

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

in the period 2006–2009

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

In this part, please provide the information requested, or revise any information relative to the previous report. Describe the legal, administrative and other measures taken in your country to implement the provisions of the Convention. This part should describe the framework for your country's implementation, and not experience in the application of the Convention.

Article 2

General Provisions

DOMESTIC IMPLEMENTATION OF THE CONVENTION

1. *List the general legal, administrative and other measures taken in your country to implement the provisions of the Convention (art. 2.2).*

Act. LIII. of 1995 on the general rules of environmental protection, Chapter VII. Articles 66-72, Articles 90-94 and Article 97. (Hereinafter: Environmental Act) Governmental Decree No. 314/2005. (XII. 25.) (hereinafter: EIA Decree).

2. *Indicate any further measures to implement the provisions of the Convention that are planned for the near future.*

Considering the letter received from the Chair of the Implementation Committee under the Convention, the amendment of the EIA Decree came into force in April, 2010. The aim of the amendment is to require the identification of “reasonable alternatives” of the proposed activity in a more unequivocal way.

TRANSBOUNDARY ENVIRONMENTAL IMPACT ASSESSMENT PROCEDURE

3. *Describe your country's national and transboundary environmental impact assessment (EIA) procedures and authorities (art. 2.2):*
 - a. *Describe the EIA procedure in your country and indicate which steps of the EIA procedure include public participation;*

The Hungarian EIA regulations noted in Point 1 above established two procedures.

The first one is the Preliminary Assessment Procedure, which covers both the screening and scoping phase, and the second one is the Environmental Impact Assessment procedure (EIA procedure) itself.

The activities listed in Annex 1 to the EIA Decree require a full EIA procedure. In this case during the Preliminary Assessment Procedure the competent environmental inspectorate determines key environmental issues to be assessed in the EIA documentation. Regarding activities listed in Annex 3 to the EIA Decree during the Preliminary Assessment Procedure a case-by-case decision of the competent environmental inspectorate determines the need of the EIA procedure. This decision is based on the submitted documentation, standpoint of the co-authorities and comments of public and in case of Espoo procedure on the comments of affected country.

During the EIA procedure the competent environmental inspectorate decides on issuing environmental permit, based on the submitted documentation, the standpoint of the co-

authorities, the comments of public, and in case of Espoo procedure on the comments of affected country.

Public participation is meaningful in all procedures. There are possibilities for verbal, personal exchange between the developer, the environmental inspectorates, the members and organisations of public, including the concerned municipalities. In addition to these, written opinions can also be submitted by the members and organisations of the public to the environmental inspectorates. The related documentation has to be made available for the public for comments in both procedures.

b. Describe how the different steps of the transboundary EIA procedure set out in the Convention fit into your country's national EIA procedure;

The rules of the transboundary EIA procedure are part of the EIA Decree as its Articles 12-16. These rules include all the steps of the transboundary procedure the developer and the environmental authorities shall follow as soon as they recognise the possible transboundary effects (Article 13(1) of the EIA Decree) and also these rules describe the behaviour of the Hungarian authorities in case Hungary is the affected Party.

As a procedural guarantee to the recognition of possible transboundary effects of a planned Hungarian project, Articles 3(2) and 5A(3) of the EIA Decree stipulates that in the Preliminary Assessment Documentation the experts of the developer shall examine the possibility of transboundary effects with the methodology available for the in-country effects as described in Annex 4 Point 3.d) of the EIA Decree.

In EIA procedure there is also a reference to the transboundary EIA, in Article 14(1):the developer shall have the translation of the international chapter and the non-technical summary prepared in English or in the language of the affected party. Appendix 6 Point 5 gives the necessary elements of the transboundary section of the Environmental Impact Study (EIS):

- the method of consideration of the comments given by the public of the affected Party;
- the factors which entails with the transboundary effects;
- the effect-processes which exceed the borders;
- the elements of the environment which are sensitive to these effects, and the expected changes in them, taken into consideration the data given by the affected Party;
- determination of the outlines of the affected transboundary territories;
- the preventive and mitigation measures, together with the monitoring methodology; and
- the source of information and the used methodology.

c. List the different authorities that are named responsible for different steps of the transboundary EIA procedure (notification, consultation between Parties, public participation, etc.). Also list the authorities responsible for the domestic EIA procedure, if they are different;

Both in the transboundary and the domestic EIA procedure on the first instance the lead authority in Hungary is the concerned regional Inspectorate for Environmental, Nature and Water (in case of motorway projects the National Inspectorate for Environment, Nature and Water), and all other authorities participate in the process, which have significant environmental aspects in their respective scopes of authority. Their participation is quite meaningful in the whole process (e.g. they give their input to the evidence taking process and also they give their mandatory opinion concerning the final decision). Such "co-authorities", as Act CXL of 2004 on the General Rules of Administrative Procedure addresses them are enlisted in the Annex 4 of the Governmental Decree No.347/2006 (XII.23.) on the appointment of the authorities administer environmental, nature protection or water management administrative duties and in the Annex 12 of the EIA Decree).

Finally, the Ministry of Environment and Water manages the communication with the foreign partners both in the position of affected Party and Party of origin. Also the Ministry organises the national level consultations on the project when Hungary is in the position of the affected Party.

- d. *Is there one authority in your country that collects information on all the transboundary EIA cases? If so, name it. If not, does your country intend to establish such an authority?*

The Ministry of Environment and Water assures a coordinated application, in that aspect it has information on the Espoo cases.

4. *Does your country have special provisions for joint cross-border projects (e.g. roads, pipelines)?*

There is no special provision.

IDENTIFICATION OF A PROPOSED ACTIVITY REQUIRING ENVIRONMENTAL IMPACT ASSESSMENT UNDER THE CONVENTION

5. *Is appendix I to the Convention transposed into your country's national legislation? Does your country's legislation already cover the revised appendix I in the second amendment (ECE/MP.EIA/6, decision III/7), and if so, how? Please describe any differences between the national list and appendix I to the Convention. Please explain how your country interprets terms such as "large" and "major" used in appendix I (including in items 4, 8, 11, 14, 16, 17 and, as appropriate, 22).*

The list of projects when the EIA procedure is mandatory (Annex 1. of EIA Decree) contains all the items of Appendix I (covering the revised Appendix in the second amendment) of the Convention. (However regarding wind farms amendment of the EIA Decree is necessary, since actually only in case of major wind farms planned in protected areas requires EIA procedure. Other wind farms fall under the scope of Annex 3 of the EIA Decree.)

The likelihood of transboundary impacts shall be examined in each and every Preliminary Assessment Documentation irrespective of being listed the activity is in Appendix I of the Convention or in Annex 1 or 3 of the EIA Decree.

For the terms "large" or "major" applied in the Appendix I the EIA Decree identifies thresholds considering the suggestions of the relevant UN ECE guideline.

