~~Confidential~~

Helsinki, 18 April 2023

Addressees
Registrant(s) of JS_87-22-9_[redacted] as listed in Appendix 3 of this decision

Date of submission of the dossier subject to this decision
05/10/2021

Registered substance subject to this decision ("the Substance")
Substance name: Phenethyl salicylate
EC/List number: 201-732-5

Decision number: Please refer to the REACH-IT message which delivered this communication (in format CCH-D-XXXXXXXXXX-XX-XX/F)

DECISION ON A COMPLIANCE CHECK

Under Article 41 of Regulation (EC) No 1907/2006 (REACH), you must submit the information listed below by ***24 July 2024***.

Requested information must be generated using the Substance unless otherwise specified.

Information required from all the Registrants subject to Annex VII of REACH

1. In vitro gene mutation study in bacteria (Annex VII, Section 8.4.1.; test method: OECD TG 471, 2020)

2. Short-term toxicity testing on aquatic invertebrates (Annex VII, Section 9.1.1.; test method: EU C.2./OECD TG 202)

3. Growth inhibition study aquatic plants (Annex VII, Section 9.1.2.; test method: EU C.3./OECD TG 201 or EU C.26./OECD TG 221)

The reasons for the decision(s) are explained in Appendix 1.

Information required depends on your tonnage band

You must provide the information listed above for all REACH Annexes applicable to you in accordance with Articles 10(a) and 12(1) of REACH. The addressees of the decision and their corresponding information requirements based on registered tonnage band are listed in Appendix 3.

You are only required to share the costs of information that you must submit to fulfil your information requirements.

How to comply with your information requirements

To comply with your information requirements, you must submit the information requested by this decision in an updated registration dossier by the deadline indicated above. You must also **update the chemical safety report**, where relevant, including any changes

to classification and labelling, based on the newly generated information.

You must follow the general requirements for testing and reporting new tests under REACH, see Appendix 4.

Appeal

This decision, when adopted under Article 51 of REACH, may be appealed to the Board of Appeal of ECHA within three months of its notification to you. Please refer to http://echa.europa.eu/regulations/appeals for further information.

Failure to comply

If you do not comply with the information required by this decision by the deadline indicated above, ECHA will notify the enforcement authorities of your Member State.

Authorised[1] under the authority of Mike Rasenberg, Director of Hazard Assessment

Appendix 1: Reasons for the request(s)
Appendix 2: Procedure
Appendix 3: Addressees of the decision and their individual information requirements
Appendix 4: Conducting and reporting new tests under REACH

[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.

Appendix 1: Reasons for the request(s)

Contents

0. Reasons common to several requests

0.1. Assessment of weight of evidence adaptations

1 You have adapted the following standard information requirements by using weight of evidence under Annex XI, Section 1.2:

- In vitro gene mutation study in bacteria (Annex VII, Section 8.4.1.)
- Short-term toxicity testing on aquatic invertebrates (Annex VII, Section 9.1.1.)
- Growth inhibition study aquatic plants (Annex VII, Section 9.1.2.)

2 ECHA has considered the scientific and regulatory validity of your weight-of-evidence-adaptations in general before assessing the specific standard information requirements in the following sections.

3 Annex XI, Section 1.2. states that "there is sufficient weight of evidence when information from several independent sources together enable, through a reasoned justification, a conclusion on the information requirement, while the information from each single source alone is insufficient to fulfil the information requirement".

4 Adequate and reliable documentation is required for all weight-of-evidence-adaptations.

5 ECHA has assessed the documentation of the weight-of-evidence-adaptations and identified the following issues:

0.1.1. Missing justification for each information requirement

6 Annex XI, Section 1.2. requires a reasoned justification which explains why information from several independent sources together enable a conclusion on the information requirement. This justification is specific for each information requirement because "it must have regard to the information that would otherwise be obtained from the study that shall normally be performed for this information requirement".

7 You have not provided justifications specific for each information requirement.

0.1.2. Missing weighing of the sources of information for each information requirement

8 Annex XI, Section 1.2. requires a reasoned justification which explains why information from several independent sources together enable a conclusion on the information requirement. This justification must explain how the individual sources of information are weighted and how all the sources of information together enable a conclusion on each of the key parameters foreseen by the study normally required for the information requirement.

9 According to the Guidance on IRs and CSA, Section R.4, the weight given to the sources of information is influenced by the reliability of the data, consistency of results, nature and severity of effects, and relevance and coverage of the information for the given information requirement. The reliability of the data is strongly linked to the method used to generate the information. Therefore, aspects such as exposure duration, dose-levels used, and the statistical power of the study affect the weight of the individual sources of information.

