

DOMAIN STATEMENT

1. Identification of the toll charger

- 1.1 Company name: Állami Autópálya Kezelő Zártkörűen Működő Részvénytársaság ("ÁAK Zrt.")
- 1.2 Registered seat: H-1134 Budapest, Váci út 45/B, Hungary
- 1.3 Registering authority: Court of Registration of the Metropolitan Court of Budapest
- 1.4 Registration number: 01-10-043108
- 1.5 Tax number: 12147715-2-44
- 1.6 E-mail access: ugyfel@hu-go.hu
- 1.7 Telephone: +36 1 / 688 6060
- 1.8 Webpage: www.hu-go.hu

2. Applicable toll collection technics

The Hungarian travelled distance proportionate electronic toll collection system is a system based on GNSS (Global Navigation Satellite System) technology. The essence of the technology: the satellite technology provides the position of the vehicle by use of several satellites. The electronic toll collection system defines the position of the vehicle by the use of the satellite positioning network and compares that to the geoinformatics data of toll roads in relation which the toll payment obligation arises and the system follows the movement of the vehicle. Based the above data the system levies the toll and establishes the payment obligation.

The toll charger provides a standard interface (ISO 12855) to the toll service providers for the toll collection and, if necessary, it provides a standard roadside equipment (ISO /TS 13141) for the clarification of positioning.

3. Data relating to the definition of the toll

- 3.1 Definition of the EETS domain, in particular its geographic extension and its infrastructure subject to toll

The EETS domain is defined by the Decree of the Minister of National Development ("**MND**") based on the authority provision of Act LXVII of 2013 on the travelled distance proportionate toll for the use of motorways, national roads and highways ("**Toll Road Act**")¹. The EETS domain covers all the toll roads of Hungary², which roads laid down in the Decree of the MND No. 25/2013 (V. 31.) ("**MND Decree**").³

- 3.2 Nature of tolls and levy principles

The toll shall be paid for the use of the toll roads, it includes VAT, it is proportionate to the travelled distance and it is levied by the toll charger. The tariff of the toll is fixed by the MND Decree⁴ based on the

¹ http://www.njt.hu/cgi_bin/njt_doc.cgi?docid=160861.242372

² <http://www.hu-go.hu/articles/view/206525#>

³ http://www.njt.hu/cgi_bin/njt_doc.cgi?docid=160858.242434

⁴ http://www.njt.hu/cgi_bin/njt_doc.cgi?docid=160858.242434

provisions of the **Toll Road Act** and of Government Decree 209/2013 (VI. 18.) on the execution of Act LXVII of 2013 on the travelled distance based toll payable for the use of motorways, carriageways and highways (“**Enforcement Decree**”).⁵

The toll includes the infrastructure charge and it can include the external-cost charge.

The tariff of the infrastructure charge depends from the used type of toll road (express road, highway), from the number of axles of the vehicle (two, three, four axles or more) and from the environmental classification of the vehicle.

3.3 Vehicles liable to toll

Trucks and tractors (including tractor trucks) having a maximum permissible laden weight of over 3,5 tonnes, as well as vehicle trains composed of such vehicles and the towed trailer or semi-trailer are subject of toll payment.

Vehicles exempted from toll payment and toll declaration are listed in the Toll Road Act⁶, the registration of vehicles entitled to use the toll roads free of charge is maintained by the authority appointed in a Government Decree.

3.4 Vehicle classification parameters (such as number of axles, maximum permissible weight of trailer, suspension type, etc.) with their mapping into the toll charger's tariff structure

Vehicle categories by the number of axles governing the determination of the tariff of the toll:

- a) J2 category: vehicles subject to toll payment with two axles,
- b) J3 category: vehicles subject to toll payment with three axles,
- c) J4 category: vehicles subject to toll payment with four or more axles.

