

Announcement of appeal¹

Case	A-020-2013
Appellant	Ullrich Biodiesel GmbH, Germany
Appeal received on	11 November 2013
Subject matter	A decision taken by the European Chemicals Agency (the 'Agency') pursuant to Article 20(2) of Regulation (EC) No 1907/2006 ('REACH Regulation') and Article 3(6) of Regulation (EC) No 340/2008 ('Fee Regulation')
Keywords	<i>Rejection of registration – Revocation of registration number – Wrongly declared SME status – Failure to pay supplementary registration fee</i>
Contested decision	SUB-D-2114258670-48-01/F
Language of the case	English

Remedy sought by the Appellant

The Appellant applies for *restitutio in integrum*. The Appellant requests the re-instatement of the registration number which was revoked by the Contested Decision and the provision of a new short deadline for the payment of the additional registration fee.

Pleas in law and main arguments

After an SME ('small and medium-sized enterprises') verification, the Agency concluded on 10 May 2013 that the Appellant had declared a wrong company size when submitting a registration. As a result, the Appellant was charged the balance of the fee applicable to the correct enterprise category (hereinafter, the 'supplementary registration fee').

On 25 June 2013, the Agency sent a payment reminder to the Appellant, indicating an extended due date of 26 July 2013 and warning the Appellant about the potential revocation of the registration number if the supplementary registration fee was not paid on time.

On 22 August 2013, since the Appellant had not paid the supplementary registration fee by the deadline set, the Agency adopted the Contested Decision stating that the registration dossier was incomplete due to the non-payment of the registration fee corresponding to the

¹ Announcement published in accordance with Article 6(6) of Regulation (EC) No 771/2008 laying down the rules of organisation and procedure of the Board of Appeal of the European Chemicals Agency.

correct enterprise category. According to the Contested Decision, the Appellant's registration is therefore rejected and the registration number previously issued is revoked.

The Appellant contests the revocation of the registration number.

The Appellant claims that, due to a change in personnel at the company, the Appellant was not able to have access to their REACH-IT account. Consequently, the Agency's correspondence concerning the SME verification was not received by the Appellant on time for the payment of the supplementary registration fee.

In light of the above, the Appellant applies for *restitutio in integrum*. The Appellant requests the re-instatement of the registration number which was revoked by the Contested Decision and the provision of a new short deadline for the payment of the supplementary registration fee.

Further information

The rules for the appeal procedure and other background information are available on the 'Appeals' section of the Agency's website:

<http://echa.europa.eu/web/guest/regulations/appeals>