

31/10/2023

Report to the European Ombudsman regarding the Commission's decision on joint cases 2238 and 2249/2021/MHZ

I. THE COMMISSION'S ACTIONS TAKEN

In parallel to the report regarding the Commission's commitment to take a decision in early 2023 (Ares(2023)2277348 of 29 March 2023), the German authorities informed the Commission services about the publication of the new German law revising the spatial planning law (Raumordnungsänderungsgesetz – ROG-ÄndG) on 28 March 2023 (attachment 1). The German authorities clarified that the envisaged modification of § 6 (2) of the spatial planning law (Raumordnungsgesetz – ROG) by the ROG-ÄndG was complemented with a reporting obligation of the Federal Government to the German Parliament on the impact of the change by September 2024.

In view of the publication of the ROG-ÄndG, the Commission services informed the complainants on 11 May 2023 about the intention to propose the closure of the infringement cases on opportunity grounds (attachment 2). The complainants responded on 9 June 2023 to the letter of 11 May 2023 and a meeting with the complainants was held on 26 June 2023 to further discuss the underlying issues.

The ROG-ÄndG, due to a requirement in Article 72 (3) of the German Constitution (Grundgesetz), entered into force on 28 September 2023 (Article 15 ROG-ÄndG).

II. CONCLUSIONS

The Commission decided to await the entry into force of the German law prior to closing the infringement case on 18 October 2023. The complainants have been informed about this closure decision on 25 October 2023 (attachment 3).

List of enclosures

- Raumordnungsänderungsgesetz (ROG-ÄndG) published on 28 March 2023
- Letter of 11 May 2023
- Letter of 25 October 2023