

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

17 September 2015

(Withdrawal of appeal by appellant)

Case number	A-016-2015
Language of the case	English
Appellant	AlzChem AG, Germany
Contested decision	TPE-D-2114296573-38-01/F of 16 March 2015 adopted by the European Chemicals Agency (hereinafter the 'Agency') pursuant to Article 40 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 Rafael López Parada (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 against the Contested Decision which was adopted on 16 March 2015 pursuant to Article 40 of the REACH Regulation and required the Appellant to carry out a pre-natal developmental toxicity study in rats or rabbits through the oral route on a substance for which the Appellant had submitted a registration dossier.
2. On 31 August 2015, the Appellant informed the Board of Appeal that it reached a settlement with the Agency and is therefore withdrawing its appeal.
3. As the Appellant has decided to withdraw the appeal the case should therefore be closed.
4. 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), a refund for 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 apply in the current case the Agency should not be ordered to refund the appeal fee.

On those grounds,

THE BOARD OF APPEAL

hereby:

Closes appeal case A-016-2015.

Mercedes Ortuño
Chairman of the Board of Appeal

Sari Haukka
Registrar of the Board of Appeal