

NATIONAL REPORT – HUNGARY

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LEGISLATION – EU APPROXIMATION:

In the past 1,5-2 years most of the EU environmental regulations have been transposed to the Hungarian legal system and only a very limited percent of detailed rules are missing (for example, waste transport, waste registers, etc.). From among the huge list of regulations we may list some:

- Gov. Decree 94/2002.(V.5.) on packaging and packaging waste,
- Gov. Decrees 25-26-27/2002. (II. 7.) on National Implementation Programm of Urban Waste-water Treatment
- Gov. Decree 313/2001. (XII. 28.) on implementing regulations of industrial accident requirements
- Joint Order of Minister of Environment and Minister Water and Transport 9/2002. (III. 22.) on emission standards of waste-water and water discharges
- Order of Minister of Environment 3/2002. (II. 22.) on technical details and emission limits of waste incineration
- etc.

One specific issue has been the adoption of Act CIV of 2001 on the possibilities of criminal liability of legal persons. This act provides the framework of future implementation – procedural elements, punishments, etc. – while the act itself shall enter into force only after our accession to the EU.

LEGISLATION – MEETING INTERNATIONAL COMMITMENTS

- Act LXXXI of 2001 – the implementation of Aarhus Convention. The whole Convention has been adopted as national legislation and is enforceable from January 2002.

Legislation – national priorities

Some examples of most recent legislation

- Act LXXIII of 2001 – new product fee regulations, plus several implementing regulations concerning product fees in lower level legislation
- Gov. Decree 96/2002. (V. 5.) on noise and vibration framework
- Gov. Decree 2/2002. (II. 27.) setting up the 10th National Park (Őrség)

Supreme Court case

From among the recent judgments of the Supreme Court we may mention No. 179 of 2002, which is focusing on the balancing of interest of economic activities and environmental interests. In the given trespass case the neighbouring company (commercial company) interfered in the neighbours interests by causing noise over the standard. The plaintiffs claimed the closing of the commercial activity, while the defendant – the company – argued that the moving of goods are necessary for the activity which provides the means of income. The first instance court decided to stop the activity, the second instance court ordered the limitation of the given movement of goods on the basis of balancing the different interests of the parties. According to the Supreme Court although the noise emitted has been over the standard, thus it is unlawful, there should be a need to balance the different interests in a way that some disturbance may be acceptable, in a limited scope. Thus the right to environment – one argument of the plaintiff, who wanted to shut down the facility – should not be understood in an absolute manner.

CHANGES IN ADMINISTRATION

After the elections in May 2002 the socialist-liberal coalition decided to restructure environmental administration in a way that water management, that has been in a separate ministry, should be organised and managed together with environmental protection, which among others covers water protection. Thus the new Ministry of Environment and Water has been set up. This may mean the need of reorganising regional administration at the same time. Unfortunately – although a project has been launched to design the means and methods of restructuring – up till now there are no clear views how to manage the reform. One of the proposals was to integrate the different offices taking care for the public authority tasks in order to develop an integrated system of permitting, monitoring, enforcement, while those tasks, which mean the management of different interests (water utilisation, flood control, etc.) should be kept separate.