10 Subsequently, relevance, reliability, coverage, consistency and results of these sources of information must be integrated in order to decide whether they together provide sufficient weight to conclude whether the Substance has or has not the (dangerous) property investigated by each of the key parameters foreseen by the study normally required for the

information requirement. As part of the overall conclusion, an assessment of the residual uncertainty is also required.

11 You have not weighted the individual sources of information nor provided a clear and transparent assessment of to which extent the sources of information cover each of the key parameters foreseen by the study normally required for the information requirement.

0.1.3. Read-across information does not contribute to the weight of evidence

12 Information generated using substances other than the Substance can be used as part of weight of evidence adaptation if the read-across approach allows reliable predictions and is adequately documented.

13 As explained below under 0.2, you have not demonstrated that the properties of the Substance can be predicted for the analogue substances. Therefore, sources of information generated using substances other than the Substance do not contribute to the weight of evidence adaptations.

14 Consequently, sources of information which rely on read-across have been disregarded when assessing relevance (coverage of key parameters) and reliability in the information specific sections.

0.1.4. Further considerations on the weight-of-evidence approach

15 Further considerations on your weight-of-evidence approach are provided in the specific endpoint specific reasons in sections 1 to 3 below.

0.2. Assessment of the read-across approach

16 You have provided experimental data on sodium salicylate (EC No. 200-198-0) and Phenyl salicylate (EC No. 204-259-2) for the following standard information requirements:

- In vitro gene mutation study in bacteria (Annex VII, Section 8.4.1.)
- Short-term toxicity testing on aquatic invertebrates (Annex VII, Section 9.1.1.)
- Growth inhibition study aquatic plants (Annex VII, Section 9.1.2.)

17 While you have not identified this information as a read-across approach, the test material used in the the studies conducted with these substances is different from the Substance. Therefore, these studies (hereafter referred to as the "source substances") will be evaluated as a read-across adaptation under Annex XI, Section 1.5 of REACH.

0.2.1. Predictions for toxicological properties

18 You have not provided any read-across justification document in your dossier.

19 You predict the properties of the Substance from information obtained from the following source substance(s):

- sodium salicylate, EC No. 200-198-0
- phenyl salicylate, EC No. 204-259-2

20 You have not provided any reasoning for the prediction of toxicological properties.

21 We have identified the following issue(s) with the prediction(s) of toxicological properties:

0.2.1.1. Absence of read-across documentation

22 Annex XI, Section 1.5 requires that whenever read-across is used adequate and reliable documentation of the applied method must be provided. Such documentation must include a an explanation why the properties of the Substance may be predicted from information on the source substance(s).

23 You have provided robust study summaries for studyies conducted with other substances than the Substance in order to comply with the REACH information requirements. However, you have not provided documentation as to why this information is relevant for the Substance and thus why the properties of the Substance may be predicted from information on the source substances.

24 In the absence of such documentation, the properties of the Substance cannot be reliably predicted from the data on the source substance(s).

0.2.1.2. Missing supporting information to compare the properties of the substances

25 Annex XI, Section 1.5 requires that whenever read-across is used adequate and reliable documentation of the applied method must be provided. Such documentation must provide supporting information to scientifically justify the read-across explanation for prediction of properties. The set of supporting information should strengthen the rationale for the read-across in allowing to verify the crucial aspects of the read-across hypothesis and establishing that the properties of the Substance can be predicted from the data on the source substance(s) (Guidance on IRs and CSA R.6, Section R.6.2.2.1.f.).

26 Supporting information must include (bridging) studies to compare properties of the source and target substances.

27 As indicated above, your read-across hypothesis is based on the assumption that the structurally similar source substance(s) cause the same type of effect(s). In this context, relevant, reliable and adequate information allowing to compare the properties of the source substance(s) is necessary to confirm that the substances cause the same type of effects. Such information can be obtained, for example, from bridging studies of comparable design and duration for the Substance and of the source substance(s).

28 For the source substances, you provide the studies used in the prediction of *in vitro* gene mutation in bacteria in the registration dossier. Apart from those studies, the registration dossier does not include any robust study summary or description of data for the Substance that would confirm that both the Substance and the source substances cause the same type of effects.

29 In the absence of such information, you have not established that the Substance and the source substances are likely to have similar properties. Therefore you have not provided sufficient supporting information to scientifically justify the read-across.

