

Questionnaire for the

REPORT OF **HUNGARY** ON THE IMPLEMENTATION OF THE PROTOCOL ON STRATEGIC ENVIRONMENTAL ASSESSMENT TO THE CONVENTION ON ENVIRONMENTAL IMPACT ASSESSMENT IN A TRANSBOUNDARY CONTEXT

in the period 2010-2012

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PART ONE – CURRENT LEGAL AND ADMINISTRATIVE FRAMEWORK FOR THE IMPLEMENTATION OF THE PROTOCOL

In this part, please describe the legal, administrative and other measures taken in your country to implement the provisions of the Protocol. This part should describe the framework for your country's implementation, and not experience in the application of the Protocol.

Article 2 - Definitions:

1. Is the definition of plans and programmes for the purpose of the Protocol the same in your legislation as in article 2, paragraph 5? Please specify.

- a) Yes ☒
- b) Yes, with some differences:
- c) No (please provide the definition):
- d) There are no definitions of plans and programmes in the legislation ☐

Your comments:

There are three definitions of plans and programmes in Hungarian regulations:

1. One fully corresponds to the definition in the Protocol, and is a literal translation.

2. The other defines plans and programmes in more detail as follows:

Plans and programmes are specified in specific pieces of legislation, if they are likely to have a significant impact on the environment, including those plans and programmes which are co-financed by the EU, and also the amendments of these, and they are prescribed by statutory provision, or decreed by Parliament, the Government or the local authorities, and drawn up or adopted by an administrative body, or by a non-administrative body discharging administrative duties by authorisation conferred under an act of Parliament or government decree, or by a local self-government body, or are presented by the Government to Parliament.

3. The third definition is rather a list of examples for plans programmes that require an environmental assessment as follows:

Environmental assessments always need to be conducted in the case of regional plans, settlement-structure plans, local construction codes and zoning maps applicable for the whole settlement, the National Development Plan, the Operative Programmes of the National Plan, national or regional waste management plans, mid-term plan for agricultural policies, national water management concept and national programmes, catchment area management plans, national or local road network development plans.

National legislation further stipulates that environmental assessments are also compulsory in the case of plans and programmes,

- which in addition to the above are prepared for agriculture, forestry, fisheries, energy, industry, transport, traffic, waste management, water management, electronic telecommunication, tourism, regional development and set the framework for future development consents by the authorities for activities or facilities listed in the appendix of specific other legislation on environmental impact assessments independent of the threshold values and territorial restrictions laid down in that specific other legislation, and

- which may have significant adverse impacts on Natura 2000 areas.

2. Is the definition of “environmental, including health effect” in your legislation the same as in article 2, paragraph 7? Please specify.

- a) Yes ☒
- b) Yes, with some differences:
- c) No (please provide the definition):
- d) There is no definition of “environmental, including health effect” in the legislation ☐

Your comments:

3. Is the definition of “the public” according to article 2, paragraph 8, in your legislation the same as in the Protocol? Please specify.

- a) Yes ☐
- b) Yes, with some differences:

Hungarian regulations stipulate more detailed criteria, as they mention organisations without legal status, which are not mentioned in article 2, paragraph 8 of the Protocol, and also mention those that are affected by the decision about the plan, and have an interest in the decisions.

According to Hungarian regulations, “the public concerned” is a natural person, legal entity or an organisation without legal status, that

- 1. is or may be affected by the decision on the plan or programme for which an environmental assessment is required;
- 2. has an interest with regard to the decision on the plan or programme that requires an environmental assessment, and in particular is an environmental or other non-governmental organisation whose range of activity is affected by the said decision, and
- 3. is otherwise defined as affected by legal instruments, or by the preparer in the preparation process of the plans or programmes.

- c) No (please provide the definition):
- d) There is no definition of the public in the legislation ☐

Your comments:

4. Are there any conditions for non-governmental organizations to be able to take part in the assessment procedure? Please specify.

- a) Yes (please provide the conditions):

Non-governmental organisations may take part in the assessment, if they are or may be affected by the decision on the plan or programme that requires an environmental assessment, have an interest with regard to such a decision, their range of activity is affected by the decision on the plan or programme that requires an environmental assessment, or are otherwise defined as affected by legal instruments or by the preparer in the preparation process of the plans or programmes.

b) No ☐

Your comments:

Article 3 – General provisions:

5. Provide legislative, regulatory and other measures you have adopted in your country to implement the Protocol (art. 3, para. 1) (you can choose more than one option).

a) Law on SEA (please indicate number/year/name):

b) SEA provisions are transposed into another law(s) (please specify):

- [Act LIII of 1995 on the General Rules of Environmental Protection \(§§ 43-44\)](#)

c) Regulation (please indicate number/year/name):

- [Government Decree No. 2/2005 \(I. 11.\) on the environmental assessment of certain plans and programmes](#)
- [Government Decree 132/2010 \(IV. 21.\) on the announcement of the protocol adopted on May 21, 2003 in Kiev on strategic environmental assessment related to the Convention on environmental impact assessment in a transboundary context done at Espoo \(Finland\), on February 26, 1991.](#)

d) Administrative (please indicate number/year/name):

e) Other (please specify):

