

## **Rules of Procedure of the Online Platform Dispute Resolution Board**

The Online Platform Dispute Resolution Board ('Board') of the National Media and Infocommunications Authority ('Authority') shall, pursuant to Section 20(6) of Act CIV of 2023 on certain rules regarding Internet intermediary services ('IIS'), adopt its rules of procedure as follows:

### **I. General provisions**

1. The registered office of the Board: 1015 Budapest, Hattyú utca 14.
2. Mailing address of the Board: 1525 Budapest Pf. 20.
3. The e-mail address of the Board for receiving applications and submissions: [info@opvt.hu](mailto:info@opvt.hu)
4. E-mail address for sending Board decisions: [opvt@opvt.hu](mailto:opvt@opvt.hu)
5. The Board shall be responsible for the out-of-court settlement of contractual disputes under Article 21 of Regulation (EU) 2022/2065 of the European Parliament and of the Council of 19 October 2022 on a Single Market For Digital Services and amending Directive 2000/31/EC ('Regulation').

### **II. Organisational background**

Officers of the Board:

- Chair of the Board;
- Deputy Chair of the Board;
- seven other members of the Board.

### **III. Nomination, appointment and conflict of interest of the Chair and the members of the Board**

1. The nomination and appointment of the Chair and members of the Board shall be made in accordance with the provisions of Section 21(3) to (8) and Section 22(1) to (4) of NMHH Decree No. 4/2024 (III.21.) on the detailed rules for out-of-court dispute settlement bodies ('NMHH Decree').
2. The conflict of interest of the Chair and the members of the Board shall be governed by Section 2(3) to (5) of the NMHH Decree.

### **IV. Establishment, certification and registration of the Board**

1. The Board is established by the appointment of its Chair and at least 8 members.
2. Following the establishment of the Board and the approval of the Board's rules of procedure by the President, the Chair of the Board shall promptly arrange for the submission of the application to the Authority by electronic means pursuant to Section 17 of the NMHH Decree for the certification and registration of the Board as an out-of-court dispute settlement body.

### **V. Replacement of the Chair of the Board, experts, suspension of mandate**

1. The Chair of the Board shall designate a Deputy Chair ('**Deputy Chair**') from among the members of the Board with general powers to act in the absence or incapacity of the Chair of the Board or in the event of a temporary vacancy of that office for any reason. The replacement mandate shall be given in writing by the Chair of the Board.

2. The Board is entitled to call upon the assistance of external experts in its dispute settlement procedures requiring special expertise. The external expert shall be invited in writing by the Chair of the Board, acting on a proposal from the members of the acting board, to carry out the necessary expert work. The expert accepts the invitation in writing, and signs declarations of confidentiality and conflict of interests. The expert works on the basis of a service contract.

In dispute settlement proceedings, the conflict of interest rules against experts are governed by Section 2(3) and (4) of the NMHH Decree.

3. If criminal or guardianship proceedings are instituted against the Chair of the Board or a member of the Board, in the case of the Chair of the Board the President, and in the case of a member of the Board the Chair of the Board shall, as soon as he/she becomes aware of such proceedings, suspend the mandate of the Chair of the Board or the concerned member of the Board until such time as a final judgment has been delivered. The Chair of the Board or the member concerned shall present the final judgment to the President or the Chair of the Board within 5 days of receipt of the final judgment.

At the justified written request of the Chair of the Board or a member of the Board, in the case of the Chair of the Board the President, and in the case of a member of the Board the Chair of the Board shall decide on the suspension of the mandate. The suspension shall not exceed 6 months.

The President or the Chair of the Board shall decide in writing on the suspension and on the termination of the suspension.

## **VI. Procedure of the Board**

### **1. The application**

The application for the Board's dispute settlement procedure may be submitted within 6 months of the occurrence of the circumstance giving rise to the initiation of the procedure. If the applicant became aware of the circumstance giving rise to the initiation of the procedure only later or was hindered in submitting the application, he/she may initiate the Board's dispute settlement procedure within 6 months of becoming aware of the circumstance giving rise to the procedure or of the removal of the hindrance, but no later than 1 year from the date on which the circumstance giving rise to the procedure occurred.