6. *Please describe:*

- a. *The legislation and, where appropriate, the procedures your country would apply to determine that an "activity", or a change to an activity, falls within the scope of appendix I (art. 2.3), or that an activity not listed should be treated as if it were (art. 2.5);*

The activities included in Appendix I to the Convention are listed in Annex 1 to the Hungarian EIA Decree, which also includes quantitative thresholds. According to Articles 1(1) and 1(3) of the EIA Decree these activities require an EIA procedure. Thus in the Hungarian EIA system the screening phase to determine the need for transboundary EIA process for the activities of Appendix I, is performed by the legislation itself.

Furthermore the general rules of the Convention could be used when an affected Party requests so. In connection with projects under the scope of Directive 85/337/EEC, the same transboundary EIA procedure can be applied if the affected Party or the Party of origin is Member State of the European Union.

Annex 1 of the EIA Decree lists the 57 most important activities, for which an EIA is mandatory. Annex 3 contains 144 additional types of activities, for which the Preliminary Assessment Procedure is mandatory, but the EIA process is dependent upon the discretionary decision of the environmental authority.

In addition to these, as we have referred to it, if a neighbouring country insists that the Hungarian authorities initiate an EIA process for an activity that is not in either of the two mentioned appendixes, a formal bilateral international agreement seems to be the only means by which an EIA might be undertaken.

b. How your country conducts transboundary EIA cooperation (through points of contact, through joint bodies or within bilateral or multilateral agreements);

Hungary basically conducts transboundary EIA cooperation through points of contact to the Convention.

c. How a change to an activity is considered as a “major” change;

Articles 1(1) and 2 of the EIA Decree gives a detailed description of factors that qualify the modifications to an activity as significant. The factors are the following:

- a modification described in Annex 1, Point 39;
- a modification of an activity described in Annex 3, Point 142, especially enlargement of the activity or change of technology or products in conclusion which one of the following conditions are fulfilled:
 - a new emission of material or energy evolves which is bound to limit value and lasts at least for a year and the expected emission is more than 25 % of the maximum acceptable emission limit determined for the given activity or emission;
 - hazardous or radioactive waste is produced in such type or amount which makes necessary of constructing a new facility for handling it, or of enlarging the capacity of an existing facility by 25 % or of introducing new handling technology;
 - an already permitted emission of material or energy which is bound to limit value and lasts at least for a year will be increased with more than 25 % in a yearly average;
 - an already permitted underground water intake from the land of the requester is increased with more than 25 % in a yearly average at least for one year;
 - an already permitted surface water intake from the land of the requester is increased with more than 25 % in a yearly average at least for one year;
 - the piece of land occupied by the activity is expanded by at least 25 % and the existing usage or the usage category determined by the spatial plan changes because of the expansion;
 - the scale of the activity (especially its capacity, the quantity of the products, the size of the facility) exceeds the value determined in the permit referring to the activity with at least 25%.
- the following changes of activities enlisted in Annex 3 Point 143:
 - the volume of the activity exceeds at least by 25 % the level determined in its earlier permit;
 - a new railway line is built;
 - a new traffic lane is built, except if it is only a drive on, drive down lane or a lane for slow vehicles (crawler lane);
 - the line of a pipe is changed in a protected natural area;
 - any change of the activity that entails with initiating an other activity enlisted in Annex 1, notwithstanding that the above conditions are fulfilled or not.

- d. *How such an activity, or such a change to an activity, is considered “likely” to have a “significant” adverse transboundary impact (art. 2.3 and 2.5, and the Guidelines in appendix III).*

As a procedure the issue is handled in a two-step process. According to Article 13(1), of the EIA Decree, the concerned environmental inspectorate has to send documentation to the Ministry if there is a probability that a significant transboundary environmental effect would take place in connection with the proposed activity. According to Article 13(4), the Ministry notifies the affected Party. The above-mentioned Article 13(1) expressly calls upon the concerned environmental inspectorate to take into consideration Appendix III to the Convention. The decision on the probability or harmfulness of an impact is based other Hungarian regulations referring to environmental elements or dangers.

By substance there is no difference in identification of significant impact related to Hungarian or non-Hungarian territory. By estimation of the potentially affected area which is integral part of content requirements the geographical extent can be identified. For determination of significance the same criteria are applied in any cases.

PUBLIC PARTICIPATION

7. *Does your country have its own definition of “the public” in national legislation, compared to article 1(x)? How does your country, together with the affected Party, ensure that the opportunity given to the public of the affected Party is equivalent to the one given to your country’s public as required in article 2, paragraph 6?*

According to the Article 2(1) of the EIA Decree concerned public is a natural person, legal person or organisation without legal personality that is affected or could be affected by the decision brought in the Preliminary Assessment or EIA Procedure, or that is otherwise interested in the decision brought in the above mentioned processes. The environmental organisation according (defined in the Article 98(1) of Environmental Act) shall always be considered concerned.

All of the documents that are displayed for the Hungarian public to make comments on are sent to the affected Party roughly at the same time as Hungarian public received them, requesting comments from the public of the affected Party. The comments received from the public of the affected Party shall be considered the same way as the Hungarian public’s.

Article 3

Notification

QUESTIONS TO PARTY OF ORIGIN

8. *Describe how your country determines when to send the notification to the affected Party, which is to occur “as early as possible and no later than when informing its own public”? At what stage in the EIA procedure does your country usually notify the affected Party (art. 3.1)*

Notification is a two-step process according to Hungarian law. First the concerned environmental inspectorate sends the materials about the request and the activity immediately to the Ministry of Environment and Water after receiving the request by the developer (Article 13(1) of EIA Decree) in all cases where the inspectorate concludes that significant transboundary environmental impacts may occur.

It has to be noted that according to the General Rules of Administrative Procedure, a request with a seriously faulty or missing attachment is not considered a valid request and is not able to trigger the legal consequences of issuing the request for the decision of the administrative body (e.g. starting the procedural deadlines). After receiving the file from the concerned

environmental inspectorate, the Ministry examines the file and send the notification to the affected Party immediately (Article 13(4) of the EIA Decree). Hungary usually notifies the potentially affected Party during the Preliminary Assessment Procedure (id est in the framework of the Scoping phase of the EIA procedure).

9. *Does your country provide any information to supplement that required by article 3, paragraph 2?*

Generally the notification provides some supplementary information even if the Hungarian law does not specify specific requirements. Article 13(4) of the EIA Decree refers directly to the text of the Convention in that matter (“the Ministry prepares the notification according to the rules of the Convention”). First of all we send the information prescribed by Article 3(5) of the Convention. In addition to the notification, the Ministry attaches to it the developer’s application for the proposed activity, the Preliminary Assessment Documentation, its translation and a request for information further to Article 3(6), of the Convention if necessary. We also describe in the notification the expected steps of the Hungarian EIA procedure.

