

GOVERNMENT DECREE

amending

Government Decree No 210/2009 of 29 September 2009 on the conditions for performing commercial activities, with regard to the protection of children and young people's health

On the basis of the authorisation granted in Section 55(5) of Act CLV of 1997 on consumer protection,

with regard to Section 2, in accordance with the authorisation granted in Section 12(1)(a) of Act CLXIV of 2005 on trade,

and acting within the scope of its duties as defined in Article 15(1) of the Fundamental Law, the Government hereby lays down the following:

Section 1

In Government Decree No 210/2009 of 29 September 2009 on the conditions for performing commercial activities (hereinafter referred to as Government Decree No 210/2009 of 29 September 2009), the following Section 20/C shall be inserted:

‘Section 20/C According to Section 16/A(1a) of Act CLV of 1997 on consumer protection (hereinafter: Consumer Protection Act), energy drinks classified under heading 2009 or 2202 as non-alcoholic beverages may not be sold or supplied to persons under the age of eighteen years if they
(a) contain at least 15 mg/100 ml of any compound that belongs to the methylxanthine group (hereinafter: methylxanthine), or

(b) contain methylxanthine and any of the following substances:

(ba) ginseng,

(bb) L-arginine,

(bc) inositol,

(bd) glucuronolactone,

(be) taurine.’

Section 2

In Government Decree No 210/2009 of 29 September 2009, point (a) of paragraph 1 of Section 26 shall be replaced by the following:

(The consumer protection authority will proceed)

‘(a) as laid down in the rules of the Consumer Protection Act, in the event of a breach of the provisions of Section 18(1)(a)-(f) and (h)-(i), Section 18(2) and (3), Sections 19-20/C and Section 23, and’.

Section 3

In Government Decree No 210/2009 of 29 September 2009, Section 32 shall be replaced by the following:

‘Section 32 The drafts of Section 13(1), Section 19 and Section 20(3), as well as the drafts of Section 20/B and 20/C 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 4

In Government Decree No 210/2009 of 29 September 2009, the following Section 34 shall be inserted:

‘Section 34 The draft of Section 20/C has 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 5

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

Section 6

This decree 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.

Section 7

The draft of this decree has been the subject of prior notification, as stipulated in 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 8

This draft decree 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.