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Meeting of the Parties to the
Convention on Access to Information,
Public Participation in Decision-making and
Access to Justice in Environmental Matters

(Second meeting, Almaty, Kazakhstan, 25-27 May 2005)
(Item 6 (a) of the provisional agenda)

IMPLEMENTATION REPORT¹

Hungary^{*/}

Based on the reporting format annexed to decision I/8

1. Provide brief information on the process by which this report has been prepared, including information on which types of public authorities were consulted or contributed to its preparation, on how the public was consulted and how the outcome of the public consultation was taken into account and on the material, which was used as a basis for preparing the report.

All concerned departments of the Ministry of Environment and Water (MoE) and its regional agencies with administrative responsibilities in environmental, nature conservation and water management issues were involved in preparing this national report.

Further contributors included the National Inspectorate for the Environment, Nature and Water, the National Directorate for the Environment, Nature and Water in Hungary, and the Hungarian Meteorological Service.

^{*/} This document was submitted late due to the fact that the report was received by the secretariat from the Party concerned after the deadline set out in decision I/8 and various first-time problems had to be overcome as this is the first reporting cycle under decision I/8 of the Meeting of the Parties. This was compounded by the fact that a considerable volume of other documentation being prepared for the second meeting of the Parties had to be processed during the same period.

The experiences of the Hungarian Network of Eco-counselling Offices, and 19 environmental information and advice offices run by non-governmental (NGO) experts with the support of the MoE were also assessed, and use was made of the Hungarian Environmental Democracy Reports (available in Hungarian and English at www.emla.hu), prepared using The Access Initiative (TAI) methodology. The experts preparing the TAI Report were informed of the preparation guidelines for the national report based on specific questions, which were also circulated.

In mid-December, after consultation with the MoE's departments, the draft adopted by the MoE's Executive Board was circulated to the ministries concerned, parliamentary commissioners and the National Environmental Council for opinions. Proposals for amendments were considered and consultations held if opinions differed. Simultaneously, to consult public opinion, the draft was published on the Ministry's home page, and NGOs on the lobby list and consultation forum of green organizations were informed. Altogether, four comments by NGOs were received (the last on 18 January) and many suggestions were integrated into this national report, which was also discussed by the Aarhus Working Group, formed of governmental and independent experts. The document summarizing the green movement's opinion was directly sent to the Secretariat of the Convention by the environmental and nature conservation organizations.

2. Report any particular circumstances that are relevant for understanding the report, e.g. whether there is a federal and/or decentralized decision-making structure, whether the provisions of the Convention have a direct effect upon its entry into force, or whether financial constraints are a significant obstacle to implementation (optional).

Implementation of the Convention should primarily focus on strengthening the conditions for enforcement in practice. The main framework for defining the Convention's obligations is the National Environmental Programme for 2003-08 adopted by Parliamentary Decision 132/2003 (XII. 11.). The National Environmental Programme's Thematic Action Programme "Raising Environmental Awareness" lists the principal tasks for implementing the Convention (see [appendix I](#)).

Public participation in preparing and implementing environmental decisions is encouraged by the European Union (EU), the Convention and Hungarian law, and is increasingly expected by society. A comprehensive, viable, up-to-date information system provides the background for successfully preparing decisions, planning and regulation, and is also required to comply with international data supply obligations, and for the regular and ad hoc notification of the public, NGOs, other groups, and the scientific and business communities.

The conditions of public participation and access to information have been improved, *inter alia*, by the establishment of human and material resources at the information services of the environmental authorities and national parks, and by an advanced computerized framework for national and international environmental data/information flow, which may require further development. Furthermore, national databases should be standardised.

Occasionally, financial constraints may hinder the implementation of these objectives. Commenting on the national report, the Ombudsman has stated that progressive improvement of

the sector's human and material resources is essential given the number and importance of environmental concerns.

ARTICLE 3

3. List legislative, regulatory and other measures that implement the general provisions in paragraphs 2, 3, 4, 7 and 8 of article 3.

(a) Over the past two years, there have been numerous schemes to train authorities and officials in providing assistance and guidance for the implementation of the provisions of the Convention. Since June 1997, the Ministry has run a Public Information Office for the public, which has continually improved its operation and infrastructure to meet increasing demand. Currently, the Office employs two full-time officials (see [appendix III](#)). Regional agencies have also established several similar units, and all have one or two full-time employees responsible for environmental information and other public participation issues;

(b) The application of the Convention may be profoundly influenced by the general level of environmental awareness. Education, training, self-education, mass communication and research are important means to raise awareness. Environmental education has received government support for almost 20 years, with both the environment and education ministries having responsibilities and resources regarding this matter. Moreover, the MoE has entered into cooperation agreements with other ministries to promote environmental awareness. Curricula in both primary and public education include environmental studies. Early education is treated as an integrated, horizontal task in the National Curriculum, framework and local curricula (see [appendix II](#));

(c) In addition to technical cooperation, the Ministry has for several years funded the programmes of environmental and nature conservation organizations, and in 2002 invited applications concerning the implementation of the Convention. This "civil appropriation" for non-profit green organizations has steadily increased from Ft 25 million (ECU 154,000) in 1995 to Ft 175 million (ECU 822,000) in 1997 and Ft 600 million (€2.4 million) in 2004. In 2005, due to changes to the Central Budget's chapter numbers, only Ft 300 million (€1.2 million) was earmarked for NGOs in the Environmental Fund, but further funds were raised through the establishment of the National Civil Fund.

Act L of 2003 created the National Civil Fund providing governmental support for legally registered NGOs. In 2004, Ft 6,108,400,000 (€24.4 million) was available, and NGOs could apply for up to Ft 18 million (€72,000). A similar amount is available in 2005;

(e) Individuals exercising their rights in accordance with the provisions of the Convention may not be persecuted or harassed. Pursuant to paragraph 143 (2) of Act XXIX of 2004 on amending certain laws, and repealing and adopting certain provisions in relation to Hungary's access to the EU, "[e]xcept for the provisions of paragraph (4), no individual presenting a complaint or reporting on a case shall be penalised in any way for reporting on an issue of public interest".

