**Contribution by Hungary**

 **to the Call for Input No. 2: Questionnaire on „The Right to a Safe, Clean, Healthy and Sustainable Environment” put forward by Mr David Boyd, the Special Rapporteur on the issue of human rights obligations relating to the**

**enjoyment of a safe, clean, healthy and sustainable environment, in his letter to Permanent Missions to the UNOG dated 11 April 2019**

1. **Please provide, in detail, examples of laws, regulations, policies and programmes that specifically incorporate the human right to a safe, clean, healthy and sustainable environment (acknowledging that different terms may be used to describe this human right).**

**Fundamental Law of Hungary**

In Hungary, the entire text of the Fundamental Law (constitution), that came into force on the 1st January 2012, is pervaded by the principles of sustainable development, environmental protection and the responsibility felt for future generations.

Particularly, articles XX and XXI set the principles for the right to a safe, clean and sustainable environment:

*Article XX*

*(1) Everyone shall have the right to physical and mental health.*

*(2) Hungary shall promote the effective application of the right referred to in Paragraph (1) by an agriculture free of genetically modified organisms, by ensuring access to healthy food and drinking water, by organising safety at work and healthcare provision, by supporting sports and regular physical exercise, as well as by ensuring the protection of the environment.*

*Article XXI*

*(1) Hungary shall recognise and give effect to the right of everyone to a healthy environment.*

*(2) Anyone who causes damage to the environment shall be obliged to restore it or to bear the costs of restoration, as provided for by an Act.*

*(3) The transport of pollutant waste into the territory of Hungary for the purpose of disposal shall be prohibited.*

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

The general rules related to ensuring the right to a safe, clean and sustainable environment and environment protection are set in the Act LIII of 1995 on the General Rules of Environmental Protection. This Act explicitly declares that it aims to set up the enabling framework for ensuring the right to a safe, clean and sustainable environment as stated in its section I.

*The Objective of the Act*

*Section 1*

*(1) The objective of the Act is to develop a harmonious relationship between humans and their environment, to protect the components and processes of the environment and to provide for the environmental conditions of sustainable development.*

*(2) In accordance with the principles of predictability and equitable bearing of burdens,* ***the Act creates an adequate framework for the assertion of constitutional rights for a healthy environment, and promotes***

***a) the reduction of the utilization, loading and pollution of the environment, the prevention of its impairment, and the improvement 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 their rational, economical management ensuring the renewal of the resources;*

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

*e) international co-operation in environmental protection;*

*f) initiatives taken by the public and public participation in the activities aimed at the protection of the environment, thus, in particular, in the exploration of, and acquisition of knowledge about the state of the environment and in the performance of the tasks of government organs and local governments related to the protection of the environment;*

*g) the co-ordination of the functioning of the economy and social and economic development with environmental requirements;*

*h) the establishment and development of the institutional background of environmental protection;*

*i) the establishment and development of a public administration that serves the conservation and preservation of the environment.*

**National Environmental Protection Programme**

The main policy document in Hungary in the field of environment is the National Environmental Protection Programme. From 1995, a regularly (every sixth year) revised and updated National Environmental Programme (hereinafter referred to as “NEP”) is prepared. NEP is the comprehensive strategic plan of environmental issues in Hungary to be used as a framework for every environmental strategy, programme or plan. NEP is closely linked to the National Framework Strategy on Sustainable Development approved by the Hungarian Parliament. The latter considered as a long term concept, being particularly relevant for the objectives and measures related to natural resources from the four basic resources. As environmental issues are rather complex, NEP is not specialized in any given field, but has a horizontal approach covering society and economy in their entirety.

The recent NEP 2015‐2020 (NEP‐IV) was adopted by the Parliament in 2015 (Resolution of the Parliament 27/2015 (VI 17) OGY). Similar to the previous programmes, the NEP‐IV identifies the following general objectives:

• Improving the quality of life and the environmental conditions of human health.

• Protection of natural values and resources and their sustainable use.

• Improving resource efficiency and making steps towards a green economy.

