

NATIONAL REPORT ON THE IMPLEMENTATION OF THE AARHUS CONVENTION 2011

1. Compilation process of the national report

1. The Ministry of Rural Development (the Ministry) is responsible for the national implementation of the Aarhus Convention¹ (Convention). The Ministry has drawn up this national report through broad public consultation. In addition to Decisions I/8, II/10 and III/5 of the Meetings of the Parties, the Ministry also took into consideration the substantive and procedural recommendations² of the Compliance Committee (the questions of the Compliance Committee are indicated *in unhighlighted italics*). Timetable for the completion of the report:

- August 2010 – the Ministry requested the ministries (Ministry of the Interior, Ministry of Public Administration and Justice, Ministry of National Resources, Ministry for National Economy), authorities (National Environmental, Nature Conservation and Water Chief Inspectorate, National Meteorological Service) concerned to deliver to the Ministry the partial materials relating to their respective fields.
 - 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 end of August.
 - Opinions received upon the request: relevant departments of the Ministry, Ministry of the Interior, Ministry of Public Administration and Justice, Ministry for National Economy, National Environmental, Nature Conservation and Water Chief Inspectorate, National Meteorological Service.
- September 2010 – the Ministry compiled the draft national report on the basis of the received partial materials and proposals.
- October 2010 – the Ministry requested the relevant ministries, authorities, the Parliamentary Commissioner for Future Generations, the National Council of Justice to form an opinion on the draft report.
 - It concurrently 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 end of October.
 - Opinions received upon the request: Ministry of the Interior, Ministry of Public Administration and Justice, Ministry of Natural Resources, Ministry for National Economy, relevant departments of the Ministry, Development Directorate of the Ministry of Environment and Water, Parliamentary Commissioner for Future Generations, National Council of Justice, National Environmental, Nature Conservation and Water Chief Inspectorate, National Meteorological Service. The following NGOs sent in proposals: Independent Ecological Centre,

¹ Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters. Promulgated by Act LXXXI of 2001.

² Guidance on Reporting Requirements, prepared by the Compliance Committee, ECE/MP.PP/WG.1/2007/L.4.

Environmental Consulting Office, Clean Air Action Group National Federation of Hungarian Environmental Organizations, Hungarian Environmental Partnership Foundation, Reflex Environmental Protection Association.

- November 2010 – the Ministry transposed the received opinions into the draft national report.
- 2 December 2010 – the draft national report was discussed by the
 - Hungarian National Council on the Environment and
 - the Aarhus Working Group.
- The final report will be sent to the Convention Secretariat, members of the Aarhus Working Group and published on the website of the Ministry.

2. Material circumstances relevant to the application of the Convention (optional)

2. In the reporting period, due to the changes implemented in the government structure, pursuant to Government Decree 212/2010 (VII. 1.) on the duties and authority of certain ministers and the state secretary leading the Prime Minister's Office, as of 1 July 2010 the minister of rural development is a member of the government responsible for environmental protection, nature conservation and water management, in addition to several other technical areas. The aforementioned duties were previously carried out by the minister of environment and water in accordance with Government Decree 165/2006 (VII. 28.) on the duties and authority of the minister of environment and water.

3. We indicated the related websites in the course of implementing the specific articles of the Convention. Due to changes implemented in the government structure, some of these websites will be removed in the near future, but we will enable access to the indicated contents on the new websites.

4. In relation to the conversion of the HUF amounts indicated in the report into euro, for comparability purposes we based our calculations on the 1 EUR = 250 HUF exchange rate applied in the previous reporting period.

3. Application of Article 3 (general provisions)

Article 3, paragraph 1 (clean, transparent and consistent framework to implement the provisions of the Convention): Have non-environmental but environmentally relevant legislative changes been implemented which limit public participation (e.g. in connection with the construction of expressways)?

5. Hungarian regulations adequately ensure the implementation of the provisions of the Convention. Since the finalization of the 2008 report, a few legislative changes have taken place in Hungary in environmental or other environmentally relevant legislation that limit earlier public participation, but this does not lead to the infringement of the provisions of the Convention. The detailed reference is given under point 90.

Act LIII of 2006 on the acceleration and simplification of the implementation of investments of a national priority introduced accelerated procedures for certain investments and rules that reduced the level of public participation rights in the past; the subsequent amendments to the law gradually expanded the scope of activities regulated under the accelerated procedure.

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?

6. Act LXXXI of 2001 promulgated the Convention, but Hungary has been applying the related principles since the early 1990s. Act LXIII of 1992 on the Protection of Personal Data and the Disclosure of Information of Public Interest (Data Protection Act) has widely provided for the disclosure of environmental data since 1992, 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 serving the uniformity of law in 2010 which superseded the outdated decision No. 1/2004 serving the uniformity of law.

7. 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.

The amendment to the Administrative Procedures Code going into force on 1 October 2009 enables authorities to engage a liaison officer without sectoral 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.

8. 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.)?

9. 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;
- Networking with the information bureaus of other ministries, authorities and of NGOs;
- Registration of complaints and requests,
- on occasion, promotion of environmental education and awareness raising through events jointly organised with NGOs and co-organisations.

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.

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, NGOs performing similar duties,
- keeping of records on enquiries,
- operation of personal customer service.

10. 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 18 offices countrywide, 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 recently implemented its quality assurance system.

11. The Hungarian parliament established the institution of the Parliamentary Commissioner for Future Generations pursuant to Section 27/A of Act LIX of 1993 on the Parliamentary Commissioner for Civil Rights. He is responsible for the protection of fundamental rights to a healthy environment, in relation to which he monitors, evaluates and verifies the enforcement of statutory provisions that ensure the sustainability and improvement of the condition of the environment and nature. Anyone can submit a complaint to the Commissioner in connection with the abuse of rights to a healthy environment, including NGOs. The Commissioner has reviewed complaints received from numerous NGOs, including those related to public participation. He informs the environmental NGOs on his work twice a year.

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

12. 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.

13. In the framework of the cooperation agreement concluded with the Association of Hungarian Public Administration Judges, the Parliamentary Commissioner for Future Generations holds training sessions for public administration judges relating to various areas of EU environmental law (so far in connection with environmental impact studies and EU waste law). In addition to judges, the training sessions were also attended by a large number of administrative and ministerial administrators and prosecutors.

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?

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

On the basis of the 6 year cooperation agreement concluded between the ministry responsible for the environment and the ministry responsible for education, and the two year work schedule supplementing the agreement, the implementation of environmental education and educational duties are aided by the introduction of joint programmes and tenders.

The Public Awareness working group established by the National Council for Sustainable Development and the Parliamentary Commissioner for Future Generations prepared a proposal package on environmental education in 2009 which it reviewed with, *inter alia*, the Hungarian Rectors' Conference.

