

**REPORT OF Hungary ON THE IMPLEMENTATION OF
THE CONVENTION ON ENVIRONMENTAL IMPACT
ASSESSMENT IN A TRANSBOUNDARY CONTEXT**

in the period 2010–2012

Information on the focal point for the Convention

Dr. Bálint DOBI
Head of Department of Environmental Preservation
Ministry of Rural Development
Department of Environmental Preservation
H-1055. Budapest, Kossuth Lajos tér 11.
Phone.: +36 1 795 5859
Fax: +36 1 795 0057
e-mail: balint.dobi@vm.gov.hu

Information on the point of contact for the Convention

Ms Virág POMOZI
Executive Adviser
Ministry of Rural Development
Department of Environmental Preservation
H-1055. Budapest, Kossuth Lajos tér 11.
Phone.: +36 1 795 6131
Fax: +36 1 795 0057
e-mail: virag.pomozi@vm.gov.hu

Information on the person responsible for preparing the report

- | | | |
|-------|------------------|--|
| i. | Country: | Hungary |
| ii. | Surname: | Pomozi |
| iii. | Forename: | Virág |
| iv. | Institution: | Ministry of Rural Development |
| v. | Postal address | H-1055. Budapest, Kossuth Lajos tér 11. |
| vi. | E-mail address | virag.pomozi@vm.gov.hu |
| vii. | Telephone number | +36 1 795 6131 |
| viii. | Fax number | +36 1 795 0057 |

Date on which report was completed: 28 03 2013

PART ONE – CURRENT LEGAL AND ADMINISTRATIVE FRAMEWORK FOR THE IMPLEMENTATION OF THE CONVENTION

In this part, please provide the information requested, or revise any information relative to the previous report. Describe the legal, administrative and other measures taken in your country to implement the provisions of the Convention. This part should describe the framework for your country's implementation, and not experience in the application of the Convention.

Article 2

General Provisions

1. *List the general legal, administrative and other measures taken in your country to implement the provisions of the Convention (art. 2, para. 2).*

Act. LIII. of 1995 on the general rules of environmental protection (further referred to as Environmental Act) Articles 66-72 and Article 97.

Governmental Decree No. 314/2005. (XII.25.) on environmental impact assessment and on integrated environmental usage permitting process (further referred to as EIA Decree).

Indicate any further measures to implement the provisions of the Convention that are planned for the near future.

—
(We consider that the convention has been implemented fully into the Hungarian legislation.)

3. *List the different authorities that are named responsible for the implementation of the EIA procedure in the transboundary context and domestically.*

According to the EIA Decree, on the first instance the lead authority in Hungary for both the transboundary and the domestic EIA procedures is the concerned regional Inspectorate for Environmental, Nature and Water (in case of motorway projects the National Chief Inspectorate for Environment, Nature and Water; further referred to as Competent Authority/CA), and all other authorities participate in the process, which have significant environmental aspects in their respective scopes of authority. Their participation is quite meaningful in the whole process, e.g. they give their input to the evidence taking process and also they give their mandatory opinion concerning the final decision, as special co-authorities (addressed by the *Act CXL of 2004 on the General Rules of Administrative Procedure* and enlisted in the Annex 4 of the *Governmental Decree No.347/2006 (XII.23.) on the appointment of the authorities administer environmental, nature protection or water management administrative duties* and in the Annex 12 of the EIA Decree).

Finally, in the transboundary context: the Ministry responsible for environmental protection in Hungary (currently the Ministry of Rural Development; further referred as to MoRD) manages the communication with the foreign partners both in the position of Affected Party and Party of origin. The MoRD organises the consultations according to Art. 5 and the public hearings, as well.

4. *Is there an authority in your country that collects information on all the transboundary EIA cases? If so, please name it.*

The MoRD assures a coordinated application, in that aspect it has information on all the Espoo cases.

5. *Does your country have special provisions for transboundary EIA procedures for joint cross-border projects (e.g., roads, pipelines)?*

There is no special provision.

In practice, however, in case of cross-border projects, Hungary always sends notification to the other concerned Party(ies).

Furthermore, regarding the EIA procedure for Nabucco gas-transmission pipeline project, there were several co-ordination meetings, where the represent of all the concerned Parties (Turkey, Bulgaria, Romania, Hungary and Austria) as well as the EU Commission participated.

IDENTIFICATION OF A PROPOSED ACTIVITY REQUIRING ENVIRONMENTAL IMPACT ASSESSMENT UNDER THE CONVENTION

6. *Is appendix I to the Convention transposed fully into your country's national legislation? Please describe any differences between the national list and appendix I to the Convention.*

Yes, the Appendix I to the Convention has been fully transposed into the Hungarian national legislation.

7. *Does your country's legislation already cover fully the revised appendix I in the second amendment (ECE/MP.EIA/6, decision III/7)?*

Yes, the EIA Decree (Annexes 1 and 3) fully covers the amended Appendix I.

PUBLIC PARTICIPATION

8. *How does your country, together with the affected Party, ensure that the opportunity given to the public of the affected Party is equivalent to the one given to your country's public as required in article 2, paragraph 6?*

All the documents, that are disseminated in Hungary to make it available to the Hungarian public for comments, are sent to the affected Party (to the Point of Contact), roughly at the same time as the Hungarian public receives them, requesting comments from the public of the affected Party. The comments received from the public of the affected Party shall be considered the same way as received from the Hungarian public.

