

**Government Decree 161/2019 (VII.4.)
on the identification, designation and protection of transportation critical systems and
facilities**

The Government,
acting on the basis of authorisation set out in section 14 a), d) and g) of Act CLXVI of 2012 on the identification, designation and protection of critical systems and facilities,
as regards section 22 within its original legislative powers set out in Article 15(2) of the Fundamental Law,
as regards section 23(1) on the basis of authorisation set out in section 48(3)a)7. of Act I of 1988 on road transportation,
as regards section 23(2) on the basis of authorisation set out in section 88(1)1. of Act CLXXXIII of 2005 on railway transportation,
as regards section 23(3) on the basis of authorisation set out in section 88(1)a) of Act XLII of 2000 on waterway transportation
as regards section 23(4) on the basis of authorisation set out in section 73(1)a) of Act XCVII of 1995 on air transportation,
acting within its powers provided for in Article 15(1) of the Fundamental Law,
decrees as follows:

1. General provisions

Section 1 The provisions of Government Decree 65/2013 (III. 8.) on the implementation of Act CLXVI of 2012 on the identification, designation and protection of critical systems and facilities (hereinafter as implementation decree of the Hungarian CIP Act) shall be applied with the deviations set out in this decree as regards the identification, designation and protection of critical systems and facilities of the following sub-sectors:

- a) road transportation,
- b) railway transportation,
- c) air transportation,
- d) waterway transportation and
- e) logistics centres

(hereinafter critical infrastructure).

Section 2 For the purpose of this decree

a) *operator*:

aa) the operator of a public road pursuant to section 33(1) of Act I of 1988 on road transportation,

ab) the operator of the airport and the operator of the aeronautical servicing ground support equipment pursuant to section 37(2) of Act XCVII of 1995 on air transportation,

ac) the operator of nautical facilities pursuant to Act XLII of 2000 on waterway transportation,

ad) the manager of the railway infrastructure and the integrated railway undertakings pursuant to Act CLXXXIII of 2005 on railway transportation,

ae) the operators of logistics centres;

b) *Schengen area*: the area of the member states to the convention implementing the Schengen Agreement of 14 June 1985 between the Governments of the States of the Benelux Economic Union, the Federal Republic of Germany and the French Republic on the gradual abolition of checks at their common borders of 19 June 1990;

c) TEU: twenty-foot equivalent unit equalling a 20 feet long container.

Section 3 When calculating the deadlines set out in this decree, the time period needed for the preparations of construction investment and for issuing the relevant authority permits shall not be calculated in the period for restoration.

2. Acting authorities

Section 4 The following shall act as sectoral designating authorities and bodies conducting on-site monitoring in the course of identifying the critical infrastructure:

a) as regards road transportation sub-sector, the road transportation authority,

b) as regards railway transportation sub-sector, the railway transportation authority,

c) as regards air transportation sub-sector, the aviation authority,

d) as regards waterway transportation sub-sector, the maritime authority,

e) as regards logistics centre sub-sector

ea) with the exception set out in point eb) the road transportation authority

eb) in the case of critical infrastructure with railway connections, the railway transportation authority.

3. Sectoral requirements for the designation of a European critical infrastructure

Section 5 (1) As regards road transportation sub-sector, the expressway of the core network of the Trans-European Network for Transport (hereinafter TENT-T) may be designated as a European critical infrastructure.

(2) As regards road transportation sub-sector, the river bridge of the TEN-T expressway road network elements set out in paragraph (1) may be designated as a European critical infrastructure.

(3) As regards road transportation sub-sector, the border crossing point of the external border of the Schengen area conducting international passenger and freight transportation of the TEN-T expressway road network elements set out in paragraph (1) may be designated as a European critical infrastructure.

Section 6 (1) As regards railway transportation sub-sector, that particular of the TEN-T railway network within the territory of Hungary may be designated as a European critical infrastructure, which

a) may not be substituted by other means of transportation in the case of its failure,

b) – in the case of its failure – causes the transport distance to increase by more than 500 kms,

c) – in the case of its failure – causes county seats, cities with county right and the capital to be inaccessible,

and in the case of inoperability, the restoration ensuring full capacity – at least temporarily – exceeds one year as regards the relevant European critical infrastructure.

(2) As regards railway transportation sub-sector, a rail border crossing point for the international transport of passengers and goods at the external borders of the Schengen area may be designated as a European critical infrastructure.

