

# 2012 CLIX. law

## on postal services<sup>1</sup>

The development and liberalization of postal services, compliance with European Union law, the continuity of an effective universal postal service that is available and accessible to everyone, adapted to the social, economic and technical environment, and for users living in economically and infrastructurally backward areas to receive adequate quality postal services and in order to ensure its access to other public services that can be provided using the universal postal network, by maintaining the smooth and effective operation of the postal market, taking into account the possibilities of using new technologies, the protection of the interests of users and the necessary cooperation of postal market participants, the enforcement of their rights and obligations, the The National Assembly creates the following law.

### CHAPTER I

#### GENERAL PROVISIONS

##### 1. Scope of the law

**§ 1 (1)** The scope of the law covers postal services provided or used in Hungary, postal service providers, postal service users, and bodies involved in the management of the postal sector.

(2) The provisions of this Act shall be applied to international postal services related to postal items to the extent that they are concluded on the basis of an international public law contract, in particular on the basis of Decree No. 26 of 1967 on the promulgation of the Statutes of the Universal Postal Union signed in Vienna on July 10, 1964 an international public law treaty or a separate agreement concluded in accordance with these provisions does not provide otherwise.

##### 2. Interpretive provisions

**§ 2.** In the application of this law,

1. *recommended service*: additional postal service, which is considered an additional service, which qualifies unregistered postal items as registered items, and in the event of which the postal service provider is liable for damages in the form of a flat rate; 2. *permanent postal service point*: postal service point with

an opening time of up to two hours a day on working days; 3. *lead time*: the service performance period from the delivery of the parcel

picked up under the postal service contract to the collection point until the delivery of the parcel or its attempted delivery; Address 4 : the clearly identifiable place of delivery of the postal item; 5. *addressee*: to whom the sender sends the postal item;

6. *individual contract*: you are individually negotiated with the sender or recipient

a written framework agreement created with his participation;

---

<sup>1</sup> Announced: November 2012 9. During the state of emergency, different provisions must be applied. See the 84/2020. (IV. 3.) Government decree.

7. *priority*: the service category providing the fastest turnaround time in the universal postal service range; *value declaration*

8.1 *service*: additional postal service considered an additional service, on the basis of which the postal service provider is liable for damages up to the amount determined by the sender at the time of dispatch - as the value of the contents of the postal item - for the contractual performance of the service related to registered mail to be delivered by personal delivery; 9. *express postal service*: the time-guaranteed service, in the framework of which the

postal service provider undertakes to deliver the postal item within the country no later than the working day following receipt, in the case of items addressed to the member states of the European Union no later than the third working day after receipt, and in the case of other international items no later than it is delivered on the fifth working day after admission, and in addition, it performs at least one of the additional services included in points *a) to f)* below: *a)* traceable treatment; *b)* cash on delivery; *c)* return receipt; *d)* declaration of value; *e)* delivery exclusively to the person designated as the recipient of the shipment; *f)* of the consignment at the place of residence, place of residence, registered office, or place of business of the sender

or recording at your branch office;

10. *sender*: who concludes the postal service contract with the postal service provider in his own name;

11. *processing*: picked up and collected postal items for delivery or operation ensuring its preparation for delivery;

12. *user*: who uses a postal service or is related to a postal service receives or may use a service, or is the recipient of a postal item;

13. *pick-up*: the activity, as a result of which the postal item enters the network of the postal service provider at the pick-up point of the postal service provider that concluded the postal service contract or at another location based on the agreement of the parties;

14. *pick-up point*: for the purpose of picking up postal mail, the letter collection cabinet or other means for picking up the mail without damage and safely, as well as the room or place designated for this purpose;

15. *courier mail service*: a time-guaranteed postal service - to be completed within a maximum of 24 hours from the date of receipt of the item - in the framework of which the postal service provider undertakes that the person collecting the mail item will keep the mail item under his personal supervision without interruption until delivery is attempted in such a way that the sender can change the addressee or address of the postal item at any time during this period, and take the necessary measures in case of unsuccessful personal delivery; 15a.2 economic organization; 16. *collection*: the delivery of postal items to the place of processing after the collection at the collection points or the network

*economic organization*: according to the Act on Civil Procedure acceptance at the service

provider access points; 17. *network reception*: the activity - which takes place between postal service providers - during which the postal item is transferred from the postal service provider that concluded

the postal service contract to the network of another postal service provider based on a network access contract;

1 Established by: § 66 (1) of Act V of 2022. Effective: June 2022 from 1.

2 Installed by: CCLII of 2013. Act § 41 (1). Valid: 2014. III. from 15.

18.1 *official document*: a registered postal item sent or delivered in this way by state or local government bodies, as well as other bodies or persons defined by law - on paper, on an electronic data carrier or using an electronic communication network - for the posting or delivery (or attempted delivery) ), or to the date of which the law attaches a legal consequence, or which serves as the basis for the calculation of the deadline specified in the law, and which the law qualifies as an official document;

19. *time-guaranteed service*: the commitment of the postal service provider to deliver the postal item within a specified period of time or at a specified time;

20.2 *delivery*: the activity during which the postal item is removed from the postal service provider's network or personal supervision by handing it over to the person authorized to receive it or by placing it in a mailbox or other device suitable for delivering the item;

21. *delivery point*: a room or place designated by the postal service provider for the purpose of delivering postal items and accessible to users, as well as a device established by the postal service provider to enable delivery; 21a.3 *automated device*

*enabling delivery*: a device operating without the physical presence of the postal service provider or the organization providing its own delivery according to point b) of § 4 , which corresponds to the automated device enabling delivery defined in the decree issued on the basis of the authorization of this law its functionality and technical description, as well as the conditions and requirements established for its installation, and thus enables the delivery of postal items to be delivered by personal delivery or self-delivery of the item in accordance with Section 4, point b) . 22.4 *registered item*: a postal item, the receipt of which is recorded by the postal service provider - in writing or

in another verifiable way and the delivery to the authorized recipient - on the document for this purpose, or by using other techniques that record the fact of delivery or identify the person of the authorized recipient - the sender acknowledges in its direction;

23. *fee schedule per item*: a price list published in or attached to the general terms and conditions of the postal service provider, which contains the same per-item fees for one item of mail or for several items of mail sent at the same time, regardless of the amount of items sent;

24. *mail*: mail that contains a unique or personal communication, data or information displayed in written form or recorded on a physical data carrier; 24a.5 *logistics service*: the activity that includes all

or part of the postal delivery process, during which the efficient and effective storage of postal items and related information and their delivery from the sender to the recipient are planned, implemented and checked; 24b.6 *non-postal function*: activities that do not qualify as postal services, such as, in particular, postal service management, pre- and post-delivery, and pre-delivery and post-delivery parcel sorting services, including:

a) data recording related to postal services by a non-postal service provider; b) storage, warehousing and preservation activities following the collection of the postal item; c) storage, warehousing and preservation activities following unsuccessful delivery by the postal service provider;

---

1 Established by: XXXIII of 2021. Act § 22 (1). Effective: from Sun 14, 2021.

2 Established by: LXXVI of 2020 Act § 89 (1). Effective: July 2020 from 15.

3 Installed: XLVI of 2023. Act § 30. Effective: June 2023 from 30

4 Established by: § 66 (2) of Act V of 2022. Effective: June 2022 from 1.

5 Installed: LXXVI of 2020 Act § 89 (2). Effective: July 2020 from 15.

6 Established by: § 66 (3) of Act V of 2022. Effective: June 2022 from 1.

d) the release of postal items designated by the postal service provider and placed for safekeeping in a room or place accessible to users, facilitating the delivery by the postal service provider, as well as related data verification activities; 25. *international EMS service*: the international

postal service provided by the universal postal service provider in accordance with the rules for this service in the law on the promulgation of the Universal Postal Agreement;

26. *traceable treatment*: the technology used by the postal service provider, with which the postal service provider provides information for each item on the basis of the unique identification mark of the postal item, as information that can be queried on the Internet or in a text message transmitted and documented using an electronic communication network, at least the place and date of receipt of the item, the the date of delivery, the basis of the acceptance right or, in the event of an unsuccessful delivery attempt, the further handling of the shipment;

26a.1 *financial institution*: CCXXXVII of 2013 on credit institutions and financial enterprises. Act (hereinafter: Hpt.) an economic organization according to Section 7, Paragraph (1); 27. *postage stamp*: a stamp

issued by the universal postal service provider, which can be used for the payment of the postage exemption fee for postal items, with a marking referring to its face value, and which contains the inscription "Hungary" or its equivalent in a foreign language; *Postal Settlement Center*: CCXXXV of 2013 on

28.2 individual payment service providers, which handles the processing of payment services provided by a universal postal service provider, settlement with payment service providers, and financial settlement through a payment system. an organization that does not qualify as a payment system operator according to law;

29. *postal package*: a registered postal item containing goods or objects with or without commercial value; 30. *postal item of value*: the

postage stamp, the reply fee slip issued on the basis of the Universal Postal Convention, and the form or other object put into circulation by the postal service provider, including the fee for the postal service;

31. *postal network*: resources enabling the provision of postal services the totality of which is operated or used as a system;

32. *postal consolidator*: the sender who typically concludes the postal service contract in his own name with the postal service provider in relation to his postal items with content related to the economic or other activities of several principals;

33. *postal operator*: an economic organization used by the postal service provider for the collection, collection, processing, transport and delivery of postal items in a specified administrative area together or for the independent performance of any of these sub-activities on the basis of a service concession contract or other type of contract for the performance of the activity;

34. *postal intermediary*: an economic organization that for one or more principals carries out an activity in the framework of which he undertakes to

a) the principal marked as "sender" on the consignment sends its postal items on behalf of the sender in such a way that the service fee is paid by the principal marked as "sender" on the consignment, or

b) receives postal items from the postal service provider on the basis of the authorization received from the client and delivers them to the client's mailbox, which is indicated as "addressee" on the consignment and is considered a business organization;

1 Installed: CLXXIII of 2020. Act § 42. Effective: December 2020 from the 25th.

2 Amended by CCXXXVI of 2013. Act § 153 a).

35. *postal item*: the item weighing no more than 40 kg, which has at least an address on the item, its packaging or the corresponding list, or the item that is classified as a postal item by law; such postal items can be letters, official documents, items containing writing for the blind, postal packages, and items containing books, catalogs and press products, as well as all items whose contents are not excluded from postal services according to the government decree issued under the authority of this law; 36. *postal service provider*: economic organization providing postal services; 37. *postal service point*: a pick-up or delivery point that ensures access to postal

services at a specified geographical point and time, not including the letter collection cabinet placed by the postal service provider or any other device for damage-free and safe pick-up or delivery of mail;

37a.1 *recorded registered mail*: the registered mail for which the other additional services beyond the recommended service cannot be used;

38. *delivery*: processing of postal items, service provider access or the operation of transferring it between delivery points;

39. *service provider access point*: the place designated for this purpose by the receiving postal service provider for network reception of

postal items; 39a.2 *close connection*: the term defined as such in Regulation 575/2013/EU of the European Parliament and of the Council of June 26, 2013 on the prudential requirements for credit institutions and investment firms and amending Regulation 648/2012/EU; 39b.3

*postal reference point*: a place along public roads designated and operated by the postal service provider, which is also considered a collection point and a delivery point, equipped with a device suitable for delivery, which enables the collection of postal items and ensures the delivery of postal items that can be delivered to a letterbox according to the addresses, as well as - the delivery by not attempting to do so - the placement of the notification of the arrival of the postal item to be delivered by personal delivery;

40.4 *return receipt service*: an additional postal service that can be used for recorded items to be delivered by personal delivery, which is considered an additional service, during the performance of which the postal service provider provides a document containing the date of delivery, the name of the authorized recipient and a mark suitable for the identification of the postal service provider or - in the case of a contract for this purpose - returns its digitized version to the sender, or provides the sender with data recorded by other technical means recording the fact of delivery;

41. *additional service*: any additional service undertaken in the postal service contract related to the reception, collection, processing, transport or delivery of postal items, which the postal service provider provides as part of the postal service based on a separate provision of the sender or included in a postal service package; *cash on delivery service*: the additional service - available for registered items

42.5 to be delivered by personal delivery - during which the postal service provider delivers the postal item by personal delivery after collecting the amount specified by the sender in cash or in another way, and the amount thus collected is on behalf of the addressee for the sender, Hpt. it is delivered within the framework of the payment service defined in point 54 of paragraph (1) of § 6;

1 Inserted by: Act V of 2022 § 66 (4). Effective: June 2022 from 1.

2 Installed: XXXV of 2016. Act § 1 (1). Effective: June 2016 from 4.

3 Installed: XXXIII of 2021. Act § 22 (3). Effective: from Sun 14, 2021.

4 Established by: § 66 (5) of Act V of 2022. Effective: June 2022 from 1.

5 Established by: § 66 (6) of Act V of 2022. Effective: June 2022 from 1.

43.1 *consignment containing writing by the blind*: embossing writings, engravings, audio recordings, special papers or magnetic discs and other information carriers used exclusively by the blind and partially sighted, as well as devices and equipment created or modified for the purpose of overcoming the problems caused by the visual impairment of blind or partially sighted persons, up to 7 postal item weighing kilograms, the sender or recipient of which is a blind or partially sighted person or an officially recognized institution for the blind.

## II. CHAPTER

### THE POSTAL SERVICE

#### 3. Postal service and types of postal services

**§ 3** (1) The postal service is a service carried out in the framework of an economic activity, which includes the collection, as necessary, processing, transport and delivery of postal items in whole or in part. Postal service can only be provided by the economic organization that is listed in the register of postal service providers of the National Media and Communications Authority (hereinafter: the Authority).

(2) The activity specified in paragraph (1) carried out with postal items is also a postal service if it is performed as part of a complex service that also includes another service that is not classified as a postal service.

(3) A postal item sent abroad is also considered a postal service domestic delivery is carried out by the subcontractor of the service provider concluding the contract.

**§ 4. Non-postal service a)**

delivery of the item by a court bailiff, legally defined delivery agent, delivery agent, delivery agent, diplomatic or military courier;

*b)*2 if any person himself or an organization sends content related to his own economic or other activities to a person in an employment relationship with him, in a government service, state service, public service, civil servant, judicial employee or other service relationship, or with a private person in a membership relationship (here not including the shareholder) delivers or causes to be delivered (own delivery); *c)* a message (communication, data, information) that does not appear in physical form is electronic

transmission by road from sending to receiving;

*d)* receiving, collecting, processing, transporting and delivering printed press products without packaging or with packaging that is transparent enough to allow identification of the content - during sale or distribution as part of a subscription service;

*e)* the postal intermediary is the activity of the postal contributor and the postal consolidator; *f)* home delivery of purchased products from the place of purchase, with the exception of the cases in which the delivery and delivery of non-food products of a maximum weight of 40 kg, purchased on the basis of a contract concluded between absent parties, if it is not within the scope of self-delivery according to point *b)* is realized; *g)*3 the provision of transport, logistics services

and non-postal functions, if the economic organization provides them in the framework of non-postal services.

---

1 Established by: XXXV of 2016. Act § 1 (2). Effective: June 2016 from 4.

2 Established by: LXIV of 2016. Act § 106. Valid: 2016. VII. from 1.

3 Established by: LXXVI of 2020 Act § 90. Effective: July 2020 from 15.

**§ 5** The postal service can be a) universal postal service, b) postal service replacing universal postal service or c) postal service not replacing universal postal service. **§ 6** (1) The universal postal service is the

range of postal services that meets the basic user needs and the technical, economic and social conditions, satisfies a social public need, and is considered a service of general economic interest, which is provided by the universal postal service provider at a specified quality and at an affordable price. is obliged to provide all users throughout the country, regardless of geographical location.

(2) The universal postal service shall comply with the provisions of paragraph (1) and Articles 14-17. The following postal services, other than the postal services specified in § 8, provided in accordance with the requirements specified in § 8, are considered:

a) domestic or international unregistered postal items with a weight not exceeding two kilograms, other than items specified in points b)-d) ; b)1 postal parcels not exceeding ten kilograms,  
sent domestically or internationally;

c) domestic or international shipments containing the writing of the blind; d) the official documents. (3)2

Within the framework of the universal postal service, the service provider must ensure, based on the order of the sender, that for postal items specified in points a) and c) of paragraph (2), and for postal items specified in points a)–c) of paragraph (2) the return receipt, or the use of the value declaration service for the postal items specified in point b) of paragraph (2) , as well as the traceable treatment for registered items of the type specified therein, as specified in the Universal Postal Public Service Agreement according to § 19. In the Universal Postal Public Service Agreement, the universal postal service provider can also be obliged to provide other additional services in the public interest.

(4) The universal postal service provider may, in the general contractual conditions of the universal postal service, announce additional services for the universal postal service beyond those contained in paragraph (3).

(5) The size limits of postal items that can be sent or delivered within the framework of the universal postal service, as well as the rules regarding the data content of the address and its indication, are established in the general terms and conditions of the universal postal service provider.

**§ 7** (1) A postal service in connection with any postal item that does not belong to the services defined in § 8 and is not provided by the postal service provider on the basis of the universal postal service obligation is considered a postal service that replaces the universal postal service.

(2) The universal postal service provider provides the service in that case as a service replacing the universal postal service, if it

a) announced for services replacing the universal postal service, in paragraph (1) of § 6 and § 14-17. According to the conditions established in the general terms and conditions of the contract with content different from the requirements contained in §, or

b) provided by law, in the Universal Postal Public Service Agreement contained in § 19 or in a general contractual condition, according to conditions established in an individual contract different from the conditions defined for the universal postal service, and on the basis of an individual price.

1 Amended by: XLVI of 2023. Act § 34 a).

2 Established by: XXXIII of 2021. Act § 23. Effective: from Sun 14, 2021.

**§ 8** (1) Postal services that do not replace the universal postal service are the following postal services that represent added value compared to the universal postal service or the postal service that replaces the universal postal service: a) courier service, b) express postal service, c )

international EMS service

d) special, as defined in paragraph (3), representing significant added value

postal service including at least one of the additional services.

(2) In the case of a service that does not replace the universal postal service, postal items can only be sent as individually identified, registered items and can only be delivered by personal handover or as verified by the identification code provided by the receiver at the same time as the receipt.

