

# Decree 36/2007 (III. 26.) of the Ministry of Economy and Transport (GKM)

Effective from: 01.01.2019 —

## Decree 36/2007 (III. 26.) of the Ministry of Economy and Transport (GKM)

### on the User Charges Payable for the Use of Motorways, Expressways and Main Roads

Acting in my competence under Section 1 e) of Gov. Decree No 163/2006 (VII. 28.) on the Functions and Competences of the Minister of Economy and Transport, under the mandate granted in Section 48(3) g) of Act I of 1988 on Road Transport ('Public Roads Traffic Act'), in agreement with the Minister of Finance, I hereby order the following:

#### *User Charge Payment Obligation*

**SECTION 1**<sup>1</sup> A user charge ('user charge') and, where the user charge was not paid, a fine shall be paid for the use, by vehicles falling into a vehicle category according to this Decree and their trailers (hereinafter collectively referred to as 'motor vehicles' or 'vehicles'), of express roads under the Ministerial Decree on toll roads under a relationship governed by civil law.

**SECTION 2** (1) No user charge shall be paid:

(a)<sup>2</sup> motor vehicles operated by the Hungarian Defence Forces, the Parliamentary Guard, and the law enforcement agencies of Hungary,

(b)<sup>3</sup> motor vehicles operated by foreign armed forces or international military organizations stationed or serving in, or passing through Hungary,

(c)<sup>4</sup> motor vehicles run by the road operator managing the relevant toll sections and performing operator tasks,

(d) motor vehicles with registration numbers issued in Hungary and entitled to use emergency lights and sirens, regardless whether such signals are on when driving on the toll section, and

(e)<sup>5</sup> motor vehicles operated by the transport authority and performing roadside inspection,

(f)<sup>6</sup> motor vehicles operated by toll enforcement organizations and performing toll enforcement functions,

(g)<sup>7</sup> motor vehicles ordered to perform transportation tasks in crisis situations caused by mass migration,

(h)<sup>8</sup> on the basis of the principle of reciprocity, motor vehicles operated by the diplomatic corps of countries that grant the same exemption to vehicles operated by the Hungarian diplomatic corps.

(2)<sup>9</sup> Authorised persons under paragraph (1) shall only be exempted from toll payment on toll sections when riding in a motor vehicle whose registration number has been notified in advance in writing or by electronic means,

verifying the authorisation, to the body under paragraph (3), and has been registered accordingly. The authorised persons under paragraph (1) shall notify any changes affecting their exempted vehicles without delay to the body under paragraph (3).

(2a)<sup>10</sup> The duration of exemption under paragraph (2) shall be the shorter of the period for which the vehicle in question is exempt from user charge payment under paragraph (1) and 31 January of the calendar year immediately following the year of notification.

(2b)<sup>11</sup> A vehicle entitled to free of charge road use under paragraph (1)(d) above shall be exempt from user charge payment under paragraph (2) as long as such vehicle is entitled to use a distinctive marking.

(3)<sup>12</sup> The authority responsible for public road transport registration shall keep a record of motor vehicles entitled to use toll sections free of charge.

(3a)<sup>13</sup> If a vehicle exempt from user charge payment under paragraph (1) failed to comply with its notification obligation defined in paragraph (2) in time and a payment notice was sent as a result, it shall be exempt from paying the fine upon subsequent presentation of its authorisation and payment of the service fee, which is due within the 90-day limitation period from the date the first payment notice was received. The amount of the service fee payable per number plate is defined in Section 8(9).

(3b)<sup>14</sup>

(4)<sup>15</sup> No user charge shall be paid on a toll section as long as another road is closed for traffic or traffic is restricted along and diverted from such other road, if the toll road section concerned has been designated as a diversion by the bodies under Section 14(1)(a) and (b) of the Public Roads Traffic Act and the road operator and the body entitled to control toll payment have been notified in advance or simultaneously where appropriate. The agency ordering the road closure or traffic restriction or diversion shall inform road users, by way of media service providers, about the toll road sections designated as a diversion as well as about the duration of the closure, restriction or diversion. Unless the body ordering the restriction or diversion otherwise notifies, vehicles not having a road use authorisation shall only use the toll road designated as a diversion between the point of entry to the toll section and the next exit to a road junction. No previously purchased road use authorisation shall be reimbursed on the grounds that the toll road section was exempt from toll payment due to diversion.