Article 3

Notification

QUESTIONS TO PARTY OF ORIGIN

9. *Describe how your country determines when to send the notification to the affected Party, which is to occur "as early as possible as and no later than when informing its own public".*

According to the EIA Decree, the concerned regional Inspectorate for Environmental, Nature and Water responsible for determining, whether that transboundary environmental impacts of the proposed activity may occur. In this case, the regional Inspectorate for Environmental, Nature and Water sends all the documentation of (information on) the proposed activity to the MoRD, immediately.

The MoRD sends the notification to the Affected Party (forwarding all the received documentation), without delay.

Hungary usually notifies the potentially Affected Party at the beginning of the Preliminary Assessment Procedure (that is in the framework of the Scoping phase of the EIA procedure).

10. Indicate whether and how the following provisions are reflected in your national legislation:

- a. The stage in the EIA procedure when your country usually notifies the affected Party (art. 3.1);*

Hungary usually notifies the potentially Affected Party at the beginning of the Preliminary Assessment Procedure (id est in the framework of the Scoping phase of the EIA procedure).

- b. The format for notification. Please indicate whether this is the format as decided by the first meeting of the Parties in its decision I/4 (ECE /MP.EIA/2, annex IV, appendix). If not, does your country use a format of its own (in which case, please attach a copy of it)?*

Yes, the proposed guidelines are followed, but only partially. In our opinion the content suggested by the decision I/4 can be applied directly by countries that have adopted a one-step EIA procedure. In Hungary the process is a two-step one with public participation in the Preliminary Assessment phase, as well. Consequently Hungary has to send the notification and supplementary information at an earlier stage of Preliminary Assessment Documentation preparation, than countries with one step-process (or with two phases process but with no public participation in the first one).

Please, find enclosed the notification, sent during the Preliminary Assessment Procedure of the Szeged combined cycle gas-fired (CCGT) power plant project.

- c. The time frame for the response to the notification from the affected Party (cf. art. 3, para. 3, “within the time specified in the notification”), the consequence if an affected Party does not comply with the time frame, and the possibility of extending a deadline;*

According to Article 13 (4) of the EIA Decree, the MoRD has to specify the time frame for the response “in harmony with the deadline for the national EIA process”. The specified deadline depends on which phase of the procedure has the notification been sent in. Since Hungary usually notifies the potentially Affected Parties during the Preliminary Assessment Procedure – when according to the Article 2 (3) d) of the EIA Decree the Preliminary Assessment Documentation has to be made available for the public for comments for 21 days – we usually set a 30-day deadline for the notified Country to decide whether it intends to take part in the Hungarian procedure, when we send the Preliminary Assessment Documentation in the national language of the Affected Party and usually set a 45-day deadline, when the Study is in English. And usually another 15-day deadline is set for the comments of the Affected Party, in case of participation in the EIA procedure.

If we become aware that significant transboundary effects on the environment may occur only during the EIA procedure – when according to the Article 8 (3) of the EIA Decree, the EIA Study has to be made available to the public for comments for 30 days – we usually ask the notified Country's decision on participation and their comments in 60-80 days.

We usually accept if the Affected Party asks for an extension of a deadline, when there is an acceptable reason for the request for extending it. According to the Article 12 (5) of the EIA Decree the Transboundary part of the Environmental Impact Assessment Procedure shall not be counted to the deadline of the domestic procedure.

Lack of response from the applicant or from other participants, however, could be considered serious shortcomings. Longer delays could make it impossible to take the opinion of the Affected Party into consideration (e.g. the comments arrive only when the decision of the competent authority had already been taken).

d. The request for information from the affected Party (art. 3 para. 6), necessary for the preparation of the EIA documentation;

According to Article 13 (2) cb) of the EIA decree, in case the occurrence of a significant transboundary environmental impact – especially according to the criteria set forth in Appendix III of the Convention – is presumable, the concerned regional Inspectorate for Environmental, Nature and Water shall inform the MoRD and the Inspectorate attaches to the information – among others – what data and environmental information have to be requested from the impact area of the Affected Party (Article 1 point (iii) of the Convention) in order to complete the environmental impact study.

e. How your country cooperates with the authorities of the affected Party on public participation (art. 3, para. 8);

The Affected Party (the point of Contact) receives all the materials (information) what the Hungarian public receives and all the further dissemination tasks rests on the Affected Party. According to the Article 13 (1) d) of the EIA Decree the whole Preliminary Assessment Documentation shall be translated into English or into the language(s) of the Affected Party(ies). And according to the Article 14 (1) of the EIA Decree the international chapter and the non-technical summary of the Environmental Impact Assessment Report shall be translated into English or into the language of the Affected Party.

In practice, we advise that the developer should translate the documentation into the language of the affected Party, though. (English is not the official language of any neighbouring countries of Hungary, so documentations in English must be translated by the Affected Party, as well, which time (and cost) consuming and can increase the possibility of mistranslations.)

f. When and how the public in the affected Party is notified (what kinds of media, etc., are usually used). What is normally the content of the public notification?

The Hungarian Point of Contact sends the notification to the Point of Contact of the potentially Affected Party, as soon as she receives the notification from the Competent Authority. The notification is sent via e-mail and post, as well.

The notification contains a cover letter with all relevant information on the EIA procedure of the planned activity and the set deadline, till the answer of the Affected Party is required and all available information on the planned activity (the Preliminary Assessment Documentation or the Environmental Impact Assessment Report). The cover letter always composed in English, the

Preliminary Assessment Documentation and the Environmental Impact Assessment Report in Hungarian and in English or in the language of the Affected Party.

The Point of Contact of the Affected Party receives all the materials what the Hungarian public receives and the identification and the notification of the public in the area of the Affected Party rests on the Affected Party.

g. When and how the public in the Party of origin is notified (what kinds of media, etc. are usually used). What is normally the content of the public notification?