0.2.1.3. Inadequate or unreliable source studies

30 According to Annex XI, Section 1.5., if the grouping concept is applied then in all cases the results to be read across must:

(1) have adequate and reliable coverage of the key parameters addressed in the corresponding study that shall normally be performed for a particular information requirement;

31 Specific reasons why the studies on the source substances do not meet these criteria are explained further below under the applicable information requirement section 1. Therefore, no reliable predictions can be made for these information requirements.

0.2.2. Predictions for ecotoxicological properties

0.2.2.1. Aquatic toxicity

32 You have not provided any read-across justification document in your dossier.

33 You predict the properties of the Substance from information obtained from the following source substance(s):

34 You predict the properties of the Substance from information obtained from the following source substance(s):

- Phenethyl propionate , CAS 122-70-3, EC 204-567-7
- Phenethyl isovalerate, CAS 140-26-1, EC 205-406-3
- Phenethyl butyrate, CAS 103-52-6, EC 203-119-8

35 You have not provided the reasoning for the prediction of aquatic toxicity.

36 We have identified the following issue(s) with the prediction(s) of aquatic toxicity:

0.2.2.1.1. Absence of read-across documentation

37 Annex XI, Section 1.5 requires that whenever read-across is used adequate and reliable documentation of the applied method must be provided. Such documentation must include a an explanation why the properties of the Substance may be predicted from information on the source substance(s).

38 You have provided robust study summaries for studies conducted with other substances than the Substance in order to comply with the REACH information requirements. However, you have not provided documentation as to why this information is relevant for the Substance and thus why the properties of the Substance may be predicted from information on the source substances.

39 In the absence of such documentation, the properties of the Substance cannot be reliably predicted from the data on the source substance(s).

0.2.2.1.2. Missing supporting information to compare the properties of the substances

40 Annex XI, Section 1.5 requires that whenever read-across is used adequate and reliable documentation of the applied method must be provided. Such documentation must provide supporting information to scientifically justify the read-across explanation for prediction of properties. The set of supporting information should strengthen the rationale for the read-across in allowing to verify the crucial aspects of the read-across hypothesis and establishing that the properties of the Substance can be predicted from the data on the source substance(s) (Guidance on IRs and CSA R.6, Section R.6.2.2.1.f.).

41 Supporting information must include (bridging) studies to compare properties of the source and target substances.

42 As indicated above, your read-across hypothesis is based on the assumption that the structurally similar source substance(s) cause the same type of effect(s). In this context, relevant, reliable and adequate information allowing to compare the properties of the source substance(s) is necessary to confirm that the substances cause the same type of effects. Such information can be obtained, for example, from bridging studies of comparable design and duration for the Substance and of the source substance(s).

43 For the source substances, you provide the studies used in the prediction of short term toxicity to aquatic invertebrates as well as Toxicity to aquatic algae and cyanobacteria in the registration dossier. Apart from those studies, the registration dossier does not include any robust study summary or description of data for the Substance that would confirm that both the Substance and the source substances cause the same type of effects.

44 In the absence of such information, you have not established that the Substance and the source substances are likely to have similar properties. Therefore you have not provided sufficient supporting information to scientifically justify the read-across.

0.2.2.1.3. Inadequate or unreliable source studies

45 According to Annex XI, Section 1.5., if the grouping concept is applied then in all cases the results to be read across must:

(1) have adequate and reliable coverage of the key parameters addressed in the corresponding study that shall normally be performed for a particular information requirement.

46 Specific reasons why the studies on the source substances do not meet these criteria are explained further below under the applicable information requirement sections 2 and 3. Therefore, no reliable predictions can be made for these information requirements.

0.2.3. Conclusion on the read-across approach

47 For the reasons above, you have not established that relevant properties of the Substance can be predicted from data on the source substance(s). Your read-across approach under Annex XI, Section 1.5. is rejected.

Reasons related to the information under Annex VII of REACH

1. In vitro gene mutation study in bacteria

48 An in vitro gene mutation study in bacteria is an information requirement under Annex VII, Section 8.4.1.

1.1. Information provided

49 You have adapted this information requirement by using Annex XI, Section 1.2. (weight of evidence) based on the following experimental data:

(i) an *in vitro* gene mutation study (2018) with the source substance sodium salicylate, EC No. 200-198-0;
(ii) an *in vitro* gene mutation study (1987) with the source substance phenyl salicylate, EC No. 204-259-2.

