

Act LXVII of 2013

on distance-based tolls payable for the use of motorways, expressways and main roads¹

Whereas the operation, maintenance and development of the public road network, the periodic and local regulation of traffic, preference for environmentally friendly modes of transport, and the integration of social and environmental costs into tolls require that road users should contribute to the costs of the operation and development of public roads in proportion to their road use, and that a proportionate toll regime should be established which also takes account of the environmental performance of vehicles. Whereas the rate of the toll payable for road use should be established using an electronic system which also complies with the requirements of the European Union for interoperability, the Hungarian National Assembly has adopted this Act.

CHAPTER I

GENERAL PROVISIONS

1. Subject and scope

1. § (1) The scope of this Act shall include contracted toll payers as well as the operators and users of tolled motor vehicles circulating on unit tolled sections, regardless of their nationality or country of registration, respectively.
- (2) The scope of this Act shall not include motor vehicles using road sections subject to user charges in fulfilment of their obligation to pay such user charges.

2. Definitions

2. § For the purposes of this Act:
1. “toll declaration” means the reporting of data on the use of any unit tolled sections with a tolled motor vehicle, based on which the obligation of toll payment may be established;
 2. “toll declaration operator” means a provider used for the fulfilment of the toll declaration obligation provided for in this Act;
 3. “toll category” means the grouping applied in setting the toll rate based on specific motor vehicle properties;
 4. “EETS” means the European Electronic Toll Service, which enables persons subject to toll payment to use on-board units to pay, via the toll service provider, the consideration for using the unit tolled sections involved in the service;
 5. “EETS user” means a road user entering into an agreement with an EETS provider in order to gain access to EETS;
 6. “EETS provider” means a toll service provider registered in its home Member State within the EU, which is a legal person and enables EETS users to access EETS, and as part of that, to the electronic toll system;
 7. “bound toll service provider” means a toll service provider which is bound to enable any and all persons subject to toll payment to obtain road use authorisation as part of the electronic toll system;
 8. “on-board unit” means a device which is suitable to support electronic toll collection, comprised of hardware and software components which are suitable for the collection,

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storage, processing, as well as the remote receipt and transmission of the data required to carry out the operations involved in electronic toll collection;

9. "supervisory body" means the entity designated for the discharge of the duties specified under subheading 9 in the decree adopted pursuant to the powers conferred by this Act;
10. "user charge" means the charge (including VAT) payable on motor vehicles which belong to any of the toll categories specified by the Government in the relevant decree for the use of a road section subject to such a user charge for the duration of the road use authorisation;
11. "infrastructure charge" means the component of the toll which is levied in order to recover the costs incurred in respect of the construction, maintenance, operation and development of unit tolled sections;
12. "vehicle register" means the vehicle register as defined in the Road Transport Registration Act;
13. "external-cost charge" means the component of the toll which is levied in order to recover the costs incurred in respect of traffic-based air and noise pollution;
14. "weighted average infrastructure charge" means the total revenue of an infrastructure charge collected in a given toll category over a given period divided by the number of vehicle kilometres travelled on unit tolled sections during that period;
15. "contracted toll payer" means a natural or legal person or unincorporated business entering into an agreement for the payment of the toll in respect of one or more motor vehicles for the purpose of using any unit tolled sections;
16. "certification body" means a body certifying the conformity of the interoperability constituents of the electronic toll system, which is responsible for the duties specified under subheading 12;
17. "electronic toll system" means the electronic system which enables the toll to be declared, levied and collected, while providing support for the verification of toll payment and the lawful use of unit tolled sections;
18. "toll" means the charge (including VAT) which is levied by the toll charger for the use of a unit tolled section in proportion to distance-based road use;
19. "person subject to toll payment" means primarily the contracted toll payer, or where there is none, the operator of the motor vehicle or the road user, regardless of their nationality or the country in which the motor vehicle which they drive, operate or own is registered;
20. "unit tolled section" means a section of the tolled public road network delimited by two kilometre markers for the purpose of toll setting;
21. "tolled motor vehicle" means a truck or a towing vehicle (including a semi-trailer towing vehicle) of a maximum permissible laden weight exceeding 3,5 tonnes, or a vehicle combination consisting of such a motor vehicle and a towed trailer or semi-trailer;
22. "toll collection" means the combination of all actions involved in the collection of the toll;
23. "toll charger" means an entity which is authorised and designated for the operation of the electronic toll system, as well as for the establishment and levying of the toll by using that system, and the collection of the toll via toll service providers;
24. "toll service provider" means an entity which, regardless of the country of its registration, enables road users to access the electronic toll system in the territory of Hungary;
25. "road use" means the use of a unit tolled section for transport purposes;
26. "road user" means the person driving the motor vehicle in the course of road use;
27. "road section" means a part of the public road which is continuous in terms of transportation, and the beginning and end of which are delimited by kilometre markers;
28. "operator" means the owner of the vehicle as well as any person who is registered for the lawful operation of the vehicle in the register maintained pursuant to the Road Transport Registration Act, or the owner or operator indicated on the document (registration certificate) issued by the country of establishment;

29. “reseller” means a contracted operator engaged by the toll service provider for the discharge of its toll collection duties under standard terms;
30. “route ticket” means a prepaid road use authorisation for the use of at least one predetermined unit tolled section of the tolled road network with a predetermined tolled motor vehicle.

