

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

**7 December 2021**

**Application to intervene**

*(Evaluating member state competent authority)*

<b>Case number</b>	A-009-2021
<b>Language of the case</b>	English
<b>Appellant</b>	SCAS Europe S.A./N.V., Belgium
<b>Representatives</b>	Ruxandra Cana, Eléonore Mullier and Lukasz Gorywoda, Steptoe & Johnson LLP, Belgium
<b>Contested Decision</b>	Decision of 12 March 2021 on the substance evaluation of resorcinol 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; the 'REACH Regulation')
<b>Applicant</b>	Agence nationale de sécurité sanitaire de l'alimentation, de l'environnement et du travail (ANSES), France

**THE BOARD OF APPEAL**

composed of Antoine Buchet (Chairman), Nikolaos Georgiadis (Technically Qualified Member and Rapporteur) and Marijke Schurmans (Legally Qualified Member)

Registrar: Alen Močilnikar

gives the following

### Decision

1. On 11 June 2021, the Appellant filed an appeal against the Contested Decision.
2. On 1 September 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 21 September 2021, the French Agence nationale de sécurité sanitaire de l'alimentation, de l'environnement et du travail (ANSES) applied for leave to intervene in these proceedings in support of the Agency.
4. On 8 and 19 October 2021 respectively, the Agency and the Appellant informed the Board of Appeal that they have no objections to 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 competent authority of France 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 French Agence nationale de sécurité sanitaire de l'alimentation, de l'environnement et du travail (ANSES) 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 French Agence nationale de sécurité sanitaire de l'alimentation, de l'environnement et du travail (ANSES) may submit a statement in intervention.**

Antoine BUCHET  
Chairman of the Board of Appeal

Alen MOČILNIKAR  
Registrar of the Board of Appeal