

# **ANNEX 12**

**The whole text of the Environmental Code**

# **Act LIII of 1995**

## **on the General Rules of Environmental Protection**

As natural heritage and environmental values are national assets, their preservation, conservation and improvement are fundamental aspects of the biosphere and the health and quality of life of humans and, furthermore, as there can be no harmony between the activities of man and nature without these, neglecting them would endanger the health of present generations, the existence of future generations and the survival of a number of species; Parliament, in accord with the provisions of the Constitution, does hereby enact the following law:

### **Chapter I**

#### **GENERAL PROVISIONS**

##### **Objective of the Act**

###### Section 1.

- (1) The objective of this Act is to create a harmonious relationship between man and the environment, to facilitate the coordinated protection of the environment, its components and processes and to provide for the conditions of sustainable development.
- (2) In accordance with the principles of foresight and equitable bearing of burdens, this Act creates an adequate framework for the assertion of constitutional rights for a healthy environment and promotes a) the reduction of the use, loading and pollution of the environment, the prevention of its impairment, and the repair and restoration of the damaged environment; b) the protection of human health and the improvement of the environmental conditions of the quality of life; c) the preservation and conservation of natural resources, and rational and efficient management that

ensures the renewal of resources;

d) the harmony of the other objectives of the state with the environmental protection requirements;

e) international cooperation in environmental protection;

f) initiatives taken by the public and public participation in activities aimed at protecting the environment, such as exploring and learning about the state of the environment and carrying out the tasks of government agencies and local governments related to the protection of the environment;

g) the coordination of the functioning of the economy and social and economic development with environmental requirements;

h) the establishment and development of institutions whose purpose is to protect the environment;

i) the establishment and development of a public administration that serves to conserve and protect the environment.

## **Scope of the Act**

### Section 2.

(1) The scope of the Act shall include:

a) living organisms (biotic communities), the abiotic components of the environment and the natural and man-made environment thereof; b) pursuant to the provisions of this Act, the activities that utilize, load, endanger or pollute the environment.

- (2) The scope of the Act shall cover those natural persons, legal entities and unincorporated organizations a) that have rights or responsibilities in relation to the environment as defined under Paragraph a) of Subsection (1);
- b) that perform activities under Paragraph b) of Subsection (1) (hereinafter referred to as "user of the environment").
- (3) The scope of the Act shall include the performance of environmental tasks arising from international conventions if the provisions of an international convention does not stipulate otherwise.

### Section 3.

(1) In harmony with the provisions of this Act, specific other legislation shall contain provisions, in

particular, on: a) nuclear energy and the use of radioactivity, b) mining, c) energy, d) forests, e) the development and conservation of the built environment, f) arable land, g) fishing, h) transport (broken down by sector), i) the prevention of disasters and overcoming their consequences, j) regional development, k) wildlife management, l) water management, m) waste, n) hazardous substances.

(2) In order to preserve biodiversity and the habitats of plants and animals as well as to preserve and restore areas, formations and facilities with scientific, cultural or aesthetic value; these separate statutory acts contain, in accord with this Act, provisions pertaining to:

a) nature and landscape conservation, b) animal protection and animal health, c) pesticides and plant health, d) the conservation of historic buildings.

## **Definitions**

### Section 4.

For the purposes of this Act: a) "environmental component" means land, air, water, the biosphere as well as the built (artificial)

environment created by humans as well as the constituents thereof; b) "environment" means the environmental components and the systems, processes and structure thereof; c) "natural resource" means the environmental components or certain constituents thereof (with the

exception of the artificial environment) that may be used for satisfying the needs of society; d) "utilization of the environment" means causing changes in the environment and making use of the environment or any of its components as natural resources; e) "level of utilization of the environment" means the extent to which the environment, or any of its components, is used as a natural resource; f) "environmental impact" means the direct or indirect emission of a substance or energy into the

environment;

g) "environmental pollution" means loading a component of the environment above the emission standard;

h) "level of environmental pollution" means the state of the environment or a component thereof that may be characterized by a pollution level that has occurred as a result of environmental pollution;

i) "use of the environment" means an activity involving the utilization or loading of the environment or a component thereof that is subject to an official license;

j) "damaging the environment" means an activity as a result of which environmental damage occurs;

k) "environmental damage" means change in or pollution of the environment or a component thereof or the utilization of any of the environment's components to such an extent that its natural or previous state (quality) can only be restored by intervention or cannot be restored at all, or the utilization of any of the environment's components to such extent that the biosphere is adversely affected;

l) "endangering the environment" means acting or failing to act in a manner that can result in damaging the environment;

m) "environmental impact" means any change in the environment ensuing from environmental load or utilization;

n) "impact area" means an area or a part of an area in which an environmental impact of a magnitude defined in legal regulation has occurred or may occur during the use of the environment;

o) "affected party" means person or organization that lives or operates in the impact area;

p) "affected local government" means the community local government that has jurisdiction over the area impacted by the given use of the environment;

r) "local environmental issue" means all environmental issues in which the use of the environment and the impact area does not extend beyond the area of the affected local government;

s) "utilization standard" means the level of utilization of the environment or any of its components - as stipulated in a legal regulation or an official decision - that precludes damage to the environment;

t) "emission standard" means the level of loading the environment or any of its components - as stipulated in a legal regulation or official decision - that precludes damage to the environment;

u) "pollution standard" means the level of pollution of any component of the environment - as stipulated in a legal regulation - that, if exceeded, may, on the basis of the current scientific knowledge, result in environmental damage or health impairment;

va) "most efficient response" means the activity involving the most benign utilization of the environment that can be achieved in the environmental, technical and economic conditions;

vb) "best available technique" means a process, operating procedure or equipment that features state-of-the-art technology suitable for sustainable development and is designed to eliminate or, if this cannot be achieved, reduce harmful emissions and pollution, diminish the overall impact on the environment, and serve as a basis for determining the standards and the extent of emissions. In this context:

- - "best" constitutes the most efficient method of affording high levels of protection for the environment as a whole,
- - "available technique" constitutes a specific development used in the various industrial sectors under reasonable technical and economic conditions, taking into account costs and advantages, regardless of whether this process is used or produced in Hungary and irrespective of whether it is available in a manner that is reasonable for the operator,

- "technique" covers applied technologies and methods on the basis of which the equipment (technology, facility) is designed, built, maintained, operated, abolished and used to restore the environment.

w) "sustainable development" means a system of social and economic conditions and activities that preserves the natural values for the current and future generations, uses natural resources economically and expediently and, in ecological terms, ensures the improvement of the quality of life and the preservation of diversity in the long run;

x) "precaution" means decisions and measures necessary for the reduction of environmental risks and the prevention or reduction of environmental damage in the future;

y) "prevention" means applying, from the earliest stage of decision making, the most efficient responses and, in respect of activities defined in specific other legislation, the best available techniques in order to avoid the harmful effects of using the environment;

z) "environmental protection" means all of the activities and measures aimed at the prevention of endangering, damaging or polluting the environment, the reduction or elimination of damage that has occurred and the restoration of the conditions that existed prior to the damaging activity.

Section 5.

Once this Act enters into force, activities qualifying as use of the environment may be defined by statute, government decree, or municipal bylaw.

Basic Principles for the Protection of the Environment

## **Precaution, Prevention and Restoration**

Section 6.

(1) The use of the environment shall be organized and performed in such a manner that a) it results in the smallest degree of environmental loading and utilization; b) it prevents environmental pollution; c) it precludes damage to the environment.

- (2) The environment shall be used by observing the principle of precaution, by respecting and efficiently using environmental components, by reducing the generation of wastes and by making every effort to recycle and re-use natural and manufactured materials.
- (3) For the purpose of prevention, the most efficient response and the best available techniques in respect of activities defined in specific other legislation shall be applied in the course of using the environment.

Section 7.

In order to enforce the provisions under Section 6, legal regulation may prescribe conditions for the use of the environment and may establish restrictive or prohibitive provisions.

Section 8.

- (1) Users of the environment who are endangering or damaging the environment shall stop the hazardous or damaging activity immediately.
- (2) Users of the environment shall provide for the elimination of the environmental damage caused by their activities and the restoration of the damaged environment.

## **Liability**

Section 9.

Users of the environment shall be liable for the environmental impacts of their activities as defined in this Act and as regulated in this Act and other legal regulations.

## **Cooperation**

Section 10.

- (1) State agencies, local governments, natural persons and their organizations, business organizations and the organizations that safeguard the interests of all of the above as well as other institutions shall cooperate in protecting the environment. The right and responsibility to cooperate shall extend to all phases
  - of achieving the environmental objectives.
- (2) The rights and responsibilities arising from cooperation shall be established by this Act or local government bylaw.

Section 11.

- (1) The enforcement of environmental interests shall also be encouraged by the Republic of Hungary through bilateral or multilateral international agreements on environmental protection and other agreements on cooperation and on the provision of information and assistance in connection with environmental protection, particularly in its relations with neighboring countries.
- (2) Even in the absence of international agreements, consideration shall be given to the environmental interests of other countries, the reduction of the cross-border loading of the environment and endangering the environment as well as the prevention of environmental pollution and damage to the environment.

## **Gathering and Providing Information and Publicity**

Section 12.

- (1) Everyone has the right to acquire knowledge about facts and information on the environment, including, particularly, information about the state of the environment, the level of environmental pollution, environmental protection activities and the impact of the environment on human health.
- (2) In order that civil rights related to environmental protection be exercised and civic obligations be fulfilled, the state shall allow everyone to acquire knowledge about the essential connections between the environment and health, activities that damage the environment and the importance thereof.
- (3) State agencies and local governments shall, within the realm of their responsibilities, monitor the state of the environment and its impact on human health, keep a record of the data thus obtained, and make such accessible - with the exceptions established by the Act on the Protection of Personal Data and the Publicity of Data of Public Interest - and provide appropriate information.

