

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

1 April 2014

(Withdrawal of appeal by appellant)

Case number	Joined cases A-011-2013 to A-015-2013
Appellant	[CONFIDENTIAL]
Representative	Gerhard Michael HÜLSEN MICHAEL HAUSCHKE SEEWALD Rechtsanwälte Berlin Germany
Contested Decisions	[CONFIDENTIAL]; all Contested Decisions were adopted by the European Chemicals Agency (hereinafter the 'Agency') pursuant to Article 20(2) 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) and Article 3(6) of the Commission Regulation (EC) No 340/2008 on the fees and charges payable to the European Chemicals Agency (OJ L 107, 17.4.2008, p. 6)

THE BOARD OF APPEAL

composed of Mercedes ORTUÑO (Chairman and Rapporteur), Andrew FASEY (Technically Qualified Member) and Barry DOHERTY (Legally Qualified Member)

Registrar: Sari HAUKKA

gives the following

Decision

1. On 9 September 2013, in cases A-011-2013, A-012-2013, A-013-2013, A-014-2013 and A-015-2013, the Appellant filed five appeals at the Registry of the Board of Appeal, against the respective Contested Decisions. The Contested Decisions rejected the Appellant's registrations and revoked and replaced the previous Agency decisions assigning registration numbers to the Appellant. On 10 October 2013, the Board of Appeal decided to join the cases.

2. On 29 October 2013, the Agency informed the Board of Appeal that it had opened discussions with the Appellant with a view to the possible settlement of the present cases and requested the Board of Appeal to stay the proceedings. On 14 November 2013, the Board of Appeal decided to stay the present appeal proceedings until 31 January 2014. On the request from the Agency, the Board of Appeal decided on 14 February 2014 to extend stay of the present proceedings.
3. On 5 February 2014, the Chairman adopted a decision accepting the Appellant's request for confidential treatment of the Appellant's identity and the names of the substances affected by the Contested Decisions.
4. On 11 March 2014, the Appellant informed the Board of Appeal that, that it withdraws its appeals in the joined cases A-011-2013 to A-015-2013.
5. In view of the Appellant's decision to withdraw its appeals, the present appeal proceedings should be closed.
6. Pursuant to Article 10(4) of the Fee Regulation a refund of the fee levied for submission of an appeal only occurs if the Executive Director of the Agency rectifies the contested decision or if the appeal is decided in favour of the appellant. Since neither of these alternatives applies in the present case the appeal fees are not refunded.

ORDER

On those grounds,

THE BOARD OF APPEAL

hereby:

Closes joined cases A-011-2013 to A-015-2013.

Mercedes ORTUÑO
Chairman of the Board of Appeal

Sari HAUKKA
Registrar of the Board of Appeal