

ROAD GOODS CARRIERS' HANDBOOK

Administrative and/or penal sanctions against foreign carriers in case of missing or non complying documents accompanying an international road transport operation

HUNGARY

Information provided by: Association of Hungarian Road Carriers (MKFE),
Hungary – (situation in September 2013)

The most important legal acts are:

Law I/1988 about road transport,

Government order 261/2011 (XII.7.) about the activity of the transportation by road of goods against remuneration or on own account as well as the transportation of passengers against remuneration or on own account and the modification of related regulations,

Government order 156/2009 (VII.29.) on the amount of the penalties that may be levied in case of infringement of certain rules related to the road goods transport, passenger transport and road traffic, as well as on the tasks of the authorities concerning the application of such penalties,

Law No. XLIV of 2011 on the publication of modifications of the AETR Agreement,

Law-Decree No. 3 of 1971 announcing the Convention on the Contract for the International Carriage of Goods by Road (CMR) dated Geneva, 19 May 1956,

Law No. LIV of 2005 on the publication of protocols modifying the CMR Convention,

Decree 56/2005 (VII.7.) GKM of the Ministry of Economy and Transports on the rules of use of the transport licenses created by the European Conference of Ministers of Transport,

Law II/2012 about infringements of law,

Government Decree 63/2012 (IV.2.) on the compulsory scale of financial penalty for law infringement, the application of penalties on spot as well as the modification of certain government decrees related to Law No. II of 2012 regarding law infringement, related procedures and information system,

Ministerial Decree 1/1975 (II.5.) KPM-BM on traffic rules (as modified),

Government order 1/2002 about the control procedure of transport of dangerous goods by road,

Law No. CX of 2013 on the publication of Annexes A and B to the European Agreement on the International Transportation of Dangerous Goods by Road as well as certain issues of their domestic application,

Government Decree 180/2007 (VII.3.) on border-crossing transport of waste,

Government Decree 271/2001 (XII.21.) on penalties related to waste management,

Law No. CXL of 2004 on general rules of procedures conducted and services rendered by administrative authorities.

1. ENFORCING AUTHORITIES

In Hungary, foreign road vehicles may be checked by: Customs and treasury inspectors, frontier guards, police, road traffic inspectors, local court of justice, environmental protection inspectors, employment authority, and catastrophe protection agency.

2. SANCTIONS IN CASE OF MISSING OR NON-COMPLYING DOCUMENTS

2.1 Foreign and domestic carrier's documents

2.1.1 Licence

- person(s) sanctioned: carrier, driver
- sanctions: Fine of HUF 600,000 against carrier, HUF 300,000 against driver if there is no licence at all
Fine of HUF 300,000 against carrier, HUF 30,000 against driver if the authenticated copy is not on board
- compromise settlement: no
- other measures: vehicle immobilisation/entry prohibited

2.1.2 ECMT Authorisation, Bilateral or Transit Transport Authorisation

- person(s) sanctioned: carrier, driver
- sanctions: Fine of HUF 300,000 against carrier, HUF 150,000 against driver
- compromise settlement: no
- other measures: vehicle immobilisation/entry prohibited

2.1.3 ADR permit, other documents, not authorized vehicle, missing equipments, etc.

- person(s) sanctioned: driver/carrier, consignor, filler, loader, packer
- sanctions: Fine of HUF 10,000-800,000 depending on the gravity of infringement as fixed in detail in tables appearing in Government Decree 156/2009 (VII.29.)
- compromise settlement: no
- other measures: vehicle immobilisation/entry prohibited

2.2 Driver's Documents (foreign vehicle)

2.2.1 Proof of ID

- person(s) sanctioned: driver
- sanctions: in case of missing proof of ID, missing visa: fine of HUF 5,000-150,000
- compromise settlement: no
- other measures: expulsion, vehicle immobilisation/entry prohibited

2.2.2 Driving permit

- person(s) sanctioned: driver
- sanctions: Fine of HUF 90,000
- compromise settlement: HUF 45,000 if paid on spot
- other measures: vehicle immobilisation/entry prohibited

2.2.3 Document about the professional training of driver

- person sanctioned: driver/carrier
- sanctions: Fine of HUF 100,000
- compromise settlement: no
- other measures: vehicle immobilisation/entry prohibited

2.2.4 AETR record sheet, tachograph discs, **digital tachograph**

- person(s) sanctioned: driver/carrier
- sanctions: Fine of HUF 400,000 if there is no record sheet, or tachograph, HUF 800,000 in case of fraud, further penalties for various irregularities of HUF 30,000-400,000 as fixed in detail in tables appearing in Government Decree 156/2009 (VII.29.) (the fine is of HUF 30,000-300,000 in case of infringement of driving time rules)
- compromise settlement: no
- other measures: vehicle immobilisation

2.2.5 ADR training certificate

- person(s) sanctioned: carrier, shipper
- sanctions: Fine of HUF 600,000
- other measures: vehicle immobilisation