CHAPTER II

ROAD USE AUTHORISATION AND PAYMENT OBLIGATION

3. Road use authorisation

3. § (1) The use of unit tolled sections with tolled motor vehicles requires road use authorisation as specified in this Act.
- (2) In consideration for the road use authorisation under subsection (1), persons subject to toll payment shall pay a toll as specified in the decree adopted pursuant to the powers conferred by this Act.
- (3) The toll shall be paid in respect of specific groups of tolled motor vehicles according to the toll categories specified in the decree adopted pursuant to the powers conferred by this Act.
- (4) The toll shall be paid on the basis of the unit tolled sections used by the road user.
- (5) The use of a single road section by the same motor vehicle shall not give rise to concurrent obligations to pay a user charge and a toll.
- (6) Except as provided for in subsection (7), the operator of the motor vehicle shall be responsible for ensuring compliance with the requirements in subsection (1) in respect of the motor vehicle which they operate.
- (7) Where the identity of the driver is established at the scene in the course of a traffic check, the driver shall be responsible for compliance with the requirements in subsection (1).

4. Principles of setting toll rates

4. § (1) The toll categories applicable to setting toll rates shall be established so that account is also taken of the environmental performance of the engines of the motor vehicles, with a preference for the road use of environmentally friendly motor vehicles.
- (2) The toll shall include an infrastructure charge, and subject to the applicable policy decision, it may include an external-cost charge. Specifically, infrastructure charges shall be established on the basis of the costs involved in the construction, operation, maintenance and development of the infrastructure network concerned. Weighted average infrastructure charges may also include a return on capital or profit margin based on market conditions.
- (3) In setting the rate of the infrastructure charge, periodic multipliers may also be applied subject to traffic regulation criteria in respect of a given road section depending on the time of day, the type of day, or the season; however, the variation in any infrastructure charge shall not exceed the highest amount of the weighted average infrastructure charge by more than 175%. The peak periods during which the higher infrastructure charges are levied for the purpose of reducing congestion shall not exceed five hours per day.
- (4) The toll may also include a flat-rate charge set by quantifying the damage and costs resulting from traffic-based air pollution in the given road sections and, where the population of the area concerned is exposed to noise pollution, the damage and costs resulting from traffic-based noise pollution (external-cost charge).
5. § (1) For the purpose allowing underdeveloped regions to catch up, tolls may be established subject to regional variations.

(2) Toll rates shall be set without any unjustified discrimination, whether direct or indirect; in particular, the operators of motor vehicles, road users and contracted toll payers shall not be discriminated against on the grounds of their nationality or country of establishment, the country of registration of the vehicles, or the departure or destination of the transport operation.

(3) Regular road users may be granted a discount on the infrastructure charge of up to 13%. The rate and terms of such discounts shall apply as specified in the decree adopted pursuant to the powers conferred by this Act.

(4) The components to be considered in the establishment of the tolls, the cost calculation methods and the classification into motor vehicle categories shall be set out in the decree adopted pursuant to the powers conferred by this Act.

5. Toll payment options

6. § (1) Toll collection using the electronic toll system shall be performed so as to avoid disruption of the free flow of traffic.

(2) A road use authorisation required for the use of unit tolled sections shall be deemed present—

- a) on the grounds of a route ticket purchased prior to road use, under the terms of that ticket; or
- b) during the term of an agreement with a toll service provider for the submission of toll declarations under this Act to the toll charger and for toll payment, provided that the road user fulfils their obligations relating to toll declarations as specified in the decree adopted pursuant to the powers conferred by this Act.

(3) There shall be no grounds for road use authorisation where the road user fails to use the on-board unit in accordance with the relevant rules, or submits a toll declaration by means of an on-board unit which has been invalidated, under the decree adopted pursuant to the powers conferred by this Act, by the toll service provider registering that unit.

(4) The toll charger shall establish the amount of the toll and shall collect that amount in respect of the given unit tolled section from the toll service provider which submits the toll declaration under this Act. Payment of the toll to the toll charger shall not be conditional on the corresponding amount having been received by the toll service provider from the person subject to toll payment.

(5) In the course of the operations relating to toll collection, the toll service provider shall, in respect of the circulation on unit tolled sections of the motor vehicles specified in the agreement with the contracted toll payer for access to the electronic toll system which are subject to this Act, submit toll declarations to the toll charger in the manner and at the intervals set out in its agreement with the toll charger; additionally, the toll service provider shall pay to the toll charger the toll established by the toll charger pursuant to subsection (4). In accordance with the provisions of the agreement with the contracted toll payer as effective from time to time, as well as with applicable legislation, the toll service provider may collect the toll from the person subject to toll payment, or charge its amount to the toll balance previously paid by the person subject to toll payment. The toll charger shall reimburse toll service providers at a flat rate corresponding to a share of the collected toll amount specified in the decree adopted pursuant to the powers conferred by this Act.

(6) The toll charger shall establish and maintain an organisational unit or a business entity in its sole ownership for the discharge of toll service providers' duties.

(7) In respect of the basic services to be provided by the toll service provider, and of the services required for the proper use of the electronic toll system in particular, the bound toll service provider shall be under an obligation to enter into an agreement with the person subject to toll payment, where that person has given written notification to the bound toll service provider of their intention to do so. The bound toll service provider may also comply

with that obligation via its resellers. The bound toll service provider shall reimburse resellers at a flat rate corresponding to a share of the collected toll amount specified in the decree adopted pursuant to the powers conferred by this Act.

(8)² The road user may engage a toll declaration operator in order to comply with their obligation to submit toll declarations to the toll service provider by means of that toll declaration operator. The toll declaration operator may engage in such activities subject to its compliance with the criteria set out in legislation, and shall enter into an agreement with the toll service provider in order that it may discharge its duties. The toll declaration operator shall transmit to the toll service provider the data collected by means of the on-board unit which is specified in the decree adopted pursuant to the powers conferred by this Act and is provided by the toll declaration operator, based on which the toll service provider shall submit the toll declaration to the toll charger, and shall, pursuant to the agreement between the toll service provider and the contracted toll payer, collect the toll from the road user directly on behalf of the toll charger. The toll declaration operator shall be liable to the road user for ensuring that the on-board unit which it provides is suitable for proper operation, and that the above data will be transmitted. Where the toll declaration operator is engaged by the bound toll service provider, the bound toll service provider shall reimburse the toll declaration operator at a flat rate corresponding to a share of the collected toll amount specified in the decree adopted pursuant to the powers conferred by this Act.