The elaboration of the strategic objectives of the NEP-IV is facilitated by the strategic areas specified according to environmental elements, systems and sectors. Some strategic areas contribute to the achievement of several strategic objectives. The strategic areas of NEP build on the progress achieved during the implementation of NEP-III.

The strategic area “Improving the quality of life and the environmental conditions of human health” explicitly aims to improve the conditions for the enjoyment of the right to a safe, clean and sustainable environment, through its intervention areas, such as:

5.1.1 Improving air quality

5.1.2. Reducing noise pollution

5.1.3. Drinking water and health

5.1.4. Sewage disposal and treatment, sewage sludge treatment and utilization

5.1.5. Environment and health

5.1.6. Protection of green areas

5.1.7. Chemical safety

5.1.8. Nuclear safety, radiological healthcare

Strategic area “Protection of natural values and resources and their sustainable use” and its intervention areas also contributes to the fulfilment of the right to a safe, clean and sustainable environment though the promotion of healthy biodiversity and ecosystems.

**Environmental democracy**

Besides the specific sectoral (waste, water, air quality etc.) laws and policies, one of the main pillars of ensuring the human rights for safe, clean and sustainable environment is the regulatory framework enabling **environmental democracy** in Hungary.

Conditions for access to the environmental information has been improved in last decade in Hungary. Environmental information systems have been broadened as well as the conditions to access them. The involvement of public in decision making is regulated by the Act no. CXXX/2010 on legislation and the Act no. CXXXI/2010 on social participation. These are the basic legislation regulating the involvement of citizens in legislative procedures.

Citizens and NGOs show an emerging interest for the information and indicators about the environmental status of their surroundings. Fulfilling this demand is strengthening the environmental awareness and the participation in decision making. The active citizens’ participation in environmental issues is based on several provision of law (Act on environment, law on SEA and EIA, provisions related to EU funded projects etc.)

Act no. LXIII. on the protection of personal data and data of common interest was replaced from January 2012 by Act no. CXII/2011. on the self-determination in terms of information and on freedom of information. The new law defines the basic rules on the protection of personal data and the rights, range and access to the data of public interest and its dissemination. It defines all the issues and rules in relation to the data of public interest and it also defines the rules for establishing the office for supervising such data and connected rights.

The National Authority for Data Protection and Freedom of Information (NAIH) was established on the 1st January 2012 and its webpage ([www.naih.hu](http://www.naih.hu)) was also launched in 2012. The authority is independent and only subordinated to the law and its mission is to ensure the protection of personal data and the fulfilment of rights on the access to data of public interest. NAIH, beyond its former competence on data protection, also has the right to impose fines.

**Access to justice related to the right to a safe, clean and sustainable environment**

Citizens can more effectively protect the environment if they can rely on the three "pillars" of the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters ("the Aarhus Convention"). Public participation in the administrative decision making process is an important element to ensure that the authority takes its decision on the best possible basis.

Access to justice in environmental matters is a set of guarantees that allows citizens and their associations to challenge acts or omissions of the public administration before a court. It is a tool for decentralised implementation of EU environmental law.

For each Member State, two crucial elements for effective access to justice have been systematically reviewed: the legal standing for the public, including NGOs and the extent to which prohibitive costs represent a barrier. (source: EIR report)

**Monitoring and evaluation mechanisms related to the right to a safe, clean, healthy and sustainable environment**

Act CXXX. from year 2010. on legislation (17.§, 21. §) and Act. LIII. from year 1995. on protection of environment (43-45., 48/A-F. §.) include core legislative issues on ex-ante and ex-post evaluation on environment related legislation, policies and plans.

Regulatory impact analysis

Act CXXX. of 2010 on legislation (hereinafter: Act on Legislation) lays downs the rules of preliminary and posterior impact assessment. The detailed rules are involved in the MvM Decree no. 12/2016 (IV. 29.) which replaced the earlier KIM Decree no. 24/2011 (VIII. 9.).

According to the Act on Legislation by completing a preliminary impact assessment the expected impacts of the new regulation can be estimated. If it is about the draft bill or a Government Decree it is the Government to be informed about the results of the impact assessment. In case of a municipal regulation the Board Members of the municipal council should be informed.

