EUROPEAN CHEMICALS AGENCY

Decision number: CCH-D-2114306659-43-01/F Helsinki, 31 August 2015

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

For dimethyl carbonate, CAS No 616-38-6 (EC No 210-478-4), 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 for dimethyl carbonate, CAS No 616-38-6 (EC No 210-478-4), 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 submitted after 5 March 2015, 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 registration at a later stage.

The compliance check was initiated on 17 October 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. That draft decision was based on submission number [redacted].

On 17 December 2013 ECHA received comments from the Registrant on the draft decision. On 17 June 2014 the Registrant updated his registration dossier with the submission number [redacted].

The compliance check requirement to submit information of a two-generation reproductive toxicity study (EU B.35, OECD TG 416) or an extended one-generation reproductive toxicity study (EU B.56, OECD TG 443) has been removed from this draft decision due to the legislative amendments to the REACH Regulation regarding Annex X, Section 8.7.3. However, ECHA Secretariat did consider further the Registrant's comments and update concerning the other information requirements. On the basis of this information and change of scope, Section II was amended. The Statement of Reasons (Section III) was changed accordingly.

On 5 March 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 10 April 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 amended the draft decision.

On 20 April 2015 ECHA referred the draft decision to the Member State Committee.

By 11 May 2015 the Registrant did not provide any comments on the proposal for amendment.

A unanimous agreement of the Member State Committee on the draft decision was reached on 26 May 2015 in a written procedure launched on 13 May 2015.

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

II. Information required

A. Information related to robust study summaries

Pursuant to Articles 41(1), 41(3), 12(1)(e), 3(28) and 10(a)(vii) as well as Annex IX of the REACH Regulation the Registrant shall submit for the registered substance a revised robust study summary for the following study:

Sub-chronic toxicity study (90-day), oral route ([redacted]) as specified in section III.A.1 below.

B. 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, X of the REACH Regulation the Registrant shall submit the following information using the indicated test method and the registered substance subject to the present decision:

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

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 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 Enforcement Authorities of the Member States.

Pursuant to Article 41(4) of the REACH Regulation the Registrant shall submit the information in the form of an updated registration to ECHA by **7 September 2016**.

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 related to robust study summaries

Pursuant to Articles 10(a)(vii) and 3(28) of the REACH Regulation, the technical dossier of a registration shall include robust study summaries of the information derived from the application of Annexes VII to XI, if required under Annex I. Moreover, Article 3(28) defines a robust study summary (RSS) as a detailed summary of the objectives, methods, results and conclusions of a full study report providing sufficient information to make an independent assessment of the study minimising the need to consult the full study report. A practical guide to the preparation of robust study summaries is provided in the practical guide "How to report robust study summaries - Practical Guide 3. Version 2.0" – ECHA, November 2012.

The Registrant has not reported a complete robust study summary within the meaning of Article 3(28) of the REACH Regulation for the following endpoint:

Sub-chronic toxicity study (90-day), oral route (Annex IX, 8.6.2.)

The Registrant has provided a robust study summary for a sub-chronic toxicity study (90-day), oral route, performed according to OECD test guideline 408 (Repeated Dose 90-Day Oral Toxicity in Rodents). The study reference indicated in the technical dossier is [redacted].

OECD test guideline 408 recommends that "*unless limited by the physical-chemical nature or biological effects of the test substance, the highest dose level should be chosen with the aim to induce toxicity but not death or severe suffering*". Alternatively, the test guideline gives the possibility to perform a limit test at the concentration of 1000 mg/kg body weight/day. In any case, it indicates that the test report must include the rationale for dose level selection (Section 41 of OECD test guideline 408).

The substance was tested only up to the dose of 500 mg/kg body weight/day. No effects were observed at any tested dose levels. The robust study summary indicates that the rationale for selecting the doses was "*agreed with sponsor*" without further explanations. Nowhere in the technical dossier has the Registrant provided an acceptable rationale for selecting those doses. ECHA thus considers that the robust study summary for this endpoint is not complete.