- (4) Users of the environment shall be obliged to provide information - pursuant to the provisions of this Act - regarding those of their activities that load, utilize and endanger the environment.

## **Chapter II**

### **PROTECTION OF ENVIRONMENTAL COMPONENTS AND FACTORS THAT ENDANGER THE COMPONENTS**

#### **The Uniform Protection of Environmental Components**

##### Section 13.

- (1) Every environmental component shall be protected per se and in unity with the other environmental components and by taking their interrelationships into consideration. The utilization and loading of environmental components shall be regulated accordingly.
- (2) The protection of environmental components means both the protection of the quality, quantity and stocks thereof as well as the protection of the proportions and processes within the components.
- (3) The prevention, reduction or termination of the use or loading of any environmental component may not be accomplished by damaging or polluting another environmental component.

#### **Land Conservation**

##### Section 14.

- (1) Land conservation shall cover the surface and subsurface strata of land, the soil, the rock formations and minerals as well as the natural and transitional forms and processes thereof.
- (2) Land conservation shall include conservation of the productivity, structure, water and air balance, and biota of the soil.

##### Section 15.

(1) Such activities may be pursued on or beneath the land surface, and such materials may be deposited there that do not pollute or damage the quantity, quality and processes of the land and the environmental components.

(2) A separate legal regulation shall establish the environmental conditions for depositing materials.

##### Section 16.



In the course of and prior to the implementation of projects (construction, mining), the topsoil shall, in accordance with the provisions of specific other legislation, be adequately removed for use as agricultural soil.

Section 17.

- (1) Utilization standards shall be defined for the mining and exploitation of rock formations and minerals, if so provided by statute.
- (2) The extent of exploitation as well as the extent of the impact on the environment arising when the tailings produced in connection with mining and the dressing and processing of mining products are disposed of as well as the impact that arises as a result of other activities linked to mining activities may not exceed the standards established in a legal regulation or an official decision made in accordance with the provisions of a legal regulation.
- (3) The user of an area shall provide for the scheduled restoration or development of the area or for the conditions for recycling the area once the activities involving the utilization of land have been completed - and even while the environment is being utilized if so stipulated by legal regulation or official decision.

## **Water Conservation**

Section 18.

- (1) Water conservation shall cover surface and subsurface waters, the reserves, the quality and quantity thereof, the bed and banks or shores of surface waters, and aquifers.
- (2) The natural discharge, flow pattern, flow conditions, beds and banks or shores of waters may be altered only by preserving the appropriate proportions of aquatic communities and ensuring their ability to function.

Section 19.

(1) The conditions of the extraction and use of water - as a vital element and a limited resource - shall be established for each type of water supply in accordance with the local conditions and by taking into consideration the utilization standard.

- (2) Specific other legislation shall provide for the order in which water needs are to be satisfied.
- (3) In the matter of utilizing the environment, particularly interventions into water conditions, the

following shall be provided for: a) water shall remain as one of the constituent factors of the landscape; b) the conditions necessary for the survival of aquatic and riparian flora and fauna as well as c) the quantitative and qualitative conditions ensuring the potential use of water shall not deteriorate.

Section 20.

Increased protection must be given to water sources that a) provide for the drinking-water supply, b) provide mineral and medicinal waters, c) are significant in terms of nature conservation, and d) are designated for recreational, sports and therapeutic uses.

Section 21.

(1) Waters may be utilized and loaded, and used water and sewage may - following appropriate treatment

-be discharged into waters in a manner that does not endanger the natural processes or the quantitative and qualitative restoration of waters.

(2) The use of extracted water shall be provided for. Used water must be extracted and returned to water sources and water must be transferred in such a manner that the reserves, quality and biota of the supplying and recipient waters are not unfavorably altered and the self-purification of the waters is not endangered.

## **Protection of the Air**

Section 22.

- (1) The protection of the air shall cover the entire atmosphere, its processes and composition and the climate.
- (2) The air shall be protected from all of the artificial impacts that endanger it or, through it, other environmental components or load it or, through it, other environmental components with radiating, liquid, gaseous or solid substances.
- (3) When planning, implementing or pursuing activities and facilities and when manufacturing and using products, every effort shall be made to keep the emission level of air pollutants as low as possible.

## **Conservation of the Biosphere**

Section 23.

- (1) The conservation of the biosphere shall cover all living organisms and their communities and habitats and shall do so by observing the natural processes and the proportions of the ecosystem and by ensuring the ecosystem's ability to function.
- (2) The biosphere may only be utilized in a manner that does not damage the natural processes and conditions of communities, injure biodiversity or endanger their functions.
- (3) A legal regulation or an official decision may establish utilization standards for regulating the extent and location of the utilization of the biosphere.

Conservation of the Built Environment

Section 24.

The conservation of the built environment shall cover communities, individual structures and technical facilities.

Section 25.

- (1) Zones shall be determined within the area of communities on the basis of the loadability of the environment and the zoning ordinance for the various parts of the communities.
- (2) The activities that may be pursued in individual zones may be authorized in specific other legislation where a protective distance or area has been specified on the basis on the nature of the environmental loading and where protective regulations are observed.
- (3) In the area or within the distance designated, no activity that is incompatible with the zoning ordinance for the given zone may be pursued without special measures taken for conservation.

Section 26.

Green areas and shelterbelts shall be established and maintained within the area of communities in accordance with specific other legislation.

Section 27.

In the interest of the coordinated protection of the natural and built environments, the environmental impact of the ideas contained in the regional development conceptions during the preparation of regional and community zoning plans shall also be explored and evaluated, and the required environmental measures shall be stipulated in a chapter on environment protection or in a separate environmental plan or program. The content requirements thereof shall be established by this Act and specific other legislation.

## **Hazardous Substances and Technologies**

Section 28.

- (1) Protection against the adverse impact of hazardous substances shall cover all of the natural and artificial substances that are used, produced or distributed by users of the environment in the course of their activities as well as the quality and quantity of such substances that are explosive, inflammable, radioactive, toxic, highly corrosive, infectious, ecotoxic, mutagenic, carcinogenic or irritating or that may bring about such impact by interacting with other substances.
- (2) Protective and safety measures that reduce, to a level specified in legal regulation, or eliminate the risk of endangering the environment shall be taken when hazardous substances are handled or used (including the exploitation or extraction, storage, transport, production or manufacture and application thereof) and when hazardous technologies are applied.

Section 29.

- (1) When technologies involving hazards to the environment are applied, a protective area or distance adjusted to the nature of the source of the hazard shall be designated in order to reduce the level of hazard to the environment.
- (2) In the event the protective area or distance specified in Subsection (1) can only be ensured (on the basis of official authorization) by changing the established conditions of the community, the costs of implementation shall be borne in proportion to the responsibilities.
- (3) For the prevention or clean-up of extraordinary levels of environmental damage that might occur during the operation of a hazardous technology, an environmental emergency plan shall be drawn up before the beginning of the activity if no separate provision exists in specific other legislation.

## **Wastes**

### Section 30.

- (1) Protection against the impacts of wastes on the environment shall cover all of the substances and products (including the packaging and wrapping materials thereof) that their owners cannot or do not wish to use in accordance with their original designated purpose or that are generated during the use thereof.
  - (2) The user of the environment shall provide for the treatment (disposal, utilization) of wastes.
- (3) The rules on the treatment (disposal, utilization) of wastes shall also be applied in regard to substances separated during various cleaning or demolition operations, polluted soil that has become waste and products that have been disassembled or are to be disassembled.

## **Noise and Vibration**

### Section 31.

(1) The protection against noise and vibration in the environment shall cover all artificially generated energy emissions that cause unpleasant, disturbing, hazardous or impairing noise or vibration load.

(2) Within the framework of protection against noise and vibration, the following shall be resolved using

technical and organizational methods: a) the reduction of the degree to which sources of noise and vibration emit noise and generate vibrations; b) the reduction or prevention of an increase in the noise or vibration load; c) the subsequent protection of environments that are permanently loaded above standard levels.

## **Radiation**

Section 32.

Protection against the adverse impacts of radiation on the environment shall cover artificially generated and natural ionizing, non-ionizing and thermal radiation.

## **Common Rules**

Section 33.

In the interest of protecting the environment, the target states to be achieved both quantitatively and qualitatively for environmental components shall be determined in accordance with this Act [Paragraph g) of Section 38].

Section 34.

- (1) Protective zones may be designated in order to protect and conserve environmental components or the system thereof against hazardous impacts.
- (2) The restriction or prohibition of certain activities; the restriction or prohibition of construction, the use of materials and the use of land; as well as the responsibility for regular measurement and monitoring may, on the basis of the provisions of specific other legislation, be ordered in protective zones.

(3) The contents of Section 29 shall govern the designation of protective zones.

Section 35.

- (1) In order to protect and conserve environmental components and protect against impacts that endanger the utilization of the environment, emission and pollution standards shall be established in accordance with the contents of this Act.
- (2) In the course of establishing the standards specified in Subsection (1), the actual and desirable target state of the environment shall also be taken into consideration.

Section 36.

The comprehensive rules of special fields on the protection and conservation of environmental components and protection against impacts that endanger the environment shall be established by specific other legislation. The detailed rules that do not require statutory regulation shall be established, on the basis of the contents of this Act, in decrees issued by the Government.

## **Chapter III**

GOVERNMENT ACTIVITIES AIMED AT PROTECTING THE ENVIRONMENT

### **Government Activities Aimed at Environmental Protection**

## Section 37.

- (1) The regulation of environmental protection, the establishment of the rights and responsibilities related to environmental protection and overseeing compliance therewith, as well as the planning and direction of environmental protection shall be performed by the agencies of the state and local governments.
- (2) The state shall guarantee the assertion of civil rights linked to environmental protection and the enforcement of environmental conventions and treaties concluded with other states or international organizations.

