

Announcement of appeal¹

Case	A-011-2017
Appellant	REACheck Solutions GmbH
Appeal received on	24 August 2017
Subject matter	A decision taken by the European Chemicals Agency (the 'Agency') pursuant to Article 11 of the REACH Regulation ² , Article 3 of Commission Implementing Regulation (EU) 2016/9 ³ , and ' <i>following the procedure laid down in Article 30 REACH by analogy</i> '
Keywords	<i>Registration – 'Joint submission dispute' – Principle of 'one substance, one registration' (OSOR) – Complete opt-out</i>
Contested Decision	DSH-30-3-D-0075-2017
Language of the case	German

Background and remedy sought

The Appellant is the lead registrant for charcoal (EC No 240-383-3, CAS No 16291-96-6).

The Agency granted another registrant access to the joint submission for charcoal following a '*joint submission dispute*'. The other registrant, who had previously registered charcoal in a separate registration, opted out from sharing any of the data in the Appellant's dossier pursuant to Article 11(3).

The Appellant seeks annulment of the Agency's decision to grant the other registrant access to the joint submission.

Main pleas in law and arguments

The Appellant argues, in essence, the following.

First, the Contested Decision lacks a legal basis. The REACH Regulation does not provide for '*joint submission disputes*'.

Second, the other registrant failed to make every effort to share the costs of preparing and managing the joint submission.

Third, the Contested Decision unlawfully allows the other registrant to opt out from sharing information contained in the lead registrant's dossier.

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>

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.

² 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; corrected by OJ L 136, 29.5.2007, p. 3)

³ Commission Implementing Regulation on joint submission of data and data sharing, OJ L3, 6.1.2016