

## Act CVIII of 2001

### on Electronic Commerce and on Information Society Services<sup>1</sup>

With a view to the development of electronic commerce and thereby the promotion of economic development, and to the improvement of the compatibility of the Hungarian economy internationally through information society services, furthermore, for the protection of consumers in transactions made through electronic commerce, Parliament has adopted the following Act in harmony with the relevant legislation of the European Communities:

#### *Scope*

##### *Section 1*

(1) This Act shall apply to:

*a*)<sup>2</sup> information society services provided from and directed to the territory of Hungary;

*b*) natural and legal persons and business associations lacking the legal status of a legal person in their capacity as the recipients or providers of the services specified in Paragraph *a*).

→(1a)<sup>3</sup> This Act shall apply to video-sharing platform providers established in the territory of Hungary.

→(1b)<sup>4</sup> In addition to the provisions of Subsection (1a), this Act shall apply to video-sharing platform providers not established in any Member State,

→*a*) the parent company or subsidiary company of which is established in Hungary; or

→*b*) that belongs to a group of companies, and another company that belongs to the same group of companies is established in Hungary.

→(1c)<sup>5</sup> For the purposes of applying Subsection (1b), where the parent company, the subsidiary company or the other companies of the group are each established in different Member States, the video-sharing platform provider shall be deemed to be established in Hungary if its parent company is established in Hungary or, in the absence of such an establishment of a parent company in any Member State, if its subsidiary company is established in Hungary or, in the absence of such an establishment of a subsidiary company in any Member State, if the other company of the group is established in Hungary.

→(1d)<sup>6</sup> For the purposes of applying Subsection (1c):

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<sup>1</sup> Promulgated on 24 December 2001.

<sup>2</sup> Amended: by subparagraph *a*) Section 218 of Act CCI of 2011. In force: as of 1. 01. 2012.

<sup>3</sup> Enacted by Section 1 of Act XXIV of 2020, effective as of 12 June 2020.

<sup>4</sup> Enacted by Section 1 of Act XXIV of 2020, effective as of 12 June 2020.

<sup>5</sup> Enacted by Section 1 of Act XXIV of 2020, effective as of 12 June 2020.

<sup>6</sup> Enacted by Section 1 of Act XXIV of 2020, effective as of 12 June 2020.

→ a) where there are several subsidiary companies and each of them is established in a different Member State, the video-sharing platform provider shall be deemed to be established in Hungary if one of the subsidiary companies first began its activity in Hungary, provided that it maintains a stable and effective link with the economy of Hungary;

→ b) where there are several other companies which are part of the group and each of them is established in a different Member State, the video-sharing platform provider shall be deemed to be established in Hungary if one of these companies first began its activity in Hungary, provided that it maintains a stable and effective link with the economy of Hungary.

(2)<sup>1</sup> The provisions relating to coordinated fields shall not apply to service providers established in any State that is party to the Agreement on the European Economic Area and providing services directed to the territory of Hungary.

(3) This Act shall not apply to information society services provided and used in any court action or official proceeding, and shall not concern the application of regulations pertaining to the protection of personal data.

(4)<sup>2</sup> This Act - with the exception of Paragraph m) of Section 2, Section 3/B, Section 4/A and Section 13/B - shall not apply to individual communications by natural persons acting outside their trade, business or profession, or their public duties, by way of an information society service, including where such communications are used for making contract statements.

### ***Interpretative Provisions***

#### *Section 2*

For the purposes of this Act:

a)<sup>3</sup> 'Electronic commercial service' shall mean any information society service provided in the form of business operations where the purpose is to encourage the sale, purchase or exchange of and access by other means to any goods of a fungible nature that are capable of being delivered, including money and securities and natural resources that can be utilized as capital goods, also including services, immovable property and rights (hereinafter referred to as "goods");

b) 'Electronic means' shall mean the use of electronic equipment for the processing and storage of data, and entirely transmitted, conveyed and received by wire, by radio, by optical means or by other electromagnetic means;

c)<sup>4</sup> 'Member State of the European Economic Area' shall mean any Member State of the European Union and States who are parties to the Agreement on the European Economic Area;

d) 'Recipient of the service' shall mean any natural or legal person, or business association lacking the legal status of a legal person who uses an information society service;

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<sup>1</sup> Established by Section 1 of Act CLXXI of 2005, effective as of 1 January 2006. Amended: by subparagraph b) Section 218 of Act CCI of 2011. In force: as of 1. 01. 2012.

<sup>2</sup> Established by Section 44 of Act LXIX of 2016, effective as of 17 July 2016.

<sup>3</sup> Established: by paragraph (1) Section 41 of Act XLVII of 2008. In force: as of 01. 09. 2008.

<sup>4</sup> Established: by paragraph (1) Section 2 of Act XCIV of 2007. In force: as of 05. 08. 2007.

e) 'Information' shall mean any data, signals and images that can be processed, stored and transmitted by way of electronic means, irrespective of whether they are under copyright protection or not;

f)<sup>1</sup> 'Information society service' shall mean services provided electronically - normally for financial consideration - at a distance and at the individual request of the recipient of the services;

g)<sup>2</sup> 'Services directed to the territory of Hungary' shall mean any service that is targeted for Hungarian recipients based on evidence obtained from the language and the currency used, and on other applicable circumstances; furthermore, all information society services provided by the application supplier referred to in Paragraph m) that is accessible in Hungary, regardless of whether the application supplier is established or licensed in any way or form in Hungary, and irrespective of whether either the service provider or the user can be clearly identified while accessing the service;

h)<sup>3</sup> 'Services provided from the territory of Hungary' shall mean any information society service provided by a service provider who is in fact engaged in activities relating to the information society service in question at its registered office, permanent establishment or private residence located in the territory of Hungary;

i)<sup>4</sup> 'Regulated profession' shall mean any profession within the meaning of the Act on the Recognition of Foreign Diplomas and Certificates;

j)<sup>5</sup> 'service subject to notification' shall mean any information society service, other than the services provided by the entities under Paragraphs a) and b) of Subsection (2) of Section 2 of Act L of 2013 on Information Security of Bodies of the Central and Local Governments:

ja) that allows consumers and/or traders as respectively defined in point (a) and in point (b) of Article 4(1) of Directive 2013/11/EU of the European Parliament and of the Council of 21 May 2013 on alternative dispute resolution for consumer disputes and amending Regulation (EC) No. 2006/2004 and Directive 2009/22/EC to conclude online sales or service contracts with traders either on the online marketplace's website or on a trader's website that uses computing services provided by the online marketplace (online marketplace);

jb) that is service provided for in Subparagraph ld) of Paragraph l),

jc) that allows remote access inter alia to network functions, storage facilities, and computing solutions for running applications, services (cloud computing service);

k)<sup>6</sup> 'Service provider' shall mean any natural or legal person, or business association lacking the legal status of a legal person providing an information society service;

l)<sup>7</sup> 'Intermediary service provider' shall mean any provider of information society services:

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1 Established by Subsection (1) of Section 2 of Act XCVII of 2003, effective as of 1 January 2004.

2 Established by Subsection (1) of Section 45 of Act LXIX of 2016, effective as of 17 July 2016.

3 Amended: by subparagraphs b) and c) Section 218 of Act CCI of 2011. In force: as of 1. 01. 2012.

4 Enacted by Subsection (2) of Section 2 of Act XCVII of 2003, effective according to Subsection (3) of Section 16, as amended by Subsection (1) of Section 10 of the same Act as of the operative date of the act promulgating the treaty on Hungary's accession to the European Union. Amended: by Section 266 of Act LVI of 2009. In force: as of 1. 10. 2009.

5 Established by Section 15 of Act CXXXIV of 2017, effective as of 10 May 2018.

6 Designation amended by Subsection (2) of Section 2 of Act XCVII of 2003.

7 Enacted by Subsection (3) of Section 2 of Act XCVII of 2003, effective as of 1 January 2004.

la) engaged in the transmission of information supplied by the recipient of the service through a telecommunications network, or who provides access to a telecommunications network (mere conduit and network access);

lb) engaged in the transmission of information supplied by the recipient of the service in a telecommunications network, performed for the sole purpose of making more efficient the information's onward transmission to other recipients of the service upon their request (caching);

lc) engaged in the storage of the information supplied by the recipient of the service (hosting);

ld) engaged in providing tools to the recipient of the service for the location of information (location tool services);

le)<sup>1</sup> that is an application supplier;

lf)<sup>2</sup> that is a video-sharing platform provider.

m)<sup>3</sup> 'Application supplier' shall mean any natural or legal person, or other organization lacking the legal status of a legal person who provides access, software application to any software or hardware, including associated services, on a specific software or through a website for two or more users, whether limited or unlimited in time, for a monthly fee or for a fee charged on the basis of usage, or free of charge;

n)<sup>4</sup> 'Established service provider' shall mean a service provider who effectively pursues an economic activity using a fixed establishment for an indefinite period. The presence and use of the technical means and technologies required to provide the service do not, in themselves, constitute an establishment of the provider;

o)<sup>5</sup> 'Video-sharing platform service' shall mean the service defined in Point 71a of Section 203 of [Act CLXXXV of 2010](#) on Media Services and on the Mass Media (hereinafter referred to as "Media Act");

p)<sup>6</sup> 'Video-sharing platform provider' shall mean the service provider defined in Point 71b of Section 203 of the Media Act;

q)<sup>7</sup> 'User-generated video' shall mean the video defined in Point 10a of Section 203 of the Media Act;

r)<sup>8</sup> 'Commercial communication' shall mean the communication defined in Point 20 of Section 203 of the Media Act;

s)<sup>9</sup> 'Coordinated field' shall mean requirements laid down in specific other legislation applicable to information society service providers or information society services, regardless of whether they are of a general nature or specifically designed for them, which are required to commence and engage in business operations in the territory of Hungary;

t)<sup>10</sup> 'Company' shall mean a natural or legal person, or a business association lacking the legal status of a legal person, including the Hungarian branches of foreign companies, who (that) is acting for purposes relating to his (its) trade or business;

<sup>1</sup> Enacted by Subsection (2) of Section 45 of Act LXIX of 2016, effective as of 17 July 2016.

<sup>2</sup> Enacted by Subsection (1) of Section 2 of Act XXIV of 2020, effective as of 12 June 2020.

<sup>3</sup> Established by Subsection (3) of Section 45 of Act LXIX of 2016, effective as of 17 July 2016.

<sup>4</sup> Enacted by Subsection (2) of Section 3 of Act CLXXI of 2005, effective as of 1 January 2006.

<sup>5</sup> Established by Subsection (2) of Section 2 of Act XXIV of 2020, effective as of 12 June 2020.

<sup>6</sup> Established by Subsection (2) of Section 2 of Act XXIV of 2020, effective as of 12 June 2020.

<sup>7</sup> Established by Subsection (2) of Section 2 of Act XXIV of 2020, effective as of 12 June 2020.

<sup>8</sup> Established by Subsection (2) of Section 2 of Act XXIV of 2020, effective as of 12 June 2020.

<sup>9</sup> Enacted by Subsection (7) of Section 3 of Act CLXXI of 2005, effective as of 1 January 2006.

Amended: by subparagraph b) Section 218 of Act CCI of 2011. In force: as of 1. 01. 2012.

<sup>10</sup> Enacted: by paragraph (2) Section 2 of Act XCIV of 2007. In force: as of 05. 08. 2007. Amended: by subparagraph a) paragraph (18) Section 41 of Act XLVII of 2008. In force: as of 01. 09. 2008.

→v)<sup>1</sup> 'Consumer' shall mean any natural person who is acting for purposes which are outside his or her trade, business, craft or profession;

→w)<sup>2</sup> 'Parent company' shall mean a company which controls one or more subsidiary companies;

→x)<sup>3</sup> 'Subsidiary company' shall mean a company controlled by a parent company, including any subsidiary company of an ultimate parent company;

→y)<sup>4</sup> 'Group of companies' shall mean a parent company, all its subsidiary companies and all other companies having economic and legal organizational links to them.

### Section 2/A<sup>5</sup>

## **Principle Excluding Prior Authorization**

### Section 3<sup>6</sup>

(1) The taking up and pursuit of the activity of an information society service provider shall not be subject to prior authorization or any other requirement having equivalent effect.

(2) Subsection (1) shall be without prejudice to:

a) the requirements relating to qualifications, training, authorizations and notification prescribed in specific other legislation for information society services not provided by way of electronic means; and

b)<sup>7</sup> the authorization and notification requirement prescribed in Act on Electronic Communications and in other legislation adopted under authorization of this act.

### Section 3/A<sup>8</sup>

(1)<sup>9</sup> Services provided by a service provider that is established in any Member State of the European Economic Area and directed to the territory of Hungary may not be restricted, unless the action of a court or competent authority<sup>10</sup>

a) is considered necessary for one of the following reasons:

aa) public policy, in particular the prevention, investigation, detection and prosecution of criminal offences, including the protection of minors and the fight against any incitement to hatred on grounds of race, sex, religion or nationality, and violations of human dignity concerning individual persons;

ab) the protection of public health;

1 Enacted: by paragraph (2) Section 2 of Act XCIV of 2007. In force: as of 05. 08. 2007. Amended: by subparagraph b) paragraph (18) Section 41 of Act XLVII of 2008. In force: as of 01. 09. 2008.

