

# Waste Management Planning

Hungary

Legal Analysis

*Justice and Environment 2011*

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### Legal Analysis

#### Introduction

[Directive 2008/98/EC](#) of the European Parliament and of the Council of 19 November 2008 on **waste** and repealing certain Directives regulates in a general manner the waste management planning framework in the Member States. The purpose of the current questionnaire is **to have a snapshot view by answering 5 + 1 questions** on the status of waste management planning in the respective Member State.

#### **Q1**

**Please describe the legal framework regulating waste management planning in your country!**

**Please list relevant national laws and the most important provisions relating to government-organized waste management planning!**

Laws governing waste management planning in Hungary

**Act No. 43 of 2000 on waste management (WM Act)**

**Government Decree No. 126 of 2003 (15 August) on detailed content requirements for waste management plans (WMP Decree)**

**Ministerial Decree No. 15 of 2003 (7 November) on the regional waste management plans (RWMP Decree)**

#### Provisions from the WM Act

Art. 33 – the Parliament adopts a National Waste Management Plan as part of the National Environmental Programme

Art. 34 – based on the National Waste Management Plan, the Regional Environmental Protection Agencies prepare regional waste management plans; the regional plans are proclaimed by the decree of the minister for the environment

Art. 37 – the waste management plans are prepared for 6 years and every 3 years a report on their implementation has to be prepared

#### Provisions from the WMP Decree

Art. 7 – regional waste management plans have to be prepared so that they ensure the fulfillment of requirements regarding the decrease of organic waste landfilled and promote the reuse of packaging waste

Annex I – detailed requirements for the content of a waste management plan

## Provisions from the RWMP Decree

(The decree proclaims the regional waste management plans covering the territory of Hungary, prepared by the Regional Environmental Protection Agencies.)

### *WFD Article 28*

#### *Waste management plans*

*1. Member States shall ensure that their competent authorities establish, in accordance with Articles 1, 4, 13 and 16, one or more waste management plans. Those plans shall, alone or in combination, cover the entire geographical territory of the Member State concerned.*

### **Q2**

**Please describe according to what territorial distribution the waste management plans are prepared by the government (national, sub-national, regional, sub-regional, etc.)!**

The central government prepares the draft of the National Waste Management Plan that is adopted by the Parliament. Currently the only such national plan is the National Waste Management Plan 2003 – 2008 adopted by the Resolution No. 110 of 2002 (12 December) of the National Assembly i.e. the Parliament. The Regional Environmental Protection Agencies cooperate in preparing the regional waste management plans that are drafted for the 7 large statistical regions of the country and are adopted and proclaimed by a decree of the minister for the environment. The latter is the RWMP Decree.

### *WFD Article 28*

*2. The waste management plans shall set out an analysis of the current waste management situation in the geographical entity concerned, as well as the measures to be taken to improve environmentally sound preparing for re-use, recycling, recovery and disposal of waste and an evaluation of how the plan will support the implementation of the objectives and provisions of this Directive.*

*3. The waste management plans shall contain, as appropriate and taking into account the geographical level and coverage of the planning area, at least the following:*

*(a) the type, quantity and source of waste generated within the territory, the waste likely to be shipped from or to the national territory, and an evaluation of the development of waste streams in the future;*

*(b) existing waste collection schemes and major disposal and recovery installations, including any special arrangements for waste oils, hazardous waste or waste streams addressed by specific Community legislation;*

*(c) an assessment of the need for new collection schemes, the closure of existing waste installations, additional waste installation infrastructure in accordance with Article 16, and, if necessary, the investments related thereto;*

*(d) sufficient information on the location criteria for site identification and on the capacity of future disposal or major recovery installations, if necessary;*

**Q3**

**Please detail how the national waste management plan deals with future landfill capacities and how much such capacity it is planning for the future within the country!**

The National Waste Management Plan as described above has been adopted for the 2003 – 2008 period. There is no other waste management plan on the national level or on the regional level. Therefore we can only make conclusions retrospectively, however, these do not properly illustrate the current status of waste management planning in Hungary that is not publicly available now.

The National Waste Management Plan mentions landfill capacities as follows:

- improper industrial waste landfills have to be replaced by properly built new landfills
- new landfills serving at least 100.000 inhabitants have to be constructed but altogether maximum 100 landfills should operate in the country
- in the vicinity of incinerators, landfills receiving the incineration residues have to be constructed
- as regards hazardous wastes, a landfill for hazardous wastes currently having a capacity of 15.000 tons/year has to be enhanced with an additional 15.000 tons/year capacity, and a new one with a capacity of 10.000 tons/year has to be constructed; later this capacity has to be doubled until 2007

*WFD Article 28*

*3. (e) general waste management policies, including planned waste management technologies and methods, or policies for waste posing specific management problems.*

*4. The waste management plan may contain, taking into account the geographical level and coverage of the planning area, the following:*

*(a) organisational aspects related to waste management including a description of the allocation of responsibilities between public and private actors carrying out the waste management;*

*(b) an evaluation of the usefulness and suitability of the use of economic and other instruments in tackling various waste problems, taking into account the need to maintain the smooth functioning of the internal market;*

