

Helsinki, 08 November 2023

**Addressee(s)**

Registrant(s) of JS\_EC 221-800-8\_FDCA as listed in Appendix 3 of this decision

**Date of submission of the dossier subject to this decision**

17 February 2021

**Registered substance subject to this decision ("the Substance")**

Substance name: furan-2,5-dicarboxylic acid

EC/List number: 221-800-8

**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 **13 February 2026**.

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

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

1. Skin sensitisation (Annex VII, Section 8.3.)
  - a) *in vitro/in chemico* skin sensitisation information on molecular interactions with skin proteins (OECD TG 442C), inflammatory response in keratinocytes (OECD TG 442D) and activation of dendritic cells (OECD TG 442E) (Annex VII, Section 8.3.1.); and
  - b) only if the *in vitro/in chemico* test methods specified under point a) above are not applicable for the Substance or the results obtained are not adequate for classification and risk assessment, *in vivo* skin sensitisation (Annex VII, Section 8.3.2.; test method: EU B.42./OECD TG 429).
2. *In vitro* gene mutation study in bacteria (Annex VII, Section 8.4.1.; test method: Bacterial reverse mutation test, OECD TG 471 (2020)).

**Information required from all the Registrants subject to Annex VIII of REACH**

3. *In vitro* micronucleus study (Annex VIII, Section 8.4.2., test method: OECD TG 487).

The aneugenic potential of the Substance must be assessed with an additional control group for aneugenicity on top of the control group for clastogenicity, if the Substance induces an increase in the frequency of micronuclei.
4. Only if a negative result in Annex VII, Section 8.4.1. and Annex VIII, Section 8.4.2. is obtained, *In vitro* gene mutation study in mammalian cells (Annex VIII, Section 8.4.3.; test method: EU B.17./OECD TG 476 or EU B.67./OECD TG 490).

**Information required from all the Registrants subject to Annex IX of REACH**

5. Long-term toxicity testing on aquatic invertebrates (Annex IX, Section 9.1.5.; test method: EU C.20./OECD TG 211).

6. Long-term toxicity testing on fish (Annex IX, Section 9.1.6.; test method: EU C.47./OECD TG 210).

The reasons for the request(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<sup>1</sup> 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

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<sup>1</sup> 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)**

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## Reasons related to the information under Annex VII of REACH

### 1. Skin sensitisation

1 Skin sensitisation is an information requirement under Annex VII, Section 8.3. Under Section 8.3., Column 1, the registrants must submit information allowing (1) a conclusion whether the substance is a skin sensitiser and (2) whether it can be presumed to have the potential to produce significant sensitisation in humans (Cat. 1A).

#### 1.1. Information provided

2 You have provided an *in vivo* Local Lymph Node Assay (2011) with the Substance.

#### 1.2. Assessment of the information provided

##### 1.2.1. Assessment whether the Substance causes skin sensitisation

3 To fulfil the information requirement, and to enable concluding whether the Substance causes skin sensitisation, the study would have to comply with the EU Method B.42/OECD TG 429 (Article 13(3) of REACH). Therefore, the following specifications would have to be met:

- a) the highest concentration is the highest technically possible concentration that maximises exposure while avoiding systemic toxicity and/or excessive local skin irritation.

4 In the study provided:

- a) you refer to a pre-screen test without providing detailed information on the concentrations used during this test, and you do not demonstrate that 50% of the Substance in water with 1% pluronic L92 was found to be the highest technically possible concentration.

5 Therefore, the information provided does not demonstrate that the specification(s) required by the EU method B.42/OECD TG 429 are met.

6 On this basis, it cannot be concluded whether the Substance causes skin sensitisation.

##### 1.2.2. No assessment of potency

7 To be considered compliant and enable a conclusion in cases where the substance is considered to cause skin sensitisation, the information provided must also allow a conclusion whether it can be presumed to have the potential to produce significant sensitisation in humans (Cat. 1A).