2 Enacted by Subsection (3) of Section 2 of Act XXIV of 2020, effective as of 12 June 2020.

3 Enacted by Subsection (3) of Section 2 of Act XXIV of 2020, effective as of 12 June 2020.

4 Enacted by Subsection (3) of Section 2 of Act XXIV of 2020, effective as of 12 June 2020.

5 Repealed: by subparagraph j) Section 54 of Act XLVII of 2008. No longer in force: as of 01. 09. 2008.

6 Established by Section 4 of Act CLXXI of 2005, effective as of 1 January 2006.

7 Amended: by Section 267 of Act LVI of 2009. In force: as of 1. 10. 2009.

8 Enacted by Section 3 of Act XCVII of 2003, effective according to Subsection (3) of Section 16, as amended by Subsection (1) of Section 10 of the same Act, as of the operative date of the act promulgating the treaty on Hungary's accession to the European Union.

9 Established by Subsection (1) of Section 5 of Act CLXXI of 2005, effective as of 1 January 2006.

10 Amended: by subparagraph d) Section 218 of Act CCI of 2011. In force: as of 1. 01. 2012.

ac) public security, including the safeguarding of national security and defense;

ad)<sup>1</sup> the protection of consumers or investors' interest; and

b) is taken against a given information society service which prejudices the objectives referred to in Paragraph a) or which presents a serious and grave risk of prejudice to those objectives; and

c) is proportionate to those objectives.

(2)<sup>2</sup> Before taking the measures in question the competent authority shall notify the European Commission and shall request the competent authority of the Member State of the European Economic Area where the service provider is established to take the measures necessary. If the European Commission does not make an objection, and if the competent authority of the Member State requested fails to comply with the request in due time or the measure it took is inappropriate, the competent authority shall carry out the proposed measure.

(3)<sup>3</sup> The competent authority may, in the case of urgency, derogate from the conditions stipulated in Subsection (2). Where this is the case, the measures shall be notified in the shortest possible time to the European Commission and to the Member State of the European Economic Area indicating the reasons for which it considers that there is urgency.

(4)<sup>4</sup> The provisions of Subsections (2)-(3) shall not apply to court proceedings, including preliminary proceedings opened before the documents of the judicial proceedings are filed and procedural step carried out in the framework of the investigation.

### ***Information to be Provided in Connection with Information Society Services***

#### *Section 3/B<sup>5</sup>*

An application supplier who provides information society services featuring encrypted communication between users, where the content of communications or the functions related to establishing communication channels are not exclusively implemented on the user's terminal equipment (end-to-end encryption), shall be required to disclose - under the conditions set out in this Act - to the agency authorized to conduct covert investigations for which regulatory authorization is required the contents of transmissions, communications sent through encrypted communication equipment, and shall - in accordance with Section 13/B - safeguard metadata provided for in Subsection (2) of Section 13/B recorded, or processed, upon the use of the encrypted communication equipment, and shall disclose such metadata to the agency authorized to conduct covert investigations for which regulatory authorization is required when so requested.

#### *Section 4<sup>6</sup>*

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1 Established: by Section 4 of Act XCIV of 2007. In force: as of 05. 08. 2007.

2 Established by Subsection (2) of Section 5 of Act CLXXI of 2005, effective as of 1 January 2006.

3 Established by Subsection (3) of Section 15 of Act LXIX of 2004, effective as of 10 July 2004.

4 Established by Section 169 of Act CXCVII of 2017, effective as of 1 July 2018.

5 Enacted by Section 46 of Act LXIX of 2016, effective as of 17 July 2016.

6 Established: by paragraph (2) Section 41 of Act XLVII of 2008. In force: as of 01. 09. 2008.

Service providers shall render easily, directly and permanently accessible at least the following data and information by way of electronic means:

- a) the name of the service provider;
- b) the registered office or permanent establishment, or failing this, the home address of the service provider;
- c) the details of the service provider, including his electronic mail address, which allow him to be contacted by recipients of the service rapidly and communicated with in a direct and effective manner;
- d) where the service provider is required to register in a public register as a precondition for coming into existence and/or for engaging in his activities, the name of the court of registry or other authority entering the service provider into the register and his registration number;
- e) where the service provider's activity is subject to authorization by law, an indication of this fact and the name and the particulars of the relevant supervisory authority, and the number of the authorization;
- f) if the service provider is liable to pay value added tax, the relevant tax number;
- g) as concerns the exercise of regulated professions:
  - ga) the name of any professional body or similar institution (chamber) with which the service provider is registered, whether under legal requirement or voluntarily,
  - gb) if the service provider is a natural person, an indication of the vocational skills or professional and scientific title and the Member State where it has been granted,
  - gc) a reference to the applicable professional rules for exercising the regulated profession in question in the Member State of establishment and the means to access them;
- h)<sup>1</sup> the registered office, place of business of the service provider who provides data hosting services under Subparagraph *lc*) of Paragraph *l*) of Section 2 to the service provider, including his electronic mail address, which allow him to be contacted rapidly and communicated with in a direct and effective manner, unless such details are already accessible given the nature of the data hosting service provided to the service provider.

### ***Protection of Minors and Internet Round-table Conference for the Protection of Children<sup>2</sup>***

#### *Section 4/A<sup>3</sup>*

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<sup>1</sup> Enacted by Subsection (1) of Section 29 of Act CCXLV of 2013, effective as of 1 January 2014.

<sup>2</sup> Enacted by Subsection (2) of Section 29 of Act CCXLV of 2013, effective as of 1 January 2014.

<sup>3</sup> Enacted by Subsection (2) of Section 29 of Act CCXLV of 2013, effective as of 1 January 2014.

(1) Any information published by a service provider - that is not recognized as media content in accordance with [Act CIV of 2010](#) on Freedom of the Press and on the Basic Rules Relating to Media Content - whose content might seriously impair the physical, mental, spiritual and moral development of minors, in particular those that are dominated by graphic scenes of violence and/or sexual content and that depicts nudity, may be published only with warning labels displaying - in advance - on the sub-page that contains the information about the potential harm it may cause to children, and with identifiers incorporated into the source code indicating the content category, and which can be identified by the content-filtering software provided for in Subsection (1) of Section 149/A of [Act C of 2003](#) on Electronic Communications (hereinafter referred to as "ECA") (hereinafter referred to as "content-filtering software").

(2) Overall implementation of the objective set out in Subsection (1) shall be monitored by the Internet Round-table Conference for the Protection of Children (hereinafter referred to as "Round-table Conference"). The Round-table Conference shall, furthermore, encourage and support the enforcement of other statutory provisions for the protection of minors having regard to media content services and information society services, as it is supported also by the professional bodies of intermediary service providers specified in Subparagraphs *la)-ld)* of Paragraph *l)* of Section 2, and by content providers.

(3) Any person may approach the Round-table Conference in the event of any alleged violation of the provisions set out in Subsection (1). The Round-table Conference shall investigate such reports, and shall use the general conclusions thereof in carrying out the activities referred to in Subsection (2).

(4) The Round-table Conference shall carry out the duties specified in Subsection (2) of Section 149/A of the ECA with a view to facilitating the development, selection and distribution of filtering software.

#### *Section 4/B<sup>1</sup>*

(1) The Round-table Conference shall function as the assessment, consultation and recommendation body for the President of Nemzeti Média- és Hírközlési Hatóság (*National Media and Infocommunications Authority*) (hereinafter referred to as "Authority") intended to facilitate the adoption and enforcement of regulations in the interest of healthy development of minors having regard to media contents and information accessible through commercial electronic services and electronic communications services.

(2) The Round-table Conference is comprised of a chairperson and twenty members.

(3)<sup>2</sup> The Chair and two members of the Round-table Conference shall be delegated by the President of the Authority, and one member shall be delegated by the minister in charge of information technology and another by the minister in charge of e-administration.

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<sup>1</sup> Enacted by Subsection (2) of Section 29 of Act CCXLV of 2013, effective as of 1 January 2014.

<sup>2</sup> Established by Section 40 of Act XXXV of 2014, effective as of 16 July 2014.



(4) The President of the Authority shall request nation-wide trade organizations and civil society organizations set up for the protection of minors, existing for at least three years, and nation-wide self-regulatory trade organizations or interest groups of media content providers, providers of commercial electronic services and electronic communications service provider existing for at least three years to make a recommendation within the prescribed time limit for eight seats on the Round-table Conference each.

(5) The Chair of the Round-table Conference, and its members from among the persons delegated shall be appointed by the President of the Authority for a term of three years; they shall not be remunerated for their activities.

(6) The mandate of the Chair of the Round-table Conference and its members shall terminate:

- a) upon expiry of their term of office;
- b) upon resignation;
- c) upon death.

(7) If the mandate of the Chair of the Round-table Conference or if the mandate of any member is terminated, the new Chair or a new member shall be appointed by way of the procedure under Subsections (1)-(5).

#### *Section 4/C<sup>1</sup>*

(1) The Round-table Conference shall itself define its rules of procedure, that shall be approved by the President of the Authority.

(2) The funds necessary for covering the costs and expenses of the operation of the Round-table Conference shall be provided from the Authority's budget. The Authority shall handle the duties relating to the operation of the Round-table Conference.

#### *Section 4/D<sup>2</sup>*

(1) The Round-table Conference shall be entitled to publish non-binding recommendations and opinions intended to steer media content providers, providers of commercial electronic services and providers of electronic communications services to abide by the law. The Round-table Conference shall, furthermore, have the function to initiate measures intended to increase the media awareness of minors and their parents.

(2) Moreover, the Round-table Conference shall have the right to investigate reports on a case-by-case basis, and to publish non-binding recommendations or opinions relying on the general conclusions thereof.

(3) The Round-table Conference shall publish its recommendations and opinions, and its written report submitted to the President of the Authority on its activities in the previous year by 1 May each year, on its website.

### ***Provisions Relating to Contracts Concluded by Electronic Means<sup>3</sup>***

#### *Section 5*

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<sup>1</sup> Enacted by Subsection (2) of Section 29 of Act CCXLV of 2013, effective as of 1 January 2014.

<sup>2</sup> Enacted by Subsection (2) of Section 29 of Act CCXLV of 2013, effective as of 1 January 2014.

<sup>3</sup> Established: by paragraph (3) Section 41 of Act XLVII of 2008. In force: as of 01. 09. 2008.

(1)<sup>1</sup> Providers of information society services shall make available to the recipient of the service the contract terms and general conditions concerning the information society service they provide in a way that allows him to store and reproduce them.

(2) The following information shall be given by the service provider clearly and unambiguously and prior to the order being placed by the recipient of the service:<sup>2</sup>

a) the different technical steps to follow to conclude the contract by way of electronic means;

b) whether or not the concluded contract is considered made in writing, whether or not it will be filed by the service provider and whether it will be accessible;

c) the technical means for identifying and correcting input errors prior to the placing of the order;

d)<sup>3</sup> the languages offered for the conclusion of the contract;

e) the relevant codes of conduct - relating to the service activities in question - to which he subscribes in connection with the services in question and information on how those codes can be consulted by way of electronic means.

(3) The service provider and any recipients of the service who are not consumers may agree to derogate from the provisions set out in Subsection (2) in connection with the above-specified contracts.

(4)<sup>4</sup> The provisions of this Section shall not apply to contracts concluded exclusively by exchange of electronic mail or by equivalent individual communications.

## Section 6

(1)<sup>5</sup> The service provider shall make available to the recipient of the service appropriate, effective and accessible technical means allowing him to identify and correct input errors, prior to the placing of the order by way of electronic means. In the absence of such technical means any communication of the recipient of the service shall not be treated as an order.

(2)<sup>6</sup> The service provider has to acknowledge the receipt of the recipient's order without undue delay and by electronic means. If such acknowledgement is not received by the recipient of the service within a reasonable time consistent with the nature of the service, or within forty-eight hours maximum following the time of dispatch of the recipient's order, the recipient of the service shall be relieved from any contractual commitment.

(3)<sup>7</sup> The order and the acknowledgement of receipt are deemed to be received by the service provider or the recipient when the parties to whom they are addressed are able to access them.

(4) In connection with contracts concluded between the service provider and recipients of the service who are not consumers, the parties may agree to derogate from the provisions set out in Subsections (1) and (2).

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1 Established: by paragraph (4) Section 41 of Act XLVII of 2008. In force: as of 01. 09. 2008.

2 Established: by Section 5 of Act XCIV of 2007. In force: as of 05. 08. 2007. Amended: by subparagraph k) Section 54 of Act XLVII of 2008. In force: as of 01. 09. 2008.

3 Established: by paragraph (5) Section 41 of Act XLVII of 2008. In force: as of 01. 09. 2008.

4 Enacted: by paragraph (6) Section 41 of Act XLVII of 2008. In force: as of 01. 09. 2008.

5 Established: by Section 6 of Act XCIV of 2007. In force: as of 05. 08. 2007.

6 Established: by Section 6 of Act XCIV of 2007. In force: as of 05. 08. 2007.

7 Established: by Section 6 of Act XCIV of 2007. In force: as of 05. 08. 2007.

(5)<sup>1</sup> The provisions contained in Subsections (1) and (2) of this Section shall not apply to contracts concluded exclusively by exchange of electronic mail or by equivalent individual communications.

