

Announcement of appeal¹

Case	A-011-2016
Appellant	KTR Europe GmbH
Appeal received on	24 November 2016
Subject matter	A decision taken by the European Chemicals Agency (the 'Agency') pursuant to Article 20(2) of the REACH Regulation
Keywords	Registration of a substance – Completeness check – Reimbursement of registration fee
Contested Decision	SUB-D-2114342071-65-02/F
Language of the case	English

Remedy sought by the Appellant

The Appellant requested the Board of Appeal to order the Agency to reimburse the registration fee which the Appellant had paid for a rejected registration of a substance.

Pleas in law and main arguments

The Contested Decision rejected a registration of a substance submitted by the Appellant. According to the Contested Decision, the Appellant failed to complete its registration with information on the constituents of the substance within the required deadline. As a result the Contested Decision rejected the registration as incomplete and stated that the Agency would not reimburse any fee received for the registration.

The Appellant questioned the '*stability*' of IUCLID6 and of the validation assistant tool provided by the Agency for preparing registrations. The Appellant argued, moreover, that rejecting the registration was '*extremely strict and discriminatory*' considering that changes in the Agency's completeness check practice had not been fully explained to registrants. The Appellant further claimed that not refunding the registration fee was '*excessive*' taking into account the fact that the Agency's instructions were unclear.

Other information

As the Appellant withdrew the Appeal, the case was closed by the Chairman of the Board of Appeal on 9 March 2017.

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/quest/regulations/appeals>

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.