



EUROPEAN COMMISSION

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

Message 201

Communication from the Commission - TRIS/(2024) 3017

Directive (EU) 2015/1535

Notification: 2024/0344/HU

Forwarding of the response of the Member State notifying a draft (Hungary) to of European Commission.

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2. Hungary

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5.

6. Pursuant to Article 6 of Directive (EU) 2015/1535, the European Commission issued a detailed opinion on 27 September 2024 on a Hungarian notification (notification number: 2024/344/HU) which was submitted on 27 June 2024 in the framework of the notification procedure under Directive (EU) 2015/1535 regarding the draft Act restricting access to pornographic content on the internet for the protection of children, and amending certain acts relating to electronic commerce services and advertising.

Pursuant to Article 6(2) of Directive (EU) 2015/1535, Hungary provides the following information in relation to the detailed opinion of the European Commission.

The draft law notified under Directive (EU) 2015/1535 was amended through parliamentary negotiations, with a final vote on 5 November 2024. The consolidated proposal submitted to the final vote and adopted by the National Assembly reads as follows:

Act [...] of 2024

restricting access to pornographic content on the internet for the protection of children, and amending certain acts relating to electronic commerce services and advertising

1. Amendment of Act CVIII of 2001 on certain aspects of electronic commerce services and information society services

Section 1

(1) Section 15/D(1)(d) of Act CVIII of 2001 on certain aspects of electronic commerce services and information society services shall be replaced by the following:



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(In order to protect the users of the service, the video-sharing platform service provider shall apply the measures and technical solutions referred to in Section 15/F if)

“(d) the commercial communication published by the user of the video-sharing platform service does not comply with the provisions of Section 20(1)–(7) of Act CIV of 2010 on the freedom of the press and the fundamental rules of media content (hereinafter: Press Act) and with the provisions of Section 24 and Section 30(3)(b) of the Media Act.”

(2) Section 15/D(2) of Act CVIII of 2001 on certain aspects of electronic commerce services and information society services shall be replaced by the following:

“(2) The organised commercial communication distributed and sold by the video-sharing platform provider must comply with the requirements of Section 20(1)–(7) of the Press Act, and with Section 24 and Section 30(3)(b) of the Media Act.”

Section 2

Paragraphs (2) and (3) in Section 15/E of Act CVIII of 2001 on certain aspects of electronic commerce services and information society services shall be replaced by the following:

“(2) The video-sharing platform service provider shall include in its general terms and conditions the requirements set out in Section 24 and Section 30(3)(b) of the Media Act as well as the requirements laid down in Section 20(1)–(7) of the Press Act, with regard to the commercial communications published by the user of the video-sharing platform service.

(3) The general terms and conditions of the video-sharing platform service provider shall include information on the means and possibilities of asserting claims in the out-of-court and judicial settlement of disputes between the users or recipients of the services and the video-sharing platform service provider, in relation to the application of Sections 15/F and 15/G.”

Section 3

Paragraph (7) in Section 15/F of Act CVIII of 2001 on certain aspects of electronic commerce services and information society services shall be replaced by the following:

“(7) The Authority may publish a recommendation on best practices with regard to the requirements laid down in paragraphs 1 and 2 and Section 15/D(2). The recommendation shall not be binding.”

Section 4

Section 18(3) of Act CVIII of 2001 on certain aspects of electronic commerce services and information society services shall be replaced by the following:

“(3) The drafts of Section 2, Section 3/B, Section 15/D(1)(d), Section 15/D(2), Section 15/E(2) and (3) and Section 15/F(7) of this Act have been notified in advance in accordance with 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.”

2. Amendment of Act C of 2003 on electronic communications

Section 5

The following Section 149/F shall be inserted under the heading “Protection of Minors” in Act C of 2003 on electronic communications:



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“Section 149/F

(1) As part of the service and on the basis of the subscriber's statement, the internet access service provider established in Hungary shall, by means of an appropriate technical solution, ensure for the user of the internet access service not to be able to access the websites on the list set out in paragraph 3 and this shall be provided free of charge to individual subscribers (hereinafter referred to as “safe service provided with regard to underage users”). Prior to the conclusion of the subscription contract, and in the course of the data reconciliation process pursuant to Section 129(2b), the service provider shall inform the subscriber of the possibility of using a secure service (which is provided with regard to underage users) and of the fact that it is provided free of charge for individual subscribers. The subscriber shall have the right to make changes to their statement on the use of this safe service (which is provided with regard to underage users), and they may do so free of charge at any time until the subscriber's contract is valid, without prejudice to other terms of the contract.

(2) On the basis of the subscriber's statement, the provider of the fixed internet access service must also enable the individual subscriber to have simultaneous access to the safe service (which is provided with regard to underage users) and to the unfiltered internet service from the same subscriber access point, even separately, within the framework of the subscription service, and this should be ensured for individual subscribers free of charge.

(3) To ensure the provision of this safe service, which is provided with regard to underage users, the President shall draw up a list of the websites which are most frequently visited from Hungary and are dedicated to pornographic content.

(4) The President shall lay down, by decree, detailed rules for the provision of subscriber information and the method of service provision with regard to the safe service (which is provided with regard to underage users), as referred to in paragraph 1, as well as detailed rules for the compilation, review and publishing of the list referred to in paragraph 3.”