Your comments:

6. Indicate the specific legislation in your country, if any, that assures that the requirements of article 3, paragraphs 6 and 7, are met, and that these rights of the public are observed (you can choose more than one option).

a) [Constitution](#) ☒

b) Law on public participation (please indicate number/year/name):

- [Act CXL of 2004 on the General Rules of Administrative Proceedings and Services](#)
- [Act LIII of 1995 on the General Rules of Environmental Protection](#)
- [Act CXII of 2011 on the right of informational self-determination and the freedom of information](#)
- [Act LXXXI of 2001 on the announcement of the Convention on the Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters done at Aarhus on June 25, 1998](#)
- [Act XIX of 2008 on the announcement of the amendment of the Convention on the Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters done at Aarhus on June 25, 1998](#)

c) Law on SEA ☐

- d) Legislation which transposes the Protocol on SEA (please indicate number/year/name):
- Government Decree 132/2010 (IV.21.) on the announcement of the protocol adopted on May 21, 2003 in Kiev on strategic environmental assessment related to the Convention on environmental impact assessment in a transboundary context done at Espoo (Finland), on February 26, 1991.
- e) Legislation which transposes the Aarhus Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (please indicate number/year/name):
- Act LXXXI of 2001 on the announcement of the Convention on the Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters done at Aarhus on June 25, 1998
 - Act XIX of 2008 on the announcement of the amendment of the Convention on the Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters done at Aarhus on June 25, 1998
- f) Other (please, specify):
- Government Decree No. 2/2005 (I. 11.) on the environmental assessment of certain plans and programmes
 - Government Decree No. 311/2005 (XII.25.) on the rules of the access of the public to environmental information
 - Government Decree 197/2009 (IX.10.) on the creation and maintenance of an electronic database for the purpose of notifications regarding the opening of administrative procedures, and the notifications made on the basis of the database.

Your comments:

Article 4 – Field of application

7. List the types of plans and programmes that require SEA in your legislation (art. 4, para. 2).

Strategic environmental assessments are always compulsory in the case of the following plans and programmes:

a) plans and programmes stipulated by legislation

- regional plans
- settlement-structure plans, local construction codes and zoning maps applicable for the whole settlement
- the National Development Plan and its operative programmes
- national and regional waste management plans
- mid-term plans of agricultural policies
- national water management concept and national programmes
- catchment area management plan
- national or local road network development plans

b) Strategic environmental assessments also compulsory in the case of plans and programmes not included in the above list but prepared for the purposes of agriculture, forestry, fisheries, energy, industry, transport, traffic, waste management,

water management, electronic telecommunication, tourism, regional development, which set the framework for future development consents by the authorities for activities or facilities listed in the appendix of the act on environmental impact assessments independent of the threshold values and territorial restrictions laid down therein.

- c) Strategic environmental assessments must be carried out for each plan and programme without limitations for volume and scope that may have significant adverse impacts on Natura 2000 areas.

The necessity of environmental assessments may be determined on a case-by-case basis for the following plans and programmes:

- regulatory plans , or local construction codes prepared for a part of a settlement
- other plans and programmes that determine the use of small areas at local level;
- a minor amendment to a plan or programme, that requires a compulsory strategic environmental plan;
- plans and programmes, which set the framework for future development consents by the authorities for activities or facilities involving environmental uses.

8. Explain how you define whether a plan or programme “set the framework for future development consent” (art. 4, para. 2).

A plan and programme sets the framework for future development consents for activities or facilities listed in Appendix 1 or 3 of Government Decree No.314/2005 (XII. 25.) which is a specific legislation on environmental impact assessments. In these cases strategic environmental assessment is compulsory and independent of the threshold values and territorial restrictions laid down in that specific other legislation.

Plans and programmes that set a framework for future development consents for activities or facilities are defined as plans and programmes that include provisions or conditions to be compulsorily applied, or criteria to be compulsorily considered during the authorisation procedure, in particular as regards the location, nature, size and operational conditions, the direct use of or load to or other uses of natural resources, or require the implementation of any such activities, or influence the implementation opportunities, particularly the location, nature, size and operational conditions of such activities, or the direct use of or load to or other uses of natural resources by such activities in other ways (by facilitating, encouraging or restricting them).

9. Explain how the terms “plans and programmes . . . which determine the use of small areas at local level” (art. 4, para. 4) are interpreted in your legislation.

The regulations do not define these terms, yet at the same time - corresponding to the goals of the protocol’s provisions regarding this definition – stipulate the environmental assessment of such plans and programmes defined in Hungarian legislation (e.g. amendments of the settlement development plans in relation to sub-areas).

According to article 1, paragraph (3), sub-paragraph a) of Government Decree No. 2/2005 (I. 11.) on the environmental assessment of certain plans and programmes, regulatory plans, or local construction codes prepared for a part of a settlement, or other plans and programmes for which a strategic environmental assessment is compulsory and which determine the use of small areas at local level, the necessity of environmental

assessment may be decided based on the case-by-case determination of the significance of the likely environmental impact.

