

Act XLVIII of 2008
on the Basic Requirements of and Certain Restrictions on Commercial Advertising Activities

Having regard to the protection of the health of its citizens, with particular attention to minors, to the suppression of incidents that may be detrimental to the order of the society, and with a view to sustain market competition which serves economic efficiency and social welfare, protecting the interests of enterprises which honor the requirements of fair business practices, recognizing the weight of self-governance and fostering the enforcement of codes of conduct established for this purpose within the framework of self-governance, the Parliament enacts the following Act.

General Provisions

Paragraph 1

- (1) This Act applies to advertisers, advertising service providers and publishers of advertising in connection with their commercial advertising activities, to sponsorship and to the codes of conduct applied in connection with these activities.
- (2) Special provisions relating to commercial advertising disseminated in connection with certain goods or through certain means of communication may be prescribed in a separate regulation. Unless otherwise provided for in specific other legislation, the provisions of this Act shall apply to any infringement of the said regulations.
- (3) With regard to advertising published via radio or television broadcasting, the provisions in Act I of 1996 on radio and television broadcasting shall apply where they derogate from the provisions of this Act.

Paragraph 2

The provisions of this Act relating to misleading advertising shall be applied inasmuch as the advertisement is addressed only to business entities or persons, other than natural persons, who are acting for purposes which are outside of their trade, business or profession.

Paragraph 3

For the purposes of this Act:

- a) *'tobacco products'* shall mean all products prepared for consumption in any way or form inasmuch as they are made, even partly, of tobacco;
- b) *'health care institution'* is an institution defined in Paragraph 3, item g) of Act CLIV of 1997 on health care;
- c) *'young person'* shall mean persons between the age of fourteen and eighteen;
- d) *'commercial advertising'* shall mean any form of communication, information or the making of a representation in any form with the aim or having the direct or indirect effect of promoting the supply of goods of a fungible nature that are capable of being delivered, including natural resources that can be utilized as capital goods, including money, securities and financial instruments (hereinafter collectively: product), and services, immovable property, rights and obligations (all of the above hereinafter collectively: goods), or in connection with this objective, the representation of the name, the trademark or the activities of a producer of goods or a provider of services (hereinafter: advertisement);
- e) *'children'* shall mean persons under the age of fourteen;
- f) *'publication'* shall mean the dissemination of advertisements either to the general public or to a single recipient;
- g) *'code of conduct'* shall mean an agreement or set of rules imposed by means of market self-governance, which defines the behavior of companies who undertake to be bound by the code in relation to one or more particular commercial practices or business sectors;
- h) *'misleading advertising'* shall mean any advertising which in any way, including by its presentation, deceives or is likely to deceive the persons to whom it is addressed or whom it reaches and which, by reason of its deceptive nature, is likely to affect their economic behavior or which, for those reasons, injures or is likely to injure a competitor who is engaged in the same or similar activities;
- i) *'comparative advertising'* shall mean advertising that directly or indirectly identifies either another enterprise which engages in the same or a similar activity as the advertiser, or goods manufactured, sold or introduced by such other enterprise for the same or similar purpose as those featured in the advertising;
- j) *'target of advertisement'* shall mean the person to whom it is addressed or to whom it is transmitted;
- k) *'publisher of advertising'* shall mean a person who possesses means suitable for the publication of advertising, and uses them to disseminate advertising;
- l) *'advertiser'* shall mean a person on whose behalf advertisements are disseminated, or who orders the advertisements;
- m) *'advertising service provider'* shall mean a person professionally involved in producing or creating the advertisement, or in providing other related services;

- n) *'printed media'* shall mean publications such as periodicals, radio and television guides, books, brochures and other publications containing text (with the exception of bank notes and securities), as well as publications containing musical works, artwork, drawings or photographs, maps, pre-recorded film strips, video tapes, video disks, audio tapes and records with programs designed for public presentation, as well as any other technical means containing information or programs designed to be disseminated to the general public;
- o) *'outdoor advertising media'* shall mean any media located outside of a building for the purpose of the dissemination of advertisement;
- p) *'sponsorship'* shall mean any form of public or private contribution to any event or activity, or to any individual in connection with an event or activity with the aim or having the direct or indirect effect of promoting the purchase or use of a product;
- q) *'subliminal advertising'* shall mean advertising which, when published, due to time constraints or any other reason, influences the consumer in a psychological sense with stimuli from images, sounds or other effects of an intensity below the threshold required for conscious perception;
- r) *'company'* shall mean a person who is acting in the interest of his independent trade or economic activity.