(3) The following are considered special additional services: a) traceable handling of the postal item, b) time-guaranteed service, c) cash-on-delivery service, d)

service enabling delivery at a time individually agreed upon with the addressee, e ) delivery exclusively to the person designated as the recipient

of the item, f) other additional services related to the delivery of the item, designed according

to the sender's specific needs and provided on the basis of an individual contract, which do not belong to the additional services that must be provided for the universal postal service, and which, if used the postal service no longer qualifies as a service replacing the universal postal service from the user's point of view.

(4) When assessing whether the use of the additional service referred to in point f) of paragraph (3 ) constitutes a service that replaces the universal postal service from the user's point of view, the characteristics of the services, including the characteristics representing added value, as well as its purpose and pricing should be considered as a guideline.

### **III. CHAPTER**

#### **MARKET ENTRY AND MARKET EXIT RULES**

##### **4. Authorization to provide postal services**

**§ 9** (1)<sup>1</sup> The postal service provided for in § 8, which does not replace the universal postal service, is provided by any economic organization, the postal service provided for in paragraph (1) of § 7, which replaces the universal postal service, is based in Hungary or the European Union a joint-stock company and a limited liability company established in one of its member states and having a registered office in Hungary can provide it according to the conditions laid down in this law.

(2) Entitlement and obligation to provide postal services is created by registration following notification to the Authority or the granting of a service license, as well as by designation in accordance with this Act.

##### **5. Notification of postal service**

---

<sup>1</sup> Amended by CCLII of 2013. Act § 41 (4) a).

**§ 10** (1) An economic organization wishing to provide any of the postal services listed in § 8 that does not replace the universal postal service (hereinafter: service subject to notification) must register its intention to start this activity with the Authority 45 days before the start of the service to announce for purchase.

(2) The notification must include the organization wishing to provide the service, as well as the name, company name, and registered office address of the representative, as well as the following:

a) the declarant's company registration number or other official registration number, or your identification number;

b) the name and contact information of the person designated for contact with the Authority (postal address, telephone number, e-mail address);

c) the name of the service to be provided, the service of this Act with reference to the determining provision;

d) the type of mail (letter, parcel or other mail) and mass limit;

e) specifying the administrative area in which you wish to provide the postal service by naming the affected settlements, indicating separately the collection and delivery area, as well as the fact whether you undertake the domestic delivery of items sent abroad or the foreign delivery of items sent domestically .

(3) The following must be attached to the notification:

a) the general contractual conditions related to the postal service; b) if the declarant undertakes to provide additional services in the general terms and conditions that are also subject to a license or registration from another authority, then the license or documentary proof of the declarant not older than thirty days that it has been registered; c) a sample of the signal to be used by the notifier – suitable for identifying the postal service provider; d) 1

the availability of the central customer service (in particular: address, telephone number, e-mail and

website), where users can inquire about the services, make complaints, and where they can report their claim for compensation; e) 2 a statement regarding cooperation with organizations authorized to continue the collection of secret information and to use covert means; f) a

description of the technological processes necessary for the normal operation of the postal service, with particular regard to the detailed presentation of the technological elements included in the interpretative provisions of the services the applicant wishes to provide;

g) in the case of the provision of a service according to point f) of § 8, paragraph (3), the draft of the individual contract and its legal position regarding the existence of the circumstances contained in §

8, paragraph (4); h) the names and titles of the contributors that the notifier wishes to use, in the case of a business, their company registration number, other official registration or identification number, and their headquarters, indicating that the contributor is involved in the collection, collection, transport, processing or delivery of postal items; i) 3 (4) The Authority

verifies the authenticity of the documents attached to the notification - if necessary, through the bodies he contacts - he checks.

(5) Prior to registration, the Authority checks whether the contents of the notification and the annexes attached to it meet the requirements of the legislation.

(6) The Authority shall refuse registration if

---

1 Amended by: CXXXIII of 2021. Act § 40 a).

2 Amended by: CXCVII of 2017. Act § 347 a).

3 Repealed by: Act L. of 2017 § 425 a). Invalid: from January 1, 2018.

a) the declarant is not included in the database of tax-exempt taxpayers found on the website of the National Tax and Customs Administration, or  
b) the labor relations of the notifier are not settled, or c) based on the data contained in the notification and the general contractual conditions attached to the notification, it can be established that the notified postal service could be provided on the basis of a permit.

(7) The postal service provider is obliged to inform the Authority of the actual start date of the service. The Authority will delete the service from the register if the postal service provider does not start providing it by the scheduled start date specified in the notification.

## 6. Authorization of postal service

**Section 11** (1) The postal service, which replaces the universal postal service, included in Section 7, paragraph (1), may be provided based on the authorization of the Authority (hereinafter: licensed service).

(2) The permit is the settlement designated by the applicant as the delivery area can be requested to be provided in the entire administrative area of settlements.

(3) In the license application, it must be specified separately  
a) in relation to consignments sent domestically and delivered domestically, b) consignments sent domestically and delivered abroad, c) consignments sent abroad and delivered domestically postal services to be provided and the manner in which they are provided.

(4) A licensed service may only be authorized if the service provider operates prudently, as well as the personal and material conditions of the service are ensured, and the general contract conditions are in accordance with the legal provisions.

(5) The conditions necessary for prudent operation can be considered ensured if the information and data contained in the annexes  
provided by the applicant under a) and specified in accordance with Section 12 (1) points a)-f) prove that they meet the basic requirements and its ability to provide a service that respects user rights (performance), b) its labor relations are settled, c) it has the extent and conditions of temporary measures related to leaving the market  
determined by the decree of the minister  
responsible for postal affairs (hereinafter: the minister) and the service provider has not fulfilled with property collateral to satisfy compensation claims.

(6) The personal conditions can be considered assured if the applicant's senior official, professional postal management or senior employee performing financial management was not a senior official, company manager or senior employee of an economic organization within the 5 years prior to the licensing procedure, the insolvency of which the court determined and ordered its liquidation, provided that the liquidation procedure was initiated during or as a result of its management.

(7) In addition to what is contained in paragraph (6), the personal conditions can be considered ensured if the applicant's senior official - if he performs his activities on the basis of an employment relationship - or his senior employee performing postal professional management performs the activities of the manager full-time, and

a) has a higher education in postal or logistics specialization, or another higher education and at least 2 years of experience in postal or logistics, b) has a clean criminal record and is not subject to a ban on

providing postal services  
under the scope of ban from occupation,

c) within the 5 years prior to the initiation of the licensing procedure, there was no senior official, company manager or senior employee performing postal professional management at a postal service provider,

ca) whose license was revoked by the Authority due to a violation of the law during the activity of this manager or, in the case of a service provider operating on the basis of a notification, the performance of the activity was prohibited, or

cb) 1 against which the Authority imposed a fine in its decision, which became final, due to the violation of the law arising during the activity of this manager due to the order of the postal service without a license or notification or the non-fulfillment of the obligation to provide data.

(8) The material conditions can be considered ensured if the applicant has the minimum necessary and suitable postal service points, pick-up and delivery points, customer service places, car park and other technical devices. If necessary according to the applicant's operating model, the network access contract or contracts concluded with the postal service provider to be used are also part of the material conditions.

**Section 12** (1) The data specified in Section 10 (2) of the application for a service license, and the attachments pursuant to Section 10 (3) points a)–e) and h) , in Section 11 (6) In addition to a statement on the fulfillment of the personal conditions set out in Section 11 (8), in addition to a statement showing in detail the fulfillment of the material conditions contained in Section 11 (8), it must be included as a separate attachment in order to prove prudent operation<sup>2</sup>

a) a description of the technological processes necessary for the normal operation of the postal service;

b) demonstrating the provision of the postal service - included in the license application duration - detailed operating model;

c) the network access contract concluded with the postal service provider to be used, if necessary according to the applicant's operating model; d) a description

of the applicant's corporate governance, internal control and quality management system approved by an independent expert, including risk management and accounting procedures, as well as its business continuity plan; e) a presentation of the applicant's

organizational structure and responsibilities, organizational and operating regulations, and a statement on the percentage of time it fulfills the requirements for the number of employees defined in § 37, paragraph (1) at the time of the start of its activities;

f) proof of the availability of property security according to § 11, paragraph (5), point c) . (2)<sup>3</sup>  
Regarding

the prudent operation of the applicant, the Authority also checks whether the applicant is included in the database of tax-free taxpayers found on the website of the National Tax and Customs Administration, and whether his employment relationships are in order. (3)<sup>4</sup>

---

1 Amended by: Law L of 2017 § 424 a).

2 Amended by: Law L of 2017 § 424 b).

3 Amended by: Law L of 2017 § 424 c).

4 Repealed by: CLXXXVI of 2015. Act § 187. Invalid: from January 1, 2016.

(4) The Authority may, within the framework of an official inspection carried out during the period of the provision of postal services, also check whether the persons included in subsection (7) of § 11 have no criminal record and are not under the scope of a ban from occupation that excludes the provision of postal services. For the purpose of official control, the Authority may request data from the criminal record system. The data request can only be directed to the data on whether the persons included in § 11, paragraph (7) have a criminal record and are not under the scope of a ban from an occupation that excludes the provision of postal services.

(5) The Authority shall process the personal data obtained during the licensing procedure until a)1 completion or b)2 for the duration of the official inspection in the case of authorization to provide the postal service, or until the final completion of the procedure in the procedure for revoking the license.

(6) The Authority checks the veracity and appropriateness of the contents of the license application and the documents attached to the application - if necessary through the bodies it contacts.

(7) The postal service license is valid for an indefinite period.

(8)3 The service provider is obliged to inform the Authority if it does not start providing the postal service within ninety days after the license becomes final. (9)4

The applicant is considered to be a postal service provider entitled to provide a licensed service if the Authority refrains from making a decision within the administrative deadline for evaluating the application for a service license.

## 7. Notification of changes, termination and termination of the postal service

**§ 13.** (1) Changes in the mandatory content of the application for a postal service license or the notification made for the purpose of registering the postal service, or in the personal and material conditions listed in the official register, in the circumstances affecting the quality of the service and the property security, shall be notified by the postal service provider no later than on the 45th day before the planned start date of the application of the change, changes in the general terms and conditions must be notified to the Authority no later than the 15th day before the planned start date of the application of the change. Changes in the person or activities of the contributors used by the postal service provider, as well as the changes in the employment ratio contained in § 37, paragraph (1), must be reported in the manner, form and frequency established in the decree of the President of the Authority, but at least once in each calendar quarter, broken down monthly to the Authority. In case of changes that cannot be planned in advance, the postal service provider must notify the Authority of the changes that have already occurred within 8 days of their occurrence.

(2) The postal service provider must notify the Authority of its intention to terminate the provision of the postal service at least 45 days before the termination in the case of a service subject to notification, and at least 90 days before the termination in the case of a service subject to a license. If the postal service provider has decided to terminate without a legal successor, it must inform the Authority of this fact in a notification at least 45 days before the date of termination.

(3) In the event that the court has legally ordered the liquidation of the postal service provider, the liquidator must notify the Authority of this fact within 8 days.

---

1 Amended by: Law L of 2017 § 424 d).

2 Amended by: Law L of 2017 § 424 d).

3 Amended by: Act L. of 2017 § 424 e).

4 Inserted by: Act L. of 2017 § 423 (2). Valid: from January 1, 2018.

(4) The liquidator is obliged to inform the users simultaneously with the notification made to the Authority based on paragraph (3). The service provider providing the service covering the entire country must publish information about the termination of the service and its date in at least two national daily newspapers, or in the case of a service covering a smaller administrative area, in the usual way locally.

(5) Based on a notification regarding the termination of a postal service registered in the service category pursuant to Section 8, Paragraph (1) or Section 11, Paragraph (3), the Authority shall, based on a notification regarding the complete termination of the provision of postal services, the postal service provider deleted from its records. Starting from the 45th day before the planned date of termination, the postal service provider a) in case of termination of the postal service, the postal service to be deleted

category, and b) in the

event of the termination of the postal service provider, a new postal service contract may not be entered into. The postal service provider is obliged to fulfill its obligations arising from already concluded contracts. It is obliged to deliver the postal items under its management, as well as to fulfill the compensation and other claims arising from the postal service in accordance with the rules of this law. (6)<sup>1</sup> The Authority shall delete the

postal service from its register if the postal service provider does not start providing it within ninety days from the date of registration, or if the postal service provider's license has been revoked by a final and enforceable decision in accordance with the provisions of the law, the postal service provider stops providing the service subject to a license or if the Authority has prohibited the provision of a service subject to notification.

(7) The Authority revokes the license of the postal service provider and deletes it from the register the licensed service provider, if

a) at the expense of the postal service provider for the second time within a calendar year establishes a violation of the employment regulation contained in § 37, paragraph (1),

b) a violation of the law due to non-compliance with the conditions established by law for organized labor relations is established for the second time within a calendar year.

## **ARC. CHAPTER**

### **THE UNIVERSITY POSTAL SERVICE**

#### **8. General rules of the universal postal service**

**§ 14.** (1) Ensuring the universal postal service is a state task, which is the state complies through the universal postal service provider.

(1a)<sup>2</sup> In order to fulfill the universal postal service it provides, the universal postal service provider may conclude a contract with one or more organizations that do not qualify as postal service providers (hereinafter: partner organization) in such a way that the collection, processing, transport and delivery at the address are performed by the universal postal service provider.

(1b)<sup>3</sup> In the contract according to paragraph (1a), the universal postal service provider may oblige the partner organization to use certain visual elements, as well as to suspend the activity according to this contract during the period when the universal postal service is interrupted or limited according to paragraph (1) of § 34.

---

<sup>1</sup> Amended by: Law L of 2017 § 424 a).

<sup>2</sup> Installed: XXXIX of 2014. Act § 67. Effective: 2014. IX. from 30

<sup>3</sup> Installed: XXXIX of 2014. Act § 67. Effective: 2014. IX. from 30

(1c)1 The partner organization carries out the activities provided on the basis of the contract according to paragraph (1a) in order to fulfill the universal postal service in its own name by stating the fact of the conclusion of the contract according to paragraph (1a) and § 74, paragraph (2) the universal postal service provider must notify the Authority of the data required for keeping the register. (1d)2 The partner organization

becomes a postal service provider from the date of entry into force of the contract according to paragraph (1a) and is entitled to perform the activities included in the contract according to paragraph (1a), however, it may not obtain authorization to perform other postal services. (1e)3 The activity provided by the

partner organization based on the contract according to paragraph (1a) is part of the universal postal service provided by the universal postal service provider. The conclusion of the contract according to paragraph (1a) may not result in damage to the universal postal service. The universal postal service provider is responsible for the activities performed by the partner organization based on the contract according to paragraph (1a) and for the fulfillment of the quality requirements governing the service.

(2) In order to meet the continuous changes in economic and social needs and to establish some detailed rules of the universal postal service, the minister, with the agreement of the minister responsible for public finances, concludes a Universal Postal Public Service Agreement with the universal postal service provider.

(3) Due to the nature of the universal postal service in the public interest, the development of the postal network operated to provide the universal postal service (establishment and reconstruction of collection and delivery points) is part of regional development, which the state may support from financial instruments for regional development in accordance with the provisions of the Act on Regional Development and Spatial Planning , as well as financial discounts.

(4) Within the framework of the universal postal service, the universal postal service provider ensures the collection of postal items specified in § 6 subsections (2)–(3) every working day, and by fulfilling the obligation established in § 15 subsection (3) and taking into account the exceptions defined by law, the address attempted delivery at the location. Upon application, the universal postal service provider is exempted from the obligation to deliver at the place of address, based on the Authority's decision, where its fulfillment is not possible due to extraordinary geographical or infrastructural conditions, or is only possible with disproportionate difficulty.

(5) The universal postal service provider is obliged to ensure the delivery of postal items addressed to the delivery point and to be delivered there ("remaining in the post") - which can be sent or delivered within the framework of the universal postal service - in accordance with the provisions of the Universal Postal Public Service Agreement.

(6) On the basis of a separate contract concluded with the addressee, the universal postal service provider is obliged to provide a forwarding service for postal items that can be sent or delivered within the framework of the universal postal service against a separate fee paid by the addressee, and within the framework of this, the delivery of the item to the address given by the addressee instead of its address to a new domestic address for at least 30 days from the conclusion of the contract.

(7) The postal service to be mandatorily provided by the universal postal service provider can only be determined by this law or the Universal Postal Public Service Agreement.

(8) The universal services defined in § 6 must be provided by the designated universal service provider in the most efficient manner, at the lowest possible net cost.

(9) In case of identical conditions, the universal postal service provider is obliged to provide its universal postal services to senders and recipients within the framework of the same contractual conditions, while maintaining the requirement of equal treatment.

---

1 Installed: XXXIX of 2014. Act § 67. Effective: 2014. IX. from 30

2 Installed: XXXIX of 2014. Act § 67. Effective: 2014. IX. from 30

3 Installed: XXXIX of 2014. Act § 67. Effective: 2014. IX. from 30

## 9. Basic quality requirements of universal postal services

**Section 15** (1)<sup>1</sup> In domestic traffic, at least 85% of the priority mail items sent on the basis of the per-item tariff within the framework of the universal postal service must be delivered or attempted to be delivered by the end of the second working day after posting, and at least 97% by the end of the third working day after posting.

In the circulation between the member states of the European Union, the universal postal service provider must act in such a way that at least 85% of the letters sent as priority can be delivered by the end of the third working day after dispatch, and at least 97% by the end of the fifth working day after dispatch, or the delivery can take place to attempt.

(2) The mandatory delivery time of non-priority mail items that can be sent based on the per-item fee schedule, as well as parcels that can be sent as a universal postal service and items with other content, is determined by the Minister in the Universal Postal Public Service Agreement. (3)<sup>2</sup> The universal postal service provider is obliged to organize and operate the provision of the universal postal service in such a way that the lead time is fulfilled as specified in paragraphs (1) and (2), assuming that the collection of the parcel in domestic circulation, between the member states of the European Union in circulation, the parcel is picked up from the foreign postal service provider on the working day following dispatch at the current pick-up or pick-up point before the last collection time of the specified day. If the collection of the parcel in domestic circulation, or the receipt of the parcel from a foreign postal service provider in circulation between the member states of the European Union, takes place after the last collection date, the next collection day must be taken into account when determining the lead time.

