**NATIONAL REPORT ON THE IMPLEMENTATION OF THE AARHUS CONVENTION -HUNGARY**

**2014**

 ***Compilation process of the national report***

1. The Ministry of Rural Development (the Ministry) is responsible for the national implementation of the Aarhus Convention (Convention). The Ministry has drawn up this national report through broad public consultation. The Ministry has taken those laid down in decisions I/8., II/10., III/5 and IV/4 into account and has submitted its report in accordance to the form given by the appendix of decision IV/4 as well.

The schedule for creating the report is as follows:

* July 2013 – As requested by the Ministry, the competent departments, the National Inspectorate for Environment, Nature and Water, the Inspectorates for Environment Nature and Water, the Hungarian Meteorological Service and the National Institute for Environment have submitted their contribution to the first draft of the report.
	+ With respect to the suggestions and relevant date received, the Ministry has compiled the draft of the national report.
* August 2013 – the Ministry requested the ministries (Ministry of the Interior, Ministry of Public Administration and Justice, Ministry of Human Resources, Ministry for National Economy, Ministry of National Development), authorities (Office of the Commissioner for Fundamental Rights, Regional Environmental Center) to submit their observations and remarks concerning the draft of the national report.
* It concurrently published the outline of the national report on the website of the Ministry (and forwarded it to the NGOs drawn into the Aarhus Working Group earlier) which may be commented on by anybody until the 20th of September.
* Opinions received upon the request: Ministry of the Interior, Ministry of Public Administration and Justice, Ministry of National Economy, Ministry of Human Resources, Office of the Commissioner for Fundamental Rights, Regional Environmental Center.
* September 2013 - The national draft was discussed by the Aarhus Working Group.
* November 2013 – The Ministry has updated the draft of the national report with the observations received and the remarks of the Aarhus Working Group session.
	+ Concurrently the Ministry published the draft report on the website of the Ministry (and forwarded it directly to the NGOs drawn into the Aarhus Working Group earlier) which may be commented on by anybody until the 10th of December.

 ***Material circumstances relevant to the application of the Convention*** (optional)

***Article 3, paragraph 2 (providing assistance and guidance to the public in facilitating participation)***

*What are the legal possibilities granted to the public by public administration laws to enforce their procedural rights?*

2. Act LXXXI of 2001 promulgated the Convention, but Hungary has been applying the related principles since the early 1990s. Act CXII of 2011 on the Right of Informational Autonomy and the Freedom of Information (Information Act) has widely provided for the disclosure of environmental data, Act LIII of 1995 on the General Rules of the Protection of the Environment (Environment Act) recognised the right of environmental non-governmental organisations to participate in various administrative procedures, and the Supreme Court adopted – with the aim of eliminating different interpretations related to participation rights – decision No. 4/2010 a regulation according to the uniformity of the law concerning the legal status of civil organizations in environmental administrative legal procedures. The New uniform regulation – while upholding the principle tenets of the 1/2004 uniform regulation – stated that client status can be given to civil organizations in cases where the environmental authority agency acts as an arbitral authority, or if the measure orders the contribution of the environmental authority as an administrative authority. But the court has not considered nature and water protection authority cases to be an environmental protection authority case, which narrows the possibility of participation, although the court has stated in its decree that in environmental protection cases, civil organizations may potentially participate because of the ruling of the Environmental Protection Act referring to the Nature Protection Act. Act CXXXI is about the civil participation in the preparatory process of regulations. Among its general provisions it states the scope of the law, the fundamental principles and the planning of the law-making process. It defines which measures need to be submitted to social conciliation on a compulsory level, and which not and last it defines the forms of social conciliation. The regulation came into effect on the 1th of January 2011.

3. One of the fundamental principles of Act CXL of 2004 on the General Rules of Administrative Procedures and Services (the Administrative Procedures Code) is that administrative authorities must conduct their proceedings in the spirit of cooperation and fairness. The authority must ensure that any persons involved in the procedure be informed of their rights and obligations, as well as promote the full application of the clients’ rights. Any person engaged in a procedure without legal representation must be informed of the legislative provisions relative to the case, the legal consequences of any omissions, and the availability of legal assistance Paragraph 4 of Section 5 of the Administrative Procedures Act states that clients and other concerned parties be granted right of viewing documents, and in cases of provisions given by branch measures it will organize a public hearing and will inform the involved parties about its decisions.

The amendment to the Administrative Procedures Code going into force on 1 October 2009 enables authorities to engage a liaison officer without sectorial statutory regulations, including any proceedings relating to the environment. The responsibility of the liaison officer involves, *inter alia*, the maintaining of contact with clients and stakeholders, in the course of which it

* provides authentic and accurate information and in readily understandable language to the parties affected concerning the objective of the proceedings and the foreseeable consequences, and on any measures that may be necessary to prevent or reduce potentially unfavourable changes;
* informs the clients regarding the provisions of legal regulation relevant to the case, and their rights specified in substantive and procedural regulations;
* mediates between the authority and the clients, or the adverse parties;
* compiles and arranges the comments received from the clients in connection with the proceedings before conveying them to the authority.

For the time being, it is not possible to adequately assess the benefits and effectiveness of liaison officers due to the short period of time elapsed.

In case of events laid down in point a –j of Section 80/A. of the Administrative Procedures Act administrations have an obligation of publication in respect of measures avowed to be legally binding or if appeals do not lie.

5. Pursuant to Act LXXX of 2003 on Legal Assistance, the provider of legal assistance prepares documents and provides legal counsel to the client free of charge (the cost of legal assistance is incurred by the state). The Act clearly defines the cases where such legal assistance is available.

*What institutional framework is in place to advance the enforcement of participation rights (public relations offices, information service officials, etc.)?*

6. Information to the public concerning access rights is actively provided by the Public Relations Bureau of the ministry responsible for the environment, its network of Green Point Offices and the Network of Hungarian Eco-counselling Offices (Kötháló). The activity of the Public Relations Bureau of the Ministry, operative since 1997, was complemented in 2005 by a network of so-called Green Point Offices maintained by the regional offices of environmental inspectorates, environmental and water directorates and national park directorates. The Green Point Offices have been established with a view to providing up-to-date environmental information and assistance to handling cases or complaints by citizens. At present, 43 such offices operate in the country (in addition to those mentioned above, environmental centres, regional offices and 3 NGO offices are also members of the network in the framework of other organisations), performing the following main tasks: Handling of citizens’ complaints and requests;

* Collection, management and dissemination of updated environmental data, information;
* Establishment and maintenance of databases, providing access to legislative texts, single window administration;
* Networking with the information bureaus of other ministries, authorities and of civil organizations;
* Registration of complaints and requests,
* on occasion, promotion of environmental education and awareness raising through events jointly organised with NGOs and co-organisations.

7. The new government structure established in the middle of 2010 enables the setup of the Green Rural Network which in addition to public relations and the dissemination activity relating to environmental protection and nature conservation, may perform these duties also in connection with agricultural and rural development.

8. The Customer Service of the ministry responsible for health provides information and assistance to the public in relation to environmental health issues which is responsible, *inter alia*, for the following:

* handling of citizens’ complaints, enquiries,
* information provided on health regulations in force,
* contacts with the customer services of other ministries, authorities, civilian organizations performing similar duties,
* keeping of records on enquiries,
* operation of personal customer service.

9. The State-funded network of information offices is supplemented by a comparable network of environmental information offices established by NGOs called Kötháló. Kötháló, which at present has 16 offices countrywide (and 2 outside our borders), is an umbrella organization of NGOs, whose main specialization is public interest environmental consultancy. Its activities cover maintenance and updating of databases, preparation of publications, organization of events, etc. In addition, Kötháló provides assistance to the public in legal matters relating to the environment. This network has its own quality assurance system.

10.In 2007 the Hungarian parliament established the institution of the Parliamentary Commissioner for Future Generations – which existed until the end of 2011 -, pursuant to Section 27/A of Act LIX of 1993 on the Parliamentary Commissioner for Civil Rights. Anyone may have submitted a complaint to the Commissioner in connection with the abuse of rights to a healthy environment, including NGOs. The Commissioner has reviewed submissions received from numerous NGOs, including those related to public participation. He informed the environmental NGOs on his work twice a year. Since the 1st of January 2012 the protection of fundamental rights so future generations as well has been addressed by one commissioner. The responsibilities of the deputy of the commissioner of fundamental rights, who is responsible for the protection of the interests of future generations are defined by Act CXI. of 2011. During its activities – particularly in cases initiated ex officio-, the commissioner for fundamental rights pays marked attention to the protection of the values laid down in article P) of the Constitution (the interests of future generations). According to this article, natural resources, particularly soil, forests, and water supplies, biodiversity, domestic plants and animals and cultural values are part of our common heritage, and protection and sustainment of this heritage for future generations is an obligation of the state and all of its inhabitants. Besides article P), the commissioner characteristically conducted its investigations in respect to the right of spiritual health, and the right to a healthy environment, but has often referred to the legal security provided by a constitutional state, and the requirements of the right to a fair trial as well.

*Are there training programmes for officials performing environmental duties and judges?*

11. The exchange of experience acquired in the course of projects implemented in the framework of IMPEL (European Union Network for the Implementation and Enforcement of Environmental Law) and the dissemination of the project’s results promotes the training of the acting environmental, nature conservation and water authorities. The National Environmental, Nature Conservation and Water Chief Inspectorate coordinates these projects as a founding member of the Union.

12. As a sequel to the earlier agreement with the Association of Administration Judges, the deputy of the commissioner of fundamental rights has held a seminar in October 2013, labelled “Principles of Environment Protection in the EU and their effect on practical law”. Judges, authority and ministerial administrators and prosecutors were among those invited.

Currently there are no targeted training courses related to the Convention in the training programmes of judges in Hungary.

***Article 3, paragraph 3 (environmental education, awareness raising and development of environmentally conscious thinking)***

*How are environmental issues managed by the primary, secondary and higher level education systems? Are there any agreements between institutions dealing with this issue?*

13. The ministry responsible for the environment takes part in the elaboration, development of international and national environmental public education programmes integrated in the system of public education, higher education, vocational training and adult education, and the setup of training requirements and programmes.

14. Based on domestic and international experience, the Ministry of Human Resources and the Ministry of Rural Development find it important, that the school age group receive a unique, action oriented upbringing based upon experience, relevant of their age that teaches them about the importance of their environment and its sustainability.

15. Within the bounds of the Swiss-Hungarian Cooperation Programme, the Institute of Educational Research and Development has won a subsidy of 1.187.500 CHF for the development of environmental upbringing. Its partners in professional execution were the Ministry of Human Resources, the Ministry of Rural development, domestic NGOs with a portfolio of environmental education and regional funding centres.

16. Based on paragraph (5) of Section 77. of the 2011. CXC. Act on National Mass Upbringing, the minister responsible for education and the minister responsible for environment assist in fulfilling of the assignments of environmental education and the execution of the Forest School Program, the Forest Kindergarten Program, the Green Kindergarten Program, and the Eco-School Program via issuing applications and joint programmes and tenders.

17. The Sustainable Development Committee of the parliament has held a professional conference in spring 2011 called “The current state and future of an upbringing towards sustainability in Hungary”.

18. The Commissioner for Fundamental Rights initiated an investigation in spring 2013 as part of a child’s rights project labelled “Environmental Awareness as the basis of justice between generations” in which it investigated how environmental upbringing appears in the regulations responsible for mass education and the National Educational Framework and if the regulations fulfil the goals set out in the National Environment Protection Program. (The report can be read at http://www.ajbh.hu/documents/10180/111959/201300676.pdf)

19. With a view to integrating the environment in higher education, promoting sustainable development and strengthening eco-efficient innovation, the ministry responsible for the environment concluded a cooperation agreement with Budapest University of Technology and Economics. The parties annually review the current tasks.

20. Environmental education comprises part of the educational duties conducted in the institutions of public upbringing in Hungary. The National Kindergarten Educational Framework Programme, the National Educational Framework Programme and the National Environmental Programme provide its primary framework. Pursuant to paragraph (1) of section 62. of the 2011 CXC. Act on National Mass Upbringing it is the teacher’s obligation to school the children, students to awareness towards the environment and healthy life. Many learning areas in the National Educational Framework handle the questions of environmental production and sustainability.

21. Cultural institutions practise significant environmental nurturing for youth in elementary and mid-level education using the methods of non-formal and informal learning, meanwhile using the method of learning through life for adults. Their approach and methods in teaching differ from those utilized in environmental nurturing in formal education institutions. Almost every cultural development financed by European Union Funds contains requirements for passing on environmental knowledge. Participants may acquire the most important information through reading-, drama-, museum pedagogy and public learning. It is important, that our cultural institutions are involved in the organization of every illustrious environment themed event, and await those interested with programs, performances and trainings (E.g. World Day, Day of Birds and Trees).

22. The framework for environmental education is as follows:

*(a)* *Environmental education networks and programmes* (primary and secondary level education):

* With the *Green Kindergarten Network*, environmental education begins on the level of pre-school education. Environmentally conscious behaviour has been in the focus for some time in kindergarten education. Important centres of environmentally sensitive kindergarten pedagogy have emerged in recent years, together with the necessary intellectual and material infrastructure. Every year since 2006 the ministries responsible for the environment and education published a tender for the title of *Green Kindergarten*. By 2013 already 515 kindergartens have been awarded this title.
* The *Hungarian Network of Ecological Schools* has been operating in Hungary since March 2000 as part of an international network under the auspices of the OECD-CERI ENSI project. The network provides a platform for cooperation, exchange of information and organizational assistance to schools dedicated to environmental education. The Ecological School programme has been in place since March 2000 through the coordination of the Programme and Curriculum Development Centre of the Hungarian Institute for Educational Research and Development (OFI) (formerly the National Institute of Public Education) and the ministries responsible for the environment and education. The two ministries have been publishing a tender every year since 2004 for the OFI title of *Ecological School*. All Hungarian public educational institutions are eligible for the title. Since 2012 the title of Perpetual Eco-School may be awarded. By the beginning of 2013 there were 416 Eco-Schools and 146 Perpetual Eco-Schools, so altogether there were 562 institutions that have had this title.
* Short-term, in situ curricular environmental educational cycles are carried out in the framework of the *Forest School Programme*. The forest kindergarten, school service providers provide appropriate locations in the entire territory of the country for the implementation of forest kindergarten and school programmes. Both the contents and methods of the programme are closely linked to the natural environment of the selected location. To date there are 99 forest schools registered by the National Federation of Environmental Education Centres. The 10 national park directorates (NPIs) operate forest schools at 19 locations. Forest schools are also operated by local and regional municipalities, forestries, entrepreneurs and NGOs.

The forestry forest schools, i.e. service providers providing so-called forest pedagogical programmes maintained by the forestries, are also operated as part of the programme. The environmental education classes conducted at the forestry forest schools primarily focus on objectively conveying forest and forestry related topics from several points of view. The genuineness of the classes is principally attributable to the fact that the forestry shows, demonstrates the forest and forestry conducted on its own plant site. Currently there are nearly fifty such service units operating in the country. For the purpose of emphasising the importance of forest pedagogical services and establishing the quality guarantees of the service, the National Forestry Association operates its own qualification system under the professional auspices of the ministry responsible for rural development.

* Hungary joined the *GLOBE* (Global Learning and Observation to Benefit the Environment) *Environmental Education Programme* in 1999. At present, 29 secondary schools participate in the ongoing international activities of the programme. Among the 18 thousand GLOBE schools in 110 countries around the world, six Hungarian secondary schools are ranked among the first 12 schools in the international ranking. Each year the schools participating in the programme receive funding by tender for the operation of the programme, with financial support provided by the ministry responsible for education and professional support provided by the ministry responsible for the environment. The National Base School of the GLOBE programme coordinates the tender. The implementation of the programme is supported by the national coordinator of the GLOBE programme, with financial support provided by the ministry responsible for education.
* The *BISEL programme* aims at implementing the so-called International Network National Programme: the supply of professional material, equipment and methods used for the biological analysis of water quality. The ministries responsible for education and the environment are jointly responsible for maintaining the website and organising the internet competition, summer camp and the continuing training of teachers.
* The ministry responsible for the environment also aims at developing the professional background to environment and nature related *talent development, academic competitions, quizzes*, the advancement of professional criteria, compilation of the topics and exercises of competitions and the representation of the ministry.
* Several thousand students, 1,000 teachers participated in the national academic competitions, such as the Kaán Károly Nature and Environment Knowledge Competition, Bugát Pál National Secondary School Nature Knowledge Competition, Kitaibel Pál National Biology and Environmental Protection Competition, competitions of the Hungarian Scientific Society. Hungarian language schools participate in the Sajó Károly Carpathian Basin Environmental Team Competition.
* Each year the National Labour Office organises an environmental training conference for the managers and staff of vocational training institutions.

*(b) Environmental and water management professional training*

*(c)* *Environmental protection in higher education*

* The rules on environmental protection in higher education are laid down in the EMMI regulation 39/2012 (XI. 21.)
* The III National Environmental Programme (III. NKP) set out nine objectives in the area of higher education.
* The environmental protection and environmental awareness criteria have been integrated into the undergraduate and post-graduate training programmes of agricultural, technical and natural science training areas with the appropriate technical content. The objectives of the 4.1.2/A TÁMOP (Social Renewal Operational Programme) tender entitled “Curriculum development and content development, particularly in relation to mathematics, natural sciences, technical and informatics (MTMI) training” included content development of the faculties relating to sustainable development, social responsibility and climate change. The amount of HUF 1.1 billion was available in the framework of the TÁMOP 4.1.2/C tender entitled “Training of teachers, particularly in relation to mathematics, natural sciences, technical and informatics (MTMI) training and its development”. The objectives of the tender included the training of university-college teachers and managers in areas relating to sustainable development, social responsibility and climate change.
* In 2009 the combined number of graduates in undergraduate and college training (based on ISCED training areas) equalled 33 in the training area of natural sciences, 1,800 in the training area of informatics, 2,601 in the training area of technical sciences and 672 in the area of agriculture and animal health. The admission limits in higher education changed in line with international trends; in 2009, the number of students admitted to technical areas increased by approximately 1,500 and by 1,000 in the area of natural sciences and informatics.
* The 13th National University Students Conference on the Environment was held in April 2012, where 189 presentations were held in 23 sections (the students submitted 254 competition works in 2006, 270 in 2008 and 306 in 2010). In the framework of the individual section “Arts and the Environment”, works of art were exhibited on nature and the protection of the environment publicly.

