

Decree No 36/2007 (III. 26.) by the Minister
of Economy and Transport on the tolls payable
for the use of motorways, highways and main
roads

Acting within the scope of responsibilities laid down in Section 1 *e*) of Government Decree No 163/2006 (VII. 28.) Korm. on the powers and responsibilities of the Minister of Economy and Transport, under the authorisation conferred in Section 48 (3) *g*) of Act I of 1988 on Road Traffic (hereinafter referred to as “Road Traffic Act”) I hereby decree – in agreement with the Minister of Finance – the following:

Toll Payment Obligation

Section 1 (1) Under the rules of law on the roads subject to toll any use of

a) express roads, and

b) national highways (hereinafter jointly referred to as “road sections subject to toll”)

by vehicles falling into the toll categories specified by this Decree is subject to a road usage charge (hereinafter referred to as “toll”) and, if the toll payment is missed, to a surcharge.

Section 2 (1) The following shall be exempt from toll charges:

b) motor vehicles of foreign armed forces in service in Hungary under international treaties;

c) motor vehicles of the road operator managing the toll section concerned and performing operational tasks,

d) motor vehicles with registration plates issued in Hungary that are entitled to use distinctive warning signals, regardless of whether such distinctive warning signals are in actual use while driving on a road section subject to toll, and

e) motor vehicles involved in damage control, travelling in convoy and led by a vehicle with distinctive warning signs.

(2) Those entitled under Subsection (1) may only use free of charge the road sections subject to toll when driving motor vehicles whose registration numbers have been notified in writing or by electronic means to the organisation defined in Subsection (3), certifying at the same time the title of exemption. Those entitled under Subsection (1) shall immediately report any change affecting their vehicles exempt from toll charges to the organisation specified in Subsection (3).

(3) The road traffic agency shall keep central records of the motor vehicles of those entitled to use free of charge the road sections subject to toll.

(3a) If any of those entitled under Subsection (1) fails to duly meet the notification obligation stipulated in Subsection (2) and, therefore, receives a surcharge payment notice, exemption from surcharge payment shall be granted on certifying the title of exemption and paying the service charge in 15 days of receiving the first surcharge payment notice. Missing this deadline entails forfeiture of the exemption from surcharge payment. The service charge payable by registration number is laid down in Section 8 (9).

(3b) The term of exemption from toll charges is identical with the period specified in the notification but it shall not extend beyond 31 January of the year following the year of notification. The title of exemption from toll charges shall be notified to the organisation specified in Subsection (3) by those entitled immediately after becoming entitled, and then it shall be repeatedly notified, together with any change in the relevant data, by 31 January each year.

(4) No toll shall be paid during the period of road closure or traffic restriction (diversion) on road sections, otherwise subject to toll, designated to serve as diverted traffic routes by the agencies specified in Section 14 (1) *a*) and *b*) of the Road Traffic Act. The road operator shall inform the traffic participants by radio, television and the press about the road sections, otherwise subject to toll, designated to serve as diverted traffic routes as well as about the term of exemption from toll charges, while the traffic authorities shall be notified in writing prior to the diversion or as soon as allowed by the situation.

(5) No toll shall be paid during the renovation of highway sections where the renovation covers at least 30% of the road length subject to toll payment. In such a case, the road operator shall be responsible for duly informing the traffic participants as well as for notifying the traffic authority in a due manner, possibly in writing and in advance.

Method of Toll Payment

Section 3 (1) The toll shall be paid in advance for any of the validity periods listed under points *a*) to *e*). The fact of paying the toll creates the road usage rights (hereinafter referred to as “the rights”). All data related to the rights and attached to a vehicle (registration number, maximum permissible gross weight of a motor vehicle and its trailer) shall be established on the basis of the official entry that appears in the traffic licence of the vehicle. The rights shall apply to all road sections subject to toll within the given time period. The specific rights can be purchased for the following validity periods:

a) one-day rights: for the calendar day specified by the customer for vehicles falling into toll categories D2, D3 and D4 pursuant to Section 6 (1) *b*) to *d*) hereof,

c) one-week rights: for the starting date designated by the customer and 9 consecutive days (for a total of 10 consecutive calendar days);

d) one-month rights: from the starting date designated by the customer to midnight on the same day of the next calendar month; if there is no such day in the month of expiry, then to midnight on the last day of that month;

d) annual rights: from the first day of the calendar year to midnight on 31 January of the following year.