1.2. Assessment of the information provided

1.2.1. Rejected weight of evidence

50 As explained in Section 0.1., your documentation of the weight of evidence is not in line with the requirements of Annex XI, Section 1.2. Therefore, your adaptation is rejected. In addition, ECHA identified endpoint-specific issue(s) regarding the weight of evidence. These are addressed below.

1.2.1.1. Rejection of source studies

51 Relevant information that can be used to support weight-of-evidence adaptation for the information requirement of Annex VII, Section 8.4.1 includes similar information that is produced by the OECD TG 471 with a design as specified in this decision. OECD TG 471 requires the study to investigate the following key elements:

a) detection and quantification of gene mutations (base pairs, substitution or frame shift) in cultured bacteria including data on the number of revertant colonies.

52 The sources of information (i) and (ii) may provide relevant information on detection and quantification of gene mutations in cultured bacteria.

53 However, the reliability of these sources of information is significantly affected by the following deficiencies:

1.2.1.1.1. Read-across adaptation rejected

54 As explained in Section 0.2., your adaptation based on grouping of substances and read-across approach under Annex XI, Section 1.5. is rejected. In addition, ECHA identified endpoint specific issue(s) addressed below.

1.2.1.1.2. Source studies not adequate for the information requirement

55 Under Annex XI, Section 1.5., the study to be read across must have an adequate and reliable coverage of the key parameters addressed in the corresponding test method referred to in Article 13(3), in this case OECD TG 471. Therefore, the following specifications must be met:

a) the test is performed with 5 strains: four strains of *S. typhimurium* (TA98; TA100;

TA1535; TA1537 or TA97a or TA97) and one strain which is either *S. typhimurium* TA102 or *E. coli* WP2 uvrA or *E. coli* WP2 uvrA (pKM101);
b) the maximum dose tested induces a reduction in the number of revertant colonies per plate compared to the negative control, or the precipitation of the tested substance. If no precipitate or limiting cytotoxicity is observed, the highest test dose corresponds to 5 mg/plate or 5 µl/plate;
c) results are confirmed in a repeat experiment, preferably with modified study parameters.

56 Studies (i) and (ii) are described as in vitro gene mutation studies in bacteria. However, the following specifications are not according to the requirements of OECD TG 471:

a) study (ii) was performed with the strains S. typhimurium TA 1535, TA 1537, TA 98 and TA 100 (i.e., the strain *S. typhimurium* TA102 or *E. coli* WP2 uvrA or *E. coli* WP2 uvrA (pKM101) is missing);
b) the maximum dose of 158 µg/plate tested in study (i) did not induce a reduction in the number of revertant colonies per plate compared to the negative control, or the precipitation of the tested substance and it was less than 5 mg/plate or 5 ml/plate;
c) no repeat experiment was performed in study (ii) to confirm the negative results obtained.

57 Therefore the provided studies cannot be considered reliable sources of information that could contribute to the conclusion on this key parameter investigated by the required study.

1.2.1.2. Conclusion

58 The sources of information (i) and (ii) cover the key elements of the corresponding OECD TG but their reliability is significantly affected.

59 It is not possible to conclude, based on any source of information alone or considered together, whether the Substance has or has not the particular dangerous properties foreseen to be investigated in an OECD TG 471 study. Therefore, your adaptation is rejected and the information requirement is not fulfilled.

1.3. Specification of the study design

60 To fulfil the information requirement for the Substance, the *in vitro* gene mutation study in bacteria (OECD TG 471, 2020) is considered suitable.

61 In the comments to the draft decision, you acknowledge that the information requirement is not fulfilled for this endpoint and you agree to perform the requested study.

2. Short-term toxicity testing on aquatic invertebrates

62 Short-term toxicity testing on aquatic invertebrates is an information requirement under Annex VII to REACH (Section 9.1.1.).

2.1. *Information provided*

63 In your dossier, you have initially adapted this information requirement by using Annex XI, Section 1.2. (weight of evidence) based on the following experimental data:

i. OECD 202 acute immobilisation test with *Daphnia magna* with the source substance Phenethyl propionate, CAS 122-70-3, EC 204-567-7,
ii. OECD 202 acute immobilisation test with *Daphnia magna* with the source

substance Phenethyl isovalerate, CAS 140-26-1, EC 205-406-3,

iii. OECD 202 acute immobilisation test with *Daphnia magna* with the source substance Phenethyl butyrate, CAS 103-52-6, EC 203-119-8.