15. 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.

16. Environmental education comprises part of the educational duties conducted in the institutions of public education in Hungary. The National Kindergarten Educational Framework Programme, the National Educational Framework Programme and the National Environmental Programme provide its primary framework. Pursuant to Section 48 (3) of Act LXXIX of 1993 on Public Education, the school health education and environmental education programme needs to be integrated in the school's education programme. The health and environmental education duties may be integrated by the educational institutions in their annual work schedule.

The Green Knowledge Chain provides the framework for environmental education, operated with the following members:

(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. The ministries responsible for the environment and education published a yearly tender for the title of *Green Kindergarten*; to date, approximately 425 such titles have been awarded. The two ministries support environmental education in kindergartens with the introduction of new programmes for the awarded kindergartens.
- 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 professional and financial support of 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; to date, 500 titles have been awarded.

- 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, 114 Forest Schools have received a certificate on the basis of the qualification performed by the Coordination Board consisting of the representatives of the institutions and organisations participating in the Forest School Programme. The 10 national park directorates (NPIs) operate forest schools at 19 locations. Forest schools are also operated by local and regional municipalities, forestries, 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, 27 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 Institute of Vocational and Adult Education organises an environmental further training conference for the managers and staff of vocational training institutions. In the 2009-2010 academic year, further training was offered in the areas of global problems, alternative energy consumption, nature conservation and National Parks.

(b) *Environmental and water management professional training*

The ministry responsible for the environment implemented the environmental and water management professional training programmes in cooperation with the ministry responsible for professional training, in accordance with the rules set out in Section 12 of Act LXXVI of 2003 on Vocational Training. The qualification of climate advisor has been added to the National Qualifications Register. The profession group includes 12 qualifications. A ministerial decree sets out the professional and examination requirements of the qualifications, while a recommendation defines the central programmes of school training. Professional examination closing the new, competence based, modular training had become generally applied by the end of the 2009/2010 academic year in environmental and water management professional training.

(c) *Environmental protection in higher education*

- The framework of managing environmental protection in higher education is principally defined by Act CXXXIX of 2005 on Higher Education which sets out the related institutional and student obligations and rights. The review of the regulations and the preparation of a new higher education act is in progress in which the provisions relating to environmental protection will be maintained and strengthened.
- The III National Environmental Programme (III. NKP) detailed in point 95 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 12th National University Students Conference on the Environment was held in April 2010, where 306 presentations were held in 21 sections (the students submitted 254 competition works in 2006 and 270 in 2008). In the framework of a competition in the section “Arts and the Environment”, works of art were exhibited on nature and the protection of the environment. 76 students submitted 95 competition works in the competition.

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?

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

- *Green Chalk campaign* – in the course of the campaign programme that covered the entire country, students played with new awareness-raising games, while teachers were offered presentations relating to the methodology and institutions of environmental education.
- *Remind your dad! campaign* – its main message is that the reduction of environmental pollution and energy savings are child’s play, even a pupil can help the family in this.
- *Just One Move campaign* – promised specific financial savings to families with small savings ideas.
- *Biodiversity Day* – each year the ministry responsible for the environment celebrates with children. The book created by them in 2009 was given the “European Union Environmental and Nature Conservation Communications Campaign of the Year” award.
- *Hungarian National Parks Week* – organised along the lines of the International National Parks Week.
- *“Ambassador of the Environment”* – public figures with this title regularly appeared at events as part of the campaign.
- *“Bike To Work”, Bicycle Friendly Workplace and Bicycle Friendly Municipality.*
- *Art exhibition* – the Green Gallery of the ministry responsible for the environment organises the exhibition that reveals the beauty and problems in the environment.

- *Distribution of posters, fliers* – primarily in relation to nature conservation or other topics of current relevance (e.g. climate change). The posters are distributed to the public by the Green Point Service and offices belonging to the Green Point Network.
- *Night of Museums* – it included the Hungarian Meteorological Service (OMSZ). The visitor groups interested in the OMSZ were launched every half hour to visit four stations of the tour: informative presentation, museum visit, studio tour and a visit to a work station. In 2008, 14 groups of 30-40 visitors were shown the work of the OMSZ, with 19 groups in 2009 and 16 groups in 2010.
- *Climate Campaign* – organised in several rural cities, aimed at informing the public and developing the environmental consciousness of children.
- *Year of Planet Earth* – at the Hungarian opening event of the International Year of Planet Earth, the “Earth Science Whirlabout”, the OMSZ organised two exhibitions entitled “Weather Forecasting” and “Climate Challenges”. Visitors could also view old instruments exhibited in the Meteorological Museum, while the OMSZ experts demonstrated the forecast procedure at an operational HAWK work station set up at the OMSZ stand.
- *Earth Year* – in addition to promotional presentations, visitors could attend programmes at the Museum of Natural Sciences, the Earth Year events and the OMSZ.
- *Measure Weather* – the “Measure Weather” amateur meteorological measuring station building competition was launched on 10 September 2008. Its purpose was to enable participants to create friendly communities and acquire new skills and obtain valuable experience in relation to environmental measurements, recognise the consequences of human activity through the observation of their own settlements, cities and living environment, thereby promoting the development of environmentally conscious, responsible behaviour.
- *Weather Travellers, TV series* – short film on meteorology; the 20 minute episodes introduce meteorological knowledge. The series served the purpose of showing national and international meteorological activity and the role of national meteorology to viewers, enabling them to understand the underlying correlations and obtain the knowledge that is essential for understanding problems relating to climate change, the ozone hole and natural disasters.
- *Workshop entitled “Applicability of carbon footprint calculation in the food industry and other environmental information on foods”* – the event held on 17 June 2010 was attended by representatives of the food industry, NGOs and public administration. It aimed at providing up-to-date knowledge relating to the applicability of carbon footprints calculation in the food industry and its view in Europe, the harmonisation of the interests of the differently motivated participants and the improvement of the effectiveness of information flow between them.

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

18. The Press Department of 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 Press Department was also responsible for supporting the publication of a large number of works related to the Green Resource competition.

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.

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

19. 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, implementation of 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 movement, 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.

Version III of the National Environmental Education Strategy was completed in the summer of 2010 (the first version was completed in 1998, the second version in 2003) which is in each case worked out by NGO experts, teachers and school experts (http://www.mkne.hu/NKNS_uj/layout/NKNS_layout.pdf).

20. The educational programmes of NGOs have been financed partly by the ministry responsible for the environment and targeted financial schemes, and supported by voluntary work; the ministry supports the NGOs 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 Operational Programme, the European Economic Area/Norwegian Fund tender in 2007 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. scheme), with funding in the total value of HUF 2,551 million (10,204,000 EUR) from the European Regional Development Fund, until the end of 2010, which also includes 170 environmental education tasks. These projects, with a funding rate of 90-100%, have and continue to reach the entire Hungarian population.