(2) Road usage rights shall not be valid retroactively for a time period before their purchase.

(3) The rights can be purchased at the customer service offices and designated points of sale of State Motorway Management Company Ltd. (hereinafter referred to as “SMMC”) as well as from the authorised dealers.

(4) The pictogram indicating the toll sections of motorways and the points of sale of toll stickers is included in Annex 2.

Section 4 (1) Retailers entering into an agreement with SMMC shall be entitled to sell the rights. The rights may not be sold without such an agreement.

(2) Upon selling the rights, the retailer shall be required to record the data related to the rights (registration number, country code, toll category, validity period, start of validity, time of purchase, point of sale), using the technical solution provided by SMMC or developed by the retailer and approved by SMMC.

(3) SMMC shall provide an interface to technical solutions developed by the retailers themselves enabling uniform on-line data entry.

(4) The customer shall be required to check and finally approve the data provided by the customer.

(5) Upon purchase, the seller shall hand over a control slip to the customer testifying the purchase of the rights. The control slip shall contain the data recorded in SMMC’s database in accordance with Subsection (2).

(6) The Transport Development Coordination Centre continuously checks the system for the collection of tolls under this Decree in order to ensure its transparent and non-discriminative operation.

Validating the Rights

Section 5 (1) Recording of the rights shall only take place electronically. (4) The rights shall only be valid if the customer has received a notification confirming the purchase and validity period or has signed the seller's copy of the control slip and received the customer's copy thereof during the purchase. The signature or, in the case of electronic sales channels, the electronic confirmation testifies that the control slip correctly contains all facts and data in accordance with the customer's will.

(2) The notification confirming the purchase and the validity period or the control slip contains the following data:

- a) registration number and country code,
- b) toll category and validity period,
- c) end of validity of the rights, given in minute, hour, day, month and year,
- d) individual identification number of the rights,
- e) name and address or registered office of the seller,
- f) place and time of sale as well as the start of validity of the rights, given in minute, hour, day, month and year.

(3) Notifications confirming purchase transactions by mobile phone (short text message) contain the data specified in Subsection (2) a) to d).

Motorway Toll Charges

Section 6 (1) The toll charges depend on the category of the motor vehicle. The toll categories are as follows:

- a) *Toll category D1*: motorcycles and motor vehicles with a maximum total permissible weight of 3.5 tons, including any trailers
- b) *Toll category D2*: motor vehicles and long vehicles (motor vehicles with attached trailers) with a maximum total permissible weight over 3.5 tons but not exceeding 7.5 tons
- c) *Toll category D3*: motor vehicles and long vehicles (motor vehicles with attached trailers) with a maximum total permissible weight over 7.5 tons but not exceeding 12.0 tons
- d) *Toll category D4*: motor vehicles and long vehicles (motor vehicles with attached trailers) with a maximum total permissible weight over 12.0 tons

(2) No toll shall be paid for agricultural power machines and their trailers using main roads subject to toll under the rules of law related to toll roads.

Buses, with or without trailer, with a total weight of over 7.5 tons shall fall into the category below the one they would belong to based on their total weight.

(4) The maximum total permissible weight of a motor vehicle and its trailer shall be established on the basis of the official entry that appears in the traffic licence of the vehicle.

(5) The prices charged for the rights, including VAT, shall be as follows:

Gross prices in HUF

Toll category	One-day	One-week	One-month	Annual
D1		2 975	4 780	42 980
D2	3 375	8 255	13 970	123 975
D3	3 375	12 600	20 370	184 985

D4	3 375	15 875	25 785	234 950
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(6) The price of the road usage rights charged for motorcycles shall be HUF 1 470, including VAT.

Control

Section 7 (1) The organisation authorised under Section 33/B (8) of the Road Traffic Act to control toll payment (hereinafter referred to as the “organisation authorised to control toll payment” shall check the purchase of the appropriate rights on the basis of the registration number and the toll category.