Section 7 As regards air transportation sub-sector, the international commercial airport forming part of the TEN-T airport network may be designated as a European critical infrastructure, the restoration of which ensuring full capacity – at least temporarily – exceeds one year, in the case of final inoperability.

Section 8 As regards waterway transportation sub-sector, the following may be designated as European critical infrastructure:

a) a waterway forming part of the TEN-T waterway network, which in case of failure cannot be replaced by another mode of transport,

b) a TEN-T network port with an average annual transportation reaching a yearly 2 000 000 tonnes of freight or 500 000 TEU of container transportation handled as two-year average preceding the identification report,

c) a border port at the external border of the Schengen area.

Section 9 As regards logistics centres sub-sector, an intermodal terminal may be designated as a European critical infrastructure, if two-thirds of its storage capacity cannot be replaced within 72 hours in the case of its failure, and

a) accessible from the TEN-T network within 20 km, or

b) its storage capacity reaches 15 000 TEU.

4. Sectoral designation criteria of national critical infrastructures

Section 10 (1)¹ As regards road transportation sub-sector, the following may be designated as national critical infrastructure:

a) in addition to the European critical infrastructure defined in section 5, the road network element forming part of the national road network which, from the TEN-T, ensures the road accessibility of county seats and cities with county rights by a higher road class, in the case of several identical road classes, by the shortest route,

b) in addition to those set out in section 5(2), the bridge over the Danube,

c) border crossing points for international passenger and freight transportation on the TEN-T road network,

d) the system ensuring the transportation management and supervision of the road network element providing for the road accessibility of the county seats and the cities with county rights,

e) the intelligent transport system of the road network element ensuring the road accessibility of the county seats and the cities with county rights.

Section 11 As regards the railway transportation sub-sector, the following may be designated as national critical infrastructure:

a) from among the core network elements of the railway, the railway tunnel, bridge, retaining wall, the restoration time of which exceeds 180 days and its temporary restoration cannot be ensured within 60 days,

b) a system for transportation management on the railway lines defined in point a), with network-level supervision,

c) the underground railway and its accessories and the passenger service area.

¹ Declared by Government Decree 375/2020 (VII.30.) section 115. Effective from: 31.07.2020

Section 12 As regards air transportation sub-sector, the following may be designated as national critical infrastructure for

- a) the international commercial airport,
- b) the organisation providing the air traffic control service and the system required for the provision of the air traffic control service.

Section 13 As regards waterway transportation sub-sector, a port may be designated as a national critical infrastructure if

- a) the annual container transportation handled exceeds 100,000 TEU, or
- b) it has an annual turnover of 400 000 tonnes on a yearly average in the two years preceding the identification report.

Section 14 As regards logistics centres sub-sector, an intermodal terminal may be designated as a national critical infrastructure, if

- a) in the event of failure, the replacement of two thirds of its storage capacity within 72 hours cannot be ensured, or
- b) it is accessible from the TEN-T network within 20 kms and has a storage capacity of 10 000 TEU.

5. Specific rules for the identification and designation of critical infrastructures

Section 15 (1) The operator shall carry out an identification procedure with regard to possible critical infrastructure belonging to its sub-sector.

(2) The operator shall declare in the identification report what kind of protection the possible critical infrastructure belonging to its sub-sector has.

Section 16 (1) If, on the basis of the notification of a change in the activities of the operator of a national critical infrastructure, the designating authority considers that the change may affect the designation, it shall oblige the operator to submit a new identification report within 180 days, including national critical infrastructure already designated.

(2) If there has been no change in the operator's system since the last identification for any of the possible critical infrastructures examined at that time, instead of submitting the next identification report, the operator may declare that the submission of a new identification report is not justified based on a review of its system. If the designating authority considers justified to submit a new identification report on the basis of the data available, it shall oblige the operator to submit a new identification report within 120 days.