During an impact assessment all the significant impacts of the planned legislation should be examined: social, economic, budgetary, environmental and health related consequences, and also the impacts influencing administrative burdens. Additionally the need of law-making should be evaluated, such as the expected consequences of the omission of the planned legislation and also the HR, organisational, material and financial needs of the application of the legislation should be estimated.

The Decree prescribes that during the preliminary impact assessment the following should be examined:

• the most useful impact assessments and the analysis of the most significant direct and indirect impacts, forming the basis of the decision making process should be made;

• all the positive and negative effects of the regulation should be explored;

• the quantifiable advantages and disadvantages should be quantified;

• unified methodological principle system should be applied;

• the expected effects of the regulation should be examined for the timeline of the regulation’s validity.

As Annex of the Decree an impact assessment sheet and an itemized impact assessment sheet can be found which must be used during the examination. There is only one exception for the usage of the above mentioned itemized impact assessment sheet if the regulation has to be accepted urgently for outstanding public interest (with the impact assessment sheet in a particularly justifiable case) the Minister responsible for the coordination of governance (hereinafter: the responsible Minister) can give exemption based on the written request.

The Act on Legislation lays down the rules of the posterior impact assessment as part of the continuous revision of the legal-system. Based on these rules each Minister should continuously monitor the scope of the legislations within their competence, and if needed should conduct the posterior impact assessment of the legislations during which the actual impacts have to be compared to the estimated impacts of the time when the legislation entered into force.

The posterior impact assessment should be conducted based on the impact assessment sheet (time and methodology), and the competent Minister should be informed on the result.

The organisation preparing the draft legislation is competent for fulfilling the impact assessment sheet. The completed impact assessment sheet is attached as part of the Governmental proposal and the draft ministerial regulation from the beginning of the reconciliation process.

The organisation preparing of the regulation should furthermore ensure the following:

• organise the impact assessment and ensure a responsible department under its unit for contacting concerning the impact assessment, and a particular contact person.

• inform in a formal written way the responsible Minister about the contact person for impact assessment;

• to report the responsible Minister by 15th February each year about the impact assessments prepared by their department (hereinafter: impact assessment report).

The impact assessment report should contain the number of the conducted preliminary and posterior impact assessments; the average time for an impact assessment; the purposes of the default of conducting posterior impact assessments; the experiences concerning: conduction, application, practical experiences regarding utilization and also the recommendations for the development of impact assessment completion.

The responsible Minister should inform the Government about impact assessment work by the 31st March, each year.

The Office for Administration and Justice (KIH) maintains and develops a data-bank to ensure access for reliable and immediately usable information to conduct an impact assessment or analysis.

This data bank is user friendly (even for those who are not aware of the data collection method for each stream) including all data from public administration reports (yearly or quarterly) or from other sources in a systemized document collection.

Strategic environmental assessment (SEA)

According to the Hungarian legislation, SEA procedure requires 2 main steps: first is scoping, where the competent authority makes decision on the necessity of carrying out an SEA procedure, and approves the scoping document of the environmental report. The second step is evaluation the environmental report by the competent authorities and public.

If, based on the environmental evaluation, significant adverse transboundary environmental effects are likely in a Member State of the European Union or in the territory of other countries, or if so requested by possible affected countries, the Developer shall forward an official notification with the available documents required by the legislation in force to national contacts in the possible affected country at the same time when national consultations on the draft Plan or Program are held. Results of transboundary consultation should be taken into account in the final decision making process.

Coordination of the transboundary SEA falls within the responsibilities of the Ministry of Agriculture. If a plan/programme might have significant transboundary environmental effects, the competent authorities, being in charge with the procedure, forward the documentation to the Ministry of Agriculture asking notification of a potentially affected Party/ies.

For approval of a plan/programme, developer shall submit the draft Plan or Program together with the environmental evaluation and at least a summary of the opinions and comments received during the environmental assessment to the approving administrative body, or, in case the approving body is the Parliament, to the Government. During the approval or submission of the Plan or Program, or proposal to be submitted to the Parliament, due account shall be taken of the environmental evaluation and the opinions and comments received during the environmental assessment.