The Competent Authority shall notify the public within 8 days after the start of the EIA procedure, by announcing the publication in its office and on its web page.

Furthermore the CA – in the same time of publishing the announcement – sends notification with all information to the clerks of the localities (in the capital city of the districts) supposedly concerned in the case. The clerk shall immediately but not later than three workdays arranges for the publication of the announcement on public spaces and in other ways usual at the given locality. This announcement shall contain a reference to the possibility and the way of access to the request and its attachments.

The publication contains:

- name, seat and availability data of the Competent Authority;
- the date of publishing the announcement;
- the supposed borders of the direct area of effects together with the names of the localities this area touches;
- the deadline, which the comments directly to the CA should be done till;
- a reference to that what kind of decisions could be brought by the CA;
- information on where and how the documentation (the Preliminary Assessment Documentation or the Environmental Impact Assessment Report) is available (on paper form and the electronic version, as well).

h. Whether the notification to the public of the affected Party has the same content as the notification to your country's public. If not, describe why not.

Yes, the notification to the affected Party contains the same information as the notification to Hungarian public.

11. Does your country make use of contact points for the purposes of notification, as decided at the first meeting of Parties (ECE/MP.EIA/2, annex III, decision I/3), and as listed on the Convention website (http://www.unece.org/env/eia/points_of_contact.htm)?

Yes, Hungary usually notifies the potentially Affected Party(ies) through the Point of Contact, listed in the Convention website (via post and e-mail. as well). However it can cause problems if the list is not up to date.

QUESTIONS TO AFFECTED PARTY

12. Indicate whether and how the following provisions are reflected in your national legislation:

a. How your country decides whether or not to participate in the EIA procedure (art. 3, para. 3)?

According to Articles 16 (1) a) and 16 (1) b) of the EIA Decree, the MoRD asks the opinion of the CA, the statutory consultant authorities (special co-authorities) and the concerned public on the proposed activity in the Party of origin and also on the necessity of participation in the Espoo process, and takes them into consideration while making its decision. (See also answer given to question 3).

An example of when Hungary chose to participate, is when discharges from the foreign activity or natural resource exploitation might affect the state of environment in Hungary; it is relatively easy to decide whether a location is close to the border or whether, should an accident occur.

b. The request from the Party of origin for information (art. 3, para. 6), necessary for the preparation of the EIA documentation;

According to Article 16 (4) of the EIA Decree, upon the request of the Party of origin, the MoRD composes and delivers environmental information available of the presumable Hungarian impact area and necessary for examining the impacts, with the involvement of the competent special co-authorities.

c. How your country cooperates with the authorities of the Party of origin on public participation (art. 3, para. 8);

The MoRD makes available all the information, received from the Party of origin, by disseminating it on its official web page for the same timeframe as the Party of origin.

Furthermore the MoRD has to organize a public forum and invite the representative of the authorities of the Party of origin, and requests their authorities to invite the representative of the developer and its experts.

d. When and how the public is notified (e.g., what kinds of media, etc., are usually used).

The public is notified as soon as possible. According to Article 13 (5) b) of the EIA Decree, after having prepared the necessary translations of the received documentation, sent by the Party of origin.

The MoRD collects information for and request comments from the public of the presumed impact area, with the involvement of local municipalities if necessary.

In practice Hungary usually follows the same process as required during a domestic EIA procedure (regulated by Articles 3 (3) and 3 (4) of the EIA Decree):

The MoRD announces a publication and all the documentation, received from the Party of origin, with its necessary translations on its official web page on the beginning of a transboundary EIA procedure. The publication has to contain the fact of initiation of the transboundary EIA procedure and the way of possibilities for the public of making comments and asking questions.

In the same time, if necessary, the MoRD sends the publication and the received documentation with the translations to the clerks of the localities supposedly concerned in the case. The clerk shall immediately arranges for the announcement of the publication and the documentation with the translations on public spaces and in other ways usual at the given locality.

Article 4

Preparation of the environmental impact assessment documentation

QUESTIONS TO PARTY OF ORIGIN

13. *Indicate the legal requirements in your country, if any, related to:*

a. *The content of the EIA documentation (art. 4, para. 1; appendix II);*

The general requirements of the content of the EIA documentation are described in Annex 6 of the EIA Decree. Furthermore in all cases the CA determines the content of the EIA documentation after receiving the Preliminary Assessment Documentation. In its decision on the content of the EIA documentation, the CA follows the opinions of the concerned special co-authorities and takes into consideration the inputs from the members and organisations of the public (including the concerned municipalities, too) and in case of Espoo procedure on the comments of Affected Party, as well.

b. *The procedures for determining the content of the EIA documentation on a case-by-case basis (scoping procedure) (art. 4, para. 1);*

The general requirements of content of the EIA documentation are described in Annex 6 of the EIA Decree. Furthermore in all cases the CA determines the additional content of the EIA documentation after receiving the Preliminary Assessment Documentation (during the scoping stage of the EIA procedure – in Hungary called as Preliminary Impact Assessment procedure). In its decision on the content of the EIA documentation, the CA follows the opinions of the concerned special co-authorities and takes into consideration the inputs from the members and organisations of the public (including the concerned municipalities, too) and in case of Espoo procedure on the comments of Affected Party, as well.

c. *The identification of “reasonable alternatives” in accordance with appendix II, paragraph (b);*

Articles 3 (2) and 5/A (3) of the EIA Decree determine the content of the Preliminary Assessment Documentation. They refer to Annex 4 of the EIA Decree. According to the point 1.b) of Annex 4 the Preliminary Assessment Documentation has to contain the basic data of the planned activity and other reasonable alternatives of its location, techniques and other characteristics if such alternatives exist.

d. *The procedures and format for providing the EIA documentation domestically;*

The Competent Authority shall notify the public within 8 days after the start of the EIA procedure, by announcing the publication in its office and on its web page.

