

Impact of Natura 2000 sites on Environmental licensing

Hungarian report

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A. Natura 2000 sites

1.),2.),3.),5.)

There are 10 national parks in Hungary, the Government designated Natura 2000 sites in all of them.

The number of special protection areas of birds are 55, and the number of special areas of conservation are 467.

The protected area covers 20,6% of the country's territory, 1,91 million hectare.

4.)

A firm chosen in the framework of a PHARE programme made a research about the possible sites. Then national park directorates proposed the areas. There was no public hearing or debate, but the Association for Bird Protection took part in the screening process. There was no public access to biological data.

6.),7.)

The Ministry for Environmental Protection collected the proposals of the National Park Directorates. 620 requests were filed against the decision by local governments and citizens, 20% of which were accepted. There was no judicial review initiated at courts.

B. Conservational status of Natura 2000 sites

8.)

The status is signed in the land registry. On one hand the sites have the same level of protection as national protected areas, on the other hand there are special provisions for using these fields. The general aim is to prevent activities which could hinder the realisation of protection.

9.), 10.)

The government passed new regulation on the environmental examination of plans and projects - Government Decree 2/2005(I.11) – and on environmental licence – Government Decree 314/2005. (XII. 25.) - which tried to transpose Article 6 into national law. The deficiency of the new regulation is that the category “project” is not defined with a view to Natura 2000. There are no management plans.

11.)

2005 proved to be the year of consolidation of most of the environmental regulations in Hungary.

a.) Changes in environmental/water management/nature protection administration

The state of environmental administration has always been characterised by the situation of water management administration, being the oldest and most developed part of the governmental system related to a part of the natural ecosystem. The present Government in 2002 merged the environmental, nature conservation and water management administration into one ministry and decided that the integration of the three different fields of public

administration is a must.

The ideas behind such integration were:

- to integrate the fields of authority of the three above mentioned components of public administration in a way that all the administrative decisions shall be issued as integrated ones;
- to divide the two major areas of competence of public administrative organs in a way that the above mentioned fields of authorities should be kept separate from the services, property management and control, investment, operative action parts of the administration.

These changes could not be managed immediately after the principal decision has been made, but a step-by-step approach was introduced, which could lead to a great confusion in the three fields of environmental administration even up till the end of the year 2005. The most recent – and final during the present governmental period – changes were adopted in December 2005 (Gov. Decree 276/2005 (XII.20.)), related to some fine tuning at the level of regional administration and greater changes at the central level of administration. Of course, the constant changes proved to be fatal to the effectiveness of public administration, as every year since 2002 begun with substantial changes of public administration.

b.) Today, we have the following system – without going much into details:

1. Central level:

- Chief Inspectorate covering all the administrative competence of environmental, water management and nature conservation administration. This means in most of the cases second level administration, but sometimes this organ has first instance duties. International, transboundary administrative procedures are also managed at this level.
- National Centre for Water Management and Public Collections covering all the tasks of environmental, water and nature conservation management: collecting and disseminating information. (Before January 1, 2006, most of the tasks had been undertaken by the Chief Directorate for Environmental Protection and Water Management).

2. Regional level:

- Inspectorates – 12 regional – covering all the administrative competence of environmental, water management and nature conservation administration at first instance.
- Environmental and water management directorates – 12 regional – responsible for managing environmental information, investment, direct action, flood control, etc.
- National park directorates – 10 national parks – responsible for natural park management, maintenance, research. etc.

c.). Changes in the authorisation system

Before January 1 2006 the specific environmental authorisation and procedural system covered – among others – the following elements:

- preliminary EIA, with preliminary EIS, and with the possibility to issue an environmental authorisation at this stage, if there is no need for the detailed procedure;
- detailed EIA, with a detailed EIS, and with the possibility to issue an environmental authorisation;
- integrated environmental permit, which should come after the detailed EIA.

According to more and more views, there should be two changes in the system:

- The distinction between preliminary and detailed environmental assessment should be put an end to and the preliminary EIA should be replaced by a preliminary investigation

procedure, without the possibility to issue an authorisation. Within this preliminary step the decision should be made, whether the EIA procedure is necessary or not, and also whether the IPPC (integrated permit) procedure is necessary or not.

d.)• There should be a chance to run the EIA and IPPC procedure parallel as most of the elements are similar to each other. This is not automatic, but the environmental inspectorate may adopt such a decision at the level of preliminary investigation procedure.

At the end of the year Act CXXVII of 2005 introduced the new system in theory, as the necessary implementing regulations have not been adopted yet. This means that at the highest regulatory level the new system is in place, while the details, without which the system can not work are still speaking about the former procedures.

It is also a problem that only the applicant is responsible for assessing the impacts.

The other questions can not be answered because of lack of experience.

C. Case examples of how possible impacts on Natura 2000 areas is taken in account in the licensing procedure

There has been no such case yet.