

To: Ms. Fiona Marshall,
Secretary to the Compliance Committee
The Aarhus Convention
Re: ACCC/C/2014/105 (Hungary)

Comments by the communicant

on response provided by the party concerned (Nov 29, 2016) to questions from the Compliance Committee

Dec 02, 2016

The communicant submits the following comments to the letter, with annexes, submitted by Hungary in response to the questions from the Compliance Committee:

1. As to information provided on **Question III**:

(a) On a procedural point, we disagree with the statement by party concerned in para.6 of its response. In our view the Compliance Committee may request any additional information it considers relevant to the matters under its consideration on the basis of paragraph 25(a) of the Decision I/7.

(b) As a matter of substance, we stress the fact that the party concerned refused to provide summary of the main conclusions of the SEA for Energy Policy 2008-2020. This is exactly how our requests were dealt with and supports our statement in letter of March 9, 2016, that SEA was said to be made but never made available to the public. Neither SEA nor “environmental assessment” (as the party concerned refers to that document in its response) was ever made available to us.

2. As to information provided on **Question II**:

(a) The National Environmental Council cannot be regarded, as previously stated by the communicant, as a body to facilitate public participation. Indeed, NEC is a body, now consisting of 21 members, of which 7 are from environmental civil society organizations (7 from academia and 7 from industry).

As described in Section 45 of the Act LIII of 1995 on the General Rules of Environmental Protection, the National Environmental Council:

“(1) consisting of up to 22 members, shall operate in the interest of establishing a broad social and scientific base for environmental protection.

(2) As an advisory agency of the Government, the Council shall, during the Government's term in office, take a stand on the matters of principle of various environmental programs, on the legal regulations and decisions related to environmental protection (Section 43) and on other issues related to environmental protection. The Council shall submit to the Government its positions on decisions that fall within the jurisdictions of Parliament or the Government.

(3) In the Council, representatives a) of public organizations registered with environmental goals as well as b) of agencies representing professional and economic interests, elected in a manner determined by themselves; c) appointed to this function by the scientific community and the president of the Hungarian Academy of Sciences shall participate in equal proportions."

It is not regulated how the Council's positions shall be taken into account by the government.

The Party in its recent answer failed to provide any proof that correspondence with the NEC did actually happen (none of the emails are from or to the NEC), as allegedly stated in para. 19.

3. As to information provided on **Question IV**:

(a) We bring attention of the Compliance Committee that no proofs were given of comments received or how they were taken into account on the *draft Energy Policy 2008-2020 itself*.

(b) The public participation process, described in paragraphs 12-18 of the response by the party concerned, is irrelevant as it related to a process preceding preparation of studies directly leading to drafting Energy Policy 2008-2020. That preceding process was focused at preparation of "Theses to the new Hungarian energy policy for 2006-2030". Our communication was about subsequent process & studies which started in 2007 and went on till Energy Policy was adopted. 2008.

Yet, we would like to comment on that process as well. As it is seen from some of the emails, our comments were not taken seriously. First of all, the answers came not from the Ministry, but by a member of the Expert Committee (see for instance 03_reply_Energia Klub Környezetvédelmi Egyesület.pdf, where the sender was someone from the Technical University). Second, it is important to note, that in one of the emails attached (03_b_reply_Energia Klub.pdf) two Expert Committee members exchange views on Energiaklub's comments. It's from Tamás Katona from the Paks Nuclear Power Plant, and he is writing to another member from the Technical University: "I agree with Mr. József Hegyháti [he is another member, and the director of the national radioactive waste management agency PURAM], we do not need to overdo our answers, thus making Energiaklub's comments too distinguished and important." This is a good illustration how our comments were treated.

Zsuzsanna Koritár

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