The above is supplemented by a so-called *Hungarian-Hungarian Green Programme* designed for Hungarian communities living in the neighbouring countries. It is a civil society initiative

(raised by Ökofórum) that is aimed at the promotion of cross-border environmental relations. The preparation and implementation of the educational and awareness-raising programme of the initiative is in progress, under the coordination of the ministry responsible for the environment. Five working groups were established, where one deals with research, education, training and professional training and the development of environmentally conscious behaviour and activity.

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

What is the level of complexity of the existing procedures for NGO registration?

21. Registration of NGOs is carried out in a fairly simple procedure in Hungary. Act II of 1989 on the Right of Association provides that NGOs can be established for any purpose that is in conformity with the Constitution and is not prohibited by law. 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.

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

The following documents need to be attached to the application:

- minutes, attendance sheet of the inaugural meeting of the NGO, containing the members' names, addresses and signatures,
- statutes of the NGO,
- statement of the members of the NGO's administrative and representation body relating to the acceptance of membership and the requirements stipulated by law,
- copy of the deed certifying the legal title of the use of the seat,
- where necessary:
 - statement of the members of the supervisory authority relating to the acceptance of membership and the requirements stipulated by law,
 - text of the NGO's statutes in a uniform structure, as amended.

The registration procedure of NGOs is free of duty.

Is there an established practice of including NGOs in environmental decision-making structures?

22. Since the entry into force of the Environment Act, environmental NGOs 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.

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 NGOs participate in the work of the Committee through four joint representatives.
- *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 NGOs 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. 4/2008 (II. 14) of the Minister of the Environment and Water on use and

control of the targeted environmental and water management funds, working groups are established to assist the Minister in the assessment of tender bids for funding. NGOs and professional organisations participate in these working groups with one delegated voting member.

- *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.
- *National Non-Governmental Regional Development Coordinating Forum*, which is an organisation established pursuant to Government Decree 258/2004 (IX. 16.) for the purpose of providing NGO representation in the National Regional Development Council, consisting of 55 different – principally environmental and nature conservation – NGOs.
- *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 NGOs 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. Its members: representatives of government organs responsible for forest affairs, 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.
- *National Park Councils*, which is a body consisting of experts representing nature conservation and other professional organisations conducting activity in the operating area of the given national park directorate. They are responsible for providing professional support and scientific substantiation of the landscape and nature conservation duties of the national park directorates, consulting through the drafting of recommendations and opinions, participation in decision making. They also contribute to promoting public support of landscape and nature conservation and the activities conducted by the national park directorates.
- *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 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.

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.

Does the government provide financial support to environmental NGOs?

23. Environmental NGOs receive funding through a number of government support schemes. NGOs may participate in tenders in accordance with Decree 4/2008 (II. 14.) of the Minister of the Environment and Water on the rules of the use and monitoring of certain environmental and water management targeted funds. These funds contain a separate budget line for the funding of programmes and projects by NGOs .

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 NGOs. 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).

In addition to the tenders, the minister responsible for the environment also supported individual applications with the non-public tender amounts of the Green Resource.

24. The ministry responsible for the environment was granted HUF 275 million (approx. 1.1 million EUR) from the Norwegian Fund to support the capacity development of NGOs by way of tenders. The announcement and implementation of the tender covered the period 2007 – 2010.

In addition, under Act L of 2003 on the National Civil Fund, the national budget provides core funding for registered NGOs in Hungary. 60 per cent of all funds at the disposal of the Fund has to be disbursed for such purposes. Changes in the total amount funds (i.e. not exclusively provided to environmental organisations) available to the National Civil Fund: HUF 7,000 million in 2010 (approximately 28 million EUR), HUF 7,700 million in 2009 (approximately 30.8 million EUR) and HUF 6,887.8 million (approximately 27.5 million EUR) in 2008.

25. 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) consisting of 15 Operational Programmes (OP). A separate OP deals with environmental and energy affairs, although several other OPs 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
 - 6.1.0 Campaigns promoting a sustainable lifestyle and behavioural forms (awareness raising, information, training), budget (annually up to 2012): HUF 1 billion (approximately 4 million EUR)
 - 6.2.0/A Pilot projects promoting, disseminating sustainable lifestyle and consumption possibilities, budget (annually up to 2012): HUF 1 billion (approximately 4 million EUR)

In the Regional Operational Programmes

- In the framework of the Northern Great Plain Operational Programme (NGPOP) 2010: 5.1.3 development of the infrastructure environment of regional NGOs, budget in 2009-2010 equals HUF 1,483 million (approximately 5.932 million EUR).
- In the framework of the Central Transdanubian Operational Programme (CTDOP): 4.1.1/F Invitation to tender announced in the framework of the scheme entitled “Development of environmental infrastructure services”, but the tender package is still in the preparation phase.
- In the framework of the West Transdanubian Operational Programme (WTDOP): 4.1.1/DA Invitation to tender announced in the framework of the scheme entitled “Implementation of services relating to the conservation of the environment”, but the tender package is still in the preparation phase.
- In the framework of the South Transdanubian Operational Programme (STDOP), scheduled invitation to tender announced in the framework of the scheme entitled “Development of the infrastructure of NGOs operation in the region”, with a minimum budget of HUF 200 million (approximately 800,000 EUR). The approval of the scheme and elaboration of the tender package is in progress.
- In the framework of the Central Hungarian Operational Programme (CHOP) (identical to the EEOP tenders):
 - CHOP-2010-3.3.4/A Campaigns promoting a sustainable lifestyle and related behavioural forms; budget in 2010: HUF 167 million (approximately 668,000 EUR), charged to the 2007-2008 budgets: HUF 150 million, respectively (approximately 600,000 EUR, respectively).

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

- SROP 2.5.1 Development of the capacities of NGO umbrella organisations conducting interest representative activity
- SROP 5.5.1 Support of community initiatives, programmes – the basic objective of the scheme is to strengthen the cohesive and collaborative communities in local municipalities and small regions, strengthen civil, NGO participation in community affairs.

- SROP 5.5.2 Promotion of volunteering – tender targeting the strengthening of voluntary activity, the increasing of the capacity of NGOs.
- SROP 5.5.3 Support of organisations providing services to, developing NGOs.

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

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

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

27. The Aarhus Working Group under point 22 also discusses, when necessary, 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 NGOs 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 NGOs.

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

29. 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.

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 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 NGOs being ordered to pay damages in connection with their public interest environmental protection activities or litigation?

