

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

5 November 2014

(Withdrawal of appeal by appellant)

Case number	A-021-2013
Language of the case	English
Appellant	Zementwerk Hatschek GmbH Austria
Representative	Haslinger / Nagele & Partner Rechtsanwälte GmbH Wien Austria
Contested decision	SUB-D-2114258638-36-01/F of 22 August 2013 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 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; as amended by Commission Implementing Regulation (EU) No 254/2013 (OJ L 79, 21.3.2013, p. 7))

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 20 November 2013, the Appellant filed an appeal at the Registry of the Board of Appeal against the Contested Decision rejecting the Appellant's registration, and revoking and replacing the previous Agency decision assigning registration number to the Appellant.
2. On 4 June 2014, the Parties were notified of the Board of Appeal's decision to close the written procedure. Neither of the Parties requested a hearing.
3. On 7 August 2014, 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 case and asked the Board of Appeal to stay the proceedings. On 1 September 2014, the Board of Appeal decided to stay the present appeal proceedings.
4. Further to the request of the Agency of 24 September 2014, the Board of Appeal decided on 29 September 2014 to prolong the stay of the present proceedings until 31 October 2014.
5. On 3 November 2014, the Appellant informed the Board of Appeal that, since an agreement had been reached with the Agency, the Appellant was withdrawing its appeal.
6. In view of the Appellant's decision to withdraw the appeal, the present appeal case should be closed.
7. 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 fee is not refunded.

ORDER

On those grounds,

THE BOARD OF APPEAL

hereby:

Closes appeal case A-021-2013.

Mercedes ORTUÑO
Chairman of the Board of Appeal

Sari HAUKKA
Registrar of the Board of Appeal