

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

4 June 2018

(Withdrawal of appeal by appellant)

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| Case number | A-002-2018 |
| Language of the case | English |
| Appellant | The Acta Group EU Ltd, United Kingdom |
| Representatives | Gauthier van Thuyne and Fee Goossens Allen & Overy LLP, Belgium |
| Contested Decision | SUB-D-2114379156-42-01/F of 11 December 2017, adopted by the European Chemicals Agency (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; the 'REACH Regulation') |

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gives the following

Decision

1. On 20 October 2017, the Appellant submitted with the Agency a registration for a substance Lubricating oils (EC No 278-012-2, CAS No 74869-22-0; the 'Substance') which falls within the definition of substances of unknown or variable composition, complex reaction products and biological materials ('UVCB').
2. The Agency performed a completeness check of the Appellant's registration and found the registration to be incomplete. In accordance with the third subparagraph of Article 20(2) of the REACH Regulation, the Agency requested that the Appellant provide further information on the manufacturing process of the Substance.
3. On 31 October 2017, the Appellant re-submitted the registration dossier with further information.
4. On 11 December 2017, the Agency found the further information provided by the Appellant to be insufficient to complete the registration and consequently adopted the Contested Decision, rejecting the Appellant's registration.
5. On 8 March 2018, the Appellant filed this appeal at the Registry of the Board of Appeal, seeking annulment of the Contested Decision.

6. On 25 April 2018, following a request by the Agency, and after hearing the Appellant, the Board of Appeal decided to stay the proceedings pursuant to 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, as amended by Commission Implementing Regulation (EU) 2016/823, OJ L 137, 26.5.2016, p. 4; the 'Rules of Procedure') until 15 May 2018.
7. On 15 May 2018, the Appellant informed the Board of Appeal that after discussions with the Agency during the stay of the proceedings the Appellant had successfully updated its registration and as a result would like to withdraw the appeal.
8. In accordance with Article 1b of the Rules of Procedure, where an appeal is withdrawn, the Chairman closes the proceedings.
9. Moreover, 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) the appeal fee is refunded only if the Executive Director of the Agency rectifies a decision in accordance with Article 93(1), or if the appeal is decided in favour of the appellant. Since neither of these alternatives apply in the present case, the appeal fee is not refunded.

On those grounds,

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hereby:

- 1. Closes appeal case A-002-2018.**
- 2. Decides that the appeal fee shall not be refunded.**

Mercedes ORTUÑO
Chairman of the Board of Appeal

Alen MOČILNIKAR
Registrar of the Board of Appeal