(4) The requirements for the maximum ratio of lost, destroyed or damaged registered items in relation to the number of posted registered items, describing the reliability of the service, for registered items sent within the framework of the universal postal service, are determined by the minister in the Universal Postal Public Service Agreement.

## 10. Availability of the universal postal service

**§ 16** (1) The universal postal service provider is obliged to determine the number, location and temporal availability of collection and delivery points that enable access to the universal postal service in such a way that it adapts to the needs of users.

(2) Within the framework of the universal postal service, the collection and delivery of postal items must be ensured in all settlements.

(3)<sup>3</sup>

(4) The universal postal service provider

a) has at least one delivery point per settlement, b) <sup>4</sup> with a population of more than thirty thousand - with a registered place of residence in settlements, at least one delivery point per thirty thousand inhabitants is obliged to enable the delivery of letters and official documents by making them available to the authorized recipient in the event that personal delivery fails.

(5) The universal postal service provider is obliged to maintain a letter collection cabinet or other device for damage-free and safe collection of mail items in every locality.

(6) Detailed rules for fulfilling the requirements contained in paragraphs (1)–(5). defined by the Minister in the Universal Postal Public Service Agreement.

---

<sup>1</sup> Amended by: LXVIII of 2022. Act § 28.

<sup>2</sup> Established by: LXXXVII of 2023. Act § 24. Valid: 2023. XII. from the 28th.

<sup>3</sup> Repealed by: XLVI of 2023. Act § 35 a). Invalid: 2023. VI. from 30

<sup>4</sup> Amended by: XLVI of 2023. Act § 34 b), c).

## 11. Universal postal service fee

**§ 17.** (1) When establishing the fee for universal postal services, the following requirements must be taken into account:

a) fees must be based on the cost of providing the service and thereby they should encourage efficient service delivery,

b) the fee structure must be transparent, the fees must be non-discriminatory and affordable for users, and they must ensure that the universal postal service can be used regardless of geographical location.

(2) Within the framework of the universal postal service, the price of domestic items of the same weight category and of the same type sent according to the per-item tariff must be set so that they are the same throughout the country, regardless of the place of posting and delivery.

(3) The method of determining the fee for domestic mail items not exceeding 50 grams, as well as the domestic service related to official documents, sent according to the per-item tariff, shall be established by the minister, in agreement with the minister responsible for public finances, in a decree.

## 12. Designation of the universal postal service provider

**Section 18** (1)1 In view of the role played by the universal postal service in social and territorial cohesion, this law appoints Magyar Posta Zrt. to carry out the state task of its continuous provision until December 31, 2030. On the basis of this designation, the universal postal service provider is obliged and entitled to provide the universal postal service, is also entitled to conclude a contract in accordance with Section 14 (1a), and is entitled to provide services that replace the universal postal service contained in Section 7 (2). In the case of the service specified in Section 7 (2) point a), the universal postal service provider must submit to the Authority 15 days before the start of the service, in Section 10 (2) points c), d) and e), 10. § (3) points a) and b) and the documents specified in § 12 (1) points a) and c)

(2)2 In order to ensure the continuity of the universal postal service, by the last day of the calendar year before the termination of the universal postal service entitlement, the Authority prepares a report on the general experience of the authority in providing the universal postal service, including the quality, net cost and financing of the universal postal service, in relation to the entitlement period development, and also provides information on the development of satisfaction of users using various services, as well as the development of the postal market. Depending on the findings in the report, the minister will determine the most efficient and appropriate mechanism for further ensuring the provision of the universal postal service, respecting the principles of objectivity, transparency, non-discrimination, proportionality and the smallest possible degree of market distortion.

(3) If the Authority confirms in its report that there are several postal service providers operating that are able to provide the universal postal service covering the entire territory of the country, safely and meeting the quality requirements defined for the universal postal service provider at least at an unchanged level, so that the universal postal service the total cost of the service is expected to decrease, a public tender must be issued for the provision of the universal postal service.

1 Established by: XXXIX of 2014. Act § 68. Amended by: CLXXIII of 2020. Act § 44 b).

2 Amended by CLXXIII of 2020. Act § 45.

(4) If the tests and analyzes supporting the proposal prove that, in addition to meeting the quality requirements set for the universal postal service provider at least at an unchanged level, a reduction in the total cost of the universal postal service can be expected if it is provided by different postal service providers per region or service element, the public tenders must be announced taking this into account.

(5) The rules of the transparent and non-discriminatory public tender according to paragraphs (3) or (4) shall be determined by the minister in a decree. The Authority conducts the tendering process and makes a proposal to the minister for the conclusion of the Universal Postal Public Service Agreement or Agreements.

(6) If the conditions for the public tender are not met, the Authority will make a proposal to the minister to extend the Universal Postal Public Service Agreement.

(7)1

### 13. Universal Postal Public Service Agreement

**§ 19** (1) On behalf of the universal postal service provider and the state, the minister, with the agreement of the minister responsible for public finances - in order to adapt flexibly to social, economic and regional development needs and taking into account transparency, proportionality and non-discrimination, as well as the carrying capacity of public finances aspects - the detailed rules for the provision of the universal postal service and other obligations of the universal postal service provider are agreed in a universal postal public service contract.

(2) The Universal Postal Public Service Agreement must include *a) the mandatory lead time for non-priority mail items that can be sent on the basis of a per-item tariff, as well as parcels that can be sent as a universal postal service and items with other content; b) the requirements describing the reliability of the service regarding the maximum ratio of lost, destroyed or*

*damaged registered postal items in relation to the number of posted registered postal items;*

*c) detailed requirements regarding the geographical location and temporal accessibility of pick-up and delivery points that enable the use of the universal postal service, and the number of pick-up and delivery points as necessary;*

*d)2 unfair additional burden of the universal postal service provider in accordance with Art. 21/A. detailed rules regarding reimbursement according to*

*§; e) detailed rules regarding the case of obstruction of the use of the universal postal service; f) to issue, put into circulation and take out of circulation the postage stamp detailed rules regarding its withdrawal and validity.*

(3) Regarding the fulfillment of the requirements specified in paragraph (2), the universal postal service providers are bound by contractual obligations.

(4) The parties enter into the Universal Postal Public Service Agreement for a fixed period, the fixed period being the same as the appointment period of the universal postal service provider. The Universal Postal Public Service Agreement can be amended by mutual agreement of the parties.

---

1 Repealed by: XXXIII of 2021. Act § 36 a). Invalid: from Sun 14, 2021.

2 Established by: XXXIII of 2021. Act § 25. Effective: from Sun 14, 2021.

(5) In case of any amendment to the Universal Postal Public Service Agreement, which also affects the unfair additional burden of the universal service, the universal postal service provider is obliged to inform the minister about the extent and to what extent the amendment is expected to affect the additional burden of the universal postal service. In the case of a modification that also affects users of the postal service, the users must be informed of the modification at least 30 days before its entry into force.

(6) In order to facilitate the Authority's general official supervision and market supervision activities, the Minister shall immediately inform the Authority of its content after concluding the Universal Postal Public Service Agreement and the contract to amend it.

(7) The universal service provider is obliged to inform the public via its website about all the provisions of the Universal Postal Public Service Agreement that affect the use of the universal postal service. The universal postal service provider is also obliged to include these provisions in its general terms and conditions of contract.

#### 14. Control of the universal postal service

**§ 20** (1) The Authority shall monitor the provision of the universal postal service and the enforcement of the regulations regarding the determination of the service fee. The Authority prepares an annual report on its inspection experience related to the provision of the universal postal service and the development of service quality, no later than May 31 of the year following the relevant year. The report is published on the website of the Authority. In this report, the Authority proposes, if necessary, amendments to the Universal Postal Public Service Agreement.

(2) The universal postal service provider shall cooperate with the Authority during the inspection of the universal postal service obligation, within the framework of this, it shall in particular fulfill its obligation to provide data, and shall report annually, no later than March 31 following the relevant year, on the provisions relating to universal postal services, as defined in the Act and On the fulfillment of the quality requirements stipulated in the Universal Postal Public Service Agreement and the related quality assurance activities.

(3) If the Authority determines that the universal postal service provider does not permanently comply with its universal postal service obligation, - VIII. in addition to the legal consequences that are proportional to the severity of the violation set out in chapter 2, it can oblige the universal postal service provider to draw up an action plan by setting a deadline.

(4) If the universal postal service is not provided despite the provisions of the action plan, in order to ensure the universal postal service, the Authority shall propose to the Minister to hold a public tender and to appoint a universal postal service provider or service providers.

#### 15. Unfair additional burden of providing the universal postal service

**§ 21** (1) The net cost of the universal postal service obligation is the cost incurred in connection with the provision of the universal postal service. The net cost can be calculated as the difference between the net costs of the universal postal service provider with the universal postal service obligation and without the universal postal service obligation. The net cost calculation shall take into account the benefits accruing to the universal postal service provider, including non-material and market benefits, as well as the right to a reasonable profit and cost efficiency incentives.

(1a)<sup>1</sup> If the net cost of the universal postal service exceeds 1 percent of the universal postal service provider's costs related to universal postal services, this amount is an unfair additional burden on the universal postal service provider (hereinafter: unfair additional burden). (2)–(4)<sup>2</sup> **21/A.** §3 (1) The state is responsible for the

unfair additional burden of the universal postal service provider provides compensation, the amount of which is determined by the minister.

(2) The amount of compensation for the unfair additional burden shall be established by the minister – in one or more installments – during which all circumstances related to the occurrence of the unfair additional burden shall be examined.

(3) Compensation for the unfair additional burden of the universal postal service provider may be reimbursed to the central budget up to an amount not exceeding 15 million euros per year - or as determined therein based on the approval decision of the European Commission.

(4) The minister decides on the amount of compensation for the unfair additional burden - up to the part not exceeding 15 million euros, or the amount specified in the approval decision of the European Commission.

(5) The laws in force at the time of the ministerial decision shall apply to the compensation of the unfair additional burden.

## 16.4

### 22–23. §5

#### 17. Special rights and obligations of the universal postal service provider

**§ 24** (1) The universal postal service provider has the exclusive right to use the postal horn and its stylized version within the scope of this law, as well as to use the wage exemption stamp with the inscription "Hungary" or its equivalent in a foreign language, as well as a postage stamp with the inscription "Hungary" or its foreign equivalent for issuing, putting into circulation, or withdrawing from circulation other postal valuables that have a language equivalent.

(2) In order to compile the annual postage stamp issue theme plan, the universal postal service provider is obliged to operate a theme selection committee, to which the minister and the chairman of the Authority delegate one member each. Based on the proposal of the theme selection committee, the annual stamp issue theme plan is approved by the minister.

(3)<sup>6</sup> In order to pay the fee for postal services related to letters that can be sent within the framework of the universal postal service, the universal postal service provider is obliged to accept the valid postage stamp issued in Hungary and the reply fee slips issued on the basis of the Universal Postal Convention. **§ 25** (1) The rights and obligations of the designated service provider specified in the

Articles of Association of the Universal Postal Association entitle and obligate the universal postal service provider. (2)<sup>7</sup>

The universal postal service provider may provide international postal order services based on paragraph (1). An international postal order is defined as the paper-based international cash sending service that the universal postal service provider performs based on the law promulgating the international agreement concluded on the basis of the Statute of the Universal Postal Union or a separate agreement concluded in accordance with their provisions.

1 Installed: XXXIII of 2021. Act § 26. Effective: from Sun 14, 2021.

2 Enters into force: on the 15th day after the approval decision of the European Commission.

3 Installed: XXXIII of 2021. Act § 27. Effective: from Sun 14, 2021.

4 Repealed by: XXXIII of 2021. Act § 36 b). Invalid: from Sun 14, 2021.

5 Enters into force: on the 15th day after the approval decision of the European Commission.

6 Established by: XXXV of 2016. Act § 3. Effective: June 2016 from 4.

7 Established by: XXXIII of 2021. Act § 28. Effective: from Sun 14, 2021.

(3)1 LIII of 2017 on the Prevention and Suppression of Money Laundering and the Financing of Terrorism does not constitute a violation of business secrets with regard to international postal order services. Act (hereinafter: Pmt.) § 26, paragraphs (2) and (3), data transfer to the authority operating as a financial information unit and the Magyar Nemzeti Bank (hereinafter: Supervision), acting in its scope of duties related to the supervision of the financial intermediary system, as well as money transfers of the data specified in Article 4 of Regulation 2015/847 of the European Parliament and of the Council of 20 May 2015 on accompanying data and the repeal of Regulation (EC) No. 1781/2006 for the payment service provider of the beneficiary covered by the regulation and the intermediary payment service provider specified by the regulation transmission in cases.

(4) Business secrets with regard to international postal order services the obligation to keep it does not exist even if

a) the universal postal service provider fulfills its notification obligation defined in the Pmt.;

b) the authority operating

as a financial information unit - acting in the scope of its duties defined in the Pmt. or for the purpose of fulfilling a written request of a foreign financial information unit, if the request includes a confidentiality clause signed by the foreign data requester - requests in writing information that is considered a trade secret from the universal postal service provider;

c)2 of Pmt. 7–10. data specified in § of Pmt. service provider under its scope for Pmt. are transferred in the cases specified in § 23.

**26. §3 (1)** The universal postal service provider is obliged to Hpt. cash transfer defined in § 6. (1), as well as Hpt. To carry out the service enabling cash payments from the payment account and the service enabling cash deposits as defined in § 6, paragraph (1), and to this end to operate a Postal Settlement Center.

(2) The universal postal service provider is entitled to Hpt. for the provision of payment services in accordance with Section 6, Paragraph (1), Point 87, Subpoints c) and d) .

(3) The universal postal service provider is defined in paragraphs (1) and (2). you can use a payment intermediary to provide payment services.

(4) The universal postal service provider is entitled to design, produce and personalize the form for the purpose of making cash payments with it in any way. As part of the cash deposit service, the universal postal service provider is obliged to accept electronically initiated payment orders and other cash-substitute payment instruments as defined in its general terms and conditions for payment services.

(4a)4 Cash must be paid by handing over to the addressee or other authorized recipient. During the payment of cash - in accordance with the detailed rules set out in the government decree issued on the basis of the authorization of this law - the universal postal service provider records the day of payment, as well as the signature of the authorized recipient and the legal title of receipt - unless the recipient receives the item - and - if the contract concluded with the sender of the cash so provides based on the general terms and conditions containing the detailed rules for the transfer of cash - the document containing these or its digitized version will be returned to the sender, or the data recorded by other technical means recording the fact of delivery will be made available to the sender.

(5) In a decree, the minister may establish additional requirements in accordance with the Hpt. that are not regulated by law in relation to the services specified in paragraphs (1) and (2).

1 Established by: CXLIII of 2013. Act § 165. Amended by CXCIX of 2017. Act § 35 a).

2 Amended by CXCIX of 2017. Act § 35 b).

3 Established by: XXXV of 2014. Act § 98. Valid: 2014. VII. from 16.

4 Inserted by: § 67 of Act V of 2022. Effective: June 2022 from 1.

(6)1 The account holder using the postal payment form related to the payment service according to paragraphs (1) and (2) is obliged to Pmt. in order to clearly establish the applicability of the measures according to a) the payment for taxes, fines, duties or b) the goods or

for the application of the notation specified by the institution operating the Posta Settlement Center for the use of services, for payment to a payment account.

(7)2 The institution operating the Postal Settlement Center is Hpt. 172–176. § and the European Parliament and Council Regulation 575/2013/EU of June 26, 2013 on the prudential requirements for credit institutions and investment firms and amending Regulation 648/2012/EU, Articles 11-24. is considered a financial enterprise for the purposes of Article

**§ 27** (1) The universal postal service provider is obliged to enter into negotiations in good faith with the postal service providers that they wish to use in order to perform activities that include the processing, transport and delivery of postal items received by them as part of the licensed service. operated network, and initiate the conclusion of a network access contract with content adapted to the current network structure and technological system of the universal postal service provider.

(2) The universal postal service provider shall, under the same conditions, maintain its business relations with other postal service providers providing services that replace the universal postal service, maintaining the requirement of equal treatment, in accordance with the nature of the business relationship.

**27/A.** §3 In order to ensure the provision of services in settlements with a declared population of no more than 10,000, the universal postal service provider may enter into a contract with a financial institution on the basis of which the financial institution provides the postal service specified in § 5, postal services-related , carries out additional activities, branch rental service, distribution of postal valuables and commercial goods used or necessary for the use of the postal service, as well as services related to securities distributed exclusively by the universal postal service provider, gambling intermediary activities, and SIM card balance top-up in accordance with the law .

**27/B.** §4 The universal postal service provider is entitled to limit the daily working hours according to the schedule to a maximum of 12 hours in the case of employees employed for the purpose of delivering picked-up postal items to the place of processing, or forwarding postal items between processing, service provider access or delivery points, even if the employee also works at night.

**§ 28.** The universal postal service provider makes its database containing settlement zip codes accessible to users and postal service providers on its website. **Section 29** (1)5 (2)6

## 18. The exclusive obligation and right of the universal postal service provider in relation to official documents

1 Installed: CXCIX of 2017. Act § 33. Effective: December 2017 from the 28th.

2 Installed by: 2020 CX. Act § 56. Effective: December 2020 from the 26th.

3 Established by: LXXXVII of 2023. Act § 25. Valid: 2023. XII. from the 28th.

4 Installed: XXXIII of 2021. Act § 29. Effective: from Sun 14, 2021.

5 Repealed by: XXXIII of 2021. Act § 36 c). Invalid: from Sun 14, 2021.

6 Enters into force: on the 15th day after the approval decision of the European Commission.

**§ 30.** (1)<sup>1</sup> The universal postal service provider is obliged and exclusively entitled to provide postal services related to official documents in the entire territory of the country. In order to fulfill this obligation, the universal postal service provider is entitled to conclude a contract in accordance with § 14, paragraph (1a).

(2) If a separate law attaches legal consequences to the posting or delivery of decisions, orders or other documents of state or local government bodies, as well as other bodies or persons specified in the law, to the attempted delivery or to the date thereof, their delivery to the addressee - with the exception of self-delivery - unless otherwise provided by law, it can only be done as an official document.

