

RIR



JUSTICE AND
ENVIRONMENT

European Network
of Environmental Law Organizations

A Request for Internal Review

The Aarhus Regulation¹ is a piece of European Union legislation that applies the provisions of the Aarhus Convention to Union institutions and bodies. This – in a simplified manner – means that whenever a Union institution or body (typically the European Commission) makes a decision, there is a legal remedy against it. This legal remedy is called *Request for Internal Review* (RIR). This request must be submitted to the same institution or body that made the original decision and must contain a request for an internal review, i.e., to reconsider its position and/or communicate its standpoint regarding the arguments of the request.

Previously, before 8 October 2021, the list of those acts that were eligible for such a legal remedy was rather short. Hardly any other decision but those relating to chemicals and GMOs fell under the Aarhus Regulation, and only a handful of RIRs² were procedurally eligible. This fundamentally changed in 2021 October when – after the recommendations of the Aarhus Convention Compliance Committee³ that found that these rules are non-compliant with the Aarhus Convention – the EU legislators amended the Aarhus Regulation. From 2021 October, the following administrative acts are eligible for a Request for Internal Review:

“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”

This significantly broadens the scope of application of the RIR and creates a new situation where legal remedies can be applied for a significantly larger number of EU acts.

J&E would like to help those who are thinking about submitting a RIR against a Union administrative act. For this reason, we renewed our RIR monitoring activities and from 1 January 2023, we publish every month a summary of those acts that

- a) were published in the Official Journal of the European Union and
- b) are eligible for a RIR in our understanding

Such requests shall be made in writing and within a time limit not exceeding eight weeks after the administrative act was adopted, notified, or published, whichever is the latest.

Please find our RIR monitoring reports at the following link: <https://justiceandenvironment.org/publications/>

Please use the search work 'RIR' in the search field.

Please contact J&E if you need further assistance in the foregoing matters:

info@justiceandenvironment.org

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¹ Regulation (EC) No 1367/2006 of the European Parliament and of the Council of 6 September 2006 on the application of the provisions of the Aarhus Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters to Union institutions and bodies, <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A02006R1367-20211028>

² https://environment.ec.europa.eu/law-and-governance/aarhus/requests-internal-review_en#repository-of-requests-for-internal--review-lodged-with-the-european-commission-pursuant-to-article-10-of-regulation--ec-no-13672006-aarhus-regulation

³ https://unece.org/env/pp/cc/accc.c.2008.32_european-union