The indicators of our proposal worked out for the uniform and comparable, quality performance requirements applicable to the financing of institutions of higher education include environmental responsibility, measured with data linked to professional training, education and own practices.

*Are there awareness-raising campaigns implemented by the environmental administration?*

23. The following campaigns were organised in the reporting period:

* *“Pick it up – Voluntarily for a clean Hungary”* started in 2011, its goal is to rid the country of as much litter as possible. The Hungarian government (the Ministry of Rural Development, along with the Ministry of Public Administration and Justice), together with NGOs organized the first large scale garbage cleaning campaign on the 21st of May 2011. After repeated success in 2012, the event was held again countrywide on the 14th of September 2013. It’s goal was a wide cooperation between the public for a clean environment.
* *“Our past and future: the water”* is an environment protection viewpoint forming campaign with the goal of spreading the methods of sustainable way of living and the moral patterns attached, among the Hungarian population. The campaign’s main site is the website called vizkviz.eu, where e-learning materials, online games and educational videos await the age group between 14 and 20, and everyone else interested. The campaign focuses on improving the youth’s knowledge, conscious consumption of water and behaviour towards the substance and it also touches the areas of everyday life (housekeeping, shopping, and consumer behaviours) and the water’s journey until it reaches our homes. Its side goal is the introduction of the values of Hungary’s natural and consumer water bases and to form and strengthen an attachment towards them, and to show the social attitude required towards their protection.
* The half year long sequel in 2011 to the Turn it off! campaign organized in the first half of 2009, at the initiative of the European Commission, the Ministry of Foreign Affairs and the European Parliament, was labelled the Turn it off! II. campaign with the goal of acting together for the protection of our environment, our natural habitats and to be conserving with our energy consumption. The norm setting project based a lot (besides the Climate Ambassadors) on the partnership of local municipalities, and wished to use them as catalysers, to reach the Hungarian populace. But NGOs, public libraries and Europe Direct Points were also involved. Among the most crucial programs of the campaign that urged environment conscious way of thinking, energy conservation was the online contest for members of the public administration in municipalities called “the Greenest Municipality”. Besides this, the Loyalty movement was also launched, in which environment friendly participants of the campaign (such as municipalities NGOs, and green organizations) received stickers to advertise that the co-workers and members of the institution are committed towards environment protection and energy conservation. The campaign also addressed the younger generations with a drawing application. The winning application were printed out as posters. Adults may have uploaded their pictures and short films where they could have shown what they did to protect their environment to Facebook and Twitter.
* As part of the New Széchenyi Program the KEOP Sustainable Way of Life and Consumption schemes 6.1.0 and 6.2.0 materialized using government and EU funds. The goal of these programs was to offer information, pass on knowledge, the improvement environment consciousness and environmental culture (forming the way of thinking), and the spreading of sustainable behavioural patterns. From 2008 until October 2012 as part of 796 projects (408 campaigns and 388 sample projects) subsidies worth almost 12 billion Hungarian Forint was utilized.
* *Hungarian National Parks Week –* organised along the lines of the International National Parks Week. Between 7-16th of June 2013, our National Parks awaited those interested in nature experience for the seventh time, with various tours and programs all around the country. At the main launch event between the 7th and 9th of June Debrecen and the Hortobágy National park organized interesting programs.
* *“Bike To Work”, “Bike to School” Bicycle Friendly Workplace* and *Bicycle Friendly Municipality.* They were organized as part of the Cyclist Hungary Program by the Hungarian Cyclist Club, together with the National Institute for Environment and the Ministry of National Development as initiator of the campaign and as entitled copyright holder. Its goal was to advertise non-motorized transportation especially riding a bike (for example the very successful Cyclist Breakfast).
* *As part of the departmental provision for cutting down the amount of miniscule aerosol particles (PM10)* the National Institute for Environment addressed about 250 kindergarten and elementary school aged children calling their attention towards the merits of non-motorized traffic, and the conscious choosing of the appropriate transport vehicle. About 500 adults also heard the presentations.
* In 2012 the Hungarian Meteorological Service’s (OMSZ) attended the event called *Bridge of Science* at the Pest bridgehead of the Chainbridge. In the exhibition tent, videos continuously were played, a HAWK workstation and a meteorological measurement station was introduced – with a high visitor rate.
* In 2013 the so called MET-ÉSZ system was introduced at the OMSZ homepage, where anyone could share their weather observations and interesting photos.
* *Night of Museums –*The Museum of Environmental Protection and Water Management has been part of the event for 8 years now. This year the ministry was open to visitors from 6 PM until midnight, with its permanent exhibitions and with the live history of the age of river controls and the outdoor screening of the movie Hídember. As part of the event 776 guests have visited the ministry. The Night of Museums included the OMSZ. Tours were launched every half an hour to introduce OMSZ. Last year besides an educational presentation, museum visit, studio introduction, the tour was expanded by presentations given by experts about climate change, climate- modelling, greenhouse emission related activities, weather forecast, the webpage and the MET-ÉSZ system. In 2008, 14 groups of 30-40 visitors were shown the work of the OMSZ, with 19 groups in 2009 16 groups in 2010, 17 groups in 2011 and 2012 and 18 groups of 30 40 visitors in 2013.
* *Events of the World Water Day* - As part of the World Water Day events, the Museum of Environmental Protection and Water Management hosted 318 kindergarten children on the 18th of March 2013, and 507 elementary school pupils on the 22nd of March as part of a whole day event. The Museum issued an art competition as procured by the Deputy State Secretary of the Ministry of Rural Development in four different categories on the occasion of the World Water Day, for children in elementary and middle schools.
* *Nemzetközi Duna Nap –International Danube Day* – In June 2013 the Museum of Environmental Protection and Water Management took part in the Kids Island event with programs organized by the Deputy State Secretary’s Office of the Ministry of Rural Development.
* The Museum of Environmental Protection and Water Management welcomes kindergarten and school groups through the whole year and offers guided tours and about 50 types of different museum and environmental pedagogy programs. The museum signed a cooperation treaty with many schools; pupils from these institutions frequently visit the museum for different trainings. During the summer holiday the Museum organized a Nature Hiking Camp from 2x1 weeks. As part of “Our past and future: the Water” campaign, the colleagues of the Museum created 6 e learning educational materials, and 3 educational games.
* At the beginning of the natural beach season every year, the National Public Health Office (OTH) issues a press release concerning the quality of natural waters and about the risks of bathing in natural water. Besides this, the Office informs the public and the press about every issue under its jurisdiction (e.g. floods).

*Are there any relevant capacity-building activities aimed at journalists and, if so, which institutions or organizations implement them?*

The Ministry is responsible for contacting journalists and issuing papers relating to the activity of the ministry responsible for the environment. In recent years numerous articles related to environmental education were published in the printed and electronic media and shown on television and broadcast on radio. There was a special focus on the Ecological School and Green Kindergarten Programme, the Green Chalk drawing competition and the road show. The Ministry was also responsible for supporting the publication of a large number of works related to the Green Resource competition.

25. The Public Awareness working group established by the National Council for Sustainable Development and the Parliamentary Commissioner for Future Generations organised a club in cooperation with the Association of Hungarian Journalists where three topical meetings were held in 2010.

26. OMSZ offers insight into the basics of meteorology on its website (and Facebook page) called knowledge-base. Besides this, up to-date, newly published studies and educational articles can be read, and educational short films viewed on the site, and visitors can also familiarize themselves with the museum of the OMSZ online. Furthermore OMSZ has held a wide array of press conferences about dangerous weather and aerial environmental phenomena. Every year at the beginning of May, the agency holds a UV press conference warning about the dangers of UV radiation. Before the installation of the small area warning system in 2011 we also held a press conference.

*Do environmental non-governmental organizations (NGOs) participate in environmental education, awareness raising?*

27. NGOs play an important role in environmental education in Hungary. In fact, most NGOs carry out -some sort of- educational/awareness raising activities in connection with their mainstream activities. NGOs maintain a strong presence both in the formal and the informal environmental educational scene (with respect to, inter alia, preparation and distribution of educational toolkits, teacher training programmes, operation of educational centres, organisation of camps, issue of publications, press campaigns, own events, organisation of green programmes at larger events, festivals).

In addition, a number of NGOs conduct environmental education as their mainstream mission, such as Magyar Környezeti Nevelési Egyesület (Hungarian Society for Environmental Education), Természet és Környezetvédelmi Oktató Központok Országos Szövetsége (Alliance of Environmental and Nature Conservation Training Centres), Természet és Környezetvédő Tanárok Egyesülete (Society of Environmental and Nature Conservation Teachers) and Erdei Iskola Egyesület (Forest School Association). The voluntary activity of these associations has been instrumental in the emergence of the forest school movements, which served as a basis for the introduction of the Government’s own national forest school programme. They have held specific training programmes for “the greening of schools” as well. Since 2005, they have also annually awarded the only environmental education prize, the Lehoczky János Prize.

28. The educational programmes of NGOs have been financed partly by application funds announced by the ministry responsible for the environment and targeted financial schemes, and supported by voluntary work; the ministry supports civil institutions by announcing each year the “Green Resource” tender. There is a high proportion of participants conducting environmental education and awareness raising in the programmes of the tender. In addition, the tenders under the Environment and Energy Operational Programme (KEOP) and the announcement of the Swiss Contribution tender in 2008 established new opportunities for the funding of NGOs. In 2008 a project was launched through the tender entitled “Sustainable lifestyle and consumption habits” (KEOP-6.1.0 and 6.2.0 scheme), with funding in the total value of HUF 12 billion from the European Regional Development Fund, until the end of 2012, 796 projects were launched. These projects, with a funding rate of 90-100%, have and continue to reach the entire Hungarian population. Beneficiaries and professional executioners of the KEOP subsidies are in many cases civil institutions.

***Article 3, paragraph 4 (recognition of and support for environmental NGOs)***

*What is the level of complexity of the existing procedures for civil institution registration?*

29.The regulation for the establishment of a civil organization is fairly simple in Hungary. The unique regulations are laid down in Act CLXXV. of 2011 on the right of assembly, the legal status of common usefulness and civil organizations (Civil Act) and Act CLXXXI. of 2011 on related procedural regulations and Act IV. of 1959, the Civil Code. The civil organization – as per the regulations of the act on the judicial administration of civil organizations and related procedural regulations- is taken into register by the court of justice. The freedom of assembly may not violate section (2) of article C) of the Constitution, may not fulfil the criteria of a criminal offence, may not call to fulfil a criminal offence and may not violate the rights of freedom of other parties.

As per paragraph (3) of section 6 of the Civil code the establishment of an NGO requires that at least ten founding members declare the formation of the organisation, approve its statutes and elect its administrative and representation bodies and that it possesses a headquarters located within the borders of Hungary.

The application for court registration is filed after the formation of the civil organization. The registration of the civil organization may not be denied if the founder fulfils the conditions stipulated by law. The organization is established through registration by the county tribunal with jurisdiction at the place of the seat or the Metropolitan Tribunal of Budapest.

The application must contain the marking of the acting court, name and address of the applicant name and seat of organization, name and address of the legal representative of the organization, the jurisdiction and dimension of the authority of representation, the purpose of the organization, the labelling of the organization based on its purpose, furthermore the deed of foundation and the type of the organization. As a main rule, the following documents need to be attached to the application:

* foundation deed of the organization
* copy of the deed certifying the legal title of the use of the seat,

The registration procedure of civil organizations is free of duty.

*Is there an established practice of including civil organizations in environmental decision-making structures?*

30. Since the entry into force of the Environment Act, environmental civil organizations have participated in a range of decision-making and consultative bodies.

Each year the National Meeting of Environmental and Nature Conservation Organisations delegated members to the working groups of government organisations which integrate NGOs in the decision making work of the committees. Since the mandates of the delegates have a term of 1-3 years, 40-60 committee representatives are delegated each year.

During periods of time between National Meetings a Coordination Committee operates, with frequent meetings. When needed, civil organizations may be involved in the decision preparatory - and decision making process through the Coordination Committee.

According to the laws, the preparation of regulations is worked out through public discussion. In general a few days are available for the discussion. The discussion itself is in written form, organized by the proposer on the [www.kormany.hu](http://www.kormany.hu) site.

Bodies operating with NGO participation (including, but not limited to):

* *The National Council on the Environment*, which is the advisory and consultative body of the Government in environmental matters. The Council has a wide range of rights at its disposal to elaborate comments on draft legislative proposals, concepts relating to the environment or plans and programmes with a likely significant impact on the environment. It may also submit proposals to the Government. The Council has 21 elected (delegated) members; environmental NGOs, industrial and trade associations (elected in the manner determined by them) and representatives of the fields of science participate in an equal proportion.
* *The Gene-technological Advisory Committee*, which delivers an opinion on all applications for the authorization of activities involving genetically modified organisms. Environmental civil organizations participate in the work of the Committee through four joint representatives. The Advisory Committee operates with 17 personnel.
* *The Inter-ministerial Coordination Committee on Chemical Safety*, which has been established to ensure the coordination of the various tasks relating to chemical safety and to enhance the efficiency of decision-making. The Committee has the right of initiative and can make comments with regard to any proposal concerning the adoption and review of legislative or individual measures concerning chemical safety. NGOs operating in the field of the manufacturing of environmental, chemical products and scientific civil organizations are represented in the work of the committee in the manner and number set out by Government Decree 188/2000 (XI. 8.) on the detailed rules of the activities of the inter-ministerial committee operating in the field of chemical safety.
* *The Eco-label Assessment Committee*, which ensures that the use of eco-labels is subject to a series of environmental and other conditions (assessment conditions) that are fixed in relation to individual product categories. These conditions are determined and reviewed at least every five years by the Assessment Committee. Environmental, consumer protection NGOs, economic, trade and chamber associations are represented by one delegate each in the work of the Assessment Committee. The committee also functions as a general consultative forum within the EU eco-label system.
* *EMAS Roundtable,* which is a forum established in 2007 upon the initiative of EMAS registered organisations which holds regular meetings. It functions with the participation of all EMAS stakeholders: EMAS organisations, EMAS certifiers, consulting organisations, the accreditation authority, the competent body and the ministry responsible for the environment. Its objective is to serve as the continuous information and dissemination forum of participants for discussing issues relating to the development and operation of the system and elaborating mutually accepted solutions.
* *Working groups for the allocation of environmental funds*. In accordance with Decree no. 48/2013 (VI. 7.) of the Ministry of Rural Development on management and use of water improvement funds, the decision over submitted application is assisted by the Ministerial Judging Committee that advises the Minister.
* *The National Regional Development Council*, which assists the Government in the implementation of certain tasks relating to regional development and spatial planning; in this function it collaborates, issues proposals and adopts decisions on specific issues affecting regional development and spatial planning. Environmental and nature conservation NGOs participate in the Council’s activities with two permanent delegates as observers.
* *The Aarhus Working Group*, which was established in 2005 by the ministry responsible for the environment for the monitoring of the implementation of the Convention in Hungary. The representatives of environmental civil organizations delegated by the National Meeting of green organisations are also members of the group.
* *National Forest Council*, which was established pursuant to Act XXXVII of 2009 on Forests, Protection of Forests and Forestry. The organization’s activities are regulated by Governmental Decree no. 1378/2013. (VI. 27.) Its members: representatives of government organs responsible for forest affairs under the control of the minister of agriculture, forest owners, associations of foresters, scientific institutions and environmental and nature conservation, nature touring, tourism and awareness raising NGOs. The Council forms an opinion on draft legislation relating to forest protection and sustainable forestry, the economic, regulatory and development directives of forestry and issues relating to the asset management of forests. It may issue proposals in connection with scientific research relating to the protection, development of forests, sustainable forestry, forestry training, the protection, maintenance and management of forests and the use of funds related to the above.
* *In relation to the use of EU funds,* Operational Programmes defining the target areas for the use of EU funds have been elaborated; their implementation is monitored by monitoring committees. At least one environmental NGO delegates a member of the monitoring committees. At least one independent external expert delegated by a non-governmental professional organisation is a voting member of the Assessment Committees, the bodies proposing decisions on the received tenders. In accordance with section 9 paragraph (3) point f) of the Governmental Decree no. 4/2011 (I. 28.) on the use of subsidies from the European Regional Development Fund, the European Social Fund and the Cohesion Fund during the 2007- 2013 programming period, members of community, civilian, economical and professional organizations delegate members to the monitoring committees of operational programs.
* *In the area of water management,* Regional Water Management Councils (TVT), Subcatchment Water Management Councils (RVT) and the National Water Management Council (OVT) operate for the purpose of ensuring the professional and scientific substantiation of water catchment management planning affecting the national and partial areas of water management and public participation. The Council was established on 19 May 2009 as the supreme forum of public coordination relating to the planning of water catchment management. The documents relating to the operation of the Council can be accessed at the website [www.vizeink.hu](http://www.vizeink.hu).

Owing to uniform water administration and a greater government role, the Regional Public Water Management Duties Working Group was established on 5 October 2010 with government and regional water management entities for the purpose of reviewing regional water management duties and the underlying institutional system. The working group puts forth proposals for the elaboration of strategies and concepts serving the more efficient operation of public water systems and the water facility systems of water catchments.

* *Water and Health Committee:* The involvement of the public into the decision-making process in water and health issues is a high priority of the Water and Health Record that is connected to the UN ECC Treaty on the use and protection of trans-boundary waterways and international lakes. The activities of the Water and Health Committee that is responsible for the domestic implementation involves co-operation with concerned civilian (mainly professional) organizations into the designation of national goals and their execution and the evaluation of progress as well. The national report on the execution of the Water and Health record, completed in May 2013 was created with active contribution from concerned civilian (mainly professional) organizations.
* A Round-table is in office, with the contribution of civilian organizations *on the utilization of the Aarhus Treaty in nuclear Matters.*

*Does the government provide financial support to environmental civilian organizations?*

31. Environmental civil organizations receive funding through a number of government support schemes. Organizations may participate in tenders according to the measures of Ministry Decree No. 48/2013 (VI. 7.) on the management and utilization of chapter-managed appropriations. These funds contain a separate budget line for the funding of programmes and projects by civil organizations.