(4a)<sup>16</sup> Where the exit to a road junction under paragraph (4) is closed, the road section designated as a diversion may be used up to the next open exit to a road junction along the toll road section concerned.

(4b)<sup>17</sup> The exemption under paragraphs (4) and (4a) shall also apply to the use of the toll road section designated as a diversion by vehicles not otherwise authorised to use the toll section even if no notification is made by way of media providers.

(5)<sup>18</sup>

(6)<sup>19</sup> No user charge shall be payable by motor vehicles participating in averting damage or a rescue operation that move in a closed convoy led by a vehicle with emergency lights. The registration numbers of such vehicles will be notified by the body established in order to perform general police activities to the road operator and the authority defined in paragraph (3).

(7)<sup>20</sup> No user charge shall be payable for the duration of the rescue operation by those vehicles participating in averting of public road damage, which were requested to participate in the rescue operation by the public road operator, which perform the rescue operation free of charge and whose registration number was notified to the road operator and the National Toll Payment Services Plc (hereinafter the 'NTPS Plc.') directly prior to the rescue operation.

(8)<sup>21</sup> Vehicles involved in cross-border activities based on an international Treaty entered into with a view to enabling cooperation on preventing cross-border crime and battling organised crime shall, based on a certificate issued by the approving body under the Treaty concerned, be exempt, for the duration of the operation, from the payment of the fine imposed on the grounds of unauthorised road use where reciprocity exists with the country concerned regarding exemption from the payment of fines imposed on the ground of failure to pay user charge.

#### *Mode of user charge payment*

**SECTION 3<sup>22</sup>** (1)<sup>23</sup> The payment of the user charge shall give rise to road use authorisation (hereinafter 'authorisation') to use the road with regard to the vehicle category and the vehicle registration number in accordance with the provisions hereof. Unless this Decree otherwise provides, the user charge shall be paid in advance of starting the use of the toll road network, for a period under paragraph (2) and a vehicle category under Section 6(1). With the exception of Authorisation under Section 6(3), within the period concerned, the Authorisation gives rise to a right to use the entire toll road network as set out in the Ministerial Decree on Motorways, Expressways and Main Roads Subject to User Charge Payment. The Authorisation under Section 6(3) gives rise to a road use authorisation in accordance with Annex 2 to the Ministerial Decree on Motorways, Expressways and Main Roads Subject to user charge Payment.

(2) The various authorisations are available for the following validity periods:

(a) weekly authorisation: from the starting day specified by the customer and for the following 9 days (for a total of 10 consecutive calendar days),

(b) monthly authorisation: from the starting date specified by the customer until the 24th hour of the same day (by number) of the immediately following month, if such day does not exist in the following month, then until the 24th hour of the last day of the month,

(c) annual road use authorisation: from the first day of the year until the 24th hour of 31 January of the following year.

(3) The authorisation can be purchased at retail outlets designated by NTPS Plc., authorised resellers and electronically.

**SECTION 4<sup>24</sup>** (1) NTPS Plc. shall enable resellers entering into an agreement with it to sell authorisations. No authorisation shall be sold without such an agreement.

(2)<sup>25</sup> On selling an Authorisation, the reseller's sales assistant shall record the data under paragraph (2a) concerning the Authorisation:

- (a) through a technical solution provided by NTPS Plc., or
- (b) through a proprietary technical solution approved by NTPS Plc.

(2a)<sup>26</sup> The following data shall be recorded on selling the Authorisation:

- (a) the registration number of the authorised vehicle;
- (b) the international vehicle registration code of the authorised vehicle;
- (c) the vehicle category specified by the customer in accordance with the vehicle registration certificate or other authentic document issued for the vehicle;
- (d) the validity period established with regard to the provisions hereof and the end of validity;
- (e) the start of the road use authorisation;
- (f) the time of purchasing the road use authorisation;
- (g) the place where the purchase was made.

(3) NTPS Plc. shall provide a uniform interface enabling online storage of data for the proprietary technical solutions of the resellers.