Furthermore the CA – in the same time of publishing the announcement – sends notification with all information to the clerks of the localities (in the capital city of the districts) supposedly concerned in the case. The clerk shall immediately but not later than three workdays arranges for the publication of the announcement on public spaces and in other ways usual at the given locality. This announcement shall contain a reference to the possibility and the way of access to the request and its attachments.

The CA's publication contains:

- name, seat and availability data of the Competent Authority;
- the date of publishing the announcement;
- the supposed borders of the direct area of effects together with the names of the localities this area touches;

- the deadline, which the comments directly to the CA should be done till;
- a reference to that what kind of decisions could be brought by the CA;
- information on where and how the documentation (the Preliminary Assessment Documentation or the Environmental Impact Assessment Report) is available (on paper form and the electronic version, as well).

e. The procedures and format for providing the EIA documentation to the affected Party. If there is a difference between the procedures and format domestically and for the affected Party, please explain;

The same format is applied as during the domestic procedure (expect naturally the languages of the documentation).

Regarding the procedure for providing the EIA documentation, the CA makes it available to the public and forwards it to the concerned special co-authorities directly. However, the authorities and the public of the Affected Party are notified through the Point of Contact of the Affected Party and all the further dissemination tasks (including the identification and the notification of the concerned public) rest on the affected Party. (See also answer given to questions 10 e) and f)).

f. The procedures for the examination of, and the deadlines for comments on, the EIA documentation domestically, and how the comments submitted domestically are addressed;

The CA together with the special co-authorities gives a due consideration to the comments substantial from the viewpoints of the environmental effects received from the public and in case of procedure according to the Espoo Convention from the Affected Party(ies). The reasoning part of the decision of the CA shall contain the evaluation of the comments and also the information on the process of involving the public in the decision-making. The evaluation of comments shall contain the factual survey, professional analysis and legal conclusions based on them.

The term of public announcement and of the possibility of access to the materials shall be at least thirty days.

g. The procedures for the examination of, and the deadlines for comments on, the EIA documentation from the affected Party, and how the comments submitted by the affected Party are addressed;

The same procedure is applied as during the domestic procedure.

h. The procedures for public hearings domestically;

The Competent Authority has to organize a public forum, notify the public and invite the representative of the developer with its experts and the concerned special co-authorities.

i. The procedures for public hearings held on the territory of the affected Party.

In case of procedure according to the Espoo Convention, the Affected Party organizes the public hearing (the AP ensures the place of and the translation during the public hearing) – independently if Hungary is the Affected Party or the Party of origin. The Party of origin ensures the presence of the the representative of the concerned authorities (including the Ministry) and the representative of the developer and its experts.

QUESTIONS TO AFFECTED PARTY

14. *Indicate the legal requirements in your country, if any, related to:*

a. The procedures and deadlines for comments on the EIA documentation to be submitted to the Party of origin;

Having received the notification from the Party of origin, the MoRD organizes information for and request comments from the public of the presumed impact area, with the involvement of local municipalities if necessary (according to the 13 (5) b) of the EIA Decree).

In practice we usually follow the same process as required during a domestic EIA procedure (regulated by the Articles 3 (3) and 3 (4) of the EIA Decree).

The MoRD announces a publication and all the documentation, received from the Party of origin with its necessary translations, on its web page on the beginning of a transboundary EIA procedure. The publication has to contain the fact of initiation of the transboundary EIA procedure and the way of possibilities for the public of making comments and asking questions. (They can be sent via post, addressed to the MoRD, or via e-mail to the espoo@vm.gov.hu address.)

If necessary, in the same time the MoRD sends the publication and the received documentation with the translations to the clerks of the localities supposedly concerned in the case. The clerk shall immediately arranges for the announcement of the publication and the documentation with the translations on public spaces and in other ways usual at the given locality.

b. The procedures for public participation in the review of the EIA documentation domestically, and the authority responsible for the execution of the aforementioned procedures;

The Competent Authority shall notify the public within 8 days after the start of the EIA procedure, by announcing the publication in its office and on its web page.

Furthermore the CA – in the same time of publishing the announcement – sends notification with all information to the clerks of the localities (in the capital city of the districts) supposedly concerned in the case. The clerk shall immediately but not later than three workdays arranges for the publication of the announcement on public spaces and in other ways usual at the given locality. This announcement shall contain a reference to the possibility and the way of access to the request and its attachments.

The CA's publication contains:

- name, seat and availability data of the Competent Authority;
- the date of publishing the announcement;
- the supposed borders of the direct area of effects together with the names of the localities this area touches;
- the deadline, which the comments directly to the CA should be done till;
- a reference to that what kind of decisions could be brought by the CA;
- information on where and how the documentation (the Preliminary Assessment Documentation or the Environmental Impact Assessment Report) is available (on paper form and the electronic version, as well).

The Competent Authority has to organize a public forum, notify the public and invite the representative of the developer and its experts.

c. The procedures for the examination of the EIA documentation domestically.

The CA together with the special co-authorities, having given consideration to the comments substantial from the viewpoints of the environmental effects received from the public and in case of procedure according to the Espoo Convention from the Affected Party(ies), decides on issuing an environmental permit or rejects the request for it.