30. 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

- The Aarhus Working Group, designed to enhance the implementation of the Convention, did not operate in 2008 and 2009 and resumed its activities only in the autumn of 2010.

31. Difficulties reported by the NGO sector:

- Act II of 1989 on the Right of Association does not define numerous conditions of formation, therefore the substantive and formal requirements of deeds of foundation were practically elaborated by judicial practice, resulting in varying legal practices applied by the courts which in turn made formation more difficult due to regular corrections. The registration of non-governmental organisations would be simplified through the introduction of electronic, point of single contact registration possibilities, and in relation thereto, the certified public registration of non-governmental organisations.
- In recent years the amount of tender funds available to NGOs has declined in relation to certain tenders. As an additional problem, the announcement of the tenders each year was also accompanied by the modification of the tender's content.

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

5. Related websites:

www.termeszetvedelem.hu
<http://www.nemzetipark.gov.hu>
<http://geo.kvvm.hu/tir/>
www.justiceandenvironment.org
www.emla.hu/taieurope
www.foek.hu
www.kothalo.hu
www.vedegylet.hu
www.lmcs.hu
www.rec.hu

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

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

Act LXIII of 1992 on the Protection of Personal Data and the Disclosure of Information of Public Interest (Data Protection 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.

33. The Data Protection 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 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, must be provided in writing or electronic form within eight days of receipt.

Copies may be requested of the relevant document (or parts thereof) and the fees imposed cannot exceed the cost of copying.

34. Particular rules concerning environmental information are specified by the Environment Act and Government Decree No. 311/2005 (XII. 25). The Environment Act univocally qualifies “environmental information” as data of public interest and declares that any person has a right to access to such information. The scope of “environmental information” is determined by Government Decree No. 311/2005 (XII. 25), in conformity with the respective definition in Article 2 of the Convention.

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. The type and range of documents to be published – electronically or otherwise – are defined by Government Decree No. 311/2005 (XII. 25).

In addition to the above, the environmental, nature conservation and water management authorities publish their legally binding decisions on their websites which are freely accessible.

35. 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.

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;
- the condition of human health and safety.

36. Act XC of 2005 on the Freedom of Electronic Information (Electronic Information Act) provides the general framework of active – i.e. non-requested – public information provision. The Electronic Information Act aims at, *inter alia*, ensuring that a specific scope of data in the public interest is disclosed to anyone continuously, free of charge, without any personal identification and data provision procedures.

The Act requires organs carrying out public duties – including environmental authorities – to electronically disclose on their websites their data relating the organisation and staff, activity and operation and economic management defined in detail in the schedules to the Act. The scope of data relating to activity also includes draft legislation and related documents.

The website must also provide information in a readily comprehensible form on rules relating to individual requests for data of public interest and the available possibilities of legal remedy.

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?

37. The Data Protection Act provides that all public authorities must draw up their internal rules of procedure for fulfilling requests for public information. The so-called data protection ombudsman has to be informed on an annual basis of all requests refused as well as the reasons for refusal.

The data protection ombudsman, elected by Parliament, constitutes a special institutional guarantee in the Hungarian data protection/disclosure regime. Pursuant to the Data Protection Act, the ombudsman oversees the implementation of the data protection legislation, provides guidance for data holders for the uniform application of this legislation and investigates individual complaints and maintains a data protection registry.

Any person who considers any impairment of his rights of data protection or access to public information may apply to the ombudsman, except where the case is *sub judice*. No person can be penalized for recourse to the data protection ombudsman.

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

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

38. Under the Data Protection Act, preparatory materials of an administrative decision automatically remain confidential for 10 years. Confidentiality may be suspended 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.

39. In addition to the Data Protection 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. 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)

40. 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!".

41. Section 300 of Act IV of 1978 on the Penal Code 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. Firstly, the statutory case applies to the currently penalised perpetrating conduct of the breach of business secrets, breach of bank secrets, breach of securities, and secondly, the scope of criminal penalty is extended to insurance secrets and fund secrets. The Act abolishes the term of business secrets in view of the fact that Section 81 (2) of the Civil Code defines this as applicable to all branches of law.

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

42. 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.”

43. Sectoral legislation also make reference to the definitions of the Civil Code; so-called sectoral types of secrets are defined in relation to individual sectors, which are as follows.

- secrets protected under the Administrative Procedures Code in the area of public administrative law: classified data, business, bank, insurance, securities, fund 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)

44. Pursuant to Section 2, point 1 of the Data Protection 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 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?

45. Section 20 (3), (5) of the Data Protection Act is governing in relation to the charging of access to information.

“(3) 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 organ may charge expenses, up to the actual extent thereof, for the preparation of the copy. Upon his request the claimant shall be informed in advance about the amount of expenses.”

“(5) The claim shall be granted in an easy to understand way and by a technical device or way required by the claimant if this does not entail disproportionate expenses. The claim for access

cannot be refused by reference thereto that the application cannot be granted in an easy to understand way.”

8. Obstacles encountered in the implementation of Article 4

46. Difficulties reported by the NGO sector:

- Some data relating to the use of nuclear energy is classified as environmental information. The withholding of environmental data relating nuclear energy is most commonly justified on grounds of business secrets. Judicial rulings suggest that business secrets are frequently not specified, but entire documentations are classified as a business secret. The term of “information related to emission”, constituting an exemption from business secrecy, is not clearly defined by Hungarian regulations, either. The roundtable set up in 2010 with the participation of the nuclear plant, the authorities, NGOs and the Parliamentary Commissioner for Future Generations began consultations to resolve the above problems.

9. Additional information relating to access to environmental data

47. Client requests at the Green Point Office of the National Environmental, Nature Conservation and Water Chief Inspectorate in the period 2008 to 2010 is indicated below.

- phone inquiry: 25/week average
- correspondence, e-mail: 5/week
- personal inquiry: 5/week average

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
www.tasz.hu
www.kothalo.hu
www.kozadat.hu
www.vm.gov.hu
www.aesz.hu
www.termeszetvedelem.hu
<http://geo.kvvm.hu/tir/>
<http://www.nemzetipark.gov.hu/>
www.erdo.hu
<http://www.mgszh.gov.hu/>
<http://www.orszagoszoldhatosag.gov.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)

48. 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 (KÚJ)). 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.

At present, NEIS is composed of the following databases:

- Basic Environmental Registry (KAR);
- Groundwater and Soil Registry (FAVI);
- Environmental Remediation Information System (KÁRINFO);
- 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).

49. *National Air Pollution Measurement Network*: publication of air quality data outside of the NEIS system. The website also displays data of the automatic and RIV monitor network operated by the environmental protection, nature conservation and water management inspectorates, the latter shown with a 1-2 hour (validation) delay, and archived data.