5/A.² Extent of significant disruption to basic services in the transportation sector

Section 16/A³ (1) An incident affecting the operation of a transportation management system in accordance with row 21 of the table in Annex 3 of the implementation decree of the Hungarian CIP Act constitutes a significant disruptive effect if:

- a) about more than 10% of the display elements of data collecting, monitoring and transportation influencing linked to the transportation management system, placed on the road designated pursuant to section 10 a) or b) to be found on the side of the road – not

² Added by Government Decree 375/2020 (VII.30.) section 116. Effective from: 31.07.2020

³ Added by Government Decree 375/2020 (VII.30.) section 116. Effective from: 31.07.2020

including road meteorology and transportation counter elements – no data is received during a period exceeding 16 hours,

b) the total shutdown of the transportation management system operating on the road designated pursuant to section 10 a) or b) or the shutdown of the tunnel control computer by 50% or more, exceeds 8 hours from the detection, or

c) in a city with a population of more than 500,000, the downtime of more than 10% of the infrastructures performing transportation management tasks linked in the system exceeds 4 hours from the detection.

Section 16/B (1)⁴ In the case of the railway infrastructure management service according to row 16 of the table in Annex 3 of the implementation decree of the Hungarian CIP Act, the disruption shall be considered significant

a) in the case of national and regional railway infrastructure management services, if

aa) its impact affects a railway line containing a designated European or national critical infrastructure for the railway transportation sub-sector,

ab) its impact affects at least 66% of the average daily number of trains running on the line concerned in the case of 12 trains daily, and at least 50% in the case of more than 12 trains daily, taking into account the annual timetable in the year preceding the disruption, and

ac) it restricts the continuous operation of railway transportation for a period exceeding 6 hours,

b) in the case of local, urban and suburban railway infrastructure management services, if

ba) its impact affects a railway line containing a designated European or national critical infrastructure for the railway transportation sub-sector or a suburban line,

bb) its impact affects at least 66% of the average daily number of trains running on the line concerned, taking into account the annual timetable in the year preceding the disruption, and

bc) it restricts the continuous operation of railway transportation for a period exceeding 3 hours.

(2) In the case of the railway infrastructure capacity allocation service according to row 17 of the table in Annex 3 of the implementation decree of the Hungarian CIP Act, the disruption shall be considered significant

a) in the case of national and regional railway infrastructure capacity allocation services, if

aa) it affects the capacity allocation of a railway line containing a designated European or national critical infrastructure for the railway transportation sub-sector,

ab) its effect affects at least 50% of the daily average number of the train paths issued on the line concerned, taking into account the annual timetable in the year preceding the disruption, and

ac) it restricts the continuous operation of railway transportation for a period exceeding 6 hours,

b) in the case of local, urban and suburban railway infrastructure capacity allocation services, if

ba) its impact affects the capacity allocation of a railway line containing a designated European or national critical infrastructure for the railway transportation sub-sector or a suburban line,

bb) its impact affects at least 66% of the daily average number of the train paths issued on the line concerned, taking into account the annual timetable in the year preceding the disruption, and

⁴ Added by Government Decree 375/2020 (VII.30.) section 116. Effective from: 31.07.2020

bc) it restricts the continuous operation of railway transportation for a period exceeding 3 hours.

(3) In the case of the railway passenger transport services according to row 18 of the table in Annex 3 of the implementation decree of the Hungarian CIP Act, the disruption shall be considered significant

a) in the case of national and regional rail passenger transport services, if

aa) it affects the passenger transport containing a railway line designated as a European or national critical infrastructure for the railway transportation sub-sector, or the rail passenger transport public service pursuant to Act XLI of 2012 on passenger transport services,

ab) its impact affects at least 50% of the daily average number of the passenger transport trains on the line concerned, taking into account the annual timetable in the year preceding the disruption, and

ac) it restricts the continuous operation of railway transportation for a period exceeding 6 hours,

b) in the case of local, urban and suburban rail passenger transport services, if

ba) it affects the passenger transport containing a railway line designated as a European or national critical infrastructure for the railway transportation sub-sector, or the rail passenger transport public service pursuant to Act XLI of 2012 on passenger transport services,

bb) its impact affects at least 66% of the daily average number of the passenger transport trains on the line concerned, taking into account the annual timetable in the year preceding the disruption, and

bc) it restricts the continuous operation of railway transportation for a period exceeding 3 hours.

(4) In the case of the railway freight services according to row 19 of the table in Annex 3 of the implementation decree of the Hungarian CIP Act, the disruption shall be considered significant, if

a) it affects the freight services containing a railway line designated as a European or national critical infrastructure for the railway transportation sub-sector, and

b) it restricts the continuous operation of railway transportation for a period exceeding 6 hours.