Article 5

Consultations

QUESTIONS TO PARTY OF ORIGIN

15. Indicate the legal requirements in your country, if any, related to the following provisions:

a. The procedures for cooperation with the affected Party related to consultations;

According to the EIA Decree, consultations are usually arranged at the level of the Ministry, however, the Ministry always involves the concerned environmental inspectorate (the CA) in the consultations and in case of necessity it also can involve the co-authorities (Article 14(3) of the EIA Decree). Consultations usually arranged by holding meetings, however, exchange of written communications can occur, too.

b. The stages, procedures and deadlines for consultations with the affected Party;

Consultations as affected Party are not regulated by the Hungarian laws, although we can use the rules of the reverse situation *mutatis mutandis*. According to this, the consultations are usually arranged at national level, however the concerned environmental inspectorate shall always take part in the consultations, while the co-authorities take part only in case of important professional issues belonging to their scope of authority (with analogical use of Article 14(3) of the EIA Decree).

Communication is taking place usually in a personal meeting of officials and experts, while written consultations can also occur by either letter being sent to the Party of origin if there is no need for further personal consultations or otherwise in a personal meeting session it can be agreed, that certain details would be arranged in a correspondence.

c. The stages, procedures and deadlines for consultations domestically, and who participates in the consultations.

According to Article 9 of the EIA Decree, the CA shall arrange for a public hearing on the territory of the municipality of the site of construction of the planned activity.

(See also answer given to question 14 b.)

QUESTIONS TO AFFECTED PARTY

16. Indicate the legal requirements in your country, if any, related to the following provisions:

a. The procedures for interaction with the Party of origin related to consultations;

There is no special regulation in the Hungarian legislation.

The rules of the Convention on determination of consultations are applicable directly.

- b. The stages, procedures and deadlines for consultations domestically, and who participates in the consultations.*

See the answer given to question 15 c.

Article 6

Final decision

QUESTIONS TO PARTY OF ORIGIN

17. Indicate the legal requirements in your country, if any, related to the following provisions:

- a. The definition of "final decision" related to the implementation of the planned activity; the content of decisions; and procedures for their adoption;*

In the Hungarian environmental legal system the EIA decision (on the environmental permit; in Hungarian: környezetvédelmi engedély) that closes the EIA procedure, is considered to be a final independent decision of the environmental inspectorates, in term that there is a separate set of administrative legal remedies against this decision (appealing to the chief environmental inspectorate and also an administrative court revision process) and also that if the EIA decision is negative, the project will not be performed. An environmental permit of legal force is a precondition for application for a construction permit and the content of the construction permit must not differ from the orders of the environmental permit.

The environmental permit shall contain the conditions, mainly the measurements on avoiding, mitigating and – if possible – ceasing harmful environmental effects; and can contain the followings:

- regular environmental and nature protection monitoring, including development of a system for measurements, observations and controls;
- determined emission standards if the legal conditions are given;
- conditions on further permits after the environmental impact assessment if they can be formed based on the present procedure;
- conditions of transitional and final abandonment, including the examinations necessary before these activities if the transitional or final abandonment could entail with significant environmental effects but these effects cannot be exactly foreseen at a satisfying level at the time of the impact assessment.

- b. For each type of activity listed in appendix I, identify what is regarded as the "final decision" to authorize or undertake a proposed activity (art. 6 in conjunction with art. 2, para. 3); also provide the term used in the national legislation in the original language. Do all projects listed in appendix I require such a decision?*

In the Hungarian environmental legal system the EIA decision (on the environmental permit; in Hungarian: környezetvédelmi engedély) that closes the EIA procedure is considered a final independent decision of the environmental inspectorates, in term that there is a separate set of administrative legal remedies against this decision (appealing to the chief environmental inspectorate and also an administrative court revision process) and also that if the EIA decision is negative, the project will not be performed. An environmental permit of legal force is a

precondition for application for a construction permit. Content of the construction permit must not differ from the orders of the environmental permit.

All of the Appendix I projects undergo an EIA procedure are required environmental permit.

- c. The procedures for informing of the "final decision" domestically and for the affected Party;*

According to Article 10 (3) of the EIA Decree, the CA shall make known the final decision (on the environmental permit) to the clerks of the municipalities having taken part in the process. The clerks shall arrange for the publication of the full text of the announcement.

In practice, however, the Inspectorate announces its decision on the environmental permit on its official web page, as well.

In case of international EIA procedure, according to the Espoo Convention, the CA forwards the full text of the environmental permit to the MoRD, which forwards it to the Affected Party (to the Point of Contact) and all the further dissemination tasks rests on the Affected Party.

- d. Are the comments of the authorities and the public of the affected Party and the outcome of the consultations taken into consideration in the same way as the comments from the authorities and the public in your country (art. 6, para. 1)?*

Yes, (in case of transboundary procedure) the comments from the affected Party are taken into consideration in the very same way as the ones from the Hungarian authorities and public.

- e. The opportunity to review the decision if, before the activity is implemented, additional information becomes available according to article 6, paragraph 3.*

There is no special provision in the Hungarian EIA legislation (and no such case has occurred yet).

However, according to Article 10 (8) and (9) of the EIA Decree, the CA can modify the environmental permit *ex officio* or upon request if the change in conditions established in the time of permitting does not make necessary to revoke the permit. In such a case the CA involves into the procedure the concerned special co-authorities (in case of international procedure, the Affected Party too) if necessary.

Article 7

Post-Project Analysis

- 18. Indicate the legal requirements in your country, if any, related to:*

- a. Post-project analysis (art. 7, para. 1);*

There is no special provision in the Hungarian EIA legislation about post-project analysis of the transboundary cases, although Article 10 (4) ba) of EIA Decree creates the general opportunity of such procedures: In the decision on environmental permitting the inspectorate may determine as a condition to the permit “regular environmental and nature protection monitoring, including development of a system for measurements, observations and controls.”

