

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

6 March 2024

Application to intervene

(Evaluating Member State competent authority)

Case number	A-012-2023
Language of the case	English
Appellant	DSM Nutritional Products GmbH, Germany Represented by Ruxandra Cana, Zanda Romata and Roman Spangenberg Steptoe LLP, Belgium
Contested Decision	Decision of 10 August 2023 on the substance evaluation of 1-[4-(1,1-dimethylethyl)phenyl]-3-(4-methoxyphenyl)propane-1,3-dione ¹ , adopted by the European Chemicals Agency pursuant to Article 46 of the REACH Regulation ² The Contested Decision was notified to the Appellant under annotation number SEV-D-2114649046-48-01/F
Applicant	Bundesanstalt für Arbeitsschutz und Arbeitsmedizin ('BAuA', <i>Federal Institute for Occupational Safety and Health</i>), Germany

THE BOARD OF APPEAL

composed of Antoine Buchet (Chairman and Rapporteur), Nikolaos Georgiadis (Technically Qualified Member), and Marijke Schurmans (Legally Qualified Member)

Registrar: Alen Močilnikar

gives the following

¹ EC number 274-581-6; CAS number 70356-09-1.

² 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).

Decision

1. On 9 November 2023, the Appellant filed an appeal against the Contested Decision.
2. On 9 January 2024, an announcement was published on the Agency's website in accordance with Article 6(6) of the Rules of Procedure³.
3. On 17 January 2024, the German Federal Institute for Occupational Safety and Health applied for leave to intervene in these proceedings in support of the Agency.
4. On 12 February 2024, the Appellant informed the Board of Appeal that it did not have any comments on the application to intervene.
5. On 13 February 2024, the Agency requested the Board of Appeal to grant the application to intervene.
6. In accordance with the second subparagraph of Article 8(1) of the Rules of Procedure, the Member State whose competent authority carried out the substance evaluation may intervene without having to establish an interest in the result of the case.
7. The German Federal Institute for Occupational Safety and Health carried out the substance evaluation in the present case.
8. As the application to intervene also complies with the requirements of Article 8(2) 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 German Federal Institute for Occupational Safety and Health in Case A-012-2023 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. The Chairman of the Board of Appeal will prescribe a period within which the German Federal Institute for Occupational Safety and Health may submit a statement in intervention.**

Antoine BUCHET
Chairman of the Board of Appeal

Alen MOČILNIKAR
Registrar of the Board of Appeal

³ 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).