

NATIONAL REPORT ON THE IMPLEMENTATION OF THE AARHUS CONVENTION

2016

NATIONAL REPORT ON THE IMPLEMENTATION OF THE AARHUS CONVENTION 2020.

Compilation process of the national report

1. The Ministry of Agriculture (~~the~~hereinafter: Ministry) is responsible for the national implementation of the Aarhus Convention (hereinafter: Convention). The Ministry has drawn up this national report through broad public consultation. The Ministry has taken ~~these laid down in into account~~ decisions I/8, II/10, III/5 and IV/4 ~~into account~~ and has compiled ~~it~~the report in accordance ~~to~~with the form ~~given by~~provided in 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~~2017 until the 31 December ~~2016~~2020.

The schedule for creating the report is as follows:

- ~~May~~June-July ~~2016~~2020 – As requested by the National Focal Point, opinions were given by the following institutions: the competent Ministry departments, the Pest County Government Office as the legal successor of the National Inspectorate ~~For~~for Environment and Nature, ~~the Nature~~nature- and ~~Environment Protection Departments~~environment protection authorities of the County Government Offices, the Hungarian Meteorological Service, and the Herman Ottó Institute.

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

• ~~August~~

- November 2016 – the Ministry requested the Ministries concerned (Ministry of the Interior, Ministry of ~~Justice~~, Ministry of Human Resources, Ministry of Justice, Ministry for National Economy, Ministry of National Development Innovation and Technology, Prime Minister's Office), ~~the Office of the Deputy Commissioner for Future Generations and civil society actors to submit their observations~~, Ministry of Foreign Affairs and ~~remarks concerning the~~ Trade, Ministry of Finance) to comment on 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,~~

- December 2020 – the comments received have been incorporated into the draft text of the national report; the second draft of the national report was sent to the representatives of environmental and nature protection NGOs, as well as to the Deputy Commissioner for Future Generations, and to the ~~representatives of civil organizations working~~ National Office for environment the Judiciary for further comments 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.~~
- ~~Concurrently, on the 16 November the Ministry also published the second draft report on the Ministry’s website. Anyone can comment on the website of the Ministry which could have been commented on by anybody draft until the 16th of December 31 January 2021.~~
- March 2021 – The Ministry of Agriculture incorporated the opinions received into the draft national reports and published the final draft on the website of the Ministry of Agriculture. Once again, anyone could comment on the draft until 31 March 2021.

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

Problems reported by environmental and nature protection NGOs:

Their general opinion:

- The draft does not give a complete picture of the practical implementation of the relevant legislation. The presentation of some legislative and institutional changes is thorough, but the assessment and analysis of the established practice is missing in most places.
- There is little mention of the fact that there have been a number of minor or major setbacks in the rights guaranteed by the Convention. These include, for example, further simplification of the procedures for priority investment in the national economy, the lack of transparency in the process of designating priority investment and the increasing frequency with which it is applied, and the single-stage process of administrative procedures.
- In many cases, the Advocate for Future Generations has proposed solutions to environmental legislative or enforcement problems, but in many cases the proposals and recommendations have not been implemented. These recommendations are mentioned in a few places in the National Report, but their outcome is not described.
- As resources dwindle, NGOs are facing a deepening crisis, their numbers are dwindling and they are less and less able to fulfil their role of social control and participation. This is accompanied by the lack of government measures, programmes and initiatives to increase the level of participation in society.
- By the end of the reporting period, it had become clear that the continuous restructuring and capacity reduction of the central public administration, in particular the environmental administration, over the last ten years had led to serious inefficiencies, and it can now be said that the current institutional system is no longer adequate to ensure the right to a healthy environment and the interests of future generations. This is not stated in the Report, although facing up to the situation could offer hope for future developments.

EMLA Environmental Management and Law Association: contrary to the practice of previous years, the report is less informative, due to the fact that the text presents the situation of Hungarian participation rights only in a very general way, in particular with regard to regulation and opportunities. Moreover, the report pays too little attention to the actual implementation and to what extent and efficiency the rightholders can take advantage of the opportunities.

In our view, it is not acceptable that the report does not address the obstacles to the implementation at the articles of the Convention. This editorial solution, which copies the position of the NGO on these points, suggests that, according to the government, there are no obstacles to the implementation of the Convention, they are only claimed by the representatives of the NGOs. A further clearly lack is that the report didn't mention the impact of the coronavirus epidemic measures imposed by government on participation rights, although e.g., the introduction of a verified notification is specifically relevant in this field. Finally, we feel that the listing of the related websites is haphazard in many places, although it must be said that it is a great honor to come across multiple links to the EMLA website, even now from the perspective of several years.

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

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

As per Act CIV of 2016 amending certain Acts related to the review of central offices and the strengthening of district (metropolitan district) offices and on the transfer of tasks of certain budgetary bodies, and Government Decree 378/2016 (2 December) on the succession in connection with the review of certain central offices and ministerial back offices operating as

budgetary bodies and on the transfer of certain public tasks provided for the reorganisation of central state administration bodies as of 1 January 2017, within the framework of which the National Chief Inspectorate for Environment and Nature Protection was dissolved by way of merger with legal succession, and its functions and competences were taken over by the Pest County Government Office as the general legal successor. The reorganisation also affected several other central state administration bodies and background institutions.

In matters of environmental authority relating to priority installations, the Pest County Government Office acts as a national environmental authority and – in matters of authority assigned to it by government decree – the Baranya County Government Office acts as a national nature protection authority [priority installations are defined in Article 2 i) of Decree 15/2001 (6 June) of the Minister for Environment on radioactive discharges into air and water and their control in the use of nuclear energy (nuclear power plant, experimental and training reactor, uranium mine, radioactive waste storage facility, A-level isotope laboratory, spent fuel storage facility].

The radiological surveys for all environmental elements are performed by the Baranya County Government Office with a national jurisdiction.

According to 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 in force between 2017 and 28 February 2020, the regional environmental and nature protection authorities have been integrated into with county jurisdiction were, with exceptions, the district offices of the county government offices in the county seats. The Érd District Office of the Pest County Government Office, acting in the field of environmental protection and nature conservation, was responsible for the territory of Budapest and Pest County.

The notaries act as environmental and nature protection authorities in administrative matters within their competence.

The new organisational structure includes the district environmental protection authority. The district (metropolitan district) office of the metropolitan and county government office (air pollution control) acts as the district environmental authority for the matters assigned to it by government decree.

Problems reported by environmental and nature protection NGOs:

The experience of NGOs working in the field of environment and nature protection is that after several transformations, the efficiency of the institutional system has further decreased, in line with the trends observed in previous years. As a result of the merger and the reduction in capacity, the functioning of environmental administration has become less significant and more formalised. During the reporting period, no significant cases came to our attention in which the authorities, acting within their powers, have substantially protected environmental and nature conservation interests against the often conflicting interests of investors and users. Continuous reorganisations, transformations and the transfer of powers in a way that is difficult for citizens to understand, have in practice made access to environmental information, public participation and the exercise of rights of redress seriously difficult. Many cases have been brought to the attention of civil society organisations where it has taken so long to find the competent authority that public participation has been frustrated by the passage of time.

Pursuant to Government Decree 360/2019 (30 December) amending certain government decrees related to the simplification of the operation of the metropolitan and county government offices, the regional environmental protection authorities were transferred back to the government offices from the district offices with effect from 1 March 2020. In addition, Act CX of 2019 amending certain Acts in order to simplify the operation of the metropolitan and county government offices also abolished the possibility of appeal, i.e. second-instance proceedings, in the case of environmental and nature protection licensing procedures also with effect from 1 March 2020.

As a result of the amendments introduced by Act CXXVII of 2019 amending certain acts in connection with the creation of single-level district office procedures, as a general rule, the vast majority of administrative authority procedures have become single-level in order to simplify the operation of the metropolitan and county government offices. Appeals can be lodged with the competent Tribunal where an Administrative Division is operated.

Problems reported by environmental and nature protection NGOs:

In practice, the move towards single-stage environmental administrative proceedings represents a further step backwards in the enjoyment of rights under Pillar 3 of the Convention. While the administrative remedy used to be a cost-effective remedy for the general public and NGOs, judicial review is a legal institution that is in itself a deterrent due to the financial risks (expert fees, other litigation costs of the defeated party), the requirement of mandatory legal representation and the need for a higher level of legal and professional knowledge. An average resident or an average Hungarian NGO cannot afford the financial risks of litigation, so most prefer not to get involved, which frustrates the enforcement of legitimate interests.

With regard to the procedures and decisions of the regional environmental protection and nature conservation authority and the national environmental protection and nature conservation authority, Government Decree 71/2015 (30 March) provides for the possibility of submitting an initiative for the conduct of supervisory proceedings to the supervisory body of the authority. The Minister for Agriculture exercises supervisory powers over public authorities, with the exception of public authorities responsible for waste management. The Minister for Innovation and Technology exercises supervisory powers in relation to official matters concerning waste management.

The supervisory procedure is always an *ex officio* procedure, and the right to appeal against the decision of the supervisory body is provided by Act CL of 2016 on general administrative procedures (hereinafter: Ákr.), which replaced Act CXL of 2004 on the general rules of administrative procedures and services (hereinafter: Ket.).

Standpoint of the Deputy Commissioner for Future Generations:

In connection with the restructuring of the organisational system of the authorities, I should note that, with effect from 1 January 2018, the new Section 98 (1a) of the Kvt. grant the status of clients to NGOs not only in procedures specified in Case Law Decision 4/2010 of the Curia but also in public authority procedures for the authorisation of activities involving environmental use, where the application of environmental protection aspects is to be examined as a technical issue.

In this context, it is also worth noting that the Constitutional Court, in its decision 4/2019 (7 March), found a constitutional omission in the integration of the inspectorates, which also affected the possibility of public participation, and imposed a legislative obligation on the

National Assembly. According to Article XXI and P of the Fundamental Law, the Constitutional Court held that the legislator had to adopt legislative rules by 30 June 2019 in order to require the competent authority to make an express finding in the operative part of its decision on the impact of the case on the protection of the environment and nature. Unfortunately, the legislator fulfilled its obligation with a year's delay when, with effect from 1 July 2020, it enacted Kvt. Section 66/A (3), according to which "Where legislation provides for the examination of a technical environmental issue in the course of administrative authority proceedings, the decision closing the proceedings shall

a) in the operative part contain

aa) the fact of the examination of the technical issue,

ab) the result of the examination of the technical issue and the specific provisions determined based on such results,

b) in the statement of reasons contain the detailed findings made during the examination of the issue."

These new provisions are of particular importance with regard to the enforcement of the right to legal remedy, as they ensure that the parties concerned can learn the environmental constraints of the decision from the authority's decision even if the authority has not assessed them in the framework of a professional procedure, but as a technical issue. This is a prerequisite for the public concerned to be able to appeal against the decision in the event of inadequate assessment of environmental aspects. It should be noted that, although the legislator has eliminated the constitutional violation caused by the omission with the above amendment, the other procedural laws concerned are still not sufficiently coherent.

In its Decision 12/2019 (8 April), the Constitutional Court found a violation of the right to legal remedy in connection with the abolition of the National Environment and Nature Protection Authority by succession as of 1 January 2017 and annulled the provision that was contrary to the Fundamental Law. The reason for this was that, in pending cases, the succession meant that the same body was called upon to hear appeals as the body which had taken the first-instance decision, breaching the right of appeal of the clients concerned.

With regard to the provisions of the Draft, it should be noted that according to Akr. Section 121, the supervisory procedure is an ex officio remedy for the designated supervisory body to eliminate the failure of the authorities to comply with the law, to change or annul the decisions that violate the law and to instruct the authority to initiate a new procedure. The supervisory procedure is not an ordinary remedy, but an extraordinary one. Thus, the monitoring procedure cannot be assessed as an ordinary remedy for the public concerned under Article 9 of the Aarhus Convention. Although, in principle, anyone can initiate anything under the right of petition, including a supervisory procedure, the supervisory body is not bound by the right of petition to initiate a supervisory procedure, but must treat such an initiative as a public interest disclosure, typically in the context of an administrative review.

In connection with the above, I should note that in the period from 1 January 2018 to 6 April 2019, the administrative body entitled to conduct supervisory proceedings in environmental matters under Akr. Section 121 was not or not properly designated as a supervisory body in the Hungarian system of laws, which also hindered the implementation of the recommendations of the Commissioner for Fundamental Rights for the supervisory body of the public authorities.

This shortcoming has been remedied by the legislator with the amendments to Government Decree 71/2015 (30 March) on the designation of bodies performing environmental and nature protection authority and administrative tasks:

From 6 April 2019 to 28 February 2020, pursuant to Section 8/C (3)-(5) of the Government Decree, according to which "(2) The national environmental and nature protection authority shall exercise the supervisory powers under Act CL of 2016 on the general administrative

procedures in respect of administrative authority matters falling within the competence of the regional environmental and nature protection authority, the district environmental protection authority, the municipal environmental protection authority and the notary or chief notary appointed as the nature protection authority.” The supervisory body of the National Environmental Authority became the Minister of Agriculture and, in matters relating to waste management, the Minister for Innovation and Technology.

As of 1 March 2020, following the amendment of Section 8/C of the Government Decree, the Minister of Agriculture is the supervisory authority in general environmental matters and the Minister for Innovation and Technology in waste management matters.

As a consequence of the restructuring of the organisational system, the professional management powers of the minister responsible for professional coordination are not direct, but only contributory, pursuant to Section 40 (2) of Act CXXV of 2018 on government administration and Section 6 of Government Decree 86/2019 (23 April) on the Metropolitan and County Government Offices of the capital and counties. Alland District (and Metropolitan District) Government Offices are led by a Government Representative. In my view, this undermines the effectiveness of environmental enforcement and is an obstacle to the development of uniform law enforcement practice.

~~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.~~

~~*EMLA Environmental Management and Law Association: The the nature- and environment protection authorities are no longer exist..*~~

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~~right of ~~Informational Autonomy~~informational autonomy and the ~~Freedom~~freedom of ~~Information~~information (~~Information Act~~information (hereinafter: Infotv.)) has widely provided for the disclosure of environmental data, Act LIII. of 1995. on the ~~General Rules~~general rules of the ~~Protection~~protection of the ~~Environment~~ (~~Environment Act~~environment (hereinafter: Kvt.)) 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~~public participation in the ~~legislative process stipulates the scope~~Preparation of the law, the fundamental principles and the planning~~Legislation establishes the obligation of the law-making process. The Act considers wide social~~broad public consultation as a general rule, and ~~specifies~~sets out the exceptions ~~defined by special regard. The regulation came.~~ The Act entered into effect~~force~~ 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 Section 15.~~

~~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.~~

~~*Problems reported by environmental and nature protection NGOs:*~~

~~*As explained in the report and in previous reports on previous periods, since 2010 the public administration system has been radically transformed, including several changes to the environmental management system. As the environmental authority is no longer involved in*~~

other administrative procedures as a specialised authority, it would be necessary to urgently review Administrative Case Law Decision 4/2010 in order to ensure the uniformity of jurisprudence and the practical enforceability of participation rights. For example, it is a surprising and incomprehensible practical problem that the environmental authority does not generally recognise the client status of NGOs working in the field of air protection in administrative air protection procedures (e.g. in the procedure for fining illegal incineration). EMLA Environmental Management and Law Association: The administrative Case Law Decision 4/2010 is now become completely obsolete, practically none of the bodies exist which are referred to in because of the several reorganisations, thus the criteria which used in the decision does not fit into the system.

NGOs may become clients if their rights or legitimate interests under the general definition of client in Ákr. Section 10 (1) are directly affected by the matter, or if an Act or government decree may establish the scope of organisations that qualify as clients in a specific type of matter pursuant to Section 10 (2) (Kvt. Section 98 (1)).

The Ákr. does not contain any provisions on impact area clients, so environmental associations are considered as clients in environmental authority proceedings if they are subject to Kvt. Section 98 (1), or it is established on the basis of the general definition of client set out in Ákr. Section 10 (1) that the matter directly affects their rights or legitimate interests. The Ákr. also does not provide for the NGOs' right to make a statement independent of their client status, as defined in Ket. Section 15 (5a).

A widerbroader category, compared to the 'client statusstatus' is the affected-'public concerned', as defined by item a) in 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 December) on environmental impact assessment and the IPPC licensing procedure (hereinafter: Government Decree 314/2005. (XII. 25), December)), which is or who aremay be affected by the decisions made under procedures undera decision taken in a procedure pursuant to Government Decree 314/2005 (XII. 25) including environmental protection agencies mentioned in Section 98 of Paragraph (1) of the Environmental Protection Act25 December) or which is otherwise concerned in a decision taken in a procedure pursuant to Government Decree 314/2005 (25 December), including the environmental organisations defined in Kvt. Section 98 (1). According to Kvt. Section 90 (2), the owner or lawful user of the property within the area of environmental hazard or environmental damage and the person whose right to the property is registered in the land register is considered a client.

3. One of the fundamental principles of the Administrative Procedures Code is that Pursuant to Ákr. Section 89, if the exact scope of clients cannot be determined, or if required by law or government decree, the authority shall publish the notice of its decision, and the authority shall also publish the final decision taken for important environmental or nature conservation reasons.

The Kvt. ensures that private individuals, legal entities and unincorporated organisations have the right to participate in the non-administrative procedure relating to the environment, as defined by law or other legislation. The Kvt. stipulates that everyone has the right to draw the attention of the user of the environment and the authorities to environmental hazards, damage or pollution. The competent body must respond to a written request to this effect in writing within the time

limit provided for by law, and must take action. In addition, Kvt. Section 98 (1) provides that associations established in the territory of the authority, which are not political parties or interest groups representing environmental interests, shall have the status of clients in environmental administrative procedures in the territory in which they operate.

In the light of the above, environmental and nature protection authorities shall communicate their decisions in the course of their proceedings by means of public notices, unless addressed only to the client in person. In addition, they ensure continuous access to final decisions taken for important environmental or nature conservation reasons by publishing them on their official website.

3. As a fundamental principle laid down in the Ákr. and the Ket., administrative authorities must conduct their proceedings in the spirit of cooperation with the client and fairness/good faith. The administrative authority must/shall ensure that any person involved/the client and other participants in the procedure be/are 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 and shall facilitate the exercise of the rights of clients.

Problems reported by environmental and nature protection NGOs:

The rules on e-government do not include acknowledgement of receipt of civilian correspondence (petitions, opinions, complaints etc.), which is particularly noticeable in the case of requests from individuals. In these cases, the automatic confirmation that is common in business would be important information for the client. If you do not receive an automatic message, you will know that a technical error has occurred and you will have the opportunity to remedy the problem before the deadline, making the exercise of participation rights more efficient.

4. Ákr. Section 33 provides that the client may inspect the document generated during the proceedings at any stage of the proceedings and after the conclusion of the proceedings, and pursuant to Ákr. Section 33 (5), if the law does not limit or exclude the publicity of the decision, after the conclusion of the proceedings, anyone may inspect the decision that has become final and the order annulling the first instance decision and ordering the authority that issued the first instance decision to initiate new proceedings without any limitation (except for personal data and protected data). In the case of a relevant legal rules it will organize provision of sectoral legislation, the authority shall hold a public hearing and will inform the involved parties about its decisions, and if the exact scope of clients cannot be determined or if so required by law or government decree, the authority shall publish the notice of its decision pursuant to Ákr. Section 89 (1) or in accordance with the provisions of the sectoral legislation.

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 legal assistance, the provider of legal assistance prepares documents and provides legal counsel to the client free of charge (the cost of legal assistance which is paid or advanced by the state), to the provider of legal assistance). The said Act clearly defines the cases where such legal assistance is available.

Act CL of 2016 on the general administrative procedure (Ákr.) and Act I of 2017 on the rules of administrative procedures (Kp.) entered into force on 1 January 2018 and amended the established legal status of clients in public authority proceedings as well as the rules governing the right of access to justice (right to sue) under the Act CXL of 2004 on the general rules of administrative proceedings and services (Ket.) and Act III of 1952 on Civil Procedures (old Pp.), with which the domestic legislator has thus taken another significant step towards ensuring public participation.

The concept of publicity under the Convention appears in Hungarian environmental law at three different levels: first, at the level of the individuals and legal entities directly concerned; and second, at the level of the operation of NGOs; The third level is that a distinction can be made between the individuals and legal entities concerned according to whether or not they are considered to be living in an environmentally sensitive area.

The Ákr. eliminated the concept that different categories of the public should be treated differently, and made it easier for the public to be involved in public affairs as a client by providing a ‘general’ definition of the client.

Pursuant to Ákr. Section 10 (1), anyone whose rights or legitimate interests are directly affected by the case in question may be a party to the proceedings. The concept of direct involvement is, therefore, a new element in the concept of client under the Ákr., which was not previously included in the Ket.

The practical test for this condition is whether the subsequent decision of the authority changes the legal status of the person who wishes to participate as a client.

It follows from the above that not only the person who is the final addressee of the public authority’s decision can be a client in a public authority case, but anyone who can prove that he or she is directly concerned.

In addition, Ákr. Section 10 (2) also stipulates that a law or government decree may determine the individuals and entities who (which) are considered clients by virtue of the law, i.e. they may *ipso iure* acquire the status of clients without the condition of direct involvement being examined. Such a statutory provision is Section 98 (1) of Act LIII of 1995 on the general rules for the protection of the environment (Kvt.), according to which NGOs, which are not political parties or interest groups established to represent environmental interests, and which operate within the impact area, are entitled to the status of clients in environmental administrative procedures in the area of their operation.

The rights of a client in a public authority procedure include the right to inspect documents, to make statements and to participate in procedural steps, as well as the right to appeal.

If an authority refuses to grant client status to an applicant by order, the applicant may bring an administrative action to challenge that order. In the lawsuit, the court can annul or set aside the order and order the authority to conduct new proceedings, and can also change the order, i.e. grant the applicant client status directly.

If it is established that the authority has unlawfully refused to grant client status to a client and has taken a decision on the merits of the environmental protection case without a client, the decision will be null and void pursuant to Ákr. Section 123 (1) g), i.e. it will have no legal effects.

With its entry into force on 1 January 2018, the Kp. broadened the scope of administrative lawsuits and the right to bring an action.

Compared to the previous rules, it is no longer only individual decisions by public authorities that can be challenged in court, but also any administrative act of an administrative body.

Pursuant to Kp. Section 17 a), the legislator has in practice created another general concept for the initiation of legal proceedings, i.e. anyone whose right or legitimate interest is directly affected by the administrative act in question may turn to the courts for legal remedy.

In addition, Kp. Section 17 d) and e) also specifically mention the right of action for individual NGOs.

Accordingly, in cases specified by law or government decree, an NGO which has been carrying out its registered activity for at least one year in the geographical area affected by the administrative activity in order to protect a fundamental right or to promote a public interest may bring an action before the court if the administrative activity affects the registered activity of the NGO, and in cases specified by law, in the event of direct damage or endangerment of the legitimate interests of the members or groups represented by the NGO, the interest representative organisation or public body whose registered activity or activity recorded in its articles of association is affected by the administrative activity may also bring an action before the court.

While NGOs formerly complained that access to justice was a barrier, this problem now seems to have disappeared.