8 As the currently available data does not allow to conclude whether the Substance causes skin sensitisation (see section 1.2.1. above), this condition cannot be assessed.

9 In your comments, you submitted information on the concentrations used during this test, and provided an explanation of why 50% of the Substance in water with 1% pluronic L92 was found to be the highest technically possible concentration, supported by the original study documentation. The information you have provided in your comments addresses the incompliances identified in this decision for this information requirement. However, as the information is currently not available in your registration dossier, the data gap remains. You should therefore submit this information in an updated registration dossier by the deadline set out in the decision.

10 Therefore, the information requirement is not fulfilled.

### 1.3. Study design

- 11 To fulfil the information requirement for the Substance, information on molecular interaction with skin proteins and inflammatory response in keratinocytes and activation of dendritic cells (OECD TG 442C and OECD TG 442D and OECD TG 442E) must be provided. Furthermore an appropriate risk assessment is required if a classification of the Substance as a skin sensitiser (Cat 1A or 1B) is warranted.
- 12 In case no conclusion on the skin sensitisation potency can be made for the Substance based on the existing data or newly generated data, in vivo skin sensitisation study must be performed and the murine local lymph node assay (EU Method B.42/OECD TG 429) is considered as the appropriate study for the potency estimation.

## 2. *In vitro* gene mutation study in bacteria

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

### 2.1. Information provided

- 14 You have provided an *in vitro* gene mutation study in bacteria (2011) with the Substance.

### 2.2. Assessment of the information provided

- 15 To fulfil the information requirement, a study must comply with OECD TG 471 (Article 13(3) of REACH). Therefore, the following specifications must be met:
- b) a concurrent negative control is included in each assay and the number of revertant colonies per plate for the concurrent negative control is inside the historical control range of the laboratory;
  - c) the mean number of revertant colonies per plate is reported for the treated doses and the controls;
- 16 In the study provided:
- a) the historical control range of the laboratory for the concurrent negative control was not reported;
  - b) the mean number of revertant colonies per plate for the treated doses and the controls was not reported (tabular data).

- 17 The information provided does not cover the specification(s) required by the OECD TG 471.

- 18 In your comments, you submitted the historical control range of the laboratory for the concurrent negative control and the mean number of revertant colonies per plate for the treated doses and the controls, supported by tabular data. The information you have provided in your comments addresses the incompliances identified in this decision for this information requirement. However, as the information is currently not available in your registration dossier, the data gap remains. You should therefore submit this information in an updated registration dossier by the deadline set out in the decision.

- 19 Therefore, the information requirement is not fulfilled.

### 2.3. Study design

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

**Reasons related to the information under Annex VIII of REACH****3. *In vitro* micronucleus study**

21 An *in vitro* cytogenicity study in mammalian cells or an *in vitro* micronucleus study is an information requirement under Annex VIII, Section 8.4.2.

*3.1. Information provided*

22 You have provided an *in vitro* cytogenicity study in mammalian cells (2012) with the Substance.

*3.2. Assessment of the information provided*

23 To fulfil the information requirement, the study has to be an *in vitro* chromosomal aberration test or an *in vitro* micronucleus test conducted in mammalian cells. The study must comply with the OECD TG 473 or the OECD TG 487, respectively (Article 13(3) of REACH). Therefore, the following specifications must be met:

- a) the positive controls induce responses compatible with those generated in the historical positive control database;
- b) the negative control data is ideally within the 95% control limits of the distribution of the laboratory's historical negative control database;
- c) data on the cytotoxicity and the frequency of cells with structural chromosomal aberration(s) for the treated and control cultures is reported;

24 In the study provided:

- a) the historical positive control data was not reported;
- b) the historical negative control range of the laboratory was not reported;
- c) data on the cytotoxicity and the frequency of cells with structural chromosomal aberration(s) for the treated and control cultures were not reported.