32. The ministry responsible for the environment annually publishes a call for tenders under the name “Green Resource” to support the environmental and nature conservation programmes of environmental and nature conservation civilian organizations. The allocated amount:

* HUF 200 million in 2008 (approx. 800,000 EUR),
* HUF 150 million in 2009 (approx. 600,000 EUR),
* HUF 120 million in 2010 (approx. 480,000 EUR).
* HUF 116,6 million in 2011 (approx. 466,000 EUR)
* HUF 85 million in 2012 (approx. 340,000 EUR)
* HUF 70 million in 2013 (approx. 300,000 EUR)

33. Between 2007 and 2013, Hungary receives EU funding in the amount of 22.4 billion EUR; the framework of the allocation of such funds is determined by the New Hungary Development Plan (NHDP) (or the New Széchenyi Plan containing 6 breaking points replacing the NHDP)A separate point deals with green economy improvement affairs, although several other breaking points are also related to environmental issues.

In the framework of the Environment and Energy Operational Programme (EEOP), NGOs, including environmental NGOs, may receive funding in the following areas:

* EEOP 6 – in the framework of sustainable lifestyle and consumption priority
* Model programs advertising and advancing the spread of sustainable ways of life and consumer possibilities budget KEOP-6.2.0/A and KEOP 6.2.0./B (yearly from 2011 to 2013): HUF 1.630.000.000 (Component A: HUF 500.000.000, Component B: HUF 1.130.000.000)

In the Regional Operational Programmes

* In the framework of the Northern Great Plain Operational Programme (NGPOP) 5.1.3: development of the infrastructure environment of regional civilian organizations, budget in 2011-2013 equals HUF 840 million (approximately 3.36 million EUR).
* In the Framework of the Southern Great Plain Operational Programme (SGPOP): 5.1.3 development of the infrastructure environment of civilian organizations supporting health conscious way of life of the population of the region, budget in 2011-2013 equals HUF 456 million.
* In the framework of the Central Transdanubian Operational Programme (CTDOP): 4.1.1/F of the scheme entitled “Enviroment Development for sustainable communities”, with a budget of HUF 500 million in the period between 2011-2013.
* In the framework of the West Transdanubian Operational Programme (WTDOP): 4.1.1/DA of the scheme entitled “Environment Development for sustainable communities”, with a budget of HUF 250 million in the period between 2011-2013.
* In the framework of the South Transdanubian Operational Programme (STDOP)3.1.3F: of the scheme entitled “Development of the infrastructure of civilian organizations operation in the region”, with a budget of HUF 200 million in the period between 2011-2013.
* In the framework of the Central Hungarian Operational Programme (CHOP): no tender was issued in the period between 2011-2013.
* In the framework of the North Hungarian Operational Programme (NHOP) 3.3.1. of the scheme entitled “Infrastructural development of civilian organizations” a budget of HUF 690 million was issued for the time period between 2011-2013.

In the framework of the Social Renewal Operational Programme (SROP), NGOs, including environmental NGOs, may have received funding in the areas specified below, directly or indirectly related to environmental awareness raising activity.

* SROP 5.5.2 Promotion of volunteering – tender targeting the strengthening of voluntary activity, the increasing of the capacity of civilian organizations in the Central Hungary Region with a budget of HUF 90 million at its launch in 2011.

***Article 3, paragraph 7 (public participation in international environmental decision-making processes)***

34. Hungary supports the initiatives aimed at the enhancement of transparency of international decision-making procedures.

*Is there a practice of including civil organization members in delegations representing the State or in any national-level discussion groups forming the official position for such negotiations?*

35. The Aarhus Working Group, when necessary discusses participation in international events related to the Convention.

28. In the course of preparation for the key international events, the ministry responsible for the environment coordinated its position with civil organizations in numerous cases. However, there are no uniform regulations or practice in place in relation to the participation of NGOs in international delegations and the coordination of positions represented at certain international events with civil organizations.

***Article 3, paragraph 8 (prohibition of penalization of persons exercising rights granted under the Convention)***

37. Adequate protection of citizens participating in administrative procedures is guaranteed by the Administrative Procedures Code. The Code declares the equality of all persons appearing before authorities, the prohibition of discrimination between or the exclusion of any persons, the right to a fair and timely procedure as well as the right to access to justice.

The Administrative Procedures Code is particularly aware of the protection of the rights of those with full or partial disability. Besides this, paragraph (2) of section 1. of the Administrative Procedures Code states as a main principle that the authority may not abuse, when exercising its jurisdiction and must exercise its jurisdiction with adherence to the tenets of professionalism, simplicity and cooperation with the client. Paragraph (2) of section 4. alludes to the fact that detriment caused by illegal procedures of the authority may raise the issue of adjustment for recompense in the Hungarian legal system.

38. In addition to the general client rights granted under the Administrative Procedures Code in administrative procedures, the Act also grants rights to anyone to file a complaint or an application in the public interest outside of the administrative procedure at the authority with competence in the given matter. The complaint enables the enforcement of interests relating to the infringement of individual rights or interests, while the report in the public interest enables such enforcement of interests in connection with circumstances affecting a community or society as a whole. Pursuant to Section 143 (2) of the Act No. XXIX of 2004 on the modification-, abolishment- and establishment of laws relating to joining the European Union, no complainant or applicant submitting a complaint or an application may be subject to any penalization whatsoever.

*Have any libel, slander or similar provisions of civil or criminal law been used in the context of environmental decision-making processes? Have there been any cases of civilian organizations being ordered to pay damages in connection with their public interest environmental protection activities or litigation?*

39. It arises more and more frequently that in connection with the exercise of the rights laid down in the Convention or Hungarian law, a developer considers him or herself to have been subject to libel or to have suffered pecuniary or moral damage.

Such cases have appeared in relation to the construction of waste incinerators as well as other such installations where, with reference to the dilatory effects of the opponents’ activities or the emergence of additional costs, developers filed civil actions against NGOs.

No uniform court practice can be identified as yet, and even though the Hungarian Supreme Court has repeatedly confirmed that harm was done to good business reputations, no financial damages have been awarded to the plaintiffs.

***4. Obstacles encountered in the implementation of Article 3***

40. Difficulties reported by the NGO sector:

Judicial proceedings are not uniform.

The new Civil Code of 2011 brought many changes to the registration of civil organizations, thus the standardization of legal practice and legal utilization has come to a halt. There is a great uncertainty regarding judicial practice. The judicial entry process of changes in organization documents (e.g.: change in legal representative) may became a very long process, where it used to be a routine act.

The change in legislation requirements regarding civilian organizations applying for infrastructural investments in the framework of the Regional Operative Programs posed a serious problem. Thus, the requirement of providing a guarantee by the organization became a new provision, which was not an operative requirement at the submission of the tender. Providing an adequate guarantee proved to be a serious problem for civilian organizations who have otherwise won the tender.

The reduction in governmental aid for environmental protection civil organizations threatens the fulfilment of basic duties of the organization.

It is the civilian organizations standpoint, that there should be an emphasis in higher education on passing on the basic knowledge relating to sustainability and environment. The teaching of at least minimal level of these issues should be mandatory in institutions where these issues would otherwise not be part of the profile of the institution.

***5. Further information on the practical application of the general provisions of the Convention*** *(optional)*

41. The report on the activities of the commissioner for future generations in 2011 has concluded the following on the governmental aid of environment protection civilian organizations:

„(on the scarcity of sources for the aiding of Hungarian environmental protection organizations) So it is, that community organizations can fulfil certain duties of the state more effectively and cost efficiently. Besides this, their role as independent monitoring organizations is an invaluable safeguard of the functionality of the governmental organisation system. It’s generally true for civil organizations as well, that to insure the build-up and management of an efficient organisational and institutional structure the availability of at least minimal funds is fundamentally necessary. But instead of insuring the expansion of funds available for civil organizations, the government perceptibly decreases the funds year after year. The lack of funds is perceptible generally on the whole level of the non-profit sector, not just on the level of environment protection civil organizations. In 2012 the National Civil Fund may manage a budget of HUF 1,380 billion which is about third or quarter of the funds available in the recent years, thus the funds and options available for green organizations a being narrowed down. When comparing data available from recent years, a pattern can clearly be seen. In recent years, the Ministry has provided a budget of almost a billion HUF for green organizations per year. Later, due, to the economic crisis, this amount has dwindled down to 300 million HUF in later years. In 2012 the expected amount available for this task will be approximately 138 million HUF (During the time of our inspection, this amount was present in Chapter XII. Article 20. regarding the Ministry of Rural Development in the draft bill No. T/4365 on the 2012. National Budget of Hungary, under the title “The taking over of state responsibilities in the realisation of the National Environment Protection Program”). The other option available besides scarcely available state subsidies is the financing of activities via applications and tenders. But the situation in this area is less than satisfactory as well. The admittance for available funds requires own contribution in the form of organization funds which narrows down the options for several organizations, and even the actual use of funds won on tenders is being restricted by the complicated administration, the late transfer of funds and the most common occurrence as of late: many designs particularly contain post-liquidation. We must mention the funds available on unique decision, but these cannot act as a solution by themselves.”

(See page 282-283 of the REPORT on 2011 activities of the commissioner for future generations)

***5. Related websites:***

[www.termeszetvedelem.hu](http://www.termeszetvedelem.hu)

<http://www.nemzetipark.gov.hu>

http://geo.kvvm.hu/tir/

[www.justiceandenvironment.org](http://www.justiceandenvironment.org)

[www.emla.hu/taieurope](http://www.emla.hu/taieurope)

[www.foek.hu](http://www.foek.hu)

[www.kothalo.hu](http://www.kothalo.hu)

[www.vedegylet.hu](http://www.vedegylet.hu)

[www.lmcs.hu](http://www.lmcs.hu)

[www.rec.hu](http://www.rec.hu)
<http://beszamolo2011.jno.hu/JNO_beszamolo_2011.pdf>

*7. Application of Article 4 (access to environmental data)*

42.The rules governing access to environmental data in Hungary are laid down by the statutory regulations below:

43. Act CXII of 2011 on the Right of Informational Autonomy and the Freedom of Information (Information Act), Act LIII of 1995 on the General Rules of the Protection of the Environment (Environment Act) and Government Decree No. 311/2005 (XII. 25) on public access to environmental information.

The Information Act provides a general framework for the management of public information. It classifies as “public information” all information which is held by any governmental or municipal bodies (or persons) or relates to the performance, or created in relation of their public functions, provided that it does not qualify as “personal data”. Any person may request the disclosure of public information, without having to state an interest. The data requested must be provided in a comprehensible manner and, unless it involves excessive costs, in the form requested. The request must be fulfilled as soon as possible but in any case within 15 days. A refusal, with its reasons and information on the options of rightful legal redress made available by the Information Act must be provided to the requesting party in writing or electronic form within eight days of receipt.

As per the Information Act, all data deemed public must be made available for all, without the need for identification, on an internet page, in digital form, in a printable and copyable manner even in parts without the risk of data loss and distortion, that is free of charge in regards of introspection, download, print, copy and web transfer. The cognizance of data deemed public cannot be tied to mandatory identification.

Copies may be requested of the relevant document (or parts thereof) with no regards to its method of storage and the fees imposed, by the public administrative body cannot exceed the cost of copying.

44. The Environment Protection Act unequivocally decrees that environmental data is to be considered public information. It prescribes, that everyone has the right to gain knowledge of environmental information – it being public information.

The Environment Act requires public bodies (be it governmental agencies, municipalities, or any persons or organizations performing a public service or any function relating to the environment) to provide, upon request, access to environmental information held by them or to publish certain environmental information on a systematic basis.

45. Government Decree 311/2005 (XII. 25) defines the scope of environmental information and the scope of documents containing environmental information which the given authority is obliged to disclose electronically or otherwise. The list mentioned therein fully covers the criteria of environmental information mentioned in Article 2. of the Treaty.

Environmental information is deemed to be any information, data which relates to:

* the environment, the condition of environmental elements, including biological diversity and elements thereof, organisms modified by genetic engineering, and the interaction between these elements;
* environmental pressure, including the direct or indirect emission of noise, radiation, waste, radioactive waste into the environment if it produces or may produce an impact on elements of the environment;
* environmentally related measures, cost efficiency and other economic analyses and assumptions related thereto;
* reports on the implementation of environmental legislation;
* condition of human health and safety.

Environment-, Nature, and Water Protection authorities publish their legally binding decisions on their respective websites.

As per the regulations of Government Decree No. 201/2001 (X. 25.) on the “water quality and the methods of supervision” data regarding the quality of drinking water, incidental health risks and steps made to avert these risks by both the drinking water provider and the competent public health authority must be made public on their respective websites. National level coverage on the quality of drinking water is undertaken by the National Institute of Environmental Health that publishes public information on its website that allows detailed search on the level of settlements. The Governmental Decree No. 78/2008 (IV.3.) on the “quality requirements of natural bathing waters and on the designation and operation of natural bathing areas” contains regulations on the publication of information regarding bathing water quality. At natural bathing areas, all information relating to the beach must be published at the website of the local county public health authority under whose jurisdiction the given beach falls. On country level, information on the water quality, including all risk factors under the so-called bathing water profile, of all natural bathing areas must be published by The National Public Health Office. The website of the National Environmental Health Institutions provides information on the latest results of water quality inspections with the help an interactive map that allows detailed searches.

48. Point 3. of Part I of Appendix 1 of Government Decision No. 1330/2011 (X.12.) prescribes, that the efficient use of communicational IT devices and passenger information systems must be motivated in order to achieve the effective minimisation of traffic PM10 and to favour the increase in proportion of public transportation for the sake of improved air quality. The providing of up-to-date information to the public on the harmful outside, but direct effects and costs of traffic is also part of this point.

***Article 4, paragraph 1 (ensuring access to information)***

*Are public authorities required to keep records of information requests received and responses provided, including refusals? Is there a separate body that oversees matters of access to information?*

49. The Information Protection Act provides that all public authorities must draw up their internal rules of procedure for fulfilling requests for public information. The so-called National Data Protection and Information Freedom Authority (Authority from now on) has to be informed on an annual basis of all requests refused as well as the reasons for refusal.

The Authority which was established on the 1th of January 2011 is an autonomous state service, decreed independent by the Information Protection Act, is only subservient to the law, may not be ordered in its scope of duties, and fulfils its tasks independently from other services and their influence. New duties for the Authority may only be decreed by law. As per the Information Protection Act the Authority facilitates the uniform utilization of regulations, issues proposals for data tenders, investigates incoming notifications and manages the data protection register. Any person who considers any impairment of his rights of information protection or access to public information may apply to the Authority. The Authority may reject the application without any investigation if the case is *sub judice*, or if a legally binding decision was issued earlier in the issue. No person can be penalized for recourse to the Authority.

***Article 4, paragraph 3, point c) (confidential information)***

*Can materials that serve as a basis for an administrative decision be considered confidential?*

50. Under the Information Protection Act, preparatory materials of an administrative decision automatically remain confidential for 10 years. Confidentiality may be suspended – after carefully weighing the weight of the public interest that is tied to the confidentiality of the data- by the head of the organization concerned, in view of the public interest served by the disclosure.

Access to such a document within the 10-year deadline can be refused if it is likely to jeopardize the lawful or impartial operation of the authority concerned, in particular the free expression of professional opinion in the preparatory phase. Specific legislation may lay down a shorter time period for administrative confidentiality.

51. In addition to the Information Act, Sections 68-69 of the Administrative Procedures Code regulate which documents may be disclosed and copied. The client may view documents produced in the course of the procedure at any stage of the procedure except for the draft of the decision. The client is granted such right even if he was not a party to the procedure earlier. Third parties may view a document containing personal data or confidential data if they can prove that access to such data is necessary for the enforcement of their rights, the fulfilment of their obligations subject to law or administrative decisions, or if the statutory conditions of access to confidential data are met. The right to access documents may be exercised for a fee determined by government decree, for the deletion of personal and confidential data and the copying of the document extracted in such manner.

***Article 4, paragraph 4 (general)***

52. With the entry into force of Act CLV of 2009 on the Protection of Classified Information on 1 April 2010, the earlier institution of the so-called register of classified information was abolished which enabled the classifier to apply classification based on the data categories contained therein.

The new law abolished this automated procedure, and currently the damage based classification principle is applied to classification based on the individual assessment of the classifier.

Conditions: if the data’s disclosure, unauthorised access, modification or use, disclosure to unauthorised persons or their denial of access to authorised persons

* causes extremely serious damage to public interest that may be protected by classification, it is classified as “Top secret!”,
* causes serious damage to public interest that may be protected by classification, it is classified as “Secret!”,
* causes damage to public interest that may be protected by classification, it is classified as “Confidential!”,
* adversely affects public interest that may be protected by classification, it is classified as “Restricted access!”.

53. Section 300 of Act IV of 1978 sets out a new statutory case under the title of the breach of economic secrets as of 1 September 2005; the regulation has been in force as of 1 January 2008. The new Penal Code that overruled the 1978. Act contains the above mentioned case in § 413. of Act No. C. of 2012. The case contains *inter alia* the breach of bank-, securities-, fund-, insurance or employer pension secrets considered to be confidential. Paragraph (2) of section 413. states that “It is not considered a breach of economic confidentiality if someone fulfils his obligations laid down in the act regarding the publishing of information of general interest and information public on general interests”.

***Article 4, paragraph 4 d) - different categories of business secrets***

54. Section 81 (2)-(3) of the Civil Code defines business secrets as follows:

“Business secrets shall comprise all of the facts, information, conclusions or data pertaining to economic activities that, if published or released to or used by unauthorized persons, are likely to imperil the rightful financial, economic or market interest of the owner of such secrets - other than the State of Hungary -, provided the owner has taken all of the necessary steps to keep such information confidential.”

55. Sectorial legislation also make reference to the definitions of the Civil Code; so-called sectorial types of secrets are defined in relation to individual sectors.