(9) The bound toll service provider shall enter into an agreement under equal terms with each toll declaration operator which complies with the requirements set out in specific legislation.

(10)³ The bound toll service provider shall be entitled to accept fuel card from the users of the roads for the payment of the countervalue of the right to use the roads. The bound toll service provider shall be obliged to enter into agreements with the fuel card issuers, including the same conditions, in accordance with the provisions specified in the rules related to the enforcement of this law.

7. § (1) Route tickets shall be available from the bound toll service provider. The consideration for the route ticket shall be paid upon purchase.

(2) A toll declaration submitted in the form of a route ticket shall, following its purchase but before its expiry, be transmitted to the toll charger by the toll service provider which issued the route ticket, where the contents of the transmission shall correspond to that of the route ticket.

(3) The toll levied by the toll charger shall be refunded by the toll charger in the cases set out in legislation.

8. § Other than the toll amount set in accordance with the decree adopted pursuant to the powers conferred by this Act, neither the toll charger, nor the toll service provider or the toll declaration operator shall charge the person subject to toll payment any additional fees or unjustified expenses for access to the electronic toll system. In determining the consideration for road use authorisation, no deviation shall be made from the toll rate specified in legislation.

8/A. §⁴ (1)⁵ The government – complying with the conditions specified in the relevant laws and regulations – shall, as guarantor, bear responsibility for the full performance of the payment

² Amended by: Section 4 (2) of Act CLXVI of 2013.

³ Registered by: Section 25 of Act CCXXVIII of 2013. Effective as of: 26.12.2013.

⁴ Registered by: Section 26 of Act CCXXVIII of 2013. Effective as of: 01.01.2014.

obligation arising from the loans received from financial institutions by KAVOSZ Vállalkozásfejlesztési Zrt in accordance with the credit agreements for the purpose of the provision of loans for the payment of tolls.

(2) The year-end sum of the government guarantee specified in Paragraph (1) shall be specified in the Budget Act.

(3) With regard to the credit agreement of KAVOSZ Vállalkozásfejlesztési Zrt specified in Paragraph (1), the creditor shall not be obliged to specify further guarantee on top of the guarantee provided by the government.

8/B. §⁶ (1)⁷ The government – complying with the conditions specified in the relevant laws and regulations – shall, as guarantor, bear responsibility for the performance of 80% the payment obligation arising from the loans received by the debtors specified in Paragraph (2), in accordance with the credit agreements related to the payment of tolls.

(2)⁸ The government guarantee specified in Paragraph (1) shall only be applicable to the loans of small and medium enterprises obliged to pay road tolls.

(3) The full year-end sum of government guarantee included in Paragraph (1) shall be specified in the Budget Act.

(4) With regard to the loans specified in Paragraph (1), KAVOSZ Vállalkozásfejlesztési Zrt. shall not be obliged to specify further guarantee on top of the guarantee provided by the government.

(5) Guarantees not exceeding 20% of the contractual loan, and the joint sum of 3-month transactional interest applicable upon signature of the loan agreement, specified by KAVOSZ Vállalkozásfejlesztési Zrt related to the credit agreement specified in Paragraph (1) shall not be transferred to the government in case of the redemption of the guarantee specified in Paragraph (1).

6. Exemption from toll payment

9. § (1) The obligations of toll payment and toll declaration shall not apply to—

- a) the Hungarian Defence Force, the Military National Security Service, the law enforcement forces under the National Defence Act, the Hungarian Defence Forces and Measures That May Be Implemented in a State of Emergency, and the Parliamentary Guard, for the motor vehicles which they operate;
- b) foreign armed forces deployed to or transiting Hungary, and international military headquarters established in Hungary, for their official or service motor vehicles, as well as other organisations for their motor vehicles which are exempt under international treaties, international conventions or on grounds of reciprocity;

⁵ Amended by: Section 85. a) of Act XV 2014

⁶ Registered by: Section 26 of Act CCXXVIII of 2013. Effective as of: 01.01.2014.

⁷ Amended by: Section 85. a) of Act XV 2014

⁸ Amended by: Section 85. b) of Act XV 2014

c) ⁹ persons or entities discharging road operation duties in respect of the unit tolled section under legislation or an agreement with the road operator designated in legislation, for the motor vehicles used for road operation on the road sections which they operate;

ca) vehicles operated by a concession company performing operational duties on concession public roads or business organisations commissioned by the same for the performance of operational duties

cb) in case of national public roads not falling under the category specified in point ca), vehicles operated by the public road management used for the performance of road management commissioned by the minister responsible for the operation of the national road network and traffic (hereinafter referred to as: minister), and in the winter, in accordance with agreement made with the national public road management, the authorised representative of the national public road management, the vehicles used for road cleaning and maintenance,

a) the toll charger, for the motor vehicles used for the discharge of its duties;

b) persons or entities authorised to use distinctive warning signals, for motor vehicles with registration numbers issued in Hungary, regardless of whether such distinctive warning signals are in actual use while circulating on a unit tolled section;

c) operators of motor vehicles involved in the prevention or control of damage caused by disasters as specified within the meaning of the Disaster Relief Act, during the discharge of such duties, as well as members of volunteer fire brigades, municipal and institutional fire departments, and voluntary or mandatory civil protection units, for the motor vehicles used in the course of the exercise ordered;

d) the transport authority, for the motor vehicles which it operates and uses to discharge its duties as a transport authority;

e) vehicles subject to international treaties, international conventions (NATO, Schengen Agreement) and reciprocity;

f) operators of motor vehicles transporting humanitarian aid, during the discharge of such duties.