### ***Specific Provisions Relating to Services Subject to Notification Requirement<sup>2</sup>***

#### *Section 6/A<sup>3</sup>*

(1) Providers of services subject to notification shall take appropriate measures to prevent and minimize the impact of incidents affecting the security of their network and information systems, with a view to ensuring the continuity of those services.

(2) The Government shall lay down essential requirements relating to the security of network and information systems of services subject to notification in a decree.

(3) The authority designated by the Government by decree shall maintain a register on the providers of services subject to notification.

#### *Section 6/B<sup>4</sup>*

(1)<sup>5</sup> Providers of services subject to notification shall forthwith report to the Government Incident Response Team (hereinafter referred to as "Incident Response Team") designated by the Government by means of a decree any security incident provided for in specific other government decree.

(2) The Government shall introduce detailed provisions relating to major security incidents which are to be reported, covering also the reporting procedure and the procedure of the Incident Response Team by way of a decree.

(3) The authority designated by the Government by decree shall monitor compliance with the requirements prescribed for providers of services subject to notification.

#### *Section 6/C<sup>6</sup>*

The authority designated by the Government by decree shall have power to impose a fine in the amount specified by the Government by decree upon a provider of service subject to notification for:

a) failure to register with the authority designated by the Government by decree;

b) failure to report to the authority designated by the Government by decree any security incident affecting the security of its network and information systems;

c) failure to comply with the essential requirements decreed by the Government;

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<sup>1</sup> Established: by paragraph (7) Section 41 of Act XLVII of 2008. In force: as of 01. 09. 2008.

<sup>2</sup> Enacted by Section 16 of Act CXXXIV of 2017, effective as of 10 May 2018.

<sup>3</sup> Enacted by Section 16 of Act CXXXIV of 2017, effective as of 10 May 2018.

<sup>4</sup> Enacted by Section 16 of Act CXXXIV of 2017, effective as of 10 May 2018.

<sup>5</sup> Established by Section 69 of Act CXXI of 2018, effective as of 1 January 2019.

<sup>6</sup> Enacted by Section 16 of Act CXXXIV of 2017, effective as of 10 May 2018.

d) non-compliance with the provisions of the authority's decision adopted in conclusion of the process handling the incident reported under Paragraph b).

#### *Section 6/D<sup>1</sup>*

The provisions set out in Sections 6/A-6/C shall not apply to services subject to notification which are provided by micro- and small enterprises.

### ***Liability of Service Providers and Intermediary Service Providers<sup>2</sup>***

#### *Section 7<sup>3</sup>*

(1) Service providers shall be liable for any unlawful information they have made available.

(2) The intermediary service provider shall not be liable for any information transmitted through an information society service that consists of the storage of information made available by others, or the provision of access to such information, provided that he complies with the conditions set out in Sections 8-11.

(3) Intermediary service providers shall not be required to monitor the contents of the information which they transmit or store or provide access to, nor shall they be required to actively seek facts or circumstances indicating illegal activity.

(4) In connection with any infringement specified in Subsection (1) of Section 13, the intermediary service providers referred to in Paragraphs *lb)-ld)* of Section 2 shall not be liable - above and beyond what is contained in Subsection (2) - for any infringement or for the ensuing damages to third persons resulting from an information society service that consists of the transmission or storage of information provided by others with unlawful content, or the provision of access to such information, provided that he carries out the measures specified under Section 13.

(5) The exoneration of the intermediary service provider from liability according to Subsection (2) shall not affect the possibility for the person who has sustained any injury by way of the information with unlawful content to enforce his claims stemming from the infringement in front of a court, including the requiring of the intermediary service provider - in addition to the infringer - to terminate or prevent an infringement.

(6) Intermediary service providers shall not be liable for any infringement resulting from the removal or disabling of access to information, provided that they have carried out the measures specified in Sections 7-11 or in Section 13.

#### *Section 8*

(1)<sup>4</sup> The intermediary service providers referred to in Subparagraph *la)* of Paragraph *l)*, and Paragraph *m)* of Section 2 shall not be held liable for the information transmitted, on condition that the provider:<sup>5</sup>

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<sup>1</sup> Enacted by Section 16 of Act CXXXIV of 2017, effective as of 10 May 2018.

<sup>2</sup> Established by Section 4 of Act XCVII of 2003, effective as of 1 January 2004.

<sup>3</sup> Established: by Section 7 of Act XCIV of 2007. In force: as of 05. 08. 2007.

<sup>4</sup> Established by Section 5 of Act XCVII of 2003, effective as of 1 January 2004. Amended by Section 47 of Act LXIX of 2016.

<sup>5</sup> Established: by Section 8 of Act XCIV of 2007. In force: as of 05. 08. 2007.

- a) did not initiate the transmission;
- b) did not select the receiver of the transmission; and
- c) did not select or modify the information contained in the transmission.

(2) The acts of transmission and of provision of access referred to in Subsection (1) include the automatic, intermediate and transient storage of the information transmitted in so far as this takes place for the sole purpose of carrying out the transmission, and provided that the information is not stored for any period longer than is reasonably necessary for the transmission.

### *Section 91*

The intermediary service providers referred to in Paragraph *lb)* of Section 2 shall not be held liable for damages resulting from the automatic, intermediate and transient storage of the information transmitted on condition that:

- a) the provider did not modify the information;
- b) access to the stored information was provided in compliance with conditions on access to the information;
- c) the provider complies with rules regarding the updating of the information, specified in a manner widely recognized and used by industry;
- d) the intermediate storage did not interfere with the lawful use of technology, widely recognized and used by industry, to obtain data on the use of the information; and
- e) the provider acted expeditiously to remove or to disable access to the information it has stored upon obtaining actual knowledge of the fact that the information at the initial source of the transmission has been removed from the network, or access to it has been disabled, or that a court or any other authority has ordered such removal or disablement.

### *Section 102*

The intermediary service providers referred to in Paragraph *lc)* of Section 2 shall not be held liable for the information stored at the request of a recipient of the service, on condition that:<sup>3</sup>

- a) the provider does not have actual knowledge of illegal activity in connection with the information and is not aware of facts or circumstances from which the illegal activity or information is apparent; or
- b)<sup>4</sup> the provider, upon obtaining knowledge or awareness of what is contained in Paragraph *a)* acts expeditiously to remove or to disable access to the information.

### *Section 115*

The intermediary service providers referred to in Paragraph *ld)* of Section 2 shall not be held liable for damages resulting from allowing access to the information according to Paragraph *ld)* of Section 2, on condition that:

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<sup>1</sup> Established by Section 6 of Act XCVII of 2003, effective as of 1 January 2004.

<sup>2</sup> Established by Section 6 of Act XCVII of 2003, effective as of 1 January 2004.

<sup>3</sup> Established: by Section 9 of Act XCIV of 2007. In force: as of 05. 08. 2007.

<sup>4</sup> Former Paragraph *b)* repealed by Subsection (1) of Section 15 of Act CLXXI of 2005, effective as of 1 January 2006. Designation amended by Subsections (1)-(2) of Section 15 of the same Act.

<sup>5</sup> Established by Section 6 of Act XCVII of 2003, effective as of 1 January 2004.

a) the provider does not have actual knowledge of illegal activity in connection with the information and is not aware of facts or circumstances from which the illegal activity or information is apparent; or

b)<sup>1</sup> the provider, upon obtaining knowledge or awareness of what is contained in Paragraph a) acts expeditiously to remove or to disable access to the information.

### *Section 12*

The service provider shall not be relieved from liability under Sections 10-11 when the recipient of the service is acting under the authority or the control of the provider.

### ***Proceedings for Rendering Electronically Published Illegal Information Inaccessible Temporarily or Permanently<sup>2</sup>***

#### *Section 12/A<sup>3</sup>*

(1) If in the course of criminal proceedings the court has ordered the rendering of electronic information temporarily inaccessible, the service provider referred to in Subparagraph *lc)* of Section 2 shall take measures within one working day upon receipt of the court order for temporarily disabling access to the electronically published illegal information.

(2) If in the course of criminal proceedings the court has ordered the rendering of electronic information permanently inaccessible, the service provider referred to in Subparagraph *lc)* of Section 2 shall take measures within one working day upon receipt of the court order for irreversibly rendering inaccessible the electronically published illegal information.

(3) The party ordered to render electronic information temporarily or permanently inaccessible shall inform the users, disclosing the name of the court and the number of the ruling, as to the legal basis for the removal of the content in question, for disabling access to such content.

(4) If the court abolishes the order for the rendering of electronic information temporarily inaccessible, or orders the service provider to restore access to such electronic information upon the conclusion of the proceedings, the service provider shall take measures to restore access to such information within one working day of receipt of the court order.

(5) In the event of non-compliance with the obligations set out in Subsections (1), (2) and (4), the court may impose upon the service provider referred to in Subparagraph *lc)* of Section 2 a disciplinary fine in the amount prescribed in the Act on Criminal Proceedings, or a financial penalty in the amount prescribed in the Act on the Execution of Penal Measures and Sanctions.

### ***Notification of Illegal Information Society Services***

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<sup>1</sup> Former Paragraph b) repealed by Subsection (1) of Section 15 of Act CLXXI of 2005, effective as of 1 January 2006. Designation amended by Subsections (1)-(2) of Section 15 of the same Act.

<sup>2</sup> Enacted: by Section 283 of Act CCXXIII of 2012. In force: as of 1. 07. 2013.

<sup>3</sup> Enacted: by Section 283 of Act CCXXIII of 2012. In force: as of 1. 07. 2013.

### Section 13

(1)<sup>1</sup> Any proprietor whose rights relating to any authentic works, performances, phonograms, own program, audiovisual works or database under copyright protection, furthermore, whose exclusive rights conferred by trademark protection under the Act on the Protection of Trademarks and Geographical Indications are infringed upon by any information to which a service provider has given access - not including the standardized title of the information accessed - (hereinafter referred to as 'proprietor'), shall be entitled to notify the service provider specified in Sections 9-11 in a private document with full probative force or in an authentic instrument for removing the information in question.

(2) The notification shall contain:

*a)* the subject-matter of the infringement and the facts supporting the infringement;

*b)* the particulars necessary for the identification of the illegal information;

*c)* the proprietor's name, residence address or registered office, phone number and electronic mail address.

(3) Where applicable, the proprietor's authorization fixed in a private document with full probative force or in an authentic instrument and issued to his representative for attending the "notice and take down" procedures shall also be attached with the notification referred to in Subsections (1)-(2).

(4) Within twelve hours following receipt of the notification referred to in Subsections (1)-(2) the service provider shall take the measures necessary for the removal of the information indicated in the notification, or for the disabling of access to it and shall concurrently inform in writing the recipient of the service who has provided the information that infringes upon the proprietor's right (hereinafter referred to as "recipient of the service affected") within three working days, and shall indicate the proprietor and the proprietor's notice on the basis of which the information was taken down.

(5) The service provider shall refuse to comply with a notice dispatched under Subsections (1)-(2) requesting the removal of information or the disabling of access to it, if he has already taken the measures prescribed in Subsection (4), acting upon the notification of the same proprietor or of the proprietor's representative authorized under Subsection (3), except where the removal of the information or the disabling of access to it was ordered by the court or another authority.

(6) The recipient of the service affected may lodge an objection fixed in a private document with full probative force or in an authentic instrument at the service provider within eight days of receipt of the notice referred to in Subsection (4) against the removal of the information contested. The objection shall contain:

*a)* the particulars for the identification of the information removed or to which access has been disabled, including the network address where it was previously hosted, and the particulars for the identification of the recipient of the service affected, as prescribed in Paragraphs *a)-e)* and *g)* of Subsection (1) of Section 4 of this Act;

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1 Established by Subsection (1) of Section 7 of Act CLXXI of 2005, effective as of 1 January 2006.

b) a statement, including justification, declaring that the information provided by the recipient of the service did not infringe upon the rights of the proprietor indicated in the notice referred to in Subsection (2).

(7) Upon receipt of the objection specified in Subsection (6) the service provider shall proceed without delay to restore access to the information in question, and shall simultaneously send a copy of the objection to the proprietor, except where the removal of the information or the disabling of access to it was ordered by the court or another authority.

(8) If the recipient of the service affected acknowledges the infringement or fails to lodge an objection within the time limit specified in Subsection (6), or the objection, if lodged, fails to contain the particulars and the statement prescribed in Subsection (6), the service provider shall keep access to the illegal information disabled or shall keep it removed.

(9)<sup>1</sup> If the proprietor moves to enforce his claim relating to an infringement to which the notice referred to in Subsection (7) pertains by lodging a claim - within ten working days from the day of receipt of this notice - demanding that the infringement of rights be terminated and that the infringer be enjoined to cease any further infringement of rights, or makes a request for a payment warrant, or files criminal charges, the service provider shall take measures within twelve hours following receipt of the court's decision for ordering provisional measures, in due application of what is contained in Subsection (4), to maintain the removal of the information referred to in the notice specified in Subsection (2) or the disabling of access to it. The service provider shall send a copy of the court decision to the recipient of the service affected within one working day after the measures are taken.