4. Describe any obstacles encountered in the implementation of any of the paragraphs of article 3 listed above.

According to the NGOs, systematic approaches in training for participation and appropriate institutional and financial background have generally not been established in the work of the environmental authorities.

5. Provide further information on the practical application of the general provisions of the Convention.

The Data Protection Ombudsman's 1998 annual report, an important institutional guarantee for access to information of public interest, mentions the "Bács-Kiskun County Initiative", in which several governmental organizations dealing with environment-related tasks appointed officials trained in providing information to promote public participation.

Besides grants, the MoE annually makes financial or other awards to individuals and organizations in the non-governmental sector for outstanding achievements in environmental protection (six Environment Awards), nature conservation (five Pro Natura Awards), water management (seven Vásárhelyi Pál Awards), meteorology (two Schenzl Guidó Awards) and environmental journalism (three Green Pen Awards).

6. Give relevant web site addresses, if available:

The MoE and regional/background institutions:

www.kvvm.hu

www.kvvm.hu/szakmai/ktff

Environmental, Nature Conservation and Water Management Inspectorates:

www.adukofe.hu

www.ddkvf.hu

www.tikofe.hu

National Park Directorates:

www.bukkinemzetipark.hu

www.ferto-hansag.hu

www.dinpi.hu

www.ddnp.hu

www.anp.hu

www.bfnpi.hu

www.kmnp.hu

www.hnp.hu

www.knp.hu

www.orseginpi.hu

Environmental and Water Management Directorates:

www.vizugy.hu

www.kdvvizig.hu

www.tivizig.hu
www.kovizig.hu
www.kotivizig.hu
www.eduvizig.hu
www.aduvizig.hu
www.ddvizig.hu
www.fetivizig.hu
www.ativizig.hu
www.vituki.hu,
www.nyuduvizig.hu

Hungarian Meteorological Service:
www.met.hu

Related web sites:

www.fvm.hu
www.air.gov.hu
www.oktt.hu
www.nkom.hu
www.nka.hu
www.koh.hu
www.vilagorokseg.hu
www.zoo.hu
www.museum.hu
www.nhmus.hu

NGO web sites:

www.kothalo.hu
www.emla.hu
www.zpok.hu
www.foek.hu
www.kornyezettudatos.hu
www.okoszolgalat.hu
www.greenfo.hu
www.arstopia.hu
www.mkne.hu

ARTICLE 4

7. List legislative, regulatory and other measures that implement the provisions on access to environmental information in article 4.

General rules

Article 4 is implemented by Act LIII of 1995 on the general rules for the protection of the environment (the Environment Act); paragraph 12 ensures everyone's right of access to environmental information, particularly on the state and uses of, and damage to the environment, environmental activities, plans and programmes, and impacts on human health.

To guarantee that civil rights and obligations concerning environmental protection are exercised and respected, the Government ensures access to information on the main links between the environment and health, harmful activities and on their importance. Public authorities must monitor the environment's state and impacts on human health, and record and make publicly available data thus obtained with relevant information (exceptions are stipulated in Act LXIII of 1992 on the protection of personal data and the disclosure of information of public interest (Data Protection Act)).

Other legislation also guarantees the disclosure of data of public interest. For example, paragraph 4 (8) of Act XI of 1991 on the National Public Health and Medical Officers Service defines as public information on epidemics and environmental pollution, especially if life-threatening or harmful to human health.

Under the Environment Act operators must provide information regarding those of their activities that burden, use and endanger the environment.

Information on request

The Data Protection Act provides general regulations on access to information of public interest. The duties of the authorities regarding requests are given in paragraph 20 as follows:

“(1) The agencies processing information of public interest must comply with requests for information without any delay, and shall provide it in an intelligible form within no more than 15 days. The applicant may also request, for a fee, a copy of the document or part of a document containing the data in question, regardless of the form of storage.

(2) When a request for information is refused, the applicant must be notified within eight days in writing and must be given the reasons for refusal.

(3) The head of agency processing information of public interest may charge a fee for any supply of information not exceeding the costs of service. If requested by the applicant, the amount of charges must be specified in advance.

(4) The agencies specified in Subsection (1) of Section 19 shall notify the data protection Ombudsman once a year on refused requests, including the reasons of refusal.”

Under paragraph 21 (1), applicants may initiate court proceedings if a request for information of public interest is refused. Authorities may refuse to supply environmental information that is personal, a national security or official secret, or which is confidential pending a decision.

Supply of regular information

Environmental measures in government or ministerial decrees include several information supply obligations. The Ministry has operated specialized information services for seven years (see [appendix III](#)) and regional agencies have similar units. The MoE regularly publishes, directly or through its Public Information Office, printed or online materials for professionals and the public. The websites of national and international environmental institutions, and several regularly maintained and developed professional home pages are accessible through the MoE's public website. Many regional agencies also have websites to regularly inform the public.

8. Describe any obstacles encountered in the implementation of any of the paragraphs of article 4.

Criticisms from those requesting environmental information and the Data Protection Ombudsman to the effect that the authorities' data supply procedures are not uniform throughout the country are justified. The MoE plans to solve such problems by reinforcing the National Environmental Information System and establishing environmental information management within the legislative framework. As regards the former, the Ministry plans to unify its own separate systems (environment, nature conservation and water management) and integrate environmental information held by other ministries into the National Environmental Information System, as a point of reference, and satellite systems. The government decree regulating the organization of environmental information management also supports this end. The decree aims to ensure access for natural or legal persons to environmental information held by the authorities, specify the framework for supplying environmental information to the public through usual means and electronically, and give detailed rules for data communication between authorities.

