



C/2026/107

5.1.2026

**Judgment of the General Court of 19 November 2025 – Nouryon Functional Chemicals and Others v
ECHA**

(Case T-1122/23) ⁽¹⁾

**(REACH – Substance di-tert-butyl 1,1,4,4-tetramethyltetramethylene diperoxide – Compliance check of
registrations – Request for additional toxicity studies – Article 41 of Regulation (EC) No 1907/2006 –
Manifest error of assessment – Error of fact – Proportionality – Decision of the Board of Appeal of ECHA –
Admissibility of the arguments directed against the decision of ECHA)**

(C/2026/107)

Language of the case: English

Parties

Applicants: Nouryon Functional Chemicals BV (Amsterdam, Netherlands), Arkema GmbH (Düsseldorf, Germany), Pergan Hilfsstoffe für industrielle Prozesse GmbH (Bocholt, Germany), United Initiators GmbH (Pullach im Isartal, Germany), (represented by: R. Cana and Z. Romata, lawyers)

Defendant: European Chemicals Agency (represented by: T. Basmatzi, F. Becker and L. Bolzonello, acting as Agents)

Re:

By their action under Article 263 TFEU, the applicants seek the annulment of Decision A-009-2022 of the Board of Appeal of the European Chemicals Agency (ECHA) of 19 September 2023, by which the Board of Appeal dismissed in part their appeal brought against the decision of ECHA of 8 June 2022 on the compliance check of the registration dossier for the substance di-tert-butyl 1,1,4,4-tetramethyltetramethylene diperoxide adopted under Article 41 of Regulation (EC) No 1907/2006 of the European Parliament and of the Council of 18 December 2006 concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH), establishing a European Chemicals Agency, amending Directive 1999/45/EC and repealing Council Regulation (EEC) No 793/93 and Commission Regulation (EC) No 1488/94 as well as Council Directive 76/769/EEC and Commission Directives 91/155/EEC, 93/67/EEC, 93/105/EC and 2000/21/EC (OJ 2006 L 396, p. 1, and corrigendum OJ 2007 L 136, p. 3).

Operative part of the judgment

The Court:

1. Annuls Decision A-009-2022 of the Board of Appeal of the European Chemicals Agency (ECHA) of 19 September 2023 in so far as that decision requires that the extended one-generation reproductive toxicity study on which Nouryon Functional Chemicals BV, Arkema GmbH, Pergan Hilfsstoffe für industrielle Prozesse GmbH and United Initiators GmbH must submit information is to include additional cohorts 2A and 2B (developmental neurotoxicity);
2. Dismisses the action as to the remainder;
3. Orders ECHA, Nouryon Functional Chemicals, Arkema, Pergan Hilfsstoffe für industrielle Prozesse and United Initiators each to bear their own costs.

⁽¹⁾ OJ C, C/2024/770, 22.1.2024.