

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

20 September 2023

Monthly report on European Community institutions' administrative acts

In the period of

**1-31 August 2023**

the following administrative acts of European Community institutions were considered as eligible against which the Request for Internal Review under the amended Aarhus Regulation<sup>1</sup> is applicable:

OJ number	Date of publication	Act number	Act title	Eligible	Reason
L 196/44	04.08.2023	Commission Implementing Decision (EU) 2023/1602 of 31 July 2023	Commission Implementing Decision (EU) 2023/1602 of 31 July 2023 on the primary dealer network and the definition of eligibility criteria for lead and co-lead mandates for syndicated transactions for the purposes of the borrowing activities by the Commission on behalf of the Union and of the European Atomic Energy Community	yes	it is an administrative act in the meaning of the Aarhus Regulation

<sup>1</sup> 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);

<b>C 276/1</b>	04.08.2023	C/2023/2583	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 – SA.104385Text with EEA relevance.	not	it is an administrative act in the meaning of the Aarhus Regulation, but it relates to state aid
<b>C 276/3</b>	04.08.2023	C/2023/4257	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 – SA.102428Text with EEA relevance.	not	it is an administrative act in the meaning of the Aarhus Regulation, but it relates to state aid
<b>C 276/4</b>	04.08.2023	C/2023/4515	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 – SA.104987Text with EEA relevance.	not	it is an administrative act in the meaning of the Aarhus Regulation, but it relates to state aid
<b>C 276/5</b>	04.08.2023	C/2023/5089	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 – SA.108461Text with EEA relevance.	not	it is an administrative act in the meaning of the Aarhus Regulation, but it relates to state aid

<b>C 276/6</b>	04.08.2023	C/2023/4984	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 – SA.108068Text with EEA relevance.	not	it is an administrative act in the meaning of the Aarhus Regulation, but it relates to state aid
<b>C 276/7</b>	04.08.2023	C/2023/3902	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 – SA.102228Text with EEA relevance.	not	it is an administrative act in the meaning of the Aarhus Regulation, but it relates to state aid
<b>L 197/1</b>	07.08.2023	C/2023/5417	Commission Implementing Regulation (EU) 2023/1603 of 4 August 2023 amending Annexes V and XIV to Implementing Regulation (EU) 2021/404 as regards the entries for Canada, Chile, the United Kingdom and the United States in the lists of third countries authorised for the entry into the Union of consignments of poultry, germinal products of poultry and fresh meat of poultry and game birds (Text with EEA relevance)	unclear	it is an administrative act in the meaning of the Aarhus Regulation, but its legal effect is debatable
<b>L 198/1</b>	08.08.2023	C/2023/3366	Commission Delegated Refulation (EU) 2023/1605 supplementing Regulation (EC) No 1069/2009 of the European Parliament and of the Council as regards the determination of end points in the	unclear	it is an administrative act in the meaning of the Aarhus Regulation, but its

			manufacturing chain of certain organic fertilisers and soil improvers		legal effect is debatable
<b>L 198/27</b>	08.08.2023	C/2023/3467	Commission Delegated Regulation (EU) 2023/1609 of 1 June 2023 correcting Delegated Regulation (EU) 2017/118 establishing fisheries conservation measures for the protection of the marine environment in the North Sea	yes	it is an administrative act in the meaning of the Aarhus Regulation
<b>L 198/39</b>	08.08.2023	PUB/2023/1055	Decision No 1/2023 of the Specialised Committee on Fisheries established by Article 8(1)(q) of the Trade and Cooperation Agreement between the European Union and the European Atomic Energy Community, of the one part, and the United Kingdom of Great Britain and Northern Ireland, of the other part, of 24 July 2023 as regards the mechanism for voluntary in-year transfers of fishing opportunities [2023/1611]	yes	it is an administrative act in the meaning of the Aarhus Regulation
<b>L 198/41</b>	08.08.2023	PUB/2023/1053	Recommendation No 1/2023 of the Specialised Committee on Fisheries established by Article 8(1)(q) of the Trade and Cooperation Agreement between the European Union and the European Atomic Energy Community, of the one part, and the United Kingdom of Great Britain and Northern Ireland, of the other part, of 24 July 2023 as regards guidelines	yes	it is an administrative act in the meaning of the Aarhus Regulation