Nature Conservation Information System (TIR): functioning as an independent part of the NEIS. 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.

50. 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).

51. *National Forest Database*: operated by the ministry responsible for rural development as part of the TIR. It is responsible for providing forestry operating plan data, the management of forestry records, storage of forest plan data and the monitoring of forestry activity for administrative and nature conservation management and asset management work. 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. As an external data source it uses the database of the Central Forestry Directorate of the Central Agricultural Office (MgSzH).

52. *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.

53. *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). 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.

54. 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 provides information relating to surface water levels. The flood and inland water alert levels are indicated on the www.vizugy.hu website.

55. *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. 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.

In the course of the extreme precipitation events witnessed in May 2010, particularly the serious floods and inland waters developing along certain rivers, very fast data supply and provision was realised between the branches concerned which justifies further cooperation – irrespective of emergencies - and the development of integrated databases and computerised geographic information systems.

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

56. Government 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 concerned.

57. 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. 18/2006 (I. 26)). 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).

Under the Act, it is the duty of the management of the relevant 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. This information must be included in the safety report and analysis of the establishment concerned. Safety reports are public documents and can be consulted at the premises of the municipality.

To manage an unexpected major industrial accident, the mayor of the relevant municipality is required to draw up, in cooperation with the competent disaster management authority, 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 the mayors of municipalities in the vicinity of major dangerous industrial installations prepare an information booklet for the public. 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.

58. The alumina sludge spill in Ajka, killing ten people, was an industrial accident and environmental disaster caused by the collapse of the red mud reservoir, located between Kolontár and Ajka, of the Ajkai Timföldgyár alumina plant, owned by MAL Magyar Alumínium Termelő és Kereskedelmi Zrt., on 4 October 2010. The approximately 600,000-700,000 cubic meters of escaping sludge poured into the deeper areas of the settlements 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_-_cite_note-1) The caustic industrial waste, heavy in alkaline, spread across roughly 40 square kilometres, causing disastrous economic and ecological damage in the Ajka small region and several Hungarian rivers.

Pursuant to Government Decree 18/2006 (I. 26.), the head of the industrial plant is responsible for providing information to the authorities in connection with the disaster, to be given to the National Directorate General for Disaster Management. In addition, pursuant to the provisions of Section 6 Government Decree 311/2005 (XII. 25.), 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. *Annex 1* of the report sets out the measures taken by the authorities concerned.

59. The National Environmental Health Institute publishes daily air-quality data for Budapest as well as health warnings, if necessary, on a webpage that can also be accessed through the general website of the National Public Health Service (current (daily) environmental health evaluation of Budapest air quality).

60. Heat wave warnings and information on protective measures are also published on the general website of the National Public Health Service (www.antsz.hu).

61. 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).

62. 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 for 3 years 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.

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

- 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, small regions or municipalities, in justified cases, the forestry authority – in agreement with or upon the proposal of the county disaster management directorate or the Fire Department 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.

64. The forestry authority does not publish data on its website relating to biotic forest damage (with the exception of damage caused by gipsy-moths and wood-worms). Information relating to the above is provided by the Hungarian Forest Research Institute (ERTI) and the Central Agricultural Office on the basis of data collected through the operation of the forest protection measurement and monitoring system regulated under Section 56 (2) of the Forestry Act and Sections 35-37 of Decree 153/2009 (XI. 13.) FVM.

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

65. 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.

66. Terrain recording and the updating of the Database in relation to district forest planning.

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)

67. The Environment Act stipulates the implementation of six year national environmental programmes. The programmes adopted by Parliament and the reports (also publicly accessible) drafted in the course of implementation regularly provide 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.

68. Pursuant to 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 biannually.

69. 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.

Publications, informative materials relating to the state of the environment:

- OECD Environmental Performance Reviews – Hungary (2008)
- State of Hungary's Environment 2010

70. Publications issued by the Central Statistical Office between 2008 and 2010:

- Environmental expenditures and the environmental protection sector 2008 (Statisztikai Tükör/Statistical Mirror)
- Environmental pollution in national economic sectors – air pollution 2000-2008 (Statisztikai Tükör)
- Environmental situation assessment (2008)
- Environmental overview, 2008 (Statisztikai Tükör)
- Sustainable development indicators of Hungary (2009)

71. The publication entitled “Let's Learn How to Manage Together – Development of Participation in Water Management” was issued in the framework of the HarmoniCOP project.

72. 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.

73. 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 Forestry Directorate of the Agricultural Authority (www.aesz.hu).

Article 5, paragraph 5 (disclosure of legislation and international legal documents relating to the environment)

74. Draft environmental legislative texts can be downloaded from the website of the ministry responsible for the environment . Legislation in force is also accessible on the websites of the ministry and the environmental, nature conservation and water management authorities (<http://www.vm.gov.hu/main.php?folderID=953>). In addition, detailed, searchable legal databases are maintained by NGOs, such as “Greenfo.hu” (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.

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

76. 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.

Government Decree 218/2009 (X. 6.) 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, 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.

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

77. 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 “Environmentally Friendly Product Non-profit Company” (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 (<http://okocimke.kvvm.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.

78. 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. The system is currently in the introduction phase. The graphical logo and small image code of the National Park Trademark is ready, the uniform application principles necessary for the use of the trademark have been worked out and the patent of the logo is pending.

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

79. 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.

80. 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 sectoral regulations (e.g. it integrated the reporting obligation of emissions resulting from accidents and the used analytical/calculation methods in the sectoral 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.

81. In 2009 the ministry responsible for the environment held two professional consultations for NGOs and economic organisations and separately for operators. Both consultation sessions served information purposes relating to the status of the national PRTR, legislative changes and further directions of development. Nearly 100 operators attended the two day professional consultations held for operators, showing great interest in the event. At the consultations held for NGOs, the ministry responsible for the environment proposed the set-up of a PRTR Committee in the future, operating in the framework of the Aarhus Working Group.

82. Hungary has so far prepared two E-PRTR reports (in 2009 and 2010) for the European Commission; it is currently working on the preparation of tasks necessary for submitting the third E-PRTR report due in 2011. In 2009 it set up the national PRTR website (<http://prtr.kvvm.hu>) for the widely accessible publication of E-PRTR/PRTR data which provides access to data provided for the years 2007 and 2008. 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.

Substantial conceptual progress has been made in the past two years, aiming at the further development of the IT and professional functions of the existing PRTR system; this is currently in the phase of tender evaluation. The developments will enable faster and simpler data collection, validation and evaluation. An independent PRTR database, as part of the NEIS, is under development and the PRTR website is also renewed with new functions.

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.