2.2.6 Document from employer certifying driver's employment

- person(s) sanctioned: carrier/driver
- sanctions: Fine of HUF 100,000 only in case of rented vehicles if not driven by the hirer
- compromise settlement: no
- other measures: no

2.3 **Foreign vehicle's documents**

2.3.1 Registration certificate (grey card)

- person(s) sanctioned: driver, carrier
- sanctions: Fine of HUF 5,000-150,000
- compromise settlement: no
- other measures: vehicle immobilisation/entry prohibited

2.3.2 Regular technical inspection

- person(s) sanctioned: driver
- sanctions: Fine of HUF 40,000-60,000 depending on when the validity of the technical certificate expired
- compromise settlement: HUF 20,000-30,000 if paid on spot
- other measures: entry prohibited

2.3.3 ECMT technical certificate

- person(s) sanctioned: carrier/driver
- sanctions: Fine of HUF 150,000
- compromise settlement: no
- other measures: entry prohibited

2.3.4 Compulsory nationality plate

- person(s) sanctioned: carrier
- sanctions: Fine of HUF 5,000-150,000
- compromise settlement: no
- other measures: entry prohibited

2.3.5 ADR certificate of approval

- person(s) sanctioned: carrier, shipper, loader
- sanctions: Fine of HUF 800,000
- compromise settlement: no
- other measures: vehicle immobilisation

2.3.6 ATP certificate of compliance

- person(s) sanctioned: carrier, driver
- sanctions: Fine of HUF 100,000
- compromise settlement: no information
- other measures: no information

2.3.7 Hired vehicles

- person(s) sanctioned: carrier, driver
- sanctions: Fine of HUF 100,000-300,000
- compromise settlement: no
- other measures: no

2.4 Transport documents on board foreign vehicles

2.4.1 Consignment note / CMR international consignment note missing

- person(s) sanctioned: driver, carrier
- sanctions: Fine of HUF 50,000
- compromise settlement: no
- other measures: no

2.4.2 Loading list (groupage)

- person(s) sanctioned: driver, carrier
- sanctions: Fine of HUF 5,000-150,000
- compromise settlement: no
- other measures: no

2.4.3 ADR transport document, consignor's declaration, ADR security instructions

- person(s) sanctioned: driver, carrier
- sanctions: Fine of HUF 50,000-600,000 as fixed in detail in tables appearing in Government Decree 156/2009 (VII.29.)
- compromise settlement: no
- other measures: vehicle immobilisation/entry prohibited

2.4.4 Container packing certificate – only in case of dangerous goods

- person(s) sanctioned: carrier, loader
- sanctions: Fine of HUF 600,000
- compromise settlement: no
- other measures: vehicle immobilisation/ entry prohibited

2.4.5 Transfrontier movement of waste document (Basel Convention)

- person(s) sanctioned: driver/carrier
- sanctions: HUF 200,000 or if dangerous waste HUF 1,000,000
- compromise settlement: no
- other measures: immobilisation of vehicle, denying entry, unloading, other measures

2.5 **Excess load of foreign vehicle**

- person(s) sanctioned: driver, shipper, carrier, loader
- sanctions: Fine of HUF 30,000-500,000
- compromise settlement: no
- other measures: vehicle immobilisation

2.6 **Third-party insurance**

- person(s) sanctioned: carrier
- sanctions: Fine of HUF 5,000-150,000
- compromise settlement: no
- other measures: vehicle immobilisation/entry prohibited

2.7 **Obligation to produce required documents**

Question cannot be interpreted since all above questions are about the same topic.

In some cases when sanctions are imposed due to lack of documents, and these documents being valid on the day of the control are presented in 8 days after the control, the penalty equals to HUF 30,000.

2.8 **Obligation to submit to a decision to immobilise the vehicle**

No special provision applicable.

3. **APPEALS AGAINST SANCTIONS**

3.1 **Appeals against sanctions pronounced by enforcing agents (police, customs, other)**

3.2 **Appeals against sanctions pronounced by an authority reviewing fines (minor offences)**

3.3 **Appeals against sanctions pronounced by a court reviewing misdemeanours (serious offences subject to penal sanctions)**

General reply for questions under item 3:

Claim against decision on infringement of law: it should be lodged with the authority taking the decision within 8 days. If the authority does not accept the claim, it is obliged to present the case to the competent court also within 8 days.

Appeal against decision by the administrative authorities (customs, police, employment authority, etc.): it should be lodged in 15 days with the supervisory organ of the authority concerned. If the claim is rejected by the superior authority, the decision of this organ can be sued at court in 30 days.

4. SANCTIONS IN CASE OF INCORRECT LOADING OR STOWAGE

- person(s) sanctioned: no information
- sanctions: no information
- compromise settlement: no information
- other measures: no information

Incorrect loading in case of ADR transport: Fine of HUF 800,000

Incorrect loading of transport of goods in bulk (missing documents): Fine of HUF 100,000.

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