(3) The official documents with the receipt for this purpose, or its they can be submitted with a suitable electronic document.

(4) The service related to the official document - in the case of an agreement between the sender and the universal postal service provider - may also include authentic certification of the contents of the shipment.

(5) The special rules of service related to official documents are contained in the Government Decree.

## 19. Other rights and obligations of the universal postal service provider

**§ 31.** (1) Postal service points, pick-up points and delivery points, as well as other means enabling the performance of the universal postal service, must be ensured during the planning, arrangement, construction and modernization of roads and utilities, construction and renovation of other structures and other facilities ( hereinafter referred to as: postal facility).

(2)<sup>2</sup> The universal postal service provider is entitled to place mailboxes and other devices enabling the performance of the universal postal service, such as a postal reference point, free of charge in public areas, and to access them quickly and without obstacles and free of charge for their intended use. The owner of the public space can refuse to use it if the placement of the letter collection cabinet and other devices enabling the performance of the universal postal service - especially a postal reference point - in a given place is against the law.

(3) The state or the local government may refuse to grant the owner's consent and land use permit necessary for the placement of a postal facility that is not a building on public land only in the event that the grant of the owner's consent would harm a state, settlement or public interest that deserves special consideration, or, if the granting of the land use permit would conflict with a legal prohibition.

**§ 32.** (1) In order to eliminate malfunctions caused by technical, traffic, catastrophic or other emergency situations that endanger the postal service, the universal postal service provider must have constantly revised and maintained protection, preparation and disaster recovery plans, as well as the necessary reserves to perform the tasks arising from them.

(2)<sup>3</sup> The universal postal service provider must cooperate with the relevant organizations in order to develop and implement the action plan applicable in the special legal order - in a manner specified in separate legislation.

(3)<sup>4</sup> The universal postal service provider is entitled under a special legal order to the reimbursement of the actual costs of the measures taken by it on the basis of the action plan, and of the postal services provided by it in accordance with the legislation on the enforcement of national defense, defense and security interests.

---

1 Established by: XXXIX of 2014. Act § 69. Effective: 2014. IX. from 30

2 Established by: XXXIII of 2021. Act § 30. Effective: from Sun 14, 2021.

3 Amended by: VII of 2022. Act § 69 a).

4 Amended by: VII of 2022. Act § 69 b).

(4) The universal postal service provider is entitled to use a technical device or trap that does not cause injury or damage to health in order to prevent the commission of crimes against him or to detect the perpetrator of the crime. (5)<sup>1</sup> An employee of the universal postal service provider who provides postal

services or security services may only carry a gas spray provided by the universal postal service provider during the performance of his duties. The gas spray provided by the universal postal service provider can only be used in legitimate defense situations or in cases of absolute necessity.

## 20. Participation of a universal postal service provider in public services

**§ 33** (1) The universal postal service provider is obliged to negotiate in good faith in the event that the minister or the head of an organization responsible for providing a public service or a service of general economic interest proposes to the public service or a service of general economic interest (hereinafter: public service) that the universal to be provided using the postal network of a postal service provider. The universal postal service provider can also propose to provide such a service of public interest.

(2) The public service referred to in paragraph (1) may be, in particular:

a) participation in the payment of pensions, benefits and other state benefits to those entitled;

b) provision of payment services not specified in point a) ;

c)<sup>2</sup> ensuring access to the electronic contact system at the electronic administration point specified in the Act on the General Rules of Electronic Administration and Trust Services, customer service representative or other services of the state, local government or other services according to the Act on Local Governments of Hungary, and a service facilitating its administration;

d) providing other regulated electronic administration services other than those specified in point c) or participating in the dissemination of digital culture.

(3) In the case of a public service contract initiated by the minister or the head of an organization responsible for providing a public service or a service of general economic interest, the universal postal service provider is bound by the obligation to enter into a contract if

a) the provision of the proposed public service does not jeopardize the universal postal service providing a service or performing some other public service activity, and

b) compensation for the proposed public service covers the costs of its provision and a reasonable profit that guarantees its sustainability and exceeds amortization.

(4)<sup>3</sup> According to the provisions of the public service contract related to this activity, the universal postal service provider is obliged to contribute to the establishment and operation of the central address register.

## 21. Restriction and suspension of the universal postal service

**§ 34.** (1)<sup>4</sup> The universal postal service may be limited or suspended only in order to protect Hungary's national defense, defense and security, national security, public health and public safety interests.

(2) In addition to the reasons specified in paragraph (1), the restriction or suspension of the universal postal service can only be caused by an unavoidable cause (force majeure) or a strike outside the scope of operation of the universal postal service provider.

<sup>1</sup> Established by: LXVIII of 2022. Act § 26. Effective: from January 1, 2023.

<sup>2</sup> Established by: LXXXVII of 2023. Act § 26. Valid: 2023. XII. from the 28th.

<sup>3</sup> Amended by: Law L of 2017 § 424 f).

<sup>4</sup> Amended by: VII of 2022. Act § 69 c).

(3) In the case of a strike, the following services are included in the range of services that are still sufficient is insured to the extent and under the following conditions:

a) the collection of official documents at least four days a week, and the provision of delivery with a turnaround time of no more than 50% longer than that specified in the law and in the Universal Postal Public Service Agreement,

b) collection of postal items that can be sent or delivered within the framework of the universal postal service, other than those specified in point a) , at least every other working day, and delivery with a lead time of at most twice longer than that specified in the law and in the Universal Postal Public Service Agreement.

(4) The universal postal service provider is obliged to inform the minister and the President of the Authority about the nationwide limitation or interruption of the universal postal service via the on-call service of the postal sector. The universal postal service provider is obliged to immediately inform the mayor of the affected settlement and the chairman of the Authority about the limitation of the universal postal service at settlement level.

(5) The universal postal service provider is the universal postal service is obliged to inform the users about the obstruction of its use.

(6) Detailed rules related to the case of obstruction of the use of the universal postal service are contained in the Universal Postal Public Service Agreement.

## **CHAPTER V**

### **PROVISION OF THE POSTAL SERVICE**

#### **22. General rules for the provision of postal services**

**§ 35** (1) In the course of providing postal services, the conditions specified in the legislation, in the Universal Postal Public Service Agreement, in the general terms and conditions, as well as in the service license or agreed in the notification must be fulfilled, as well as those stipulated in the legislation and by the postal service provider the obligations assumed in the postal service contract. (2)<sup>1</sup>

Postal service providers are obliged to provide users with the use of postal services and related customer service and complaint handling activities in Hungarian, and are also obliged to formulate in Hungarian, in an understandable way, and make available electronically the general contract terms and contract models announced for users in connection with the provision of postal services, and other information sheets and forms. The postal service providers are also obliged to provide the forms required for using the service on paper.

(3) In domestic circulation, in the case of the universal service and the service that replaces the universal postal service, at least 97% of the mail items must be delivered or attempted to be delivered by the end of the fifth working day after posting. With regard to the services that replace the universal postal service, the postal service provider is obliged in its general terms and conditions to define the quality indicators relating to the reliability of the service that establish the maximum ratio of lost, destroyed or damaged registered items in relation to the number of posted registered items.

<sup>1</sup> Established by: XLVI of 2023. Act § 31. Effective: June 2023 from 30

(4) The postal service provider shall annually certify compliance with the quality requirements according to paragraph (3) by an expert independent of the service provider. The measurement of the quality requirements shall be carried out at the postal service provider's own expense based on a method approved in advance by the Authority. The Authority is obliged to accept as appropriate the measurement methodology specified in the relevant standard.

The postal service provider must send the certificate containing the measured data annually, no later than March 31 following the relevant year, to the Authority for inspection, and make it available on the website of the Authority and the relevant postal service provider for at least three years.

(5) The postal service provider is obliged to organize and operate the provision of the universal service and the service that replaces the universal postal service in such a way that the lead time in domestic circulation is fulfilled as specified in paragraph (3), assuming that the placement in the postal network at the current pick-up point it takes place before the last collection time on the specified day. If the postal item is placed after the last collection time, the next collection day shall be taken into account as the day of placement.

(6) The postal service provider is obliged to ensure that the identifying mark notified to the Authority is displayed on the mail it handles or on its accompanying document, if the accompanying document is handed over by the postal service provider to the authorized recipient during delivery. The mark suitable for identifying the postal service provider that is subject to a license and that provides a service that is subject to notification also contains the name or abbreviated name of the postal service provider. The signs suitable for identifying the universal postal service provider are defined in the Universal Postal Public Services Agreement. **§ 36** (1) To provide the postal service, the service providers may use a contributor.

(2) The postal operator performs this activity on behalf of the service provider, for the benefit of and carried out under his responsibility.

(3)<sup>1</sup> The contract concluded between the universal postal service provider and the postal operator is considered a service concession contract according to the Public Procurement Act, if the postal operator carries out its activities in such a way that it bears the related economic risk. The postal contributor bears the economic risk in particular if he is not entitled to a flat fee as compensation for the activity he performs, but to a fee proportional to the activity performed, and is also liable to the universal postal service provider for the damage caused by the activity he performs. **§ 37.** (1)<sup>2</sup> The service provider providing postal services that replace the universal postal service shall deliver letters and official documents sent within the scope of the service according to points a) and b) of § 5 to an address that is not

considered a delivery point, only in the case of an employment relationship or membership with natural persons in a legal relationship (not including the shareholder), or - up to one third of the number of natural persons delivering these postal items -3 a) a postal operator acting personally or b) having an employment or membership relationship with the postal operator (not including the shareholder) can be done by using a natural person who performs delivery. When determining the number of natural persons delivering postal items, one person is considered to be a general full-time employee, member,

or personally acting postal worker. For the purposes of the application of this provision, those employed part-time must be taken into account in proportion to the duration of their daily part-time work and the general full-time daily work time.

1 Established by CCXXVI of 2015. Act § 11. Valid: 2015. XII. from the 24th.

2 Established by: XXXV of 2016. Act § 5. Effective: June 2016 from 4.

3 Amended by XXXIII of 2021. Act § 35 a).

(2) If the licensed service provider has entered into a network access contract, the number of delivery natural persons employed by the postal service provider providing network access or employed as contributors may not be taken into account when calculating the reference base for the ratio according to paragraph (1).

(3) The person delivering mail outside the postal service location must wear a clearly identifiable mark referring to the postal service provider on his clothing, and in the case of delivery in non-public areas, at the request of the owner, user of the area or the recipient of the postal item, as well as the employee of the Authority performing postal official control or market surveillance during the procedure, you must show your name or identification number and a certificate containing the name of the postal service provider. **38.** §1 The postal service

providers and the persons and organizations engaged in the activity of postal collaborators are obliged to cooperate with the court, the prosecutor's office and the investigative authority during the criminal proceedings, as well as with the organizations authorized to prevent crimes, continue the collection of secret information and use covert devices, and at the same time as starting their activities, they are obliged to ensure the conditions for the continuation of secret information gathering and the use of covert devices. The provision of data in this context, as well as the activity according to § 55, paragraph (6), is free of charge, costs and reimbursement.

### 23. General rules of the postal service contract

**§ 39.** (1)2 The provisions of this Act and the legislation issued pursuant to the authorization of this Act shall apply to the postal service contract. The rules of Act V of 2013 on the Civil Code (hereinafter: Civil Code) shall apply to matters not regulated in this Act or in legislation issued pursuant to its authority.

(2) In the postal service contract and the individual contract related to postal services provided or used in the territory of Hungary, the parties are obliged to apply the provisions of this law or other postal legislation created on the basis of the authority of this law and may not impose the jurisdiction of a foreign court. The delivery rules for the delivery of postal items sent in Hungary and to be delivered abroad, established in this law or in the legislation issued on the basis of the authorization of this law, shall not apply only if the legislation of the state of the place of delivery excludes the application of these rules.

(3) The postal service provider defines the detailed terms and conditions of the provision of the postal service and the rules of liability related to the postal service in its general terms and conditions within the framework of the legislation. In the general terms and conditions of the postal service provider and in the forms, information sheets and other commercial communications related to the use of the service, the postal service provider must clearly indicate that the service is provided in the framework of a postal service.

(4) The postal service providers are obliged to send the parts of their general contract terms and conditions for universal and universal service replacement services specified in the government decree issued on the basis of the authorization of this law, as well as their amendments, to the Authority no later than 15 days before the start date of the application.

(5)3 The postal service provider is obliged to publish the general contractual terms and conditions, the tariff, and their amendments on its website at least fifteen days before the introduction. The postal service provider must be able to view the tariff at every postal service location.

---

1 Established by: CXCVII of 2017. § 346 of the Act. Effective: July 2018 from 1.

2 Amended by CCLII of 2013. Act § 41 (4) b).

3 Amended by: XLVI of 2023. Act § 35 b).

(6) The postal service provider may deviate from the provisions of this law in its general contractual conditions only if this law permits the deviation. This provision does not preclude the general terms and conditions of the postal service provider from advertising services that are not regulated by this law.

(7) The fee for the postal service - by law or by a different provision of the parties in its absence - it must be paid when the contract is concluded.

(8) The general terms and conditions apply exclusively to Articles 40–52. § may deviate from the provisions of the contract rules and liability, as long as this law does not prohibit the deviation. The deviation can only be made in favor of the user.

(9) In the individual contract, the postal service provider shall exclusively comply with Articles 40-52 in relation to all postal services covered by the individual contract. may deviate from the provisions of §, if this law does not prohibit the deviation. It is the responsibility of the postal service provider to prove that the terms of the individual contract were negotiated individually, or that they were drawn up with the cooperation of the sender or the recipient. The postal service provider is obliged to keep a record of the individual contracts it has concluded and to provide the Authority with information about the start of record keeping and - based on the Authority's call to this effect - about its contents.

(9a)1 If, in relation to the individual contractual relationship between the postal service provider and the sender (including the postal consolidator) or addressee, despite the requirement of writing, the postal service provider, the sender (including the postal consolidator) or the addressee have not entered into writing, the he may not claim lack of writing if a) the failure to put it in writing can be blamed on him,

or b) the acceptance of performance was made directly or by implied behavior. (9b)2 In the case according to paragraph (9a), the unique contractual relationship between the postal service provider and the sender (including the postal consolidator) or recipient is established with the content according to the laws governing this legal relationship and the postal service provider's general contractual conditions.

(10) The sender and the postal service provider may not agree on such a contract in a stipulation that limits or excludes the recipient's right under this law.

#### 24. Creation of the postal service contract

**§ 40.** (1) The postal service contract (hereinafter: contract) is established between the sender and the postal service provider when the postal item is received or the service is accepted.

(2) The sender may be the person or business organization with whom the postal service contract was concluded, in the case of registered mail - unless it contains a tender or a tender offer based on the sender's indication - the sender must be indicated. If the postal service contract is concluded with the postal consolidator, both the consolidator and the principal must be indicated on the shipment as the sender. In the case of the universal postal service, as well as on postal items to be delivered by personal delivery, the addressee must always be indicated. The contracting parties may not deviate from the provisions contained in this paragraph.

(3) In relation to the universal postal service, the universal postal service provider is obliged to enter into a contract in accordance with the legislation, the Universal Postal Public Service Agreement, as well as the legislation promulgating the international agreement concluded on the basis of the Charter of the Universal Postal Union or the agreement concluded on the basis thereof and the general terms and conditions of the universal postal service provider to provide postal services.

1 Installed: LXVIII of 2022. Act § 27. Effective: from January 1, 2023.

2 Installed: LXVIII of 2022. Act § 27. Effective: from January 1, 2023.

(4) The postal service provider may undertake in its general terms and conditions of contract or in an individual contract to treat and charge for postal items that do not qualify as letter items or postal packages under this law as letter items or postal packages during the provision of the postal service.

(5) The postal service provider providing the universal and license-required service is not obliged to accept a postal item that cannot be delivered through a letter box due to its size as unregistered item.

(6) The postal service provider is obliged to refuse to conclude the contract if a) the performance of the contract conflicts with the law, as well as with the law promulgating an international contract concluded on the basis of the Charter of the Universal Postal Union or an agreement concluded on the basis thereof; b) the

content of the postal item clearly offends or endangers life, health, physical integrity or the human environment;

c) the conditionally deliverable postal item does not comply with the regulations for such items; or d) the packaging of the postal

item does not comply with the specifications contained in the general terms and conditions of the postal service provider.

(7) Items that are excluded from the postal service or that can be conditionally delivered include a) It is established by a government decree.

(8) If one of the facts specified in paragraph (6) comes to the attention of the postal service provider after the conclusion of the contract, it is obliged to refuse to provide the service (or to continue it) and to notify the sender thereof. Additional costs resulting from the return of the postal item to the sender or delivery to another location and the official action are borne by the sender.

(9) The parties to the contract from the provisions contained in paragraphs (6) and (8) they cannot agree otherwise.

(10) In addition to the provisions of subsection (6), the universal postal service provider may only refuse to conclude a universal postal service contract for postal items that meet the weight and size limits that can be sent within the framework of the universal postal service, if the universal postal service is in accordance with § 34- is suspended or limited in accordance with the provisions of or other legislation.

(11) If, in the procedure of the public administration and judicial bodies, a legal consequence is attached to the delivery of a postal item by a specified date or time, the legal consequence of completion within the deadline, this obligation can be fulfilled by using the postal service provided by the universal postal service provider, which at least allows post-delivery verification to comply.

## 25. Fulfillment of the postal service contract, delivery of the shipment

**§ 41.** (1)<sup>1</sup> The postal service provider delivers the postal item to a place other than the one indicated as the address or specified by the Government in a decree.

Delivery is also considered if a postal item delivered on the basis of a power of attorney is forwarded by a business organization other than the persons listed in point a) of § 4 to an address different from its registered office, site or branch in the context of economic activity and handed over there to an addressee or other authorized recipient who is not a business organization .

<sup>1</sup> Established by: XXXV of 2016. Act § 6 (1). Effective: June 2016 from 4.

(2)1 Unregistered mail and registered registered mail can be delivered by placing it in the letter box or at a delivery point. The owner of the property or the addressee is obliged to ensure the availability of a letter box suitable for the placement and safe, safe storage of mail, of the appropriate size, and - unless otherwise provided by government decree - marked with the appropriate address, and that it is easily and safely accessible to postal service providers be accessible. The size and other characteristics of the letterbox that meet these requirements, as well as the legal consequences of not fulfilling the obligation, are determined in the Government Decree.