*(c) the use of awareness campaigns and information provision directed at the general public or at a specific set of consumers;*

*(d) historical contaminated waste disposal sites and measures for their rehabilitation.*

**Q4**

**Please detail to what extent the national waste management plan deals with historical contaminated waste disposal sites and what does it say about them!**

The National Waste Management Plan devotes a considerable attention to historical contaminated waste disposal sites as follows:

- there were 665 registered landfills used for public waste management services, however, only 15% thereof conformed with the technical requirements
- according to a survey supported by the PHARE programme, there were approximately 620 illegal landfills and 1.250 closed but not properly managed landfills, totaling to 10 million tons of waste that endangered the environment
- annually 50 to 100 such landfills were remediated within the National Environmental Clean-up Programme
- all landfill not being appropriate for receiving waste have to be closed by the 2009 deadline, and all animal carcass deposits have to be closed as well

#### *WFD Article 28*

*5. Waste management plans shall conform to the waste planning requirements laid down in Article 14 of Directive 94/62/EC and the strategy for the implementation of the reduction of biodegradable waste going to landfills, referred to in Article 5 of Directive 1999/31/EC.*

#### *WFD Article 30*

*Evaluation and review of plans and programmes*

- 1. Member States shall ensure that the waste management plans and waste prevention programmes are evaluated at least every sixth year and revised as appropriate and, where relevant, in accordance with Articles 9 and 11.*
- 2. The European Environment Agency is invited to include in its annual report a review of progress in the completion and implementation of waste prevention programmes.*

#### **Q5**

**Please detail if the previous national waste management plan has been reviewed after 6 years pursuant to the obligation set by the Directive!**

At a workshop in 2009, a representative of the Ministry for the Environment has described the situation that the bi-annual reviews prescribed by the WM Act have been omitted, hence the need for a total 6-yearly review in 2009. However, this review was part of the preparation of the 2009 – 2014 National Waste Management Plan that has never been adopted. Therefore we can conclude that – although there has been a review by the Ministry for the Environment – it has not been officially incorporated into the new National Waste Management Plan and thus it remained a working document. The review document is accessible at the following link:

[http://www.kvvm.hu/cimg/documents/OHT\\_I\\_beszamolo.pdf](http://www.kvvm.hu/cimg/documents/OHT_I_beszamolo.pdf)

And although news in the media have suggested that the adoption of the National Waste Management Plan 2009 – 2014 is on the horizon ([http://zoldter.hu/esemenyek/20100225\\_kormany\\_ele\\_kerul\\_a\\_hulladekgazdalkodasi.aspx](http://zoldter.hu/esemenyek/20100225_kormany_ele_kerul_a_hulladekgazdalkodasi.aspx)), there has been no significant progress made in this matter, therefore Hungary has no valid and effective National Waste Management Plan now.

## WFD Article 31

### Public participation

*Member States shall ensure that relevant stakeholders and authorities and the general public have the opportunity to participate in the elaboration of the waste management plans and waste prevention programmes, and have access to them once elaborated, in accordance with Directive 2003/35/EC or, if relevant, Directive 2001/42/EC of the European Parliament and of the Council of 27 June 2001 on the assessment of the effects of certain plans and programmes on the environment*

*(1). They shall place the plans and programmes on a publicly available website.*

### Q+1

**Please describe if there has been sufficient public participation in the most recent waste management planning process on the national or sub-national level and if the waste management plans are publicly available on the internet!**

The requirements for public participation in waste management planning are the following:

#### Provisions from the WM Act

Art. 34.1 – the regional waste management plans have to be prepared with the involvement of interest representatives and environmental NGOs

Art. 34.2 – the preparation of drafting of the regional waste management plans have to be communicated in writing by the regional environmental protection agencies to the interest representatives

Art. 34.3 – in order to involve environmental NGOs into the process, the preparation of drafting of the regional waste management plans have to be communicated in at least one regional daily newspaper; environmental NGOs can enroll within 15 days of the publication of the notice and maximum 5 delegates from environmental NGOs will be involved into the planning process

#### Provisions from the WMP Decree

Art. 6.2 – the regional environmental protection agency informs the environmental NGOs in writing and send them the draft of the regional waste management plan

Art. 6.3 – NGOs have 30 days to respond and comment to the draft plan

According to the account of an NGO specialized in waste management matters, the public information process showed many shortcomings. In 2009, there was a meeting organized by a company outsourced to coordinate public participation processes, entailing too high spending on the event. The draft of the plan supposed to be effective since 2009 but was only published in 2010 April. The SEA process of the plan seemed to be totally omitted. Therefore the public participation process was defunct.

The currently only available, although outdated, National Waste Management Plan is accessible on the internet at the following link:

[http://www.kvvm.hu/szakmai/hulladekgazd/hulladekgazdalkodas/hulladekgazdalkodasi\\_tervek\\_oht.html](http://www.kvvm.hu/szakmai/hulladekgazd/hulladekgazdalkodas/hulladekgazdalkodasi_tervek_oht.html)

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The Work Plan of J&E has received funding from the European Union through its LIFE+ funding scheme. The sole responsibility for the present document lies with the author and the European Commission is not responsible for any use that may be made of the information contained therein.