(10)<sup>2</sup> The proprietor shall forthwith inform the service provider of any final and definitive court decision adopted in the proceedings under Subsection (9), or resolution of the public prosecutor's office or the investigating authority that is not subject to further remedy, including the approval or rejection of any request for provisional measures. The service provider shall comply with the provisions contained in such decisions without delay.

(11) The proprietor and the service provider affected may enter into a contract with respect to the application of the procedures specified in Subsections (1)-(10). In the contract the parties may not derogate from the provisions of law, however, they may agree on matters which are not regulated by law. The parties may install a contract clause to consider effective written communication the authentic copies of private documents they sent to or received from third parties, as well as any communication transmitted by way of electronic means if the addressee has acknowledged receipt also by way of electronic means, in which case the parties are required to acknowledge the receipt of electronic consignments from one another.

(12) The service provider shall not be responsible for the success of the removal of information or the disabling of access to it if acting in good faith and in accordance with the provisions contained in Subsections (4) and (9) in the process of the removal of information or the disabling of access to it.

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<sup>1</sup> Established by Subsection (2) of Section 7 of Act CLXXI of 2005, effective as of 1 January 2006.

<sup>2</sup> Established by Section 170 of Act CXCVII of 2017, effective as of 1 July 2018.



(13)<sup>1</sup> Any minor whose personality rights are alleged to have been infringed upon by any information to which a service provider has given access - not including the standardized title of the information made available - (hereinafter referred to as “under-age data subject”), or the legal representative of an incompetent minor (hereinafter referred to as “legal representative”) shall be entitled to notify the service provider specified in Subparagraphs *lb)-ld)* of Paragraph *l)* of Section 2 in a private document representing conclusive evidence or in an authentic instrument, or by any other means with facilities for the identification of the under-age data subject or his/her legal representative, such as a certified postal consignment (hereinafter referred to collectively as “notice”) requesting to have the information alleged to violate the personality rights of the under-age data subject removed. In the case of any information alleged to violate the personality rights of an under-age data subject of limited legal capacity, the legal representative of such under-age data subject may also request the service provider to remove the information alleged to violate the personality rights of the under-age data subject. The notice shall elaborate the reasons as to why the content in question is considered to infringe upon the under-age data subject’s personality rights.

(14)<sup>2</sup> In the case of an infringement provided for in Subsection (13), the procedure shall be carried out in accordance with Subsections (2)-(12) subject to the following exceptions:

*a)* the service provider shall inform the user concerned within one working day upon receipt of notice from the under-age data subject or his/her legal representative,

*b)* the service provider shall maintain the effect of removal of the information even if the user concerned cannot be notified for lack of the necessary identification data,

*c)*<sup>3</sup> the service provider shall block access to the information as provided for in Subsection (9), or repeat the removal process, also if the under-age data subject or his/her legal representative provides notification concerning the opening of investigation relating to the infringement,

*d)* the service provider shall not be compelled to disclose the data subject who requested the information to be removed alleging an infringement,

*e)* the service provider may refuse to block access to the information contested if it considers the accusation of infringement unfounded based on the reasons stated in the notice provided for in Subsection (13).

(15)<sup>4</sup> If the service provider fails to carry out the obligations delegated under Paragraphs *a)-c)* of Subsection (14), or if refuses the request under Paragraph *e)*, the under-age data subject or his/her legal representative may bring the case of alleged infringement of the minor’s personality rights before the Round-table Conference. The Round-table Conference shall investigate such reports, and shall use the general conclusions thereof in carrying out the activities referred to in Subsection (2) of Section 4/A.

### ***Data Protection***<sup>5</sup>

<sup>1</sup> Enacted by Subsection (1) of Section 30 of Act CCXLV of 2013, effective as of 1 January 2014.

<sup>2</sup> Enacted by Subsection (1) of Section 30 of Act CCXLV of 2013, effective as of 1 January 2014.

<sup>3</sup> Amended by Section 171 of Act CXCVII of 2017.

<sup>4</sup> Enacted by Subsection (1) of Section 30 of Act CCXLV of 2013, effective as of 1 January 2014.

<sup>5</sup> Enacted by Section 7 of Act XCVII of 2003, effective as of 1 January 2004.

*Section 13/A<sup>1</sup>*

(1)<sup>2</sup> Service providers shall be authorized to process the natural identification data and home address of the recipients as required for contracts for information society services, for defining their contents, for subsequent amendments and for monitoring performance of these contracts, for invoicing the relevant fees, and for enforcing the claims arising out of or in connection with such contracts.

(2)<sup>3</sup> Service providers shall be authorized to process natural identification data and home address for the purposes of invoicing for the fees payable under the contracts for the provision of information society services to the extent related to the use of information society services, and information relating to the date, the duration and the place of using the service.

(3) In addition to what is contained in Subsection (2), service providers shall be authorized to process personal data in connection with providing the service, to the extent absolutely necessary for technical reasons. Where all relevant conditions remain unaltered, service providers shall install equipment for the provision of information society services - and operate under all circumstances - with facilities to ensure that the processing of personal data takes place only when it is absolutely necessary for providing the services and to meet the objectives set out in this Act; however, under no circumstances may they exceed the extent required in terms of time and volume.

(4)<sup>4</sup> Service providers shall be authorized to process data relating to the use of its services for reasons other than what is described in Subsection (3), such as in particular for improving its efficiency for providing the service, for the transmission of electronic communications or other targeted content to the recipient of the service, or for market research, only if the reason for processing is indicated in advance and subject to the prior consent of the recipient of the service.

(5) The recipient of the service shall be given the opportunity before subscribing to the information society service and afterwards to block the processing of his data under Subsection (4).

(6) The data referred to in Subsection (4) may not be linked to the identification data of the recipient of the service and may not be disclosed to third persons without the prior consent of the recipient of the service.

(7)<sup>5</sup> The data processed for the purposes specified under Subsections (1)-(3) shall be erased if the contract fails, if it is terminated, and after invoicing. The data processed for the purpose specified under Subsection (4) shall be erased if the reason for processing no longer exists, or if so instructed by the recipient of the service. Unless otherwise provided for by law, the erasure shall be executed without delay.

(8) The provision of information society services may not be rendered contingent upon the recipient of the service providing consent for processing his/her personal data for purposes other than what is defined in Subsections (1)-(3) of this Section, if the service in question is not available at any other service provider.

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<sup>1</sup> Enacted by Section 7 of Act XCVII of 2003, effective as of 1 January 2004.

<sup>2</sup> Amended: by Section 266 of Act LVI of 2009. In force: as of 1. 10. 2009.

<sup>3</sup> Amended: by Section 266 of Act LVI of 2009. In force: as of 1. 10. 2009.

<sup>4</sup> Established by Section 8 of Act CLXXI of 2005, effective as of 1 January 2006.

<sup>5</sup> Amended: by Section 266 of Act LVI of 2009. In force: as of 1. 10. 2009.

(9) In addition to the information to be communicated according to specific other legislation, service providers shall enable the recipients of the service to have access to information concerning the type of personal data the service provider is processing and the objectives at any time before and during the use of the information society services, including the processing of any data that may not be directly linked to the recipients of the service.

### *Section 13/B<sup>1</sup>*

(1) Any application supplier who provides services featuring encrypted communication shall retain metadata provided for in Subsection (2) recorded, or processed, in connection with transmissions, communications executed through such application for a period of one year from the date of origin of the data in question.

(2) When requested by the agency authorized to conduct covert investigations for which regulatory authorization is required the application supplier who provides services featuring encrypted communication shall disclose:

- a) the type of service provided;
- b) the subscriber's or user's
  - ba) identification data required for accessing the service, the date when the service was accessed, including the exact time of usage,
  - bb) IP address and port number used for registration,
  - bc) IP address and port number used for accessing the service;
- c) user identification name.

## ***Special Provisions Relating to Electronic Communications<sup>2</sup>***

### *Section 14<sup>3</sup>*

(1) For the purposes of this Act, 'electronic communication' shall mean any information society service or, exclusive of voice telephony services, any electronic message in the form of:

- a) commercial advertisement as specified in Paragraph d) of Section 3 of [Act XLVIII of 2008](#) on the Basic Requirements and Certain Restrictions of Commercial Advertising Activities (hereinafter referred to as "CAA"), or
- b) information relating to the implementation of social and societal aims, other than advertisement.

(2) Electronic communication shall also mean any form of communication conveyed for the sole purpose of obtaining the consent defined in Subsection (1) of Section 6 of the CAA.

(3) The following do not in themselves constitute electronic communications:

- a) information allowing direct access to the activity of the company, organization or person, in particular a domain name or an electronic-mail address;
- b) communications relating to the goods, services or image of the company, organization or person compiled in an independent manner, particularly when this is without financial consideration.

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<sup>1</sup> Enacted by Section 48 of Act LXIX of 2016, effective as of 17 July 2016.

<sup>2</sup> Established: by paragraph (8) Section 41 of Act XLVII of 2008. In force: as of 01. 09. 2008.

<sup>3</sup> Established: by paragraph (8) Section 41 of Act XLVII of 2008. In force: as of 01. 09. 2008.

(4) For the purposes of this Act:

a) 'Electronic advertiser' shall mean the person on whose behalf the electronic communication is published, or who orders the publication of electronic communication for his own purposes;

b) 'Provider of electronic communications services' shall mean any service provider whose business is to prepare and create electronic communication, and/or to provide other related services;

c) 'Publisher of electronic communications' shall mean a person with equipment suitable for the publication of electronic communications and using such equipment for sending electronic communications;

d) 'Publication of electronic communications' shall mean transmission of electronic communications either to the general public or to a single recipient.

(5) The provisions set out in Section 6 of the CAA shall also apply to the electronic communication referred to in Paragraph b) of Subsection (1) and to the form of communication referred to in Subsection (2).

(6) The electronic advertiser, the provider of electronic communications, and the publisher of electronic communications shall be subject to collective liability for any infringement of the provisions contained in Section 6 of the CAA. Liability for damages caused by such infringement lies with the electronic advertiser, the provider of electronic communications, and the publisher of electronic communications jointly and severally.

#### *Section 14/A<sup>1</sup>*

(1) The following information shall be presented clearly and unambiguously in connection with any electronic communication:

a) it shall be clearly identifiable as such immediately when it is made accessible for the recipient of the service;

b) the electronic advertiser, or the person on whose behalf the electronic communication is transmitted by way of electronic mail or equivalent individual communications shall be clearly identifiable immediately when it is made accessible for the recipient of the service;

c) promotional offers, such as discounts, premiums and gifts shall be clearly identifiable as such, including the conditions which are to be met to qualify for them;

d) promotional competitions or games shall be clearly identifiable as such, including the conditions for participation.

(2) In connection with Paragraphs c) and d) of Subsection (1), the conditions to obtain the discounts, premiums and gifts and the conditions for participation in the promotional competitions shall be easily accessible.

(3) The electronic advertiser, the provider of electronic communications, and the publisher of electronic communications shall be subject to collective liability for any infringement of the provisions contained in Paragraphs a) and b) of Subsection (1). Liability for any infringement of the provisions contained in Paragraphs c) and d) of Subsection (1) lies with the electronic advertiser.

#### *Section 14/B<sup>2</sup>*

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<sup>1</sup> Established: by paragraph (8) Section 41 of Act XLVII of 2008. In force: as of 01. 09. 2008.

<sup>2</sup> Enacted: by paragraph (8) Section 41 of Act XLVII of 2008. In force: as of 01. 09. 2008. Shall apply to proceedings launched after this date.

(1)<sup>1</sup> In order to enable the identification of the electronic advertiser or the publisher of electronic communications, the intermediary service provider shall supply, upon request, to the Authority the following information, provided that they are available to the intermediary service provider:

a) the electronic communication identification code of the sender or publisher of electronic communication the Authority has indicated; and

b) the name and address of the recipient of the service indicated in the records under the said electronic communication identification code.

(2)<sup>2</sup> The Authority shall be authorized to process the aforesaid data as supplied for sixty days following the definitive conclusion of the relevant oversight proceedings, or until the conclusion by final decision of any ensuing administrative action brought against the decision, solely for the purpose of identification of the electronic advertiser or the publisher of electronic communications.

(3) The intermediary service provider, in the event of non-compliance with the obligation set out in Subsection (1), shall be subject to collective liability with the electronic advertiser, the provider of electronic communications, and the publisher of electronic communications for any infringement of the provisions contained in Section 6 of the CAA. Liability for damages caused by such infringement lies with the intermediary service provider, the electronic advertiser, the provider of electronic communications, and the publisher of electronic communications jointly and severally.

#### *Section 14/C<sup>3</sup>*

(1) In connection with any information society service provided by a member of a regulated profession within the framework of operations relating to electronic communications on behalf of an electronic advertiser, the regulations governing the exercise of such regulated profession, such as the codes of conduct laid down by the relevant trade organizations and chambers pertaining to their own members, may contain, without prejudice to the applicable statutory provisions, stricter and more elaborate requirements.

