



Message 103

Communication from the Commission - TRIS/(2024) 2343

Directive (EU) 2015/1535

Notification: 2024/0288/HU

Forwarding of the observations of a Member State (Sweden) (article 5, paragraph 2, of Directive (EU) 2015/1535). These observations do not have the effect of extending the standstill period.

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1. MSG 103 IND 2024 0288 HU EN 02-10-2024 02-09-2024 SE COMMS 5.2 02-10-2024

2. Sweden

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

5. article 5, paragraph 2, of Directive (EU) 2015/1535

6. It is unclear whether the draft Decree requires the products concerned to be accompanied by certain documentation or labelling requirements. If this is the case, the Decree may entail costs and burdens that discourage or make it more difficult for certain stakeholders to market their products in Hungary. Furthermore, the requirement to assess whether products should be labelled as 'sensitive' may be perceived as difficult or unclear, which could become an unfair competitive advantage for domestic operators. The Decree may, therefore, constitute an obstacle to free movement within the internal market.

Furthermore, the draft Decree appears to require providers of e-commerce platforms to adapt their services to different regulatory frameworks in the Member States, which may restrict the free movement of information society services. thus, it risks contributing to the fragmentation of the internal market, creating obstacles to trade and damaging the internal market.

Also, Sweden considers that Hungary should clarify how the draft relates to the harmonised legislation in the matter, as non-compliance with harmonised legislation risks disrupting the common rules for the internal market and jeopardising legal certainty.

Sweden would also like to point out that the ground for exception for the protection of minors is not to be used in such a way that it is contrary to other primary legislation and general principles within the Union. Furthermore, it is essential that all national legislation complies with the right to non-discrimination and with the fundamental values of the Union, such as respect for human dignity, equality and human rights.



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

Against this background, Sweden would like the Hungarian authorities to ensure that the Decree does not conflict with the freedom of movement within the EU internal market or the fundamental values of the Union in terms of human rights and non-discrimination.

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