## Section 38.

The duties of the state in environmental protection are, in particular, the following:

- a) the enforcement of environmental requirements in the course of performing other state duties;
- b) the direction of the utilization, preservation, restoration and gradual improvement of the state of the environment as well as the prevention of damage and the elimination of hazards to the environment;
- c) the determination of environmental protection priorities;
- d) the establishment of a legal, economic and technical regulatory system for achieving environmental goals;
- e) the performance of the duties of public administration regarding environmental protection;
- f) the development, maintenance and operation of a system that serves as a basis for executing tasks and measures, monitors, controls and evaluates the state of the environment and the impacts thereon and, furthermore, provides information on such;
- g) the exploration of the state of the environment as well as of the quantitative and qualitative characteristics thereof, the determination of the extent to which the environment may be loaded and utilized, and the state of the environment to be attained (target state) and doing so by taking into consideration the health indices of the population;
- h) the determination of environmental protection tasks in the areas of research, technical development, education, training and culture and the provision of information as well as the task of rating the quality of environmental protection products and technology; and ensuring that these tasks are performed;
- i) ensuring the economic and financial bases of environmental protection.

## **Activities of Parliament Aimed at Environmental Protection**

## Section 39.

In the interest of protecting the environment, Parliament shall: a) enforce environmental interests in its legislative work; b) adopt the National Environmental Program and evaluate the execution thereof biennially; c) decide on the Government's report on the state of the environment; d) determine the environmental duties of the Parliamentary Ombudsman responsible for the protection of

civil rights; e) determine the environmental duties of the Government and the local governments; f) approve the funds used to achieve environmental objectives and control the use thereof.

## **National Environmental Program**

Section 40.

(1) The basis for environmental planning shall be the National Environmental Program to be renewed every six years and approved by Parliament (hereinafter referred to as "Program").

(2) With respect to the duration of the Program, the Program shall include: a) a presentation of the state of the environment; b) the environmental goals and target states to be attained; c) the tasks to be performed in order to attain the goals and target states as well as the order and deadline

for implementing these; d) the means for attaining the goals set, including an indication of the planned sources of funds for the financial needs; e) the designation of areas in which special environmental measures are required as well as the contents of such measures.

- (3) When submitting its proposal for the renewal of the Program, the Government shall report to Parliament on the implementation of the Program and the experiences gained in the course of implementation.
- (4) The contents of the Program shall be enforced while the country's social and economic plan is being determined [Constitution, Paragraph c) of Subsection (3) of Section 19] and the economic policy decisions are being made, during regional and community development and regional planning as well as when the state's planning and execution activities are being carried out in any sector of the national economy.
- (5) Regional and county environmental protection programs are, in accordance with the provisions of specific other legislation, to be prepared in harmony with the Program.

## **Activities of the Government Aimed at Environmental Protection**

Section 41.

(1) The Government shall direct the implementation of the state's responsibilities regarding environmental protection, and it shall determine and coordinate the environmental protection activities of the ministries and the agencies that are directly subordinate to the Government.

(2) When submitting its annual budget, the Government shall make a proposal concerning the funds to be used for attaining the goals set out in the Program.

- (3) The Government shall submit its proposal regarding the Program to Parliament for approval every six years; it shall submit a summary report on the state of the environment and on the state of affairs concerning the implementation of the Program every two years, and it shall direct and coordinate the implementation of the tasks specified in the Program.
- (4) While setting the development objectives for the Government, the Government shall enforce the environmental protection requirements and promote the improvement of the state of the environment.
- (5) The following shall be, in particular, the environmental responsibilities of the Government: a) to fulfill the environmental obligations and assert the environmental rights arising from international treaties;

b) to promote the manufacture of environmentally sound or environmentally friendly products that meet the environmental protection requirements as well as the implementation and distribution of similar technologies and facilities;

c) to clean up the consequences of environmental damage or environmental emergencies (including military exercises held in the territory of Hungary) if this responsibility may not be diverted to another party;

d) to provide cover for the state's liability for environmental damage and to pay for such liabilities.

## **Responsibilities of the Minister in Charge of Environmental Protection**

Section 42.

In his ministerial competence, the minister in charge of environmental protection (hereinafter referred to as "Minister"):

a) shall direct:

aa) the environmental protection activities assigned to him in acts or government decrees,

ab) the performance of responsibilities regarding environmental protection that arise from international treaties,

ac) the administration of environmental protection within his jurisdiction;

b) shall analyze and evaluate:

ba) the state of the environment and the state of protecting it,



- bb) the processes involved in managing natural resources,
- bc) the experiences of the protection, regulated use and planned development of the environment,
- bd) the prevention of the development of environmental emergencies as well as the professional environmental protection activities aimed at defusing environmental emergencies and disasters, in cooperation with the competent agencies;
- c) shall work out a Draft Program and submit it to the Government on the basis of the experiences of the evaluation made in accordance with Paragraph b);
- d) shall participate in developing professional policy conceptions on the use of natural resources;
- e) shall participate in developing and operating a special environmental protection curriculum and qualification system.

## **Enforcement of Environmental Protection in Regulation and in Other State Decisions**

### Section 43.

(1) The drafters of bills and other legal regulation related to the protection of the environment (hereinafter referred to jointly as "legal regulation"), the country's social and economic plans and regional development conceptions, and decisions resulting in regional impacts (hereinafter referred to jointly as "decisions") shall assess and evaluate the effects of measures on the environment and shall summarize them in an assessment analysis (hereinafter referred to as "assessment analysis").

(2) For the purposes of Subsection (1), the legal regulation related to environmental protection includes

statutory acts, government decrees, ministerial decrees and decisions that impact a) the environmental components, b) the quality of the environment or c) human health in connection with the environment.

(3) In the case of regulations aimed at the introduction of economic regulators related to environmental protection (rules on customs, taxation, duties etc.) and any significant amendment thereof, an assessment analysis shall be carried out in every case.

### Section 44.

(1) The assessment analysis shall cover the following in particular: a) the extent to which the planned regulations and measures influence or may improve the state of the

environment; b) the potential damage to the environment or population if the planned measures are not implemented; c) the extent to which the conditions in Hungary are adequate for introducing the planned measures; d) the extent to which government agencies are prepared to implement the planned measures; e) whether the state, financial, organizational and procedural conditions for implementing the planned

measures exist; f) the extent to which the proposal represents deviation from the solutions generally adopted internationally.

(2) Prior to submitting the drafts and assessment analysis specified in Subsection (1) of Section 43 to the agency entitled to make decisions, they shall be sent to the National Environmental Protection Council for evaluation. At least thirty days - reckoned from the delivery of the draft - shall be provided for preparing an evaluation.

## **National Environmental Protection Council**

Section 45.

- (1) The National Environmental Protection Council (hereinafter referred to as "Council") - 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.

- (4) The responsibilities of the Council's secretariat shall be fulfilled by the Minister through his official organization.
- (5) The Council shall elect a chairman from among its members. Representing the Government, the Minister shall be the co-chairman of the Council.
- (6) The Council shall fulfill the responsibilities specified in this Act in accordance with the rules of this Act, and it shall determine its rules of procedure with regard to its other activities.
- (7) The Council's operating costs shall be provided for under a separate title in the budget of the ministry in charge of the protection of the environment.

## Chapter IV

### ENVIRONMENTAL RESPONSIBILITIES OF LOCAL GOVERNMENTS

#### Section 46.

(1) In the interest of environmental protection, each municipal local government (as well as the Metropolitan Government of Budapest) a) shall ensure the execution of the legal regulations serving the protection of the environment and shall perform the official tasks assigned to it;

b) shall work out, in harmony with the goals and objectives in the Program and the community's development plan, a separate municipal environmental program for its jurisdiction, to be approved by the representative body (general assembly) thereof;

c) shall issue municipal bylaws and shall pass resolutions to attain objectives related to environmental protection; d) shall cooperate with other authorities in charge of environmental protection and with other local governments and social organizations; e) shall analyze and evaluate the state of the environment in its jurisdiction and shall inform the public thereof as necessary, but at least once a year; f) shall enforce the environmental protection requirements in the course of carrying out development tasks and shall promote the improvement of the state of the environment.

(2) In order to fulfill its responsibilities in connection with the built and the natural environments, county

governments

a) shall prepare environmental programs coordinated with the municipal local governments;

b) shall give their preliminary opinions on the municipal environmental programs and may initiate the preparation thereof;

c) shall take a stand on the draft municipal bylaws of municipal local governments affecting

environmental protection; d) shall promote the reaching of agreements under Subsection (7) of Section 58; e) may make recommendations for the foundation of municipal environmental associations.

(3) With respect to cities of county rank, the responsibilities specified in Paragraphs a) and b) of Subsection (2) shall be fulfilled within the framework of a conciliatory panel [Local Governments Act, Section 61/A].

#### Section 47.

(1) The municipal environmental program defined in Paragraph b) of Subsection (1) of Section 46 shall

contain, in particular, the following tasks and regulations pertaining to the communities:

- a) cleanness of the community environment,
- b) drainage of storm water,
- c) treatment, collection, drainage and purification of municipal sewage,
- d) treatment of municipal wastes,
- e) protection against noise, vibration and air pollution generated by the public and public services (catering, operation of municipal facilities, retail trade),
- f) organization of local transport,
- g) drinking water supply,
- h) energy management,
- i) management of green areas;
- j) the prevention of presumably exceptional endangerment of the environment and the reduction of environmental damage.

- (2) The municipal local government shall take charge of the implementation of the tasks specified in the municipal environmental program as well as the provision of conditions for implementation; it shall
  - monitor the completion of the tasks contained therein and shall review the program as required, but at least biennially.
- (3) The objectives specified in the approved environmental protection program shall be implemented during the approval of the community's development plans or when another decision is made by the local government - by passing a municipal bylaw if necessary.

(4) Municipal local governments may also prepare a joint municipal environmental protection program.