10. Explain how you identify in your legislation a “minor modification” to a plan or programme (art. 4, para. 4).

There is no identification or definition of minor modifications in Hungarian legislation, and it is not specifically stipulated what we may consider to be a not significant or minor modification in relation to certain plans. This decision lies with body in charge of the preparation of the plan or programme.

However, the regulation does apply the definition contained in article 1, paragraph (3), sub-paragraph b) of Government Decree No. 2/2005 (I. 11.) on the environmental assessment of certain plans and programmes, i.e. that in the case of a minor amendment to a plan or programme for an environmental assessment is compulsory, the necessity of the environmental assessment may be determined on a case-by-case basis.

Article 5 – Screening

11. How do you determine which other plans and programmes should be subject to a SEA according to article 4, paragraphs 3 and 4 (art. 5, para. 1)? Please specify.

- a) On a case-by-case basis ☐
- b) By specifying types of plans and programmes ☐
- c) By using a combination of (a) and (b) ☒
- d) Other (please specify):

Your comments:

12. Describe the procedures required in your legislation for consulting the environmental and health authorities (art. 5, para. 2, art. 6, para. 2, and art. 9, para. 1). If different in screening, scoping and on the draft plans and programmes and the environmental report, please specify.

In every phase, the body in charge of the preparation of the plan or programme (the preparer) has to approach the bodies in charge of environmental protection and the enforcement of health regulations, and allow them enough time to submit their opinions.

Determining the significance of the likely environmental impact, screening

For the decision necessary to determine the significance of the likely environmental impact of the implementation of the plan or programme, the preparer has to ask for the opinion of the administrative organs in charge of environmental protection stipulated in legal regulations, as to whether a significant environmental impact can be expected in the particular area of nature or environmental protection that they are in charge of.

The deadline for the opinions set by the preparer may not be shorter than 15 days. Preparer has to take all opinions into consideration in his decision-making that he receives by the deadline set by him.

If the opinion of the preparer as regards the necessity of the environmental assessment differs from the position of the bodies in charge of environmental protection, the preparer has to arrange consultations with the bodies involved to clarify the reason of the differences before he arrives at his final decision.

The preparer – among other things – has to publish the fact of any decision of his own in digression from the position of the bodies in charge of environmental protection, where he determines the environmental assessment not to be necessary. The preparer also has to inform the environmental protection bodies involved in the determination of the significance of the likely environmental impact about his decision and reasons.

Determining the content of the environmental evaluation, scoping

To establish the precise content and level of detail of the environmental evaluation (hereinafter: content), the preparer asks for the opinion of the bodies in charge of environmental protection.

The deadline for opinions set by the preparer may not be shorter than 30 days. Preparer has to take all opinions into consideration in his decision-making that he receives by the deadline set by him.

If the opinion of the preparer as regards the content differs from the position of the bodies in charge of environmental protection, the preparer has to arrange consultations with the bodies involved to clarify the reason for the differences before he arrives at his final decision.

Environmental assessment

To apply for an opinion on the environmental evaluation (which is an independent or integral part of the plan or programme documentation) and the draft of the plan or programme, the preparer submits the plan's or programme's consultation documentation together with the environmental evaluation to the bodies in charge of environmental protection.

The deadline for the opinions set by the preparer may not be shorter than 30 days following the receipt of the application for an opinion. Preparer has to take all opinions into consideration that he receives by the deadline set by him.

The involvement of bodies in charge of environmental protection does not influence the involvement in the consultations of the plan or programme of other bodies under other specific legal regulations pertaining to the plan or programme

If the bodies in charge of environmental protection do not accept the environmental evaluation or they are of the opinion that the plan or programme is incompatible with the National Programme for Environmental Protection, the preparer arranges a consultation with the bodies in charge of environmental protection about the necessary modifications. The description of the remaining differences in opinion need to be attached to the draft.

Appendix 3 of Government Decree No. 2/2005 (I. 11.) on the environmental assessment of certain plans and programmes gives a detailed list of bodies to be involved in every procedure, and those to be involved if their area is touched upon.

13. Do you provide opportunities for the public concerned to participate in screening and/or scoping of plans and programmes in your legislation (art. 5, para. 3, and art. 6, para. 3)?

If yes, please specify (you can choose more than one option).

- a) By sending written comments to the competent authority ☐
- b) By sending written comments to the local municipality ☐
- c) By providing answers to a questionnaire ☐
- d) By taking part in a public hearing ☐
- e) There are no opportunities for public participation in screening and/or scoping ☒
- f) Other (please specify):

Your comments:

The public concerned may not be involved in the determination of the necessity and the scoping of strategic environmental procedures for plans and programmes under the effective legal regulations but there are opportunities for the public to communicate their opinion and make remarks, as the determination of the contents of the environmental evaluation and the contents themselves are made public.