			for notifications under Article 496(3) of the Agreement		
<b>L 198/44</b>	08.08.2023	PUB/2023/1054	Recommendation No 2/2023 of the specialized Committee on fisheries established by article 8(1)(Q) of the trade and cooperation agreement between the European Union and the European Atomic Energy Community, of the one part, and the United Kingdom of Great Britain and Northern Ireland, of the other part,	yes	it is an administrative act in the meaning of the Aarhus Regulation
<b>L 200/5</b>	10.08.2023	C/2023/5068	Commission Implementing Decision (EU) 2023/1623 of 3 August 2023 specifying the values relating to the performance of manufacturers and pools of manufacturers of new passenger cars and new light commercial vehicles for the calendar year 2021 and the values to be used for the calculation of the specific emission targets from 2025 onwards, pursuant to Regulation (EU) 2019/631 of the European Parliament and of the Council and correcting Implementing Decision (EU) 2022/2087 (notified under document C(2023) 5068) (Only the Czech, Dutch, English, Estonian, French, German, Hungarian, Italian, Polish, Romanian,	yes	it is an administrative act in the meaning of the Aarhus Regulation

			Slovak, Spanish and Swedish texts are authentic) (Text with EEA relevance)		
<b>L 200/39</b>	10.08.2023	PUB/2023/792	Decision No 1/2022 of the Joint Committee established by the Agreement between the European Union and the Swiss Confederation on the linking of their greenhouse gas emissions trading systems of 9 December 2022 amending Annexes III and IV to the Agreement between the European Union and the Swiss Confederation on the linking of their greenhouse gas emissions trading systems	yes	it is an administrative act in the meaning of the Aarhus Regulation
<b>C 281/2</b>	10.08.2023	PUB/2023/782	Communication from the Government of the Republic of Poland concerning Directive 94/22/EC of the European Parliament and of the Council on the conditions for granting and using authorizations for the prospection,	unclear	it is an administrative act in the meaning of the Aarhus Regulation, but its legal effect is debatable

			exploration and production of hydrocarbons 2023/C 281/02		
<b>C 282/4</b>	11.08.2023	C/2023/5434	Notice of initiation of an anti-dumping proceeding concerning imports of certain alkyl phosphate esters, originating in the People's Republic of China 2023/C 282/04	unclear	it is an administrative act in the meaning of the Aarhus Regulation, but its legal effect is debatable
<b>C 283/48</b>	11.08.2023	2023/C 283/11	European Parliament resolution of 16 February 2023 on developing an EU cycling strategy	unclear	it is an administrative act in the meaning of the Aarhus Regulation, but its legal effect is debatable
<b>C 283/51</b>	11.08.2023	2023/C 283/12	European Parliament resolution of 16 February 2023 on the Commission communication on ensuring availability and affordability of fertilisers	unclear	it is an administrative act in the meaning of the Aarhus Regulation, but its legal effect is debatable
<b>C 283/65</b>	11.08.2023	2023/C 283/15	Union rights in enforcing and implementing the UK Withdrawal Agreement and the EU-UK Trade and Cooperation Agreement	unclear	it is an administrative act in the meaning of the Aarhus Regulation, but its

					legal effect is debatable
<b>C 284/1</b>	11.08.2023	2023/C 284/01	Authorisation for State aid pursuant to Articles 107 and 108 of the Treaty on the Functioning - Individual Aid for the Baltic Power Offshore Windfarm of the European Union	not	it is an administrative act in the meaning of the Aarhus Regulation
<b>C 284/3</b>	11.08.2023	2023/C 284/02	Authorisation for State aid pursuant to Articles 107 and 108 of the Treaty on the Functioning of the European Union	not	it is an administrative act in the meaning of the Aarhus Regulation
<b>C 284/4</b>	11.08.2023	2023/C 284/03	Authorisation for State aid pursuant to Articles 107 and 108 of the Treaty on the Functioning of the European Union - State aid programme for compensation of milk collection costs for small capacity dairies	not	it is an administrative act in the meaning of the Aarhus Regulation
<b>C 284/8</b>	11.08.2023	2023/C 284/07	Authorisation for State aid pursuant to Articles 107 and 108 of the Treaty on the Functioning of the European Union - Limited amounts of aid to end-users faced with high administrative costs related to the payment deferral scheme for electricity, gas and heating	not	it is an administrative act in the meaning of the Aarhus Regulation
<b>C 284/9</b>	11.08.2023	2023/C 284/08	Authorisation for State aid pursuant to Articles 107 and 108 of the Treaty on the Functioning of the European Union - Payment deferral scheme for electricity, gas, and heating consumers	not	it is an administrative act in the meaning of the Aarhus Regulation



