

**DECISION OF THE CHAIRMAN OF THE BOARD OF APPEAL  
OF THE EUROPEAN CHEMICALS AGENCY**

**6 June 2019**

*(Withdrawal of appeal by appellant)*

<b>Case number</b>	A-003-2019
<b>Language of the case</b>	English
<b>Appellant</b>	Lukoil Lubricants East Europe S.R.L., Romania
<b>Contested Decision</b>	SUB-D-2114451710-57-01/F of 29 November 2018, adopted by the European Chemicals Agency (the 'Agency') pursuant to Article 22(3) and 20(2) of Regulation (EC) No 1907/2006 of the European Parliament and of the Council concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (OJ L 396, 30.12.2006, p. 1; corrected by OJ L 136, 29.5.2007, p. 3; the 'REACH Regulation')

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gives the following

**Decision**

1. On 19 October 2018, the Appellant submitted to the Agency an update of the registration for the substance slack wax (petroleum), hydrotreated (EC No 295-523-6, CAS No 92062-09-4; the 'Substance') which falls within the definition of substances of unknown or variable composition, complex reaction products and biological materials ('UVCB').
2. The Agency performed a completeness check of the updated registration in accordance with Articles 22(3) and 20(2) of the REACH Regulation.
3. On 29 November 2018 the Agency adopted the Contested Decision, rejecting the Appellant's registration update.
4. On 27 February 2019, the Appellant filed this appeal at the Registry of the Board of Appeal, seeking annulment of the Contested Decision.
5. On 28 May 2019, the Board of Appeal received a letter from the Appellant. The latter informed the Board of Appeal that after discussions with the Agency, the Appellant had successfully updated its registration and as a result would like to withdraw the appeal. The Appellant requested the Chairman of the Board of Appeal to order a refund of the appeal fee paid by the Appellant.

6. In accordance with Article 1b of Commission Regulation (EC) No 771/2008 laying down the rules of organisation and procedure of the Board of Appeal of the European Chemicals Agency (OJ L 206, 2.8.2008, p. 5, as amended by Commission Implementing Regulation (EU) 2016/823, OJ L 137, 26.5.2016, p. 4), where an appeal is withdrawn, the Chairman closes the proceedings.
7. Pursuant to Article 10(4) of Commission Regulation (EC) No 340/2008 on the fees and charges payable to the European Chemicals Agency pursuant to the REACH Regulation (OJ L 107, 17.4.2008, p. 6), the appeal fee is refunded if the Executive Director of the Agency rectifies a decision in accordance with Article 93(1), or if the appeal is decided in favour of the appellant. Since neither of these alternatives applies in the present case, the appeal fee is not refunded.

On those grounds,

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hereby:

- 1. Closes appeal case A-003-2019.**
- 2. Decides that the appeal fee shall not be refunded.**

Christoph BARTOS  
Chairman of the Board of Appeal

Alen MOČILNIKAR  
Registrar of the Board of Appeal