(4)<sup>27</sup> The customer shall be obligated to verify and approve the data provided by it during the purchase.

(5)<sup>28</sup> Upon the sale the seller shall provide to the customer a counterfoil (customer receipt) certifying purchase of the authorisation. The counterfoil shall include the data recorded in the NTPS Plc. database.

(6)<sup>29</sup> The Minister responsible for transport shall continuously check the system for collection of the charges in order to ensure transparent and non-discriminatory operation thereof.

(7) NTPS Plc. shall pay to the resellers entering an agreement with it for the sale of road use authorisation a flat-rate reimbursement, the basis of which shall be the amount of authorisations sold exclusive of value added tax. The amount of the reimbursement shall be 1.9%.

#### *Validation of authorization<sup>30</sup>*

**SECTION 5<sup>31</sup>** (1) The road use authorisation is recorded electronically by the central NTPS Plc. system. The road use authorisation shall only be valid if, following payment of the user charge, the customer either received a confirmation message or signed the seller's copy of the counterfoil and

received the buyer's copy of the counterfoil while making the purchase. In the case of the signature or the electronic sales channels, the electronic confirmation serves to verify that the facts and data included in the counterfoil are true and complete and are in accordance with the customer's intentions.

(2) In addition to the provisions under Section 4(2a), the confirmation message or the counterfoil includes the unique identification number of the Authorisation.

(3) The confirmation message of a purchase made by mobile phone need not include the data of the time of the sale and the identity of the sales assistant.

### *Amount of the User Charge*

**SECTION 6<sup>32</sup>** (1)<sup>33</sup> In accordance with the information in the entry in the administrative permit for road traffic or in any other authentic document issued for the vehicle, the amount of the user charge shall depend on the vehicle category specified on the basis of the type and the technical parameters of the vehicle as follows:

(a) vehicle category D1: motorcycles and passenger cars with a maximum authorised mass not exceeding 3,500 kg and designed for the carriage of no more than 7 persons including the driver, and their trailers,

(b) vehicle category D2: any car not falling into any other vehicle category and not being subject to user charge payment under any other piece of legislation;

(c) vehicle category B2: buses;

(d) vehicle category U: trailers towed by vehicles falling into categories D2 and B2.'

(2)<sup>34</sup>

(3)<sup>35</sup> An authorisation valid for the toll road network of one or more counties may be purchased for motor vehicles subject to user charges, the validity of which authorisation shall be determined by the Ministerial Decree on Motorways, Expressways and Main Roads Subject to User Charge Payment (referred to hereinafter together as the 'regional authorisation') The validity period of the regional authorisation shall be equivalent to the validity period determined in Section 3(2) c), provided that the contents of Section 3(1) shall be applicable to this authorisation as well.

(4)<sup>36</sup>

(5) The authorisation purchased for Pest County enables the purchaser to use the t within the boundaries of Budapest as well and no authorisation applicable only to the toll road network of the Capital City can be purchased.

(6)<sup>37</sup> The price of the authorisation in HUF, inclusive of value-added tax, shall be as follows:

|   | A                | B      | C       | D      | E        |
|---|------------------|--------|---------|--------|----------|
| 1 | Vehicle category | Weekly | Monthly | Annual | Regional |

|   |    |        |        |         |        |
|---|----|--------|--------|---------|--------|
| 2 | D1 | 3,500  | 4,780  | 42,980  | 5,000  |
| 3 | D2 | 7,000  | 9,560  | 42,980  | 10,000 |
| 4 | U  | 3,500  | 4,780  | 42,980  | 5,000  |
| 5 | B2 | 15,500 | 21,975 | 199,975 | 20,000 |

(7)<sup>38</sup> For motorcycles, the road use authorisation shall cost HUF 1,470 a week and HUF 2,500 a month, inclusive of value-added tax.'

(8)<sup>39</sup>

(9)<sup>40</sup> Where a vehicle falling into categories D2 or B2 tows a trailer falling into category U, the Authorisation to be purchased for the trailer may also be purchased for the tractor vehicle.