83. Difficulties reported by the NGO sector:

- Pursuant to Article 2, point 3 of the Convention, spatial planning is deemed to be environmental information. Spatial planning not indicating true conditions and a lacking

harmony between the plans have impeded access to fair environmental information. Modifications in national spatial planning are transposed only with years' delay to the spatial plans of priority regions and counties. Therefore contradictions may arise between requirements set out in the plan documents at various levels of the plan hierarchy.

The effective spatial planning of Budapest's agglomeration varies from the version adopted by legislators and certified by the National Regional Development Office. This is attributable to the fact that the municipalities are unrestricted in passing decisions that modify the use of areas during the planning and subsequently the legislative phase of spatial planning.

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

84. NGOs also maintain environmental databases, based on independent data gathering or official datasets. Some of these databases are horizontal (www.greenfo.hu, www.kothalo.hu). Some are thematic in nature (www.humusz.hu for waste, www.mme.hu for nature conservation, 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.

14. Related websites

www.kornyezetbarat-termek.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

<http://biodiv.kvvm.hu>

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

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

www.katasztrofavedelem.hu

www.aesz.hu

www.antsz.hu

www.hidroinfo.hu

www.vizugy.hu

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

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

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

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

www.met.hu

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

<http://nevjegyzekek.magyarorszag.hu>

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

85. 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.

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

86. 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.

Prior to the environmental impact assessment procedure, the framework of the feasibility of investments likely to produce a material effect on the environment is provided by national, priority regional and country spatial planning. The coordination of regulations adopting the spatial plans is open to the public, accessible on the Internet, and anyone can submit an opinion in connection with the plans.

EIA is regulated by the Environment Act and by Government Decree No. 314/2005 (XII. 25) on EIA and the integrated environmental permit. 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 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.

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:

- preliminary consultation is a new element; the inspectorate can provide an opinion on the substantive requirements of the environmental impact assessment and the uniform environmental permit application, while the administrative bodies specified in the annex and the public can comment on the above.
- the definition of the term “public concerned” has been clarified.
- 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.

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 and local or national newspaper advertisements. 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 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 at designated premises and have to publicize the project through bill posting or any other appropriate way. The public concerned has 30 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.

It is mandatory to hold a public hearing at least at the municipality of the location of the activity. The invitation for the hearing must be published by the competent authority at least 22 business days before its planned date in a local or national daily newspaper, and a request must be made to the clerk to publicize it through bill posting. Environmental NGOs participating in the procedure are individually invited by the inspectorate. The minutes taken at the hearing are publicly accessible documents.

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 Government 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 State or service 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.

87. Public participation in the integrated environmental permitting procedure and the environmental impact assessment procedure³ is regulated by Government Decree No. 314/2005 (XII. 25), adapting the relevant provisions of Directive 2008/1/EC (codified version of 96/61/EC) in national legislation, in relation to public access rights and registered data. This Decree provides for access to the documentation of the procedure, for the possibility to submit comments and the consideration thereof, and for the information provision to the public on the procedure and the decision. The decree also grants access to data available to the authorities.

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.

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.

88. 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.

³ In the uniform environmental licensing procedure, facilities subject to the scope of Directive 2008/1/EC concerning integrated pollution prevention and control are subject to environmental licensing which are otherwise not bound to impact assessment. These facilities are not subject to the scope of the Convention.

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

89. 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.

The representatives of the environmental, health protection, and consumer protection NGOs participate in the work of the Gene-technological Advisory Committee.

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 the competent authority has to reach a decision on the authorization within a further five days.

16. Obstacles encountered in the implementation of Article 6

90. Difficulties reported by the NGO sector:

- With respect to the database noted under point 85, Government Decree 187/2009 (IX. 10.) on the setup, management of the electronic database managed for the purpose of notification of the launching of the administrative procedure and notification made on the basis of the database sets out only the most basic rules in connection with the database. It is therefore necessary to weigh the rationalisation of the regulation and the practical operation of the system, such as the search criteria, case groups and the areas of jurisdiction chosen by the NGO. Additional issues are raised by the evidencing and accessibility of dates related to registration in the database and the verifiability of the actual operation of registered NGOs, as these are of key importance in terms of compliance with the procedural deadlines and other rules.
- Pursuant to the amendment to the Administrative Procedures Code noted in point 85, on a statutory level, a party not participating in the procedure of first instance as a client may be prohibited from exercising client rights in the subsequent procedure. On the basis of such authority granted under the amendment, legislators applied the change in Section 29/B (5) of Act I of 1988 on Public Transportation, Section 80/A of Act CLXXXIII of 2005 on Rail Transportation and Section 20/A of Act LV of 1996 on Wild Game Management and Hunting.
- The amendment to Government Decree 314/2005 (XII. 25.) on environmental impact assessment and the uniform environmental licensing procedure generally abolished the preliminary assessment or preliminary consultation obligation in relation to activities automatically bound to the environmental impact assessment and bound to a uniform environmental licensing procedure. This obligation remained in force only in cases stipulated by law, such as act CXXVIII of 2003 on the Public Interest and Development of the Public Expressway Network of the Republic of Hungary. Beyond the above scope of activity, however, there is no preliminary assessment obligation in force any longer,

and the investor may decide at his discretion whether to initiate preliminary consultations.

- In relation to the name register of NGOs, users have expressed the view that following registration in the elaborate registration system on the website (currently a username and password necessary for logging in is only given to private individuals), the authority sends notification of the launching of certain licensing procedures and decisions passed in the course of the procedures. The system, however, is difficult to follow and disorganised. For the above reason, only a few organisations have registered on the website.

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

18. Related websites

<http://www.ippc.hu>

<http://www.kvvm.hu>

www.euvki.hu

<http://www.vati.hu>

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

91. 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. 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.

The summary of the comments received has to be attached to the final documentation of the plan or programme that is tabled for adoption. Public access to the adopted plan or 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 NGOs to review any plans or programmes affecting them and bound to environmental assessment.

92. The spatial plans are prepared on a national, priority regional and county 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 assessment prepared in parallel with the plans and published on the website of VÁTI Nonprofit Kft. The National Regional Development Council participates in the coordination of the spatial plans and the environmental assessment thereof; its permanent members are NGOs. Due to their effect on the environment, in many cases an environment development work stage is carried out for the urban planning facilities in separate supporting documentation.

93. 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).

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

94. The main bodies of institutionalized public participation are described under point 22 . 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.

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.

95. The 6 year National Environmental Programme provides a comprehensive framework for Hungary's environmental policy objectives and measures. The draft 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.

96. In the course of drafting the National Climate Change Programme, the draft was open to public comment and we published the strategy jointly with numerous background materials. The representatives of NGOs delegated by the National Meeting of green organisations also participated in the subcommittees of the inter-ministerial committee, representing the coordinated views of green organisations.