(2) In the event of a check performed by stopping the vehicle, the driver shall stop at the control point and provide the traffic licence of the vehicle and its trailer to the inspector of the organisation authorised to control toll payment for the purpose of checking the toll category.

(2a) If as a result of the check surcharge payment is ordered, the obligor's data shall be verified by the organisation authorised to control toll payment by checking the personal and motor vehicle identification documents or the data entered into the central motor vehicle records.

(2b) The surcharge shall be paid by the operator or, in absence of an operator, by the owner of the motor vehicle shown in the motor vehicle records of the road traffic agency as of the day of the unlawful road usage.

(2c) The surcharge shall be collected by SMMC. In the event of a check performed by stopping the vehicle, the surcharge may also be collected by further organisations authorised to control toll payment.

(3) Road sections subject to toll under the Ministerial Decree on toll motorways, highways and main roads can be checked at any point except for the lengths qualified as inhabited areas under the Ministerial Decree on road traffic regulations.

Section 7/A (1) Where the checking shows that the vehicle has no valid rights, a surcharge shall be paid, in accordance with the category of the vehicle, due to unlawful road usage.

(2) Where the checking shows that the motor vehicle has valid rights related, however, to a toll category lower than applicable, then the difference between the surcharges relevant to the lower toll category and the toll category applicable to the motor vehicle shall be paid except in the case of one-day rights of the same price. If the rights specified in Section 6(2) hereof have been purchased for the motor vehicle concerned but it appears from the traffic licence of the vehicle that it is not a motorcycle, then the full surcharge applicable to the relevant vehicle category shall be paid.

(3) The surcharges shall be as follows:

Time of payment	Toll category D1	Toll category D2	Toll category D3	Toll category D4
within 30 days	HUF 14875	HUF 41275	HUF 63000	HUF 79375
over 30 days	HUF 59500	HUF 165100	HUF 252000	HUF 317500

(4) In the event of unlawful road usage within the meaning of Subsections (1) and (2) established at a check performed by stopping the vehicle, the driver of the vehicle shall pay the appropriate surcharge or difference in surcharges on the spot.

(5) In the event of unlawful road usage without an on-the-spot surcharge payment, the claim for the surcharge or for the difference in surcharges becomes overdue on the 30th day following the receipt of the payment notice defined by separate law.

(6) If postal delivery fails because the addressee or his/her proxy expressly declines to receive the payment notice, the document shall be regarded as delivered on the day of the

attempted delivery. If the payment notice is returned undelivered as “not collected” by addressee at the post office, the document shall be regarded as delivered, unless the contrary is proven, on the 5th workday from the second attempted delivery

(7) The obligor shall be exempted from surcharge payment if the control slip or the confirming notification is presented at SMMC’s customer service office within 15 days from receiving the payment notice.

8) In the event of more than one case of unlawful road usage within a single day, only one surcharge payment obligation shall apply.

(9) In the case of unlawful road usage, the road user or the motor vehicle operator or owner may, in 15 calendar days from receiving the surcharge payment notice, request in writing or in person the customer service office of SMMC or its co-operating partner to maximise the number of surcharge payment obligations to two impositions if more than two surcharge payment obligations were imposed during the period between the unlawful road usage indicated in and the receipt of the surcharge payment notice. The relevant request may be filed within a term of 15 days from receiving the first notice. Missing this deadline entails forfeiture of the above right. The owner or the operator of the motor car may only file one request for the same registration number in one calendar year. The maximised sum of the surcharge shall be paid in 15 days from accepting the request, and if this deadline is missed, the surcharge shall be set as defined in Section 7/A (3), without any respect to the relevant request.

Amendment of the Rights and Replacement of the Control Slip or the Confirming Notification

Section 8 (1) If the title to the motor vehicle is transferred by its owner or the legal relationship authorising the use thereof is terminated during the year, then the validation of the rights may – against payment of the service charge specified in Subsection (9) hereof – be requested for the newly purchased vehicle or the one put to use on the basis of any other legal relationship within 30 days from creating the new title or legal relationship. The person requesting registration of the transfer of motor car ownership shall present to the customer service office of SMMC or its co-operating partner the traffic licence of the newly purchased motor vehicle, the document completed by the Office for Government Issued Documents to certify meeting of the obligation to report the selling of the vehicle, or the document testifying any other legal relationship authorising the use of the motor vehicle, furthermore, the control slip or the confirming notification testifying the purchase of the rights. The person requesting registration of the transfer of motor car ownership shall, moreover, return the control slip belonging to the vehicle formerly used.