After approval of the Plan or Program, the approving administrative body shall ensure public access to the Plan or Program, and prepare a summary communication on the approval of the Plan or Program, including the reasons for the approval.

**2. Please provide specific examples of good practices in the implementation of the human right to a safe, clean, healthy and sustainable environment. Examples may include practices related to: guaranteeing procedural rights (e.g., access to information, public participation in environmental decision-making and access to justice and remedies); protecting the substantive elements of the right (including: clean air; access to clean water and sanitation; healthy and sustainably produced food; a non-toxic environment in which to live, work, study, and play; a safe climate; and healthy biodiversity and ecosystems); monitoring adverse impacts on the human right to a safe, clean, healthy and sustainable environment; promoting the enjoyment of the right to a safe, clean, healthy and sustainable environment; regulating business activities in accordance with the UN Guiding Principles on Business and Human Rights to protect the right to a safe, clean, healthy and sustainable environment; and remedies that have been provided for victims of violations of the right to a safe, clean, healthy and sustainable environment. These examples may occur at the international, national, sub-national, or local level.**

Specific examples of good practices in the implementation of the human right to a safe, clean, healthy and sustainable environment are offered by the corresponding provisions in the Fundamental Law, the unique office and mandate of the Ombudsman for Future Generations (OFG), a Deputy to the Commissioner for Fundamental Rights within the Hungarian National Human Rights Institution (NHRI) and the relating decisions of the Constitutional Court. The Hungarian NHRI is accredited as an „A” status NHRI for full compliance with the Paris Principles as adopted by UN General Assembly. The Office of the Ombudsman for Future Generations was established in 2008 and has been functioning in its current structure and mandate since 2012.

The Hungarian Fundamental Law offers a very strong basis regarding the right to a healthy environment by also including references to the rights of future generations emphasising the long-term protection requirements and obligations. The OFG’s constitutional mandate has two main pillars: the human right to a healthy environmental and a provision stipulating the ‘common heritage of the nation’.

Article P: “*Natural resources, in particular arable land, forests and the reserves of water, biodiversity, in particular native plant and animal species, as well as cultural assets shall form the common heritage of the nation; it shall be the obligation of the State and everyone to protect and maintain them, and to preserve them for future generations*.”

Article XX

*(1) Everyone shall have the right to physical and mental health.*

*(2) Hungary shall promote the effective application of the right referred to in Paragraph (1) by an agriculture free of genetically modified organisms, by ensuring access to healthy food and drinking water, by organising safety at work and healthcare provision, by supporting sports and regular physical exercise, as well as by ensuring the protection of the environment*.”

Article XXI

*„(1) Hungary recognises and enforces the right of everyone to a healthy environment.”*

With its constitutional mandate embedded in the Fundamental Law, Act CXI of 2011 on the Commissioner for Fundamental Rights (the Ombudsman Act) stipulate the OFG’s special powers to protect the right to a healthy environment and foster the interests and needs of future generations. The practice of the OFG offers a type of institutional guarantee for both substantive elements and procedural rights connected to the right to a safe, clean, healthy and sustainable environment.

The powers of OFG include conducting investigations into public petitions regarding maladministration complaints and environmental related human rights claims on the basis of alleged infringements of fundamental rights. The purpose of the practice is to remedy individual infringements and point out systems-level anomalies regarding human rights in the legal and political processes of environmental decision-making based on people’s personal experiences, complaints and ex officio investigations. The process allows for a bottom-up feedback mechanism with a strong focus on human rights violations related to the enjoyment of a safe, clean, healthy and sustainable environment and, mostly through the ex officio investigations, also helps identify those groups who may be particularly vulnerable and hence would need heightened protection.

