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## **Competition and Consumer Policy in Digital Markets – Note by Hungary**

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## Hungary

### 1. Institutional setting and co-operation

1. The Hungarian Competition Authority (Gazdasági Versenyhivatal – GVH) a state administrative authority, which is independent of the Government and reports only to Parliament. The GVH simultaneously ensures the enforcement of competition rules and proceeds in the event of suspicion of unfair commercial practices against consumers that are capable of significantly influencing economic competition. Thus, the GVH has competition law and consumer protection powers at the same time. In the first instance, formal and informal complaints addressed to the GVH are received and selected by a dedicated organizational unit regardless of the type of case, but the competition supervision proceedings are initiated, and the investigation phase of the competition supervision procedure are conducted by separate individual investigation sections (consumer protection, antitrust, cartel and merger sections). Experiences and knowledge sharing take place informally between investigation sections at events organized for this purpose. Following the investigation phase, the cases are referred to the decision-making body of the GVH, the Competition Council. (At the same time, the Competition Council also adjudicates the legal remedy against the so-called interim orders made by the investigators in the course of the competition supervision procedure.) The work of the Competition Council is organised and directed by the President of the Competition Council. The Competition Council adjudicates individual cases by acting in a three- or five-member panel appointed by the President of the Competition Council.

2. In the Hungarian legislation (UCA)<sup>1</sup> implementing the “Directive 2005/29/EC of the European Parliament and of the Council of 11 May 2005 concerning unfair business-to-consumer commercial practices in the internal market” (UCP Directive), the Hungarian legislator established a shared competence: the GVH examines those B2C commercial practices that have a *significant impact* on competition. In the remaining unfair business-to-consumer commercial practices that do not have significant impact on competition government offices performing general consumer protection authority tasks conduct investigations, whereas in the case of financial service providers, the National Bank of Hungary assumes this role.

3. With regard to the shared system of competence, the above-mentioned authorities referred to in UCA concluded a cooperation agreement with each other, in which they settled the areas and methods of cooperation. On the basis of this agreement, they consult informally if necessary, and formally in the case of a so-called “conflict of competence”. Synchronization between the authorities will be further facilitated by the fact that from 1 January 2026, the partner authorities will receive information about each other's procedures from a unified database.

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<sup>1</sup> Act XLVII of 2008 on the Prohibition of Unfair Commercial Practices Against Consumers. It should be noted that under this Act, only natural persons may qualify as consumers, even if they would otherwise act in a consumer capacity in the given transaction.

## 2. Competition policy considerations in consumer protection enforcement

4. Before initiating competition supervision proceedings, the GVH assesses the impact of the given commercial practice on economic competition. In doing so, it takes into account the criteria specified in the UCPA, including the size of the undertaking responsible for the infringement (based on net sales revenue) and the extent of the infringing commercial practice, such as the means of communication, the size of the geographical area affected, the number of shops involved, the quantity of the product affected, as well as the duration of the infringement.

5. Another aspect to be examined in the consumer protection type of procedure falling within the competence of the GVH is whether the conduct in question influences (or is capable of influencing) the transactional decision of consumers. On the one hand, this is grounded in the regulation of the UCP Directive, and on the other hand, in the principles that the GVH applied even before the implementation of the Directive. The [principles of the freedom of consumer choice](#) also outline the Authority's ideas about the relationship between competition and consumer protection, according to which

1. competition is the institution of the market economy that best conveys the needs of society to businesses, thus contributing to the growth of long-term consumer welfare;
2. competition is an effective tool for protecting consumer interests;
3. consumers are not only passive beneficiaries of the welfare effects of competition in the optimal case, but also market players who actively shape the competitive process;
4. examining the decision-making process of consumers is essential because competition can only be effective when driven by genuine consumer needs and informed, deliberate and free consumer decisions made on the basis of these.

6. In the B2B context (in case of misleading practices by unfairly influencing business decisions, business practices that unduly restrict the freedom of choice of business partners, or comparative advertising), the GVH considers the need to protect the public interest in each case initiation – taking into account whether the conduct is capable of influencing the competitive processes according to the Competition Act.<sup>2</sup>

7. In order for the competition authority to take action in the framework of a competition supervision procedure in relation to a conduct affecting business partners rather than consumers, it must have competition law relevance and be sufficiently serious to cause harm to the public interest, which must be assessed at the societal level. Violation of the public interest is a mandatory prerequisite for initiating a competition supervision proceeding; in its absence, a proceeding cannot be initiated even if the conduct contrary to the Competition Act is likely or has been established.

8. In assessing the protection of the public interest, it is necessary to take into account, inter alia, the impact of the infringing conduct on the overall market, the competitive advantage gained by the infringing conduct, the duration and the geographical scope of the conduct, any prior enforcement actions against similar conduct, and the impact of the unlawful conduct on the general market morale.

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<sup>2</sup> Act LVII of 1996 on the Prohibition of Unfair and Restrictive Market Practices.

