

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

**11 July 2014**

*(Rectification of contested decision - Withdrawal of appeal by appellant)*

<b>Case number</b>	A-007-2014
<b>Language of the case</b>	English
<b>Appellant</b>	SA Akzo Nobel Chemicals NV Belgium
<b>Representatives</b>	Glen Rosini Akzo Nobel Functional Chemicals LLC Mons Belgium  Ruxandra Cana & Indiana de Seze Steptoe & Johnson LLP Brussels Belgium
<b>Contested Decision</b>	TPE-D-0000004399-63-02/F of 28 February 2014 adopted by the European Chemicals Agency (hereinafter the 'Agency') pursuant to Article 40 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 and Rapporteur), Andrew FASEY (Technically Qualified Member) and Rafael Antonio LÓPEZ PARADA (Legally Qualified Member)

Registrar: Sari HAUKKA

gives the following

### Decision

1. On 27 May 2014, the Appellant filed an appeal at the Registry of the Board of Appeal requesting the Board of Appeal to annul the Contested Decision in so far as it requested the Appellant to carry out certain tests on the substance concerned following the Agency's examination of several testing proposals under Article 40 of the REACH Regulation.
2. On 25 June 2014, pursuant to Article 93(1) of the REACH Regulation, the Executive Director of the Agency rectified the Contested Decision (hereinafter the 'rectification') by withdrawing it in its entirety.
3. On 26 June 2014, the Appellant was requested to inform the Board of Appeal whether or not it intends to continue with its appeal following the rectification.
4. On 9 July 2014, the Appellant informed the Board of Appeal that it had decided to withdraw the appeal and requested the appeal proceedings to be discontinued.
5. As the Appellant has decided to withdraw the appeal the case should be closed.
6. Pursuant to Article 10(4) of Commission Regulation (EC) No 340/2008 of 16 April 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), 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 to the Appellant.

### ORDER

On those grounds,

THE BOARD OF APPEAL

hereby:

- 1. Closes appeal case A-007-2014.**
- 2. Orders the refund of the appeal fee.**

Mercedes ORTUÑO  
Chairman of the Board of Appeal

Sari HAUUKKA  
Registrar of the Board of Appeal