64 In your comments to the draft decision you have added an

iv. OECD 202 study acute immobilisation test with *Daphnia magna* with the target substance Phenethyl salicylate, CAS 87-22-9.

2.2. Assessment of the information provided

2.2.1. Rejected weight of evidence adaptation

65 As explained in Section 0.1., your documentation of the weight of evidence is not in line with the requirements of Annex XI, Section 1.2. Therefore, your adaptation is rejected.

66 In addition, ECHA identified endpoint-specific issue(s) regarding the weight of evidence. These are addressed below.

2.2.1.1. Rejection of source studies

67 Relevant information that can be used to support weight-of evidence adaptation for the information requirement of Annex VII, Section 9.1.1 includes similar information that is produced by OECD TG 202. OECD TG 202 requires the study to investigate the following key elements:

a) the concentration of the test material leading to the immobilisation of 50% of daphnids at the end of the test is estimated.

68 The source information (i), (ii) and (iii) may provide relevant information on growth inhibition to green algae.

69 However, the reliability of these sources of information is significantly affected by the following deficiencies:

2.2.1.1.1. Read-across adaptation rejected

70 As explained in Section 0.2., your adaptation based on grouping of substances and read-across approach under Annex XI, Section 1.5. is rejected. In addition, ECHA identified endpoint specific issue(s) addressed below.

2.2.1.1.2. Source studies not adequate for the information requirement

71 Under Annex XI, Section 1.5., the study to be read across must have an adequate and reliable coverage of the key parameters addressed in the corresponding test method referred to in Article 13(3), in this case OECD TG 202.

72 To fulfil the information requirement, normally a study according to OECD TG 202 must be provided. The specifications of this test include:

a) analytical monitoring must be conducted. A reliable analytical method for the quantification of the test material in the test solutions with reported specificity, recovery efficiency, precision, limits of determination (i.e. detection and quantification) and working range must be available;
b) a control series containing the solubilising agent (solvent control) at the level used in the treatments must be run in addition to the treatment series.

73 Studies (i), (ii) and (iii) are described as acute immobilisation of Daphnia sp. However, the following specifications are not according to the requirements of OECD TG 201:

a) no analytical monitoring was conducted and no a justification why the analytical

monitoring of exposure concentrations was not technically feasible was provided.

74 And for studies (ii) and (iii)

b) stock solutions were prepared in Acetone and diluted into the test medium to prepare the exposure concentrations, but no additional controls containg the solvent at the same concentration as used in the test cultures were included.

75 Therefore the provided studies cannot be considered reliable sources of information that could contribute to the conclusion on this key parameter investigated by the required study.

2.2.1.2. Conclusions on the weight of evidence adaptation

76 The sources of information (i) and (ii) cover the key elements of the corresponding OECD TG but their reliability is significantly affected.

77 It is not possible to conclude, based on any source of information alone or considered together, whether the Substance has or has not the particular dangerous properties foreseen to be investigated in an OECD TG 201 study. Therefore, your adaptation is rejected and the information requirement is not fulfilled.

2.2.2. Incompliance of the information submitted with your comments

78 Short-term toxicity testing on aquatic invertebrates is an information requirement under Annex VII to REACH (Section 9.1.1.).

79 In your comments to the draft decision you agree with ECHA's assessment of your weight of evidence adaptation, but you provide an study you describe in accordance with OECD 202 study for the Substance (CAS 87-22-9, EC 201-732-5).

80 To fulfil the information requirement, normally a study according to OECD TG 202 must be provided. The specifications of this test include:

a) analytical monitoring must be conducted. A reliable analytical method for the quantification of the test material in the test solutions with reported specificity, recovery efficiency, precision, limits of determination (i.e. detection and quantification) and working range must be available;
b) at least 20 animals are used at each test concentration and for the controls;

81 Furthermore (Eco)toxicological studies must comply with GLP or another recognised international standard; Art. 13(4) of REACH.

82 ECHA has assessed the information and the following issues were detected:

83 – no information given if the study is done according to GLP

84 – no information is given on how many *Daphnids* per replicate were used, no information of the total number of Daphnids used in the test.

85 – regarding analytical characaterisation: no information if the detection limit of 1.31 mg/L is limit of detection or limit of quantification

86 – analytical characterisation is done with UV-Vis and a range of linerarity is given between 1.31 mg/L and 19.65 mg/L which is exceeding the water solubility of 7.35 mg/L questioning the validity of the range of linearity of the calibration

87 – analytical monitoring showed concentrations in the test medium up to 107 mg/L while the water solubility of the substance is at 7.35 mg/L – basing the EC_{50} therefore on nominal concentrations is not valid

2.2.3. Conclusions

The source of information covers key elements of the corresponding OECD TG but their reliability is significantly affected. Therefore, based on the above identified issues with the provided information, the information requirement for the Substance is not fulfilled.

