Appeal Form

For Appeals submitted in accordance with Article 58 of Regulation 2016/796

*(Use of this appeal form is not compulsory. It is given indicatively as an aid to appellants.*

*If appellants do not wish to use it, they are strongly encouraged to include all appropriate information in their own appeal document)*

TO BE SEND BY EMAIL TO : BoAregistrar @ era.europa.eu

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| --- |
| 1. **Information about the appellant**
 |
| Name |  |
| Address  |  |
| Telephone/fax |  |
| Email address |  |
| 1. **Information about Representation**

(only in case the appellant appoints a representative) |
| Name of the representative |  |
| Address of the representative |  |
| Telephone/fax |  |
| Email address |  |
| 1. **Address for Communications**

(add here an address for receiving mail in electronic format from the BOA) |
| Email address |  |
| 1. **Evidence about legal persons**

(where the appellant is a legal person, it should provide the Registrar with the instrument or instruments constituting and regulating that legal person or a *recent* extract from the register of *companies*, firms or associations or any other proof of its existence in law. Mention evidence here and attach it as annex to this document) |

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| 1. **Contested Decision (or failure to act)**

(add here Reference to the decision which is being contested and copy of the decision or if the appeal is against a failure to act mention to what the failure consists of) |
| *Decision reference* |  |
| *Date of the notification of the decision to the applicant: (to be filled in only in case the appellant is the applicant)* |  |
| 1. **Requested Remedy against the contested decision**

(Describe here the remedy sought☺  |
| 1. **Presentation of Arguments**

(give here the arguments relied on in a maximum of 20 pages in total with the full text of the entire application form) |
| 1. **Evidence**

(if appropriate, give here the nature of any evidence in support and a statement explaining the facts for which the evidence is offered in support, in a maximum of 20 pages in total with the full text of the entire application form).

|  |  |  |
| --- | --- | --- |
| **Name and Type of Evidence, Annex No (as per list of annexes under L)** | **Facts And/Or Claims Intended To Be Supported** | **Explanation How That Evidence Supports The Facts And/Or Claims Presented** |
|  |  |  |
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|  |  |  |

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| 1. **Application for confidential treatment of documents in this application**

If appropriate, consider necessity before fill in this part:(submit here an application for confidential treatment of documents or parts thereof. Indicate the documents concerned or parts of documents, identify the words, particulars, figures or passages for which confidentiality is claimed and the reasons why they should be treated as confidential and not be disclosed to the other party and how access should be restrained on them (N.B. BoA members shall in all cases have access in order to examine the case) |
| 1. **Justification and Evidence on directly and individually concerned by the Decision**

(Compulsory only in case the appellant is not the person to which the contested decision has been addressed)Please indicate: |
| Reasons for being directly and indirectly concerned by the decision |  |
| Evidence as to the date her/he first got knowledge of the decision |  |
| 1. **Suspension Request**

if appropriate, consider necessity before fill in this part:(Request here suspension of the contested decision and reasons for it-demonstration that there is urgent need to grant a suspension for the preservation of rights and interests of appellant due to a risk of serious and irreparable damage to those rights and interests) |

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| 1. **ANNEXES**

(list here any annexes it is deemed appropriate including a copy of the contested decision):**List of annexes:**

|  |  |  |
| --- | --- | --- |
| **Annex No:**  | **Name and Type of Annex** Each annex should be numbered, listed and described individually.Please indicate with “yes” or “no” whether the annex is presented as evidence. In the case of evidence, please also fill the part H. EVIDENCE | **Evidence** Yes/No |
| 1) |  |  |
| 2) |  |  |
| 3) |  |  |
| 4) |  |  |

NB. Annexes have no limit to the number of pages, however if the electronic message is more than 10 MB it should be submitted in separate messages |
| 1. **Other information**

(add here any other elements you deem appropriate) |
| Name |  |
| Date |  |
| Done at |  |
| Signature |  |

Reminders:

1)For the purpose of calculating time-limits, a document shall only be considered to have been submitted when it is received by the Registrar, who acknowledges receipt of the document and gives a case number.

2) The maximum number of pages for procedural documents 20 pages for the appeal and the defence.The page limits do not apply to the annexes in the procedural document NB: If the appeal does not contain the information listed in paragraph above, the Registrar shall prescribe a period of not more than 10 working days within which the appellant has to deliver. The Registrar shall fix such period only once.During that period, time shall not run for the purposes of calculating the time-limit set out in Articles 58 and 62 of Regulation (EU) 2016/796

3)The Board of Appeal may rule an appeal inadmissible based on one or more of the following grounds:

(a) the appeal fails to meet the formal requirements set out in Article 9 of the BoA RoP;

(b) the appellant has exceeded the time-limit for lodging an appeal;

(c) the appeal is not brought against a decision subject to appeal;(d) the appellant is neither an addressee of the decision challenged by the appeal nor able to demonstrate a direct and individual concern.

4)A fee in respect of any appeal, which is dismissed or withdrawn, shall be levied.  The appeal fee shall be EUR 10 000 or equal to the amount of the fee charged for the decision appealed against, whichever is lower. The Registrar of the Board of Appeal shall inform the appellant of the conditions of payment. The appellant shall have 30 calendar days for payment from the date of notification of the invoice. An applicant may appeal against the invoiced fees and charges to the Board of Appeal. *(Article 7 of Commission Implementing Regulation (EU) 2018/764 of 2 May 2018 on the fees and charges payable to the European Union Agency for Railways and their conditions of payment*)