**NATIONAL REPORT ON THE IMPLEMENTATION OF THE AARHUS CONVENTION**

**2016**

**Compilation process of the national report**

1. The Ministry of Agriculture (the Ministry) is responsible for the national implementation of the Aarhus Convention (Convention). The Ministry has drawn up this national report through broad public consultation. The Ministry has taken those laid down in decisions I/8., II/10., III/5 and IV/4 into account and has compiled its report in accordance to the form given by the appendix of decision IV/4 as well. Furthermore, the Ministry considered the procedure and bid recommendation of the Compliance Committee.

This national report concerns the reporting period between 1 January 2014 until the 31 December 2016.

The schedule for creating the report is as follows:

• May-July 2016 – As requested by the National Focal Point, opinions were given by the following institutions: the competent Ministry departments, the National Inspectorate For Environment and Nature, the Nature- and Environment Protection Departments of the Government Offices, the Hungarian Meteorological Service, and the Herman Ottó Institute.

o Based on the texts and suggestions received, the first draft of the national report has been compiled.

• August 2016 – the Ministry requested the Ministries (Ministry of the Interior, Ministry of Justice, Ministry of Human Resources, Ministry for National Economy, Ministry of National Development, Prime Minister’s Office), the Office of the Deputy Commissioner for Future Generations and civil society actors to submit their observations and remarks concerning the first draft of the national report.

o Opinions were sent by the Ministry of the Interior, Ministry of Justice, Ministry of Human Resources, Ministry of National Economy, Ministry of National Development, the Prime Minister’s Office, the Deputy Commissioner for Future Generations, and the representatives of civil organizations working for environment and nature protection.

• 17 November, 2016 –- The national draft was discussed by the Aarhus Working Group.

• November 2016 – The Ministry has updated the draft of the national report.

o Concurrently, on the 16 November the Ministry published the second draft report on the website of the Ministry which could have been commented on by anybody until the 16th of December.

Comments, amendments and addendums made by environment- and nature protection civil organizations and the Deputy Commissioner for Future Generations will be marked separately, after the respective part of the national report in *italics*, the *submitter’s name underlined.*

**Material circumstances relevant to the application of the Convention (optional)**

Reform in the framework of the environment- and nature protection services

As per the regulations of Act VI. of 2015. on the amendment of certain acts concerning public administration and Act VIII. of 2015. on the amendment of certain acts concerning the changes in local public administration system, since 1 April 2015. the formerly independent environmental protection and nature protection authorities have been integrated into Government Offices of the capital and counties. All Government Offices are led by a Government Representative.

A very long professional preparatory and discussion period preceded the development of the formerly mentioned amendment acts. In the frame of the concept of local administration system remodelling, an entire sub-committee of the State Reform Committee have worked on the questions regarding the creation of an integrated government office system. As per the regulations of Act LIII. of 1995,Section 45 on the General Rules of the Protection of the Environment (Environment Act) the National Environment Council, the assistant, advisory and proposer agency of the Government has been involved in the regulation preparatory work phase.

The basic principles of the new institutional system can be summarized by the following:

 the basic guarantees are provided by the – otherwise unmodified – substantive legal provisions, i.e.: the legal framework, and the detailed regulations on a decree level;

 It is the duty, and responsibility of the Government Representative acting as part of his integrated jurisdiction to provide the legality of all decisions made and to include all professional sectoral interests within the legal boundaries during the given procedure;

 Concerning the different permitting procedures, the Environmental and Nature Protection Authorities, who acted as competent authorities earlier, now are appointed as expert authorities only during the normal procedures, as it is stipulated in the government decrees: the authority who decides the appeal after the first instance can do it only after having the expert opinion of the National Environmental and Nature Protection Inspectorate.

 the supervising authority may review the decisions ex officio and may remedy legal breaches as part of its supervising jurisdiction;

 the professional managing authority may overview the adequate fulfilment of sectoral interests as part of comprehensive-, thematic- and objective inspections and may remedy the situation if necessary;

 During the legislative process of both the laws, governmental and ministerial decrees, such a legal framework has been created, that –besides simplifying the procedure, making the system more transparent and cost-efficient, and decrease the bureaucratic burdens - retains legal guarantees between the given substantive legal boundaries and at the same time it makes the local administrative system more flexible for the fulfilment of daily authority work and can adapt to the changing circumstances.

**Article 3, paragraph 2 (providing assistance and guidance to the public in facilitating participation)**

*What are the legal possibilities granted to the public by public administration laws to enforce their procedural rights?*

2. Act LXXXI. of 2001. on the acceptance of the Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters signed in Aarhus in 25 June 1998 promulgated the Convention, but Hungary has been applying the related principles since the early 1990s. Act CXII. of 2011. on the Right of Informational Autonomy and the Freedom of Information (Information Act) has widely provided for the disclosure of environmental data, Act LIII. of 1995. on the General Rules of the Protection of the Environment (Environment Act) recognised the right of environmental non-governmental organisations to participate in various administrative procedures, and the Supreme Court adopted – with the aim of eliminating different interpretations related to participation rights – decision 4/2010 for the uniformity of the law concerning the legal status of NGOs in environmental administrative legal procedures. The legal decision – while upholding the principle tenets of the 1/2004 legal decision – stated that client status can be given to NGOs in cases where the environmental authority agency acts as an arbitral authority, or if the legal rule stipulates the contribution of the environmental authority as an administrative authority. Among its general provisions, Act CXXXI. of 2010. on the civil participation in the legislative process stipulates the scope of the law, the fundamental principles and the planning of the law-making process. The Act considers wide social consultation as a general rule, and specifies the exceptions defined by special regard. The regulation came into effect on the 1 January 2011.

Civil organizations may become clients in all administrative authority procedures, including legal cases concerning environmental protection, if they mark their rightful claim as generally affected clients according to the Section 15. Paragraph (1) of Act CXL of 2004. on the General Rules of Administrative Procedures and Services (the Administrative Procedures Code) or if they can prove there are client according to the Paragraph (3)of Section15.

Section 15 of Paragraph (5a) of the Administrative Procedures Code provides civil organizations involved in administrative authority procedures – regardless of their client status−-the right for declaration if their registered occupation contains the protection of some fundamental right or the fulfilment of some public interest.

A wider category, compared to client status is the affected public as defined by item a) Section 2, Paragraph (1) of Government Decree 314/2005. (XII. 25.). It includes those organizations without legal entity that will or may be affected by decisions made during procedures under Government Decree 314/2005.25), or who are affected by the decisions made under procedures under Government Decree 314/2005 (XII. 25) including environmental protection agencies mentioned in Section 98 of Paragraph (1) of the Environmental Protection Act.

3. One of the fundamental principles of the Administrative Procedures Code is that administrative authorities must conduct their proceedings in the spirit of cooperation with the client and fairness. The authority must ensure that any person involved in the procedure be informed of their rights and obligations, as well as promote the exercises of the clients’ rights. Any person engaged in a procedure without legal representation must be informed of the legislative provisions relative to the case, the legal consequences of any failure to obligation, and the availability of legal assistance for non-legal entities. Section (5) ) of Paragraph 4 of the Administrative Procedures Act states that clients and other concerned parties be granted right of access to the documents, and in cases of provisions given by relevant legal rules it will organize a public hearing and will inform the involved parties about its decisions.

4. The amendment to the Administrative Procedures Code (1 October 2009) enables authorities to engage a liaison officer without sectoral statutory regulations, in any proceedings relating to the environment. The responsibility of the liaison officer involves, inter alia, the maintaining of contact with clients and stakeholders, while

• provides authentic and accurate information and in readily understandable language to the parties affected concerning the objective of the proceedings and the foreseeable consequences, and on any measures that may be necessary to prevent or reduce potentially unfavourable changes;

• informs the clients regarding the provisions of legal regulation relevant to the case, and their rights specified in substantive and procedural regulations;

• mediates between the authority and the clients, or the adverse parties;

• compiles and arranges the comments received from the clients in connection with the proceedings before conveying them to the authority.

In case of events laid down in item a – j of Section 80/A. of the Administrative Procedures Act administrations have an obligation of publication in respect of legally binding decisions or regarding those decisions that are declared to be enforceable without appeal.

5. Pursuant to Act LXXX. of 2003. on Legal Assistance, the provider of legal assistance prepares documents and provides legal counsel to the client free of charge (the cost of legal assistance is paid by the state). The Act clearly defines the cases where such legal assistance is available.

*What institutional framework is in place to advance the enforcement of participation rights (public relations offices, information service officials, etc.)?*

6. Information to the public concerning access to rights in the field of environmental protection is provided by the Public Relations Bureau of the Ministry responsible for the environment, and the PR Bureaus of the Government offices and the National Parks. Besides the before mentioned, many offices of green civil organizations that were part of the earlier Network of Hungarian Eco-counselling Offices (Kötháló) function currently, in many cases with the financial support of the Ministry’s Green Source tender. The Public Relations Bureau of the Ministry responsible for environment, has worked since 1997, it was completed in 2005 by a network of so-called Green Point Offices maintained by the regional offices of environmental and water directorates and national park directorates. The Green Point Offices were established with a view to provide up-to-date environmental information and assistance to handling cases or complaints by citizens (up until 1 January 2014.). These mostly have functioned until now −not as a network, but independently from each other-− in the new governmental structure since 2010.

7.

8. The Customer Service of the Ministry responsible for health provides information and assistance to the public in relation to environmental health issues which is responsible, inter alia, for the following:

• handling of citizens’ complaints, enquiries,

• providing information on health regulations in force,

• contacts with the customer services of other Ministries, authorities, civil organizations performing similar duties,

• keeping of records on enquiries,

• operation of personal customer service.

9. The Kötháló is a network of organizations who is responsible for giving environmental advice to the public, keeping and updating databases, making leaflets for the public and organize meetings, etc. In addition, Kötháló provides assistance to the public in legal matters relating to the environment. This network has its own quality assurance system.

10.

*Are there training programmes for officials performing environmental duties and judges?*

11. The exchange of experience acquired in the course of projects implemented in the framework of IMPEL (European Union Network for the Implementation and Enforcement of Environmental Law) and the conferences and events organized to share the best international authority practices, promotes the training of the clerks fulfilling authoritative duties. The National Environmental and Nature Conservation Chief Inspectorate takes part in these projects as a member of the Union.

The continuous education of government officers fulfilling environmental protection duties is carried out through the educational courses of the National University of Public Service mostly via e-learning courses. Professional conferences also contribute to the education of government officers.

The education of judges is carried out by the National Judicial Bureau. It organized many training programmes concerning environmental protection at the Hungarian Legal Academy in 2016 and has placed significant emphasis on training available to members of every level of the judicial staff, e.g., Trainee Judges, court secretaries and judges.

domestic training programme a moderated discussion has been introduced into the training for the professional exam of Trainee Judges (Module B – Criminal laws), module III. of the educational preparatory program for the judge profession of court secretaries (practical knowledge concerning criminal law) and the central training for penal judges with an assignment of fixed period in the topic of predator bird poisoning cases with the participation of the BirdLife Hungary and the Curia.

Furthermore, the connections between environmental protection and EU law has been a focal theme of the professional workshops for judges dealing with cases concerning administrative staff.

Further education is available through:

• exchange program for judges (Environmental exchange programmes of the European Judicial Training Network)

• members of the European Legal Professional Advisory Network

• Professional conferences, college meetings, regional training programmes (e.g. the joint conference of the Commissioner for Fundamental Rights and the Association of Hungarian Administrative Judges, European Waste Reduction Week).

As part of international training, judges participated in the English language seminars on court procedures referring to legal breaches of EU waste management legislation organized by the Academy of European Law in Trier and Thessaloniki in 2016 thanks to the existing cooperation with the Academy.

The Sustainable Development Programme has been launched by the president of the Hungarian Judicial Network in order to develop court structures, introduce proactive initiatives in courthouses, high courts, work organization solutions and make the provisions of the heads of institutions more transparent. As part of the programme courts have made commitments to the rational utilization and management of non-hazardous waste and selective waste collection among others.

The judge designated by the Capital Regional Court is responsible for environmental issues.

Public participation plays an important role in the protection of the national heritage and the insurance of the right to the environment, this is why the spokesperson of future generations has organized a joint meeting with the title *“Social involvement in environmental issues, and the protection of the environment in national and EU laws”* on behalf of the Association of Hungarian Administration Judges and the Ombudsman’s office in order to discuss what guarantees and rights does the Aarhus Convention provide for social involvement. In the meeting it was stated how the secondary EU law, the national law, and the changes in the governmental and authority system have affected these rights. Judges, colleagues of the Ombudsman’s office, attorneys and colleagues working in public administration were present at the conference that has drawn attention to the fact that the legal unity resolution –of point 2- legal decision on both the legislative and social participation requires a revision in order to reveal cases where the rights to social participation has been impaired, and how to remedy the situation. It must be noted, that from the perspective of EU law the cooperation between judges and the Ombudsman, where annually held conferences help to discuss problems in judicial and ombudsman practice, has been recognized as a good practice by the European Commission.

**Article 3, paragraph 3 (environmental education, awareness raising and development of environmentally conscious thinking)**

*How are environmental issues managed by the primary, secondary and higher level education systems? Are there any agreements between institutions dealing with this issue?*

13. The Ministry responsible for the environment takes part in the elaboration, development of international and national environmental public education programmes integrated in the system of public education, higher education, vocational training and adult education, and the setup of training requirements and programmes.

14. Based on domestic and international experience, the Ministry of Human Resources and the Ministry of Agriculture find it important, that the school age group receive a unique, action oriented education based upon experience, relevant of their age that teaches them about the importance of their environment and its sustainability.

15. In the framework of the Swiss-Hungarian Cooperation Programme, the Institute of Research and Development for Education has won a subsidy of 1 187 500 CHF for the development of environmental education. Its partners in professional execution were the Ministry of Human Resources, the Ministry of Agriculture, domestic NGOs with a portfolio of environmental education and regional funding centres.

16. Based on Paragraph (5) of Section 78. of the 2011. CXC. Act on National Public Education, the Minister responsible for the education and the Minister responsible for the environment assist in fulfilling of the assignments of environmental education and the execution of the Forest School Program, the Forest Kindergarten Program, the Green Kindergarten Program, and the Eco-School Program via issuing applications and joint programmes and tenders.

*Problems reported by environmental- and nature protection civil organizations:*

*In order to understand the situation better, it must be noted that no government aid was provided to the above mentioned programs. The implementation of the Forest School and Forest Kindergarten projects were funded by the National Alliance of Environment and Nature Protection Education Center (KOKOSZ) using financial aid from a Swiss tender.*

17.

With a view to integrating the environment in higher education, promoting sustainable development and strengthening eco-efficient innovation, the Ministry responsible for the environment concluded a cooperation agreement with Budapest University of Technology and Economics. The parties annually review the current tasks.

18. Environmental education is part of the educational duties conducted in the institutions of public education in Hungary. The National Kindergarten Educational Framework Programme, the National Educational Framework Programme and the National Environmental Programme provide its primary framework. Pursuant to the Act CXC of 2011 paragraph (1) of section (62), item e). on National Public Education, it is the teacher’s obligation to teach the children, students to awareness towards the environment and healthy life. The National Educational Framework also contains materials concerning environmental protection and sustainability.

*Problems reported by environment protection and nature conservation civil organizations:*

*Some of the teachers are not trained, and the resources are inadequate as well. There is no reliable course book, and the funding for on-site education is inadequate as well.*

20. *Official standpoint of the Deputy Commissioner for the Protection of Interests of Future Generations:*

*In the opinion on several legal rules, the Ombudsman, along with the speaker for future generations have noted that changes in the educational system and the compulsory curriculum system may negatively affect the access to the right to healthy environment and furthermore to the obtainment of necessary knowledge regarding the natural resources, biodiversity and the protection and sustainment of cultural heritage for future generations that is compulsory for everyone as per Article P) of the Fundamental Law. In his 2015 report, the speaker has noted that: „ [The] effectiveness of prevention measures is based on the amount of knowledge that the affected persons possess. People may obtain information about our environment within the educational system or through extracurricular education. The state notes its priorities through the creation and abolishment of new higher education courses and by making certain curriculums compulsory.” During the review of legal measures concerning the rationalization of higher education courses, the speaker has noted his concern that the abolishment of certain courses have arisen without the training of professionals in certain sectors would be reduced to zero and with the merging of certain educational programs the stress and fulfilment of natural and environmental concerns becomes secondary to economical ones. The conservation of national heritage for future generations that has been placed under constitutional protection by Article P) of the Fundamental Law can only be guaranteed if the management of natural resources is carried out by professionals with adequate qualification to protect, preserve and utilize them in a nature friendly way. This has been underlined by the Framework Strategy for Sustainable Development that has been adopted by the Parliament of Hungary, when it states that „[…] it is necessary to teach up to date scientific knowledge, and involve sustainable environmental aspects in the higher education.” The framework strategy often stresses the need to take ecological systems, their services and natural boundaries into account. According to the framework strategy the change to blue economy, and green reform requires graduates with bachelor and master degree who continually will be able to provide the necessary human resources. This is why it’s very important to keep the courses where nature- and environmental protection professionals have been trained and educated for* *decades. The suspension of the agro-environmental civil engineer course, accredited in 1991 is regretful, especially in light of the fact, that the market demand for graduates was adequate, and that the obtained knowledge has been directly put into practical use, when the professionals themselves became farmers. (See the report on the activities of the Commissioner and Deputy Commissioner for fundamental rights, 2015, page 257.)*

**<http://www.ajbh.hu/documents/10180/2515707/AJBH+Besz%C3%A1mol%C3%B3%202015/4507ceb3-4c6b-4f54-b212-63d1743c8e13?version=1.0>)**

*The importance of extracurricular education has been especially stressed in the 2013 report. „The responsibility in the Fundamental Law requires that knowledge on our natural environment and the impact of our actions should become general knowledge. According to Article P) of Fundamental Law made it obligatory for everyone to protect the values of national heritage. . People can fulfil their obligations only if they have the opportunity to obtain the necessary knowledge regardless of their age, because they have the right for that. One of the tools towards the fulfilment of the fundamental right to education is guaranteeing of the necessary circumstances in order to operate Public Colleges that in a way guarantees that more and more people can fulfil their obligations as set out in ArticleP) and that scientific knowledge may remain obtainable for future generations. (See the report on the activities of the Commissioner and Deputy Commissioner for fundamental rights, 2015, page 281.)”*

**<http://www.ajbh.hu/documents/10180/1210223/AJBH+Besz%C3%A1mol%C3%B3%202013/ef587a6b-5ae4-43ec-83d2-e3f335e6c4d1?version=1.0>**

21. Cultural institutions carry out significant environmental education for youth in primary and secondary education, and for adults as lifelong learning. Their approach and methods of teaching differ from those utilized in environmental education in the schools. Almost every cultural development financed by European Union Funds contains requirements for passing on environmental knowledge. Participants may acquire the most important information through reading-, drama-, museum pedagogy and public learning. It is important, that our cultural institutions are involved in the organization of every illustrious environmental event, and welcome for those who are interested in the programs, performances and trainings (E.g. Earth Day, Day of Birds and Trees).

22. The framework for environmental education is as follows:

*(a) Environmental education networks and programmes (primary and secondary level education)*

• *With the Green Kindergarten Network*, environmental education begins on the level of pre-school education in a planned and organized way. Environmentally conscious behaviour has been in the focus for a long time in kindergarten education. Important centres of environmentally sensitive kindergarten pedagogy have emerged in recent years, together with the necessary intellectual and material infrastructure. The Green Kindergarten Network is currently operated by the Ministry responsible for environmental issues - with the aid of its background institutions – (currently the Agricultural Museum and Library). From 2006 until 2011 the Ministries responsible for the environment and education published an annual tenders for the title of *Green Kindergarten*. Since 2012, the tender has been valid until withdrawal, and since December 2012 one may also win the title of Perpetual Green Kindergarten. In December 2015, 785 Green Kindergartens and 52 Perpetual Green Kindergartens have operated throughout the country. All in all a total of 837 kindergartens have obtained this rating title.

• *The Hungarian Network of Ecological Schools* has been operating in Hungary since March 2000 as part of an international network under the auspices of the OECD-CERI (Organisation for Economic Cooperation and Development − Centre for Educational Research and Innovation)ENSI (Environment and School Initiatives) project. The network provides a platform for cooperation, exchange of information and organizational assistance to schools dedicated to environmental education. The Ecological School programme has been in place since March 2000 through the coordination of the Programme and Curriculum Development Centre of the Hungarian Institute for Educational Research and Development (OFI) (formerly the National Institute of Public Education) and the Ministries responsible for the environment and education. The two Ministries have published a tender every year since 2004 for the OFI title of *Ecological School*. All Hungarian public educational institutions are eligible for the title. Since 2012 the title of Perpetual Eco-School may be awarded. In 2015 there were 511 Eco-Schools and 274 Perpetual Eco-Schools, so altogether there were 785 institutions with the title. Of the agrarian technical-schools operated by the Ministry of Agriculture 28 institutions have obtained the title of Eco-School, and 12 the title of Perpetual Eco-School in 2015.

• The *Forest School Programme* ensures several days of educational opportunity suitable for the environment during the educational and academic year.

The forest kindergarten - and school service providers provide appropriate locations in the entire territory of the country for the implementation of forest kindergarten- and school programmes. Both the contents and methods of the programme are closely linked to the natural environment of the selected location. Presently, there are 99 forest schools registered by the National Federation of Environmental Education Centres. The 10 national park directorates (NPIs) operate forest school base at 15 locations. Forest schools are also operated by local municipalities, forestry, entrepreneurs and NGOs. There are currently 11 qualified forest kindergartens.

• *Forest schools* maintained by forestry, i.e. service providers providing so-called *forest pedagogical programmes* maintained by the forestry farms, are also operated by the programme. The environmental education classes conducted at the forestry forest schools primarily focus on objectively conveying forest and forestry related topics from several points of view. The genuineness of the classes is principally attributable to the fact that the forestry shows, demonstrates the forest and forestry conducted on its own plant site. Currently there are nearly fifty such service units operating in the country. For the purpose of emphasising the importance of forest pedagogical services and establishing the quality guarantees of the service, the National Forestry Association operates its own qualification system under the professional auspices of the Ministry responsible for agriculture.

• Hungary joined the *GLOBE (Global Learning and Observation to Benefit the Environment)* Environmental Education Programme in 1999. At present 29 secondary schools participate in the ongoing international activities of the programme. Among the 18 thousand GLOBE schools in 110 countries around the world, six Hungarian secondary schools are ranked among the first 12 schools in the international ranking. Each year the schools participating in the programme receive funding by tender for the operation of the programme, with financial support provided by the Ministry responsible for education and professional support provided by the Ministry responsible for the environment. The National Base School of the GLOBE programme coordinates the tender. The implementation of the programme is supported by the national coordinator of the GLOBE programme, with financial support provided by the Ministry responsible for education.

• The *BISEL programme* aims at implementing the so-called International Network National Programme: the supply of professional material, equipment and methods used for the biological analysis of water quality. In order to re-launch, maintain and develop the program, a joint agreement was signed between new partners, the Ministry of Agriculture, the Herman Ottó Institute, the Hungarian Agricultural Museum and Library and the Duna-Ipoly National Park Directorate. The program’s website was renewed through which any Hungarian high school may join the program.

• The aim of Ministry responsible for environmental protection is *talent awareness in terms of environment and nature*, academic competitions, developing professional content of contests, validation of professional aspect, compilation of tasks and thematic of the competition and representation of the Ministry.

• Several thousand students, 1,000 teachers participated in the national academic competitions, such as the Kaán Károly Nature and Environment Knowledge Competition, Bugát Pál National Secondary School Nature Knowledge Competition, Kitaibel Pál National Biology and Environmental Protection Competition, competitions of the Hungarian Scientific Society. Hungarian language schools participate in the Sajó Károly Carpathian Basin Environmental Team Competition.