Section 48.

- (1) The representative body of the municipal local government or, in the case of the Metropolitan Government of Budapest, the Metropolitan General Assembly may only lay down regulations regarding environmental protection for its jurisdiction in a municipal bylaw - and in a manner and to the extent specified in a statutory act or government decree - that are more restrictive than the provisions specified in other legal regulations.

- (2) Municipal local governments shall send the drafts of their bylaws and decisions regarding environmental protection, the drafts of their plans affecting the state of the environment and the environmental protection program [Paragraph b) of Subsection (1) of Section 46] to the neighboring and affected local governments and the regional environmental protection authorities [Paragraph a) of Subsection (1) of Section 65]. The regional environmental protection authorities shall inform the municipal local governments of their professional opinions within thirty days.

(3) It is the responsibility of the representative bodies of local governments a) to draw up smog emergency plans, b) to enact their own regulations concerning air pollution caused by household activities as well as

regulations for burning leaves and other garden waste, and c) to participate in procedures for designating areas that are considered ecologically vulnerable in terms of air pollution.

(4) As regards the City of Budapest, the smog emergency plan defined under Paragraph a) of Subsection

(3) shall be decreed by the City Council of Budapest.

(5) As regards the protection of air quality, it is the responsibility of the local mayor, by virtue of his

administrative and regulatory powers, to

a) have a smog emergency plan drafted and implemented;

b) to order the operators of any production and service facilities that are polluting the air to switch to

alternative sources of energy and/or to other technologies, or to temporarily restrict or suspend the activities of such operators and the use of road vehicles within the framework of the smog emergency plan.

## **Chapter V**

### THE GROUNDWORK FOR ENVIRONMENTAL PROTECTION

## **Environmental Information System and Provision of Information**

Section 49.

- (1) The Minister shall - in accordance with the stipulations set forth by the Government - establish and operate a monitoring network, the National Environmental Information

System (hereinafter referred to as "Information System") for monitoring the state and use of the environment and for measuring, collecting, processing and registering data on the utilization and loading thereof.

- (2) The Information System shall be organized and set up in such a manner and with such a territorial density that on the basis thereof

a) the changes in the utilization, loading and the state of the environment can be quantitatively and qualitatively determined and can be compared on an international basis - in a form that can be evaluated in

a social and economic context in terms of the effects on the health of the population; b) the causes of the environmental impacts can be established with satisfactory accuracy (including the

necessary detailed breakdowns for establishing the causal relationships of the damage); c) any endangerment of the environment can be recognized as early as possible; d) the regulatory responsibilities can be fulfilled and the official measures can be taken by the

authorities; e) it can be used for planning.

- (3) The regional tasks necessary for the operation of the Information System shall be fulfilled by the regional environmental protection authority [Paragraph a) of Subsection (1) of Section 65].
- (4) The costs of data provision, as specified in legal regulation, shall be borne by the party obligated to provide the data concerning the impacts on the environment.

Section 50.

- (1) Users of the environment shall measure the environmental loading and the utilization of the environment caused during their activities in a manner specified in legal regulation, or shall substantiate and record such with technological calculations, and shall make their records available and/or shall provide data to the authorities with jurisdiction and competence.
- (2) Certain users of the environment - specified in specific other legislation - shall survey the impact on the environment caused by their activities, summarize the results in regular reports and submit them to the competent environmental protection authority. The detailed regulations regarding environmental reports shall be laid down in specific other legislation.
- (3) The local government and state agencies responsible for environmental protection shall, in accordance with the stipulations of a Government decree, make the data they have generated that are necessary for the Information System available to the Information System.

Section 51.

- (1) The findings of studies funded from the state budget and pertaining to the state, utilization and use of the environment shall be treated in accordance with the legal regulation on data of public interest.
- (2) On the basis of the data collection, the Minister shall annually submit a report to the Government on the trends in the state of the environment in the country.
- (3) Municipal local governments shall inform the population about the trends in the state of the local environment as required, but at least annually.

## **Entry of Environmental Data into Other Records**

Section 52.

- (1) The fact, extent and nature of permanent environmental damage established by a definitive official decision or court ruling shall be entered into the property register.
- (2) The entry shall be requested by the environmental protection authority or - if liability is established by a court - shall be ordered ex officio by the court.
- (3) The cessation of or any change in the fact, extent and nature of the environmental pollution that serves as the basis for the entry shall be established, at the request of the owner of the real property, by the authority requesting the entry or the court ordering the entry, and they shall subsequently take measures ex officio to delete or amend the entry.

## **Environmental Research and Technical Development**

Section 53.

- (1) The fulfillment of responsibilities related to environmental protection shall also be promoted through the development of science and technology, the organization of scientific research and technical development as well as through the dissemination and practical application of the findings of domestic and international research.
- (2) Research aimed at exploring the state of the environment and the development of environmental protection shall be considered priority research objectives. The Minister, in cooperation with the minister in charge of scientific research, shall be responsible for coordinating, supporting and evaluating such research and ensuring the fulfillment of the state's environmental research goals.

## **Environmental Education, Training, Culture**

Section 54.

- (1) All citizens shall have the right to acquire knowledge about the environment and to improve such knowledge.
- (2) The dissemination and improvement of knowledge about the environment (education in nursery schools, education and training in schools, education and continuing education outside the school system, dissemination of information, book publishing) shall be the responsibilities primarily of the state and the local governments.

- (3) While fulfilling the responsibilities of state, the Minister shall cooperate with the minister in charge of education and public instruction and other concerned ministers in order to ensure professional education about knowledge concerning the environment and to improve the latter on a continuing basis.
- (4) In accordance with the principles and requirements of the National Master Curriculum, the Minister shall participate in the professional preparation of the curricular requirements and school equipment prepared for the institutions of public education.

(5) The Minister shall prepare an environmental education and training program that summarizes a) environmental knowledge for environmental education, training, continuing education and the

dissemination of information outside the school system as well as b) guidelines for the improvement of self-motivated public education and environmental awareness, and c) guidelines for and parameters of vocational and professional training in environmental protection.

(6) In addition to the basic interdisciplinary knowledge (natural sciences and ecology, social sciences as well as engineering and technology), environmental education and dissemination of information shall also include the environmental knowledge necessary for practicing trades and professions, activities that endanger the environment, basic issues in preventing and defusing emergencies, environmental impacts influencing human health as well as the dissemination of knowledge regarding civil rights and responsibilities related to protecting the environment.

Section 55.

- (1) The state shall fulfill the responsibilities indicated in Section 54 through the institutions of instruction and public education, in cooperation with the environmental protection associations and the professional organizations of the public engaged in the protection of the environment. The state shall support individual organizations with educational and training responsibilities, churches, scientific institutions, professional organizations and associations so that they perform their educational and training activities more effectively, if necessary, by making appropriate funds available.
- (2) The minister in charge of education and public instruction and the Minister shall be jointly responsible for organizing education about the environment and the academic and financial support of the preparation of the curricula and educational programs related to this; the Minister shall exercise the rights of the minister in charge of qualification with respect to professional and vocational training, fulfill the responsibilities of the state in the sphere of higher education and provide assistance for the educational work of institutions of higher education belonging to his field.

## **Chapter VI**

### **ECONOMIC BASES OF ENVIRONMENTAL PROTECTION**

Section 56.



(1) The central budget a) shall support the fulfillment of tasks arising from the assumption of the high-priority environmental protection and international obligations specified in the Program;

b) shall contribute to cleaning up environmental damage in cases in which this task may not be devolved to third parties or the party causing the damage is unknown or its liability for the damage cannot be enforced;

c) shall advance the costs of reducing or eliminating environmental damage that requires immediate intervention;

d) shall support measures aimed at environmental protection, especially in the areas of developing and operating the Information System, government oversight, education and the dissemination of information, research and the activities of the public related to environmental protection.

- (2) The use of technologies resulting in a reduced utilization and loading of the environment, the manufacture of environmentally sound products and the provision of environmentally sound services may be supported through the provision of tax allowances and through customs and duty allowances.
- (3) No value-added tax shall be imposed on contributions paid by private persons for the costs of constructing sewer systems.

## **Environmental Protection Fund Special Appropriations Chapter**

Section 57.

The environmental protection fund special appropriations chapter is established for promoting the development of an environmentally safe economic structure, the prevention or reduction of environmental damage, the cleanup of environmental damage, country planning as set forth in a specific other legislation as well as the conservation of nature preservation areas, the motivation and promotion of the most efficient responses and the best available techniques in respect of activities defined in specific other legislation, the improvement of public environmental awareness and environmental research.

## **Municipal Environmental Protection Funds**

Section 58.

(1) In order to promote the fulfillment of their responsibilities in environmental protection (Section 46), the local governments - the Metropolitan Government in Budapest - may establish municipal environmental funds through municipal bylaws.

(2) The revenues of the municipal environmental protection funds shall be the following: a) the full amount of environmental fines definitively imposed by the local government, b) thirty per cent of the amount of the environmental fines definitively imposed by the regional

environmental protection authority [Paragraph a) of Subsection (1) of Section 65] in the area of the municipal local government,

c) part of the environmental load charges and utilization contributions specified in specific other legislation, d) the amount of local government revenues earmarked for environmental protection purposes, and e) other revenues.

- (3) If the local government does not establish a municipal environmental protection fund, the revenue specified in Paragraph c) of Subsection (2) shall not be due to it.
- (4) The municipal environmental protection fund shall be used for environmental protection purposes.
- (5) The representative body shall annually provide for the use of the municipal environmental protection fund simultaneously with the adoption of the bylaw on the budget (State Finances Act, Section 65) and the closing of accounts (State Finances Act, Section 85).
- (6) Local governments affected by the utilization, loading and pollution of the environment may initiate - with the local government authorized to dispose of the revenues specified in Paragraphs a), b) and c) of Subsection (2) - the proportionate division of revenues among the local governments in the impact area. They shall provide data to substantiate the extent of their needs.
- (7) If no agreement is reached among the affected local governments on the issue and extent of the division specified in Subsection (6), the local government initiating it may submit a statement of claim to the town court operating in the seat of the county court and, in Budapest, to the Pest Central District Court. The procedure shall be free of duty.

