

BoA/01/2019
Public

Helsinki, 9 April 2019

**DELEGATION OF CERTAIN TASKS IN CASE OF A VACANT POST OF
THE CHAIRMAN OF THE BOARD OF APPEAL**

(Decision by the Chairman of the Board of Appeal)

<p>Owner: Registrar of the Board of Appeal Activity/Process: Activity 09 Validity: Temporary Revision: N/A Classification: Public</p>	<p>Distribution: Full-time members of the Board of Appeal Members of the Management Board's Working Group for the Board of Appeal Executive Director ECHA website (BoA section)</p>
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AS THE CHAIRMAN OF THE BOARD OF APPEAL OF THE EUROPEAN CHEMICALS AGENCY

Having regard to the power of the Chairman of the Board of Appeal to exercise certain tasks during appeal proceedings in accordance with 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 Chemicals¹ (the 'REACH Regulation'), and Commission Regulation (EC) No 771/2008 of 1 August 2008 laying down the rules of organisation and procedure of the Board of Appeal of the European Chemicals Agency², as amended by Commission Implementing Regulation (EU) 2016/823³ (the 'Rules of Procedure');

Whereas:

- (1) The term of office of the current Chairman expires on 15 April 2019 and the starting date of her replacement is not yet known.
- (2) In the event that the next Chairman does not assume his/her responsibilities immediately after the term of office of the current Chairman has expired, measures should be put in place to facilitate the efficient processing of appeals.
- (3) The measures put in place should allow for the continued processing of appeals by enabling certain procedural steps in appeal proceedings to be carried out before the next Chairman assumes his/her responsibilities or until the designation of an alternate Chairman pursuant to Article 3 of the Rules of Procedure. For these reasons, certain of the Chairman's powers should be delegated to the longest serving member of the Board of Appeal. However, the delegated powers should not include the powers of the Chairman which result in a definitive step in the proceedings, such as decisions closing an appeal case.
- (4) In the event that a procedural step may only be completed by a Chairman, and the power to perform that step has not been delegated to another member of the Board of Appeal, an alternate Chairman may be designated until the next Chairman assumes the functions of the Chairman.
- (5) The other two members of the Board of Appeal have been consulted on this issue. The Management Board Working Group for the Board of Appeal has been informed of this decision.

I HAVE DECIDED THE FOLLOWING:

1. Where the post of Chairman is vacant following the end of the mandate of the current Chairman, the next Chairman has not yet taken over his/her functions, and where an alternate Chairman has not yet been designated in an appeal case, the longer serving

¹ OJ L 396, 30.12.2006, p. 1, as corrected by OJ L 136, 29.5.2007, p. 3.

² OJ L 206, 2.8.2008, p. 5.

³ OJ L 137, 26.5.2016, p. 4.

member of the Board of Appeal shall perform the tasks of the Chairman listed in paragraph 2.

2. The tasks of the Chairman delegated to the longer serving member of the Board of Appeal referred to in paragraph 1 are:
 - replacing any member of the Board of Appeal at the request of that member pursuant to Article 3(2) of the Rules of Procedure,
 - ensuring that any information regarded as confidential is not published in the announcement pursuant to the second subparagraph of Article 6(6) of the Rules of Procedure,
 - extending the time limit for the Agency's defence pursuant to Article 7(2) of the Rules of Procedure,
 - prescribing a period for an intervener to submit a statement in intervention pursuant to Article 8(6) of the Rules of Procedure,
 - prescribing a period for the parties to submit observations on a statement in intervention pursuant to Article 8(6) of the Rules of Procedure, and
 - responding to a consultation request submitted by the Executive Director pursuant to Article 93(1) of the REACH Regulation.
3. Where a task of the Chairman not listed in paragraph 2 needs to be carried out without delay, an alternate Chairman may be temporarily designated to the appeal case in question. The designation shall be until the next Chairman assumes his/her functions.
4. If the longer serving member of the Board of Appeal is absent or prevented from carrying out the procedural tasks mentioned in paragraph 2, those tasks shall be carried out by the other member of the Board of Appeal.

Entry into force

This Decision shall take effect from 16 April 2019 and shall be valid until the next Chairman takes over the tasks as a full time member of the Board of Appeal.

Done in Helsinki, 9 April 2019

Mercedes ORTUÑO

Chairman of the Board of Appeal