(5) In the case of logistics centre operation according to row 20 of the table in Annex 3 of the Implementation decree, the disruption shall be considered significant

a) in the case of the operation of a designated logistics centre as a European critical infrastructure, if the storage capacity of the logistics centre affected by the disruption exceeds 10,000 TEU,

b) in the case of the operation of a designated logistics centre as a national critical infrastructure, if the storage capacity of the logistics centre affected by the disruption exceeds 6,500 TEU.

Section 16/C⁵ (1) In the case of the provision of air traffic control services according to row 13 of the table in Annex 3 of the implementation decree of the Hungarian CIP Act, the disruption shall be considered significant, if

a) the provision of the air transportation service is only possible with a reduced capacity, or

⁵ Added by Government Decree 375/2020 (VII.30.) section116. Effective from: 31.07.2020

b) the provision of the area control, the approach control, the airport control or the air traffic control as a whole cannot be ensured permanently.

(2) The following conditions shall be fulfilled for the existence of a significant disruption affecting the provision of air traffic control:

a) in the case set out in paragraph (1)a)

aa) the capacity of one air traffic control sector shall be decreased by more than 50% compared to the pre-defined capacity volume, or

ab) the number of operable air traffic control sectors decreases to half of the transportation demand,

b) in the case set out in paragraph (1)b) the provision of air traffic control services or any part thereof (area control, the approach control, the airport control) ceases or becomes impossible for a period of more than 6 hours.

(3) In the case of the provision of airport security-control services and ground handling according to rows 14 and 15 of the table in Annex 3 of the implementation decree of the Hungarian CIP Act, the disruption shall be considered significant, if there is a loss of service of at least fifty percent on three consecutive days in terms of respective planned passenger transportation or airplane movements at the airport, whereby the delays of flights on the relevant day may not be considered as loss of service, only the cancellation of flights on the relevant days, or missing the flights by the passengers.

5/B.⁶ Thresholds for essential services in the transport sector

Section 16/D⁷ The operator of a transportation management system, which system complies with the conditions set out in row 21 of the table in Annex 3 in the implementation decree of the Hungarian CIP Act may be identified as an operator of essential services in the road transportation sector.

Section 16/E⁸ (1) In the case of a railway infrastructure management service, an operator may be identified as an operator of essential services according to row 16 of the table in Annex 3 of the implementation decree of the Hungarian CIP Act, if

a) in the case of national and regional railway infrastructure management services, the length of the railway infrastructure managed is at least 400 km,

b) in the case of local, urban and suburban railway infrastructure management services, the length of the railway infrastructure managed is at least 15 km.

(2) In the case of a railway infrastructure capacity allocation service, a service provider may be identified as an operator of essential services according to row 17 of the table in Annex 3 of the implementation decree of the Hungarian CIP Act, if

a) in the case of national and regional railway infrastructure capacity allocation services, the length of the railway infrastructure involved in the capacity allocation is at least 400 km,

b) in the case of local, urban and suburban railway infrastructure capacity allocation services, the length of the railway infrastructure involved in the capacity allocation is at least 15 km.

⁶ Added by Government Decree 375/2020 (VII.30.) section 116. Effective from: 31.07.2020

⁷ Added by Government Decree 375/2020 (VII.30.) section 116. Effective from: 31.07.2020

⁸ Added by Government Decree 375/2020 (VII.30.) section 116. Effective from: 31.07.2020

(3) In the case of a railway passenger transport service, a service provider may be identified as an operator of essential services according to row 18 of the table in Annex 3 of the implementation decree of the Hungarian CIP Act, if

a) in the case of national and regional rail services, its passenger transport capacity is at least 200 million passenger-kilometres / year in the calendar year preceding the identification,

b) in the case of local, urban and suburban rail passenger transport services, its passenger transport capacity is at least 20 million passenger-kilometres / year in the calendar year preceding the identification.

(4) In the case of a railway freight transport service, a service provider may be identified as an operator of essential services according to row 19 of the table in Annex 3 of the implementation decree of the Hungarian CIP Act, if the average annual freight performance reached 500 million freight tonne-kilometres / year in the previous three calendar years.

(5) In the case of a logistics centre operation, a service provider may be identified as an operator of essential services according to row 20 of the table in Annex 3 of the implementation decree of the Hungarian CIP Act, if the available storage capacity in the logistics centre was at least 5000 TEU in the calendar year preceding the identification.