• Each year the National Employment Service organises an environmental training conference for the managers and staff of vocational training institutions.

*Problems reported by environmental- and nature protection civil organizations:*

*KOKOSZ has carried out the duties of the National Source Centre in broadening both “Networks”. With the above-mentioned Swiss tender, OFI had one goal: to increase the number of members. Network development was not on the table. Kindergartens and schools were only burdened by more and more duties. The system nowadays is very diluted. For example there is an institution that didn’t even know about applying for the title (and it won). Both systems lack any kind of control.*

*(b) Environmental and water management professional training*

Secondary technical training has been reorganized and renewed on 1 September 2013, and then in 2016.

Environmental protection technical training

Since the 2016 modification of the National Educational Register the environmentalprotection and water management sectors have been separated, environmental protection appears separately in the new decree. As a result of the modification, there are currently twelve professional qualifications in environmental protection, six of these may be taught in courses. One is a professional qualification (Waste Plant Operator, Environmental Protection Associate) and the others are semi-professional qualifications (Waste Purchaser and Waste Manager, Waste Collector and –transporter, Waste separator and -processor). Professional qualifications that may be taught at schools obtainable through –professional school- graduation; one is a semi-professional qualification (Waste Purchaser and Waste Manager), one is a technician (Environmental Protection Technician) and five are downstream professional technicians (Waste Management Professional Technician, Environmental Protection Measurement Professional Technician, Nuclear Environment Protection Professional Technician, Municipality Environmental Protection Professional Technician and Nature Protection Professional Technician). Of all the agrarian technical schools run by the Ministry there were nine institutions in which secondary level environmental protection course was launched in 2015.

Water management professional training

The renewed legal framework for secondary level professional education recognizes the importance of water management, thus it appears once again as a separate professional branch and technical school course. Professional responsibility for water management education has been transferred to the Ministry of Interior, the head coordinator of the professional courses is the Minister of Interior, who is responsible for water management. As per the latest -−2016−- National Educational Register there are fifteen professional water management qualifications of which eight are semi-professional qualifications that may be taught as educational courses (Sewer Machinery Operator, Bath Machinery Technician, Dam and Sewer Guard, Pump Station Dam Operator and Management Technician, Water Damage Preventer, Water Quality Inspector, Waterworks Operator, Hydrographical Station Operator). Of The remaining professional qualification taught through the school system one is skilled labourer (Water Management Worker), one is a basic qualification obtainable through professional school graduation (Water Management Clerk), three are technicians (Water Manager, Water Machinery - and Water Public Utility Technician), and the last two are downstream professional technicians (Water Quality Protector, Water Builder, Hydraulic Builder).

Secondary school water management education is currently available at sixteen institutions.

*(c) Environmental protection in higher education*

• The rules on environmental protection in higher education are laid down in the EMMI regulation 39/2012 (XI. 21.)

• The IV National Environmental Programme (IV. NKP) set out nine objectives in the area of higher education.

• The environmental protection and environmental awareness criteria have been integrated into the undergraduate and post-graduate training programmes of agricultural, technical and natural science training areas with the appropriate technical content. The objectives of the 4.1.2/A TÁMOP (Social Renewal Operational Programme) tender entitled “Curriculum development and content development, particularly in relation to mathematics, natural sciences, technical and informatics (MTMI) training” included content development of the faculties relating to sustainable development, social responsibility and climate change. The amount of HUF 1.1 billion was available in the framework of the TÁMOP 4.1.2/C tender entitled “Training of teachers, particularly in relation to mathematics, natural sciences, technical and informatics (MTMI) training and its development”. The objectives of the tender included the training of university-college teachers and managers in areas relating to sustainable development, social responsibility and climate change.

• In 2009 the combined number of graduates in undergraduate and college training (based on ISCED training areas) equalled 33 in the training area of natural sciences, 1,800 in the training area of informatics, 2,601 in the training area of technical sciences and 672 in the area of agriculture and animal health. The admission limits in higher education changed in line with international trends; in 2009, the number of students admitted to technical areas increased by approximately 1,500 and by 1,000 in the area of natural sciences and informatics.

• The 13th National University Students Conference on the Environment was held in April 2012, where 189 presentations were held in 23 sections (the students submitted 254 competition works in 2006, 270 in 2008 and 306 in 2010). In the framework of the individual section “Arts and the Environment”, works of art were exhibited on nature and the protection of the environment publicly.

• The indicators of our proposal worked out for the uniform and comparable, quality performance requirements applicable to the financing of institutions of higher education include environmental responsibility, measured with data linked to professional training, education and own practices.

• Most of the colleges and universities in Hungary offer some water and water management related courses. In 2015 students studied water management in thirty-five courses of seventeen universities, and nine offered post-graduate professional courses. The flagship institutions of water management related studies: The Budapest University of Technology and Economics, The University of Miskolc, The Szent István University, the University of Debrecen, the Pannon University, the Eötvös József College at Baja.

*Are there awareness-raising campaigns implemented by the environmental administration?*

23. The following campaigns were organised in the reporting period:

• *Pick it up!* − *Voluntarily for a clean Hungary* is a nationwide waste collection program organized by the OKTF National Waste Management Directorate (called the National Waste Management Agency until 31 December 2014) in 2013, 2014, 2015, and 2016. The goals of the initiative are to clean as many areas with rubbish in the country as possible, to strengthen the sensitivity of the population towards the environment and to promote voluntary activities. The popularity of the Pick it up! campaign increases annually, the 2016 year broke all previous records: the number of participants, the size of cleared areas and the amount of waste collected make this year’s campaign the most successful of all. Approximately 190 volunteers have participated in the campaign in 2016, cleaning up 2240 sites. The volunteers have collected 2.857 tonnes of garbage during four days, which is more than the waste produced by the inhabitants of Budapest during 1 and a half day hours. The value of this work amounts to about 1,7 billion Hungarian Forints.

• *Image campaign* was organized partially to publicize the activities and the organizational structure of the OKTF National Waste Management Directorate as public bodies (called the National Waste Management Agency until 31 December 2014) and partially to raise awareness towards selective waste collection among the population. The media campaign was organized in 2013 and 2014 as well.

• *European Waste Reduction Week* − At the initiative of the European Commission enthusiastic volunteers may raise awareness towards the importance of the prevention of waste creation, reducing of the generated amount, the re-use of products and the recycling of material through self-made action campaigns in the last week of November every year. The realisation of different action plans is coordinated by one institution interested in waste reduction in every country. In Hungary this responsibility belongs to the OKTF National Waste Management Directorate (called the National Waste Management Agency until 31 December 2014.). The campaign was organized in 2013, 2014, 2015, too. In 2016 the campaign took place between 19-27 November. The initiative reached 170-180 thousand people only in 2015, mostly students and representatives of civil organizations.

• *TRASHCANculT(O)URe* – *Open Day of Waste Managers* - As part of the program, all waste management and re-use plants have opened their gates to the public, so that anyone could have seen behind the stage. During the interesting and exciting factory tours visitors (school-, workplace groups, families) obtained accurate information on the importance of reductions of created waste, the methods of the selective collection of obsolete materials and their merits of this, and have had the opportunity to look into the everyday life of a waste management plant. Young visitors were also able to get information about the possibilities for further studies. In the program about 10-12 thousand people participate annually. OKTF National Waste Management Directorate (called the National Waste Management Agency until 31 December 2014) organized this program in 2013, 2014 and 2016 as well.

• *Waste Management Conference* TheOKTF National Waste Management Directorate (called the National Waste Management Agency until 31 December 2014) has organized this –generally professional- forum in 2013, 2014, 2015 and 2016 as well. During the meeting the social impact of the OKTF National Waste Management Directorate has been presented, which in turn allowed for the broadening and deepening of cooperation with waste management organizations and companies interested in this topic (e.g. public service providers) as well.

• *Green Customer Program* was organized in order to promote conscious consuming and environmental conscious consumption. The message of the program has not changed since its launch in 2012: it encourages the population to decide environmentally consciously and take home less waste after shopping. As part of the program realized in 2013 and 2016 the OKTF National Waste Management Directorate (called the National Waste Management Agency until 31 December 2014.) has worked together with shop chains to offer customers a chance to obtain information on environmentally conscious shopping and learn about it, and helped those interested with six viewpoints that should be taken into account during shopping in order to make it more economically viable and last but not least, economically conscious. The campaign was able to reach and move nearly 17 thousand people only in 2016.

• *Rotary* – *selective whirl* since its launch in 2012 the campaign has been organized one more time in 2013 where participants could learn about the practices of waste collection in a playful manner and could acquire basic information about this topic. The target groups were mostly children, their parents and teachers, the program offered the most useful information for them. The campaign was carried out by the OKTF National Waste Management Directorate, but that time its name was National Waste Management Agency.

• *Earth Day* – As part of this important environmental protection day, the OKTF National Waste Management Directorate (called the National Waste Management Agency until 31 December 2014) annually takes part in the central event organized by the Ministry of Agriculture, with various games aimed at raising the public’s awareness towards waste collection and informative materials. This was the case in 2013, 2014, 2015 and 2016 as well. The target group of these annual programs are the capital’s elementary and high school students. The OMSZ, the Hungarian Meteorological Service has also been an exhibitor at this event in 2014, 2015 and 2016. Those interested had the opportunity to fill out interesting meteorological surveys, get acquainted with a weather forecast station and various meteorological equipment. The Danube Museum organizes its own Earth Day event every year along with the Esztergom Waterworks. It was also present at the Pálvölgy Cave, the Szentendre REC event and any other site to which it had received an invitation.

• *Film competition* – The OKTF National Waste Management Directorate (called the National Waste Management Agency until 31 December 2014) organized its film competition in 2013, 2014, and 2016 where young filmmakers could have submitted their environmental awareness raising short films that aim the young generation. The central topic of the competition was mainly selective waste collection and responsible waste management while in 2016 they asked the contributors to show through their pictures or films what the concept of environmental awareness means to them. The competition becomes more and more attractive every year as shown by the number of submissions. While in 2013 there were 18 applications, this number has risen to 81 in 2016.

• *Old, but gold* – As part of this 2014 mini-campaign, the later National Waste Management Directorate, then still called the National Waste Management Agency, has launched a competition, where a number of mobile phones were drawn amongst those who have subscribed to the newsletter of the public information website at www.szelektalok.hu. The goal of this campaign was to make popular the above - mentioned website, to rise its viewers and also to raise awareness towards the environment.

• *Inner values* –electric and electronic waste (e+e waste) collecting action and contest was initiated by the later National Waste Management Directorate then still called the National Waste Management Agency in 2014. As part of the initiative, broken or unused domestic appliances and tools could have been returned to one of four big market chains. As part of the initiative, more than 42.000 items were discarded. The goal of the campaign was to increase the recycling rate of e+e waste, to raise public awareness on collection possibilities and through these the advancement of the agenda of a sustainable environment. The campaign mostly targeted men,fathers.

• *Supermarket glass collection* - The National Waste Management Directorate launched its glass waste recycling promotion campaign in 2016 for the first time, in order to promote selective glass waste collection possibilities in supermarkets among the population. The goal of the media campaign was to raise awareness towards the importance and possibility of selective glass waste collection among the population. The campaign conveyed the following message: “Make selective garbage collection as part of shopping! Take the empty bottles with you!” This way a trip to a waste collection centre could be spared and thus conserving time, fuel and labour. The campaign mostly targeted the heads of families, women and men, too.

• *BinAdventure* – is an attitude-forming multi-platform game that aims to gain the attention of younger generations, based on their growing interest in digital games both in appearance and through the development of games compatible with different platforms as per modern day requirements. In the program, developed by the OKTF National Waste Management Directorate the users venture into four worlds – paper, plastic, metal and glass- −and can learn useful information about the given material and its selective collection in an interactive way, while they can use their skills, fastness and creativity. The game does not focus on which waste belongs to which bin but helps to teach the correct method of selective waste collection (emptying, flattening, sorting). The BinAdventure (KuKaland) game has been available since 2016 from its own website and www.szelektalok.hu as well as an Android or iOs app (from the AppStore and Google Play) for mobile phones and tablets.

• *Bin Olympics* – This campaign was also initiated in 2016 by the OKTF National Waste Management Directorate (OKTF NHI). The project is currently in its test phase at two locations in Szolnok and Budapest, where participating students could learn about the “tricks” of selective waste collection and all the other knowledge that is necessary for children of their age, with the help of dedicated education games developed specifically for this initiative. As part of the games called Eco-Twister, Selective Bar and the well-known Hungarian game “Who laughs last?” the children learn about basic waste types and get to know which type of garbage belongs to which coloured bin. The main message of the campaign is that sport, health protection and the protection of our environment “go hand in hand” with each other. If we pay attention to our health, it will be beneficial for our environment and in return, a cleaner, healthier environment also protects our health.

• *Survey on waste collection habits* and selective waste collection – The OKTF National Waste Management Directorate prepared its first survey on the waste collection habits of the population, particularly about selective collection habits in 2016. 1000 people were asked in the quantitative research representing the grown up population of the country. The survey focused on the habits of the people: how many people collect waste selectively and how many claim to do so as well as the population’ s habits concerning the media in order to initiate future awareness raising campaigns with greater attention to the target group. The aim of the qualitative research was to assess why the population does not collect the different kinds of wastes selectively. The results of the survey are currently being processed, the results will be published later.

• *“Our past and future: the water”* is an environment protection awareness-raising campaign with the goal of spreading the methods of sustainable way of living and the moral patterns attached among the Hungarian population. The campaign’s main site is the website called vizkviz.eu, where e-learning materials, online games and educational videos developed by the Danube Museum await the age group between 14 and 20, and everyone else interested. The campaign focuses on improving the youth’s knowledge, conscious consumption of water and behaviour towards the substance and it also touches the areas of everyday life (housekeeping, shopping, and consumer behaviours) and the water’s journey until it reaches our homes. Its side goal is the introduction of the values of Hungary’s natural and artificial water bases and to form and strengthen an attachment towards them, and to show the social attitude required towards their protection.

• In the framework of the New Széchenyi Program the KEOP Sustainable Way of Life and Consumptionschemes No. 6.1.0 and 6.2.0 were organized using government and EU funds. The goal of these programs was to offer information, pass on knowledge, improve environment consciousness and environmental culture (forming the way of thinking), and spreading of sustainable behavioural patterns.

• *Earth Day – VI. Science Festival* – During the two day festival held in the garden of the National Museum of Hungary between 21-22 of April 2016, The Ministry of Agriculture and its background institutions, the organizations under Ministry control (national park directorates, the Herman Ottó Institute, the National Meteorological Service, professional education institutions, the Danube Museum) offered interesting and valuable information for elementary and high school students. The goal of the events during Earth Day were to raise awareness towards the state of the Earth, to exercise an environment conscious life, the various wildlife of the world and its conservation, the sustainable use of natural treasures and resources, and the secondary resources that can be extracted from waste.

• *Week of the Hungarian National Parks* – organised along the lines of the European National Parks Day. Between 28 May and 5 June 2016, our National Parks waited those interested in nature experience for tenth time, with various tours and programs all around the country. At the main launch event between the 28 and 29 May the Hortobágy National Park Directorate welcomed guests at the Great Forest of Debrecen, with environmental knowledge games, family friendly programs, national park labelled products and with the introduction of eco-tourist selection of all 10 Hungarian national parks.“

• *“Go to work by bike”, “Go to school by bike”, Bike-friendly workplace and Bike-friendly Town.* These programs were organized by the Hungarian Bicycle Club, National Environmental Institute and Ministry of National Development − as the initiator of the campaign and the proprietor of the trade mark − in the framework of the Hungary by Bike Program. Its aim is to promote

the usage of bicycle instead of vehicles..

• An interactive and playful meteorological exhibition was hosted by the National Meteorological Service and Campona Fun House for kindergartens and elementary school students in April 2015 titled “From the frog to the glass ball”*.* As part of the two month long campaign more than 700 children learned about meteorological events through playful experiments on 8 separate occasions.

• OMSZ was present at the FEZEN festival as an exhibitor on two occasions, in 2015 and 2016, where it organized presentations and informative activities for people between 16-45.

• *Day of Traffic Culture* – In 2016 an event was organized by the Police Headquarters of Lake Balaton and the Radio Emergency and Info Communication National Association and with the participation of the OMSZ and the Somogy County Civil Protection Directorate. This program was about the rules of safe swimming in lakes and water activities. The Meteorological Service also participated at the Geo-Day organized by the Hungarian Academy of Sciences in May 2016.

• In 2014 *OMSZ* developed its own mobile application for weather forecasts called *METEORA*. The app allows users to reach up to date information on the weather, emergency warnings in effect and warning forecasts as well.

• *World Day of Meteorology* – All those in the field of meteorology, the 23 March is the Day of Science. As part of this auspicious day OMSZ annually organizes an event where besides professional presentations on the most actual topics, of the World Meteorological Organization, the Service also gives prizes to the colleagues of the Ministry and OMSZ, who have made large contributions to meteorology in the given year.

• *Day of Trees and Birds* –“What-Is-What day” is organized at the Botanical Garden where informative and awareness raising presentations can be seen.

• *Night of Museums* –The Museum of Environmental Protection and Water Management has been part of the event for 8 years now with its own stall, interactive games and informative materials. Several thousands of people visit the Night of Museums every year. This year the museum was open to visitors from 6pm until midnight, with its permanent exhibitions and with the live history of the age of river controls and the outdoor screening of the movie Hídember. As part of the event 776 guests have visited the museum. The Night of Museums people could have entered to the OMSZ. Tours were launched every half an hour to introduce OMSZ. Last year besides an educational presentation, museum visit, studio introduction, the tour was expanded by presentations given by experts about climate change, climate- modelling, greenhouse emission related activities, weather forecast, the webpage and the MET-ÉSZ system. In 2016 those interested had the opportunity to walk down the educational path created in the Marczell György Main Observatory. As part of the Night of Museums about 1000 visitors could learn about the OMSZ.

• *World Water Day events* – Water management institutions raise awareness towards water and water management related issues annually, with national and regional level programs. The programs, which range from competitions to conferences, exhibitions arts and crafts, etc., are created in line with theme of the given year. The Danube Museum (Hungarian Museum of Environmental Protection and Water Management) welcomes kindergartens, families and elementary school students as part of the World Water day, for many consecutive days at its daily events. About 3-500 hundred children visit these programs per day. The Danube Museum organizes nationwide children’s contests as well. The one month long cooperative work with the schoolchildren is conducted through a self-developed homepage (www.vizvilagnap.hu). Besides the two round internet contest for two age groups, three other national arts and crafts contests are also announced, linked to the given year’s theme and motto. The last episode of the event chain is a reward ceremony. The OMSZ has participated in the events at the Szigetmonostor Climate Centre organized by the local municipality in 2015 and 2016 where about a 1000 elementary school students participated in both years.

• *International Danube Day* – A conference was held in 2016 organized by the Ministry of Interior, the Ministry of Foreign Affairs and Trade and the Ministry of Agriculture. A side event of the conference was the propagation of indigenous fish species like sturgeon and crucian into the Danube and the visiting the Green Island which serves ships travelling the Danube with fuel and allows the safe and environmentally friendly deposition of waste and wastewater. The Deputy State Secretariat for Public Employment and Water Management of the Ministry of Interior has once again welcomed children at the Óbuda Children’s Island in June 2016 where the kids could learn about all the treasures living in the Danube’s catchment area in a playful 7 stage game. The Danube Museum, the WWF, The Danube-Ipoly National Park, the Ministry, the Budapest Waterworks and the Danube Research division of the Hungarian Academy of Sciences were also present at this event.

• The Hungarian Museum of Environmental Protection and Water Management (Danube Museum – Esztergom) controlled by the National Water Management Directorate welcomes kindergarten and school groups through the whole year and offers guided tours and about 50 types of different museum and environmental pedagogy programs.The museum signed joint agreement with many schools, and pupils from these institutions frequently visit the museum for different trainings. During the summer holiday the Museum organized a one week Nature Hiking Camp twice. As part of “Our past and future: the Water” campaign, the colleagues of the Museum created 6 e-learning educational materials, and 3 educational games.

• At the beginning of the natural beach season each year, the National Public Health Office (OTH) issues a press release concerning the quality of natural waters and about the risks of bathing in natural waters. Besides this, the Office informs the public and the press about every issue under its jurisdiction (e.g. floods).

• *Landscape heritage protection* travellingexhibition – The National Coordination Workgroup of the European Landscape Convention (members: Ministry of Agriculture, Prime Minister’s Office, Ministry of National Development) organized a bilingual (Hungarian, English), 22 pageant travelling exhibition under the coordination of the Ministry. The exhibition has been accessible since February 2015. The thematic pageants introduce the European Landscape Convention, the Landscape Award of the Council of Europe, the Hungarian Landscape Award. Professional thematic pageants were created to introduce all the efforts made for the implementation of the convention in the fields of landscape protection, cultural heritage protection, spatial planning and regional development, while to pageants introduced two-two Hungarian submissions for the Landscape Award of the Council of Europe. The programs visible on the pageants may serve as an example for Hungarian municipalities and civil organizations, and several programs may serve as good example for the whole Europe as well. The goal of this exhibition was to provide an example and to promote outstanding tender applications, thus, the entire exhibition is available for rent, free of charge. Besides the settlements participating in the Hungarian Landscape Award, the Office of the Commissioner for Fundamental Rights, more than one Hungarian events and last but not least, the 17th Workshop Conference of the European Landscape Convention of the Council of Europe also hosted this exhibition. A printed document is also attached to the biannually renewed exhibition.

*Are there any relevant capacity-building activities aimed at journalists and, if so, which institutions or organizations implement them?*

24. The OKTF National Waste Management Directorate organized its campaign focusing on journalists and media actors for the first time in 2016. The “Green Keyboard Tour” wished to introduce members of the media into the management and recovery of waste and waste materials. As part of the two days program, an exclusive tour was held in the Pusztazámor Regional Waste Management Centre, the Dunaújváros Paper Factory, the Zalaegerszeg Glass Waste Recovery Plant and the Fehérvárcsurgó Car Wrecage and Electronical Waste Recovery Plant. 11 journalists were present at the two days event, who all gave positive feedback to the organizers. The aim of the program was to raise the journalist’s awareness and to improve their existing knowledge in the topic, and to make them place greater emphasis to the topic during their work, and regularly speak about it, and feel their responsibility in shaping public opinion.

25.

26. OMSZ offers insight into the basics of meteorology on its website (and Facebook page) called KNOWLEDGE-BASE. Besides this, up to date, newly published studies and educational articles can be read, and educational short films viewed on the site, and visitors can also familiarize themselves with the museum of the OMSZ online. Furthermore OMSZ has had held a wide array of press conferences every year about dangerous weather and aerial environmental phenomena, the newest national and international scientific results on climate change, the development in meteorological activities and other developments. Every year at the beginning of May, the agency holds a UV press conference warning about the dangers of UV radiation. Before the initiation and closing of the lakeside storm warning system, a press conference was held, where the importance of this activity was stressed.

*Do environmental non-governmental organizations (NGOs) participate in environmental education, awareness raising?*

27. Civil organizations play an important role in environmental education in Hungary. In fact, most civil organizations carry out − some sort of − educational/awareness raising activities in connection with their mainstream activities. NGOs maintain a strong presence both in the formal and the informal environmental educational scene (with respect to, inter alia, preparation and distribution of educational toolkits, teacher training programmes, operation of educational centres, organisation of camps, issue of publications, press campaigns, own events, organisation of green programmes at larger events, festivals).