The OFG handles complaints from all over the country, and its proposal and reports usually affect national legislation and decision-making. However, the OFG can also submit opinions regarding local regulations and malpractices. Authorities are required to follow-up on the OFG’s request outlined in the course of the investigations and respond to that in due course. Authorities are to indicate whether they accept or reject the OFG’s proposal or what amendments are necessary for the application of the OFG’s statement, and how the authority aims to comply with the human rights obligations pointed out in the recommendation. The OFG’s proceedings are concluded with a final report containing summary recommendations to the public authority for the sake of full compliance with the constitutional provisions. Through the handling of petitions, the Ombudsman institution is capable of drawing broader conclusions from individual complaints regarding the state of the environment and human rights violations pointing to the discrepancies in environmental policymaking. This model allows for identifying the most urgent environmental problems in relation to human rights, and is also capable of ensuring a more general and proactive action of the institution.

The OFG’s mandate is broader than handling complaints as it contains a specific duty to generally monitor the enforcement of the interests of future generations. This broad remit offers flexibility and includes the following:

- monitoring policy and legislative developments, submitting legislative proposals, suggesting new laws or the amendment of existing ones;

- issuing general opinions to promote the effective realisation of the interests of future generations;

- asking for constitutional review by the Constitutional Court or the Supreme Court in cases where there is a strong belief that a national or local piece of legislation is in violation of the Fundamental Law;

- acting in a quasi-mediational role by providing a neutral platform for negotiations between NGOs, governmental stakeholders, professionals and academia regarding important legislative reforms;

- intervening in court proceedings concerning the judicial review of environmental permits.

The NHRI prepares and submits an Annual Report to the Parliament on the investigations and findings and a statistical analysis on the types of petitions handled, with a specific chapter dedicated to the work of the OFG. These reports serve as important indicators of environmental and human rights situations of the country, and are highly relevant for the future work of the Office. The complaints are grouped into categories reflecting the lack, misuse, or violation of laws in certain environmental matters. This not only uncovers systems-level anomalies of the jurisdictional environmental regime, but can also ensure the better reflection of the public’s view in environmental governance.

We would like to highlight two practical examples in the operation of the OFG, one describing its work relating to SDG implementation and the other relating to an international network.

In order to emphasise the strong human-rights approach of the SDGs, the OFG issued a General Opinion at the end of 2017 specifically emphasizing that national **SDG implementation should be inextricably linked to constitutional human rights standards** to be in line with the spirit of Agenda 2030. The OFG summarized the most relevant recommendations from its case practice to serve as a guideline for the Government in designing ambitious targets and the overall focus of the national implementation of the SDGs. The General Opinion zoomed in on the goals that were in the focus of the 2018 session of the HLPF, which goals coincided with the special expertise of OFG in the field of environmental advocacy: Goal 6 (clean water and sanitation), Goal 7 (affordable and clean energy), Goal 11 (sustainable cities and communities), Goal 12 (responsible consumption and production), and Goal 15 (life on land).

The General Opinion had two prongs. First, it identified cca. 60 measures and policy changes most urgent for realizing the above goals in an ambitious way. These recommendations were taken from previous reports of the OFG addressed to various authorities or agencies. The General Opinion reiterated them and linked each of them to a specific SDG target to reveal the interrelations of the SDGs and international and domestic human rights requirements. It also highlighted when a certain recommendation related to more than one SDG target, thereby raising awareness on the interconnectedness of the SDGs. Second, the General Opinion also identified a handful of possible new, national human rights-based indicators, which could measure the progress of national implementation.

As an international example of good practices we would like to highlight the **Network of Institutions for Future Generations (NIFG)**, an independent, non-formal network of national institutions worldwide working to protect the interests of future generations, the Secretariat of which is hosted by the OFG. A report of the former UN Secretary General, Ban Ki-moon issued in 2013 entitled “Intergenerational Solidarity and the Needs of Future Generations” listed 8 national institutions, among them the Hungarian OFG, aimed at safeguarding the interest of future generations as noteworthy model institutions. This report inspired communication between such institutions and the establishment of NIFG with the mission to a) ensure that the interests, rights and well-being of future generations are endorsed and realized by decision makers in national, regional and international policy making and practice; and b) to increase membership and build capacity for institutions at all levels to promote the interests, rights and well-being of future generations.