Paragraph 4

The code of conduct must not instigate any action to violate the provisions of this Act.

Paragraph 5

- (1) Advertising may be disseminated only if, at the time of placing the order for the advertisement, the advertiser - or failing this, at the time of ordering the publication of the advertisement, the publisher of advertisement - has provided to the advertising service provider its corporate name, or name, and registered address, or, failing this, his home address, and tax number.
- (2) In the case of advertisement relating to products, which are subject to prior quality control or conformity assessment in accordance with specific other legislation, the advertiser shall be obligated to supply a statement to the advertising service provider - failing this, to the publisher of advertisement - that the product has been inspected or certified, and found suitable for marketing. If the product is not subject to prior quality control or conformity assessment, a statement shall be supplied to this effect. No advertising may be published in the absence of such a statement.
- (3) The advertising service provider or the publisher of advertisement shall keep records on the information referred to in Section (1) and on the statements mentioned in Section (2), and shall retain these records for a period of five years from the time of the advertisement's publication.
- (4) All outdoor advertising media shall explicitly indicate the corporate name and registered address or the name and home address of the publisher of advertisement.

Paragraph 6

- (1) Unless otherwise provided by specific other legislation, advertisements may be conveyed to natural persons as the targets of advertisement by way of direct solicitation (hereinafter: direct marketing), especially by electronic mail or by means of equivalent individual communications, with the exception specified in Section (4), only following the express prior consent of the person to whom the advertisement is addressed.
- (2) The statement of consent may be made out in any way or form, on condition that it contains the name and address of the person providing it, and if the advertisement to which the consent pertains may be disseminated only to persons of a specific age, his place and date of birth, as well as any other personal data authorized for processing by the person providing the statement, including an indication that it was given freely and in possession of the necessary legal information.
- (3) The statement of consent referred to in Section (1) may be withdrawn freely at any time, free of charge and without any explanation. In this case, all personal data of the person who has provided the statement must be promptly erased from the records specified in Section (5), and no advertisements may be addressed to such person any longer in the manner specified in Section (1).
- (4) , In accordance with Act CI of 2003 on postal services, advertising material may be sent by mail to natural persons within the framework of direct marketing in the absence of the prior express consent of the person to whom it is addressed; the advertiser and the advertising service provider, however, are required to ensure that the target of the advertisement is addressed is able to unsubscribe at any time from receiving further advertisement material, without any restrictions and at no cost. Such unsolicited advertisement material may not be sent by way of direct marketing to the person concerned.
- (5) Advertisers, advertising service providers and publishers of advertisement shall maintain records on the personal data of persons who provided the statement of consent referred to in Section (1) to the extent specified in the statement. The data contained in the aforesaid records, relating to the target of the advertisement, may be processed only for the purpose defined in the statement of consent, until withdrawn, and may be disclosed to third persons subject to the express prior consent of the person affected.
- (6) It must be ensured that the notice of withdrawal mentioned in Section (3) and the notice to unsubscribe as specified in Section (4) can be transmitted by way of the postal service or by electronic mail in such a manner so that the person sending the notice is clearly identifiable.

(7) In connection with the advertisement disseminated by way of the means specified in Sections (1) and (4), the addressee must be informed in a clear and conspicuous manner about the address and other contact information to which the statement of consent for receiving such advertisement and the above indicated notice to unsubscribe has to be sent, furthermore, in the case referred to in Section (4), the advertisement material must contain a return envelope for sending the notice to unsubscribe in the form of registered mail with postage prepaid and with notice of delivery.