The objectives include further improving activities in supplying environmental information in various fields. Priorities include increasing the rate of access to the Internet, and improving interactivity (e.g. queries and map displays) and the supply of environmental information to the mass media. The latter is also served by an annually updated publication comprising major environmental indicators in print, on CD-ROM and online.

In general, the quality of the information supplied is good, but its updating by accelerating data processing and making data replacements is required. Lack of human resources continues to cause difficulties in filling the existing systems with data, eliminating deficiencies and keeping information updated.

Last, but not least, elements missing from the system of environmental reporting (thematic reports, prognoses) should be provided for, which would serve both the dissemination of information and decision-making, and focus on the evaluation of policies.

Each year, the Data Protection Ombudsman receives several complaints about institutions charging high fees for supplying environmental information, citing lack of funds to produce it (see the example of the Hungarian Meteorological Service in [Appendix IV](#)).

9. Provide further information on the practical application of the provisions on access to information, e.g. are there any statistics available on the number of requests made, the number of refusals and their reasons?

In seven years (until 31 October 2004) 74,435 applicants contacted the MoE's Public Information Office ("Green Point" since 1 February 2005) personally, by telephone or by mail (traditional or electronic). In 2004, there were 15,151 applicants, with an average of 250-320 per week, and 545 in application periods. For a thematic analysis of the Office's client turnover, see [appendix III](#).

Requests refused for legal or technical reasons represent approximately 0.5 per cent of the annual client turnover (six or seven applicants per month) (see [appendix III](#)).

No overall picture is available for requests for information of public interest submitted to regional agencies, although some, such as the South Transdanubian Environmental Inspectorate, have statistics. Between January-October 2004 it received 26 requests, and none were refused.

Regarding disseminating information through the media, requests by the press are satisfied as soon as possible, as are requests by telephone. Written applications are not necessary and our press list is open to all media. The MoE gives regular information about current priority issues, programmes and results; 80 to 100 press events were organized in 2003-04, with 130 press communiqués in 2004.

Requests submitted to the Parliamentary Secretariat are answered immediately, and the Minister informs interested members of Parliament monthly.

10. Give relevant web site addresses, if available:

See also answer to question 14.

National Environmental Remediation Programme (www.kvvm.hu/szakmai/karmentes/).

River Tisza Catchment Area Monitoring System (www.rivermonitoring.hu/).

Climate Policy (www.kvvm.hu/szakmai/klima/).

Integrated Pollution Prevention and Control (www.ippc.hu/).

Lake Balaton and Lake Velence Information System
(www.kvvm.hu/szakmai/balaton/lang_hu/index.htm).

Hungarian European Groundwater and Contaminated Land Information System (EUGRIS)
(www.eugris.kvvm.hu/).

Hungarian Meteorological Service (www.met.hu).

National Plant and Soil Protection Service (www.nts.hu).

National Public Health and Medical Officers Service (www.antsz.hu).

ARTICLE 5

11. List legislative, regulatory and other measures that implement the provisions on the collection and dissemination of environmental information in article 5.

- (a)(i) In addition to the legislation mentioned above, the implementation of article 5 is regulated primarily by the Environment Act. In order to monitor the state and use of the environment, and to measure, collect, process and store data on environmental pressures and uses, the Minister – as required by the Government – has established and operates an information system for measuring, detecting and monitoring (National Environmental Information System). To comply with government regulations, authorities with environmental duties must make the relevant data obtained by them available to the National Environmental Information System. This System must be organized and maintained in a manner and density that allows for the:
- Qualitative and quantitative assessment, and international comparison, of changes in the state and use of the environment, and pressures thereon, from the point of view of socio-economical and health impacts;
 - Identification of the causes of environmental impacts with adequate accuracy;
 - Early detection of environmental risks;
 - Efficient implementation of regulatory tasks and official measures;
 - Planning.

Operators must monitor or support by technological calculations the environmental uses and pressures generated by their activities as prescribed by law. Measured or calculated data must be recorded and made available to the competent authorities, or supplied on request. Operators defined in separate legislation must assess the environmental impact of their activities, and regularly prepare reports, rules for which are specified in a separate act, for the environmental authority;

(b), (d) Based on the data collected, the Minister prepares annual reports for the Government on the state of the environment. Local governments should inform the public of the state of the environment in residential areas, as appropriate or at least once a year;

(c), (e) The MoE ensures the collection and publication of international treaties, conventions and other documents dealing with environmental issues. Many such publications have been issued, the latest being a volume on international environmental and nature conservation conventions and progress reports.

Training also facilitates more efficient implementation of international conventions. For example, the border guards, veterinary service staff and police were instructed on the provisions and objectives of the Convention on International Trade in Endangered Species of Wild Flora and Fauna (CITES) and related EU legislation. Training of customs officers is provided based on an agreement between the MoE and the Hungarian Customs and Finance Guard.

Within the implementation of the Convention on Biological Diversity, a Hungarian website, which will be continually developed and linked to the Convention's site, was launched in

December 2004 to serve as a publicly available information system and to invite the submission of comments;

(h) A good example of product information is the system of environmentally friendly products (see [appendix VII](#)). Access to information on products containing genetically modified organisms (GMOs), and related regulations is described in [appendix VIII](#).

Below are examples of the implementation of the provisions of the Convention and national law.

National Environmental Information System

In recent years, many several professional information technology (IT) subsystems of the National Environmental Information System were established and put into operation. Currently, there are about 25 such subsystems. The proper operation of the National Environmental Information System requires integration between the subsystems and constant adaptation to legislation; developing new IT systems is necessary to meet the needs of the changing data supply system and of the international reporting obligations.

