

## Announcement of appeal<sup>1</sup>

<b>Published on</b>	17 January 2023
<b>Case</b>	A-012-2022
<b>Appellant</b>	International Flavors & Fragrances I.F.F. (Nederland) B.V., The Netherlands
<b>Appeal received on</b>	19 December 2022
<b>Subject matter</b>	A document entitled 'Assessment of regulatory needs, group name: Aralkylaldehydes' <sup>2</sup> , published by the European Chemicals Agency ('the Agency') on 21 September 2022
<b>Keywords</b>	<i>Admissibility – Competence of the Board of Appeal – 'Assessment of regulatory needs'</i>
<b>Contested Act</b>	Document entitled 'Assessment of regulatory needs, group name: Aralkylaldehydes', published by the Agency on 21 September 2022
<b>Language of the case</b>	English

## Background and remedies sought by the Appellant

On 21 September 2022, the Agency published on its website a document, dated 19 September 2022, entitled 'Assessment of regulatory needs, group name: Aralkylaldehydes' (the 'contested ARN'). The contested ARN identifies future regulatory risk management measures and intermediate steps needed for those measures in order to address identified concerns for a group of aralkylaldehydes.

The Appellant, which is one of the registrants of the substance 3-(p-cumenyl) propionaldehyde<sup>3</sup> covered by the contested ARN, requests the Board of Appeal to:

- annul the contested ARN;
- order the Agency to refrain from initiating or further developing any other ARN(s) without respecting the applicable procedures as well as the associated procedural rights of registrants and, when it seeks to rely on grouping and read-across, to rely on clear, foreseeable and sound criteria; and
- refund the appeal fee.

<sup>1</sup> Announcement published 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).

<sup>2</sup> Available at <https://echa.europa.eu/documents/10162/778e0bee-4e9e-a968-5ed8-83758ac7c5af> (last accessed on 17 January 2023).

<sup>3</sup> EC No 231-885-3; CAS No 7775-00-0.

### **Pleas in law and main arguments**

The Appellant argues that the contested ARN should have been adopted under Article 51 of the REACH Regulation<sup>4</sup>. According to the Appellant, the Agency violated the procedural requirements and safeguards set out in that article.

### **Outcome**

By decision of 17 January 2023, the Chairman of the Board of Appeal dismissed the appeal as inadmissible. The Board of Appeal is not competent to decide on the appeal as it was not brought against a decision formally adopted on the basis of one of the provisions referred to in Article 91(1).

### **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>

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<sup>4</sup> 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). All references to Articles hereafter concern the REACH Regulation unless stated otherwise.