(8) The consignment sent for requesting the statement of consent mentioned in Section (1) may not contain any advertisement, other than the name and description of the company.

General Advertising Prohibitions and Restrictions

Paragraph 7

(1) No advertisement may be disseminated if it contains violence, or if it encourages any conduct that is likely to jeopardize personal or public safety.

(2) No advertisement may be disseminated if it encourages any conduct that is likely to harm the environment or the nature.

Paragraph 8

(1) No advertisement may be disseminated if it is capable of harming the physical, intellectual or moral development of children and young persons.

(2) No advertisement addressed to children and young persons may be disseminated if it has the capacity to impair the physical, mental or moral development of children and young persons, in particular those that depict or make reference to violence or sexual content, or that are dominated by conflict situations resolved by violence.

(3) No advertisement may be disseminated if it portrays children or young persons in situations depicting danger or violence, or in situations with sexual emphasis.

(4) No advertisement of any kind may be disseminated in child welfare and child protection institutions, kindergartens, grammar schools and in dormitories for students of grammar schools. This ban shall not apply to the dissemination of information intended to promote healthy lifestyle, the protection of the environment, or information related to public affairs, educational and cultural activities and events, nor to the display of the name or trademark of any company that participates in or makes any form of contribution to the organization of such events, to the extent of the involvement of such company directly related to the activity or event in question.

Paragraph 9

(1) No advertisement may be disseminated if it displays sexuality in a gravely indecent manner, meaning in particular the open display of sexual intercourse or genitals (pornographic advertisement).

(2) No advertisement of sexual services may be disseminated. The definition of sexual services and additional restrictions pertaining to the advertisement of such services are set forth in specific other legislation.

(3) No advertisement that is aimed to arouse sexual interest may be disseminated.

(4) The restrictions specified in Sections (1) and (3) shall not apply to advertisements on sex products or to advertisements displayed in sex shops. The definition of sex product and sex shop is contained in specific other legislation.

Paragraph 10

Advertising is prohibited for goods whose production or marketing is illegal.

Paragraph 11

The dissemination of subliminal advertising is prohibited.

Misleading and Comparative Advertising

Paragraph 12

(1) It is forbidden to disseminate misleading advertisement.

(2) For the purpose of determining whether advertisement is misleading, such information or messages conveyed in the advertisement shall be taken into consideration which pertain to:

a) the general characteristics of the goods;

b) the price of the goods or to the pricing method, and to other contractual conditions relating to the supply of such goods; and

c) the disposition of the advertiser, such as its particulars, the rights, financial condition and the awards received by the advertiser.

(3) Within the meaning of Section (2) a), information pertaining to the general characteristics of the goods shall cover construction and composition, technical specifications, quantity, place of origin, the method and time of the manufacture or delivery, availability, transport, application, the knowledge required for use and maintenance, suitability for a given purpose, the expected consequences of use, safety and risk factors, its impact on health, environmental features and energy consumption, the way it is controlled or tested and the results of such tests.

Paragraph 13

(1) Comparative advertising:

- a) may not injure the reputation of another company or the name, merchandise, brand name and other designation of such company;
- b) may not lead to any confusion between the advertiser and another company or the name, merchandise, brand name and other designation of such company;
- c) may not result in any unfair advantage derived from the reputation of another company or the name, merchandise, brand name and other designation of such company;
- d) may not violate the provision of Paragraph 6 of Act LVII of 1996 on the prohibition of unfair market practices and restriction on competition (hereinafter: UMP), on the prohibition of imitating the merchandise of another company or the characteristics of such merchandise.

(2) Comparative advertising:

- a) shall be allowed to compare only goods which are similar in terms of purpose and function;
- b) must objectively compare one or more feature of the goods in question which are essential, typical, and which can be verified;
- c) must objectively exhibit the prices if it contains the comparison of the prices of the goods;
- d) may only pertain to products of the same origin if it compares products with designation of origin.

