

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

14 November 2016

(Withdrawal of appeal by appellant)

| | |
|-----------------------------|---|
| Case number | A-016-2013 |
| Language of the case | English |
| Appellant | Marchi Industriale S.p.A., Italy |
| Contested Decision | SME (2013) 3747 of 19 September 2013 adopted by the European Chemicals Agency (hereinafter the 'Agency') pursuant to 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, 17.04.2008, p. 6; hereinafter the 'Fee Regulation') and Decision MB/D/29/2010 of the Agency's Management Board of 12 November 2010 |

THE CHAIRMAN OF THE BOARD OF APPEAL

gives the following

Decision

1. On 10 October 2013, the Appellant filed an appeal at the Registry of the Board of Appeal seeking annulment of the Contested Decision on. On 22 November 2013, the Appellant also brought an action for the annulment of the Contested Decision before the General Court (Case T-620/13).
2. On 2 April 2014, after hearing the Parties, the Board of Appeal stayed these appeal proceedings of its own motion in accordance with Article 25 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; hereinafter the 'Rules of Procedure') pending the conclusion of case T-620/13 before the General Court.
3. By judgment of 15 September 2016 in Case T-620/13, *Marchi Industriale v ECHA*, EU:T:2016:479, the General Court dismissed the action for annulment brought by the Appellant as unfounded.
4. By letter received at the Registry of the Board of Appeal on 3 October 2016, the Appellant informed the Board of Appeal that it had decided to withdraw the appeal.
5. In accordance with Article 1b of the Rules of Procedure, as amended by Commission Implementing Regulation (EU) 2016/823 of 25 May 2016 (OJ L 137, 26.5.2016, p. 4), where an appeal is withdrawn, the Chairman shall close the proceedings.
6. Pursuant to Article 10(4) of the Fee Regulation, 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 present case the appeal fee should not be refunded.

On those grounds,

THE CHAIRMAN OF THE BOARD OF APPEAL

hereby:

Closes appeal case A-016-2013.

Mercedes ORTUÑO
Chairman of the Board of Appeal

Alen MOČILNIKAR
Registrar of the Board of Appeal