



EUROPEAN COMMISSION

Directorate-General for Internal Market, Industry, Entrepreneurship and SMEs
Single Market Enforcement
Notification of Regulatory Barriers

Message 301

Communication from the Commission - TRIS/(2024) 1570

Directive (EU) 2015/1535

Notification: 2024/0288/HU

Request for supplementary information from the Commission.

Request for supplementary information - Demande d'informations complémentaires - Žádost o doplňující informace - Ersuchen um ergänzende Informationen - Искане за допълнителна информация - Žádost o dodatečné informácie - Anmodning om supplerende oplysninger - Αίτηση συμπληρωματικών πληροφοριών - Solicitud de información complementaria - Lisateabe edastamise palve - Lisätietopyyntö - Zahtjev za dodatne informacije - Kiegészítő információkérése - Domanda di informazioni complementari - Prašymas pateikti papildomos informacijos - Papildu informācijas pieprasījums - Talba għal tagħrif addizzjonali - Verzoek om aanvullende inlichtingen - Prośba o uzupełnienie informacji - Pedido de informações complementares - Solicitare de informații suplimentare - Žiadosť o ďalšie informácie - Zahteva za dodatne informacije - Begäran om kompletterande upplysningar - Iarraidh ar fhaisnéis fhorlíontach

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1. MSG 301 IND 2024 0288 HU EN 02-09-2024 14-06-2024 COM INFOSUP COM 02-09-2024

2. Commission

3. DG GROW/E/3 - N105 04/63

4. 2024/0288/HU - SERV20 - Electronic commerce

5.

6. Within the framework of the notification procedure under Directive (EU) 2015/1535 laying down a procedure for the provision of information in the field of technical regulations and of rules on Information Society services, the Hungarian authorities notified to the Commission on 30 May 2024 the draft "On the amendment of Government Decree No 210/2009 of 29 September 2009 on the conditions of carrying out commercial activities" (hereinafter, the "notified draft").

In order to allow the Commission services to complete their analysis under the relevant provisions of EU law, the Hungarian authorities are kindly invited to reply to the following request for supplementary information:

1. The Hungarian authorities are kindly invited to clarify whether the provisions in the notified draft are intended to apply to providers of information society services as per the meaning of Directive 2000/31/EC.

In the affirmative, the Commission services would like to receive further information on:

- a) whether the notified draft would apply to providers of information society services established in the territory of other Member States than Hungary;
- b) what would be the obligations applicable to those service providers resulting from the notified draft;
- c) whether the Hungarian authorities have identified those providers or what would be the basis for identifying them;
- d) how do the Hungarian authorities intend to comply with the requirements set out in Article 3(4) of Directive 2000/31/EC, in particular in view of the CJEU judgement in case C-376/22.

2. The Hungarian authorities are also kindly invited to clarify whether the provisions in the notified draft are intended to apply to providers of on-demand audiovisual media services and video-sharing platforms as per the meaning of Directive



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2010/13/EU as amended by Directive (EU) 2018/1808.

In the affirmative, the Commission services would like to receive further information on whether the notified draft would apply to such providers established in the territory of other Member States than Hungary.

3. The Commission services would welcome more information on whether the provisions of the notified draft are also intended to apply to providers of intermediary services, as defined in Article 3(g) of the Regulation (EU) 2022/2065, and in particular to providers of online platforms, as defined in Article 3(i) therein.

In the event of an affirmative reply, the Commission services would welcome a clarification on:

- a) the intended interplay between the notified draft and the Regulation (EU) 2022/2065, in view of its maximum harmonization effect and in particular as regards its Articles 28, 34 and 35 concerning the aim of protecting minors online and its Section 4 of Chapter 3 concerning the obligations applicable to providers of online platforms allowing consumers to conclude distance contracts with trades;
- b) the legal consequences of the notified draft in relation to the obligations for online platforms as defined in Regulation (EU) 2022/2065;
- c) the way in which providers of intermediary services, including online platforms, are expected to comply with these obligations and the interplay with Article 8 of Regulation (EU) 2022/2065, and in particular whether service providers are only expected to rely on the information provided to them by the traders or sellers;
- d) the monitoring of compliance and enforcement of the draft law, in particular, in view of Chapter IV of Regulation (EU) 2022/2065.

4. The Hungarian authorities are kindly invited to clarify the notion and the scope of the term 'Sensitive content!'.

5. The Hungarian authorities are also kindly invited to indicate whether the term is defined and used in other legislation and measures and whether a similar requirement exists for other products in other legislation.

6. The Hungarian authorities are also kindly requested to clarify what is the legal basis for this draft measure, including its possible link to the implementation of the so called Child Protection Law.

7. The Hungarian are kindly requested to transmit to the Commission any preparatory works (Preamble of the decree, explanatory memorandum or any other relevant documents referring to the objective pursued and the intended effect the decree).

The Hungarian authorities are kindly invited to reply by 28 June 2024.

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