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29 June 2005

Attn. Ms. Judit Bakonyine-Moser
Ministry of Environment and Water
Fő u. 44-50
1011, Budapest, Hungary
Fax: + 36 1 201 3937

Dear Ms. Bakonyine-Moser,

**Re: Communication to the Aarhus Convention Compliance Committee
concerning amendments to the Hungarian Expressways Act (Ref.
ACCC/C/2005/13)**

On 18 May 2005, the secretariat of the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (Aarhus Convention) received a communication from the Hungarian non-governmental organization Clean Air Action Group addressed to the Compliance Committee of the Convention regarding compliance by Hungary with certain provisions of the Convention. The communication was submitted in accordance with the provisions of chapter VI of the annex to decision I/7 of the Meeting of the Parties.

Please find enclosed a copy of the communication, which is being forwarded to you at the request of the Committee in accordance with the provisions of paragraph 22 of the annex to decision I/7. The communication has been registered under the symbol ACCC/C/2005/13, which you are invited to cite in future correspondence on the matter.

The Committee, having considered the communication, has on a preliminary basis determined it to be admissible in accordance with paragraph 20 of the annex to decision I/7. A copy of the preliminary determination on admissibility is attached. Please note, however, that the Committee has not reached any conclusions with respect to the compliance issues referred to in the communication.

In order to facilitate further consideration of the communication, the Committee has requested the secretariat to invite you to comment on the subject matter of the communication, and in particular to address the following points:

(a) The main reasons underlying the adoption of the Act XII/2005 on the amendment of Act on Public Interest and Development of the Expressway Network in the Republic of Hungary (hereafter: Expressway Act);

(b) Whether environmental licensing and environmental impact assessment are required for the designation of an exploitation areas (i.e. areas within which road construction materials such as clay, sand and gravel may be extracted as referred to in para. 1 of the communication) or the exploitation itself along expressways under the modified Expressway Act;

(c) If so, whether the decision-making procedure differs from the general procedure of decision-making on establishing exploitation areas, in particular with regard to environmental licensing and EIA;

(d) Whether Article 6, paragraph 1 (a), of the Convention is deemed to be applicable to decision-making on the building of exploitation areas along expressways;

(e) Whether the requirements of the new Hungarian legislation on the development of the expressway network, contested by Clear Air Action Group as non-compliant with the Aarhus Convention in the communications ACCC/C/2004/04 and ACCC/C/2005/13, have been implemented in practice, and, if so, how the requirements of Article 6 of the Convention were ensured;

(f) Please describe the decision-making procedure related to exploitation areas along expressways, in particular with regard to public participation.

Having regard to paragraph 23 of the annex to decision I/7, you are kindly invited to submit to the Committee, as soon as possible but at the latest within five months, any written explanations or statements clarifying the matter referred to in the communication and describing any response that may have been made in the mean time. Please feel free to refer to any materials submitted in connection with communication ACCC/C/2004/04.

We look forward to hearing from you.

Yours sincerely,

Jeremy Wates
Secretary
Convention on Access to Information, Public Participation in Decision-making and
Access to Justice in Environmental Matters

cc. Clean Air Action Group, Hungary