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STELLA KYRIAKIDES
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HEALTH AND FOOD SAFETY

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Brussels, 3 July 2023

Dear Dr. Willand and Ms Hoesch,

On 30 January 2023, you submitted, on behalf of Aurelia Stiftung, a request for internal review¹ under Article 10 of Regulation (EC) No 1367/2006 ('the Aarhus Regulation')² of Commission Implementing Regulation (EU) 2022/2364 of 2 December 2022 amending Implementing Regulation (EU) No 540/2011 as regards the extension of the approval period of the active substance glyphosate ('the Extension Regulation'). The Extension Regulation was adopted pursuant to Article 17, first paragraph, of Regulation (EC) No 1107/2009 concerning the placing of plant protection products on the market ('the PPP Regulation').

In your request, you claim that the Extension Regulation should be reviewed and repealed, in accordance with Article 10 of the Aarhus Regulation. According to your request, this claim relies on the following grounds:

- Article 17 of the PPP Regulation could not be applied as the extension of the deadline for EFSA's conclusion has no basis in the procedural rules and, therefore, the Commission should have decided without an EFSA conclusion;
- Article 17 could not be applied as the reasons for the delay were not beyond the control of the applicant and, therefore, one of the conditions for its application was not met;

¹ Registered on 1 February 2023 under reference ARES(2023)735459.

² 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&qid=1644283044122>.

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- Article 17 could not be applied due to data gaps and gaps in the risk assessment;
- even if Article 17 is applicable, its application by the Commission was contrary to EU law because the Commission did not carry out a proper balancing exercise and should have applied the precautionary principle.

The Commission has considered the admissibility of your request in the light of the provisions of Title VI of the Aarhus Regulation, and its Articles 10 and 11 in particular.

The Commission considers that your organisation complies with the criteria set out in Article 11 of the Aarhus Regulation and is therefore entitled to make a request for internal review.

Your request has been lodged within the applicable time limit and with indication of grounds, in accordance with Article 10(1) of the Aarhus Regulation.

The Commission has carefully assessed your arguments and considers that your request is unfounded. The detailed Commission assessment of the grounds for review is enclosed in the Annex to this letter. On this basis, the Commission considers that the Extension Regulation is in accordance with the applicable EU legislation.

Should you disagree with this reply, you may bring the matter before the European Ombudsman or before the General Court in accordance with the provisions laid down in Articles 228 or 263, respectively, of the TFUE.

Yours sincerely,



Enclosure: Annex - Assessment of the grounds for the request of internal review of the Commission Regulation