



Auer von Welsbach Straße 1
A-9330 Althofen, Austria

Fax: +49 (511) 898389 – 10
E-mail: info@vanadiumconsortium.com

Website: www.vanadiumconsortium.com

Statement concerning ECHA's Board of Appeal case A-005-2013

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Today's welcome decision indicates that there is no power under the REACH Regulation for ECHA to grant Data Claimants a temporary permission to register, pending a decision in a data sharing dispute. This outcome was the Vanadium Consortium's key objective in lodging this appeal.

The Board of Appeal acknowledges that the *"language used by the Agency in the Contested Decision may have contributed to the Appellant's impression that the Agency had taken a decision and granted specific rights to the Data Claimant"* (paragraph 54 of the decision).

We trust that ECHA's *"poor administrative practice"* in communicating with parties to a data sharing dispute (paragraph 56 of the decision) and statements contradicting the Agency's guidance on data sharing, as noted by the Board of Appeal (at paragraphs 54 and 55 of the decision), will be remedied.

The Board of Appeal has underlined the role of Member States enforcement authorities where a registration dossier fails the technical completeness check under the third subparagraph of article 20(2) of the REACH Regulation, and has not been granted a registration number (see paragraph 63 of the BoA decision).

This paves the way for the forthcoming decision in case A-017-2013 concerning the substantive elements of the data sharing dispute involving the same parties.

Registered Office : Vanadium R.E.A.C.H. Forschungs- und Entwicklungsverein Auer von Welsbach Straße 1 A-9330 Althofen, Austria
Registration No : 430916148 BH St. Veit

Account information : BKS Bank AG 9020 Klagenfurt Dr. Arthur-Lemisch-Platz 5 Account No : 100-097079
IBAN : AT831700000100097079 BIC / Swift : BFKKAT2K VAT ID No : ATU64320577