

Announcement of appeal¹

Published on	19 May 2021
Case	A-006-2021
Appellant	Zschimmer & Schwarz Italiana SpA, Italy
Appeal received on	13 April 2021
Subject matter	A decision taken by the European Chemicals Agency (the 'Agency') pursuant to Article 40 of the REACH Regulation, in accordance with the procedure laid down in Articles 50 and 51 of the REACH Regulation
Keywords	<i>Testing proposal – Pre-natal developmental toxicity study – Screening study – Withdrawal of appeal</i>
Contested Decision	TPE-D-2114538916-37-01/F of 20 January 2021
Language of the case	English

Background to the appeal

The Appellant's registration dossier for sodium hydrogen N-(1-oxotetradecyl)-L-glutamate (EC number 253-981-4, CAS number 38517-37-2) included a proposal to perform a pre-natal developmental toxicity study (EU B.31./OECD test guideline ('TG') 414), using an analogue substance, instead of a screening study (OECD TG 421/422).

On 20 January 2021, the Agency adopted the Contested Decision rejecting the Appellant's testing proposal.

On 13 April 2021, the Appellant filed an appeal against the Contested Decision. The Appellant requested the Board of Appeal to suspend the Contested Decision until it had updated its registration dossier with additional information to support its adaptation proposals and the Agency had evaluated those proposals.

The Appellant supported its appeal with pleas in law related to Articles 13 and 25 of the REACH Regulation. The Appellant argued that, under those provisions of the REACH Regulation, registrants are obliged wherever possible to generate information by means other than animal tests and to undertake animal testing only as a last resort.

¹ Announcement published in accordance with Article 6(6) of Regulation (EC) No 771/2008 laying down the rules of organisation and procedure of the Board of Appeal of the European Chemicals Agency as amended by Commission Implementing Regulation (EU) 2016/823.

Other information

On 5 May 2021, the Appellant withdrew the appeal. The case was therefore closed by the Chairman of the Board of Appeal on 19 May 2021 in accordance with Article 1b of Regulation (EC) No 771/2008.

Further information

The rules for the appeal procedure and other background information are available on the 'Appeals' section of the Agency's website:

<http://echa.europa.eu/web/guest/regulations/appeals>