

Letter from the European Ombudsman to the Council of the European Union on the European Ombudsman's recommendation in the case 1834/2022/NH

Correspondence - 15/05/2023

Case 1834/2022/NH - **Opened on** 25/10/2022 - **Recommendation on** 04/04/2023 - **Decision on** 25/09/2023 - **Institutions concerned** Council of the European Union (Maladministration found) | Council of the European Union (Recommendation agreed by the institution) |

Secretary-General

Council of the European Union

Dear Ms X,

I refer to my letter of 4 April 2023, in which I informed you of my recommendation in the above case concerning how the Council of the European Union handled a request for public access to the legal opinion on the proposed EU directive on adequate minimum wages (your reference: 12/c/01/21).

During my inquiry, Denmark brought an action for annulment of Directive (EU) 2022/2041 on adequate minimum wages before the Court of Justice of the EU (case C-19/23). As such, the statement in footnote 20 [1] of my recommendation should be disregarded.

While I apologise for this oversight, my assessment on the application of Article 4(2), second indent, of Regulation 1049/2001, at the time of the adoption of the confirmatory decision in this case, is not affected. The recommendation stands.

Please note that this letter will be published, and that I will inform the complainant accordingly.

Yours sincerely,

Emily O'Reilly European Ombudsman

Strasbourg, 15/05/2023



[1] Footnote 20 in my recommendation states that “ *The validity of the legislative act was not challenged by direct actions before the EU courts in the time frame allowing for such actions .*”