

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

**8 June 2018**

**Application to intervene**

*(Evaluating member state competent authority)*

<b>Case numbers</b>	Joined Cases A-003-2018, A-004-2018, and A-005-2018
<b>Language of the case</b>	English
<b>Appellants</b>	BASF SE, Germany (A-003-2018) Kemira Oyj, Finland (A-004-2018) Kemira Oyj, Finland (A-005-2018)
<b>Representatives</b>	Jean-Philippe Montfort and Thomas Delille, Mayer Brown Europe-Brussels LLP, Belgium
<b>Contested Decisions</b>	A-003-2018 against a decision of 21 December 2017 on the substance evaluation of aluminium chloride (notified to the Appellant through the annotation number SEV-D-2114385103-55-01/F); A-004-2018 against a decision of 21 December 2017 on the substance evaluation of aluminium chloride basic (notified to the Appellant through the annotation number SEV-D-2114385031-58-01/F); and A-005-2018 against a decision of 21 December 2017 on the substance evaluation of aluminium sulphate (notified to the Appellant through the annotation number SEV-D-2114385168-39-01/F); all adopted by the European Chemicals Agency (the 'Agency') pursuant to Article 46(1) 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; corrected by OJ L 136, 29.5.2007, p. 3)
<b>Applicant</b>	The French Republic Represented by: The French Ministry for an ecological and solidary transition (MTES), France

**THE BOARD OF APPEAL**

composed of Mercedes Ortuño (Chairman), Andrew Fasey (Technically Qualified Member and Rapporteur) and Sari Haukka (Legally Qualified Member)

Registrar: Alen Močilnikar

gives the following

**Decision**

1. On 16 March 2018, the Appellants filed separate appeals against the Contested Decisions.
2. On 30 April 2018, the Board of Appeal joined Cases A-003-2018, A-004-2018 and A-005-2018 for the purposes of the written procedure, the oral procedure, and the final decision.
3. On 7 May 2018, 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, as amended by Commission Implementing Regulation (EU) 2016/823, OJ L 137, 26.5.2016, p. 4; the 'Rules of Procedure').
4. On 17 May 2018, the French Republic applied for leave to intervene in these proceedings in support of the Agency.
5. On 29 May 2018, the Appellants informed the Board of Appeal that they have no observations on the application to intervene.
6. On 4 June 2018, the Agency informed the Board of Appeal that it did not object to the application to intervene.
7. The competent authority of the French Republic is the evaluating member state competent authority in all three cases. It follows that, in accordance with the second subparagraph of Article 8(1) of the Rules of Procedure, the Applicant may intervene in the present appeal (the three joined cases) without establishing an interest in its result.
8. 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 French Republic in the present appeal (the joined Cases A-003-2018, A-004-2018 and A-005-2018) in support of the Agency.**
- 2. Instructs the Registrar to arrange for copies of the non-confidential versions of the Notices of Appeal and the Defence to be served on the Intervener.**
- 3. Allows the Intervener a period of one month, following the serving of the Notices of Appeal and the Defence, to lodge a statement in intervention.**
- 4. Other procedural documents lodged in the present case will be served on the Intervener in due course.**

Mercedes ORTUÑO  
Chairman of the Board of Appeal

Alen MOČILNIKAR  
Registrar of the Board of Appeal