Section 16/F⁹ (1) In the case of air traffic control service pursuant to row 13 of the table in Annex 3 of the implementation decree of the Hungarian CIP Act, the exclusively designated operator to perform air traffic control services within the controlled airspace of Hungary for civil aviation, set out in the Decree of the Minister for Economy and Transport 83/2006 (XII.13.) on the organisation performing air traffic control services and training air traffic control personnel, may be identified as an operator of essential services.

(2) In the case of airport security-control services pursuant to row 14 of the table in Annex 3 of the implementation decree of the Hungarian CIP Act, the organisation providing security-control services at the international commercial airport set out in section 12a) of this decree, may be identified as an operator of essential services.

(3) In the case of ground handling services pursuant to row 15 of the table in Annex 3 of the implementation decree of the Hungarian CIP Act, the organisation operating and using the ground handling infrastructure at the international commercial airport set out in section 12a) of this decree, may be identified as an operator of essential services.

5/C.¹⁰ Extraordinary occurrences

Section 16/G¹¹ In the transportation sector, extraordinary occurrence shall mean

a) if from more than 10% of the display elements of data collecting, monitoring and transportation influencing linked to the transportation management system, placed on the road designated pursuant to section 10 a) or b) to be found on the side of the road – not including road meteorology and transportation counter elements – no data is received during a period exceeding 16 hours,

b) the total shutdown of the transportation management system operating on the road designated pursuant to section 10 a) or b) or the shutdown of the tunnel control computer by 50% or more, exceeds 8 hours from the detection, or

⁹ Added by Government Decree 375/2020 (VII.30.) section 116. Effective from: 31.07.2020

¹⁰ Added by Government Decree 375/2020 (VII.30.) section 116. Effective from: 31.07.2020

¹¹ Added by Government Decree 375/2020 (VII.30.) section 116. Effective from: 31.07.2020

- c) in a city with a population of more than 500,000, the downtime of more than 10% of the infrastructures performing transportation management tasks linked in the system exceeds 4 hours from the detection,
- d) full closure or inoperability of the designated critical border crossings,
- e) full closure of the designated critical road network elements exceeding 4 hours, their loss or injury to such extent, the restoration of which exceeds 60 days,
- f) any occurrence during special legal order, disaster threat, national defence emergency or health crisis which results in the termination or transformation of providing service or transportation management,
- g) the provision of air traffic control services decreases under the minimum level, if performing the core activities cannot be ensured,
- h) the whole of area control, the approach control, the airport control or the air traffic control services cannot be ensured permanently,
- i) if the authority orders a health quarantine at the designated critical infrastructure,
- j) critical lack of human resources to such extent, that it may lead to the termination, cessation of the activity.

6. Qualification requirements and conditions of employment of the security liaison officer

Section 17 (1) The security liaison officer employed by the operator shall meet the qualification requirements set out in section 6 of the implementation decree of the Hungarian CIP Act, as well as the requirements defined in paragraphs (2) and (3) below.

(2) The security liaison officer shall be deemed to have the appropriate qualifications for the road transport sub-sector, the railway transport sub-sector, the waterway transport sub-sector and the logistics centre, if the person has specialist training in a technical field or defence administration and, in the case of a university or master's degree, at least 2 years of documented professional experience or, in the case of a college degree or an undergraduate degree, at least 4 years of documented professional experience.

(3) A security liaison officer shall be deemed to have the appropriate qualifications for the aviation sub-sector if the person has a valid security officer appointment approved in accordance with the Government Decree on the rules of civil aviation security and the powers, duties and operational order of the Aviation Security Committee.

(4) As professional experience pursuant to paragraph (2) above, the following may be taken into account: activities performed in the relevant field of specialised operators or other areas relevant to the specialised field, or experience gained in the specialised field of law enforcement, disaster control, private security and justified by documents.

7. Final provisions

Section 18 This decree shall enter into force on 1 October 2019.

Section 19 The operator shall submit the first identification report of the critical infrastructures within 90 days from this decree entering into force.

Section 20 This decree serves the purpose of compliance with the Council Directive (EU) 2008/114/EC of 8 December 2008 on the identification and designation of European critical infrastructures and the assessment of the need to improve their protection.

Section 21 This decree serves the purpose of compliance with the Directive (EU) 2016/1148 of the European Parliament and of the Council of 6 July 2016 concerning measures for a high common level of security of network and information systems across the Union.

Sections 22-23¹²

¹² Repealed on the basis of Act CXXX of 2010, sections 12-12/B. Ineffective from 02.10.2019