

## Appendix I.

### Particular circumstances concerning the application of the Convention

Under Hungarian law, the right to a healthy environment is based on the Constitution (Act XX of 1949). Pursuant to Article 18, "The Republic of Hungary recognises and shall enforce the individual's right to a healthy environment." Article 70/D of the Constitution also refers to the constitutional protection of a healthy environment. These regulations are enforced primarily by the Environmental Act and its implementing measures on a government and ministerial decree level.

The right to information, including the freedom of shaping and distributing information, i.e. the freedom of speech, is also laid down in the Constitution. Article 61 (1) states, "In the Republic of Hungary everyone has the right to freely express their opinion, and furthermore to access and distribute information of public interest." The detailed rules of this fundamental right are generally provided for in Act LXIII of 1992 on the protection of personal data and the disclosure of information of public interest (hereinafter referred to as the 'Data Protection Act'). Pursuant to the Data Protection Act, § 2:

"4. *'public information'* shall mean any data not regarded as personal data that are managed by a state or local public authority or agency or by any other body attending to the public duties specified by law (including those data pertaining to the activities of the given authority, agency or body);

5. *'public information subject to disclosure'* shall mean any data managed by or pertaining to a natural or legal person or an unincorporated organisation, other than public information that is not subject to disclosure, that are prescribed by law to be published or disclosed for the benefit of the general public".

With a view to safeguarding the constitutional right to the protection of personal data and the disclosure of information of public interest, a data protection commissioner was appointed by Parliament, first in 1995. The data protection commissioner monitors compliance with the Act and other legislation applicable to the management of data, examines reports received, ensures that data protection records are kept, and facilitates the consistent application of the Data Protection Act.

Hungarian law recognises the freedom of association. Pursuant to Article 63 (1) of the Constitution, "On the basis of the right of assembly, everyone in the Republic of Hungary has the right to establish organisations whose goals are not prohibited by law and to join such organisations." This constitutional guarantee is enforced by a separate act on the right of association, and legislation on the registration and the financial management of associations and foundations; furthermore, under Hungarian law, a number of measures regulating various other fields (tax regulations, procedural regulations) also provide for grants and concessions available to non-profit organisations. For example, 1 per cent of the personal income tax of individuals may be offered to non-profit organisations.

The "Raising Environmental Awareness" action programme of the National Environmental Programme for 2003-08 includes the major tasks in order to implement the Convention.

The following are the most important tasks to be performed in order to achieve access to environmental information:

- Establishing a uniform national network for the environmental information system (including the related meta-databases).
- Ensuring a sufficient level for the environmental monitoring system, developing the emissions measurement network.
- Developing an integrated environmental assessment system.
- Operating the National Biodiversity Monitoring System.

- Establishing a geo-information system to support the implementation of the Water Framework Directive.
- Establishing intersectoral co-operation in order to develop a national environmental geo-information system.
- Identifying environmental pressures and their trends in each different sector. Developing the structure of statistical data provision and tracing sustainability indicators.

Measures with a view to encouraging public participation:

- Improving access to environmental information.
- Encouraging the participation of NGOs and the public in the preparation of decisions affecting them.
- Collating practical toolkits.
- Encouraging the participation of NGOs in the performance of environmental and conservation projects, financially supporting their involvement.
- Developing instruments enabling participation (provision of information, training).