



COMPREHENSIVE SUMMARY

OF THE
REPORT OF THE PARLIAMENTARY COMMISSIONER
FOR FUTURE GENERATIONS OF HUNGARY
2008–2009

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Budapest, 2010

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ISSN 2062-0128

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Printing and binding: Eto-Print Nyomdaipari Kft., manager: Magyar Árpádné

Printed on 100% recycled paper with FSC-certificate, with environmentally friendly ink.

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“the state does not enjoy the liberty
of letting the condition of the environment deteriorate
or allowing the risk of deterioration”

Resolution 28/1994. (V.20.) of the Constitutional Court

I. PREFACE

Environmental disasters occur more and more often in the world; as a result of climate change the unsettled weather, storms, hurricanes, floods are already tangible features for all of us. Some changes in our environment are irreversible: the bulk of coral reefs have been destroyed, huge pieces have disappeared from the glaciers and from the Arctic ice cap. We are not likely to be able to bring back the extinct species, while to recover the eroded cropland would take centuries. Other changes, such as the accumulation of chemicals, waste, the contamination of drinking waters and air pollution in the cities can still be stopped, or their effects at least reduced.

We need new solutions; our lifestyle and economic order, the present perception and the measurement methods of economic and social development, the current infrastructure of environmental protection have all equally proven to be unsustainable already – of course, we use this term too much and rarely reflect on its actual meaning.

It is not sufficient to establish new offices, to issue a few more environmental decrees, or to launch another awareness raising campaign. New solutions have to represent new tasks simultaneously: for example if we create an institution with the resounding name of the Parliamentary Commissioner for Future Generations, then this makes sense only if it really approaches environmental problems from a new perspective. When creating the legal institution at the end of 2007, the Hungarian Parliament had understood this necessity and determined new responsibilities, ones that were not listed before in the range of duties of other ombudsmen.

And the new tasks involve definitely new working practices. The Commissioner's office does not wish to repeat the work of other authorities; rather we would like to add a new, complex approach and a consultative, reiterative method of procedure. We investigate not only compliance with the provisions of a few acts, but also in general to what extent was the right to a healthy environment provided for in the given cases. We can achieve this only if we analyse the complaints together with lawyers, international jurists and environmental experts working in the Commissioner's office. The complex statement of facts and the analysis emerging in this way offers a chance

to initiate real changes. Similarly in order to enforce the various views, we also request in the course of processing the cases the NGOs, the authorities and the municipalities affected, to comment on the actual problem. The really compound and effective justice can be attained only with the participation of all the stakeholders and their professional representatives.

We are building our professional system of relations beyond the cases too; we are convinced that it is only the network of non-governmental, municipal, industrial and political agents wishing to act for the environment which can accept the challenge of the environmental disasters threatening our country and the whole world with success. The statements of the Commissioner are not binding; but still we have achieved results in convincing the municipalities and authorities, in solving certain local environmental conflicts and even in changing the draft bills working against sustainable development, precisely by working through this network.

Our activities are also known internationally, as we receive many inquiries from all over the world. Hopefully with this publication, which is a concise version of our first annual (actually rather more of one and a half year's) report, we can satisfy the curiosity and professional interest of our friends.

July 2010

Sándor Fülöp
the Parliamentary Commissioner for Future Generations
of the Republic of Hungary

II. AN INTRODUCTION TO THE NEW INSTITUTION

II. 1. HISTORY AND DUTIES OF THE INSTITUTION

The idea of institutionalized protection for future generations has now been present in Hungary for more than two decades. The concept was projected as early as the beginning of the nineties in a preliminary draft of the 1995 Act on Environmental Protection. Following the long preparatory work in the field of legal theory and publications, a leading domestic green NGO, "Protect the Future" made significant efforts for the sake of this cause, and kept the issue on the agenda. Between the turn of the millennia and 2006, the organization itself, operating the Representation of Future Generations, prepared the compilation of environmental complaints and problems in Hungary, which was an advance of the prospective ombudsman's work. Thus the acceptance of the new institution's concept has become continually wider and wider throughout the society.

In 2001 "Protect the Future", with the cooperation of the legal experts Mr. László Sólyom and Mr. Boldizsár Nagy, drafted a bill on the institution of the ombudsman which was submitted to Parliament as an individual motion by two MPs, Mrs. Katalin Szili and Mr. Gyula Hegyi, without success at that time. However, after six years, the five parliamentary parties agreed on the legal regulation of the Parliamentary Commissioner for Future Generations. In November 2007, the Act on the Parliamentary Commissioner for Civil Rights – which at that time had been in force already for twelve years – was amended by Parliament with an almost unanimous vote. This opened the gate to the establishment of the new institution. Mr. László Sólyom, who in the meantime had been elected President of the Republic, nominated Mr. Sándor Fülöp, Doctor of Law to the position, and on 26 May 2008 he was elected as the Parliamentary Commissioner for Future Generations for a six years' period.

The institutional system of commissioners comprises four ombudsman's bureaus in Hungary: the office of the Parliamentary Commissioner for Civil Rights; Data

Protection and Freedom of Information; National and Ethnic Minority Rights; as well as Future Generations. This last Commissioner, also known as the environmental or green ombudsman, was assigned an entirely new task within the spirit of sustainable development: to make human responsibility felt in all the fields of state and civil life, with respect to the conservation of natural values trusted to us, for the sake of protecting the next generations. The Commissioner's Office has operated since December 2008 with a staff of 35 and a wide network of legal and environmental experts.

The new institution performs three duties: complaints investigation; parliamentary advocacy; strategic development and research. Anyone can turn to the complaints investigation office, and the cases are processed by experts with a complex approach based on the principle of integration. Except for a few instances the office may deal only with the complaints in which the client has exhausted the opportunities of any other administrative legal remedy, without the case being taken to court. If any constitutional improprieties are encountered, depending on the weight and character of the case, the Commissioner is entitled to carry out a wide range of measures, from calling the authority or other body to take necessary remedial steps, suspending the execution of administrative resolutions, through initiating or intervening administrative or civil legal actions, up to taking the floor in the House of Parliament.

The parliamentary advocacy role is aimed at environmental legislation, the most important draft laws within this field are usually sent to us by those submitting them for consultation, however sometimes the office receives only informal notices of these.

The function of strategic development and research covers the duty of representing future generations' interests. Within this field, the Commissioner has launched comprehensive six year strategic research projects on the issues of the availability of environmental information, the climate and energy policy, and the study and support of sustainable local communities.

In Hungary the Constitutional Court has determined the direction of state tasks connected with the right to a healthy environment. The state provides for its duty to protect the environment and sustain the natural basis of life by granting legal and organizational guarantees. By creating this new institution of the Parliamentary Commissioner for Future Generations, which effectively promotes the long term preservation of our descendants' essential living conditions and the protection of their interests, the state goes a long way towards fulfilling its obligations for institutional protection.

II.2. THE COMPETENCES AND TASKS OF THE COMMISSIONER

The Commissioner's activity is based on the Constitution, according to which: "The Republic of Hungary acknowledges and enforces everyone's right to a healthy environment." As laid down in the Constitutional Court's thesis of theoretical significance, this is a fundamental right forming part of the right to life, the quality of life, which allows restriction only to the extent necessary to protect other fundamental rights. From this, one can deduce the prohibition against reducing the existing level of environmental protection, a principle we consider as a general standard in our work.

Within the constitutional frameworks the Commissioners establish their competence themselves, but this can never imply curtailing the sphere of action of other state authorities, such as other parliamentary commissioners. The competence of the green ombudsman covers not merely environmental protection in the narrow sense, but also other issues concerning the sustainability of nature and the environment. The protection of the present generations' environment largely overlaps the representation of future generations' interests, so in our work we embrace all the provable and recognizable interests of present and future generations with the whole system of nature and the environment.

Based on the Ombudsman Act, the Commissioner "monitors, evaluates and controls the enforcement of legal provisions ensuring the sustainability and improvement of the state of the environment and nature. Its task is to investigate or have investigated the abuses brought to its attention related to all this, and to initiate general or individual measures in order to redress them."

What should be regarded as an environmental case is determined by the Act on Environmental Protection as: actions, omissions, decisions, measures concerning the elements of the environment, their systems, processes and structure. The primary environmental cases are the actions and measures concerning the environmental elements, the burdening and utilization of environment. Environmental cases of related domains are the ones that should be regulated with regard to the environmental aspects on the field of energy policies, protection of cropland and soil, traffic, regional development, water and waste management, nature and landscape conservation, protection of animals and plants, shaping and protection of the built environment, as well as the protection of historic monuments and cultural heritage. On the economic level, the effectiveness of environmental aspects is important in the state budget's subsystems (taxes, allowances, subsidies, public procurements). Within the society's systems of relations the office deals particularly with the issues of environmental health and the security of the environment; the fields of pedagogy, education and awareness-raising that influence environmental consciousness; furthermore the community initiatives promoting sustainable lifestyles, with respect to the sound policy foundations, institutional organization, financing situations and the results of these.

On the international level, according to the Act, the commissioner “expresses its opinion on propositions about the subjects of the environment and nature conservation, as well as ones concerning the acknowledgement of the binding effect of international conventions affecting the common heritage and common concerns of mankind; it is involved in the preparation of national reports based on these international contracts; furthermore it monitors and evaluates the enforcement of these conventions within the Hungarian jurisdiction”, and “in the cases related to its sphere of tasks, it takes part in the formulation of the Hungarian position represented in the institutions of the European Union operating with governmental participation.” The domestic environmental law is determined overwhelmingly by the European Union, so the office considers enforcing the EU law as widely as possible to be one of its most prominent tasks.

In order to be able to protect environmental interests more efficiently, the Ombudsman Act invests the Commissioner with special powers too. The law provides the authority to investigate local governments’ orders and resettlement plans – this opportunity has been used in several cases already. We may also intervene in administrative and civil actions; the commissioner is entitled to take steps mainly in respect of constitutional improprieties that may still remain after the second-instance administrative resolutions. As a main rule court procedures explicitly terminate our opportunities to take direct measures, but as an exception the law enables the commissioner to take part in judicial review procedures connected to the state of environment, for example in civil actions for environmental damages. So far we have been involved in three administrative and one civil actions. Furthermore the Act provides for the opportunity to start actions independently and so far this option has been used once, but soon we will initiate more similar procedures.

