

Appendix V

Preventing serious industrial accidents and managing disaster protection

Act LXXIV of 1999 on the management and organisation of disaster protection and the prevention of major accidents involving dangerous substances (hereinafter: the Disaster Protection Act) and Government Decree 2/2001 (I. 17.) on the prevention of major accidents involving hazardous substances (hereinafter: the Government Decree) established a system of institutions and organisations to ensure the performance of tasks related to the prevention of serious accidents, including the activities under the Aarhus Convention. In the official procedures relating to the prevention of serious industrial accidents, the BM OKF (National Directorate General for Disaster Protection, Ministry of the Interior) and the Hungarian Technical Safety Office hold the powers of the general and the technical authority respectively.

Related provisions are as follows:

- (a) On the basis of the functions of the authority and the operator, passive and active dissemination of information and public participation in the decision-making process for facilities classified as upper-tier hazardous take place through preventive information, emergency information and making information available to the public.
- (b) The competent authority notifies the mayors of communities at risk (in Budapest: the Mayor of Budapest) of the start of the licensing procedure. The safety report is public and the mayor must ensure access to it by any person. (Disaster Protection Act, § 34.)
- (c) The operator must ensure, in co-operation with the authority, that the public give their opinion before a licence for a new hazardous facility is issued or the licence for an existing facility is amended or extended. (Disaster Protection Act, § 36.)
- (d) In the event that the safety report contains any trade or industrial secret or material data relating to the security of the plant against external attacks, the operator must call the attention of the authority thereto and submit a version free of such confidential data.
- (e) An extract of the safety report written in plain language and using common expressions for technical terms must also be drawn up to inform the public.
- (f) The mayor, in co-operation with the County Disaster Protection Directorate, prepares the concept of the external protection plan (protection methods and measures with a view to the protection of residents). The mayor publishes an announcement on the completion of the concept and on the safety report. These two documents must be made available for the public for a period of 21 days from the day of publication, during which period the public may submit comments. (Government Decree, §16; the mandatory content of the announcement is laid down in the Government Decree, Annex 8.)
- (g) If licensing concerns the construction of a new hazardous facility or an expansion involving the substantial increase of the hazardous effect of an existing facility, the mayor must hold a public hearing. As regards the form of hearing, the Government Decree recommends the form of public hearing provided for in Act LIII of 1995 on the general rules of the protection of the environment, §§ 93-94 (if appropriate). The parties to be invited to the public hearing include the mayors of the communities concerned, the general authority and the technical authority, the authorities notified by the safety report, the representative of the military station located in the community at risk and any civil society organisations affected which previously indicated their intention to participate. (Government Decree, § 17.)
- (h) On the adoption of the external protection plan, the mayor of the community put at risk by the upper-tier hazardous facility, with the co-operation of the local body of the authority, compiles an informatory publication and ensures that it is available to the public. (Government Decree, § 20.)

- (i) The public authority supervises the dissemination of information to residents and the availability of information to the public. Within the scope of supervision, the authority examines the information obligation and the authenticity of the documents made available to the public. If any of these obligations are not met, the operator will be made to comply with its liabilities and the mayor called upon to perform the prescribed duties. (Government Decree, § 22.)

With a view to ensuring the availability of information to the public, the BM OKF operates a Public Information System on Serious Industrial Accidents, while information concerning the official procedure and the decisions adopted as a result of such procedures is accessible at the official home page (www.katasztrofavedelem.hu).