In other aspects the rules of the Convention on determination of post-project analysis are directly applicable and the consultations with the other Party may provide a good forum to determine on this issue.

b. Procedures for informing of the results of post-project analysis.

There is no special provision in the Hungarian legislation.

Article 8

Bilateral and multilateral agreements

19. Does your country have any bilateral or multilateral agreements based on the Convention (art. 8, appendix VI)? If so, list them. Briefly describe the nature of these agreements. To what extent are these agreements based on appendix VI and what issues do they cover? If publicly available, also attach the texts of such bilateral and multilateral agreements, preferably in English, French or Russian.

No, there is not any yet, however, we have been working on that with Slovakia.

20. Has your country established any supplementary points of contact pursuant to bilateral or multilateral agreements?

No, we have not.

Article 9

Research programmes

21. Are you aware of any specific research in relation to the items mentioned in article 9 in your country? If so, describe it briefly.

No, there are no any specific researches in Hungary.

Ratification of the amendments to the Convention and of the Protocol on Strategic Environmental Assessment

22. If your country has not yet ratified the first amendment to the Convention, does it have plans to ratify this amendment? If so, when?

Hungary ratified the first amendment to the Convention on the 29th May, 2009.

23. If your country has not yet ratified the second amendment to the Convention, does it have plans to ratify this amendment? If so, when?

Hungary ratified the second amendment to the Convention on the 29th May, 2009.

24. If your country has not yet ratified the Protocol on SEA, does it have plans to ratify the Protocol? If so, when?

Hungary ratified the Protocol on SEA on the 26th November, 2011.

PART TWO – PRACTICAL APPLICATION DURING THE PERIOD 2010–2012

Please report on your country's practical experiences in applying the Convention (not your country's procedures described in part one), whether as Party of origin or affected Party. The focus here is on identifying good practices as well as difficulties Parties have encountered in applying the Convention in practice; and the goal is to enable Parties to share solutions. Parties should therefore provide appropriate examples highlighting application of the Convention and innovative approaches to improve its application.

CASES DURING THE PERIOD 2010–2012

25. *If your country's national administration has a list of transboundary EIA procedures that were under way during the reporting period, in which your country was Party of origin or affected Party, please list it.*

as PoO

- CCGT (combined cycled gas-fired power plant) project in Almásfüzitő: notification was sent to Slovakia in February 2010; Slovakia participated in the EIA procedure;
- M9 motorway project: notification was sent to Ukraine in March 2010; Ukraine did not participate in the EIA procedure;
- M30 motorway project: notification was sent to Slovakia in May 2010; Slovakia did not participate in the EIA procedure;
- limestone mining project in Tornanádaska: notification was sent to Slovakia in June 2010; Slovakia did not participate in the EIA procedure;
- CCGT project in Szeged: notification was sent to Serbia in December 2010; Serbia participated in the EIA procedure;
- reconstruction of Vámosmikola-Ipolypásztó road and bridge project: notification was sent to Slovakia in March 2011; Slovakia did not participate in the EIA procedure;
- flood-protection development on the stream Ronyva project: notification was sent to Slovakia in June 2011; Slovakia did not participate in the EIA procedure;
- M8 motorway project: notification was sent to Austria in October 2011; Austria did not participate in the EIA procedure;
- wind farm project in Kiszombor: notification was Sent to Romania in January 2012; Romania has been participating in the EIA procedure;
- M4 motorway project: notification was sent to Romania in July 2012; Romania did not participate in the EIA procedure;
- Abaújvár-Kechnec public road and Hernád bridge project: notification was sent to Slovakia in October 2012; Slovakia did not participate in the EIA procedure;
- waterworks project in Nógrádszakál: notification was sent to Slovakia in October 2012; Slovakia did not participate in the EIA procedure.

joint cross-border projects

- Nabucco gas transmission pipeline project:

- as PoO: notifications were sent to Austria and Romania in January 2010; Romania participated in the EIA procedure, Austria did not;
- as AP: notification was sent by Austria in August 2010 and by Romania in October 2010; Hungary did not participate in either EIA procedure;
- Vecsés (HU) - Krtis (SK) gas transmission pipeline project:
 - as PoO: notification was sent to Slovakia in December 2011; Slovakia did not participate in the EIA procedure;
 - as AP: notification was sent by Slovakia in February 2010; Hungary participated in the EIA procedure
- M43 (HU) and A1 (RO) motorway projects:
 - as PoO: notification was sent to Romania on M43 motorway project in August 2010; Romania did not participate in the EIA procedure;
 - as AP: notification was sent by Romania on A1 motorway project in July 2010; Hungary did not participate in the EIA procedure;
- Békés County (HU) regional water supply system connection to Arad (RO) project :
 - as PoO: notification was sent to Romania in June 2012; Romania did not participate in the EIA procedure;
 - as AP: notification was sent by Romania in September 2012; Hungary did not participate in the EIA procedure;

as the AP

- Public Terminal of Intermodal Transportation Bratislava project: notification was sent by Slovakia in February 2010; Hungary did not participate in the EIA procedure;
- Andau-Halbtorn-Albrechtsfeld wind farm project: notification was sent by Austria in March 2010; Hungary participated in the EIA procedure;
- Sahy – Zvolen motorway project: notification was sent by Slovakia in April 2010; Hungary participated in the EIA procedure;
- plastic waste arrangement projects in Bajtava and Velke Kosihy, notification was sent by Slovakia in May 2010; Hungary did not participate in the EIA procedure;
- rehabilitation of the district heating system in the Oradea municipality project: notification was sent by Romania in June 2010; Hungary did not participate in the EIA procedure;
- Borssele Nuclear Power Plant project: notification was sent by the Netherlands in September 2010; Hungary has been participating in the EIA procedure;
- Vetus-Satu Mare CCGT project: notification was sent by Romania in November 2010; Hungary participated in the EIA procedure;
- Swiss NPP: notification was sent by Switzerland in January 2011; the EIA procedure was stopped in May 2011;
- wind farm projects in Svaty Peter, Calovec and Zlatna na Ostrove: notifications were sent by Slovakia in February 2011; Hungary participated in the EIA procedure;
- repository for radioactive waste projects in Bohunice and Mochovce: notifications were sent by Slovakia in May 2011; Hungary participated in the EIA procedure;

