

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

31 March 2011

*(Rejection of registration – Incomplete registration dossier – Rectification by
Executive Director – Discontinuation of proceedings – Refund of appeal fee)*

Case number	A-002-2011
Language of the case	English
Appellant	Feralco (UK) Ltd Represented by: Andrew Campbell No. 6 Shed Carron Dock Grangemouth FK3 8UB United Kingdom
Contested decision	SUB-D-2114179638-32-01/F of 9 December 2010 adopted by the European Chemicals Agency (hereinafter the 'Agency') pursuant to Article 20 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), Mia PAKARINEN
(Member) and Andrew FASEY (Member)

Registrar: Sari HAUKKA

gives the following

Decision

1. On 11 February 2011, the appellant filed an appeal at the Registry of the Board of Appeal against the contested decision which rejected its registration for a substance on the grounds that it was technically incomplete due to the failure by the appellant to include the estimated production volumes, as specified in section 3.2 of the registration dossier.
2. Pursuant to Article 93(1) of the REACH Regulation, on 11 March 2011, the Executive Director of the Agency decided to rectify the contested decision (hereinafter the 'rectification').
3. Following the rectification, the appellant was asked by letter dated 15 March 2011 to inform the Board of Appeal whether or not it intended to continue with the appeal.
4. By letter received at the Registry of the Board of Appeal on 24 March 2011, the appellant informed the Board of Appeal that it had decided to withdraw the appeal.
5. As the appellant has decided to withdraw the appeal, the case should therefore be closed.
6. Furthermore, 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.

ORDER

On those grounds,

THE BOARD OF APPEAL

hereby:

- 1. Closes appeal case A-002-2011.**
- 2. Orders the refund of the appeal fee.**

Mercedes ORTUÑO
Chairman of the Board of Appeal

Sari HAUKKA
Registrar of the Board of Appeal