## **Charges Payable for Using the Environment**

Section 59.

(1) The charges that provide cover for the measures reducing the loading and the utilization of the environment are: a) environmental load charges, b) utilization contributions, c) product charges, d) deposits (hereinafter referred to jointly as "charges").

- (2) The amount of the charges shall be established in such a way that they should encourage the users of the environment to reduce the utilization and loading of the environment.
- (3) The amount of the charges and the objective for which they are used shall be set through conciliation with the interest representations of those obligated to pay the charges. The charges shall be introduced gradually with respect to their date and amount.

- (4) The goals and manner of using the charges shall be specified in specific other legislation that provides for the charges in such a manner that the greater part of the amount collected may be spent on reducing the environmental load and/or the level of utilization of the environment that was taken as basis when the payment of the charge was determined.

(5)

## **Environmental Load Charges**

Section 60.

- (1) Users of the environment shall pay environmental load charges for loading the environment in the cases specified in specific other legislation.
- (2) Users of the environment obligated to pay environmental load charges shall keep records of the loading they cause, provide data thereon and declare them.
- (3) Environmental load charges may be set for substances and types of energy for which measurement standards exist or the emission of which may be reliably established through consideration of the material or technical calculation.
- (4) The environmental load charges payable for pollutants released into the environmental components specified under Subsection (1) shall be specified separately for certain substances, types of energy or the groups thereof in proportion to the quantity of the emitted substance or energy. The proportionality factor may be different depending on the area category and the emission standards.
- (5) A statutory act shall provide for the scope of substances and types of energy subject to the obligation to pay environmental load charges, for the amount of the charges and for the manner in which records are

to be kept and data are to be provided.

## **Utilization Contribution**

Section 61.

- (1) The users of the environment shall pay a utilization contribution for certain ways of utilizing a particular component of the environment.
- (2) No utilization contribution shall be paid for the utilization of an environmental component for which the users of the environment pay mining royalties (Mining Act, Section 20).
- (3) The users of the environment obligated to pay a utilization contribution shall keep records of the extent of the utilization, provide data thereon and declare them.
- (4) The contribution payable for the utilization of an environmental component shall be established in proportion to the utilized quantity of the environmental component. The proportionality factor may be different depending on the area category.

- (5) A statutory act shall provide for the scope of activities and utilization subject to the obligation to pay the utilization contribution, the amount of the contribution and the manner in which records are to be kept and data are to be provided.

## **Product Charges**

Section 62.

- (1) The manufacture, import and distribution of certain products that put a special load on the environment or endanger it or any of its components during or following their use shall be obligated to pay a special product charge.
- (2) Manufacturers, importers and distributors obligated to pay product charges shall keep records of the quantity and turnover of the products, provide data thereon and declare them.
- (3) A statutory act shall provide for the range of products, the amount of the charge and the manner in which records are to be kept and data are to be provided.
- (4) The amount of the product charge shall be established for the unit quantity of manufactured, imported and distributed products.
- (5) The manufacturer or the distributor of the products, including the importer, may be obligated - on the basis of the provisions of legal regulation - to take back and adequately treat certain worn-out products on which product charges must be paid.
- (6) The product charge on products that must be taken back shall be spent on the utilization or safe disposal of the returned worn-out products or on the funding of projects implementing the above, with consideration of the stipulations of Subsection (4) of Section 59.

## **Deposits**

Section 63.

- (1) Legal regulation shall provide for the range of products whose return is necessary in order to reduce the loading and pollution of the environment. To encourage the return of such products, the distributors of these products shall charge deposits.
- (2) Distributors of products requiring a deposit shall provide for taking back and adequately treating the used products, and they shall pay the deposit charged when the product was sold to the person returning the product.

## **Chapter VII**

ADMINISTRATION OF ENVIRONMENTAL PROTECTION

## **Administration of Environmental Protection**

Section 64.

(1) The following shall belong to the scope of the administration of environmental protection:

a) the performance of the activities of the environmental protection authority and, in particular, the licensing of the use of the environment - in accordance with the rules specified in this Act - and the enforcement of the administrative legal responsibility for the environment;

b) data management and information tasks related to the operation of the Information System;

c) the specification of the environmental rating system for substances, products and technologies and the licensing of the distribution or use thereof;

d) the organization of tasks aimed at averting environmental damage;

e) enforcement of the requirements concerning the use of the most efficient responses and the best

available techniques.

(2) The responsibilities of the administration of environmental protection shall be fulfilled by the official apparatus overseen by the Minister on the basis of the provisions of this Act and specific other legislation as well as by the regional environmental protection authorities and other agencies of public administration, local governments and the agencies thereof as well as by notaries.

## **Fulfillment of the Responsibilities of the Environmental Protection Authority**

Section 65.

(1) The responsibilities of the environmental protection authority shall be fulfilled at the level of first instance by a) the regional environmental protection authority (hereinafter referred to as "inspectorate") in cases not falling under the powers of local governments, unless otherwise stipulated by legal regulation;

b) the mayor (Lord Mayor of Budapest) or notary (Prothonotary of Budapest) (hereinafter referred to jointly as "municipal environmental protection authority") in cases falling within the jurisdiction of local governments, in accordance with the provisions of specific other legislation;

c) the inspectorate in cases in which all of the assets or the majority of the assets constituting the object of official duties are owned by the local government or the majority of local governments.

- (2) The scope of the inspectorate's duties and authority - which is not provided for in this Act - shall be established in decrees by the Government, while its area of competence shall be established by the Minister.

- (3) The inspectorate shall cooperate in environmental issues concerning the scope of the duties and authority of the local governments with the municipal environmental protection authorities operating in its area of competence and shall support them in the fulfillment of their responsibilities related to environmental protection.

## **Conditions for and Licensing of the Use of the Environment**

Section 66.

(1) Any use of the environment may commence or be continued

a) after the operative date of the environmental license issued for operations that require an environmental impact assessment -with the exception laid down in Paragraph b) [Paragraph b) of Subsection (2) of Section 70; Paragraph a) of Subsection (4) of Section 71];

b) after the operative date of the consolidated environmental use permit issued by the inspectorate for operations that require an environmental impact assessment following the procedure specified in Paragraph a) if the requirements stipulated in this Act [Paragraph c) of Subsection (4) of Section 71] and in the relevant Government Decree [Paragraph a) of Subsection (1) of Section 72/A] are satisfied;

c) after the operative date of the consolidated environmental use permit issued by the inspectorate for operations not mentioned in Paragraph a) in the cases specified in the relevant Government Decree [Paragraph a) of Subsection (1) of Section 72/A];

d) after the operative date of the environmental operating permit issued by the inspectorate for operations that require an environmental audit [Paragraph a) of Subsection (1) of Section 79];

e) after the operative date of the decision issued by the inspectorate or the municipal environmental protection authority (hereinafter referred to jointly as "environmental protection authority") or the decision issued by another authority in consideration of the opinion of the environmental protection authority in the cases - defined in specific other legislation - that are not included within the scope of Paragraphs a)-d).

(2) The inspectorate shall keep an official record of its official decisions specified in Subsection (1) and the positions it takes as an expert authority.

## **Environmental Impact Assessment**

Section 67.

(1) Prior to commencing activities with significant impacts on the environment [Paragraph a) of Subsection (2)], an environmental impact assessment shall be carried out.

(2) From the viewpoint of environmental impact assessments,

a) the siting or implementation of a facility or operation, the abandonment and significant enlargement or expansion of an existing facility or operation as well as any change in technologies and products and the significant modification of the above - all specified in a Government decree - shall qualify as activities with significant impacts on the environment;

b) "applicant" means a promoter or performer of the activities defined in Paragraph a).

Section 68.

- (1) The impact assessment shall consist of a scoping (preparatory) and - in case it is necessary in accordance with the rules of this Act - a detailed assessment phase.
- (2) The applicant shall present the findings of the phases of impact assessment a) in a preliminary environmental statement and b) in a detailed environmental impact statement.
- (3) In the course of an environmental impact assessment, environmental impacts expected as a result of other operations linked directly to the activity and of a failure or accident shall also be discussed.

## **Preliminary Environmental Statement**

Section 69.

(1) The applicant shall notify the inspectorate of its intent to start an activity (hereinafter referred to as "application"). A preliminary environmental statement shall be attached to the application.

(2) The preliminary environmental statement shall contain:

a) the goal of the planned activity, a description of the siting and technological alternatives thereof, the justification of the need for the facility, and a description of the environmental consequences that would result should the planned activity not occur;

b) quantitative and qualitative descriptions of the expected environmental load and utilization resulting from the implementation of the activity specified in Paragraph a);

c) a preliminary assessment of the expected environmental impacts and, in the case of a new siting, a detailed description of the changes expected in the landscape and the ecological conditions at the location of the siting;

d) those questions that may be answered only on the basis of a further detailed impact assessment;

e) an indication of the information that constitutes state, service or business secrets pursuant to the law.

Section 70.

(1) In the scoping (preparatory) phase, the inspectorate shall always involve the following as expert

authorities: a) the competent nature conservation directorate or national park directorate; b) the competent county (Budapest) institute of the National Public Health and Medical Officer Service; c) other expert authorities specified in specific other legislation.

(2) On the basis of the application and the preliminary environmental statement, the inspectorate

a) shall prescribe the submission of a detailed environmental impact statement and shall determine the issues to be studied during the preparation of the detailed environmental impact statement and/or the requirements that may be determined (are to be met) on the basis of the available data,

b) shall issue the environmental license required for the activity by simultaneously notifying the local governments competent at the planned location(s) of the siting, or c) shall begin the procedure in the cases specified in specific other legislation for the consolidated environmental use permit following conclusion of the impact assessment, or d) shall reject the application.

