



**Substance name: 5-tert-butyl-2,4,6-trinitro-m-xylene
(musk xylene)
EC number: 201-329-4
CAS number: 81-15-2**

**JUSTIFICATION FOR THE DRAFT
RECOMMENDATION OF INCLUSION IN ANNEX XIV**

14 January 2009

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1. Identity of the substance

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|-----------------|---|
| Substance name: | 5-tert-butyl-2,4,6-trinitro-m-xylene (musk xylene) |
| IUPAC name: | 1-tert-butyl-3,5-dimethyl-2,4,6-trinitrobenzene |
| Chemical name: | Musk xylene |
| EC number: | 201-329-4 |
| CAS number: | 81-15-2 |

2. Intrinsic properties of the substance

Musk xylene was identified as a Substance of Very High Concern (SVHC) according to Article 57(e) as a vPvB substance and included in the candidate list for authorisation by the ECHA's decision ED/67/2008 on 28 October 2008, after agreement of the Member State Committee.

Possible route for authorisation:

The substance meets the criteria in Article 57(e) and an authorisation may only be granted in accordance with Article 60(4) ('socio-economic route').

3. Proposed transitional arrangements

Proposal:

- *Latest application date:*
24 months after the entry into force of the Decision to include the substance in Annex XIV
- *Sunset date:*
42 months after the entry into force of the Decision to include the substance in Annex XIV

Justification:

Complexity of the supply chain:

According to the available information, musk xylene is not manufactured within EU, but only imported.

Musk xylene - which is used as fragrance and fragrance enhancer in fragrance mixtures for detergents, fabric softeners, fabric conditioners, cleaning agents, air fresheners and other household products - is compounded into fragrance mixtures at less than 10 sites in the EU and finally formulated into the end products, which are directly used by consumers.

In conclusion, according to available information, a limited number of actors which all are from a relatively similar industry branches (cosmetics, detergents, cleaning products industry and fragrance formulators) may be affected by the possible authorisation requirements.

Hence, based on the available information, it is anticipated that the preparation of applications for authorisation would be facilitated by the relative homogeneity and the limited number of actors in the supply chains, which justifies an early application date.

Availability of alternatives:

The available information indicates an already ongoing substitution of musk xylene with alternative substances. There appears also to be information on the limitation of the currently available alternatives for certain uses. Therefore, the available information on potential alternatives facilitates preparing an analysis of alternatives for uses for which actors wish to apply for.

Consequently, the available information suggests that potential applicants would be well prepared to develop an application, in particular the analysis of alternatives. Hence, the available information justifies an early application date.

Conclusion:

The available information on the complexity of the supply chains and the availability and nature of alternatives provides reasons to propose a shorter time for preparing applications.

4. Proposed review periods for certain uses

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5. Proposed exempted (categories of) uses

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