<b>C 284/11</b>	11.08.2023	2023/C 284/10	Authorisation for State aid pursuant to Articles 107 and 108 of the Treaty on the Functioning of the European Union - Restoring and maintaining forestry potential in military districts	not	it is an administrative act in the meaning of the Aarhus Regulation
<b>C 284/12</b>	11.08.2023	2023/C 284/11	Authorisation for State aid pursuant to Articles 107 and 108 of the Treaty on the Functioning of the Realisation of photovoltaic systems to be installed on buildings for productive use in the agricultural, zootechnical and agro-industrial sectors, to be financed under the NRP, Mission 2, Component 1, Investment 2.2 'Agrisolar Park	not	it is an administrative act in the meaning of the Aarhus Regulation
<b>C 284/13</b>	11.08.2023	2023/C 284/12	Authorisation for State aid pursuant to Articles 107 and 108 of the Treaty on the Functioning of the European Union - Support to the productive system in Campania Region	not	it is an administrative act in the meaning of the Aarhus Regulation
<b>C 284/14</b>	11.08.2023	2023/C 284/13	Authorisation for State aid pursuant to Articles 107 and 108 of the Treaty on the Functioning of the European Union - Temporary cost reimbursement aid to agricultural and aquaculture businesses	not	it is an administrative act in the meaning of the Aarhus Regulation
<b>C 284/15</b>	11.08.2023	2023/C 284/14	Authorisation for State aid pursuant to Articles 107 and 108 of the Treaty on the Functioning of the European Union - Aid to pig producers	not	it is an administrative act in the meaning of the Aarhus Regulation

<b>C 284/16</b>	11.08.2023	2023/C 284/15	Authorisation for State aid pursuant to Articles 107 and 108 of the Treaty on the Functioning of the European Union - Payments for areas of arable land sown or planted with seed of the basic or certified category in the main crop for agricultural producers	not	it is an administrative act in the meaning of the Aarhus Regulation
<b>C 284/17</b>	11.08.2023	2023/C 284/16	Authorisation for State aid pursuant to Articles 107 and 108 of the Treaty on the Functioning of the European Union - Payments for areas of arable land sown or planted with seed of the basic or certified category in the main crop for agricultural producers	not	it is an administrative act in the meaning of the Aarhus Regulation
<b>C 284/21</b>	11.08.2023	2023/C 284/18	Authorisation for State aid pursuant to Articles 107 and 108 of the Treaty on the Functioning of the European Union - Guarantees on credits granted to agricultural and fishing enterprises for the construction of renewable energy plants	not	it is an administrative act in the meaning of the Aarhus Regulation
<b>L 202/8</b>	14.08.2023	C/2023/5265	Commission Implementing Regulation (EU) 2023/1630 of 11 August 2023 amending Implementing Regulation (EU) 2023/834 on exceptional market support measures for the eggs and poultrymeat sectors in Italy	yes	it is an administrative act in the meaning of the Aarhus Regulation
<b>L 203/1</b>	16.08.2023	C/2023/3501	Commission Delegated Regulation (EU) 2023/1634 of 5 June 2023 amending Regulation (EU) 2019/631 of the European Parliament and of the Council setting CO2 emission performance	yes	it is an administrative act in the meaning of the Aarhus Regulation

