

Helsinki, 12 November 2010
MB/D/29/2010 final

**DECISION ON THE CLASSIFICATION OF SERVICES
FOR WHICH CHARGES ARE LEVIED**

(Decision of the Management Board)

DECISION ON THE CLASSIFICATION OF SERVICES FOR WHICH CHARGES ARE LEVIED

THE MANAGEMENT BOARD OF THE EUROPEAN CHEMICALS AGENCY

Having regard to 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 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, and in particular Article 74(5) thereof,

Having regard to Commission Regulation (EC) No 340/2008 of 16 April 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), and in particular Recital 11, Articles 11, 13(4) and 22(1) thereof,

Whereas

1. The European Chemicals Agency (hereinafter referred to as “the Agency”) may collect charges for other services than those listed in Article 74 of Regulation (EC) No 1907/2006.
2. According to Article 11 of Regulation (EC) No 340/2008 it is for the Management Board, following a favourable opinion from the Commission, to adopt a classification of such services and charges.
3. Where a natural or legal person claims to be entitled to a reduction or a fee waiver pursuant to Regulation (EC) No 1907/2006 but cannot demonstrate that it is entitled to such a reduction or waiver, the Agency should levy an administrative charge on top of the fee or charge defined in Regulation (EC) No 340/2008.
4. Where a natural or legal person that has claimed to be entitled to a reduction has already paid a reduced fee or charge pursuant to Regulation (EC) No 1907/2006, but cannot demonstrate that it is entitled to such a reduction, the Agency should levy an administrative charge on top of the fee or charge defined in Regulation (EC) No 340/2008.
5. Differentiated administrative charge should apply to small and medium sized enterprises (SMEs) within the meaning of Commission Recommendation 2003/361/EC of 6 May 2003 concerning the definition of micro, small and medium-sized enterprises.
6. A need has arisen to give service to registrants, authorisation applicants and other parties submitting documents pursuant to Regulation (EC) No 1907/2006 to facilitate their dossier submission. The Agency should levy a charge for such services to cover its costs for these tasks not foreseen in Regulation (EC) No 1907/2006.
7. The level of charges for services provided by the Agency should be fixed to cover the costs of the Agency.

8. The Executive Director should be able to review these charges by reference to the inflation rate as measured by the European Index of Consumer Prices as published by Eurostat pursuant to Regulation (EC) No 2494/95.

Following a favourable opinion from the Commission (C/2010/7295 of 27.10.2010),

HAS DECIDED AS FOLLOWS:

Article 1
Definitions

1. “Service charge” shall mean charges for administrative and technical services which are not listed in Regulation (EC) No 1907/2006 or Regulation (EC) No 340/2008 and which are classified in this decision.
2. “Administrative charge” shall mean charges pursuant to Article 13(4) of Regulation (EC) No 340/2008 which are classified in this decision.

Article 2
Administrative charges

The Agency shall collect an administrative charge pursuant to Article 13(4) of Regulation (EC) No 340/2008 in the following cases:

- Where a natural or legal person that claims to be entitled to a reduction or a fee waiver pursuant to Regulation (EC) No 1907/2006 cannot demonstrate that it is entitled to such a reduction or waiver.
- Where a natural or legal person that has claimed to be entitled to a reduction has already paid a reduced fee or charge pursuant to Regulation (EC) No 1907/2006 and Commission Regulation (EC) No 340/2008, but cannot demonstrate that it is entitled to such a reduction.

Article 3
Service charges

1. Pursuant to Article 11(1) of Commission Regulation (EC) No 340/2008, the Agency shall collect a charge where it, on request by a party submitting a dossier under Regulation (EC) No 1907/2006, provides a service that is not foreseen in Regulation (EC) No 1907/2006 and that facilitates the submission of the dossier.
2. When a service referred to in paragraph 1 is requested, the Agency shall establish and communicate to the requester the maximum amount that will be invoiced. The Agency may undertake the requested service upon acceptance of this maximum amount.

Article 4
Scale of charges

1. Table 1 of the Annex to this Decision sets out the classification scale of administrative charges referred to in Article 2. Where the company concerned is a small or medium-sized, the Agency shall levy a reduced fee, as set out in Table 1. In case the Agency receives upon its request no relevant evidence from the company on its size, the scale of this charge may, however, be set at the level of a large company.
2. Table 2 of the Annex to this Decision sets out the classification scale of service charges referred to in Article 3. The charge shall be calculated on the basis of the daily rate of the Agency minimum being 0,5 day's work.
3. The scale of charges may be updated by a decision of the Executive Director of the Agency, using as reference rate the inflation rate as measured by the European Index of Consumer Prices as published by Eurostat pursuant to Regulation (EC) No 2494/95.

Article 5
Entry into force

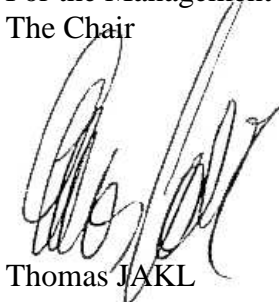
This Decision shall enter into force on the day of its adoption.

Article 6
Publication

This Decision shall be published on the Agency's website.

Done on 12 November 2010.

For the Management Board
The Chair



Thomas JAKL

(electronic signature)

Scale of charges*Table 1***Administrative charges referred to in Article 2**

Size of company	Administrative charge (EUR)
Large (non-SME)	20 700
Medium	14 500
Small	8 300
Micro	2 070

*Table 2***Service charges referred to in Article 3**

The daily rate to be used for calculating service charges shall be EUR 890.
