

Helsinki, 5 November 2018

Addressee: [REDACTED]

Decision number: TPE-D-2114449841-44-01/F

Substance name: Reaction mass of (2R,3R)-2-(hexadecanoylamino)-3-methylpentanoic acid and (2S,3S)-2-(hexadecanoylamino)-3-methylpentanoic acid

EC number: 627-025-5

CAS number: 101541-04-2

Registration number: [REDACTED]

Submission number: [REDACTED]

Submission date: 11 December 2017

Registered tonnage band: 1-10

DECISION ON A TESTING PROPOSAL

Based on Article 40 of Regulation ((EC) No 1907/2006) (the REACH Regulation), ECHA examined your testing proposal(s) and decided as follows.

Your testing proposal is accepted and you are requested to carry out:

- 1. Long-term toxicity testing on aquatic invertebrates (Annex IX, Section 9.1.5.; test method: Daphnia magna reproduction test, EU C.20./OECD TG 211) using the registered substance.**

You may adapt the testing requested above according to the specific rules outlined in Annexes VI to X and/or according to the general rules contained in Annex XI to the REACH Regulation. To ensure compliance with the respective information requirement, any such adaptation will need to have a scientific justification, referring and conforming to the appropriate rules in the respective annex, and an adequate and reliable documentation.

You have to submit the requested information in an updated registration dossier by **12 August 2019**. You also have to update the chemical safety report, where relevant.

The reasons for this decision are set out in Appendix 1. The procedural history is described in Appendix 2 and advice and further observations are provided in Appendix 3.

Appeal

This decision can be appealed to the Board of Appeal of ECHA within three months of its notification. An appeal, together with the grounds thereof, has to be submitted to ECHA in writing. An appeal has suspensive effect and is subject to a fee. Further details are described under: <http://echa.europa.eu/regulations/appeals>.

Authorised¹ by Kevin Pollard, Head of Unit, Evaluation E1

¹ As this is an electronic document, it is not physically signed. This communication has been approved according to ECHA's internal decision-approval process.

Appendix 1: Reasons

The decision of ECHA is based on the examination of the testing proposals submitted by you.

Pursuant to Article 40(3)(a) of the REACH Regulation, ECHA may require the Registrant to carry out the proposed test.

“Long-term toxicity testing on aquatic invertebrates” is a standard information requirement as laid down in Annex IX, Section 9.1.5. of the REACH Regulation. “Short-term toxicity testing on aquatic invertebrates” is a standard information requirement as laid down in Annex VII, Section 9.1.1. of the REACH Regulation. According to column 2 of Section 9.1.1., the long-term aquatic toxicity study on *Daphnia* shall be considered instead of the short-term toxicity study if the substance is poorly water soluble. The information on this endpoint is not available for the registered substance but needs to be present in the technical dossier to meet the information requirements. Consequently, there is an information gap and it is necessary to provide information for this endpoint.

You have submitted a testing proposal for testing the registered substance for long-term toxicity on aquatic invertebrates *Daphnia magna* reproduction test, EU C.20/OECD TG 211. You have not provided any justification for the proposed testing in the technical dossier section 6.1.4. and you have provided adaptation to the short-term toxicity testing on aquatic invertebrates in section 6.1.3. due to fact that you have considered long-term testing instead. Based on the water solubility reported in the dossier (0.0013 mg/L estimated by QSAR, 1.5 mg/L experimental), ECHA considers that that the substance may be poorly water soluble. Therefore, your proposed testing strategy is in-line with the Annex VII, Section 9.1.1, column 2 of the REACH Regulation and the proposed study is appropriate to fulfil the information requirement of Annex VII, Section 9.1.1 (and Annex IX, Section 9.1.5) of the REACH Regulation.

Therefore, pursuant to Article 40(3)(a) of the REACH Regulation, you are requested to carry out the proposed test using the registered substance subject to the present decision: Long-term toxicity testing on aquatic invertebrates (test method: *Daphnia magna* reproduction test, EU C.20/OECD TG 211).

Notes for your consideration

Due to the potentially low solubility of the substance in water you should consult OECD Guidance Document on Aquatic Toxicity Testing of Difficult Substances and Mixtures, ENV/JM/MONO (2000)6 and ECHA *Guidance on information requirements and chemical safety assessment* (version 4.0, June 2017), Chapter R7b, table R. 7.8-3 summarising aquatic toxicity testing of difficult substances for choosing the design of the requested long-term ecotoxicity tests and for calculation and expression of the result of this test.

Appendix 2: Procedural history

ECHA received your registration containing the testing proposals for examination in accordance with Article 40(1) on 11 December 2017.

This decision does not take into account any updates after **11 April 2018**, 30 calendar days after the end of the commenting period.

The decision making followed the procedure of Articles 50 and 51 of the REACH Regulation, as described below:

ECHA notified you of the draft decision and invited you to provide comments.

ECHA did not receive any comments by the end of the commenting period.

ECHA notified the draft decision to the competent authorities of the Member States for proposals for amendment.

As no amendments were proposed, ECHA took the decision according to Article 51(3) of the REACH Regulation.

Appendix 3: Further information, observations and technical guidance

1. This decision does not imply that the information provided in your registration dossier is in compliance with the REACH requirements. The decision does not prevent ECHA from initiating a compliance check on the registration at a later stage.
2. Failure to comply with the requests in this decision, or to otherwise fulfil the information requirements with a valid and documented adaptation, will result in a notification to the enforcement authorities of the Member States.
3. In relation to the information required by the present decision, the sample of the substance used for the new tests must be suitable for use by all the joint registrants. Hence, the sample should have a composition that is suitable to fulfil the information requirement for the range of substance compositions manufactured or imported by the joint registrants.

It is the responsibility of all joint registrants who manufacture or import the same substance to agree on the appropriate composition of the test material and to document the necessary information on their substance composition. In addition, it is important to ensure that the particular sample of the substance tested in the new tests is appropriate to assess the properties of the registered substance, taking into account any variation in the composition of the technical grade of the substance as actually manufactured or imported by each registrant.

If the registration of the substance by any registrant covers different grades, the sample used for the new tests must be suitable to assess these grades. Finally there must be adequate information on substance identity for the sample tested and the grades registered to enable the relevance of the tests to be assessed.