

**DECISION AMENDING DECISION MB/D/29/2010
ON THE CLASSIFICATION OF SERVICES
FOR WHICH CHARGES ARE LEVIED**

(Decision of the Management Board)

**DECISION AMENDING DECISION MB/D/29/2010
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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 and Articles 11 and 13 thereof,

Whereas

1. The Management Board of ECHA adopted decision MB/D/29/2010 of 12 November 2010 on the classification for which charges are levied, which, in particular, sets out the scale of the administrative charges in its Article 4 and Table 1 of the Annex to that decision;
2. Companies should be encouraged to rectify wrong declarations of their size category to decrease the workload of the Agency. Therefore companies which correctly rectify their company size without undue delay after being contacted by ECHA should under certain conditions be granted a reduction of 50 per cent of the administrative charge.

Following a favourable opinion from the Commission on 4 February 2013,

HAS DECIDED AS FOLLOWS:

Article 1

Decision of the Management Board MB/D/29/2010 of 12 November 2010 on the classification for which charges are levied is amended as follows:

- The following sentences are added to the sentence in Recital 5:

"Companies should be encouraged to rectify wrong declarations of their size category to decrease the workload of the Agency. Therefore companies which correctly rectify their company size by a set deadline after being contacted by ECHA should under certain conditions be granted a reduction of 50 per cent of the administrative charge."

- The following paragraph is added after the third paragraph in Article 4:

4. For companies that have wrongly declared their size category, the administrative charge shall be reduced by 50 per cent under the following conditions:

- a) the company concerned communicates the correct size category applicable to the Agency by a set deadline to demonstrate the entitlement to the fee reduction; and
 - b) where the company concerned still claims to be entitled to a fee reduction for SMEs, it provides ECHA by the deadline with the relevant documentation that allows ECHA to confirm the SME category claimed.
- The scale of charges as contained in the first table of the annex to the Decision is revised as follows:

Scale of charges

Table 1
Administrative charges referred to in Article 2

Size of company	Administrative charge (EUR)
Large (non-SME)	19,900
Medium	13,900
Small	7,960

Article 2

Entry into force

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

Article 3

Publication

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

Done at Helsinki, 12 February 2013

For the Management Board

The Chair

signed

Nina CROMNIER