Using technological advances, the National Environmental Information System intends to gradually make information in the subsystems publicly available on the MoE's website, such as the waste management information system; the collection of documents regarding the Gabčíkovo-Nagymaros Hydropower Project, including information needed for decision-making with a full overview of the technical and legal history; or a single public system integrating all first instance decisions by environmental authorities, which will soon be published there.

Hungarian Air Quality Monitoring System

Government Decree 21/2001 (II. 14.) on certain rules related to the protection of air quality sets forth the environmental inspectorates' duties concerning dissemination of information, among which is the operation of local air quality information systems.

In 2002, the MoE started modernising and developing the Air Quality Monitoring System's IT background pursuant to EU directives incorporated into Hungarian law. This involved establishing regional data collection and processing subcentres at environmental inspectorates and the System's data centre at the National Directorate for Environment, Nature and Water. An integrated national air pollution database was created from the environmental inspectorates' online data.

The environmental inspectorates collect measurement data every hour, store them in the subcentre database and forward them to the Air Quality Monitoring System data centre. The System's data are always available online for the emergency services, local governments and public health institutions. Data are also regularly sent to the Central Statistical Office and international air pollution data centres. Based on agreements with neighbouring countries, the System exchanges air pollution data in border areas, and displays them on its website, the plasma screen-based public information systems at the inspectorates' data centres in border areas and a plasma screen at the MoE.

In emergencies, a smog alarm control system operates at the environmental inspectorates, which continuously transfers data of measurements exceeding set limits, or notification and alarm thresholds to the subcentre's computer by text messaging. The main investment in the Air Quality Monitoring System's IT structure and information system was completed by the end of 2003. Mid-term (2004-06) and long-term development is conducted in the framework of the Hungarian Information Society Strategy of the MoE, and Ministry of Informatics and Communications.

Based on the System's data, regular, accurate and comprehensive information on air quality is provided for a broad section of society through the available infocommunication technology. The MoE has installed plasma screen-based information systems in nine provincial cities, at the National Directorate for Environment, Nature and Water and at the MoE. Hourly updated air quality data are available on the Air Quality Monitoring System's home page in tables and graphs, and data from previous years are downloadable in Excel or Pdf format. Legislation on air quality protection is also available online. In 2005, based on the experience of the MoE's Internet-based, touch-screen information system and additional provincial terminals are planned, as is joining the Ministry of Informatics and Communications's electronic information programmes within the Information Society Strategy.

The System's data are published annually in the Environmental and Water Management Bulletin and in the publication "State of the Environment in Hungary". Descriptions of the impacts of air pollutants on human health indirectly encourage operators whose activities significantly affect the environment to regularly inform the public on the environmental impact of their activities and products, and many of them already advise the public regularly through environmental reports.

Environmental Safety Information System

To improve environmental safety, a geographic information system (GIS) database containing the potential sources of risk in Hungary and the Environmental Safety Information System have been established. The information system's home page, publicly accessible since May 2003, shows 19 types of potential risk sources on maps.

An example of dissemination of information in an emergency was the cyanide pollution of the river Tisza in 2000. The 2001 TAI Report prepared by independent experts states that "[I]n general, stakeholders were informed on the cyanide pollution in due time, and the news was almost immediately released by the press. The information work of stakeholders and the authorities and getting information to the general public was appropriate." However, the opinion of a green organization in another instance was different: "The information about the 2004 water pollution event in Esztergom regarding the development of the environmental damage, the rehabilitation of the affected area and the measures taken to prevent further incidents was insufficient."

National Directorate General for Disaster Protection

In relation to the implementation of the Convention, the National Directorate General for Disaster Protection has essential responsibilities in the prevention of major industrial accidents.

The provisions on public disclosure of both Act LXXIV of 1999 on the management and organization of disaster protection and the prevention of major accidents involving dangerous substances (Disaster Protection Act) and Government Decree No. 2/2001 (I. 17.) on the prevention of major accidents involving hazardous substances are integrated into the existing environmental legislation (see [appendix V](#)).

In order to ensure public disclosure, the National Directorate General for Disaster Protection also operates a so-called Public Information System on Serious Industrial Accidents, while information on official procedures and decisions reached is available through the official home page.

Waste Management and Waste Management Information System

Act XLIII of 2000 on waste management and related legislation require the collection of data on waste (see [appendix VI](#)). General information, news and publications on waste management are available on a special page on the MoE's website.

The Waste Management and Waste Management Information System ensures easy access to waste management statistics, and the first data will be available for 2004. The main source of the System is data supplied pursuant to Government Decree 164/2003 (X. 18.) on the procedure of registering and reporting waste. However, data from other sources (i.e. from the Central Statistical Office and data on businesses collected by the Ministry of Economy and Transport) will also be available. Businesses, public authorities, legal persons and individuals will have access to waste management data, in general and broken down by community, via the Internet. Environmental experts may request more detailed data.

From a waste management aspect, local waste management plans are the ones which affect the population most directly. Act XLIII of 2000 regulates in detail obligatory consultation processes for waste management plans on different levels, including informing the public.

