

**SUMMARY OF THE DECISION OF 7 SEPTEMBER 2021 OF THE BOARD OF APPEAL  
OF THE EUROPEAN CHEMICALS AGENCY**

**Case A-008-2020**

*(Dossier evaluation – Compliance check – Admissibility –  
Weight-of-evidence adaptation – Animal welfare – Duties of the Agency)*

*Factual background*

The appeal concerned a compliance check of the Appellant's registration dossier for the substance disodium 4,4'-bis[(4-anilino-6-morpholino-1,3,5-triazin-2-yl)amino]stilbene-2,2'-disulphonate (EC No 240-245-2, CAS No 16090-02-1; the 'Substance').

The Appellant registered the Substance at the 100 to 1000 tonnes per year tonnage band.

The Contested Decision identified a series of data-gaps in the Appellant's registration dossier under Annexes VII, VII and IX to the REACH Regulation and required the Appellant to submit the relevant information to fill those data-gaps.

The Appellant sought the annulment of the Contested Decision insofar as it required the Appellant to submit information related to the relevant sections of Annexes VIII and IX to the REACH Regulation. The Appellant also requested the Board of Appeal to confirm that no further testing was required for the Substance.

*Main findings of the Board of Appeal*

In its decision of 7 September 2021, the Board of Appeal dismissed the appeal.

The Board of Appeal held that the Appellant was unable to provide any evidence that the Agency had lacked objectivity in assessing Appellant's comments on the draft decision.

The Board of Appeal also rejected the Appellant's argument that the information contained in its registration dossier and in its comments on the draft decision were sufficient to fulfil the information requested by the Contested Decision. The Board of Appeal held that, by confining itself to claiming that its adaptations should have been accepted, without providing any convincing evidence to support its claim, the Appellant failed to show that the Agency had made an error of assessment in the Contested Decision.

**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.

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*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>*