The environmental classification of the vehicles subject to toll payment, necessary for the determination of the toll:

- A category: vehicles with an engine of EURO III classification and vehicles with an engine of better classification (vehicles with an engine of at least 6 or 5 environmental grade and vehicles with an engine of better grade);
- B category: vehicles with an engine of EURO II classification (vehicles with an engine of 4 environmental grade);
- C category: vehicles with an engine of EURO II and vehicles with an engine of worse classification (vehicles with an engine of 3 environmental grade and vehicles with an engine of worse grade).

3.5 Provisions on the required toll declarations (from the toll service provider to the toll charger)

The toll service provider is obliged to transfer constantly (on-line) the prepared toll declarations on the basis of the data of the on-board equipments into the system of the toll charger and to pay the toll levied by the toll charger. Provisions on accounting and on payments are subject to Sections 4.3 and 4.4.

In addition to the above, the toll service provider shall constantly monitor its on-board equipments and its information systems and prepares a procedure which allows that the necessary measures could be

⁵ http://www.njt.hu/cgi_bin/njt_doc.cgi?docid=161221.243349

⁶ http://www.njt.hu/cgi_bin/njt_doc.cgi?docid=160861.242372

undertaken in case of malfunction or tampering and the toll service provider shall maintain an electronic register on the invalidated on-board equipments that it grants or that it accepted into its register pursuant to the applicable legislation.

4. **EETS domain statement**

4.1 Requirements for toll service providers and the agreement proceedings

4.1.1 Requirements for toll service providers

- (a) shall have a good business repute (the criteria of which is contained by the Government Decree⁷);
- (b) shall possess a MSZ EN ISO 9001 certificate or other equal certificate;
- (c) can adequately demonstrate that it possess the necessary technical skills and technical equipment to prepare the toll declaration through which it can constantly implement the requirements contained in the domain declaration of the toll charger and in the contract;
- (d) can adequately demonstrate that it has specialist crew with appropriate professional qualifications and adequate practice, who are trained in the provision of electronic toll collection services or on highly similar fields from a technical and economical point of view;
- (e) can adequately demonstrate that financial assets having at its disposal to an extent which guarantees that it can constantly provide the statutory obligations of the toll service provider; and
- (f) has an overall risk management plan which is reviewed at least in every two years by an independent expert organization;
- (g) has a customer management system, which is available every day in twenty-four hours, at least on three languages (Hungarian, English, German) through internet and telephone;
- (h) has, furthermore, at least one customer service office in the territory of Hungary which is suitable for personal customer administration from 8 am to 8 pm on business days, with 40 hours opening time per week on average;
- (i) has a registered postal address in the territory of Hungary, in connection which it guarantees to answer the customers requests within 30 days at the latest arriving to that postal address.

4.1.2 In addition to the above, the EETS provider shall ensure that its service covers all the Hungarian and the abroad toll roads involved in the EETS service (EETS domain) and in case of change of the EETS domain or if the whole coverage for whatever reason cannot be secured, it restores its service within six months.

4.1.3 The EETS on-board equipments shall have the certificate issued by the certification body.

⁷ http://www.njt.hu/cgi_bin/njt_doc.cgi?docid=161221.243349

- 4.1.4 The financial securities may be required by the toll charger and the data provided by the toll service provider necessary for calculating the amount of the financial securities:

The maximum amount of the financial securities requested by the toll charger from the toll service provider is equal to the whole amount of the toll levied by the toll charger on an average basis over a period of two calendar months after the use of toll roads subject to toll payment by all categories of road users being the customers of the toll service provider. The toll charger determines the above amount on the basis of the actual toll levied in the previous calendar year after the use of toll roads subject to toll payment by all categories of road users being the customers of the toll service provider in the previous calendar year. In case of a new toll service provider, the initial amount of the financial security shall be an estimated amount, based on the expectations of the toll charger on the average toll after the use of the toll roads subject to toll payment in a two months period. The toll charger is entitled to determine the conditions of the financial securities provided by the toll service provider on a non-discriminatory basis. The toll service provider shall give an irrevocable, unconditional bank guarantee as a financial security which was issued by a financial institution registered in a member state of the European Economic Area or the EU and which shall be performed on the first demand of the beneficiary without any further verification of the legal basis.