The legislator is increasingly careful to guarantee the access rights of NGOs, and even explicitly privileges them with the above regulations in court proceedings, i.e. provides a kind of safety net in case they, for some reason, fall outside the definition of client under Ákr. Section 10 and are deprived of the possibility to bring an action.

Public participation is also supported by Section 5 (1) d) and f) of Act XCIII of 1990 on duties (Itv.) which provides that NGOs operating as associations, foundations or public foundations enjoy full personal exemption from duties, both in public authority and court proceedings.

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, of the ministry responsible for environmental protection. The Public Relations Bureau of the ~~Ministry~~ ministry responsible for ~~environment~~ environmental protection, 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.

Problems reported by environmental and nature protection NGOs:

A major obstacle to informing the public about the environment is that links on the internet are often seemingly functional but in reality outdated (e.g. links leading to air quality plans).

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~~ NGOs performing similar duties,
- keeping of records on enquiries,
- operation of personal customer service.

9. ~~The 8.~~ Kötháló brings together green organisations whose main activity is a network of organizations who is responsible for giving providing environmental advice to the public, keeping and. The main activities of the network are providing information to the public, updating databases, making producing and distributing information brochures, leaflets for the public, thematic booklets and organize meetings, etc. In addition, Kötháló provides assistance to the public in legal matters relating organising events. It also helps citizens to use the environment. tools of environmental law enforcement.
This network has its own quality assurance system.

10.

Problems reported by environmental and nature protection NGOs:

The NGO offices (Network of Environmental Consultancy Offices) can only carry out their environmental consultancy activities with a significantly reduced capacity due to the reduction of funding (Green Source) by a third compared to previous periods and the virtual disappearance of other material resources.

Huta Environmental Law Association: Unfortunately, in recent years, there have been no training opportunities for NGO activists and experts to promote the exercise of the rights guaranteed by the Aarhus Convention, due to a lack of resources and other government priorities.

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

~~11-9. 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. In 2017, AM continued its internal training on “Improving Environmental Strategic Planning”. The training was open to all public officials who are interested in environmental protection and strategic planning and who can use the knowledge gained in the training in their future work. The approximately 60 registered participants had the opportunity to listen to presentations on topics such as: OECD Environmental Performance Assessment preliminary results, 4th National Environmental Programme (hereafter: NKP4) progress indicators, circular economy, futurology.~~

~~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.~~

~~As part of the 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:~~

•———Participation in professional conferences is an additional training opportunity for government officials with environmental responsibilities, and the AM also regularly organises thematic professional meetings for officials with environmental and nature protection responsibilities.

Judges are trained by the National Office for the Judiciary (OBH). In 2017-2018, OBH organised several training courses on environmental issues at the Hungarian Academy of Justice:

- A technical day for administrative judges on the practice of national courts and the Court of Justice of the European Union in environmental cases.
- Joint conference with the Hungarian Chamber of Forensic Experts on the specificities of forensic expert activities in criminal, civil and administrative litigation, with a focus on environmental, nature conservation and water issues.

The regional court divisions of public administration and labour, which were operational until 31 March 2020, held national training and professional days once a year, with training in each of the special administrative areas, including environmental law. In addition, the members of each division held so-called “division meetings” four times a year, which also included training sessions on environmental law.

Although the regional administrative and labour divisions were terminated from 1 April 2020, the specialised work will continue unchanged in the courts having independent administrative divisions.

Other learning opportunities are provided by exchange ~~programprogrammes~~ for judges (Environmental exchange ~~programmesprogramme~~ on the environment of the European Judicial Training Network) (EJTN)).

•———members of

In 2018, thanks to the European Legal Professional Advisory Network

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

~~As part of international training, Law (ERA), judges participated in the international training in Warsaw, Trier and Sofia, in the framework of the ERA seminars on EU waste management infringement proceedings and in English language seminars on court procedures referring to legal breaches ofabroad on EU waste management legislation organized by the Academy of European Law in Trier and Thessaloniki in 2016 thanks to the existing cooperation with the Aeademyenvironmental law. In 2019, training on the Aarhus Convention was held in Warsaw.~~

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.

~~12. 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 10. Public participation is important for protecting the nation’s common heritage and ensuring the right to a healthy environment, which is why judges in administrative cases are invited to the annual conference organised by the Advocate for Future Generations.

The Network of Legal Advisers on EU Law (EJSZH) also plays an active role in sharing knowledge. The members of the EJSZH are judges and court secretaries with specialised knowledge of EU law who, in addition to their duties as judges (court secretaries), support their colleagues, monitor the case-law of the Court of Justice of the European Union and the European Court of Human Rights, and help to strengthen judicial cooperation and coordination between Member States.

The members of the network are organised according to the fields of legal specialisation, with members of each field taking on different responsibilities.

The advisers give lectures on topics relevant to their field of specialisation, prepare and publish technical material on the court’s intranet site and are also available for individual advice on specific technical issues.

Problems reported by environmental and nature protection NGOs:

Huta Environmental Law Association: No progress has been made on this key issue since the 2016 conference. This can also be mentioned in point 2, and in the implementation of Articles 6 and 9, as a problem.

EMLA Environmental Management and Law Association: Unfortunately the report does not mentions the so-called EARL project which supported by the EU LIFE program which took place among others in Hungary between 2017 and 2020, even the Ministry of Agriculture was represented at an event which aimed at judicial remedies training in environmental matters.
<http://emla.hu/hu/content/jogorvoslati-jogok-fejleszt%C3%A9se>

Standpoint of the Deputy Commissioner for Future Generations:

The Draft incorrectly relates the provisions on the client status of environmental associations laid down in Kvt. Section 98 (1) with the fact that the Ákr. does not contain the provisions of

the Ket. previously applicable to impact area clients, so that the client status of environmental associations could only be established in the case of direct involvement of the rights or legitimate interests referred to in Ákr. Section 10 (1).

Compared to the general definition of client in Ákr. Section 10 (1), Ákr. Section 10(2) provides that an Act or government decree may define the persons and entities who (which) are considered clients by virtue of the law in a specific type of case. In such cases, the status of the client must not be assessed by the authority on the basis of Ákr. Section 10 (1), but its special conditions are determined by the laws referred to in Ákr. Section 10 (2); thus – in the case of environmental associations – the provisions of Kvt. 98 (1): “Associations established to represent environmental interests, which are not political parties or interest groups and which operate within the territory of the authority (hereinafter: organisation), shall have the status of clients in administrative environmental authority proceedings in the territory in which they operate.”

As regard to the scope of administrative environmental authority proceedings, harmonised decision 4/2010 (20 October) of the Curia on administrative law is applicable. Although from 1 January 2017, Section 98 (2) of the Kvt. has removed environmental impact assessment and uniform environmental use procedures from the procedures of environmental authorities, this does not mean that the provisions of case law decision 4/2010 have been “exceeded”.

As regards the impact area, the case law distinguishes between local and national environmental associations. In the context of the status of environmental associations as clients, it should be pointed out that even if the direct involvement of the personal rights and legitimate interests of these organisations cannot often be examined in a given procedure, their area of operation, i.e. the environmental and nature conservation objective laid down in their deed of foundation and its local nature, may be relevant in determining their status as clients. An example of the Ombudsman’s practice is the case of an investigation in which the complainant environmental association was based in Budapest, but the association’s objective was to protect a natural stretch of the shore of Lake Balaton and a natural area adjacent to it.

However, there is no doubt that in the case of a client who is not an environmental association, the fact that the Ákr. does not contain special rules for impact area clients puts the people living in the impact area in a more difficult situation, because their eligibility for client status can only be assessed on the basis of Ákr. Article 10 (1). This means a clear reduction of the powers formerly available to clients.

The Draft attempts to distinguish between client rights in the context of the fact that, as opposed to Ket. Section 15 (5a), the Ákr. does not regulate the right of NGOs to make a statement, suggesting that environmental associations are not entitled to the right of making a statement, which is, by the way, one of the rights uniformly regulated in the Ákr. This interpretation of the law is based on an erroneous premise: clients under the Ákr. are entitled to the same client rights and in the same way, so any such distinction is unfounded.

According to the Draft, Section 2 (1) a) of Government Decree 314/2005 (Kvhr.) provides a broader interpretation of the concept of the public concerned than the status of the client examined in the context of the Kvt. and the Ákr. by “including” organisations without legal personality in the concept of the public concerned, in addition to private individuals and legal entities. (It is noted that, in this regard, it is in line with the concept of the public concerned as defined in Section 2 (1) of Government Decree 2/2005 on the environmental assessment of certain plans and programmes not covered by the Ákr.).

However, this seemingly convenient interpretative provision is outdated: the new Ptk., which has entered into force in the meantime, has abolished the previous provisions governing entities that did not qualify as legal entities under the former Ptk. The rules in the old Ptk. applicable to business companies that do not qualify as legal entities (i.e. general partnerships and limited partnerships) are now in the third book of the new Ptk., which deals with legal entities. Pursuant to Section 3:3 (3) of the new Ptk., if a legal provision confers civil legal personality on organisations that are not legal entities, the general rules on legal entities shall apply to them.

As a consequence, the legal interpretation contained in the Draft is wrong: the concept of the public concerned is indeed broader than the persons with client status participating in the proceedings, but not because the concept of the public concerned in the Kvhr. extends beyond private individuals and legal entities to entities without legal personality.

Kvt. Section 90 (2) contains a special provision on the status of the owner of real estate in the impact area of environmental damage or environmental hazard, which is also referred to in the Draft. The legal status of a client here is based on a decision of an authority establishing environmental damage or threat based on the applicable laws. These decisions are also the basis for the remediation/restoration procedures. In my view, this important provision relates to a special procedural context in relation to the Aarhus Convention: where the public concerned is not involved in the authorisation of a proposed use of the environment, but the use has already taken place and the environmental impact amounts to environmental damage or harm.

In connection with the rules on public disclosure contained in Ákr. Section 89, it should be noted that the case law is not uniform on the question of whether public disclosure is a sufficient form of communication in cases where public disclosure is required, if the exact group of clients can be determined, or the authority is still obliged to use the form of communication defined in Ákr. Section 26. This raises new questions about the protection of client rights.

The Draft refers to certain sectoral laws under the Kvt. which ensure the participation of the public concerned in “non-authority procedures relating to the environment”, however, it fails to specify them. In my view, strategic environmental assessment and planning procedures should certainly be mentioned in this context.

Also included in the Draft is a reference to actio popularis in Kvt. 97 (2), which in my opinion should be thematically separated from the above-mentioned possibilities of participation in non-administrative authority procedures and should be supplemented with information on the relevant extra rights available to environmental associations under Kvt Section 99 (2).

I must recall that the Ákr. does not contain general procedural rules for public hearings.

It should be noted that the joint MKBE-AJBH judge training event mentioned in the Draft has unfortunately not taken place since 2018.

Article 3.3 (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?

13-11. 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. The Government Office participates in the provision of specialised training, the development of an environmentally conscious approach and the training of professionals with the appropriate approach (e.g. environmental technicians) by concluding cooperation agreements with training centres.

~~14.~~ 12. Based on domestic and international experience, the Ministry of Human Resources and the Ministry of Agriculture find it important, that the preschool and 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.~~ 13. In the framework of the Swiss-Hungarian Cooperation Programme, the Institute ~~offor Educational~~ Research and Development ~~for Education~~ has won a subsidy of CHF 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, and domestic NGOs with a portfolio of environmental education and regional funding centres.

~~16. Based on Paragraph (5) of Section 78. of Problems reported by environmental and nature protection NGOs:~~

~~*This programme was already included in the 2011. CXC. Act on previous National Public Education, the Minister Report, i.e. it belongs to the previous reporting period. NGOs already indicated at the time that schools or those involved in environmental education had not benefited from this support.*~~

14. According to Kvt. Section 54, the minister responsible for the education environmental protection and the Minister ministers responsible for the environment education shall, among other things, assist in fulfilling of the assignments of environmental education and the execution implementation of environmental education, training, further training and dissemination of knowledge by developing environmental education and training programmes, issuing curriculum requirements and publishing calls for tenders, and shall cooperate in the implementation of the Forest School Program, the Programme, Forest Kindergarten Program, the Programme, Green Kindergarten Program, and Programme and Eco-School Programme. In the framework of the Sustainability Week, a school tree planting programme was launched with the Eco-School Program via issuing applications and joint programmes and tenders support of AM, starting on 9 October 2020: 700 schools requested saplings.

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

~~*As far as we know, there is no public funding available for the environmental education programmes listed. Some of the teachers are not trained, and the resources are inadequate as well. 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. There is no reliable textbook and financial support is insufficient for the necessary field trips (class trips, forest school).*~~

15. 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.

~~18-16.~~ 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 Section 62 (1) e) of Act CXC of 2011 paragraph (1) of section (62), item e).~~ on National Public Education~~national public education~~, it is the teacher's obligation to teach the children, and students to awareness towards the environment and healthy life. The National Educational Framework also contains materials concerning environmental protection and sustainability. In Hungary, part of the teacher career development system's qualification procedure is the measurement and evaluation of teacher competence in "environmental education, the authentic representation of sustainability values and the way of transmitting attitudes related to environmental awareness".

~~19. 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 Article P) 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-5ae4-43ee-83d2-e3f335e6c4d1?version=1.0>~~

~~21-17.~~ 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 [programmes](#), performances and trainings (E.g. Earth Day, Day of Birds and Trees).

~~22-18.~~ 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 [Hungarian Green Kindergarten Network](#) programme is ~~currently operated~~run by the ~~Ministry~~ministry responsible for environmental issues—~~with the aid of, relying on~~ its background ~~institutions~~—(currently the ~~infrastructure~~ (the [Hungarian 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~~Permanent Green Kindergarten. ~~In December 2015, 785 As of January 2020, there were 993 Green Kindergartens, including 200 Permanent Green Kindergartens and 52 Perpetual Green Kindergartens have operated throughout 20 base kindergartens in the country. All in all aIn total of 837 kindergartens have obtained this rating title, almost a thousand places providing pre-school education had the qualification titles.~~

- ~~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 [ENSI \(Environment and School Initiatives\) project of 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~~[Eco-Schools](#) programme has been ~~operating in place~~Hungary since March 2000 ~~throughunder~~ the coordination of the ~~Programme~~[Institute for Educational Research and Curriculum Development Centre](#)from March 2000, from January 2017 under the coordination of the ~~Hungarian~~[Institute for Educational Research and Development \(OFI\) \(formerly the National Institute of Public Education\)](#) ~~of Eszterházy Károly University, subsequently under the coordination of the Ministry of Human Resources, under the direction of the Ministry of Education).~~ With the support and cooperation of the ~~Ministries~~ministries responsible for ~~education and the environment and education.~~ The two Ministries have published a tender every year, the programme has launched an annual “Eco-School” competition since 2004 ~~for the OFI title of Ecological School.~~ All—, open to all Hungarian public ~~educational~~schools. From 2012, there is an opportunity to award the title of Permanent Eco-School. At the end of 2019, there were 1,040 eco-schools in Hungary, of which 554 were Permanent Eco-Schools. Nearly 30% of school pupils attend an eco-school. All vocational training institutions under the supervision of the AM 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~~one exception, eco-schools.~~
- ~~The Forest School Programme ensures several days of educational opportunity suitable for the environment during the educational and academic year.~~
- ~~The forest kindergarten~~[Education for sustainability](#) is one of the objectives of public education, as defined in the first Section of the National Education Act, and is also a priority development area of the National Core Curriculum. Education for sustainability is an exciting and rapidly adaptive pedagogical field, based on good practices in environmental education, both at international and national level. Its most forward-looking practices are the Green Kindergarten and Eco-School Programmes,

the entire institutional education for sustainability, in which the pedagogical content and the daily operation of the educational institution are based on a genuine representation of the value of sustainability. Of the 56 institutions of the 5 Agricultural Training Centres run by AM, 36 have been awarded the title of eco-school and 18 have been awarded the title of permanent eco-school. The AM pays particular attention to the participation of the institutions it maintains.

- The Forest School Programme provides public education institutions with the opportunity to take children to a forest kindergarten or forest school during the school year. Forest kindergarten/school is a multi-day educational and learning opportunity, a complex form of organising teaching and learning, which aims to familiarise children with the environment, the social and economic aspects of the place outside their residence and develops their social competences. 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. The basic aim of the programme is to promote the development of environmentally friendly behaviour among youth and social actors through forest school as an educational method. Both the ~~contents~~content and teaching methods of the programme are closely linked to the natural environment of the selected location. ~~Presently, there are 99~~In 2017, 104 certified forest schools and kindergartens were registered by the National Federation of Environmental Education Centres. The 10KOKOSZ (“woodpecker” and “squirrel” certification). The ten national park directorates (NPIs) operate forest school base at 4517¹ locations. Forest schools are also operatedrun by local municipalities,authorities, state-owned forestry, entrepreneurs and companies and their forestry departments, NGOs. There are currently 11 qualified forest kindergartens and businesses.
- ~~Forest~~Also part of the programme are the forest schools maintained by forestry, i.e. service providers providing, the so-called forest pedagogical programmes maintained by the forestry farms, are also operated by the programme. The environmental education classes conducted at the forestryeducation service centres run by 22 state forest managers. Environmental education activities in forest schools primarily focus on objectively conveyingthe forest as a complex ecological system and forestry related topicsforest management from several points of viewmultiple perspectives. 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~~The sessions also focus on the presentation of farmers’ efforts to protect the forest. At present, there are nearly fifty such service units operating in the country, of which the 36 forest schools of the 22 state forest farms alone, with a capacity of more than 1,300 students, provide learning and recreational opportunities for nearly 80,000 children in 12,000 forest education sessions per year. 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 Ministryminister responsible for agriculture-forest management (oak seedling certification).
- ~~The Sustainability Week was launched by the public education department from the 2015/2016 school year and will be included in the school year calendar each year. Its aim is to educate and shape attitudes towards environmental awareness and sustainability, and to support and sensitise teachers. The Sustainability Week is~~

¹ <http://magyarnemzetiparkok.hu/erdei-iskolak/>

implemented in the framework of public education, based on the curricula. The aim of the programme is to mobilise students and to raise awareness on a broad scale. It takes place in a school or online environment, over a period of one week, in a focused, interactive format, typically in the framework of projects and activities. The activities proposed for the thematic week can be implemented in and out of class, based on the local conditions of schools, and encourage the use of innovative pedagogical methods such as interactivity and digital tools, thus helping teachers in their awareness raising efforts. At the heart of the thematic week is the website www.fenntarthatosagi.temahet.hu. The backbone of the programme is a set of thematic lessons taking place during the thematic week. Different lesson plans are offered for each of the three age groups. In addition to the thematic lessons, there are adapted national side programmes for the different age groups. During the week, the organisers provide an opportunity for authentic experts, public figures and artists (volunteers) committed to sustainability to stand in front of children and reinforce the message of the thematic week with their own examples and ideas. Schools can find out about current programmes and register to the programme on the FTH website www.fenntarthatosagi.temahet.hu.

In the 2017/2018 school year, 320,000 students from 1522 schools participated in the thematic week, and 430 teachers took part in teacher training linked to the programme. In the 2018/2019 school year, 1542 schools and 330,255 students from 1542 schools took part in the thematic week. A total of 571 applications were submitted by students to dedicated calls for proposals. 786 pupils took part in the programme's selective waste collection competition, collecting a total of 18,018 kg of batteries. Used phones and electronic gadgets were also collected, totalling 4774 items.²

An online, nationwide sustainability knowledge competition for upper primary school students called the GreenSmart Cup was launched with 802 teams registered.

The 2019/2020 theme week has been postponed to 5-9 October 2020 by the Ministry of Human Capacities. From this school year, schools from all over the Carpathian Basin can register for the programme.

1804 schools registered for *the 2019/2020 Carpathian Basin Sustainability Week*, 121 of which were from across the border. A total of 396,000 students participated in the programme. The following sub-programmes were included:

Opening event:

The online launch event was viewed live on 4561 personal computers, which means roughly 80-100,000 students, calculating with a class of 25-30 students per computer. The opening event was also available on the front page of Origo and on the thematic week's website.

Online lessons:

Every day, a lesson was broadcast live, starting at 10 am. The lessons were held by professional partners supporting the thematic week in line with its topics (WWF, MÁV, Kecskemét University, Öko-Játék). Based on Antenna Hungária measurements and class sizes of 25-30, the thematic week reached 11-15,000 children per lesson. The lessons have since been made available in a downloadable format and are estimated to have reached tens of thousands more students.

On Zoom, three playful online lessons and a sustainability escape room were available to students every day, and these events were also attended by students from nearly 30 schools from across the border and beyond.

² https://www.fenntarthatosagi.temahet.hu/2019/FTH_osszefoglalo_2019.pdf

External visit sites:

Due to the coronavirus pandemic, our partners were only able to provide the classes with a limited number of external visits. The thematic week takes 600 students on field trips to external sites offered by forestry and forest schools.

Teacher training:

We organised teacher training on three channels, with 450 teachers participating in face-to-face workshops, nearly 300 teachers reached through webinars, and 34,000 views achieved with the training video.

School tree planting programme:

A school tree planting programme was also launched as part of the thematic week. More than 700 schools have requested tree saplings under the programme, which will be delivered to the participating schools with the support of the Ministry of Agriculture.

Sustainability research:

The Student and Teacher Sustainability Survey has been launched, with nearly 4,000 students completing the online questionnaire in the first week. Focus group interviews are ongoing.

Most active school competition:

A 6-week competition series has been launched to measure and motivate school participation in the various activities launched during the thematic week (waste collection competition, tree planting, school energy efficiency programme, sports challenges, green video competition, participation in research).

GreenSmart Cup knowledge competition:

1058 teams of three students entered the competition. The finals were held online, with the Carpathian Basin finals featuring the 12 best teams taking place in the form of a Zoom conference.

- Hungary joined the *GLOBE (Global Learning and Observation to Benefit the Environment)* Environmental Education Programme in 1999. At present 29 secondary schools³ 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.~~

³ <https://www.globe.gov/web/hungary/home/schools>

- The *BISEL programme* (Biotic Index at Secondary Education Level) was launched in Hungary in 2001, and relaunched in 2015 under the title “BISEL – Nature Conservation in Rubber Boots”, coordinated by the Ministry of Agriculture. In the BISEL programme, teams of 4-5 students from grades 7-9 and 10-12 in two age groups investigate the ecological status of a local watercourse, assessing its water quality using simple methods and observing invertebrates visible to the naked eye. These organisms act as bio-indicators of water quality, signalling changes. The simplicity and low material requirements of the ecological status assessment-based water quality assessment method make it an excellent teaching method for schools. The schools participating in the programme will upload their results from regular BISEL water testing to the BISEL website, thus building a common database on the pollution of watercourses in Hungary. AM’s partners in the programme are the Herman Ottó Institute, the Hungarian Agricultural Museum and Library, the Duna-Ipoly National Park Directorate and the Gyula Roth Secondary and Boarding School of Forestry, Woodworking, Horticulture and Environmental Protection. Any school in the country can join the programme via the programme website.
- In autumn 2018, the National School Garden Development Programme was launched with the support of AM, coordinated by the Foundation for School Gardens. The school garden can be used to develop an ecological awareness in students; to show the cycles of the natural environment; to raise environmental problems and try out solutions; to connect with environmental elements and everyday food; and to strengthen environmental and social responsibility through joint work. For children with special educational needs, school garden activities are also therapeutic. In 2019, the programme enabled the creation of 67 new school gardens in two phases, as well as the expansion and improvement of existing gardens. Since 2020, nursery gardens have also been eligible to apply for funds; 50 schools and 50 nursery schools have won grants to improve and develop their gardens and to provide training and mentoring related to the scheme.
- The “Save a Garden!” programme has been announced annually by the Ministry of Agriculture since 2016; initially, only agricultural vocational training institutions maintained by the Ministry participated, but from 2020 the AM has extended the programme to all Hungarian secondary schools. In the 2017 competition, 61 out of 63 AM-maintained institutions took part, taking over the care of 14 neglected enclosed gardens in total, 40 gardens were used to help elderly people with gardening work and 21 gardens were cultivated in community areas (schools, kindergartens, social homes). Some schools have taken on the maintenance of two or even three gardens, bringing the total number of gardens under school care to 75. In the 2018 competition, schools continued to work on gardens that they had started to save in previous years; 46 schools sent in regular or interim reports on the gardens they had maintained: 33 gardens cultivated together with elderly people and 21 community gardens (54 in total). In 2019, 26 schools participated in the competition, with students cultivating 34 gardens.