Pollutant Release and Transfer Register (PRTR)

The Protocol on PRTRs was signed by Hungary during the Conference of Environmental Ministers held in Kiev between 21 and 23 May 2003. In harmony with the EU, Hungary is gradually developing a PRTR by expanding the European Pollutant Emission Register (EPER), which already involves legal obligations. The first database developed on the basis of an EPER decision was established in 2004 and is publicly available on the Internet. It is considered by the EU and Hungary an initial PRTR to be progressively developed and expanded over the years. Data currently available on the Internet site include easy-to-search air and surface water emission data for major industrial polluters, with analyses, relevant legislation, a collection of links, contacts for further information and a forum for comments or proposals by e-mail. It will soon include data on:

- Soil and subsurface water emissions;
- Waste transfer data;
- Extension of the list of pollutants;
- Extension of threshold values and source categories;
- Hazardous facilities and substances;

- Public health;
- The second EPER report;

12. Describe any obstacles encountered in the implementation of any of the paragraphs of article 5.

Financing difficulties due to highly resource-intensive developments (e.g. total expenditure on the Air Quality Monitoring System programme was Ft 350 million (€1.4 million)) constitute the main obstacle. In November 2004, the Ministers of Environment and Water, and of Informatics and Communications concluded a cooperation agreement for further development with a Ft 45 million (€180,000) budget provided by the Ministry of Informatics and Communications for the MoE to implement the “e-Environment” (eKörnyezet) programme. During implementation, the Air Quality Monitoring System, the nature conservation information system and the regional climate change database for the Carpathian Basin will be made easy to access for users. The cooperation agreement also includes an agreement on general principles to facilitate the upgrading of environmental data collection systems, publication of data, integration of local and regional systems and the environmental application of new infocommunication technologies.

The legislative framework in the Environment Act specifying the responsibilities for the operation of the National Environmental Information System is in theory sufficient, but in practice, a number of factors obstruct the completion of this relatively complicated system. The past development of subsystems now constituting the System was based on different principles, which precluded “simple” interconnection. Adopting a uniform technical basis (identifiers, common basic data) required several years of efforts. Another difficulty was that data could only be collected on the basis of relevant legislation, as data had to be collected from data providers to fill the information systems. Setting up the relevant legal framework (obligatory use of identifiers) allowed for the renewal of old, still operational, systems and for new systems to be developed on this common basis.

In recent years, a number of disputes have arisen over the confidentiality of business information. By citing trade secrecy, companies have in some cases managed to avoid disclosing the requested information or have disclosed it only under special circumstances. The “Glass Pocket” Act (Act XXIV of 2003 on the amendment of certain acts on the use of public funds, and the disclosure, increased transparency and improved control of the uses of public properties) brought significant changes in this field. This Act made an addition to the Data Protection Act stating that, in the context of access to, and disclosure of, information of public interest, disclosure of confidential business information is subject to the provisions of the Civil Code (see [appendix IX](#)).

13. Provide further information on the practical application of the provisions on the collection and dissemination of environmental information in article 5, e.g. are there any statistics available on the information published?

In 1998, in order to establish the central environmental statistics database, the Environmental Statistical Data 1996 was published by the Central Statistical Office in cooperation with the concerned ministries. Since then, this collection has been published annually in a Hungarian/English bilingual edition which progressively encompasses more detailed data.

The MoE's regular publications with comprehensive environmental data, which include the Environmental Indicators (biennially since 2000), Key Environmental Indicators (biennially since 2002), Main Environmental Indicators (annually since 2001), are actively used by requesters. Since 1998, information from countries from the Organisation for Economic Co-operation and development (OECD) is published biennially in the OECD Environmental Database to allow for international comparisons.

Furthermore, data from the Ministry's measuring/monitoring network or derived by calculation (air emissions, generation of hazardous waste, water quality, soil quality) have been regularly (usually annually) published since 1992. Large print-run publications on water and soil protection informing the public appear annually ("The State of the Environment in Hungary", "Water Quality", as well as the Joint Annual Report summarising the yearly operation of the joint Slovak-Hungarian Danube monitoring system and its effects).

Furthermore, general information publications are also issued (such as Remediation Programme booklets, calls for tenders and flyers).

Further examples of information campaigns as part of large-scale programmes or projects include EU investments (Instrument for Structural Policies for Pre-accession (ISPA) projects), remediation projects (e.g. Metallochemia), Natura 2000 (information campaign in 2004 involving four NGOs with nationwide activity).

Some of these publications are also available electronically (on the Internet or CD-ROM).

14. Give relevant web site addresses, if available:

See also the answer to question 10.

Hungarian Air Quality Monitoring System (www.kvvm.hu/szakmai/nmc).

Environmental Safety Information System (<http://kbir.kvvm.hu/>)

EPER-PRTR (<http://eper-prtr.kvvm.hu>, www.eper.cec.eu.int).

MoE's waste management page (<http://www.kvvm.hu/szakmai/hulladekgazd/>).

Association of Environmental Enterprises (<http://www.kszgysz.hu/xir.htm>).

Environment-friendly label (<http://okocimke.kvvm.hu>).

National Directorate General for Disaster Protection, Ministry of the Interior (www.katasztrofavedelem.hu).

ARTICLE 6

15. List legislative, regulatory and other measures that implement the provisions on public participation in decisions on specific activities in article 6.

Environmental impact assessment (EIA)

Most activities listed in annex I to the Convention are subject to the regulations on EIA. The specific rules on EIA are laid down in the Environment Act and in Government Decree 20/2001 (II. 14.) on EIAs. In general cases, the provisions of Act IV of 1957 on the general rules of administrative procedures and the Data Protection Act also apply.

In decision-making related to specific activities, the provisions of article 6 of the Convention are applied as follows. An environmental permit is required for new activities included in the annex to the Government Decree on EIAs, which covers a wider range of activities than the relevant list of the Convention. It also includes certain military facilities where public participation can be limited based on relevant regulations.

Early and appropriate dissemination of information is ensured during the preparatory phase of the procedure, when investors must submit documentation with specified content (preliminary study) to the environmental authority. This preliminary study, the application and a notice are sent to the notaries of the communities concerned, who must ensure access to the application and the study, and post the notice in public places and by other, customary local means. The public concerned have 30 days to consult the information and make written comments. If, due to the gravity of the environmental impact, further studies and/or more detailed EIA, or other steps are required, the public will have another opportunity to obtain information and express opinions, also orally at a public hearing. Before the hearing, the public must have access to the detailed EIA, and notice of this access and details of the public hearing must be posted in the above manner, likewise for 30 days.