- wind farm projects in Nickelsdorf: notification was sent by Austria in November 2011; Hungary participated in the EIA procedure;
- NPP in Hmelnyicka: notification was sent by Ukraine in September 2012; Hungary has been participated in the EIA procedure;
- waterway arrangement and regulation works on the Danube river project: notification was sent by Croatia during the scoping phase of the procedure in October 2012; Hungary intends to participate in the EIA procedure – we are waiting for the EIA documentation;
- fluid radioactive waste processing project in Mochovce: notification was sent by Slovakia in October 2012; Hungary has been participated in the EIA procedure (the EIA procedure is still ongoing).

26. *Does your country object to the inclusion of the above list of transboundary EIA procedures in a compilation of such procedures to be made available on the website of the Convention? (Indicate “yes” if you object.)*

No, the list can be made available.

27. *Provide information and explanations on the average duration of transboundary EIA procedures, both of the individual steps and of the procedures as a whole.*

- After receiving the EIA Documentation from the Party of origin the MoRD provides the necessary translations of it. It usually takes about three weeks.
- After having prepared the necessary translations the MoRD organizes information for the public of the presumed impact area (with the involvement of local municipalities if necessary), mainly by putting it to the Ministry’s website to make it available for the public. The duration of dissemination depends on the EIA legislation of the Party of origin, however in average it is 30 days. In parallel to the public notification, the MoRD requests statements from the concerned special co-authorities. MoRD usually asks it within three weeks.
- After receiving the standpoints of the co-authorities and the comments of the public the MoRD organises a public hearing.
- The MoRD arranges consultations with the Party of origin, if it is necessary. The duration of the consultation period is usually three-six weeks.
- Finally the MoRD works out the official Hungarian standpoint on EIA Documentation and sends it to the Party of origin.

Considering the above mentioned steps the average duration of a transboundary EIA procedure (from receiving the notification till providing the official standpoint) is 60-120 day (depending mainly on the language of the received EIA documentation, the timeframe for the public participation, determined by the legislation of the Party of origin and the need for consultation).

EXPERIENCE IN THE TRANSBOUNDARY ENVIRONMENTAL IMPACT ASSESSMENT PROCEDURE DURING THE PERIOD 2006–2009

28. *If your country has had practical experience in the transboundary EIA procedure during the reporting period, has the implementation of the Convention supported the prevention, reduction or control of possible significant transboundary environmental impacts? Provide practical examples if available.*

During the transboundary EIA procedure of Vecsés - Krtis gas transmission pipeline project the Slovak and Hungarian authorities managed to determine the appropriate route of the pipeline, which avoids protected areas and Natura 2000 sites. So the developer has modified the cross-border crossing of the pipeline, accordingly.

29. *Please share with other Parties your country's experience of using the Convention in practice. In response to each of the questions below, either provide one or two practical examples or describe your country's general experience. You might also include examples of lessons learned in order to help others:*

a. *Indicate whether a separate chapter is provided on transboundary issues in the EIA documentation. How does your country determine how much information to include in the EIA documentation?*

Yes, in case of transboundary EIA procedure, a separate chapter has to be provided on transboundary issues in the EIA documentation. The content of the EIA documentation is determined by Annex 6 of the EIA Decree (which implements Annex III of the Directive 2011/92/EU). Furthermore during the Preliminary Assessment Procedure the competent environmental authority – considering the comments of the affected Party – determines further key environmental issues to be assessed in the EIA documentation.

b. *Translation is not addressed in the Convention. How has your country addressed the question of translation? What does your country usually translate? What difficulties has your country experienced relating to translation and interpretation, and what solutions has your country applied?*

According to the Article 13 (1) d) of the EIA Decree the whole Preliminary Assessment Documentation shall be translated into English or into the language of the Affected Party. Furthermore according Article 14 (1) of the EIA Decree in case of transboundary EIA procedure the developer shall have the translation of the international chapter and the non-technical summary of the EIA documentation prepared in English or in the language of the Affected Party.

Since the translation of the documentation quite time and cost consuming, in the practice we usually persuade the developer to translate the necessary documentation into the language(s) of the Affected Party(ies). Similarly when Hungary is the Affected Party we ask the Party of origin to provide the documentation in Hungarian, if it is possible.

c. *How has your country organized transboundary public participation in practice? As Party of origin, has your country organized public participation in affected Parties and, if so, how? Has your country experienced difficulties with the participation of its public or the public of another Party (e.g., have there been complaints from the public about the procedure)?*

As we have described it before (see also answer given to question 13 i)), Hungary does not initiate a hearing on the territory of the Affected Party. There is no mention of the public of the Affected Party in the legal provisions on notification about a public hearing in the EIA Decree or in the Environmental Act. However, if the Affected Party organizes the public hearing, the Hungarian Ministry (MoRD), the concerned authority(ies) and the proponent shall participate on it.

The organisation of the public hearings is quite cost consuming and often there are very few participants in them, so Hungary – with the agreement of the Party of origin – often organises the public hearing jointly with the consultation according to Article 5.

d. Describe any difficulties that your country has encountered during consultations, for example over timing, language and the need for additional information. As an affected Party, have consultations under article 5 supported the prevention, reduction or control of possible significant transboundary environmental impacts?

