

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) The following paragraph (13a) shall be added to Section 13 of Act CVIII of 2001 on certain aspects of electronic commerce services and information society services:

“(13a) The service provider shall operate an easily accessible, transparent and user-friendly electronic system on its website, in order to facilitate the submission of reports referred to in paragraph 13.”

(2) Section 13(14)(e) of Act CVIII of 2001 on certain aspects of electronic commerce services and information society services shall be replaced by the following:

[In the case of an infringement under paragraph 13, the procedure shall be conducted in accordance with paragraphs 2 to 12, with the following derogations:]

“(e) the service provider may refuse to make the criticised information inaccessible if, on the basis of the grounds stated in the report referred to in paragraph (13), it finds the infringement of the minor's personality rights unjustified, claiming that in such a case the service provider shall provide the applicant with clear and detailed information on the reasons of the refusal at the time of the refusal.”

Section 2

(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:

(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 Article 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) Paragraph (2) in Section 15/D 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 3

Paragraphs (2) and (3) of 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 out-of-court and in-court redress procedures for the settlement of disputes between users and the video-sharing platform service provider in relation to the application of Sections 15/F and 15/G.”

Section 4

Paragraph (7) of 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 concerning the requirements laid down in paragraphs 1 and 2 and in Section 15/D(2). The recommendation shall not be binding.”

Section 5

Paragraph (3) of Section 18 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 13(13a), Section 13(14)(e), Section 15/D(1)(d), Section 15/D(2), Section 15/E(2) and (3), 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 6

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

“Section 149/F

(1) As part of the service and on the basis of the subscriber's statement, the provider of the internet access service shall make it possible for the user of the internet access service to be banned to access the websites on the list set out in paragraph 3, by means of an appropriate technical solution, which 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 during data reconciliation pursuant to Section 129(2b), the service provider shall inform the subscriber of the possibility of making use of a safe 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 concerning the use of the 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 7

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 Section 149/F(3) of Act No ... 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 (hereinafter "Amending Act 3"), within 120 days of the entry into force of Amending Act 3, for the protection of children.

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

(a) the provisions of paragraph (1) shall be applicable to the mobile internet access service of a mobile internet access service provider as of 1 January 2026,

(b) the provisions of paragraph (1) and (2) shall be applicable to providers of internet access services with 10 000 or more subscribers as of 1 May 2026,

(c) the provisions of paragraph (1) and (2) shall be applicable to providers of internet access services with fewer than 10 000 subscribers as of 1 January 2027.

(3) For the purposes of paragraph (2), "mobile internet access service" means an internet access service provided over a radio communications network which can be used by the end-user even while moving within the service area.

(4) Paragraphs (1) and (2) of Section 149/F of Amending Act 3 shall also apply to subscriber contracts concluded before the dates specified in paragraph (2), with the proviso that within a year following the dates specified in paragraph (2) the service provider concerned shall offer the individual subscriber the possibility to use the safe service (which is provided with regard to underage users) as defined in Section 149/F, and shall offer this free of charge, with a deadline of at least 30 days."

Section 8

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 9

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 the basic requirements for and certain restrictions on commercial advertising activities

Section 10

The following Section 4/A shall be added to Act XLVIII of 2008 on the basic requirements for and certain restrictions on commercial advertising activities:

“Section 4/A

(1) Advertisements via application providers and video sharing platform service providers within the meaning of Act CVIII of 2001 on certain aspects of electronic commerce services and information society services (hereinafter: Electronic Commerce Act) may be published with an indication of a reference to the nature of the advertising.

(2) If the advertisement referred to in paragraph (1) is addressed to children or minors, the reference to the nature of the advertising shall also include a reference to this fact.”

Section 11

The following paragraph (5) shall be added to Section 8 of Act XLVIII of 2008 on the basic requirements for and certain restrictions on commercial advertising activities:

“(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 12

Paragraph (2) in Section 18 of Act XLVIII of 2008 on the basic requirements for and certain restrictions on commercial advertising activities 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) immediately before, during and immediately after any content intended for children or minors is published via an application provider or video-sharing platform service provider within the meaning of the Electronic Commerce Act,
- (e) on products clearly intended for games and on their packaging, or
- (f) 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 (from public road or from a public place) of an entrance of that establishment.”

Section 13

The following paragraph (2) shall be added to Section 45 of Act XLVIII of 2008 on the basic requirements for and certain restrictions on commercial advertising activities:

“(2) The drafts of Section 4/A, Section 8(5), Section 18(2)(d) and (e) 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.”

Section 14

In Section 23(2)(a) of Act XLVIII of 2008 on the basic requirements for and certain restrictions on commercial advertising activities, the words “Act CVIII of 2001 on certain aspects of information society services (hereinafter: Electronic Commerce Act)” is replaced by the words “Electronic Commerce Act”.

4. Closing provisions

Section 15

This Act shall enter into force on 1 January 2025.

Section 16

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.