(3) The inspectorate shall withdraw the environmental license if the activity or the preliminary construction work necessary therefor has not been started within three years of the date on which the permit becomes definitive, if the title holder makes a statement to the effect that it does not wish to make use of the environmental license, or if the conditions existing at the time of licensing have substantially changed.

## **Detailed Environmental Impact Statement**

Section 71.

(1) The detailed environmental impact assessment, to be drawn up on the basis of the preliminary environmental study and substantiated with on-site tests, shall contain (in the depth and detail specified by the inspectorate):

a) a detailed description of material stipulated in Paragraphs a) and b) of Subsection (2) of Section 69 and a comparison of the chosen technology with the most efficient response and the best available techniques for the activities defined in specific other legislation;

b) the delimitation of the impact areas, including the visual presentation thereof with the use of maps, and a description of the state of the environment in these areas if the activity were not to be implemented;

c) the prediction and evaluation of the effects that the changes brought about in the state of the environment as a result of the activity would have on the environmental components and human health;



d) the assessment of the health, economic and social consequences expected owing to the changes in the state of the environment;

e) the specification of the measures to be taken to prevent, reduce or clean up the possible levels of utilization, pollution and damage;

f) the impacts on the environment

fa) the methods for measuring and analyzing the impacts on the environment during the performance of the activity, as well as

fb) the methods of post-project analysis once the activity has been abandoned;

g) the sources of information used for the compilation of the detailed environmental impact statement,

the methods used in the impact assessment, their limitations and the conditions of their use, the limits to the validity (probability) of predictions, and the uncertainties found during the evaluation of the impacts and

the findings of the assessment;

h) a list of the studies used and the manner in which the studies are accessed;

i) an indication of the information in the parts of the study prepared in accordance with Paragraph

a) that constitute state, service or business secrets pursuant to the law;

j) a non-technical summary for the public.

- (2) The inspectorate shall involve the expert authorities defined in Subsection (1) of Section 70 in the detailed assessment phase.
- (3) The expert authority participating in the detailed assessment phase may also state - in its official statement - that, on the basis of the information provided by the applicant, it will grant a preliminary or land use permit within its jurisdiction without a separate procedure at the same time that it grants the environmental license.

(4) The inspectorate shall make its decision on the basis of all the information available in the matter and a) shall issue the environmental license required for performing the activity or b) shall reject the application, c) shall begin the procedure in the cases specified in specific other legislation for the consolidated

environmental use permit following conclusion of the impact assessment.

(5) The provisions of Subsection (3) of Section 70 shall be applied when revoking an environmental license.

## **Contents of the Environmental License**

Section 72.

(1) The decision to grant an environmental license shall contain: a) the name and data of the licensee and the licensed activity as well as the validity period of the license; b) the environmental regulations as well as the obligations to provide a bond and form provisions as

specified in legal regulation, the satisfaction of which is a precondition for the siting, implementation,

modification, performance and abandonment of the licensed activity;

c) the positions taken by the expert authorities about the environmental impact of the licensed activity;

d) in its reasoning, a detailed description of the conditions in consideration of which the inspectorate

granted the license and on the basis of which it made its decision.

(2) A decision rejecting the application shall contain a detailed reasoning with the facts and considerations on which the inspectorate based the rejection. At the same time, the applicant shall be informed whether the activity is possible with an alternative solution that is different from the rejected application or whether it is not possible at all in the given area.

## **Consolidated Environmental Use Permit**

Section 72/A.

- (1) In order to prevent pollution of the environment by the operations specified in specific other legislation, the inspectorate shall specify measures - on the basis of the best available techniques - in the course of the consolidated environmental use permit procedure to minimize or avoid harmful emissions into and any damage to the environment.
- (2) The regulations laid down by the Government pertaining to environmental studies shall apply with the deviations specified in the Government decree on the consolidated environmental use permit procedure.

Environmental Audit

Section 73.

(1) Environmental audits (hereinafter referred to as "audit") shall be carried out in order to ascertain and study the environmental impact of certain activities as well as to determine whether the environmental protection requirements are being met.

(2) In terms of the audit: a) activity is considered performing, renewing, restoring or abandoning any operation or technology that

entails utilizing, endangering or polluting the environment; b) the concerned party shall be the performer of the activities defined in Paragraph a).

#### Section 74.

(1) In order to explore the environmental impact caused by the activities of an operator, the inspectorate may require the operator to carry out a full-scale or partial review in the case defined in Subsection (1) of Section 73 or if it detects that the environment has been endangered or polluted.

(2) In order to explore the environmental impact caused by the activities of an operator, the inspectorate

shall order the operator to carry out a full-scale or partial review a) if it detects that the operator has caused any damage to the environment; b) if the operator is engaged in activities that endanger, pollute or damage the environment of areas

placed under any degree of protection, (national parks, landscape conservation areas, nature conservation areas, natural relics, the protective zones of any of these, water quality protection areas, hydro-geological protection areas, and the protective zones of drinking, mineral and thermal water resources);

c) if the operator is engaged in any activity that requires an environmental license or a consolidated environmental use permit without such permit or license; d) the conditions specified in specific other legislation are extant.

(3) If in the course of an environmental audit the inspectorate detects that the environment is being endangered or damaged, it may fully or partially restrict or suspend the audited activity that is causing such problems in the impact area.

#### Section 75.

- (1) A full-scale audit shall include a) a description of the technologies used and the presentation of the technical state and the up-to-date nature of the equipment; b) a description of the loading and the utilization of the environment caused during the performance of the activity, substantiated by data; c) the operations linked directly to the activity, especially the material stream, shipments into and out of the facility and the treatment of waste and sewage; d) the specification of pollutants and energy presumably to be released into the environment because of a

- failure or environmental disaster that might occur; e) the description of measures taken and planned in order to prevent environmental hazards and clean up
- environmental damage; f) the measures to be taken after the activity has been abandoned.
- (2) During the audit, the alternatives and conditions of the elimination of environmental pollution and - if this is not possible - the abatement of the utilization and pollution of the environment shall be specified.
- (3) Of the conditions described in Subsections (1) and (2), a partial audit shall cover those earmarked by the inspectorate.

#### Section 76.

- (1) A concerned party may carry out the audit itself at its own expense or may have it carried out by persons or organizations entitled to carry out such audits.
- (2) The concerned party shall be responsible for the authenticity of the audit and the validity of the information reported.

(3) If the inspectorate finds out during its inspection that the findings of the audit are wrong or the contents thereof are partially or completely invalid, it shall have a new audit carried out at the expense of the concerned party (re-audit).

(4) The inspectorate shall notify the concerned party of the re-audit; and the concerned party shall provide the inspectorate or the organization(s) commissioned by the inspectorate with the information requested and shall carry out the supplementary measurements (or have them carried out).

## **Environmental Protection Performance Evaluation**

#### Section 77.

With the appropriate application of Sections 73-76, the concerned party may carry out a survey (or have it carried out) to evaluate its own environmental performance (to audit its own activity) and to find out about the environmental impact of its activity, and, at its request, the inspectorate shall approve it.

## **Common Rules of the Audit and the Performance Evaluation**

#### Section 78.

In procedures instituted on the basis of the findings of the audit in accordance with Section 73 or, in the case of Section 77, when the findings of the survey are approved, the competent nature conservation or national park directorate, the county (Budapest) institute of the National Public Health and Medical Officer Service as well as other authorities concerned in the matter - and vested with powers by specific other legislation - shall be involved as expert authorities.

## Section 79.

(1) On the basis of the findings of the audit, the inspectorate a) shall license the performance of the activity (hereinafter referred to as "operating license"); b) simultaneously with the granting of the license, shall obligate the concerned party to take the

necessary environmental measures, including the obligations to provide a bond and to form provisions as stipulated in Paragraph b) of Subsection (1) of Section 72;

c) shall restrict, suspend or ban the performance of the activity, or shall initiate the same with the agency with jurisdiction. In the case of restriction or suspension, the inspectorate shall specify the environmental conditions for performing the activity.

(2) When approving the survey carried out in accordance with Section 77, the inspectorate shall make a simplified decision [State Administration Act, Subsection (2) of Section 43] or may continue the procedure by appropriately applying the provisions of Paragraphs b) and c) of Subsection (1).

## Section 80.

In the case of Paragraph a) of Subsection (2) of Section 74, the inspectorate shall hold a public hearing in order to ensure the involvement of the public.

## Section 81.

The decision shall contain:

(1) In the case of Paragraph a) of Subsection (1) of Section 79: a) the name of the activity and the concerned party as well as the goal of the activity; b) the location where the activity is performed and the delimitation of the impact area thereof; c) data specifying the nature of the activity, established on the basis of Section 75; d) environmental protection regulations related to the activity; including the order and documentation of

the measurements required for monitoring the environmental impact and the manner in which the resulting information is to be provided and evaluated.

e) the validity period of the decision.

(2) In the case of Paragraph b) of Subsection (1) of Section 79, in addition to the provisions of

Subsection (1): a) specification of the measures required for performing the activity; b) the sampling sites required for monitoring the impact on the environment; c) the order and scheduling of the measures.

(3) In the case of Paragraph c) of Subsection (1) of Section 79: a) the name of the obligor; b) the contents of the obligation that has been established and the manner and deadline of performance;

c) all essential regulations (conditions) that have to be observed or met during the activity; d) the requirements pertaining to the elimination of environmental damage and the general solutions (the

possible alternatives thereto) applicable to the supplementation thereof.

## **Environmental Management and Attestation System (EMAS)**

Section 81/A.