* the secrets protected under the Administrative Procedures Code in the area of public administrative law: classified data, business, bank, insurance, securities, fund, payment secrets and private secrets.
* securities: Section 369 of the Capital Market Act.
* bank secret: Section 50 of the Act on Credit Institutions and Financial Enterprises
* payment secret: Section 59 of Act LXXXV of 2009 on Payment Services
* fund secret: Section 78 of Act LXXXII of 1997 on Private Pensions and Private Pension Funds
* Section 40/A (1) of Act XCVI of 1993 on Voluntary Mutual Insurance Funds defines business secrets differently than the Civil Code; Subsection (2) defines the fund secret.
* insurance secret: Section 153 of Act LX of 2003 on Insurance Companies and Insurance Activity

***Article 4, paragraph 4 f) (personal data)***

56. Pursuant to the Information Act, personal data is deemed to be any data relating to a specific (identified or identifiable) natural person (hereinafter referred to as ‘data subject’) as well as any conclusion – particularly the interested party’s name, identification signs or one or more pieces of knowledge attributed to its physical, physiological, mental, economic or social sameness-, furthermore with respect to the data subject which can be inferred from such data. In the course of data processing such data shall be considered to remain personal as long as their relation to the data subject can be restored.

***Article 4, paragraph 8 (charges)***

*Is there a charge for supplying information? If yes, what is the cost or range of costs per page for having official documents copied?*

57. The Information Act and Act No. LXIII of 2012 on the recyclability of information of public interest governs in relation to the charging of access to information.

A copy of the document or a part of it containing the data regardless of the manner of its storage may be provided to the claimant. The data processing public function organ may charge expenses, up to the actual extent thereof, for the preparation of the copy. The claimant shall be informed in advance about the amount of expenses.

If the document or part of document the claimant asked a copy of, is extensive in size, the claim must be fulfilled within 15 days after payment by the claimant. The claimant must be informed within 8 days after the submission of the claim, if the document is considered to be extensive in size, furthermore about the amount of expenses and about the possibility of fulfilling the data claim without the need for copying.

A regulation framework ascertains the cost components of the expenses, and the viewpoints to be used when ascertaining if a document is considered to be extensive in size.

***8.******Obstacles encountered in the implementation of Article 4***

***9. Additional information relating to access to environmental data***

The inquiries were typically made in the following areas:

* information inquiry on the method of administration, questions relating to procedural legislation;
* data provision, take-back, handling obligations of packaging, electronic equipment, battery and accumulator, motor vehicle “manufacturers” (domestic producers, importers, intra-Community importers);
* cross-border transport of waste (reporting, administration obligations);
* licensing of nature conservation, landscape protection (environmental protection) expert qualification;
* complaints, applications of public interest;
* inquiries relating to specific cases in progress;
* questions relating to basic environmental records (Environmental Client Code (KÜJ), Environmental Territory Code (KTJ)), environmental data provision;
* requests for statistical data;
* authorisation of waste management;
* questions relating to product fee regulation, product fee exemption.

***10.*** ***Related websites***

[www.emla.hu](http://www.emla.hu)

[www.tasz.hu](http://www.tasz.hu)

[www.kothalo.hu](http://www.kothalo.hu)

[www.kozadat.hu](http://www.kozadat.hu)

[www.vm.gov.hu](http://www.vm.gov.hu)

[www.aesz.hu](http://www.aesz.hu/)

[www.termeszetvedelem.hu](http://www.termeszetvedelem.hu)

<http://geo.kvvm.hu/tir/>

<http://www.nemzetipark.gov.hu/>

[www.erdo.hu](http://www.erdo.hu/)

<http://www.mgszh.gov.hu/>

<http://www.orszagoszoldhatosag.gov.hu/>

[www.nebih.gov.hu](http://www.nebih.gov.hu)
<http://www.orszagoszoldhatosag.gov.hu/>
<http://oki.antsz.hu>

*11.* *Application of Article 5 (collection and dissemination of environmental information)*

*Article 5, paragraphs (1)-(3) and (7) (obligation relating to information and processing of environmental conditions, system of active environmental data provision, electronic storage and access to data)*

59. The *National Environmental Information System* (NEIS): the environmental monitoring system of Hungary is instituted by the Environment Act, which provides for the systematic monitoring of the state and the use of the environment and the collection, analysis, registration and dissemination of information concerning environmental pollution. To this end, the Act obliges the minister of environment to establish and maintain a monitoring, sampling and control system.

Sources of information under the NEIS are twofold: the monitoring networks of various environmental media provide data on water quality, air quality, etc. At the same time, the operators of individual polluting installations or activities are required to regularly submit reports on their environmental performance (e.g. emissions and discharges of polluting substances, waste production). Monitoring and reporting by installations are regulated by government decrees. For annual data provision, the data provider (e.g. HIR (Waste Management Information System) system) is obliged to provide data at the time (by the end of the first quarter following the reference year) determined by law. Registration deadline of the inspectorate: August 31 following the reference year. Data under the competence of the ministry responsible for the environment concerning the state of the environment are inventoried in a uniform spatial information system. To link up all data sets on diverse subjects, a uniform identification system has been devised, which contains a geographical identification code (Environmental Territory Code (KTJ)) as well as an activity identification code (Environmental Client Code (KÜJ)). Individual identification across all specific data sets is ensured through the Basic Environmental Registry.

In the reporting period, progress has been made in the systematic linking of the specific databases and datasets, as well as in the provision of map view services on the basis of the uniform spatial information mentioned above.

The sophisticated data contained in the several technical systems constituting NEIS have been made accessible to the public on the Internet (<http://okir.kvvm.hu>).

At present, NEIS is composed of the following databases:

* Basic Environmental Registry (KAR);
* Groundwater and Soil Registry (FAVI);
* Surface Water Quality Information System (FEVI);
* Surface water emission system (VAL-VÉL; Water Quality Basic and Annual data sheet records)
* Municipal Waste Disposal Registry (LANDFILL);
* Air Quality Protection Information System (LAIR);
* Administrative Registry (HNYR);
* Waste Management Information System (HIR);
* IPPC/PRTR Information System (LNYR);
* Spatial information access system assisting the above databases (KAR-tér).
* Environmental Protection System (TIR, an independent part of OKIR by regulations of the Environment Protection Act)

60. *National Air Pollution Measurement Network:* publication of air quality data. The OLM website ([www.kvvm.hu/olm](http://www.kvvm.hu/olm)) also displays data of the automatic and manual RIV monitor network operated by the environmental protection, nature conservation and water management inspectorates, the latter shown with a 1-2 hour (validation) delay, archived data yearly evaluations. Monitor stations, pictures and locations thereof, the list of pollutants measured, most up to date and archive measurement date etc., is shown. The improvement of the measurement network is an important task. Through the Swiss-Hungarian Cooperation Program, more improvements are to be expected that serve the upgrading of the laboratory background and the quantitative and qualitative extension of the National Air-Pollution Measurement Network (OLM). Its concrete goal is to measure the air quality of cities and micro-regions that are not monitored by automated on-line measurement stations and the establishment of required conditions for regionally conducted laboratory analyses based on local sampling of toxic metal and carcinogenic polycyclic aromatic hydrocarbons (PAH).

144 modern sampling devices, 31 laboratory measurement devices and 2 mobile measurement stations for the sampling programs at various locations will be acquired as part of the realisation of the project.

In order to even more completely inform the public the Ministry has launched a new website at [www.svajcalevegoert.hu](http://www.svajcalevegoert.hu). Here detailed information can be found on the project and on the status of air pollution of Hungary today, and about the latest measures in air-pollution.

61. *Nature Conservation Information* System (TIR): functioning as an independent part of the NEIS (<http://geo.kvvm.hu/tir>). The TIR is designed to assist the databases used by the ministry responsible for the environment and rural development, national park directorates, green authorities and the forestry directorate.

It is based on the register of protected natural areas and protected natural values, the records on protected natural areas of local importance, records on Natura 2000 areas, the asset management data records and the spring, swallow and cave records. TIR is the computer information system implemented with the support of a complex computerised geographic information system of wildlife protection, biodiversity monitoring, geological, landscape protection, nature conservation, area and asset management, etc. data collected by the national park directorates. The National Biodiversity Monitoring System (NBmR), in operation since 1998, supplies the key biotic data to the TIR.

A module operated under the TIR provides access to a user-friendly map view service (<http://geo.kvvm.hu/tir/viewer.htm>) that can be easily reached from the main nature conservation website ([www.termeszetvedelem.hu](http://www.termeszetvedelem.hu)).

62. *National Forest Database:* a module part of the Forestry Professional Governance Information System, handled by the Forestry Directorate of the National Food Chain Safety Office. It is responsible for providing forestry operating plan data serving as a base for sustainable forest management, the management of forestry authority records, storage of forest plan data and the monitoring of completed forestry activity for administrative and nature conservation management and asset management work as well. In addition to its own data, the database also relies on the property records, the TIR protected value module for data related to forest protection and the TIR biotic module in connection with the valuable species and associations found in forests.

63. *Water Management Information System* (VIZIR): recording and processing system of basic water management data which contains and manages data in connection with public water needs and the related decision making process, and it is able to exchange data with similar information systems.

64. *Tisza Water Catchment Monitoring System* – an Automatic Water Quality and Alarm System is operated at the water catchment of the river Tisza for the purpose of forecasting unexpected pollution arriving from abroad ([www.rivermonitoring.hu](http://www.rivermonitoring.hu)). The process regulation system of the Alarm System enables the automatic control of hourly sampling, instrument calibration and measurement, data collection and communication. In addition to water quality data, the Alarm System also performs the measurement of other parameters that monitor appropriate operation and the storage of data. The measurement data of the monitoring stations are forwarded by phone (ISDN) connection to the regionally competent environmental, nature conservation and water inspectorate (Miskolc, Nyíregyháza and Debrecen) and the system centre in Miskolc.

65. With respect to the obligation relating to information on environmental conditions and its processing, the implementation of the Water Framework Directive (VKI) is governing in relation to the condition of the country’s waters. The condition of the waters is shown by publicly accessible map databases prepared in accordance with VKI requirements, in relation to both surface and subsurface waters.

The website [www.hidroinfo.hu](http://www.hidroinfo.hu) provides information relating to surface water levels. The flood and inland water alert levels are indicated on the [www.vizugy.hu](http://www.vizugy.hu) website.

67. Data regarding the quality of drinking water must be submitted to the county public health management authorities by the water public utility provider. The authority then submits aggregated data to the Central Drinking Water Database. Thus, water quality data can be centrally evaluated by OKI and OTH. In order to centrally evaluate and inform the public, data on the quality of public bathing waters arrives directly to OKI. A healthy IT system is being developed using tender funds, that supports and hastens the collection and processing of water quality data regarding human used waters.

68. *National Regional Development and Planning Information System* (TeIR): freely accessible information on the country’s population, economy, condition of its built in, landscape and natural environment and regional characteristics, enabling the monitoring of changes and comparisons on an EU level. TeIR is a web based IT system where the services are accessed through the Internet ([www.teir.hu](http://www.teir.hu)). The applications, not requiring registration, are available at the TÉRPORT portal. The applications requiring registration are free of charge for state administration bodies. Users are in all cases identified through the Customer Site of the Central Electronic Service System.

As part of the New Széchenyi Plan OKIR and TEIR were interlinked in the Central Hungarian Region. The Integrated Area Use Monitoring System, launched after 31st of March 2011 contains data and combinations thereof, that allows new and interesting service in the field of country level environmental and area data. With the linking of OKIR and TEIR the integrated handling and serving of map related data is created, that provides an adequate database for the INSPIRE EU directive as well. Thus with the linking of databases and reactions between services, the added value of data caches and –services are increased. The system is capable of processing regional data within a single system enabling the rapid advise of society on the state of the environment and its changes as well. During the design process experts have taken into account the experience gained during the separate operation of the two systems and used them to create the mechanisms of integration and future function.

The new online platform hosts the results of water quality measures, waste management-, environmental protection authority data, demographical and soil science data on the Central-Hungarian Region, and decrees of the Head Authorities can be seen and read as well. Through the publication:

• state of the country’s population, economy, built and natural environment and regional characteristics can be learned,

• changes in the above mentioned can be followed closely,

• written and chart versions of area sorting plans and regional development plans can be searched,

• information is available for sub regional, regional, county development committees and work organizations as well as for multi-purpose sub regional associations, so they can plan, manage their programs, evaluate tenders and later monitor them based on appropriate data,

• organizations in area sorting, development and monitoring, receive help in the preparatory process of decisions and decision making process, and in preparing plans on government, sub-regional or local level even.

69. The publicity of strategic noise maps and action plans based on the EU guideline on *the* *evaluation and handling of environment noise* is insured by the related domestic legislative regulation. As per Government Decree No. 280/2004 (X.20.) on the evaluation and handling of environment noise, all noise maps and actions plans in areas to which the regulation applies must be made available on the website on the ministry responsible for environmental issues. Aforementioned obligation has been fulfilled by the Ministry of Environmental Protection and Water Issues and its legal successor, the Ministry of Rural Development. The documents are available as follows:

* 2007 noise- maps and 2008 action plans are available at: <http://www.kvvm.hu>
* 2012 noise maps are available: <http://www.kormany.hu/hu/videkfejlesztesi-miniszterium/kornyezetugyert-felelos-allamtitkarsag/hirek/strategiai-zajterkepek>

*A specific area of data provision under the Convention (art. 5, para.1 (c)) is the dissemination of environmental emergency information.*

70. Governmental Decree No. 311/2005 (XII. 25) on the public access to environmental information provides that in case of an imminent threat to the environment or to public health, the authority holding the relevant information must immediately inform the public concerned71. Detailed rules of the Hungarian environmental emergency information system are laid down by Act LXXXIV of 1999 on the Control and Administration of Disaster Management and the Protection against Major Accident Hazards Involving Dangerous Substances and by its implementing decree (Government Decree No. 2/2001 (I. 17)). This legislation determines inter alia the responsibilities for the provision of access to documentation (e.g. in the licensing of dangerous installations) and informing the public (e.g. publication of the safety report and the external emergency plans). Currently the new Act No. CXXVIII. of 2011 on the modification of disaster protection and attached other laws and Government Decree 2/2011. (X. 20.) on the protection against accidents involving dangerous substances determine in detail inter alia the responsibilities on the securing of publicity (e.g. at the authorization process of plants using hazardous materials) and on informing the public (e.g. publishing the security report and the defence plan based on it).

Under the Act, it is the duty of the management of the relevant hazardous industrial establishments to assess the environmental risks associated with the dangerous substances present in their establishment, to evaluate the likely significant effects of a major accident, and to determine and to implement all necessary environmental and public health preventive measures and steps taken to eliminate the liability. This information must be included in the safety report or analysis of the hazardous material establishment concerned. Safety reports and analyses are public documents and can be consulted at the premises of the municipality.

To manage an unexpected major industrial accident, the assistance of the mayor of the relevant municipality is required to draw up, in cooperation with the competent local disaster management unit, an external emergency plan that lays down the relevant responsibilities, means and equipment.

With a view to ensuring that the public affected is familiar with the potential industrial hazards in the environment, the above Government Decree requires that with the assistance of the mayors of municipalities in the vicinity of major dangerous hazardous material industrial installations are prescribed to prepare an information booklet for the public that has to be reviewed every three years and re-published every five years. The booklet is aimed at informing the local population and public institutions (e.g. schools, hospitals) about the location, including the nature of the dangerous establishments and the associated hazards, as well as prevention and protection measures. Publication of the booklet is handled by the mayor.

72. In light of the Governmental Decree No. 219/2011 (X.20.) on the protection against severe incidents, the operator of the hazardous material installation is obliged to report any breakdown or severe incidents caused by hazardous materials immediately via telephone and in written form within 24 hours to the local disaster management authority.

In addition, pursuant to the provisions of Section 6 Government Decree 311/2005 (XII. 25.) on the public access to environmental information, in the event of a direct threat to human health or the environment, irrespective of whether caused by human activity or natural causes, the regionally competent Environmental, Nature Conservation and Water Inspectorate, as the body in possession of the relevant environmental information, makes accessible immediately and without delay environmental information in its possession or stored on its behalf to the population likely to be affected by such threat, enabling the execution of measures serving the prevention or mitigation of damage resulting from the threat.

73. Smog alarms are also subject to emergency information obligations. The smog alarm plans of municipalities set out the measures to be taken in emergency situations and the rules of providing information. In addition to cities with a population of over 200 thousand, other municipalities are also required to draw up smog alarm plans where extraordinary air pollution may occur on the basis of historical data. The municipalities are responsible for defining the measures contained in the smog alarm plans; the plans are jointly executed by the municipalities, the environmental, transportation and public health authorities and traffic authorities. Municipalities only have an information provision obligation in the event of moderate pollution; they are required to take various pollution reducing measures in the event of higher levels of pollution. In 2008, we introduced information and alarm limits also in relation to flying dust (PM10). On the basis of these, in recent years the information or alarm levels of smog alarms were applied in several cities (e.g. Budapest, Miskolc).

74. Data accessible on the website of the Hungarian Meteorological Service (OMSZ)

* Measurement results relating to current air pollution levels in Budapest and evaluation of these in comparison to smog alarm limits.
* Information relating to expected air quality. The system developed by the OMSZ, with funding provided by the Environmental Fund of the Municipality of Budapest, functioning on an operational basis, is unique in Europe, as it forecasts in an hourly breakdown the future level of main pollutant concentrations two days in advance, for the whole area of Budapest.
* Wide range of environmental information. In the Air Environment material, the OMSZ publishes data relating to the components of rain water and the pollutant content of air measured at its background pollution measuring stations. The page also contains detailed historical climate information.
* UV-B forecasting and alarm for the public – The OMSZ has been informing the public since 2008 on the expected UV-B radiation values, drawing attention to the dangers related to sunbathing and the possible methods of protection. Each year the season begins with the organisation of a forum where experts report on new domestic and foreign scientific results, underlining the dangers of UV radiation.
* Temperature extreme values in Hungary, Budapest;
* Weather records;
* Agro meteorological data;
* Climate values between 1901-2001 in 4 major cities (Budapest, Szeged Szombathely, Debrecen);
* Climate retrospections (monthly, seasonal, yearly, decade and century);
* Future climate change – regional climate models used by the OMSZ for the period between 2021-2050 and 2071-2100 are available;
* Gamma dose-performance data;
* Daily weather report.

75. Data on air quality and environmental-health ratings of Budapest and 29 municipalities with automated measurement-stations is being published on the website of the Hungarian Environmental Health Institute - OKI (<http://oki.antsz.hu/>), furthermore the Institute raises the attention of the community towards dangers and their evasion.

