

## Announcement of appeal<sup>1</sup>

<b>Published on</b>	8 July 2019
<b>Case</b>	A-008-2019
<b>Appellant</b>	Cocotama Germany GmbH
<b>Appeal received on</b>	14 June 2019
<b>Subject matter</b>	A decision adopted by the European Chemicals Agency (the 'Agency') under Article 13(4) of Commission Regulation (EC) No 340/2008 on the fees and charges payable to the European Chemicals Agency
<b>Keywords</b>	<i>Verification of a registrant's declaration of company size – Registration fee – Administrative charge – Competence of the Board of Appeal – Inadmissibility</i>
<b>Contested Acts</b>	Decision SME D (2018)7721-DC, invoice No 10097918 and invoice No 10097919, adopted by the European Chemicals Agency (the 'Agency') on 15 November 2018 under Article 13(4) of Commission Regulation (EC) No 340/2008 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 (OJ L 107, 17.4.2008, p. 6; the 'Fee Regulation'), as amended, and Article 4 of Management Board Decision MB/D/29/2010 on the classification of services for which charges are levied, as amended by Management Board Decisions MB/21/2012 and MB/14/2015 ('Management Board Decision MB/D/29/2010')
<b>Language of the case</b>	English

## Background to the case

This case concerned a decision of the Agency finding that a registrant of the substance Charcoal, coconut shell (EC No 271-974-4) had not demonstrated that it was entitled to a reduced registration fee. The Agency consequently required the registrant to pay the difference between the reduced registration fee already paid and the registration fee for large-sized enterprises as well as an administrative charge.

---

<sup>1</sup> 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, as amended by Commission Implementing Regulation (EU) 2016/823.

The Appellant argued, in essence, that it was entitled to pay the reduced registration fee for small-sized enterprises. It requested the suspension and annulment of the Contested Acts.

### **Outcome of the case**

The Chairman of the Board of Appeal considered the appeal to be inadmissible because the Board of Appeal is not competent to hear appeals against decisions concerning the verification of a registrant's declaration of company size.

The Chairman therefore dismissed the appeal as inadmissible on 5 July 2019 pursuant to Article 93(2) of Regulation (EC) No 1907/2006 concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (OJ L 396, 30.12.2006, p. 1; the 'REACH Regulation').

### **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>