(2) No toll shall be payable for the duration of closing a public road or limiting (diverting) the traffic thereon in any unit section otherwise subject to toll that is designated as a diversion route by the bodies authorised to close public roads, or to limit or divert the traffic thereon.

(3) ¹⁰ For tolled motor vehicles, the minister may, in the ministerial decree on the rules for the removal of stranded motor vehicles posing a hazard to the safety of road traffic, establish rules in derogation of subsection (1) in respect of cars transported to rest areas to ensure the safety of traffic.

(4) The register of the persons and entities eligible for the toll-free use of unit tolled sections shall be maintained by the authority designated by means of a Government decree ("registry").

(5) The register of the persons and entities eligible for the toll-free use of unit tolled sections shall include—

a) the registration number of the vehicle;

b) identification and technical data of the vehicle;

⁹ Established by: Section 27 of Act CCXXVIII of 2013. Effective as of: 26.12.2013.

¹⁰ Amended by: Section 3 (3) of Act CLXVI of 2013.

- c) data pertaining to the vehicle document being stolen, destroyed, lost, found or recovered;
 - d) the title of toll-free use;
 - e) the starting date and duration of authorised toll-free use.
 - (6) The register shall not include any personal data.
10. § The vehicles specified in sections 9(1)(h) and (i) shall be eligible for toll-free road use pursuant to being reported to the authority authorised for international communications, and those specified in subsection (f) pursuant to being reported to the disaster relief authority, following acknowledgement of such reporting and registration in the exemptions register.
11. § (1) The entity eligible for exemption under section 9(1) shall give electronic notification to the registry about the data specified in section 9(5) of the vehicles which the entity requests to be entered into the register of the persons and entities eligible for the toll-free use of unit tolled sections, and about any changes to such data within 30 days of the changes concerned.
- (2) In the case of vehicles subject to international treaties, international conventions and reciprocity, vehicles transporting international humanitarian aid, and motor vehicles involved in the prevention or control of damage caused by disasters as specified within the meaning of the Disaster Relief Act, temporary authorisations for toll-free use shall be entered in the register by the authority authorised for international communications, as well as the disaster relief authority pursuant to subsection (1).
12. § The registry shall process the data specified in section 9(5) for two years following termination of the authorisation for the toll-free use of unit tolled sections.

CHAPTER III

USE OF TOLL REVENUES

7. Principles of the use of toll revenues

13. § (1) Toll revenues shall be posted as budget revenue to the heading under section 14(4)(d) of Act CXCV of 2011 on Public Finances.
- (2) Toll revenues, excepting revenues from external-cost charges under subsection (3), shall be used by taking account of the following order of priority, in accordance with the policy decisions as adopted from time to time, for the purposes of—
- a) operation and maintenance of the systems for toll collection, the bound toll service provider, toll control and toll control support, and provision of funds for related activities, particularly in the fields of technology, finance, accounting and law;
 - b) operation and maintenance of the national toll domain, and provision of funds for related activities, particularly in the fields of technology, finance, accounting and law;
 - c) operation and maintenance of other components of the national road network, and provision of funds for related activities, particularly in the fields of technology, finance, accounting and law;
 - a.
 - d) other government duties relating to road traffic infrastructure, and provision of funds for related activities, particularly in the fields of technology, finance, accounting and law;
 - b.
 - e) payment of availability fees for road sections operated under concession contracts;

- f) enhancement of the capacity of existing components of the national public road network, and the development of new network components.
- (3) Within toll revenues, revenues from external-cost charges under shall be used by taking account of the following order of priority, in accordance with the policy decisions as adopted from time to time, for the purposes of—
 - a) facilitating efficient pricing;
 - b) reducing road transport pollution at source;
 - c) mitigating the effects of road transport pollution at source;
 - d) improving and controlling the carbon-dioxide and energy performance of vehicles;
 - e) improving road safety;
 - f) developing alternative infrastructure for transport users and/or expanding current capacity;
 - g) supporting the trans-European transport network;
 - h) optimising logistics; and
 - i) providing secure parking places.

CHAPTER IV

ADMINISTRATIVE DUTIES RELATING TO THE DISTANCE-BASED TOLL COLLECTION SYSTEM

8. Verification of compliance with the obligation of toll payment, penalties for non-compliance

14. § Except for the cases of exemption provided for in section 9, road use shall be deemed unauthorised if—
- a) prior to using a unit tolled section, the person subject to toll payment fails to purchase a route ticket for the unit tolled section which they use, and they do not have an effective agreement with the toll service provider for the submission of toll declarations under this Act to the toll charger and for toll payment;
 - b) ¹¹ the person subject to toll payment uses a unit tolled section under a toll or environment protection declaration for a lower toll or environment protection category than their own; or
 - c) the person subject to toll payment has an effective agreement with the toll service provider for the submission of toll declarations under this Act to the toll charger and for toll payment in respect of the unit tolled section and the motor vehicle concerned; however, at least one of the conditions for the proper operation of the on-board unit set out in the decree adopted pursuant to the powers conferred by this Act is not satisfied during the use of the unit tolled sections, and prior to using a unit tolled section, the person subject to toll payment fails to purchase a route ticket for the unit tolled section which they use.
15. § (1) The rate of the fine shall be established so that it encourages payment of the toll prescribed by the persons subject to toll payment.
- (2) The fines imposed shall be posted as central budget revenue to the heading under section 14(4)(d) of Act CXCV of 2011 on Public Finances. The amount of the fine imposed shall be paid in Hungarian forints into the bank account designated in legislation adopted pursuant to the powers conferred by this Act.
16. § Unauthorised road use under this Act shall qualify as an offence, for which a fine may be imposed pursuant to the Road Transport Act.

¹¹ Amended by: Section 30 of Act CCXXVIII of 2013.

