

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

**22 May 2015**

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

<b>Case number</b>	A-006-2015
<b>Language of the case</b>	English
<b>Appellant</b>	United Initiators GmbH & Co. KG, Germany
<b>Representatives</b>	Ruxandra Cana, Indiana de Seze and Eléonore Mullier Steptoe & Johnson LLP, Belgium
<b>Contested Decision</b>	CCH-D-2114290329-41-01/F of 12 December 2014 adopted by the European Chemicals Agency pursuant to Article 41 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 Dimitrina PETROVA (Legally Qualified Member)

Registrar: Sari HAUKKA

gives the following

### Decision

1. On 11 March 2015, the Appellant filed an appeal at the Registry of the Board of Appeal requesting the Board of Appeal to annul the Contested Decision. The Contested Decision was adopted by the Agency following a compliance check, under the dossier evaluation procedure, of the Appellant's registration. In the Contested Decision the Agency required the Appellant to submit for the registered substance information, using identified studies, on effects on soil micro-organisms and short-term toxicity to plants. The Appellant was also asked to revise the chemical safety assessment as necessary, once the results of these studies were available to it.
2. On 10 April 2015, 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 13 April 2015, 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 24 April 2015, the Appellant informed the Board of Appeal that it had decided to withdraw the appeal.
5. As the Appellant has decided to withdraw the appeal the present 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.

On those grounds,

THE BOARD OF APPEAL

hereby:

- 1. Closes appeal case A-006-2015.**
- 2. Orders the refund of the appeal fee.**

Mercedes ORTUÑO  
Chairman of the Board of Appeal

Sari HAUKKA  
Registrar of the Board of Appeal