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New modifications in the EKAER system from 1 August

Amendments are made to some of the provisions of Act No. XCII of 2003 on the Procedural rules of taxation (Art.) governing the Electronic Public Road Trade Control System (EKAER) as of 1 August 2016.

As an effort to combat EKAER fraud, the reporting obligation is now extended to toll-free vehicles reaching 3.5 tons weight following the loading, as opposed to the earlier reporting obligation only applying to toll-free vehicles carrying “high-risk goods”.

As a new rule, freights are obliged to ensure the integrity of the official lock device installed by the tax authority from its application until its removal, subject to a fine of HUF 200,000-500,000 for private individuals or HUF 500,000-1,000,000 for freight companies in case of the non-performance of such obligations. Further, the tax authority may seize the vehicle until the fine is paid - except for perishable cargo and vehicles carrying live animals - without issuing a separate resolution, with the exceptions defined by the law. Any damage to the official lock due to accident or other reasons must be promptly notified by the freight to the tax authority.

Missing cargo (cargo volume remaining below the reported volume) will also be penalized. A penalty of up to 40% can be levied on cargo reported but not transported.

A new definition is added to the law: “Foreign freight forwarder” shall mean (a) business entities or other organizations moving goods in Hungary without having a registered seat in Hungary and not pursuing any business activity in Hungary, (b) individual drivers not having a registered address or place of residence in Hungary, and (c) Hungarian individual drivers driving vehicles owned by a Foreign freight forwarder moving goods in Hungary.