

Decision number: TPE-D-0000002692-73-03/F

Helsinki, 7 June 2013

**DECISION ON A TESTING PROPOSAL SET OUT IN A REGISTRATION PURSUANT TO ARTICLE 40(3) OF REGULATION (EC) NO 1907/2006****For Reaction mass of 2,6-di-tert-butylphenol and 2,4,6-tri-tert-butylphenol, (EC No 907-745-9), registration number: [REDACTED]****Addressee:** [REDACTED]

The European Chemicals Agency (ECHA) has taken the following decision in accordance with the procedure set out in Articles 50 and 51 of Regulation (EC) No 1907/2006 concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH Regulation).

**I. Procedure**

Pursuant to Article 40(1) of the REACH Regulation, ECHA has examined the following testing proposal submitted as part of the registration dossier in accordance with Articles 10(a)(ix) and 12(1)(e) thereof for Reaction mass of 2,6-di-tert-butylphenol and 2,4,6-tri-tert-butylphenol, (EC No 907-745-9), by [REDACTED] (Registrant).

- Testing proposal: viscosity (OECD Guideline 114)

This decision is based on the registration dossier as submitted with submission number [REDACTED], for the tonnage band of 1000 tonnes or more per year. This decision does not take into account any updates after 2 November 2012, the date upon which ECHA notified its draft decision to the Competent Authorities of the Member States pursuant to Article 51(1) of the REACH Regulation.

On 19 November 2010, pursuant to Article 40(1) of the REACH Regulation, ECHA initiated the examination of the testing proposal set out by the Registrant in the registration dossier for the substance mentioned above.

On 17 August 2012 ECHA sent the draft decision to the Registrant and invited him to provide comments within 30 days of the receipt of the draft decision.

By 17 September 2012 the Registrant did not provide any comments on the draft decision to ECHA.

On 2 November 2012 ECHA notified the Competent Authorities of the Member States of its draft decision and invited them pursuant to Article 51(1) of the REACH Regulation to submit proposals to amend the draft decision within 30 days of the receipt of the notification.

Subsequently, Competent Authorities of the Member States did not propose amendments to the draft decision and ECHA took the decision pursuant to Article 51(3) of the REACH Regulation.

This decision does not imply that the information provided by the Registrant in his registration dossier is in compliance with the REACH requirements. The decision does not prevent ECHA from initiating a compliance check on the present dossier at a later stage.

## II. Testing required

The Registrant shall carry out the following proposed test pursuant to Article 40(3)(a) of the REACH Regulation using the indicated test method and the registered substance subject to the present decision:

Viscosity (Annex IX, 7.17 of the REACH Regulation, OECD Guideline 114)

Pursuant to Articles 40(4) and 22 of the REACH Regulation, the Registrant shall submit to ECHA by **9 December 2013** an update of the registration dossier containing the information required by this decision.

## III. Statement of reasons

The decision of ECHA is based on the examination of the testing proposals submitted by the Registrant for the registered substance.

### **1. Viscosity**

#### a) Examination of the testing proposal

Pursuant to Article 40(3)(a) of the REACH Regulation, ECHA may require the Registrant to carry out the proposed test. The proposed test referred to in Section II above is part of the standard information requirements as laid down in Annex IX, 7.17 of the REACH Regulation. The dossier contains no information on this endpoint. As 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 it is necessary to generate the data and to perform the test.

#### b) Outcome

Therefore, pursuant to Article 40(3)(a) of the REACH Regulation, the Registrant is required to carry out the proposed study: viscosity, (test method: OECD 114) using the registered substance.

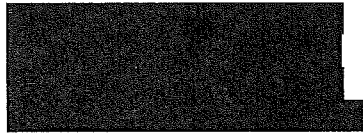
## IV. Adequate identification of the composition of the tested material

It is important to ensure that the particular sample of substance tested in the new study 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. If the registration of the substance covers different grades, the sample used for the new study must be suitable to assess these.

Furthermore, there must be adequate information on substance identity for the sample tested and the grade registered to enable the relevance of the study to be assessed.

V. Information on right to appeal

An appeal may be brought against this decision to the Board of Appeal of ECHA under Article 51(8) of the REACH Regulation. Such appeal shall be lodged within three months of receiving notification of this decision. Further information on the appeal procedure can be found on the ECHA's internet page at [http://echa.europa.eu/appeals/app\\_procedure\\_en.asp](http://echa.europa.eu/appeals/app_procedure_en.asp). The notice of appeal will be deemed to be filed only when the appeal fee has been paid.



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