

Question for written answer E-015430/2015
to the Commission
Rule 130
Csaba Molnár (S&D)

Subject: Application of Hungary's anti-shopping mall law

Under an amendment of 2011 to Law No LXXVIII of 1997, it was not permitted to build commercial premises with a surface area larger than 300 m² in Hungary. In November 2014, the law was again amended: instead of 300 m², the limit beyond which special authorisation is required for the construction of a retail centre is now 400 m². Raising objections to many points in the law, the Commission has already previously brought infringement proceedings, because it is the government, rather than any independent authority, that decides whether shopping centres with a surface area larger than 400 m² may be built and whether to grant exemptions from the law. The anti-shopping mall law does not lay down any objective conditions on the basis of which shopping centres may be exempted from its provisions. It seems to be becoming apparent that the Commission's concerns about this law are indeed justified. After the Ministry of National Economic Affairs had refused to disclose the list of exemptions, a website was compelled to seek its disclosure by means of the 444.hu judicial proceedings. It was revealed that only the CBA food chain, which is Hungarian-owned and close to the current government, has been granted an exemption from the law, while not a single international chain has. To cite specific numbers, CBA has been granted exemptions on 24 occasions, whereas international chains, despite submitting 35 applications, have not been granted a single one.

- Will the Commission examine the consequences of the application of the anti-shopping mall law, and whether the law accords with European Union rules on the prohibition of State aid and with the provisions forbidding unfair competition?
- If so, what steps will it take in relation to the Hungarian Government?