

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

10 September 2024

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

Case number	A-004-2024
Language of the case	English
Appellant	BASF SE, Germany
Contested Decision	Decision of 14 May 2024 on a testing proposal for the substance 2,4,4-trimethylpentene, adopted by the European Chemicals Agency under Article 40 of the REACH Regulation The Contested Decision was notified to the Appellant under annotation number TPE-D-2114679596-27-01/F

THE CHAIRMAN OF THE BOARD OF APPEAL

gives the following

Decision

1. On 14 May 2024, the Agency adopted a decision under Article 40 of the REACH Regulation¹ following the examination of a testing proposal submitted for the substance 2,4,4-trimethylpentene². The Appellant is one of the addressees of that decision and appears in the list of registrants to which the highest applicable Annex is Annex IX. By that decision, the Agency required the Appellant to submit information on:

An extended one-generation reproductive toxicity study (EOGRS; Column 1 of Section 8.7.3. of Annex IX; test method: EU B.56./OECD TG 443) by oral route, in rats, specified as follows:

- Ten weeks pre-mating exposure duration for the parental (P0) generation;
 - The highest dose level in P0 animals must be determined based on clear evidence of an adverse effect on sexual function and fertility without severe suffering or deaths in P0 animals, or follow the limit dose concept;
 - Cohort 1A and 1B (reproductive toxicity);
 - Cohorts 1B (reproductive toxicity) with extension to mate the Cohort 1B animals to produce the F2 generation which shall be followed to weaning; and
 - Cohorts 2A and 2B (developmental neurotoxicity).
2. On 26 July 2024, the Appellant filed the present appeal seeking the annulment of the Contested Decision.
 3. On 26 August 2024, the Agency informed the Board of Appeal that the Executive Director of the Agency had decided to rectify the Contested Decision under Article 93(1) by removing the Appellant from the list of the concerned registrants in Appendix 3 to that decision. The Executive Director stated that, following a re-examination of the case, a procedural error had been found in the process leading to the adoption of the Contested Decision.
 4. On 3 September 2024, the Appellant withdrew its appeal.
 5. Under Article 1b of the Rules of Procedure³, the Chairman closes the proceedings if an appeal is withdrawn. Under Article 10(4) of the Fee Regulation⁴, the appeal fee is refunded if the Executive Director rectifies a decision in accordance with Article 93(1).

¹ 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 or Annexes hereinafter concern the REACH Regulation unless stated otherwise.

² EC No 246-690-9.

³ 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).

⁴ 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).

On those grounds,
THE CHAIRMAN OF THE BOARD OF APPEAL
hereby:

- 1. Closes Case A-004-2024.**
- 2. Decides that the appeal fee is refunded.**

Antoine BUCHET
Chairman of the Board of Appeal

Alen MOČILNIKAR
Registrar of the Board of Appeal