			standards for new passenger cars and for new light commercial vehicles		
<b>L 203/11</b>	16.8.2023	C/2023/5459	Commission Implementing Decision (EU) 2023/1635 of 14 August 2023 amending Implementing Decision (EU) 2022/74 setting out the list of Interreg programmes and indicating the global amount of the total support from the European Regional Development Fund and from each external financing instrument of the Union for each programme and the list of the amounts transferred between strands under the European territorial cooperation goal for the period 2021 to 2027	yes	it is an administrative act in the meaning of the Aarhus Regulation
<b>PUB/2023/1071</b>	16.08.2023	C/2023/287/05	Prior notification of a concentration (Case M.11220 – MITSUI & CO / EUROPEAN ENERGY / KASSØ JV) Candidate case for simplified procedure (Text with EEA relevance) 2023/C 287/03	unclear	it is an administrative act in the meaning of the Aarhus Regulation, but its legal effect is debatable
<b>C 287/12</b>	16.08.2023	C/2023/5533	Publication of an application for approval of a non-minor amendment to a product specification pursuant to Article 50(2)(a) of Regulation (EU) No 1151/2012 of the European Parliament and of the Council	unclear	it is an administrative act in the meaning of the Aarhus Regulation, but its

			on quality schemes for agricultural products and foodstuffs 2023/C 287/06		legal effect is debatable
L 204/3	17.08.2023	C/2023/5499	Commission Implementing Regulation (EU) 2023/1637 of 16 August 2023 initiating an investigation concerning possible circumvention of the countervailing measures imposed by Implementing Regulation (EU) 2019/2092 on imports of biodiesel originating in Indonesia by imports of biodiesel consigned from the People's Republic of China and the United Kingdom, whether declared as originating in the People's Republic of China and the United Kingdom or not, and making such imports subject to registration	yes	it is an administrative act in the meaning of the Aarhus Regulation
L 204/9	17.08.2023	C/2023/5460	Commission Implementing Decision (EU) 2023/1638 of 14 August 2023 amending Implementing Decision (EU) 2022/75 setting out the list of Interreg programme areas to receive support from the European Regional Development Fund and external financing instruments of the Union, broken down by strand and Interreg programme under the European territorial cooperation goal	yes	it is an administrative act in the meaning of the Aarhus Regulation

<b>C 288/6</b>	17.08.2023	C/2023/5568	Publication of an application for approval of an amendment, which is not minor, to a product specification pursuant to Article 50(2), point (a), of Regulation (EU) No 1151/2012 of the European Parliament and of the Council on quality schemes for agricultural products and foodstuffs	unclear	it is an administrative act in the meaning of the Aarhus Regulation, but its legal effect is debatable
<b>C/2023/3513</b>	18.08.2023	C/2023/3513	Commission Delegated Regulation (EU) 2023/1640 of 5 June 2023 on the methodology to determine the share of biofuel and biogas for transport, produced from biomass being processed with fossil fuels in a common process	yes	it is an administrative act in the meaning of the Aarhus Regulation
<b>C 290/1</b>	18.08.2023	C/2023/5041	Communication from the Commission on the European Citizens' Initiative (ECI) 'Save cruelty-free cosmetics – Commit to a Europe without animal testing' 2023/C 290/01	unclear	it is an administrative act in the meaning of the Aarhus Regulation, but its legal effect is debatable
<b>C 291/1</b>	18.08.2023	C/2023/4477	Authorisation for State aid pursuant to Articles 107 and 108 of the Treaty on the Functioning of the European Union- Qualitätsprogramme und Qualitätszeichen AMA-Biosiegel und AMA-Gütesiegel	not	it is an administrative act in the meaning of the Aarhus Regulation
<b>C 291/3</b>	18.8.2023	C/2023/4476	Authorisation for State aid pursuant to Articles 107 and 108 of the Treaty on the Functioning of the European Union - AMA-Marketingmaßnahmen	not	it is an administrative act in the meaning of the Aarhus Regulation

C 291/5	18.8.2023	C/2023/4715	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 - Gewährung von Ausgleichszahlungen gemäß § 59 Abs. 2 Satz 1 des Niedersächsischen Wassergesetzes (NWG) i.V.m. § § 52 Abs. 5 des Wasserhaushaltsgesetzes (WHG) und § 93 NWG	not	it is an administrative act in the meaning of the Aarhus Regulation
C 291/6	18.8.2023	C/2023/4913	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 – SA.107300 - Aid scheme on compensation for losses related to animal diseases and zoonotic salmonella for non-SMEs	not	it is an administrative act in the meaning of the Aarhus Regulation
C 291/7	18.8.2023	C/2023/5431	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 – SA.108604 - Rules on preserving and promoting the development of agriculture and rural areas in the municipality of Kobarid (Official Gazette of the RS, No 86/21 and 56/22) and draft Rules on amendments and supplements to the Rules on preserving and promoting the development of agriculture and rural areas in the municipality of Kobarid	not	it is an administrative act in the meaning of the Aarhus Regulation

