



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

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) |

The complainants are two retail companies, which alleged that the European Commission failed to appropriately handle infringement proceedings against Germany concerning planning laws and retail space. The complainants took issue with the time taken for the proceedings, with the initial infringement complaint having been submitted in 2008, and the differing explanations given by the Commission for the delay.

The Ombudsman inquiry team inspected the Commission's file on the case and met with relevant representatives from the Commission. Following this, the Ombudsman issued preliminary findings to the Commission, notably that the Commission had taken an unreasonably long time (thirteen years) to deal with the initial administrative stages of the infringement procedure. She suggested that the Commission should take a decision on the next stage of the procedure without further delay.

In reply to the Ombudsman's findings, the Commission gave explanations to justify the delay and indicated that it intended to take a decision in early 2023. The Ombudsman closed the inquiry with a finding of maladministration but considered that it would serve no purpose to make a recommendation, as the Commission intended to take a decision in the coming months.