

Announcement of appeal¹

Case	A-003-2013
Appellant	Poudres Hermillon Sarl, France
Appeal received on	8 May 2013
Subject matter	A decision taken by the European Chemicals Agency (the 'Agency') pursuant to Article 20(2) of Regulation (EC) No 1907/2006 ('REACH Regulation') and Article 3(6) of Regulation (EC) No 340/2008 ('Fee Regulation')
Keywords	<i>Rejection of registration – Revocation of registration number – Wrongly declared SME status – Failure to pay supplementary registration fee</i>
Contested decision	SUB-D-2114236900-55-01/F
Language of the case	English

Remedy sought by the Appellant

The Appellant requests the re-instatement of the registration number which was revoked by the Contested Decision.

Pleas in law and main arguments

On 15 June 2012 and 23 July 2012, as part of the SME (small and medium size enterprise) verification process, the Agency requested additional information from the Appellant to allow the size of the company, and therefore its eligibility for a registration fee reduction, to be checked. The Appellant did not respond to those requests.

On 3 October 2012, the Agency informed the Appellant that, since it had not provided the requested information, its eligibility for the SME fee reduction had not been demonstrated. The Appellant was therefore charged the balance of the full fee for large entities and an administrative charge. The Agency also sent a payment reminder with an extended due date and warned the Appellant about the potential revocation of the registration number if the supplementary fee was not paid on time.

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.

On 12 February 2013, since the Appellant had not paid the supplementary fee, the Agency adopted the Contested Decision stating that the registration dossier was incomplete due to the non-payment of the registration fee corresponding to the correct enterprise category. According to the Contested Decision, the Appellant's registration is therefore rejected and the registration number previously issued is revoked.

The Appellant contests the revocation of the registration number.

The Appellant claims that, due to a change in personnel at the company, the Agency's correspondence concerning the SME verification was not processed. The Appellant also claims that it had no prior advice and was unaware of the possible revocation of the registration number.

The Appellant states that if the registration number is re-instated it undertakes to declare the correct company size and to pay the supplementary fee and administrative charge requested by the Agency.

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/guest/regulations/appeals>