Agenda item 4. Substantive issues: c) Public Participation in Environmental Decision-making

Magdolna Tóthné dr. Nagy, on behalf of the European ECO Forum and the Guta Environmental Law Association

Chair, distinguished delegates,

We would like to thank for the Note by the Chair of the Task Force on Public Participation to the Chair, as well as for leading the Task Force, and also to the Secretariat for the support for the Task Force. The sessions of the Task Force were addressing important priority issues, they were truly inclusive, and all viewpoints were taken on board.

We appreciate and support that in the areas for future work, the necessity to pay more attention to the issue of involving more efficiently the individuals and groups in vulnerable situations, is proposed. It is a cross-cutting issue to improve the access rights of these groups, and we are glad to hear references to the respective access to information and access to justice aspects of this topic.

We also welcome that this important topic is foreseen to be included in the agenda of the next TF meeting. The survey which is planned to be conducted on the best practices of the involvement of individuals and groups in vulnerable situations, will identify some good examples, but also will reveal some challenges, which could be then discussed in the next TF meetings.

We gladly offer our assistance for the preparation of the TF meeting and identify topics and speakers. We propose to invite some speakers to the Task Force meeting who belong to these groups, and thus listen also to their point of view.

The Task Force should also look into the barriers and challenges to public participation, as mentioned in the Note by the TF Chair. In this regard, we unfortunately need to mention the regressive trends regarding public participation in decision-making in some Aarhus Parties’ countries. We have already raised the issue of limitations of public participation in the case of expedited procedures of decision-making, for example in Hungary on projects/investments qualified as “strategic national importance”. In these cases public participation in the related decision-making has been curtailed or even eliminated, and the only avenue remaining for the public has been to challenge these, in administrative or court procedures.

Recently, further limitations have been introduced in Hungary by a government decree, which allows to hold public hearings solely through electronic consultation, without the in-person presence of the public and without any public discussion. Such “public hearings” have been already held related to permitting procedure and EIA procedure of potentially hazardous activities (battery factories and related investments).

Individuals may put questions and provide comments directly to the authority. However, the public discussion and the dialogue between the representatives of the public, authorities and the investor, the transparency of the public comments and responses to them, among others, which are important aspects of a public hearing, will disappear. There is a high risk that the introduction of this new measure will further weaken and undermine the opportunities for public participation in decision-making, and only online public hearings will be held, with the exclusion of broader involvement of the interested and concerned public, especially in cases of highly controversial projects or investments.

For these reasons, we request the good faith implementation of the provisions of the Convention from this Party. We also ask the Task Force to follow with attention the experiences of application of this measure, or other similar attempts.

Thank you for the attention!