

SURVEY ON ADMINISTRATIVE/FINANCIAL/PENAL SANCTIONS IN CASE OF NON-COMPLIANCE WITH DRIVER RECORDS, TACHOGRAPH AND REST PERIOD REGULATIONS FOR INTERNATIONAL ROAD TRANSPORT OPERATIONS

HUNGARY

ADMINISTRATIVE/FINANCIAL/PENAL SANCTIONS IN CASE OF NON-COMPLIANCE WITH DRIVER RECORDS, TACHOGRAPH AND REST PERIOD REGULATIONS FOR INTERNATIONAL ROAD TRANSPORT OPERATIONS														
DEFINITION OF OFFENCES	PERSONS SANCTIONED		SANCTIONS							COMPROMISE SETTLEMENT Amount of reduced fine if paid on the spot	TIME LIMIT FOR APPEAL			
			Administrative sanctions				Financial sanctions	Penal sanctions						
			Driver	Company	Verbal warning	Points recorded against driver's licence	Licence withdrawal	Vehicle immobilisation	Disqualification for transport manager				Max fine	Max prison sentence
Hungary, MKFE, Budapest														
Dr Judit SOMLO, Lawyer csomo@mkfe.hu														
Driving hours and rest period offences														
EU legislation														
Contravention against EU rules regarding driving and rest periods - very serious offence	The national legislation uses the same definitions as in the Annex III. of the EU Directive 2006/22, but splits the sanctions to two levels depending on the seriousness of the infringement	yes	yes	no	no	no	no	yes	no	HUF 300.000 by event but max. HUF 1.000.000 in one procedure; if more than one infringement, against the driver in one procedure max. HUF 400.000	no	no	1988. I. Act on Road Traffic (Act 2009/VII.29) Gov. Decree. 2004. CXI Act about the rules of the administrative procedure and services. The appeal period is 30 days.	Court procedure can start, the deadline to send the file to the competent court is 30 days. The legal act is Act 1952. III. about the civil court procedure
Contravention against EU rules regarding driving and rest periods - serious offence	The national legislation uses the same definitions as in the Annex III. of the EU Directive 2006/22, but splits the sanctions to two levels depending on the seriousness of the infringement	yes	yes	no	no	no	yes	no	HUF 130.000 by event but max. HUF 1.000.000 in one procedure; if more than one infringement, against the driver in one procedure max. HUF 400.000	no	no	Act on Road Traffic (Law 1988. I.) 196/2009(VII.29) Gov. Decree. 2004. CXI Act about the rules of the administrative procedure and services. The appeal period is 30 days.	Court procedure start, the deadline to send the file to the competent court is 30 days. The legal act is Act 1952. III. about the civil court procedure	
Contravention against EU rules regarding driving and rest periods - minor offence	The national legislation uses the same definitions as in the Annex III. of the EU Directive 2006/22, but splits the sanctions to two levels depending on the seriousness of the infringement	yes	yes	no	no	no	yes	no	HUF 30.000 by event but max. HUF 1.000.000 in one procedure; if more than one infringement, against the driver in one procedure max. HUF 400.000	no	no	Act on Road Traffic (Law 1988. I.) 196/2009(VII.29) Gov. Decree. 2004. CXI Act about the rules of the administrative procedure and services. The appeal period is 30 days.	Court procedure start, the deadline to send the file to the competent court is 30 days. The legal act is Act 1952. III. about the civil court procedure	
National legislation														
Contravention of national rules regarding driving and rest periods - serious offence														
Contravention of national rules regarding driving and rest periods - minor offence														
Driver recording offences (tachograph)														
EU legislation														
Failure to use EU required recording equipment (tachograph) - very serious offence	The national legislation uses the same categories as in the Annex III. of 2006/22/EU directive (6.2, 6.3, 7.3, 8.10, 12, 14, 15, 18, 19, 20, 32, H1, 2, 2, 3, 4, 5, 6, 7, 11, 2, 3, 4, 1, 2, 4)	yes	yes	no	no	no	no	yes	no	HUF 800.000, if only one infringement, in case of more than one HUF 600.000/case, but in one procedure max. HUF 2.200.000. Against the driver for one infringement max HUF 250.000, for more cases in one procedure max. HUF 800.000.	no	no	same as before	same as before
Failure to use EU required recording equipment (tachograph) - serious offence	The national legislation uses the same categories as in the Annex III. of 2006/22/EU directive (6.3, 13.2, H3, 6, 4, 2, 13)	yes	yes	no	no	no	yes	no	no	HUF 100.000 per infringement but in one procedure max. HUF 2.200.000. Against the driver for more cases in one procedure max. HUF 800.000.	no	no	same as before	same as before
Failure to use EU required recording equipment (tachograph) - minor offence	The national legislation uses the same categories as in the Annex III. of 2006/22/EU directive (6.5, 14, 16, 17, H4, 5, 7, 8, 9)	yes	yes	no	no	no	yes	no	no	HUF 30.000 per infringement but in one procedure max. HUF 2.200.000. Against the driver for more cases in one procedure max. HUF 800.000.	no	no	same as before	same as before
National legislation														
Failure to use recording equipment and/or to record activities as required by national rules (record books) - very serious offence														
Failure to use recording equipment and/or to record activities as required by national rules (record books) - serious offence														
Failure to use recording equipment and/or to record activities as required by national rules (record books) - minor offence														
EU legislation														
Failing to comply with requirements relating to preserving EU records for inspection														
National legislation														
Failing to comply with requirements relating to preserving national records for inspection														
Other infringements														
Obstructing an inspecting officer at checkpoint	1 category of the Annex III of the 2006/22/EU Directive - same in the national legislation	yes	yes	no	no	no	no	yes	no	HUF 400.000	no	no	same as before	same as before
Failure to stop at checkpoint	No special rule, my opinion is that this is the same as category 1.	yes	no	no	no	no	no	no	no	HUF 400.000	no	no	same as before	same as before
Failure to follow officer instructions	No special rule, my opinion is that this is the same as category 1.	yes	no	no	no	no	no	no	no	HUF 400.000	no	no	same as before	same as before
Any other														
Comments regarding this questionnaire, please add here														
The Hungarian legislation does not use the words very serious, serious, or minor infringement, but the level of the sanctions differs for the first category between HUF 200.000-800.000, for the second category between HUF 80.000-120.000 and for the third one between HUF 30.000-50.000.														