97. In the course of drafting the New Hungary Development Plan, the Environment and Energy Operative Programme and its various action plans, both the ministry responsible for the environment and the National Development Agency put the drafts up for public consultation and partner debate, and the National Development Agency organised special consultation forums and meetings specifically organized for NGOs.

21. Obstacles encountered in the implementation of article 7

98. Difficulties reported by the NGO sector:

- The urban planning procedures are important instruments of environmental conflict prevention in the phase of planning. Municipalities must therefore be strengthened in their role of engaging public participation to ensure that the environmental assessments are carried out in accordance with the procedural rules.

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

23. Related websites

www.vizeink.hu
www.kvvm.hu
www.emla.hu
www.jogalkotás.hu
www.euvki.hu

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

99. The general rules concerning public participation in the preparation of legislative provisions are laid down by Act XC of 2005 on the Freedom of Electronic Information (Electronic Information Act).

The Electronic Information 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 15 days after publication. 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.

100. In addition, the Environment Act explicitly sets out that environmental NGOs 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 NGOs 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

101. Difficulties reported by the NGO sector:

- Government authorities need to be aware that the National Environmental Council should receive as early as possible any drafts and assessment analyses relevant to the environment in the course of the consultations.
- During the drafting of plans and programmes, special focus needs to be shifted on the analysis of their expected effect on the environment and sustainability.

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

27. Related websites

www.kvvm.hu

www.vm.gov.hu

www.oktt.hu

www.jno.hu

www.emla.hu

www.jogalkotas.hu.

28. Application of Article 9 (access to justice)

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

102. The Data Protection 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)

103. 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.

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. 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.

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 NGOs 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 Government 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”.

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

105. The decision, upholding the theoretical arguments of the 2004 decision, determined that the NGOs 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. There is no information yet available on the practical application of the uniformity decision.

In administrative lawsuits, the right of NGOs 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 NGO 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)

106. 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. NGOs may request the court to order the termination of the unlawful polluting activity or the introduction of preventive measures.

107. 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 NGOs 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.

108. 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?

109. 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?

110. 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?

111. 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. There are 4 judges with environmental lawyer qualifications at the Metropolitan Court of Budapest, 1 in Hajdú-Bihar County, 1 in Komárom-Esztergom County, 2 in Nógrád County and 2 in Pest County – a total of 10 judges in the country.

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

112. 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.

113. 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, NGOs 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 NGO). These fees can be considered equitable and not prohibitively expensive.

114. Act XCIII of 1990 on Duties specifies preferential duty tariffs for the judicial review of administrative decisions at a rate of HUF 20,000 (approx. € 80) and HUF 7,500 (approx. € 30) 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)

115. 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

116. Difficulties reported by the NGO sector:

- In connection with the delay of judicial proceedings, decision 10/2009 (II. 13.) OIT on legislative amendments necessary for the acceleration of judicial proceedings adopted in 2009 by the National Council of Justice (OIT) and its strategic programme targeting judicial reform contemplates the implementation of measures which support the acceleration of judicial procedures. The OIT places particular emphasis on the need for the annual report of county courts to contain detailed case data which would enable it to define the action plan for the following year, aiming at the possible improvement of such data.
- With respect to the right of NGOs to legal remedy, the occasionally high legal costs – adjusted to the value of the investment – can be a problem in practice, including the fees of experts participating in the proceedings and the rate of the administrative service fee.
- The government decree on the designation of administrative authorities participating in the procedure of the National Communications Authority and the termination and modification of the participation of certain administrative authorities restricted in several instances the administrative procedural options of environmental, nature conservation and water management inspectorates. Since NGOs are entitled to a client status only in cases where inspectorates act in the capacity of administrative authorities, in practice such restriction may reduce the participation of NGOs in legal remedy proceedings.

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

31. Related websites

www.vm.gov.hu

www.kvvm.hu

<http://abiweb.obh.hu/abi>

www.birosag.hu

National Environmental, Nature Conservation and Water Chief Inspectorate

Regulatory and administrative measures

On occasion of the extraordinary damage caused at the red mud reservoir of MAL Zrt. on 4 October 2010, on 5 October 2010, the Chief Inspectorate ordered the environmental, nature conservation and water inspectorates to conduct an immediate inspection of sludge reservoirs located in their area by 14 October 2010.

On October 11-12, 2010, the Chief Inspectorate conducted a professional and legal review of the appeal filed against decision No. 25969/2010 of the Central Transdanubian Environmental, Nature Conservation and Water Inspectorate, prohibiting the activity of MAL Zrt., and upheld the decision of first instance with decision No. 14/5740-6/2010.

I Central Transdanubian Environmental, Nature Conservation and Water Inspectorate

Regulatory and administrative measures

Upon becoming aware of the damage, the Inspectorate notified the North Transdanubian and West Transdanubian Environmental, Nature Conservation and Water Inspectorates.

The representatives of the Inspectorate immediately hurried to the site following notification and continuously monitored the progress of the pollution. On 4 October 2010, 2:00 p.m., the Central Transdanubian Environmental, Nature Conservation and Water Inspectorate ordered a level III damage relief alert between sections 0-25500 of the Torna stream.

The director of the Inspectorate, or a senior manager, manager in his absence, was continuously present at the site and the meetings of the Protection Committee. The designated staff of the Inspectorate were on stand-by during the weekends, ensuring adequate communication, the immediate forwarding of data to the authorities concerned and the performance of the arising tasks.

Decisions of the Inspectorate

- 1) Under case No. 25943/2010, the Inspectorate ordered the immediate enforcement of the rules set out under Sections 7.01 and 7.02 of the uniform environmental permit under case No. 10897/2005 and file No. 12785/2006.
- 2) Under case No. 25969/2010, the Inspectorate prohibited the activity of MAL Zrt. bound to the uniform environmental permit.
- 3) Under case No. 25990/2010, in the framework of the damage relief procedure, the Inspectorate obliged MAL Zrt. to conduct an investigation relating to the areas affected by the environmental and natural damage, in connection with the environmental and natural damage caused by its activity.
- 4) Under case No. 26159/2010, the Inspectorate ordered MAL Zrt. to immediately take measures serving the reduction of the environment's pollution in connection with the extraordinary event

occurring on 4 October 2010 in relation to its red mud handling activity, and provided for the immediate enforceability of the above decision without regard to appeal.

5) Under case No. 26513/2010, the Inspectorate obliged MAL Zrt. to take measures to prevent and relieve environmental damage with respect to water escaping from the damaged reservoir and the waste and rain water drainage system.

6) Under case No. 26573/2010, in the framework of the damage relief in progress, the Inspectorate obliged MAL Zrt. to submit a monitoring plan for air pollution and surface water monitoring covering all environmental elements in relation to the areas affected by the environmental and natural damage.