#### *Partial toll-exemption<sup>41</sup>*

**Section 6/A<sup>42</sup>** (1) Where the operator of a passenger car falling into category D2 purchases an authorisation for category D1, he shall, for the same period and for a single registration number only, be exempted from the payment of the difference between the rates under vehicle categories D2 and D1 and shall thus acquire road use authorisation (hereinafter: 'partial exemption'), if such person

(a) receives a family allowance for 3 or more children under Act LXXXIV of 1998 on the support provided to families (this shall include foster parents under a child welfare programme),

(b) holds a disabled parking permit on the basis of Section 2 of Gov. Decree No 218/2003 (XII. 11.) on disabled parking permits, or

(c) is a relative, under Section 8:1(1)(2) of Act V of 2013 on the Civil Code, of a person under paragraph (a) or (b) above.

(2) The partial exemption shall be limited to vehicles that have been registered by the transport authority on the basis of a notification by the operator, setting out the data giving rise to his Authorisation, and to the period such vehicles are included in the register as being eligible for partial exemption.

(3) With the exception of persons under paragraph (1)(b), the partial exemption shall remain in effect no longer than 31 January of the calendar year immediately following year of registration.

(4) The Authorisation under paragraph (1)(b) shall cease when the parking permit is withdrawn and the Authorisation is deleted from the register.

(5) A person eligible to partial exemption under paragraph (1)(a), (b) or (c) following notification under paragraph (2) shall be exempted from the payment of a fine if such person, having failed to comply with the notification obligation under paragraph (2), complies with such obligation within 90 days of receipt of the notice to pay the fine calculated on the basis of Section 7/A(1), notifying NTPS Plc. thereof by a written document and paying the service fee under Section 8(9) by the same date.

## *Enforcement*

**SECTION 7<sup>43</sup>** (1)<sup>44</sup> Under Section 33/B (8) of the Public Roads Traffic Act the entity authorised to enforce payment of user charges (hereinafter the 'toll enforcement organisation') shall inspect the appropriate authorisation and its purchase based on the registration number, country code and the vehicle category.

(2)<sup>45</sup> Where a vehicle is required to stop for an inspection, motorists shall stop at the checkpoint in order to enable verification of their authorisation and, if unauthorised road use is established, they shall hand over the vehicle's registration document, valid for road traffic, to the inspector of the body authorised to verify user charge payment until the related administrative activity is completed. If it is established at the roadside inspection that unauthorised road use has occurred, the motorist shall pay the appropriate fine or fine difference on the spot or purchase, where appropriate, an authorisation corresponding to the vehicle category of the vehicle concerned. If no Authorisation is purchased at roadside check, the provisions of Section 7/A(3) shall not apply subsequent to the failure to purchase Authorisation.

(3)<sup>46</sup> With the exception of built-up areas under the Ministerial Decree laying down road traffic rules, the road use authorisation may be checked at any point of toll sections under the Ministerial Decree on Motorways, Expressways and Main Roads Subject to User Charge Payment, including the junctions of such roads.

**SECTION 7/A<sup>47</sup>** (1) With the exceptions under paragraphs (2) and (3), where it is found by the inspection that the vehicle has no valid authorisation, a fine corresponding to the vehicle category shall be payable on the grounds of unauthorised road use.

(2) No fine shall be imposed on the grounds of unauthorised road use where it is based on an inspection carried out during the downtime of the central NTPS Plc. system as announced on NTPS Plc's website or within the next 60 minutes.

(3) In addition to the cases of downtime under paragraph (2), no fine shall be charged on the grounds of unauthorised road use where it is based on an inspection carried out within 60 minutes before the start of validity of the authorisation purchased for the vehicle in accordance with the provisions hereof.

(4) The fine charged on the grounds of unauthorised road use shall be charged by registration number, not more than once during a calendar day. The fine charged on the grounds of unauthorised road use shall fall due on a single occasion where several successive unauthorised road uses are detected, if not more than 60 minutes have elapsed between the first and last detections made on different calendar days, and no further unauthorised road uses were established by the toll enforcement organisation on either of the days of the first and last detections.

(5) As a result of an inspection, with a view to establishing the fine payment liability, the user charge control body shall establish the data of the obligated party

(a) by way of his documents suitable for personal and vehicle identification or data obtained from an authentic register,

(b) in the case of vehicles with a foreign registration number, where no other means are available, by way of an intermediate body.

