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**DECISION OF THE BOARD OF APPEAL OF THE EUROPEAN CHEMICALS AGENCY OF 17
DECEMBER 2018 SETTING OUT THE PRACTICAL DETAILS OF PUBLICATION OF AN
ANNOUNCEMENT OF THE NOTICE OF APPEAL ON THE WEBSITE OF THE AGENCY**

THE BOARD OF APPEAL OF THE EUROPEAN CHEMICALS AGENCY (the 'Board of Appeal'),

Having regard to Commission Regulation (EC) No 771/2008 of 1 August 2008 laying down the rules of organisation and procedure of the Board of Appeal of the European Chemicals Agency¹, as amended by Commission Implementing Regulation (EU) 2016/823², (the 'Rules of Procedure'), and in particular Articles 6(6) and 27(3) thereof,

Whereas:

- (1) The announcement of an appeal published on the website of the European Chemicals Agency (the 'Agency') pursuant to Article 6(6) of the Rules of Procedure should ensure transparency regarding appeals brought against certain decisions of the Agency. Announcements should also contain sufficient information for the purposes of the intervention procedure provided for in Article 8 of the Rules of Procedure.
- (2) The announcement should ensure the protection of the commercial interests of appellants while at the same time ensuring that the public interest in disclosure of information on appeals is properly respected.
- (3) Following the amendments to the Rules of Procedure introduced by Commission Implementing Regulation (EU) 2016/823, in particular regarding the information which should in all cases be included in the announcement, and the experience of appeal proceedings gained by the Board of Appeal since its formation it is necessary to amend and replace the Decision of the Board of Appeal of 30 September 2009 on implementing the rules on publication of an announcement of the notice of appeal on the website of the Agency adopted by the Board of Appeal,

¹ OJ L 206, 2.8.2008, p. 5.

² OJ L 137, 26.5.2016, p. 4.

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HAS ADOPTED THIS DECISION:

Article 1

Subject matter and scope

1. This Decision sets out the practical details of publication of an announcement informing the public that a notice of appeal within the meaning of Article 6 of the Rules of Procedure has been lodged at the Registry of the Board of Appeal (the 'announcement').
2. An announcement of each notice of appeal shall, pursuant to Article 6(6) of the Rules of Procedure, be published on the website of the Agency in a section dedicated to appeals.

Article 2

Information to be included in the announcement

1. The announcement shall contain all the information provided for in the first subparagraph of Article 6(6) of the Rules of Procedure, namely:
 - (a) the date of registration of an appeal initiating proceedings;
 - (b) the names and addresses of the appellant(s);
 - (c) the subject matter of the proceedings;
 - (d) the remedy sought by the appellant;
 - (e) a summary of the pleas and of the main supporting arguments.
2. In addition to the information required by Article 6(6) of the Rules of Procedure, the announcement shall include the following:
 - (a) the date of publication of the announcement on the website of the Agency;
 - (b) the reference of the decision being contested and the date of adoption thereof;
 - (c) the case number of the appeal to which it relates;
 - (d) the language of the case.
3. Where an appeal is withdrawn and the Chairman of the Board of Appeal closed the proceedings pursuant to Article 1b of the Rules of Procedure prior to the publication of the announcement, a statement to that effect shall be included in the announcement.
4. The Chairman may decide that an announcement shall contain other information relevant to the appeal case in question.

Article 3

Confidentiality

1. In accordance with the second subparagraph of Article 6(6) of the Rules of Procedure, the announcement shall not contain information which, following the appellant's request, the Chairman of the Board of Appeal has decided is to be regarded as confidential.
2. Where, on the basis of the appellant's request, the Chairman decides that certain information in the notice of appeal is to be regarded as confidential, such information shall be omitted from the announcement or, where necessary, marked as 'confidential'.

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3. Pursuant to the second subparagraph of Article 6(6) of the Rules of Procedure, the information listed in the first subparagraph of that provision cannot be regarded as confidential.

Article 4

Time of publication

1. The announcement, prepared by the Registry, will be published after any confidentiality request related to the content of the announcement has been dealt with and after the expiry of the 30 days for possible rectification of the contested decision by the Executive Director of the Agency, foreseen in Article 93(1) of Regulation (EC) No 1907/2006³.
2. The announcement is considered to be published when it is made available to the public on the website of the Agency.

Article 5

Language of the announcement

The announcement shall be published in the language in which the notice of appeal has been lodged and in English.

Article 6

Entry into force

1. The Decision on implementing the rules on publication of an announcement of the notice of appeal on the website of the Agency adopted by the Board of Appeal on 30 September 2009 is hereby repealed and replaced by this Decision.
2. This Decision shall enter into force on the day following its adoption.

Done at Helsinki, 17 December 2018

Mercedes ORTUÑO
Chairman of the Board of
Appeal

Andrew FASEY
Member of the Board of
Appeal

Sari HAUKKA
Member of the Board of
Appeal

³ Regulation (EC) No 1907/2006 of the European Parliament and of the Council of 18 December 2006 concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (OJ L 396, 30.12.2006, p. 1, as corrected by OJ L 136, 29.5.2007, p. 3).