As regards screening, only the opinion of bodies in charge of environmental protection needs to be acquired, and how the public will be informed is defined during scoping: the preparer defines what groups of the public may be concerned.

For the purposes of the authorities' opinion on the environmental evaluation and the draft of the plan or programme the preparer publishes the contents and his proposal for the schedule and consultations. At the same time, all available environmental information with relevance to the plan or programme must be published together with instructions for the access to these, which includes the objectives of the plan and programme, where and when the consultation documentation of the plan or programme also including the environmental evaluation is available for perusal, and up to what date and in what way comments may be made. At least 30 days must be available for comments following the publication. If there is no request for a modification of the deadline, preparer has to take those comments into consideration that he receives by the deadline set by him.

14. At what stage of the procedure for a plan or programme does your legislation require you to make the screening decision publicly available? What information do you provide in the screening decision (art. 5, para. 4)?

Preparer has to publish his decision as regards the necessity of an environmental assessment and state his reasons following his decision on the matter. The legal regulations do not set a definite deadline, the only criteria being that it should be performed before any further phases of the procedure, i.e. scoping.

The preparer has to publish his decision regarding the significance of the likely environmental impact in his official journal or any other medium suitable for informing the

public, and if he has a website, then also there, and also if in digression from the opinion of the bodies in charge of environmental protection he has decided that the environmental assessment is not necessary, he also has to publish the fact of digression.

The decision on the significance of the environmental impact may be made together with the scoping of the environmental evaluation.

Article 6 – Scoping

15. How do you determine what is relevant information to be included in the environmental report in accordance with article 7, paragraph 2 (art. 6, para. 1)? Please specify (you can choose more than one option).

- a) By using annex IV ☒
- b) By using the comments from the concerned authorities ☒
- c) By using the comments from the public concerned, if it has been consulted ☐
- d) As determined by the competent authority based on its own expertise ☐
- e) By using other means (please specify):

Your comments:

Article 7 – Environmental report

16. How do you determine “reasonable alternatives” in the context of the environmental report (art. 7, para. 2)? Please specify.

- a) On a case-by-case basis ☐
- b) As defined in the national legislation (please specify):

The general requirements for the scope of environmental evaluations defined in the effective legal regulations include the brief description of the plan or programme and the alternatives considered during preparation as follows: summary description of the objectives and scope of the plan or programme with special emphasis on the parts relevant for the preparation of the environmental evaluation, relationship with other plans or programmes, justification of the selection of the given alternatives together with a brief description of the review that it is based on.

The summary drawn up after the approval of the plan or programme contains the arguments for the approval mentioning among others why the particular alternative was selected out of all considered sensible versions of the programme or plan.

Your comments:

17. How do you ensure sufficient quality of the reports? Please specify.

- a) The competent authority checks the information provided and ensures it includes all information required under annex IV as a minimum before making it available for comments ☒
- b) By using quality check lists ☐
- c) There are no specific procedures or mechanisms ☐
- d) Other (please specify):

The preparer of the plan or programme is responsible for the implementation of the environmental evaluation. The different parts of the environmental evaluation in the areas of expertise corresponding to the requirements for contents are prepared by experts licenced by the authorities in accordance with legislation on experts activities in the fields of nature conservation, environmental protection and landscape protection. All available information from earlier or still continuing planning or programme preparation activities concerning the environmental impacts of the given programme or plan or from the implementation of other EU legislation may be used for the preparation of the environmental evaluation. In establishing the precise content and level of detail of the environmental evaluation (hereinafter: content), the preparer also takes into consideration the opinions of the bodies in charge of environmental protection that he acquired.

If the bodies in charge of environmental protection do not accept the environmental evaluation or they are of the opinion that the plan or programme is incompatible with the National Programme for Environmental Protection, the preparer arranges a consultation with the bodies in charge of environmental protection about the necessary modifications. The description of the remaining differences in opinion need to be attached to the draft.

Your comments:

Article 8 – Public participation

18. How do you ensure the “timely public availability” of draft plans and programmes and the environmental report (art. 8, para. 2)? Please specify (you can choose more than one option).

- a) Through public notices ☒
- b) Through electronic media ☒
- c) Through other means (please specify):

Your comments:

According to the government decree, the publication has to take place in the form of publishing in at least one national or local newspaper. If the public concerned is limited to one particular part of a settlement, the customary local means of publication also suffice. If the preparer has a website, the information also needs to be published there. To acquire the comments of the public concerned, means of information other than publication may be used, e.g. the official newsletter of the preparer.

19. How do you identify the public concerned (art. 8, para. 3)? Please specify (you can choose more than one option).

- a) Based on the geographical location of the plans and programmes ☒
- b) By making the information available to all public and letting them identify themselves as public concerned ☒
- c) By other means (please specify):

During the establishment of the precise content and level of detail (content) of the environmental evaluation, the preparer defines what groups of the public may be concerned, and also defines the method of informing those concerned.

d) Your comments:

Effective legislation stipulates that a part of the public shall be regarded as concerned, if affected by the plan or programme, or having interest in the decision, if their sphere of activities is affected by the decision, or if declared concerned by legal regulations, the preparer or the plan.