In addition, a number of civil organizations conduct environmental education as their mainstream mission, such as Magyar Környezeti Nevelési Egyesület (Hungarian Society for Environmental Education), Természet és Környezetvédelmi Oktató Központok Országos Szövetsége (Alliance of Environmental and Nature Conservation Training Centres), Természet és Környezetvédő Tanárok Egyesülete (Society of Environmental and Nature Conservation Teachers) and Erdei Iskola Egyesület (Forest School Association). The voluntary activity of these associations has been instrumental in the emergence of the forest school movements, which served as a basis for the introduction of the Government’s own national forest school programme. They have held specific training programmes for “the greening of schools” as well. Since 2005, they have also annually awarded the only environmental education prize, the Lehoczky János Prize.

*Further NGOs participating in environmental protection education, upbringing and awareness raising:*

*Bocs Foundation, Cellux Group, Csalán Association, Csemete Nature- and Environmental Protection Association, DNS Nature Focus Association, Élőfalu Network, E-misszió Nature- and Environmental Protection Association, Energia Klub Environmental Protection Association, Esztergom Environment Culture association, Fauna Association, Independent Ecological Centre, Gaia Environmental Protection Association, HUMUSZ Association, Kerekerdő Foundation, Environmental Management and Law Association, National Association of Environmental and Nature Protection Educational Centres (KOKOSZ), KÖTHÁLÓ (Advisory Network of Environmental Bureaus), KÖVET Association, Levegő Workgroup, Magosfa Association, Hungarian Natural Education Association, Hungarian Hiking Association, Hungarian Association of Nature Conservationists, Hungarian Federation of Nature Parks, Messzelátó Association, Nimfea Nature Protection Association, Women for the Lake Balaton Association, Eco-farms, Ecological Education Centres (Gömörszőlős, Agostyán), Ökoszolgálat Foundation, Ökotárs Foundation, Pangea Cultural and Environmental Protection Association, Pécs Green Circle, Porta Environmental- and Nature Protection Association, Reflex Environmental Protection Association, Association of Conscious Customers, Green Future Environmental Protection Association, Green Circle Association, Green Areas Group Association, Green Fellows Foundation, Hungarian Hidrology Association, Global Water Partnership Hungary, Hungarian Geology Association.*

28. The educational programmes of NGOs have been financed partly by the application funds announced by the Ministry responsible for the environment, municipality environmental protection funds and targeted financial schemes, and supported by voluntary work; the Ministry supports civil institutions by announcing each year the “Green Resource” tender. There is a high proportion of participants conducting environmental education and awareness raising in the programmes of the tender.

***Article 3, paragraph 4 (recognition of and support for environmental NGOs)***

*How complex is the registration of civil organisations?*

29. The regulation for the establishment of a civil organization is fairly simple in Hungary. The unique regulations are laid down in Act CLXXV. of 2011. on the right of association, non-profit status, and the operation and funding of civil organisations (Civil Act) and Act CLXXXI. of 2011 on the court registration of civil society organisations and related rules of proceeding and Act V. of 2013 (Civil Registration Act), the Civil Code, in effect since 15 March 2014. The civil organization – as per the regulations of the Civil Registration Act- is registered by the competent court of justice according to the seat of the organization. The freedom of assembly may not violate paragraph (2) of article C) of the Constitution, may not fulfil the criteria of a criminal offence, may not call to fulfil a criminal offence and may not violate the rights of freedom of other parties.

As per Section 3:64, and Section 3:380 of the Civil Code more than one person may jointly establish a civil organization, but at least ten or more persons are required to create an association.

As per Section 13 of the Civil Act, a civil organization – acting according to the regulations of the Civil Registration Act - is taken into registry by the General Court . If a founding charter based on the founding charter formula regulated by a specific regulation is attached to the civil organization’s electronically submitted registration application, then the acting court will consider the application within 15 working days after the application’s arrival. Every data concerning civil organization within the registry is uniform, and is available through an electronic, publicly authenticated record.

The court registration of civil organizations must be carried out according to Section 6-14 of the Civil Registration Act. The dismissal of an application can be carried out according to Section 29 of Paragraph (1)-(2) of the Civilian Registration Act.

*Problems reported by environmental- and nature protection civil organizations:*

*We find the statement of the regulation being fairly simple completely incorrect. Even the registration of organizations under the blanket rule is a very long process, which is too formalized and the court requirements are unrealistically rigid. The fact that the report brings up three different regulations that govern the question provides a good example of the complexity of the issue. If the situation was simple, than one regulation would be enough. The 15 day consideration after the submission of the formula based charter is also unrealistic, in most cases it takes much more time than that.*

*The process entry of changes of a civil organization is also too long, complicated and places a lot of administrative burden on the organization, while fulfilling the requirements without legal qualification is very difficult and many civil organizations do not have the legal knowledge for that.*

*Is there an established practice of including civil organizations in environmental decision-making structures?*

30.In Hungary environmental civil organizations have participated in a range of decision-making and consultative bodies.

Each year the National Meeting of Environmental and Nature Conservation Organisations delegated members to the working groups of government organisations which integrate NGOs in the decision making work of the committees. Since the mandates of the delegates have a term of 1-3 years, 40-60 committee representatives are delegated each year.

During periods of time between National Meetings a Coordination Committee operates, with frequent meetings. When needed, civil organizations may be involved in the decision preparatory- and decision making process through the Coordination Committee.

According to the laws, the preparation of regulations is worked out through public discussion. In general a few days are available for the discussion. The discussion itself is in written form, organized by the proposer on the www.kormany.hu site.

*Problems reported by environmental- and nature protection civilian organizations:*

*Although civil organizations can be included into the decision making process via the Coordination Committee, in reality, this does not happen. And a few days deadline for providing opinion on a draft legislation is*  an *unrealistic expectation.*

*A lot of hindering factors emerge such as short deadlines for commenting, the bypassing of the commenting phase through individual representative’s proposals, and the dismissal of comments without any justification.*

*Bodies operating with NGO participation (including, but not limited to):*

• *The National Council on the Environment* (OKT), which is the advisory and consultative body of the Government in environmental matters. The Council has a wide range of rights at its disposal to elaborate comments on draft legislative proposals, concepts relating to the environment or plans and programmes with a likely significant impact on the environment. It may also submit proposals to the Government etc. The Council has 21 elected (delegated) members; environmental NGOs, industrial and trade associations (elected in the manner determined by them) and representatives of the fields of science participate in an equal proportion.

• *The Gene-technological Advisory Committee* (GEVB), which delivers an opinion on all applications for the authorization of activities involving genetically modified organisms. Environmental, healthcare and consumer protection civil organizations participate in the work of the Committee through six joint representatives. The Advisory Committee operates with 19 people.

• *The Inter-ministerial Coordination Committee on Chemical Safety*, which has been established to ensure the coordination of the various tasks relating to chemical safety, subtask transparency and to enhance the efficiency of decision-making. The Committee has the right of initiative and can make comments with regard to any proposal concerning the adoption and review of legislative or individual measures concerning chemical safety. The Committee works out national policies and programmes of chemical safety in addition coordinate the implementation of the national chemical safety. The Inter-ministerial Coordination Committee takes part in the preparation and review of the legislation regarding chemical safety with an advisory and propository right.

• *The Eco-label Assessment Committee*, which ensures that the use of eco-labels is subject to a series of environmental and other conditions (assessment conditions) that are fixed in relation to individual product categories. These conditions are determined and reviewed at least every five years by the Assessment Committee. Environmental, consumer protection NGOs, economic, trade and chamber associations are represented by one delegate each in the work of the Assessment Committee. The committee also functions as a general consultative forum within the EU eco-label system.

• *EMAS Roundtable*, which is a forum established in 2007 upon the initiative of EMAS registered organisations which hold regular meetings. It functions with the participation of all EMAS stakeholders: EMAS organisations, EMAS certifiers, consulting organisations, the accreditation authority, the competent body and the ministry responsible for the environment. Its objective is to serve as the continuous information and dissemination forum of participants for discussing issues relating to the development and operation of the system and elaborating mutually accepted solutions.

• *Working groups for the allocation of environmental funds*. In accordance with Decree 48/2013. (VI. 7.) of the Minister of Rural Development on management and use of water improvement funds, the decision over submitted application is assisted by the Ministerial Judging Committee that advises the Minister.

• *The Aarhus Working Group*, which was established in 2005 by the ministry responsible for the environment for the monitoring of the implementation of the Convention in Hungary. The representatives of environmental civil organizations delegated by the National Meeting of green organisations are also members of the group.

• *National Forest Council*, which was established pursuant to Act XXXVII. of 2009. on Forests, Protection of Forests and Forestry. The organization’s activities are regulated by 1378/2013. (VI. 27.) Its members: representatives of government organs responsible for forest affairs under the control of the minister of agriculture, forest owners, associations of foresters, scientific institutions and environmental and nature conservation, nature touring, tourism and awareness raising NGOs. The Council forms an opinion on draft legislation relating to forest protection and sustainable forestry, the economic, regulatory and development directives of forestry and issues relating to the asset management of forests. It may issue proposals in connection with scientific research relating to the protection, development of forests, sustainable forestry, forestry training, the protection, maintenance and management of forests and the use of funds related to the above.

• *In relation to the use of EU funds*, Operational Programmes defining the target areas for the use of EU funds have been elaborated; their implementation is monitored by monitoring committees. At least one environmental NGO delegates a member of the monitoring committees. At least one independent external expert delegated by a non-governmental professional organisation is a voting member of the Assessment Committees, the bodies proposing decisions on the received tenders. In accordance with Section 9. Paragraph (3) item f) of the Governmental Decree 4/2011 (I. 28.) on the use of subsidies from the European Regional Development Fund, the European Social Fund and the Cohesion Fund during the 2007- 2013 programming period, members of community, civilian, economical and professional organizations delegate members to the monitoring committees of operational programs.

• *In the area of water management*, Regional Water Management Councils (TVT), Subcatchment Water Management Councils (RVT) and the National Water Management Council (OVT) operate for the purpose of ensuring the professional and scientific substantiation of water catchment management planning affecting the national and partial areas of water management and public participation. The Council was established on 19 May 2009 as the supreme forum of public coordination relating to the planning of water catchment management.

• *Water and Health Committee*: The involvement of the public into the decision-making process in water and health issues is a high priority of the Water and Health Record that is connected to the UN ECC Treaty on the use and protection of trans-boundary waterways and international lakes. The activities of the Water and Health Committee that is responsible for the domestic implementation involves co-operation with concerned civilian (mainly professional) organizations into the designation of national goals and their execution and the evaluation of progress as well.

The national reports on the execution of the Water and Health record, completed in May 2013 and September 2016 and the 2016 finalization of the Equal Chances Evaluation Form were created with active contribution from concerned civil (mainly professional) organizations.

• *Round table on the utilization of the Aarhus Treaty in nuclear matters*: The working group suspended its activities in 2015 on the request of the civil organizations. The members evaluated the mandate of the Round Table differently concerning the discussion of questions relating to the expansion of the Paks Nuclear Plant, and as a result of this organizations representing the green side suspended their membership in the work of the Round Table. The speaker has consistently insisted that a decision of this magnitude, that will have a direct effect on future generations requires the widest possible exchange and discussion of information regarding merits and drawbacks. He also stressed, that in order to fulfil the right to a healthy environment he views the independency of the National Atomic Energy Office (OAH), the institution responsible for issuing atomic energy related permits from the Government an institutional guarantee. He also emphasizes that it is important that the OAH and all other public administration bodies participating in the permission processes should publish the permission agenda on their websites, which contains –besides the timetable for the permission process- the goals of the given process and its relation to other processes (See the report on the activities of the Commissioner and Deputy Commissioner for fundamental rights, 2015, page 261.)

* http://www.ajbh.hu/documents/10180/2119301/AJBH+Besz%C3%A1mol%C3%B3%202014/e4cb6abb-2b16-4f67-bcdf-e24ccb74cca2?version=1.0

*Problems reported by environmental- and nature protection civil organizations:*

*Setbacks can be reported in many bodies and/or the committee has emptied, or there is no more civil institution representative. In the National Economic and Social Committee (earlier: Economic and Social Committee), the appointed civil representative was not accepted, instead an outsider was selected with dubious professional background and standpoint.*

*Does the government provide financial support to environmental civil organizations?*

31. Environmental civil organizations receive funding through a number of government support schemes. Organizations may participate in chapter and standard tenders according to the measures of Ministry Decree 24/2015. (V. 26.) on the management and utilization of chapter-managed appropriations. These funds contain a separate budget line for the funding of programmes and projects by civil organizations.

32. The ministry responsible for the environment annually publishes a call for tenders under the name “Green Resource” to support the environmental and nature conservation programmes of environmental and nature conservation civilian organizations. The allocated amount:

• HUF 70 million between 2013 and 2016 (approx. 300,000 EUR)

*Problems reported by environmental- and nature protection civil organizations:*

*The amount of aid for civil organizations is inadequate it is not enough for the substantive support of civil work.*

33.

**Article 3, paragraph 7 (public participation in international environmental decision-making processes)**

34. Hungary supports the initiatives aimed at the enhancement of transparency of international decision-making procedures.

*Is there a practice of including civil organization members in delegations representing the State or in any national-level discussion groups forming the official position for such negotiations?*

35.

36. In the course of preparation for the key international events, the ministry responsible for the environment negotiated its position with civil organizations in numerous cases. There are no uniform regulations or practice in place in relation to the participation of civil organisations in international delegations and the coordination of positions represented at certain international events with civil organizations.

*Problems reported by environmental- and nature protection civil organizations:*

*The absence of uniform legislation or practice means that basically, this mechanism does not or only works in an ad hoc way.*

***Article 3, paragraph 8 (prohibition of penalization of persons exercising rights granted under the Convention)***

37. Adequate protection of citizens participating in administrative procedures is guaranteed by the Administrative Procedures Code, it declares the equality of all persons appearing before authorities, the prohibition of discrimination between or the exclusion of any persons, the right to a fair and timely procedure as well as the right to access to justice.

The Administrative Procedures Code is particularly aware of the protection of the rights of those with full or partial disability. Besides this, paragraph (2) of section 1. of the Administrative Procedures Code states as a main principle that the authority may not abuse, when exercising its jurisdiction and must exercise its jurisdiction with adherence to the tenets of professionalism, simplicity and cooperation with the client. Paragraph (2) of section 4. alludes to the fact that detriment caused by illegal procedures of the authority may raise the issue of adjustment for recompense in the Hungarian legal system.

*Standpoint of the Deputy Commissioner for the Protection of the Interests of Future Generations:*

*The guarantees provided by the Administrative Procedures Code adhere to the decision making process of other management and authority institutions so the existing guarantees of the Administrative Procedures Code cannot be used in all cases concerning new institutional solutions, and the new regulations do not provide adequate protection.*

38. In addition to the general client rights granted under the Administrative Procedures Code, the Act also makes it possible for anyone to file a complaint or an application in the public interest outside of the administrative procedure at the authority with competence in the given matter. The complaint is a plea that aims to eliminate of the infringement of individual rights or interests and its fulfilment does not fall under the jurisdiction of any other – particularly, court, or public administration − process. A report in the public interest raises attention to a certain circumstance whose remediation or cessation is in the interest of the public as a whole. A complaint or report in the public interest may contain suggestions as well. Pursuant to Section 3, Paragraph (2) of the Act CLXV of 2013 on the rules of complaint or reports of public interest, no complainant or applicant submitting a complaint or application report may be subject to any penalization whatsoever with the exception of those laid down in Paragraph (4) with regards to the submission of an application or report. As per Section 3., Paragraph (3) the personal information of the complainant or applicant – with the exception of those laid down in Paragraph (4) − may only be provided to the institution that has jurisdiction to pursue the process based on the complaint or report in the interest of the public, if this institution has a right by law to manage such information or if the complainant or the applicant has unequivocally agreed to the forwarding of his/her personal information. The personal information of the complainant or applicant cannot be made public, without the unequivocal permission of the complainant or applicant.

*Have any libel, slander or similar provisions of civil or criminal law been used in the context of environmental decision-making processes? Have there been any cases of civilian organizations being ordered to pay damages in connection with their public interest environmental protection activities or litigation?*

39. It arises more and more frequently that in connection with the exercise of the rights laid down in the Convention or Hungarian law, a developer considers him or herself to have been subject to libel which could damage reputation or to have suffered financial damage. Such cases have appeared, where developers filed lawsuits on the basis of the protection of personality or have called for compensation because of the emergence of additional costs. In these cases the Hungarian Supreme Court has repeatedly confirmed that harm was done to good business reputations, no financial damages have been awarded to the plaintiffs.

***4. Obstacles encountered in the implementation of Article 3***

*40. Problems reported by environmental- and nature protection civil organizations:*

*Judicial proceedings concerning the registration of civil organizations are not uniform.*

*The new Civil Code of 2011 brought many changes to the registration of civil organizations, thus the standardization of legal practice and legal utilization has come to a halt. There is a great uncertainty regarding judicial practice.*

*The judicial entry process of changes in organization documents (e.g.: change in legal representative) may became a very long process, where it used to be a routine act.*

*The reduction in governmental aid for environmental protection civil organizations threatens the fulfilment of basic duties of the organization.*

*the civil organization’s opinion there should be more emphasis in education on passing on the basic knowledge relating to sustainability and environment. The teaching of at least minimal level of these issues should be mandatory in schools where these issues would otherwise not be part of the profile of the institution.*

***5. Further information on the practical application of the general provisions of the Convention (optional)***

*41. Standpoint of the Deputy Commissioner for the Protection of the Interests of Future Generations:*

*The implementation of the regulation with legal unifying effect mentioned in item 2 is negatively affected by the substantial changes in the public administration authority and inter alia in the environmental protection authority system that has resulted in the cessation of most of professional authority processes after the integration of independent authorities into government* *offices so these processes have become part of integral institutional discussions. Thus in the case of such environmental protection related cases where the decision making process is fully carried out by the internal units of the government office and the process concerning professional environmental issues is not based on its environmental jurisdiction, the evaluation of the client status of environmental protection organizations cannot be carried out unequivocally under the regulation with legal unifying effect.*

*The experiences related to the implementation of Act CXXXI. (2010) mentioned in item 2 are still mostly negative.*

*“The deputy Commissioner for Fundamental Rights who is responsible for the protection of the interests of future generations has reported several times that professional studies concerning the changes in legal framework and requirements-system, impact assessments are missing or not accessible, and in most cases, the time is too short to formulate useful opinions on the changes and their effects in the legal preparation phase. Of the regulations created by the Government, many were not made available, for example even the Commissioner has not been provided with the draft amendment on the act on Environmental protection product fees, the draft amendment on agrarian acts fundamentally affecting environmental guarantee tools, or the draft act on the radical changes in environmental permit processes. The social consensus based on the ratification of certain environmental- and nature protection strategies require that the tools for implementation are made known to the public in advance and may discuss the regulations required for them to become institutional. The opinion of governmental consultative fora even if it constitutes several opinions, cannot substitute wide range social dialogues that is required by the act on social participation, that could have had been experienced many times in 2014.”*

*(See the report on the activities of the Commissioner and Deputy Commissioner for fundamental rights, 2015, page 261.)*

*<http://www.ajbh.hu/documents/10180/2119301/AJBH+Besz%C3%A1mol%C3%B3%202014/e4cb6abb-2b16-4f67-bcdf-e24ccb74cca2?version=1.0>)*

*In the Report of 2015 of the Commissioner for Fundamental Rights his observations about the regulation show the accepted practice and this is also the case in connection with the opinions on regulations concerning environmental protection. Since the public commentary phase happens at the same time, usually with the same deadlines, the observations stand in this case as well.*

*“As earlier the draft proposals were sent for commenting very late, leaving hardly any time to make corrections in 2015 as well. On the average the Ministries gave 5 days for the ombudsman to formulate his opinion. A wide variety of deadlines can be experienced**however, there were cases when only a few workdays were available to create an answer. In many cases, the submitting bodies allocate very short deadlines in the case of regulation drafts warranting a more detailed analysis because they concern questions of fundamental rights.*

*This practice used by Ministries during regulation drafting processes is in absolute conflict with the Government’s regulation that the commentary phase of government regulation drafts and Ministry decrees should be at least 10 workdays. In certain cases decreed by the Government or* *if some outside reason makes it absolutely necessary the possibility of extraordinary discussions also exists, but even in such cases, a minimum of five work days have to be provided as deadline.*

*Another hindering factor in the creation of quality commentaries is that exceptional out of turn processes have become the common practice, and in 2015 Ministries have not abided to the rules laid down by the Government concerning discussions in almost half of all the commentary cases.”*

*(See the report on the activities of the Commissioner and Deputy Commissioner for fundamental rights, 2015, page 169.)*

*http://www.ajbh.hu/documents/10180/2515707/AJBH+Besz%C3%A1mol%C3%B3%202015/4507ceb3-4c6b-4f54-b212-63d1743c8e13?version=1.0 )*

*This adverse tendency has continued in 2016 as well. In 2016 the social discussion of two very important acts concerning the implementation of the Aarhus Convention, the Code on General Administration Order and the Code on Administrative Procedures took place. These acts govern administrative authority processes, and through legal procedures regulations, the system of legal remedies in general, so they fundamentally define procedures with an impact to environment and the rights of the public involved. Significant changes are to be expected compared to the existing regulations, for example the introduction a new single degree process, where as a principle legal remedies against decisions could be obtained through the courts, and the definition of client would change as well. Based on the drafts it is not possible to identify how these would affect cases related to the scope of the Aarhus Convention and as a result of this, the realization of the right to public participation.*

**6*. Related websites:***

[www.termeszetvedelem.hu](http://www.termeszetvedelem.hu)

<http://www.nemzetipark.gov.hu>

<http://geo.kvvm.hu/tir/>

[www.justiceandenvironment.org](http://www.justiceandenvironment.org)

[www.emla.hu/taieurope](http://www.emla.hu/taieurope)

[www.foek.hu](http://www.foek.hu)

[www.kothalo.hu](http://www.kothalo.hu)

[www.vedegylet.hu](http://www.vedegylet.hu)

[www.levego.hu](http://www.levego.hu)

[www.rec.hu](http://www.rec.hu)

<http://beszamolo2011.jno.hu/JNO_beszamolo_2011.pdf>

**7. Application of Article 4 (access to environmental data)**

42. The rules governing access to environmental data in Hungary are laid down by the statutory regulations below:

43. Act CXII of 2011. on the Right of Informational Autonomy and the Freedom of Information (Information Act) governs the access to information of public interest in general. Act LIII. of 1995 on the General Rules of the Protection of the Environment (Environment Act) and Government Decree 311/2005 (XII. 25.) on public access to environmental information.

The Information Act provides a general framework for the management of public information. It classifies as “public information” all information which is held by any governmental or municipal bodies (or persons), relates to the performance, or created in relation of their public functions, provided that it does not qualify as “personal data”. Concerning the Information Act any person may request the disclosure of public information in oral, written or electronic form, without having to state an interest. The data requested must be provided in a comprehensible manner and, unless it involves excessive costs, in the form requested. The request must be fulfilled as soon as possible but in any case within 15 days (this deadline may once be extended by another 15 days by the data manager if the request concerns large amounts or great volumes of data, or it requires the consumption of disproportionate amounts labour resources diverted from the fulfilment the data manager’s fundamental duties). A refusal, with its reasons and information on the options of rightful legal redress made available by the Information Act must be provided to the requesting party in writing or electronic form also within fifteen days of receipt.

The Information Act wishes to aid the access to information of public interest besides the possibility of data request as described above in a proactive way by prescribing the publication of information on publication lists, that are governed by regulation or are uniquely stipulated by data managers, without the need for identification, on an internet page, in digital form, in a printable and copyable manner even in parts without the risk of data loss and distortion, that is free of charge in regards of introspection, download, print, copy and web transfer. The cognizance of data deemed public could not and cannot be tied to mandatory identification.

Copies may be requested of the relevant document (or parts thereof) with no regards to its method of storage and the fees imposed, by the public administrative body cannot exceed the cost of copying.

44. The Environment Protection Act unequivocally decrees that environmental data is to be considered public information. It prescribes, that everyone has the right to gain knowledge of environmental information – as data of common interest..