The underlying commitment of all NIFG members focus on ensuring the right to a safe, clean, healthy and sustainable environment both for present and future generations and for this aim NIFG is engaged in the following activities:

1. sharing institutional best practices and encouraging learning among members;
2. encouraging the establishment of institutions worldwide whose mandate includes safeguarding the interests, rights and well-being of future generations;
3. raising awareness in the local, national, regional and global arena (throughout both public and private sectors) and promoting the concept and means of safeguarding the interests, rights and well-being of future generations (in all areas of policy making and public discourse);
4. working with international organizations and stakeholders as well as with member states towards better safeguarding and manifestation of the interests, rights and well-being of future generations.

NIFG believes that creating local and national institutions advocating for the interests of future generations is a key asset in realizing SDG target 16 (Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels) and is also instrumental in implementing several other SDGs. In June 2019, NIFG will publish electronically a discussion paper on how institutions for future generations are a unique and important asset in national and international long-term governance and how they can be specifically useful enablers in the implementation of Agenda 2030 with special focus, but not limited to the environment-related SDGs.

The relevant **decisions of the Constitutional Court** need to be mentioned here as they play a significant role in the formation of jurisprudence also in the area of human rights to a safe, clean, healthy and sustainable environment. The Constitutional Court can review the conformity of legal regulations with the Fundamental Law (ex post constitutional review) at the initiative of, amongst others, the Commissioner for Fundamental Rights if, in the opinion of the Commissioner for Fundamental Rights, the legal regulation is contrary to the Fundamental Law. In practice this means that if the OFG, the Deputy Commissioner for Fundamental Rights is of the view that a certain piece of legislation allows for the infringement of the right to a safe, clean, healthy and sustainable environment, then the OFG, through the Commissioner, can turn to the Constitutional Court for the constitutional scrutiny of the legislation, already giving its opinion and reasoning on the case, which is often echoed by the decision of the Constitutional Court. A concrete example is the petition for constitutional scrutiny of the Act on forest management initiated by the OFG through the Commissioner in January 2019 questioning certain provisions that supported unsustainable forestry and infringed the non-regression principle. Besides concrete petition for such constitutional review, the OFG has also contributed to significant recent judgements via *amicus curiae* documents to the Constitutional Court, referred to and used in a great extent by the decisions of the Court. In the recent past, the following principles have been further crystallized through the decision of the Constitutional Court: non-regression (or non-derogation) principle, precautionary principle and prevention, necessity-proportionality test used when limiting a fundamental right for ensuring another fundamental right, responsibility and obligations towards future generations. These decisions definitely have long-term significance regarding human rights to a safe, clean, healthy and sustainable environment and clearly influence legislation.

*(Note: The above answer is kindly provided by the Ombudsman for Future Generations - Deputy Commissioner for Fundamental Rights (Commissioner's Office for Fundamental Rights).*

Examples of guaranteeing procedural rights (access to information, public, participation in environmental decision-making and access to justice and remedies)

According to the amended Act no. CXL/2004 on official administrative procedure the chance for intervention of the Hungarian environmental NGOs was increased due to the possibility of their registration in the registers as clients of administrative procedures, so they can be automatically notified about the commence of official procedures that affect their area and field/sector of work.

In order to establish a client-friendly approach and promote user-friendly administration one-stop-shop government offices and national parks have prepared information and guides on how to make files and how to submit permits and they give information about procedure and rules of access to the data of public interest and possibilities of legal remedy, and all these were made available on their websites.

 One of the tools of the environmental democracy is the open and broad participation in permitting procedures of the cross-border activities that entail environmental effects and risks – based on Espoo Convention. In the cases of gold mines of Roșia Montană and Certeju de Sus in Romania or the factory for processing liquid radioactive waste in Mochovce, Slovakia, and in the cases of wind power plants in Austria and Slovakia, the Ministry of Agriculture (the former Min. of Rural Development) has taken unambiguous viewpoint and it absolutely opposed to the opening of a gold mine that intended to use cyanide-based method in Roșia Montană, Romania.

