

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

25 April 2023

*(Closure of the proceedings – Withdrawal of the Contested Decision by the Executive Director
– Withdrawal of the appeal by the Appellant)*

Case number	A-002-2023
Language of the case	English
Appellant	Velsicol Chemical Ireland Ltd., Ireland Represented by Jean-Philippe Montfort and Thomas Delille Mayer Brown Europe-Brussels LLP, Belgium
Contested Decision	Decision of 28 November 2022 on a compliance check of the registration for the substance hexachlorocyclopentadiene, adopted by the European Chemicals Agency under Article 41 of the REACH Regulation The Contested Decision was notified to the Appellant under annotation number DEV-01-2120740268-53-0000-CCH-1

THE CHAIRMAN OF THE BOARD OF APPEAL

gives the following

Decision

1. On 28 November 2022, the Agency adopted the Contested Decision following a compliance check of the registration for the substance hexachlorocyclopentadiene (the **Substance**).¹
2. The Contested Decision required the Appellant to submit the following information on the Substance:
 - simulation testing on ultimate degradation in surface water (Section 9.2. of Annex VIII to the Reach Regulation², EU test method C.25/OECD test guideline 309) including the quantification of non-extractable residues;
 - soil simulation testing (Section 9.2. of Annex VIII, EU test method C.23/OECD test guideline 307) including the quantification of non-extractable residues;
 - sediment simulation testing (Section 9.2. of Annex VIII, EU test method C.24/OECD test guideline 308) including the quantification of non-extractable residues;
 - identification of degradation products (Section 9.2. of Annex VIII); and
 - bioaccumulation in aquatic species (Sections 0.6.1. and 4. of Annex I in conjunction with Section 2.1. of Annex XIII; EU test method C.13/OECD test guideline 305).
3. On 28 February 2023, the Appellant filed the present appeal, seeking the annulment of the Contested Decision.
4. On 20 March 2023, the Executive Director of the Agency rectified the Contested Decision under Article 93(1) by withdrawing it in its entirety. The Executive Director stated, in that regard, that deficiencies had been found in the Agency's assessment of the relevant available information.
5. On 6 April 2023, the Appellant withdrew its appeal.
6. Under Article 1b of the Rules of Procedure³, the Chairman closes the proceedings if an appeal is withdrawn. Under Article 10(4) of the Fee Regulation⁴, the appeal fee is refunded if the Executive Director rectifies a decision in accordance with Article 93(1) of the REACH Regulation.

¹ EC No 201-029-3.

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). All references to Articles and Annexes hereinafter are to the REACH Regulation unless stated otherwise.

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).

⁴ 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).

On those grounds,
THE CHAIRMAN OF THE BOARD OF APPEAL
hereby:

- 1. Closes Case A-002-2023.**
- 2. Decides that the appeal fee is refunded.**

Antoine BUCHET
Chairman of the Board of Appeal

Alen MOČILNIKAR
Registrar of the Board of Appeal