(3) In connection with legitimate comparative advertising, the holder of a trademark shall not contest the use of his trademark in the comparative advertisement on the basis of exclusivity, provided that such use is appropriate and is essential for the purpose of comparison, and it is not used excessively.

Prohibitions and Restrictions Relating to the Advertisement of Certain Goods and to the Sponsorship of those Goods

Paragraph 14

(1) Weapons, ammunition, explosives and other objects that are considered extremely dangerous to public safety may not be advertised.

(2) The prohibition set out in Section (1) shall not apply:

- a) to advertisements addressed to persons professionally and exclusively engaged in the marketing and use of the products referred to in Section (1);
- b) to advertisements related to weapons or ammunition posted in a gun shop authorized according to specific other legislation, or in a separate section of such shop designated for the marketing of weapons and ammunition, or if posted at weapon fairs and exhibitions authorized according to specific other legislation; and
- c) to advertisements of objects which are considered particularly hazardous to public safety if posted inside a shop authorized under specific other legislation.

Paragraph 15

No advertisement may be disseminated relating to dangerous dogs according to specific other legislation, or to animal fights.

Paragraph 16

No advertisement may be disseminated relating to human organs or tissues for any purpose whatsoever.

Paragraph 17

No advertisement may be disseminated relating to abortions, institutions carrying out abortions, nor to objects suitable for and procedures for carrying out abortions.

Paragraph 18

(1) No advertisement may be disseminated relating to alcoholic beverages that:

- a) is addressed to children or young persons;
- b) depicts children or young persons;

- c) encourages immoderate consumption of alcohol or presents moderation or abstinence from the consumption of alcoholic beverages in a negative light;
 - d) links the consumption of alcohol to enhanced physical performance or to driving;
 - e) creates the impression that the consumption of alcohol contributes to social or sexual success;
 - f) claims that alcohol has therapeutic qualities or that it is a stimulant, or has a sedative effect;
 - g) claims that alcohol may be a means of resolving personal conflicts; or
 - h) places emphasis on high alcoholic content as being a positive quality of the beverages.
- (2) No advertisement may be disseminated relating to alcoholic beverages:
- a) on the outside of the first page of any printed media, or on the home page of a website;
 - b) in theaters or cinemas before 8:00 p.m., as well as immediately preceding, during the entire duration of and immediately after any programs for children or young persons;
 - c) on goods which have been clearly designed and manufactured for the purpose of play, including the packaging of such goods; and
 - d) in institutions of public education and in health care institutions, or on any outdoor advertising media situated within a two hundred-meter radius from the entrance of such.

Paragraph 19

- (1) Advertising of tobacco products is prohibited.
- (2) The prohibition defined in Section (1) above shall also apply to any indirect advertising of tobacco products. Indirect advertising of tobacco products shall mean
 - a) when, although it does not specify a tobacco product, it is aimed at advertising a tobacco product by using any other designation or trademark that can be related to the tobacco product in question;
 - b) when it presents a tobacco product under the name, designation or trademark of another product;
 - c) when it presents another product under the name, designation or trademark of a tobacco product.
- (3) The advertising of a product whose name, designation or trademark is the same as that of a tobacco product shall not be deemed as the advertising of a tobacco product, provided that the name, designation or trademark of such product is clearly distinguishable from that of the tobacco product.
- (4) The prohibition specified in Section (1) above shall not apply to:
 - a) advertisements addressed exclusively to participants of the tobacco industry;
 - b) any printed media which are printed or published outside the territory of any Member State that is a party to the Agreement on the European Economic Area (hereinafter: Member States of the European Economic Area), and which are not intended to be distributed in any Member State of the European Economic Area;
 - c) an advertisement installed inside a store, in a section designated solely for the sale of tobacco products in accordance with specific other legislation on the marketing of tobacco products, that contains only the name and price of the tobacco product, provided that it does not exceed size A/5 (148 x 210 mm) for any tobacco product brand name, or twenty per cent of the entire surface of the entrance of the store section designated for tobacco products only through which tobacco products may be accessed, or maximum size A/1 (594 x 841 mm) in any store.
- (5) The advertisement referred to in Section (4) c) shall contain the general health protection warning “Smoking seriously harms your health and the health of those around you!” and the numerical values of the tar, nicotine and carbon-monoxide content present in the primary smoke of each cigarette. The warning and the information regarding the tar, nicotine and carbon-monoxide content shall be displayed in a clearly legible and distinctly visible form, in horizontal print, highlighted against the background. The warning shall cover at least 30% of the whole surface area of the advertisement.
- (6) The advertisement specified in Section (4) c):
 - a) may not be addressed to children or young persons;
 - b) may not depict children or young persons;
 - c) may not encourage immoderate consumption of tobacco products;
 - d) may not imply that smoking is a healthy activity;
 - e) may not display people smoking;
 - f) may not use images or statements of celebrities or persons of fame; and
 - g) may not contain video footage, or any special effect imitating sound or odor.