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~~Vocational and Training Institute 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~~vocational education was reorganised and renewed ~~on 1 September 2013, and then~~ in 2016.

Aware that one of the keys to the competitiveness of the Hungarian economy is quality vocational education and training, the Government has decided to adopt the strategy entitled “Vocational Education 4.0 – A medium-term vocational policy strategy for the renewal of vocational training and adult education; the response of the vocational training system to the challenges of the fourth industrial revolution”.

The adopted VET 4.0 strategy sets out a systemic renewal and further development of vocational training and adult education to make the field more practical and attractive. By rethinking the system, the location, the actors and the content of education, the Government aims to ensure that all young Hungarians leave both higher education and secondary education institutions with skills and competences that, in addition to basic competences, provide the basis for acquiring the qualifications required by the economy and for lifelong learning.

In view of this, Act LXXX of 2019 on vocational education and training (hereinafter: Szkt.) was adopted.

With the entry into force of the Szkt., the National Qualification Register (hereinafter: OKJ) will be gradually phased out, and will be replaced by the Register of Professions, which will lay the foundation for the new occupational structure, promulgated by Government Decree 12/2020 (7 February) on the implementation of the Act on vocational education and training.

Instead of the 750 or so professions in the OKJ, the Register of Professions now only contains 174 professions that can be taught in the school system, all of which provide students with a broad basic knowledge at sectoral level. These qualifications can be obtained in a five-year technical school, a three-year vocational school or in 1.5-3 years in a school-based adult

education programme. This creates the opportunity for a broad-based transfer of sectoral competences during training, on which adult education and training can easily build.

Environmental protection technical training

~~Since the 2016 modification of the National Educational Register the environmental protection 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.~~

The Register of Professions includes the following environmental professions:

<u>Sector</u>	<u>Profession</u>	<u>Specialisation</u>
<u>Environment and water</u>	<u>Waste processing associate</u>	
	<u>Environmental technician</u>	<u>Waste recovery, processing</u>
		<u>Administration</u>
		<u>Environment</u>
		<u>Nature conservation</u>

According to the current legislation, the discontinuation of OKJ courses is provided for in Section 125 (3) of the Szkt. and Section 30 (2) of Act LXXVII of 2013 on adult education. Students must complete their studies as they have started.

Among the discontinued environmental protection sectoral training courses, there have been earlier enrolments in the professions of Waste Acquirer and Manager and Environmental Protection Technician as school-based training. Outside the school system, training can be provided for the following qualifications: Waste Landfill Manager, Nature Conservation Worker, Waste Acquirer and Manager, Waste Collector and Transporter, Waste Sorting and Processing, Environmental Administrator.

Water management professional training

~~The renewed legal framework for renewal of secondary level vocational education in Hungary has also affected training in the water sector. The water management training is one of the sectoral training courses in the field of environment and water management according to Government Decree 12/2020 (7 February) on the implementation of the Szkt. The 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 training will remain with the Ministry of the Interior, the head coordinator of the professional courses is with the~~

training manager being the Minister of the Interior, who is responsible for water management. As per the latest—2016— National Educational

The new Register there are fifteen professional Professions includes the following water management-related professions:

Sector	Profession	Specialisation
Environment and water	Water associate	
	Water technician	Regional water management
		Municipal water management
		Water engineering

Instead of the 2016 OKJ, the Register of Professions contains the professions listed in the table above. The former 3-year school-based Water Management Worker training has been replaced by the Water Management Assistant training, while the 4+1-year Water Management, Water Engineering and Water Utilities Technician training has been replaced by the five-year Water Management Technician training in the specialisation of Territorial Water Management, Municipal Water Management and Water Engineering. The additional qualifications of (Water Quality Protection Technician and Water Construction Technician) and the basic qualification which eight are semi-professional can be obtained with a school-leaving certificate (Water Management Administrator) will be abolished under the new system. Students starting their studies in the 2019/2020 academic year will still be studying under the old OKJ, but will be tested under the new examination system. The number of vocational qualifications that may be taught as educational courses can be obtained within the framework of adult education under OKJ (Sewer Machinery Operator, Bath Machinery Technician, Bathing Plant Operator, Dam and Sewer Guard, Pump Station Dam Operator and Management Technician, Maintenance Engineer, Water Damage Preventer/Repairer, Water Quality Inspector, Waterworks Water Treatment Plant Operator, Hydrographical/Hydrographic 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), and Water Well Driller) will be reduced to 4 professions under the 2020 regulation, these are: Dike and Canal Guard, Water and Canal Operator, Water Mechanic and Water Well Driller training courses started by 31 December 2020 may be completed by 31 December 2022 in accordance with the legislation in force on 31 December 2019. The so-called “round B” training courses (Pump Operator and Water Quality Damage Control Operator) approved by the Hungarian Chamber of Commerce and Industry can be started continuously until 31 December 2022.

Secondary school water management education is currently available at sixteen. According to data from October 2020, there are 10 training 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 offering secondary school-level vocational 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 in water management in thirty-five courses of seventeen universities, and nine offered post-graduate professional courses.

(c) Environmental protection in higher education

- Call for proposals TÁMOP-4.1.2.A/1-11/1 “Training and content development, training of trainers, with special emphasis on mathematics, science, technology and IT training and their development”. Call for proposals TÁMOP-4.1 2-08/1 The strengthening of environmental and energy R&D capacities is a priority area among the sub-objectives of the call for proposals EFOP-3.6.2-16 “Thematic research network cooperation” with a budget of HUF 20.21 billion.”
- The flagship institutions of water management related studies: The NKE Faculty of Water Sciences, Budapest University of Technology and Economics, The University of Miskolc, The Szent István University, the University of Debrecen, the Pannon University of Pannonia.

- Higher education in the water sector has expanded in recent years with new opportunities. The sector's need for a new generation of water professionals is placing an increasing burden on higher education institutions of technology, especially the NKE Faculty of Water Sciences. Renowned and experienced professionals from the water sector are involved in the work of the Faculty of Water Sciences as lecturers and mentors, and as experts and authors in the modernisation of the curriculum. The new correspondence MSc programme in Water Diplomacy, launched in the academic year 2020/2021, offers a new opportunity for the further training of professionals. The majority of the students (15) are civil servants from the water management directorates and the OVF. Water engineer training: The new Hydrological Engineer training programme for professionals in the water sector was launched in 2020 at the NKE Faculty of Water Sciences. Among the universities offering technical higher education, BMGE and the NKE Faculty of Water Sciences offer postgraduate training, which is important for the sector. The most successful of these is the Flood and Inland Flood Protection Engineer programme, which provides training and retraining opportunity at any career stage for non-specialist engineers working in the water sector, with institutional support. From 2002 to the present, 288 water sector professionals have graduated from the programme in 8 years to obtain a specialised Flood and Inland Water Protection Engineer diploma. In the 2020/21 academic year, 20 water directorate and OVF employees started their studies.
- Master training: The Széchenyi István University, the Eötvös József College at Baja of Győr launched a correspondence MSc programme in Water Engineering starting from the academic year 2018-2019. In 2020, a total of 16 students, 10 of them working in the water sector, graduated with a Master's degree in Water Engineering. In the NKE Doctoral School (with 13 doctoral students from the water sector in 2020), sectoral professionals will have the opportunity to obtain a doctoral degree.
- The implementing decrees of Act CCIV of 2011 on national higher education allow for the introduction of sustainability issues into any course and higher education course at any level. All higher education institutions can launch new programmes and courses on sustainable development. Implementation is the task and responsibility of the autonomous higher education institutions. The analysis of the output criteria shows that many disciplinary and interdisciplinary courses deal with sustainability and sustainability education. More than 50 MSc courses have a strong sustainability element, which (based on the output requirements) are mostly competence objectives, and less educational, attitudinal objectives.
- Blue Planet Climate Foundation (KBKA): In January 2019, a database of experts on climate protection, sustainability, environmental protection and renewables was created. The higher education institutions concerned have delegated 2-3 institutional lecturers, researchers or doctoral students as experts. The *think tank*, which brings together 89 experts from 21 higher education institutions, will aim to shape international climate and water policy by promoting the Foundation's objectives in national and international decision-making forums.
Establishment of the "KBKA for eco-conscious young talent" scholarship programme: Traineeship and scholarship programme was created in 2019 by the KBKA for young students of environmental sciences, with a special focus on water, who will work for future sustainable development, climate change mitigation and the protection of natural waters

and their habitats. The 12 higher education institutions involved in the programme are participating as coordinators.

The scholarship scheme offers 4 types of opportunities:

- Research (for 3 PhD students);
- Company traineeship (for 20 BSc and MSc students);
- Water student internship (for 20 BSc and MSc students);
- Scholarship abroad (for 5 MSc or PhD students).

The programme budget:

Total value of the scholarships: HUF 70,676,710

Total value of the whole programme: HUF 153,000,000

- Institutional good practice survey, National University of Public Service (NKE): several universities have taken steps to integrate a holistic approach to sustainability education into the overall profile of the university. Good practices and activities on sustainable development have been collected from 16 higher education institutions. As an example, an integrated study to examine the use of infrastructure and resources at the NKE Ludovika campus was carried out, on the basis of which recommendations were made and these approaches were incorporated into the university's operational and educational model. Since 2015, the NKE has produced the Good Governance Report every year in both English and Hungarian with a specific chapter on sustainability. The publication evaluates environmental sustainability against 25 indicators. The Good Government reports are available on the following page: <https://joallamjelentes.uni-nke.hu/>
- **Sustainability has been introduced in higher education in the following ways**
 - On 19 November 2018, the Hungarian Academy of Sciences (MTA) and the Hungarian National Commission for UNESCO, in cooperation with the ELTE Masters Course in Human Ecology, held a scientific meeting on the *topic of sustainability in higher education*, and the main points and recommendations were published in a brochure (drafted as a green paper)⁴
 - The social function of higher education is fulfilled by the creation, transmission and transfer of modern knowledge, ensuring sustainable development through the scientific and technological development of the country, and through cooperation between education, research and the economy. Higher education institutions also have a role to play in preserving and enhancing competitiveness through their training and research activities, while continuously renewing the economy, stimulating innovation and creating better conditions for sustainable development.
- Programmes of the Ministry for Innovation and Technology (ITM), programmes supporting sustainable development, supervised by the State Secretariat for Higher Education, Innovation and Vocational Training

1. Institutional Excellence in Higher Education Programme:

The Programme supports research on sustainable development in higher education institutions as follows:

⁴ http://ofi.hu/sites/default/files/attachments/a_fenntarthatosag_temakore_a_felsooktatásban.pdf

- Budapest Business School – Sustainable Economy (sustainability and responsible financial management in small businesses)
- University of Kaposvár – Food Chain and Sustainability
- University of Miskolc – Optimisation of Natural Resources
- University of Pannonia – Impacts of environmental change on natural and economic systems, technological solutions for adaptation and reduction of environmental pressures
- University of Pécs – Innovation for a sustainable, healthy life and environment

2. Thematic Excellence Programme:

The Programme supports research on sustainable development in higher education institutions as follows:

- University of Pannonia – Industry 4.0+: Research for sustainable regional industrial development
- Pázmány Péter Catholic University – Technical and economic aspects of sustainability based on general ethical principles

3. New National Excellence Programme (ÚNKP):

Part of the ÚNKP research under the Programme includes research topics on sustainable development, the results of which can be used by higher education institutions.

• EU calls for proposals:

Environmental sustainability must be taken into account in the development of EU policies, in the planning process for the 2021-2027 funding cycle.

EU projects implemented in the 2014-2020 programming period to achieve Objective 4 of the Sustainable Development Framework (Agenda 2030) strategy (equal opportunities, universal access to quality education and access to lifelong learning for all):

- EFOP-3.4.3-16 Institutional development in higher education to improve both the quality and accessibility of higher education
- EFOP-3.4.4-16 Implementation of programmes to promote skills development and communication for access to higher education and the promotion of STEM programmes in higher education
- EFOP-3.4.5-VEKOP-17 Systemic improvements and sectoral programmes for accessibility in higher education
- EFOP-3.6.3-VEKOP-16 Support for scientific workshops and programmes for higher education students
- Introduction and dissemination of dual higher education
- Setting up community colleges
- EFOP-3.7.1-17 Actively for knowledge
- EFOP-3.5.1-16 Development of dual and cooperative higher education training, higher education vocational training and further vocational training
- EFOP-3.5.2-17 Development of dual and practice-oriented higher education training and educational innovation in social work and helping professions, engineering pedagogy and vocational teacher training
- Other EU projects supporting sustainable development:
- EFOP-3.6.1-16 Institutional development for smart specialisation

- KEHOP-5.2.2 Priority Building Energy Improvements in Public Buildings (13 higher education institutions supported)
- Establishment of the National Hydrogen Technology Platform: the NHT Platform started its operation in spring 2020, which functions as an organisational, strategic and professional framework that maps, involves and encourages cooperation between the Hungarian actors active in the field of hydrogen technologies, builds links between the Platform members, i.e. between the corporate, scientific, RDI performing and relevant governmental actors, and ensures a smooth flow of information. In October 2020, an educational survey questionnaire was sent to all higher education institutions to assess which institutions have some form of hydrogen technology education and research.

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

2319. The following campaigns were organised in the reporting period:

- ~~Pick it up! = Voluntarily-Volunteer for a cleanClean Hungary is a nationwidenational waste collection program—organizedcampaign, which was organised for the 8th time in 2019, coordinated by the OKTF National Waste Management Directorate (called the National Waste Management Agency until 31 December 2014) in 2013, 2014, 2015, Ministry of Innovation and 2016.Technology (the campaign was cancelled in 2018).~~ 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 Pick it up! campaign is growing in popularity every year, with 2019 being one of the most successful. Nearly 300,000 volunteers took part in the national waste collection, collecting a total of 2.4 tonnes of rubbish at 3240 locations. Students and staff from nearly 1100 educational institutions also took part in the litter pick. 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.

- TRASHCANeuIT(O)URePET Cup – Detection and removal of PET, floating waste and driftwood: The priority project of the water sector, implemented on the basis of Government Decision 1519/2018 (17 October) with HUF 1.3 billion in order to remove municipal floating waste from neighbouring upstream countries, is coordinated by the Association of Environmental Service Providers and Manufacturers, with the participation of the ITM, the OVF and the regional water management authorities. The project included the construction of 4 intervention sites with floating outfalls in the areas of Rahó, Huszt and Dolha. The existing vessels were refurbished and rebuilt with the purchase of new waste removal vessels and special dredgers and adapters. A storage and maintenance base was set up for the maintenance and partial storage of the purchased machines, equipment and floating structures at the Vásárosnamény River Engineering Department.
- Clean up the Country! Project – In July 2020, the Ministry for Innovation and Technology launched the “Clean Up the Country!” project, a national programme to help eliminate and prevent the generation of illegally dumped and abandoned waste in public spaces. In addition to MÁV Zrt., Magyar Közút Nonprofit Zrt., the National Water Directorate-General and the municipalities, the state forestry companies and the national park directorates are also participating in the project. It is the basic, but not exclusive, task of all participating organisations to map and document the location of illegally dumped waste, identify the composition of the waste to be removed and, if necessary, carry out the related official procedures. It also aims to collect illegally dumped waste in the areas under its supervision, arrange for the removal and treatment of waste and the payment of the associated fees, and set up a system for monitoring and controlling the cleaned-up areas in its territory, in accordance with the preliminary work plan and action plan. The project is also counting on the help of the public, so anyone can easily report illegally dumped waste through the WasteRadar app. Reported locations are identified and the organisations involved take care of the waste clean-up. Awareness raising in relation to waste management is an important part of the programme, and a number of training and information sessions are organised to this end.
- European Week for Waste Reduction – Held in the last week of November each year since 2009, the campaign brings together enthusiastic volunteers to raise awareness of the importance of waste prevention, waste reduction, product reuse and material recycling through their own ideas for action. The implementation of the different action ideas is coordinated by a waste prevention organisation in each of the participating countries; which, in 2019, was the Association of Environmental Service Providers and Manufacturers in Hungary, commissioned by the Ministry for Innovation and Technology. Hungary has been participating in the European Week for Waste Reduction campaign every year since 2012, with the 2020 campaign taking place between 21-29 November. In 2019 alone, 411 actions were registered in Hungary, ranking 5th among the 30 countries that joined the initiative. 206 Hungarian educational institutions, 30 public administration bodies, municipalities, public authorities, 57 NGOs, 69 companies and 48 individuals have voluntarily carried out awareness-raising, waste prevention and waste reduction activities in their immediate and wider environment under the slogan “Open your eyes, reduce litter”.
- KUKAkulTÚRA – Open Day of Waste Managers - As part of the ~~program~~programme, 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. The KUKAkulTÚRA event attracts 10-12 thousand people every year.

- ~~Waste Management Conference~~ The OKTF 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.

- Waste Management Conference – In 2018, the Association of Environmental Service Providers and Manufacturers, together with the NHKV, organised the Third Innovative Waste Management Conference. At the forum, speakers explored the issue of waste collection and transport from several angles, with a special focus on unconventional ideas.
- Green List Shopping Programme 2019 – The Ministry for Innovation and Technology organised a nationwide Green List Shopping Programme in 20 hypermarkets under the slogan “Sustainable Future is Up to You!” to promote conscious shopping and reduce packaging waste. This will reduce waste and ensure that we do not waste and only buy what we really need.
- EcoDesign exhibition 2019: Exhibition and fair of art and design objects made from waste. The event, organised by the Ministry for Innovation and Technology, featured an exhibition and sale of recycled waste products and artworks by recycling artists, as well as workshops. The artists participating in the exhibition have used their own unique means to draw attention to this global problem, as the artworks and utilitarian

objects made from waste give new life to waste that seems useless, and show that waste is not worthless but an asset that can be reintroduced into the economic cycle.

- Waste Family Picnic 2019: At the event, organised by the Ministry for Innovation and Technology, children were able to learn why it is important to collect waste in a sustainable way through playful activities. Through 8 cheerful stations, participants learned about the problems of waste in our fragile world and the importance of waste reduction, as well as the “tricks of the trade” and the most important facts.
- EcoCircle programmes – the Association of Conscious Consumers introduced the EcoCircle programme in Hungary in 2010; since then it has been tried out in more than 900 households in dozens of municipalities. The initiative aims to reduce the environmental burden of households and improve their social participation through practical assistance. Participants can take simple steps to make their consumption and lifestyle habits more sustainable, resulting in measurable change in just a few months. In addition to the “basic” EcoCircle programme, the EcoCircle Pantry programme was launched to promote healthier and more environmentally conscious nutrition, and in 2019 the “Clean Home” EcoCircle was launched to promote healthier and more environmentally friendly cleaning. The programme is supported by the LIFE programme and the AM.
- Earth Day – As part of a central event organised by the ministry responsible for the environment to mark 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 with a number of organisations participating and exhibiting awareness towards waste collection and informative materials. This was the case in 2013, 2014, 2015 and 2016 as well raising games and educational material every year. The target group of these annual programsprogrammes are the capital's elementary and high school students. The OMSZ, the Hungarian Meteorological Service has also beenparticipates as an exhibitor at this event in 2014, 2015 and 2016.these events. Those interested hadhave the opportunity to fill out interesting meteorological surveys, get acquainted with a weather forecast station and various meteorological equipment. The Danube Every year, the Environmental and Water Museum organizes, also known as the Danube Museum (hereafter: Danube Museum), organises its own Earth Day event every year alongtogether 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 [ProgramProgramme](#) the KEOP Sustainable Way of Life and Consumption schemes No. 6.1.0 and 6.2.0 were organized using government and EU funds. The goal of these [programsprogrammes](#) 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 *Hungarian National Parks Week* is organised annually on the model of the European Day of Parks. Our national parks offer a variety of~~

programmes and hikes in many parts of the country for those interested in natural experiences. The central opening weekend of the event will feature nature games, family activities, national park trademark products and a showcase of ecotourism opportunities from all 10 national park directorates.

- In 2017, the European Commission designated 21 May as the official European Natura 2000 Day. Welcoming this initiative, the Hungarian National Parks Week, the main event of ecotourism in Hungary, was held with a professional conference under the title “Presentation of Natura 2000 sites and their ecotourism significance”. The event was open to all stakeholders from the sector, from public administration, civil society and academia, but of course it was also open to the general public. The opening weekend of the conference, attended by nearly 10,000 people, was held on 30 June at the Lyceum of Eszterházy Károly University in Eger. Since 2018, we have aligned the opening event and the start of the national campaign of the Hungarian National Parks Week with the 21 May date, thus emphasising the message of the special day. The opening weekend was held between 25-27 May 2018 in the Castle District in Sopron and between 24-26 May 2019 in Lakitelek-Töserdő, where interactive, playful and educational activities related to Natura 2000 were held for both children and adults.
- We also use *citizen science* as a nature conservation and communication tool. Volunteers from a wide range of society can and do get involved in the responsible but rewarding work of collecting conservation data through the WildWatcher Programme, which has been part of the National Biodiversity Monitoring System for over ten years. The experience of encountering 18 unmistakable protected species of animals and plants or species groups (bats), including 7 (+28 bat) species of Community importance, such as the hedgehog, the big stag beetle or the yellow pheasant’s eye, can be reported by any volunteer via an interactive web2 application, using Google Maps, internet (even in a mobile application). In addition to virtual networking and community building, the Programme also delivers its message to the public through the Mammal of the Year programme, a series of year-round events, including face-to-face contact games and educational activities with 15-20 thousand participants, reaching more than one million people per year through various means including paper, online, visual and audio media.
- “Bike to Work” / “Bike to School” is organised by the Hungarian Cyclists Club, with the consent of the Ministry for Innovation and Technology, the proprietor of the trademark—intrademarks, and with the framework financial support of the Active 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.

