EUROPEAN CHEMICALS AGENCY

Decision number: CCH-D-0000002376-73-04/F Helsinki, 8 May 2012

DECISION ON A COMPLIANCE CHECK OF A REGISTRATION PURSUANT TO ARTICLE 41(3) OF REGULATION (EC) NO 1907/2006

For Polysulfides, bis[3-(triethoxysilyl)propyl], CAS No [redacted] (List No 915-673-4), 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 41(1) of the REACH Regulation the ECHA has performed a compliance check of the registration dossier for Polysulfides, bis[3-(triethoxysilyl)propyl], CAS No [redacted] (List No 915-673-4), submitted by [redacted] (Registrant), latest submission number [redacted], for 1000 tonnes or more per year.

The compliance check was initiated on 30 June 2011.

On 4 January 2012 ECHA notified the Registrant of its draft decision and invited him pursuant to Article 50(1) of the REACH Regulation to provide comments within 30 days of the receipt of the draft decision. The draft decision referred to submission number [redacted].

By 3 February 2012 the Registrant did not provide any comments on the draft decision to ECHA. On 8 February 2012 the Registrant submitted an updated dossier (submission number [redacted]) providing further information on substance identity.

ECHA reviewed the further information received and amended the draft decision accordingly.

On 2 March 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 compliance check decision does not prevent ECHA to initiate further compliance checks on the present dossier at a later stage.

II. Information required

Pursuant to Articles 41(1)(a), 41(3) and 10(a)(ii) as well as Annex VI, section 2 of the REACH Regulation the Registrant shall submit for the registered substance:

a. The spectral data (Annex VI, 2.3.5): ultra-violet (UV) spectrum recorded over the range of 200 – 800 nm.

Pursuant to Article 41(4) of the REACH Regulation the Registrant shall submit the information in the form of an updated IUCLID dossier to ECHA by **9 July 2012**.

III. Statement of reasons

Based on the examination of the technical dossier, ECHA concludes that the information therein, submitted by the Registrant for registration of the above mentioned substance in accordance with Article 6 of the REACH Regulation, does not comply with the requirements of Article 10 and with Annex VI thereof. Consequently, the Registrant is requested to submit the information mentioned above that is needed to bring the registration into compliance with the relevant information requirements.

1. Missing information related to substance identity

Pursuant to Article 10(a)(ii) and Annex VI, section 2 of the REACH Regulation, the technical dossier of the registration shall include information on the identity of the substance. Annex VI, section 2 lists information requirements that shall be sufficient to identify the registered substance.

a. The spectral data (Annex VI, 2.3.5.):

ECHA points out that the UV spectrum, which is required according to Annex VI, section 2.3.5. of the REACH Regulation, to support the indicated substance identity, was not submitted by the Registrant. Instead, the Registrant includes a justification for not providing this information in the report "[redacted]", stating that the substance does not contain known UV chromophores. This is not consistent with the fact that a UV detector was used for running the HPLC analysis.

ECHA notes that in the updated dossier the Registrant has provided a justification for not submitting the UV spectrum. More specifically, the Registrant has indicated that due to the presence of different molecules in the registered substance, a general (broad) adsorption is observed in the UV spectrum due to the overlapping of all absorption bands of the different species. The Registrant concludes that there is no structural information within a UV spectrum for the registered substance. Nevertheless, ECHA considers the UV spectrum as a fingerprint of the substance and therefore it is regarded as useful information for its identification.

Therefore the Registrant is requested to provide a UV spectrum recorded over the range of 200 – 800 nm and include it in section 1.4 of the IUCLID dossier.

2. Deadline of the decision

In the draft decision communicated to the Registrant the time indicated to provide the requested information was 6 months from the date of the adoption of the decision. This period of time took into account the fact that the draft decision also requested the

description of the analytical methods or the appropriate bibliographical references for the identification of the substance. As the Registrant has already provided this information in his update of 8 February referred above, ECHA considers that a reasonable time period for providing the missing spectral data in the form of an updated IUCLID5 dossier is 2 months from the date of the adoption of the decision. The decision was therefore modified accordingly after the commenting period of the Registrant.

IV. 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 an appeal shall be lodged within three months of receiving notification of this decision. Further information on the appeal procedure can be found on 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.

[redacted]

Jukka Malm
Director of Regulatory Affairs