

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

5 December 2013

(Evaluation – Compliance check of a registration dossier – Request to submit further information – Rectification of contested decision – Withdrawal of appeal by appellant – Refund of appeal fee)

Case number	A-018-2013
Language of the case	English
Appellant	BASF SE Germany
Contested decision	CCH-D-0000002536-73-06/F of 26 July 2013 adopted by the European Chemicals Agency (hereinafter the '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 BOARD OF APPEAL

composed of Mercedes ORTUÑO (Chairman), Andrew FASEY (Member and Rapporteur) and Mia PAKARINEN (Member)

Registrar: Sari HAUKKA

gives the following

Decision

1. On 23 October 2013, the Appellant filed an appeal at the Registry of the Board of Appeal against the Contested Decision of 26 July 2013. The Agency adopted the Contested Decision following a compliance check under the dossier evaluation procedure of the Appellant's registration. In the Contested Decision the Agency concluded that the registration did not comply with the certain requirements of the REACH Regulation and requested the Appellant to among others submit, for the registered substance, the information using different test methods.
2. On 29 November 2013, the Agency informed the Board of Appeal that, pursuant to Article 93(1) of the REACH Regulation, the Executive Director rectified the Contested Decision on 28 November 2013.
3. By letter received at the Registry of the Board of Appeal on 3 December 2013, the Appellant informed the Board of Appeal that it had decided to withdraw the appeal and requested the Board of Appeal to close the case and refund the appeal fee.
4. As the Appellant has decided to withdraw the appeal the present case should be closed.
5. Pursuant to Article 10(4) 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), as amended by Commission Implementing Regulation (EU) No 254/2013 (OJ L 79, 21.3.2013), 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 the appeal case A-018-2013.**
- 2. Orders the refund of the appeal fee.**

Mercedes ORTUÑO
Chairman of the Board of Appeal

Sari HAUKKA
Registrar of the Board of Appeal