

## Announcement of appeal<sup>1</sup>

<b>Case</b>	A-024-2015
<b>Appellant</b>	Elkem AS, Norway
<b>Appeal received on</b>	15 December 2015
<b>Subject matter</b>	A decision adopted by the European Chemicals Agency (the 'Agency') pursuant to Article 20 of the REACH Regulation
<b>Keywords</b>	<i>Registration – Individual submission of a registration dossier – Complaint of a lead registrant for a joint submission – Principle of 'one substance, one registration'</i>
<b>Contested Decision</b>	SUB-D-2114302856-49-01/F
<b>Language of the case</b>	English

### Remedy sought by the appellant

The Appellant requests the Board of Appeal to:

- annul the Contested Decision in its entirety,
- remit the case to the competent body of the Agency for an adequate implementation of Article 11 of the REACH Regulation against all registration dossiers for the substance, and
- order the refund of the appeal fee.

### Pleas in law and main arguments

The Appellant claims that the Contested Decision granted a registrant a registration number for its individual submission of a registration dossier despite the fact that there was already a joint submission for the same substance ('Fumes, silica', hereinafter the 'Substance'). The Appellant, who is the lead registrant for the Substance, challenges that decision before the Board of Appeal.

The Appellant raises a single plea in law, claiming that the Contested Decision breaches Articles 20(2) and 11 of the REACH Regulation. It argues that Article 11(1) of the REACH Regulation obliges all registrants to submit certain information jointly in the context of a joint registration (the principle of 'one substance, one registration'). An individual registrant may 'opt out' from the joint submission only with regard to certain information and only for the reasons listed in

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<sup>1</sup> Announcement published in accordance with Article 6(6) of Regulation (EC) No 771/2008 laying down the rules of organisation and procedure of the Board of Appeal of the European Chemicals Agency.

Article 11(3) of the REACH Regulation, for instance if it would be disproportionately costly for it to submit the information jointly.

The Appellant further argues that the Agency is under an obligation to ensure the effective implementation of the principle of 'one substance, one registration'. In particular, it alleges that the Agency should verify the compliance of individual submissions with the requirements of Article 11 of the REACH Regulation as part of the technical completeness check conducted under Article 20(2) of that Regulation.

The Appellant consequently claims that the Agency should have rejected the individual separate submission by an individual registrant, submitted after the joint registration for the Substance.

### **Further information**

The rules for the appeal procedure and other background information are available on the 'Appeals' section of the Agency's website:

<http://echa.europa.eu/web/guest/regulations/appeals>