

Government Decree 57/2022 (28 February)

on certain measures relating to the administrative price for fuel

The Government,

acting within its original legislative power laid down in Article 53 (2) of the Fundamental Law, having regard to section 51/A of Act CXXVIII of 2011 on disaster management and amending certain related Acts,

acting, with respect to section 8, within its original legislative power laid down in Article 53 (3) of the Fundamental Law, on the basis of an authorisation by the National Assembly pursuant to section 2 (1) of Act I of 2021 on the containment of the coronavirus pandemic,

acting within its function laid down in Article 15 (1) of the Fundamental Law, decrees as follows:

Section 1 (1) In addition to the products specified in the table under point I A) of the Annex to Act LXXXVII of 1990 on pricing, the following products shall be subject to administrative pricing:

a) grade ESZ-95 motor spirits as defined in standard MSZ-EN 228 if they do not meet the quality requirements for grade ESZ-98,

b) diesel fuels falling within CN code 2710 20 11 as defined in standard MSZ-EN 590,

of which the maximum gross wholesale sales price, including biocomponents and additives in accordance with the relevant standards, applicable by a supplier shall be 480 forints per litre.

(2) No further costs or fees shall be charged when selling a product under paragraph (1).

(3) The administrative price set out in paragraph (1) shall apply to sales to a retailer that applies the administrative price under section 41 of Act CXXX of 2021 on certain regulatory matters related to the state of danger (hereinafter “the Act”).

(4) It shall be forbidden for a supplier to refuse entering into a contract with a retailer that applies the administrative price under section 41 of the Act.

Section 2 (1) By way of derogation from section 110 (1) a) aa) of Act LXVIII of 2016 on excise tax (hereinafter the “Excise Tax Act”), the amount of tax payable after the products specified in section 1 (1) a) shall be HUF 95 000 per a thousand litres.

(2) By way of derogation from section 110 (1) c) ca) of the Excise Tax Act, the amount of tax payable after the products specified in section 1 (1) b) shall be HUF 85 350 per thousand litres.

Section 3 (1) For the months of March, April, May, June, July, August and September 2022, the fuels listed in section 1 (1) *a*) and *b*) shall be exempt from member's contribution payable to the Hungarian Hydrocarbon Stockpiling Association.

(2) A member of the Hungarian Hydrocarbon Stockpiling Association shall make a statement, in accordance with section 42 (1) of Act XXIII of 2013 on security stockpiling of imported crude oil and petroleum products, on the amount of fuel falling under section 1 (1) *a*) and *b*) within the period specified in paragraph (1).

(3) A member of the Hungarian Hydrocarbon Stockpiling Association may deduct the member's contribution for fuels listed in section 1 (1) *a*) and *b*) due for the period specified in paragraph (1) from the member's contribution that became due.

Section 4 (1) By way of derogation from section 16 of Act LXXXVII of 1990 on pricing and from section 38/B of Act CXCV of 2011 on the economic stability of Hungary, the National Tax and Customs Administration shall check compliance with the obligations set out in this Government Decree.

(2) If the National Tax and Customs Administration establishes in the course of carrying out a check under paragraph (1) that an obligation set out in this Government Decree was violated, it shall impose a fine ranging from 100 000 forints to 3 000 000 forints.

(3) The fine shall be paid within 15 days of the decision imposing the fine reaching administrative finality to the account number published on the official website of the National Tax and Customs Administration.

(4) No appeal shall lie against a decision imposing a fine.

Section 5 By way of derogation from section 46 (1) of the Act, the Minister responsible for trade shall designate the designated registered service provider under section 46 (2) of the Act within 24 hours after taking note, if a filling station operator announced an interruption of service under section 43 (3) or the sanction under section 44 (2) *b*) of the Act was applied against the operator.

Section 6 (1) With the exception specified in paragraph (2), the provisions of this Decree shall be applicable until 1 October 2022.

(2) Section 3 shall be applicable until 21 October 2022.

Section 7 (1) With the exception specified in paragraph (2), this Decree shall enter into force at 1 p.m. on the day of its promulgation.

(2) Section 8 shall enter into force on the 14th day following the promulgation of this Decree.

Section 8