The OKI provides information on its website on the enacted heat-alarms during summer heat waves and the methods of protection.

76. The procedure related to protection against forest fires is regulated under Section 67 (1)-(2) of the Forestry Act of 2009:

* in the event of a higher risk of forest fires, the minister responsible for forestry – in consultation with the minister responsible for protection against disasters – may temporarily order by decision a general fire lighting prohibition for the entire territory of the country, or forests located in a specific area, and areas located within two hundred meters from the forest border. The decision on the fire lighting prohibition and its lifting must be published on the website of the forestry authority and the ministry headed by the minister, two national dailies and in public television and radio.
* in the event of a higher risk of forest fire extending to the area of counties, or municipalities, in justified cases, the forestry authority – in agreement with or upon the proposal of the county disaster management directorate or the Disaster Management Directorate of Budapest in the area of the capital – may also order a fire lighting prohibition. The decision on the fire lighting prohibition and its lifting must be published on the website of the forestry authority and the ministry headed by the minister responsible for forestry, two national dailies and in public television and radio.

77. Data relating to biotic forest damage is available. Information relating to the above is provided by the Hungarian Forest Research Institute (ERTI) and the National Food Chain Safety Office (NÉbiH) on the basis of data collected through the operation of the forest protection measurement and monitoring system (EMMRE) regulated under Section 56 (2) of the Forestry Act and Sections 35-37 of Decree 153/2009 (XI. 13.) FVM.

The National Forest Damage Registry System has been launched in 2012 as a sub-system of EMMRE by the forestry authority in cooperation with ERTI- as per the obligations of the Forestry Act. Within the framework of this system every professional entitled to the status of technical-crew must report perceived forest damage to the forestry authority through the “*Forest-protection report sheet (EKÁR sheet)*”.

*Are there mechanisms in place to ensure or control the quality of environmental data included in the databases?*

78. TIR data relating to living and inorganic objects are input into the system following a so-called validation process. The validation process is set out in the TIR user manuals. The stringent protocol (methodological) system of the TIR data collection-monitoring systems constitutes the second step of quality assurance.

79. The monitoring of environmental radiation is conducted in the “Fréderic Joliot-Curie” National Research Institute for Radiobiology and Radiohygiene (OSSKI).

The OSSKI has been measuring the amount of radiation in the open environment at its headquarters for more than 20 years.

The weekly summary of results has been available at the OSSKI website (<http://www.osski.hu/info/ksv/ksv.html>) since 1998.

The OSSKI participates in the following environment monitoring systems and operates their central database:

As per governmental decree No. 275/2002.21.) the main duties of the National Environmental Radiological Monitoring System (OKSER) is the collection of countrywide monitoring results of environmental radiation terms and measureable radioactive matter concentrations that define the population’s natural and artificial radiation strain. Furthermore information of the public on the aforementioned activities, the publication of monitoring results every year and the preparation of national monitoring data in order to prepare a briefing for the European Commission.

Various administration branches and certain special institutions – shortly, members of OKSER- participate in OKSER’s activities. These activities are managed by OKSER’s Specialised Committee (OKSER SZB). The central on-line collection of the results of monitoring undertaken by the network members’ separate radiological environmental survey systems, and OKSER’s administrative branches duties is managed by OKSER’s Information Centre (OKSER IK) at the OSSKI base.

A summarized report on the results of the fulfilment of **OKSER’s duties** (measurement and analysis of radiation levels typical to the country) is published yearly at OSSKI’s website (<http://www.okser.hu/eredmenyek/eredmenyek.html>).

80. After the *National Atomic Energy Institute*’s 1981 decision, the Joint Environmental Radiation Monitoring System (HAKSER) has been launched for the official, systematic monitoring of the **Paks Nuclear Power Plant’s (PA closed share corporation)** that is independent from the power plant’s interests. On regulation level, HAKSER duties are laid down in Governmental Decree No. 275/2002 (XII. 21.).

**Laboratories of the institutes** involved in the operation of HAKSER periodically collect data from the 30 km radius vicinity of the power plant. The results of radiological examinations of aforementioned data are collected by the **Data Process and Evaluation Centre (HAKSER AFÉK)** that operates within the **OSSKI**.

Evaluation results of environmental monitoring data collected by the institutes taking part in HAKSER’s activities are published every year in a summarized **report** on the OSSKI website (<http://www.hakser.hu/eredmenyek/eredmenyek.html>).

81. The minister for health regulated the main duties and activities of ERMAH (Radiological Monitoring and Data Acquisition Network) in decree no 8/2002 (III.12.) According to this decree ERMAH fulfils environmental radiation protection and radiation health duties under normal circumstances and during nuclear emergencies as well:

* collects samples from environmental mediums (air, soil, foliage, surface waters, foodstuffs, etc.) in order of periodically inspecting the environment,
* conducts on-site and laboratory measurements in order to detect radiation proportions within the environment, or the accidental existence, quantity and quality of radioactive substances within mediums of the environment,
* conducts calculations to measure the amount of radiation exposure (dose) of the populace caused by natural and artificial radioactive isotopes,
* provides data for OKSER.

Measurement and monitoring results of the **yearly radiological environmental monitoring program** conducted by the laboratories of the ERMAH network are collected and stored by the **ERMAH Information Centre**. Data is analysed by the **OSSKI** which evaluates the radiological status of the environment according to this data and furthermore determines the amount of the population’s radiation exposure. Summary of the results have been published in the *Egészségtudomány* magazine since 1991 and is available on the OSSKI website as well (<http://www.ermah.hu/eredmenyek/eredmenyek.html>).

82. The survey of the country’s air quality is conducted by the organizations operating the National Air Pollution Measurement Network. The quality assurance of data collected in this venue happens on a multi-level scale.

Pre-validation of incoming data is conducted by the environment-, nature protection and water inspectorates. The Rural Development Ministerial Decree No. 6/2011 (I.on the *rules regarding* *the inspection of output by stationary air pollution sources* provides further guarantee to the quality of the issued data by stating that the conducting institute must:

* possess an accreditation of its tasks,
* must make an examining calibration at given times,
* must participate in a round-survey organized by the Air Purity-Protection Reference Centre at least once a year,
* must guarantee that every measurement connected to the inspection of air quality is traceable.

Furthermore surveys must be conducted by the consistent method (or one that provides an equal result) laid down in the decree. In context of given devices, the decree presicribes, that the given device posess a type-approval certificate, that proves that the device is capable of conducting the required measurement.

Data created by the inspectorates flow into a central database that is managed by the Air Purity-Protection Reference Centre (LRK) that operates within the framework of the National Meteorological Service. Data influx within the LRK is validated once again. In order to further upkeep the quality of measurement results, LRK coordinates the unification of survey methods and relevant quality assurance and quality inspection duties. LRK’s laboratory –that also possesses an accreditation- organizes round-measurements for the inspectorates and participates in itself in international round-measurements as well.

83. The Governmental Decree No. 280/2004 – acting upon the tenets of European guideline 49/2002/EC on environmental noise- on the measurement and administration on environmental noise prescribes the creation of strategic noise-maps and action plans for metropolitan agglomeration areas and high traffic vehicular institutions.

There are many prescriptions within the decree that serve the quality assurance and appropriate professional creation of strategic noise maps.

First of all, noise maps can only be created by an expert or an institution employing an expert who has an authority to act as a professional in environmental noise- and vibration abatement issues.

Bearing in mind, that noise maps are not based on measurements but on calculation on the output of noise sources and the modelling of their expansion, the incoming data can substantially alter their quality. In this context, Governmental Decree No. 280/2004 (X.20.) determines the sources –where applicable- of used data, thus insuring that the creation of noise maps is based on the use of databases of appropriate quality.

Furthermore the decree defines the cache of obligatory uniform calculations methods to be used in the creation of noise maps.

Finished noise maps –after their approval- are scrutinized by nature-, environment protection and water inspectorates further guaranteeing their quality.

*What kinds of environmental facts, analyses and explanatory materials are being published?*

* Geographical location of nature conservation objects (<http://geo.kvvm.hu/tir/>):
* National Park Directorates
* Protected geological key section
* Protected natural areas
* Protected nature conservation areas
* Landscape protection zone
* National park
* National Ecological Network
* Touristic caves
* Exhibition point
* Paths
* International agreements
* UNESCO World Heritage
* Biosphere reserve core area
* Biosphere reserve buffer zone
* Biosphere reserve temporary area
* Natura2000 network
* Natura2000 – Nature conservation area
* Natura2000 – Bird protection area
* Sample biotic data
* List of protected objects (values, areas) (www.termeszetvedelem.hu)

***Article 5, paragraph 4 (disclosure of reports on the state of the environment)***

85. The Environment Act stipulates the implementation of the National Environment Programme that is renewed every six years. The programme adopted by Parliament and the reports (also publicly accessible) drafting in the course of implementation provide regular information on the state and changes of the environment.

Pursuant to Section 46 (1) e) of the Environment Act, for environmental protection purposes the municipality analyses and evaluates the state of the environment in the area under its jurisdiction and informs the population when necessary, but at least once annually.

Pursuant to Section 51 of the Environment Act, each year the minister responsible for the environment drafts a report for the government on the state of the environment. The municipality informs the population of any changes in the state of the residential environment when necessary, but at least yearly.

86. OKI submits yearly reports on the quality of drinking- and natural bathing water. The national report on the quality of drinking water of municipalities is published in the TEIR on the OKI website. Furthermore a reporting obligation stands towards the EU, that must be fulfilled every three years. The domestic report on the quality of bathing water is also available in the TEIR and the websites of OKI and OTH. The EU report is uploaded yearly into the EIONET system.

87. The ministry responsible for the environment also issues periodical publications on the state of the national environment. The first summary of Hungarian environmental indicators was published in 1994. The Environment Act adopted in 1995 set out the legal basis of the reports to be regularly drafted by government organs. The Act stipulates that everyone has the right to access information relating to the state of the environment, the levels of environmental pollution and the effects of the environment on human health. The recent publication, published in 2010, contains data relating to the period 2003-2008.

The inspectorates publish environmental data in their field of expertise from time to time as well. The following reports have been submitted in 2013:

* Report on the environmental state of the North- and South Plain Regions submitted by the Tiszántúl Environmental-, Nature Protection and Water Issue Inspectorate;
* The public brochure of the Upper-Tisza Environmental-, Nature Protection and Water Issue Inspectorate presenting the state of the Upper-Tisza region in the year 2011;

88. Publications issued by the Central Statistical Office between 2011 and 2013:

* Environmental expenditures and the environmental protection sector 2011 (Statisztikai Tükör/Statistical Mirror)
* Air pollutants in national economic sectors – air pollution 2000-2010(Statisztikai Tükör)
* Environmental situation assessment 2011
* Infrastructural availability of municipalities, 2011 (Statisztikai Tükör)
* Sustainable development indicators of Hungary (2011 and 2013)

89. Report for the European Commission in accordance with Article 17 of Council Directive 91/271/EEC on the National Municipal Waste Water Drainage and Treatment Programme reviewed every 2 years.

90. The minister responsible for forestry issues an annual report on the state of forests. Up-to-date data concerning forests can be downloaded from the website of the National Food Chain Safety Office (<http://www.nebih.gov.hu/szakteruletek/szakteruletek/erdeszeti_igazgatosag/erdeszet_szakteruletek/monitoring/evesjelentesek>).

91. The Air-cleanliness Safety Reference Centre operating as part of OMSZ submits a yearly report on the changes in air quality last year based on the data provided by the automated and manual sub-systems of the National Air-pollution Measurement Network. Reports on the yearly evaluation are available on the Measurement Network’s website ([www.kvvm.hu/olm](http://www.kvvm.hu/olm)), under the “Evaluations” tab.

92. NFM Decree No. 24/2013 (V.29) on the “ rules of asset evaluation of communal water system and the data to be submitted for public interest by communal water providers” prescribes the publication of information regarding drinking water and cleaned wastewater quality for the providers.

***Article 5, paragraph 5 (disclosure of legislation and international legal documents relating to the environment and plans in connection with environment)***

93. Draft environmental legislative texts can be downloaded from the website of the ministry responsible for the environment. Legislations regarding the professional area in force is also accessible on the websites of the ministry and the environmental, nature conservation and water management authorities In addition, detailed, searchable legal databases are maintained by NGOs, such as “Greenfo.hu” ([www.greenfo.hu/zold\_jogasz/index.php](http://www.greenfo.hu/zold_jogasz/index.php)) and the directory of court and administrative decisions operated by the Environmental Management and Law Association (<http://emla.zoldpok.hu/ekd/drupal/>).
The website <http://www.parlament.hu/internet/plsql/internet_irom> offers free access to draft legislation submitted to Parliament and working papers.

94. The list of legislation relating to the area of nature conservation and other legal instruments under government control can downloaded from the official website of government nature conservation.

95. The working materials of the Hungarian contribution to the European Danube Region Strategy were prepared with the coordination of the minister responsible for regional development, continuously published on the website of the ministry, jointly with international documents affecting the development of regional policies.

96. As per Governmental Decree No. 78/2008 information regarding natural bathing areas including water quality, accidental pollution sources and pollution events in last year are published by the municipalities and National Health Direction Organizations as well.

Governmental Decree 218/2009 (X. 6.) - henceforward named the content requirement Decree - on the substantive requirements of the regional development concept, the regional development programme and regional planning, and the detailed rules on their adaptation, elaboration, coordination, approval and disclosure. It sets out mandatory environmental and environmental protection duties for the assessment, analysis and planning-proposing stages of the regional plans (environmental, social and economic), setting out the substantive requirements of regional impact studies serving as a basis for regional plans and rules applicable to the review and disclosure of regional plans. As per the content requirement decree the Minister responsible for regional development, regional spatial planning and strategic planning of the regional development publishes accepted regional plans on the Governmental Website and the TeIR as well. Regional plans, accepted by the county administration, are published by the mentioned administration on its website, and forwards it to the minister responsible for the area.

***Article 5, paragraph 6 (encouraging operators to disclose their environmental parameters, environmental information relating to products)***

98. Implementation of the objectives of article 5, paragraph 6, of the Convention are fostered in Hungary by the EU eco-label regime and the national “environmental friendly product” award, and the EU Environmental Management and Audit Scheme (EMAS).

The national product quality/conformity assessment scheme was introduced in 1993. The ministry responsible for the environment and regional development determined the conditions for participation in the scheme and established the legal predecessor of the “Environmentally Friendly Product Non-profit Company” ([www.kornyezetbarat-termek.hu](http://www.kornyezetbarat-termek.hu)), whose principal responsibility is the coordination and administration of the scheme.

By the date of EU accession, Hungary has introduced the legal and institutional framework necessary for participation in the EU eco-label scheme. Administration of the EU scheme in Hungary also falls under the competence of the Environmentally Friendly Product Non-profit Ltd.

All information relating to the national and EU eco-label schemes can be downloaded in English and Hungarian from the specific eco-label website of the ministry responsible for the environment as well as the website of the Environmental Friendly product Non Profit Kft: <http://www.kornyezetbarat-termek.hu>. The website also provides access to data on organisations that meet all domestic and EU eco-label qualification criteria and are granted the environmentally friendly and eco-label rating.

Upon EU accession, Hungary also joined the EU EMAS scheme. The designated competent body is the National Environment, Nature Conservation and Water Chief Inspectorate, while accreditation is the responsibility of the National Accreditation Body.

Information on the legal and institutional framework of EMAS, on EMAS registrations and accredited verifiers is published on the specific website of the ministry responsible for the environment (<http://emas.kvvm.hu/>). It also contains the environmental declarations of EMAS-registered bodies and provides topical EMAS-related news.

99. The set-up of the National Park Trademark system commenced in early 2010. The aim is to support local producers, the local population and service providers who conduct activities in areas rich in natural values, with traditional methods and in harmony with the interests of nature conservation. The trademark is granted to products and services produced, provided in protected natural areas which fulfil the certification criteria. The trademark provides a quality guarantee to buyers and consumers, indicating that the product or service was produced in an environmentally friendly form, in good quality. Since October 2010 over 150 products of 70 producers has received the Trademark. The trademark allocation was held as part of the National Parks Week event.

***Article 5, paragraph 9 (set-up of electronic pollution reporting and registration systems)***

100. Hungary fulfils the international and national data provision obligations relating to electronic pollution reporting and registration systems through the set-up and operation of the National PRTR required under the E-PRTR - European Pollution Release and Transfer Register established by Regulation 166/2006/EC, overriding the EPER-European Pollutant Emission Register, and the UN-EGB PRTR (Pollution Release and Transfer Register) Protocol. Hungary signed the PRTR Protocol in Kiev – in the framework of the ministerial conference held on May 21-23, 2003 – and ratified it on June 8, 2009. Ratification was promulgated in act LIII of 2009. The PRTR Protocol entered into force on October 8, 2009.

101. The ministry responsible for the environment actively participated in the drafting of the first two EPER reports (2004 and 2006), submitted to these to the European Commission and made the data accessible to the public on the website of the ministry. It implemented the PRTR system in the course of implementing the E-PRTR/PRTR in conformity with European Union regulations. The PRTR contains an expanded pollutant list identical to the E-PRTR. The ministry established the legislative framework necessary for the set-up of the register in 2007. In such framework it modified the scope of pollutants subject to mandatory data provision, in accordance with the statutory regulation relating to the prevention of parallel data provision. It expanded it with new reporting obligations, in harmony with sectorial regulations (e.g. it integrated the reporting obligation of emissions resulting from accidents and the used analytical/calculation methods in the sectorial databases, it elaborated independent data sheets for the reporting of air emissions from diffuse sources for livestock plants and the industrial sector, and also modified data sheets necessary for data provision relating to waste management, etc.). Separate legislation sets out the reporting obligations relating to CO2 which serve compliance with the EU ETS (Emission Trade System) and are also compliant with E-PRTR/PRTR data provision.

In 2012 the map applications for the viewing of the E-PRTR reports have been completed and are useable by the Google Earth program. The map file contains the factories in the E-PRTR register grouped per sector, region, inspectorate and county level in the given year.

