Decision number: CCH-D-2114311488-49-01/F Helsinki, 22 January 2016

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

For urea, EC No 200-315-5 (CAS No 57-13-6), 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 for urea, CAS No 57-13-6 (EC No 200-315-5), submitted by [redacted] (Registrant).

This decision is based on the registration 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 the date when the draft decision was notified to the Registrant under Article 50(1) of the REACH Regulation.

This compliance check decision does not prevent ECHA from initiating further compliance checks on the present registration at a later stage. ECHA notes, in particular, that the information requirement of Annex IX/X, Section 8.7.3. has not been addressed in this decision.

The compliance check was initiated on 30 May 2014.

On 14 April 2015 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 20 May 2015 ECHA received comments from the Registrant on the draft decision.

The ECHA Secretariat considered the Registrant's comments. On basis of this information, Section II was amended. The Statement of Reasons (Section III) was changed accordingly.

On 23 July 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.

Subsequently, a proposal for amendment to the draft decision was submitted.

On 28 August 2015 ECHA notified the Registrant of the proposal for amendment to the draft decision and invited him pursuant to Article 51(5) of the REACH Regulation to provide comments on the proposal for amendment within 30 days of the receipt of the notification.

The ECHA Secretariat reviewed the proposal for amendment received and did not amend the draft decision.

On 7 September 2015 ECHA referred the draft decision to the Member State Committee.

By 28 September 2015, in accordance to Article 51(5), the Registrant provided comments on the proposal for amendment. The Member State Committee took the comments on the proposal for amendment of the Registrant into account.

A unanimous agreement of the Member State Committee on the draft decision was reached on 13 October 2015 in a written procedure launched on 1 October 2015.

ECHA took the decision pursuant to Article 51(6) of the REACH Regulation.

II. Information required

A. Information in the technical dossier related to the identity of the substance

Pursuant to Articles 41(1), 41(3), 10(a)(ii) and Annex VI, Section 2 of the REACH Regulation the Registrant shall submit the following information for the registered substance subject to the present decision:

- Description of the analytical methods (Annex VI, Section 2.3.7.).

B. Information in the technical dossier related to the manufacture and use(s) of the substance

Pursuant to Articles 41(1), 41(3), 10(a)(iii) and Annex VI, Section 3 of the REACH Regulation the Registrant shall submit the following information for the registered substance subject to the present decision:

- Brief general description of the identified use(s) of the registered substance (Annex VI, section 3.5.).

C. Information in the technical dossier derived from the application of Annexes VII to XI

Pursuant to Articles 41(1), 41(3), 10(a)(vi) and/or (vii), 12(1)(e), 13 and Annexes IX and X of the REACH Regulation the Registrant shall submit the following information using the indicated test methods and the registered substance subject to the present decision:

- Pre-natal developmental toxicity study (Annex IX, Section 8.7.2.; test method: EU B.31./OECD 414) in rats or rabbits, oral route.

D. Deadline for submitting the required information

Pursuant to Articles 41(4) and 22(2) of the REACH Regulation the Registrant shall submit to ECHA by **30 January 2017** an update of the registration dossier containing the information required by this decision, including, where relevant, an update of the Chemical Safety Report.

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 sound 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 requests in this decision, or to fulfil otherwise the information requirements with a valid and documented adaptation, will result in a notification to the Authorities of the Member States for enforcement.

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 requirements.

A. Information in the technical dossier related to the identity of the substance

Pursuant to Article 10(a)(ii) of the REACH Regulation, the technical dossier shall contain information on the identity of the substance as specified in Annex VI, Section 2 of the REACH Regulation. In accordance with Annex VI, Section 2 the information provided shall be sufficient to enable the identification of the registered substance.

"Description of the analytical methods" is an information requirement as laid down in Annex VI, Section 2.3.7. of the REACH Regulation. Adequate information needs to be present in the technical dossier for the registered substance to meet this information requirement.

The Registrant provided in the analytical report "[redacted]" the quantification of impurities contained by the registered substance. For an unambiguous identification of the substance the quantification of the main constituent (i.e. urea) shall be included in this section which is not available at present.

Therefore, pursuant to Article 41(1) and (3) of the REACH Regulation, the Registrant is requested to submit the following information derived from the registered substance subject to the present decision: correct description of the methods used to identify and quantify the registered substance as specifically explained above. The Registrant shall ensure that the information is consistent throughout the dossier.

B. Information in the technical dossier related to the manufacture and use(s) of the substance

Pursuant to Article 10(a)(iii) of the REACH Regulation the technical dossier shall contain information on the manufacture and use(s) of the substance as specified in Annex VI, Section 3 of the REACH Regulation.

Annex VI, Section 3.5. requires that each Registrant provides a brief general description of the identified use(s) of a registered substance.

The Registrant sought to omit this information requirement by referring to Article 14(4) of the REACH Regulation.

ECHA notes that Article 14 does not allow for an adaptation of the information requirement in Annex VI, section 3.5. Instead, Article 14 regulates under which conditions (no classification) there is no need to perform exposure assessment and risk characterisation. Therefore, the Registrant's justification for not providing the information cannot be accepted and the Registrant is requested to provide a brief general description of the identified use(s) of the registered substance and update the technical dossier accordingly. ECHA also notes that the information in the technical dossier and the Chemical Safety Report must be consistent and that the Registrant shall ensure this when updating his registration.

