

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

8 January 2014

(Withdrawal of appeal by appellant)

Case number	Joined cases A-007-2013 to A-009-2013
Language of the case	English
Appellant	Hermann Trollius GmbH Germany
Representative	Martin Ahlhaus Noerr LLP Munich Germany
Contested Decisions	Case A-007-2013 against Decision SUB-D-2114248108-51-01/F of 24 May 2013; Case A-008-2013 against Decision SUB-D-2114248236-50-01/F of 29 May 2013; Case A-009-2013 against Decision SUB-D-2114248174-52-02/F notified to the Appellant on 5 June 2013; all Contested Decisions were 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 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, p. 7; hereinafter the 'Fee Regulation')

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 15 August 2013, the Appellant filed appeals at the Registry of the Board of Appeal against the Contested Decisions. The Contested Decisions rejected the Appellant's registrations and revoked and replaced the previous Agency decisions assigning registration numbers to the Appellant.
2. On 21 October 2013, 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 requested the Board of Appeal to stay the proceedings. On 11 November 2013, the Board of Appeal decided to stay the present appeal proceedings.
3. On 23 December 2013, the Appellant informed the Board of Appeal that, since a settlement agreement had been reached with the Agency, the Appellant was withdrawing its appeals.
4. In view of the Appellant's decision to withdraw its appeals, the present appeal proceedings should be closed.
5. 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 fees are not refunded.

ORDER

On those grounds,

THE BOARD OF APPEAL

hereby:

Closes joined cases A-007-2013 to A-009-2013.

Mercedes ORTUÑO
Chairman of the Board of Appeal

Sari HAUKKA
Registrar of the Board of Appeal