Hungary has so far prepared five E-PRTR reports beginning with the data supplying obligation for 2007 and yearly since then until the closure of the data supply in 2011for the European Commission; it is currently working on the preparation of tasks necessary for submitting the sixth E-PRTR report due in 2014. In 2009 it set up the national PRTR website (<http://prtr.kvvm.hu>, currently <http://okir.kvvm.hu/prtr/>) for the widely accessible publication of E-PRTR/PRTR data which provides access to data provided for the first five years and the time between 2007 and 2011. The latest report on 2011 completed in 2013 contains the pollutant output and waste transportation data of 718 domestic industrial and agrarian complexes in 2011. The website provides information relating to the air, water and soil emissions of Hungary’s largest existing industrial environmental polluters at individual business premises, the quantity of pollutants in waste water and waste removal, in a table format, with dynamic search options and a computerised geographic information display.

 In recent years an application has been submitted for the professional and IT development of the existing PRTR system. The KEOP application has been submitted by the Ministry to the NFÜ (National Development Agency) as part of the New Széchenyi Plan, labelled IT Developments in Public Administration wit Environmental Goals. In 2012 the application underwent rationalization. The application has been submitted in 2012 as part of the OKIR application. The application is currently in public procurement phase, the execution deadline is May 31 2014.

*12. Obstacles encountered in the implementation of Article 5*

The nature conservation branch provides access – free of charge – to the description of natural values and areas through the customer service module of the Nature Conservation Information System. The nature conservation branch, however, needs to pay hundreds of millions of forints to enable access to core government data, basic government land survey maps necessary for the creation of the maps. For the purpose of ensuring legal security, the registration of the legal aspects of nature conservation in the land registry is a task awaiting resolution.

The Commissioner for Basic Human Rights has surveyed the actual state of protected natural areas and environmental protection restrictions and bans in property records in its ex officio investigation that was closed in 2012. The most important statement of the report was that there have been no progress in the subservient (legal) regulation of the property record in question, and in providing the terms of state task fulfilment. The omissions within the monitored environmental legal institutions still cause discrepancies with the vindication of the right for clean environment. The lack of property registry entries will cause –taking the flow of time into account- discrepancy in the aspects of legal security (See report No. AJB-2287/2012)

83. Difficulties reported by the NGO sector:

It is the standpoint of civilian organizations, that the practical use of a large portion of the information systems requires serious training and proficiency, it proves to be a difficulty for a large number of users. It would be important to create plain and generally available platform. Another problem is, that the data regarding different environmental component are based in separate information systems.

In theory, the National Biodiversity-monitoring System (NBmR) is functional, but due to a lack of funds, data collection if periodical, so uploaded data may also be incomplete.

It is the civilian organization’s standpoint that while nature protection data is widely available environmental protection data is wanting.

According to civil organizations, a generally available, nationwide, easily accessible and transparent electronic or printed publication would be needed regarding both nature and environmental protection data.

***13. Further information on the collection and dissemination of environmental data***

103. Civil organizations also maintain environmental databases, based on independent data gathering or official datasets. Some of these databases are horizontal ([www.greenfo.hu](http://www.greenfo.hu), [www.kothalo.hu](http://www.kothalo.hu)). Some are thematic in nature ([www.humusz.hu](http://www.humusz.hu) for waste, [www.mme.hu](http://www.mme.hu) for nature conservation, [www.emla.hu](http://www.emla.hu) for law). In addition, several NGOs publish materials containing information on the state of the environment on a regular or ad hoc basis.

Local environmental information can be obtained in the official websites of several municipalities.

104. The red sludge catastrophe at Ajka which cost the lives of ten people was an industrial accident and environment devastating catastrophe, which was caused by a breach in the dam of the red sludge storage area between Ajka and Kolontár on the 4th of October 2010, that was in the property of the Hungarian Aluminium Manufacturer and Trading Company (Mal). The 600-700.000 stere sludge that was spilled has flooded the deeper areas of the townships of Kolontár, Devecser and Somlóvásárhely ([http://hu.wikipedia.org/wiki/Ajkai\_v%C3%B6r%C3%B6siszap-katasztr%C3%B3fa - cite\_note-1](http://hu.wikipedia.org/wiki/Ajkai_v%C3%B6r%C3%B6siszap-katasztr%C3%B3fa%22%20%5Cl%20%22cite_note-1)). The highly alkaline, acrid industrial waste has spread over 40 cubic kilometres, causing invaluable damage to the Ajka micro-region, and many Hungarian rivers.

In February 2013 Mal has lost a legally binding restitution suit, and the company’s liquidation was put into force. On February 17th the Court of Veszprém has ordered the liquidation of Mal, and in April, the government owned Mal was formed. Hungarian National Asset Management Inc (MNV Zrt.) became Mal’s only stockholder.

***14. Related websites***

[www.kornyezetbarat-termek.hu](http://www.kornyezetbarat-termek.hu)

[http://okocimke.kvvm.hu](http://okocimke.kvvm.hu/)

<http://emas.kvvm.hu/>

<http://eper-prtr.kvvm.hu>

<http://prtr.kvvm.hu>

<http://www.eper.ec.europa.eu>

<http://www.ippc.hu>

[www.biosafety.hu](file:///C%3A%5C%5CUsers%5C%5CHorvathMe%5C%5CDocuments%5C%5CAarhus%5C%5Cjelent%C3%A9s%5C%5C2008.%20%C3%A9vi%5C%5Cwww.biosafety.hu)

<http://biodiv.kvvm.hu>

<http://www.fvm.hu/main.php?folderID=1382>

<http://gmoinfo.jrc.it/>

[www.katasztrofavedelem.hu](http://www.katasztrofavedelem.hu)

[www.aesz.hu](http://www.aesz.hu)

[www.antsz.hu](http://www.antsz.hu)

[www.hidroinfo.hu](http://www.hidroinfo.hu)

[www.vizugy.hu](http://www.vizugy.hu)

<http://okir.kvvm.hu/>

<http://geo.kvvm.hu/tir/>

<https://teir.vati.hu/>

<http://www.terport.hu/>

[www.met.hu](http://www.met.hu)

<https://www.hunetr.hu//crweb/>

<http://nevjegyzek.magyarorszag.hu>

***15. Application of Article 6 (public participation in decision making related to certain activities)***

105. The amendment to the Administrative Procedures Code affected public participation in administrative procedures relating to the environment in more than one way:

* It expanded the application of the institution of the public hearing. With a view to effectively resolving disputes, the holding of a public hearing is mandatory if over fifty clients or over five organisations deemed to be clients participate in the procedure (unless provided otherwise by law). The institution of the public hearing not only applies to environmental procedures, but to all public administrative procedures. Thus, the public may access key facts and information of the procedure, as well as the positions of clients, other stakeholders and the authority in procedures that are only indirectly related to the environment.
* It also expands the possibility of public access by granting wider public access to the decision concluding the procedure and the decision annulling the decision of first instance and obliging the authority passing the decision of first instance to conduct a new procedure by stipulating that data of public interest contained therein must be made accessible to anyone if requested. Thus, the application for access to a decision not containing personal data and classified data is not bound to proof of lawful interest to the access of such data, and with a view to ensuring the enforcement of greater access to data of public interest, the authority is required to provide an extract of the document to the applicant that also contains data which are not accessible to the applicant.
* As per paragraph (5) of section 15 of the Ket. those civil organizations may be provided with client entitlement which organization’s registered activities are concerned with the protection of certain fundamental rights, or the fulfilment of certain public interests. Section (5a) states that during magisterial procedures, civilian organizations whose registered activities are concerned with the protection of certain fundamental rights or the fulfilment of certain public interests are entitled to the right of statement during the procedure.

***Article 6, paragraphs 1 to 10 (participation in the licensing of activity with a material effect on the environment)***

106. The activities listed in Annex I to the Convention are subject to EIA (environmental licensing) and/or the integrated environmental licensing procedure in Hungary. Both procedures are in line with relevant EU legal acts, such as Directive 2003/35/EC amending the underlying EU legal acts, and Directives 85/337/EEC and codified Directive 2008/1/EC, to ensure that these are in full compliance with the relevant provisions of the Aarhus Convention.

107. Prior to the environmental impact assessment procedure, the framework of the geographical placement of investments likely to produce a material effect on the environment is provided by national, priority regional and country spatial planning. The coordination of regulation frameworks regarding spatial planning schemes, are accessible on the Internet, and anyone can submit an opinion in connection with the plans.

108. EIA is regulated by the Environment Act and by Government Decree No. 314/2005 (XII. 25) on EIA and the integrated environmental permit. In the cases of investments where the legislative power has deemed a shorter and simpler authorization procedure, non-standard regulations have been put into place regarding the impact assessment during the reporting period for a wider array of investments. Such discrepancies are made available by the Act No. LIII. of 2006 on the quickening and simplification of investments deemed priority projects for national economic reasons and Article 30/B on the contracted deployment process of Act No. LXXVII. of 1997 on the protection and shaping of built environments. Certain general issues are governed by Act CXL of 2004 on the General Rules of Administrative Procedures and Services (the Administrative Procedures Code) or, in the case of access to information in the relevant procedures, the Data Protection Act.

The provisions of Article 6 are implemented in Hungary in the following manner.

The relevant annexes to the Government Decree determine the activities that are subject, unconditionally or subject to certain conditions, to EIA. These annexes cover a range of activities broader than laid down in the Convention, or apply thresholds lower than those in the Convention.

To commence an activity subject to EIA, a so-called “environmental permit” has to be obtained, or where the activity also falls under the scope of the IPPC but out of the EIA rules, an integrated environmental permit has to be sought.

Early and effective information/participation is already ensured in the preliminary phase of the EIA procedure (screening) and - if asked by the environment utilizer - in the framework of preliminary consultations. Following the submission by the developer of the application for a permit and the preliminary assessment and consultation documentation, the competent environmental, nature conservation and water inspectorate publishes a public notice at its premises and on its website. The content of the public notice is defined by the Administrative Procedures Code and the Government Decree, in accordance with the relevant provisions of the Convention.

The preliminary assessment and consultation documentation, the original application for a permit as well as the public notice are also forwarded to the offices of the municipalities concerned who have to ensure access to these documents at designated premises and have to publicize the project through posting bills or any other appropriate way. The public concerned may inspect the documents and submit comments in writing within 21 days of publication.

During the preliminary assessment –as per the relevant regulation of the Ket.- public hearing must be held if at least 50 clients or 5 environmental protection civil organizations are partaking in the procedure.

The environmental authority also grants access to additional information; when made available, access is granted to the hearing minutes, positions of administrative authorities and expert opinions.

The amendment to Government Decree 314/2005 (XII. 25.) on environmental impact assessment and the uniform environmental licensing procedure affects public participation:

* the operator may file an application to the inspectorate for a preliminary assessment, even if it is planning the conducting of activity which is in compliance with the activity specified in Annex 3, but it fails to reach the threshold or fulfil the criterion determined therein.
* According to Appendix 3. of the governmental decree, activities that do not reach the minimum level specified in appendix 3, or the requirements laid down in said appendix are not fulfilled in cases specified by governmental decree, the inspectorate, without any pre inspection process will inspect through other authority (*water law*) or professional authority procedure, if the activity has presumably caused environmental effects.
* If the inspectorate has ruled, through the authority or professional authority procedure that the activity may cause considerable environmental effect, then based on the environmental impact assessment, an environmental *permit is required*.

Before reaching a decision, the competent authority has to examine the merit of all comments received. The decision is made public by way of a notice drawn up in accordance with the Administrative Procedures Code, the Environment Act and Government Decree 314/2005. (XII. 25.). When the decision becomes final, it is also made public in its entirety by the authority in accordance with the Administrative Procedures Code and the Environment Act.

If it is determined that an EIA is necessary, the procedure starts following the completion of the preliminary assessment phase.

Commencement of the procedure is publicized by the competent authority by way of public notices on its website. The content of the public notice is defined by the Administrative Procedures Code and the Government Decree in accordance with the relevant provisions of the Convention.

The inspectorate will publish data pertinent to public hearing via advertisement and will forward it to be published to the clerks of all municipalities involved in the process. The notary will inform the inspectorate on the time and date of the publishing of the public advertisement (Section 9 Article (6) of the Governmental Decree).

The environmental impact study, the application, the public notice and the non-technical summary are also forwarded to the offices of the municipalities concerned who have to ensure access to these documents (Gov. Dec. Section 8, paragraph (2)) at designated premises and have to publicize the project through bill posting or any other appropriate way. The public concerned has 30 days (In the case of investments deemed accentuated by the National Economic Act, the deadline is 25 days) to submit comments in writing.

The environmental authority also grants access to additional information, enabling access to administrative authority positions, expert opinions and corrected information once these are made available.

If the data of public hearing concern is known to all at the initiation of the investment, the launch notice contains it. It is mandatory to hold a public hearing at least at the municipality of the location of the activity, with the exception of activities under military secrecy. Public hearings may be held at more than one location if there are more than one municipalities involved, or if the number of concerned parties makes this reasonable. If this causes no hindrance in the public procedure, the hearings may be held on official premises. Environmental authorities do not use this method in practice, as the right to go public of the client may come under harm. The inspectorate will publish data pertinent to public hearing via advertisement and will forward it to be published to the clerks of all municipalities involved in the process. The notary will inform the inspectorate on the time and date of the publishing of the public advertisement (Section 9 paragraph (6) of the Governmental Decree). The publication must be carried out at least 30 days before the public hearing (Gov. Dec. Section 9, paragraph (2)). Environmental civilian organizations participating in the procedure are individually invited by the inspectorate.

If the inspectorate, records the public hearing through picture or audio recording devices, it will publish it through electronic channels. If a written minute is taken it must also be published in the same manner.

Before reaching a decision, the competent authority and all other authorities involved in the procedure have to examine the merit of all comments received. The reasoning of the decision has to provide a summary of the involvement of the public as well as the comments received. It makes public its decision in accordance with the rules of the Administrative Procedures Code and Governmental Decree 314/2005 (XII. 25.) and sends it for disclosure to the municipalities taking part in the procedure. When the decision becomes final, it also has to be made public in its entirety by the authority in accordance with the Administrative Procedures Code and the Environment Act.

As described above, a wide range of information and documents relating to the EIA procedure (e.g. notices, public hearing minutes, the final decision) have to be actively published by the environmental authorities, while the remainder of the documents generated in the procedure (e.g. expert opinions) merely have to be made accessible to the public.

However, access to certain documents is restricted when they constitute a verified secret or, based on the classification by the applicant, are considered as a business secret. Furthermore, there is no public participation in procedures subject to military confidentiality (defence projects). In these cases, however, the environmental inspectorates duly inform the offices of the affected municipalities.

In relation to other documents of the procedure, the minutes of public hearings and legal binding decisions need to be granted public access. While the public concerned needs to be granted access to other documents, such as expert opinions or documents containing material environmental information in terms of the decision.

109. According to the Espoo Convention on the Inspection of Transboundary Environmental Effects, signed in Espoo (Finland) on the 26th of February 1991, during an international environmental impact assessment process, the same right of participation is to be granted to the public of the effect bearing party, the to the one undertaking the impact assessment. In light of this, if Hungary participates as the effect bearing party in an impact assessment made in another country for a locally planned investment, rules for public hearing and for written comments are derived from the issuing country’s regulations. In such events, the Ministry responsible for environmental protection guarantees the publication of project documents by the issuing party. Written comments on the impact assessment may be forwarded to the Environment Preservation Department of the Ministry of Rural Development, or via email to espoo@vm.gov.hu. The received comments, along with the official Hungarian standpoint, is forwarded to the issuing party.

110. In the course of the licensing procedure, public participation is provided for through the posting of notices at the municipality of the site of installation, the municipality of the neighbouring settlement and the municipality located in the impact area, affected by the emission, or otherwise. Guidance on participation is also provided in the public notice issued by the environmental inspectorate on its own news board and website.

The public notice contains a brief description of the location and the nature of the planned activity, with particular attention given to the use of the best available technique and the description of the affected area. It must also specify how and when the original application can be consulted and must also contain a call for written comments that are to be submitted to the environmental inspectorate or the offices of the affected municipalities. It also contains the path to the petitions and appendixes published via the internet (Gov. Dec. Section 8, paragraph (1g)). The notice may contain data regarding the public hearing. In such cases, a separate publication of documents on the hearing is not necessary (Gov. Dec. Section 8, paragraph (1a)). The Inspectorate uses this practice.

The comments are forwarded by the environmental authority to the permit applicant, who may react to these comments. Before reaching a decision, the competent environmental authority, together with all other authorities involved in the procedure, has to examine the merit of all comments received. The legal and factual evaluation of the comments has to be summarized in the reasoning part of the resolution. The evaluation includes the factual assessment of the comments, their technical analysis and the legal conclusions.

The public is informed of the decision of the environmental authority through its public posting, by both the environmental authority and the offices of the affected municipalities. The environmental authority is required to provide information upon request on the data it manages and ensure access to such data.

111. Pursuant to Section 113 (15), (16) of the Environment Act, all authorities and government and municipal organisations are obliged to make available to the forestry authority data necessary for the operational review performed on areas not constituting a protected natural area. Decree 11/2010 (II. 4.) FVM regulates the procedure of the review. Access to data relating to protected natural areas or Natura 2000 areas located in the area of forest planning must be made accessible by the forestry authority to the body responsible for nature conservation management of the protected natural area at least 30 days prior to the notice of the date of the preliminary hearing. The regulation also grants participation rights to NGOs in the preliminary hearing which have a scope of activity – set out in the statutes and the deed of foundation – that is affected by forestry conducted in the area drawn under forest planning.

***Article 6, paragraph 11 (participation in the permitting procedure of genetically modified organisms)***

112. The permitting procedure of genetically modified organisms (GMOs) in Hungary is laid down by Act XXVII of 1998 on Gene Technological Activities. The licensing authority issues authorizations based on the opinion of the Gene-technological Advisory Committee, provided that licensing falls under national competence. In permitting procedures falling under EU jurisdiction, domestic authority duties are fulfilled by the gene-technology authority which, during its duties fully cooperates with the Gene technological Advisory Committee, with the exception of administrative tasks. The authority for environmental protection, agrarian and industrial gene technology conciliates with the healthcare gene technology authority during permitting procedures of foodstuffs and feeding stuffs falling under EU jurisdiction. Healthcare gene-technology authority conciliates with the authority for environmental protection, agrarian, and industrial gene technology during permitting procedures falling under EU jurisdiction. Gene technological Advisory authority evaluates permission requests with regards to the opinion of the Gene technological Advisory Committee. The authorities may grant or deny permits even against to the Committee’s opinion.