(6)<sup>48</sup> The operator or, in the absence of an operator, the owner of the vehicle (in the case of vehicles with Hungarian number plates, as registered by the road transport registration body at the time of the unauthorised road use) shall be responsible for the subsequent payment of the fine. In the case of a combination, if, due to the vehicle category corresponding to the tractor vehicle of the combination, the trailer falls into category U, and the Toll control body establishes unauthorised road use by the trailer, the fine shall apply to the combination and shall be payable by the operator or, in the absence of an operator, by the owner of the tractor vehicle.

(7) Fines shall be collected by NTPS Plc.; with regard to such collection, NTPS Plc. or the intermediate body employed by it may also charge their costs demonstrated to have been incurred in connection with the collection of the fine.

(8) Until the contrary has been proved, the payment notice under Section 33/B(5) of the Public Roads Traffic Act, posted as a registered mail item, return receipt requested, shall be deemed to have been delivered on the day of attempting delivery where the addressee refused to take over the notice. If delivery failed due to the fact that the item was returned to NTPS Plc. from the addressee's home address, place of residence or registered address marked 'mail unclaimed', 'addressee has moved to unknown address' or 'moved out', until the contrary has been proved, the document shall be deemed to have been served on the fifth business day following the day of attempting mail delivery. Having obtained knowledge of the assumed delivery, NTPS Plc. shall notify the addressee thereof within eight business days by way of a simple mail item, notifying the addressee of the rules governing objections against the assumed delivery.

(9) The addressee may lodge a complaint with NTPS Plc. within fifteen days of obtaining knowledge of the assumed delivery or within 90 days of the date of the assumed delivery, whichever is sooner. Where an assumed delivery under paragraph (8) is disproved due to the fact that the addressee has conclusively demonstrated that he was unable to take over a duly served item at the place of address for reasons beyond his control, a grace period of 60 days shall be granted for the payment of the basic fine under paragraph (10). If the notification is made by post, the provisions under paragraph (8) shall also apply to this paragraph.

(10) Unless otherwise provided herein, the fine shall fall due at the time of delivery of the notice under paragraph (8) as specified in paragraph (8) or at



any earlier date the liability came to the knowledge of the party obliged to pay the fine. The amount of the fine is set out in item 1 of Annex 1. In the case of unauthorised road use by a motorcycle, the fine shall amount to HUF 7,500 if it is paid within 60 days and HUF 30,000 if it is paid beyond 60 days.

(11)<sup>49</sup> If, at the time of the inspection the vehicle has a valid authorisation for a vehicle category lower than the category corresponding to the vehicle concerned, a fine difference according to item 2 of Annex 1 shall be paid. Where no special provisions are set out by item 2 of Annex 1, the fine under paragraph (10) shall be payable. If, at the time of the inspection, the vehicle has a valid authorisation for a vehicle category not lower than the category corresponding to the vehicle concerned, no fine shall be payable.

(12) Where, subject to Section 7/A(4), unauthorised road use is established more than two times for the same vehicle to the debit of the same operator or owner (for the purposes of this paragraph, the two shall be collectively referred to as the 'operator'), the operator may, within 75 days of the day of delivery of the first payment notice on the grounds of unauthorised road use, request that the fine payment liability having accrued between the time of the unauthorised road use in question and the receipt of the first notice to pay the fine or the date of the assumed delivery be limited to the sum of two basic fines or differential fines applicable to the vehicle. The petition shall be assessed within 30 days and the petitioner shall be notified by NTPS Plc. The assessment of the petition shall be without prejudice to the time-limits under Section 7/A(10); by partially or completely acknowledging the petition, however, the liability shall be limited to the liability under this paragraph, provided that it is duly paid on time. The due date of paying the liability shall be 30 days of delivery of the decision, which shall be governed by the provisions of paragraph (8) as appropriate. The acknowledgement of the petition shall be without prejudice to the grounds for liabilities arisen prior to the period specified in this paragraph.

(13) At the request of a natural person obliged to pay a fine, NTPS Plc. may authorise payment by instalments where the petitioner claims that paying the fine in a lump sum would pose a significant financial burden. Overdue payment of the fine by the party obliged shall prevent the maintenance of the preferential instalment payment option and the debt shall thus fall due in a lump sum; no interest shall, however, be charged.'

