

**DECISION OF THE BOARD OF APPEAL
OF THE EUROPEAN CHEMICALS AGENCY**

24 July 2015

(Rectification of contested decision - Withdrawal of appeal by appellant)

Case number	A-017-2015
Language of the case	English
Appellant	Dow Corning Limited, United Kingdom
Representative	Marcus Navin-Jones, Keller and Heckman LLP, Belgium
Contested Decision	CCH-D-2114293447-38-01/F of 18 March 2015 adopted by the European Chemicals Agency pursuant to Article 41(3) of Regulation (EC) No 1907/2006 of the European Parliament and of the Council concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (OJ L 396, 30.12.2006, p. 1; corrected by OJ L 136, 29.5.2007, p. 3; hereinafter the 'REACH Regulation')

THE BOARD OF APPEAL

composed of Mercedes Ortuño (Chairman and Rapporteur), Andrew Fasey (Technically Qualified Member) and Dimitrina Petrova (Legally Qualified Member)

Registrar: Sari Haukka

gives the following

Decision

1. On 12 June 2015, the Appellant filed an appeal at the Registry of the Board of Appeal requesting the Board of Appeal to annul the part of the Contested Decision that requires the Appellant to submit a pre-natal developmental toxicity study in rats or rabbits, oral route. The Contested Decision was adopted by the Agency following a compliance check, under the dossier evaluation procedure, of the Appellant's registration.
2. On 10 July 2015, pursuant to Article 93(1) of the REACH Regulation, the Executive Director of the Agency rectified the Contested Decision by withdrawing it in its entirety. On 13 July 2015, the Appellant was requested to inform the Board of Appeal whether or not it intends to continue with its appeal following the rectification of the Contested Decision.
3. On 23 July 2015, the Appellant informed the Board of Appeal that it had decided to withdraw the appeal.
4. As the Appellant has decided to withdraw the appeal the present case should be closed.
5. Pursuant to Article 10(4) of 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) (OJ L 107, 17.4.2008, p. 6), where the Executive Director of the Agency rectifies a contested decision, the Agency shall refund the appeal fee. Consequently, the Agency should be ordered to refund the appeal fee to the Appellant.

On those grounds,

THE BOARD OF APPEAL

hereby:

- 1. Closes appeal case A-017-2015.**
- 2. Orders the refund of the appeal fee.**

Mercedes ORTUÑO
Chairman of the Board of Appeal

Sari HAUKKA
Registrar of the Board of Appeal