

**DECISION OF THE BOARD OF APPEAL
OF THE EUROPEAN CHEMICALS AGENCY**

5 April 2017

Application to intervene

(Evaluating Member State Competent Authority)

Case number	A-009-2016
Language of the case	English
Appellant	Symrise AG, Germany
Representatives	Ruxandra Cana, Eléonore Mullier and Michel Michaux Steptoe & Johnson LLP, Belgium
Contested Decision	Decision of 30 June 2016 on the substance evaluation of climbazole, adopted by the European Chemicals Agency (hereinafter the 'Agency') pursuant to Article 46 of Regulation (EC) No 1907/2006 of the European Parliament and of the Council concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (OJ L 396, 30.12.2006, p. 1; corrected by OJ L 136, 29.5.2007, p. 3) The Contested Decision was notified to the Appellant through the annotation number SEV-D-2114340660-58-01/F
Applicant	The REACH Competent Authority of the United Kingdom
Representative	Ian Doyle The Environment Agency, United Kingdom

THE BOARD OF APPEAL

composed of Mercedes Ortuño (Chairman and Rapporteur), Andrew Fasey (Technically Qualified Member) and Sari Haukka (Legally Qualified Member)

Registrar: Alen Močilnikar

gives the following

Decision

Summary of the facts

1. The Appellant filed its appeal against the Contested Decision on 29 September 2016. The Contested Decision requests further information on the substance climbazole, including the performance of an extended one-generation reproductive toxicity study (OECD Test Guideline 443).
2. On 18 January 2017, an announcement was published on the website of the Agency in accordance with Article 6(6) of Commission Regulation (EC) No 771/2008 laying down the rules of organisation and procedure of the Board of Appeal of the European Chemicals Agency (OJ L 206, 2.8.2008, p. 5, as amended by Commission Implementing Regulation (EU) 2016/823, OJ L 137, 26.5.2016, p. 4; hereinafter the 'Rules of Procedure').
3. On 6 February 2017, the REACH Competent Authority of the United Kingdom, the Health and Safety Executive, applied for leave to intervene in these proceedings in support of the Agency.
4. On 16 and 22 February 2017 respectively, the Agency and the Appellant submitted observations on the application for leave to intervene.
5. Neither the Agency nor the Appellant objects to the application.

Reasons

6. The Board of Appeal observes that the Applicant is the REACH Competent Authority of the Member State whose competent authority carried out the substance evaluation. It follows that, in accordance with the second subparagraph of Article 8(1) of the Rules of Procedure, the Applicant may intervene in this case without establishing an interest in its result.
7. As the application for leave to intervene complies with the remaining requirements of Article 8(1) to (4) of the Rules of Procedure, it must be allowed.

On those grounds,

THE BOARD OF APPEAL

hereby:

- 1. Admits the application to intervene by the REACH Competent Authority of the United Kingdom in Case A-009-2016 in support of the Agency.**
- 2. Instructs the Registrar to arrange for copies of the non-confidential versions of the Notice of Appeal and the Defence to be served on the Intervener.**
- 3. Allows the Intervener a period of one month, following the serving of the Notice of Appeal and the Defence, to lodge a statement in intervention.**
- 4. Other procedural documents lodged in the present case will be served on the Intervener in due course.**

Mercedes ORTUÑO
Chairman of the Board of Appeal

Marc GOODACRE
on behalf of Alen MOČILNIKAR
Registrar of the Board of Appeal