- The “*Cycling Friendly Workplace*” and “*Cycling Friendly Municipality*” awards are given by the ministry responsible for transport, currently the Ministry for Innovation and Technology, to recognise exemplary measures and initiatives taken by municipalities and workplaces in this field. The Cycling Friendly label is essentially a moral recognition, given annually to municipalities and workplaces that take specific steps to increase the adoption of cycling in their environment.

- “*European Mobility Week*” – In 2020, Hungary participated for the 19th time in the European Mobility Week and Car Free Day programme promoting sustainable transport. Hungary has regularly finished on the podium in Europe’s largest transport and environment campaign, which marks the popularity and success of the event in Hungary. The aim of the programme is to encourage local authorities to introduce sustainable transport measures and citizens to choose cycling, walking or public transport instead of private cars.

- *World Day of Meteorology* – All those in the field of meteorology, the 23 March is the Day of Science. ~~As part of~~To mark this auspicious day occasion, an annual ceremony is organised by the OMSZ annually organizes an event where besides, in addition to a professional presentationslecture on the most actual topics, of a topic of current interest to the World Meteorological Organization, the Service also gives prizes to the colleaguesHead of the Ministry and OMSZ, who have made large contributions to the Service ceremonially awards prizes in appreciation of the outstanding work of professionals in the field of 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 Danube Museum of Environmental Protection and Water Management has been part of the event for 8 yearsa decade 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 *Hidember*. 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-ESZ 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 programsprogrammes. The programsprogrammes, 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~~programmes 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~~In 2019, coordinated by the Ministry of the Interior, the ~~Ministry of Foreign Affairs and Trade and event was organised for the 16th time with the contribution of the Ministry of Agriculture. A side event and a long list 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 other partners (National Directorate-General for Disaster Management, Budapest Summer Festival, Danube Museum, the WWF, The Danube~~Duna-Ipoly National Park, the Ministry, the ELTE Tóth József and Erzsébet Hydrogeology Professorship and Foundation, Budapest Waterworks and the Danube Research division of the Hungarian Academy of Sciences were also present at thisJános Wein Foundation, GWP Hungary Foundation, Herman Ottó Institute, National Water Directorate-General and Rideg & Rideg Fish Farm). In 2019, the highly successful event.

- ~~The Hungarian Museum of Environmental Protection and Water Management (Danube Museum – Esztergom) controlled was hosted by the National Water Management Directorate~~Margaret Island in Budapest, where musical and (puppet) theatre productions, puzzles, games, and numerous scientific and creative activities awaited the visitors and drew their attention to the values of the Danube and its catchment area.
- In 2020, due to the Covid-19 pandemic, the Danube Day was organised online together with the organisations that participated in previous years. The event has a dedicated website and Facebook profile, but the participating partners also promoted the new platform of the Danube Day celebrations on their websites. The awards ceremony of the online game competition was held at the Danube Museum.
- The Danube Museum in Esztergom welcomes kindergarten and school groups throughout the whole year and offers guided tours and about 50 types of different museum and environmental ~~pedagogy programs~~education programmes. The museum has also signed joint agreement cooperation agreements with many~~several~~ schools, and pupils from these institutions frequently visit the whose students regularly attend museum for different trainings~~workshops~~. During the summer ~~holiday the Museum organized a break we organised 2 one-week Nature Hiking Camp twice. As part of "Our past~~Water Camps. The main theme of the museum workshops is environmental education and future: the Water" campaign, the colleagues of the raising awareness of the transition to sustainable lifestyles for different age groups. Climate change, its impacts and adaptation options will be a specific theme.

- The Hungarian Agricultural Museum and Library has a long tradition of supporting environmental education. The Museum's permanent exhibitions on agriculture, forestry, natural values, plants, fishing and hunting all include elements of environmental education. The museum also plays an active role in the coordination of several national environmental education programmes (e.g. Green Kindergarten Network and BISEL, Forest Week, Museum created 6 e-learning educational materials, and 3 educational gamesNight). The Library is also actively involved in environmental education, awareness raising and the implementation of AM programmes.
- 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 travelling exhibition—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.

26-20. 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.

EMLA Environmental Management and Law Association: The text is not answer the question, the basic meteorological knowledge is not the same as the environmental knowledge of journalists, especially not the legal knowledge of participation.

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

27. Civil organizations21. NGOs play an important role in environmental education in Hungary. In fact, most civil organizations NGOs 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 NGOs 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), 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. Problems reported by environmental and nature protection NGOs:~~

~~*Huta Environmental Law Association: The Regional Environmental Centre (REC) for Central and Eastern Europe, based in Szentendre, Hungary, was active in Hungary, Central and South-Eastern Europe and Ukraine until the end of 2018 and the beginning of 2019, and implemented several projects in the reporting period in these countries and other EU countries. Among the many projects are those related to the Aarhus Convention, the PRTR Protocol and environmental education (e.g. Green Pack Programme, Blue Pack Programme). The projects have supported the involvement of NGOs in decision-making in a number of areas, for example in Hungary in the field of climate change adaptation together with local governments, and in recent years, primarily in the Western Balkans, Belarus, Moldova and Ukraine. REC experts have also been involved in the development of the Escazú Convention, supporting Latin American and Caribbean NGOs, ministry experts from more active countries, and UN ECLAC by sharing their experiences. For details see REC website at www.rec.org.*~~

~~*Unfortunately, the REC General Assembly and Board of Directors decided to wind up the institution in 2019 due to management problems. The process will be completed this year. It was a great disappointment to NGOs and others that the Hungarian government, although one of the founders of the REC, did not support the REC’s survival*~~

22. The programmes are partly supported by grants from the Ministry of the Environment, municipalities’ environmental funds, other grants and voluntary work. The Ministry supports NGOs through the annual “Green Source” competition. 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~~ NGOs?

~~29-23.~~ The regulation for the establishment of ~~a civil organization~~an NGO is fairly simple in Hungary. ~~The unique regulations detailed rules~~ are laid down in Act CLXXV. of 2011. on the right of association, ~~non-profit~~the public benefit status, and the ~~operation~~functioning and ~~funding~~support of ~~civil~~non-governmental organisations ~~(Civil(hereinafter: NGO Act) and),~~ Act CLXXXI. of 2011 on the court ~~registration~~register of ~~civil society~~non-governmental organisations and ~~the~~ related ~~rules of proceeding~~—and Act V. of 2013 (Civil Registration Act), the Civil Code, in effect since ~~procedural rules~~ (hereinafter: Cnytv.) and, as of 15 March 2014. ~~The civil organization—as per the regulations of, Act V of 2013 on the Civil Registration Act—is registered by the competent court of justice according to the seat of the organization.~~~~new Civil Code (hereinafter: Ptk.).~~ The freedom of assembly may not violate ~~paragraph (2) of article~~Article C).2 of the ~~Constitution~~Fundamental Law, 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~~Ptk. Sections 3:64, and ~~Section 3:380 of the Civil Code,~~ more than one person may jointly establish ~~a civil organization~~an NGO, but at least ten or more persons are required to create an association.

As per ~~NGO Act~~ Section 13 ~~of the Civil Act,~~ a civil organization, a non-governmental organisation – acting according to the regulations of the ~~Civil Registration Act—Cnytv. —~~ is taken into registry by the ~~General Court Tribunal~~. If a founding charter based on the founding charter formula regulated by a specific regulation is attached to the ~~civil organization's~~NGO'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~~an NGO within the registry is uniform, and is available through an electronic, publicly authenticated record.

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

*~~Problems reported by environmental- and nature protection civil organizationsNGOs:~~
~~We find the statement of According to NGOs, the regulation being fairly~~is not simple completely incorrect. Even the registration of organizations ~~under the blanket rule~~using a model statute is a very long ~~process, which is too,~~ formalized ~~process~~ 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~~has somewhat improved due to a slightly more uniform practice of interpretation, but the treatment of many issues still often varies from county to county (and even from judge to judge). In reality, the ~~15-day consideration after the submission of the formula based charter is also unrealistic, in most cases~~assessment on the basis of a sample document is very rarely applied. Overall, without adequate legal expertise, it takes much more time than that.*

~~The process entry of is virtually impossible to manage matters related to registration and registration of changes of a civil organization is also too long, complicated and places a lot of, and the 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 excessive, which prevents many NGOs from becoming formal organisations and thus from accessing additional rights.~~

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

30.24. In Hungary environmental ~~civil organizations~~ NGOs 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~~ NGOs may be involved in the decision preparatory- and decision making process through the Coordination Committee.

~~According to Legislation is prepared with the laws, involvement of the public in accordance with Act CXXXI of 2010 on public participation in the preparation of regulations is worked out through legislation; public discussion. In general consultations are usually held within a few days are available for the discussion. The discussion itself is in and consist of a written form, organized consultation organised by the proposer on the www.kormany.hu site via the Government's website at www.kormany.hu.~~

~~Problems reported by environmental- and nature protection ~~civilian organizations~~ NGOs: Although ~~civil organizations~~ can be included into the it is indeed possible to involve NGOs in 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 through the National Meeting, the work of the NGO delegates is hampered by a number of obstacles: short deadlines for commenting, the bypassing of the commenting phase through individual representative's proposals, and the dismissal comments, rejection of comments without any substantial justification, bypassing the commenting stage with individual proposals from MPs etc.~~

~~The primary task of the Coordination Council is to coordinate and improve the representation and advocacy of the interests of domestic environmental and nature conservation NGOs. It can play a coordinating role in decision preparation and decision making. No such specific request has been made by the Government in the Council's history.~~

~~Huta Environmental Law Association: Unfortunately, the few days available for public consultation during the public participation in the preparation of legislation do not always allow NGOs to make meaningful and informed comments, or even to be informed of the opportunity. An appropriate timeframe for quality social consultation should be provided.~~

~~EMLA Environmental Management and Law Association: It would be worthwhile to mention here the AKR and the Kvt. in general level as well, which are regulated the participation in environmental decision-making mechanisms.~~

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.

Problems reported by environmental and nature protection NGOs:

Compared to previous periods, the importance of the OKT has also decreased, mainly because important drafts are only received 1-2 days before the deadline for comments, which makes it impossible to develop and agree on a unified position. Compared to the past, the Council's recommendations are noticeably less taken into account by decision-makers, which often leads to technical and legal problems (e.g. the amendment of the Forest Act, parts of which were annulled by the Constitutional Court, partly in agreement with the OKT's critical comment).

- National Council for Sustainable Development (hereafter: NFFT): The NFFT was established in 2008 on the initiative of Parliament. Its main objective is to promote the necessary change in attitudes towards sustainability in all segments of society. It encourages and supports public access in a variety of ways to strengthen public participation. In addition to numerous press releases, NFFT also helps to inform the wider public and professional organisations about sustainability through publications and workshops. The Council reports regularly to Parliament on its activities. The National Framework Strategy for Sustainable Development (NFFS) was prepared between 2010 and 2012 after extensive professional and social consultation, and was adopted by Parliament in March 2013. Every two years it reports to society and Parliament on the implementation of the Framework Strategy in a Progress Report.
- 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 NGOs 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~~Board, 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. The Board supports the work of the Hermann Otto Institute, which is responsible for the operation and coordination of the system, and has a mainly advisory and opinion-forming role. The Board also includes representatives of environmental, consumer, trade and business NGOs, as well as representatives of the various ministries concerned, with one delegate each.~~

- ~~•~~ *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~~national environmental protection authority, the ~~competent body~~National Accreditation Authority 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.)~~ June 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~~NGOs delegated by the National Meeting of green organisations are also members of the group.

Problems reported by environmental and nature protection NGOs:

The Working Committee has not met at all in the time between the two National Reports, so it has not been able to fulfil its function of discussing implementation problems and ways of moving forward in a timely manner.

Huta Environmental Law Association: The Aarhus Working Group has, for many years, unfortunately only met before the MOPs. We recommend that it be convened more frequently, at least once a year.

EMLA Environmental Management and Law Association: De facto the Aarhus Working Group has not been operating for several years, it has not been convened, there is no reason to mention this.

- ~~National Forest Council, which was established:~~ the Government shall establish and operate a National Forest Council pursuant to Section 30 (1) of Act XXXVII:XLIII of 2009:2010 on Forests, Protection of Forests and Forestry. The organization's activities central state administration bodies and the status of members of the government and state secretaries. The functions and operation of the Council are regulated by Government Decision 1378/2013. (VI. 27.) June on the National Forest Council. Its members: ~~representatives of~~ are the government organs responsible ~~bodies with responsibilities~~ for forest affairs ~~forests~~ under the ~~control~~authority of the minister of agriculture, responsible for forestry (Forestry Department of the Ministry of Agriculture, Forestry Department of the National Land Centre), and the representative bodies of forest owners, ~~associations of foresters,~~ and forest managers (National Association of Private Forest Owners, National Chamber of Agriculture, National Forestry Association), scientific institutions (NAIK Forestry Science Institute, Faculty of Forest Engineering of the University of Sopron, MTA), and representatives of

environmental and ~~nature conservation~~, nature ~~touring~~protection, nature hiking, tourism and ~~awareness raising NGOs~~.educational NGOs (Hungarian Nature Hiking Association, WWF Hungary, Pro Silva Hungaria, Duna-Ipoly National Park Directorate). 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~~vocational training, ~~in forestry, and the use of funds affecting~~ the protection, maintenance and management of forests ~~and the use of funds related to~~. In its work, the ~~above~~Council takes into account the objectives of the National Forest Strategy (2016-2030) published in the Government Decision of October 2016.

- ~~—~~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 Pursuant to~~ Section 9. Paragraph (3) item ~~f29~~ (4) j) of the ~~Governmental~~Government Decree ~~4/2011 (I. 28.)~~272/2014 (5 November) on the ~~rules for the use of subsidies from the European Regional Development Fund, the European Social Fund and the Cohesion Fund during the 2007–2013~~certain EU funds in the 2014-2020 programming period, ~~the members of community, civilian, economicalthe Operational Programme Monitoring Committee include, among others, the representatives of civil society and non-governmental organisations, economic and relevant professional organizations delegate members to the monitoring committees of operational programs~~interest groups, and social partners from the fields of environment, climate, energy and sustainable development.

Problems reported by environmental and nature protection NGOs:

During the reporting period, the participation of truly independent members in the evaluation committees was still not possible, and therefore environmental and nature NGOs are no longer involved. One environmental NGO delegate may participate in the monitoring committees of the operational programmes. The quality of participation varies from one operational programme to another, in many cases it is formal, with no real influence from the civil representative. The government is not fully implementing the European Code of Conduct on Partnership, a code of conduct adopted by the EU Commission containing rules and recommendations for regional policy partnerships.

- *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-bedf-e24ceb74cea2?version=1.0>~~
- ~~• *Hungarian National Committee of the Ramsar Convention: according to Instruction 1/2015 (30 January) of the Minister of Agriculture on the tasks and functioning of the Hungarian National Committee of the Ramsar Convention, the members of the Committee are representatives of the Ministry, the national park directorates, scientific institutes and NGOs.*~~
~~*All of the species conservation working groups run by the ministry responsible for nature conservation (e.g. the Hungarian Meadow Viper Conservation Working Group or the Great Bustard Conservation Working Group), which provide professional advice on the conservation of certain species, are represented by the relevant NGOs.*~~
- ~~• *National Council of Volunteers (based on Government Decision 1503/2016 (21 September) on the National Council of Volunteers) one member is nominated by the National Environmental Council and invited by the Minister of Human Resources. The Council promotes cooperation between the government, church, non-profit and business sectors in the field of volunteering, contributes to the coordination of various volunteering programmes and measures, and monitors and supports the implementation of the National Volunteering Strategy 2012-2020.*~~

Problems reported by environmental- and nature protection civil organizationsNGOs:

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.
Huta Environmental Law Association: The list of bodies with civil

society participation in Hungary is impressive, and there is a pool of experts from NGOs who are prepared, trained and able to give their opinions. In some of the bodies, the suggestions and comments of the NGO representatives are given due consideration, but there are also some where their presence is only formal.

Does the government provide financial support to environmental ~~civil organizations~~ NGOs?

31. 25. Environmental ~~civil organizations~~ NGOs 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.) May) of the Minister of Agriculture 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~~ NGOs.

32. 26. 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:~~ The total budget of the call is HUF 70 million. The Ministry also provides significant support to the work of NGOs through the 2018 “Protection of the Environment” chapter-managed appropriation, which aims to raise environmental awareness, educate future generations about the environment, promote the spread of environmentally friendly, low-waste technologies and support the implementation of environmental development goals, priorities and strategic directions.

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

Comment of the Deputy Commissioner for Future Generations

In several legislative consultations I have drawn the attention of the legislator to the problem, and asked for the problem to be remedied, that the legislator does not comply with the requirement of public consultation, and that draft legislation is not published on the designated website. This significantly reduces the chances of social participation.

Problems reported by environmental- and nature protection ~~civil organizations~~ NGOs:

The amount of ~~aid for civil organizations~~ is inadequate it is not enough for the substantive support of civil work funding allocated to NGOs is extremely low and, despite rising costs, has been stagnant for many years, not supporting any meaningful civil society work. The budget of the Green Source programme, the only programme specifically designed to support green NGOs, is HUF 70 million, which says a lot in itself, but even more if compared to the amount of support for other sectors (e.g. spectacular sports, Hungarian studies, etc.). It is an excellent symbol of the importance attached to environmental protection, natural values and the interests of future generations.

33 EMLA Environmental Management and Law Association: The announcement that the support of the entire Hungarian environmental civil sector is HUF 70,000,000 is clearly equivalent to admit that the support of the civil sector is not a priority for the Ministry of Agriculture.

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

~~34-27.~~ Hungary supports the initiatives aimed at the enhancement of transparency of international decision-making procedures.

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

~~35.~~

~~36-28.~~ In the course of preparation for the key international events, the ministry responsible for the environment negotiated its position with ~~civil-organizations~~NGOs in numerous cases. There are no uniform regulations or practice in place in relation to the participation of ~~civil organisations~~-NGOs in international delegations and the coordination of positions represented at certain international events with ~~civil-organizations~~NGOs.

Problems reported by environmental- and nature protection ~~civil-organizations~~NGOs:

The absence of uniform legislation or practice means that basically, this mechanism does not or only works in an ad hoc way. During the reporting period, to our knowledge, there were no cases of governmental inclusion of representatives of environmental NGOs in government delegations, although this used to be governmental practice in some processes (e.g. climate negotiations, sustainable development forums). NGOs participate in these on their own, if they can participate at all. The Aarhus Working Committee was practically inactive during the reporting period, and possible NGO participation in international events related to the Convention was not even considered by the Government, contrary to the practice until about 10 years ago.

EMLA Environmental Management and Law Association: There is neither rules nor practice of including NGO members in delegations representing the State and doesn't exist any national-level discussion groups forming the official position for such negotiations.

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~~29. In the Hungarian administrative authority system, the Ákr. ensures adequate protection for customers and the right to legal remedy. The administrative authority shall ensure appropriate cooperation with the client, equality before the law, equal treatment and good faith, and shall act without undue discrimination or partiality, within the time limits laid down by law and within a reasonable time. Failure to meet the deadline will result in a penalty.

~~The Ákr. also pays special attention to~~ the protection of the rights of ~~those with full or partial disability~~ minors, persons with limited capacity or incapacity and persons with disabilities. Besides this, ~~paragraph (Ákr Section 2) of section 1. of the Administrative Procedures Code (2)~~ 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~~principles 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 and good faith.~~

~~*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. Problems reported by environmental and nature protection NGOs:*~~

~~*The presentation of the legal framework does not give a complete picture of the situation in practice, for example, it does not mention that some environmental NGOs have been under constant pressure for years, making their operation difficult and in many cases impossible. The most common methods of exerting pressure are: denial of financial resources, restriction of access, unfounded accusations of political bias, termination of previous professional cooperation, etc.*~~

30. In addition to the general client rights granted ~~under the Administrative Procedures Code, the Act also makes it~~ in administrative procedure, it is 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 ParagraphSubsection (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 ParagraphSubsection (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?

39-31. 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.

Problems reported by environmental and nature protection NGOs:

Huta Environmental Law Association: Similar cases could also be analysed from the perspective of NGOs. Is there any information on this? Investors or large companies often use such cases to retaliate against NGOs, possibly against civilians, NGOs, individuals or journalists, etc., on the grounds of reputational damage, even though they are asking for or disclosing information or protesting against certain potentially dangerous, damaging or health-endangering investments, or even against investments that are detrimental to a community, in the public interest. (SLAPP cases.) The aim of the Aarhus Convention, in such cases, should be to protect civilians.

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 become 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.

According to 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-bedf-e24ceb74cca2?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%202015/4507ceb3-4e6b-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.nemzetipark.gov.hu>

<http://geo.kvvm.hu/tir/www.justiceandenvironment.org>

www.justiceandenvironment.org/cmla.hu

www.emlakothalo.hu/taieurope

www.foekvedegylet.hu

www.kothalolevego.hu

www.vedegylet.hu/rec

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

www.levego.huhttp://beszamolo2011.jno.hu/JNO_beszamolo_2011.pdf

www.rec.hu

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

<http://web.okir.hu>

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

42-32. The rules governing access to environmental data in Hungary are laid down by the statutory regulations below:

43. Aet CXH33. The Infotv. regulates the general accessibility of 2011. on the Right of Informational Autonomy and the Freedom of Information (Information Act) governs the access to information data of public interest in general. Act LIII. of 1995 on the General Rules

~~of the Protection of the Environment (Environment Act) and —. The procedure of environmental data disclosure is regulated by the Kvt. and Government Decree -311/2005 (XH. 25.) December) on the procedure of public access to environmental information.~~

The ~~Information Act~~Infotv. 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~~Infotv., 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-The requesting party shall be informed of the refusal, to comply with its-the request, the reasons for such refusal and information on the options of rightful legal redress made available by the Information Act must be provided to the requesting party-the possible remedies within 15 days of receipt of the request, also in writing or-, if he/she has provided an e-mail address in the request, by electronic form also within fifteen days of receipt.~~

~~means.~~ 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.~~

~~Problems reported by environmental and nature protection NGOs:~~

~~Huta Environmental Association: It is worth mentioning the measures that amend the Infotv. on grounds of the emergency situation, restricting access to data of public interest. It changes the deadline for accessing data of public interest to 45 days, enabling a one-time extension of 45 days. This measure is neither in line with the Aarhus Convention nor with existing EU legislation, is not justified and constitutes a serious restriction on information rights. (Government Decree 521/2020 (25 November) on the derogation from certain provisions on data requests in times of emergency) The Aarhus Compliance Committee has also requested in its position that Parties comply with the Convention during the COVID pandemic and that similar restrictions be lifted.~~

34. The Kvt. 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~~ Kvt. 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.~~ 35. Government Decree 311/2005 (XII. 25. December) 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 capital and counties, the legal successor of Environment, Nature and Water Protection Authorities are the capital, and county government offices since 1st April 2015.~~

36. From 1 March 2020, environmental, nature protection and water inspectorates (and, from 1 January 2014, environmental and nature protection inspectorates), were generally succeeded by metropolitan and county government offices pursuant to Government Decree 360/2019 (30 December) amending certain Government Decrees related to the simplification of the operation of metropolitan and county government offices.

