

**Question for written answer E-002488/2023/rev.1
to the Commission**
Rule 138
Svenja Hahn (Renew)

Subject: Retail establishment restrictions under German urban planning law

The Commission published the 2022 Retail Restrictiveness Indicator (RRI) in June 2023. The RRI places Germany among the top three most restrictive EU Member States when it comes to retail establishment. According to the indicator, in Germany, some goods are not allowed to be sold outside city centres. Moreover, prospective retailers must provide an assessment of their potential catchment area and of the impact that their business would have on the sales of existing retailers. This could be part of an economic need test, which is prohibited under Article 14(5) of the EU Services Directive¹.

It has been reported that the Commission's Department for Growth is considering closing two cases that address retail establishment restrictions under German urban planning law, namely the ones concerning the complaints submitted by IKEA (2008/4946) and Decathlon (2015/4207).

1. What action does the Commission plan to take with a view to the lifting of the restrictions on retail establishment imposed under German urban planning legislation?
2. Specifically, has it engaged with the German Federal Government to seek effective solutions to the above-mentioned issues?
3. If yes, how could the Commission help to ensure that these solutions are enforced on federal and state level in Germany?

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¹ Directive 2006/123/EC of the European Parliament and of the Council of 12 December 2006 on services in the internal market (OJ L 376, 27.12.2006, p. 36).