**SECTION 7/B<sup>50</sup>** (1) The deadlines defined in Section 7/A shall rest if:

(a) the owner or operator of the motor vehicle used during the event giving rise to the fine certifies with a police report that prior to the unauthorised road use his vehicle or its official marking was unlawfully appropriated from him, or

(b)<sup>51</sup> proves with an official certificate issued by the transport authority that prior to the unauthorised road use the official marking of his motor vehicle was unlawfully appropriated from him,

(c) the owner or operator of the motor vehicle presumably used during the event giving rise to the imposition of the fine filed a police report after receipt of the payment notice on the grounds of suspicion of abuse of the individual identifier of the vehicle.

(2) No fine shall be imposed if the owner or operator of the motor vehicle in question certifies that

(a) the motor vehicle used during the event giving rise to the fine or its official marking was unlawfully appropriated from him prior to the unauthorised road use, or

(b)<sup>52</sup> the individual identifier of the motor vehicle presumably used during the event giving rise to the imposition of the fine was abused,

and presents to the NTPS Plc. the final decision or a copy thereof issued by the authority conducting the procedure within 15 days of its entry into force.

(3)<sup>53</sup> If the requirements described in paragraph (2) are not met or not met on time, the amount of the fine shall be equivalent to the surcharge payable beyond 60 days.

(4) If no fine is to be imposed pursuant to paragraph (2) on the operator, or in lack thereof, the owner of the vehicle and the identity of the person who drove the car when the event giving rise to the fine occurred becomes known, the fine will be imposed on such person in accordance with the general rules. If the identity of the person driving the car cannot be determined, but the identity of the persons participating in the acts serving as the basis for the exempting circumstances included in paragraph (2) can be determined, then all participants shall be jointly and severally liable for payment of the fine.

*Modification of the Authorisation, Replacement of the Counterfoil or the Confirmation Message<sup>54</sup>*

**SECTION 8<sup>55</sup>** (1)<sup>56</sup> Where the title to the vehicle has been transferred by the owner of the vehicle during the year or the contract giving rise to its use has expired, it may be requested, on payment of the fee under paragraph (9), that the Authorisation be transferred to another vehicle falling into the same category or vehicle category. In order to ensure that the change to the registration number due to the transfer is updated in the register,

(a) the counterfoil received on purchase must be submitted or the confirmation message must be presented,

(b) the new vehicle registration certificate must be presented in order to verify that its vehicle category is the same as the vehicle category of the former authorised vehicle, and

(c) a document demonstrating the sale of the vehicle, the receipt of which has been confirmed by the district office of the Budapest and County Government Office, or a document demonstrating the lapse of any other legal relationship enabling the use of the vehicle or a private deed of full probative

value proving the termination of the legal relationship enabling the use of the vehicle must be presented.

(1a)<sup>57</sup> In addition to the provisions under paragraph (1), the Authorisation may also be transferred if the petitioner conclusively demonstrates that he is entitled to simultaneously make a statement with regard to both vehicles concerned by the transfer, presents the counterfoil or confirmation message and pays the service fee under paragraph (9). In the event of an Authorisation under Section 3(2)(a), the transfer under this paragraph shall only be carried out prior to the start of validity.

(1b)<sup>58</sup> Where the two vehicles under paragraphs (1) or (1a) fall into different vehicle categories, payment of the category difference is a prerequisite of the transfer, provided that the difference shall be paid for the entire duration of validity.'

(2)<sup>59</sup> In the event of the change of registration number, upon request the authorisation shall be transferred by NTPS Plc. to the new registration number in return for a fee according to paragraph (9). The procedure shall be governed *mutatis mutandis* by the provisions of paragraph (1), provided that the petitioner shall verify the fact that the registration number has been changed. Where a universal change of the registration number, regardless of the country of the owner or the registration, is provided for by the law, the transfer of the authorisation shall be free of charge.