The Environment Act requires public bodies (be it governmental agencies, municipalities, or any persons or organizations performing a public service or any function relating to the environment) to provide, upon request, access to environmental information held by them or to publish certain environmental information on a systematic basis.

45. Government Decree 311/2005 (XII. 25.) defines the scope of environmental information and the scope of documents containing environmental information which the given authority is obliged to disclose electronically or otherwise. The list mentioned therein fully covers the criteria of environmental information mentioned in Article 2. of the Treaty.

Environmental information is deemed to be any information, data which relates to:

• the environment, the condition of environmental elements, including biological diversity and elements thereof, organisms modified by genetic engineering, and the interaction between these elements;

• environmental pressure, including the direct or indirect emission of noise, radiation, waste, radioactive waste into the environment if it produces or may produce an impact on elements of the environment;

• environmentally related measures, cost efficiency and other economic analyses and assumptions related thereto;

• reports on the implementation of environmental legislation;

• the condition of human health and safety.

46. Under Section 29 of Paragraph (1) of Government Decree 66/2015 (III.30.) on the government offices of the capitol and counties, the legal successor of Environment, Nature and Water Protection Authorities are the capital, and county government offices since 1st April 2015.

Environment, Nature and Water Protection Authorities have published all legally binding decisions on their respective websites. After the realignment of the authorities, the environmental and nature protection departments of Government Offices publish their legally binding decisions on their respective websites.

*Standpoint of the Deputy Commissioner for the Protection of the Interests of Future Generations:*

*There is a great discrepancy between government offices as to what information is available on their websites which and this concerns the availability of further data in connection with legally binding decisions, proclamations and environmental protection authority processes as well. The Speaker for Future Generations has initiated the review of government websites and if necessary remodelling in order to guarantee the availability of all data required for public participation. Water authority decisions no longer appear in their full wording on the website of the disaster management authority, only a proclamation describes the formulation of the given decision and where it may be viewed. In contrast with other sectors falling under the control of disaster management – public protection, industrial safety, fire protection− water management does not appear with the same weight on the disaster management homepage and as a result searching for information is more difficult and less information is available in electronic format than before the reorganization.*

47. Under the regulation of Government Decree 201/2001 on the “water quality and the methods of supervision” data regarding the quality of drinking water, incidental health risks and steps made to avert these risks by both the drinking water provider and the competent public health authority must be made public on their respective websites. National level coverage on the quality of drinking water is undertaken by the National Centre of Environmental Health (OKK) – National Directorate on Environmental Health (OKI) that publishes public information on its website that allows detailed search on the level of settlements. The Governmental Decree 78/2008. (IV.3.) on the “quality requirements of natural bathing waters and on the designation and operation of natural bathing areas” contains regulations on the publication of information regarding bathing water quality. At natural bathing areas, all information relating to the beach must be published at the website of the local county public health authority under whose jurisdiction the given beach falls. On country level, information on the water quality, including all risk factors under the so-called bathing water profile, of all natural bathing areas must be published by The National Public Health Office. The website (oki.antsz.hu) of the National Public Health Centre provides information on the latest results of water quality inspections with the help an interactive map that allows detailed searches.

48. Government Decision 1330/2011. (X.12.) encourages the effective information systems for passengers, the use of communicational IT systems and the provision of up-to-date information for the public on the adverse effects and costs of traffic in order to minimize PM10 and improve the air quality.

*Problems reported by environmental- and nature protection civil organizations:*

*In practice daily up-to-date information on adverse effects and outside costs is not available.*

**Article 4, paragraph 1 (ensuring access to information)**

*Are public authorities required to keep records of information requests received and responses provided, including refusals? Is there a separate body that oversees matters of access to information?*

49. The Information Protection Act provides that all public authorities must draw up their internal rules of procedure for fulfilling requests for public information. The so-called National Data Protection and Information Freedom Authority (Authority) has to be informed on an annual basis of all requests refused as well as the reasons for refusal.

Paragraph (3) of Article VI. of the Fundamental Law stipulates that the implementation of legal rule concerning the protection of personal data and the access to information shall be supervised by an independent authority created under the scope of a cardinal act. The duties of this independent authority shall be fulfilled by an autonomous administrative body, the Authority. The Fundamental Law came into force on 1 January 2012. The Authority is independent only the Information Protection Act and the Fundamental Law can stipulate tasks for that, it cannot be ordered in its scope of duties by other services. New duties for the Authority can only be prescribed by law.

As per the Information Protection Act the Authority facilitates duties related to fulfilment of the right to access to information laid down in the Act such as (among others):

• may propose new regulations, modification to existing ones and offers comments on regulation drafts concerning its core duties;

• may publish general recommendations to certain data managers;

• may initiate inspections based on notifications;

• in case of legal infringement or the direct possibility of legal infringement concerning the right of access to information of general interest and information public by general interest may notice the data manager to remedy the infringement or cease the possibility of thereof;

• may turn to court with legal infringements concerning information of general interest and information public by general interest.

It must be stressed, that anyone has the right to request the initiation of an inspection by the Authority free of charge in accordance with the Information Act. The Authority may initiate such inspections if in its opinion legal infringement has occurred in connection with the right to access to information of general interest and information public by general interest, or the direct possibility of such exists.

The Information Acts states that no person can be penalized for recourse to the Authority. The identity of the person issuing the notification may only be revealed by the Authority if in its absence the inspection could not be carried out. If the person issuing the notification requests this, his/her identity cannot be revealed even if the inspection cannot be carried out in the absence of such information.

**Article 4, paragraph 3, item c) (confidential information)**

*Can materials that serve as a basis for an administrative decision be considered confidential?*

50. Under the Information Protection Act, information of public interest cannot be accessed,

• if data created or recorded by the public service authority during the decision making process falling into the authority’s jurisdiction serving as the basis of said decision (so-called decision preparatory data),

o if the data has been confidential for 10 years from its inception before decision is made, with the exception that the head of the data administration body may provide access, after carefully weighing the weight of the public interest that is tied to the confidentiality of the data against inaccessibility;

o after the decision has been made,

 if the data serves as basis for future decisions, as base data for the aforementioned decisions with all the pertinent criteria and timeframe;

 if access to such information is likely to jeopardize the lawful or impartial operation of the authority fulfilling public service concerned, in particular the free expression of professional opinion in the preparatory phase until such a condition exists (but with a maximum of 10 years from the creation of the data).

As per the Information Act, if the Act allows the data manager to weigh the possibility of denying the fulfilment of a request to access to data of public interest (e.g.: in cases such as mentioned above) the basis of denial must be interpreted narrowly and the fulfilment of access to information of public interest can only be denied if the public interest serving as the base is of greater weight than the interest tied to the fulfilment of the request to access to information of public interest.

51. Sections 68-69. of the Administrative Procedures Code regulate which documents may be disclosed and copied. The client may view documents produced in the course of the procedure at any stage of the procedure except for the draft of the decision. The client is granted such right even if he was not a party to the procedure earlier. Third parties may view a document containing personal data or confidential data if they can prove that access to such data is necessary for the enforcement of their rights, the fulfilment of their obligations subject to law or administrative decisions, or if the statutory conditions of access to confidential data are met. The right to access documents may be exercised for a fee determined by government decree, for the deletion of personal and confidential data and the copying of the document extracted in such manner.

The government office integration has changed the access to standpoints regarding certain professional questions. During a professional authority process the resolution regarding the professional question by the professional authority, may be accessed by concerned parties under the right to access to documents. Since the integration of authorities into government offices, the professional processes in issues falling under the jurisdiction of the government office have been abolished, the creation of professional resolutions regarding professional questions has become a part of internal discussion. Referring to Section 68-69. of the Administrative Code, many government offices view these documents part of the preparatory documents of the decision and as such denies the right of access to documents in their case.

**Article 4, paragraph 4 (general)**

52. With the entry into force of Act CLV. of 2009. on the Protection of Classified Information on 1 April 2010, the earlier institution of the so-called register of classified information was abolished which enabled the classifier to apply classification based on the data categories contained therein.

The new law abolished this automated procedure, and currently the damage-level based classification principle is applied to classification based on the individual assessment of the classifier.

Conditions: if the data’s disclosure, unauthorised access, modification or use, disclosure to unauthorised persons or their denial of access to authorised persons

• causes extremely serious damage to public interest that may be protected by classification, it is classified as “Top secret!”,

• causes serious damage to public interest that may be protected by classification, it is classified as “Secret!”,

• causes damage to public interest that may be protected by classification, it is classified as “Confidential!”,

• adversely affects public interest that may be protected by classification, it is classified as “Restricted access!”.

As per the Information Act, information with public interest cannot be accessed if it isconsidered classified information by the Act on the Protection of Classified Information until the time of the cessation or termination of the classification. The Authority however may initiate a classification-supervision inspection to review the legitimacy of the classification and if it ascertains the infringement of regulations concerning national classified data during said investigation, it may call upon the classifier to change the level of classification or the classification deadline according to the regulations.

*Problems reported by environmental- and nature protection civil organizations:*

*The scope of information classified is too broad in practice, in many cases classification is unjustified, and there are cases where the only goal of classification is the denial of information from the public.*

53. Section 300 of Act IV. of 1978. sets out a new statutory case under the title of the breach of economic secrets as of 1 September 2005; the regulation has been in force as of 1 January 2008. The new Penal Code that overruled the 1978. Act contains the above mentioned case in Section 413 of Paragraph (1) of Act C of 2012. The case contains inter alia the breach of bank-, securities-, fund-, insurance or employer pension secrets considered to be confidential. Item a) of Paragraph (2) of Section 413. states that “It is not considered a breach of economic confidentiality if someone fulfils his obligations laid down in the act regarding the publishing of information of general interest and information public on general interests”.

**Article 4, item d) of paragraph 4 - different categories of business secrets**

54. Paragraph (1) of Section 2:47 of the Civil Code defines business secrets as follows:

“(1)Business secrets shall comprise all of the facts, information, conclusions or data not commonly known or not easily accessible to persons pursuing relevant economical activities, that, if obtained, used, shared with others or published by unauthorized persons, are likely to infringe or imperil the rightful financial, economic or market interest of the right holder provided that no unlawful conduct may be attributed to the rightful holder of rights pertaining to the protection of confidentiality.”

55. Sectoral legislation also make reference to the definitions of the Civil Code; so-called sectoral types of secrets are defined in relation to individual sectors.

The secrets protected under the Administrative Procedures Code in the area of public administrative law: classified data, business, bank, insurance, securities, fund, payment secrets and private secrets.

• securities: Paragraph(1) of Section 369 of the 2001. CXXI. Capital Market Act;

• bank secret: Paragraph (1) of Section 160 of the 2013. CCXXXVII. Act on Credit Institutions and Financial Enterprises;

• payment secret: Section 59 of Act LXXXV. of 2009. on Payment Services

• fund secret: Paragraph (2) of Section 78 of Act LXXXII. of 1997. on Private Pensions and Private Pension Funds;

• Paragraph(1) of Section40/A of Act XCVI of 1993. on Voluntary Mutual Insurance Funds defines business secrets as the same as the Civil Code; Paragraph (2) defines the fund secret.

• insurance secret: Section 135-143 of Act LXXXVII. of 2014. and Insurance Activity.

**Article 4, item** **f) of paragraph 4 (personal data)**

56. Pursuant to the Information Act, personal data is deemed to be any data relating to a specific person, identified by personal data or – directly or indirectly – identifiable natural person (‘data subject’) as well as any conclusion – particularly the interested party’s name, identification signs, one or more pieces of knowledge attributed to its physical, physiological, mental, economic or social sameness-, furthermore with respect to the data subject which can be inferred from such data.

**Article 4, paragraph 8 (charges)**

*Is there a charge for supplying information? If yes, what is the cost or range of costs per page for having official documents copied?*

57. The Information Protection Act and Act LXIII. of 2012. on the recyclability of information of public interest governs in relation to the charging of access to information.

Pursuant to the Information Act the claimant may receive a copy of the document or parts of thereof −regardless of their storage method− during the request to access to public information. The data management body executing public duty may charge a fee for the fulfilment of the data request up to the amount of expenses arising from the fulfilment of the request. Claimants must be informed of the costs before fulfilling the request.

During the designation of this fee –taking into account that a government decree governs the maximum amount of applicable fees- the data manager may endorse the following costs:

a) cost of the storage device carrying the requested data

b) cost of delivering the storage device carrying the requested data to the claimant

c) if the data request requires an disproportionate amount of labour resources compared to the fulfilment of the body’s fundamental duties, the labour induced costs of fulfilling the request.

The “cost” of the storage device (copy) carrying the requested data is equal to the amount of costs that have arisen at the body fulfilling public duty but this amount cannot be higher than the maximum laid down in the governmental decree even if the actual costs account to more than that.

A copy of the document or a part of it containing the data regardless of the manner of its storage may be provided to the claimant. The data processing public function organ may charge expenses, up to the actual extent thereof, for the preparation of the copy. The claimant shall be informed in advance about the amount of expenses.

If the document or part of document the claimant asked a copy of,is extensive in size, the claim must be fulfilled within 15 days after payment by the claimant. The claimant must be informed within 8 days after the submission of the claim, if the document is considered to be extensive in size, furthermore about the amount of expenses and about the possibility of fulfiling the data claim without the need for copying.

A regulation framework ascertains the cost components of the expenses, and the viewpoints to be used when ascertaining if a document is considered to be extensive in size.

***8. Obstacles encountered in the implementation of Article 4***

*Problems reported by environmental- and nature protection civil organizations:*

*The new regulation introduced in the Information Act the frequent requisition of large amounts of data is sanctioned by the concerned body with an increased costs is not mentioned in the report. This rule is obviously restrictive in the field of information freedom.*

*A number of other regulations and amendments can also be counted as steps back in the field of information freedom, that make a lot of information inaccessible regarding environmental protection as well (e.g.: Act XCII. of 2014., Act XCIX. of 2014., Act LXXII. of 201.5, Act LXXIV. of 2015., Act CXXIX. of 2015.)*

*The fact that in many cases data is only provided by government bodies after legal proceedings have been initiated or after the court’s binding decisions and not after a voluntary way also sheds light to the problems in the practice of sharing information of public interest.*

*We have also received comments, that many times the country courts interpret the category of information of public interest with unjustified restrictiveness.*

*Addendum of the Deputy Commissioner for the Protection of Future Generations:*

*The regulation framework and regulation concerning business secrets has been a field of heated debate during the reporting period. During the debate concerning the expansion of the Paks Nuclear Power Plant, the Hungarian Atomic Energy Authority has requested the aid of the Speaker for Future Generations in order to create a helping manual for the management of business secrets. The Speaker – with reference to the Aarhus Convention among others− has suggested that during the formulation of the manual the right to access to information of public interest should be taken into account and not restrict it with exception to the most unique circumstances.*

*(See the report on the activities of the Commissioner and Deputy Commissioner for fundamental rights, 2014, page 261.)*

*http://www.ajbh.hu/documents/10180/2119301/AJBH+Besz%C3%A1mol%C3%B3%202014/e4cb6abb-2b16-4f67-bcdf-e24ccb74cca2?version=1.0*

***9. Additional information relating to access to environmental data***

58. The inquiries were typically made in the following areas:

• information inquiry on the method of administration, questions relating to procedural legislation;

• questions regarding basic environmental records (KÜJ, KTJ)

• questions regarding environmental data provisions (OKIR)

• data provision, take-back, handling obligations of packaging, electronic equipment, battery and accumulator, motor vehicle “manufacturers” (domestic producers, importers, intra-Community importers);

• cross-border transport of waste (reporting, administration obligations);

• licensing of nature conservation, landscape protection (environmental protection) expert qualification;

• complaints, applications of public interest;

• inquiries relating to specific cases in progress;

• requests for statistical data;

• authorisation of waste management;

• questions relating to product fee regulation, product fee exemption;

• inquiries regarding authorization for on site activities;

• environmental- and nature protection criteria of construction permits.

**10. Related websites**

[www.emla.hu](http://www.emla.hu)

[www.tasz.hu](http://www.tasz.hu)

[www.kothalo.hu](http://www.kothalo.hu)

[www.kozadat.hu](http://www.kozadat.hu)

<http://www.kormany.hu/hu/foldmuvelesugyi-miniszterium>

[www.aesz.hu](http://www.aesz.hu)

[www.termeszetvedelem.hu](http://www.termeszetvedelem.hu)

<http://geo.kvvm.hu/tir/>

<http://www.nemzetipark.gov.hu/>

[www.erdo.hu](http://www.erdo.hu)

<http://www.mgszh.gov.hu/>

<http://www.orszagoszoldhatosag.gov.hu/>

[www.nebih.gov.hu](http://www.nebih.gov.hu)

<http://www.orszagoszoldhatosag.gov.hu/>

<http://oki.antsz.hu>

[www.ovf.hu](http://www.ovf.hu)

<http://www.katasztrofavedelem.hu/>

<http://www.kormanyhivatal.hu/hu>

***11. Application of Article 5 (collection and dissemination of environmental information)***

***Article 5, paragraphs (1)-(3) and (7) (obligation relating to information and processing of environmental conditions, system of active environmental data provision, electronic storage and access to data)***

59. The National Environmental Information System (OKIR): the environmental monitoring system of Hungary is instituted by the Environment Act, which provides for the systematic monitoring of the state and the use of the environment and the collection, analysis, registration and dissemination of information concerning environmental pollution. To this end, the Act obliges the minister of environment to establish and maintain a monitoring, sampling and control system.

Sources of information under the OKIR are twofold: the monitoring networks of various environmental media provide data on water quality, air quality, etc. At the same time, the operators of individual polluting installations or activities are required to regularly submit reports on their environmental performance (e.g. emissions and discharges of polluting substances, waste production).

Since 1 January 2015 environmental data can only be submitted into the OKIR system electronically by filling out a form in the General Form Filling Program (ÁNYK). The forms submitted by a delegate through the Client Gateway are approved by authority clerks following general supervision processes and load them up into the system’s registry database, while earlier, paper based reports were manually entered by workers of the authorities. Pursuant to the Environmental Protection Act the order of data submission and all required electronic forms must be made available without restriction or cost. This is, along with the publicity of all environmental data in the OKIR system is served by the OKIR website (web.okir.hu) which is available to anyone. With the help of a search engine all public environmental data concerning clients coming into contact with environmental management and their objects can be viewed.

OKIR is modularly structured which means that data relating to different fields of environmental protection are placed in different registers which now form a coherent and permeable conglomerate of professional system registers thanks to the developments in 2014. The OKIR system allows for inquiries concerning the annual emission of air pollutant materials on municipality, county or township level. Data has been available since 2002, so comparative analyses can be made for many years back. At present OKIR is composed of the following databases:

• The Environmental Protection Base Registry System (KAR) is the most important part of the system. KAR contains all the core data (name, address, geographical coordinates, land register reference) of clients and objects in contact with environmental management (e.g.: premises, contaminated areas, etc.) identified by an Environmental Protection Client Sign (KÜJ number) and an Environmental Protection Area Sign (KTJ number) thus allowing for the comprehensive identification of clients and objects in all professional systems.

• Single Waste Management Information System (EHIR) The EHIR system manages the registry system for waste and all the duties concerning waste collection, waste production, waste trade and waste management

• Air Quality Protection Information System (LAIR) serves as the registry for data related to the access to information concerning air quality;

• The European Pollutant Release and Transfer Registry (E-PRTR) module contains all the emission and waste transportation data of all plants falling under the E-PRTR and through the activity register it also contains all basic- and capacity related data concerning base activities

• Administrative Registry (HNYR) contains all effective environmental protection authority decisions;

• FAVI is the environmental protection registry system for subsurface water and geological formations. The data service system contains three sub-systems. FAVI-ENG is the information system for permit required activities, FAVI- KÁRINFO is the damage restoration information system and FAVI-MIR is the monitoring information system

• The OKIR Surface Water-quality Professional system contains two modules: the database of the chemical, physical-chemical and biological monitoring information describing the quality of surface waters (FEVI), and register for surface water strains coming from water usage (EMISZ)

• The development and management of the Environmental Protection System (TIR) is a legal obligation. Paragraph (1) of Section 67 of Act LIII. of 1996. on nature protection prescribes the operation of a uniform information system concerning the protection of nature rising up to the demands of international standards. As per the regulation, the information system is operated by the minister responsible for nature protection (currently, the Minister of Agriculture) as an independent part of the National Environmental Information System.

• Concurrently more than one data-recording-, processing- and search programs (KAR-tér) are linked to the OKIR database that is utilised by ministry and background institution colleagues as well, besides the authority, for international data submissions, and for the formulation of professional background documents and analyses for example.

*Problems reported by environment protection and nature conservation civil organizations:*

*The OKIR does not contain data but various (spatial and temporal) average. Most of these are not suitable for monitoring the state of the environment.*

60. *National Air Pollution Measurement Network*: publication of air quality data. The OLM website (www.levegominoseg.hu) also displays data of the automatic and manual RIV monitor network operated by the environmental protection, nature conservation and water management inspectorates, the latter shown with a 1-2 hour (validation) delay, archived data yearly evaluations. Monitor stations, pictures and locations thereof, the list of pollutants measured, most up to date and archive measurement date etc., is shown.

The continuous development of the measurement network is an ongoing task and the almost 3 Billion HUF subsidy has allowed for important improvements. The Swiss-Hungarian Joint Cooperation Program served the development of the laboratory background of OLM. As part of the project 191 sampling and gas-analysis devices were procured along with the deployment of 40 pieces of laboratory equipment and two well equipped mobile measuring stations.

The Environment and Energy Operative Programme (KEOP) has allowed for the development of the automated network and the IT background. The exchange of outdated machinery of automated measurement stations has been realized (all in all 95 measurement devices were changed for new ones), two brand new well equipped mobile measurements stations have been procured, the measurement data collection hardware of measurement stations has also been realized, data collection software have become unified and updated and the www.levegominoseg.hu website has been established.

61. *Nature Conservation Information System* (TIR): functioning as an independent part of the OKIR (http://geo.kvvm.hu/tir/; http://web.okir.hu/hu/).). The TIR is designed to assist the databases used by the ministry responsible for the environment and agriculture, national park directorates, green authorities and the forestry directorate.

It is based on the register of protected natural areas and protected natural values, the records on protected natural areas of local importance, records on Natura 2000 areas, the asset management data records and the spring, swallow and cave records. TIR is the computer information system implemented with the support of a complex computerised geographic information system of wildlife protection, biodiversity monitoring, geological, landscape protection, nature conservation, area and asset management, etc. data collected by the national park directorates. The National Biodiversity Monitoring System (NBmR), in operation since 1998, supplies the key biotic data to the TIR.

A module operated under the TIR provides access to a user-friendly map view service http://web.okir.hu/hu/tir that can be easily reached from the main nature conservation website, www.termeszetvedelem.hu.

62. *National Forest Database*: a module part of the Forestry Professional Governance Information System, handled by the Forestry Directorate of the National Food Chain Safety Office. It is responsible for providing forestry operating plan data serving as a base for sustainable forest management, the management of forestry authority records, storage of forest plan data and the monitoring of completed forestry activity for administrative and nature conservation management and asset management work as well.

63. *Water Management Information System* (VIZIR): recording and processing system of basic water management data which contains and manages data in connection with public water needs and the related decision making process, and it is able to exchange data with similar information systems. Significant developments have been added or being added to the VIZIR system. As a result of these, more quality information is available to the public such as the map view assistance of data procurement (https://geoportal.vizugy.hu/atlasz/) since 2016.

64. *Tisza Water Catchment Monitoring System* – an Automatic Water Quality and Alarm System is operated at the water catchment of the river Tisza for the purpose of forecasting unexpected pollution arriving from abroad (www.rivermonitoring.hu). The process regulation system of the Alarm System enables the automatic control of hourly sampling, instrument calibration and measurement, data collection and communication. In addition to water quality data, the Alarm System also performs the measurement of other parameters that monitor appropriate operation and the storage of data. The measurement data of the monitoring stations have been forwarded by phone (ISDN) connection to the regionally competent environmental, nature conservation and water authority (Miskolc, Nyíregyháza and Debrecen) and the system centre in Miskolc. The monitoring system has been active for 15 years (it is currently offline), its systems are outdated, their upgrade and replacement is expected to be carried out in 2017.