There were significant developments in order to improve the access to environmental data. Funds of the Energy and Environment Operational Programme (EEOP co-financed by the EU) have supported the establishment of an environmental observer, data collection and processing network which is compatible with EIONET. Furthermore, based on this an integrated environmental and economic information system has been established together with the national spatial data infrastructure needed for the implementation of EU INSPIRE directive and with the further improvement of OKIR (National Environmental Information System) and some of its sub-systems (unification and development of environmental data provision and its harmonization with international data provision obligations, improvement of environmental content provision).

In order to implement the online data sharing among the different systems there was a separate improvement for connecting the environmental, nature protection and water management information systems.

Green Point Offices play important role in disseminating environmental information and also the KÖTHÁLÓ consultancy offices provide updated information for the administration of professional cases related to environment. The public access to information is ensured to parts of the National Environmental Information System (OKIR) related to the emission and waste transport data of Hungarian industrial and agricultural plants. On the website of MÁFI (Geological Institute) the information of environmental status are accessible and on the website of ELGI the sub-databases of KINGA and GEO-Mind are providing information on overall and regional geophysical data. The Geodesic Institute (FÖMI) has participated in the activity of the European Environmental Agency (EEA) and ETC-SIA to assess land coverage and it also played a major role in coordinating the COPERNICUS GIO land programme, its continental land coverage component (CORINE land cover, GIO HR layers) and the verification of data and indicator development.

The National Public Health Institute (OKI) continuously presents on its webpage (http://oki.antsz.hu/) the updated data on pollen situation, potable water quality, bathing water quality, air quality and it provides information and recommendation on the potential health risks and measures of prevention. The latest publication on Hungary’s status of the environment was published in 2016 by Herman Ottó Institute based on the latest available data of 2014.

**3. Please provide evidence related to the effectiveness of the measures identified in your responses to Questions #2. For example, evidence could involve measured decreases in air and water pollution, a growing proportion of the population with access to clean water and adequate sanitation, increased production of renewable energy, declining greenhouse gas emissions, a growing percentage of land in terrestrial and marine protected areas, declining use of pesticides and/or other toxic substances, lower body burdens of toxic substances such as PCBs and lead, and declining rates of deforestation.**

Effectiveness of the measures identified in relation with guaranteeing procedural rights (access to information, public, participation in environmental decision-making and access to justice and remedies)

According to the study made by EMLA Environmental Management and Rights Association, Eötvös Károly Institute and CEU Center for Media, Data and Society about the information liberty, in Hungary the access to data of public interest is the most effective in the field of the protection of environment.

**4. Please specify any challenges your Government, business, or organization has experienced in fulfilling its obligations relating to the human right to a safe, clean, healthy and sustainable environment.**

Further improving air quality in Hungary continues to be a challenge for the government as it is the case in several other countries in the European Union. Although, most of the emissions of several air pollutants have decreased significantly in Hungary in the last decades, especially since 1990 and the decrease continued also between 2014-2016 (with emissions of sulphur oxides (SOx) falling by 16.3 % and emissions of nitrogen oxides (NOx) by 4.87 %.) At the same time emissions of volatile organic compounds (NMVOCs) have increased by 0.13 %, emissions of ammonia (NH3) by 5.61 % and emissions of PM2.5 by 3.28 % [[1]](#footnote-1) (see also Figure 13 on the total PM2.5 and NOx emissions per sector).

Additional efforts are needed by the government and municipalities to meet the air quality requirements (for PM10 and NO2) of the EU because the indicated exceedances have severe negative effects on health and environment.

In order to improve the air quality the National Public Health Center of Hungary provided strategies on reducing indoor and outdoor air pollution and to reduce its health effects in the general population and different stakeholders. An air quality health index has been developed and applied for the air quality data produced by the Hungarian air quality monitoring network. The four categories of the air quality index are based on the health effects of the major air pollutants (PM10, O3, NO2, SO2, CO). Since 2007, the index values are depicted on a map for all settlements where at least one monitoring station is located and published on the webpage of NPHC daily (<http://oki.antsz.hu/>).