10. *Does your country use the format for notification (as decided by the first meeting of the Parties, decision I/4, in document ECE /MP.EIA/2)? If not, in what format does your country normally present the notification?*

Yes, the proposed guidelines are followed, but only in part. In our opinion the content suggested by decision I/4 can be applied directly by countries that have adopted a one-step EIA procedure. In Hungary the process is a two-step one with public participation in the Preliminary Assessment phase, as well. This way Hungary has to send the notification and supplementary information at an earlier stage of Preliminary Assessment Documentation preparation than countries with one step-process (or with two phases process but with no public participation in the first one).

11. *Describe the criteria your country uses to determine the time frame for the response to the notification from the affected Party (art. 3.3, “within the time specified in the notification”)? What is the consequence if an affected Party does not comply with the time frame? If an affected Party asks for an extension of a deadline, how does your country react?*

According to Article 13(4) of the EIA Decree, the Ministry has to specify the time frame for the response “in harmony with the deadline for the national EIA process”. The specified deadline depends on which phase of the procedure has the notification been sent in. Since Hungary usually notifies the potentially affected Parties during the Preliminary Assessment Procedure – when according to the Article 2(3)d) of the EIA Decree the Preliminary Assessment Documentation has to be made available for the public for comments for 21 days – we usually give 30 days for the notified Country to decide whether it intends to take part in the Hungarian procedure and another 30 days for their comments.

If we become aware that significant transboundary effects on the environment may occur only during the EIA procedure – when according to the Article 8(3) of the EIA Decree the EIA Study has to be made available for the public for comments for 30 days –, we usually ask the notified Country’s decision on participation and their comments in 70-80 days.

We usually accept if an affected Party asks for an extension of a deadline, when there is an acceptable reason for the request for extending the deadline. According to the Article 12(5) of the EIA Decree the Transboundary part of the Environmental Impact Assessment Procedure shall not be counted to the deadline of the domestic procedure.

Lack of response from the applicant or from other participants, however, could be considered serious shortcomings. Longer delays could make it impossible to take the opinion of the affected Party into consideration.

12. *Describe when your country provides relevant information regarding the EIA procedure and proposed activity and its possible significant adverse transboundary impact as referred to in article 3, paragraph 5. Already with the notification, or later in the procedure?*

The information in accordance with Articles 3(5)a) and 3(5)b) of the Convention is submitted with the notification.

13. *How does your country determine whether it should request information from the affected Party (art. 3.6)? When does your country normally request information from the affected Party? What kind of information does your country normally request? How does your country determine the time frame for a response from the affected Party to a request for information, which should be “prompt” (art. 3.6)?*

Article 13(1)cb) of the EIA Decree, describes that the concerned environmental inspectorate shall specify what kind of information is required from the affected territory of the affected Party for the preparation of the EIA documentation. Article 13(4) describes the responsibilities of the Ministry furthering the information to the affected Party, refers back to Article 13(2). The request is attached to the notification.

The nature of the information requested from the affected Party is determined by the requirements of the EIA documentation (the information is requested in the Preliminary Assessment Procedure id est in the scoping phase, so the applicant is in the position to use all of the received information in the detailed, final EIA documentation prepared for the EIA procedure).

As concerns the actual practice generally we ask the affected Party to send information only in cases where the transboundary effects can be specified already in the Preliminary Assessment Procedure. For example, when the air pollution is the main impact:

- immission data;
- sensitive receptors to air pollution;
- meteorological data

in the affected area. (Articles 1(1), 1(3), 3(2) and 5/A(3) of the EIA Decree, contain the requirements of the content of the EIA documentation).

According to an interpretation of the Hungarian regulation (reading together Articles 13(1), 13(4) and 13(5) of the EIA Decree), Hungary asks at the same time for a response on the affected Party's wish to participate and for information about the affected territories. See the terms and deadlines of the response to the notification in the answers to the previous questions. However, Hungary considers that prompt provision of information is hardly feasible except for countries having extensive computerized and connected environmental databases.

14. *Please describe:*

- a. *How your country cooperates with the authorities of the affected Party on public participation (art. 3.8), taking into account that the Party of origin and affected Party are both responsible;*

The affected Party receives all the materials what the Hungarian public receives and all the further dissemination tasks rest on the affected Party. According to the Article 13 (1)d) of the EIA Decree the whole Preliminary Assessment Documentation shall be translated into English or into the language of the affected Party.

In practice we advise that the developer should translate the documentation into the language of the affected Party, thought.

- b. *How your country identifies, in cooperation with the affected Party, the “public” in the affected area;*

The Ministry (which is responsible for environmental affairs) of the affected Party receives all the materials what the Hungarian public receives and the identification of the public in the area of the affected Party rests on the affected Party’s Ministry.

- c. *How the public in the affected Party is notified (what kinds of media, etc are usually used). What is normally the content of the public notification?;*

Hungary notifies the Ministry (which is responsible for environmental affairs) of the affected Party. The notification of the public of the Party rests on the Ministry of the affected Party.

- d. *Whether the notification to the public of the affected Party has the same content as the notification to your country’s public. If not, describe why not. At what stage in the EIA procedure does your country normally notify the public of the affected Party?*

Yes, the notification to the affected Party contains the same information as the notification to Hungarian public. Furthermore the affected Party receives all the materials what the Hungarian public receives and all the further dissemination tasks rest on the affected Party. According to the Article 13 (1)d) of the EIA Decree the whole Preliminary Assessment Documentation shall be translated into English or into the language of the affected Party. Furthermore according to the article 14(1) of the EIA Decree in case of transboundary EIA procedure the user of the environment (the developer) shall have the translation of the international chapter and the non-technical summary of the EIA documentation prepared in English or in the language of the affected Party.

According to Article 13(4) of the EIA Decree the Ministry shall prepare the notification defined by the Convention and send the notification to the affected Party as early as during the Preliminary Assessment procedure (id est in the framework of the scoping phase of the EIA procedure).

If the probability of the significant transboundary environmental effect turns out only in the EIA process following the Preliminary Procedure, the concerned environmental authority informs the Ministry immediately and the procedure shall be run hereafter as described above.

15. *Does your country make use of contact points for the purposes of notification as decided at the first meeting of Parties (ECE/MP.EIA/2, decision I/3), and as listed on the Convention website (http://www.unece.org/env/eia/points_of_contact.htm)?*

Yes, the points of contact are made use of in this way. However, in certain priority cases (for instance, because of widespread public, economic or political interests) the international communication might be initiated or partly led by the Minister who is responsible for environmental affairs him/herself.

QUESTIONS TO AFFECTED PARTY

16. *Describe the process of how your country decides whether or not to participate in the EIA procedure (art. 3.3)? Who participates in the decision-making, e.g. central authorities, local competent authorities, the public, environmental authorities? Describe the criteria or reasons your country uses to decide.*

According to Articles 16(1)a) and 16(1)b) of the EIA Decree, the Ministry asks the opinion of the inspectorate, the statutory consultant authorities (co-authorities) and the concerned

public on the proposed activity in the Party of origin and also on the necessity of participation in the Espoo process, and takes them into consideration while making its decision. (See also answer given to question 3.c.).