20. How can the public concerned express its opinion on the draft plans and programmes and the environmental report (art. 8, para. 4)? Please specify (you can choose more than one option).

- a) By sending comments to the relevant authority/focal point ☒
- b) By providing answers to a questionnaire ☐
- c) Orally ☒
- d) By taking part in a public hearing ☐
- e) Other (please specify):

Upon the publication of the environmental evaluation, the preparer has to make suggestions as to the method of informing the public and acquiring their comments, i.e. in what form and by what deadline the public concerned can make their comments. At least 30 days must be available for the comments.

Your comments:

21. Do you have a definition in your legislation of the term “within a reasonable time frame” (art. 8, para. 4)? Please specify.

- a) Yes (please provide the definition):
- b) No, the time frame is given by a number of days for each commenting period ☒
- c) No, it is defined case by case ☒
- d) Other (please, specify):

Your comments:

A deadline of at least 30 days following the receipt of the request of opinion or its publication needs to be ensured for the public to submit their opinion and comments. The regulation sets a minimum time frame, but the preparer may in his own discretion, and subject to his own considerations set a longer deadline, if he regards such necessary.

Article 10 – Transboundary consultations

22. As a Party of origin, when do you notify the affected Party (art. 10, para. 1)? Please specify.

- a) During scoping ☐
- b) When the draft plan or programme and the environmental report have been prepared ☐
- c) At other times (please specify):

At the same time as the consultation on the draft of the plan or programme in Hungary.

Your comments:

23. As a Party of origin, what information, do you include in the notification (art. 10, para. 2)? Please specify.

- a) The information required by article 10, paragraph 2 ☐
- b) The information required by article 10, paragraph 2, plus additional information (please specify):

The consultation documentation of the plan or programme together with the environmental evaluation, the description of the decision-making process, a request to the other country to inform Hungary within a set deadline whether they wish to hold consultations in regard of significant transboundary environmental impacts caused by the implementation of the plan or programme, or wish to receive information about measures planned to reduce or prevent these impacts.

The country of origin ensures public access to the plan or programme as they do to their own public, i.e. they send a summarised description to the country that they are consulting with.

Your comments:

24. As a Party of origin, does your legislation indicate a reasonable time frame for the transmission of comments from the affected Party (art. 10, para. 2)? Please specify.

- a) Yes (please, indicate how long):
- b) No ☒

Your comments:

The regulations do not contain a definite deadline, and only stipulate for the case where an intention to hold consultations is announced that these should be announced "within the set deadline" without any further specification. The parties should mutually agree on the deadline: the preparer makes a proposal and the Affected Party accepts such or asks for the modification of the deadline in a written form.

25. If the affected Party has indicated that it wishes to enter into consultations, how are the detailed arrangements, including the time frame for consultations, agreed (art. 10, paras. 3 and 4)? Please specify.

- a) Following those of the Party of origin ☒
- b) Following those of the affected Party ☐
- c) Other (please specify):

Under effective regulations, the preparer concludes an agreement with the body representing the Affected Party, while in practice it means that the ministries of the two parties hold consultations. If the Affected Party indicates within the previously set time frame or after the modification of such that they wish to engage in consultations, the preparer agrees with the body representing the other country as to the duration and means of the consultations, and finally conducts the consultations.

In the course of the consultations the preparer also agrees on the manner of informing the authorities in charge of environmental protection and the public concerned of the Affected Party, and on how they will ensure opportunities to them for expressing their opinion within a reasonable deadline.

Your comments:

Article 11 – Decision

26. When a plan or programme is adopted, explain how your country ensures that due account is taken of the (art. 11, para. 1).

- a) Conclusions of the environmental report ☒
- b) Mitigation measures ☒
- c) Comments received in accordance with articles 8 to 10 ☒

Your comments:

27. How and when do you inform your own public and authorities (art. 11, para. 2)?

After the approval of the plan or programme, the approving administrative body, or – in the case of parliamentary approval – the administrative body submitting the draft plan or programme to the government:

- ensures public access to the plan or programme;
- prepares a summary on the approval of the plan or programme, the reasons for the approval, including their arguments for selecting the approved plan or programme alternative as opposed to other plan or programme alternatives, as well as on the consideration of the environmental concerns, the environmental evaluation, and the consideration of the opinions and comments received, and on the monitoring measures;
- forwards the above summary to the bodies in charge of environmental protection involved in the environmental assessment, to the National Environmental Council and to the country with which consultations were held with regard to the approval of the plan or programme, and publishes it in at least one national or local newspaper, or if the public concerned is limited a part of a settlement, does so as locally customary. If the preparer of the plan has a website, the information also needs to be published there.