### 3. Interaction between competition and consumer protection in digital markets

9. The principles governing the relationship between consumer decisions and competition also apply to digital markets in a “technology-neutral way”, i.e. any behaviour influencing consumer decisions can also distort the processes of competition, with the key consideration being the extent of this negative impact. Since the GVH focuses on behaviours in digital markets that have a significant effect on competition, virtually every instance in which the Authority has found a digital market participant’s conduct to be unfair may also raise competition concerns. Examples of such practices, without claiming to be exhaustive, include:

- urgent messages (e.g. [Wish](#), [Booking.com](#) and [Viagogo](#))
- drip pricing (e.g. [Viagogo](#), [CTS Eventim](#)),
- hidden information (e.g. [Apple](#), [Google](#), [PayPal](#), [TikTok](#), [Viber](#), [Microsoft](#)), and
- misleading claims of being free (e.g. [Be2](#) and [Sparks Network](#)).

10. The GVH regularly examines the decision-making process of consumers not only in competition supervision proceedings, but also in the framework of market analyses and other ad hoc surveys<sup>3</sup>. Such research has been carried out by means of a questionnaire, public opinion focus groups and experimental study designs.

11. The GVH manages the interplay between competition and consumer protection considerations throughout its procedures not only when initiating and selecting cases, but also in determining the legal consequences at the conclusion of the proceedings. Such a special legal instrument in this context is the commitment procedure, whereby the GVH makes the fulfilment of the commitments offered by the undertaking mandatory, without establishing in the decision the existence or absence of an infringement. In certain cases, commitments allow the Authority to address competition concerns or the harm to consumer interests more flexibly than a decision finding an infringement and imposing a fine. Commitments are intended to ensure the effective protection of the public interest and in consumer protection cases, the GVH may consider whether the commitment enhances competitive conditions, strengthens the capabilities of competitors and market participants, or facilitates new market entry opportunities.

12. As an example the procedure initiated in relation to unfair promotional practices [was closed with a commitment of eMAG online webshop and marketplace](https://gvh.hu/en/press_room/press_releases/press-releases-2021/the-gvh-has-a-tough-approach-towards-the-digital-market-as-well-huf-200-million-in-fines-and-nearly-huf-4-billion-in-compensation)[https://gvh.hu/en/press\\_room/press\\_releases/press-releases-2021/the-gvh-has-a-tough-approach-towards-the-digital-market-as-well-huf-200-million-in-fines-and-nearly-huf-4-billion-in-compensation](https://gvh.hu/en/press_room/press_releases/press-releases-2021/the-gvh-has-a-tough-approach-towards-the-digital-market-as-well-huf-200-million-in-fines-and-nearly-huf-4-billion-in-compensation). The company undertook to promote the online commercial presence of Hungarian businesses, provide consumer compensation and revise its pricing and price display policies. Among other measures, the marketplace committed to supporting its partners through commission reductions, training, advertising space, and logistics services.

13. Similarly, the proceeding related to Microsoft's artificial intelligence-based service (Copilot), which was likely to conceal its essential features, ended with the [company undertaking several forward-looking measures for the Hungarian language, Hungarian users and Hungarian small and medium-sized enterprises](#). On the one hand, the global

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<sup>3</sup> [Market analysis to explore the impact of digital comparison tools on consumer decisions](#)  
[Market analysis on the origin and role of data assets in online commerce](#)  
[Market analysis of the development and application of environmental claims by market participants](#)

technology company is significantly expanding and developing its artificial intelligence-based applications in Hungarian using 10 billion Hungarian words. In addition, the company has also undertaken to make this dataset available to other systems, enabling other developers to train their own Hungarian-language artificial intelligence systems.

14. In addition to the administrative procedures, the GVH also addresses competition and consumer interests in the framework of its other activities at the same time. Its [report on examining the impact of artificial intelligence on market competition and consumers](#) provided recommendations for both businesses and legislators emphasizing that up-to-date and transparent information for consumers is of paramount importance in this area.

15. Similarly, the [accelerated sectoral inquiry into the domestic market for online accommodation booking and accommodation services](#) analysed the competitive conditions prevailing on the Hungarian online accommodation booking market and examined the contractual terms and practices applied by market players towards accommodation providers. These practices may affect competition among accommodation establishments. The inquiry included recommendations, urging accommodation agencies to make the criteria for ranking search results on their platforms more transparent to consumers.

#### 4. Developments to strengthen consumer protection in digital markets

16. Due to the rapid development and transformation of markets – particularly digital markets – it is increasingly important to understand individual market players, the evolving dynamics of each market sector and, as well as the new directions. However, there are more and more areas where traditional consumer protection expertise is insufficient, such as data analysis, economics and information technology issues. For this reason, among others, project-based cooperation with supporting organisational units possessing economic and IT expertise is essential for the Authority to keep pace with market conditions.