

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

3 March 2016

(Withdrawal of appeal by appellant)

Case number	A-021-2015
Language of the case	English
Appellant	Carus Europe SL, Spain
Representative	Jordi Aragonés Osácar
Contested Decision	CCH-D-2114303249-55-01/F of 30 June 2015 adopted by the European Chemicals Agency (hereinafter the 'Agency') pursuant to Article 41 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; corrected by OJ L 136, 29.5.2007, p. 3; hereinafter the 'REACH Regulation')

THE BOARD OF APPEAL

composed of Mercedes Ortuño (Chairman), Andrew Fasey (Technically Qualified Member) and Sari Haukka (Legally Qualified Member and Rapporteur)

Registrar: Alen Močilnikar

gives the following

Decision

1. On 28 September 2015, the Appellant filed an appeal at the Registry of the Board of Appeal requesting the Board of Appeal to annul the Contested Decision. The Contested Decision was adopted on 30 June 2015 following a compliance check, under the dossier evaluation procedure, of the registration submitted by the Appellant for potassium permanganate. The Contested Decision requested the Appellant to provide information on a sub-chronic toxicity study (90-day), oral route (Section 8.6.2 of Annex IX to the REACH Regulation; test method: EU B.26/OECD 408) in rats.
2. On 11 December 2015, an application to intervene in support of the remedy sought by the Appellant was received at the Registry of the Board of Appeal. On 15 January 2016, the Parties were invited to provide observations on the application to intervene. On 4 February 2016, the Agency submitted its observations on the application to intervene. The Appellant did not submit observations on the application to intervene.
3. By letter received at the Registry of the Board of Appeal on 23 February 2016, the Appellant informed the Board of Appeal that it had agreed to settle the present appeal with the Agency. The Appellant stated that it was therefore withdrawing its appeal.
4. In view of the Appellant's decision to withdraw the appeal, the present appeal case should be closed. In these circumstances, there is no need to decide on the application to intervene.
5. Pursuant to Article 10(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 (REACH) (OJ L 107, 17.4.2008, p. 6) a refund of the fee levied for submission of an appeal only occurs if the Executive Director of the Agency rectifies the contested decision or if the appeal is decided in favour of the appellant. Since neither of these situations applies in the present case the appeal fee is not refunded.

On those grounds,

THE BOARD OF APPEAL

hereby:

Closes appeal case A-021-2015.

Mercedes Ortuño
Chairman of the Board of Appeal

Alen Močilnikar
Registrar of the Board of Appeal