17. § (1) In order to support the general police in charge of toll control (“police”), the toll charger shall—
- a) use stationary or mobile devices to collect data on the motor vehicles circulating on tolled road sections;
 - b) compare the identifiable data recorded by means of the devices under subsection (a) and registration number data to data available on authorised road users;
 - c) submit the body of data compiled on the basis of the comparison under subsection (b), excepting any data on authorised road use, to the authority which may carry out toll controls.
- (2) The police shall compare the data under subsection (1)(c) to the data of the persons and entities authorised for the toll-free use of unit tolled sections, following which, in cases of presumed offences, it shall *ex officio* initiate administrative proceedings as set out in specific legislation.
- (3) As part of its toll control, the police may use recorded registration number data to retrieve, by means of direct data access, such motor vehicle data as are required for verification from the register which is maintained by the toll charger on authorised road users.
- (4) Using a tailored IT application, the full scope of the data processed in the electronic toll system may be retrieved by means of direct data access by—
- a) courts in order to conduct proceedings concerning the judicial review of administrative fines;
 - b) prosecutors’ offices in order to carry out their duties relating to prosecutors’ participation in administrative proceedings;
 - c) investigating authorities in order to carry out their duties relating to investigations into crimes within their competence;
 - d) national security services in order to carry out their duties specified in legislation;
 - e) the body in charge of coordinating the fight against organised crime for the purpose of analysis and evaluation;
 - f) the National Tax and Customs Administration in order to conduct the audits relating to its duties in the capacity of the national tax and customs authority as set out in the National Tax and Customs Administration Act.
- (5) In addition to the entities listed in subsection (4), data may also be requested from the electronic control system by persons who, in order to carry out the duties within their competence, are authorised by law to access the data processed in the electronic toll control system.

9. Supervision over the activity of the toll charger and toll service providers

18. § The supervisory body designated under the decree adopted pursuant to the powers conferred by this Act shall carry out audits to review the lawfulness of the activity of the toll charger and toll service providers which is subject to this Act and to any legislation adopted pursuant to the powers conferred by this Act.
19. § (1) As part of its audit, the supervisory body may examine the databases pertaining to the toll charger’s and toll service providers’ activities which are subject to this Act, and may produce copies or notes of the data and lists stored therein. One year after terminating its audit, the supervisory body shall delete any and all personal data which has come to its knowledge as part of the audit.
- (2) The toll charger and the toll service providers shall establish and operate their databases so that the supervisory body may discharge its audit duties at any time without any disruptions to the operation of the databases.
- (3) The supervisory body may disclose the findings of its audit, provided that no personal data is disclosed on persons subject to toll payment and road users.

(4) Where the supervisory body requests data within its audit powers, the requested toll charger and toll service provider shall fulfill that request within the time limit set by the supervisory body unless otherwise provided for in this Act.

20. § (1) Where, on the basis of the audit conducted, the supervisory body establishes that the toll charger or the toll service provider fails to comply with the law in the course of activity, it may apply the sanctions of—

- a) reminding the toll charger or toll service provider concerned to fulfil its obligations, demanding cessation of the infringement within the time limit set;
 - b) imposing a supervisory fine in the range of HUF 1–100 million, which shall be collected as revenue of the central subsystem of public finances;
 - c) suspending the toll service provider, or in the case of an EETS provider, the Hungarian operations of that provider, and recording the fact of the suspension in a register which it maintains, where the time limit set pursuant to subsection (a) expires without any action being taken.
- (2) In imposing the supervisory fine, the supervisory body shall consider—
- a) the severity of the infringement;
 - b) the severity and frequency of previous infringements;
 - c) the volume of the toll charger or toll service provider's annual sales;
 - d) the extent of the damage caused by the infringement and the number of injured parties.

10. Registration of the entities involved in toll collection

21. § (1) In Hungary, only entities registered by the supervisory body may act as the toll charger, toll service providers or EETS providers. For the purpose set out in Article 19 of Commission Decision 2009/750/EC of 6 October 2009 on the definition of the European Electronic Toll Service and its technical elements, the supervisory body shall register the toll charger and any toll service provider which it contracts, where they meet the criteria specified in the decree adopted pursuant to the powers conferred by this Act.

(2) In order to maintain the register under subsection (1), the supervisory body shall process the following data:

- a) for a sole trader, their name, residence, mother's name, place and date of birth, e-mail address, telephone number, payment account number, the number of their personal identification document, sole trader's license number or other identifier issued by the licensing authority, and VAT number or other similar identifier issued by the tax authority of its home country;
- b) for a legal person or unincorporated business (collectively "entity"), its name, registered office, company registration number or other identifier issued by the licensing authority, its VAT number or other similar identifier issued by the tax authority of its home country, its payment account number, the names and positions of its authorised representatives, and the e-mail address and telephone number of the entity.

(3) In addition to what is provided for in subsection (2), the supervisory body shall, for the purposes set out in subsection (1), maintain a register of the following:

- a) the unit tolled sections, indicating which of those are subject to EETS;
- b) the names of the entities acting as toll chargers on the unit tolled sections;
- a) the tolling technology employed on the unit tolled sections;
- b) toll context data in respect of the unit tolled sections (in particular the toll categories and other properties which influence toll payment, and the tolls charged);
- c) the full text of the domain statement as set out by the toll charger in specific legislation.

(4) In the event of any changes to the data of a registered person or entity, the person or entity concerned shall report such changes to the supervisory body within 15 days. The

supervisory body shall update the register with the changes by indicating the date of each change. Where the supervisory body is informed of a change *ex officio*, it shall also update the register *ex officio*, and notify the registered person or entity within 15 days. Where the person required to report changes fails to fulfil its reporting obligation and the supervisory body is not informed of a change *ex officio* within 15 days of its occurrence, the supervisory body may apply the sanctions set out in sections 20(1)(a) and (b).