When proceeding in the individual cases we consider it important to consult the other commissioners on responsibilities, where necessary. We determine the context of all our procedures in an investigation plan, in which, taking into account the general aspects, we lay the foundations of our right to take measures in the specific case. Throughout the individual investigations new elements appear that continuously help to clarify our competence. So for example related to the complaints about the reorganization of regional water utilities the Commissioner asked the National Council of Property Management to suspend the execution of its decision until the investigation was closed, but the competence was questioned. The existence and quality of legal regulation concerning the operation of water utilities, as well as the decisions and measures for determining strategic significance are closely interconnected with the right to a healthy environment and therefore we were able to establish our competence.

We performed an ex officio investigation in the field of the timetable of integrated regional transport, especially the suspension of passenger transport on certain secondary railways. The transformation of rail transport is directly connected with the effectiveness of the right to a healthy environment, so the commissioner has

competence to investigate the decisions influencing rail transport and so regarding the concept of the timetable of integrated regional transport as well.

Action in rem should also be regarded as a legal institution promoting the realization of the right to a healthy environment, as in several cases it is directed at the negative impacts of some uses of the environment. At the same time, according to Hungarian law, actions in rem are adjudicated by the courts or in similar procedures, the ombudsmen may not overwrite these decisions, so in such cases the office, through its own investigations may analyse primarily the aspects of administrative procedural law, and may not take a stand on the merits of the case, the genuine issue of trespass.

III. THE RIGHT TO A HEALTHY ENVIRONMENT

III.1. MAP OF ENVIRONMENTAL CONFLICTS

In terms of the aims, the quality of Hungarian environmental laws reach the European level, but they are regularly misinterpreted and not properly enforced, if at all, which means that they are incomplete (lacking the organizational and procedural guarantees of application), or ambiguous. Still today the law and the practice hardly takes into account one of the basic ideas of environmental protection, that is the precautionary principle. The tragedy of commons is a characteristic feature: people consider themselves to be entitled to destroy a small piece of our common natural heritage, and all in all this has a tragic effect on the community as a whole. There is very little trace of a real environmental change of attitude in the decisions of national level, and this hides serious risks for the future generations.

From the establishment of the office at the end of 2008 to the end of 2009, we have received 119 government initiatives and participated in 81 consultation procedures concerning legislative proposals, the Commissioner initiated one constitutional review and the adoption or amendment of 17 legislative proposals. In this period we have dealt with 422 complaints, investigations have been launched into 271 cases and have been completed in 97 instances. In 37 cases the bureau issued a statement and encountered improprieties on 26 occasions.

Our working practices are special in regard to the way that lawyers and environmental experts cooperate, in major cases they examine the location and inquire of the local inhabitants too, then their draft statements are sent to the stakeholders, and are finalized taking into account their opinions.

Most of the complaints handled were related to municipal spatial plans, the very root of local environmental conflicts. Noise pollution also causes an enormous number of problems, our environmental legislation and the administrative practice is the least

stringent and most inconsistent in this field. We receive many complaints on air pollution, related mainly to smell; neither the legislators, nor the authorities take this really seriously, emitting odours is considered to be a remissible sin. It is still apparent that today the population pays less attention to the conservation of living waters and nature. The complaints related to transport are precipitated above all by the unstoppable expansion of the public road network. The petitions of major professional non-governmental organizations (NGOs) make a grievance of the fact that our increasing energy demand is covered almost exclusively by non-renewable sources, an unsustainable pattern in the long term. We receive many complaints because of the environmental pollution of the waste management industry itself and illegal waste disposal as well. Even the rural population is no longer willing to tolerate the everyday consequences of animal husbandry.

III.2. MUNICIPAL SPATIAL PLANNING

This is the field, where nearly everything is decided in relation to projects polluting the environment, as based on the spatial plan the different licences of establishment are issued almost automatically. Therefore municipal spatial planning has a determining role in the state and sustainability of the environment and influences directly the present and future generations' quality of life.

The Hungarian planning system of regional development and municipal spatial planning is rather complicated and expensive. It is a general problem that spatial planning measures are modified too often and are prepared in many cases for a single part-territory, often not more than an area of the size of a housing block, while the decisions are often influenced by individual and economic interests. The serious violation of the right to a healthy environment could in most cases be eliminated, if the local governments could be forced to perform the required environmental assessment during the resettlement procedures, respectively forced to take the opinion of administrative bodies, planning councils and communities concerned into consideration on their merits.

Analysing the legislative background it should be emphasised that the Ombudsman Act determines municipal spatial planning as a legal field "affecting directly the future generations' quality of life". The legal environment of municipal spatial planning can be interpreted only together with the rules of regional development and regional spatial planning, where environmental protection and sustainable development have prominent significance.

The National Spatial Plan, containing several environmental measures, can be regarded as the most important element of spatial planning. The spatial plans for the Budapest Conurbation, the area of Lake Balaton and furthermore of most counties have also been prepared.

Municipal spatial planning that determines the individual settlements' infrastructure and land use finds its place in this harmonised system. The Act on the Built Environment – with measures providing for the enforcement of sustainability too –, and the Government Decree on Resettlement contain the fundamental set of rules in this field. Different acts determine criteria for the procedures and the contents, thus the notions of heritage conservation impact assessment, strategic environmental assessment, biological activity value, protective ring, role of the planning council and regulations preventing the increase of areas meant to be built in, also constitute part of the municipal spatial planning legislation.

A significant result of our participation in legislation was our involvement in the Bill on World Heritage, as our office was drawn into the original conceptual elaboration and a major part of our ideas appeared in the final text of the Bill. It is particularly welcome that the management plans of world heritage sites are proposed to be promulgated in a government decree, and the agencies filling the role of "trustee" were established. It is also important that in course of the procedure the authority is obliged to enforce what is written in the management plan, furthermore it is also worth mentioning the protection of tentative world heritage sites.

We have expressed our opinion on the amendment of the Government Decree on Land Registries and Real Estate registers as well as on the Decree on Construction Authorities; we objected that these were not in harmony with the measures of the Act on Nature Conservation. The office commented on the draft Government Decree on the Regional and County Spatial Plans of High Priority as well; in this case the submitting body has accepted almost all of our substantial comments. In the course of commenting on the draft Government Decree on Expert Authorities Cooperating in the Procedure of the National Telecommunication Authority, our concerns of constitutionality were not respected.

The complaints received for the most part from environmental organizations usually object to the municipal spatial planning procedure of a specific part of a settlement, make a grievance of the lack of obligatory working elements, respectively their inadequateness, procedural faults and the injury to the principle of public participation. The plaintiffs express concern at environmental aspects as well, in connection with the shrinking of green areas, with the increase of air and noise pollution, with water and heritage protection. In the individual cases we have established major improprieties in relation to the protection of world heritage and local built heritage, and the conservation of territories under natural protection of different levels.

In our investigations, we examine to what extent the municipal spatial planning measures comply with higher level spatial plans, how the aspects of the right to a healthy environment are enforced, and the way sustainable development is promoted.

Due to the rather serious clashes of economic and sustainability interests, the practice of municipal spatial plans is burdened with general, system-level conflicts and constitutional improprieties in Hungary. The regional and municipal spatial plans should be in harmony with the laws and with one another, but many times this is not the case. The fundamental characteristics, expectations determined in the National Spatial Plan should prevail equally in the spatial plans of the regions and counties of high priority, as well as of the municipalities. Spatial planning is able to achieve its goal only if the professional supervision is effective throughout the entire spatial planning procedure.

The decrease of green areas is a more and more serious problem, particularly in bigger cities, especially in Budapest and the surrounding areas. Many settlements developed an extremely fragmented regulation practice that results in a confused structure which is difficult to interpret. The lack of strategic environmental assessments, that would constitute a major element of the municipal spatial planning procedure, leads to various improprieties.

A typical example of our municipal spatial planning related complaints is the case of the increase in housing density on the national railway company's former estate that is situated near one of Budapest's inlet sections of the highway, and enjoys local architectural protection. According to our statement the spatial plan may not include developments that would contribute to the increase of environmental pollution levels which are already near the limit values. It is formulated namely by the non-derogation principle that the state may not decrease the level of environmental protection achieved by laws, except if this is inevitable for the sake of enforcing another fundamental right or constitutional value. Following our position, the municipality has decided to carry out a strategic environmental impact assessment, and based on this the plan will be reviewed.

Still in the capital, in the inner city of District 7, our help was needed in the case of the demolition of historic buildings, and constructions alien to the neighbourhood in the buffer zone of a world heritage site. In our statement we emphasized that in such an environment the local government is not allowed to adopt a spatial plan in two separate phases, where the first phase virtually authorises the demolition of important buildings and only the second phase provides for the protection. The Municipality of Budapest partially accepted the statement, while the affected district municipality rejected it. Nevertheless we can consider it a positive result that the drafting process of the World Heritage Act has been accelerated largely due to the statement, and, as already mentioned, our office is involved in the preparatory deliberations.

The Mayor of a small city, Csömör, objected to an authorised deforestation in the growth season. Our investigation revealed that the proceeding authorities and those concerned acted according to the laws, as the thinning of certain evergreens has to take place in the growth season and therefore no constitutional impropriety was found.

In the field of municipal spatial planning we have dealt with, among others, general spatial planning petitions, issues related to water management, the effects of construction, real estate developments, industrial parks, as well as the plans for a straw-fired power plant and a military radio locator. In all the cases of municipal spatial planning the office deems it necessary to carry out a re-examination and we call the attention of the municipalities affected to the enforcement of environmental rules.

