[HU] Act on Information Society Services Amended

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Márk Lengyel
Körmendy-Ékes & Lengyel Consulting, Budapest

Act No. XCVII of 2003, the recently adopted amendment of Act No. CVIII of 2001 on Certain Aspects of Electronic Commerce and Information Society Services (Act on E-Commerce), will enter into force on 1 of January 2004.

The amendment contains two main provisions of particular importance for the media field.

The first of them is related to the scope of the act. The original text of the Act on E-Commerce contained a phrase, which was much debated. It excluded “services (...) which consists of exercising freedom of expression, granted by the Constitution” from its scope. Since this fundamental right also protects commercial communication, this wording proved to be inadequate. The new act brought a new definition of the exemption. The present wording of the act excludes “communication of a private character” from the scope of the regulation. Beside private (voluntary and mutual) use of e-mail, certain kinds of communication to the public (not associated to services of economic importance) also fulfil this concept.

The second substantial issue dealt with by the new act is the question of self-regulation. The amendment declares, that the state recognises and supports the self-regulatory activity of professional organisations representing the interests of service providers and consumers. Setting up codes of conduct, creating alternative dispute settlement mechanisms and giving information to interested parties in the EU are named in this respect. The act principally does not go beyond these declarations, and leaves the actual description of this relationship to other legal instruments to be approved later.

The amendment also will bring about changes in the provisions regulating liability of intermediaries, aiming at increasing the clarity of the corresponding rules.

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Act No. XCVII of 2003 on the Amendment of Act CVIII of 2001 on Certain Aspects of Electronic Commerce and Information Society Services

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