7) Under case No. 26502/2010, modification of decision No. 84843/2010, prohibiting the conducting of activity of MAL Zrt. bound to the uniform environmental permit, which ordered the restriction of such activity.

8) Under case No. 89892/2010, the Inspectorate modified decision No. 26159/2010 and obliged MAL Zrt. to collect in reservoirs No. VII and VIII the waste released from the landfill during the event and substances turning into waste as a result of the extraordinary event in the area affected by relief.

9) Under case No. 89888/2010, the Inspectorate modified the provisions under Sections 1.10 and 1.21 of decision No. 26513/2010.

10) Under case No. 90060/2010, the Inspectorate rejected the application for the modification of the performance deadline set out under Section 3.02 of decision No. 26502/2010.

The Inspectorate continuously monitored the fulfilment of the obligations set out in the issued decisions and carried out the necessary administrative measures.

The Measurement and Sampling Group was continuously present at the site and ensured continuous sampling, the measurement of pH, unit electric conductivity and dissolved oxygen in accordance with the OMIT requirements. The analysis of surface waters involved the analysis of water chemistry, toxicity and metals.

The Inspectorate made available the sampling results to OMIT, the competent Environmental and Water Directorate, the Disaster Management Directorate and the Chief Inspectorate.

Other measures taken by the Inspectorate

- 1) In the two weeks following the occurrence of the damage, the Inspectorate sent information to OMIT and the Chief Inspectorate on the implemented measures in the form of daily reports. Thereafter, when necessary, it sent reports and informed OMIT and the Chief Inspectorate on a daily basis on the documents submitted by MAL Zrt. and the fulfilment of obligations set out in the administrative decisions.

- 2) Upon instruction by the Chief Inspectorate, the Inspectorate carried the legal review of all permits subject to the authority of the Inspectorate, issued in relation to the construction and operation of the storage facilities operated by MAL Zrt.

Beyond the above, the Inspectorate continuously satisfied data provision requests received from the various authorities and persons, provided access to the documents and copied and digitised these. The Inspectorate attended at a senior level the ad hoc meeting of OMIT's Technical Group for Damage Relief Preparation on 11 October 2010.

Website: <http://kdtktvf.zoldhatosag.hu/>

II West Transdanubian Environmental, Nature Conservation and Water Inspectorate

Regulatory and administrative measures

On 4 October 2010, effective 2:00 p.m., a level I-II damage relief alert was ordered for the section of the Marcal water stream located in the area under our authority, published by the Inspectorate on its website.

Upon proposal of and in agreement with the Inspectorate, the West Transdanubian Environmental and Water Directorate ordered a level III damage relief alert on 4 October 2010, effective 4:00 p.m.

In cooperation with the stand-by service at the West Transdanubian Environmental and Water Directorate, the Órség National Park Directorate, the West Transdanubian Regional Institute of the State Public Health and Medical Officers Service, the stand-by service of the Vas County Disaster Management Directorate, the municipalities concerned, the Vas County Angler Association and water consumers were notified by phone and e-mail.

The water protection inspectors of the Monitoring and Inspection Department monitored on site the appearance of the pollution at the Kisberzsényi bridge of the Torna stream and its progress into the Marcal water stream. They continuously inquired of the damage relief activity managed by the West Transdanubian Environmental and Water Directorate.

A notice was published on the website, providing information on the risks of water consumption.

Website: <http://nydtktf.zoldhatosag.hu/>

III North Transdanubian Environmental, Nature Conservation and Water Inspectorate

Regulatory and administrative measures

On 4 October 2010, 1:45 p.m., the Central Transdanubian Environmental, Nature Conservation and Water Inspectorate reported by phone that the red mud reservoir of a plant in Ajka ruptured and 700,000 m³ of polluted water flowed into the Torna stream. The Inspectorate immediately informed the North Transdanubian Environmental, Nature Conservation and Water Inspectorate

of the pollution. In agreement with the Directorate, a level II damage relief alert was ordered on 4 October 2010, from 1:45 p.m., raised by the Directorate to level III from 4:00 p.m.

The water works and other service providers in the areas affected by the pollution were notified. In the framework of the alert, an immediate field inspection was carried out, combined with sampling. The Inspectorate provides and will continue to provide the laboratory analytical background necessary for intervention in areas located outside of its area of authority.

The Inspectorate prepared a website providing immediate access to an aggregate database and updated measurements, notifying the following authorities, organisations of such website: North Transdanubian Environmental, Nature Conservation and Water Directorate, West Transdanubian Environmental, Nature Conservation and Water Directorate, Disaster Management Directorate of Győr-Moson-Sopron County, Chief Inspectorate, Central Transdanubian Environmental, Nature Conservation and Water Inspectorate, OMIT, Pannon-Víz Zrt. and the Danube Alarm System (DRR-PIAC 05).

Website: <http://edktvf.zoldhatosag.hu/tartalom/meres/eredmeny.php>

IV Central Danube Valley Environmental, Nature Conservation and Water Inspectorate

Regulatory and administrative measures

With the availability of data provided by the regionally competent authorities relating to the spread of the pollution, on 8 October 2010, from 6:00 a.m., the director of the Inspectorate ordered a level II damage relief alert.

On October 10-11, 2010, the Inspectorate received several public reports of fish deaths. The Inspectorate forwarded the reports to the competent animal health authority, as well as the Directorate, to arrange for the continuous collection of the dead fish.

On 15 October 2010, from 12:00 p.m., the Inspectorate reduced the level II damage relief alert to level I.

On 22 October 2010, from 12:00 p.m., the Inspectorate lifted the level I damage relief alert.

V South Transdanubian Environmental, Nature Conservation and Water Inspectorate

Regulatory and administrative measures

For the purpose of monitoring the event, on 10 October 2010, from 6:00 a.m., the Inspectorate ordered a level II damage relief alert for the section of the Danube river between the Dunaföldvár bridge and the southern border of the country.

The Inspectorate maintained the level II damage relief alert from October 10. With the availability of the analytical results, it lifted the alert on 3 November 2010, effective from 12:00 p.m.

Public information provided on the following websites:

Mix online 8 October 2010, Polgár info 12 October 2010, Bumm.sk 7 October 2010, Inforadio 7 October 2010, MR1 Kossuth Radio 6 October 2010, Pécsi újság.hu 5 October 2010, hvg.hu 13 October 2010.

Term	Definition
Data Protection Act	Act LXIII of 1992 on the Protection of Personal Data and the Disclosure of Information of Public Interest
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	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
MgSzH	Central Agricultural 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
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
RE-PRTR	European Pollution Release and Transfer Register
RVT	Subcatchment Water Management Councils
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