Paragraph 20

- (1) The sponsorship of tobacco products shall be prohibited:
 - a) in connection with events or activities involving or taking place in several Member States of the European Economic Area or otherwise having cross-border effects;
 - b) in connection with sporting and cultural events, or events or activities relating to health care;
 - c) in connection with events and activities organized by political parties.
- (2) Tobacco companies shall publish the amount of their spending on advertisements and sponsorship during the current year on or before March 31 of the following year on their website and in at least two national daily newspapers.

Paragraph 21

- (1) No advertisement containing invitations for children and young persons to enter any gambling activities may be disseminated.
- (2) No advertisement involving gambling may be disseminated in any printed media published primarily for children or young persons.

Paragraph 22

- (1) No advertisement relating to funeral and related services may be disseminated in health care institutions, on the walls or fences of health care institutions, or in cemeteries, except in designated areas. This restriction shall not apply to information posted in the public relations offices of health care institutions or funeral service providers, showing their names, addresses and other contact information, a description of their services, in alphabetical order without any discrimination among the service providers.
- (2) Advertisements relating to funeral and related services, with the exception of advertisements posted on the service provider's website, may only indicate the name or other distinguishing mark of the service provider, contact information including business hours, and the word "funeral service", and a list of services and the fees charged in a manner that is objective and respectful.

Rules on Liability

Paragraph 23

- (1) The advertiser, the advertising service provider and the publisher of advertising shall all bear responsibility for any violation of the provisions of this Act, with the exceptions set out in Sections (2)-(7). The advertiser, the advertising service provider and the publisher of advertising shall bear joint and several liability for any damage caused as a result of the violation of these provisions.
- (2) In connection with any infringement arising from the contents of advertising, the publisher of that advertising:
 - a) shall be relieved from liability if treated as an intermediary service provider in accordance with Act CVIII of 2001 on Electronic Commerce and on Information Society Services (hereinafter: ISSA), if it has complied with the requirements set out in Paragraphs 8-12 of the ISSA;
 - b) shall be held liable in the cases not regulated under item a) - with the exception of item c) - only if it has become familiar with or could have become familiar with the contents of the advertisement in the course of its activities; or
 - c) shall not be held liable for the content of advertisement materials addressed to unspecified recipients.
- (3) Liability for any infringement of the provisions contained in Paragraph 4 lies with the person or persons drawing up the code of conduct, or the person or persons in charge of the review of the code or for monitoring the enforcement of the code by the companies that have decided freely to adhere to such code.
- (4) Liability for the contents and authenticity of the data specified in Paragraph 5 Section (1) and the statements made out under Paragraph 5 Section (2) lies with the advertiser.
- (5) Liability for violating the obligation referred to in Paragraph 5 Section (4) lies with the publisher of advertising.
- (6) The advertising service provider or the publisher of advertising shall be held liable for any infringement of the provisions of Paragraphs 12 and 13 only to the extent that the violation stems from a reason relating to the representation of the advertisement, the consequence of which is other than the carrying out of any specific instruction of the advertiser.
- (7) The sponsor and the party accepting sponsorship shall both be held liable for any violation of the provisions set forth in Paragraph 20.

