

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

**8 November 2022**

**Application to intervene**

*(Evaluating member state competent authority)*

<b>Case number</b>	A-008-2022
<b>Language of the case</b>	English
<b>Appellant</b>	Dragon Chemical Europe GmbH, Germany
<b>Representatives</b>	Ruxandra Cana, Eléonore Mullier, and Hannah Widemann Steptoe & Johnson LLP, Belgium
<b>Contested Decision</b>	Decision of 24 May 2022 on the substance evaluation of 5-amino-o-cresol adopted by the European Chemicals Agency pursuant to Article 46 of the REACH Regulation <sup>1</sup>  The Contested Decision was notified to the Appellant under annotation number SEV-D-2114596741-38-01/F
<b>Applicant</b>	The National Institute of Health, Italy

**THE BOARD OF APPEAL**

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

Registrar: Alen Močilnikar

gives the following

---

<sup>1</sup> 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 23 August 2022, the Appellant filed an appeal against the Contested Decision.
2. On 27 September 2022, an announcement was published on the Agency's website in accordance with Article 6(6) of the Rules of Procedure<sup>2</sup>.
3. On 14 October 2022, the Italian National Institute of Health applied for leave to intervene in these proceedings in support of the Agency.
4. On 27 October 2022, the Appellant informed the Board of Appeal that it did not have any comments on the application to intervene.
5. On 28 October 2022, the Agency informed the Board of Appeal that it did not object to 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 Italian National Institute of 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 Italian National Institute of Health in Case A-008-2022 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 Italian National Institute of Health may submit a statement in intervention.**

Antoine BUCHET  
Chairman of the Board of Appeal

Marc Goodacre  
On behalf of the Registrar of the Board of Appeal

---

<sup>2</sup> 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).