25 The information provided does not cover the specifications(s) required by the OECD TG 473.

26 In your comments, you submitted the historical positive control data, historical negative control range of the laboratory and data on the cytotoxicity and the frequency of cells with structural chromosomal aberration(s) for the treated and control cultures, supported by tabular data. The information you have provided in your comments addresses the incompliances identified in this decision for this information requirement. However, as the information is currently not available in your registration dossier, the data gap remains. You should therefore submit this information in an updated registration dossier by the deadline set out in the decision.

27 Therefore, the information requirement is not fulfilled.

*3.3. Study design*

28 According to the Guidance on IR & CSA, Section R.7.7.6.3., either the *in vitro* mammalian chromosomal aberration ("CA") test (test method OECD TG 473) or the *in vitro* mammalian cell micronucleus ("MN") test (test method OECD TG 487) can be used to investigate chromosomal aberrations *in vitro*. However, while the MN test detects both structural chromosomal aberrations (clastogenicity) and numerical chromosomal aberrations (aneuploidy), the CA test detects only clastogenicity, as OECD TG 473 is not designed to measure aneuploidy (see OECD TG 473, paragraph 2). Therefore, you must perform the MN

test (test method OECD TG 487), as it enables a more comprehensive investigation of the chromosome damaging potential *in vitro*. Moreover, in order to demonstrate the ability of the study to identify clastogens and aneugens, you must include two concurrent positive controls, one known clastogen and one known aneugen [1] (OECD TG 487, paragraphs 33 to 35).

#### *Assessment of aneugenicity potential*

29 If the result of the MN test is positive, i.e. your Substance induces an increase in the frequency of micronuclei, you must assess the aneugenic potential of the Substance.

30 In line with the OECD TG 487 (paragraph 4), you should use one of the centromere labelling or hybridisation procedures to determine whether the increase in the number of micronuclei is the result of clastogenic events (i.e. micronuclei contain chromosome fragment(s)) and/or aneugenic events (i.e. micronuclei contain whole chromosome(s)).

[1] According to the TG 487 (2016) "At the present time, no aneugens are known that require metabolic activation for their genotoxic activity" (paragraph 34).

#### **4. *In vitro* gene mutation study in mammalian cells**

31 An *in vitro* gene mutation study in mammalian cells is an information requirement under Annex VIII, Section 8.4.3., in case of a negative result in the *in vitro* gene mutation test in bacteria and the *in vitro* cytogenicity test.

##### *4.1. Triggering of the information requirement*

32 Your dossier contains data for an *in vitro* gene mutation study in bacteria, and data for an *in vitro* cytogenicity study in mammalian cells or *in vitro* micronucleus study.

33 However, the information for the *in vitro* gene mutation study in bacteria and for the *in vitro* cytogenicity study in mammalian cells provided in the dossier are rejected for the reasons provided in requests 2 and 3.

34 The result of the requests for an *in vitro* gene mutation study in bacteria and for an *in vitro* cytogenicity study in mammalian cells will determine whether the present requirement for an *in vitro* mammalian cell gene mutation study in accordance with Annex VIII, Section 8.4.3. is triggered.

35 Consequently, you are required to provide information for this information requirement, if the *in vitro* gene mutation study in bacteria and the *in vitro* micronucleus study provide a negative result.

##### *4.2. Information provided*

36 You have provided an *in vitro* gene mutation study in mammalian cells (2012) with the Substance.

##### *4.3. Assessment of the information provided*

37 To fulfil the information requirement, a study must comply with the OECD TG 476 or the OECD TG 490 (Guidance on IRs and CSA, Table.7.7-2) (Article 13(3) of REACH). Therefore, the following specifications must be met:

- a) the concurrent positive controls induce responses that are compatible with those generated in the historical positive control database and does not induce more than 90% of cytotoxicity compared to the negative control;

- b) data on the cytotoxicity and the mutation frequency for the treated and control cultures are reported.

