

Decision number: TPE-D-2114296569-27-01/F

Helsinki, 9 March 2015

DECISION ON TESTING PROPOSAL(S) SET OUT IN A REGISTRATION PURSUANT TO ARTICLE 40(3) OF REGULATION (EC) NO 1907/2006**For Phosphoric acid, mono- and di-C16-18 (even numbered) alkyl esters, List No 939-526-9, registration number: [REDACTED]****Addressee:** [REDACTED]
[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)(d) thereof for Phosphoric acid, mono- and di-C16-18 (even numbered) alkyl esters, List No 939-526-9, submitted by [REDACTED] (Registrant).

- OECD Guideline 112 (Dissociation Constants in Water)

This decision is based on the registration dossier as submitted with submission number [REDACTED], for the tonnage band of 100 to 1000 tonnes per year. This decision does not take into account any updates after 15 January 2015, 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.

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 registration at a later stage.

ECHA received the registration dossier containing the above-mentioned testing proposal for further examination pursuant to Article 40(1) on 10 May 2013.

On 30 September 2014 ECHA sent the draft decision to the Registrant and invited him to provide comments within 30 days of the receipt of the draft decision. That draft decision was based on submission number [REDACTED].

By 7 November 2014 the Registrant did not provide any comments on the draft decision to ECHA.

On 15 January 2015 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 for amendment of the draft decision within 30 days of the receipt of the notification.

As no proposal for amendment was submitted, ECHA took the decision pursuant to Article 51(3) of the REACH Regulation.

II. Testing required

A. Tests required pursuant to Article 40(3)

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 analogue substance Phosphoric acid, C11-14-isoalkyl esters, C13-rich (CAS No 154518-38-4):

1. Dissociation constant (Annex IX, Section 7.16.; test method OECD 112).

Note for consideration by the Registrant:

The Registrant 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 of the REACH Regulation. In order to ensure compliance with the respective information requirement, any such adaptation will need to have a scientific justification, referring to and conforming with the appropriate rules in the respective Annex, and an adequate and reliable documentation.

Failure to comply with the request(s) in this decision, or to fulfil otherwise the information requirement(s) with a valid and documented adaptation, will result in a notification to the Enforcement Authorities of the Member States.

B. Deadline for submitting the required information

Pursuant to Articles 40(4) and 22(2) of the REACH Regulation, the Registrant shall submit to ECHA by **16 September 2015** an update of the registration dossier containing the information required by this decision, including, where relevant, an update of the Chemical Safety Report.

III. Statement of reasons

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

1. Dissociation constant (Annex IX, Section 7.16)

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

“Dissociation constant” is a standard information requirement as laid down in Annex IX, Section 7.16. of the REACH Regulation. The information on this endpoint is not available for the registered substance subject to the present decision 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.

The Registrant has submitted a testing proposal for a study in accordance with OECD Guideline 112 (Dissociation Constants in Water) with the analogue substance Phosphoric acid, C11-14-isoalkyl esters, C13-rich (CAS No 154518-38-4). The following justification was provided for the read-across *"Both substances are phosphoric acid esters of longer hydrocarbon alkyl chains, their chemical structure is sufficiently similar to transfer the result of the test from the test substance to the registration substance. The proposed test substance has a better solubility as the registration substance; thus testing problems according to insufficient total solubility of the UVCB substance is avoided and a more reliable result is expected"*.

ECHA considers the proposed test appropriate and testing should be performed with the analogue substance Phosphoric acid, C11-14-isoalkyl esters, C13-rich (CAS No 154518-38-4).

Therefore, pursuant to Article 40(3)(a) of the REACH Regulation, the Registrant is requested to carry out the proposed test using the analogue substance [Phosphoric acid, C11-14-isoalkyl esters, C13-rich (CAS No 154518-38-4)name]: Dissociation constants in water (test method: OECD 112).

IV. Adequate identification of the composition of the tested material

The process of examination of testing proposals set out in Article 40 of the REACH Regulation aims at ensuring that the new study meet real information needs. Within this context, the Registrant's dossier was sufficient to confirm the identity of the substance to the extent necessary for examination of the testing proposal. The Registrant must note, however, that this information, or the information submitted by other registrants of the same substance, has not been checked for compliance with the substance identity requirements set out in Section 2 of Annex VI of the REACH Regulation.

In relation to the proposed test, the sample of substance used for the new study must be suitable for use by all the joint registrants. Hence, the sample should have a composition that is within the specifications of the substance composition that are given by the joint registrants. It is the responsibility of all joint registrants of the same substance to agree to the test proposed (as applicable to their tonnage level) and to document the necessary information on their substance composition.

In addition, 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 by each registrant. If the registration of the substance by any registrant covers different grades, the sample used for the new study must be suitable to assess these grades.

Finally there must be adequate information on substance identity for the sample tested and the grade(s) 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://www.echa.europa.eu/regulations/appeals>. The notice of appeal will be deemed to be filed only when the appeal fee has been paid.



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