(3)<sup>60</sup> Where the vehicle has been stolen or suffered economic total loss, upon presentation of a certificate issued by the police or the insurance company, the customer may request at the customer service office of NTPS Plc. or the intermediate body appointed by NTPS Plc., on payment of the fee under paragraph (9), that the authorisation be transferred to another vehicle falling into the same category or vehicle category for the validity period of the original authorisation. The procedure shall be governed *mutatis mutandis* by the provisions of paragraph (1), provided that the petitioner shall verify the theft or economic total loss. Destruction or loss of the original counterfoil shall not prevent the procedure.

(4)<sup>61</sup> Where the vehicle category has been erroneously established, within the validity period of the authorisation it may be changed to the right category as specified herein at the customer service office of NTPS Plc. or the intermediate body appointed by NTPS Plc., in return for a fee specified in paragraph (9), while paying or reclaiming the corresponding tariff difference. During the procedure, the counterfoil or confirmation message demonstrating the purchase of an authorisation and the vehicle registration certificate must be presented in order that the right vehicle category can be established. The registration number to be issued for an Authorisation of the right vehicle category must be identical with the original registration number entered in the vehicle registration certificate. The rectification of the vehicle category subsequent to the imposition of a fine shall not relieve the Operator from the liability to pay the fine or the fine difference already imposed.

(5)<sup>62</sup> If a wrong registration number has been entered (up to a difference of 3 characters), the registration number may be modified and thus the right registration number may be entered at the customer service office of NTPS Plc. or the intermediate body appointed by NTPS Plc. or by any other means provided by NTPS Plc. within 60 days of the start of the validity of the road use authorisation or within 60 days of receipt of the payment notice on account of the erroneously entered registration number. During the procedure, the vehicle registration certificate and the counterfoil or confirmation message demonstrating the purchase of the authorisation must be presented. The charge for the transfer shall be the fee under paragraph (9). In such cases, the authorisation shall apply to the amended registration number for the entire validity period. No service fee shall be charged for amending the registration number due to confusing the characters '0' and 'O'.

(5a)<sup>63</sup> If a wrong country code has been entered, the country code may be modified and thus the right country code may be entered at the customer service office of NTPS Plc. or the intermediate body appointed by NTPS Plc. or by any other means provided by NTPS Plc. within 60 days of the start of validity of the road use authorisation or within 60 days of receipt of the payment notice on account of the erroneously entered country code. During the procedure, the vehicle registration certificate and the counterfoil or confirmation message demonstrating the purchase of authorisation must be presented. The amount of the charge for the transfer shall be the fee under paragraph (9). In such cases, the Authorisation shall apply to the amended country code for the entire validity period.

(6)<sup>64</sup> If the counterfoil or confirmation message proving the purchase of the authorisation is destroyed, lost or damaged, verification of the existing authorisation may be requested at the customer service office of NTPS Plc. or the intermediate body appointed by NTPS Plc. upon payment of the fee specified in paragraph (9) and presentation of the vehicle registration certificate. Such a certificate may be issued only for the registration number in the vehicle registration certificate and the valid authorisation connected with that registration number.

(7)<sup>65</sup> If several authorisations have been purchased for the same vehicle for partly or entirely the same period, the customer may request a buyback of the unnecessary authorisation upon payment of the fee specified in paragraph (9). If the starting dates or validity periods of the authorisations are not identical, buyback is only possible if the authorisation's validity period with a later starting date has not yet started or, if it has already started, the other authorisation was valid throughout the whole period elapsed. Buyback of regional authorisation is only possible where multiple purchases were made for the same vehicle and the same county.

(8)<sup>66</sup> Buyback of the road use authorisation can be requested upon payment of the procedural fee specified in paragraph (9) prior to the validity

period of the authorisation, for which the vehicle registration certificate must be presented, the counterfoil received on purchase must be submitted or the confirmation message must be presented. If the validity period has already started, the authorisation may only be bought back if an authorisation with a shorter validity covering the period from the start of validity to the time of buyback is purchased for the motor vehicle in question.

(9)<sup>67</sup> Unless this Decree otherwise provides, the fee including VAT, for the services provided for in Sections 2(3a), 6/A(5) and 8(1) to (8) shall be HUF 1,470. If the procedure is carried out for the same vehicle and affects several authorisations purchased for such vehicle during the same purchase session, the service fee shall be paid once for each request, regardless of the fact that several authorisation are affected by the request.