An example of when Hungary chose to participate is when discharges from the foreign activity or natural resource exploitation might affect the state of environment in Hungary; it is relatively easy to decide whether a location is close to the border or whether, should an accident occur, Hungarian territory might be polluted according to earlier experience.

17. *When the Party of origin requests your country to provide information relating to the potentially affected environment, how does your country determine what is “reasonably obtainable” information to include in its response? Describe the procedures and, where appropriate, the legislation your country that would apply in determining the meaning of “promptly” in the context of responding to a request for information (art. 3.6)*

In general, we could describe the Hungarian legal approach as we consider "obtainable" all the information the authorities collect or possess according to their legal responsibilities. Article 16(4) of the EIA Decree underlines the information which is readily available at the Ministry or at the concerned environmental inspectorate and the consultative authorities. In addition to this, information that is not available or requires a lengthy process either to find it or to produce it is not considered reasonably obtainable.

According to Articles 16(1) and 16(4), after receiving the notification, the Ministry performs the necessary translations and asks for opinions and data from the competent inspectorate and consultative authorities and sends Hungary's answer and the requested environmental information to the Party of origin. There are no fixed procedural deadlines for these activities. The prompt answer in some cases can include only so called meta-information about the available database requesting the Party of origin to specify its information need.

18. *Please describe:*

a. *How your country cooperates with the authorities of the Party of origin on public participation (art. 3.8), taking into account that the Party of origin and affected Party are both responsible;*

Ministry - or the Environmental inspectorate appointed by the Ministry - has to organize a public forum and invite the representative of the authorities of the Party of origin, and requests their authorities to invite the representative of the developer and its experts.

b. *How your country identifies the “public” in the affected area;*

The same definition and determination is applied as during the domestic procedure.

c. *How the public is notified (e.g. what kinds of media, etc., are usually used). What is normally the content of the public notification?;*

According to the 13(5)b) of the EIA Decree the Ministry (or in case of a smaller project the competent Environmental Inspectorate, appointed by the Ministry) organizes information for and request comments from the public of the presumed impact area, with the involvement of local municipalities if necessary.

In the practice we usually follow the same process as required during a domestic EIA procedure (regulated by the Articles 3(3) and 3(4) of the EIA Decree).

The Ministry announces a publication and all the documentation, received from the Party of origin, with its necessary translations in its office and on its web page on the beginning of a transboundary EIA procedure. The publication has to contain the fact of initiation of the

transboundary EIA procedure and the way of possibilities for the public of making comments and asking questions.

In the same time the Ministry sends the publication and the received documentation with the translations to the clerks of the localities supposedly concerned in the case. The clerk shall immediately arrange for the announcement of the publication and the documentation with the translations on public spaces and in other ways usual at the given locality.

d. At what stage in the EIA procedure does your country normally notify its public?

The public is notified as soon as possible. According to the 13(5)b) of the EIA Decree after having prepared the necessary translations of the received documentation, sent by the Party of origin the Ministry (or the Environmental inspectorate appointed by the Ministry) organizes information for and request comments from the public of the presumed impact area, with the involvement of local municipalities if necessary.

Article 4

Preparation of the environmental impact assessment documentation

QUESTIONS TO PARTY OF ORIGIN

19. What is the legal requirement for the minimum content of the EIA documentation (art. 4.1, appendix II)?

The Hungarian EIA documentations contain all of the elements of Appendix II of the Convention (as determined by Articles 7(1) and 7(3), which refers to Annex 6 of the EIA Decree) in a detailed way.

20. Describe your country's procedures, if any, for determining the content of the EIA documentation on a case-by-case basis (scoping procedure) (art. 4.1).

The general requirements of content of the EIA documentation are described in Annex 6 of the EIA Decree. Furthermore in all cases the environmental inspectorate determines the content of the EIA documentation after receiving the Preliminary Assessment Documentation. In its decision on the content of the EIA documentation, the inspectorate follows the opinions of the co-authorities and takes into consideration the inputs from the members and organisations of the public (including the concerned municipalities, too) and in case of Espoo procedure on the comments of affected Party, as well.

21. How does your country identify "reasonable alternatives" in accordance with appendix II, paragraph (b)?

Articles 3(2) and 5/A(3) determine the content of the Preliminary Assessment Documentation. They refer to Annex 4. According to point 1.b) of Annex 4 the Preliminary Assessment Documentation has to contain the basic data of the planned activity and other reasonable alternatives of its location, techniques and other characteristics if such alternatives exist.

22. How does your country identify "the environment that is likely to be affected by the proposed activity and its alternatives" in accordance to appendix II, paragraph (c), and how does it define "impact" in accordance with article 1(vii)?

Annex 7 of the EIA Decree on "Rules of determination of the affected territory" gives a detailed description of the identification of the likely affected environment. The full affected territory is the sum of the territory of the direct effects and of the territory of the indirect effects. This territory is outlined in the Preliminary Assessment Documentation and specified in the EIA documentation. The text of the Annex 7 makes it clear that the

extension of affected territory might differ according to the affected environmental elements (e.g. air, water, soil).

During the EIA procedure the effects on the elements of the environment (land, air, water, biosphere, built environment including monuments, areas of monuments and architectural heritage); the systems, processes and structure of the environmental elements, especially the landscape, settlements, climate and the natural (ecological) systems and expectable changes as consequences of the above effects in the status of health of the concerned population and in the social economic situation – especially in quality of life and in conditions of utilization of territory must be analysed.

23. *Does your country give the affected Party all of the EIA documentation (art. 4.2)? If not, which parts of the documentation does your country provide?*

Yes, all the EIA documentation is given to the affected Party. Furthermore according to the article 14(1) of the EIA Decree in case of transboundary EIA procedure the developer shall have the translation of the international chapter and the non-technical summary of the EIA documentation prepared in English or in the language of the affected Party.

24. *How does your country cooperate with the authorities of the affected Party on distribution of the EIA documentation and the submission of comments (art. 4.2), taking into account that the Party of origin and affected Party are both responsible? How does the competent authority in your country (as the Party of origin) deal with the comments (art. 4.2)?*

During the Preliminary Assessment Procedure in case the occurrence of a significant transboundary environmental impact is presumable, the concerned environmental inspectorate informs the Ministry. The Ministry – defining a reasonable deadline – prepares the notification defined by the Convention and sends the notification to the affected Party. The concerned environmental inspectorate, with the involvement of special authorities concerned, may order the supplementing of the EIA Study upon the consideration of comments received at the consultation with and given by the public of the affected Party. (In practice the ministry of environment of the affected Party transmits the comments to the Hungarian Ministry and it forwards them immediately to the environmental inspectorate responsible to handling the given case. The inspectorate then sends the comments immediately to the project proponent for use in compiling the EIA documentation.) In case of Espoo procedure the competent environmental inspectorate has to take into consideration the comments of affected Party as well to the decision on issuing environmental permit.

