

**Report to the European Ombudsman regarding the Commission's commitment to take a decision in early 2023 on joint cases 2238 and 2249/2021/MHZ**

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**I. THE COMMISSION'S ACTIONS TAKEN**

Following exchanges with the German authorities throughout the year 2022 [REDACTED] the services of the Commission remained in contact with the German authorities to follow the legislative changes at the German Parliament.

On 29 October 2022, the German authorities provided the draft text of the legislative proposal of the modified spatial planning law [REDACTED] [REDACTED].

On 30 November 2022, Kerstin Jorna, Director General of DG GROW wrote to her counterpart at the German Federal Construction Ministry expressing her hope for a successful conclusion of the legislative process which would then allow the Commission to consider the next steps in the pending procedure [REDACTED].

On 19 December 2022, the German Government informed about the timing of the next steps in the legislative process in early 2023. On 17 March 2023, the German authorities informed that on 3 March 2023 the German Bundestag took its decision on the legislative proposal.

On 28 March 2023, the German Government provided the Commission with the details about the publication of the law in the Federal law collection (Bundesgesetzblatt). In this context, the German Government pointed out that the modified law also contains an obligation for the Federal Government to report by September 2024 to the German Parliament on the effectiveness of the derogation procedures under the new legislative framework. The German Government announced that it will keep the Commission informed about the experiences with the derogation procedure.

As announced in October 2022, the Commission services also proactively approached the complainants in the pending case and organised an exchange on 30 January 2023. Following the discussion with the complainants, the legal representative of the complainants submitted a written update to the Commission on 28 February 2023 [REDACTED], which was answered on 24 March 2023 [REDACTED].

**II. CONCLUSIONS**

The Commission is currently awaiting the confirmation from the German authorities on the status of the modifications of the Federal ROG. Once the information on the publication of the law is available the Commission will proceed with the next step in the pending infringement procedures.