 The representatives of the environmental, health protection, and consumer protection civilian organizations participate in the work of the Gene-technological Advisory Committee. The organizations work is regulated by FVM decree No. 128/2003. (XII.19.) on the organization and function of the Committee for the Review of Gene Technological Procedures.

The gene-technological authority has to publish the draft permit in its official gazette and its website for public consultation, excluding data subject to commercial confidentiality, intellectual copyright or patent. Comments on the draft can be made within 30 days from publication. The comments are evaluated by the Gene-technological Advisory Committee within 10 days, and sends its review to the gene technological authority. The authority finalizes, modifies, or denies the application after receiving the review from the Gene technological Advisory Committee.

*16. Obstacles encountered in the implementation of Article 6*

113. Difficulties reported by the NGO sector:

It is the civil organization’s standpoint that education in active civilian participation should be strengthened, mainly through the educational system.

114. In the cases of investments to which the provisions of Act No. LIII. of 2006 on the quickening and simplification of investments deemed priority projects for national economic reasons apply (in effect since V. 1. 2012.) the administration time for impact assessments and environment utilization permits has been generally reduced to two months, taking into account the complexity of the decision. The available minimal timeframe for the submitting of reviews on impact assessments of investments falling under the provisions of Governmental Decree 314/2005 (XII. 25.) on the administrative procedure of impact assessments and environment utilization permits has been reduced from 30 to 25 days. These two factors combined make public participation in the decision making process more difficult. First of all, because the shortening of the available timeframe for administration procedures of the authorities also limits the time available for the preparation, organization of public involvement and later the compilation and evaluation of reviews submitted by the public. Furthermore the public will have least time to read substantial amounts of documentations and the formulation of reviews in the case of large scale investments.

*17. Additional information on public participation in decision making related to certain activities (optional)*

*18. Related websites*

[www.ippc.hu](http://www.ippc.hu)

<http://www.kvvm.hu>

[www.euvki.hu](http://www.euvki.hu)

http://lltk.hu

http:// gmo.kormany.hu/gentechnologiai-eljarasokat-velemenyezo-bizottsag

***19. Practical and/or other provisions made for the public to participate during the preparation of plans and programmes relating to the environment pursuant to Article 7***

115. Basic rules concerning the environmental assessment of plans and programmes relating to the environment are laid down by the Environment Act, while applicable detailed rules are set out by Government Decree No. 2/2005 (I. 11) on the environmental assessment of certain plans and programmes and Governmental Decree No. 132/2010 (IV. 21.) on the ratification of the minutes of impact assessments linked to the Espoo Convention on Transboundary Impact Assessments signed on the 26th of February 1991; signed in Kijev on the 21st of May 2003. This legislation is in line with the relevant EU directive, Directive 2001/42/EC. Thus, the Hungarian regime covers all fundamental elements of the assessment cycle such as preparation of the environmental report, commenting by other authorities and the public, international consultations, and consideration of the comments and the findings of the consultation in the finalization of plans and programmes.

The applicable legislation requires that the scope and methods of public consultation be determined early in the procedure, upon the finalization of the scope and content of the assessment.

The public must be informed by the author of the plan or programme of the environmental report and the modalities of submitting comments. This information must be provided in the manner that best suits the size of the public concerned, from local media to national newspapers and Internet notices. A commenting period has to be at least 30 days. The opinions received have to be taken into consideration before the adoption of the plan or programme.

116. The summary of the comments received has to be attached to the final documentation of the plan or programme and plan that is tabled for adoption. Public access to the adopted plan and programme must be ensured. A final document must contain a summary on the preparation of the plan or programme with a record of the comments and their consideration. The summary must also be made public.

The Environment Act grants a general right to environmental civil organization to review any plans or programmes affecting them and bound to environmental assessment.

117. According to the minutes of the Espoo Treaty on Transboundary Impact Assessments, during the strategic inspection process of the plans and programmes transboundary environmental effects must also be handled. During such procedures, the ministry responsible for environment is responsible for the publication of the plans and programmes and linked impact assessments. Written reviews on the published data may be sent via e-mail to the Environmental Preservation Department of the Ministry of Rural Development’s address at skv@vm.gov.hu. The received reviews will be forwarded to the publishing country along with the official Hungarian standpoint on the plan, programme and the impact assessment.

118. The spatial plans are prepared on a national, priority regional and country level and contain the spatial order of area use, the technical infrastructure networks and specific structures of national or regional relevance, as well as the zoning of areas under different forms of protection (natural resources, cultural heritage) and rules applicable to the zones. The spatial planning of the country and priority regions is approved by parliament by law and county spatial planning is approved by the county municipality by decree. The National Spatial Plan must be reviewed every 5 years; thereafter, the lower level plans need to be harmonised with the national level plan. The spatial plans and draft legislation may be reviewed for anyone, jointly with the environmental impact assessment prepared according to Governmental Decree 2/2005 (I. 11., Kvr. from now on) on the environmental impact assessment of certain plans and programmes. The National Regional Development Council participates in the coordination of the spatial plans and the environmental assessment of featured and domestic regions; its permanent members are civil organizations.

Spatial plans are to be always subjected to impact assessment. As such, the regulations (such as public participation) of environmental impact assessments must be utilized during the preparatory and adoption stages.

Act LXXVIII of 1997 on the Development and Protection of the Built Environment also sets out general criteria and requirements to ensure that the quality of the state of the environment does not deteriorate as a result of urban planning. At several stages of the procedure, it stipulates the obligation to inform the public, organisations and interest representatives and the right to put forth opinions. This is mandatory at the preliminary review requesting stage (minimum 15 business days) and prior to the acceptance of the installations (at least one month).

Act No. LXXVIII of 1997. on the protection and configuration of built environments in the context of communal development and environment planning states general guidelines and requirements so that environmental quality is not deteriorated as an effect of communal development and environmental planning. The Act prescribes that during the conversion and protection of built environments, public involvement and public scrutiny must be made possible before decisions of public effect and during their execution. The information of involved parties must be taken care of, and they must be allowed the possibility of submitting suggestions and opinion forming. Furthermore, the Act states, that it is the Mayor’s duty to insure the publicity of environmental development assets, and the publication of such assets on the municipality’s website, if the technical conditions permit it.

119. The government decree No 314/2012. (XI.8) on settlement development concept, integrated urban development strategy, measures of urban planning and on certain legal instruments of urban planning defines that the consultation procedure of the settlement development concept, integrated urban development strategy and the measures with the habitants, with advocacy, civil and business organizations, and churches must take place according to the rules of partnership reconciliation. These rules are defined by the municipalities individuate taking into consideration the regulations of the Act No. LXXVIII. of 1997. and the Government Decree No. 314/2012. (XI. 8.) concerning publicity. Amongst the rules of partnership consultation must be specified the informing method and measures of the concerned participants, the documenting and registration mode of the proposals, opinions; the justification method of the non-accepted proposals and opinions, their order of documentation and register; the provisions assuring the publicity on the accepted concept, strategy and urban planning instruments.

***20. Opportunities for public participation in the preparation of environmental policies***

120. The main bodies of institutionalized public participation are described under point 30. Among these bodies an outstanding role is played by the Hungarian National Council on the Environment which, in accordance with the Environment Act, is an advisory, reviewing and consulting body to the Government.

121. Open public participation is enabled through public consulting. In addition to the formal consulting procedures relating to draft legislation - the ministry responsible for the environment prepares and submits for approval major draft environmental policy documents through extensive consultation.

122. The 6 year National Environmental Programme provides a comprehensive framework for Hungary’s environmental policy objectives and measures. The third National Environmental Programme (III. NKP) for the period 2009-2014 was prepared in cooperation with ministries, experts, scientific, NGO and professional organisations. In the course of administrative and public consultations, in addition to the ministries and government agencies, approximately 150 institutions and organisations received the draft in a targeted form. The National Inter-Ministerial Committee of the National Environmental Programme and its subcommittees also received the draft for review. Upon commencement of administrative consultations, the draft was also accessible on the website of the ministry responsible for the environment, where comments were received.

A Strategic Environmental Assessment was also carried out in relation to III. NKP; in the course of public consultations, over 300 organisations and institutions received III. NKP and its environmental assessment. The received comments and proposals significantly contributed to the finalisation of the National Environmental Programme which was adopted by Parliament by decision 96/2009 (XII. 9.) OGY. The Programme is available from the web-site of the ministry responsible for environment issues.

The elaboration of the draft of the fourth NKP is in progress, the report on the consultation procedure will be part of the next national report.

123. In the course of drafting the National Climate Change Programme, the draft was open to public comment.

***21. Obstacles encountered in the implementation of article 7***

***22. Additional information on public participation in procedures relating to environmental plans and programmes***

124. The report on activities of 2012 of the Commissioner for Fundamental Rights and its deputies dealt with the convenient application of environmental assessment on spatial planning measures, including public participation, and its conclusions are the following:

“In the spatial planning process the environmental assessment is one of the principal measures in order to ensure the environmentally conscious planning and decision making, to find the environmentally favourable solutions, sustainable land use and to promote the participation of concerned parties.

According to the experiences of special cases, frequently the provisions of environmental assessment are not prevailed in the course of spatial planning procedure. The Parliamentary Commissioner for Future Generation launched in 2011 a detailed examination on the regulatory and application problems of regulations relating to environmental assessment. The draft resolution published in December 2011, intituled “Validation of environmental assessment of spatial planning measures” contains the results of the above-mentioned examination. The deputy commissioner initiated in 2012 to continue the examination, it took place in cooperation with other competent divisions of the Office. In this context, negotiations took place with the national chief architect, then with the colleagues of the Ministry of Rural Development and the Ministry of Home Affairs. The report concluded that further law-making procedures are needed in order to ensure properly the environmental assessment requirements; public participation needs to be reinforced in this process in order to get the remarks in time and to take them into consideration during the elaboration of the regulation and during the decision-making procedure. The applicable simplifications need to be reviewed in the case of the implementation of construction projects, which are significant from national economy’s point of view.

The Commissioner of Fundamental Rights asked the Interior Minister primarily, in other respects the Minister of Rural Development to take the necessary measures to repair the thwarting discovered in the report, and the uncertainties of the law application. The Minister of Rural Development basically agreed with the conclusions of the report, at the same time the Interior Minister, the first addressee of the measures refused the significant part, concerning the other part he considered that the requirements are fulfilled with some regulations of a newly adopted government decree which readjusts the spatial planning. In fact, there were some progress in the new government decree, nevertheless in numerous important points the spatial planning regulations were not complemented with specific requirements, facilitating the compliance with general rules of environmental assessment, serving the legal certainty and the law application. It is not sufficient the introduction of partnership conciliation for the sake of reinforcement of public participation, and the new regulations show a sort of backspace in several respects compared to the possibilities ensured in 2012 in the construction law. The review of exceptions was not taken place, on the contrary, the scope of exemptions was widened where simplified or negotiated conciliation is permitted, According to the above, the concerns written in the report previously, are furthermore existing ones.”

See: The report on activities of 2012 of the Commissioner for Fundamental Rights and its deputies, pages 188-189.

***23. Related websites***

[www.kormany.hu](http://www.kormany.hu)

[www.vizeink.hu](http://www.vizeink.hu)

[www.kvvm.hu](http://www.kvvm.hu)

[www.emla.hu](http://www.emla.hu)

[www.jogalkotás.hu](http://www.jogalkotás.hu)

[www.euvki.hu](http://www.euvki.hu)

[http://www.kormany.hu/download/8/67/10000/NKP\_2009-2014.zip#!DocumentBrowse](http://www.kormany.hu/download/8/67/10000/NKP_2009-2014.zip%22%20%5Cl%20%22%21DocumentBrowse)

[http://www.ajbh.hu/documents/10180/129110/AJBH+Besz%C3%A1mol%C3%B3%202012/9215dc04-4031-451e-b79c-eff2e2e63925?version=1.1](http://www.ajbh.hu/documents/10180/129110/AJBH%2BBesz%C3%A1mol%C3%B3%202012/9215dc04-4031-451e-b79c-eff2e2e63925?version=1.1)

***24. Application of Article 8 (public participation during the preparation of executive regulations and/or generally applicable legally binding normative instruments)***

125. The general rules concerning public participation in the preparation of legislative provisions are laid down by Act CXXXI. of 2010 on public participation in the preparation of legislative provisions.

The Act requires ministries to publish on their websites all draft legislative texts, concepts, and related proposals as well as their full explanatory documentation. Exemptions from this obligation are specifically listed in the Act.

The homepages of ministries have to ensure that comments can be uploaded. The general deadline for comments is 10 working days, depending of the publication date means 12-14 calendar days at the longest, but in exceptional cases minimum 5 working day deadline is possible. Public comments have to be evaluated and a summary thereof has to be published on the same website that also contains the reasons for refusal.

126. In addition, the Environment Act explicitly sets out that environmental civil organizations have a right to comment on any draft legislation on environmental matters. Upon a general request, the ministry responsible for the environment sends individual invitations to civil organizations to comment on particular legislative texts. The National Council on the Environment has to be consulted on each draft bill and decree before adoption.

***25. Obstacles encountered in the implementation of Article 8***

127. Difficulties reported by the NGO sector:

According to the viewpoint of civil organizations, in certain cases they should comment on legislative proposals unduly in a very short time, which obstacles the substantive comment during the social reconciliation.

The civil organizations indicated as well, that during the social consultation generally did not get substantive feedback if the comment was accepted and incorporated in the text, or not; if it was ignored, on what ground.

***26. Additional information on public participation in procedures related to environmental plans and programmes*** *(optional)*

128. The report on activities of 2012 of the Commissioner for Fundamental Rights and its deputies dealt with the public participation in the procedure of the preparation of legislative provisions, and concluded as follows:

“One of the institutional conditions for the enforcement of the fundamental right to a healthy environment is to permit public participation in the process in the preparation of environmental law. A basic element to ensure substantive public participation in the preparatory work of legislative proposals is to provide sufficient time to judge the proposal. The experience of a longer period was that the legislators ensure frequently a very short time to form an opinion. One example from year 2012 was the consulting procedure of the legislative proposal modifying certain Acts concerning settlement development, urban design and building affairs. Several deficiencies were arisen in connection with the social consultation during the governmental preparation of the proposal, the most important obstacle to judge the text substantively, was the short deadline of the consultation. During the consultation of the two drafts of government decrees serving the implementation of the Act very short deadlines were published, which can be used only in exceptional cases, meanwhile the regulation on building affairs, settlement development, urban design was modified significantly and practically involving everyone.

Looking through the practice of the legislator Ministry of the Interior, how much time it defines for social review of its legislative proposals, it can be stated that the Ministry breaks frequently the relevant provisions. The deadlines are often tighter, than the term, which was originally very short, and was defined as a minimum in the Act CXXXI. of 2010 on public participation in the preparation of legislative provisions. Therefore, that part of civil sphere, which does not belong to the reconciliation round, cannot form a substantive opinion, in consequence the opinion cannot be taken into account in the decision making process.

Comparing this social consultation method of the Act proposal with the current law, it is not only an occasional illegal law enforcement, but the provisions laying down the deadline of social consultation are ambiguous, as well, and do not facilitate a substantive reflection.”

See: The report on activities of 2012 of the Commissioner for Fundamental Rights and its deputies, pages 186-187.

***27.*** ***Related websites***

[www.kormany.hu](http://www.kormany.hu)

[www.kvvm.hu](http://www.kvvm.hu)

[www.vm.gov.hu](http://www.vm.gov.hu)

[www.oktt.hu](http://www.oktt.hu)

[www.emla.hu](http://www.emla.hu)

[http://www.ajbh.hu/documents/10180/129110/AJBH+Besz%C3%A1mol%C3%B3%202012/9215dc04-4031-451e-b79c-eff2e2e63925?version=1.1](http://www.ajbh.hu/documents/10180/129110/AJBH%2BBesz%C3%A1mol%C3%B3%202012/9215dc04-4031-451e-b79c-eff2e2e63925?version=1.1)

[www.jogalkotas.hu](http://www.jogalkotas.hu)

***28. Application of Article 9 (access to justice)***

***Article 9, paragraph 1 (legal remedy related to access to environmental information)***

129. The Information Act provides that where a request for information has not been fulfilled, the applicant may have direct recourse to judicial review. The grounds for and the legality of the refusal have to be demonstrated by the holder of the information. The court procedure can be initiated within 30 days after the receipt of the refusal or the elapse of the 15 day deadline for response. The court handles these cases in a fast-track procedure.

***Article 9, paragraph 2 (legal remedy pertaining to public participation in decision making related to certain activities)***

130. Administrative and judicial remedies available in environmental administrative procedures (including the permitting procedure attached to EIA) are defined by the Administrative Procedures Code (Act CXL of 2004) referenced above.

Remedies can be sought by any person who is affected by the decision of the environmental authority (“client”). The procedures that can be initiated by the client are an appeal procedure, judicial review, reopening procedure, by right of the Constitutional Court’s decision.

The most commonly used procedure is the appeal procedure, a request addressed to the supervisory authority of the decision maker to annul or modify the decision. An appeal is subject to the payment of a filing fee or duty. The right to appeal is not linked to any specific ground; an appeal may be made for any reason that the person affected deems unjust.

The client, or other participant of the procedure in respect of the provision pertaining to it, can initiate the judicial review of an administrative resolution with reference to illegality, once the resolution is deemed final. The review petition must be lodged within 30 days from the delivery of the administrative resolution to a competent court.
Judicial review is only available if the client has already exhausted his or her right to appeal or no appeal is allowed under the Code against the decision concerned.
The client notified about the initiation of the procedure as a rule, may have to meet a condition to practice its client’s rights, such as to make a statement or to file a petition during the procedure of first instance. The law or the empowered government decree can define the content requirements of the statement or of the petition.

Enforcement of the decision is not automatically suspended, even though the client may initiate such a suspension in its petition.

Detailed rules of judicial review are determined by the Act on the Code of Civil Procedure relating to administrative lawsuits.

131. In view of the fact that participation in administrative procedures, including access to legal remedy, are attached by Hungarian law to the person of the “client”, it is also important to define the client in the course of examining access.

