

European Commission Closes Infringement Procedure Against Portugal Regarding Optional Tax Benefits for Non-Residents on Sale of Real Estate

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The European Commission announced on 20 December 2023 that it had closed the infringement procedure against Portugal regarding optional tax benefits for non-residents on the sale of real estate.

The European Commission opened the infringement procedure n. INFR(2016)4047 on 27 April 2017 and sent a reasoned opinion on 24 January 2019, asking Portugal to change restrictive provisions on exit tax for capital gains, bringing it in line with the relevant case law of the Court of Justice of the European Union, notably [Hollmann v Fazenda Pública](#) and [Fazenda Pública v. Patrício Teixeira](#) (for prior coverage, see [European Commission sends reasoned opinion to Portugal over taxing capital gains realized by non-residents \(24 January 2019\)](#)).

The infringement procedure was closed by decision of the European Commission, without explicitly stating the reasons for doing so.