25. *Describe the procedures and, where appropriate, the legislation that define the time frame for comments provided “within a reasonable time before the final decision” (art. 4.2)? What is the consequence if the affected Party does not comply with the time frame? If an affected Party asks for an extension of a deadline, how does your country react?*

According to the Article 13(4) of the EIA Decree the Ministry has to take into consideration the time frames of the environmental permitting process defining a deadline for the affected Party for response.

In the practice for setting the deadline we always take into consideration the time till the Preliminary Assessment or the EIA documentation has to be made available for the public for comments. (See also the answer given to the question 11.)

Hungary always try to respect if an effected Party asks for extension of a deadline. The consequences, however, differ according to the length of the delay. Hungarian practice will certainly not totally dismiss an opinion just because of several days or a couple of weeks delay. Smaller delays can result in a shorter period available for the authorities on the Hungarian side and for other participants to interpret, evaluate and answer the comments.

Lack of response from the applicant or from other participants, however, could be considered serious shortcomings. Longer delays could make it impossible to take the opinion of the affected Party into consideration. (However such a case has never occurred yet.)

26. *What material does your country provide, together with the affected Party, to the public of the affected Party?*

The material provided are:

- the request and the Preliminary Assessment Documentation in English or in the affected Party's language (according to Article 13(2)d) of the EIA Decree) together with the notification;
- the EIA Study (plus the translations of its international chapter and also of the non-technical summary, performed by the applicant, according to Article 14(1) of the EIA Decree);
- the decision on environmental permit and
- the decisions, if any, resulted from legal remedies.

27. *Does your country initiate a public hearing for the affected public, and at what stage, whether in the affected Party, in your country or as a joint hearing? If a public hearing is held in your country, as Party of origin, can the public of the affected Party, public authorities, organizations or other individuals come to your country to participate?*

Hungary does not initiate a hearing on the territory of the affected Party. There is no mention of the public of the affected Party in the legal provisions on notification about a public hearing in the EIA Decree or in the Environmental Act. However, if the affected Party organizes the public hearing, the Hungarian Ministry, concerned authority and proponent shall participate in it.

The hearing held in Hungarian territory is addressed to the concerned public of Hungary. However, the Hungarian Party in its international EIA procedures takes into consideration Article 3(8) of the Espoo Convention, so there is no legal exclusion if some of the concerned individuals or the organizations from the affected Party wishes to participate on the hearing, but it could not entail with additional financial burden on the proponent or on the Hungarian authorities.

QUESTIONS TO AFFECTED PARTY

28. *Describe the procedures and, where appropriate, the legislation your country would apply to determine the meaning of the words "within a reasonable time before the final decision", this being the time frame for comments (art. 4.2)?*

As affected Party, the Hungarian EIA Decree does not specify any deadlines for the process, which means that every action shall take place immediately or as soon as possible. However, Hungary has to consider the time taken by the consulting authorities and the public in forming their opinions, which is not less than thirty days providing the same time period what is available in the national procedure. When additional translations are necessary or interpreter questions, to be discussed with the other Party, arise, longer deadline is needed.

29. *How does your country cooperate with the authorities of the Party of origin on the distribution of the EIA documentation and the submission of comments (art. 4.2), taking into account that the Party of origin and affected Party are both responsible?*

To ensure that the opportunity provided to the public of the affected Party is equivalent to that provided to the public of the Party of origin, Hungary makes the received EIA

documentation available for the Hungarian public in the way and for the time period determined by the national EIA legislation of the Party of origin.

Regarding the public comments Hungary usually uses the following practice: the Ministry incorporates the relevant public comments into the official Hungarian standpoint (which is going to be sent to the Party of origin in English) and forwards the entire set of the original comments in Hungarian, as well.

30. *Who is responsible for the organization of the public participation in the affected Party? Is the public participation normally organized in accordance with your legislation as the affected Party, with the legislation of the Party of origin, with ad hoc procedures, or with bilateral or multilateral agreements?*

When Hungary is the affected Party, the Ministry of Environment and Water shall organize public participation according to Articles 16(5)b) and 16(5)c) of the EIA Decree.

The Ministry, after performing the necessary translations of the EIA documentation received from the Party of origin, shall organise to disseminate information to and receiving comments from the public of the possibly affected territory, including the municipalities, if necessary, and organise public meeting and invite the representative of the Party of origin to participate in it.

Article 5

Consultations

QUESTIONS TO PARTY OF ORIGIN

31. *At which step of the EIA procedure does the consultation in accordance with article 5 generally take place? Describe the procedures and, where appropriate, the legislation your country would apply to determine the meaning of “undue delay”, with regard to the timing of the entry into consultation? Does your country normally set the duration for consultations beforehand? If there seems to be no need for consultation, how does your country determine not to carry out consultations?*

According to Article 14(3) of the EIA Decree in case the affected party announces its intention to participate in the environmental impact assessment process, the Ministry forwards the EIA documentation to the affected Party and initiate consultation based thereupon. The effective timing of consultation, however, requires consideration that the affected Party needs time to organize exchange processes back in their country. According to our experience the best timing is when both national and international public consultation is over. As a Party of Origin Hungary asks the opinion of the affected Party whether there is a need for carry out consultation.

32. *On what level do you arrange for consultation: national, regional or local? Who usually participates in the consultation? Describe the responsibilities of the authorities involved. By what means do you usually communicate in consultations, for example by meeting, exchange of written communications?*

According to the EIA Decree consultation is arranged either at the level of ministry or at level of the designated environmental inspectorate. The Ministry always involves the concerned environmental inspectorate in the consultations and in case of necessity it also can involve the co-authorities (Article 14(3) of the EIA Decree). In its decision on issuing environmental permit the competent environmental inspectorate takes into consideration the outcome of the consultation, as well. Consultations usually arranged by holding meetings, however, exchange of written communications can occur, too.

QUESTIONS TO AFFECTED PARTY

33. *On what level is the consultation normally held: national, regional or local? Who normally participates in the consultation? By what means does your country usually communicate in consultations, for example by meeting or by the exchange of written communications? How does your country indicate if there is no need for consultations?*

Consultations as affected Party are not regulated by the Hungarian laws, although we can use the rules of the reverse situation *mutatis mutandis*. According to this, we use for the consultations both the national and regional levels. The concerned environmental inspectorate shall always take part in the consultations, while the co-authorities take part only in case of important professional issues belonging to their scope of authority (with analogical use of Article 14(3) of the EIA Decree).

Communication is taking place usually in a personal meeting of officials and experts, while written consultations can also occur by either letter being sent to the Party of origin if there is no need for further personal consultations or otherwise in a personal meeting session it can be agreed, that certain details would be arranged in a correspondence.

