



Decision concerning complaint 1010/2022/VB about how the European Commission prepared the adoption of a delegated regulation concerning the 'taxonomy' classification for sustainable investments

Decision

Case 1010/2022/VB - Opened on 21/06/2022 - Decision on 21/06/2022

Dear Ms X,

You recently submitted a complaint to my Office also on behalf of Mr Y (MEP), concerning the procedure followed by the Commission to prepare a Complementary Delegated Act covering certain activities pertaining to nuclear energy and gas [1].

You consider that the Commission breached the Better Regulation Guidelines and the Interinstitutional Agreement on Better Law Making, as it did not conduct an impact assessment nor open a four-week public consultation before adopting the act. You also take issue with how the Commission consulted stakeholders arguing that it failed to do so in a timely manner.

After a careful analysis of all the information you have sent us, I regret to inform you that I cannot open an inquiry [2].

As Ombudsman, I can investigate complaints that concern the administrative work of the European Union's institutions and bodies. This may include to what extent the Commission follows rules, such as the Better Regulation Guidelines and the associated Better Regulation Toolbox in the preparation of delegated acts. To ensure consistency, transparency and to avoid any sense of arbitrariness in the way EU administration works, EU institutions and bodies should systematically apply rules, including those they have established for themselves.

The Delegated Regulation at issue in this case may enter into force only if no objection is expressed by the co-legislators [3]. On 13 June, the ENVI and ECON committees of the European Parliament adopted a draft motion for a resolution objecting to the act [4]. The resolution also sets out that any new or amended delegated act on this matter should be subject to public consultation and impact assessment. The matter will be subject to a plenary vote in July.

As the matter is now before the European Parliament, there are no grounds for me at this



stage to inquire as Ombudsman.

I appreciate this may not be your desired outcome, but I hope you find these explanations helpful. Thank you for having contacted my Office.

Yours sincerely,

Emily O'Reilly

European Ombudsman

Strasbourg, 21/06/2022

[1] Commission Delegated Regulation (EU) of 9 March 2022 amending Delegated Regulation (EU) 2021/2139 as regards economic activities in certain energy sectors and Delegated Regulation (EU) 2021/2178 as regards specific public disclosures for those economic activities, C(2022) 631 final.

[2] Full information on the procedure and rights pertaining to complaints can be found at <https://www.ombudsman.europa.eu/en/document/70707> .

[3] In accordance with Article 290(2) of the Treaty on the Functioning of the European Union.

[4] Draft motion for a resolution of 14 June 2022, 2022/2594(DEA), https://www.europarl.europa.eu/meetdocs/2014_2019/plmrep/COMMITTEES/CJ36/RD/2022/06-14/12573

.