

## Visegrad 4 Aarhus Center

### Newsletter – Hungary Chapter

News from Hungary relating to the implementation of the Aarhus Convention

Justice and Environment (J&E) is a European Network of Environmental Law Organizations. J&E aims for better legislation and implementation of environmental law on the national and European Union (EU) stage to protect the environment, people and nature. J&E does this by enhancing the enforcement of EU legislation through the use of European law and exchange of information on the national, cross-border and wider European level.

J&E is a beneficiary of a grant by the International Visegrad Fund which made it possible to establish the V4 Aarhus Center. Below you can find news from 2014 on issues, events, developments that affect the implementation of the access rights enshrined in the Aarhus Convention in the V4 Region.

### Access to Information

The restrictive access to information practice of the Hungarian Electricity Company (MVM) regarding data of the extension of the Paks Nuclear Power Plant (Paks II) continues. Despite a number of long and painstaking court procedures lost by the Company, the civil society still cannot get an easy access to the relevant information. Energy Club, an NGO specialized in energy related matters and having a robust antinuclear portfolio is famous for submitting Freedom of Information claims to the Company, nevertheless, the timespan within which they can get the required information is usually **3 years**, after two instances of court procedures. In order to stop this practice, Energy Club turned to the **Aarhus Convention Compliance Committee** with a communication and requested the ACCC to condemn this malevolent practice. J&E Hungary gave legal advice to Energy Club and drafted the communication.

### Participation in Decision-making

A number of large-scale project plans stir up civil resistance in Budapest. While in the preceding year, the building of new dykes along the River Danube motivated public opposition, this year it is the fear of a loss of green spaces in the heart of the city that causes worries. In the first case, the Mayor Office of Budapest planned the construction of a so-called **mobile dyke system** along the northern right bank of the river called Roman Beach. While the dyke would consist of metal panels removable after each flood, their foundation and pillars of concrete would entail the felling of many large and old trees along the riverbank, depriving it of its natural beauty. This plans seems to be washed away

finally, but a new plan to construct a **Musea Quarter** in the popular Varosliget area of Budapest (hosting the Budapest Zoo, the Grand Circus and many other sights besides a vast green space) planted worries in many CSO activists. They use all forms of public participation methods now to alter the government's plans, including demonstrations, petitions, online blogs and manifestos as well as lobbying. J&E Hungary was contacted by CSOs and will give legal advice in the case once needed.

### **Access to Justice**

The Metropolitan Court of Budapest lately made a judgment on a freedom of information case where the claimant requested "all related data" of the Hungarian - Slovakian negotiations in the Gabcikovo-Nagymaros Dam Case, following the judgment of the International Court of Justice. The court applied a principle created by the Supreme Court and having no legal background whatsoever, that claims formulated in too general a manner can be refused. This concept putting the burden of specifying data held by a public authority is inherently alien from the entire philosophy of access to public interest information, but also lacks any specific legal ground, given that in Hungary neither the Freedom of Information Act nor any other law contains an exception to disclosure that would be interpreted as the court did. J&E Hungary gave legal representation to the plaintiff in the case and is drafting the appeal.

### **Capacity Building and Civil Society Development**

Civil society including environmentalists are under growing pressure in Hungary by the legislature and the Government.

In May, all willing NGOs (associations and foundations) had to re-apply to be included in the new register of "public interest" organizations held by the courts. Registration in the list is a precondition of a number of benefits that NGOs may enjoy, and will be a factor on which probably other benefits will depend. J&E Hungary also applied for this registration.

In September, the police raided the offices of three NGOs who are dispersing the funds to the civil society donated by Norway. This action was only the climax of a series of actions by the Government in which negative comments were formulated by government officials as well as the Government's Control Office investigated the functioning of these NGOs ranging back in time as early as to 2008. J&E Hungary was one of the beneficiaries of the Norwegian Grant and was also investigated by the Government lately.

Written by Csaba Kiss, J&E Hungary

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