28. How do you inform the public and authorities of the affected Party (art. 11, para. 2)?
Please specify.

- a) By informing the point of contact ☒
- b) By informing the contact person of the ministry responsible for SEA, who then follows the national procedure and informs his/her own authorities and public ☒
- c) By informing all the authorities involved in the assessment and letting them inform their own public ☐
- d) Other (please, specify):

Your comments:

Article 12 – Monitoring

29. Describe the legal requirements for monitoring the significant environmental, including health, effects of the implementation of the plans and programmes adopted under article 11 (art. 12, paras. 1 and 2).

The plan or programme should include measures for the monitoring of the significant environmental impacts arising from the implementation of the plan or programme.

The monitoring measures include in particular:

- an identification at an early stage of unforeseen adverse impacts during the preparation of the plan or programme;
- an identification of the actions to be taken in case adverse impacts occur;
- making the findings of the monitoring available to bodies in charge of environmental protection and the public.

If necessary, the existing detection, measuring and monitoring network/systems may be used, and the existing provisions on monitoring already in force or a revision of the plan or programme may be applied for the purposes of the monitoring.

Article 13 – Policies and legislation

30. Do you have national legislation on the application of principles and elements of the Protocol as regards policies and legislation (art. 13, paras. 1–3)? Please specify.

- a) Yes (please specify which articles of the Protocol apply):
- b) No ☒

Your comments:

There is no actual legislation to that effect, but Hungarian environmental protection regulations which apply the principles and the elements of the Protocol stipulate that environmental protection aspects need to be observed and applied with an integrated approach in decision-making processes on all levels and in legislative work.

PART TWO – PRACTICAL APPLICATION DURING THE PERIOD 2010 -2012

In this part, please report on your country's practical experiences in applying the Protocol (and not your country's procedures, which were described in part one). The focus of this section should be on identifying good practices as well as difficulties encountered in applying the Protocol in practice. The goal is to enable Parties to

share solutions. Please therefore provide appropriate examples highlighting application of the Protocol in your country and innovative approaches to improve its application.

31. Does your country object to the information on SEA procedures provided in this section being compiled and made available on the website of the Protocol? Please specify (indicate "yes" if you object).

- a) Yes ☐
- b) No ☒

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32. Which competent authority/authorities are responsible for carrying out the SEA procedure in your country? Please specify.

- a) If they are different for different types of plans and programmes ☒
- b) If they are different at different levels (national, regional, local) ☒
- c) If they are different for domestic and transboundary procedures ☐
- d) Please name the responsible authority/authorities:

I. In the case of plans and programmes prepared by national bodies

Permanent participants: as regards the protection of the environment, nature and landscape the National Chief Inspectorate for Environmental Protection, Nature Conservation and Water Management, as regards environmental and settlement health the National Chief Medical Officer's Administration, as regards protection of the forests and soils, the quantitative protection of arable lands, and agro-environmental issues the Minister for Agriculture and Rural Development.

Participants involved when affected: as regards the protection of geological values and mineral reserves the Minister for Economy and Transport, as regards the protection of natural characteristics of natural health-giving factors and health resorts the Minister for Health, as regards the protection of cultural heritage (protection of monuments, archaeology) the Minister for National Cultural Heritage, as regards the protection of the built environment the Minister responsible for construction, as regards chemical security the Minister for Health, as regards the prevention of major industrial accidents the National Chief Directorate of Emergency Management.

II. In the case of plans and programmes prepared by other than national bodies

Permanent participants: as regards the protection of the environment the Inspectorate, as regards nature and landscape conservation the Management of the national park, as regards environmental and settlement health the county/Budapest government office's organ in charge of public health administration.

Participants involved when affected: as regards the local protection of the environment and nature the notary of the local government of the settlement, as regards the protection of the built environment the chief architect of the department for construction of the Budapest/county government office, as regards the quantitative protection of waters the inspectorate, as regards the protection of forests the forestry directorate of the county government office, as regards the protection of soils the plant and soil protection directorate of the county government office, as regards the quantitative protection of arable lands the district land registry office, or the land registry of the county government office in case more than one district land registry office is affected

(in Budapest: the land registry of the government office of Budapest), as regards the protection of geological values and mineral reserves the regional office of the Hungarian Geology Services, as regards the protection of natural characteristics of natural health-giving factors and health resorts the National Directorate of Health Resorts and Thermal Spas of the National Chief Medical Officer's Administration, as regards the protection of cultural heritage (protection of monuments, archaeology) the cultural heritage protection office of the Budapest/county government office, as regards chemical security the National Institute of Chemical Security of the "Fodor József" National Public Health Centre, as regards the prevention of major industrial accidents the county directorate of emergency management and in Budapest the Civil Protection Directorate of Budapest.

33. Does your SEA documentation always include a specific (sub)chapter on information on potential transboundary effects? Please specify.

a) Yes ☐

b) No, only when potential transboundary effects are identified ☒

Remark:

However, the communication of the preparer about the plan always contains information about the possible significant transboundary environmental impacts caused by the implementation of the plan or programme.

