

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

29 June 2016

(Withdrawal of appeal by appellant)

Case number	A-012-2014
Language of the case	English
Appellant	Huntsman Holland BV, the Netherlands
Representative	Marcus Navin-Jones Keller and Heckman LLP
Interveners	European Coalition to End Animal Experiments, United Kingdom PETA International Science Consortium Ltd, United Kingdom BASF SE, Germany
Contested Decision	CCH-D-0000004262-82-05/F of 22 August 2014 adopted by the European Chemicals Agency pursuant to Article 41 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 CHAIRMAN OF THE BOARD OF APPEAL

gives the following

Decision

1. On 21 November 2014, the Appellant filed an appeal at the Registry of the Board of Appeal against the Contested Decision. The Contested Decision was adopted on 22 August 2014 following a compliance check under the dossier evaluation procedure of the registration submitted by the Appellant for propylene carbonate. The Appellant requested the Board of Appeal to annul, in particular, the part of the Contested Decision requiring the Appellant to submit information on a pre-natal developmental toxicity study in rabbits, oral route.
2. On 3 June 2016, the Appellant informed the Board of Appeal that a settlement agreement had been reached with the Agency in the present proceedings. The Appellant stated that it was therefore withdrawing its appeal.
3. In accordance with Article 1b of Commission Regulation (EC) No 771/2008 laying down the rules of organisation and procedure of the Board of Appeal of the European Chemicals Agency (OJ L 206, 2.8.2008, p. 5, as amended by Commission Implementing Regulation (EU) 2016/823, OJ L 137, 26.5.2016, p. 4), where an appeal is withdrawn, the Chairman shall close the proceedings.
4. Pursuant to Article 10(4) of Commission Regulation (EC) No 340/2008 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) 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 situations applies in the present case the appeal fee is not refunded.

On those grounds,

THE CHAIRMAN OF THE BOARD OF APPEAL

hereby:

Closes appeal case A-012-2014.

Mercedes ORTUÑO
Chairman of the Board of Appeal

Alen MOČILNIKAR
Registrar of the Board of Appeal