

Announcement of appeal¹

Published on	18 February 2019
Case	A-027-2018
Appellant	Sustainability Support Services (Europe) AB, Lund, Sweden
Appeal received on	21 December 2018
Subject matter	A decision of the Agency in relation to the joint registration of the substance with EC number 230-072-0
Keywords	<i>Registration – Lead registrant – Principle of ‘one substance, one registration’</i>
Contested Decision	Decision of 30 November 2018 in relation to the joint registration of the substance with EC number 230-072-0
Language of the case	English

Background to the dispute and remedy sought

The Appellant registered diisopropyl adipate (EC No 230-072-0) as lead registrant for a ‘*joint submission*’.

Another registrant subsequently registered diisopropyl adipate as lead registrant for a separate ‘*joint submission*’.

On 27 September 2018, the European Chemicals Agency (the ‘Agency’) issued a communication to the members of the substance information exchange forum (‘SIEF’) for diisopropyl adipate. In the communication, the Agency requested the members of the SIEF to inform it of whether the Appellant or the other registrant had registered diisopropyl adipate as lead registrant with their agreement.

By 19 October 2018, five members of the SIEF informed the Agency that they consented to the submission of information on their behalf by the Appellant as lead registrant, whilst eight members of the SIEF stated that they consented to the submission of information on their behalf by the other registrant as lead registrant.

¹ Announcement published in accordance with Article 6(6) of Regulation (EC) No 771/2008 laying down the rules of organisation and procedure of the Board of Appeal of the European Chemicals Agency, as amended by Commission Implementing Regulation (EU) 2016/823.

On 30 November 2018, the Agency adopted the Contested Decision. In essence, the Contested Decision recognised the other registrant as the lead registrant for diisopropyl adipate and instructed the Appellant and the members of the Appellant's '*joint submission*' to become members of the other registrant's '*joint submission*'.

On 21 December 2018, the Appellant filed this appeal. It requested the Board of Appeal to annul the Contested Decision and instruct the other registrant and the members of that registrant's '*joint submission*' to become members of the Appellant's '*joint submission*'.

Pleas in law and main arguments

The Appellant argued, in essence, that the Contested Decision was vitiated by several errors of assessment because the Agency failed to take into account all relevant information and because the Appellant is the only rightful lead registrant for diisopropyl adipate.

The Appellant also claims that the procedure used by the Agency to address the breach of the obligation to submit data jointly lacked transparency.

Other information

The Executive Director rectified the Contested Decision by withdrawing it in its entirety. The Appellant subsequently withdrew the appeal. The case was closed by the Chairman of the Board of Appeal on 15 February 2019.

Further information

The rules for the appeal procedure and other background information are available on the 'Appeals' section of the Agency's website:

<http://echa.europa.eu/web/guest/regulations/appeals>