



EUROPEAN  
COMMISSION

Brussels, XXX  
[...] (2025) XXX draft

ANNEX 3

**ANNEX**

**to the**

**DRAFT Implementing Regulation**

**COMMISSION IMPLEMENTING REGULATION (EU) .../...  
of XXX**

**amending Commission Regulation (EC) No 794/2004 as regards an internal review  
mechanism to follow up on the findings of the Aarhus Convention Compliance  
Committee in case ACCC/C/2015/128 and other procedural updates**

**DRAFT**

### **ANNEX III**

New Annex V is added as follows.

#### **‘Annex V**

---

FORM FOR THE SUBMISSION OF INTERNAL REVIEW REQUESTS FOLLOWING  
THE AARHUS COMPLIANCE COMMITTEE FINDINGS IN CASE ACCC/C/2015/128<sup>1</sup>

**The mandatory fields are marked with a star (\*).**

#### **1. INFORMATION ON THE NON-GOVERNMENTAL ORGANISATION SUBMITTING THE REQUEST\***

Non-governmental organisation\*:

First name (person representing the non-governmental organisation):\*

Surname:\*

Address line 1:\*

Address line 2:

Town/City:\*

County/State/Province:

Postcode:\*

Country:\*

Telephone:

Mobile telephone:

Email address:\*

I am submitting the request on behalf of another non-governmental organisation,  
namely \_\_\_\_\_

Yes\* No\*

**Note:** If a joint request concerning the same State aid decision and State aid measure is made by several non-governmental organisations, include in this form the contact details of all non-governmental organisations.

If a single contact point is designated, please provide the details of the single contact point.\*

Single contact point, if applicable: \_\_\_\_\_

First name\*:

Surname\*:

Address line 1\*:

Address line 2:

Town/City\*:

---

<sup>1</sup> Please note that the request for an internal review must be made by the non-governmental organisation within eight weeks after publication of the Commission State aid decision that is the subject of the sought review.

County/State/Province:

Postcode\*:

Country\*:

Telephone:

Mobile telephone:

Email address\*:

**2. LAWYER SUBMITTING THE REQUEST ON BEHALF OF ONE OR SEVERAL NON-GOVERNMENTAL ORGANISATION(S)\***

I am submitting the request on behalf of one or several non-governmental organisation(s)

☐ Yes\*      ☐ No\*

If yes, please provide the following information:

Name of the non-governmental organisation(s) you represent\*:

Registration nr. of the entity/ies:

Address line 1\*:

Address line 2:

Town/City\*:

County/State/Province:

Postcode\*:

Country\*:

Telephone 1:

Telephone 2:

Email address:\*

Please attach proof that the representative is authorised to act on behalf of the non-governmental organisation(s). If a non-governmental organisation is represented by a lawyer, the request must include documents and data proving that the lawyer is authorised to practise before a court of a Member State. This may include a certificate issued by a bar association in a Member State or any other document to the same effect following national practice. The lawyer must also provide a power-of-attorney evidencing that they are entitled to represent their client. \*

**3. CONFIDENTIALITY\***

For the person filing the request on behalf of the non-governmental organisation:

☐ ☐ Yes, you may reveal my identity

☐ ☐ No, you may not reveal my identity

*Confidentiality: If you do not wish your identity to be disclosed, please indicate this clearly.*

*The request will be published on the Commission's website. The request will be shared with the Member State granting the State aid for their possible comments and may be also shared with other public authorities.*

#### **4. ELIGIBILITY REQUIREMENTS\***

##### *4.1. Legal status of the non-governmental organisation\**

Is your non-governmental organisation established as legal entity in accordance with the laws and regulations of an EU Member State?

☐ Yes ☐ No

In the affirmative, please indicate where this is registered (specifying the page and article/paragraph): ....

##### *4.2. 'Not-for-profit' status of your organisation\**

Is your non-governmental organisation a 'not-for-profit' organisation? Please provide evidence to that effect.

☐ Yes ☐ No

In the affirmative, please explain and indicate where this is registered (specifying the page and article/paragraph): .....Choose a building block. (maximum 250 words)

##### *4.3 Independent status of your organisation: \**

Is your non-governmental organisation an independent organisation?

☐ Yes ☐ No

In the affirmative, please explain and indicate where this is registered (specifying the page and article/paragraph): ... (maximum 250 words)

##### *4.4 Primary objective: promoting environmental protection in the context of environmental law\**

Does your non-governmental organisation have as its primary objective the promotion of environmental protection in the context of environmental law?

☐ Yes ☐ No

In the affirmative, please explain and indicate where this is registered (specifying the page and article/paragraph): ..... (maximum 250 words)

##### *4.5 Duration of the organisation and active pursuance of the objective under 4.4 above: \**

Has your non-governmental organisation been operational and actively pursued the objective mentioned in 4.4 above for over two years?