The security may be accepted in the form of bank transfer (security deposit).

The toll service provider shall declare in its application that its service covers the all the toll roads subject to the domain statement.

The toll charger is entitled to supervise the amount of the financial deposit every three months based on the actual toll declarations of all categories of road users being the customers of the toll service provider. The toll charger shall be entitled to supervise the financial security of a new toll service provider for the first time in the third month after the start of the operation of the new toll service provider, based on the data of the previous two calendar months.

- 4.1.5 The agreement proceedings

The toll service provider requests the toll charger in writing to make a written contractual proposal for the performance of the obligations of the toll service provider. The toll service provider shall also certify the requirements applicable to it to the toll charger and provides the data necessary for the calculation of the financial security.

The contract between the toll charger and the toll service provider shall concluded in writing.

4.2 Toll collection policy

- 4.2.1 The EETS domain concerned is defined in Section 3.1.

- 4.2.2 The principles of calculation of toll and exemptions of toll payment are defined in Sections 3.2-3.4.

- 4.2.3 Fee (reimbursement of expenses) payable by the toll service provider:

In case of accessing to the system of the toll charger, the toll service provider shall reimburse all expenses of the toll charger which incurred in connection with the accession (particularly, but not limited to expenses of software development, software

modification, expenses related to the development of the central system, administrative expenses, etc) and the expenses of the inspection of the competence and the satisfaction of conformity requirements as conditions of accession.

4.2.4 Conditions for authorization of accession to the UD system:

- (a) security conditions (verification and authorization keys or other measures): the toll service provider may access to the system of the toll charger by a closed-circuit communication system, the toll service provider shall provide access to the toll charger to status data of its on-board equipments during inspection procedures, and the system shall comply the requirements of ISO 13855 standard;
- (b) Inspections and procedures for establishing the conformity of accession of the toll service provider:
 - 1) inspection of the data change between the on-board equipment (OBE) and the control equipments according to ISO/TS 12813, for the testing of which ISO/TS 13143-1:2011 and ISO/TS 13143-2:2011 apply;
 - 2) inspection of the data change between the OBE and the roadside equipment for the clarification of positioning, for which ISO/TS 13141 applies, tested according to ISO/TS 13140-1:2011 and ISO/TS 13140-2:2011;
 - 3) inspection of the data change between the toll charger and the toll service provider, for which ISO 13855 standard applies.
- (c) Other conditions for authorization of accession:
 - 1) the system of the toll service provider shall comply with the requirements of ISO/TS 17574:2009 and CEN/TS 16439:2013.
 - 2) the toll service provider shall supply proof on a consecutive and successful 45 days testing procedure of its own system, which procedure has been conducted in the production system of the toll charger by the follow-up of real-time vehicle traffic and the performance of such testing procedure was approved and accepted by the toll charger.

4.2.5 The form and data content for the communication of the road users data concerning the use of toll roads subject to toll payment

- (a) The delivered data shall comply with provisions of MSZ EN ISO 12855:2012, which was amended by CEN/TS 16331:2012 (the chosen profile shall be declared too) in respect of the back office system of the toll service provider;
- (b) the data shall comply with the provisions of ISO/TS 12813:2009 and of ISO/TS 13141:2010 in respect of the OBE provided by the toll service provider.

The OBEs provided by the toll service provider and the back office system shall comply with all the above listed provisions.