2.3. Specification of the study design

88 To fulfil the information requirement for the Substance, the short-term toxicity testing on aquatic invertebrates, normally a study according to OECD TG 202 must be provided.

3. Growth inhibition study on aquatic plants

89 Growth inhibition study on aquatic plants is an information requirement under Annex VII to REACH (Section 9.1.2.).

3.1. *Information provided*

90 In your registration dossier, you have adapted this information requirement by using Annex XI, Section 1.2. (weight of evidence) based on the following experimental data:

i. OECD 201 growth inhibition test with *Desmodesmus subspicatus* with the source substance Phenethyl propionate, CAS 122-70-3, EC 204-567-7,
ii. OECD 201 growth inhibition test with *Desmodesmus subspicatus* with the source substance Phenethyl isovalerate, CAS 140-26-1, EC 205-406-3,
iii. OECD 201 growth inhibition test with *Desmodesmus subspicatus* with the source substance Phenethyl butyrate, CAS 103-52-6, EC 203-119-8.

91 In your comments to the draft decision you have added an

iv. OECD 201 study algae growth inhibition test with *Pseudokirchneriella subcapitata* with the target substance Phenethyl salicylate, CAS 87-22-9.

3.2. Assessment of the information provided

3.2.1. Rejected weight of evidence

92 As explained in Section 0.1., your documentation of the weight of evidence is not in line with the requirements of Annex XI, Section 1.2. Therefore, your adaptation is rejected.

93 In addition, ECHA identified endpoint-specific issue(s) regarding the weight of evidence. These are addressed below.

3.2.1.1. Rejection of source studies

94 Relevant information that can be used to support weight-of evidence adaptation for the information requirement of Annex VII, Section 9.1.2 includes similar information that is produced by OECD TG 201. OECD TG 201 requires the study to investigate the following key elements:

a) the concentrations of the test material leading to a 50 % and 0% (or 10%) inhibition of growth at the end of the test are estimated.

95 The source information (i), (ii) and (iii) may provide relevant information on growth inhibition to green algae.

96 However, the reliability of these sources of information is significantly affected by the following deficiencies:

3.2.1.1.1. Read-across adaptation rejected

97 As explained in Section 0.2., your adaptation based on grouping of substances and read-across approach under Annex XI, Section 1.5. is rejected. In addition, ECHA identified endpoint specific issue(s) addressed below.

3.2.1.1.2. Source studies not adequate for the information requirement

98 Under Annex XI, Section 1.5., the study to be read across must have an adequate and reliable coverage of the key parameters addressed in the corresponding test method referred to in Article 13(3), in this case OECD TG 201.

99 To fulfil the information requirement, normally a study according to OECD TG 201 must be provided. The specifications of this test include:

a) exponential growth in the control cultures is observed over the entire duration of the test;
b) at least 16-fold increase in biomass is observed in the control cultures by the end of the test;
c) analytical monitoring must be conducted. Alternatively, a justification why the analytical monitoring of exposure concentrations is not technically feasible must be provided;
d) the results of algal biomass determined in each flask at least daily during the test period are reported in a tabular form;
e) microscopic observation performed to verify a normal and healthy appearance of the inoculum culture are reported. Any abnormal appearance of the algae at the end of the test is reported;
f) if a solvent is used solvent controls (at least three replicates) need to be included in the test.

100 Studies (i), (ii) and (iii) are described as toxicity studies to algae and cyanbacteria. However, the following specifications are not according to the requirements of OECD TG 201:

a) due to a lack of reporting of the algal biomass it is not possible to determine if the observed growth in the control cultures is exponential during the entire duration of the test;
b) due to a lack of reporting of the algal biomass it is not possible to determine if at least a 16-fold increase in biomass is observed by the end of the test;
c) no analytical monitoring was conducted and no a justification why the analytical monitoring of exposure concentrations was not technically feasible was provided;
d) the results of algal biomass determined in each flask at least daily during the test period are not reported;
e) no results of the microscopic observation to verify a normal and healthy appearance of the inoculum culture are reported as well as if there was any abnormal appearance of the algae at the end of the test;

101 And for studies (ii) and (iii)

f) stock solutions were prepared in acetone and diluted into the test medium to prepare the exposure concentrations, but no additional controls containing the solvent at the same concentration as used in the test cultures were included.