Article 6

Final decision

QUESTIONS TO PARTY OF ORIGIN

34. *For each type of activity listed in appendix I, identify what is regarded as the “final decision” to authorize or undertake a proposed activity (art. 6 in conjunction with art. 2.3); also provide the term used in the national legislation in the original language. Do all projects listed in appendix I require such a decision?*

In the Hungarian environmental legal system the EIA decision (on the environmental permit) that closes the EIA procedure is considered a final independent decision of the environmental inspectorates, in term that there is a separate set of administrative legal remedies against this decision (appealing to the chief environmental inspectorate and also an administrative court revision process) and also that if the EIA decision is negative, the project will not be performed. An environmental permit (in Hungarian: *környezetvédelmi engedély*) of legal force is a precondition for application for a construction permit. Content of the construction permit must not differ from the orders of the environmental permit.

All of the Appendix I projects undergo an EIA procedure and require environmental permit.

35. *How does the EIA procedure (including the outcome) in your country, whether or not transboundary, influence the decision-making process for a proposed activity (art. 6.1)?*

As it concludes from the Hungarian legal situation described in the previous point, the decision of the EIA procedure is totally independent from the other parts of the long decision making process a large environmentally significant investment usually must undergo in procedural legal sense. This means that the EIA decision can be positive or negative and can contain any conditions of the investment notwithstanding of the other decisions. However, if the EIA decision is negative, the proponent cannot initiate any such permitting processes that follow the EIA procedure (usually, there is a formal requirement in such permitting procedures to attach the positive EIA decision, the environmental permit with legal force to the request for other permit). In addition to these, the statements of the EIA decision shall be taken into consideration in the construction permitting processes as

mandatory elements of the realisation of the planned activity. Content of the construction permit must not differ from the orders of the environmental permit.

36. *Are the comments of the authorities and the public of the affected Party and the outcome of the consultations taken into consideration in the same way as the comments from the authorities and the public in your country (art. 6.1)?*

Yes, articles 10(1) and 13(4) of the EIA Decree handles these comments in parallel, in a completely identical way.

37. *How is the obligation to submit the final decision to the affected Party normally fulfilled? Does the final decision contain the reasons and considerations on which the decision is based? (art. 6.2)*

Article 14(5) of the EIA Decree stipulates that the inspectorate sends its decision immediately to the Ministry, which forwards it also immediately to the affected Party. The same procedure applies to the cases when legal remedies are used by the Parties and further decisions are brought.

As we also noted above, there are detailed instructions in the EIA Decree about the content of the reasoning part of the EIA decision. In addition to that, Article 72(1)ea) of the General Administrative Procedural Law obliges the authorities to give reasoning in their decisions in general terms: the summary of all the meaningful facts of the procedure, their evaluation with the evidences having been taken into consideration and also the exact references to the legal regulations the decision was based on.

38. *If additional information becomes available according to article 6, paragraph 3, before the activity commences, how does your country consult with the affected Party? If need be, can the decision be revised? (art. 6.3)*

There is no specific provision in the EIA Decree about it, however general provisions of the Administrative Procedural Act are applicable in such a case. If the case is finished with legal force, only extraordinary legal remedies can take place, which have stringent procedural and time constraints.

An additional legal tool to touch the EIA decision with legal force is the initiation of a supervision and modification process on substantial legal reasons according to Article 72 of the Environmental Act: "The Environmental Inspectorate revokes the permit (...) if the circumstances of the time of issuing the permit have significantly changed."

According to the implementation rule of this regulation, Article 10(8) of the EIA Decree stipulates: "The Environmental Inspectorate can modify the environmental permit upon request or ex officio in case the circumstances of the time of issuing the permit have significantly changed but the full revocation of the permit is not necessary."

Article 7

Post-Project Analysis

39. *How does your country determine whether it should request a post-project analysis to be carried out (art. 7.1)?*

There are no special rules in the Hungarian EIA laws about post-project analysis of the transboundary cases, although Article 10(4)ba) of EIA Decree creates the general opportunity of such procedures: In the decision on environmental permitting the inspectorate may determine as a condition to the permit "regular environmental and nature protection monitoring, including development of a system for measurements, observations and controls."

In other aspects the rules of the Convention on determination of post-project analysis are directly applicable and the consultations with the other Party may provide a good forum to determine on this issue.

40. *Where, as a result of post-project analysis, it is concluded that there is a significant adverse transboundary impact by the activity, how does your country inform the other Party and consult on necessary measures to reduce or eliminate the impact pursuant to article 7, paragraph 2?*

Articles 73-76 of the Environmental Act prescribe environmental supervision on such operating facilities that might cause environmental pollution. Since the rules on environmental supervision do not contain all the necessary specific details of procedural rules, the generally accepted Hungarian practice refers back to the rules of EIA process. Anyway the Parties can agree on handling such a situation case by case during the consultation.

Article 8

Bilateral and multilateral agreements

41. *Does your country have any bilateral or multilateral agreements based on the Convention (art. 8, appendix VI)? If so, list them. Briefly describe the nature of these agreements. To what extent are these agreements based on appendix VI and what issues do they cover? If publicly available, also attach the texts of such bilateral and multilateral agreements, preferably in English, French or Russian.*

None.

42. *Has your country established any supplementary points of contact pursuant to bilateral or multilateral agreements?*

No, we haven't.

Article 9

Research programmes

43. *Are you aware of any specific research in relation to the items mentioned in article 9 in your country? If so, describe it briefly.*

There are no any specific researches.

Ratification of the amendments to the Convention and of the Protocol on Strategic Environmental Assessment

44. *If your country has not yet ratified the first amendment to the Convention, does it have plans to ratify this amendment? If so, when?*

Hungary ratified the first amendment to the Convention on the 29th May, 2009.

45. *If your country has not yet ratified the second amendment to the Convention, does it have plans to ratify this amendment? If so, when?*

Hungary ratified the second amendment to the Convention on the 29th May, 2009.

46. *If your country has not yet ratified the Protocol on SEA, does it have plans to ratify the Protocol? If so, when?*

The internal ratification process on the Protocol on SEA was completed on the 21st April, 2010, when the Protocol was published in the Official Gazette. The deposition process of the ratification document is in progress.

PART TWO – PRACTICAL APPLICATION DURING THE PERIOD 2006–2009

Please report on your country's practical experiences of applying the Convention (not your country's procedures described in part one), whether as Party of origin or affected Party. The focus here is on identifying good practices as well as difficulties Parties have encountered in applying the Convention in practice; the goal is to enable Parties to share solutions. Parties should therefore provide appropriate examples highlighting application of the Convention and innovative approaches to improve its application.

