

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

15 February 2019

(Rectification of contested decision – Withdrawal of appeal by appellant)

Case number	A-027-2018
Language of the case	English
Appellant	Sustainability Support Services (Europe) AB, Sweden
Contested Decision	Decision of 30 November 2018 in relation to the joint registration of the substance with EC number 230-072-0

THE CHAIRMAN OF THE BOARD OF APPEAL

gives the following

Decision

1. The Appellant registered diisopropyl adipate (EC No 230-072-0) as lead registrant for a '*joint submission*'.
2. Another registrant subsequently registered diisopropyl adipate as lead registrant for a separate '*joint submission*'.
3. On 27 September 2018, the European Chemicals Agency (the 'Agency') issued a communication to the members of the substance information exchange forum ('SIEF') for diisopropyl adipate. In the communication, the Agency requested those members to inform it of whether the Appellant or the other registrant had registered diisopropyl adipate as lead registrant with their agreement.
4. By 19 October 2018, five members of the SIEF informed the Agency that they consented to the submission of information on their behalf by the Appellant as lead registrant, whilst eight members of the SIEF stated that they consented to the submission of information on their behalf by the other registrant as lead registrant.
5. On 30 November 2018, the Agency adopted the Contested Decision. In essence, the Contested Decision recognised the other registrant as the only lead registrant for diisopropyl adipate and instructed the Appellant and the members of the Appellant's '*joint submission*' to become members of the other registrant's '*joint submission*'.

6. On 21 December 2018, the Appellant filed this appeal.
7. On 6 February 2019, the Agency informed the Board of Appeal that the Executive Director of the Agency had rectified the Contested Decision by withdrawing it in its entirety pursuant to Article 93(1) 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; the 'REACH Regulation').
8. The Agency informed the Board of Appeal that the Executive Director had decided to rectify the Contested Decision because the Agency was revisiting its overall approach regarding the verification of compliance with the principle of 'one substance, one registration'.
9. On 14 February 2019, the Appellant withdrew the appeal.
10. Pursuant to Article 1b of the Rules of Procedure, where an appeal is withdrawn the Chairman shall close the proceedings.
11. 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 the REACH Regulation (OJ L 107, 17.4.2008, p. 6), the appeal fee is refunded if the Executive Director of the Agency rectifies a decision in accordance with Article 93(1) of the REACH Regulation.

On those grounds,

THE CHAIRMAN OF THE BOARD OF APPEAL

hereby:

- 1. Closes appeal case A-027-2018.**
- 2. Orders the refund of the appeal fee.**

Mercedes ORTUÑO
Chairman of the Board of Appeal

Alen MOČILNIKAR
Registrar of the Board of Appeal