

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

30 June 2021

Application to intervene

(Evaluating Member State competent authority)

Case number	A-002-2021
Language of the case	English
Appellants	LANXESS Deutschland GmbH, Germany Schirm GmbH, Germany
Representatives	Ursula Schliessner and Preslava Dilkova Jones Day, Belgium
Contested Decision	Decision of 26 October 2020 on the substance evaluation of diuron 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)
Applicant	The Finnish Safety and Chemicals Agency (Tukes)

THE BOARD OF APPEAL

composed of Antoine Buchet (Chairman), Nikolaos Georgiadis (Technically Qualified Member and Rapporteur) and Laura De Sanctis (Legally Qualified Member)

Registrar: Alen Močilnikar

gives the following

Decision

1. On 22 January 2021, the Appellants filed an appeal against the Contested Decision.
2. On 25 February 2021, 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 18 March 2021, the Finnish Safety and Chemicals Agency (Tukes) applied for leave to intervene in these proceedings in support of the Agency.
4. On 26 April 2021, the Agency informed the Board of Appeal that it has no objections to the application to intervene. The Appellants did not submit observations on 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 Finnish Safety and Chemicals Agency (Tukes) 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 Finnish Safety and Chemicals Agency (Tukes) 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 the Finnish Safety and Chemicals Agency (Tukes) may submit a statement in intervention.**

Antoine BUCHET
Chairman of the Board of Appeal

Alen MOČILNIKAR
Registrar of the Board of Appeal