Therefore, pursuant to Article 41(1) and (3) of the REACH Regulation, the Registrant is requested to provide the rationale for selecting the doses tested in a revised robust study

summary for the sub-chronic toxicity study from [redacted]

B. 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, VIII, IX, and X of the REACH Regulation.

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

Pre-natal developmental toxicity studies on two species are part of the standard information requirements for a substance registered for 1000 tonnes or more per year (Annex IX, Section 8.7.2., column 1, Annex X, Section 8.7.2., column 1, and sentence 2 of introductory paragraph 2 of Annex X of the REACH Regulation).

The technical dossier contains a robust study summary on a pre-natal developmental toxicity study in mice by the inhalation route using the registered substance as test material.

However, there is no information available for a pre-natal developmental toxicity study in a second species.

The Registrant has sought to adapt this information requirement. The justification of the adaptation given by the Registrant is that one study already exists in rats which has been peer-reviewed by a panel during the OECD SIDS (Screening Information Data Set) work and that it would be unethical to propose a test in order to reduce number of tests in animals. However, ECHA notes that no robust study summary was provided for a study in rats. The OECD (SIDS) work has not been finalised for dimethyl carbonate and no SIDS Initial Assessment Report (SIAR) has been published. Furthermore, the Registrant indicates that the owner of this study denied access to the full study report. Overall, ECHA has no information concerning a pre-natal developmental toxicity study in rats for dimethyl carbonate. Therefore ECHA cannot assess that study.

On this basis, the adaptation of the information requirement suggested by the Registrant cannot be accepted. Consequently there is an information gap for Annex X, Section 8.7.2. and it is necessary to provide information for this endpoint.

The test in the first species was carried out by testing a rodent species and ECHA therefore considers that the test in a second species should preferably be carried out in a non-rodent species. According to the test method EU B.31/OECD 414, the rabbit is 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 rabbit as a second 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 rabbits by the oral route.

Notes for consideration by the Registrant:

The Registrant is reminded that, in accordance with the recommendation of OECD test guideline 414 he should select dose levels "*taking into account any existing toxicity data*" and that "*unless limited by the physical-chemical nature or biological effects of the test substance, the highest dose level should be chosen with the aim to induce toxicity but not death or severe suffering*".

As outlined above there is currently an information gap for a pre-natal developmental toxicity study in a second species. In line with the Guidance on information requirements and chemical safety assessment Volume 4, Chapter R7a (Version 2.2, August 2013) testing with another than a non-rodent species (rabbit) is possible with justification. The Registrant has indicated that there is a rat developmental toxicity study which may fulfil this standard information requirement (Annex X, 8.7.2), but is not currently available. If the Registrant can obtain access to that study, and can provide suitable justification for a second rodent study to meet the information requirement for a second species pre-natal developmental toxicity study, this may be used in lieu of a newly performed developmental toxicity study in rabbits.

C. Deadline for submitting the required information

In the draft decision communicated to the Registrant the time indicated to provide the requested information was 30 months from the date of adoption of the decision. This period of time took into account the fact that the draft decision also contained a request for a two-generation reproductive toxicity study (EU B.35, OECD TG 416) or an extended one-generation reproductive toxicity study (EU B.56, OECD TG 443) (Annex X, Section 8.7.3.). As these studies are not addressed in the present decision, ECHA Secretariat considers that a reasonable time period for providing the required information in the form of an updated IUCLID5 dossier is 12 months from the date of the adoption of the decision. The decision was therefore modified accordingly.

IV. Adequate identification of the composition of the tested material

ECHA stresses that the information submitted 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 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/web/guest/regulations/appeals. The notice of appeal will be deemed to be filed only when the appeal fee has been paid.

Authorised[1] by Claudio Carlon, Head of Unit, 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.