CASES DURING THE PERIOD 2010-2012

34. If possible, provide the (approximate) number of domestic and transboundary SEA procedures initiated during the given period and list them by referring to the sectors in article 4, paragraph 2.

sector	within Hungary	as Party of Origin	as Affected Party
agriculture	1 (National Rural Strategy)	-	-
forestry		-	-
fisheries		-	-
energy	<5	-	3
industry (incl. mining)	-	-	-
transport	<5	-	-
regional development	<100	-	2
waste management	<10	-	-
water management	~50	-	1
telecommunication	-	-	-
tourism	-	-	-
urban development	~200	-	1
land use	-	-	-

EXPERIENCE WITH THE STRATEGIC IMPACT ASSESSMENT PROCEDURE

35. If your country has had practical experience in implementing the Protocol, has this supported the integration of environmental, including health, concerns into the development of plans and programmes? Have the conclusions included in the environmental report influenced the drafting and resulted in altering of a plan or programme? Please, provide examples, if you have this information.

Practical experience with the application of the protocol showed in several cases that environmental impacts need to be assessed already in the preparatory phase of plans and programmes.

Examples:

- The body in charge of preparing the plan refused the modification of the plan if there were to be likely significant adverse/negative impacts if the plan gets implemented.
- In other cases, measures to avoid or reduce the negative impacts were incorporated into the plan (e.g. planting a protective treeline around the planned facility to reduce noise and air pollution loads, and keep the compulsory ratio of green areas).
- It turned out during the preparation of the plan or programme that the installation of the planned activity or function in the particular location was prohibited by law, e.g. due to the characteristics of the area, as it belonged to e.g. a protective zone of a water base, a nature reserve, a Natura 2000 area, and the intention to make modifications was never part of the later planning.
- There were cases, where the construction was denied based on the submitted environmental assessment, e.g. in the village of Pilisszentkereszt, where the environmental assessment found that a construction would have negative impacts on the environment, which then resulted in the whole settlement development plan being turned down.
- In relation to the environmental evaluation and impact estimation on a Natura 2000 area of the Long-term Plan of the National Express and Main Road Network and Long-term Development Plan of the same. The environmental evaluation and the Natura 2000 impact estimation was prepared at the same time as the plan and programme, and the findings were observed on several occasions in the then only developing plan and programme.
- We had the experience several times that measures for the prevention, reduction or mitigation of adverse impacts identified in environmental assessments carried out during the preparation of settlement development plans were incorporated into the regulatory plan, the requirements related to that were adopted into the Local Construction Code (e.g. compulsory planting, keeping protective distances), and also appeared in the plan documentation of the construction that made the modification necessary in the first place, so that during the environmental evaluation of the next programme the concerns of environmental protection, landscape and nature conservation were already taken into consideration in the planning phase.

36. If your country has experienced substantial difficulties interpreting particular terms (or particular articles) in the Protocol, please indicate them. Does your country work together

with other Parties to find solutions? If not, how does your country overcome the(se) problem(s)? Please, provide examples, if available.

Difficult to interpret and apply in practice:

- the definition of protection of the public against harassment (article 3, paragraphs 6 and 7)
- the definition of relevant information (article 6, paragraph 3)
- the definition of reasonable time frame (article 8, paragraph 4)
- significant environmental impact
- one-off environmental impact
- environmental, and within that health-relevant impact

Our solution up to now has been that we relied on the guidelines of – not only European – countries and examples to good practices available online, or our personal experience.

37. Please share with other Parties your country's experience of applying the Protocol in practice, if such information is available. In response to each of the questions below, either provide one or two practical examples or describe your country's general experience. You might also include examples of lessons learned in order to help others. Please detail:

a) Your country's experience with domestic procedures:

i. Has your country carried out monitoring according to article 12 and, if so, for what kinds of plans or programmes?

Following the approval of the plan or programme, e.g. during the individual authorisation process of the actual implementation of an activity, function or facility, the environmental protection authority examines the adherence to the degree of environmental impacts stipulated in regulations in all questions within their competence.

Examples for cases:

1. In relation to the environmental evaluation of the Long-term Plan of the National Express and Main Road Network and Long-term Development Plan of the same, the establishment of a monitoring system specifically for the monitoring of the development of environmental impacts became necessary to monitor the environmental impacts caused by the development measures in the different phases of the examined programme. Correspondingly, a proposal was made for a monitoring system necessary for the long-term evaluation of the impacts to the affected elements of the environment.

Upon the submission of the proposal, the indicators were defined along the highest environmental priorities in relation to transport:

- Reduction of the greenhouse gas emissions of the road transport sector
- Reduction of the noise and air pollution load in areas designated for the extended presence of humans

- Implementation of an optimal express and main road network whilst taking up the smallest possible space (especially in Natura 2000 areas)
2. We started a new evaluation approach in 2012, which is aimed at the evaluation of the aggregated whole of the environmental impacts caused by the implementation of any one programme, in the knowledge of the location and planned content of projects implemented as part of operative programmes. This means that we are not talking about the monitoring of the actual impacts of the programmes, but rather the more precise prediction of these. The evaluation involved the following operative programmes:
- Operative Programme for the Development of the Economy
 - Operative Programme for the Environment and Energy
 - Operative Programme for Transport
 - Regional Operative Programme
- ii. Please provide examples of good practice cases, whether complete cases or good practice elements (e.g., consultation or public participation) within cases. Would your country like to present a case to be published on the website of the Convention and its Protocol as a “case study fact sheet”?

