

Decision number: TPE-D-2114297170-51-01/F

Helsinki, 23 March 2015

DECISION ON TESTING PROPOSAL(S) SET OUT IN A REGISTRATION PURSUANT TO ARTICLE 40(3) OF REGULATION (EC) NO 1907/2006**For di-tert-pentyl peroxide, CAS No 10508-09-5 (EC No 234-042-8), 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)(d) thereof for di-tert-pentyl peroxide, CAS No 10508-09-5 (EC No 234-042-8), submitted by [REDACTED] (Registrant).

- Viscosity (Annex IX, Section 7.17.; test method OECD 114)

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 6 May 2013.

On 29 October 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.

On 26 November 2014 ECHA received comments from the Registrant agreeing to ECHA's draft decision.

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 registered substance subject to the present decision:

Viscosity (Annex IX, Section 7.17.; test method OECD 114)

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 **30 September 2015** an update of the registration dossier containing the information required by this decision.

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

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.

Viscosity (Annex IX, Section 7.17.)

"Viscosity" is a standard information requirement as laid down in Annex IX, Section 7.17. of the REACH Regulation. 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.

The Registrant has submitted a testing proposal for a Viscosity of Liquids test.

ECHA considers the proposed test appropriate and testing should be performed with the registered substance.

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

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(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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