III.3. PROTECTION AGAINST NOISE

Most of the complaints received by the Commissioner are related to noise nuisance. The noise pollution is increased by the general and mass motorization, particularly in the capital and its conurbation. People try to manage the increased traffic by constructing new roads; however this effort leads to the further growth of utilization and the formation of areas burdened with fresh conflicts. The same vicious circle is experienced when due to the noise and other environmental disturbances more and more people move out to the conurbation, and later on they usually commute the distance from there to the city by car twice a day. It leads to further environmental conflicts when the investors and operators do not pay due attention to the protection against noise in case of industrial activities; following the incautious municipal spatial planning decisions housing estates are built in the direct vicinity of major sources of noise; catering establishments, due to commercial and building licences that neglect environmental aspects, disturb their neighbourhood. Many times the problems arise because the settlement grows around the noise emitter, in such cases the dilemma of "who was there first" emerges again and again; hearing such complaints the abusers of the environment often refer to the fact that when the inhabitants moved in, they were aware of the situation. This may be an appropriate argument in a civil action for damages against the noise emitters, but may not relieve the investors and operators of their responsibilities for transgressing the environmental limit values determined by administrative law.

The conflicts of noise emission could, in many cases, be prevented by responsible municipal spatial planning and decision-making by authorities and users of the environment. However, in the absence of these we have to provide for the protection against noise subsequently with extremely expensive investments, but such insulation, or the execution of accidental authority obligations are rather dragged out and usually are not possible any more.

The basis of the legal regulation of noise is the Act on Environmental Protection, general measures are included in the Government Decree on the Protection against Noise and Vibration, and the enforcement of this decree is made possible by the Act on Limit Values.

Participation in the legislation: For the airports the Government Decree on Noise Abatement Protective Zones should be applied; we have expressed our detailed

opinion about its draft amendment, but no substantial step forward has been experienced. The state is interested in developing the airports and operating them as intensively as possible, this is reflected also in the regulation that acknowledges the possibility of transgressing the limit values on the territory of noise abatement protective zones and does not provide for appropriate protection for the inhabitants of the neighbourhood.

The scope of the Noise Protection Decree does not extend to events organized on public premises, with the municipalities being responsible for the specification of the rules for these events. We have also experienced that as conforming to the limit values represented an excessively heavy burden for the organizers of festivals, the legislator mitigated the regulation. We have appealed this to the Constitutional Court, and requested the annulment of the new provisions because of the violation of the constitutional right to a healthy environment, through the unjustified reduction of the protection level.

We have to highlight the amendments passed in the field of licensing industrial premises and businesses in the respect of protection against noise. As a result of these amendments several such establishments may start operating without a license, merely based on a notification. At the same time the amendment of the Act on Construction limits in an unjustified way the enforcement of expert authorities' aspects in municipal spatial planning procedures. In municipal planning it is a primary aim to separate the noisy areas and those to be protected from each other as far as possible. In such municipal decisions it is also important to pay attention to preventing new functions increasing the noise pollution.

Therefore in the field of regulation the state has not only violated many aspects of its obligation to offer institutional protection, stemming from the right to a healthy environment, but at the same time formulated the message that short term economic interests are more important than environmental sustainability.

The majority of complaints cite traffic as a source of noise. However, it is important to emphasize that this issue should not be handled in itself as a noise protection problem, but should be considered within a broader context, and only the sustainable development of traffic will produce a satisfying solution, in the context of which, among others, public transport should be preferred, and around the sensitive locations measures should be taken to reduce traffic.

Based on a complaint, we investigated the legal regulation of flying model-aircrafts. We notified the Minister of Transport about the several shortcomings that can be found in the legislation, and pointed out his constitutional obligation in this regard. The Minister considered it mainly a noise protection issue, rather than a traffic safety one, and therefore we have initiated a protection of possession procedure at the notary and informed the Minister again that the prevailing regulation is not appropriate. As a result of our suggestion the amendment more or less settles the licensing authorities' responsibilities.

In the case of the Fibreboard Factory in the city of Mohács the plaintiffs objected, among other things, to the transgression of the limit value of noise. According to our statement it was a violation of the right to a healthy environment that for years the authorities failed to take effective actions against the excessive noise levels over the limit values caused by the factory. As a result of our investigation the authorities carried out noise level measurements and declared their willingness to take the necessary measures.

Related to the playground in the village of Heréd, the client objected to the noise stemming from the use of the playground established by the municipality on a public domain opposite to his house. In our investigation we have stated that the plaintiff's standing were injured in the course of the procedures, the municipality failed to fulfil its duty by not referring the complaint to the competent authority, the notary did not meet its liabilities of public proceedings either and the authority failed to conduct the proper supervision proceedings. The notary agreed with our statement and initiated noise protection measures.

Further noise related complaints were caused among others by road traffic (railway company's former estate, highways M0, M5 and M6, houses and blocks of flats), the air traffic (Ferihegy and Szeged airports), programmes on public domains (Turkey Days in the city of Debrecen, air race). Furthermore leisure time (sports complex, café) and the industrial sector (waste metal collection site, shooting range) were identified as sources of noise as well. In a comprehensive topical investigation, we analyse the issues emerging in the course of examining the decree on noise and the legal practice, using data collected from documents and through interviews at three environmental inspectorates, courts and prosecutors' offices.

III.4. AIR PROTECTION

With air protection it is also apparent that the emerging environmental conflicts are often the symptoms of system-level problems; they indicate the missing harmony between sustainable development and society's different sub-systems (traffic, sewage treatment, waste management etc.). Sometimes even the environmental interests facing each other are contradictory, clashing irreconcilably.

The basic provisions of the regulation are included in the Decree on Air Protection, according to which it is not allowed to burden the environmental air to an extent that causes air pollution over the limit values, and the decree ordains absolute prohibition in the respect of odours. The emission limit values are regulated by further rules and the best available technology has high priority in this field. The Government Decree on Municipal Spatial Planning also contains criteria for the sources of odours, while the conditions of animal husbandry are controlled by the municipalities, although this lowest level of regulation occasionally falls behind and therefore environmental conflicts remain unsolved.

It is rather difficult to apply in practice the absolute prohibition of burdening the air with odours. Moreover these emissions are often related to activities the very aim of which is precisely to eliminate the harmful materials burdening our environment. The uses of the environment appearing in the complaints affect typically the inhabitants of two neighbouring real estates; the petitioners objected to restaurants, smoke-curing houses and sewage shipping sites, a wood-mill, a printing office and several animal stocks, as disturbing sources of smells. In these cases we consider the action in rem the most appropriate tool, which constitutes part of the Civil Code, however in legal disputes not older than a year it will be conducted not by the court but by local notaries. In connection with the regulation and legal practice of emitting smells we have launched a comprehensive survey. The initial results of these assessments also confirm that the proper solution would be the strict enforcement of the principle of prevention, with emphasis on the rules determining the establishment of the sources of odours. The subsequent protection is many times too expensive already (installment of filtering, insulating facilities) and very complicated to carry out (resettlement of the source).

The case of the Borsod Metal Works is among the complaints of odours that affect a wider circle of the population. Taking the exceptional opportunity laid down in the Ombudsman Act, we have intervened in the civil lawsuit carried on because of the brownish, heavy smoke spreading over the village and the accompanying smell. The first-instance, but not legally binding judgement banned the operation of the factory, as it burdened the air with smells. Among our clients' complaints odour has also been mentioned in the case of the Fibreboard Factory in Mohács, the sewage treatment plant in Lábatlan and the Gas Factory in Óbuda.

Smog is another topic of air quality protection that demonstrates similarly frequent emerging conflicts. In order to handle this, the Decree on Air Protection ordains the preparation of a smog-alert plan in the towns threatened, determining its content criteria, the obligatory tasks and the measures that may be ordered in an alert stage, while the elaboration of further rules of detail is the task of the actual municipalities. In this field it is essential to determine precisely the competence of specific bodies, to regulate in detail the process of execution, as inappropriate realization involves an enormous risk, rendering the solution of the situation dependent on the unpredictable weather situation.

In relation to the smog-alert in Budapest in January 2009, the Mayor himself, after ordering it, declared that no sanction at all might be imposed for the violation of the traffic ban, so in our statement we listed the sanctions provided by administrative law as well as the sanctions for administrative offences that may and should be applied according to the appropriate interpretation of the law. The Mayor did not agree with our interpretation, but nevertheless he initiated the amendment of the Act on Administrative Offences, which provides for a more clear legal situation now. When later on, in 2010 the risk of smog arose again, the Mayor requested our office to undertake a preliminary legal evaluation.

The allergy caused by ragweed should be mentioned as a special environmental conflict, where Parliament established an Ad Hoc Committee, while the government created an Interministerial Committee. We suggested the government to initiate – based on the Act on Environmental Protection – the declaration of the fight against ragweed as a state task of high priority and the preparation of an independent, single, comprehensive act on this topic. Furthermore we invited the government to consider appointing a government commissioner for this issue.

In the field of air protection we have also dealt with the smog situation in the city of Debrecen, the smog-alert in Miskolc and the case of licensing the industrial premises and business activities of a concrete mixer plant.

III.5. WATER PROTECTION

The particular self-interest of the water management sector, managing the waters and constructing different types of hydrological facilities is often in contradiction with the interests of protecting nature and the environment. The supply of healthy drinking water is more and more in danger, due to the various natural circumstances and the weather that often causes disasters in water conservation. While everybody lays claim to the healthy drinking water and the use of waters in general, the population often protests against the performance of the tasks related to water management and the limitations needed for water protection.

The regulation of this field is built on the provisions of the Act on Environmental Protection and the Act on Water Management. The ministerial and governmental decrees based on these Acts regulate the protection of underground waters; lay down the rules for the protective areas of water reserves and of drinking water supply facilities, the procedure of water law licensing and the detailed orders of the utilization of water. The tasks involved in water management are divided among the state, the municipalities and the private persons.

We also participated in legislation; we have expressed our opinion on the draft amendment of the Act on Water Management, which contained several positive provisions from the aspect of settling the situation of public waterworks. We agreed that the precondition of rational water management is the utilization of water under authoritative supervision and in accordance with the principle of sustainability. However, we considered it disquieting that the draft still did not create a single regulation for the sector, did not include the long term aims and the principles for operation in this field, did not determine the conditions of running the utility and of the operation, and did not create licensing or controlling systems.

