

Act [...] of 2024

on the protection of children's health

Section 1

In Act CLV of 1997 on consumer protection, the following paragraph (1a) is added to Section 16/A:

‘(1a) It shall be prohibited to sell or supply energy drinks with a composition specified in the Government’s decree (hereinafter: energy drink) to people under eighteen years of age.’

Section 2

In Act CLV of 1997 on consumer protection, Section 47(1)(h) shall be replaced by the following:

[If the consumer protection authority establishes in the course of its proceedings that the consumer protection provisions in Section 45/A(1)-(3) have been violated, it may impose the following legal consequences, taking into account the relevant circumstances of the case, in particular the severity of the infringement, the duration of the infringement, the repetition of the unlawful conduct and the benefit obtained as a result of the infringement, also bearing in mind the requirement of proportionality:]

‘(h) in the event of a violation of the provisions laid down in Section 16/A(1)-(3), it may prohibit the marketing of alcoholic beverages, energy drinks, tobacco products or sexual products for a maximum period of one year from the date on which the infringement is established and, if these provisions are repeatedly violated within a period of three years, it may order the temporary closure of the business which is involved in the infringement for a maximum of 30 days.’

Section 3

In Act CLV of 1997 on consumer protection, the following paragraph (5) shall be added to Section 55:

‘(5) The Government shall be authorised to lay down in a decree the composition of energy drinks which cannot be sold or supplied to persons under the age of eighteen years.’

Section 4

In Act CLV of 1997 on consumer protection, point (f) of paragraph 1 of Section 57 shall be replaced by the following:

(This Act serves to comply with the following EU regulations:)

‘(f) Directive 2006/123/EC of the European Parliament and of the Council of 12 December 2006 on services in the internal market [point 12 of Section 2, paragraph 1a of Section 16/A, paragraphs 1 and 3 of Section 16/B, paragraph 4 of Section 17/D and paragraph 5 of Section 55].’

Section 5

In Act CLV of 1997 on consumer protection, Section 58 shall be replaced by the following:

‘Section 58

The drafts of Section 16/A(1a), Section 16/B and Section 55(5) have been notified in advance in accordance with Article 39(5) of Directive 2006/123/EC of the European Parliament and of the Council of 12 December 2006 on services in the internal market.’

Section 6

Under the heading ‘Compliance with European Union law’ in Act CLV of 1997 on consumer protection, the following Section 59 shall be inserted:

‘Section 59

The drafts of Section 16/A(1a) and Section 55(5) have been notified in advance, as stipulated 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.’

Section 7

This Act shall enter into force on the thirtieth day following its publication.

Section 8

(1) This act serves to comply with Directive 2006/123/EC of the European Parliament and of the Council of 12 December 2006 on services in the internal market.

(2) The drafts of Section 1 and Section 3 have been notified in advance in accordance with Article 39(5) of Directive 2006/123/EC of the European Parliament and of the Council of 12 December 2006 on services in the internal market.

Section 9

This draft Act has been the subject of prior notification, as stipulated 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.