(2) Additional regulations may be drawn up regarding the exercise of regulated professions specified in Subsection (1) regarding, in particular, the independence, dignity and honor of the profession, fairness towards clients to whom the services are provided, and other members of the profession, as well as for the protection of professional secrecy.

### ***Special Consumer Protection Regulations Relating to Information Society Services***

#### *Section 15<sup>4</sup>*

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<sup>1</sup> Established by paragraph (15) Section 41 of Act LXXXII of 2010. Amended by Subsection (2) of Section 30 of Act CCXLV of 2013.

<sup>2</sup> Amended by Paragraph a) of Section 209 of Act L of 2017.

<sup>3</sup> Enacted: by paragraph (8) Section 41 of Act XLVII of 2008. In force: as of 01. 09. 2008.

<sup>4</sup> Established: by Section 40 of Act CXLVIII of 2009. In force: as of 1. 01. 2010.

Companies offering, in addition to electronic commercial services, public utility services shall set up a customer service center that may be consulted by their customers by way of electronic means for handling consumer correspondence, investigating and handling complaints and for providing information to consumers.

### ***Codes of Conduct<sup>1</sup>***

#### *Section 15/A<sup>2</sup>*

(1) Without prejudice to the autonomy of professional bodies and associations engaged in activities relating to the information society, the government shall encourage self-governance, in particular:

- a) the drawing up of codes of conduct;
- b) the accessibility of these codes of conduct by way of electronic means in Hungarian and for recipients of the service and other interested parties established in any Member States of the European Economic Area in the official languages of such Member States; and
- c) the use of out-of-court schemes for dispute settlement by way of electronic means.

(2)<sup>3</sup> The government shall encourage, furthermore, the professional bodies and associations engaged in activities relating to the information society to communicate their codes of conduct in cooperation with the minister in charge of information technology - and also with the Commission if the service is targeted for any Member State of the European Economic Area - to those interested, and their assessment of the application of their codes of conduct and their impact upon practices, habits or customs relating to electronic commerce.

### ***Cooperation in Handling Security Incidents<sup>4</sup>***

#### *Section 15/B<sup>5</sup>*

(1) For the purpose of incident prevention and response affecting electronic information systems, service providers are required to cooperate with the Incident Response Team provided for in Subsection (1) of Section 19 of Act L of 2013 on Information Security of Bodies of the Central and Local Governments.

(2) In the interest of responding to, and investigating specific security incidents, intermediary service providers shall disclose to the Incident Response Team information in their possession upon receipt of a specific request from the Incident Response Team.

(3) The responsibilities of intermediary service providers in connection with responding to, and investigating specific security incidents shall be laid down in a government decree.

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<sup>1</sup> Established by Section 11 of Act CLXXI of 2005, effective as of 1 January 2006.

<sup>2</sup> Established by Section 11 of Act CLXXI of 2005, effective as of 1 January 2006.

<sup>3</sup> Amended by Paragraph k) of Subsection (8) of Section 170 of Act CIX of 2006

<sup>4</sup> Established by Section 70 of Act CXXI of 2018, effective as of 5 January 2019.


<sup>5</sup> Established by Section 70 of Act CXXI of 2018, effective as of 5 January 2019.


(4) The Authority specified in Subsection (3) of Section 6/B may impose a fine in the amount prescribed in a government decree if the intermediary service provider fails to carry out its responsibilities referred to in Subsection (3).


## **Specific Provisions Relating to Video-Sharing Platform Services<sup>1</sup>**





### *Section 15/C2*


 (1) For the purpose of registration, video-sharing platform providers shall send notification to the Office of the Authority (hereinafter referred to as “Office”) declaring their intention to commence the provision of video-sharing platform services, and the Office shall maintain a public register on video-sharing platform services. That register shall be construed as an official public register as regards the data provided for in Paragraphs *f)-h)* of Subsection (2). Taking up the provision of the service shall not be conditional upon registration.


 (2) The notification of video-sharing platform services submitted to the Office shall contain:


 *a)* the notifier’s name;


 *b)* the notifier’s address (registered office or establishment), designation of establishment (establishments) where the service is provided;


 *c)* the notifier’s contact information (telephone number and electronic mail address);


 *d)* the name and contact information (telephone number, mailing address and electronic mail address) of the notifier’s executive officer, representative, and of the person in charge of communication with the Authority;


 *e)* the notifier’s registered number or registration number (official identification number);


 *f)* description of the service, and its website address (URL address);


 *g)* planned date of launching the service;

 *h)* information to indicate on which of the criteria set out in Subsections (1a)-(1d) of Section 1 jurisdiction is based.

 (3) The Office shall enter the video-sharing platform service, based on the information supplied in the notification, into the register of video-sharing platform services, and shall send a confirmation of registration to the notifier within eight days from the date of registration.

 (4) The Office shall communicate the name of the video-sharing platform provider, the designation of the video-sharing platform service, and the details of jurisdiction, including any updates thereto, to the European Commission.

 (5) The Office shall withdraw the registration if the designation of the notified video-sharing platform service is identical with, or is confusingly similar to, the designation of a video-sharing platform service that was registered earlier and shown as such in the register at the time the notification was submitted.

 (6) The Office shall withdraw the registration of the video-sharing platform service if:

 *a)* registration should be withdrawn pursuant to Subsection (5),

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<sup>1</sup> Enacted by Section 3 of Act XXIV of 2020, effective as of 12 June 2020.

<sup>2</sup> Enacted by Section 3 of Act XXIV of 2020, effective as of 12 June 2020.

→b) the video-sharing platform provider requested to be removed from the register,

→c) the holder of the right to provide the video-sharing platform service fails to start providing the service within a year from the date of registration thereof, or suspends an ongoing service for over a year,

→d) the video-sharing platform service was removed from the register by order of the Office for infringements of the requirements set out in Sections 15/D-15/G, or

→e) there is a binding court order in force relating to a trademark infringement stemming from the designation of the video-sharing platform service prohibiting the infringer from proceeding with such infringement.

→(7) Video-sharing platform providers shall notify the Office of any changes in their data on record within fifteen days of the effective date of such changes.

→(8) In the event of a change in the video-sharing platform provider's person, the video-sharing platform provider having submitted the original notification shall requests to have the relevant records updated as appropriate.

→(9) In the event of any breach of the provisions on registration on the video-sharing platform provider's part, the Office shall have power to impose a fine of up to ten million forints, taking account of the principles set out in Subsection (3) of Section 15/I.



#### *Section 15/D<sup>1</sup>*

→(1) In the interest of protection of viewers, video-sharing platform providers shall implement the measures and technological solutions provided for in Section 15/F if:

→a) any program, user-generated video provided to the general public by the video-sharing platform provider, commercial communications marketed, sold or arranged by the video-sharing platform provider or others (hereinafter referred to as "content") may impair the physical, mental, spiritual or moral development of minors;

→b) any content provided to the general public by the video-sharing platform provider is contrary to human dignity, and may contain facilities for inciting violence or hatred directed against peoples, nations, national, ethnic, linguistic and other minorities, or any majority or religious community, or any member thereof, for belonging to such group;

→c) the content may constitute the commission of a crime or abetting the commission of a crime, in particular if it may contain facilities for abetting the commission of a terrorist act, incitement against a community, open denial of Nazi crimes and communist crimes, and/or for the sharing, distribution or transmission of child pornography content; or

→d) the commercial communication broadcast by the user of video-sharing platform service does not comply with the requirements laid down in Subsections (1)-(7) of Section 20 of [Act CIV of 2010](#) on Freedom of the Press and on the Basic Rules Relating to Media Content (hereinafter referred to as "Press Act") or Section 24 of the Media Act.



➡(2) Commercial communications marketed, sold or arranged by video-sharing platform providers must comply with the requirements laid down in Subsections (1)-(7) of Section 20 of the Press Act or Section 24 of the Media Act.

➡(3) Video-sharing platform providers shall provide viewers with clear information on programs containing commercial communication and on user-generated videos for which they made a statement under Paragraph *b*) of Section 15/G, or where the video-sharing platform provider is aware that it contains a commercial communication.

➡(4) Where any content provided to the general public by a video-sharing platform provider infringes the right of the right-holder referred to in Subsection (1) of Section 13 therein provided for, the right-holder in question may call upon the video-sharing platform provider to remove the infringing content. The notice and the procedure shall be governed by Subsections (1)-(12) of Section 13.

➡(5) Where any content provided to the general public by a video-sharing platform provider infringes the right of the minor right-holder referred to in Subsection (13) of Section 13 therein provided for, the minor right-holder, or his or her legal representative if the minor is of limited legal capacity, may call upon the video-sharing platform provider to remove the content alleged to violate the personality rights of the minor right-holder. The notice and the procedure shall be governed by Subsections (13)-(15) of Section 13.

➡(6) For the purposes of applying Section 7, video-sharing platform providers shall be subject to the provisions of Section 10 applicable to intermediary service providers specified in Subparagraph *lc*) of Paragraph *l*) of Section 2. This provision shall be without prejudice to the obligations of video-sharing platform providers set out in Sections 15/D-15/G.



### *Section 15/E<sup>1</sup>*

➡(1) In order to provide users and customers with adequate information and to facilitate the enforcement of requirements relevant to contents, video-sharing platform providers shall mention in their general terms and conditions the cases and the requirements described in Subsection (1) of Section 15/D, as well as the measures and technological solutions provided for in Section 15/F designed to ensure compliance with them.

➡(2) Video-sharing platform providers shall mention in their general terms and conditions the requirements set out in Section 24 of the Media Act and Subsections (1)-(7) of Section 20 of the Press Act relevant to commercial communications broadcast by the users of video-sharing platform services.

➡(3) The general terms and conditions of video-sharing platform providers shall contain information for the out-of-court settlement or settlement by way of judicial process of disputes between users and the video-sharing platform provider arising out of or in connection with the application of Sections 15/F and 15/G.



### *Section 15/F<sup>2</sup>*

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<sup>1</sup> Enacted by Section 3 of Act XXIV of 2020, effective as of 12 June 2020.

<sup>2</sup> Enacted by Section 3 of Act XXIV of 2020, effective as of 12 June 2020.

➡(1) Video-sharing platform providers shall introduce sufficient measures and effective technological solutions so as to ensure compliance with the requirements described in Subsection (1) of Section 15/D.

➡(2) With a view to enforcing the requirement set out in Paragraph *a*) of Subsection (1) of Section 15/D, video-sharing platform providers shall have in place effective age verification and parental control systems, that are under the control of the users.

➡(3) Having regard to Subsection (2), the age verification and parental control systems shall be considered effective if realistically capable to ensure compliance with the requirements set out in Paragraph *a*) of Subsection (1) of Section 15/D relying on the verification of the true age of users and viewers, specifically that minors will not normally hear or see such harmful content.

➡(4) The measure provided for in Subsections (1) and (2) shall be considered appropriate if proportionate to the harm, damage the content may cause. In terms of proportionality, the measures shall be determined in light of the nature of the content in question, the damage, harm it may cause, the characteristics of the category of persons to be protected, the size and nature of the video-sharing platform service in question, as well as the rights and legitimate interests at stake, including those of the video-sharing platform providers and the users having created or uploaded the content as well as the general public interest. In the case provided for in Paragraph *a*) of Subsection (1) of Section 15/D, the most harmful content shall be subject to the strictest access control measures.

➡(5) The measures provided for in Subsections (1) and (2) shall not lead to any ex-ante control measures or upload-filtering of content which do not comply with the provisions of this Act.

➡(6) Personal data of minors collected or otherwise generated by video-sharing platform providers pursuant to Subsections (1) and (2) shall not be processed for commercial purposes, such as direct marketing, profiling and behaviorally targeted advertising.

➡(7) The Office shall have the option to make recommendations in respect of best practices relating to the requirements set out in Subsections (1) and (2). Such recommendation shall not be binding.



### *Section 15/G<sup>1</sup>*

➡Video-sharing platform providers shall have in place transparent, effective and user-friendly mechanisms, functions

➡*a*) to provide sufficient information to viewers about content which may impair the physical, mental, spiritual or moral development of minors;

➡*b*) for users who upload user-generated videos to declare whether such videos contain commercial communications as far as they know;

➡*c*) for users to report or flag to the video-sharing platform provider concerned any content alleged to infringe the requirements referred to in Subsection (1) of Section 15/D, or to lodge a complaint relating to such content; and

➡*d*) to describe in clear and plain language to users the process and what effect has been given to the declaration, reporting and flagging referred to in Paragraphs *b*) and *c*), and on the handling of complaints.



### Section 15/H<sup>1</sup>

➡ Video-sharing platform providers shall have in place media literacy measures and tools and raise users' awareness of those measures and tools.



### Section 15/I<sup>2</sup>

➡ (1) The Office shall review the operation of the provisions set out in Sections 15/D-15/H - having regard to Section 15/J and Subsection (2) of Section 15/P as well - within the framework of its regulatory authority.