(10)<sup>68</sup> No service under this Section shall be provided if, simultaneously with lodging his request or within 90 days of the call by NTPS Plc. at the latest, the service user fails to submit all documents required for the use of the service.'

#### *Final provision*

**SECTION 9** This Decree shall enter into force on 1 April 2007.

**SECTION 9/A**<sup>69</sup> (1)—(9)<sup>70</sup>

(10)<sup>71</sup> No fine shall be imposed if the authorisation purchased is not in accordance with the vehicle category of the vehicle but

(a) for a vehicle in the D2 vehicle category a D1 vehicle category nationwide valid annual, or

(b) for a vehicle in the D2 vehicle category simultaneously at least two D1 vehicle category with identical validity periods and, expiry dates and territorial scope

authorisations were purchased.

(11)—(12)<sup>72</sup>

**SECTION 9/A**<sup>73</sup> Within 30 days of the entry into force of NFM Decree No 58/2017 (XII. 29.) of the Minister for National Development Amending GKM Decree No 36/2007 (III. 26.) on User Charges Payable for the Use of Motorways, Expressways and Main Roads ('Amending Decree')<sup>74</sup>, the operators of vehicles exempt from toll payment under Section 2(1)(a) to (e) may request registration of the vehicles authorised under Section 2(1) in the register under Section 2(3), for a period between 1 February 2017 and the day of registration ('Exemption Period'), during which period the ground for exemption under Section 2(1) existed. Where it is demonstrated that such registration has been made and the service fee under Section 8(9) is paid within 15 days of registration by the record-keeping authority, the fines charged during the Exemption Period shall be remitted.

**SECTION 9/B**<sup>75</sup> Sections 7/A(10) and (12) and 8(5), (5a) and (9) set out by the Amending Decree shall also apply in cases where the first notice to pay

the fine was served subsequent to the entry into force of the Amending Decree.<sup>76</sup>

### *Compliance with the Law of the European Union<sup>77</sup>*

**SECTION 10<sup>78</sup>** This Decree serves compliance with the following European Union acts:

(a) Directive 1999/62/EC of the European Parliament and of the Council of 17 June 1999 on the charging of heavy goods vehicles for the use of certain infrastructures; Article 7 (5) and (7), Article 10;

(b) Directive 2006/38/EC of the European Parliament and of the Council of 17 May 2006 amending Directive 1999/62/EC on the charging of heavy goods vehicles for the use of certain infrastructures; Article 1 section 2 a) (1), Article 1 section 2 a) (2) a), Article 1 section 6, section 9 a) determined by Article 1 section 8, Article 1 section 10–12, Article 1 section 14, Article 2(1) and Annexes I and III.

*Annex 1 to GKM Decree No 36/2007 (III. 26.) of the Minister of Economy and Trade<sup>79</sup>*

### **The amounts of fines and fine differences payable for unauthorised road use**

#### 1. Amounts of fines

|    | A                | B                                   | C                                  |
|----|------------------|-------------------------------------|------------------------------------|
| 1. | Vehicle category | if paid within 60 days (basic fine) | if paid beyond 60 days (surcharge) |
| 2. | D1, D2           | HUF 14,875                          | HUF 59,500                         |
| 3. | B2               | HUF 66,925                          | HUF 267,700                        |

#### 2. Amounts of fine differences

|    | A                          | B   | C  | D  |
|----|----------------------------|---|--|--|
| 1. | Vehicle category purchased | Official vehicle category of the vehicle or combination of vehicles | Amount of the fine difference (if paid within 60 days) | Amount of the fine difference (if paid beyond 60 days) |
| 2. | D1                         | D2  | HUF 7,500  | HUF 30,000   |
| 3. | D2                         | D2 + U  | HUF 7,500  | HUF 30,000   |
| 4. | B2                         | B2 + U  | HUF 7,500  | HUF 30,000   |
| 5. | D1, D2, U                  | B2  | HUF 52,050   | HUF 208,200  |

*Annex 2 to GKM Decree No 36/2007 (III. 26.) of the Minister of Economy and Trade<sup>80</sup>*

*Annexes 3-7 to GKM Decree No 36/2007 (III. 26.) of the Minister of Economy and Trade<sup>81</sup>*