(5) Where the supervisory body suspends the operations of a toll service provider or EETS provider in application of section 20(1)(c), its decision shall also provide for the registration of this fact in the register under section 21(1). Following a waiting period of at least three months after the decision on the suspension of operations has become final, the toll service provider or EETS provider may request the supervisory body to conduct an audit of the toll service provider or EETS provider to determine whether there are reasonable grounds for the operations to remain suspended. Where, as a result of its audit, the supervisory body finds that the toll service provider or EETS provider concerned has eliminated the circumstances on grounds of which its operations were suspended, and has provided the conditions under which it may lawfully pursue its operations, the supervisory body shall permit the operations to be pursued, and shall procure for the removal of suspension from its register.

22. § (1) At least once a year, the supervisory body shall verify that the toll service provider complies with the legal provisions which govern its operations. In the event of any non-compliance, the supervisory body shall remind the toll service provider to ensure legal compliance within a time limit of 30 days, failing which it shall remove the toll service provider from the register.

(2) In the interest of the public, the data in the register shall be publicly available except for sole traders' residence and the numbers of their personal identification documents.

(3) At the end of each calendar year, the supervisory body shall submit data on the road network covered by the EETS service and on EETS providers to the European Commission and to the entity responsible for the maintenance of the register in each EU Member State.

(4) The supervisory body shall notify the Member State of the EETS provider's registration and the European Commission where it finds any difference between the data submitted by the entity responsible for the maintenance of the register in that EU Member State and the actual domestic situation which it has observed.

11. The conciliation body

23. § (1) ¹² Regarding any disputes arising between the toll service provider and the toll charger related to toll collection - especially in connection with their contract negotiations or their existing contractual relationship -, the parties shall, before taking legal action, make attempts for the amicable resolution of such disputes by means of the conciliation body designated in the decree adopted pursuant to the powers conferred by this Act.

(2) Before taking legal action, the parties involved in the dispute shall request the conciliation body to examine and provide an opinion on their dispute. The opinion of the conciliation body shall not be binding on the parties.

(3) The Government shall adopt a decree to specify the rules for the organisation, operation and procedures of the conciliation body.

12. Certification body

24. § (1) The certification body shall draw up declarations of conformity and suitability for use certificates for the interoperability constituents of the electronic toll system (including road

¹² Established by: Section 28 of Act CCXXVIII of 2013. Effective as of: 26.12.2013.

side equipment and interfaces) in the form of examination certificates. The certification body shall be designated and its duties and the conditions of its operations shall be set out in the decree adopted pursuant to the powers conferred by this Act.

(2) The certification body shall—

- a) take into consideration the declaration of conformity to specifications prepared by the manufacturer of EETS equipment, the EETS provider or its authorised representative;
- b) verify the technical documentation and the programme for validation by in-service experience;
- c) approve the monitoring procedure of the in-service behaviour and carry out specific surveillance;
- d) assess the in-service interoperability with the systems and operational processes maintained by the toll charger for the discharge of its duties;
- e) issue a suitability for use certificate in case of a successful interoperability test of the interoperability constituents;
- f) issue a report in case of unsuccessful behaviour of the interoperability constituents, which shall consider the problems which may arise as a result of non-compliance of a toll charger's systems and processes with relevant standards and technical specifications, and, if appropriate, make recommendations in view to resolve the problems.

13. Obligation of cooperation

25. § In the course of the implementation and operation of the electronic toll collection and toll control system, the entities operating unit tolled sections shall cooperate with the entities designated for specific tasks, and in the course of the assessment, design, development and operation of the system, with the agents engaged by such entities, and the supplier of the electronic toll collection and toll control system (collectively "authorised entities"), and shall in particular—

- a) allow access by the authorised entities to the road sections which they operate and enable them to carry out their work;
- b) issue the approvals and statements requested for work to be carried out within 15 days of being requested to do so;
- c) carry out any tasks required in relation to safety and protection on the public roads which they operate;
- d) consult and inform other authorised entities upon request.

CHAPTER V

DATA PROCESSING

26. § (1) Acting within its supervisory powers, in order to ensure the efficiency of toll collection, until expiry of the limitation period of the relevant claim for the payment of tolls or fines, the supervisory body may process the following properties of tolled motor vehicles relating to the obligation of toll payment, and the following personal data of road users, operators and contracted toll payers:

- a) for a road user, operator or contracted toll payer who is a natural person, their name, residence, mother's name, place and date of birth, e-mail address, telephone number, payment account number, and the data of their personal identification document;
- b) for a road user, operator or contracted toll payer which is a legal person, its name, registered office, company registration number or other identifier issued by the licensing authority, its e-mail address, telephone number and payment account number;
- a) other identification number issued by the registering authority, as well as e-mail address, phone number, serial number of invoice,

