

4 June 2015

**DECISION AMENDING DECISION MB/D/29/2010,
AS AMENDED BY DECISION MB/21/2012,
ON THE CLASSIFICATION OF SERVICES FOR WHICH CHARGES ARE LEVIED**

(Decision of the Management Board)

**DECISION AMENDING DECISION MB/D/29/2010,
AS AMENDED BY DECISION MB/21/2012,
ON THE CLASSIFICATION OF SERVICES FOR WHICH CHARGES ARE LEVIED**

THE MANAGEMENT BOARD OF THE EUROPEAN CHEMICALS AGENCY

Having regard to Regulation (EC) No 1907/2006 of the European Parliament and of the Council of 18 December 2006 concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH), establishing a European Chemicals Agency, amending Directive 1999/45/EC and repealing Council Regulation (EEC) No 793/93 and Commission Regulation (EC) No 1488/94 as well as Council Directive 76/769/EEC and Commission Directives 91/155/EEC, 93/67/EEC, 93/105/EC and 2000/21/EC, and in particular Article 74(5) thereof,

Having regard to 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) (in the following referred to as the "Fee Regulation"), and in particular Recital 11 and Articles 11 and 13 thereof,

Whereas

1. The Management Board of ECHA adopted decision MB/D/29/2010 of 12 November 2010 on the classification for which charges are levied, which, in particular, sets out the scale of administrative charges and the daily rate to be used for calculating service charges in its Article 4 and Tables 1 and 2 of the Annex to that decision.
2. Decision MB/D/29/2010 was amended by decision MB/21/2012 of 12 February 2013 with regard to the scale of the administrative charges. Decision MB/21/2012 also introduced the possibility for companies to be granted a reduction of the applicable administrative charge by fifty per cent, if they declare their accurate size without undue delay after being contacted by ECHA;
3. The imposition by ECHA of an administrative charge contributes to the objective of discouraging the transmission of false information by enterprises;
4. The amount of the administrative charge should be proportionate to the amount of the fees which have been avoided due to the submission of false information. Therefore, the administrative charge shall not be higher than two and a half times the amount of the fee(s) which had been avoided by the false declaration (failure of a natural or legal person to demonstrate that it was entitled to a fee reduction of waiver).
5. In order to reflect the costs for the Agency, it is also necessary to revise the daily rate to be used for calculating service charges referred to in Article 3 of decision MB/D/29/2010.

Following a favourable opinion from the Commission, D(2015)/6181 on 29 May 2015,

HAS DECIDED AS FOLLOWS:

Article 1

Decision of the Management Board MB/D/29/2010 on the classification for which charges are levied, as amended by decision MB/21/2012 of 12 February 2013, is amended as follows:

- The following sentence is added to Recital 7:

"The level of the administrative charge should be proportionate to the amount of the fees which have been avoided by the submission of false information."

Management Board Decision 14/2015
Public (reference document MB/43/2014)

- The following definition is added to Article 1:

“` Financial gain’ shall mean the amount of the fees which have been avoided due to the submission of false information. This is the difference between the total amount of the fees actually paid by the natural or legal person and the total amount of the fees that would have been due if correct information would have been submitted.”

- The scale of the administrative charges as contained in Table 1 of the Annex to decision MB/D/29/2010, as amended by decision MB/21/2012, is revised as follows:

Size of company	Level of the administrative charge (in EUR)
Large	19,900 or 2.5 times the financial gain, whichever is lower
Medium	13,900 or 2.5 times the financial gain, whichever is lower
Small	7,960 or 2.5 times the financial gain, whichever is lower

- The scale of the service charge as contained in Table 2 of the Annex to decision MB/D/29/2010 is revised as follows:

The daily rate to be used for calculating service charges shall be EUR 600.

Article 2
Entry into force

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

Article 3
Publication

This Decision shall be published on the Agency’s website.

Done at Helsinki, 4 June 2015

For the Management Board
The Chair



Nina CROMNIER
(electronically signed)