- (1) Users of the environment may participate - in the manner defined in specific other legislation - in the environmental management and attestation system in order to evaluate and regularly improve their own environmental protection performance and to properly inform the general public.
- (2) Within the framework of the system, users of the environment shall review (have reviewed) the environment impacts in connection with their activities, prepare (have prepared) environmental reports, have such reports certified by an authorized certification agent for conformity with the criteria laid down in the environmental management and attestation system, submit such reports for registration to an organization accredited under specific other legislation and make them accessible to any person concerned.

## **Obligation to Report, Inspection**

Section 82.

- (1) Operators shall notify the inspectorate within fifteen days of any significant change incurred or proposed in the data on the basis of which the authorizations defined in Subsection (1) of Section 66 were issued, as well as any change in ownership.
- (2) The inspectorate shall also inspect ex officio any changes in the conditions that served as a basis for the environmental license or the decision mentioned in Paragraph c) of Subsection (1) of Section 66. If they deviate significantly from the conditions existing at the time of licensing, the environmental protection authority shall order an audit and, until it is evaluated, may partially or completely restrict or suspend the performance of the activity or may initiate the same with the agency having jurisdiction. In the event the notification specified in Subsection (1) is not given, the agency with jurisdiction shall suspend the activity.
- (3) In terms of applying Subsections (1) and (2), changes in the conditions and technology that result in particular levels of environmental loading and utilization that exceed the permitted levels shall be considered significant changes.

Section 83.

In the case of bankruptcy or voluntary or involuntary liquidation proceedings, the provisions of specific other legislation shall be applied to uncovering and eliminating environmental damage possibly caused by the activity.

Rating Substances, Products and Technologies in Relation to Environmental

## **Protection**

Section 84.

- (1) Polluting products and technologies endangering the environment or polluting it in the absence of appropriate treatment or design shall be rated in terms of environmental protection, and the conditions of ensuring the quality shall be provided for.
- (2) Substances endangering the environment shall be classified into hazard classes - in accordance with specific other legislation - on the basis of their environmental impact were they to be released into the environment.
- (3) The environmental protection requirements shall also be enforced when rating substances, products and technologies for other purposes.
- (4) Manufacturers and distributors shall provide information in the user's instructions about the environmental hazards and impacts of the rated substances, products or technologies and on the conditions and methods for treating them once they have been dismantled or have become worn out.

Section 85.

In addition to their rating, the production, manufacture, import and distribution of certain substances and products that seriously endanger the environment and the use of similar technologies shall require separate licenses or, if necessary, be banned.

Section 86.

- (1) The distinguishing inscription "environmentally sound product or technology" may be used for environmentally friendly or environmentally sound products and technologies that utilize or load the environment to a lesser extent - as demonstrated - than do traditional products and technologies with the same or similar functions.
- (2) The unauthorized use of the distinguishing inscription shall bring about an environmental fine as specified in specific other legislation.

## **Standards**

Section 87.

(1) Standards shall be specified as utilization [Subsection (1) of Section 17; Subsection (1) of Section 19; Subsection (3) of Section 23] or emission and pollution (Section 35) standards.

(2) Depending on the specific features of the environmental component to be protected or the type of

contamination, standards may be defined according to the following types:

- a) general,
- b) regional,
- c) local,
- d) individual,
- e) pertaining to protective zones

for ecological, health and planning reasons or for use in emergency situations [the contents of Subsections (1) and (2) are hereinafter referred to jointly as "standard"].

Section 88.

(1) The extent to which environmental components may be utilized and the quantity, quality and concentration of substances and energy that may be released into the environment shall be determined in view of the objective set forth for the preservation or restoration of the environment or affected environmental component.

(2) An emission standard may be established for: a) some product (product standard); b) the quantity of an emission that is typical of some technology or pollutant (technology standard;

which may be an emission concentration or a specific value for the quantity of input, production and energy production etc.); c) the quantity of a pollutant or energy that may be emitted in the given area by the polluting source (area standard); d) in a total quantity for a specified area, branch of production or group of polluting sources.

(3) A utilization standard may be established:

a) for the admissible level of utilization with respect to some use of the environment (the extent of potential environmental change, the total quantity of a natural resource that may be extracted or the amount that may be extracted in a certain unit of time);

b) for the admissible extent of the abstraction or use of an environmental component that may be utilized in some area; c) in a total quantity for a specified group of exploiters or users.

Section 89.



- (1) Emission and exposure standards shall be determined - in addition to contamination standards - in due observation of the current and proposed state of the environment or a specific environmental component and the most efficient response and the best available techniques in respect of activities defined in specific other legislation. When introduced, adequate and sufficient time shall be allowed for preparations.
- (2) The expected joint impact of natural processes and certain environment-loading factors shall also be taken into consideration when the standards are being established.
- (3) The standards shall be established by the Minister in decrees - issued jointly with the concerned ministers - or by the environmental protection authority in cases specified in decree.

## **Special Rules for the Official Procedures of Government Environmental Protection Agencies**

Section 90.

The Act on the General Rules of State Administration Procedures shall be applied to the procedures of the environmental protection authority with the differences specified in this Act.

### **Deadlines for Dispatch**

Section 91.

The administrative deadline shall be no more than ninety days in procedures aimed at the acquisition of an environmental license and the granting of an operating license.

### **Procedure as an Expert Authority**

Section 92.

- (1) In environmental issues, the expert authority participating in the procedure shall provide its expert statement within thirty days following the request therefor.
- (2) In the procedures of other authorities, the environmental protection authority shall provide its expert statement within thirty days following receipt of the application or request.

### **Public Hearings**

Section 93.

- (1) After a detailed environmental impact statement has been submitted to it, the inspectorate shall hold a public hearing (hereinafter referred to as "public hearing"), unless the activity is classified as a military secret. The inspectorate shall inform the affected local government about the environmental impacts of any secret military activity.

- (2) The location of the public hearing shall be a room provided by the local government with jurisdiction over the location of the siting of the activity or by the local government of the most affected community (communities), and the inspectorate may invite the expert authorities concerned in the matter [Subsection
- (1) of Section 70], the affected parties [Paragraph o) of Section 4], the affected local governments [Paragraph p) of Section 4], the applicant, the associations formed to represent environmental interests and other public organizations if they have announced their intention to participate and have verified their qualifications for being a party in the case [Subsection (1) of Section 98].

(3) The affected local governments shall notify the population of the affected community (communities)

- in a public notice - of the date and place of the public hearing and of the location where the detailed environmental impact statement can be inspected.

(4) The advertisement shall be made public at least thirty days prior to the date of the public hearing.

- (5) Comments may be submitted by the date of the public hearing to the inspectorate or the local government in whose jurisdiction the venue of the public hearing is located.
- (6) Before making its decision, the inspectorate shall examine the merits of the important comments in the matter in terms of evaluating the impact on the environment.
- (7) If there are several affected local governments or if the number of affected parties so warrants, the public hearing may be held at several locations.

## **Minutes of the Public Hearing**

Section 94.

- (1) The inspectorate shall draw up minutes of the public hearing and shall send copies thereof to the applicant and the expert authorities that have participated in the procedure within fifteen days of the public hearing. The minutes shall contain a substantive summary of the comments.
- (2) The inspectorate shall send the minutes to the organizations that are participating in the procedure [Subsection (1) of Section 98] and the minutes shall be made available to the public at the inspectorate and at all affected local governments.

## **Executable Decisions**

Section 95.

Petitions for legal remedy against decisions made concerning emergencies that endanger and damage the environment shall have no suspensory effect with respect to execution.

Section 96.

- (1) If a procedure initiated by the environmental protection authority ex officio closes with a decision establishing an obligation, the obligor shall bear the costs of the public administration procedure.
- (2) The costs of a public hearing held in an environmental licensing procedure and those incurred through the participation of outside experts involved in the procedure shall be borne by the licensee.

## **Chapter VIII**

### **PUBLIC PARTICIPATION IN ENVIRONMENTAL PROTECTION**

Section 97.

- (1) The public is entitled to participate in procedures concerning the environment in ways specified in this Act and specific other legislation.
- (2) Everyone shall have the right to call the attention of the user of the environment and the authorities to the fact that the environment is being endangered, damaged or polluted. Upon written notification with respect to the above, the agency having jurisdiction shall, in addition to taking measures, provide a substantive answer before the deadline prescribed in an Act.

(3) Public participation may be exercised: a) in person or through a representative, b) through community organizations, c) through municipal local governments.

## **Environmental Protection Associations of Citizens**

Section 98.

(1) Associations formed by citizens to represent their environmental interests and other community organizations that do not qualify as political parties or interest representations - but are active in the impact area - (hereinafter referred to as "organizations") shall be entitled in their areas to the legal status of being a party in the case in environmental protection state administration procedures.

(2) The organizations shall have the right, by virtue of representing their members' interests, to a) cooperate in drawing up regional development plans, zoning plans and environmental protection

programs that affect their area of operation or activity; b) participate in environmental licensing procedures - in accordance with the provisions of this Act; c) give their opinion on legislative bills before Parliament and local government draft bylaws.

- (3) In order to assert their right under Paragraph c) of Subsection (2), the organizations shall notify the ministry drafting the bill or the local government drafting the bylaw of their request to express their opinion.
- (4) The ministries shall annually - by 31 December - send a list of the titles of the legal regulations related to the environment that they plan for the following year to the Minister, who shall publish it in the ministry's official gazette. The municipal local governments shall provide information on the bylaws they intend to issue in accordance with local custom.

Section 99.

(1) In the event the environment is being endangered, damaged or polluted, organizations are entitled to intervene in the interest of protecting the environment and a) request a government agency or local government to take appropriate measures within its jurisdiction

or b) file a lawsuit against the user of the environment.

2) In the lawsuit specified in Paragraph b) of Subsection (1), the party in the case may request the court

to a) enjoin the party posing the hazard to refrain from the unlawful conduct (operation); b) compel the same to take the necessary measures for preventing the damage.

Section 100.

