

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

8 January 2014

(Withdrawal of appeal by appellant)

Case number	A-006-2013
Language of the case	English
Appellant	Hermann Trollius GmbH Germany
Representative	Martin Ahlhaus Noerr LLP Munich Germany
Contested Decision	SME (2013) 0191 of 31 January 2013 adopted by the European Chemicals Agency (the 'Agency') pursuant to Commission Regulation (EC) No 340/2008 on the fees and charges payable to the European Chemicals Agency pursuant to Regulation (EC) No 1907/2006 of the European Parliament and of the Council on the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH), (OJ L 107, 17.4.2008, p. 6, as amended by Commission Implementing Regulation (EU) No 254/2013, OJ L 79, 21.3.2013, p. 7; hereinafter the 'Fee Regulation') and Decision MB/D/29/2010 of the Agency's Management Board of 12 November 2010

THE BOARD OF APPEAL

composed of Mercedes ORTUÑO (Chairman and Rapporteur), Andrew FASEY (Technically Qualified Member) and Barry DOHERTY (Legally Qualified Member)

Registrar: Sari HAUKKA

gives the following

Decision

1. On 15 August 2013, the Appellant filed an appeal at the Registry of the Board of Appeal against the Contested Decision. In the Contested Decision the Agency concluded that the Appellant was ineligible for the reduced registration fees available to small and medium size enterprises. The Contested Decision stated further that the Agency will issue an invoice for the additional amount up to the full fee for a large enterprise, as well as an invoice for an administrative charge. The Contested Decision also informed the Appellant that failure to pay the balance to the correct registration fee would result in the rejection and revocation of the Appellant's registrations.
2. On 21 October 2013, the Agency informed the Board of Appeal that it had opened discussions with the Appellant with a view to the possible settlement of the present case and requested the Board of Appeal to stay the proceedings. On 11 November 2013, the Board of Appeal decided to stay the present appeal proceedings.
3. On 23 December 2013, the Appellant informed the Board of Appeal that, since a settlement agreement had been reached with the Agency, the Appellant was withdrawing its appeal.
4. In view of the Appellant's decision to withdraw the appeal, the present appeal case should be closed.
5. Pursuant to Article 10(4) of the Fee Regulation a refund of the fee levied for submission of an appeal only occurs if the Executive Director of the Agency rectifies the contested decision or if the appeal is decided in favour of the appellant. Since neither of these alternatives applies in the present case the appeal fee is not refunded.

ORDER

On those grounds,

THE BOARD OF APPEAL

hereby:

Closes appeal case A-006-2013.

Mercedes ORTUÑO
Chairman of the Board of Appeal

Sari HAUKKA
Registrar of the Board of Appeal