CASES DURING THE PERIOD 2006–2009

47. *Does your country's national administration have information on the transboundary EIA procedures that were under way during the period? If so, please list these procedures, clearly identifying for each whether your country was the Party of origin or the affected Party. If your country does not have any experience of applying the Convention, why not?*

Hungary is the Party of Origin:

- notification has been sent, but not followed by Transboundary EIA procedure:
 - biomass firing power plant in Károlyfalva (notified Party: Slovakia)
 - "Holcim" cement works in Nyergesújfalu (notified Party: Slovakia)
 - "Eurovegas" recreational and entertainment centre construction in Bezenye (notified Party: Austria)
- Transboundary EIA procedure took place:
 - "E.ON" combined cycle power plant in Gönyü (affected Party: Slovakia)
 - road reconstruction in the area of Ipolydamásd and bridge over Ipoly river (notified Party: Slovakia)

Hungary is the affected Party:

- notification has been sent, but not followed by Transboundary EIA procedure:
 - lime stone quarry in Vcelare, Slovakia
 - lime stone quarry in Migléc, Slovakia
 - revitalisation project on channel Rusovce-Cunovo, Slovakia
 - "S7" federal express road construction – subsection east project in Austria
 - reconstruction of "Slovnaft" thermal power plant in Slovakia
- Transboundary EIA procedure took place:
 - thermal waste treatment in Heiligenkreuz, Austria
 - thermal power plant in Trebisov, Slovakia
 - lime stone quarry in Hostovce, Slovakia
 - port for recreation and sport vessels in Sturovo, Slovakia
 - river barrage on Bodrog, Slovakia
 - gas-steam power plant in Kosice-Bociar, Slovakia
 - nuclear power plant expand with two new blocks in Mochovce, Slovakia
 - gold, silver and base metal ore mining project in Certej, Romania)

Transboundary EIA procedures, which has started but not finished before 2006:

- Hungary is the Party of origin: Paks Nuclear Power Plant lifetime extension;
- Hungary is the affected Party: gold mining project in Rosia Montana, Romania.

48. *Does your country object to the above list of transboundary EIA procedures being included in a compilation of such procedures to be made available on the website of the Convention? (Indicate “yes” if you object.)*

No, Hungary does not object to the list of transboundary EIA procedures to be made available on the website of the Convention.

49. *Are there projects other than those mentioned above for which a transboundary EIA procedure should have been applied, but was not? Explain why.*

No, there are not any such projects.

50. *Provide information on the average duration of transboundary EIA procedures, both of the individual steps and of the procedures as a whole.*

- After receiving the EIA Documentation from the Party of origin the Ministry provides the necessary translations of it. It usually takes about three weeks.
- After having prepared the necessary translations the Ministry (or the Environmental inspectorate appointed by the Ministry or both of them) organizes information for the public of the presumed impact area (with the involvement of local municipalities if necessary), mainly by putting it to the Ministry's website to make it available for the public. The duration of dissemination depends on the EIA legislation of the Party of origin, however in average it is 30 days. In parallel to public notification the Ministry requests statements from co-authorities. We usually ask it within three weeks.
- After receiving the standpoints of the co-authorities and the comments of the public the Ministry organises a public hearing.
- The Ministry arranges consultations with the Party of origin, if it is necessary. The duration of the consultation period is usually three-six weeks.
- Finally the Ministry works out the official Hungarian standpoint on EIA Documentation and sends it to the Party of origin.

Considering the above mentioned steps the average duration of a transboundary EIA procedure (from receiving the notification till providing the official standpoint) is 60-120 day.

EXPERIENCE OF THE TRANSBOUNDARY ENVIRONMENTAL IMPACT ASSESSMENT PROCEDURE IN 2006–2009

51. *If your country has had practical experience, has the implementation of the Convention supported the prevention, reduction or control of possible significant transboundary environmental impacts? Provide practical examples if available.*

For example in the transboundary EIA procedure of the nuclear power plant expand with two new blocks in Mochovce, Slovakia as a result of the consultation we agreed on establishing an on-line monitoring system. It will help to gather and analyse data coming from the area of the Slovak Republic, which could be a part of an early warning system.

52. *How has your country interpreted in practice the various terms used in the Convention, and what criteria has your country used to do this? Key terms include the following: “major change” (art. 1 (v)), “a reasonable time” (art. 3.2(c), art. 4.2), “promptly” (art. 3.6) and “a reasonable time frame” (art. 5). (Do not provide references to answers to earlier questions 6 (b), 11, 13, 25 and 31.) If your country experiences substantial difficulties interpreting particular terms, does your country work together with other Parties to find solutions? If not, how does your country overcome the problem?*

The term “major change” is determined by the articles 1(1) and 2 of the EIA Decree. (See also the answer given to the question 6.b)

Regarding the term “reasonable time”: Hungary usually notifies the potentially affected Parties during the Preliminary Assessment Procedure (Scoping phase) and usually gives 30 days for the notified Party to decide whether intends to take part in the Hungarian procedure and another 30 days for their comments. If we become aware that significant transboundary effects on the environment may occur only during the EIA procedure we usually ask the notified Party’s decision on participation and their comments in 70-80 days. We usually accept the affected Party’s request for an extension of a deadline, when there is an acceptable reason for the request for extending the deadline, though.

Regarding the term “promptly” we have no experience, since we neither have nor have been asked information from a Party of Origin or as an affected Party.

Regarding the term “reasonable time frame” we usually agree with the other Party on three-six weeks for the duration of the consultation period.

As a Party of origin Slovakia usually ask our decision on taking part in their EIA procedure within 30 days from receiving the notification. Since accomplishing this decision many highly time consuming tasks need performing (preparing translation of the EIA documentation, publishing the documentation, gathering the statements of the co-authorities and the comment of the public) we usually ask the extension of the given deadline. However, our request has always been accepted.

53. *Please share with other Parties your country’s experience of using the Convention in practice. In response to each of the questions below, either provide one or two practical examples or describe your country’s general experience. You might also include examples of “lessons learned” in order to help others.*

a. *How in practice has your country identified transboundary EIA activities for notification under the Convention, and determined the significance and likelihood of adverse transboundary impact?;*

We usually send notification when - according to the EIA documentation – the area of an other Party may be affected or when we do not presume that transboundary impact on the environment may occur, however, the planned activity is located near to the state border.

b. *Indicate whether a separate chapter is provided on transboundary issues in the EIA documentation. How does your country determine how much information to include in the EIA documentation?;*

Yes, in case of transboundary EIA procedure a separate chapter has to be provided on transboundary issues in the EIA documentation. Its content is determined by point 5 of Annex 6 of the EIA Decree. Furthermore during the Preliminary Assessment Procedure the competent environmental authority – considering the comments of the affected Party - determines key environmental issues to be assessed in the EIA documentation.

c. *What methodology does your country use in impact assessment in the (transboundary) EIA procedure (e.g. impact prediction methods and methods to compare alternatives)?;*

We use the same methodologies in impact assessment in the transboundary and the domestic EIA procedures. These methodologies are for example: designation of the borders of impacts; calculation of propagation; preparation of impact process flow chart; Leopold matrix; determination of sensitive area on a map; site visits.

- d. *Translation is not addressed in the Convention. How has your country addressed the question of translation? What does your country usually translate? What difficulties has your country experienced relating to translation and interpretation, and what solutions has your country applied?;*

According to the Article 13 (1)d) of the EIA Decree the whole Preliminary Assessment Documentation shall be translated into English or into the language of the affected Party. Furthermore according to the article 14(1) of the EIA Decree in case of transboundary EIA procedure the developer shall have the translation of the international chapter and the non-technical summary of the EIA documentation prepared in English or in the language of the affected Party.