Therefore, pursuant to Article 10(a)(iii) of the REACH Regulation, the Registrant is requested to submit the information on the manufacture and use(s) of the substance as specified in Annex VI, Section 3 of the REACH Regulation.

Instructions on how to provide information on identified use(s) of a registered substance can be found in ECHA's Guidance on information requirements and chemical safety assessment Part A: Introduction to the Guidance document, section A.2.4.1.2, pp. 18 and 19.

C. Information in the technical dossier derived from the application of Annexes VII to XI

Pursuant to Articles 10(a)(vi) and/or (vii), 12(1)(e) of the REACH Regulation, a technical dossier for a substance manufactured or imported by the Registrant in quantities of 1000 tonnes or more per year shall contain as a minimum the information specified in Annexes VII to X of the REACH Regulation.

- Pre-natal developmental toxicity study (Annex IX, Section 8.7.2.)

A "pre-natal developmental toxicity study" for a first species is a standard information requirement as laid down in Annex IX, Section 8.7.2. of the REACH Regulation. Adequate information on this endpoint needs to be present in the technical dossier for the registered substance to meet this information requirement.

The Registrant has not provided any study record of a pre-natal developmental toxicity study in the dossier that would meet the information requirement of Annex IX, Section 8.7.2.

The Registrant has sought to adapt this information requirement. The justification of the adaptation given by the Registrant is that "*Large quantities of urea are formed naturally in the human body as a consequence of normal protein catabolism. Urea is shown to be essentially without toxicity in the available studies. The level of any primary, occupational or secondary exposure to urea is likely to be insignificant compared to the quantities (20-50 g/day) produced by normal metabolism and present at high concentrations in the blood. It is therefore considered that urea is very unlikely to be a developmental toxin and testing cannot be justified scientifically.*"

However, ECHA notes that this adaptation does not meet the general rules for adaptation of Annex XI, Section 1.2 of the REACH Regulation because the individual sources of information required for this adaptation argument cannot be confirmed for the following reasons: Firstly, the submitted weight of evidence studies are non-standard and not reliable (Klimisch score 3). Secondly, it is not possible to adapt the standard information requirement based on Annex XI, Section 3 (substance-tailored exposure driven testing) without information on exposure (no exposure assessment is available in the CSR). This is critical as the effect of the additional exposure caused by its use cannot be assessed in terms of the potential effect on the physiological balance of the substance naturally occurring in the human body. Therefore, the adaptation of the information requirement suggested by the Registrant cannot be accepted.

In his comments the Registrant suggests to "*consider the necessity of this study upon a negative result in the In vivo mammalian erythrocyte micronucleus test*". The Registrant thus suggests to link a possibly negative result of a future *in vivo* mutagenicity test to the necessity of performing a pre-natal developmental toxicity study. ECHA notes that none of Annexes IX, X or XI of the REACH Regulation provides a possibility for such a linkage and that therefore the adaptation proposed by the Registrant cannot be accepted.

As explained above, the information available on this endpoint for the registered substance in the technical dossier does not meet the information requirement. Consequently there is an information gap and it is necessary to provide information for this endpoint.

According to the test method EU B.31/OECD 414, the rat is the preferred rodent species, the rabbit the preferred non-rodent species and the test substance is usually administered orally. ECHA considers these default parameters appropriate and testing should be performed by the oral route with the rat or the rabbit as a first species to be used.

Therefore, pursuant to Article 41(1) and (3) of the REACH Regulation, the Registrant is requested to submit the following information derived with the registered substance subject to the present decision: Pre-natal developmental toxicity study (test method: EU B.31./OECD 414) in rats or rabbits by the oral route.

Notes for consideration by the Registrant

In addition, a pre-natal developmental toxicity study on a second species is part of the standard information requirements as laid down in Annex X, Section 8.7.2. for substances registered for 1000 tonnes or more per year (see sentence 2 of introductory paragraph 2 of Annex X).

The Registrant should firstly take into account the outcome of the pre-natal developmental toxicity on a first species and all other relevant available data to determine if the conditions are met for adaptations according to Annex X, Section 8.7. column 2, or according to Annex XI; for example if the substance meets the criteria for classification as toxic for reproduction Category 1B: May damage the unborn child (H360D), and the available data are adequate to support a robust risk assessment, or alternatively, if weight of evidence assessment of all relevant available data provides scientific justification that the study in a second species is not needed. If the Registrant considers that testing is necessary to fulfill this information requirement, he should include in the update of his dossier a testing proposal for a pre-natal developmental toxicity study on a second species. If the Registrant comes to the conclusion that no study on a second species is required, he should update his technical dossier by clearly stating the reasons for adapting the standard information requirement of Annex X, Section 8.7.2.

IV. Adequate identification of the composition of the tested material

In relation to the information required by the present decision, the sample of substance used for the new studies 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 studies 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 studies 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 studies 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 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://www.echa.europa.eu/regulations/appeals. The notice of appeal will be deemed to be filed only when the appeal fee has been paid.

Authorised[1] by Leena Ylä-Mononen, Director, Evaluation.

[1] As this is an electronic document, it is not physically signed. This communication has been approved according to ECHA's internal decision-approval process.