

DECISION OF THE BOARD OF APPEAL OF THE EUROPEAN CHEMICALS AGENCY
ON IMPLEMENTING THE RULES ON PUBLICATION
OF AN ANNOUNCEMENT OF THE NOTICE OF APPEAL
ON THE WEBSITE OF THE AGENCY

The Board of Appeal of the European Chemicals Agency (hereinafter the 'Board of Appeal'),

Having regard to 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 Agency¹ (hereinafter the 'Rules of Procedure'), and in particular Article 6(6) thereof,

Whereas:

- (1) In order to ensure transparency about the appeals brought against certain decisions of the European Chemicals Agency (hereinafter the 'Agency'), an announcement regarding a notice of appeal submitted to the Board of Appeal should be published on the website of the Agency.
- (2) In addition, the announcement of an appeal should contain information allowing the intervention procedure pursuant to Article 8 of the Rules of Procedure.
- (3) The announcement should ensure the protection of the commercial interests of a person submitting an appeal while at the same time ensuring that the public interest in disclosure of information on appeals is properly respected.
- (4) The practical details of publication should be adopted in order to ensure the proper conduct of appeal proceedings in compliance with the requirements of both transparency and confidentiality,

HAS ADOPTED THIS DECISION:

Article 1
Subject matter and scope

1. This Decision sets out the practical details concerning the publication of an announcement informing the public that a notice of appeal within the meaning of Article 6 of the Rules of Procedure has been lodged at the Registry of the Board of Appeal (hereinafter the 'announcement').
2. An announcement on each notice of appeal lodged in accordance with Article 91 of Regulation (EC) No 1907/2006² shall be published in a section dedicated to appeals on the website of the Agency.

¹ OJ L 206, 2.8.2008, p. 5.

² 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

Article 2
Information to be included in the announcement

1. The announcement shall contain all the information provided for in the first subparagraph of Article 6(6) of the Rules of Procedure.
2. In addition to the information required by Article 6(6) of the Rules of Procedure, the announcement shall include the following:
 - (a) the date of publication of the announcement on the website of the Agency;
 - (b) the case number of the appeal to which it relates;
 - (c) an indication of the language of the case.
3. Where, on the basis of the appellant's request, the Chairman decided that certain information in the notice of appeal is to be regarded as confidential, such information shall be marked in the announcement as 'confidential'.
4. The Chairman of the Board of Appeal may decide that an announcement shall contain other information relevant to the appeal case in question.

Article 3
Confidentiality

In accordance with the second subparagraph of Article 6(6) of the Rules of Procedure, the announcement shall not contain information which, following the appellant's request, the Chairman of the Board of Appeal has decided is to be regarded as confidential.

Article 4
Time of publication

1. The announcement will be published without delay after the possible confidentiality request related to the content of the announcement has been decided.
2. The announcement is considered to be published when it is made available to the public on the website of the Agency.

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 L 396, 30.12.2006, p. 1, as corrected by OJ L 136, 29.5.2007, p. 3. Regulation as amended by Council Regulation (EC) No 1354/2007 (OJ L 304, 22.11.2007, p. 1).

Article 5
Language of the announcement

The announcement shall be published in the language in which the notice of appeal has been lodged and, if necessary, in English.

Article 6
Entry into force

This decision shall enter into force on the day of its adoption.

Done at Helsinki, 30 September 2009

Mercedes ORTUÑO
Chairman of the Board of
Appeal

Mia PAKARINEN
Member of the Board of
Appeal

Henricus SPAAS
Member of the Board of
Appeal