

**SUMMARY OF THE DECISION OF 14 DECEMBER 2021 OF THE BOARD OF APPEAL
OF THE EUROPEAN CHEMICALS AGENCY**

Case A-007-2021

*(Substance evaluation – Admissibility – Simulation testing on
ultimate degradation in surface water – ¹⁴C-radiolabelling)*

Background

The appeal concerned a decision of the Agency on the substance evaluation of N-[4-[9,10-dihydro-4-hydroxy-9,10-dioxo-1-anthryl)amino]phenyl] acetamide (EC No 267-636-0, CAS No 67905-17-3; the 'Substance').

The contested decision required the Appellant to submit information on:

- simulation testing on ultimate degradation in surface water (OECD TG 309/EU C.25), or alternatively
- simulation testing in sediment (OECD TG 308/EU C.24).

Both tests required radiolabelling of the molecules of the Substance in order to identify and quantify the transformation and/or degradation products.

The Appellant requested the Board of Appeal to annul the contested decision and confirm that testing should be carried out without radiolabelling.

Main findings of the Board of Appeal

The Board of Appeal declared the appeal admissible, but unfounded.

The Board of Appeal found that the Agency took the Appellant's comments into account in an objective manner and provided reasons as to why it was not persuaded by them.

Furthermore, the Appellant failed to demonstrate that radiolabelling was not necessary. The Appellant did not provide evidence to show that the relevant transformation and/or degradation products can be predicted by reference to similar substances.

NOTE: The Board of Appeal of ECHA is responsible for deciding on appeals lodged against certain ECHA decisions. The ECHA decisions that can be appealed to the Board of Appeal are listed in Article 91(1) of the REACH Regulation and Article 77(1) of the Biocidal Products Regulation. Although the Board of Appeal is part of ECHA, it makes its decisions independently and impartially. Decisions taken by the Board of Appeal may be contested before the General Court of the European Union.

Unofficial document, not binding on the Board of Appeal

*The full text of the decision is available on the Board of Appeal's section of ECHA's website:
<http://echa.europa.eu/about-us/who-we-are/board-of-appeal>*