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.~~

47-37. Article 20.1 of Regulation 995/2010/EU of the European Parliament and of the Council of 20 October 2010 laying down the obligations of operators who place timber and timber products on the market also requires the information referred to below to be made available to the public. The National Food Chain Safety Office (hereinafter: NÉBIH) has been providing continuous publicity on the basis of Section 90/L of Act XXXVII of 2009 on forest, forest protection and forest management (hereinafter: Evt.) and Section 10 (3) of Government Decree 414/2017 (18 December) on the detailed rules of procedure, notification, data reporting, registration and control related to the supervision of the timber trade chain. Evt. Section 90/L (1) stipulates as follows: “The forestry authority shall immediately publish on its website an extract of its final and enforceable decision or order imposing legal consequences in relation to the official control of the timber trade chain, if it finds any omission or infringement of the law in the course of its proceedings.”

Pursuant to Section 10 (3) of Government Decree 414/2017 (18 December), the NÉBIH publishes on its website the excerpts of its final and enforceable decisions or orders imposing legal sanctions in relation to the official control of the timber trade chain, as well as the annual statistical data on the risk of illegal logging in the territory of the country, broken down by county or other territorial breakdown, and the summary results of the implementation of controls in relation to the timber trade chain.

38. Under the regulation of Government Decree 201/2001 (25 October) 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 coverageInformation on the quality of drinking water quality at national level is undertakenprovided by the National Centre of EnvironmentalPublic Health (OKK)—National Directorate on Environmental Health (OKI)—thatCentre (hereinafter: NKK), which publishes public information at the level of municipalities on a searchable interactive map on its website that allows detailed search on the level of settlements. The Governmental Decree -78/2008- (IV. (3-) April) 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 the National Public Health Centre. The NKK website nnk.gov.hu also provides information on

~~the latest results of water quality inspections with the help of a searchable interactive map that allows detailed searches of the latest water test results.~~

~~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 39.** The National Air Pollution Reduction Programme, promulgated by Government Decision 1231/2020 (15 May) on the National Air Pollution Reduction Programme, contains measures to improve the effectiveness of information on emissions from transport and residential activities in order to reduce air pollution and improve air quality.~~

~~40. Section 10 (2) of Act CXVI of 1996 on nuclear energy requires the licensee of nuclear energy to inform the public regularly, at least monthly, about the results of monitoring of environmental radiation conditions.~~

~~**Article 4.1 (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. 41. The Information Protection Act (Infotv.) provides that all bodies performing state or local government functions and other public authorities functions defined by law must draw up their internal rules of setting out the procedure for fulfilling the fulfilment of requests for access to data of public information. The so-called interest and must notify the National Authority for Data Protection and Information-Freedom Authority (Authority) has to be informed on an annual basis of all requests of Information (hereinafter: NAIH) annually of any refused as well as requests, together with the reasons for the refusal.~~

~~Paragraph (3) of Article VI. Pursuant to the Infotv., bodies performing a task of the state and other public tasks defined by law, such as government offices, allow the public to access the data of public interest and data of general interest in their possession on request. Article VI.3 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):~~

• ~~Since the entry into force of the Fundamental Law on 1 January 2012, the functions of this independent authority have been performed by an autonomous state administration body, the NAIH, which is independent under the Fundamental Law and the Infotv., is subject only to the law, cannot be instructed in its functions, and performs its tasks separately from other bodies, free from influence. New duties for the NAIH can only be prescribed by law.~~

Based on the Infotv., the NAIH, in its tasks related to the promotion of the right to access data of public interest, shall, inter alia

- 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~~should be ~~stressed, emphasised~~ that ~~anyone has under~~ the ~~right~~Infotv. any person is entitled to request the initiation of initiate an inspection investigation by the ~~Authority~~NAIH free of charge ~~if, in accordance with the Information Act. The Authority may initiate such inspections if in its-~~ his or her opinion-legal infringement, a violation of rights has occurred in connection with the exercise of the right to access to information data of public interest or data of general interest and information public by general interest, or the direct possibility of such exists.

~~The Information Acts~~(the notifier is not required to be the subject of the violation of rights), or there is an imminent threat of such violation, regardless of whether the notifier has suffered a violation of rights. The Infotv. states that no person can be penalized for recourse to the ~~Authority~~NAIH. The identity of the person issuing the notification may only be revealed by the ~~Authority~~NAIH if in its absence the inspection could not be carried out. If the ~~person issuing the notification~~notifier so requests ~~this, his/, the NAIH may not disclose his or her identity cannot be revealed~~ even if the inspection investigation cannot be carried out ~~in the absence of such information without it.~~

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

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

~~50. 42.~~ Under the ~~Information Protection Act, Infotv.,~~ 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),
 - ~~•~~ 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;
 - ~~•~~ after the decision has been made,

- i. ~~□~~ —if the data serves as basis for future decisions, as base data for the aforementioned decisions with all the pertinent criteria and timeframe;
- ii. ~~□~~ —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, Infotv.~~, 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.

~~5143. Ákr. Sections 68-69. of the Administrative Procedures Code~~~~33-34~~ regulate which documents may be disclosed and copied. ~~The client may view documents produced in the course of the procedure at~~~~At~~ any stage of the procedure ~~except for~~~~and after its completion, the client may inspect the document generated during the procedure, with the draft~~~~exception~~ of the ~~draft~~ 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, ~~judicial~~ or administrative decisions, or if the statutory conditions of access to confidential data are met. The right ~~to~~~~of~~ access ~~to~~ documents ~~may be exercised for a fee determined by government decree, for the deletion of (making~~ personal and ~~confidential~~~~protected~~ data ~~inaccessible~~ and ~~the copying~~~~making a copy~~ of the document extracted in ~~such manner~~~~this way~~) ~~may be exercised upon payment of the costs specified in Government Decree 469/2017 (28 December) on procedural costs, the reimbursement of costs related to access to documents, the payment of costs and legal aid.~~

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. Some~~ of the ~~Administrative Code, many~~ government offices ~~view~~~~consider~~ these documents ~~part of the~~~~as~~ preparatory ~~documents of~~~~material for~~ the decision, ~~referring to Ákr. Sections 33-34, and as such deny~~~~therefore exclude~~ the right of access to ~~these~~ documents ~~in their case.~~

Article 4, paragraph 4 (general)

~~52.44.~~ With the entry into force of Act CLV. of 2009. on the ~~Protection~~~~protection~~ of ~~Classified Information~~~~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, Infotv.](#), information with public interest cannot be accessed if it is considered classified information by the Act on the [Protection of Classified Information](#) until the time of the cessation or termination of the classification. [The Authority NAIH](#) 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 2012.45. Section 413 \(1\) of Act C of 2012 on the Criminal Code contains the offence of breach of a trade secret. 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. \(2\) a\) 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. 4 \(d\) of paragraph 4 – \(different categories of business secrets\)](#)

[54. Paragraph \(1\) of 46. Ptk. Section 2:47 of the Civil Code \(1\)](#) 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. According to Act LIV of 2018 on the protection of trade secrets, which entered into force on 8 August 2018, a trade secret is a secret fact, information, other data and the compilation thereof, which is related to an economic activity, is not publicly known or not easily accessible to the persons performing the economic activity concerned, and therefore has a pecuniary value, and is not confidential, either as a whole or as a set of its elements, and the holder of the secret acts in a manner that is generally expected in the given situation in order to keep it secret. The rules on business secrets applied in the procedures of the environmental protection authority under Government Decree 314/2005 (25 December) are set out in paragraph 108.

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

The secrets protected under the Administrative Procedures Code Protected secrets 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 (1) of Act CXX of the 2001. CXXI. Capital Market Act on the capital market;
- bank secret: Paragraph (1) of Section 160 (1) of the 2013. Act CCXXXVII. Act of 2013 on Credit Institutions credit institutions and Financial Enterprises financial enterprises;
- payment secret: Section 59 of Act LXXXV. of 2009. on Payment Services payment services;
- fund secret: Paragraph (2) of Section 78 (2) of Act LXXXII. of 1997. on Private Pensions private pensions and Private Pension Funds private pension funds;
- Paragraph Section 40/A (1) of Section 40/A of Act XCVI of 1993. on Voluntary Mutual Insurance Funds defines business secrets as on voluntary mutual insurance funds provides the same definition for ‘business secret’ as the Civil Code; Paragraph Ptk. for the purposes of the Act, while Subsection (2) defines the ‘fund secret secret’.
- insurance secret: Section 135-143 of Act LXXXVII. of 2014. and Insurance Activity on insurance activity.

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

56. 48. Pursuant to the Information Act GDPR, 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?

~~57-49. The Information Protection Act provisions of the Infotv. and Act -LXIII- of 2012- on the recyclability of information recycling of public data, as well as the provisions of Government Decree 301/2016 (30 September) on the amount of fee for the fulfilment of a request for data of public interest governs in relations shall apply to the charging fee of access to information.~~

Pursuant to the ~~Information Act~~ Infotv. 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 ~~ana~~ disproportionate amount of labour resources compared to the fulfilment of the body's fundamental duties, the labour induced costs of fulfilling the request.

~~The claimant must be informed within 15~~ 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 fulfilling fulfilling the data claim without the need for copying.- 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.~~

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. 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.

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 2015., 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/e4eb6abb-2b16-4f67-bedf-e24ceb74cca2?version=1.0>~~

9. Additional information relating to access to environmental data

~~58-50.~~ 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~~authorising waste management activities;
- ~~questions relating to product fee regulation, product fee exemption;~~
- ~~inquiries regarding authorization for on-site~~on-site activities;
- ~~environmental-~~ and nature protection criteria of construction permits.

- Requests relating to remediation procedures

10. Related websites

www.emla.hu

www.tasz.hu

www.kothalo.hu

www.kozadat.hu

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

www.termeszetvedelem.hu

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

<http://geo.kvvmwww.erdo.hu/tir/>

<http://www.nemzetiparkhttps://portal.nebih.gov.hu/nyitooldal>

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

<http://www.mgszh.govoki.antsz.hu/>

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

www.nebih.gov.hu

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

<http://oki.antsz.hu>

www.ovf.hu

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

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

<http://web.okir.hu>

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

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

Standpoint of the Deputy Commissioner for Future Generations:

I would like to emphasise that, pursuant to Kvt. Section 12 (5), the disclosure of information relating to emissions into the environment may not be refused on the grounds that it is personal data, a trade secret, a tax secret, or data relating to the habitat of a highly protected plant or animal, the location of an exhaustible natural resource, or the location of a highly protected natural geological asset.

It is also important to note that, due to organisational changes, the availability of decisions and information published on previous websites varies widely, and some websites have been closed down making all previous information unavailable online. The search possibilities on the websites, the diversity of the information they provide, the limited or even non-existent information, can make it difficult for customers – especially those who want to participate in society – to exercise their rights.

Based on the aforementioned Decision 4/2019 (7 March) of the Constitutional Court and the subsequent amendment of the law, the authority must ensure that the positions on technical issues are made available to the public.

Problems reported by environmental and nature protection NGOs:

The reporting period has also seen a continuing trend of new standards with a steady regression from previous levels of freedom of information. The most recent such rule is the amendment to the Fundamental Law adopted in November 2020, which narrows the definition of “public funds” compared to the previous ones, making it more difficult to be transparent about certain financial flows and institutions. Although direct access to environmental information may not seem to be affected, less transparent public finances can have a huge impact on the state of the environment.
The scope of classified information continues to be too broad in practice, in many cases classification is unjustified, and there are still cases where the only goal of classification is the denial of information from the public.

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

Article 5, paragraphs (1)-(3) and (5.7) (obligation relating to information and processing of environmental conditions, system of active environmental data provision, electronic storage and access to data)

~~59-51.~~ The National Environmental Information System (~~hereinafter: OKIR~~~~:- the~~). 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~~Data collection in the OKIR ~~are twofold: it takes two forms: data from various monitoring networks of various environmental media provide data on and individual measurements (air pollution, 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.), and data on the pressures on the environment (pollutant 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 generation) based reports were manually entered by workers of the on self-reporting by the users and sites concerned. Users of the environment are required to monitor and report to the authorities. Pursuant to on the Environmental Protection Act the order environmental impact of their activities.~~

~~For annual reporting, data submission and all is typically required electronic forms to be provided by the end of the first quarter following the end of the reporting period.~~

~~The Kvt. requires that the information notices setting out the procedures for the provision of data must be made available without restriction or cost published. 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 The website provides publicly available environmental data concerning on clients coming and their~~

sites that come into contact with the environmental management and their objects can be viewed administration.

As a result of the further development of OKIR, the data reporting possibilities and functions of OKIR have changed as of 01 January 2020. Reports filed electronically over the offline General Form Completion Application (hereinafter: ÁNYK) have been replaced by a new online form management and reporting system. Through the online interface, data providers can directly upload the relevant data, access their data and initiate data changes in a simple, customer-friendly way. As a result, the data reporting process has been simplified, providing the reporting parties with a clearer interface and more control over their work. The reporting interface is modularly structured linked online to the OKIR database and the data submitted is checked at the time of filling in the form, which means was previously only possible after submission. This has not only made data delivery faster and simpler, but has also improved data quality by eliminating the limitations of the ÁNYK.

From 1 January 2011, environmental and water data reports can be completed and submitted using the OKIR gateway data reporting system instead of the ÁNYK form-filling application. It is based on data packages instead of the data sheet packages that data relating to formed the basis of the previous (ÁNYK-based) system. A data package is always associated with one customer and is valid for one period (the period can be a day, a quarter or a year). The application is HTML5 compatible and can be used with a modern browser.

It is important to note that after logging in to OKIR gateway, the client or proxy can also access previously submitted data. Authorised representatives have access to data to which they are entitled.

The OKIR is modular, meaning that data from different fields of environmental protection disciplines are placed stored in different their own sectoral registers, which now form a coherent and permeable conglomerate of professional interoperable system registers thanks to the developments in 2014. The public interface of the OKIR system allows for inquiries concerning provides the annual emission possibility to retrieve data on the environmental pressures and the state of the environment (e.g. what and how much pollutants are released into the air pollutant materials on or surface and ground water, how much and what kind of waste is generated, etc.) for a municipality, district or county or township level. Data has been are available since from 2002 onwards, so comparative analyses comparisons can be made for many over several years back. At present OKIR is composed of the following databases:

- — The Environmental Protection Base Registry System (hereinafter: 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 code) and an Environmental Protection Area Sign (KTJ number code) thus allowing for the comprehensive identification of clients and objects in all professional systems.
- — The Single Waste Management Information System (EHIR) The EHIR system manages the registry system for waste related registers and all the duties data concerning waste collection, waste production, waste trade and waste management In addition, the EHIR also includes data collection on specific priority waste streams (waste motor vehicles, waste electrical and electronic equipment, waste batteries).

- ~~•~~ Air Quality ~~Protection~~ Information System (LAIR) ~~serves as the registry for data related module is used to the access to information concerning record data resulting from~~ air quality; ~~reporting obligations.~~
- ~~•~~ The European Pollutant Release and Transfer ~~Registry~~Register (E-PRTR) module contains ~~all the emission and waste transportation data data on the release of all plants falling under the~~ pollutants to air, water and soil, off-site transfers of waste and off-site transfers of pollutants in waste water from the facilities subject to E-PRTR and through the activity register it also contains ~~all~~obligations, as well as basic- and capacity ~~related~~ data ~~concerning baseon~~ activities ~~through the Facility Register module.~~
- ~~•~~ Administrative Registry (HNYR) contains all effective/~~final~~ 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 data is processed by the environmental protection authority for remediation monitoring, or by the water protection authority in other cases.~~
- ~~•~~ 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.(1) 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 perAccording to the regulationlegal source, the information system is operated by the minister responsible for nature protection (conservation, currently, the Minister of Agriculture), as an independenta separate part of the National Environmental Information System.~~
 - ~~•~~ ~~OKIR.~~ Concurrently more than one data-recording-, processing- and search ~~programsprogrammes~~ (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~~environmental and nature protection and nature conservation civil organizationsNGOs:

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.—NGOs agree on the direction of digitisation, but there are substantial errors in implementation, many blank pages in the OKIR, difficult-to-search and unclear data sets, which should be improved and presented in a clear and understandable way.

52. The National Air Pollution ~~Measurement~~Monitoring Network: ~~publication of (hereinafter: OLM) publishes~~ air quality data, on its website (www.levegominoseg.hu). 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~~The website also describes, among other things, the monitoring stations, ~~pictures with photographs~~ and ~~locations thereof, the location,~~ a list of ~~measured air pollutants measured, most up-to-date, as well as recent and archive~~archived measurement ~~date~~ ~~etc., is shown results.~~

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~~Programme served the development of the ~~OLM and its~~ 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 (~~hereinafter:~~ 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~~www.levegominoseg.hu website has been established.

~~61. Nature Conservation Information System (53. TIR):~~—functioning: ~~operates as an independent~~a separate part of the OKIR (~~http://geo.kvvm.hu/tir/; http://web.okir.hu/hu/~~). ~~The TIR is.~~ (~~http://web.okir.hu/hu/~~) The system is designed to ~~assist~~serve the databases ~~used by~~of the ministry responsible for ~~nature protection,~~ the ~~environment and agriculture,~~ national park directorates, ~~green authorities~~the government agencies and the forestry ~~directorate.~~

~~It is based on the register of authority.~~ The TIR is made up of several modules (~~biotics, real property, asset, 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.~~object, nature guard service). 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 (~~hereinafter:~~ NBmR), in operation since 1998, supplies the key biotic data to the TIR.

~~A~~The public services module ~~operated under,~~ which is part of the TIR ~~provides, gives~~ access to ~~a user-friendly~~an easy-to-use and easy-to-understand online map ~~view~~—service ~~http://web.okir.hu/hu/tir that can be easily reached~~<http://web.okir.hu/hu/tir> from the main ~~nature conservation website, www.termesztvedelem.hu.~~ (www.termesztvedelem.hu).

~~62-54. National Forest Database: a~~Data Repository: The module is part of the Forestry ~~Professional Governance Information~~ManagementInformation System, ~~handled (ESZIR) managed~~ by the Forestry ~~Directorate~~Department of the National ~~Food Chain Safety Office.~~Land Centre and is operated by the minister responsible for forest management under ~~Evt. Section 38 (1).~~ 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. The Data Repository contains, among other things: identification data and maps of forest fragments, data on wood stocks, forest function and related restrictions, forest management mode, forest baseline expectations, and other data that form the basis for conservation restrictions (e.g. occurrence of protected and specially protected species, habitats and species of Community importance (Natura 2000)). In addition, nature conservation information can be entered into the Data Repository at any time, provided that the nature conservation bodies concerned by the task bring it to the attention of the forestry authority.

EMLA Environmental Management and Law Association It should be emphasised that the National Forest Data Repository is non-public, so while it is positive that the authority has data, it has not be shared with the public.

55. 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 are being added to the VIZIR system Water Management Information 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. (<https://geoportal.vizugy.hu/atlasz/>).

~~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~~56. Within the obligation relating to know and process information on environmental conditions and its processing, the implementation of the Directive 2000/60/EC of the European Parliament and of the Council of 23 October 2000 establishing a framework for Community action in the field of water policy (hereinafter: Water Framework Directive (VKI) is governing in relation applicable to the condition status of the country's surface waters. The condition of the waters is shown by publicly accessible map databases prepared in accordance with VKI Water Framework Directive requirements, in relation to both surface and subsurface waters (<https://geoportal.vizugy.hu/atlasz/>).

~~66-57.~~ 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.-58.~~ Pursuant to the 2014 amendment of Government Decree 201/2001.~~-(X. (25.)~~
~~October)~~ 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 drinking water supply system uploads drinking 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)Centre (NNK). The IT system for drinking water is maintained by the National Public Health and Medical Officer Service (OTH).NNK.

~~The OTH, the OKK after permission from the OTH~~The NNK, 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.~~

~~59.~~ *National Regional Development and Planning Information System (hereinafter: 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 Internetinternet (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 aims~~ 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.

~~69-60.~~ The publicity of strategic noise maps and action plans based on the EU ~~guideline~~Directive on the *evaluation and handling of environment noise* is insured by the related domestic legislative regulation. As per Government Decree 280/2004. ~~(X. (20-)~~October) 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 (~~Article~~Article 5, ~~item.1 (c) of paragraph (1))~~) is the dissemination of environmental emergency information.

~~70. Government Decree 311/2005. (XII. 25.)~~

The publicity of strategic noise maps and action plans based on the EU Directive 2002/49/EC relating to the assessment and management of environmental noise is ensured by the related domestic legislative regulation. Pursuant to Government Decree 280/2004 (20 October) on the assessment and management of environmental noise, the person responsible for the preparation of the municipal noise map and the person responsible for the main transport facility shall send the strategic noise map to the minister responsible for the environment and the municipalities concerned, and shall provide access to the database of approved strategic noise maps, and the noise map and action plan for the areas covered by the legislation shall be made available on the website of the ministry for the environment.

61. Government Decree 311/2005 (25 December) 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.

~~71-62.~~ Detailed rules of the Hungarian environmental emergency information system are laid down by Act LXXXIV. of 1999. on the ~~Control~~control and ~~Administration~~administration of ~~Disaster Management~~disaster management and the ~~Protection~~protection against ~~Major Accident Hazards Involving Dangerous Substances~~major accident hazards involving dangerous substances and by its implementing decree (Government Decree ~~-2/2001. (I. (17 January)~~). 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.) October) 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.

~~72-63.~~ In light of ~~the~~ Governmental Decree -219/2011- (X. (20.) October) 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 of Government Decree 311/2005 (XII-25.) December) 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.*~~

~~73-64.~~ Pursuant to Chapter 1.7.6 of Annex 1 to Decree 118/2011 (11 July) on the nuclear safety requirements for nuclear installations and related regulatory activities, and to Decree 155/2014 (30 June) on the safety requirements for storage facilities for the temporary storage or disposal of radioactive waste and related regulatory activities, nuclear installations and

radioactive waste storage facilities shall carry out an emergency classification immediately after the occurrence of a nuclear emergency, natural or industrial disaster, but in any case no later than 15 minutes after detection of the emergency. Within 30 minutes of the detection of the emergency, the relevant bodies of the national nuclear accident response system, the Office of Nuclear Energy, the National Directorate General for Disaster Management of the Ministry of the Interior and the relevant county disaster management bodies must be alerted. The alert shall be carried out in the manner and with the content specified in the Nuclear Accident Management Plan of the nuclear installation or radioactive waste storage facility. As part of the alert tasks, the first information notice on the circumstances and consequences of the nuclear emergency that have become known shall be provided in writing within 60 minutes of the detection of the nuclear emergency, in accordance with the Nuclear Accident Response Plan of the nuclear installation.

Once the alert tasks have been completed, the licensee shall regularly inform the designated institutions of the national accident prevention system. Situation and technology reports shall be transmitted in accordance with the emergency events, but at least every 1.5 to 2 hours, or by any other means that provides an equivalent level of information to independently assess the emergency situation.

65. 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.

74-66. 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. The information has been expanded with data and forecasts for the cities of Miskolc and Pécs;
- 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.

~~75-67.~~ 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~~National Public Health Institute—OKICentre (<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: www.antsz.hu, www.oki.hu.

