

Decision number: TPE-D-0000002272-83-03/F

Helsinki, 06.09.2012

DECISION ON A TESTING PROPOSAL SET OUT IN A REGISTRATION PURSUANT TO ARTICLE 40(3) OF REGULATION (EC) NO 1907/2006**For Fatty acids, C18-unsatd., reaction products with acrylic acid and polyethylenepolyamines, CAS No 85586-18-1 (EC No 287-820-4), 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 in accordance with Articles 10(a)(ix) and 12 (1)(d) thereof for Fatty acids, C18-unsatd., reaction products with acrylic acid and polyethylenepolyamines, CAS No 85586-18-1 (EC No 287-820-4), by [REDACTED] (Registrant).

Testing proposal: Viscosity of Liquids (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 14 June 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 3 December 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 31 January 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 1 March 2012 the Registrant did not provide any comments on the draft decision to ECHA.

On 14 June 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 to initiate 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:

1. Viscosity of liquids (Annex IX, 7.17.; test method: OECD 114).

Pursuant to Articles 40(4) and 22 of the REACH Regulation, the Registrant shall submit to ECHA by **6 March 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 proposal submitted by the Registrant for the registered substance.

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

A viscosity study 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 generate the data for this endpoint.

Accordingly, the Registrant is requested to provide information on the Annex IX, 7.17. endpoint by carrying out the Viscosity of liquids (test method: OECD 114) with the registered substance in accordance with Article 40(3)(a) of the REACH Regulation.

IV. Adequate identification of the composition of the tested material

The process of evaluation of testing proposals set out in Article 40 of the REACH Regulation aims at ensuring that the generation of information is tailored to real information needs in order to prevent unnecessary testing. The information submitted in the registration dossier was sufficient to confirm the identity of the substance for the purpose of assessing the testing proposal. It is noted, 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 tests, 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 the joint Registrants of the same substance to agree with the test proposed in the testing proposal (as applicable to their tonnage level) and to document the necessary information on its composition. The substance identity information of the registered substance and of the sample tested must enable ECHA to confirm the relevance of the testing for the substance actually registered by each joint Registrant. Finally, the study must be shared by the joint Registrants concerned.

V. General requirements for the generation of information and Good Laboratory Practice

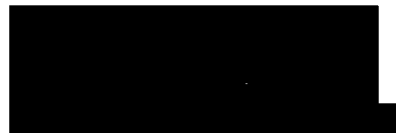
ECHA always reminds registrants of the requirements of Article 13(4) of the REACH

Regulation that ecotoxicological and toxicological tests and analyses shall be carried out in compliance with the principles of good laboratory practice (GLP). National authorities monitoring GLP maintain lists of test facilities indicating the relevant areas of expertise of each facility.

According to Article 13(3) of the REACH Regulation, tests that are required to generate information on intrinsic properties of substances shall be conducted in accordance with the test methods laid down in a Commission Regulation or in accordance with other international test methods recognised by the Commission or the European Chemicals Agency as being appropriate. Thus, the Registrant shall refer to Commission Regulation (EC) No 440/2008 laying down test methods pursuant to Regulation (EC) No 1907/2006 as adapted to technical progress or to other international test methods recognised as being appropriate and use the applicable test methods to generate the information on the endpoints indicated above.

VI. 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. The notice of appeal will be deemed to be filed only when the appeal fee has been paid.



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