We have also commented on another proposed amendment of the Act on Water Management, relating to thermal waters. According to our position this, as a major step back, makes it possible for the authority to grant relief of the obligation of

reinjection of the thermal water used for energy purposes. Our opinion was unanimously supported by the Committee on Environmental Protection of Parliament and even the President of the Republic vetoed the act in agreement with us, but Parliament finally passed it.

At the Parliamentary Committee on Environmental Protection we have also indicated our worries relating to the amendment of the Act on the programme serving the increase of flood safety, regional and rural development in the Tisza-valley. We have pointed out the defects of the proposal: the payment system of the agricultural – environmental management programme is not appropriate to promote the shift of land-use in the reservoir territory and the farmers were not informed sufficiently about the new opportunities. The Committee again unanimously supported our position and its members submitted a motion for amendment in accordance with it which was passed by Parliament. Unfortunately with the adoption of another motion for amendment submitted at the last moment, an unsettled situation has arisen, which still makes it possible to support harmful practices at least for a transition period and therefore we have appealed to the Constitutional Court.

We have made several legislation and content remarks related to the draft of the National River Basin Management Plan, as well as to the Ministerial Decree on the Utilization of Waters and these remarks were partly agreed with by the submitting body. Furthermore we expressed our opinion on the draft Government Decree on the Risks Stemming from Surplus Water.

As to the individual cases, we received a complaint about the drinking water supply in the Városerdő district of the city of Gyula. In our statement we concluded that it constitutes a violation of the right to a healthy environment when the municipality fails to supply healthy drinking water to residential properties, even if the city claims technical difficulties. Based on our statement, the competent authority started an investigation against the water company and the municipality.

Our investigation related to the military radio locator on the hill “Tubes” has stated that the planned investment is to take place within the protective zone of the karsts drinking water base of the city of Pécs (160,000 inhabitants), and is in many respects inconsistent with the requirements. However, the Budapest Metropolitan Court concluded that the special military law, allowing reliefs from the rules of construction, overrules the norms of protecting water sources too. We initiated an extraordinary judicial review of the second-instance judgement at the Supreme Court. Our claim was accepted and the construction license issued for the locator was annulled. Following several years of lawsuit and community protests, the conflict seems to have ended, as although the restart of the licensing procedure is possible in principle, the Minister of Defence has declared that the locator will not be built on Tubes.

In the field of water protection we have dealt still with the complaints related to the service of public waterworks (reorganization of regional waterworks, water pollution

and management of liquid waste), site remediation procedures (sewage treatment plant, premises of a chemical factory) as well as the conflict between the Danube's navigability and the aspects of nature conservation.

III.6. NATURE CONSERVATION

A great many species that are not to be found anywhere else live in the Carpathian basin; this fact lays an enormous responsibility upon the population of Hungary.

The Act on Nature Conservation regulates this topic in a comprehensive way, while the detailed dispositions can be found in the Government Decrees on Nature Reserves of European Significance, Subsidies in Nature Conservation, Fines and Damages to Nature, as well as the Protection of Arboreal Vegetation.

Regarding our participation in legislation it should be mentioned that the Government submitted to Parliament a new Bill on Forests, which was not sent to our office by the responsible ministry, so we have expounded our opinion during the parliamentary debate, declaring that the bill contains several positive elements, but despite this, certain dispositions endanger the protection of wooded property and the preservation of the protection level of natural values. The members of the Environmental Committee – using the arguments in our statement – submitted many amendments to the proposal, which was thus enlarged with several guarantees concerning public participation and the forestry licensing related to nature reserves. The office took part in the consultation on the draft Government Decree on the Protection of Inner City Arboreal Vegetation too. Furthermore we have commented on the agricultural minister's draft Decree on Regional Species and got engaged in the preparation of the Ministerial Decree on Protected Indigenous and Endangered Animal Species.

Clients indicated to our office in a complaint that the Natura 2000 sites enjoy strict legal protection, but in practice this is not respected in every instance by the owners of the real estate and the environmental authorities. In a statement we invited the government to make sure that in each case the expert authority participates in an obligatory way in the preliminary assessment of the environmental impacts affecting Natura 2000 sites.

In our draft statement issued as the result of the investigation into the Újszeged Bath Complex we have concluded that due to the construction of the future bath, the territory of a locally protected grove was reduced illegally by the municipality. Related to this case we can declare that neither the state nor the municipality enjoys the liberty of letting the condition of the environment deteriorate or allowing the risk of deterioration. The losses inflicted on the environment destroy finite goods, which are in many cases irredeemable and the failure of protection launches irreversible processes, therefore among the tools of protecting the right to a healthy environment prevention has to have a priority.

As a separate problem, we have dealt with the issue of genetic engineering, stating the fact that ever since it has appeared, there have been permanent conflicts related to this topic among the member states of the European Union. We consider it concerning that the regulation treats the licensing of genetically modified organisms (GMOs) to enter into public cultivation as an internal market issue, there exist serious shortcomings in the field of the GMOs' risk assessment rules, the methodology of supervision following the entry into public cultivation is not appropriate either, and the risk-communication related to GMOs is not clear enough and public opinion should be better taken into consideration in this case.

We also had further nature conservation cases related to building hotels, a road planned on the territory of a national park, using Natura 2000 sites for shooting a film, for car racing and gravel mining, the tumulus, construction in a bog, wood thefts, lopping protected trees, deforestations and the issue of a mammoth tree in a botanical garden too.

III.7. TRAFFIC

In the field of traffic there is a striking contrast between the official EU/state policies and the measures to realize them. While the European concept of traffic clearly, and the Hungarian principles also rather explicitly, wish to give preference to rail transport, our legal system and economic development decisions consistently support the maintenance and development of road traffic that causes air and noise pollution of such levels as to endanger our health, as the relevant limit values are exceeded regularly by some public roads.

The problems of traffic can only be handled based on a sustainable, strategic level traffic policy that extends to a whole settlement, region and even to the entire country. The high level protection of the environment can be realized not by constructing new roads, transferring and generating traffic, but, quite the contrary, by the absolute reduction of road traffic, the strengthening of public transport and forcing back the transport of goods by road.

Participation in legislation: authorization of road constructions almost always results in the infringement of EU law. This is a special national legal problem that could be resolved by the direct application of EU directives.

We carried out a comprehensive investigation into the licensing problems of projects implying intervention into the environment, in light of EU law (*acquis communautaire*), with special regard to the linear infrastructure establishments. The Ministry of Transport partly uses the environmental statements issued by the Commissioner's office as grounds for its legislative and enforcement activity in this field.

Upon the request of the National Development Agency we have compiled background material on the domestic and EU-regulations and furthermore on the imperfections related to the legal institutions of the environmental impact assessment (EIA) that plays an important role in the decisions on traffic, and is ordered to be carried out before the specific activities take place; and the strategic environmental assessment (SEA) which is obligatory for the general plans and programmes. Analysing the Decree on Environmental Impact Assessment we concluded that it does not fulfil the European directive in many respects and called upon the government to resolve these conflicts between the Hungarian and EU-law. We have pointed out that the two procedures mentioned do not overlap, and although the authorities do have a certain liberty of discretion, this does not extend to deciding which one should be performed when. A further peculiarity is that both assessments should be carried out before the license is issued or the plan is approved. We consider it an important task to make the authorities and investors apply the EIA and the SEA completely.

Related to rail transport, the office has launched an ex officio investigation on the issue of the timetable and the termination of passenger transport on several railway lines. We have invited the Minister of Transport to assess the impact of the decision and a concept for the timetable, while we have called upon the government to make a proposal to create harmony among the Acts on Traffic, Regional Development and Environmental Protection.

Related to traffic some of our clients turn to us with complaints about the intolerable increase of traffic, while others object to the measures of traffic organization, including their absence as well. The claims on bypass roads are typical too, although their environmental aspect can be challenged, as these roads merely transfer the pollution burden from one place to another. In the case of traffic we also investigate the issue of how to take into account the influence of the project exerted on species and habitat types found on Natura 2000 sites. We have examined the issues of transportation routes related to the construction of the M6 highway, the further problems of highways M0, M5 and M6, the transportation tasks related to a straw-fired plant in the city of Szerencs, the termination of a bus service, the transformation of a street for two-way traffic and the increase of freight traffic.

III.8. ENERGY PRODUCTION

Energy policy is an issue of crucial importance for future generations, so the relevant legislation and the associated authority practices were handled as a prominent priority by our office from the very beginning. In this field the interests of the environment and future generations are injured on the system's level: the attitude of leaving behind a higher concentration of greenhouse gases in the atmosphere and radioactive waste does not guarantee the rights and opportunities the present adult generation has for our children and the people not yet born.

The harmony between the Hungarian legislation and these aims is hard to discover, furthermore one can not always see the accomplishment of energy policy aims, declarations and EU target values either on the level of measures or in individual cases. The issue of energy efficiency is pushed into the background on both the production and the consumption side.

The theoretical cornerstones of the Hungarian energy policy include:

- the National Strategy on Climate Change (2008–2025),
- the Parliamentary Resolution on Energy Policy for the Period 2008–2020, as well as the concept of energy policy,
- the Government’s strategy on renewable energy (2007–2020), and
- the National Energy Efficiency Action Plan for 2008–2016.

Beyond these the energy and climate package of the European Union contains actual aims and measures for the Member States.

As the central organ of energy policy, the Hungarian Energy Office exercises the rights and obligations as the licensing and supervising authority on all the energy markets. The most important new development is that the laws establishing the frameworks necessary for the liberalization of the energy market entered into force. The double-faced character of the regulation of the liberalized electric energy market is indicated by the fact that on the one hand explicitly polluting technologies are subsidised by the state, whilst on the other hand the country makes efforts to promote renewable energy sources.

The Government Decree on the Coal Industry even now determines the maintenance and increase of the proportion of domestic sources as a high priority. However, the Government Decree on Renewable Energy contains the regulation on the obligatory acceptance of electric energy gained from renewable sources, waste, and that which is co-generated. Keeping the feed-in tariff of renewable energy sources at a relatively low level creates a less favourable situation compared to other European countries, as it hinders Western-European investors – occasionally even excluding them – from the market and the growth of the proportion of renewable energy sources.