65. With respect to the obligation relating to information on environmental conditions and its processing, the implementation of the Water Framework Directive (VKI) is governing in relation to the condition of the country’s waters. The condition of the waters is shown by publicly accessible map databases prepared in accordance with VKI requirements, in relation to both surface and subsurface waters (https://geoportal.vizugy.hu/atlasz/).

66. The website www.hydroinfo.hu provides information relating to surface water levels. The flood and inland water alert levels, damaging events to water quality, important information concerning flood defence, and up-to-date news are indicated on the www.vizugy.hu website.

67. Pursuant to the 2014 amendment of Government Decree 201/2001. (X.25.) the recording of data concerning water quality inspections, data when limits were exceeded, emergency situations tied to possible contamination jeopardies and quality improvement measures have become compulsory. Evaluation and storage of data in the HUMVI system has been ongoing since 2015. The operator of the public water supply system uploads water quality data and activities carried out after the results of control inspections until the 15. day following each quarter of the year. The competent Public Health Department of the Government Offices surveys the data and after validation forwards it to the Center (OTH). The IT system for drinking water is maintained by the National Public Health and Medical Officer Service (OTH).

The OTH, the OKK after permission from the OTH, the competent public health body, or the operator, or the laboratory delegated by the operator may upload data into the HUMVI system.

All natural bathing water data are also registered in the HUMVI system along with inspection data. The register of pool baths is currently ongoing.

68. *National Regional Development and Planning Information System* (TeIR): freely accessible information on the country’s population, economy, condition of its built in, landscape and natural environment and regional characteristics, enabling the monitoring of changes and comparisons on an EU level. TeIR is a web based IT system where the services are accessed through the Internet (www.teir.hu). The applications, not requiring registration, are available at the TÉRPORT portal. The applications requiring registration are free of charge for state administration bodies. Users are in all cases identified through the Customer Site of the Central Electronic Service System.

As part of the New Széchenyi Plan OKIR and TEIR were interlinked in the Central Hungarian Region (which is currently in an archived state). The Integrated Area Use Monitoring System, launched after 31st of March 2011. contains data and combinations thereof, that allows new and interesting service in the field of country level environmental and area data. With the linking of OKIR and TEIR the integrated handling and serving of map related data is created, that provides an adequate database for the INSPIRE EU directive as well. Thus with the linking of databases and reactions between services, the added value of data caches and –services are increased. The system is capable of processing regional data within a single system enabling the rapid advise of society on the state of the environment and its changes as well. During the design process experts have taken into account the experience gained during the separate operation of the two systems and used them to create the mechanisms of integration and future function.

The new online platform hosts the results of water quality measures, waste management-, environmental protection authority data, demographical and soil science data on the Central-Hungarian Region, and decrees of the Head Authorities can be seen and read as well. Through the publication:

• state of the country’s population, economy, built and natural environment and regional characteristics can be learned,

• changes in the above mentioned can be followed closely,

• written and chart versions of area sorting plans and regional development plans can be searched,

• information is available for sub regional, regional, county development committees and work organizations as well as for multi-purpose sub regional associations, so they can plan, manage their programs, evaluate tenders and later monitor them based on appropriate data,

• organizations in area sorting, development and monitoring, receive help in the preparatory process of decisions and decision making process, and in preparing plans on government, sub-regional or local level even.

One of the internet services provided by TEIR is TÉRPORT. The goal of this site is to provide up - to - date information on area development, city development, rural development, spatial planning for professionals and interested parties as well. The portal contains relevant legal background, institution system, basic concepts, important development concepts and programmes, spatial planning drafts on a thematic basis and provides the most important professional documents and studies available for download.

69. The publicity of strategic noise maps and action plans based on the EU guideline on *the* *evaluation and handling of environment noise* is insured by the related domestic legislative regulation. As per Government Decree 280/2004. (X.20.) on the evaluation and handling of environment noise, all noise maps and actions plans in areas to which the regulation applies must be made available on the website on the Ministry responsible for environmental issues.

*A specific area of data provision under the Convention (Atricle 5, item (c) of paragraph (1))) is the dissemination of environmental emergency information.*

70. Government Decree 311/2005. (XII. 25.) on the public access to environmental information provides that in case of an imminent threat to the environment or to public health, the authority holding the relevant information must immediately inform the public concerned.

71. Detailed rules of the Hungarian environmental emergency information system are laid down by Act LXXXIV. of 1999. on the Control and Administration of Disaster Management and the Protection against Major Accident Hazards Involving Dangerous Substances and by its implementing decree (Government Decree 2/2001. (I. 17)). This legislation determines inter alia the responsibilities for the provision of access to documentation (e.g. in the licensing of dangerous installations) and informing the public (e.g. publication of the safety report and the external emergency plans). Since 1 January, 2012 the new Act CXXVIII. of 2011 on the modification of disaster protection and attached other laws and Government Decree 219/2011. (X. 20.) on the protection against accidents involving dangerous substances determine in detail inter alia the responsibilities on the securing of publicity (e.g. at the authorization process of plants using hazardous materials) and on informing the public (e.g. publishing the security report and the defence plan based on it).

Under the Act, it is the duty of the management of the relevant industrial activity establishments to assess the environmental risks associated with the dangerous substances present in their establishment, to evaluate the likely significant effects of a major accident, and to determine and to implement all necessary environmental and public health preventive measures and steps taken to eliminate the liability. This information must be included in the safety report or analysis of the hazardous material establishment concerned. Safety reports and analyses are public documents and can be consulted at the premises of the municipality.

To manage an unexpected major hazardous material accident, the assistance of the mayor of the relevant municipality is required to draw up, in cooperation with the competent local disaster management unit, an external emergency plan that lays down the relevant responsibilities, means and equipment.

With a view to ensuring that the public affected is familiar with the potential industrial hazards in the environment, the above Government Decree requires that with the assistance of the mayors of municipalities in the vicinity of major dangerous hazardous material installations are prescribed to prepare an information booklet for the public that has to be reviewed every three years and re-published every five years. The booklet is aimed at informing the local population and public institutions (e.g. schools, hospitals) about the location, including the nature of the establishments dealing with hazardous materials and the associated hazards, as well as prevention and protection measures. Publication of the booklet is handled by the mayor.

72. In light of the Governmental Decree 219/2011. (X.20.) on the protection against severe incidents, the operator of the hazardous material installation is obliged to report any breakdown or severe incidents caused by hazardous materials immediately via telephone and in written form within 24 hours to the local disaster management authority.

In addition, pursuant to the provisions of Section 6 Government Decree 311/2005 (XII. 25.) on the public access to environmental information, in the event of a direct threat to human health or the environment, irrespective of whether caused by human activity or natural causes, the body in possession of the relevant environmental information, makes accessible immediately and without delay environmental information in its possession or stored on its behalf to the population likely to be affected by such threat, enabling the execution of measures serving the prevention or mitigation of damage resulting from the threat.

*Problems reported by environmental- and nature protection civil organizations:*

*The above-mentioned measures do not work properly in practice.*

73. Smog alarms are also subject to emergency information obligations. The smog alarm plans of municipalities set out the measures to be taken in emergency situations and the rules of providing information. In addition to cities with a population of over 200 thousand, other municipalities are also required to draw up smog alarm plans where extraordinary air pollution may occur on the basis of historical data. The municipalities are responsible for defining the measures contained in the smog alarm plans; the plans are jointly executed by the municipalities, the environmental, transportation and public health authorities and traffic authorities. Municipalities only have an information provision obligation in the event of moderate pollution; they are required to take various pollution reducing measures in the event of higher levels of pollution. In 2008, information and alarm limits were introduced also in relation to flying dust (PM10). On the basis of these, in recent years the information or alarm levels of smog alarms were applied in several cities (e.g. Budapest, Miskolc). The aim of the review which has been imposed in 2012 is to establish a more modern, more effective and legally ordered smog alarm regulations.

74. Data accessible on the website (www.met.hu) of the Hungarian Meteorological Service (OMSZ)

* Measurement results relating to current air pollution levels in Budapest and evaluation of these in comparison to smog alarm limits.
* Information relating to expected air quality. The system developed by the OMSZ, with funding provided by the Environmental Fund of the Municipality of Budapest, functioning on an operational basis, is unique in Europe, as it forecasts in an hourly breakdown the future level of main pollutant concentrations two days in advance, for the whole area of Budapest.
* Wide range of environmental information. In the Air Environment material, the OMSZ publishes data relating to the components of rain water and the pollutant content of air measured at its background pollution measuring stations. The page also contains detailed historical climate information.
* UV-B forecasting and alarm for the public – The OMSZ has been informing the public since 2008 on the expected UV-B radiation values, drawing attention to the dangers related to sunbathing and the possible methods of protection. Each year the season begins with the organisation of a forum where experts report on new domestic and foreign scientific results, underlining the dangers of UV radiation.
* Temperature extreme values in Hungary, Budapest;
* Weather records;
* Agro- meteorological maps;
* Climate retrospections (monthly, seasonal, yearly, decade and century);
* Future climate change – regional climate models used by the OMSZ for the period between 2021-2050 and 2071-2100 are available;
* Gamma dose-performance data;
* Daily weather report.

75. Data on air quality and environmental-health ratings of Budapest and 29 municipalities with automated measurement-stations is being published on the website of the Hungarian Environmental Health Institute - OKI (<http://oki.antsz.hu/>), furthermore the Institute raises the attention of the community towards dangers and their evasion.

The OKI provides information on its website on the enacted heat-alarms during summer heat waves and the methods of protection.

76. The procedure related to protection against forest fires is regulated under Section 67 (1)-(2) of the Forestry Act of 2009:

* in the event of a higher risk of forest fires, the minister responsible for forestry – in consultation with the minister responsible for protection against disasters – may temporarily order by decision a general fire lighting prohibition for the entire territory of the country, or forests located in a specific area, and areas located within two hundred meters from the forest border. The decision on the fire lighting prohibition and its lifting must be published on the website of the forestry authority and the ministry headed by the minister, two national dailies and in public television and radio.
* in the event of a higher risk of forest fire extending to the area of counties, or municipalities, in justified cases, the forestry authority – in agreement with or upon the proposal of the county disaster management directorate or the Disaster Management Directorate of Budapest in the area of the capital – may also order a fire lighting prohibition. The decision on the fire lighting prohibition and its lifting must be published on the website of the forestry authority and the ministry headed by the minister responsible for forestry, two national dailies and in public television and radio.

77. Data relating to biotic forest damage is available. Information relating to the above is provided by the Hungarian Forest Research Institute (ERTI) and the National Food Chain Safety Office (NÉBIH) on the basis of data collected through the operation of the forest protection measurement and monitoring system (EMMRE) regulated under Section 56 (2) of the Forestry Act and Sections 35-37 of Decree 153/2009 (XI. 13.) FVM.

The National Forest Damage Registry System (OENyR) has been launched in 2012 as a sub-system of EMMRE by the forestry authority in cooperation with ERTI- as per the obligations of the Forestry Act. Within the framework of this system every professional entitled to the status of technical-crew must report perceived forest damage to the forestry authority through the “*Forest-protection report sheet (EKÁR sheet)*”.

Up- to- date information on exceptional floods, water quality calamities, inland water is available on the [www.vizugy.hu](http://www.vizugy.hu) website. The water management sector pursues active informational activity in regional and national radios, televisions and electronic media as well if it is necessary. During the Danube flood special bulletins were issued every day in 2013.

*Are there mechanisms in place to ensure or control the quality of environmental data included in the databases?*

78. TIR data relating to living and inorganic objects are input into the system following a so-called validation process. The validation process is set out in the TIR user manuals. The stringent protocol (methodological) system of the TIR data collection-monitoring systems constitutes the second step of quality assurance.

79. Since 3 April 2015, the monitoring of environmental radiation is carried out in the National Radiation-Biology and Radiation-Health Research Directorate (OSSKI), that is a department of the National Public Health Centre (OKK).

The OSSKI has been measuring the amount of radiation in the open environment at its headquarters for more than 20 years.

The weekly summary of results has been available at the OSSKI website (<http://www.osski.hu/info/ksv/ksv.html>) since 1998.

The OSSKI participates in the following environment monitoring systems and operates their central database:

As per governmental decree 489/2015. (XII. 30.) the main duties of the National Environmental Radiation Protection Monitoring System (OKSER) is the collection of countrywide monitoring results of environmental radiation terms and measureable radioactive matter concentrations that define the population’s natural and artificial radiation strain. Furthermore information of the public on the aforementioned activities, the publication of monitoring results every year and the preparation of national monitoring data in order to prepare a briefing for the European Commission.

Various administration branches and certain special institutions – shortly, members of OKSER– participate in OKSER’s activities. These activities are managed by OKSER’s Specialised Committee (OKSER SZB). The central on-line collection of the results of monitoring undertaken by the network members’ separate radiological environmental survey systems, and OKSER’s administrative branches duties is managed by OKSER’s Information Centre (OKSER IK) at the OSSKI base.

A summarized report on the results of the fulfilment of OKSER’s duties(measurement and analysis of radiation levels typical to the country) is published yearly at OSSKI’s website (<http://www.okser.hu/eredmenyek/eredmenyek.html>).

80. After the *National Atomic Energy Institute*’s 1981 decision, the Official Environmental Radiation Monitoring System (HAKSER) has been launched for the official, systematic monitoring of the Paks Nuclear Power Plant’s (PA Private Limited Company)that is independent from the power plant’s interests. On regulation level, HAKSER duties are laid down in Decree 489/2015.30.) on the supervision scheme of environmental radiation status determining public radiation levels from natural and artificial sources. Since the 1 January 2016 HAKSER operates within the framework of OKSER.

**Laboratories of the institutes** involved in the operation of HAKSER periodically collect data from the 30 km radius vicinity of the power plant. The results of radiological examinations of aforementioned data are collected by the **Data Process and Evaluation Centre (HAKSER AFÉK)** that operates within the **OSSKI**.

Evaluation results of environmental monitoring data collected by the institutes taking part in HAKSER’s activities are published every year in a summarized **report** on the OSSKI website (<http://www.hakser.hu/eredmenyek/eredmenyek.html>).

81. The minister for health regulated the main duties and activities of ERMAH (Health Radiological Measurement and Data Provider Network) in decree 8/2002. (III.12.). According to this decree ERMAH fulfils environmental radiation protection and radiation health duties under normal circumstances and during nuclear emergencies as well:

* collects samples from environmental mediums (air, soil, foliage, surface waters, foodstuffs, etc.) in order of periodically inspecting the environment,
* conducts on-site and laboratory measurements in order to detect radiation proportions within the environment, or the accidental existence, quantity and quality of radioactive substances within mediums of the environment,
* conducts calculations to measure the amount of radiation exposure (dose) of the populace caused by natural and artificial radioactive isotopes,
* provides data for OKSER.

Measurement and monitoring results of the **yearly radiological environmental monitoring program** conducted by the laboratories of the ERMAH network are collected and stored by the **ERMAH Information Centre**. Data is analysed by the **OSSKI** which evaluates the radiological status of the environment according to this data and furthermore determines the amount of the population’s radiation exposure. Summary of the results have been published in the *Egészség-tudomány* magazine since 1991 and is available on the OSSKI website as well (<http://www.ermah.hu/eredmenyek/eredmenyek.html>).

82. The survey of the country’s air quality is conducted by the organizations operating the National Air Pollution Measurement Network. The quality assurance of data collected in this venue happens on a multi-level scale.

Pre-validation of incoming data is conducted by the institutional units conducting environment-, nature protection and water inspection authority tasks. The Rural Development Ministerial Decree 6/2011. (I. 14.) on the *rules regarding* *the inspection of output by stationary air pollution sources* provides further guarantee to the quality of the issued data by stating that the conducting institute must:

* possess an accreditation of its tasks,
* must make an examining calibration at given times,
* must participate in a round-survey organized by the Air Purity-Protection Reference Centre at least once a year,
* must guarantee that every measurement connected to the inspection of air quality is traceable.

Furthermore surveys must be conducted by the consistent method (or one that provides an equal result) laid down in the decree. In context of given devices, the decree presicribes, that the given device posess a type-approval certificate, that proves that the device is capable of conducting the required measurement.

Data created by the Government Offices flow into a central database that is managed by the Air Purity-Protection Reference Centre (LRK) that operates within the framework of the National Meteorological Service. Data influx within the LRK is validated once again. In order to further upkeep the quality of measurement results, LRK coordinates the unification of survey methods and relevant quality assurance and quality inspection duties. LRK’s laboratory – that also possesses an accreditation– organizes round-measurements for the Government Offices and participates in itself in international round-measurements as well.

83. The Governmental Decree 280/2004. (X.20.) – acting upon the tenets of European guideline 49/2002/EC on environmental noise- on the measurement and administration on environmental noise prescribes the creation of strategic noise-maps and action plans for metropolitan agglomeration areas and high traffic vehicular institutions.

There are many prescriptions within the decree that serve the quality assurance and appropriate professional creation of strategic noise maps.

First of all, noise maps can only be created by an expert or an institution employing an expert who has an authority to act as a professional in environmental noise- and vibration abatement issues.

Bearing in mind, that noise maps are not based on measurements but on calculation on the output of noise sources and the modelling of their expansion, the incoming data can substantially alter their quality. In this context, Governmental Decree 280/2004. (X.20.) determines the sources – where applicable−-of used data, thus insuring that the creation of noise maps is based on the use of databases of appropriate quality.

Furthermore the decree defines the cache of obligatory uniform calculations methods to be used in the creation of noise maps.

Finished noise maps – after their approval− are scrutinized by the nature-, environment protection departments of Government Offices further guaranteeing their quality.

*84. What kinds of environmental facts, analyses and explanatory materials are being published?*

* Geographical location of nature conservation objects (<http://geo.kvvm.hu/tir/>, http://webgis.okir.hu/tir/):
* National Park Directorates operational areas
* Protected natural areas of national importance (national parks, protected landscape areas, nature protection areas)
* National Ecological Network
* Surface protection zone of caves , Exhibition point, Eco-touristic facilities
* European diploma areas UNESCO biosphere reserve (MAB)
* Natura2000 network
* Natura2000 – Nature conservation area
* Natura2000 – Bird protection area
* Nature Parks
* Sample biotic data
* List of protected objects (values, areas) ([www.termeszetvedelem.hu](http://www.termeszetvedelem.hu))
* Between 2013-2015, as part of the eENVplus project, we have developed a smartphone app helping people explore protected natural areas. The software is available for Android and iOS as well. With the application anyone can explore the eco-touristic sites (visitor- and educational centres, paths, exhibition sites, etc.), the size of protected natural areas in Hungary and Slovakia, furthermore for experts it makes possible to make 3D spatial pictures of plant and animal species for later virtual presentations. The app is available at: <https://play.google.com/store/apps/details?id=it.graphitech.eenvplus>; and https://itunes.apple.com/us/app/eenvplus-mobile-app-for-crowdsourcing/id1030693450?mt=8

***Article 5, paragraph 4 (disclosure of reports on the state of the environment)***

85. The Environment Act stipulates the implementation of the National Environmental Programme is to be renewed every 6 years. . The programme accepted by the Parliament and the reports (also publicly accessible) drafting in the course of implementation provide regular information on the condition and the changes of the environment.

Pursuant to the item e) of Section 46 of the Environment Act, for environmental protection purposes the municipality analyses and evaluates the state of the environment in the area under its jurisdiction and informs the population when necessary, but at least once annually.

Pursuant to Section 51 Paragraph (2) of the Environment Act, each year the minister responsible for the environment drafts a report for the government on the state of the environment. The municipality informs the population of any changes in the state of the residential environment when necessary, but at least yearly..

As per Section 46, Item b) of Paragraph (1), of the Environment Act, in order to facilitate the protection of the environment, the municipality develops their own environmental protection programme that must be reviewed pursuant to Section 48/B of Paragraph (4) but it must be revised at least after the update or amendment of the National Environment Protection Programme.

86. OKI submits yearly reports on the quality of drinking- and natural bathing water. The national and municipality level report on drinking water quality is published in the TEIR and the OKI websites. Besides the above-mentioned obligation, reports must be submitted for the European Union every three years. The national report on bathing waters is also available through the TEIR and the websites of OKI and OTH. The EU report must be updated yearly into the EIONET system.

87. The Ministry responsible for the environment also issues periodical publications on the environmental state of the Hungary. The first summary of Hungarian environmental indicators was published in 1994. The Environment Act adopted in 1995 set out the legal basis of the reports to be regularly drafted by government organs. The Act stipulates that everyone has the right to access information relating to the state of the environment, the levels of environmental pollution and the effects of the environment on human health. The last edition was published in 2015. Green environmental authorities regularly publish data under their responsibility.

88.

89. Report for the European Commission in accordance with Article 17 of Council Directive 91/271/EEC on the National Municipal Waste Water Drainage and Treatment Programme reviewed every 2 years.

90. The minister responsible for forestry issues an annual report on the changes of forest state of health status and the condition of hungarian forests. Up-to-date data concerning forests can be downloaded from the website of the [National](http://National) Food Chain Safety Office (<http://www.nebih.gov.hu/szakteruletek/szakteruletek/erdeszeti_igazgatosag/erdeszet_szakteruletek/monitoring/evesjelentesek>).

91. The Reference Centre for Air Quality Protection operating as part of the National Meteorological Service creates an annual reports on the changes in national air quality of the former year, based on the data collected from the automatic and manual sub-systems of the National Air-pollution Measurement Network. Reports on the yearly evaluation are available on the Measurement Network’s website : [www.levegominoseg.hu](http://www.levegominoseg.hu) under the “Evaluations” tab.

92. As per Ministry of National Development ministerial decree 24/2013. (V. 29.) on the rules governing water public utility asset valuation and information to be submitted on public interest by water public utility managers, information must be published regarding the quality of the supplied drinking water and purified waste water .

Since 2015 the Ragweed Database (PIR), a public, GIS based electronic database is also available. The database is available at the FÖMI website (www.fomi.hu).

***Article 5, paragraph 5 (disclosure of legislation and international legal documents relating to the environment*** ***and plans in connection with environment)***

93. Draft environmental legislative texts can be downloaded from the website of the Ministry responsible for the environment. Legislations regarding the professional area in force are also accessible on the websites of the Ministry and the environmental, nature conservation and water management authorities . Detailed legislation info is available (<http://greenfo.hu/>, <http://www.greenfo.hu/zold-jogasz/jogszabalyok-gyujtemenye>) furthermore the directory of court and administrative decisions operated by the Environmental Management and Law Association (<http://emla.zoldpok.hu/ekd/drupal/>).   
The website <http://www.parlament.hu/internet/plsql/internet_irom> offers free access to draft legislation submitted to Parliament and working papers.

Websites, <https://kereses.magyarorszag.hujogszabalykereso> and [www.njt.hu](http://www.njt.hu) are both user friendly legislation databases.

94. The list of legislation relating to the area of nature conservation and other public legal instruments concerning institution regulation under government control can be downloaded from the official website of government nature conservation.

95. The working materials of the Hungarian contribution to the European Danube Region Strategy were prepared with the coordination of the minister responsible for regional development, and has been continuously published on the website of the Ministry, jointly with international documents affecting the development of regional policies.

96. As per Decree 78/2008 (IV. 3.) information regarding natural bathing areas including water quality, accidental pollution sources and pollution events in last year or emergency situation are published by the municipalities and National Public Health Direction organizations as well.

Draft legal texts falling under the functions and jurisdiction of the minister responsible for water management are available on the government website with the comment possibility ([http://www.kormany.hu/hu/dok?source=1#!DocumentBrowse](http://www.kormany.hu/hu/dok?source=1" \l "!DocumentBrowse) ).

