

Recent development – Hungary

Act of forests (Act XXXVII of 2009). A new act on forests, which tries to focus on environmental purposes, too – climate change functions, biodiversity functions – in its general provisions and speaks about sustainable forest management. Even there are several nice provisions in the proposal, there are not enough safeguard elements against the fiscal management interest. The act itself requires further studies, together with the implementing legal regulations.

Aarhus PRTR (Act LIII of 2009). It is nothing but the simple transposition of the Kiev Protocol into the Hungarian legal system.

Act LVI of 1995 on the product fee, as amended early this year

The reason of the amendment was first of all to adopt it to the EC requirements, and also to provide the chance for consultation with the Commission, which did not happen earlier. Otherwise the scope of the act has not been changed, so this is still taken as an economic instrument in the field of environmental law, but environmentalists generally doubt the effectiveness of the regulation. Consequently, the changes are related mostly to procedural elements and to the connection with taxation – the procedure is connected with the customs authorities, which really provides better chances for enforcement, but also proves that we are getting away from environmental interests. There are stricter sanctions in the new version. The environmental interests may better be reflected within those provisions, which refer to fee-allowances or cases when one does not have to pay the fee – these are mostly connected with recycling.

Amending the EIA and IPPC Gov. Decree in July this year.

There are some new procedural elements which clarify better the relationship of the two procedures. There is also a new option to undertake a preliminary consultation process instead of a preliminary investigation, providing possibly a better chance for scoping. The major elements of preliminary investigation are not changed within this consultation process, so the local governments, specific authorities and the public shall also be consulted. This is a first time, when the Natura 2000 assessment is directly involved as a specific element of the process. Also there are some amendments within the list of activities, covering Natura 2000 and sewage system regulations better than before.

New site authorization procedure, adopted the last day of 2008 (358/2009. (XII.31.) Gov.Decree). The site authorization procedure is important from environmental protection point of view as this shall – and the previous version were – used in smaller scale industrial, service or commercial activities. In the list of the Decree there are many elements which have environmental consequences – e.g., the waste management activities, which are not subject to EIA or IPPC are subject to this procedure. Part of the activities only require notification, part need a permit. The authority is the clerk of the local government, who has to invite into the procedure in environmental cases the regional environmental authority, too. The neighbours are also invited into the procedure, unfortunately not those living in the impact area, but only those, living next to the site as direct neighbours.

2009-09-27
Gyula Bándi