(3)2 Registered mail - not including recorded registered mail - must be delivered to the addressee or to another authorized recipient specified in the government decree issued pursuant to the authorization of this law by personal delivery. The parties to the contract may not agree on a contractual clause that allows the delivery of registered postal items to be delivered by personal delivery under this law without personal delivery. In the event of unsuccessful delivery of registered postal items to be delivered by personal delivery, unless otherwise provided by government decree, the postal service provider will leave a written notification about the type of item, the date of the attempted delivery, and where and when the item can be collected.

The placement of the notification is governed by the rules for the delivery of unregistered mail. (3a)3 In the case of refusal to

accept registered postal items to be delivered by personal delivery, the addressee or the other authorized receiver entitled to refuse to accept the postal items according to the government decree issued under the authority of this law, a clear statement of refusal to accept immediate delivery - on the delivery certificate or other technical documents recording the fact of delivery device, as well as by indicating his signature on the shipment or the accompanying document - he must give it to the postal service provider in writing. In case of refusal to display the signature, and on the basis of a declaration of refusal to accept the consignment, the provisions regarding the further handling of the postal consignment are established by the government decree issued under the authority of this law. (4)4 The case where, based on the contract concluded between the sender or the recipient and the postal service provider, the delivery takes place by means of an

automated device enabling delivery in such a way that the identifier providing the right to receive, the identifier of the shipment and the exact time of delivery are recorded. The conditions and requirements for the functionality and technical description of the automated device enabling delivery, as well as its installation, are established in the Government Decree.

(5)5 The postal service provider shall consider the postal item picked up by him as the property of the sender until it has been delivered to the addressee or another authorized receiver until proven otherwise. The postal service provider is obliged to accept as proof of the addressee's ownership of the postal item, if it provides the addressee with a confirmation of the absentee contract, which is given to him by the company as a consumer based on the law, including the total amount paid as consideration in connection with the purchase of the product, and is not related to the postal item an additional fee to be paid by the recipient at the time of delivery.

---

1 Amended by: Act V of 2022 § 70 a).

2 Established by: § 68 (1) of Act V of 2022. Effective: June 2022 from 1.

3 Introduced by: Act V of 2022 § 68 (2). Effective: June 2022 from 1.

4 Established by: XLVI of 2023. Act § 32. Effective: June 2023 from 30

5 Established by: XXXV of 2016. Act § 6 (4). Effective: June 2016 from 4.

(6) The postal service provider and the addressee may agree to deliver postal items to the addressee not to the address indicated in the item, but to another address (in particular, a forwarding address, post office box or other delivery point).

In order to provide these services and secure delivery to the addressee, the postal service provider is entitled to keep an address register (name, residential address, seat or location) for the duration of the agreement.

(7) The range of authorized receivers, the mandatory formal and content elements of the authorization to receive, and other rules related to delivery shall be determined by the Government decree. (7a)<sup>1</sup>

(8)<sup>2</sup>

Registered postal items to be delivered by personal delivery to the addressee with verified right of receipt and verified identity or other authorized recipient - name, letter and number of the document used to verify the identity of the recipient on the document for this purpose or on the device recording the fact of delivery after being recorded by the postal service provider - it can be delivered.

The detailed technical rules related to the verification of identity and acceptance rights, as well as the method of verifying identity and acceptance rights, are established by the government decree issued under the authority of this law. The postal service provider requests proof of identity - if the delivery of these items is not done by placing them in a letterbox and the person appearing at the delivery point for the purpose of collection has questionable acceptance authority or identity - also in the case of delivery of unregistered postal items and recorded registered mail items. (9)<sup>3</sup> If the delivery of the registered postal item takes place by receiving it from an automated

device that enables delivery, the addressee or other authorized receiver must prove his right to receive it with the identification code provided by the recipient at the same time as receiving it.

(10) If the registered postal item is delivered by personal delivery by the postal service provider, the name, letter and number of the identity document or the identification code provided by the recipient at the same time as the delivery, unless otherwise provided by the postal service provider - government decree - on the delivery document or its electronic substitute properly fixed. If the owner of the document objects to this, the service provider records this on the delivery document as a circumstance that prevented the delivery, and returns the postal item to the sender with an indication of the reason. (11)<sup>4</sup> If the recording of the fact of delivery or - in the case of

point *b*) - the recording of the image of the signature and the creation of an electronic document containing this data is in accordance with the government decree or, in the case of items sent within the framework of the universal postal service, with the Universal Postal Public Service Agreement specified device and system requirements, then an electronic document recorded with another technical device recording the fact of delivery serves as complete proof that, until proven otherwise,

*a*) during the delivery of registered mail or official documents - not including recorded registered mail - the item was delivered to the authorized recipient by personal delivery, *b*) during the performance of

international postal order services, cash transfers or services that enable cash payments from a payment account, the universal postal service the amount paid by the service provider was received by the authorized recipient.

---

<sup>1</sup> Repealed by: LXXXVII of 2023. Act § 28. Invalid: 2023. XII. from the 28th.

<sup>2</sup> Established by: § 68 (3) of Act V of 2022. Effective: June 2022 from 1.

<sup>3</sup> Amended by: XLVI of 2023. Act § 34 d).

<sup>4</sup> Established by: § 68 (4) of Act V of 2022. Effective: June 2022 from 1.

**§ 42.** (1)<sup>1</sup> In the event of unsuccessful delivery of a registered postal item to be delivered by personal delivery at the address, the item must be kept at the addressee's disposal at the postal service point or at the delivery point operated for this purpose, in the case of service subject to notification, the provisions of the postal service contract must be followed. The addressee must be notified of the place, time and conditions of acceptance. The time of availability cannot be shorter than 5 days. <sup>2</sup>

(2) In order to fulfill the provisions of paragraph (1), the postal service provider shall, in the case of the universal postal service, comply with the provisions of § 16, paragraph (4), and in the case of a postal service subject to a license for registered items, in the area provided by it

a) at least one delivery point per settlement, b) with a population of more than 30,000 - with a registered place of residence in settlements, at least one delivery point for every 30,000 inhabitants is obliged to enable the delivery of registered letters by keeping the authorized recipient at the disposal of the authorized recipient in the event of failure of delivery at the address.

(3) The postal service provider is not obliged to deliver the postal item if the postal service fee has not been paid by the sender - or, in the case of an agreement to this effect, by the addressee or other authorized recipient.

(4) Postal items that cannot be delivered to the addressee (or other authorized recipient) for reasons beyond the control of the postal service provider are considered undeliverable.

(5) The postal service provider is obliged to return the mail according to paragraphs (3) and (4) to the sender. In the case of return delivery, the service provider may make the delivery of the shipment to the sender subject to the reimbursement of the return delivery costs. If the sender does not reimburse the costs of return delivery, or if return delivery is not possible for reasons beyond the postal service provider's control, the postal item is deemed undeliverable. (6)<sup>3</sup> The postal service provider must

keep the undeliverable mail.

The legal status of the postal service provider is governed by the Civil Code. its rules on possession without a legal basis shall be applied with the

exception that the postal service provider *shall keep the postal item until three months from its dispatch, except in the cases described in points b) and c)*, after which it may destroy the item;

b) he is obliged to keep the parcel post for three months from the date of dispatch, after that you can dissolve it;

c) may open the postal item immediately, if due to the likely dangerous or perishable nature of the contents of the postal item, the postal service provider cannot expect to preserve it for the period specified in points a) and b).

(7) After opening, the postal service provider, if the postal item contains goods of commercial value, sells it, in other cases it destroys the contents of the item.

(8) The opening, sale and destruction of postal items must be carried out in the presence of a two-person committee and with the recording of minutes. The members of the committee must be appointed by the postal service provider from among its employees, members, agents or contributors. The postal service provider must keep the records for one year after dispatch. The Authority may consult these minutes at any time.

(9) The postal service provider uses the amount received from the sale based on paragraph (7) to reduce the costs generally incurred as a result of keeping undeliverable postal items or keeps them available for this purpose.

<sup>1</sup> Established by: XXXV of 2016. Act § 7. Amended by: Act V of 2022 § 70 b).

<sup>2</sup> During the state of emergency, different provisions must be applied. See: 369/2022. (IX. 29.) Government Decree § 2 (2) g), 460/2022. (XI. 10.) Government Decree § 3 (2) g).

<sup>3</sup> Established by: CCLII of 2013. Act § 41 (2). Valid: 2014. III. from 15.

**§ 43** In the event that postal items coming from abroad and sent abroad are subjected to customs procedures, the related special rules are contained in the customs legislation. The postal service provider will return postal items sent abroad that cannot be subject to customs procedures - unless the customs legislation or the sender stipulates otherwise - to the sender.

## 26. Liability of the postal service provider for damages

**Section 44** (1) The postal service provider shall be responsible for the destruction, partial or total loss or damage of the postal item, as well as for the delayed performance of the time-guaranteed service, with the sender, with the recipient or a third party as defined in Section 50, paragraph (2), as well as with the delivery service in the event of non-contractual performance, to the recipient's liability for damages in this §, as well as in Articles 45–52. the provisions contained in § shall be applied. In its general terms and conditions, the postal service provider may assume responsibility according to stricter (more favorable for the user) rules than those contained in this law.

(2) The postal service provider shall, in its general terms and conditions for notifiable services, in paragraphs (1), (3)–(8), and also in Articles 45–51. instead of the provisions contained in §, it may require the application of the rules of the Civil Code on liability for damage caused by breach of contract.

(3) In case of non-fulfilment or non-contractual performance of a postal service contract concluded in relation to unregistered mail (in particular, if the mail is destroyed, completely or partially lost or damaged), the postal service provider - unless the damage is caused by the service provider or a person entrusted by him occurred as a result of his intentional act - he is not liable for compensation. (4)<sup>1</sup> In the absence of an agreement between the postal service

provider and the sender or the recipient, the postal service provider's liability for damages resulting from the provision of postal services from the destruction, partial or total loss or damage of the postal item, as well as from the delayed performance of the time-guaranteed service, as well as the non-contractual redelivery service with the exception of damage resulting from the fulfillment of the Civil Code. rules are governed by the fact that the postal service provider is obliged to compensate the damage caused to the property of the sender or the recipient, as defined in § 50, paragraph (2), with the exception of the lost pecuniary advantage. Claims incurred become time-barred in 6 months. The postal service provider cannot be obliged to pay damages or to compensate damages resulting from a violation of privacy rights, and sanctions independent of blame for the violation of privacy rights cannot be enforced either.

(5) The postal service provider is not liable for damage resulting from the loss, destruction or damage of mail items that can be delivered to the letterbox, as well as notices that can be placed there, as well as the return receipt, if the address does not have a letterbox that meets the requirements specified in § 41, paragraph (2).

(6) The postal service provider is not responsible for the unsuccessful delivery of the postal item to be delivered by personal delivery, as well as for the delayed or non-performance of a time-guaranteed service, if the reason for this is that the recipient did not provide the postal service provider with the possibility of safely reaching the address.

(7) In the case of destroyed or completely lost mail no claim for compensation due to delay can be asserted.

(8) If the postal service provider mistakenly delivered the postal item to a recipient who is not entitled to it, and contractual performance to the entitled recipient is impossible within 30 days from the detection of the wrongful delivery, the compensation for the resulting damage shall be governed by the rules regarding the loss of the item.

## 27. Liability for the destruction, loss or damage of postal items

**§ 45** (1) The postal service provider - with the exception of the provisions of § 44, paragraphs (3) and (5) - is responsible for the damage caused by the destruction of the mail in the time from the receipt of the mail to its delivery or return to the sender, resulting from total or partial loss or damage, unless the damage

a) an unavoidable cause outside the postal service provider's scope of operation, b) an internal feature of the postal item or the packaging is not visible from the outside possible deficiency, or

c) damage or destruction of the shipment was caused by another postal shipment.

(2) The postal service provider must prove that the packaging is incomplete and that the damage was caused by an irreparable cause outside of its scope of operation or - despite the service provider's contractual behavior - by the mail of a third party other than the injured party.

(3) The sender must prove that the damage is not internal to the postal item the consequence of its properties and not due to a deficiency in the packaging.

(4) The postal service provider is not liable for damages, if only the postal one the outer packaging of the shipment is damaged.

(5) The postal service provider is not liable for damages if the contents of the shipment are excluded from the postal service or if they can be delivered conditionally and the sender has not met the requirements for conditional delivery.

**§ 46** (1) If the registered mail item is destroyed, completely or partially lost or damaged, the postal service provider is obliged to pay a flat-rate compensation. In the event of a) destruction or total loss

of the shipment, the flat-rate compensation to be paid amount is fifteen times the fee payable for the service,

b) in case of partial loss or damage, the amount of the flat-rate compensation to be paid is proportional to the total amount of the flat-rate compensation specified in point a) in the same way that the damage caused is proportional to the total value of the postal item.

(2) In the case specified in paragraph (1), the postal service provider is also obliged to refund the fee paid for the service.

(3) If, in domestic circulation, the delivery of the registered postal item - or an attempt to do so - does not take place within fifteen days from the date of dispatch, unless otherwise agreed by the parties, the item shall be considered lost until proven otherwise, and the rules for the loss of the item shall be applied to compensation .

(4) If a postal item considered lost based on paragraph (3) is found, the item must be delivered. The compensation flat rate that has not yet been paid and the service fee that has not been reimbursed do not have to be paid, but the compensation rate that has already been paid and the service fee that has been refunded do not have to be reimbursed to the postal service provider in the case of

delivery either. **§ 47.** (1) In its general terms and conditions, the postal service provider establishes the maximum amount of the declaration of value related to the postal service it provides. In the case of the universal postal service, the amount that can be marked as the highest amount of the value declaration is at least one hundred thousand forints in the case of postal packages, and at least twenty thousand forints in the case of other postal items.

(2) In its general terms and conditions, the postal service provider may allow the use of the value declaration service for postal items with content without commercial value.

(3)<sup>1</sup> If the general terms and conditions of the postal service provider do not provide in accordance with paragraph (2), or if the sender has indicated an amount higher than the actual commercial value as the amount indicated in the declaration of value, then instead of the amount indicated in the declaration of value, the actual commercial value of the contents of the postal item, if the amount indicated in the declaration of value is lower than the actual commercial value, the amount indicated in the declaration of value must be taken as a basis for the calculation of the compensation flat rate.

(4) If the postal item sent with the value declaration service (hereinafter: value declared) is destroyed, completely or partially lost, or damaged, the postal service provider is obliged to pay a flat rate of compensation, taking into account the provisions of paragraphs (1)–(3), as follows:

- a) payable in case of destruction or total loss of the postal item the flat-rate amount of compensation is the amount of the value indicated in the declaration of value,
- b) in case of partial loss or damage of the postal item, the amount of the flat-rate compensation to be paid is proportional to the amount of the value indicated in the declaration of value in the same way that the damage caused is proportional to the total value of the item.

#### 28. Liability for late delivery of mail

**§ 48.** (1) For late delivery of non-time-guaranteed postal items, the postal service provider is not liable for compensation.

(2) The postal service provider is obliged to pay a flat-rate compensation for the delayed delivery of the time-guaranteed postal item or the delayed delivery attempt. The amount of the flat-rate compensation is twice the fee paid for the time-guaranteed postal service.

(3) The postal service provider is not liable for compensation for late delivery of the time-guaranteed postal item, if<sup>2</sup>

- a) the delay was caused by an unavoidable cause outside its scope of operation, b) the delivery of the postal item within the deadline was unsuccessful because the addressee or other authorized receiver was not available at the place indicated in the address,
- c) in addition to what is specified in points a) and b), based on the Civil Code, he is exempted from liability for delayed performance.

#### 29. Special cases of compensation

**Section 49** (1) If, during the performance of the postal service contract, the postal service provider's liability for compensation arises under several legal titles, the amount to be paid by the postal service provider as compensation is set out in Section 46, Section 47 or Section 48 it may extend up to the highest amount of the specified compensation flat rate.

(2)<sup>3</sup> In the case of non-contractual or non-contractual performance of the forwarding service, the flat-rate compensation to be paid is twice the price of the service. If the fee is based on duration, the compensation flat rate is based on the fee for the shortest payable duration.

#### 30. Validation of the claim for compensation

**§ 50** (1) With the exception of the provisions of paragraphs (2) and (3), the sender is entitled to enforce the claim for compensation. (2)<sup>4</sup> The

addressee - also in the case of § 44, paragraph (4) - is only entitled to assert a claim for compensation if a) the postal item was delivered to him or to another authorized recipient, or

---

<sup>1</sup> Established by: XXXV of 2016. Act § 9. Effective: June 2016 from 4.

<sup>2</sup> Amended by XXXV of 2016. Act § 14.

<sup>3</sup> Established by: XXXV of 2016. Act § 10. Effective: June 2016 from 4.

<sup>4</sup> Established by: XXXV of 2016. Act § 11. Effective: June 2016 from 4.

*b)* the right to enforce the claim for compensation has been assigned by the sender to the addressee in writing, or

*c)* based on the provisions of § 41, subsection (5), the addressee should be considered his property.

(3) A third party other than the sender and addressee is only entitled to assert a claim for compensation if the related claim has been assigned in writing in favor of the person entitled to compensation.

(4) Neither the addressee nor the third party referred to in paragraph (3) may validate a claim for compensation in an amount higher than the compensation to which the sender is entitled.

**Section 51** (1) The partial loss or damage of the postal item - if it can be detected - must be indicated on the delivery note immediately upon delivery of the item or upon return of the item. Failure to do so will result in loss of rights.

In the absence of a delivery document or if the partial loss or damage cannot be immediately recognized upon delivery (return delivery), it must be reported in writing to the postal service provider providing the delivery within a period of three working days from the date of delivery, or it must be recorded in writing at the service provider. The claim for compensation can also be indicated at the same time as the notification.

(2) The claimant may notify the postal service provider of his claim for compensation for late delivery of the time-guaranteed postal item in writing within a lapse of fifteen days from the receipt of the item.