☐ Yes ☐ No

In the affirmative, please explain and indicate where this is registered (specifying the page and article/paragraph): ... (*maximum 250 words*).

#### 4.6 Organisation's objective and subject matter of the request for internal review\*

What is the subject matter of your request? .... (*maximum 250 words*).

Is the subject of your requested internal review covered by your organisation's objective and activities?

☐ Yes ☐ No

In the affirmative, please explain and indicate where this is registered (specifying the page and article/paragraph): .... (*maximum 250 words*).

### 5. GROUNDS OF REQUEST\*

Please indicate for which Commission State aid decision and measure you are requesting an internal review. If possible, please indicate the recitals in the State aid decision which form the basis of your request.

Please indicate the specific provision(s) of EU environmental law that are alleged to have been breached by the activity that received aid and/or by any aspects of the State aid measure. Please explain why they are indissolubly linked to the objective of the aid and/or the aided activity<sup>2</sup>.

Please note that an internal review can only be requested for final State aid decisions closing a formal investigation procedure under Article 108(2), in accordance with Articles 9(3) and (4) of Council Regulation (EU) 2015/1589, having as legal basis Articles 107(3)(a), (b), first part (aid to promote the execution of an important project of common European interest), (c), (d), (e) of the TFEU.

Please provide relevant and structured information and documentation supporting each ground of your request and specify which part of the information and documentation submitted refers to each ground.

Please also indicate whether you initiated any action at national level (administrative or judicial) and if so, the state of play.

Please put forward facts and legal arguments for each of those grounds.

.....(*maximum 5 500 words*)

---

<sup>2</sup> *Ex multis* judgment of 22 March 1977, Iannelli & Volpi, 74/76, EU:C:1977:51, paragraph 14, 'Those aspects of aid which contravene specific provisions of the Treaty (...) may be so indissolubly linked to the object of the aid that it is impossible to evaluate them separately so that their effect on compatibility or incompatibility of the aid viewed as a whole must therefore of necessity be determined in the light of the procedure prescribed in Article 93'.

## 6. SUPPORTING DOCUMENTS

### 6.1. Please list any documents and evidence submitted in support of your request and add annexes if necessary.

All annexes must be numbered, have clearly marked headings and be referenced in the request for internal review, as evidence of the specific factual and/or legal arguments made in your request.

### 6.2. Mandatory annexes to submit to meet the eligibility requirements in Section 4\*:

- (a) statute or by-laws of the non-governmental organisation, or any other document to the same effect following national practice in the Member States where the national law does not require or provide for a non-governmental organisation to adopt a statute or by-laws;
- (b) annual activity reports of the non-governmental organisation covering the last two years;
- (c) for non-governmental organisations established in countries where the fulfilment of such procedures is a prerequisite for a non-governmental organisation to obtain legal personality, a copy of the legal registration with the national authorities;
- (d) any information and documentation that the Commission has previously acknowledged the non-governmental organisation as being entitled to make a request for an internal review under Regulation (EC) No 1367/2006 (the 'Aarhus Regulation') or paragraph [xx] of the Commission Code of Best Practices for the conduct of State aid control procedures; and a declaration by the non-governmental organisation that they continue to meet the eligibility conditions.

**Note:** if any of the above-mentioned documents cannot be provided for reasons not attributable to the non-governmental organisation, the organisation may provide evidence in form of any other equivalent document.

If the documents submitted do not clearly state that the non-governmental organisation has the primary stated objective of promoting environmental protection in the context of environmental law, that it has existed for over two years and actively pursues this objective, or that the subject matter of the request for an internal review is covered by the objectives and activities of the non-governmental organisation, the organisation must submit any other document providing evidence that this criterion is met.

## 7. LANGUAGE WAIVER

To speed up the processing of the request for internal review, the Commission strongly encourages the use of the language waiver below, dated and signed by the non-governmental organisation.

'The undersigned, representing the requesting non-governmental organisation lodging the request for an internal review of *[specify the number and the title of the State aid decision]*, agrees exceptionally to waive their rights deriving from Article 342 TFEU in conjunction with Article 3 of Regulation (EC) No 1/1958 and to have the Commission's reply adopted and notified under Article 297 of the Treaty in the English language only'.

## 8. PERSONAL DATA PROTECTION<sup>3</sup>

☐ I understand that this request for review can be published on the Commission website, will all personal data redacted.

☐ I opt out of the publication of my postal address on the Commission website.

☐ I opt out of the publication of my name on the Commission website.

☐ I opt out of revealing my identity to third parties.

The Commission will process your personal data in accordance with Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies. You can find more information in the applicable privacy statement.

**I hereby declare that all information in this form and annexes is provided in good faith.**

Place, date and signature of the requester

,

---

<sup>3</sup> This refers to the name, postal address and identity of the NGO(s) making the request, not the legal representative.