- b) the rate of the tolls and fines to be paid;
 - c) the place and time of road use;
 - d) the place and time of toll payment;
 - e) the registration number of the motor vehicle or vehicle train;
 - f) the properties of the motor vehicle or vehicle train required for the establishment of the toll category;
 - g) identification data of registered on-board units;
 - h) the recorded image of the motor vehicle and its registration number;
 - i) where unit tolled sections are used pursuant to a route ticket, the route, the period permitted to cover that route, and the document number.
- (2) In order to discharge its duties under sections 6(5) and 7, the toll service provider may process the data under subsection (1), excepting those in subsection (1)(i), until expiry of the limitation period of the relevant claim for toll payment.
- (3) In order to discharge its duties under sections 6(4) and 17, the toll charger may process the data under subsections (1)(c)–(j) until expiry of the limitation period of the relevant claim for toll payment.
- (4) In order to verify toll collection and the fulfilment of the obligation of toll payment, and in order to collect the tolls and the fines imposed, until expiry of the limitation period of the relevant claims, the police may process the following properties of motor vehicles exempted from toll payment, and the following personal data of the persons subject to toll payment, without their specific consent:
- a) the recorded image of the motor vehicle and its registration number;
 - b) in the event of an offence, the name of each natural person concerned as well as their residence, mother's name, place and date of birth, the data of their personal identification document, and payment account number;
 - c) in the event of an offence, the name of each legal person concerned as well as its registered office, company registration number or other registration data, and payment account number;
 - d) the place and time of road use;
 - e) the registration number of the motor vehicle or vehicle train;
 - f) the properties of the motor vehicle or vehicle train required for the establishment of the toll category.
- (5) The police may compare the register maintained by the toll charger on authorised road users and invalidated on-board units and the data of the persons and entities eligible for the toll-free use of unit tolled sections with the data under subsection (4). As part of performing its duties relating to toll control, the police may retrieve the data specified in sections 9(1) and (1a) and subsections (2)(a), (b), (d) and (e) and (3) of Act LXXXIV of 1999 on the Registration of Public Road Transport; section 17(2)(b) and subsection (6) of Act LXVI of 1992 on the Registration of the Personal Data and Addresses of Citizens; title 1 of chapter III of Act V of 2006 on Public Company Information, Company Registration and Winding-up Proceedings; section 21/D(1) of Act I of 1988 on Road Transport; as well as the data recorded in the register of persons and entities eligible for the toll-free use of unit tolled sections.
- (6) Where the identity of an offending operator of a vehicle with a foreign registration number could not be established by means of a check or an automated query, the police may retain the registration number of the vehicle and the identification data of its on-board unit where installed, the place and time of committing the offence, other positioning specifications, and recorded images of the check, for two years after the check.
- (7) As part of proceedings for the assessment of fines, the police may, by means of direct data access, query the vehicle register of the Member State concerned to retrieve the registration number data required in evidence that an offence has been committed, as well

as the personal and residence data of operators who are natural persons, and the identification data of operators which are legal persons.

(8) The toll service provider shall provide the toll charger, the entities authorised for toll control, and the supervisory body with such data in its register of persons and motor vehicles subject to a services contract for road use as are required for toll collection and toll control, taking account of the data processing rights specified in this section.

(9) The toll charger and the toll service provider shall, as set out in the cooperation agreement between the toll charger, the toll service provider and the supervisory body, cooperate with the entities authorised for the secret collection and acquisition of data under the National Security Services Act and the Act on the Protection Programme for Participants of Criminal Procedures and Persons Co-operating with the Criminal Justice. The toll charger, the toll service provider and the entity authorised for toll control shall pursue their activities under this Act so that it does not prevent or make impossible the secret collection or acquisition of data.

(10) The investigating authorities under the Criminal Procedures Act, the body in charge of internal crime prevention and crime detection and anti-terrorism, the national security services as provided for in legislation, and the National Tax and Customs Administration in order to discharge its duties under law, may observe the toll collection properties of vehicles circulating on unit tolled sections (in particular the place and time of road use, the registration number of the motor vehicle or vehicle train and other properties relevant for the establishment of the toll rate) by means of using the electronic toll system, and may retain the data obtained from such use. (11) The toll charger and the toll service provider shall, except in cases of data reporting and data examination as provided for in the National Security Services Act, notify the national security service concerned about any request for data reporting on its motor vehicles which constitutes qualified data. The electronic implementation and procedures of the notification shall be set out in the cooperation agreement between the toll charger, the toll service provider and the supervisory body.

27. § The manager of the budget appropriation which finances the objectives specified in section 13(2) shall publish the revenues from tolls and from the fines imposed for failure of toll payment as well as the data concerning the use of those revenues on its webpage, and submit such data upon request to the Social Consultation Organisation established under the decree adopted pursuant to the powers conferred by this Act.

CHAPTER VI

FINAL PROVISIONS

14. Enabling provisions

28. § (1) Powers shall be conferred upon the Government to adopt a decree to—
- a) establish toll categories, the methodology of setting toll rates, and provisions on discounts;¹³
 - b) designate on behalf of the Hungarian State the budgetary agency authorised to enter into agreements for duties of toll chargers, bound toll service providers and toll control supporters, the entity authorised to act as a toll charger and bound toll service provider, as well as the entity acting as a toll control supporter;¹⁴

¹³ See: Gov. regulation 209/2013. (VI. 18.)

¹⁴ See: Gov. regulation 209/2013. (VI. 18.).

- c) establish the requirements for the registration of toll service providers under section 21(1);¹⁵
- d) designate the supervisory body and establish its powers and responsibilities, jurisdiction, operations and procedures;¹⁶
- e) designate the entity to act as the conciliation body under subheading 11, and specify the rules for the organisation, operation and procedures of the conciliation body;¹⁷
- f) specify the rules for toll payment and the settlement of toll claims between the toll charger and the toll service providers;¹⁸
- g) specify the rules for the toll collection activities of the entities involved in toll collection, particularly in respect of their agreements and customer relations with one another and the persons subject to toll payment;¹⁹
- h) establish the scope of data required for toll control, the inclusion of which shall be mandatory in agreements between the toll charger and toll service providers, and between toll service providers and road users;²⁰
- i) specify the rules for the EETS service;²¹
- j) specify the rules for the establishment and operation of the Social Consultation Organisation;²²
- k) establish the procedural, registration and data reporting rules for the maintenance of the register of the persons and entities eligible for the toll-free use of unit tolled sections;²³
- l) establish the rules to enable all road users to access the toll collection service of a toll service provider as of the toll provisions becoming effective;²⁴
- m) specify the procedures and rules applicable to making the collected toll and fines available for the central budget and the accounting rules applicable to the settlement of toll transactions;²⁵
- n) specify the rules for the transportation of vehicles to rest areas and for related funding;
- o) establish road users' obligations in respect of toll declarations, including the detailed rules for the operation, use and invalidation of on-board units;²⁶

¹⁵ See: Gov. regulation 209/2013. (VI. 18.).