**8. For businesses, what policies or practices are in place to ensure that your activities, products, and services (extraction/sourcing, manufacturing, distribution, sale, and end-of life management) respect and protect the human right to a safe, clean, healthy and sustainable environment?**

**Instruments in Hungary promoting business** **activities that respect and protect human rights for safe, clean and sustainable environment**

*Hungarian ecolabelling scheme*

The Hungarian ecolabelling scheme was set up in 1994. The German “Blue Angel” eco-label scheme, the oldest ecolabel of the world served as a model for it.

The main goal of the system was to strengthen consumer’s responsibility concerning the environment, and to urge the manufacturers and distributors to introduce „environmentally friendly” products and services.

The legal base of the system is the Act LIII of 1995. On the general rules of the environment protection, and the ministerial decree No. 29/1997. (VIII. 29.).

The main actors in the system:

• The Hungarian Eco-labelling Organisation co-ordinates the system,

• The Evaluating and Assessing Committee develops the product group criteria,

• The Minister of Agriculture who is responsible for the environment, makes decisions about the applications.

From May 1st, 2004, when Hungary joined the European Union, the EU ecolabel has been introduced in Hungary. The legal base of the system is the Act LIII of 1995. On the general rules of the environment protection, and the governmental decree No. 83/2003. (VI.7.). The measures of the national environment friendly system were adopted for it, in order to ensure co-operation and co-ordination between the two systems.

Currently there are 16 license holders in the Hungarian ecolabelling scheme which means more than 300 ecolabelled products. In the EU Ecolabel scheme 21 licenses have been awarded in Hungary, and the EU Ecolabel can be found about on 430 products.

The licence holders and ecolabelled products can be found on the page of the Hungarian Eco-labelling Organisation: <http://www.kornyezetbarat-termek.hu/en/pages.php?aid=165&pID=2>

*Eco-Management and Audit Scheme of the EU*

From May 1st, 2004, when Hungary joined the European Union, the EU EMAS scheme has been introduced in Hungary. The voluntary EMAS system provides a means for the organisation to improve and demonstrate their effectiveness and overall environmental performance.

The legal base of the system is the Act LIII of 1995. on the general rules of the environment protection, and the governmental decree No. 308/2010. (XII.23.).

The National Inspectorate for Environment and Nature is designated national Competent Body, responsible for the registration of the organisations.

The Competent Body involves the competent enforcement authorities into the decision making on the applications, asking a written report about that there is no evidence of breach of applicable legal requirements relating to the environment.

Currently there are 28 EMAS registered organisation in Hungary.

The Competent Body maintains a register of the registered organisations on the EMAS website of the Ministry of Agriculture: <http://emas.kvvm.hu/company.php?l>=

The National Accreditation Authority (NAH) is responsible for the accreditation and licencing of the environmental verifiers, who verify the compliance of the organisation with the entire relevant environment requirements before the registration. The list of the environmental verifiers can be found on the website of NAH.

*Policy support measures*

Enforcement authorities plan and realize their inspections according to the potential risk. EMAS registered organizations are considered to be with a lower risk to the environment and require less inspections.

National Action Plan on CSR has been adopted by the government in 2015.

One of the priorities is environment, including to ensure the support for the registered organizations, to invite/stimulate their activity, to make more communication effort to improve the knowledge about EMAS.

*Stakeholder regular event*

It was the eighth occasion to organise EMAS Round Table in 2016. The event was hosted by Fővárosi Csatornázási Művek (the Budapest Sewage Works Ltd.).

The goal of the EMAS Round Table meeting is to hold together the EMAS Community, and to ensure a meeting and information forum for the stakeholders in the EMAS system.

1. The current national emission ceilings have been mandatory since 2010 ([Directive 2001/81/EC](http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex:32001L0081)); revised ceilings for 2020 and 2030 have been set by [Directive (EU) 2016/2284](http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv:OJ.L_.2016.344.01.0001.01.ENG&toc=OJ:L:2016:344:TOC) on the reduction of national emissions of certain atmospheric pollutants, amending Directive 2003/35/EC and repealing Directive 2001/81/EC. [↑](#footnote-ref-1)