~~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.—68.~~ The procedure for protection against forest fires is laid down in Evt. Section 67 (1)-(2), but the protection also extends to the immediate non-forest environment of forests. From 1 September 2017, a fire ban will no longer be declared by ministerial or forestry authority decision, but by a much faster and more flexible procedure, by defining and publishing the area of the period of increased fire risk. During periods of increased fire risk, it is forbidden to light fires in forests and wooded areas on properties in non-urban zones and within 200 metres of such areas.

- In the event of an increased fire risk, the NÉBIH, acting as the forestry authority under the control of the minister responsible for forestry, in cooperation with the National Directorate General for Disaster Prevention under the control of the Minister of the Interior responsible for disaster prevention, shall determine the period of increased fire risk for the whole country or for a specific area of the forest, as well as for an area within 200 metres of the forest boundary, for a transitional period. The minister responsible for forest management, with the involvement of the central body of disaster management, ensures that the period of increased fire risk is defined and the public is informed of this by means of a map and information published on the official website of the NÉBIH. Based on Section 17/A (2) of Decree 4/2008 (1 August) of the Minister for Local Governments on the protection of forests against fire, the data processing necessary for the determination of the period of increased fire risk and their primary expert evaluation from the fire risk point of view, as well as the geo-spatial delineation and publication of areas affected by or becoming affected by increased fire risk, are continuously carried out by NÉBIH on a daily basis. The delimitation can also be linked to a fire weather index value calculated by a fire risk assessment system.
- The published map is updated every day. The declaration and withdrawal of the period of increased fire risk depends on meteorological conditions, the dryness of living and dead biomass in the forest and the frequency of fires.

The relevant website of the NÉBIH: <https://portal.nebih.gov.hu/tuzgyujtasi-tilalom>

69. Data relating to biotic forest damage is available. Information relating to the above is can be provided by the Hungarian Forest Research Institute (ERTI) and the National Food Chain Safety Office (NÉBIH) NÉBIH on the basis of data collected based on Evt. Section 30 (1) a) and through the operation of the forest protection measurement and monitoring system (EMMRE) regulated under Section 56 (2) of the Forestry Act and by Sections 35-37 38-40 of Decree 153/2009 (XI. 13.) FVM.

61/2017 (21 December) of the Minister of Agriculture implementing the Evt (Evt. Vhr.). The National Forest Damage Registry System Register (OENyR) has been was launched in 2012 as a sub-system of EMMRE by the forestry authority in cooperation with NAIK ERTI- as per the obligations of the Forestry Act Evt. 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)". With regard to protection against damage caused by forest pests, the special rules laid down in Evt. Section 41 (1)-(2) shall apply.

The thematic map on forest damage is available at <http://erdoterkep.nebih.gov.hu>.

Up- to- date information on exceptional floods, water quality calamities, inland water is available on the 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.70.~~

Environmental radiation monitoring is carried out by several organisations, coordinated by the Office of Nuclear Energy.

Pursuant to Decree No 489/2015 (30 December) on the monitoring of the environmental radiation situation determining the natural and artificial radiation exposure of the population and the scope of the quantities to be measured (hereinafter: Government Decree 489/2015 (30 December)), the basic task of the National Environmental Radiation Monitoring System (hereinafter: OKSER) is to collect the results of national monitoring of the environmental radiation exposure of the population from natural and artificial sources and the radioactive material concentrations in the environment, to inform the public about these activities, to publish the monitoring results in annual reports and to prepare the monitoring data collected at national level for the information of the European Commission.

The above-mentioned Government Decree 489/2015 (30 December) also aims at ensuring a regulation compatible with Article 35 of Chapter III of Title 2 of the Treaty establishing the European Atomic Energy Community and with the European Commission Recommendation 2000/473/EURATOM on the application of Article 36 of the Euratom Treaty concerning the monitoring of the levels of radioactivity in the environment for the purpose of assessing the exposure of the population as a whole.

~~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~~ members of OKSER– participate in OKSER's activities. An independent national monitoring network is operated by the health sector, under the direction of the Radiation Biology and Radiation Health Department of the National Public Health Centre (NNK), and by the food chain safety inspectorate, while the environment sector also carries out

independent monitoring activities in the vicinity of nuclear installations and radioactive waste storage facilities. The environmental radiation conditions (gamma dose rate) are continuously monitored by the National Radiation Monitoring Reporting and Control System, which is composed of a network of several organisations, coordinated and managed by the National Directorate General for Disaster Management.

These activities are ~~managed by OKSER's Specialised Committee (OKSER SZB). The central on-line~~ coordinated by OKSER's Specialised Committee (OKSER SZB). The central ~~online~~ collection of the results of monitoring undertaken by the network members' ~~separate radiological environmental survey systems, separate radiological environmental survey systems,~~ and OKSER's administrative branches duties is managed by ~~OKSER's Information Centre (OKSER IK) at the OSSKI base. Radiology Information and Service Centre (OKSER RISZK), operated by OAH.~~

A summarized report on the results of the fulfilment of ~~OKSER's duties~~ 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>). OAH's website.

~~80~~ The results of the online monitoring of ambient radiation conditions are available on the websites of both the OAH and the National Directorate General for Disaster Management.

71. 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~~ Paks Nuclear Power Plant's (PA Private Limited Company) that is independent from the power plant's interests. ~~On regulation level, The operation of HAKSER duties are laid down in is~~ legally required by Government Decree -489/2015. ~~(XH. (30.) on the supervision scheme of environmental radiation status determining public radiation levels from natural and artificial sources. Since the December).~~ HAKSER was integrated into OKSER as of 1 January 2016 HAKSER operates within the framework of OKSER. (see paragraph 69).

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>).~~

~~84~~ 72. The minister for health regulated the main duties and activities of ERMAH (Health Radiological Measurement and Data Provider Network) in ~~decree Decree~~ 8/2002. ~~(HH. (12.- March).~~ 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](#) yearly radiological environmental monitoring programme conducted by the laboratories of the ERMAH network are collected and stored by the [ERMAH Information Centre](#). ERMAH Information Centre. Data is analysed by the [OSSKINNK](#) 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](#) Egészségtudomány magazine since 1991 and is available on the [OSSKINNK](#) website as well (<http://www.ermah.hu/eredmenyek/eredmenyek.html>):(<https://www.nnk.gov.hu/index.php/sugarbiologiai-es-sugar-egeszsegugyi-foosztaly/sugarvedelem/kornyezeti-sugarvedelmi-monitoring-rendszerek/egeszsegugyi-radiologiai-mero-es-adatszolgaltato-halozat-ermah/504-ermha-eredmenyei-jelentesek>).

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

73. 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.

8274. The survey of the country's air quality is conducted by the organizations operating the [National Air Pollution Measurement Network](#) OLM. 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 Decree 6/2011 \(14 January\) of the Minister for 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 ([LRK](#)) 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 [prescribes](#) prescribes, that the given device [possesses](#) possess 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 OMSZ](#). 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~~ [75. Government Decree –280/2004. \(X. 20.\)—acting upon October](#) on the ~~tenets of European guideline 49/2002/EC on assessment and management of environmental noise—on the measurement and administration on environmental noise~~ [prescribes the creation \(hereinafter: Decree\) requires the preparation](#) of strategic noise maps and action plans for metropolitan ~~agglomeration areas~~ [agglomerations](#) and ~~high-traffic vehicular institutions.~~

[busy transport facilities, in line with the requirements of Directive 2002/49/EC of the European Parliament and of the Council on the assessment and management of environmental noise.](#) There are many prescriptions within the ~~decree~~ [Decree](#) that serve the quality assurance and appropriate professional creation of strategic noise maps.

[First of all, noise and action plans.](#) Noise maps [and action plans](#) 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~~ [the Decree –280/2004. \(X.20.\) determines the sources—where applicable—specifies the source of used](#) the input data, ~~thus insuring~~ [where possible, to ensure](#) that the ~~creation of~~ noise maps ~~is based on the use of~~ [are produced using high-quality](#) databases ~~of appropriate quality.~~

[Furthermore the decree](#) [Decree](#) defines the cache of obligatory uniform calculations methods to be used in the creation of noise maps. [According to Section 7 \(3\) of the Decree, the strategic noise map is approved by the environmental protection authority on the basis of the criteria set out in Subsection \(4\), and according to Section 12 \(2\) of the Decree, the person responsible for the main transport installation submits the finalised action plan to the minister responsible for transport, who gives his opinion on it, which is approved by the environmental protection authority. These provided further guarantees to ensure and verify the quality of environmental data.](#)

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

~~84.~~

[The freely accessible Electronic Air and Noise Data Repository \(ELZA\) \(<http://elza.kti.hu/>\) is a platform for the determination and visualisation of persistent noise and air pollution emissions from transport.](#)

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

- Geographical location of nature conservation objects (http://geo.kvvmweb.okir.hu/tir/hu/tart/index/234/Interaktiv_termeszettvedelmi_terkep;http://webgis.okir.hu/tir/):
 - ~~o~~ Operational area of National Park Directorates ~~operational areas~~
 - ~~o~~ Protected natural areas of national importance (national parks, protected landscape areas, nature protection areas)
 - ~~o~~ National Ecological Network (~~current workload~~)
 - ~~o~~ Surface protection ~~zonebelt~~ of caves, ~~Exhibition point, Eco-touristic~~
 - ~~o~~ Ramsar sites
 - ~~o~~ Ecotourism facilities
 - ~~o~~ European ~~diploma~~ ~~Diploma~~ areas
 - ~~o~~ UNESCO biosphere ~~reservereserves~~ (MAB)
 - ~~o~~ Natura2000 ~~network~~ – ~~Special Areas of Conservation~~
 - ~~o~~ Natura2000 – ~~Nature conservation area~~ ~~Special Protection Areas~~
 - ~~Natura2000 – Bird protection area~~
 - ~~o~~ Nature Parks
 - ~~Sample biotic data~~
 - ~~o~~ ~~List~~ ~~Ex lege~~ protected sinkholes
 - ~~o~~ ~~Ex lege~~ protected springs
 - ~~o~~ ~~Ex lege~~ protected hillforts
 - ~~o~~ ~~Ex lege~~ protected barrows
 - ~~The list~~ of protected objects (values, areas) (www.termeszettvedelem.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~~ ~~their descriptions are available on the thematic search interfaces of protected natural areas in Hungary and Slovakia, furthermore for experts it makes possible~~ ~~the state related to make 3D spatial pictures of plant and animal species for later virtual presentations. The app is available at: nature protection~~ ~~<https://play.google.com/store/apps/details?id=it.graphitech.eenvplus>~~ (www.termeszettvedelem.hu); ~~and~~ ~~<https://itunes.apple.com/us/app/eenvplus-mobile-app-for-crowdsourcing/id1030693450?mt=8>~~)
 - In 2019, Volume II: Vertebrates of the results of the National Biodiversity Monitoring System was published, providing a review of much of the data collected over the past 20 years.

The app is available at: <https://play.google.com/store/apps/details?id=it.graphitech.eenvplus>

- Under Article 17 of the EU Habitats Directive, Member States are required to submit a comprehensive report to the European Commission every six years on the conservation status of habitats or species of Community importance occurring on their territory. In Hungary's 2019 Natura 2000 country reports, 46 habitat types of Community importance and 208 species of Community importance were assessed. These documents are also available to the public at www.termeszettvedelem.hu and <https://natura.2000.hu/hu/node/249>.

Within the framework of the project KEHOP-4.3.0.-VEKOP-15-2016-00001 “Strategic studies to underpin the long-term conservation and development of natural values of community importance and the implementation of the EU Biodiversity Strategy 2020

objectives at the national level”, the Ecosystem Reference Map of Hungary was prepared. The map, which provides the full geographical coverage of Hungary and the most detailed surface cover to date, is the first to show the spatial location and distribution of ecosystems at a national level, with each ecosystem type separated and other thematic layers. In creating the reference map, a three-tier system was developed in line with the European Union’s ecosystem categorisation system (6 main categories), which classifies ecosystems into 56 categories at the third level. The map has been publicly available for download since November 2019 (alapterkep.termeszetem.hu/).

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

~~85-76.~~ The ~~Environment—Act~~[Kvt.](#) 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) drafted in the course of implementation provide regular information on the condition and the changes of the environment.

Pursuant to the ~~item e) of Kvt.~~ Section 46 ~~of the Environment Act,(1) e).~~ 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. In order to fulfil this obligation, some municipalities contact the regional environmental protection authority for information.

Pursuant to [Kvt.](#) 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 [Kvt.](#) Section 46, ~~Item b) of Paragraph (1), of the Environment Act,) b).~~ 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-OKI77.~~ [NNK](#) 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~~[NNK](#) 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~~[TeIR](#) and the ~~websites~~[website](#) of ~~OKI and OTH~~[NNK](#). The EU report must be updated yearly into the EIONET system.

~~87-78.~~ 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~~[Kvt.](#) 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~~[2017](#). Green environmental authorities regularly publish data under their responsibility.

88.

89. Problems reported by environmental and nature protection NGOs:

The publication contained important and useful environmental information, and NGOs consider it a step backwards that the previously regular publication has not been updated since 2017.

79. 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. [An information brochure was also produced.](#)

90-80. The minister responsible for forestry issues an annual report on the changes of forest state of health status and the condition of ~~hungarian~~Hungarian forests. ~~Up-to-date data concerning~~Data on forests ~~can be downloaded from~~are available on the NÉBIH website of the National ~~(<https://portal.nebih.gov.hu/nyitoldal>)~~ Food Chain Safety Office ~~(. Data on forests are available on the National Land Centre's website http://www.nebih.gov.hu/szakteruletek/szakteruletek/erdeszeti_igazgatosag/erdeszeti_szakteruletek/monitoring/evesjelentesek(<https://portal.nebih.gov.hu/adatbazisok-noveny>)-~~, and detailed database can be accessed on the following link at the bottom of the page: http://www.nfk.gov.hu/erdeszeti_foosztaly_menu_116). In this context, the NFK also operates an interactive forest map, which is available at <http://erdoterkep.nebih.gov.hu>. The map includes Google satellite, cycling and hiking base layers. It is also possible to search by coordinate, which can be entered in EOVI and WGS84. The forest section of the map can also display the type of ownership, the primary purpose of the forest, its protected status, the fact that it is part of the Natura 2000 network, and the degree of fire risk. In addition, you can access the FireLife and Forest Damage map interfaces directly from the map home page.

81. Based on data

~~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 Networks~~subsystems of the OLM, the OMSZ LRK annually assesses the development of air quality in Hungary in the previous year. Reports on the yearly evaluation are available on the Measurement Network's website : www.levegominoseg.hu) under the "Evaluations" tab.

92-82. As per ~~Ministry~~Decree 24/2013 (29 May) of the Minister 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-

83. 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)-(www.fomi.hu).

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

~~93-84.~~ 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.hu/jogszabalykereso>– and www.njt.hu are both user friendly legislation databases.

~~94-85.~~ 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.

~~95-86.~~ 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, foreign affairs and trade~~ and has been continuously published on the website of the Ministry, jointly with international documents affecting the development of regional policies.

~~9687.~~ As per [Government Decree –78/2008 \(IV. 3.\) April](#) 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>~~).

~~97-88.~~ Governmental Decree 218/2009. ~~(X. (6.) –henceforward named the content requirement Decree– October)~~ 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 (hereinafter: Requirements Decree)~~ sets out mandatory environmental and environmental protection duties for the ~~common exploratory~~-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~~~~The minister~~ responsible for ~~regionalspatial~~ development, ~~regional~~-spatial planning and ~~the~~ strategic planning of ~~the regionalspatial~~ development publishes ~~accepted regionalthe approved spatial~~ plans on the ~~Governmental Website~~~~Government website~~ and ~~in~~ 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~~ 99. In addition to the mandatory reporting schemes, the objectives of ~~article~~Article 5, paragraph 6, of the Convention are ~~fostered in Hungary~~mainly served by participation in the EU ~~eco~~Eco-label regime and ~~scheme~~, the national “environmentally friendly Eco-label product” award, ~~certification scheme~~ and the EU Environmental European Eco-Management and Audit Scheme (EMAS).

The ~~national product quality/conformity assessment~~Eco-label scheme was introduced in 1993. ~~The created in 1993 to distinguish environmentally friendly products and services. The conditions for the use of the eco-label are regulated by 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, but the Hermann Ottó Institute is in charge of the coordination and administration~~operation 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. The Hermann Ottó Institute, as a competent body, is also responsible for the coordination and operation of the eco-label certification.~~

~~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. All information on the Eco-label and the one of the largest EU Ecolabel schemes is available in 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 on the Hermann Ottó Institute website: <http://www.okocimke.hu>. The expectation is website also provides information on the national Eco-label and EU Ecolabel certification criteria, as well as details of organisations that as a result the number of retail shops able to formulate consumer demands have been awarded the Eco-label and supplying such products in large quantities to consumers who are committed towards environmental products will rise EU Ecolabel.~~

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. Department of~~

Environment and Nature Protection of the Pest County Government Office has been appointed as the Competent Body, while the National Accreditation Authority (NAH) has been appointed for the accreditation tasks.

99. The National Accreditation Authority continuously publishes information on accredited EMAS verifiers on www.nah.gov.hu, while information on EMAS verified organisations can be found on the EMAS professional website(<http://emas.kvvm.hu/>).

90. 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 Órség 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)

91.

~~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~~Pollutant Release and Transfer Register) Protocol of Kiev. 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 aetAct 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 databasesdata services, it elaborated independent data sheetspackages 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 (<http://web.okir.hu/hu/eprtr>) 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.

~~101.~~

~~*Problems reported by environmental and nature protection NGOs:*~~

~~*The National Report only covers the period well before the reporting period, but it would be necessary to report on the results of the process from 2017 onwards.*~~

~~*The link above leads to the okir.hu website, not the E-PRTR website as indicated. The latter website is not available on the internet.*~~

~~*Huta Environmental Law Association: The register contains the data required by the E-PRTR, but is not presented in a way that is easily accessible to the public. There are no applications, analyses or data presentations, graphs, charts, maps, useful information on the effects of pollutants, etc., which present the data in a more understandable way, and even more interesting for the average citizen. We would welcome improvements in the near future in this regard. (This also applies to OKIR, by the way.)*~~

~~*Furthermore, in the context of the IED application of E-PRTR and LCP reporting, the data and capabilities of PRTR, E-PRTR (in their current and possibly improved form) could be better used in the future in the preparation of long-term, strategic, environmental policy decisions to prevent, reduce or eliminate pollution, to better inform decision-making and to be applied in a broader context, including in the implementation of various international conventions and commitments to promote sustainability (e.g. SDGs).*~~

~~*This was part of our comments on the national report on the implementation of the PRTR Protocol.*~~

12. Obstacles encountered in the implementation of Article 5

~~92. The nature ~~conservation branch~~sector provides ~~access~~—free of charge —to the ~~description~~a map of ~~protected~~ natural values and ~~areas through~~sites of national and Community importance on the ~~customer service~~TIR public services module of the Nature Conservation — Information — System — ([~~http://geo.kvvmweb.okir.hu/hu/tir/~~](http://geo.kvvmweb.okir.hu/hu/tir/); [~~http://web.okir.hu/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~~). Access to the basic state data (~~orthophoto and cadastral maps of the state land registry~~) 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 provided 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 to the nature conservation 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 since 2017, 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* has already allowed the revision of the map files and the refinement of the overlays to begin. The map layers in the TIR public health. *Even with regulatory obligations, municipalities do not provide periodic information on the status of the environment* services module are updated on an ongoing basis.

There are very strong differences in the publication of various plans and regulations on national level The previously open issue of the registration of protected natural areas, restrictions and prohibitions for environmental protection purposes in the land register has been resolved by the amendment of Act XCIII of 1990 on fees and Act LXXXV of 1996 on the fee for the administrative service of the certified copy of the title deed (Act XLIV of 2015). From 2 May 2015, registrations are free of charge. The review (and, where necessary, deletion/registration) of the legal nature of nature conservation has already started following the availability of the state land registry data and has been ongoing for several years.

- *EMLA Environmental Management and Law Association: The range of obstacles to the application of Article 5 of the Convention is much wider than the difficulties encountered in accessing nature conservation data alone, as Article 5 already provides for the proactive disclosure of all environmental data.*

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

~~103-93.~~ Civilian organizations also maintain environmental databases, based on independent data gathering or official datasets. Some of these databases are horizontal (www.greenfo.hu, www.kothalo.hu). Some are thematic in nature (www.humus.hu for waste, www.mme.hu for nature conservation, 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://okocimke.kvvm.hu>
<http://emas.kvvm.hu/>
<http://eper-prtr.kvvmweb.okir.hu/hu/eprtr>
<http://web.okirbiodiv.kvvm.hu/hu/>
<http://prtr.kvvm.hu><https://gmoinfo.jrc.ec.europa.eu/>
<http://www.eper.ec.europa.eu><https://portal.nebih.gov.hu/nyitooldal>
<http://www.ippeantsz.hu>
<http://biodiv.kvvmwww.hydroinfo.hu>
<http://www.fvmvizugy.hu/main.php?folderID=1382>

<http://gmoinfo.jrc.it/web.okir.hu/>
<http://www.katasztrofavedelemterport.hu/>
www.aeszmet.hu
www.antszhttp://prtr.kvvm.hu
www.hydroinfokatasztrofavedelem.hu

<https://www.nnk.gov.hu/>
www.vizugyhttps://ippc.kormany.hu/
<http://web.okir.hu/hu/tir>
<http://geo.kvvmlevegominoseg.hu/tir/>
<https://teir.vati.hu/>
<http://www.terport.hu/>
www.met.hu
www.kvvm.hu/olm
www.katasztrofavedelem.hu
<http://www.osski.hu>
<http://www.lltk.hu>
www.biodiv.hu
www://gmoinfo.jrc.ec.europa.eu
www.nebih.gov.huhttp://gmoinfo.jrc.ec.europa.eu
<https://www.hunetr.hu/erweb/http://nevjegyzek.magyarorszag.hu>
<http://nevjegyzek.magyarorszag.huwww.nfk.gov.hu>
<http://www.kormany.hu/>

Comment of the Deputy Commissioner for Future Generations

The 5th National Environment Programme, which will start in 2021, has not yet been adopted in January 2021, and its public consultation has not even started.

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

~~105. The amendment to 94. Ákr. Section 10(2) provides that an Act or government decree may define the Administrative Procedures Code affected public participation persons and entities who (which) are considered clients by virtue of the law in administrative procedures a specific type of case.~~

~~The Kvt. ensures that private individuals, legal entities and unincorporated organisations have the right to participate in the non-administrative procedure relating to the environment in more than one way. The Kvt. stipulates that everyone has the right to draw the attention of the user of the environment and the authorities to environmental hazards, damage or pollution. The competent body must respond to a written request to this effect in writing within the time limit provided for by law, and must take action. In addition, Kvt. Section 98 (1) provides that associations established in the territory of the authority, which are not political parties or interest groups representing environmental interests, shall have the status of clients in environmental administrative procedures in the territory in which they operate.~~

~~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.~~Government Decree 187/2009 (10 September) on the establishment and management of an electronic database for the purpose of notification of the initiation of administrative proceedings and on notification based on the database has been ineffective since 1 January 2018, but the competent authority has continued to ensure that NGOs are notified of the initiation of proceedings, giving them the opportunity to participate in the procedure.
The environmental protection authority holds public hearings in the cases regulated by the Kvt. and Government Decree 314/2005 (25 December).