97. Governmental Decree 218/2009. (X. 6.) - henceforward named the content requirement Decree - on the substantive requirements of the regional development concept, the regional development programme and regional planning, and the detailed rules on their adaptation, elaboration, coordination, approval and disclosure. It sets out mandatory environmental and environmental protection duties for the assessment, analysis and planning-proposing stages of the regional plans (environmental, social and economic), setting out the substantive requirements of regional impact studies serving as a basis for regional plans and rules applicable to the review and disclosure of regional plans. As per the content requirement decree the Minister responsible for regional development, regional spatial planning and strategic planning of the regional development publishes accepted regional plans on the Governmental Website and the TeIR as well. Regional plans, accepted by the county administration, are published by the mentioned administration on its website, and forwards it to the minister responsible for the area.

***Article 5, paragraph 6 (encouraging operators to disclose their environmental parameters, environmental information relating to products)***

98. Implementation of the objectives of article 5, paragraph 6, of the Convention are fostered in Hungary by the EU eco-label regime and the national “environmental friendly product” award, and the EU Environmental Management and Audit Scheme (EMAS).

The national product quality/conformity assessment scheme was introduced in 1993. The ministry responsible for the environment and regional development determined the conditions for participation in the scheme and established the legal predecessor of the “Environmentally Friendly Product Non-profit Company”, whose principal responsibility is the coordination and administration of the scheme.

By the date of EU accession, Hungary has introduced the legal and institutional framework necessary for participation in the EU eco-label scheme. Administration of the EU scheme in Hungary also falls under the competence of the Environmentally Friendly Product Non-profit Ltd as a competent authority.   
  
All information relating to the national and EU eco-label schemes can be downloaded in English and Hungarian languages from the specific eco-label website of the Ministry responsible for the environment as well as the website of the Environmental Friendly product Non Profit Kft: <http://www.kornyezetbarat-termek.hu>. The website also provides access to data on organisations that meet all domestic and EU eco-label qualification criteria and is granted the environmentally friendly and eco-label rating.

A model program has been launched in 2015 in the framework of a trilateral agreement between the Ministry of Agriculture, the Environmental Friendly Product Non-Profit Kft. and the one of the largest Hungarian retail store chains with the goals to create a project which describes the how to increase the retail consumption of products with environmental- and eco label. The expectation is that as a result the number of retail shops able to formulate consumer demands and supplying such products in large quantities to consumers who are committed towards environmental products will rise.

Upon EU accession, Hungary also joined the EU EMAS scheme. The designated competent body is the National Environment, Nature Conservation and Water Chief Inspectorate (OKTF), while accreditation is the responsibility of the National Accreditation Authority (NAH).   
  
Information on the legal and institutional framework of EMAS, on EMAS registrations and accredited verifiers is published on the specific website of the ministry responsible for the environment (<http://emas.kvvm.hu/>). It also contains the environmental declarations of EMAS-registered bodies and provides topical EMAS-related news. It displays the environmentally validated statements of EMAS registered organisations and provides news for the interested about the events and results of the professional field.

99. The set-up of the National Park Trademark system commenced in early 2010. The aim is to support local producers, the local population and service providers who conduct activities in areas rich in natural values, with traditional methods and in harmony with the interests of nature conservation. The trademark is granted to products and services produced, provided in protected natural areas which fulfil the certification criteria. The trademark provides a quality guarantee to buyers and consumers, indicating that the product or service was produced in an environmentally friendly form, in good quality. The success of the trademark scheme can be measured by the fact, that currently 620 products of more than 160 farmers may proudly wear the label of National Park Trademark. The number of trademarked products is continuously increasing. Amongst eco-labelled goods can be found fruit syrups, fruit juices, palinkas, wines, salamis and sausages unique products, such as smoked trout, ramson products, pumpkin seed oil, and Őrség dödölle as well. Those visiting the areas of the National Park Directorates may use accommodation services with this trademark.

***Article 5, paragraph 9 (set-up of electronic pollution reporting and registration systems)***

100. Hungary fulfils the international and national data provision obligations relating to electronic pollution reporting and registration systems through the set-up and operation of the National PRTR required under the E-PRTR - European Pollution Release and Transfer Register established by Regulation 166/2006/EC, overriding the EPER-European Pollutant Emission Register, and the UN-EGB PRTR (Pollution Release and Transfer Register) Protocol. Hungary signed the PRTR Protocol in Kiev – in the framework of the ministerial conference held on May 21-23, 2003 – and ratified it on June 8, 2009. Ratification was promulgated in act LIII. of 2009. The PRTR Protocol entered into force on 8 October 2009.

The ministry established the legislative framework necessary for the set-up of the register in 2007. In such framework it modified the scope of pollutants subject to mandatory data provision, in accordance with the statutory regulation relating to the prevention of parallel data provision. It expanded it with new reporting obligations, in harmony with sectorial regulations (e.g. it integrated the reporting obligation of accident generated emissions and the used analytical/calculation methods in the sectorial databases, it elaborated independent data sheets for the reporting of air emissions from diffuse sources for livestock plants and the industrial sector, and also modified data sheets necessary for data provision relating to waste management, etc.). Separate legislation sets out the reporting obligations relating to CO2 which serve compliance with the EU ETS (Emission Trade System) and are also compliant with E-PRTR/PRTR data provision.

In 2012 the map applications for the viewing of the E-PRTR reports have been completed and are useable by the Google Earth program. In 2009, for a wide spread data publication the E- PRTR website was created where the annual reports and information service can be found. The website provides information relating to the air, water and soil emissions of Hungary’s largest existing industrial polluters at individual business premises, the quantity of pollutants in waste water and waste removal, in a table format, with dynamic search options and a computerised geographic information display.

*12. Obstacles encountered in the implementation of Article 5*

The nature conservation branch provides access – free of charge – to the description of natural values and areas through the customer service module of the Nature Conservation Information System (<http://geo.kvvm.hu/tir/>; http://web.okir.hu/hu/tir). The nature conservation branch, however, needs to pay hundreds of millions of forints to enable access to core government data, (orthophotographs and state geological survey i.e. property register maps) necessary for the creation of the maps.

The former open question of property administration registry of protected environmental areas, restrictions with environmental purpose and bans, has been resolved by the amendment of Act XLIV. of 2015. Since 2 of May 2015 registration is free of charge.

*102. Problems reported by environmental- and nature protection civil organizations:*

*According to the NGOs the use of many information systems requires serious training and proficiency, it is difficult for many users. It would be important to create a comprehensible and easily accessible platform to all. Another problem is that the data regarding different environmental components are in separate information systems.*

*The National Biodiversity-monitoring System (NBmR) works in principle, but due to a lack of funds, data collection is not continuous and the uploaded data can be incomplete.*

*According to the NGOs while nature protection data are detailed and widely available, supply of environmental data is not perfect.*

*According to civil organizations a generally available, nationwide, easily accessible and transparent electronic or printed publication would be needed regarding both nature and environmental data.*

*102/A. Comments from the Deputy Commissioner for the Protection of the Interests of Future Generations:*

*It is my general opinion that on one side, property registry data do not cover different protection levels as a whole and on the other hand that authority information concerning emergency situations is sometimes not adequate and this can lead to conflicting situations. Information scarcity and paradoxes between data makes access to environmental information and the formulation of social consensus difficult. More than one ombudsman reports have dealt with this question.*

*In his 2015 report, the Deputy Commissioner has specially engaged in this question as follows:*

*State organized advisory bodies, state local government and background institutions have played a crucial role in public awareness- forming, and the broadening the legal knowledge. The Deputy Commissioner stood up many times for the protection and maintenance of these bodies. The websites operated by these institutions are important platforms of personal consultation opportunities, and information gathering and accessing. The Deputy Commissioner follows the changes of these sites. The integration of Environment and Nature Protection Inspectorates into the Government Offices has negatively affected the duty-framework related to access to information. The Deputy Commissioner has raised the attention of both the Prime Minister’s Office that controls the Government Offices and both the Government representatives leading them and asked them to fulfil the right to access to information, which is part of the right to a healthy environment though structural changes in their respective websites. The level of access to environmental information has not reached the level before the integration by the end of 2015.*

*(See the report on the activities of the Commissioner and Deputy Commissioner for fundamental rights, 2015, page 260.)*

*<http://www.ajbh.hu/documents/10180/2515707/AJBH+Besz%C3%A1mol%C3%B3%202015/4507ceb3-4c6b-4f54-b212-63d1743c8e13?version=1.0>)*

* *As per the reports of the Commissioner for Fundamental Rights due to various reasons at different times the adequate publicity of air pollution data was not guaranteed (According to report AJB-2031/2014. the OLM website did not contain the manual survey data from Békéscsaba between 2008 and 12 November 2015, while according to report AJB-7524/2012. in Dorog and Tatabánya the data from the automatic survey station were not available from 12 July and then from 18 October 2011. due to technical reasons.)*
* *The Deputy Commissioner has raised attention to the shortcomings in accessible information regarding areas awaiting damage remediation and the strong connection between this and the changes in public health. Even with regulatory obligations, municipalities do not provide periodic information on the status of the environment.*
* *There are very strong differences in the publication of various plans and regulations on national level.*

***13. Further information on the collection and dissemination of environmental data***

103. Civilian organizations also maintain environmental databases, based on independent data gathering or official datasets. Some of these databases are horizontal ([www.greenfo.hu](http://www.greenfo.hu), [www.kothalo.hu](http://www.kothalo.hu)). Some are thematic in nature ([www.humusz.hu](http://www.humusz.hu) for waste, [www.mme.hu](http://www.mme.hu) for nature conservation, [www.emla.hu](http://www.emla.hu) for law). In addition, several NGOs publish materials containing information on the state of the environment on a regular or ad hoc basis.

Local environmental information can be obtained in the official websites of several municipalities.

104.

***14. Related websites***

[www.kornyezetbarat-termek.hu](http://www.kornyezetbarat-termek.hu)

[http://okocimke.kvvm.hu](http://okocimke.kvvm.hu/)

<http://emas.kvvm.hu/>

<http://eper-prtr.kvvm.hu>

<http://web.okir.hu/hu/>

<http://prtr.kvvm.hu>

<http://www.eper.ec.europa.eu>

<http://www.ippc.hu>

<http://biodiv.kvvm.hu>

<http://www.fvm.hu/main.php?folderID=1382>

<http://gmoinfo.jrc.it/>

[www.katasztrofavedelem.hu](http://www.katasztrofavedelem.hu)

[www.aesz.hu](http://www.aesz.hu)

[www.antsz.hu](http://www.antsz.hu)

[www.hydroinfo.hu](http://www.hydroinfo.hu)

[www.vizugy.hu](http://www.vizugy.hu)

<http://web.okir.hu/>

<http://geo.kvvm.hu/tir/>

<https://teir.vati.hu/>

<http://www.terport.hu/>

[www.met.hu](http://www.met.hu)

[www.kvvm.hu/olm](http://www.kvvm.hu/olm)

[www.katasztrofavedelem.hu](http://www.katasztrofavedelem.hu)

<http://www.osski.hu>

<http://www.lltk.hu>

[www.biodiv.hu](http://www.biodiv.hu)

www://gmoinfo.jrc.ec.europa.eu

[www.nebih.gov.hu](http://www.nebih.gov.hu)

<https://www.hunetr.hu//crweb/>

<http://nevjegyzek.magyarorszag.hu>

[www.kormany.hu](http://www.kormany.hu)

***15. Application of Article 6 (public participation in decision making related to certain activities)***

105. The amendment to the Administrative Procedures Code affected public participation in administrative procedures relating to the environment in more than one way.

In order to facilitate the involvement of social and stakeholder organizations into public procedure it gave authorisation to the Government to create a database (nevjegyzek.kormany.hu). The purpose of this database is that if social and stakeholder organizations point out which basic right or public interest they wish to defend then at the start of authority processes concerning these topics then the authorities will send them an electronic notification on the initiation of the procedure. If an organization presents its intention to participate in the process, the authority will inform the organization on all case activities and decisions. If during the procedure the organization made a statement the authority must practically inspect them if it does not unnecessarily tie down the acting authority. The registration into the database is however not a prerequisite for participating in the process it just helps to ensure that all of the affected organizations are informed of the forming of a case in the early stages of the case itself.

With a view to effectively resolve disputes, the holding of a public hearing is mandatory if over fifty clients or over five organisations deemed to be clients participate in the procedure (unless provided otherwise by law). The institution of the public hearing not only applies to environmental procedures, but to all public administrative procedures. Thus, the public may access key facts and information of the procedure, as well as the positions of clients, other stakeholders and the authority in procedures that are only indirectly related to the environment. If an organization answers their intention to participate in the process, the authority will inform the organization about every process activity and any decisions therein. If the organization has made a statement the authority must practically inspect them, but in making decisions, shall not be bound by any statements.

It also expands the possibility of public access by granting wider public access to the decision concluding the procedure and the decision annulling the decision of first instance and obliging the authority passing the decision of first instance to conduct a new procedure by stipulating that data of public interest contained therein must be made accessible to anyone if requested. Thus, the application for access to a decision not containing personal data and classified data is not bound to proof of lawful interest to the access of such data, and with a view to ensuring the enforcement of greater access to data of public interest, the authority is required to provide an extract of the document to the applicant that also contains data which are not accessible to the applicant.

Under paragraph (5) of section 15 of the law about the legal procedures of the public administration, legal rule can provide client status for civil organizations in some cases where the registered activity of NGO contains protection of basic rights or protection of common public interests. Paragraph (5a) of section 15 stipulates that civil organizations have right to verbal declaration when their registered activity contains the protection of basic rights or public interest.

*Comments from the Deputy Commissioner for the Protection of the Interests of Future Generations:*

*Regarding the right of participation of civil organizations, according to section 2, Paragraph (2) of Government Decree 187/2009 (IX. 10.) on the creation and management of the electronic database for notifications concerning the initiation of public authority procedures, and notifications based on the database states that: “in cases described by law, the acting authority is obliged to notify, in electronic way, the involved organizations, which are in the database, at the time when the procedure is made public. These organizations have client status in the administrative procedure according to the law governing the general rules of the public administration legal procedures.”*

***Article 6, paragraphs 1 to 10 (participation in the licensing of activity with a material effect on the environment)***

106. The activities listed in Annex I to the Convention are subject to EIA (environmental licensing) and/or the integrated environmental licensing procedure in Hungary. Both procedures are in line with the Directive 2003/35/EC.

107. Prior to the environmental impact assessment procedure, the framework of the geographical placement of investments likely to produce a material effect on the environment is provided by national, priority regional and country spatial planning. The coordination of the regulation frameworks regarding spatial planning schemes, are accessible on the Internet, and anyone can submit an opinion in connection with the plans (*As per Government Decree 2/2005 (I. 11.) on the environmental inspection of given plans and programmes* the rights to access during the acceptance of plans with a mandatory environmental inspection between Points 115-119.).

108. EIA is regulated by the Environment Act and by Government Decree 314/2005. (XII. 25.) on EIA and the integrated environmental permit. In the cases of investments where the legislative power has deemed a shorter and simpler authorization procedure, non-standard regulations have been put into place regarding the impact assessment during the reporting period for a wide array of investments. Such discrepancies are made available by the Act LIII. of 2006. on the fastening and simplification of investments deemed priority projects for national economic reasons and Section 30/B on the contracted deployment process of Act LXXVII. of 1997. on the protection and shaping of built environments. Certain general issues are governed by Act CXL of 2004. on the General Rules of Administrative Procedures and Services (the Administrative Procedures Code) or, in the case of access to information in the relevant procedures, the Data Protection Act.

*Problems reported by environment- and nature protection civil organizations:*

*In our standpoint these standalone procedures mean a significant and continuous decline in the rights of participation and harm the spirit of the Treaty. The main problem is that there is basically no restriction or supervision mechanism on what investment the government deems to be of national priority. Practice shows that these exceptional processes are used more and more frequently.*

The provisions of Article 6 are implemented in Hungary in the following manner.   
  
The relevant annexes to the Government Decree determine the activities that are subject, unconditionally or subject to certain conditions, to EIA. These annexes cover a range of activities broader than laid down in the Convention, or apply thresholds lower than those in the Convention.

*Problems reported by environment- and nature protection civil organizations:*

*In practice impact assessment obligation is rarely issued by authority decisions as the authorities interpret the significant environmental impact very narrowly.*   
  
To commence an activity subject to EIA, a so-called “environmental permit” has to be obtained, or where the activity also falls under the scope of the IPPC but out of the EIA rules, an integrated environmental permit has to be sought. In latter case the rules of environmental impact assessment also prevail.

Early and effective information/participation is already ensured in the preliminary phase of the EIA procedure (screening) and - if asked by the environment utilizer - in the framework of preliminary consultations. Following the submission by the developer of the application for a permit and the preliminary assessment and consultation documentation, the competent environmental authority (environmental and nature conservation department of the relevant government office) publishes a public notice at its premises and on its website. The content of the public notice is defined by the Administrative Procedures Code and the Government Decree, in accordance with the relevant provisions of the Convention. At the same time the environmental authority publishes the full permit documentation and its later submitted annexes on the website - in the case of deficiencies.

The preliminary assessment and consultation documentation, the original application for a permit as well as the public notice are also forwarded to the offices of the municipalities concerned, who have to ensure access to these documents at designated premises and have to publicize the project through posting bills or any other appropriate way. The public concerned may inspect the documents and submit comments in writing within 21 days of publication.

During preliminary assessment procedures, a public hearing must be held if there are at least 50 clients or 5 civil organizations participating in the process.

The environmental authority also grants access to additional information; when made available, access is granted to the hearing minutes, positions of administrative authorities and expert opinions.

The user of the environment may submit a request for preliminary examination to the environmental authority, even in case his planned activity corresponds the activities in Annex 3, but it does not reach the threshold specified in that or criteria contained therein are not met.

According to Annex 3 of the Government Decree, in case of transaction which does not reach the threshold set out in Annex 3 or the conditions of the activity laid down in that is not met, in cases provided for the government regulation, the environment protection authority (without preliminary examination procedures) investigates in different proceedings (eg. construction, water law) whether there will be any significant environmental effects or not. If the environmental authority states that the expected environmental impacts of the activity is serious, environmental permits are necessary based on environmental impact assessment procedure.

Before reaching a decision, the competent environmental authority has to examine the merit of all comments received. The decision is made public by way of a notice drawn up in accordance with the Administrative Procedures Code, the Environment Act and Government Decree 314/2005. (XII. 25.). When the decision becomes final, it is also made public in its entirety by the authority in accordance with the Administrative Procedures Code and the Environment Act.

According to the Administrative Procedures Code and the Environmental Act the environmental authority publishes the final decision. In the meantime, the environmental authority publishes the entire permit documentation and all of its possible amendments submitted as deficiencies in an electronic format on its website. In procedures pursuant to Governmental Decree 314/2005 not the text of the final decisions are published, but instead the decision itself as an announcement. For concerned public parties the appeal deadline begins after the 15 day publication period.

If the planned activity falls under Annex 1 of the Government Decree or due to the significance of environmental impact, an EIA is necessary the procedure starts following the completion of the preliminary assessment phase.

Commencement of the procedure is publicized by the competent authority by way of public notices on its website. The content of the public notice is defined by the Administrative Procedures Code and the Government Decree in accordance with the relevant provisions of the Convention.

The environmental authority will publish data concerning the public hearing via advertisement and will forward it to be published to the clerks of all municipalities involved in the process. The notary will inform the environmental authority on the time and date of the publishing of the public advertisement (Section 9 Paragraph (6) of the Governmental Decree).

The environmental impact study, the application, the public notice and the non-technical summary are also forwarded to the offices of the municipalities concerned that have to ensure access to these documents (Gov. Dec. Section 8, Paragraph (2)) at designated premises and have to publicize the project through bill posting or any other appropriate way. Pursuant to Section 9 Paragraph (8) comments must be submitted to the environmental authority or to the notary of the relevant local authority depending on the location of the public hearing. As per authority practice, concerned public may submit a comment at any time during the process. The 30 days (at least) deadline binds the environmental authority on one hand because of Section 8 Paragraph (3) on the publication of announcements concerning procedure starts and on the other hand Government Decree Section 9 Paragraph (7), that the publication of the notice on public hearings must be made at least 30 days before the hearing itself. The public concerned has at least 30 days (or 25 days in the case of high priority investments by the National Economic Act, to submit comments in written form.

The environmental authority also grants access to additional information, enabling access to administrative authority positions, expert opinions and corrected information once these are made available.

If the data of public hearing concerned is known to all at the initiation of the investment, the launch notice contains it. It is mandatory to hold a public hearing at least at the municipality of the location of the activity, with the exception of activities under military secret. Public hearings may be held at more than one location if there are more than one municipalities involved, or if the number of concerned parties makes this reasonable. If this causes no hindrance in the public procedure, the hearings may be held on official premises. Environmental authorities do not use this method in practice, as the right to go public of the client may come under harm. The environmental authority will publish data concerning the public hearing via advertisement and will forward it to be published to the clerks of all municipalities involved in the process. The notary will inform the environmental authority on the time and date of the publishing of the public advertisement (Section 9 paragraph (6) of the Governmental Decree). The publication must be carried out at least 30 days before the public hearing (Gov. Dec. Section 9, paragraph (7)).

Environmental civil organizations participating in the procedure are individually invited by the inspectorate and it also will notify the Commissioner on Fundamental Rights pursuant to Section 21, item c) of Paragraph (1).

If the environmental Authority, records the public hearing by video or audio recording devices, it will publish it through electronic channels. If a written minutes of meeting is prepared it must also be published in the same manner.

Before reaching a decision, the competent authority and all other authorities involved in the procedure have to examine the merit of all comments received. The reasoning of the decision has to provide a summary of the involvement of the public as well as the comments received. It makes public its decision in accordance with the rules of the Administrative Procedures Code and Government Decree 314/2005. (XII. 25.) and sends it for disclosure to the municipalities taking part in the procedure. When the decision becomes final, it also has to be made public in its entirety by the environmental authority in accordance with the Administrative Procedures Code and the Environment Act.

As described above, a wide range of information and documents relating to the EIA procedure (e.g. notices, public hearing minutes, the final decision) have to be actively published by the environmental authorities, while the remainder of the documents generated in the procedure (e.g. expert opinions) merely have to be made accessible to the public.

However, access to certain documents is restricted when they constitute a State or service secret or, based on the classification by the applicant, are considered as a business secret. Furthermore, there is no public participation in procedures subject to military confidentiality (defence projects). In these cases, however, the environmental inspectorates duly inform the offices of the affected municipalities.

In relation to other documents of the procedure, the minutes of public hearings and legal binding decisions need to be granted public access, while the public concerned needs to be granted access to other documents, such as expert opinions or documents containing material environmental information in terms of the decision.

109. According to the Espoo Convention on the Inspection of Transboundary Environmental Effects, signed in Espoo (Finland) on 26 February 1991, during an international environmental impact assessment process, the same right of participation is to be granted to the public of the affected Party as to the Party who makes the emission. In light of this, if Hungary participates as affected Party in an impact assessment made in another country for a locally planned investment, rules for public hearing and for written comments is derived from the issuing country’s regulations. In such events, the Ministry responsible for environmental protection guarantees the publication of project documents by the issuing party. Written comments on the impact assessment may be forwarded to the Environment Preservation Department of the Ministry of Agriculture, or via email to [espoo@fm.gov.hu](mailto:espoo@fm.gov.hu). The received comments, along with the official Hungarian standpoint are forwarded to the issuing party.

110. In the course of the licensing procedure, public participation is provided for through the posting of notices at the municipality of the site of installation, the municipality of the neighbouring settlement and the municipality located in the impact area, affected by the emission, or otherwise. Guidance on participation is also provided in the public notice issued by the environmental inspectorate on its own news board and website.