It is necessary to determine energy policy directions which are in line with the requirements of sustainable development, clearer than the present directions, and are implemented more transparently and consistently by the legislation. The obligatory feed-in scheme should be regulated in a more objective and transparent way. It should also be adjusted to state of the art technology and be able to adapt to the resilience of the market.

In the field of investigating individual complaints one of our most noticed statements concerning energy was related to the straw-fired power plant in the city of Szerencs. Examining the facility, planned to be established in the Tokaji wine region, a world heritage site, we concluded that in this zone the manner and extent of land use is not

in harmony with the aims specified in the management plan. The municipality of Szerencs did not perform a preliminary strategic environmental assessment, while the inspectorate failed to analyse the energy efficiency of the power plant from the aspect of sustainability, the feasibility of combined production of heat and electric energy and furthermore the plan is in contradiction with the content of the New Hungary Development Plan too.

We have also investigated the licensing of the establishment of a radioactive waste storage facility, the plan for a goldmine and the domestic procedural actions of the international environmental licensing related to the expansion of the nuclear power plant of Mochovce (Slovakia).

III.9. WASTE MANAGEMENT

In Hungary waste management reflects the contradictions of environmental protection. The separated collection of waste is successful, but the deposit system has declined. The closure of outdated landfills has taken place according to the requirements of the European Union, recultivation is under way, however the new regional landfills do not represent the best solution as they render impossible local disposal opportunities and generate long transport distances. Besides, it seems that both the legislator and the authorities have become less rigorous in this field.

The national legal regulation of the issue – in compliance with the EU law – is an integral system of three levels, based on the legal framework laid down by the Waste Management Act. The treatment conditions of municipal solid and liquid waste, hazardous waste, and the notaries' duties are determined by government decrees, while ministerial orders apply to waste disposal and incineration. The regulation is rendered even more sophisticated and complicated by the fact that several specific rules refer to particular types of waste.

We tried to enforce a complex approach to waste management – the so-called Three Rs principle: reduce, reuse, recycle – in our work. First we have to reduce significantly the amount of waste generated. Then reuse should be encouraged, and if this is not possible, the utilization, especially recycling of materials has to be considered. The remaining waste should be treated in a way that keeps environmental impacts under control.

In the field of legislation we have commented several times on the two amendments of the Act on Environmental Product Charges and called attention to the risks associated with them. The legal points we made were accepted, but the suggestions for enforcing conceptual sustainability criteria were not taken into consideration as the amendment was passed by Parliament. We have dealt with the amendment to the Government Decree on Returning Waste of Electric Appliances to the Vendor, which was refined on the basis of our proposal. We contested in a statement a few elements

of the National Spatial Plan that regulates the conditions of locating regional landfills, but the competent ministry did not accept our reasoning. Furthermore we have initiated the harmonization of the Act on Waste Management and the Government Decree on Waste Management Fines.

We have encountered the general enforcement problems of environmental laws practice most often in the field of waste management: the several years' delay or omission of official measures, investigations on the spot, sanctions and especially the incorrect interpretation of laws. The public notices were received on the issues of illegal disposal and incineration, disordered recycling spots, clearing out junk, waste utilization's adverse effect on air quality and unauthorized waste management.

We receive many complaints about the interfering effect of waste utilization establishments, as from time to time waste managers do not pay due attention to their neighbours. In spite of the past years' efforts illegal treatment of waste and illegal waste disposal are still major problems. It is an alarming trend that due to the expected failure of finding anyone responsible, environmental inspectorates and notaries stopped informing the competent authorities of the cases. The fight against illegal landfills imposes a serious financial burden on the municipalities and it is difficult to prevent the appearance of new ones due to lack of environmental awareness. The role of waste incineration is doubtful, as this elimination process generates much less but in general considerably more hazardous waste.

In case of the communal landfill of the village of Vép we concluded in our statement that there were improprieties related to the establishment of the landfill by the municipality without the license of the inspectorate. However, following this, the inspectorate failed to order the proper sanctions, the ban or suspension of the activity, for a long time. After our investigation the landfill was completely recultivated.

Regarding the waste collection site of the village of Petőfibánya we have pointed out in our statement that the collection and treatment of waste is an activity of license obligation and the absence of license should be penalised. The competent inspectorate acknowledged the faulty legal practice and informed our office about the changes implemented in harmony with our statement.

III.10. ANIMAL HUSBANDRY

Animal husbandry in inner city areas frequently generates conflicts mainly due to odour problems. The number of animals has declined by between a half and one-third since the democratic transition, while an increase could be desirable. The trouble that comes with the continuous care of animals is becoming less and less attractive.

Villages become urbanized and subsistence farming is slowly disappearing. Animal husbandry is banned in some settlements often for the sake of village tourism, the

townspeople vacationing in the countryside, whereas animals belong to the very essence of the village. A major part of the conflicts result from extensive farming. The task of local leaders, who wish to regulate animal husbandry, is almost insoluble, whilst on the national level there is even less hope that rules of general effect can be created for the local conflicts.

Regarding the regulation we can state that several national acts contain provisions on animal husbandry. The Act on the Food-chain and its Authority Supervision came into being by keeping in mind the enforcement of the principle "From the field to the table". The Constitution and the Act on Municipalities provide a general mandate to municipalities for legislation, but it is not clear whether regulation of the number and species of animals allowed in a specific area of the settlement is mandatory or not. According to our position all the municipalities should be obliged to regulate animal husbandry in an ordinance.

Depending on the amount of space, the licensing of animal stocks is the duty of the environmental inspectorate, the animal health authority or the municipality council. In this field the Act on Waste Management, the Government Decrees on Municipal Spatial Planning and on Underground Waters are completed by the practice of the Constitutional Court.

Animal husbandry inevitably generates odours, legal procedures determine the extent of odour emissions at most. The resolution of such conflicts is rendered very difficult by the fact that it is not possible to determine or measure smells precisely.

We have refused the complaint about the major smell effect of the poultry-farm in the village of Kissomlyó, because in the case of a farm that can be regarded as traditional and serves the livelihood of the farmers, the tolerance obligation of neighbourhood residents is higher, compared to the situation where the same activity is performed in an urbanized environment of a city.

The keeping of numerous cows and a pig farm also disturbed our clients, in these cases however we have established constitutional improprieties.

III.11. PUBLIC PARTICIPATION

The Rio Declaration formulated public participation as a basic principle and the same approach characterises the Environmental Action Programme of the European Union too. In 1998, in Aarhus, Denmark the environmental ministers of Europe signed an international convention of unique specificity and completeness on the three plus one pillars of public participation in the field of environmental protection: access to information, participation in decision-making, access to justice and capacity building.

In the nineties, the local communities and NGOs in Hungary began to participate more and more actively in the decision-making processes relevant to the environmental aspects and started to use their powers more efficiently. This also draws on the spread of the democratic legal mentality formed after the transition, in which participation in decision-making and social activity appears as a value related to proper governance. At the same time as a result of active public participation, the economic interests and the sustainability aspects of civilians have clashed in several procedures.

On the national level the legal regime related to public participation derive from the Act on the Promulgation of the Aarhus Convention, the Constitution, the Acts on Administrative Procedure, Data Protection and Environmental Protection, as well as from the related implementing decrees.

In this field too we have participated in the legislation, we have dealt with the draft amendment of the Act on Administrative Procedure that would have rendered having standing acknowledged difficult in many cases. We objected that the draft would have made access to justice and legal remedy possible for NGOs only if they participated in the entire first-instance. This seemingly logical modification would have in practice reduced to a minimum the participation of NGOs in the administrative procedures relevant to environmental aspects. Due to our intervention the Act does not contain such difficulties to the acknowledgement of standing, while the limitation of the NGOs' access to justice appeared in the text not as a main rule but only as a further regulation option. We could influence the amendment of one of our most important procedural law codes, the Act on Administrative Procedure, only by taking advantage of the support of the President of the Republic, the President and the Parliamentary Committee on Environmental Protection, the other three ombudsmen, as well as the NGOs. The Bills on Road Traffic, Rail Transport and Hunting were drafted, to reduce the NGOs' rights of access to justice. In this case we have also issued a statement and carried out negotiations with the representatives of the Ministry of Justice. We managed to confirm that the limitation covers only those cases in which the organizations did not participate in the procedure of first-instance despite a subpoena. This time we turned to the Constitutional Committee and the Environmental Committee of the Parliament and enjoyed the full support of the latter.

The Commissioner played an active role in commenting on the amendments of the acts on building, commerce, air transport and environmental protection; as well as in the conceptual elaboration of the new Act on Licensing Industrial Premises and Business Activities. We should still mention the amendment to the Act on Investments of National Economy that, through simplifications, emptied the legal institutions related to high priority projects.

In recent years, in the case of several acts the legislation has resulted in new procedures or statutory interpretations in the course of which the aspects of sustainability and social access were not duly enforced. We continue to reveal

infringements of the law on public participation and standing in each and every case, and redress them wherever possible.

We tried to raise objections consistently against all the legislation that wished to introduce the new system of notification/licensing in the field of environmental protection as well. The competent ministries have accepted on several occasions our comments of a technical nature; however on the conceptual level the texts were not changed. Related to the Government Decree on Commercial Activity we considered it reasonable to initiate the subsequent legal control of the decree by the Constitutional Court, as in the course of the procedure of commenting and harmonizing, the ministry did not provide for the opportunity of participation for the National Council on the Environment, furthermore the constitutional fundamental right to legal remedy is not granted in any way for those affected during the notification process.

Of our complaints we should underline the case of the construction of an office park in District 9 in Budapest, where we have dealt with the disproportionate appeal fee imposed in the public proceedings, which rendered public participation difficult. According to our position it establishes a constitutional impropriety, namely the injury of the right to a healthy environment, as well as of the right of access to justice, if the authority determines the fee of legal remedy in a way that is disadvantageous from the client's point of view and this contradicts the Aarhus Convention too. The Ministry of Environment and Water agreed with us and took measures to modify the Ministerial Decree on the Fees of Environmental Procedures.

