

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

10 December 2020

Application to intervene

(Evaluating member state competent authority)

Case number	A-004-2020
Language of the case	English
Appellant	Tribotecc GmbH, Austria
Representatives	Claudio Mereu and Sandra Sáez Moreno Fieldfisher (Belgium) LLP, Belgium
Contested Decision	Decision of 12 March 2020 on the substance evaluation of antimony sulphide adopted by the European Chemicals Agency (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; the 'REACH Regulation')
Applicant	The Federal Institute for Occupational Safety and Health, Germany

THE BOARD OF APPEAL

composed of Antoine Buchet (Chairman and Rapporteur), Andrew Fasey (Technically Qualified Member) and Ángel M. Moreno (Legally Qualified Member)

Registrar: Alen Močilnikar

gives the following

Decision

1. On 12 June 2020, the Appellant filed an appeal against the Contested Decision.
2. On 24 August 2020, an announcement was published on the Agency's website 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; the 'Rules of Procedure').
3. On 1 September 2020, the German Federal Institute for Occupational Safety and Health applied for leave to intervene in these proceedings in support of the Agency.
4. On 22 and 25 September 2020 respectively, the Appellant and the Agency informed the Board of Appeal that they have no objections to the application to intervene.
5. In accordance with the second subparagraph of Article 8(1) of the Rules of Procedure, the Member State whose competent authority has carried out the substance evaluation may intervene without having to establish an interest in the result of the case.
6. The German Federal Institute for Occupational Safety and Health carried out the substance evaluation in the present case. It follows that the Applicant may intervene in the present appeal.
7. As the application for leave 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

- 1. Admits the application to intervene by the Federal Institute for Occupational Safety and Health in the present appeal 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 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