

**Priority question for written answer P-004146/2026
to the Commission**

Rule 144

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Subject: Hungarian retail tax and freedom of establishment in the single market

In infringement proceedings INFR(2024)4022, the Commission called on Hungary to bring its retail tax into line with the freedom of establishment in accordance with Articles 49 and 54 of the Treaty on the Functioning of the European Union (TFEU), and decided in April 2026 to bring Hungary before the Court of Justice of the European Union in this regard.

The complaint centres on the fact that the turnover of foreign-controlled companies is aggregated for the purposes of the progressive tax rates, whilst legally independent but affiliated domestic franchise outlets are not included in the aggregation of turnover.

The legislative amendment introduced in July 2026 formally allows retail companies to split their business activities across several companies. On 12 October 2026, the company SPAR lodged a further complaint on behalf of the SPAR Group.

1. What is the Commission's assessment of the legislative amendment of July 2026 in relation to the freedom of establishment under Articles 49 and 54 TFEU, particularly with regard to the question of whether foreign-controlled retail enterprises can adapt their corporate structure under legal and economic conditions comparable to those of domestic franchise systems?
2. What criteria does the Commission apply when assessing the actual feasibility of the restructuring options, in particular with regard to the economic autonomy of the newly created companies, the consolidation of affiliated companies and the proportionality of the effort required for this?
3. How will the Commission take account of the legislative amendment in pending infringement proceedings INFR(2024)4022 and in the proceedings before the Court of Justice, and what further legal steps will it take, if necessary, should the amended legislation fail to remedy the alleged unequal treatment?

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