We have analysed from the perspective of public participation the cases of the railway company's former estate, construction on sports grounds in Budapest, municipal spatial plans, a straw-fired plant, a fibreboard factory, a playground, a sausage smoking house and a landfill, among others as well.

III.12. THE RECEPTION AND RESULTS OF OUR STATEMENTS

In cases where the Commissioner's statements identify improprieties; when we take measures of direct legal effect; suspend the execution of administrative resolutions or stop activities that pollute the environment; those affected have to reply to the questions raised, by the specified deadline. If the answer is not appropriate, the Commissioner may appeal to the court to suspend the activity. Furthermore the Commissioner may intervene in administrative and civil legal actions, and may initiate such lawsuits. The recommendations have no direct binding effect, therefore as a new institution we have to convince the addressees that the statements are adequate and the measures recommended are necessary. Therefore careful establishment of the facts and proper legal analysis are of key importance regarding the acceptance.

The Commissioner often turns to the public through the media, which has been an efficient tool for enforcing the recommendations.

On the effects of individual complaints we can state that roughly in half of the cases the authorities addressed have accepted our argumentation and have modified their resolutions. Even when we did not manage to change directly the essence of the decision, we have produced some positive results in the majority of the cases. Namely through regularly assisting the complaining local communities and NGOs, we have achieved the further development of environmental democracy in Hungary: the population leaves the damage to the environment unanswered ever less often, is more and more prepared, and has a wider circle of legal arguments at its disposal.

However, the practice of the parliamentary advocacy function is hindered by the fact that sometimes the Commissioner does not receive the draft bills on time. Moreover he is absolutely excluded from the domestic negotiations connected to the EU decision-making processes, although he is obliged by the law to take part in these. Our statements were not always welcomed by those affected, with some ministries and authorities we have a cold relationship, while we can cooperate well with others.

At the same time, when reviewing our environmental topics, one could see that we were able to influence favourably the content of at least two dozen environmental acts of major significance regarding the enforcement of future generation's rights.

Beyond the results achieved in the individual complaints and the legislative issues, we can register as a further outcome that this new institution, the Office of the Commissioner for Future Generations is positively recognised by the professional representatives of environmental protection both in Hungary and abroad. During the first two years of our operation we accepted the invitation to several hundreds of conferences and our activity is covered regularly by the press too. We could use these opportunities to report on the patterns of environmental conflicts, their ways of treatment and results.

IV. STRATEGIC COMMUNICATION

The aim of our work in the field of strategic communication is to make people realize that everybody has the right to a healthy environment; this should be respected by everyone and expected from our fellow-beings as well. We would like to ensure that our partners, clients, the institutions and organizations investigated take the Commissioner's statements seriously. They have to recognise that the Office of the Commissioner for Future Generations represents the common future for all of us, even if in the meantime it happens to act against the short term comfort of the present society in the interest of future generations.

IV.1. STAKEHOLDER CONNECTIONS, NETWORKING

Our present world is in continuous change, to shape a framework of a natural and social environment viable for future generations, one single institution; the Office of the Commissioner can not be brave enough in itself. Therefore we form our aims, plans and programmes together with our partners in a widespread social dialogue and a network of liaisons.

Of our domestic relations the primary one is with Parliament, as the ombudsmen are elected by the representatives, this is where the annual reports are submitted and even in cases of prominent importance the commissioners can appeal to Parliament either for an extraordinary audience or for the joint elaboration of the solution. Naturally the Parliamentary Committee on Environmental Protection stands particularly close to the Office of the Commissioner for Future Generations; so far we have reported on our activities to this committee three times on our own initiative. Furthermore we have been invited to a hearing at the session of the Agricultural and the Constitutional Committee as well, and we have gained considerable help from the Speaker of Parliament. We received requests and notices from many MPs about actual environmental problems.

Mr. László Sólyom – who was President of the Republic between 2005 and 2010, and is closely attached to environmental protection both through his professional

career as a constitutional lawyer and in his public statements – played an important role in establishing the institution, was continuously informed about our work and honoured our office with a personal visit as well.

Amongst the government we maintain the closest relationship naturally with the Ministry of Environment and Water, as on many issues we assumed the same point of view, such as for example the amendment of the Act on Administrative Procedure, most issues concerning gene banks and the Act on Forests. However, in the issues surrounding the regulation of product charges, the protection of inner city trees, and the questions related to the budgeting and the operation of the Green Investment Scheme we held different views.

Of the ministries we had a similarly very good and intense connection with the Ministry of Education and Culture, mainly related to the processing of our cases connected to the World Heritage Convention and the wording of, commenting on the Hungarian Act on World Heritage. We have a permanent invitation to the Hungarian National Committee on World Heritage.

In the course of codifying the Act on Forests we had a great many differences of opinion with the Ministry of Agriculture about the harmonizing of the economic and nature conservation function of forests, enabling the privatization of protected forests and public participation, although at the same time in the majority of these issues we managed to reach a general agreement and this was reflected by the final text of the Act too. We had a conflict with the Ministry of Justice and Security because of the intention to limit the NGOs' access to justice. We managed to achieve the omission of the provision on limitation from the Act on Administrative Procedure, but in other acts – despite our suggestions – it was included and therefore we have turned to the Constitutional Court.

The National Environmental Council is the government's environmental advisory body, in which the scientific, industrial, and non-governmental sectors are represented by 7-7 members. We were invited to all the sessions of the Council and we proposed the Act on Administrative Procedure, the Act on Forests and the Act on Environmental Education as agenda items.

Our office considers the work and efforts of the Hungarian environmental organizations as one of our guidelines. We deem it extremely important to give regular information to the NGO community and to hear their advice and requests. So far we have organized three meetings with the organizations for this purpose, in all three the representatives of thirty or more NGOs and umbrella organisations participated. Their statements have shaped our work program, professional development and approach.

We have developed regular and institutional relations with several universities. We held seminars at the Pázmány Péter Catholic University and signed formal coopera-

tion agreements with the University of Miskolc and with the Faculty of Social Sciences of the Eötvös Loránd University. Furthermore we organized joint events with the Central European University as well.

Our colleagues have cooperated with the Hungarian Academy of Sciences in organizing the biennial World Science Forum in Budapest. With their assistance we managed to invite as visiting lecturers Mr. Mathis Wackernagel, the director of the Global Footprint Network, and Mr. Dennis Meadows, the founder of the Balaton Group, and one of the authors of the book "Limits to Growth" that has now become a classic in the interpretation of environmental processes. We also managed to organize at the Forum the thematic session "Science and ecosystem services – sustainability in nature".

From the first meeting on we have been permanently invited to the sessions of the National Council for Sustainable Development, a consultation body established by the Parliament. In 2009 we signed a cooperation agreement with its President and together we have created the Social Awareness Working Committee within the Council.

We have cultivated further fruitful relations with the representatives of churches and we have met several times the heads of the Court, the Prosecutor's Office and the Police as well. The environmental industry and services played a dominant role in our relations with the actors in the economy.

IV.2. AWARENESS RAISING AND EDUCATION

The legislator has also given the Parliamentary Commissioner for Future Generations power to carry out activities in the field of education, pedagogy and awareness raising influencing environmental consciousness and awareness. The society's attitude and behaviour fundamentally determines the economic processes and the prevailing way of life and thus the burden of the environment; therefore besides the investigations, the office initiates or realizes independent projects in order to develop a social culture that keeps in mind the interests of future generations.

We established relationships with our most important partners at professional conferences and events, where our colleagues held lectures on almost two hundred occasions. We undertook the patronage for three projects, one of which was the initiative to create climate ambassadors, based on the idea of the British Council and targeting creative young people. The series of conversations titled "Jövő:re" (for the future), initiated again by young people and addressed at juvenile Catholics are especially important.

Due to its comprehensive and determining nature we handle as a priority the situation of environmental and sustainability courses in formal education. This is why

the first statement of the Social Awareness Working Committee, created together with the National Council for Sustainable Development, requested the support of the minister responsible for education and of the institutions of higher education on this issue, so that educational institutions, from kindergartens to universities, could shape their own operations – in close cooperation with parents and the bodies maintaining and operating the schools – according to the criteria of environmental sensitivity, sustainability and ecological awareness.

In this period we helped the preparation of the professional community that determines the cultural and legal practices of the society, with the representation of sustainability aspects in the curriculum of the special examination for public servants, furthermore with the writing of a curriculum for teachers, which prepares them for public participation, and also with the arrangement of a workshop on EU environmental law for administrative judges.

We have informed the public about our widespread activities through the written and electronic media, to this aim we have published fifteen press releases, held four press conferences and organized two press breakfasts that provided the opportunity for deeper conversations. During this period, according to the data of our not fully comprehensive press monitoring, our cases were covered in more than 350 articles in the printed press and by more than another 350 articles in the online media, with more than 250 occasions in the radio and the television. Naturally we try to emphasise the professional principles that we urge in the different segments of society also in the life of our office. We make efforts to develop an environmentally friendly operation; in order to keep our knowledge up-to-date we strive for continuous self-education, shaping our knowledge by internal and external collaborations, as well as learning consciously from our own mistakes and results.

V. THE PROSPECTS FOR FUTURE GENERATIONS

V.1. STATE OF AFFAIRS

There still exist communities on our planet, which live in a lasting harmony with one another and with the environment, but they are an insignificant minority. Regarding the global indicators of social throughput, humanity has remained on the suicidal path which the Club of Rome was already warning us about in 1972.

Today, in 2010, mankind simultaneously burdens several big planetary subsystems over the tolerable limits. Reaching the boundaries of natural systems and their tipping over into disintegration is extremely dangerous, because what at first sight might seem to be isolated systems are in fact closely interconnected. Going beyond the range of safe operation may occur not only in the case of extreme scenarios, but already with a global warming of about 2 °C as well.

Scientists argue that it is not money which is lacking to improve the situation but political will. By the first decades of the 21st century the first obvious partial symptoms of a complex world crisis have already appeared, but as a matter of fact the great part of society does not realize how acute the state of affairs is.

