

Announcement of appeal¹

Published on	3 March 2021
Case	A-001-2021
Appellant	ExxonMobil Chemical Holland BV, the Netherlands
Appeal received on	21 January 2021
Subject matter	A decision taken by the European Chemicals Agency pursuant to Article 41(3) of the REACH Regulation
Keywords	<i>Compliance check – Rectification of a decision by the Executive Director</i>
Contested Decision	CCH-D-2114527339-44-01/F
Language of the case	English

Remedy sought by the Appellants

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).

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.

The Appellant requested the Board of Appeal to annul the information requests listed above and refund the appeal fee.

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.

Pleas in law and main arguments

In support of its appeal, the Appellant argued that the Agency committed several errors of assessment and breached the principles of proportionality and legal certainty, the duty to state reasons and several provisions of the REACH Regulation.

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. The appeal was subsequently withdrawn by the Appellant and the case was closed by the Chairman of the Board of Appeal on 3 March 2021.

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>