If an organisation indicates that it wishes to participate in the procedure, the authority will examine its status as a client and, if it is found to be a client, will grant it the rights of a client.
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 Ákr. does not regulate the institution of public hearings; therefore, the obligation for the environmental authority to hold public hearings is provided for in the sectoral legislation as follows:

- ~~- a public hearing must be held if the environmental protection authority requires the interested party to submit a full or partial review on the grounds that in the cases set out in Kvt. Section 67 (1) has not applied for a prior assessment and has started or is carrying out an activity subject to an environmental impact assessment or an IPPC licence without an environmental permit or an IPPC licence; (Kvt. Section 91/C (2) c))~~
- ~~- a public hearing must be held if the person concerned has started an activity subject to an environmental permit or an IPPC licence without such a permit and has carried out an assessment for the purposes of the assessment under Kvt. Section 77 (1) in the operating permit procedure; (Kvt. Section 91/C (2) b))~~
- ~~- in addition, a public hearing shall be held in the case specified in the Government Decree issued for the implementation of the Kvt. Such a situation is the obligation to hold a public hearing in the environmental impact assessment procedure specified in Section 9 (1) of Government Decree 314/2005 (25 December);~~

- pursuant to Kvt. Section 67 (2) “The environmental authority shall issue its decision based on the preliminary investigation within forty-five days; if the case requires a public hearing, the time limit for the administration of the case shall be sixty days. The environmental protection authority may extend the time limit for the preliminary assessment procedure in justified cases, taking into account in particular the specific characteristics, complexity, location or size of the activity.”

The possibility for the public to be informed has also been extended in that the law provides for a wider scope of public access by granting wider public access to the decision concluding the procedure and to the decision annulling and order terminating the decision of first instance and obliging the authority passing the decision of first instance to conduct a new procedure, by stipulating providing that data of the public interest information contained therein must be made accessible available to anyone if requested who so requests. 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)

~~106-95.~~ The activities listed in Annex I to the Convention are subject to EIA (environmental licensing) and/or the ~~integrated environmental~~ IPPC licensing procedure in Hungary. Both procedures are in line with the Directive 2003/35/EC.

~~107.~~

96. 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 consultation on draft legislation on spatial planning schemes, are plans is open to the public, accessible ~~on via~~ the Internet, internet and anyone can

submit ~~an opinion in connection with their views on~~ the plans ~~(As per~~. (For details of the public rights granted under Government Decree 2/2005 ~~(I-11-7 January)~~ on the environmental ~~inspection assessment of given certain~~ plans and programmes ~~the rights to access~~ (hereinafter: Government Decree 2/2005) during the ~~acceptance adoption~~ of plans ~~with a mandatory and~~ programmes subject to environmental ~~inspection between Points~~ assessment, see points 115-119.)

108. EIA is regulated by 97. The detailed rules of the Environment Act environmental impact assessment procedure are set out in the Kvt. and by Government Decree 314/2005. (XII. (25.) on EIA and the integrated environmental permit. December) (for the purposes of this paragraph: Government Decree). 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 environmental 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 acceleration and simplification of investments deemed priority projects for national economic reasons and Section 30/B on concerning the contracted combined 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-environmental and nature protection civil organizations NGOs:

In our standpoint these standalone NGOs have often expressed their concern that special procedures ~~mean~~, in particular priority investments, represent a significant serious and continuous decline in continuing setback to the rights guarantee of participation rights and harm violate the spirit of the Treaty Convention. 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 And practice shows that these exceptional processes procedures are used becoming more and more frequently common, with the exception slowly becoming the rule.

Huta Environmental Association: It is proposed to mention the amendments to “Act XXIV of 2017 amending Act LXXVIII of 1997 on the shaping and protection of the built environment in connection with the extension of the simple notification to the non-commercial construction of residential buildings larger than 300 square metres” and “Government Decree 687/2020 (29 December) on the extension of the feasibility of construction works by simple notification during the state of danger”, adopted as emergency measures during the state of danger. The application of such amendments can have a significant impact on the built environment and its protection and the conservation of listed buildings. Pursuant to the Government Decree, “The construction activities provided for in Étv. Section 33/A (2)-(3) may be carried out without a floor area limit on the basis of a simple notification. (3) Failure to comply with the restriction on the floor area under Étv. Section 48 (2) b) bb)-bd) shall not render the construction activity unlawful.”

The scope of application of the said Act and Government Decree is not clear. It is also unclear in the Government Decree, what activities are covered by the construction activity without a floor area limitation, and the possibility of not complying with the floor area limitation. These can open up the door to potential abuses and harmful activities, and for avoiding or limiting licensing and public involvement. Let us hope that the amendments to the Government Decree will not remain in place after the state of danger.

The provisions of Article 6 are implemented in Hungary in the following manner.

The ~~relevant~~ annexes to the Government Decree ~~determined~~define the activities that are subject, ~~unconditionally or to an EIA by law, (Annex 1 of the Government Decree), and those that are~~ subject to ~~certain conditions, to EIA~~an EIA by case-by-case decision of the environmental authorities (Annex 3). 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~~IPPC licence 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~~documents, the ~~competent~~ environmental authority (~~environmental~~the authority responsible for the environment and nature ~~conservation department of protection in~~ the relevant government office) ~~publishes a public agency~~ will publish a notice ~~at its premises and~~ on its website. The content of the ~~public notice~~communication is ~~defined~~determined by the ~~Administrative Procedures Code~~general provisions of Ákr. Section 89 and ~~the Government Decree, in accordance with the relevant~~specific provisions of the Government Decree. This communication already contains all the information to the public that can be provided at this early stage and that is required by the Convention. At the same time ~~the environmental authority publishes the full permit documentation, the Environmental Protection Authority will publish on its website the information required by Section 3 (3) of Government Decree 314/2005 (25 December), including the electronic access point of the complete permit application dossier and its later any subsequent additions to the dossier submitted annexes on the website~~ in the case of deficiencies context of the completion of the permit application.

The electronic copy of 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, The environmental authority will consider the need for a public hearing ~~must.~~

Problems reported by environmental and nature protection NGOs:

According to the NGOs, a mandatory public hearing should already be held if there are foreseen at least 50 clients or 5 civil organizations participating this stage, as it would

ensure obtaining information about the planned facility as well as public participation in the process. due time.

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.~~

If the environmental authority states that the expected environmental impact of the activity is serious, environmental permits are necessary based on environmental impact assessment procedure.

Before reaching a decision, the competent ~~environmental~~ authority ~~has and all other authorities involved in the procedure have~~ to examine the merit of all comments received. The ~~environmental authority shall publish its~~ decision ~~is made public by way of a notice drawn up closing the procedure~~ in accordance with the ~~Administrative Procedures Code, the Environment Act rules of the Ákr., the Kvt. and Government Decree 314/2005. (XII. (25. When the December).~~ The decision ~~becomes final, it is also made public in its entirety must~~ always contain information on the possibility of exercising the right to legal remedy, as required by the Ákr. Those who have obtained a right of appeal in the course of the procedure may apply for a judicial review of the decision within 30 days of the decision being notified, on the grounds of an infringement of the law.

~~Problems reported by the authority in accordance with the Administrative Procedures Code and the Environment Act. environmental and nature protection NGOs:~~

~~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~~In practice, impact assessments are rarely ordered on the basis of a decision by the authorities, significant environmental impacts are interpreted very narrowly by the authorities, and the precautionary principle has not been applied at all.

If the proposed activity is an Annex 1 activity or if an EIA is required due to the significance of the environmental effects, an EIA procedure will be carried out after the submission of the application and, if the environmental authority has carried out a preliminary assessment, an EIA prepared in accordance with the decision closing the preliminary assessment procedure. Pursuant to Section 3 (1) of Government Decree 314/2005 (25 December), the user of the environment – except in the case provided for in Section 1 (5) – shall submit a request for a prior assessment to the environmental protection authority if he intends to carry out an activity which

a) is listed in Annex 3, or

(b) is listed in both Annexes 2 and 3,

(c) is a related activity and the procedure provided for in Section 2/A has not been followed.

In the light of the above, there is no need for a preliminary examination procedure for the activities covered by 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~~communication is ~~defined~~determined by the ~~Administrative Procedures Code~~general provisions of the Ákr. and the ~~Government Decree in accordance with the relevant~~specific provisions of the Government Decree. This communication contains all the information to the public required by the Convention– in the authorisation procedure.

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 ~~–. (Government Decree Section 9 Paragraph (6) of the Governmental Decree).).~~

The electronic copy of 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.~~Government Decree Section 8; Paragraph (2)) at designated premises and have to publicize the project through bill posting or any other appropriate way. ~~Pursuant to As per Government Decree~~ Section 9 Paragraph (8), comments ~~must~~may be submitted to the environmental protection authority or ~~to~~ the notary of the relevant local authority ~~depending on the location of the public hearing.~~ As per authority practice, ~~however, the~~ concerned public may submit ~~a comment~~comments at any time during the process. The 30 days (at least) ~~–deadline binds the environmental authority on one hand because of Government Decree 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 public concerned may inspect the documents and submit comments in writing within at least 30 days of publication.

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~~In the environmental impact assessment procedure, the environmental protection authority holds a public hearing at least ~~at in~~ the municipality ~~of the location of where the installation is located, unless~~ the activity, ~~with the exception of activities under is covered by~~ military ~~secret~~secrecy. 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 (~~Government Decree~~ Section 9 ~~paragraph (6) of the Governmental Decree).~~). The publication must be carried out at least 30 days before the public hearing (~~Gov. Dec.~~Government Decree 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~~protection authority documents the public hearing by ~~means of an audio or video or audio-recording devices, it will~~pursuant to the Ákr. and Government Decree 314/2005, it shall publish ~~it through electronic channel~~the recording electronically. 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~~ publicshall publish its decision publicly in accordance with the rules of the ~~Administrative Procedures Code~~Ákr., the Kvt. and Government Decree 314/2005. ~~(XII. (25.) December), and send~~shall send it for disclosurepublication to the municipalities ~~taking part~~participating in the procedure. ~~When the~~The decision ~~becomes final, it also has~~must always contain information on the possibility of exercising the right to be made public in its entiretylegal remedy, as required by the ~~environmental authority in accordance with the Administrative Procedures Code and the Environment Act~~Ákr.

~~As described above, a wide range of information and documents relating to the EIAIn the environmental impact assessment procedure (e.g. notices, public hearing minutes, the final decision) have to be actively published by~~application, the environmental ~~authorities, while impact assessment and the remainder~~decision of the documents generated in the procedure (e.g. expert opinions) ~~merely have to be made accessible~~public authority are actively disclosed to the public, with specific information to the public, as described in the previous paragraph, and the possibility of appeal is also provided as described there.

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.~~

Among the other documents of the procedure, the minutes of the public hearings and the decisions closing the procedure must be made public. 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 Pursuant to Section 11/A (4) of Act CXVI of 1996 on nuclear energy, the OAH, as the licensing authority, shall hold a public hearing to obtain the public's opinion in licensing procedures required for the site investigation and assessment, site characterisation and suitability, construction, extension, commissioning, operation beyond the planned lifetime, modification, permanent decommissioning or closure of a nuclear installation and in licensing procedures required for the site investigation and assessment, installation, construction, operation, modification, closure, transition to active and passive institutional control of a radioactive waste storage facility. It publishes a notice of this at least 15 days in advance on its website, on its notice board and on the public administration portal <https://hirdetmenyek.magyarorszag.hu/>, and informs the relevant authorities. If a visual and/or audio recording is made of the public hearing, a written record of the recording shall be made available electronically.

98. 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~~ these procedures, the ~~Ministry~~ ministry responsible for ~~environmental protection guarantees the publication of environment~~ will ensure that the project documents by documentation received from the issuing party is published and, if necessary, a public forum is held. Written comments on the ~~impact assessment may~~ documentation can be ~~forwarded~~ sent by post to the ~~Environment Preservation~~ Environmental Protection Department of the ~~Ministry of Agriculture, AM~~ or via email electronically to espoo@fmam.gov.hu. The received comments, along with the official Hungarian standpoint are forwarded to the issuing party.

110. In 99. During the ~~course of the IPPC~~ licensing procedure, public participation ~~is provided for through the posting of notices at in the procedure takes place in accordance with a notice posted or otherwise published in the municipality of where the site of installation, the municipality of the neighbouring settlement and is located and in the area adjacent to the installation site and in the area of influence of the municipality located in the impact area, affected by the emission, or otherwise release.~~ 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/publication, 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.

111.100. On 1 September 2011, the amended Evt. entered into force, which contains significant changes compared to the previous version. Subsequently, on 21 December 2017, the new Evt. Vhr. also entered into force. Many procedures have been simplified and more procedures are now subject to notification. For example, there is no need to initiate a separate forest plan amendment procedure to include other production standards for intensively growing species in natural and derived forests for the logging of these species, this can be done through an annual activity notification procedure.

According to Article 6.3-4 of the Habitats Directive, the Natura 2000 impact assessment to be carried out in the framework of forest planning shall be carried out in every case in accordance with the rules of procedure of Government Decree 433/2017 (21 December) on the procedural rules of certain forest authority procedures, notifications and official records (hereinafter, for the purposes of this chapter: Decree).

During the district forest planning, the forestry authority uses the data on the fauna occurring in the Natura 2000 area to assess the impact of forest management according to the forest plan on the conservation status of the species and habitat types on which the Natura 2000 site classification is based (Natura 2000 screening). Pursuant to Section 113 (15), (163 (4) of the Environment Act, all authorities and government and municipal organisations are obliged to make available to Decree, the forestry authority data necessary shall send the draft plan 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, and Natura 2000 site pursuant to Subsection (1) c) to the competent body responsible for the nature conservation management of the protected natural area concerned (national park directorate) by electronic means.

Pursuant to Section 3 (5) of the Decree, if a protected natural area or Natura 2000 site is involved in the district forest planning procedure, the competent body responsible for the nature conservation management of the protected natural area is automatically considered a client.

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 having client status at least 30 days prior to the notice of the date of the preliminary hearing. The regulation also grantsIn addition, the Decree also ensures the right of participation rights to NGOs in the preliminary hearing which have a scope of NGOs whose activity—set out, as specified in the statutes and their charter document or deed of foundation—that, is affected by forestry conductedthe forest management in the area drawn undercovered by the forest planning. This means that all stakeholders have the right to participate in the forest planning process.

EMLA Environmental Management and Law Association: We consider it a serious deficiency that the report reveals that because of the last two major amendments to the Forest Act, social participation has been completely excluded from forest planning procedures. This, made worse by the fact that the data of the National Forest Data Repository is non-public, practically it means that forest management has no social control, although this is play a crucial role in protecting the environment.

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

~~112.~~101. The permitting procedure of genetically modified organisms (GMOs) in Hungary is laid down by Act XXVII. of 1998. on Gene Technological Activities. gene technological activities. Pursuant to relevant legal requirements the representatives of civil organizationsNGOs aimed environmental health- and consumer protection – elected according to the procedure determined by them - participate in the Gene-technology Advisory Committee (hereinafter: GEVB). The activities of the committee are governed by Ministry decreeDecree 128/2003/FVM (XII. (19.) December) of the Minister of Agriculture and Rural Development. Gene-technology authorities review permit requests for gene-technological activity with respect to the comments made by the GEVB. The gene-technology authority is not bound by the opinion of 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 eanpermit may be maadesubmitted within 30 days fromof 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 Announcement⁵ 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.~~

⁵ http://edktvf.zoldhatosag.hu/kozerdeku/2014/11223_2.pdf

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

102. According to the amendment to Act LIII of 2006 on the acceleration and simplification of the implementation of investments of major importance for the national economy, which entered into force on 1 January 2020, the time limit for the administration of a case of major importance is 45 days in the case of a preliminary examination procedure, 60 days if a public hearing is required during the preliminary examination procedure, and also 60 days in the case of an environmental impact assessment procedure. Section 25/B b) of Government Decree 314/2005 (25 December) is no longer in force as of 10 June 2017, so the time for publication of the documentation in the environmental impact assessment procedure for investments of major economic importance is at least 30 days.

In Hungary, according to Government Decree 38/2012 (12 March) on strategic government management, public consultation is required during the preparation and adoption of strategic plan documents.~~114. 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) of Paragraph (5), in this case the deadline is 30 days. The amendment of Government Decree 314/2005. (XII. 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~~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.~~

Hungary’s revised third River Basin Management Plan (VGT-3) for the period 2022-2027 is due by 22 December 2011. For the period up to 31 December 2020, it can be stated that the Roadmap and the Work Programme have been completed, on the basis of which the final Roadmap and Work Programme have been adopted and published. The discussion paper on the major water management issues (JVK-3) was then drafted and subjected to technical and public consultation. The adoption and publication of the final JVK-3 and the discussion paper are expected by the end of 2020.

Problems reported by environmental and nature protection NGOs:

The radical restructuring of the environmental (and other related, such as land protection, forestry, etc.) authority system and the almost complete dismantling of the system of specialised authorities has also made it questionable whether case law decision 4/2010 of the Curia on the legal status of NGOs as clients and its legal basis, Kvt. Section 98 are still applicable. The drastic reduction in the number of procedures entailing the involvement of environmental authorities has led to a decrease in the number of procedures where client’s rights can be exercised on the basis of NGO participation. This (adversely) affects the quality and legitimacy of decisions.

18. Related websites

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

<http://gmo.kormany.hu/gentechnologiai-eljarasokat-velemenyezo-bizottsagwww.cuvki.hu>
<http://www.nevjegyzekek-magyarorszaglltk.hu>

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

Comment of the Deputy Commissioner for Future Generations

In the context of the application for establishing the status of a client of both environmental organisations and private individuals, and with regard to Article 9 of the Aarhus Convention, it is necessary to underline that Ákr. Section 116 (3) b) provided for the possibility of an independent appeal against the first-instance decision on the status of a client or on the succession. However, with effect from 1 January 2020, an appeal against a first-instance decision establishing the status of a client may only be lodged in cases where the decision is subject to appeal under Ákr. Section 116 (1) or (2). As a consequence of this amendment, the decision of the public authority on the application for a declaration of the status of the interested party can only be challenged under the rules of administrative lawsuits, following the provisions of the sectoral environmental law in force from 1 March 2020, which can even be considered a step backwards compared to the previous system of protection as regards the exercise of the public's right to participate.

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~~^{103.} The environmental assessment of plans and programmes relating likely to have a significant impact on the environment ~~are laid down~~ is regulated in the Environment Act, while applicable detailed rules are set out general by the Kvt., and in detail by Government Decree -2/2005: (I. 11.) on the environmental assessment of certain plans and programmes and Governmental Government Decree -132/2010 (IV. 21.) April on the ratification of the minutes of impact assessments linked promulgation of the Protocol on Strategic Environmental Assessment to the Espoo Convention on Environmental Impact Assessment in a Transboundary Impact Assessments signed on the 26th of Context, adopted in Espoo on 26 February 1991; signed, adopted in Kiev on the 21st of 21 May 2003. This legislation is in line with the relevant EU directive, Directive 2001/42/EC⁶. 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

⁶ Directive 2001/42/EC of the European Parliament and of the Council of 27 June 2001 on the assessment of the effects of certain plans and programmes on the environment

newspapers and ~~Internet~~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. Problems reported by environmental and nature protection NGOs:~~

~~Although the possibility of commenting on 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 scope of the public concerned. 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 environmental protection or may have impact on the field of environment. In cases where the person does not regard environmental protection NGOs as concerned parties, but only for example sectorial organizations (energy, forestry, and hunting), than public participation in the decision making process may be eroded. For these cases, legal guarantees should be created, that do not exist today.~~

~~EMLA Environmental Management and Law Association: On the website for listing strategic environmental assessment issues~~

~~(<https://2015-2019.kormany.hu/hu/foldmuvelesugyiminiszterium/hirek/strategiai-kornyezeti-vizsgalati-ugyek>) only listing relevance to foreign national plans, there is not been linkig page for Hungarian SKV issues this makes the obtains of the information very difficult.~~

104. 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~~In addition, the summary ~~must~~should also be made public.

The ~~Environment Act~~Kvt. 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~~105. The Protocol ~~o~~fto the Espoo Treaty on Transboundary Impact Assessments, (signed in 26 February 1991, Espoo) ~~during~~ Convention requires that the strategic ~~inspection process~~environmental assessment of the plans and programmes ~~the~~should also address significant transboundary environmental ~~effects should also be handled. During~~

~~such and health impacts. In practice, in these~~ procedures, the ~~Ministry~~ministry responsible for the environment ~~is responsible for ensures~~ the publication of the ~~plans~~plan or programme documents and ~~programmes and the~~ related ~~impact assessments~~environmental assessment provided by the issuing party and the involvement of the bodies responsible for environmental protection and the public in the procedure. 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@fmam.gov.hu. The ~~comments~~ received ~~reviews~~ will be forwarded ~~by the ministry responsible for the environment~~ to the ~~publishing country along~~issuing party (plan owner) together with the official Hungarian ~~standpoint~~position on the ~~work version of the plan, or~~ programme and the ~~impact~~related environmental assessment.

~~Relevant~~

~~Related websites available between from~~ 2010- ~~to~~ 2014 and from 2014 ~~till today~~to 2020:
<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.

106. 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 land use rules applicable to the zones. The spatial planning plans of the country and of the priority regions is approvedareas (Balaton Special Resort Area, Budapest Agglomeration) are adopted by parliament by law and an Act of Parliament, while county spatial planning ~~is approved~~plans are adopted by decree by the county ~~municipality by decree~~government. The National Spatial Plan must~~should~~ be reviewed every 5 years; thereafter, thereregularly, and then lower-level spatial and settlement plans need to~~should~~ be harmonisedbrought into line with the national level plan. The ~~spatial plans and draft legislation may be reviewed by anyone, jointly~~spatial plans are open to public comment, together with the an environmental ~~impact~~assessment prepared according to Governmental as required by Government 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 A strategic 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 capital and districts of the capital.~~

~~Spatial plans are to be always subjected to impact assessment~~required before the adoption and modification of land-use plans. As such, the ~~regulations (such as public participation) statutory requirements~~ of environmental impact assessments (such as public participation) must be utilized during the preparatory and adoption stages.

Act LXXVIII. of 1997. on the ~~Development~~development and ~~Protection~~protection of the ~~Built Environment~~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 and development.