(3) With the exception of the provisions of paragraph (4), the entitled party may notify the postal service provider in writing of his claim for compensation for the loss or destruction of the postal item within a period of 6 months starting from the fifteenth day from the date of posting of the item.

(4) If the fact of the loss or destruction of the postal item comes to the attention of the service provider in the context of complaint handling, and upon receipt of the service provider's response to the complaint - establishing the fact of loss or destruction - there are less than thirty days left of the deadline for asserting the claim established in paragraph (3), the deadline is extended to thirty days after receiving the answer.

(5) The postal service provider is obliged to respond in writing to the claimant's notification or claim for compensation within thirty days. In its response, the service

provider *a)* informs the entitled party of the additional conditions and procedures necessary to establish the validity of the notification, *b)*

establishes the validity of the notification and the compensation claim, in the latter case informs the entitled party of the expected date of payment of the compensation claim, or

*c)* - if he disputes the legal basis or extent of the claim for compensation - he informs the enforcer of the claim about the statutory or contractual rules for compensation and compensation enforcement, as well as the CLV of 1997 on consumer protection. Act (hereinafter: Fgytv.) on the basis of § 2, calls on a claim enforcer who is considered a consumer that the Fgytv. can initiate a consumer legal dispute before a conciliation body.

(6) If the right-holder has made the notification, notification or claim specified in paragraphs (1)–(4) to the service provider within the limitation period specified therein, and the service provider has contested his claim for compensation or the service provider has established that it is well-founded, paragraph (5) *b)* If you have not paid within 60 days of receiving the information in accordance with point 2, you may assert your claim for compensation in court within a one-year statute of limitations from the date of dispatch of the shipment. The duration of the conciliation board procedure initiated on the basis of a consumer dispute cannot be included in the claim enforcement time

(7) The rights and obligations of the entitled party regarding the enforcement of his claim for compensation, as well as the method of enforcing the claim, shall be recorded by the postal service provider in its general terms and conditions of contract.

§ 52 The general rules of the Civil Code shall be applied to compensation by the sender for damage caused by the postal item to the postal service provider or, outside of the contract, to a third party.

## VI. CHAPTER

### DATA AND PRIVACY PROTECTION, COMPLAINT HANDLING

#### 32. Data provision

§ 53. (1)<sup>1</sup> The Authority may call upon the operator of postal activities, the postal service provider, to provide all data that the Authority - in this law, in the legislation issued on the basis of the authorization of this law, and in the cross-border parcel delivery services of April 18, 2018 It is necessary for the performance of its duties assigned to its authority as defined in Regulation 2018/644 of the European Parliament and of the Council, also in the event that it is classified as a business secret, with the exception of classified data. There is no legal remedy against this invitation, the invitation can be challenged in the request for legal remedy against the official decision issued in the case specified in paragraph (2).

(2) If the person requested to provide data does not or does not comply with the invitation contained in paragraph (1), the Authority may obligate him/her to provide the data contained in the invitation in an official decision. (3)<sup>2</sup> There is no appeal against the Authority's decision

according to subsection (2). The letter of claim against the decision must be submitted to the Authority within fifteen days from the notification of the official decision. Deferral effect of filing a statement of claim

there is

(4)<sup>3</sup> The postal service provider is obliged to make the data specified in the law publicly available. In addition to the data relating to the universal postal service, data related to the business activities of the universal postal service provider and the business activities of a company directly or indirectly managed by the universal postal service provider in accordance with the Act on the Prohibition of Unfair Market Behavior and Restriction of Competition may not be disclosed, the disclosure of which by another person is a violation of the universal postal service. service provider or an enterprise controlled directly or indirectly by the universal postal service provider in accordance with the Act on the Prohibition of Unfair Market Conduct and Restriction of Competition would represent a disproportionate harm from the point of view of the business activity. The harm is disproportionate especially if the acquisition, utilization, communication or disclosure of the data by others gives an unjustified advantage to a competitor of the universal postal service provider or a company controlled directly or indirectly by the universal postal service provider in accordance with the Act on the Prohibition of Unfair Market Conduct and Restriction of Competition would deliver.

(5) During the provision of data according to paragraphs (1) and (4), the data provider is responsible for the timeliness, authenticity, accuracy and verifiability of the content of the data.

#### 33. Protection of personal data, confidentiality obligation

<sup>1</sup> Established by: CXXVIII of 2018. Act § 23 (1). Valid: from January 1, 2019.

<sup>2</sup> Established by: Act L. of 2017 § 423 (3). Valid: from January 1, 2018.

<sup>3</sup> Established by: XII of 2016 Act § 1. Effective: April 2016 from 2.

**§ 54.** §1 (1) In order to fulfill the obligation specified in § 6, the universal postal service provider manages the personal data necessary for the fulfillment of the universal postal service contract, accounting, verification and subsequent verification of the fulfillment for the period specified in § 55, paragraph (7) .

(2) The performance of the universal postal service cannot be made dependent on the provision of personal or other data, or the declaration of consent to data processing for a purpose that is not necessary for the provision of the postal service with the content requested by the sender. **§ 55 (1)** The postal service provider may

only know the content of the mail it handles to the extent necessary for the performance of the service.

(2) In the framework of its postal service, the postal service provider a) may not open sealed postal items - with the exception of the provisions of paragraph (4); b) may

study unsealed postal items only in order to determine the data necessary for recording, collection, processing, transport, and delivery, and to the appropriate extent;

c) with the exception of the sender, the recipient (or other authorized recipient) and the organizations mentioned in paragraph (6), may not disclose the data obtained during the performance of the service to anyone else;

d) the sender, the addressee (or other authorized recipient) and the organizations mentioned in paragraph (6) may not hand over the postal item to anyone else for the purpose of knowing its contents;

e) with the exception of the sender, the recipient (or other authorized recipient) and the organizations mentioned in paragraph (6), information on the performance of the service may not be given to anyone else.

(3) For the purpose of point d) of subsection (2) , the person who presents the document certifying the sending of the postal item shall be considered to have the same authority as the sender. With regard to points c) and e) of paragraph (2) , the person who provides the unique identification data of the postal item (e.g. code, item identifier), as well as, if necessary, the name of the sender and addressee and the address of the item, shall be considered to have the same rights as the sender. communicates with the postal service provider via electronic communication (telecommunications equipment, internet).

(4) The postal service provider may open the sealed postal item if a) the cover of the item is damaged to such an extent that it is justified to open it in order to protect its contents, and the contents of the item cannot be protected by repackaging without opening; b) this is justified in order to eliminate the danger caused by the contents of the shipment; c) there is a case specified in points b) and c) of § 42, subsection (6) .

(5) The opening of the postal item must be carried out in accordance with § 42, paragraph (8), with the fact that the opening must be attributed to the item, and, if possible, the sender must be notified of the opening and the reason for the opening.

(6) The postal service provider and the person or organization carrying out the activities of postal collaborators must ensure the confidentiality of the items, text messages or communications handled during the performance of the postal service with appropriate organizational and technical measures. The postal service provider and the person or organization carrying out the activity of postal collaborators - in the event of the existence of the legal conditions and a request for this purpose - are obliged to hand over or present the postal item, text message or communication to the organizations authorized to know it by a separate law, as well as to monitor, store or to allow other means of intervention in a shipment or text message.

(7)1 During data management, the postal service provider must retain the data necessary for the performance of the postal service contract, accounting, verification and subsequent verification of performance until the last day of the fifth calendar year following the dispatch of the postal item.

#### 34. Data and privacy protection responsibility of postal employees, agents and contributors

**§ 56.** The obligation to protect data and secrecy is imposed on employees, members, agents and contributors of the postal service provider - even after the termination of the employment relationship, membership relationship, mandate relationship, legal relationship of contributor - in the same way as the postal service provider, and is liable for their violation.

#### 35. Complaint handling, customer service

**§ 57.** (1) Fgytv. 17/A–17/C on complaint handling and customer service. The provisions contained in § shall be applied with the deviations contained in this section.

(2) A complaint is a report in which the user claims that the service provided by the postal service provider does not fully or partially comply with the legal regulations or the service provider's general terms and conditions. The notice, report and assertion of the claim for compensation as set out in § 51 must be registered among complaints.

(3) Every postal service provider has at least one nationwide, Fgytv. 17/B. According to § (2), a central customer service that is open and accessible by telephone must be operated, and it must also be ensured that users can make their complaints verbally, in writing, and also via the Internet. The claim for compensation related to the postal service can also be asserted through the telephone customer service of the central customer service within the time limit specified in § 51. (4)2

The universal postal service provider is obliged to ensure the operation of customer service in all county seats, and the licensed service provider in the seats of the counties affected by its area of operation, in such a way that its approach does not cause disproportionate difficulties for the users, taking into account the number of users served and their geographical distribution. The universal postal service provider - as well as the service provider that provides a licensed service, if it also provides postal services in Budapest - is obliged to operate at least one customer service in Budapest.

(5) The postal service provider, Fgytv, is obliged to provide telephone availability and advance reservation of appointments for personal administration via telephone and electronic mail only in relation to the central customer service.

17/B. in accordance with § (2) point c) and (3).

(6) The postal service provider needs an opportunity at every postal service location provide for user reports and complaints to be made orally or in writing.

(7)3 Complaints related to postal items can be filed within a 6-month statute of limitations from the date of dispatch, or within 30 days of becoming aware of the offending activity, but no later than 6 months after the activity was carried out.

(8) The postal service provider is obliged to examine incoming complaints within the framework of a free, simple, transparent and non-discriminatory procedure and to keep records of the complaints and their handling. The rules of complaint handling affecting users must be published in the general terms and conditions of the service provider.

---

1 Established by: § 69 of Act V of 2022. Effective: June 2022 from 1.

2 Amended by XXII of 2022. Act § 170.

3 Established by: XXXV of 2016. Act § 13. Effective: June 2016 from 4.

(9) In the case of domestic services and services to member states of the European Union, the service provider has thirty days from the receipt of the complaint to conduct the investigation. The duration of the investigation procedure related to the domestic service and the service to the member states of the European Union can be extended once by thirty days with the simultaneous notification of the complainant.

(10) The postal service provider is obliged to inform the complainant in writing of the result of the investigation of the complaint immediately in the case of domestic service, and within fifteen days from the date of the information received from the foreign service provider in the case of international service. In the case of information sent late by the foreign service provider, the domestic service provider responsible for fulfilling the provisions of the service contract is not liable if it has done everything possible to provide the data and information to be obtained from the service provider of the contractual partner within the time limit.

(11) If the complainant does not accept the response to the complaint, or the postal service provider does not respond to the complaint within the time limit, the complainant may submit the complaint or the in order to investigate complaint handling. The complainant must be informed of this possibility in the response to the complaint.

(12) Postal service providers are obliged to report on complaints, the number of complaints and the way they are handled to the Authority once a year, no later than March 31 of the year following the relevant year, by sending the service provider data provided on the records kept and publish the report on their website.

(13) Regarding the written form of the complaint, the Fgytv. 17/C. shall be applied.

## **VII. CHAPTER**

### **ACCOUNTING REQUIREMENTS**

#### **36. Requirements for the statement of income, costs and expenses of postal services**

**§ 58.** (1)<sup>1</sup> The postal service provider - with the exception of the partner organization according to § 14, paragraph (1a) - in its accounting record system - in accordance with the provisions of this Act and the decree of the minister - is obliged to separate and show the data relating to postal services and its other activities revenues. The universal postal service provider is obliged to keep separate records of its revenues, costs and expenses related to the provision of services related to official documents.

(2). your income, costs and expenses from reportable services.

(3) The universal postal service provider is obliged to separate and report the revenues, costs and expenses of domestic mail items and official documents with a weight not exceeding 50 grams, sent according to the per-item tariff.

(4) The costs of postal services in the system of the universal postal service provider should be separated as follows.

a) can be directly assigned to a specific service or product costs are assigned to it;

*b*) common costs, i.e. those costs that cannot be directly assigned to a specific service or product, must be allocated as follows: *ba*) if possible, common costs must be allocated based on

a direct analysis of their origin; *bb*) if direct cost analysis is not possible, the common cost categories are divided based on

an indirect relationship with another cost category or group of cost categories for which direct assignment or division is possible; the indirect relationship must be based on a comparable cost structure; *bc*) if neither a direct nor an indirect method can be used for the distribution of costs, the cost category must be divided based on a general dividing factor, which is calculated using the ratio of all expenses directly or indirectly

assigned to each universal postal service on the one hand, and assigned or designated to other services on the other hand; *bd*) the common costs necessary for the provision of both universal and non-universal postal services must be apportioned in an appropriate manner; the same cost factors should be applied to both universal and non-universal postal services. (5)<sup>1</sup> According to subsections (1)–(4), the universal

postal service provider, the service provider providing a service subject to a license, must provide the data of the registers kept according to subsection (2) - defined by the minister in the decree - within six months after the last day of the business year to be sent to the Authority. On the

basis of the contract according to § 14, paragraph (1a), the universal postal service provider sends the revenue data for the activities provided by the partner organization to the Authority as part of the data provision according to this paragraph.

(6) The accounting record system of the universal postal service provider must be able to demonstrate the calculation of the net cost of the universal postal service obligation and to support its unfair additional burden.

(7) Postal service providers providing universal and license-required services must have their compliance with the accounting requirements for postal service providers checked and certified annually at their own expense by an auditor independent of the service provider. The auditor's certificate must be made public.

## VIII. CHAPTER

### STATE DUTIES

#### 37. State tasks of managing the postal sector

**Section 59** (1) In the application of this law, the tasks of the state are: *a*) to establish the national postal policy and to create the necessary conditions for its implementation; ensuring the universal postal  
*b*)<sup>2</sup> service; enforcement of governmental, national security, justice, law and order, protection and security, and national defense requirements in the postal sector, as well as monitoring their implementation; *c*) performance  
of international tasks related to the postal sector; *d*) efficient  
operation of the state institutional system of the postal sector, the professional cooperation with interest-representative organizations;  
*e*) harmonizing the regulation of postal services with data protection, a consumer protection and environmental protection;

<sup>1</sup> Established by: XXXIX of 2014. Act § 70 (2). Effective: 2014. IX. from 30

<sup>2</sup> Amended by: VII of 2022. Act § 69 d).

f) cooperation of postal networks, postal service providers and services ensure its conditions as necessary;

g)1 to ensure the organizational and operational conditions necessary to increase the security of postal services, to prepare them for the tasks of the special legal order and the period of coordinated protection activities, in accordance with national and international principles, within the framework of which the postal service provider, in accordance with the provisions of the law

ga) prepares for the tasks defined by law governing the period of the special legal order and coordinated protection activities; gb) prepares a plan to define

the detailed tasks related to protection and business continuity, and to ensure the organizational and operational conditions for their implementation, in accordance with the law.

h) for activities related to the postal sector and their regulation,

operation of the information and statistical system necessary for its supervision.

(2) Hungary is represented at the Congresses of the Universal Postal Association by those authorized by the Government, and in the operational work of the Universal Postal Association by the Minister, the Authority, and the universal postal service provider.

### 38. Duties of the Government

**§ 60** Among the state tasks, the Government:

a) establishes the national postal policy, the basic principles and conditions of postal activities and services, as well as state programs for the development of the postal infrastructure;

b) concludes international contracts related to the postal service, takes care of them on the representation of Hungary in various international organizations related to the postal service;

c) ensures - through the minister responsible for consumer protection - that user interests are enforced;

d)2 defines the system for the security of postal services, the preparation for the period of the special legal order and the coordinated protection activity, and in this context ensures the conditions for the performance of the tasks assigned to the state administration; e) determines the conditions necessary for the enforcement of general and special national security interests in the field of the postal service, as well as the rules for monitoring their implementation;

f)3 in the case of ordering coordinated protection activities, it may temporarily limit or suspend postal services in its decree; g) if necessary, the universal postal service net

for unfair additional burden compensation;

h) provide the information provision delegated to the Member State in EU legislation, tasks related to contact and other cooperation.

### 39. Duties of the Minister

**§ 61** Among the state tasks, the minister: a)

submits to the Government a proposal for the national postal policy, and ensures the implementation of the decision on this;

b) monitors the situation of the provision of the universal postal service and takes measures to ensure the service, concludes and, if necessary, amends the Universal Postal Public Service Contract;

---

1 Established by: VII of 2022. Act § 66. Effective: November 2022 from 1.

2 Established by: VII. of 2022. Act § 67 (1). Effective: November 2022 from 1.

3 Established by: VII. of 2022. Act § 67 (2). Effective: November 2022 from 1.

c) <sup>1</sup> coordinates civil, governmental, national security, judicial, law enforcement and defense activities related to the postal sector, taking into account defense and security interests;

d) <sup>2</sup> designates the postal service provider participating in the performance of defense tasks, taking into account the interests of defense and security, and determines the tasks related to preparing for situations during the period of the special legal order;

e) directs the performance of international tasks related to the postal service, prepares the Government's international activities related to the postal sector, ensures the implementation of international obligations, represents Hungary in international organizations related to the postal sector, and also concludes international cooperation agreements that do not belong to the Parliament or the Under the jurisdiction of the Government;

f) provide the information provision delegated to the Member State in EU legislation, tasks related to contact and other cooperation;

g) <sup>3</sup> takes into account defense and security interests, participates in the implementation of national security and defense tasks of the postal sector;

h) ensures the establishment, operation and development of the statistical information system related to its tasks and powers, as defined in the Act on Statistics; i) develops concepts and programs for the

development of postal activities and services, contributes to the conditions for their implementation based on the developed concepts; j) ensures the improvement of the standard of postal

services by supporting standardization and research and development activities; k) determine, in agreement with the minister concerned, the

method of determining the fee for domestic mail items of a weight not exceeding 50 grams, as well as the domestic postal service fee for official documents, sent according to the per-item fee schedule within the framework of the universal postal service;

l) <sup>4</sup> establishes the amount of the unfair additional burden and the amount to be reimbursed to the universal postal service provider.

