

[HU] Act on E-Commerce

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At the end of its winter session of 2001, the Hungarian legislator approved Act No. CVIII of 2001 on certain aspects of electronic commerce and information society services (Act on E-Commerce). The new act contains a set of rules that are necessary to implement Directive 2000/31/EC into national law.

The most important legal institutions established by the new act can be summarised as follows:

- The act introduces the limitation of liability concerning providers of intermediary services. Beside the cases specified in the corresponding directive - services consisting of 'mere conduit'; 'caching' and 'hosting' - the Act on E-Commerce extends the limitations of liability to the operators of search engines.

- In connection with these rules on liability, the act also introduces the "notice and take down"-procedure in Hungarian law. It should be noted that while the limitation on liability of intermediaries shall be applied horizontally to all kinds of infringements committed via the Internet, the scope of the notice and take down procedure is restricted only to cases of copyright infringement.

- Among the provisions devoted to consumer protection, the Act also provides rules on unsolicited commercial communication. In this respect, the act implemented the so called opt-in rule, which means that e-mails with advertising content can be sent only after having obtained the prior consent of the user.

- The new act also provides detailed rules for electronic contracts.

The adoption of the e-commerce act was preceded by professional debates. Some expressed the opinion that the new act limits the freedom of Internet in an unacceptable way. Other experts emphasised that instead of elaborating a separate act, it would have been a better solution to implement the corresponding European directive by amending the existing legal instruments - i.e. to incorporate the rules governing electronic contracts into the Civil Code, the rules on consumer protection into the act on advertising, etc.

The act on e-commerce entered into force on 23 January 2002.

2001. évi CVIII. törvény az elektronikus kereskedelmi szolgáltatások, valamint az információs társadalommal összefüggő szolgáltatások egyes kérdéseiről

http://jogszabalykereso.mhk.hu/cgi_bin/njt_doc.cgi?docid=56585.80778

Act No. CVIII. of 2001 on Certain Aspects of Electronic Commerce and Information Society Services

<http://www.nhh.hu/dokumentum.php?cid=11961>