The possible nature of the decision, the authority responsible for making the decision, and the procedures to be followed are specified in the Environment Act and the Government Decree on EIAs, whereas the details of public participation are laid down in the notice. Environmental permits are issued by the environmental inspectorates depending on the results of the impact assessment, the official opinions of the competent authorities and the opinions expressed by the public. Decisions on environmental permits must be made public by similar means to the above documentation. The decision must contain the competent authorities' official opinion, the reasons for the decision and the way in which comments were taken into account.

Integrated environmental licensing procedure

During the licensing procedure, the rights of the public and data to be registered are specified by Government Decree 193/2001 (X. 19.) on the detailed rules of integrated environmental licensing (transposing Directive 96/61/EC of 24 September 1996 concerning integrated pollution prevention and control (IPPC) into Hungarian law), guaranteeing access to procedure-related documents, participation in the procedure and consideration of opinions, as well as informing the public of the procedure itself and of the decision made (paras. 10-11). Moreover, the decree ensures access to data held by the authorities (para 12).

Public participation is organized in accordance with the notice posted at the local governments of the location of the project site (or district in the capital), the neighbouring communities (or districts) and other affected communities (or districts) located in the impact zone. The notice includes information on the location of the project site and a brief description of the proposed activities according to the application, information on when and where the application is available and an invitation for written comments on the content of the application, which may be submitted to the notary of the local government or to the competent environmental authority. Comments received by the environmental authority are forwarded to the applicant, who then submits a response to the environmental authority. Before making a decision, comments are reviewed by the environmental authority and other competent authorities involved. An evaluation of the comments is given in the justification of the decision of the environmental authority. This evaluation includes a factual judgement of the comments, an analysis by the specific field in question and legal conclusions.

To inform the public of the decision, the environmental authority and the notary of the local government post the decision in public places. If requested, the environmental authority must supply information held by it and ensure access to this information.

Pursuant to the Convention, Directive 96/61/EC was amended by Directive 2003/35/EC of 26 May 2003 providing for public participation in respect of the drawing up of certain plans and programmes relating to the environment. The relevant Hungarian laws and regulations must be amended accordingly by 25 June 2005.

Licensing gene technology activities

In the licensing procedure of gene technology activities, the Gene Technology Committee, a scientific advisory body for the authorities making the decision, is also involved. When evaluating applications, the opinion of the Committee is taken into account. Members of the Committee include one selected representative from each civil organization dealing with environmental, health protection, biotechnological and consumer protection issues (see [appendix VIII](#)).

16. Describe any obstacles encountered in the implementation of any of the paragraphs of article 6.

See also answer to question 2.

17. Provide further information on the practical application of the provisions on public participation in decisions on specific activities in article 6, e.g. are there any statistics or other information available on public participation in decisions on specific activities or on decisions not to apply the provisions of this article to proposed activities serving national defence purposes.

An example of practical application is the licensing of regional waste disposal sites, which involve the dissemination of comprehensive information, public participation, and experts from the MoE and its affected regional agencies (public forums, visits to operational sites).

The procedure initiated under the Espoo Convention on Environmental Impact Assessment in a Transboundary Context regarding a proposed Croatian Hydropower Project on the river Drava is only indirectly related to the practice of public participation used in Hungarian licensing procedures, but the extensive dissemination of information by the MoE and the large-scale public involvement deserve mention. The MoE had the summary and parts of the EIA received from the Croatian Party translated, and prepared a short brochure. Copies of the translated documents were sent to the affected communities and the brochure was delivered to all households concerned. During the procedure, articles appeared in the local and national press, and the topic was also addressed by local and national broadcasting companies. Comments were made in writing and a public hearing followed where questions could be put to the Croatian Party and opinions expressed. All essential documents about the procedure were made available on the MoE's website.

18. Give relevant web site addresses, if available:

See also answer to question 10.

Hungarian Biosafety (www.biosafety.hu).

ARTICLE 7

19. List the appropriate practical and/or other provisions made for the public to participate during the preparation of plans and programmes relating to the environment. Describe the transposition of the relevant definitions in article 2 and the non-discrimination requirement in article 3, paragraph 9.

In the Environment Act, a separate chapter is dedicated to public participation in the protection of the environment. Accordingly, natural and legal persons and non-incorporated organizations are entitled to participate in procedures concerning the environment as provided for by law. The right to participate may be exercised in person or by proxy, or through social organizations or local governments. The Environment Act also stipulates that everyone has the right to draw the user of the environment's and the authorities' attention to the environment being endangered, damaged or polluted. When such notification is made in writing, the competent body must take appropriate measures and provide a substantive answer before the deadline stipulated in the Act.

The Environment Act specifically provides for the rights of social organizations. Accordingly, associations formed by citizens to represent environmental interests and other NGOs other than political parties or interest representations that are active in the impact area are entitled, in their area of operation, to the legal status of party to state administration procedures in environmental protection. The organization has a right to:

- Cooperate in drawing up regional development plans and environmental protection programmes affecting its area of operation or activity;
- Participate in environmental licensing procedures pursuant to the Environment Act;
- Give an opinion on drafts of central and local government legislation on environmental matters;

- Give an opinion, subject to separate legal provisions, on the drafts and environmental assessments of the plans and/or programmes requiring mandatory environmental inspection which affect its area of operation or activity.

In order to enforce their rights, organizations notify the ministry or the local government drafting the relevant regulation of their wish to submit comments. By 31 December of each year, the ministries must send a list of the titles of their regulations related to the environment to be enacted during the following year to the Minister of Environment, who publishes it in the Ministry's official gazette. Local governments must provide information on their envisaged environmental regulations according to their established practice.