The public notice contains a brief description of the location and the nature of the planned activity, with particular attention given to the use of the best available technique and the description of the affected area. It must also specify how and when the original application can be consulted and must also contain a call for written comments that are to be submitted to the environmental inspectorate or the offices of the affected municipalities. It also contains the path to the petitions and appendixes published via the internet (Gov. Dec. Section 8, item g) of paragraph (1). The notice may contain data regarding the public hearing. In such cases a separate publication of documents on the hearing is not necessary (Gov. Dec. Section 8, item a) of paragraph (1).

The comments are forwarded by the environmental authority to the permit applicant, who may react to these comments. Before reaching a decision, the competent environmental authority, together with all other authorities involved in the procedure, has to examine the merit of all comments received. The legal and factual evaluation of the comments has to be summarized in the reasoning part of the resolution. The evaluation includes the factual assessment of the comments, their technical analysis and the legal conclusions.

The public is informed of the decision of the environmental authority through its public posting, by both the environmental authority and the offices of the affected municipalities. The environmental authority is required to provide information upon request on the data it manages and ensure access to such data.

111. Pursuant to Section 113 (15), (16) of the Environment Act, all authorities and government and municipal organisations are obliged to make available to the forestry authority data necessary for the operational review performed on areas not constituting a protected natural area. Decree 11/2010. (II. 4.) FVM regulates the procedure of the review. Access to data relating to protected natural areas or Natura 2000 areas located in the area of forest planning must be made accessible by the forestry authority to the body responsible for nature conservation management of the protected natural area at least 30 days prior to the notice of the date of the preliminary hearing. The regulation also grants participation rights to NGOs in the preliminary hearing which have a scope of activity – set out in the statutes and the deed of foundation – that is affected by forestry conducted in the area drawn under forest planning.

***Article 6, section 11 (participation in the permitting procedure of genetically modified organisms)***

112. The permitting procedure of genetically modified organisms (GMOs) in Hungary is laid down by Act XXVII. of 1998. on Gene Technological Activities.

Pursuant to relevant legal requirements the representatives of civil organizations aimed environmental health- and consumer protection – elected according to the procedure determined by them - participate in the Gene-technology Advisory Committee (GEVB). The activities of the committee are governed by Ministry decree 128/2003/FVM (XII. 19.). Gene-technology authorities review permit requests for gene-technological activity with respect to the comments made by the GEVB.

The environmental protection, agricultural and industry gene-technology authorities involve the healthcare gene-technology authority as professional authorities during permit processes falling under national jurisdiction. The healthcare gene-technology authority involves the environmental protection, agricultural and industry grade gene-technology authorities as professional authorities during permit processes falling under national jurisdiction.

In permit processes falling under EU jurisdiction when national authority tasks are carried out by the competent gene-technology authority, it consults with the GEVB during the fulfilment of its tasks, excluding administrative matters.

The gene-technological authority has to publish the draft permit (without transport, export, import) in its official paper and its website for public consultation, excluding data subject to commercial confidentiality, intellectual copyright or patent. Comments on the draft can be made within 30 days from publication. These comments are evaluated by the Gene-technological Advisory Committee within 10 days, and the competent authority has to reach a decision on the authorization within a further five days.

*16. Obstacles encountered in the implementation of Article 6*

*Problems reported by environmental- and nature protection civil organizations:*

*It is the civil organizations’ standpoint that ability for active civil participation should be strengthened, mainly through the educational system.*

*Comments of the Deputy Commissioner for the Protection of the Interests of Future Generations:*

*“Several ombudsman reports dealt with the publication of announcements and its effects on public participation and the right to legal remedy. I find that important to note in this context that certain government decrees on the declaration of authority processes in connection with the realization of investments into special processes, declare the decisions immediately enforceable without possibility of appeal. The allowance of immediate feasibility allows for construction or other activity with an expected impact on nature can begin without the required environmental use permits. A paradox situation may also arise with regards to the right to legal remedy because in the cases of environmental use with an expected high environmental impact legal appeal cannot reach its intended goal, so such rights may become hollow because the environmental impacts that are to be averted by the legal remedy process can come to pass before the end of said process. In the case of irreversible environmental impacts, the actual feasibility of processes with environmental use while connected appeals still have not been reviewed will make the enforcement of legal remedy decisions impossible.*

*Report no. AJB-8103/2013 of the Commissioner for Fundamental Rights has established that the website Announcement****[[1]](#footnote-2)*** *of the Észak-Dunántúl Environmental- and Nature Protection Inspectorate on the initiation of the preliminary process regarding the establishment of the Esztergom Intermodal Hub did not contain the expected boundaries of the direct impact area and the names of settlements within as set down in Section 3, Item c) of Paragraph (3) of the Government Decree and Item I.1. of Annex 7.*

*Pursuant to Section 15. Paragraph (3) of the Civil Procedures Code the owner of premises within the impact area and those whose right to property has been laid down in the property register is to be considered as a client without the need for the review of potential client status.*

*As per the conclusions of the report, the deficiencies of the announcements concerning the expected boundaries of impact of the planned facility violates the right of participation of concerned public in the decision making process of Article 6. of the Aarhus Convention, so the Ombudsman has reported the prejudicial situation regarding client rights, and the potential breach of the fundamental right to a healthy environment to the head of the Inspectorate on a short notice and has noted these aforementioned facts in this Report according to Section 24 Paragraph (1) of Act CXI of 2001. on the Commissioner for Fundamental Rights.*

*17. Additional information on public participation in decision making related to certain activities (optional)*

The amendment of Act LIII. of 2006., (in force since May 1 2012.) on the acceleration and simplification of investments of natural economic concern have greatly and universally reduced administrative deadline of EIA and unified environmental use permit required for justified decision-making in the case of investments falling under the jurisdiction of the Law. The deadline changed with amendment of 1 April 2015. to 42 days. Preliminary investigation process presents an exception this according to Section 3,Item a) ofParagraph (5) , in this case the deadline is 30 days. The amendment of Government Decree 314/2005.25.) (also in effect since May 1. 2012.) on EIA and unified environmental use permit has decreased the deadline available for public comments concerning investments falling under the jurisdiction of the Law in EIA processes to 25 days. As per Section 9 of Paragraph (8) comments may be submitted to the environmental protection authority or the notary of the relevant local authority. As per authority practice however, the concerned public may submit comments at any time during the process. The 25 day binds the environmental authority on the one hand because of Section (3) Paragraph 8 on the publication of announcements concerning the start of the procedure and on the other hand Government Decree Section (7) Paragraph 9, that the publication of the notice on public hearings must be made 25 days before the date of the hearing.

*Standpoint of the Deputy Commissioner for the Protection of Interests of Future Generations:*

*With regards to investments falling under the jurisdiction of Act LIII. of 2006. on the acceleration and simplification of key investments of national economic concern, the deadline required for the purposes of reaching an informed decision according to EIA and uniform environmental use permit procedures has already been reduced to 2 months in 2012. This has been further reduced to 42 days in 2015. This, along with the amendment of Government Decree 314/2005. (XII. 25 on EIA and unified environmental use permit that has reduced commenting deadlines to 25 days from 30 make public participation in decision making difficult, on the one hand, because with the reduction of administrative deadlines, the timeframe available for the preparation of effective public participation and then the processing, evaluation of received comments has decreased and on the other hand the public will have less time to read documentations and formulate comments with regards to the largest investments.*

Pursuant to Government Decree 38/2012. (III. 12.) on government strategy management public comments are required in the case of the preparation and acceptance of strategic program document drafts. According to this the strategic plans of the water administration sector were available for public consultation for many months in 2015, and a Strategic Environment Assessment was also carried out. Discussions regarding the Kvassay Jenő Plan – National Water Strategy were available in written and electronic way.

Government Decree 221/2004. (VII. 21.) on river basin management plan required public participation during the planning period. The first Hungarian River Basin management plan (VGT-1) was carried out according to this and later the second “Hungary’s reviewed 2015 river basin management plan” (VGT2) implemented through Government Resolution 1155/2016 (III. 31.). Both went through extensive public consultation (fora, website, press, etc.). Government Decree 178/2010 (V. 13.) on the designation of areas jeopardized by extensive water supply and management of hazard- and risk maps and the creation and content of risk management plans also stipulates the requirements of public participation during risk management plans. Hungary’s National Flood Risk Management Plan was accepted through Government Resolution 1146/2016 (III. 25.) was accepted according to this.

*18. Related websites*

<http://www.ippc.hu>

http://www.lltk.hu

<http://gmo.kormany.hu/gentechnologiai-eljarasokat-velemenyezo-bizottsag>

<http://www.nevjegyzek.magyarorszag.hu>

***19. Practical and/or other provisions made for the public to participate during the preparation of plans and programmes relating to the environment pursuant to Article 7***

115. Basic rules concerning the environmental assessment of plans and programmes relating to the environment are laid down in the Environment Act, while applicable detailed rules are set out by Government Decree 2/2005. (I. 11.) on the environmental assessment of certain plans and programmes and Governmental Decree 132/2010 (IV. 21.) on the ratification of the minutes of impact assessments linked to the Espoo Convention on Transboundary Impact Assessments signed on the 26th of February 1991; signed in Kiev on the 21st of May 2003. This legislation is in line with the relevant EU directive, Directive 2001/42/EC. Thus, the Hungarian regime covers all fundamental elements of the assessment cycle such as preparation of the environmental report, commenting by other authorities and the public, international consultations, and consideration of the comments and the findings of the consultation in the finalization of plans and programmes.

The applicable legislation requires that in case of plans and programmes with mandatory environmental inspection, the scope and methods of public consultation must be determined early in the procedure, upon the finalization of the scope and content of the assessment.

The public must be informed by the author of the plan or programme of the environmental report and the modalities of submitting comments. This information must be provided in the manner that best suits the size of the public concerned, from local media to national newspapers and Internet notices. A commenting period has to be at least 30 days. The opinions received have to be taken into consideration before the adoption of the plan or programme.

116. The summary of the national – and if relevant, international− comments received, their management and environmental assessment have to be attached to the final documentation of the plan or programme and plan that is tabled for adoption. Public access to the adopted plan and programme must be ensured. A final document must contain a summary on the preparation of the plan or programme with a record of the comments and their consideration. The summary must also be made public.

The Environment Act grants a general right to environmental civilian organizations to review any plans or programmes affecting them and bound to environmental assessment.

*Problems reported by environmental- and nature protection civilian organizations:*

*Although the possibility of commenting plans and programmes does exist in theory it must be mentioned, that according to Government Decree 2/2005. the creator of the plan or programme may designate the boundaries of concerned public. This is an opportunity for abuses, especially in the cases of plans and programmes that were not directly created with an environmental protection theme, but still have a strong connection to- or may have impact on the field of environment. In cases where the person does not regard environmental protection civil organizations as concerned parties, but only for example sectorial organizations (energy, forestry, and hunting), than environmental participation in the decision making process may be eroded. For these cases, legal guarantees should be created, that do not exist today.*

117. According to the Protocol of the Espoo Treaty on Transboundary Impact Assessments, (signed in 26 February 1991, Espoo) during the strategic inspection process of the plans and programmes the significant transboundary environmental effects should also be handled. During such procedures, the Ministry responsible for the environment is responsible for the publication of the plans and programmes and related impact assessments. Written reviews on the published data may be sent via e-mail to the Environmental Preservation Department of the Ministry of Agriculture’s address at [skv@fm.gov.hu](mailto:skv@fm.gov.hu). The received reviews will be forwarded to the publishing country along with the official Hungarian standpoint on the plan, programme and the impact assessment.

Relevant websites available between 2010-2014 and from 2014 till today:

<http://2010-2014.kormany.hu/hu/videkfejlesztesi-miniszterium/kornyezetugyert-felelos-allamtitkarsag/hirek/strategiai-kornyezeti-vizsgalati-ugyek>

<http://www.kormany.hu/hu/foldmuvelesugyi-miniszterium/hirek/strategiai-kornyezeti-vizsgalati-ugyek>

118. The spatial plans are prepared on a national, high priority regional and country level and contain the spatial order of area use, the technical infrastructure networks and specific structures of national or regional relevance, as well as the zoning of areas under different forms of protection (natural resources, cultural heritage) and rules applicable to the zones. The spatial planning of the country and priority regions is approved by parliament by law and county spatial planning is approved by the county municipality by decree. The National Spatial Plan must be reviewed every 5 years; thereafter, the lower level plans need to be harmonised with the national level plan. The spatial plans and draft legislation may be reviewed by anyone, jointly with the environmental impact assessment prepared according to Governmental Decree 2/2005. (I. 11., Kvr. from now on) on the environmental impact assessment of certain plans and programmes.

The National Regional Development Council (OTT) participates in the coordination of the spatial plans and the environmental assessment of featured and domestic regions; civil organizations were permanent members. OTT was abolished according to the amendment of Act XXI. of 1996. on spatial planning and spatial order (Spatial Planning Act) in force since 14 December 2013. The National Spatial Planning and Interest-Synchronizing Forum (OTÉF) taking its place is a forum for consultations, discussions and interest synchronization between the Government and the local government of counties, the capitol and districts of the capital.

Spatial plans are to be always subjected to impact assessment. As such, the regulations (such as public participation) of environmental impact assessments must be utilized during the preparatory and adoption stages. Act LXXVIII. of 1997. on the Development and Protection of the Built Environment also sets out general criteria and requirements to ensure that the quality of the state of the environment does not deteriorate as a result of urban planning.

119. The government decree 314/2012. (XI.8.) on settlement development concept, integrated urban development strategy, measures of urban planning and on certain legal instruments of urban planning defines that the consultation procedure of the settlement development concept, integrated urban development strategy and the measures with the habitants, with advocacy, civil and business organizations, and churches must take place according to the rules of partnership reconciliation. These rules are defined by the municipalities individually taking into consideration the regulations of the Act LXXVIII. of 1997. and the Government Decree 314/2012. (XI. 8.) concerning publicity . Amongst the rules of partnership consultation the informing method and measures of the concerned participants, the documenting and registration methodology of the proposals, opinions; the justification method of the non-accepted proposals and opinions, their order of documentation and registers; the provisions assuring the publicity on the accepted concept, strategy and urban planning instruments must be specified .

An EIA is always prepared according to Government Decree 2/2005. (I. 11.) on the environmental impact assessment of plans and certain programmes regarding the spatial order tools for affecting the township as a whole. According to Section 1 Paragraph (3) of the Decree and separate impact assessment for a part of the township may be decided upon after the case by case evaluation of expected environmental impacts. According to Section 3 of the Decree it is the task of the body responsible for the design of the spatial planning plan and programme (the municipality) taking the advancements in the planning process into account to prescribe an EIA or not. According to Section 4 Paragraph (2) the designer will ask for the opinion of the bodies responsible for environmental protection on the necessity of the EIA. Pursuant to Section 4, Paragraph (2) the designer will publish its decision and the reasons leading up to it and if in contrast to the opinion received by the bodies responsible for environmental protection it has decided that an EIA is not necessary this fact as well in an official announcement or any other method suitable for public information and if possible on its website as well. (The designer must also inform the bodies responsible for environmental protection involved in the process of deciding on probable environmental effects of its decision and the reasons leading up to it).

*119/A. Comments from the Deputy Commissioner for the Protection of Interests of Future Generations:*

*In his AJB/845/2012 report, concerning the 23 August 2012. state of the Construction Act with regards to the legislation held therein the commissioner has ascertained that “in order to facilitate the remediation of insecurities in application of the law and in order for the EIA process to be fully and adequately integrated into the spatial order planning-commenting-discussion-acceptance phases, a legislative act phase is required in my opinion. I think that in the norm governing spatial order processes it must be stated in the text through connote disposition that the special rules of EIA also apply to the spatial order process.”*

*Report AJB-8103/2012. of the Commissioner for Fundamental Rights has stated that the discrepancies identified by the earlier report AJB-845/2012. on the amendment of Act LXXVIII. and Government Decree 314/2012 (XI.8.) have not been effectively remedied, thus in order to guarantee normative cohesion pursuant to Section 3, Item e) of Paragraph (1) of the Environmental Act this is still necessary in order to guarantee the relation, order and synergy between the two processes, and so it has stated that due to the deficiencies in legal regulations during urban planning processes stemming from the lack of legal cohesion governing urban planning process and strategic EIA it becomes questionable from the points of view of the legal security based on the principle of rule of Law and the right to a healthy environment.*

***20. Opportunities for public participation in the preparation of environmental policies***

120. The main bodies of institutionalized public participation are described under item 30. Among these bodies, outstanding role is played by the Hungarian National Council on the Environment (OKT) which, in accordance with the Environment Act, is an advisory, reviewing and consulting body to the Government.

*Problems reported by environmental- and nature protection civilian organizations:*

*The role of the OKT is sadly insignificant in practice, compared to the starting expectations; its opinions were rarely taken into consideration by decision-makers.*

121. Widespread, open public participation is enabled through public consulting. In addition to the formal consulting procedures relating to draft legislation, the ministry responsible for the environment prepares and submits for approval major draft environmental policy documents through extensive consultation.

The comment process is further assisted by strategic agreements between the Ministry and the organizations representing smaller organizations or larger professional sectors.

*Problems reported by environmental- and nature protection civilian organizations:*

*Although the possibility exists, to our knowledge, no such strategic agreement has been signed with any environmental civil organization. In case our information is incorrect, than we will be happy to be correct it. However, even if such an agreement exists, the required criteria and process required for signing are not public and perhaps they are not regulated at all.*

122. The 6 year National Environmental Programme provides a comprehensive framework for Hungary’s environmental policy objectives and measures. The Parliament Decree 27/2015. (VI. 17.) OGY on the National Environmental Programme (IV. NKP) was prepared in cooperation of Ministries, experts, scientific and civil organizations. In the course of administrative and public consultations, in addition to the ministries and government agencies, approximately 150 institutions and organisations received the draft in a targeted form. The National Inter-Ministerial Committee of the National Environmental Programme and its subcommittees also received the draft for review. Upon commencement of administrative consultations, the draft was also accessible on the website of the ministry responsible for the environment, where comments were received.

A Strategic Environmental Assessment was also carried out in relation to the IV. NKP; in the course of public consultations, over 300 organisations and institutions received IV. NKP and its environmental assessment. The received comments and proposals significantly contributed to the finalisation of the National Environmental Programme which was adopted by Parliament by decision 27/2015. (VI. 17.) OGY. The Programme is available on the web-site of the ministry responsible for environment issues.

123. The Kvassay Jenő Plan – National Water Management Strategy that serves as the framework strategy for Hungarian water management until 2030 and mid-long term action plan until 2020 was adopted in 2015. As a professional policy strategy it separately deals with the question of “the improvement of relations between society and water (on individual, economic, and decision-making level as well)”. The task-group prepares duties – with reference to the obligations of the Aarhus Treaty and their fulfilment for the areas of:

* information;
* public education, teaching, training;
* social values
* social involvement and
* use of media

stating areas of intervention in order to improve them.

***21. Obstacles encountered in the implementation of article 7***

***22. Additional information on public participation in procedures relating to environmental plans and programmes***

124. The report on activities of the Commissioner for Fundamental Rights and its deputies in 2012 dealt with the convenient application of environmental assessment on spatial planning measures, including public participation.

*(See the report on the activities of the Commissioner and Deputy Commissioner for fundamental rights, 2012, page 188-189.)*

***23. Related websites***

<http://www.kormany.hu>

[www.vizeink.hu](http://www.vizeink.hu)

[www.kvvm.hu](http://www.kvvm.hu) (archived)

[www.emla.hu](http://www.emla.hu)

[www.jogalkotas.hu](http://www.jogalkotas.hu)

[www.euvki.hu](http://www.euvki.hu)

[http://www.kormany.hu/download/8/67/10000/NKP\_2009-2014.zip#!DocumentBrowse](http://www.kormany.hu/download/8/67/10000/NKP_2009-2014.zip" \l "!DocumentBrowse)

<http://www.ajbh.hu/documents/10180/129110/AJBH+Besz%C3%A1mol%C3%B3%202012/9215dc04-4031-451e-b79c-eff2e2e63925?version=1.1>

***24. Application of Article 8 (public participation during the preparation of executive regulations and/or generally applicable legally binding normative instruments)***

125. The general rules concerning public participation in the preparation of legislative provisions are laid down by Act CXXXI. of 2010. on public participation in the preparation of legislative provisions.

The Act requires Ministries to publish on their websites all draft legislative texts, concepts, and related proposals as well as their full explanatory documentation. Exemptions from this obligation are specifically listed in the Act.

The homepages of Ministries have to ensure that comments can be uploaded. The general deadline for comments is 10 working days, depending of the publication date means 12-14 calendar days at the longest, but in exceptional cases minimum 5 working day deadline is possible. Public comments have to be evaluated and a summary thereof has to be published on the same website that also contains the reasons for refusal.

126. In addition, the Environment Act explicitly sets out that environmental civil organizations have a right to comment on any draft legislation on environmental matters. Upon a general request, the Ministry responsible for the environment sends individual invitations to civil organizations to comment on particular legislative texts. The National Council on the Environment has to be consulted on each draft bill and decree before adoption.

***25. Obstacles encountered in the implementation of Article 8***

127. Difficulties reported by the non-governmental sectors are the following:

*Problems reported by environmental- and nature protection civilian organizations:*

*According to the viewpoint of civil organizations, in certain cases the time for commenting legislative proposals is too short, not enough for substantive comments.*

*The civil organizations indicated as well, that during the social consultation they do not get substantive feedback if their comments were accepted and incorporated or not in the text, if it was ignored, on what ground.*

***26. Additional information for public participation in the planning process of executive regulations and/or generally compulsory regulative measures*** *(optional)*

128. The 2012 report of the Commissioner and Deputy Commissioner for Fundamental Rights has dealt with the public participation in the procedure of the preparation of legislative provisions.

(See the report on the activities of the Commissioner and Deputy Commissioner for fundamental rights, 2012, page 186-187.)

*Standpoint of the Deputy Commissioner for the Protection of Interests of Future Generations:*

*Besides the very short comment deadline as per of Act CXXXI. of 2010. mentioned in item 31, public participation is further hindered by the fact that public consultation is not held at all during the drafting process of some important legal rules. The Prime Minister’s Office can be raised as an example, that as a body is responsible for areas of huge environmental importance, such as construction, cultural heritage protection, agrarian- and rural development strategy, spatial order, urban planning, urban administration (under which falls the management of government offices fulfilling many authority permission tasks), and on the website of the Office where regulations drafts uploaded for public consultations are available there were no documents uploaded in 2014, 7 in 2015 and 3 in 2016. (see:* [http://www.kormany.hu/hu/dok?page=1&source=7&type=302#!DocumentBrowse](http://www.kormany.hu/hu/dok?page=1&source=7&type=302" \l "!DocumentBrowse)*).*

*It frequently occurs that legal drafts are submitted as a motion from a parliament representative and in such cases no public consultation or commenting is held during the governmental draft.*

***Additional information on public participation in procedures related to environmental plans and programmes*** *(optional)*

***27.*** ***Related websites***

<http://www.kormany.hu/hu>

[www.kvvm.hu](http://www.kvvm.hu) (archived)

[www.oktt.hu](http://www.oktt.hu)

[www.emla.hu](http://www.emla.hu)

[www.ajbh.hu/documents/10180/129110/AJBH+Besz%C3%A1mol%C3%B3%202012/9215dc04-4031-451e-b79c-eff2e2e63925?version=1.1](http://www.ajbh.hu/documents/10180/129110/AJBH+Besz%C3%A1mol%C3%B3%202012/9215dc04-4031-451e-b79c-eff2e2e63925?version=1.1)

[www.jogalkotas.hu](http://www.jogalkotas.hu).

