



**Helsinki, 16 December 2010**

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**Informative update from the Chairman of the Board of Appeal**

**(Document submitted to the Management Board)**

## Informative update on the Board of Appeal

Agenda point 13

*20<sup>th</sup> Management Board meeting  
16-17 December 2010, Helsinki*

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### Outline of the Presentation

- Introduction
- The work of the BoA since its full constitution
- Building up the framework for working together with the Alternate and Additional Members
- Networking with other European Boards
- Communication with Stakeholders
- Some Personal Reflections

## Introduction

- MB/BoA interact regularly via the Working Group for the Board of Appeal (consultations, regular information, annual progress report, appraisal etc)
- Interventions of BoA at MB meetings: June 2009 (readiness of the BoA); June 2010 (Code of Conduct)
- Need to update some information about BoA
- Need to share directly some reflections on appeal related matters with the MB

## The Work of the BoA since its full Constitution

- **The first Appeal:**
  - The case: Rejection of registration based on incomplete dossier considerations. The Chairman decided on confidentiality issues admitting partially the appellant's request.
  - Appealed decision rectified by ED ⇒ registration was admitted
  - Elements to reflect:
    - ✓ Consultation of ED was an effective tool for prompt rectification
    - ✓ Need for careful examination of confidentiality issues
    - ✓ Registry interacted smoothly with the parties
    - ✓ BoA is not aware that similar rejections occurred after this case

## The Work of the BoA since its full Constitution

- Generic (or implementing ) decisions of the BoA:
  - Practice Directions to the parties (information available online in 22 languages)
  - Announcement of Appeal
  - Cost and payments for taking evidence
  - Code of Conduct
  - Designation of Alternate and Additional Members (AAM)
  - Instructions to the Registrar
  - AAM framework

## The Work of the BoA since its full Constitution

- Ongoing projects:
  - Structural developments to deal with larger portfolio of cases (Detailed implementation of the decision making process; templates; Knowledge Management)
  - Regular updating on REACH developments (ECHA training sessions, involvement in Committees and Forum)

## Building up the framework for working together with the Alternate and Additional Members

- Regular communication and meetings
- Implementation of the Code of Conduct (new declarations received)
- Exchange of information and cooperation via CIRCA: New BoA Interest Group
- Recent changes in the team

## Networking with other European Boards

- Office for Harmonization of the Internal Market (OHIM) BoA (Seminar together and access to its databases)
- European Patents Office (EPO) cooperation in order to receive ideas for our Code of Conduct and to adopt criteria for the designation of AAMs.
- Contacts also with EMA (legal unit) and CPVO Board of Appeal

## Communication with Stakeholders

- Information online
- Participation in conferences organized by stakeholders;
- Planned participation at the next ECHA S-Day
- Registry advice to the public
- The BoA and the media

## Some Personal Reflections

- After two years of REACH life, less appeals than initially estimated
- Some initiatives of ECHA could diminish the risk of disputes:
  - Improvement of TCC tool
  - Practical guidance and help from ECHA (webinars)
  - DCG

## Some Personal Reflections

- **Persistent challenges to bear in mind :**
  - Disputes on data sharing (new deadline will affect more SMEs with specific problems associated with greater information gaps)
- **New challenges**
  - Rising number of decisions on evaluation of dossiers and substances. Scientific complexity of possible appeal cases
  - Future regulation on Biocides which confers new competences on BoA
  - Reinforce efforts to provide a better understanding of the appeal system

## Some Personal Reflections

- **New challenges**
  - Ability to adapt our structure to the needs of the workload
  - Reinforce efforts to provide a better understanding on the appeal system
- **The role of the BoA**

**Thank you!**

