

Plan of action for decision VII/8h (Hungary)

Through paragraph 3 (a) of decision VII/8h concerning the compliance of the Hungary, the Meeting of the Parties to the Aarhus Convention has requested the Party concerned to submit a plan of action, including a time schedule, to the Committee by 1 July 2022 regarding the implementation of the recommendations contained in that decision.

Furthermore, paragraph 3 (b) of the above decision, the Party was also requested to provide a detailed progress reports to the Committee by 1 October 2023 and 1 October 2024 on the measures taken and the results achieved in the implementation of the plan of action and the above recommendation

The text of decision VII/8h is available at: <https://unece.org/env/pp/cc/decision-vii8h-concerning-hungary>

The Committee prepared a template and an information note for the Parties to help them in their obligation to submit their plans of action, and made available at: <https://unece.org/env/pp/cc/implementation-decisions-meeting-parties-compliance-individual-parties>

A. Description of the process by which the plan of action has been prepared

This plan of action has been prepared retrospectively since the scope of the Committee’s findings on communication ACCC/C/2014/105 (Hungary) as well as recommendation in paragraph 2 of decision VII/8h was already addressed in Hungary in 2016 according to the provisions of the *Decree No. 12/2016 (29.04) of the Prime Minister Office*. The Decree regulates an *a priori* impact assessment of the policy documents and other legislative measures before they are forwarded for adoption.

B. General character of the measures that will be needed to implement the recommendations in the MOP decision

No further measures are needed to implement the recommendation in the MOP decision.

C. Detailed plan of action

Recommendation: Para. 2 of decision VII/8h

In paragraph 2 of decision VII/8h, the Meeting of the Parties encouraged by the willingness of Hungary to discuss in a constructive manner with the Committee the compliance issues in question,

2. *Recommends* that the Party concerned take the necessary legislative, regulatory, administrative and practical measures to ensure that “assessments analyses” of policies relating to the environment prepared under articles 43 (1) and 44 (2) of the Environmental

	Code, or any legislation that supersedes them, are made available to the public so that it can effectively exercise its opportunities to participate under article 7, final sentence, of the Convention;
Measures taken to fulfil recommendation	<p>Procedures aiming to assess the environmental effects of plans, programmes and policies concerning the environment, Article 7 of the Aarhus Convention, referred in the Decision VII/8h, requires the public participation to be ensured by the Party, however it leaves the means of doing so to the discretion of the Party itself by saying <i>“to the extent appropriate, each Party shall endeavour to provide opportunities for public participation in the preparation of policies relating to the environment”</i>.</p> <p>At the time the adoption of Parliamentary Resolution No. 40/2008, Act 1995:LIII on Environmental Protection (hereinafter referred to as Env. Act) set framework for the adoption of any proposals of a legislation, concept and policy of national and regional importance relating to the environment. Based on provisions of para 43 (1) of the Env. Act, a special document, assessment analysis, should be prepared by the developer according to <i>para 44 point (2) item a) of the Env. Act</i> and to be submitted to the National Environmental Protection Council, requesting its opinion on the environmental issues of the proposal.</p> <p>The National Environmental Protection Council, as an advisory and consultant body of the Government, is made up of 21 elected (delegated) members, divided equally between representatives of environmental non-governmental organisations, professional and business groups (chosen by their preferred method) and the Academia. Agenda points of its sessions as well as the proposals under review are published on its website (https://www.oktt.hu), indeed, its analyses are also made available for the public not only for a limited period in time but basically there is a collection of all time reviews.</p> <p>The working method of the Council allows members and all interested stakeholders to follow the issues on its table under discussion, furthermore, via its delegated members, they can also provide comments and notes to a certain proposal, which is a common process and practice.</p> <p>Based on the information above, we believe that environmental NGOs in Hungary – in line with the provisions of Article 7 of the Aarhus Convention – have broad access and sufficient weight in decision-making process of policies and concepts as well as they have plenty of opportunities to consult and comment the corresponding documentation of these policies within the procedure prior of their adoption.</p> <p>It should also be noted here that there is no information by any environmental NGOs about not having access to the policies and legislations concerning the environment being developed. Indeed, please note that even the communicant of the case ACCC/C/105/2014 (<i>Energiaklub and Greenpeace</i>) had no further remarks or complain within the course of the advanced correspondence on this particular case, nor to the detailed explanation of the decision in March 2023, when the Compliance Committee asked for their comments.</p> <p>In conclusion, Hungary considers that it fulfilled all requirements implementing Art 5(7a) in connection to Art 7 last sentence of the Aarhus Convention alleged points in the Decision VII/8h.</p>

Outline of the steps necessary to implement the proposed measures	
Actors involved	
Final date by when implementation of recommendation will be completed	