The 21-member National Environmental Council, set up in 1996, is the highest-level "institutionalized" body for public participation, which submits its resolutions concerning decisions within the competence of Parliament or the Government to the Government. The composition and activities of the Council, operating as an advisory and consulting body of the Government, are laid down in the Environment Act. It operates with a view to establishing a broad social, scientific and professional base for environmental protection. To this end, it:

- Takes a position on the analyses reviewing and assessing environmental impacts of actions prepared by the drafters of bills and other legislation or concepts of major national and regional significance related to environmental matters, and submits its proposal to the decision-making body;
- Takes a position on the draft concerning plans and/or programmes with a potentially major impact on the environment as provided for in specific acts (including plans and/or programmes co-financed by the EU) as well as amendments thereto, and on the environmental assessment constituting a part thereof;
- Makes recommendations to the Government to increase the efficiency of the protection of nature and the environment, and in particular on the environmental information system, scientific research, training, the development of an appropriate industrial background and the financial instruments to facilitate the protection of nature and the environment;
- Forms an opinion concerning strategic issues of Community legislation on environmental matters.

In the Council, social organizations registered with an environmental purpose, professional and economic interest-representation bodies (self-elected) and the scientific community (appointed by the President of the Hungarian Academy of Sciences) are represented in equal numbers.

The environmental inspection process also allows for public participation. The environmental inspection process concerning various plans and programmes is provided for by the Environment Act. The environmental inspection includes drawing up an environmental assessment, requesting opinions from administrative bodies responsible for the protection of the environment, observations from the public concerned, and, in case of significant transboundary impacts, consultations with the country concerned, and takes the results of these into consideration when elaborating the plan or programme. Details of the inspection process will be regulated in a government decree to be adopted shortly. The Environment Act ensures that the public can

participate in the environmental inspection and express its opinion, and calls decision-makers to consider opinions expressed in reaching their decisions.

20. Explain what opportunities there are for public participation in the preparation of policies relating to the environment.

In addition to the preceding section, the experts delegated by the National Convention of Environmental Organizations have participated in a number of committees and boards shaping the field, environmental policy and the communication of environmental protection, including the National Council for Regional Development, the Gene Technology Committee, the Board of Trustees of the Hungarian Television Public Foundation, the Board of Trustees of the Hungária Television Public Foundation, the Board of Trustees of the Hungarian Radio Public Foundation and interdepartmental committees managing various appropriations of the Environmental Protection Fund.

The Second National Environmental Programme for the period 2003-08, the basic document of Hungarian environmental policy, has been one of the examples of public participation in the preparation of environmental policy. This document was adopted by Parliamentary Decision 132/2003 (XII. 11.). Besides Government consultations, its adoption was preceded by broad public participation.

Several groups of society had the opportunity to participate in the elaboration of the concept of the National Environmental Programme in various forums. Five discussions were held between 27 October 2000 and 18 January 2001. From October 2002 to March 2003, various social organizations and interest representations had the opportunity to be involved in devising the Programme by submitting written opinions and through open debate. During the period open for the public to submit opinions, the draft was accessible on the MoE's home page. In addition, the draft was discussed by the Presidential Environmental Science Committee and Conservation Biology Committee of the Hungarian Academy of Sciences as well as by the National Environmental Council. Over 200 observations were submitted during the consultation process. The implementation of the Programme is supported by an interdepartmental committee. Two government decrees, one on the thematic action programmes of the Programme and the other on financing, have established the framework for the work of the National Environmental Programme Interdepartmental Committee. Besides ministry representatives, regional development councils, local government associations, NGOs, the academic community and the professional associations of business organizations are also involved in the work of the Interdepartmental Committee and its subcommittees.

21. Describe any obstacles encountered in the implementation of article 7.

See the answer to question 2.

22. Provide further information on the practical application of the provisions on public participation in decisions on specific activities in article 7.

A proposal for efficient co-operation between environmental and nature conservation NGOs and the MoE was adopted in December 2004, including various forms of communication, most of which were already tried and tested (Appendix X).

The Aarhus Working Group, consisting of government and civil experts specialising in the implementation of the Convention, was also set up.

23. Give relevant web site addresses, if available:

See Sections 6 and 10 above.

ARTICLE 8

24. Describe what efforts are made to promote effective public participation during the preparation by public authorities of executive regulations and other generally applicable legally binding rules that may have a significant effect on the environment. To the extent appropriate, describe the transposition of the relevant definitions in article 2 and the non-discrimination requirement in article 3, paragraph 9.

In order to promote the openness of, and general awareness on, law-making, the MoE publishes draft laws and government decrees prepared by the Ministry and the regulations to be issued by the Minister on its webpage. Public participation occurs with respect to major new acts, and consultation forums are organized as early as the initial concept phase. The operation of the National Environmental Council, an advisory body to the Government, contributes a great deal to the availability of legislation.

In the framework of applying the provisions of the Convention in specific fields, the MoE:

- Enforces the requirements of the Convention and ensures that the public is consulted in the preparation process prior to the drafting of environmental legislation;
- Provides regular information by telephone, in person and in writing on environmental legislation in force, legal remedies and competent authorities;
- Monitors the enforcement of the requirements laid down in the Convention when commenting on drafts received from other ministries and in the administrative consultations concerning such drafts;
- Complies with the requirements concerning the administrative management of affairs laid down in the Convention, and in its decisions draws attention to the legal remedies in accordance with the provisions of the Act on the general rules of administrative procedures.

Lobbying is another possibility for NGOs to achieve results. Pursuant to paragraph 141 (3) of Parliamentary Decision 46/1994 (IX. 30.) on the house rules of the Parliament, the list of registered interest representations and NGOs (the 'lobby list') has been published since 1995. From the more than 500 organisations on the list, 6 to 7 per cent can be classified as

environmental organizations. The organizations on the lobby list may access Parliamentary registers, up-to-date records and the information material affecting legislation, and may submit their opinion to the competent parliamentary committee.

