

11 March 2021

Ms. Andrea Barad
Head of Unit, Environment Unit
Ministry of Agriculture
Hungary

Ms. Zsuzsanna Koritár,
Project Manager
Energiaklub Climate Policy Institute and Applied Communications
Hungary

Dear Ms. Barad,
Dear Ms. Koritár,

Re: Communication to the Aarhus Convention Compliance Committee concerning compliance by Hungary in connection with the proposed extension of the Paks Nuclear Power Plant (ACCC/C/2014/105)

In order to complete its draft findings regarding the above communication, the Committee has identified certain points to clarify with the communicant and the Party concerned. To this end, please find **enclosed** the questions prepared by the Committee for your attention.

The Committee would be very grateful to receive your replies by **Thursday, 8 April 2021**. Please send your replies to aarhus.compliance@un.org, copying the the other party. The other party will have two weeks from the receipt of your answer to provide the Committee with any comments it wishes to make on your reply.

Please do not hesitate to contact the secretariat if you have any questions.

Yours sincerely,



Fiona Marshall
Secretary to the Aarhus Convention Compliance Committee

- Cc: Permanent Mission of Hungary to the United Nations Office and other international organizations in Geneva
András Perger, Greenpeace Hungary, communicant
Jan Haverkamp, Greenpeace Central and Eastern Europe, observer
- Enc: Questions from the Committee to the parties

Questions from the Committee to the parties:

Questions to the Party concerned:

1. With respect to Parliament Resolution No. 40/2008 (IV. 17.) OGY on the Energy Policy of Hungary in the Period 2008-2020, in paragraph 50 of your reply of 9 March 2016 you state:

“The draft Resolution containing an environmental assessment was sent to the National Environment Protection Council for comment in accordance with the rules of the special procedure established by art. 44 para. 2 of act 1995:LIII (on Environment Protection)” (Committee’s emphasis)

Please provide the text of the environmental assessment (in Hungarian if not available in English) that was sent to the National Environmental Protection Council regarding the draft 2008 Resolution.

2. Was this environmental assessment made available on the parliamentary or ministry website together with the draft resolution? If so, please provide the weblink at which the environmental assessment was made available.
3. Did the parliamentary or ministry website inform the public of their opportunity to comment on the draft resolution? If so, please provide an English translation of the text of the webpage of the website which informed the public of how they could submit comments.
4. On page 6 of your reply of 29 November 2016, you refer to the minutes of three parliamentary committees in which you state that members of the public participated. Was there also a possibility for the public to send written comments on the draft 2008 parliamentary resolution? If so, please provide:
 - (a) The text of the document summarizing the comments received; and
 - (b) Any document that accompanied the adopted resolution explaining how the comments received from the public were taken into account in the decision-making.
5. At paragraph 50 of your reply of 9 March 2016 you state that Parliamentary Resolution no. 40/2008 on the 2008-2020 energy policy was prepared in accordance with section 44(2) of act 1995:LIII on Environment Protection. Please clarify if the draft Resolution was prepared under subparagraph (a) or (b) of section 44(2).
6. Please provide an English translation of article 7(2) of act 1996:CXVI on Atomic Energy which requires that in order to launch preparatory works related to any nuclear facility, the Hungarian Parliament must give its decision in principle.

Questions to the communicant:

7. With respect to the outstanding information you refer to in your letter to Dr. Krisztina Hajdu of 10 April 2012 only:

- (a) Please provide a chronology of all correspondence since 10 April 2012 regarding the provision of the information referred to in your letter to Dr. Krisztina Hajdu of 10 April 2012, including the dates on which the outstanding information was provided to you.
- (b) Please provide a copy of any court decisions or decisions by the National Agency for Data Protection issued since 10 April 2012 regarding the outstanding information referred to in your letter to Dr. Krisztina Hajdu of 10 April 2012.
8. In your letter to Dr. Krisztina Hajdu of 10 April 2012 you state: “I would like to draw your attention that in case of failure to comply fully with the court judgement, we are entitled to seek enforcement.” Please describe the enforcement mechanism to which you refer. Please also provide the relevant legal provisions concerning this enforcement mechanism, together with an English translation.
9. Did you in fact use this mechanism to enforce the judgements concerning your requests for information regarding either the Teller or Levai projects? If so, please provide a copy of the relevant orders of enforcement. Did the enforcement orders result in the disclosure of the information addressed by the order? If not, what action did you take as a result?
10. At page 15 of your reply of 9 March 2016 you state:
- “During the preparation of the 2008 Parliament Resolution, the Ministry in charge for energy matters (at that time Ministry of Economy and Transport) launched a so-called public consultation. Between 15 June and 15 July of 2008 the concept of the energy policy was published on the website of the Ministry, with the opportunity for sending comments to the concept by anyone. After the one month long commenting period, three section meetings, with the participation of the interested experts and organisations were held.” (Committee’s emphasis)
- (a) Based on the translation of Parliamentary Resolution no. 40/2008 provided by the Party concerned,¹ the resolution was adopted on 17 April 2008. Is your reference “15 June to 15 July 2008” correct? If not, what was the actual timeframe of the public participation on the concept of the energy policy.
- (b) Please provide the text of the “concept of the energy policy” which you state was subject to public participation between 15 June to 15 July 2008.
11. At paragraphs 40-42 of its reply of 9 March 2016, the Party concerned states that the 2008 and 2009 resolution are not required by legislative, regulatory or administrative provisions. Do you agree that there was no legal requirement for Parliamentary Resolution no. 40/2008 on the 2008-2020 Energy Policy to be prepared? If you consider that national law required the 2008-2020 Energy Policy to be prepared, please provide the text of the relevant legal provisions as then in force that you consider required its preparation, together with an English translation thereof.

¹ Party’s letter of 29 November 2016, annex 1.