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**Sent:** Tuesday, December 13, 2022 8:31 PM  
**To:** ECE-Aarhus-Compliance <[REDACTED]>  
**Cc:** Ella Behlyarova <[REDACTED]>; Zhanara Kubler <[REDACTED]>;  
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**Subject:** Decision VII/8h (Hungary) - invitation to open session at Committee's 77th meeting (13-16  
December 2022)  
**Importance:** High

Dear Compliance Committee to the Aarhus Convention,

Dear Secretary,

We would like to thank you for your kind letter sent on 12<sup>th</sup> December, 2022 inviting Hungary once more to take part in the online consultation with the Committee in its next open session on 14th December.

Your clarification on the serious consequences of not participating in the online meeting is also highly appreciated; however, we must inform the distinguished Committee that due to a simply administration failure, the date of the open session is inappropriate for us to attend the meeting, and therefore we respectfully ask the Committee not to be taken it as an omission by Hungary.

As we have informed you previously, the currently ongoing national changes in the public administrations strongly affected, indeed reinforced environmental portfolio in Hungary as well, but at the same time the continuous work of the appointed national focal point was highly challenged in the last couple of months. We are proud to announce that environmental portfolio is strengthened during these days in our country and we will be ready to continue the work with the Compliance Committee in a more effective way very soon.

Original communication based on NGOs back in 2014 regarding the case No. ACCC/C/2014/105 alleged the failure of Hungary to comply with 5 articles (*Art. 3(1), 4(2) and (3)(c), 5(7) and 7*) of the Convention in connection with plans to build new units at Paks Nuclear Power Plant (NPP). However, as a result of the close cooperation with the Committee during the information gathering as well as the drafting of the *Findings and Recommendations*, Hungary provided clarifications and suggestions to most alleged points. As a result, Decision VII/8h points out Hungary failed to comply with only *article 7, final sentence, in conjunction with article 5 (7) (a) of the Convention*.

Detailed explanations were also provided on these latter points in order to provide the Compliance Committee with a clear picture of the nature of the *Parliamentary Resolution 40/2008 on Hungary's energy policy for 2008-2020* as well as of the procedural steps taken prior to the adoption of it. As part of the correspondence in the summer of 2021, we proposed the distinguished Committee to reconsider

the necessity to amend the legal instrument in the *Findings and Recommendations*, as we are on the position that national transposition fulfils the relevant requirements of the Aarhus Convention.

In fact, contrary to the Committee's findings, Hungarian professionals have already provided a detailed explanation of why Hungary considers itself *in full compliance* with the Convention on the alleged points as well, and instead of preparing an Action Plan by the deadline set for the summer of 2022, we have provided a clear position on the matter, but we are not sure whether our detailed explanations reached the Compliance Committee during this summer. **Could you please kindly confirm that you have received our position on the adopted resolution sent to you electronically, if you did not due to a possible administrative gap in our side, please let us know and we will do it shortly.**

Thank you for your kind understandings and willingness to help on the matter above.

Yours sincerely,

Cintia Nagy

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