(2) In the event of a change in registration number the rights shall be transferred, upon request, by SMMC to the new registration number. In this case, the procedure shall be the same as that described in Subsection (1), with the exception that the applicant shall certify the fact that the replacement of the registration number has taken place.

(3) If the motor vehicle has been stolen or wrecked (written off), the customer service office of SMMC or its co-operating partner shall – against payment of the service charge specified in Subsection (9) hereof – issue a new control slip testifying the purchase of the rights, identical in toll category and validity period with the previous one, on presentation of the relevant certificate issued by the police or the insurance company. If available, the control slip testifying the purchase of the original rights or the confirming notification shall also be presented.

(4) In the event of establishing an incorrect toll category, it may – against payment of the service charge specified in Subsection (9) hereof – be amended by the customer service office

of SMMC or its co-operating partner within 1 month of purchase (or, for rights with a shorter validity period, within that term) to the correct toll category as stipulated by this Decree. Any difference in toll shall be payable or reimbursable. The traffic licence of the vehicle shall be presented during this procedure in order to allow for the correct establishment of the toll category. The registration number recorded for the newly issued rights related to the appropriate toll category shall be identical with the original registration number, as testified by the traffic licence of the vehicle. Correcting the toll category after imposing the surcharge shall not exempt the obligor from payment of the surcharge imposed previously.

(5) If the registration number is given incorrectly, the correct registration number can be recorded by modifying the incorrect registration number, up to a difference of 3 characters, at the customer service office of SMMC or its co-operating partner within 30 calendar days of purchase. During this procedure the traffic licence of the vehicle shall be presented together with the control slip and the notification confirming the purchase of the rights. The fee payable for modifying the registration number shall be identical per character with the service charge specified in Subsection (9). In this case the rights shall apply to the modified registration number for the entire validity period.

(6) If the control slip testifying the purchase of the rights or the confirming notification becomes destroyed, lost or damaged, the customer service office of SMMC or its co-operating partner can be requested – against payment of the service charge specified in Subsection (9) – to certify the existence of the rights on presentation of the traffic licence of the motor vehicle. Such a certificate may only be issued for the registration number and the validity period indicated in the traffic licence of the vehicle.

(7) If several rights have been purchased for the same vehicle, for partly or entirely the same period, the customer may – against payment of the service charge specified in Subsection (9) – request a buy-back or transfer of the unnecessary rights, or their validation for a validity period starting later for the same registration number in the case of rights with a validity period shorter than one year. If the starting dates or the validity periods of several rights are not identical, the rights may only be bought back if the validity period has not yet started or, if it has already started, the other rights were valid throughout the whole period elapsed.

(8) If there is a right of pre-emption, it is possible – against payment of the service charge specified in Subsection (9) – to buy back the rights before the validity period is started, on presenting the traffic licence and returning the control slip or presenting the short text message confirming the purchase. If the validity period has already started, the rights may only be bought back if rights with shorter validity covering the period between the start of validity and the time of buy-back are purchased for the motor vehicle concerned.

(9) The charge payable for the services specified in Section 2 (3a) and Section 8 (1) and (3) to (8) shall be HUF 1470.-, including VAT.

Closing Provision

Article 9 This Decree shall be effective as of 1 April 2007.

Compliance with EU Law

Article 10 This Decree serves the purposes of compliance with the following legal acts of the European Union:

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), and 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 (2) a) (1), Article 1 (2) a) (2) a), Article 1 (6), Article 1 (9) a) as established by Article 1 (8), Article 1 (10) to (12), Article 1 (14), Article 2 (1), and Annexes I and III.

Annex 1 to Decree No 36/2007 (III. 26.) GKM by the Minister of Economy and Transport

Annex 2 to Decree No 36/2007 (III. 26.) GKM by the Minister of Economy and Transport

Marking the road sections subject to toll and the points of sale of e-vignettes



Annexes 3 to 7 to Decree No 36/2007 (III. 26.) GKM by the Minister of Economy and Transport