

**Decision of the Board of Appeal of the European Chemicals Agency
of 30 October 2009**

**Incomplete registration dossier – Rectification by Executive Director –
Discontinuation of proceedings - Refund of appeal fee**

In Case A-001-2009

Appellant: Specialty Chemicals Coordination Center sa/nv,
Rue Emile Vandervelde, 131, 4431 Loncin, Belgium
represented by Ruxandra Cana and Peter Sellar, Field Fisher
Waterhouse LLP, Belgium

The Board of Appeal gives the following

DECISION

1. On 16 September 2009, the appellant lodged an appeal at the Registry of the Board of Appeal against a decision of the European Chemicals Agency (hereinafter the ‘Agency’) of 18 June 2009 rejecting a registration pursuant to Article 20(2) of Regulation (EC) No 1907/2006 (hereinafter the ‘contested decision’).
2. Pursuant to Article 93(1) of Regulation (EC) No 1907/2006, on 14 October 2009 the Executive Director of the Agency decided to rectify the contested decision (hereinafter the ‘rectification’) with the registration being accepted and a registration number assigned.
3. Following the rectification, the appellant was asked to inform the Board of Appeal whether it intends to continue with the appeal case.
4. By telefax received at the Registry of the Board of Appeal on 28 October 2009, the appellant informed the Board of Appeal that it has decided to withdraw the appeal and requested the appeal fee to be refunded.
5. According to Article 10(4) of Regulation (EC) No 340/2008, where the Executive Director of the Agency rectifies a contested decision, the Agency

shall refund the appeal fee levied for a submission of an appeal against that decision.

6. As the contested decision has been rectified, the Agency must be ordered to refund the appellant the amount paid as the appeal fee.
7. The appeal case should therefore be closed and the Agency ordered to refund the appellant the appeal fee.

On those grounds

THE BOARD OF APPEAL

hereby decides:

- 1. Appeal case A-001-2009 is closed.**
- 2. The Agency shall refund the appeal fee to the appellant.**

Mercedes ORTUÑO
Chairman of the Board of
Appeal

Henricus SPAAS
Member of the Board of
Appeal

Mia PAKARINEN
Member of the Board of
Appeal

Sari HAUKKA
Registrar of the Board of
Appeal