As part of the impact estimation on a Natura 2000 area of the Long-term Plan of the National Express and Main Road Network and Long-term Development Plan of the same the conflicts of the planned network and the Natura 2000 areas were discussed with the national park managements involved (the managing bodies of these areas), so that the opinion of the managers of Natura 2000 areas were taken into consideration in relation to the significant local points of conflict existing in the current phase of of planning.

We carried out the evaluation by way of database analyses, and interviews with the employees of inspectorates in charge of nature conservation, environmental protection and water management. We would be very glad to describe the process of these activities on the website of the Convention or the related Protocol.

b) Your country's experience with transboundary procedures:

- i. Translation is not addressed in the Protocol. How has your country addressed the question of translation? What difficulties has your country experienced in relation to translation and interpretation, and what solutions has your country applied?

No experience as a Party of Origin.

It has been perceived as a problem that in procedures where we have been involved as affected parties, the Party of Origin in most cases does not submit to us the whole documentation, but only the translation of a shorter summary of it together with the notice, which in many cases is not enough for the evaluation of transboundary impacts. For this reason, in order to more exactly clarify the nature of the impacts, the two parties have to engage in consultation in a written form, or possibly verbally.

ii. What does your country usually translate as a Party of origin?

Under the effective legal regulations the consultation document and the whole of the environmental evaluation of the plan and programme need to be translated, but in the given period of time there were no procedures related to transboundary impacts.

iii. Has your country carried out transboundary public participation according to article 10, paragraph 4? If so, how? Was your country the Party of origin or the affected Party? What has been your country's experience of the effectiveness of public participation? Has your country experienced difficulties with the participation of its public or the public of another Party? (E.g., have there been complaints from the public about the procedure?)

As an Affected Party, the body in charge of the coordination of strategic environmental assessments – under effective legislation the National Chief Inspectorate for Environmental Protection, Nature Conservation and Water Management, in practice the Ministry for Rural Development – arranges the translation of the documentation, and then asks for the opinion of the acting authorities, informs the public, asks for the public's comments, and involves the local governments.

There were no complaints, but it is difficult to encourage the public to be active.

iv. Does your country have examples of organizing transboundary SEA procedures for joint cross-border plans and programmes? If yes, describe such examples, if possible.

No experience.

v. Please provide examples of good practice cases, whether complete cases or good practice elements (e.g., consultation or public participation) within cases. Would your country like to present a case within a "case study fact sheet" to be published on the website of the Convention and its Protocol?

No experience.

COOPERATION BETWEEN PARTIES IN 2010–2012

38. Does your country have any successful examples of how it has overcome difficulties arising from different legal systems in neighbouring countries?

No experience.

EXPERIENCE REGARDING GUIDANCE IN 2010–2012

39. Are you aware of any use in your country of the Resource Manual to Support Application of the Protocol on Strategic Environmental Assessment available online¹? If yes, please describe any experience with using this guidance document and how it might be improved or supplemented.

No experience.

40. Do you provide any assistance and guidance to the public? If yes, please specify.

The published statement about the procedure describes in detail where and how comments can be submitted in relation to the case concerned. The preparer of the plan publishes their decision as regards conducting an environmental assessment and his argumentation, and the documentation of the environmental assessment before it is approved in accordance with legal regulations. Comments can be submitted to all these documents. We have no experience with any other actual assistance or guidance.

41. Do you support associations, organizations or other groups that promote the Protocol? If yes, please specify which and how.

No experience.

42. Has your country had difficulties implementing the procedure defined in the Protocol?

The protocol is about strategic environmental assessment, however, its content is at the level of normal environmental assessments. This can be seen clearest in Appendices I and II, where the content describes activities at the level of environmental assessments. At the same time, strategic environmental assessments are carried out for programmes, where neither the contents or the location of the project, nor often even the project itself can be identified. The protocol could have a more decisive effect in the implementation of strategic environmental assessments, if its wording and structure adopted the logic of the programme level, and not of the project level.

The tight deadline for the procedure stipulated in our national legislation poses a practical problem, just like the fact that the deadline for the procedures – stipulated in sectoral regulations – in relation to plans and programmes for which environmental assessments are necessary is different from the deadline for acquiring opinions for the environmental evaluation documentation.

AWARENESS OF THE PROTOCOL

¹ http://www.unece.org/env/eia/pubs/sea_manual.html

43. Does your country see a need to improve the application of the Protocol in your country and, if so, how does it intend to do so?

The applicability of the protocol could be improved by way of guidelines, or the development of procedural models.

The legal regulation should be amended with an unambiguous definition of terms.

SUGGESTED IMPROVEMENTS TO THE REPORT

44. Please provide suggestions for how this report may be improved.

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