➡ (2) In the event of an infringement the Office shall have power to apply the following legal consequences:

➡ a) prohibit the unlawful conduct, order the video-sharing platform provider to bring the infringement to an end, and impose obligations for the enforcement of the provisions of this Act;

➡ b) order the video-sharing platform provider to publish a notice or the decision on the home page of its website, in the manner and for the period of time specified in the decision;

➡ c) impose a fine up to one hundred million forints;

➡ d) order the video-sharing platform provider to suspend its service for a period of minimum fifteen minutes up to one week; or

➡ e) delete the video-sharing platform service from the register provided for in Subsection (1) of Section 15/C.

➡ (3) In applying the necessary legal measures, the Office - under the principle of equal treatment - shall act in accordance with the principles of progressivity and proportionality; it shall apply the legal consequence proportionately in line with the gravity and rate of re-occurrence of the infringement, taking into account all circumstances of the case and the purpose of the sanction.

➡ (4) The Office shall establish the legal consequences - depending on the nature of the infringement - taking into account the gravity of the infringement, its re-occurrence, continuity, duration, the financial advantage gained as a result of the infringement, the harm caused by the infringement, the number of persons aggrieved or jeopardized by the infringement, the damage caused by the infringement, the violation of personality rights and the impact of the infringement on the market, and other considerations that may be taken into account in the particular case. (4) Repeated infringement shall mean when the infringer committed the unlawful conduct as established in the definitive administrative decision on the same legal basis and in breach of the same provisions of legislation, in the same subject, repeatedly within three hundred and sixty-five days.

➡ (5) The Office, acting outside its regulatory authority, shall periodically analyze, assess and evaluate the adequacy and effectiveness of the measures taken by video-sharing platform providers pursuant to Section 15/F, and may request data and information from the video-sharing platform providers to that end.

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<sup>1</sup> Enacted by Section 3 of Act XXIV of 2020, effective as of 12 June 2020.

<sup>2</sup> Enacted by Section 3 of Act XXIV of 2020, effective as of 12 June 2020.



### Section 15/J<sup>1</sup>

➡(1) With a view to facilitating voluntary compliance with the law, the Office shall cooperate with the self-regulatory bodies of video-sharing platform providers, including their alternative forums for dispute settlement (hereinafter referred to collectively as “self-regulatory bodies”).

➡(2) In the context of the cooperation referred to in Subsection (1), the Office shall have authority to conclude an administrative agreement with the self-regulatory body of good standing, that is to say established and operating in accordance with the relevant legislation (hereinafter referred to as “administrative agreement”), on cooperation for the shared handling of cases falling within the administrative competence provided for in Subsection (2) of Section 15/K together with such self-regulatory bodies, and for the joint performance of tasks not falling within the scope of administrative competence by law but nevertheless compliant with the provisions of this Act.

➡(3) Under administrative agreement the Office shall have power to authorize the self-regulatory body to perform self-management tasks beyond the scope of administrative powers in relation to its registered members and video-sharing platform providers agreed to be bound by the terms of the Code of Conduct defined in Section 15/M (hereinafter referred to collectively as “business entities covered by the Code”) in official cases specified in Subsection (2) of Section 15/K within the powers conferred under the agreement, prior to specific exercise of powers of the competent authority.

➡(4) The authorization granted under Subsection (3) shall not confer administrative and executive powers upon the self-regulatory body, and the self-regulatory body shall not be construed an administrative authority nor shall be covered by the administration system under this authorization.

➡(5) The authorization granted under the administrative agreement shall not affect the powers of the Office under this Act in relation to video-sharing platform services, the Office shall have powers to proceed in administrative cases irrespective of this authorization.



### Section 15/K<sup>2</sup>

➡(1) The Office shall enter into an administrative agreement with a self-regulatory body that is able to meet the conditions set out in Subsection (2) of Section 15/J and whose registered scope of activities cover or directly affect the administrative cases to which the authorization pertains and that maintains a precise and verifiable registry of the business entities covered by the Code.

➡(2) In the administrative agreement, the Office shall have power to grant authorizations to self-regulatory bodies to supervise, control the tasks relating to the requirements set out in Sections 15/D-15/H beyond the scope of administrative powers in relation to the business entities covered by the Code.

➡(3) The authorizations granted by the Office to the self-regulatory body in respect of the tasks referred to in Subsection (2) shall cover:

➡a) the administration of cases related to business entities covered by the Code (including the procedures relating to applications and complaints concerning the activities of members);

<sup>1</sup> Enacted by Section 3 of Act XXIV of 2020, effective as of 12 June 2020.

<sup>2</sup> Enacted by Section 3 of Act XXIV of 2020, effective as of 12 June 2020.

➡ b) settlement of disagreements and disputes between business entities covered by the Code within the scope of the authorization;

➡ c) supervision of the operation and conduct of business entities covered by the Code in relation to the authorization.



#### *Section 15/L<sup>1</sup>*

➡ (1) Under the administrative agreement, the Office and the self-regulatory body may agree to cooperate in the performance of tasks, and implementing principles of activity and service development, programs of public concern closely linked to video-sharing platform services not covered by legislation.

➡ (2) The detailed rules on the tasks of self-regulatory bodies - under authorization conferred by the administrative agreement - defined in this Act are laid down in the administrative agreement.

➡ (3) The Office shall have powers to provide financial aid for the self-regulatory body to perform its tasks specified in this Act, and the self-regulatory body shall give account of the appropriation thereof to the Office each year by 31 May of the year following the given year in the breakdown required.



#### *Section 15/M<sup>2</sup>*

➡ (1) The administrative agreement concluded by the self-regulatory body and the Office shall include a professional code of conduct as a substantive part thereof defining the autonomous performance of tasks under self-management provided for in this Act (hereinafter referred to as "Code of Conduct").

➡ (2) The Code of Conduct shall be prepared by the self-regulatory body in the preparatory process of the administrative agreement and shall be sent to the Office for consultation. The Office shall examine the Code of Conduct exclusively as to whether it complies with the relevant legislation. The administrative agreement shall be deemed concluded with effect on condition that the Office and the self-regulatory body come to an agreement concerning the Code of Conduct.

➡ (3) The Code of Conduct shall specify in detail - within the context of the authorizations granted under Subsection (2) of Section 15/K - the provisions on proceedings and guarantees related to the self-management tasks to be performed by the self-regulatory body, the relevant rights and obligations of the members, the relationship between the members and the self-regulatory body - within the context of the authorization - and the types, interrelation and the legal effect of decisions to be rendered by the self-regulatory body.

➡ (4) In addition to the provisions of Subsection (3), the substantive part of the Code of Conduct shall describe the rules, conditions and requirements concerning the activities, services and conduct within the context of the authorization.

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<sup>1</sup> Enacted by Section 3 of Act XXIV of 2020, effective as of 12 June 2020.

<sup>2</sup> Enacted by Section 3 of Act XXIV of 2020, effective as of 12 June 2020.

➡(5) Self-regulatory bodies shall encourage their members to introduce adequate measures through codes of conduct aiming at effectively reducing the exposure of children to electronic communications, commercial communications for foods and beverages containing nutrients and substances with a nutritional or physiological effect, in particular fat, trans-fatty acids, salt or sodium and sugars, of which excessive intakes in the overall diet are not recommended, furthermore, they shall encourage their members to provide that such electronic communications, commercial communications for foods and beverages do not emphasize the positive quality of the nutritional aspects of such foods and beverages.



#### *Section 15/N<sup>1</sup>*

➡(1) The relationship between the Office and the self-regulatory body shall be regulated by the parties in detail in the administrative agreement.



➡(2) The administrative agreement may be concluded in writing only.



➡(3) The Office - on conclusion of the administrative agreement - shall have power to access the registry maintained by the self-regulatory bodies on the business entities covered by the Code and may request information in connection with data from the registry so as to be able to perform its functions concerning the self-regulatory body.



#### *Section 15/O<sup>2</sup>*

➡(1) The Office shall have power to terminate the administrative agreement with immediate effect, in the event that the self-regulatory body:



➡a) seriously and/or repeatedly breaches the provisions of the administrative agreement, or



➡b) performs its tasks defined in the administrative agreement not in compliance with the terms and conditions of the agreement or the terms of the Code of Conduct.



➡(2) The administrative agreement concluded for an indefinite period of time may be terminated by either of the parties with a thirty day notice.



#### *Section 15/P<sup>3</sup>*

➡(1) The self-regulatory body shall proceed in administrative cases subject to the authorizations granted thereto in relation to its members as an entity performing the tasks within its own competence, rather than in an official capacity, as provided for in this Act and the administrative agreement. In so doing, its involvement shall have priority over and complement the activities of the Office acting in its administrative competence (hereinafter referred to as "self-regulatory procedure").




➡(2) The Office shall have power to proceed in relation to the members of the self-regulatory body in the administrative matters defined in the administrative agreement when it considers that the self-regulatory body does not comply with the relevant legislation or the provisions of the administrative agreement concluded by the parties.

1 Enacted by Section 3 of Act XXIV of 2020, effective as of 12 June 2020.


2 Enacted by Section 3 of Act XXIV of 2020, effective as of 12 June 2020.


3 Enacted by Section 3 of Act XXIV of 2020, effective as of 12 June 2020.


 (3) The self-regulatory body shall be responsible for drawing up, accepting and enforcing internal regulations regarding its members so as to ensure that the tasks related to video-sharing platform services, as provided for in this Act are performed properly and effectively, and that the rules contained in this Act are duly enforced.





#### *Section 15/Q<sup>1</sup>*

 (1) The self-regulatory body shall act upon an application requesting its self-regulatory procedure. Irrespective of the foregoing, the self-regulatory body shall also have power to open proceedings in cases falling within its competence of its own motion.

 (2) The time limit for the self-regulatory procedure by a self-regulatory body shall be thirty days, which may be extended by fifteen days with due consideration to the complexity of the case and the difficulties that may arise in ascertaining the relevant facts of the case. A shorter period may be provided for under the administrative agreement.

 (3) Where the Office receives a petition relating to a subject falling within self-regulatory procedure, it shall forward the petition to the competent self-regulatory body authorized to act. When the case does not fall within the competence of the self-regulatory body or the business entity shown in the petition is not subject to the Code of Conduct, the self-regulatory body shall return the petition to the Office without delay. If the self-regulatory body opens its proceedings on the basis of the petition forwarded by the Office, it shall refund to the petitioner the sum paid to cover any dues and fees, if any, concurrently with the petition requesting the proceedings of the Office.

 (4) In the case defined under Subsection (2), the petition requesting the proceedings of the Office shall not be construed an application giving rise to the obligation to open proceedings as defined in [Act CL of 2016](#) on General Public Administration Procedures (hereinafter referred to as “Administrative Procedure Act”), except if the petition is returned by the self-regulatory body to the Office. In such cases, the administrative proceedings of the Office shall begin on the day when the petition was returned by the self-regulatory body to the Office.

 (5) If the self-regulatory body receives a petition that falls beyond the scope of its competence but is related to the powers of the Office, the self-regulatory body shall forthwith inform the requesting party about the relevant powers of the Office, the opportunities to initiate proceeding and the rules thereof.





#### *Section 15/R<sup>2</sup>*

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<sup>1</sup> Enacted by Section 3 of Act XXIV of 2020, effective as of 12 June 2020.


<sup>2</sup> Enacted by Section 3 of Act XXIV of 2020, effective as of 12 June 2020.


 (1) The self-regulatory body shall assess the petition in light of this Act, the administrative agreement concluded with the Office and in particular the Code of Conduct constituting an integral part thereof, and shall pass its decision accordingly. The decision of the self-regulatory body shall be binding upon the business entities covered by the Code, and may impose obligations. If the decision imposes any obligation, the self-regulatory body shall set an appropriate time limit for the purpose of compliance. The self-regulatory body shall inform the Office of the decision containing obligations within ten days of the expiry of that time limit. The Office shall review the decisions sent by the self-regulatory body, containing obligations. Where revision of the self-regulatory body's decision is requested by the petitioner or the party upon whom the decision was imposed, the Office shall review such decision within thirty days.

 (2) If the Office finds that the decision of the self-regulatory body does not comply with the provisions of the administrative agreement concluded with the self-regulatory body and in particular the provisions of the Code of Conduct, or if in its opinion the decision violates the provisions of the relevant legislation, or if it finds that the self-regulatory body is unable to enforce its decision, it shall open an administrative procedure in the case covered by the petition. The Office shall not be bound by the procedure and decision of the self-regulatory body.



#### *Section 15/S<sup>1</sup>*

 (1) The responsibility for carrying out the tasks and activities falling outside the powers of the Office which, however, are covered by administrative agreement concluded with the self-regulatory body, properly and effectively lies with the self-regulatory body itself, and it shall formulate its own procedures independently. The Office shall cooperate with the self-regulatory body on a regular basis, providing support and incentive for performing its tasks.

 (2) The parties shall notify one another on a regular basis in the context of performing non-administrative tasks defined in Subsection (1) and other observations in conducting their procedures. The self-regulatory body shall perform these functions in accordance with the administrative agreement concluded with the Office and the Code of Conduct constituting an integral part thereof. To the extent possible, the Office shall take into account the experience gained in performing these tasks in exercising its administrative powers and in drafting legislation.