***28. Application of Article 9 (access to justice)***

***Article 9, paragraph 1 (legal remedy related to access to environmental information)***

129. The Information Act provides that where a request for information has not been fulfilled, the applicant may have direct recourse to judicial review. The grounds for and the legality of the refusal have to be demonstrated by the holder of the information. The court procedure can be initiated within 30 days after the receipt of the refusal or the elapse of deadline for data submission response. The court handles these cases in a fast-track procedure. The applicant may initiate Authority investigation by announcement –if he chooses to do so, if no court procedure is on-going- or after one year of the elapse of the information access deadline. In such cases, and if the Authority investigation has not provided an adequate result for the applicant, the applicant may still turn to court to fulfil the access to information after 30 days of the elapse of the authority investigation.

*Problems reported by environmental- and nature protection civilian organizations:*

*During the requisition process of data with public interest court fast track procedures are not realized in all cases. In truth, the first and second instances of these lawsuits may last for years.*

*Standpoint of the Deputy Commissioner for the Protection of Interests of Future Generations:*

*Court rulings are not always fulfilled properly by the parties subject to obligation. This completion is necessary, because, among other things, this is why the green side has left the Round Table regarding the Paks Nuclear Power Plant during the reporting period.*

***Article 9, paragraph 2 (legal remedy pertaining to public participation in decision making related to certain activities)***

130. Administrative and judicial remedies available in environmental administrative procedures (including the permitting procedure attached to EIA) are defined by the Administrative Procedures Code (Act CXL. of 2004.) referenced above.

As per the Administrative Procedures Code remedies can be sought by any person who is affected by the decision of the environmental authority (“client”). The procedures that can be initiated by the client are: an appeal procedure, judicial review, reopening procedure, by right of the Constitutional Court’s decision.

The most commonly used procedure is the appeal procedure, a request addressed to the supervisory authority of the decision maker to annul or modify the first instance decision. An appeal is subject to the payment of a filing fee or duty. The right to appeal is not linked to any specific ground; an appeal may be made for any reason that the person affected deems unjust. Pursuant to the addendum of the Administrative Procedures Code in effect since January 1, 2016, no fact can be referred upon in the appeal that has been known to the client before the decision was made. As per Paragraph (1a) of the rule the appeal must be justified. Appeals without justification must be denied without any action.

The client, or other participant of the procedure in respect of the provision pertaining to it, can initiate the judicial review of an administrative resolution with reference to illegality, once the resolution is deemed final. The review petition must be lodged within 30 days from the delivery of the administrative resolution to a competent court.   
Judicial review is only available if the client has already exhausted his or her right to appeal or no appeal is allowed under the Code against the decision concerned.   
The client notified about the initiation of the procedure as a rule, may have to meet a condition to practice its client’s rights, such as to make a statement or to file a petition during the procedure of first instance. The law or the empowered government decree can define the content requirements of the statement or of the petition.

Enforcement of the decision is not automatically suspended, even though the client may initiate such a suspension in its petition.

Detailed rules of judicial review are determined by the Act on the Code of Civil Procedure relating to administrative lawsuits.

131. In view of the fact that participation in administrative procedures, including access to legal remedy, are attached by Hungarian law to the person of the “client”, it is also important to define the client in the course of examining access.

Under Section 15, Paragraph (1) of the Administrative Procedures Code, a client is a natural or legal person or a non-legal entity organisation whose rights, legal situation or legitimate interests are affected by the decision. In addition, a law or government decree may set out the scope of persons in a specific type of case who are also deemed to be a client if any rights or legitimate interests can be surmised. Pursuant to the Administrative Procedures Code, the owner of property in the impact area defined by the provision of law and the person whose right relating to the property has been registered in the land registry are deemed to be a client if lacking any rights or legitimate interests.

Of all the civil organizations, the Environmental Act only names associations, but the term “client” is construed extensively in so far as it clearly spells out that associations established to represent environmental interests, and other NGOs not deemed to be a political party or interest representative, operating in the impact area, automatically enjoys the status of a client in all administrative procedures relating to the environment. This privileged legal standing is also confirmed by the above referenced Government Decree 314/2005. (XII. 25) on environmental impact assessment and the uniform environmental licensing procedure, laying down the framework of impact assessment, which declares that NGOs operating in the area affected by the activity subject to EIA always have to be deemed “concerned”.

The definition of “client” in the Administrative Procedure Code and Government Decree 314/2005 (XII. 25.) are not entirely identical, for example a person may be part of the “concerned public” who is not considered a “client”. Client status must always be individually inspected during the procedure. In practice however, “concerned” public has the same rights as the “clients” with the exception of legal remedy: may make comments, view the request and certain documents created during the procedure, etc.

132. In its administrative uniformity decision 4/2010., superseding decision 1/2004., the Supreme Court also dealt with the client status of environmental civilian organizations, the right to bring action and to a court hearing, and the possibility of intervention in administrative proceedings.

The decision, upholding the theoretical arguments of the 2004 decision, determined that the NGOs set out under Section 98, Paragraph (1) of the Environment Act are entitled to the client status in environmental administrative cases, where the environmental authority acts in the capacity of peremptory authority and in other such administrative cases where law stipulates the participation of the environmental authority as an administrative environmental authority. Lacking client status, as per Paragraph (5a) of the Administrative Procedures Code civilian organizations are granted the right of declaration. Client status is not granted, however, public participation is still ensured.

In the view of the Supreme Court, administrative nature conservation and water management cases do not constitute administrative environmental cases. However, participation is nevertheless possible in nature conservation cases pursuant to the provisions of the nature conservation Act. (According to the paragraph (2) Section 3 of Act LIII. of 1996. on the Conservation of Nature, the regulations of the Environment Act must be applied in cases which are not regulated in the pre-cited Act but concern nature conservation. Considering the above-mentioned, in administrative cases concerning nature conservation civil organizations are entitled to the client status according to the Section 98 paragraph (1) of the Environment Act. There is no information yet available on the practical application of the uniformity decision.

In administrative lawsuits, the right of civilian organizations to bring action is determined by the client or other participant status filled in the administrative procedure constituting the object of the review, while their right to a court hearing is determined by the peremptory or administrative procedure of the environmental authority.

The lawful interests necessary for intervention in administrative lawsuits are determined by involvement in the specific impact area and the interest in operation. The possibility of intervention does not depend on whether the civil organisations actually participated in the administrative procedure as a client.

The interest in access to environmental information and environmental administrative decisions requires wider access than the possibility of accessing decisions noted in connection with Article 6. In connection with the amendment to the Administrative Procedures Code, pursuant to the amendment to the Environment Act, a legally binding decision subject to the Administrative Procedures Code, or such decision declared as enforceable and not subject to appeal, and an administrative environmental contract must be disclosed if its enforcement results in a material environmental effect.

***Article 9, paragraph 3 (general right to bring action upon infringement of environmental legislation by authorities or private persons)***

133. Section 98 of the Environment Act makes it possible for environmental civil organizations to seek the intervention of the competent authorities as well as to directly sue the operators of activities that pose a threat to, pollute or damage the environment. Civil organizations may request the court to order the termination of the unlawful polluting activity or the introduction of preventive measures.

134. Pursuant to Section 65 of Act LIII. of 1996. on the Conservation of Nature, in the event of unlawful damage or risk to natural areas and values, the environmental civil organizations are entitled to take nature conservation steps and request government authorities or municipalities to take the appropriate measures under their authority, or take legal action against the entity causing damage or posing a risk to the protected natural value or area.

135. In addition, Act CLXV. of 201.3 generally enables anyone to file a complaint or a report at the competent authority.

*Which level of legislation implements the requirements of article 9, paragraph (3)?*

136. Measures relating to the general right to bring action are exclusively stipulated on a legislative level in Hungary.

*What are the conditions of issuing an injunctive relief by the court in cases brought under*

*Article 9, paragraph (3) and/or the relevant national legislation?*

137. As a result of the conducted probative proceedings, the court assesses the available evidence and determines the facts of the case serving as a basis for the judgement. On the basis of the determined facts, it determines in the given case the extent in which the available facts meet conditions stipulated by relevant substantive law. As a result of such assessment, it passes a conviction or acquittal. (In civil cases, cases of damage are assessed according to the rules of compensation under the Civil Code, while in criminal cases the factual elements of certain crimes are examined in the regulation of the Penal Code.)

***Article 9, paragraph 4 (measures taken in the course of legal remedy procedures, “effectiveness” of the procedure, costs)***

*Are there judges specializing in environmental cases?*

138. There are no judges exclusively specialising in environmental cases. However, certain judges possibly have the necessary qualifications (e.g. environmental lawyer); the chairpersons of the courts may take this into account when assigning cases.

*What overall costs do members of the public incur in bringing cases to court?*

139. The authority of second instance or the court may, depending on the type of appeal, procedure, modify or annul the resolution of first instance passed by the administrative authority and may simultaneously order a new procedure. In the case of a repeated procedure, the authority of first instance is bound by the findings of the appeal body or the court.

140. The costs associated with administrative procedures, including administrative appeal fees, in environmental cases are specified by Decree 33/2005. (XII. 27.) KvVM of the Minister of Environment and Water and are specified by Decree 14/2015. (III. 31.) FM of the Ministry of Agriculture on administrative service fees of environmental- and nature protection authority procedures since April 1, 2015. The filing fee of appeal is fixed, as a general rule, 50 per cent of the administrative service fee of different procedures.

Exceptions from the 50 per cent rule are also determined by the Decree. Thus, the filing fee for a private person contesting an administrative decision concerning an activity subject to EIA and preliminary EIA significantly less equals 1 per cent of the otherwise applicable fee.   
Similarly, civil organizations may make an appeal in permitting procedures for 1 per cent of the otherwise applicable fee (unless the procedure itself has been initiated by the same civil organization). These fees can be considered equitable and not prohibitively expensive.

Act XCIII. of 1990. on Duties specifies preferential duty tariffs for the judicial review of administrative decisions at a rate of HUF 30,000 (approx. € 100) and HUF 10,000 (approx. € 35) in non-litigated procedures, which is very equitable in comparison to duties imposed on general civil court proceedings.

Beyond the payment of the procedural duty, additional costs may arise for the client who is determined according to the specific case (e.g. lawyer’s fee or expert fees).

***Article 9, paragraph (5) (informing the public on legal remedy options)***

141. Under the Administrative Procedures Code, all administrative decisions have to contain a precise reference to the availability of appeal. The decision has to be officially communicated (delivered) to the client and any other person to whom it conveys rights and obligations. The decision has to be communicated to the person towards whom it contains a disposition and those whose right or rights are affected by it and bodies and persons pursuant to the regulation.

The client may file an appeal against the first instance decision. Injunctions may only be contested if in possession of a decree or lacking that in an appeal against an injunction closing the procedure with the exception of cases where the regulation stipulates that individual appeals are granted against first degree injunctions [Administrative Procedures Code Section 98 Paragraph (3)].

Pursuant to Section 99 Paragraph (3) “if the regulations allows it, the party with the right to appeal may submit the appeal through telephone, after the electronic identification of the right holder and besides security measures granting the preservation of the information”. As per the regulations laid down in Section 28/A, Paragraph (1) Item b) (orally) sub-point bb) (through electronic devices allowing for voice contact – such as a telephone) and item c) (electronic methods not deemed to be written) are not allowed.

*29. Obstacles encountered in the implementation of article 9*

*Problems reported by environmental- and nature protection civilian*

*organizations:*

*Suspensions are very rare in practice. In most cases courts overrate economic losses arising from the lack of implementation and underrate environmental damages arising from the implementation. This has the adverse effect, that a legal debate about the permission of an activity that has already been partially implemented is still on-going.*

*The most common environmental use arises from construction. Earlier, in permission processes the environmental authority was present as a professional authority. However, today, the green authority only submits a professional opinion that creates efficiency and participation problems. A review of the decision of legal unity is required.*

*In practice, the use of actio pouplaris initiated pursuant to Section 9, Paragraph (3) is hindered by many factors. Such as high procedural fees. The review of the legal institution is required along with the strengthening of its implementation.*

*Many professional authority fees have administrational service fees on first- and second instance as well, that must be paid in full in the case of an appeal, so the 1% rule does not apply here.*

*In recent time, the court practice shifted and now, in administrational proceedings authority opinions formulated as a decree may only be refuted with a professional opinion of a judicial expert. This places significant and unacceptable financial burdens on civil organizations.*

*The longevity of proceedings is a well-known fact. This hinders the effectiveness of the right to legal remedy as environmental damage is realized until the end of the proceedings.*

*In the case of winning the proceeding, the transfer of procedural fees is delayed in many cases.*

***30. Additional information relating to access to justice*** *(optional)*

***31. Related websites***

<http://www.kormany.hu/hu/foldmuvelesugyi-miniszterium>

[http://abiweb.obh.hu/abi](http://abiweb.obh.hu/abi/)

[www.birosag.hu](http://www.birosag.hu)

***32. General comments in connection with the aim of the Convention***

Annex 1

|  |  |
| --- | --- |
| **Abbreviation** | **Definition** |
| ÁNYK | General Form Filling Program |
| Civilian Act | Act CLXXXI. of 2011on the court record of civilian organizations and related procedural regulations |
| Information Act | Act CXII of 2011 on the Right of Informational Autonomy and the Freedom of Information |
| Penal Code | Act C of 2012 on the Penal Code |
| DDOP | South Transdanubian Operational Programme |
| ÉAOP | Northern Great Plain Operational Programme |
| EIE | Forest School Association |
| Electronic Information Act | Act XC of 2005 on the Freedom of Electronic Information |
| ÉMOP | North Hungarian Operative Programme |
| E-PRTR | European Pollutant Release and Transfer Register |
| EU ETS | European Emission Trade System |
| FM | Ministry of Agriculture |
| Forestry Act | Act XXXVII of 2009 on Forests, Protection of Forests and Forestry |
| IV.NKP | 4th National Environmental Programme |
| IMPEL | European Union Network for the Implementation and Enforcement of Environmental Law |
| Duty Act | Act XCIII of 1990 on Duties |
| KDOP | Central Transdanubian Operational Programme |
|  | Environment and Energy Operational Programme |
| Administrative Procedures Code | Act CXL of 2004 on the General Rules of Administrative Procedures and Services |
| KMOP | Central Hungarian Operational Programme |
| KOKOSZ | Alliance of Environmental and Nature Conservation Training Centres |
| Environment Act | Act LIII of 1995 on the Protection of the Environment |
| NÉBIH | National Food Chain Safety Office |
| MKNE | Hungarian Society for Environmental Education |
| NPI | National Park Directorate |
| NyDOP | West Transdanubian Operational Programme |
| OBH | National Judicial Office |
| OFI | Centre of the Hungarian Institute for Educational Research and Development |
| OIT | National Council of Justice |
| OKIR | National Environmental Information System |
| OKT | Hungarian National Council on the Environment |
| Chief Inspectorate | National Environmental and Nature Conservation Chief Inspectorate |
| OLM | Hungarian Air Quality Network |
| OMSZ | Hungarian Meteorological Service |
| OP | Operational Programme |
| OVT | National Water Management Council |
| Act on the Code of Civil Procedure | Act III of 1952 on the Code of Civil Procedure |
| PRTR | Pollution Release and Transfer Register |
| Civil Code | Act V of 2013 on the Civil Code |
| REE-PRTR | European Pollution Release and Transfer Register |
| RVT | Sub-river basin Management Councils |
| NFÜ | National Development Agency |
| SROP | Social Renewal Operational Programme |
| TIR | Nature Conservation Information System |
| TKTE | Association of Nature and Environment Protecting Teachers |
| TVT | Regional Water Management Councils |
| NHDP | New Hungary Development Plan |
| VIZIR | Water Management Information System |
| VKI | 2000/60/EC Water Framework Directive |
| OSSKI | *"Frederic Joliot-Curie"* National Research Institute for Radiobiology and Radiohygiene |
| OKSER | National Environmental Radiological Monitoring System |
| HAKSER | Joint Environmental Radiation Monitoring System |
| ERMAH | Radiological Monitoring and Data Acquisition Network |
| ÁNTSZ | National Public Health and Medical Official Service |
| OKI | National Institute for Environmental Health |

***33. Legislative, regulatory and other measures implementing the provisions on genetically modified organisms pursuant to article 6a and Annex Ia)***

143. In Hungary, the Amendment to the Aarhus Convention regarding genetically modified organisms (GMOs) has been announced by Act XIX. of 2008. on the declaration of the amendment to the Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters signed on the 25 July 1998. in Aarhus.

National legislation relating to GMOs has been in place since 1998. The authorization procedure for GMOs including rules on public participation in decisions on the deliberate release into the environment and placing on the market of GMOs is laid down in Act XXVII. of 1998. on the gene technological activity as well as in several decrees on the implementing rules.

Act XXVII. of 1998. on the gene technological activity contains the following rules regarding public information and participation in decisions:

Gene technology authorities

Paragraph (1) of Section 4 on the basis of the opinion elaborated in accordance with Section 8 of a Gene Technology Advisory Committee (hereinafter referred to as ”Gene Technology Committee”), gene technology activities shall be authorised

a) in case of gene technology activities related to human health, to the production of human pharmaceutical products and to cosmetics in direct contact with the human body, by the Healthcare Gene Technology Authority,

b) in the case of gene technology activities in the agricultural and food sector (including process additives used in food production) and in contained use, as well as in the case of other industrial gene technology activities, by the Environmental, Agricultural and Industrial Gene Technology Authority – upon taking into account environmental and agricultural considerations – (the Healthcare Gene Technology Authority and the Environmental, Agricultural and Industrial Gene Technology Authority hereinafter collectively referred to as the “Gene Technology Authority”), provided that the authorisation procedure occurs at a national level.

(2) Authorisation procedures belonging to the scope of the EU, the responsibilities of the national authorities are undertaken by the Gene Technology Authority, which shall consult with the Gene Technology Committee in the framework of its operation, except for the administrative tasks. In relation to Union-level authorisation procedures for food and feed products, the Environmental, Agricultural and Industrial Gene Technology Authority shall consult with the Healthcare Gene Technology Authority. In relation to Union-level authorisation procedures, the Healthcare Gene Technology Authority shall consult with the Environmental, Agricultural and Industrial Gene Technology Authority.

(3) In the authorisation procedures in the fields referred to in paragraph (1) item b) and in paragraph (1) item a), the Healthcare Gene Technology Authority and the Environmental, Agricultural and Industrial Gene Technology Authority shall act as the Special Technical Authority, respectively.

(4) The rules of involving the Special Technical Authority in the authorisation procedures referred to in paragraph (1) shall be governed by the relevant law issued under the authorisation of this Act.

Section 9 (4) The Gene Technology Authority shall publish the draft consent in its official journal and website for public consultation with the exception of confidential business information, copyright information and information regarding variety protection. Comments on the draft consent may be submitted to the Gene Technology Authority within 30 days after publication in the official journal and such comments shall be forwarded to the Gene Technology Committee for opinion. The Gene Technology Committee shall assess such comments and forward its opinion to the Gene Technology Authority within 10 days of its receipt. Upon receiving the opinion of the Gene Technology Committee, the Gene Technology Authority shall finalise or amend the draft consent or reject the application.

(5) When calculating the time limit for the procedure, the period during which the Gene Technology Authority conducts the public consultation shall not be considered.

*Special rules of the authorisation of the deliberate release of GMOs into the environment for any purpose other than its placing on the market*

Paragraph (1) of Section 10/A. § As regards authorisations for releases of genetically modified organisms or products derived therefrom for any other purposes than placing on the market, the Gene Technology Authority shall make a decision within 90 days of the receipt of the application, after conducting the procedure specified in Section 9 (4) and (5).

(2) The final consent for the releases of genetically modified organisms and products derived therefrom for any other purposes than placing on the market – with the exception of confidential business information, copyright information and information regarding patents and plant variety protection – shall also be published in the Official Journal of the Gene Technology Authority and of the Ministry led by the Minister directing the Gene Technology Authority, and the name of the releasing entity and the genetically modified trait should also be indicated.

*Special rules of placing on the market of GMOs*

Section 11/A (1) The first placing on the market within the territory of the European Economic Area of genetically modified organisms or combinations genetically modified organisms as or in products shall be subject to authorisation; thereafter, they are freely marketable within the territory of the European Economic Area except as specified in Section 11/B.

(3) As regards authorisation of the placing on the market of products containing, consisting of, or produced from genetically modified organisms, for food and feed uses, the provisions of the relevant directly applicable legal act of the European Union with general scope shall apply.

*Registers and data management*

Section 19 (1) An institution appointed by the Government (hereinafter referred to as “Registering Body”) shall maintain registers of the following and shall make them available on its website without limitation and in a searchable format:

a) a general description of the genetically modified organism or organisms, the name and address of the user, the purpose and location of the release, the intended uses, the environmental risk assessment, and the methods and plans for monitoring of genetically modified organisms and for emergency measures among the data of the documentation specified in the relevant law issued under the authorisation of this Act as well as in the applications for authorisation for genetic modification of natural organisms, for the contained uses of genetically modified organisms and products derived therefrom, for releases for any other purposes than placing on the market or for placing on the market,

b) the final consent, and

c) a list of the names of the laboratories performing genetic modifications and the responsible managers thereof.

(2) The members of the Gene Technology Committee shall maintain the confidentiality of the data received in the framework of the operation of the Gene Technology Committee and may only disclose such data to third parties upon obtaining the consent of the applicant. This provision shall apply even if the user withdraws the submitted application.

(3) The Gene Technology Authority shall forward the data specified in paragraph 1 to the Registering Body, and in case of data specified in item a) of paragraph 1, shall publish the draft consent at the same time.

(4) Among the data submitted for registering purposes, those related to user’s rights to confidential business information or patents or variety protection shall not be public provided that user requests the Gene Technology Committee or the Gene Technology Authority to treat such data in this manner.

(5) The Registering Body shall maintain the registers for 10 years after the expiry of the time period specified in the consent.

(6) In case of withdrawal of the consent, the Registering Body shall delete the data specified in item a) of paragraph 1 from its registers.

Section 20 (3) The detailed rules relating to the registration and the accessibility of information specified in Section 19 (1) shall be laid down by the relevant law issued under the authorisation of this Act.

Section 21 (2) The chairman and secretary of the Gene Technology Committee shall prepare annual summary reports regarding the discharging of the duties related to its activities and the annual reports specified in paragraph (1) shall be included in the annual summary reports which shall be published by the Ministry led by the Minister responsible for agricultural policies in its official journal and website.

[Decree 82/2003 (VII. 16)](http://gmo.kormany.hu/../download/0/f6/50000/82_2003_fvm.pdf" \t "_blank) of the Ministry of Agriculture and Rural Development on the order of the registering and supplying data as well as Decree 82/2003. on the documentation which shall be enclosed in the notification regarding the gene technological activity determines which documents and information shall be enclosed to the notification for the authorization of GMO. It also contains rules on record keeping and official database. Information stipulated in Section 19 (1) of the Gene Technology Act are registered and made available to the public by the Agricultural Biotechnology Research Centre in Gödöllő[[2]](#footnote-3).

***34. Obstacles encountered in the implementation of article 6 bis and Annex I***

***35 . Further information on the practical application of the provisions of article 6 and Annex I***

***36. Website addresses relevant to the implementation of Article 6***

Because of EU level authorization of permissions, the registry concerning the market introduction of GMOs is also on EU level.

The authorization of releasing GMOs while not putting them on the market, takes place on member state level. The Hungarian register is available: <http://biosafety.abc.hu/biosafe_eng.html>. The EU level register including Hungarian data is available: http://gmoinfo.jrc.ec.europa.eu/.

General information regarding GMOs (including national authorities, national, EC and international legislation, scientific literature, conferences, roadshow in order to raise public awareness) is available on the following website: http://gmo.kormany.hu/en.

1. <http://edktvf.zoldhatosag.hu/kozerdeku/2014/11223_2.pdf> [↑](#footnote-ref-2)
2. <http://biosafety.abc.hu/biosafe_eng.html> [↑](#footnote-ref-3)