

Announcement of appeal¹

Published on	19 January 2022
Case	A-015-2021
Appellant	ARKEMA France S.A., France
Appeal received on	3 December 2021
Subject matter	A decision taken by the European Chemicals Agency pursuant to Article 41 of the REACH Regulation
Keywords	<i>Dossier evaluation – Compliance check – Tonnage downgrade – Rectification of a decision by the Executive Director</i>
Contested Decision	CCH-D-2114567361-49-01/F
Language of the case	English

Remedy sought by the Appellant

On 6 September 2021, the Agency adopted the Contested Decision following the compliance check of the Appellant's registration dossier for the substance heptan-1-ol (EC No 203-897-9; CAS No 111-70-6, the 'Substance').

According to the Contested Decision, the Appellant was required to provide information on certain studies under Annex IX and X to the REACH Regulation. The Appellant requested the Board of Appeal to annul the Contested Decision insofar as it concerns the information requirements set out in Annex X.

The Appellant also requested that the Board of Appeal orders the Agency to refund the appeal fee.

Pleas in law and main arguments

The Appellant had initially registered the Substance in the tonnage band of more than 1000 tonnes per year. After having received the draft compliance check decision, the Appellant downgraded the tonnage band to the 100 to 1000 tonnes per year.

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 as amended by Commission Implementing Regulation (EU) 2016/823.

In support of its appeal, the Appellant referred to the decision of the Board of Appeal in Joined Cases A-006-2020 and A-007-2020 (*BASF Colors & Effects and BASF*, decision of 9 November 2021) and argued that the Agency was required to take into account the Appellant's tonnage downgrade in the Contested Decision.

The Appellant argued that the Agency breached several provisions of the REACH Regulation and the principles of good administration, equal treatment and proportionality as it required the Appellant to fulfil information requirements that are applicable only to the substances manufactured or imported in quantities of 1000 tonnes or more per year.

Other information

Pursuant to Article 93(1) of the REACH Regulation, the Executive Director of the Agency rectified the Contested Decision by revoking the contested information requests. Subsequently, the Appellant withdrew the appeal and the Chairman of the Board of Appeal closed the case on 19 January 2022.

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>