Professional interest groups shall also have the right to give an opinion under Paragraph c) of Subsection

(2) and Subsection (3) of Section 98 shall in issues of concern to the professions they represent.

## **Chapter IX**

LIABILITY FOR THE ENVIRONMENT

### **General Basis of Legal Liability**

Section 101.

- (1) Those persons who endanger, pollute or damage the environment with their activities or through neglect or who perform their activities by violating the environmental protection regulations (hereinafter referred to jointly as "unlawful activity") shall be liable (under criminal law, civil law, administrative law etc.) in accordance with the provisions of this Act and the provisions of specific other legislation.

- (2) Persons pursuing unlawful activities shall a) stop endangering or polluting the environment and shall cease to damage the environment; b) accept responsibility for the damage they have caused; c) restore the state of the environment as it existed before the activity.
- (3) In the event the measures stipulated in Paragraph a) of Subsection (2) are not taken or are unsuccessful, the authority or court entitled thereto may restrict the performance of the activity or may suspend or ban it until the conditions it has established are ensured.
- (4) Users of the environment may be obligated to give an environmental bond, form environmental provisions or take out environmental liability insurance - as specified in specific other legislation - in order to commence their activity.

#### Section 102.

- (1) The owner and the possessor (user) of the real property on which the activity is or was carried out shall bear joint and several liability for any unlawful activity -with the exception of criminal and misdemeanor liability - until evidence is provided to the contrary.
- (2) The owner shall be exempted from joint and several liability if it names the actual user of the real property and proves beyond any doubt whatsoever that the responsibility does not lie with him.
- (3) The provisions of Subsections (1) and (2) shall be appropriately applied to the owners and the possessors (users) of non-stationary (mobile) polluting sources.
- (4) If several users of the environment jointly form an economic organization to unite the similar or complementary activities that they had formerly performed, such economic organization shall, in respect of environmental protection obligations, be regarded as the legal successor of the founders, and its liability shall be joint and several with the founders.

## **Liability for Damages**

#### Section 103.

- (1) Damage caused to other parties by virtue of activities or negligence entailing the utilization or loading of the environment shall qualify as damage caused by an activity endangering the environment, and the provisions of the Civil Code on activities entailing increased danger shall be applied (Civil Code, Sections 345-346).
- (2) If the injured party does not wish to enforce its claim for damages as specified in Subsection (1) against the party causing the damage - on the basis of a statement pertaining to this made by the injured party within the period of limitation - the Minister may enforce said claim to the credit of the environmental protection fund special appropriations chapter.

#### Section 104.

If the person or the entity performing an unlawful activity changes, the rules of the liability of the legal successor shall be applied to the person or entity performing the activity, unless the parties have agreed otherwise in a contract.

Section 105.

In the event the user of the environment is terminated without a legal successor during voluntary or involuntary liquidation, the transformation of a state enterprise into an economic association or during the utilization and sale of state assets, the costs of cleaning up environmental damage and the compensation for environmental damage sustained as a result of the activity shall be shown in the statement of assets on the basis of an assessment of the state of the environment.

## **Environmental Fine**

Section 106.

- (1) Those persons who violate the provisions of legal regulations or official decisions that are aimed at the protection of the environment or who exceed the standards established therein shall pay an environmental fine in conformity with the level, severity and recurrence of the environmental pollution and environmental damage they caused.
- (2) The environmental fine shall be paid over and above the environment-utilization contribution and the environmental load charges. The environmental fine shall be construed as a public debt collectible as taxes.

Section 107.

The fine does not exempt the recipient from criminal liability, misdemeanor liability or liability for damages; nor does it exempt the recipient from the obligation to restrict, suspend or ban the activities and develop adequate protection and restore the natural or previous environment.

## **Environmental Officer**

Section 108.

- (1) In the case of the uses of the environment specified by the Government in legal regulation users of the environment shall - in order to fulfill their responsibilities related to environmental protection - employ or appoint an environmental officer who has the appropriate professional knowledge (hereinafter referred to as "Officer").
- (2) The Officer's rights and responsibilities as well as a detailed description of his tasks shall be laid down in writing (in an employment or other contract).
- (3) The Officer shall, prior to the fact, call the attention of all of the organization's agencies and officers to the fact that some planned measure violates legal regulation and rules on environmental protection.

- (4) Persons receiving definitive sentences because of criminal acts related to damaging or endangering the environment shall not become Officers as long as they are under the effect of the sentence.
- (5) An environmental commissioner shall be employed at the government agencies specified by the Government.

## **The Public Prosecutor's Role in Environmental Protection**

Section 109.

- (1) Public prosecutors shall act in accordance with the stipulations of the Code of Criminal Procedure in cases in which the environmental components are damaged in a manner prohibited in the Criminal Code.
- (2) In the event of endangerment to the environment, the prosecutor is also entitled to file a lawsuit to impose a ban on the activity or to elicit compensation for the damage caused by the activity endangering the environment.
- (3) Acting in his legal oversight capacity and on the basis of the legal regulations pertaining to him, the public prosecutor shall participate in ensuring the legality of the procedures and decisions of the environmental protection authorities.

## **Chapter X**

### **CLOSING PROVISIONS**

Section 110.

- (1) This Act shall enter into force on the 180th day following its promulgation. Simultaneously, Act II of 1976 on the Protection of the Human Environment shall be annulled.
- (2) Simultaneous with the entry of this Act into force, a) b)
- (3) The proposal for the Program for a six-year period shall be submitted to Parliament for the first time simultaneously with the submission of the bill on the 1997 budget of the Republic of Hungary.
- (4) The National Environmental Protection Council shall be established simultaneously with the entry of this Act into force. The Minister shall be responsible for the organizational work in respect thereof.
- (5) The provisions of this Act shall also be applied to cases not yet evaluated by decisions of the first instance, with the exception of the contents of Subsection (6).
- (6) Until new legal regulations on the environmental components and the factors endangering them enter into force, the provisions of Government and ministerial decrees on the subjects to be regulated shall be applied.

(7) The Government shall be authorized to a) establish the detailed state administrative powers of the mayors and notaries of municipal local

governments with regard to environmental protection; b) specify the scope of activities and powers of the environmental protection inspectorates; c) regulate the range of activities requiring an environmental impact assessment and the detailed rules of

the official procedure related thereto, as well as review the range of activities as required, but at least biennially; d) establish rules for liability insurance and the obligation to provide a bond and form provisions during the environmental licensing procedure;

e) establish detailed rules for the production, manufacture, import and distribution of substances and products that present a serious danger to the environment as well as rules for the application, rating and licensing of similar activities and technologies;

f) determine the types and amount of environmental fines and the manner in which they are to be established;

g) specify the substances, products, activities and technologies to be classified for environmental reasons and the general rules of classification;

h) determine those uses of the environment for which an environmental Officer shall be employed;

i) establish rules for determining impact areas;

j) regulate and determine the types and quantities of the environmental protection procedures, technologies, substances and stocks applicable in the course of carrying out defense and national defense duties in the territory of Hungary.

k) stipulate the persons that are required to prepare environmental reports as well as the detailed regulations concerning such reports;

l) stipulate the detailed regulations for the consolidated environmental use permit procedure;

m) stipulate the operating, attestation and recordkeeping requirements and criteria for the environmental management and attestation systems;

n) stipulate the operating, certification and recordkeeping requirements and criteria for the eco-labeling of products and services.

(8) The Minister is hereby authorized to decree, in agreement with the ministers concerned, a) the jurisdictions of the environmental protection inspectorates; b) regulations for re-collecting and properly treating worn-out products for which product charges must

be paid;

c) a set of conditions for the "environmentally friendly" and "environmentally sound" distinctions;



- d) specific rules for imposing environmental fines;
- e) the content requirements for audit documentation;
- f) the professional requirements for entitlement to perform audits and the manner of authorization;
- g) the employment and educational requirements for environmental Officers;
- h) detailed rules for keeping official records [Subsection (2) of Section 66];
- i) regulations pertaining to the measurement, analysis, control and evaluation of air pollution and the siting, installation and operation of an air pollution detection system as well as regulations in connection with designating areas that are considered ecologically vulnerable in terms of air quality;
- j) regulations pertaining to the measurement, analysis, control and evaluation of the dispersal of pollutants, the impact of weather factors on air pollution and emissions by stationary sources of pollution as well as regulations concerning the air quality requirements in connection with the operation of stationary sources of pollution;
- k) the designation of areas that are ecologically vulnerable in terms of air pollution and the classification of the country's regions into zones on the basis of air pollution;
- l) regulations concerning the requirements for irregular sewage disposal;
- m) detailed rules pertaining to sources of pollution, protection of environmental components, the measurement and control of the pollution and loading of environmental components, and protection against environmental hazards - such rules that do not require regulation by statute or Government decree and do not fall within the regulatory powers of other ministers;
- n) the regulations pertaining to the use of the best available techniques;
- o) the detailed regulations for classifying substances, products, activities and technologies for the purposes of environmental protection as well as the rules for accrediting classification authorities and the manner in which classification is to be conducted.
  - (9) The minister in charge of transportation shall decree - concerning mobile sources of pollution - a) the regulations on measuring and monitoring emissions in matters affecting the Minister's jurisdiction, in agreement with the minister in charge of environmental protection,
  - b) regulations in connection with audits pertaining to emissions, jointly with the minister in charge of environmental protection and with the Minister of the Interior.
- (10) The Minister is hereby authorized to decree, jointly with the minister in charge of water management, detailed regulations on

a) the requirements for the release of waste water and sewage from the point of view of environmental protection,

b) the designation of areas considered vulnerable in terms of water quality and the designation of surface waters.

(11) The Minister is hereby authorized to designate the surface waters that are to be afforded special protection from the point of view of water quality and the boundaries of their catchment areas - with the exception of areas of drinking waters and mineral and thermal waters - in agreement with the ministers in charge of water management, agriculture affairs and health care.