

Announcement of appeal¹

Case	A-002-2018
Appellant	The Acta Group EU Ltd, United Kingdom
Appeal received on	8 March 2018
Subject matter	A decision adopted by the European Chemicals Agency (the 'Agency') pursuant to Article 20(2) of the REACH Regulation
Keywords	<i>Registration of a substance – Completeness check – UVCB substance – Only representative</i>
Contested Decision	SUB-D-2114379156-42-01/F
Language of the case	English

Remedy sought by the Appellant

The Appellant requested the Board of Appeal to annul the Contested Decision and to refund the registration fee and the appeal fee.

The Appellant also requested the Board of Appeal to order the reimbursement of the costs incurred in bringing this appeal.

Pleas in law and main arguments

The Contested Decision rejected the Appellant's registration for Lubricating oils (EC No 278-012-2, CAS No 74869-22-0; the 'Substance') which falls within the definition of substances of unknown or variable composition, complex reaction products and biological materials ('UVCB'). The Agency found that the Appellant had failed to complete its registration with information on the manufacturing process of the registered substance within the set deadline. As a result, the Contested Decision rejected the registration as incomplete and stated that the registration fee would not be reimbursed.

The Appellant, acting as an only representative, registered the Substance on behalf of a non-EU formulator. The Appellant claimed, amongst other things, that the Contested Decision breached the REACH Regulation and the principles of proportionality and non-discrimination. The Appellant argued that the details of the manufacturing process requested in the Contested Decision, and which the Appellant had failed to provide, were commercially sensitive and were not available to the Appellant and the non-EU formulator it represented.

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, as amended by Commission Implementing Regulation (EU) 2016/823.

Furthermore, the Appellant claimed that it was unreasonable and disproportionate to reject the registration for the lack of such details without any prior warning and without providing the Appellant with the possibility of obtaining the requested information.

Other information

As the Appellant withdrew the Appeal, the case was closed by the Chairman of the Board of Appeal on 4 June 2018.

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>