We have not encountered any difficulties during consultation (except the cost of the interpretation on it).

The consultations under Article 5 support to gain a better understanding of the national EIA legislations of the Parties of origin and in certain cases to clarify some environmental aspects of the planned development, too.

e. Describe examples of the form, content and language of the final decision, when it is issued and how it is communicated to the affected Party and its public;

The copy of the whole original final decision (environmental permit) is sent to the Affected Party in Hungarian, however in the cover letter we indicate, where the references to the transboundary procedures (mainly the information on how the comments from the Affected Party has been taken into account) can be found.

The final decision is the environmental permit. The form, content and languages of the decision are determined by the Act CXL of 2004 on the General Rules of Administrative Procedure. The decision is issued in Hungarian. According to article 72(1) of the Act CXL of 2004 on the General Rules of Administrative Procedure the decision of the competent authority shall contain:

- the name of the concerned environmental inspectorate (the CA); the name of the client; the object of the case;
- the decision made by the inspectorate;
- information on the possibility of appealing against the decision;
- naming of the co-authorities and the standpoint of the co-authorities;
- information on the charge of the procedure;
- the statement determined by the CA and the evidences used for the determination;
- evidences given by the client but was not accepted by the CA and the reason of the denial;
- the final date of the deadline of the procedure;
- legislations, which determine the CA and which used for making the decision;
- date, signature, stamp print.

In the decision on the environmental permit, the environmental authority (the CA) may defines measures for prevention of the pollution of the soil, air and water, moderation of noise emission, environment-friendly treatment and disposal of wastes, further environmental requirements, emission limit values and deadlines for compliance.

The Affected Party (the point of Espoo Contact) receives the final decision without any delay and all the further dissemination tasks rest on the Affected Party.

f. Has your country carried out post-project analyses and, if so, on what kinds of project?

Regarding Nuclear Power Plant in Paks, Hungary supervises the safety analysis regularly.

- g. *Does your country have successful examples of organizing transboundary EIA procedures for joint cross-border projects? Please provide information on your country's experiences describing, for example, means of cooperation (e.g., contact points, joint bodies, bilateral agreements), institutional arrangements, and how practical matters are dealt with (e.g., translation, interpretation, transmission of documents, etc.);*

Yes, we have been having several EIA procedures for joint cross-border projects (see also answer given to question 25). However, few of them triggered transboundary EIA procedures.

During the EIA procedure of Nabucco gas transmission pipeline project there were several coordination meetings, where the representatives of the concerned Parties (Turkey, Bulgaria, Romania, Hungary and Austria) authorities and the developer participated and were chaired by the EU Commission.

- h. *Name examples of good practice cases, whether complete cases or good practice elements (e.g., notification, consultation or public participation) within cases. Would your country like to introduce a case in the form of a Convention's "case study fact sheet"?*

–

- i. *Identify the most common means of applying the Convention (e.g., through focal points, joint bodies, multilateral agreements).*

Hungary usually applies the Convention through point of Contact for the Convention.

CO-OPERATION BETWEEN PARTIES IN 2010–2012

30. *Does your country have any successful examples of how it has overcome difficulties arising from different legal systems in neighbouring countries? If so please specify.*

According to Article 2 (6) of the Convention, the opportunity provided to the public of the affected Party is equivalent to that provided to the public of the Party of origin. However, the Hungarian EIA Decree specifies stricter provisions for public hearings than the Austrian EIA law. Austria, however, usually kindly accepted our request for organising and participating on public hearings, even if it is not mandatory according to the Austrian legislation.

EXPERIENCE IN USING THE GUIDANCE IN 2010–2012

31. *Has your country used in practice the following guidance, adopted by the Meeting of the Parties and available online? Describe your country's experience with using these guidance documents and how they might be improved or supplemented.*

- a. *Guidance on public participation in EIA in a transboundary context (ECE/MP.EIA/7);*

No, we have not.

(We have not encountered any major difficulties regarding public participation.)

- b. *Guidance on subregional cooperation (ECE/MP.EIA/6, annex V, appendix);*

No, we have not.
(Hungary is not part of any subregional cooperation).

*c. Guidelines on good practice and on bilateral and multilateral agreements
(ECE/MP.EIA/6, annex IV, appendix).*

No, we have not.
(Hungary has not any bilateral and multilateral agreements currently).

CLARITY OF THE CONVENTION

32. Has your country had difficulties implementing the procedure defined in the Convention, either as Party of origin or as affected Party? Are there provisions in the Convention that are unclear?

No, there is not any unclear provision of the Convention.

However, in practice, difficulties can occur, if the contact details of the Point of Contacts on the official web site of the Convention are not up to date.

We think that it would be useful if the Secretariat asked the Parties regularly (in every half year) to update the details of the Point of Contacts and Focal Points.

AWARENESS OF THE CONVENTION

33. Has your country undertaken activities to promote awareness of the Convention among stakeholders (e.g., the public, local authorities, consultants and experts, academics, investors)? If so, describe them.

During the previous reporting period the Ministry responsible for environmental protection organised work-shop for the regional environmental inspectorates on the application of the Convention and of the EIA Directive. During the actual reporting period, however, there was not any such activity.

34. Does your country see a need to improve the application of the Convention in your country and, if so, how does it intend to do so?

We consider that Hungary has good experience in the application of the Convention, there is no serious need for improvement.

SUGGESTED IMPROVEMENTS TO THE REPORT

35. Please provide suggestions for how this report may be improved.

—

* * * * *