

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

14 November 2023

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

Case number	A-005-2023
Language of the case	English
Appellant	SwissInno Solutions AG, Switzerland Represented by Bobby Arash Ramberg Advokater KB, Sweden
Contested Decision	Invoice No 50012442 of 3 February 2023 concerning fees and charges under the Biocidal Products Regulation

THE CHAIRMAN OF THE BOARD OF APPEAL

gives the following

Decision

1. On 3 February 2023, the Agency issued an invoice to the Appellant for its application for the approval of the active substance peanut butter under Article 7(2) of the Biocidal Products Regulation,¹ and the Fee Regulation.² By that invoice, the Agency required the Appellant to pay the full amount of the relevant fee (EUR 120 000) instead of the reduced fee for small or medium enterprises (EUR 72 000).
2. On 4 May 2023, the Appellant filed the present appeal seeking the partial annulment of the Contested Decision and the refund, by the Agency, of the amount levied in excess (EUR 48 000).
3. On 4 September 2023, the Agency filed its defence.
4. On 6 November 2023, the Appellant withdrew its appeal.
5. Under Article 1b of the Rules of Procedure,³ the Chairman closes the proceedings if an appeal is withdrawn.
6. Pursuant to Article 4(4) of the Fee Regulation, the fee levied for submission of an appeal shall be refunded if the Executive Director of the Agency rectifies a 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 is not refunded.

On those grounds,

THE CHAIRMAN OF THE BOARD OF APPEAL

hereby:

- 1. Closes Case A-005-2023.**
- 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

¹ Regulation (EU) No 528/2012 of the European Parliament and of the Council concerning the making available on the market and use of biocidal products (OJ L 167, 27.6.2012).

² Commission implementing Regulation (EU) No 564/2013 on the fees and charges payable to the European Chemicals Agency pursuant to the Biocidal Products Regulation (OJ L 167, 19.6.2013, p. 17–25).

³ Commission Regulation (EC) No 771/2008 laying down the rules of organisation and procedure of the Board of Appeal of the European Chemicals Agency (OJ L 206, 2.8.2008, p. 5), as amended by Commission Implementing Regulation (EU) 2016/823 of 25 May 2016 (OJ L 137, 26.5.2016, p. 4).