25. Describe any obstacles encountered in the implementation of article 8.

The most frequent complaints by NGO experts participating in the preparation of executive regulations and/or generally applicable legally binding normative instruments are that deadlines are too short and that they receive no written response concerning the reasons for disregarding their comments that were not taken into account in these instruments.

26. Provide further information on the practical application of the provisions on public participation in the field covered by article 8.

Similarly to its earlier practice, the MoE publishes draft legislation on its website to invite comments, and directly notifies the organizations on the lobby list, providing the relevant e-mail address for the submission of comments.

27. Give relevant web site addresses, if available:

See the answers to questions 6 and 10.

ARTICLE 9

28. List legislative, regulatory and other measures that implement the provisions on access to justice in article 9.

As far as access to environmental information is concerned, the legal remedies available under the law are expeditious, impartial and fair instruments both in terms of legislation and legal practice. As regards costs, no generalization can be made as in certain cases, for example, the costs of proceedings can be very high for NGOs.

In State administration cases of major environmental significance, should a citizen's right to participate be refused, the court may be petitioned to review the administrative decision pursuant to the Act on the general rules of administrative procedures (paras. 72-73), and applications are judged based on the procedure set out in Act III of 1951 on Civil Procedure (paras. 324-341). Such claims are usually founded on paragraph 98 (1) of the Environment Act, which states that "associations formed by citizens to represent their environmental interests and other community organizations that do not qualify as political parties or interest representations – but are active in the impact area – (...) shall be entitled in their areas to the legal status of being a party in the case in environmental protection State administration procedures." Subsequent provisions of the Environment Act make clear that right to be a party also includes in the law participation in civil law cases related to environmental damage in addition to State administration procedures. Pursuant to paragraph 98 (2)(b) of the Environment Act, "[t]he organizations shall have the right, by virtue of representing their members' interests, to (...) participate in environmental licensing procedures – in accordance with the provisions of this Act" and, pursuant to paragraph 99 (1), if

“the environment is being endangered, damaged or polluted, organizations are entitled to intervene in the interest of protecting the environment and request a government agency or local government to take appropriate measures within its jurisdiction or file a lawsuit against the user of the environment”.

Pursuant to paragraph 99 (2) of the Environment Act, “in the lawsuit (...) the party in the case may request the court to enjoin the party posing the hazard to refrain from the unlawful conduct (operation); compel the same to take the necessary measures for preventing the damage”.

In legal practice, the above relatively broad right of public participation has often been narrowed in that not all decisions made by the competent authorities are considered as apt to be challenged. In reviewing this practice, the Supreme Court returned a decision confirming the unity of the law. Decision 1/2004 consisted of two parts, on the one hand establishing that the environmental licence issued to complete an impact assessment constituted a material administrative decision (which makes the decision rejecting the application apt to be challenged, as well as the decision to issue an environmental licence) and, on the other, laying down that, pursuant to paragraph 98 of the Environment Act, environmental NGOs are entitled to the status of party (i.e. they have the right to file claims) in any case where an environmental authority acts as the competent authority.

Besides judicial remedies, anyone can pursuant to paragraph 27 of the Data Protection Act appeal to the Ombudsman for a non-binding resolution regarding the disclosure of environmental and other information of public interest if the person believes that their right to access information of public interest has been infringed, or that there is an imminent risk of an infringement.

29. Describe any obstacles encountered in the implementation of any of the paragraphs of article 9.

In the opinion of environmental protection and nature conservation organizations, the quality of legal remedies should be improved.

30. Provide further information on the practical application of the provisions on access to justice pursuant to article 9, e.g. are there any statistics available on environmental justice and are there any assistance mechanisms to remove or reduce financial and other barriers to access to justice?

It should be noted that Act CXXVIII of 2003 on the public interest nature and development of the high-speed road network of the Republic of Hungary includes several measures with a view to expedite administration:

- It relegates the first-instance environmental licensing procedure to the competence of the National Inspectorate for Environment, Nature and Water, a central authority of national competence;
- Appeals against the first-instance decision can be submitted to the Head of the National Inspectorate;

- There is no possibility to extend the deadline for environmental and construction licensing procedures;
- The second-instance decision can be implemented with immediate effect; the Court may only suspend implementation on the grounds of public interest or the reasonably justified interests of a party, and a hearing must be held within 45 days.

The Clean Air Action Group (Levego Munkacsoport) submitted a complaint against the regulation concerning the high-speed road network to the Compliance Committee of the Convention, criticizing the limited enforceability of the right to disclosure of information of public interest and to remedies. Having taken note of the positions of the Government and of the NGO, the Committee discussed the issue at its meeting held from 15 to 17 December 2004, and adopted a proposal to be submitted for decision to the second Meeting of the Parties.

According to the position of the Government, put forth in due detail at the meeting, Act CXXVIII of 2003 does not violate the rights provided for in the Convention. The regulation in this case, too, ensures access to environmental information; no request by any person or organization is ever refused.

31. Give relevant web site addresses, if available:

See the answers to questions 6 and 10 above.

32. If appropriate, indicate how the implementation of the Convention contributes to the protection of the right of every person of present and future generations to live in an environment adequate to his or her health and well-being.

Addressing the majority of environmental problems requires ongoing public involvement. Due to increasing public interest in issues related to the state and protection of the environment, the Government has to raise the standard for providing information and promoting public participation in the decision-making process on environmental issues. The protection of the environment is a common cause, and success can only be achieved through the joint efforts of all.

The Convention, which integrates the most important elements of public participation, that is access to information, public participation (the right to have a say) and access to justice, as well as the consistency of Hungarian regulation with the Convention, are efficient instruments to achieve our goals. It is to be hoped that practice in Hungary, which is still not sufficiently adequate at times and in certain fields, will steadily come nearer to meeting these goals.

Notes

¹ Appendices I-X referred to in this report are in English only and are available at <http://www.unece.org/env/pp/reports%20implementation.htm>.