¹⁶ See: Gov. regulation 209/2013. (VI. 18.).

¹⁷ See: Gov. regulation 209/2013. (VI. 18.).

¹⁸ See: Gov. regulation 209/2013. (VI. 18.).

¹⁹ See: Gov. regulation 209/2013. (VI. 18.).

²⁰ See: Gov. regulation 209/2013. (VI. 18.).

²¹ See: Gov. regulation 209/2013. (VI. 18.).

²² See: Gov. regulation 209/2013. (VI. 18.).

²³ See: Gov. regulation 209/2013. (VI. 18.).

²⁴ See: Gov. regulation 209/2013. (VI. 18.).

²⁵ See: Gov. regulation 209/2013. (VI. 18.).

²⁶ See: Gov. regulation 209/2013. (VI. 18.).

- p) establish the requirements for toll declaration operators and the required contents of the agreements to be drawn up with toll declaration operators;²⁷
- q) specify the rules for granting exemptions from toll payment on farmers' motor vehicles which are used for the transportation of livestock and, during the harvest of agricultural produce, the transportation of agricultural produce;²⁸
- r) ²⁹ specify the specific details of the rules related to the government guarantee provided for in Section 8/A and 8/B as well as the state interest subsidy related to the loans provided for in Section 8/B

- (2) Powers shall be conferred upon the Minister to adopt a decree to—
 - a) specify the toll roads and unit tolled sections subject to this Act;
 - b) establish the environmental performance of motor vehicles for the purposes of toll collection in each toll category specified by the Government;
 - c) set the rate of the toll due for the use of unit tolled sections including infrastructure charges and external-cost charges, in agreement with the Minister in charge of tax policy, pursuant to the principles of toll policy set out in the applicable Government decree;
 - d) establish the procedural rules as well as the rights and obligations of the supervisory body in respect of the maintenance of the register;
 - e) designate the certification body and specify its duties and operating conditions;
 - f) specify the flat-rate reimbursement payable by the toll charger to toll service providers and the calculation method for such reimbursement, as well as flat-rate reimbursement payable by the bound toll service provider to toll declaration operators and resellers, and the calculation method for such reimbursement.³⁰

15. Entry into force

29. § (1) This Act shall enter into force, with the exception of the provisions in subsection (2), on the day following its promulgation.
- (2) Sections 3–14, 15(2), 16–20, 21(3) and (4), 22, 26(5)–(7) and (9)–(11), 27, 32–33, 35, 37(2), and 38–40 of this Act shall enter into force on 1 July 2013.

16. Compliance with the requirement of the Fundamental Law for cardinality

30. § (1) Pursuant to section 40 of the Fundamental Law, section 36(2) of this Act shall be considered cardinal.
- (2) Pursuant to section 46(6) of the Fundamental Law, section 39 of this Act shall be considered cardinal.

17. Compliance with the law of the European Union

31. § (1) This Act has been adopted to ensure compliance with—
- 1. Directive 1999/62/EC (17 June 1999) of the European Parliament and of the Council on the charging of heavy goods vehicles for the use of certain infrastructures;

²⁷ See: Gov. regulation 243/2013. (VI. 30.).

²⁸ See: Gov. regulation 243/2013. (VI. 30.).

²⁹ Registered by: Section 29 of Act CCXXVIII of 2013. Effective as of: 01.01.2014.

³⁰ See: NFM regulaiton 29/2013. (VI. 12.).

2. Directive 2004/52/EC (29 April 2004) of the European Parliament and of the Council on the interoperability of electronic road toll systems in the Community;
3. Directive 2006/38/EC (17 May 2006) of the European Parliament and of the Council amending Directive 1999/62/EC on the charging of heavy goods vehicles for the use of certain infrastructures;
4. Directive 2011/76/EU (27 September 2011) of the European Parliament and of the Council amending Directive 1999/62/EC on the charging of heavy goods vehicles for the use of certain infrastructures.

(2) This Act sets out provisions which are necessary for the implementation of Commission Decision 2009/750/EC of 6 October 2009 on the definition of the European Electronic Toll Service and its technical elements.

18. Amendments

32.-33. §³¹

34. §³²

35. §³³

36. §³⁴

37. §³⁵
(2)³⁶

The following provisions shall not enter into force:

- a) section 26(1) of Act CXIX of 2012 amending certain acts relating to transport;
 - b) the phrase “and from tolls” in section 33/A(4a) of Act I of 1988 on Road Transport, as amended by section 26(2) of Act CXIX of 2012 amending certain acts relating to transport.
- (4) Section 20/A(1) of Act I of 1988 on Road Transport, as inserted by section 252 of Act CCXXIII of 2012 on transitional provisions for the enactment of Act C of 2012 on the Criminal Code and amending certain acts shall enter into force without the phrase “and checks under section 33/C(1)”.

³¹ Repealed by: Section 12 of Act CXXX. of 2010. Effective as of: 02.06.2013.

³² Repealed by: Section 12 of Act CXXX. of 2010. Effective as of: 02.06.2013.

³³ Repealed by: Section 12 of Act CXXX. of 2010. Effective as of: 02.06.2013.

³⁴ Repealed by: Section 12 of Act CXXX. of 2010. Effective as of: 02.06.2013.

³⁵ Repealed by: Section 12 of Act CXXX. of 2010. Effective as of: 02.06.2013.

³⁶ Repealed by: Section 12 of Act CXXX. of 2010. Effective as of: 02.06.2013.

38-40. §³⁷

³⁷ Repealed by: Section 12 of Act CXXX. of 2010. Effective as of: 02.06.2013