#### 40. Postal duties of the Authority

**62.** §5 The Authority performs the official tasks of the postal sector. Within this framework, the Authority acts by notifying and authorizing postal services, keeping the related records prescribed by law, controlling postal services, official and market supervision of the postal service market, providing data to postal service providers, and fulfilling the provisions of the Universal Postal Public Services Agreement concerning user rights. control, control of the calculation of the net avoidable cost and other official matters. **§ 63.** The Authority a) declares at least annually on the necessity of creating and amending the legislation related to its competence, related to the postal market, and contributes to the preparation of legislation related to its competence;

1 Amended by: VII of 2022. Act § 69 e).

2 Amended by: VII of 2022. Act § 69 f).

3 Amended by: VII of 2022. Act § 69 g).

4 Installed: XXXIII of 2021. Act § 32. Effective: from Sun 14, 2021.

5 Established by: XXXIII of 2021. Act § 33. Effective: from Sun 14, 2021.

b) every two years - for the first time by June 30, 2016 - prepares a report for the Parliament on the development of the liberalized postal market, on the realization of the objectives of this law, including the development of access conditions between the networks of postal service providers and if the protection of users' interests or the promotion of effective competition requires it, makes a proposal for the creation of legislation regarding the provision of transparent, non-discriminatory access to elements of the universal postal network or services provided within the framework of the universal postal service;

c) carries out the implementation of national defense, law and order, national security and defense preparations related to the postal service, as well as related data provision tasks, operates the on-call service of the postal sector; d) provides cost calculation of universal postal services and postal

audit tasks related to the accounting separation of service providers;

e)1

f) performs the tasks related to the provision of information, contact and other cooperation delegated to the national regulatory authority in the European Union legal acts; g) perform other duties defined

by law.

#### 41. Cooperation with other authorities

**§ 64 (1)** In order to carry out its duties, the Authority cooperates with the

Economic Competition Authority in order to: a ) consistently enforce the protection of competition in matters affecting competition in the postal market, and promote uniform application of the law ; with the consumer protection

authority and the Economic Competition Office in accordance with the jurisdiction rules defined in separate laws,

c) related to the market of postal services, concerning the protection of personal data in cases with the National Data Protection and Freedom of Information Authority,

d) 3 with the employment supervision authority, the state tax authority, the authority verifying the enforcement of the requirement of equal treatment, and the immigration enforcement authority, in order to carry out inspection tasks related to labor law violations taken into account from the point of view of the license, e)4 for postal services with the Supervisory Authority regarding related payment services.

(2) The Authority may use the data of the official records relating to organized labor relations - in connection with the obligations defined in this Act.

(3) During cooperation, the Authority and the authorities included in paragraph (1) are obliged to ensure that their procedures are in accordance with the legislation on data protection, and that interests related to business secrets are not harmed. Within this framework, the authority transferring the data to the other authority notifies the data provider of the data transfer, among other things, and the receiving authority ensures that the transferred data is at least as protected as the transferring authority. The Authority and the authorities referred to in paragraph (1) shall record the details of their cooperation, review them annually, and make them available to the public, including the methodologies created as a result of the cooperation.

---

1 Repealed by: XXXIII of 2021. Act § 36 d). Invalid: from Sun 14, 2021.

2 Amended by: 2016 CIV. Act § 107.

3 Amended by: CXXXV of 2020. Act § 42.

4 Established by: CXLIII of 2013. Act § 166. Valid: from 1 X. 2013.

## 42. The Authority and its procedures

**§ 65.** (1)<sup>1</sup> CL of 2016 on general administrative order in certain procedures of the Authority. applies the rules of the Act (hereinafter referred to as the Act) within the framework of each type of procedure with the deviations and additions specified in this Act. (2)<sup>2</sup> The communication between the Authority

and the service provider is carried out exclusively via the electronic means specified in the Act on the General Rules of Electronic Administration and Trust Services. Notifications and requests, as well as the data services required by the Authority based on the legislation, can be submitted electronically by the service provider using an electronic form regulated by the Authority. The application cannot be submitted at a government window. (3)<sup>3</sup> Administrative deadline for the Authority's procedures - if this law differs

does not establish rules - sixty days.

(4) In the course of the Authority's proceedings, the universal service provider shall be considered a client by virtue of this law in all proceedings that involve a violation of the obligation to pay contributions contained in § 23 or a violation of the exclusive right contained in § 30, paragraph (1) started in connection with

(5) The administrative deadline in the market surveillance procedure is sixty days. The deadline in justified cases, it can be extended once, for a maximum of thirty days.

(6)<sup>4</sup> The customer may appeal to the President of the Authority against the first-instance decision made by the Office of the Authority in postal authority matters, except for those decisions against which there is no appeal based on this law.

(7)<sup>5</sup>

(8)<sup>6</sup> If the decision on the merits of the case depends on the preliminary assessment of a question in which the procedure falls under the competence of another body, or if it cannot be decided on a reasonable basis without another official decision of the same authority closely related to the given case, the authority suspends the procedure .

(9)<sup>7</sup> When the procedure is suspended, all deadlines are interrupted, and when the suspension of the procedure is lifted, it starts again, except for the administrative deadline. All procedural actions taken during the period of suspension are void, except for those aimed at eliminating the reason for suspension.

(10)<sup>8</sup> The client may not use his statement to replace the missing evidence even if it is not possible to obtain it, unless the authority invites the client to make a statement in order to replace the missing evidence as part of clarifying the facts. (11)<sup>9</sup> In the course of clarifying the facts, the Authority may

oblige the client to provide the Authority with the original document or a certified copy thereof. **§ 66**

(1) The Authority may apply legal consequences to violators of the legislation on postal services, the Universal Postal Public Service Agreement, the Authority's decision, and the general terms and conditions of the contract (hereinafter: violator).

---

1 Established by: Law L of 2017 § 423 (4). Valid: from January 1, 2018.

2 Established by: Law L of 2017 § 423 (4). Valid: from January 1, 2018.

3 Established by: Act L. of 2017 § 423 (4). Valid: from January 1, 2018.

4 Amended by: Law L of 2017 § 425 b).

5 Repealed by: Law L of 2017 § 425 c). Invalid: from January 1, 2018.

6 Established by: Act L. of 2017 § 423 (5). Valid: from January 1, 2018.

7 Established by: Act L. of 2017 § 423 (5). Valid: from January 1, 2018.

8 Established by: Law L of 2017 § 423 (5). Valid: from January 1, 2018.

9 Established by: Act L. of 2017 § 423 (5). Valid: from January 1, 2018.

(2) When applying the legal consequence, the Authority follows the principle of equal treatment and takes into account the principle of gradation and proportionality; applies the principle of gradation in line with the severity and repetition of the violation, and applies a legal consequence that is proportionate to all the circumstances of the case and the goal to be achieved by the legal consequence, taking into account that the imposed fine is suitable for deterring the person who committed the violation or another person from further violations of the law.

**§ 67.** (1) The Authority determines the legal consequence and its extent - depending on the nature of the violation - on the gravity of the violation, the repetition, continuity, and duration of the violation, the financial advantage achieved by the violator through the violation, and the harm to the interests caused by the violation, the interests of the person who suffered the violation and vulnerable persons, as well as the impact of the violation on the market, and other aspects that can be evaluated in the individual case.

(2) Without applying the considerations set out in paragraph (1), if the violation is of minor importance and repetition cannot be established, the Authority may, in addition to establishing the fact of the violation and issuing a warning, call on the violator to cease the unlawful behavior by setting an appropriate deadline, to prevent future violations for residence, as well as for demonstrating legal behavior, and can determine its conditions.

(3) If, in view of all the circumstances of the case, the summons according to paragraph (2) cannot be applied or would not be an effective means of enforcing the obligation to terminate the infringement, the Authority - without giving a reason for the omission of the summons - prohibits the demonstration of unlawful behavior, and the postal service within the framework of the enforcement of the provisions of the relevant legislation, it can establish an obligation, apply additional legal consequences or enter into an official contract with the violator.

(4) As an additional legal consequence, the

Authority may: *a)* oblige the infringer to publish the announcement contained in the decision or the decision on the home page of the infringer's website or in a press product in the manner and for the period specified in the decision; *b)* at the infringer's expense, the

decision establishing the violation of the law or the announcement contained in the decision may be published in a national daily newspaper, especially if this serves to prevent or reduce serious damage to interests;

*c)* in the case of serious and repeated violations of obligations, ranging from 10 to 90 days may temporarily suspend the right to provide postal services. **§ 68** (1) The Authority may apply a fine in the case of the following violations: *a)* failure to report or request a license, *b)* postal service from reporting, a license or the service provider's general

provision that differs from the terms of the contract,

*c)* failure to fulfill the quality requirements specified in this law, the Universal Postal Public Service Agreement or the service provider's general terms and conditions,

*d)* non- or inadequate fulfillment of the obligation to provide data (the service provider provides incorrect or false data, or withholds information relevant to the assessment of the case, does not provide information or does not provide information within a deadline, or access to documents related to the postal service, or the conduct of the procedure in other ways obstructs in a way),

*e)* violation of the accounting unbundling obligation, *f)* violation of the rules regarding the establishment of the universal postal service fee, *g)* violation of the rules regarding the

handling of complaints by the postal service provider and the publication of complaints, *h)* failure to fulfill other obligations

specified in the legislation on the postal service, except for the postal service breach of contract and liability for damages.

(2) The upper limit of the amount of the fine is paragraph (1).

- a) 0.5% of the sales revenue of the infringing service provider in the cases specified in points a) and b) ;
- b) in the case specified in points c) and d), 0.3% of the sales revenue of the infringing service provider;
- c) 0.2% of the sales revenue of the infringing service provider in the case specified in points e)-h).

(3) From the point of view of the application of paragraph (2), the infringer has the postal shall mean the net sales revenue of the previous business year from services.

(4) If the violator did not perform an activity considered to be a postal service in the previous year or performed it for less than twelve months, then the period calculated backwards from the establishment of the violation, but no more than twelve months, must be taken into account for the fine. In the absence of sales data, the upper

the limit of the fine is HUF fifty million. (5)<sup>1</sup> (6)<sup>2</sup> In the event of a repeated violation,

Authority may impose a fine of up to HUF three million on the senior official of the offending organization, depending on the gravity and nature of the violation and the specifics of the individual case.

(7)<sup>3</sup> The fine can be imposed again in case of repeated violations. It is considered a repeated violation if the violator carries out the unlawful behavior established in the final official decision on the same legal basis and with regard to the legislation and general contract conditions for postal services, in the same subject area. (8)<sup>4</sup> Fees and fines to be paid to the central budget and to the Authority established in the

legislation issued on the basis of the authorization of this law are considered public debts to be recovered in the manner of taxes.

**§ 69** (1) The Authority revokes the service license or - in the case of a postal service subject to notification - prohibits the provision of the postal service and deletes the postal service or the postal service provider from the register, if during its inspection a) it has established

that the postal service provider is the postal has committed a serious violation of the law relating to the service, or is providing the service differently from the provisions of the service license or notification; b) during its inspection, it found that the postal service provider

would not be entitled to the license or to provide the notifiable postal service based on the conditions defined in this law at the time of the inspection;

c) the quality of the postal service differs in its essential elements from the requirements defined in this law and in the general terms and conditions of the service provider; d) the postal service

provider violates the provisions of its general terms and conditions and has a substantially different practice;

e) the legal successor - in case of legal succession - does not meet the conditions necessary to provide the postal service;

f) a legally binding court decision obliges him to

do so; g) the service provider

ceases to exist; h) in the cases specified in § 13, paragraph (7), and § 23, paragraph (9). (2)<sup>5</sup> In the cases

specified in points a)–e) of paragraph (1 ) the license of the postal service provider may only be revoked, or the provision of the service may only be prohibited if the postal service provider, in spite of the final decision taken in order to eliminate violations did not eliminate the illegal situation within 45 days, or commits a repeated violation according to Section 68, Paragraph (7) within one year of the decision becoming final.

1 Amended by: Law L of 2017 § 425 d).

2 Amended by: Law L of 2017 § 425 e).

3 Amended by: Law L of 2017 § 424 a).

4 Amended by: XXXIII of 2021. Act § 36 e).

5 Amended by: Law L of 2017 § 424 g).

(3)<sup>1</sup> A postal service provider or its legal successor whose service license has been revoked by the Authority, or whose provision of the service has been prohibited, may not submit a new application for a service license or continue to provide postal services within 6 months of the license being revoked or the banning decision becoming final.

#### 43. General authority supervision

**§ 70.** (1) Upon request or ex officio - within the scope of its tasks and powers - the Authority is entitled to supervise the legislation, general contractual conditions, and official decisions relating to the postal service, as well as the rules of the Universal Postal Public Service Agreement concerning user rights, within the framework of an official inspection or official procedure. the validity and compliance of the provisions.

(2)<sup>2</sup> If, as a result of the inspection of the official decision, the Authority establishes a violation of the official decision, based on all the circumstances of the case, the facts discovered during the inspection, as well as the weight of the violation and the aspects of effective law enforcement, it considers whether, in the case of the violation of the official decision, the Ákr. enforcement procedure according to or initiates an official procedure in order to apply the legal consequences according to this law.

(3) In the case of violations discovered in the framework of general official supervision a The authority may apply the legal consequences specified in this Act.

(4) The general official supervision procedure may be preceded by an official inspection.

(5)–(6)<sup>3</sup>

(7) As a result of the official inspection, within the framework of its authority, the Authority may call on the customer - by specifying the violation of the law or the official decision - to end the violation of the law or the official decision and, if necessary, to restore the original state .

(8) There is no place for an independent legal remedy against the invitation contained in paragraph (7). The summons can be contested by the summoned customer in a legal remedy against a substantive official decision or order terminating the proceedings as a result of official proceedings initiated in the case of non-fulfilment of the summons.

#### 44. Authority contract

**§ 71.** (1)<sup>4</sup> The Authority, in the case specified in this law, may enter into an authority contract with the client in order to settle the case in a way that is beneficial to the public interest and the client - based on the rules contained in the Ákr., with the exceptions specified in this law. (2)<sup>5</sup> In the authority contract, the client may also

assume obligations for which the Authority does not have authority, or which it would otherwise not be obliged to fulfill by an authority decision. In this case, in the official contract, the customer submits to the fact that if he violates the provisions of the contract, the entire contract will be considered a final and enforceable official decision.

(3) The non-validity condition of the conclusion of the official contract is the consent of third parties affected by the contract in their right and legitimate interests with regard to the contractual conditions, which the contracting party could be obliged to fulfill by official decision based on legislation.

(4)<sup>6</sup> If in the course of the official procedure the client initiates the closing of the case with an official contract, then the administrative deadline is 120 days.

---

1 Amended by: Law L of 2017 § 424 h).

2 Amended by: Law L of 2017 § 424 i).

3 Repealed by: Law L of 2017 § 425 f). Invalid: from January 1, 2018.

4 Amended by: Act L. of 2017 § 424. j).

5 Amended by: Law L of 2017 § 424 a).

6 Established by: Law L of 2017 § 423 (6). Valid: from January 1, 2018.

**§ 72. (1)-(3)1**

(4) In case of serious or repeated breach of contract by the client, the Authority is entitled - in the absence of a different provision in the authority contract - to terminate the authority contract with immediate effect.

(5) In the official procedure initiated as a result of the official inspection - regarding the client's breach of contract - the Authority may apply the legal consequences specified in this Act and in the official contract.

(6) In relation to the amendment of the authority contract, the lawsuit initiated before the court does not affect the execution and enforcement of the authority contract, and does not have suspensive effect regarding the execution and enforcement of the authority contract.

**45. Market supervision**

**§ 73. (1)** The Authority - within the framework of its own authority - in order to facilitate the smooth and effective operation of the postal market, the protection of the interests of postal service providers and users, the maintenance of fair and efficient market competition, and the realization of other objectives of this law, official supervisory carries out market surveillance activities within its powers.

(2) In the course of its market surveillance activities, the Authority monitors the operation of the postal market, the enforcement of the relevant rules and general contract conditions, and prepares an analysis and evaluation of it – not within its authority. It publishes the parts of the analyzes and evaluations that do not violate business secrets on its website (3) The Authority prepares an annual market

surveillance plan by December 1 of the year preceding the current year, taking into account the market surveillance experiences of the previous year, and publishes it on its website within fifteen days. The market surveillance plan is approved by the President of the Authority. Based on the experiences of the first semester, the plan can be revised at the end of the semester, and if necessary, it can be amended with the approval of the President of the Authority. The amended market surveillance plan will be published by the Authority on its website within fifteen days of the approval of the amendment.

(4) The market surveillance procedure starts ex officio.

(5) As the aim and result of the market surveillance procedure, the Authority shall, in its own procedure, in its unified, consolidated official decision for all clients a) evaluate the legal enforcement related to the

services and activities that are the subject of the procedure, within the framework of which it shall establish the occurrence of legal violations, individually and in total, also with regard to each other evaluates and determines the legal consequences, b) determines the directions, method, aspects of its development and possible transformation of official

intervention related to the prevention of violations, the promotion of voluntary compliance, and the smooth operation of market processes, and its conclusions regarding postal policy.

(6) Obligations as necessary in the market surveillance decision of the Authority can establish and determine the conditions for their fulfillment.

(7) The Authority prepares an annual report on the fulfillment of the contents of its market surveillance plan, the results and findings of its market surveillance activities, as well as proposals for amendments to legislation arising on the basis of market surveillance decisions. The Authority publishes the report on its website within fifteen days of its acceptance by the Authority's president.

(8) The Authority may conduct ex officio market surveillance outside of the market surveillance plan activity.

(9) The market surveillance procedure, including the market surveillance procedure to be initiated on the basis of the market surveillance plan, may be preceded by a market surveillance inspection.

(10)<sup>1</sup> The market surveillance inspection, with the deviations and additions contained in this Act, shall be carried out in accordance with Art. is considered an official inspection according to

(11)<sup>2</sup>

(12) As a result of the market surveillance inspection, within the scope of its authority, the Authority may call on the customer - by clearly indicating the violation of the law or the official decision - to end the violation of the law or the official decision and, if necessary, to restore the original state.

(13) There is no place for an independent legal remedy against the invitation contained in paragraph (12). The summons can be contested by the summoned customer in a legal remedy against a substantive official decision or order terminating the proceedings as a result of official proceedings initiated in the case of non-fulfilment of the summons.

