

Announcement of appeal¹

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| Case | A-017-2015 |
| Appellant | Dow Corning Limited, United Kingdom |
| Appeal received on | 12 June 2015 |
| Subject matter | A decision taken by the European Chemicals Agency (the 'Agency') pursuant to Article 41(3) of the REACH Regulation, in accordance with the procedure laid down in Articles 50 and 51 of the REACH Regulation |
| Keywords | <i>Evaluation – Compliance check – Request for further information</i> |
| Contested decision | CCH-D-2114293447-38-01/F |
| Language of the case | English |

Remedy sought by the Appellant

The Appellant seeks:

- the annulment of the Contested Decision in so far as it requests the Appellant to submit a pre-natal developmental toxicity study in rats or rabbits, oral route;
- the reimbursement of the costs incurred by the Appellant in these appeal proceedings;
- the refund of the appeal fee.

Pleas in law and main arguments

The Contested Decision was adopted on 18 March 2015 following a compliance check under the dossier evaluation procedure of the Appellant's registration submitted for trichlorosilane.

The Appellant challenges the Contested Decision on, amongst others, the following grounds.

The Appellant submits that it is not possible, in fact or in law, to carry out the studies requested in the Contested Decision using the test materials specified therein. In addition, the Appellant claims that the Contested Decision breaches the EU animal welfare requirements. In particular, the Appellant submits that the Agency did not ensure that vertebrate animal testing is undertaken as a last resort. Furthermore, the Appellant claims

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.

that the Contested Decision, and the obligations set out in it, are not clear, accurate or precise, and that the Agency acted in breach of the principle of legal certainty.

Other information

Pursuant to Article 93(1) of the REACH Regulation, the Executive Director of the Agency rectified the Contested Decision on 10 July 2015 by withdrawing it in its entirety. The appeal was subsequently withdrawn by the Appellant and the case was closed by the Board of Appeal on 24 July 2015.

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>