Under the Administrative Procedures Code, a client is a natural or legal person, or a non-legal entity organisation whose rights, legal situation or legitimate interests are affected by the decision. In addition, a law or government decree may set out the scope of persons in a specific type of case who are also deemed to be a client if lacking any rights or legitimate interests. Pursuant to the Administrative Procedures Code, the owner of property in the impact area defined by the provision of law and the person whose right relating to the property has been registered in the land registry are deemed to be a client if lacking any rights or legitimate interests.

The term “client” is construed extensively by the Environment Act in so far as it clearly spells out that associations established to represent environmental interests, and other civil organizations not deemed to be a political party or interest representative, operating in the impact area, automatically enjoys the status of a client in all administrative procedures relating to the environment. This privileged legal standing is also confirmed by the above referenced Governmental Decree No. 314/2005 (XII. 25) on environmental impact assessment and the uniform environmental licensing procedure, laying down the framework of impact assessment, which declares that NGOs operating in the area affected by the activity subject to EIA always have to be deemed “concerned”.

132. In its administrative uniformity decision 4/2010, superseding decision 1/2004, the Supreme Court also dealt with the client status of environmental civil organizations, the right to bring action and to a court hearing, and the possibility of intervention in administrative proceedings.

The decision, upholding the theoretical arguments of the 2004 decision, determined that the civil organizations set out under Section 98 (1) of the Environment Act are entitled to the client status in environmental administrative cases, where the environmental authority acts in the capacity of peremptory authority and in other such administrative cases where law stipulates the participation of the environmental authority as an administrative environmental authority.

In the view of the Supreme Court, administrative nature conservation and water management cases do not constitute administrative environmental cases. However, participation is nevertheless possible in nature conservation cases pursuant to the provisions of the nature conservation Act. (According to the paragraph 2 Section 3 of Act LIII of 1996 on the Conservation of Nature, the regulations of the Environment Act must be applied in cases which are not regulated in the pre-cited Act but concern nature conservation. Considering the above-mentioned, in administrative cases concerning nature conservation civil organizations are entitled to the client status according to the Section 98 paragraph (1) of the Environment Act. There is no information yet available on the practical application of the uniformity decision.

In administrative lawsuits, the right of civil organizations to bring action is determined by the client or other participant status filled in the administrative procedure constituting the object of the review, while their right to a court hearing is determined by the peremptory or administrative procedure of the environmental authority.

The lawful interests necessary for intervention in administrative lawsuits are determined by involvement in the specific impact area and the interest in operation. The possibility of intervention does not depend on whether the civil organization actually participated in the administrative procedure as a client.

The interest in access to environmental information and environmental administrative decisions requires wider access than the possibility of accessing decisions noted in connection with Article 6. In connection with the amendment to the Administrative Procedures Code, pursuant to the amendment to the Environment Act, a legally binding decision subject to the Administrative Procedures Code, or such decision declared as enforceable and not subject to appeal, and an administrative environmental contract must be disclosed if its enforcement results in a material environmental effect.

***Article 9, paragraph 3 (general right to bring action upon infringement of environmental legislation by authorities or private persons)***

133. Section 98 of the Environment Act makes it possible for environmental NGOs to seek the intervention of the competent authorities as well as to directly sue the operators of activities that pose a threat to, pollute or damage the environment. Civil organizations may request the court to order the termination of the unlawful polluting activity or the introduction of preventive measures.

134. Pursuant to Section 65 of Act LIII of 1996 on the Conservation of Nature, in the event of unlawful damage or risk to natural areas and values, the environmental civil organizations are entitled to take nature conservation steps and request government authorities or municipalities to take the appropriate measures under their authority, or take legal action against the entity causing damage or posing a risk to the protected natural value or area.

135. In addition, Act XXIX of 2004 generally enables anyone to file a complaint or a report at the competent authority.

*Which level of legislation implements the requirements of article 9, paragraph 3?*

136. Measures relating to the general right to bring action are exclusively stipulated on a legislative level in Hungary.

*What are the conditions of issuing an injunctive relief by the court in cases brought under*

*article 9, paragraph 3 and/or the relevant national legislation?*

137. As a result of the conducted probative proceedings, the court assesses the available evidence and determines the facts of the case serving as a basis for the judgement. On the basis of the determined facts, it determines in the given case the extent in which the available facts meet conditions stipulated by relevant substantive law. As a result of such assessment, it passes a conviction or acquittal. (In civil cases, cases of damage are assessed according to the rules of compensation under the Civil Code, while in criminal cases, the factual elements of certain crimes are examined in the regulation of the Penal Code.)

***Article 9, paragraph 4 (measures taken in the course of legal remedy procedures, “effectiveness” of the procedure, costs)***

*Are there judges specializing in environmental cases?*

138. There are no judges exclusively specialising in environmental cases. If, however, certain judges possibly have the necessary qualifications (e.g. environmental lawyer), the chairpersons of the courts may take this into account when assigning cases.

*What overall costs do members of the public incur in bringing cases to court?*

139. The authority of second instance or the court may, depending on the type of remedy, reinforce, modify or annul the resolution of first instance passed by the administrative authority and may simultaneously order a new procedure. In the case of a repeated procedure, the authority of first instance is bound by the findings of the appeal body or the court.

140. The costs associated with administrative procedures, including administrative appeal fees, in environmental cases are specified by Decree No. 33/2005 (XII. 27) of the Minister of Environment and Water. The filing fee of appeal is fixed, as a general rule, at 50 per cent of the administrative fee of the contested procedure.

Exceptions from the 50 per cent rule are also determined by the Decree. Thus, the filing fee for a private person contesting an administrative decision concerning an activity subject to EIA and preliminary EIA is significantly less, equalling 1 per cent of the otherwise applicable fee.
Similarly, civil organizations may make an appeal in permitting procedures for 1 per cent of the otherwise applicable fee (unless the procedure itself has been initiated by the same civil organization). These fees can be considered equitable and not prohibitively expensive.

Act XCIII of 1990 on Duties specifies preferential duty tariffs for the judicial review of administrative decisions at a rate of HUF 30,000 (approx. € 100) and HUF 10,000 (approx. € 35) in non-litigated procedures, which is very equitable in comparison to duties imposed on general civil court proceedings.

Beyond the payment of the procedural duty, additional costs may arise for the client which are determined according to the specific case (e.g. lawyer’s fee or expert fees).

***Article 9, paragraph 5 (informing the public on legal remedy options)***

141. Under the Administrative Procedures Code, all administrative decisions have to contain a precise reference to the availability of appeal, including the electronic submission thereof, or, as appropriate, judicial review. The decision has to be officially communicated (delivered) to the client and any other person to whom it conveys rights and obligations.

*29. Obstacles encountered in the implementation of article 9*

Difficulties reported by the NGO sector:

142. The civil organizations criticised that - in spite of the fact that the Information Act ensures the right to go to law if their access to public data is not complied, and the court should proceed in these cases out of turn - the realization of this provision is not ensured in all cases. It often occurs that, the legal action concerning release of information may take a lot of time, even years, as a result of that the information may lost its actuality, relevance. In this matter the civil organizations mentioned the case of civil organization “Energy Club” and its long litigation process concerning the information on use of nuclear energy.

***30. Additional information relating to access to justice*** *(optional)*

***31. Related websites***

[www.vm.gov.hu](http://www.vm.gov.hu)

[www.kvvm.hu](http://www.kvvm.hu)

[http://abiweb.obh.hu/abi](http://abiweb.obh.hu/abi/)

www.birosag.hu

[www.birosag.hu](http://www.birosag.hu)

Annex 1

Annex 2

|  |  |
| --- | --- |
| **Term** | **Definition** |
| Information Act  | Act CXII of 2011 on the Right of Informational Autonomy and the Freedom of Information |
| Penal Code | Act IV of 1978 on the Penal Code |
| STDOP | South Transdanubian Operational Programme |
| NGPOP | Northern Great Plain Operational Programme |
| EIE | Forest School Association |
| Electronic Information Act  | Act XC of 2005 on the Freedom of Electronic Information  |
| EU ETS | European Emission Trade System |
| Forestry Act  | Act XXXVII of 2009 on Forests, Protection of Forests and Forestry |
| III.NKP | 3rd National Environmental Programme  |
| IMPEL | European Union Network for the Implementation and Enforcement of Environmental Law |
| Duty Act | Act XCIII of 1990 on Duties |
| CTDOP | Central Transdanubian Operational Programme |
| EEOP | Environment and Energy Operational Programme |
| Administrative Procedures Code | Act CXL of 2004 on the General Rules of Administrative Procedures and Services  |
| CHOP | Central Hungarian Operational Programme |
| KOKOSZ | Alliance of Environmental and Nature Conservation Training Centres |
| Environment Act | Act LIII of 1995 on the Protection of the Environment |
| NÉbiH | National Food Chain Safety Office |
| MKNE | Hungarian Society for Environmental Education |
| NPI | National Park Directorate |
| WTDOP | West Transdanubian Operational Programme |
| OIT | National Council of Justice |
| NEIS | National Environmental Information System |
| OKT | Hungarian National Council on the Environment  |
| Chief Inspectorate | National Environmental, Nature Conservation and Water Chief Inspectorate |
| OLM | Hungarian Air Quality Network |
| OMSZ | Hungarian Meteorological Service |
| OP | Operational Programme |
| OVT | National Water Management Council |
| Act on the Code of Civil Procedure | Act III of 1952 on the Code of Civil Procedure |
| PRTR | Pollution Release and Transfer Register |
| Civil Code | Act IV of 1959 on the Civil Code |
| REE-PRTR | European Pollution Release and Transfer Register |
| RVT | Subcatchment Water Management Councils |
| NFÜ | National Development Agency |
| SROP | Social Renewal Operational Programme |
| TIR | Nature Conservation Information System  |
| TKTE | Association of Nature and Environment Protecting Teachers |
| TVT | Regional Water Management Councils |
| NHDP | New Hungary Development Plan |
| VIZIR | Water Management Information System |
| VKI | Water Framework Directive |
| VM | Ministry of Rural Development |
| OSSKI | *"Frédéric Joliot-Curie"* National Research Institute for Radiobiology and Radiohygiene |
| OKSER | National Environmental Radiological Monitoring System |
| HAKSER | Joint Environmental Radiation Monitoring System |
| ERMAH | Radiological Monitoring and Data Acquisition Network |
| ÁNTSZ | National Office for Public Health and Medical Officer |
| OKI | National Institute for Environmental Health |

**33. Legislative, regulatory and other measures implementing the provisions on genetically modified organisms pursuant to article 6 bis and Annex I bis**

In Hungary, the Amendment to the Aarchus Convention regarding genetically modified organisms (GMOs) has been announced by Act No XIX. of 2008.

National legislation relating to GMOs has been in place since 1998. The authorization procedure for GMOs including rules on public participation in decisions on the deliberate release into the environment and placing on the market of GMOs is laied down in Act Nr XXVII. of 1998 on the gene technological activity as well as in several Decrees on the implementing rules.

**Act Nr XXVII. of 1998 on the gene technological activity** contains following rules regarding public information and participation in decisions:

Gene technology authorities

Section 4 (1) On the basis of the opinion elaborated in accordance with Article 8 of a Gene Technology Advisory Committee (hereinafter referred to as “Gene Technology Committee”), gene technology activities shall be authorised

a) in case of gene technology activities related to human health, to the production of human pharmaceutical products and to cosmetics in direct contact with the human body, by the Healthcare Gene Technology Authority,

b) in the case of gene technology activities in the agricultural and food sector (including process additives used in food production) and in contained use, as well as in the case of other industrial gene technology activities, by the Environmental, Agricultural and Industrial Gene Technology Authority – upon taking into account environmental and agricultural considerations – (the Healthcare Gene Technology Authority and the Environmental, Agricultural and Industrial Gene Technology Authority hereinafter collectively referred to as the “Gene Technology Authority”), provided that the authorisation procedure occurs at a national level.

(2) At Union-level authorisation procedures, the responsibilities of the national authorities are undertaken by the Gene Technology Authority, which shall consult with the Gene Technology Committee in the framework of its operation, except for in relation to administrative tasks. In relation to Union-level authorisation procedures for food and feed products, the Environmental, Agricultural and Industrial Gene Technology Authority shall consult with the Healthcare Gene Technology Authority. In relation to Union-level authorisation procedures, the Healthcare Gene Technology Authority shall consult with the Environmental, Agricultural and Industrial Gene Technology Authority.

(3) In the authorisation procedures in the fields referred to in paragraph 1b and in paragraph 1a, the Healthcare Gene Technology Authority and the Environmental, Agricultural and Industrial Gene Technology Authority shall act as the Special Technical Authority, respectively.

(4) The rules of involving the Special Technical Authority in the authorisation procedures referred to in paragraph 1 shall be governed by the relevant law issued under the authorisation of this Act.

Section 9 (4) The Gene Technology Authority shall publish the draft consent in its official journal and website for public consultation with the exception of confidential business information, copyright information and information regarding variety protection. Comments on the draft consent may be submitted to the Gene Technology Authority within 30 days after publication in the official journal and such comments shall be forwarded to the Gene Technology Committee for opinion. The Gene Technology Committee shall assess such comments and forward its opinion to the Gene Technology Authority within 10 days of its receipt. Upon receiving the opinion of the Gene Technology Committee, the Gene Technology Authority shall finalise or amend the draft consent or reject the application.

(5) When calculating the time limit for the procedure, the period during which the Gene Technology Authority conducts the public consultation shall not be considered.

**Special rules of the authorisation of the deliberate release of GMOs into the environment for any purpose other than its placing on the market**

10/A. § (1) As regards authorisations for releases of genetically modified organisms or products derived therefrom for any other purposes than placing on the market, the Gene Technology Authority shall make a decision within 90 days of the receipt of the application, after conducting the procedure specified in Articles 9 (4) and (5).

(2) The final consent for the releases of genetically modified organisms and products derived therefrom for any other purposes than placing on the market – with the exception of confidential business information, copyright information and information regarding patents and plant variety protection – shall also be published in the Official Journal of the Gene Technology Authority and of the Ministry led by the Minister directing the Gene Technology Authority, and the name of the releasing entity and the genetically modified trait should also be indicated.

**Special rules of placing on the market of GMOs**

Article 11/A (1) The first placing on the market within the territory of the European Economic Area of genetically modified organisms or combinations genetically modified organisms as or in products shall be subject to authorisation; thereafter, they are freely marketable within the territory of the European Economic Area except as specified in Article 11/B.

 (3) As regards authorisation of the placing on the market of products containing, consisting of, or produced from genetically modified organisms, for food and feed uses, the provisions of the relevant directly applicable legal act of the European Union with general scope shall apply.

**Registers and data management**

Article 19 (1) An institution appointed by the Government (hereinafter referred to as “Registering Body”) shall maintain registers of the following and shall make them available on its website without limitation and in a searchable format:

a) a general description of the genetically modified organism or organisms, the name and address of the user, the purpose and location of the release, the intended uses, the environmental risk assessment, and the methods and plans for monitoring of genetically modified organisms and for emergency measures among the data of the documentation specified in the relevant law issued under the authorisation of this Act as well as in the applications for authorisation for genetic modification of natural organisms, for the contained uses of genetically modified organisms and products derived therefrom, for releases for any other purposes than placing on the market or for placing on the market,

b) the final consent, and

c) a list of the names of the laboratories performing genetic modifications and the responsible managers thereof.

(2) The members of the Gene Technology Committee shall maintain the confidentiality of the data received in the framework of the operation of the Gene Technology Committee and may only disclose such data to third parties upon obtaining the consent of the applicant. This provision shall apply even if the user withdraws the submitted application.

(3) The Gene Technology Authority shall forward the data specified in paragraph 1 to the Registering Body, and in case of data specified in paragraph 1a, shall publish the draft consent at the same time.

(4) Among the data submitted for registering purposes, those related to user’s rights to confidential business information or patents or variety protection shall not be public provided that user requests the Gene Technology Committee or the Gene Technology Authority to treat such data in this manner.

(5) The Registering Body shall maintain the registers for 10 years after the expiry of the time period specified in the consent.

(6) In case of withdrawal of the consent, the Registering Body shall delete the data specified in paragraph 1afrom its registers.

Article 20 (3) The detailed rules relating to the registration and the accessibility of information specified in Article 19(1) shall be laid down by the relevant law issued under the authorisation of this Act.

Article 21 (2) The chairman and secretary of the Gene Technology Committee shall prepare annual summary reports regarding the discharging of the duties related to its activities and the annual reports specified in paragraph 1 shall be included in the annual summary reports which shall be published by the Ministry led by the Minister responsible for agricultural policies in its official journal and website.

[Decree 82/2003. (VII. 16.)](http://gmo.kormany.hu/../download/0/f6/50000/82_2003_fvm.pdf%22%20%5Ct%20%22_blank) of the Ministry of Agriculture and Rural Development on the order of the registering and supplying data as well as on the documentation which shall be enclosed in the notification regarding the gene technological activity determines which documents and information shall be enclosed to the notification for the authorisation of GMO. It also contains rules on record keeping and official database. Information stipulated in Article 19 (1) of the Gene Technology Act are registered and made available to the public by the Agricultural Biotechnology Research Centre in Gödöllő[[1]](#footnote-5).

**34. . Obstacles encountered in the implementation of article 6 bis and annex I bis**

*Describe any* ***obstacles encountered*** *in the implementation of any of the paragraphs of article 6 bis and annex I bis.*

**35 . Further information on the practical application of the provisions of article 6 bis and annex I bis**

**36. Website addresses relevant to the implementation of article 6 bis**

*Give relevant website addresses, if available, including website addresses for registers of decisions and releases related to genetically modified organisms:*

Placing on the market of genetically modified organisms are authorized and registered at EU level.

Deliberate release of GMOs into the environment for any purpose other than its placing on the market is authroized at Member State level in the EU.

The Hungarian register is awailable: <http://biosafety.abc.hu/biosafe_eng.html>. The EU level register including Hungarian data is available: http://gmoinfo.jrc.ec.europa.eu/.

General information regarding GMOs (including national authorities, national, EC and international legislation, scientific literature, conferences, roadshow in order to raise public awareness) are awailable on the following website: http://gmo.kormany.hu/en.

1. http://biosafety.abc.hu/biosafe\_eng.html [↑](#footnote-ref-5)