

Country: Hungary – conditions applicable to posting and remuneration		
Item (related provision in Directive 96/71/EC as amended by Directive (EU) 2018/957)	Content of the information to be provided	Hungary
APPLICABLE PROVISIONS	<ul style="list-style-type: none"> - national law, regulation or administrative provision <p>AND/OR</p> <ul style="list-style-type: none"> - collective agreements or arbitration awards declared universally applicable <p>AND/OR</p> <ul style="list-style-type: none"> - collective agreements that otherwise apply in accordance with Article 3(1) and (8) of Directive 96/71/EC as amended by Directive (EU) 2018/957 	<p>Act I of 2012 on the Labour Code</p> <p>Act CXXXV of 2020 on services and aids intended to promote employment and the supervision of employment</p> <p>Government Decree No. 115/2021. (III. 10.) on the activities of the employment supervision authority</p> <p>Government Decree 703/2021. (XII. 15.) on the Mandatory Minimum Wage and on the Guaranteed Wage Minimum</p> <p>There is no extended collective agreement in the road transport sector.</p>

<p>SCOPE OF APPLICATION</p>	<ul style="list-style-type: none"> - types of transport activities covered - types of vehicles covered - enterprise size/type of employment covered (if relevant) - reference to posted drivers and definition of posting (if applicable) <p><i>Please also include procedure to calculate the time spent/hours worked by the posted driver to be covered by the national remuneration:</i></p> <ul style="list-style-type: none"> • <i>clarification of the paid working time of the posted driver: driving time but also other activities/loading/unloading, availability?</i> • <i>clarification of the applicable posting regime/exemption during daily/weekly rest of the driver.</i> 	<p>Working time shall mean the duration from the commencement until the end of the period prescribed for working, covering also any preparatory and finishing activities related to working.</p>
<p>REMUNERATION (Art 3(1)(c))</p>	<ul style="list-style-type: none"> - Minimum gross wage (incl. calculation method: per hour/per operation) - Minimum gross wage per category (occupational group) -- <p><i>Please also include the amount of the national minimum remunerations applicable for each driver category:</i></p> <ul style="list-style-type: none"> • <i>LDV (2.4-3.5 tonnes)</i> • <i>HDV</i> • <i>transport of passengers</i> • <i>any other criteria applicable to posted drivers, such as age, experience, type of transported goods- general goods/ADR/abnormal transport etc.</i> 	<ul style="list-style-type: none"> - <i>Minimum gross wage: EUR 3,16 (per hour)</i> - <i>Guaranteed wage minimum: EUR 4,10 (per hour)</i> <p>Guaranteed wage minimum shall be paid to employees employed in positions requiring a secondary school diploma or advanced vocational training, or higher.</p> <p>The conversion was made at the official rate of exchange on 24 February 2022.</p> <p>More detailed information: http://www.ommf.gov.hu/letoltes.php?d_id=8214</p>

<p>FURTHER ELEMENTS OF REMUNERATION Art 3(1)(c) and 3(1) para 3))¹</p>	<ul style="list-style-type: none"> - Overtime - Standby pay - Saturday/Sunday/public holidays work - Shift work [if applicable] - Hazardous work/bonuses for particular working conditions - Daily allowances specific to posting (in so far as they do not constitute reimbursement of costs related to transport to and from work/board and lodging) - Annual holidays allowance - 13th/14th month bonuses, incl. end of the year bonuses - Other (additional wage components, e.g. seniority allowance, meal vouchers, compensation for daily travel time, etc.) 	<p><i>Overtime rate: 50 % of salary or time-off. (According to Subsection (2) of Section 143 of Act I of 2012 on the Labour Code)</i></p> <p>Overtime work shall mean work performed:</p> <ul style="list-style-type: none"> a) outside regular working hours; b) over and above the hours covered within the framework of working time banking; c) over and above the weekly working time covered by the payroll period, where applicable; and d) the duration of on-call duty. <p><i>Evening and night work: 15% wage supplement; provided that it exceeds one hour, for employees other than those entitled to shift premium.</i></p> <p><i>Shift premium: If the beginning of the scheduled daily working time of employees changes frequently, for work performed between eighteen hours (18:00) and six hours (6:00) a thirty per cent wage supplement (special payment for shift work) shall be paid.</i></p> <p>Night work shall mean work carried out between twenty-two hours (22:00) and six hours (6:00)</p> <p>For more details please consult the Labour Code: http://www.ommf.gov.hu/letoltes.php?d_id=8133</p>
<p>MINIMUM PAID ANNUAL LEAVE (Art 3(1)(b))</p>	<ul style="list-style-type: none"> - Amount of minimum paid annual leave 	<p>Normal vacation time: 20 days of annual leave (Section 115 of Act I of 2012 on the Labour Code)</p> <p>Extra vacation time according to Sections 116-120 of Act I of 2012 on the Labour Code: http://www.ommf.gov.hu/letoltes.php?d_id=8133</p>

¹ Mainly posting allowance, night hours, hours worked during holidays/Sundays:

- Clarification of other national elements of the minimum remuneration of the posted drivers (13th, 14th month salary, paid holidays): Should a haulier pay *to the driver performing international transport the 13th/14th month in EUR proportional to the working time in each MS*, if during 1 year, the respective driver worked in 20 EU countries? In order for an employee to benefit from the 13th, 14th month salary, paid holidays and other bonuses, he should have worked a minimum number of days, usually about a year. We consider that these elements of D96/71 should not be applicable to posted drivers.

<p>ALLOWANCES OR REIMBURSEMENT OF EXPENDITURE TO COVER TRAVEL, BOARD AND LODGING EXPENSES (Art 3(1)(i))¹</p>	<p>- Travel allowance (incl. board and lodging) - Meal allowance - Extra information (incl. any deductions, reimbursement of expenditure)</p>	<p>http://www.ommf.gov.hu/letoltes.php?d_id=8057 http://www.ommf.gov.hu/letoltes.php?d_id=8056 http://www.ommf.gov.hu/letoltes.php?d_id=8058</p>
<p>FINES for not observing national posting rules/minimum remuneration</p>		<p>The amount of the minimum wage (HUF 200,000 (EUR 549) in 2022) per employees concerned by the infringement.</p> <p>The conversion was made at the official rate of exchange on 24 February 2022.</p>
<p>LINK</p>	<p>-Link to the original text of the collective agreement and/or national law [available languages]</p>	<p>https://mvff.munka.hu/index.php?akt_menu=550 (HU) http://www.ommf.gov.hu/index.php?akt_menu=547 (EN, FR, DE, BG, CZ, ES, HR, IT, NL, PL, RO, SI, SK)</p>
<p>CONTACT POINTS</p>	<p>- Link to the contact points of trade unions/employer associations - Information on the contact points for liaison office/competent national bodies (such as Labour Inspectorate, Road Transport Authority)</p>	<p>Labour authority: Website: http://www.ommf.gov.hu/?akt_menu=547&set_lang=123 Email address: foglalkoztatas.felugyeleti-foo@itm.gov.hu</p>

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- ¹ Allowances or reimbursement of expenditure to cover travel, board and lodging expenses - these expenses are reimbursed/covered by the transport companies but should the companies also observe the national rates of the host MS?