

Latest round of changes in Hungarian e-commerce and consumer protection regulations

14 May 2024

During the first quarter of 2024, the Hungarian legislator made several amendments to Hungarian e-commerce and consumer protection legislation. This trend is projected to continue, as updated regulations published on 23 April 2024 include further updates to various provisions within the Hungarian consumer protection legal framework.

Extension of the mandatory commercial guarantee period

The amendment to the guarantee obligation for consumer durables under Government Decree 93/2024 (IV.23.) ("**Gov. Decree**") will come into effect on 8 May 2024. This means that the mandatory guarantee period (i.e. during which any defect of the product will be considered to have existed already at the time of sale and burden of proof to the contrary lies with seller) for products whose sales price lies between HUF 10.000 (approx. EUR 25) and HUF 250.000 (approx. EUR 640) will be **2 years**. For products with a sales price above HUF 250.000 (approx. EUR 640), the guarantee period will remain at **3 years**.

In addition to this, the Gov. Decree provides:

- that companies shall provide the consumer with a guarantee card in a format that ensures that the content of the guarantee card remains legible until the end of the guarantee period;
- that except for electronic guarantee cards, the guarantee card shall contain the company's stamp and the signature of the person who represents the company at the time of issue;
- in the case of electronic distance contracts, it allows businesses to hand over electronic guarantee cards no later than the day following the delivery or installation of the goods; or if the company provides it in the form of a downloadable link, the guarantee card must be available to download until the end of the guarantee period.

Furthermore, the Gov. Decree introduces that if a product remains faulty after three consecutive repair efforts, the company shall be automatically obligated to replace it, unless otherwise requested by the consumer. If the product cannot be replaced, the company shall refund the purchase price within 8 days.

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Specific sales terms for childrens' products

The Gov. Decree further lays down that products for children that carry a defining element displaying or promoting a deviation from gender identity, homosexuality, gender-alteration or representation of direct, natural or self-serving sexuality (hereafter referred to as 'specific character') cannot be displayed in public or must be kept separate from other childrens' products, in closed packaging. The trader must ensure that the product can be appropriately inspected from outside the packaging.

Any product whose design, appearance, or packaging is of a clearly visible specific character, may not be displayed in public. In the case of books, the trader must be informed by the publisher of the specific character of the book.

Update on the competent authority for webshops who fail to offer MPL's services

The introduction of the relevant obligation, as of 28th March, establishes the mandatory requirement for online store operators that maintain webshops to offer parcel delivery services by the Hungarian Postal Service (MPL) on their website. As a result, the Gov. Decree establishes that these relevant provisions are considered consumer protection provisions and consequently, the Hungarian Consumer Protection Authority will have the competence to take action in the event of any breach of these provisions.

Suggested actions

In order to avoid breaches of consumer protection rules, businesses are advised to review their practices in the areas covered above and to consult our experts.

About Wolf Theiss

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