

**DECISION OF THE CHAIRMAN OF THE BOARD OF APPEAL OF THE  
EUROPEAN CHEMICALS AGENCY SETTING OUT THE RULES FOR THE  
PURPOSE OF EXTENDING TIME LIMITS FOR THE SUBMISSION OF  
DEFENCE**

THE CHAIRMAN OF THE BOARD OF APPEAL OF THE EUROPEAN CHEMICALS AGENCY (hereinafter the 'Board of Appeal'),

Having regard to Commission Regulation (EC) No 771/2008 of 1 August 2008 laying down the rules of organisation and procedure of the Board of Appeal of the European Chemicals Agency<sup>1</sup> (hereinafter the 'Rules of Procedure'), and in particular Article 7(1) thereof,

Having regard to the Decision of the Board of Appeal of the European Chemicals Agency laying down instructions to the Registrar of the Board of Appeal (hereinafter the 'Instructions to the Registrar'), and in particular Article 1(4) thereof,

Whereas:

- (1) The Rules of Procedure empower the Chairman of the Board of Appeal to extend the time limits for the submission of the defence in exceptional circumstances and on a reasoned application by the European Chemicals Agency (hereinafter the 'Agency').
- (2) According to the Instructions to the Registrar, the Chairman of the Board of Appeal may delegate power of signature to the Registrar for the purpose of extending time limits which, pursuant to the Rules of Procedure, fall to the Chairman or the Board of Appeal to prescribe.
- (3) To facilitate the efficient handling of the appeal procedure, and where the Chairman of the Board of Appeal is prevented from acting, the Registrar shall have the power to extend time limits for the submission of the defence.
- (4) To ensure transparency and consistency in the treatment of appeals, it is necessary to provide for detailed rules on the circumstances that would qualify as exceptional for the purpose of extending time limits for the submission of the defence.

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<sup>1</sup> OJ L 206, 2.8.2008, p.5.

HAS ADOPTED THIS DECISION:

*Article 1*

**Power to extend time limits for the submission of the defence**

1. The Chairman of the Board of Appeal has the power to extend time limits for the submission of the defence.
2. Exceptionally, the Registrar shall exercise the power to extend time limits for the submission of the defence where:
  - a) The Chairman of the Board of Appeal is prevented from acting for five full working days after the date of receipt of a reasoned application by the Agency for extension of the time limits for the submission of the defence;
  - b) The Chairman of the Board of Appeal is prevented from acting and the decision to extend the time limits for the submission of the defence needs to be taken without delay to safeguard the procedural rights of the Agency.

*Article 2*

**Exceptional circumstances that may justify the extension of time limits for the submission of the defence**

1. An extension of the time limits for the submission of the defence may be exceptionally granted where unforeseeable events, out of the control of the Agency, make it extraordinarily difficult to submit the defence within the time limits prescribed by the Rules of Procedure.
2. Exceptional circumstances that may justify the extension of time limits for the submission of the defence include:
  - a) unforeseeable lack of resources;
  - b) unforeseeable breakdown of IT services.

*Article 3*

**Entry into force**

This Decision shall enter into force on the day following its adoption.

Done at Helsinki, 7 January 2014

*Signed*

Mercedes ORTUÑO  
Chairman of the Board of  
Appeal