

Decision number: CCH-D-0000002997-57-03/F

Helsinki, 16 August 2013

DECISION ON A COMPLIANCE CHECK OF A REGISTRATION PURSUANT TO ARTICLE 41(3) OF REGULATION (EC) NO 1907/2006**For Distillates (coal tar), heavy oils, CAS No 90640-86-1 (EC No 292-607-4),
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 ECHA has performed a compliance check of the registration dossier for Distillates (coal tar), heavy oils, CAS No 90640-86-1 (EC No 292-607-4, submitted by [REDACTED] (Registrant). The scope of this compliance check is limited to the standard information requirement of Annex VII, Section 7.8. of the REACH Regulation.

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 20 June 2013, 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 compliance check decision does not prevent ECHA from initiating further compliance checks on the present dossier at a later stage.

The compliance check was initiated on 21 September 2012.

On 13 December 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. That draft decision was based on submission number [REDACTED].

By 14 January 2013 the Registrant did not provide any comments on the draft decision to ECHA.

On 20 June 2013 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.

II. Information required

Pursuant to Articles 41(1)(b), 41(3), 10(a)(vi), 12(1)(e), 13 and Annex VII of the REACH Regulation the Registrant shall submit the following information for the registered substance subject to the present decision using an appropriate test method:

- partition coefficient n-octanol/water (Annex VII, 7.8.).

Guidance for determining appropriate test methods for the partition coefficient n-octanol/water is available in ECHA's Guidance on information requirements and chemical safety assessment, Chapter R.7(a), section R.7.1.8. (pages 54 to 61, Version of November 2012).

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 **17 February 2014**.

III. Statement of reasons

Pursuant to Article 41(3) of the REACH Regulation, ECHA may require the Registrant to submit any information needed to bring the registration into compliance with the relevant information requirement. The scope of the present decision is the partition coefficient n-octanol/water (Section 7.8. of Annex VII of the REACH Regulation). In accordance with Articles 10(a)(vi) and 12(1) of the REACH Regulation, any registration for a substance shall contain this information.

The Registrant has provided the following waiver:

In accordance with REACH Regulation 1907/2006, Annex XI, sections 1.1 and 1.5, a study on octanol/water partitioning - required in Annex VII, 7.8 - is not indicated, because the known characteristics of anthracene oil, a poorly water-soluble UVCB compound, preclude the performance of a standard shake-flask or HPLC test. The logPow values of analysable components (PAHs) range from approx. 4.2 - approx. 5.9 (see following supporting study in 4.7).

ECHA notes that the Registrant has not sufficiently demonstrated that the test cannot be performed on the registered substance. Furthermore, ECHA would like to remind the Registrant that based on Annex VII section 7.8 column 2, if a test cannot be performed a calculated value for P as well as details of the calculation method shall be provided.

In addition the Registrant has provided an estimated value for the partition coefficient n-octanol/water: Log P ca. 4.2 – Log P ca. 5.9. This value is based on supporting information for the components of the substance as follows:

	CAS-No.	LogPow	Source
1. Fluorene	86-73-7	4.18	Miller et al., 1985
2. Acenaphthene	83-32-9	3.92	WHO, 1998
3. Phenanthrene	85-01-8	4.57	Miller et al., 1985
4. Anthracene	120-12-7	4.54	
5. Fluoranthene	206-44-0	5.22 (c)	
6. Pyrene	129-00-0	5.18	
7. Chrysene	218-01-9	5.91 (c)	
8. Benz(a)anthracene	56-55-3	5.61	WHO, 1998

While ECHA recognises that the information on the partition coefficient n-octanol/water can be provided by providing information on the components of the substance, ECHA notes that values for components 1-4, 6 and 8 were obtained according to the Shake-flask method which has an applicability range between -2 and 4. Thus, the obtained values are not reliable since they fall outside of the applicability range of the method employed. The Registrant is therefore requested to submit reliable information on the value of the partition coefficient n-octanol/water using an appropriate test method on the registered substance.

IV. Adequate identification of the composition of the tested material

ECHA stresses that the information submitted by the Registrant and by other joint registrants for identifying the 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 information required by the present decision, 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 who manufacture or import the same substance to agree on the appropriate composition of the test material 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. General requirements for the generation of information

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 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.



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