

Judgment of the General Court of 20 September 2019 — BASF Grenzach v ECHA(Case T-125/17) ⁽¹⁾

(REACH — Evaluation of substances — Triclosan — ECHA decision requesting further information — Article 51(6) of Regulation (EC) No 1907/2006 — Action brought before the Board of Appeal — Task of the Board of Appeal — Adversarial nature of the procedure — Scope of the review — Intensity of the review — Powers of the Board of Appeal — Article 93(3) of Regulation No 1907/2006 — First sentence of Article 47(1) of Regulation No 1907/2006 — Relevant information — Proportionality — Article 25 of Regulation No 1907/2006 — Annex XIII to Regulation No 1907/2006 — Data obtained under relevant circumstances — Persistence — Neurotoxicity — Reproductive toxicity — Article 12(1) of Regulation (EC) No 771/2008 — Delay in the submission of a scientific opinion)

(2019/C 406/27)

Language of the case: English

Parties

Applicant: BASF Grenzach GmbH (Grenzach-Wyhlen, Germany) (represented: initially by K. Nordlander and M. Abenhaïm, lawyers, and subsequently by K. Nordlander and K. Le Croy, Solicitor)

Defendant: European Chemicals Agency (ECHA) (represented: initially by M. Heikkilä, W. Broere and T. Röcke, and subsequently by M. Heikkilä, W. Broere and C. Jacquet, Agents)

Interveners in support of the defendant: Kingdom of Denmark (represented: initially by C. Thorning and M. Wolff, and subsequently by M. Wolff, J. Nymann-Lindegren and P. Ngo, Agents), Federal Republic of Germany (represented: initially by T. Henze and D. Klebs, and subsequently by D. Klebs, Agents), Kingdom of the Netherlands (represented by: M. Bulterman and C. Schillemans, Agents)

Re:

Action under Article 263 TFEU for the partial annulment of Decision A-018-2014 of the Board of Appeal of the ECHA of 19 December 2016 in so far as it partially dismissed the applicant's appeal against the ECHA decision of 19 September 2014 to request further information about the substance Triclosan (CAS 3380-34-5) and in which it fixed the deadline for presenting that information as 26 December 2018.

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders BASF Grenzach GmbH to bear its own costs, as well as the costs incurred by the European Chemicals Agency (ECHA), including those incurred in the proceedings for interim measures;
3. Orders the Kingdom of Denmark, the Federal Republic of Germany and the Kingdom of the Netherlands to bear their own costs.

⁽¹⁾ OJ C 112, 10.4.2017.