38 In the study provided:

- a) the historical positive control data were not reported;
- b) tabular data on the cytotoxicity and the mutation frequency for the treated and control cultures were not reported.

39 The information provided does not cover the specification(s) required by the OECD TG 476.

40 In your comments, you submitted the historical positive control data, historical negative control range of the laboratory and data on the cytotoxicity and the mutation frequency for the treated and control cultures, supported by tabular data. The information you have provided in your comments addresses the incompliances identified in this decision for this information requirement. However, as the information is currently not available in your registration dossier, the data gap remains. You should therefore submit this information in an updated registration dossier by the deadline set out in the decision

41 Therefore, the information requirement is not fulfilled.

#### 4.4. Study design

42 To fulfil the information requirement for the Substance, either the *in vitro* mammalian cell gene mutation tests using the hprt and xpri genes (OECD TG 476) or the thymidine kinase gene (OECD TG 490) are considered suitable.

## Reasons related to the information under Annex IX of REACH

### 5. Long-term toxicity testing on aquatic invertebrates

43 Long-term toxicity testing on aquatic invertebrates is an information requirement under Annex IX to REACH (Section 9.1.5.).

#### 5.1. Information provided

44 You have adapted this information requirement referring to Column 2 of Annex IX, Section 9.1. To support the adaptation, you have provided the following information: "In accordance with column 2 of REACH Annex IX, no long term toxicity testing is proposed (required in section 9.1.5) as the chemical safety assessment does not indicate a need to further investigate the effects on aquatic invertebrates. All data available on the substance show a very low acute aquatic toxicity. In addition, the properties of the substance do not indicate a potential for bioaccumulation since the Log Kow is -1.43. Therefore, the study is not deemed necessary."

#### 5.2. Assessment of the information provided

45 Annex IX, Section 9.1., Column 2 is not a basis for omitting information on long-term toxicity to aquatic invertebrates referred to under Column 1, Section 9.1.5.

46 Your adaptation is therefore rejected and the information requirement is not fulfilled.

47 In the comments to the draft decision you agree with the request.

### 6. Long-term toxicity testing on fish

48 Long-term toxicity testing on fish is an information requirement under Annex IX to REACH (Section 9.1.6.).

#### 6.1. Information provided

49 You have adapted this information requirement referring to Column 2 of Annex IX, Section 9.1. To support the adaptation, you have provided the following information: "*In accordance with column 2 of REACH Annex IX, no long term toxicity testing is proposed (required in section 9.1.6) as the chemical safety assessment does not indicate a need to further investigate the effects on fish. All data available on the substance show a very low acute aquatic toxicity. In addition, the properties of the substance do not indicate a potential for bioaccumulation since the Log Kow is -1.43. Therefore, the study is not deemed necessary.*"

#### 6.2. Assessment of the information provided

50 Annex IX, Section 9.1., Column 2 is not a basis for omitting information on long-term toxicity to fish referred to under Column 1, Section 9.1.6.

51 Your adaptation is therefore rejected and the information requirement is not fulfilled.

#### 6.3. Study design

52 To fulfil the information requirement for the Substance, the Fish, Early-life Stage Toxicity Test (test method OECD TG 210) is the most appropriate (Guidance on IRs and CSA, Section R.7.8.2.).

53 In the comments to the draft decision you agree with the request.

## 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 (2023).

***Guidance on intermediates***; ECHA (2010).

All Guidance on REACH is 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 23 August 2022.

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

ECHA took into account your comments and did not amend the request(s).

The deadline of the decision is set based on standard practice for carrying out OECD TG tests. It has been exceptionally extended by 12 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: Addressee(s) 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.

<b>Registrant Name</b>	<b>Registration number</b>	<b>Highest REACH Annex applicable to you</b>
[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 (<https://echa.europa.eu/practical-guides>).

(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.

With that detailed information, ECHA can confirm 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 (<https://echa.europa.eu/manuals>).