

# Government Decree 6/2022 (14 January)

## providing for derogations from Act LXXXVII of 1990 on pricing for the period of state of danger

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 6, 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) To prevent the detrimental effects of market malfunctioning, for the period between 1 February 2022 and 1 October 2022, in addition to the products specified in the table under point I A) of the Annex to Act LXXXVII of 1990 on pricing (hereinafter the “Pricing Act”), administrative price shall be set for the products listed in Annex 1.

(2) For a product under Annex 1, the gross retail price to be applied in the course of commercial activity pursued in a store or a shopping centre and mail-order trade shall not be higher than the gross retail price applied by the trader selling everyday consumer products within the meaning of the Act on trade (hereinafter the “trader”) on 15 October 2021.

(3) Instead of the gross retail price applied on 15 October 2021,

*a)* the gross retail price that the trader applied last before 15 October 2021 shall be applied, where the gross retail price applied on 15 October 2021 is not available,

*b)* the average consumer price for the month of October 2021 as published on the homepage of the Hungarian Central Statistical Office, if available, shall be applied, where the gross retail price referred to in point *a)* is not to be identified.

(4) Where the price to be applied by the trader under paragraph (2) would be a price for clearance, reduction, sale, seasonal discount or promotion purposes (hereinafter jointly “promotional sale”), the gross retail price without discount applied last before the promotional sale shall be applied.

(5) The amount of the invoiced transfer price or cost price referred to in section 3 (2) *q)* of Act XCV of 2009 on the prohibition of unfair distribution practices against suppliers regarding agricultural and food products shall be equal to the amount of the invoiced transfer price or cost price applicable on 15 October 2021.

(6) No other costs or fees shall be charged for the purposes of pricing under paragraph (2).

**Section 2** (1) The traders shall be required to distribute the products listed in Annex 1 if they were distributed on 15 October 2021 and to offer every day a quantity of them at least equal to the 2021 average daily quantity applicable to the given day of the week.

(2) The traders shall be required to post in a clearly visible place in the store and, for mail-order trade, to publish on the opening page an information note in connection with section 1 (1) with a content and in a form specified by the Minister responsible for general policy coordination.

**Section 3** (1) The general consumer protection authority as designated under the Government Decree designating the consumer protection authority (hereinafter “authority”) shall proceed in administrative authority cases under section 16 of the Pricing Act to enforce the provisions laid down in this Decree, and with respect to section 1 (5), it shall seek the contribution of the National Food Chain Safety Office.

(2) If in its inspection the authority learns that the obligations under sections 1 and 2 are violated then, by way of derogation from section 38/B of Act CXCV of 2011 on the economic stability of Hungary and from section 16 of the Pricing Act,

*a)* it shall impose a fine ranging from 50 000 forints to 3 000 000 forints, or

*b)* for a repeated violation of the obligation, it may order the trader to temporarily suspend his activities for a period of minimum one day and maximum half a year.

(3) The legal consequence under paragraph (2) *a)* may be applied multiple times in a way that the amount of the repeatedly imposed fine shall be at least equal to two times the amount of the fine imposed for the previous violation and the provision specifying the highest amount of fine shall not apply.

(4) If a violation is repeated multiple times, the legal consequences under paragraph (2) *a)* and *b)* may be applied jointly.

(5) The fine shall be paid within 15 days of the decision imposing the fine reaching administrative finality.

**Section 4** Authorisation shall be given to the Minister responsible for general policy coordination to determine in a decree the scope of those required to provide the information under section 2 (2) and the form and the content of the information note.

**Section 5** (1) With the exception specified in paragraph (2), this Decree shall enter into force on 1 February 2022.

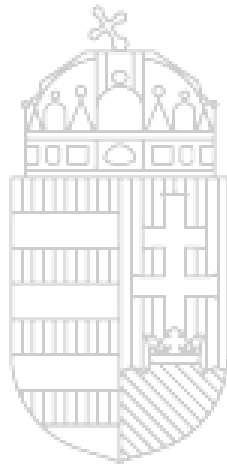
(2) Section 6 shall enter into force on 15 February 2022.

## **Section 6**

*Annex 1 to Government Decree 6/2022 (14 January)*

Products with administrative price

	Designation:
1.	white sugar
2.	wheat flour BL 55
3.	refined sunflower-seed oil
4.	hams of domestic swine (including with bone, with skin, fillets, cuts, sliced or minced, prepacked or not, fresh, chilled, frozen)
5.	chicken ( <i>Gallus domesticus</i> ) breast, chicken ( <i>Gallus domesticus</i> ) rumps-backs – back, rump and wing tip in whole or parts (including with bone, with skin, fillets, cuts, sliced or minced, prepacked or not, fresh, chilled, frozen)
6.	ultra high temperature treated milk, 2.8% fat



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