

Information on Data Provision Obligation under the Cybersecurity Certification Act

Act XXIII of 2023 on Cybersecurity Certification and Cybersecurity Supervision (the „**Cybersecurity Certification Act**”) defines the national cybersecurity certification framework and specifies that its supervision is provided by the Supervisory Authority for Regulated Activities (in Hungarian: *Szabályozott Tevékenységek Felügyeleti Hatósága*; “**SZTFH**”).

Under the Cybersecurity Certification Act, SZTFH keeps a register of the companies that fall under the scope of the Act and carries out the cybersecurity supervision of the concerned companies and their electronic information systems.

In connection with the register, the Cybersecurity Certification Act states the data provided by the companies for the register (company’s data, technical information regarding the electronic information system of the company etc.) and the deadline for such data provision.

1. Scope of the Cybersecurity Certification Act

The scope of the Cybersecurity Certification Act covers medium and large enterprises operating in critical sectors listed in the Annex to the Act.

1.1. Critical sectors

The critical sectors are - among others – the following:

- energetics sector,
- healthcare sector,
- communication service sector (e.g. electronic communications service provider),
- sector of manufacturing, processing and marketing of food products.

1.2. Definition of Medium and Large Enterprises

An enterprise qualifies as a medium or large enterprise if it does not qualify as a micro- or small enterprise under Act XXXIV of 2004 on Small and Medium-sized Enterprises and the Support of Their Development (the “**SME Act**”). Micro- and small enterprises do not have a data provision obligation.

Under the SME Act, an enterprise is not considered micro- or small enterprises if:

- it employs 50 or more people **AND**
- its annual turnover and/or annual balance sheet total reaches or exceeds the HUF equivalent of EUR 10 million.

Partner and linked enterprises of the concerned company shall also be taken into consideration when calculating the number of employees and turnover.

Linked enterprises are enterprises which have any of the following relationships with each other (directly or indirectly):

- an enterprise has a majority of the shareholders' or members' voting rights in another enterprise;
- an enterprise has the right to appoint or remove a majority of the members of the administrative, management or supervisory body of another enterprise;
- an enterprise has the right to exercise a dominant influence over another enterprise pursuant to a contract entered into with that enterprise or to a provision in its memorandum or articles of association;
- an enterprise, which is a shareholder in or member of another enterprise, controls alone, pursuant to an agreement with other shareholders in or members of that enterprise, a majority of shareholders' or members' voting rights in that enterprise.

Enterprises having any of the relationships described above through one or more other enterprises are also considered to be linked.

Partner enterprises are all enterprises which are not classified as linked enterprises and between which there is the following relationship: an enterprise (upstream enterprise) holds, either solely or jointly with one or more linked enterprises, 25% or more of the capital or voting rights of another enterprise (downstream enterprise).

2. Deadline for the data provision for the register

The deadline is **30 June 2024** in case of companies that commenced their operation before 1 January 2024.

Companies that started their operation after 1 January 2024 have to provide the required data **within 30 days from the commencement of their operation**.

In case you have any questions regarding the above please, contact our colleagues.



Eszter Bedő
Attorney-at-law
bedoe@fdlaw.hu
0036 30 226 8342

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