

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

19 May 2021

(Withdrawal of appeal by appellant)

Case number	A-006-2021
Language of the case	English
Appellant	Zschimmer & Schwarz Italiana SpA, Italy
Contested Decision	TPE-D-2114538916-37-01/F of 20 January 2021 adopted by the European Chemicals Agency (the 'Agency') pursuant to Article 40 of 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; the 'REACH Regulation')

THE CHAIRMAN OF THE BOARD OF APPEAL

gives the following

Decision

1. The Appellant is a registrant of the substance sodium hydrogen N-(1-oxotetradecyl)-L-glutamate (EC number 253-981-4, CAS number 38517-37-2; the 'Substance').
2. The Appellant's registration dossier for the Substance included a proposal to perform a pre-natal developmental toxicity study (EU B.31./OECD test guideline ('TG') 414), using an analogue substance, instead of a screening study (OECD TG 421/422).
3. On 20 January 2021, the Agency adopted the Contested Decision rejecting the Appellant's testing proposal.
4. On 13 April 2021, the Appellant filed an appeal at the Registry of the Board of Appeal against the Contested Decision. On 19 April 2021, the Appellant supplemented its appeal with additional information. The Appellant requested the Board of Appeal to suspend the Contested Decision until it had updated its registration dossier with additional information to support its adaptation proposals and the Agency had evaluated those proposals.
5. On 5 May 2021, the Appellant informed the Board of Appeal that it was withdrawing its appeal.
6. In accordance with Article 1b of 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and procedure of the Board of Appeal of the European Chemicals Agency (OJ L 206, 2.8.2008, p. 5), where an appeal is withdrawn, the Chairman of the Board of Appeal closes the proceedings.
7. In accordance with Article 10(4) of Commission Regulation (EC) No 340/2008 on the fees and charges payable to the European Chemicals Agency pursuant to the REACH Regulation (OJ L 107, 17.4.2008, p. 6), the appeal fee is refunded if the Executive Director of the Agency rectifies a decision in accordance with Article 93(1) of the REACH Regulation, or if the appeal is decided in favour of the appellant. Since neither of these alternatives applies in the present case, the appeal fee is not refunded.

On those grounds,

THE CHAIRMAN OF THE BOARD OF APPEAL

hereby:

- 1. Closes appeal case A-006-2021.**
- 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