#### *Section 15/T<sup>2</sup>*

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<sup>1</sup> Enacted by Section 3 of Act XXIV of 2020, effective as of 12 June 2020.

<sup>2</sup> Enacted by Section 3 of Act XXIV of 2020, effective as of 12 June 2020.



➡(1) The Office shall supervise the activities of the self-regulatory body under the administrative agreement. In so doing, the Office shall have power to monitor compliance with the provisions of the administrative agreement concluded with the Office on the part of the self-regulatory body on a regular basis, and their implementation in accordance with the agreement. In the context of supervision, the Office shall have power to oversee all activities performed by the self-regulatory body under the administrative agreement, and to this end, the self-regulatory body may be ordered to disclose data as required.

➡(2) To the extent deemed necessary, the Office shall subject the procedures and decisions of the self-regulatory body in carrying out the tasks under the administrative agreement to comprehensive audit. Accordingly, it shall assess the decisions of the self-regulatory body - in terms of compliance with the provisions of the administrative agreement and the Code of Conduct constituting an integral part thereof - on a case-by-case basis and on the whole.

➡(3) If - in the context of the supervision - the Office finds that the self-regulatory body failed to proceed, or did so improperly in cases to which the authorizations granted under the administrative agreement pertain, such as in particular:

➡a) the proceedings specified in Section 15/P are conducted not in compliance with the relevant provisions of the Code of Conduct,

➡b) the applications are processed not in compliance with the relevant provisions of the Code of Conduct,

➡c) decisions are rendered not in compliance with the relevant provisions of the Code of Conduct, and/or

➡d) it fails to monitor compliance with or enforcement of its decisions and/or fails to take measures to ensure that the provisions of its decisions are fulfilled,

➡the Office shall request the self-regulatory body to proceed in accordance with the provisions of the administrative agreement within the prescribed time limit.

➡(4) If the self-regulatory body fails to fulfill the request under Subsection (3) within the prescribed deadline, the Office shall have power to terminate the administrative agreement with immediate effect or with a period of notice defined in the administrative agreement.

➡(5) If - on the basis of the audit - the Office finds that the proceedings, decisions of the self-regulatory body are in breach of the relevant legislation or the provisions of the administrative agreement or the Code of Conduct that constitutes an integral part thereof, the Office - concurrently with establishing the fact of infringement - shall open administrative proceedings in the subject covered by the decision.



### *Section 15/U1*

➡The self-regulatory body shall prepare a report to the Office on its activities and tasks performed under the administrative agreement on a regular basis or at least annually, while on its proceedings, content, subjects, types, content and implementation of its decisions in the context of its self-regulatory procedure at least every six months in writing.



### Section 15/V<sup>1</sup>

The provisions set out in this Act pertaining to co-regulation shall be without prejudice to and shall not inhibit the right of video-sharing platform providers to set up self-regulatory regimes in the fields of their activities through self-regulatory initiatives to the extent permitted within the framework of this Act. The Office and the Authority shall support and respect such initiatives.



### Section 15/W<sup>2</sup>

(1) Where in the proceedings of the Office or the self-regulatory bodies Hungary's jurisdiction over a particular video-sharing platform provider is called into question, the Office shall bring the matter before the European Commission without delay.

(2) If based on the European Commission's reply Hungary has jurisdiction, the Office shall carry on its proceeding, or shall notify the acting self-regulatory body.

## **Miscellaneous and Closing Provisions**

### Section 16

(1) Subject to the exception set out in Subsection (3), this Act shall enter into force on the thirtieth day following promulgation.

(2) This Act shall apply to information society services provided after the time of this Act entering into force, however, service providers shall bring their information society services in conformity with the provisions of this Act within ninety days of the time of this Act entering into force.

(3)<sup>3</sup> Subsection (2) of Section 1, Paragraph *i*) of Section 2, Section 3/A, Section 14/C and Subsection (2) of Section 15/A of this Act shall enter into force simultaneously with the act promulgating the treaty on Hungary's accession to the European Union.

(4) Where this Act prescribes any obligation to retain documents or instruments, or original copies, it may also be satisfied by way of electronic means, provided that the requirements set out in the specific other legislation on digital archiving are satisfied.

(5)<sup>4</sup> With the exceptions set out in Subsection (6), video-sharing platform providers shall comply with the provisions of this Act established by Act XXIV of 2020 on the Amendment of Act CVIII of 2001 on Electronic Commerce and on Information Society Services (hereinafter referred to as "Act XXIV/2020") on obligations imposed upon video-sharing platform providers within one hundred fifty days of the date of entry into force of Act XXIV/2020.

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1 Enacted by Section 3 of Act XXIV of 2020, effective as of 12 June 2020.

2 Enacted by Section 3 of Act XXIV of 2020, effective as of 12 June 2020.

3 Established by Subsection (1) of Section 10 of Act XCVII of 2003, effective as of 1 January 2004. Amended: by subparagraphs *c*) and *d*) paragraph (18) Section 41 of Act XLVII of 2008. In force: as of 01. 09. 2008.

4 Established by Section 4 of Act XXIV of 2020, effective as of 12 June 2020.

➡(6)<sup>1</sup> Video-sharing platform providers covered by this Act, if already providing services at the time of entry into force of Act XXIV/2020 shall comply with the provisions of Subsections (1) and (2) of Section 15/C within sixty days of the date of entry into force of Act XXIV/2020.

➡(7)-(14)<sup>2</sup>

### Section 16/A<sup>3</sup>

(1)<sup>4</sup> In connection with any infringement of the provisions of Sections 4, 5 and 14/A and Article 14(1) and (2) of Regulation (EU) No. 524/2013 of the European Parliament and of the Council of 21 May 2013 on online dispute resolution for consumer disputes and amending Regulation (EC) No. 2006/2004 and Directive 2009/22/EC, the authority provided for in the Act on the Prohibition of Unfair Business-to-Consumer Commercial Practices shall have jurisdiction. The competent authority shall proceed in accordance with the provisions of the Act on the Prohibition of Unfair Business-to-Consumer Commercial Practices.

(2) In connection with any infringement of the provisions contained in Section 6:

a)<sup>5</sup> the Magyar Nemzeti Bank (*National Bank of Hungary*), acting within its function as supervisory authority of the financial intermediary system, shall have jurisdiction according to [Act CXXXIX of 2013](#) on the National Bank of Hungary (hereinafter referred to as “MNB Act”) in respect of the persons and organizations engaged in the pursuit of the activities falling within the scope of Section 39 of the MNB Act;

b) the consumer protection authority shall have jurisdiction in respect of other service providers according to Act on Consumer Protection.

(3) In connection with any infringement of the provisions contained in Section 14/B of this Act and Section 6 of the CAA (hereinafter referred to collectively as “oversight proceedings in connection with unsolicited electronic communications”), the Authority shall have jurisdiction.

(4) In connection with any infringement of the provisions contained in Section 15 the consumer protection authority shall have jurisdiction according to Act on Consumer Protection.

(5) The provisions contained in Subsections (1), (2) and (4) above are treated as consumer protection regulations in the application of the Consumer Protection Act.

### Section 16/B<sup>6</sup>

➡(1)<sup>7</sup> The Authority shall proceed in oversight proceedings relating to unsolicited electronic communications provided for in this Act in accordance with the provisions of the Administrative Procedure Act, with the derogations and additional provisions set out in this Act.

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1 Established by Section 4 of Act XXIV of 2020, effective as of 12 June 2020.

2 Repealed: by subparagraph a) paragraph (2) Section 18 of Act XXII of 2007. No longer in force: as of 1. 06. 2007.

3 Established: by Section 41 of Act CXLVIII of 2009. In force: as of 1. 01. 2010.

4 Established by Section 33 of Act CCXXV of 2015, effective as of 31 December 2015.

5 Established: by Section 45 of Act CXLIII of 2013. In force: as of 1. 10. 2013.

6 Enacted: by Section 16 of Act XXII of 2007. In force: as of 1. 06. 2007.

7 Established by Section 5 of Act XXIV of 2020, effective as of 12 June 2020.

(2)<sup>1</sup> In the first instance the Authority's Office shall proceed and the resolutions of the first instance may be appealed at the Chairman of the Council of the Authority.

### *Section 16/C<sup>2</sup>*

(1)<sup>3</sup> Oversight proceedings by the Authority in connection with unsolicited electronic communications are opened upon request or *ex officio*. If enforcement of the individual claims is inappropriate considering the number of consumers injured, administrative agencies or associations providing for consumer interests shall also be entitled to initiate such proceedings.

(2)<sup>4</sup> In the proceedings of the Authority client rights shall be conferred upon the qualified entities established under the laws of any Member State of the European Economic Area - with respect to the consumer interest they protect - that are included in the list published in the Official Journal of the European Communities pursuant to Article 4(3) of Directive 2009/22/EC of the European Parliament and of the Council with respect to any infringement of the legal provisions on the transposition of Article 7 of Directive 2000/31/EC of the European Parliament and of the Council.

(3)<sup>5</sup> The request shall be submitted on the standard form prescribed by the Authority, accompanied with details indicating direct interest. The request may not be submitted at a one-stop government windows.

(4)<sup>6</sup> Oversight proceedings in connection with unsolicited electronic communications may not be opened after a period of one year following the publication of the unlawful electronic communication. During the proceedings a request for remedying deficiencies may be issued on not more than two occasions.

(5)<sup>7</sup> For information purposes, the minister in charge of the judicial system shall publish on the official website of his Ministry the legal provisions on the transposition of the Community legislation referred to in Subsection (2) above.

### *Section 16/D<sup>8</sup>*

(1)<sup>9</sup> In the event of any infringement of the provisions related to unsolicited electronic communications the Authority shall have powers:<sup>10</sup>

- a) to order the cessation of the infringement;
- b) to prohibit any further infringement;

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1 Established: by paragraph (1) Section 228 of Act CLXXXV of 2010. In force: as of 1. 01. 2011.

2 Enacted: by Section 16 of Act XXII of 2007. In force: as of 1. 06. 2007.

3 Established: by paragraph (11) Section 41 of Act XLVII of 2008. In force: as of 01. 09. 2008. Shall apply to proceedings launched after this date. Amended: by Section 147 of Act CLXXV of 2011. In force: as of 22. 12. 2011.

4 Established: by Section 42 of Act CXLVIII of 2009. In force: as of 1. 01. 2010.

5 Established by Subsection (1) of Section 208 of Act L of 2017, effective as of 1 January 2018.

6 Established by Subsection (1) of Section 208 of Act L of 2017, effective as of 1 January 2018.

7 Enacted: by paragraph (2) Section 12 of Act XCIV of 2007. In force: as of 05. 08. 2007.

8 Enacted: by Section 16 of Act XXII of 2007. In force: as of 1. 06. 2007.

9 Amended: by subparagraph e) paragraph (18) Section 41 of Act XLVII of 2008. In force: as of 01. 09. 2008.

10 Amended: by Section 266 of Act LVI of 2009. In force: as of 1. 10. 2009.

c)<sup>1</sup> instead of adopting a resolution ordering the cessation of infringement, to enter into an administrative agreement with a client who agrees to cease the infringement, and to engage in conduct in conformity with the provisions pertaining to unsolicited electronic communications in accordance with the administrative agreement;

d)<sup>2</sup> to advise the intermediary service provider referred to in Paragraph *la*) of Section 2 that the electronic advertiser, provider of electronic communications services or the publisher of electronic communications is using the intermediary service provider's subscriber or network services unlawfully for the transmission of electronic communications,

e)<sup>3</sup> to impose an electronic commerce penalty between fifty thousand and five hundred thousand forints.

(2)<sup>4</sup> The amount of the electronic commerce penalty shall be determined with regard to all applicable circumstances, in particular, to the sphere and gravity of damages caused to recipients of the service and the electronic communication, the duration of the illegal conduct and any recidivism where applicable. The penalty may be imposed repeatedly for multiple infringements.

(3)<sup>5</sup> Electronic commerce penalties shall be paid to the account of the Authority.

(4)<sup>6</sup> The Authority shall have power to order, by way of a ruling in the form of provisional protective measure, the termination of behavior constituting the infringement with immediate effect for the period ending upon the passing of its resolution, or the cessation of the infringement, where such action is deemed urgently necessary with a view to the protection of the legal and economic interests of the parties affected.

(5)<sup>7</sup> The Authority may instruct electronic advertisers, providers of electronic communications services, and publishers of electronic communications to supply reliable evidence in support of compliance with the provisions related to unsolicited electronic communications within the prescribed time limit. With regard to said verification the client's statement shall not be admissible as a substitute for any unavailable evidence.

### *Section 16/E<sup>8</sup>*

(1) The Authority shall proclaim its definitive resolution adopted in connection with any infringement of the provisions contained in Section 14/B of this Act and Section 6 of the CAA, with the personal data of the recipient of the service deleted or rendered illegible, on its official website, if:<sup>9</sup>

- a) it contains a fine of two hundred thousand forints or more;
- b) it was adopted for a repeat infringement; or

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1 Amended: by subparagraph f) paragraph (18) Section 41 of Act XLVII of 2008. In force: as of 01. 09. 2008. Amended: by Section 266 of Act LVI of 2009. In force: as of 1. 10. 2009.