If the applicant requests that his/her natural identity and address be kept confidential, the chair of the acting board shall ensure that an extract of the application is drawn up from which no conclusion may be drawn as to the identity of the applicant.

### **2. Measures taken on the basis of the application**

#### **2.1 Registration of cases**

Applications received shall be forwarded to the Chair of the Board as soon as they are registered.

#### **2.2 Designation of the acting board**

The Chair of the Board shall designate, on the basis of the subject of the application received, the chair and two members of the acting board from among the members of the Board with the appropriate expertise. The Chair of the Board may designate himself/herself as the chair or a member of the acting board. At the request of the parties, or if the subject of the application is simple, the Chair of the Board may designate one acting member from the members of the Board.

#### **2.3 Exclusions**

If a reason for exclusion referred to in Section 4(1) of the NMHH Decree arises in relation to the chair or a member of the acting board, the Chair of the Board shall hear the chair or the member concerned of

the acting board within 5 days of the notification of the reason for exclusion by the chair or the member of the acting board or by the parties.

If, after examining the information contained in the notification and the hearing, the Chair of the Board comes to the conclusion that the independence and impartiality of the chair or the member of the acting board cannot be guaranteed in respect of the proceedings concerned, he/she shall, within 5 days of the hearing, take a written decision to exclude the chair or the member of the acting board and shall appoint a new chair or member from among the members of the Board to replace the excluded chair or member.

The Chair of the Board shall, after the designation of a new chair or member of the acting board, examine the procedural steps taken by the acting board and, where justified, order that these steps be repeated without delay.

If the Chair of the Board does not find the notification submitted by the parties to be well-founded, he/she shall notify the party concerned in writing of the rejection of the notification within 5 days of the hearing or, in justified cases, apply the legal consequences provided for in Section 4(4) of the NMHH Decree.

### 3. Hearing

If a hearing is to be held in the dispute settlement proceedings, the chair of the acting board shall set the date of the hearing and shall notify the members of the acting board and the parties of the manner and date of the hearing 10 days before the day of the hearing.

The acting board shall hold the hearing online, without physical presence, by means of a telecommunications device providing continuous visual and audio communication.

At the request of the applicant, the acting board shall hold a personal hearing.

The hearing shall be chaired by the chair of the acting board.

The minutes of the hearing are prepared by audio recording.

### 4. Decision

If the dispute settlement procedure is terminated by a settlement of the parties pursuant to Section 19(1) of the IIS, the acting board shall approve in writing within 15 days the settlement of the parties as recorded in the minutes of the hearing or submitted in writing during the proceedings.

In the absence of a settlement, the acting board shall take its decisions by simple majority of all its members pursuant to Section 19(2) of the IIS.

If the dispute settlement body acts as a three-member acting board, the decision in written form shall be signed by the chair of the acting board or, in the case of a decision sent electronically which is not deemed to be in writing, shall be signed electronically by the chair of the acting board. In the event of the incapacity of the chair of the acting board, the decision may be signed by any member of the acting board.

### 5. Other procedural matters

#### 5.1 Appointment of a new member of the board

If, immediately before the decision on the merits is taken, the appointment of a new member of the acting board becomes necessary because of permanent incapacity of a member of that board, the Chair of the Board may, at the same time as the appointment, decide to extend the time limit for the

proceedings in accordance with the law in order to allow the newly appointed member of the acting board to prepare himself/herself properly.

5.2 Processing of the documents of the dispute resolution proceedings

All documents received from the parties in a case shall be forwarded without delay to the chair of the acting board.

**Clause**

**Pursuant to Section 20(6) of the IIS, I hereby approve the Rules of Procedure of the Online Platform Dispute Resolution Board:**

**Budapest, ..... (day) .....(month) 2024**

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**Dr. András Koltay**

**President**

**National Media and Infocommunications Authority**