#### 46. Keeping records

**§ 74.** (1)<sup>3</sup> The Authority keeps a public record of postal service providers and the services they provide. The register must contain the data of the universal postal service provider and the services it provides, as well as the data indicated in the license or notification by the postal service providers providing services subject to a license or notification. The annexes to the license application or notification form part of the register. The right to inspect the official register must be guaranteed to everyone, unless legislation expressly limits access to the official register.

(2)<sup>4</sup> The Authority publishes it on its website based on the public record and keeps the list of postal service providers up to date. The list includes:

- a) the name of the postal service providers, b) the name of the category of service provided by the postal service providers based on this law, c) applicable by the service provider - also suitable for identifying the postal service provider - signal pattern,
- d) the geographical (administrative) area of the provision of the service,
- e)<sup>5</sup> the availability of the central customer service specified by the service provider in the license or notification (in particular: address, telephone number, e-mail and website), f) other data defined by law.

### **IX. CHAPTER**

#### **FINAL PROVISIONS**

#### 47. Miscellaneous provisions

---

1 Established by: Law L of 2017 § 423 (7). Valid: from January 1, 2018.

2 Repealed by: Law L of 2017 § 425 h). Invalid: from January 1, 2018.

3 Amended by: Law L of 2017 § 424 k).

4 Amended by: Law L of 2017 § 424 k).

5 Amended by: CXXXIII of 2021. Act § 40 b).

**§ 75.** (1)<sup>1</sup> The postal service provider appointed by the Government to provide the service of converting a paper-based document into an authentic electronic document and converting an electronic document into an authentic paper-based document is entitled to provide a non-postal service in the framework of which it undertakes to deliver mail to the addressee opening, making an electronic copy of it, and delivering it to the addressee according to the addressee's instructions. In this context, the designated service provider is also entitled to create an authentic electronic copy in accordance with the rules of the service for converting a paper-based document into an authentic electronic document, provided that the probative value of the electronic copy created in this way is the same as the probative value of the original paper-based document. (2)<sup>2</sup>

The postal service provider specified in paragraph (1) is entitled to provide a non-postal service in which, as part of the postal delivery, it makes a paper-based copy of the electronic document provided by the sender and then delivers it. Within this framework, the postal service provider designated by the Government in a decree is also entitled to create an authentic paper-based copy in accordance with the rules of the service for converting an electronic document into an authentic paper-based document, provided that the probative value of the paper-based copy created in this way is the same as the probative value of

the original electronic document. (3)<sup>3</sup> CXXXVIII of 2007 on investment companies and commodity exchange service providers, as well as the rules for the activities they can perform. Act (hereinafter: Law) 116/A. A person defined in § (1) who has an employment relationship with the universal postal service provider and the contributor commissioned by the universal postal service provider, Bszt. 116/A. You can fulfill the requirements set out in point c) of § (2) in such a way that - by your employer or an investment company with a legal relationship with your employer - the professional skills prescribed for a natural person providing investment advice or information on financial instruments, investment service activities or additional services to clients and complies with the provisions of the MNB decree on detailed rules for competences.

#### 48. Entry into force

**§ 76.** (1) This law - with the exception specified in paragraphs (2) and (3) - of 2013. enters into force on January

1. (1a)<sup>4</sup> Paragraph (3) of Section 14, point d) of Section 19 (2) , paragraph (1) of Section 21, paragraph (1) of Section 29 and Section 33 of each law XXXIX of 2014 on its amendment related to budget planning and the more efficient provision of financial market and utility services. Act (hereinafter: the Amendment) enters into force on the day following its promulgation.

(2)<sup>5</sup> Paragraphs (2)–(4) of § 21, § 22, § 23 and § 29 (2) of the European It enters into force on the 15th day after the Commission's approval decision.

(2a)<sup>6</sup> The calendar day of entry into force of § 21, § 21, § 22, § 23, and § 29, § 29, after it becomes known, the minister shall publish the individual notice immediately in the Hungarian Gazette determines with its decision.

(3) Paragraph (2) of Section 65 shall enter into force on January 1, 2014.

(4) Abbreviation of this law: Postatv.

#### 49. Transitional provisions

#### 77–77IC. §7

1 Amended by: Law L of 2017 § 424 l).

2 Amended by: Law L of 2017 § 424 m).

3 Installed: CXCIX of 2017. Act § 34. Effective: December 2017 from the 28th.

4 Installed: XXXIX of 2014. Act § 71 (1). Effective: 2014. IX. from 30

5 Established by: XXXIX of 2014. Act § 71 (2). Effective: 2014. IX. from 30

6 Installed: XXXIX of 2014. Act § 71 (3). Effective: 2014. IX. from 30

7 Repealed by: XXXIII of 2021. Act § 36 f). Invalid: from Sun 14, 2021.

**77/D.** §1 This Act is amended by Act L of 2017 amending the Act on General Administrative Procedures and the Act on Administrative Litigation Procedures in connection with the entry into force of certain laws (hereinafter: *Ákr.-Kp.*

Amend.) established provisions of the *Ákr.-Kp. Mod.* shall be applied in proceedings initiated and repeated after its entry into force.

**77/E.** §2 The postal service provider has the right to deliver registered postal items in the event of a health crisis ordered in accordance with the Act on Health Care, without complying with the provisions of this Act regarding delivery by personal delivery. The detailed rules for delivery without personal delivery are established by the Government Decree.

## 50. Enabling provisions

**§ 78** (1) The Government is authorized to establish in a decree:

a) the detailed rules for the provision and use of postal services, as well as the requirements for ensuring the possibility of using the universal postal service provider, and the authority acting in case of violation. b) the detailed rules of the service related to official documents; c) the mandatory content elements of the general contractual conditions of postal service providers,

the range of items that are excluded from the postal service or that can be conditionally delivered; d) the functionality and technicality of the automated device enabling delivery

conditions and requirements for its description and installation. e) postal services are subject to a special legal order, periodic and coordinated

the system, tasks, and operating conditions of its preparation for security activities; f) the data protection and confidentiality obligations imposed on the postal service provider, its employees, members, agents and postal contributors, the detailed rules of data management, the special conditions regarding confidentiality;

g) the detailed rules of cooperation between postal service providers, postal contributors and organizations authorized to continue secret information collection and to use covert means;

h) in the event of a health crisis according to the Act on Health Affairs a detailed rules for delivery without personal delivery.

(1a) The Government is authorized to, in a decree, according to point f) of § 60 introduce measures in the event of ordering a coordinated protection activity.

(2) The minister is authorized to establish in a decree: a) the designation of postal service providers participating in defense tasks and the definition of their preparation tasks; b) the detailed rules for the separate management of

accounting records; c) the cost calculation of universal postal services and the principles and rules regarding the calculation of the net cost of the universal postal service obligation; d)

1 Inserted by: Law L of 2017 § 423 (8). Valid: from January 1, 2018.

2 Installed: LVIII of 2020. § 366 of the Act. Effective: June 2020 from 18.

3 Established by: LXXXVII of 2023. Act § 27. Valid: 2023. XII. from the 28th.

4 See: 335/2012. (XII. 4.) Government Decree, 188/2022. (V. 26.) Government Decree § 6.

5 See: 335/2012. (XII. 4.) Government Decree, 188/2022. (V. 26.) Government Decree § 6.

6 Established by: XLVI of 2023. Act § 33. Effective: June 2023 from 30

7 Amended by: VII of 2022. Act § 69 h).

8 See: 103/2014. (III. 25.) Government Decree, 411/2022. (X. 24.) Government decree.

9 Amended by: CXCVII of 2017. Act § 347 b).

10 Installed: LVIII of 2020. § 367 of the Act. Effective: June 2020 from 18.

11 Installed: VII. of 2022. Act § 68. Effective: November 2022 from 1.

12 See: 11/2022. (X. 28.) GFM decree.

13 See: 69/2012. (XII. 19.) NFM decree.

14 See: 69/2012. (XII. 19.) NFM decree.

d) service license for the provision of licensed services  
the amount and rules of the property security required for granting; 1  
e) the rules of the public tender for the provision of the universal postal service. (3)2 The minister is  
authorized to - with the minister responsible for public finances  
by agreement - the decree defines a) the method  
of determining the fee for domestic mail items of a weight not exceeding 50 grams sent according to the per-item fee schedule within the framework of the universal postal service, as well as the domestic postal service fee for official documents, b) defined in § 26, paragraph (5) requirements.

(4) The minister responsible for national defense is authorized to, with the minister state by agreement in a decree:

a) the procedure for the implementation of the unification document 2109 LOG (EDITION 5) on the Courier and Field Post Service of the NATO Armed Forces; b)  
the order of temporary restrictions on the circulation of field mail items and postal items that can be sent to the field post office.

(5) The President of the Authority is authorized to establish in a decree: a) the method of payment of fees for the Authority's procedures and the supervision fee and conditions and the amount of these fees;

b) the scope of data provided by market participants – not affecting personal data – necessary for the performance of the Authority's tasks, the conditions for fulfilling the data provision obligation imposed on market participants, the rules for data management and record-keeping by the Authority, as well as with applicants, notifiers and service providers formal requirements for contact; 3

c) the types of postal expert activity, the detailed conditions for their continuation, the data content of the notification of expert activity and the register of experts that does not contain personal data, as well as the detailed procedural rules for the notification and the keeping of the register, as well as the obligations prescribed for expert activity by law or official decision legal consequences applicable in case of holding;

d) the establishment, operation, duties and powers of the postal sector's on-call system;4 e)  
the rules for  
the complaint handling register of postal service providers.5

## 51. Compliance with European Union law

**§ 79** (1) This Act serves to comply with the following EU legal acts: a) European Parliament Act 97/67/EC of December 15, 1997 on common rules for the development of the internal market of community postal services and the improvement of the quality of services and council directive;

b) European Parliament and Council Directive 2002/39/EC of 10 June 2002 amending Directive 97/67/EC with regard to the further opening of Community postal services to competition;

c) European Parliament and Council Directive 2008/6/EC of 20 February 2008 amending Directive 97/67/EC with regard to the full implementation of the internal market for Community postal services.

1 See: 68/2012. (XII. 19.) NFM decree.

2 Established by: XXXV of 2014. Act § 99. Valid: 2014. VII. from 16.

3 See: 6/2017. (VI. 21.) NMHH decree.

4 See: 4/2016. (VII. 28.) NMHH decree.

5 See: 6/2017. (VI. 21.) NMHH decree.

(1a)1 This law establishes the provisions necessary to implement the provisions of the European Parliament and Council Regulation 2018/644 of April 18, 2018 on cross-border parcel delivery services.

(2) This Act contains support under the scope of Article 106 (2) of the Treaty on the Functioning of the European Union and the European Union framework regulation on state aid in the form of public service compensation (OJ C 8; 11.01.2012). (3)2 This law contains a deviation according to Article 17(3) of

European Parliament and Council Directive 2003/88/EC of November 4, 2003 on certain aspects of working time organization.

## 52. Amending and repealing provisions

§ 80.

§3 § 81.

(1)4 (2)5

53. Compliance with the requirement of the Basic Law regarding cardinality

§ 82 § 62 of this law is considered pivotal based on Article 23 (4) of the Basic Law.

---

1 Installed: CXXVIII of 2018. Act § 23 (2). Valid: from January 1, 2019.

2 Installed: XXXIII of 2021. Act § 34. Effective: from Sun 14, 2021.

3 Repealed: CXXX of 2010. based on § 12 of the Act. Invalid: from January 2, 2013.

4 Repealed: CXXX of 2010. based on § 12 of the Act. Invalid: from January 2, 2013.

5 Repealed: CXXX of 2010. based on § 12 of the Act. Invalid: from January 2, 2014.

## CONTENTS

2012 CLIX. law on postal services	1
CHAPTER I	1
GENERAL PROVISIONS	1
1. Scope of the law	1
Interpretive provisions	1
II. CHAPTER THE POSTAL SERVICE	1
3. The postal service and postal services	6
types	6
III. CHAPTER MARKET ENTRY AND MARKET EXIT RULES	8
4. Authorization to provide postal services	8
5. Notification of postal service	8
6. Authorization of postal service	10
7. Notification of changes, the postal service its termination and termination	12
IV. CHAPTER THE UNIVERSAL POSTAL SERVICE	13
8. The universal postal service is universal rules	13
9. Universal postal services are basic quality requirements	15
10. Availability of the universal postal service	15
11. Fees for the universal postal service	16
12. Designation of the universal postal service provider	16
13. Universal Postal Public Service Agreement	17
14. Inspection of the universal postal service	18
15. Provision of the universal postal service	18
16. unfair additional burden	18
17. Special rights of the universal postal service provider and obligations	19
18. The universal postal service provider is official its exclusive obligation regarding documents and right	21
19. Other rights of the universal postal service provider and obligations	22
20. Cooperation of a universal postal service provider in public services	23
21. Limitation of the universal postal service, suspension	23
V. CHAPTER PROVISION OF THE POSTAL SERVICE	24
	24

22. General provision of the postal service rules 23. ....	24
The postal service contract is general rules 24. ....	26
Creation of the postal service contract 25. ....	27
Fulfillment of the postal service contract, the delivery of the parcel 26. ....	28
Liability of the postal service provider for damages 27. Responsibility for the postal parcel for its destruction, loss or damage 28. Liability if the postal item is delayed for its delivery ....	32
29. Special cases of compensation ....	34
30. Validation of the claim for compensation 31. Damage caused by mail ....	34
31. Damage caused by mail ....	35
VI. CHAPTER DATA AND PRIVACY PROTECTION, COMPLAINT HANDLING 32. Data provision 33. Protection of personal data, confidentiality obligation 34. ....	36
34. ....	36
The postal employee, agent and contributor responsibility for data and privacy protection 35. Complaint handling, customer service ....	38
35. Complaint handling, customer service ....	38
36. ....	39
VII. CHAPTER ACCOUNTING REQUIREMENTS 36. Revenues, costs and requirements for reporting expenses VIII. CHAPTER STATE TASKS 37. State tasks of managing the postal sector 38. Tasks of the Government 39. Tasks of the Minister 40. Postal tasks of the Authority 41. Cooperation with other authorities 42. The Authority and its procedures 43. General authority supervision 44. Authority contract 45. Market supervision 46. Keeping records IX. CHAPTER CLOSING PROVISIONS 47. Miscellaneous provisions 48. Entry into force 49. Transitional provisions 50. Empowering provisions 51. Compliance with European Union law ....	39
37. State tasks of managing the postal sector 38. Tasks of the Government 39. Tasks of the Minister 40. Postal tasks of the Authority 41. Cooperation with other authorities 42. The Authority and its procedures 43. General authority supervision 44. Authority contract 45. Market supervision 46. Keeping records IX. CHAPTER CLOSING PROVISIONS 47. Miscellaneous provisions 48. Entry into force 49. Transitional provisions 50. Empowering provisions 51. Compliance with European Union law ....	40
38. Tasks of the Government 39. Tasks of the Minister 40. Postal tasks of the Authority 41. Cooperation with other authorities 42. The Authority and its procedures 43. General authority supervision 44. Authority contract 45. Market supervision 46. Keeping records IX. CHAPTER CLOSING PROVISIONS 47. Miscellaneous provisions 48. Entry into force 49. Transitional provisions 50. Empowering provisions 51. Compliance with European Union law ....	40
39. Tasks of the Minister 40. Postal tasks of the Authority 41. Cooperation with other authorities 42. The Authority and its procedures 43. General authority supervision 44. Authority contract 45. Market supervision 46. Keeping records IX. CHAPTER CLOSING PROVISIONS 47. Miscellaneous provisions 48. Entry into force 49. Transitional provisions 50. Empowering provisions 51. Compliance with European Union law ....	41
40. Postal tasks of the Authority 41. Cooperation with other authorities 42. The Authority and its procedures 43. General authority supervision 44. Authority contract 45. Market supervision 46. Keeping records IX. CHAPTER CLOSING PROVISIONS 47. Miscellaneous provisions 48. Entry into force 49. Transitional provisions 50. Empowering provisions 51. Compliance with European Union law ....	41
41. Cooperation with other authorities 42. The Authority and its procedures 43. General authority supervision 44. Authority contract 45. Market supervision 46. Keeping records IX. CHAPTER CLOSING PROVISIONS 47. Miscellaneous provisions 48. Entry into force 49. Transitional provisions 50. Empowering provisions 51. Compliance with European Union law ....	42
42. The Authority and its procedures 43. General authority supervision 44. Authority contract 45. Market supervision 46. Keeping records IX. CHAPTER CLOSING PROVISIONS 47. Miscellaneous provisions 48. Entry into force 49. Transitional provisions 50. Empowering provisions 51. Compliance with European Union law ....	43
43. General authority supervision 44. Authority contract 45. Market supervision 46. Keeping records IX. CHAPTER CLOSING PROVISIONS 47. Miscellaneous provisions 48. Entry into force 49. Transitional provisions 50. Empowering provisions 51. Compliance with European Union law ....	44
44. Authority contract 45. Market supervision 46. Keeping records IX. CHAPTER CLOSING PROVISIONS 47. Miscellaneous provisions 48. Entry into force 49. Transitional provisions 50. Empowering provisions 51. Compliance with European Union law ....	47
45. Market supervision 46. Keeping records IX. CHAPTER CLOSING PROVISIONS 47. Miscellaneous provisions 48. Entry into force 49. Transitional provisions 50. Empowering provisions 51. Compliance with European Union law ....	47
46. Keeping records IX. CHAPTER CLOSING PROVISIONS 47. Miscellaneous provisions 48. Entry into force 49. Transitional provisions 50. Empowering provisions 51. Compliance with European Union law ....	48
IX. CHAPTER CLOSING PROVISIONS 47. Miscellaneous provisions 48. Entry into force 49. Transitional provisions 50. Empowering provisions 51. Compliance with European Union law ....	49
47. Miscellaneous provisions 48. Entry into force 49. Transitional provisions 50. Empowering provisions 51. Compliance with European Union law ....	49
48. Entry into force 49. Transitional provisions 50. Empowering provisions 51. Compliance with European Union law ....	50
49. Transitional provisions 50. Empowering provisions 51. Compliance with European Union law ....	50
50. Empowering provisions 51. Compliance with European Union law ....	51
51. Compliance with European Union law ....	52

---

52. Amending and repealing provisions	
53. Compliance .....	53
with the fundamental requirement of the Basic Law .....	53