<b>C 291/8</b>	18.8.2023	C/2023/4701	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 – SA.107268 - Richtlinie zur Gewährung von Fördermitteln für den Vertragsnaturschutz und als Ausgleich von Nachteilen in Natura 2000-Gebieten	not	it is an administrative act in the meaning of the Aarhus Regulation
<b>C 291/11</b>	18.8.2023	C/2023/1899	Authorisation for State aid pursuant to Articles 107 and 108 of the Treaty on the Functioning of the European Union, Support Programme for Sustainable and Digital Transport. Eco-incentive for the promotion of rail freight transport based on environmental and socio-economic merit (MRR).	not	it is an administrative act in the meaning of the Aarhus Regulation
<b>L 206/64</b>	21.08.2023	C/2023/5685	Commission Implementing Regulation (EU) 2023/1644 of 17 August 2023 amending Annexes V and XIV to Implementing Regulation (EU) 2021/404 as regards the entries for the United Kingdom and the United States in the lists of third countries authorised for the entry into the Union of consignments of poultry, germinal products of poultry and fresh meat of poultry and game birds (Text with EEA relevance)	yes	it is an administrative act in the meaning of the Aarhus Regulation
<b>L 210/23</b>	25.08.2023	C/2023/5606	Commission Implementing Regulation (EU) 2023/1661 of 24 August 2023 operating deductions from fishing quotas available for certain stocks in 2023 on	yes	it is an administrative act in the meaning of the Aarhus Regulation

			account of overfishing in the previous years		
<b>L 210/1</b>	25.08.2023	C/2023/3822	Commission Delegated Regulation (EU) 2023/1656 of 16 June 2023 amending Regulation (EU) No 649/2012 of the European Parliament and of the Council as regards the listing of pesticides and industrial chemicals (Text with EEA relevance)	yes	it is an administrative act in the meaning of the Aarhus Regulation
<b>C 301/4</b>	25.08.2023	C/2023/4732	Authorisation for State aid pursuant to Articles 107 and 108 of the Treaty on the Functioning of the European Union - Energiekostenzuschuss für Unternehmen	no	it is an administrative act in the meaning of the Aarhus Regulation
<b>C 303/1</b>	28.8.2023	C/2023/5661	Non-opposition to a notified concentration (Case M.11205 – INPEX CORPORATION / ENEL GREEN POWER / ENEL GREEN POWER AUSTRALIA) (Text with EEA relevance) 2023/C 303/01	unclear	it is an administrative act in the meaning of the Aarhus Regulation, but its legal effect is debatable
<b>L 212/1</b>	29.8.2023	C/2023/5882	Commission Implementing Regulation (EU) 2023/1664 of 25 August 2023 amending Annexes V, XIV and XV to Implementing Regulation (EU) 2021/404 as regards the entries for Argentina, the United Kingdom and the United States in the lists of third countries authorised for the entry into the Union of consignments	yes	it is an administrative act in the meaning of the Aarhus Regulation



			of poultry, germinal products of poultry and fresh meat of poultry and game birds (Text with EEA relevance)		
<b>L 213/1</b>	30.8.2023	C/2023/5804	Commission Decision (EU) 2023/1665 of 28 August 2023 correcting Decision (EU) 2023/1409 instructing the Central Administrator of the Union Registry to return to the Member States and the United Kingdom the Union surplus at the end of the second commitment period of the Kyoto Protocol	unclear	it is an administrative act in the meaning of the Aarhus Regulation, but its legal effect is debatable
<b>L 213/4</b>	30.8.2023	C/2023/5804	Decision of the EU/ICAO Joint Committee of 25 May 2023 on the amendment of the Working Arrangement between the European Union and the International Civil Aviation Organization regarding the cooperation in the area of accident and incident reporting in civil aviation [2023/1666]	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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