



7th March 2011, Brussels

To: LÁZÁR János, parliamentary group leader, Fidesz; HARRACH Peter, parliamentary group leader, KDNP; SZÁJER József, MEP (EPP Vice Chair), leader of the National Consultation Body; SZILI Katalin MP, individual, member of the National Consultation Body; KÖVÉR László, President of the Hungarian National Assembly; RÉTVÁRI Bence, State Secretary, Ministry of Public Administration and Justice

RE: Environmental rights under the new Hungarian constitution.

Dear Members of the Hungarian Parliament,

Hungary will soon be adopting a new constitution. As you are well aware, the current constitution contains elements, such as an ombudsman for future generations linked to the constitutionally protected right to a healthy environment, which are looked upon in Europe and beyond as an inspirational example to follow. This right to a healthy environment has also been formally recognized by the Aarhus convention.

While recognising that the content of the Hungarian constitution is a matter for the Hungarian people, as the largest federation of environmental organizations in Europe, we feel it is important for you to be aware of the interest the matter has outside Hungary's borders.

We understand that the draft of the New Constitution contains significantly strong provisions that aim at protecting the environment and natural resources. We welcome this development and we appreciate the fact that the Government of Hungary is conscious about the deterioration of the natural environment and would like to provide legal safeguards for the protection of our environment in the highest-level legal document of the country.

We are however concerned about a number of other changes proposed. These include the lack of an explicit appearance of the right to a clean environment in the document or the little attention paid to important environmental principles such as "non-regression", "integration", "polluter pays" or "prevention & precaution". This is aggravated by an unclear regulation of the institution of the Ombudsman for Future Generations. This latter as a true novelty was greeted from the onset by EEB and NGO's across Europe and now that it is to be abolished, this move would constitute a regretful step backwards instead of advancing citizens rights on a clean environment.

We would like to express our hope that Hungary will choose to harmonize its new constitution with the modern and progressive constitutions of Europe and the World and make sure that both the right to a healthy environment and the role of the Ombudsman for Future Generations are preserved and further enhanced.

Sincerely,



Pieter de Pous
Interim Secretary General
European Environmental Bureau (EEB)