V.2. OUR TASKS RELATED TO CLIMATE CHANGE

In our work climate change has a high priority, with two fields of action: the reduction of greenhouse gas emissions and the adaptation to inevitable climate change. If we are to prevent the dangerous consequences, then the global average temperature may rise till the end of the century by not more than two degrees compared to the level prior to industrialization. It is also the aim of the European Union to keep within and to reduce greenhouse gas emissions by 80–95 percent by the year 2050 as compared to the level of twenty years ago. To achieve this aim Hungary should realize the unavoidable transformation of the economy. The main challenges of

adaptation to climate change are the conservation of the natural environment and the improvement of the adaptability of agriculture to the weather conditions.

The goal of the Commissioner is to initiate a continuous, several years long dialogue on climate change, to assist the elaboration of scenarios leading to achieving the targeted state in 2050. As a part of this initiative, we have determined from the global aims and emissions the “carbon-budget” of the country between 2000 and 2049, i.e. the quantity of greenhouse gases that may be emitted in fifty years. Our climate programme is also in harmony with the long term emission reduction aims of the National Council for Sustainable Development.

V.3. RECOMMENDATIONS FOR THE BUDGET

The necessity of socioeconomic transition – “system-change” – has been raised all over the world not as a consequence of the threatening climate change, but due to the international financial crisis. The Parliamentary Commissioner for Future Generations shares the scientific view that the collapse of capital economy built on uncovered financial transactions throws light on the immense consequences of thoughtless management of the goods available. The apparently financial nature of the problems hides the fact that we are at the beginning of a global resource-crisis.

The way we live, produce and consume is not sustainable in environmental, social, economic and moral terms either. We have to create harmony among the natural environment, production and consumption. To this end we have to change our mindset both on the individual and on the community levels.

The budget determines the frameworks of public and economic activities that influence the state of the environment. Due to their reactive nature, environmental laws are not able to have an effect on harmful phenomena, unless they are assisted by the budget. The financial, climate and environmental crises may be handled only simultaneously, but in Hungary these measures are conflicting with one another instead of producing solutions that are favourable for all these fields. For example investments in energy efficiency could have an advantageous effect on the budget as well, and the growing financial resources could promote the achievement of environmental aims.

In the most developed and also the most quickly developing countries of the world it has become evident that one of the most important tools for surviving the crisis is the “greening” of the budget. In Hungary the Commissioner considers it his prominent task to evaluate the draft bill on the budget in terms of sustainability. We have remarked twice that the pressures for environmental and economic adaptation should not be neglected in the budget. The National Strategy on Sustainable Development also argues that creating the sustainable use of the environment

cannot be separated from the solution of the burning economic and social problems. To realize this intention the following measures need to be taken:

- the budget subsidy of economic activities inflicting major environmental pollution should be first reduced and then stopped,
- financial subsidies for activities favourable to the environment have to be introduced,
- the level of general sales tax and excise tax of certain products should be considerably differentiated,
- the burden of tax and contributions on work should be reduced,
- investments that are sustainable ecologically should be subsidised from the budget,
- the range of major investments, supported by the state, should be revised,
- environmental research and development should receive extra subsidy.

The recommendations above do not imply any new payment obligations; sources for the “green” economic stimulus should be provided without burdening the future generations with further national debt.

According to our position the reduction of Hungarian energy-dependency and the acceleration of the shift to low carbon energy sources are primary strategic issues, where we have significant assets of the emission allowances to realize these aims. On the other hand the costs of energy impose an increasingly heavy load on consumers. The existing tax and subsidy policy should be reconsidered based on long term environmental perspectives. Building developments are the field where budget subsidies have the biggest specific positive environmental and economic stimulus impacts, therefore the energy saving renovation of buildings is extremely important.

The reorganization of the domestic traffic structure is a pressing issue. A major share of the costs of traffic is not paid by those who actually use the services, but by the whole society; this should be gradually represented in the price of traffic in a differentiated way. The unjustified, market-deforming subsidies should be liquidated in traffic and in the related fields as well. The curtailments and closures of lines in public transport increase the social and environmental burdens further, through the damages inflicted by traffic and through the supplementary costs.

The system of rural development subsidies should be transformed in a way that it promotes sustainable local farming. The ratio of subsidies linked to the agrarian and forestry environmental management systems and those serving the improvement of rural quality of life should be raised. The Commissioner regretted that in the course of planning the state budget, the government ignored the major part of these recommendations; and moreover, brought about an unrecoverable competitive disadvantage for the Hungarian farmers against their competitors in the European Union by further reducing the subsidy of agrarian and rural policies from domestic sources. The Commissioner raised objections to the proposal in the draft budget on the termination of the tax-free part of the income stemming from rural tourism, as this can indirectly lead to the increase of social expenditure.

The budget allocates an ever smaller sum to support the public conservation of the gene pool; this insufficient subsidy has caused serious damages in the domestic network of gene banks. Similarly, the Ministry of Environment and Water can count on fewer budgetary sources each year, which further weakens the state's ability to regulate and control.

The use of the environmental product charge payments is not in harmony with the original objective, that is the support of environmentally friendly investments. The adopted amendment promotes only to an insignificant extent the accomplishment of the waste management aims set by the European Union, especially the motivations for prevention and reuse. This act that reverses a few of the recent years' achievements represents a step backwards.

As the investigation of the Green Investment Scheme (GIS) – that constitutes the framework for the utilization of revenues stemming from emission rights trading – has demonstrated, Hungary has assumed the obligation to allocate these incomes to the financing of new, additional investments that reduce the emission of greenhouse gases. However, the quota-incomes collected in 2008 can be utilized only from 2010 on, as they were treated as residual, with the government wishing to improve the budget balance in this way. The Minister in charge of the Prime Minister's Office did not provide, even after repeated requests access to the documents in his possession which were necessary for the investigation, thus infringing certain provisions of the Ombudsman Act. The Commissioner has initiated an amendment of the relevant legal regime and the preparation of an Act specifying a distinct state fund for climate protection. Therefore the first impropriety related to the system is that its revenues were used by the government with a serious delay and this might have led to a significant loss of income. Secondly, the chosen aim – namely the additional financing the rehabilitation programme for prefabricated residential blocks – does not meet the legal criteria concerning GIS. In environmental terms strong objections can be levelled against the unilateral character of the support aim, the determination of a single activity, a single circle of recipients and furthermore the neglect of the endeavours directed at the reduction of greenhouse gas emissions.

According to the Commissioner's judgment, neither the Budget Act, nor the fiscal regulation of activities harmful to the environment can support the creation of an economic model that guarantees favourable living opportunities for future generations. By failing to transform the whole financial regulation system with an environmental paradigm, Hungary has been left out of the number of developed and developing countries which consider the support of green investments directed at sustainability as a strategic field of development that can already be remunerative in the short term.

V.4. THE SYSTEM OF AIMS IN PUBLIC EXPENDITURE

Each generation is obliged to provide for the appropriate living conditions for future generations. We have to preserve the state and diversity of natural resources, as we should hand down this planet in the same condition that we received it. The investment into the living conditions of future generations is useful in the present too, as the happiness of humans and sustainable development supplement each other.

The economic crisis has awakened serious doubts in many people against the prevailing financial attitudes and the GDP (gross domestic product) as a development indicator. The GDP does not deal with the services of the ecosystem and does not take into account the ways that the capital securing our conditions of existence is continuously decreasing. The conference of the European Union titled "Beyond GDP" cast light on the fact that developing indicators complementing this index, which support the policy decisions better and provide a wider circle of information is broadly favoured among the politicians, experts and the non-governmental community. The whole "Beyond GDP" project of the European Union serves the aim of taking into consideration the limits of gross domestic product when determining the progress of nations and supports more authentic tools that adequately measure environmental sustainability and social integration.

For Hungary to find the right way between the double requirement of environmental sustainability and social welfare, the strategic indicators that serve as a basis for domestic decision-making also have to be reformed by all means. For this purpose our office has invited a few representatives of the international scientific life to lay the foundations for the elaboration of new Hungarian social indexes. The conceptual recommendations of the experts suggest that:

- One should not measure the things which are easy to measure, but the ones which are important to measure.
- The phenomena have to be analysed at intervals commensurable with the frequency of the activities to which they relate.
- It is worth measuring variables in which all the actors in the system are interested.
- The aim should not be running the system "to the max" and reaching the limits.
- The 'positive' feedback processes (that may be self-generating) within our economic system have to be revealed, as these can be dangerous.
- The complex indicators make the aims easier to understand.
- Measuring the ecological footprint in global hectares is a correct approach in global terms, however it can be misleading when analysing a specific country.
- Biocapacity determines to what extent and for how long the so-called ecological services can be utilized.

Both our methodological knowledge and the data collected regularly would make it possible to introduce indicators that could demonstrate the situation of a country in relation to the aims close to the citizens' personal endeavours. There are several

international attempts that offer us the opportunity of joining in and comparison. In the following years, building on the results achieved so far, we wish to promote the domestic application of ecological and life-quality indicators.

V.5. SUPPORT OF LOCAL COMMUNITIES STRIVING AFTER SUSTAINABILITY

The switch over to a sustainable development track can not be expected to result only from redressing individual environmental problems and improprieties, and not even from perfecting the legal and executive institutional systems; these are merely the symptoms of the present economic-social system's unsustainability. The problems exist within a system and their individual analysis can be misleading. If we are to reach real change, then reform has to be begun on the level of values. It is not enough to handle the effects, one has also to deal with the causes and one of the most important causes is that today's society puts material growth before any other value. Accordingly, it is not sufficient for the Parliamentary Commissioner for Future Generations either merely to proceed in individual environmental cases, or to work hard at improving the legal institutional system. He has to assume a role also in spreading the values centred around sustainability, the attitudes and the behaviours/actions, but furthermore he must act in preparing and encouraging these changes.

