

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

**3 March 2021**

*(Rectification of the contested decision – Withdrawal of the appeal by the Appellant)*

<b>Case number</b>	A-001-2021
<b>Language of the case</b>	English
<b>Appellant</b>	ExxonMobil Chemical Holland BV, the Netherlands
<b>Representatives</b>	Herbert Estreicher, Ales Bartl and Anna Koltunowska Keller and Heckman LLP, Belgium
<b>Contested Decision</b>	CCH-D-2114527339-44-01/F of 22 October 2020, adopted by the European Chemicals 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; the 'REACH Regulation')

**THE CHAIRMAN OF THE BOARD OF APPEAL**

gives the following

### Decision

1. On 22 October 2020, the Agency adopted the Contested Decision following a compliance check of the Appellant's registration for the substance Alkenes, C6-11 (branched), hydroformylation products, distn. residues, heavy cracked fraction (EC No 701-314-7).
2. The Contested Decision required the Appellant to submit information on several studies, including:
  - a pre-natal developmental toxicity study pursuant to Section 8.7.2. of Annex X to the REACH Regulation,
  - soil simulation testing pursuant to Section 9.2.1.3. of Annex IX to the REACH Regulation,
  - sediment simulation testing pursuant to Section 9.2.1.4. of Annex IX to the REACH Regulation, and
  - the identification of degradation products pursuant to Section 9.2.3. of Annex IX to the REACH Regulation.
3. On 21 January 2021, the Appellant filed the present appeal seeking the annulment of the information requests listed in the previous paragraph.
4. On 18 February, the Agency informed the Board of Appeal that the Executive Director of the Agency had decided to rectify the Contested Decision pursuant to Article 93(1) of the REACH Regulation by revoking the information requests contested by the Appellant. The reason for the rectification is that certain information provided by the Appellant was not taken into account during the decision-making procedure.
5. On 26 February 2021, the Appellant withdrew its appeal.
6. Pursuant to 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and procedure of the Board of Appeal of the European Chemicals Agency (OJ L 206, 2.8.2008, p. 5), if an appeal is withdrawn the Chairman shall close the proceedings.
7. 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 the REACH Regulation (OJ L 107, 17.4.2008, p. 6), the appeal fee is to be refunded if a contested decision is rectified.

On those grounds,

THE CHAIRMAN OF THE BOARD OF APPEAL

hereby:

- 1. Closes Case A-001-2021.**
- 2. Decides that the appeal fee is refunded.**

Antoine BUCHET  
Chairman of the Board of Appeal

Alen MOČILNIKAR  
Registrar of the Board of Appeal