

## Announcement of appeal<sup>1</sup>

<b>Published on</b>	6 November 2023
<b>Case</b>	A-011-2023
<b>Appellant</b>	Coloured Chemicals BV, the Netherlands
<b>Appeal received on</b>	12 September 2023
<b>Subject matter</b>	A decision taken by the European Chemicals Agency under Article 20(2) of the REACH Regulation <sup>2</sup>
<b>Keywords</b>	<i>Registration – Completeness check – Article 20(2) – Assessment of the quality or adequacy of data submitted</i>
<b>Contested Decision</b>	SUB-D-2114645734-43-01/F
<b>Language of the case</b>	English

### Background and remedy sought by the Appellant

On 8 June 2023, the Appellant submitted its registration for the substance ethyl methyl carbonate (the **Substance**).<sup>3</sup> Following a completeness check, the Agency considered the Appellant's initial registration incomplete due to the invalidity of adaptations contained therein, and requested the Appellant to provide further information. Consequently, the Appellant resubmitted its registration with modified adaptations.

On 11 July 2023, the Agency adopted the Contested Decision rejecting the Appellant's registration, as the Agency considered it incomplete in relation to Section 9.5.1. of Annex X (long-term toxicity to sediment organisms).

The Appellant requests the Board of Appeal to reconsider the Contested Decision and refund the registration fee.

### Pleas in law and main arguments

The Appellant argues that the Agency violated Article 20(2).

First, the Appellant argues that, in the context of a completeness check, the Agency should not assess the quality or adequacy of any data or justifications submitted. The Agency could therefore not reject the Appellant's registration based on the adequacy of the Appellant's adaptations.

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<sup>1</sup> Announcement published in accordance with Article 6(6) 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).

<sup>2</sup> 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 concern the REACH Regulation unless stated otherwise.

<sup>3</sup> EC No 433-480-9; CAS No 623-53-0.

Second, the Appellant argues that the quality and adequacy of data and justifications submitted should be carried out by the Agency as part of the compliance check process, not the registration process.

Third, the Appellant argues that the Agency disregarded the fact the Appellant's justifications were based on the same data provided earlier by other registrants for the Substance.

### **Further information**

The rules for the appeal procedure and other background information are available on the 'Appeals' section of the Agency's website:

<https://echa.europa.eu/web/guest/regulations/appeals>