

Researching the applicability of the legal instrument of
Request for Internal Review
under the amended Aarhus Regulation

1 March 2023

Monthly report on European Community institutions' administrative acts

In the period of

1-28 February 2023

the following administrative acts of European Community institutions were considered as eligible against which the Request for Internal Review under the amended Aarhus Regulation¹ is applicable:

OJ number	Date of publication	Act number	Act title	Eligible	Reason
C42	3 February 2023	2023/C 42/01	Authorisation for State aid pursuant to Articles 107 and 108 of the Treaty on the Functioning of the European Union — Cases where the Commission raises no objections	not	it is an administrative act in the meaning of the Aarhus Regulation, but it relates to state aid
		2023/C 42/02	Authorisation for State aid pursuant to Articles 107 and 108 of the Treaty on the Functioning of the European Union — Cases where the Commission raises no objections	not	it is an administrative act in the meaning of the Aarhus Regulation, but it relates to state aid
L36	7 February 2023	Commission Implementing Decision (EU) from 2023/238 to	adopting the ... update of the list of sites of Community importance for the ... biogeographical region	yes	it is an administrative act in the meaning of the Aarhus Regulation

¹ Article 2(1), point (g) reads as follows:

(g) 'administrative act' means any non-legislative act adopted by a Union institution or body, which has legal and external effects and contains provisions that may contravene environmental law within the meaning of point (f) of Article 2(1);

		2023/245 of 26 January 2023			
C52	10 February 2023	2023/C 52/01	Authorisation for State aid pursuant to Articles 107 and 108 of the Treaty on the Functioning of the European Union – Cases where the Commission raises no objections	not	it is an administrative act in the meaning of the Aarhus Regulation, but it relates to state aid
C60	17 February 2023	2023/C 60/01	Commission opinion of 15 February 2023 relating to the plan for the disposal of radioactive waste arising from the dismantling of reactor working areas R1 and R2 of Unit 2 of the Ignalina nuclear power plant located in Lithuania	yes	it is an administrative act in the meaning of the Aarhus Regulation
		2023/C 60/07	Summary of European Commission Decisions on authorisations for the placing on the market for the use and/or for use of substances listed in Annex XIV to Regulation (EC) No 1907/2006 of the European Parliament and of the Council concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH)	yes	it is an administrative act in the meaning of the Aarhus Regulation
		2023/C 60/08	Summary of European Commission Decisions on authorisations for the placing on the market for the use and/or for use of substances listed in Annex XIV to Regulation (EC) No 1907/2006 of the European Parliament and of the Council concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH)	yes	it is an administrative act in the meaning of the Aarhus Regulation
C61	17 February 2023	2023/C 61/01	Authorisation for State aid pursuant to Articles 107 and 108 of the Treaty on the Functioning of the European Union – Cases where the Commission raises no objections	not	it is an administrative act in the meaning of the Aarhus Regulation, but it relates to state aid
		2023/C 61/02	Authorisation for State aid pursuant to Articles 107 and 108 of the Treaty on the Functioning of the European	not	it is an administrative act in the meaning of the

			Union – Cases where the Commission raises no objections		Aarhus Regulation, but it relates to state aid
L56	23 February 2023	Council Implementing Decision (EU) 2023/405 of 20 February 2023	amending Implementing Decision 2014/170/EU, establishing a list of non-cooperating third countries in fighting illegal, unreported and unregulated fishing, as regards the Republic of Cameroon	yes	it is an administrative act in the meaning of the Aarhus Regulation
L59	24 February 2023	Commission Implementing Decision (EU) 2023/415 of 22 February 2023	renewing the authorisation for the placing on the market of products containing, consisting of or produced from genetically modified soybean A5547-127 (ACS-GMØØ6-4) pursuant to Regulation (EC) No 1829/2003 of the European Parliament and of the Council	yes	it is an administrative act in the meaning of the Aarhus Regulation
		Commission Implementing Decision (EU) 2023/416 of 22 February 2023	authorising the placing on the market of products containing, consisting of or produced from genetically modified oilseed rape MON 94100 (MON-941ØØ-2) pursuant to Regulation (EC) No 1829/2003 of the European Parliament and of the Council	yes	it is an administrative act in the meaning of the Aarhus Regulation
C69	24 February 2023	2023/C 69/01	Authorisation for State aid pursuant to Articles 107 and 108 of the Treaty on the Functioning of the European Union – Cases where the Commission raises no objections	not	it is an administrative act in the meaning of the Aarhus Regulation, but it relates to state aid
		2023/C 69/02	Authorisation for State aid pursuant to Articles 107 and 108 of the Treaty on the Functioning of the European Union – Cases where the Commission raises no objections	not	it is an administrative act in the meaning of the Aarhus Regulation, but it relates to state aid
C70	27 February 2023	2023/C 70/12	Notice to undertakings intending to import or export controlled substances that deplete the ozone layer to or from the European Union in 2024 and undertakings intending to produce or import these substances for essential laboratory and analytical uses in 2024	yes	it is an administrative act in the meaning of the Aarhus Regulation
C72	28 February	2023/C 72/05	Summary of European Commission Decisions on	yes	it is an administrative act

	2023		authorisations for the placing on the market for the use and/or for use of substances listed in Annex XIV to Regulation (EC) No 1907/2006 of the European Parliament and of the Council concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH)		in the meaning of the Aarhus Regulation
		2023/C 72/06	Summary of European Commission Decisions on authorisations for the placing on the market for the use and/or for use of substances listed in Annex XIV to Regulation (EC) No 1907/2006 of the European Parliament and of the Council concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH)	yes	it is an administrative act in the meaning of the Aarhus Regulation
		2023/C 72/07	Summary of European Commission Decisions on authorisations for the placing on the market for the use and/or for use of substances listed in Annex XIV to Regulation (EC) No 1907/2006 of the European Parliament and of the Council concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH)	yes	it is an administrative act in the meaning of the Aarhus Regulation
C75	28 February 2023	2023/C 75/01	Resolution of the European Economic and Social Committee on Jointly tackling an existential threat: social partners and civil society for implementation of ambitious climate action	unclear	it is an administrative act in the meaning of the Aarhus Regulation, but its legal effect is debatable

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Justice & Environment Aarhus Convention Topic The Aarhus Regulation

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