102 Therefore the provided studies cannot be considered reliable sources of information that could contribute to the conclusion on this key parameter investigated by the required study.

3.2.1.2. Conclusions on the weight of evidence adaptation

103 The sources of information (i) and (ii) cover the key elements of the corresponding OECD TG but their reliability is significantly affected by the reasons set out above.

104 It is not possible to conclude, based on any source of information alone or considered together, whether the Substance has or has not the particular dangerous properties foreseen to be investigated in an OECD TG 201 study. Therefore, your adaptation is rejected and the information requirement is not fulfilled.

3.2.2. Incompliance of the information submitted with your comments

105 In your comments to the draft decision you agree with ECHA's assessment of your weight of evidence adaptation, but you provide as study you describe in accordance with OECD 201 study for the Substance (CAS 87-22-9, EC 201-732-5).

106 To fulfil the information requirement, normally a study according to OECD TG 201 must be provided. The specifications of this test include:

- analytical monitoring must be conducted. A reliable analytical method for the quantification of the test material in the test solutions with reported specificity, recovery efficiency, precision, limits of determination (i.e. detection and quantification) and working range must be available;

107 Furthermore (Eco)toxicological studies must comply with GLP or another recognised international standard; Art. 13(4) of REACH.

108 ECHA has assessed the information provided in your comments to the draft decision for the OECD 201 study on the target substance (CAS 87-22-9, EC 201-732-5) and the following issues were detected:

– no information given if the study is done according to GLP

– regarding analytical characaterisation: no information if the detection limit of 0.7032 mg/L is limit of detection or limit of quantification

– analytical characterisation is done with UV-Vis and a range of linearity is given between 0.7 mg/L and 16.88 mg/L which is exceeding the water solubility of 7.35 mg/L questioning the validity of the range of linearity of the calibration

– analytical monitoring showed concentrations in the test medium up to 107 mg/L while the water solubility of the substance is at 7.35 mg/L – basing the EC_{50} of 75.04 mg/L therefore on nominal concentrations is not valid.

3.2.1. Conclusions

109 The source of information covers key elements of the corresponding OECD TG but their reliability is significantly affected. Therefore, based on the above identified issues with the provided information, the information requirement for the Substance is not fulfilled.

3.3. Specification of the study design

110 To fulfil the information requirement for the Substance, the growth inhibition study on aquatic plants, normally a study according to OECD TG 201 must be provided.

References

The following documents may have been cited in the decision.

Guidance on information requirements and chemical safety assessment (Guidance on IRs & CSA)

Chapter R.4 Evaluation of available information; ECHA (2011).
Chapter R.6 QSARs, read-across and grouping; ECHA (2008).
Appendix to Chapter R.6 for nanoforms; ECHA (2019).
Chapter R.7a Endpoint specific guidance, Sections R.7.1 – R.7.7; ECHA (2017).
Appendix to Chapter R.7a for nanomaterials; ECHA (2017).
Chapter R.7b Endpoint specific guidance, Sections R.7.8 – R.7.9; ECHA (2017).
Appendix to Chapter R.7b for nanomaterials; ECHA (2017).
Chapter R.7c Endpoint specific guidance, Sections R.7.10 – R.7.13; ECHA (2017).
Appendix to Chapter R.7a for nanomaterials; ECHA (2017).
Appendix R.7.13-2 Environmental risk assessment for metals and metal compounds; ECHA (2008).
Chapter R.11 PBT/vPvB assessment; ECHA (2017).
Chapter R.16 Environmental exposure assessment; ECHA (2016).

Guidance on data-sharing; ECHA (2017).
Guidance for monomers and polymers; ECHA (2012).
Guidance on intermediates; ECHA (2010).
All guidance documents are available online: https://echa.europa.eu/guidance-documents/guidance-on-reach

Read-across assessment framework (RAAF)

RAAF, 2017 Read-across assessment framework (RAAF); ECHA (2017).
RAAF UVCB, 2017 Read-across assessment framework (RAAF) – considerations on multi- constituent substances and UVCBs; ECHA (2017).

