

How the European Commission handled infringement proceedings against Germany about planning laws and retail space

Case opened

Case 2238/2021/MHZ - Opened on 01/02/2022 - Decision on 16/12/2022 - Institution concerned European Commission (Maladministration found) |

Case 2249/2021/MHZ - Opened on 01/02/2022 - Decision on 16/12/2022 - Institution concerned European Commission (Maladministration found) |

Mrs Ursula von der Leyen

President of the European Commission

Strasbourg, 01/02/2022

Complaints 2238/2021/MHZ and 2249/2021/MHZ

Subject: Inspection and meeting concerning how the European Commission handled two infringement complaints against Germany, submitted by IKEA and Decathlon, about planning laws and retail space (2008/4946 and 2015/4207)

Dear President,

I have received two complaints against the European Commission from IKEA and Decathlon, which I am dealing with jointly.

The complainants allege that the European Commission has failed to appropriately handle infringement proceedings against Germany following two complaints about planning laws and retail space (2008/4946 and 2015/4207). In particular, they claim that:

1) The Commission is delaying the infringement procedure. The initial complaint was submitted in 2008 but the most recent formal step taken by the Commission in dealing



with the complaints was an additional letter of formal notice sent to Germany in 2015. The complainants would like the Commission to complete the administrative phase of the infringement proceedings without further delay.

2) The Commission is not transparent about the reasons for the time it has taken to deal with the infringement procedure. In that time, it has provided various reasons to explain the delay. The complainants contend that the delay is due to political considerations and the unwillingness to pursue an infringement procedure against Germany.

I have decided to open an inquiry into the above matters.

The complainants also claim that the Commission should disclose all correspondence concerning the infringement procedure since 2015. As they have not made sufficient prior administrative approaches concerning this issue, I am not inquiring into it.

As a first step in the inquiry, I have decided that it is necessary for my inquiry team to inspect documents in the Commission's file concerning the infringement complaints in question. I would also like the inquiry team to meet with relevant representatives of the Commission to establish what concrete actions concerning the infringement complaints the Commission has taken since 2008.

I would be grateful if your office could contact Mrs Marta Hirsch-Ziembinska who is in charge of this inquiry, to agree the arrangements for the inspection and meeting.

Information or documents that the Commission considers to be confidential will not be disclosed to the complainant or any other person without prior agreement. [1]

Yours sincerely,

Emily O'Reilly European Ombudsman

[1] Please clearly mark such material 'Confidential'. Encrypted emails can be sent to our dedicated mailbox. Information and documents of this kind will be deleted from the European Ombudsman's files shortly after the inquiry has ended.