Section 6

The following Section 163/Q is added to Act C of 2003 on electronic communications:

“Section 163/Q

(1) The President shall compile the list referred to in Section 149/F(3) of Act No ... of 2024 on restricting access to pornographic content on the internet for the protection of children, and amending certain acts relating to electronic commerce services and advertising (hereinafter “Amending Act 3”), within 120 days of the entry into force of Amending Act 3.

(2) Concerning Section 149/F, as established by Amending Act 3,

(a) the provisions of paragraph 1 shall apply from 1 January 2026 to the mobile internet access service of mobile internet access service providers established in Hungary.

(b) the provisions of paragraphs 1 and 2 shall apply from 1 May 2026 to internet access service providers, established in Hungary, with 10,000 or more subscribers,

(c) the provisions of paragraphs 1 and 2 shall apply from 1 January 2027 to internet access service providers, established in Hungary, with fewer than 10,000 subscribers.

(3) For the purposes of paragraph 2, mobile internet access service means an internet access service on a radio communications network that can also be used by the end-user while in motion within the service area.

(4) Concerning Section 149/F, as established by Amending Act 3, paragraphs 1 and 2 shall also apply to subscriber contracts concluded before the dates specified in paragraph (2), with the proviso that within one year following the dates specified in paragraph (2), the service provider concerned shall offer the individual subscriber the possibility to use the secure service (which is provided with regard to underage users) as defined in Section 149/F, and shall offer this free of



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charge with a deadline of at least 30 days.”

Section 7

The following point 7 shall be added to Section 182(3) of Act C of 2003 on electronic communications:

(The President is empowered to lay down by decree:)

„7. detailed rules for the provision of subscriber information and the method of service provision with regard to the safe service (which is provided with regard to underage users), as well as detailed rules for the compilation, review and publishing of the list referred to in Section 149/F(3);”.

Section 8

Section 187(3) of Act C of 2003 on electronic communications shall be replaced by the following:

“(3) The drafts of Section 92/C, Section 145/A, Section 149/F(1) and (2), Section 163/Q(2)–(4) and Section 182(1)(h) of this Act have been notified in advance pursuant to 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.”

3. Amendment of Act XLVIII of 2008 on essential conditions of and certain limitations to business advertising activity.

Section 9

The following paragraph (5) shall be added to Section 8 of Act XLVIII of 2008 on essential conditions of and certain limitations to business advertising activity:

“(5) It is prohibited to advertise goods or products or their use to children or minors in a way that is harmful or dangerous to life, health or physical integrity.”

Section 10

Paragraph (2) in Section 18 of Act XLVIII of 2008 on essential conditions of and certain limitations to business advertising activity shall be replaced by the following:

“(2) It is prohibited to publish any advertising of alcoholic beverages

(a) on the outer surface of the front cover of a press product or, in the case of a website, on the opening page,

(b) in theatres or cinemas before 8 p.m.,

(c) immediately prior to, throughout and immediately after a programme for children or minors,

(d) on products clearly intended for games and on their packaging, or

(e) in a public education or health establishment, or on an outdoor advertising hoarding, in a shop window or on any surface otherwise visible from a public place, which is within a 200-metre distance (by road or public space) of any entrance of such an establishment.”

Section 11

The following paragraph (2) shall be added to Section 45 of Act XLVIII of 2008 on essential conditions of and certain limitations to business advertising activity:

“(2) The drafts of Section 8(5) and Section 18(2)(d) of this Act have been notified in advance in accordance with Articles 5–7 of Directive (EU) 2015/1535 of the European Parliament and of the Council of 9 September 2015 laying down a



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procedure for the provision of information in the field of technical regulations and of rules on Information Society services.”

4. Closing provisions

Section 12

This Act shall enter into force on 1 January 2025.

Section 13

The requirement for the prior notification of this draft act, 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, has been met.

According to the adopted text, the amendments to paragraph (13a) of Section 13 and to point (e) in paragraph (14) of Section 13 of Act CVIII of 2001 on certain aspects of electronic commerce services and information society services, as previously notified (Section 1 of the notified draft) have been deleted.

Section 149/F of Act C of 2003 on electronic communications (Section 6 of the notified draft) and Section 163/Q of that Act (Section 7 of the notified draft) have been clarified so that the Act makes it clear that providers of electronic communications services who are optionally obliged to provide filtered internet access upon the subscriber's request, are exclusively internet access service providers established in Hungary. It should be noted, however, that the entities to whom the relevant provisions apply are not providers of electronic communications services subject to Directive 2000/31/EC on electronic commerce, instead they are providers of electronic communications services under the European Electronic Communications Code, therefore the regulation does not directly affect the information society services covered by Directive 2000/31/EC.

Finally, according to the adopted text, Section 4/A (Section 10 of the notified draft) and Section 18(2)(d) in accordance with the draft (Section 12 of the notified draft), as additions to Act XLVIII of 2008 on essential conditions of and certain limitations to business advertising activity, have been deleted.

Hungary is convinced that the text adopted by the National Assembly as described above is in line with EU law, in particular Regulation (EU) 2022/2065 on digital services and Directive 2000/31/EC on electronic commerce.

As soon as it is published, Hungary will communicate the final text of the adopted Act to the Commission pursuant to Article 5(3) of Directive (EU) 2015/1535.

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