The RAAF and related documents are available online: https://echa.europa.eu/support/registration/how-to-avoid-unnecessary-testing-on-animals/grouping-of-substances-and-read-across

***OECD Guidance documents* (OECD GDs)**

OECD GD 23 Guidance document on aquatic toxicity testing of difficult substances and mixtures; No. 23 in the OECD series on testing and assessment, OECD (2019).
OECD GD 29 Guidance document on transformation/dissolution of metals and metal compounds in aqueous media; No. 29 in the OECD series on testing and assessment, OECD (2002).
OECD GD 150 Revised guidance document 150 on standardised test guidelines for evaluating chemicals for endocrine disruption; No. 150 in the OECD series on testing and assessment, OECD (2018).
OECD GD 151 Guidance document supporting OECD test guideline 443 on the extended one-generation reproductive toxicity test; No. 151 in the OECD series on testing and assessment, OECD (2013).

Appendix 2: Procedure

This decision does not prevent ECHA from initiating further compliance checks at a later stage on the registrations present.

ECHA followed the procedure detailed in Articles 50 and 51 of REACH.

The compliance check was initiated on 14 September 2021.

ECHA notified you of the draft decision and invited you to provide comments.

ECHA took into account your comments and did not amend the requests or the deadline.

The deadline of the decision is set based on standard practice for carrying out OECD TG tests. It has been exceptionally extended by 6 months from the standard deadline granted by ECHA to take into account currently longer lead times in contract research organisations.

ECHA notified the draft decision to the competent authorities of the Member States for proposals for amendment.

As no amendments were proposed, ECHA adopted the decision under Article 51(3) of REACH.

Appendix 3: Addressees of this decision and their corresponding information requirements

In accordance with Articles 10(a) and 12(1) of REACH, the information requirements for individual registrations are defined as follows:

- the information specified in Annex VII to REACH, for registration at 1-10 tonnes per year (tpa), or as a transported isolated intermediate in quantity above 1000 tpa;
- the information specified in Annexes VII and VIII to REACH, for registration at 10-100 tpa;
- the information specified in Annexes VII, VIII and IX to REACH, for registration at 100-1000 tpa;
- the information specified in Annexes VII to X to REACH, for registration at more than 1000 tpa.

Registrant Name	Registration number	Highest REACH Annex applicable to you
[redacted]	[redacted]	[redacted]
[redacted]	[redacted]	[redacted]

Where applicable, the name of a third party representative (TPR) may be displayed in the list of recipients whereas ECHA will send the decision to the actual registrant.

Appendix 4: Conducting and reporting new tests for REACH purposes

1. Requirements when conducting and reporting new tests for REACH purposes

1.1. Test methods, GLP requirements and reporting

(1) Under Article 13(3) of REACH, all new data generated as a result of this decision must be conducted according to the test methods laid down in a European Commission Regulation or to international test methods recognised by the Commission or ECHA as being appropriate.

(2) Under Article 13(4) of REACH, ecotoxicological and toxicological tests and analyses must be carried out according to the GLP principles (Directive 2004/10/EC) or other international standards recognised by the Commission or ECHA.

(3) Under Article 10(a)(vi) and (vii) of REACH, all new data generated as a result of this decision must be reported as study summaries, or as robust study summaries, if required under Annex I of REACH. See ECHA Practical Guide on How to report robust study summaries[2].

(4) Under the introductory part of Annexes VII/VIII/IX/X to REACH, where a test method offers flexibility in the study design, for example in relation to the choice of dose levels or concentrations, the chosen study design must ensure that the data generated are adequate for hazard identification and risk assessment.

1.2. Test material

Before generating new data, you must agree within the joint submission on the chemical composition of the material to be tested (Test Material) which must be relevant for all the registrants of the Substance.

(1) Selection of the Test material(s)
The Test Material used to generate the new data must be selected taking into account the following:
- the variation in compositions reported by all members of the joint submission,
- the boundary composition(s) of the Substance,
- the impact of each constituent/ impurity on the test results for the endpoint to be assessed. For example, if a constituent/ impurity of the Substance is known to have an impact on (eco)toxicity, the selected Test Material must contain that constituent/ impurity.

(2) Information on the Test Material needed in the updated dossier
- You must report the composition of the Test Material selected for each study, under the "Test material information" section, for each respective endpoint study record in IUCLID.
- The reported composition must include all constituents of each Test Material and their concentration values and other parameters relevant for the property to be tested.

This information is needed to assess whether the Test Material is relevant for the Substance and whether it is suitable for use by all members of the joint submission.

Technical instructions on how to report the above is available in the manual on How to prepare registration and PPORD dossiers[3].

[2] https://echa.europa.eu/practical-guides
[3] https://echa.europa.eu/manuals