

## Announcement of appeal<sup>1</sup>

<b>Published on</b>	6 June 2019
<b>Case</b>	A-003-2019
<b>Appellant</b>	Lukoil Lubricants East Europe S.R.L., Ploiesti, Romania
<b>Appeal received on</b>	27 February 2019
<b>Subject matter</b>	A decision taken by the European Chemicals Agency (the 'Agency') pursuant to Articles 22(3) and 20(2) of the REACH Regulation
<b>Keywords</b>	<i>Update of a registration – Completeness check – UVCB substance – Composition of a substance</i>
<b>Contested Decision</b>	SUB-D-2114451710-57-01/F
<b>Language of the case</b>	English

### Background and remedy sought by the Appellant

The Appellant is a registrant of the substance slack wax (petroleum), hydrotreated (EC No 295-523-6, CAS No 92062-09-4; the 'Substance').

On 29 November 2018, the Agency adopted the Contested Decision. The Contested Decision rejects the update of the registration for the Substance submitted by the Appellant.

In the Contested Decision the Agency concluded that the registration update did not meet the requirements of the REACH Regulation. The Appellant had indicated in the registration dossier that the Substance falls within the definition of substances of unknown or variable composition, complex reaction products and biological materials ('UVCB'). However, the Appellant had identified the Substance with only one constituent. For UVCB substances all the individual constituents present at quantities of more than 10%, or relevant for classification and labelling or for PBT assessment, should be reported separately. The Agency therefore concluded that the registration dossier contained incomplete information on the composition of the Substance.

The Appellant requests the Board of Appeal to annul the Contested Decision.

### Pleas in law and main arguments

The Appellant argues that the Agency's conclusion on the incompleteness of the information on the composition of the Substance in the Appellant's registration dossier is incorrect. The Substance does not contain only 100% of one constituent but instead consists of a group of paraffin-naphthenic hydrocarbons which contain 24 to 35 carbon atoms. The Substance is

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<sup>1</sup> 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.

therefore a UVCB substance. The Appellant argues that the identification of the Substance in its registration dossier complies with the definition of substance No 295-523-6 in the EC inventory. The EC inventory also describes substance No 295-523-6 as a complex combination of hydrocarbons. This demonstrates that the Substance is an UVCB substance and has been correctly identified in the Appellant's registration dossier.

### **Other information**

As the Appellant withdrew the Appeal, the case was closed by the Chairman of the Board of Appeal on 6 June 2019.

### **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>