Since the translation of the documentation quite time and cost consuming, in the practice we usually persuade the developer to translate the necessary documentation into the languages of the affected Party. Similarly when Hungary is the affected Party we ask the Party of Origin to provide the documentation in Hungarian, if it is possible.

- e. *How has your country organized transboundary public participation in practice? As Party of origin, has your country organized public participation in affected Parties and, if so, how? What has been your country's experience of the effectiveness of public participation? Has your country experienced difficulties with the participation of its public or the public of another Party? (e.g. have there been complaints from the public about the procedure?);*

As we have described it before, Hungary does not initiate a hearing on the territory of the affected Party. There is no mention of the public of the affected Party in the legal provisions on notification about a public hearing in the EIA Decree or in the Environmental Act. However, if the affected Party organizes the public hearing, the Hungarian Ministry, concerned authority and proponent shall participate in it.

We have found it difficult to determine the start of the public hearing. If it starts forenoon, it will be complained that that day have to be taken off, if you want to participate on the public hearing. Whereas if it starts afternoon, it will be complained, that the public hearing ends late.

The organisation of public hearings is quite cost consuming and often there are very limited participants in them though.

- f. *Describe any difficulties that your country has encountered during consultations, for example over timing, language and the need for additional information. As an affected Party, have consultations under article 5 supported the prevention, reduction or control of possible significant transboundary environmental impacts?;*

We have not encountered any difficulties during consultation.

The consultations under article 5 supported to gain a better understanding of the national EIA legislations of the Parties of Origin and in certain cases to clarify some environmental aspects of the planned development.

- g. *Describe examples of the form, content and language of the final decision, when it is issued and how it is communicated to the affected Party and its public;*

The final decision is the environmental permit. The form, content and languages of the decision are determined by the Act CXL of 2004 on the General Rules of Administrative Procedure. The decision is issued in Hungarian. According to article 72(1) of the Act CXL of 2004 on the General Rules of Administrative Procedure the decision of the competent authority shall contain:

- the name of the concerned environmental inspectorate; the name of the client; the object of the case;
- the decision made by the inspectorate;
- information on the possibility of appealing against the decision;
- naming of the co-authorities and the standpoint of the co-authorities;
- information on the charge of the procedure;
- the statement determined by the competent inspectorate and the evidences used for the determination;
- evidences given by the client but was not accepted by the inspectorate and the reason of the denial;
- the final date of the deadline of the procedure;
- legislations, which determine the competent inspectorate and which used for making the decision;
- date, signature, stamp print.

In the decision on the environmental permit, the environmental authority may defines measures for prevention of the pollution of the soil, air and water, moderation of noise emission, environment-friendly treatment and disposal of wastes, further environmental requirements, emission limit values and deadlines for compliance.

The affected Party receives the final decision without any delay and all the further dissemination tasks rest on the affected Party.

h. Has your country carried out post-project analyses and, if so, on what kinds of project?;

Regarding Nuclear Power Plant in Paks, Hungary there is supervision of the safety analysis regularly.

Regarding Nuclear Power Plant in Mochovce, Slovakia there will be an on-line monitoring system.

Regarding "E.ON" combined cycle power plant in Gönyü, Hungary there is a monitoring system, which measures the CO₂, NO_x, SO₂ and O₂ content of the emitted flue-gas of the power plant.

i. Does your country have successful examples of organizing transboundary EIA procedures for joint cross-border projects? Please provide information on your country's experiences describing, for example, means of cooperation (e.g. contact points, joint bodies, bilateral agreements), institutional arrangements, and how practical matters are dealt with (e.g. translation, interpretation, transmission of documents, etc.);

During the period 2006-2009 we have not had any transboundray EIA procedures for joint cross-border projects. However, we are going to have some in the following years (mainly motorway and gas pipeline constructions).

j. Name examples of good practice cases, whether complete cases or good practice elements (e.g. notification, consultation or public participation) within cases. Would your country like to introduce a case in the form of a Convention's "case study fact sheet" ?;

In our practise during the period 2006-2009 we consider the transboundary EIA process of the “nuclear power plant expand with two new blocks in Mochovce” project as one of the most successful Espoo cases, since expert and smooth co-operation was observed between Hungary and Slovakia, the Party of origin. However we would not like to introduce the case in the form of a Convention’s “case study fact sheet”.

- k. *Identify the most common means of applying the Convention (e.g. through focal points, joint bodies, multilateral agreements).*

Hungary usually applies the Convention through point of Contact for the Convention.

CO-OPERATION BETWEEN PARTIES IN 2006–2009

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

Since as an affected Party take into consideration the national legislation of the Party of origin we have not faced with any important difficulties arising from different legal systems in neighbouring countries.

EXPERIENCE IN USING THE GUIDANCE IN 2006–2009

55. *Has your country used in practice the following guidance, adopted by the Meeting of the Parties and available online? Describe your country’s experience with using these guidance documents and how they might be improved or supplemented:*

- a. *Guidance on public participation in EIA in a transboundary context;*

No, we have not.

- b. *Guidance on subregional cooperation;*

No, we have not.

- c. *Guidelines on good practice and on bilateral and multilateral agreements.*

No, we have not.

CLARITY OF THE CONVENTION

56. *Has your country had difficulties implementing the procedure defined in the Convention, either as Party of origin or as affected Party? Are there provisions in the Convention that are unclear? Describe the transboundary EIA procedure as applied in practice, where this has varied from that described in part one above or in the Convention. Also describe in general the strengths and weaknesses of your country’s implementation of the Convention’s transboundary EIA procedure, which your country encounters when applying the Convention.*

Hungary receives great amount of EIA documentation (several hundreds pages) from the Party of origin several times. These documentations do not contain a separated transboundarian chapter. We often find it difficult to sort out the relevant parts of the documentation, which we have to translate into Hungarian.

No, there is not any unclear provision of the Convention.

Being an EU member, Hungary sends notification not only in case of activities listed in the Appendix I of the Convention, but activities listed in the Appendix I or II in the EIA

Directive, as well. Furthermore we ask comments of the potentially affected Party as early as during the scoping phase of the EIA procedure.

Our main strength is the accurate work and dedicated, professional approach, whereas our main weakness is the limited resources, which we can apply for (transboundary) EIA procedures.

AWARENESS OF THE CONVENTION

57. Has your country undertaken activities to promote awareness of the Convention among stakeholders (e.g. the public, local authorities, consultants and experts, academics, investors)? If so, describe them.

Ministry regularly organises work-shops for the regional environmental inspectorates on the application of the Convention and of the EIA Directive.

58. Does your country see a need to improve the application of the Convention in your country and, if so, how does it intend to do so? What relevant legal or administrative developments are proposed or ongoing?

There is no ongoing alteration of the relevant national legislation.

SUGGESTED IMPROVEMENTS TO THE REPORT

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

* * * * *