- 4.2.6 Time and regularity of provision of data on the use of the roads:
- (a) The toll service provider shall constantly provide data (particularly, but not limited to the vehicle plate number, on-board equipment registration number, declared toll roads, data on vehicle category, environmental classification, tariff of toll, time data) on the use of roads.
- 4.2.7 Precision of data (percentage of accepted missing or false tolls):
- (a) The precision of data provided by the toll service provider is subject of a separate agreement of the parties with respect to the specifications of standards ISO/TS 17444-1:2012 and ISO/TS 17444-2:2012.
- 4.2.8 Efficiency of the expected operational availability
- (a) The data change for the purpose of supporting enforcement between the OBEs provided by the toll service provider and the toll charger may fail only once in a thousand case due to technical faults of the on-board equipment.
- 4.2.9 Data and proceeding concerning the announcement of invalid on-board equipment
- (a) form and content:

The requirements on the form and the content of data provided by the toll service provider is subject of a separate agreement of the parties with respect to the specifications of standard ISO 12855:2012.
 - (b) regularity of update:

The toll service provider shall send constantly, after each change, the data of the invalid on-board unit to the toll charger.
 - (c) mechanism securing non-deniability

For data connection between the toll service provider and the toll charger secured data channel, authenticated sender and recipient furthermore acknowledged message protocol and technical apparatus shall be used.

4.3 Regulations on invoicing

The toll is levied by the toll charger with regard to the toll declaration on the used roads subject to toll payment in the respective month.

The toll service providers shall account with the toll charger on the basis of toll declarations until the twentieth day following the respective month.

The toll charger registers the amount of invoices sent to the toll service providers in separate registers and registers them as claims of the state.

4.4 Payment conditions

All expenses (including expenses incurred at the toll charger in connection with the accession) of the permission of access shall be borne by the toll service provider.

Expenses in connection with the modification of a concluded contract shall be borne according to the following principles:

- (a) if a modification is necessary due to legislative changes and compliance with such modification impose an expense to any of the parties, each party shall borne the expense to modify its own system to comply with the modified regulations;
- (b) if the reason of a modification is other than legislative changes, the party initiating the modification shall borne the expenses of the other party too.

The toll service provider shall pay the toll levied by the toll charger for the representative month in the month following the representative month to the toll charger, in such a way that the paid toll is credited to the account of the toll charger until the last day of the month following the representative month.

4.5 Subjects to be regulated in the contract between the toll charger and the toll service provider

- 4.5.1 Names of the contracting parties with the indication of their registered seat, company registration number or other registration number and the indication of the registering authority.
- 4.5.2 Identification of services, their offered quality standards in accordance with the legislative provisions and the legal consequence of the services differing from such quality standards.
- 4.5.3 The fee of service, invoicing and payment conditions.
- 4.5.4 Duration of the contract, the used services and the cases of termination of the contract.
- 4.5.5 Cases of breach of contract not mentioned elsewhere and the legal consequences of such breach.
- 4.5.6 Information on the submission and on the administration of complaints of the toll-payers regarding the service provided by either the toll service provider or the toll charger or regarding the failure trackable to the provision of such service.
- 4.5.7 Data reporting requirements between the contracting parties.
- 4.5.8 The Hungarian is the applicable legislation, Hungarian courts have exclusive jurisdictions over disputes.

4.6 Specific commercial conditions to be established as result of negotiations (particularly in respect of specific SLA requirements)

The toll charger is entitled fix the requirements and the service levels in respect of the services provided by the toll service provider, the detailed conditions of such service levels and the sanctions for the services not complying with the required service levels will be contained in the contract after negotiations. Furthermore, the obligations on notification and provision of information and the detailed rules of data provision necessary in connection with the administrative procedures shall be contained in the contract after negotiations too.

4.7 The present domain statement has entered into force as of [date] 2013 with the approval of the National Transport Authority (in Hungarian: Nemzeti Közlekedési Hatóság).

5. EETS providers which are in a contractual relationship with the toll chargers in the area of their competence: There is no registered EETS provider.

[signature of Attila Bakó]

Attila Bakó
chief executive officer

Állami Autópálya Kezelő Zártkörűen Működő
Részvénytársaság
toll charger