

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

27 September 2019

Application to intervene

(Interest in the result of a case)

Case number	A-005-2019
Language of the case	English
Appellants	Codyeco S.p.A., Italy Colorex S.r.l., Italy Colortex S.p.A., Italy Farbotex Fast Solutions S.p.A., Italy Gammacolor S.r.l., Italy H.B. S.r.l., Italy Neocolor S.r.l., Italy Ve.Co.Tex. S.r.l., Italy Triade BV, the Netherlands; represented by Centro REACH S.r.l
Representative	Claudio Mereu, Fieldfisher LLP, Belgium
Contested Decision	DSH-30-3-D-0213-2018 of 18 December 2018, adopted by the European Chemicals Agency pursuant to Article 30(3) 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; the 'REACH Regulation') and Article 5 of Commission Implementing Regulation (EU) 2016/9 on joint submission of data and data sharing in accordance with the REACH Regulation (OJ L 3, 6.1.2016, p. 41).
Applicant	REACH & Colours Kft, Hungary
Representatives	Ruxandra Cana, Eléonore Mullier and Hannah Widemann Steptoe & Johnson LLP, Belgium

THE BOARD OF APPEAL

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

Registrar: Alen Močilnikar

gives the following

Decision

Summary of the facts

1. On 15 March 2019, the Appellants filed an appeal against the Contested Decision. The Contested Decision denied the Appellants permission to refer to certain studies on 149 dyes.
2. On 18 June 2019, an announcement of the appeal 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').
3. On 1 July 2019, REACH & Colours Kft applied for leave to intervene in these proceedings in support of the Agency. REACH & Colours Kft is the lead registrant for 87 of the 149 dyes at issue in this case.
4. On 10 and 26 July 2019, the Appellants and the Agency submitted their respective observations on the application for leave to intervene. Neither objected to the application.

Reasons

5. In accordance with Article 8(1) of the Rules of Procedure, any person establishing an interest in the result of a case may intervene in the proceedings before the Board of Appeal.
6. The Contested Decision denies the Appellants permission to refer to certain studies contained in the Applicant's registration dossiers.
7. If the Appellants are successful in their appeal, this case may have the consequence that the Appellants are granted permission to refer to certain studies submitted by the Applicant pursuant to Article 30(3) of the REACH Regulation.
8. The Applicant therefore has an interest in the result of this case.
9. The application also complies with Article 8(2) to (4) of the Rules of Procedure.

On those grounds,

THE BOARD OF APPEAL

hereby:

- 1. Grants REACH & Colours Kft leave to intervene in Case A-005-2019 in support of the Agency.**
- 2. Instructs the Registrar to arrange for copies of non-confidential versions of the Notice of Appeal and the Defence to be served on REACH & Colours Kft.**
- 3. Allows REACH & Colours Kft a period of one month, following service of the Notice of Appeal and the Defence, to lodge a statement in intervention.**

Antoine Buchet
Chairman of the Board of Appeal

Alen Močilnikar
Registrar of the Board of Appeal