2 Established: by paragraph (13) Section 41 of Act XLVII of 2008. In force: as of 01. 09. 2008. Shall apply to proceedings launched after this date.

3 Numbering amended: by paragraph (1) Section 13 of Act XCIV of 2007. In force: as of 05. 08. 2007.

4 Established: by paragraph (2) Section 13 of Act XCIV of 2007. In force: as of 05. 08. 2007.

Amended: by subparagraph g) paragraph (18) Section 41 of Act XLVII of 2008. In force: as of 01. 09. 2008.

5 Established: by Section 16 of Act CLXVI of 2011. In force: as of 1. 01. 2012.

6 Established by Subsection (2) of Section 208 of Act L of 2017, effective as of 1 January 2018.

7 Established by Subsection (2) of Section 208 of Act L of 2017, effective as of 1 January 2018.

8 Enacted: by Section 16 of Act XXII of 2007. In force: as of 1. 06. 2007.

9 Established by paragraph (15) Section 41 of Act XLVII of 2008. Amended by Paragraph b) of Section 209 of Act L of 2017.

c) it was adopted ordering the cessation or prohibition of an infringement in the proceedings referred to in Subsection (2) of Section 16/C or in Paragraph b) of Subsection (1) of Section 16/F.

(2)<sup>1</sup> The Authority shall proclaim its ruling specified in Subsection (4) of Section 16/D, if adopted under Subsection (2) of Section 16/C.

(3)<sup>2</sup>

(4)<sup>3</sup> The notice proclaimed shall contain:

a) the legal basis for proclamation according to this Act;

b) as to whether any administrative action has been brought, prosecutor's intervention and action has been taken, and the outcome if available.

(5) The Authority shall post a notice concerning the administrative agreement concluded under Paragraph c) of Subsection (1) of Section 16/D on its official website. The notice shall specify:

a) the name of the Authority;

b) the name and address of the infringing service provider;

c) the case number and the subject matter;

d) the fact that the agreement was concluded for reasons of public policy;

e) the essence of the commitment phrased in language that is easy to understand; and

f) an indication that the administrative agreement is available for inspection at the authority.

#### *Section 16/F<sup>4</sup>*

(1)<sup>5</sup> The implementation of Regulation (EU) 2017/2394 of the European Parliament and of the Council of 12 December 2017 on cooperation between national authorities responsible for the enforcement of consumer protection laws and repealing Regulation (EC) No. 2006/2004 (hereinafter referred to as "Regulation 2017/2394/EU") shall be conferred:

a)<sup>6</sup> upon the consumer protection authority or the Hungarian Competition Authority - as prescribed in the Act on the Prohibition of Unfair Business-to-Consumer Commercial Practices - with a view to any intra-Community infringements of national laws on the transposition of Articles 5, 6 and 10 of Directive 2000/31/EC of the European Parliament and of the Council;

b) upon the Authority with a view to any intra-Community infringements of national laws on the transposition of Article 7 of Directive 2000/31/EC of the European Parliament and of the Council;

c) upon the consumer protection authority with a view to any intra-Community infringements of national laws on the transposition of Article 11 of Directive 2000/31/EC of the European Parliament and of the Council.

(2)<sup>7</sup> In connection with mutual assistance the consumer protection authorities under Subsection (1) shall proceed in accordance with Commission Decision 2007/76/EC, as amended by Commission Decision 2008/282/EC.

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1 Amended by Paragraph c) of Section 209 of Act L of 2017.

2 Repealed by Section 210 of Act L of 2017, effective as of 1 January 2018.

3 Established by Subsection (3) of Section 208 of Act L of 2017, effective as of 1 January 2018.

4 Enacted: by Section 16 of Act XXII of 2007. In force: as of 1. 06. 2007.

5 Established by paragraph (16) Section 41 of Act XLVII of 2008. Amended by Section 89 of Act LXVII of 2019.

6 Amended on the base: of Section 267 of Act LVI of 2009. In force: as of 1. 10. 2009.

7 Established: by paragraph (16) Section 41 of Act XLVII of 2008. In force: as of 01. 09. 2008.

(3)<sup>1</sup> For information purposes, the minister in charge of the judicial system shall publish on the official website of his Ministry the legal provisions on the transposition of the Community legislation referred to in Subsection (1) above.

#### *Section 16/G<sup>2</sup>*

The Round-table Conference shall be established by 1 March 2014.

#### *Section 16/H<sup>3</sup>*

(1) If, relying on information received from the agency authorized to conduct covert investigations, the Authority finds any breach of the obligations provided for in Section 3/B or Section 13/B, it may impose upon the legal person or unincorporated entity application supplier a fine between one hundred thousand and ten million forints for infringement of the obligation to cooperate.

(2) The fine for infringement of the obligation to cooperate may be imposed repeatedly for multiple infringements.

(3) The fine for infringement of the obligation to cooperate shall be payable to the Authority's account.

#### *Section 17*

(1)<sup>4</sup> The minister in charge of information technology shall:

*a)* notify the European Commission as to the contracts which may not be concluded by way of electronic means from among the contracts listed under Article 9 (2) *a-d)* of Directive 2000/31/EC of the European Parliament and of the Council on certain legal aspects on information society services, in particular electronic commerce, in the internal market (hereinafter referred to as 'exceptions');

*b)*<sup>5</sup> report to the European Commission every five years on the implementation of exceptions, indicating the position of Hungary for maintaining restrictions for the use of electronic contracts with regard to contracts requiring by law the involvement of courts, public authorities, or professions exercising public authority.

(1a)<sup>6</sup> The Government is hereby authorized to:

*a)* decree the essential requirements relating to the security of network and information systems of services subject to notification;

*b)* designate the Incident Response Team for receiving reports under Subsection (1) of Section 6/B, and to establish its competence, responsibilities and procedures by way of a decree;

*c)* decree the detailed provisions relating to major security incidents referred to in Section 6/B, and relating to the report defined in Section 6/B;

*d)* designate the authority mentioned in Subsection (3) of Section 6/B, and to establish its competence, responsibilities and procedures by way of a decree;

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<sup>1</sup> Enacted: by Section 15 of Act XCIV of 2007. In force: as of 05. 08. 2007.

<sup>2</sup> Enacted by Subsection (3) of Section 30 of Act CCXLV of 2013, effective as of 1 January 2014.

<sup>3</sup> Enacted by Section 49 of Act LXIX of 2016, effective as of 17 July 2016.

<sup>4</sup> Established by Subsection (1) of Section 13 of Act CLXXI of 2005. Amended by Paragraph k) of Subsection (8) of Section 170 of Act CIX of 2006.

<sup>5</sup> Amended: by subparagraph b) Section 218 of Act CCI of 2011. In force: as of 1. 01. 2012.

<sup>6</sup> Enacted by Section 17 of Act CXXXIV of 2017, effective as of 10 May 2018.

e) designate the registration authority, establish detailed procedural rules on keeping the register, on the data to be registered, and for the deletion of such data by way of a decree;

f) decree the amount of the administrative penalty to be imposed under Section 6/C, the criteria for establishing the penalty and the detailed rules for the payment of such penalties;

g)<sup>1</sup> decree the responsibilities of intermediary service providers in connection with responding to, and investigating specific security incidents, and the amount of the fine to be imposed under Subsection (4) of Section 15/B, the criteria for establishing the fine and the detailed rules for the payment of such penalties.

(2)<sup>2</sup> The minister in charge of information technology is hereby authorized to decree, in agreement with the minister in charge of e-administration and the minister in charge for the implementation of infrastructure requirements for administrative information technology systems:<sup>3</sup>

a)<sup>4</sup>

b)<sup>5</sup> the regulations for digital archiving,<sup>6</sup>

c)<sup>7</sup>

(3)<sup>8</sup>

### *Section 17/A<sup>9</sup>*

The provisions of this Act established by Act L of 2017 on Amendments Relating to the Implementation of the Act on General Public Administration Procedures and the Act on the Code of Administrative Procedure (hereinafter referred to as "Administrative Amendments Act") shall apply to proceedings opened after the date of entry into force of the Administrative Amendments Act and to reopened cases.

### *Section 18<sup>10</sup>*

(1)<sup>11</sup> This Act serves the purpose of conformity with the following legislation of the Communities:

a) Directive 2000/31/EC of the European Parliament and of the Council of 8 June 2000 on certain legal aspects of information society services, in particular electronic commerce, in the Internal Market;

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<sup>1</sup> Enacted by Section 71 of Act CXXI of 2018, effective as of 5 January 2019.

<sup>2</sup> Amended by Section 11 of Act XCVII of 2003 and by Paragraph k) of Subsection (8) of Section 170 of Act CIX of 2006.

<sup>3</sup> Amended: by Section 180 of Act CXLVIII of 2010. In force: as of 1. 01. 2011.

<sup>4</sup> Repealed by Subsection (1) of Section 15 of Act CLXXI of 2005, effective as of 1 January 2006.

<sup>5</sup> Established by Subsection (2) of Section 13 of Act CLXXI of 2005, effective as of 1 January 2006.

<sup>6</sup> See Decree No. 7/2005 (VII. 18.) IHM.

<sup>7</sup> Repealed by Subsection (1) of Section 15 of Act CLXXI of 2005, effective as of 1 January 2006.

<sup>8</sup> Repealed: by subparagraph a) paragraph (3) Section 20 of Act XCIV of 2007. No longer in force: as of 05. 08. 2007.

<sup>9</sup> Enacted by Subsection (4) of Section 208 of Act L of 2017, effective as of 1 January 2018.

<sup>10</sup> Established: by Section 17 of Act XXII of 2007. In force: as of 1. 06. 2007.

<sup>11</sup> Established: by Section 16 of Act XCIV of 2007. In force: as of 05. 08. 2007.



b)<sup>1</sup> Directive 2009/22/EC of the European Parliament and of the Council of 23 April 2009 on injunctions for the protection of consumers' interests [Subsection (2) of Section 16/C, Subsection (4) of Section 16/D and Subsections (1) and (2) of Section 16/E relating to the proceedings of the Authority];

c)<sup>2</sup> Article 13 1 and 2 of Directive 2002/58/EC of the European Parliament and of the Council of 12 July 2002 concerning the processing of personal data and the protection of privacy in the electronic communications sector;

d)<sup>3</sup> Article 14(1) and (2) of Regulation (EU) No. 524/2013 of the European Parliament and of the Council of 21 May 2013 on online dispute resolution for consumer disputes and amending Regulation (EC) No. 2006/2004 and Directive 2009/22/EC [Subsection (1) of Section 16/A];

e)<sup>4</sup> Directive (EU) 2016/1148 of the European Parliament and of the Council of 6 July 2016 concerning measures for a high common level of security of network and information systems across the Union;

f)<sup>5</sup> Directive (EU) 2018/1808 of the European Parliament and of the Council of 14 November 2018 amending Directive 2010/13/EU on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the provision of audiovisual media services (Audiovisual Media Services Directive) in view of changing market realities [Subsections (1a) and (1b) of Section 1, Subparagraph *lf*) of Paragraph *l*) and Paragraphs *o*)-*r*), *w*)-*y*) of Section 2, Sections 15/C-15/W].

(2) This Act contains provisions for the implementation of the legislation of the Communities in connection with the duties and proceedings of the Authority:

a)<sup>6</sup> Article 5(1) of Regulation 2017/2394/EU;

b) Commission Decision 2007/76/EC of 22 December 2006 implementing Regulation (EC) No. 2006/2004 of the European Parliament and of the Council on cooperation between national authorities responsible for the enforcement of consumer protection laws as regards mutual assistance [Subsection (2) of Section 16/F].

c)<sup>7</sup> Commission Decision 2008/282/EC of 17 March 2008 amending Decision 2007/76/EC implementing Regulation (EC) No. 2006/2004 of the European Parliament and of the Council on cooperation between national authorities responsible for the enforcement of consumer protection laws as regards mutual assistance [Subsection (2) of Section 16/F].

(3)<sup>8</sup> In connection with Sections 2 and 3/B of this Act, the prior notification procedure provided for in Articles 5-7 of Directive (EU) 2015/1535 of the European Parliament and of the Council of 9 September 2015 laying down a procedure for the provision of information in the field of technical regulations and of rules on Information Society services has been fulfilled.

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1 Established: by Section 43 of Act CXLVIII of 2009. In force: as of 1. 01. 2010.

2 Amended: by subparagraph k) Section 54 of Act XLVII of 2008. In force: as of 01. 09. 2008.

3 Enacted by Section 34 of Act CCXXV of 2015, effective as of 31 December 2015.

4 Enacted by Section 18 of Act CXXXIV of 2017, effective as of 10 May 2018.

5 Enacted by Section 6 of Act XXIV of 2020, effective as of 12 June 2020.

6 Established by Section 88 of Act LXVII of 2019, effective as of 17 January 2020.

7 Enacted: by paragraph (17) Section 41 of Act XLVII of 2008. In force: as of 01. 09. 2008.

8 Enacted by Section 50 of Act LXIX of 2016, effective as of 17 July 2016.

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