Proceedings in Connection with Infringements of the Provisions of this Act

Paragraph 24

- (1) Subject to the exceptions set forth in Sections (2) and (4), the consumer protection authority shall have jurisdiction in connection with any infringement of the provisions relating to commercial advertising and sponsorship.
- (2) In connection with any advertisement disseminated in violation of what is contained in Paragraphs 12 and 13, and in connection with any code of conduct inciting such conduct, the Hungarian Competition Authority or the courts shall have jurisdiction in accordance with Section (3).
- (3) The Hungarian Competition Authority shall have powers to determine whether Paragraphs 12 and 13 Section (2) have been violated, and whether the code of conduct incites the infringement of those provisions, and the courts shall have jurisdiction to determine whether Paragraph 13 Section (1) has been violated, and whether the code of conduct incites the infringement of those provisions.
- (4) The National Communications Authority shall have jurisdiction in accordance with the ISSA in connection with any infringement of the provisions of Paragraph 6 relating to advertisements disseminated by information society services, exclusive of voice telephone services, and by way of electronic communication.
- (5) Proceedings conducted under this Act shall not preclude the possibility for the aggrieved party to file a civil suit to enforce its claim arising in connection with any infringement of the provisions of this Act.

Paragraph 25

Proceedings may not be opened beyond a period of three years following the publication of any advertisement in violation of the regulations on commercial advertising activities, upon the conclusion of any event or activity held or performed under prohibited sponsorship, or upon the cessation of the application of unlawful passage of the code of conduct.

Paragraph 26

- (1) The proceedings of the consumer protection authority shall be governed by Act CLV of 1997 on Consumer Protection (hereinafter: CPA), subject to the exceptions set out in this Act.
- (2) The non-governmental organizations active in the area of protection of non-smokers shall also be entitled to request the opening of proceedings with respect to any infringement of the provision governing the advertisement of tobacco products and sponsorship relating to tobacco products.
- (3) The competent authority may request to see the records specified in Paragraph 5 Section (3) and Paragraph 6 Section (5), and shall have powers to seize such records within the scope of the inspection.
- (4) With the exceptions contained in Paragraph 24 Sections (2) and (4), the provisions of this Act are treated as consumer protection regulations in the application of the CPA.
- (5) Any penalties imposed upon broadcasting service providers shall be paid to the Broadcasting Fund.

Paragraph 27

The competent authority or the court shall prohibit the dissemination of an advertisement not yet published, if it deems that publication of such advertisement would violate the relevant provisions on commercial advertising. No penalty shall be imposed simultaneously with a ban of publication.

Paragraph 28

- (1) In connection with any proceedings of the Hungarian Competition Authority under Paragraph 24 Sections (2) and (3), or Paragraph 31, the provisions of the UMP pertaining to infringements of the provisions of Chapter III of the UMP shall apply subject to the exceptions set forth in Paragraph 29 Section (1), Paragraph 30 and Paragraph 27.
- (2) In connection with any court proceedings under Paragraph 24 Sections (2) and (3), the provisions contained in Paragraphs 86-88, Paragraph 29 Section (2), Paragraph 30 Section (4) and Paragraph 27 of the UMP shall also apply.

Paragraph 29

- (1) At the request of the competent authority, the advertiser shall be obligated to provide proof in order to verify the veracity of any fact contained in the advertisement. If the advertiser fails to comply, the fact in question shall be construed as untrue. The authority's notice shall contain a warning for the advertiser to this effect.
- (2) In legal proceedings pursuant to Paragraph 24 Sections (3) and (5), the burden of proof relating to the veracity of any fact contained in an advertisement shall be borne by the advertiser.