~~119. The government~~107. Government decree —314/2012.—(~~XI. (8.) November~~) 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.) November~~) 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~~environmental assessment is ~~also~~ always prepared ~~according to for the planning documents for the whole municipality, as required by~~ Government Decree 2/2005. (~~I. 11.) on the environmental impact assessment of plans and certain programmes regarding the spatial order tools for affecting~~In the township as a whole. According to Section 1 Paragraph (3) of preparation of settlement planning instruments for a part of a settlement, the ~~Decree and separate impact need for an environmental assessment for a part of the township may be decided upon after on the basis of a case-by-case evaluationdetermination of the significance of the expected environmental impacts., pursuant to Section 1 (3) of Government Decree 2/2005.~~ According to Section 3 of ~~the~~Government Decree 2/2005, it is the task of the body responsible for the design of the spatial planning plan and programme (the municipality) ~~to prescribe an EIA or not taking into account the advancements in the planning process into account to prescribe an EIA or not. According. Pursuant~~ to Section 4 Paragraph (2) of Government Decree 2/2005, 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 5 (2) of Government Decree 2/2005, the ~~designer will publish~~developer publishes its decision and the reasons ~~leading up to for it in its official notice or by any other means suitable for informing the public, and, if in contrast to it has a website, also on that website, and, if it has decided that an environmental assessment is not necessary and thus diverged from the opinion received by of the bodies responsible for environmental protection it has decided that an EIA is not necessary this received pursuant to Article 4, the fact as well in an official announcement or any other method suitable for public information and if possible on its website as well of such deviation.~~ (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

~~120-108.~~ 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, Kvt., is an advisory, reviewing and consulting body to the Government.

~~Problems reported by environmental- and nature protection civilian organizations NGOs:
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- In practice, the National Environment Council does not receive from the ministries all the proposals it is asked to comment on, and especially not in time (before the Government's decision, according to the law) to perform its role of providing opinions, advice and proposals. The deadlines for the opinion (instead of the 30 days required by law) are generally so short that the OKT cannot fulfil its role as intended by the legislator: there is not enough time for the three groups of members (business, science, NGOs) to reach a consensual position. The proposals made by the OKT are rarely incorporated into the material reviewed. Despite explicit requests to this effect, the OKT does not receive any justification or feedback from the proposers, and there is no opportunity to discuss the Council's amendments. NGOs regret that the Council's role in practice is now marginal, significantly weakened compared to the original ideas, and its opinion is rarely taken into account by decision-makers.~~

103. 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.~~

The consultation process is facilitated by the AM strategic agreements that the ministry concludes with multi-organisational or interdisciplinary organisations. In 2019, the Ministry

concluded strategic partnership agreements with several organisations related to the nature conservation sector, such as the Hungarian Ornithological and Nature Conservation Association, WWF Hungary, the Hungarian Association of Nature Conservationists and the Hungarian Museum of Natural History.

Problems reported by environmental- and nature protection civilian organizations NGOs:
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
During the reporting period, and especially towards the end of the reporting period, opportunities for dialogue between NGOs active in a particular field and the ministries concerned, and for them to learn more about the government's position and to present the NGOs' proposals, were suddenly interrupted. For example, this was the end of a long series of regular and useful consultations between the Clean Air Action Group and the Ministry of Agriculture on air quality issues. We propose to restore these opportunities to ensure public participation in environmental policy making.

110. The overall framework for Hungary's environmental policy objectivesgoals 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 is provided by the finalisationNational Environmental Programmes, which are renewed every 6 years. Currently, the implementation of the National Environmental Programme which wasfor the period 2015-2020 (4th National Environmental Programme), adopted by Parliament by decisionDecision 27/2015. (VI. 17.) OGY. The Programme (17 June) of the National Assembly, is available on the web-site of the ministry responsibleunderway. In addition, the preparation, planning and compilation of NKP4 and NKP5 for environment issues the period 2021-2026 was started in 2020, based on the provisions of Government Decree 38/2012 (12 March) on governmental strategic management.

123-111. 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~~Article 7

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

According to Kvt. Section 43, plans or programmes likely to have a significant impact on the environment, the development of which is required by law or by a parliamentary, governmental or local government decision, must be subject to environmental assessment including an environmental impact assessment (EIA) pursuant to Government Decree 2/2005 (11 January) on the environmental assessment of certain plans or programmes (hereinafter: Government Decree 2/2005).

A strategic environmental assessment had to be carried out in 2015 before the adoption of the national programme for the implementation of the national policy, as the national programme is covered by Government Decree 2/2005. Accordingly, once the domestic procedure was completed, and the environmental report was finalised, an international procedure was also launched.

~~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

www.kvvmemla.hu (archived)

www.emlaeuuki.hu

www.jogalkotas.hu

www.euuki.hu

http://www.kormany.hu/download/8/67/10000/NKP_2009-2014.zip#!DocumentBrowse

<http://www.ajbh.hu/documents/10180/129110/AJBH+Besz%C3%A1mol%C3%B3%202012/9215dc04-4031-451e-b79e-eff2e2e63925?version=1.1>

Standpoint of the Deputy Commissioner for Future Generations:

The relevance of what is detailed in the Draft in relation to the application of Article 7 of the Convention is fundamentally influenced by the new procedural order, the so-called “priority investment” practice, which has become almost universal. The existing regulation of priority investments under Act LXXVIII of 1997 on the formation and protection of the built environment (hereinafter: Étv.) overrides the general prevalence of the so-called “plan system” in the field of construction, as mentioned in the report, whereby plans defined at a lower level are regulated within the framework of higher-level legal sources, and fundamentally changes the possibility of public participation in planning and programme-making activities at the local level (urban development and planning). It should be noted that it might be worth reviewing whether it is justified to maintain this separate procedural regime in all current cases.

Pursuant to Étv. 4 (3a), the Government may individually determine the rules of construction, building requirements and specific spatial planning rules for certain investments, including investments of major national economic importance. In addition, the new OTrT. also amended Act XXI of 1996 on spatial development and planning (hereinafter: Tftv.), Section 8 of which provides that in these cases the provisions of the new OTrT. are not applicable either, i.e. the national rules on land use may be overridden.

The development plan system determines land use from the national level down to the level of individual plots, culminating in the national and priority regional spatial plans, followed by the county spatial plans, then the municipal level; the urban development and planning instruments and the cityscape protection. The planning system ensures that the public interest at the national level is “channelled” down to the level of individual sites, so that lower level plans can only regulate within the framework of higher level statutory plans, thus ensuring a balance between the public interest and legitimate private interests at different territorial levels. Priority investments in construction override this system, in that it is not the planning system (and the public interest it serves), but the individual decision of the Government that determines how, for what purpose and with what specific building requirements the land can be used. This is based on the very fact of designation of the investment, i.e. its declaration of priority, in which case a new public interest emerges which was not foreseen in the spatial and urban planning phase – and thus not even examined in context and not even subject to public consultation – and which “overrides” the general order.

Town and country planning instruments, such as the local building regulations and their annex, the regulation plan, are drawn up in a strictly bound order with guarantee procedural elements through the so-called “town and country planning procedures”. This procedure includes an environmental assessment at the planning stage and the obligation to involve the local population through the so-called partnership instrument, which, in addition to its guarantee character and content, also serves to implement the Aarhus Convention. All these assessments identify the impacts for the proposed area and the municipality as a whole. The procedure also involves interested public administrations, including those representing environmental and nature conservation interests.

The process described above, however, does not occur in the case of the construction highlights in question, or happens differently. The individual decision of the Government is a legislative act subject to the provisions of Act CXXX of 2010 on legislation (hereinafter: Jat.). Of course, in this case too, the legislator must assess the likely effects (Jat. Section 17 (2) ab)), however, they are far from being comparable – in terms of their detail and thoroughness

– with the requirements of the above-mentioned environmental assessment specifically related to urban planning, and do not guarantee the involvement of the population concerned to the extent and with the content of the partnership institution of urban planning procedures.

In addition, the assessment of the combined effects for the whole municipality – and ensuring public participation in this – is completely excluded, as it is not carried out in a general way, the legal act of assigning priority is only linked to the specific investment, revising the plans or cancelling the planning procedure. At the municipal level, other consequences of assigning priority include the jeopardising of the prevalence of the local environmental protection programme required by Kvt. Section 43 (1) b). As the requirements are also applicable to the whole municipality, their design and fulfilment are obviously fundamentally influenced by the use of a particular part of the municipality for other purposes or even just the “external” definition of its buildability with other parameters. All this affects the values protected by Article P of the Fundamental Law, the common heritage of the nation, as much as the application of Article 7 of the Convention.

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

~~125.~~

112. 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 ~~on~~ 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.–113.~~ In addition, the ~~Environment Act~~Kvt. explicitly sets out that environmental ~~civil organizations~~NGOs 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~~NGOs 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~~NGOs:
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.~~

~~-When it comes to drafting opinions on legislation, the OKT suffers from the same insurmountable workload of short deadlines as NGOs. It is an ongoing practice that the drafters of legislation do not provide the OKT with the minimum time required to issue an opinion, in violation of the law. This is also an important problem because the OKT is a body, so it can only fulfil its real function if it is given sufficient time to develop its position. The law allows the OKT to invite government actors to present draft legislation to the OKT plenary session on its own initiative, but in some cases there has been no response from the ministry requested, or only a refusal after a number of requests.~~

25. Obstacles encountered in the implementation of Article 8

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

~~114,128.~~ 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: Report](#) on the activities of the Commissioner and Deputy Commissioner for fundamental rights, 2012, [pagepp. 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>).~~

~~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.~~

~~EMLA Environmental Management and Law Association: It is not clear what is the relevance of a 2012 Ombudsman's report in a report of 2021, unless there has been no material since that to address the issue.~~

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

27. Related websites

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

www.kvvmemla.hu (archived)

www.oktt.hu

www.emla.hu

www.ajbh.hu/documents/10180/129110/AJBH+Besz%C3%A1mol%C3%B3+202012/9215de04-4031-451e-b79c-eff2e2e63925?version=1.1

www.jogalkotas.hu

Standpoint of the Deputy Commissioner for Future Generations:

As I have already indicated above, there has been an unfortunate and growing tendency in recent years for draft legislation and draft strategies not to be submitted for public consultation. The drafts have therefore not been properly published on the dedicated website, making public consultation impossible on these drafts. In all cases of legislative consultation, I draw the attention of the proposer to the lack of public consultation and request that it be made up for by setting an appropriate deadline. We also observe a lack of consultation with environmental professional organisations, which is also regularly reflected in our opinions sent under Act CXI of 2011 on the Commissioner for Fundamental Rights.

Similarly, it is common for drafts to be submitted to the Office of the Commissioner for Fundamental Rights for an opinion at an unduly short time or not at all, contrary to the law, which also hollows out the right to an opinion.

28. Application of Article 9 (access to justice)

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

~~129-115.~~ The ~~Information Act~~ [Infotv.](#) provides that where a request for information has not been lawfully fulfilled, the applicant may have direct recourse to judicial review. The ~~grounds for data controller must prove the lawfulness and the legality~~ justification of the ~~refusal have to be demonstrated by the holder of the information~~ procedure. 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~~ NGOs: During the requisition process of data with ~~The fast-track procedure in public interest court~~ fast track procedures are not realized in all disclosure cases. In truth, the first and second instances of these is just a legislative expectation, but the reality is that lawsuits may ~~can~~ last for months, even 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.~~

~~EMLA Environmental Management and Law Association: In this subchapter, should also be presented the judicial remedy, only the reference to the NAIH is insufficient and it does not provide any information on the practice.~~

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

~~130. Administrative and judicial remedies available in 116. In environmental administrative authority procedures (including the permitting procedure attached possibilities for legal remedies in relation to EIA) administrative decisions are defined by set out in the Administrative Procedures Code (Act CXL, Ákr.~~

~~As a result of 2004.) referenced above, the amendments introduced by Act CXXVII of 2019 amending certain Acts in connection with the creation of single-level district office procedures, as a general rule, administrative authority procedures have become single-level. Appeals can be lodged with the competent Tribunal where an Administrative Division is operated.~~

~~As per the Administrative Procedures Code Pursuant to the Ákr., remedies can be sought by the client and any person who is affected by the operative part of the decision of the environmental authority ("client"). The remedy procedures that can be initiated by conducted at the request of 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 administrative proceedings, appeals (if expressly allowed by law), 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 proceedings, prosecution and 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 the procedure for judicial review are determined by the set out in the Chapter on Administrative Procedures of Act on the Code of Civil Procedure relating to I of 2017 on administrative lawsuits.~~

~~131. In view of the fact that participation in procedures (hereinafter: Kp.). The Kp., which entered into force on 1 January 2018, has significantly transformed the previous system of legal remedies by making the initiation of 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 proceedings the main rule, while allowing appeals in exceptional cases.~~

~~Until 1 March 2020, the district office of the county government office operating in the county seat acted as the territorial environmental authority. According to the status of the Ákr. between 1 January 2018 and 1 January 2020, an appeal was possible against the decision of the head of the district office. In 2020, the amendment to the Ákr. no longer allows appeals against decisions taken by the head of the district office, and the organisation of environmental administration has also been changed, so that from 1 March 2020 the county government office will act as the regional environmental authority with county jurisdiction. It follows from the above that, as a general rule, the client may bring an action for judicial review of decisions taken by environmental authorities. The detailed rules of the administrative procedure are laid down in the Kp.~~

~~117. Under Hungarian law, the right to participate in administrative proceedings, and thus to have access to legal remedies, is linked to the person of the “client”.~~

~~Pursuant to Ákr. Section 15, Paragraph (1) of the Administrative Procedures Code¹⁰, a client is a natural or legal person or a non-legal entity other organisation whose rights, legal situation right or legitimate interests are interest is directly affected by the decision. In addition, a lawcase, for whom the public register contains data or who is subject to public control.~~

~~An Act or government decree may set out define the scope of persons and entities who (which) are considered clients by virtue of the law 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.~~

~~Section 11/A (1) of Act CXVI of 1996 on nuclear energy defines who is entitled to the client status.~~

~~Of all the civil organizations NGOs, the Environmental Act Kvt. 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 The privileged legal~~

~~standing client status of environmental organisations is also confirmed reinforced by the above referenced repeatedly cited Government Decree –314/2005. (XII. – (25) on environmental impact assessment and the uniform December), which stipulates that an 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 organisation is always have to be deemed “concerned”-considered an interested party under the Kvt.~~

~~The definition concepts of “client” in the Administrative Procedure Code “public concerned” under the Árt. and Government Decree –314/2005 (XII. 25.) are December) do not entirely identical, fully overlap, i.e. for example, the public concerned may also include 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.

~~132-118.~~ 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 Kvt. 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 Curia did not consider the ~~view of the Supreme Court, administrative nature conservation and water management authority cases do not constitute administrative to be environmental authority cases.~~ However, participation is nevertheless possible in nature conservation cases pursuant to the provisions of the nature conservation Nature Conservation Act. (According to the ~~paragraph (2) Section 3 (2) of Act LIII. of 1996. on the Conservation conservation of Nature nature,~~ the ~~regulations provisions~~ of the Environment Act Kvt. must be applied in cases which are not regulated in the ~~pre-cited said~~ Act but concern nature conservation. Considering the above-mentioned, in administrative cases concerning nature conservation ~~civil organizations NGOs~~ 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 Kvt.~~

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 NGOs~~ 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~~ According 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 Kvt. Section 12 (8): “A decision declared as to be final or immediately enforceable and not subject to appeal, and an administrative environmental protection agency contract ~~must be disclosed if its enforcement results in a material, the implementation of which has significant environmental effect~~ effects, shall be published on the website of the environmental protection agency.”

Problems reported by environmental and nature protection NGOs:

A serious enforcement problem is that in environmental cases the court very rarely orders an immediate relief, which often results in the full or partial implementation of the use of the environment and irreversible damage until the end of the administrative proceedings. The rare use of immediate relief is usually due to the fact that courts typically overestimate the economic damage caused by non-enforcement, while the environmental damage caused by implementation is usually underestimated.

EMLA Environmental Management and Law Association: Now the Case Law Decision 4/2010 of the Curia is completely obsolete, practically none of the bodies exist, which are referred to in it, after several reorganisations, thus the used criteria and system does not fit into the real practice.

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

~~133~~119. Kvt. Section ~~98 of the Environment Act~~99 makes it possible for environmental ~~civil organizations~~NGOs 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~~ NGOs may request the court to order the termination of the unlawful polluting activity or the introduction of preventive measures.

~~134.~~ Problems reported by environmental and nature protection NGOs:

The use of actio popularis in practice is hampered by a number of factors, such as high procedural costs. In addition, there are a number of legal and extra-legal obstacles which, in fact, reduce this legal instrument to a theoretical possibility or, at most, can only justify the power of the prosecution services to initiate a lawsuit. There is a lack of detailed rules (which the courts have not been able to establish in principle due to the scarcity of case law) on what the NGO should actually request, what the content of the petition should be, what the financial value of the action should be, what the plaintiff should prove, etc. In parallel, there is a pressing need for solutions to facilitate litigation (exemption from fees, costs or the sharing of expert costs, or perhaps reversal of the burden of proof). A review and strengthening of the applicability of the legal instrument is recommended, but no progress has been made compared to previous reporting periods.

120. Pursuant to Section 65 of Act LIII- of 1996- on the ~~Conservation~~conservation of ~~Nature~~nature, in the event of unlawful damage or risk to natural areas and values, the environmental ~~civil organizations~~NGOs 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.

~~135-121.~~ In addition, Act CLXV. of ~~2013~~ 2013 generally enables anyone to file a complaint or a ~~report at~~ public interest disclosure with the competent authority.

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

~~136-122.~~ 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 9.3 and/or the relevant national legislation?

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

~~137.~~

123. 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, Ptk., while in criminal cases the factual elements of certain crimes are examined in the regulation of the Penal Code Btk.)

~~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?

~~124.~~ 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.~~

125. ~~Act XCIII.~~ of 1990. on Duties~~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~~In addition to the procedural ~~duty, fee,~~ the client may also incur additional costs ~~may arise for,~~ the client who is ~~amount of which can be~~ determined according ~~to~~on the basis of the specific facts of the case (e.g. lawyer's fee~~for example, the cost of a lawyer or an expert fees~~).

Problems reported by environmental and nature protection NGOs:

In recent time, the court practice shifted and now, in administrative 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

NGOs. Smaller NGOs and citizens are also deterred by the fact that they have to pay their own legal costs and, in the event of a legal defeat, those of the opposing party. It would be necessary to provide full or substantial legal aid in these cases.

EMLA Environmental Management and Law Association: The text is incomplete in the presentation the whole of the available tax and cost reductions.

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

~~141. Under 126.~~ According to the Administrative Procedures Code, ~~all~~Ákr., the decision of the administrative decisions have to contain a precise reference to the availability of appeal body must include information on the possibility of legal remedy. 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.

Ákr. Section 81 contains the content requirements of the decision, one of which is the information on the use of legal remedies. It typically includes the following elements:

- the number of days from the date of notification of the decision within which the petition may be lodged
- where the customer can submit the application
- how a party with/without a legal representative may lodge a petition
- whether the petition has suspensory effect for the enforcement of the decision
- information on the payment of legal costs and fees
- information on the holding of a hearing.

29.— Obstacles encountered in the implementation of ~~article~~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 popularis 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 administrative 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 administrative 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.~~

142.

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

31. Related websites

<http://www.kormany.hu/hu/foldmuvelesugyi-miniszterium>
<http://abiweb.obh.hu/abi>
www.birosag.hu

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

Abbreviation	Definition
Government Decree 2/2005	Government Decree 2/2005 (11 January) on the environmental assessment of certain plans and programmes
NKP4	4th National Environmental Programme
Government Decree 489/2015 (30 December)	Government Decree 489/2015 (30 December) on the monitoring of the environmental radiation situation determining the natural and artificial radiation exposure of the population and on the range of quantities to be measured
Ákr.	Act CL of 2016 on general administrative procedures
AM	Ministry of Agriculture
ÁNTSZ	National Public Health and Medical Official Service
ÁNYK	General Form Filling Program
Civilian ActBtk.	Act CLXXXI. of 2011 on the court record of civilian organizations and related procedural regulations Act C of 2012 on the Criminal Code
InformationNG O Act	Act CXHCLXXV of 2011 on the Rightright of Informational Autonomy association, public benefit status and the Freedomoperation and support of Informationnon-governmental organisations
Penal CodeCnyt.	Act CCLXXXI of 20122011 on the Penal Codecourt register of non-governmental organisations and the related procedural rules
DDOP	South Transdanubian Operational Programme
ÉAOP	Northern Great Plain Operational Programme
EIE	Forest School Association
Electronic Information Act Eitv.	Act XC of 2005 on the Freedomfreedom of Electronic Information electronic information
ÉMOP	North Hungarian Operative Programme
E-PRTR	European PollutantPollution Release and Transfer Register
ERMAH	Radiological Monitoring and Data Acquisition Network
EU ETS	European Emission Trade System
FM	Ministry of Agriculture
Forestry Act Evt.	Act XXXVII of 2009 on Forests, Protection of Forestsforests, forest protection and Forestryforest management
GEVB	Committee for Genetic Engineering Procedures
IV.NKPHAKS ER	4th NationalJoint Environmental Programme-Radiation Monitoring System
IMPEL	European Union Network for the Implementation and Enforcement of Environmental Law

Infotv.	Act CXII of 2011 on the right of informational autonomy and the freedom of information
Duty Act Itv.	Act XCIII of 1990 on Duties duties
KAR	Environmental Core Register
KDOP	Central Transdanubian Operational Programme
KEOP	Environment and Energy Operational Programme
Administrative Procedures Code Ket.	Act CXL of 2004 on the General Rules general rules of Administrative Procedures administrative procedures and Services services
KMOP	Central Hungarian Operational Programme
KOKOSZ	Alliance National Association of Environmental and Nature Conservation Training Centres
Environment Act Kp	Act LIII of 1995 2017 on the Protection of the Environment administrative procedures
NÉBIHK vt.	National Food Chain Safety Office Act LIII of 1995 on the protection of the environment
MKNE	Hungarian Society for Environmental Education
NAIH	National Data-Protection and Information Freedom Authority
NBmR	National Biodiversity Monitoring System
NÉBIH	National Food Chain Safety Office
NFÜ	National Development Agency
NPI	National Park Directorate
NyDOP	West Transdanubian Operational Programme
OAH	Office of Nuclear Energy
ÖBHOET	National Judicial Office Forest Council
OFI	Centre of the Hungarian Institute for Educational Research and Development
OIT	National Council of Justice
NNK	National Public Health Centre
OKIR	National Environmental Information System
OKJ	National Qualification Register
OKSER	National Environmental Radiological Monitoring System
OKT	Hungarian National Council on the Environment
Chief Inspectorate OK TF	National Environmental and Nature Conservation Chief Inspectorate
OLM	Hungarian Air Quality Network
OMSZ	Hungarian Meteorological Service
OP	Operational Programme
OSSKI	“Frederic Joliot-Curie” National Research Institute for Radiobiology and Radiohygiene

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
NFÜS	National Development Agency Act LXXX of 2019 on vocational training
SRÖP	Social Renewal Operational Programme
TeIR	National Spatial Development and Planning Information System
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
OSSI	"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~~Article 6a and Annex Ia)

~~143-127.~~ In Hungary, the Amendment to the Aarhus Convention regarding genetically modified organisms (GMOs) has been announced by Act ~~-XIX-~~ of 2008~~7~~ 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~~7~~ 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) 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 Gödöllő⁷.~~

34. ~~Obstacles encountered in the implementation of~~ ~~article 6 bis~~Article 6a and Annex I

35. ~~Further information on the practical application of the provisions of~~ ~~article 6~~Article 6a and Annex I

36. Website addresses relevant to the implementation of Article 6

36. Related websites

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/>. at <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-http://gmo.kormany.hu>.

⁷http://biosafety.abc.hu/biosafe_eng.html