The Commissioner has launched an independent project with the title "Pioneers of Sustainability", the general aim of which is to introduce and promote community initiatives that are committed to sustainable development in a complex – environmental, economic and social – sense, trying to realize it in their homes, and standing as good examples for other similar initiatives and the whole of the society. The nine communities drawn into the cooperation are at present not yet sustainable, as they are attached in several ways to an unsustainable natural and social environment. At the same time their members are already committed to live in their communities in the long term; to leave behind living conditions that are worthy of humans for the present and the next generations; and for this sake they are willing to make changes that bring the community even closer to sustainability in the longer run. In these locations the landscape utilization and the community organization have been restarted according to the principles of an environmentally conscious lifestyle and sustainability.

These sustainability initiatives have already so far maintained relations with one another; within the framework of the Hungarian Live Village Network the communities can learn good ideas and methods from the others. The Office of the Parliamentary Commissioner for Future Generations agreed with the organization to support the Network with new initiatives and furthermore to help the communities to get closer to sustainability in more and more fields. We can assist the network further mainly in the tasks related to development, operation, coordination,

in technical support and in legal issues. In the framework of our project it can be demonstrated to the public that it is not impossible to form sustainable models; they do not necessarily involve giving things up and can even involve new opportunities and human accomplishments.

Two university research groups have collaborated with the Commissioner, as they were investigating the operation of small rural settlements and communities where the inhabitants were actively striving after sustainability. According to the research, the communities head on instinct for small settlements and hope to get a supporting background for the realization of their plans from the rural environment. However, the situation and operation of the original inhabitants of the village communities have by now also deviated from sustainability. The majority of villagers have abandoned fulltime agricultural activity and even the threat of losing job opportunities in the towns does not encourage them either to deal with the land or animals, as they see that these activities do not pay without a considerable capital investment.

The bulk of farms, which were established with a commitment to traditional landscape utilization, with an ecological attitude and for producing organic products, operate on an "ideological" basis, that is they are owned by urban people who have chosen the village lifestyle consciously, having settled or repatriated there and sometimes these farms are kept alive by the nostalgia attached to carrying on the family tradition. The representatives of sustainable development are mostly newcomers, who are rarely received into the rural society. The successful patterns and viable enterprises demonstrate a common feature, which is the dependence on a particular type of personality: resolved, fanatic people, who organize the narrow circle of their own supporters, develop the right connections and financial resources, are able to make their initiatives successful, usually independent of the economic rationality.

V.6. "FARTHER AND FARTHER FROM THE GOOD"

The scientific bodies and equally the leading public servants of the European Union are fully aware that global disaster can be avoided only if the driving forces and values of politics and economy are changed; if we share the amount of materials withdrawn from the natural systems more fairly, based on different principles and a different order; if the industrial throughput comes to a stop or becomes stable at a given level; if we manage to force environmental pollution back; and if we give political priority to the saving of energy and raw materials.

We should preserve four types of capital for the future generations: the natural capital (ecosystems), the national monetary assets and infrastructure, the active human communities (human capital) and the knowledge. Hungary is in a rather bad situation in this respect: our ecological footprint averages 3.5 global hectares per capita, instead of the desired 1.5 global hectares; the state debt is approaching 80%

of the GDP, whereas this value should be below 50%. The reorganization of the public finances from an environmental perspective is one key element of improving the situation described above.

In the field of the pressing issue of climate change it would be desirable for the politicians to agree on a so-called "climate policy minimum" guaranteeing that climate protection would not become a matter of party politics. The green reform of public finances, which is also urged by our office, serves sustainability naturally only if it is not in contradiction with the requirements of social justice.

According to the research carried out in the context of the Commissioner's project "Pioneers of Sustainability", the opportunities of a rural development suiting the conditions of sustainability – that is a rural development, which builds basically on local resources, creates the economic foundations of the community's self-determination, is environmentally friendly and ensures work, perspective and proper quality of life to the inhabitants – are not given in Hungary at present. The domestic agrarian policy and the current rural development concepts are in contradiction partially with the European trends and absolutely with the criteria of sustainable development.

Therefore the circle is closed: while "those above" do not want to make concessions, "those below" can not move, apart from the truly resolute pioneers. If the rails are laid in the wrong direction, or are absolutely missing, the train does not reach its destination, or even worse: it is moving away from that. "Farther and farther from the good" – however hard we look we could not find a more concise formulation than the title of the emblematic "alarming article" from 1981 of the Danube movement, which was one of the starting points of our domestic environmental protection and thus of the democratic transition, to sincerely describe the present prospects for future generations in Hungary.

VI. INTERNATIONAL RELATIONS

From the very beginning, the establishment and the activities of our office have attracted a great deal of international interest. While our primary partner institutions regarded the office of the Parliamentary Commissioner for Future Generations as a new ombudsman's bureau with a special mandate, the international general public sensitive to environmental and sustainability issues appreciated that the election of the commissioner and the foundation of the office was a world-standard step forward in the direction of the institutional representation of future generations. Accordingly, in harmony with the broad interpretation of the role of the office (complaint investigation, parliamentary advocacy, strategic development and research – see chapter II.), the international relations of the Commissioner's office have gone far beyond the frameworks of traditional ombudsman cooperation. The creation of the widespread foreign affairs network has significantly benefited from the way both the Commissioner and several prominent colleagues have actively used their former professional and scientific connections to make the institution known as widely as possible internationally.

VI.1. THE FRAMEWORKS AND DIRECTIONS OF THE INTERNATIONAL RELATIONS OF THE COMMISSIONER'S OFFICE

The frameworks of the office's international relations are determined on one hand by the competences laid down in the Ombudsman Act and on the other hand by the international strategy of the institution. Under the Act the Commissioner has a broad mandate to supervise the domestic enforcement of international conventions on environmental protection and heritage protection. In this context, we have paid special attention to the supervision of enforcing EU law passed on the basis of the treaty on the operation of the European Union (the former treaty establishing the European Community) – see also chapter II. on the role of the office in enforcing European legislation – and also to the enforcement of a few further international conventions of great priority (e.g. the World Heritage Convention, the United Nations

Framework Convention on Climate Change). The Ombudsman Act authorizes the Commissioner also to take part "in the cases related to his sphere of tasks, in the formulation of the Hungarian position represented in the institutions of the European Union operating with governmental participation."

The main directions and aims of the office's foreign relations are the cooperation of ombudsmen, the promotion of the institutional representation of future generations and scientific collaboration. Within the cooperation of ombudsmen the office has established relations with several international cooperation forums of ombudsmen, provides information regularly about the major statements in significant publications of the international and European ombudsmen network and on its webpage. We have also participated in a personal exchange of experience with the British Local Government Ombudsman, the Parliamentary and Health Ombudsmen and the British and Irish Ombudsman's Association operating as an umbrella organization. Regarding the operation of our office, close relations were established with the former Environmental Commissioner of New Zealand which provided us with very important lessons. Within the framework of the broadly interpreted cooperation of ombudsmen, the Hungarian Commissioner's office has given introductory lectures for several foreign ombudsman bureaus (e.g. Moldova), supervision institutions (e.g. the Chinese ministry of supervision, the petition committee of the Bundestag), and parliamentary delegations (e.g. from Kosovo) during their visits to Hungary.

As a dedicated advocate of future generations, our office considers it an important mission to promote internationally the future generation's institutional representation. As the first organization in the world with this name, and such a broad mandate, in several international programmes and events we have made and will make visible our role in the enforcement of the right to a healthy environment in general and through the presentation of our activities, to set an example to be followed. In March 2009, supported by the British government, we presented the Commissioner's office in London, Oxford and Cambridge to British political decision-makers (the Environmental Committee of the UK Parliament and the Speaker of the House of Lords), to non-governmental and university circles. We have developed widespread professional relationships within the European Commission, as evidenced by the Directorate-General for the Environment involving our office in the intellectual foundation tasks and the practical work related to the enforcement of the EU-law. It is a welcome development that more and more international conferences, mainly on legal issues,, deal with the representation of future generations, and within this topic specifically with the role of our office (for example both the Amsterdam conference "The Legacy of the Treaty of Amsterdam" in November 2009 and the London symposium in 2010 organized sessions explicitly to introduce our office). We consider the high-level representation at these events as one of our high priority tasks.

The Commissioner's office wishes to become the domestic engine of critical environmental and social scientific cooperation in respect of the future generations' life opportunities, with a scope that exceeds the legal-institutional limitations of an

ombudsman. Related to our major strategic project – the reform of the state budget, giving the economy a green impetus – in June 2009 we organized a joint conference with the British Embassy and the Hungarian Economic Society with the title “Greening the Budget”. Many colleagues within the office are involved as observers in the work of the Balaton Group that operates as an informal network of environmental systems analysing internationally recognized scientists. The members of the Balaton Group have supported the international events initiated or organized by the Commissioner’s office, such as the conference on climate change held together with the Embassy of Sweden and the Central European University, a side event to the World Science Forum of 2009; and similarly the conference organized by the Commissioner’s office also in November 2009 on the subject of economic and social indicators beyond the GDP and a session of the World Science Forum organized in partnership with the International Union for Conservation of Nature.

VI.2. PROMINENT PARTNERS

The establishment of the Commissioner’s office was followed with complimentary attention by a few embassies and some international bodies, which now rank among the prominent partners of our office. This circle includes the Embassy of the United Kingdom that has supported actively the presentation of our office in Great Britain, and the organization of several events of key importance for us. The Embassy of Sweden in Budapest was likewise an important partner and it bestowed special attention to the cooperation with the Commissioner’s office related to the domestic environmental events of the Swedish EU-presidency in 2009. Alongside those mentioned above, our office maintains active and regular contacts with the embassies of Canada, Finland, Denmark and Norway. We also enjoyed a primarily occasional relationship with the foreign embassies and consulates of several other countries (including France, Germany and the United States). Beyond these foreign contacts of states, we have to mention the partnerships established with a few other bodies such as the Budapest office of the British Council that contacted the Commissioner’s office to realize its environmental programmes (e.g. creating climate ambassadors). We have developed a close cooperation with the Regional Environmental Center, based in Szentendre, in order to organize joint projects and events (including the enforcement of the Aarhus Convention in nuclear cases, participation at the conference of the parties to the United Nations Framework Convention on Climate Change etc.). Furthermore we regard the Balaton Group mentioned above as one of our most prominent and all-round partners.