpretation is revised?

¹ OJ C 124, 9.4.2018, p. 1.