

Decision number: TPE-D-0000004433-79-03/F

Helsinki, 31 July 2014

DECISION ON A TESTING PROPOSAL SET OUT IN A REGISTRATION PURSUANT TO ARTICLE 40(3) OF REGULATION (EC) NO 1907/2006**For methyl 9-decenoate, CAS No 25601-41-6 (EC No 662-772-0), 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)(e) thereof for methyl 9-decenoate, CAS No 25601-41-6 (EC No 662-772-0), submitted by [REDACTED] (Registrant).

- Long-term toxicity testing on aquatic invertebrates according to OECD Guideline 211 (*Daphnia magna* Reproduction Test)

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 6 March 2014, 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.

The examination of the testing proposal was initiated upon the date when receipt of the complete registration dossier was confirmed on 8 July 2013.

On 18 November 2013 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 18 December 2013 the Registrant did not provide any comments on the draft decision to ECHA.

On 6 March 2014 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

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

Pursuant to Articles 40(4) and 22 of the REACH Regulation, the Registrant shall submit to ECHA by **7 May 2015** an update of the registration dossier containing the information required by this decision.

Once results of the proposed test on long-term toxicity to aquatic invertebrates are available, the Registrant shall revise the chemical safety assessment as necessary according to Annex I of the REACH Regulation. If the revised chemical safety assessment indicates the need to investigate further the effects on aquatic organisms, the Registrant shall submit a testing proposal for a long-term toxicity test on fish in order to fulfil the standard information requirement of Annex IX, 9.1.6. If the Registrant comes to the conclusion that no further investigation of effects on aquatic organisms is required, he shall update his technical dossier by clearly stating the reasons for adapting the standard information requirement of Annex IX, 9.1.6.

At any time, the Registrant shall take into account that there may be an obligation to make every effort to agree on sharing of information and costs with other Registrants.

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. Long-term toxicity testing on aquatic invertebrates (Annex IX, 9.1.5.)

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

According to column 1 of Section 9.1.5. of Annex IX of the REACH Regulation, long-term toxicity testing on invertebrates is required to fulfil the standard information requirements. 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 provided the following justification for conducting the proposed test:
*"In accordance with REACH Guidance on information requirements and chemical safety assessment, Chapter R.7b: Endpoint specific guidance, long-term aquatic toxicity testing should be performed on the most sensitive species.
Acute freshwater aquatic toxicity was measured for fish, invertebrates and algae. The 96-h LC50 for fish was found to be 4.4 mg/L, the 48-h EC50 for Daphnia was found to be 0.8 mg/L and the 72-h EC50 for algae was found to be 7.6 mg/L. Based upon this information, the most sensitive species is Daphnia.*

As available information identifies Daphnia as the most sensitive species, a testing proposal for a long-term toxicity to invertebrates study has been submitted. Therefore, it is considered that a long-term toxicity to fish study is scientifically unjustified and unnecessary on the basis of animal welfare."

Based on the available data, the Registrant claims that *Daphnia* is the most sensitive species. However the ratio between short-term toxicities to fish and to *Daphnia* being less than 10, there is no compelling evidence to state that *Daphnia* would be substantially more sensitive than the fish. According to ECHA *Guidance on information requirements and chemical safety assessment* (version 1.2., November 2012), Chapter R7b (Section R.7.8.5., pages 32-57, including Figure R.7.8-4 on page 56) if based on acute aquatic toxicity data neither fish nor invertebrates are shown to be substantially more sensitive, long-term studies may be required on both. According to the integrated testing strategy, the *Daphnia* study is to be conducted first. If based on the results of the long-term *Daphnia* study and the application of a relevant assessment factor, no risks are observed (PEC/PNEC<1), no long-term fish testing may need to be conducted. However, if a risk is indicated, the long-term fish study needs to be conducted.

As for the test method, ECHA considers the test method EU C.20./OECD 211 to be the most appropriate and suitable for long-term toxicity testing on aquatic invertebrates.

Therefore, pursuant to Article 40(3)(a) of the REACH Regulation, the Registrant is required to carry out the proposed study: Long-term toxicity testing on aquatic invertebrates (Annex IX, 9.1.5.; test method: *Daphnia magna* reproduction test, EU C.20/OECD 211) using the registered substance.

When performing the above mentioned test and interpreting the results, the Registrant is advised to take into account the fact that the substance is highly volatile and readily biodegradable. For that purpose, the Registrant can refer to Appendix 7.8-1 of ECHA *Guidance on information requirements and chemical safety assessment* Chapter R.7b: Endpoint specific guidance - November 2012 (Version 1.2).

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

ECHA 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).

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/regulations/appeals>. The notice of appeal will be deemed to be filed only when the appeal fee has been paid.



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