

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

**19 March 2024**

*(Withdrawal of the appeal by the Appellant – Closure of the proceedings)*

<b>Case number</b>	A-009-2023
<b>Language of the case</b>	English
<b>Appellant</b>	Vevy Europe S.p.A., Italy Represented by Francesco Munari and Alessandra Macchi, Deloitte Legal Società tra Avvocati r.l. S.B, Italy
<b>Contested Decision</b>	Decision of 18 April 2023 on a compliance check of the registration for the substance C10-C16-(linear and branched)-alkyl esters of salicylic acid <sup>1</sup> , adopted by the European Chemicals Agency under Article 41 of the REACH Regulation <sup>2</sup>  The Contested Decision was notified to the Appellant under annotation number CCH-D-2114633934-43-01/F

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gives the following

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<sup>1</sup> EC number 950-068-9 (the 'Substance').

<sup>2</sup> 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). All references to Articles and Annexes hereinafter concern the REACH Regulation unless stated otherwise.

### Decision

1. On 18 April 2023, the Agency adopted the Contested Decision under the compliance check procedure requesting the Appellant to provide information on the Substance regarding skin sensitisation (Section 8.3. of Annex VII), an *in vitro* gene mutation study in bacteria (Section 8.4.1. of Annex VII), long-term toxicity testing on aquatic invertebrates (Column 2 of Section 9.1.1. of Annex VII), a growth inhibition study on aquatic plants (Section 9.1.2. of Annex VII), and ready biodegradability (Section 9.2.1.1. of Annex VII).
2. On 18 July 2023, the Appellant filed an appeal requesting the annulment of the Contested Decision.
3. On 19 September 2023, the Agency filed its Defence.
4. On 27 October 2023, the Appellant filed its observations on the Defence.
5. On 31 January 2024, the Agency filed its observations on the Appellant's observations on the Defence.
6. On 14 March 2024, the Appellant withdrew its appeal.
7. Under Article 1b of the Rules of Procedure<sup>3</sup>, the Chairman closes the proceedings if an appeal is withdrawn.
8. In accordance with 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<sup>4</sup>, a refund of 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 apply in the present case the appeal fee should not be refunded.

On those grounds,

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hereby:

- 1. Closes Case A-009-2023.**
- 2. Decides that the appeal fee is not refunded.**

Antoine BUCHET  
Chairman of the Board of Appeal

Alen MOČILNIKAR  
Registrar of the Board of Appeal

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<sup>3</sup> OJ L 206, 2.8.2008, p. 5.

<sup>4</sup> OJ L 107, 17.4.2008, p. 6.