Paragraph 30

- (1) By way of derogation from Paragraph 70 Section (1) of the UMP, the investigator shall order that an investigation be held in connection with any activity, which is likely to violate the provisions of this Act, provided that the proceedings fall within the jurisdiction of the Hungarian Competition Authority.
- (2) The measure referred to in Paragraph 27 may also be ordered in accordance with Paragraph 72 (1) of the UMP.
- (3) The assumption of obligation referred to in Paragraph 75 of the UMP may also be applied if the client has already ceased the conduct by the time he is investigated. In such cases, one may assume the obligation to refrain from repeating the offense.
- (4) Paragraph 88/B Sections (1)-(6) of the UMP shall also apply in the lawsuits specified in Paragraph 24 Section (5), if the Hungarian Competition Authority is vested with powers to conduct the proceedings under Paragraph 24 Section (3).

Paragraph 31

- (1) The Hungarian Competition Authority is vested with powers for the implementation of Regulation No. 2006/2004/EC of the European Parliament and of the Council with a view to any intra-Community infringements of national laws on the transposition of the Directive 2006/114/EC of the European Parliament and of the Council.
- (2) In connection with mutual assistance, the Hungarian Competition Authority shall proceed in accordance with Commission Decision 2007/76/EC, as amended by Commission Decision 2008/282/EC.
- (3) For information purposes, the minister in charge of the justice system shall publish on the official website of his Ministry the list of legislative acts on the transposition of Directive 2006/114/EC of the European Parliament and of the Council.

Paragraphs 32-38

Final Provisions

Paragraph 39

- (1) This Act - with the exceptions set forth in Section (2) - shall enter into force on September 1, 2008, and shall apply to proceedings opened after the time of its entry into force.
- (2) Paragraph 3 item a), Paragraph 5 Section (4), Paragraph 19, Paragraph 23 Section (5), and Paragraph 42 shall enter into force on March 1, 2009.

Paragraph 40

Paragraphs 41-42

Paragraph 43

Paragraph 44

Paragraph 45

(1) This Act serves to comply with the following legislations of the European Communities:

- a) Directive 2006/114/EC of the European Parliament and of the Council (December 12, 2006) on misleading and comparative advertising (codified version)[Paragraph 2, Paragraph 3 items d), g)-i) and r), Paragraph 12, Paragraph 13 Sections (1) and (2), Paragraph 23 Sections (3) and (6), Paragraph 24 Sections (2) and (3), and Paragraphs 27-29, as well as Paragraph 30 Sections (1) and (4)];
- b) Directive 2003/33/EC of the European Parliament and of the Council (May 26, 2003) on the approximation of the laws, regulations and administrative provisions of the Member States relating to the advertising and sponsorship of tobacco products, with the exception of Article 5 (2) [Paragraph 3 items a) and p), Paragraph 19 Sections (1) and (2), Section (4) items a) and b), Paragraph 20, Paragraph 23 Sections (7) and Paragraph 26 Section (2)];
- c) Article 3e (1) e) and Article 15 of Council Directive 89/552/EEC (October 3, 1989) on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the pursuit of television broadcasting activities, as amended by Directives 97/36/EC and 2007/65/EC of the European Parliament and of the Council [Paragraph 18 Section (1)].

(2) This Act contains provisions for the implementation of the following legislation of the Communities in connection with the duties and proceedings of the Hungarian Competition Authority:

- a) Article 4 (1) and (6) of Directive No. 2006/2004/EC of the European Parliament and of the Council (October 27, 2004) on cooperation between national authorities responsible for the enforcement of consumer protection laws [Paragraph 28 Section (1), Paragraph 30 Section (3) and Paragraph 31 Section (1)];
- b) Commission Decision 2007/76/EC (December 22, 2006) implementing Regulation No. 2006/2004/EC of the European Parliament and of the Council on cooperation between national authorities responsible for the enforcement of consumer protection laws with regard to mutual assistance [Paragraph 31 Section (2)];
- c) Commission Decision 2008/282/EC (March 17, 2008) amending Decision 2007/76/EC implementing Regulation No. 2006/2004/EC of the European Parliament and of the Council on cooperation between national authorities responsible for the enforcement of consumer protection laws with regard to mutual assistance [Paragraph 31 Section (2)].