

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

**24 April 2015**

*(Rectification of contested decision - Withdrawal of appeal by appellant)*

<b>Case number</b>	A-002-2015
<b>Language of the case</b>	English
<b>Appellant</b>	Lubrizol France SAS, France
<b>Representative</b>	Jean-Philippe Montfort Mayer Brown Europe-Brussels LLP, Belgium
<b>Contested Decision</b>	CCH-D-0000004032-89-05/F of 17 November 2014 adopted by the European Chemicals Agency pursuant to Article 41 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; hereinafter the 'REACH Regulation')

**THE BOARD OF APPEAL**

composed of Mercedes ORTUÑO (Chairman), Andrew FASEY (Technically Qualified Member and Rapporteur) and Dimitrina PETROVA (Legally Qualified Member)

Registrar: Sari HAUKKA

gives the following

### Decision

1. On 17 February 2015, the Appellant filed an appeal at the Registry of the Board of Appeal requesting the Board of Appeal to annul the Contested Decision. The Contested Decision was adopted by the Agency following a compliance check under the dossier evaluation procedure of the Appellant's registration. In the Contested Decision the Agency required the Appellant to provide information, using the substance subject to the Contested Decision, on a sub-chronic toxicity study (90-day), inhalation route, in rats (Section 8.6.2 of Annex IX to the REACH Regulation; test method: OECD 413), and on a pre-natal developmental toxicity study, oral route, in rats or rabbits (Section 8.7.2 of Annex IX to the REACH Regulation; test method: EU B.31/OECD 414).
2. On 1 April 2015, pursuant to Article 93(1) of the REACH Regulation, the Executive Director of the Agency rectified the Contested Decision (hereinafter the 'rectification') by withdrawing it in its entirety.
3. On 8 April 2015, the Appellant was requested to inform the Board of Appeal whether or not it intends to continue with its appeal following the rectification.
4. On 16 April 2015, the Appellant informed the Board of Appeal that it had decided to withdraw the appeal.
5. As the Appellant has decided to withdraw the appeal the present case should be closed.
6. Pursuant to Article 10(4) of 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) (OJ L 107, 17.4.2008, p. 6), where the Executive Director of the Agency rectifies a contested decision, the Agency shall refund the appeal fee. Consequently, the Agency should be ordered to refund the appeal fee to the Appellant.

### ORDER

On those grounds,

THE BOARD OF APPEAL

hereby:

- 1. Closes appeal case A-002-2015.**
- 2. Orders the refund of the appeal fee.**

Mercedes ORTUÑO  
Chairman of the Board of Appeal

Sari HAUKKA  
Registrar of the Board of Appeal