

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

**14 January 2014**

*(Withdrawal of appeal by appellant)*

<b>Case number</b>	A-003-2013
<b>Language of the case</b>	English
<b>Appellant</b>	Poudres Hermillon France
<b>Representative</b>	Mr Peter Askeland Palmerton USA
<b>Contested Decision</b>	SUB-D-2114236900-55-01/F of 12 February 2013 adopted by the European Chemicals Agency (hereinafter the 'Agency') pursuant to Article 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; hereinafter the 'REACH Regulation') and Article 3(6) of the Commission Regulation (EC) No 340/2008 on the fees and charges payable to the European Chemicals Agency (OJ L 107, 17.4.2008, p. 6, as amended by Commission Implementing Regulation (EU) No 254/2013, OJ L 79, 21.3.2013, p. 7; hereinafter the 'Fee Regulation')

**THE BOARD OF APPEAL**

composed of Mercedes ORTUÑO (Chairman and Rapporteur), Andrew FASEY (Technically Qualified Member) and Rafael Antonio LÓPEZ PARADA (Legally Qualified Member)

Registrar: Sari HAUKKA

gives the following

### **Decision**

1. On 8 May 2013, the Appellant filed an appeal at the Registry of the Board of Appeal against the Contested Decision. The Contested Decision rejected the Appellant's registration and revoked and replaced the previous Agency decision assigning a registration number to the Appellant.
2. On 14 November 2013, the Agency informed the Board of Appeal that it had opened discussions with the Appellant with a view to the possible settlement of the present case and asked the Board of Appeal to stay the proceedings. On 2 December 2013, the Board of Appeal decided to stay the present appeal proceedings.
3. On 8 January 2014, the Appellant informed the Board of Appeal that, since an agreement had been reached with the Agency, the Appellant was withdrawing its appeal.
4. In view of the Appellant's decision to withdraw the appeal, the present appeal case should be closed.
5. Pursuant to Article 10(4) of the Fee Regulation a refund for the fee levied for submission of an appeal only occurs if the Executive Director of the Agency rectifies the contested decision 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.

### **ORDER**

On those grounds,

THE BOARD OF APPEAL

hereby:

**Closes appeal case A-003-2013.**

Mercedes ORTUÑO  
Chairman of the Board of Appeal

Sari HAUKKA  
Registrar of the Board of Appeal